

Disadvantage's

Big Data DA Northwestern

Strategy

This da is pretty cool. So it works like this: big data is used now, plan creates a legal precedent where big data is protected by privacy rights, that means gov/private companies can't use big data, that's bad cause impacts.

In the 1nc you should read one of the two uniqueness cards and then if you have to, blow it up in the block. You also should read a link and an impact module.

This da should mesh well with advantage cps or counterplans that don't deal with privacy rights/surveillance

The internal link stuff might not have to be read, if the aff team presses you on it, it might be good to read one or two

Neg

UQ

1NC

Use of big data is high now and applies across the spectrum of subjects

Jonathan **Shaw**, Managing Editor at Harvard Magazine, **2014**, "Why 'Big Data' is a Big Deal", <http://harvardmagazine.com/2014/03/why-big-data-is-a-big-deal>

DATA NOW STREAM from daily life: from phones and credit cards and televisions and computers; from the infrastructure of cities; from sensor-equipped buildings, trains, buses, planes, bridges, and factories. The data flow so fast that the total accumulation of the past two years—a zettabyte—dwarfs the prior record of human civilization. **"There is a big data revolution,"** says Weatherhead University Professor Gary King. But it is not the quantity of data that is revolutionary. **"The big data revolution is that now we can do something with the data."** The revolution lies in improved statistical and computational methods, not in the exponential growth of storage or even computational capacity, King explains. The doubling of computing power every 18 months (Moore's Law) "is nothing compared to a big algorithm"—a set of rules that can be used to solve a problem a thousand times faster than conventional computational methods could. One colleague, faced with a mountain of data, figured out that he would need a \$2-million computer to analyze it. Instead, King and his graduate students came up with an algorithm within two hours that would do the same thing in 20 minutes—on a laptop: a simple example, but illustrative. New ways of linking datasets have played a large role in generating new insights. And **creative approaches to visualizing data—humans are far better than computers at seeing patterns—frequently prove integral to the process of creating knowledge. Many of the tools now being developed can be used across disciplines as seemingly disparate as astronomy and medicine.** Among students, there is a huge appetite for the new field.

Big Data presence increasing now.

Jeffrey **Mackie-Mason**, American economist specializing in information, incentive-centered design and public policy, "Can we afford privacy from surveillance?", **2014**, <http://www.computer.org/cms/Computer.org/Computer.org/ComputingNow/issues/2014/11/msp2014050086.pdf>

The phenomenon we call **"big data"** also **favors revelation**. Although the mathematics of encryption is a win for secret keepers, the mathematics of data mining is a win for secret harvesters. We (or at least some government agencies) once cheerfully thought that stripping names and SSNs in a dataset was enough to guarantee privacy. But **information about us forms a network of relationships, and a sufficiently dense network creates unique identifiers.** Think of fingerprints: a single line is insufficient to identify me by my fingerprint. But provide about 15 points and I'm no longer anonymous. Improving IT is proliferating the number of things we measure and record about people (more "points"). Simultaneously, **the decreasing costs of computing and networking are unleashing more powerful ways to mine data for patterns, including reidentification**—that is, digital fingerprints. For example, Alessandro Acquisti and his colleagues showed that, with just a subset of public personal data (for instance, from Facebook) and cheap facial-recognition software, they could reidentify anonymous Match.com dating profiles—or identify people in public places—and infer their SSNs.⁶ The number of points from which to construct reidentifying digital fingerprints is growing explosively. **Sensing, monitoring, measuring, and recording are becoming effectively free. Low-cost, networked sensors are becoming ubiquitous,** with a smartphone containing a GPS, accelerometer, microphone, and camera in everyone's pocket. There were approximately 5 million public CCTV surveillance cameras in the UK as of July 2013.⁸ Twenty years ago, getting drunk and acting foolish, maybe dancing topless, at a party with friends was a selective revelation. Friends might talk about it, but no one else got to see your drunken face, breasts, or vomit. But now your friends all have HD video cameras, and photos or videos might be on the Internet before you wake up the next afternoon. **Business Insider calculates that there are approximately 5.6 billion networked devices today, and that current growth trends will lead to 18 billion by 2018,**⁸ of which 9 billion will be Internet of Things (not computers, smartphones, or tablets). Our private information will be sensed and transmitted via networked IT from health and fitness monitors; sensors

recording each appUance's energy and water use in the home; safety and security monitoring devices for babies and those in assisted living, smoke detectors, and sensor-equipped drawers and safes; and home alarm systems. In short, improving IT is increasing the sensing and digitization of personal data, data aggregation, and federation as well as the development of inexpensive data mining tools to extract patterns, which together create reidentifiable networks of connections.

2NC Flood

All our internal links are uniqueness claims- Big Data gets used extensively in the squo- there is a data revolution that is being jumped on by everybody and anybody, that's Shaw

Today's tech innovation and drop in prices means that data is more easily analyzed and collected than ever before plus devices are proliferating. Data will only increase in the squo- that's Mackie-Mason

Big Data is critical to the modern economy- Data is certainly used now

Manyika 12 (July-August 2012. James Manyika works for McKinsey Global Institute, a research contracting firm, As the director of McKinsey Global Institute and a former leader within technology companies where he focused on innovation, growth, and strategy. Michael Chui also assisted in leading the research. Chui is a partner of McKinsey Global Institute where he specializes in research on the impact of information tech and innovation on businesses, the econ, and society. "Why Big Data is The New Competitive Advantage" Ivey Business Journal. <http://iveybusinessjournal.com/publication/why-big-data-is-the-new-competitive-advantage/> //HS)

Data are now woven into every sector and function in the global economy, and, like other essential factors of production such as hard assets and human capital, **much of modern economic activity simply could not take place without them**. The use of Big Data — large pools of data that can be brought together and analyzed to discern patterns and make better decisions — will become the basis of competition and growth for individual firms, enhancing productivity and creating significant value for the world economy by reducing waste and increasing the quality of products and services. **Until now, the torrent of data flooding our world has been a phenomenon that probably only excited a few data geeks. But we are now at an inflection point**. According to research from the McKinsey Global Institute (MGI) and McKinsey & Company's Business Technology Office, **the sheer volume of data generated, stored, and mined for insights has become economically relevant to businesses, government, and consumers**. The history of previous trends in IT investment and innovation and its impact on competitiveness and productivity strongly suggest that Big Data can have a similar power, namely the ability to transform our lives. **The same preconditions that allowed previous waves of IT-enabled innovation to power productivity, i.e., technology innovations followed by the adoption of complementary management innovations, are in place for Big Data**, and we expect suppliers of Big Data technology and advanced analytic capabilities to have at least as much ongoing impact on productivity as suppliers of other kinds of technology. **All companies need to take Big Data and its potential to create value seriously if they want to compete**. For example, some retailers embracing big data see the potential to increase their operating margins by 60 per cent. Big Data: A new competitive advantage The use of **Big Data is becoming a crucial way for leading companies to outperform their peers**. In most industries, established competitors and new entrants alike **will leverage data-driven strategies to innovate, compete, and capture value**. Indeed, we found early examples of such use of data in every sector we examined. In healthcare, data pioneers are analyzing the health outcomes of pharmaceuticals when they were widely prescribed, and discovering benefits and risks that were not evident during necessarily more limited clinical trials. Other early adopters of Big Data are using data from sensors embedded in products from children's toys to industrial goods to determine how these products are actually used in the real world. Such knowledge then informs the creation of new service offerings and the design of future products **Big Data will help to create new growth opportunities and entirely new categories of companies**, such as those that aggregate and analyse industry data. Many of these will be companies that sit in the middle of large information flows where data about products and services, buyers and suppliers, consumer preferences and

intent can be captured and analysed. Forward-thinking leaders across sectors should begin aggressively to build their organisations' Big Data capabilities. In addition to the sheer scale of Big Data, the real-time and high-frequency nature of the data are also important. For example, 'now casting,' the ability to estimate metrics such as consumer confidence, immediately, something which previously could only be done retrospectively, is becoming more extensively used, adding considerable power to prediction. Similarly, the high frequency of data allows users to test theories in near real-time and to a level never before possible.

Big Data is used in the squo- retail and campaigns

Marr 13 (Nov. 13, 13. Bernard Marr is an author, speaker, and leading business and data expert. "The Awesome Ways Big Data is Used to Change Our World" *Linkedin* [//HS](https://www.linkedin.com/pulse/20131113065157-64875646-the-awesome-ways-big-data-is-used-today-to-change-our-world))

The term 'Big Data' is a massive buzzword at the moment and many say big data is all talk and no action. This couldn't be further from the truth. With this post, I want to show how big data is used today to add real value. Eventually, every aspect of our lives will be affected by big data. However, there are some areas where big data is already making a real difference today. I have categorized the application of big data into 10 areas where I see the most widespread use as well as the highest benefits [For those of you who would like to take a step back here and understand, in simple terms, what big data is, check out the posts in my Big Data Guru column]. 1. Understanding and Targeting Customers This is one of the biggest and most publicized areas of big data use today. Here, big data is used to better understand customers and their behaviors and preferences. Companies are keen to expand their traditional data sets with social media data, browser logs as well as text analytics and sensor data to get a more complete picture of their customers. The big objective, in many cases, is to create predictive models. You might remember the example of U.S. retailer Target, who is now able to very accurately predict when one of their customers will expect a baby. Using big data, Telecom companies can now better predict customer churn; Wal-Mart can predict what products will sell, and car insurance companies understand how well their customers actually drive. Even government election campaigns can be optimized using big data analytics. Some believe, Obama's win after the 2012 presidential election campaign was due to his team's superior ability to use big data analytics.

Big Data is being used to streamline business practices

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2. Understanding and Optimizing Business Processes Big data is also increasingly used to optimize business processes. Retailers are able to optimize their stock based on predictions generated from social media data, web search trends and weather forecasts. One particular business process that is seeing a lot of big data analytics is supply chain or delivery route optimization. Here, geographic positioning and radio frequency identification sensors are used to track goods or delivery vehicles and optimize routes by integrating live traffic data, etc. HR business processes are also being improved using big data analytics. This includes the optimization of talent acquisition – Moneyball style, as well as the measurement of company culture and staff engagement using big data tools.

Individuals use big data now- new tech proves

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3. **Personal Quantification and Performance Optimization** **Big data is** not just for companies and governments but **also for** all of **us individually. We can** now **benefit from** the **data generated** from **wearable devices** such as smart watches or smart bracelets. Take the Up band from Jawbone as an example: the armband collects data on our calorie consumption, activity levels, and our sleep patterns. **While it gives individuals rich insights, the real value is in** analyzing **the collective data**. In Jawbone's case, the company now collects 60 years worth of sleep data every night. **Analyzing such volumes of data will bring entirely new insights** that it can feed back to individual users. The other area where we benefit from big data analytics is finding love - online this is. Most online dating sites apply big data tools and algorithms to find us the most appropriate matches.

Big Data already mitigates adverse health impacts

Marr 13 (Nov. 13, 13. Bernard Marr is an author, speaker, and leading business and data expert. "The Awesome Ways Big Data is Used to Change Our World" *Linkedin* [//HS](https://www.linkedin.com/pulse/20131113065157-64875646-the-awesome-ways-big-data-is-used-today-to-change-our-world))

4. **Improving Healthcare and Public Health** **The computing power of big data analytics enables us to decode entire DNA strings in minutes and will allow us to find new cures and better understand and predict disease patterns**. Just think of what happens when all the individual data from smart watches and wearable devices can be used to apply it to millions of people and their various diseases. The **clinical trials of the future won't be limited by small sample sizes but could potentially include everyone! Big data techniques are already being used to monitor babies in a specialist premature and sick baby unit**. By recording and analyzing every heart beat and breathing pattern of every baby, **the unit was able to develop algorithms that can now predict infections 24 hours before any physical symptoms appear**. That way, **the team can intervene early and save** fragile **babies** in an environment where every hour counts. What's more, big **data analytics allow us to monitor and predict the developments of epidemics and disease outbreaks**. **Integrating data** from medical records with social media **analytics enables us to monitor flu outbreaks in real-time**, simply by listening to what people are saying, i.e. "Feeling rubbish today - in bed with a cold".

Big Data catalyzes important science and technological innovations

Marr 13 (Nov. 13, 13. Bernard Marr is an author, speaker, and leading business and data expert. "The Awesome Ways Big Data is Used to Change Our World" *Linkedin* [//HS](https://www.linkedin.com/pulse/20131113065157-64875646-the-awesome-ways-big-data-is-used-today-to-change-our-world))

6. **Improving Science and Research Science** and **research is currently being transformed by the new possibilities big data brings**. Take, for example, CERN, the Swiss nuclear physics lab with its Large Hadron Collider, the world's largest and most powerful particle accelerator. **Experiments to unlock the secrets of our universe** - how it started and works - **generate huge amounts of data**. The **CERN** data center has 65,000 processors to analyze its 30 petabytes of **data**. However, it **uses the computing powers of thousands of computers** distributed across 150 data centers worldwide **to analyze the data**. **Such computing powers can be leveraged to transform so many other areas of science and research**. 7. **Optimizing Machine and Device Performance** **Big data analytics help machines and devices become smarter and more autonomous**. For example, **big data** tools **are used to operate Google's self-driving car**. The Toyota Prius is fitted with cameras, GPS as well as powerful computers and sensors to safely drive on the road without the intervention of human beings. **Big data tools are also used to optimize energy grids** using data from smart meters. **We can even use big data tools to optimize the performance of computers and data warehouses**.

Big Data is used to prevent cyber terror attacks- turns case- the aff can't effectively solve their impacts without big data

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8. **Improving Security and Law Enforcement. Big data is applied heavily in improving security and enabling law enforcement.** I am sure you are aware of the revelations that **the** National Security Agency (**NSA**) in the U.S. **uses big data analytics to foil terrorist plots** (and maybe spy on us). **Others use big data techniques to detect and prevent cyber attacks.** Police forces use big data tools to catch criminals and even predict criminal activity **and credit card companies use big data use it to detect fraudulent transactions.**

Financial Trading Utilizes Big Data now

Marr 13 (Nov. 13, 13. Bernard Marr is an author, speaker, and leading business and data expert. "The Awesome Ways Big Data is Used to Change Our World" *Linkedin* [//HS](https://www.linkedin.com/pulse/20131113065157-64875646-the-awesome-ways-big-data-is-used-today-to-change-our-world))

10. Financial Trading My **final category of big data application comes from financial trading. High-Frequency Trading (HFT) is an area where big data finds a lot of use today. Here, big data algorithms are used to make trading decisions.** Today, the **majority of equity trading now takes place via data algorithms that** increasingly take into account signals from social media **networks and news websites to make, buy and sell decisions in split seconds.** For me, the 10 categories I have outlined here represent the areas in which big data is applied the most. Of course **there are so many other applications of big data and there will be many new categories as the tools become more widespread.**

Links

Generic

Government agencies and industries utilize big data

Rajan 12 (November 2012. Sreeranga is a computer security and reliability, distributed computing, data mining expert with Fujitisa. "Top Ten Big Data Security and Privacy Challenges" http://www.isaca.org/groups/professional-english/big-data/groupdocuments/big_data_top_ten_v1.pdf //HS)

Most industries and government (agencies) will benefit from real - time security analytics, although the use cases may differ. There are use cases which are common, like, "Who is accessing which data from which resource at what time"; "Are we under attack?" or "Do we have a breach of compliance standard C because of action A?" These are not really new, but the difference is that we have more data at our disposal to make faster and better decisions (e.g., less false positives) in that regard. However, new use cases can be defined or we can redefine existing use cases in lieu of big data. For example, the health industry largely benefits from big data technologies, potentially saving billions to the tax - payer, becoming more accurate with the payment of claims and reducing the fraud r elated to claims. However, at the same time, the records stored may be extremely sensitive and have to be compliant with HIPAA or regional /local regulations, which call for careful protection of that same data. Detecting in real - time the anomalous retrieval of personal information, intentional or unintentional, allows the health care provider to timely repair the damage created and to prevent further misuse.

Sox/Dual Use

Big Data is the Key to future markets and business regulations

Bhushan 14 (October 2014. Pritisesh Bhushan is a senior manager of consulting with Cognizant, an information technology consulting company, where he has extensive experience with technology consulting in compliance and trade surveillance. "Trade Surveillance with Big Data" Cognizant. <http://www.cognizant.com/InsightsWhitepapers/Trade-Surveillance-with-Big-Data-codex1096.pdf> //HS)

Electronic trading has come a long way since the NASDAQ's debut in 1971. **Today's** fragmented electronic **market venues** (the result of non-traditional exchanges competing for trades with traditional exchanges) **have created** so-called "**dark pools of liquidity**." Simultaneously, **automated and algorithmic trading has become more sophisticated** — now **enabling individuals and institutions to engage in high-frequency trading** (HFT). **1** As a result, the number of trades has increased tenfold in the last decade, from 37 million trades in NYSE listed issues in February 2004 to 358 million in February 2014. **2** **Traders at capital market firms have been at the forefront of these advancements — pushing the envelope along the way. How has this impacted trade surveillance and compliance teams? The rise of algorithmic trading, where split-second execution decisions are made by high-performance computers,** plus the explosion of trading venues and the exponential growth of structured and unstructured data, **are challenging regulatory and compliance teams to rethink their surveillance techniques.** Those that depend on individual alerts can no longer meet most firms' requirements. We believe that **capital markets firms require a radically new and holistic surveillance approach.** This paper highlights some of the key issues faced by regulators and compliance teams. We will also describe how new **"big data" solutions can help manage them.**

Modern trading regulations require analysis of Big Data

Bhushan 14 (October 2014. Pritisesh Bhushan is a senior manager of consulting with Cognizant, an information technology consulting company, where he has extensive experience with technology consulting in compliance and trade surveillance. "Trade Surveillance with Big Data" Cognizant. <http://www.cognizant.com/InsightsWhitepapers/Trade-Surveillance-with-Big-Data-codex1096.pdf> //HS)

The explosive **growth of data over the last few years is taxing the IT infrastructure of many capital markets firms.** Fortunately, there are **emerging technologies that can help these companies better manage and leverage ever-bigger data pools.** These tools can enable trading firms to end data triage and retain useful historical information. **By building a big-data architecture, IT organizations can keep both structured and unstructured data in the same repository, and process substantial bits and bytes within acceptable timeframes.** This can help them uncover previously inaccessible "pearls" in today's ever-expanding ocean of data. Big data analytics involves collecting, classifying and analyzing huge volumes of data to derive useful information, which becomes the platform for making logical business decisions (see figure below). **Relational database techniques have proven to be inadequate for processing large quantities of data,** and hence cannot be applied to big data sets. **9** For today's capital markets firms, big data sets can reach multiple petabytes (one petabyte is one quadrillion bits of data). A Big Data Analytics Reference Architecture Front Office Consolidated Order Book Prop Orders Client Orders Market Data a Real-Time Market Data Reference Data a Securities Data Corporate Actions Client Data a Employee Data Unstructured Data a Macroeconomic News Phone Calls E-mails Corporate News Instant Msg. Twitter Different Asset Class & All Relevant Venues Traders Data a Intelligence Alerts Compliance Dashboard BI Reports Users Regulators Risk Managers. Data Platform Several Petabytes of Data (Real-Time Query & Updates) Real-Time Analytic Engine Compliance Team Executive Board Sales Reps & Traders Quality Metrics Historical Market Data Historical Action Data Near-Term & Real-Time Actions cognizant 20-20 insights **4** **To keep processing times tolerable, many organizations facing big-data challenges are counting on new open-source technologies** such as NoSQL (not only SQL) and **data stores** such as Apache Hadoop, Cassandra and Accumulo. The figure

on the previous page depicts a representative big-data architecture appropriate for modern-day trade surveillance. A highly scalable in-memory data grid (e.g., SAP's HANA) can be used to store data feeds and events of interest. Real-time surveillance can thus be enabled through exceptionally fast 10 open-source analytic tools such as complex event processing (CEP). CEP technologies like Apache Spark, Shark and Mesos put big data to good use by analyzing it in real time, along with other incidents. Meaningful events can also be recognized and flagged in real time.

Big Data is improving trade surveillance

Kumar 15 (2015. Sunil Kumar is a senior business consultant with Tata Consultancy Service's consulting group where he has a long history of working on trade surveillance and IT consulting. "The Changing Face of Trade Surveillance and the Role of Analytics" Global Consulting Practice <http://www.tcs.com/SiteCollectionDocuments/White%20Papers/Changing-face-trade-surveillance-role-analytics-0315-1.pdf> //HS)

Big Data is playing a key role in improving the effectiveness of surveillance. Trade surveillance is experiencing increased regulatory scrutiny and complexities due to the prevalence of multiple communication platforms, making it difficult for regulators to perform market oversight functions. Big Data technology will play a more important role in monitoring market participants' trading activity both at participants' and regulators' ends. This is done by ingesting enormous volumes of various types of data originating from different channels (such as social media messages, blogs, emails, phone call logs, bank statements) and consolidating this structured and unstructured data into a usable database that will allow advanced pattern-matching analytics to spot any anomalous behavior. Capital market entities are also increasingly using Big Data for enhanced business intelligence gathering. They employ techniques such as Complex Event Processing (CEP), business rule-based text mining, machine learning, and predictive analytics to perform market sentiment analysis, anomalous trading behavior detection, and advanced trading analytics. However, there are still several challenges to the widespread adoption of Big Data in capital markets surveillance. These include the lack of enhanced tools and techniques for visualization and successful deployment by regulators and infrastructure entities, and gaps in the skillsets (especially data scientists) needed to administer Big Data analytics solutions etc. As capital market-specific usage of Big Data become more widespread, firms will not only have a better business case to adopt it, but will also become technically more equipped to leverage it.

SOX

Might want to use a generic link in the 1nc and read this in the block

SOX requires data compliance which is key to quality big data

DeVera 12 (Aug. 10, 2012. Dwight DeVera is the senior vice president of Arcplan, a company specializing in Business Intelligence. "Invest in Good Data Before Big Data" Arcplan. <http://www.arcplan.com/en/blog/2012/08/invest-in-good-data-before-big-data/#more> //HS)

Big data is without a doubt 1 of the top 5 BI trends of 2012. **The hype around big data has driven many companies to hoard massive amounts of structured and unstructured information** in the hope of unearthing useful insight that will help them gain competitive advantage. Admittedly, **there is significant value to be extracted from your company's growing vault of data**; however it is data quality – not necessarily quantity – that is your company's biggest asset. So here are 3 reasons why you should devote more of your IT budget to data quality: 1) **Because good data quality sets the stage for sound business decisions.** Sensible business decisions should be based on accurate, timely information coupled with the necessary analysis. **Decision-makers need to be equipped with facts in order to plan strategically and stay ahead of the competition** – and **facts are entirely based on having correct data**. Though it's not as "sexy" as big data, mobile BI, or cloud, **data quality should be the foundation of all of these other initiatives**. Admittedly, **achieving data quality is tough**. Gartner analyst Bill Hostmann says, "Regardless of big data, old data, new data, little data, probably **the biggest challenge in BI is data quality.**" **It crosses department lines** (both IT and business users must take responsibility), **and processes that have multiple levels of responsibility often suffer from the "everyone and no one is responsible" conundrum**. It's also a complex process that requires laying out common definitions (what is a customer, what are our conventions for company names – Inc. or no Inc. – for example), performing an initial data cleanse, and then keeping things tidy through ongoing data monitoring, ETL, and other technologies. But **ensuring that your data is timely, accurate, consistent, and complete means users will trust the data**, and ultimately, that's the goal of the entire exercise if you see this first reason as the most important. **Trusting the data means being able to trust the decisions that are based on the data**. Clean up the data you have in place, then you can move on to a strategy that incorporates additional sources of big data. 2) Because you have to. So maybe reason #1 wasn't enough to convince you that come budget time, you should put a little extra in the data quality column. **What about the fact that poor data quality may be leaving you out of compliance with the law?** Sarbanes-Oxley (SOX) mainly affects public companies, but those that may undergo a future merger, acquisition or IPO should plan to comply. **SOX requires that organizations maintain accurate information and prove it in regular audits by independent agents**. Seen from this perspective, **poor data will cause a company to be out of compliance and can result in fines, lawsuits, and worse**.

Compliance requirements for SOX force extensive big data storage

Carroll 13 (Nov. 26, 2013. Alex Carroll is the co-owner of Lifeline Data Centers. There he does extensive work managing data centers and has years of experience in IT infrastructure. "How Sarbanes-Oxley Act (SOX) Impacts Data Centers" <http://www.lifelinedatacenters.com/data-center/sarbanes-oxley-act-sox-impacts-data-centers/> //HS)

Regulatory compliance has a big say in how businesses design and develop their systems. A major **compliance requirement** for many businesses is the Sarbanes-Oxley Act of 2002 (**SOX**). How Sarbanes-Oxley Act (SOX) Impacts Data Centers **On the face of it, the focus of SOX is to prevent financial frauds, and, for this purpose, it mandates companies to maintain tight controls over their financial disclosures.** **These controls assume the form** of regulating and tracking the flow **of financial data**, along with regular audits aimed at identifying and remediating potential risks. However, **the implications of SOX for**

data centers go much beyond that. SOX mandates strict data storage requirements and equally stringent retention policies and procedures. Although SOX does not give any specific size or methodology for data storage or policies, there are many guidelines data centers need to follow: The Public Committee Accounting Overseas Board (PCAOB) oversees and guides SOX auditors and sets standards that specify the elements required for successful compliance. The Committee of Sponsoring Organizations (COSO) has developed a control framework that offers a comprehensive set of guidelines to create and implement internal controls. Though not mandatory, this offers the optimal benchmark. The Control Objectives for Information and Related Technology (COBIT) framework, the handiwork of Information Systems Audit and Control Association (ISACA), offers specific guidance for IT controls. COBIT addresses 34 IT processes, grouped in four domains of Planning and Organization, Acquisition and Implementation, Delivery and Support, and Monitoring. **SOX also binds publically traded companies and accounting or audit firms to retain audit documents for a minimum of seven years** after the completion of an audit, **and also have provisions in place for retrieval of data quickly.** Here again, **the methodology of how to do so is left to the companies.** Data centers need to adopt solutions such as a **write-once, read-many** (WORM) approach to data, **which allows easy retrieval at anytime but no modifications,** to facilitate their client's compliance with the provisions of SOX. Apart from this, SOX compliant data centers also need to have strong security measures in place, including access and authentication systems, user account management, encryption, and other network security deployments, besides constant monitoring and audits. SOX violations can be costly. **The act imposes a fine of up to \$10 million and 20 years in prison for violators.** In addition, there is a promise of "stiff penalties" for companies that knowingly destroy, or even alter, records to cover their tracks or thwart investigations

SOX requires data collection- mandated in the law

Vormetric no date (No date. Vormetric is a company that creates data security products. "Sarbanes Oxley Act and Compliance Requirements for Protecting Data-at-Rest" [//HS](http://www.vormetric.com/compliance/sarbanes-oxley))

The Sarbanes-Oxley Act of 2002 (SOX), is a United States federal law enacted on 30 July 2002, which sets standards for all US public company boards, management and public accounting firms. **The primary sections of the SOX act that concern protecting data** are sections 302 and 404. Data protection requirements in both SOX Act sections 302 and 404 **are most concerned with the accuracy and content of required financial reports.** Sarbanes-Oxley Act section 404 has two major points: **Management is accountable for establishing and maintaining internal controls and procedures that enable accurate financial reporting, and assessing this posture every fiscal year in an internal control report.** Public accounting firms that prepare or issue yearly audits must attest to, and report on, this yearly assessment by management. Sarbanes-Oxley Act section 302 expands this with compliance requirements to: **List all deficiencies in internal controls and information, as well as report any fraud involving internal employees.** Detail significant changes in internal controls, or factors that could have a negative impact on internal controls. But **what does this mean in terms of compliance requirements to protect data for public companies?** **Any financial information needs to be safeguarded, and its integrity assured.** Specific internal security controls need to be identified that protect this data, auditing must take place, and this security posture re-assessed every year – including any changes or deficiencies as a result of changing conditions.

SOX demands data collection

Eitenbichler 9 (Oct. 13. 2009. Patrick Eitenbichler is the worldwide director of product marketing at HP. "Sarbanes-Oxley: 7 Years of Shaping Compliance and Technology" *Database: Trends and Applications*. [//HS](http://www.dbta.com/Editorial/Trends-and-Applications/Sarbanes-Oxley-7-Years-of-Shaping-Compliance-and-Technology-56608.aspx))

Today, **companies have a high-level of concern regarding data management and compliance.** This hasn't always been the case. **U.S. companies, in the wake of SOX passing 7 years ago, were left struggling to determine which types of data needed to be archived in order to comply with the**

new regulations. In an effort to comply with SOX, most companies adopted a “store everything” approach—leading to increased storage costs and unmanaged records. Storing all data that flowed through the company proved to be an unsuccessful way to manage company records and comply with increasing regulations. Companies today are under close scrutiny and pressure to comply with SOX, resulting in a complete transformation of their data storage processes and a switch to more efficient and secure methods. **Complying with the act requires that companies produce, on request, authentic and reliable records in a timely fashion.** In today’s stormy economic climate, companies need to understand how to avoid unnecessary costs and make the most out of the IT investments by using data management systems that not only meet compliance needs but provide a competitive advantage. Leading companies are using their compliance efforts to strengthen corporate governance, expand internal accountability, increase oversight into their corporate practices, and increase the independence of their external auditors. Companies that plan and strive for long-term sustained compliance will ultimately increase efficiency, improve business and IT alignment and reduce associated IT costs. Through this alignment, and effective risk management, companies can begin to move toward true IT governance.

Block Link Buffer

Status quo skepticism would be magnified in the world of the plan- affirming privacy rights sparks concern for consumer privacy

Bracy 13 (Jun. 14, 2013 Jedidiah Bracy is the editor of Privacy Perspectives and Privacy Tech and writes in the fields of data protection and privacy law. "FISA Rulings Put Tech Biz Between Rock and Hard Place; Revelations Continue" *IAPP*
<https://privacyassociation.org/news/a/fisa-rulings-put-tech-biz-between-rock-and-hard-place-revelations-continue> //HS)

The Washington Post reports on how the increased public awareness of the NSA tracking programs also draws attention to consumer data tracking.

On Twitter, journalist Dan Sinker wrote, "When I go to The Washington Post to learn about gov data tracking, I'm hit by *fifty* commercial data trackers." However, the report points out there are differences between government data tracking and consumer data tracking: The private industry is subject to market pressures, while the government is not. A new Allstate/National JournalHeartland Monitor poll reveals that "most Americans exhibit a healthy amount of skepticism and resignation about data collection and surveillance and show varying degrees of trust in institutions to responsibly use their personal information." The poll was conducted days before the NSA disclosures

*****The EU's tough privacy laws are hampering development and innovation with big data- aff creates the same situation in the US**

EU Reporter 14 (Mar. 26, 2014. EU Reporter is News organization focusing on the European Union. "Privacy and Competitiveness in the Age of Big Data" EUReporter.
<http://www.eureporter.co/magazine/2014/03/26/privacy-and-competitiveness-in-the-age-of-big-data/> //HS)

The collection and control of massive amounts of personal data are a source of market power for the biggest players in the global market for internet services,

said the European Data Protection Supervisor (EDPS) today. Personal information has become a form of currency to pay for so-called 'free' online services and is a valuable intangible asset for an increasing number of companies doing business in the EU. This requires closer interaction between different regulators. EDPS Peter Hustinx said: "The evolution of big data has exposed gaps in EU competition, consumer protection and data protection policies that do not seem to have kept up with this development. Smarter interaction across these partially overlapping policy areas will support growth and innovation and minimise the potential harm to consumers. The EDPS is pleased to be facilitating discussions between regulators and experts in these fields." In his preliminary Opinion on privacy and competitiveness in the age of big data: The interplay between data protection, competition law and consumer protection, published today, the EDPS notes that the EU rules in these policy areas have much in common: each aims to promote growth and innovation and to promote the welfare of individual consumers. However, there is currently little dialogue between policymakers and experts in these fields. Sectors of the economy ranging from transport to health, banking to energy, are seeking to exploit the potential of big data, which includes vast volumes of personal data. It is essential that synergies in the enforcement of rules controlling anti-competitive practices, mergers, the marketing of so-called 'free' on-line services and the legitimacy of data processing are explored. This will help to enforce competition and consumer rules more effectively and also stimulate the market for privacy-enhancing services. To this end, the EDPS will facilitate discussions among experts and practitioners from the EU and the US, including a workshop in Brussels on 2 June 2014. The EDPS preliminary Opinion examines some of the convergences and tensions in these areas of EU law against the evolution of big data. In particular, he notes: The need for a fuller understanding of the massive growth in services that are marketed as free but in effect require payment in the form of the personal information of their customers; the need for a definition of

consumer harm in the enforcement of competition rules, in markets where powerful players may refuse access to personal information and may apply confusing privacy policies, and; how closer dialogue between regulators and experts on the rules and policies in data protection, competition and consumer protection could help promote consumer choice, diversity of services which safeguard privacy and greater control for consumers over their personal information. Background Privacy and data protection are fundamental rights in the EU. Data protection is a fundamental right, protected by European law and enshrined in Article 8 of the Charter of Fundamental Rights of the European Union. More specifically, the rules for data protection in the EU – as well as the duties of the EDPS – are set out in Regulation (EC) No 45/2001. One of the duties of the EDPS is to advise the European Commission, the European Parliament and the Council on proposals for new legislation and a wide range of other issues that have an impact on data protection. Furthermore, EU institutions and bodies processing personal data presenting specific risks to the rights and freedoms of individuals ('data subjects') are subject to prior-checking by the EDPS. Personal information or data: Any information relating to an identified or identifiable natural (living) person. Examples include names, dates of birth, photographs, video footage, email addresses and telephone numbers. Other details such as IP addresses and communications content – related to or provided by end-users of communications services – are also considered as personal data. Privacy: the right of an individual to be left alone and in control of information about his or herself. The right to privacy or private life is enshrined in the Universal Declaration of Human Rights (Article 12), the European Convention of Human Rights (Article 8) and the European Charter of Fundamental Rights (Article 7). The Charter also contains an explicit right to the protection of personal data (Article 8). Processing of personal data: According to Article 2(b) of Regulation (EC) No 45/2001, processing of personal data refers to “any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction”. See the glossary on the EDPS website.

Surveillance and big data are symbiotic

David **Lyon**, Professor of Sociology, **2014**, “Surveillance, Snowden, and Big Data: Capacities, consequences, and critique”,

<http://bds.sagepub.com/content/spbds/1/2/2053951714541861.full.pdf>

The Snowden revelations about National Security Agency surveillance, starting in 2013, along with the ambiguous complicity of internet companies and the international controversies that followed provide a perfect segue into contemporary conundrums of surveillance and Big Data. Attention has shifted from late C20th information technologies and networks to a C21st focus on data, currently crystallized in “Big Data.” Big Data intensifies certain surveillance trends associated with information technology and networks, and is thus implicated in fresh but fluid configurations. This is considered in three main ways: One, the capacities of Big Data (including metadata) intensify surveillance by expanding interconnected datasets and analytical tools. Existing dynamics of influence, risk-management, and control increase their speed and scope through new techniques, especially predictive analytics. Two, while Big Data appears to be about size, qualitative change in surveillance practices is also perceptible, accenting consequences. Important trends persist – the control motif, faith in technology, public-private synergies, and user-involvement – but the future-orientation increasingly severs surveillance from history and memory and the quest for pattern-discovery is used to justify unprecedented access to data. Three, the ethical turn becomes more urgent as a mode of critique. Modernity’s predilection for certain definitions of privacy betrays the subjects of surveillance who, so far from conforming to the abstract, disembodied image of both computing and legal practices, are engaged and embodied users-in-relation whose activities both fuel and foreclose surveillance.

I- Link(4 block)

Gov data=priv. data

CT programs translate into valuable programs for the private sector

Jesse 15 (Mar. 24, 2015. Jay Jesse is the CEO of Intelligent Software solutions, a company specializing in Big Data. “Three Ways DOD Technology May Light the Way to Actionable Big Data in the Private Sector” Jobber Tech Talk. <http://www.jobbertechtalk.com/three-ways-dod-technology-may-light-the-way-to-actionable-big-data-in-the-private-sector-jay-jesse/> //HS)

Defense sector programs and research—from the Internet itself to applications like Apple’s Siri—often manifest in paradigm-changing innovation. In the Big Data arena, military applications are high stakes: for example, the urgency of harnessing massive amounts of data—in different formats and from wildly different sources—to model and pinpoint terrorist and criminal activity across the globe. From this arena, new applications and best practices are emerging that will result in gains far beyond their military and intelligence community origins. Here are three ways that military initiatives will show the private sector how to get more out of Big Data programs. Threat Analysis Becomes Opportunity
Analysis Public safety and antiterrorism agencies need clear and succinct pictures of the crime and security environment: What is happening, where is it happening, and why? To gain this view, they leverage massive amounts of high-quality, synthesized, actionable information for applications such as proactive policing of urban trouble spots (civilian) or using collection and analysis to find and neutralize makers of IEDs (military). Defense sector vendors have led the way in enabling analysts to rapidly perform complex searches across any data source—structured and unstructured databases, spreadsheets, mobile data, RSS feeds and documents—and quickly make visual sense of them in both space and time with geospatial displays, hotspot maps and timelines, just to name a few. “Actionable intelligence” is a high-stakes deliverable in the police and military arenas. But it is not that difficult to make the leap from “suspect” to “customer” to see how understanding future behavior in multiple dimensions will help product makers and marketers see and spot opportunities, rather than threats. Being able to spot trends, draw links and make connections between demographic groups, behavior patterns and actual geographic markets from what was previously a pile of disconnected and disorganized data sources has huge potential. This potential is already being leveraged in consumer contexts. Especially when we consider the importance of visualization and location in determining how, where and why consumer enterprises must marshal their production, distribution, marketing and sales resources against sophisticated competitors. While the stakes aren’t as high as they are in comparison to the global counterterrorism theater, they’re high enough to justify pinpointing where resources are most needed, enabling decision makers to deliver the greatest operational impact, reducing inefficiency and waste and optimizing limited resources. This is where DoD leads the way. Mobile Command Makes the 21st Century’s Ultimate “Street Team” An incident such as a bombing throws an urban area into pandemonium as public safety commanders, analysts and field operators scramble to assess damage, help survivors and search for clues about the perpetrators. Today’s field command technology must provide these vital personnel with relevant data while en route and at the scene, viewing the information they need on the move and uploading scene information back to command control—all securely shared via Wi-Fi, cellular data or satellite—using a wide variety of devices and media. The expanding real-time operational picture they create together drives faster, better decision making, speeding the time from a state of chaos to a state of control and setting the stage for investigations that lead to justice as pictures, videos and other evidence from the scene flood into the hands of analysts. Critical incident response management systems developed for the DoD will set the global baseline for private sector applications where anybody from large-scale event producers to experiential marketers find

they can gain a competitive edge from the ability to seamlessly and securely report, collect, store and retrieve operational intel. Team members can capture, relay and organize event data with sophistication never before seen, quickly associating all incoming media in a master analysis engine. The public safety crisis solution of today sets the stage for the sophisticated, real-time event logistics and marketing mobile apps of tomorrow. **Enterprise Search Finds Better Needles in Bigger Haystacks** From finding opportunities in sales data that helps craft better strategy to loss prevention initiatives, Big Data is undergoing rapid evolution and delivering more exciting results in both the private and defense sectors. The defense sector can speed gains in the area of data acquisition and enterprise search—the gateway enablers to the fruits of big data. By accounting for volume, variety and velocity, we equip business analysts and leaders to “shrink the haystack,” establishing a data processing ecosystem that can process, enable search and allow users to interact with the data in fruitful ways, rather than being overwhelmed and in the dark. The end result is better and precise decision-making through superior insight by revealing threats and opportunities that had previously been invisible in a mass of data. The first stage of enabling these gains is to pull all information into a common environment so that it can be pushed through an analysis pipeline. DoD vendors contending with massive amounts of data have led the way in fashioning connector architecture, normalizing and staging data, and compartmentalizing it into usable subsets. Defense sector solution providers then developed customized search and discovery systems that empowered analysts to thin the haystack in search of the valuable data needles they sought. NLP (natural language processing)-driven semantic enrichment represents a further refining and enhancement of the search experience, setting the stage for deeper analytics. Search and NLP are the one-two punch that fuses what the analyst knows with what he or she doesn't know, allowing users to constantly tune and refine smaller subsets of data for key factors. The system “learns” as the user refines their searches to better target their data domain, constantly improving search effectiveness. It began with counterterrorism experts looking for a particular piece of equipment involved in bomb-making, but has equal power for financial analysts trying to isolate a particular kind of transaction and yield profitable insight for their companies. **The data integration and enterprise search achievements of defense sector vendors are paving the way for more fruitful Big Data results across the world.** These are just three areas where defense sector technology gains translated into benefits for the private sector. I'll explore more of this landscape in the future.

Big Data is key to future efficiency of government and corporations

Pentland 13 (October. Alex Pentland is a computer science pioneer, MIT Professor, and oft cited author of computer science writings. He created the MIT Media lab and has been called by Forbes one of the “7 most powerful data scientists in the world.” “The Data-Driven Society” ebsco host //HS)

USING BIG DATA to diagnose problems and predict successes is one thing. **What is even more exciting is that we can use big data to design organizations, cities and governments that work better than the ones we have today.** The potential is easiest to see within corporations. **By measuring idea flow, it is usually possible to find simple changes that improve productivity and creative output.** For instance, the advertising department of a German bank had experienced serious problems launching successful new product campaigns, and they wanted to know what they were doing wrong. **When we studied the problem** with sociometric ID badges, we found that while groups within the organization were exchanging lots of e-mails, almost no one talked to the employees in customer service. **The reason was simple: customer service was on another floor.** This configuration caused huge problems. Inevitably, the advertising department would end up designing ad campaigns that customer service was unable to support. **When management saw the diagram we produced depicting this broken flow of information, they**

immediately realized they should move customer service to the same floor as the rest of the groups. Problem solved. Increasing engagement is not a magic bullet. In fact, increasing engagement without increasing exploration can cause problems. For instance, when postdoctoral student Yaniv Altshuler and I measured information flow within the eToro social network of financial traders, we found that at a certain point people become so interconnected that the flow of ideas is dominated by feedback loops. Sure, everyone is trading ideas -- but they are the same ideas over and over. As a result, the traders work in an echo chamber. And when feedback loops dominate within a group of traders, financial bubbles happen. This is exactly how otherwise intelligent people all became convinced that Pets.com was the stock of the century. Fortunately, we have found that we can manage the flow of ideas between people by providing small incentives, or nudges, to individuals. Some incentives can nudge isolated people to engage more with others; still others can encourage people mired in groupthink to explore outside their current contacts. In an experiment with 2.7 million small-time individual eToro investors, we "tuned" the network by giving traders discount coupons that encouraged them to explore the ideas of a more diverse set of other traders. As a result, the entire network remained in the healthy wisdom-of-the-crowd region. What was more remarkable is that although we applied the nudges only to a small number of traders, we were able to increase the profitability of all social traders by more than 6 percent. Designing idea flows can also help solve the tragedy of the commons, in which a few people behave in such a way that everyone suffers, yet the cost to any one person is so small there is little motivation to fix the problem. An excellent example can be found in the health insurance industry. People who fail to take medicine they need, or exercise, or eat sensibly have higher health care costs, driving up the price of health insurance for everyone. Another example is when tax collection is too centralized: local authorities have little incentive to ensure that everyone pays taxes, and as a result, tax cheating becomes common. The usual solution is to find the offenders and offer incentives or levy penalties designed to get them to behave better. This approach is expensive and rarely works. Yet graduate student Ankur Mani and I have shown that promoting increased engagement between people can minimize these situations. The key is to provide small cash incentives to those who have the most interaction with the offenders, rewarding them rather than the offender for improved behavior. In real-world situations -- with initiatives to encourage healthy behavior, for example, or to prompt people to save energy -- we have found that this social-pressure-based approach is up to four times as efficient as traditional methods. This same approach can be used for social mobilization -- in emergencies, say, or any time a special, coordinated effort is needed to achieve some common goal. In 2009, for example, the Defense Advanced Research Projects Agency designed an experiment to celebrate the 40th anniversary of the Internet. The idea was to show how social media and the Internet could enable emergency mobilization across the U.S. DARPA offered a \$40,000 prize for the team that could most quickly find 10 red balloons placed across the continental U.S. Some 4,000 teams signed up for the contest, and almost all took the simplest approach -- offering a reward to anyone who reported seeing a balloon. My research group took a different tack. We split the reward money among those who used their social networks to recruit a person who later saw a balloon and those who saw a balloon themselves. This scheme, which is conceptually the same as the social-pressure approach to solving tragedies of the commons, encouraged people to use their social networks as much as possible. We won the contest by locating all 10 balloons in only nine hours.

All Data Key

Preserving the collection of all big data is key to effectiveness

Einav and Levin 2014 (Liran Einav is a professor of economics at Stanford and a writer for the National Bureau of Economics. Jonathan Levin is Professor of economics at Stanford and a writer for the National Bureau of Economics. "The Data Revolution and Economic Analysis" National Bureau of Economics. <http://web.stanford.edu/~jdlevin/Papers/BigData.pdf> //HS)

****Heterogeneity-** Distinct characteristics between things (sorta I guess in this context it's the difference based on their data statistics or something of that sort, more research needed)

The studies described in the prior section make use of big data, but the conceptual approaches and statistical methods are familiar ones. In particular, the object being studied is the relationship between a particular treatment (having a better teacher, getting health insurance, being charged sales tax) and an outcome variable (adult earnings, health utilization, purchasing). Many, if not most, studies in empirical micro- economics have this structure, where the goal is to study a particular bivariate relationship—often, but not always, a causal one—holding “all else equal,” where the “all else equal” part is often implemented by controlling for other predictive variables. In contrast, the predictive modeling approaches described in section III are inherently multivariate. The focus is not on how a single variable affects a given outcome measure, but on how the outcome varies with a large number of potential predictors, and the analyst may or may not use prior theory as to which predictors are relevant. This conceptual difference raises the question of whether big data techniques common in statistics will turn out to be useful in economic research. We think the answer is likely to be affirmative. One application that already has been explored (Belloni et al. 2012; Belloni, Chernozhukov, and Hansen 2012) is to use machine- learning techniques to improve the efficiency of treatment effects studies when a research has either a large number of potentially confounding variables, or alternatively, a large number of potential instruments. Here the goal is still to estimate a particular bivariate relationship, but to use penalized regressions either to identify an optimal set of controls, or an optimal set of instruments given a large potential number. Another potential use of predictive modeling is to incorporate heterogeneity into econometric models and analyses. In our own research on credit and insurance markets (Bundorf, Levin, and Mahoney 2012; Einav, Jenkins, and Levin 2012; Einav, Finkelstein et al. 2013), we have used “off- the- shelf” credit and health- risk scores to account for the default propensities or likely health expenditures of individual consumers. For example, in Einav, Jenkins, and Levin (2012) we were interested in understanding consumer borrowing behavior and how lenders should set loan prices and credit limits for different segments of borrowers as stratified by their default risk. Predictive modeling provides a natural way to achieve this stratification, although the particular choice of predictive model was made by statisticians whose predictive scores derived from credit bureau records that were used as data. Similarly, in theoretical models of insurance markets, it is common to associate individuals with a “risk type” that summarizes their probability of accident or loss. Recent empirical work that looks at consumer choice of insurance or health plans (Bundorf, Levin, and Mahoney 2012; Einav, Finkelstein et al. 2013) has used predictive health- risk scores to summarize individual heterogeneity in a parsimonious way. The scores provide a useful way of assessing, for instance, whether riskier individuals systematically choose more generous insurance coverage, and whether prices in a market accurately adjust for the likely cost of different individuals to insurers that underwrite them. In these examples, economic differences researchers are consumers of machine- learning models, but not the producers of them. However, it is easy to imagine future applications where economists will be interested in characterizing the heterogeneity of individuals or products or firms in order to analyze in decisions or treatment effects. In such cases, machine- learning techniques can provide a useful way to obtain a one- dimensional statistic that summarizes a large amount of information about the entities being studied, just as a consumer’s credit score summarizes a rich unstructured history of borrowing and repayments into a scalar summary of default risk. A related point is that predictive scores can be interesting objects to study in and of themselves. For instance, health- risk scores provide a mapping from an individual’s demographics and past health care utilization into a one- dimensional prediction of future health care utilization. An interesting question may be whether these relationships are stable when there are changes in the environment. For example, if insurers begin to manage utilization or charge higher copayments, the prior relationships between demographics and past utilization and current utilization may not hold. This suggests that one key issue in applying predictive modeling techniques, which will need to be assessed on a case- by- case basis, will be to understand the limits in terms of how far out- of- sample predicted relationships are valid, and when policy changes might upset these relationships.

Internal link extra

Big Data solve national crises and the tragedy of the commons

Pentland 13 (October. Alex Pentland is a computer science pioneer, MIT Professor, and oft cited author of computer science writings. He created the MIT Media lab and has been called by Forbes one of the "7 most powerful data scientists in the world." "The Data-Driven Society" ebSCO host //HS)

USING BIG DATA to diagnose problems and predict successes is one thing. **What is even more exciting is that we can use big data to design organizations, cities and governments that work better than the ones we have today.** The potential is easiest to see within corporations. **By measuring idea flow, it is usually possible to find simple changes that improve productivity and creative output.** For instance, the advertising department of a German bank had experienced serious problems launching successful new product campaigns, and they wanted to know what they were doing wrong. When we studied the problem with sociometric ID badges, we found that while groups within the organization were exchanging lots of e-mails, almost no one talked to the employees in customer service. The reason was simple: customer service was on another floor. This configuration caused huge problems. Inevitably, the advertising department would end up designing ad campaigns that customer service was unable to support. When management saw the diagram we produced depicting this broken flow of information, they immediately realized they should move customer service to the same floor as the rest of the groups. Problem solved. Increasing engagement is not a magic bullet. In fact, increasing engagement without increasing exploration can cause problems. For instance, when postdoctoral student Yaniv Altshuler and I measured information flow within the eToro social network of financial traders, we found that at a certain point people become so interconnected that the flow of ideas is dominated by feedback loops. Sure, everyone is trading ideas -- but they are the same ideas over and over. As a result, the traders work in an echo chamber. And when feedback loops dominate within a group of traders, financial bubbles happen. This is exactly how otherwise intelligent people all became convinced that Pets.com was the stock of the century. Fortunately, we have found that we can manage the flow of ideas between people by providing small incentives, or nudges, to individuals. Some incentives can nudge isolated people to engage more with others; still others can encourage people mired in groupthink to explore outside their current contacts. In an experiment with 2.7 million small-time individual eToro investors, we "tuned" the network by giving traders discount coupons that encouraged them to explore the ideas of a more diverse set of other traders. As a result, the entire network remained in the healthy wisdom-of-the-crowd region. What was more remarkable is that although we applied the nudges only to a small number of traders, we were able to increase the profitability of all social traders by more than 6 percent. Designing idea flows can also help solve the tragedy of the commons, in which a few people behave in such a way that everyone suffers, yet the cost to any one person is so small there is little motivation to fix the problem. An excellent example can be found in the health insurance industry. People who fail to take medicine they need, or exercise, or eat sensibly have higher health care costs, driving up the price of health insurance for everyone. Another example is when tax collection is too centralized: local authorities have little incentive to ensure that everyone pays taxes, and as a result, tax cheating becomes common. The usual solution is to find the offenders and offer incentives or levy penalties designed to get them to behave better. This approach is expensive and rarely works. Yet graduate student Ankur Mani and I have shown that promoting increased engagement between people can minimize these situations. The key is to provide small cash incentives to those who have the most interaction with the offenders, rewarding them rather than the offender for improved behavior. In real-world situations -- with initiatives to encourage healthy behavior, for example, or to prompt people to save energy -- we have found that this social-pressure-based approach is up to four times as efficient as traditional methods. This same approach can be used for social mobilization -- in emergencies, say, or any time a special, coordinated effort is needed to achieve some common goal. In 2009, for example, the **D**efense **A**dvanced **R**esearch **P**rojects **A**gency designed an experiment to celebrate the 40th anniversary of

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A2: Aff ILink Turn

Even though big data raises privacy concerns- the best way to solve them is through more data- it's a "sword and shield"

Armerding 14 (Dec. 8, 2014. Taylor Armerding is a journalist who focuses on technology news and issues. "The 5 worst Big Data privacy risks (and how to guard against them)" *CSO Online* <http://www.csoonline.com/article/2855641/big-data-security/the-5-worst-big-data-privacy-risks-and-how-to-guard-against-them.html> //HS)

The collection and manipulation of Big Data, as its proponents have been saying for several years now, can result in real-world benefits: Advertisements focused on what you actually want to buy; smart cars that can call for an ambulance if you're in an accident; wearable or implantable devices that can monitor your health and notify your doctor if something is going wrong. **But, it can also lead to big privacy problems.** By now it is glaringly obvious that when people generate thousands of data points every day – where they go, who they communicate with, what they read and write, what they buy, what they eat, what they watch, how much they exercise, how much they sleep and more – they are vulnerable to exposure in ways unimaginable a generation ago. [Securing big data off to slow start] MORE ON CSO: 6 products that will protect your privacy It is just as obvious that such detailed information, in the hands of marketers, financial institutions, employers and government, can affect everything from relationships to getting a job, qualifying for a loan or even getting on a plane. And so far, while **there have been multiple expressions of concern from privacy advocates and government, there has been little to update privacy protections in the online** always connected world. It has been almost three years since the Obama administration published what it termed a Consumer Privacy Bill of Rights (CPBR), in February 2012. That document declared that, "the consumer privacy data framework in the U.S. is, in fact, strong ... (but it) lacks two elements: a clear statement of basic privacy principles that apply to the commercial world, and a sustained commitment of all stakeholders to address consumer data privacy issues as they arise from advances in technologies and business models." And, as Susan Grant, director of consumer privacy at the Consumer Federation of America (CFA), puts it, the CPBR is, "not a bill. It has never been a piece of legislation. We need to have something offered, to talk about – at least somewhere to start." **Meanwhile, organizations** like the CFA and Electronic Privacy Information Center (EPIC), **and individual advocates** like Rebecca Herold, CEO of The Privacy Professor, **have enumerated multiple ways that Big Data analytics can invade the personal privacy of individuals.** They **include: 1. Discrimination** According to EPIC, in comments last April to the U.S. Office of Science and Technology Policy, "The use of predictive analytics by the public and private sector ... can now be used by the government and companies to make determinations about our ability to fly, to obtain a job, a clearance, or a credit card. The use of our associations in predictive analytics to make decisions that have a negative impact on individuals directly inhibits freedom of association." Herold, in a post on SecureWorld, noted that while overt discrimination has been illegal for decades, **big Data analytics can make it essentially "automated," and therefore more difficult to detect or prove.** In an interview, Herold said current discrimination law is, "vague, narrowly defined, and from the applications of it I've seen, depends upon very explicit and obvious evidence. **Big Data analytics provides the ability for discriminatory decisions to be made without the need for that explicit and obvious evidence.**" she said. That can affect everything from employment to promotions to fair housing and more. Edward McNicholas, global co-leader of the Privacy, Data Security, and Information Law Practice at Sidley Austin LLP, said he thinks some of the potential risks of Big Data are overstated, but believes, "**the most significant risk is that it is used to conceal discrimination based on illicit criteria, and to justify the disparate impact of decisions on vulnerable populations.**" 2. **An embarrassment of breaches** By now, **after catastrophic data breaches** at multiple retailers like Target and Home Depot, restaurant chains like P.F. Chang's, online marketplaces like eBay, government agencies, universities, online media corporations like AOL and the recent hack of Sony that not only put unreleased movies on the web but exposed the personal information of thousands of employees, **public awareness about credit card fraud and identity theft is probably**

at an all-time high. But in addition to that, there are numerous reports of Big Data analytics being used to expose personal details, such as beginning to market products to a pregnant woman before she had told others in her family. The same can be true of things like sexual orientation or an illness like cancer. 3. **Goodbye anonymity** Herold argues that without rules for anonymized data files, it is possible that combining data sets, “without first determining if any other data items should be removed prior to combining to protect anonymity, it is possible individuals could be re-identified.” She adds that if data masking is not done effectively, “big data analysis could easily reveal the actual individuals who data has been masked.” 4. **Government exemptions** According to EPIC, “Americans are in more government databases than ever,” including that of the FBI, which collects Personally Identifiable Information (PII) including name, any aliases, race, sex, date and place of birth, Social Security number, passport and driver’s license numbers, address, telephone numbers, photographs, fingerprints, financial information like bank accounts, employment and business information and more. Yet, “incredibly, the agency has exempted itself from Privacy Act (of 1974) requirements that the FBI maintain only, ‘accurate, relevant, timely and complete’ personal records,” along with other safeguards of that information required by the Privacy Act, EPIC said. 5. **Your data gets brokered** Numerous companies collect and sell, “consumer profiles that are not clearly protected under current legal frameworks,” EPIC said. There is also little or no accountability or even guarantees that the information is accurate. “The data files used for big data analysis can often contain inaccurate data about individuals, use data models that are incorrect as they relate to particular individuals, or simply be flawed algorithms,” Herold said. *** **Those are not the only risks, and there is no way to eliminate them. But there are ways to limit them.** One, according to Joseph Jerome, policy counsel at the Future of Privacy Forum (FPF), is to use Big Data analytics for good – to expose problems. “In many respects, Big Data is helping us make better, fairer decisions,” he said, noting that an FPF report with the Anti-Defamation League showed that, “Big Data can be a powerful tool to empower users and to fight discrimination. It can be used as a sword or a shield. More data can be used to show where something is being done in a discriminatory way. Traditionally, one of the biggest problems in uncovering discrimination is a lack of data,” he said.

Impact Modules

Generic Econ 1NC

This is not the best scenario we have

Utilizing big data will strengthen the economy

Kennedy 14 (Dec. 3, 2014. President of Kennedy Research LLC and senior fellow at the Information Technology and Innovation Foundation. "Big Data's Economic Impact" Committee for Economic Development. [//HS](https://www.ced.org/blog/entry/big-datas-economic-impact))

Big Data is beginning to have a significant impact on our knowledge of the world. This is important because increases in human knowledge have always played a large role in increasing economic activity and living standards. Continued improvements in the price and capacity of tools for collecting, transmitting, storing, analyzing and acting upon data will make it easier to gather more information and to turn it into actionable knowledge of how systems work. Big Data is best understood as an untapped resource that technology finally allows us to exploit. For instance, data on weather, insects, and crop plantings has always existed. But it is now possible to cost-effectively collect those data and use them in an informed manner. We can keep a record of every plant's history, including sprays and rainfall. When we drive a combine over the field, equipment can identify every plant as either crop or weed and selectively apply herbicide to just the weeds. Such new use of data has the capacity to transform every industry in similar ways. A recent OECD report listed some of the ways that more and better data will affect the economy:

- Producing new goods and services, such as the Nest home thermometer or mass customized shoes;
- Optimizing business processes;
- More-targeted marketing that injects customer feedback into product design;
- Better organizational management; and
- Faster innovation through a shorter research and development cycle.

A report from McKinsey Global Institute estimates that Big Data could generate an additional \$3 trillion in value every year in just seven industries. Of this, \$1.3 trillion would benefit the United States. The report also estimated that over half of this value would go to customers in forms such as fewer traffic jams, easier price comparisons, and better matching between educational institutions and students. Note that some of these benefits do not affect GDP or personal income as we measure them. They do, however, imply a better quality of life. The impact affects more than consumers, however. Erik Brynjolfsson of MIT found that companies that adopt data-driven decision making achieve 5 to 6 percent higher productivity and output growth than their peers, even after controlling for other investments and the use of information technology. Similar differences were found in asset utilization, return on equity, and market value. The Omidyar Network recently released a study of the impact of Open Data policies on government. The report concluded that implementation of these policies could boost annual income within the G20 by between \$700 billion and \$950 billion. The benefits include reduced corruption, better workplace conditions, increased energy efficiency, and improved foreign trade. Even the advertising industry, whose use of data is sometimes viewed with suspicion, delivers large benefits. A study by the Direct Marketers Association found that better use of data made marketing more efficient both by allowing companies to avoid sending solicitations to individuals who are unlikely to buy their product and by matching customers with offers that better meet their individual needs and interests. Big data also reduced barriers to entry by making it easier for small companies to get useful market data. Finally, another McKinsey study concluded that free Internet services underwritten by Internet advertising delivered significant benefits to Internet users. It estimated the social surplus from these services at 120 billion euros, 80 percent of which went to consumers. This trend in data also has an impact on workers. Data analysis has been called "the sexiest job of the 21st century." The United States already has an estimated 500,000 Big Data jobs. But McKinsey estimates that there is a shortage of between 140,000 and 190,000 workers with advanced degrees in statistics, computer engineering and other applied fields. Perhaps more important is the shortage of 1.5 million managers and analysts who hold traditional jobs but are capable of integrating Big Data into their decision making. The need to understand and act on improved data is likely to increase worker productivity and pay. Thanks to continued technological improvements, data will become even easier to collect, transmit, store, and analyze. Together with related advances in material sciences,

biotechnology, information technology, and nanotechnology, it will enable a vast range of new products and services. As with any resource, the main constraint will be the ability to imagine new uses for this resource and to build a viable business model around these uses that delivers valuable products and services to consumers.

Financial Crisis have long lasting adverse effects on the structures of economies- empirics

Reinhart 9 (Jan. 26 2009. Carmen Reinhart is a professor teaching about the international financial system at Harvard's Kennedy School. "The Economic and Fiscal Consequences of Financial Crises" Vox <http://www.voxeu.org/article/economic-and-fiscal-consequences-financial-crises> //HS)

Financial crises are historically associated with the "4 deadly D's": Sharp economic downturns follow banking crises; with government revenues dragged down, fiscal deficits worsen; deficits lead to debt; as debt piles up rating downgrades follow. For the most fortunate countries, the crisis does not lead to the deadliest D: default, but for many it has. A Even a cursory reading of the global financial press in the past few months would lead one to despair that the world economy is moving through dark and uncharted waters. But, in fact, there is precedent. In a recent paper, Kenneth Rogoff and I examined the international experience with episodes of severe banking crises. The depth, duration and characteristics of the economic slump following the crises traced out a few empirical regularities. Our main findings in that paper can be summarized as follows: Financial crises are protracted affairs. Asset market collapses are deep and prolonged. Real housing price declines average 35% stretched out over six years. Equity price collapses average 55% over a downturn of about three and a half years. There are profound declines in output and employment. The unemployment rate rises an average of 7 percentage points over the down phase of the cycle, which lasts on average over four years. Real GDP per capita falls (from peak to trough) an average of over 9%, the duration of the downturn averages roughly two years. There are significant adverse consequences of the financial crisis on government finances. Tax revenues shrink as the economic conditions deteriorate, the fiscal deficit worsens markedly, and the real value of government debt tends to explode, rising an average of 86% in the major post-World War II episodes. In the remainder of this note, I elaborate on these points. I follow up with a sketch of how the crisis, deteriorating economic conditions, and more precarious fiscal fundamentals impact sovereign risk in the aftermath of the crises episodes. Downturn It is now beyond contention that the present US financial crisis is severe by any metric. As a result, we focus on systemic financial crises. The "big five" advanced economy crises include episodes in Spain (1977), Norway (1987), Finland (1991), Sweden (1991), and Japan (1992). Famous emerging market episodes in our study include the 1997-1998 Asian crisis (Hong Kong, Indonesia, Korea, Malaysia, the Philippines, and Thailand), Colombia (1998), and Argentina (2001). Central to the analysis is historical housing price data, which can be difficult to obtain and are critical for assessing the present episode. We therefore include two earlier historical cases for which housing prices are available, Norway in 1899 and the US in 1929. Figure 1 looks at the bust phase in housing price cycles surrounding banking crises, including the current episode in the US and a number of other countries now experiencing banking crises; Austria, Hungary, Iceland, Ireland, Spain, and the UK. Ongoing crises are in dark shading, and past crises are in light shading. The cumulative decline in real housing prices from peak to trough averages 35.5%.¹ Figure 1. Past and ongoing real house price cycles and banking crises: peak-to-trough price declines (left panel) and years duration of downturn (right panel) Source: Reinhart and Rogoff (2009a). The most severe real housing price declines were experienced by Finland, the Philippines, Colombia and Hong Kong. Their crashes were 50 to 60%, measured from peak to trough. The housing price decline experienced by the US to date during the current episode (almost 28% according to the Case-Shiller index) is already more than twice that registered in the US during the Great Depression. The duration of housing price declines is quite long-lived, averaging roughly six years. Even excluding the extraordinary experience of Japan, the average remains over five years. As illustrated in Reinhart and Rogoff (2009a), the equity price declines that accompany banking crises are far steeper than are housing price declines, if somewhat shorter lived. The average historical decline in equity prices is 55.9%, with the downturn phase of the cycle lasting 3.4 years. Notably, during the current cycle, Iceland and Austria have already experienced peak-to-trough equity price declines far exceeding the average of the historical comparison group. On average, unemployment rises for almost five years, with an increase in the unemployment rate of about 7 percentage points. While none of the postwar episodes rivals the rise in unemployment of over 20 percentage points experienced by the US during the Great Depression, the employment consequences of financial crises are large in many cases. Figure 2 looks at increases in

unemployment rates across the historical episodes. Figure 2. Past unemployment cycles and banking crises: Trough-to-peak percent increase in the unemployment rate (left panel) and years duration of downturn (right panel) Sources: Reinhart and Rogoff (2009a). The emerging markets, particularly those in Asia, do better in terms of unemployment than do the advanced economies (Figure 2). There are well-known data issues in comparing unemployment rates across countries, as widespread “underemployment” in many emerging markets and the vast informal sector are not captured in the official unemployment statistics. As to real per capita GDP around banking crises, the average magnitude of the decline is 9.3%. The declines in real GDP are smaller for advanced economies than for emerging market economies. A probable explanation for the more severe contractions in emerging market economies is that they are prone to abrupt reversals in the availability of foreign credit. **When foreign capital comes to a “sudden stop,”** to use the phrase coined by Guillermo Calvo (2006), **economic activity heads into a tailspin.** The cycle from peak to trough in GDP is much shorter, only two years. Deficits Declining revenues and higher expenditures owing to a combination of bailout costs and higher transfer payments and debt servicing costs lead to a rapid and marked worsening in the fiscal balance. The episodes of Finland and Sweden stand out in this regard, as the latter went from a pre-crisis surplus of nearly 4% of GDP to a whopping 15% deficit-to-GDP ratio. Debt Figure 3 shows the rise in real government debt in the three years following a banking crisis. **The deterioration in government finances is striking, with an average debt rise of over 86%.** We look at percentage increase in debt, rather than debt-to-GDP, because sometimes steep output drops would complicate interpretation of debt-GDP ratios. As Reinhart and Rogoff (2009b) note, the characteristic huge buildups in government debt are driven mainly by sharp falloffs in tax revenue. **The much publicized bank bailout costs are typically second order.** Figure 3. Cumulative increase in real public debt in the three years following the banking crisis Sources: Reinhart and Rogoff (2008b) and sources cited therein. Downgrades (and sometimes default) Figure 4. Institutional Investor sovereign ratings cycles and banking crises: Peak-to-trough index declines (left panel) and years duration of downturn (right panel) Conclusions (not delusions) **An examination of the aftermath of severe financial crises shows deep and lasting effects on asset prices, output and employment. Unemployment rises and housing price declines extend out for five and six years, respectively. Even recessions sparked by financial crises do eventually end, albeit almost invariably accompanied by massive increases in government debt.** The crises, more often than not, **adversely impact sovereign creditworthiness,** as reflected in a higher risk premia. The effects, however, do not appear to be “permanent.” **The global nature of the present crisis will make it far more difficult for many countries to grow their way out through higher exports.** The growth slowdown is amplified in world commodity markets, as many emerging markets face steep declines in their terms of trade. If historical patterns hold, **the current lull in sovereign defaults or restructurings in emerging markets will likely to come to an end,** particularly if the recovery process in the world’s largest economies is delayed. Ecuador has already defaulted and others are teetering on the brink.

An Economic crisis would cause global tension and war

Burrows and Harris 9 (April 2009. Matthew Burrows is a counselor at the National Intelligence Council, an agency that supplies long term predictions of global events to the Director of National Intelligence, and is the lead writer of the report *Global Trends 2025: A Transformed World*. Jennifer Harris is a member of the National Intelligence Council who specializes in long range analysis. “Revisiting the Future: Geopolitical Effects of the Financial Crisis” *The Washington Quarterly* <http://csis.org/files/publication/twq09aprilburrows.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Hostility toward the U.S. as the source of the crisis may have received too little credence. **Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity.** Even so, history may be more instructive than ever. **While** we continue to believe that **the Great Depression is not likely to be repeated, the lessons to be drawn from that period [the Great Depression] include the harmful effects on fledgling democracies and multiethnic societies** (think Central Europe in 1920s and 1930s) **and on the sustainability of multilateral institutions** (think League of Nations in the same period). **There is no reason to think that this would not be true in the twenty first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment** as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that **terrorism and nonproliferation will remain priorities even**

as resource issues move up on the international agenda. Terrorism's appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world's most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups — inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks — and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran's acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China's and India's development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

Retail 1NC

Big Data creates new competitive advantages and revenue for retailers

Manyika et al 11 (May 2011. McKinsey Global Institute is a research contracting firm. This project was led by James Manyika, the director of McKinsey Global Institute and a former leader within technology companies where he focused on innovation, growth, and strategy. Michael Chui also assisted in leading the research. Chui is a partner of McKinsey Global Institute where he specializes in research on the impact of information tech and innovation on businesses, the econ, and society. "Big Data: The Next Frontier for Innovation, Competition, and Productivity" McKinsey Global Institute.
[//HS\)](http://www.mckinsey.com/insights/business_technology/big_data_the_next_frontier_for_innovation)

While **big data** linked to new technology does squeeze the industry in some ways, it also **offers significant new opportunities for creating value.** **Sector retailers and their competitors are in a constant race to identify and implement those big data levers that will give them an edge in the market.** **The volume of data is growing inexorably as retailers not only record every customer transaction and operation but also keep track of emerging data sources** such as radio-frequency identification (RFID) chips that track products, and online customer behavior and sentiment. In fact, US retail has been leveraging information technology for decades. Point-of-sale transactional data, primarily obtained from the use of bar codes, first appeared in the 1970s. Since the 1990s, many leading retailers have been using store-level and supply chain data to optimize distribution and logistics, sharpen merchandise planning and management, and upgrade store operations. In previous MGI research on the acceleration of productivity in general merchandise retail in the 1990s, we found that Wal-Mart directly and indirectly caused the bulk of the productivity acceleration through ongoing managerial innovation (e.g., big-box formats, everyday low price) that increased competitive intensity and drove the diffusion of managerial and technological best practices. Wal-Mart pioneered the expansion of an electronic data interchange system to connect its supply chain electronically. WalMart also developed "Retail Link," a tool that gives its suppliers a view of demand in its stores so that they know when stores should be restocked rather than waiting for an order from Wal-Mart. This "vendor-managed inventory" was a revolutionary concept when it was introduced in the late 1980s. Both of these initiatives improved the retailer's capital and labor productivity and cost position. **When other retailers moved in the 1990s to emulate what Wal-Mart had pioneered in order to remain competitive, productivity surged across the industry.** **Today, leading players are mining customer data to inform decisions they make about managing their supply chain to merchandising and pricing.** **Wal-Mart's detailed and cost-efficient customer tracking gives the retailer the ability to mine** petabytes of **data on customer preferences and buying behavior, and thereby win important pricing and distribution concessions from consumer product goods companies.** Retailers across the industry are becoming more sophisticated in slicing and dicing big data they collect from multiple sales channels, catalogs, stores, and online interactions. The widespread use of increasingly granular customer data can enable retailers to improve the effectiveness of their marketing and merchandising. Big data levers applied to operations and supply chains will continue to reduce costs and increasingly create new competitive advantages and strategies for growing retailers' revenue.

The retail sector is a litmus test for economic strength

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Retail makes up a sizable part of the US economy. In 2009, that share was an estimated 6 percent of the economy, down a percentage point from 2000. Industry forecasts point to only **modest growth** over the next five years as the sector steadily, but slowly, recovers from recession. **Historical trends have demonstrated that there is a close relationship between growth in retail and that of developed market economies as a whole.** As a matter of reference, the International Monetary Fund (IMF) is predicting annual US GDP growth of 2.7 percent through 2015. **Retail's share of overall consumer spending has been in decline, falling from 50 percent in 1990 to 42 percent in 2009.** And the sector's **profitability is under intense pressure, squeezed both by suppliers**, who have been capturing an increasing amount of surplus, **and by customers**, who are putting pressure on prices. **For every \$1.00 of operating profit on consumer goods in 2008, retailers collected** approximately **\$0.31, down from \$0.60 in 1999**, while suppliers, packagers, and others below retail on the value chain received \$0.69 (Exhibit 20).

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Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample hostility toward the U.S. as the source of the crisis may have received too little credence. **Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity.** Even so, history may be more instructive than ever. **While** we continue to believe that **the Great Depression is not likely to be repeated, the lessons to be drawn from** that period [**the Great Depression**] **include the harmful effects on fledgling democracies and multiethnic societies** (think Central Europe in 1920s and 1930s) **and on the sustainability of multilateral institutions** (think League of Nations in the same period). **There is no reason to think that this would not be true in the twenty first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment** as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that **terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism's appeal will decline if economic growth continues in the Middle East** and youth unemployment is reduced. **For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world's most dangerous capabilities within their reach.** Terrorist groups in 2025 will likely be a combination of descendants of long established groups ————— inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks ————— and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. **The most dangerous casualty of any economically - induced drawdown of U.S. military presence would almost certainly be the Middle East.** Although Iran's acquisition of nuclear weapons is not inevitable, **worries about a nuclear - armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions.** It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. **Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict** if clear red lines between those states involved are not well established. **The close proximity of potential nuclear rivals combined with**

underdeveloped surveillance capabilities and mobile dual - capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo - mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China's and India's development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog - eat - dog world.

Manufacturing 1NC

Empirics prove Big Data can help the manufacturing sector- only a question of utilizing new data

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The manufacturing sector has been the backbone of many developed economies and remains an important driver of GDP and employment there. However, **with the rise of production capacity and capability in** China and other **low-cost nations, manufacturing has become an increasingly global activity,** featuring extended supply chains made possible by advances in information and communications technology. **While globalization is not a recent phenomenon, the explosion in information and communication technology,** along with reduced international freight costs **and lower entry barriers to markets worldwide, has hugely accelerated the industrial development path and created increasingly complex webs of value chains spanning the world.** **Increasingly global and fragmented manufacturing value chains create new challenges that manufacturers must overcome** to sustain productivity growth. In many cases, **technological change and globalization have allowed countries to specialize in specific stages of the production process.** As a result, manufacturers have assembled global production and supply chain networks to achieve cost advantages. For example, a typical global consumer electronics manufacturer has production facilities on almost every continent, weighing logistics costs against manufacturing costs to optimize the footprint of their facilities. Advanced manufacturers also often have a large number of suppliers, specialized in producing specific types of components where they have sustainable advantages both in cost and quality. It is typical for a large automobile original equipment manufacturer (OEM) assembly plant to be supplied by up to 4,000 outside vendors. **To continue achieving high levels of productivity growth, manufacturers will need to leverage large datasets to drive efficiency across the extended enterprise** and to design and market higher-quality products. The "raw material" is readily available; **manufacturers already have a significant amount of digital data with which to work. Manufacturing stores more data than any other sector**—close to 2 exabytes of new data stored in 2010. This sector generates data from a multitude of sources, from instrumented production machinery (process control), to supply chain management systems, to systems that monitor the performance of products that have already been sold (e.g., during a single cross-country flight, a Boeing 737 generates 240 terabytes of data). And the amount of data generated will continue to grow exponentially. The number of RFID tags sold globally is projected to rise from 12 million in 2011 to 209 billion in 2021. IT systems installed along the value chain to monitor the extended enterprise are creating additional stores of increasingly complex data, which currently tends to reside only in the IT system where it is generated. Manufacturers will also begin to combine data from different systems including, for example, computer-aided design, computer-aided engineering, computer-aided manufacturing, collaborative product development management, and digital manufacturing, and across organizational boundaries in, for instance, end-to-end supply chain data.

Manufacturing UQ- need a boost now

The Economist 15 (Mar. 25, 2015. The Economist is a publication focusing on economic issues and news. "Worrying Signs" The Economist. <http://www.economist.com/blogs/freexchange/2015/03/american-manufacturing-0> //HS)

IN RECENT years there has been much talk of a "renaissance" in American manufacturing. A few things seemed to be on the side of the makers. For instance, until recently the dollar was weak. American wages were stagnant, but those in China were booming. Cheap shale oil and gas gave factories a boost. But as we argued recently, **talk of a renaissance is overblown.** And **new figures,** released today, **add to the mounting pile of evidence saying that manufacturing growth is starting to slow.** We argued before that **although there has been a recovery in**

American manufacturing in recent years, it is not a sustainable one. Employment in the sector is still lower than before the crash. So is one important measure of output: real value added (see first set of charts). In short, America has not got better at producing stuff. Also, much of the recovery in American manufacturing seems to be based on a cyclical boom in “durable” goods—things that you expect to last a long time, like cars and fridges. During the recession, orders for durable goods plunged (see second chart). That’s because it is quite easy to put off such purchases. By contrast, it is more difficult to put off purchases of non-durable goods, like medicines, because people tend to consume them more frequently. After the recession, production of durable goods soared. Cheap credit, for instance, spurred demand for new motors and rapid growth in carmaking. That sector accounted for over a third of durables growth from 2009 to 2013. Yet a recovery based on a few durables industries is unsustainable. This is because when pent-up demand is satisfied, a few big industries will suffer. Overall output is likely to stall. New data confirm this prediction. Orders for durable goods fell by 1.4% in February. Motor-vehicle orders fell by 0.5%. It is possible that the recent bad weather has had an effect here. But it may be a sign of something more troubling. As economists at Capital Economics, a consultancy, argue, “the more general malaise started back in the autumn of last year. Indeed, core orders have now fallen in every month since last October.” In recent months non-durable goods have also fallen quite rapidly. What explains all this? The obvious culprit is the strong dollar, because it makes manufacturing exports (which account for roughly half of America’s total) more expensive. Alternatively, it may be because consumers are starting to pull back on spending. In January, consumer credit grew at the slowest pace in over a year, according to recent data from the Federal Reserve. In recent months consumer confidence has dropped a bit. And companies may not be so confident either, and are thus not in the mood to add to capital stock, says Steven Ricchiuto of Mizuho Securities, an investment bank. This does not bode well for American manufacturing or, indeed, for economic growth overall.

****Econ Scenario****

An Economic crisis would cause global tension and war

Burrows and Harris 9 (April 2009. Matthew Burrows is a counselor at the National Intelligence Council, an agency that supplies long term predictions of global events to the Director of National Intelligence, and is the lead writer of the report *Global Trends 2025: A Transformed World*. Jennifer Harris is a member of the National Intelligence Council who specializes in long range analysis. “Revisiting the Future: Geopolitical Effects of the Financial Crisis” *The Washington Quarterly* <http://csis.org/files/publication/twq09aprilburrows.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample hostility toward the U.S. as the source of the crisis may have received too little credence. Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period [the Great Depression] include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist

groups in 2025 will likely be a combination of descendants of long established groups ————— inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks ————— and newly emergent collections of the angry and disenfranchised that become self - radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. **The most dangerous casualty of any economically - induced drawdown of U.S. military presence would almost certainly be the Middle East.** Although Iran's acquisition of nuclear weapons is not inevitable, **worries about a nuclear - armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions.** It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. **Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict** if clear red lines between those states involved are not well established. **The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual - capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack.** The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. **Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows** and there is a resort to neo - mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China's and India's development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog - eat - dog world.

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Aerospace

Big data will be a pillar of the aerospace industry

Groh 15 (Mar 26, 2015. Rainer Groh is a Ph. D student at the University of Bristol where he is studying aerospace engineering. He is an award winning research paper writer and has been published in several academic journals. "Big Data in Aerospace" Aerospaceengineeringblog.com <http://aerospaceengineeringblog.com/big-data-in-aerospace/> //HS)

"Big data" is all abuzz in the media these days. **As more and more people are connected to the internet and sensors become ubiquitous parts of daily hardware an unprecedented amount of information is being produced.** Some analysts project 40% growth in data over the next decade, which means that in a decade 30 times the amount of data will be produced than today. **Given this trend, what are the implications for the aerospace industry?** Big data: According to Google a "buzzword to describe a massive volume of both structured and unstructured data that is so large that it's difficult to process using traditional database and software techniques." Fundamentally, **big data is nothing new for the aerospace industry. Sensors have been collecting data on aircraft for years ranging from binary data such as speed, altitude and stability of the aircraft during flight, to damage and crack growth progression at service intervals.** The authorities and parties involved have done an incredible job at using routine data and data gathered from failures to raise safety standards. What exactly does "big data" mean? Big data is characterised by a data stream that is high in volume, high velocity and coming from multiple sources and in a variety of forms. **This combination of factors makes analysing and interpreting data via a live stream incredibly difficult, but such a capability is exactly what is needed in the aerospace environment.** For example, structural health monitoring has received a lot of attention within research institutes because an internal sensory system that provides information about the real stresses and strains within a structure could improve prognostics about the "health" of a part and indicate when service intervals and replacements are needed. Such a system could look at the usage data of an aircraft and predict when a component needs replacing. For example, the likelihood that a part will fail could be translating into an associated repair that is the best compromise in terms of safety and cost. Furthermore, the information can be fed back to the structural engineers to improve the design for future aircraft. **Ideally you want to replicate the way the nervous system uses pain to signal damage within the body and then trigger a remedy. Even though structural health monitoring systems are feasible today, analysing the data stream in real time and providing diagnostics and prognostics remains a challenge.** Other areas within aerospace that will greatly benefit from insights gleaned from **data streams are cyber security, understanding automation and the human-machine interaction, aircraft under different weather and traffic situations and supply chain management.** Big data could also serve as the underlying structure that establishes autonomous aircraft on a wide scale. Finally, **big data opens the door for a new type of adaptive design** in which data from sensors are used to describe the characteristics of a specific outcome, and a design is then iterated until the desired and actual data match. **This is very much an evolutionary, trial-and-error approach that will be invaluable for highly complex systems where cause and effect are not easily correlated** and deterministic approaches are not possible. For example, a research team may define some general, not well defined hypothesis about a future design or system they are trying to understand, and then use data analytics to explore the available solutions and come up with initial insights into the governing factors of a system. In this case it is imperative to fail quickly and find out what works and what does not. The algorithm can then be refined iteratively by using the expertise of an engineer to point the computer in the right direction. Thus, **the main goal is to turn data into useful, actionable knowledge.** For example in the 1990's very limited data existed in terms of understanding the airport taxi-way structure. Today we have the opposite situation in that we have more data than we can actually use. **Furthermore, not only the quantity but also quality of data is increasing rapidly such that computer scientists are able to design more detailed models to describe the underlying**

physics of complex systems. When converting data to actionable information one challenge is how to account for as much of the data as possible before reaching a conclusion. Thus, a high velocity, high volume and diverse data stream may not be the most important characteristic for data analytics. Rather it is more important that the data be relevant, complete and measurable. Therefore good insights can also be gleaned from smaller data if the data analytics is powerful. While aerospace is neither search nor social media, big data is incredibly important because the underlying stream from distributed data systems on aircraft or weather data systems can be aggregated and analysed in consonance to create new insights for safety. Thus, in the aerospace industry the major value drivers will be data analytics and data science, which will allow engineers and scientists to combine datasets in new ways and gain insights from complex systems that are hard to analyse deterministically. The major challenge is how to upscale the current systems into a new era where the information system is the foundation of the entire aerospace environment. In this manner data science will transform into a fundamental pillar of aerospace engineering, alongside the classical foundations such as propulsion, structures, control and aerodynamics.

Aerospace is strong now but facing competition- its key to respond to non-traditional threats

Albaugh 11 (Apr. 27, 2011. Jim Albaugh is the former president and CEO of Boeing Commercial Airplanes. "Keeping America's Lead in Aerospace" http://www.aia-aerospace.org/assets/speech_042711_albaugh.pdf //HS)

I believe we're at a crossroads. No one is ahead of America in aerospace, at least not yet. The U.S. is the undisputed leader. We build the most efficient and capable commercial airplanes in the world. The weapons systems we produce are unmatched, Our commercial and military satellites are phenomenal in what they can do. And our orbital manned space program – a program the United States will walk away from this year – is second to none. But our leadership is being threatened by other countries intent on replacing the U.S. as the world's leader in aerospace. Today, we're not trying to reclaim our lead. We're trying to keep it. The question is: Will we take the steps required to maintain our leadership? Or will we allow aerospace and aviation to join the list of industries that America used to lead? **Aerospace Makes America Strong**

To understand why that's so important, we have to look at what aerospace has done for our country. I was fortunate enough to join this industry in the final quarter of a remarkable century. To me, American aerospace defined the 20th Century. It helped win World War II. It brought the world closer together with commercial air travel. It changed the way we communicate with commercial satellites. And, of course, it changed forever how we look at the world around us when man first walked on the Moon. I am also convinced that aerospace will define the 21st century. The question is, will it be U.S. aerospace that does it? That's a critical question because what we do helps keep America strong. No industry has a bigger impact on exports. It tips the balance of trade in our favor by about \$53 billion. President Obama has set the goal of doubling U.S. exports in five years. Aerospace will be essential to help us reach that goal. When you look at direct and secondary impacts, it's been estimated that U.S. civil aviation alone is responsible for 12 million jobs and contributes to more than 5 1/2 percent of the US GDP. The State of Aerospace So what does our commercial marketplace look like today? It's vibrant, growing, challenging and rapidly changing. A Recovering Market The commercial aviation market has been roaring back the last 15 months, despite the impact of the worst recession since the Great Depression. At Boeing, we have a 7-year, \$263 billion commercial airplane backlog. With air traffic increasing at a rate 1.5 times world GDP, the future looks good. Looking forward, we expect world GDP to grow at about 4 percent between 2011 and 2015. While not discounting events in Northern Africa, and the potential impact on the price of oil, the future looks good from a macro standpoint. Over the next 20 years, we see a need for 31,000 new airplanes. That's a \$3.6 trillion dollar market. It's a market many countries and companies covet. That outlook is being shaped by many factors. I'd like to talk about a few of them: globalization, competition, and shifting demographics. Globalization Let's talk first about globalization. The world is more interconnected, yet more complicated because of that

interconnection. What happens in other areas of the world matters everywhere. We saw that with the earthquake in Japan. Despite the fact that our factories in Washington state are more than 4,000 miles from the epicenter, we felt the impact of that disaster. Tom Friedman was right; the world is flat. Globalization means our partners and customers are not just in the U.S.; they are around the world. And of course, globalization drives air traffic. In 1990, 72 percent of passenger traffic was in Europe and the Americas. By 2030, that number will be only 45 percent. Soon, over half of the world's GDP will be coming from emerging countries. Increased Competition **We're also seeing increased competition.** The traditional duopoly between Boeing and Airbus is over. Other countries and companies are attracted by the \$3.6 trillion market I mentioned earlier... countries like China with Comac, Russia with Sukhoi, Canada with Bombardier and Brazil with Embraer. Not all the new entrants will be successful, but some of them will. We've got to assume our competitors will do what they say they're going to do. They have the financial and intellectual resources necessary. Let me give you an example. The Chinese have made commercial aviation a national priority. They spent \$5 billion on a regional jet. It didn't meet market expectations. They are now developing the C-919, a narrow-body airplane to compete with the 737. It will be competitive in China. Eventually, Chinese airplanes will compete around the world. China is investing \$30 billion in this industry. They're one of only three countries to put a man into space and once they make something a national priority, they make it happen. At the same time, China is the largest market outside the United States for many companies – including Boeing. And the desire for market access has convinced many American executives to share technologies that may one day help Chinese companies compete around the world for the same business. We have to be very mindful in balancing those risks and potential rewards, not only in China, but around the globe. It's interesting that China has moved from customer/supplier to customer/competitor in four short decades representing both opportunity and challenge. This should not scare us. It should focus us. Changing Military Threats Meanwhile, military threats have also evolved. During the Cold War, we knew who our enemies were, and we trusted them not to use weapons of mass destruction. **Today we often don't know who they are, but we know that if given the chance to use deadly weapons they will.** **As a result of this shifting dynamic, the needs of our military have evolved. Our armed forces must prepare for nontraditional threats, and that's changing the mix of platforms and priorities the DoD is seeking.**

[insert terror impact here]

Laundry List

Integrating big data into society revolutionizes it and solves Economic crashes, disease spread, and resource efficiency

Pentland 13 (October. Alex Pentland is a computer science pioneer, MIT Professor, and oft cited author of computer science writings. He created the MIT Media lab and has been called by Forbes one of the "7 most powerful data scientists in the world." "The Data-Driven Society" ebSCO host //HS)

FOR THE FIRST TIME in history, we can see enough about ourselves to build social systems that work better than the ones we have always had. **Big data promises to lead to a transition on par with the invention of writing or the Internet.** Of course, moving to a data-driven society will be a challenge. In a world of unlimited data, even the scientific method as we typically use it no longer works: there are so many potential connections that our standard statistical tools often generate nonsense results. The standard scientific approach gives us good results when the hypothesis is clear and the data are designed to answer the question. But **in the messy complexity of large-scale social systems, there are often thousands of reasonable hypotheses;** it is impossible to tune the data to all of them at once. So in this new era, we will need to manage our society in a new way. We have to begin testing connections in the real world far earlier and more frequently than we ever have before. **We need to construct "living labs" in which we can test our ideas for building data-driven societies. One example of a living lab is** the open-data city we just launched in Trento, Italy, with cooperation from the city government, Telecom Italia, Telefonica, the research university Fondazione Bruno Kessler and the Institute for Data Driven Design. **The goal of this project is to promote greater idea flow within Trento. Software tools** such as our openPDS (Personal Data Store) system, which **implements the New Deal on Data,** makes it safe for individuals to share personal data (such as health details or facts about their children) by controlling where their information goes and what is done with it. For example, one openPDS application encourages the sharing of best practices among families with young children. How do other families spend their money? How much do they get out and socialize? Which preschools or doctors do people stay with for the longest time? once the individual gives permission, such data can be collected, anonymized and shared with other young families via openPDS safely and automatically. We believe that **experiments like the one we are carrying out in Trento will show that the potential rewards of a data-driven society are worth the effort** -- and the risk. Imagine: **we could predict and mitigate financial crashes, detect and prevent infectious disease, use our natural resources wisely and encourage creativity to flourish. This fantasy could quickly become a reality** -- our reality, if we navigate the pitfalls carefully.

Financial Crisis have long lasting adverse effects on the structures of economies- empirics

Reinhart 9 (Jan. 26 2009. Carmen Reinhart is a professor teaching about the international financial system at Harvard's Kennedy School. "The Economic and Fiscal Consequences of Financial Crises" Vox <http://www.voxeu.org/article/economic-and-fiscal-consequences-financial-crises> //HS)

Financial crises are historically associated with the "4 deadly D's": Sharp economic downturns follow banking crises; with government revenues dragged down, **fiscal deficits worsen;** deficits lead to debt; as **debt piles up rating downgrades follow.** **For** the most **fortunate countries,** the **crisis does not lead to the deadliest D: default, but for many it has.** ^a Even a cursory reading of the global financial press in the past few months would lead one to despair that the world economy is moving through dark and uncharted waters. But, in fact, there is precedent. In a recent paper, Kenneth Rogoff and **examined the international experience with** episodes of **severe banking crises.** **The depth, duration and characteristics of**

the economic slump following the crises traced out a few empirical regularities. Our main findings in that paper can be summarized as follows: **Financial crises are protracted affairs. Asset market collapses are deep and prolonged. Real housing price declines** average 35% stretched out over six years. **Equity price collapses** average 55% over a downturn of about three and a half years. **There are profound declines in output and employment. The unemployment rate rises** an average of 7 percentage points over the down phase of the cycle, which lasts on average over four years. **Real GDP per capita falls** (from peak to trough) an average of over 9%, **the duration of the downturn averages roughly two years. There are significant adverse consequences of the financial crisis on government finances. Tax revenues shrink as the economic conditions deteriorate, the fiscal deficit worsens** markedly, **and the real value of government debt tends to explode**, rising an average of 86% in the major post-World War II episodes. In the remainder of this note, I elaborate on these points. I follow up with a sketch of how **the crisis, deteriorating economic conditions, and more precarious fiscal fundamentals impact sovereign risk** in the aftermath of the crises episodes. Downturn It is now beyond contention that the present US financial crisis is severe by any metric. As a result, we focus on systemic financial crises. The “big five” advanced economy crises include episodes in Spain (1977), Norway (1987), Finland (1991), Sweden (1991), and Japan (1992). Famous emerging market episodes in our study include the 1997–1998 Asian crisis (Hong Kong, Indonesia, Korea, Malaysia, the Philippines, and Thailand), Colombia (1998), and Argentina (2001). Central to the analysis is historical housing price data, which can be difficult to obtain and are critical for assessing the present episode. We therefore include two earlier historical cases for which housing prices are available, Norway in 1899 and the US in 1929. Figure 1 looks at the bust phase in housing price cycles surrounding banking crises, including the current episode in the US and a number of other countries now experiencing banking crises; Austria, Hungary, Iceland, Ireland, Spain, and the UK. Ongoing crises are in dark shading, and past crises are in light shading. The cumulative decline in real housing prices from peak to trough averages 35.5%.¹ Figure 1. Past and ongoing real house price cycles and banking crises: peak-to-trough price declines (left panel) and years duration of downturn (right panel) Source: Reinhart and Rogoff (2009a). The most severe real housing price declines were experienced by Finland, the Philippines, Colombia and Hong Kong. Their crashes were 50 to 60%, measured from peak to trough. The housing price decline experienced by the US to date during the current episode (almost 28% according to the Case–Shiller index) is already more than twice that registered in the US during the Great Depression. The duration of housing price declines is quite long-lived, averaging roughly six years. Even excluding the extraordinary experience of Japan, the average remains over five years. As illustrated in Reinhart and Rogoff (2009a), the **equity price declines that accompany banking crises are far steeper than are housing price declines, if somewhat shorter lived.** The average historical decline in equity prices is 55.9%, with the downturn phase of the cycle lasting 3.4 years. Notably, during the current cycle, Iceland and Austria have already experienced peak-to-trough equity price declines far exceeding the average of the historical comparison group. On average, **unemployment rises for almost five years**, with an increase in the unemployment rate of about 7 percentage points. While none of the postwar episodes rivals the rise in unemployment of over 20 percentage points experienced by the US during the Great Depression, the employment consequences of financial crises are large in many cases. Figure 2 looks at increases in unemployment rates across the historical episodes. Figure 2. Past unemployment cycles and banking crises: Trough-to-peak percent increase in the unemployment rate (left panel) and years duration of downturn (right panel) Sources: Reinhart and Rogoff (2009a). The emerging markets, particularly those in Asia, do better in terms of unemployment than do the advanced economies (Figure 2). There are well-known data issues in comparing unemployment rates across countries, as widespread “underemployment” in many emerging markets and the vast informal sector are not captured in the official unemployment statistics. As to real per capita GDP around banking crises, the average magnitude of the decline is 9.3%. The declines in real GDP are smaller for advanced economies than for emerging market economies. A probable explanation for the more severe contractions in emerging market economies is that they are prone to abrupt reversals in the availability of foreign credit. **When foreign capital comes to a “sudden stop,”** to use the phrase coined by Guillermo Calvo (2006), **economic activity heads into a tailspin.** The cycle from peak to trough in GDP is much shorter, only two years. Deficits Declining revenues and higher expenditures owing to a combination of bailout costs and higher transfer payments and debt servicing costs lead to a rapid and marked worsening in the fiscal balance. The episodes of Finland and Sweden stand out in this regard, as the latter went from a pre-crisis surplus of nearly 4% of GDP to a whopping 15% deficit-to-GDP ratio. Debt Figure 3 shows the rise in real government debt in the three years following a banking crisis. **The deterioration in government finances is striking, with an average debt rise of over 86%.** We look at percentage increase in debt, rather than debt-to-GDP, because sometimes steep output drops would complicate interpretation of debt–GDP ratios. As Reinhart and Rogoff (2009b) note, the characteristic huge buildups in government debt are driven mainly by sharp falloffs in tax revenue. **The much publicized bank bailout costs are typically second order.** Figure 3. Cumulative increase in real public debt in the three years following the banking crisis Sources: Reinhart and Rogoff (2008b) and sources cited therein. Downgrades (and sometimes default) Figure 4. Institutional Investor sovereign ratings cycles and

banking crises: Peak-to-trough index declines (left panel) and years duration of downturn (right panel) Conclusions (not delusions)

An examination of the aftermath of severe financial crises shows deep and lasting effects on asset prices, output and employment. Unemployment rises and housing price declines extend out for five and six years, respectively. Even recessions sparked by financial crises do eventually end, albeit almost invariably accompanied by massive increases in government debt. The crises, more often than not, adversely impact sovereign creditworthiness, as reflected in a higher risk premia. The effects, however, do not appear to be “permanent.” The global nature of the present crisis will make it far more difficult for many countries to grow their way out through higher exports. The growth slowdown is amplified in world commodity markets, as many emerging markets face steep declines in their terms of trade. If historical patterns hold, the current lull in sovereign defaults or restructurings in emerging markets will likely to come to an end, particularly if the recovery process in the world’s largest economies is delayed. Ecuador has already defaulted and others are teetering on the brink.

2NC Extensions

2nc gov data key

Government collected data can guide policy and improve the efficiency of government operations

Einav and Levin 2014 (Liran Einav is a professor of economics at Stanford and a writer for the National Bureau of Economics. Jonathan Levin is Professor of economics at Stanford and a writer for the National Bureau of Economics. "The Data Revolution and Economic Analysis" National Bureau of Economics. <http://web.stanford.edu/~jdlevin/Papers/BigData.pdf> //HS)

One of the big changes in modern business is that debates and decisions are routinely informed by large amounts of data analytics, and in at least some companies, by extensive experimentation (Varian 2010).

Many government agencies are increasingly smart about using data analytics to improve their operations and services. However, most agencies almost surely lag behind the best private sector firms, and face challenges of both infrastructure and personnel needs. For example, the Data Revolution and Economic Analysis 11 2008 report by the JASON study group described some of these challenges in the context of how the military must try to process and analyze the vast quantities of sensor data that have become available, such as from drone flights and communications monitoring. ⁶ In some cases, **the government collects a great deal of data that would be useful for guiding policy decisions but has not been utilized very effectively.** For example, the Center for Medicare and Medicaid Services has a record of every Medicare health claim over the last few decades, and eventually will have enormous amounts of clinical information from electronic health records. It also is routinely criticized for spending money ineffectively. **The data it collects almost certainly would allow for detailed cost benefit analyses of different treatments and procedures, but it is proscribed from using this data- intensive approach by Congress.** One opportunity that **some government agencies seem to be exploring is to make data sets accessible and hope that researchers or other individuals will utilize these data sets in ways that end up improving agency functions.** New York City now provides a huge catalog of data sets available for download at NYC OpenData. The repository includes geolocation data on schools, subways, wifi hotspots, information on metropolitan transit and electricity consumption, crime statistics, and hundreds of other types of data. Ho (2012) has used this source to analyze restaurant health inspections and document that the restaurant hygiene grades in New York have very little consistency across inspection and little year-to-year correlation, suggesting serious problems with the grading process. The federal government has undertaken a similar exercise with the website Data.Gov that has made available several hundreds of thousands of government data sets, and FRED is a similar service made available by the Federal Reserve. One goal appears to be to encourage not just researchers but software developers to develop tools or applications that would be built on the underlying data, although it does not appear that many have been built so far.

The government provides critical data to private companies- [improving economic decision-making]

Parekh 15 (Jan. 2, 2015. Deven Parekh is a writer for TechCrunch. "How Big Data will Transform our Economy and Our Lives in 2015" <http://techcrunch.com/2015/01/02/the-year-of-big-data-is-upon-us/> //HS)

The creation of all of this data isn't as interesting as the possible uses of it. I think **2015 may well be the year we start to see the true potential (and real risks) of how big data can transform our economy and our lives.** Big Data Terrorism **The recent Sony hacking case is notable because it appears to potentially be the first state-sponsored act of cyber-terrorism where a company has been successfully threatened** under the glare of the national media. I'll leave it to the pundits to argue whether Sony's decision to postpone releasing an inane farce was prudent or cowardly. **What's interesting is that the cyber terrorists caused real fear to Sony by publicly releasing internal enterprise data** — including salaries, email conversations and information about actual movies. **Every Fortune 2000 management team is now thinking: Is my data safe? What could happen if my**

company's data is made public and how could my data be used against me? And of course, security software companies are investing in big data analytics to help companies better protect against future attacks. Big Data Becomes a Civil Liberties Issue Data-driven decision tools are not only the domain of businesses but are now helping Americans make better decisions about the school, doctor or employer that is best for them. Similarly, companies are using data-driven software to find and hire the best employees or choose which customers to focus on. But what happens when algorithms encroach on people's privacy, their lifestyle choices and their health, and get used to make decisions based on their race, gender or age — even inadvertently? Our schools, companies and public institutions all have rules about privacy, fairness and anti-discrimination, with government enforcement as the backstop. Will privacy and consumer protection keep up with the fast-moving world of big data's reach, especially as people become more aware of the potential encroachment on their privacy and civil liberties?

Open Government Data Expect the government to continue to make government data more "liquid" and useful — and for companies to put the data to creative use. The public sector is an important source of data that private companies use in their products and services. Take Climate Corporation, for instance. Open access to weather data powers the company's insurance products and Internet software, which helps farmers manage risk and optimize their fields. Or take Zillow as another example. The successful real estate media site uses federal and local government data, including satellite photography, tax assessment data and economic statistics to provide potential buyers a more dynamic and informed view of the housing market.

2NC Turns Case

Using big data is the only way to solve the modern impacts- turns the case

Pentland 13 (October. Alex Pentland is a computer science pioneer, MIT Professor, and oft cited author of computer science writings. He created the MIT Media lab and has been called by Forbes one of the "7 most powerful data scientists in the world." "The Data-Driven Society" ebSCO host //HS)

By the middle of the 19th century, rapid urban growth spurred by the industrial revolution had created urgent social and environmental problems. Cities responded by building centralized networks to deliver clean water, energy and safe food; to enable commerce, facilitate transportation and maintain order; and to provide access to health care and energy. Today these century-plus-old solutions are increasingly inadequate. Many of our cities are jammed with traffic. Our political institutions are deadlocked. In addition, we face a host of new challenges -- most notably, feeding and housing a population set to grow by two billion people while simultaneously preventing the worst impacts of global warming. Such uniquely 21st-century problems demand 21st-century thinking. Yet many economists and social scientists still think about social systems using Enlightenment-era concepts such as markets and classes -- simplified models that reduce societal interactions to rules or algorithms while ignoring the behavior of individual human beings. We need to go deeper, to take into account the fine-grained details of societal interactions. The tool known as big data gives us the means to do that. Digital technology enables us to study billions of individual exchanges in which people trade ideas, money, goods or gossip. My research laboratory at the Massachusetts Institute of Technology is using computers to look at mathematical patterns among those exchanges. We are already finding that we can begin to explain phenomena -- financial crashes, political upsets, flu pandemics -- that were previously mysterious. Data analytics can give us stable financial systems, functioning governments, efficient and affordable health care, and more. But first we need to fully appreciate the power of big data and build a framework for its proper use. The ability to track, predict and even control the behavior of individuals and groups of people is a classic example of Promethean fire: it can be used for good or ill.

Generic Econ

Data is the future for economic analysis

Einav and Levin 2014 (Liran Einav is a professor of economics at Stanford and a writer for the National Bureau of Economics. Jonathan Levin is Professor of economics at Stanford and a writer for the National Bureau of Economics. "The Data Revolution and Economic Analysis" National Bureau of Economics. <http://web.stanford.edu/~jdlevin/Papers/BigData.pdf> //HS)

We now take up the question of how the **data revolution might affect economic research, in terms of the scope and quality of the results, the methods used, and the training of empirical economists.** The first, and most obvious, effect will be to allow better measurements of economic effects and outcomes. More granular and comprehensive **data can help to pose new sorts of questions and enable novel research designs that can inform us about the consequences of different economic policies and events.** We will provide some examples below that illustrate this potential. A less obvious possibility is that new **data may end up changing the way economists approach empirical questions and the tools they use to answer them.** As one example, we consider whether economists might embrace some of the statistical data- mining techniques described earlier. Why is this less obvious? To begin, it would mean something of a shift away from the single covariate causal effects framework that has dominated much of empirical research over the last few decades. More generally, many economists see a sharp distinction between predictive modeling and causal inference, and as a result, statistical learning approaches have little to contribute. Our view is that the distinction is not always so sharp, and we think that **this type of work will be increasingly used in economics as big data sets become available for researchers and as empirical economists gain greater familiarity and comfort with machine- learning statistical tools.**

Big Data has clear benefits for economics- the only question is how big it can grow in the future

Taylor, Schroeder, and Meyer 2014 (July-December 2014. Linnet Taylor is a research fellow at the University of Amsterdam's International Development Center. She focuses on the use of new internet data and the surrounding public policy. Ralph Schroeder is a Program Director and Senior Research Fellow at the Oxford Internet Institute. He focuses virtual reality technology and e-science. Eric Meyer is a web designer who has been working with the internet since 1993. He is most known for being the pioneer of CSS, a viewing method for HTML formats. "Emerging Practices and Perspectives on Big Data Analysis in Economics: Bigger and Better or more of the Same?" Big Data and Society. <http://bds.sagepub.com/content/spbds/1/2/2053951714536877.full.pdf> //HS)

The lack of a clear adoption of terminology is not surprising in a new and still emerging area, even if various **characteristics of Big Data clearly make it an important resource for economics.** Einav and Levin (2013) have pointed out three of these main characteristics. **First, that Big Data sources are frequently available in real-time, which can offer an advantage in terms of 'nowcasting', or identifying economic trends as they are occurring.** **The second relates to the scale of the data: the large size of the datasets becoming available resolves the statistical problem of limited observations and makes analysis more powerful and potentially more accurate,** while their granularity (a characteristic Michael Zhang, Assistant Professor at Hong Kong University of Science and Technology, terms 'nano- data', following Erik Brynjolfsson (M. Zhang, interviewed 10 May 2013)) increases their power in terms of understanding individual actions. **Third, such data often involve aspects of human behaviour which have previously been difficult to observe,** for example personal connections (such as those within Facebook) or geolocation (such as the place from which a 'tweet' was sent via Twitter). However, Einav and Levin (2013) also point out some drawbacks which may have led to economists' comparative reluctance to adopt Big Data so far. The main one is the unstructured nature of such data and the complexity of the linkages often contained within it, which upset the usual econometric assumption that data points are not interdependent, or at least are interdependent in certain defined ways. As Einav and Levin point out, this complexity presents an econometric challenge in terms of untangling this dependence structure and understanding the data. Besides the characteristics of sources of Big Data which make them suitable for economists, there are also certain ways in which economists are well suited to being users of Big Data. Big Data analysis demands technical skills in terms of statistics and coding

which are part of the standard training for most economists. The econometric challenge of working with Big Data using statistical techniques appropriate for entire populations is part of a continuum of such challenges faced by economists as data sources have become larger and more complex over time, and the rewards of solving such problems, in terms of advancing the discipline, are potentially significant. Perhaps most importantly, there is a considerable amount of Big Data found within the traditional territory of economics: financial transactions of all kinds, including increasingly granular sources such as loyalty card data and online purchases, labour market data, and detailed population data. **All these concerns suggest that Big Data is a potential goldmine for economists and that there may be a demonstrable opportunity cost for many economists in not engaging with this type of research.** Yet, as we shall see, there are also limits to the uses of Big Data in economics, and these shed interesting light on its role among the social sciences and beyond

Retail Module

****Need retail key to overall economy?***

****Probably need some answers to alt causes**

Big Data will have a massive growth impact on retail and in turn the rest of the US economy.

Manyika et al 11 (May 2011. McKinsey Global Institute is a research contracting firm. This project was led by James Manyika, the director of McKinsey Global Institute and a former leader within technology companies where he focused on innovation, growth, and strategy. Michael Chui also assisted in leading the research. Chui is a partner of McKinsey Global Institute where he specializes in research on the impact of information tech and innovation on businesses, the econ, and society. "Big Data: The Next Frontier for Innovation, Competition, and Productivity" McKinsey Global Institute. [//HS](http://www.mckinsey.com/insights/business_technology/big_data_the_next_frontier_for_innovation))

We have estimated the potential impact of each of the 16 **big data levers** we have described, using a combination of our own case studies, academic and industry research, and interviews with experts; for more on our methodology, see the appendix. **While we estimate the total potential value that big data can enable, we do not predict what value the sector will actually capture because this largely depends on actions taken by retailers to overcome a number of barriers, including obstacles related to technology, talent, and culture, as well as external factors such as whether consumers are receptive to having their behavior data mined and the ability of suppliers to leverage some of the same levers in negotiations.** Marketing levers can affect 10 to 30 percent of operating margin; merchandising levers can affect 10 to 40 percent; and supply chain levers can have a 5 to 35 percent impact (Exhibit 23). In contrast, price transparency levers will tend to cut prices and squeeze margins. The total potential impact of individual big data levers varies significantly across retail subsectors (Exhibit 24). Some subsectors will have already pulled big data levers more than others, partly explaining this variation. While individual players can use big data levers to grow their top lines and operating margins, these gains will largely shift value within the industry rather than increasing its total size. Firms that are relatively better at deploying big data levers will experience significant gains at the expense of those that do not execute as well. The overall winners should be consumers, who will benefit from receiving goods better suited to their needs. We also estimated **potential productivity gains at the industry level, opting to take a conservative approach** to such estimates by applying only the effects of levers in operations and supply chains that reduce costs (see the appendix for detail on our methodology). If we look solely at efficiency, **we estimate that big data levers have the potential to create an annual 0.5 percent acceleration in productivity through 2020.** To put that in context, academic research has estimated that IT investments in the entire US economy, including retail, **through the high-growth 1990s added 1 to 2 percent to the compound annual growth rate of US productivity.** This estimate does not take into account the fact that the **use of big data will be a boon to consumers** through the economic surplus that they will capture **and is therefore conservative.** For instance, **even if retail consumers do not spend more money overall, many of the** marketing and merchandising levers we have **described will improve their shopping experience.** Consumers will find better products to match their needs (e.g., consumers that choose to opt-in to marketing programs that use big data to better target offers) and spend less time looking for those products at the right price (e.g., because they can obtain information about the availability of inventory before visiting a store, or use price comparison services). **This should increase the real value added of the retail sector,** even if estimating the value of this consumer surplus is difficult. **We believe that the use of large datasets will continue to transform the face of retail.** In recent decades, **IT and data that was used to optimize supply chains helped create** the category of **big-box retailers** that sell large volumes of a wide range of products at low prices. In recent years, online retailers such as Amazon, eBay, and Groupon are **redefining what retail can mean.** Instead of receiving information about goods and services from sales teams or advertisements, consumers find the information they need from their fellow shoppers and find what they want to buy via electronic marketplaces.

Government choices over big data spill over to the private sector

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[//HS\)](http://www.mckinsey.com/insights/business_technology/big_data_the_next_frontier_for_innovation)

If the retail industry is to realize the potential value from the use of big data, both the industry and government will have to deal with a number of important barriers. Policy makers will make choices about how to regulate the industry's use of information about consumers—policy choices that will have profound implications for many other industries

that, in common with retail, will draw increasingly pronounced concerns about privacy and security in the era of big data. It is certainly the case that consumer attitudes toward the use of their personal information, especially personal location data and electronic data generated by their use of the Internet, are changing rapidly. But many people remain uninformed about how, where, and to what extent this information is used in targeted advertising and other marketing strategies. Across the globe, we observe the emergence of different concepts of electronic privacy. Germany, for instance, has limited the use of the Street View function of Google maps. Depending on the jurisdiction and purpose, there are different definitions of personally identifiable information (PII)—what counts legally as information that identifies a person for a variety of purposes. Some definitions are more general than others, and large players would benefit from having a single country or industry standard.

Manufacturing

The manufacturing sector has already seen some benefits of big data but potential for growth is still strong

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[//HS\)](http://www.mckinsey.com/insights/business_technology/big_data_the_next_frontier_for_innovation)

The manufacturing sector was an early and intensive user of data to drive quality and efficiency, adopting information technology and automation to design, build, and distribute products since the dawn of the computer era. In the 1990s, **manufacturing companies racked up** impressive **annual productivity gains because of both operational improvements that increased the efficiency of their manufacturing processes and improvements in the quality of products they manufactured**. For example, advanced manufactured products such as computers became much more powerful. Manufacturers also optimized their global footprints by placing sites in, or outsourcing production to, low-cost regions. **But despite such advances, manufacturing**, arguably more than most other sectors, **faces the challenge of generating significant productivity improvement in industries that have already become relatively efficient**. We believe that **big data can underpin another substantial wave of gains**. These gains will come **from improved efficiency in design and production, further improvements in product quality, and better meeting customer needs** through more precisely targeted products and effective promotion and distribution. For example, big data can help manufacturers reduce product development time by 20 to 50 percent and eliminate defects prior to production through simulation and testing. Using realtime data, companies can also manage demand planning across extended enterprises and global supply chains, while reducing defects and rework within production plants. Overall, big data provides a means to achieve dramatic improvements in the management of the complex, global, extended value chains that are becoming prevalent in manufacturing and to meet customers' needs in innovative and more precise ways, such as through collaborative product development based on customer data. We base these conclusions on an examination of multiple manufacturing subsectors encompassing both discrete and process manufacturing, from basic manufacturing subsectors such as consumer goods and food, to advanced manufacturing subsectors such as automotive and aerospace. We drew upon global best practice examples of the use of big data to identify seven levers of value creation, describe the range of potential impact, and the barriers that have to be overcome to capture that value.

Big data could explode the economic value of the manufacturing sector

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[//HS\)](http://www.mckinsey.com/insights/business_technology/big_data_the_next_frontier_for_innovation)

For manufacturers, **opportunities enabled by big data can drive productivity gains**, both **through improving efficiency and the quality of products** (Exhibit 26). Efficiency gains arise across the value chain, from reducing unnecessary iterations in product development cycles to optimizing the assembly process. **The real output value of products is increased by improving their quality and making products that better match customers' needs**. Beyond pushing productivity, **big data enables innovative services and even new business models in manufacturing**. Sensor data have made possible

innovative aftersales services. For example, BMW's ConnectedDrive offers drivers directions based on real-time traffic information, automatically calling for help when sensors indicate trouble, alerts drivers of maintenance needs based on the actual condition of the car, and feeds operation data directly to service centers. The ability to track the use of products at a micro-level has also made possible monetization models that are based not on the purchase of a product but on services priced by their usage, as we have described. The ability to exchange data across the extended enterprise has also enabled production to be unbundled radically into highly distributed networks. For example, Li and Fung, a supplier to apparel retailers, orchestrates a network of more than 7,500 suppliers, each of which focuses on delivering a very specific part of the supply chain. Some of the most powerful impacts of big data apply across entire manufacturing ecosystems. As we have documented, big data plays a pivotal role in ensuring that these ecosystem webs function well and continue to evolve. Indeed, new data intermediaries or data businesses could begin to emerge. They could, for example, capitalize on the economic value of data that describes the flow of goods around the world.

The manufacturing sector is critical to economic power

Rynn 11 (May 23, 2011. Jon Rynn has a Ph. D in political science and is the author of *Manufacturing Green Prosperity: The Power to Rebuild the American Middle Class*. "Six Reasons Manufacturing is Central to the Economy" The Roosevelt Institute. <http://www.rooseveltinstitute.org/new-roosevelt/six-reasons-manufacturing-central-economy> //HS)

Without a robust revival in the manufacturing sector, we can kiss our status as a great economic power goodbye. Paul Krugman recently argued that "manufacturing is one of the bright spots of a generally disappointing recovery, and there are signs — preliminary, but hopeful, nonetheless — that a sustained comeback may be under way." He points out that the gap between what we sell and what we buy has been improving. This must be set against a background of a manufacturing decline in the United States of historic dimensions; even without adjusting for inflation, the trade deficit in goods for the United States between 2000 and 2010 was 7 trillion dollars. A turnaround in the attention of more perceptive economists and a turnaround in manufacturing may be in the works. But before that, the crucial question is: Why is manufacturing so important? 1. Manufacturing has been the path to development It has been the strategic achievement of rich nations over the last several hundred years to create a high-quality manufacturing sector in order to develop national wealth and power, as Erik Reinert shows in his book "How Rich Countries Got Rich...and Why Poor Countries Stay Poor." From the rise of England in the 19th century, to the rise of the US, Germany, Japan and the USSR in the 20th, to the newly industrializing countries like Korea, Taiwan, and now China, manufacturing has been the key to prosperity. 2. Manufacturing is the foundation of global "Great Power" The most powerful nations in the world — the "Great Powers" — are those that control the bulk of the global production of manufacturing technology. That is, it isn't enough simply to have factories and produce more goods, you have to know how to make the machinery that makes the goods. The key to power, then, is to make the "means of production." As the machinery industries go, so goes Great Power. My own research shows that about 80% of the world's production of factory machinery has been controlled by what we would consider the "Great Powers." Until the 1950s, the US had produced about 50%; we now produce less than China's 16%. 3. Manufacturing is the most important cause of economic growth The growth of manufacturing machinery output, and technological improvements in that machinery, are the main drivers of economic growth. No machinery industries, no sustained, long-term economic growth. Just consider the explosion of the Internet, iPhones, and the like — all made possible by a small subset of production machinery called semiconductor-making equipment (SME), which itself is dependent on other forms of production machinery, such as the machine tools that grind the lenses they use or the alloys of metal the metal-making industries output. These technologies reproduce themselves, as when an SME makes the semiconductors that then go to make more SMEs, or when a machine tool makes the metal components that not only go into other pieces of machinery, such as cars, but are used to produce yet more machine tools. The technological and productive potential of machine tools and SMEs affect each other as well, leading to the explosive economic growth of the last two hundred years. 4. Global trade is based on goods, not services A country can't trade services for most of its goods. According to the WTO, 80% of world trade among regions is merchandise trade — that is, only 20% of world trade is in services. This closely matches the trade percentages that even the US, allegedly becoming "post-industrial," achieves. If in the extreme case an economy was composed only of services, then it would

be very poor, because it couldn't trade for goods; its currency would be worth very little. The dollar is also vulnerable in the long-term. A "post-industrial" economy is really a pre-industrial economy — that is, poor. **5. Services are dependent on manufactured goods** Services are mostly the act of using manufactured goods. You can't export the experience of using something. Retail and wholesale, which make up about 11% of the economy, are the act of buying and selling manufactured goods. The same goes for real estate, another 13%, which is the act of buying and selling a "real" or physical asset, a building. Even health, which makes up about 8% of the economy, is the act of using medical equipment and drugs (all figures from 2010, value-added). Finance involves the redirection of surplus resources that the nonfinancial sector of the economy produces, which means that indirectly, even finance is dependent on manufacturing. The cycle of rise and decline usually runs like this: some clever society figures out how to take advantage of the current technologies of production, thus generating huge surpluses, which either the financial forces, the very wealthy, or the military then appropriate for their own wealth and power; they kill the goose that is laying the golden eggs. To sum up: **the health of the economy is critically dependent on the health of the manufacturing sector.** **6. Manufacturing creates jobs** Most jobs, directly or indirectly, depend on manufacturing — and reviving the sector could provide tens of millions of new jobs, eradicating the Great Recession. In 2005, the Japanese manufacturing sector was 20.2% of its economy, in Germany it was 23.2%, and in the US manufacturing accounted for 13.4%, according to the the OECD. Using 2005 figures, if the US had the same percentage as Japan, we would have 7 million more high-quality, long-term, well paying jobs. If we were equal with Germany, we would have 10 million more. And according to the Economic Policy Institute, each manufacturing job supports almost three other jobs in the economy. That makes sense, considering the other five reasons that manufacturing is central to the economy. Thus, there are six solid reasons that we need to rebuild the manufacturing sector of the United States. It's time for the United States to wake up before it's too late and rebuild the foundation of a strong, prosperous, middle class economy.

Manufacturing has the greatest effect on the economy out of any sector

The Manufacturing Institute 2014 (April 2014. The Manufacturing Institute is a global group seeking the development of manufacturing talent. "Manufacturing's Multiplier Effect is Stronger than Other Sectors" The Manufacturing Institute. <http://www.themanufacturinginstitute.org/Research/Facts-About-Manufacturing/Economy-and-Jobs/Multiplier/Multiplier.aspx>)

Manufacturing is complex and its production processes increase the demand for raw materials, energy, construction, and services from a broad array of supplying industries. Additionally, many functions previously completed within manufacturing companies—from back-office operations and accounting to some types of logistics—are now contracted to other service providers and hence not counted as part of the manufacturing sector. **A measure of the breadth of the supply chain is the backward linkage in the input-output structure of the economy. For an industry with a larger backward linkage, growth in its output induces more production**—both directly and indirectly—from other sectors. A mapping of relationships in the economy reveals that **manufacturing has the highest backward linkage among the major sectors. As the demand for manufacturing grows, it in turn spurs the creation of jobs, investments, and innovations elsewhere.** The backward linkage (or multiplier effect) shows how much additional output is generated by a dollar's worth of final demand for each industry. Every dollar in final sales of manufactured products supports \$1.33 in output from other sectors—this is the largest multiplier of any sector. Manufacturing plants, therefore, have a powerful and positive impact on economic development.

Personal data

Personal data has enormous economic potential

Manyika et al 11 (May 2011. McKinsey Global Institute is a research contracting firm. This project was led by James Manyika, the director of McKinsey Global Institute and a former leader within technology companies where he focused on innovation, growth, and strategy. Michael Chui also assisted in leading the research. Chui is a partner of McKinsey Global Institute where he specializes in research on the impact of information tech and innovation on businesses, the econ, and society. "Big Data: The Next Frontier for Innovation, Competition, and Productivity" McKinsey Global Institute. http://www.mckinsey.com/insights/business_technology/big_data_the_next_frontier_for_innovation //HS)

Our **detailed analysis of the major applications of personal location data today and in the near future finds that, in ten years' time, these applications have the potential to create value of \$100 billion or more for service providers alone.** This additional value is likely to come primarily from sales of navigation hardware and revenue from LBS, mobile LBS premiums, and geo-targeted advertising. **Entrepreneurs will develop many of these services and applications,** given the fact that the application store model for mobile devices is already providing ready sales and marketing channels, greatly lowering the barriers to entry for innovative new players. **The likely value that will accrue to providers will be dwarfed by the benefits that customers—both individuals and businesses—will enjoy because of proliferating location-based applications.** We believe that **by 2020, personal location applications will create as much as \$700 billion in value for users** (Exhibit 31). **Of this, more than 70 percent will be the consumer surplus obtained from time and fuel saved by using GPS navigation systems** (including those with real-time traffic information) and the use of mobile LBS applications (difference between willingness to pay and the cost of applications). The remaining 30 percent of the total accruing to customers will be additional value obtained by businesses that make use of location data-enabled levers such as marketers' return on geo-targeted mobile advertising. **We believe that our estimates of the potential surplus that will accrue to customers are conservative because they do not include additional sources of utility such as improvements in user convenience, transparency, and entertainment.** Personal location data-enabled services such as user ranking applications (e.g., Yelp) offer users all of these benefits. Unfamiliar travelers, for instance, can quickly find shops and eateries they might favor. Familiar residents can locate friends, the evening's most popular nightspots, and the shortest driving route. Furthermore, our estimates size the potential impact of only a few applications; we expect innovative new uses of personal location data and business models to continue to emerge. **Creativity and innovation will shift the value potential upward from our present estimates,** and a long tail of specialized applications will combine to offer substantial total additional value. Individuals and organizations around the world will share in the potential value of personal location data—nowhere more dramatically than in emerging markets where the already very large number of mobile phones generating such data is increasing so rapidly..

Aerospace

Big data already has an astounding effect on the aerospace industry

CBR 14 (Jul. 18, 14. CBR is the Computer Business Review, a European publication aiming toward the elite of Business Technology. "Aerospace Manufacturer Uses IBM Big Data Tech to Improve Aircraft Engine Performance" *Computer Business Review*. [//HS](http://www.cbronline.com/news/big-data/analytics/aerospace-manufacturer-uses-ibm-big-data-tech-to-improve-aircraft-engine-performance-4321454))

Accenture has partnered with GE Aviation to offer the airline company charts of fuel –efficient paths. Aerospace manufacturer Pratt & Whitney is teaming up with IBM to use its Big Data technology to analyse data from more than 4,000 commercial aircraft engines in order to predict the problems before they arise. IBM's solution will be used to analyse the huge amount of data generated from aircraft engines, helping to predict any discrepancies. The insight will help Pratt & Whitney customers with asset maintenance alerts, and deliver better insight into flight operational data. Pratt & Whitney's president of Aftermarket, Matthew Bromberg, said: "By incorporating learnings from our military engines programmes where we are pushing the envelope in terms of monitoring capabilities, and teaming with IBM to integrate component and system health information, we will strengthen our commercial engine health analytics offering for customers." "This will enable us to accurately and proactively monitor the health of our customers' engines and give us further visibility to plan ahead for optimised fleet operations while reducing customers' costs." IBM GM of business analytics Alistair Rennie said: "By applying real time analytics to structured and unstructured data streams generated by aircraft engines, we can find insights and enable proactive communication and guidance to Pratt & Whitney's services network and customers." IBM's technology will help Pratt & Whitney broaden its current performance monitoring capabilities of more than 4,000 operational commercial engines. Pratt & Whitney expects to increase its product's engine life by up to six years by using IBM's data analytics. It will also help the company reduce its maintenance costs by 20%.

Solves cyber-war and military power

NAW 10 [National Aerospace Week was established by the Aerospace Industries Association in 2010 as an opportunity for the aerospace and defense industry and its supporters. 2010, "Aerospace and Defense: Second to None" [//jweideman](http://nationalaerospaceweek.org/wp-content/uploads/2010/04/whitepaper.pdf)]

However, we remain concerned about the fragility of the supplier base. With another round of acquisitions and consolidations imminent along with a projected decline in defense spending, the supplier base remains particularly vulnerable. These small businesses are critical to the primes and to the government. They face multiple challenges overcoming barriers to federal contracting and once they leave the contracting base, they and their unique skills cannot be recovered. Along with our concern about the industrial base is the long-term issue of modernizing our military hardware. The 1980s defense build-up is now 25 years old, and systems acquired then are in need of replacement. The decade of 2010-2019 is the crucial time to reset, recapitalize and modernize our military forces. Not only are many of our systems reaching the end of their designed lives, but America's military forces are using their equipment at many times the programmed rates in the harsh conditions of combat, wearing out equipment prematurely. Delaying modernization will make it even harder to identify and effectively address global threats in the future. The Aerospace Industries Association released a report in May 2011 that takes a historical look at spending in the investment accounts and the ebb and flow of spending since the 1970s. It concludes that

our nation and its military members pay a large price when we decrease spending on procurement and research and development. The report, *Defense Investment: Finding the Right Balance*, also recommends 35 percent of the budget be devoted to modernization as a prudent and affordable level for supporting the force of today and the future. The requirements identified in the 2010 QDR — for the United States to overmatch potential adversaries and to execute long-duration campaigns in coming years against increasingly capable potential opponents — will require complex and expensive aerospace capabilities. This is a concern that the Defense Department recognizes. Since the end of the Cold War, the Pentagon has reduced the number of weapons systems it has bought and there are fewer new-start programs further and further apart. In 2010, for the first time in 100 years, the United States had no manned military aircraft in design. Forty-nine military aircraft programs were underway in the 1950s, seven in the 1980s, and three in the 1990s. Today, looking beyond the F-35, there are none—with the possible exception of a long-range bomber that is not yet approved for development. Defense modernization is not optional. While the fiscal 2012 budget request is a reasonable target that takes into account funding needed to fight two wars, the pressure on the procurement and research and development budget is sure to increase in the future. At the same time, America must adapt its defenses to new kinds of threats. A large-scale attack on information networks could pose a serious economic threat, impeding or preventing commerce conducted electronically. This would affect not only 2011 Aerospace Industries Association of America, Inc. 5 ATM transactions, but commercial and governmental fund transfers and the just-in-time orders on which the manufacturing sector depends. It could even pose threats to American lives, interrupting the transfer of medical data, disrupting power grids, even disabling emergency communications links. In partnership with the government, our industry is on the forefront of securing these networks and combating cyber attack. The American people also demand better security for the U.S. homeland, from gaining control of our borders to more effective law enforcement and disaster response. The aerospace industry provides the tools that help different forces and jurisdictions communicate with each other; monitor critical facilities and unpatrolled borders, and give advance warning of natural disasters, among other capabilities. In many cases, government is the only market for these technologies. Therefore, sound government policy is essential not only to maintain current capabilities, but to ensure that a technology and manufacturing base exists to develop new ones.

Science

Big data can cure and prevent disease

Katina **Michael**, et al., Associate professor in the School of Information Systems and Technology at the University of Wollongong, New South Wales, Australia, **2013**, “Big Data: New Opportunities and New Challenges”

<http://ieeexplore.ieee.org/stamp/stamp.jsp?arnumber=6527259>

Since the Internet’s introduction, we’ve been steadily moving from text-based communications to richer data that include images, videos, and interactive maps as well as associated metadata such as geolocation information and time and date stamps. Twenty years ago, ISDN lines couldn’t handle much more than basic graphics, but **today’s high-speed communication networks enable the transmission of storage-intensive data types**. For instance, smartphone users can take high-quality photographs and videos and upload them directly to social networking sites via Wi-Fi and 3G or 4G cellular networks. We’ve also been steadily increasing the amount of data captured in bidirectional interactions, both people-to-machine and machine-to-machine, by using telematics and telemetry devices in systems of systems. Of even greater importance are e-health networks that allow for data merging and sharing of high-resolution images in the form of patient x-rays, CT scans, and MRIs between stakeholders. **Advances in data storage and mining technologies make it possible to preserve increasing amounts of data generated directly or indirectly by users and analyze it to yield valuable new insights**. For example, companies can study consumer purchasing trends to better target marketing. In addition, near-real-time data from mobile phones could provide detailed characteristics about shoppers that help reveal their complex decision-making processes as they walk through malls.¹ Big data can expose people’s hidden behavioral patterns and even shed light on their intentions.² More precisely, **it can bridge the gap between what people want to do and what they actually do as well as how they interact with others and their environment**.³ This information is useful to government agencies as well as private companies **to support decision making in areas ranging from law enforcement to social services to homeland security**. It’s particularly of interest to applied areas of situational awareness and the anticipatory approaches required for near-real-time discovery. In the scientific domain, **secondary uses of patient data could lead to the discovery of cures for a wide range of devastating diseases and the prevention of others**.⁴ **By revealing the genetic origin of illnesses, such as mutations related to cancer, the Human Genome Project, completed in 2003, is one project that’s a testament to the promises of big data**. Consequently, researchers are now embarking on two major efforts, the Human Brain Project (EU; www.humanbrainproject.eu/vision.html) and the US BRAIN Initiative (www.whitehouse.gov/the-press-office/2013/04/02/fact-sheet-brain-initiative), in a quest to construct a supercomputer simulation of the brain’s inner workings, in addition to mapping the activity of about 100 billion neurons in the hope of unlocking answers to Alzheimer’s and Parkinson’s. Other types of big data can be studied to help solve scientific problems in areas ranging from climatology to geophysics to nanotechnology.

Along with spurring other benefits, science research boosts the economy.

Jeff **Grabmeier**, Senior Director of Research and Innovation Communications, “Study documents economic impact of federal research spending at universities”, April **2014**, <http://oncampus.osu.edu/economic-impact-of-research/>

The scientific research conducted at Ohio State and other universities isn't often viewed as a short-term economic stimulus program – but it does fulfill that role along with its many long-term benefits, according to new research co-authored by an Ohio State economist. In a study published this week in the journal Science, **researchers used a new data set to examine the short-term economic impact of federally funded research spending in 2012**. Specifically, they examined spending at nine of the 15 universities that compose the Committee on Institutional Cooperation, including Ohio State. The results suggest that **federal funding of research has a wide impact on the local and national economy, said Bruce Weinberg, co-author of the study and professor of economics at Ohio State**. In 2012, the nine CIC institutions spent almost \$1 billion of research expenditures on goods and services from U.S. companies both large and small, the study found. “Science is productive work. It employs people who conduct the research and people who produce the equipment and materials that science uses,” Weinberg said. Caroline Whitacre, vice president for research at Ohio State, said the results provide additional proof of the value of federally funded research at universities. **“We’re all familiar with how science has improved our lives over time through better health, new technology and many other benefits,”** Whitacre said. **“But this study offers proof of how science funding helps us here and now by boosting our economy.”**

Healthcare

Big Data is revolutionizing effective medicare

Parekh 15 (Jan. 2, 2015. Deven Parekh is a writer for TechCrunch. “How Big Data will Transform our Economy and Our Lives in 2015” <http://techcrunch.com/2015/01/02/the-year-of-big-data-is-upon-us/> //HS)

Personalized Medicine Even as we engage in a vibrant discussion about the need for personal privacy, “big data” pushes the boundaries of what is possible in health care. Whether we label it “precision medicine” or “personalized medicine,” these two aligned trends — the digitization of the health care system and the introduction of wearable devices — are quietly revolutionizing health and wellness. In the not-too-distant future, doctors will be able to create customized drugs and treatments tailored for your genome, your activity level, and your actual health. After all, how the average patient reacts to a particular treatment regime generically isn’t that relevant; I want the single best course of treatment (and outcome) for me. Health IT is already a booming space for investment, but clinical decisions are still mostly based on guidelines, not on hard data. Big data analytics has the potential to disrupt the way we practice health care and change the way we think about our wellness. Digital Learning, Everywhere With over \$1.2 trillion spent annually on public K-12 and higher education, and with student performance failing to meet the expectations of policy makers, educators and employers are still debating how to fix American education. Some reformers hope to apply market-based models, with an emphasis on testing, accountability and performance; others hope to elevate the teaching profession and trigger a renewed investment in schools and resources. Both sides recognize that digital learning, inside and outside the classroom, is an unavoidable trend. From Massive Open Online Courses (MOOCs) to adaptive learning technologies that personalize the delivery of instructional material to the individual student, educational technology thrives on data. From names that you grew up with (McGraw Hill, Houghton Mifflin, Pearson) to some you didn’t (Cengage, Amplify), companies are making bold investments in digital products that do more than just push content online; they’re touting products that fundamentally change how and when students learn and how instructors evaluate individual student progress and aid their development. Expect more from this sector in 2015. Now that we’ve moved past mere adoption to implementation and utilization, 2015 will undoubtedly be big data’s break-out year.

Natural Resource depletion

Natural resource depletion is devastating the planet- a shift to efficient usage is key to long term human survival

Larson, Olsen, and Emanouilov. 12 (2012. Esben Larson, Karsten Olsen, and Victor Emanouilov are environmental activists who run the website theworldcounts.com- a site dedicated to bringing up to date facts on the Earth and the critical challenges that go along with it. "Consequences of Depletion of Natural Resources"
[//HS](http://www.theworldcounts.com/stories/consequences_of_depletion_of_natural_resources))

Are we using up more than what is available? Our current global population is 7.2 billion and growing. (1) **Earth's total resources are only good for 2 billion people at the current demand.** Let's do the math, and it is obvious that the result is a negative. **The way we're living, we are already using 2 to 3 times more of the Earth's natural resources than what is sustainable.** If we do not act now, we will see the consequences of depletion of natural resources – and it's not going to be pretty. A desolate, dry Earth is not a fun place to live. Our Natural Resources are running out What are the top 3 natural resources being depleted and what are the consequences? 1. Water **What will we drink without water? Only 2.5% of the world's total water volume is fresh water. Of that 2.5%, 70% is frozen** (2). The depletion of our water resources is more serious than the current oil depletion. There are substitutes for oil but **nothing can replace our drinking water.** 70% of the available fresh water that remains is used in agriculture, 20% in industry and only 10% is being used for human consumption. (3) Causes: Increased irrigation, increased use in agriculture, roads and infrastructure prevent water seepage in the soil, rising temperatures
Consequences: Drinking water shortage. Food Shortage. Famine. 2. Oil **Nothing can be moved, manufactured, transported, built, planted, mined or harvested without the liquid fuels that we get from petroleum.** Oil reserves are a non-renewable resource **Oil accounts for 40% of all energy we use** (4) EIA's International Energy Outlook 2013 shows that we have enough Oil to last for 25 years. Efforts are underway to develop cheaper and more sustainable energy such as solar power, wind power and other forms of renewable energy that can replace oil and fossil fuel. Causes: Industrial boom. Increased population. Wastage. **Consequences: Less Transportation. Smaller economies. Higher prices.** Possibly help push the transition to green energy with reduced CO2 emissions and pollution! 3. Forests **Imagine a world without trees.** An estimated 18 million acres of forests are destroyed each year. Half of the world's forest has been cleared. Deforestation contributes 12 to 17% of global greenhouse gas emissions annually. (5) **Trees absorb greenhouse gases and carbon dioxide.** They produce the oxygen we breathe. Forests are the habitats of millions of species. Causes: Urbanization, Illegal logging, Agriculture, Subsistence Farming. **Consequences: Soil erosion, Global Warming caused by the rise of greenhouse gases- Extinction of species and loss of biodiversity. Flooding and drought.**

Pandemics

A pandemic would be devastating to the human race

Vince 13 (Jul. 11, 2013. Gaia Vince is a journalist who specializes in environmental and science issues. She has traveled around the world learning about different impacts of the Anthropocene and has written for several respectable outlets including BBC, The Guardian, and Australian Geographic. "Global Transformers: What if a Pandemic Strikes" BBC <http://www.bbc.com/future/story/20130711-what-if-a-pandemic-strikes> //HS)

Over the past century, **humans have been transforming the planet so profoundly** that we are pushing it into a new geological era, the Anthropocene (the Age of Man). **But how will the Anthropocene unfold? Will we continue on a path** of global climate change, land-use change, resource depletion, biodiversity loss and population expansion? Or **will something happen to push us off this trajectory** – perhaps **back into Holocene-like conditions?** As I mentioned before, over the next few columns I'll be looking at technologies or events that have the potential to radically alter our planet. The first one is a pessimistic one for humans: **what if our species were hit by a global pandemic?** In the Anthropocene **we are encroaching on wild lands**, bringing us closer to monkeys and apes, for example, which are traded internationally for bushmeat and pets. **We are also living in close proximity to domestic creatures** like pigs, chickens and ducks. It means that **diseases that infect animals have an unprecedented chance to jump across species to us**. Humans are so genetically alike that **pathogens easily spread between individuals and across populations**. And because we are living in greater numbers and densities than ever before, **and because so many of us travel internationally – and so much faster – there's a greater opportunity for pathogens to spread**. **If a virus can infect someone in one part of the world, it is unlikely to be contained**. Few places are truly remote in the Anthropocene. Epidemics are certainly not new or unpredictable. **A new strain of influenza virus occurs every 1-2 years**, for example. But the sudden global explosion of an epidemic that infects a large number of the population – a pandemic – is harder to predict. **We know a pandemic has occurred every 10-50 years for the past few centuries, and the last one was in 1968, so we're overdue one**. **Epidemiologists do not talk of whether there will be a new pandemic, but of when it will occur**. **Pandemics, which kill a significant proportion of the population have acute and lasting effects on society**. **The Black Death**, a bubonic plague during the Middle Ages caused by the bacterium *Yersinia pestis*, killed 30%-60% of Europeans (80% of people in the south of France and Spain) and **reduced global population from 450 million to around 350 million**. In a single province of China, more than 4 million people died (90% of the population) in 1334 alone. Such a toll was socially transformative. **Entire cities were depopulated, world trade declined**, but so did wars. In **some countries witch hunts rooting out the unknown cause of the plague resulted in minority groups being massacred, including lepers and Jews**. For plague survivors life generally improved, especially for those at the bottom of the ladder. Peasants benefited from the scarcity of labour to gain better wages (often through revolt), and their crops and cattle spread into unoccupied land giving most people a richer diet. **The Black Death also had an environmental impact** – loss of agricultural activity allowed **forests to regrow, and their photosynthetic activity sucked so much carbon from the air it contributed to the regional cooling event known as the Little Ice Age**. Economic slump **More recently, the Spanish Flu of 1918 killed one in five of those infected** some 40-50 million people worldwide, which was **more than the guns of World War I**. The impacts of this pandemic should have been especially severe because **unusually, more than half of those who died were young working-age adults, aged 20-40 (most flu outbreaks kill the very old and young first)**. However, the global economic slump that resulted from incapacitation or deaths among the **workforce melded into the dramatic effects of the war**. The HIV/Aids epidemic, which also disproportionately effects young, working age men and women, can give some idea of economic impact – in hard-hit sub-Saharan African countries the economies were estimated to be on average 22% smaller in 2010, due to the virus's effects. So **what would be the result**

of a global pandemic in the 21st Century? The world's population in the Middle Ages was just a few hundred million; in 1918, it was 1.8 billion – now it is more than 7 billion. The numbers of people infected and killed could run into the hundreds of millions. **Industry, food production, and the trappings of our modern world economy would all suffer**, but this could be to the benefit of the environment. Poverty in HIV-hit southern Africa means it has the lowest per capita greenhouse gas emissions on the planet. During the global financial crisis that began in 2008, annual emissions from the energy sector fell from 29.3GT to 29GT. Fewer people would mean less production of everything from food to plastics. That could mean fewer industrial emissions, agricultural and residential land reverting back to forest perhaps, few polluting journeys, and less freshwater extractions. **But what if the pandemic was really severe – killing 80%-90% of our species?** Aside from a few people with immunity, **densely populated cities would be worst hit** – small remote islands may be spared through quarantine. **It could mean an end to our advanced human civilization for a time**, at least. **Our species impact on the planet would diminish substantially as a result of our few numbers and global capability.**

Financial Crises

Financial Crisis have long lasting adverse effects on the structures of economies- empirics

Reinhart 9 (Jan. 26 2009. Carmen Reinhart is a professor teaching about the international financial system at Harvard's Kennedy School. "The Economic and Fiscal Consequences of Financial Crises" Vox <http://www.voxeu.org/article/economic-and-fiscal-consequences-financial-crises> //HS)

Financial crises are historically associated with the "4 deadly D's": Sharp economic downturns follow banking crises; with government revenues dragged down, fiscal deficits worsen; deficits lead to debt; as debt piles up rating downgrades follow. For the most fortunate countries, the crisis does not lead to the deadliest D: default, but for many it has. A Even a cursory reading of the global financial press in the past few months would lead one to despair that the world economy is moving through dark and uncharted waters. But, in fact, there is precedent. In a recent paper, Kenneth Rogoff and I examined the international experience with episodes of severe banking crises. The depth, duration and characteristics of the economic slump following the crises traced out a few empirical regularities. Our main findings in that paper can be summarized as follows: Financial crises are protracted affairs. Asset market collapses are deep and prolonged. Real housing price declines average 35% stretched out over six years. Equity price collapses average 55% over a downturn of about three and a half years. There are profound declines in output and employment. The unemployment rate rises an average of 7 percentage points over the down phase of the cycle, which lasts on average over four years. Real GDP per capita falls (from peak to trough) an average of over 9%, the duration of the downturn averages roughly two years. There are significant adverse consequences of the financial crisis on government finances. Tax revenues shrink as the economic conditions deteriorate, the fiscal deficit worsens markedly, and the real value of government debt tends to explode, rising an average of 86% in the major post-World War II episodes. In the remainder of this note, I elaborate on these points. I follow up with a sketch of how the crisis, deteriorating economic conditions, and more precarious fiscal fundamentals impact sovereign risk in the aftermath of the crises episodes. Downturn It is now beyond contention that the present US financial crisis is severe by any metric. As a result, we focus on systemic financial crises. The "big five" advanced economy crises include episodes in Spain (1977), Norway (1987), Finland (1991), Sweden (1991), and Japan (1992). Famous emerging market episodes in our study include the 1997-1998 Asian crisis (Hong Kong, Indonesia, Korea, Malaysia, the Philippines, and Thailand), Colombia (1998), and Argentina (2001). Central to the analysis is historical housing price data, which can be difficult to obtain and are critical for assessing the present episode. We therefore include two earlier historical cases for which housing prices are available, Norway in 1899 and the US in 1929. Figure 1 looks at the bust phase in housing price cycles surrounding banking crises, including the current episode in the US and a number of other countries now experiencing banking crises; Austria, Hungary, Iceland, Ireland, Spain, and the UK. Ongoing crises are in dark shading, and past crises are in light shading. The cumulative decline in real housing prices from peak to trough averages 35.5%.¹ Figure 1. Past and ongoing real house price cycles and banking crises: peak-to-trough price declines (left panel) and years duration of downturn (right panel) Source: Reinhart and Rogoff (2009a). The most severe real housing price declines were experienced by Finland, the Philippines, Colombia and Hong Kong. Their crashes were 50 to 60%, measured from peak to trough. The housing price decline experienced by the US to date during the current episode (almost 28% according to the Case-Shiller index) is already more than twice that registered in the US during the Great Depression. The duration of housing price declines is quite long-lived, averaging roughly six years. Even excluding the extraordinary experience of Japan, the average remains over five years. As illustrated in Reinhart and Rogoff (2009a), the equity price declines that accompany banking crises are far steeper than are housing price declines, if somewhat shorter lived. The average historical decline in equity prices is 55.9%, with the downturn phase of the cycle lasting 3.4 years. Notably, during the current cycle, Iceland and Austria have already experienced peak-to-trough equity price declines far exceeding the average of the historical comparison group. On average, unemployment rises for almost five years, with an increase in the unemployment rate of about 7 percentage points. While none of the postwar episodes rivals the rise in unemployment of over 20 percentage points experienced by the US during the Great Depression, the employment consequences of financial crises are large in many cases. Figure 2 looks at increases in unemployment rates across the historical episodes. Figure 2. Past unemployment cycles and banking crises: Trough-to-peak percent increase in the unemployment rate (left panel) and years duration of downturn (right panel) Sources: Reinhart and Rogoff (2009a).

The emerging markets, particularly those in Asia, do better in terms of unemployment than do the advanced economies (Figure 2). There are well-known data issues in comparing unemployment rates across countries, as widespread “underemployment” in many emerging markets and the vast informal sector are not captured in the official unemployment statistics. As to real per capita GDP around banking crises, the average magnitude of the decline is 9.3%. The declines in real GDP are smaller for advanced economies than for emerging market economies. A probable explanation for the more severe contractions in emerging market economies is that they are prone to abrupt reversals in the availability of foreign credit. **When foreign capital comes to a “sudden stop.”** to use the phrase coined by Guillermo Calvo (2006), **economic activity heads into a tailspin**. The cycle from peak to trough in GDP is much shorter, only two years. Deficits Declining revenues and higher expenditures owing to a combination of bailout costs and higher transfer payments and debt servicing costs lead to a rapid and marked worsening in the fiscal balance. The episodes of Finland and Sweden stand out in this regard, as the latter went from a pre-crisis surplus of nearly 4% of GDP to a whopping 15% deficit-to-GDP ratio. Debt Figure 3 shows the rise in real government debt in the three years following a banking crisis. **The deterioration in government finances is striking, with an average debt rise of over 86%.** We look at percentage increase in debt, rather than debt-to-GDP, because sometimes steep output drops would complicate interpretation of debt–GDP ratios. As Reinhart and Rogoff (2009b) note, the characteristic huge buildups in government debt are driven mainly by sharp falloffs in tax revenue. **The much publicized bank bailout costs are typically second order.** Figure 3. Cumulative increase in real public debt in the three years following the banking crisis Sources: Reinhart and Rogoff (2008b) and sources cited therein. Downgrades (and sometimes default) Figure 4. Institutional Investor sovereign ratings cycles and banking crises: Peak-to-trough index declines (left panel) and years duration of downturn (right panel) Conclusions (not delusions) **An examination of the aftermath of severe financial crises shows deep and lasting effects on asset prices, output and employment. Unemployment rises and housing price declines extend out for five and six years, respectively. Even recessions sparked by financial crises do eventually end, albeit almost invariably accompanied by massive increases in government debt. The crises, more often than not, adversely impact sovereign creditworthiness,** as reflected in a higher risk premia. The effects, however, do not appear to be “permanent.” **The global nature of the present crisis will make it far more difficult for many countries to grow their way out** through higher exports. The growth slowdown is amplified in world commodity markets, as many emerging markets face steep declines in their terms of trade. If historical patterns hold, **the current lull in sovereign defaults or restructurings in emerging markets will likely to come to an end,** particularly if the recovery process in the world’s largest economies is delayed. **Ecuador has already defaulted and others are teetering on the brink.**

Border Surveillance Michigan 7

Brought you by Michael Cerny and Gauri Binoy

1NC

Drones provide effective surveillance of the borders

Spagat 2014 (Elliot; Drones replacing officers in Mexican border surveillance; Nov 13; www.dailynews.com/social-affairs/20141113/drones-replacing-officers-in-mexican-border-surveillance; kdf)

The U.S. government now patrols nearly half the Mexican border by drones alone in a largely unheralded shift to control desolate stretches where there are no agents, camera towers, ground sensors or fences, and it plans to expand the strategy to the Canadian border. It represents a significant departure from a decades-old approach that emphasizes boots on the ground and fences. Since 2000, the number of Border Patrol agents on the 1,954-mile border more than doubled — to surpass 18,000 — and fencing multiplied nine times to 700 miles. Under the new approach, Predator B aerial drones, used in the fight against insurgents in Afghanistan, sweep remote mountains, canyons and rivers with a high-resolution video camera and return within three days for another video in the same spot, two officials with direct knowledge of the effort said on condition of anonymity because details have not been made public. The two videos are then overlaid for analysts, who use sophisticated software to identify tiny changes — perhaps the tracks of a farmer or cows, perhaps those of immigrants who entered the country illegally or perhaps a drug-laden Hummer, they said. About 92 percent of drone missions have shown no change in terrain, while the others raised enough questions to dispatch agents to determine if someone got away, sometimes by helicopter because the area is so remote. The agents look for any sign of human activity — footprints, broken twigs, trash. About 4 percent of missions have been false alarms, like tracks of livestock or farmers, and about 2 percent are inconclusive. The remaining 2 percent offer evidence of illegal crossings from Mexico, which typically results in ground sensors being planted for closer monitoring. The government has operated about 10,000 drone flights under the strategy, known internally as “change detection,” since it began in March 2013. The flights currently cover about 900 miles, much of it in Texas, and are expected to expand to the Canadian border by the end of 2015. The purpose is to assign agents where illegal activity is highest, said R. Gil Kerlikowske, commissioner of Customs and Border Protection, the Border Patrol’s parent agency, which operates nine unmanned aircraft across the country. “You have finite resources,” he said in an interview. “If you can look at some very rugged terrain (and) you can see there’s not traffic, whether it’s tire tracks or clothing being abandoned or anything else, you want to deploy your resources to where you have a greater risk, a greater threat.” If the video shows the terrain unchanged, Border Patrol Chief Michael Fisher calls it “proving the negative” — showing there isn’t anything illegal happening there and therefore no need for agents and fences. The strategy was launched without fanfare and is being expanded as President Barack Obama prepares to issue an executive order by the end of this year to reduce deportations and enhance border security. Rep. Michael McCaul, a Texas Republican who chairs the House Homeland Security Committee, applauded the approach while noting surveillance gaps still remain. “We can no longer focus only on static defenses such as fences and fixed (camera) towers,” he said. Sen. Bob Corker, a Tennessee Republican who coauthored legislation last year to add 20,000 Border Patrol agents and 350 miles of fencing to the southwest border, said, “If there are better ways of ensuring the border is secure, I am certainly open to considering those options.” Border missions fly out of Sierra Vista, home of the U.S. Army Intelligence Center at Fort Huachuca, or Corpus Christi, Texas. They patrol at altitudes between 19,000 at 28,000 feet and from between 25 and 60 miles of the border. The first step is for Border Patrol sector chiefs to identify areas least likely to attract smugglers, typically those far from towns and roads. Analysts scour the drone videos at operations centers in Riverside; Grand Forks, North Dakota; and Sierra Vista. After an initial survey, the drones return within a week for another sweep. Privacy advocates have raised concerns about drones since Customs and Border Protection introduced them in 2006, saying there is potential to monitor innocent people under no suspicion. Lothar Eckardt, the agency’s executive director of national air security operations, said law-abiding people shouldn’t worry and that cameras are unable to capture details like license plate numbers and faces on the ground. He looked on one September morning as a drone taxied down a runway in Sierra Vista, lifted off with a muffled buzz and disappeared over a rocky mountain range into a blue Arizona sky. About a dozen computer screens line the wall of their trailer, showing the weather, maps and real-time images of the ground below. Eckardt said there is “no silver bullet” for addressing border security but that using drones in highly remote areas is part of the overall effort. If there’s nothing there, he said, “let’s not waste the manpower here. Let’s focus our efforts someplace else, where they’re needed.”

Cartel violence causes Mexican collapse and US military response

Metz 14 - Defense Analyst and author of "Iraq and the Evolution of American Strategy"

(Stephen, "Strategic Horizons: All Options Bad If Mexico's Drug Violence Expands to U.S.," February 19, www.worldpoliticsreview.com/articles/13576/strategic-horizons-all-options-bad-if-mexico-s-drug-violence-expands-to-u-s)

Over the past few decades, violence in Mexico has reached horrific levels, claiming the lives of 70,000 as criminal organizations fight each other for control of the drug trade and wage war on the Mexican police, military, government officials and anyone else unlucky enough to get caught in the crossfire. The chaos has spread southward, engulfing Guatemala, Honduras and Belize. Americans must face the possibility that the conflict may also expand northward, with intergang warfare, assassinations of government officials and outright terrorism in the United States. If so, this will force Americans to undertake a fundamental reassessment of the threat, possibly redefining it as a security issue. demanding the use of U.S. military power. One way that large-scale drug violence might move to the United States is if the cartels miscalculate and think they can intimidate the U.S. government or strike at American targets safely from a Mexican sanctuary. The most likely candidate would be the group known as the Zetas. They were created when elite government anti-drug commandos switched sides in the drug war, first serving as mercenaries for the Gulf Cartel and then becoming a powerful cartel in their own right. The Zetas used to recruit mostly ex-military and ex-law enforcement members in large part to maintain discipline and control. But the pool of soldiers and policemen willing to join the narco-traffickers was inadequate to fuel the group's ambition. Now the Zetas are tapping a very different, much larger, but less disciplined pool of recruits in U.S. prisons and street gangs. This is an ominous turn of events. Since intimidation through extreme violence is a trademark of the Zetas, its spread to the United States raises the possibility of large-scale violence on American soil. As George Grayson of the College of William and Mary put it, The Zetas are determined to gain the reputation of being the most sadistic, cruel and beastly organization that ever existed." And without concern for extradition, which helped break the back of the Colombian drug cartels, the Zetas show little fear of the United States government, already having ordered direct violence against American law enforcement. Like the Zetas, most of the other Mexican cartels are expanding their operations inside the United States. Only a handful of U.S. states are free of them today. So far the cartels don't appear directly responsible for large numbers of killings in the United States, but as expansion and reliance on undisciplined recruits looking to make a name for themselves through ferocity continue, the chances of miscalculation or violent freelancing by a cartel affiliate mount. This could potentially move beyond intergang warfare to the killing of U.S. officials or outright terrorism like the car bombs that drug cartels used in Mexico and Colombia. In an assessment for the U.S. Army War College Strategic Studies Institute, Robert Bunker and John Sullivan considered narco-trafficker car bombs inside the United States to be unlikely but not impossible. A second way that Mexico's violence could spread north, is via the partnership between the narco-traffickers and ideologically motivated terrorist groups. The Zetas already have a substantial connection to Hezbollah, based on collaborative narco-trafficking and arms smuggling. Hezbollah has relied on terrorism since its founding and has few qualms about conducting attacks far from its home turf in southern Lebanon. Since Hezbollah is a close ally or proxy of Iran, it might some day attempt to strike the United States in retribution for American action against Tehran. If so, it would likely attempt to exploit its connection with the Zetas, pulling the narco-traffickers into a transnational proxy war. The foundation for this scenario is already in place: Security analysts like Douglas Farah have warned of a "tier-one security threat for the United States" from an "improbable alliance" between narco-traffickers and anti-American states like Iran and the "Bolivarian" regime in Venezuela. The longer this relationship continues and the more it expands, the greater the chances of dangerous miscalculation. No matter how violence from the Mexican cartels came to the United States, the key issue would be Washington's response. If the Zetas, a rather Mexican cartel or someone acting in their stead launched a campaign of assassinations or bombings in the United States or helped Hezbollah or some other transnational terrorist organization with a mass casualty attack, and the Mexican the United States would have to consider military action. ¶ While the United States has deep cultural and economic ties to Mexico and works closely with Mexican law enforcement on the narco-trafficking problem, the security relationship between the two has always been difficult—understandably so given the long history of U.S. military intervention in Mexico. Mexico would be unlikely to allow the U.S. military or other government agencies free rein to strike at narco-trafficking cartels in its territory. even if those organizations were tied to assassinations, bombings or terrorism in the United States. But any U.S. president

would face immense political pressure to strike at America's enemies if the Mexican government could not or would not do so itself. Failing to act firmly and decisively would weaken the president and encourage the Mexican cartels to believe that they could attack U.S. targets with impunity. After all, the primary lesson from Sept. 11 was that playing only defense and allowing groups that attack the United States undisturbed foreign sanctuary does not work. But using the U.S. military against the cartels on Mexican soil could weaken the Mexican government or even cause its collapse, end further security cooperation between Mexico and the U.S. and damage one of the most important and intimate bilateral economic relationships in the world. Quite simply, every available strategic option would be disastrous.

That undermines US power projection

Haddick 10 – Managing Editor of the Small Wars Journal

(Robert, This Week at War: If Mexico Is at War, Does America Have to Win It?, Sept 10, http://www.foreignpolicy.com/articles/2010/09/10/this_week_at_war_if_mexico_is_at_war_does_america_have_to_win_it)

While answering a question on Mexico this week at the Council on Foreign Relations, U.S. Secretary of State Hillary Clinton said, "We face an increasing threat from a well-organized network, drug-trafficking threat that is, in some cases, morphing into, or making common cause with, what we would consider an insurgency." Mexico's foreign minister Patricia Espinosa was quick to dispute this characterization, arguing that Mexico's drug cartels have no political agenda. But as I have previously discussed, the cartels, evidenced by their attacks on both the government and the media, are gradually becoming political insurgents as a means of defending their turf.¶ I note that Clinton used the phrase "We [the United States] face an increasing threat ...," not "they [Mexico]." The cartels are transnational shipping businesses, with consumers in the United States as their dominant market. The clashes over shipping routes and distribution power -- which over the past four years have killed 28,000 and thoroughly corrupted Mexico's police and judiciary -- could just as well occur inside the United States. Indeed, growing anxiety that southern Arizona is in danger of becoming a "no-go zone" controlled by drug and human traffickers contributed to the passage of Arizona's controversial immigration enforcement statute earlier this year.¶ Both Clinton and Mexican officials have discussed Colombia's struggle against extreme drug violence and corruption, revealing concerns about how dreadful the situation in Mexico might yet become and also as a model for how to recover from disaster. Colombia's long climb from the abyss, aided by the U.S. government's Plan Colombia assistance, should certainly give hope to Mexico's counterinsurgents. But if the United States and Mexico are to achieve similar success, both will have to resolve political dilemmas that would prevent effective action. Clinton herself acknowledged as much when she remarked that Plan Colombia was "controversial ... there were problems and there were mistakes. But it worked."¶ Isolating Mexico's cartel insurgents from their enormous American revenue base -- a crucial step in a counterinsurgency campaign -- may require a much more severe border crackdown, an action that would be highly controversial in both the United States and Mexico. Plan Colombia was a success partly because of the long-term presence of U.S. Special Forces advisers, intelligence experts, and other military specialists inside Colombia, a presence which would not please most Mexicans. And Colombia's long counterattack against its insurgents resulted in actions that boiled the blood of many human rights observers.¶ Most significantly, a strengthening Mexican insurgency would very likely affect America's role in the rest of the world. An increasingly chaotic American side of the border, marked by bloody cartel wars, corrupted government and media, and a breakdown in security, would likely cause many in the United States to question the importance of military and foreign policy ventures elsewhere in the world.¶ Should the southern border become a U.S. president's primary national security concern, nervous allies and opportunistic adversaries elsewhere in the world would no doubt adjust to a distracted and inward-looking America, with potentially disruptive arms races the result. Secretary Clinton has looked south and now sees an insurgency. Let's hope that the United States can apply what it has recently learned about insurgencies to stop this one from getting out of control.

Heg prevents great-power war

Keck 14 – the Assistant Editor at The Diplomat, a researcher at the Middle East Desk at Wikistrat, and an M.A. candidate in the Department of Public and International Affairs at George Mason University. Former Deputy Editor at e-International Relations; a foreign policy reporter at the Washington, D.C. edition of Examiner.com, a Joseph S. Nye, Jr. National Security Research Intern at the Center for a New American Security, a Research Assistant at the Center for Research, Regional Education and Outreach,

(Zach, “America’s Relative Decline: Should We Panic? The end of the unipolar era will create new dangers that the world mustn’t overlook,” 1-24-14,
<http://thediplomat.com/2014/01/americas-relative-decline-should-we-panic/>)

Still, China’s relative rise and the United States’ relative decline carries significant risks, for the rest of the world probably more so than for Americans. Odds are, the world will be worse off if China and especially others reach parity with the U.S. in the coming years. This isn’t to say America is necessarily as benign a hegemon as some in the U.S. claim it to be. In the post-Cold War era, the U.S. has undoubtedly at times disregarded international laws or international opinions it disagreed with. It has also used military force with a frequency that would have been unthinkable during the Cold War or a multipolar era. Often this has been for humanitarian reasons, but even in some of these instances military action didn’t help. Most egregiously, the U.S. overrode the rest of the world’s veto in invading Iraq, only for its prewar claims to be proven false. Compounding the matter, it showed complete and utter negligence in planning for Iraq’s future, which allowed chaos to engulf the nation. Still, on balance, the U.S. has been a positive force in the world, especially for a unipolar power. Certainly, it’s hard to imagine many other countries acting as benignly if they possessed the amount of relative power America had at the end of the Cold War. Indeed, the British were not nearly as powerful as the U.S. in the 19th Century and they incorporated most of the globe in their colonial empire. Even when it had to contend with another superpower, Russia occupied half a continent by brutally suppressing its populace. Had the U.S. collapsed and the Soviet Union emerged as the Cold War victor, Western Europe would likely be speaking Russian by now. It’s difficult to imagine China defending a rule-based, open international order if it were a unipolar power, much less making an effort to uphold a minimum level of human rights in the world. Regardless of your opinion on U.S. global leadership over the last two decades, however, there is good reason to fear its relative decline compared with China and other emerging nations. To begin with, hegemonic transition periods have historically been the most destabilizing eras in history. This is not only because of the malign intentions of the rising and established power(s). Even if all the parties have benign, peaceful intentions, the rise of new global powers necessitates revisions to the “rules of the road.” This is nearly impossible to do in any organized fashion given the anarchic nature of the international system, where there is no central authority that can govern interactions between states. We are already starting to see the potential dangers of hegemonic transition periods in the Asia-Pacific (and arguably the Middle East). As China grows more economically and militarily powerful, it has unsurprisingly sought to expand its influence in East Asia. This necessarily has to come at the expense of other powers, which so far has primarily meant the U.S., Japan, Vietnam and the Philippines. Naturally, these powers have sought to resist Chinese encroachments on their territory and influence, and the situation grows more

tense with each passing day. Should China eventually emerge as a global power, or should nations in other regions enjoy a similar rise as Kenny suggests, this situation will play itself out elsewhere in the years and decades ahead. All of this highlights some of the advantages of a unipolar system. Namely, although the U.S. has asserted military force quite frequently in the post-Cold War era, it has only fought weak powers and thus its wars have been fairly limited in terms of the number of casualties involved. At the same time, America's preponderance of power has prevented a great power war, and even restrained major regional powers from coming to blows. For instance, the past 25 years haven't seen any conflicts on par with the Israeli-Arab or Iran-Iraq wars of the Cold War. As the unipolar era comes to a close, the possibility of great power conflict and especially major regional wars rises dramatically. The world will also have to contend with conventionally inferior powers like Japan acquiring nuclear weapons to protect their interests against their newly empowered rivals. But even if the transitions caused by China's and potentially other nations' rises are managed successfully, there are still likely to be significant negative effects on international relations. In today's "globalized" world, it is commonly asserted that many of the defining challenges of our era can only be solved through multilateral cooperation. Examples of this include climate change, health pandemics, organized crime and terrorism, global financial crises, and the proliferation of weapons of mass destruction, among many others. A unipolar system, for all its limitations, is uniquely suited for organizing effective global action on these transnational issues. This is because there is a clear global leader who can take the initiative and, to some degree, compel others to fall in line. In addition, the unipole's preponderance of power lessens the intensity of competition among the global players involved. Thus, while there are no shortages of complaints about the limitations of global governance today, there is no question that global governance has been many times more effective in the last 25 years than it was during the Cold War. The rise of China and potentially other powers will create a new bipolar or multipolar order. This, in turn, will make solving these transnational issues much more difficult. Despite the optimistic rhetoric that emanates from official U.S.-China meetings, the reality is that Sino-American competition is likely to overshadow an increasing number of global issues in the years ahead. If other countries like India, Turkey, and Brazil also become significant global powers, this will only further dampen the prospects for effective global governance.

Uniqueness

UQ—Border Drones Increasing

The federal government is ramping up its use of border drones

Barry '15 (Tom; January 21, 2015; Dysfunctional Drones Underscore Mission Mess at Homeland Security; Tom Barry is a senior policy analyst at the Center for International Policy, where he directs the TransBorder project. Barry specializes in immigration policy, homeland security, border security and the outsourcing of national security; www.truth-out.org/news/item/28645-dysfunctional-drones-underscore-mission-mess-at-homeland-security; 7-7-15; mbc)

President Obama and Homeland Security Secretary Jeh Johnson are committed to more drone surveillance of US borders. Over the past year, the president has called for emergency supplemental funding for DHS to fund a "sustained border security surge," including new funding for border drones. Johnson specified that deployment of Predator drones over the Southwest border is key to his new "border security initiative, which he calls the Southern Border and Approaches Campaign. Before joining DHS last year, Johnson served successively as general counsel for the Air Force and Department of Defense (2009-2013). As the chief DOD legal counsel, Johnson formulated the legal justification for President Obama's use of Predator drones in targeted killings overseas. Support by the White House and DHS for the use of military-grade drones persists even as criticism of the program mounts. Since the first deployment in 2005 of Predator drones by Customs and Border Protection (CBP) - the most generously funded DHS agency - the program has come under critical review from the Congressional Research Service, Government Accountability Office (GAO), and the DHS Office of the Inspector General (OIG). The OIG report hammers the CBP and the Office of Air and Marine for the continuing failure to institute performance measures and to meet planned flight-time objectives. More than a dozen reports have lambasted the drone program for its failure to meet stated goals, absence of performance measures, and failure to formulate operational plans and strategic directions. Office of Air and Marine (OAM), which DHS created at the same time that CBP launched the drone program, has overseen the expansion of its drone fleet from one Predator to eight Predators and two Predator marine-surveillance variants known as Guardians. As part of its strategic plan, CBP/OAM plans to increase the drone fleet to two-dozen Predators and Guardians - a plan that allows CBP/OAM to respond to emergencies and threats anywhere within the United States in three hours or less. CBP has been largely dismissive of governmental evaluations of its border drone program. In 2012, the DHS inspector general produced a report that added to the growing library of critical evaluations of the border drones, taking CBP/OAM to task for its lack of performance measures and for keeping the Predators grounded on military bases rather than flying surveillance missions. This scathing evaluation didn't undermine White House or DHS support for the costly drone program. And CBP/OAM essentially shrugged off the OIG's critiques and recommendations - as is evident in a new OIG evaluation

UQ – Border Drones Now – Secure Our Borders Act

The SOBA will expand border drones within 100 miles of the border

Kayyali 2015 (Nadia; Secure Our Borders First Act Would Ensure Proliferation of Drones at the Border; Feb 3; <https://www.eff.org/deeplinks/2015/02/secure-our-borders-first-act-would-ensure-proliferation-drones-border>; kdf)

Secure Our Borders First Act Would Ensure Proliferation of Drones at the Border Security shouldn't be a synonym for giving up civil liberties. But bills like HR 399 show that lawmakers think it is. The Secure Our Borders First Act is an ugly piece of legislation that's clearly intended to strongarm the Department of Homeland Security into dealing with the border in a very particular way—with drones and other

surveillance technology. The bill appears to have stalled in the House—it was on the calendar for last week but wasn't voted on, and it's not on the schedule for this week. But it's not dead yet. And even if it does die, this isn't the first time Congress has tried to increase the use of drones at the border. In 2013, the Senate passed S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act. The bill called for the use of drones "24 hours per day and for 7 days per week." The House of Representatives did not pass the legislation, but the drone mandate in HR 399 is eerily similar—and it demonstrates that the idea that drones should be used at the border is persistent. The 72-page piece of legislation, authored by Rep. Michael McCaul from Texas, gives the Department of Homeland Security (DHS) an incredibly specific mandate. It requires DHS to gain "operational control" of high traffic areas within 2 years, and the entire southern border within 5 years. Operational control means "the prevention of all unlawful entries into the United States." It prescribes exactly how that should be done, and even includes penalties for failure to do so, including pay freezes for government officials. The bill also prescribes how operational control should be obtained. It does this by prescribing what equipment 11 specific border points should use. At several of the points, that equipment includes drones. Additionally, the bill includes the following mandate: The Office of Air and Marine of U.S. Customs and Border Protection [CBP] shall operate unmanned aerial systems not less than 16 hours per day, seven days per week. As the ACLU notes, it's a little shocking that the bill includes such mandates only "weeks after a damning DHS Inspector General (DHS IG) report titled 'CBP Drones are Dubious Achievers.'" And that's just the most recent report. In June of 2012, EFF called attention to another DHS IG report that faulted the DHS for wasting time, money, and resources using drones that were ineffective and lacked oversight. To put it in perspective, Predator drones cost \$3,000 per hour to fly. That's certainly part of the reason that HR 399 authorizes \$1 billion in appropriations. Of course, the waste of money in this bill pales in comparison to its potential negative impact on civil liberties.

Drones pose a multitude of privacy concerns. Drones can be equipped with, among other capabilities, facial recognition technology, live-feed video cameras, thermal imaging, fake cell phone towers to intercept phone calls, texts and GPS locations, as well as backend software tools like license plate recognition, GPS tracking, and facial recognition. They are capable of highly advanced and near-constant surveillance, and can amass large amounts of data on private citizens, which can then be linked to data collected by the government and private companies in other contexts. Lest it seem that this will only affect communities directly adjacent to the border, or individuals being investigated or pursued by CBP, it's important to note that the government considers the border to extend 100 miles in, and CBP has certain powers to conduct activities like searches that would be unconstitutional elsewhere. Furthermore, according to documents obtained by the EFF as part of a Freedom of Information Act lawsuit against the agency, CBP appears to be flying drones well within the Southern and Northern US borders for a wide variety of non-border patrol reasons. In fact, the documents showed that between 2010-2012, the number of missions CBP flew for state, local and non-CBP federal agencies increased eight-fold. The silver lining? The legislation hasn't passed yet. There's still time to contact your elected representatives and tell them to vote no.

UQ – Border Drones Effective

Border drones effectively and efficiently monitor the border

RussiaTimes '14 (November 13, 2014; <http://rt.com/usa/205343-cpb-mexico-border-drone-patrols/>; 7-3-15; mbc)

Predator drones are silently patrolling almost half of the United States' border with Mexico, looking for illegal immigrants, human traffickers and drug cartels in desolated areas the government agents can't realistically patrol. The unmanned aircraft fly over about 900 miles of rural areas where there are no US Customs and Border Patrol (CPB) agents, camera towers, ground sensors or fences along the 1,954-mile border, according to a new report by the Associated Press. The Predator Bs use a high-resolution video camera and then return within three days for another video in the same spot, two officials told the wire service. The two videos are then overlaid for analysts who use sophisticated software to identify tiny changes. There are changes in terrain in only eight percent of the drone missions under the current strategy – known internally as “change detection” – since it began in March 2013. Of those flagged missions, about four percent were false alarms, like tracks from livestock or farmers, and about two percent are inconclusive to the agents dispatched to the area to investigate. The remaining 2 percent offer evidence – like footprints, broken twigs, trash – of illegal crossings from Mexico, which typically results in ground sensors being planted for closer monitoring. In the last year and a half, CPB has operated about 10,000 drone flights, with much of their missions over Texas. Border missions fly out of Sierra Vista, home of the U.S. Army Intelligence Center at Fort Huachuca, or Corpus Christi, Texas. They patrol at altitudes between 19,000 at 28,000 feet and between 25 and 60 miles of the border. The program is expected to expand the the Canadian border by the end of 2015. The purpose is to assign agents where illegal activity is highest, R. Gil Kerlikowske, commissioner of Customs and Border Protection, the Border Patrol's parent agency, which operates nine unmanned aircraft across the country, told AP. “You have finite resources,” he said in an interview. “If you can look at some very rugged terrain (and) you can see there's not traffic, whether it's tire tracks or clothing being abandoned or anything else, you want to deploy your resources to where you have a greater risk, a greater threat.” Gregory McNeal, a law professor and drone expert at Pepperdine University, told NBC News in July that the money spent on drones is worth it. “This is a better way to patrol the border than helicopters,” he said. “It’s not a comprehensive immigration solution or border security solution, but more surveillance time in the air will help plug gaps in the border.” A typical Predator drone can fly for 12 hours before landing, compared to three for a standard helicopter. But the cost is much higher: Predator drones require a crew of between five to eight people – plus maintenance staff – to operate, coming out to about \$3,000 an hour to fly. And each one has an \$18 million price tag, NBC News reported. CPB began rolling out Predators in 2005, but rapidly expanded the unmanned aerial reconnaissance operation along the US-Mexico border at the beginning of this decade, the Washington Post reported in 2011. Michael Kostelnik, a retired Air Force general and former test pilot who is the assistant commissioner of CPB's Office of Air and Marine, told the Post then that he had yet to be challenged in Congress about the appropriate use of domestic drones. “Instead, the question is: Why can't we have more of them in my district?” Kostelnik said. In July, President Barack Obama requested \$39.4 million for aerial surveillance, including troops, along the US-Mexican border. The emergency funding was for 16,526 additional drone and manned aircraft flight hours for border surveillance, and 16 additional drone crews to better detect and stop illegal activity, according to administration officials. The request was in response to the humanitarian crisis after tens of thousands of unaccompanied children and families illegally entered the country in the first half of the year. “Border Patrol wants the money and it wants the drones,” McNeal said. “This is the kind of crisis where, if you are Border Patrol, you seize the opportunity to get more funding from Congress.” The agency’s “unmanned and manned aircraft can continue to support ongoing border security operations, specifically regarding the tracking of illegal cross-border smuggling operations,” a CBP official told Nextgov. The

president's request was part of a larger funding appeal of \$3.7 billion to deal with the illegal immigrants and border security problems. In January, CPB was forced to ground its entire fleet of drones after a mechanical function forced a crew to crash an unmanned aircraft valued at \$12 million. The mishap lowered the number of agency drones to only nine.

UQ – Yes Human Smuggling

Profits from human smuggling outweigh drugs

Gilroy 14 – Colby College Honors Thesis, Latin American Studies

(Chloe, "BORDERLINE DEPRAVITY: THE IMPACT OF U.S. IMMIGRATION POLICY ON HUMAN SMUGGLING AT THE MEXICAN BORDER,"

<http://digitalcommons.colby.edu/cgi/viewcontent.cgi?article=1740&context=honorsthesis>//BB

Furthermore, there is an added economic advantage that the cartels gain over other operators by entering into the market for human smuggling in certain areas. Unlike a load of cocaine being smuggled across the border that, when lost, cannot be recouped, a person who fails crossing the first time may hire the same coyote multiple times in order to complete the journey successfully. In his interviews completed with returned migrants as part of the Mexican Migrant Project, Cornelius A. Wayne found that 92% of migrants "eventually succeeded on the same trip to the border, without returning to their place of origin".⁹⁶ So even when a first time crossing proves to be unsuccessful, smugglers still stand to make a future profit if the migrants they failed to bring over decide to make the trip again. Agent Ramiro Cordero goes into why, in certain areas of the border region, **human smuggling has an economic and legal advantage over other activities** that traditionally lie within cartel domain: It is the cargo that you carry really. We have to backtrack a little here. Years back I caught you coming across, slap you on the hand, process you, and send you back. I never really lose you. You keep on trying and trying. I guarantee you three tries, you pay me and you never lose me. If I catch a load of dope, they lost it. They aren't going to make anything out of it. It is a little more lucrative, in some areas, to do migrant smuggling than narcotic smuggling. It also is less penalized. Alien smuggling, a couple of years, but drug smuggling that's five to ten years. It [alien smuggling] is a little bit more profitable maybe, a little more difficult though.⁹⁷ This comparative advantage is just one of the benefits that cartels had upon deciding to enter into the market as service providers as opposed to just toll collectors.

AT: Cartels weak/marijuana legalization

Recent legalization fails

Tama 15

Jason, a federal executive fellow at The Brookings Institution, "Opinion: Global illicit drug economy is adapting to pot legalization", The Cannabist, March 13 2015, www.thecannabist.co/2015/03/13/opinion-global-illicit-drug-economy-adapting-pot-legalization/28764/

With multiple state marijuana initiatives winning voter approval in the 2014 midterm elections, legalization proponents are already hard at work in states like California, where passage of a comprehensive initiative in 2016 could provide the policy "legitimacy" reformers are seeking. However, states should proceed cautiously as **it is too soon to fully assess the complex economic and public health and safety implications of state-by-state legalization**. More broadly for the nation, **it is also important to address what the legalization debate has thus far either ignored or oversimplified: the effects on international illicit drug markets**, transnational organized crime and American foreign policy. The illicit drug economy is a complex system run by resilient criminal networks. **Despite the move toward legalization, the destabilizing influence of illicit economies and transnational crime will endure**, and a sustained national effort will still be needed to address this evolving threat. **Assuming state-by-state commercial legalization continues, illicit marijuana markets will persist until legal and black market prices converge and interstate arbitrage opportunities disappear**. Neither of these outcomes is likely in the near-term. States face the very difficult task of managing consumption levels via unique regulatory regimes that promote scarcity, while simultaneously trying to price out illicit suppliers. Further, **with no regulatory harmonization among states — and no credible movement to legalize federally — interstate arbitrage opportunities persist and are ripe for exploitation by illicit traffickers**. This is not necessarily an argument against experimenting with legalization, but rather an acknowledgement of market dynamics and the agility of modern criminal networks. The good news is marijuana traffickers should face shrinking profit margins in commercially regulated states that progress toward competitive pricing.

Link

Link: Drones Protect the Border

Drones are necessary to protect the border

Ingram 2013 (David; How drones are used for domestic surveillance; Jun 19;

www.csmonitor.com/USA/Latest-News-Wires/2013/0619/How-drones-are-used-for-domestic-surveillance; kdf)

The U.S. government has made no secret of its use of drones to monitor the United States border with Mexico. The Obama administration has been defending its surveillance tactics since former National Security Agency contractor Edward Snowden released secret documents revealing a massive database of daily telephone records, as well as coordination between the NSA and social media companies. The programs are designed to target militants outside the United States who are suspected of planning attacks, but they inevitably gather some data on Americans, U.S. officials said. In a May speech, Obama defended the use of armed drones abroad but said the United States should never deploy armed drones over U.S. soil. The Justice Department had disclosed that two domestic law enforcement agencies use unmanned aircraft systems, according to a department statement sent to the Judiciary Committee and released on Wednesday by Grassley's office. The two are the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives. Grassley sent a letter to Attorney General Eric Holder on Wednesday asking why the Justice Department did not earlier mention the FBI's use of drones. At Wednesday's hearing, Democratic Senator Dianne Feinstein of California said she was concerned about the privacy implications of drone surveillance. "The greatest threat to the privacy of Americans is the drone and the use of the drone, and the very few regulations that are on it today," Feinstein said. Mueller reiterated that drone use is rare. "It is very narrowly focused on particularized cases and particularized needs," he said. Mueller is due to retire when his term expires in September.

Link: Drones Surveil Cartels

The plan grounds drones that monitor cartels

Hastings 2015 (Deborah; Texas border-patrol drones could have been helping feds 'spy' on Mexico: Report; Apr 15; www.nydailynews.com/news/national/texas-border-drones-spying-mexico-report-article-1.2184932; kdf)

Drones used to patrol the U.S.-Mexico border in the Lone Star State allegedly trained their sites inside Mexico, gathering intelligence that included the coordinates of a noted drug cartel, the Virginia-based contractor reportedly wrote in its 2010 report. The contractor, hired by the state's Department of Public Safety, raised questions about the legality of drone surveillance along the Mexican border, the newspaper reported. "Need to be careful here as we are admitting to spying on Mexico," the report said. The document, prepared by Abrams Learning and Information Systems, described the contractor's work in helping to design the state's border program, which included using drones to track the movements of members of the deadly Los Zetas drug cartel. The drones "monitor suspected Zeta points of interest and pass this information on to Immigration and Customs Enforcement (ICE)," the document reads. "Using this information, ICE can work in conjunction with Mexican Military forces to target (L)os Zetas both north and south of the border to disrupt cartel trafficking operations." Texas Department of Public Safety officials distanced themselves from the report, the paper said. "This document was developed by an outside vendor, and it is imperative to make clear that the department unequivocally rejects the reference to 'spying,'" said spokesman Tom Vinger in an email. "This characterization does not reflect the department's position, nor was this ever used as a talking point," the email to the newspaper said. At issue is whether the drones captured intelligence from the interior of Mexico — surveillance that usually requires federal approval.

AT: Warrants =/= border drones

If the plan doesn't impact border drones, it proves our circumvention arguments because it means that law enforcement will shift to other agencies to carry out their surveillance

And – the plan grounds border drones

Bomboy 2014 (Scott; A legal victory for drones warrants a Fourth Amendment discussion; Feb 7; blog.constitutioncenter.org/2014/02/a-court-victory-for-drones-warrants-a-fourth-amendment-discussion/; kdf)

The Brossart case was a first in the American legal system, since drone surveillance played a part in the proceedings, but it won't likely be the last. Last month, the Electronic Frontier Foundation said it has obtained records that showed Customs and Border Patrol drones were lent to other national and local agencies, and were used 700 times between 2010 and 2012 for domestic surveillance. In his 2012 arguments, attorney Quick cited the Supreme Court case of *Kyllo v. the United States* as supporting his contention that the Predator-B drone's use without a warrant violated the Fourth Amendment. The Fourth Amendment affirms "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." In the *Kyllo* case from 2001, the Supreme Court decided that the use of infrared detection, as a form of surveillance, to identify marijuana cultivation inside a suspect's house violated the Fourth Amendment. The Supreme Court has yet to consider drone surveillance and the Fourth Amendment, but *Kyllo* isn't the only case that could come into play. In *California v. Ciraolo* (1986), the Supreme Court ruled that an individual's private property is not protected by the Fourth Amendment as long as an aircraft is in navigable airspace; in this case, the altitude was 1,000 feet. "The Fourth Amendment simply does not require the police traveling in the public airways at this altitude to obtain a warrant in order to observe what is visible to the naked eye," the Court said. For now, there doesn't seem to be a clear-cut answer, despite the Fourth Amendment's message, partly because of the technology wrapped up inside higher-tech surveillance drones. Some drones can not only see clearly into your backyard, but can also theoretically listen (in some circumstances) and take thermal-sensitive pictures. More sophisticated drones can intercept electronic communications, track GPS information, and use facial recognition technology. "While individuals can expect substantial protections against warrantless government intrusions into their homes, the Fourth Amendment offers less robust restrictions upon government surveillance occurring in public places including areas immediately outside the home, such as in driveways or backyards," said Richard M. Thompson II, an attorney for the Congressional Research Service, in a 2013 study. "Concomitantly, as technology advances, the contours of what is reasonable under the Fourth Amendment may adjust as people's expectations of privacy evolve." Groups like the American Civil Liberties Union and the Electronic Privacy Information Center are pushing hard for privacy-law reforms that would require law enforcement to strictly follow the Fourth Amendment when it comes to drone surveillance.

AT: 25 Mile Exception

The plan doesn't mention the 25 mile exception, proves that no-link argument is a 2AC replan—this is a unique reason to vote negative because it means that they can no link all of our DAs in the 2AC.

Patrols within 100 miles are key

Stanley 2014 (Jay; Up to 20% of Border Patrol Drone Flights Are Inside the United States; Oct 2; <https://www.aclu.org/blog/20-border-patrol-drone-flights-are-inside-united-states>; kdf)

So what were the Predators doing inside these border and coastal areas? According to the GAO report, some of that flight time might have involved pilot training, or moving from one base to another—but also listed as a principal source of CBP Predator operations is “support for law enforcement activities and investigations” run by other federal agencies such as the FBI, ICE, and various “multi-agency task forces.” The GAO does not specify an exact percentage but writes that “over 80 percent” of flight hours were within border and coastal areas. Let's note that it's not clear what the GAO means by “border and coastal areas”—those responsible for border security within the U.S. government assert that the “border region” includes any area within 100 miles of any U.S. “external boundary.” So it's possible that far more than 80% of the Predator miles flown what an ordinary person would consider “inside the United States.” After all, a flight between, say, Boston and Washington, DC would certainly be within the government's so-called 100-mile zone, and probably also within a more narrowly defined “coastal area”—but that would still be well outside the area most people think the Predators are being used.

AT: Fill-in tech = effective

Drones are the most effective way to monitor the border

BBC 2014 (US-Mexico border 'patrolled by drones'; Nov 13; www.bbc.com/news/world-us-canada-30044702; kdf)

The US government is using drones to patrol half of its border with Mexico, a report by the Associated Press says. The strategy means that the US is increasingly able to move away from using large numbers of border patrol agents along the entire frontier. **The drones allow border control agents to focus on areas of "greater threat"**, says the report. The US border immigration system is under pressure in the face of a worsening border crisis. According to an investigation by the news agency, there have been about 10,000 drone flights since the new border control strategy began in March 2013. The unmanned drones are being deployed in an effort to control 900 miles (1,450 km) of remote areas, allowing border patrol agents to focus their resources elsewhere, AP says. Richard Gil Kerlikowske, the commissioner of the Border Patrol's parent agency, Customs and Border Protection, said his agency only had "finite resources". "You want to deploy your resources to where you have a greater risk, a greater threat." The drones focus on detecting small changes in the landscape such as footprints, broken twigs and tyre tracks. A border control agent is only sent to the area if the drone has picked up signs of human disturbance, said AP. Drone patrols are expected to expand to the Canadian border in 2015, the news agency added. Michael McCaul, a Texas Republican who chairs the House Homeland Security Committee, praised the approach but said that surveillance gaps still remain. "We can no longer focus only on static defences such as fences and fixed [camera] towers," he said.

Impacts

****Hege Extensions**

Hege -- IL Extensions

Mexican collapse is comparatively the greatest geopolitical threat to hegemony

Kaplan 12 - Senior Fellow at the Center for a New American Security in Washington, D.C., and has been a foreign correspondent and contributing editor at The Atlantic, where his work has appeared for three decades. In 2009, he was appointed to the Pentagon's Defense Policy Board, which advised former U.S. Secretary of Defense Robert Gates on key issues. Mr. Kaplan served on the board through 2011. From 2006 to 2008, he was the Class of 1960 Distinguished Visiting Professor in National Security at the U.S. Naval Academy.

(Robert, "With the Focus on Syria, Mexico Burns," [//BB](https://www.stratfor.com/weekly/focus-syria-mexico-burns#axzz3D9QzKYlq)

While the foreign policy elite in Washington focuses on the 8,000 deaths in a conflict in Syria — half a world away from the United States — more than 47,000 people have died in drug-related violence since 2006 in Mexico. A deeply troubled state as well as a demographic and economic giant on the United States' southern border, Mexico will affect America's destiny in coming decades more than any state or combination of states in the Middle East. Indeed, Mexico may constitute the world's seventh-largest economy in the near future.^a Certainly, while the Mexican violence is largely criminal, Syria is a more clear-cut moral issue, enhanced by its own strategic consequences. A calcified authoritarian regime in Damascus is stamping out dissent with guns and artillery barrages. Moreover, regime change in Syria, which the rebels demand, could deliver a pivotal blow to Iranian influence in the Middle East, an event that would be the best news to U.S. interests in the region in years or even decades.^a Nevertheless, the Syrian rebels are divided and hold no territory, and the toppling of pro-Iranian dictator Bashar al Assad might conceivably bring to power an austere Sunni regime equally averse to U.S. interests — if not lead to sectarian chaos. In other words, all military intervention scenarios in Syria are fraught with extreme risk. Precisely for that reason, that the U.S. foreign policy elite has continued for months to feverishly debate Syria, and in many cases advocate armed intervention, while utterly ignoring the vaster panorama of violence next door in Mexico, speaks volumes about Washington's own obsessions and interests, which are not always aligned with the country's geopolitical interests.^a Syria matters and matters momentarily to U.S. interests, but Mexico ultimately matters more, so one would think that there would be at least some degree of parity in the amount written on these subjects. I am not demanding a switch in news coverage from one country to the other, just a bit more balance. Of course, it is easy for pundits to have a fervently interventionist view on Syria precisely because it is so far away, whereas miscalculation in Mexico on America's part would carry far greater consequences. For example, what if the Mexican drug cartels took revenge on San Diego? Thus, one might even argue that the very noise in the media about Syria, coupled with the relative silence about Mexico, is proof that it is the latter issue that actually is too sensitive for loose talk.^a It may also be that cartel-racked Mexico — at some rude subconscious level — connotes for East Coast elites a south of the border, 7-Eleven store culture, reminiscent of the crime movie "Traffic," that holds no allure to people focused on ancient civilizations across the ocean. The concerns of Europe and the Middle East certainly seem closer to New York and Washington than does the southwestern United States. Indeed, Latin American bureaus and studies departments simply lack the cachet

of Middle East and Asian ones in government and universities. Yet, the fate of Mexico is the hinge on which the United States' cultural and demographic future rests.^a U.S. foreign policy emanates from the domestic condition of its society, and nothing will affect its society more than the dramatic movement of Latin history northward. By 2050, as much as a third of the American population could be Hispanic. Mexico and Central America constitute a growing demographic and economic powerhouse with which the United States has an inextricable relationship. In recent years Mexico's economic growth has outpaced that of its northern neighbor. Mexico's population of 111 million plus Central America's of more than 40 million equates to half the population of the United States.^a Because of the North American Free Trade Agreement, 85 percent of Mexico's exports go to the United States, even as half of Central America's trade is with the United States. While the median age of Americans is nearly 37, demonstrating the aging tendency of the U.S. population, the median age in Mexico is 25, and in Central America it is much lower (20 in Guatemala and Honduras, for example). In part because of young workers moving northward, the destiny of the United States could be north-south, rather than the east-west, sea-to-shining-sea of continental and patriotic myth. (This will be amplified by the scheduled 2014 widening of the Panama Canal, which will open the Greater Caribbean Basin to megaships from East Asia, leading to the further development of Gulf of Mexico port cities in the United States, from Texas to Florida.)^b Since 1940, Mexico's population has increased more than five-fold. Between 1970 and 1995 it nearly doubled. Between 1985 and 2000 it rose by more than a third. Mexico's population is now more than a third that of the United States and growing at a faster rate. And it is northern Mexico that is crucial. That most of the drug-related homicides in this current wave of violence that so much dwarfs Syria's have occurred in only six of Mexico's 32 states, mostly in the north, is a key indicator of how northern Mexico is being distinguished from the rest of the country (though the violence in the city of Veracruz and the regions of Michoacan and Guerrero is also notable). If the military-led offensive to crush the drug cartels launched by conservative President Felipe Calderon falters, as it seems to be doing, and Mexico City goes back to cutting deals with the cartels, then the capital may in a functional sense lose even further control of the north, with concrete implications for the southwestern United States.^a One might argue that with massive border controls, a functional and vibrantly nationalist United States can coexist with a dysfunctional and somewhat chaotic northern Mexico. But that is mainly true in the short run. Looking deeper into the 21st century, as Arnold Toynbee notes in *A Study of History* (1946), a border between a highly developed society and a less highly developed one will not attain an equilibrium but will advance in the more backward society's favor. Thus, helping to stabilize Mexico — as limited as the United States' options may be, given the complexity and sensitivity of the relationship — is a more **urgent** national interest than stabilizing societies in the Greater Middle East. If Mexico ever does reach coherent First World status, then it will become less of a threat, and the healthy melding of the two societies will quicken to the benefit of both.^a Today, helping to thwart drug cartels in rugged and remote terrain in the vicinity of the Mexican frontier and reaching southward from Ciudad Juarez (across the border from El Paso, Texas) means a limited role for the U.S. military and other agencies — working, of course, in full cooperation with the Mexican authorities. (Predator and Global Hawk drones fly deep over Mexico searching for drug production facilities.) But the legal framework for cooperation with Mexico remains problematic in some cases because of strict interpretation of 19th century posse comitatus laws on the U.S.

side. While the United States has spent hundreds of billions of dollars to affect historical outcomes in Eurasia, its leaders and foreign policy mandarins are somewhat passive about what is happening to a country with which the United States shares a long land border, that verges on partial chaos in some of its northern sections, and whose population is close to double that of Iraq and Afghanistan combined. Mexico, in addition to the obvious challenge of China as a rising great power, will help write the American story in the 21st century. Mexico will partly determine what kind of society America will become, and what exactly will be its demographic and geographic character, especially in the Southwest. The U.S. relationship with China will matter more than any other individual bilateral relationship in terms of determining the United States' place in the world, especially in the economically crucial Pacific. If policymakers in Washington calculate U.S. interests properly regarding those two critical countries, then the United States will have power to spare so that its elites can continue to focus on serious moral questions in places that matter less.

Mexican violence takes down hegemony

Stratfor 8

("Geopolitical Diary: High Stakes South of the Border," [//BB">https://www.stratfor.com/geopolitical-diary/geopolitical-diary-high-stakes-south-border](https://www.stratfor.com/geopolitical-diary/geopolitical-diary-high-stakes-south-border))//BB

The Mexican government has arrested five individuals involved in the killing of Edgar Millan Gomez, Mexico's highest-ranking federal law enforcement official. The five men allegedly operated on the orders of the Sinaloa Cartel. The death of Millan Gomez at his home in Mexico City is the latest example of the escalation of violence in the ongoing war between the Mexican federal government and the cartels that control large swaths of Mexican territory. The assassination of such a high-level target clearly puts increased pressure on the government. ^a Mexican President Felipe Calderon's boldest initiative upon taking office 18 months ago was the deployment of thousands of troops to combat Mexican drug cartels. In doing so, he brought the fight to the doorstep of organized crime. ^a Calderon's efforts in combating the cartels have been notable, as he is the first Mexican president to challenge cartel control of Mexican territory in a serious way. But his resources are limited. To tackle the threats and challenges facing the government, Calderon has shifted troops from one place to another. But any fundamental ramping up of dedicated troops would strain Mexico's resources. ^a The shift of cartel violence into the interior of Mexico, and particularly into Mexico City itself, has been a gradual trend that STRATFOR has observed over the past year. Cartel involvement — particularly by the Sinaloa cartel — in the capital appears to have increased noticeably since a failed attack with an improvised explosive device in February. Millan Gomez's assassination is the latest example of this trend. ^a Mexico's continued descent into chaos could have enormous implications for the United States, with the potential to shift considerable U.S. attention to the Western Hemisphere. ^a The economic importance of Mexico to the United States is difficult to overstate. The potential disruption of trade between the two countries — particularly relevant at a point when the United States is staring down the maw of a recession — would be a massive liability for the United States. U.S.-Mexican trade totaled about \$350 billion worth of goods in 2007, making Mexico one of the United States' largest trading partners. ^a Now, there is a real danger that Mexico's crime situation could spin out of control. The cartels need stable supply routes to

the United States to secure their drug shipments, while the government is seeking to stem the tide of violence that has wracked Mexico for decades. The law of unintended consequences is in play here, and there is a distinct danger that violence could further spill over into the United States — disrupting trade flows and border security.^a Although the United States may be moving forward with policies like the Merida initiative, which will lend aid to Mexico's war on the cartels, the current efforts are limited. U.S. forces are largely preoccupied in Iraq and Afghanistan. While it would take a great deal to tip the scale toward a U.S. military intervention in Mexico, we may now be at a point where that has to be considered given what is at stake.^a The last time the United States meaningfully asserted control over a deteriorating situation in Mexico was in the early 20th century during the Mexican Revolution, when the United States occupied Veracruz for six months to protect U.S. business interests. If violence on the border started hurting the bottom line, the cost of not doing anything would start to approach the cost of military action. The potential for an escalation of violence between the cartels and the government spiraling out of control could tip that balance.^a It is unclear what the threshold for U.S. action in Mexico would be. But **the stakes are high**. If the United States sees trade flows threatened, and the security situation deteriorating, Washington might see fit to intervene. And just because it hasn't done so in a century doesn't mean it will not choose to do so in the future.

Distracts the US from other pressing international threats

Krepinevich 13 – PhD @ Harvard, President of the Center for Strategic and Budgetary Assessments, which he joined following a 21- year career in the U.S. Army

(Andrew, “HEMISPHERIC DEFENSE IN THE 21ST CENTURY,” Scholar)//BB

Vigilantism and rioting are becoming more widespread. Military and police are struggling to control the chaos, but their forces are plagued by poor morale, insubordination, and increasing problems with corruption. The growing disorder threatens to produce a humanitarian crisis as essential services begin to break down in parts of the country. Several hundred thousand Mexicans have become refugees in the past month alone. Most are moving north in the hope of receiving humanitarian assistance and asylum in the United States. Some Mexicans are working through official channels; however, the U.S. Immigration and Naturalization Service is completely overwhelmed. Thousands of others are attempting to cross the border illegally each day. Law enforcement officials and National Guardsmen are struggling to control the flow, sometimes helped but more often hindered by armed, self-proclaimed U.S. “border rangers” operating in Arizona, New Mexico, and Texas.^a Summary^a Though clearly a “dark” scenario, the hypothetical events outlined above draw on current trends and events to demonstrate how—as has happened repeatedly throughout U.S. history—Latin America can be transformed from a strategic back-water into a significant threat when U.S. strategy for that region amounts to little more than benign neglect. In particular, the scenario illustrates how powers external to the region could plausibly exploit local instability to generate a major threat to U.S. interests in the Western Hemisphere. With this scenario serving as a cautionary tale, the following chapter outlines a U.S. strategy whose objective is to preserve regional security while enabling Washington to avoid becoming overly involved in the affairs of its neighbors or distracted from its pressing global responsibilities.

Hege – Impact

Heg decreases violence among multiple indicators

Drezner 13 - Professor of International Politics @ Tufts University's Fletcher School

(Dan, "The Year of Living Hegemonically," 12-27-13,

http://www.foreignpolicy.com/articles/2013/12/27/the_year_of_living_hegemonically)

These sorts of trends tend to give U.S. strategists the heebie-jeebies. A staple of international relations thinking for decades has been that U.S. hegemony is the mainstay of global order. According to this "theory of hegemonic stability," peace and prosperity are only likely to persist when a liberal superpower is prepared to act to keep markets open and stamp out brewing conflict. If Mead or Robert Kagan are correct, then a United States that is both unwilling and unable to stabilize the rest of the world really should be a source of concern. Here's the thing, though: at the same time that commentators were bemoaning U.S. decline, the world was looking up. I suspect that ThinkProgress and Britain's Spectator magazine would agree on very little in politics, but this month they both ran features pointing out something important: 2013 was "the best year in human history." Their data is incontrovertible. If you look at human development indicators, all of the key metrics -- infant mortality, infectious diseases, per capital income -- are trending in the right direction. By the end of 2013, the smallest fraction of the world's population will be living in poverty. Both traditional and human security measures reveal the same trend. Whether it's violent crime, discrimination, civil or interstate war, the aggregate data shows a more peaceable world. Or, as the Spectator put it: "Every day in every way, the world grows richer, safer and smarter." If you don't believe political partisans, then buy Angus Deaton's *The Great Escape* and you'll discover the same message. Despite the post-2008 trend of predicting that the global order is crumbling and the world is going to hell, the opposite is transpiring. How and why can this be happening when American power is on the wane? Those fearful of disorder have made two fundamental errors in judgment. First, they assume that China, Iran, and others want to rewrite the global rules of the game. Not so. To be sure, these countries want to preserve their sovereignty and expand their sphere of influence -- and on these issues, they will clash with the United States. On the other hand, contra Mead, they will also clash with each other as well. Furthermore, Beijing, Moscow, and Tehran very much want to participate in the global economy. Indeed, the reason Rouhani is trying to negotiate a nuclear deal is to get Iran out from under the dead weight of crippling economic sanctions. And contra what everyone expected in the wake of the 2008 financial crisis, emerging markets are not eager to topple the existing global order. Indeed, the recent trade deal in Bali suggests that, if anything, they want to reinforce the existing rules of the game. The bigger error, however, has come from analysts confusing a U.S. reluctance to use military force in the Middle East with a decline in American power and influence. The truth is that the United States still wields considerable power, which is one reason why 2013 turned out to be such a good year. Whether one looks at global capital flows or the use of the dollar as a reserve currency, the data point in the same direction: the resilience of American economic power. And even as the sequester hits, the United States also continues to possess an unparalleled edge in military capabilities. It is true that Syria continues to hemorrhage lives and livelihoods. Even there, however, it was the threat of American force that triggered an agreement to remove Syria's chemical weapons. U.S. military power has also helped to tamp down conflict in the Central African Republic, as well as deliver massive humanitarian relief to the Philippines. Indeed, given the depths of its domestic political dysfunction, one can only imagine what America's rivals must think. In 2013 alone, the federal government couldn't evade a stupid, counterproductive budget sequester, a government shutdown, and brinksmanship with the debt ceiling. There was no agreement on immigration reform, much less on policies such as climate change, education, or infrastructure. Despite mounting gridlock and policy own goals, however, the United States ends 2013 with a rapidly declining federal budget deficit, a surging energy sector, and accelerating growth in the economy and employment. President Obama was justified in noting that 2014 could be a breakthrough year for the United States. The most brilliant strategists living in Moscow, Beijing, or Tehran can't displace the structural strengths of the United States. Which means that for those capitals, 2014 will prove to be a very frustrating year. Daniel W. Drezner is professor of international politics at Tufts University's Fletcher School and a contributing editor to *Foreign Policy*.

Hege – AT: No Border instability

Cartels intensify instability

Partlow 15 (Journalist, Joshua Partlow, July 7th 2015, "Six killed in helicopter shootout on border as trump slams Mexican government", <http://www.smh.com.au/world/six-killed-in-helicopter-shootout-on-border-as-trump-slams-mexican-government-20150707-gi6rrz.html>)

After coming under fire, Mexican navy personnel in a Black Hawk helicopter shot back and killed six American people near the US border, authorities said on Monday. The shooting broke out on Sunday in a rural area near Falcon Lake, a border-straddling reservoir on the Rio Grande, amid cattle ranches and tiny fishing towns. This stretch of border is where two drug cartels, the Jalisco New Generation and the Zetas, have reportedly been fighting. The violence came as US tycoon Donald Trump, who is running for the Republican presidential nomination, said that he blamed the Mexican government, not the "fabulous" Mexican people, for sending criminals across the border. A worker hangs a pinata depicting US Republican presidential candidate Donald Trump at a workshop in Reynosa, Mexico.

A worker hangs a pinata depicting US Republican presidential candidate Donald Trump at a workshop in Reynosa, Mexico. The shootout took place about 30 kilometres from the US border. Officials in Nuevo Laredo, the closest major city, as well as in the Tamaulipas state government and prosecutor's office, said they had no further information about the incident. Such silence is common in border towns where drug gangs are strong. The most prominent newspaper in Nuevo Laredo, El Manana, did not cover the helicopter shooting. An editor said the paper does not write about such news anymore, given the threats and killings by cartel members that have muzzled many publications in dangerous parts of Mexico. US Border Patrol agents help minors from El Salvador after they crossed the Rio Grande illegally into the United States in July 2014 in Mission, Texas. US Border Patrol agents help minors from El Salvador after they crossed the Rio Grande illegally into the United States in July 2014 in Mission, Texas. Two months ago, suspected cartel members shot down a Mexican military helicopter in the western state of Jalisco with a rocket-propelled grenade. Six members of the military were killed in the May 1 attack. Authorities blamed the New Generation cartel, which has grown into one of the country's most powerful drug gangs. The Jalisco state prosecutor, Luis Gutierrez, stepped down from his post on Monday amid deteriorating security in the state. Mexican President Enrique Pena Nieto's administration has purchased at least 25 UH-60 Black Hawk helicopters, worth about \$US775 million, through the US government's foreign military sales program. Some critics have expressed concerns that the military buildup - which includes thousands of Humvee trucks - will intensify the drug war, while officials say the sales have replaced old, outdated equipment.

Hege – AT: No US Violence

Cartels on the border cause major escalation in violence

Loew 15 (Morgan Leow, "Mexican border town sees spike in drug violence", February 2nd 2015, <http://www.kpho.com/story/24624896/mexican-border-town-sees-spike-in-drug-violence>)

The Mexican border town of Agua Prieta, Sonora, is normally a quiet community. Directly across the border from Douglas, AZ, it was originally a crossing location for minerals from the mines located to the south. But during the past month, the dusty streets have seen something they hadn't seen in years: drug violence and the sounds of gunfire and bombs. "Nobody's going out at night. The restaurants are closed and so are the discos," said Juan Carlos Olvera, a journalist who has worked the town's streets for 15 years. Olvera said the recent spike in violence is the result of an internal power struggle within the Sinaloa Drug Cartel, which controls the entire smuggling corridor along the Arizona and Sonora border. "They're readjusting the power base," said Olvera. In the past year, Olvera said Agua Prieta had 16 murders. The town had eight murders in just three days in January. They've been carried out in spectacular fashion, with the killers spraying buildings and trucks with hundreds of bullets. One attack involved a bomb. Mexican police have beefed up patrols and appear to be pulling over vehicles at random, looking for guns. Along the border, the fear is that this power struggle may spread to other border towns along the cartel's smuggling corridor.

****2NC Impact Mods**

Impact – Turns Systemic Violence

Extend Spigot, drones take boots off of the ground—which is good because border guards commit heinous acts

Burnett 2014 (John; U.S. Border Patrol's Response To Violence In Question; May 15; www.npr.org/2014/05/15/312573512/u-s-border-patrols-response-to-violence-in-question; kdf)

Picnickers in a riverside park in Nuevo Laredo, Mexico, react in horror as a man in a yellow baseball cap named Guillermo Arevalo lies on the bank of the Rio Grande, bleeding to death. It's a warm Monday evening in September 2012. He has just been shot by an agent on a U.S. Border Patrol airboat on the river. The Border Patrol says the agent shot at rock throwers and that the incident is under investigation. Witnesses say Arevalo was not throwing rocks. A woman, unseen in a jerky cellphone video, begins to scream before she's drowned out by the boat's deafening engine. "That's against the law!" she shrieks, repeatedly. This is exactly the controversy confronting the Border Patrol these days as a chorus of critics asks: Are federal officers who guard the territorial borders of the United States above the law? Many agents risk their lives securing the border, but they also face uncomfortable questions about their use of force. Suing The Government Bob Hilliard didn't become an attorney to take on civil rights cases. He's a big-time personal injury trial lawyer in Corpus Christi, Texas, who sues companies like GM and Coca-Cola. His nickname is "The Bulldog." Today, Hilliard represents families in three Border Patrol shootings where the agent was in the U.S. and the victim was in Mexico. Photos from the "Borderland" series: 12 short stories about life on the U.S.-Mexico border "I also realize their job is difficult, but it doesn't give them license to shoot and kill innocent Mexican nationals," he says. He has filed civil wrongful-death lawsuits against the officers and the federal government in the case of Arevalo, the man shot on the banks of the Rio Grande, and in two other cases. "There's an undercurrent of prejudice that is really just palpable to me, that you can taste, that this isn't a valuable life: 'This is just a Mexican who got shot — why the uproar?'" Hilliard says. The law says a foreign national cannot sue the U.S. government for an injury or death that happens outside the United States, even if it's only a few feet across the border. A federal judge in El Paso threw out one of Hilliard's lawsuits on these grounds; it's now before the 5th U.S. Circuit Court of Appeals. What Are The Consequences? So, for now, civil trials will not hold the government responsible for federal agents who kill Mexicans in Mexico. And two recent reports reveal that the Border Patrol seldom holds its agents accountable, either. Last December, The Arizona Republic published the results of a yearlong investigation: It examined 42 deadly shootings by border agents and found that in none of the cases did the officer face administrative penalties. Investigative reporter Bob Ortega says two things struck him: that use of lethal force is rare, but that for those agents who kill someone on the job, there is no public accountability. "The degree to which no action is taken, the degree to which it's opaque and impossible to find out what happens when an agent uses deadly force under questionable circumstances, to me is something that is a matter of great concern," he says. And it's not only issues of deadly force. Last week the American Immigration Council, an immigrant advocacy group, released a report that compiled the results of 809 complaints of excessive force and physical abuse. In the cases that were resolved, 97 percent led to "no action." Counseling was the discipline in most of the others, says Guillermo Cantor, senior policy analyst with the council.

However, effective methods of keeping cartels out of the US are key to prevent violence from spreading

Dinan 15 (Journalist for the Washington Times, Stephan Jinan, June 7th 2015, "Worried lawmakers assess border security after Mexican drug cartel attack", <http://www.washingtontimes.com/news/2015/jun/7/jason-chaffetz-blake-farenthold-assess-mexico-bord/?page=all>)

Two top members of Congress headed to the border Sunday to investigate a drug cartel attack on a U.S. Customs and Border Protection helicopter, which raised more concerns about escalating violence spilling north. Rep. Jason Chaffetz, Utah Republican and chairman of the House Oversight and Government Reform Committee, and Rep. Blake Farenthold, Texas Republican, were planning to get a firsthand look at the situation

in Laredo, Texas, after the helicopter was forced to make an emergency landing Friday. No injuries were reported, but the incident happened just days after Mr. Chaffetz and Rep. Filemon Vela of Texas, the ranking Democrat on the oversight subcommittee on border security, sent a letter questioning whether the State Department was taking the cartel violence seriously enough. In particular, they wondered why the department was poised to cut the danger pay for its diplomatic personnel in Nuevo Laredo and Matamoros as authorities in northern Mexico were being attacked with stunning frequency in the drug war. "In light of the widespread violence in northern Mexico, and the crime-fueled unrest in Matamoros, Nuevo Laredo and Guadalajara, we urge you to take all steps possible to reduce the level of violence, and to protect the lives of Americans working there," the congressmen wrote last week to Secretary of State John F. Kerry. The State Department declined to say anything specific about the move to cut pay, which Mr. Chaffetz was told about during a personal investigation into the situation. "We regularly review all of our allowances to evaluate whether they're appropriate," department spokeswoman Marie Harf told reporters Friday. Ms. Harf said the department would respond to the congressmen, who posed a number of questions and demanded a briefing on the security situation. Employees in Matamoros, just south of Brownsville, Texas, collect a 15 percent danger pay allowance, while those in Nuevo Laredo, on the other side of the Mexican state of Tamaulipas, receive a 20 percent bump. The State Department's traveler alert warns Americans visiting that region about "significant safety risks, including explosions of violence between rival criminal gangs or the gangs and the Mexican military." The department warned that "no highway routes through Tamaulipas are considered safe" and that the number of kidnappings and abductions of Americans spiked last year. Twice in February, the U.S. Consulate in Matamoros warned Americans about rolling gunbattles between competing cartels and issued specific warnings to State Department employees to stay indoors to avoid cartel gunmen. "Families must live, work and educate their children in the shadow of this threat. Further, even if U.S. personnel in these posts are not directly targeted, they run the risk of being in the wrong place at the wrong time when violence occurs," the two lawmakers wrote. The Obama administration has said the drug cartel violence in northern Mexico is troubling but has been quick to insist that the bloodshed has remained chiefly south of the border and hasn't will spread into the U.S. The bigger cities along the border are among the safest of their kind, the administration said. "We take the security situation very seriously no matter where," Ms. Harf said. "That certainly includes Mexico. We take every threat seriously, certainly. We constantly assess our security needs. We've also said that multiple times. But we think it's important to have a diplomatic representation in these places and locations. And that's why we do." She said millions of U.S. citizens visit Mexico safely each year, which is why the State Department has to keep diplomatic posts open.

Impact – Hezbollah

Hezbollah-Cartel cooperation allows access of WMD's into United States

YucatanTimes '15 (The Yucatan Times; March 30, 2015; Terrorist group Hezbollah is working with Mexican cartels (U.S Homeland Security)); www.theyucatanimes.com/2015/03/terrorist-group-hezbollah-is-working-with-mexican-cartels-u-s-homeland-security/; 7-7-15; mbc)

The Lebanese terrorist group Hezbollah is working with Mexican cartels, said Lieutenant General Kenneth E. Tovo, deputy commander of the U.S. Southern Command before the 114th. Congress Committee on Homeland Security and Governmental Affairs. During a hearing by the Senate Homeland Security & Government Affairs Committee, Tovo explained that Hezbollah, “which has long viewed the region as a potential attack venue against Israeli or other Western targets, has supporters and sympathizers in Lebanese diaspora communities in Latin America, some of whom are involved in lucrative illicit activities like money laundering and trafficking in counterfeit goods and drugs.” “I think it is fair to say that there is a good amount of profit that Lebanese Hezbollah makes off of illegal trafficking,” Tovo added. In the general’s opinion, “the relative ease with which human smugglers moved tens of thousands of people to our nation’s doorstep also serves as another warning sign: these smuggling routes are a potential vulnerability to our homeland. As I stated last year, terrorist organizations could seek to leverage those same smuggling routes to move operatives with intent to cause grave harm to our citizens or even bring weapons of mass destruction into the United States.” In May 2011 an Iranian-American car seller who lived in Corpus Christi, Texas, identified as Manssor Arbabsiar, met a man that he believed was a member of the Mexican cartel Los Zetas and offered him US\$1.5 million to murder the Saudi ambassador to the United States. Over the next four months in 2011, Arbabsiar, a spy for the Royal Forces, a special operations unit of the Islamic Revolutionary Guards of Iran, and another person posing as his “cousin” met in Mexico with the man they thought was a member of Los Zetas, who was actually an undercover agent of the U.S. Drug Enforcement Agency (DEA). Lt. Gen. Kenneth Tovo said that “it is fair to say that there is a good amount of profit that Lebanese Hezbollah makes off of illegal trafficking”. (Photo: eluniversal.com.mx) Lt. Gen. Kenneth Tovo said that “it is fair to say that there is a good amount of profit that Lebanese Hezbollah makes off of illegal trafficking”. (Photo: eluniversal.com.mx) The DEA agent requested that the money was deposited in a bank controlled by the Federal Bureau of Investigation (FBI). Soon after, in September 2011, Arbabsiar was captured with the help of Mexican authorities, accused of trying to assassinate a diplomat based in Washington, DC. About the relationship of Hezbollah with drug trafficking, U.S. Marine General John Kelly, commander of the Southern Command, said in a speech delivered to an audience at the National Defense University in Washington in October 2014 that “we know that some of the [cocaine] money that comes out of the United States is laundered into the coffers of Hezbollah.” Lieutenant General Kenneth E. Tovo, deputy commander of the U.S. Southern Command, said that the extremist group has supporters and sympathizers in Lebanese diaspora communities in Latin America, some of whom are involved in lucrative illicit activities like money laundering and trafficking in counterfeit goods and drugs.

Terrorist attacks escalate – killing billions

Myhrvold 2014 (Nathan P [chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft]; Strategic Terrorism: A Call to Action; cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf; kdf)

Technology contains no inherent moral directive—it empowers people, whatever their intent, good or evil. This has always been true: when bronze implements supplanted those made of stone, the ancient world got scythes and awls, but also swords and battle-axes. The novelty of our present situation is that modern technology can provide small groups of people with much greater lethality than ever before. We now have to worry that private parties might gain access to weapons that are as destructive as—or possibly even more destructive than— those held by any nation-state. A handful of people, perhaps even a single individual, could have the ability to kill millions or even billions. Indeed, it is possible, from a technological standpoint, to kill every man, woman, and child on earth. The gravity of the situation is so extreme that getting the concept across without seeming silly or alarmist is challenging. Just thinking about the subject with any degree of seriousness numbs the mind. The goal of this essay is to present the case for making the needed changes before such a catastrophe occurs. The issues described here are too important to ignore. Failing nation-states—like North Korea—which possess nuclear weapons potentially pose a nuclear threat. Each new entrant to the nuclear club increases the possibility this will happen, but this problem is an old one, and one that existing diplomatic and military structures aim to manage. The newer and less understood danger arises from the increasing likelihood that stateless groups, bent on terrorism, will gain access to nuclear weapons, most likely by theft from a nation-state. Should this happen, the danger we now perceive to be coming from rogue states will pale in comparison. The ultimate response to a nuclear attack is a nuclear counterattack. Nation states have an address, and they know that we will retaliate in kind. Stateless groups are much more difficult to find which makes a nuclear counterattack virtually impossible. As a result, they can strike without fear of overwhelming retaliation, and thus they wield much more effective destructive power. Indeed, in many cases the fundamental equation of retaliation has become reversed. Terrorists often hope to provoke reprisal attacks on their own people, swaying popular opinion in their favor. The aftermath of 9/11 is a case in point. While it seems likely that Osama bin Laden and his henchmen hoped for a massive overreaction from the United States, it is unlikely his Taliban hosts anticipated the U.S. would go so far as to invade Afghanistan. Yes, al-Qaeda lost its host state and some personnel. The damage slowed the organization down but did not destroy it. Instead, the stateless al-Qaeda survived and adapted. The United States can claim some success against al-Qaeda in the years since 9/11, but it has hardly delivered a deathblow. Eventually, the world will recognize that stateless groups are more powerful than nation-states because terrorists can wield weapons and mount assaults that no nationstate would dare to attempt. So far, they have limited themselves to dramatic tactical terrorism: events such as 9/11, the butchering of Russian schoolchildren, decapitations broadcast over the internet, and bombings in major cities. Strategic objectives cannot be far behind.

xt – Hezbollah works with cartels

Cartels are cooperating with Hezbollah to infiltrate the US

Levitt 13 Matthew Levitt is the Director of the Stein Program on Counterterrorism and Intelligence, Spring 2013, “South of the Border, a Threat from Hezbollah”, <http://www.washingtoninstitute.org/uploads/Documents/opeds/Levitt20130515-JISA.pdf>

Hezbollah’s expanding criminal networks have led to closer cooperation with organized crime networks, especially Mexican drug cartels. In a March 2012 speech at the Washington Institute for Near East Policy, Michael Braun, former DEA chief of operations, detailed Hezbollah’s skill in identifying and exploiting existing smuggling and organized crime infrastructure in the region. Braun and other officials have noted that the terrain along the southern U.S. border, especially around San Diego, is similar to that on the Lebanese-Israeli border. Intelligence officials believe drug cartels, in an effort to improve their tunnels, have enlisted the help of Hezbollah, which is notorious for its tunnel construction along the Israeli border. In the relationship, both groups benefit, with the drug cartels receiving Hezbollah’s expertise and Hezbollah making money from its efforts.²⁰ In 2008, the Mexican newspaper El Universal published a story detailing how the Sinaloa drug cartel sent its members to Iran for weapons and explosives training. The article reported that the Sinaloa members traveled to Iran via Venezuela, that they used Venezuelan travel documents, and that some members of Arab extremist groups were marrying local Mexican and Venezuelan citizens in order to adopt Latino-sounding surnames and more easily enter the United States.²¹

AT: No Cartel Coop

Global surveillance proves links

Rosenthal '13 (Terence; July 10, 2013; Los Zetas and Hezbollah, a Deadly Alliance of Terror and Vice; Mr. Rosenthal writes for politicaltraders.com about foreign policy and other topics. His articles have been published in The Americas Report, and the Center for Security Policy: www.centerforsecuritypolicy.org/2013/07/10/los-zetas-and-hezbollah-a-deadly-alliance-of-terror-and-vice/; 7-7-15; mbc)

When Americans think about the illegal drug trade and black markets in Mexico, it is probable that they do not associate them with terrorism, or Islamic fundamentalism. One would think that drug cartels like Los Zetas, the most sophisticated and second most powerful drug cartel in Mexico would have enough allies and connections not to need the assistance of an organization like Hezbollah based half way across the world in Lebanon. However, there is proof that Hezbollah, as well as elements of the Iranian Quds force are functioning with cartels like Los Zetas, the most sophisticated drug cartel in Mexico. The combination of power hungry cartels like Los Zetas, and terrorist organizations like Hezbollah who want a presence in North America, in or near the United States inhibit U.S. companies from wanting to conduct business in Mexico, and should not remain unnoticed. The question is, how did this deadly alliance come into existence? For decades, immigrants, legal and illegal, have been arriving in Mexico from Lebanon. This population has been growing steadily, and has a certain level of favorability with Hezbollah. One of the creations of Hezbollah in Mexico is that of well-connected global drug dealers, like Ayman Joumaa. Joumaa, indicted in 2011 is of Lebanese heritage, and has been linked to Hezbollah, and Mexico's Los Zetas cartel. With the help of the Los Zetas, and companies like The Lebanese Canadian Bank, Ayman Joumaa has laundered between \$850 and \$900 million. Joumaa is known among Israeli intelligence as being in contact with Hezbollah elite forces, and was connected to senior operatives handling Hezbollah drug operations. He has received bulk payments of U.S. dollars in Mexico City after coordinating drug shipments from South America to the Los Zetas cartel, receiving a cut for laundering and camouflaging funds. Drug and contraband profits were disguised through the trading and selling of used cars through an exchange in Africa with the help of Beirut exchange houses. Eventually, similar fraud rings connected to Joumaa were discovered throughout North and South America, and the Middle East. Various methods of investment fraud are typically used by drug dealers to cover their tracks. Many fraud rings use creative investment tactics that can pass as legal activity if not scrutinized. One such operation involved the selling of thorough-bred horses to cover up the trade of millions of dollars in fraudulent drug money. Since 2005, Iran and Hezbollah have developed a presence in Latin America, opening 17 cultural centers, and forming relations with the Mexican drug cartels. 200,000 immigrants from Lebanon and Syria, many of whom are illegal residents, live in Mexico, and have established residence with the help of drug cartels like Los Zetas, the most technically advanced of Mexico's drug cartels. Those who are sympathetic to Islamic extremist movements make perfect recruits for the drug trade because they understand how illegal activity in the Americas empowers whoever wishes to weaken the power of U.S. sovereignty. As shown by the increase of Islamic missionaries in Mexico, as well as the growing influence of Hezbollah and Iran, it is clear that Islamists are trying to win the hearts and minds of the Mexican people. However, beneath these seemingly peaceful developments lie the fact that

Iran's Islamic Revolutionary Guard and Quds forces are partnering with major Mexican drug cartels. They are learning Mexican culture, as well as Spanish, and are starting to blend in with native-born Mexicans. Hezbollah has training bases and sleeper cells in Mexico and South America. They also assist drug cartels with skills in bomb-making and explosives. Hezbollah has also created tunnels on the American border that are extremely similar to those dividing Gaza and Egypt. These tunnels are perfect for the transport of illegal conventional and biological weapons to contacts in the United States. Weaponry created by Hezbollah is capable of killing hundreds of thousands of people in major U.S. cities. Former Assistant Secretary of State for Western Hemisphere Affairs, Roger Noriega believes that an attack on U.S. personnel installations by Hezbollah is possible. It is known that they have expanded from their operations in Paraguay, Brazil and Argentina, and are gaining ground in Central America and Mexico. The relationship between Hezbollah and Los Zetas has almost touched down on American soil. Los Zetas was to be paid to bomb the Israeli Embassy in Washington, and the Saudi and Israeli embassy in Argentina.

Impact – ISIS

ISIS will team up with the Cartels to cross the border

West 2014 (Allen [Senior Fellow at the London Center for Policy Research]; Nightmare on the border: ISIS and Mexican cartels teaming up; Aug 22; allenbwest.com/2014/08/nightmare-border-isis-mexican-cartels-teaming/; kdf)

As reported by Breitbart, "Former CIA covert operations officer Mike Baker said that he believes there is "a lot of communication" between ISIS and Mexican drug cartels given past efforts by al-Qaida to do likewise on Thursday's "Laura Ingraham Show." "We've had good intel over the years about al-Qaida, about their efforts to coordinate with, as an example, Mexican cartels...in an effort to try to exploit our southern border" he reported, adding that a terrorist group like ISIS "absolutely" knows about the lack of security on the border." This is nothing new, as we've already have some instances of terrorists being aided and abetted by Mexican drug cartels — which Governor Rick Perry more aptly described as "narco-terrorists." Don't forget that two planned attacks were foiled targeting our nation's capital — one against the ambassadors of Saudi Arabia and Israel, the other a Capitol Hill terrorist attack. In both cases, terrorists aligned with al-Qaida or Iran received support from the narco-terrorists. ISIS has a large financing stream with assets reportedly nearly \$2 billion. The narco-terrorists will provide safe passage for anyone across our porous border for a price. This is another reason why the GOP needs to — no, MUST win the majority in the Senate so current Majority Leader Harry Reid can be dismissed. After all, it was Reid who openly stated that our southern border is secure — a statement so absurd it demonstrates the man has lost his touch with reality. Both Reid and Obama are turning a blind eye toward a dedicated existential threat to our sovereignty and security all for cheap political gain. Earlier this week, according to Breitbart, Rep. Ted Poe (R-Tx), a member of the House Judiciary Committee on Crime, Terrorism and Homeland Security, was asked if there is any current interaction between ISIS and Mexican drug cartels. He said "In my opinion, yes there seems to be a talking to each other" He added, "The drug cartels use the same operational plan as terrorist groups do ... They kill their opponents, they behead their opponents, they brag about it and they have operational control of many portions of the southern border of the United States. They're vicious as some of these other terrorist organizations." And meanwhile, our president plays golf. A prudent Commander-in-Chief would be assessing the most dangerous course of action for ISIS. A prudent leader would have walked the border and assessed the gaps where our Republic is most vulnerable and allocated the proper security assets to protect our nation. A "JV team" doesn't possess the global reach ISIS has, and a "JV team" wouldn't have the chutzpah to behead an American and post the video on YouTube for the world to see. This is not a "criminal investigation," it is deliberate and open aggression. It is war, as determined by our enemy. We either accept it, or continue as the Obama administration does — to dismiss, deny and disregard this threat — all to the detriment of our country.

ISIS will pull off a nuclear 9/11

Budowsky 2014 (Brent [aide to former Sen. Lloyd Bentsen and Bill Alexander, then chief deputy majority whip of the House. He holds an LL.M. degree in international financial law from the London School of Economics]; Budowsky: ISIS poses nuclear 9/11 threat; Aug 20; thehill.com/opinion/brent-budowsky/215603-brent-budowsky-isis-poses-9-11-scope-threat; kdf)

After the latest grotesque atrocity by the Islamic State in Iraq and Syria (ISIS), the beheading of an American journalist, American and European policymakers must clearly understand the near certainty that unless it is defeated and destroyed, ISIS will launch a major terror attack on American or European soil. Analysts estimate that ISIS has amassed a cash hoard of between \$400 million and \$2 billion. It is highly probable that ISIS will attempt to use some of this money to obtain nuclear, chemical, biological or other weapons of mass death on the international

black market or from corrupt officials in nations such as Russia, China, Pakistan or North Korea to use in attacks against New York, Washington, London, Paris, Berlin, Rome, Brussels or other nations it considers infidel enemies. This danger is magnified by the fact that ISIS has recruited nationals of the United States and Europe, who possess American and European passports and are physically indistinguishable from local populations in America and Europe. It is extraordinary that the mass murdering butchery of ISIS is so demented than even al Qaeda is offended. It is alarming that the CIA, which launched intelligence operations even against the United States Senate, and the NSA, which launched massive and unprecedented eavesdropping operations, and intelligence services of leading European nations were blind to the magnitude of the ISIS threat until the most barbaric terrorists in modern history had taken over almost a third of Iraq and are on the brink of creating a terrorist super-state that dwarfs al Qaeda's efforts prior to 9/11. I vehemently opposed the misguided Iraq War from the moment it was proposed by former President George W. Bush and have never been a neoconservative, warmonger or super-hawk. But aggressive action against ISIS is urgently needed. ISIS has stated its intention to attack the United States and Europe to advance its evil, messianic and genocidal ideology and ambitions. ISIS has the money to purchase the most deadly weapons in the world, and has recruited American and European traitors with above-average capability to execute an attack. The odds that ISIS can obtain nuclear, chemical, biological or other forms of mass destruction weapons are impossible to ascertain but in a world of vast illegal arms trafficking, with so many corrupt officials in nations possessing arsenals of destruction, the danger is real. The fact that WMD scares prior to the Iraq War ranged from mistaken to deceitful does not mean that the WMD danger does not exist today. It does. I applaud the recent actions taken by President Obama. Obama's airstrikes saved tens of thousands of Yazidis from genocide, took back the Mosul Dam from ISIS and saved countless Iraqis, Kurds and Syrians from slaughter. The airstrikes inflicted material damage to ISIS. The diplomacy of Obama and Secretary of State John Kerry contributed mightily to the replacement of a disastrous Iraqi government by a government can unite Iraqi Sunnis, Shiites and Kurds. The Obama-Kerry initiatives will lead to the creation of a stable Afghan government and avoid the collapse that was possible after the recent controversial Afghan elections. These are real successes. In the current political climate, Obama seems to get credit for nothing, but he deserves great credit for some important successes in recent weeks. And yet the danger of ISIS pulling off a nuclear, chemical, biological or other mass death 9/11-style attack in a major American or European city is real. Even with dirty or primitive WMD weapons, the casualty totals could be catastrophic.

--xt: DTOs Key

Cartel strength leads to WMD attacks on US soil

Pease 11 – MA in Int'l Studies @ U Denver, former intelligence analyst

(Shadd, "Instability in the South: The Implications of Mexican State Failure on U.S. National Security," Proquest Dissertations)//BB

As the instability in Mexico increases due to the ongoing battle with the DTOs, more instances where American law enforcement officers are threatened with bodily harm will most likely occur. In addition, the wanton disregard for the safety of law enforcement officers, those who protect and serve the public, is also a clear indication into how the various drug trafficking organizations would treat those citizens who do not work in a law enforcement capacity. Furthermore, the increasing instability in the state of Mexico could lead to swaths of areas throughout Mexico that would become lawless and ungovernable; these areas could possibly be used as training grounds for the various drug trafficking organizations as well as areas to produce additional quantities of illicit drugs. Furthermore, as Peter Brookes of The Heritage Foundation points out, if the cartels were to seize tracts of Mexican territory, it could lead to the establishment of lawless, ungoverned spaces, which are favored by bad actors such as terrorists... Terrorists could certainly exploit successful drug smuggling routes to bring people and explosives or even weapons of mass destruction across the border into the U.S.⁵⁵ The main thrust of the violence occurring in the state of Mexico is focused on the vast northern border. "The most violent conflict [between competing drug trafficking organizations] is concentrated in, but not limited to, the Juarez Plaza."⁵⁶ This area could possibly become increasingly volatile if the state is unable to provide adequate security for the people of Mexico. The members of the various drug trafficking organizations could use these areas to promote their illicit activities and violate the sovereignty of the United States. Moreover, these areas could be used by foreign terrorist organizations in conjunction with the DTOs. This would provide an additional security threat to the people of the United States as individuals linked to terrorist organizations could smuggle people and weapons across the border easily.

****AT: Aff impact args**

AT: Drones Hurt US-Mexico Rx

Calderon and Obama agreed on the surveillance

Ackerman 2011 (Spencer; US Drones are now sniffing Mexican drugs; Mar 16;
www.wired.com/2011/03/u-s-drones-are-now-sniffing-mexican-drugs/; kdf)

But now the drones are taking on a new mission: hunting drug gangs in Mexico. According to a previously undisclosed agreement between President Barack Obama and his Mexican counterpart, Felipe Calderon, the Pentagon is authorized to fly unmanned surveillance flights over Mexico, a big expansion of U.S.-Mexico information-sharing on counternarcotics. One of the drones used for the mission is the Air Force's Global Hawk, reports The New York Times. The drone soars at up to 60,000 feet with a multitude of sensors. (Calm down, it's unarmed.)

AT: Drone use racist

Drones are an efficient and humanitarian way to conduct border patrols

Sternstein '14 (Aliya; July 9, 2014; Obama Requests Drone Surge for U.S.-Mexico Border; reports on cybersecurity and homeland security systems. She's covered technology for more than a decade at such publications as National Journal's Technology Daily, Federal Computer Week and Forbes. Before joining Government Executive; www.defenseone.com/threats/2014/07/obama-requests-drone-surge-us-mexico-border/88303/; 7-7-15; mbc)

President Barack Obama today requested \$39 million for aerial surveillance, including unmanned aircraft operations, as part of an effort to systemically take care of what he called an urgent humanitarian situation. The emergency funding would go toward 16,526 additional drone and manned aircraft flight hours for border surveillance, and 16 additional drone crews to better detect and stop illegal activity, according to administration officials. There currently is a flood of unaccompanied children, and adults with children, illegally crossing the border to escape violence and poverty in Central American communities. The remotely-piloted jets would not be deployed to look for these migrants, who are out in the open and turning themselves in. Rather, the drones would try to detect drug smugglers, human traffickers and others attempting to evade the law. The agency's "unmanned and manned aircraft can continue to support ongoing border security operations, specifically regarding the tracking of illegal cross-border smuggling operations," a CBP official told Nextgov on Tuesday. Obama is asking for \$3.7 billion total to deal with migrants and border security problems. "This funding would support a sustained border security surge through enhanced domestic enforcement, including air surveillance," Obama wrote Tuesday in a letter to House Speaker Rep. John Boehner. The money also would help cover the cost of returning migrants, speeding immigration court cases and addressing the root causes of migration. CBP in the past has struggled to maintain and fly its fleet of 10 drones. In January, an unmanned jet went down off the California coast after experiencing a mechanical failure. A crew brought it down, after determining there was no way to return the drone to its launch point in Sierra Vista, Arizona. The agency then decided to ground the entire fleet as a precaution. A Department of Homeland Security inspector general in 2012 reprimanded CBP for letting drones sit idle 63 percent of the time they should have been airborne. The fleet of then-seven drones flew 3,909 hours annually, but should have been up at least 10,662 hours yearly, according to the IG's calculations. With three additional vehicles, the fleet put in 5,100 hours during fiscal 2013, officials said in January. CBP spent \$55.3 million for aircraft operations and maintenance between 2006 and 2011.

AT: Only at the border

Cartels will spread throughout the US

O'Reily 14 (Andrew O'Reily, "Mexican Drug Cartel Violence Spreading To Rural U.S. As Police Crack Down In Big Cities", August 12th 2014, <http://latino.foxnews.com/latino/news/2014/08/12/mexican-drug-cartel-violence-spreading-to-rural-us-as-police-crackdown-in-major/>)

A bloody, bullet-riddled body slumped inside of an SUV on a lonely stretch of road. Five people shot execution-style inside a sparsely furnished apartment. Drug disputes turning into violent kidnappings and brutal deaths. These stories have become commonplace in Nuevo León, Michoacán, Sinaloa and other Mexican states, but they're not from Mexico. They're from quiet areas in Minnesota, Oregon, South Carolina and across rest of the U.S. as Mexican drug cartels – and groups affiliated with them – move deeper into the country and bring with them their violent tactics. A few years ago law enforcement didn't see this as a problem for somewhere other than the border. **What happens at the border doesn't stay at the border.** It makes its way to my county pretty soon.- Rockingham County Sheriff Sam Page. While most law enforcement agencies want to make clear that the level of violent crime currently embroiling Mexico is not likely to spread to the U.S. anytime soon, officials from both local and federal organizations say that the reach of that country's feared drug cartels has spread north and with it, at least to some degree, so has the violence. "In recent years the DTO's [drug trafficking organizations] have changed their tactics and become bolder," Lt. Gerry Adcock of Oregon's Marion County Sheriff's Office told Fox News Latino. "The men and women involved in today's [drug trafficking] kill or make other drug traffickers disappear without fear of consequence. I have personally investigated homicides and violent incidents directly related to DTO's and have seen the destruction they have caused to families in our community." One such case was the murder of Rogelio Hernández-Davalos, who was killed at point-blank range in the front seat of his Ford Expedition in January of 2012. The Marion County Sheriff's Office investigation found that Hernández-Davalos, a native of Sinaloa, Mexico, was purportedly moving about 30 pounds of heroin every two weeks and is believed to have been executed by a Mexican cartel for either stealing from his bosses or attempting to branch off on his own. In the last few years, Oregon has become a hotspot for drug trafficking and cartel-related violence as traffickers use the Interstate-5 corridor to run drugs from California up to Washington State and even into Vancouver. Just like on the East Coast with the Interstate-95 corridor, these drug organizations are finding it easier to operate in more rural and suburban areas as law enforcement officials in major cities crack down on organized crime groups. "The main reason for moving to these areas is that the police in cities and along the border have become much more sophisticated in fighting the cartels," George W. Grayson, an expert on Mexico's drug war and a politics professor at the College of William and Mary told FNL. "When you don't deal with that type of crime day in and day out you're not going to have the expertise in combatting the cartels." Officials at the Drug Enforcement Administration said that the incursion of Mexican cartels and their proxy groups in the U.S. is nothing new. A Justice Department report from 2011 found that Mexican-based cartels were operating in more than 1,000 U.S. cities between 2009 and 2010 and have expanded from marijuana and cocaine trafficking to heroin and methamphetamine as well as taking part in human smuggling operations. Mexico's Sinaloa cartel, the country's largest and headed by the now incarcerated Joaquín "El Chapo" Guzmán, operates in every region of the U.S., according to statistics compiled by the National Drug Intelligence Center. "Mexican drug trafficking organizations have been in control of every major drug market in the U.S. for a long time," DEA spokesman Rusty Payne told FNL. Payne added that the cartels try to keep the violence in the U.S. to a minimum to detract from any unwanted attention from law enforcement authorities. "The Mexican drug war has not spilled into the U.S.," Payne said. "They're not here to cause havoc. They know it's bad for business and that they have to be well-behaved." Well-behaved for cartels and gangs, however, is a relative term and for regions of the country not used to violent crime, a brazen act of gangland violence can send shockwaves through smaller communities and regions not traditionally thought of as strongholds of cartel activity. The Sinaloa Cartel allegedly hired members of the MS-13 street gang to carry out torture operations in Minnesota and a series of murders in Virginia have been attributed to drug cartel feuds. Authorities in rural Rockingham County, North Carolina said that 15 drug cartel associates have been arrested there in the last three years, including the arrest of two alleged cartel associates whose home was filled with 1,060 pounds of marijuana, more than \$600,000 in cash and an AR-15 assault rifle. "A few years ago law enforcement didn't see this as a problem for somewhere other than the border," Rockingham County Sheriff Sam Page told FNL. **What happens at the border doesn't stay at the border. It**

makes its way to my county pretty soon.” Violent crime related to the cartels may occur in the U.S., but most law enforcement officials and experts agree that the main worry for Americans is the drugs – not the violence – that the cartels bring with them. Still, many say that is something to be concerned about. **“Every American needs to be concerned about drug trafficking organizations being in the U.S.,”** Payne said, “and where they are and where the money goes.”

AT: Perception of privacy outweighs

Cartels deeply impact the emotional and physical well being of communities on the border

Treviso 15 (Perla Treviso, “Border violence spikes due to drug cartel infighting”, June 15th 2015, http://azdailysun.com/news/local/border-violence-spikes-due-to-drug-cartel-infighting/article_612bbd60-31a1-55e5-ab75-cc668aa7ba1f.html)

Anabel Cortez is afraid to leave her children home alone anymore. After deadly gun battles between rival organized crime groups started on April 30, Cortez took her children and fled her rural community outside this border town. She is back home now that the violence has subsided, but not by choice. “Where else am I going to go?” asks the mom of three elementary and middle school students. Sonoyta and the rural communities to the east, all part of the municipality of Plutarco Elias Calles, have been the battleground for rival cartel factions vying to control valuable territory for moving people and drugs into the United States. Sonoyta borders Lukeville, a crossing frequently used by Arizona travelers on their way to the beach town of Puerto Peñasco, commonly known as Rocky Point. Cortez, 34, was among hundreds of people who fled Desierto de Sonora, less than 10 miles east of Sonoyta, after violence erupted last month. By some accounts, 28 gunmen and two innocent civilians were killed in the Sonoyta area from April 30 to May 5. The Sonora investigative state police reported six people killed on May 1 and another five on May 4. Residents said the criminals themselves started to warn people of upcoming shootouts and asked them to leave. The fighting nearly paralyzed the town. Many parents stopped sending their kids to school. The city cancelled all cultural and sports activities, including the traditional Fiesta de las Flores, an annual fair that is one of Sonoyta's main events. “We didn’t want to put citizens in danger in case of a violent incident, that we would be caught in the crossfire,” said Carlos Arvizu, Sonoyta’s city manager. “It was a preventive measure.” The mayor, Julio Cesar Ramírez Vásquez, is no longer giving interviews, his office said, after one of the groups threatened him for speaking out. So far this year, the Sonora state police has reported 38 homicides just in the Sonoyta area — with a population of about 18,000 — with another five wounded. May was the deadliest month, with 15 dead and another one injured, Sonora police data analyzed by the Arizona Daily Star show. And those are just the officially reported numbers. By other accounts, it was 22 dead — including six burned bodies — and at least a handful of others injured. There have also been gun battles between the Sonora state police and gunmen that have resulted in at least another 14 dead. Local residents talk of many others who are missing and unaccounted for. Another 14 people have died in neighboring Caborca, plus 11 injured — including four state police officers. Most recently, more than a dozen Central American immigrants were rescued near a ranch on the town's outskirts, close to the U.S. border. State police reported three dead, including two men found inside torched vehicles and a woman with gunshot wounds. “From what we can tell, migrants were using one of the drug routes,” said Erica Curry, a Phoenix spokeswoman with the Drug Enforcement Administration. “We believe they were attacked because drug traffickers don’t want that kind of attention.” The recent violence across the border is due to fighting between cells of the Sinaloa cartel known as “Los Memos” and “Los Salazar.” Violence in the Sonoyta area began to spike in January over Los Memos' attempt to take control over the Sonoyta plaza and all drug smuggling routes. It's the most intense fighting since early 2009, when 12 dismembered bodies were found in an abandoned vehicle along the Caborca-Sonoyta highway, with a narco message saying the Sinaloa Cartel was taking over the plaza. The latest round started in March, Curry said. The Sonora state police reported 10 deaths in the Sonoyta area that month, including a soldier who was patrolling a rural area when he and his partner — who survived — came under attack. The Sinaloa cartel has decentralized over the past few years, leading to sporadic, violent power struggles between plaza bosses in northern Sonora, said Tristan Reed, a security analyst for the Austin-based global intelligence firm Stratfor. Also, several top leaders of the cartel were arrested, creating a power vacuum. On Sept. 6, 2012, Mexican police arrested Adelmo Niebla González, the suspected leader of “Los Memos” and presumed to be in charge of bringing weapons into the US and transporting marijuana, meth and cocaine from Sonora to Maricopa County. “El Memo” came to power with help from Joaquín “El Chapo” Guzmán, the head of the Sinaloa cartel who was arrested in February 2014. He and his two bodyguards escaped a Sinaloa prison in 2014 through a tunnel that was dug into the prison from the outside. A few months after that arrest, in November 2012, Mexican soldiers arrested Jesús Alfredo Salazar Ramírez, the leader of “Los Salazar,” in the state of Mexico. Salazar, who came to power after his father was arrested in 2011, was said to be responsible for cultivating, transporting and smuggling marijuana through Sonora and a western sliver of Chihuahua into the United States. He was also an important lieutenant of El Chapo Guzmán. In 2013, Puerto Peñasco was the scene of an hours-long battle between drug cartel gunmen and the Mexican federal police, who allegedly killed Gonzalo Inzunza, also known as El Macho Prieto and a top lieutenant of the Sinaloa cartel. The body was never recovered. “Macho Prieto was involved in one of the first signs of Sinaloa infighting we are still seeing going on,” Reed said. Sonora has always been a key place for traffickers. To the south and east, in neighboring Sinaloa and Chihuahua — and somewhat within Sonora, too — is significant drug production including opium poppies, marijuana and meth. To the north, the border is more porous than in other places and far more desolate. Across the border from Sonoyta is Organ Pipe Cactus National Monument, 330,000 acres of public land, and further east is the Tohono O’odham Nation, a reservation about the size of

Connecticut. "There's nothing but desert for miles and miles," said the DEA's Curry. "It's, unfortunately, one of our biggest vulnerabilities for drug trafficking." On the Mexican side, it's all agriculture, cattle ranching and sparsely populated rural communities. Most drug shipments are believed to arrive in Puerto Peñasco. From there they go east to Agua Prieta, Sonoyta, San Luis Río Colorado, Nogales or are shipped by foot north through the desert, where there is less law enforcement, Stratfor has reported. The western corridor of the Border Patrol's Tucson sector has been the busiest for some years now. More than 60 percent of the marijuana seized in the sector is in this area. Mexican federal authorities have destroyed and seized thousands of pounds of marijuana and had several major seizures of meth, primarily found inside tractor trailers headed to Tijuana and Mexicali. For a drug trafficker, it's almost impossible to avoid Sonora, Reed said, whether it is to cross drugs directly into the United States or to transport them further west to Baja California. "Drugs and people are transported from Mexico to the United States while weapons and money come from the United States to Mexico," said Sonora State Attorney Carlos Navarro Sugich, who oversees the state's investigative police. The complexities of the area make it essentially a paradise for the cartels, Sugich said. But the violence in Sonoyta is not representative of what's happening in the rest of the state. Sonoyta has seen nearly twice as many homicides since last year — 38 so far in 2015 versus 16 for the same period in 2014, he said. The state's overall number of homicides fell during the same period, from 275 to 200. The three levels of government are working together to bring peace back to the region. Sonoyta only has about 20 police officers, but with all levels of government included, more than 100 law enforcement personnel patrol the area. "I don't care if the criminal groups get along or not," Navarro said, "no one has a reason to be killing each other." At the scene, officials have found AK-47s and AR-15 rifles, shotguns and ammunition. Some of the dead were found wearing camouflage clothing and tactical vests. Those identified have been from Sonora and from neighboring states including Sinaloa and Chihuahua. One day in May, a fight broke out, and Cortez, the mother of three, told her kids to get on the floor. They grabbed at her legs and pleaded with her to lie down with them, but she kept watch. "Don't get up," she demanded as she peeked through the bedroom window. "I have to make sure they're not coming this way." As soon as the fighting was over, she grabbed a change of clothes for each child and fled to her sister's home in Sonoyta. She was there for almost two weeks. She didn't want to overstay her welcome, she said, but she doesn't want to live in Desierto de Sonora anymore. If she has to leave the house and can't take the children with her, she tells them to lock themselves in and not open the door to anyone. Her son Joel, 13, said only a handful of children have gone back to school. Many fled to other cities, even other states. Joel likes his home, he said, but only when bad things don't happen. He knows sicarios, people who kill each other, are in the area "There was a killing over there, and over there," he says pointing to different locations. His mother is still afraid. "Every little sound wakes me up at night," she said. Juan Ortega, 65, was at home when shooting broke out on his street. He and his wife, María Hernández, ran inside and hid under their bed, he said. The bullets sounded like hail hitting the tin roof. The couple worked in the nearby cotton and asparagus fields until they could no longer do so because of their age. Now they run a small snack stand outside their home, where neighborhood children go for their daily treat of potato chips, juices and Mexican candy. The day of the shootout, they packed a suitcase, grabbed their pit bull, Rocky, and headed to Sonoyta, where they stayed a few days with a relative. "We were last ones to leave and first ones to come back," Ortega said. Desierto de Sonora has been their home for 42 years. We didn't want to leave our little house," he said. "This is all we have." Desierto de Sonora is an ejido, communal land owned by the people. Many came decades ago from other states to work in the fields and never left. They had children and their children had children. With about 200 hundred houses, it is home to 1,200 people. This is a place where people look out for each other. It's a place where kids can roam free. "If someone gets

sick, everyone pitches in to help," said Dionisia Gutierrez, who has lived here for 22 years. But even though the gun battles have stopped and even as people return home, **violence so close**

to home has taken a major toll on residents' financial and emotional well-being. "

AT: Probability

Leading report, the most significant threat to the US is the cartels crossing over

Ortiz 15 (Ildefonso Ortiz, "Mexican drug cartels are Texas most significant threat", February 28th 2015, <http://www.breitbart.com/texas/2015/02/28/dps-report-mexican-drug-cartels-are-texas-most-significant-threat/>)

A Department of Public Safety (DPS) report states that Mexican drug cartels are among the "most significant" threats facing Texas and the United States. Mexican drug cartels continue to operate throughout Texas carrying out violent attacks throughout the state as well as controlling the flow of illegal aliens and drug trafficking, the report states. Texas' top law enforcement agency places the spread of Mexican drug cartel operations across the state as one of the top current security threats.

The meteoric rise to power of Mexican cartels is attributed to a porous border as well as the unending demand for drugs, commercial sex and forced labor, the agency wrote. The stern warning came in a leaked report from DPS to state lawmakers requesting additional funding for the current border surge where hundreds of state troopers patrol the Rio Grande Valley. The request comes in response to an unprecedented spike in human smuggling and drug trafficking activity along the border. The report was first published by the Houston Chronicle. As previously reported by Breitbart Texas, the report addresses the operational presence of cartels throughout the state. It also addresses the issue of illegal aliens with ties to terrorist organizations who have made their way into the country and are working to smuggle in other potential terrorists. "There is ample and compelling evidence that the Texas-Mexico border is not secure, and this lack of security undermines public safety and homeland security in every region of the state," the report states. "Mexican cartels constitute the greatest organized crime threat to Texas ...

Mexican cartels control virtually all illegal smuggling activities through the U.S.-Mexico border and continue to supply most of the illicit drugs in the U.S. market." Some of the many violent acts carried out by drug cartels include multiple kidnappings across the nation where the criminal organization targets the relatives of individuals believed to have either stolen or lost a drug load, the report revealed. Other criminal acts by cartel members in Texas that raise red flags for law enforcement include: A May 2013 murder in Southlake where three cartel hitmen spent two years preparing the execution of a Mexican lawyer who represented members of the Gulf Cartel. To carry out the murder, the hitmen, two of whom were former Mexican, cops spent a long time tailing the individual and setting up a complex surveillance network of video cameras to track his movements. Breitbart Texas previously reported on the arrest of these cartel hitmen. In July 2014, two Edinburg police officers were injured in a fierce firefight with a member of the Texas Syndicate. These gang members were working for the Gulf Cartel in the border town of La Joya. The officers had been trying to arrest the man in connection with the execution of a 19-year-old in relation to a drug deal gone bad. The teen had been shot in the back of the head. In addition to the report, Breitbart Texas also reported on that shootout. In November 2013, members of the Gulf Cartel wearing vests with insignia from the U.S. Drug Enforcement Administration (DEA) and the Hidalgo County Sheriff's Office carried out a series of home invasions in Las Milpas. The cartel members passed themselves off as law enforcement as they burst in through the door holding residents at gunpoint and demanding cash and drugs. The gunmen made off with at least \$100,000 in cash in one of those raids. In June 2013, La Joya police rescued five illegal immigrants who had been kidnapped by a man claiming to be a cartel member. The man had been holding them for ransom. Mexican cartel members have also taken advantage of the recent increase of illegal aliens trying to get to America who have arrived in their territory. In addition to making a profit by getting them into the country, cartel members are using them to tie up law enforcement by sending them as bait while drug smugglers are able to move narcotics with little problem, the report revealed.

Border Terror DA DDI

Links

Border

Border surveillance is necessary to prevent terrorism

Wilson 2/26 (Reid Wilson, covers national politics and Congress for The Washington Post and author of Read In, The Post's morning tip sheet on politics. He's a former editor in chief of The Hotline, the premier tip sheet on campaigns and elections and a graduate of The George Washington University, "Texas officials warn of immigrants with terrorist ties crossing southern border", February 26 2015, <http://www.washingtonpost.com/blogs/govbeat/wp/2015/02/26/texas-officials-warn-of-immigrants-with-terrorist-ties-crossing-southern-border/>)

A top Texas law enforcement agency says border security organizations have apprehended several members of known Islamist terrorist organizations crossing the southern border in recent years, and while a surge of officers to the border has slowed the flow of drugs and undocumented immigrants, it's costing the state tens of millions of dollars. In a report to Texas elected officials, the state Department of Public Safety says border security agencies have arrested several Somali immigrants crossing the southern border who are known members of al-Shabab, the terrorist group that launched a deadly attack on the Westgate shopping mall in Nairobi, Kenya, and Al-Itihaad al-Islamiya, another Somalia-based group once funded by Osama bin Laden. Another undocumented immigrant arrested crossing the border was on multiple U.S. terrorism watch lists, the report says. According to the report, one member of al-Shabab, apprehended in June 2014, told authorities he had been trained for an April 2014 suicide attack in Mogadishu. He said he escaped and reported the planned attack to African Union troops, who were able to stop the attack. The FBI believed another undocumented immigrant was an al-Shabab member who helped smuggle several potentially dangerous terrorists into the U.S. [Drone strike kills senior al-Shabab official in Somalia] Authorities also apprehended immigrants who said they were members of terrorist organizations in Sri Lanka and Bangladesh. The Department of Public Safety said the report, first published by the Houston Chronicle, was not meant for public distribution. "[T]hat report was inappropriately obtained and [the Chronicle was] not authorized to possess or post the law enforcement sensitive document," department press secretary Tom Vinger said in an e-mail. U.S. Customs and Border Protection did not respond to requests for comment. The department said it had come into contact in recent years with "special interest aliens," who come from countries with known ties to terrorists or where terrorist groups thrive. Those arrested include Afghans, Iranians, Iraqis, Syrians, Libyans and Pakistanis. In all, immigrants from 35 countries in Asia and the Middle East have been arrested over the past few years in the Rio Grande Valley. The department says there is no known intelligence that specifically links undocumented immigrants to terrorism plots, but the authors warn it's almost certain that foreign terrorist organizations know of the porous border between the U.S. and Mexico. "It is important to note that an unsecure border is a vulnerability that can be exploited by criminals of all kinds," Vinger said. "And it would be naive to rule out the possibility that any criminal organizations around the world, including terrorists, would not look for opportunities to take advantage of security gaps along our country's international border."

Border surveillance is k2 preventing terrorism

Smarick et al. 12 (Kathleen Smarick and Gary D. LaFree of the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland. 11/12 "Border Crossings and Terrorist Attacks in the United States: Lessons for Protecting against Dangerous Entrants" START, http://www.start.umd.edu/sites/default/files/files/publications/START_BorderCrossingsTerroristAttacks.pdf CCC)

An essential step in this project was determining the frequency and dynamics of **border crossings by individuals who conducted or who wanted to conduct terrorism-related activities in the United States**. Towards that goal, the project built upon the existing holdings of the American Terrorism Study (ATS) in this effort. The ATS, housed at the University of Arkansas, catalogs and systematically codes information on more than 300 Federal court cases involving Federal terrorist charges since 1980 and, following a review of other possible resources, proved to be the most useful starting point for compiling open-source, quantitative data on terrorist border crossings. Since 1989, the American Terrorism Study (ATS) has received lists of court cases and associated indictees that resulted from an official FBI terrorism investigation spanning 1980 through 2004. Housed at the University of Arkansas' Terrorism Research Center in Fulbright College (TRC), the ATS now includes almost 400 cases from the FBI lists. Of these, approximately 75% of cases have complete court documentation, and almost all of those collected have been coded into the ATS database, while the ATS team continues to track new cases by collecting, reviewing, and coding new and additional court documentation. The ATS includes **terrorism incidents and attacks, thwarted or planned terrorism incidents sometimes referred to as preventions, material support cases for terrorism, general terrorism conspiracies,** and in some cases, immigration fraud; the common denominator among all ATS events is that the FBI investigated these events as terrorism-related incidents. During preliminary research for this project, court records from 378 terrorism cases found in the ATS dataset were reviewed for information on potential border crossing events related to terrorism cases. The documents for each court case were manually reviewed by researchers to determine whether the collected records reported that one of the defendants or accomplices in a case crossed a U.S. border at some point. Thirty-eight percent of the reviewed cases—145 cases—from 1980 through 2004 were found to either have: • **direct mention of a border crossing in the court documents, or • a link to a terrorism incident that involved a known border crossing, either before or after an incident.** After compiling this list of court cases for inclusion, **each identified court case was then linked to a criminal incident involving terrorism charges. Initial reviews revealed a connection to a border-crossing event in a total of 58 successful terrorist attacks, 51 prevented or thwarted attacks,** 26 material support cases, 33 immigration fraud incidents, **and 4 general terrorism conspiracies**. Additional reviews of relevant information on indictees and their activities resulted in a reduction in the number of successful terrorist attacks associated with these individuals to a total of 43. Appendix 2 provides more details on the data collection process and how a reliable collection methodology was established to create the U.S. Terrorist Border Crossing Dataset (USTBC), using the ATS as a starting point. National Consortium for the Study of Terrorism and Responses to Terrorism A Department of Homeland Security Science and Technology Center of Excellence Border Crossings and Terrorist Attacks in the United States 12 Systematic evaluation by the research team revealed that the American Terrorism Study is a reliable and useful resource for identifying individuals associated with terrorist attacks or terrorist criminal cases (such as conspiracies) and

for determining which of these individuals crossed U.S. borders in advance of or in the wake of their terrorism-related behavior. This is largely because the ATS is based on court documents, which among sources of data on terrorism are the most likely to reference relevant border crossing activity. The Global Terrorism Database, which is based primarily on media sources, can serve a supporting role in this research, but the ATS is the primary source allowing for construction of a new, relational database on U.S. Terrorist Border Crossings (USTBCs). That being said, it is important to recognize that the ATS is not a perfect data source. As noted above, its contents are limited to individuals and information related to court cases in which one or more defendant was charged with Federal terrorism charges. As such, the contents of ATS clearly represent a subset of all terrorists or attempted terrorists in the United States, as it systematically omits those who: • were never arrested or faced any charges, • were charged with offenses not directly related to terrorism, • were charged at the non-Federal level, or • were engaged in dangerous activity that does not meet the FBI's definition of a terrorism case. Throughout this project, the research team was careful to respect the limitations of this data collection and to draw conclusions that recognize that the border crossing events included in this project likely represent a non-representative subset of all border crossing attempts by terrorists or intended terrorists. Despite these limitations, though, the data that was built upon the baseline of ATS provides important insights into the nexus between border crossings and terrorism. The U.S. Terrorism Border Crossing Dataset The final versions of the codebooks used to develop the U.S. Terrorist Border Crossing (USTBC) data collection are presented in Appendix 3. Based upon knowledge gained from pilot efforts (as discussed above and in Appendix 2), the project resulted in two codebooks—one focused on dynamics of a bordercrossing event involving someone associated with a Federal terrorism court case, and another focused on the characteristics of the individuals associated with Federal charges who were involved in the bordercrossing event. Data collection for the USTBC lasted for approximately one year and was primarily conducted by research assistants at the Terrorism Research Center at the University of Arkansas.³ The resultant data that comprise the USTBC are available in Appendix 4. Table 4 provides a snapshot summary of these data, which include detailed information on the location of an attempted crossing, the timing of a crossing relative to attempted or actual terrorist activity, the origin or destination of an attempted crossing, and more. The data also include specific information on border crossers, including their citizenship status, their criminal history, and key demographics (including level of education, marital status, etc.) Appendix 5 provides descriptive statistics from the border-crossing and border-crosser data. ³ Special thanks to Kim Murray and Summer Jackson of the Terrorism Research Center for their efforts in combing through the courtcase material and assembling these data for the USTBC. National Consortium for the Study of Terrorism and Responses to Terrorism A Department of Homeland Security Science and Technology Center of Excellence Border Crossings and Terrorist Attacks in the United States 13 Border Crossings Identified in USTBC Attempts to Enter the United States Of the 221 border crossings identified in this project as involving individuals who were indicted by the U.S. government in terrorism-related cases, the majority (129 crossings) involved an individual attempting to enter the United States, while the remainder (92 crossings) involved an individual attempting to exit the United States. Eighty-seven percent of the attempted border crossings were successful, rather than being thwarted by law enforcement or foiled by some other events or developments. Additional discussion on the nature of successful crossings

versus those who were apprehended at the border is presented below. **Among those attempts**

to enter the United States, the most frequent origin for these crossing efforts was Canada.⁴

But, as Figure 2 illustrates, such attempted entries originated from all corners of the world.

US Border Patrol proves that surveillance is key to anti-terror efforts

Stamey 14 (Barclay; DOMESTIC AERIAL SURVEILLANCE AND HOMELAND SECURITY: SHOULD AMERICANS FEAR THE EYE IN THE SKY; March 2014)

The leading national agency currently using drones to combat a wide range of domestic threats is U.S. Customs and Border Protection. With its fleet of seven MQ-1 Predators and three MQ-1 Guardians—Predators modified for marine surveillance—CBP is at the forefront of large-scale drone operations. With an annual budget exceeding \$11 billion, CBP is well equipped for protecting our national security while combating potential terrorist threats.⁵⁵ But how efficiently are those funds being used, and what is meant by effectiveness? According to Merriam-Webster, effectiveness is “producing a decided, decisive, or desired effect or result.”⁵⁶ Ultimately, that desired result is safe international borders. Accomplishing this result involves the apprehension of illegal immigrants, interdiction of illicit drugs, and prevention of terrorist infiltration, which CBP does quite well, but with respect to UAS, effectiveness must be viewed on a much broader scale. This section takes into account the size of CBP, its operational budget, and couples it with published results. According to CBP, the primary mission of drone use is “anti-terrorism by helping to identify and intercept potential terrorists and illegal cross-border activity.”⁵⁷ CBP uses its Predators and Reapers to accomplish this goal through human detection and tracking, surface asset coordination, and threat detection through IR sensors in multiple scenarios. Previously mentioned sensor suites allow the Predator to detect movement along the border, identify actual personnel numbers, and track the location of threats all while being unobserved to the individuals on the ground. With their long loiter times, Predators allow officials to monitor gaps along the border while maximizing the efforts of ground personnel in actual interdiction missions. After witnessing the functionality of actual Predator operations in Afghanistan, this author realizes the value in having high definition video sensors overhead during dangerous operations. This type of technology certainly has a place in homeland security missions, and future capabilities will provide a clear advantage to U.S. personnel in combating border security. This force multiplier mindset is one CBP has adopted and publicizes regularly to justify the success of its drone program. Long loiter times, remote area access, and flexibility during National Special Security Events are common claims.

Border security stops terrorism

Zuckerman, Bucci, Carafano, no date

(Jessica Zuckerman, Steven P. Bucci, Ph.D. Director, Douglas and Sarah Allison Center for Foreign and National Security Policy and James Jay Carafano, Ph.D. Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow, 13, 7-22-2013, "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism," Heritage Foundation, <http://www.heritage.org/research/reports/2013/07/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism> CCC)

Chiheb Esseghaier and Raed Jaser—April 2013. **Chiheb Esseghaier and Raed Jaser were**

arrested in April 2013 for attempting to carry out an attack on a Via Railway train travelling

from Canada to the U.S.

The attack, authorities claimed, was supported by an al-Qaeda element in Iran, although there is currently no evidence that it was state-sponsored.[205] The

exact route of the targeted train has not been identified, and Iranian authorities vehemently deny that al-Qaeda is operating within Iranian borders.

Esseghaier and Jaser have been charged in Canada with conspiracy to commit murder for the benefit of a terrorist group, participating in a terrorist group, and conspiring to interfere with transportation facilities for the benefit of a terrorist group. Esseghaier has also been charged with participating in a terrorist group, and both men face up to life in prison.[206] The two men are awaiting trial. Chiheb Esseghaier wants to represent himself, basing his defense on the Quran instead of on the Canadian criminal code, which has caused delays in the proceedings.[207]

Continued use of border surveillance technology is crucial to the detection of and response to threats on the border

Haddal 10, Specialist in Immigration Policy, 8/11/10 (Chad C. Haddal, Congressional Research Service report, August 11, 2010, "Border Security: The Role of the U.S. Border Patrol" <https://www.fas.org/sgp/crs/homsec/RL32562.pdf>, accessed 7/15/15 JH @ DDI)

Perhaps the most important technology used by the Border Patrol are the surveillance assets currently in place at the border. The program has gone through several iterations and name changes. Originally known as the Integrated Surveillance Information System (ISIS), the program's name was changed to the America's Shield Initiative (ASI) in FY2005. DHS subsequently folded ASI into the Secure Border Initiative (SBI) and renamed the program SBI Technology (SBI Technology). Once it is beyond the pilot phase, SBI Technology will, according to DHS, develop and install "new integrated technology solutions to provide enhanced detection, tracking, response, and situational awareness capabilities."¹⁹ The other program under SBI is the SBI Tactical Infrastructure program, which, according to DHS, "develops and installs physical components designed to consistently slow, delay, and be an obstacle to illegal cross-border activity."²⁰ In the late 1990s, the Border Patrol began deploying a network of Remote Video Surveillance (RVS) systems (i.e., camera systems), underground sensors, and the Integrated Computer Assisted Detection (ICAD) database into a multi-faceted network designed to detect illegal entries in a wide range of climate conditions. This Integrated Surveillance Intelligence System (ISIS) attempted to ensure seamless coverage of the border by combining the feeds from multiple color, thermal, and infrared cameras mounted on different structures into one remote-controlled system with information generated by sensors (including seismic, magnetic, and thermal detectors). When a sensor is tripped, an alarm is sent to a central communications control room at a USBP station or sector headquarters. USBP personnel monitoring the control room screens use the ICAD system to re-position RVS cameras towards the location where the sensor alarm was tripped (although some camera positions are fixed and cannot be panned). Control room personnel then alert field agents to the intrusion and coordinate the response.

Information gathered from surveillance activities is key to any effective response to terrorist threats along the border

Fisher 12, U.S. Customs and Border Protection Office of Border Patrol Chief, 5/8/12 (Michael, Department of Homeland Security, "Written testimony of U.S. Customs and Border Protection Office of Border Patrol Chief Michael Fisher for a House Committee on Homeland Security, Subcommittee on Border and Maritime Security hearing titled "Measuring Border Security: U.S. Border Patrol's New Strategic Plan and the Path Forward."" <http://www.dhs.gov/news/2012/05/08/written-testimony-us-customs-and-border-protection-house-homeland-security>; accessed 7/15/15 JH@ DDI)

Information gathered from reconnaissance, community engagement, sign-cutting and technology together provide situational awareness and intelligence and helps us to best understand and assess the threats we face along our borders. Information and intelligence will empower Border Patrol leadership and front line agents to get ahead of the threat, be predictive and proactive. Integration denotes CBP corporate planning and execution of border security operations, while leveraging partnerships with other federal, state, local, tribal, and international organizations. Integration of effort with these organizations will ensure we bring all available capabilities and tools to bear in addressing threats. Lastly, through rapid response, we will deploy capabilities efficiently and effectively to meet and mitigate the risks we confront. Put simply, rapid response means the Border Patrol and its partners can quickly and appropriately respond to changing threats. Goal 1: Secure America's Borders The 2012 Strategic Plan has two interrelated and interdependent goals. In the first goal, the Border Patrol will work with its federal, state, local, tribal, and international partners to secure America's borders using information, integration and rapid response in a risk-based manner. There are five objectives within this goal: Prevent Terrorists and Terrorist Weapons from Entering the United States Manage Risk Disrupt and Degrade Transnational Criminal Organizations (TCOs) Whole-of-Government Approach Increase Community Engagement I. Prevent Terrorists and Terrorist Weapons from Entering the United States The current risk environment is characterized by constantly evolving threats that are both complex and varying, and the Border Patrol must strategically apply intelligence to ensure that operations are focused and targeted against the greatest threats. The Border Patrol's ability to prevent and disrupt such threats is enhanced through increased information sharing and operational integration, planning, and execution with our domestic and foreign law enforcement partners. Integration with our federal, state, local, tribal, and international partners' intelligence and enforcement capabilities into the planning and execution of CBP operations is critical to our ability to secure our nation's borders.

The use of necessary surveillance technology is key to the identification and prevention of terrorist threats on the border

Office of Border Patrol 4, September 2004 (THE OFFICE OF BORDER PATROL AND THE OFFICE OF POLICY AND PLANNING, US CUSTOMS & BORDER PROTECTION, "National Border Patrol Strategy" http://www.au.af.mil/au/awc/awcgate/dhs/national_bp_strategy.pdf, accessed 7/15/15 JH @ DDI)

The Border Patrol currently uses a mix of agents, information, and technology to control the border. The Border Patrol's ability to establish situational awareness, monitor, detect, respond to, and identify potential terrorists, instruments of terrorism, and criminals relies heavily on interdiction and deterrence-based technology. Having the necessary technology to support the Border Patrol priority and traditional missions cannot be overstated. In the future, there must be continued assessment, development, and deployment of the appropriate mix of personnel, technology, and information to gain, maintain, and expand coverage of the border and ensure that resources are deployed in a cost-effective, efficient fashion. Technology which enhances operational awareness and effectiveness includes camera systems for day/ night/infrared work, biometric systems such as IDENT/IAFIS, processing systems like ENFORCE, sensing platforms, large-scale gamma X-rays, and aerial platforms, and other systems. Technologies requiring modernization include wireless and tactical communications and computer processing capabilities. Coordination between Border Patrol and inspectional personnel at the ports of entry ensures the most efficient use of trained personnel and technology. In the future, the Border Patrol will take advantage of the targeting and selectivity tools made available in the Automated Commercial Environment (ACE) and the National Targeting Center. The continued testing, evaluation, acquisition, and deployment of appropriate border enforcement technologies will be pursued vigorously so that the maximum force-multiplier effect is achieved in support of both the priority and traditional missions.

Any gap in security on the border allows international terror groups to come into the United States

Wilson 15 [Reid Wilson, 2/26/15, covers national politics for the Washington Post, "Texas officials warn of immigrants with terrorist ties crossing southern border," Washington Post, <http://www.washingtonpost.com/blogs/govbeat/wp/2015/02/26/texas-officials-warn-of-immigrants-with-terrorist-ties-crossing-southern-border/>] jf]

A top Texas law enforcement agency says **border security organizations have apprehended several members of known Islamist terrorist organizations crossing the southern border** in recent years, and while a surge of officers to the border has slowed the flow of drugs and undocumented immigrants, it's costing the state tens of millions of dollars. In a report to Texas elected officials, the state Department of Public Safety says **border security agencies have arrested several Somali immigrants crossing the southern border who are known members of al-Shabab**, the terrorist group that launched a deadly attack on the Westgate shopping mall in Nairobi, Kenya, and Al-Itihaad al-Islamiya, another Somalia-based group once funded by Osama bin Laden. **Another undocumented immigrant arrested crossing the border was on multiple U.S. terrorism watch lists**, the report says. According to the report, **one member of al-Shabab, apprehended in June 2014**, told authorities he **had been trained for an April 2014 suicide attack in Mogadishu**. He said he escaped and reported the planned attack to African Union troops, who were able to stop the attack. The FBI believed another undocumented immigrant was an al-Shabab member who helped smuggle several potentially dangerous terrorists into the U.S. Authorities also apprehended immigrants who said they were members of terrorist organizations in Sri Lanka and Bangladesh. The Department of Public Safety said the report, first published by the Houston Chronicle, was not meant for public distribution. "[T]hat report was inappropriately obtained and [the Chronicle was] not authorized to possess or post the law enforcement sensitive document," department press secretary Tom Vinger said in an e-mail. U.S. Customs and Border Protection did not respond to requests for comment. **The department said it had come into contact in recent years with "special interest aliens," who come from countries with known ties to terrorists or where terrorist groups thrive.** Those arrested include Afghans, Iranians, Iraqis, Syrians, Libyans and Pakistanis. In all, immigrants from 35 countries in Asia and the Middle East have been arrested over the past few years in the Rio Grande Valley. The department says there is no known intelligence that specifically links undocumented immigrants to terrorism plots, but the authors warn it's almost certain that foreign terrorist organizations know of the porous border between the U.S. and Mexico. **"It is important to note that an unsecure border is a vulnerability that can be exploited by criminals of all kinds," Vinger said. "And it would be naive to rule out the possibility that any criminal organizations around the world, including terrorists, would not look for opportunities to take advantage of security gaps along our country's international border."**

Maximized surveillance on the border is key to stopping terrorism

Willis et al 10 [Henry H. Willis, 2010, director of the RAND Homeland Security and Defense Center, with Joel B. Predd, Paul K. Davis and Wayne P. Brown, RAND.org,

"Measuring the Effectiveness of Border Security Between Ports-of-Entry", http://www.rand.org/content/dam/rand/pubs/technical_reports/2010/RAND_TR837.pdf, jf]

One of the unexpected results of our study was recognition of the importance of networked intelligence in elaborating objectives for and measuring effectiveness of border security.¹¹ This came about for many reasons. First, all of the focus missions are best understood in national terms: **Border security contributes significantly to several high-level national objectives**, but results depend sensitively on interactions with and the performance of other federal and local agencies, as well as economic and demographic conditions outside of DHS's control. Second, **national-level effectiveness depends not just on individual component or agency effectiveness but also on components' ability to share information** and work collaboratively, i.e., to network. **This is perhaps most obvious with respect to**

preventing terrorism, in that individuals might enter the country who are vaguely suspicious but who cannot reasonably be arrested at the border. Responsibility for follow-up then transfers to, e.g., the Federal Bureau of Investigation (FBI). However, **the FBI's ability to follow up**—either immediately or when further information emerges—**might depend critically on information collected** and effectively transferred **by border agencies** to the FBI. The word “effectively” is key because all agencies are deluged with data. The 9/11 Commission’s report dramatized the consequences of ineffectiveness: It is not that information for apprehending the perpetrators did not exist, but rather that the dots were not connected and the relevant agencies did not cooperate well (National Commission on Terrorist Attacks upon the United States, 2004). Third, national-level law enforcement also depends on the effectiveness of the justice system, including the ability to convict and punish. That, in turn, often depends on authorities being able to construct an extensive, fact-based story of criminal behavior from which, cumulatively, guilt can reasonably be inferred by a jury. Fourth, the **nature and quality of information collected by border-security components, the consistency with which it is collected**, and the effectiveness with which the data are both transferred to national databases and—where appropriate—highlighted in cross-agency actions, are leverage points for improved national-level effectiveness, especially in relation to terrorism- or drug-related functions. Border-security efforts sometimes will query detected travelers against data sets of known or suspected terrorists or criminals. This is especially relevant at ports of entry, ports of egress in some modes, and in cases in which border enforcement detains an illegal crosser. In other settings, **border-enforcement agencies collect as much information as possible on individuals, their conveyances, license plates, accounts, and other records of persons detained for crossing illegally but for whom no prior records exist.** The same is true in the maritime regions when individuals are arrested for illegal drug smuggling or illegal migrant smuggling. **The collected information can become future tactical intelligence** (and used in prosecutions) **if the detained person becomes involved in criminal or terrorist functions at a later date.** Discussions with component agencies indicate that this is an important capability to measure. Technologically, **it is even possible to tag individuals so that subsequent surveillance within the United States** (or another country) is possible.¹²

Border surveillance prevents terrorist groups from attempting attacks

Willis et al 10 [Henry H. Willis, 2010, director of the RAND Homeland Security and Defense Center, with Joel B. Predd, Paul K. Davis and Wayne P. Brown, RAND.org,

“Measuring the Effectiveness of Border Security Between Ports-of-Entry”, http://www.rand.org/content/dam/rand/pubs/technical_reports/2010/RAND_TR837.pdf, pg 19, jf]

The principal contributions that **border security** makes to counterterrorism relate to **preventing** certain kinds of **terrorist attacks dependent on flows into the country** of people or materials. These contributions can be illustrated by considering what opportunities exist to disrupt terrorist attacks while they are being planned and orchestrated. Through a number of planning efforts, **DHS and its components have developed detailed planning scenarios of terrorist events** (DHS, 2006). **Each of these scenarios has been deconstructed into attack trees that are useful for considering how DHS border-security programs contribute to terrorism security efforts.** In their most generic form, these attack trees specify dimensions of attack scenarios with respect to building the terrorist team, identifying a target, and acquiring a weapon (see Figure 4.1). This decomposition of attack planning provides a structure around which to consider how interdiction, deterrence, and networked intelligence contribute to preventing terrorist attacks and, thus, why it is relevant to measure these functions. **DHS border-security efforts focus on interdiction of terrorist team members and weapons or weapon components when they cross U.S. borders.** Examples of initiatives that are intended to enhance these capabilities include the Secure Border Initiative, the acquisition of Advanced Spectroscopic Portals for nuclear detection, the Secure Communities Initiative, and US-VISIT. In addition, it is often pointed out that, **when border-security measures are perceived to be effective, terrorists groups may be deterred from attacking in particular ways, or possibly from attacking at all.** This could result from awareness of what type of surveillance is occurring or the capability of interdiction systems. In either case, **deterrence refers to the judgment of terrorists that they will not be successful,** leading them to choose another

course of action. Finally, many **border-security initiatives also contribute information to the national networked-intelligence picture**. For example, the Secure Communities Initiative has implemented new capabilities to allow a single submission of fingerprints as part of the normal criminal arrest and booking process to be queried against both the FBI and DHS immigration and terrorism databases. This effort makes it easier for federal and local law enforcement to share actionable intelligence and makes it more difficult for terrorists to evade border-security efforts.

Drones

Drones are critical to combat bio- and chemical-terror

Koerner 2015 (Matthew R, Duke University School of Law, J.D. expected 2015, "DRONES AND THE FOURTH AMENDMENT: REDEFINING EXPECTATIONS OF PRIVACY", 64 Duke L.J. 1129)

Senator Dianne Feinstein, a staunch advocate of governmental surveillance n1 and Chairman of the 113th Congress's Senate Intelligence Committee, n2 recently found herself, rather ironically, as the target of surveillance. n3 One day at her home, Senator Feinstein walked to the window to check on a protest that was taking place outside. n4 Much to her surprise, a small drone n5 hovered on the other side of the window, only inches away, spying on her. n6 The drone immediately flew away. n7 Senator Feinstein's experience is just one example of drones being used for surveillance within the United States. But her story and others like it n8 have sparked significant controversy over the use of drones for domestic surveillance, which falls within a broader debate [*1131] on privacy and governmental surveillance programs. n9 Advocates of robust federal surveillance policies champion governmental surveillance as the only way to prevent terrorist and cyber attacks against the United States. n10 President Barack Obama defended these surveillance programs as ""modest encroachments on privacy"" that "strike the "right balance" between national security and civil liberties." n11 In comparison, privacy advocates envision these surveillance programs leading to a dystopian, totalitarian government watching over its citizenry - undetected but omnipresent. n12 References to George Orwell's Nineteen Eighty-Four n13 abound. n14 [*1132] Apart from the surrounding privacy-concerns debate, drones currently provide many practical benefits and their projected applications seem limitless. n15 Based on their obvious advantage of being unmanned, drones have the capability to conduct missions previously considered too risky, dangerous, or impracticable. These applications are also provided at continuously decreasing costs and with the latest technological sophistication, such as the capability to see through physical obstructions, to detect various chemical and biological agents in the air, to recognize human faces and license plates, and to fly in strategic, coordinated formations. n16

Drones provide effective surveillance of the borders

Spagat 2014 (Elliot, "Drones replacing officers in Mexican border surveillance", Nov 13; www.dailynews.com/social-affairs/20141113/drones-replacing-officers-in-mexican-border-surveillance)

The U.S. government now patrols nearly half the Mexican border by drones alone in a largely unheralded shift to control desolate stretches where there are no agents, camera towers, ground sensors or fences, and it plans to expand the strategy to the Canadian border. It represents a significant departure from a decades-old approach that emphasizes boots on the ground and fences. Since 2000, the number of Border Patrol agents on the 1,954-mile border more than doubled — to surpass 18,000 — and fencing multiplied nine times to 700 miles. Under the new approach, Predator B aerial drones, used in the fight against insurgents in Afghanistan, sweep remote mountains, canyons and rivers with a high-resolution video camera and return within three days for another video in the same spot, two officials with direct knowledge of the effort said on condition of anonymity because details have not been made public. The two videos are then overlaid for analysts, who use sophisticated software to identify tiny changes — perhaps the tracks of a farmer or cows, perhaps those of immigrants who entered the country illegally or perhaps a drug-laden Hummer, they said. About 92 percent of drone missions have shown no change in terrain, while the others raised enough questions to dispatch agents to determine if someone got away, sometimes by helicopter because the area is so remote. The agents look for any sign of human activity — footprints, broken twigs, trash. About 4 percent of missions have been false alarms, like tracks of livestock or farmers, and about 2 percent are inconclusive. The remaining 2 percent offer evidence of illegal crossings from Mexico, which typically results in ground sensors being planted for closer monitoring. The government has operated about 10,000 drone flights under the strategy, known internally as "change detection," since it began in March 2013. The flights currently cover about 900 miles, much of it in Texas, and are expected to expand to the Canadian border by the end of 2015. The purpose is to assign agents where illegal activity is highest, said R. Gil Kerlikowske, commissioner of Customs and Border Protection, the Border Patrol's parent agency, which operates nine unmanned aircraft across the country. "You have finite resources," he said in an interview. "If you can look at some very rugged terrain (and) you can see

there's not traffic, whether it's tire tracks or clothing being abandoned or anything else, you want to deploy your resources to where you have a greater risk, a greater threat." If the video shows the terrain unchanged, Border Patrol Chief Michael Fisher calls it "proving the negative" — showing there isn't anything illegal happening there and therefore no need for agents and fences. The strategy was launched without fanfare and is being expanded as President Barack Obama prepares to issue an executive order by the end of this year to reduce deportations and enhance border security. Rep. Michael McCaul, a Texas Republican who chairs the House Homeland Security Committee, applauded the approach while noting surveillance gaps still remain. "We can no longer focus only on static defenses such as fences and fixed (camera) towers," he said. Sen. Bob Corker, a Tennessee Republican who coauthored legislation last year to add 20,000 Border Patrol agents and 350 miles of fencing to the southwest border, said, "If there are better ways of ensuring the border is secure, I am certainly open to considering those options." Border missions fly out of Sierra Vista, home of the U.S. Army Intelligence Center at Fort Huachuca, or Corpus Christi, Texas. They patrol at altitudes between 19,000 at 28,000 feet and from between 25 and 60 miles of the border. The first step is for Border Patrol sector chiefs to identify areas least likely to attract smugglers, typically those far from towns and roads. Analysts scour the drone videos at operations centers in Riverside; Grand Forks, North Dakota; and Sierra Vista. After an initial survey, the drones return within a week for another sweep. Privacy advocates have raised concerns about drones since Customs and Border Protection introduced them in 2006, saying there is potential to monitor innocent people under no suspicion. Lothar Eckardt, the agency's executive director of national air security operations, said law-abiding people shouldn't worry and that cameras are unable to capture details like license plate numbers and faces on the ground. He looked on one September morning as a drone taxied down a runway in Sierra Vista, lifted off with a muffled buzz and disappeared over a rocky mountain range into a blue Arizona sky. About a dozen computer screens line the wall of their trailer, showing the weather, maps and real-time images of the ground below. Eckardt said there is "no silver bullet" for addressing border security but that using drones in highly remote areas is part of the overall effort. If there's nothing there, he said, "let's not waste the manpower here. Let's focus our efforts someplace else, where they're needed."

Drones are necessary to protect the border

Ingram 2013 (David, How drones are used for domestic surveillance, Jun 19, www.csmonitor.com/USA/Latest-News-Wires/2013/0619/How-drones-are-used-for-domestic-surveillance)

The U.S. government has made no secret of its use of drones to monitor the United States border with Mexico. The Obama administration has been defending its surveillance tactics since former National Security Agency contractor Edward Snowden released secret documents revealing a massive database of daily telephone records, as well as coordination between the NSA and social media companies. The programs are designed to target militants outside the United States who are suspected of planning attacks, but they inevitably gather some data on Americans, U.S. officials said. In a May speech, Obama defended the use of armed drones abroad but said the United States should never deploy armed drones over U.S. soil. The Justice Department had disclosed that two domestic law enforcement agencies use unmanned aircraft systems, according to a department statement sent to the Judiciary Committee and released on Wednesday by Grassley's office. The two are the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives. Grassley sent a letter to Attorney General Eric Holder on Wednesday asking why the Justice Department did not earlier mention the FBI's use of drones. At Wednesday's hearing, Democratic Senator Dianne Feinstein of California said she was concerned about the privacy implications of drone surveillance. "The greatest threat to the privacy of Americans is the drone and the use of the drone, and the very few regulations that are on it today," Feinstein said. Mueller reiterated that drone use is rare. "It is very narrowly focused on particularized cases and particularized needs," he said. Mueller is due to retire when his term expires in September.

Border drones effectively and efficiently monitor the border

RussiaTimes '14 (November 13, 2014, <http://rt.com/usa/205343-cpb-mexico-border-drone-patrols/>, 7-3-15)

Predator drones are silently patrolling almost half of the United States' border with Mexico, looking for illegal immigrants, human traffickers and drug cartels in desolated areas the

government agents can't realistically patrol. The unmanned aircraft fly over about 900 miles of rural areas where there are no US Customs and Border Patrol (CPB) agents, camera towers, ground sensors or fences along the 1,954-mile border, according to a new report by the Associated Press. The Predator Bs use a high-resolution video camera and then return within three days for another video in the same spot, two officials told the wire service. The two videos are then overlaid for analysts who use sophisticated software to identify tiny changes. There are changes in terrain in only eight percent of the drone missions under the current strategy – known internally as “change detection” – since it began in March 2013. Of those flagged missions, about four percent were false alarms, like tracks from livestock or farmers, and about two percent are inconclusive to the agents dispatched to the area to investigate. The remaining 2 percent offer evidence – like footprints, broken twigs, trash – of illegal crossings from Mexico, which typically results in ground sensors being planted for closer monitoring. In the last year and a half, CPB has operated about 10,000 drone flights, with much of their missions over Texas. Border missions fly out of Sierra Vista, home of the U.S. Army Intelligence Center at Fort Huachuca, or Corpus Christi, Texas. They patrol at altitudes between 19,000 at 28,000 feet and between 25 and 60 miles of the border. The program is expected to expand the the Canadian border by the end of 2015. The purpose is to assign agents where illegal activity is highest, R. Gil Kerlikowske, commissioner of Customs and Border Protection, the Border Patrol's parent agency, which operates nine unmanned aircraft across the country, told AP. “You have finite resources,” he said in an interview. “If you can look at some very rugged terrain (and) you can see there's not traffic, whether it's tire tracks or clothing being abandoned or anything else, you want to deploy your resources to where you have a greater risk, a greater threat.” Gregory McNeal, a law professor and drone expert at Pepperdine University, told NBC News in July that the money spent on drones is worth it. “This is a better way to patrol the border than helicopters,” he said. “It’s not a comprehensive immigration solution or border security solution, but more surveillance time in the air will help plug gaps in the border.” A typical Predator drone can fly for 12 hours before landing, compared to three for a standard helicopter. But the cost is much higher: Predator drones require a crew of between five to eight people – plus maintenance staff – to operate, coming out to about \$3,000 an hour to fly. And each one has an \$18 million price tag, NBC News reported. CPB began rolling out Predators in 2005, but rapidly expanded the unmanned aerial reconnaissance operation along the US-Mexico border at the beginning of this decade, the Washington Post reported in 2011. Michael Kostelnik, a retired Air Force general and former test pilot who is the assistant commissioner of CPB's Office of Air and Marine, told the Post then that he had yet to be challenged in Congress about the appropriate use of domestic drones. “Instead, the question is: Why can't we have more of them in my district?” Kostelnik said. In July, President Barack Obama requested \$39.4 million for aerial surveillance, including troops, along the US-Mexican border. The emergency funding was for 16,526 additional drone and manned aircraft flight hours for border surveillance, and 16 additional drone crews to better detect and stop illegal activity, according to administration officials. The request was in response to the humanitarian crisis after tens of thousands of unaccompanied children and families illegally entered the country in the first half of the year. “Border Patrol wants the money and it wants the drones,” McNeal said. “This is the kind of crisis where, if you are Border Patrol, you seize the opportunity to get more funding from Congress.” The agency’s “unmanned and manned aircraft can continue to support ongoing border security operations, specifically regarding the tracking of illegal cross-border smuggling operations,” a CBP official told Nextgov. The president’s request was part of a larger funding appeal of \$3.7 billion to deal with the illegal immigrants and border security problems. In January, CPB was forced to ground its entire fleet of drones after a mechanical function forced a crew to crash an unmanned aircraft valued at \$12 million. The mishap lowered the number of agency drones to only nine.

Domestic drones k2 solve for terrorism

Bauer 13 (Max Bauer, of ACLU of Massachusetts 9-11-2013, "Domestic Drone Surveillance Usage: Threats and Opportunities for Regulation," https://privacysos.org/domestic_drones CCC)

Unmanned aerial vehicles, commonly known as drones, are an emerging and rapidly-expanding development in domestic surveillance technology. [4] On Valentine's Day 2012, President Barack Obama signed the FAA Modernization and Reform Act of 2012, legislation authorizing the Federal Aviation Administration (FAA) to develop regulations to facilitate the growing usage of drones in domestic airspace. [5] Drones are best known for their use in military operations [6] including the use of weaponized drones for targeted killing. But drones have been used for domestic surveillance purposes for years [7] and their usage is expected to grow exponentially. [8] The FAA has issued 1,428 drone operator permits since 2007 (as of mid-February) and predicts there will be 10,000 drones deployed within the next five years. [9] A public information request by the Electronic Frontier Foundation showed that numerous universities and law enforcement agencies have been approved to use drones by the FAA. [10] Of course, the widespread use of drones for domestic surveillance raises serious privacy concerns. [11] Drones can be outfitted with high definition [12] and infrared cameras, [13] and even license plate readers. [14] Drones "present unique threats to privacy," in the words of one privacy advocate. [15] Why? They are smaller – potentially insect-sized, [16] can fly longer – perhaps soon in perpetuity, [17] and are not bound by the historical, practical check on law enforcement excesses we've had as a result of limited police resources. [18] In a seminal 1890 law review article aptly-titled The Right to Privacy, future Supreme Court Justice Louis Brandeis recognized that "instantaneous photographs... have invaded the secret precincts of private and domestic life...Of the desirability – indeed of the necessity – of some such protection there can, it is believed, be no doubt." [19] Brandeis and his co-author Samuel Warren were ahead of their time when they wrote that article but even they couldn't foresee anything like the domestic surveillance schemes that have arisen over a century later. Drones Used in Massachusetts and Response to Boston Marathon Bombings. Late in 2012, the Boston Globe reported that a SWAT team in Massachusetts had filed an application with the FAA for a drone. [20] As of April 2013, there were no police drones yet in Massachusetts but Waltham-based defense contractor Raytheon was flying many of them in testing capacities. [21] Surveillance and war contracting companies hope to expand their market from military to domestic law enforcement. [22] Following the explosion of two bombs at the 2013 Boston Marathon, parts of the city shut down as the search for a suspect continued, prompting Ron Paul to write: "This unprecedented move should frighten us as much or more than the attack itself." [23] **Boston Police Commissioner Ed Davis told the public shortly afterward that he seeks more surveillance cameras (there are already hundreds) in downtown Boston.** [24] **And further, he said, he wants to have drone surveillance for next year's marathon.** [25]

Drones K2 stop terrorism

Byman, 13 (Daniel L. Byman, Director of research at Center for Middle East Policy, 8/2013, <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman> CCC)

The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban—top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is "the rise of lower leaders who are not as experienced as the former leaders" and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists' ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or

gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders

Drones take out terrorist leaders

Al-Haj, 15 (Ahmed Al-Haj, writer for the Stars & Stripes and AP the big story, 7/10/2015, <http://www.stripes.com/news/middle-east/us-drone-strike-kills-4-al-qaida-fighters-in-yemen-1.357473> CCC)

Yemeni security and military officials say a suspected U.S. drone strike killed four al-Qaida members travelling by car in the coastal city of Mukalla. The officials say the airstrike took place on Friday night in Mukalla, the capital of Yemen's sprawling eastern Hadramawt province. The explosion was heard in some parts of the city. Al-Qaida's Yemen branch, considered to be the most dangerous offshoot of the terror network, has made gains in the province and captured Mukalla earlier this year. The officials say at least five other militants were wounded in the airstrike. The officials spoke on condition of anonymity because they are not authorized to talk to reporters. Al-Qaida has profited from the turmoil that has engulfed Yemen, and U.S. drones have continued to target top al-Qaida leaders there.

AT Retaliation

AT: Retaliation

Ayson flips neg- terrorism is not an existential risk

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, "After a Terrorist Nuclear Attack: Envisaging Catalytic Effects," Studies in Conflict & Terrorism, 33.7, Francis & Taylor)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves.

No US nuclear retaliation

Neely 13 (Meggaen Neely, The George Washington University Master of Arts (M.A.), Security Policy Studies 2012—2014 (expected) Baylor University Master of Arts (M.A.), Public Policy and Administration 2010—2012, Richard D. Huff Distinguished Masters Student in Political Science (2012) Baylor University Bachelor of Arts (B.A.), Political Science and Government, Research Assistant, Elliott School at George Washington University, Research Intern, Project on Nuclear Issues (PONI) at Center for Strategic and International Studies (CSIS) Communications Intern at Federation of American Scientists Graduate Assistant at Department of Political Science, Baylor University, "Doubting Deterrence of Nuclear Terrorism", March 21, 2013, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism>)

Because of the difficulty of deterring transnational actors, many deterrence advocates shift the focus to deterring state sponsors of nuclear terrorism. The argument applies whether or not the state intended to assist nuclear terrorists. If terrorists obtain a nuclear weapon or fissile materials from a state, the theory goes, then the United States will track the weapon's country of origin using nuclear forensics, and retaliate against that country. If this is U.S. policy, advocates predict that states will be deterred from assisting terrorists with their nuclear ambitions. Yet, let's think about the series of events that would play out if a terrorist organization detonated a weapon in the United States. Let's assume forensics confirmed the weapon's origin, and let's assume, for argument's sake, that country was Pakistan. Would the United States then retaliate with a nuclear strike? If a nuclear attack occurs within the next four years (a reasonable length of time for such predictions concerning current international and domestic politics), it seems unlikely. Why? First, there's the problem of time. Though nuclear forensics is useful, it takes time to analyze the data and determine the country of origin. Any justified response upon a state sponsor would not be swift. Second, even if the United States proved the country of origin, it would then be difficult to determine that Pakistan willingly and intentionally sponsored nuclear terrorism. If Pakistan did, then nuclear retaliation might be justified. However, if Pakistan did not, nuclear retaliation over unsecured nuclear materials would be a disproportionate response and potentially further detrimental. Should the United States launch a nuclear strike at Pakistan, Islamabad could see this as an initial hostility by the United States, and respond adversely. An obvious choice, given current tensions in South Asia, is for Pakistan to retaliate against a U.S. nuclear launch on its territory by initiating conflict with India, which could turn nuclear and increase the exchanges of nuclear

weapons. Hence, it seems more likely that, after the international outrage at a terrorist group's nuclear detonation, the United States would attempt to stop the bleeding without a nuclear strike. Instead, some choices might include deploying forces to track down those that supported the suicide terrorists that detonated the weapon, pressuring Pakistan to exert its sovereignty over fringe regions such as the Federally Administered Tribal Areas, and increasing the number of drone strikes in Waziristan. Given the initial attack, such measures might understandably seem more of a concession than the retaliation called for by deterrence models, even more so by the American public. This is not an argument against those technologies associated with nuclear forensics. The United States and International Atomic Energy Agency (IAEA) should continue their development and distribution. Instead, I question the presumed American response that is promulgated by deterrence advocates. By looking at possibilities for a U.S. response to nuclear terrorism, a situation in which we assume that deterrence has failed, we cast doubt on the likelihood of a U.S. retaliatory nuclear strike and hence cast doubt on the credibility of a U.S. retaliatory nuclear strike as a deterrent. Would the United States launch a nuclear weapon now unless it was sure of another state's intentional sponsorship of nuclear terrorism? Any reasonable doubt of sponsorship might stay the United States' nuclear hand. Given the opaqueness of countries' intentions, reasonable doubt over sponsorship is inevitable to some degree. Other countries are probably aware of U.S. hesitance in response to terrorists' use of nuclear weapons. If this thought experiment is true, then the communication required for credible retaliatory strikes under deterrence of nuclear terrorism is missing.

The threat of a nuclear retaliation is exaggerated – even stolen material can be easily traced

Lieber and Press 13 (*Keir A. Lieber and **Daryl G. Press, *Received his M.A. and Ph.D. in Political Science from the University of Chicago, Associate Professor in the Edmund A. Walsh School of Foreign Service and the Department of Government, **Associate Professor in the Department of Government, Dartmouth College. He received a Ph.D. in Political Science from the Massachusetts Institute of Technology, "Why States Won't Give Nuclear Weapons to Terrorists", Summer 2013, International Security, Vol. 38, No. 1, Pages 80-104)

This gloomy picture overstates the difficulty of determining the source of stolen material after a nuclear terrorist attack. In the wake of a detonation, the possibility of stolen fissile material complicates the task of attribution—but only marginally. At the end of the Cold War, several countries—particularly in the former Soviet Union—confronted major nuclear security problems, but great progress has been made since then.⁴⁰ Although no country has perfect nuclear security, today the greatest concerns surround just five countries: Belarus, Japan, Pakistan, Russia, and South Africa.⁴¹ In addition, not all of those states are equally worrisome as potential sources of nuclear theft. Substantial concerns exist about the security of fissile materials in Pakistan and Russia (the latter if simply because of the large size of its stockpile), but Belarus, Japan, and South Africa would likely be quickly and easily ruled out as the source of stolen fissile material. Belarus has a relatively small stockpile of fissile material—approximately 100 kilograms of HEU42—so in the wake of a nuclear terrorist attack, it would be easy for Belarus to show that its stockpile remained intact.⁴³ Similarly, Japan (one of the United States' closest allies) and South Africa would be keen to allow the United States to verify the integrity of their full stocks of materials. (In the wake of a nuclear terror attack, a lack of full cooperation in showing all materials accounted for would be highly revealing.) Iran is not believed to have any weapons-usable nuclear material to steal,⁴⁴ although that could change. In short, a nuclear handoff strategy disguised as a loose nukes problem would be very precarious.⁴⁵

No retaliation – international cooperation and limited suspects solve

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There are at least five reasons, however, to expect that attributing a nuclear terrorist attack would be easier than attributing a conventional terrorist attack. First, no terrorism investigation in history has had the resources that would be deployed to investigating the source of a nuclear terror attack— particularly one against the United States or a U.S. ally. Rapidly attributing the attack would be critical, not merely as a first step toward satisfying the rage of the victims but, more importantly, to determine whether additional nuclear attacks were imminent. The victim would use every resource at its disposal— money, threats, and force—to rapidly identify the source of the attack.⁴⁷ If necessary, any investigation would go on for a long time; it would never “blow over” from the victim’s standpoint. The second reason why attributing a nuclear terror attack would be easier than attributing a conventional terrorist attack is the level of international assistance the victim would likely receive from allies, neutrals, and even adversaries. An attack on the United States, for example, would likely trigger unprecedented intelligence cooperation from its allies, if for no other reason than the fear that subsequent attacks might target them. Perhaps more important, even adversaries of the United States—particularly those with access to fissile materials—would have enormous incentives to quickly demonstrate their innocence. To avoid being accused of sponsoring or supporting the attack, and thus to avoid the wrath of the United States, these countries would likely go to great lengths to demonstrate that their weapons were accounted for, that their fissile materials had different isotopic properties than the type used in the attack, and that they were sharing any information they had on the attack. The cooperation that the United States received from Iran and Pakistan in the wake of the September 11 attacks illustrates how potential adversaries may be motivated to help in the aftermath of an attack and stay off the target list for retaliation.⁴⁸ The pressure to cooperate after an anonymous nuclear detonation on U.S. soil would be many times greater.⁴⁹ Third, the strong positive relationship between the number of fatalities stemming from an attack and the rate of attribution (as depicted in figures 1 to 3 above) suggests that the probability of attribution after a nuclear attack— with its enormous casualties—should be even higher. The 97 percent attribution rate for attacks that killed ten or more people on U.S. soil or that of its allies is based on a set of attacks that were pinpricks compared to nuclear terrorism. The data in those figures suggest that our conclusions understate the actual likelihood of nuclear attribution. Fourth, the challenge of attribution after a terrorist nuclear attack should be easier than after a conventional terrorist attack, because the investigation would begin with a highly restricted suspect list. In the case of a conventional terror attack against the United States or an ally, one might begin the investigation at the broadest level with the U.S. Department of State’s list of fifty-one foreign terrorist organizations. In the case of a nuclear terror attack, only fifteen of these FTOs have state sponsors—and only one sponsor (Pakistan) has either nuclear weapons or fissile materials. (If Iran acquires nuclear weapons, that number will grow to two, but there is no overlap between the terror groups that Pakistan supports and those that Iran assists.) Finally, any operation to detonate a nuclear weapon would involve complex planning and coordination—securing the weapon, learning to use it, planning the time and location of detonation, moving the weapon to the target, and conducting the attack. Even if only a small cadre of operatives knew the nuclear nature of the attack, the planning of a spectacular operation would be hard to keep secret.⁵⁰ For example, six months prior to the September 11 attacks, Western intelligence detected numerous indications that al-Qaida was planning a major attack. The intelligence was not specific enough—or the agencies were not nimble enough—to prevent the operation, but the indicators were “blinking red” for months, directing U.S. attention to al-Qaida as soon as the attacks began.⁵¹

Turns Case

Terrorism is used as a justification for increased surveillance – empirics prove and turns case

Haggerty and Gazso 2005 (Kevin, Professor of Criminology and Sociology at the University of Alberta; Amber, Associate Professor in the Department of Sociology at York University, The Canadian Journal of Sociology / Cahiers canadiens de sociologie, Vol. 30, No. 2 (Spring, 2005), pp. 169-187 “Seeing beyond the Ruins: Surveillance as a Response to Terrorist Threats” JSTOR; accessed 7/17/15 JH @ DDI)

A climate of fear and anxiety helped ease the passage of such laws (Davis, 2001). However, a great deal of organizational opportunism was also at work. Many of the surveillance proposals adopted in the days after the attack were recycled from earlier legislative efforts. In previous incarnations these proposals had often been legitimated as essential for the international "war on drugs" or to address other crimes, such as money laundering. The September 11 th attacks gave the authorities a new and apparently unassailable legitimation for long-standing legislative ambitions. Before the dust had settled on Manhattan, the security establishment had mobilized to expand and intensify their surveillance capabilities, justifying existing proposals as necessary tools to fight the new war against terrorism. Ultimately, the police, military and security establishment reaped an unanticipated windfall of increased funding, new technology and loosened legislative constraints by strategically invoking fears of future attacks. There are several examples of such opportunism. Since at least 1999, when Congress initially turned down their request, the U.S. Justice Department has lobbied for the development of new "secret search" provisions. Likewise, prior to the attacks, the FBI and the National Telecommunications and Information Systems Security Committee had a lengthy shopping list of desired surveillance-related measures including legal enhancements to their wiretapping capabilities, legal constraints on the public use of cryptography, and provisions for governmental agents to compel Internet service providers to provide information on their customers (Burnham, 1997). All of these proposals were recycled and implemented after the September 11th attacks now justified as integral tools in the "war on terrorism." New provisions requiring banks to exercise "due diligence" in relation to their large depositors were originally justified by the authorities as a means to counter the "war on drugs." The opportunism of many of these efforts was inadvertently revealed by an RCMP Sergeant when, during a discussion about new official antiterrorism powers to monitor financial transactions, he noted that: "We've been asking for something like this for four years. It's really our best weapon against biker gangs" [emphasis added] (Corcan, 2001). In Canada, the Federal Privacy Commissioner was particularly alarmed by the development of what he referred to as a "Big Brother database." This amounts to a detailed computerized record of information about Canadian travelers. Although justified as a means to counter terrorism, the data will be made available to other government departments for any purpose they deem appropriate. Such provisions raise the specter of informational "fishing expeditions." Indeed, the Canadian government has already indicated that this ostensible anti-terrorist database will be used to help monitor tax evaders and catch domestic criminals. It will also be used to scrutinize an individual's travel history and destinations, in an effort to try and determine whether they might be a pedophile or money launderer (Radwanski, 2002). While these are laudable goals, they also reveal how a host of other surveillance agendas have been furthered by capitalizing on the new anti-terrorism discourse.

Lone wolf terror attacks are used to justify disproportionate increases in surveillance and military operations abroad

Lennard, Senior News Analyst for Vice News, 10/27/14 (Natasha Lennard, Brooklyn-based Senior News Analyst for Vice News, VICE News, October 27, 2014, "'Lone Wolf' Terrorist Acts Will Be Used to Justify the Surveillance State" <https://news.vice.com/article/lone-wolf-terrorist-acts-will-be-used-to-justify-the-surveillance-state>, accessed 7/17/15 JH @ DDI)

The phenomenon of individuals committing violent and murderous acts in the name of an ideology is nothing new in the US. The FBI's Operation Lone Wolf investigated white supremacists encouraging autonomous violent acts in the 1990s. Why, then, are we seeing pundits and politicians newly focus on the "lone wolf" category? There's no simple answer, but we can at the very least see that the old binary, distinguishing terror as the act of networked groups versus lone madman mass killings — a distinction that has tacitly undergirded post-9/11 conceptions of terrorism — doesn't serve the latest iteration of the war on terror. California Senator Dianne Feinstein, speaking on CNN's State of the Union on Sunday, suggested that "the Internet, as well as certain specific Muslim extremists, are really firing up this lone-wolf phenomenon." Whether intentionally or not, the Senate Intelligence Committee chair performed a lot of political work with that one comment. Crystallizing "lone wolves" as a key threat domestically helps legitimize the US's current military operation against the Islamic State in Iraq and Syria. With or without established connections, the Islamic State's far-reaching tentacles of online influence encouraging individuals worldwide cement the group as a threat to the homeland — which is always useful for politicians struggling to legally justify another protracted war. In this way, attributing attacks to homegrown "lone wolves" is more useful for current US political interests than attributing them to madness alone. The assumption that terror acts were always borne of connected networks problematically buoyed domestic counter-terror efforts that saw entire communities profiled as potential threats. Which is not to say that "lone wolf terrorist" is a flawed designation for attacks by ideologically motivated individuals. In many ways it seems apt, and any challenge is welcome to the all too basic distinction that imbues group terror with motive while dismissing individual acts as madness. The "lone wolf" straddles the ill-conceived gap between madman and terrorist node. It's an intersection all too complicated for the inexpert punditry of Fox News: "They are terrorist acts, to be sure," Megyn Kelly said about Canadian gunman Michael Zehaf-Bibeau, adding "but this guy was also a nutcase." Furthermore, the assumption that terror acts were always borne of connected networks problematically buoyed domestic counter-terror efforts that saw entire communities profiled as potential threats. Under the premise that terror networks ran like arteries through US Muslim communities enabled an era of profile-driven preemptive policing that has been nothing short of racist. Entire mosques in New York were designated terrorist organizations to enable police surveillance. The NSA's meta-data collections claim justifiability on the premise that terror was locatable by tracing networks of communication. The "lone wolf" phenomenon should at least prompt the questioning of the sort of profile-based counter-terror efforts that assumed terror lurked in any network of Muslims, and that the mass hoarding of communications data was vital to national security. However, the rhetoric surrounding this type of domestic threat already bodes ill for civil liberties. If the hunt for terrorist networks has been plagued by ethnic profiling and overreaching spycraft, an established threat of "lone wolf" attacks gives a defensive imprimatur for unbounded NSA-style surveillance — anyone can wield a hatchet with ideological ire. As Chairman of the House Homeland Security Committee Michael McCaul said on This Week, finding such lone actors in advance of attacks is like "finding a needle in a haystack." And as Feinstein said the same day, "You have to be able to watch it, and you have to be able to disrupt them." As such, the era of the "lone wolf" terrorist does not only spell the end of the bunk distinction between motivated group and deranged individual. It ushers in the dawn of a new era of justification for our totalized state of surveillance and national security paranoia.

Surveillance would increase after a terrorist attack

Feaver 1/13/15

(Peter D., 1/13/15, Foreign Policy, "10 Lessons to Remember After a Terrorist Attack," Peter is a professor of political science and public policy and Bass Fellow @ Duke University, and director of the Triangle Institute for Security Studies and the Duke Program in American Grand Strategy, <http://foreignpolicy.com/2015/01/13/ten-lessons-to-remember-after-a-terrorist-attack/>, 7/16/15, SM)

In particular, it is striking how some of the things that were "obvious" in the days and weeks after 9/11, but then were gradually forgotten, have become obvious again:^a Terrorists succeed when they are abetted by intelligence failures. Or, put another way, terrorists only need to get lucky once to "succeed," whereas counterterrorism has to be lucky all the time to "succeed."^a Even robust intelligence and law enforcement may not guarantee 100 percent safety and security. By global

standards — certainly by the standards of Western democracies — France has a particularly formidable counterterrorist structure. But it failed in this instance.^a When terrorists succeed in an attack, citizens demand that the government do more to protect them — even if they have already been doing a lot. And **steps that would have seemed heavy handed before the attack, say aggressive surveillance of suspected terrorists** or visible demonstrations of presence by the security forces, **are deemed not just tolerable but necessary.** Moreover, savvy political leaders will understand that one of the benefits of a stronger official response is that it is a hedge both against dangerously stronger vigilantism and also against additional pressure from some segments of the public to do more than is wise.

Terrorism leads to crackdowns

History.com, *Reaction to 9/11*, <http://www.history.com/topics/reaction-to-9-11>, 2010

“Today,” the French newspaper Le Monde announced on September 12, 2001, “we are all Americans.” People around the world agreed: The terrorist attacks of the previous day had felt like attacks on everyone, everywhere. They provoked an unprecedented expression of shock, horror, solidarity and sympathy for the victims and their families. Citizens of 78 countries died in New York, Washington, D.C., and Pennsylvania on September 11, and people around the world mourned lost friends and neighbors. They held candlelight vigils. They donated money and goods to the Red Cross and other rescue and relief organizations. Flowers piled up in front of American embassies. Cities and countries commemorated the attacks in a variety of ways: The Queen Mother sang the American national anthem at Buckingham Palace’s Changing of the Guard, while in Brazil, Rio de Janeiro put up huge billboards that showed the city’s famous Christ the Redeemer statue embracing the New York City skyline. Meanwhile, statesmen and women rushed to condemn the attacks and to offer whatever aid they could to the United States. Russian president Vladimir Putin called the strikes “a blatant challenge to humanity,” while German chancellor Gerhard Schroeder declared that the events were “not only attacks on the people in the United States, our friends in America, but also against the entire civilized world, against our own freedom, against our own values, values which we share with the American people.” He added, “We will not let these values be destroyed.” Canadian Prime Minister Jean Chretien denounced the “cowardly and depraved assault.” He tightened security along the border and arranged for hundreds of grounded airplanes to land at Canadian airports. Even leaders of countries that did not tend to get along terribly well with the American government expressed their sorrow and dismay. The Cuban foreign minister offered airspace and airports to American planes. Chinese and Iranian officials sent their condolences. And the Palestinian leader Yasser Arafat, visibly dismayed, told reporters in Gaza that the attacks were “unbelievable, unbelievable, unbelievable.” “We completely condemn this very dangerous attack,” he said, “and I convey my condolences to the American people, to the American president and to the American administration.” But public reaction was mixed. The leader of the Islamic militant group Hamas announced that “no doubt this is a result of the injustice the U.S. practices against the weak in the world.” Likewise, people in many different countries believed that the attacks were a consequence of America’s cultural hegemony, political meddling in the Middle East and interventionism in world affairs. The Rio billboards hadn’t been up for long before someone defaced them with the slogan “The U.S. is the enemy of peace.” Some, especially in Arab countries, openly celebrated the attacks. But most people, even those who believed that the United States was partially or entirely responsible for its own misfortune, still expressed sorrow and anger at the deaths of innocent people. On September 12, the 19 ambassadors of the North Atlantic Treaty Organization (NATO) declared that the attack on the United States was an attack on all of the member nations. This statement of solidarity was mostly symbolic—NATO did not authorize any specific military action—but it was still unprecedented. It was the first time that the organization had ever invoked the mutual defense section of its charter (intended to protect vulnerable European nations from Soviet invasion during the Cold War). NATO eventually sent five airplanes to help keep an eye on American airspace. Likewise, on September 12 the United Nations Security Council called on all nations to “redouble their efforts” to thwart and prosecute terrorists. Two weeks later, it passed another resolution that urged states to “suppress the financing of terrorism” and to aid in any anti-terrorism campaigns. But these

declarations of support and solidarity didn't mean that other countries gave the United States a free hand to retaliate however, and against whomever, it pleased. Allies and adversaries alike urged caution, warning that an indiscriminate or disproportionate reaction could alienate Muslims around the world. In the end, almost 30 nations pledged military support to the United States, and many more offered other kinds of cooperation. Most agreed with George Bush that, after September 11, the fight against terrorism was "the world's fight."

Terrorists Hate US

Al Qaeda

Al Qaeda is expanding and plotting attacks against the West

Hubbard 6/9/2015 (Ben, Al Qaeda Tries a New Tactic to Keep Power: Sharing It, www.nytimes.com/2015/06/10/world/middleeast/qaeda-yemen-syria-houthis.html)

BEIRUT, Lebanon — After they routed the army in southern Yemen, fighters from Al Qaeda stormed into the city of Al Mukalla, seizing government buildings, releasing jihadists from prison and stealing millions of dollars from the central bank. Then they surprised everyone. Instead of raising their flags and imposing Islamic law, they passed control to a civilian council and gave it a budget to pay salaries, import fuel and hire teams to clean up garbage. The fighters receded into the background, maintaining only a single police station to arbitrate disputes. Al Qaeda's takeover of Yemen's fifth-largest city in April was the most direct indication yet that the group's most potent regional affiliates are evolving after years of American drone strikes killing their leaders and changing to meet the challenge posed by the Islamic State's competing and land-grabbing model of jihad. While the image of Al Qaeda has long been one of shadowy operatives plotting international attacks from remote hide-outs, its branches in Yemen and Syria are now increasingly making common cause with local groups on the battlefield. In doing so, they are distancing themselves from one of Osama bin Laden's central precepts: That fighters should focus on the "far enemy" in the West and not get bogged down in local insurgencies. In recent weeks, the Qaeda affiliate in Yemen has allied with armed tribes to fight Iranian-backed Houthi rebels, putting that alliance on the same side of the country's civil war as the United States and Saudi Arabia. In Syria, Qaeda-allied fighters are important members of a rebel coalition against President Bashar al-Assad that includes groups supported by the West. This strategy has clear benefits for a group that has long been near the top of the United States's list of enemies by allowing it to build local support while providing some cover against the threat of foreign military action. But despite Al Qaeda's increased involvement in local battles, American officials say the group remains committed to attacking the West, a goal that could be easier to plot from sanctuaries where it enjoys local support. Cooperating with others could also give Al Qaeda a long-term advantage in its competition with the extremists of the Islamic State, analysts said. Since its public break with Al Qaeda last year, the Islamic State, also known as ISIS or ISIL, has stolen the jihadist limelight by seizing cities in Syria and Iraq and declaring a caliphate in the territory it controls. This has won it the allegiances of other militant cells from Libya to Afghanistan. The Islamic State has insisted that other groups join it or be considered enemies, a tactic that has alienated many in areas it controls. And its public celebration of violence, including the beheading of Western hostages, helped spur the formation of a United States-led military coalition that is bombing the group. Al Qaeda's branches in Syria and Yemen have taken a different route, building ties with local groups and refraining from the strict application of Shariah, the legal code of Islam, when faced with local resistance, according to residents of areas where Al Qaeda holds sway. When Al Qaeda took over Al Mukalla in April, it seized government buildings and used trucks to cart off more than \$120 million from the central bank, according to the bank's director, Abdul-Qader Foulihan. That sum could not be independently verified. But it soon passed control to a civilian council, giving it a budget of more than \$4 million to provide services, an arrangement that made sense to local officials seeking to serve their people during wartime. "We are not Qaeda stooges," said Abdul-Hakeem bin Mahfood, the council's secretary general, in a telephone interview. "We formed the council to avoid the destruction of the city." While the council pays salaries and distributes fuel, Al Qaeda maintains a police station to settle disputes, residents said. It has so far made no effort to ban smoking or regulate how women dress. Nor has it called itself Al Qaeda, instead using the name the Sons of Hadhramaut to emphasize its ties to the surrounding province. One self-described Qaeda member said that the choice of name was deliberate, recalling that after the group seized territory in southern Yemen in 2011, the country's military had mobilized to push it out with support from the United States. "We were in control for a year and six months, we applied God's law, we created a small state and the whole world saw it, but they did not leave us alone," the man said in an interview with a Yemeni television station. "So we came here with the name the Sons of Hadhramaut, but the people here know who we are." American officials have long considered the terrorist group's Yemeni branch, known as Al Qaeda in the Arabian Peninsula, the most dangerous to the West. It has sought to carry out attacks against the United States, and it retains sophisticated bomb-making expertise. Now, Yemen's civil war has given the group an opportunity to expand, analysts said.

Can't deter Al-Qaeda

Ignatieff '4

(Michael Ignatieff, Canadian author, academic and former politician. has held senior academic posts at the universities of Cambridge, Oxford, Harvard and Toronto, 2004, Princeton University Press, “the lesser Evil: Political Ethics in an Age of Terror”)

The third type of terrorist who might prove undeterrable were they to acquire these weapons is Al Qaeda itself. Unlike terrorists who serve the liberation claims of a particular group of people, Al Qaeda does not depend for its support on a particular population who could be subjected to revenge or retribution following an attack. Thus the attackers on Afghan soil. Once Afghanistan had served its function as a base, it was dispensable as far as Al Qaeda was concerned. Since their goal is not the acquisition of power itself but the punishment of the United States and its strategic allies, they cannot be stopped by political negotiation, concession, or appeasement. Nor are they susceptible to the incentives that make some armed groups conform to the laws of war in order to achieve international recognition or legitimacy. This indifference to incentives and sanctions applies not merely to Al Qaeda but to any cult with charismatic psychopaths at its head. It is hard to see what political action a state could have taken to deter the Japanese cult group Aum Shinrikyo before it released toxic agents in the Tokyo subway system. Unlike political groups seeking liberation or national territory, these cults cannot be engaged politically, and since they are closed and conspiratorial, they are difficult to infiltrate and neutralize. The logic of deterrence that once kept state violence in some kind of check has no traction with loners and the cult leaders of global terrorism. Since they promise their followers eternal life, they create a cadre of undeterrables.

Standard rationality doesn't apply to Al-Qaeda – they cannot be deterred Ignatieff '4

(Michael Ignatieff, Canadian author, academic and former politician. has held senior academic posts at the universities of Cambridge, Oxford, Harvard and Toronto, 2004, Princeton University Press, “the lesser Evil: Political Ethics in an Age of Terror”)

In the examples considered so far, it has become clear that where armed groups have a real prospect of obtaining recognition and statehood, they may be persuaded to abstain from terrorism. Where their success in this struggle depends on retaining the support of local populations, they may also conclude that restraint pays better than atrocity. But these incentives and restraining factors do not apply to all terrorist groups. No such factors discipline the conduct of Al Qaeda. They have no aspirations to statehood and therefore no incentive to play by any known rules. They do not serve a determinate population and are therefore unconstrained either by their supporters' moral code or by their vulnerability to reprisal. They even appear indifferent to casualties inflicted on Muslim populations who live or work in proximity to their targets. This is what makes them so dangerous. This is also why they cannot be engaged politically and must instead be defeated militarily. Al Qaeda is therefore a distinctive kind of terrorism, no longer in the service of a people's freedom or in the name of the overthrow of a given state. The apocalyptic nihilists who attacked the United States on September 11 did not leave behind justifications, noble or otherwise, for their actions. They directed their propaganda and their justifications not at a specific state denying a claim to self-determination, but at the United States as the hated imperial capital of a materialistic, secular, and alien civilization. The so-called martyrs defended their actions in the language of Islamic eschatology, not in the language of rights. ³³ Moreover, their intentions were apocalyptic, not political: to humiliate the archenemy of Islam and secure martyrdom in the process. It is difficult to see, in principle, how acts unaccompanied by demands can be accommodated politically. If the goal of terrorism is neither territory nor freedom, if its purpose is to strike a blow that asserts the dignity of Muslim believers while inflicting horror and death upon their enemies, then it is difficult to envisage a political response of any kind. Such an attack cannot be met by politics but only by war.

Generic

Biological realism explains terrorism – means it's impossible to stop it Thayer and Hudson '11

(Brad and Valerie, Thayer is a Professor of Political Science at Baylor, Hudson is the Professor of Political Science at Brigham Young. "Sex and the Shaheed: Insights from the Life Sciences on Islamic Suicide Terrorism" International Security, Vol 34 No 4. 2011)

Yet, even if al-Qaida is diminished, Islamic fundamentalist suicide attacks will continue to be executed by al-Qaida-inspired groups, Palestinian terrorist groups such as Hamas and Hezbollah, and the Taliban because they are an effective asymmetric tactic against some of the world's most hardened security forces. Islamic fundamentalist suicide terrorists have penetrated British, French, Israeli, and U.S. defenses, among others. Moreover, only suicide terrorists could have executed the September 11 attacks or penetrated the Israeli security corridor bordering the Palestinian Authority, because they alone could navigate the countless security obstacles and be capable of self-destructing at a precise location and time while causing the greatest damage. As Mustafa Alani puts it, "It's what we call a thinking, walking bomb. He watches the whole scene [and] chooses the best time and best location."**4 Suicide terrorism is the ultimate smart bomb, demonstrating unparalleled political commitment and personal resoluteness**. Scholars have examined Islamic fundamentalist suicide terrorism primarily through the lens of international politics, economics, and cultural studies, and each offers important insights into the motivation and recruitment policies of groups that practice it. There is, however, another discipline that can make a useful contribution—the life sciences. we argue that the application of concepts and approaches from the life sciences yields new insights into (1) the causal context of Islamic fundamentalist suicide terrorism, (2) the motivation of suicide terrorists, and (3) policy approaches to subvert this form of terrorism. A consilient approach, incorporating ideas from the life sciences and the social sciences, can aid social scientists and policy analysts in addressing the problem of Islamic suicide terrorism.⁵ The life sciences can be a source of new analogies and examples that might help scholars and analysts to approach the problem in fresh ways and derive effective policies.⁶ Our argument is important for three reasons. First, understanding the motivations of Islamic fundamentalist terrorists is critical for creating policies to stop them, ideally before they become terrorists. Second, our approach helps to illuminate why few Islamic fundamentalist terrorists defect and how policies may be crafted to promote defections. Finally, it advances the goal of consilience—that is, using insights from human evolution and ecology, as well as from the social sciences, to create a more comprehensive and detailed understanding of human behavior. In essence, consilient approaches bridge the gap between the life sciences and the social sciences. For the advancement of knowledge concerning human behavior, there may be no more important task than removing the barriers between the life sciences and the social sciences, which we believe will revolutionize both fields of study.⁷

The evolutionary structure of terrorist organizations makes them impossible to deter

Thayer and Hudson '11

(Brad and Valerie, Thayer is a Professor of Political Science at Baylor, Hudson is the Professor of Political Science at Brigham Young. "Sex and the Shaheed: Insights from the Life Sciences on Islamic Suicide Terrorism" International Security, Vol 34 No 4. 2011)

Alpha males try to resolve this inevitable tension through male bonding. By persuading non-alpha males that they are all “family,” alpha males may be able to dampen intragroup tensions. Evolutionary psychology also helps to explain why this strategy will be effective. Humans evolved in small-group dominance hierarchies—principally the family and extended family hunter groups. Accordingly, the human mind is well suited for comprehending and bonding with small groups of dozens or, at most, 100 or 150 people.²⁴ To be sure, humans may bond with larger units (e.g., a country), but that requires an extensive effort by the state (e.g., years of nationalistic education). In mimicking the family bond, male-bonded groups often assume the task of educating young males, providing another family-like service. Young people often embrace indoctrination into a belief system through a religion or an educational system, or the combination of the two, such as in madrassas.²⁵ Emulating the family also makes the male-bonded group more resilient—harder to penetrate and to destroy—similar to the family or the mafia and suggests they must be targeted in unique ways. The dynamics described above are found among all societies, not only those of the Islamic world. Alpha males will seek to co-opt non-alpha males into male-bonded societies in which violence is controlled by alphas and guided toward out-groups, not in-groups (and especially not targeted toward the alphas). In this study, however, we limit ourselves to examining factors that we argue contribute to Islamic fundamentalist suicide terrorism. Of course, even within the Islamic world, individuals will possess other motivations to conduct suicide attacks. For example, there is evidence that at least some Iraqi male teenagers have been forced to train as suicide bombers under fear of reprisals against their families.

Terrorism’s engrained in Islamic societies – it’s the only way for non-Alpha males to achieve status

Thayer and Hudson ‘11

(Brad and Valerie, Thayer is a Professor of Political Science at Baylor, Hudson is the Professor of Political Science at Brigham Young. “Sex and the Shaheed: Insights from the Life Sciences on Islamic Suicide Terrorism” International Security, Vol 34 No 4. 2011)

Baldly put, polygyny means mates for some men and none for others. And who will not obtain mates? It will not be those with advantages, but rather those who lack them. Non-alpha males will be the reproductive losers, and this gives them great motivation to use force, the sole area in which they possibly hold a reproductively relevant advantage over alpha males. Alpha males and non-alpha males understand the ramifications of polygyny for their relations: polygyny will heighten in-group violence against alpha males by non-alpha males absent a mechanism that directs this violence to an out-group. From the perspective of alpha males, suicide terrorism offers some interesting possibilities. A non-alpha male in a polygynous society with high levels of gender differentiation wants to find a way to project power, preferably through violence. In this way, he hopes to obtain greater social status and thus greater reproductive success. An alpha male in the same society wants to find a way to channel that violence to out-groups without allowing the nonalpha male to achieve social status through violence, which ultimately could threaten the interests of the alpha males. **Suicide terrorism, sanctioned and applauded by religious belief, represents an attractive strategy in this context.** if alpha males can persuade non-alpha males that (1) their violence should be directed to out-groups, (2) that thereby these non-alpha males will greatly increase their social status and make their families proud, but (3) they will have to die and experience their reproductive success vicariously through their kin, or in the afterlife, then the threat of in-group violence can be decreased. For some non-alpha males, becoming a shaheed is the most effective response to the human evolutionary conundrum produced by male dominance hierarchies, high levels of gender differentiation, and the scarcity of females resulting from polygyny.⁴⁰ In 2003 Robert Pape found that among Islamic suicide terrorists, 97 percent were single and 84 percent were male. If one excludes the Kurdistan Workers’ Party, which promotes gender equality, the gender ratio rises to 91 percent.⁴¹ these young men come

predominantly from lower socio-economic strata of society than those involved in nonsuicide terrorism, despite the somewhat anomalous case of the September 11 attacks. Evolutionary psychology would predict that this subpopulation would be most susceptible to the lure of suicide terrorism. Islamic religious texts promise the shaheed seventy-two virgins in the afterlife. ⁴² Miller and Kanazawa note, “It is the combination of polygyny and the promise of a large harem of virgins in heaven that motivate many young Muslim men to commit suicide bombings. Consistent with this explanation, all studies of suicide bombers indicate that they are significantly younger than not only the Muslim population in general but other (nonsuicidal) members of their own extreme political organizations like Hamas and Hezbollah. And nearly all suicide bombers are single.”⁴³ Failed suicide bombers may not admit to this temptation as motivation for their action, perhaps considering it too vulgar or impious. Nevertheless, it can be a key draw for a male contemplating poor reproductive prospects in this life. In March 2004, Husam Abdu (also Abdo), a sixteen-year-old failed suicide bomber captured at an Israeli checkpoint in Gaza, explained to Israeli intelligence officials that his dwarfism made him the object of ridicule at school, and he had been tempted by the promise of sexual relations with virgins in paradise. ⁴⁴ Another captured would-be suicide terrorist, a Moroccan man, aged twenty-six, suffered from facial disfigurement.⁴⁵ A study of suicide bombers in Iraq conducted by the U.S. military found that they were almost always single males from eighteen to thirty, with a mean age of twenty-two and no children. ⁴⁶ The study concluded that most are “alienated young men from large families who are desperate to stand out from the crowd and make their mark.”⁴⁷

Business Confidence DA JDI

1NC

Companies innovating now due to hands off federal approach.

Haraldsson 13 – Social liberal with leanings toward centrist politics has degrees in history and philosophy (Hrafnkell, <http://www.politicususa.com/2013/07/08/big-box-retailers-grab-big-data-shop.html>, **Big Box Retailers Grab Big Data – What You Need to Know When You Shop, July 8th 2013) NAR**

The Federal Trade Commission (FTC) sought public feedback on the subject of facial recognition software as far back as 2011 (Federal Trade Commission, 2011) and a letter from several members of congress to the FTC in January 2012, expressed concerns that some companies were already employing it unbeknownst to consumers (Barton et al, 2012). In their report, the Federal Trade Commission (2012) concluded that while the potential for abuse is very real, the relative newness of the technology offers the opportunity to ensure that as the industry grows it does so in a way that benefits both business and consumer (p. 21).

Uncertain regulatory environments tank the economy

Galston 13 [William Galston holds the Ezra K. Zilkha Chair in Governance Studies and senior fellow at the Brookings Institution. Sept 24 13, "Policy Uncertainty Paralyzes the Economy" <http://online.wsj.com/news/articles/SB10001424052702303759604579093803870508872> //jweideman]

Endless strife over public policy increases uncertainty, and greater uncertainty slows growth.

Beyond all the damage that political hyperpolarization inflicts on public trust, it undermines what the American people want most—jobs for themselves and expanded opportunity for their children. A growing body of economic research supports this linkage between policy-based uncertainty and the real economy. Over the past few years, Stanford-based economists Scott Baker and Nicholas Bloom teamed up with the University of Chicago's Steven Davis to develop a measure of economic policy uncertainty and to explore the effects of changing levels of uncertainty on the economy. Between 1985 and 2007, they found, uncertainty varied within a narrow and mostly predictable range, moving up in response to presidential elections and international conflicts and then subsiding. Since then, however, policy uncertainty has risen to historically elevated levels, with the peaks—corresponding to events such as the collapse of Lehman Brothers and the initial defeat of the TARP legislation—surging above that after the 9/11 terror attacks. In a finding that today's policy makers would do well to ponder, the highest level of policy uncertainty ever recorded—in mid-2011 as Washington struggled with the debt ceiling and narrowly averted default—stood at two-and-a-half times the average of the past quarter century. Since 2007, policy-induced uncertainty has become a larger and larger share of overall economic uncertainty. Policy uncertainty directly affects economic activity. Messrs. Baker, Bloom and Davis summarize their case: "When businesses are uncertain about taxes, health-care costs, and regulatory initiatives, they adopt a cautious stance. Because it is costly to make a hiring or investment mistake, many businesses naturally wait for calmer times to expand. If too many businesses wait to expand, the recovery never takes off." The evidence also suggests that policy uncertainty increasing affects the performance of the stock market. This story makes intuitive sense. But how much of a difference does uncertainty make in the real economy? To answer this question, Messrs. Baker, Bloom and Davis make use of a statistical technique for which Christopher Sims won a 2011 Nobel Prize in economics. They find that restoring 2006 levels of policy uncertainty could increase industrial production by 4% and employment by 2.3 million jobs over current baseline estimates—enough to bring unemployment down by about 1.5 percentage points. It's easy to dismiss a single innovative study: Every index is controversial, as is every model and statistical technique. But in July 2013, Sylvain Leduc and Zheng Liu, two researchers at the Federal Reserve Bank of San Francisco, published a paper that took a different route to a very similar result. Their point of departure was a historical relationship known as the Beveridge curve: As job openings increase, the unemployment rate tends to fall. The Great Recession has disrupted the terms of this relationship, however. The unemployment rate has fallen much less than the rise in job openings suggests that it should have, and there are more jobless workers per job opening than in previous recoveries. The San Francisco Fed researchers find that heightened policy uncertainty has become increasingly important in the job market. It turns out that as uncertainty rises, the intensity of businesses' recruitment activities wanes, lowering the rate at which firms fill jobs. By the end of 2012, the researchers calculate, heightened policy uncertainty accounted for about two-thirds of the shift in the Beveridge curve. Their bottom line: "[I]f there had been no policy uncertainty shocks, the unemployment rate would have been close to 6.5% instead of the reported 7.8%"—a result that aligns remarkably well with the Stanford/Chicago team's conclusion.

Low confidence plunges economy into depression

Duffy 13 (Philip, Rom Economics, Aug. 26 2013) <http://www.romeconomics.com/what-caused-the-great-depression/> SH

A traditional view is that the depression was caused by a sharp fall in 'consumer confidence' at the beginning of the 1930s. Behavioral hypotheses in economics posit that we are more willing to buy goods and services if we expect to have a stable income in the future, rising wealth and job security. In 1929, the Wall Street Crash shifted expectations, firstly in the US, and then across the world as huge proportions of people's wealth were lost due to plummeting stock prices. This meant that the average person began saving higher proportions of their income as a pre-cautionary measure against future uncertainty and thus reducing current spending/consumption. This caused a fall in consumption, coupled with a fall in housing investments due to a collapse in house prices. These shocks to the economy were amplified through feedback mechanisms, such as banking collapses.

Growth prevents nuclear warfare – history proves

Walter Russell Mead 9, the Henry A. Kissinger Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, 2-4, "Only Makes You Stronger," The New Republic, <http://www.tnr.com/politics/story.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8&p=2>

If current market turmoil seriously damaged the performance and prospects of India and China, the current crisis could join the Great Depression in the list of economic events that changed history, even if the recessions in the West are relatively short and mild. The United States should stand ready to assist Chinese and Indian financial authorities on an emergency basis--and work very hard to help both countries escape or at least weather any economic downturn. It may test the political will of the Obama administration, but the United States must avoid a protectionist response to the economic slowdown. U.S. moves to limit market access for Chinese and Indian producers could poison relations for years. For billions of people in nuclear-armed countries to emerge from this crisis believing either that the United States was indifferent to their well-being or that it had profited from their distress could damage U.S. foreign policy far more severely than any mistake made by George W. Bush. It's not just the great powers whose trajectories have been affected by the crash. Lesser powers like Saudi Arabia and Iran also face new constraints. The crisis has strengthened the U.S. position in the Middle East as falling oil prices reduce Iranian influence and increase the dependence of the oil sheikdoms on U.S. protection. Success in Iraq--however late, however undeserved, however limited--had already improved the Obama administration's prospects for addressing regional crises. Now, the collapse in oil prices has put the Iranian regime on the defensive. The annual inflation rate rose above 29 percent last September, up from about 17 percent in 2007, according to Iran's Bank Markazi. Economists forecast that Iran's real GDP growth will drop markedly in the coming months as stagnating oil revenues and the continued global economic downturn force the government to rein in its expansionary fiscal policy. All this has weakened Ahmadinejad at home and Iran abroad. Iranian officials must balance the relative merits of support for allies like Hamas, Hezbollah, and Syria against domestic needs, while international sanctions and other diplomatic sticks have been made more painful and Western carrots (like trade opportunities) have become more attractive. Meanwhile, Saudi Arabia and other oil states have become more dependent on the United States for protection against Iran, and they have fewer resources to fund religious extremism as they use diminished oil revenues to support basic domestic spending and development goals. None of this makes the Middle East an easy target for U.S. diplomacy, but thanks in part to the economic crisis, the incoming administration has the chance to try some new ideas and to enter negotiations with Iran (and Syria) from a position of enhanced strength. Every crisis is different, but there seem to be reasons why, over time, financial crises on balance reinforce rather than undermine the world position of the leading capitalist countries. Since capitalism first emerged in early modern Europe, the ability to exploit the advantages of rapid economic development has been a key factor in international competition. Countries that can encourage--or at least allow and sustain--the change, dislocation, upheaval, and pain that capitalism often involves, while providing their tumultuous market societies with appropriate regulatory and legal frameworks, grow swiftly. They produce cutting-edge technologies that translate into military and economic power. They are able to invest in education, making their workforces ever more productive. They typically develop liberal political institutions and cultural norms that value, or at least tolerate, dissent and that allow people of different political and religious viewpoints to collaborate on a vast social project of modernization--and to maintain political stability in the face of accelerating social and economic change. The vast productive capacity of leading capitalist powers gives them the ability to project influence around the world and, to some degree, to remake the world to suit their own interests and preferences. This is what the United Kingdom and the United States have done in past centuries, and what other capitalist powers like France, Germany, and Japan have done to a lesser extent. In these countries, the social forces that support the idea of a competitive market economy within an appropriately liberal legal and political framework are relatively strong. But, in many other countries where capitalism rubs people the wrong way, this is not the case. On either side of the Atlantic, for example, the Latin world is often drawn to anti-capitalist movements and rulers on both the right and the left. Russia, too, has never really taken to capitalism and liberal society--whether during the time of the czars, the commissars, or the post-cold war leaders who so signally failed to build a stable, open system of liberal democratic capitalism even as many former Warsaw Pact nations were making rapid transitions. Partly as a result of these internal cultural pressures, and partly because, in much of the world, capitalism has appeared as an unwelcome interloper, imposed by foreign forces and shaped to fit foreign rather than domestic interests and preferences, many countries are only half-heartedly capitalist. When crisis strikes, they are quick to decide that capitalism is a failure and look for alternatives. So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies. As a result, developing countries and countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes--as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again. None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads--but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. Bad economic times can breed

wars Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi to be born? The United States may not, yet, decline, but, if we can't get the world economy back on track, we may still have to fight. **America cannot turn inward**, the Obama of 2008 said in Berlin. The Obama of 2014 is now responding: "Yes we can."

Mechanics

UQ

Innovation Now

Biometrics growth increasing

Lee 15

Justin, June 19, 2015, biometric update, "Analyst reports project significant growth in the global biometrics market" <http://www.biometricupdate.com/201506/analyst-reports-project-significant-growth-in-the-global-biometrics-market>

A blog post by Ploughshare Innovations offers a summary of recent analyst reports addressing the significant growth of the global biometrics market over the next decade.

MarketsandMarkets recently published a new report entitled 'Next Generation Biometrics Market', which projects that the biometrics market will undergo a CAGR of 17.9 percent between 2015 and 2020. This figure exceeds recent predictions made by TechSci Research, which forecasted the global biometrics market to increase by 14 percent year-on-year between now and 2020, before eventually reaching a value of \$21 billion. Additionally, Telstra recently released a survey of over 4,000 Generation X and Y consumers from Australia, Singapore, Malaysia, Indonesia, Hong Kong, the US and the UK, in which it found that the majority of mobile banking app users prefer biometrics over passwords as an account authentication method. The same study found they these app users would even be willing to share their DNA with their banks if it meant that it would increase the level of security and ease of access. Consumers also said they would be willing to pay for the added security, with the respondents saying they would pay £11 a year, on average, if it helped protect them from the risk of a cyber-attack. This continuous shift in attitudes towards biometric technologies has laid down the foundation for growth in the market, lowering the barriers to governments and companies adopting these authentication methods. This, in turn, has led to increased investment in the market.

--Ext – Innovation

Facebook and other big businesses rely on facial recognition

Roberts 6/17 (Jeff John, Fortune Magazine, 2015.) <https://fortune.com/2015/06/17/facebook-moments-privacy-facial-recognition/>

What a bad week for privacy. Consumer watchdogs gave up on government talks over facial recognition software after industry groups appeared to reject even basic restrictions on face-scanning. Meanwhile, Facebook rolled out a new service called “Moments” that expands the use of the company’s powerful “faceprint” technology. This doesn’t mean the privacy apocalypse is upon us; for now least, the Facebook “Moments” tool is just one more creepy-but-useful social media innovation. But if loss of liberty happens gradually, June of 2015 could be a watershed we look back on with regret. It marks a time when we took new steps towards accepting the use of our very faces as a universal ID card – without deciding on the rules for using it. Facebook’s powerful, dangerous faceprint tool Your face is like your fingerprint: It’s a set of identifying markers that are distinct to you and, short of major surgery, can’t be erased. In recent years, the FBI and others have amassed mass databases of “faceprints,” but Facebook has the biggest, and is best at using them. (“Faceprint” is a generic term, but one that has been adopted by online dictionaries and major media outlets).

Companies investing and experimenting in biometric systems now driven by government applications.

Jain et. al. 2k – University Distinguished Professor in the Department of Computer Science & Engineering at Michigan State University, specializing in Biometrics (Anil Jain, Lin Hong, and Sharath Pankanti) COMMUNICATIONS OF THE ACM February 2000/Vol. 43, No. 2 9, BIOMETRIC IDENTIFICATION, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.447.4573&rep=rep1&type=pdf>) **NAR**

Biometrics is a rapidly evolving technology that has been widely used in forensics, such as criminal identification and prison security. Biometric identification is also under serious consideration for adoption in a broad range of civilian applications. E-commerce and e-banking are two of the most important application areas due to the rapid progress in electronic transactions. These applications include electronic fund transfers, ATM security, check cashing, credit card security, smartcards security, and online transactions. There are currently several large biometric security projects in these areas under development, including credit card security (MasterCard) and smartcard security (IBM and American Express). A variety of biometric technologies are now competing to demonstrate their efficacy in these areas. The market of physical access control is currently dominated by token-based technology. However, it is predicted that, with the progress in biometric technology, market share will increasingly shift to biometric techniques. Information system and computer-network security, such as user authentication and access to databases via remote login is another potential application area. It is expected that more and more information systems and computer-networks will be secured with biometrics with the rapid expansion of Internet and intranet. With the introduction of biometrics, government benefits distribution programs such as welfare disbursements will experience substantial savings in deterring multiple claimants. In addition, customs and

immigration initiatives such as INS Passenger Accelerated Service System (INSPASS), which permits faster processing of passengers at immigration checkpoints based on hand geometry, will greatly increase the operational efficiency. A biometric-based national identification system provides a unique ID to the citizens and integrates different government services. Biometrics-based voter registration prevents voter fraud; and biometrics-based driver registration enforces issuing only a single driver license to a person; and biometrics-based time/attendance monitoring systems prevent abuses of the current token-based manual systems. Biometric Technologies There are a multitude of biometric techniques either widely used or under investigation. These include, facial imaging (both optical and infrared), hand and finger geometry, eye-based methods (iris and retina), signature, voice, vein geometry, keystroke, and finger- and palm-print imaging. Some of these methods are indicated in Figure 4.

Large increase in Biometrics – globally.

Willis 08 (Paul Willis, August 11 2008, CNN, “Fully biometric airports becoming a reality”, Multi Media Journalist for CNN, <http://www.cnn.com/2008/BUSINESS/08/06/biometrics.airports/>)

Though some of the technology might seem like the stuff of science fiction fantasy (or nightmare, if you take the view of many civil liberty campaigners), the economics are very real. According to a recent study by market research firm ABI, investment in biometrics will drive global spending in the field to \$7.3 billion by 2013, up from around \$3 billion this year. The use of biometrics (broadly defined as technologies that identify people via physiological characteristics) has expanded rapidly in recent years. Almost every major hub airport has either begun using the technology, is trialling it or else has plans to do so. Biometric passports are fast becoming the norm with some countries like Germany storing fingerprint scans in chips on all new ones issued. In Britain, iris scanners have been introduced at a number of airports, including all five Heathrow Terminals to allow travellers to bypass normal border controls. Meanwhile, the U.S. Department of Homeland Security plans to extend a program to fingerprint all foreign nationals entering the country. They are trialling it at Washington's Dulles airport and plan to roll it out to all international hubs by the end of the year. The concept of biometrics has existed for some time - the first commercial application of a fingerprint reader dates back to 1984. So why the sudden interest? It has been due in part to security concerns prompted by terrorist atrocities like the September 11 attacks in New York, and in part because of major advances in technology.

UQ – Business Confidence High

Business confidence is at a post-recession high

Newsire 6/19 (IT Business Net, 2015). <http://www.itbusinessnet.com/article/Survey:-US-CFOs-Confidence-in-Business-Reaches-Post-Recession-High-3945021> **SH**

The "CFO Quarterly Outlook Survey," which polls U.S. CFOs of public and private businesses on their economic and business confidence and expectations, found that CFOs remain confident in the outlook for their own companies, with the optimism index for their companies reaching 74.01 this survey, the highest reported since 2006. The survey also revealed an increase in CFOs' optimism towards the global economy, which climbed to 57.69 (levels not seen since the second quarter 2011, and up from 53.19 in February 2015) on the survey's index. Respondents revealed a small decline in their optimism towards the U.S. economy to 68.14 (from 70.71 in February), but this score still remains almost four points higher than where it stood this time last year (64.17). Additionally, several other positive predictions made by CFOs support the overall conclusion that the U.S. business environment is improving, including anticipated increases in net earnings (10.47%) and revenue (9.15%) over the next 12 months.

--Ext – Business Confidence High

Business confidence is at a peak

Mutikani 6/9 (Lucia, Reuters, 2015). <http://www.reuters.com/article/2015/06/09/us-usa-economy-optimism-idUSKBN0OP0X420150609> SH

U.S. small business confidence increased to a five-month high in May with owners expecting a solid improvement in profits, which bodes well for the economy's prospects in the months ahead. The National Federation of Independent Business said on Tuesday its Small Business Optimism Index rose 1.4 points to 98.3, the highest reading since December. About 616 businesses took part in the survey. The upbeat confidence survey added to robust May employment and automobile sales reports that have suggested the economy was gaining momentum after a slow start to the second quarter.

5 month high in American business confidence

Udland 6/9 (Myles, Business Insider, 2015). <http://www.businessinsider.com/nfib-small-business-outlook-june-9-2015-6> SH

The labor market is rolling. On Tuesday, the National Federation of Independent Business, a conservative lobby group, released its latest small business report, which showed that its small business optimism index rose to 98.3 in May. But the really positive part of the report isn't the headline reading — though this did rise to a 5-month high — but the incredibly bullish commentary on the labor market.

Business Confidence high now (NV)

Reuters Editorial 15, 6-9-2015, "U.S. small business confidence rises to five-month high ," Reuters, <http://www.reuters.com/article/2015/06/09/us-usa-economy-optimism-idUSKBN0OP0X420150609>

U.S. small business confidence increased to a five-month high in May with owners expecting a solid improvement in profits, which bodes well for the economy's prospects in the months ahead. The National Federation of Independent Business said on Tuesday its Small Business Optimism Index rose 1.4 points to 98.3, the highest reading since December. About 616 businesses took part in the survey. The upbeat confidence survey added to robust May employment and automobile sales reports that have suggested the economy was gaining momentum after a slow start to the second quarter. Gross domestic product contracted in the first quarter. "It appears that the small business sector has finally attained a normal level of activity which will hopefully keep the economy moving forward," the NFIB said in a statement.

US business confidence increasing now-

AP, 6/9/15. "Number of US job openings jumped to 15-year high in April." <http://www.foxnews.com/us/2015/06/09/sign-business-confidence-number-us-job-openings-jumped-to-15-year-high-in-april/>

U.S. employers advertised the most open jobs in April than at any time in the 15 years that the government has tracked the data, a sign that this year's steady hiring will likely continue. The Labor

Department says the number of open jobs at the end of April jumped 5.2 percent to 5.4 million. The figure suggests that employers anticipate stronger customer demand in the

months ahead. **The job market has remained healthy even as the economy faltered at the start of 2015.** The steady hiring shows that businesses see the economic slump as having resulted mainly from temporary factors such as a harsh winter. On Friday, the government said **employers added a robust 280,000 jobs in May after a healthy gain in April.** Average hourly wages also ticked up.

Business confidence growing-

Mutikani, 6/9. Lucia, Yahoo News, 2015. "U.S. job openings hit record high; small businesses upbeat."

<http://news.yahoo.com/u-wholesale-inventories-rise-petroleum-prices-stabilize-140544329--business.html>

U.S. job openings surged to a record high in April and small business confidence perked up in May, suggesting the economy was regaining speed after stumbling at the start of the year. The

economy's stronger tone was reinforced by other data on Tuesday showing a solid rise in wholesale inventories in April, in part as oil prices stabilized. "This is more confirmation that the economy is indeed emerging from that soft patch in the first quarter and can still pick up even faster in the next few months," said Chris Rupkey,

chief financial economist at MUFG Union Bank in New York. Job openings, **a measure of labor demand**, rose 5.2 percent to a seasonally adjusted 5.4 million in April, the highest level since the series began in December 2000, the Labor Department said in its monthly Job Openings and Labor Turnover Survey (JOLTS). Hiring slipped to 5.0 million from 5.1 million in March. Economists say the lag in hiring suggests that employers cannot find qualified workers for the open positions. The number of unemployed job seekers per open job, a measure of labor market slack, fell to 1.6 in April, the lowest since 2007 and down from 1.7 in March. "On balance, we read the April JOLTS data as suggesting labor market momentum remains intact in the second quarter and labor market slack continues to diminish," said Jesse Hurwitz, an economist at Barclays in New York. The JOLTS report is one of the indicators being closely watched by Federal Reserve policymakers as they contemplate raising interest rates this year. The U.S. central bank has kept the short-term lending rate near zero since December 2008. Shelves are stacked with merchandise at a Wal-Mart Stores Inc company distribution center in Bentonv ... Tightening labor market

conditions were corroborated by a separate report from the National Federation of Independent Business that showed confidence among small businesses rising to a five-month high in May. **The share of businesses saying they could not fill open positions also increased to 29 percent last month.**

matching February's reading, **which was the highest since April 2006.** The economy contracted at a 0.7 percent annual pace in the first quarter and growth got off to a slow start in the second quarter, in part because of the lingering effects of a strong dollar and spending cuts in the energy sector. But a surge in job growth and automobile sales as well as gains in May factory activity suggest the economy is strengthening. Prices for U.S. government debt fell, while U.S. stock indexes edged up. The dollar slipped against a basket of currencies. In a third report, the Commerce Department said wholesale inventories increased 0.4 percent in April after rising 0.2 percent in March. Inventories are a key component of gross domestic product changes. The component of wholesale inventories that goes into the calculation of GDP - wholesale stocks excluding autos - rose 0.2 percent, prompting economists at Barclays to bump up their second-quarter growth estimate by one-tenth of a percentage point to a 2.9 percent annualized rate. Sales at wholesalers surged 1.6 percent in April, the largest rise since March of last year. Sales had been weak since last August, in part due to the negative impact of lower oil prices on the value of petroleum goods sales. That had led to an accumulation of inventory, leaving wholesalers with little appetite to buy more merchandise. Petroleum sales jumped 4.9 percent in April. At April's sales pace it would take 1.29 months to clear shelves, down from 1.30 months in March. An inventory-to-sales ratio that high usually means an unwanted inventory buildup, which would require businesses to liquidate stocks. That would weigh on manufacturing and economic growth. Economists, however, caution against reading too much into the elevated inventory-to-sales ratio, given the role that oil prices have played in depressing the value of petroleum goods sales. Still, they expect an inventory drawdown in the quarters ahead, which is one of the reasons for less robust second-quarter GDP growth estimates. Inventories added a third of a percentage point to first-quarter GDP.

Link –

Link- Uncertainty

Capital investment means regulatory uncertainty hurts the economy

Yglesias 11 [Matthew Yglesias is an American economics journalist. SEPTEMBER 8, 2011. "Where Is The Evidence That 'Regulatory Uncertainty' Has Increased? What Would Decrease It?" <http://thinkprogress.org/yglesias/2011/09/08/314950/where-is-the-evidence-that-regulatory-uncertainty-has-increased-what-would-decrease-it/> //jweideman]

I think this is the wrong way of conceding what's correct about the uncertainty talking point, and then once you understand what's correct about it you'll see why it's totally wrong as an explanation of slow economic growth. Here's the punchline, though—**uncertainty about the future course of regulation is a huge drag on economic growth. It would be substantially easier to invest capital in productive enterprises if the state of future regulations was perfectly predictable.** By the same token, if there were no tax uncertainty it would be easier to invest capital in productive enterprises. But both of these points are subsidiary to the larger point that if the future were completely predictable we'd have a lot more economic growth. Remember in Back To The Future II when Biff uses his knowledge of the past to get rich? This works on a social level. **Ignorance about what the future will look like is inefficient.**

Link- NSA

Corporate industry in bed with the government to steal data mine for capital gain-

David Price 7/1/14 - <http://monthlyreview.org/2014/07/01/the-new-surveillance-normal/>

“The New Surveillance Normal” (senior reporter for the monthly review) // kbuck

The National Security Agency (NSA) document cache released by Edward Snowden reveals a need to re-theorize the role of state and corporate surveillance systems in an age of neoliberal global capitalism. While much remains unknowable to us, we now are in a world where private communications are legible in previously inconceivable ways, ideologies of surveillance are undergoing rapid transformations, and the commodification of metadata (and other surveillance intelligence) transforms privacy. In light of this, we need to consider how the NSA and corporate metadata mining converge to support the interests of capital. This is an age of converging state and corporate surveillance. Like other features of the political economy, these shifts develop with apparent independence of institutional motivations, yet corporate and spy agencies' practices share common appetites for metadata. Snowden's revelations of the NSA's global surveillance programs raises the possibility that the state intelligence apparatus is used for industrial espionage in ways that could unite governmental intelligence and corporate interests—for which there appears to be historical precedent. The convergence of the interests, incentives, and methods of U.S. intelligence agencies, and the corporate powers they serve, raise questions about the ways that the NSA and CIA fulfill their roles, which have been described by former CIA agent Philip Agee as: “the secret police of U.S. capitalism, plugging up leaks in the political dam night and day so that shareholders of U.S. companies operating in poor countries can continue enjoying the rip-off.”¹ There is a long history in the United States of overwhelming public opposition to new forms of electronic surveillance. Police, prosecutors, and spy agencies have recurrently used public crises—ranging from the Lindbergh baby kidnapping, wars, claimed threats of organized crime and terror attacks, to marshal expanded state surveillance powers.² During the two decades preceding the 9/11 terror attacks, Congress periodically considered developing legislation establishing rights of privacy, but even in the pre-Internet age, corporate interests scoffed at the need for any such protections. Pre-2001 critiques of electronic-surveillance focused on privacy rights and threats to boundaries between individuals, corporations, and the state; what would later be known as metadata collection were then broadly understood as violating shared notions of privacy, and as exposing the scaffolding of a police state or a corporate panopticon inhabited by consumers living in a George Tooker painting. The rapid shifts in U.S. attitudes favoring expanded domestic intelligence powers following 9/11 were significant. In the summer of 2001, distrust of the FBI and other surveillance agencies had reached one of its highest historical levels. Decades of longitudinal survey data collected by the Justice Department establish longstanding U.S. opposition to wiretaps; disapproval levels fluctuated between 70–80 percent during the thirty years preceding 2001.3 But a December 2001 New York Times poll suddenly found only 44 percent of respondents believed widespread governmental wiretaps “would violate American’s rights.”⁴ Public fears in the post-9/11 period reduced concerns of historical abuses by law enforcement and intelligence agencies; and the rapid adoption of the PATRIOT Act precluded public considerations of why the Pike and Church congressional committee findings had ever established limits on intelligence agencies’ abilities to spy on Americans. Concurrent with post-9/11 surveillance expansions was the growth of the Internet’s ability to track users, collecting metadata in ways that seductively helped socialize all to the normalcy of the loss of privacy. The depth of this shift in U.S. attitudes away from resisting data collection can be seen in the public’s response in the early 1990s to news stories reporting the Lotus Corporation’s plans to sell a comprehensive CD-ROM database compiled by Equifax, consisting of Americans’ addresses and phone numbers. This news led to broad-based protests by Americans across the country angry about invasions of privacy—protests that led to the cancellation of the product which produced results less intrusive than a quick Google search would provide today. Similarly, a broad resistance arose in 2003 when Americans learned of the Bush administration’s secretive Total Information Awareness (TIA) program. Under the directorship of Admiral John Poindexter, TIA planned to collect metadata on millions of Americans, tracking movements, emails, and economic transactions for use in predictive modeling software with hopes of anticipating terror attacks, and other illegal acts, before they occurred. Congress and the public were outraged at the prospect of such invasive surveillance without warrants or meaningful judicial oversight. These concerns led to TIA’s termination, though as the Snowden NSA documents clarify, the NSA now routinely engages in the very activities envisioned by TIA. Four decades ago broad public outrage followed revelations of Pentagon, FBI, and CIA domestic surveillance campaigns, as news of COMINTPRO, CHAOS, and a host of illegal operations were disclosed by investigative journalists and later the Pike and Church Committees. Today, few Americans appear to care about Senator Dianne Feinstein’s recent accusations that the CIA hacked her office’s computers in order to remove documents her staff was using in investigations of CIA wrongdoing.⁵ Americans now increasingly accept invasive electronic monitoring of their personal lives. Ideologies of surveillance are internalized as shifts in consciousness embedded within political economic formations converge with corporate and state surveillance desires. The rapid expansion of U.S. electronic surveillance programs like Carnivore, NarusInsight, or PRISM is usually understood primarily as an outgrowth of the post-9/11 terror wars. But while post-9/11 security campaigns were a catalyst for these expansions, this growth should also be understood within the context of global capital formations seeking increased legibility of potential consumers, resources, resistance, and competitors.⁶ Convergence of State and Corporate Metadata Dreams The past two decades brought an accelerated independent growth of corporate and governmental electronic surveillance programs tracking metadata and compiling electronic dossiers. The NSA, FBI, Department of Defense, and CIA’s metadata programs developed independently from, and with differing goals from, the consumer surveillance systems that used cookies and consumer discount cards, sniffing Gmail content, compiling consumer profiles, and other means of tracking individual Internet behaviors for marketing purposes. Public acceptance of electronic monitoring and metadata collection transpired incrementally, with increasing acceptance of corporate-based consumer monitoring programs, and reduced resistance to governmental surveillance. These two surveillance tracks developed with separate motivations, one for security and the other for commerce, but both desire to make individuals and groups legible for reasons of anticipation and control. The collection and use of this metadata finds a synchronic convergence of intrusions, as consumer capitalism and a U.S. national security state leaves Americans vulnerable, and a world open to the probing and control by agents of commerce and security. As Bruce Schneier recently observed, “surveillance is still the business model of the Internet, and every one of those companies wants to access your communications and your metadata.”⁷ But this convergence carries its own contradictions. Public trust in (and the economic value of) cloud servers, telecommunications providers, email, and search engine services suffered following revelations that the public statements of Verizon, Google, and others had been less than forthcoming in declaring their claims of not knowing about the NSA monitoring their customers. A March 2014 survey found 38 percent of respondents believed the NSA violates their privacy, with distrust of Facebook (26 percent) surpassing even the IRS (18 percent) or Google (12 percent)—the significance of these results is that the Snowden NSA revelations damaged the reputations and financial standing of a broad range of technology-based industries.⁸ With the assistance of private ISPs, various corporations, and the NSA, our metadata is accessed under a shell game of four distinct sets of legal authorizations. These allow spokespersons from corporate ISPs and the NSA to make misleading statements to the press about not conducting surveillance operations under a particular program such as FISA, when one of the other authorizations is being used.⁹ Snowden’s revelations reveal a world where the NSA is dependent on private corporate services for the outsourced collection of data, and where the NSA is increasingly reliant on corporate owned data farms where the storage and analysis of the data occurs. In the neoliberal United States, Amazon and other private firms lease massive cloud server space to the CIA, under an arrangement where it becomes a share cropper on these scattered data farms. These arrangements present nebulous security relationships raising questions of role confusion in shifting patron—client relationships; and whatever resistance corporations like Amazon might have had to assisting NSA, CIA, or intelligence agencies is further compromised by relations of commerce. This creates relationships of culpability, as Norman Solomon suggests, with Amazon’s \$600 million CIA data farm contract: “If Obama orders the CIA to kill a U.S. Citizen, Amazon will be a partner in assassination.”¹⁰ Such arrangements diffuse complicity in ways seldom considered by consumers focused on Amazon Prime’s ability to speedily deliver a My Little Pony play set for a bronny nephew’s birthday party, not on the company’s links to drone attacks on Pakistani wedding parties. The Internet developed first as a military-communication system; only later did it evolve the commercial and recreational uses distant from the initial intent of its Pentagon landlords. Snowden’s revelations reveal how the Internet’s architecture, a compromised judiciary, and duped desires of capitalism and the national security state are today converging to track our purchases, queries, movements, associations, allegiances, and desires. The rise of e-commerce, and the soft addictive allure of social media, rapidly transforms U.S. economic and social formations. Shifts in the base are followed by shifts in the superstructure, and new generations of e-consumers are socialized to accept phones that track movements, and game systems that bring cameras into the formerly private refuges of our homes, as part of a “new surveillance normal.”¹¹ We need to develop critical frameworks considering how NSA and CIA surveillance programs articulate not only with the United States’ domestic and international security apparatus, but with current international capital formations. While secrecy shrouds our understanding of these relationships, CIA history provides examples of some ways that intelligence operations have supported and informed past U.S. economic ventures. When these historical patterns are combined with details from Snowden’s disclosures we find continuities of means, motive, and opportunity for neoliberal abuses of state intelligence for private gains. The NSA and the Promise of Industrial Espionage Following Snowden’s NSA revelations, several foreign leaders expressed outrage and displeasure upon learning that the NSA had spied on their governments and corporations, yet there has been little consideration of the meaning of the NSA’s industrial spying. The NSA is not the only government-based international hacking unit spying on global competitors. In China, the Shanghai Chinese People’s Liberation Army’s Unit 61398 purportedly targets U.S. corporate and government computers, with hacking campaigns supposedly seeking data providing economic or strategic advantage to the Chinese government or private businesses. Israel’s Cyber Intelligence Unit (known as NSU, or Unit 8200) has been linked to several political and economic hacking operations, including the Stuxnet worm and a recent attack on the Elysee Palace. While many Western analysts take for granted that such economic espionage networks exist elsewhere, there is little analysis of the possibility that the NSA’s surveillance will be used by rogue individuals or agencies seeking economic advantages. Yet the leveraging of such information is a fundamental feature of market capitalism. Last January, Snowden told the German ARD television network that there is “no question that the U.S. is engaged in economic spying.” He explained that, for example, “if there is information at Siemens that they think would be beneficial to the national interests, not the national security, of the United States, they will go after that information and they’ll take it.”¹² Snowden did not elaborate on what is done with such economic intelligence. 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Snowden has released documents establishing that the NSA targeted French “politicians, business people and members of the administration under a programme codenamed US-9850” with French political and financial interests being

"targeted on a daily basis."¹³ Other NSA documents show the agency spying on Mexican and Brazilian politicians, and the White House authorized an NSA list of surveillance priorities including "international trade relations" designated as a higher priority than counterespionage investigations.¹⁴ Leaked NSA documents include materials from a May 2012 top secret presentation "used by the NSA to train new agents step-by-step how to access and spy upon private computer networks—the internal networks of companies, governments, financial institutions—networks designed precisely to protect information."¹⁵ One leaked NSA PowerPoint slide mentions the US\$120 billion a year giant Brazilian petroleum company Petrobras with a caption that "many targets use private networks," and as the Brazilian press analysis pointed out "Petrobras computers contain information ranging from details on upcoming commercial bidding operations—which if infiltrated would give a definite advantage to anyone backing a rival bidder—to datasets with details on technological developments, exploration information."¹⁶ In response to Snowden's disclosures, Director of National Intelligence James Clapper admitted the NSA collects financial intelligence, but claimed it was limited to searches for terrorist financial networks and "early warning of international financial crises which could negatively impact the global economy."¹⁷ In March 2013 Clapper lied to Congress, claiming that the NSA was not collecting "data on millions or hundreds of millions of Americans."¹⁸ He has more recently claimed the NSA does not "use our foreign intelligence capabilities to steal the trade secrets of foreign companies on behalf of—or give intelligence we collect to—US companies to enhance their international competitiveness or increase their bottom line."¹⁹ Over the course of several years, the NSA's Operation Shotgun hacked into the servers of Chinese telecommunications giant Huawei. Shotgun initially sought to learn about the People's Liberation Army's ability to monitor Huawei's client's communications, but the NSA later installed hidden "back doors" in Huawei's routers and digital switches—the exact activities that the U.S. government had long warned U.S. businesses that Huawei had done.²⁰ Such operations raise the possibility of the NSA gaining knowledge to be used for economic gain by the CIA, NSA employees, or U.S. corporations. When pressed on these issues, a White House spokesperson claimed "we do not give intelligence we collect to U.S. companies to enhance their international competitiveness or increase their bottom line. Many countries cannot say the same." After this NSA operation was revealed, Huawei senior executive William Plummer noted that "the irony is that exactly what they are doing to us is what they have always charged that the Chinese are doing through us."²¹ There are many historical examples of intelligence personnel using information acquired through the course of their work for personal gain, such as selling intelligence information to another power. But what we need to focus upon is a qualitatively different phenomenon: the use of such information for corporate profit or market speculation. In 1972, while investigating Nixon's presidential campaign finance irregularities, the Senate Foreign Relations subcommittee discovered documents indicating that Northrop had made a \$450,000 bribe to Saudi Arabian air force generals to help secure a \$700 million Northrop F-4E jet contract. Retired CIA agent Kim Roosevelt (then running a multinational consulting firm operating in Saudi Arabia) denied any involvement in these bribes, but the investigation uncovered documents establishing that Roosevelt used his CIA connections for financial gain. The Senate subcommittee examined correspondence from Kim Roosevelt and Northrop officials, finding "repeated references to 'my friends in the CIA' who were keeping him posted about the moves of commercial rivals."²² After the subcommittee focused its attentions on other more significant instances of CIA illegal activities, Roosevelt faced no legal consequences for these activities. The most rigorous study to date documenting intelligence data being used for economic gains in stock market trading was recently published by economists Arindrajit Dube, Ethan Kaplan, and Suresh Naidu. The authors developed empirical measures to determine whether classified knowledge of impending CIA operations has historically been used to generate profits in this manner.²³ Dube, Kaplan, and Naidu recognized that most regimes historically overthrown by CIA coups had nationalized industries that were once privately held by international corporations; post-coup these industries returned to the previous corporate owners. Therefore, foreknowledge of upcoming coups had a significant financial value in the stock market. The authors developed a series of measures to detect whether, during past CIA coups, there were detectable patterns of stock trading taking advantage of classified intelligence directives, which were known only to the CIA and President. Their study selected only CIA coups with now declassified planning documents, which attempted to install new regimes, and in which the targeted pre-coup governments had nationalized once-private multinational industries. They sampled five of twenty-four identified covert CIA coups meeting these three criteria: Iran (1953), Guatemala (1954), Congo (1960–1961), Cuba (fabled Bay of Pigs coup, 1961), and Chile (1973). Daily stock returns of companies that had been nationalized by CIA coups were used to compare financial returns before presidential coup authorizations and after the coups. Dube, Kaplan, and Naidu found that four days after the authorization of coups their sample of stocks rapidly rose (before public awareness of these coming secret coups). For Congo there was a 16.7 percent increase on the day of the authorization, and a 22.7 percent return from the baseline four days later. The Guatemala stocks showed a 4.9 percent increase upon coup authorization, a 16.1 percent increase four days later, and 20.5 percent seven days later; the Iranian stocks rose 7.4 percent four days after authorization, 10.3 percent seven days later, and 20.2 percent sixteen days later. They found evidence of significant economic gains occurring in the stock market, with "the relative percentage benefit of the coup attributable to ex ante authorization events, which amount to 55.0% in Chile, 66.1% in Guatemala, 72.4% in Congo, and 86.9% in Iran."²⁴ Dube, Kaplan, and Naidu concluded that "private information regarding coup authorizations and planning increased the stock prices of export-oriented multinationals that stood to benefit from regime change. The presence of these abnormal returns suggests that there were leaks of classified information to asset traders."²⁵ By focusing on trading occurring at the point of the top secret presidential authorizations, they found that gains made from stock buys at the time of authorizations "were three times larger in magnitude than price changes from the coups themselves."²⁶ It remains unknown whether those profiting were lone individuals (either CIA employees or their proxies), or whether these investments were conducted by the CIA to generate funds for its black ops. We do not know how such past measures of intelligence-insider profiteering do or do not relate to the NSA's present global surveillance operations. While Snowden released documents (and stated that more will be forthcoming) indicating NSA surveillance of corporations around the world, we do not understand how the NSA puts to use the intelligence they collect. Even with these leaks the NSA largely remains a black box, and our knowledge of its specific activities are limited. Yet, the ease with which a middle-level functionary like Snowden accessed a wealth of valuable intelligence data necessarily raises questions about how the NSA's massive data collections may be used for self-serving economic interests. Dube, Kaplan, and Naidu establish past insider exploitations of intelligence data, and with the growth of insider-cheater capitalism of the type documented in Michael Lewis's Flash Boys, and expensive private inside-the-beltway newsletters, there are tangible markets for the industrial espionage collected and analyzed by the NSA and CIA under these programs. Snowden, after all, was just one of tens of thousands of people with access to the sort of data with extraordinary value on floor of global capitalism's casinos. Theorizing Capitalism's Pervasive Surveillance Culture Notions of privacy and surveillance are always culturally constructed and are embedded within economic and social formations of the larger society. Some centralized state-socialist systems, such as the USSR or East Germany, developed intrusive surveillance systems, an incessant and effective theme of anti-Soviet propaganda. The democratic-socialist formations, such as those of contemporary northern Europe, have laws that significantly limit the forms of electronic surveillance and the collection of metadata, compared to Anglo-U.S. practice. Despite the significant limitations hindering analysis of the intentionally secret activities of intelligence agencies operating outside of public accountability and systems of legal accountability, the documents made available by whistleblowers like Snowden and WikiLeaks, and knowledge of past intelligence agencies' activities, provide information that can help us develop a useful framework for considering the uses to which these new invasive electronic surveillance technologies can be put. We need a theory of surveillance that incorporates the political economy of the U.S. national security state and the corporate interests which it serves and protects. Such analysis needs an economic foundation and a view that looks beyond cultural categories separating commerce and state security systems designed to protect capital. The metadata, valuable private corporate data, and fruits of industrial espionage gathered under PRISM and other NSA programs all produce information of such a high value that it seems likely some of it will be used in a context of global capital. It matters little what legal restrictions are in place; in a global, high-tech, capitalist economy such information is invariably commodified. It is likely to be used to: facilitate industrial or corporate sabotage operations of the sort inflicted by the Stuxnet worm; steal either corporate secrets for NSA use, or foreign corporate secrets for U.S. corporate use; make investments by intelligence agencies financing their own operations; or secure personal financial gain by individuals working in the intelligence sector. The rise of new invasive technologies coincides with the decline of ideological resistance to surveillance and the compilation of metadata. The speed of America's adoption of ideologies embracing previously unthinkable levels of corporate and state surveillance suggests a continued public acceptance of a new surveillance normal will continue to develop with little resistance. In a world where the CIA can hack the computers of Senator Feinstein—a leader of the one of the three branches of government—with impunity or lack of public outcry, it is difficult to anticipate a deceleration in the pace at which NSA and CIA expand their surveillance reach. To live a well-adjusted life in contemporary U.S. society requires the development of rapid memory adjustments and shifting acceptance of corporate and state intrusions into what were once protective spheres of private life. Like all things in our society, we can expect these intrusions will themselves be increasingly stratified, as electronic privacy, or illegibility, will increasingly become a commodity available only to elites. Today, expensive technologies like GeeksPhone's Blackphone with enhanced PGP encryption, or Boeing's self-destructing Black Phone, afford special levels of privacy for those who can pay. While the United States' current state of surveillance acceptance offers little immediate hope of a social movement limiting corporate or government spying, there are enough historical instances of post-crisis limits being imposed on government surveillance to offer some hope. Following the Second World War, many European nations reconfigured long-distance billing systems to not record specific numbers called, instead only recording billing zones—because the Nazis used phone billing records as metadata useful for identifying members of resistance movements. Following the Arab Spring, Tunisia now reconfigures its Internet with a new info-packet system known as mesh networks that hinder government monitoring—though USAID support for this system.²⁷ Following the Church and Pike committees' congressional investigations of CIA and FBI wrongdoing in the 1970s, the Hughes-Ryan Act brought significant oversight and limits on these groups, limits which decayed over time and whose remaining restraints were undone with the USA PATRIOT Act. Some future crisis may well provide similar opportunities to regain now lost contours of privacy. Yet hope for immediate change remains limited. It will be difficult for social reform movements striving to protect individual privacy to limit state and corporate surveillance. Today's surveillance complex aligned with an economic base entrenched with the prospects of metadata appear too strong for meaningful reforms without significant shifts in larger economic formations. Whatever inherent contradictions exist within the present surveillance system, and regardless of the objections of privacy advocates of the liberal left and libertarian right, meaningful restrictions appear presently unlikely with surveillance formations so closely tied to the current trajectory of global capitalism.

Anti-NSA policy undermines the tech industry and economic growth.

Zara 13

Christopher Zara, Senior Writer for the International Business Times, 8/23/13, Privacy, "Security And The Economy: Why The US Government Cares More About Spying On Your Email Than Getting You A Job", International Business Times, <http://www.ibtimes.com/privacy-security-economy-why-us-government-cares-more-about-spying-your-email-getting-you-job>, 6/23/15 //DJR

Earlier this month, Castro released a report showing that **the U.S. cloud-computing industry stands to lose \$22 billion** to \$35 billion during the next few years — **all as a result of the National Security Agency's surveillance and the negative press** associated with it. Cloud computing is no niche segment, by the way. According to the technology research firm Gartner Inc. (NYSE:IT), **the industry is expected to grow 18.5 percent to \$131 billion this year. By 2016, consumers will spend \$677 billion on cloud services worldwide.** Clearly, a sizable chunk of the tech industry is heading into the clouds, which includes everything from third-party email such as Yahoo Mail and Gmail to free software applications like Google Docs. It's the next frontier in technology, and it's one that American companies currently dominate. But that could change on a dime, Castro warns. Bad press about U.S. tech giants complying with the NSA's **Prism program could scare consumers into going elsewhere to spend that \$677 billion. To visualize the domino effect that could have,** Castro **advises to imagine if privacy concerns had tainted Microsoft Corp. (NASDAQ:MSFT) just as Windows was taking off as the dominant operating system. "Instead of having Microsoft as one of these leaders, there'd be a French company there, or German or Japanese company,"** he said. **"It would just be a loss to the economy and a loss to all the types of product development and innovation we've seen overall."** But **just the possibility that the U.S. could lose its cloud-computing dominance should concern lawmakers far more than it seems to be,** Castro said. One reason he released the ITIF report on the potential economic effects of Prism was to spark a conversation that he believed not enough people are having. (He said President Obama fell short during a recent speech in which he vowed surveillance reform.) Sure, we've heard plenty about privacy, our civil rights and debates over the Fourth Amendment. But to echo James Carville's famous dictum, "It's the economy, stupid." **The problem is, few people realize the extent to which snooping and the economy are**

[linked](#), which is a blind spot evident in the much-publicized NSA slides that Snowden leaked to [the Washington Post](#). According to one of those slides, operating costs for the Prism program are just \$20 million a year.

Link- Medical Records

Enhanced privacy erodes business confidence-

Shahid Shah January 26, 2014 [Shahid Shah is an award-winning Government 2.0, Health IT, Bio IT & digital Medical Device Inventor & CTO with over 25 years of technology strategy, architecture, engineering, entrepreneurship, speaking, and writing experience, "The causes of digital patient privacy loss in EHRs and other health IT systems", <http://www.healthcareguy.com/2014/01/26/the-causes-of-digital-patient-privacy-loss-in-ehrs-and-other-health-it-systems/>] **NRH**

While we are all somewhat disturbed by the slow erosion of privacy in all aspects of our digital lives, the rather rapid loss of patient privacy around health data is especially unnerving because healthcare is so near and dear to us all. In order to make sure we provided some actionable intelligence during the PPR discussion, I started the talk off giving some of the reasons why we're losing patient privacy in the hopes that it might foster innovators to think about ways of slowing down inevitable losses. Business models that favor privacy loss tend to be more profitable. Data aggregation and homogenization, resale, secondary use, and related business models tend to be quite profitable. The only way they will remain profitable is to have easy and unfettered (low friction) ways of sharing and aggregating data. Because **enhanced privacy through opt-in processes, disclosures, and notifications would end up reducing data sharing and potentially reducing revenues and profit**, we see that privacy loss is going to happen with inevitable rise of EHRs. The only way to improve privacy across the digital spectrum is to realize that **health providers need to conduct business in a tricky intermediary-driven health system with sometimes conflicting business goals** like reduction of medical errors or lower cost (which can only come with more data sharing, not less). Digital patient **privacy is important but there are many valid reasons why privacy is either hard or impossible** to achieve in today's environment. Unless we intelligently and honestly understand why we lose patient privacy we can't really create novel and unique solutions to help curb the loss.

Link- Drones

Despite “bans” on commercial investment- drone industry flourishing without enforced airspace regulations.

Wilson, '14. Tim, Forbes, 10/8. “Drone Technology Investments: Place Your Bets...”

<http://www.forbes.com/sites/artimanmanagement/2014/10/08/drone-technology-investments-place-your-bets/>

Early Bets Are On The **Table The drone industry start-up and emergent technology bets will shake out** into three areas. In the analogy of a good old-fashioned game of poker, here are the hands currently in play: Bet #1: Package and cargo delivery: Royal Flush—for the house. Bet #2: Aerial observation and imaging: Pair of eights Bet #3: Enabling technologies: Possible inside straight—interesting to Artiman. Bet #1: Drone Package Delivery **The freight delivery majors** (Amazon Google, UPS, and FedEx) **are developing package delivery services using drones.** Amazon's quadcopters are inexpensive to purchase, simple to operate, and can land on rooftops. These physical efficiencies bring limitations: package payload weights and delivery ranges are limited. The technology-sophisticated Predator drones are based upon fixed-wing designs. These styles of drones can fly across long distances, remain aloft for extended periods of time, and carry heavy payloads. These flight efficiencies create issues of cost and complexity. Predators are expensive to build/maintain and require runways from which to take off and land. Not very practical for landing on a rooftop. **Google is investing in the development of drones that can fly in both helicopter and fixed-wing modes** Will they make it work? Of course. Will it matter they made it work for package delivery? That is a bet. **The scary words currently buzzing around the freight-delivery majors: “airspace regulation”** There is, however, an interesting way to bypass the inconvenience of U.S. airspace regulations, avoid the FAA. Matternet—a start-up in quadcopter-based package delivery—is building their competitive advantages through the choices of airspace in which their drones fly. They are also developing a distributed to extend the distance and payload capacity of their quadcopters. In this site, Matternet lists their drone flight trial locations (two of which are in Papua New Guinea and Bhutan). These locations bring the market benefits of under-developed transportation infrastructure and unrestricted airspace regulation. Core issue: airspace regulation. So, how will the package delivery hand play out? In the U.S., **the answer mainly depends on the decisions made by the FAA.** For long-distance package delivery, the current thought is to propose the designation of “safe landing zones”. An interesting question then emerges: will FedEx, et.al, find themselves negotiating rooftop landing rights above their stores (so employees can retrieve packages flown in by quadcopter/fixed-wing hybrid drones)? Artiman's call: Royal Flush—for the house. Amazon, Google, FedEx, and UPS will find a way to get airspace for drone-enabled package movement. Drones, however, are just one element of a broader logistics business. The odds on this hand are stacked in the house's favor and against startups succeeding. Bet #2: Aerial Observation and Imaging **The FAA currently bans the commercial operation of drones in U.S. airspace. This ban has had about the same effect as requiring a NYC cab driver to have a “medallion” so as to operate a commercial taxi service legally.** Given the unstoppable proliferation of drones, I project line-of-sight flight regulations will be the first hand the FAA folds on. When this occurs, the imaging market can develop without legally inconvenient restrictions. Now, how to make money in aerial observation and imaging? Start-ups can provide imaging services, but given the low cost of line-of-sight drones such as those manufactured in China—so can everyone else. The orbital micro-satellites are also packing aerial observation capabilities. Within three to four years, satellites from Skybox, Planet Labs, and a myriad of other firms will have the technical capabilities to take pictures of anywhere on Earth virtually every day. Given the low economic barriers to entry and the competition from above, I question the operating margins of companies that use drones for imaging services. Yet, market niches will develop for drones specifically designed to take “selfies”, private aerial images of properties, and personal events (weddings, for example). Artiman's call: Pair of eights. An un-impressive hand is developing in the general line-of-site imaging market. There is a start-up venture working to improve the odds already flying: PrecisionHawk. This Raleigh, North Carolina-based start-up manufactures fixed-wing drones that collect and analyze ground image data. They have specifically targeted the agriculture and emergency response industries. PrecisionHawk has raised approximately \$10 million in Series B funding. Millennium Technology Value Partners led the round and was joined by two return backers (the Innovate Indiana Fund and RedHat co-founder Bob Young). Bet #3: Drone enabling technologies Artiman's call: Possible inside straight. The innovators in enablement technologies may have a straight line to start-up success. Let's play this hand out in our next article: Drone Industry Investment: Bet On The Picks and Shovels.

Investment flourishing now due to lack of government regulation-

Business Insider, 5/27/15. “THE DRONES REPORT: Market forecasts, regulatory barriers, top vendors, and leading commercial applications.”

<http://www.businessinsider.com/uav-or-commercial-drone-market-forecast-2015-2>

The fast-growing global drone industry has not sat back waiting for government policy to be hammered out before pouring investment and effort into opening up this all-new hardware and computing market. **A growing ecosystem of drone software and hardware vendors is already catering to a long list of clients** in agriculture, land management, energy, and construction. **Many of the vendors are smallish private companies and startups — although large defense-focused companies and industrial conglomerates are beginning to invest in drone technology, too.** In the most recent report from BI Intelligence, we take a deep dive into the various levels of the growing global industry for commercial drones, or unmanned aerial vehicles (UAVs). This 32-page report provides forecasts for the business opportunity in commercial drone technology, looks at advances and persistent barriers, highlights the top business-to-business markets in terms of applications and end users, and provides an exclusive list of dozens of notable companies already active in the space. Finally, it digs into the current state of US regulation of commercial drones, recently updated by the issuing of the Federal Aviation Administration's draft rules for commercial drone flights. Few people know that many companies are already authorized to fly small drones commercially under a US government “exemption” program.

Business investment flourishing now for drones-
OLIVITO 2013

(Jonathan Olivito, JD candidate Ohio State Univ. Moritz College of Law, December 8, 2013
"Beyond the Fourth Amendment: Limiting Drone Surveillance Through the Constitutional Right
to Informational Privacy" <http://moritzlaw.osu.edu/students/groups/oslj/files/2013/12/8-Olivito.pdf>)

In conjunction with the recent proliferation of drones operating domestically, commentators have begun to recognize the serious potential for privacy invasions posed by widespread drone use.⁴¹ To illuminate why drones pose such a grave danger to privacy in the United States, the following sections explore the physical capabilities, current uses, and potential uses of drones. A. Physical Capabilities of Drones

Government **Agencies and businesses of all varieties envision using drones for a multitude of purposes**

Drones can serve in such a broad range of functions precisely because of the diversity of drone sizes and designs.⁴² **Complementing the diversity of drone designs are the myriad sensors, cameras, and other surveillance equipment that operators can install on drone.**

Drones vary in size from the miniature to the gargantuan. Measuring 6.5 inches and weighing in at nineteen grams, AeroVironment's Nano Hummingbird might be the most diminutive drone at present.⁴³ More typically, however, small drones have wingspans of ten feet or less and weigh between four and twenty pounds.⁴⁴ Operating at speeds of less than 100 knots and at altitudes below 500 feet, small drones often run on batteries and can stay airborne for as long as two hours.⁴⁵ Large drones have wingspans of up to 150 feet and can weigh over 30,000 pounds.⁴⁶ These systems can operate at altitudes of up to 65,000 feet, cruise at speeds of up to 320 knots, and remain airborne without refueling for anywhere from thirty-five hours to four days.⁴⁷ Small drones enjoy stealth and

maneuverability, making them ideal for urban surveillance operations.⁴⁸ Because many small drones operate on electricity, they produce very little noise.⁴⁹ Additionally, **the relatively slow cruising speeds of small drones permit them to loiter over a surveillance target for extended periods of time.**⁵⁰ Some drones do not even need to loiter, **as certain drone designs permit the aircraft to both hover and fly normally.**⁵¹ In order to extend flight time, **other drones engage in "perch-and-stare" surveillance.**⁵² **Most pertinent to privacy concerns, drones can be equipped with a wide variety of surveillance equipment.**⁵³

Civilian operators can easily install cameras and recorders with high-powered zoom lenses on drones. Certain cameras have been developed specifically for civilian UAS use. The gimbal camera, for example, automatically remains focused on a single object even as the drone continues on its flight path.⁵⁴ More worrisome to privacy advocates, drones can be equipped with infrared and ultraviolet imaging devices,⁵⁵ seethrough imaging (radar technology),⁵⁶ and distributed video systems.⁵⁷ Drones engaged in perch-and-stare surveillance might also utilize acoustical eavesdropping devices, such as conventional microphones or laser optical microphones.⁵⁸ In terms of software, drones operating in the near future will likely utilize video processing systems, including face and body recognition technology.⁵⁹ Finally, civilian drones, like their military counterparts, can carry weaponry. Although lethal weapons are almost certainly out of the question, law enforcement drones might soon pack rubber bullets and tear gas.⁶⁰ Taking full advantage of drone capabilities, domestic users have already put drones to work in a variety of capacities. Although domestic drones have numerous beneficial applications, they also carry the potential for abuse. Exacerbating this concern, government agencies and private operators intend to employ drones for so many purposes that drones will someday form a ubiquitous part of life. Even in the immediate future, however, targeted and inadvertent UAS surveillance poses a threat to privacy.

Link - FRT

Investment is driven by perception of increased interest in biometric technology – plan stifles that.

Kreag 15 – Visiting Assistant Professor, University of Arizona James E. Rogers College of Law (Jason, GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE Boston University Law Review (Forthcoming October 2015), p. 16-7) NAR

Private firms have quickly recognized business opportunities in law enforcement’s increased use of local databases. These opportunities are driven by the potential for an **increased demand for DNA processing**, as law enforcement agencies seek to use DNA to investigate high-volume property crimes, and the possibility of selling database infrastructure to these agencies. As discussed below, this private sector development is a **necessary ingredient to the continued expansion of local DNA databases**. For example, Palm Bay’s and Bensalem’s programs could not exist without partnerships with private DNA laboratories, because each locality lacks its own DNA laboratory. And, while the Arizona Department of Public Safety operates the state’s crime laboratory, its private, non-CODIS database is powered by SmallPond’s software and Rapid DNA processors from IntegenX. The interest in the local database market from Orchid Cellmark and Bode Technology, two of the largest private DNA laboratories, is an indication of the size of the market. Bode’s Vice President for Sales and Marketing characterized the market as “enormous.”⁷⁴ He explained that Bode has identified up to 1,000 law enforcement agencies in localities that do not have their own law enforcement crime laboratories yet are large enough to justify building their own local databases.⁷⁵ Dr. Laura Gahn, the laboratory director for Cellmark Forensics, also sees the business opportunity, emphasizing that the creation of local databases will drive the demand for Cellmark’s forensic DNA processing services.⁷⁶ As she explained, even ten years ago it was not economically feasible for most law enforcement agencies to use DNA analysis to investigate routine property crimes, but that is no longer the case.⁷⁷ She added that, given the rate of property crime in the United States—including an estimated 19.6 million property crimes in 2012⁷⁸—Cellmark’s ability to offer local database services can serve as an entry point to the market for forensic DNA processing for property crimes.⁷⁹

Businesses need facial recognition software as is, won’t agree to the plan.

Eggerton 6/15 John, Broadcasting Cable, 2015. “Consumer Groups Opt Out of Facial Recognition Talks”. <http://www.broadcastingcable.com/news/washington/consumer-groups-opt-out-facial-recognition-talks/141768> SH

Consumer groups are pulling out of an NTIA-led multistakeholder process to come up with a voluntary code of conduct on facial recognition technology, saying they don't see a way that the process will result in adequate protections. The groups are particularly concerned with what they see as an inability of the industry stakeholders to agree to any variation on an opt-in model, but also say their withdrawal should be taken as a signal to reevaluate the effectiveness of the multistakeholder process in general. According to a letter to NTIA being sent Tuesday, the groups spelled out their disaffection with the meetings.

Facial recognition is key for business innovation, Facebook’s Moments proves
Constine 6/15 (Josh, Tech Crunch, 2015.) <http://techcrunch.com/2015/06/15/facial-recogbook/> SH

Frustrated with friends who take photos of you, say they’ll pass them on, but never do?
Facebook’s newest companion app Moments could retrieve your memories trapped on other

people's phones through facial recognition. Moments scans your Camera Roll for the all the photos featuring a friend's face, and bundles them up for one-tap private sharing with that friend. They can contribute to the collaborative private album too, so all your pals from the party or vacation can get each other's pics. Moments launches today in the US as a companion app to Facebook and Messenger on iOS and Android (those links will be live soon if not already). If it goes viral, it could be the end of everyone insisting to take that big group photo on their phone too.

Regulating facial recognition collapses market growth-

Chayka, '14. Kyle, Newsweek, 4/25. "Biometric Surveillance Means Someone Is Always Watching." JJZ

<http://www.newsweek.com/2014/04/25/biometric-surveillance-means-someone-always-watching-248161.html>

In the private sector, efforts are being made to ensure face recognition isn't abused, but standards are similarly vague. A 2012 Federal Trade Commission report recommends that companies should obtain "affirmative express consent before collecting or using biometric data from facial images." Facebook collects face-prints by default, but users can opt out of having their face-prints collected. Technology entrepreneurs argue that passing strict laws before face recognition technology matures will hamper its growth. "What I'm worried about is policies being made inappropriately before their time," Animetrics's Schuepp says. "I don't think it's face recognition we want to pick on." He suggests that the technology itself is not the problem; rather, it's how the biometrics data are controlled. Yet precedents for biometric surveillance must be set early in order to control its application. "I would like to see regulation of this before it goes too far," Lynch says. "There should be laws to prevent misuse of biometric data by the government and by private companies. We should decide whether we want to be able to track people through society or not."

Regulations can positively impact biometrics, but the plan takes it a step in the wrong direction.

Jain et. al. 2k – University Distinguished Professor in the Department of Computer Science & Engineering at Michigan State University, specializing in Biometrics (Anil Jain, Lin Hong, and Sharath Pankanti) COMMUNICATIONS OF THE ACM February 2000/Vol. 43, No. 2 9, BIOMETRIC IDENTIFICATION,

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.447.4573&rep=rep1&type=pdf>) NAR

The human factors issue is also important to the success of a biometric-based identification. How easy and comfortable is it to acquire a given biometric? For example, biometric measurements that do not involve touching an individual, such as face, voice, or iris, may be perceived as more user-friendly. Additionally, biometric technologies requiring very little cooperation/participation from the users (such as face and thermograms) may be perceived as more convenient to users. A related issue is public acceptance. There may be a prevalent perception that biometrics are a threat to the privacy of an individual. In this regard, the public needs to learn that biometrics could be one of the most effective, and in the long run, more profitable means for protecting individual privacy. For instance, a biometrics-based patient information system can reliably ensure that medical records can only be accessed by medical personnel and the individual concerned. As in any industry, government regulations and directives may either provide a boost or lead to the demise of certain types of biometric technologies. Upcoming U.S. legislation such as the Health Information Portability Act (HIPA), may have a favorable impact on the biometrics industry. A good approach to piloting and gaining gradual acceptance of a biometrics solution could be to introduce it on a voluntary basis with either explicit or implicit incentives for opting biometrics-based solution.

Internals

Business Confidence -> Econ

That undermines the economic recovery-

Sanderatne 11 [Nimal, Post Graduate Institute of Agriculture, University of Peradeniya, Sri Lanka, Economist. 12/11/11, "Erosion in business confidence will slow economic growth" <http://www.sundaytimes.lk/111211/Columns/eco.html> //jweideman]

It is not only this legislation that has eroded confidence. Several other policies have also eroded business confidence seriously. Several economic enterprises that were previously privatised have been taken over by the government. The government is attempting to control the commanding heights of the economy by the state control of enterprises through government institutions taking over banks and other companies. The government now has control of several commercial banks. These policies have given rise to apprehension about the attitude of the government towards private sector business enterprises. The government's recent measures are likely to scare away foreign investment which is vital for the achievement of high rates of growth. An important prerequisite for investment is the certainty of economic policies. Business confidence is influenced by political and economic stability, certainty in, and predictability of, economic policies. Specific economic policies such as tax and other incentives, labour regulations, work ethics, social and economic infrastructure and costs of production are important considerations. An overall assessment of political and economic conditions, the guaranteeing of property rights, the rule of law and order are among the important prerequisites for developing a climate conducive for investment. These conditions were already in the breach when the latest blow was struck by the Revival of Underperforming Enterprises and Underutilized Assets Act. There is no economic rationale for this piece of legislation. This uncertainty has come at a time when the economy was expected to sustain its growth at 8 per cent and when foreign investments were expected to flow in at a higher rate than before. Both these objectives are now jeopardised. **The erosion of business confidence has affected potential foreign investment as well as domestic private investment as well. Waste of resources Apart from the erosion of business confidence and the likely disincentive to domestic and foreign investment, there are other serious repercussions on the economy. Public resources that are needed for priority sectors such as social and economic infrastructure would be spent on the "revival" of these enterprises.** This is a task that the government is ill-equipped to perform. Government business undertakings are notorious for making huge losses. Incompetence in management, overstaffing, waste and corruption characterise these public enterprises. Ironically most underperforming businesses are in the public sector. The recent report of the Parliamentary Committee on Public Enterprises (COPE) makes this very clear. It revealed that the government has lost an astounding Rs.10 billion from 2010 up to now due to the mismanagement, inefficiency and corruption at 24 state institutions. The government has now taken over another 37 enterprises that are likely to be white elephants. These resources could have been better spent on infrastructure development and poverty alleviation programmes. Decreases in production in these would affect the economy. Impact on foreign investment The impact of these on foreign investment flows would be a serious setback to the economy. Already there have been large outflows of foreign funds from the stock market. Very soon the country's credit ratings by international rating agencies would down grade the country. These will change the perception of Sri Lanka as an investment location. This will be a serious stumbling block to economic development as foreign investment fills the savings-investment gap and contributes towards supplementing domestic savings with foreign savings to enhance its capacity for investment and thereby increase economic growth. The quantum of foreign investment and the nature and type of such foreign investment determine the long term development of the country. Foreign direct investment also contributes to improving work ethics, discipline, skills and knowledge of workers. It is an important means of technology transfer and transmission of management practices. The country has once again lost the opportunity to attract foreign investment that could make these contributions to the country's economic development. Many countries in Asia attract a large amount of foreign investment with China leading the world as the largest recipient of foreign investment. Their economic policies encourage private foreign investment. There is confidence that foreign investment would be guaranteed in these countries. In as far as Sri Lanka is concerned the climate for foreign investment has changed drastically owing to recent economic policies.

Successful businesses power the economy

Thomas J. **Donohue, June 8 2015** [Thomas J. Donohue is president and CEO of the U.S. Chamber of Commerce. Since assuming this position in 1997, Donohue has built the Chamber into a lobbying and political powerhouse with expanded influence across the globe, June 8, 2015, "Small Business Success Powers Our Economy", <https://www.uschamber.com/blog/small-business-success-powers-our-economy>]NRH

Research by analysts at Gallup uncovers some troubling trends about entrepreneurship in America. For the first time in 35 years, more American businesses are being shuttered than started. The United States has slipped to 12th place among developed nations for business creation. Despite the grim statistics, many U.S. small businesses of every kind--from scrappy startups to multigenerational Main Street fixtures--manage to overcome obstacles and long odds to survive and thrive in a challenging environment. They push back against headwinds like higher taxes, stricter regulations, and greater uncertainty and emerge stronger than ever--putting people to work and making positive contributions to their communities. But if Washington continues to get in the way, that will spell real trouble for our economy. Now, more than ever, it is crucial that we build on their successes and reverse the trend of declining startups by taking steps to foster a culture of entrepreneurship. First, we must preserve the right to take risks. Virtually all successful businesspeople have taken a reasonable risk at some point, and many failed along the way but kept trying. If we eliminate the right to take risks, then we'll extinguish the entrepreneurial spirit of our country. America has never been about playing it safe. Second, we can fight for the right policies in Washington. The government should be helping businesses, not interfering. They should be creating the right conditions for businesses to prosper. The U.S. Chamber is pushing our lawmakers to keep taxes low, regulations reasonable, foreign markets open, roads and bridges adequately funded, and students well educated. Third, we must protect the right of business to participate in the policy and political processes. At a time when Washington is increasingly involved in the affairs of business, there is a movement seeking to silence the voice of business in the debate. All Americans should be able to voice their opinions, even unpopular ones, in the public sphere and petition the government without fear, intimidation, or undue regulation. Finally, we must celebrate the success of America's small businesses--we need it!

Successful businesses drive stronger economic growth and create more jobs. They keep the American Dream alive and perpetuate our free enterprise system. The Chamber

will shine a spotlight on the many contributions of small businesses when it welcomes owners and entrepreneurs from across the country to Washington for America's Small Business Summit this week.

Low business confidence leads to a terrible economy

Univ. of Glasgow n.d. homepages.strath.ac.uk/.../MTopic%204%20-%20The%20Role%20of%2... SH

Firm's profits will weaken as market growth slows, stagnates and (possibly) declines. A fall in profitability will in itself cause investment at any r to fall. However, if confidence breaks any such effects will be amplified as the investment function shifts dramatically. Even when the recession is ended and profits strengthening and prospects brightening, confidence may be slow to return. Thus, low confidence can prolong periods of 'bust' and lead to slow to growth of investment in the early phases of a recovery. In general, confidence is easy to destroy and difficult to restore. Loss of confidence in a downturn is likely to be sudden and to quickly amplify a deteriorating trend in investment.

Low confidence plunges economy into depression

Duffy 13 (Philip, Rom Economics, Aug. 26 2013) <http://www.romeconomics.com/what-caused-the-great-depression/> SH

A traditional view is that the depression was caused by a sharp fall in 'consumer confidence' at the beginning of the 1930s. Behavioral hypotheses in economics posit that we are more willing to buy goods and services if we expect to have a stable income in the future, rising wealth and job security. In 1929, the Wall Street Crash shifted expectations, firstly in the US, and then across the world as huge proportions of people's wealth were lost due to plummeting stock prices. This meant that the average person began saving higher proportions of their income as a pre-cautionary measure against future uncertainty and thus reducing current spending/consumption. This caused a fall in consumption, coupled with a fall in housing investments due to a collapse in house prices. These shocks to the economy were amplified through feedback mechanisms, such as banking collapses.

Depression looms if aff is passed

Kim & Nofsinger 03 (Kenneth and John, Financial Times, Jul 4 2003).

<http://www.ftpress.com/articles/article.aspx?p=98127&seqNum=4> SH

If the stock market is only temporarily depressed, it should not create a big problem for the economy. As argued above, the recent market depression is caused more by a lack of investor confidence than poor economic conditions. However, if the stock market remains depressed for long, it may begin to slow down the economy as well. The lack of investor confidence causes consumers to delay their spending. The lower stock market, caused by the confidence crisis, will eventually affect business investment too. With lower consumer purchases and business investment, the economy could sink into another recession. Therefore, it is imperative that investor confidence is restored quickly.

Drop in business confidence will plague the economy

Salmond 14 (Rob, Sep. 10 2014). CEO of Polity, and analytics and communications firm.

[http://robsalmond.com/sites/default/files/Salmond%20working%20paper%20\(Business%20Confidence\).pdf](http://robsalmond.com/sites/default/files/Salmond%20working%20paper%20(Business%20Confidence).pdf)
df SH

In terms of the causal impact of business confidence on the economy, Santero and Westerlund's empirical analysis also found that business confidence measures "Granger caused" changes in economic output. Granger causation is a measure of correlation rather than causation – testing whether variable A (in this case business confidence) provides additional information about the future value of variable B (here GDP growth) beyond the information contained in variable B's own history. While this empirical result is interesting, it does not provide any theory under which business confidence has an independent impact on output. Such an independent impact is of critical importance to business leaders because its existence is ultimately what makes politicians and citizens alike wary of actions that would lower business confidence. A causal impact does, however, exist in economic theory. Ng (1992) showed that, in broadly defined conditions of imperfect competition, self-fulfilling drops in business confidence (which Ng defines as the expected value of aggregate demand) are possible. That is, an exogenously caused drop in business confidence can plausibly cause a recession entirely on its own.

China Tradeoff DA Northwestern

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Chinese Tech firms on top, NSA revelations decreases customer confidence in U.S tech firms.

Tiezzi 14- Shannon Tiezzi writes on China's foreign relations, domestic politics, and economy. She got her A.M. from Harvard University and her B.A. from The College of William and Mary. Shannon has also studied at Tsinghua University in Beijing. "Why Snowden's Revelations Were A Win For China." The Diplomat. The Diplomat, 9 Jan. 2014. Web. 30 July 2015. <<http://thediplomat.com/2014/01/why-snowdens-revelations-were-a-win-for-china/>>.

With Edward **Snowden** back in the news again (not that the attention ever really dissipated), it seems like a good time to explore how last year's explosive **revelations** have **affected China**. As Robert Garrett pointed out, **in some ways the Snowden revelations could potentially threaten Chinese leaders, should the files contain incriminating information on corruption within the Party's upper echelon. However,** I would argue that this **potential risk is more than outweighed by the gains that have already been realized.** ¶ First, **there is the economic impact on both the U.S. and China.** An opinion piece by Dr. Cheng Li and Ryan McElveen at Brookings' John L. Thornton China Center argues that **'U.S. technology firms conducting business in China ... will never fully recover from the irreparable damage left by the devastating NSA revelations of 2013.'** China Economic Weekly named eight **U.S. technology companies** that have **"infiltrated" the Chinese market:** Apple, Cisco, Google, IBM, Intel, Microsoft, Oracle and Qualcomm. Since this list was published, Li writes, **"the sales of those companies have fallen precipitously."** Cisco's China orders fell by 18 percent; IBM's China revenue dropped 22 percent, and Microsoft has acknowledged that China growth was weak in 2013. ¶ U.S. companies from Cisco to AT&T have also expressed their concerns directly to **President Obama.** The Washington Post reported that late last year leaders of large U.S. technology firms told President Obama that the NSA surveillance programs are costing them customers. The article further notes that "Silicon Valley has been a critical driver of the economic recovery" — hinting at wider economic consequences should the decline in U.S. tech firms continue. ¶ Meanwhile, **Chinese technology firms** such as ZTE and Huawei **stand directly to benefit from an increasing distrust** (and corresponding decline in market share) **of U.S. firms.** The Chinese government had already toyed with "indigenous innovation" policies that essentially required government offices to favor products invented and patented in China. The U.S.-China Business Council **complained that this policy "encourage[d] discriminatory practices" and** the Treasury Department made **relaxing these restrictions** a priority. In part **due to U.S. pressure, the Chinese government agreed to revise its policy** in 2011. ¶ Now, however, campaigns to "de-Cisco" China have had effectively the same effect — handicapping foreign firms and prioritizing domestic ones — but these new policies can be more than adequately defended as the result of security concerns. Plus, doing so provides a handy way to retaliate for the U.S. congressional decision to blacklist Huawei. Caixin noted in November that **Chinese government procurement regulations are now encouraging officials to "buy local," cutting into U.S. firms' profits while also providing a boost to China's tech industry.** ¶ However, Snowden's greatest impact on China may be political rather than economic. Cheng Li noted that, **as a result of NSA revelations, "the United States had lost all credibility on the cyber security issue."** The timing could not have been worse for the **Obama administration — the Snowden revelations came mere months after the U.S. government had decided to make cyber-security concerns a top priority in its relationship with China.** Now, it is extremely difficult for the U.S. to make headway on cyber issues because the Obama administration is constantly on the defensive about NSA surveillance. ¶ Finally, there are the less tangible but potentially more important effects on the U.S.'s global image and diplomatic relationships. **Allegations of phone tapping and other surveillance of world leaders have caused a backlash around the world.** Germany's Defense Minister called the tapping of Angela Merkel's phone "completely unacceptable," adding **'we simply can't return to business** as usual **[with the U.S.]'** Brazilian President Dilma Rousseff was so upset by the allegations of NSA spying in Brazil that she postponed her planned visit to the U.S. Much of the damage was done to U.S.-European Union ties. While

former State Department and CIA officials have argued that the damage is likely to be short-term, precisely because these relationships are so strong, it will take time for the U.S.'s image to come back. **This is good news for China.** If Beijing can't effectively create or use soft power, as many (including Joseph S. Nye) have argued, the next best thing is watching the United States' own soft power take a serious hit.¶ Worse, other U.S. allies also face credibility issues due to their participation in the cyber-espionage campaign. **The United States,** the United Kingdom, Canada, Australia, **and** New Zealand are all implicated **as the so-called "Five Eyes," partners** in what The Guardian called an "electronic

US/China innovation is zero sum – even if it isn't the perception of leadership makes it so.

Rachman, 11 (Gideon, FT's chief foreign affairs columnist "Zero-Sum World," 10/22/10, www.ft.com/intl/cms/s/2/bcfb2d80-dd62-11df-beb7-00144feabdc0.html)

The economic crash of 2008, however, has **changed the logic of international relations.** **In a new economic situation, the win-win logic** that allowed the major powers to embrace globalisation **is now being replaced by a zero-sum logic,** in which **one country's gain looks like another's loss.** Both as individuals and as a nation, Americans have begun to question whether the "new world order" that emerged after the cold war still favours the US. **The rise of Asia is** increasingly **associated with job losses** for ordinary Americans **and with a challenge** to American power **from** an increasingly confident China. **Chinese thinkers,** for their part, **are increasingly suspicious that a wounded America is intent on thwarting their** nation's **rise.** Tensions between established and rising powers are the traditional stuff of international relations. But the financial and economic crisis has also disrupted the intellectual narrative that helped western leaders to make sense of the world, in the 20 years after the end of the cold war. A western Age of Optimism between 1991 and 2008 was underpinned by a set of ideas, which might be called liberal internationalism. As a journalist at The Economist for most of the period, I was deeply familiar with these ideas, since we argued for many of them on a weekly basis. In retrospect, I think there were five key elements to the ideology of the period before the financial crisis. The first was a faith in the onward march of democracy – expressed most famously by Francis Fukuyama's essay on the "end of history", which appeared in 1989, just as the Soviet empire was collapsing. The second, linked belief was a faith in the triumph of markets over the state. This was also the era of the rise of the personal computer and the internet, and so a third key belief was in the transforming power of technology, as a force driving forward prosperity, democracy and globalisation. The fourth idea, which knitted all these notions together, was the theory of the "democratic peace": the belief that in a world in which democracy and capitalism were on the rise, the risk of conflict between nations inevitably diminished. The fifth and final idea – a sort of insurance policy – was the faith that in the last resort the US military could defeat any power on earth. By the time Barack Obama took office, each of the five ideas that had underpinned American self-confidence during **the Age of Optimism had taken a battering.** The faith in the onward march of freedom had been shaken by the difficulties of exporting democracy to Iraq and Afghanistan, and by the rising confidence of authoritarian China. The belief in the power of free markets took a terrible blow with the economic and financial crisis of 2008. The technological revolution no longer seemed the magical cure-all that it had promised to be, as problems as diverse as climate change and the mechanics of military occupation proved impervious to a technological fix. The theory of the "democratic peace" looked less persuasive, as Russia flexed its military muscles, almost over-running democratic Georgia in August 2008 and China became more assertive in territorial disputes with Japan and India. Finally, the belief in the unstoppable nature of American power looked much shakier with US troops bogged down in Afghanistan and Iraq, and the American economy reeling. I got an early hint of how the psychology of international relations was shifting when I visited the campus of Beijing University, just two weeks after the fall of Lehman Brothers, and met Pan Wei, director of the Center for Chinese and Global Affairs. "My belief," he said, "is that in 20 years we will look the Americans straight in the eye as equals. But maybe it will come sooner than that. Their system is in chaos and they need our money to rescue them." **Rising confidence in Beijing was more than matched by growing pessimism in the US.** At the Davos meeting of the World Economic Forum in January 2010, Larry Summers, President Obama's chief economic adviser, told the assembled plutocrats that one in five American male workers aged between 25 and 55 was now unemployed. In the 1960s, 95 per cent of the same group had been in work. Summers strongly implied that Chinese trade policies were partly to blame – and he was not alone in his diagnosis. Over the following year, moves to impose sanctions on China, in retaliation for its alleged "currency manipulation", gained momentum in the US Congress. **Economic tensions** are now **spilling over into other arenas.** **China and America** have clashed at the world climate change talks. The two countries' **military establishments are** also **increasingly open in their suspicion of each other.** **The rise in tensions between China and the United States is the most obvious example of the growth of zero-sum logic in international affairs.**

Tech innovation key to the Chinese economy

CCTV 14 China Central Television, September 11th, 2014, "Premier Li: Innovation key to China's economic development" (<http://english.cntv.cn/2014/09/11/VIDE1410383282174272.shtml>)
7/31/15 ANH

The 2014 New Leaders Meeting of the World Economic Forum, better known as the Summer Davos, has opened in north China's port city of Tianjin. This year's forum, with a theme of "creating value through innovation" has attracted a record number of global leaders in business, politics and science and technology. 1600 guests from 90 countries and regions are gathering in Tianjin for the Summer Davos forum. Premier Li Keqiang delivered the forum's keynote speech, speaking at length about the current condition of the Chinese economy and his confidence in its future. "This year, the global economic situation is still complex. Developed economies are facing a difficult recovery. The economic growth of the emerging economies have also slowed. And China is facing increasing downward pressure. But we have stuck to the policy of seeking progress while maintaining stability. We avoided strong stimulus or monetary easing. Instead, we continued to push through reforms and restructuring, and we were able to maintain a stable economic growth," said Premier Li. **Premier Li also stressed the importance of innovation and reform as the driving force behind China's economic development both in the past and in the future.** "The global economic recovery requires innovation, and the improvement in efficiency and updating of the Chinese economy also require innovation. China has been able to maintain a sustainable growth in recent years precisely because of reform and innovation," Premier Li said. Under a theme of "creating value through innovation", more than half of this year's agenda covers the issue of innovation in a wide range of fields including finance, science and technology, energy and arts. Founder and executive chairman of the world economic forum Klaus Schwab says China is a very important part of the conversation. During a meeting with entrepreneurs prior to the opening of the Summer Davos, Premier Li reiterated his belief that China would achieve its 7.5% GDP growth target for this year. The premier says that's because China is using targeted and structural policy adjustments and "strong reforms" rather than "strong stimulus" to bolster the economy. The WEF chairman agrees. Premier Li also reassured foreign corporate leaders that China's door will remain open to the world. He said only 10 percent of the companies recently probed by Chinese anti-trust authorities are foreign enterprises, dismissing speculation that recent investigations target foreign companies. Participants will kept busy at the 3-day forum and will have to choose which of the 140 scheduled sessions they'll attend. The forum first debuted in 2007 and rotates annually between the Chinese cities of Dalian and Tianjin. The 2014 New Leaders Meeting of the World Economic Forum, better known as the Summer Davos, has opened in north China's port city of Tianjin. This year's forum, with a theme of "creating value through innovation" has attracted a record number of global leaders in business, politics and science and technology.

China's economic rise prevents CCP instability and lashout --- decline tubes the global economy, US primacy, and Sino relations

Mead 9 Walter Russell Mead, Henry A. Kissinger Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, "Only Makes You Stronger," The New Republic, 2/4/9,
http://www.tnr.com/story_print.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8

The greatest danger both to U.S.-China relations and to American power itself is probably not that China will rise too far, too fast; it is that the current crisis might end China's growth miracle. In the worst-case scenario, the turmoil in the international economy will plunge China into a major economic downturn. The Chinese financial system will implode as loans to both state and private enterprises go bad. Millions or even tens of millions of Chinese will be unemployed in a country without an effective social safety net. The collapse of asset bubbles in the stock and property markets will wipe out the savings of a generation of the Chinese middle class. The political consequences could include dangerous unrest--and a bitter climate of anti-foreign feeling that blames others for China's woes. (Think of Weimar Germany, when both Nazi and communist politicians blamed the West for Germany's economic travails.) Worse, instability could lead to a vicious cycle, as nervous investors moved their money out of the country, further slowing growth and, in turn, fomenting ever-greater bitterness. Thanks to a generation of rapid economic

growth, **China has so far been able to manage the stresses and conflicts of modernization and change; nobody knows what will happen if the growth stops.**

Extinction

Yee and Storey 2 Herbert is a Professor of Politics and IR @ Hong Kong Baptist University, and Ian is a Lecturer in Defence Studies @ Deakin University. "The China Threat: Perceptions, Myths and Reality," p. 5

The fourth factor contributing to the perception of a China threat is the fear of **political and economic collapse in the PRC, resulting in territorial fragmentation, civil war and waves of refugees pouring into neighbouring countries.** Naturally, any or all of **these scenarios would have a profoundly negative impact on regional stability.** Today the Chinese leadership faces a raft of internal problems, including the increasing political demands of its citizens, a growing population, a shortage of natural resources and a deterioration in the natural environment caused by rapid industrialization and pollution. These **problems are putting a strain on the central government's ability to govern effectively. Political disintegration or a Chinese civil war might result in millions of Chinese refugees seeking asylum** in neighbouring countries. Such an unprecedented exodus of refugees from a collapsed PRC would no doubt put a severe strain on the limited resources of China's neighbours. **A fragmented China could also result in** another nightmare scenario- **nuclear weapons falling into the hands of irresponsible local provincial leaders or warlords.** From this perspective, **a disintegrating China would also pose a threat to its neighbours and the world.**

--- Uniqueness ---

China Leader b/c of NSA

China capitalizing on US declines resulting from surveillance scandals.

ROBERT O'BRIEN on July 12, 2013 Robert O'Brien is a writer and research analyst at contextChina, a Seattle-based media company covering China-related business, technology and policy. "China's reaction to NSA surveillance gives Microsoft reason to worry" www.geekwire.com/2013/chinas-reaction-nsa-surveillance-microsoft-reason-worry/ AJF

One month after former NSA contractor Edward Snowden revealed the U.S. government's secret electronic intelligence gathering program to the world, new reports show that some Chinese government organs are discarding their foreign-made tech products in favor of domestic alternatives. While this is bad news for all U.S. tech firms, it is likely particularly worrying for Microsoft, a company that was reportedly heavily involved in the National Security Agency program, and one whose field of dominance, software, has become a focal point for Chinese calls to switch to domestic competitors. American tech companies and the Chinese government have long had a complicated relationship. Numerous U.S. Internet firms, including Facebook and Twitter, are outright banned in the People's Republic. Others, like Google, entered the Chinese market, only to later withdraw over concerns about censorship and cybersecurity. Still others, such as Apple, have stayed and found success only to face a blistering spate of government-direct criticism aimed at certain aspects of their in-country operations. One major theme underpinning all of these trials and tribulations is the belief amongst Chinese officials that U.S. tech companies are Trojan Horses for American political values. The information leaked about Prism, a U.S. National Security Agency program that utilizes these companies to collect electronic data both domestically and internationally, appears to confirm these claims. In Microsoft's case, the most recent reports in the Guardian say that the NSA had access to email on Outlook.com and Hotmail before encryption, and that the company worked with the government to allow access to its cloud storage service SkyDrive. Microsoft has maintained that it only provided access to its systems when required to do so by court order. All of these are prompting many in the Chinese tech industry to ask the question: if the Chinese government is so wary of the presence of American tech companies, why does it allow them to control many of the country's tech-related markets? As a recent China Daily article notes: "to ensure the security of information, [industry] insiders and experts are calling on the Chinese government and enterprises to use domestic software." Calls for a switch to domestic software are one thing, but is anyone in China actually heeding these calls? Yes, at least according to a recent Sina Tech piece. In a July 4 article, Sina Tech, a respected online industry publication, cites unnamed "industry insiders" in revealing that Snowden's disclosure of Prism has led some state-owned enterprises and government offices to replace foreign tech products with domestic alternatives. A few unconfirmed reports do not a trend make. Still, such news is hardly likely to comfort Microsoft executives. Consider the following: 1) Prism has increased Chinese distrust of American tech companies; 2) Microsoft was reportedly the first U.S. tech company to participate in Prism and, according to newly leaked documents, "collaborated closely with the National Security Agency and FBI;" and 3) Chinese media reports on calls for the use of domestic tech have focused on software, an area where Microsoft is particularly dominant in the country. Alarm bells need not be ringing on Microsoft's campus just yet. Chinese officials and media outlets have been known to threaten major retribution on American enterprises in the wake of significant diplomatic incidents. Remember the time China threatened to sanction Boeing for its connection to U.S. arms sales to Taiwan? Well, the sanctions never came, tensions cooled, and Boeing sales to China continue to boom. Will Microsoft enjoy a similar reprieve? Most likely, if the prior patterns are any indication. It's not all good news for the Redmond-based tech giant, though. Prism has clearly highlighted the ramifications of Chinese dependence on American technology. Even if the short-run impact on U.S. tech companies is negligible, this incident provides the Chinese government with a powerful incentive to nurture the development of homegrown competitors. In short, then, though there may be little for Microsoft executives to worry about today, tomorrow is an entirely different story.

China = Tech Leader Now

China is a global tech leader- outsourcing

Shepherd 3/2/15 (Adam, is a writer for ITPRO, "Is China the next world leader in tech?", <http://www.itpro.co.uk/careers/24270/is-china-the-next-world-leader-in-tech>, accessed: 7/31/15, SP)

OPINION: Could China be the next technology powerhouse? Some might claim it already is, thanks to the country's cheap labour and strong manufacturing base, but that's not really the whole story. Yes, a high number of tech goods are already manufactured in China, but how long before they're all designed there, too? The consumer technology market is currently a pretty even split, with available technologies comprising a wide range of brands from a diverse mix of countries - Britain, the US, Korea and Japan immediately spring to mind. But China looks set on not only catching up with its western counterparts, but on overtaking them. To see this in action, you need look no further than 2015's CeBIT show. As the partner country for this year's expo, China has brought along a substantial number of companies and products - and it makes for an impressive sight. One of the best-known faces at the convention has been Jack Ma, billionaire owner of Alibaba Group. The e-commerce brand experienced a record-breaking stock market launch, and is one of China's strongest economic players. The company this week unveiled a facial recognition-based payment system. This development sees the B2B sales firm joining the ranks of companies such as Apple and Facebook, which have both recently launched their own payment solutions. While China has been a major force in the OEM and B2B manufacturing world for decades, the new millenium has also seen Chinese firms build their own brands in the western world. Due to the scarcity of western goods in the strictly controlled Chinese marketplace, domestic companies have a huge foothold in China's increasingly large technology industry, and that gives them an immediate advantage thanks to sheer efficiencies of scale. Huawei and Xiaomi - and many other companies - have built their enterprises on cost-effectively made mid-range smartphones that they market to China's affluent, upwardly-mobile middle classes. These firms and there brands are now starting to enter the western arena, filling the current gap in the mid-tier and budget device markets. This shrewd tactic has seen Huawei become the third largest smartphone manufacturer in the world, while Chinese-owned multinational Lenovo is fourth, and five-year-old Xiaomi fifth. With Android controlling 76.6 per cent of the smartphone market, the fact that three of its top four brands are Chinese is telling. Lenovo is also a market leader in the PC and tablet industries, and the ubiquity of Chinese goods in western homes and offices is only increasing. As China's economy continues to develop and its population grows wealthier, the expansion of companies such as Xiaomi, Huawei and Lenovo is likely to accelerate exponentially, with expanding revenues allowing them to push into new markets. The rise of low-cost, high-performance technology from this region isn't new, however. Japan experienced a similar period of rapid growth, when the country's output went from being viewed as cheap, sub-par knock-offs to the very best in top-of-the-line equipment. While Japan's star may be on the wane, China looks decidedly set on taking its place. With the country's tech products growing in sophistication and popularity daily, and with its brands making a worldwide push for recognition through increased marketing, it could be only a matter of time before everything from our smartphones to our smart watches aren't just made in China - they're designed there too.

China's motivation to be tech leader is growing now

Stratfor 6/18 [Stratfor, June 18, 2015, global intelligence company, China's Developing Technology Sector, www.stratfor.com/image/chinas-developing-technology-sector] JE

A decade ago, Chinese electronics company Lenovo bought out IBM's personal computer arm for \$1.75 billion in what was China's first major overseas acquisition in the technology sector. The deal cemented Lenovo's status as one of the world's biggest PC manufacturers (it now ranks as the largest), and it launched China's journey to becoming one of the world's largest foreign investors in the technology sector.¶ That process has accelerated exponentially; in 2014, for example, Chinese direct investment in the U.S. information and communications technology industry accounted for about half of all Chinese investment into the United States. In some areas, such as semiconductors, biotechnology and green energy, investment came almost entirely from private Chinese investors.¶ China is following in the footsteps of Japan, South Korea and Taiwan in what is becoming the traditional pathway of development for East Asian economies. The first step is exporting low-end manufactured goods. Next, the economy moves into middle-end manufacturing while licensing foreign technology. Domestic companies then begin imitating or developing technology independent of licensing. The economy then focuses on middle- and high-end manufacturing. Finally, it begins its own innovations.¶ Domestic constraints, such as government-imposed regulations and economic controls, could limit how quickly or how far China can go down this path. However, China's ambition is clear: It wants to become a high-tech leader, rather than a follower, and leverage its size in the high-tech sector domestically and abroad.¶ Although China has often been criticized for stealing technology rather than developing it independently, in some areas the country is beginning to grow out of that stage of its development and contribute to the growth of technology. In March, for example, Germany's Deutsche Telekom invited ZTE to participate in its 5G innovation laboratory. This was in line with China's move toward international collaboration in developing new technologies that eventually will find their way back to its domestic telecommunications networks. China's progress is evident in other areas as well, such as startups and the Silicon Valley-like culture emerging in places such as Shenzhen. The question is whether this progress can be replicated throughout the country. China is the world's largest consumer and producer of semiconductors, but it relies heavily on the licensing of U.S. or other foreign technology and equipment rather than indigenous components. China hopes that one day its acquisitions will enable it to develop those technologies, either through collaboration or on its own.

China will be the technology leader by 2020 and allows for tech spillover, 3 reasons why

Sharif 7/09 (Naubahar, associate professor in the Division of Social Science at the Hong Kong University of Science and Technology, Three reasons why China has the makings of a global technology leader, South China Morning Post, <http://www.scmp.com/comment/insight-opinion/article/1835035/three-reasons-why-china-has-makings-global-technology-leader>)

A recent report on Chinese investments in research and development organizations in the US indicates Beijing's desire to leverage US-based research to generate new patents. This is part of China's concerted long-term effort to become the global leader in technology and it is clearly setting its sights on hi-tech, high-value-added industries on an ever-increasing scale. Although there is widespread scepticism about China's capacity to be a global tech leader, it has three distinct advantages that

should enable it to claim leadership in two to three decades. First is China's rapidly growing domestic market. Already the world's second largest, the Chinese economy is likely to overtake the US economy by 2020 or soon after. It is well known that market size is a powerful indicator of demand, and that growing demand for new products and services drives innovation. Indeed, China is now the world's largest producer in nearly a third of the most important industrial sectors, and leads the world in producing steel, cement, automobiles and fertiliser. The second big advantage lies in its autocratic model of governance. Few developed or newly emerging economies are growing under governments that enjoy the latitude China has to shape industrial and business policy. Fuelled by a 20 per cent annual growth in research and development investments, China is encouraging "indigenous innovation". Having doubled the share in gross domestic product of R&D expenditure since 1999, it is on pace to triple that rate by 2020. Say what you will about China's approach to governance, it can channel public funding and facilities to spur growth where it sees fit. Finally, China will continue to reap the benefits of globalization for the foreseeable future. This means, on the one hand, that China can acquire innovative technologies on the global market without having to foot the total bill for the R&D and commercialization of such technologies. Examples of China's increasing presence in the global marketplace include the acquisition by BAIC Group of the intellectual property of Swedish automaker Saab, and Geely's acquisition of Volvo in 2010. On the other hand, globalization means China will be increasingly attractive to foreign firms seeking new markets, creating what economists call spillover effects. Foreign companies will increasingly invest in and partner Chinese firms to cash in on the nation's growth. Foreign firms are also increasingly deploying state-of-the-art technology in China and even seeking patents there, with corresponding technological spillovers to Chinese firms.

China's investing in high tech commerce now

Rapoza 6/21 Kenneth, international business reporter for Forbes Magazine, June 21st, "China Sees Itself Building 'American Style' Entrepreneurial Class"
(<http://www.forbes.com/sites/kenrapoza/2015/06/21/china-sees-itself-building-american-style-entrepreneurial-class/2/>) 7/29/15 ANH

China wants to be American. Over the last week, China's government rolled out a number of initiatives and promises to promote new technologies, start-ups and small businesses in second and third tier cities. The move is part of China's shift from an economy dominated by state run enterprises. On Sunday, China's State Council announced policies designed to encourage migrant workers, recent college graduates and former military just re-entering civilian life to return to their rural hometowns and start small businesses. To get them started, Beijing said it would ease business registration procedures and allow entrepreneurs to venture into rural infrastructure projects through limited liability arrangements, and set up shop in the public services space, normally operated by the government. Newcomers supposedly get waivers or reduced taxes and administrative fees. **Besides the high tech start-up crowd that Beijing hopes to build into a Chinese Silicon Valley and, probably, a dot-com bubble, small businesses that set up shop in retail, tourism and internet marketing will get the most government support**. The government pledged to invest more in rural infrastructure, especially IT facilities, and to provide business training for those just getting started. On Saturday, the State Council released a guideline to streamline customs procedures for e-commerce exports and imports, the Shanghai Daily reported on Monday. The paper said Beijing will keep export taxes low while reforming import tax policies on certain goods that favor domestic consumption. China is also betting heavy on e-commerce payment platforms. The newspaper said the government will "encourage domestic banks and institutions to launch cross-border electronic payment businesses and advance pilot overseas payments in foreign currencies." Chinese e-

commerce firms will be given state financial support on international projects while credit insurance services will also be introduced. What does this mean? It means Western firms will soon cry foul and say China is subsidizing the likes of JD.com or even Alibaba. The announcements come as **China's economy transitions from low cost manufacturer to high tech**, value added producer in a middle class society. With most of its market closed to foreign competition, China's official support for its private tech firms could give some a nice cushion of support when testing the waters outside of the mainland. That being said, most of the revenue from China's e-commerce players is domestic. Some of China's biggest e-commerce investments listed in the U.S. include Alibaba, JD.com and e-Commerce Dang Dang,

China increasing tech innovation now

Juro **Osawa** and Paul **Mozur 14** (1/16/14, Juro Osawa writes about technology from the Wall Street Journal's Hong Kong bureau. His reporting includes stories about electronics, telecoms and online services, with a focus on Asian companies. He previously covered Japanese technology companies in Tokyo. Paul Mozur writes about technology from The Wall Street Journal's Beijing bureau. His coverage areas include companies such as Foxconn, Huawei and Tencent and industry topics such as social media, censorship and China's electronics supply chain. "The Rise of China's Innovation Machine"
<http://www.wsj.com/articles/SB10001424052702303819704579320544231396168> Accessed 7/30/15) EK

China has long been the factory floor that churns out popular gadgets for companies world-wide, but the country's own technology products were rarely viewed as leading edge. **Now, that is beginning to change. Increasingly, China's own technology companies are challenging market leaders and setting trends in telecommunications, mobile devices and online services.** Keeping better-known global competitors at bay in their massive home market, they are hiring Silicon Valley executives and expanding overseas with aggressive marketing campaigns featuring international sports stars and celebrities. Chinese companies still face a perception problem among consumers in many parts of the world that their products aren't as high-quality or reliable as others. Some foreign competitors have alleged that Beijing gives unfair advantages through subsidies, cheap financing and control over the currency market. But, many executives at Chinese and Western companies contend, **China's technology sector is reaching a critical mass of expertise, talent and financial firepower that could realign the power structure of the global technology industry in the years ahead. "Traditionally Chinese companies were fast followers, but we are starting to see true innovation"** said Colin Light, partner at PricewaterhouseCoopers. The rise of China's tech industry is fueled in part by its growing investment in research and development. According to a study released in December by U.S.-based Battelle Memorial Institute, R&D spending in China will likely reach \$284 billion this year, up 22% from 2012. That compares with just 4% growth forecast in the U.S. to \$465 billion for the same period. It forecasts **China will surpass Europe in terms of R&D spending by 2018 and exceed the U.S. by 2022.**

Tech Innovation High

Chinese gov't pushing tech innovation now

Chen and Roberts 7/25 Lulu Yilun, reporter for Bloomberg News in Hong Kong and Dexter, Asia News Editor and Chinese bureau chief for Bloomberg, July 25th, 2015, "China Wants Silicon Valley Everywhere", accessed through Lexis ANH

"Ignite the innovative drive of hundreds of millions of people." That's what China's Premier Li Keqiang called on all levels of government to do in a March address. With its industrial complex losing steam, **the country must rely on innovation, especially of the digital kind, for new sources of growth.** "You can see there are two Chinas. One is the old China that is slowing down in growth; there's a new China that is driven by the Internet," Says Hans Tung, managing partner at GGV Capital, a venture capital firm in Menlo Park, Calif. "You know they need to grow the new China to offset the slowing down of the old China." The result of Li's speech and other similar messages from the central government is that municipalities across China have designated areas in their towns and cities as special high-tech zones where entrepreneurs can enjoy the fastest Internet connections, government assistance in funding, and access to affordable software programmers from the closest university. Such zones can be found in many countries. What's remarkable about China's effort is its scale: As of March 2015, 129 high-tech zones had been approved by the State Council. "Are they all likely to become major hubs of innovation or technology?" asks Gary Rieschel, founding managing partner at Qiming Venture Partners. He figures the US has four such hubs: Boston, New York, San Francisco/Silicon Valley, and Seattle. "Maybe China will ultimately have eight," Rieschel says. "So most of them will not." This drive to promote Internet development isn't a guarantee to reviving China's economy, says Valentine Ding, managing director at ATF Capital, which focuses on tech-sector investments. "If these startups can't create a real connection with consumers," Ding says, "it will create an even worse employment picture for the locals when the bubble crashes." City officials in Changsha, capital of Hunan province, are doing their best to nurture their own Silicon Valley. Changsha's high-tech zone is 15 times the size of New York's Central Park. The city wants to lure companies that focus on new materials, software development, electronics manufacturing, and mobile apps. Entrepreneurs who started out in Hunan have formed Hu Xiang Hui, meaning the Hunan Club, to promote Changsha's and the zone's advantages. The club's members include Hugo Shong, a well-known venture capitalist; Yao Jingbo, founder of classified ads website 58.com; and Jeffrey Zeng, head of the venture capital unit of Citic Capital Holdings. "In the past you would see most of the venture capital deals coming from the big cities, but now you're seeing second- and third-tier cities providing great opportunities," says Shong, a founding partner of IDG Capital Partners, which was an early investor in Tencent and Baidu. In the year since officials in Hunan reached out to Shong to help beef up the region's competitiveness, more than 500 companies have been founded in the high-tech zone and 10,000 new jobs added, Chen Songling, a deputy director at the economic and information department for the province, said at an investment forum in April. At dinner with the party secretary of Changsha during that forum, Shong said he suggested that the government take a more hands-off approach and not try to overregulate or manage these fledgling companies. Shong says he also told the party secretary that Changsha should play to its strengths. "Hunan has a foundation for entertainment content," he says. Hunan's television station has produced a top-ranking show in China. "If we can combine that with the Internet, it would be quite interesting." While officials work to make cities such as Changsha innovation hubs, the entrepreneurial instincts at work in Beijing are stoked by huge sums of private-sector cash. With home-grown champions such as Baidu attracting top talent, Beijing's Zhongguancun high-tech district has since 2003 created the most software companies valued at more than \$1bn each. Only the US has created more, according to venture capital investor Atomico. The allure of Zhongguancun comes from the camaraderie that promotes brainstorming in the district's coffee shops and at the numerous forums that attract the city's brightest electronics innovators. That's something Changsha doesn't yet have. Says 21-year-old Zhou Jieliang: "To be honest, the overall startup vibe in Hunan isn't that great right now." Zhou, a university student in Changsha who co-founded an online education platform there, says she spends more than half her time in Beijing, Hangzhou, and Shanghai. The contrast with Changsha is "quite stark," she says.

China is pushing technological innovation efforts now

Shan 7/29 Huang, author for China Radio International, July 29th, 2015, "Chinese Premier Encourages Sci-tech Innovation" (<http://english.cri.cn/12394/2015/07/29/4021s889289.htm>)
7/31/15 ANH

Chinese Premier Li Keqiang has called for greater efforts to boost innovation in key technologies, saying innovation is the "golden key" for China's development. He has also encouraged a profound integration of science, technology and economy. For more on this, CRI's Huang Shan reports. Premier Li Keqiang says **China should consider science and technology as a primary productive force. "Scientific and technological innovation to a large extent determines the future of China's development strategy.** In history, we have missed several technological revolutions. At present, **we must put innovation at the core of the country's comprehensive development, and thus restructure our competitive advantages.**" Stressing the country's "Internet Plus" campaign for better digital infrastructure, **Premier Li encourages enterprises and individuals to pool funds and knowledge. Internet Plus is a development campaign raised by the premier earlier this year. The goal to it is to integrate the Internet and traditional industries through online platforms and IT technology, in an effort to help the country's economic restructuring.** The premier says **the government will ensure a fair and open environment for sci-tech businesses, and further cut red tape to help meet these goals.** Along with this, experts suggest effort should be made to improve innovation abilities in western China. Currently, most science and education resources are concentrated in more developed regions, such as Beijing and Shanghai. Xie Yi, an inorganic chemist with the Chinese Academy of Sciences, gives her suggestions. "I think the government can distribute some important scientific engineering projects and national laboratories in major cities in western and central China where conditions permit it. By this means, **the regions' capacity for independent innovation can be significantly enhanced.** Meanwhile, this can provide long-term, stable support for science, technology, and talented professionals." The suggestions were made at a symposium on science and technology strategy, which is to mark the 60th anniversary of the founding of China's top scientific think tanks, the Academic Divisions of the Chinese Academy of Sciences. Meeting with members from the think tank, Premier Li said scientific and technological personnel are the core driving force of innovation. "Scientific and technological personnel ought to be among the higher-income groups in society, as they have played a pivotal and irreplaceable role in creating social wealth. Along with measures protecting incomes of people involved in basic research, the country will improve income distribution to enable personnel to become well-off through their inventions. This action can stimulate their innovation power." For CRI, I'm Huang Shan.

U: Predictive

China set to be leader in technology and is picking up now

Chang 14 (Andrea, technology reporter for the Los Angeles Times covering Silicon Valley. She previously covered the retail industry, “China set to become a leader in the world of technology”, The Seattle Times, <http://www.seattletimes.com/business/china-set-to-become-a-leader-in-the-world-of-technology/>)

SHANGHAI — Alibaba was just the beginning. Get ready to hear a lot more about Chinese tech companies. China’s technology industry, much like China in general, is transforming. Entrepreneurs speak of an innovation “golden age” fueled by a mobile-device-obsessed culture, upward economic mobility and an influx of capital from investors locally and abroad. “China is going through an extraordinarily innovative period,” said Eric X. Li, a venture capitalist and political scientist in Shanghai. “My bet is that five years from now, the most valuable company in the world will be a Chinese technology company. My second bet is that five years from now, the second-most-valuable company in the world will be a Chinese technology company.” The success of Chinese e-commerce behemoth Alibaba, which went public on Wall Street in September, has been instrumental in paving the way: Founder Jack Ma, a former schoolteacher, is now China’s richest man, and Alibaba has become a \$26 -billion juggernaut with far-flung interests in areas such as entertainment, mapping and banking. “It proved one thing, which is you can grow a company pretty much from ground zero to a very high level. It gave young graduates a good example,” said Lingyun Gu at Beijing-based IDG Capital Partners. China for years has been laying the groundwork to become an innovative tech power player, not just an electronics manufacturing machine. The government subsidizes and promotes numerous high-tech clusters around the country, and university-affiliated and independent incubators have stepped in to nurture young entrepreneurial talent. Those efforts are beginning to pay off. In the second quarter, investments in China’s fast-growing telecommunications, media and technology companies totaled \$5.35 billion across 214 deals, the cash coming from inside and outside China. In the comparable quarter a year earlier, the industry received only \$752 million, according to a recent MoneyTree report from PricewaterhouseCoopers. “China’s private equity and venture capital investment in the telecommunications, media and technology industry is now in full swing,” the report said. There are several reasons for the boom. First, it takes a lot less capital to start a tech company than in the past because of the widespread availability and affordability of cloud computing and other business services that have brought costs down. There are China-specific factors as well. Many of America’s stalwart tech companies, including Facebook, Twitter and Google, are heavily censored by the government in China, leaving room for homegrown services to step in. Entrepreneurs also point to an Internet culture centered on the smartphone. Many middle-class families in China never owned a personal computer or television, and jumped directly to mobile devices as they became more affluent. The number of Internet users in China is staggering: By the end of last year, 618 million Chinese were connected to the Internet, compared with more than 250 million in the U.S. The number of smartphone users in China is expected to exceed 500 million this year. That has made building a Web-based business extremely attractive. China’s Internet giants Baidu, Alibaba and Tencent have exploded in popularity. To encourage college graduates, IDG created a \$100 million fund three months ago geared toward Chinese entrepreneurs born in the 1990s. Established tech firms are stepping in as well. Kim Xu, director of strategy of IBM’s Greater China Group, said the company has donated to 100 Chinese universities for tech-related education and is actively looking for fledgling companies to fund and work with. “Today, everybody is a possible candidate for partnership,” she said. “It’s not just about venture capital activity; it’s about growing and nurturing startup companies.” As the opportunities have grown, Chinese who were educated in the U.S. say they’re more willing to return home to set up companies there. Jennifer Xu left China to attend Harvard Business School but moved back after getting her MBA in 2011. Last year she founded Green Apple, a Shanghai-based mobile health care startup that

connects doctors and patients for appointment scheduling and pharmacy orders. The app, which quickly received its Series A funding from angel investors, launched in March and currently has thousands of doctors on its platform. "It's the best time for entrepreneurs," she said. "The mobile health sector is super active now and the venture capitalists are chasing after deals." Although starting a company is easier than ever, long-term success is still far from guaranteed. Investors worry about regulatory hurdles and loose intellectual-property rules, with some privately complaining that many companies are mere copycats of U.S. ideas. Industry watchers predict that Chinese tech companies will become more commonplace in the U.S. So far, the firms have focused primarily on growing their businesses domestically. But in the next decade many will begin to step up their global expansion efforts, with the U.S. being an attractive market, said S. Ramakrishna Velamuri, who teaches entrepreneurship at the China Europe International Business School in Shanghai. Velamuri also predicts more Wall Street fervor in China. There's an "obsession to list abroad" after the U.S. IPOs of Alibaba and Chinese microblog Weibo, he said. U.S. venture capitalists doing deals in China describe a booming space not unlike what is found in Silicon Valley, although the energy and pace are even more intense. Techies are experimenting in an array of sectors including online media, mobile, alternative energy and gaming. "Founders work real hard," said Doug Leone, a managing partner at Sequoia Capital, one of the earliest U.S. venture capital firms to enter China. "I've had midnight meetings in China — I've never had a midnight meeting here." China is Sequoia's largest market for investments after the U.S. and deals are "incredibly varied across a broad spectrum of opportunities," Leone said. Sequoia has invested in numerous Chinese companies, including Meituan, a group discount website backed by Alibaba; Dianping, a restaurant reviews platform; and Pinterest-like Meilishuo. A decade ago, when Sequoia first considered investing in China, "We asked ourselves the simple question: If you look out 10 years from now, where are the most valuable companies in the world going to be created?" Leone said. "In that case, we made the correct call."

Chinese to be competitive

Lohr December 14 (Steve, Journalist Awards: Pulitzer Prize for Explanatory Reporting "In 2015, Technology Shifts Accelerate and China Rules, IDC Predicts", The New York Times, <http://bits.blogs.nytimes.com/2014/12/02/in-2015-technology-shifts-accelerate-and-china-rules-idc-predicts>)

In the year-end predictions game, most technology forecasts tend to be either blue sky or boring, flights of imagination or a firm grasp of the obvious. For the last several years, IDC has published prediction reports that generally avoid the pitfalls of the genre, and offer a useful framework for thinking about the trajectory of trends in technology. The technology research firm's predictions for 2015, published on Tuesday, come in a 17-page report that is rich in numbers and analysis. Beyond the detail, a couple of larger themes stand out. First is China. Most of the reporting and commentary recently on the Chinese economy has been about its slowing growth and challenges. "In information technology, it's just the opposite," Frank Gens, IDC's chief analyst, said in an interview. "China has a roaring domestic market in technology." In 2015, IDC estimates that nearly 500 million smartphones will be sold in China, three times the number sold in the United States and about one third of global sales. Roughly 85 percent of the smartphones sold in China will be made by its domestic producers like Lenovo, Xiaomi, Huawei, ZTE and Coolpad. The rising prowess of China's homegrown smartphone makers will make it tougher on outsiders, as Samsung's slowing growth and profits recently reflect. More than 680 million people in China will be online next year, or 2.5 times the number in the United States. And the China numbers are poised to grow further, helped by its national initiative, the Broadband China Project, intended to give 95 percent of the country's urban population access to high-speed broadband networks. In all, China's spending on information and communications technology will be more than \$465 billion in 2015, a growth rate of 11 percent. The expansion of the China tech market will account for 43 percent of tech-sector growth worldwide. Another theme in the IDC report is the quickening pace of the move from older technologies to new ones. Overall spending on technology and telecommunications, IDC estimates, will rise by a modest 3.8 percent in 2015. Yet the top-line numbers mask the trends beneath. IDC predicts there will be growth of 13 percent in what the research firm calls "3rd platform" technologies (cloud, mobile, social and big data). By contrast, older technologies will face a no-growth "near recession," according to IDC, and "will shift fully into recession" by the second half of next year. IDC's 3rd platform is similar to what Gartner, another big research firm, has called a "nexus of forces" sweeping through the industry. (Gartner's ingredients are virtually the same as IDC's with slightly different labels — social interaction, mobility, cloud and information.) The 1st platform, in IDC's taxonomy, was the mainframe era, running from the 1960s into the 1980s. The 2nd platform included personal computers and the Internet, and began in the 1980s and ran through the middle of the first decade of this century. Cloud-computing data centers are the engine rooms of the other 3rd platform technologies of mobile, social and big data. Building these cloud power plants is increasingly a costly, high-stakes endeavor. In 2015, IDC predicts, there will be a winnowing. The leading players will keep spending and growing, and IDC identifies the leaders as Amazon, Google, Microsoft and IBM. "But we'll see a

lot of dropouts, as companies pull back from cloud infrastructure and focus on what they're good at," Mr. Gens said. Candidates to drop out of delivering computing resources as a public cloud service, he said, include Hewlett-Packard and the telecommunications companies. Salesforce, a leader in cloud-based business software, may want to do a deal with one of the big builders of cloud data centers, Mr. Gens suggested. That way, he added, Salesforce could concentrate its resources on software — as the German software maker SAP did recently in a deal with IBM. But while some retreat, China will likely produce a major cloud rival or two, IDC predicts. Alibaba, China's dominant online merchant, Baidu, the Chinese search engine, or Tencent, China's big social network, might well move beyond building data centers for their own use to supplying cloud computing as a service — the path taken by both Amazon and Google. "Driven by their massive domestic market," IDC predicts, "one or more of these Big Three cloud-based giants will challenge Amazon, Microsoft, IBM, Google" and others over the next three to four years.

AT: Censorship → Low Competitiveness

Regardless of censorship China remains a strong competitor internationally

Downes 7/15 (Larry, Internet industry analyst and author on business strategies and information technology. “China’s stock market is falling, but its innovators are still rising fast”, The Washington Post, <http://www.washingtonpost.com/blogs/innovations/wp/2015/07/15/chinas-stock-market-is-falling-but-its-innovators-are-still-rising-fast/>)

The recent volatility in China’s stock markets, and the untraditional steps taken by Beijing to calm them (including a ban on selling shares), is yet another reminder that China is, well, different. Though the country has moved dramatically to open its economy to market principles, the Chinese way is still both unique and inscrutable. Westerners, and even most Chinese, are kept largely in the dark on even the basic workings of the Chinese economy. And Beijing seems determined to keep it that way, both when their policies are successful and when they’re not. But at least so far, the Chinese experiment is still working when it comes to the red-hot information technology market. Even as Europe tries once again to reboot its Internet economy with a new Digital Single Market initiative, China continues to make dramatic progress pursuing its own brand of public-private partnerships. In the last 20 years, China has launched some of the most valuable Internet companies in the world, including Baidu, Alibaba, Tencent and JD.com. While some of these giants largely serve the enormous local market, Chinese companies such as Foxconn dominate the assembly of computing and consumer electronics devices worldwide. And now Chinese companies are evolving from the manufacture of other companies’ products to become leading-edge designers themselves. Xiaomi and Lenovo, for example, are producing “must-have” new smartphones, often at prices far below what Apple and Samsung charge. All this in a country where the government’s far-reaching intervention and even policies are shadowy. And where significant parts of the Internet are theoretically (and often actually) cut off from public view.

--- Link ---

Link: Surv Hurts US

Surveillance reform increases US global market shares – reverses Snowden effects on the market

Castro and McQuinn 6/9/15 (Daniel, is the Vice President of the Information Technology and Innovation Foundation, Alan is a Research Assistant with the Information Technology and Innovation Foundation, “Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness”, <http://www.itif.org/publications/2015/06/09/beyond-usa-freedom-act-how-us-surveillance-still-subverts-us-competitiveness>, accessed: 7/30/15

ITIF estimated in 2013 that even a modest drop in the expected foreign market share for cloud computing stemming from concerns about U.S. surveillance could cost the United States between \$21.5 billion and \$35 billion by 2016. Since then, it has become clear that the U.S. tech industry as a whole, not just the cloud computing sector, has under-performed as a result of the Snowden revelations. Therefore, the economic impact of U.S. surveillance practices will likely far exceed ITIF’s initial \$35 billion estimate. This report catalogues a wide range of specific examples of the economic harm that has been done to U.S. businesses. In short, foreign customers are shunning U.S. companies. The policy implication of this is clear: Now that Congress has reformed how the National Security Agency (NSA) collects bulk domestic phone records and allowed private firms—rather than the government—to collect and store approved data, it is time to address other controversial digital surveillance activities by the U.S. intelligence community. The U.S. government’s failure to reform many of the NSA’s surveillance programs has damaged the competitiveness of the U.S. tech sector and cost it a portion of the global market share. This includes programs such as PRISM—the controversial program authorized by the FISA Amendments Act, which allows for warrantless access to private-user data on popular online services both in the United States and abroad—and Bullrun—the NSA’s program to undermine encryption standards both at home and abroad. Foreign companies have seized on these controversial policies to convince their customers that keeping data at home is safer than sending it abroad, and foreign governments have pointed to U.S. surveillance as justification for protectionist policies that require data to be kept within their national borders. In the most extreme cases, such as in China, foreign governments are using fear of digital surveillance to force companies to surrender valuable intellectual property, such as source code. In the short term, U.S. companies lose out on contracts, and over the long term, other countries create protectionist policies that lock U.S. businesses out of foreign markets. This not only hurts U.S. technology companies, but costs American jobs and weakens the U.S. trade balance. To reverse this trend, ITIF recommends that policymakers:

Status quo prove that NSA reform failures cuts US competitiveness.

Castro and McQuinn 6/9 [Daniel Castro and Alan McQuinn, June 9, 2015, “Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness”, Daniel Castro is the Vice President of the Information Technology and Innovation Foundation and Director of the Center for Data Innovation (link is external). Mr. Castro writes and speaks on a variety of issues related to information technology and internet policy, including privacy, security, intellectual property, internet governance, e-government, and accessibility for people with disabilities. His work has been quoted and cited in numerous media outlets, including The Washington Post, The Wall Street Journal, NPR, USA Today, Bloomberg News, and Businessweek, Alan McQuinn is a Research Assistant with the Information Technology and Innovation Foundation. His research areas include a variety of issues related to information technology and Internet policy, such as

cybersecurity, privacy, virtual currencies, e-government, Internet governance, and commercial drones. Prior to joining ITIF, he was a telecommunications fellow for Congresswoman Anna Eshoo, an honorary co-chair of ITIF. www.itif.org/publications/2015/06/09/beyond-usa-freedom-act-how-us-surveillance-still-subverts-us-competitiveness] JE

Almost two years ago, [ITIF described how](#) revelations about [pervasive digital surveillance by the U.S. intelligence community could severely harm](#) the [competitiveness of the United States](#) if foreign customers turned away from U.S.-made technology and services. [Since then, U.S. policymakers have failed to take sufficient action to address these surveillance concerns](#); in some cases, they have even fanned the flames of discontent by championing weak information security practices. In addition, other countries have used anger over U.S. government surveillance as a cover for implementing a new wave of protectionist policies specifically targeting information technology. [The](#) combined [result is a set of policies both at home and abroad that sacrifices robust competitiveness of the U.S. tech sector](#) for vague and unconvincing promises of improved national security. ¶ [ITIF estimated in 2013 that even a modest drop in the expected foreign market share for cloud computing stemming from concerns about U.S. surveillance could cost the United States between \\$21.5 billion and \\$35 billion by 2016.](#) Since then, it has become clear that [the U.S. tech industry as a whole](#), not just the cloud computing sector, has [under-performed as a result of the Snowden revelations](#). Therefore, the economic impact of U.S. surveillance practices will likely far exceed ITIF's initial \$35 billion estimate. This report catalogues a wide range of specific examples of the economic harm that has been done to U.S. businesses. In short, foreign customers are shunning U.S. companies. The policy implication of this is clear: Now that Congress has reformed how the National Security Agency (NSA) collects bulk domestic phone records and allowed private firms—rather than the government—to collect and store approved data, it is time to address other controversial digital surveillance activities by the U.S. intelligence community. ¶ [The U.S. government's failure to reform many of the NSA's surveillance programs has damaged the competitiveness of the U.S. tech sector and cost it a portion of the global market share.](#) This includes programs such as [PRISM](#)—the controversial program authorized by the FISA Amendments Act, which allows for warrantless access to private-user data on popular online services both in the United States and abroad—[and Bullrun](#)—the NSA's program to undermine encryption standards both at home and abroad. [Foreign companies have seized on these controversial policies to convince their customers that keeping data at home is safer than sending it abroad, and foreign governments have pointed to U.S. surveillance as justification for protectionist policies that require data to be kept within their national borders.](#) In the most extreme cases, such as in China, foreign governments are using fear of digital surveillance to force companies to surrender valuable intellectual property, such as source code. ¶ In [the short term, U.S. companies lose out on contracts, and over the long term, other countries create protectionist policies that lock U.S. businesses out of foreign markets.](#) This not only hurts U.S. technology companies, but [costs American jobs and weakens the U.S. trade balance.](#) [To reverse this trend,](#) ITIF recommends that policymakers: ¶ Increase transparency about [U.S. surveillance activities both at home and abroad.](#) ¶ Strengthen information security by opposing any government efforts to introduce backdoors in software or weaken encryption. ¶ Strengthen U.S. mutual legal assistance treaties (MLATs). ¶ [Work to establish international legal standards for government access to data.](#) ¶ Complete trade agreements like the Trans Pacific Partnership that ban digital protectionism, and pressure nations that seek to erect protectionist barriers to abandon those efforts.

Surveillance tanks US competitiveness – tech companies prove

Taylor 6/29 [Brian Taylor, June 29, 2015, Reporter for Tech Republic, Report: Surveillance programs may cost US tech over \$35 billion and its competitive edge, news.yahoo.com/report-surveillance-programs-may-cost-222900657.html] JE

In August 2013, just as the ink was drying from the press covering the initial Snowden revelations, **ITIF estimated that the economic fallout for US cloud computing providers could run from \$22 to \$35 billion.** In the two years since, ITIF noted that US technology continues to underperform due to mistrust of US government surveillance. They concluded that the long-term repercussions "will likely far exceed" the \$35 billion figure from 2013.¶ **The increasing lack of trust has even affected trade with closely aligned nations** including the UK and Canada. A January 2014 survey showed that **25% of respondents in those two nations intended to pull their organizational data out of the US as a result of the** National Security Agency (**NSA**) **surveillance controversy.**¶ Further repercussions affecting major US companies include the following.¶ Salesforce saw a leading German insurance firm cancel an agreement to manage a consumer database. In the fiscal quarter after the Snowden revelations, Salesforce saw short-term sales losses and a deficit of \$124 million.¶ **Cisco suffered sales losses in China, Brazil, and Russia due to a report that the NSA covertly placed surveillance tools into its hardware.** In a quarterly earnings call, CEO John Chambers stated that the **NSA was a factor in revenue declines in China.**¶ Qualcomm has admitted that, despite growth projections in China, NSA revelations are hurting its business there.¶ Also in China, Apple, Cisco, Citrix Systems, and McAfee (Intel) were dropped from the approved purchase list for state enterprises; this was part of the wave of foreign protectionism ITIF cited that results from the NSA surveillance uproar.¶ **Boeing in Brazil and Verizon Wireless in Germany were dropped from government contracts because of spying concerns.**¶ Protectionism by foreign governments¶ In its report, ITIF described how in 2012 a Rackspace competitor in Australia, after Rackspace had built data centers there, argued that the US would use the Patriot Act as a way to track Australian citizens. That same Australian company also lobbied lawmakers, using a report it had funded, to convince them to place limits on foreign cloud providers. After the US spying revelations in 2013, protectionist efforts stemming from surveillance concerns have grown larger in Australia.¶ In Europe, the NSA backlash has led to calls for data localization laws, and procurement regulations that support European providers. Germany and France have started to build their own national networks: Schlandnet and Sovereign Cloud, respectively. In addition, France has invested \$200 million in two startups to create an independent, domestic infrastructure.¶ **Australia, China, India, and Russia have passed laws requiring that their citizens' personal information does not leave their borders,** effectively mandating that international cloud providers build data centers in those countries. Apple and Salesforce have already done so to support their worldwide business and to respond to critics.

SSRA Link

NSA “Backdoor” reforms boosts US tech competitiveness

AVH 3/25/15 (allvideo24h is a global news source, “World’s top tech companies ask Congress to relax NSA spying laws”, <http://allvideo24h.com/Video-worlds-top-tech-companies-ask-congress-to-relax-nsa-spying-laws.html>, accessed: 7/30/15, SP)

More than 40 companies wrote a letter to Congress and the Obama administration, sent Wednesday. Industry leaders such as Apple, Google and Facebook got in touch with civil liberties organizations like the American Civil Liberties Union **to try and get Washington to change its spying laws, in the wake of the NSA scandal**. “Now is the time to take on meaningful legislative reforms to the nation’s surveillance programs that maintain national security while preserving privacy, transparency and accountability,” the group said in the letter. “[T]he status quo is untenable and it is urgent that Congress move forward with reform.” Tech companies have been amongst the biggest supporters of implementing change, as they believe they are losing out financially as the public becomes more suspicious about potential spying from the NSA, in the wake of whistleblower Edward Snowden’s revelations. Richard Salgado, who is Google’s director for law enforcement and information security, told a US Senate panel on November 13, 2014, that spying carried out by the **NSA has** “the great potential for doing **serious damage to the competitiveness**” of US companies such as Apple, Facebook and Microsoft. He added that **“the trust that’s threatened is essential to these businesses,”** Bloomberg News reported. The Information Technology & Innovation Foundation, a policy research group based in Washington, says that US companies may lose as much as \$35 billion because the public has lost confidence in the security of their products. READ MORE: Tech heavyweights Facebook, Google, Apple support bill limiting NSA spying “The potential fallout is pretty huge, given how much our economy depends on the information economy for its growth,” said Rebecca MacKinnon, a senior fellow at the New America Foundation, a Washington policy group, speaking to Bloomberg. “It’s increasingly where the US advantage lies.” In their letter, the group said they want politicians to end the NSA’s power to collect public data en masse, while transparency measures should also be introduced so both the government and private companies can tell the public what surveillance agencies may be collecting. They are hoping to make a June 1 Congress deadline, which will see some aspects of the current Patriot Act up for renewal. One section includes a controversial provision, known as Section 215, which allows the NSA to collect phone records of almost all Americans. This is not the first time that tech giants have lobbied Congress to change the current spying laws. In November, their CEOs sent a letter to the Senate, asking lawmakers to demonstrate leadership and restore the confidence of internet users while keeping citizens safe. READ MORE: Congress quietly expands NSA powers for spying on Americans “It’s been a year since the first headlines alleging the extent of government surveillance on the Internet... We understand that governments have a duty to protect their citizens. But the balance in many countries has tipped too far in favor of the state and away from the rights of the individual. This undermines the freedoms we all cherish, and it must change,” the letter’s authors said. However, they were unable to pass the motion as their attempts to reform the NSA were just two votes short of overcoming a filibuster in the Senate. In December, Congress used a set of provisions to expand the surveillance of Americans by the NSA. The US government gave the agency what civil liberties advocates argue is an unprecedented authority to collect and store data belonging to American citizens. In order to get the spending bill passed in December by the House, they had to **remove a provision for NSA backdoor surveillance**. They put the emphasis on **tech companies to make sure that the products that they produced were more surveillance-friendly**. Also, under Section 309 of the Intelligence Authorization Act 2015, Congress allowed the government unprecedented access to have surveillance powers without a warrant, which would allow for “the acquisition, retention, and dissemination” of US phone and internet data.

Link: STEM

STEM is key to US competitiveness.

Han et. Al '15 [03/1/15 Xueying Han, scholar at nanotechnology, "Will They Stay or Will They Go? International Graduate Students and Their Decisions to Stay or Leave the U.S. upon Graduation," <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4356591/> DA July 13, 15]

The U.S. currently enjoys a position among the world's foremost innovative and scientifically advanced economies but the emergence of new economic powerhouses like China and India threatens to disrupt the global distribution of innovation and economic competitiveness. Among U.S. policy makers, the promotion of advanced education, particularly in the STEM (Science, Technology, Engineering and Mathematics) fields, has become a key strategy for ensuring the U.S.'s position as an innovative economic leader. Since approximately one third of science and engineering post-graduate students in the U.S. are foreign born, the future of the U.S. STEM educational system is intimately tied to issues of global competitiveness and American immigration policy. This study utilizes a combination of national education data, a survey of foreign-born STEM graduate students, and in-depth interviews of a subset of those students to explain how a combination of scientists' and engineers' educational decisions, as well as their experience in school, can predict a students' career path and geographical location, which can affect the long-term innovation environment in their home and destination country. This study highlights the fact that the increasing global competitiveness in STEM education and the complex, restrictive nature of U.S. immigration policies are contributing to an environment where the American STEM system may no longer be able to comfortably remain the premier destination for the world's top international students.

Lack of STEM retention hurts American Competitiveness

Gordon and Bock 12

(Bart Gordon and Larry Bock, former Democratic Member of the House from Tennessee and executive director of the USA Science & Engineering Festival, "Gordon, Bock: STEM Education Is Key to a Competitive America", April 27th, 2012, Rollcall, <http://www.rollcall.com/news/Gordon-Bock-STEM-Education-Is-Key-to-a-Competitive-America-214160-1.html>, JAS)

America is facing a crisis of competitiveness on the global stage. Our nation is not developing a generation of students pursuing science careers or retaining the talents of the non-U.S. citizens who now earn more than two-thirds of Ph.D. degrees awarded by American colleges and universities. Fewer young Americans are entering fields of science, technology, engineering and mathematics, putting the nation's status as an innovative world leader in severe jeopardy. Each year since 2008, the majority of patents issued by the U.S. Patent and Trademark Office have been awarded to international owners. Inspiring young Americans to study STEM fields is critical to reversing this trend and creating a new generation of innovative entrepreneurs. That is why the USA Science and Engineering Festival — the nation's largest celebration of science and engineering, to be held April 28-29 at the Walter E. Washington Convention Center — was created. This weekend, hundreds of thousands of participants will gather at the Washington Convention Center for what promises to be America's largest celebration of science. In his 2010 State of the Union address, President Barack Obama said, "The first step in winning the future is encouraging American innovation." Discussing the inaugural USA Science and Engineering Festival, House Science, Space and Technology Chairman Ralph Hall (R-Texas), said that "inspiring our children to become more interested in the STEM fields and in careers through endeavors such as this is the key to unlocking our future economic and innovative potential." More than 120 Members of Congress from both sides of the aisle have supported the festival by joining its Honorary Congressional Host Committee. The commitment from America's technology companies to support the festival's

expo and other events has been equally remarkable. At their highest executive levels, these companies know that their futures also hang in the balance. This issue is one which transcends party and geographical boundaries and will shape our nation for generations to come. This year's festival brings together a unique assortment of the country's leading high-technology companies, colleges and universities, federal agencies and professional societies to provide an array of thousands of interactive, hands-on exhibits, stage shows and other activities. Participants will meet science celebrities and innovators who provide real-life role models in STEM fields and be able to learn about internships, mentorships and scholarship opportunities from colleges, universities and companies focused on scientific innovation. **With our nation's global competitiveness on the line, now is the time to make celebrating science a priority and create a new generation of inventors and explorers who will solve the challenges of the future and continue America's tradition of being a world leader in innovation.**

--- Tech Competition Zero Sum ---

Ext: Tech = Zero Sum

Tech market share is zero sum.

Katz, 11 (Abie, associate at August Capital, "How much of a zero-sum game is tech-company growth? 9/21/11, www.quora.com/How-much-of-a-zero-sum-game-is-tech-company-growth)

On the other hand, market share can be a zero sum game. For example, if Google gains search market share, that inherently means some other search engine lost market share. Overtime, the growth rate of certain online markets may slow down as they mature, thus making certain tech markets more of a zero sum game.

US lagging now will allow China to gain the lead in tech competitiveness

Coleman 15 Kevin, Chief Strategist at Netscape and author for Extreme Tech and Business Insider, March 26th, "The US is in Danger of Losing its Technological Edge" (<http://www.extremetech.com/internet/206445-the-us-is-in-danger-of-losing-its-technological-edge>) 7/30/15 ANH

While that is concerning, another study found that China is emerging as a serious contributor to global technology development. The supporting data found that 67 percent agree or strongly agree that over the next 5 to 10 years China will be a source of major innovation in specific tech sectors, including electronics and software. In that same survey, 76 percent agree or strongly agree that China will be a disruptive force in the global technology market within the next 5 to 10 years. When you examine China's tech sector, you can't help but be impressed by the rate in which it improved in the last few years. On the other side, 49 percent of those surveyed see the emerging tech centers in the U.S. as little or no threat! Only 8 percent felt they were a significant threat. Whatever happened to good old American ingenuity? That is a dramatic change. The social, economic influence and security issues this creates are huge. Even the U.S. Pentagon expressed concern over the U.S. losing its military technological superiority to rivals. An article published last year clearly stated the U.S. is no longer the technology leader in military gear. Now add to that the statement before the House Armed Services Committee made by U.S. Deputy Defense Secretary Robert Work who said that "bold action" is necessary if the U.S. is to keep the lead in technology. Technology innovation and creative application of those new technologies are an increasing part of global competitiveness and a country's security and influence, as well as global power. Looking out over the next three to five years, several technologies are poised to enter the accelerated advancement and adoption state of their evolution during the same window of time. The U.S. does not know how to be viewed as anything but first when it comes to technology. Addressing this decline has to rapidly become a national priority driven by the leaders in the U.S. government and industry. The U.S. has no time to waste, given the rapid pace of technological advancement and the continued growth in competition. A technology renaissance is needed now if the U.S. is to retain its technological dominance. The next era of rapid technology advancement is at hand. Unlike other similar events, this one will be fueled by multiple technologies all entering into their rapid advancement and adoption stage of evolution in the same period of time. The United States had better get to work and work collectively to address this competitive challenge or we will all fail together and fall further behind for sure.

China is pushing against the US tech industry now – momentum is high

Atkinson 15 Robert, economist and president of the Information Technology and Innovation Foundation, April 1st, 2015, “Stop China’s Plan to Weaken American Innovation” (<http://www.csmonitor.com/Technology/Breakthroughs-Voices/2015/0401/Stop-China-s-plan-to-weaken-American-innovation>) 7/30/15 ANH

China’s government is orchestrating a comprehensive effort to eradicate American competitors from its markets for information and communications technology (ICT) products and services. **The intent is to hobble US companies competing in China, cultivate and promote China’s own domestic champions, and ultimately replace the US as the world’s ICT leader.** To achieve those goals, the Chinese are investing tens of billions of dollars to build up domestic production that can substitute for US imports in key industries such as semiconductors and software; fencing out US websites, applications, and other digital content platforms; forcing disclosure of proprietary intellectual property, technology, and source code; using anti-monopoly laws as a club to extract concessions from US companies; and even pressuring Chinese enterprises to stop using American-made hardware and software. Furthermore, China is utilizing a panoply of additional mercantilist measures that seek to unfairly advantage Chinese producers – from currency and standards manipulation to special benefits for state-owned enterprises. To understand the context for these policies, you must first understand the evolution of Chinese economic policy over the past two decades. Up to the mid-2000s, China’s economic development strategy sought principally to induce foreign multinationals to shift production to China. In 2006, China pivoted to a “China Inc.” model of “indigenous innovation” which called for the nation to master 402 core technologies, from intelligent automobiles to integrated circuits and high-performance computers. This shift essentially announced that Chinese economic strategy would now seek absolute advantage across virtually all advanced technology industries. It rejected the notion of comparative advantage, which holds that nations should specialize in the production of products or services at which they are the most efficient and trade for the rest. Instead, China wishes to dominate in production of both advanced technology products such as airplanes, semiconductors, and pharmaceuticals – plus commodity manufacturing. Ultimately, Chinese policymakers are trying to independently supply Chinese markets for advanced technology products with their own production while still benefitting from unfettered access to global markets for their technology exports. In no sector is this strategy more apparent than in ICT. Here, China has used virtually every tool at its disposal to advantage domestic producers, including a vast array of mercantilist practices that are specifically designed to disadvantage American competitors. For instance, the Chinese government has launched its “De-IOE” campaign to unabashedly pressure Chinese companies to replace products from IBM, Oracle, and EMC with Chinese-made alternatives. Cisco, Microsoft, and Qualcomm have meanwhile found themselves targeted for alleged violation of China’s anti-monopoly laws – though their only crime has been to innovate and use patents. China routinely blocks e-mail services, social media networks, digital content platforms, and Web-based productivity applications provided by American ICT firms such as Facebook, Google, and Microsoft. And China is investing more than \$25 billion in an attempt to foster development of an indigenous semiconductor manufacturing industry to wrest market share from US competitors such as Intel, Qualcomm, and Texas Instruments. In January, China announced regulations that foreign-enterprise-developed ICT products and services be deemed “secure and controllable,” including having to undergo intrusive security testing, complying with Chinese national standards, and potentially disclosing valuable source code. And the government is considering new anti-terror laws requiring that tech companies turn over encryption keys to the government, which could make it difficult for US companies to do any business in China. Put simply, China is pursuing not just a “De-IOE” strategy, but a blatant “De-USA” strategy, and this high-tech harassment will in all likelihood continue until China finally gets what it wants: the complete replacement in China of foreign technology companies with Chinese ones. It is high time American policymakers recognize that China’s goal of replacing US-made advanced technology products with Chinese-made ones is a central component of China’s economic development strategy, and it won’t abate unless America makes clear that these policies are unacceptable and have costs and consequences.

--- China Econ Impacts ---

Brink

Chinese economy on the brink – needs growth.

CNN Money, 7/27 ("China's economy is getting sick. Will it infect America?,"
money.cnn.com/2015/07/26/investing/china-slowdown-impact-us-stocks/)

After years of explosive expansion, China is cooling off. Growth has fallen to its lowest level since 2009, and investors believe it might be even worse because Beijing may be fudging the official numbers. China is now the second biggest economy in the world. The fear is that China will pull other major economies -- including the U.S. -- down with it. That would be scary given how slowly the global economy is currently growing and how little ammo governments have left to jump start business. "We need all the growth we can get. A slowdown in China wouldn't help," said David Joy, chief market strategist at Ameriprise Financial. Investors around the world went on high alert when China's stock market began to crumble in late June and early July, causing prices for oil, gold and copper to tumble. Chinese equities stabilized for a few weeks after massive government intervention but the rout resumed Monday, with stocks slumping 8.5%.

I/L: Intl Tech Market Key to China Econ Recovery

Tech sector expansion key to prevent Chinese economic collapse.

Clover, 15 (Charles, Financial Times China correspondent, "China's leaders look to the net for growth," Financial Times, 3/5/15, blogs.ft.com/the-world/2015/03/chinas-leaders-look-to-the-net-for-growth/)

China's leaders are looking to the internet to offset sagging economic growth. At the annual meeting on Thursday of the National People's Congress, China's legislature, internet and ecommerce merited a dozen mentions, culminating in Prime Minister Li Keqiang announcing an "internet-plus action plan". That, he promised, would "integrate the mobile internet, cloud computing, big data and the internet of things with modern manufacturing, to encourage the healthy development of ecommerce, industrial networks, and internet banking, and to guide internet based companies to increase their presence in the international market". Relying on the internet to rescue the economy is a constant theme among the leadership. According to Ma Jiantang, chief of the national statistics bureau, "traditional industries . . . have been faced with many challenges. However, new products, industries, business models and formats arising from the mobile internet are burgeoning". And that is clearly the case: online retail grew 49.7 per cent in 2014 year-on-year, while logistics services, which cater to ecommerce shoppers, grew 51.9 per cent. "This is where our hope lies," he said. That seems sensible. McKinsey, the consulting firm, has estimated that internet applications could fuel some 7-22 per cent of China's incremental GDP growth until 2025. The "internet-plus" plan will probably benefit a trio of companies that dominate the Chinese internet. In fact "internet plus" was a strategy originally put forward by Pony Ma, chairman of Tencent, China's second-largest internet company. "We hope that our vision may be adopted as part of the

I/L: Innovation Key to China Econ

Tech innovation will boost China's economy and push them into the global market

Sharif 15 Naubahar, Associate Professor in Social Science at the Hong Kong University of Science and Technology, February 2015, "Global Technology Leadership: The Case of China" (<http://iems.ust.hk/wp-content/uploads/2015/02/IEMSWP2015-11.pdf>) 7/29/15 ANH

China's rapidly growing domestic market—now the second largest in the world—will continue to grow and is likely to surpass the US market around 2020. As market size is an important determinant of innovation activities, burgeoning demand will drive Chinese companies to continuously advance their technological capabilities to profit from successful innovation, providing a global advantage such as no other economy enjoys. In spite of China's openness to market forces, however, Beijing's autocratic system of governance largely persists, providing ample room for the Chinese government to enact and implement industrial and innovation policy to enhance the technological capabilities of Chinese companies to an extent that mature Western market-oriented economies and democratic governments cannot match. This represents the second advantage we discuss here. Able to enact policy facing little or no opposition, **Beijing can steer economic development as it sees fit.** Benefiting from 7 China's so-called 'indigenous innovation' strategy, Chinese companies enjoy government support of R&D, enabling them to develop technologies independently and to own intellectual property rights. Large-scale government grants and low interest loans from state-owned banks under the framework of the indigenous innovation strategy provide Chinese firms with strong incentives to become global technological leaders.

national strategy. The idea is to use the internet as a platform, and to integrate all industries, including traditional industries, through internet technology, to create a new ecosystem in new areas," Mr Ma said this week.

I/L: Strong Tech Key to China Econ

Technology is key to China's economic growth

Mongelluzzo 12 Bill, JOC reporter on Trans-Pacific trade and labor, March 28th, 2012, "China's Growth Tied to Technology, Consultant Says" (http://www.joc.com/economy-watch/chinas-growth-tied-technology-consultant-says_20120328.html) 7/31/15 ANH

China will continue to expand its economy, but its growth will be based upon technology and innovation rather than low-cost labor, according to a consultant who has lived there for the past 20 years. For U.S. companies seeking to invest in or sell their products to China, some of the best opportunities will therefore be found in areas such as clean-energy technology, information technology, biotechnology and high-end manufacturing, said James McGregor, senior counselor in Beijing to APCO Worldwide. China over the past 30 years has experienced unprecedented growth as the so-called factory for the world. That economic model, which began under Communist Party leader Deng Xiaoping, is running out of steam, McGregor said. "The Deng Xiaoping era is over," McGregor told the annual Asia/Pacific Business Outlook conference Tuesday at the University of Southern California. China will not forgo low-cost manufacturing altogether. Some of the manufacturing will shift inland. Many plants will remain in the coastal regions but will achieve significant productivity improvements through implementation of technology. Other plants will move to Southeast Asia in search of low-cost labor. "It will balance out," he said. The focus of government initiatives today, however, derives from the "indigenous innovation" movement that the government announced in 2006. China is encouraging scientific research and its application to industries that will employ the millions of college graduates that are pouring into the work force today. The number of college graduates each year has tripled to 6 million. These young graduates have known only prosperity and exponential economic growth in their lives. They want white collar jobs that will give them instant middle class status. "The government runs scared of the expectations of these people. They are impatient people," McGregor said. Although China has been the subject of much criticism from international institutions such as the World Bank for the massive number of state-owned enterprises that dominate its economy, U.S. companies that want to do business in China should not expect these enterprises to lose their influence anytime soon. In many key sectors of the economy, state-owned-enterprises control 75 to 90 percent of the assets. "This will be hard to break because they are integrated with the Communist Party," McGregor said. It is difficult to predict what type of reform, if any, will occur later this year when Vice President Xi Jinping replaces Hu Jintao as head of the Communist Party, but the country's new leader will have to deal with the "princelings," or descendants of prominent and influential senior Communists, that have gained influence in China, McGregor said.

A strong technology field is key to boost China's innovation-driven economy

Agnihotri 14 Iti, media relations project manager for ASU's Office of Entrepreneurship and Innovation, April 9th, 2014, "China looks to science, technology to fuel its plans for innovation-based economy" (<https://asunews.asu.edu/20140409-china-conference-outcomes>) 7/31/15 ANH

Maintaining stability in the face of rapid change and growth, and proactively partaking in cooperative global ties in science and technology fields will be key in helping China become an innovation-based economy, according to Denis Simon, vice provost for International Strategic Initiatives at Arizona State University. One of the world's leading experts on science, technology and innovation in China, Simon recently hosted an ASU conference that focused on the evolving role of science and technology in China's international relations. Supplemented with strategic investments in research and development over the last five years, a more active participation in cross-border science and technology collaboration is also allowing China to have a greater voice and more influence in setting the global agenda regarding specific focus areas on an international platform. China is becoming increasingly effective at using science and technology diplomacy to promote economic and trade cooperation, such as with its 2011 launch of the China-Africa Science and Technology Partnership Program. "In the past, China shared asymmetrical relationships with most countries, especially from the West," said Simon. "When it came to science and technology cooperation, it

was often simply the recipient of technologies as part of a very hierarchical relationship. In today's world of globally-oriented knowledge networks, we are seeing China shift away from the traditional unilateral patterns of technology transfer to establishing more bilateral, mutually beneficial patterns by strengthening its domestic innovation system. Chinese officials now understand that to get technology, you increasingly have to have some technology and related capabilities." The ASU conference featured more than 30 speakers and panelists from all over the world, including Xue Lan from China's Tsinghua University, Wang Zhongcheng from China Science and Technology Exchange Center, Liu Xielin from the Chinese Academy of Sciences, Nannan Lundin from Sweden's Global Challenge and Mark Cohen from the United States Patent and Trademark Office. The panel of experts examined a diverse array of topics, including the policies and strategies that drive China's international science and technology relations; its government-to-government relationships with specific countries; international space competition; China's role in climate change and clean energy; changing patterns of technology transfer to and from China; and China's evolving role in the global intellectual property regime. The conference also looked at the role of China's returning scientists and engineers, many of whom have graduate degrees from North America and Europe. These returnees have the potential to play a catalytic role as China tries to improve its research and development infrastructure. Cao Cong, a faculty member from the University of Nottingham in the United Kingdom, said that more than 1.4 million Chinese citizens living or working abroad had returned to China by the end of 2013. He noted that most returnees have focused on building institutions supporting science and technology, as well as on efforts to improve the management and funding of research and development activities. The Chinese government systematically has supported the return of its talented citizens by launching programs like The Thousand Young Talent program and the Chang Jiang Scholars Program. "However, there are a few emerging concerns," said Cao. "Researchers from China and abroad are carefully watching the role of the Chinese government in determining research productivity and culture. They are also paying close attention to China's short term versus long term research goals, the accountability of the scientific community to the public and political leadership, and the role returnees will play in pursuing excellence in research versus challenging the current system." Nannan Lundin from Global Challenge, an independent Swedish think tank, remarked that while China's rapid growth as the world's second largest economy is a source of outside admiration and national pride, it is important to ask some pointed questions. "China won't be considered an innovation economy unless it is seen as a global commercial success," Lundin said. "Not only do we need international collaboration for multidisciplinary work to overcome the gaps in basic research and new knowledge creation, but we also need to train Chinese researchers to apply their knowledge suitably to drive commercial success." "China steadily positioning itself to play a more active and important role in international science and technology affairs is a good development," said Simon. "I cannot imagine one single current global science and technology-related problem or challenge – including climate change, new energy, world health, etc. – that will not require close collaboration between China, the U.S. and the world's other major advanced countries to find real solutions." Or as Li Xin of the Ministry of Science and Technology of China said while commenting on global S&T issues, "We are not only part of the problem, but we are part of the solution too."

China Econ Terminal

Global nuclear war

Plate 3 (Tom, Professor of Communications – UCLA, Straights Times, 6-28, Lexis)

But imagine a China disintegrating - on its own, without neo-conservative or Central Intelligence Agency prompting, much less outright military invasion - because the economy (against all predictions) suddenly collapses. That would knock Asia into chaos. A massive flood of refugees would head for Indonesia and other places with poor border controls, which don't want them and can't handle them; some in Japan might lick their lips at the prospect of World War II Revisited and look to annex a slice of China. That would send Singapore and Malaysia - once occupied by Japan - into nervous breakdowns. Meanwhile, India might make a grab for Tibet, and Pakistan for Kashmir. Then you can say hello to World War III, Asia-style. That's why wise policy encourages Chinese stability, security and economic growth - the very direction the White House now seems to prefer.

--- CCP Lash Out Debate ---

Ext: China Econ Decline → CCP Lash Out

Chinese economic collapse causes lash out and global conflict

Chang 14 Gordon, Distinguished Senior Fellow at the Gatestone Institute, April 16th, 2014, "China on the Edge" (<http://www.gatestoneinstitute.org/4269/china-on-the-edge>) 7/31/15 ANH

There is something very wrong in China at the moment. China, I believe, has just passed an inflection point. Until recently, everything was going its way. Now, however, it seems all its problems are catching up with the Chinese state at the same time. The country has entered an especially troubling phase, and **we have to be concerned that Beijing—out of fundamental weakness and not out of strength—will lash out and shake the world.** So what happened in the past decade? To understand China's new belligerent external policies, we need to look inside the country, and we might well start with the motor of its rise: its economy. Everyone knows China's growth is slowing. Yet what is not obvious is that it is slowing so fast that the economy could fail. The Chinese economy almost failed in June. There were extraordinary events that month including two waves of bank defaults. The Industrial and Commercial Bank of China, the country's largest bank—the world's largest bank—was obviously in distress: it even had to shut down its ATMs and online banking platforms to conserve cash. The Bank of China, the country's third-largest lender, was also on the edge of default. There was panic in China in June, but central government technocrats were able to rescue the economy by pouring even more state money into "ghost cities" and high-speed-rail-lines-to-nowhere. Doing so created gross domestic product—economic output—but that was the last thing Beijing should have been doing at that—or this—moment. China, at every level of government, is funding all its construction with new debt. You think America has a debt problem; China's is worse. As one economist told us recently, every province in China is a Greece. China, after the biggest boom in history, is heading into what could end up as the biggest debt crisis in history. This is not a coincidence. Soon, there must be a reckoning because the flatlined economy is not able to produce sufficient growth to pay back debt. If we ignore official statistics and look at independent data—such as private surveys, corporate results, and job creation numbers—we see an economy that cannot be expanding in the high single digits as Beijing claims. How fast is the country really growing? In 2012—the last year for which we have a full set of employment statistics—the number of jobs in China increased 0.37% over 2011. This indicates that China could not have grown by more than 2.0% In 2013's third quarter, preliminary surveys show the number of jobs decreased 2.5% from Q3 in 2012 and 4.0% from Q2 2013. That is an indication that China's economy has already begun to contract both year-on-year and quarter-on-quarter. And why are China's severe economic problems relevant to us? Because for more than three decades the Communist Party has primarily based its legitimacy on the continual delivery of prosperity. And without prosperity, the only remaining basis of legitimacy is nationalism. Naval Marines of China's People's Liberation Army. (Image source: U.S. Marine Corps) The People's Liberation Army, which is configuring itself to fight the United States, is the embodiment of that nationalism. China's militant nationalism is creating friction in an arc of nations from India in the south to South Korea in the north. Let us focus on the Philippines and Japan. Nearly two years ago, Chinese vessels surrounded and seized Scarborough Shoal from the Philippines. Washington, not wanting to antagonize Beijing and hoping to avoid a confrontation, did nothing to stop the Chinese taking over the shoal despite our mutual defense treaty with Manila. The Chinese, however, were not satisfied with their seizure. They are now pressuring Second Thomas Shoal and other Philippine territory, also in the South China Sea. Beijing claims about 80% of that critical body of international water as an internal Chinese lake. As soon as the Chinese took Scarborough, they began to increase pressure on Japan's Senkaku Islands in the East China Sea. The barren outcroppings are claimed and administered by Japan, but Beijing, which calls them the Diaoyus, claims them as well. As a matter of international law, the claim of the People's Republic is weak—Beijing acknowledged they were Japanese until 1971, when it first asserted sovereignty over them. Yet the weakness of the claim is not the problem. Many countries pursue weak territorial claims. The problem is China's tactics. Beijing is using forceful tactics to try to take the Senkakus, regularly sending its ships into Japanese territorial waters surrounding the islands and sometimes flying planes into Japanese airspace there. Many people ask why the Japanese should care about eight barren outcroppings. The reason is that the Chinese are acting like classic aggressors. They were not satisfied with Scarborough, so they ramped up pressure on the Senkakus. They will not be happy with just the Senkakus. Chinese policymakers—and state media—are now arguing that Beijing should claim Okinawa and the rest of the Ryukyu chain. And recently, Beijing expanded its Air-Defense Identification Zone to include airspace over Japan's sovereign territory, a clearly hostile act and one that can lead to conflict. There has been a noticeable increase in the

tempo of China's territorial incursions during the last year. This uptick has generally coincided with the elevation of Xi Jinping as China's new ruler in November 2012. Of course, we all want to understand what is going on inside Beijing's political circles and what is causing this new aggressiveness. There are two theories. First, some think Xi Jinping has quickly consolidated control and that he is really an ardent nationalist, that he is the one pushing the military to act aggressively. There is some support for this conclusion because it has been repeatedly reported that he is personally directing Beijing's hostile campaign to take the Senkakus. Even some in the Xi-is-strong camp acknowledge the incompleteness of the leadership transition, however. For instance, Kenneth Lieberthal of Brookings, who is one of Xi's defenders, believes that the new leader is a domestic reformer but cannot get on the wrong side of the ugly nationalism the Party has fostered in the past. Lieberthal believes Xi is allowing the military to engage in provocative behavior so that he will have the political capital to push through economic reforms at home. Second, others, including me, believe the transition has not been completed. More than Lieberthal, I see a weak leader who does not control the military. People who share this view, which is a minority one, are concerned that flag officers are either making their own policies independently of China's civilian leaders, or essentially telling civilian leaders what policies they will adopt. In short, I believe we should be careful speaking of "Beijing this" or "Beijing that," but should be looking instead at the factional messiness inside the Communist Party and realizing that the People's Liberation Army is now the Party's most powerful faction. Xi Jinping has, in fact, no faction of his own. People say he heads the "Princelings," but that term merely describes sons and daughters of either former leaders or high officials. These offspring have views that span the political spectrum and do not form a cohesive group. Xi became China's supreme leader because he appealed to all factions, in large part because he had no faction. He was, in short, the least unacceptable candidate. And because he still has no identifiable faction, he cannot afford to offend the generals and admirals, who, in my view have been driving the bus for some time. Some political analysts even joke that the military is now Xi Jinping's faction. In any event, China's external policies are of deep concern. It is not just that Beijing is hostile; its foreign policy now makes little sense. In the past, Beijing threw tantrums and even started wars when it wanted to punish a neighbor. Chinese leaders were always smart enough to direct their anger at just one or two targets to make sure they got what they wanted. And many times they were successful. Today, Beijing is taking on many others, all at the same time, especially countries to its south and its east and the United States. How many adversaries does a country need? The Party is lashing out, and that is not a good sign. If nothing else, it betrays a lack of strategic thinking. It is not promoting worldwide revolution, as it did in the early years of the People's Republic, but it is trying to upend the existing international order, something that Mao also attempted. So we have to be prepared to face the fact that China is no longer a status quo power. Is China really going back to its Maoist origins? On the face of it, this sounds absurd. Almost everybody believes China has left its past forever, but that belief does not accord with the facts. The Chinese political system, thanks to Xi Jinping, is now going on a bender, with his Maoist and Marxist "mass line" campaigns, one right after the other; his prolonged attack on civil society; and his new movement promoting "ideological purification." If the dominant view is correct—that Xi Jinping is now firmly in control of China—it means that he must really believe in his extremist positions. Either way, Xi is roiling Chinese politics at the moment. For one thing, he is purging political opponents under the guise of a crackdown on corruption. One of these probes, against Zhou Yongkang, breaks the most sacred rule of Chinese communist politics. To heal the Party's grievous wounds caused by Mao Zedong's decade-long Cultural Revolution, leaders in the early part of the 1980s, after the trial of the Gang of Four, decided that no member or former member of the Politburo Standing Committee could be investigated. Those at the apex of political power were immune from prosecution. The theory was that if leaders knew they would not be hunted down, as they were in the Cultural Revolution, they would be willing to withdraw gracefully after losing political struggles. In other words, Deng Xiaoping, Mao's crafty successor, reduced the incentive for political figures to fight to the end and, as a result, tear the Communist Party apart. Xi Jinping, however, is reversing the process and upping the stakes, something evident in the tribulations of Mr. Zhou, the former internal security chief, as well as the more famous Bo Xilai, once China's most openly ambitious politician, who is now serving a life term after an incompetently run show trial last August. The widespread use of criminal penalties is a sign that China is returning to a period that many thought was long past. Last year, then Premier Wen Jiabao warned that China could descend into another Cultural Revolution. Observers at the time thought he was being melodramatic. He probably was not. China is on the edge, taking wrong turns at the moment. Most foreign policy establishments in Washington and other capitals are doing their best to ignore what is happening in Beijing. They have always hoped that China could become a partner for the U.S., rather than another Soviet Union or, worse, a 1930s Germany or Japan. And this leads us to the central question in Sino-U.S. ties today: How are we going to develop good relations with a China that, out of weakness or strength, is roiling the world? Almost everyone says we need to talk to the Chinese because we talked to the Soviets. Talking, the argument goes, will build good relations or, at the very least, will avoid miscommunications and misunderstandings. The argument sounds compelling. After all, who can be against good relations? Who can be in favor of miscommunication and misunderstanding? Since the early 1970s, however, the U.S. has talked to China in every conceivable format, formal and informal, bilateral and multilateral, secret and announced. Discussions have been held in Washington and Beijing and many places in between. There have been state visits, the Strategic and Economic Dialogues, and even the "shirtsleeves summit" in southern California in June. During the previous administration, the number of ongoing bilateral forums between China and the U.S. reached fifty. Today, there are about 90 of them. Yet as the interactions between American and Chinese officials have increased dramatically during the Obama administration and the last one, ties between the two nations have remained strained. Obviously something is wrong. We have talked about what is wrong in China. We also need to think about what is wrong on our side. There are three things we are getting wrong. First, we do not understand how the Chinese think. We fervently

believe that if we try hard enough, the Chinese will have to respond in kind. This is a product of our reasoning that we are people, the Chinese are people, we respond to gestures of friendship, so the Chinese will respond favorably to our friendly gestures. By now we should have learned that this line of reasoning, which has a surface logic to it, is faulty because it has not in fact produced good outcomes. Chinese leaders do not distrust us because they have insufficient contact with us. They distrust us because they see themselves as the protector of an ideology threatened by free societies. The mistrust is inherent in their one-party state. It can never be relieved as long as the Communist Party remains in power. As Ronald Reagan taught us, the nature of regimes matters. In short, illiberal regimes cannot maintain enlightened foreign policies, at least over the long term. So we should not be surprised that China cannot compromise or maintain good relations with its neighbors, the international community, with us. The second thing we get wrong about China is that we believe that it is safe to ignore periodic Chinese threats to incinerate our cities and wage war on us, like the reports that appeared in state media in October 2013 boasting how Chinese submarines can launch missiles with nuclear warheads that can kill tens of millions of Americans. These are real threats and every time we fail to respond to them, the concept of deterrence erodes. Already, Shen Dengli of Fudan University in Shanghai tells us, in public, that we have "no guts" to stand up to China. Bad things happen when your adversary does not respect you. The third thing we get wrong about China is that we think it is inadvisable to call the Chinese out in public. In 2012, for instance, we learned that the Chinese military sold the North Koreans at least six transporter-erector-launchers—TELS—for their newest missile, the KN-08. And we said nothing to the Chinese in public. Why is that omission important? Because we are not that concerned at this moment with North Korea's longest-range launchers being used as weapons. These launchers take weeks to transport, assemble, fuel, and test. We can destroy them on the pad. We are, however, concerned about the nuclear-capable, road-mobile KN-08, which can hide and shoot. We should remember that the Pentagon last March cited the KN-08 as one of the principal reasons for going ahead with 14 additional ground-based interceptors in Alaska and California. So Beijing substantially increased North Korea's ability to wage nuclear war on us, and we acted as if it did not matter. Personally speaking, not offending the Chinese is low on my list of priorities. And our bashfulness has other consequences. The Chinese, with justification, complain that we are not being transparent with them about the "pivot." We keep on saying that the pivot has nothing to do with them, yet we are rotating B-52s through Australia and B-52s and B-2s through Guam and the Chinese have to be asking what that is all about. We need to be able to say, in public and in clear tones, that the pivot is all about them, that the pivot is about ensuring peace and stability in the region and they are the ones threatening it. If we cannot say those things clearly, the Chinese will think we are afraid of them. If they think we are afraid of them, they will act accordingly. I repeat: bad things happen when your adversary does not respect you. Let me put all that we have just talked about into context. Chinese leaders, it is true, have not launched a large-scale invasion since 1979. Instead, they employ salami-slicing tactics, to grab territory in increments, so that they do not invite retaliation. For instance, they successfully salami-sliced Scarborough Shoal. The Chinese were not the first to use this clever stratagem. We actually know where they learned this because the Chinese were the victims of these same tactics. The hardline Japanese military in the 1930s kept grabbing chunks of northeastern China. The Chinese then were continually pushed back and humiliated. In the second half of 1937, there was a feeling in Chinese circles that, although Nationalist forces were no match for Japan's, Chiang Kai-shek had no choice but to fight back. Chiang ultimately made his stand after Japanese soldiers fired on his troops in July of that year in a minor—and undoubtedly accidental—scrap at the Marco Polo Bridge, a few miles southwest of what is now the Chinese capital. This is, of course, a lesson for us today. The parallels between then and now are striking. Then, the Japanese military, like the Chinese military today, was emboldened by success and was ultra-nationalist. Then, like now, civilians controlled Asia's biggest army only loosely. Then, the media publicized the idea that Japan was being surrounded by hostile powers that wished to prevent its rise. That is exactly what the Communist Party says today about China. Instead of ignoring Beijing's current salami tactics, as Washington does, we should be alive to the fact that countries on China's periphery, pushed to the limit by Beijing's unrelenting belligerence, could very well be forced into the same decision that Chiang Kai-shek made in 1937, to resist aggression with force of arms. Let us all remember, World War II started not on the plains of Europe in 1939 but near Beijing two years before. We live in an era defined by the absence of major war, but this peace may not last. At this moment, we do not know whether a Chinese political system in turmoil will drive the country to become the aggressor of the 21st century, but we should be prepared. We live in consequential times.

Economic decline causes CCP collapse.

Cheng 9. [Li, research director and senior fellow at the Brookings Institution's John L. Thornton China Center, "China's Team of Rivals" Foreign Policy -- March 1 -- www.foreignpolicy.com/articles/2009/02/16/china_s_team_of_rivals]

The two dozen senior politicians who walk the halls of Zhongnanhai, the compound of the Chinese Communist Party's leadership in Beijing, are worried. What was inconceivable a year ago now threatens their rule: an economy in freefall. Exports, critical to China's searing economic growth, have plunged. Thousands of factories and businesses, especially those in the prosperous coastal regions, have closed. In the last six months of 2008, 10 million workers, plus 1 million new college graduates, joined the already gigantic ranks of the country's unemployed. During the same period, the Chinese stock market lost 65 percent of its value, equivalent to \$3 trillion. The crisis, President Hu Jintao said recently, "is a test of our ability to control a complex situation, and also a test of our party's governing ability." With this rapid downturn, the Chinese Communist Party suddenly looks vulnerable. Since Deng Xiaoping initiated economic reforms three decades ago,

the party's legitimacy has relied upon its ability to keep the economy running at breakneck pace. If China is no longer able to maintain a high growth rate or provide jobs for its ever growing labor force, massive public dissatisfaction and social unrest could erupt. No one realizes this possibility more than the handful of people who steer China's massive economy. Double-digit growth has sheltered them through a SARS epidemic, massive earthquakes, and contamination scandals. Now, the crucial question is whether they are equipped to handle an economic crisis of this magnitude—and survive the political challenges it will bring. This year marks the 60th anniversary of the People's Republic, and the ruling party is no longer led by one strongman, like Mao Zedong or Deng Xiaoping. Instead, the Politburo and its Standing Committee, China's most powerful body, are run by two informal coalitions that compete against each other for power, influence, and control over policy. Competition in the Communist Party is, of course, nothing new. But the jockeying today is no longer a zero-sum game in which a winner takes all. It is worth remembering that when Jiang Zemin handed the reins to his successor, Hu Jintao, in 2002, it marked the first time in the republic's history that the transfer of power didn't involve bloodshed or purges. What's more, Hu was not a protégé of Jiang's; they belonged to competing factions. To borrow a phrase popular in Washington these days, post-Deng China has been run by a team of rivals. This internal competition was enshrined as party practice a little more than a year ago. In October 2007, President Hu surprised many China watchers by abandoning the party's normally straightforward succession procedure and designating not one but two heirs apparent. The Central Committee named Xi Jinping and Li Keqiang—two very different leaders in their early 50s—to the nine-member Politburo Standing Committee, where the rulers of China are groomed. The future roles of these two men, who will essentially share power after the next party congress meets in 2012, have since been refined: Xi will be the candidate to succeed the president, and Li will succeed Premier Wen Jiabao. The two rising stars share little in terms of family background, political association, leadership skills, and policy orientation. But they are each heavily involved in shaping economic policy—and they are expected to lead the two competing coalitions that will be relied upon to craft China's political and economic trajectory in the next decade and beyond.

Chinese governmental instability causes CCP lash-out with WMD that kills billions

Rexing 5 (San, Staff – Epoch Times, The CCP's Last Ditch Gamble: Biological and Nuclear War, 8-5, <http://english.epochtimes.com/news/5-8-5/30975.html>)

Since the Party's life is "above all else," it would not be surprising if the CCP resorts to the use of biological, chemical, and nuclear weapons in its attempt to extend its life. The CCP, which disregards human life, would not hesitate to kill two hundred million Americans, along with seven or eight hundred million Chinese, to achieve its ends. These speeches let the public see the CCP for what it really is. With evil filling its every cell the CCP intends to wage a war against humankind in its desperate attempt to cling to life. That is the main theme of the speeches. This theme is murderous and utterly evil. In China we have seen beggars who coerced people to give them money by threatening to stab themselves with knives or pierce their throats with long nails. But we have never, until now, seen such a gangster who would use biological, chemical, and nuclear weapons to threaten the world, that they will die together with him. This bloody confession has confirmed the CCP's nature: That of a monstrous murderer who has killed 80 million Chinese people and who now plans to hold one billion people hostage and gamble with their lives.

--- China/Asian War Debate ---

China Growth Good

Chinese growth solves nuclear wars in Taiwan, Korea, and South Asia

Chen 1 (Shuxen, RAND Corp, China the United States and The Global Economy)

Indeed, U.S.-Chinese relations have been consistently driven by strong common interests in preventing mutually damaging wars in Asia that could involve nuclear weapons; in ensuring that Taiwan's relations with the mainland remain peaceful; in sustaining the growth of the U.S., China, and other Asian-Pacific economies; and, in preserving natural environments that sustain healthy and productive lives. What happens in China matters to Americans. It affects America's prosperity. China's growing economy is a valuable market to many workers, farmers, and businesses across America, not just to large multinational firms like Boeing, Microsoft, and Motorola, and it could become much more valuable by opening its markets further. China also affects America's security. It could either help to stabilize or destabilize currently peaceful but sometimes tense and dangerous situations in Korea, where U.S. troops are on the front line; in the Taiwan Straits, where U.S. democratic values and strategic credibility may be at stake; and in nuclear-armed South Asia, where renewed warfare could lead to terrible consequences. It also affects America's environment. Indeed, how China meets its rising energy needs and protects its dwindling habitats will affect the global atmosphere and currently endangered species. Yet, China's leadership, preoccupied with preserving its own power, lacks a convincing vision of China's future. While we do not know whether China will rise to the challenge and prosper, or stagnate and falter, Americans have a great stake in China's successful reform. That is why they have an interest in China's acceding to the WTO, opening it to the global economy, and strengthening its compliance with international rules and norms.

2NC Asian War Outweighs

The impact is the most probable scenario for global nuclear war

Dibb 1. (Paul, Prof – Australian National University, Strategic Trends: Asia at a Crossroads, Naval War College Review, Winter, <http://www.nwc.navy.mil/press/Review/2001/Winter/art2-w01.htm>)

The areas of maximum danger and instability in the world today are in Asia, followed by the Middle East and parts of the former Soviet Union. The strategic situation in Asia is more uncertain and potentially threatening than anywhere in Europe. Unlike in Europe, it is possible to envisage war in Asia involving the major powers: remnants of Cold War ideological confrontation still exist across the Taiwan Straits and on the Korean Peninsula; India and Pakistan have nuclear weapons and ballistic missiles, and these two countries are more confrontational than at any time since the early 1970s; in Southeast Asia, Indonesia—which is the world's fourth-largest country—faces a highly uncertain future that could lead to its breakup. The Asia-Pacific region spends more on defense (about \$150 billion a year) than any other part of the world except the United States and Nato Europe. China and Japan are amongst the top four or five global military spenders. Asia also has more nuclear powers than any other region of the world. Asia's security is at a crossroads: the region could go in the direction of peace and cooperation, or it could slide into confrontation and military conflict. There are positive tendencies, including the resurgence of economic growth and the spread of democracy, which would encourage an optimistic view. But there are a number of negative tendencies that must be of serious concern. There are deep-seated historical, territorial, ideological, and religious differences in Asia. Also, the region has no history of successful multilateral security cooperation or arms control. Such multilateral institutions as the Association of Southeast Asian Nations and the ASEAN Regional Forum have shown themselves to be ineffective when confronted with major crises.

2NC: US-China War = Existential Threat

US-China war causes extinction – existential risk outweighs.

Wittner 11 (11/30/11 Dr. Lawrence, Prof of History Emeritus at SUNY Albany, "Is a Nuclear War with China Possible?")

But what would that "victory" entail? An attack with these Chinese nuclear weapons would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a "nuclear winter" around the globe -- destroying agriculture, creating worldwide famine, and generating chaos and destruction. Moreover, in another decade the extent of this catastrophe would be far worse. The Chinese government is currently expanding its nuclear arsenal, and by the year 2020 it is expected to more than double its number of nuclear weapons that can hit the United States. The U.S. government, in turn, has plans to spend hundreds of billions of dollars "modernizing" its nuclear weapons and nuclear production facilities over the next decade.

Turns US Econ

Chinese economic decline tanks the US economy

Manning and Garrett 13. [Robert A., Senior Fellow in the Brent Scowcroft Center on International Stability, Banning, Strategic Foresight Senior Fellow for Global Trends Strategic Foresight Initiative, “Does Beijing Have a Strategy? China’s Alternative Futures” Atlantic Council -- March 19 -- <http://www.acus.org/publication/does-beijing-have-strategy-chinas-alternative-futures>]

The United States needs to avoid schadenfreude as China faces increasing difficulties in the future and recognize that US interests are best served by a successful, not failing, China and that a successful China is more likely to eschew extreme nationalism in favor of bilateral and global cooperation with the United States. China experiencing a sharp economic decline and resulting political and social instability, would likely have a devastating effect on the global economy and on international stability and security. In short, hoping for or seeking to promote failure or a sharp decline in China’s fortunes could lead to mutual assured economic destruction as well as to global governance gridlock in the face of mounting global challenges threatening the prosperity and security of China, the United States and all other nations.

--- China Relations Impacts ---

I/L: Competition Jacks Relations

Increased economic competition between the US and China decks relations.

Bremmer and Feigenbaum 11 Ian, political scientist specializing in foreign policy, and Evan, senior associate in the Asia program at the Carnegie Endowment for International Peace, April 1st, 2011, “Watch Out for Rising US-China Competition” (<https://hbr.org/2011/04/watch-out-for-rising-us-china>) 7/31/15 ANH

Conventional wisdom says that when it comes to U.S.-China relations, commerce plays a stabilizing role, giving both sides a reason to work together. But **in the next few years, commercial ties between the two countries will almost certainly become more competitive and could even disrupt the relationship.** That’s because **China wants to become a leader in just the kinds of technology sectors that have traditionally given the U.S. a global edge. The result will be increased competition between the two countries** — within China and globally — **and a deepening unease on both sides.** China has made no secret of its goals. Even though the country emerged from the global crisis stronger than nearly every other major economy, Premier Wen Jiabao reiterated last month that its current economic-growth model, based on low-cost manufacturing and overinvestment, is “unbalanced, unstable, uncoordinated, and unsustainable.” Instead, **China is set on developing higher-value-added and technology-intensive industries.** And its huge capacity to mobilize domestic capital gives it the **power to do so. For many U.S. firms, the first battleground will be within China, where there is already significant competition between foreign and local companies for market share.** A 2010 survey by the American Chamber of Commerce in China found that 38% of U.S. companies feel unwelcome in the Chinese market, up from 23% just two years earlier. And it’s a sentiment that extends beyond technology companies, like Google, into the manufacturing sector. Numerous companies now complain about a host of issues, from intellectual property theft to nontariff barriers to aspects of China’s regulatory regime. **There is fear among U.S. firms that if China can quickly produce substitutable (but cheaper) products, foreign companies in China will be marginalized.** But the next battleground will be the global marketplace for sophisticated technologies. In some sectors, such as high-speed rail, China is already a leader, largely because it demanded technology as the price for domestic market access. China is a preferred partner in that sector for Argentina, for example. China also is globally competitive in solar energy — California has been a big market for its solar panels. Other sectors to watch include aircraft, nuclear power, electric vehicles, and electronics. These trends have had political consequences in both countries. **The once-solid coalition of U.S. businesses and officials that helped to achieve permanent normal trading status for China is stressed and fraying.** And in China, the exporters, bankers, and political leaders who had coalesced around trade-related issues are increasingly at odds. Multinationals are adapting quickly to changes in the landscape. Some, such as Boeing, are seeking to move technology frontiers faster than China can breach them. Others, such as Apple, are separating production and basic design from more complex and essential aspects of design. Apple manufactures everything from iPods to iPads in China but retains its essential design processes in Cupertino, California. Still other companies will aim to involve Chinese partners in the innovation process — for instance, through joint research and development activities and facilities. There’s some evidence that as China becomes a producer as well as a consumer of intellectual property, Chinese companies will increasingly cooperate with foreign multinationals on the basis of shared, rather than sole, advantage. For example, China’s private national champion BYD has struck up a partnership with Daimler to develop alternative-energy vehicles. And Chinese national oil companies are in or are seeking partnerships with international oil companies — first, to acquire technology; second, to share risks in an increasingly risky world; and, third, to connect to new skills and industry practices. Such collaboration may help to redefine at least some U.S.-Chinese corporate partnerships. But **the overall trend will be one of increased tension in the superpowers’ commercial relationship, now that China is aiming squarely at the heart of U.S. advantage.**

Circumvention DA Michigan 7

Yes Circumvention

1NC – plan circumvented

Reforms are not possible—the plan will be circumvented

Greenwald 2014 (Glenn [Constitutional lawyer- patriot]; CONGRESS IS IRRELEVANT ON MASS SURVEILLANCE. HERE'S WHAT MATTERS INSTEAD; Nov 19;

<https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/>; kdf)

All of that illustrates what is, to me, the most important point from all of this: the last place one should look to impose limits on the powers of the U.S. government is . . . the U.S. government. Governments don't walk around trying to figure out how to limit their own power, and that's particularly true of empires. The entire system in D.C. is designed at its core to prevent real reform. This Congress is not going to enact anything resembling fundamental limits on the NSA's powers of mass surveillance. Even if it somehow did, this White House would never sign it. Even if all that miraculously happened, the fact that the U.S. intelligence community and National Security State operates with no limits and no oversight means they'd easily co-opt the entire reform process. That's what happened after the eavesdropping scandals of the mid-1970s led to the establishment of congressional intelligence committees and a special FISA "oversight" court—the committees were instantly captured by putting in charge supreme servants of the intelligence community like Senators Dianne Feinstein and Chambliss, and Congressmen Mike Rogers and "Dutch" Ruppberger, while the court quickly became a rubber stamp with subservient judges who operate in total secrecy. Ever since the Snowden reporting began and public opinion (in both the U.S. and globally) began radically changing, the White House's strategy has been obvious. It's vintage Obama: Enact something that is called "reform"—so that he can give a pretty speech telling the world that he heard and responded to their concerns—but that in actuality changes almost nothing, thus strengthening the very system he can pretend he "changed." That's the same tactic as Silicon Valley, which also supported this bill: Be able to point to something called "reform" so they can trick hundreds of millions of current and future users around the world into believing that their communications are now safe if they use Facebook, Google, Skype and the rest. In pretty much every interview I've done over the last year, I've been asked why there haven't been significant changes from all the disclosures. I vehemently disagree with the premise of the question, which equates "U.S. legislative changes" with "meaningful changes." But it has been clear from the start that U.S. legislation is not going to impose meaningful limitations on the NSA's powers of mass surveillance, at least not fundamentally. Those limitations are going to come from—very different places¹ Individuals refusing to use internet services that compromise their privacy. The FBI and other U.S. government agencies, as well as the U.K. Government, are apoplectic over new products from Google and Apple that are embedded with strong encryption, precisely because they know that such protections, while far from perfect, are serious impediments to their power of mass surveillance. To make this observation does not mean, as some deeply confused people try to suggest, that one believes that Silicon Valley companies care in the slightest about people's privacy rights and civil liberties.

Yes circumvention – Generic

Reform attempts just provide a veneer of legitimacy for national security officials

Glennon, 14 --- Professor of International Law at Tufts (Michael, Harvard National Security Journal, “National Security and Double Government,” <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>, JMP)

VI. Conclusion

U.S. national security policy has **scarcely changed from** the **Bush to the Obama** Administration. The theory of Walter Bagehot explains why. Bagehot described the emergence in 19th-century Britain of a “disguised republic” consisting of officials who actually exercised governmental power but remained unnoticed by the public, which continued to believe that visible, formal institutions exercised legal authority.⁶⁰¹ Dual institutions of governance, one public and the other concealed, were referred to by Bagehot as “double government.”⁶⁰² A similar process of bifurcated institutional evolution has occurred in the United States, but in reverse: a network has emerged within the federal government that **exercises predominant power with respect to national security matters**. It has evolved in response to structural incentives rather than invidious intent, and it consists of the several hundred executive officials who manage the military, intelligence, diplomatic, and law enforcement agencies responsible for protecting the nation’s security. These officials are as little disposed to stake out new policies as they are to abandon old ones. They define security more in military and intelligence terms rather than in political or diplomatic ones. Enough examples exist to persuade the public that the network is subject to judicial, legislative, and executive constraints. This appearance is important to its operation, for the network derives legitimacy from the ostensible authority of the public, constitutional branches of the government. The appearance of accountability is, however, largely an illusion fostered by those institutions’ pedigree, ritual, intelligibility, mystery, and superficial harmony with the network’s ambitions. The courts, Congress, and even the presidency in reality impose little constraint. Judicial review is negligible; congressional oversight dysfunctional; and presidential control nominal. Past efforts to revive these institutions have thus fallen flat. Future reform efforts are no more likely to succeed, relying as they must upon those same institutions to restore power to themselves by exercising the very power that they lack. External constraints—public opinion and the press—are insufficient to check it. Both are manipulable, and their vitality depends heavily upon the vigor of constitutionally established institutions, which would not have withered had those external constraints had real force. Nor is it likely that any such constraints can be restored through governmental efforts to inculcate greater civic virtue, which would ultimately concentrate power even further. Institutional restoration can come only from an energized body politic. The prevailing incentive structure, however, encourages the public to become less, not more, informed and engaged.

Yes circumvention – CIA

Limits on the CIA fail

Cushing 6/16/2015 (Tim; CIA still acting like a domestic surveillance Agency, Despite Instructions Otherwise; <https://www.techdirt.com/articles/20150616/14381731365/cia-still-acting-like-domestic-surveillance-agency-despite-instructions-otherwise.shtml>; kdf)

The ACLU has received another document dump from the government as a result of its FOIA lawsuits, with this bundle dealing with the CIA's activities. This isn't directly related to the late Friday evening doc dump announced by the Office of the Director of National Intelligence, which dealt more with the CIA's counterterrorism activities leading up to the 9/11 attacks, but there is some overlap. Most of what the ACLU is highlighting from this pile of documents is the CIA's domestic surveillance activities. Ideally -- and according to the agency's own directives -- the amount of domestic surveillance it should be performing is almost none at all. It is charged with collecting and disseminating foreign intelligence and counterintelligence. It is allowed to track certain activities of Americans abroad, but for the most part, it is not supposed to be a domestic surveillance agency. Despite this, the CIA has done so repeatedly. Back in the 70s, the Church Committee uncovered domestic surveillance by the agency, targeting anti-war activists and political dissenters, as well as multiple joint programs with the FBI that -- over the course of thirty years -- resulted in the interception and opening of millions of pieces of US first class mail. Under Executive Order 120333, the CIA's domestic powers have expanded. No one knows to what extent the CIA performs domestic surveillance thanks to heavy redactions, but it appears to be just as widespread today, thanks mainly to its connection at the FISA Court: the FBI. Although EO 12333, AR 2-2, and Annex B prohibit the agency from engaging in electronic surveillance within the United States, the CIA can nevertheless ask the FBI to do its bidding: By partnering with the FBI, the CIA has done things like collect Americans' financial records in bulk under Section 215. A just-released Annex hints at other surveillance powers as well: Annex B explains that the CIA may "use a monitoring device within the United States under circumstances in which a warrant would not be required for law enforcement purposes if the CIA General Counsel concurs." Unfortunately, other details have been redacted, so it's not clear exactly what sort of "monitoring devices" the CIA is using. It appears to believe that -- despite its foreign priorities -- it can engage in any sort of warrantless domestic surveillance US law enforcement agencies can. And it appears its domestic activities aren't all that limited. The ACLU has obtained Inspector General's reports that detail the extent of the CIA's US-focused spying activities. The heading "Intelligence Activities Conducted by CIA within the United States" is followed by "dozens" of redacted pages. so, lots of bad news for privacy and civil liberties enthusiasts, with presumably more to come once some of this heavy redaction is cleared away. On the bright side, the Privacy and Civil Liberties Oversight Board is moving towards tackling the CIA's activities under Executive Order 120333. While this may not result in sweeping changes to the agency's programs, it should at least provide more insight into its domestic activities.

The CIA circumvent the plan by outsourcing their investigations

Musgrave 6/23/15 Projects Editor at the public records intelligence site MuckRock (Shawn, "CIA can give "specialized equipment" to other agencies Domestic partnerships allowed on surveillance as long as CIA agents don't push the buttons", <https://www.muckrock.com/news/archives/2015/jun/23/cia-can-give-specialized-equipment-other-agencies-//AN>)

New Central Intelligence Agency documents shed light on the agency's authority to partner with domestic law enforcement agencies. These procedures appear to give the green light for such programs as the development of aerial cell phone trackers in collaboration with the US Marshals. Last November, the Wall Street Journal first disclosed a US Marshals surveillance program that uses cell site simulators mounted on airplanes to track down suspects on the run. In March, WSJ uncovered that the CIA is a key partner in the program, having provided millions in funding and equipment transfers to the US Marshals over more than decade. People familiar with the operation told WSJ that the program was fully functional as of 2007, and that the US Marshals currently operate Cessna aircraft equipped with "dirtbox" cell phone trackers on a regular

basis from at least five metropolitan-area airports. Officials characterized the collaboration between the US Marshals' Technical Operations Group and the CIA's Office of Technical Collection as a "marriage." A CIA spokesperson declined to confirm any specifics. Although he disputed the "marriage" description, he told WSJ that some equipment developed by the CIA "have been lawfully and responsibly shared with other U.S. government agencies." "How those agencies use that technology is determined by the legal authorities that govern the operations of those individual organizations — not CIA," the spokesperson said. Federal law bars the CIA from collecting intelligence within the borders of the United States except under particular circumstances. But internal rules and procedures published last week outline how the CIA can provide training and "specialized equipment" to domestic law enforcement agencies, such as the US Marshals. The CIA procedure documents were obtained by the American Civil Liberties Union as part of an ongoing Freedom of Information Act lawsuit in partnership with the Media Freedom Information Access Clinic at Yale Law School. In May 2013, the ACLU requested documents regarding the CIA's interpretation of Executive Order 12333, which was signed by President Reagan in 1981. The order divvies up intelligence collection responsibilities among various federal agencies and establishes oversight procedures for the intelligence community. Under EO 12333, the CIA may provide "specialized equipment, technical knowledge, or assistance of expert personnel" to other federal agencies. In emergency cases when lives are endangered, the order authorizes the CIA to give the same assistance to local law enforcement agencies. As a public executive order, the text of EO 12333 has been public since its signing. But the order requires intelligence agencies to develop more specific implementation procedures, which are approved by the Attorney General. Until their release under the FOIA lawsuit, the CIA's implementation procedures for EO 12333 remained secret. Beyond joint actions to protect its intelligence personnel and to investigate foreign spying, terrorism, or narcotics activity, Agency Regulation 2-2 dictates that the CIA's Office of General Counsel must approve all partnerships with domestic law enforcement agencies. The newly released regulation's wording mirrors that of EO 12333's provision of "specialized equipment, technical knowledge, or assistance of expert personnel" to federal agencies, and to local law enforcement under emergency conditions. The CIA regulation also allows agents to provide "generalized training" to law enforcement personnel, whether for federal, state or local agencies. Such "specialized equipment" appears to include cell site simulators and other technologies that help law enforcement to track or locate mobile devices. The CIA did not return a request for confirmation as to whether the agency relies on these provisions for its collaboration with the US Marshals. The CIA thus has the authority to train other law enforcement agencies on surveillance techniques for domestic deployment. The CIA can provide the buttons and show which ones to press, but only so long as their agents aren't pushing the buttons themselves. Under a dedicated section of the regulations, CIA agents may assist other law enforcement agencies with electronic surveillance abroad. A separate annex which governs CIA activities within US borders bars agents from directly participating in "the collection of raw information" in domestic operations. But the definition of "electronic surveillance" as found in EO 12333 and the CIA regulations may not cover StingRays and other devices that law enforcement use to track cell phones. Under the executive order, electronic surveillance is "acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication [...]" but not including the use of radio direction-finding equipment solely to determine the location of a transmitter." An appendix to the CIA regulations expands on this definition to encompass "telephone surveillance, microphone (audio) surveillance, and signals intelligence (SIGINT)." But the appendix definition likewise excludes "the use of radio direction finding equipment solely to determine the location of a transmitter." A StingRay might qualify as "radio direction finding equipment," and so fall outside the CIA's proscription against electronic surveillance on US soil. Other agencies such as the FBI, on the other hand, classify cell site simulators as an electronic surveillance tool. Similarly, the regulations detail how, if the general counsel signs off, CIA agents may use "monitoring devices" within the United States "under circumstances in which a warrant would not be required for law enforcement purposes." The heavily redacted definition in the CIA appendix hardly helps to clarify whether cell site simulators qualify as monitoring devices. If the CIA does consider StingRays to fall within the "monitoring device" moniker, the question remains whether agency lawyers consider their deployment to require a warrant. Justice Department lawyers held for more than a decade that no warrant was necessary to use a StingRay, and only recently did the FBI begin to seek warrants for cell site simulator deployments. Here, again, the regulations and other documents released by the CIA don't provide definitive answers. MuckRock is seeking additional documents on the CIA's partnership with the US Marshals on aerial cell site simulator technology.

Empirically this has happened with the NYPD

Apuzzo and Goldman 2011 are Pulitzer Prize-winning American journalist for the New York Times and Washington Post (Matt and Adam, "With CIA help, NYPD moves covertly in Muslim areas", [//AN">http://www.ap.org/Content/AP-In-The-News/2011/With-CIA-help-NYPD-moves-covertly-in-Muslim-areas\)//AN](http://www.ap.org/Content/AP-In-The-News/2011/With-CIA-help-NYPD-moves-covertly-in-Muslim-areas)

In New Brunswick, N.J., a building superintendent opened the door to apartment No. 1076 one balmy Tuesday and discovered an alarming scene: terrorist literature strewn about the table and computer and surveillance equipment set up in the next room. The panicked superintendent dialed 911, sending police and the FBI rushing to the building near Rutgers University on the afternoon of June 2, 2009. What they found in that first-floor apartment, however, was not a terrorist hideout but a command center set up by a secret team of New York Police Department intelligence officers. From that apartment, about an hour outside the department's jurisdiction, the NYPD had been staging undercover operations and conducting surveillance throughout New Jersey. Neither the FBI nor the local police had any idea. Since the terrorist attacks of Sept. 11, 2001, the NYPD has become one of the country's most aggressive domestic intelligence agencies. A months-long investigation by The Associated Press has revealed that the NYPD operates far outside its borders and targets ethnic communities in ways that would run afoul of civil liberties rules if practiced by the federal government. And it does so with unprecedented help from the CIA in a partnership that has blurred the bright line between foreign and domestic spying. Neither the city council, which finances the department, nor the federal government, which contributes hundreds of millions of dollars each year, is told exactly what's going on. The department has dispatched teams of undercover officers, known as "rakers," into minority neighborhoods as part of a human mapping program, according to officials directly involved in the program. They've monitored daily life in bookstores, bars, cafes and nightclubs. Police have also used informants, known as "mosque crawlers," to monitor sermons, even when there's no evidence of wrongdoing. NYPD officials have scrutinized imams and gathered intelligence on cab drivers and food cart vendors, jobs often done by Muslims. Many of these operations were built with help from the CIA, which is prohibited from spying on Americans but was instrumental in transforming the NYPD's intelligence unit. A veteran CIA officer, while still on the agency's payroll, was the architect of the

NYPD's intelligence programs. The CIA trained a police detective at the Farm, the agency's spy school in Virginia, then returned him to New York, where he put his new espionage skills to work inside the United States. And just last month, the CIA sent a senior officer to work as a clandestine operative inside police headquarters. While the expansion of the NYPD's intelligence unit has been well known, many details about its clandestine operations, including the depth of its CIA ties, have not previously been reported. The NYPD denied that it trolls ethnic neighborhoods and said it only follows leads. In a city that has repeatedly been targeted by terrorists, police make no apologies for pushing the envelope. NYPD intelligence operations have disrupted terrorist plots and put several would-be killers in prison. "The New York Police Department is doing everything it can to make sure there's not another 9/11 here and that more innocent New Yorkers are not killed by terrorists," NYPD spokesman Paul Browne said. "And we have nothing to apologize for in that regard." But officials said they've also been careful to keep information about some programs out of court, where a judge might take a different view. The NYPD considers even basic details, such as the intelligence division's organization chart, to be too sensitive to reveal in court. One of the enduring questions of the past decade is whether being safe requires giving up some liberty and privacy. The focus of that debate has primarily been federal programs like wiretapping and indefinite detention. The question has received less attention in New York, where residents do not know for sure what, if anything, they have given up. The story of how the NYPD Intelligence Division developed such aggressive programs was pieced together by the AP in interviews with more than 40 current and former New York Police Department and federal officials. Many were directly involved in planning and carrying out these secret operations for the department. Though most said the tactics were appropriate and made the city safer, many insisted on anonymity, because they were not authorized to speak with reporters about security matters. The story begins with one man.

Yes circumvention – Courts

Intelligence agencies will find loopholes in the plan

Rosenthal 6/12/2015 (Max J, Government's secret surveillance court may be about to get a little less secret; www.motherjones.com/politics/2015/06/usa-freedom-act-fisa-court-transparency; kdf)

"I think the transparency provisions are going to be effective for the judges who are inclined to support them and are going to be ineffective for the judges who aren't," says Steve Vladeck, a professor at American University's Washington College of Law. There are other procedural moves the government could use to limit what information is made public. The court could simply issue summaries of decisions that don't include their key parts, or the executive branch could heavily redact them. "In theory, the executive branch could comply with this part of the statute by redacting 99 percent—everything but one sentence, essentially—of an opinion," Goitein says. She admits that specific tactic is unlikely—it would be an obvious and public skirting of the law's intent—but stresses that even though the law makes important progress in disclosure, there are still many loopholes that could cut down on how much the public will get to see. "I think the history strongly suggests that the intelligence establishment will take every single little bit of rope it has," she says. "And then some."

Court's will fail

Greenwald 2014 (Glenn [Constitutional lawyer- patriot]; CONGRESS IS IRRELEVANT ON MASS SURVEILLANCE. HERE'S WHAT MATTERS INSTEAD; Nov 19; <https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/>; kdf)

3) U.S. court proceedings. A U.S. federal judge already ruled that the NSA's domestic bulk collection program likely violates the 4th Amendment, and in doing so, obliterated many of the government's underlying justifications. Multiple cases are now on appeal, almost certainly headed to the Supreme Court. None of this was possible in the absence of Snowden disclosures. For a variety of reasons, when it comes to placing real limits on the NSA, I place almost as little faith in the judiciary as I do in the Congress and executive branch. To begin with, the Supreme Court is dominated by five right-wing justices on whom the Obama Justice Department has repeatedly relied to endorse their most extreme civil-liberties-destroying theories. For another, of all the U.S. institutions that have completely abdicated their role in the post-9/11 era, the federal judiciary has probably been the worst, the most consistently subservient to the National Security State.

Yes circumvention – DEA

Agencies will they'll use state and local courts to circumvent the plan – empirics

Shackford 6/3/2015 (Scott; The DEA bypasses federal oversight to better snoop on us all; reason.com/blog/2015/06/03/the-dea-bypasses-federal-oversight-to-be; kdf)

Reason has written extensively in our coverage of police asset forfeiture about how local law enforcement agencies bypass state restrictions by turning to the Department of Justice's looser federal sharing program. Doing so allows some law enforcement agencies to keep more of the money and property they seize. It seems as though the Drug Enforcement Administration (DEA) has reversed this dynamic, all in the name of more easily snooping on people. USA Today has determined that the DEA has drastically increased its use of electronic surveillance over the past decade by deliberately bypassing its own federal oversight and turning to local prosecutors. The Department of Justice (DOJ) has tougher requirements to permit eavesdropping than states and local judges: the DEA conducted 11,681 electronic intercepts in the fiscal year that ended in September. Ten years earlier, the drug agency conducted 3,394. Most of that ramped-up surveillance was never reviewed by federal judges or Justice Department lawyers, who typically are responsible for examining federal agents' eavesdropping requests. Instead, DEA agents now take 60% of those requests directly to local prosecutors and judges from New York to California, who current and former officials say often approve them more quickly and easily. Drug investigations account for the vast majority of U.S. wiretaps, and much of that surveillance is carried out by the DEA. Privacy advocates expressed concern that the drug agency had expanded its surveillance without going through internal Justice Department reviews, which often are more demanding than federal law requires. Wiretaps — which allow the police to listen in on phone calls and other electronic communications — are considered so sensitive that federal law requires approval from a senior Justice Department official before agents can even ask a federal court for permission to conduct one. The law imposes no such restriction on state court wiretaps, even when they are sought by federal agents.

Yes Circumvention – Drones

The plan will get circumvented, they'll find other aircraft

Stanley 2015 (Jay [Senior policy analyst, ACLU speech, privacy & tech project]; What's spooky about the FBI's fleet of spy planes?; <https://www.aclu.org/blog/free-future/whats-spooky-about-fbis-fleet-spy-planes>; kdf)

Following up on a May story by the Washington Post about mysterious aircraft spotted circling over Baltimore, the Associated Press reported today that the FBI maintains a secret air force with scores of small aircraft registered with 13 front companies under apparently false names, and that these planes fly over American cities frequently. Obviously law enforcement has been using aircraft for many decades. So what's spooky about this story? Several things: **These are not your grandparents' surveillance aircraft.**

As I discussed when the Baltimore story broke, there are several very powerful mass-surveillance technologies that utilize low-circling manned aircraft, including "Dirtboxes" and persistent wide-area surveillance in which an entire 25-square mile area can be monitored, and vehicles tracked, for extended periods of time by a single camera. We need more information about the scope of surveillance these planes are being used for. The FBI told the AP that its fleet was "not equipped, designed or used for bulk collection activities or mass surveillance." We are glad to hear that—but that statement bears more interrogation. For example the AP reports that the FBI "occasionally" uses Dirtboxes (aka "IMSI catchers" or "cell-site simulators") on the aircraft. **Those certainly qualify as mass surveillance devices.** If the FBI is only using the aircraft when it has a specific target rather than for broad fishing expeditions, that would be a good thing—but that is not the same thing as saying that data on masses of people is not being swept up. The FBI told the AP that "under a new policy it has recently begun obtaining court orders to use cell-site simulators." But we don't know what kind of "court orders" they're getting to use the devices. Rather than warrants, they may just be obtaining "pen register" orders, as we have seen done by local police in Baltimore and elsewhere. The sheer scope of the program. A 2010 federal budget document found by the AP mentions at least 115 planes in the FBI's fleet, and the FBI has flown over 100 flights over more than 30 American cities in recent weeks, the AP found. Surveillance turning inward. One trend we've seen in the last 15 years or so is a great "Turning Inward," as US surveillance capabilities originally built to spy on the Soviet Union and other overseas targets have swung inward on the American people. The FBI has a spy plane fleet, hidden behind shell companies with three-letter names and headed by ghost CEOs with signatures that don't match over time— it's all very CIA. Yet these are American cities that they're flying over. **Cessnas today, drones tomorrow.** Another thing that makes these flights spooky is the prospect that manned aircraft may soon be replaced with drones. And that will make it all the cheaper and easier to deploy these flights all the more frequently over even more American cities and towns. And unlike manned aircraft, drones may not be easy to track through web sites like flightradar24.com, which shows the manned aircraft currently in the air around the world and played a key role in uncovering the FBI's air force. It is true that under orders from President Obama the DOJ recently promulgated a privacy policy for its use of drones, but that policy is not very airtight—for example, it says DOJ agencies can't use the planes "solely for the purpose of monitoring activities protected by the First Amendment." That is good, but when agencies want to do surveillance they always claim to have other reasons so the monitoring is not "solely" for such monitoring. In the end, it doesn't make sense for drones to be subject to privacy regulations, but not manned aircraft. Manned aircraft can and do raise very real privacy concerns; for example their use in persistent wide-area surveillance, and in voyeurism incidents. But manned aircraft are not regulated today, because historically they have been expensive and their use therefore relatively rare, and their surveillance abilities well-understood and relatively limited. What this story tells us is that their use is now more widespread than we thought—and we know their surveillance capabilities are growing by leaps and bounds. Drones, by raising the prospect of endless free and easy aerial surveillance, have brought to the fore issues that already existed with manned aircraft, and new regulations designed to protect against aerial surveillance should not

distinguish between manned and unmanned aircraft. Law enforcement has been using aircraft for many decades. So what's spooky about reports of FBI fleet of low-circling planes?

Yes Circumvention – Executive

Executive will just ignore Congress and FISA typically defers to it

Bendix & Quirk, 15 --- *assistant professor of political science at Keene State College, AND **Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia (March 2015, William Bendix and Paul J. Quirk, "Secrecy and negligence: How Congress lost control of domestic surveillance," <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, JMP)

Even if Congress at some point enacted new restrictions on surveillance, **the executive might ignore the law and continue to make policy unilaterally.** The job of reviewing executive conduct would again fall to the FISA Court.⁵⁶ In view of **this court's history of broad deference to the executive**, Congress would have a challenge to ensure that legislative policies were faithfully implemented.

Executive lawyers provides the means to circumvent the plan

Shane, 12 --- Jacob E. Davis and Jacob E. Davis II Chair in Law, The Ohio State University Moritz School of Law (Peter M., Journal of National Security Law & Policy, "Executive Branch Self-Policing in Times of Crisis: The Challenges for Conscientious Legal Analysis," 5 J. Nat'l Security L. & Pol'y 507))

II. The Breakdown of Government Lawyering The military and foreign policy disasters generated by presidential unilateralism demonstrate the practical importance of maintaining a pluralist view of checks and balances. Political officials are not simply rational actors who respond with dispassionate calculation to evidence and circumstance. Facts and options are always filtered through ideological prisms. Presidentialism narrows the prism. Pluralism works to offset that filtering. Pluralism guards against too much distortion by seeking to maximize the number of meaningful institutional voices in the policy making process. Equally troubling is the risk of presidentialism to the rule of law. Even in normal times, a heavy burden falls on government attorneys in virtually every agency. Government lawyering frequently represents the exclusive avenue through which the law is actually brought to bear on decisionmaking. This professional review within the executive branch is crucial. Most government decisions are simply too low in visibility, or too diffuse in impact, to elicit judicial review or congressional oversight as ways of monitoring legal compliance. Yet, **the ideological prism of presidentialism can bend the light of the law so that nothing is seen other than the claimed prerogatives of the sitting chief executive. Champions of executive power - even skilled lawyers who should know better - wind up asserting that, to an extraordinary extent, the President as a matter of constitutional entitlement is simply not subject to legal regulation by either of the other two branches of government.** [*511] Government attorneys must understand their unique roles as both advisers and advocates. In adversarial proceedings before courts of law, it may be fine for each of two contesting sides, including the government, to have a zealous, and not wholly impartial, presentation, with the judge acting as a neutral decisionmaker. But in their advisory function, government lawyers must play a more objective, even quasi-adjudicative, role. They must give the law their most conscientious interpretation. If they fail in that task, frequently there will be no one else effectively situated to do the job of assuring diligence in legal compliance. Government lawyers imbued with the ideology of presidentialism too easily abandon their professional obligations as advisers and too readily become ethically blinkered advocates for unchecked executive power. Jack Goldsmith headed the Office of Legal Counsel (OLC) for a little less than ten months in 2003-2004. Of the work done by some government

attorneys and top officials after 9/11, he said they dealt with FISA limitations on warrantless surveillance by the National Security Agency (NSA) "the way they dealt with other laws they didn't like: they blew through them in secret based on flimsy legal opinions that they guarded closely so no one could question the legal basis for the operations." n7

He describes a 2003 meeting with David Addington, who was Counsel and later Chief of Staff to Vice President Dick Cheney, in which Addington denied the NSA Inspector General's request to see a copy of OLC's legal analysis in support of the NSA surveillance program. Before Goldsmith arrived at OLC, "not even NSA lawyers were allowed to see the Justice Department's legal analysis of what NSA was doing." n8 OLC's analysis of the legality of NSA surveillance, issued on January 19, 2006, justified the program on two grounds: the President's inherent war powers and the Authorization for Use of Military Force (AUMF). However, the AUMF did not say anything about electronic surveillance. In 1978, Congress expressly stated that no statute other than the Foreign Intelligence Surveillance Act (FISA) or Title III - the law that applies to ordinary federal criminal prosecution - provides authority for electronic surveillance by the federal government. The AUMF could supersede FISA by repealing it, but only by making the repeal explicit. An argument that the AUMF implicitly repealed FISA necessarily falls short. OLC also argued that the President had an inherent constitutional power to conduct the NSA program no matter what FISA said. According to OLC, if FISA of 1978, as amended, were read to preclude the NSA program, the statute would be unconstitutional. n9 [*512] What prompted the Justice Department to argue in this fashion? One answer might be that Justice Department lawyers are institutionally expected to advocate for the President's powers and simply adopt the most ambitious arguments consistent with appropriate standards of professional competence in legal research and analysis. However, it is not the responsibility of Justice Department lawyers to advocate for every contemplated assertion of presidential authority, no matter how far-fetched. Even in my brief period at Justice, I witnessed multiple and significant examples of Department lawyers refusing to provide analytic support for legally ill-conceived proposals for executive action. Moreover, it is difficult to make a case for the professional competence of the FISA memorandum. Although the Justice Department manages to elaborate its views in over forty pages of single-spaced and highly technical verbiage, its memorandum never confronts the enormity of the initiative it is endorsing or the power of alternative arguments. Instead, it proffers distinctions from contrary precedents that are often, in a word, silly. Even if the authors felt institutionally constrained to reach a particular bottom line, the failure to assert any principle limiting the claims being made and the too-frequent lack of rhetorical judgment in structuring their argument suggest something other than diligent lawyering was at play. What accounted for the bad arguments was political and professional pressure.

When I worked at Justice, the refusal to take positions that could not be defended by

respectable standards did not harm the lawyer. As anyone who has ever worked in an organization knows, however, informal pressure can be an extraordinarily effective method of stifling disagreement and guiding decisions in the way top management desires. We know that supervision of the process of executive branch lawyering on the NSA memorandum was significantly usurped by the Office of the Vice President. David Addington, the Vice President's Counsel, and John Yoo, then a deputy in OLC, worked together to craft a series of arguments for unprecedented claims of executive power to pursue the campaign against terrorism. n10 Jack Goldsmith reports that Addington blackballed from future advancement in the executive

branch any lawyer who dared cross swords with him. n11 The deficiencies of legal analysis of NSA surveillance were replicated in other initiatives after 9/11, including the treatment of persons

captured and suspected of aiding and abetting terrorism. The Justice Department, through OLC, produced legal opinions stating, in effect, that anyone [*513] captured in the Afghanistan campaign had few, if any, rights under U.S. or international law and certainly no rights susceptible to vindication in U.S. courts. n12 The function of these legal opinions - indeed, their obvious purpose - was to ratify a scheme of maximum license to do with the detainees whatever the military, the CIA, or any other U.S. authority might choose to do with them. The Administration's lawyering process cleared the path to

horrors at the Abu Ghraib prison and Guantanamo - crimes whose stain upon our national honor is likely to remain, for decades at least, firmly embedded in the world's collective memory, deeply undermining our image and influence abroad. It is understandable that the Administration would want some flexibility in dealing with a threat it rightly regarded as in some ways unprecedented and of very grave magnitude. And yet, to move the detainees so completely beyond the realm of normal legal process was itself a plainly risky strategy in terms of compromising international support, exposing U.S. military personnel to mistreatment, risking the honor of U.S. military culture, and weakening the fabric of international law generally in its protection of both combatants and civilians during wartime. The desire for flexibility was understandable, but not at the cost of all other values. On a number of the most important points discussed in the OLC lawyers' memoranda, the courts subsequently held them to be wrong. Contrary to OLC, the Supreme Court held that foreign detainees at Guantanamo who challenged their classification as enemy combatants were entitled to judicial review of the legality of their detention. n13 Contrary to OLC, the Court held that the Geneva Conventions protected the detainees, whether or not they strictly qualified as prisoners of war. n14 Contrary to OLC and Justice Department briefs, the Court held that the military commissions as originally constituted were not sufficiently protective of the detainees' rights to permit their use for war crimes trials. n15 On all of these questions, whether of morality, policy, or law, there were at least serious arguments to be entertained by both sides. The fact that the Administration reached incorrect conclusions is, in itself, only a limited indictment of its lawyering. Even good lawyers make mistakes, and the fact that executive branch lawyers would consistently make mistakes erring on the side of executive authority is not in itself damning. What is damning, however, is that on

critical questions - questions going to the core of national honor and identity - executive branch lawyering was not just [*514] wrong, misguided, or ethically insensitive. It was incompetent. It was so sloppy, so one-sided, and at times so laughably unpersuasive that it cannot be defended as ethical lawyering in any context. Tax advice this bad would be malpractice. Government lawyering this bad should be grounds for discharge.

--- AT: President Will Comply

The President doesn't matter --- Glennon says a double government exists and a network of officials exists within government that exercises predominant power on national security.

The President can't ensure compliance --- the national security bureaucracy firmly controls the process

Glennon, 14 --- Professor of International Law at Tufts (Michael, Harvard National Security Journal, "National Security and Double Government," <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>, JMP)

Put differently, the question whether the President could institute a complete about-face supposes a top-down policy-making model. The illusion that presidents issue orders and that subordinates simply carry them out is nurtured in the public imagination by media reports of "Obama's" policies or decisions or initiatives, by the President's own frequent references to "my" directives or personnel, and by the Trumanites own reports that the President himself has "ordered" them to do something. But true top-down decisions that order fundamental policy shifts are rare.³⁶⁹ The reality is that when the President issues an "order" to the Trumanites, **the Trumanites themselves normally formulate the order.**³⁷⁰ The Trumanites "cannot be thought of as men who are merely doing their duty. They are the ones who determine their duty, as well as the duties of those beneath them. They are not merely following orders: **they give the orders.**"³⁷¹ They do that by "entangling"³⁷² the President. This dynamic is an aspect of what one scholar has called the "deep structure" of the presidency.³⁷³ As Theodore Sorensen put it, "Presidents rarely, if ever, make decisions—particularly in foreign affairs—in the sense of writing their conclusions on a clean slate . . . [T]he basic decisions, which confine their choices, have all too often been previously made."³⁷⁴

National security bureaucracy acts independent of the President

Glennon, 14 --- Professor of International Law at Tufts (Michael, Harvard National Security Journal, "National Security and Double Government," <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>, JMP)

Sometimes, however, the Trumanites **proceed without presidential approval.** In 1975, a White House aide testified that the White House "didn't know half the things" intelligence agencies did that might be legally questionable.³⁷⁸ "If you have got a program going and you are perfectly happy with its results, why take the risk that it might be turned off if the president of the United States decides he does not want to do it," he asked.³⁷⁹ Other occasions arise when Trumanites in the CIA and elsewhere originate presidential "directives"—directed to themselves.³⁸⁰ Presidents then ratify such Trumanite policy initiatives after the fact.³⁸¹ To avoid looking like a bystander or mere commentator, the President embraces these Trumanite policies, as does Congress, with the pretense that they are their own.³⁸² To maintain legitimacy, the President

must appear to be in charge. In a narrow sense, of course, Trumanite policies are the President's own; after all, he did formally approve them.³⁸³ But the policies ordinarily are formulated by Trumanites—who prudently, in Bagehot's words, prevent "the party in power" from going "all the lengths their orators propose[]." ³⁸⁴ The place for presidential oratory, to the Trumanites, is in the heat of a campaign, not in the councils of government where cooler heads prevail.³⁸⁵

Military frames decision-making to force President to accept the policy it wants

Glennon, 14 --- Professor of International Law at Tufts (Michael, Harvard National Security Journal, "National Security and Double Government," <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>, JMP)

Presidential choice is further circumscribed by the Trumanites' ability to frame the set of options from which the President may choose— even when the President is personally involved in the decisionmaking process to an unusual degree, as occurred when President Obama determined the number of troops to be deployed to Afghanistan.⁴¹⁴ Richard Holbrooke, the President's Special Representative for Afghanistan and Pakistan, predicted that the military would offer the usual three options— the option they wanted, bracketed by two unreasonable alternatives that could garner no support.⁴¹⁵ "And that is exactly what happened,"⁴¹⁶ Nasr recalled. It was, as Secretary Gates said, "the classic Henry Kissinger model You have three options, two of which are ridiculous, so you accept the one in the middle."⁴¹⁷ The military later expanded the options— but still provided no choice. "You guys just presented me [with] four options, two of which are not realistic." The other two were practically indistinguishable. "So what's my option?" President Obama asked. "You have essentially given me one option."⁴¹⁸ **The military was "really cooking the thing in the direction that they wanted,"** he complained. "They are not going to give me a choice."⁴¹⁹

Presidential control is very limited

Glennon, 14 --- Professor of International Law at Tufts (Michael, Harvard National Security Journal, "National Security and Double Government," <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>, JMP)

This is, again, hardly to suggest that the President is without power. Exceptions to the rule occur with enough regularity to create the impression of overall presidential control. "As long as we keep up a double set of institutions—one dignified and intended to impress the many, the other efficient and intended to govern the many—we should take care that the two match nicely," Bagehot wrote.⁴²⁰ He noted that "[t]his is in part effected by conceding some subordinate power to the august part of our polity" ⁴²¹ Leadership does matter, or at least it can matter. President Obama's decision to approve the operation against Osama bin Laden against the advice of his top military advisers is a prominent example.⁴²² Presidents are sometimes involved in the decisional loops, as Bagehot's theory would predict. Overlap between Madisonians and Trumanites preserves the necessary atmospherics. Sometimes even members

of Congress are brought into the loop.⁴²³ But seldom do presidents participate personally and directly, let alone the Madisonian institutions in toto. The range of presidential choice is tightly hemmed in.⁴²⁴ As Sorensen wrote in 1981, “[e]ven within the executive branch, the president’s word is no longer final . . .”⁴²⁵ When the red lights flash and the sirens wail, it is the Trumanites’ secure phones that ring.

Yes Circumvention – FBI

FBI will circumvent the plan – empirics

Lendman 2015 (Stephen; Unconstitutional mass FBI aerial surveillance; Jun 10;
www.thesleuthjournal.com/unconstitutional-mass-fbi-aerial-surveillance/; kdf)

Free and open societies don't spy on their citizens. They don't invent phony threats as justification. America is a belligerent nation waging endless wars of aggression against invented enemies. Fear-mongering is rife. It's done to rape, ravage and destroy one country after another. It's a tactic used to scare people to believe they're safer by sacrificing fundamental freedoms. Mass surveillance is a defining rogue state characteristic. Post-9/11, government-usurped authority turned America into a police state. Big Brother watches everyone. Tuesday Senate passage of the USA Freedom Act (the renamed Patriot Act) changed little. Government intrusion into the private lives of its citizens remains largely unchanged. The only good news is that USAF slightly rolled back its intrusiveness instead of giving spy agencies more powers. History shows restrictions imposed are easily circumvented or ignored. A separate article discusses systematic FBI misuse of Patriot Act authority. Bureau secrecy and cover-up make it impossible to know the full extent of its lawlessness. It operates ad libitum with minimum oversight and accountability. One example is its mass surveillance of US citizens by drones and other aircraft. On June 2, AP reported "(s)cores of low-flying planes circling American cities..." "They're "part of a civilian air force operated by the FBI and obscured behind fictitious companies..." It's not secret. It's been reported before. In July 2013, the agency admitted using drones for domestic surveillance numerous times without court authorized warrants or other forms of oversight. At the time, deputy director Stephen D. Kelly said "(t)he FBI uses UAVs in very limited circumstances to conduct surveillance when there is a specific operational need." "Since late 2006, the FBI has conducted surveillance using UAVs in eight criminal cases and two national security cases." Former FBI director Robert Mueller admitted spying on US citizens with no "operational guidelines." Warrantless spying by any means threatens everyone. No probable cause is needed. No restraints are imposed. Constitutional protections are circumvented. Once a program is established, it takes on a life of its own. In the last decade, FBI aerial spying expanded to "civilian air force" level. In April alone, AP identified at least 50 FBI aircraft conducting more than 100 flights over urban and rural areas in 11 states. It cited a 2009 budget document indicating 115 planes, including 90 Cessna aircraft. FBI aerial spying is longstanding. Today, drones and other aircraft are equipped with high-tech cameras for close-up visual surveillance as well as technology able to monitor thousands of cell phones – a blatant breach of privacy. According to Senate Judiciary Committee chairman Charles Grassley (R. IA): "It's important that federal law enforcement personnel have the tools they need to find and catch criminals." "But whenever an operation may also monitor the activities of Americans who are not the intended target, we must make darn sure that safeguards are in place to protect the civil liberties of innocent Americans." No safeguards whatever exist – nor does Congress back up high-minded rhetoric with effective policies protecting the public from abusive government practices. Rogue agencies like the FBI, NSA, CIA, DEA and Homeland Security operate by their own rules – easily circumventing weak and ineffective restraints on their authority.

Recent Inspector General report confirms the plan gets circumvented

Lendman 2015 (Stephen; FBI Misuse of Patriot Act Authority; Jun 3;
sjlendman.blogspot.com/2015/06/fbi-misuse-of-patriot-act-authority.html; kdf)

America is a police state. The FBI is the nation's Gestapo. It's abuse of power and misconduct are longstanding. It's an instrument for systematically violating civil liberties. It's a rogue agency operating unconstitutionally. Bureau secrecy and cover-up make it impossible to know the full extent of its lawlessness. It operates with minimal oversight and accountability. A new Justice Department Office of the Inspector General (OIG) report titled "A Review of the FBI's Use of Section 215 Orders: Assessment of Progress in Implementing Recommendations and Examination of Use in 2007 - through 2009." Section 215 of the Patriot Act tramples on Bill of Rights protections. Its language is vague and deceptive. It's used to permit unconstitutional meta-data mining. It allows police state investigatory practices. It authorizes government access to "any tangible item" - including personal financial records and transactions, medical records, phone conversations, emails, other Internet use and whatever else Washington wants to monitor. FBI powers are sweeping.

They're greatly enhanced. They're used extrajudicially. Anyone can be spied on for any reason or none at all. No probable cause, reasonable grounds, or suspicions are needed. Exercising free expression makes you vulnerable. Section 215 is unconstitutional. It permits warrantless searches without probable cause. It violates First Amendment rights by mandating secrecy. It prohibits targeted subjects from telling others what's happening to them. It compromises free expression, assembly and association by authorizing the FBI to investigate anyone based on what they say, write, or do with regard to groups they belong to or associate with. It violates Fourth and Fifth Amendment protections by not telling targeted subjects their privacy was compromised. It subverts fundamental freedoms for contrived, exaggerated, or nonexistent security reasons. Section 215 powers expire on June 1 if Congress fails to extend them. So far, enough votes are lacking to do so. The battle continues. Senate Majority Leader Mitch McConnell called for another reauthorization vote on Sunday, May 31 before the provision expires. House leaders oppose re-extension. In early May, the US Second Circuit Court of Appeals struck down bulk NSA phone spying. It ruled Section 215 doesn't permit bulk collection of Americans' phone records. A three-judge panel ruled unanimously - overturning a lower court decision. It said collecting and storing meta-data "anywhere in the private sector (constitutes) an unprecedented and unwarranted contraction of the privacy expectations of all Americans." The FBI administers the law. It gets secretive virtually rubber-stamp Foreign Intelligence Surveillance Court (FISC) authorization for the NSA and itself to do so. OIG's new report discusses the FBI's egregious abuse of Section 215 powers. The 2005 Patriot Act Reauthorization required the agency to follow "minimization procedures" to limit the amount of private information collected, retained, disseminated and used - often inappropriately. The FBI failed to comply until March 2013 - nor NSA. Illegal interpretation of Section 215 persists. NSA abuse of power is notorious. The FBI concocted a set of so-called "Interim Procedures" under which it unilaterally decided it could obey its congressionally mandated procedures by declaring its preexisting duties enough. Section 215 minimization procedures in force contain vague language with lots of wiggle room permitting retention of information "necessary to understand foreign intelligence." In other words, whatever the FBI claims it needs to protect against alleged foreign threats (real or invented) is OK to collect, retain and use in whatever way the agency wishes - undermining privacy protections. The FBI, like the NSA, is a secretive agency operating unaccountably. Whatever it does is OK because nothing is done constrain it. Illegal surveillance persists out-of-control. Section 215 is a license for abuse. Secrecy hides the worst of what goes on. Even when federal courts strike down abusive practices, they persist. Agencies like the FBI and NSA operate extrajudicially. Reform is only possible by shutting them down entirely - replacing them with heavily constrained new agencies operating under strict regulations and oversight.

FBI surveillance continues even after restrictions on its activities

Fisher, 4 --- Associate Professor of Law and Director, Center for Social Justice, Seton Hall Law School (Winter 2004, Linda E., Arizona Law Review, "Guilt by Expressive Association: Political Profiling, Surveillance and the Privacy of Groups," 46 Ariz. L. Rev. 621, Lexis, JMP)

The history of the FBI and other law enforcement surveillance gives scant comfort to those engaged in lawful political and religious activities who are [*623] concerned about becoming targets of surveillance. n5 From its inception until restrictions on its activities were imposed in the mid-1970s - and even sometimes thereafter - the FBI regularly conducted politically motivated surveillance, choosing targets based on their political or religious beliefs. As part of its investigations, it compiled and widely disseminated political dossiers, engaged in warrantless searches, and disrupted the lawful First Amendment activities of a wide array of groups opposed to government policy. n6 Local police "Red Squads" did the same. n7 During the war in Vietnam, the CIA, despite restriction of its mission to foreign intelligence, also conducted domestic surveillance operations. n8 Religious groups engaged in political activity were among the targets of intelligence agency investigations. n9

Yes Circumvention – Lower Courts

Leading expert – lower courts will be ignored

Ackerman 2015 (Spencer; Fears NSA will seek to undermine surveillance reform; Jun 1; www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law;kdf)

Jameel Jaffer, the deputy legal director of the ACLU, expressed confidence that the second circuit court of appeals' decision last month would effectively step into the breach. The panel found that legal authorities permitting the collection of data "relevant" to an investigation cannot allow the government to gather data in bulk – setting a potentially prohibitive precedent for other bulk-collection programs. “We don’t know what kinds of bulk-collection programs the government still has in place, but in the past it’s used authorities other than Section 215 to conduct bulk collection of internet metadata, phone records, and financial records. If similar programs are still in place, the ruling will force the government to reconsider them, and probably to end them,” said Jaffer, whose organization brought the suit that the second circuit considered. Julian Sanchez, a surveillance expert at the Cato Institute, was more cautious. “The second circuit ruling establishes that a ‘relevance’ standard is not completely unlimited – it doesn’t cover getting hundreds of millions of people’s records, without any concrete connection to a specific inquiry – but doesn’t provide much guidance beyond that as to where the line is,” Sanchez said. “I wouldn’t be surprised if the government argued, in secret, that nearly anything short of that scale is still allowed, nor if the same Fisa court that authorized the bulk telephone program, in defiance of any common sense reading of the statutory language, went along with it.””

Yes Circumvention – NSA

The NSA will circumvent the plan

Ackerman 2015 (Spencer; Fears NSA will seek to undermine surveillance reform; Jun 1; www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law;kdf)

Privacy advocates fear the National Security Agency will attempt to weaken new restrictions on the bulk collection of Americans' phone and email records with a barrage of creative legal wrangles, as the first major reform of US surveillance powers in a generation looked likely to be a foregone conclusion on Monday. The USA Freedom Act, a bill banning the NSA from collecting US phone data in bulk and compelling disclosure of any novel legal arguments for widespread surveillance before a secret court, has already been passed by the House of Representatives and on Sunday night the Senate voted 77 to 17 to proceed to debate on it. Between that bill and a landmark recent ruling from a federal appeals court that rejected a longstanding government justification for bulk surveillance, civil libertarians think they stand a chance at stopping attempts by intelligence lawyers to undermine reform in secret. Attorneys for the intelligence agencies react scornfully to the suggestion that they will stretch their authorities to the breaking point. Yet reformers remember that such legal tactics during the George W Bush administration allowed the NSA to shoehorn bulk phone records collection into the Patriot Act. Rand Paul, the Kentucky senator and Republican presidential candidate who was key to allowing sweeping US surveillance powers to lapse on Sunday night, warned that NSA lawyers would now make mincemeat of the USA Freedom Act's prohibitions on bulk phone records collection by taking an expansive view of the bill's definitions, thanks to a pliant, secret surveillance court. "My fear, though, is that the people who interpret this work at a place known as the rubber stamp factory, the Fisa [court]," Paul said on the Senate floor on Sunday. Paul's Democratic ally, Senator Ron Wyden, warned the intelligence agencies and the Obama administration against attempting to unravel NSA reform. "My time on the intelligence committee has taught me to always be vigilant for secret interpretations of the law and new surveillance techniques that Congress doesn't know about," Wyden, a member of the intelligence committee, told the Guardian. "Americans were rightly outraged when they learned that US intelligence agencies relied on secret law to monitor millions of law-abiding US citizens. The American people are now on high alert for new secret interpretations of the law, and intelligence agencies and the Justice Department would do well to keep that lesson in mind." The USA Freedom Act is supposed to prevent what Wyden calls "secret law". It contains a provision requiring congressional notification in the event of a novel legal interpretation presented to the secret Fisa court overseeing surveillance. Yet in recent memory, the US government permitted the NSA to circumvent the Fisa court entirely. Not a single Fisa court judge was aware of Stellar Wind, the NSA's post-9/11 constellation of bulk surveillance programs, from 2001 to 2004.

Yes circumvention – K Card

Scare tactics will be used to stifle debate – turns their framework args

Greenwald 2014 (Glenn [Constitutional lawyer- patriot]; CONGRESS IS IRRELEVANT ON MASS SURVEILLANCE. HERE'S WHAT MATTERS INSTEAD; Nov 19;

<https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/>; kdf)

The “USA Freedom Act”—which its proponents were heralding as “NSA reform” despite its suffocatingly narrow scope—died in the august U.S. Senate last night when it attracted only 58 of the 60 votes needed to close debate and move on to an up-or-down vote. All Democratic and independent senators except one (Bill Nelson of Florida) voted in favor of the bill, as did three tea-party GOP Senators (Ted Cruz, Mike Lee, and Dean Heller). One GOP Senator, Rand Paul, voted against it on the ground that it did not go nearly far enough in reining in the NSA. On Monday, the White House had issued a statement “strongly supporting” the bill. The “debate” among the Senators that preceded the vote was darkly funny and deeply boring, in equal measure. The black humor was due to the way one GOP senator after the next—led by ranking intelligence committee member Saxby Chambliss of Georgia (pictured above)—stood up and literally screeched about 9/11 and ISIS over and over and over, and then sat down as though they had made a point. Their scary script had been unveiled earlier that morning by a Wall Street Journal op-ed by former Bush Attorney General Mike Mukasey and former CIA and NSA Director Mike Hayden warning that NSA reform would make the terrorists kill you; it appeared under this Onion-like headline: So the pro-NSA Republican senators were actually arguing that if the NSA were no longer allowed to bulk-collect the communication records of Americans inside the U.S., then ISIS would kill you and your kids. But because they were speaking in an empty chamber and only to their warped and insulated D.C. circles and sycophantic aides, there was nobody there to cackle contemptuously or tell them how self-evidently moronic it all was. So they kept their Serious Faces on like they were doing The Nation’s Serious Business, even though what was coming out of their mouths sounded like the demented ramblings of a paranoid End is Nigh cult. The boredom of this spectacle was simply due to the fact that this has been seen so many times before—in fact, every time in the post-9/11 era that the U.S. Congress pretends publicly to debate some kind of foreign policy or civil liberties bill. Just enough members stand up to scream “9/11” and “terrorism” over and over until the bill vesting new powers is passed or the bill protecting civil liberties is defeated. Eight years ago, when this tawdry ritual was still a bit surprising to me, I live-blogged the 2006 debate over passage of the Military Commissions Act, which, with bipartisan support, literally abolished habeas corpus rights established by the Magna Carta by sanctioning detention without charges or trial. (My favorite episode there was when GOP Sen. Arlen Specter warned that “what the bill seeks to do is set back basic rights by some nine hundred years,” and then voted in favor of its enactment.) In my state of naive disbelief, as one senator after the next thundered about the “message we are sending” to “the terrorists,” I wrote: “The quality of the ‘debate’ on the Senate floor is so shockingly (though appropriately) low and devoid of substance that it is hard to watch.” So watching last night’s Senate debate was like watching a repeat of some hideously shallow TV show. The only new aspect was that the aging Al Qaeda villain has been rather ruthlessly replaced by the show’s producers with the younger, sleeker ISIS model. Showing no gratitude at all for the years of value it provided these senators, they ignored the veteran terror group almost completely in favor of its new replacement. And they proceeded to save a domestic surveillance program clearly unpopular among those they pretend to represent. There is a real question about whether the defeat of this bill is good, bad, or irrelevant. To begin with, it sought to change only one small sliver of NSA mass surveillance (domestic bulk collection of phone records under section 215 of the Patriot Act) while leaving completely unchanged the primary means of NSA mass surveillance, which takes place under section 702 of the FISA Amendments Act, based on the lovely and quintessentially American theory that all that matters are the privacy rights of Americans (and not the 95 percent of the planet called “non-Americans”).

AT: Transparency solves/Durable Fiat

Normal means proves that the plan will be circumvented and expand the power of the surveillance state

Fidler 6/8/2015 (David [Visiting Fellow for Cybersecurity]); Taking stock of Snowden's disclosures two years on; blogs.cfr.org/cyber/2015/06/08/taking-stock-of-snowdens-disclosures-two-years-on/

The Global Context Snowden intended to spark global debate by framing expansive surveillance and espionage as threats to universal human rights. His June 4 op-ed claimed a “change in global awareness” is underway and “the balance of power is beginning to shift.” However, the gap between these claims and reality is great, suggesting his impact globally has been weak, if not counterproductive. The latest Freedom on the Net survey does not support Snowden. Between May 2013 and May 2014 (roughly the first year of his disclosures), **Internet freedom declined “for the fourth consecutive year**, with 36 out of 65 countries assessed . . . experiencing a negative trajectory[.]” Little has happened since May 2014 to suggest this trend has been reversed. Increased surveillance by many states, including democracies, contributed to this trajectory’s momentum. For example, governments in France, Turkey, and the United Kingdom said “yes” to increased surveillance. In the midst of this decline, Snowden damaged the U.S. government’s international standing, created rifts among democracies, and harmed U.S. technology companies. The Snowden-triggered move by tech companies toward stronger encryption pits democratic governments against the private sector and civil society in a looming zero-sum brawl. Meanwhile, unperturbed by Snowden, autocratic countries exploit the disarray within and among democracies, bash the hypocrisy of Internet freedom’s champions, conduct intrusive surveillance at home and abroad, and strengthen their manipulation, control, and censorship of digital communications. Given these facts, the UN resolution on the right to privacy in the digital age, which represents global progress for Snowden, does not reflect consensus among states on the relationship between surveillance and human rights. An unprincipled but ineffective program is dead. Long-standing controversies about large-scale surveillance programs targeting foreigners continue. Government surveillance powers are increasing, democracies are bitterly divided, and Internet freedom is in retreat. Whether these outcomes mean we have, as a country and an international community, reached a better place is hotly debated—a reminder that history’s arc is longer than two years.

Intelligence agencies will find loopholes in the plan

Rosenthal 6/12/2015 (Max J, Government’s secret surveillance court may be about to get a little less secret; www.motherjones.com/politics/2015/06/usa-freedom-act-fisa-court-transparency; kdf)

“I think the transparency provisions are going to be effective for the judges who are inclined to support them and are going to be ineffective for the judges who aren’t,” says Steve Vladeck, a professor at American University’s Washington College of Law. There are other procedural moves the government could use to limit what information is made public. The court could simply issue summaries of decisions that don’t include their key parts, or the executive branch could heavily redact them. “In theory, the executive branch could comply with this part of the statute by redacting 99 percent—everything but one sentence, essentially—of an opinion,” Goitein says. She admits that specific tactic is unlikely—it would be an obvious and public skirting of the law’s intent—but stresses that even though the law makes important progress in disclosure, there are still many loopholes that could cut down on how much the

public will get to see. **"I think the history strongly suggests that the intelligence establishment will take every single little bit of rope it has,"** she says. **"And then some."**

Circumvention Bad

1NC –relations and internet turn

Future circumventions tanks US relations with key countries & destroys internet hegemony

Greenwald 2014 (Glenn [Constitutional lawyer- patriot]; CONGRESS IS IRRELEVANT ON MASS SURVEILLANCE. HERE'S WHAT MATTERS INSTEAD; Nov 19;

<https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/>; kdf)

**Chart omitted

2) Other countries taking action against U.S. hegemony over the internet. Most people who claim nothing has changed from the Snowden disclosures are viewing the world jingoistically, with the U.S. the only venue that matters. But the real action has long been in other countries, acting individually and jointly to prevent U.S. domination of the internet. Brazil is building a new undersea internet infrastructure specifically to avoid U.S. soil and thus NSA access. That same country punished Boeing by denying the U.S. contractor a long-expected \$4.5 billion contract for fighter jets in protest over NSA spying. Another powerful country, Germany, has taken the lead with Brazil in pushing for international institutions and regulatory schemes to place real limits on NSA mass surveillance. **U.S. diplomatic relations with numerous key countries have been severely hampered by revelations of mass surveillance.** In July, Pew reported that "a new...survey finds widespread global opposition to U.S. eavesdropping and a decline in the view that the U.S. respects the personal freedoms of its people" and that, while the U.S. remains popular in many countries, particularly relative to others such as China, "in nearly all countries polled, majorities oppose monitoring by the U.S. government of emails and phone calls of foreign leaders or their citizens." After just one year of Snowden reporting, there have been massive drops in the percentage of people who believe "the U.S. government respects personal freedom," with the biggest drops coming in key countries that saw the most NSA reporting: All of that has significantly increased the costs for the U.S. to continue to subject the world, and the internet, to dragnets of mass surveillance. It has resulted in serious political, diplomatic, and structural impediments to ongoing spying programs. And it has meaningfully altered world opinion on all of these critical questions.

Internet freedom is key to solve all impacts

Genachowski and Bollinger 2013 (Julius [Chairman of the FCC] and Lee [President of Columbia U]; The plot to block internet freedom; Apr 16;

www.foreignpolicy.com/articles/2013/04/16/plot_block_internet_freedom?page=full; kdf)

The Internet has created an extraordinary new democratic forum for people around the world to express their opinions. It is revolutionizing global access to information: Today, more than 1 billion people worldwide have access to the Internet, and at current growth rates, 5 billion people -- about 70 percent of the world's population -- will be connected in five years. But this growth trajectory is not inevitable, and threats are mounting to the global spread of an open and truly "worldwide" web. The expansion of the open Internet must be allowed to continue: The mobile and social media revolutions are critical not only for democratic institutions' ability to solve the collective problems of a shrinking world, but also to a dynamic and innovative global economy that depends on financial transparency and the free flow of information. The threats to the open Internet were on stark display at last December's World Conference on International Telecommunications in Dubai, where the United States fought attempts by a number of countries -- including Russia, China, and Saudi Arabia -- to give a U.N. organization, the International Telecommunication Union (ITU), new regulatory authority over the

Internet. Ultimately, over the objection of the United States and many others, 89 countries voted to approve a treaty that could strengthen the power of governments to control online content and deter broadband deployment. In Dubai, two deeply worrisome trends came to a head. First, we see that the Arab Spring and similar events have awakened nondemocratic governments to the danger that the Internet poses to their regimes. In Dubai, they pushed for a treaty that would give the ITU's imprimatur to governments' blocking or favoring of online content under the guise of preventing spam and increasing network security. Authoritarian countries' real goal is to legitimize content regulation, opening the door for governments to block any content they do not like, such as political speech. Second, the basic commercial model underlying the open Internet is also under threat. In particular, some proposals, like the one made last year by major European network operators, would change the ground rules for payments for transferring Internet content. One species of these proposals is called "sender pays" or "sending party pays." Since the beginning of the Internet, content creators -- individuals, news outlets, search engines, social media sites -- have been able to make their content available to Internet users without paying a fee to Internet service providers. A sender-pays rule would change that, empowering governments to require Internet content creators to pay a fee to connect with an end user in that country. Sender pays may look merely like a commercial issue, a different way to divide the pie. And proponents of sender pays and similar changes claim they would benefit Internet deployment and Internet users. But the opposite is true: If a country imposed a payment requirement, content creators would be less likely to serve that country. The loss of content would make the Internet less attractive and would lessen demand for the deployment of Internet infrastructure in that country. Repeat the process in a few more countries, and the growth of global connectivity -- as well as its attendant benefits for democracy -- would slow dramatically. So too would the benefits accruing to the global economy. Without continuing improvements in transparency and information sharing, the innovation that springs from new commercial ideas and creative breakthroughs is sure to be severely inhibited. To their credit, American Internet service providers have joined with the broader U.S. technology industry, civil society, and others in opposing these changes. Together, we were able to win the battle in Dubai over sender pays, but we have not yet won the war. Issues affecting global Internet openness, broadband deployment, and free speech will return in upcoming international forums, including an important meeting in Geneva in May, the World Telecommunication/ICT Policy Forum. The massive investment in wired and wireless broadband infrastructure in the United States demonstrates that preserving an open Internet is completely compatible with broadband deployment. According to a recent UBS report, annual wireless capital investment in the United States increased 40 percent from 2009 to 2012, while investment in the rest of the world has barely inched upward. And according to the Information Technology and Innovation Foundation, more fiber-optic cable was laid in the United States in 2011 and 2012 than in any year since 2000, and 15 percent more than in Europe. All Internet users lose something when some countries are cut off from the World Wide Web. Each person who is unable to connect to the Internet diminishes our own access to information. **We become less able to understand the world and formulate policies to respond to our shrinking planet.** Conversely, we gain a richer understanding of global events as more people connect around the world, and those societies nurturing nascent democracy movements become more familiar with America's traditions of free speech and pluralism. That's why we believe that the Internet should remain free of gatekeepers and that no entity -- public or private -- should be able to pick and choose the information web users can receive. That is a principle the United States adopted in the Federal Communications Commission's 2010 Open Internet Order. And it's why we are deeply concerned about arguments by some in the United States that broadband providers should be able to block, edit, or favor Internet traffic that travels over their networks, or adopt economic models similar to international sender pays. We must preserve the Internet as the most open and robust platform for the free exchange of information ever devised. Keeping the Internet open is perhaps the most important free speech issue of our time.

2NC – plan expands surveillance

The plan will be used as a rouse to expand the power of intelligence groups – empirics

Groll 2015 (Elias [assistant editor at Foreign Policy]; Congress May Have Passed the Freedom Act, But Mass Surveillance Is Alive and Well; Jun 4; foreignpolicy.com/2015/06/04/congress-may-have-passed-the-freedom-act-but-mass-surveillance-is-alive-and-well/; kdf)

One useful way to think about the USA Freedom Act that President Barack Obama signed into law on Tuesday night is as a lightning-rod for the National Security Agency. By changing the way the NSA examines domestic phone records, the agency is now able to make the argument that it has undergone significant reforms in the aftermath of the Edward Snowden revelations. By giving up the authority to collect all American phone records, the agency has paid a small price — and gotten rid of a program that it had come to consider a burden, anyway — to keep its most important authorities intact. The full measure of those powers were on prominent display in the New York Times on Thursday, when the paper reported that the agency has expanded its “warrantless surveillance of Americans’ international Internet traffic to search for evidence of malicious computer hacking.” The NSA, the paper reported, has also partnered with the FBI to provide federal investigators with intelligence about computer intrusions carried out by foreign powers, according to documents provided by Snowden. There is no evidence of outright wrongdoing in Thursday’s reports, but they signal another expansion of the NSA’s authorities to collect data on the Internet. Sen. Patrick Leahy, the Vermont Democrat and ranking member of the Judiciary Committee, said Thursday’s report “underscores the critical importance of placing reasonable and commonsense limits on government surveillance in order to protect the privacy of Americans” and that “Congress should have an open, transparent and honest debate about how to protect both our national security and our privacy.” Jonathan Mayer, a cybersecurity researcher, told the Times that FBI use of NSA data to combat cybercrime threatens to conflate the latter’s intelligence gathering role with the former’s law enforcement mandate. “That’s a major policy decision about how to structure cybersecurity in the U.S. and not a conversation that has been had in public,” he said. In short, the Times report, which was published in conjunction with ProPublica, reveals that the NSA has directed some of its most powerful tools toward cracking down on state-sponsored hackers online. The agency now has the power to search the data streams it has access to for snippets of code and other identifying information to spot hackers and track their activities. It is doing so by relying on one of its most important tools: Its position atop the global Internet infrastructure. The NSA has risen to become the world’s most powerful intelligence agency in no small part because a huge amount of the world’s Internet traffic flows through the United States. Fiber optic cables carry large amounts of Internet data from one part of the world to another, and when that traffic arrives in the United States, the NSA is there to have a look at it. Section 702 of the FISA Amendments Act governs parts of the NSA’s relationship with U.S. telecommunications companies, and it is through such companies that the NSA is able to access enormous troves of data for terrorism and foreign intelligence purposes. Privacy activists are concerned that such collection activities potentially Hoover up the communications of ordinary Americans, and Thursday’s revelation that the FBI is now allowed to partake of some data collected from telecom activities is likely to add to those concerns. According to the Times and ProPublica, the FBI’s access to such data — which is routed to a data center in Quantico, Virginia — is focused on foreign hackers trying to penetrate U.S. data systems. That’s a mission that’s central to the U.S. government’s obligations to combat cybercrime, but the contention of rights activists is that that effort has become far too reliant on the tools of mass data collection. Thursday’s reports signal just how far these activists have to go if they hope to rein in the NSA’s powers.

Impact: Circumvention Turns Case

Empirically, the plan makes surveillance worse because it provides cover for circumvention

Vladeck 2015 (Stephen [Prof of Law @ American U]; Forget the Patriot Act-Here are the privacy violations you should be worried about; June 1; foreignpolicy.com/2015/06/01/section-215-patriot-act-expires-surveillance-continues-fisa-court-metadata/; kdf)

The Obama administration, along with a number of more moderate members of Congress, took more of a middle road, calling for the fairly modest reforms provided by the USA Freedom Act, which would replace the phone records program with a somewhat less open-ended (and somewhat better regulated) series of authorities for the government to obtain and review similar data — and which the House of Representatives overwhelmingly passed on May 13. But whatever the merits of the competing sides in this debate, the larger problem is that this conversation has missed the forest for a very small — and largely irrelevant — tree. In fact, from the perspective of individual privacy rights, the phone records program is much less problematic than the government's other authorities to conduct mass surveillance under Executive Order 12333 and the 2008 FISA Amendments Act. And so, in focusing on how to “fix” Section 215, we’ve given short shrift to the far more significant problems raised by these other authorities — and, just as importantly, the broader lessons we should be taking away from the surveillance reform conversation that Snowden started.

Impact: Internet Good – Warming

The internet is key to cloud computing key which solves climate modeling

Boyce, 10

[Eric, technical writer and user advocate for The Rackspace Cloud, September 14, 2010
<http://www.rackspacecloud.com/blog/2010/09/14/the-future-of-cloud-computing-the-big-25-in-the-next-25/>]

The promise of the cloud isn't just about gaming and the ability to safely store all those photos that you wish you hadn't ever taken. Many of **the most promising cloud-based applications** also **require massive computational power**. Searching a database of global DNA samples requires abundant, scalable processing power. Modeling protein folding is another example of how compute resources will be used. Protein folding is linked to many diseases including Alzheimer's and cancer, and analyzing the folding process can lead to new treatments and cures, but it requires enormous compute power. Projects like Folding@home are using distributed computing to tackle these modeling tasks. **The cloud will offer a larger, faster, more scalable way to process data and thus benefit any heavy data manipulation task**. 6. Is it going to be hot tomorrow? Like protein folding modeling, **climate simulation and forecasting requires a large amount of data storage and processing**. Recently the German Climate Computing Center (DKRZ) **installed a climate calculating supercomputer that is capable of analyzing 60 petabytes of data** (roughly 13 million DVD's) at over 158 teraflops (trillion calculations per second). In the next couple of decades, this level of computing power **will be widely available and will exist on remote hardware**. **Sophisticated climate models combined with never before seen compute power will provide better predictions of climate change and more rapid early warning systems**

Key to warming adaptation

Pope, 10

[Vicky Pope is the head of climate science advice at the Met Office Hadley Centre, " How science will shape climate adaptation plans," 16 September 2010,
<http://www.guardian.co.uk/environment/cif-green/2010/sep/16/science-climate-change-adaptation>]

Some would argue that **the demand for information on how climate change will affect our future outstrips the current capability of the science and climate models**. My view is that **as scientists**, we can provide useful information, but **we need to** be clear about its limitations and **strive to improve information for the future**. We need to be clear about the uncertainties in our projections while still extracting useful information for practical decision-making. I have been involved in developing climate models for the last 15 years and despite their limitations we are now able to assess the probability of different outcomes for the first time. That means **we can quantify the risk of these outcomes happening**. These projections – the UK climate projections published in

2009 - are already forming the backbone of adaptation decisions being made in the UK for 50 to 100 years ahead. A project commissioned by the Environment Agency to investigate the impact of climate change on the Thames estuary over the next 100 years concluded that current government predictions for sea level rise are realistic. A major outcome from the scientific analysis was that the worst-case scenarios for high water levels can be significantly reduced - from 4.2m to 2.7m – because we are able to rule out the more extreme sea level rise. As a result, massive investment in a tide-excluding estuary barrage is unlikely to be needed this century. This will be reviewed as more information becomes available, taking a flexible approach to adaptation. The energy industry, working with the Met Office, looked at the likely impact of climate change on its infrastructure. The project found that very few changes in design standards are required, although it did highlight a number of issues. For instance, transformers could suffer higher failure rates and efficiency of some types of thermal power station could be markedly reduced because of increasing temperatures. A particular concern highlighted by this report and reiterated in today's report from the Climate Change Committee - the independent body that advises government on its climate targets - is that little is known about how winds will change in the future - important because of the increasing role of wind power in the UK energy mix. Fortunately many people, from private industry to government, recognise the value of even incomplete information to help make decisions about the future. **Demand for climate information is increasing, particularly relating to changes in the short to medium term. More still needs to be done to refine the climate projections and make them more usable and accessible. This is especially true if we are to provide reliable projections for the next 10 to 30 years. The necessary science and modelling tools are being developed,** and the first tentative results are being produced. We need particularly to look at how we communicate complex and often conflicting results. In order to explain complex science to a lay audience, scientists and journalists are prone to progressively downplay the complexity. Conversely, in striving to adopt a more scientific approach and include the full range of uncertainty, we often give sceptics an easy route to undermine the science. All too often uncertainty in science offers a convenient excuse for delaying important decisions. However, in the case of climate change there is overwhelming evidence that the climate is changing — in part due to human activities — and that changes will accelerate if emissions continue unabated. In examining the uncertainty in the science we must take care to not throw away what we do know. Science has established that climate is changing. **Scientists now need to press on in developing the emerging tools that will be used to underpin sensible adaptation decisions which will determine our future.**

Warming is a threat magnifier, makes all impacts inevitable

Pascual and Elkind 2010 (Carlos [US Ambassador to Mexico, Served as VP of foreign policy @ Brookings]; Jonathan [principal dep ass sec for policy and int energy @ DOE]; Energy Security; p 5; kdf)

Climate change is arguably the greatest challenge facing the human race. It poses profound risks to the natural systems that sustain life on Earth and consequently creates great challenges for human lives, national economies, nations' security, and international governance. **New scientific reports** emerging from one year to the next **detail ever more alarming potential impacts and risks.** It is increasingly common for analysts and policymakers to refer to **climate change as a threat multiplier, a destructive force that will exacerbate existing social, environmental, economic, and humanitarian stresses.** The warming climate is predicted to bring about prolonged droughts in already dry

regions, flooding along coasts and even inland rivers, an overall increase in severe weather events, rising seas, and the spread of disease, to cite just a few examples. Such impacts may spark conflict in weak states, lead to the displacement of millions of people, create environmental refugees, and intensify competition over increasingly scarce resources. One of the great challenges of climate change is, indeed, the scope of the phenomenon. The ongoing warming of the globe results chiefly from one of the most ubiquitous of human practices, the conversion of fossil fuels into energy through simple combustion. Halting and reversing climate change, however, will require both unproven—perhaps even unimaginable—technology and sustained political commitment. We must change living habits in all corners of the globe over the course of the next several decades. We must resist the impulse to leave the problem for those who follow us or to relax our efforts if we achieve a few years of promising progress. The profound challenge will lie in the need for successive rounds of sustained policymaking, successive waves of technological innovation, and ongoing evolution of the ways in which we live our lives.

Impact: US Internet Leadership Good

US leadership key to prevent global internet fragmentation – kills the economy

Weinstein 2014 Mark, award-winning author, and the founder of MeWe, one of the world's foremost privacy advocates, Mark has served as a Steering Committee Member of National Strategy for Trusted Identities in Cyberspace (NSTIC), and has been named Privacy by Design Ambassador by the Information and Privacy Commissioner of Ontario, Huffington Post, November 12, 2014, "Obama Heroically Wages Internet War, But Misses World Wide Web Target", http://www.huffingtonpost.com/mark-weinstein/obama-heroically-wages-in_b_6137324.html

I have a greater fear -- a rudderless World Wide Web and captain-less ICANN. That's why eight months ago I preached for Net Neutrality and for the United States to push such an agenda through as stewards of ICANN. I was overjoyed on Monday to see Obama support half of my wish list when he released an emphatic video statement throwing his administration's full support behind Net Neutrality and asking the FCC to implement strict rules to give weight to such an agenda. Way to go, Mr. President! Yet **there's more to do** here. What's interesting about Monday's statement is for all its good, it turns the discussion away from a global perspective to a domestic one. Obama's speech focuses on a free and open Internet within our borders that doesn't speed up or slow down content delivery based on the whims of broadband companies. Take that Netflix with your big ideas of Internet favoritism. At the same time, is this a first step of a philosophy or a final one? I hope the former but fear the latter. **Imagine** for a second **if every country had its own Internet. The World Wide Web would become anything but, leading to an economic and individual rights disaster that would complicate commerce and freedom around the world.** In 1997, Bill Clinton helped create ICANN within his Green Paper proposal **for privatizing the domain name system** (DNS). In that regard, **our impartiality and creation of checks and balances built into the system** have **led to a rather impressive run**, one **that has averted partisan politics** and lobbyists **and helped keep the Internet as a free platform.** I think that our **losing** such **a leadership role is a mistake for the United States** and the principles of Net Neutrality. **Yet in the spirit of compromise, I commend Obama for taking a stand within our borders. Now he needs to take the next step.** The hope I have is that whatever new governance structure emerges for ICANN in 2015 turns into a United Nations of Internet protection where the entire world has access to a free Internet. However, if the new structure cannot guarantee Net Neutrality, then I believe the U.S. government should revoke its decision to relinquish leadership. **The risk is too great and the ramifications too frightening to idly stand by and allow any other conclusion.**

Impact: Internet good – Extinction (Eagleman)

A free internet is vital to combating every existential threat

Eagleman, 10 - American neuroscientist and writer at Baylor College of Medicine, where he directs the Laboratory for Perception and Action and the Initiative on Neuroscience and Law (David, "Six ways the internet will save civilization" Wired, 9/10, <http://www.wired.co.uk/magazine/archive/2010/12/start/apocalypse-no>)

Many great civilisations have fallen, leaving nothing but cracked ruins and scattered genetics. Usually this results from: natural disasters, resource depletion, economic meltdown, disease, poor information flow and corruption. But we're luckier than our predecessors because we command a technology that no one else possessed: a rapid communication network that finds its highest expression in the internet. I propose that there are six ways in which the net has vastly reduced the threat of societal collapse. Epidemics can be deflected by telepresence One of our more dire prospects for collapse is an infectious-disease epidemic. Viral and bacterial epidemics precipitated the fall of the Golden Age of Athens, the Roman Empire and most of the empires of the Native Americans. The internet can be our key to survival because the ability to work telepresently can inhibit microbial transmission by reducing human-to-human contact. In the face of an otherwise devastating epidemic, businesses can keep supply chains running with the maximum number of employees working from home. This can reduce host density below the tipping point required for an epidemic. If we are well prepared when an epidemic arrives, we can fluidly shift into a self-quarantined society in which microbes fail due to host scarcity. Whatever the social ills of isolation, they are worse for the microbes than for us. The internet will predict natural disasters We are witnessing the downfall of slow central control in the media: news stories are increasingly becoming user-generated nets of up-to-the-minute information. During the recent California wildfires, locals went to the TV stations to learn whether their neighbourhoods were in danger. But the news stations appeared most concerned with the fate of celebrity mansions, so Californians changed their tack: they uploaded geotagged mobile-phone pictures, updated Facebook statuses and tweeted. The balance tipped: the internet carried news about the fire more quickly and accurately than any news station could. In this grass-roots, decentralised scheme, there were embedded reporters on every block, and the news shockwave kept ahead of the fire. This head start could provide the extra hours that save us. If the Pompeians had had the internet in 79AD, they could have easily marched 10km to safety, well ahead of the pyroclastic flow from Mount Vesuvius. If the Indian Ocean had the Pacific's networked tsunami-warning system, South-East Asia would look quite different today. Discoveries are retained and shared Historically, critical information has required constant rediscovery. Collections of learning -- from the library at Alexandria to the entire Minoan civilisation -- have fallen to the bonfires of invaders or the wrecking ball of natural disaster. Knowledge is hard won but easily lost. And information that survives often does not spread. Consider smallpox inoculation: this was under way in India, China and Africa centuries before it made its way to Europe. By the time the idea reached North America, native civilisations who needed it had already collapsed. The net solved the problem. New discoveries catch on immediately; information spreads widely. In this way, societies can optimally ratchet up, using the latest bricks of knowledge in their fortification against risk. Tyranny is mitigated Censorship of ideas was a familiar spectre in the last century, with state-approved news outlets ruling the press, airwaves and copying machines in the USSR, Romania, Cuba, China, Iraq and elsewhere. In many cases, such as Lysenko's agricultural despotism in the USSR, it directly contributed to the collapse of the nation. Historically, a more successful strategy has been to confront free speech with free speech -- and the internet allows this in a natural way. It democratises the flow of information by offering access to the newspapers of the world, the photographers of every nation, the bloggers of every political stripe. Some posts are full of doctoring and dishonesty whereas others strive for independence and impartiality -- but all are available to us to sift through. Given the attempts by some governments to build firewalls, it's clear that this benefit of the net requires constant vigilance. Human capital is vastly increased Crowdsourcing brings people together to solve problems. Yet far fewer than one per cent of the world's population is involved. We need expand human capital. Most of the world not have access to the education afforded a small minority. For every Albert Einstein, Yo-Yo Ma or Barack Obama who has educational opportunities, uncountable others do not. This squandering of talent translates into reduced economic output and a smaller pool of problem solvers. The net opens the gates education to anyone with a computer. A motivated teen anywhere on the planet can walk through the world's knowledge -- from the webs of Wikipedia to the curriculum of MIT's OpenCourseWare. The new human capital will serve us well when we confront existential threats we've never imagined before. Energy expenditure is reduced Societal collapse can often be understood in terms of an energy budget:

when energy spend outweighs energy return, collapse ensues. This has taken the form of deforestation or soil erosion; currently, the worry involves fossil-fuel depletion. The internet addresses the energy problem with a natural ease. Consider the massive energy savings inherent in the shift from paper to electrons -- as seen in the transition from the post to email. Ecommerce reduces the need to drive long distances to purchase products. Delivery trucks are more eco-friendly than individuals driving around, not least because of tight packaging and optimisation algorithms for driving routes. Of course, there are energy costs to the banks of computers that underpin the internet -- but these costs are less than the wood, coal and oil that would be expended for the same quantity of information flow. The tangle of events that triggers societal collapse can be complex, and there are several threats the net does not address. But vast, networked communication can be an antidote to several of the most deadly diseases threatening civilisation. The next time your coworker laments internet addiction, the banality of tweeting or the decline of face-to-face conversation, you may want to suggest that the net may just be the technology that saves us.

AT: Circumvention Takes out terror DA

None of our evidence speaks to the effectiveness of the new programs, just that they will find new ways to conduct surveillance, taking out all of their privacy and perception based internal links.

AT: Circumvention now/ inevitable

Circumvention now/inevitable is a negative argument because it proves the plan will never solve any of their internal links, means vote neg on presumption – at worst for us, it just means we don't get access to our external offense but we still get our "turns case" args.

Yes Fill-in

1NC Fill-in

A litany of other programs prove the aff fails

Cohn and Crocker 2015 (Cindy & Andrew [Electronic Frontier Foundation]; Don't Worry, The Government Still Has Plenty Of Surveillance Power Despite Section 215 Sunset; Jun 2; www.defendingdissent.org/now/dont-worry-the-government-still-has-plenty-of-surveillance-power-despite-section-215-sunset/; kdf)

The story being spun by the defenders of Section 215 of the Patriot Act and the Obama Administration is that if the law sunsets entirely, the government will lose critical surveillance capabilities. The fearmongering includes President Obama, who said: "heaven forbid we've got a problem where we could've prevented a terrorist attack or could've apprehended someone who was engaged in dangerous activity but we didn't do so." So how real is this concern? Not very. Section 215 is only one of a number of largely overlapping surveillance authorities, and the loss of the current version of the law will leave the government with a range of tools that is still incredibly powerful. First, there's the most famous use of Section 215—the bulk collection of telephone records by the NSA. Of course, no matter what law the government relies on, bulk surveillance is unconstitutional. But equally importantly, it doesn't work. Every assessment about the bulk collection of telephone records, including two by hand-picked administration panels, have concluded that "collecting it all" hasn't materially aided any terrorism investigation. The same goes for other still-secret bulk surveillance programs under Section 215, the latest evidence of which came in a recently released oversight report by the Justice Department's Office of the Inspector General (OIG). And then there's the matter of targeted investigations. The ACLU's Jameel Jaffer has explained that this too is scaremongering, because "the sunset of Section 215 wouldn't affect the government's ability to conduct targeted investigations of terrorist threats."That's because even without Section 215, the government still has broad powers to collect information during its national security investigations. EFF believes that many of these laws can be scaled back and made more transparent as well, but given the current situation, these are the tools in the national security investigators' toolbox: Pen Registers: These allow the government to collect "dialing, routing, addressing, or signaling information" including telephone numbers dialed and Internet metadata such as IP addresses and email headers. There are two pen register statutes, one for foreign intelligence surveillance and one for law enforcement. Both rely require only that the pen register be likely to obtain information relevant to a national security or criminal investigation respectively. Until the end of 2011, the NSA used the Foreign Intelligence Surveillance Act (FISA) pen register statute to conduct mass surveillance of Internet metadata, much as it still uses Section 215 for mass collection of telephone records. **The Pre-Patriot Act Business Records Provision:** Before the passage of the Patriot Act in 2001, FISA contained a provision allowing the government to obtain business records from transportation carriers and storage facilities. Harley Geiger of the Center for Democracy and Technology has pointed out that under a June 1 sunset, FISA would simply revert to this provision. **An ECPA "D Order":** Under Section 2703(d) of the Electronic Communications Privacy Act (ECPA), the government can get a court order for information from ISPs or other communications providers about their customers, including the sorts of metadata the government gets with Section 215. To get a D Order, the government must provide "specific and articulable facts showing that there are reasonable grounds to believe that . . . the records or other information sought, are relevant and material to an ongoing criminal investigation." **Grand Jury Subpoenas:** Given that Section 215 explicitly says that the FISA Court (FISC) "may only require the production of a tangible thing if such thing can be obtained" with a grand jury subpoena, it's apparent that a grand jury subpoena is a reasonable substitute, at least where a grand jury can be convened. **National Security Letters (NSLs):** Similar to subpoenas, NSLs allow intelligence agencies to collect records from a range of entities including telecommunications providers, financial institutions, credit reporting bureaus, travel agencies and others. Nearly all NSLs include self-certified gag orders, which EFF has successfully challenged as unconstitutional. Nevertheless, the FBI and other agencies can use NSLs to collect much the same information as Section 215, although the government has also misused NSLs to obtain communication records not authorized by the NSL statute. Administrative Subpoenas: Many federal agencies have the authority to issue subpoenas for customer records in their normal course of business. These authorities are

extremely widespread, comprising 335 different statutes by one count. FISA Warrants: Under FISA, the government can get warrants from the FISC forelectronic surveillance and physical searches in the context of national security investigations. Although these require a higher showing—probable cause—statistics compiled by EPIC show the FISC routinely issues them, and has done so since FISA was passed in 1978.

Other countries spy on US citizens –the ultimate violation of privacy

Wittes June 18, 2015 (Benjamin [editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution]; Turns out privacy groups are outraged about the OPM Hack-At me; www.lawfareblog.com/turns-out-privacy-groups-are-outraged-about-opm-hack---me; kdf)

The other day, I wrote a little piece about the silence among our self-appointed privacy guardians at the monstrous breach of privacy perpetrated by the Chinese in the OPM hack. The piece made the (I think) modest observation that privacy groups—who have denounced NSA collection obsessively though it takes place under the rule of law and with strict restrictions—have had remarkably little to say about the mass collection of the most sensitive sorts of data, and I speculated about the reason for that silence: the privacy community is virtually silent. Look on the websites of the major privacy groups and you'll see almost nothing about this program. Don't look for breathless coverage of it on the The Intercept either. The reason? This giant surveillance program isn't being run by the United States government. It's being run against the U.S. government—by the Chinese government. And for some reason, even the grossest of privacy violations—in this case the pilfering of millions of background investigations and personnel records—just doesn't seem so bad when someone other than the United States is doing it. I didn't expect this piece to make me many friends, but I have been amused and a bit surprised by the harsh reactions from a number of privacy groups on Twitter. In particular, Harley Geiger of CDT and Chris Soghoian of the ACLU seemed to take particular umbrage—both issuing lengthy streams of tweets denouncing the piece. Neither made points that seem to me to warrant response. In the flurry of invective, however, there was one point that seemed to me substantial and worth addressing. That was made by the Cato Institute's Julian Sanchez, somewhat crudely, on Twitter, as well as by a correspondent by email: I didn't expect this piece to make me many friends, but I have been amused and a bit surprised by the harsh reactions from a number of privacy groups on Twitter. In particular, Harley Geiger of CDT and Chris Soghoian of the ACLU seemed to take particular umbrage—both issuing lengthy streams of tweets denouncing the piece. Neither made points that seem to me to warrant response. In the flurry of invective, however, there was one point that seemed to me substantial and worth addressing. That was made by the Cato Institute's Julian Sanchez, somewhat crudely, on Twitter, as well as by a correspondent by email: Is Sanchez right here? Should we understand the silence of privacy groups on this score as just reflecting the fact that there's no controversy, that everyone agrees the conduct is terrible? Sanchez goes on to point out that most advocacy work is directed at one's own government. So maybe the privacy groups are making a tactical judgment that it's better to focus on their own government and its policies than that a foreign authoritarian sovereign over which one has no influence. In this account, the issue is not so much a double standard as a hard-headed assessment of where one's energy is best spent. There are several reasons why I think this is not an adequate account of the behavior of the privacy groups in this instance, and to the extent it does explain their behavior, why I think they are grossly misjudging the merits of the matter. For one thing, human rights groups comment all the time on the behavior of governments over which they have no influence. Glance at the front page of Human Rights Watch's home page and you won't see the implausibility of the group's influencing Russian or Angolan policy inhibiting HRW from talking about what governments are doing. Yes, it's true that democracies subject to human rights suasion tend to get more of it as a result of their responsiveness. But this does not explain the near-total silence on the part of the privacy groups about Chinese behavior on this score. Tilting at authoritarian windmills is part of what human rights advocacy is. Second and more importantly, privacy issues associated with giant international hacks are unlike other human rights issues in at least one fundamental sense. When China abuses due process or stifles free speech or tortures people, or harvests their organs, its victims are its own people. A U.S. advocacy group can reasonably take the position that, though terrible, this is not really that group's problem but a problem between the Chinese government and its people and civil society. Conversely, if you're a privacy group devoted to protecting the privacy of Americans, the OPM hack should be unthinkable to ignore. It is, after all, a far bigger threat to the interests you are pledged to protect than is any activity by your own government. You may have an argument for leaving Chinese domestic collection to Chinese civil libertarians to restrain, but to the extent you don't speak up against the bulk collection of the health records of kids of U.S. federal employees, you

are tolerating an absurd double standard in which anyone can ride roughshod over Americans' privacy except the United States government.

2NC – Alt causes overwhelm

Other programs overwhelm the plan—zero solvency

Patel 6/25/2015 (Faiza [co-director of the Brennan Center’s Liberty and National Security Program]; When will surveillance reform stop being just 'cool'?; www.brennancenter.org/blog/when-will-surveillance-reform-stop-being-just-'cool'; kdf)

Several NSA programs are carried out under 2008’s FISA Amendments Act, which permits the agency to collect information in the U.S. as long as it is targeting foreigners who are thought to be overseas. Despite their purported foreign focus, these programs undoubtedly pull in huge pools of Americans’ communications. International communications have grown exponentially in the last years as it has become easier and cheaper to talk and text with people abroad. In our increasingly interconnected world, the notion that surveillance targeted at foreigners overseas pulls in only a negligible amount of Americans’ private correspondence is simply outdated. Nor is the NSA limited to targeting terrorism suspects. It is permitted to collect “foreign intelligence information,” a capacious category that includes the open-ended class of material relevant to foreign affairs. This allows the NSA to scan all our international communications and keep those that it thinks are interesting. E-mails sent by a Human Rights Watch lawyer to a researcher in Nigeria would be scanned, even if neither is suspected of involvement in wrongdoing. If they mention something about the political situation there of interest to the NSA, they could be retained. A text message from an American journalist to a colleague in Turkey asking a question about the Islamic State in Iraq and the Levant could be picked up as well. We don’t know how many NSA databases of Americans’ information exist or how large they are. We do know that the Federal Bureau of Investigation dips into these archives of emails, texts, videos and chat messages with few constraints. In other words, information collected without any type of warrant or judicial review for intelligence purposes can be obtained by a U.S. law enforcement agency and used in a domestic criminal proceeding. The House of Representatives recently passed an amendment to the defense appropriations bill (the National Defense Authorization Act) that would end these backdoor searches by defunding them. While this initiative might not pass, lawmakers will have another chance to stop the program when the extraordinary and controversial grant of powers in the FISA Amendments Act expires in 2017. Even that would just be skimming the surface. The vast majority of U.S. surveillance doesn’t take place under any law passed by Congress. When our intelligence agencies collect information overseas — for example, by tapping into fiber optic cables to scoop up all information that flows through them — they operate under an order issued by President Ronald Reagan in 1981, Executive Order 12333, which gives the NSA even greater latitude to collect information with even fewer privacy safeguards than any legislation. Just because information is collected from a cable overseas doesn’t mean that it concerns only foreigners. Purely domestic emails may be routed through another country and picked up. Copies of documents are stored by cloud providers overseas, sometimes in multiple locations. Domestic websites often have ads, pop-ups and other such links that are hosted on foreign servers, effectively sending search queries into the international ether. Americans’ privacy is just as affected by overseas collection as it is by what happens on U.S. soil.

2NC – Only overhaul solves

The plan gets circumvented, only complete overhaul solves

Goitein and Patel 2015 (Elizabeth and Faiza [co-directors of the Brennan Center for Justice's Liberty and National Security Program]; What went wrong with the FISA court; https://www.brennancenter.org/sites/default/files/analysis/What_Went_%20Wrong_With_The_FISA_Court.pdf; kdf)

Changes in the law and technology over the last 40 years have upended the compromise reached by Congress in 1978 when it first established the FISA Court to supervise the collection of foreign intelligence in the United States. Today, the court's activities resemble neither the granting of warrants nor the ordinary adversarial process for reviewing a challenge to the constitutionality of an agency's program. Instead, the court provides a veneer of judicial oversight for surveillance activities, blessing mammoth covert programs without hearing from those affected by them. But this type of approval is not what the Constitution contemplates or allows. Nor does the Constitution countenance the mass collection of information about ordinary, law-abiding Americans who happen to communicate with foreigners overseas. Revamping this system is one of the most crucial challenges of our time. It will not be accomplished by small reforms that nibble at the edges of the problem. Congress must directly tackle the foundational legal weaknesses of the FISA Court to bring it back into line with its constitutional role of providing a strong judicial check on executive branch surveillance.

Fill-in – Silicon Valley

Tech companies will circumvent the plan on behalf of the government

Greenwald 2014 (Glenn [Constitutional lawyer- patriot]; CONGRESS IS IRRELEVANT ON MASS SURVEILLANCE. HERE'S WHAT MATTERS INSTEAD; Nov 19; <https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nasas-mass-surveillance/>; kdf)

1) Individuals refusing to use internet services that compromise their privacy. The FBI and other U.S. government agencies, as well as the U.K. Government, are apoplectic over new products from Google and Apple that are embedded with strong encryption, precisely because they know that such protections, while far from perfect, are serious impediments to their power of mass surveillance. To make this observation does not mean, as some deeply confused people try to suggest, that one believes that Silicon Valley companies care in the slightest about people's privacy rights and civil liberties. As much of the Snowden reporting has proven, these companies don't care about any of that. Just as the telecoms have been for years, U.S. tech companies were more than happy to eagerly cooperate with the NSA in violating their users' privacy en masse when they could do so in the dark. But it's precisely because they can't do it in the dark any more that things are changing, and significantly. That's not because these tech companies suddenly discovered their belief in the value of privacy. They haven't, and it doesn't take any special insight or brave radicalism to recognize that. That's obvious. Instead, these changes are taking place because these companies are petrified that the perception of their collaboration with the NSA will harm their future profits, by making them vulnerable to appeals from competing German, Korean, and Brazilian social media companies that people shouldn't use Facebook or Google because they will hand over that data to the NSA. That—fear of damage to future business prospects—is what is motivating these companies to at least try to convince users of their commitment to privacy. And the more users refuse to use the services of Silicon Valley companies that compromise their privacy—and, conversely, resolve to use only truly pro-privacy companies instead—the stronger that pressure will become. Those who like to claim that nothing has changed from the NSA revelations simply ignore the key facts, including the serious harm to the U.S. tech sector from these disclosures, driven by the newfound knowledge that U.S. companies are complicit in mass surveillance. Obviously, tech companies don't care at all about privacy, but they care a lot about that. Just yesterday, the messaging service WhatsApp announced that it "will start bringing end-to-end encryption to its 600 million users," which "would be the largest implementation of end-to-end encryption ever." None of this is a silver bullet: the NSA will work hard to circumvent this technology and tech companies are hardly trustworthy, being notoriously close to the U.S. government and often co-opted themselves. But as more individuals demand more privacy protection, the incentives are strong. As The Verge notes about WhatsApp's new encryption scheme, "'end-to-end' means that, unlike messages encrypted by Gmail or Facebook Chat, WhatsApp won't be able to decrypt the messages itself, even if the company is compelled by law enforcement."

Silicon Valley will fill-in data gaps for the government

Carr 2015 (Madeline [Senior lecturer in International Politics and the Cyber Dimension @ Aberystwyth University]; US government clips NSA wings, but snooping is a global effort; Jun 3; theconversation.com/us-government-clips-nsa-wings-but-snooping-is-a-global-effort-42771; kdf)

Questions about the balance between privacy and security are ongoing and to some extent, they define the times. With increasing intensity, organisations have been racing to take advantage of personal data trail that we now generate online. There can be little doubt that this provides opportunities for use in law enforcement and intelligence. It's worth remembering, though, that mass surveillance is not carried out by the NSA or the FBI or even GCHQ. It's carried out by private corporations such as Google and

Facebook. Adequate oversight of the way intelligence agencies access and use that data is extremely important but we have remarkably little oversight of the way private companies deal with our data. And in many cases, they operate with very little transparency themselves. In February 2015, the Belgian Privacy Commission found that Facebook is acting in violation of European law. A few months later, Apple CEO Tim Cook launched an attack against the collection and monetisation of personal data saying that Silicon Valley businesses are “lulling their customers into complacency about their personal information”. And as for telcos and ISPs, those that don’t already retain our data aren’t acting out of ethical concerns – they don’t keep the information because the expense of storage currently outweighs the commercial value of the data. So while US citizens have reasons to celebrate about the USA Freedom Act, they should remember that the NSA has allies around the world who continue to collect data on both their own citizens – and those in the US.

Tech companies will erode privacy more than any government

Newton 6/2/2015 (Casey; Tim Cook: Silicon Valley's most successful companies are selling you out; www.theverge.com/2015/6/2/8714345/tim-cook-epic-award-privacy-security; kdf)

Apple CEO Tim Cook has made no secret of his disdain for online services that ask you to trade highly personal data for convenience – a trade that describes most big advertising-supported technology companies. But last night, in some of his strongest comments to date, Cook said the erosion of privacy represents a threat to the American way of life. Cook spoke at a dinner in Washington, DC, hosted by the Electronic Privacy Information Center, which honored him as a "champion of freedom" for his leadership at Apple. "Our privacy is being attacked on multiple fronts," Cook said in a speech that he delivered remotely, according to EPIC. "I'm speaking to you from Silicon Valley, where some of the most prominent and successful companies have built their businesses by lulling their customers into complacency about their personal information. They're gobbling up everything they can learn about you and trying to monetize it. We think that's wrong. And it's not the kind of company that Apple wants to be." Cook's comments appeared to be directed at companies including Google, Facebook, and Yahoo, which offer advertisers platform for targeting their users with increasing sophistication. Cook also made what sounded like an oblique reference to the new Google Photos, questioning whether Google would ultimately use it for ad targeting. (It currently does not, and Google says it has no plans to.) "You might like these so-called free services, but we don't think they're worth having your email or your search history or now even your family photos data-mined and sold off for God knows what advertising purpose," Cook said. "And we think someday, customers will see this for what it is." "SOMEDAY, CUSTOMERS WILL SEE THIS FOR WHAT IT IS." It's worth noting that Apple has an ad business of its own: iAds, which runs inside iOS apps and on iTunes Radio. The ads enable companies to target customers by cross-referencing their email addresses and phone numbers anonymously against other data obtained by marketers. (It is possible to opt out of iAds personalization.) But the pointed nature of Cook's comments indicate the way trust and privacy are becoming a battleground for major tech companies as they increasingly encroach on one another's terrain. Google decided to move its Photos product out of Google+ in part because it found people didn't want to store their pictures in a social network, where they might be actually shared. Meanwhile, Apple's reputation is still recovering from the theft of hundreds of nude photos that were stored in iCloud accounts. As tech companies increasingly compete for personal data, the one that customers trust most will have an important advantage.

Fill-in – Five Eyes

Other countries circumvent the plan for the US – empirics

Carr 2015 (Madeline [Senior lecturer in International Politics and the Cyber Dimension @ Aberystwyth University]; US government clips NSA wings, but snooping is a global effort; Jun 3; theconversation.com/us-government-clips-nsa-wings-but-snooping-is-a-global-effort-42771; kdf)

Agencies such as the NSA and the FBI will no longer be permitted to arbitrarily access the logs of phone calls, emails and internet use. Congress has passed the USA Freedom Act of 2015, which limits the power of government intelligence organisations to access the communications records of US citizens. Rather than intercepting data and retaining it in case it's needed for an investigation, intelligence agencies will now have to access the data from the private companies that collect it. And they will only be able to do so in specific and justified cases. This is being hailed as an important amendment to intelligence practices, as well as vindication for Edward Snowden, who revealed the extent of the surveillance that was going on after the September 11 attacks in 2001. Many argue that there is still a long way to go. The Electronic Frontier Foundation actually withdrew its support for the Freedom Act in an effort to push politicians to go further with it. And ironically, the transition period for the implementation of the bill means the NSA will actually restart its data gathering program, having suspended it in May due to legal uncertainty. Once the Act comes into force, the NSA will have six months to adapt to the new requirements. The Senate voted 77-17 to take up the House-passed USA Freedom Act. EPA/Pete Marovich And while the changes may come as welcome news to US citizens, not a great deal has actually changed for everyone else in the world. The USA Freedom Act only applies to US citizens, which means the NSA is still free to gather meta data on citizens of other nations. Meanwhile, other governments are moving to hand greater powers to their intelligence services. Watching you around the world In the UK, for example, GCHQ operates a similar program to the NSA. In early 2015, a consortium of civil rights organisations took GCHQ before the Investigatory Powers Tribunal – a British court set up to hear complaints against the security services. The consortium argued that GCHQ's mass surveillance program – as well sharing the results of that program with the NSA – was an abuse of human rights law. The tribunal found in favour of GCHQ but the case is expected to proceed to the European Court of Human Rights in Strasbourg later this year. Left as it is, GCHQ can help to alleviate problems that the NSA will face in collecting data on US citizens. As part of the "Five Eyes" intelligence sharing arrangement that includes the US, UK, Australia, New Zealand and Canada, GCHQ is perfectly positioned to collect and pass on communications data on US citizens that the NSA may be prevented from collecting itself.

Fill-in – FISA

The plan gets rolled back as long as FISA is on the books

Goitein and Patel 2015 (Elizabeth and Faiza [co-directors of the Brennan Center for Justice's Liberty and National Security Program]; What went wrong with the FISA court; https://www.brennancenter.org/sites/default/files/analysis/What_Went_%20Wrong_With_The_FISA_Court.pdf; kdf)

Fundamental changes are needed to fix these flaws. Following Snowden's disclosures, several bills were introduced to try to ensure that the court would hear the other side of the argument, generally from some type of public advocate. Other bills addressed the court's secrecy by requiring the executive branch to declassify significant opinions or release summaries. These proposals would make important improvements, but they do not address the full range of constitutional deficiencies resulting from the changes in law and technology detailed in this report. The problem with the FISA Court is far broader than a particular procedure or rule. **The problem with the FISA Court is FISA.** The report proposes a set of key changes to FISA to help restore the court's legitimacy. • Congress should end programmatic surveillance and require the government to obtain judicial approval whenever it seeks to obtain communications or information involving Americans. This would resolve many constitutional concerns. • Congress should shore up the Article III soundness of the FISA Court by ensuring that the interests of those affected by surveillance are represented in court proceedings, increasing transparency, and facilitating the ability of affected individuals to challenge surveillance programs in regular federal courts. Finally, Congress should address additional Fourth Amendment concerns by ensuring that the collection of information under the rubric of "foreign intelligence" actually relates to our national security and does not constitute an end-run around the constitutional standards for criminal investigations. Under today's foreign intelligence surveillance system, the government's ability to collect information about ordinary Americans' lives has increased exponentially while judicial oversight has been reduced to near-nothingness. **Nothing less than a fundamental overhaul** of the type proposed here is needed to restore the system to its constitutional moorings

Circumvention & Non-Compliance File - Georgetown 2015

Thanks to Maggie Berthiaume of Woodward – she put together nearly all of these cards.

****Negative Starts Here**

Versus Packet Aff

Specific to the Packet Aff (Original Freedom Act)

Aff can't solve because of circumvention. Even Original Freedom Act is not strict enough.

Granick '14

Jennifer Granick is the Director of Civil Liberties at the Stanford Center for Internet and Society. Jennifer was the Civil Liberties Director at the Electronic Frontier Foundation. Jennifer practices, speaks and writes about computer crime and security, electronic surveillance, consumer privacy, data protection, copyright, trademark and the Digital Millennium Copyright Act. From 2001 to 2007, Jennifer was Executive Director of CIS and taught Cyberlaw, Computer Crime Law, Internet intermediary liability, and Internet law and policy. Before teaching at Stanford, Jennifer earned her law degree from University of California, Hastings College of the Law and her undergraduate degree from the New College of the University of South Florida. "USA Freedom Act: Oh, Well. Whatever. Nevermind." – Just Security - May 21, 2014 <http://justsecurity.org/10675/usa-freedom-act-oh-well-whatever-nevermind/>

Additionally, in December of 2013, Deputy Attorney General James Cole testified before the Senate Judiciary Committee that the NSA might continue its bulk collection of nearly all domestic phone call records, even if the original USA FREEDOM ACT passed into law. As I wrote at the time, this testimony shows that the Administration and the intelligence community believe they can do whatever they want, regardless of the law is Congress passes, so long they can convince one of the judges appointed to the secretive Foreign Intelligence Surveillance Court (FISC) to agree. All they need is some legal hook they can present with a straight face.

General

1NC — Surveillance Noncompliance Defense

Surveillance restrictions entirely fail — no real Congressional support, new technology and creative interpretations of law.

Waldman 15 — Paul Waldman, senior writer at The American Prospect, blogger for the Washington Post, 2015 (“A reality check on the future of government spying,” Washington Post, June 3rd, Available Online at <http://www.washingtonpost.com/blogs/plum-line/wp/2015/06/03/a-reality-check-on-the-future-of-government-spying/>, Accessed 06-08-2015)

It’s tempting to hail the passage yesterday of the subtly-named USA Freedom Act as a victory for civil liberties in America and a step toward a healthy recalibration of the government’s surveillance policies. But if that’s your feeling today, **you might want to think twice.**

Not only are the changes the Freedom Act makes to existing practices relatively minor, **both parties have signed on with the dramatic expansion of surveillance on law-abiding Americans** that occurred after September 11. **And both will continue to support it.**

The Freedom Act does take the bulk collection of Americans’ telephone records out of the hands of the National Security Agency and leaves those records with the phone companies; it sets up procedures for the NSA to get access to those records when it wants to. But the truth is that this program wasn’t particularly useful for the NSA to begin with. The government has been unable to point to a single terrorist attack that was thwarted by the use of these records. Not only that, just last month an appeals court ruled that the bulk collection program went way beyond anything envisioned by the section of the USA Patriot Act that was used to justify it, and it was therefore illegal.

That doesn’t mean this new law isn’t significant, because anything that dials back the surveillance contained in the Patriot Act is significant. But let’s not forget that had Edward Snowden not revealed the existence of this program, the Obama administration would have been happy to keep it secret from the public indefinitely. It was only once the program’s existence was revealed that President Obama came out in favor of taking the records out of the NSA’s hands. Even if many Republicans (including Mitch McConnell) would have preferred to keep the bulk collection going as it was, we still have a bipartisan preference in Washington for keeping the gargantuan surveillance apparatus we set up after 9/11 in business.

You might not have expected that from Barack Obama if you were a liberal who supported him over Hillary Clinton in the 2008 primaries, concluding that he was the dove while she was the hawk because of his opposition to the Iraq War. As a senator, Obama had been quite active in proposing reforms to the government’s surveillance powers; as president, most of what he advocated has **fallen by the wayside.**

And is Clinton going to move to restrict the government’s surveillance powers if she’s elected president? There’s no particular reason to believe she will. Up until now Clinton has been vague about what she might do when it comes to surveillance; when she’s asked about it, her answers tend to go like this: Yes there are concerns about privacy, we have to balance that with security, it’s something I’ll be thinking about. Yes, she supported the Freedom Act, but it remains to be

seen whether she'll go into detail about any other particular type of surveillance she'd like to restrict.

And let's not forget that the NSA and other government agencies are certain — **not possible, not likely, but certain** — to come up with new ways to spy on Americans as new technologies become available. Just as the NSA did with the bulk phone data collection, they'll probably take a look at earlier laws and decide that there's a legal basis for whatever new kind of surveillance they want to begin — and that it's best if the public didn't know about it.

Indeed, just this week an investigation by the Associated Press revealed that the FBI is using aircraft with advanced cameras to conduct investigations without warrants. That's a relatively mundane use of technology, but there will always be new tools and capabilities coming down the pike, and the impulse will always be to put them into operation, then figure out afterward if it's legally justifiable.

The story of the bulk telephone data collection tells us that the only thing likely to restrain the expansion of government surveillance is public exposure. If you're hoping that politicians who care about privacy will do it on their own, you're likely to be disappointed.

Alternate Rationale — the government will find another way to get the same data. FISA Court is unable to intervene.

Ackerman 15 — Spencer Ackerman, national security editor for Guardian US, former senior writer for Wired, won the 2012 National Magazine Award for Digital Reporting, 2015 (“Fears NSA will seek to undermine surveillance reform,” The Guardian, June 1st, Available Online at <http://www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law>, Accessed 06-08-2015)

The USA Freedom Act is supposed to prevent what Wyden calls “secret law”. It contains a provision requiring congressional notification in the event of a novel legal interpretation presented to the secret Fisa court overseeing surveillance.

Yet in recent memory, the US government permitted the NSA to **circumvent the Fisa court entirely. Not a single Fisa court judge** was aware of Stellar Wind, the NSA's post-9/11 constellation of bulk surveillance programs, from 2001 to 2004.

Energetic legal tactics followed to fit the programs under existing legal authorities after internal controversy or outright exposure. When the continuation of a bulk domestic internet metadata collection program risked the mass resignation of Justice Department officials in 2004, an internal NSA draft history records that attorneys found a **different legal rationale** that “essentially gave NSA the same authority to collect bulk internet metadata that it had”.

After a New York Times story in 2005 revealed the existence of the bulk domestic phone records program, attorneys for the US Justice Department and NSA argued, with the blessing of the Fisa

court, that Section 215 of the Patriot Act authorized it all along – precisely the contention that the second circuit court of appeals rejected in May.

Compliance is a joke — the oversight agencies are inept and the NSA and FBI refuse to be monitored, even by the Justice Department.

Schulberg and Reilly 15 — Jessica Schulberg, reporter covering foreign policy and national security for The Huffington Post, former reporter-researcher at The New Republic, MA in international politics from American University, and Ryan J. Reilly, reporter who covers the Justice Department and the Supreme Court for The Huffington Post, 2015 (“Watchdog Finds Huge Failure In Surveillance Oversight Ahead Of Patriot Act Deadline,” Huffington Post, May 21st, Available Online at http://www.huffingtonpost.com/2015/05/21/section-215-oversight_n_7383988.html, Accessed 06-05-2015)

WASHINGTON -- In a declassified and heavily redacted report on a controversial Patriot Act provision, the Justice Department’s inspector general found that the government had **failed to implement guidelines** limiting the amount of data collected on Americans for seven years.

Section 215 of the Patriot Act, which is set to expire June 1 unless Congress reauthorizes it, has been the legal basis for the intelligence community’s bulk metadata collection. As a condition for reauthorization back in 2005, the Justice Department was required to minimize the amount of nonpublic information that the program gathered on U.S. persons. According to the inspector general, **the department did not** adopt sufficient guidelines until 2013. It was not until August of that year -- two months after the bombshell National Security Agency disclosures by Edward Snowden -- that Justice began applying those guidelines in applications to the Foreign Intelligence Surveillance Act court, the secretive body that approves government surveillance requests.

“It’s an indictment of the system of oversight that we’ve relied upon to check abuses of surveillance powers. The report makes clear that, for years, the FBI **failed to comply with its basic legal requirements** in using Section 215, and that should trouble anyone who thinks that secret oversight is enough for surveillance capabilities that are this powerful,” Alex Abdo, a staff attorney at the American Civil Liberties Union, told HuffPost.

“The report confirms that the government has been using Section 215 to collect an ever-expanding universe of records. Given the timing, it’s particularly significant,” he continued referring to the looming expiration date.

At times during that seven-year period, the report noted, **the government blocked the Justice Department’s** Office of the Inspector General from determining whether the minimization guidelines had been implemented:

The FBI in the past has taken the position, over the OIG’s objections, **that it was prohibited from disclosing FISA-acquired information to the OIG for oversight purposes** because the Attorney General had not designated anyone in the OIG as having

access to the information for minimization reviews of other lawful purposes, and because there were no specific provisions in the procedures authorizing such access.

The president will use signing statements to ignore the laws that he signs — empirically proven on surveillance and War on Terror.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 (“The Unitary Executive: Why the Bush Doctrine Violates the Constitution,” *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

When President Bush signed the new law, sponsored by Senator McCain, restricting the use of torture when interrogating detainees, he also issued a Presidential signing statement. That statement asserted that his power as Commander-in-Chief gives him the authority to bypass the very law he had just signed.

This news came fast on the heels of Bush’s shocking admission that, since 2002, he has repeatedly authorized the National Security Agency to conduct electronic surveillance without a warrant, in flagrant violation of applicable federal law.

And before that, Bush declared he had the unilateral authority to ignore the Geneva Conventions and to indefinitely detain without due process both immigrants and citizens as enemy combatants.

All these declarations echo the refrain Bush has been asserting from the outset of his presidency. That refrain is simple: **Presidential power must be unilateral, and unchecked.**

But the most recent and blatant presidential intrusions on the law and Constitution supply the verse to that refrain. They not only claim unilateral executive power, but also supply the train of the President’s thinking, the texture of his motivations, and the root of his intentions.

They make clear, for instance, that the phrase "unitary executive" is a code word for a doctrine that favors nearly unlimited executive power. Bush has used the doctrine in his signing statements to quietly expand presidential authority.

The President will explicitly violate legislative restrictions on surveillance during the war on terror. The resulting conflict will endanger the rule of law and impair wartime decisions.

Lobel 8 — Jules Lobel, Professor of Law at the University of Pittsburgh, 2008 (“Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” *Ohio State Law Journal*, Vol. 69, 2008, pp.391-467, Available Online at http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf, Accessed 05-29-2015)

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration's confrontation with Congress. It would undoubtedly **embolden the President to ignore Congress's strictures**. The President's advisors would argue that the McCain Amendment's ban on cruel and inhumane treatment, or **FISA's requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror** in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President's policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President's claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53

The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in *Youngstown*. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct—as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and **ignore legislative enactments that seek to restrict their wartime authority**.

Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute's constitutionality that saps the nation's energy, diverts focus from the political issues in dispute, and endangers the rule of law.

Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary.

If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President's conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the **crisis, chaos, and stalemate** that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.

Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves

each branch uncertain of its legal authority could further compromise and cooperation. However, **modern social science research** suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This **self-serving bias** hardens each side's position and allows the **dispute to drag on**, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

2NC/1NR — Legal Interpretations

NSA reform gets quietly rolled back — expansive interpretations and FISA rubber stamps.

Ackerman 15 — Spencer Ackerman, national security editor for Guardian US, former senior writer for Wired, won the 2012 National Magazine Award for Digital Reporting, 2015 (“Fears NSA will seek to undermine surveillance reform,” The Guardian, June 1st, Available Online at <http://www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law>, Accessed 06-08-2015)

Privacy advocates fear the National Security Agency will attempt to weaken new restrictions on the bulk collection of Americans’ phone and email records **with a barrage of creative legal wrangles**, as the first major reform of US surveillance powers in a generation looked likely to be a foregone conclusion on Monday.

The USA Freedom Act, a bill banning the NSA from collecting US phone data in bulk and compelling disclosure of any novel legal arguments for widespread surveillance before a secret court, has already been passed by the House of Representatives and on Sunday night the Senate voted 77 to 17 to proceed to debate on it. Between that bill and a landmark recent ruling from a federal appeals court that rejected a longstanding government justification for bulk surveillance, civil libertarians think they stand a chance at stopping attempts by intelligence lawyers to undermine reform in secret.

Attorneys for the intelligence agencies react scornfully to the suggestion that they will stretch their authorities to the breaking point. Yet reformers remember that such legal tactics during the George W Bush administration allowed the NSA to shoehorn bulk phone records collection into the Patriot Act.

Rand Paul, the Kentucky senator and Republican presidential candidate who was key to allowing sweeping US surveillance powers to lapse on Sunday night, warned that NSA lawyers would now **make mincemeat** of the USA Freedom Act’s prohibitions on bulk phone records collection by taking an **expansive view of the bill’s definitions**, thanks to a **pliant, secret** surveillance court.

“My fear, though, is that the people who **interpret** this work at a place known as the rubber stamp factory, the Fisa [court],” Paul said on the Senate floor on Sunday.

Surveillance legislation will be reinterpreted to covertly allow the things it’s intended to ban — USA Freedom Act proves. Legal complexity makes the plan meaningless.

Richman 15 — Sheldon Richman, chairman of the board of trustees of the Center for a Stateless Society and proprietor of the blog Free Association, 2015 (“The USA Freedom Act Is Inscrutable—and That’s How Politicians Like It,” Reason.com, June 7th, Available Online at <http://reason.com/archives/2015/06/07/power-thrives-in-complexity>, Accessed 06-08-2015)

But that's not all. Even a person who might be willing to carve out time to keep an eye on the government will find that doing so is probably more than he can handle. Apart from the natural barriers mentioned above, **government personnel have myriad ways to obscure what they do.** Whether this is done innocently or deliberately, the effect is the same. To most people the costs of monitoring the state are raised to prohibitive levels. This lets politicians and bureaucrats get away with things they might not otherwise get away with.

The controversy over the USA Patriot Act and USA Freedom Act provides a good illustration of this problem. Before getting into that, however, let's look at the theory a little more closely. Fortunately, we have an excellent book on the subject: economist Charlotte Twight's *Dependent on D.C.: The Rise of Federal Control over the Lives of Ordinary Americans* (2002).

Twight's thesis is that the people who run the government have a long list of ways to raise the "political transaction costs" that the taxpayers would have to overcome to keep the state in check. In economics, transaction costs are the money, effort, and time spent on seeing a transaction through to successful completion. If you mow your own lawn, you face no such costs. But if you hire someone, you do. The effort and resources devoted to finding the right person and making sure the job is done right constitute transactions costs.

The political arena has transactions costs also. As Twight puts it: "They are the costs to each of us of perceiving, and acting upon our assessment of, the net costs of particular governmental actions and authority." Besides the inevitable and built-in transaction costs entailed by government, there are also "contrived" costs, that is, those "deliberately created by government officials to increase our costs of assessing and responding to government policies." The array of devices to raise these costs ranges from needless complexity and secrecy to outright lying. These devices have one thing in common: they obscure the government's activities, making it difficult to impossible to see what the state is up to. As a result, most people perceive that even trying to lift the government's veil is essentially futile. (And even if it can be lifted occasionally, what could one person do?) Twight's book contains several historical cases illustrating her theory, including stories about the origins of Social Security, Medicare, and government surveillance—which brings us to Patriot and Freedom Acts.

If you followed the congressional and public debate over whether parts of the Patriot Act should be permitted to expire and whether the Freedom Act would really limit government surveillance, you'd be **understandably bewildered.** The amount of reading was huge, and nearly everyone had a different take. Defenders of government spying wanted simply to extend the sections due to expire, but those who wanted to abolish mass spying took different positions. Just attempting to thoroughly read up on whether the Freedom Act was a worthwhile step toward eliminating bulk phone-data collection or just a cosmetic change would have required giving up your job or your family or both.

You might think you could leave the hard work to the civil-liberties organizations you trust, but that path was not without its problems. The various groups disagreed over whether the bill was a net plus or a net minus. Respected authorities **couldn't be sure** that bulk collection of phone metadata would really end with the bill's passage. For example, the Electronic Frontier Foundation (EFF) said, "So the bulk collection of everybody's phone records? As far as we can tell, this should end that" (emphasis added).

As far as they can tell? They spend all their time watching this stuff.

Likewise, the Freedom of the Press Foundation's postmortem on Congress's action stated:

The USA Freedom Act **supposedly** bans bulk collection of phone records or any other private records, and **we certainly hope it actually does**. But its provisions are **vague and confusing**, leading many legal experts to believe they could be **re-interpreted in secret**—by NSA lawyers with a **history of warping the common definitions** of ordinary words beyond recognition—and could lead the FISA court to continue to allow the NSA to collect large quantities of Americans' data in secret. [Emphasis added.]

The foundation is no more certain that the EFF about the bill's effect on bulk data collection. If these professional experts can't really be sure of the bill's effect, how can the rest of us?

Even the guy who blew the whistle on mass surveillance, Edward Snowden, in a New York Times op-ed celebrating the expiration of Section 215, warns:

Though we have come a long way, the right to privacy ... remains under threat. Some of the world's most popular online services have been enlisted as partners in the N.S.A.'s mass surveillance programs, and technology companies are being pressured by governments around the world to work against their customers rather than for them. Billions of cellphone location records are still being intercepted without regard for the guilt or innocence of those affected. We have learned that our government intentionally weakens the fundamental security of the Internet with "back doors" that transform private lives into open books. Metadata revealing the personal associations and interests of ordinary Internet users is still being intercepted and monitored on a scale unprecedented in history: As you read this online, the United States government makes a note.

So why the big to-do about the Freedom Act? If you wanted to decide for yourself without experts, you could have read the text of the USA Freedom Act. It begins:

SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

(a) Application.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "a statement" and inserting "in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail records other than in the manner described in subparagraph (C)), a statement"; and...

Well, you get the idea. It goes on that way for a hundred pages. Even when you think you may understand something, you still can't be sure. For example:

SEC. 301. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

"(D) LIMITATION ON USE OF INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification or procedures shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(ii) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court may approve for purposes of this clause."

You might do better with the official summary, but not much.

To complicate things, your interpretation of the text may differ radically from that of the secret FISA court or someone in the Justice Department. Remember, an appeals court ruled that the now-expired Section 215 of the Patriot Act did not authorize bulk-data collection—and the author of the bill agreed.

Surveillance is hardly the only part of government with high contrived political transaction costs. The budget is another. A few years ago I learned the hard way that calculating the effect of budget sequestration is a task that only policy wonks and masochists were likely to undertake.

What's the moral here? Power thrives in complexity, just as roaches flourish in the dark. Complexity raises political transaction costs and thereby reduces public scrutiny and resistance. That's just how the politicians and bureaucrats like it.

Executive Order 12333

Plan can't solve – it won't stop collection under EO 12333.

EPIC '14

(internally quotes former Obama State Department official, John Napier Tye – who had access to programs conducted under EO 1233 authorities. Tye served as section chief for Internet freedom in the State Department's Bureau of Democracy, Human Rights and Labor from January 2011 to April 2014. The Electronic Privacy Information Center or "EPIC" - is a public interest research center in Washington, D.C... EPIC routinely participates as amicus curiae before federal and state courts in cases concerning the protection of privacy. Members of the EPIC Advisory Board are expert in issues of domestic surveillance. "Executive Order 12333" – last footnote of this piece is from July, 2014 – page was last updated in 2015 - <https://epic.org/privacy/surveillance/12333/>)

EPIC has a long-standing interest in public oversight of government surveillance, including activities conducted under Executive Order 12333. As Professor Francesca Bignami has explained, "[t]he NSA's original mandate was considerably elaborated and extended in Executive Order 12,333, promulgated by President Reagan in 1981." EPIC has tracked the government's reliance on **EO 12333**, particularly the reliance on Section 1:12(b)(13), which **authorizes** the NSA to provide "such administrative and technical support **activities within and outside the United States** as are necessary to perform the functions described in sections (1) through (12) above, including procurement." **This provision appears to have opened the door for the NSA's broad and unwarranted surveillance of U.S. and foreign citizens.** Executive Order 12333 was signed by President Ronald Reagan on December 4, 1981. It established broad new surveillance authorities for the intelligence community, outside the scope of public law. EO 12333 has been amended three times. It was amended by EO 13284 on January 23, 2003 and was then amended by EO 13555 on August 27, 2004. EO 13555 was subtitled "Strengthened Management of the Intelligence Community" and reflected the fact that the Director of National Intelligence (DNI) now existed as the head of the intelligence community, rather than the CIA which had previously served as the titular head of the IC. EO 13555 partially supplemented and superseded EO 12333. On July 30, 2008, President George W. Bush signed EO 13470, which further supplemented and superseded EO 12333 to strengthen the role of the Director of National Intelligence. Since the Snowden revaluations there has been a great deal of discussion regarding the activities of the IC community, but **relatively little attention has been paid to EO 12333. EO 12333 often serves an alternate basis of authority for surveillance activities above and beyond Section 215 and 702.** As Bruce Schneier has emphasized, **"Be careful when someone from the intelligence community uses the caveat "not under this program," or "not under this authority"; almost certainly it means that whatever it is they're denying is done under some other program or authority.** So when [NSA General Counsel Raj] De said that companies knew about NSA collection under Section 702, it doesn't mean they knew about the other collection programs." Senator Dianne Feinstein (D-CA), Chair of the Senate Intelligence Committee, has said in August 2013 that, "The committee does not receive the same number of official reports on other NSA surveillance activities directed abroad that are conducted pursuant to legal authorities outside of FISA (specifically Executive Order 12333), but I intend to add to the committee's focus on those activities." In July 2014, **a former Obama State Department official**, John Napier Tye, **wrote** an Op-Ed in the Washington Post calling **for greater scrutiny of EO 12333.** Tye noted that "based in part on classified facts that I am prohibited by law from publishing, I believe that **Americans should be even more concerned about the collection and storage of their communications under Executive Order 12333** than under Section 215." Structure of EO 12333 EO 12333 is divided into three parts (this describes the current EO 12333 as amended). The first part is the bulk of the order, describing the overall goals, directions, duties, and responsibilities of U.S. intelligence efforts. The second part applies to the actual conduct of intelligence activities and includes a prohibition on assassination. The third part consists of general provisions and includes general definitions, implementation, and the requirement of compliance with congressional oversight. Part 1: Goals, Directions, Duties, and Responsibilities with Respect to United States Intelligence Efforts 1:1 Goals 1.2 The National Security Council 1.3 Director of National Intelligence 1.4 The Intelligence Community 1.5 Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies 1.6 Heads of Elements of the Intelligence Community 1.7 Intelligence Community Elements a) The Central Intelligence Agency b) The Defense Intelligence Agency c) The National Security Agency d) National Reconnaissance Office e) The National Geospatial-Intelligence Agency f) The Intelligence and Counterintelligence Elements of the Army, Navy, Air Force, and Marine Corps g) Intelligence Elements of the Federal Bureau of Investigation h) The Intelligence and Counterintelligence Elements of the Coast Guard i) The Bureau of Intelligence and Research, Department of State; The Office of Intelligence and Analysis, Department of the Treasury; The Office of National Security Intelligence, Drug Enforcement Administration; The Office of Intelligence and Analysis, Department of Homeland Security; and the Office of Intelligence and Counterintelligence, Department of Energy. j) The Office of the Director of National Intelligence. 1.8 Department of State 1.9 The Department of the Treasury 1.10 The Department of Defense 1.11 The Department of Homeland Security 1.12 The Department of Energy 1.13 The Federal Bureau of Investigation Part 2: Conduct of Intelligence Activities 2.1 Need 2.2 Purpose 2.3 Collection of Information 2.4 Collection Techniques 2.5 Attorney General Approval 2.6 Assistance to Law Enforcement and Other Civil Authorities 2.7 Contracting 2.8 Consistency With Other Laws 2.9 Undisclosed Participation in Organizations Within the United States 2.10 Human Experimentation 2.11 Prohibition on Assassination 2.12 Indirect Participation 2.13 Limitation on Covert Action Part 3: General Provisions 3.1 Congressional Oversight 3.2 Implementation 3.3 Procedures 3.4 References and Transition

3.5 Definitions 3.6 Revocation 3.7 General Provisions EPIC's Interest In 2012, EPIC sought and obtained from the Office of the Director of National Intelligence the guidelines for the National Counterterrorism Center (NCTC). The NCTC is a part of the intelligence community, which operates under the authority of EO 12333. EPIC has stressed through its comments, statements, and testimony that U.S. intelligence agencies should not exercise broad authority without oversight. Executive Order 12333 is such a case, an order that has never been subject to meaningful oversight by either courts or Congress. Senator Dianne Feinstein, the Chair of the Senate Intelligence Committee, referring to EO 12333, has said, "I don't think privacy protections are built into it. It's an executive policy. The executive controls intelligence in the country." Ronald Reagan executed the order in 1981.

Executive Order 12333 authorizes the collection of not only metadata, but of the actual communications of US citizens, so long as the communications are collected "incidentally."

These communications can then be held for five years, as described by a document that the Director of National Intelligence recently declassified. The NSA has used Executive Order 12333 to justify, among other things, the interception of unencrypted data between Google and Yahoo data centers. None of the currently proposed reforms address the over-broad surveillance authorities established by Executive Order 12333. EPIC has long urged PCLOB to move beyond their Section 215 and Section 702 investigations and examine the scope of information under EO 12333 and the need for greater public oversight. As EPIC Advisory Board member Steven Aftergood has noted, "If they deviated from their own rules, how would it be discovered? I am not satisfied that they have an answer to that question."

EO 12333 secrecy means democratic movement can't solve. It shuts-down any hope for change.

Tye '14

John Napier Tye served as section chief for Internet freedom in the State Department's Bureau of Democracy, Human Rights and Labor from January 2011 to April 2014 – where he had inside access programs under EO 12333 authorities. He is now a legal director of Avaaz, a global advocacy organization. "Meet Executive Order 12333: The Reagan rule that lets the NSA spy on Americans" – Washington Post - July 18th - http://www.washingtonpost.com/opinions/meet-executive-order-12333-the-reagan-rule-that-lets-the-nsa-spy-on-americans/2014/07/18/93d2ac22-0b93-11e4-b8e5-d0de80767fc2_story.html

In March I received a call from the White House counsel's office regarding a speech I had prepared for my boss at the State Department. The speech was about the impact that the disclosure of National Security Agency surveillance practices would have on U.S. Internet freedom policies. The draft stated that "If U.S. citizens disagree with congressional and executive branch determinations about the proper scope of signals intelligence activities, they have the opportunity to change the policy through our democratic process." But the White House counsel's office told me that no, that wasn't true. I was instructed to amend the line, making a general reference to "our laws and policies," rather than our intelligence practices. I did. Even after all the reforms President Obama has announced, some intelligence practices remain so secret even from members of Congress, that there is no opportunity for our democracy to change them. Public debate about the bulk collection of U.S. citizens' data by the NSA has focused largely on Section 215 of the Patriot Act, through which the government obtains court orders to compel American telecommunications companies to turn over phone data. But Section 215 is a small part of the picture and does not include the universe of collection and storage of communications by U.S. persons authorized under Executive Order 12333. From 2011 until April of this year, I worked on global Internet freedom policy as a civil servant at the State Department. In that capacity, I was cleared to receive top-secret and "sensitive compartmented" information. Based in part on classified facts that I am prohibited by law from publishing, I believe that Americans should be even more concerned about the

collection and storage of their communications under Executive Order 12333 than under Section 215. Bulk data collection that occurs inside the United States contains built-in protections for U.S. persons, defined as U.S. citizens, permanent residents and companies. Such collection must be authorized by statute and is subject to oversight from Congress and the Foreign Intelligence Surveillance Court. The statutes set a high bar for collecting the content of communications by U.S. persons. For example, Section 215 permits the bulk collection only of U.S. telephone metadata — lists of incoming and outgoing phone numbers — but not audio of the calls. Executive Order 12333 contains no such protections for U.S. persons if the collection occurs outside U.S. borders. Issued by President Ronald Reagan in 1981 to authorize foreign intelligence investigations, 12333 is not a statute and has never been subject to meaningful oversight from Congress or any court. Sen. Dianne Feinstein (D-Calif.), chairman of the Senate Select Committee on Intelligence, has said that the committee has not been able to “sufficiently” oversee activities conducted under 12333.

NSA uses 12333 as an end-around. Taps the global lines of US companies to circumvent domestic surveillance restrictions.

Pitter ‘14

Laura Pitter, senior national security counsel in Human Rights Watch's US Program, monitors, analyzes and writes on US national security policies. Prior to joining Human Rights Watch, Laura was a journalist, human rights advocate, and attorney who practiced in both the public and private sectors. She was a reporter during the war in Bosnia where she wrote for Time Magazine and Reuters News Agency among other media outlets. Following the war she worked for the United Nations in both Bosnia and post Sept. 11-Afghanistan as a protection and political affairs officer. After Afghanistan, Laura practiced law for eight years, first as a public defender and later with a product liability law firm, both in New York. Laura holds a bachelor's degree from the University of California at Santa Barbara, a master's in international affairs from Columbia University, and a law degree from the University of San Francisco. “US: It's Been a Year Since Snowden, and Nothing's Really Changed” – Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. June 5, 2014 - <http://www.hrw.org/news/2014/06/05/us-its-been-year-snowden-and-nothings-really-changed>

At the same time that the United States has been forcing companies to turn over data here in the United States at the front end, it has been reportedly collecting their customers' information without their knowledge, by tapping into the main global communication links of Google, Yahoo!, and other companies overseas. The administration is reportedly relying on Executive Order 12333, which authorizes surveillance activities outside the United States, in order to tap into these lines, and is collecting millions of records daily, including metadata, text, audio, and video -- an effort that Google Executive Chairman Eric Schmidt, called "outrageous." It has intercepted packages of technology equipment en route to customers in order to install malware or backdoor-enabling hardware before the equipment reaches its destination, and has been systematically undermining encryption standards and creating backdoors in commercial encryption software.

Section 702

Plan will get circumvented - Section 702 of the FAA allows gathering of “foreign intelligence information”

Pitter ‘14

Laura Pitter, senior national security counsel in Human Rights Watch's US Program, monitors, analyzes and writes on US national security policies. Prior to joining Human Rights Watch, Laura was a journalist, human rights advocate, and attorney who practiced in both the public and private sectors. She was a reporter during the war in Bosnia where she wrote for Time Magazine and Reuters News Agency among other media outlets. Following the war she worked for the United Nations in both Bosnia and post Sept. 11-Afghanistan as a protection and political affairs officer. After Afghanistan, Laura practiced law for eight years, first as a public defender and later with a product liability law firm, both in New York. Laura holds a bachelor's degree from the University of California at Santa Barbara, a master's in international affairs from Columbia University, and a law degree from the University of San Francisco. “US: It's Been a Year Since Snowden, and Nothing's Really Changed” – Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. June 5, 2014 - <http://www.hrw.org/news/2014/06/05/us-its-been-year-snowden-and-nothings-really-changed>

But first, a brief review: In the past year, we've learned that not only is our telephone data collected -- our Internet communications are under watch. Stunning amounts of data are being collected under the government's interpretation of the Foreign Intelligence Surveillance Act (FISA). U.S. Internet companies turn over the content of communications like texts, emails, videos, and chat messages, under Section 702 of FISA, which authorizes the warrantless collection -- inside American borders -- of communications containing "foreign intelligence information," a term defined to include essentially anything about the foreign affairs of the United States -- so long as at least one person on the end of the communication is located outside the country. According to a recently disclosed 2011 FISA court opinion, roughly 250 million Internet communications were acquired under Section 702; as of April 5, 2013, there were 117,675 active "targets." Those targets, by the way, don't have to be individuals. Under guidelines previously secret but disclosed by Snowden, they can be "facilities" or "places," too -- meaning each target can potentially rope huge numbers of people into the dragnet. All of this collection has been happening under gag orders that prevent the companies from speaking publicly about it or informing their customers in any meaningful way.

Section 702 will be used to circumvent the plan

Nelson ‘15

Steven Nelson is a reporter at U.S. News & World Report. “Senate Passes Freedom Act, Ending Patriot Act Provision Lapse” – USNWR – June 2nd - <http://www.usnews.com/news/articles/2015/06/02/senate-passes-freedom-act-ending-patriot-act-provision-lapse>

The Freedom Act does not revise some of the most significant legal authorities the government uses to conduct surveillance, such as Section 702 of the Foreign Intelligence Surveillance Act, which is used for vast Internet surveillance, and Executive Order 12333, which governs collection of intelligence overseas and,

according to whistleblower John Napier Tye, could be used to override many congressional reforms without court oversight. Section 702 will expire without congressional reauthorization in 2017.

2NC/1NR — Find Another Method

Obama and the NSA will just find another way to collect the same data — shutting down programs empirically fails to end the intrusion.

Ackerman 15 — Spencer Ackerman, national security editor for Guardian US, former senior writer for Wired, won the 2012 National Magazine Award for Digital Reporting, 2015 (“Fears NSA will seek to undermine surveillance reform,” The Guardian, June 1st, Available Online at <http://www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law>, Accessed 06-08-2015)

The USA Freedom Act, a compromise bill, would not have an impact on the vast majority of NSA surveillance. It would not stop any overseas-focused surveillance program, no matter how broad in scope, nor would it end the NSA’s dragnets of Americans’ international communications authorized by a different law. Other bulk domestic surveillance programs, like the one the Drug Enforcement Agency operated, would not be impacted.

The rise of what activists have come to call “bulky” surveillance, like the “large collections” of Americans’ electronic communications records the FBI gets to collect under the Patriot Act, continue unabated – or, at least, will, once the USA Freedom Act passes and restores the Patriot Act powers that lapsed at midnight on Sunday.

That collection, recently confirmed by a largely overlooked Justice Department inspector general’s report, points to a **slipperiness in shuttering surveillance programs** – one that creates **opportunities for clever lawyers.**

The Guardian revealed in 2013 that Barack Obama had permitted the NSA to collect domestic internet metadata in bulk until 2011. Yet even as Obama closed down that NSA program, the Justice Department inspector general confirms that by 2009, the FBI was already collecting the same “**electronic communications**” metadata under a **different authority.**

It is unclear as yet how the FBI transformed that authority, passed by Congress for the collection of “business records”, into large-scale collection of Americans’ email, text, instant message, internet-protocol and other records. And a similar power to for the FBI gather domestic internet metadata, obtained through non-judicial subpoenas called “National Security Letters”, also exists in a different, non-expiring part of the Patriot Act.

Jameel Jaffer, the deputy legal director of the ACLU, expressed confidence that the second circuit court of appeals’ decision last month would effectively step into the breach. The panel found that legal authorities permitting the collection of data “relevant” to an investigation cannot allow the government to gather data in bulk – setting a potentially prohibitive precedent for other bulk-collection programs.

“We don’t know what kinds of bulk-collection programs the government still has in place, but in the past it’s used authorities other than Section 215 to conduct bulk collection of internet metadata, phone records, and financial records. If similar programs are still in place, the ruling will force the government to reconsider them, and probably to end them,” said Jaffer, whose organization brought the suit that the second circuit considered.

Julian Sanchez, a surveillance expert at the Cato Institute, was more cautious.

“The second circuit ruling establishes that a ‘relevance’ standard is not completely unlimited – it doesn’t cover getting hundreds of millions of people’s records, without any concrete connection to a specific inquiry – but doesn’t provide much guidance beyond that as to where the line is,” Sanchez said.

“I wouldn’t be surprised if the government argued, **in secret**, that nearly anything short of that scale is still allowed, nor if the same Fisa court that authorized the bulk telephone program, in defiance of any common sense reading of the statutory language, went along with it.”

2NC/1NR — Oversight Fails

NSA surveillance explicitly and knowingly violates the FISA statute. The President historically ignores both Congress and the courts in this area. There is no legal remedy.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power and the NSA’s Surveillance Authority II,” testimony before the Senate Judiciary Committee, February 28th, Available Online at <http://www.cato.org/publications/congressional-testimony/wartime-executive-power-nsas-surveillance-authority-ii#26>, Accessed 05-29-2015)

If the president thought the law should be amended to authorize warrantless surveillance of either agents or non-agents, he had a convenient vehicle for that purpose shortly after 9/11. That’s when the PATRIOT Act was passed, substantially enhancing the president’s authority under FISA and expanding his ability to conduct foreign intelligence surveillance. The president could have, but did not, seek new authority for the NSA — authority that he has now decreed, unilaterally, without input from either Congress or the courts.

Maybe Congress would not have approved if asked. Or maybe the courts would have overridden any further loosening of the warrant provisions. But the legal stumbling block for the administration is not just that it failed to get affirmative support for expanded surveillance from Congress and the courts. The bigger predicament is that Congress, without objection from the president, expressly rejected warrantless domestic surveillance and codified that prohibition in the FISA statute, which the president implicitly accepted when he signed the PATRIOT Act.

Because the central problem with the NSA surveillance program is too much unchecked authority in the executive branch, the obvious solution is for the federal legislature or the federal judiciary to intervene. But the courts may decide they cannot play a role: First, the Justice Department will not prosecute; second, surveillance targets who have been secretly monitored are unlikely to know of their victimization; third, potential targets may not be able to prove sufficient injury; and fourth, aggrieved members of Congress have previously been denied legal standing to sue.⁷⁰

That elevates the need for congressional intervention. But the president has resisted asking Congress to approve NSA domestic surveillance because, among other things, publicity might tip off al-Qaeda.⁷¹ Perhaps his concern is legitimate, but “tipping off terrorists” is an excuse not to debate any counterterrorism statute, including the PATRIOT Act, which was nonetheless debated vigorously. Moreover, the president’s rationale assumes that al-Qaeda would be blissfully ignorant of the surveillance but for congressional deliberations.

The administration may be justified in taking measures that in pre-9/11 times could be seen as infringements of civil liberties. After all, the fuzzy text of the Fourth Amendment (unreasonable searches) and the Fifth Amendment (due process) leaves room for exceptions at the margin. But

the executive branch cannot, in the face of an express prohibition by Congress, unilaterally set the rules, execute the rules, and eliminate oversight by the other branches.

() Circumvention inevitable – FISA Courts prove

Brown '14

Bruce Brown - Counsel of Record. BRIEF OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND 17 MEDIA ORGANIZATIONS AS AMICI CURIAE IN SUPPORT OF PLAINTIFF-APPELLANT - The Reporters Committee for Freedom of the Press is an unincorporated association of reporters. The Reporters Committee has provided representation, guidance and research in First Amendment and Freedom of Information Act litigation since 1970. Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. “Amici” means “friend of the court” and – in this context - is legal reference to the Reporters Committee – Sept 9th - <https://www.eff.org/document/rcfp-smith-amicus-brief>

Internal protections built into these enormous databases cannot prevent overreaching in all cases.⁴ Government documents released in September of 2013 show that for a three-year period, until March 2009, the NSA regularly searched call logs of about 15,000 numbers without having a reasonable ^{articulable} suspicion of terrorism. Josh Gerstein, NSA broke rules on call-tracking program, court filings show, Politico (Sept. 10, 2013), <http://politi.co/17UxEJR>. Further, an internal NSA audit from 2012 revealed that the agency conducted unauthorized searches of data, including phone records and e-mail, of thousands of Americans since 2008. See Barton Gellman, NSA Broke Privacy Rules Thousands of Times Per Year, Audit Finds, Wash. Post (Aug. 15, 2013), <http://wapo.st/16SWco2>. Such conduct – which has “include[d] unauthorized access to intercepted communications, the distribution of protected content[,] and the use of automated systems without built-in safeguards to prevent unlawful surveillance,” id.— cast serious doubt on the government’s ability to police itself when implementing such a far-reaching mass call-tracking program. In fact, the FISA Court chief judge Reggie B. Walton said his court does not have the capacity to investigate issues of noncompliance.” Carol D. Leonnig, Court: Ability to police U.S. spying program limited, Wash. Post (Aug. 15, 2013), <http://wapo.st/1cR581f>.

Even the President admits that existing NSA spying violates the Congressional FISA statute.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power and the NSA’s Surveillance Authority II,” testimony before the Senate Judiciary Committee, February 28th, Available Online at <http://www.cato.org/publications/congressional-testimony/wartime-executive-power-nas-surveillance-authority-ii#26>, Accessed 05-29-2015)

Accordingly, even if the administration establishes that NSA warrantless surveillance during wartime is reasonable in the context of the Fourth Amendment, the question remains whether the NSA program violates the express terms of FISA. It does.

The text of FISA is unambiguous: “A person is guilty of an offense if he intentionally engages in electronic surveillance ... except as authorized by statute.”¹⁸ That provision covers

communications from or to U.S. citizens or permanent resident aliens in the United States. Moreover, the Wiretap Act provides that its procedures and FISA “shall be the exclusive means by which electronic surveillance ... may be conducted.” 19

From the early 1960s until 1973, the NSA, without approval of Congress, used a “watch list” of U.S. citizens and organizations in sorting through intercepted foreign communications. That was known as Project Minaret.²⁰ From 1945 to 1975, telegraph companies gave the NSA copies of most telegrams sent from the United States to overseas. That was known as Project Shamrock, “probably the largest governmental interception program affecting Americans ever undertaken.”²¹ Of course, there were also domestic spying abuses by the Federal Bureau of Investigation under J. Edgar Hoover against suspected communists, Black Panthers, civil rights leaders and others. That’s why FISA was enacted in 1978. It had a dual purpose: to curb abuses while facilitating domestic surveillance for foreign intelligence purposes.

To be sure, the FISA statute was drafted to deal with peacetime intelligence. But that does not mean the statute can be ignored when applied to the post-9/11 war on terror. First, the FISA text makes no distinction between wartime and peacetime. To conduct surveillance without statutory authorization, in wartime or peacetime, is a crime, punishable by up to five years in prison.²² Second, in passing FISA, Congress expressly contemplated warrantless surveillance during wartime, but limited it to the first 15 days after war is declared. The statute reads: “Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for a period not to exceed fifteen calendar days following a declaration of war by the Congress.”²³ Third, FISA warrant requirements and electronic surveillance provisions were amended by the USA PATRIOT Act,²⁴ which was passed in response to 9/11 and signed by President Bush. If 9/11 triggered “wartime,” as the administration has repeatedly and convincingly argued, then the amended FISA is clearly a wartime statute.

Some administration supporters have argued that FISA and the PATRIOT Act provide tools that the president had anyway, except he could not use the acquired evidence in a criminal prosecution.²⁵ Yet there is no support for the notion that members of Congress, in passing the two statutes, thought they were simply debating the rules of evidence. Moreover, warrant requirements are triggered even if the government declines to prosecute. Imagine police secretly entering a private home without a warrant, installing bugs on phones and tracer software on computers, searching every room and closet, then leaving, never to be heard from again — no arrest, no indictment, no notice to the target. Clearly, the Fourth Amendment’s warrant provisions have been violated, even if the target is unaware and no fruits of the search are used as evidence in a criminal prosecution. A key purpose of the Amendment is to ensure privacy in those situations in which an expectation of privacy is reasonable.

That said, there may be some international satellite or radio communications that do not come under FISA’s prohibition because the communicating parties could not reasonably expect privacy. But I know of no court case that has denied there is a reasonable expectation of privacy by U.S. citizens and permanent resident aliens in their phone calls and emails.

Moreover, the Justice Department, in a December 2005 letter to Congress, acknowledged that the president’s October 2001 NSA eavesdropping order **did not comply with the** “procedures”

of the FISA statute.²⁶ The Department offers two justifications — the first of which I examine next.

The president authorized NSA surveillance without input from Congress or the courts — there is precedent for unilateral actions in this area.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

Finally, if the President thought the law should be amended to authorize warrantless domestic surveillance, he had a convenient vehicle for that purpose shortly after 9/11. That’s when the PATRIOT Act was passed, substantially enhancing the president’s authority under FISA and expanding his ability to conduct foreign intelligence surveillance. The President could have, but did not, seek new authority for the NSA—**authority that he has now decreed, unilaterally, without input from either Congress or the courts.**

2NC/1NR — Signing Statements

The President will covertly use signing statements to ensure the law isn't enforced — the Court won't overturn.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 ("The Unitary Executive: Why the Bush Doctrine Violates the Constitution," *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

Bush has used presidential "signing statements" — statements issued by the President upon signing a bill into law — to expand his power. Each of his signing statements says that he will interpret the law in question "in a manner consistent with his constitutional authority to supervise the unitary executive branch."

Presidential signing statements have gotten very little media attention. They are, however, highly important documents that define how the President interprets the laws he signs. Presidents use such statements to protect the prerogative of their office and ensure control over the executive branch functions.

Presidents also — since Reagan — have used such statements to create a kind of alternative legislative history. Attorney General Ed Meese explained in 1986 that:

To make sure that the President's own understanding of what's in a bill is the same . . . is given consideration at the time of statutory construction later on by a court, we have now arranged with West Publishing Company that the presidential statement on the signing of a bill will accompany the legislative history from Congress so that all can be available to the court for future construction of what that statute really means.

The alternative legislative history would, according to Dr. Christopher S. Kelley, professor of political science at the Miami University at Oxford, Ohio, "contain certain policy or principles that the administration had lost in its negotiations" with Congress.

The Supreme Court has paid close attention to presidential signing statements. Indeed, in two important decisions — the Chadha and Bowsher decisions — the Court relied in part on president signing statements in interpreting laws. Other federal courts, sources show, have taken note of them too.

2NC/1NR — Covert Noncompliance

Even if the President claims to support the law, Obama will use the State Secrets Doctrine to covertly avoid compliance with surveillance statutes.

Bazzle 12 — Timothy Bazzle, litigation associate at Goodwin Procter LLP in Boston, J.D., Georgetown University Law Center, M.I.A., School of International and Public Affairs at Columbia, 2012 (“Shutting The Courthouse Doors: Invoking The State Secrets Privilege To Thwart Judicial Review In The Age Of Terror,” Civil Rights Law Journal, Vol 23, No 1, Available Online at <http://civilrightslawjournal.com/issues/23.29.pdf>, Accessed 06-05-2015)

The war on terror has led to an increased use of the state secrets privilege by the Executive Branch—to dismiss legal challenges to widely publicized and controversial government actions—ostensibly aimed at protecting national security from terrorist threats.¹ Faced with complaints that allege indiscriminate and warrantless surveillance,² tortious detention, and torture that flouts domestic and international law,³ courts have had to reconcile impassioned appeals for private justice with the government’s unyielding insistence on protecting national security. **Courts, almost unanimously, have cast their lot with national security, granting considerable deference to government assertions of the state secrets principle. This deference to state secrets shows no signs of abating; indeed, the growing trend is for courts to dismiss these legal challenges pre-discovery,**⁴ even before the private litigants have had the chance to present actual, non-secret evidence to meet their burden of proof. Although many looked optimistically at President Obama’s inauguration as a chance to break decisively from the Bush Administration’s aggressive application of the state secrets privilege,⁵ the Obama Administration has largely disappointed on the state-secrets front, asserting the privilege with just as much fervor—if not as much regularity⁶ —as its predecessor.⁷

Judicial deference to such claims of state secrecy, whether the claims merit privileged treatment, exacts a decisive toll on claimants, permanently shutting the courthouse doors to their claims and interfering with public and private rights.⁸ Moreover, **courts’ adoption of a sweeping view of the state secrets privilege has raised the specter of the government disingenuously invoking state secrets to conceal government misbehavior under the guise of national security.**⁹ By granting greater deference to assertions of the state secrets privilege, courts share responsibility for eroding judicial review as a meaningful check on Executive Branch excesses. This Article argues for a return to a narrowly tailored state secrets privilege—one that ensures that individuals who allege a credible claim of government wrongdoing retain their due process rights.

Presidents will use secret National Security Directives to continue to thwart Congress and the Courts on surveillance — no effective oversight.

Moe and Howell 99 — Terry M. Moe, William Bennett Munro Professor of Political Science at Stanford University and a senior fellow at the Hoover Institution, and William G. Howell, Ph.D. Candidate at Stanford, now a Professor in American Politics at the University of Chicago Harris School of Public Policy Studies, 1999 (“The Presidential Power of Unilateral Action,” The Journal

of Law, Economics, and Organization, Vol 15 No 1, Available Online at <http://home.uchicago.edu/~whowell/papers/ThePresidential.pdf>, Accessed 06-05-2015)

Presidents also have advantages in foreign affairs because of the expertise they control, and because of the **frequent need for secrecy**. These are reasons why Congress feels the need to delegate—but they also give presidents key resources, whatever the delegation, for taking **unilateral action that can easily go beyond the bounds** of what Congress intends. This is true throughout the realm of foreign policy, but it is perhaps **most consequential for policies bearing on the intelligence community**. While the Central Intelligence Agency and other intelligence organizations within the government have played key roles in U.S. foreign policy, they have been almost entirely under the control of presidents— who have used these agencies to promote their own agendas throughout the world, exercised their control largely in secret, and sometimes, as in the Iran-Contra affair, **done things of which Congress would never have approved if it knew** (Fleishman and Aufses, 1976).

The key is that Congress often doesn't know. Presidents control the intelligence community through their own orders, with heavy reliance on "national security directives," which can be kept secret. Thus even though Congress, as part of its "resurgence" after Vietnam and Watergate, set up committees to oversee aspects of the intelligence community, the pervasive secrecy has made their job extremely difficult. Consider the words of Lee Hamilton [(D) Indiana], chair of the Iran Contra Committee, who vented his frustration at a 1988 House hearing:

The use of secret [national security directives, or NSDs] to create policy infringes on Congress's constitutional prerogatives by inhibiting effective oversight and limiting Congress's policymaking role. **[NSDs] are revealed to Congress only under irregular, arbitrary, or even accidental circumstances, if at all.** Even the Intelligence Committees do not usually receive copies of [NSDs]. (U.S. House of Representatives, 1988:29)

1NC — Single Branch

Single branch approaches fail — the NSA is so powerful it requires all three branches to control it.

BloombergBusiness 14 — BloombergBusiness, Byline David Lerman, 2014 (“U.S. Spy Agency Reports Improper Surveillance of Americans,” BloombergBusiness Online, December 24th, Available Online at <http://www.bloomberg.com/news/articles/2014-12-24/spy-agency-to-release-reports-documenting-surveillance-errors>, Accessed 06-05-2015)

“The government conducts sweeping surveillance under this authority -- surveillance that increasingly puts Americans’ data in the hands of the NSA,” Patrick C. Toomey, staff attorney with the ACLU’s National Security Project, said in an e-mail.

No Oversight

“Despite that fact, this spying is conducted almost entirely in secret and without legislative or judicial oversight,” he said.

The reports show greater oversight by all three branches of government is needed, Toomey added.

NSA Circumvention

The NSA will independently circumvent the plan — they've had decades of non-compliance.

BloombergBusiness 14 — BloombergBusiness, Byline David Lerman, 2014 (“U.S. Spy Agency Reports Improper Surveillance of Americans,” BloombergBusiness Online, December 24th, Available Online at <http://www.bloomberg.com/news/articles/2014-12-24/spy-agency-to-release-reports-documenting-surveillance-errors>, Accessed 06-05-2015)

(Bloomberg) -- The National Security Agency today released reports on intelligence collection that may have violated the law or U.S. policy over more than a decade, including unauthorized surveillance of Americans' overseas communications.

The NSA, responding to a Freedom of Information Act lawsuit from the American Civil Liberties Union, released a series of required quarterly and annual reports to the President's Intelligence Oversight Board that cover the period from the fourth quarter of 2001 to the second quarter of 2013.

The heavily-redacted reports include examples of data on Americans being e-mailed to unauthorized recipients, stored in unsecured computers and retained after it was supposed to be destroyed, according to the documents. They were posted on the NSA's website at around 1:30 p.m. on Christmas Eve.

In a 2012 case, for example, an NSA analyst “searched her spouse's personal telephone directory without his knowledge to obtain names and telephone numbers for targeting,” according to one report. The analyst “has been advised to cease her activities,” it said.

Other unauthorized cases were a matter of human error, not intentional misconduct.

Last year, an analyst “mistakenly requested” surveillance “of his own personal identifier instead of the selector associated with a foreign intelligence target,” according to another report.

Unauthorized Surveillance

In 2012, an analyst conducted surveillance “on a U.S. organization in a raw traffic database without formal authorization because the analyst incorrectly believed that he was authorized to query due to a potential threat,” according to the fourth-quarter report from 2012. The surveillance yielded nothing.

The NSA's intensified communications surveillance programs initiated after the Sept. 11, 2001, terrorist attacks on New York and Washington unleashed an international uproar after they were disclosed in classified documents leaked by fugitive former contractor Edward Snowden last year.

The NSA fails to comply with regulations — even the FISA court cannot effectively exercise oversight. The harms of the affirmative will continue.

Toomey 14 — Patrick Toomey, staff attorney in the ACLU's National Security Project, where he works on issues related to electronic surveillance, national security prosecutions, whistleblowing, and racial profiling, JD from Yale Law, former law clerk to the Hon. Nancy Gertner, United States District Judge for the District of Massachusetts, and to the Hon. Barrington D. Parker, United States circuit judge for the Second Circuit Court of Appeals, 2014 ("Too Big To Comply? NSA Says It's Too Large, Complex to Comply With Court Order," ACLU Blog, June 14th, Available Online at <https://www.aclu.org/blog/too-big-comply-nsa-says-its-too-large-complex-comply-court-order>, Accessed 06-05-2015)

In an era of too-big-to-fail banks, we should have known it was coming: An intelligence agency too big to rein in — and brazen enough to say so.

In a remarkable legal filing on Friday afternoon, the NSA told a federal court that its spying operations are **too massive and technically complex to comply with an order** to preserve evidence. The NSA, in other words, now says that it cannot comply with the rules that apply to any other party before a court — the very rules that ensure legal accountability — **because it is too big.**

The filing came in a long-running lawsuit filed by the Electronic Frontier Foundation challenging the NSA's warrantless collection of Americans' private data. Recently, the plaintiffs in that case have fought to ensure that the NSA is preserving relevant evidence — a standard obligation in any lawsuit — and **not destroying the very data that would show the agency spied on the plaintiffs' communications.** Yet, as in so many other instances, the NSA appears to believe it is exempt from the normal rules.

In its filing on Friday, the NSA told the court:

[A]ttempts to fully comply with the Court's June 5 Order would be a massive and uncertain endeavor because the NSA may have to shut down all databases and systems that contain Section 702 information in an effort to comply.

For an agency whose motto is "Collect It All," the NSA's claim that its mission could be endangered by a court order to preserve evidence is a remarkable one. That is especially true given the immense amount of data the NSA is known to process and warehouse for its own future use.

The NSA also argued that retaining evidence for EFF's privacy lawsuit would put it in violation of other rules designed to protect privacy. But what the NSA presents as an impossible choice between accountability and privacy is actually a false one. Surely, the NSA — with its ability to sift and sort terabytes of information — can devise procedures that allow it to preserve the plaintiffs' data here without retaining everyone's data.

The crucial question is this: if the NSA does not have to keep evidence of its spying activities, how can a court ever test whether it is in fact complying with the Constitution?

Perhaps most troubling, the new assertions continue the NSA's decade-long effort to evade judicial review — at least in any public court. For years, in cases like the ACLU's Amnesty v. Clapper, the NSA evaded review by telling courts that plaintiffs were speculating wildly when they claimed that the agency had intercepted their communications. Today, of course, we know those claims were prescient: Recent disclosures show that the NSA was scanning Americans' international emails en masse all along. Now, the NSA would put up a new roadblock — claiming that it is unable to preserve the very evidence that would allow a court to fully and fairly review those activities.

As Brett Max Kaufman and I have written before, **our system of oversight is broken** — this is only the latest warning sign flashing red. The NSA has grown far beyond the ability of its overseers to properly police its spying activities. That includes the secret FISA Court, which has struggled to monitor the NSA's compliance with basic limits on its surveillance activities. It includes the congressional oversight committees, which operate with too little information and too often appear captive to the interests of the intelligence community. And, now we are to believe, it includes the public courts as well.

No intelligence agency should be too big to be accountable to the rule of law.

The NSA breaks privacy rules thousands of times per year — aff's regulations are meaningless.

Washington Post 13 — Washington Post, Byline Barton Gellman, 2013 (“NSA broke privacy rules thousands of times per year, audit finds,” Washington Post, August 15th, Available Online at http://www.washingtonpost.com/world/national-security/nsa-broke-privacy-rules-thousands-of-times-per-year-audit-finds/2013/08/15/3310e554-05ca-11e3-a07f-49ddc7417125_story.html, Accessed 06-06-2015)

The National Security Agency has broken privacy rules or overstepped its legal authority thousands of times each year since Congress granted the agency broad new powers in 2008, according to an internal audit and other top-secret documents.

Most of the infractions involve unauthorized surveillance of Americans or foreign intelligence targets in the United States, both of which are restricted by statute and executive order. They range from significant violations of law to typographical errors that resulted in unintended interception of U.S. e-mails and telephone calls.

The documents, provided earlier this summer to The Washington Post by former NSA contractor Edward Snowden, include a level of detail and analysis that is not routinely shared with Congress or the special court that oversees surveillance. In one of the documents, agency personnel are instructed to remove details and substitute more generic language in reports to the Justice Department and the Office of the Director of National Intelligence.

In one instance, the NSA decided that it need not report the unintended surveillance of Americans. A notable example in 2008 was the interception of a “large number” of calls placed

from Washington when a programming error confused the U.S. area code 202 for 20, the international dialing code for Egypt, according to a “quality assurance” review that was not distributed to the NSA’s oversight staff.

In another case, the Foreign Intelligence Surveillance Court, which has authority over some NSA operations, did not learn about a new collection method until it had been in operation for many months. The court ruled it unconstitutional.

The Obama administration has provided almost no public information about the NSA’s compliance record. In June, after promising to explain the NSA’s record in “as transparent a way as we possibly can,” Deputy Attorney General James Cole described extensive safeguards and oversight that keep the agency in check. “Every now and then, there may be a mistake,” Cole said in congressional testimony.

Executive Noncompliance — Congress

Executive noncompliance likely — long term trends and a weak Congress prove.

Barron and Lederman 8 — David J. Barron, United States Circuit Judge for the United States Court of Appeals for the First Circuit and former Professor of Public Law at Harvard Law School, and Martin S. Lederman, Deputy Assistant Attorney General in the Department of Justice's Office of Legal Counsel, and Professor of Law at Georgetown, 2008 (“The Commander In Chief At The Lowest Ebb — A Constitutional History,” Harvard Law Review, Vol 121, No 4, February, Available Online at http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/barron_lederman2.pdf, Accessed 06-05-2015)

Powers once claimed by the Executive are not easily relinquished. One sees from our narrative how, in a very real sense, the constitutional law of presidential power is often made through accretion. A current administration eagerly seizes upon the loose claims of its predecessors, and applies them in ways perhaps never intended or at least not foreseen or contemplated at the time they were first uttered. The unreflective notion that the “conduct of campaigns” is for the President alone to determine has slowly insinuated itself into the consciousness of the political departments (and, at times, into public debate), and has gradually been invoked in order to question all manner of regulations, from requirements to purchase airplanes, to limitations on deployments in advance of the outbreak of hostilities, to criminal prohibitions against the use of torture and cruel treatment. In this regard, the claims of the current Administration represent as clear an example of living constitutionalism in practice as one is likely to encounter. There is a radical disjuncture between the approach to constitutional war powers the current President has asserted and the one that prevailed at the moment of ratification and for much of our history that followed.

But that dramatic deviation did not come from nowhere. Rarely does our constitutional framework admit of such sudden creations. Instead, the new claims have drawn upon those elements in prior presidential practice most favorable to them. That does not mean our constitutional tradition is foreordained to develop so as to embrace unchecked executive authority over the conduct of military campaigns. At the same time, it would be wrong to assume, as some have suggested, that the emergence of such claims will be necessarily selfdefeating, inevitably inspiring a popular and legislative reaction that will leave the presidency especially weakened. In light of the unique public fears that terrorism engenders, the more substantial concern is an **opposite one**. It is entirely possible that the emergence of these claims of preclusive power will subtly but increasingly influence future Executives to eschew the harder work of accepting legislative constraints as legitimate and actively working to make them tolerable by building public support for modifications. The temptation to argue that the President has an obligation to protect the prerogatives of the office asserted by his or her predecessors will be great. Congress’s capacity to effectively check such defiance will be comparatively weak. After all, the President can veto any effort to legislatively respond to defiant actions, and impeachment is neither an easy nor an attractive remedy.

The prior practice we describe, therefore, could over time become a faint memory, recalled only for the proposition that it is anachronistic, **unsuited for what are thought to be the unique perils of the contemporary world**. Were this to happen it would represent an unfortunate

development in the constitutional law of war powers. Thus, it is incumbent upon legislators to challenge efforts to bring about such a change. Moreover, executive branch actors, particularly those attorneys helping to assure that the President takes care the law is faithfully executed, should not abandon two hundred years of historical practice too hastily. At the very least, they should resist the urge to continue to press the new and troubling claim that the President is entitled to unfettered discretion in the conduct of war.

The President will simply refuse to enforce the law — empirically proven when national security information is involved. This is true *even if he signs the bill into law.*

McGinnis 93 — Assistant Professor, Benjamin N. Cardozo School of Law, former Deputy Assistant Attorney General in the Office of Legal Counsel, Department of Justice, 1993 (“Constitutional Review By The Executive In Foreign Affairs And War Powers: A Consequence Of Rational Choice In The Separation Of Powers,” Law and Contemporary Problems, Vol 56 No 4, Autumn, Available Online at <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4213&context=lcp>, Accessed 06-05-2015)

A. The Executive's Rebuff of An Adventitious Congressional Challenge to the Accommodation

One year into President Bush's term, Congress passed the Foreign Relations Authorization Act.⁷⁴ The Act included a provision prohibiting the United States from spending any money authorized for international conferences on the U.S. delegation to the Conference on Security and Cooperation in Europe unless that delegation included representatives of the Commission on Security and Cooperation in Europe.⁷⁵ This Commission was composed almost entirely of members appointed by the legislative branch.⁷⁶

The reasons for Congress's decision to include this provision are obscure,⁷⁷ but a former member of the National Security Council staff recalls that the Counsel to the Foreign Relations Committee of the House of Representatives was particularly interested in these negotiations and wanted to participate in them.⁷⁸ The inclusion of the provision was a sharp challenge to the President's asserted powers in foreign affairs for two reasons. First, presidents from both parties have asserted their authority to represent the United States in foreign affairs and thus control the identity of U.S. negotiators.⁷⁹ Moreover, presidents have also consistently claimed the absolute right to control national security information and prevent its disclosure to Congress—a power that would obviously be impaired if a representative of the legislative branch were required on the negotiating team.⁸⁰

Given the far-reaching challenge to powers of the presidency, President Bush's response was extremely forceful. He announced that the provision was unconstitutional, and that he would refuse to enforce it, permitting him to continue spending funds on the conference. ⁸¹ Announcing his refusal to enforce the provision served the purpose of protecting the boundaries of his powers better than vetoing the bill would have done. By claiming this right of refusal, the President was asserting a power of constitutional review over legislation that interfered with his

constitutional prerogatives, at least in the area of foreign affairs. A veto, even if sustained, would not have permitted the President dramatically to assert a lawmaking role **rivaling that of the Court** in this area.'

The President's move effectively gave him the **last word on the issue**.' Congress could have used its power of impeachment to assert its view of the Constitution (both as to the substance of the President's foreign affairs authorities and as to his authority to refuse to enforce a law), but its use of this power under these circumstances would have seemed politically implausible because of both the relative unimportance of the issue in the public's perception and the general level of support the President enjoyed among the public and Congress at the time. By refusing to enforce the law, the President had effectively called Congress's bluff, both raising the stakes and leaving Congress with no feasible way to make its law binding through the use of its own political powers.

NSA surveillance violates explicit Congressional statutes and Supreme Court case law — the President has refused to comply with appropriate Congressional mandates in the area of surveillance.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

Thus the administration can credibly argue that it may conduct some types of warrantless surveillance without violating the Fourth Amendment. And because the president’s Article II powers are elevated during time of war—assuming the AUMF to be the functional, if not legal, equivalent of a declaration of war—his post-9/11 authorization of NSA warrantless surveillance might be justifiable if Congress had not expressly disapproved.

But Congress did expressly disapprove, in the FISA statute. Therefore, the President’s assertion of a national-security exception that encompasses the NSA program misses the point. The proper question is not whether the president has inherent authority to relax the “reasonableness” standard of the Fourth Amendment. The answer to that question is: yes, in some cases. But the narrower issue in the NSA case is whether the president, in the face of an express statutory prohibition, can direct that same surveillance. **The answer is no, and I am not aware of any case law to support an argument to the contrary.**

Put somewhat differently, Article II establishes that the president has inherent powers, especially during wartime. And those powers might be sufficient to support his authorization of warrantless surveillance, notwithstanding the provisions of the Fourth Amendment. But Article II does not delineate the scope of the president’s wartime powers. And because Congress has

concurrent authority in this area, an express prohibition by Congress is persuasive when deciding whether the president has overreached.

The distinction between concurrent and exclusive powers is important. For example, the president's "Power to grant . . . Pardons" is exclusive; there is no stated power for Congress to modify it by legislation—for example, by declaring certain offenses unpardonable. By contrast, the president's wartime powers are shared with Congress, which is constitutionally authorized to "define and punish . . . Offenses against the Law of Nations," "declare War," "make Rules concerning Captures on Land and Water," "raise and support Armies," "provide and maintain a Navy," "make Rules for the Government and Regulation of the land and naval forces," and suspend habeas corpus. That suggests **the president must comply with duly enacted statutes** unless he can show that Congress has exceeded its authority. In this instance, **President Bush has made no such showing.**

Executive Circumvention — Congress

Formal Congressional restriction net increases violations — turns the case.

Spiro 93 — Peter J. Spiro, Professor, Hofstra University School of Law in public international law, immigration law, international trade law, citizenship and nationality law, foreign relations and national security law, 1993 (“War Powers and the Sirens of Formalism,” New York University Law Review, Vol 68, December, Available Online via Lexis)

Moreover, there is a harm in the perpetuation of text that neither reflects nor governs behavior. The War Powers Resolution (either as is or as modified by the Ely proposal) continues to bring the legislative branch into institutional disrepute. Congress looks toothless to the extent that it has not, loosely speaking, lived up to its responsibilities or exploited its prerogatives under the Resolution. n92 At the same time, the presidency seems bold in defiance. Insofar as it has not come to be ignored altogether, the Resolution may play into the hands of executive branch partisans by serving as a lingering reminder that Congress, even as equipped with statutory tools, has acquiesced in the sometimes uncurbed exercise of presidential discretion. This acquiescence, in turn, may fuel the more extreme claims of exclusive presidential powers, as was true of some of President Bush's pronouncements leading up to the Gulf War. Alternatively, the continued formal validity of the Resolution may drive the executive branch to overcompensate rhetorically in defending what it considers to be its exclusive powers unconstitutionally reallocated by the Act. Worse, the disjunction of text and practice could distort the decisionmaking process so as to result in presidential attempts to broaden the range of action undertaken without legislative approval.

Obama will circumvent the plan — Congress won't intervene.

Cohen 12 — Michael A. Cohen, fellow at The Century Foundation, a columnist at the Boston Globe and a regular writer and commentator on American politics and U.S. foreign policy, 2012 (“The Imperial Presidency: Drone Power and Congressional Oversight,” World Politics Review, July 24th, Available Online at <http://www.worldpoliticsreview.com/articles/12194/the-imperial-presidency-drone-power-and-congressional-oversight>)

The Justice Department's formal rationale for the targeting and killing of an American citizen, in apparent violation of due process rights, might very well be legal and proper. After all, Awlaki had joined a terrorist organization that was legally at war with the United States, and American forces have killed U.S. citizens serving in foreign armies in the past. The problem, however, is that no one outside the president, his top advisers and the OLC lawyers who drafted the memo - - many of whom are political appointees -- have seen this legal justification. Indeed, in June 2012, Rep. Jerry Nadler specifically asked Attorney General Eric Holder in a congressional hearing if he would turn the OLC memo over to Congress. Holder demurred and still has yet to do so. The episode is reflective of the current state of congressional oversight of the executive branch on national security issues: The executive branch stonewalls or uses legal justification to avoid oversight, and Congress does precious little to demand that its constitutional prerogatives are respected. Instead of a push and pull between the two branches of the U.S. government limiting both sides' power, the opportunities for the expansion of executive power

are becoming more pronounced -- and could get worse. To be sure, things weren't supposed to be this way. As a presidential candidate on the campaign trail, Barack Obama talked a big game about limiting executive power and adhering more closely to congressional mandates. **As president, he has moved the balance of power in a different direction.** In his handling of the Libyan intervention, for instance, Obama initially refused to go to Congress to get authorization for the use of force. Later he made the credibility-stretching argument that the war in Libya did not meet the definition of "hostilities" under the War Powers Resolution, which requires the president to seek congressional authorization for the use of force within 60 days of the initiation of hostilities. While presidents have generally questioned the resolution's constitutionality, they have also generally abided by its key provisions regarding the use of force. This was not the case in Libya. The Libya intervention is, in key regards, Obama's most ostentatious expansion of executive power, but this disregard for congressional prerogatives has seeped into other areas as well, in particular the so-called shadow war, which includes the use of cyber attacks, drone strikes and special forces to pursue U.S. national security interests and wage the war on terror. Since taking office, the administration has significantly increased the scope of the U.S. drone war. The shift coincides with post-Sept. 11 increases in both the U.S. drone arsenal and the size of the U.S. Special Operations Command (SOCOM). Meanwhile, at the same time that he has reduced the number of U.S. boots on the ground in actual combat zones, Obama has stretched the battlefield of the war on terror. While the administration notifies congressional intelligence committees of its targeted killings of suspected terrorist leaders, it does so in private. In fact, only in recent weeks did the Obama White House publicly confirm the use of "direct action" against targets in Somalia and Yemen -- and even then in a manner that was less than forthcoming and that didn't include reference to CIA targeted killing operations. Ironically, however, the administration stands on firmer legal ground here than it did on Libya. It has used the Authorization of Military Force (AUMF) granted in 2001 by Congress to justify nearly every aspect of these operations, including targeted killing campaigns carried out by both the military and the CIA, and the continued detention of prisoners in Guantanamo Bay and Afghanistan. As Yale Law School professor Bruce Ackerman told me, "The AUMF was a response to a real problem, namely the attacks of Sept. 11. It is now being transformed into a tool for fighting a 100-year war against terrorists." In a sense we are witnessing a perfect storm of executive branch power-grabbing: a broad authorization of military force giving the president wide-ranging discretion to act, combined with a set of tools -- drones, special forces and cyber technology -- that allows him to do so in unprecedented ways. And since few troops are put in harm's way, **there is barely any public scrutiny.** Congress has the ability to stop these excesses. On Libya, it possessed the power to turn off the financial spigot and cut off funding, and indeed, there was a tepid effort in the House of Representatives to do so. On the AUMF, Congress could simply repeal it or more realistically modify it to take into account the new battlefields in the war on terror. Finally, it could conduct greater oversight, in particular public hearings, of how the executive branch is utilizing military force. But not only has Congress not taken these steps, in deliberations over the National Defense Authorization Act earlier this year, it tried to expand the AUMF. On the use of drones and targeted killings, Congress has made little effort to demand greater information from the White House and has not held any public hearings on either of these issues. As Micah Zenko recently noted, claims "that congressional oversight of targeted killings exclusively by the intelligence committees in closed sessions is adequate" are

“indefensible.” The reasons for congressional abdication are legion. **Partisanship plays an important role.** For example, from 2001 to 2006, Republicans largely abstained from overseeing a Republican White House’s wars in Iraq and Afghanistan. Since a Democrat became president, however, congressional oversight and scrutiny of the administration in terms of foreign policy has remained underwhelming, if not nearly as bad. Meanwhile, **the White House has treated Congress dismissively and even with contempt.** Historically, strong institutional prerogatives have been a check on such parochialism -- think William Fulbright and the Senate Foreign Relations Committee’s apostasy on Vietnam or even the bipartisan Iran-Contra hearings in the 1980s. Today, however, few in Congress have shown much interest in upholding even its most basic foreign policy responsibilities. Quite simply, there are no Frank Churches or even Russ Feingolds in Congress anymore. But there are also serious institutional obstacles to enhanced congressional scrutiny. Writing in the Harvard National Security Journal (.pdf), Andru Wall argues that much of the problem with congressional oversight can be traced to an antiquated understanding of how national security operations are actually carried out. **At a time of greater interagency cooperation and coordination between the military and intelligence agencies, Congress still sees these functions as somehow discrete.** As Greg Miller noted in the Washington Post in December, “Within 24 hours of every CIA drone strike, a classified fax machine lights up in the secure spaces of the Senate Intelligence Committee, spitting out a report on the location, target and result. The outdated procedure reflects the agency’s effort to comply with Title 50 requirements that Congress be provided with timely, written notification of covert action overseas. There is no comparable requirement in Title 10, and the Senate Armed Services Committee can go days before learning the details of JSOC strikes. Neither panel is in a position to compare the CIA and JSOC kill lists or even arrive at a comprehensive understanding of the rules by which each is assembled.” In addition, oversight responsibilities are often bifurcated by separate authorization and appropriation processes. The 9/11 Commission recommended ending this dysfunctional arrangement among intelligence committees and creating a single joint intelligence committee with both authorizing and appropriating responsibilities. Nearly 10 years later, it still hasn’t happened. If history is any guide, **so long as Congress fails to hold the president’s feet to the fire, the executive branch will take on more responsibilities that are outside the purview of Congress’ prying eyes.** Ackerman called such “legislative irresponsibility and executive unilateralism” a self-perpetuating phenomenon that is a “recurrent dynamic in presidential systems.” With the lack of any strong institutional pride in Congress, an executive branch that for obvious reasons prefers less oversight and the advent of new tools for fighting America’s wars, this situation is likely to get worse before it gets better, if it ever does.

Executive Circumvention — Impacts

Showdowns with the Supreme Court or Congress only increase Executive Power — turns the case and crushes separation of powers.

Posner and Vermeule 8 — Eric A. Posner, Distinguished Service Professor, University of Chicago Law School and the 4th most-cited legal scholar in the United States, JD from Harvard, former editor of The Journal of Legal Studies, and Adrian Vermeule, Professor of Law at Harvard, former Professor of Law at U Chicago, 2008 (“Constitutional Showdowns,” University of Pennsylvania Law Review, Vol 156, April, Available Online at http://www.ericposner.com/constitutional_showdowns_.pdf, Accessed 06-05-2015)

The point that current checking will fail to internalize the interests of future generations would hold even if there were only two branches in the picture. With three branches, however, externalities among current actors are also possible. One possibility is that the strongest branch - the one with the highest S-value - can play a divide-and-conquer game, alternating alliances with the weaker branches until it effectively dominates both. Here, the externality is that each of the weaker branches fails to take into account the full costs of its short-run opportunism to the other weak branch and to the balance of the whole system. Conversely, the weaker branches will be tempted to free-ride on each other's investment in checking the strongest branch, so long as there is a positive cost to a showdown that checks aggrandizement. A configuration [President = 0.5, Congress = 0.5, Supreme Court = 0] might yield far more aggressive checking of presidential expansion than would a configuration such as [President = 0.5, Congress = 0.25, Supreme Court = 0.25]. In the latter scenario [*1030] Congress and the Court will face temptations to mutual free-riding, while in the former scenario the concentration of nonpresidential power in a single place reduces the scope for presidential aggrandizement. n69

Obviously, many other scenarios are possible. We have assumed, for example, that showdowns will help to check aggrandizement, but this is not obviously true. Showdowns might actually provide the very opportunity the stronger branch has been seeking to crush its adversaries or to clarify their impotence, creating a highly visible precedent that will underscore its power. We mention these scenarios just to illustrate the types of externalities, even with the current generation, that can cause insufficient investments even in showdowns that would check aggrandizement if they occurred. The divergence between private and social costs and benefits will cause suboptimal checking, and there is no reason to think the failure of institutions to invest in showdowns that would promote optimal checking is somehow offset by their private-regarding incentive to invest in showdowns that will promote their own power. There is no invisible-hand mechanism that causes one type of failure to offset the other - a point to which we return below.

The President will win a showdown with Congress — he’s institutionally more invested in the outcome.

Nzelibe 13 — Jide Nzelibe, Associate Dean for Faculty Affairs and Professor of Law at Northwestern, 2013 (“Our Partisan Foreign Affairs Constitution,” American Bar Foundation Version, January 2nd, Available Online at http://www.americanbarfoundation.org/uploads/cms/documents/our_partisan_foreign_affairs_constitution_abf_version.pdf, Accessed 06-05-2015)

An alternative explanation for politically inspired changes in the Foreign Affairs Constitution focuses on the preferences of institutional actors. The underlying assumption is that conflict between the President and Congress often results in incremental changes to the boundary of the foreign affairs powers. In these power tussles, however, the President presumably prevails for two reasons. The first is that due to the singular nature of the President’s office, he has intrinsic institutional reasons to increase his authority since he gets to consume exclusively the benefits of any such usurpation.²³ As Daryl Levinson puts it, “[b]ecause individual presidents can consume a much greater share of the power of their institution than individual members of Congress, we should expect them to be willing to invest more in institutional aggrandizement.”²⁴ By contrast, the prospect of facing frequent elections and collective action problems often make it unlikely that members of Congress will have an incentive to protect or expand their constitutional prerogatives in foreign affairs.²⁵ The second is that Presidents tend to respond to the preferences of a national constituency, while members of Congress respond to the preferences of narrower constituencies who might be less interested in foreign affairs.²⁶

Unitary Executive Doctrine

Aggressive presidents will use the unitary executive doctrine to override Congress and the Courts on surveillance.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 ("The Unitary Executive: Why the Bush Doctrine Violates the Constitution," *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

Dr. Kelley notes that the unitary executive doctrine arose as the result of the twin circumstances of Vietnam and Watergate. Kelley asserts that "the faith and trust placed into the presidency was broken as a result of the lies of Vietnam and Watergate," which resulted in a congressional assault on presidential prerogatives.

For example, consider the Foreign Intelligence Surveillance Act (FISA) which Bush evaded when authorizing the NSA to tap without warrants — even those issued by the FISA court. FISA was enacted after the fall of Nixon with the precise intention of curbing unchecked executive branch surveillance. (Indeed, Nixon's improper use of domestic surveillance was included in Article 2 paragraph (2) of the impeachment articles against him.)

According to Kelley, these congressional limits on the presidency, in turn, led "some very creative people" in the White House and the Department of Justice's Office of Legal Counsel (OLC) to fight back, in an attempt to foil or blunt these limits. In their view, these laws were legislative attempts to strip the president of his rightful powers. Prominent among those in the movement to preserve presidential power and champion the unitary executive doctrine were the founding members of the Federalist Society, nearly all of whom worked in the Nixon, Ford, and Reagan White Houses.

The unitary executive doctrine arises out of a theory called "departmentalism," or "coordinate construction." According to legal scholars Christopher Yoo, Steven Calabresi, and Anthony Colangelo, the coordinate construction approach "holds that all three branches of the federal government have the power and duty to interpret the Constitution." According to this theory, the president may (and indeed, must) interpret laws, equally as much as the courts.

The Unitary Executive Versus Judicial Supremacy

The coordinate construction theory counters the long-standing notion of "judicial supremacy," articulated by Supreme Court Chief Justice John Marshall in 1803, in the famous case of *Marbury v. Madison*, which held that the Court is the final arbiter of what is and is not the law. Marshall famously wrote there: "It is emphatically the province and duty of the judicial department to say what the law is."

Of course, the President has a duty not to undermine his own office, as University of Miami law professor A. Michael Froomkin notes. And, as Kelley points out, the President is bound by his oath of office and the "Take Care clause" to preserve, protect, and defend the Constitution and to "take care" that the laws are faithfully executed. And those duties require, in turn, that the

President interpret what is, and is not constitutional, at least when overseeing the actions of executive agencies.

However, Bush's recent actions make it clear that he interprets the coordinate construction approach extremely aggressively. In his view, and the view of his Administration, that **doctrine gives him license to overrule and bypass Congress or the courts, based on his own interpretations of the Constitution — even where that violates long-established laws and treaties, counters recent legislation that he has himself signed, or** (as shown by recent developments in the Padilla case) involves offering a federal court contradictory justifications for a detention.

This is a form of presidential rebellion against Congress and the courts, and possibly a violation of President Bush's oath of office, as well.

After all, can it be possible that that oath means that the President must uphold the Constitution only as he construes it – and not as the federal courts do?

And can it be possible that the oath means that the President need not uphold laws he simply doesn't like – even though they were validly passed by Congress and signed into law by him?

Analyzing Bush's Disturbing Signing Statement for the McCain Anti-Torture Bill

Let's take a close look at Bush's most recent signing statement, on the torture bill. It says:

The executive branch shall construe Title X in Division A of the Act, relating to detainees, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power, which will assist in achieving the shared objective of the Congress and the President, evidenced in Title X, of protecting the American people from further terrorist attacks.

In this signing statement, Bush asserts not only his authority to internally supervise the "unitary executive branch," but also his power as Commander-in-Chief, as the basis for his interpretation of the law — which observers have noted allows Bush to create a loophole to permit the use of torture when he wants.

Clearly, Bush believes he can ignore the intentions of Congress. Not only that but by this statement, **he has evinced his intent to do so,** if he so chooses.

This Unitary Executive Doctrine causes a collapse in the Separation of Powers and American constitutional democracy.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 (“The Unitary Executive: Why the Bush Doctrine Violates the Constitution,” *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

The Unitary Executive Doctrine Violates the Separation of Powers

As Findlaw columnist Edward Lazarus recently showed, the President does not have unlimited executive authority, not even as Commander-in-Chief of the military. Our government was purposely created with power split between three branches, not concentrated in one.

Separation of powers, then, is **not simply a talisman**: It is the **foundation of our system**. James Madison wrote in The Federalist Papers, No. 47, that:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Another early American, George Nicholas, eloquently articulated the concept of "power divided" in one of his letters:

The most effectual guard which has yet been discovered against the abuse of power, is the division of it. It is our happiness to have a constitution which contains within it a sufficient limitation to the power granted by it, and also a proper division of that power. But no constitution affords any real security to liberty unless it is considered as sacred and preserved inviolate; because that security can only arise from an actual and not from a nominal limitation and division of power.

Yet it seems a nominal limitation and division of power – with real power concentrated solely in the "unitary executive" – is exactly what President Bush seeks. His signing statements make the point quite clearly, and his overt refusal to follow the laws illustrates that point: In Bush's view, there is no actual limitation or division of power; it all resides in the executive.

Thomas Paine wrote in Common Sense:

In America, the law is king. For as in absolute governments the King is law, so in free countries the law ought to be king; and there ought to be no other.

The unitary executive doctrine conflicts with Paine's principle – one that is fundamental to our constitutional system. If Bush can ignore or evade laws, then the law is no longer king. Americans need to decide whether we are still a country of laws – and if we are, we need to decide whether a President who has determined to ignore or evade the law has not acted in a manner contrary to his trust as President and subversive of constitutional government.

AT: “Surveillance Isn’t a War Power”

The President’s War Powers authorize covert surveillance — history abounds with examples.

Yoo 14 — John Yoo, UC Berkeley Law Professor, former Deputy Assistant U.S. Attorney General in the Office of Legal Counsel at the Department of Justice under President GW Bush, 2014 (“Surveillance and executive power,” Constitution Daily, October 3rd, Available Online at <http://blog.constitutioncenter.org/2014/10/surveillance-and-executive-power/>, Accessed 06-07-2015)

As Commander-in-Chief, the President has the constitutional power and the responsibility to wage war in response to a direct attack against the United States.

In the Civil War, President Lincoln undertook several actions—raised an army, withdrew money from the treasury, launched a blockade—on his own authority in response to the Confederate attack on Fort Sumter, moves that Congress and the Supreme Court later approved.

During World War II, the Supreme Court similarly recognized that once war began, the President’s authority as Commander-in-Chief and Chief Executive gave him the tools necessary to effectively wage war.

In the wake of the September 11 attacks, Congress agreed that “the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States,” which recognizes the President’s authority to use force to respond to al Qaeda, and any powers necessary and proper to that end.

Even legal scholars who argue against this historical practice concede that once the United States has been attacked, the President can respond immediately with force.

The ability to collect intelligence is intrinsic to the use of military force. It is inconceivable that the Constitution would vest in the President the powers of Commander-in-Chief and Chief Executive, give him the responsibility to protect the nation from attack, but then disable him from gathering intelligence to use the military most effectively to defeat the enemy.

Every evidence of the Framers’ understanding of the Constitution is that the government would have every ability to meet a foreign danger. As James Madison wrote in The Federalist, “security against foreign danger is one of the primitive objects of civil society.” Therefore, the “powers requisite for attaining it must be effectually confided to the federal councils.”

After World War II, the Supreme Court declared, “this grant of war power includes all that is necessary and proper for carrying these powers into execution.” Covert operations and **electronic surveillance are clearly part of this authority.**

During the writing of the Constitution, some Framers believed that the President alone should manage intelligence because only he could keep secrets.

Several Supreme Court cases have recognized that the President’s role as Commander-in-Chief and the sole organ of the nation in its foreign relations must include the power to collect intelligence.

These authorities agree that intelligence rests with the President because its structure allows it to act with unity, secrecy, and speed.

Presidents have long ordered electronic surveillance without any judicial or congressional participation.

More than a year before the Pearl Harbor attacks, but with war clearly looming with the Axis powers, President Franklin Roosevelt authorized the FBI to intercept any communications, whether wholly inside the country or international, of persons “suspected of subversive activities against the Government of the United States, including suspected spies.”

FDR was concerned that “fifth columns” could wreak havoc with the war effort. “It is too late to do anything about it after sabotage, assassinations and ‘fifth column’ activities are completed,” FDR wrote in his order.

FDR ordered the surveillance even though a federal law at the time prohibited electronic surveillance without a warrant.

Presidents continued to monitor the communications of national security threats on their own authority, even in peacetime.

If Presidents in times of peace could order surveillance of spies and terrorists, executive authority is only the greater now, as hostilities continue against al Qaeda.

Even if they’re right, presidential precedent treats NSA surveillance as an Article II war power.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

President Bush has authorized the National Security Agency (NSA) to eavesdrop, without obtaining a warrant, on telephone calls, e-mails, and other communications between U.S. persons in the United States and persons outside the United States. For understandable reasons, **the operational details of the NSA program are secret, as are the details of the executive order that authorized the program.** But Attorney General Alberto Gonzales has stated that surveillance can be triggered if an executive-branch official has reasonable grounds to believe that a communication involves a person “affiliated with al-Qaeda or part of an organization or group that is supportive of al-Qaeda.”

The attorney general has declared that the President’s authority rests on the post-9/11 Authorization for Use of Military Force (AUMF) and the president’s inherent wartime powers

under Article II of the U.S. Constitution, which includes authority to gather “signals intelligence” on the enemy.

My conclusions, as elaborated below, are: First, the president has some latitude under the “Executive Power” and “Commander-in-Chief” Clauses of Article II, even lacking explicit congressional approval, to authorize NSA warrantless surveillance without violating Fourth Amendment protections against “unreasonable” searches. But second, if Congress has expressly prohibited such surveillance (as it has under FISA, the Foreign Intelligence Surveillance Act), then the statute binds the president unless there are grounds to conclude that the statute does not apply. Third, in the case at hand, there are no grounds for such a conclusion—that is, neither the AUMF nor the president’s inherent powers trump the express prohibition in the FISA statute.

Bush treated domestic surveillance as an Article II War Power and used that justification to ignore Congress. This approach led to secret CIA prisons, torture, and indefinite detentions.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

Attorney General Gonzales has a second, more plausible, defense of warrantless surveillance—namely, Article II of the Constitution states that “The executive Power shall be vested in a President” who “shall be Commander in Chief” of the armed forces. That power, says the attorney general, trumps any contrary statute during time of war.

I respectfully disagree—which is not to say I believe the president is powerless to order warrantless wartime surveillance. For example, intercepting enemy communications on the battlefield is clearly an incident of his war power. But warrantless surveillance of Americans inside the United States, who may have nothing to do with al-Qaeda, does not qualify as incidental wartime authority. The president’s war powers are broad, but not boundless. Indeed, the war powers of Congress, not the president, are those that are constitutionalized with greater specificity.

The question is not whether the president has unilateral executive authority, but rather the extent of that authority. And the key Supreme Court opinion that provides a framework for resolving that question is Justice Robert Jackson’s concurrence in *Youngstown Sheet & Tube v. Sawyer*—the 1952 case denying President Truman’s authority to seize the steel mills.

Justice Jackson offered the following analysis: First, when the president acts pursuant to an express or implied authorization from Congress, “his authority is at its maximum.” Second, when the president acts in the absence of either a congressional grant or denial of authority, “there is a zone of twilight in which he and Congress may have concurrent authority, or in which its

distribution is uncertain.” But third, where the president takes measures incompatible with the express or implied will of Congress—such as the NSA program, which violates an express provision of the FISA statute—“his power is at its lowest.”

The NSA program does not fit in Youngstown’s second category (congressional silence). It belongs in the third category, in which **the President has acted in the face of an express statutory prohibition.**

Moreover, unilateral authorization of the NSA program by the executive branch suggests that unilateral actions in other areas would be proper. For example: If warrantless domestic surveillance is incidental to the president’s inherent powers, so too are sneak-and-peek searches, roving wiretaps, library records searches, and national-security letters—all of which were vigorously debated in deciding whether to reauthorize the PATRIOT Act. Could the president have proceeded with those activities even if they were not authorized by Congress? If so, what was the purpose of the debate? Why do we even need a PATRIOT Act?

Further, the attorney general asserts that the AUMF and the commander-in-chief power are sufficient to justify the NSA program. He, or his predecessor, made similar claims for military tribunals without congressional authorization, secret CIA prisons, indefinite detention of U.S. citizens, enemy-combatant declarations without hearings as required by the Geneva Conventions, and interrogation techniques that may have violated our treaty commitments banning torture. Is any of those activities outside the president’s commander-in-chief and AUMF powers? If not, what are the bounds, if any, that constrain the president’s unilateral wartime authority?

NSA wiretaps explicitly violate the FISA requirements, but the president uses war powers to ignore Congress. There is no institutional check on these abuses of power.

Woods 6 — Thomas E. Woods, Jr. Ph.D. in History from Columbia, senior fellow of the Ludwig von Mises Institute and a contributing editor of The American Conservative magazine, recipient of the 2004 O.P. Alford III Prize for Libertarian Scholarship and of an Olive W. Garvey Fellowship from the Independent Institute in 2003. He has also been awarded two Humane Studies Fellowships and a Claude R. Lambe Fellowship from the Institute for Humane Studies at George Mason University and a Richard M. Weaver Fellowship from the Intercollegiate Studies Institute, author of eleven books, most recently *Rollback: Repealing Big Government Before the Coming Fiscal Collapse*, 2006 (“All the President’s Power,” *The American Conservative*, January 30th, Available Online at <http://www.theamericanconservative.com/articles/all-the-presidents-power/>, Accessed 05-29-2015)

Whether or not the vice president was correct in his analysis of the state of the presidency in the year 2000, there can be no question that since then George W. Bush has dramatically expanded the powers of the president—primarily though not exclusively in matters pertaining to the war on terror.

One of the most notorious examples involved the torture of prisoners, a power the administration claimed in the face of law and international agreements to the contrary. “The assertion in the various legal memoranda that the President can order the torture of prisoners despite statutes and treaties forbidding it was another reach for presidential hegemony,” wrote Anthony Lewis in the New York Review of Books. “The basic premise of the American constitutional system is that those who hold power are subject to the law Bush’s lawyers seem ready to substitute something like the divine right of kings.”

Arguably the greatest controversy of all was the revelation at the end of 2005 that the Bush administration had engaged in domestic surveillance without the necessary warrants. James Bamford, author of two books on the National Security Agency, points out the pertinent aspects of what would appear to be the relevant law: the Foreign Intelligence Surveillance Act (FISA), passed in 1978. According to Bamford, then-Attorney General Griffin Bell testified before the intelligence committee that FISA acknowledged no “inherent power of the President to conduct electronic surveillance.” As Bell himself put it, “This bill specifically states that the procedures in the bill are the exclusive means by which electronic surveillance may be conducted.”

In the wake of the Sept. 11 attacks, Bush administration officials spoke again and again of the president’s inherent powers. But the pertinent statute in this case disclaims any such powers and requires that the president proceed according to the guidelines set out by Congress, which involves securing warrants from a special court. As things stand, the president is claiming a right to engage in surveillance of any American, unrestrained by any institutional check, in the service of the war on terror—a war that by its very nature must go on indefinitely and, indeed, that we can never really know is truly over.

According to Attorney General Alberto Gonzales, the reason the administration did not seek to revise FISA to give the president the clear and unambiguous power to order these wiretaps was that even a Republican Congress would not have gone along. In a Dec. 19 press briefing, the attorney general said, “We have had discussions with Congress in the past—certain members of Congress—as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible.”

The administration’s claim, as set forth by the attorney general, is that Congress implicitly agreed to such wiretaps when in the days following Sept. 11 it authorized the use of force against the perpetrators and their allies. Of course, if Congress really had authorized them, it is not clear why it would be so difficult for the administration to persuade Congress to amend FISA accordingly in light of this permission.

Gonzales’s argument calls to mind H.L. Mencken’s 1937 “Constitution for the New Deal,” a satirical rewrite of the U.S Constitution, which says of the attorney general, “It shall be his duty to provide legal opinions certifying to the constitutionality of all measures undertaken by the President.”

AT: FISA Court Checks

FISA court review is meaningless — even with revisions, the court is still a rubber stamp for surveillance.

Schulberg and Reilly 15 — Jessica Schulberg, reporter covering foreign policy and national security for The Huffington Post, former reporter-researcher at The New Republic, MA in international politics from American University, and Ryan J. Reilly, reporter who covers the Justice Department and the Supreme Court for The Huffington Post, 2015 (“Watchdog Finds Huge Failure In Surveillance Oversight Ahead Of Patriot Act Deadline,” Huffington Post, May 21st, Available Online at http://www.huffingtonpost.com/2015/05/21/section-215-oversight_n_7383988.html, Accessed 06-05-2015) * “Paul” = Senator Rand Paul, R-KY

The inspector general's report focused on the government's use of Section 215 between 2007 and 2009. In that two-year period, every Justice Department request to the FISA court for spying authority was granted -- a fact that would seem to bolster critics' argument that the secret court's process needs a permanent privacy advocate.

“Without an adversarial process, you really can't even have a judicial process,” Paul said Wednesday evening. “The FISA court only hears from one side -- the government.”

While the reform bill that passed the House would add a slot for a privacy advocate, Paul and the ACLU have both noted that the legislation still gives the court the authority to decide if and when to appoint someone to the job.

The NSA lies to the FISA court as well — it cannot oversee submission to regulations.

NYT 13 — New York Times, Byline Charlie Savage and Scott Shane, 2013 (“Secret Court Rebuked N.S.A. on Surveillance,” New York Times, August 21st, Available Online at <http://www.nytimes.com/2013/08/22/us/2011-ruling-found-an-nsa-program-unconstitutional.html>, Accessed 06-05-2015)

WASHINGTON — A federal judge sharply rebuked the National Security Agency in 2011 for repeatedly misleading the court that oversees its surveillance on domestic soil, including a program that is collecting tens of thousands of domestic e-mails and other Internet communications of Americans each year, according to a secret ruling made public on Wednesday.

The 85-page ruling by Judge John D. Bates, then serving as chief judge on the Foreign Intelligence Surveillance Court, involved an N.S.A. program that systematically searches the contents of Americans' international Internet communications, without a warrant, in a hunt for discussions about foreigners who have been targeted for surveillance.

The Justice Department had told Judge Bates that N.S.A. officials had discovered that the program had also been gathering domestic messages for three years. Judge Bates found that the

agency had **violated the Constitution** and declared the problems part of a **pattern of misrepresentation** by agency officials in submissions to the secret court.

The release of the ruling, the subject of a Freedom of Information Act lawsuit, was the latest effort by the Obama administration to gain control over revelations about N.S.A. surveillance prompted by leaks by the former agency contractor Edward J. Snowden.

The collection is part of a broader program under a 2008 law that allows warrantless surveillance on domestic networks as long as it is targeted at noncitizens abroad. The purely domestic messages collected in the hunt for discussions about targeted foreigners represent a relatively small percentage of what the ruling said were 250 million communications intercepted each year in that broader program.

While the N.S.A. fixed problems with how it handled those purely domestic messages to the court's satisfaction, the 2011 ruling revealed further issues.

"The court is troubled that the government's revelations regarding N.S.A.'s acquisition of Internet transactions mark the third instance in less than three years in which the government has disclosed a **substantial misrepresentation regarding the scope of a major collection program**," Judge Bates wrote.

One of the examples was redacted in the ruling. Another involved a separate N.S.A. program that keeps logs of all domestic phone calls, which the court approved in 2006 and which came to light in June as a result of leaks by Mr. Snowden.

In March 2009, a footnote said, the surveillance court learned that N.S.A. analysts were using the phone log database in ways that went beyond what the judges believed to be the practice because of a "**repeated inaccurate statements**" in government filings to the court.

"Contrary to the government's repeated assurances, N.S.A. had been routinely running queries of the metadata using querying terms that did not meet the standard for querying," Judge Bates recounted. He cited a 2009 ruling that concluded that the requirement had been "**so frequently and systematically violated** that it can fairly be said that **this critical element** of the overall ... regime **has never functioned effectively.**"

The Electronic Frontier Foundation, a free speech and privacy rights group, sued to obtain the ruling after Senator Ron Wyden, an Oregon Democrat who sits on the Senate Intelligence Committee, fought last summer to declassify the basic fact that **the surveillance court had ruled that the N.S.A. had violated the Fourth Amendment.**

In a statement, Mr. Wyden — an outspoken critic of N.S.A. surveillance — said declassification of the ruling was "long overdue." He argued that while the N.S.A. had increased privacy protections for purely domestic and unrelated communications that were swept up in the surveillance, the collection itself "was a serious violation of the Fourth Amendment."

Mark Rumold of the Electronic Frontier Foundation praised the administration for releasing the document with relatively few redactions, although he criticized the time and the difficulty in obtaining it. But he also said **the ruling showed the surveillance court was not equipped to perform adequate oversight of the N.S.A.**

“This opinion illustrates that the way the court is structured now it cannot serve as an effective check on the N.S.A. because it’s wholly dependent on the representations that the N.S.A. makes to it,” Mr. Rumold said. “It has no ability to investigate. And it’s clear that the N.S.A. representations have not been entirely candid to the court.””

The NSA violates surveillance restrictions thousands of times per year — the FISA Court is unable to regulate compliance.

Jaffer 13 — Jameel Jaffer, ACLU Deputy Legal Director and Director of ACLU Center for Democracy, 2013 (““There Have Been Some Compliance Incidents”: NSA Violates Surveillance Rules Multiple Times a Day,” ACLU Blog, August 16th, Available Online at <https://www.aclu.org/blog/there-have-been-some-compliance-incidents-nsa-violates-surveillance-rules-multiple-times-day?redirect=blog/national-security/nsa-privacy-violations-even-more-frequent-we-imagined>, Accessed 06-05-2015)

The Washington Post reported last night that the NSA has been violating restrictions on surveillance powers thousands of times a year. My first reaction was that the revelation was "jaw-dropping," and that's my second reaction, too. The rules around government surveillance are so permissive that it is difficult to comprehend how the intelligence community could possibly have managed to violate them so often.

Obviously, it's important to know what precisely these compliance incidents involved, and some are more troubling than others. But at least some of these incidents seem to have implicated the privacy of thousands or millions of innocent people.

The Washington Post also published an article making clear that the chief judge of the Foreign Intelligence Surveillance Court doesn't think his court has the tools or capacity to evaluate the government's representations about its compliance with the law. Clearly, the fact that the FISA court is so reliant on the representations of intelligence officials is a problem. It makes no sense at all to let the intelligence community police itself.

Some of the information that the Washington Post published last night is information that the government has previously refused to release under the Freedom of Information Act. In 2010, the ACLU filed a lawsuit to enforce a FOIA request for records on the government's implementation of new surveillance laws. Most of the documents we obtained were heavily redacted. (You can see all of the documents here, and there is a full analysis of the documents here.)

But some of the documents—a series of "Semiannual Assessments" by the intelligence community, in particular—were not entirely redacted. Interestingly, they all included some version of this phrase: "There have been some compliance incidents during the reporting period representing a small percentage of the overall activity." That phrase seemed unremarkable to me until now. If thousands of compliance incidents represented "a small percentage of overall activity," there must have been a whole lot of "activity."

FISC has no ability to investigate or verify NSA reports — there is no court independently policing the NSA.

Washington Post 13 — Washington Post, Byline Carol D. Leonning, 2013 (“Court: Ability to police U.S. spying program limited,” Washington Post, August 15th, Available Online at http://www.washingtonpost.com/politics/court-ability-to-police-us-spying-program-limited/2013/08/15/4a8c8c44-05cd-11e3-a07f-49ddc7417125_story.html, Accessed 06-06-2015)

The leader of the secret court that is supposed to provide critical oversight of the government’s vast spying programs said that its ability to do so is **limited** and that it must **trust the government** to report when it improperly spies on Americans.

The chief judge of the Foreign Intelligence Surveillance Court said the court **lacks the tools to independently verify** how often the government’s surveillance breaks the court’s rules that aim to protect Americans’ privacy. Without taking drastic steps, it also cannot check the veracity of the government’s assertions that the violations its staff members report are unintentional mistakes.

“The FISC is forced to rely upon the accuracy of the information that is provided to the Court,” its chief, U.S. District Judge Reggie B. Walton, said in a written statement to The Washington Post. “**The FISC does not have the capacity to investigate** issues of noncompliance, and in that respect **the FISC is in the same position as any other court when it comes to enforcing [government] compliance** with its orders.”

Walton’s comments came in response to internal government records obtained by The Post showing that National Security Agency staff members in Washington overstepped their authority on spy programs thousands of times per year. The records also show that the number of violations has been on the rise.

The court’s description of its practical limitations contrasts with repeated assurances from the Obama administration and intelligence agency leaders that the court provides central checks and balances on the government’s broad spying efforts. They have said that Americans should feel comfortable that the secret intelligence court provides robust oversight of government surveillance and protects their privacy from rogue intrusions.

President Obama and other government leaders have emphasized the court’s oversight role in the wake of revelations this year that the government is vacuuming up “metadata” on Americans’ telephone and Internet communications.

“We also have federal judges that we’ve put in place who are not subject to political pressure,” Obama said at a news conference in June. “They’ve got lifetime tenure as federal judges, and they’re empowered to look over our shoulder at the executive branch to make sure that these programs aren’t being abused.”

Privacy advocates and others in government have voiced concerns about the ability of overseers to police secret programs of immense legal and technological complexity. Several members of

the House and Senate intelligence committees told The Post last week that they face numerous obstacles and constraints in questioning spy agency officials about their work.

FISA Court has only five lawyers to investigate NSA compliance — they are hopelessly overburdened.

Washington Post 13 — Washington Post, Byline Carol D. Leorning, 2013 (“Court: Ability to police U.S. spying program limited,” Washington Post, August 15th, Available Online at http://www.washingtonpost.com/politics/court-ability-to-police-us-spying-program-limited/2013/08/15/4a8c8c44-05cd-11e3-a07f-49ddc7417125_story.html, Accessed 06-06-2015)

Privacy advocates say they fear that some violations are never reported to the court.

In January 2008, the NSA appeared to have mistakenly collected data on numerous phone calls from the Washington area code 202, thinking they were foreign phone calls from Egypt, whose country code is 20. According to a 2013 “quality assurance” review of the incident, a communications switch misread the coding of the calls and presumed they were international. The NSA has broad authority that is not subject to the FISA court to collect and monitor foreign communications under certain circumstances.

The description of the 2008 problem suggests that the inadvertent collection of U.S. phone calls was not reported to the FISA court.

“However, the issue pertained to Metadata ONLY so there were no defects to report,” the review stated.

Under FISA rules, the government is required to immediately notify the court if it believes it has violated any of its orders on surveillance.

The government does not typically provide the court with case-specific detail about individual compliance cases, such as the names of people it later learned it was improperly searching in its massive phone or e-mail databases, according to the two people familiar with the court’s work.

In contrast to the dozens of staff available to Congress’s intelligence and judiciary committees, the FISA court has **five lawyers** to review compliance violation reports.

AT: Congress Checks

Congress only pretends to oversee surveillance activities — they willingly allow the intelligence community to lie to them and the FISA court.

Eddington 15 — Patrick G. Eddington is a policy analyst in Homeland Security and Civil Liberties at the Cato Institute, and an assistant professor in the Security Studies Program at Georgetown University, 2015 (“NSA Surveillance Programs Are a Cancer on the Constitution,” Reason.com, May 28th, Available Online at <http://reason.com/archives/2015/05/28/snowden-nsa-usa-freedom>, Accessed 06-05-2015)

When the House Judiciary Committee considered the USA Freedom Act in May 2015—one of the few bills introduced in response to Snowden’s revelations—committee chairman Rep. Bob Goodlatte of Virginia claimed the committee had conducted "aggressive" oversight of the issue through a total of three hearings.

As ProPublica noted, Snowden exposed literally dozens of NSA programs and activities that have a direct impact on the constitutional rights of Americans living at home or abroad. The House Judiciary Committee’s three hearings did not even scratch the surface of those programs.

The Senate Judiciary Committee under then-chairman Patrick Leahy of Vermont conducted a worthwhile examination of government surveillance programs in March 2013. It stands out for its singular moment in which Senator Ron Wyden caught Director of National Intelligence James Clapper in a falsehood about the scope of government surveillance against Americans. Snowden’s revelations helped highlight just how **disingenuous Clapper and other U.S. intelligence community officials had been** on the issue, **not just with Congress but with the FISA court as well.**

Yet none of those revelations moved the Senate to create a select committee to investigate the full scope of post-9/11 surveillance programs, and the Senate Intelligence Committee has been far more a defender of these programs than an overseer of them. The House Intelligence Committee’s public record on this issue is also dismal, with only a single public hearing in the months after Snowden’s revelations that discussed almost purely cosmetic changes to U.S. surveillance authorities.

Indeed, when reform-minded House members not on the House Intelligence Committee have attempted to get information on these programs, they have been blocked from doing so— including in periods leading up to PATRIOT Act reauthorization votes. House reformers have also been stymied in their efforts to rein in or even end dubious surveillance activities, largely through the efforts of the House GOP leadership to restrict the terms and scope of the surveillance reform debate.

Even when pushed, Congress only cursorily investigates surveillance — their desire to conceal domestic spying transgressions means they won't meaningfully implement the laws.

Eddington 15 — Patrick G. Eddington is a policy analyst in Homeland Security and Civil Liberties at the Cato Institute, and an assistant professor in the Security Studies Program at Georgetown University, 2015 (“NSA Surveillance Programs Are a Cancer on the Constitution,” Reason.com, May 28th, Available Online at <http://reason.com/archives/2015/05/28/snowden-nsa-usa-freedom>, Accessed 06-05-2015)

The failure of existing committees to properly probe Snowden’s revelations, the active efforts by previous House Intelligence Committee leadership to impede inquiries by individual House members, and the efforts of House and Senate leaders to truncate any meaningful debate over these surveillance powers—all of these actions make it appear that Congressional leaders are engaged in a process designed to conceal the U.S. intelligence community’s domestic spying transgressions rather than educate the public on them and their implications for our democracy.

Congress still unwilling to enforce surveillance law — USA Freedom Act is a ruse.

US News and World Report 15 — US News and World Report, Byline Joseph P. Williams, 2015 (“Last Call: Don’t Think the USA Freedom Act Will Stop Government Snooping,” US News, June 3rd, Available Online at <http://www.usnews.com/news/blogs/washington-whispers/2015/06/03/last-call-dont-think-the-usa-freedom-act-will-stop-government-snooping>, Accessed 06-08-2015)

One Nation, Under Surveillance: Armchair privacy activists cheered when the Senate swatted away Majority Leader Mitch McConnell's attempt to roll back Patriot Act reforms that would have allowed the National Security Agency to continue spying on who you call and when. But upon further review, writes the Washington Post's Paul Waldman, the new USA Freedom Act really doesn't do much to change the overall, post-9/11 surveillance situation. Aside from putting in some minor speed bumps – requiring AT&T or Sprint, say, to collect the info, and making the NSA ask permission from a judge before getting their mitts on it – the government still has broad powers to track personal data, probably will come up with other ways to do it besides phone records, and both Democrats and Republicans generally seem OK with that. And unless another Edward Snowden comes down the pike to spill the beans on government technological spycraft, don't expect Congress or the next occupant of the White House to change things.

AT: "Obama is Different"

Obama is no exception — he ignores Congress on terror and national security issues. Congress can't object.

Cohen 12 — Michael A. Cohen, fellow at The Century Foundation, a columnist at the Boston Globe and a regular writer and commentator on American politics and U.S. foreign policy, 2012 ("Power Grab," Foreign Policy, March 28th, Available Online at <http://foreignpolicy.com/2012/03/28/power-grab/>, Accessed 06-05-2015)

Running roughshod over Congress has becoming something of a norm within the Obama administration. As one foreign-policy analyst close to the White House said to me "they generally don't do a good job of keeping people in the Hill in the loop on what they are doing. They see congressional oversight as a nuisance — even within their own party." Another analyst I spoke to had a one-word response to the question of the administration's attitude toward Congress's role in foreign policy: "Dismissive." Whether the lack of proper consultation over the closing of the detainee facility at Guantanamo Bay, the refusal to share with intelligence committees the rationale for targeted killings, or even brief Hill staffers on changes in missile defense deployment, this sort of ignoring of congressional prerogatives has often been the rule, not the exception.

What has been Congress's response to this disregarding of its role in foreign policy decision-making? The usual hemming and hawing, but little in the way of concrete action. During the Bush years, Republicans were more than happy to let the president expand his executive powers when it came to Iraq, Afghanistan, and the global war on terrorism. When Democrats took back the House and Senate from Republicans in 2006, they placed greater scrutiny on the Bush administration's conduct of the war in Iraq — but still continued to fund the conflict. Even in Washington's highly partisan current environment, little has changed; it's mostly sound and fury signifying nothing.

Republicans eschewed a constitutional confrontation with the White House over Libya, though the House GOP did make a rather partisan effort to defund the Libya operations (a measure that failed) and still today House and Senate members raise their frustrations in committee hearings over their heavy-handed treatment by the White House.

But the actions of some Republicans point in a different direction. Last year, House Armed Services Committee Chairman Buck McKeon actually tried to expand the original Authorization for Use of Military Force that granted U.S. kinetic actions just three days after 9/11 — which would have actually increased executive war-making power. While some on the Hill have long suspected the constitutionality of the War Powers Resolution, it was one of the few checks that Congress maintained over the president (aside from ability to defund operations, which in itself is a difficult tool to wield effectively). Now they have been complicit in its further watering down.

Aside from Ron Paul, there's been little mention of the president's overreach in Libya by the GOP's presidential aspirants. And why should there be? If any of them become president they too would want to enjoy the expanded executive power that Obama has helped provide for

them. Quite simply, in a closely divided country in which each party has a fair shot to win the White House every four years, there is little political incentive for either Democrats or Republicans to say enough is enough.

And with a former constitutional law professor punting on the issue (along with the much abused and maligned Congress), we're now even further from chipping away at the vast power the executive branch has been husbanded on national security issues. In the end, that may be the greatest legacy of the U.S. intervention in Libya.

Obama and future presidents won't be different — the pressures for non-compliance on surveillance will only increase.

Healy 8 — Gene Healy, vice president at the Cato Institute, JD from the University of Chicago Law School, 2008 (“New President Won’t Tame Executive Power,” Cato Institute, October 14th, Available Online at <http://www.cato.org/publications/commentary/new-president-wont-tame-executive-power>, Accessed 06-05-2015)

But there are good reasons to doubt that an Obama administration would meaningfully de-imperialize the presidency.

From Truman and Johnson’s undeclared wars to the warrantless wiretapping carried out by FDR, JFK, LBJ and Nixon, the Imperial Presidency has long been a bipartisan phenomenon. In fact, our most recent Democratic president, Bill Clinton went even further than his predecessors in his exercise of extraconstitutional war powers. Prior presidents had unilaterally launched wars in the face of congressional silence. But Clinton’s war over Kosovo in 1999 made him the first president to launch a war in the face of several congressional votes denying him the authority to wage it.

Recently, Barack Obama has found his own convenient rationales for endorsing broad presidential powers in the area of surveillance. When he signed on to the surveillance bill Congress passed this summer, Sen. Obama broke an explicit campaign promise to filibuster any legislation that would grant immunity to FISA-flouting telecom companies. By voting for the bill, Obama helped legalize large swaths of a dragnet surveillance program he’d long claimed to oppose. Perhaps some were comforted by Obama’s “firm pledge that as president, I will carefully monitor the program.” But our constitutional structure **envisions stronger checks than the supposed benevolence of our leaders.**

What motivated Obama’s flip-flop? Was it a desire to look “tough” on national security-or was it that, as he seems ever closer to winning the office, broad presidential powers seem increasingly appealing? Either way, it’s clear that the post-9/11 political environment will provide enormous incentives for the next president to embrace Bush-like theories of executive power. Can we really expect a Democratic president, publicly suspected of being “soft on terror,” to spend much political capital making himself less powerful?

Not likely, say analysts on both sides of the political spectrum. Law professors Jack Balkin and Sanford Levinson, both left-leaning civil libertarians, predict that “the next Democratic president

will likely retain significant aspects of what the Bush administration has done”; in fact, “future presidents may find that they enjoy the discretion and lack of accountability created by Bush’s unilateral gambits.” Jack Goldsmith, head of the Bush administration’s OLC from 2003-04, argues that “if anything, the next Democratic president - having digested a few threat matrices ... will be even more anxious than the current president to thwart the threat.”

Courts Actor

1NC — Court Stripping

Congress will backlash against aggressive court decisions in the area of surveillance — they will bar the court from hearing the cases.

Vladeck 11 — Stephen I. Vladeck, Professor of Law, American University Washington College of Law, 2011 (“Why Klein (Still) Matters: Congressional Deception and the War on Terrorism,” Journal of National Security Law, Volume 5, Version from June 16th, 9:38AM, Available Online at http://jnslp.com/wp-content/uploads/2011/06/08_Vladeck.pdf, Accessed 06-06-2015)

At least thus far, Congress’s track record in the major policy debates arising out of the war on terrorism has been uneven, at best. By far, the most significant legislative enactment over the past decade came one week after the September 11 attacks, when Congress passed the Authorization for Use of Military Force (AUMF), which, in sweeping language, empowered the President

to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.³³

Six weeks later, Congress enacted the USA PATRIOT Act, which included a series of controversial revisions to immigration, surveillance, and other law enforcement authorities.³⁴ But it would be over four years before Congress would again pass a key counterterrorism initiative, enacting the Detainee Treatment Act of 2005 (DTA)³⁵ after – and largely in response to – the Supreme Court’s grant of certiorari in *Hamdan v. Rumsfeld*.³⁶

In the five years since, Congress had enacted a handful of additional antiterrorism measures, including the Military Commissions Act (MCA) of 2006,³⁷ as amended in 2009,³⁸ the Protect America Act of 2007,³⁹ and the 2008 amendments⁴⁰ to the Foreign Intelligence Surveillance Act of 1978, known in shorthand as the FAA.⁴¹ And yet, although Congress has spoken in these statutes both to the substantive authority for military commissions and to the scope of the government’s wiretapping and other surveillance powers, it has otherwise left some of the central debates in the war on terrorism completely unaddressed.⁴² Thus, Congress has not revisited the scope of the AUMF since September 18, 2001, even as substantial questions have been raised about whether the conflict has extended beyond that which Congress could reasonably be said to have authorized a decade ago.⁴³ Nor has Congress intervened, despite repeated requests that it do so, to provide substantive, procedural, or evidentiary rules in the habeas litigation arising out of the military detention of noncitizen terrorism suspects at Guantánamo.⁴⁴

As significantly, at the same time as Congress has left some of these key questions unanswered, **it has also attempted to keep courts from answering them**. Thus, the DTA and the MCA purported to divest the federal courts of jurisdiction over habeas petitions brought by individuals detained at Guantánamo and elsewhere.⁴⁵ Moreover, the 2006 MCA precluded any lawsuit seeking collaterally to attack the proceedings of military commissions,⁴⁶ along with “any

other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.”⁴⁷ And although the Supreme Court in *Boumediene* invalidated the habeas-stripping provision as applied to the Guantánamo detainees,⁴⁸ the same language has been upheld as applied elsewhere,⁴⁹ and the more general non-habeas jurisdiction-stripping section has been repeatedly enforced by the federal courts in other cases.⁵⁰

Such **legislative efforts to forestall judicial resolution** of the merits can also be found in the telecom immunity provisions of the FAA,⁵¹ which provided that telecom companies could not be held liable for violations of the Telecommunications Act committed in conjunction with certain governmental surveillance programs.⁵² Thus, in addition to changing the underlying substantive law going forward, the FAA pretermitted a series of then-pending lawsuits against the telecom companies.⁵³

Analogously, Congress has attempted to assert itself in the debate over civilian trials versus military commissions by barring the use of appropriated funds to try individuals held at Guantánamo in civilian courts,⁵⁴ and by also barring the President from using such funds to transfer detainees into the United States for continuing detention or to other countries, as well.⁵⁵ **Rather than enact specific policies** governing criteria for detention, treatment, and trial, **Congress’s modus operandi** throughout the past decade **has been to effectuate policy indirectly by barring** (or attempting to bar) **other governmental actors from exercising** their core authority, be it **judicial review** or executive discretion.

Wasserman views these developments as a period of what Professor Blasi described as “constitutional pathology,” typified by “an unusually serious challenge to one or more of the central norms of the constitutional regime.” Nevertheless, part of how Wasserman defends the “Kleinvulnerable” provisions of the MCA and FAA is by concluding that the specific substantive results they effectuate can be achieved by Congress, and so Klein does not stand in the way. But if Redish and Pudelski’s reading of Klein is correct, then the fact that Congress could reach the same substantive results through other means is not dispositive of the validity of these measures. To the contrary, the question is whether any of these initiatives were impermissibly “deceptive,” such that Congress sought to “vest the federal courts with jurisdiction to adjudicate but simultaneously restrict the power of those courts to perform the adjudicatory function in the manner they deem appropriate.”⁵⁶

2NC/1NR — Stripping Extensions

Congress will respond with an end-run expansion of executive authority to insulate the policies from judicial review.

Milligan 10 — Luke M. Milligan, Professor of Law at University of Louisville, 2010 (“Congressional End-Run: The Ignored Constraint on Judicial Review,” Georgia Law Review, Vol 45, Fall, Available Online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1709405, Accessed 06-06-2015)

Ignored by political scientists, **congressional end-runs undoubtedly constrain the decisionmaking of** the strategic **Justices** assumed by judicial politics scholars. End-runs occur when Congress mitigates the policy costs of adverse judicial review through neither formal limits on the Court's authority nor substitution of its own constitutional interpretation for that of the Court, but through a different decision that cannot, as a practical if not legal matter, be invalidated by the Court. End-runs come in several forms, including congressional decisions to adjust appropriations, grant authority to the Executive Branch, modify certain contingent laws, and reorient legislation in alternate constitutional clauses. Importantly, end-runs are generally more affordable for Congress than either of the two congressional constraints addressed in the prevailing judicial politics literature.

Within the field of judicial politics there remains a lingering uncertainty about Congress's practical impact on the Supreme Court's exercise of judicial review. This uncertainty has been compounded by the literature's failure to study the constraining role of congressional end-runs. Going forward, judicial politics scholars should incorporate the end-run into their formal SOP models and related empirical studies. Such incorporation promises to give political scientists a fuller sense of how their strategic Justices interact with Congress in our constitutional democracy.

Court decisions fail absent Congressional support — no way to get that in this political climate.

Devins 9 — Neal Devins, Professor of Law and Government at the College of William and Mary, 2009 (“Presidential Unilateralism and Political Polarization: Why Today 's Congress Lacks the Will and the Way to Stop Presidential Initiatives,” Willamette Law Review, Vol 45 No 3, Spring, Available Online at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1025&context=facpubs>, Accessed 06-06-2015)

Before explaining why lawmakers lacked the incentives to rein in the President, a bit of a recap. At the start of this essay, I quoted Justices Jackson and Ginsburg to make-what I consider-a fairly obvious point. Congress has the power to check the President. But if it does not use that power, the President has incentive to fill the void. That does not mean that the President can do whatever he wants. As was true in the war on terror cases, the Supreme Court can place **some limits** on presidential power. But **without a Congress willing to assert its institutional prerogatives, defeats in court are not likely to stick to the President.** Richard Nixon lost several

significant cases in court.⁶⁰ But that is not the reason the presidency was hampered after Nixon left office. The reason was tied to the Watergate-era Congress's willingness to assert itself through numerous legislative enactments and through beefed up oversight. Remember: Dick Cheney's complaint about an imperiled presidency had nothing to do with Supreme Court decision-making and everything to do with congressionally imposed constraints that cut against presidential power.⁶¹

Today, Congress has neither the will nor the way to pursue the type of bipartisan reforms that characterized the Watergate-era Congress. Democrats and Republicans in Congress are more interested in strengthening their position vis-a-vis the other party than in strengthening Congress as an institution. Members of the President's party are loyal to their party, not Congress as an institution, and therefore, will not join forces with the opposition party to assert Congress's institutional prerogatives. Equally telling, members of Congress see little personal gain in advancing a legislative agenda that shifts power from the President to Congress.

1NC — Executive Noncompliance

Court decisions on issues related to the War on Terror are meaningless — the public gets a “moral victory” but the activities continue unabated.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

In this Article, I will show that American courts have often approached the extreme policies of the anti-terrorism campaign by splitting the difference between the two sides – the government and suspected terrorists. One side typically got the ringing rhetoric (the suspected terrorists), and the other side got the facts on the ground (the government). In major decisions both designed to attract public attention and filled with inspiring language about the reach of the Constitution even in times of peril, the Supreme Court, along with some lower courts, has stood up to the government and laid down limits on anti-terror policy in a sequence of decisions about the detention and trial of suspected terrorists. But, at the same time, these decisions have provided few immediate remedies for those who have sought the courts’ protection. As a result, suspected terrorists have repeatedly prevailed in their legal arguments, and yet even with these court victories, little changed in the situation that they went to court to challenge. The government continued to treat suspected terrorists almost as badly as it did before the suspected terrorists “won” their cases. And any change in terrorism suspects’ conditions that did result from these victorious decisions was slow and often not directly attributable to the judicial victories they won.

Does this gap between suspected terrorists’ legal gains and their unchanged fates exist because administration officials were flouting the decisions of the courts? The Bush Administration often responded with sound and fury and attempted to override the Supreme Court’s decisions or to comply minimally with them when they had to.⁶ But, as this Article will show, these decisions did not actually require the government to change its practices very quickly. The decisions usually required the government to change only its general practices in the medium term. Judges had a different framework for analyzing the petitioners’ situation than the petitioners themselves did; judges generally couched their decisions in favor of the suspected terrorists as critiques of systems instead of as solutions for individuals. In doing so, however, courts allowed a disjuncture between rights and remedies for those who stood before them seeking a vindication of their claims. Suspected terrorists may have won in these cases – and they prevailed overwhelmingly in their claims, especially at the Supreme Court – but courts looked metaphorically over the suspects’ heads to address the policies that got these suspects into the situation where the Court found them. Whether those who brought the cases actually got to benefit from the judgments, either immediately or eventually, was another question.

Bad though the legal plight of suspected terrorists has been, one might well have expected it to be worse. Before 9/11, the dominant response of courts around the world during wars and other public emergencies was to engage in judicial deference.⁷ Deference counseled courts to

stay out of matters when governments argued that national security concerns were central. As a result, judges would generally indicate that they had no role to play once the bullets started flying or an emergency was declared. If individuals became collateral damage in wartime, there was generally no judicial recourse to address their harms while the war was going on. As the saying goes, *inter arma silent leges*: in war, the law is mute. After 9/11, however, and while the conflict occasioned by those attacks was still “hot,” courts jumped right in, dealing governments one loss after another.⁸ After 9/11, it appears that deference is dead.

But, I will argue, deference is still alive and well. We are simply seeing a new sort of deference born out of the ashes of the familiar variety. While governments used to win national security cases by convincing the courts to decline any serious review of official conduct in wartime, now governments win first by losing these cases on principle and then by getting implicit permission to carry on the losing policy in concrete cases for a while longer, giving governments a victory in practice.⁹ Suspected terrorists have received from courts a vindication of the abstract principle that they have rights without also getting an order that the abusive practices that have directly affected them must be stopped immediately. Instead, governments are given time to change their policies while still holding suspected terrorists in legal limbo. As a result, despite winning their legal arguments, suspected terrorists lose the practical battle to change their daily lives.

Courts may appear to be bold in these cases because they tell governments to craft new policies to deal with terrorism. But because the new policies then have to be tested to see whether they meet the new criteria courts have laid down, the final approval may take years, during which time suspected terrorists may still be generally subjected to the treatment that courts have said was impermissible. Because judicial review of anti-terrorism policies itself drags out the time during which suspected terrorists may be detained, suspected terrorists win legal victories that take a very long time to result in change that they can discern. As a result, governments win the policy on the ground until court challenges have run their course and the courts make decisions that contribute to the time that the litigation takes. This is the new face of judicial deference.

This Article will explore why and how American courts have produced so many decisions in which suspected terrorists appear to win victories in national security cases. As we will see, many judges have handled the challenges that terrorism poses for law after 9/11 by giving firm support, at least in theory, to both separation of powers and constitutional rights. Judges have been very active in limiting what the government can do, requiring substantial adjustments of anti-terrorism policy and vindicating the claims of those who have been the targets. But the solutions that judges have crafted – often bold, ambitious, and brave solutions – nonetheless fail to address the plights of the specific individuals who brought the cases.

This new form of judicial deference has created a slow-motion brake on the race into a constitutional abyss. But these decisions give the government leeway to tackle urgent threats without having to change course right away with respect to the treatment of particular individuals. New deference, then, is a mixed bag. It creates the appearance of doing something – an appearance not entirely false in the long run – while doing far less in the present to bring counter-terrorism policy back under the constraint of constitutionalism.

Unenforced Court rulings cause a collapse of the judicial system and violence — turns the case by ensuring future claimants have no access to remedy.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The individuals caught up in the assertions of new governmental powers in times of emergency might disagree that winning their cases actually helped them much, however. If petitioners start to believe that courts can really give them nothing in the end, **we may start to see something dangerous**. In fact, we have already seen danger signals in the reaction of petitioners who have “won” but do not feel they have gained anything. When Mr. Hamdan said at his military commission hearing that he didn’t believe he had won his case yet after his “victory” at the Supreme Court,⁴⁰⁹ or when Mr. Padilla said to his counsel that he wondered how often he would have to win before something good happened in his case,⁴¹⁰ we can see the signs that those who might invoke the courts to help them have already realized that the courts are not particularly helpful after all. If the petitioners who need to bring the cases in order for the government to be kept in line by court decisions refuse to bring more cases, then the limited benefits of new deference for keeping constitutionalism intact through crises will disappear too. **There is a very real risk** in these new deference cases that **the petitioners will turn from a peaceful resolution of their claims through court action to something far less constructive**.

Non-Compliance Impacts — Turns Case

New forms of deference are a mask for a continuation of the status quo — the fake action leads to despair for the movements against government abuses.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Part IV goes normative and argues that new deference is both a better and worse alternative than old deference. New deference is worse because it gives an **appearance that the courts are addressing an issue** while in practice **not actually curbing the immediate abuses**. It therefore gives an **overly optimistic sense of victory** to those who worry about anti-terrorism’s overreach. But those who bring their cases before the courts feel that courts **do nothing for them**. Such victories may lead to **new despair** among those who thought that winning in law would allow them to win something in practice, making those who brought their cases feel that they have come to the wrong place for answers.¹³ That said, new deference also creates a horizon beyond which abuse of constitutionalism cannot go – off in some distant future – and eventually that may have some real effect.

AT: USA Freedom Act Proves Enforcement

The USA Freedom Act is a win for Obama — it's the proposal he trumpeted.

Stewart 15 — Bill Stewart, former U.S. Foreign Service officer and former correspondent for Time magazine, 2015 (“USA Freedom Act a win for Obama,” June 5th, Available Online at http://www.santafenewmexican.com/opinion/local_columns/usa-freedom-act-a-win-for-obama/article_331a4d49-7d7c-52ff-b7c6-60f839710aee.html, Accessed 06-08-2015)

Passage of the new USA Freedom Act is a victory for Obama, who argued that the changes in the new act ought to relieve the fears and anxieties of those who didn't like the old act. Alas, they don't. The new surveillance program created by the Freedom Act will end 10 years of bulk collection of telephone records by the National Security Agency, but it will make available records held by telephone companies for searches by government officials with a court order. The court order allegedly makes a difference. “This is the kind of rigorous and, essentially a rules architecture that the president does believe is important,” said Josh Earnest, the president's press secretary. “And that is materially different than the program he inherited.”

Not all agree. Said McConnell of the president's compromise bill: “We shouldn't be disarming unilaterally as our enemies grow more sophisticated and aggressive.”

Equally opposed, but for different reasons, Paul complained that “the president continues to conduct an illegal program,” a reference to a recent ruling by a federal appeals court that the original NSA telephone data collection program was not authorized by federal law.

The president, however, was a happy man. He had just gotten what he wanted.

2NC/1NR — Empirics

Court decisions empirically fail to constrain the president.

Devins 9 — Neal Devins, Professor of Law and Government at the College of William and Mary, 2009 (“Presidential Unilateralism and Political Polarization: Why Today 's Congress Lacks the Will and the Way to Stop Presidential Initiatives,” Willamette Law Review, Vol 45 No 3, Spring, Available Online at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1025&context=facpubs>, Accessed 06-06-2015)

Before turning to Part I, let me clarify two points that underlie the analysis that is to follow. First, the focus of this essay is the President's power to advance favored policy initiatives. I do not consider the separate question of presidential power over the administrative state. More to the point, if the President does not express a strong policy preference or, alternatively, delegates decision making authority to agency heads, it may be that agency heads will not look to the White House for policy direction. Agency heads, instead, may focus on their own personal agenda or the agendas of congressional committees, interest groups, or careerists in their agency. For reasons I will detail in Part III of this essay, however, Presidents increasingly seek to rein in agency direction-by appointing presidential loyalists and by making use of regulatory review procedures and pre-enforcement directives such as signing statements. Second, in saying that presidential power is largely defined by the dance that takes place between Congress and the White House, I do not mean to suggest that the courts have no role to play in the separation of powers. My point, instead, is that **court decisions are of limited reach**. They typically settle a case; they **rarely establish precedents that define subsequent bargaining** between the executive and Congress. In case studies of Supreme Court rulings on the legislative veto, executive privilege, and war powers, Lou Fisher and I (both individually and collectively) have demonstrated the limited reach of Supreme Court decisions. In this essay, I will make limited reference to those writings-but I will not try to establish a point that I have made several times before.

War on Terror litigation fails to change actual government practice — enemy combatant detention proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Litigation on behalf of those detained as enemy combatants started almost immediately, with petitions for writs of habeas corpus being the most common legal vehicle for the challenges. Two U.S. citizens held as domestic enemy combatants, Yaser Hamdi and José Padilla, filed habeas petitions, as did a number of the detainees at Guantánamo. Eventually these cases worked their way up to the U.S. Supreme Court, which ruled on the crisis measures taken in response to 9/11 in a string of decisions that appeared to mount a serious challenge to the

enemy combatant framework. For the petitioners, themselves, **however, the legal victories directly resulted in very little** change in their lives.

2NC/1NR — Executive Will Reinterpret

The Executive will just reinterpret countervailing law to support desired Executive powers — post-911 doctrine proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

As the country attacked on 9/11, the United States sprang into action immediately with a twinned strategy of aggressive military action and new understandings of law. From launching wars abroad 89 to developing novel strategies for rendition, detention, and interrogation of suspected terrorists outside the United States 90 and curtailing civil liberties through widespread surveillance programs at home,91 the Bush Administration, with the active participation of the Office of Legal Counsel (OLC) at the Department of Justice, took a generous view of its own powers in wartime. The OLC developed new legal understandings to underwrite the anti-terrorism campaign.92

Some of the new legal understandings resulted from new law. Congress quickly passed the Authorization of the Use of Military Force (AUMF), giving the President a green light to use “all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.”93 Shortly thereafter, Congress passed the USA PATRIOT Act with nearly unprecedented speed, broadening the definitions of terrorism offenses, clamping down on financial support for terrorism, increasing domestic surveillance capacities of the U.S. government, and adding a toxic mix of small changes in U.S. law that allowed the government to operate secretly and to commandeer private resources in the anti-terrorism campaign.94

But much of the new understanding of law consisted of reinterpreting or repudiating old legal understandings without any new formal lawmaking. From 9/11 onwards, legal officials in the OLC churned out opinion after opinion, radically changing the interpretation of existing law to permit an aggressive response to terrorism.95 New Attorney General Guidelines were promulgated in 2002, changing the ground rules for domestic terrorism investigations.96 Presidential “signing statements” signaled that the President would refuse to enforce many laws that Congress had passed and that he himself had signed.97 The Bush Administration pushed its own lawmaking capacity to the limits. As a result, for much of the Bush Administration’s tenure, it was unclear just which laws were actually being honored as before, which had been radically reinterpreted, and which were functionally suspended.

Court rulings are definitionally ambiguous — the Executive has wide authority to reinterpret as he likes.

Pillard 5 — Cornelia T. Pillard, Professor of Law at Georgetown University Law Center former Assistant to the United States Solicitor General, former Deputy Assistant Attorney General for the Office of Legal Counsel, 2005 ("The Unfulfilled Promise of the Constitution in

Executive Hands," Michigan Law Review Vol 103 No 4, February, Available Online at <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1190&context=facpub>, Accessed 06-06-2015)

Even under a robust judicial supremacism, the executive admittedly has significant space and responsibility to interpret and apply the Constitution. Room for executive branch constitutionalism occurs in part because of the acute practical and legal limitations on the courts' ability and willingness to decide many constitutional issues that confront the executive branch. As James Bradley Thayer famously put it, "much which is harmful and unconstitutional may take effect without any capacity in the courts to prevent it, since their whole power is a judicial one."²⁴

First, it hardly needs to be repeated that the Constitution itself leaves large openings for interpretation. Many important constitutional provisions are broadly and generally worded, and cues from history are often ambiguous.¹ Supreme Court precedent, however binding we take it to be, frequently fails to provide crisp answers to the next concrete case.²⁶ Where a novel issue arises, there is both an obligation and an opportunity for the executive to arrive at a view of the matter and act accordingly in advance of a court's opportunity to decide it. Even clearly established judicial precedent permits doubt when the Court itself seems uncommitted to it.²⁷

Second, the executive is the most **frequent** and **influential** Supreme Court litigant. Even when the Supreme Court is poised to decide an issue, the constitutional views voiced by the executive can shape the Court's view. The potential for dynamic interplay between the executive's and the Court's constitutionalism underscores the importance of the executive's own considered views.

Third, even where private parties can get courts to respond to their constitutional harms, they may face interstitial deprivations. Individuals suffer injury in the time lag between constitutional harm and relevant judicial response. There is inevitable delay between execution of a new practice, policy, program, or other executive action, and the courts' ability to decide its constitutionality (assuming someone brings an appropriate case). An executive that has adequate mechanisms of constitutional self-scrutiny would, however, avoid the unconstitutional conduct or check it more promptly than a court. Similarly, even where courts invalidate challenged government action, limits on their remedial capacities may make them unable fully to cure constitutional harms.²⁸ The only remedies available from courts for race-based conviction in violation of equal protection, for example, are release, expungement of the conviction, and money damages; no post hoc remedy can restore the years of lost freedom to a person wrongfully convicted. Privacy, once violated, cannot be retroactively restored. Similarly, any shame or anxiety visited on a government employee unconstitutionally fired in retaliation for her public expression, and any period of exclusion from the job, even if it can be eased or mitigated, cannot be undone by a court award of reinstatement and back pay or other monetary

compensation.²⁹ Thus, the delay in judicial review and the pervasive inadequacy of remedies - especially, but not exclusively, when harm is "irreparable,"³⁰ - also focuses responsibility on the executive to engage constitutional issues and strive to avoid constitutional violations in the first place.

Fourth, when the courts apply procedural or institutional doctrines that avoid decision on the merits of a constitutional question, their nondecision implies that someone else, i.e., people elsewhere in the government, must make the decisive constitutional calls.³¹ " The political question doctrine is a classic example of such judicial avoidance: a decision not to invalidate government action on political question grounds "is of course very different from a decision that specific congressional action does not violate the Constitution,"³² because it leaves open the possibility that the political branches might themselves find a violation. Similarly, other justiciability doctrines, such as standing, ripeness, and mootness,³³ as well as immunity defenses that avoid decisions on the merits,³⁴ mean that many instances of unconstitutional conduct will evade definitive constitutional consideration by the Court, leaving only the political branches to avoid or redress them." Courts are also unlikely to review challenges to the exercise of exclusively executive powers, like the powers to pardon,³⁶ veto,³⁷ make appointments,³⁸ and receive ambassadors,³⁹ nor are they likely to review most congressional-executive power struggles.' Even under judicial supremacy, constitutional obligations regarding the exercise of those powers are in the executive's hands.

Supreme Court restrictions on Presidential power are useless — despite lofty rhetoric, they entirely fail to stop the practices.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 ("The New Judicial Deference," Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

By contrast, the terrorism cases appeared to do more than they did – and that was, I argue, their point. In the terrorism cases, the Supreme Court appeared to expand its powers, stand up to the political branches, and change the course of the anti-terror campaign by announcing that the President was constrained by law. These opinions attracted full glare of media attention with dramatic turns of phrase, generating headlines that implied the Court had exercised a great deal of power to change the results on the ground. And the Court appeared to order an unwilling President to do something he had so far refused to do.

But when the effects of the cases are examined, as we have done above, **the Court's powers are barely visible.**⁴⁰⁰ The Court's public decisions disguised the small effects they actually had because the petitioners could not get much benefit from these rulings without more, much more. The Court did not hide its own judicial power. That, it announced loud and clear! What it hid was precisely what the Marbury Court put out in the open: the defeat of the petitioner's main request.

In Marbury, the Court actually ruled against Mr. Marbury on the crucial question of whether the Court had the power to give him what he sought. The Court told Mr. Marbury that he had to get his commission from another court. That he ultimately did not was not the fault of the Supreme Court (though given the political context, the Justices surely would have guessed that this would have been the result). Congress repealed the Act that created the justice of the peace offices shortly after the Court's decision, and with it expired all of the unissued commissions of the midnight judges.⁴⁰¹ The Court actually told Mr. Marbury precisely what he had to do to get his commission; the Court did not lack for detail in that relevant sense. Mr. Marbury did not get his commission because Congress intervened to shut down the course of action that the Court had specified.⁴⁰²

The new deference logic of the terrorism cases, if applied to the facts of Marbury, would have produced a different result. Had the Court first made a huge statement that all of the midnight judges would suddenly get their commissions and then quietly knocked out from under them any clear avenue through which they could, this would have paralleled the post-9/11 cases. In the terrorism cases, by contrast, the Court told the relevant political officials and lower court judges to give the suspected terrorists what they sought – and then refused to include the instructions that would have helped them determine how to do so.

In addition, unlike in Marbury, the post-9/11 courts practicing new judicial deference did not seem at pains to limit their powers in the short term in order to expand their use in the future. New deference courts are at pains to appear to expand their powers in theory in order to limit their use in practice. And that is the precise inverse of Marbury-ism – which appeared to accomplish nothing while doing a lot. The post-9/11 terrorism cases appeared to do a lot while accomplishing much less.

Court decisions against Executive Power *strengthen the Executive* by creating empty statements that allow the President to claim he's no longer violating the Constitution.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The case for self-regarding courts can be made even more strongly, on the evidence we've seen in this Article. As long as courts still exercise a certain degree of deference to the way that governments are dealing with specific cases, courts can avoid incurring the wraths of those governments. Governments care primarily in times of crisis about having a green light to go on detaining those whom they want to detain and about stringing out the day of reckoning when proof has to be provided. If governments receive that deference, then governments have no reasons to attack the courts when the courts assert themselves on matters of relatively abstract

principle. If courts stay within these limits, doing whatever they feel they need to do to the law while **letting the governments prevail on the facts**, then governments are likely to appear to follow the court decisions, insist on their respect for the courts, and in general let courts get away with issuing governments these “defeats.” Of course, governments would probably prefer to do whatever they want without being hauled before courts to justify their actions, but as long as being hauled before courts comes with the territory of being a constitutional state, new judicial deference may be the best they can expect.

As we have seen, courts have slapped the government on the wrist and forced it to readjust its policies at the margins. But courts have not required the release of detainees, the immediate provision of evidence against them, or absolutely normal tribunals. It is much easier for governments to comply with court decisions when those court decisions do not in fact second-guess concrete decisions of the government to detain specific individuals in a crisis. In fact, **court decisions that issue a lot of smoke and noise but do little to require immediate action may appear to be upholding constitutional principles while in fact strengthening the hands of governments who can then rightly say that they are doing what the law requires.**

After 9/11, then, courts have been willing to stand up to governments in times of crisis, using their substantial heft against the government’s bulked-up war powers. Governments, in turn, have been willing to comply with court decisions because doing so has not really threatened the immediate actions they have already taken.

AT: The Plan is Clear/Aggressive

The Court will use strong language against activities while tacitly encouraging them to continue.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

A gap between law on the books and law in action is commonplace, and in fact, its examination forms one of the key pillars of the law and society movement.³⁴⁸ To law and society scholars, **the formal sources of law virtually always deviate from law as practiced because of inconsistent enforcement, interpretive differences, strategic ignorance, practical limitations, the avoidance of formality, or outright flouting.** Laws against murder do not prevent murders from happening,³⁴⁹ just as constitutional provisions against forced confessions do not always protect those held in custody from being beaten secretly into submission.³⁵⁰ Everyone is supposed to have her day in court, but nearly all cases – both civil and criminal – settle, often by agreeing to a fiction that is not true – that a lesser included offense was all that really happened in the events that led up to a plea bargain or that no one was responsible for anything in a settlement that nonetheless transfers money from the defendant to the claimant.³⁵¹ Someone may settle out of court for an agreed-upon amount, but then she never gets what was promised her.³⁵² Gaps between law on the books and law in action happen all the time.

But the new judicial deference is different. New judicial deference occurs not when there is a gap between the law as announced by one set of actors (legislators and judges) and the law as carried out by another (citizens, lawyers, prosecutors, and police). Instead, new judicial deference occurs when a single judicial opinion pulls in both directions at once. In these cases, law on the books is not different from law in action. Law on the books is different from law on the books. **Courts say one thing and permit another thing to be done, and they do both within the four corners of the same judgment.**

Our review of the 9/11 cases has emphasized that inspiring rhetoric has generally been paired with incomplete detail about what should happen next. As a result, actors to whom the opinions were directed had to work out new solutions within very general outlines. Because opinions in these high-profile detention cases spectacularly lacked any detail that would have provided logical remedies to follow easily, those who won their cases had to start out on a new road full of uncertainties and novel hurdles while **the government against which the decisions ran could find endless ways to block speedy resolution of the issues.**

In designing a gap between right and remedy, the post-9/11 cases are not alone. In other highly contested, high-visibility cases, courts have used this strategy before. Take, for example, abortion cases. In Roe v. Wade, ³⁵³ the Court created what appeared to be an expansive right, but then in subsequent cases permitted so many regulations about parental consent, waiting times, clinic requirements, and appropriate medical procedures that, in practice, abortion providers found it very difficult to maintain easy access to abortion services.³⁵⁴ Moreover,

abortion services in the United States can be expensive because they are often not covered by insurance.³⁵⁵ The much-trumpeted general right was not backed up by easy access to abortion services. This gap occurred not because reality fell short of a legal promise (the usual law and society problem) but instead because the apparently general right was whittled away by restrictive laws that were in practice inconsistent with the practical realization of the general right.³⁵⁶ Both the right and the restrictions were built into doctrine. By contrast, in Germany, where the Federal Constitutional Court found that a woman's general right to obtain an abortion was far more limited as a matter of doctrine,³⁵⁷ it has been easier – at least in many parts of the country – to get abortions because the procedure was at that time covered by the public health system, with widespread availability of facilities and (until recently) little cost to the woman.³⁵⁸ These, too, are specified in doctrine, softening the harsh effects of the main decision that allowed a balancing of women's rights and fetal rights.

Gaps between the expansive rights outlined in a judicial opinion and the limitations on that right permitted in practice by the same judicial opinion are not the usual fare in court decisions, but they are also not completely new. While a more systematic study would have to be done to see whether this strategy is used by judges more frequently in highly visible and socially contested areas of jurisprudence than in other settings, **“splitting the difference” between uncompromising sides might seem to judges to be particularly attractive in hot-button political settings. The new judicial deference means that both sides win – with one side getting the right in theory while the other side gets the reality on the ground,** each authorized by different aspects of the same judicial decision. By contrast, garden-variety gaps between law in the books and law in action are caused by resistance, evasion, and bureaucratic blocks. New deference builds the conflicts into the legal doctrine.

Deference in terror cases means the Court will pretend to aggressively critique government surveillance while actually supporting its continuation.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Part III explains why new deference is very different from other patterns with which it might be confused. New deference identifies something other than the usual gap between law in the books and law in action, a gap that the law and society movement has so famously pointed out. **Instead, the gap identified here is built into the opinions themselves.** As a result, the contradiction is not located in the inevitable slip between law and its enforcement but in the connection between right and remedy. In addition, new deference is not just another face of judicial minimalism, in which constitutional theorists – Cass Sunstein, in particular – have counseled judges to go slowly in paddling through rough legal waters. In the terrorism cases, there is nothing minimalist about decisions that break so sharply with the past practice of old deference and generate headlines about how “everything has changed.” If anything, the courts that have taken an aggressive role in the antiterror campaign seem to have been designed to

appear maximalist with their high-flying rhetoric. The decisions therefore are hardly minimalist in ambition or style, even if their results have been incremental. Finally, new deference is not Marbury-ism, to give a name to what the Supreme Court did in Marbury v. Madison. 10 Both Mr. Marbury and the suspected terrorists after 9/11 failed to get much from their victories. But the reasons are different. In Marbury, the Court announced a major new principle in a case that was otherwise minor and court-limiting, making its revolutionary assertion of powers seem less radical in the specific context.¹¹ In Marbury, the Court hid its new light under a barrel, so to speak. In the anti-terrorism cases, by contrast, courts set up a searchlight for all the world to see by announcing a new principle in cases that could not have been more visible or had more at stake. And yet, those who brought the cases felt that the darkness persisted even after they “won.” It appears that the post-9/11 judges who wrote these opinions wanted to be seen to be doing something more than they actually did, while the Marbury judges wanted to appear to be doing less. New deference, as a result, is not just another name for Marbury-ism.¹²

AT: Courts Will Enforce

The Courts covertly defer to the Executive by putting up fake barriers to continue to ignore the follow up cases — Padilla proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Both cases were handed down on the same day.¹³⁵ While the Padilla case may have seemed the easier one because it was not a battlefield capture and all of the judges below had found fault with the detention, **the Court decided to avoid the question.** Finding that Padilla had brought his case to the wrong court in the first place because the commandant of the brig in which he was held was not in New York, the Court ruled that Padilla had to go back and start over again in the proper district court.¹³⁶

Jenny Martinez’s brilliant analysis of this case, which she had argued before the Court, focuses on the way that **the Court sidestepped the substantive question of the legitimacy of the detention by concentrating instead on aspects of the process that surely would not have made a difference to the decision** in the long run.¹³⁷ The case surely would have, and indeed almost did, come back to the Supreme Court again for a final ruling on the legality of the detention; the Court only denied certiorari on the second time around because Padilla would have been incarcerated anyway on other criminal charges.¹³⁸

Even as the Court refused to hear the merits of Padilla’s claim, no language in the Supreme Court’s Padilla judgment pledged deference to the executive in a time of war. In fact, it is hard to tell from the majority opinion in Padilla that this case presented a national security issue at all. Instead the case was decided as if it were a garden-variety habeas action in which jurisdictional precision at the trial level was the core of the matter and forum-shopping was the primary evil to be prevented.¹³⁹ By treating the case as not at all unusual, the Court refused to frame the case in a way that demanded that something be said about deference.

But the odd decision in the case **can hardly be understood as anything other than an evasion.** It not only evaded the question of what to do about Padilla’s detention, but it also evaded the need to defer because it bought time for a political resolution in the case without actually giving the President a judicial stamp of approval on his power to detain. The Court treated Padilla as a normal non-emergency case, and **the President got to maintain his detention without judicial challenge for a while longer.**

The Court will appear to produce strong decisions against the executive while deliberately delaying and rolling back the enforcement — Gitmo proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston

University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The cases arising out of the Guantánamo detentions are so numerous and varied and have been going on for so long that a complete review of all the Guantánamo litigation is impossible.¹⁷⁷ But the three Guantánamo cases that have been decided so far by the Supreme Court have been crucial in setting the parameters of the detentions. All three **appeared to deal severe setbacks** to the Bush Administration policy of maintaining the detentions at Guantánamo while not requiring any oversight from anyone outside the executive branch, the intelligence services, and the military. But all three cases were made from the same recipe as the domestic enemy combatant cases: take a healthy pinch of **robust, defiant language** and mix thoroughly with **muddled remedies**, so that it will take **endless litigation** to result in any change on the ground for the detainees themselves. The result? **New judicial deference, in which the Court will appear to be saving the rule of law from a lawless executive.** But in the immediate aftermath of the decisions, the Court produced results closer to what the executive branch wanted, because each decision left many legal loose ends that had to be tied up before any particular detainee's case could be resolved.

The new model of deference is strong Supreme Court decisions like the plan at the outset with delays in implementation and weak standards to ensure the Executive doesn't have to give up any power. There is zero net improvement in outcomes.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The Supreme Court's Guantánamo cases examined whether the Court should defer to the political branches in wartime or whether the Court should hold the other branches to their constitutional commitments in time of crisis. Compared with the World War II cases, the post 9/11 detention cases showed that the Supreme Court (and many lower courts) refused to exercise old deference.³³³ Instead, during the heat of the crisis, the courts repeatedly stood up to the President, the Congress, and the President and Congress combined, making them all provide more procedural protections for crisis detainees.

The decisions, as the headlines revealed, were trumpeted as major victories for the detainees and setbacks for the Bush Administration. And yet, more than two years into the Obama Administration's kinder, gentler Guantánamo policy, most of the detainees who were held at Guantánamo when President Obama took office were still there.³³⁴ If in fact Guantánamo housed the worst of the worst, this would not be surprising or even troubling. But even those detainees against whom little evidence has ever been provided to a neutral decision-maker are still there.³³⁵ The continued detentions are, of course, not solely the fault of the courts. Since

the Obama Administration took office, Congress has objected to releasing detainees, which has clearly slowed, and in fact almost completely stopped, the process.³³⁶ But the courts have contributed their part as well, by **slowing review of individual cases** and **developing standards** in individual cases that **favor the government** in determining the legality of continued detention.

If one compares what happened to the detainees themselves, the World War II cases and the post-9/11 cases look very different, but not in the direction one would expect. However horrible the Japanese internment was (and it is surely now recognized as one of the most egregious actions the U.S. government has ever taken),³³⁷ it lasted less than half as long as the Guantánamo detentions lasted before serious review of the Guantánamo cases began after Boumediene. The Japanese internments began with President Roosevelt's order on February 19, 1942 and ended when the last camp was closed on March 20, 1946.³³⁸ The courts did nothing, but most Japanese internees were held less than four years.³³⁹ The war's end provided the reason for the closure of the internment camps, not any intervention of the judiciary.³⁴⁰ By contrast, in the post-9/11 cases, the courts were very active, right from the start. But the Guantánamo detention center was opened in January 2002 – and it remains open for the foreseeable future. Many of the men have been held at that center for nearly a decade, winning case after case, without being released and without having their cases reviewed by anyone but their immediate captors.³⁴¹ The long process of winning cases while remaining in detention for the Guantánamo detainees has already lasted more than twice as long as the Japanese internment. As many of the detainees have now asked their lawyers, **what does it mean to keep winning cases if nothing in fact changes?**

“Misery is not a competition,”³⁴² and the internment of the Japanese becomes no less serious because other detainees in other national crises have been imprisoned for longer. I compare the two situations simply to note that judicial involvement under the new deference model has produced no obviously better outcomes for the detainees than old judicial deference did. One has to ask why detentions under the post-9/11 litigation where detainees kept “winning” have lasted much longer than detentions in World War II when the courts refused to intervene.

AT: Fiat Ensures Compliance

Even if fiat means the plan's ruling stands, the Court will decline to hear follow up cases — they won't get involved in fights over Executive jurisdiction.

Menitove 10 — Jonathan T. Menatove, JD from Harvard, MA from Yale, Clerked for Hon. Robert W. Sweet, US District Court, Southern District of New York, 2010 (“Once More Unto the Breach: American War Power and a Second Legislative Attempt to Ensure Congressional Input,” University of Michigan Journal of Law Reform, Spring, Available Online via Lexis)

In more recent decisions, the courts have adopted a different approach, refusing to decide cases concerning war power on grounds that the issue is a nonjusticiable political question. During the Vietnam War, Members of Congress sought assistance from the courts in reasserting their constitutionally-provided war power. However, rather than hear these cases, the judiciary sidestepped the issue, declining to hear cases concerning the constitutionality of the continuation of the war on grounds that the political question doctrine prevented the courts from deciding the issue. n90 During the Reagan and Bush Administrations, courts declined to reach the merits in war powers cases relying on other excuses including mootness, n91 ripeness, n92 standing, n93 the doctrines on judicial prudence and equitable discretion, n94 and the notion that Congress would be a better fact-finder than the courts on this issue. n95 Unlike the early Supreme Court cases, or the subsequent Prize Cases and Curtiss-Wright decisions, the judicial branch over the last thirty years has steered clear of the war powers issue.

While the Supreme Court once served as a bulwark in defense of Congress's predominance over the president in administering the war power, subsequent Supreme Court decisions undermined Congress's constitutional authority. The courts have thus revealed themselves as unable to restore the balance of war power to the Framers' original vision. The judiciary's more recent strategy of treating war power as a nonjusticiable political question has unequivocally established that the courts cannot be trusted to protect [*791] Congress. For this reason, Congress must seek to help itself, acting to pass a legislative war power reform act to ensure that its input is considered when the United States goes to war.

Even when the Supreme Court acts decisively, lower courts will continue to defer to Executive Power and the Supreme Court will not take the cases.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The Supreme Court did not have the last word on the Guantánamo detentions, nor did it seem to want that role. Instead, consistent with new judicial deference, the Court left the details to be worked out by others in long processes that allowed the situation on the ground to remain the

same during negotiations over the new policy. Since the Court decided Boumediene, the bold guarantees of due process that the Court announced have been turning into something less robust on the ground, as a result of decisions by the Court of Appeals for the District of Columbia spelling out the details.³⁰⁹ Several judges on that court have made no secret of the fact that they believed that the Supreme Court overstepped its authority in deciding Boumediene in the first place.³¹⁰ As a result, the emerging legal standards for the detention created by the D.C. Circuit are often much more deferential to executive detention than the Supreme Court decision was.³¹¹ For example, the D.C. Circuit's jurisprudence in these cases has permitted continued detention where the evidence against the detainee consists entirely of hearsay.³¹² The government only has to show "a preponderance of the evidence" in order to sustain detentions, according to some of the judges, while other judges have argued that an even lower standard suffices for the government to carry its burden of proof in these cases.³¹³ These are standards designed to give the benefit of the doubt to the government and to allow detentions to continue even with shaky proof.

The plan is exactly like the other Court rulings on terror — a bold statement that's light on details and enforcement — it won't be successfully implemented by lower courts even if the Supreme Court has good intentions.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 ("The New Judicial Deference," Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

As Sunstein recognized, the Supreme Court's terrorism jurisprudence was not really minimalist. Yes, courts left many questions open for future resolution. But they hid the incompleteness while trumpeting their more assertive pronouncements in a manner deeply inconsistent with minimalism. Judges in the post-9/11 cases almost seemed to be seeking the headlines that attributed maximalist intentions to their courts. So, when the newspapers blared "Court Overrules Bush on Enemy Combatants"³⁷⁸ after Hamdi or "High Court Rejects Bush's Claim that He Alone Sets Detainee Rules"³⁷⁹ after Hamdan, the press did not see the Court as minimalist. In fact, given the highflown rhetoric the Court used in these cases – for example, the Court stated, "[A] state of war is not a blank check for the President when it comes to the rights of the Nation's citizens"³⁸⁰ and "The Constitution is best preserved by reliance on standards tested over time and insulated from the pressures of the moment"³⁸¹ – the Court did not seem to want to appear to be minimalist. The Court invited the headlines that the press used.

Moreover, the decisions in the terrorism cases were not in fact minimalist in their broad outlines. They did decide a number of questions that they did not have to reach and in ways that left little scope for democratic debate. In Hamdi, the Court may have narrowly permitted Hamdi's detention on the grounds that the AUMF authorized it in a battlefield context, but the Justices granted habeas rights in such a way that there was nothing for a disagreeing Congress to do but attempt to override the Court. And then, in Boumediene, evaluating what Congress

had done in democratic response to their handiwork in Rasul when Congress blocked the extension of habeas rights to offshore aliens, the Court upped the constitutional ante by elevating the habeas claims to constitutional status.

Of course, the Justices were being minimalist in other ways – but in ways that were **hidden from public view**. The Justices left many questions open. But it was not minimalist to refuse to answer questions about the specific shape of habeas review once the Court had decided habeas review was required. Instead, the Court failed to provide any guidance to other courts that were trying to carry out what the Court had boldly told them they had to do. The Court issued decisions that were incomplete rather than minimalist. The decisions were not restrained; they were vague. It was as if the Justices suddenly required others to march to a new and distant destination and then refused to provide any directions for how to get there. The announcement that there would be a march to the new and distant destination was the bold step that denied minimalism; the lack of directions made the decision not minimalist, only incomplete. Refusing to give directions to those one has ordered off on a new journey does not feel like democratic empowerment to those on the road.

The plan is a court decision without detailed means of enactment or enforcement — like the terrorism cases, it appears to give a surveillance victory while masking the ongoing actions of the government.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

New judicial deference in the post-9/11 terrorism cases may look like Marbury-ism because the suspected terrorists who won their cases on principle nonetheless did not get the remedies they sought. And neither had Mr. Marbury. The rights announced in both Marbury and the terrorism cases **wound up empty**.

But the crucial difference between Marbury and the post-9/11 cases is that the Court announced the lack of a remedy in Marbury. The Court said straight out that it had no power to issue the writ that Mr. Marbury sought. He therefore did not get his commission from the Court because the Court said it would not give it to him.

By contrast, the Supreme Court in the post-9/11 cases always held out the possibility of a remedy and in fact **acted as if it had provided one**. The petitioners won bold victories on virtually all important questions. The suspected terrorists were told by the Court that they had rights, and **the president, Congress, and the lower courts were told to act accordingly**. The petitioners could not realize these rights, however, not because the Court ultimately ruled **against them** and refused to provide the ticket that would enable them to ride to victory – that was Mr. Marbury’s problem – **but instead because the Court gave them rights that were all**

dressed up but had nowhere to go. The Court failed to provide instructions for the other institutions that had to put into practice what the Court had ordered them to do. The lack of instructions invited another round of litigation to figure out how to make the rights real. **This bought time for the government to continue what it had been doing** – and that was why there was no speedy remedy. The Court in the terrorism cases, unlike in Marbury, did not actually refuse the remedy; the remedy was made impossible because the Court announced rights whose content was not specified in any way that could be enforced, without coming back again through the courts to get more detailed specifications. Marburyism and new deference may look the same because there is a gap between right and remedy. But Marbury denied the remedy while the post-9/11 cases ordered remedies that were impossible to realize.

“New Deference” means the Executive gets to continue the practice even after it’s declared unconstitutional. The Court can’t intervene.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

This is why we should consider the brave and bold decisions that found for the suspected terrorists not as an absence of deference, as the judgment themselves often trumpeted, but instead as a new form of deference. As separation of powers cases, the decisions reviewed here created a bold place for the judiciary and stood firm against go-it-alone executive action, both important principles to maintain during a crisis. But as individual rights cases, these decisions provided little immediate relief because they were not specific enough about the next steps for vindicating the rights that detainees were found to have. The combination – long on principle, short on immediate results – is new judicial deference. The government may have lost as a general matter in these cases, but it won by getting effective permission to keep the offending practices in effect long after the government lost in court.

Circumvention & Non-Compliance File - HSS 2015

Thanks to Maggie Berthiaume of Woodward – she put together nearly all of these cards.

****Negative Starts Here**

Versus Packet Aff

Specific to the Packet Aff (Original Freedom Act)

Aff can't solve because of circumvention. Even Original Freedom Act is not strict enough.

Granick '14

Jennifer Granick is the Director of Civil Liberties at the Stanford Center for Internet and Society. Jennifer was the Civil Liberties Director at the Electronic Frontier Foundation. Jennifer practices, speaks and writes about computer crime and security, electronic surveillance, consumer privacy, data protection, copyright, trademark and the Digital Millennium Copyright Act. From 2001 to 2007, Jennifer was Executive Director of CIS and taught Cyberlaw, Computer Crime Law, Internet intermediary liability, and Internet law and policy. Before teaching at Stanford, Jennifer earned her law degree from University of California, Hastings College of the Law and her undergraduate degree from the New College of the University of South Florida. "USA Freedom Act: Oh, Well. Whatever. Nevermind." – Just Security - May 21, 2014 <http://justsecurity.org/10675/usa-freedom-act-oh-well-whatever-nevermind/>

Additionally, in December of 2013, Deputy Attorney General James Cole testified before the Senate Judiciary Committee that the NSA might continue its bulk collection of nearly all domestic phone call records, even if the original USA FREEDOM ACT passed into law. As I wrote at the time, this testimony shows that the Administration and the intelligence community believe they can do whatever they want, regardless of the law is Congress passes, so long they can convince one of the judges appointed to the secretive Foreign Intelligence Surveillance Court (FISC) to agree. All they need is some legal hook they can present with a straight face.

General

1NC — Surveillance Noncompliance Defense

“Reforms” like the plan will be circumvented.

Greenwald 14 — Glenn Greenwald, journalist who received the 2014 Pulitzer Prize for Public Service for his work with Edward Snowden to report on NSA surveillance, Founding Editor of *The Intercept*, former Columnist for the *Guardian* and *Salon*, recipient of the Park Center I.F. Stone Award for Independent Journalism, the Online Journalism Award for investigative work on the abusive detention conditions of Chelsea Manning, the George Polk Award for National Security Reporting, the Gannett Foundation Award for investigative journalism, the Gannett Foundation Watchdog Journalism Award, the Esso Premio for Excellence in Investigative Reporting in Brazil, and the Electronic Frontier Foundation’s Pioneer Award, holds a J.D. from New York University School of Law, 2014 (“Congress is Irrelevant on Mass Surveillance. Here’s What Matters Instead.”)

The Intercept, November 19th, Available Online at <https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/>, Accessed 06-16-2015)

All of that illustrates what is, to me, the most important point from all of this: the last place one should look to impose limits on the powers of the U.S. government is . . . the U.S. government. Governments don’t walk around trying to figure out how to limit their own power, and that’s particularly true of empires.

The entire system in D.C. is designed at its core to prevent real reform. This Congress is not going to enact anything resembling fundamental limits on the NSA’s powers of mass surveillance. Even if it somehow did, this White House would never sign it. Even if all that miraculously happened, the fact that the U.S. intelligence community and National Security State operates with no limits and no oversight means they’d easily co-opt the entire reform process. That’s what happened after the eavesdropping scandals of the mid-1970s led to the establishment of congressional intelligence committees and a special FISA “oversight” court—the committees were instantly captured by putting in charge supreme servants of the intelligence community like Senators Dianne Feinstein and Chambliss, and Congressmen Mike Rogers and “Dutch” Ruppertsberger, while the court quickly became a rubber stamp with subservient judges who operate in total secrecy.

Ever since the Snowden reporting began and public opinion (in both the U.S. and globally) began radically changing, the White House’s strategy has been obvious. It’s vintage Obama: Enact something that is called “reform”—so that he can give a pretty speech telling the world that he heard and responded to their concerns—but that in actuality changes almost nothing, thus strengthening the very system he can pretend he “changed.” That’s the same tactic as Silicon Valley, which also supported this bill: Be able to point to something called “reform” so they can trick hundreds of millions of current and future users around the world into believing that their communications are now safe if they use Facebook, Google, Skype and the rest.

Surveillance restrictions entirely fail — no real Congressional support, new technology and creative interpretations of law.

Waldman 15 — Paul Waldman, senior writer at The American Prospect, blogger for the Washington Post, 2015 (“A reality check on the future of government spying,” Washington Post, June 3rd, Available Online at <http://www.washingtonpost.com/blogs/plum-line/wp/2015/06/03/a-reality-check-on-the-future-of-government-spying/>, Accessed 06-08-2015)

It’s tempting to hail the passage yesterday of the subtly-named USA Freedom Act as a victory for civil liberties in America and a step toward a healthy recalibration of the government’s surveillance policies. But if that’s your feeling today, **you might want to think twice.**

Not only are the changes the Freedom Act makes to existing practices relatively minor, **both parties have signed on with the dramatic expansion of surveillance on law-abiding Americans** that occurred after September 11. **And both will continue to support it.**

The Freedom Act does take the bulk collection of Americans’ telephone records out of the hands of the National Security Agency and leaves those records with the phone companies; it sets up procedures for the NSA to get access to those records when it wants to. But the truth is that **this program wasn’t particularly useful for the NSA to begin with.** The government has been unable to point to a single terrorist attack that was thwarted by the use of these records. Not only that, just last month an appeals court ruled that the bulk collection program went way beyond anything envisioned by the section of the USA Patriot Act that was used to justify it, and it was therefore illegal.

That doesn’t mean this new law isn’t significant, because anything that dials back the surveillance contained in the Patriot Act is significant. But let’s not forget that had Edward Snowden not revealed the existence of this program, the Obama administration would have been happy to keep it secret from the public indefinitely. It was only once the program’s existence was revealed that President Obama came out in favor of taking the records out of the NSA’s hands. Even if many Republicans (including Mitch McConnell) would have preferred to keep the bulk collection going as it was, we still have a bipartisan preference in Washington for keeping the gargantuan surveillance apparatus we set up after 9/11 in business.

You might not have expected that from Barack Obama if you were a liberal who supported him over Hillary Clinton in the 2008 primaries, concluding that he was the dove while she was the hawk because of his opposition to the Iraq War. As a senator, Obama had been quite active in proposing reforms to the government’s surveillance powers; as president, most of what he advocated has **fallen by the wayside.**

And is Clinton going to move to restrict the government’s surveillance powers if she’s elected president? There’s no particular reason to believe she will. Up until now Clinton has been vague about what she might do when it comes to surveillance; when she’s asked about it, her answers tend to go like this: Yes there are concerns about privacy, we have to balance that with security, it’s something I’ll be thinking about. Yes, she supported the Freedom Act, but it remains to be

seen whether she'll go into detail about any other particular type of surveillance she'd like to restrict.

And let's not forget that the NSA and other government agencies are certain — **not possible, not likely, but certain** — to come up with new ways to spy on Americans as new technologies become available. Just as the NSA did with the bulk phone data collection, they'll probably take a look at earlier laws and decide that there's a legal basis for whatever new kind of surveillance they want to begin — and that it's best if the public didn't know about it.

Indeed, just this week an investigation by the Associated Press revealed that the FBI is using aircraft with advanced cameras to conduct investigations without warrants. That's a relatively mundane use of technology, but there will always be new tools and capabilities coming down the pike, and the impulse will always be to put them into operation, then figure out afterward if it's legally justifiable.

The story of the bulk telephone data collection tells us that the only thing likely to restrain the expansion of government surveillance is public exposure. If you're hoping that politicians who care about privacy will do it on their own, you're likely to be disappointed.

Alternate Rationale — the government will find another way to get the same data. FISA Court is unable to intervene.

Ackerman 15 — Spencer Ackerman, national security editor for Guardian US, former senior writer for Wired, won the 2012 National Magazine Award for Digital Reporting, 2015 (“Fears NSA will seek to undermine surveillance reform,” The Guardian, June 1st, Available Online at <http://www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law>, Accessed 06-08-2015)

The USA Freedom Act is supposed to prevent what Wyden calls “secret law”. It contains a provision requiring congressional notification in the event of a novel legal interpretation presented to the secret Fisa court overseeing surveillance.

Yet in recent memory, the US government permitted the NSA to **circumvent the Fisa court entirely. Not a single Fisa court judge** was aware of Stellar Wind, the NSA's post-9/11 constellation of bulk surveillance programs, from 2001 to 2004.

Energetic legal tactics followed to fit the programs under existing legal authorities after internal controversy or outright exposure. When the continuation of a bulk domestic internet metadata collection program risked the mass resignation of Justice Department officials in 2004, an internal NSA draft history records that attorneys found a **different legal rationale** that “essentially gave NSA the same authority to collect bulk internet metadata that it had”.

After a New York Times story in 2005 revealed the existence of the bulk domestic phone records program, attorneys for the US Justice Department and NSA argued, with the blessing of the Fisa

court, that Section 215 of the Patriot Act authorized it all along – precisely the contention that the second circuit court of appeals rejected in May.

Compliance is a joke — the oversight agencies are inept and the NSA and FBI refuse to be monitored, even by the Justice Department.

Schulberg and Reilly 15 — Jessica Schulberg, reporter covering foreign policy and national security for The Huffington Post, former reporter-researcher at The New Republic, MA in international politics from American University, and Ryan J. Reilly, reporter who covers the Justice Department and the Supreme Court for The Huffington Post, 2015 (“Watchdog Finds Huge Failure In Surveillance Oversight Ahead Of Patriot Act Deadline,” Huffington Post, May 21st, Available Online at http://www.huffingtonpost.com/2015/05/21/section-215-oversight_n_7383988.html, Accessed 06-05-2015)

WASHINGTON -- In a declassified and heavily redacted report on a controversial Patriot Act provision, the Justice Department’s inspector general found that the government had **failed to implement guidelines** limiting the amount of data collected on Americans for seven years.

Section 215 of the Patriot Act, which is set to expire June 1 unless Congress reauthorizes it, has been the legal basis for the intelligence community’s bulk metadata collection. As a condition for reauthorization back in 2005, the Justice Department was required to minimize the amount of nonpublic information that the program gathered on U.S. persons. According to the inspector general, **the department did not** adopt sufficient guidelines until 2013. It was not until August of that year -- two months after the bombshell National Security Agency disclosures by Edward Snowden -- that Justice began applying those guidelines in applications to the Foreign Intelligence Surveillance Act court, the secretive body that approves government surveillance requests.

“It’s an indictment of the system of oversight that we’ve relied upon to check abuses of surveillance powers. The report makes clear that, for years, the FBI **failed to comply with its basic legal requirements** in using Section 215, and that should trouble anyone who thinks that secret oversight is enough for surveillance capabilities that are this powerful,” Alex Abdo, a staff attorney at the American Civil Liberties Union, told HuffPost.

“The report confirms that the government has been using Section 215 to collect an ever-expanding universe of records. Given the timing, it’s particularly significant,” he continued referring to the looming expiration date.

At times during that seven-year period, the report noted, **the government blocked the Justice Department’s** Office of the Inspector General from determining whether the minimization guidelines had been implemented:

The FBI in the past has taken the position, over the OIG’s objections, **that it was prohibited from disclosing FISA-acquired information to the OIG for oversight purposes** because the Attorney General had not designated anyone in the OIG as having

access to the information for minimization reviews of other lawful purposes, and because there were no specific provisions in the procedures authorizing such access.

The president will use signing statements to ignore the laws that he signs — empirically proven on surveillance and War on Terror.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 (“The Unitary Executive: Why the Bush Doctrine Violates the Constitution,” *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

When President Bush signed the new law, sponsored by Senator McCain, restricting the use of torture when interrogating detainees, he also issued a Presidential signing statement. That statement asserted that his power as Commander-in-Chief gives him the authority to bypass the very law he had just signed.

This news came fast on the heels of Bush’s shocking admission that, since 2002, he has repeatedly authorized the National Security Agency to conduct electronic surveillance without a warrant, in flagrant violation of applicable federal law.

And before that, Bush declared he had the unilateral authority to ignore the Geneva Conventions and to indefinitely detain without due process both immigrants and citizens as enemy combatants.

All these declarations echo the refrain Bush has been asserting from the outset of his presidency. That refrain is simple: **Presidential power must be unilateral, and unchecked.**

But the most recent and blatant presidential intrusions on the law and Constitution supply the verse to that refrain. They not only claim unilateral executive power, but also supply the train of the President’s thinking, the texture of his motivations, and the root of his intentions.

They make clear, for instance, that the phrase "unitary executive" is a code word for a doctrine that favors nearly unlimited executive power. Bush has used the doctrine in his signing statements to quietly expand presidential authority.

The President will explicitly violate legislative restrictions on surveillance during the war on terror. The resulting conflict will endanger the rule of law and impair wartime decisions.

Lobel 8 — Jules Lobel, Professor of Law at the University of Pittsburgh, 2008 (“Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” *Ohio State Law Journal*, Vol. 69, 2008, pp.391-467, Available Online at http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf, Accessed 05-29-2015)

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration's confrontation with Congress. It would undoubtedly **embolden the President to ignore Congress's strictures**. The President's advisors would argue that the McCain Amendment's ban on cruel and inhumane treatment, or **FISA's requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror** in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President's policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President's claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53

The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in *Youngstown*. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct—as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and **ignore legislative enactments that seek to restrict their wartime authority**.

Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an **intractable dispute** over the statute's constitutionality that **saps the nation's energy, diverts focus** from the political issues in dispute, and **endangers the rule of law**.

Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary.

If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President's conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the **crisis, chaos, and stalemate** that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.

Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so **essential to success in wartime**. In theory, an unclear, ambiguous division of power between the branches that leaves

each branch uncertain of its legal authority could further compromise and cooperation. However, **modern social science research** suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This **self-serving bias** hardens each side's position and allows the **dispute to drag on**, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

2NC/1NR — Legal Interpretations

NSA reform gets quietly rolled back — expansive interpretations and FISA rubber stamps.

Ackerman 15 — Spencer Ackerman, national security editor for Guardian US, former senior writer for Wired, won the 2012 National Magazine Award for Digital Reporting, 2015 (“Fears NSA will seek to undermine surveillance reform,” The Guardian, June 1st, Available Online at <http://www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law>, Accessed 06-08-2015)

Privacy advocates fear the National Security Agency will attempt to weaken new restrictions on the bulk collection of Americans’ phone and email records **with a barrage of creative legal wrangles**, as the first major reform of US surveillance powers in a generation looked likely to be a foregone conclusion on Monday.

The USA Freedom Act, a bill banning the NSA from collecting US phone data in bulk and compelling disclosure of any novel legal arguments for widespread surveillance before a secret court, has already been passed by the House of Representatives and on Sunday night the Senate voted 77 to 17 to proceed to debate on it. Between that bill and a landmark recent ruling from a federal appeals court that rejected a longstanding government justification for bulk surveillance, civil libertarians think they stand a chance at stopping attempts by intelligence lawyers to undermine reform in secret.

Attorneys for the intelligence agencies react scornfully to the suggestion that they will stretch their authorities to the breaking point. Yet reformers remember that such legal tactics during the George W Bush administration allowed the NSA to shoehorn bulk phone records collection into the Patriot Act.

Rand Paul, the Kentucky senator and Republican presidential candidate who was key to allowing sweeping US surveillance powers to lapse on Sunday night, warned that NSA lawyers would now **make mincemeat** of the USA Freedom Act’s prohibitions on bulk phone records collection by taking an **expansive view of the bill’s definitions**, thanks to a **pliant, secret** surveillance court.

“My fear, though, is that the people who **interpret** this work at a place known as the rubber stamp factory, the Fisa [court],” Paul said on the Senate floor on Sunday.

Surveillance legislation will be reinterpreted to covertly allow the things it’s intended to ban — USA Freedom Act proves. Legal complexity makes the plan meaningless.

Richman 15 — Sheldon Richman, chairman of the board of trustees of the Center for a Stateless Society and proprietor of the blog Free Association, 2015 (“The USA Freedom Act Is Inscrutable—and That’s How Politicians Like It,” Reason.com, June 7th, Available Online at <http://reason.com/archives/2015/06/07/power-thrives-in-complexity>, Accessed 06-08-2015)

But that's not all. Even a person who might be willing to carve out time to keep an eye on the government will find that doing so is probably more than he can handle. Apart from the natural barriers mentioned above, **government personnel have myriad ways to obscure what they do.** Whether this is done innocently or deliberately, the effect is the same. To most people the costs of monitoring the state are raised to prohibitive levels. This lets politicians and bureaucrats get away with things they might not otherwise get away with.

The controversy over the USA Patriot Act and USA Freedom Act provides a good illustration of this problem. Before getting into that, however, let's look at the theory a little more closely. Fortunately, we have an excellent book on the subject: economist Charlotte Twight's *Dependent on D.C.: The Rise of Federal Control over the Lives of Ordinary Americans* (2002).

Twight's thesis is that the people who run the government have a long list of ways to raise the "political transaction costs" that the taxpayers would have to overcome to keep the state in check. In economics, transaction costs are the money, effort, and time spent on seeing a transaction through to successful completion. If you mow your own lawn, you face no such costs. But if you hire someone, you do. The effort and resources devoted to finding the right person and making sure the job is done right constitute transactions costs.

The political arena has transactions costs also. As Twight puts it: "They are the costs to each of us of perceiving, and acting upon our assessment of, the net costs of particular governmental actions and authority." Besides the inevitable and built-in transaction costs entailed by government, there are also "contrived" costs, that is, those "deliberately created by government officials to increase our costs of assessing and responding to government policies." The array of devices to raise these costs ranges from needless complexity and secrecy to outright lying. These devices have one thing in common: they obscure the government's activities, making it difficult to impossible to see what the state is up to. As a result, most people perceive that even trying to lift the government's veil is essentially futile. (And even if it can be lifted occasionally, what could one person do?) Twight's book contains several historical cases illustrating her theory, including stories about the origins of Social Security, Medicare, and government surveillance—which brings us to Patriot and Freedom Acts.

If you followed the congressional and public debate over whether parts of the Patriot Act should be permitted to expire and whether the Freedom Act would really limit government surveillance, you'd be **understandably bewildered.** The amount of reading was huge, and nearly everyone had a different take. Defenders of government spying wanted simply to extend the sections due to expire, but those who wanted to abolish mass spying took different positions. Just attempting to thoroughly read up on whether the Freedom Act was a worthwhile step toward eliminating bulk phone-data collection or just a cosmetic change would have required giving up your job or your family or both.

You might think you could leave the hard work to the civil-liberties organizations you trust, but that path was not without its problems. The various groups disagreed over whether the bill was a net plus or a net minus. Respected authorities **couldn't be sure** that bulk collection of phone metadata would really end with the bill's passage. For example, the Electronic Frontier Foundation (EFF) said, "So the bulk collection of everybody's phone records? As far as we can tell, this should end that" (emphasis added).

As far as they can tell? They spend all their time watching this stuff.

Likewise, the Freedom of the Press Foundation's postmortem on Congress's action stated:

The USA Freedom Act **supposedly** bans bulk collection of phone records or any other private records, and **we certainly hope it actually does**. But its provisions are **vague and confusing**, leading many legal experts to believe they could be **re-interpreted in secret**—by NSA lawyers with a **history of warping the common definitions** of ordinary words beyond recognition—and could lead the FISA court to continue to allow the NSA to collect large quantities of Americans' data in secret. [Emphasis added.]

The foundation is no more certain that the EFF about the bill's effect on bulk data collection. If these professional experts can't really be sure of the bill's effect, how can the rest of us?

Even the guy who blew the whistle on mass surveillance, Edward Snowden, in a New York Times op-ed celebrating the expiration of Section 215, warns:

Though we have come a long way, the right to privacy ... remains under threat. Some of the world's most popular online services have been enlisted as partners in the N.S.A.'s mass surveillance programs, and technology companies are being pressured by governments around the world to work against their customers rather than for them. Billions of cellphone location records are still being intercepted without regard for the guilt or innocence of those affected. We have learned that our government intentionally weakens the fundamental security of the Internet with "back doors" that transform private lives into open books. Metadata revealing the personal associations and interests of ordinary Internet users is still being intercepted and monitored on a scale unprecedented in history: As you read this online, the United States government makes a note.

So why the big to-do about the Freedom Act? If you wanted to decide for yourself without experts, you could have read the text of the USA Freedom Act. It begins:

SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

(a) Application.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "a statement" and inserting "in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail records other than in the manner described in subparagraph (C)), a statement"; and...

Well, you get the idea. It goes on that way for a hundred pages. Even when you think you may understand something, you still can't be sure. For example:

SEC. 301. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

"(D) LIMITATION ON USE OF INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification or procedures shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(ii) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court may approve for purposes of this clause."

You might do better with the official summary, but not much.

To complicate things, your interpretation of the text may differ radically from that of the secret FISA court or someone in the Justice Department. Remember, an appeals court ruled that the now-expired Section 215 of the Patriot Act did not authorize bulk-data collection—and the author of the bill agreed.

Surveillance is hardly the only part of government with high contrived political transaction costs. The budget is another. A few years ago I learned the hard way that calculating the effect of budget sequestration is a task that only policy wonks and masochists were likely to undertake.

What's the moral here? Power thrives in complexity, just as roaches flourish in the dark. Complexity raises political transaction costs and thereby reduces public scrutiny and resistance. That's just how the politicians and bureaucrats like it.

Executive Order 12333

Plan can't solve – it won't stop collection under EO 12333.

EPIC '14

(internally quotes former Obama State Department official, John Napier Tye – who had access to programs conducted under EO 1233 authorities. Tye served as section chief for Internet freedom in the State Department's Bureau of Democracy, Human Rights and Labor from January 2011 to April 2014. The Electronic Privacy Information Center or "EPIC" - is a public interest research center in Washington, D.C... EPIC routinely participates as amicus curiae before federal and state courts in cases concerning the protection of privacy. Members of the EPIC Advisory Board are expert in issues of domestic surveillance. "Executive Order 12333" – last footnote of this piece is from July, 2014 – page was last updated in 2015 - <https://epic.org/privacy/surveillance/12333/>)

EPIC has a long-standing interest in public oversight of government surveillance, including activities conducted under Executive Order 12333. As Professor Francesca Bignami has explained, "[t]he NSA's original mandate was considerably elaborated and extended in Executive Order 12,333, promulgated by President Reagan in 1981." EPIC has tracked the government's reliance on **EO 12333**, particularly the reliance on Section 1:12(b)(13), which **authorizes** the NSA to provide "such administrative and technical support **activities within and outside the United States** as are necessary to perform the functions described in sections (1) through (12) above, including procurement." **This provision appears to have opened the door for** the **NSA's broad and unwarranted surveillance of U.S. and foreign citizens.** Executive Order 12333 was signed by President Ronald Reagan on December 4, 1981. It established broad new surveillance authorities for the intelligence community, outside the scope of public law. EO 12333 has been amended three times. It was amended by EO 13284 on January 23, 2003 and was then amended by EO 13555 on August 27, 2004. EO 13555 was subtitled "Strengthened Management of the Intelligence Community" and reflected the fact that the Director of National Intelligence (DNI) now existed as the head of the intelligence community, rather than the CIA which had previously served as the titular head of the IC. EO 13555 partially supplemented and superseded EO 12333. On July 30, 2008, President George W. Bush signed EO 13470, which further supplemented and superseded EO 12333 to strengthen the role of the Director of National Intelligence. Since the Snowden revaluations there has been a great deal of discussion regarding the activities of the IC community, but **relatively little attention has been paid to EO 12333. EO 12333 often serves an alternate basis of authority for surveillance activities above and beyond Section 215 and 702.** As Bruce Schneier has emphasized, **"Be careful when someone from the intelligence community uses the caveat "not under this program," or "not under this authority"; almost certainly it means that whatever it is they're denying is done under some other program or authority.** So when [NSA General Counsel Raj] De said that companies knew about NSA collection under Section 702, it doesn't mean they knew about the other collection programs." Senator Dianne Feinstein (D-CA), Chair of the Senate Intelligence Committee, has said in August 2013 that, "The committee does not receive the same number of official reports on other NSA surveillance activities directed abroad that are conducted pursuant to legal authorities outside of FISA (specifically Executive Order 12333), but I intend to add to the committee's focus on those activities." In July 2014, **a former Obama State Department official**, John Napier Tye, **wrote** an Op-Ed in the Washington Post calling **for greater scrutiny of EO 12333.** Tye noted that "based in part on classified facts that I am prohibited by law from publishing, I believe that **Americans should be even more concerned about** the **collection** and storage of their communications **under Executive Order 12333** than under Section 215." Structure of EO 12333 EO 12333 is divided into three parts (this describes the current EO 12333 as amended). The first part is the bulk of the order, describing the overall goals, directions, duties, and responsibilities of U.S. intelligence efforts. The second part applies to the actual conduct of intelligence activities and includes a prohibition on assassination. The third part consists of general provisions and includes general definitions, implementation, and the requirement of compliance with congressional oversight. Part 1: Goals, Directions, Duties, and Responsibilities with Respect to United States Intelligence Efforts 1:1 Goals 1.2 The National Security Council 1.3 Director of National Intelligence 1.4 The Intelligence Community 1.5 Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies 1.6 Heads of Elements of the Intelligence Community 1.7 Intelligence Community Elements a) The Central Intelligence Agency b) The Defense Intelligence Agency c) The National Security Agency d) National Reconnaissance Office e) The National Geospatial-Intelligence Agency f) The Intelligence and Counterintelligence Elements of the Army, Navy, Air Force, and Marine Corps g) Intelligence Elements of the Federal Bureau of Investigation h) The Intelligence and Counterintelligence Elements of the Coast Guard i) The Bureau of Intelligence and Research, Department of State; The Office of Intelligence and Analysis, Department of the Treasury; The Office of National Security Intelligence, Drug Enforcement Administration; The Office of Intelligence and Analysis, Department of Homeland Security; and the Office of Intelligence and Counterintelligence, Department of Energy. j) The Office of the Director of National Intelligence. 1.8 Department of State 1.9 The Department of the Treasury 1.10 The Department of Defense 1.11 The Department of Homeland Security 1.12 The Department of Energy 1.13 The Federal Bureau of Investigation Part 2: Conduct of Intelligence Activities 2.1 Need 2.2 Purpose 2.3 Collection of Information 2.4 Collection Techniques 2.5 Attorney General Approval 2.6 Assistance to Law Enforcement and Other Civil Authorities 2.7 Contracting 2.8 Consistency With Other Laws 2.9 Undisclosed Participation in Organizations Within the United States 2.10 Human Experimentation 2.11 Prohibition on Assassination 2.12 Indirect Participation 2.13 Limitation on Covert Action Part 3: General Provisions 3.1 Congressional Oversight 3.2 Implementation 3.3 Procedures 3.4 References and Transition

3.5 Definitions 3.6 Revocation 3.7 General Provisions EPIC's Interest In 2012, EPIC sought and obtained from the Office of the Director of National Intelligence the guidelines for the National Counterterrorism Center (NCTC). The NCTC is a part of the intelligence community, which operates under the authority of EO 12333. EPIC has stressed through its comments, statements, and testimony that U.S. intelligence agencies should not exercise broad authority without oversight. Executive Order 12333 is such a case, an order that has never been subject to meaningful oversight by either courts or Congress. Senator Dianne Feinstein, the Chair of the Senate Intelligence Committee, referring to EO 12333, has said, "I don't think privacy protections are built into it. It's an executive policy. The executive controls intelligence in the country." Ronald Reagan executed the order in 1981.

Executive Order 12333 authorizes the collection of not only metadata, but of the actual communications of US citizens, so long as the communications are collected "incidentally."

These communications can then be held for five years, as described by a document that the Director of National Intelligence recently declassified. The NSA has used Executive Order 12333 to justify, among other things, the interception of unencrypted data between Google and Yahoo data centers. None of the currently proposed reforms address the over-broad surveillance authorities established by Executive Order 12333. EPIC has long urged PCLOB to move beyond their Section 215 and Section 702 investigations and examine the scope of information under EO 12333 and the need for greater public oversight. As EPIC Advisory Board member Steven Aftergood has noted, "If they deviated from their own rules, how would it be discovered? I am not satisfied that they have an answer to that question."

EO 12333 secrecy means democratic movement can't solve. It shuts-down any hope for change.

Tye '14

John Napier Tye served as section chief for Internet freedom in the State Department's Bureau of Democracy, Human Rights and Labor from January 2011 to April 2014 – where he had inside access programs under EO 12333 authorities. He is now a legal director of Avaaz, a global advocacy organization. "Meet Executive Order 12333: The Reagan rule that lets the NSA spy on Americans" – Washington Post - July 18th - http://www.washingtonpost.com/opinions/meet-executive-order-12333-the-reagan-rule-that-lets-the-nsa-spy-on-americans/2014/07/18/93d2ac22-0b93-11e4-b8e5-d0de80767fc2_story.html

In March I received a call from the White House counsel's office regarding a speech I had prepared for my boss at the State Department. The speech was about the impact that the disclosure of National Security Agency surveillance practices would have on U.S. Internet freedom policies. The draft stated that "If U.S. citizens disagree with congressional and executive branch determinations about the proper scope of signals intelligence activities, they have the opportunity to change the policy through our democratic process." But the White House counsel's office told me that no, that wasn't true. I was instructed to amend the line, making a general reference to "our laws and policies," rather than our intelligence practices. I did. Even after all the reforms President Obama has announced, some intelligence practices remain so secret even from members of Congress, that there is no opportunity for our democracy to change them. Public debate about the bulk collection of U.S. citizens' data by the NSA has focused largely on Section 215 of the Patriot Act, through which the government obtains court orders to compel American telecommunications companies to turn over phone data. But Section 215 is a small part of the picture and does not include the universe of collection and storage of communications by U.S. persons authorized under Executive Order 12333. From 2011 until April of this year, I worked on global Internet freedom policy as a civil servant at the State Department. In that capacity, I was cleared to receive top-secret and "sensitive compartmented" information. Based in part on classified facts that I am prohibited by law from publishing, I believe that Americans should be even more concerned about the

collection and storage of their communications under Executive Order 12333 than under Section 215. Bulk data collection that occurs inside the United States contains built-in protections for U.S. persons, defined as U.S. citizens, permanent residents and companies. Such collection must be authorized by statute and is subject to oversight from Congress and the Foreign Intelligence Surveillance Court. The statutes set a high bar for collecting the content of communications by U.S. persons. For example, Section 215 permits the bulk collection only of U.S. telephone metadata — lists of incoming and outgoing phone numbers — but not audio of the calls. Executive Order 12333 contains no such protections for U.S. persons if the collection occurs outside U.S. borders. Issued by President Ronald Reagan in 1981 to authorize foreign intelligence investigations, 12333 is not a statute and has never been subject to meaningful oversight from Congress or any court. Sen. Dianne Feinstein (D-Calif.), chairman of the Senate Select Committee on Intelligence, has said that the committee has not been able to “sufficiently” oversee activities conducted under 12333.

NSA uses 12333 as an end-around. Taps the global lines of US companies to circumvent domestic surveillance restrictions.

Pitter ‘14

Laura Pitter, senior national security counsel in Human Rights Watch's US Program, monitors, analyzes and writes on US national security policies. Prior to joining Human Rights Watch, Laura was a journalist, human rights advocate, and attorney who practiced in both the public and private sectors. She was a reporter during the war in Bosnia where she wrote for Time Magazine and Reuters News Agency among other media outlets. Following the war she worked for the United Nations in both Bosnia and post Sept. 11-Afghanistan as a protection and political affairs officer. After Afghanistan, Laura practiced law for eight years, first as a public defender and later with a product liability law firm, both in New York. Laura holds a bachelor's degree from the University of California at Santa Barbara, a master's in international affairs from Columbia University, and a law degree from the University of San Francisco. “US: It's Been a Year Since Snowden, and Nothing's Really Changed” – Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. June 5, 2014 - <http://www.hrw.org/news/2014/06/05/us-its-been-year-snowden-and-nothings-really-changed>

At the same time that the United States has been forcing companies to turn over data here in the United States at the front end, it has been reportedly collecting their customers' information without their knowledge, by tapping into the main global communication links of Google, Yahoo!, and other companies overseas. The administration is reportedly relying on Executive Order 12333, which authorizes surveillance activities outside the United States, in order to tap into these lines, and is collecting millions of records daily, including metadata, text, audio, and video -- an effort that Google Executive Chairman Eric Schmidt, called "outrageous." It has intercepted packages of technology equipment en route to customers in order to install malware or backdoor-enabling hardware before the equipment reaches its destination, and has been systematically undermining encryption standards and creating backdoors in commercial encryption software.

Section 702

Plan will get circumvented - Section 702 of the FAA allows gathering of “foreign intelligence information”

Pitter ‘14

Laura Pitter, senior national security counsel in Human Rights Watch's US Program, monitors, analyzes and writes on US national security policies. Prior to joining Human Rights Watch, Laura was a journalist, human rights advocate, and attorney who practiced in both the public and private sectors. She was a reporter during the war in Bosnia where she wrote for Time Magazine and Reuters News Agency among other media outlets. Following the war she worked for the United Nations in both Bosnia and post Sept. 11-Afghanistan as a protection and political affairs officer. After Afghanistan, Laura practiced law for eight years, first as a public defender and later with a product liability law firm, both in New York. Laura holds a bachelor's degree from the University of California at Santa Barbara, a master's in international affairs from Columbia University, and a law degree from the University of San Francisco. “US: It's Been a Year Since Snowden, and Nothing's Really Changed” – Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. June 5, 2014 - <http://www.hrw.org/news/2014/06/05/us-its-been-year-snowden-and-nothings-really-changed>

But first, a brief review: In the past year, we've learned that not only is our telephone data collected -- our Internet communications are under watch. Stunning amounts of data are being collected under the government's interpretation of the Foreign Intelligence Surveillance Act (FISA). U.S. Internet companies turn over the content of communications like texts, emails, videos, and chat messages, under Section 702 of FISA, which authorizes the warrantless collection -- inside American borders -- of communications containing "foreign intelligence information," a term defined to include essentially anything about the foreign affairs of the United States -- so long as at least one person on the end of the communication is located outside the country. According to a recently disclosed 2011 FISA court opinion, roughly 250 million Internet communications were acquired under Section 702; as of April 5, 2013, there were 117,675 active "targets." Those targets, by the way, don't have to be individuals. Under guidelines previously secret but disclosed by Snowden, they can be "facilities" or "places," too -- meaning each target can potentially rope huge numbers of people into the dragnet. All of this collection has been happening under gag orders that prevent the companies from speaking publicly about it or informing their customers in any meaningful way.

Section 702 will be used to circumvent the plan

Nelson ‘15

Steven Nelson is a reporter at U.S. News & World Report. “Senate Passes Freedom Act, Ending Patriot Act Provision Lapse” – USNWR – June 2nd - <http://www.usnews.com/news/articles/2015/06/02/senate-passes-freedom-act-ending-patriot-act-provision-lapse>

The Freedom Act does not revise some of the most significant legal authorities the government uses to conduct surveillance, such as Section 702 of the Foreign Intelligence Surveillance Act, which is used for vast Internet surveillance, and Executive Order 12333, which governs collection of intelligence overseas and,

according to whistleblower John Napier Tye, could be used to override many congressional reforms without court oversight. Section 702 will expire without congressional reauthorization in 2017.

2NC/1NR — Find Another Method

Obama and the NSA will just find another way to collect the same data — shutting down programs empirically fails to end the intrusion.

Ackerman 15 — Spencer Ackerman, national security editor for Guardian US, former senior writer for Wired, won the 2012 National Magazine Award for Digital Reporting, 2015 (“Fears NSA will seek to undermine surveillance reform,” The Guardian, June 1st, Available Online at <http://www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law>, Accessed 06-08-2015)

The USA Freedom Act, a compromise bill, would not have an impact on the vast majority of NSA surveillance. It would not stop any overseas-focused surveillance program, no matter how broad in scope, nor would it end the NSA’s dragnets of Americans’ international communications authorized by a different law. Other bulk domestic surveillance programs, like the one the Drug Enforcement Agency operated, would not be impacted.

The rise of what activists have come to call “bulky” surveillance, like the “large collections” of Americans’ electronic communications records the FBI gets to collect under the Patriot Act, continue unabated – or, at least, will, once the USA Freedom Act passes and restores the Patriot Act powers that lapsed at midnight on Sunday.

That collection, recently confirmed by a largely overlooked Justice Department inspector general’s report, points to a **slipperiness in shuttering surveillance programs** – one that creates **opportunities for clever lawyers.**

The Guardian revealed in 2013 that Barack Obama had permitted the NSA to collect domestic internet metadata in bulk until 2011. Yet even as Obama closed down that NSA program, the Justice Department inspector general confirms that by 2009, the FBI was already collecting the same “**electronic communications**” metadata under a **different authority.**

It is unclear as yet how the FBI transformed that authority, passed by Congress for the collection of “business records”, into large-scale collection of Americans’ email, text, instant message, internet-protocol and other records. And a similar power to for the FBI gather domestic internet metadata, obtained through non-judicial subpoenas called “National Security Letters”, also exists in a different, non-expiring part of the Patriot Act.

Jameel Jaffer, the deputy legal director of the ACLU, expressed confidence that the second circuit court of appeals’ decision last month would effectively step into the breach. The panel found that legal authorities permitting the collection of data “relevant” to an investigation cannot allow the government to gather data in bulk – setting a potentially prohibitive precedent for other bulk-collection programs.

“We don’t know what kinds of bulk-collection programs the government still has in place, but in the past it’s used authorities other than Section 215 to conduct bulk collection of internet metadata, phone records, and financial records. If similar programs are still in place, the ruling will force the government to reconsider them, and probably to end them,” said Jaffer, whose organization brought the suit that the second circuit considered.

Julian Sanchez, a surveillance expert at the Cato Institute, was more cautious.

“The second circuit ruling establishes that a ‘relevance’ standard is not completely unlimited – it doesn’t cover getting hundreds of millions of people’s records, without any concrete connection to a specific inquiry – but doesn’t provide much guidance beyond that as to where the line is,” Sanchez said.

“I wouldn’t be surprised if the government argued, **in secret**, that nearly anything short of that scale is still allowed, nor if the same Fisa court that authorized the bulk telephone program, in defiance of any common sense reading of the statutory language, went along with it.”

2NC/1NR — Oversight Fails

NSA surveillance explicitly and knowingly violates the FISA statute. The President historically ignores both Congress and the courts in this area. There is no legal remedy.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power and the NSA’s Surveillance Authority II,” testimony before the Senate Judiciary Committee, February 28th, Available Online at <http://www.cato.org/publications/congressional-testimony/wartime-executive-power-nsas-surveillance-authority-ii#26>, Accessed 05-29-2015)

If the president thought the law should be amended to authorize warrantless surveillance of either agents or non-agents, he had a convenient vehicle for that purpose shortly after 9/11. That’s when the PATRIOT Act was passed, substantially enhancing the president’s authority under FISA and expanding his ability to conduct foreign intelligence surveillance. The president could have, but did not, seek new authority for the NSA — authority that he has now decreed, unilaterally, without input from either Congress or the courts.

Maybe Congress would not have approved if asked. Or maybe the courts would have overridden any further loosening of the warrant provisions. But the legal stumbling block for the administration is not just that it failed to get affirmative support for expanded surveillance from Congress and the courts. The bigger predicament is that Congress, without objection from the president, expressly rejected warrantless domestic surveillance and codified that prohibition in the FISA statute, which the president implicitly accepted when he signed the PATRIOT Act.

Because the central problem with the NSA surveillance program is too much unchecked authority in the executive branch, the obvious solution is for the federal legislature or the federal judiciary to intervene. But the courts may decide they cannot play a role: First, the Justice Department will not prosecute; second, surveillance targets who have been secretly monitored are unlikely to know of their victimization; third, potential targets may not be able to prove sufficient injury; and fourth, aggrieved members of Congress have previously been denied legal standing to sue.⁷⁰

That elevates the need for congressional intervention. But the president has resisted asking Congress to approve NSA domestic surveillance because, among other things, publicity might tip off al-Qaeda.⁷¹ Perhaps his concern is legitimate, but “tipping off terrorists” is an excuse not to debate any counterterrorism statute, including the PATRIOT Act, which was nonetheless debated vigorously. Moreover, the president’s rationale assumes that al-Qaeda would be blissfully ignorant of the surveillance but for congressional deliberations.

The administration may be justified in taking measures that in pre-9/11 times could be seen as infringements of civil liberties. After all, the fuzzy text of the Fourth Amendment (unreasonable searches) and the Fifth Amendment (due process) leaves room for exceptions at the margin. But

the executive branch cannot, in the face of an express prohibition by Congress, unilaterally set the rules, execute the rules, and eliminate oversight by the other branches.

() Circumvention inevitable – FISA Courts prove

Brown '14

Bruce Brown - Counsel of Record. BRIEF OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND 17 MEDIA ORGANIZATIONS AS AMICI CURIAE IN SUPPORT OF PLAINTIFF-APPELLANT - The Reporters Committee for Freedom of the Press is an unincorporated association of reporters. The Reporters Committee has provided representation, guidance and research in First Amendment and Freedom of Information Act litigation since 1970. Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. “Amici” means “friend of the court” and – in this context - is legal reference to the Reporters Committee – Sept 9th - <https://www.eff.org/document/rcfp-smith-amicus-brief>

Internal protections built into these enormous databases cannot prevent overreaching in all cases.⁴ Government documents released in September of 2013 show that for a three-year period, until March 2009, the NSA regularly searched call logs of about 15,000 numbers without having a reasonable ^{articulable} suspicion of terrorism. Josh Gerstein, NSA broke rules on call-tracking program, court filings show, Politico (Sept. 10, 2013), <http://politi.co/17UxEJR>. Further, an internal NSA audit from 2012 revealed that the agency conducted unauthorized searches of data, including phone records and e-mail, of thousands of Americans since 2008. See Barton Gellman, NSA Broke Privacy Rules Thousands of Times Per Year, Audit Finds, Wash. Post (Aug. 15, 2013), <http://wapo.st/16SWco2>. Such conduct – which has “include[d] unauthorized access to intercepted communications, the distribution of protected content[,] and the use of automated systems without built-in safeguards to prevent unlawful surveillance,” id.— cast serious doubt on the government’s ability to police itself when implementing such a far-reaching mass call-tracking program. In fact, the FISA Court chief judge Reggie B. Walton said his court does not have the capacity to investigate issues of noncompliance.” Carol D. Leonnig, Court: Ability to police U.S. spying program limited, Wash. Post (Aug. 15, 2013), <http://wapo.st/1cR581f>.

Even the President admits that existing NSA spying violates the Congressional FISA statute.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power and the NSA’s Surveillance Authority II,” testimony before the Senate Judiciary Committee, February 28th, Available Online at <http://www.cato.org/publications/congressional-testimony/wartime-executive-power-nas-surveillance-authority-ii#26>, Accessed 05-29-2015)

Accordingly, even if the administration establishes that NSA warrantless surveillance during wartime is reasonable in the context of the Fourth Amendment, the question remains whether the NSA program violates the express terms of FISA. It does.

The text of FISA is unambiguous: “A person is guilty of an offense if he intentionally engages in electronic surveillance ... except as authorized by statute.”¹⁸ That provision covers

communications from or to U.S. citizens or permanent resident aliens in the United States. Moreover, the Wiretap Act provides that its procedures and FISA “shall be the exclusive means by which electronic surveillance ... may be conducted.” 19

From the early 1960s until 1973, the NSA, without approval of Congress, used a “watch list” of U.S. citizens and organizations in sorting through intercepted foreign communications. That was known as Project Minaret.²⁰ From 1945 to 1975, telegraph companies gave the NSA copies of most telegrams sent from the United States to overseas. That was known as Project Shamrock, “probably the largest governmental interception program affecting Americans ever undertaken.”²¹ Of course, there were also domestic spying abuses by the Federal Bureau of Investigation under J. Edgar Hoover against suspected communists, Black Panthers, civil rights leaders and others. That’s why FISA was enacted in 1978. It had a dual purpose: to curb abuses while facilitating domestic surveillance for foreign intelligence purposes.

To be sure, the FISA statute was drafted to deal with peacetime intelligence. But that does not mean the statute can be ignored when applied to the post-9/11 war on terror. First, the FISA text makes no distinction between wartime and peacetime. To conduct surveillance without statutory authorization, in wartime or peacetime, is a crime, punishable by up to five years in prison.²² Second, in passing FISA, Congress expressly contemplated warrantless surveillance during wartime, but limited it to the first 15 days after war is declared. The statute reads: “Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for a period not to exceed fifteen calendar days following a declaration of war by the Congress.”²³ Third, FISA warrant requirements and electronic surveillance provisions were amended by the USA PATRIOT Act,²⁴ which was passed in response to 9/11 and signed by President Bush. If 9/11 triggered “wartime,” as the administration has repeatedly and convincingly argued, then the amended FISA is clearly a wartime statute.

Some administration supporters have argued that FISA and the PATRIOT Act provide tools that the president had anyway, except he could not use the acquired evidence in a criminal prosecution.²⁵ Yet there is no support for the notion that members of Congress, in passing the two statutes, thought they were simply debating the rules of evidence. Moreover, warrant requirements are triggered even if the government declines to prosecute. Imagine police secretly entering a private home without a warrant, installing bugs on phones and tracer software on computers, searching every room and closet, then leaving, never to be heard from again — no arrest, no indictment, no notice to the target. Clearly, the Fourth Amendment’s warrant provisions have been violated, even if the target is unaware and no fruits of the search are used as evidence in a criminal prosecution. A key purpose of the Amendment is to ensure privacy in those situations in which an expectation of privacy is reasonable.

That said, there may be some international satellite or radio communications that do not come under FISA’s prohibition because the communicating parties could not reasonably expect privacy. But I know of no court case that has denied there is a reasonable expectation of privacy by U.S. citizens and permanent resident aliens in their phone calls and emails.

Moreover, the Justice Department, in a December 2005 letter to Congress, acknowledged that the president’s October 2001 NSA eavesdropping order **did not comply with the** “procedures”

of the **FISA statute**.²⁶ The Department offers two justifications — the first of which I examine next.

The president authorized NSA surveillance without input from Congress or the courts — there is precedent for unilateral actions in this area.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

Finally, if the President thought the law should be amended to authorize warrantless domestic surveillance, he had a convenient vehicle for that purpose shortly after 9/11. That’s when the PATRIOT Act was passed, substantially enhancing the president’s authority under FISA and expanding his ability to conduct foreign intelligence surveillance. The President could have, but did not, seek new authority for the NSA—**authority that he has now decreed, unilaterally, without input from either Congress or the courts.**

2NC/1NR — Signing Statements

The President will covertly use signing statements to ensure the law isn't enforced — the Court won't overturn.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 ("The Unitary Executive: Why the Bush Doctrine Violates the Constitution," *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

Bush has used presidential "signing statements" — statements issued by the President upon signing a bill into law — to expand his power. Each of his signing statements says that he will interpret the law in question "in a manner consistent with his constitutional authority to supervise the unitary executive branch."

Presidential signing statements have gotten very little media attention. They are, however, highly important documents that define how the President interprets the laws he signs. Presidents use such statements to protect the prerogative of their office and ensure control over the executive branch functions.

Presidents also — since Reagan — have used such statements to create a kind of alternative legislative history. Attorney General Ed Meese explained in 1986 that:

To make sure that the President's own understanding of what's in a bill is the same . . . is given consideration at the time of statutory construction later on by a court, we have now arranged with West Publishing Company that the presidential statement on the signing of a bill will accompany the legislative history from Congress so that all can be available to the court for future construction of what that statute really means.

The alternative legislative history would, according to Dr. Christopher S. Kelley, professor of political science at the Miami University at Oxford, Ohio, "contain certain policy or principles that the administration had lost in its negotiations" with Congress.

The Supreme Court has paid close attention to presidential signing statements. Indeed, in two important decisions — the Chadha and Bowsher decisions — the Court relied in part on president signing statements in interpreting laws. Other federal courts, sources show, have taken note of them too.

2NC/1NR — Covert Noncompliance

Even if the President claims to support the law, Obama will use the State Secrets Doctrine to covertly avoid compliance with surveillance statutes.

Bazze 12 — Timothy Bazze, litigation associate at Goodwin Procter LLP in Boston, J.D., Georgetown University Law Center, M.I.A., School of International and Public Affairs at Columbia, 2012 (“Shutting The Courthouse Doors: Invoking The State Secrets Privilege To Thwart Judicial Review In The Age Of Terror,” Civil Rights Law Journal, Vol 23, No 1, Available Online at <http://civilrightslawjournal.com/issues/23.29.pdf>, Accessed 06-05-2015)

The war on terror has led to an increased use of the state secrets privilege by the Executive Branch—to dismiss legal challenges to widely publicized and controversial government actions—ostensibly aimed at protecting national security from terrorist threats.¹ Faced with complaints that allege indiscriminate and warrantless surveillance,² tortious detention, and torture that flouts domestic and international law,³ courts have had to reconcile impassioned appeals for private justice with the government’s unyielding insistence on protecting national security. **Courts, almost unanimously, have cast their lot with national security, granting considerable deference to government assertions of the state secrets principle. This deference to state secrets shows no signs of abating; indeed, the growing trend is for courts to dismiss these legal challenges pre-discovery,**⁴ even before the private litigants have had the chance to present actual, non-secret evidence to meet their burden of proof. Although many looked optimistically at President Obama’s inauguration as a chance to break decisively from the Bush Administration’s aggressive application of the state secrets privilege,⁵ the Obama Administration has largely disappointed on the state-secrets front, asserting the privilege with just as much fervor—if not as much regularity⁶ —as its predecessor.⁷

Judicial deference to such claims of state secrecy, whether the claims merit privileged treatment, exacts a decisive toll on claimants, permanently shutting the courthouse doors to their claims and interfering with public and private rights.⁸ Moreover, **courts’ adoption of a sweeping view of the state secrets privilege has raised the specter of the government disingenuously invoking state secrets to conceal government misbehavior under the guise of national security.**⁹ By granting greater deference to assertions of the state secrets privilege, courts share responsibility for eroding judicial review as a meaningful check on Executive Branch excesses. This Article argues for a return to a narrowly tailored state secrets privilege—one that ensures that individuals who allege a credible claim of government wrongdoing retain their due process rights.

Presidents will use secret National Security Directives to continue to thwart Congress and the Courts on surveillance — no effective oversight.

Moe and Howell 99 — Terry M. Moe, William Bennett Munro Professor of Political Science at Stanford University and a senior fellow at the Hoover Institution, and William G. Howell, Ph.D. Candidate at Stanford, now a Professor in American Politics at the University of Chicago Harris School of Public Policy Studies, 1999 (“The Presidential Power of Unilateral Action,” The Journal

of Law, Economics, and Organization, Vol 15 No 1, Available Online at <http://home.uchicago.edu/~whowell/papers/ThePresidential.pdf>, Accessed 06-05-2015)

Presidents also have advantages in foreign affairs because of the expertise they control, and because of the **frequent need for secrecy**. These are reasons why Congress feels the need to delegate—but they also give presidents key resources, whatever the delegation, for taking **unilateral action that can easily go beyond the bounds** of what Congress intends. This is true throughout the realm of foreign policy, but it is perhaps **most consequential for policies bearing on the intelligence community**. While the Central Intelligence Agency and other intelligence organizations within the government have played key roles in U.S. foreign policy, they have been almost entirely under the control of presidents— who have used these agencies to promote their own agendas throughout the world, exercised their control largely in secret, and sometimes, as in the Iran-Contra affair, done things of which Congress would never have approved if it knew (Fleishman and Aufses, 1976).

The key is that Congress often doesn't know. Presidents control the intelligence community through their own orders, with heavy reliance on "national security directives," which can be kept secret. Thus even though Congress, as part of its "resurgence" after Vietnam and Watergate, set up committees to oversee aspects of the intelligence community, the pervasive secrecy has made their job extremely difficult. Consider the words of Lee Hamilton [(D) Indiana], chair of the Iran Contra Committee, who vented his frustration at a 1988 House hearing:

The use of secret [national security directives, or NSDs] to create policy infringes on Congress's constitutional prerogatives by inhibiting effective oversight and limiting Congress's policymaking role. [NSDs] are revealed to Congress only under irregular, arbitrary, or even accidental circumstances, if at all. Even the Intelligence Committees do not usually receive copies of [NSDs]. (U.S. House of Representatives, 1988:29)

2NC/1NR — GCHQ Makes Circumvention Likely

Restrictions on domestic surveillance will be circumvented via data sharing with GCHQ.

Friedersdorf 13 — Conor Friedersdorf, Staff Writer for *The Atlantic*, 2013 (“Is ‘The Five Eyes Alliance’ Conspiring to Spy on You?,” *The Atlantic*, June 25th, Available Online at <http://www.theatlantic.com/politics/archive/2013/06/is-the-five-eyes-alliance-conspiring-to-spy-on-you/277190/>, Accessed 06-21-2015)

Did you know that the United States, Canada, Britain, Australia, and New Zealand participate together in an electronic eavesdropping cooperative called “The Five Eyes Alliance”? Or that Britain “has secretly gained access to the network of cables which carry the world’s phone calls and internet traffic and has started to process vast streams of sensitive personal information which it is sharing with its American partner, the National Security Agency”? That’s big news, right!

It’s also four days old. Maybe some of you caught it, but you know what: The surveillance news is coming so fast these days that it’s nearly impossible to process it all. One day, the scandal is that big Internet companies secretly share data with the U.S. government. A few more days pass, and then this drops:

One key innovation has been GCHQ’s ability to tap into and store **huge volumes of data** drawn from fibre-optic cables for up to 30 days so that it can be sifted and analysed. That operation, codenamed Tempora, has been running for some 18 months. **GCHQ and the NSA are consequently able to access and process vast quantities of communications** between entirely innocent people, as well as targeted suspects. **This includes recordings of phone calls, the content of email messages, entries on Facebook and the history of any internet user’s access to websites** - all of which is deemed legal, even though the warrant system was supposed to limit interception to a specified range of targets.

And this:

By May last year **300 analysts from GCHQ, and 250 from the NSA, had been assigned to sift through the flood of data.** The Americans were given guidelines for its use, but were told in legal briefings by GCHQ lawyers: “We have **a light oversight regime compared with the US**”. When it came to judging the necessity and proportionality of what they were allowed to look for, would-be American users were told it was **“your call”**.

What **this portends is terrifying.**

Say you’re the NSA. By law, there are certain sorts of spying you’re not lawfully allowed to do on Americans. (And agency rules constraining you too.) **But wait. Allied countries have different laws and surveillance rules.** If there are times when America’s spy agency has an easier time spying on Brits, and times when Britain’s spying agency has an easier time spying on Americans, it’s easy to see **where the incentives lead.** Put bluntly, intelligence agencies have an incentive to **make themselves complicit in foreign governments spying on their own citizens.**

Reuters raised this concern:

NSA spokeswoman Judith Emmel rejected any suggestion the U.S. agency used the British to do things the NSA cannot do legally. Under U.S. law, the NSA must get authorization from a secret federal court to collect information either in bulk or on specific people. "Any allegation that NSA relies on its foreign partners to circumvent U.S. law is absolutely false. NSA does not ask its foreign partners to undertake any intelligence activity that the U.S. government would be legally prohibited from undertaking itself," Emmel said.

What about when foreign partners aren't "asked," per se, to collect information the NSA isn't allowed to gather ... but just happen to have it because, you know, they collect basically everything?

The NSA has been misleading Americans at every opportunity lately, so I'm loath to take their word for anything, but even if this sort of cooperation isn't happening now – which I would not assume – it seems like it's inevitably going to happen if Congress doesn't preempt it, right? The alarming scenarios could fill a whole series of international thrillers. If all this had existed back in the aughts, would George W. Bush's NSA have been tempted to share surveillance with Tony Blair on his political opponents, to keep an Iraq War ally in power? How many of Senator Ron Wyden's private communications can the British government access? Do we ever have to worry about the Anglosphere's executives and spy agencies allying with one another against their respective legislatures? So much to ponder. (Oh, for an update of Mother Earth, Mother Board.)

Meanwhile, a suggested question for the White House press corps: "President Obama, how often do foreign governments let the U.S. government access information collected from U.S. citizens who aren't suspected of any crime?"

Even if domestic surveillance authority is curtailed, GCHQ will still collect the data and share it with NSA.

Gay 13 — John Allen Gay, Associate Managing Editor at *The National Interest*, holds an M.A. in International Relations from Syracuse University, 2013 ("Tempora-Fried Conflict of Interest," *The National Interest*, July 16th, Available Online at <http://nationalinterest.org/blog/the-buzz/tempora-fried-conflict-interest-8731>, Accessed 06-22-2015)

Let's agree, for the sake of argument, that the National Security Agency's various data-gathering activities in the United States are unquestionably constitutional, legitimate and necessary. Let's further agree that the oversight regimes in place—internal measures, Congressional committees, and the Foreign Intelligence Surveillance Courts—are robust and transparent enough to prevent abuse. These assumptions are strong enough to address the vast majority of worries about the programs. Yet they do not touch one major concern: foreign intelligence agencies gathering information on Americans.

The United Kingdom's Government Communications Headquarters—GCHQ—was revealed to have a far more extensive collection program than the NSA's. The program, codenamed

Tempora, extracts data from international fiber-optic data cables and then collates it in a manner quite similar to the NSA's PRISM system. But Tempora takes in more, both in scope and in scale. It stores both the content and the associated metadata of communications, unlike the NSA, which merely takes the latter. While one NSA program took in ninety-seven billion pieces of information in one month, at peak rates Tempora could do that in just over two days. And GCHQ lawyers told their NSA counterparts that "we have a light oversight regime compared to the U.S."

Tempora offers major benefits to the United States, as the NSA enjoys access to the data and works closely with GCHQ on exploiting it. The United States and Britain are surely safer and better informed, and they're cooperating in yet another area. Yet there's a big downside for the United States. British cable-tappers are taking in many American communications. Tempora got its start at a GCHQ station at Bude, Cornwall, where many fiber-optic cables from the United States make landfall. This is partly of necessity—the United States is a major waypoint for data flows, so much of what's going from America and into Tempora does not necessarily involve any U.S. persons.

Yet much surely does. And this is concerning for many reasons. For it is one thing when the American government gathers information on Americans. It is another when a foreign government does—whether allied or not.

American citizens are having their privacy violated en masse by a foreign crown—by one of its espionage services, no less. Preventing such activity is one of the core functions of a government. That's part of the reason Washington has been so unhappy with Chinese cyber snooping. That's why numerous states around the world protested—and even took action—when the NSA's programs were revealed.

The U.S. response to the GCHQ's Tempora program should be similar. A government-to-government complaint is natural and appropriate. But so is a second set of steps—educating the American public about methods that could be used to protect their information from foreign peeping. This would likely be far more effective than a mere protest—espionage is, after all, an eternal element of interstate relations, and modern technology has made it terribly easy. The most effective protection must thus focus on individuals. Widespread public adoption of powerful encryption on communications, and of secure communications endpoints (email clients, phone systems, web browsers, etc.), would make mass foreign cyber snooping extremely expensive, as decryption takes time and lots of computing power. Private citizens have already organized collections of free tools that could make this happen—Peng Zhong's PRISM Break is one example.

Yet that particular page's name may hint at why the U.S. government hasn't taken such steps to protect its citizens from foreign espionage. The programs don't discriminate. Making Americans safer from Tempora would also make them safer from PRISM. Further, it would be virtually impossible to keep the rest of the world from taking the same preventive steps, reducing PRISM's effectiveness against foreign targets. The latter problem merely requires that the government balance contending goals. But the former is a conflict of interest.

There are no legal restrictions on NSA usage of GCHQ data.

Wheatley 13 — Mike Wheatley, Senior Staff Writer at *Silicon Angle* where he covers business and technology news, 2013 (“Project Tempora: How the British GCHQ Helps the NSA Spy on US Citizens,” *Silicon Angle*, June 24th, Available Online at <http://siliconangle.com/blog/2013/06/24/project-tempora-how-the-british-gchq-helps-the-nsa-spy-on-us-citizens/>, Accessed 06-22-2015)

Amidst all the media excitement over Ed Snowden’s dramatic flight from Hong Kong to Moscow, one story that slipped under the radar at the end of last week relates how the UK’s version of the NSA, the GCHQ, has been secretly tapping into the fiber optic systems running into and out of the British Isles.

Project Tempora was exposed by The Guardian as part of the Ed Snowden leaks, and is immediately worrying due to its size and the fact that Britain is a major hub for the world’s internet traffic. US readers might think that there’s nothing to worry – after all this is the UK government right? But, according to some sources, the NSA could well be tapping into the data collected by the UK, free from any restrictions it faces under US law.

The report in The Guardian relates how Project Tempora is currently about half-way complete, meaning that not all traffic to the UK is being monitored at the moment. Documents provided by Snowden claim that there are two aspects to Tempora – “Mastering the Internet,” and “Global Telecoms Exploitation,” with the ultimate aim being to allow GCHQ and its allies to monitor up to 90% of all web traffic and telecommunications that pass through the UK.

“As of last year, the agency had gone half way, attaching probes to 200 fibre-optic cables each with a capacity of 10 gigabits per second. In theory, that gave GCHQ access to a flow of 21.6 petabytes in a day, equivalent to 192 times the British Library’s entire book collection.”

According to The Guardian, GCHQ retains the full content of all transmissions – including emails, phone calls, SMS messages etc., – for three days, with the metadata being kept for 30 days. Even worse, a staggering 850,000 people are said to have the security clearance required to access that data. Given that the NSA has already admitted that it shares data from PRISM with the UK, we can presume that GCHQ returns the favor with anything it picks up.

The Atlantic Wire reports that there are more than 400 fiber optic “waystations” scattered across the UK that route incoming traffic from abroad through the country, and cites one in particular as being a big cause of concern for Americans. Bude, located in south-west England on the Atlantic coast, is said to be the main hub for trans-Atlantic web traffic, which means that it scoops up vast amounts of data incoming from the US.

The Guardian continues:

“As the probes began to generate data, GCHQ set up a three-year trial at the GCHQ station in Bude, Cornwall. By the summer of 2011, GCHQ had probes attached to more than 200 internet links, each carrying data at 10 gigabits a second. “This is a massive amount of data!” as one internal slideshow put it. That summer, it brought NSA analysts into the Bude trials.”

So what were the NSA doing in Bude? Well, what else could they be doing but gathering data on US citizens? As we have constantly been reassured, the NSA is only allowed to spy on US citizens if it obtains a warrant from the FISA court first, but according to Alex Abdo, staff attorney at the ACLU's National Security Project, these restrictions almost certainly don't apply to data collected in foreign countries.

"I don't know the answer, but I suspect there are few limitations to doing so," said Abdo to the Atlantic Wire.

All the while the NSA has been stressing how US citizen's privacy is safeguarded under FISA, it's been operating with no restrictions whatsoever when it comes to data obtained by the GCHQ. And as The Guardian reports, checks on the UK's intelligence agency are even less transparent than those in the US:

"In confidential briefings, one of [GCHQ]'s senior legal advisers, whom the Guardian will not name, made a note to tell his guests: "We have a light oversight regime compared with the US."

Preventing *this form* of circumvention is impossible. There is no U.S. government oversight of GCHQ-to-NSA sharing.

Bump 13 — Philip Bump, Writer for *The Wire*—a news publication of *The Atlantic*, 2013 ("The UK Tempora Program Captures Vast Amounts of Data — and Shares with NSA," *The Wire*, June 21st, Available Online at <http://www.thewire.com/national/2013/06/uk-tempora-program/66490/>, Accessed 06-22-2015)

The British Government Communications Headquarters, or GCHQ, maintains taps on fiber optic systems in the United Kingdom, according to the latest Guardian report from the Edward Snowden leaks. The scale of the operation and the centrality of the UK to global network traffic are one concern. How that data is used by the NSA is another.

Working closely with America's National Security Agency, the GCHQ is about halfway done implementing "Project Tempora." Comprised of two parts, suggestively dubbed "Mastering the Internet" and "Global Telecoms Exploitation," the project aims to eventually allow the agency (and its partner) to survey over 90 percent of the cables that route through the United Kingdom, pulling data from 400 at once. "As of last year," the Guardian reports, "the agency had gone half way, attaching probes to 200 fibre-optic cables each with a capacity of 10 gigabits per second. In theory, that gave GCHQ access to a flow of 21.6 petabytes in a day, equivalent to 192 times the British Library's entire book collection." Full content of transmissions is preserved for three days and metadata for 30. Between them, the GCHQ and NSA have 550 analysts poring over the data — and 850,000 people with top secret clearance can access it. We've known for weeks that the NSA shares its PRISM data with the UK; now we know it also goes in reverse.

But Tempora deals only with traffic in the United Kingdom, right? Well, no. Consider a highway, like Interstate 80 that runs from New York to San Francisco. It also runs through Des Moines. So

if Des Moines decided to stop everyone passing on Route 80 to search their cars, they'd end up searching a lot of people who'd never planned on being in Des Moines at all.

In the GCHQ example, Interstate 80 would be one of the many fiber optic throughputs crossing the globe. You can see them all on SubmarineCableMap.com's interactive graphic. When GCHQ wanted to get Tempora running, it first had to pick its Des Moines.

As the probes began to generate data, GCHQ set up a three-year trial at the GCHQ station in Bude, Cornwall. By the summer of 2011, GCHQ had probes attached to more than 200 internet links, each carrying data at 10 gigabits a second. "This is a massive amount of data!" as one internal slideshow put it. That summer, it brought NSA analysts into the Bude trials.

This is what the cables coming into the UK look like. Many of the lines that continue on to Northern Europe stop over in the UK first, waystations from which the GCHQ can take a sniff.

[Graphic Omitted]

But there's one waystation in particular that plays host to incoming traffic — especially from the United States.

[Graphic Omitted]

Which raises a key question. By law, the NSA is only able to collect data on American citizens if it gets the approval of the Foreign Intelligence Surveillance Court — and only as long as the agency is targeting a foreigner. But can it use data collected on Americans by foreign countries? The Atlantic Wire spoke with Alex Abdo, staff attorney at the ACLU's National Security Project. "I don't know the answer," he indicated, "but I suspect there are few limitations to doing so."

The NSA has repeatedly assured members of Congress that its safeguards protect American privacy. The GCHQ has made no such assurances. And the Guardian reports, their intelligence agencies are pleased with the extent to which they can operate in the shadows.

In confidential briefings, one of [GCHQ]'s senior legal advisers, whom the Guardian will not name, made a note to tell his guests: "We have a light oversight regime compared with the US".

The parliamentary intelligence and security committee, which scrutinises the work of the agencies, was sympathetic to the agencies' difficulties, he suggested.

And American oversight mechanisms, of course, play no role at all. "When it came to judging the necessity and proportionality of what they were allowed to look for," the Guardian reports, "would-be American users were told it was "your call"."

Yes, Tempora is still going strong. Nothing has changed since '13.

Fisher 15 — Dennis Fisher, Writer for *Threatpost*—a security news service published by The Kaspersky Lab, an international software security group, 2015 ("Rights Groups Call for More Change Two Years After Snowden Revelations Began," *Threatpost*, June 5th, Available Online at

<https://threatpost.com/rights-groups-call-for-more-change-two-years-after-snowden-revelations-began/113175#sthash.qACObzJc.dpuf>, Accessed 06-22-2015)

The surveillance report from Privacy International and Amnesty International says that despite the changes that have come, the overall surveillance landscape is **virtually the same** as it was before the **Snowden** revelations began.

“Two years on from Edward Snowden’s revelations, the vast mass surveillance apparatus operated by the US and UK intelligence agencies remains intact, and there are no indications on the horizon that they intend to halt the deployment – and indeed the expansion – of their capabilities,” the report says.

“Despite the information that has been revealed to the public, UK and US mass surveillance programmes remain shrouded in secrecy. Nothing illustrates this better than the UK government’s policy of ‘neither confirm nor deny’ (NCND). The NCND policy has left those who brought legal challenges against UK mass surveillance programmes with no choice but to make legal arguments about hypothetical scenarios – this has meant that actual programmes such as **TEMPORA**, the existence of which is clear based on the documents disclosed by Edward Snowden, are shielded from any kind of meaningful scrutiny.”

TEMPORA is one of the programs under which the British GCHQ has tapped undersea cables that carry data traffic.

1NC — Single Branch

Single branch approaches fail — the NSA is so powerful it requires all three branches to control it.

BloombergBusiness 14 — BloombergBusiness, Byline David Lerman, 2014 (“U.S. Spy Agency Reports Improper Surveillance of Americans,” BloombergBusiness Online, December 24th, Available Online at <http://www.bloomberg.com/news/articles/2014-12-24/spy-agency-to-release-reports-documenting-surveillance-errors>, Accessed 06-05-2015)

“The government conducts sweeping surveillance under this authority -- surveillance that increasingly puts Americans’ data in the hands of the NSA,” Patrick C. Toomey, staff attorney with the ACLU’s National Security Project, said in an e-mail.

No Oversight

“Despite that fact, this spying is conducted almost entirely in secret and without legislative or judicial oversight,” he said.

The reports show greater oversight by all three branches of government is needed, Toomey added.

NSA Circumvention

The NSA will independently circumvent the plan — they’ve had decades of non-compliance.

BloombergBusiness 14 — BloombergBusiness, Byline David Lerman, 2014 (“U.S. Spy Agency Reports Improper Surveillance of Americans,” BloombergBusiness Online, December 24th, Available Online at <http://www.bloomberg.com/news/articles/2014-12-24/spy-agency-to-release-reports-documenting-surveillance-errors>, Accessed 06-05-2015)

(Bloomberg) -- The National Security Agency today released reports on intelligence collection that may have violated the law or U.S. policy over more than a decade, including unauthorized surveillance of Americans’ overseas communications.

The NSA, responding to a Freedom of Information Act lawsuit from the American Civil Liberties Union, released a series of required quarterly and annual reports to the President’s Intelligence Oversight Board that cover the period from the fourth quarter of 2001 to the second quarter of 2013.

The heavily-redacted reports include examples of data on Americans being e-mailed to unauthorized recipients, stored in unsecured computers and retained after it was supposed to be destroyed, according to the documents. They were posted on the NSA’s website at around 1:30 p.m. on Christmas Eve.

In a 2012 case, for example, an NSA analyst “searched her spouse’s personal telephone directory without his knowledge to obtain names and telephone numbers for targeting,” according to one report. The analyst “has been advised to cease her activities,” it said.

Other unauthorized cases were a matter of human error, not intentional misconduct.

Last year, an analyst “mistakenly requested” surveillance “of his own personal identifier instead of the selector associated with a foreign intelligence target,” according to another report.

Unauthorized Surveillance

In 2012, an analyst conducted surveillance “on a U.S. organization in a raw traffic database without formal authorization because the analyst incorrectly believed that he was authorized to query due to a potential threat,” according to the fourth-quarter report from 2012. The surveillance yielded nothing.

The NSA’s intensified communications surveillance programs initiated after the Sept. 11, 2001, terrorist attacks on New York and Washington unleashed an international uproar after they were disclosed in classified documents leaked by fugitive former contractor Edward Snowden last year.

The NSA fails to comply with regulations — even the FISA court cannot effectively exercise oversight. The harms of the affirmative will continue.

Toomey 14 — Patrick Toomey, staff attorney in the ACLU's National Security Project, where he works on issues related to electronic surveillance, national security prosecutions, whistleblowing, and racial profiling, JD from Yale Law, former law clerk to the Hon. Nancy Gertner, United States District Judge for the District of Massachusetts, and to the Hon. Barrington D. Parker, United States circuit judge for the Second Circuit Court of Appeals, 2014 ("Too Big To Comply? NSA Says It's Too Large, Complex to Comply With Court Order," ACLU Blog, June 14th, Available Online at <https://www.aclu.org/blog/too-big-comply-nsa-says-its-too-large-complex-comply-court-order>, Accessed 06-05-2015)

In an era of too-big-to-fail banks, we should have known it was coming: An intelligence agency too big to rein in — and brazen enough to say so.

In a remarkable legal filing on Friday afternoon, the NSA told a federal court that its spying operations are **too massive and technically complex to comply with an order** to preserve evidence. The NSA, in other words, now says that it cannot comply with the rules that apply to any other party before a court — the very rules that ensure legal accountability — **because it is too big.**

The filing came in a long-running lawsuit filed by the Electronic Frontier Foundation challenging the NSA's warrantless collection of Americans' private data. Recently, the plaintiffs in that case have fought to ensure that the NSA is preserving relevant evidence — a standard obligation in any lawsuit — and **not destroying the very data that would show the agency spied on the plaintiffs' communications.** Yet, as in so many other instances, the NSA appears to believe it is exempt from the normal rules.

In its filing on Friday, the NSA told the court:

[A]ttempts to fully comply with the Court's June 5 Order would be a massive and uncertain endeavor because the NSA may have to shut down all databases and systems that contain Section 702 information in an effort to comply.

For an agency whose motto is "Collect It All," the NSA's claim that its mission could be endangered by a court order to preserve evidence is a remarkable one. That is especially true given the immense amount of data the NSA is known to process and warehouse for its own future use.

The NSA also argued that retaining evidence for EFF's privacy lawsuit would put it in violation of other rules designed to protect privacy. But what the NSA presents as an impossible choice between accountability and privacy is actually a false one. Surely, the NSA — with its ability to sift and sort terabytes of information — can devise procedures that allow it to preserve the plaintiffs' data here without retaining everyone's data.

The crucial question is this: if the NSA does not have to keep evidence of its spying activities, how can a court ever test whether it is in fact complying with the Constitution?

Perhaps most troubling, the new assertions continue the NSA's decade-long effort to evade judicial review — at least in any public court. For years, in cases like the ACLU's Amnesty v. Clapper, the NSA evaded review by telling courts that plaintiffs were speculating wildly when they claimed that the agency had intercepted their communications. Today, of course, we know those claims were prescient: Recent disclosures show that the NSA was scanning Americans' international emails en masse all along. Now, the NSA would put up a new roadblock — claiming that it is unable to preserve the very evidence that would allow a court to fully and fairly review those activities.

As Brett Max Kaufman and I have written before, **our system of oversight is broken** — this is only the latest warning sign flashing red. The NSA has grown far beyond the ability of its overseers to properly police its spying activities. That includes the secret FISA Court, which has struggled to monitor the NSA's compliance with basic limits on its surveillance activities. It includes the congressional oversight committees, which operate with too little information and too often appear captive to the interests of the intelligence community. And, now we are to believe, it includes the public courts as well.

No intelligence agency should be too big to be accountable to the rule of law.

The NSA breaks privacy rules thousands of times per year — aff's regulations are meaningless.

Washington Post 13 — Washington Post, Byline Barton Gellman, 2013 (“NSA broke privacy rules thousands of times per year, audit finds,” Washington Post, August 15th, Available Online at http://www.washingtonpost.com/world/national-security/nsa-broke-privacy-rules-thousands-of-times-per-year-audit-finds/2013/08/15/3310e554-05ca-11e3-a07f-49ddc7417125_story.html, Accessed 06-06-2015)

The National Security Agency has broken privacy rules or overstepped its legal authority thousands of times each year since Congress granted the agency broad new powers in 2008, according to an internal audit and other top-secret documents.

Most of the infractions involve unauthorized surveillance of Americans or foreign intelligence targets in the United States, both of which are restricted by statute and executive order. They range from significant violations of law to typographical errors that resulted in unintended interception of U.S. e-mails and telephone calls.

The documents, provided earlier this summer to The Washington Post by former NSA contractor Edward Snowden, include a level of detail and analysis that is not routinely shared with Congress or the special court that oversees surveillance. In one of the documents, agency personnel are instructed to remove details and substitute more generic language in reports to the Justice Department and the Office of the Director of National Intelligence.

In one instance, the NSA decided that it need not report the unintended surveillance of Americans. A notable example in 2008 was the interception of a “large number” of calls placed

from Washington when a programming error confused the U.S. area code 202 for 20, the international dialing code for Egypt, according to a “quality assurance” review that was not distributed to the NSA’s oversight staff.

In another case, the Foreign Intelligence Surveillance Court, which has authority over some NSA operations, did not learn about a new collection method until it had been in operation for many months. The court ruled it unconstitutional.

The Obama administration has provided almost no public information about the NSA’s compliance record. In June, after promising to explain the NSA’s record in “as transparent a way as we possibly can,” Deputy Attorney General James Cole described extensive safeguards and oversight that keep the agency in check. “Every now and then, there may be a mistake,” Cole said in congressional testimony.

Executive Noncompliance — Congress

Executive noncompliance likely — long term trends and a weak Congress prove.

Barron and Lederman 8 — David J. Barron, United States Circuit Judge for the United States Court of Appeals for the First Circuit and former Professor of Public Law at Harvard Law School, and Martin S. Lederman, Deputy Assistant Attorney General in the Department of Justice's Office of Legal Counsel, and Professor of Law at Georgetown, 2008 (“The Commander In Chief At The Lowest Ebb — A Constitutional History,” Harvard Law Review, Vol 121, No 4, February, Available Online at http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/barron_lederman2.pdf, Accessed 06-05-2015)

Powers once claimed by the Executive are not easily relinquished. One sees from our narrative how, in a very real sense, the constitutional law of presidential power is often made through accretion. A current administration eagerly seizes upon the loose claims of its predecessors, and applies them in ways perhaps never intended or at least not foreseen or contemplated at the time they were first uttered. The unreflective notion that the “conduct of campaigns” is for the President alone to determine has slowly insinuated itself into the consciousness of the political departments (and, at times, into public debate), and has gradually been invoked in order to question all manner of regulations, from requirements to purchase airplanes, to limitations on deployments in advance of the outbreak of hostilities, to criminal prohibitions against the use of torture and cruel treatment. In this regard, the claims of the current Administration represent as clear an example of living constitutionalism in practice as one is likely to encounter. There is a radical disjuncture between the approach to constitutional war powers the current President has asserted and the one that prevailed at the moment of ratification and for much of our history that followed.

But that dramatic deviation did not come from nowhere. Rarely does our constitutional framework admit of such sudden creations. Instead, the new claims have drawn upon those elements in prior presidential practice most favorable to them. That does not mean our constitutional tradition is foreordained to develop so as to embrace unchecked executive authority over the conduct of military campaigns. At the same time, it would be wrong to assume, as some have suggested, that the emergence of such claims will be necessarily selfdefeating, inevitably inspiring a popular and legislative reaction that will leave the presidency especially weakened. In light of the unique public fears that terrorism engenders, the more substantial concern is an **opposite one**. It is entirely possible that the emergence of these claims of preclusive power will subtly but increasingly influence future Executives to eschew the harder work of accepting legislative constraints as legitimate and actively working to make them tolerable by building public support for modifications. The temptation to argue that the President has an obligation to protect the prerogatives of the office asserted by his or her predecessors will be great. Congress’s capacity to effectively check such defiance will be comparatively weak. After all, the President can veto any effort to legislatively respond to defiant actions, and impeachment is neither an easy nor an attractive remedy.

The prior practice we describe, therefore, could over time become a faint memory, recalled only for the proposition that it is anachronistic, **unsuited for what are thought to be the unique perils of the contemporary world**. Were this to happen it would represent an unfortunate

development in the constitutional law of war powers. Thus, it is incumbent upon legislators to challenge efforts to bring about such a change. Moreover, executive branch actors, particularly those attorneys helping to assure that the President takes care the law is faithfully executed, should not abandon two hundred years of historical practice too hastily. At the very least, they should resist the urge to continue to press the new and troubling claim that the President is entitled to unfettered discretion in the conduct of war.

The President will simply refuse to enforce the law — empirically proven when national security information is involved. This is true *even if he signs the bill into law.*

McGinnis 93 — Assistant Professor, Benjamin N. Cardozo School of Law, former Deputy Assistant Attorney General in the Office of Legal Counsel, Department of Justice, 1993 (“Constitutional Review By The Executive In Foreign Affairs And War Powers: A Consequence Of Rational Choice In The Separation Of Powers,” Law and Contemporary Problems, Vol 56 No 4, Autumn, Available Online at <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4213&context=lcp>, Accessed 06-05-2015)

A. The Executive's Rebuff of An Adventitious Congressional Challenge to the Accommodation

One year into President Bush's term, Congress passed the Foreign Relations Authorization Act.⁷⁴ The Act included a provision prohibiting the United States from spending any money authorized for international conferences on the U.S. delegation to the Conference on Security and Cooperation in Europe unless that delegation included representatives of the Commission on Security and Cooperation in Europe.⁷⁵ This Commission was composed almost entirely of members appointed by the legislative branch.⁷⁶

The reasons for Congress's decision to include this provision are obscure,⁷⁷ but a former member of the National Security Council staff recalls that the Counsel to the Foreign Relations Committee of the House of Representatives was particularly interested in these negotiations and wanted to participate in them.⁷⁸ The inclusion of the provision was a sharp challenge to the President's asserted powers in foreign affairs for two reasons. First, presidents from both parties have asserted their authority to represent the United States in foreign affairs and thus control the identity of U.S. negotiators.⁷⁹ Moreover, presidents have also consistently claimed the absolute right to control national security information and prevent its disclosure to Congress—a power that would obviously be impaired if a representative of the legislative branch were required on the negotiating team.⁸⁰

Given the far-reaching challenge to powers of the presidency, President Bush's response was extremely forceful. He announced that the provision was unconstitutional, and that he would refuse to enforce it, permitting him to continue spending funds on the conference. ¹ Announcing his refusal to enforce the provision served the purpose of protecting the boundaries of his powers better than vetoing the bill would have done. By claiming this right of refusal, the President was asserting a power of constitutional review over legislation that interfered with his

constitutional prerogatives, at least in the area of foreign affairs. A veto, even if sustained, would not have permitted the President dramatically to assert a lawmaking role **rivaling that of the Court** in this area.'

The President's move effectively gave him the **last word on the issue**.' Congress could have used its power of impeachment to assert its view of the Constitution (both as to the substance of the President's foreign affairs authorities and as to his authority to refuse to enforce a law), but its use of this power under these circumstances would have seemed politically implausible because of both the relative unimportance of the issue in the public's perception and the general level of support the President enjoyed among the public and Congress at the time. By refusing to enforce the law, the President had effectively called Congress's bluff, both raising the stakes and leaving Congress with no feasible way to make its law binding through the use of its own political powers.

NSA surveillance violates explicit Congressional statutes and Supreme Court case law — the President has refused to comply with appropriate Congressional mandates in the area of surveillance.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

Thus the administration can credibly argue that it may conduct some types of warrantless surveillance without violating the Fourth Amendment. And because the president’s Article II powers are elevated during time of war—assuming the AUMF to be the functional, if not legal, equivalent of a declaration of war—his post-9/11 authorization of NSA warrantless surveillance might be justifiable if Congress had not expressly disapproved.

But Congress did expressly disapprove, in the FISA statute. Therefore, the President’s assertion of a national-security exception that encompasses the NSA program misses the point. The proper question is not whether the president has inherent authority to relax the “reasonableness” standard of the Fourth Amendment. The answer to that question is: yes, in some cases. But the narrower issue in the NSA case is whether the president, in the face of an express statutory prohibition, can direct that same surveillance. The answer is no, and I am not aware of any case law to support an argument to the contrary.

Put somewhat differently, Article II establishes that the president has inherent powers, especially during wartime. And those powers might be sufficient to support his authorization of warrantless surveillance, notwithstanding the provisions of the Fourth Amendment. But Article II does not delineate the scope of the president’s wartime powers. And because Congress has

concurrent authority in this area, an express prohibition by Congress is persuasive when deciding whether the president has overreached.

The distinction between concurrent and exclusive powers is important. For example, the president's "Power to grant . . . Pardons" is exclusive; there is no stated power for Congress to modify it by legislation—for example, by declaring certain offenses unpardonable. By contrast, the president's wartime powers are shared with Congress, which is constitutionally authorized to "define and punish . . . Offenses against the Law of Nations," "declare War," "make Rules concerning Captures on Land and Water," "raise and support Armies," "provide and maintain a Navy," "make Rules for the Government and Regulation of the land and naval forces," and suspend habeas corpus. That suggests **the president must comply with duly enacted statutes** unless he can show that Congress has exceeded its authority. In this instance, **President Bush has made no such showing.**

Executive Circumvention — Congress

Formal Congressional restriction net increases violations — turns the case.

Spiro 93 — Peter J. Spiro, Professor, Hofstra University School of Law in public international law, immigration law, international trade law, citizenship and nationality law, foreign relations and national security law, 1993 (“War Powers and the Sirens of Formalism,” New York University Law Review, Vol 68, December, Available Online via Lexis)

Moreover, there is a harm in the perpetuation of text that neither reflects nor governs behavior. The War Powers Resolution (either as is or as modified by the Ely proposal) continues to bring the legislative branch into institutional disrepute. Congress looks toothless to the extent that it has not, loosely speaking, lived up to its responsibilities or exploited its prerogatives under the Resolution. ⁿ⁹² At the same time, the presidency seems bold in defiance. Insofar as it has not come to be ignored altogether, the Resolution may play into the hands of executive branch partisans by serving as a lingering reminder that Congress, even as equipped with statutory tools, has acquiesced in the sometimes uncurbed exercise of presidential discretion. This acquiescence, in turn, may fuel the more extreme claims of exclusive presidential powers, as was true of some of President Bush's pronouncements leading up to the Gulf War. Alternatively, the continued formal validity of the Resolution may drive the executive branch to overcompensate rhetorically in defending what it considers to be its exclusive powers unconstitutionally reallocated by the Act. Worse, the disjunction of text and practice could distort the decisionmaking process so as to result in presidential attempts to broaden the range of action undertaken without legislative approval.

Obama will circumvent the plan — Congress won't intervene.

Cohen 12 — Michael A. Cohen, fellow at The Century Foundation, a columnist at the Boston Globe and a regular writer and commentator on American politics and U.S. foreign policy, 2012 (“The Imperial Presidency: Drone Power and Congressional Oversight,” World Politics Review, July 24th, Available Online at <http://www.worldpoliticsreview.com/articles/12194/the-imperial-presidency-drone-power-and-congressional-oversight>)

The Justice Department's formal rationale for the targeting and killing of an American citizen, in apparent violation of due process rights, might very well be legal and proper. After all, Awlaki had joined a terrorist organization that was legally at war with the United States, and American forces have killed U.S. citizens serving in foreign armies in the past. The problem, however, is that no one outside the president, his top advisers and the OLC lawyers who drafted the memo - - many of whom are political appointees -- have seen this legal justification. Indeed, in June 2012, Rep. Jerry Nadler specifically asked Attorney General Eric Holder in a congressional hearing if he would turn the OLC memo over to Congress. Holder demurred and still has yet to do so. The episode is reflective of the current state of congressional oversight of the executive branch on national security issues: The executive branch stonewalls or uses legal justification to avoid oversight, and Congress does precious little to demand that its constitutional prerogatives are respected. Instead of a push and pull between the two branches of the U.S. government limiting both sides' power, the opportunities for the expansion of executive power

are becoming more pronounced -- and could get worse. To be sure, things weren't supposed to be this way. As a presidential candidate on the campaign trail, Barack Obama talked a big game about limiting executive power and adhering more closely to congressional mandates. **As president, he has moved the balance of power in a different direction.** In his handling of the Libyan intervention, for instance, Obama initially refused to go to Congress to get authorization for the use of force. Later he made the credibility-stretching argument that the war in Libya did not meet the definition of "hostilities" under the War Powers Resolution, which requires the president to seek congressional authorization for the use of force within 60 days of the initiation of hostilities. While presidents have generally questioned the resolution's constitutionality, they have also generally abided by its key provisions regarding the use of force. This was not the case in Libya. The Libya intervention is, in key regards, Obama's most ostentatious expansion of executive power, but this disregard for congressional prerogatives has seeped into other areas as well, in particular the so-called shadow war, which includes the use of cyber attacks, drone strikes and special forces to pursue U.S. national security interests and wage the war on terror. Since taking office, the administration has significantly increased the scope of the U.S. drone war. The shift coincides with post-Sept. 11 increases in both the U.S. drone arsenal and the size of the U.S. Special Operations Command (SOCOM). Meanwhile, at the same time that he has reduced the number of U.S. boots on the ground in actual combat zones, Obama has stretched the battlefield of the war on terror. While the administration notifies congressional intelligence committees of its targeted killings of suspected terrorist leaders, it does so in private. In fact, only in recent weeks did the Obama White House publicly confirm the use of "direct action" against targets in Somalia and Yemen -- and even then in a manner that was less than forthcoming and that didn't include reference to CIA targeted killing operations. Ironically, however, the administration stands on firmer legal ground here than it did on Libya. It has used the Authorization of Military Force (AUMF) granted in 2001 by Congress to justify nearly every aspect of these operations, including targeted killing campaigns carried out by both the military and the CIA, and the continued detention of prisoners in Guantanamo Bay and Afghanistan. As Yale Law School professor Bruce Ackerman told me, "The AUMF was a response to a real problem, namely the attacks of Sept. 11. It is now being transformed into a tool for fighting a 100-year war against terrorists." In a sense we are witnessing a perfect storm of executive branch power-grabbing: a broad authorization of military force giving the president wide-ranging discretion to act, combined with a set of tools -- drones, special forces and cyber technology -- that allows him to do so in unprecedented ways. And since few troops are put in harm's way, **there is barely any public scrutiny.** Congress has the ability to stop these excesses. On Libya, it possessed the power to turn off the financial spigot and cut off funding, and indeed, there was a tepid effort in the House of Representatives to do so. On the AUMF, Congress could simply repeal it or more realistically modify it to take into account the new battlefields in the war on terror. Finally, it could conduct greater oversight, in particular public hearings, of how the executive branch is utilizing military force. But not only has Congress not taken these steps, in deliberations over the National Defense Authorization Act earlier this year, it tried to expand the AUMF. On the use of drones and targeted killings, Congress has made little effort to demand greater information from the White House and has not held any public hearings on either of these issues. As Micah Zenko recently noted, claims "that congressional oversight of targeted killings exclusively by the intelligence committees in closed sessions is adequate" are

“indefensible.” The reasons for congressional abdication are legion. **Partisanship plays an important role.** For example, from 2001 to 2006, Republicans largely abstained from overseeing a Republican White House’s wars in Iraq and Afghanistan. Since a Democrat became president, however, congressional oversight and scrutiny of the administration in terms of foreign policy has remained underwhelming, if not nearly as bad. Meanwhile, **the White House has treated Congress dismissively and even with contempt.** Historically, strong institutional prerogatives have been a check on such parochialism -- think William Fulbright and the Senate Foreign Relations Committee’s apostasy on Vietnam or even the bipartisan Iran-Contra hearings in the 1980s. Today, however, few in Congress have shown much interest in upholding even its most basic foreign policy responsibilities. Quite simply, there are no Frank Churches or even Russ Feingolds in Congress anymore. But there are also serious institutional obstacles to enhanced congressional scrutiny. Writing in the Harvard National Security Journal (.pdf), Andru Wall argues that much of the problem with congressional oversight can be traced to an antiquated understanding of how national security operations are actually carried out. **At a time of greater interagency cooperation and coordination between the military and intelligence agencies, Congress still sees these functions as somehow discrete.** As Greg Miller noted in the Washington Post in December, “Within 24 hours of every CIA drone strike, a classified fax machine lights up in the secure spaces of the Senate Intelligence Committee, spitting out a report on the location, target and result. The outdated procedure reflects the agency’s effort to comply with Title 50 requirements that Congress be provided with timely, written notification of covert action overseas. There is no comparable requirement in Title 10, and the Senate Armed Services Committee can go days before learning the details of JSOC strikes. Neither panel is in a position to compare the CIA and JSOC kill lists or even arrive at a comprehensive understanding of the rules by which each is assembled.” In addition, oversight responsibilities are often bifurcated by separate authorization and appropriation processes. The 9/11 Commission recommended ending this dysfunctional arrangement among intelligence committees and creating a single joint intelligence committee with both authorizing and appropriating responsibilities. Nearly 10 years later, it still hasn’t happened. If history is any guide, **so long as Congress fails to hold the president’s feet to the fire, the executive branch will take on more responsibilities that are outside the purview of Congress’ prying eyes.** Ackerman called such “legislative irresponsibility and executive unilateralism” a self-perpetuating phenomenon that is a “recurrent dynamic in presidential systems.” With the lack of any strong institutional pride in Congress, an executive branch that for obvious reasons prefers less oversight and the advent of new tools for fighting America’s wars, this situation is likely to get worse before it gets better, if it ever does.

Executive Circumvention — Impacts

Showdowns with the Supreme Court or Congress only increase Executive Power — turns the case and crushes separation of powers.

Posner and Vermeule 8 — Eric A. Posner, Distinguished Service Professor, University of Chicago Law School and the 4th most-cited legal scholar in the United States, JD from Harvard, former editor of The Journal of Legal Studies, and Adrian Vermeule, Professor of Law at Harvard, former Professor of Law at U Chicago, 2008 (“Constitutional Showdowns,” University of Pennsylvania Law Review, Vol 156, April, Available Online at http://www.ericposner.com/constitutional_showdowns_.pdf, Accessed 06-05-2015)

The point that current checking will fail to internalize the interests of future generations would hold even if there were only two branches in the picture. With three branches, however, externalities among current actors are also possible. One possibility is that the strongest branch - the one with the highest S-value - can play a divide-and-conquer game, alternating alliances with the weaker branches until it effectively dominates both. Here, the externality is that each of the weaker branches fails to take into account the full costs of its short-run opportunism to the other weak branch and to the balance of the whole system. Conversely, the weaker branches will be tempted to free-ride on each other's investment in checking the strongest branch, so long as there is a positive cost to a showdown that checks aggrandizement. A configuration [President = 0.5, Congress = 0.5, Supreme Court = 0] might yield far more aggressive checking of presidential expansion than would a configuration such as [President = 0.5, Congress = 0.25, Supreme Court = 0.25]. In the latter scenario [*1030] Congress and the Court will face temptations to mutual free-riding, while in the former scenario the concentration of nonpresidential power in a single place reduces the scope for presidential aggrandizement.
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Obviously, many other scenarios are possible. We have assumed, for example, that showdowns will help to check aggrandizement, but this is not obviously true. Showdowns might actually provide the very opportunity the stronger branch has been seeking to crush its adversaries or to clarify their impotence, creating a highly visible precedent that will underscore its power. We mention these scenarios just to illustrate the types of externalities, even with the current generation, that can cause insufficient investments even in showdowns that would check aggrandizement if they occurred. The divergence between private and social costs and benefits will cause suboptimal checking, and there is no reason to think the failure of institutions to invest in showdowns that would promote optimal checking is somehow offset by their private-regarding incentive to invest in showdowns that will promote their own power. There is no invisible-hand mechanism that causes one type of failure to offset the other - a point to which we return below.

The President will win a showdown with Congress — he’s institutionally more invested in the outcome.

Nzelibe 13 — Jide Nzelibe, Associate Dean for Faculty Affairs and Professor of Law at Northwestern, 2013 (“Our Partisan Foreign Affairs Constitution,” American Bar Foundation Version, January 2nd, Available Online at http://www.americanbarfoundation.org/uploads/cms/documents/our_partisan_foreign_affairs_constitution_abf_version.pdf, Accessed 06-05-2015)

An alternative explanation for politically inspired changes in the Foreign Affairs Constitution focuses on the preferences of institutional actors. The underlying assumption is that conflict between the President and Congress often results in incremental changes to the boundary of the foreign affairs powers. In these power tussles, however, the President presumably prevails for two reasons. The first is that due to the singular nature of the President’s office, he has intrinsic institutional reasons to increase his authority since he gets to consume exclusively the benefits of any such usurpation.²³ As Daryl Levinson puts it, “[b]ecause individual presidents can consume a much greater share of the power of their institution than individual members of Congress, we should expect them to be willing to invest more in institutional aggrandizement.”²⁴ By contrast, the prospect of facing frequent elections and collective action problems often make it unlikely that members of Congress will have an incentive to protect or expand their constitutional prerogatives in foreign affairs.²⁵ The second is that Presidents tend to respond to the preferences of a national constituency, while members of Congress respond to the preferences of narrower constituencies who might be less interested in foreign affairs.²⁶

Unitary Executive Doctrine

Aggressive presidents will use the unitary executive doctrine to override Congress and the Courts on surveillance.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 ("The Unitary Executive: Why the Bush Doctrine Violates the Constitution," *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

Dr. Kelley notes that the unitary executive doctrine arose as the result of the twin circumstances of Vietnam and Watergate. Kelley asserts that "the faith and trust placed into the presidency was broken as a result of the lies of Vietnam and Watergate, which resulted in a congressional assault on presidential prerogatives."

For example, consider the Foreign Intelligence Surveillance Act (FISA) which Bush evaded when authorizing the NSA to tap without warrants — even those issued by the FISA court. FISA was enacted after the fall of Nixon with the precise intention of curbing unchecked executive branch surveillance. (Indeed, Nixon's improper use of domestic surveillance was included in Article 2 paragraph (2) of the impeachment articles against him.)

According to Kelley, these congressional limits on the presidency, in turn, led "some very creative people" in the White House and the Department of Justice's Office of Legal Counsel (OLC) to fight back, in an attempt to foil or blunt these limits. In their view, these laws were legislative attempts to strip the president of his rightful powers. Prominent among those in the movement to preserve presidential power and champion the unitary executive doctrine were the founding members of the Federalist Society, nearly all of whom worked in the Nixon, Ford, and Reagan White Houses.

The unitary executive doctrine arises out of a theory called "departmentalism," or "coordinate construction." According to legal scholars Christopher Yoo, Steven Calabresi, and Anthony Colangelo, the coordinate construction approach "holds that all three branches of the federal government have the power and duty to interpret the Constitution." According to this theory, the president may (and indeed, must) interpret laws, equally as much as the courts.

The Unitary Executive Versus Judicial Supremacy

The coordinate construction theory counters the long-standing notion of "judicial supremacy," articulated by Supreme Court Chief Justice John Marshall in 1803, in the famous case of *Marbury v. Madison*, which held that the Court is the final arbiter of what is and is not the law. Marshall famously wrote there: "It is emphatically the province and duty of the judicial department to say what the law is."

Of course, the President has a duty not to undermine his own office, as University of Miami law professor A. Michael Fromkin notes. And, as Kelley points out, the President is bound by his oath of office and the "Take Care clause" to preserve, protect, and defend the Constitution and to "take care" that the laws are faithfully executed. And those duties require, in turn, that the

President interpret what is, and is not constitutional, at least when overseeing the actions of executive agencies.

However, Bush's recent actions make it clear that he interprets the coordinate construction approach extremely aggressively. In his view, and the view of his Administration, that **doctrine gives him license to overrule and bypass Congress or the courts, based on his own interpretations of the Constitution — even where that violates long-established laws and treaties, counters recent legislation that he has himself signed, or** (as shown by recent developments in the Padilla case) involves offering a federal court contradictory justifications for a detention.

This is a form of presidential rebellion against Congress and the courts, and possibly a violation of President Bush's oath of office, as well.

After all, can it be possible that that oath means that the President must uphold the Constitution only as he construes it – and not as the federal courts do?

And can it be possible that the oath means that the President need not uphold laws he simply doesn't like – even though they were validly passed by Congress and signed into law by him?

Analyzing Bush's Disturbing Signing Statement for the McCain Anti-Torture Bill

Let's take a close look at Bush's most recent signing statement, on the torture bill. It says:

The executive branch shall construe Title X in Division A of the Act, relating to detainees, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power, which will assist in achieving the shared objective of the Congress and the President, evidenced in Title X, of protecting the American people from further terrorist attacks.

In this signing statement, Bush asserts not only his authority to internally supervise the "unitary executive branch," but also his power as Commander-in-Chief, as the basis for his interpretation of the law — which observers have noted allows Bush to create a loophole to permit the use of torture when he wants.

Clearly, Bush believes he can ignore the intentions of Congress. Not only that but by this statement, **he has evinced his intent to do so,** if he so chooses.

This Unitary Executive Doctrine causes a collapse in the Separation of Powers and American constitutional democracy.

Van Bergen 6 — Jennifer Van Bergen, JD, author of *The Twilight of Democracy: The Bush Plan For America*, Professor at Santa Fe Community College, 2006 ("The Unitary Executive: Why the Bush Doctrine Violates the Constitution," *Couterpunch*, January 12th, Available Online at <http://www.couterpunch.org/2006/01/12/the-unitary-executive/>, Accessed 06-07-2015)

The Unitary Executive Doctrine Violates the Separation of Powers

As Findlaw columnist Edward Lazarus recently showed, the President does not have unlimited executive authority, not even as Commander-in-Chief of the military. Our government was purposely created with power split between three branches, not concentrated in one.

Separation of powers, then, is **not simply a talisman**: It is the **foundation of our system**. James Madison wrote in The Federalist Papers, No. 47, that:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Another early American, George Nicholas, eloquently articulated the concept of "power divided" in one of his letters:

The most effectual guard which has yet been discovered against the abuse of power, is the division of it. It is our happiness to have a constitution which contains within it a sufficient limitation to the power granted by it, and also a proper division of that power. But no constitution affords any real security to liberty unless it is considered as sacred and preserved inviolate; because that security can only arise from an actual and not from a nominal limitation and division of power.

Yet it seems a nominal limitation and division of power – with real power concentrated solely in the "unitary executive" – is exactly what President Bush seeks. His signing statements make the point quite clearly, and his overt refusal to follow the laws illustrates that point: In Bush's view, there is no actual limitation or division of power; it all resides in the executive.

Thomas Paine wrote in Common Sense:

In America, the law is king. For as in absolute governments the King is law, so in free countries the law ought to be king; and there ought to be no other.

The unitary executive doctrine conflicts with Paine's principle – one that is fundamental to our constitutional system. If Bush can ignore or evade laws, then the law is no longer king. Americans need to decide whether we are still a country of laws – and if we are, we need to decide whether a President who has determined to ignore or evade the law has not acted in a manner contrary to his trust as President and subversive of constitutional government.

AT: “Surveillance Isn’t a War Power”

The President’s War Powers authorize covert surveillance — history abounds with examples.

Yoo 14 — John Yoo, UC Berkeley Law Professor, former Deputy Assistant U.S. Attorney General in the Office of Legal Counsel at the Department of Justice under President GW Bush, 2014 (“Surveillance and executive power,” Constitution Daily, October 3rd, Available Online at <http://blog.constitutioncenter.org/2014/10/surveillance-and-executive-power/>, Accessed 06-07-2015)

As Commander-in-Chief, the President has the constitutional power and the responsibility to wage war in response to a direct attack against the United States.

In the Civil War, President Lincoln undertook several actions—raised an army, withdrew money from the treasury, launched a blockade—on his own authority in response to the Confederate attack on Fort Sumter, moves that Congress and the Supreme Court later approved.

During World War II, the Supreme Court similarly recognized that once war began, the President’s authority as Commander-in-Chief and Chief Executive gave him the tools necessary to effectively wage war.

In the wake of the September 11 attacks, Congress agreed that “the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States,” which recognizes the President’s authority to use force to respond to al Qaeda, and any powers necessary and proper to that end.

Even legal scholars who argue against this historical practice concede that once the United States has been attacked, the President can respond immediately with force.

The ability to collect intelligence is intrinsic to the use of military force. It is inconceivable that the Constitution would vest in the President the powers of Commander-in-Chief and Chief Executive, give him the responsibility to protect the nation from attack, but then disable him from gathering intelligence to use the military most effectively to defeat the enemy.

Every evidence of the Framers’ understanding of the Constitution is that the government would have every ability to meet a foreign danger. As James Madison wrote in The Federalist, “security against foreign danger is one of the primitive objects of civil society.” Therefore, the “powers requisite for attaining it must be effectually confided to the federal councils.”

After World War II, the Supreme Court declared, “this grant of war power includes all that is necessary and proper for carrying these powers into execution.” Covert operations and **electronic surveillance are clearly part of this authority.**

During the writing of the Constitution, some Framers believed that the President alone should manage intelligence because only he could keep secrets.

Several Supreme Court cases have recognized that the President’s role as Commander-in-Chief and the sole organ of the nation in its foreign relations must include the power to collect intelligence.

These authorities agree that intelligence rests with the President because its structure allows it to act with unity, secrecy, and speed.

Presidents have long ordered electronic surveillance without any judicial or congressional participation.

More than a year before the Pearl Harbor attacks, but with war clearly looming with the Axis powers, President Franklin Roosevelt authorized the FBI to intercept any communications, whether wholly inside the country or international, of persons “suspected of subversive activities against the Government of the United States, including suspected spies.”

FDR was concerned that “fifth columns” could wreak havoc with the war effort. “It is too late to do anything about it after sabotage, assassinations and ‘fifth column’ activities are completed,” FDR wrote in his order.

FDR ordered the surveillance even though a federal law at the time prohibited electronic surveillance without a warrant.

Presidents continued to monitor the communications of national security threats on their own authority, even in peacetime.

If Presidents in times of peace could order surveillance of spies and terrorists, executive authority is only the greater now, as hostilities continue against al Qaeda.

Even if they’re right, presidential precedent treats NSA surveillance as an Article II war power.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

President Bush has authorized the National Security Agency (NSA) to eavesdrop, without obtaining a warrant, on telephone calls, e-mails, and other communications between U.S. persons in the United States and persons outside the United States. For understandable reasons, **the operational details of the NSA program are secret, as are the details of the executive order that authorized the program.** But Attorney General Alberto Gonzales has stated that surveillance can be triggered if an executive-branch official has reasonable grounds to believe that a communication involves a person “affiliated with al-Qaeda or part of an organization or group that is supportive of al-Qaeda.”

The attorney general has declared that the President’s authority rests on the post-9/11 Authorization for Use of Military Force (AUMF) and the president’s inherent wartime powers

under Article II of the U.S. Constitution, which includes authority to gather “signals intelligence” on the enemy.

My conclusions, as elaborated below, are: First, the president has some latitude under the “Executive Power” and “Commander-in-Chief” Clauses of Article II, even lacking explicit congressional approval, to authorize NSA warrantless surveillance without violating Fourth Amendment protections against “unreasonable” searches. But second, if Congress has expressly prohibited such surveillance (as it has under FISA, the Foreign Intelligence Surveillance Act), then the statute binds the president unless there are grounds to conclude that the statute does not apply. Third, in the case at hand, there are no grounds for such a conclusion—that is, neither the AUMF nor the president’s inherent powers trump the express prohibition in the FISA statute.

Bush treated domestic surveillance as an Article II War Power and used that justification to ignore Congress. This approach led to secret CIA prisons, torture, and indefinite detentions.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

Attorney General Gonzales has a second, more plausible, defense of warrantless surveillance—namely, Article II of the Constitution states that “The executive Power shall be vested in a President” who “shall be Commander in Chief” of the armed forces. That power, says the attorney general, trumps any contrary statute during time of war.

I respectfully disagree—which is not to say I believe the president is powerless to order warrantless wartime surveillance. For example, intercepting enemy communications on the battlefield is clearly an incident of his war power. But warrantless surveillance of Americans inside the United States, who may have nothing to do with al-Qaeda, does not qualify as incidental wartime authority. The president’s war powers are broad, but not boundless. Indeed, the war powers of Congress, not the president, are those that are constitutionalized with greater specificity.

The question is not whether the president has unilateral executive authority, but rather the extent of that authority. And the key Supreme Court opinion that provides a framework for resolving that question is Justice Robert Jackson’s concurrence in *Youngstown Sheet & Tube v. Sawyer*—the 1952 case denying President Truman’s authority to seize the steel mills.

Justice Jackson offered the following analysis: First, when the president acts pursuant to an express or implied authorization from Congress, “his authority is at its maximum.” Second, when the president acts in the absence of either a congressional grant or denial of authority, “there is a zone of twilight in which he and Congress may have concurrent authority, or in which its

distribution is uncertain.” But third, where the president takes measures incompatible with the express or implied will of Congress—such as the NSA program, which violates an express provision of the FISA statute—“his power is at its lowest.”

The NSA program does not fit in Youngstown’s second category (congressional silence). It belongs in the third category, in which **the President has acted in the face of an express statutory prohibition.**

Moreover, unilateral authorization of the NSA program by the executive branch suggests that unilateral actions in other areas would be proper. For example: If warrantless domestic surveillance is incidental to the president’s inherent powers, so too are sneak-and-peek searches, roving wiretaps, library records searches, and national-security letters—all of which were vigorously debated in deciding whether to reauthorize the PATRIOT Act. Could the president have proceeded with those activities even if they were not authorized by Congress? If so, what was the purpose of the debate? Why do we even need a PATRIOT Act?

Further, the attorney general asserts that the AUMF and the commander-in-chief power are sufficient to justify the NSA program. He, or his predecessor, made similar claims for military tribunals without congressional authorization, secret CIA prisons, indefinite detention of U.S. citizens, enemy-combatant declarations without hearings as required by the Geneva Conventions, and interrogation techniques that may have violated our treaty commitments banning torture. Is any of those activities outside the president’s commander-in-chief and AUMF powers? If not, what are the bounds, if any, that constrain the president’s unilateral wartime authority?

NSA wiretaps explicitly violate the FISA requirements, but the president uses war powers to ignore Congress. There is no institutional check on these abuses of power.

Woods 6 — Thomas E. Woods, Jr. Ph.D. in History from Columbia, senior fellow of the Ludwig von Mises Institute and a contributing editor of *The American Conservative* magazine, recipient of the 2004 O.P. Alford III Prize for Libertarian Scholarship and of an Olive W. Garvey Fellowship from the Independent Institute in 2003. He has also been awarded two Humane Studies Fellowships and a Claude R. Lambe Fellowship from the Institute for Humane Studies at George Mason University and a Richard M. Weaver Fellowship from the Intercollegiate Studies Institute, author of eleven books, most recently *Rollback: Repealing Big Government Before the Coming Fiscal Collapse*, 2006 (“All the President’s Power,” *The American Conservative*, January 30th, Available Online at <http://www.theamericanconservative.com/articles/all-the-presidents-power/>, Accessed 05-29-2015)

Whether or not the vice president was correct in his analysis of the state of the presidency in the year 2000, there can be no question that since then George W. Bush has dramatically expanded the powers of the president—primarily though not exclusively in matters pertaining to the war on terror.

One of the most notorious examples involved the torture of prisoners, a power the administration claimed in the face of law and international agreements to the contrary. “The assertion in the various legal memoranda that the President can order the torture of prisoners despite statutes and treaties forbidding it was another reach for presidential hegemony,” wrote Anthony Lewis in the New York Review of Books. “The basic premise of the American constitutional system is that those who hold power are subject to the law Bush’s lawyers seem ready to substitute something like the divine right of kings.”

Arguably the greatest controversy of all was the revelation at the end of 2005 that the Bush administration had engaged in domestic surveillance without the necessary warrants. James Bamford, author of two books on the National Security Agency, points out the pertinent aspects of what would appear to be the relevant law: the Foreign Intelligence Surveillance Act (FISA), passed in 1978. According to Bamford, then-Attorney General Griffin Bell testified before the intelligence committee that FISA acknowledged no “inherent power of the President to conduct electronic surveillance.” As Bell himself put it, “This bill specifically states that the procedures in the bill are the exclusive means by which electronic surveillance may be conducted.”

In the wake of the Sept. 11 attacks, Bush administration officials spoke again and again of the president’s inherent powers. But the pertinent statute in this case disclaims any such powers and requires that the president proceed according to the guidelines set out by Congress, which involves securing warrants from a special court. As things stand, the president is claiming a right to engage in surveillance of any American, unrestrained by any institutional check, in the service of the war on terror—a war that by its very nature must go on indefinitely and, indeed, that we can never really know is truly over.

According to Attorney General Alberto Gonzales, the reason the administration did not seek to revise FISA to give the president the clear and unambiguous power to order these wiretaps was that even a Republican Congress would not have gone along. In a Dec. 19 press briefing, the attorney general said, “We have had discussions with Congress in the past—certain members of Congress—as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible.”

The administration’s claim, as set forth by the attorney general, is that Congress implicitly agreed to such wiretaps when in the days following Sept. 11 it authorized the use of force against the perpetrators and their allies. Of course, if Congress really had authorized them, it is not clear why it would be so difficult for the administration to persuade Congress to amend FISA accordingly in light of this permission.

Gonzales’s argument calls to mind H.L. Mencken’s 1937 “Constitution for the New Deal,” a satirical rewrite of the U.S Constitution, which says of the attorney general, “It shall be his duty to provide legal opinions certifying to the constitutionality of all measures undertaken by the President.”

AT: FISA Court Checks

FISA court review is meaningless — even with revisions, the court is still a rubber stamp for surveillance.

Schulberg and Reilly 15 — Jessica Schulberg, reporter covering foreign policy and national security for The Huffington Post, former reporter-researcher at The New Republic, MA in international politics from American University, and Ryan J. Reilly, reporter who covers the Justice Department and the Supreme Court for The Huffington Post, 2015 (“Watchdog Finds Huge Failure In Surveillance Oversight Ahead Of Patriot Act Deadline,” Huffington Post, May 21st, Available Online at http://www.huffingtonpost.com/2015/05/21/section-215-oversight_n_7383988.html, Accessed 06-05-2015) * “Paul” = Senator Rand Paul, R-KY

The inspector general's report focused on the government's use of Section 215 between 2007 and 2009. In that two-year period, every Justice Department request to the FISA court for spying authority was granted -- a fact that would seem to bolster critics' argument that the secret court's process needs a permanent privacy advocate.

“Without an adversarial process, you really can't even have a judicial process,” Paul said Wednesday evening. “The FISA court only hears from one side -- the government.”

While the reform bill that passed the House would add a slot for a privacy advocate, Paul and the ACLU have both noted that the legislation still gives the court the authority to decide if and when to appoint someone to the job.

The NSA lies to the FISA court as well — it cannot oversee submission to regulations.

NYT 13 — New York Times, Byline Charlie Savage and Scott Shane, 2013 (“Secret Court Rebuked N.S.A. on Surveillance,” New York Times, August 21st, Available Online at <http://www.nytimes.com/2013/08/22/us/2011-ruling-found-an-nsa-program-unconstitutional.html>, Accessed 06-05-2015)

WASHINGTON — A federal judge sharply rebuked the National Security Agency in 2011 for repeatedly misleading the court that oversees its surveillance on domestic soil, including a program that is collecting tens of thousands of domestic e-mails and other Internet communications of Americans each year, according to a secret ruling made public on Wednesday.

The 85-page ruling by Judge John D. Bates, then serving as chief judge on the Foreign Intelligence Surveillance Court, involved an N.S.A. program that systematically searches the contents of Americans' international Internet communications, without a warrant, in a hunt for discussions about foreigners who have been targeted for surveillance.

The Justice Department had told Judge Bates that N.S.A. officials had discovered that the program had also been gathering domestic messages for three years. Judge Bates found that the

agency had violated the Constitution and declared the problems part of a pattern of misrepresentation by agency officials in submissions to the secret court.

The release of the ruling, the subject of a Freedom of Information Act lawsuit, was the latest effort by the Obama administration to gain control over revelations about N.S.A. surveillance prompted by leaks by the former agency contractor Edward J. Snowden.

The collection is part of a broader program under a 2008 law that allows warrantless surveillance on domestic networks as long as it is targeted at noncitizens abroad. The purely domestic messages collected in the hunt for discussions about targeted foreigners represent a relatively small percentage of what the ruling said were 250 million communications intercepted each year in that broader program.

While the N.S.A. fixed problems with how it handled those purely domestic messages to the court's satisfaction, the 2011 ruling revealed further issues.

"The court is troubled that the government's revelations regarding N.S.A.'s acquisition of Internet transactions mark the third instance in less than three years in which the government has disclosed a substantial misrepresentation regarding the scope of a major collection program," Judge Bates wrote.

One of the examples was redacted in the ruling. Another involved a separate N.S.A. program that keeps logs of all domestic phone calls, which the court approved in 2006 and which came to light in June as a result of leaks by Mr. Snowden.

In March 2009, a footnote said, the surveillance court learned that N.S.A. analysts were using the phone log database in ways that went beyond what the judges believed to be the practice because of a "repeated inaccurate statements" in government filings to the court.

"Contrary to the government's repeated assurances, N.S.A. had been routinely running queries of the metadata using querying terms that did not meet the standard for querying," Judge Bates recounted. He cited a 2009 ruling that concluded that the requirement had been "so frequently and systematically violated that it can fairly be said that this critical element of the overall ... regime has never functioned effectively."

The Electronic Frontier Foundation, a free speech and privacy rights group, sued to obtain the ruling after Senator Ron Wyden, an Oregon Democrat who sits on the Senate Intelligence Committee, fought last summer to declassify the basic fact that the surveillance court had ruled that the N.S.A. had violated the Fourth Amendment.

In a statement, Mr. Wyden — an outspoken critic of N.S.A. surveillance — said declassification of the ruling was "long overdue." He argued that while the N.S.A. had increased privacy protections for purely domestic and unrelated communications that were swept up in the surveillance, the collection itself "was a serious violation of the Fourth Amendment."

Mark Rumold of the Electronic Frontier Foundation praised the administration for releasing the document with relatively few redactions, although he criticized the time and the difficulty in obtaining it. But he also said the ruling showed the surveillance court was not equipped to perform adequate oversight of the N.S.A.

“This opinion illustrates that the way the court is structured now it cannot serve as an effective check on the N.S.A. because it’s wholly dependent on the representations that the N.S.A. makes to it,” Mr. Rumold said. “It has no ability to investigate. And it’s clear that the N.S.A. representations have not been entirely candid to the court.””

The NSA violates surveillance restrictions thousands of times per year — the FISA Court is unable to regulate compliance.

Jaffer 13 — Jameel Jaffer, ACLU Deputy Legal Director and Director of ACLU Center for Democracy, 2013 (““There Have Been Some Compliance Incidents”: NSA Violates Surveillance Rules Multiple Times a Day,” ACLU Blog, August 16th, Available Online at <https://www.aclu.org/blog/there-have-been-some-compliance-incidents-nsa-violates-surveillance-rules-multiple-times-day?redirect=blog/national-security/nsa-privacy-violations-even-more-frequent-we-imagined>, Accessed 06-05-2015)

The Washington Post reported last night that the NSA has been violating restrictions on surveillance powers thousands of times a year. My first reaction was that the revelation was "jaw-dropping," and that's my second reaction, too. The rules around government surveillance are so permissive that it is difficult to comprehend how the intelligence community could possibly have managed to violate them so often.

Obviously, it's important to know what precisely these compliance incidents involved, and some are more troubling than others. But at least some of these incidents seem to have implicated the privacy of thousands or millions of innocent people.

The Washington Post also published an article making clear that the chief judge of the Foreign Intelligence Surveillance Court doesn't think his court has the tools or capacity to evaluate the government's representations about its compliance with the law. Clearly, the fact that the FISA court is so reliant on the representations of intelligence officials is a problem. It makes no sense at all to let the intelligence community police itself.

Some of the information that the Washington Post published last night is information that the government has previously refused to release under the Freedom of Information Act. In 2010, the ACLU filed a lawsuit to enforce a FOIA request for records on the government's implementation of new surveillance laws. Most of the documents we obtained were heavily redacted. (You can see all of the documents here, and there is a full analysis of the documents here.)

But some of the documents—a series of "Semiannual Assessments" by the intelligence community, in particular—were not entirely redacted. Interestingly, they all included some version of this phrase: "There have been some compliance incidents during the reporting period representing a small percentage of the overall activity." That phrase seemed unremarkable to me until now. If thousands of compliance incidents represented "a small percentage of overall activity," there must have been a whole lot of "activity."

FISC has no ability to investigate or verify NSA reports — there is no court independently policing the NSA.

Washington Post 13 — Washington Post, Byline Carol D. Leonning, 2013 (“Court: Ability to police U.S. spying program limited,” Washington Post, August 15th, Available Online at http://www.washingtonpost.com/politics/court-ability-to-police-us-spying-program-limited/2013/08/15/4a8c8c44-05cd-11e3-a07f-49ddc7417125_story.html, Accessed 06-06-2015)

The leader of the secret court that is supposed to provide critical oversight of the government’s vast spying programs said that its ability to do so is **limited** and that it must **trust the government** to report when it improperly spies on Americans.

The chief judge of the Foreign Intelligence Surveillance Court said the court **lacks the tools to independently verify** how often the government’s surveillance breaks the court’s rules that aim to protect Americans’ privacy. Without taking drastic steps, it also cannot check the veracity of the government’s assertions that the violations its staff members report are unintentional mistakes.

“The FISC is forced to rely upon the accuracy of the information that is provided to the Court,” its chief, U.S. District Judge Reggie B. Walton, said in a written statement to The Washington Post. “**The FISC does not have the capacity to investigate** issues of noncompliance, and in that respect **the FISC is in the same position as any other court when it comes to enforcing [government] compliance** with its orders.”

Walton’s comments came in response to internal government records obtained by The Post showing that National Security Agency staff members in Washington overstepped their authority on spy programs thousands of times per year. The records also show that the number of violations has been on the rise.

The court’s description of its practical limitations contrasts with repeated assurances from the Obama administration and intelligence agency leaders that the court provides central checks and balances on the government’s broad spying efforts. They have said that Americans should feel comfortable that the secret intelligence court provides robust oversight of government surveillance and protects their privacy from rogue intrusions.

President Obama and other government leaders have emphasized the court’s oversight role in the wake of revelations this year that the government is vacuuming up “metadata” on Americans’ telephone and Internet communications.

“We also have federal judges that we’ve put in place who are not subject to political pressure,” Obama said at a news conference in June. “They’ve got lifetime tenure as federal judges, and they’re empowered to look over our shoulder at the executive branch to make sure that these programs aren’t being abused.”

Privacy advocates and others in government have voiced concerns about the ability of overseers to police secret programs of immense legal and technological complexity. Several members of

the House and Senate intelligence committees told The Post last week that they face numerous obstacles and constraints in questioning spy agency officials about their work.

FISA Court has only five lawyers to investigate NSA compliance — they are hopelessly overburdened.

Washington Post 13 — Washington Post, Byline Carol D. Leorning, 2013 (“Court: Ability to police U.S. spying program limited,” Washington Post, August 15th, Available Online at http://www.washingtonpost.com/politics/court-ability-to-police-us-spying-program-limited/2013/08/15/4a8c8c44-05cd-11e3-a07f-49ddc7417125_story.html, Accessed 06-06-2015)

Privacy advocates say they fear that some violations are never reported to the court.

In January 2008, the NSA appeared to have mistakenly collected data on numerous phone calls from the Washington area code 202, thinking they were foreign phone calls from Egypt, whose country code is 20. According to a 2013 “quality assurance” review of the incident, a communications switch misread the coding of the calls and presumed they were international. The NSA has broad authority that is not subject to the FISA court to collect and monitor foreign communications under certain circumstances.

The description of the 2008 problem suggests that the inadvertent collection of U.S. phone calls was not reported to the FISA court.

“However, the issue pertained to Metadata ONLY so there were no defects to report,” the review stated.

Under FISA rules, the government is required to immediately notify the court if it believes it has violated any of its orders on surveillance.

The government does not typically provide the court with case-specific detail about individual compliance cases, such as the names of people it later learned it was improperly searching in its massive phone or e-mail databases, according to the two people familiar with the court’s work.

In contrast to the dozens of staff available to Congress’s intelligence and judiciary committees, the FISA court has **five lawyers** to review compliance violation reports.

AT: Congress Checks

Congress only pretends to oversee surveillance activities — they willingly allow the intelligence community to lie to them and the FISA court.

Eddington 15 — Patrick G. Eddington is a policy analyst in Homeland Security and Civil Liberties at the Cato Institute, and an assistant professor in the Security Studies Program at Georgetown University, 2015 (“NSA Surveillance Programs Are a Cancer on the Constitution,” Reason.com, May 28th, Available Online at <http://reason.com/archives/2015/05/28/snowden-nsa-usa-freedom>, Accessed 06-05-2015)

When the House Judiciary Committee considered the USA Freedom Act in May 2015—one of the few bills introduced in response to Snowden’s revelations—committee chairman Rep. Bob Goodlatte of Virginia claimed the committee had conducted "aggressive" oversight of the issue through a total of three hearings.

As ProPublica noted, Snowden exposed literally dozens of NSA programs and activities that have a direct impact on the constitutional rights of Americans living at home or abroad. The House Judiciary Committee’s three hearings did not even scratch the surface of those programs.

The Senate Judiciary Committee under then-chairman Patrick Leahy of Vermont conducted a worthwhile examination of government surveillance programs in March 2013. It stands out for its singular moment in which Senator Ron Wyden caught Director of National Intelligence James Clapper in a falsehood about the scope of government surveillance against Americans. Snowden’s revelations helped highlight just how **disingenuous Clapper and other U.S. intelligence community officials had been** on the issue, **not just with Congress but with the FISA court as well.**

Yet none of those revelations moved the Senate to create a select committee to investigate the full scope of post-9/11 surveillance programs, and the Senate Intelligence Committee has been far more a defender of these programs than an overseer of them. The House Intelligence Committee’s public record on this issue is also dismal, with only a single public hearing in the months after Snowden’s revelations that discussed almost purely cosmetic changes to U.S. surveillance authorities.

Indeed, when reform-minded House members not on the House Intelligence Committee have attempted to get information on these programs, they have been blocked from doing so— including in periods leading up to PATRIOT Act reauthorization votes. House reformers have also been stymied in their efforts to rein in or even end dubious surveillance activities, largely through the efforts of the House GOP leadership to restrict the terms and scope of the surveillance reform debate.

Even when pushed, Congress only cursorily investigates surveillance — their desire to conceal domestic spying transgressions means they won't meaningfully implement the laws.

Eddington 15 — Patrick G. Eddington is a policy analyst in Homeland Security and Civil Liberties at the Cato Institute, and an assistant professor in the Security Studies Program at Georgetown University, 2015 (“NSA Surveillance Programs Are a Cancer on the Constitution,” Reason.com, May 28th, Available Online at <http://reason.com/archives/2015/05/28/snowden-nsa-usa-freedom>, Accessed 06-05-2015)

The failure of existing committees to properly probe Snowden’s revelations, the active efforts by previous House Intelligence Committee leadership to impede inquiries by individual House members, and the efforts of House and Senate leaders to truncate any meaningful debate over these surveillance powers—all of these actions make it appear that Congressional leaders are engaged in a process designed to conceal the U.S. intelligence community’s domestic spying transgressions rather than educate the public on them and their implications for our democracy.

Congress still unwilling to enforce surveillance law — USA Freedom Act is a ruse.

US News and World Report 15 — US News and World Report, Byline Joseph P. Williams, 2015 (“Last Call: Don’t Think the USA Freedom Act Will Stop Government Snooping,” US News, June 3rd, Available Online at <http://www.usnews.com/news/blogs/washington-whispers/2015/06/03/last-call-dont-think-the-usa-freedom-act-will-stop-government-snooping>, Accessed 06-08-2015)

One Nation, Under Surveillance: Armchair privacy activists cheered when the Senate swatted away Majority Leader Mitch McConnell's attempt to roll back Patriot Act reforms that would have allowed the National Security Agency to continue spying on who you call and when. But upon further review, writes the Washington Post's Paul Waldman, the new USA Freedom Act really doesn't do much to change the overall, post-9/11 surveillance situation. Aside from putting in some minor speed bumps – requiring AT&T or Sprint, say, to collect the info, and making the NSA ask permission from a judge before getting their mitts on it – the government still has broad powers to track personal data, probably will come up with other ways to do it besides phone records, and both Democrats and Republicans generally seem OK with that. And unless another Edward Snowden comes down the pike to spill the beans on government technological spycraft, don't expect Congress or the next occupant of the White House to change things.

AT: "Obama is Different"

Obama is no exception — he ignores Congress on terror and national security issues. Congress can't object.

Cohen 12 — Michael A. Cohen, fellow at The Century Foundation, a columnist at the Boston Globe and a regular writer and commentator on American politics and U.S. foreign policy, 2012 ("Power Grab," Foreign Policy, March 28th, Available Online at <http://foreignpolicy.com/2012/03/28/power-grab/>, Accessed 06-05-2015)

Running roughshod over Congress has becoming something of a norm within the Obama administration. As one foreign-policy analyst close to the White House said to me "they generally don't do a good job of keeping people in the Hill in the loop on what they are doing. They see congressional oversight as a nuisance — even within their own party." Another analyst I spoke to had a one-word response to the question of the administration's attitude toward Congress's role in foreign policy: "Dismissive." Whether the lack of proper consultation over the closing of the detainee facility at Guantanamo Bay, the refusal to share with intelligence committees the rationale for targeted killings, or even brief Hill staffers on changes in missile defense deployment, this sort of ignoring of congressional prerogatives has often been the rule, not the exception.

What has been Congress's response to this disregarding of its role in foreign policy decision-making? The usual hemming and hawing, but little in the way of concrete action. During the Bush years, Republicans were more than happy to let the president expand his executive powers when it came to Iraq, Afghanistan, and the global war on terrorism. When Democrats took back the House and Senate from Republicans in 2006, they placed greater scrutiny on the Bush administration's conduct of the war in Iraq — but still continued to fund the conflict. Even in Washington's highly partisan current environment, little has changed; it's mostly sound and fury signifying nothing.

Republicans eschewed a constitutional confrontation with the White House over Libya, though the House GOP did make a rather partisan effort to defund the Libya operations (a measure that failed) and still today House and Senate members raise their frustrations in committee hearings over their heavy-handed treatment by the White House.

But the actions of some Republicans point in a different direction. Last year, House Armed Services Committee Chairman Buck McKeon actually tried to expand the original Authorization for Use of Military Force that granted U.S. kinetic actions just three days after 9/11 — which would have actually increased executive war-making power. While some on the Hill have long suspected the constitutionality of the War Powers Resolution, it was one of the few checks that Congress maintained over the president (aside from ability to defund operations, which in itself is a difficult tool to wield effectively). Now they have been complicit in its further watering down.

Aside from Ron Paul, there's been little mention of the president's overreach in Libya by the GOP's presidential aspirants. And why should there be? If any of them become president they too would want to enjoy the expanded executive power that Obama has helped provide for

them. Quite simply, in a closely divided country in which each party has a fair shot to win the White House every four years, there is little political incentive for either Democrats or Republicans to say enough is enough.

And with a former constitutional law professor punting on the issue (along with the much abused and maligned Congress), we're now even further from chipping away at the vast power the executive branch has been husbanded on national security issues. In the end, that may be the greatest legacy of the U.S. intervention in Libya.

Obama and future presidents won't be different — the pressures for non-compliance on surveillance will only increase.

Healy 8 — Gene Healy, vice president at the Cato Institute, JD from the University of Chicago Law School, 2008 (“New President Won’t Tame Executive Power,” Cato Institute, October 14th, Available Online at <http://www.cato.org/publications/commentary/new-president-wont-tame-executive-power>, Accessed 06-05-2015)

But there are good reasons to doubt that an Obama administration would meaningfully de-imperialize the presidency.

From Truman and Johnson’s undeclared wars to the warrantless wiretapping carried out by FDR, JFK, LBJ and Nixon, the Imperial Presidency has long been a bipartisan phenomenon. In fact, our most recent Democratic president, Bill Clinton went even further than his predecessors in his exercise of extraconstitutional war powers. Prior presidents had unilaterally launched wars in the face of congressional silence. But Clinton’s war over Kosovo in 1999 made him the first president to launch a war in the face of several congressional votes denying him the authority to wage it.

Recently, Barack Obama has found his own convenient rationales for endorsing broad presidential powers in the area of surveillance. When he signed on to the surveillance bill Congress passed this summer, Sen. Obama broke an explicit campaign promise to filibuster any legislation that would grant immunity to FISA-flouting telecom companies. By voting for the bill, Obama helped legalize large swaths of a dragnet surveillance program he’d long claimed to oppose. Perhaps some were comforted by Obama’s “firm pledge that as president, I will carefully monitor the program.” But our constitutional structure **envisions stronger checks than the supposed benevolence of our leaders.**

What motivated Obama’s flip-flop? Was it a desire to look “tough” on national security-or was it that, as he seems ever closer to winning the office, broad presidential powers seem increasingly appealing? Either way, it’s clear that the post-9/11 political environment will provide enormous incentives for the next president to embrace Bush-like theories of executive power. Can we really expect a Democratic president, publicly suspected of being “soft on terror,” to spend much political capital making himself less powerful?

Not likely, say analysts on both sides of the political spectrum. Law professors Jack Balkin and Sanford Levinson, both left-leaning civil libertarians, predict that “the next Democratic president

will likely retain significant aspects of what the Bush administration has done”; in fact, “future presidents may find that they enjoy the discretion and lack of accountability created by Bush’s unilateral gambits.” Jack Goldsmith, head of the Bush administration’s OLC from 2003-04, argues that “if anything, the next Democratic president - having digested a few threat matrices ... will be even more anxious than the current president to thwart the threat.”

Courts Actor

1NC — Court Stripping

Congress will backlash against aggressive court decisions in the area of surveillance — they will bar the court from hearing the cases.

Vladeck 11 — Stephen I. Vladeck, Professor of Law, American University Washington College of Law, 2011 (“Why Klein (Still) Matters: Congressional Deception and the War on Terrorism,” Journal of National Security Law, Volume 5, Version from June 16th, 9:38AM, Available Online at http://jnslp.com/wp-content/uploads/2011/06/08_Vladeck.pdf, Accessed 06-06-2015)

At least thus far, Congress’s track record in the major policy debates arising out of the war on terrorism has been uneven, at best. By far, the most significant legislative enactment over the past decade came one week after the September 11 attacks, when Congress passed the Authorization for Use of Military Force (AUMF), which, in sweeping language, empowered the President

to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.³³

Six weeks later, Congress enacted the USA PATRIOT Act, which included a series of controversial revisions to immigration, surveillance, and other law enforcement authorities.³⁴ But it would be over four years before Congress would again pass a key counterterrorism initiative, enacting the Detainee Treatment Act of 2005 (DTA)³⁵ after – and largely in response to – the Supreme Court’s grant of certiorari in *Hamdan v. Rumsfeld*.³⁶

In the five years since, Congress had enacted a handful of additional antiterrorism measures, including the Military Commissions Act (MCA) of 2006,³⁷ as amended in 2009,³⁸ the Protect America Act of 2007,³⁹ and the 2008 amendments⁴⁰ to the Foreign Intelligence Surveillance Act of 1978, known in shorthand as the FAA.⁴¹ And yet, although Congress has spoken in these statutes both to the substantive authority for military commissions and to the scope of the government’s wiretapping and other surveillance powers, it has otherwise left some of the central debates in the war on terrorism completely unaddressed.⁴² Thus, Congress has not revisited the scope of the AUMF since September 18, 2001, even as substantial questions have been raised about whether the conflict has extended beyond that which Congress could reasonably be said to have authorized a decade ago.⁴³ Nor has Congress intervened, despite repeated requests that it do so, to provide substantive, procedural, or evidentiary rules in the habeas litigation arising out of the military detention of noncitizen terrorism suspects at Guantánamo.⁴⁴

As significantly, at the same time as Congress has left some of these key questions unanswered, **it has also attempted to keep courts from answering them.** Thus, the DTA and the MCA purported to divest the federal courts of jurisdiction over habeas petitions brought by individuals detained at Guantánamo and elsewhere.⁴⁵ Moreover, the 2006 MCA precluded any lawsuit seeking collaterally to attack the proceedings of military commissions,⁴⁶ along with “any

other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.”⁴⁷ And although the Supreme Court in *Boumediene* invalidated the habeas-stripping provision as applied to the Guantánamo detainees,⁴⁸ the same language has been upheld as applied elsewhere,⁴⁹ and the more general non-habeas jurisdiction-stripping section has been repeatedly enforced by the federal courts in other cases.⁵⁰

Such **legislative efforts to forestall judicial resolution** of the merits can also be found in the telecom immunity provisions of the FAA,⁵¹ which provided that telecom companies could not be held liable for violations of the Telecommunications Act committed in conjunction with certain **governmental surveillance** programs.⁵² Thus, in addition to changing the underlying substantive law going forward, the FAA **pretermitted** a series of then-pending **lawsuits** against the telecom companies.⁵³

Analogously, Congress has attempted to assert itself in the debate over civilian trials versus military commissions by barring the use of appropriated funds to try individuals held at Guantánamo in civilian courts,⁵⁴ and by also barring the President from using such funds to transfer detainees into the United States for continuing detention or to other countries, as well.⁵⁵ **Rather than enact specific policies** governing criteria for detention, treatment, and trial, **Congress’s modus operandi** throughout the past decade **has been to effectuate policy indirectly by barring** (or attempting to bar) **other governmental actors from exercising** their core authority, be it **judicial review** or executive discretion.

Wasserman views these developments as a period of what Professor Blasi described as “constitutional pathology,” typified by “an unusually serious challenge to one or more of the central norms of the constitutional regime.” Nevertheless, part of how Wasserman defends the “Kleinvulnerable” provisions of the MCA and FAA is by concluding that the specific substantive results they effectuate can be achieved by Congress, and so Klein does not stand in the way. But if Redish and Pudelski’s reading of Klein is correct, then the fact that Congress could reach the same substantive results through other means is not dispositive of the validity of these measures. To the contrary, the question is whether any of these initiatives were impermissibly “deceptive,” such that Congress sought to “vest the federal courts with jurisdiction to adjudicate but simultaneously **restrict the power of those courts to perform the adjudicatory function** in the manner they deem appropriate.”⁵⁶

2NC/1NR — Stripping Extensions

Congress will respond with an end-run expansion of executive authority to insulate the policies from judicial review.

Milligan 10 — Luke M. Milligan, Professor of Law at University of Louisville, 2010 (“Congressional End-Run: The Ignored Constraint on Judicial Review,” Georgia Law Review, Vol 45, Fall, Available Online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1709405, Accessed 06-06-2015)

Ignored by political scientists, **congressional end-runs undoubtedly constrain the decisionmaking of** the strategic **Justices** assumed by judicial politics scholars. End-runs occur when Congress mitigates the policy costs of adverse judicial review through neither formal limits on the Court's authority nor substitution of its own constitutional interpretation for that of the Court, but through a different decision that cannot, as a practical if not legal matter, be invalidated by the Court. End-runs come in several forms, including congressional decisions to adjust appropriations, grant authority to the Executive Branch, modify certain contingent laws, and reorient legislation in alternate constitutional clauses. Importantly, end-runs are generally more affordable for Congress than either of the two congressional constraints addressed in the prevailing judicial politics literature.

Within the field of judicial politics there remains a lingering uncertainty about Congress's practical impact on the Supreme Court's exercise of judicial review. This uncertainty has been compounded by the literature's failure to study the constraining role of congressional end-runs. Going forward, judicial politics scholars should incorporate the end-run into their formal SOP models and related empirical studies. Such incorporation promises to give political scientists a fuller sense of how their strategic Justices interact with Congress in our constitutional democracy.

Court decisions fail absent Congressional support — no way to get that in this political climate.

Devins 9 — Neal Devins, Professor of Law and Government at the College of William and Mary, 2009 (“Presidential Unilateralism and Political Polarization: Why Today 's Congress Lacks the Will and the Way to Stop Presidential Initiatives,” Willamette Law Review, Vol 45 No 3, Spring, Available Online at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1025&context=facpubs>, Accessed 06-06-2015)

Before explaining why lawmakers lacked the incentives to rein in the President, a bit of a recap. At the start of this essay, I quoted Justices Jackson and Ginsburg to make-what I consider-a fairly obvious point. Congress has the power to check the President. But if it does not use that power, the President has incentive to fill the void. That does not mean that the President can do whatever he wants. As was true in the war on terror cases, the Supreme Court can place **some limits** on presidential power. But **without a Congress willing to assert its institutional prerogatives, defeats in court are not likely to stick to the President.** Richard Nixon lost several

significant cases in court.⁶⁰ But that is not the reason the presidency was hampered after Nixon left office. The reason was tied to the Watergate-era Congress's willingness to assert itself through numerous legislative enactments and through beefed up oversight. Remember: Dick Cheney's complaint about an imperiled presidency had nothing to do with Supreme Court decision-making and everything to do with congressionally imposed constraints that cut against presidential power.⁶¹

Today, Congress has neither the will nor the way to pursue the type of bipartisan reforms that characterized the Watergate-era Congress. Democrats and Republicans in Congress are more interested in strengthening their position vis-a-vis the other party than in strengthening Congress as an institution. Members of the President's party are loyal to their party, not Congress as an institution, and therefore, will not join forces with the opposition party to assert Congress's institutional prerogatives. Equally telling, members of Congress see little personal gain in advancing a legislative agenda that shifts power from the President to Congress.

1NC — Executive Noncompliance

Court decisions on issues related to the War on Terror are meaningless — the public gets a “moral victory” but the activities continue unabated.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

In this Article, I will show that American courts have often approached the extreme policies of the anti-terrorism campaign by splitting the difference between the two sides – the government and suspected terrorists. One side typically got the ringing rhetoric (the suspected terrorists), and the other side got the facts on the ground (the government). In major decisions both designed to attract public attention and filled with inspiring language about the reach of the Constitution even in times of peril, the Supreme Court, along with some lower courts, has stood up to the government and laid down limits on anti-terror policy in a sequence of decisions about the detention and trial of suspected terrorists. But, at the same time, these decisions have provided few immediate remedies for those who have sought the courts’ protection. As a result, suspected terrorists have repeatedly prevailed in their legal arguments, and yet even with these court victories, little changed in the situation that they went to court to challenge. The government continued to treat suspected terrorists almost as badly as it did before the suspected terrorists “won” their cases. And any change in terrorism suspects’ conditions that did result from these victorious decisions was slow and often not directly attributable to the judicial victories they won.

Does this gap between suspected terrorists’ legal gains and their unchanged fates exist because administration officials were flouting the decisions of the courts? The Bush Administration often responded with sound and fury and attempted to override the Supreme Court’s decisions or to comply minimally with them when they had to.⁶ But, as this Article will show, these decisions did not actually require the government to change its practices very quickly. The decisions usually required the government to change only its general practices in the medium term. Judges had a different framework for analyzing the petitioners’ situation than the petitioners themselves did; judges generally couched their decisions in favor of the suspected terrorists as critiques of systems instead of as solutions for individuals. In doing so, however, courts allowed a disjuncture between rights and remedies for those who stood before them seeking a vindication of their claims. Suspected terrorists may have won in these cases – and they prevailed overwhelmingly in their claims, especially at the Supreme Court – but courts looked metaphorically over the suspects’ heads to address the policies that got these suspects into the situation where the Court found them. Whether those who brought the cases actually got to benefit from the judgments, either immediately or eventually, was another question.

Bad though the legal plight of suspected terrorists has been, one might well have expected it to be worse. Before 9/11, the dominant response of courts around the world during wars and other public emergencies was to engage in judicial deference.⁷ Deference counseled courts to

stay out of matters when governments argued that national security concerns were central. As a result, judges would generally indicate that they had no role to play once the bullets started flying or an emergency was declared. If individuals became collateral damage in wartime, there was generally no judicial recourse to address their harms while the war was going on. As the saying goes, *inter arma silent leges*: in war, the law is mute. After 9/11, however, and while the conflict occasioned by those attacks was still “hot,” courts jumped right in, dealing governments one loss after another.⁸ After 9/11, it appears that deference is dead.

But, I will argue, deference is still alive and well. We are simply seeing a new sort of deference born out of the ashes of the familiar variety. While governments used to win national security cases by convincing the courts to decline any serious review of official conduct in wartime, now governments win first by losing these cases on principle and then by getting implicit permission to carry on the losing policy in concrete cases for a while longer, giving governments a victory in practice.⁹ Suspected terrorists have received from courts a vindication of the abstract principle that they have rights without also getting an order that the abusive practices that have directly affected them must be stopped immediately. Instead, governments are given time to change their policies while still holding suspected terrorists in legal limbo. As a result, despite winning their legal arguments, suspected terrorists lose the practical battle to change their daily lives.

Courts may appear to be bold in these cases because they tell governments to craft new policies to deal with terrorism. But because the new policies then have to be tested to see whether they meet the new criteria courts have laid down, the final approval may take years, during which time suspected terrorists may still be generally subjected to the treatment that courts have said was impermissible. Because judicial review of anti-terrorism policies itself drags out the time during which suspected terrorists may be detained, suspected terrorists win legal victories that take a very long time to result in change that they can discern. As a result, governments win the policy on the ground until court challenges have run their course and the courts make decisions that contribute to the time that the litigation takes. This is the new face of judicial deference.

This Article will explore why and how American courts have produced so many decisions in which suspected terrorists appear to win victories in national security cases. As we will see, many judges have handled the challenges that terrorism poses for law after 9/11 by giving firm support, at least in theory, to both separation of powers and constitutional rights. Judges have been very active in limiting what the government can do, requiring substantial adjustments of anti-terrorism policy and vindicating the claims of those who have been the targets. But the solutions that judges have crafted – often bold, ambitious, and brave solutions – nonetheless fail to address the plights of the specific individuals who brought the cases.

This new form of judicial deference has created a slow-motion brake on the race into a constitutional abyss. But these decisions give the government leeway to tackle urgent threats without having to change course right away with respect to the treatment of particular individuals. New deference, then, is a mixed bag. It creates the appearance of doing something – an appearance not entirely false in the long run – while doing far less in the present to bring counter-terrorism policy back under the constraint of constitutionalism.

Unenforced Court rulings cause a collapse of the judicial system and violence — turns the case by ensuring future claimants have no access to remedy.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The individuals caught up in the assertions of new governmental powers in times of emergency might disagree that winning their cases actually helped them much, however. If petitioners start to believe that courts can really give them nothing in the end, **we may start to see something dangerous**. In fact, we have already seen danger signals in the reaction of petitioners who have “won” but do not feel they have gained anything. When Mr. Hamdan said at his military commission hearing that he didn’t believe he had won his case yet after his “victory” at the Supreme Court,⁴⁰⁹ or when Mr. Padilla said to his counsel that he wondered how often he would have to win before something good happened in his case,⁴¹⁰ we can see the signs that those who might invoke the courts to help them have already realized that the courts are not particularly helpful after all. If the petitioners who need to bring the cases in order for the government to be kept in line by court decisions refuse to bring more cases, then the limited benefits of new deference for keeping constitutionalism intact through crises will disappear too. **There is a very real risk** in these new deference cases that **the petitioners will turn from a peaceful resolution of their claims through court action to something far less constructive.**

Non-Compliance Impacts — Turns Case

New forms of deference are a mask for a continuation of the status quo — the fake action leads to despair for the movements against government abuses.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Part IV goes normative and argues that new deference is both a better and worse alternative than old deference. New deference is worse because it gives an **appearance that the courts are addressing an issue** while in practice **not actually curbing the immediate abuses**. It therefore gives an **overly optimistic sense of victory** to those who worry about anti-terrorism’s overreach. But those who bring their cases before the courts feel that courts **do nothing for them**. Such victories may lead to **new despair** among those who thought that winning in law would allow them to win something in practice, making those who brought their cases feel that they have come to the wrong place for answers.¹³ That said, new deference also creates a horizon beyond which abuse of constitutionalism cannot go – off in some distant future – and eventually that may have some real effect.

AT: USA Freedom Act Proves Enforcement

The USA Freedom Act is a win for Obama — it's the proposal he trumpeted.

Stewart 15 — Bill Stewart, former U.S. Foreign Service officer and former correspondent for Time magazine, 2015 (“USA Freedom Act a win for Obama,” June 5th, Available Online at http://www.santafenewmexican.com/opinion/local_columns/usa-freedom-act-a-win-for-obama/article_331a4d49-7d7c-52ff-b7c6-60f839710aee.html, Accessed 06-08-2015)

Passage of the new USA Freedom Act is a victory for Obama, who argued that the changes in the new act ought to relieve the fears and anxieties of those who didn't like the old act. Alas, they don't. The new surveillance program created by the Freedom Act will end 10 years of bulk collection of telephone records by the National Security Agency, but it will make available records held by telephone companies for searches by government officials with a court order. The court order allegedly makes a difference. “This is the kind of rigorous and, essentially a rules architecture that the president does believe is important,” said Josh Earnest, the president's press secretary. “And that is materially different than the program he inherited.”

Not all agree. Said McConnell of the president's compromise bill: “We shouldn't be disarming unilaterally as our enemies grow more sophisticated and aggressive.”

Equally opposed, but for different reasons, Paul complained that “the president continues to conduct an illegal program,” a reference to a recent ruling by a federal appeals court that the original NSA telephone data collection program was not authorized by federal law.

The president, however, was a happy man. He had just gotten what he wanted.

2NC/1NR — Empirics

Court decisions empirically fail to constrain the president.

Devins 9 — Neal Devins, Professor of Law and Government at the College of William and Mary, 2009 (“Presidential Unilateralism and Political Polarization: Why Today’s Congress Lacks the Will and the Way to Stop Presidential Initiatives,” *Willamette Law Review*, Vol 45 No 3, Spring, Available Online at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1025&context=facpubs>, Accessed 06-06-2015)

Before turning to Part I, let me clarify two points that underlie the analysis that is to follow. First, the focus of this essay is the President's power to advance favored policy initiatives. I do not consider the separate question of presidential power over the administrative state. More to the point, if the President does not express a strong policy preference or, alternatively, delegates decision making authority to agency heads, it may be that agency heads will not look to the White House for policy direction. Agency heads, instead, may focus on their own personal agenda or the agendas of congressional committees, interest groups, or careerists in their agency. For reasons I will detail in Part III of this essay, however, Presidents increasingly seek to rein in agency direction-by appointing presidential loyalists and by making use of regulatory review procedures and pre-enforcement directives such as signing statements. Second, in saying that presidential power is largely defined by the dance that takes place between Congress and the White House, I do not mean to suggest that the courts have no role to play in the separation of powers. My point, instead, is that **court decisions are of limited reach**. They typically settle a case; they **rarely establish precedents that define subsequent bargaining** between the executive and Congress. In case studies of Supreme Court rulings on the legislative veto, executive privilege, and war powers, Lou Fisher and I (both individually and collectively) have demonstrated the limited reach of Supreme Court decisions. In this essay, I will make limited reference to those writings-but I will not try to establish a point that I have made several times before.

War on Terror litigation fails to change actual government practice — enemy combatant detention proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” *Boston University Law Review*, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Litigation on behalf of those detained as enemy combatants started almost immediately, with petitions for writs of habeas corpus being the most common legal vehicle for the challenges. Two U.S. citizens held as domestic enemy combatants, Yaser Hamdi and José Padilla, filed habeas petitions, as did a number of the detainees at Guantánamo. Eventually these cases worked their way up to the U.S. Supreme Court, which ruled on the crisis measures taken in response to 9/11 in a string of decisions that appeared to mount a serious challenge to the

enemy combatant framework. For the petitioners, themselves, **however, the legal victories directly resulted in very little** change in their lives.

2NC/1NR — Executive Will Reinterpret

The Executive will just reinterpret countervailing law to support desired Executive powers — post-911 doctrine proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

As the country attacked on 9/11, the United States sprang into action immediately with a twinned strategy of aggressive military action and new understandings of law. From launching wars abroad 89 to developing novel strategies for rendition, detention, and interrogation of suspected terrorists outside the United States 90 and curtailing civil liberties through widespread surveillance programs at home,91 the Bush Administration, with the active participation of the Office of Legal Counsel (OLC) at the Department of Justice, took a generous view of its own powers in wartime. The OLC developed new legal understandings to underwrite the anti-terrorism campaign.92

Some of the new legal understandings resulted from new law. Congress quickly passed the Authorization of the Use of Military Force (AUMF), giving the President a green light to use “all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.”93 Shortly thereafter, Congress passed the USA PATRIOT Act with nearly unprecedented speed, broadening the definitions of terrorism offenses, clamping down on financial support for terrorism, increasing domestic surveillance capacities of the U.S. government, and adding a toxic mix of small changes in U.S. law that allowed the government to operate secretly and to commandeer private resources in the anti-terrorism campaign.94

But much of the new understanding of law consisted of reinterpreting or repudiating old legal understandings without any new formal lawmaking. From 9/11 onwards, legal officials in the OLC churned out opinion after opinion, radically changing the interpretation of existing law to permit an aggressive response to terrorism.95 New Attorney General Guidelines were promulgated in 2002, changing the ground rules for domestic terrorism investigations.96 Presidential “signing statements” signaled that the President would refuse to enforce many laws that Congress had passed and that he himself had signed.97 The Bush Administration pushed its own lawmaking capacity to the limits. As a result, for much of the Bush Administration’s tenure, it was unclear just which laws were actually being honored as before, which had been radically reinterpreted, and which were functionally suspended.

Court rulings are definitionally ambiguous — the Executive has wide authority to reinterpret as he likes.

Pillard 5 — Cornelia T. Pillard, Professor of Law at Georgetown University Law Center former Assistant to the United States Solicitor General, former Deputy Assistant Attorney General for the Office of Legal Counsel, 2005 ("The Unfulfilled Promise of the Constitution in

Executive Hands," Michigan Law Review Vol 103 No 4, February, Available Online at <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1190&context=facpub>, Accessed 06-06-2015)

Even under a robust judicial supremacism, the executive admittedly has significant space and responsibility to interpret and apply the Constitution. Room for executive branch constitutionalism occurs in part because of the acute practical and legal limitations on the courts' ability and willingness to decide many constitutional issues that confront the executive branch. As James Bradley Thayer famously put it, "much which is harmful and unconstitutional may take effect without any capacity in the courts to prevent it, since their whole power is a judicial one."²⁴

First, it hardly needs to be repeated that the Constitution itself leaves large openings for interpretation. Many important constitutional provisions are broadly and generally worded, and cues from history are often ambiguous.¹ Supreme Court precedent, however binding we take it to be, frequently fails to provide crisp answers to the next concrete case.²⁶ Where a novel issue arises, there is both an obligation and an opportunity for the executive to arrive at a view of the matter and act accordingly in advance of a court's opportunity to decide it. Even clearly established judicial precedent permits doubt when the Court itself seems uncommitted to it.²⁷

Second, the executive is the most **frequent and influential** Supreme Court litigant. Even when the Supreme Court is poised to decide an issue, the constitutional views voiced by the executive can shape the Court's view. The potential for dynamic interplay between the executive's and the Court's constitutionalism underscores the importance of the executive's own considered views.

Third, even where private parties can get courts to respond to their constitutional harms, they may face interstitial deprivations. Individuals suffer injury in the time lag between constitutional harm and relevant judicial response. There is inevitable delay between execution of a new practice, policy, program, or other executive action, and the courts' ability to decide its constitutionality (assuming someone brings an appropriate case). An executive that has adequate mechanisms of constitutional self-scrutiny would, however, avoid the unconstitutional conduct or check it more promptly than a court. Similarly, even where courts invalidate challenged government action, limits on their remedial capacities may make them unable fully to cure constitutional harms.²⁸ The only remedies available from courts for race-based conviction in violation of equal protection, for example, are release, expungement of the conviction, and money damages; no post hoc remedy can restore the years of lost freedom to a person wrongfully convicted. Privacy, once violated, cannot be retroactively restored. Similarly, any shame or anxiety visited on a government employee unconstitutionally fired in retaliation for her public expression, and any period of exclusion from the job, even if it can be eased or mitigated, cannot be undone by a court award of reinstatement and back pay or other monetary

compensation.²⁹ Thus, the delay in judicial review and the pervasive inadequacy of remedies - especially, but not exclusively, when harm is "irreparable,"³⁰ - also focuses responsibility on the executive to engage constitutional issues and strive to avoid constitutional violations in the first place.

Fourth, when the courts apply procedural or institutional doctrines that avoid decision on the merits of a constitutional question, their nondecision implies that someone else, i.e., people elsewhere in the government, must make the decisive constitutional calls.³¹ " The political question doctrine is a classic example of such judicial avoidance: a decision not to invalidate government action on political question grounds "is of course very different from a decision that specific congressional action does not violate the Constitution,"³² because it leaves open the possibility that the political branches might themselves find a violation. Similarly, other justiciability doctrines, such as standing, ripeness, and mootness,³³ as well as immunity defenses that avoid decisions on the merits,³⁴ mean that many instances of unconstitutional conduct will evade definitive constitutional consideration by the Court, leaving only the political branches to avoid or redress them." Courts are also unlikely to review challenges to the exercise of exclusively executive powers, like the powers to pardon,³⁶ veto,³⁷ make appointments,³⁸ and receive ambassadors,³⁹ nor are they likely to review most congressional-executive power struggles.' Even under judicial supremacy, constitutional obligations regarding the exercise of those powers are in the executive's hands.

Supreme Court restrictions on Presidential power are useless — despite lofty rhetoric, they entirely fail to stop the practices.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 ("The New Judicial Deference," Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

By contrast, the terrorism cases appeared to do more than they did – and that was, I argue, their point. In the terrorism cases, the Supreme Court appeared to expand its powers, stand up to the political branches, and change the course of the anti-terror campaign by announcing that the President was constrained by law. These opinions attracted full glare of media attention with dramatic turns of phrase, generating headlines that implied the Court had exercised a great deal of power to change the results on the ground. And the Court appeared to order an unwilling President to do something he had so far refused to do.

But when the effects of the cases are examined, as we have done above, **the Court's powers are barely visible.**⁴⁰⁰ The Court's public decisions disguised the small effects they actually had because the petitioners could not get much benefit from these rulings without more, much more. The Court did not hide its own judicial power. That, it announced loud and clear! What it hid was precisely what the Marbury Court put out in the open: the defeat of the petitioner's main request.

In Marbury, the Court actually ruled against Mr. Marbury on the crucial question of whether the Court had the power to give him what he sought. The Court told Mr. Marbury that he had to get his commission from another court. That he ultimately did not was not the fault of the Supreme Court (though given the political context, the Justices surely would have guessed that this would have been the result). Congress repealed the Act that created the justice of the peace offices shortly after the Court's decision, and with it expired all of the unissued commissions of the midnight judges.⁴⁰¹ The Court actually told Mr. Marbury precisely what he had to do to get his commission; the Court did not lack for detail in that relevant sense. Mr. Marbury did not get his commission because Congress intervened to shut down the course of action that the Court had specified.⁴⁰²

The new deference logic of the terrorism cases, if applied to the facts of Marbury, would have produced a different result. Had the Court first made a huge statement that all of the midnight judges would suddenly get their commissions and then quietly knocked out from under them any clear avenue through which they could, this would have paralleled the post-9/11 cases. In the terrorism cases, by contrast, the Court told the relevant political officials and lower court judges to give the suspected terrorists what they sought – and then refused to include the instructions that would have helped them determine how to do so.

In addition, unlike in Marbury, the post-9/11 courts practicing new judicial deference did not seem at pains to limit their powers in the short term in order to expand their use in the future. New deference courts are at pains to appear to expand their powers in theory in order to limit their use in practice. And that is the precise inverse of Marbury-ism – which appeared to accomplish nothing while doing a lot. The post-9/11 terrorism cases appeared to do a lot while accomplishing much less.

Court decisions against Executive Power *strengthen the Executive* by creating empty statements that allow the President to claim he's no longer violating the Constitution.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The case for self-regarding courts can be made even more strongly, on the evidence we've seen in this Article. As long as courts still exercise a certain degree of deference to the way that governments are dealing with specific cases, courts can avoid incurring the wraths of those governments. Governments care primarily in times of crisis about having a green light to go on detaining those whom they want to detain and about stringing out the day of reckoning when proof has to be provided. If governments receive that deference, then governments have no reasons to attack the courts when the courts assert themselves on matters of relatively abstract

principle. If courts stay within these limits, doing whatever they feel they need to do to the law while **letting the governments prevail on the facts**, then governments are likely to appear to follow the court decisions, insist on their respect for the courts, and in general let courts get away with issuing governments these “defeats.” Of course, governments would probably prefer to do whatever they want without being hauled before courts to justify their actions, but as long as being hauled before courts comes with the territory of being a constitutional state, new judicial deference may be the best they can expect.

As we have seen, courts have slapped the government on the wrist and forced it to readjust its policies at the margins. But courts have not required the release of detainees, the immediate provision of evidence against them, or absolutely normal tribunals. It is much easier for governments to comply with court decisions when those court decisions do not in fact second-guess concrete decisions of the government to detain specific individuals in a crisis. In fact, **court decisions that issue a lot of smoke and noise but do little to require immediate action may appear to be upholding constitutional principles while in fact strengthening the hands of governments who can then rightly say that they are doing what the law requires.**

After 9/11, then, courts have been willing to stand up to governments in times of crisis, using their substantial heft against the government’s bulked-up war powers. Governments, in turn, have been willing to comply with court decisions because doing so has not really threatened the immediate actions they have already taken.

AT: The Plan is Clear/Aggressive

The Court will use strong language against activities while tacitly encouraging them to continue.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

A gap between law on the books and law in action is commonplace, and in fact, its examination forms one of the key pillars of the law and society movement.³⁴⁸ To law and society scholars, **the formal sources of law virtually always deviate from law as practiced because of inconsistent enforcement, interpretive differences, strategic ignorance, practical limitations, the avoidance of formality, or outright flouting.** Laws against murder do not prevent murders from happening,³⁴⁹ just as constitutional provisions against forced confessions do not always protect those held in custody from being beaten secretly into submission.³⁵⁰ Everyone is supposed to have her day in court, but nearly all cases – both civil and criminal – settle, often by agreeing to a fiction that is not true – that a lesser included offense was all that really happened in the events that led up to a plea bargain or that no one was responsible for anything in a settlement that nonetheless transfers money from the defendant to the claimant.³⁵¹ Someone may settle out of court for an agreed-upon amount, but then she never gets what was promised her.³⁵² Gaps between law on the books and law in action happen all the time.

But the new judicial deference is different. New judicial deference occurs not when there is a gap between the law as announced by one set of actors (legislators and judges) and the law as carried out by another (citizens, lawyers, prosecutors, and police). Instead, new judicial deference occurs when a single judicial opinion pulls in both directions at once. In these cases, law on the books is not different from law in action. Law on the books is different from law on the books. **Courts say one thing and permit another thing to be done, and they do both within the four corners of the same judgment.**

Our review of the 9/11 cases has emphasized that inspiring rhetoric has generally been paired with incomplete detail about what should happen next. As a result, actors to whom the opinions were directed had to work out new solutions within very general outlines. Because opinions in these high-profile detention cases spectacularly lacked any detail that would have provided logical remedies to follow easily, those who won their cases had to start out on a new road full of uncertainties and novel hurdles while **the government against which the decisions ran could find endless ways to block speedy resolution of the issues.**

In designing a gap between right and remedy, the post-9/11 cases are not alone. In other highly contested, high-visibility cases, courts have used this strategy before. Take, for example, abortion cases. In Roe v. Wade, ³⁵³ the Court created what appeared to be an expansive right, but then in subsequent cases permitted so many regulations about parental consent, waiting times, clinic requirements, and appropriate medical procedures that, in practice, abortion providers found it very difficult to maintain easy access to abortion services.³⁵⁴ Moreover,

abortion services in the United States can be expensive because they are often not covered by insurance.³⁵⁵ The much-trumpeted general right was not backed up by easy access to abortion services. This gap occurred not because reality fell short of a legal promise (the usual law and society problem) but instead because the apparently general right was whittled away by restrictive laws that were in practice inconsistent with the practical realization of the general right.³⁵⁶ Both the right and the restrictions were built into doctrine. By contrast, in Germany, where the Federal Constitutional Court found that a woman's general right to obtain an abortion was far more limited as a matter of doctrine,³⁵⁷ it has been easier – at least in many parts of the country – to get abortions because the procedure was at that time covered by the public health system, with widespread availability of facilities and (until recently) little cost to the woman.³⁵⁸ These, too, are specified in doctrine, softening the harsh effects of the main decision that allowed a balancing of women's rights and fetal rights.

Gaps between the expansive rights outlined in a judicial opinion and the limitations on that right permitted in practice by the same judicial opinion are not the usual fare in court decisions, but they are also not completely new. While a more systematic study would have to be done to see whether this strategy is used by judges more frequently in highly visible and socially contested areas of jurisprudence than in other settings, **“splitting the difference” between uncompromising sides might seem to judges to be particularly attractive in hot-button political settings. The new judicial deference means that both sides win – with one side getting the right in theory while the other side gets the reality on the ground,** each authorized by different aspects of the same judicial decision. By contrast, garden-variety gaps between law in the books and law in action are caused by resistance, evasion, and bureaucratic blocks. New deference builds the conflicts into the legal doctrine.

Deference in terror cases means the Court will pretend to aggressively critique government surveillance while actually supporting its continuation.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Part III explains why new deference is very different from other patterns with which it might be confused. New deference identifies something other than the usual gap between law in the books and law in action, a gap that the law and society movement has so famously pointed out. **Instead, the gap identified here is built into the opinions themselves.** As a result, the contradiction is not located in the inevitable slip between law and its enforcement but in the connection between right and remedy. In addition, new deference is not just another face of judicial minimalism, in which constitutional theorists – Cass Sunstein, in particular – have counseled judges to go slowly in paddling through rough legal waters. In the terrorism cases, there is nothing minimalist about decisions that break so sharply with the past practice of old deference and generate headlines about how “everything has changed.” If anything, the courts that have taken an aggressive role in the antiterror campaign seem to have been designed to

appear maximalist with their high-flying rhetoric. The decisions therefore are hardly minimalist in ambition or style, even if their results have been incremental. Finally, new deference is not Marbury-ism, to give a name to what the Supreme Court did in Marbury v. Madison. 10 Both Mr. Marbury and the suspected terrorists after 9/11 failed to get much from their victories. But the reasons are different. In Marbury, the Court announced a major new principle in a case that was otherwise minor and court-limiting, making its revolutionary assertion of powers seem less radical in the specific context.¹¹ In Marbury, the Court hid its new light under a barrel, so to speak. In the anti-terrorism cases, by contrast, courts set up a searchlight for all the world to see by announcing a new principle in cases that could not have been more visible or had more at stake. And yet, those who brought the cases felt that the darkness persisted even after they “won.” It appears that the post-9/11 judges who wrote these opinions wanted to be seen to be doing something more than they actually did, while the Marbury judges wanted to appear to be doing less. New deference, as a result, is not just another name for Marbury-ism.¹²

AT: Courts Will Enforce

The Courts covertly defer to the Executive by putting up fake barriers to continue to ignore the follow up cases — Padilla proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

Both cases were handed down on the same day.¹³⁵ While the Padilla case may have seemed the easier one because it was not a battlefield capture and all of the judges below had found fault with the detention, **the Court decided to avoid the question.** Finding that Padilla had brought his case to the wrong court in the first place because the commandant of the brig in which he was held was not in New York, the Court ruled that Padilla had to go back and start over again in the proper district court.¹³⁶

Jenny Martinez’s brilliant analysis of this case, which she had argued before the Court, focuses on the way that **the Court sidestepped the substantive question of the legitimacy of the detention by concentrating instead on aspects of the process that surely would not have made a difference to the decision** in the long run.¹³⁷ The case surely would have, and indeed almost did, come back to the Supreme Court again for a final ruling on the legality of the detention; the Court only denied certiorari on the second time around because Padilla would have been incarcerated anyway on other criminal charges.¹³⁸

Even as the Court refused to hear the merits of Padilla’s claim, no language in the Supreme Court’s Padilla judgment pledged deference to the executive in a time of war. In fact, it is hard to tell from the majority opinion in Padilla that this case presented a national security issue at all. Instead the case was decided as if it were a garden-variety habeas action in which jurisdictional precision at the trial level was the core of the matter and forum-shopping was the primary evil to be prevented.¹³⁹ By treating the case as not at all unusual, the Court refused to frame the case in a way that demanded that something be said about deference.

But the odd decision in the case **can hardly be understood as anything other than an evasion.** It not only evaded the question of what to do about Padilla’s detention, but it also evaded the need to defer because it bought time for a political resolution in the case without actually giving the President a judicial stamp of approval on his power to detain. The Court treated Padilla as a normal non-emergency case, and **the President got to maintain his detention without judicial challenge for a while longer.**

The Court will appear to produce strong decisions against the executive while deliberately delaying and rolling back the enforcement — Gitmo proves.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston

University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The cases arising out of the Guantánamo detentions are so numerous and varied and have been going on for so long that a complete review of all the Guantánamo litigation is impossible.¹⁷⁷ But the three Guantánamo cases that have been decided so far by the Supreme Court have been crucial in setting the parameters of the detentions. All three **appeared to deal severe setbacks** to the Bush Administration policy of maintaining the detentions at Guantánamo while not requiring any oversight from anyone outside the executive branch, the intelligence services, and the military. But all three cases were made from the same recipe as the domestic enemy combatant cases: take a healthy pinch of **robust, defiant language** and mix thoroughly with **muddled remedies**, so that it will take **endless litigation** to result in any change on the ground for the detainees themselves. The result? **New judicial deference, in which the Court will appear to be saving the rule of law from a lawless executive.** But in the immediate aftermath of the decisions, the Court produced results closer to what the executive branch wanted, because each decision left many legal loose ends that had to be tied up before any particular detainee's case could be resolved.

The new model of deference is strong Supreme Court decisions like the plan at the outset with delays in implementation and weak standards to ensure the Executive doesn't have to give up any power. There is zero net improvement in outcomes.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The Supreme Court's Guantánamo cases examined whether the Court should defer to the political branches in wartime or whether the Court should hold the other branches to their constitutional commitments in time of crisis. Compared with the World War II cases, the post 9/11 detention cases showed that the Supreme Court (and many lower courts) refused to exercise old deference.³³³ Instead, during the heat of the crisis, the courts repeatedly stood up to the President, the Congress, and the President and Congress combined, making them all provide more procedural protections for crisis detainees.

The decisions, as the headlines revealed, were trumpeted as major victories for the detainees and setbacks for the Bush Administration. And yet, more than two years into the Obama Administration's kinder, gentler Guantánamo policy, most of the detainees who were held at Guantánamo when President Obama took office were still there.³³⁴ If in fact Guantánamo housed the worst of the worst, this would not be surprising or even troubling. But even those detainees against whom little evidence has ever been provided to a neutral decision-maker are still there.³³⁵ The continued detentions are, of course, not solely the fault of the courts. Since

the Obama Administration took office, Congress has objected to releasing detainees, which has clearly slowed, and in fact almost completely stopped, the process.³³⁶ But the courts have contributed their part as well, by **slowing review of individual cases** and **developing standards** in individual cases that **favor the government** in determining the legality of continued detention.

If one compares what happened to the detainees themselves, the World War II cases and the post-9/11 cases look very different, but not in the direction one would expect. However horrible the Japanese internment was (and it is surely now recognized as one of the most egregious actions the U.S. government has ever taken),³³⁷ it lasted less than half as long as the Guantánamo detentions lasted before serious review of the Guantánamo cases began after Boumediene. The Japanese internments began with President Roosevelt's order on February 19, 1942 and ended when the last camp was closed on March 20, 1946.³³⁸ The courts did nothing, but most Japanese internees were held less than four years.³³⁹ The war's end provided the reason for the closure of the internment camps, not any intervention of the judiciary.³⁴⁰ By contrast, in the post-9/11 cases, the courts were very active, right from the start. But the Guantánamo detention center was opened in January 2002 – and it remains open for the foreseeable future. Many of the men have been held at that center for nearly a decade, winning case after case, without being released and without having their cases reviewed by anyone but their immediate captors.³⁴¹ The long process of winning cases while remaining in detention for the Guantánamo detainees has already lasted more than twice as long as the Japanese internment. As many of the detainees have now asked their lawyers, **what does it mean to keep winning cases if nothing in fact changes?**

“Misery is not a competition,”³⁴² and the internment of the Japanese becomes no less serious because other detainees in other national crises have been imprisoned for longer. I compare the two situations simply to note that judicial involvement under the new deference model has produced no obviously better outcomes for the detainees than old judicial deference did. One has to ask why detentions under the post-9/11 litigation where detainees kept “winning” have lasted much longer than detentions in World War II when the courts refused to intervene.

AT: Fiat Ensures Compliance

Even if fiat means the plan's ruling stands, the Court will decline to hear follow up cases — they won't get involved in fights over Executive jurisdiction.

Menitove 10 — Jonathan T. Menatove, JD from Harvard, MA from Yale, Clerked for Hon. Robert W. Sweet, US District Court, Southern District of New York, 2010 (“Once More Unto the Breach: American War Power and a Second Legislative Attempt to Ensure Congressional Input,” University of Michigan Journal of Law Reform, Spring, Available Online via Lexis)

In more recent decisions, the courts have adopted a different approach, refusing to decide cases concerning war power on grounds that the issue is a nonjusticiable political question. During the Vietnam War, Members of Congress sought assistance from the courts in reasserting their constitutionally-provided war power. However, rather than hear these cases, the judiciary sidestepped the issue, declining to hear cases concerning the constitutionality of the continuation of the war on grounds that the political question doctrine prevented the courts from deciding the issue. n90 During the Reagan and Bush Administrations, courts declined to reach the merits in war powers cases relying on other excuses including mootness, n91 ripeness, n92 standing, n93 the doctrines on judicial prudence and equitable discretion, n94 and the notion that Congress would be a better fact-finder than the courts on this issue. n95 Unlike the early Supreme Court cases, or the subsequent Prize Cases and Curtiss-Wright decisions, the judicial branch over the last thirty years has steered clear of the war powers issue.

While the Supreme Court once served as a bulwark in defense of Congress's predominance over the president in administering the war power, subsequent Supreme Court decisions undermined Congress's constitutional authority. The courts have thus revealed themselves as unable to restore the balance of war power to the Framers' original vision. The judiciary's more recent strategy of treating war power as a nonjusticiable political question has unequivocally established that the courts cannot be trusted to protect [*791] Congress. For this reason, Congress must seek to help itself, acting to pass a legislative war power reform act to ensure that its input is considered when the United States goes to war.

Even when the Supreme Court acts decisively, lower courts will continue to defer to Executive Power and the Supreme Court will not take the cases.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

The Supreme Court did not have the last word on the Guantánamo detentions, nor did it seem to want that role. Instead, consistent with new judicial deference, the Court left the details to be worked out by others in long processes that allowed the situation on the ground to remain the

same during negotiations over the new policy. Since the Court decided Boumediene, the bold guarantees of due process that the Court announced have been turning into something less robust on the ground, as a result of decisions by the Court of Appeals for the District of Columbia spelling out the details.³⁰⁹ Several judges on that court have made no secret of the fact that they believed that the Supreme Court overstepped its authority in deciding Boumediene in the first place.³¹⁰ As a result, the emerging legal standards for the detention created by the D.C. Circuit are often much more deferential to executive detention than the Supreme Court decision was.³¹¹ For example, the D.C. Circuit's jurisprudence in these cases has permitted continued detention where the evidence against the detainee consists entirely of hearsay.³¹² The government only has to show "a preponderance of the evidence" in order to sustain detentions, according to some of the judges, while other judges have argued that an even lower standard suffices for the government to carry its burden of proof in these cases.³¹³ These are standards designed to give the benefit of the doubt to the government and to allow detentions to continue even with shaky proof.

The plan is exactly like the other Court rulings on terror — a bold statement that's light on details and enforcement — it won't be successfully implemented by lower courts even if the Supreme Court has good intentions.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 ("The New Judicial Deference," Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

As Sunstein recognized, the Supreme Court's terrorism jurisprudence was not really minimalist. Yes, courts left many questions open for future resolution. But they hid the incompleteness while trumpeting their more assertive pronouncements in a manner deeply inconsistent with minimalism. Judges in the post-9/11 cases almost seemed to be seeking the headlines that attributed maximalist intentions to their courts. So, when the newspapers blared "Court Overrules Bush on Enemy Combatants"³⁷⁸ after Hamdi or "High Court Rejects Bush's Claim that He Alone Sets Detainee Rules"³⁷⁹ after Hamdan, the press did not see the Court as minimalist. In fact, given the highflown rhetoric the Court used in these cases – for example, the Court stated, "[A] state of war is not a blank check for the President when it comes to the rights of the Nation's citizens"³⁸⁰ and "The Constitution is best preserved by reliance on standards tested over time and insulated from the pressures of the moment"³⁸¹ – the Court did not seem to want to appear to be minimalist. The Court invited the headlines that the press used.

Moreover, the decisions in the terrorism cases were not in fact minimalist in their broad outlines. They did decide a number of questions that they did not have to reach and in ways that left little scope for democratic debate. In Hamdi, the Court may have narrowly permitted Hamdi's detention on the grounds that the AUMF authorized it in a battlefield context, but the Justices granted habeas rights in such a way that there was nothing for a disagreeing Congress to do but attempt to override the Court. And then, in Boumediene, evaluating what Congress

had done in democratic response to their handiwork in Rasul when Congress blocked the extension of habeas rights to offshore aliens, the Court upped the constitutional ante by elevating the habeas claims to constitutional status.

Of course, the Justices were being minimalist in other ways – but in ways that were **hidden from public view**. The Justices left many questions open. But it was not minimalist to refuse to answer questions about the specific shape of habeas review once the Court had decided habeas review was required. Instead, the Court failed to provide any guidance to other courts that were trying to carry out what the Court had boldly told them they had to do. The Court issued decisions that were incomplete rather than minimalist. The decisions were not restrained; they were vague. It was as if the Justices suddenly required others to march to a new and distant destination and then refused to provide any directions for how to get there. The announcement that there would be a march to the new and distant destination was the bold step that denied minimalism; the lack of directions made the decision not minimalist, only incomplete. Refusing to give directions to those one has ordered off on a new journey does not feel like democratic empowerment to those on the road.

The plan is a court decision without detailed means of enactment or enforcement — like the terrorism cases, it appears to give a surveillance victory while masking the ongoing actions of the government.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

New judicial deference in the post-9/11 terrorism cases may look like Marbury-ism because the suspected terrorists who won their cases on principle nonetheless did not get the remedies they sought. And neither had Mr. Marbury. The rights announced in both Marbury and the terrorism cases **wound up empty**.

But the crucial difference between Marbury and the post-9/11 cases is that the Court announced the lack of a remedy in Marbury. The Court said straight out that it had no power to issue the writ that Mr. Marbury sought. He therefore did not get his commission from the Court because the Court said it would not give it to him.

By contrast, the Supreme Court in the post-9/11 cases always held out the possibility of a remedy and in fact **acted as if it had provided one**. The petitioners won bold victories on virtually all important questions. The suspected terrorists were told by the Court that they had rights, and the president, Congress, and the lower courts were told to act accordingly. The petitioners could not realize these rights, however, not because the Court ultimately ruled against them and refused to provide the ticket that would enable them to ride to victory – that was Mr. Marbury’s problem – **but instead because the Court gave them rights that were all**

dressed up but had nowhere to go. The Court failed to provide instructions for the other institutions that had to put into practice what the Court had ordered them to do. The lack of instructions invited another round of litigation to figure out how to make the rights real. **This bought time for the government to continue what it had been doing** – and that was why there was no speedy remedy. The Court in the terrorism cases, unlike in Marbury, did not actually refuse the remedy; the remedy was made impossible because the Court announced rights whose content was not specified in any way that could be enforced, without coming back again through the courts to get more detailed specifications. Marburyism and new deference may look the same because there is a gap between right and remedy. But Marbury denied the remedy while the post-9/11 cases ordered remedies that were impossible to realize.

“New Deference” means the Executive gets to continue the practice even after it’s declared unconstitutional. The Court can’t intervene.

Scheppele 12 — Kim Lane Scheppele, Professor of Sociology and Public Affairs and Director of the Program in Law and Public Affairs at Princeton, 2012 (“The New Judicial Deference,” Boston University Law Review, Vol 92, January, Available Online at <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SCHEPPELE.pdf>, Accessed 06-06-2015)

This is why we should consider the brave and bold decisions that found for the suspected terrorists not as an absence of deference, as the judgment themselves often trumpeted, but instead as a new form of deference. As separation of powers cases, the decisions reviewed here created a bold place for the judiciary and stood firm against go-it-alone executive action, both important principles to maintain during a crisis. But as individual rights cases, these decisions provided little immediate relief because they were not specific enough about the next steps for vindicating the rights that detainees were found to have. The combination – long on principle, short on immediate results – is new judicial deference. The government may have lost as a general matter in these cases, but it won by getting effective permission to keep the offending practices in effect long after the government lost in court.

Circumvention Update SDI

Neg

Presidential Circumvention

Circumvention – Statutes – Empirics

Obama will circumvent – statutory constraints fail.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, “Secrecy and negligence: How Congress lost control of domestic surveillance” <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.1, accessed 7-15-15, TAP]

In enacting the USA PATRIOT Act just weeks after the 9/11 terrorist attacks, Congress sought to enhance investigations against specific, named persons suspected of terrorism. As voluminous documents leaked by whistleblower Edward Snowden have revealed, however, the president and the National Security Agency (NSA) have relied on that law to authorize the daily, ongoing capture of all U.S. communication records. **These documents make clear that the Bush and Obama administrations ignored statutory constraints to authorize exceptionally broad intelligence-gathering programs.** But from our review of legislative hearings and debates on the PATRIOT Act over the last five years, along with numerous declassified documents on surveillance, we find that unilateral action by the executive branch was only partly to blame for unrestrained domestic spying.

Circumvention – Statutes – Secrecy

Circumvention inevitable – secrecy means the Executive does what they want. Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, “Secrecy and negligence: How Congress lost control of domestic surveillance” <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.13, accessed 7-15-15, TAP]

In short, the Snowden revelations exposed a profound failure by Congress to understand and deliberate about the government’s massive collection of phone and email records. It dealt with the need for secrecy by leaving the decisions entirely to the president or the intelligence agencies themselves, while pretending to maintain statutory standards.

Circumvention – Statutes – Secret Interpretations

The plan is irrelevant – the Executive branch will use secret interpretations of the law to do whatever it wants.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, “Secrecy and negligence: How Congress lost control of domestic surveillance” <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.5, accessed 7-15-15, TAP]

Although the shifting evidentiary standards for records requests created a complex body of law, two points stand out. First, in all versions of the business-records provision, Congress made clear that orders were to be used against a specific individual in a particular ongoing investigation. Legislators never contemplated bulk-collection orders that lacked named targets and that permitted the capture of records for cases yet to be launched. Second, in both the PATRIOT Act and its 2006 reauthorization, Congress specified that business-records orders were to be used by the FBI. Neither bill mentioned the NSA. As we discuss next, secret interpretations of the PATRIOT Act authorizing dragnet collection of metadata overlooked the statutory restrictions.¹¹

Circumvention – Statutes – Empirics

Obama will completely ignore statutory restrictions.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, "Secrecy and negligence: How Congress lost control of domestic surveillance" <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.5, accessed 7-15-15, TAP]

In the decade between the PATRIOT Act's passage and Snowden's first leaks, Congress played no part in developing or modifying the NSA's domestic programs. In fact, aside from the limited involvement of two FISA Court judges, the Bush and Obama administrations made all decisions over blanket-collection procedures. But Congress did not opt out of deliberations and policy formulation. The executive simply ignored surveillance restrictions included in the PATRIOT Act and decided to keep nearly all legislators, except for congressional leaders and four members on the Intelligence committees, in the dark.¹²

AT: Patriot Act Example Bad

The Patriot Act was narrow authorization, not broad sweeping grants of power. Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, "Secrecy and negligence: How Congress lost control of domestic surveillance" <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.5, accessed 7-15-15, TAP]

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Circumvention – Statutes – Patriot Act Example

Ignores constraints – Patriot Act proves.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, "Secrecy and negligence: How Congress lost control of domestic surveillance" <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.2, accessed 7-15-15, TAP]

In drafting the original PATRIOT Act mere weeks after the traumatic security failure of the September 11 attacks, Congress sought to expand and improve protections against terrorism. But, contrary to much of the political lore, it also showed serious concern for privacy safeguards. The House Judiciary Committee, controlled by Republicans, pushed for only a limited expansion of investigative powers and insisted that most surveillance provisions in the PATRIOT Act expire after four years unless reauthorized. The sunset provisions were intended to ensure a serious review of the new surveillance practices to determine whether sufficient privacy protections were in place. Yet, 12 years later, as documents made public by Edward Snowden revealed, the NSA was sweeping up and analyzing vast amounts of U.S. communication records, or "metadata," without observing significant constraints. The Snowden documents also showed that the Foreign Intelligence Surveillance Court (FISA) had radically reinterpreted the PATRIOT Act, in secret, to permit bulk collection of phone records. Paradoxically, while the incidence of terrorism has been much lower in the years after 9/11 than anyone expected, government surveillance has been much more intrusive than legislators authorized. What happened? Why did Congress so thoroughly fail to exercise control and ensure effective protection of privacy? What are the lessons for future policymaking?

Congress Fails

1nc – Congress Fails

Congress fails – they won't enforce the aff – no motive and institutional shortcomings – multiple warrants.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, "Secrecy and negligence: How Congress lost control of domestic surveillance" <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.3-4, accessed 7-15-15, TAP]

We argue that **Congress as an institution has great difficulty acting in any consistent, balanced way to protect privacy interests on surveillance issues.** On one hand, when setting broad priorities in general terms, it attaches considerable weight to privacy interests. On the other hand, when faced with specific issues of investigatory authority, it readily makes sweeping, indiscriminate sacrifices of those same interests—even without distinct evidence of serious threat. The lack of consistency in defending privacy interests has several sources. Most fundamental, legislators reflect the attitudes and demands of their constituencies. **The American public has generally been quite willing to surrender privacy rights for the sake of enhanced security, against even unspecified, highly indefinite terrorist threats.**¹ In addition, there are generally no well-organized, powerful constituencies for privacy interests.² But several factors exaggerate the effect. First, decisions on surveillance are largely about risk (for example, the probability of an abusive "fishing expedition" versus that of a major terrorist attack). **Congress members have strong temptations to defer to the executive branch on decisions that could, therefore, turn out badly.** Second, the president's party is more interested in defending the executive than in checking its decisions.³ Third, surveillance politics is complicated by long-term partisan and ideological divisions that were shaped by the particular conflicts of the Cold War era. For generations, the main targets of intelligence-agency surveillance have been mostly on the political left. This history may inhibit the response of many Republicans to the threat of intrusive government, even though the main targets and likely victims of intrusive surveillance are no longer a well-defined ideological category. Fourth, the committee system has been another impediment: overlapping jurisdictions among the Homeland Security, Intelligence, and Judiciary panels prevent any one of them from being held accountable for stalled policy or lapses in oversight.⁴ Finally, and very important, **Congress has particular difficulties with policies that must be decided in secret**—such as those for controlling technologically advanced surveillance methods. To prevent profuse leaks, Congress and the executive have imposed severe restrictions on members' access to information. When the full House or Senate decides policy, however, the restricted information encourages some members to opt out of serious participation, degrading the intelligence of deliberation and **promoting deference to the executive.** Lacking any settled disposition on surveillance issues, Congress will respond to the leadership, and sometimes merely the political cover, provided by other institutions—especially the president, the intelligence agencies, and the FISA Court. It may take cues from the Justice Department or other executive agencies, and it will defer to rulings by the regular federal

courts. In the end, Congress's performance in protecting privacy may depend on the design of the legislative arrangements for dealing with secret programs and on the structures and missions of relevant administrative and judicial institutions.

Congress Fails – FISA Court

Congress can't check the FISA Court.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, "Secrecy and negligence: How Congress lost control of domestic surveillance" <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.8, accessed 7-15-15, TAP]

At the same time, Intelligence Chairman Rogers and Judiciary Chairman Lamar Smith (R-Texas) made the false assertion that the extensions merely continued to provide antiterrorism agents with the same tools that criminal investigators had. Business-records orders, they claimed, were used to seize the very same documents as grand jury subpoenas.⁴¹ What they omitted from their explanation was that authorities used FISA Court orders to seize data on millions of calls per day—something that investigators could never do with subpoenas.

No solvency for the FISA Court – congressional indifference and deception.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, "Secrecy and negligence: How Congress lost control of domestic surveillance" <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.8, accessed 7-15-15, TAP]

In all the discussions on bulk collection **between the White House and the FISA Court**, Congress was absent. This absence resulted initially from the Bush administration's overt decision to exclude legislators. But once legislators gained opportunity to learn about and shape surveillance policy, **a combination of indifference and deception in Congress ensured that most members remained absent** from the debate.

Congress Fails – Motive

Congress has no motive to enforce – lack of knowledge and fear of terrorism. Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, “Secrecy and negligence: How Congress lost control of domestic surveillance” <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.3, accessed 7-15-15, TAP]

During the last five years of legislative debates over the PATRIOT Act, Congress has failed to define or control surveillance policy. Prior to the Snowden leaks, most members had little awareness of NSA activities and Congress had little capacity to impose constraints. **Now, more than 18 months after Snowden exposed the mass seizure of phone records, not much has changed.** To a great extent, the source of difficulty has been the inadequacy of the institutional arrangements for legislative deliberation on secret programs. Some members have declined opportunity to learn about domestic-spying practices, while others have opposed placing restrictions on the NSA for fear of giving terrorists any tactical advantage.

Congress Fails – Theory + History

Congress won't enforce the plan – even the best laws are completely meaningless.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, “Secrecy and negligence: How Congress lost control of domestic surveillance” <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.1-2, accessed 7-15-15, TAP]

After the relatively **balanced and cautious provisions** of the 2001 PATRIOT Act, **Congress virtually absented itself from substantive decision making on surveillance. It failed to conduct serious oversight** of intelligence agencies, **ignored government violations of law**, and worked harder to **preserve the secrecy** of surveillance practices than to control them. Even after the Obama administration made the essential facts about phone and email surveillance available in classified briefings to all members, **Congress mostly ignored the information and debated the reauthorizations on the basis of demonstrably false factual premises**. Until the Snowden revelations, only a handful of well-briefed and conscientious legislators—too few to be effective in the legislative process—understood the full extent of domestic intelligence gathering. we describe and explain Congress's deliberative failure on phone and Internet surveillance policy. **We show that along with a lack of consistent public concern** for privacy, and the increasing tendency toward **partisan gridlock**, Congress's **institutional methods for dealing with secret surveillance programs have undermined its capacity to deliberate and act effectively** with respect to those programs. Although the current political environment is hardly conducive to addressing such problems, we discuss long-term goals for institutional reform to enhance this capacity. **We see no easy or decisive institutional fix**. But without some structural change, the prospects look dim for maintaining significant limitations on investigatory intrusion in an era of overwhelming concern for security.

**2015 Northwestern 6WS –
Circumvention & Gradualism**

*****NEG*****

Circumvention

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Obama is gradually reforming surveillance programs—hasty change causes him to invoke his surveillance authority—perceives it as undermining security

Dilanian and Parsons 14 (Ken, intelligence reporter for The Associated Press, and Christi, White House correspondent. “Obama to seek only modest reforms in government surveillance” (1/15/14), The Los Angeles Times, <http://articles.latimes.com/2014/jan/15/nation/la-na-nsa-obama-20140116>)

WASHINGTON — President Obama plans to announce new guidelines for government surveillance operations but will not end or order strict limits on the most controversial domestic programs exposed by former National Security Agency contractor Edward Snowden, including the bulk collection of American telephone records. White House aides said reforms proved far more difficult than they initially appeared, and Obama has struggled to find middle ground between those who warn that government surveillance is excessive and could lead to abuses and national security officials who contend that the programs are critical for counter-terrorism and already have passed congressional and judicial review. In a widely anticipated speech on Friday, Obama will seek to boost public confidence in the government's ability to safeguard privacy even as he leaves most current surveillance programs intact with only modest modifications. He thus is expected to say that although the NSA's bulk collection of domestic telephone toll records can't continue in its present form, he will not propose requiring telephone companies or another entity to maintain long-term storage of the so-called metadata — numbers called but not the conversations — to replace the NSA database, as a presidential task force has recommended. PHOTOS: Politics in 2014 The president instead will ask Congress to craft a solution, aides said. He doesn't want to be "hasty" about radically revising a program that top intelligence officials consider valuable, said one advisor. Moreover, legislation almost certainly would be required to revamp the current system, which Congress previously approved. "He will say, 'The program has to change.... Over to you, Congress,'" said a senior intelligence official who has been briefed on the decisions and who insisted on anonymity because he was not authorized to discuss the president's deliberations. Lawmakers are divided on whether or how to change the NSA program, making any major adjustments unlikely in the short term. But the provision in the law that authorizes the program, Section 215 of the Patriot Act, is up for renewal in 2015, and that could provide a platform for review. Obama's posture is likely to deeply disappoint privacy activists and their allies in Congress who argue that the bulk collection program violates civil liberties and contains too much private data on Americans. But Obama has never felt that way, and supported the program both as a senator and as president. It's possible that Obama may yet adjust his views. Some of his top staffers said Wednesday they were not sure exactly how he wanted to proceed. He still hasn't nailed down some details of his speech and, though they know he will limit metadata collection in some way, they can't say how. "Metadata may be the most challenging part," said Sen. Richard J. Durbin (D-Ill.), a member of the Senate Judiciary Committee. "Having all that information at your fingertips can be helpful.... But trying to invent an alternative [to direct NSA control] is tricky." Durbin said Obama didn't "tip his hand" when they discussed the program this week. Telephone companies don't want to become a repository for the calling records because of potential legal liability and because they don't have an obvious way to pay for the added work, according to aides working on the project. A third-party curator appointed and paid by the government might struggle to prove it was independent. Intelligence officials lobbied the White House vigorously not to make it more difficult for them to access the telephone records when they need them. But if the government can examine the material too easily, it may not allay concerns about who controls it. Obama has come under intense pressure to rein in government surveillance and increase oversight since an independent panel that he appointed called last month for 46 changes to current practices. Officials say he already has decided not to support several of the key recommendations. The president, for example, will not propose requiring a court order each time the FBI issues a so-called national security letter, a form of administrative subpoena used to access otherwise private customer records from telephone, banking, credit card and other companies. The FBI, which issues more than 20,000 such subpoenas a year, has strongly opposed requiring a judge to review each one. On Tuesday, a federal judge, John D. Bates, who was appointed to speak for the Foreign Intelligence Surveillance Court, wrote members of Congress to warn of staunch opposition in the judiciary as well. Obama also will not push for new restrictions on the use of data from U.S. citizens that is collected inadvertently while the NSA is targeting foreign Internet traffic under Section 702 of surveillance law. The task force had sought new rules to protect Americans' privacy, but intelligence agencies had opposed any changes. The NSA vacuums up communications from servers owned by Google, Apple, Microsoft and other U.S. technology companies, operating under a program

code-named PRISM. Documents leaked by Snowden showed the NSA could keep information inadvertently collected about Americans for up to five years and share it with other agencies. "We feel like once this information is lawfully collected, there should not be additional restrictions on how it is used," the senior intelligence official said. The president will announce some changes that are likely to hearten NSA critics. He will say that senior administration officials will play a larger role in reviewing foreign surveillance decisions, including eavesdropping on allied foreign leaders. Snowden's disclosures that the NSA was monitoring the cellphones of leaders in Germany, Mexico and Brazil caused an uproar abroad. Obama also will speak in favor of creating a way for an independent advocate to represent privacy interests in classified hearings before the Foreign Intelligence Surveillance Court, although he will not specify how that should work, the senior official said. In his letter to Congress about the views of the federal judiciary, Bates said that proposal was "unnecessary — and could prove counterproductive."

He has full means to circumvent the plan- congressional constraints fail

Bendix and Quirk 15 [William Bendix is an assistant professor of political science at Keene State College. His research focuses on Congress, legislative deliberation, and homeland security and civil liberties policies. Paul J. Quirk is the Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia and a former research associate at the Brookings Institution. His work focuses on debate and deliberation in Congress and the mass public. March 2015. "Secrecy and negligence: How Congress lost control of domestic surveillance" Issues in Governance Studies Number 68.

<http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>

In enacting the USA PATRIOT Act just weeks after the 9/11 terrorist attacks, Congress sought to enhance investigations against specific, named persons suspected of terrorism. As voluminous documents leaked by whistleblower Edward Snowden have revealed, however, the president and the National Security Agency (NSA) have relied on that law to authorize the daily, ongoing capture of all U.S. communication records. These documents make clear that the Bush and Obama administrations ignored statutory constraints to authorize exceptionally broad intelligence-gathering programs. But from our review of legislative hearings and debates on the PATRIOT Act over the last five years, along with numerous declassified documents on surveillance, we find that unilateral action by the executive branch was only partly to blame for unrestrained domestic spying. After the relatively balanced and cautious provisions of the 2001 PATRIOT Act, Congress virtually absented itself from substantive decision making on surveillance. It failed to conduct serious oversight of intelligence agencies, ignored government violations of law, and worked harder to preserve the secrecy of surveillance practices than to control them. Even after the Obama administration made the essential facts about phone and email surveillance available in classified briefings to all members, Congress mostly ignored the information and debated the reauthorizations on the basis of demonstrably false factual premises. Until the Snowden revelations, only a handful of well-briefed and conscientious legislators—too few to be effective in the legislative process—understood the full extent of domestic intelligence gathering. We describe and explain Congress's deliberative failure on phone and Internet surveillance policy. We show that along with a lack of consistent public concern for privacy, and the increasing tendency toward partisan gridlock, Congress's institutional methods for dealing with secret surveillance programs have undermined its capacity to deliberate and act effectively with respect to those programs. Although the current political environment is hardly conducive to addressing such problems, we discuss long-term goals for institutional reform to enhance this capacity. We see no easy or decisive institutional fix. But without some structural change, the prospects look dim for maintaining significant limitations on investigatory intrusion in an era of overwhelming concern for security. INTRODUCTION In drafting the original PATRIOT Act mere weeks after the traumatic security failure of the September 11 attacks, Congress sought to expand and improve protections against terrorism. But, contrary to much of the political lore, it also showed serious concern for privacy safeguards. The House Judiciary Committee, controlled by Republicans, pushed for only a limited expansion of investigative powers and

insisted that most surveillance provisions in the PATRIOT Act expire after four years unless reauthorized. The sunset provisions were intended to ensure a serious review of the new surveillance practices to determine whether sufficient privacy protections were in place. Yet, 12 years later, as documents made public by Edward Snowden revealed, the NSA was sweeping up and analyzing vast amounts of U.S. communication records, or “metadata,” without observing significant constraints. The Snowden documents also showed that the Foreign Intelligence Surveillance Court (FISA) had radically reinterpreted the PATRIOT Act, in secret, to permit bulk collection of phone records. Paradoxically, while the incidence of terrorism has been much lower in the years after 9/11 than anyone expected, government surveillance has been much more intrusive than legislators authorized. What happened? Why did Congress so thoroughly fail to exercise control and ensure effective protection of privacy? What are the lessons for future policymaking? During the last five years of legislative debates over the PATRIOT Act, Congress has failed to define or control surveillance policy. Prior to the Snowden leaks, most members had little awareness of NSA activities and Congress had little capacity to impose constraints. Now, more than 18 months after Snowden exposed the mass seizure of phone records, not much has changed. To a great extent, the source of difficulty has been the inadequacy of the institutional arrangements for legislative deliberation on secret programs. Some members have declined opportunity to learn about domestic-spying practices, while others have opposed placing restrictions on the NSA for fear of giving terrorists any tactical advantage. ...[A]long with a lack of consistent public concern for privacy, and the increasing tendency toward partisan gridlock, Congress’s institutional methods for dealing with secret surveillance programs have undermined its capacity to deliberate and act effectively with respect to those programs. Secrecy and negligence 3 If Congress had conducted thorough, informed deliberations at all stages, we suspect it would have endorsed extensive collection of communication records, but it would have also imposed limitations and constraints to minimize the harm to privacy interests. Instead, it gave the executive branch essentially unfettered authority to operate a massively intrusive program.

Circumvention is worse than the status quo—undermines institutions, kills US credibility

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Michael J., “Torturing the Rule of Law”, <http://nationalinterest.org/files/digital-edition/%5Buser-last-login-raw%5D/134%20Digital%20Edition.pdf>, EC

The cia’s spying was thus no trivial staff quarrel requiring merely a personal apology. Willfully deceiving a governmental fact-finding body, whether a court or a congressional committee, undermines the integrity of the American legal system. In the constitutional design, these organs were intended to be the government’s portals to truth. To carry out their duties, they depend upon an accurate assessment of the facts. When they are misled, their work product is suspect; judicial opinions and legislative findings then rest upon falsehood. The body politic casts votes based upon misinformation, electing candidates who would not otherwise hold office. The entire system of constitutional and electoral checks on abusive power is thereby corrupted. Those who mislead no doubt believe that they do so for a greater good, the protection of the nation’s security. They are mistaken. The cia, the nsa and other elements of the military/intelligence community do not exist merely to prevent airplanes from flying into buildings. Their larger mission is to protect the nation’s democratic institutions and the rule of

law established by the Constitution. When elements of the national-security apparatus deceive Congress or the courts, they feed the perception that the whole system is rigged and undermine the very institutions that it is their mission to protect. Distrust of government tends to become generalized. People who doubt government officials' assertions on national-security threats are inclined to extend their skepticism to other arenas. Governmental assurances concerning everything from vaccine and food safety to the fairness of stock-market regulation and IRS investigations (not without reason) become widely suspect. The protection of legitimate national-security interests itself suffers if the public is unable to distinguish between measures vital to its protection and those assumed to be undertaken for reasons of doubtful validity. Further, it does not strengthen the United States in its relations with other nations to engage in deception. It weakens our government when its institutions are seen around the world as hollow or its officials as duplicitous. The United States' historic advantage in its international relations has been not merely military or economic. It has been reputational. Legislative and judicial monitors that operate independent of the executive branch, that are able to call the military and intelligence agencies to task when they run amok, lie at the core of America's reputation for a robust rule of law. Whether the United States thrives or declines in this century will rest in large part on its ability or inability to maintain democratic accountability by safeguarding the integrity of its institutions.

Legitimate unipolarity is key to a stable world order

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"Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn't All It's Cracked Up to Be," World Politics, Volume 61, Number 1, http://home.gwu.edu/~finnemor/articles/2009_unipolarity_wp.pdf, EC

The Legitimacy of Power and the Power of Legitimacy. Legitimacy is, by its nature, a social and relational phenomenon. One's position or power cannot be legitimate in a vacuum. The concept only has meaning in a particular social context. Actors, even unipoles, cannot create legitimacy unilaterally. Legitimacy can only be given by others. It is conferred either by peers, as when great powers accept or reject the actions of another power, or by those upon whom power is exercised. Reasons to confer legitimacy have varied throughout history. Tradition, blood, and claims of divine right have all provided reasons to confer legitimacy, although in contemporary politics conformity with international norms and law is more influential in determining which actors and actions will be accepted as legitimate. 9. Recognizing the legitimacy of power does not mean these others necessarily like the powerful or their policies, but it implies at least tacit acceptance of the social structure in which power is exercised. One may not like the inequalities of global capitalism but still believe that markets are the only realistic or likely way to organize successful economic growth. One may not like the P5 vetoes of the Security Council but still understand that the United Nations cannot exist without this concession to power asymmetries. We can see the importance of legitimacy by thinking about its absence. Active rejection of social structures and the withdrawal of recognition of their legitimacy create a crisis. In domestic politics, regimes suffering legitimacy crises face resistance, whether passive or active and armed. Internationally, systems suffering legitimacy crises tend to be violent and

noncooperative. Post-Reformation Europe might be an example of such a system. Without at least tacit acceptance of power's legitimacy, the wheels of international social life get derailed. Material force alone remains to impose order, and order's creation or maintenance by that means is difficult, even under unipolarity. Successful and stable orders require the grease of some legitimation, structure to persist and prosper.¹⁰ The social and relational character of legitimacy thus strongly colors the nature of any unipolar order and the kinds of orders a unipole can construct. Yes, unipoles can impose their will, but only to an extent. The willingness of others to recognize the legitimacy of a unipole's actions and defer to its wishes or judgment shapes the character of the order that will emerge. Unipolar power without any underlying legitimacy will have a very particular character. The unipole's policies will meet with resistance, either active or passive, at every turn. Cooperation will be induced only through material quid pro quo payoffs. Trust will be thin to nonexistent. This is obviously an expensive system to run and few unipoles have tried to do so. More often unipoles attempt to articulate some set of values and shared interests that induce acquiescence or support from others, thereby legitimating their power and policies. In part this invocation of values may be strategic; acceptance by or overt support from others makes exercise of power by the unipole cheaper and more effective. Smart leaders know how to "sell" their policies. Wrapping policies in shared values or interests smoothes the path to policy success by reassuring skeptics.¹¹ Rhetoric about shared interests in prosperity and economic growth accompanies efforts to push free trade deals on unwilling partners and publics. Rhetoric about shared love of human rights and democracy accompanies pushes for political reforms in other states. In their examination of debates leading up to the 2003 Iraq war, in this issue of World Politics, Jack Snyder, Robert Shapiro, and Yaeli Bloch-Elkon provide an example of unipolar attempts to create legitimacy through strategic use of rhetoric. They show how "evocative and evasive rhetoric" allowed proponents of the war to imply links between the 9/11 attacks, weapons of mass destruction, and Saddam Hussein's regime. Potentially unpopular or controversial policies were rationalized by situating them in a larger strategic vision built on more widely held values, as when the authors of the 2002 National Security Strategy memorandum wove together the global war on terror, the promotion of American democratic values abroad, and the struggle against authoritarian regimes to create a justification for preventive war.¹² Indeed, as Ronald Krebs and Patrick Jackson argue, rhetorical "sales pitches" of this kind can be highly coercive. Examining the same case (the selling of the Iraq war), Krebs and Jennifer Lobasz show how the administration's "war-on-terror" discourse, which cast the U.S. as a blameless victim (attacked for "who we are" rather than anything we did), was designed in such a way as to leave opponents with very few arguments they could use to rally effective opposition in Congress.¹³ Usually this articulation of values is not simply a strategic ploy. Decision makers and publics in the unipole actually hold these values and believe their own rhetoric to some significant degree. Unipole states, like all states, are social creatures. They are composed of domestic societies that cohere around some set of national beliefs. Their leaders are products of those societies and often share those beliefs. Even where leaders may be skeptical, they likely became leaders by virtue of their abilities to rally publics around shared goals and to construct foreign and domestic policies that reflect domestic values. Even authoritarian (and certainly totalitarian) regimes articulate shared goals and function only because of the web of social ties that knit people together. Certainly all recent and contemporary strong states that could be

candidates for unipoles—the U.S., China, Russia, Germany, and Britain—do.¹⁴ Thus unipole states, like all states, find naked self-aggrandizement or even the prescriptions of Machiavellian virtù difficult to pursue.¹⁵ Unipoles and the people who lead them pursue a variety of goals derived from many different values. Even “national interest” as most people and states conceive of it involves some broader vision of social good beyond mere self-aggrandizement. Americans like to see democracy spread around the world in part for instrumental reasons—they believe a world of democracies is a safer, more prosperous world for Americans—and also for normative ones—they believe in the virtues of democracy for all. Likewise, Americans like to see markets open in part for instrumental reasons—they believe a world of markets will make Americans richer—and also for normative ones—they believe that markets are the ticket out of poverty. Much of unipolar politics is thus likely to revolve around the degree to which policies promoting the unipole’s goals are accepted or resisted by others. Other states and foreign publics may need to be persuaded, but often influential domestic constituencies must also be brought on board. Channels for such persuasion are many and varied, as is evident from past U.S. diplomatic efforts to sell its policies under bipolarity. The shift from laissez-faire to what John Ruggie terms the “embedded liberal compromise” as the basis for the U.S.-led economic order after WWII required extensive diplomatic effort to persuade other states and New York’s financial elite to go along. The tools of influence used to accomplish this were sometimes material but also intellectual and ideological. It was the “shared social purposes” of these economic arrangements that gave them legitimacy among both state and societal actors cross-nationally.¹⁶ A unipole’s policies are thus circumscribed on two fronts. The policies must reflect values held at home, making them legitimate domestically. At the same time, in order to induce acquiescence or support from abroad, they must appeal to the leaders and publics of other states. Constructing policies across these two spheres—domestic and international—may be more or less difficult, depending on circumstances, but the range of choices satisfying both constituencies is unlikely to be large. Widespread disaffection on either front is likely to create significant legitimacy costs to leaders, either as electoral or stability threats domestically or as decreased cooperation and increased resistance internationally. Creating legitimacy for its policies is thus essential for the unipole but it is also difficult, dangerous, and prone to unforeseen consequences. Domestically, the need to cement winning coalitions in place has polarized U.S. politics, creating incentives to exploit wedge issues and ideological narratives. As Snyder, Shapiro, and Bloch-Elkon describe, neoconservatives, particularly after 9/11, used these tools to great effect to generate support for the Bush administration’s policies. Such ideologically-driven persuasion efforts entail risks, however. Constructing coherent ideological narratives often involves sidelining inconvenient facts, what Snyder and his coauthors call “fact bulldozing.” This is more than just highlighting some facts at the expense of others. It may (or may not) begin with that aim, but it can also involve changing the facts people believe to be true, as when large numbers of people came to believe that weapons of mass destruction were indeed found in Iraq. Thus, to the degree that these persuasion efforts are successful, if their ideology does not allow them to entertain contrary facts, policymakers and publics may make decisions based on bad information. This kind of self-delusion would seem unlikely to result in smart policy. To the extent that ideological narratives become entrenched, these delusions may extend to future generations of policymakers and make them victims of blowback. Even if

successors come to terms with the facts, they may be entrapped by the powerful legitimating rhetoric constructed by their predecessors.¹⁷

Uniqueness

Uniqueness—Obama

Obama is holding off on using increasing surveillance, but keeping major programs around – gaps between rhetoric and action show he'd invoke authority if threatened by immediate curtailment

Cohn and Reitman '14, Executive Director of the Electronic Frontier Foundation

Cindy and Rainey, "A Scorecard for Obama's Surveillance Reform Announcement",
<https://thedaywefightback.org/obama-scorecard/>

1. Stop mass surveillance of digital communications and communication records. ¶ Score: 0.2 ¶ There are three types of mass surveillance that we know about that we were using to evaluate Obama's promises in this category: surveillance of millions of phone records under Section 215 of the PATRIOT Act; surveillance of Internet communications internationally under Section 702 of the FISA Amendments Act; and surveillance of communications overseas under Executive Order 12333. ¶ In order to score a full point in this category, Obama would have needed to declare that the executive branch would no longer be using any of these authorities to engage in mass surveillance. He tackled only one of these issues somewhat: the surveillance of telephony metadata under Section 215 of the Patriot Act. Specifically, he acknowledged the recommendations of his review group that the government cease to collect and maintain a database of all Americans' telephone records. He is ending that program, which is laudable. However, he left open the door to having telecom companies or another third party maintain a similar set of mass data, so even as to 215, we could not give him the full ½ of the point. ¶ 2. Protect the privacy rights of foreigners. ¶ Score: 0.4 ¶ All too often, the NSA's official position is that foreigners—or anybody deemed sufficiently likely to not be a "U.S. person"—are not given any legal protections under surveillance laws. This situation is unacceptable and out of line with international human rights law, as we've put forth in our Necessary and Proportionate Principles, now supported by over 300 organizations worldwide. We demanded that individualized targeting be conducted for non-US persons. ¶ Obama nodded a bit to this situation, and proposed that some reforms be made, but did not give real specifics. While he also did not acknowledge any legal obligations, he did recognize a "special obligation" on U.S. intelligence agencies, and specifically called out a new, higher standard on eavesdropping on foreign leaders. But that's not enough: privacy consideration should not be a privilege afforded only to top officials. Given these small steps forward but ongoing problems, we've given Obama .3 points in this category. ¶ 3. No data retention mandate. ¶ Score: 0 ¶ Obama's review group recommended that the telephone metadata surveillance program be taken away from the government, suggesting that a third party or even telecom companies themselves be responsible for maintaining a searchable list of our calling records. This approach—mandating companies act as Big Brother's little helper—won't alleviate the serious privacy concerns with maintaining a digital record of every call we make. ¶ We had hoped that Obama would make clear that he would reject any form of mandatory data retention. Instead, Obama acknowledged some of the concerns with a data retention mandate but called for "options for a new approach that can match the capabilities and fill the gaps that the Section 215 program was designed to address, without the government holding this metadata itself." He never specifically rejected the idea of forcing companies or a third party to hold this data, and so he does not receive a

point in this category.¶4. Ban no-review National Security Letters.¶Score: 0.5¶The President gets half a point here, since he endorsed ending the permanent gag orders that accompany administrative subpoenas known as National Security Letters, under which the FBI can on its own demand information about you from your communications service providers. We still need specifics, and the details really matter—even fixed-length gags would violate the First Amendment, for example, and gags would still need to be approved by courts—but this was a good and necessary step. Obama didn't get the other half, though, because he did not agree with EFF and his own review panel that NSLs should only issue after judicial approval. Early in 2014, EFF will ask the 9th Circuit Court of Appeals to find, like the District Court for the Northern District of California already did, that the NSL statute is unconstitutional in its current form.¶5. Stop undermining Internet security, weakening encryption, and infiltrating companies.¶Score: 0¶The NSA's systematic efforts to weaken and sabotage the encryption and security technology make us all less safe. But in contrast to his review group's recommendations to stop those practices, Obama was silent on the issue. That silence is disappointing, as this is a critical problem that has not just undermined the privacy of millions around the world, but poisoned our collective trust in institutions that depend most on it. Zero points.¶6. Oppose the FISA Improvements Act.¶Score: 1¶The FISA Improvements Act seeks to codify into law the NSA's controversial and illegal practice of collecting and storing the telephone records of hundreds of millions of Americans. While Obama's administration had earlier indicated support for the bill, today's announcement made clear that Obama was not going to support this program going forward and thus was not supporting the FISA Improvements Act. We would have preferred it if Obama had stated clearly that he would veto any bill that attempts to codify mass telephone metadata surveillance, but we felt this was good enough to merit a point.¶7. Reject the third party doctrine.¶Score: 0¶The third party doctrine is an outdated and deeply problematic legal theory that wipes out many of the privacy protections we could otherwise enjoy. It's the shaky foundation on which some of the most invasive programs by the NSA and other law enforcement agencies rest. Obama should have said that we have a reasonable expectation of privacy in data even though we've trusted third party service providers with it—instead, he was silent on the issue.¶8. Provide a full public accounting of our surveillance apparatus.¶Score: 0.5¶In our criteria, we asked that Obama "appoint an independent committee to give a full public accounting of surveillance programs that impact non-suspects around the world" and that this committee "directly engage whistleblowers like Thomas Drake, William Binney, Edward Snowden and others, and include independent technological experts." For this category, we awarded Obama with a half point because he did appoint his counsel, John Podesta, to lead "a comprehensive review of big data and privacy." However, it remains to be seen whether this committee will actually provide a full public accounting or engage with the whistleblowers who have much to contribute.¶9. Embrace meaningful transparency reform.¶Score: 0¶Fundamental to all of the problems surrounding NSA spying is the fact that the government's notorious secrecy shields it from any sort of meaningful oversight or accountability. This appears, among other places, in the overclassification of documents that should not actually be secret, in the executive branch's ruthless campaign against whistleblowers, and in its continued abuse of the "state secrets" privilege in the courtroom. Obama could have announced changes to these secrecy standards, embracing transparency as a default, and making some good on his now laughable election promise to be "the most transparent administration in history." Instead we

got nothing.¶ 10. Reform the FISA court.¶ Score: 1¶ We gave Obama a full point for these reforms, since he embraced both independent advocates for the FISA court and an annual process of review of FISC decisions for declassification. While we would like the review to be more current, and there is much to be done to ensure that the independent advocacy panel has a real, unfettered role, Obama's announcement indicated a good direction on both.¶ 11. Protect national security whistleblowers.¶ Score: 0¶ Obama was clear: "One thing I'm certain of, this debate will make us stronger." And there is little question that this debate would not have happened without the evidence brought to light by Snowden and other whistleblowers. It might seem that Obama would have some recognition that, but for these individuals, we would not be having this important debate.¶ Sadly, Obama's speech today gave no indication of a change in strategy in his administration's war on whistleblowers. If Obama welcomes this debate, he should stop his attack on the people who have risked so much to help make it happen.¶ 12. Give criminal defendants all surveillance evidence.¶ Score: 0¶ It's a cornerstone of our justice system that the accused have the right to see all the evidence against them. That made it very alarming when we learned that the NSA was collecting intelligence and then laundering it into criminal investigations by the Drug Enforcement Agency and other law enforcement groups. This practice conflicts with the protections enshrined in the Fifth and Sixth amendments, and should be stopped immediately. While Attorney General Holder has promised to review the cases, the Administration has not promised to ensure that everyone whose information was shared with law enforcement agencies by the NSA ultimately gets notice. Obama didn't mention this necessary measure in his speech, and gets no points.

Uniqueness—Gradualism

Obama is gradually reforming surveillance programs—hasty change causes him to invoke his surveillance authority—perceives it as undermining security

Dilanian and Parsons 14 (Ken, intelligence reporter for The Associated Press, and Christi, White House correspondent. “Obama to seek only modest reforms in government surveillance” (1/15/14), The Los Angeles Times, <http://articles.latimes.com/2014/jan/15/nation/la-na-nsa-obama-20140116>)

WASHINGTON — President Obama plans to announce new guidelines for government surveillance operations but will not end or order strict limits on the most controversial domestic programs exposed by former National Security Agency contractor Edward Snowden, including the bulk collection of American telephone records. White House aides said reforms proved far more difficult than they initially appeared, and Obama has struggled to find middle ground between those who warn that government surveillance is excessive and could lead to abuses and national security officials who contend that the programs are critical for counter-terrorism and already have passed congressional and judicial review. In a widely anticipated speech on Friday, Obama will seek to boost public confidence in the government's ability to safeguard privacy even as he leaves most current surveillance programs intact with only modest modifications. He thus is expected to say that although the NSA's bulk collection of domestic telephone toll records can't continue in its present form, he will not propose requiring telephone companies or another entity to maintain long-term storage of the so-called metadata — numbers called but not the conversations — to replace the NSA database, as a presidential task force has recommended. PHOTOS: Politics in 2014 The president instead will ask Congress to craft a solution, aides said. He doesn't want to be "hasty" about radically revising a program that top intelligence officials consider valuable, said one advisor. Moreover, legislation almost certainly would be required to revamp the current system, which Congress previously approved. "He will say, 'The program has to change.... Over to you, Congress,'" said a senior intelligence official who has been briefed on the decisions and who insisted on anonymity because he was not authorized to discuss the president's deliberations. Lawmakers are divided on whether or how to change the NSA program, making any major adjustments unlikely in the short term. But the provision in the law that authorizes the program, Section 215 of the Patriot Act, is up for renewal in 2015, and that could provide a platform for review. Obama's posture is likely to deeply disappoint privacy activists and their allies in Congress who argue that the bulk collection program violates civil liberties and contains too much private data on Americans. But Obama has never felt that way, and supported the program both as a senator and as president. It's possible that Obama may yet adjust his views. Some of his top staffers said Wednesday they were not sure exactly how he wanted to proceed. He still hasn't nailed down some details of his speech and, though they know he will limit metadata collection in some way, they can't say how. "Metadata may be the most challenging part," said Sen. Richard J. Durbin (D-Ill.), a member of the Senate Judiciary Committee. "Having all that information at your fingertips can be helpful.... But trying to invent an alternative [to direct NSA control] is tricky." Durbin said Obama didn't "tip his hand" when they discussed the program this week. Telephone companies don't want to become a repository for the calling records because of potential legal liability and because they don't have an obvious way to pay for the added work, according to aides working on the project. A third-party curator appointed and paid by the government might struggle to prove it was independent. Intelligence officials lobbied the White House vigorously not to make it more difficult for them to access the telephone records when they need them. But if the government can examine the material too easily, it may not allay concerns about who controls it. Obama has come under intense pressure to rein in government surveillance and increase oversight since an independent panel that he appointed called last month for 46 changes to current practices. Officials say he already has decided not to support several of the key recommendations. The president, for example, will not propose requiring a court order each time the FBI issues a so-called national security letter, a form of administrative subpoena used to access otherwise private customer records from telephone, banking, credit card and other companies. The FBI, which issues more than 20,000 such subpoenas a year, has strongly opposed requiring a judge to review each one. On Tuesday, a federal judge, John D. Bates, who was appointed to speak for the Foreign Intelligence Surveillance Court, wrote members of Congress to warn of staunch opposition in the judiciary as well. Obama also will not push for new restrictions on the use of data from U.S. citizens that is collected inadvertently while the NSA is targeting foreign Internet traffic under Section 702 of surveillance law. The task force had sought new rules to protect Americans' privacy, but intelligence agencies had opposed any changes. The NSA vacuums up communications from servers owned by Google, Apple, Microsoft and other U.S. technology companies, operating under a program code-named PRISM. Documents leaked by Snowden showed the NSA could keep information inadvertently collected about

Americans for up to five years and share it with other agencies. "We feel like once this information is lawfully collected, there should not be additional restrictions on how it is used," the senior intelligence official said. The president will announce some changes that are likely to hearten NSA critics. He will say that senior administration officials will play a larger role in reviewing foreign surveillance decisions, including eavesdropping on allied foreign leaders. Snowden's disclosures that the NSA was monitoring the cellphones of leaders in Germany, Mexico and Brazil caused an uproar abroad. Obama also will speak in favor of creating a way for an independent advocate to represent privacy interests in classified hearings before the Foreign Intelligence Surveillance Court, although he will not specify how that should work, the senior official said. In his letter to Congress about the views of the federal judiciary, Bates said that proposal was "unnecessary — and could prove counterproductive."

Uniqueness + Link—Interagency

Bureaucratic conflict between security agencies is restricted to the margins, but sudden curtailment turns into a flashpoint for central infighting

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External and Internal Politics. Intelligence services are government bureaucracies, subject to the same political forces and tendencies as any others. Thus, anyone seeking to understand or predict the behavior of a service needs to have at least a basic understanding of the political system in which the service is located. In a democratic state, as numerous cases from the past few decades attest, political or other external events can have enormous consequences for services, even when the services are not directly involved or responsible. The end of the Cold War, to cite an exceptional case, led to drastic cuts in the size and capabilities of US and European services; the Asian and Russian financial crises of the late 1990s led to budget cuts that devastated the capabilities of several major services; and recent intelligence failures, such as the 11 September attacks and the Iraqi WMD fiasco (which involved the services of several countries), brought not only public investigations and large-scale restructurings but also internal changes in how individual services collect and evaluate information.⁸ The political situations of intelligence services in authoritarian or totalitarian states are more difficult to determine. The absence of effective legal frameworks and the importance of personal networks over institutional relationships for government decision making make it difficult for outside observers to see what is going on. Examples from the history of communist bloc services, however, suggest that in authoritarian and totalitarian states the positions of their services may be paradoxical. The dependence of such regimes on their services for repression, the integration of the services into the governing apparatus, and the absence of any outside check, provide the services with immunity from external inquiries and pressure for reform. At the same time, however, should the leadership perceive a serious failure or disloyalty within its services, the punishments are likely to be far more harsh than in democracies—jail terms and even executions are not unknown. Even as they are acted upon, however, intelligence services work diligently to protect and advance their interests. The result is that services are almost always engaged in complex, multifront political struggles. The most basic of these is the constant effort to gather more resources—people, funds, and influence over decision making—from their political superiors, and to resist externally imposed changes. Inevitably, a country’s services are forced to compete with one another, and each seeks to gain an advantage by claiming credit for successes, denigrating rivals, or taking away cases. The conflicts between the CIA and FBI, CIA and DIA, MI-5 and SIS, the KGB and the GRU (and now the FSB and SVR) are well-known examples of this phenomenon and suggest that bureaucratic conflict between intelligence services is the norm, even as political leaders try to force them to cooperate. The conflicts do not appear to extend to eliminating competitors, however. Internal, external, and military services are specialized enough and have enough separate consumers so that they do not try to take over each other’s roles. (Governments sometimes merge services, as the French did with their internal and police services to form the DCRI in 2008, but the fear of unitary services limits this to combinations of similar services.) Their attacks tend to be on the margins, especially as they try to claim primacy on a case or specific issue, and this behavior seems opportunistic rather than systematic.⁹ In addition to interservice rivalries, services are prone to internal bureaucratic fighting. The complexity of intelligence organizations and their work provides many potential flashpoints, such as turf battles and disputes regarding primacy for specific operations, arguments about tradecraft, analytical disagreements, or straightforward budget fights. These battles can be as bitter as any with another service, if only because the participants know each other well and, because they see each other every day, can easily keep score. As with interservice rivalries, this behavior is normal and to be expected.

Link

Link—Executive—General

The executive will circumvent the plan- congressional constraints fail

Bendix and Quirk 15 [William Bendix is an assistant professor of political science at Keene State College. His research focuses on Congress, legislative deliberation, and homeland security and civil liberties policies. Paul J. Quirk is the Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia and a former research associate at the Brookings Institution. His work focuses on debate and deliberation in Congress and the mass public. March 2015. “Secrecy and negligence: How Congress lost control of domestic surveillance” Issues in Governance Studies Number 68.

<http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>

In enacting the USA PATRIOT Act just weeks after the 9/11 terrorist attacks, Congress sought to enhance investigations against specific, named persons suspected of terrorism. As voluminous documents leaked by whistleblower Edward Snowden have revealed, however, the president and the National Security Agency (NSA) have relied on that law to authorize the daily, ongoing capture of all U.S. communication records. These documents make clear that the Bush and Obama administrations ignored statutory constraints to authorize exceptionally broad intelligence-gathering programs. But from our review of legislative hearings and debates on the PATRIOT Act over the last five years, along with numerous declassified documents on surveillance, we find that unilateral action by the executive branch was only partly to blame for unrestrained domestic spying. After the relatively balanced and cautious provisions of the 2001 PATRIOT Act, Congress virtually absented itself from substantive decision making on surveillance. It failed to conduct serious oversight of intelligence agencies, ignored government violations of law, and worked harder to preserve the secrecy of surveillance practices than to control them. Even after the Obama administration made the essential facts about phone and email surveillance available in classified briefings to all members, Congress mostly ignored the information and debated the reauthorizations on the basis of demonstrably false factual premises. Until the Snowden revelations, only a handful of well-briefed and conscientious legislators—too few to be effective in the legislative process—understood the full extent of domestic intelligence gathering. We describe and explain Congress’s deliberative failure on phone and Internet surveillance policy. We show that along with a lack of consistent public concern for privacy, and the increasing tendency toward partisan gridlock, Congress’s institutional methods for dealing with secret surveillance programs have undermined its capacity to deliberate and act effectively with respect to those programs. Although the current political environment is hardly conducive to addressing such problems, we discuss long-term goals for institutional reform to enhance this capacity. We see no easy or decisive institutional fix. But without some structural change, the prospects look dim for maintaining significant limitations on investigatory intrusion in an era of overwhelming concern for security. INTRODUCTION In drafting the original PATRIOT Act mere weeks after the traumatic security failure of the September 11 attacks, Congress sought to expand and improve protections against terrorism. But, contrary to much of the political lore, it also showed serious concern for privacy safeguards. The House Judiciary Committee, controlled by Republicans, pushed for only a limited expansion of investigative powers and insisted that most surveillance provisions in the PATRIOT Act expire after four years unless reauthorized. The sunset provisions were intended to ensure a serious review of the new surveillance practices to determine whether sufficient privacy protections were in place. Yet, 12 years later, as documents made public by Edward Snowden revealed, the NSA was sweeping up and analyzing vast amounts of U.S. communication records, or “metadata,” without observing significant constraints. The Snowden documents also showed that the Foreign Intelligence Surveillance Court (FISA) had radically reinterpreted the PATRIOT Act, in secret, to permit bulk collection of phone records. Paradoxically, while the incidence of terrorism has been much lower in the years after 9/11 than anyone expected, government surveillance has been much more intrusive than legislators authorized. What happened? Why did Congress so thoroughly fail to exercise control and ensure effective protection of privacy? What are the lessons for future policymaking? During the last five years of legislative debates over the PATRIOT Act, Congress has failed to define or control surveillance policy. Prior to

the Snowden leaks, most members had little awareness of NSA activities and Congress had little capacity to impose constraints. Now, more than 18 months after Snowden exposed the mass seizure of phone records, not much has changed. To a great extent, the source of difficulty has been the inadequacy of the institutional arrangements for legislative deliberation on secret programs.

Some members have declined opportunity to learn about domestic-spying practices, while others have opposed placing restrictions on the NSA for fear of giving terrorists any tactical advantage. ...[A]long with a lack of consistent public concern for privacy, and the increasing tendency toward partisan gridlock, Congress's institutional methods for dealing with secret surveillance programs have undermined its capacity to deliberate and act effectively with respect to those programs. Secrecy and negligence 3 If Congress had conducted thorough, informed deliberations at all stages, we suspect it would have endorsed extensive collection of communication records, but it would have also imposed limitations and constraints to minimize the harm to privacy interests. Instead, it gave the executive branch essentially unfettered authority to operate a massively intrusive program.

The executive circumvents the plan

Bendix and Quirk 15 [William Bendix is an assistant professor of political science at Keene State College. His research focuses on Congress, legislative deliberation, and homeland security and civil liberties policies. Paul J. Quirk is the Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia and a former research associate at the Brookings Institution. His work focuses on debate and deliberation in Congress and the mass public. March 2015.

“Secrecy and negligence: How Congress lost control of domestic surveillance” Issues in Governance Studies Number 68.

<http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congress-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>

Even if Congress at some point enacted new restrictions on surveillance, the executive might ignore the law and continue to make policy unilaterally. The job of reviewing executive conduct would again fall to the FISA Court.⁵⁶ In view of this court's history of broad deference to the executive, Congress would have a challenge to ensure that legislative policies were faithfully implemented.

Link—Executive—12333

Past examples prove Obama's willing to use his power by invoking 12333- he's the main check on NSA authority

Gellman '14, Reporter

Barton, "Obama's restrictions on NSA surveillance rely on narrow definition of 'spying'", https://www.washingtonpost.com/world/national-security/obamas-restrictions-on-nsa-surveillance-rely-on-narrow-definition-of-spying/2014/01/17/2478cc02-7fcb-11e3-93c1-0e888170b723_story.html, EC

President Obama said Friday, in his first major speech on electronic surveillance, that "the United States is not spying on ordinary people who don't threaten our national security."¶ Obama placed restrictions on access to domestic phone records collected by the National Security Agency, but the changes he announced will allow it to continue — or expand — the collection of personal data from billions of people around the world, Americans and foreign citizens alike.¶ Obama squares that circle with an unusually narrow definition of "spying." It does not include the ingestion of tens of trillions of records about the telephone calls, e-mails, locations and relationships of people for whom there is no suspicion of relevance to any threat.¶ In his speech, and an accompanying policy directive, Obama described principles for "restricting the use of this information" — but not for gathering less of it.¶ Alongside the invocation of privacy and restraint, Obama gave his plainest endorsement yet of "bulk collection," a term he used more than once and authorized explicitly in Presidential Policy Directive 28. In a footnote, the directive defined the term to mean high-volume collection "without the use of discriminants."¶ That is perhaps the central feature of "the golden age of signals intelligence," which the NSA celebrates in top-secret documents leaked by former contractor Edward Snowden. Obama for the first time put his own imprimatur on a collection philosophy that one of those documents summarized this way: "Order one of everything from the menu."¶ As digital communications have multiplied, and NSA capabilities with them, the agency has shifted resources from surveillance of individual targets to the acquisition of communications on a planetary scale. That shift has fed the appetite of Big Data tools, which are designed to find unseen patterns and make connections that NSA analysts don't know to look for.¶ "It's noteworthy that the president addressed only the bulk collection of call records, but not any of the other bulk collection programs revealed by the media," said Alexander Abdo, an attorney with the ACLU's national security project. "That is a glaring omission. The president needs to embrace structural reforms that will protect us from all forms of bulk collection and that will make future overreach less likely."¶ In principle, these tools have the potential to reveal unknown associates of known foreign targets, although the intelligence community has struggled to offer examples. But they rely, by definition and intent, on the construction of vast databases filled almost entirely with innocent communications. Obama's view, like the NSA's, is that there is no intrusion on privacy until someone calls up the files and reads them.¶ Obama focused his speech on surveillance authorized by Congress and overseen by the Foreign Intelligence Surveillance Court. He spoke most concretely about the collection of domestic telephone logs from virtually every American under a provision of the Patriot Act called Section 215.¶ But fresh assertions of transparency did not resolve other long-standing questions. White

House and intelligence spokesmen declined to say whether the NSA has used that authority to collect any other kinds of data about millions of Americans or whether Obama was committed to disclose such collection if he permits it in the future.¶ Obama avoided almost entirely any discussion of overseas intelligence collection that he authorized on his own, under Executive Order 12333, without legislative or judicial supervision.¶ The Washington Post has disclosed in recent months, based in part on the Snowden documents, that the NSA is gathering hundreds of millions of e-mail address books, breaking into private networks that link the overseas data centers of Google and Yahoo, and building a database of trillions of location records transmitted by cellphones around the world.¶ Those operations are sweeping in a large but unknown number of Americans, beginning with the tens of millions who travel and communicate overseas each year. For at least as many Americans, and likely more, the structure of global networks carries their purely domestic communications across foreign switches.¶ Under the classified rules set forth by the president, the NSA is allowed to presume that any data collected overseas belongs to a foreigner. The “minimization rules” that govern that collection, intended to protect the identities of U.S. citizens and residents, remain classified. The White House and NSA have declined requests to release them.¶ The NSA term for those high-volume programs is “full take” collection — the interception of entire data flows from the fiber optic cables that carry telephone calls, e-mails, faxes and video chats around the world at the speed of light.¶ Unless Obama says otherwise in the classified annex to his directive, those programs will carry on unabated.

12333 provides the same legal authority as the patriot act, but has less oversight

Whittaker 14 [Zack, CBS News. Journalist. 6/30/14, “Legal loopholes could allow wider NSA surveillance, researchers say” <http://www.cbsnews.com/news/legal-loopholes-could-let-nsa-surveillance-circumvent-fourth-amendment-researchers-say///jweideman>]

Since the September 11 terrorist attacks, the subsequent introduction of the Patriot Act allowed certain kinds of data to be collected to help in the fight against terrorism -- so-called "metadata," such as the time and date of phone calls and emails sent, including phone numbers and email addresses themselves. But the contents of those phone calls or emails require a warrant. The classified documents leaked by Edward Snowden showed that while the public laws have been in effect for years or even decades, the U.S. government has used secret and classified interpretations of these laws for wider intelligence gathering outside the statutes' text. The Obama administration previously said there had been Congressional and Judicial oversight of these surveillance laws -- notably Section 215 of the Patriot Act, which authorized the collection of Americans' phone records; and Section 702 of the Foreign Intelligence Surveillance Act (FISA), which authorized the controversial PRISM program to access non-U.S. residents' emails, social networking, and cloud-stored data. But the researchers behind this new study say that the lesser-known Executive Order (EO) 12333, which remains solely the domain of the Executive Branch -- along with United States Signals Intelligence Directive (USSID) 18, designed to regulate the collection of American's data from surveillance conducted on foreign soil -- can be used as a legal basis for vast and near-unrestricted domestic surveillance on Americans. The legal provisions offered under EO 12333, which the researchers say “explicitly allows for intentional targeting of U.S. persons” for surveillance purposes when FISA protections do not apply, was the basis of the authority that reportedly allowed the NSA to tap into the fiber cables that connected Google and Yahoo's overseas to U.S. data centers.

The NSA considers it their main legal authority

Arnbak and Goldberg 15 [Axel Arnbak is a cybersecurity and information law researcher at the Institute for Information Law, University of Amsterdam. Sharon, an associate professor in the Computer Science Department at Boston University, and a member of the BU Security Group. 2015, "Loopholes for Circumventing the Constitution: Unrestrained Bulk Surveillance on Americans by Collecting Network Traffic Abroad" Michigan Telecommunications and Technology Law Review Volume 21 | Issue 2. //jweideman]

LEGAL ANALYSIS. Part I describes the current US regulatory framework for intelligence gathering. Three legal regimes are most relevant to this Article:

1. Surveillance of domestic communications records conducted on

US soil under § 215 of the Patriot Act;²

2. Surveillance of international communications conducted on US

soil under the Foreign Intelligence Surveillance Act (FISA);³

and

3. Surveillance conducted entirely abroad under Executive Order

12333 (EO 12333)⁴ and underlying policies, notably the US Signals Intelligence Directive SP0018 (USSID

18).⁵

Distinguishing factors include where the surveillance is conducted and whom a surveillance operation targets. All three branches of the US government oversee the first two regimes, and have been discussed at length by the government, media, and general public. The third regime, however, is solely the domain of the executive branch and has only recently begun to receive some attention in policy, media, and academic arenas. EO 12333, adopted in 1981 by the Reagan Administration and not substantially updated since, forms the cornerstone of this legal analysis; indeed, the NSA states that EO 12333 is the "primary legal authority" for its operations.⁶ Working with primary legal sources, many of which have only recently been made public and are still redacted on key issues, we make the following central observation: if an intelligence agency can construct plausible presumptions that surveillance does not "intentionally target" a US person and when the surveillance is conducted abroad, the permissive legal regime under EO 12333 applies. Under EO 12333, operations from abroad can be presumed to affect foreigners rather than Americans. Since the Supreme Court has consistently held that foreigners do not enjoy constitutional protection under US law,⁷ the legal incentives to conduct surveillance under EO 12333 are substantial. The legal notion of "targeting a US person" does not rule out bulk collection of Internet traffic, even in situations where the traffic actually contains millions of Americans' communication records. By collecting the traffic abroad, authorities can presume the traffic belongs to foreigners. Any US person's traffic that happens to be captured during bulk collection is considered "incidentally collected" and may be retained for further processing. Users are only "targeted," in the legal sense, once collection is complete and the surveillance operation moves into its retention and analysis phases. Indeed, documents revealed on August 25, 2014 indicate that metadata from retained traffic can be shared between multiple intelligence agencies, including domestic law enforcement and the Drug Enforcement Agency, and used for purposes that include "target development."⁸ Thus, collecting Americans' network traffic abroad creates a legal loophole for surveillance on them. A surveillance operation acting in a manner consistent with EO 12333 allows foreignness to be presumed for data that is

intercepted abroad. This circumvents Americans' Fourth Amendment protections that are assumed (in the legal sense) to be US persons under FISA and § 215 of the Patriot Act during domestic surveillance operations.⁹ As of July 2014, the lack of public scrutiny of EO 12333 seems to have shifted. When the first public version of this Article was posted online prior to its presentation at the 2014 Privacy Enhancing Technologies Symposium, a range of media outlets reported on our findings. Coverage on CBS News¹⁰ spurred an inadequate official response from the NSA compliance department; we discuss this response further in Part I.C.4 of this Article. A few weeks later, a Washington Post editorial by John Napier Tye, who served in the State Department from 2011 to 2014, argued: Based in part on classified facts that I am prohibited by law from publishing, I believe that Americans should be even more concerned about the collection and storage of their communications under Executive Order 12333 than under Section 215. . . . Consider the possibility that Section 215 collection does not represent the outer limits of collection on US persons but rather is a mechanism to backfill that portion of US person data that cannot be collected overseas under 12333.¹¹ The legal notion of "targeting a US person" does not rule out bulk collection of Internet traffic, even in situations where the traffic actually contains millions of Americans' communication records. By collecting the traffic abroad, authorities can presume the traffic belongs to foreigners. Any US person's traffic that happens to be captured during bulk collection is considered "incidentally collected" and may be retained for further processing. Users are only "targeted," in the legal sense, once collection is complete and the surveillance operation moves into its retention and analysis phases. Indeed, documents revealed on August 25, 2014 indicate that metadata from retained traffic can be shared between multiple intelligence agencies, including domestic law enforcement and the Drug Enforcement Agency, and used for purposes that include "target development."⁸

Comparatively outweighs FISA and the Patriot Act

Watkins 13 [Ali Watkins covers intelligence and national security for the Huffington Post, based in Washington, D.C. Previously, she covered national security and regional politics for McClatchy Newspapers' D.C. bureau. She has a journalism degree from Philadelphia's Temple University. 11/21/13, "Most of NSA's data collection authorized by order Ronald Reagan issued" <http://www.mcclatchydc.com/news/nation-world/national/national-security/article24759289.html//jweideman>]

The impact of 12333 is enormous – and largely unknown. Documents leaked by former NSA contractor Edward Snowden suggest that less than half of the metadata the NSA has collected has been acquired under provisions of the USA Patriot Act and the Foreign Intelligence Surveillance Act, the two laws that have received the most attention for permitting NSA programs. Gen. Keith Alexander, the NSA director, has ratified that impression, saying that the majority of NSA data is collected "solely pursuant to the authorities provided by Executive Order 12333." At the time the order was written, the nation's intelligence community was dealing with a shattered reputation after decades of widespread abuses. The Church Committee – a special congressional panel tasked in the 1970s with investigating intelligence abuses – had revealed CIA efforts to cover up the Watergate scandal, the CIA's opening of Americans' mail, and the agency's efforts to assassinate Cuba's Fidel Castro. Executive Order 12333 was intended to bolster a reeling intelligence community and further define its authority to conduct foreign intelligence gathering. The global telecommunications network didn't exist, and collecting foreign communications posed little risk for Americans' data to be swept up in the dragnet. But in the three decades since 12333 was written, global communications have changed dramatically. The order, however, has not. "In 1996, when (12333) was 15 years old, we said, 'Gee, this probably ought to be revised.' Now we're more than 15 years after that," said John Bellinger, a former legal adviser to the National Security Council during the presidency of George W. Bush. Still, the order hasn't undergone any major change, "in part, because it's so difficult and complex to change it," he said. The National Security Act of 1947 requires that Congress be kept "fully and currently informed" about "significant" intelligence activities. But 12333 activities receive little oversight. The problem, legal experts and lawmakers say, is that only the executive branch – and the intelligence agencies that are part of it – determines what "fully and currently informed" means and what details it needs to share with Congress. "There's no clear definition," said House Intelligence Committee member Adam Schiff, D-Calif., who recently sparred with fellow committee members over whether the NSA had briefed the panel on its monitoring of German Chancellor Angela Merkel's cellphone. "We need to have a bigger discussion of what our mutual understanding is of what we want to be informed of."

12333 allows malware attacks for backdoor creation

Arnbak and Goldberg 15 [Axel Arnbak is a cybersecurity and information law researcher at the Institute for Information Law, University of Amsterdam. Sharon, an associate professor in the Computer Science Department at Boston University, and a member of the BU Security Group. 2015, "Loopholes for Circumventing the Constitution: Unrestrained Bulk Surveillance on Americans by Collecting Network Traffic Abroad" Michigan Telecommunications and Technology Law Review Volume 21 | Issue 2. //jweideman]

Internet surveillance falls within the EO 12333 regime when it is conducted on foreign soil and does not fall within the 1978 FISA definition of "electronic surveillance."⁹⁰ As the NSA recently put it, EO 12333 applies when surveillance is "conducted through various means around the globe, largely from outside the United States, which is not otherwise regulated by FISA."⁹¹ While FISA surveillance is conducted on US soil, EO 12333 surveillance is mostly conducted abroad.⁹² EO 12333 presumes that network traffic, intercepted on foreign soil, belongs to non-US persons.⁹³ Companies and associations are also considered in the EO 12333 definition of "US persons."⁹⁴ These entities may be assumed to be non-US persons if they have their headquarters outside the United States. Even when it is known to the NSA that a company is legally controlled by a US company, EO 12333 does not prohibit the NSA to assume such an entity to be a non-US person under USSID 18. Taken together, the hurdles for presuming that surveillance does not affect a US person under EO 12333 are low. By contrast, FISA minimization policies direct authorities to presume that surveillance operations conducted on US soil affect US persons.⁹⁵ INSTALLING A DEVICE. To understand how EO 12333 regulates the network protocol manipulations described in Part II.B, we now return to the question of "installing a device."⁹⁶ These manipulations fall under EO 12333. However, on top of the 1978 FISA definition of "electronic surveillance," neither EO 12333 nor the 2011 update of USSID 18 further specify what "installing a device" means today.⁹⁷ It is not covered in the definitions of "collection,"⁹⁸ "interception,"⁹⁹ or "electronic surveillance."¹⁰⁰ The definition of "installing a device" to enable surveillance could possibly be redacted in USSID 18 or further specified in a still-classified guideline. A post-Snowden NSA memorandum does not provide any clarity. To the contrary: N.S.A. uses EO 12333 authority to collect foreign intelligence from communications systems around the world. Due to the fragility of these sources, providing any significant detail outside of classified channels is damaging to national security.¹⁰¹ One recently leaked document seems to suggest that EO 12333 governs untargeted malware attacks and strategies. The revealed slide on the VALIDATOR program indicates that the VALIDATOR malware is deployed in an untargeted fashion on many machines. Once the VALIDATOR malware infects a given machine, the infected machine contacts a "listening post" server. Finally, analysts at the listening point perform a "USSID-18 check" to "validate the targets identity and location" and thus decide whether "a more sophisticated . . . implant" may be deployed on the infected machine.¹⁰² Importantly, the USSID 18 check is only performed after the untargeted VALIDATOR malware has been deployed.¹⁰³ In other words, legal protection comes into play only after the NSA knows who it is targeting, based on the identity of a target or the location of his/her machine. This is consistent with our contention that the 1978 FISA definition of "installing a device" does not cover the advanced network manipulations presented in Part II.B.¹⁰⁴

Compliance checks are run against 1233 for cyber ops--- they don't look at FISA

Arnbak and Goldberg 15 [Axel Arnbak is a cybersecurity and information law researcher at the Institute for Information Law, University of Amsterdam. Sharon, an associate professor in the Computer Science Department at Boston University, and a member of the BU Security Group. 2015, "Loopholes for Circumventing the Constitution: Unrestrained Bulk Surveillance on Americans by Collecting Network Traffic Abroad" Michigan Telecommunications and Technology Law Review Volume 21 | Issue 2. //jweideman]

Without full access to classified surveillance policies fully implementing the directives of FISA and EO 12333, it is impossible to conclusively determine how the intelligence community interprets US surveillance statutes. But recent revelations on untargeted malware operations seem to support our textual analysis.⁶³ These revelations indicate that NSA analysts perform compliance checks against EO 12333 (but, importantly, not against FISA) when singling out targets for more sophisticated malware operations on the target's machine.⁶⁴ Based on these revelations, it seems likely that advanced active attacks,⁶⁵ which use modern technological capabilities to prepare an infrastructure for a subsequent targeted surveillance operation, are regulated under EO 12333.

Link—NSA—General

The NSA will circumvent- empirics

Gellman '14, Reporter

Barton, "Obama's restrictions on NSA surveillance rely on narrow definition of 'spying'", https://www.washingtonpost.com/world/national-security/obamas-restrictions-on-nsa-surveillance-rely-on-narrow-definition-of-spying/2014/01/17/2478cc02-7fcb-11e3-93c1-0e888170b723_story.html, EC

This basic dynamic, well known to organizational behaviorists, represents the principal reason that U.S. national-security policy has changed so little from the George W. Bush to the Obama administration. As a candidate for president, Obama repeatedly, forcefully and eloquently promised fundamental change in that policy. It never happened. U.S. policies on rendition, covert operations, cyberwar, military detention without trial or counsel, drone strikes, nsa surveillance, whistle-blower prosecutions, nonprosecution of waterboarders, reliance on the state-secrets privilege and a variety of other national-security issues all have remained largely the same. The explanation lies not simply in the huge number of holdovers in high-level policy-making positions; the reality is that structural incentives have given these policies a life of their own—allowing them to run “on autopilot,” as Secretary of State John Kerry described one nsa program, largely immune from constitutional and electoral restraints. A variety of legislative and judicial reforms have been suggested, aimed generally at restoring a semblance of institutional balance. Given the prevailing incentive structure, however, none are likely to succeed. The first difficulty with the proposed reforms is circularity. All rely upon the Madisonian institutions—Congress, the courts and the presidency—to restore power to the Madisonian institutions by exercising the very power that the Madisonian institutions lack. All assume that the Madisonian institutions, in which all reform proposals must necessarily originate, can somehow magically impose those reforms upon the Trumanite network or that the network will somehow merrily acquiesce. All suppose that the forces that gave rise to the Trumanite network can simply be ignored. All assume, at bottom, that Madison's scheme can be made to work—that an equilibrium of power can be restored—without regard to the root cause of the disequilibrium.

Link—NSA—CIA Shift

NSA reform results in CIA circumvention – it holds parallel authority

Jeffrey Richelson **03/20/15** (PhD in political Science from University of Rochester, Senior fellow at the National Security Archive, Authored several books and research papers on subject of intelligence, “The CIA and Signals Intelligence,” [Http://nsarchive.gwu.edu/NSAEBB/NSAEBB50](http://nsarchive.gwu.edu/NSAEBB/NSAEBB50)

While the National Security Agency (**NSA and its military components are at the center of U.S. signals intelligence**) (SIGINT) activities they are **not the only components of the U.S. Government that conduct such operations**.¹ Three Justice Department entities intercept communications for law enforcement and/or intelligence purposes — the Federal Bureau of Investigation (thru its Data Intercept Technology Unit), the Drug Enforcement Administration (via its Office of Investigative Technology), and the U.S. Marshals Service (specifically, its Technical Operations Group).² But **it is the Central Intelligence Agency that, for decades, has conducted a parallel — sometimes complementary, sometimes competitive — signals intelligence effort with NSA**. Components of the history of CIA SIGINT activities include, but are not limited to, organizational issues, audio surveillance and cable tapping, ground stations, aerial collection, space-based SIGINT, the CIA-NSA relationship, the creation and operation of the Special Collection Service, and legal controversies and privacy issues.

FISA and Patriot act allow CIA bulk collection – mirrors NSA surveillance.

Margaret Hartmann 11/15/13 (Contributing Senior Editor for the New York Magazine, Masters in Journalism from Boston University, “The CIA collects Data in Bulk, Just Like the NSA,” <http://nymag.com/daily/intelligencer/2013/11/cia-collects-data-in-bulk-just-like-the-nsa.html>

The revelations about the NSA's spying keep getting worse, and now the scandal is spreading to another agency. Though it doesn't appear the new information has any direct link to Edward Snowden, several anonymous officials say **the CIA is building a huge database** of international money transfers by **scooping up financial information in bulk**. From the few details known about the program, it seems **very similar to the government's phone- and data-collection efforts**. Like various NSA programs, the **CIA's data collection is authorized under** Section 215 of the **Patriot Act and overseen by the FISA Court**. Even the CIA's attempt to downplay the report sounds familiar. "The CIA protects the nation and upholds the privacy rights of Americans by ensuring that its intelligence collection activities are focused on acquiring foreign intelligence and counterintelligence in accordance with U.S. laws," said CIA spokesman Dean Boyd.[¶] According to The Wall Street Journal, the program was inspired by the 9/11 hijackers' ability to transfer about \$300,000 without arousing suspicion. It **collects** information from U.S. money-transfer companies (Western Union was the only participant named specifically), which can include **personal information like Social Security numbers**. Officials said the CIA is not allowed to target Americans or collect data on purely domestic transfers. However, transfers to and from the U.S., as well as foreign transactions, are scooped up. There are reportedly procedures in place to protect American's privacy once the data makes its way into the CIA's database, such as prohibitions on which analysts can conduct searches, what terms they can use, and how long

the CIA can store the data.¶ It appears the CIA isn't the only agency running an NSA-like surveillance program. "The intelligence community collects bulk data in a number of different ways under multiple authorities," one intelligence official told the New York Times. As the paper notes, General Keith Alexander, the NSA director, admitted as much in a "little-noticed exchange" during a Senate hearing in October. When asked by Senator Mazie Hirono, "So what are all of the programs run by the N.S.A. or other federal agencies" that allow warrantless wiretapping of phone calls and e-mails under the Patriot Act, Alexander described the phone surveillance program, saying "none of that is hid from you." Moments later, he clarified that he was only talking about the NSA, adding, "You know, that's of course a global thing that others use as well, but for ours, it's just that way." How could they be any more transparent?¶ NYTWSJ

Revolving doors – positions within the agencies are filled by each other

NSA 01/12/12 (National Security Agency, *Black highlighting was classified info retrieved from archived*, "A Brave, New World," http://nsarchive.gwu.edu/NSAEBB/NSAEBB431/docs/intell_ebb_014.PDF)

This action has removed a major barrier to information sharing that had existed between the two organizations for more than 50 years. The two agencies also created a joint Counterproliferation Fusion Cell to help focus SIGINT collection and reporting on high priority proliferation targets. Located at CIA's Langley, Virginia, CIA and NSA also have established a number of joint target-development teams that meet regularly. Covering both regional and transnational issues, these teams represent a major change in the stovepipe mentality that once dominated two organizations also have begun to At NSA's request, CIA has placed senior officers from the Directorate of Intelligence and Directorate of Operations in key positions at NSA increase the number of general officers on rotation to NSA, the Agency is developing ways to incorporate rotations into career planning and is building an incentive package. NSA has established the position of National Crypto Representative at CIA to manage NSA's large number of employees on rotation at CIA University and the National CryptoLogic School have agreed to establish a joint training program that will involve developing new courses, exchanging training professionals, and opening existing classes to employees of both organizations. Entry-level orientation programs at both agencies include newly developed segments on understanding and working with each other. CIA and NSA also have established a new awards program that recognize and celebrate outstanding contributions by joint teams or individuals working on joint projects.

Executive protocols give CIA bulk surveillance authority.

CIA No Date (Central Intelligence Agency, "Policy and Procedures for CIA Signals Intelligence Activities," <https://www.cia.gov/library/reports/Policy-and-Procedures-for-CIA-Signals-Intelligence-Activities.pdf>)

General Policy: The Agency shall not collect SIGINT unless authorized to do so by statute or Executive Order, proclamation, or other Presidential directive, and such collection shall be undertaken in accordance with the Constitution and applicable statutes, Executive Orders, proclamations, Presidential directives, Agency regulatory issuances, and implementing guidance.

Collection Refining the Process for Collecting Signals Intelligence: The Agency shall participate in the United States Government (USG) policy processes for establishing SIGINT collection priorities and requirements. • PPD-28 provides that the Agency must collect bulk SIGINT in certain circumstances in order to identify new or emerging threats and other vital national security information which is often hidden within the large and complex system of modern global communications. It also recognizes the privacy and civil liberties concerns raised when bulk SIGINT is collected. PPD-28 directs the Intelligence Community (IC) to assess the feasibility of alternatives that would allow the IC to conduct targeted SIGINT collection rather than bulk SIGINT collection. Accordingly, when engaging in SIGINT collection, the Agency should conduct targeted SIGINT collection activities rather than bulk SIGINT collection activities when practicable. SIGINT collection activities should be directed against specific foreign intelligence targets or topics through the use of discriminants (e.g., specific facilities, identifiers, selection terms, etc.) when practicable.

CIA can access NSA meta data surveillance – top officials hold jurisdiction.
Matthew M. Aid 04/26/15 (Leading Expert on NSA, Intelligence Historian, Contributing columnist for several media outputs including: Associated Press, Foreign Policy Magazine, New York Times, etc. “After 9/11 Few CIA Analysts Used SIGNIT from NSA Warrantless Eavesdropping Program Because They Were Not Cleared for Access
<http://www.matthewaid.com/post/117417536506/after-9-11-few-cia-analysts-used-sigint-from-nsa>

A newly-released document from the Central Intelligence Agency’s (CIA) own internal watchdog found that the government’s controversial warrantless surveillance and bulk data collection program was so secretive that the agency was unable to make “full use” of its capabilities even several years after the September 11 attacks. Initially, only top-level CIA officials were cleared on its use, rather than rank-and-file “CIA analysts and targeting officers.” The document, a June 2009 report from the CIA Inspector General (IG) was released as part of a trove of 747 pages entitled the “Report on the President’s Surveillance Program” and was published on Friday by The New York Times as the result of victory in a Freedom of Information Act lawsuit filed against the Department of Justice. The CIA IG report, like the others, is redacted in many places, but provides some new material as to the specific history, play-by-play and internal evaluations of the program. In 2009, the government had previously published a far shorter unclassified version. STELLAR WIND, the code name for the highly-secretive President’s Surveillance Program (PSP, or “The Program”), was created in the wake of the September 11 attacks (which Ars has reported on previously). The legal justification for the PSP has changed

multiple times over the years, and today it stands under the Foreign Intelligence Surveillance Act Amendments Act (FISA AA) of 2008, which remains law.¶ The CIA IG report writes that under the PSP, there were three "sets of data" collected.¶ The first set included the content of individually targeted telephone and e-mail communications. The second set consisted of telephone dialing information—the date, time, and duration of calls; the telephone number of the caller; and the number receiving the call—collected in bulk [REDACTED]. The third data set consisted of e-mail transactional data [REDACTED] collected in bulk [REDACTED].

Link—FISA

FISC will reinterpret other portions of the patriot act to get around the plan

Bendix and Quirk 15 [William Bendix is an assistant professor of political science at Keene State College. His research focuses on Congress, legislative deliberation, and homeland security and civil liberties policies. Paul J. Quirk is the Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia and a former research associate at the Brookings Institution. His work focuses on debate and deliberation in Congress and the mass public. March 2015.

“Secrecy and negligence: How Congress lost control of domestic surveillance” Issues in Governance Studies Number 68.

<http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>

The future of NSA’s dragnet is uncertain. With the business-records provision set to expire in June, the current legal basis for the metadata program will lapse unless Congress passes another reauthorization. Partisan gridlock on the issue makes a new surveillance law doubtful, and it raises the possibility of the NSA having to restore the far more restricted pre-9/11 procedures. But legislative inaction in 2015 might not end the NSA metadata programs, **even if it ended their current statutory basis. For one thing, the FISA Court might approve bulk collection of communication records by reinterpreting one or more permanent provisions of the PATRIOT Act, much as it did earlier with the business-records provision. Alternatively, it could stretch an obscure provision in the PATRIOT Act** that appears to permit, indefinitely, new business-records orders for terrorism investigations that predate the June 1 sunset—simply **by defining those investigations in very broad terms**.⁵⁴ Supporters of the metadata program may still press for a bill that authorizes the business-records provision permanently, but they may not regard the June 2015 sunset as a critical deadline for accomplishing it.⁵⁵

Link—Personnel

Surveillance will be replaced by increasing security service personnel which has a much greater chilling effect on liberties

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate,"

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Broad surveillance of communications is the least intrusive method and most effective means for discovering terrorist activity. The alternatives to mass surveillance are straightforward. Countries can replace communications surveillance by increasing the number of security service personnel responsible for monitoring terrorism or they can decrease surveillance and accept some increase in the level of risk of a successful attack. The dilemma with choosing this course of action is that the number of agents required to replace communications surveillance is expensive and overtly intrusive in a way the communications surveillance is not. Hundreds of thousands of additional agents would be required to provide national coverage, may lack sufficient global reach to detect activity being planned or undertaken outside U.S. territory, and the creation of such a large force risks creating a much greater chilling effect on liberties

Link—Paternalism

Curtailing surveillance is tantamount to a father giving his child a “special privilege”— transparency is key to overcome executive power

Lewis 14 -- Director and Senior Fellow, Strategic Technologies Program at the Center for Strategic & International Studies (James Andrew Lewis, December 2014, “Underestimating Risk in the Surveillance Debate,” http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf), acui

No president will take the risk of ending surveillance programs, but continuing them without increasing oversight and transparency will erode public confidence and trust. Surveillance programs create serious and legitimate concerns about oversight and constitutionality that must be addressed by the Congress. **Congress needs to modify the 1970s intelligence oversight process to provide greater accountability on the size, scope, and accuracy of domestic collection programs, and increase transparency for FISA** (Foreign Intelligence Surveillance Act) decisions. **Much of what is secret could be made public in summary form without harm to national security.** The United Kingdom, for example, publishes an annual report on surveillance programs that at a minimum makes the public aware of these activities and their scope. **Our goal should be to increase accountability without an unacceptable increase in risk. Some proposed measures would do the exact opposite.** Adding a permanent advocate to the FISA Court, for example, could return the United States to pre-9/11 gridlock for counterterrorism.

Specifically circumvention on surveillance results in a gendered ordering of law and politics

Backer 8 — Pennsylvania State University (Larry Catá Backer, Spring 2008, “Gendering the President Male: Executive Authority Beyond Rule-of-Law Constitutionalism in the American Context,” *FIU Law Vol. 3 No. 2 Article 7*, p. 360 <http://ecollections.law.fiu.edu/cgi/viewcontent.cgi?article=1064&context=lawreview>), acui

And here, Mansfield is able to begin to bring the analysis around to its conclusion—that secrecy is the sort of action that is most consonant with energy, and the responsibility, properly understood, of the executive.¹³⁷ Thus, Mansfield argues, “secrecy is compatible with responsibility because, when one person is responsible, it does not matter how he arrives at his decision.”¹³⁸ By implication, secrecy might be incompatible with law (and the rule-of-law)—with stability—a telling point—but not for Mansfield. Instead, that parallelism suggests **the need for lawlessness in the executive rather than an absence of secrecy within government, considered as a whole.**¹³⁹ **Secrecy is incompatible with law, but perfectly compatible with responsibility bound up in the body of a single executive.**¹⁴⁰ This practice, Mansfield suggests, is truer to American cultural practice than a more collegial and institutionalized decision-making process subsumed under the legislation rule-of-law model.¹⁴¹ **Thus, the attempt to bring secrecy under the law is the same, for Mansfield, as bringing the President under Congress and the Courts as a mere minister of enforcement of law.** It is in this context that Mansfield would prefer surveillance and torture to be understood in the American constitutional context: **the rule-of-law cannot apply when law does not apply—in those emergencies in which a President must assert a lawless, masculine, virile, protective, singular power.**¹⁴² “You have to do what you have to do” reminds Mansfield, quoting John McCain, on the issue of torture.¹⁴³ **Surveillance reasserts a private/public distinction at the heart of gendered ordering of law and politics.**¹⁴⁴

XO 12333 proves that when it comes to surveillance, the executive branch dominates

Newland 15 -- J.D. Candidate at Yale Law School (Erica Newland, April 2015, "Executive Orders in Court," <http://www.yalelawjournal.org/note/executive-orders-in-court>), acui

Yet **a different law**—one that has long served as a linchpin of surveillance programs and that reportedly authorizes many of the NSA's most controversial activities⁴—**has largely escaped public⁵ and congressional⁶ scrutiny**. This law is not a statute but rather an executive order that dates back to 1981.⁷ **Known as E.O. 12,333** (twelve-triple-three), the surveillance executive order creates a framework for intelligence programs that target "the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons and their agents."⁸ Its sweep is extensive, and its first principles are explicit: "All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available."⁹ The relative scarcity of attention to E.O. 12,333 is all the more surprising because the Order, according to some reports, is the authority behind "most of [the] NSA's data collection."¹⁰ Despite text that imposes limitations on surveillance of U.S. persons,¹¹ press reports have suggested that significant numbers of U.S. persons are caught in the Order's web.¹² And compared to activities authorized by the Order's statutory counterparts, E.O. 12,333 programs are less likely to be briefed to the congressional intelligence committees.¹³ These programs also fall outside the jurisdiction of the Foreign Intelligence Surveillance Court (FISC).¹⁴ **While it has never been put to a congressional vote, E.O. 12,333 nonetheless has the force and effect of law:** executive orders, which can derive their power from congressional delegations of authority to the President (explicit, implicit, or anticipated),¹⁵ from the President's independent authority under Article II of the Constitution,¹⁶ or from some vague combination of the two,¹⁷ are generally **enforceable by courts against private citizens**.¹⁸ E.O. 12,333's authority purportedly derives from both constitutional and statutory sources. President Reagan captured this lineage in the opening lines of the Order, averring that it was issued "by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including the National Security Act of 1947 . . . and as President of the United States of America."¹⁹ Presidents may issue executive orders in order to plant a flag in a particular policy sphere, to reorganize the structure of the executive branch, or to provide policy leadership when Congress is stuck in the mud.²⁰ **Executive orders, like E.O. 12,333, are formidable instruments of power²¹ in large part because they are not immediately constrained by** the "finely wrought and exhaustively considered" process of **bicameralism and presentment**,²² nor are they subject to the **hoops and constraints** of the Administrative Procedure Act.²³ As Kevin Stack has written:⁴ In contrast to legislation or agency regulation, **there are almost no legally enforceable procedural requirements that the president must satisfy before issuing (or repealing) an executive order or other presidential directive.** That, no doubt, is central to their appeal to presidents. **They rid the president of the need to assemble majorities in both houses of Congress, or to wait through administrative processes, such as notice-and-comment rulemaking, to initiate policy.**²⁴

Expansion of executive powers allows the state to become an authoritarian regime in which citizens become subordinates of the paternal government – this logic also justifies war

Young 3 — Dept of Political Science at University of Chicago (Iris Marion Young, 2003, "The Logic of Masculinist Protection: Reflections on the Current Security State," p. 9-12, <http://www.signs.rutgers.edu/content/Young,%20Logic%20of%20Masculinist%20Protection.pdf>), acui

Through the logic of protection the state demotes members of a democracy to dependants. **State officials adopt the stance of masculine protector, telling us to entrust our lives to them,** not to question their decisions about **what will keep us safe.** Their protector position puts the citizens and residents who depend on state officials' strength and vigilance in the

position of women and children under the charge of the male protector (cf. Berlant 1997). Most regimes that suspend certain rights and legal procedures declare a state of emergency. They claim that special measures of unity and obedience are required in order to ensure protection from unusual danger. Because they take the risks and organize the agency of the state, it is their prerogative to determine the objectives of protective action and their means. In a security state there is no room for separate and shared powers, nor for questioning and criticizing the protector's decisions and orders. Good citizenship in a security regime consists of cooperative obedience for the sake of the safety of all. The authoritarian security paradigm, I have argued, takes a form analogous to that of the masculine protector toward his wife and the other members of his patriarchal household. In this structure, I have suggested, masculine superiority flows not from acts of repressive domination but from the willingness to risk and sacrifice for the sake of the others (Elshtain 1987, 1992). For her part, the subordinate female in this structure neither resents nor resists the man's dominance, but rather she admires it and is grateful for its promise of protection. ¶ Patriotism has an analogous emotive function in the constitution of the security state. Under threat from outside, all of us, authorities and citizens, imagine ourselves a single body enclosed on and loving itself. We affirm our oneness with our fellow citizens and together affirm our single will behind the will of the leaders who have vowed to protect us. It is not merely that dissent is dangerous; worse yet, it is ungrateful. Subordinate citizenship does not merely acquiesce to limitations on freedom in exchange for a promise of security; the consent is active, as solidarity with the others uniting behind and in grateful love of country. ¶ The United States as a security state A security state is what every state would have to be if Hobbes were right that human relations are always on the verge of disorder and violence, if only an authoritarian government that brooks no division of power or dissent can keep the peace, and if maintaining peace and security is unambiguously the highest value. Democratic theory and practice, however, question each of these Hobbesian assumptions. Democrats agree that a major purpose of government is to keep peace and promote public safety, but we deny that unquestioning obedience to a unified sovereign is the only means to achieve this, and we question whether values of freedom and autonomy must be traded against the value of security. In a nonideal world of would-be aggressors and states having imperfect procedural justice, transparency, accountability, and lax rights enforcement, every state exhibits features of a security state to some extent. It seems to me, however, that, in recent months, the United States has slipped too far down the authoritarian continuum. The logic of masculinist protection, I suggest, provides a framework for understanding how government leaders who expand arbitrary power and restrict democratic freedom believe that they are doing the right thing and why citizens accept their actions. It also helps explain this state's righteous rationale for aggressive war. ¶ A marauding gang of outsiders attacked buildings in New York and Washington with living bombs, killing thousands in barely an instant and terrifying large numbers of people in the country. Our government responded with a security alert, at home and abroad. Many were frightened, and the heads of state stepped up to offer us protection. Less than a week after the attacks, the Bush administration announced the creation of an Office of Homeland Security to centralize its protection efforts. "Our nation has been put on notice: We are not immune from attack. We will take defensive measures against terrorism to protect Americans" (George W. Bush speech, September 14, 2001 [quoted in Roth 2001]). ¶ The events of September 11, 2001, are certainly a turning point for U.S. politics, for the relation of the government to its citizens and to the rest of the world. Americans learned that "oceans no longer matter when it comes to making us safe" (Bush 2002a), that we are just as vulnerable as persons elsewhere who have long lived with the awareness that some people have the motive and means to kill and wound randomly. More than a year later, it appears that little has changed, either in the fear that some Americans say they have of another attack or in the material ability of law enforcement to predict or prevent one (Firestone 2002). Much has changed in the letter and application of the law in the United States, however, and in the environment of democracy. The Bush administration has repeatedly appealed to the primacy of its role as protector of innocent citizens and liberator of women and children to justify consolidating and centralizing executive power at home and dominative war abroad. ¶ It is arguable that, before September 11, airports and other public places in the United States were too lax in their security screening protocol. I welcome more thorough security procedures; this essay is not an argument against public officials taking measures to try to keep people safe. The key questions are how much power should officials have, how much freedom should citizens have, how fair are the procedures, how well do they follow due process, and how easily can citizens review official policies and actions to hold them accountable. With respect to these questions, there have been very large and damaging changes in the United States since fall 2001, although a direction toward some of them had been enacted by legislation and judicial action in the years before. ¶ The U.S. security state has expanded the prerogative of the executive and eroded the power of the legislative and judicial branches to review executive decisions or to be independent sources of decision making. In the week after the September 11 attacks, for example, Congress passed a resolution effectively waiving its constitutionally mandated power to deliberate and decide on whether the state shall go to war. Months later, again with virtually no debate, Congress approved the largest increase in the military budget in twenty years. Since the war on terrorism has no declared ending, the executive may have been granted permanent legal discretion to do what it wants with U.S. military personnel and equipment, at current taxpayer expense of nearly \$400 billion per year. ¶ Drafted quickly and passed with almost no debate, the USA PATRIOT Act, signed on October 26, 2001, severely reduces the power of courts to review and limit executive actions to keep organizations under surveillance, limit their activities, and search and seize or detain individuals. Under its provisions, individuals and organizations have had their records investigated, their assets seized, and their activities and correspondence monitored. Citizen access to government files and records that took so much struggle to achieve in the 1970s has been severely reduced, with no fanfare and thus no protest (Rosen 2002). Thousands of people have been detained, interrogated, or jailed at the discretion of law enforcement or immigration officials, and hundreds remain in jails without being charged with any crime. Few are allowed access to lawyers. Many

foreign residents have been deported or threatened with deportation, sometimes without time to arrange their lives. Laws with similar purposes have been passed in other supposedly liberal democratic states, such as the United Kingdom and Australia.¶ The U.S. executive branch has taken other steps to enlarge and centralize its power and to put itself above the law. In November 2002, Congress approved the creation of the Department of Homeland Security, which merges twenty-two existing federal agencies. The Bush administration has flouted principles of a rule of law at the international level by holding captured citizens of many countries prisoner and declaring its prerogative to bring any or all of them before secret tribunals.¶ These and other legal and policy changes have far-reaching implications. The most ordinary and fundamental expectations of due process are undermined when search and surveillance do not require court approval, when persons can be jailed without charge, and when there is no regularity or predictability to the process that a person in custody will undergo. The basic American principle of the separation of power has been suspended, with no reversal in sight. Legislatures and judiciaries at federal and more local levels have been stripped of some formal powers and decline to use much of what they have left to question, criticize, or block executive action. Most citizens apparently register approval for the increased policing and war-making powers, and the ability of those who do not to organize, criticize publicly, and protest in public streets and squares has been seriously curtailed, not only by fear of peer and employer disapproval but also directly by official repression and intimidation.

This justifies all forms of violence in the name of security

Denike 8 -- former professor and program coordinator in Gender Studies and of International Human Rights (Margaret Denike, Spring 2008, "The Human Rights of Others: Sovereignty, Legitimacy, and "Just Causes" for the "War on Terror," p. 97-8, <http://muse.jhu.edu/journals/hypatia/v023/23.2.denike.pdf>), acui

Stories of progress and promises of a finer future for "humanity" are endemic to the discourse of human rights. Such promise has resonated throughout the centuries, since the teleological trappings of natural law theory first spoke of the sacred nature of "man," the prospects of fully realizing his potential as the "image and glory of God," and the responsibilities that are his due, by virtue of being so divinely, rationally endowed. These narratives have always guarded the regulatory concept and category of "man," taking pains—as did Aristotle, Augustine, Aquinas, and the international legal theorists that have since drawn on their metaphysics and theology—to restrict "man" to men, and for Aquinas, to Christian men, and to exclude women and others (slaves, barbarians, heretics, and so on) that were presumed to be lacking in the capacity that is most divine" in us and that endows us with dignity: reason. These narratives also instantiate notions of "right authority," "right reason," and "just cause" for presumably peace-loving Christians to go to war and to kill or enslave one's enemies without falling from God's grace⁶ —notions that are often metaphorized through gendered tropes: "For good order would have been wanting in the human family," Aquinas clarified, "if some were not governed by others who were wiser than themselves. So by such a kind of subjection woman is naturally subject to man, because in man the discretion of reason predominates. Nor is inequality among men excluded by the state of innocence, as we shall prove" (1997, I. Q.92, Art.1). For Aquinas, as for Aristotle, the promise and glory of man is the divine telos that imbues his momentous existence; it is what, in exercising his highest capacities, moves him from the base sensual desires and materiality that women embody and represent, and brings him closer to his first cause, his creator—and to the happiness promised of a heavenly afterlife. Engendered through these tropes, what makes man sacred is that, as the image and promise of divinity, he is not woman, not animal, not the slave that God's good order finds wanting to be governed, tamed, and contained. The glory and promise of man turned then, as it often still does, on exercising his godly capacities for the good of all, distinguishing himself from the lesser creatures that lack them, the creatures properly ruled by him.¶ The talk of progress and promise that reverberates in international human rights discourse imports such time-honored distinctions of the sacredness and legitimacy of at least some sectors of humanity, the differentiation among which is facilitated by both the real and symbolic glorification of "man," which at once instantiates and produces the subjugation of the others against which his dignity is defined. The implicit hierarchization of "humanity" also imbues contemporary international humanitarian law and just war doctrine, which, in the rhetoric fueling the "war on terror" hardly conceals the Christian paternalist undertones to the matter, much less to its spirited crusades, in rationalizing and legitimizing sexual and racial differentiation and colonization in the salvational name of security and freedom.

Obama uses “the American people” as a guise for usurpation of power

The Heritage Foundation No Date (“How Is President Obama Abusing Presidential Power?,” <https://www.askheritage.org/how-is-president-obama-abusing-presidential-power/>), acui

Standing behind a podium on a stage just outside Cleveland, President Barack Obama delivered a speech yesterday that will reverberate throughout history. No, its lasting impact will not come because of its soaring rhetoric. Instead, it will make its mark because it was at that moment on a Wednesday afternoon in Ohio that the President announced his plans to act in total and utter disregard of the U.S. Constitution with his illegal appointment of Richard Cordray to serve as director of the Consumer Financial Protection Bureau (CFPB). It’s an astonishingly reckless exercise of executive authority that Heritage’s Todd Gaziano described as a “tyrannical abuse of power.” Never before in the 100-plus years of precedent on the recess appointment power has a President taken such an action while the Senate was still in session. Yet notwithstanding that fact, President Obama yesterday decided that he would be the first. Here’s why the President finds himself so far outside of constitutional bounds. Under Article II, section 2, clause 2 of the Constitution, the President has the power to fill vacancies that may happen during Senate recesses, as Gaziano writes. In this case, President Obama was seeking to fill the vacancy in the CFPB, a new agency that has come under significant criticism given its unparalleled powers to issue expansive regulations with virtually no accountability. Republicans in the Senate, to date, have refused to confirm the President’s nominees to head up the CFPB, vowing to block Senate approval until reforms are made to the agency. So President Obama has decided to act without their approval by attempting to make a recess appointment. The trouble is that Congress is not in a recess because the House of Representatives never consented, as required under the Constitution, Article I, section 5. That means that the President simply does not have the power to make this appointment. Gaziano explains the implications of the President’s actions: [The recess appointment] power has been interpreted by scores of attorneys general and their designees in the Department of Justice Office of Legal Counsel for over 100 years to require an official, legal Senate recess of at least 10-25 days of duration. (There are a few outlier opinions, never sanctioned by the courts, that suggest a recess of six to seven days might be enough—but never less than that.) The President’s purported recess appointment of Cordray would render the Senate’s advice and consent role to normal appointments almost meaningless. It is a grave constitutional wrong that Senator Mitch McConnell (R-KY) has already denounced. But it fits a pattern of extra-constitutional abuse by the White House that seems more interested in energizing a liberal base than safeguarding the office of the presidency. Why take such action? The President says it’s because he can’t wait for Congress to act on behalf of the American people. The truth is that the President is hell bent on ramming through his agenda, and he is entirely unwilling to compromise with the duly elected representatives who sit in the House and Senate. By circumventing the Senate and appointing Cordray, the President can ensure that his big-government regulatory agenda is enacted without the reforms that Congress is demanding. Unfortunately, the Cordray appointment is not the only example of the President’s wanton, unilateral actions. Apart from Cordray, the President also plans to make three appointments to the National Labor Relations Board without Senate approval, which will fundamentally alter the makeup of the board and enable the President to realize his Big Labor agenda. That means an unrestrained push to unionize businesses at all costs and punish companies that seek to grow in non-union states (as was attempted in the Boeing case) — even if it means harming both workers and the economy. And in the case of environmental regulations, immigration law, No Child Left Behind, the auto bailout, the selective enforcement of voting rights laws, and the regulation of the Internet (among others), the Obama Administration has in fact enacted its agenda via legislative fiat time and time again. In an interview last month with 60 Minutes, the President gave warning of his intentions to preside over an imperial presidency for the next year. “What I’m not gonna do is wait for Congress,” he said. “So wherever we have an opportunity and I have the executive authority to go ahead and get some things done, we’re just gonna go ahead and do ‘em.” The President now, though, seems to have made a significant course correction. With these latest illegal, unconstitutional appointments, the President has jumped at an opportunity to act regardless of the fact that he has no executive authority to do it. And under his feet is a

trampled Constitution and 100 years of precedent for which he has no use. It's time for Congress and the American people to take a stand against President Obama's abuse of power.

Emphasis on masculinity suppresses those categorized as “feminine” – implicates all who are not considered sufficiently “masculine”

Cannen 13 -- Bachelor of Arts Communication Social Inquiry/Bachelor of Arts International Studies (First Class Honours) (Emma Cannen, 2013, “US and Venezuelan Presidential Masculinities in the First Decade of the ‘War on Terror’,” p. 33-34, <https://opus.lib.uts.edu.au/research/bitstream/handle/10453/24085/02whole.pdf?sequence=2>), acui

Theoretically, I do not view presidential masculinities as synonymous with hegemonic masculinities but they are related. Presidential masculinities are not automatic contenders for hegemonic masculinity just because of the institutional or even hegemonic power they hold. As Eichler notes, ‘association with hegemonic notions of masculinity often brings social and political advantages. Thus an examination of how notions of militarised masculinity achieve or lose hegemony is important for understanding gendered social and political power’ (2012, p. 8). This thesis uses a focus on presidential masculinities to investigate the gendered social and political power operating in US-Venezuelan relations in the first decade of the ‘WOT’. I am also interested in investigating how US presidential masculinities have been renegotiated throughout the ‘WOT’. After 9/11 the US presidency was further militarised, in a very conventional way under Bush and now, as I elucidate throughout the thesis, in an avant-garde fashion under Obama.¶ While I am proposing the concept of presidential masculinities, it is important to note that to date feminists have thoroughly researched the militarisation and masculinisation of political offices, particularly in the USA. For example in the late 1990s Shawn and Trevor Parry Giles identified a link between hegemonic masculinity, the military and the presidency, asserting that ‘the military and specifically combat (as only recently and partially opened to women) is central to the hegemonic masculinity that symbolically defines the American male and is of great importance for the cultural image of a successful presidential candidate’ (1996, p. 344). Similarly, as Eichler asserts, Enloe in her early writings urged feminists ‘to inquire into how much of the appearance of manliness that leaders seek is achieved through association with the military or war’ (2012, p. 36). Moreover, Enloe has demonstrated how the militarisation of the US presidency ‘is a profoundly gendered distortion that shrinks the meaning of governance and gives a presidential officeholder and “his” strategists a constant incentive to feature military solutions above more subtle, prolonged, complex sorts of solutions’ (2004, p. 154).¶ The militarisation of political offices and leaders also facilitates the effective use of feminisation and hypermasculinisation as strategies in electoral politics and campaigning. As Anna Fahey’s analysis of the feminisation of John Kerry in the 2004 US presidential campaign revealed, ‘the way to the White House, or any office or position of power, for women, gay men, or anyone characterised as inadequately masculine in behavior or political stance is impeded by the hegemonic masculinity deeply embedded in language and American cultural understandings, including those of national identity and the American place in a world gender order’ (2007, p. 146). John Landreau (2011) has concurred with this analysis, demonstrating how both Bush and Obama’s national security rhetoric and policy are oriented by the same logic of US masculinity and myth of American Exceptionalism that have long propelled US militarism. Nonetheless with the exception of Landreau, none of these scholars have framed their discussion as an analysis of presidential masculinities. Landreau does not define the concept but uses it as a descriptive category in passing. My research aims to build on this literature to further elucidate the gendered mechanics behind the militarisation and masculinisation of political offices, as well as the militarism and militarisation in and of the USA and Venezuela more broadly.

The assertion of masculine executive authority necessarily trades off with feminine negotiations

Link—Private Sector

NSA and GCHQ will outsource to third party vendors- cyber skills gap spread from private sector

Stevenson 13 (Alastair Stevenson has worked as a reporter covering security and mobile issues at V3 since March 2012/9/24/13, "GCHQ and NSA outsourcing cyber security tasks to third-party vendors", V3.co.uk, <http://m.v3.co.uk/v3-uk/news/2296504/gchq-and-nsa-outsourcing-cyber-security-tasks-to-third-party-vendors>, 7/13/15, ACC)

Government agencies such as GCHQ and NSA are outsourcing their requirements to private security firms to boost their cyber capabilities, according to F-Secure. F-Secure chief research officer Mikko Hypponen (pictured left) reported uncovering evidence that the NSA's Tailored Access Operations (TAO) unit and GCHQ are outsourcing missions to third-party security companies. "One thing I've been doing for the past two years is finding where they get their expertise from. Do they recruit in house and train? Do they go to universities?" he said. "I found these job posts listing experience with 'the Forte Meade customer' as a necessary skill. The Forte Meade customer is the NSA." Hypponen confirmed to V3 that he has seen similar job posts for roles with the UK GCHQ and several other government intelligence agencies. He added that the trend is unsurprising and is simply a sign that agencies are suffering the same effects of the ongoing cyber skills gap as private industry. "It's no wonder they're outsourcing, because they can't build or find the skills inside. If you want to have a good cyber offensive capability you need a new arsenal of exploits. You need a fresh supply of weaponised exploits, which builds a demand in the market," he said. A lack of skilled cyber security professionals is an ongoing concern within Europe. Within the UK the government has listed plugging the gap as a key goal of its ongoing Cyber Strategy. As part of the strategy, the government has launched several education-focused initiatives designed to increase the number of young people training to enter the information security industry. Initiatives have included the creation of new higher education centres, apprenticeship schemes and open challenges. Most recently the UK GCHQ has launched a Can You Find It challenge to help find and recruit the next generation of cyber security code experts. Hypponen said the outsourcing is troubling as it sheds further doubt on intelligence agencies' ethics, which have come into question since the PRISM scandal. The PRISM scandal broke when whistleblower Edward Snowden leaked confidential documents proving the NSA was gathering vast amounts of web user data from tech companies such as Google, Facebook, Microsoft and Apple.

The executive branch will privatize surveillance functions to escape curtailment by statute or litigation

Jon D. **Michaels 8**, Acting Professor, UCLA School of Law, August 2008, "ARTICLE: All the President's Spies: Private-Public Intelligence Partnerships in the War on Terror," California Law Review, 96 Calif. L. Rev. 901

The "War on Terror" has dramatically increased the nation's need for intelligence, and the federal government is increasingly relying, as it does in so many other contexts, on private actors to deliver

that information. While private-public collaboration in intelligence gathering is not new, what is novel today - and what drives this inquiry - is that some of these collaborations are orchestrated around handshakes rather than legal formalities, such as search warrants, and may be arranged this way to evade oversight and, at times, to defy the law.ⁿ¹ Unable to target or repel terrorists using conventional military tactics and munitions alone, the United States is acutely aware that today's pivotal battlefield is an informational one. Teams of U.S. intelligence agents, acting as eavesdroppers, infiltrators, interrogators, and data-miners, must race against the clock to anticipate terrorists' actions, frustrate their missions, and dismantle their infrastructure. ⁿ¹ Because the U.S. government does not know the who, ^[*902] what, where, and when of the next terrorist strike, but recognizes that the plot might be hatched on domestic soil, its first step must be to cast a wide net to gather all sorts of data points, ⁿ² any one of which might be the clue that leads intelligence agents to prevent another September 11-like catastrophe. ⁿ³ In this regard, there is no better ally than the private sector. Its comparative advantage over the government in acquiring vast amounts of potentially useful data is a function both of industry's unparalleled access to the American public's intimate affairs - access given by all those who rely on businesses to facilitate their personal, social, and economic transactions - and of regulatory asymmetries insofar as private organizations can at times obtain and share information more easily and under fewer legal restrictions than the government can when it collects similar information on its own. ⁿ⁴ ^[*903] Seeking to bridge the private sector's data-gathering capabilities and the nation's need for homeland security is an Executive with a voracious appetite for intelligence and correspondingly little patience for anything that might interfere with its efforts to neutralize the terrorist threat. The Executive is institutionally predisposed to act decisively and unilaterally during times of national crisis, even if it means bypassing legal restrictions, skirting congressional and judicial oversight, and encroaching on civil liberties. ⁿ⁵ As Justice Souter remarked in *Hamdi v. Rumsfeld*: ⁿ¹ deciding ... on what is a reasonable degree of guaranteed liberty whether in peace or war (or some condition in between) is not well entrusted to the Executive Branch of Government, whose particular responsibility is to maintain security. For reasons of inescapable human nature, the branch of the Government asked to counter a serious threat is not the branch on which to rest the Nation's entire reliance in striking the balance between the will to win and the cost in liberty on the way to victory; the responsibility for security will naturally amplify the claim that security legitimately raises. ⁿ⁶ Unilateral executive policymaking of this sort has figured prominently in post-September 11 national-security policies and is reflected in the United States' approach to military detainees, interrogation tactics, battlefield contractors, and, of course, intelligence operations. ⁿ⁷ ^[*904] Although the Bush Administration's intelligence policy has garnered no shortage of interest and criticism, much of the focus has been on what seems to be the Administration's own willingness to defy applicable law, and not on the particular role that corporations play in facilitating these operations. ⁿ⁸ To date, the Executive's apparent practice of identifying and then courting private actors, persuading, coaxing, and sometimes deceiving them to enter into "informal" intelligence-gathering partnerships that often are inscrutable to Congress and the courts, has gone largely unexamined by policymakers and scholars alike. These "handshake agreements" ⁿ⁹ which spawned the now-notorious National Security Agency (NSA) warrantless eavesdropping and call-data programs, as well as a range of lesser-known collaborations with the likes of FedEx and Western Union, have enabled the Executive to operate outside of the congressionally imposed framework of court orders and subpoenas, and also outside of the ambit of inter-branch oversight. In the process, these informal collaborations may unduly threaten privacy rights, separation of powers, the rule of law, and the legitimacy and vitality of bypassed government institutions. In addition, these private-public partnerships may undermine the integrity of the marketplace and weaken consumer trust in key industries.ⁿ¹⁰ Transcending these particular concerns are questions of national security accountability ⁿ¹⁰ - how "privatization," in the guise of informal intelligence agreements with corporations, can help the Executive direct broad swaths of intelligence policy without having to seek ex ante authorization or submit to meaningful oversight. This evasion leaves Congress and the courts ill-equipped to weigh in on important policy considerations regarding the proper scope and calibration of counterterrorism and homeland security operations, not to mention ill-equipped to intervene to remedy individual instances or patterns of injustice. Whether intentional or not, working around the legislative and judicial branches through shadowy collaborations is especially troubling given that many of today's surveillance programs rely on brand-new technologies and cut more broadly and deeply into the domestic fabric than ever before. Thus, ^[*905] the need for careful consideration by the full range of government actors, especially those further removed from the immediate responsibility of hunting terrorists, is particularly acute. Greater scrutiny is essential both to ensure fidelity to existing laws and to determine

whether new, informal surveillance and data-mining practices operating in the interstices of the extant legal framework warrant legislative or administrative responses to fill in those regulatory gaps. In other words, with respect to initiatives that are not currently regulated (and not readily observable), these lawmakers, regulators, and judges need accurate information to determine whether, normatively speaking, the unregulated terrain is in fact underregulated. n11

NSA hiring non-governmental hackers to cope with cyber skills gap
Ungerleider 12 (Neal Ungerleider, reporter for Fast Company covering the intersection of future technology and everyday life, 9/12/12, "THE NSA WANTS HACKERS, AND IT WANTS THEM ON ITS SIDE", <http://www.fastcompany.com/3000879/nsa-wants-hackers-and-it-wants-them-its-side>, 7/13/15, ACC)

Hey, hackers: The NSA is out to get you. If you're an American who can code malware to infiltrate a network, or snoop on SMS messages, or stop a distributed denial-of-service attack in your sleep, you're a person of interest. Age is of little consequence. Location likewise. The NSA's mission is simple: It's trying to identify formidable hackers. But not to arrest them. To recruit them. Despite all of the United States' spending on defense, many experts say the country is still in a vulnerable position—to cyberattacks. According to General Keith Alexander of U.S. Cyber Command, a division of the Department of Defense, attacks on U.S. computer networks increased seventeen-fold between 2009 and 2011. To counter that threat, the U.S. is seeking cybersecurity experts with the chops to neutralize would-be online invaders. But rather than wait for hackers to reach out via LinkedIn, the NSA is being proactive: This fall, four universities—Dakota State, Northeastern, the Naval Postgraduate School (NPS), and Tulsa—are launching NSA-designated cyber-operations curricula intended to fast-track students into security jobs. The goal is to create a pipeline of government-vetted talent and with it, a robust line of virtual national defense. There's no questioning, or avoiding, the growing danger posed by hackers. In 2012 alone, hackers have stolen hundreds of thousands of credit-card numbers from American banks. In all, estimates put the cost of cybercrime to businesses and government agencies at more than \$100 billion annually—and that sum isn't likely to shrink in the coming years. "We can do things to make it more costly to hack into our systems... but [security experts] didn't say we can stop them," Senator Rob Portman (R-Ohio) told the Emerging Threats and Capabilities Subcommittee in March 2012. Explains Cynthia Irvine, chair of the Cyber Academic Group at the NPS, "There is a mission-critical need for cyberwarriors." Starting in the 2012-13 school year, Irvine and her counterparts at the other universities will have the chance to train those soldiers. The pilot schools were selected from a pool of applicants based on their existing cyber-operations course offerings, which were then expanded to meet NSA requirements. "We've had these programs for years," says Sujeet Shenoj, a professor of computer science at Tulsa, "but this is the first time a government agency has formalized it." Though credit and degree requirements for the NSA-designated programs vary from school to school, standard courses include such crowd-pleasers as malware analysis, cloud security, and electronic eavesdropping alongside core subjects like cryptography, network infrastructure, and programming. Beyond that, the schools do as they please. At Tulsa, students in Shenoj's "cyberinja" curriculum will be trained to dumpster-dive for evidence, reconstruct destroyed phones, and develop a Stuxnet-type worm. NPS students, meanwhile, participate in simulated war games played over 11 weeks.

FBI hiring hackers – no governmental experience required

Cook 14 (James Cook, European Technology Reporter working from London, a Contributing Editor at The Daily Dot, and the Deputy Editor of The Kernel.12/31/14, “The FBI Is Hiring Hackers”, <http://www.businessinsider.com/fbi-cyber-special-agents-2014-12>, 7/13/15, ACC)

The FBI has launched a new campaign to hire a group of tech experts to join the agency and become "cyber special agents." An official FBI news story has been posted to describe the kind of role it's hiring for. The agency says that it's looking for people with experience in computer programming, malware analysis, and even ethical hacking. An ethical hacker is someone hired by the owner of a computer system to try and break into it in order to test its security. Now, the FBI is looking to hire people with hacking skills to become cyber special agents. A list of preferred degrees and work experience posted by the FBI reveals that the agency is looking for people with experience working with Apple and Microsoft systems. But having a knowledge of computer programming isn't enough to become an FBI in-house cyber expert. Applicants need to be over 23 but no older than 37, and they'll have to pass the agency's background check and fitness test.

Private Companies developing new surveillance methods now – cities adopting undetectable spy blimp

Street 7/6 (Jon Street, writer for the Blaze, internet news source, 7/7/15, “More Cities Looking to New Surveillance System of ‘Orwellian Proportions’ That Uses an Overhead Blimp to Take Pictures Every Second”, <http://www.theblaze.com/stories/2015/07/07/more-cities-looking-to-new-surveillance-system-of-orwellian-proportions-that-uses-an-overhead-blimp-to-take-pictures-every-second/>, 7/13/15, ACC)

A new type of surveillance system of “Orwellian proportions” being developed by a private U.S. firm could be coming to a city or town near you. Persistent Surveillance Systems is designed to record what happens across entire cities and towns in order to monitor for any criminal activity that might be going on. But unlike many surveillance systems with cameras you can see monitoring the activities that happen where you are, this one isn’t visible to the naked eye, according to news.com.au. That’s because the system uses a blimp that circles the city more than a half-mile overhead and takes a picture of the entire area, not just every hour or even every minute, but every second. The image is then sent to a control center on the ground where the real-time information is kept in a Google Maps-style imagery feature. The equipment stores pictures of everything that happens within a 40-mile radius. That way, whenever authorities are looking for a suspect involved in a crime, all they have to do is pull up the location of where they believe the crime occurred and identify the person or persons who were there. So far, PSS has only been used in a few cities, but firm founder Ross McNutt hopes that will change. “We developed the system quickly to get an initial capability [within] about 18 months. We have since spent the last eight years perfecting it, lowering the cost and increasing the effectiveness,” McNutt said. He said the idea came about in 2004 response to an increasingly violent and deadly situation on the ground for American soldiers during the Iraq War. McNutt was teaching at the Airforce Institute of Technology at the time. “The [improvised explosive devices] were killing

many of our troops and our commander asked that we see what we could do to help,” McNutt said. “We developed an idea that would allow us to track bombers back to the place they came from so we could then address the source of the bombs.” The U.S. military found the equipment so helpful that it spent more than \$1 billion while trying to enhance it. Now, it isn’t just the Pentagon that’s eyeing KPPS — so are law enforcement agencies. Baltimore, Philadelphia, Moscow and London are among the major cities reportedly considering the technology. The company also has about \$133 million worth of proposals from other potential clients.

AT: Obama Stops Exec Circumvention

Obama's a weak president- even if he doesn't circumvent directly he'll back up the NSA's illegal activities

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Michael J., "Torturing the Rule of Law", <http://nationalinterest.org/files/digital-edition/%5Buser-last-login-raw%5D/134%20Digital%20Edition.pdf>, EC

President **Obama** thus **said more than he intended when he stated**, referring only to torture, that **"we did some things that were contrary to our values."** As Senator John McCain said, in some ways the spying incident was "worse than criminal." **Had Obama acted consistently with American values**—had the system worked—**the president would have dismissed Brennan** the moment his mistruth became evident. The Justice Department would immediately have initiated an investigation to determine whether cia officials had violated the law by spying on the committee. **The committee leadership would have subpoenaed Brennan at once and called him to testify, under oath, about what he knew and when he knew it. Congress would have been incentivized to do so by an outraged public,** informed and galvanized by a record of judicial opinions from cases in which the courts had heard public testimony about the duplicity, kidnapping and brutality that every knowledgeable observer knew had stained American counterterrorism policy. But the system did not work. **Instead, Obama, more president than decider, sat mutely for months while Clapper's earlier dishonesty festered, even though Obama knew, or should have known, that the intelligence chief's testimony was false.** Obama's silence signaled that official misstatement of the facts would now go unpunished, a premise that Brennan readily embraced. Indeed, the Justice Department, ever solicitous of maintaining friendships in Langley and Fort Meade, promptly dismissed Feinstein's request for a criminal investigation of the cia's breach of trust, with the result that **whether the cia broke the law remained a matter of conjecture.** The committee, thitherto led by cheerleaders for the cia and the nsa, itself did nothing to fill the void. It had failed earlier to learn that **the cia ran secret prisons, waterboarded prisoners, made videotapes of the waterboarding or—after it found out—destroyed the videotapes.** It had failed to learn how the administration used the phone records of American citizens that the nsa collected, or that Angela Merkel's cell phone was being tapped—and a host of other embarrassments (many publicly revealed by Edward Snowden) that a competent oversight committee would have caught. The committee's leadership had little to gain by focusing further public scrutiny on its own omissions and indifference to Clapper's and Brennan's deceit. Even some defenders of nsa surveillance

acknowledged that the oversight committees could not be trusted. “Clearly, they’ve been co-opted,” said McCain. “There’s no doubt about that.” The courts joined the committee in behaving as an annex of the military/intelligence community. The rubberstamp record of the Foreign Intelligence Surveillance Court—the closest thing the nation has to a national-security court—in approving warrant requests has made it the butt of jokes. But its lamentable history is not unique. At the time of Clapper’s statement, it was well nigh impossible to find a single case in which anyone claiming to have suffered even the gravest injury as the result of the U.S. government’s counterterrorism policies had recovered a dime in damages. In fact, it is still hard to find any case in which any plaintiff has even been allowed to litigate any counterterrorism claim on the merits. Challenges have been regularly dismissed before any plaintiff has had a chance to describe what happened either before the courts or, often more important, the court of public opinion. The system’s failure, then, has been far more than a failure of the truth-finding process, or even a failure to prevent torture; its failure has been nothing less than a collapse of the equilibrium of power, the balance expected to result from ambition set against ambition, the resistance to encroachment that was supposed to keep the three branches of the federal government in a state of equilibrium and to protect the people from the government. How could this have happened?

Obama has no power over the NSA- prefer our evidence because it’s based on centuries of empirical qualitative analysis

Glennon ’14, professor of international law at Tufts University’s Fletcher School of Law and Diplomacy, Legal Counsel to the Senate Foreign Relations Committee (1977-1980), Fulbright Distinguished Professor of International and Constitutional Law, Vytautas Magnus University School of Law, Kaunas, Lithuania (1998); a Fellow at the Woodrow Wilson International Center for Scholars in Washington D.C. (2001-2002); Thomas Hawkins Johnson Visiting Scholar at the United States Military Academy, West Point (2005); Director of Studies at the Hague Academy of International Law (2006); and professeur invité at the University of Paris II (Panthéon-Assas) from 2006 to 2012., consultant to congressional committees, the U.S. State Department, and the International Atomic Energy Agency, member of the American Law Institute, the Council on Foreign Relations, and the Board of Editors of the American Journal of International Law

Michael J., “Torturing the Rule of Law”, <http://nationalinterest.org/files/digital-edition/%5Buser-last-login-raw%5D/134%20Digital%20Edition.pdf>, EC

As it did in the early days of Britain’s monarchy, power in the United States lay initially in one set of institutions—the presidency, Congress and the courts. These are America’s “dignified” institutions. Later, however, a second institution emerged to safeguard the nation’s security. This, America’s “efficient” institution (actually, more a network than an institution), consists of the several hundred executive officials who sit atop the military, intelligence, diplomatic and law-enforcement departments and agencies, that have as their mission the protection of America’s security. Large segments of the public continue to believe that America’s constitutionally established, dignified institutions are the locus of governmental power. That belief allows both sets of institutions to maintain public support and legitimacy. Enough exceptions exist to sustain that illusion. But when it comes to defining and protecting national security, the public’s impression is mistaken. America’s efficient institution makes most of the

key decisions concerning national security, removed from public view and from the electoral and constitutional restrictions that check America's dignified institutions. The United States has, in short, moved beyond a mere imperial presidency to a bifurcated system—a structure of double government—in which even the president now exercises little substantive control over the general direction of U.S. national-security policy. Whereas Britain's dual institutions evolved toward a concealed republic, America's have evolved in the opposite direction, toward greater centralization, less accountability and emergent autocracy.

AT: Congress Solves Circumvention

Current political environment means they won't ensure compliance

Bendix and Quirk 15 [William Bendix is an assistant professor of political science at Keene State College. His research focuses on Congress, legislative deliberation, and homeland security and civil liberties policies. Paul J. Quirk is the Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia and a former research associate at the Brookings Institution. His work focuses on debate and deliberation in Congress and the mass public. March 2015.

"Secrecy and negligence: How Congress lost control of domestic surveillance" Issues in Governance Studies Number 68.

<http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congress-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>]

The fragility of congressional concern for privacy was apparent. Critics of the Senate's USA FREEDOM bill made one overriding argument—that weakening surveillance programs now would enable terrorists, especially ISIS, to successfully attack the United States. During floor debate, Senator Marco Rubio (R-Fla.) warned that a "gutted" surveillance program could lead to "a horrifying result."⁵² And Senator Susan Collins (R-Maine) asked, "Why would we weaken the ability of our intelligence community at a time when the threats against this country have never been greater?"⁵³ These critics offered no evidence of the investigative value of the phone dragnet, and simply omitted mentioning considerations of privacy. These debating points demonstrate the rhetorical advantage of concern for security, over that for privacy, in surveillance policy: the dangers of terrorist attacks are obvious and salient; those of intrusive surveillance are speculative and invisible. In the current environment, not only do many members simply accept the executive and FISA Court nullification of the statutory limits on businessrecords seizures, they reject all legislative constraints on the collection, storage, and use of phone metadata.

AT: Rule of Law Solves

They assume respect for the rule of law—doesn't apply to the NSA and FISC deference allows circumvention to the most restrictive legislation

Granick 13 [Jennifer Granick

Director of Civil Liberties, Stanford Center for Internet and Society. 12/16/13, "NSA's Creative Interpretations Of Law Subvert Congress And The Rule Of Law"

<http://www.forbes.com/sites/jennifergranick/2013/12/16/a-common-law-coup-detat-how-nsas-creative-interpretations-of-law-subvert-the-rule-of-law///jweideman>]

Cole noted the reform legislation wouldn't necessarily inhibit the NSA's surveillance capabilities because "it's going to depend on how the court interprets any number of the provisions that are in [the legislation]." Comments like this betray a serious problem inside the Executive Branch. The Administration and the intelligence community believe they can do whatever they want, regardless of the laws Congress passes, so long they can convince one of the judges appointed to the secretive Foreign Intelligence Surveillance Court (FISC) to agree. This isn't the rule of law. This is a coup d'etat. Leahy's proposed legislation would amend section 215 of the USA PATRIOT Act to require the government to show the records it seeks are not only relevant but also material to an authorized investigation and that the target has some connection to terrorism or espionage before it can obtain those records. This latter requirement, the USA FREEDOM Act sponsors say, will "end bulk collection".

Cole apparently disagrees. Responding to a question at yesterday's hearing on the bill, Cole said, "Right now the interpretation of the word 'relevant' is a broad interpretation. Adding 'pertinent to a foreign agent' or 'somebody in contact with a foreign agent' could be another way of talking about relevance as it is right now. We'd have to see how broadly the court interprets that or how narrowly." In other words, the FISA court might let us keep doing what we're doing no matter what the law says and despite Congress' intent. All courts issue opinions about what the laws that legislatures pass mean. These opinions are called the "common law". But common law interpretations of statutes are only legitimate if they are fair and reasonable interpretations. The NSA has a great track record getting FISC judges to interpret even obviously narrow phrases in surprisingly broad ways. For example, Americans, including the Patriot Act's main sponsor Representative Jim Sensenbrenner (R-WI) and a co-sponsor of the USA Freedom Act, were shocked to learn last June that the NSA used Section 215 for bulk collection of phone data (and potentially other sensitive records). Sensenbrenner said, "[i]f Congress knew what the NSA had in mind in the future immediately after 9/11, the Patriot Act never would have passed, and I never would have supported it." The 2004 FISC opinion authorizing the NSA's collection and use of Internet metadata under the pen register statute is another dismaying example of this phenomenon. In this opinion, Judge Colleen Kollar-Kotelly acknowledged that she was allowing an "exceptionally broad" and "novel" form of collection, but nevertheless deferred to "the fully considered judgment of the executive branch in assessing and responding to national security threats and in determining the potential significance of intelligence-related information." This opinion—called "strange" and a "head-scratcher"—later served as precedent upon which FISA Judge Claire Eagan relied in her 2006 authorization of the bulk phone records collection. Time and again, the FISC accepts the Administration's shockingly flimsy arguments. As a set, the few public FISC opinions we've seen suggest that the Executive Branch—in cahoots with a few selected judges—has replaced legitimate public statutes with secret, illegitimate common law. The rule of law is a basic democratic principle meaning that all members of a society—individuals, organizations, and government officials—must obey publicly disclosed legal codes and processes. If Cole is right that, try as it might, Congress cannot end bulk collection because the secret FISA court may

defer to the NSA's interpretation of the rules, there is no rule of law. The NSA is in charge, the FISA court process is just a fig leaf, and this is no longer a democracy. There's been a coup d'etat.

AT: Limits on Collection

Limits on surveillance in U.S. borders is circumvented—data manipulation

Whittaker 14 [Zack, CBS News. Journalist. 6/30/14, "Legal loopholes could allow wider NSA surveillance, researchers say" <http://www.cbsnews.com/news/legal-loopholes-could-let-nsa-surveillance-circumvent-fourth-amendment-researchers-say///jweideman>]

"The loopholes in current surveillance laws and today's Internet technology may leave American communications as vulnerable to surveillance, and as unprotected as the internet traffic of foreigners," Arnbak said. Although Americans are afforded constitutional protections against unwarranted searches of their emails, documents, social networking data, and other cloud-stored data while it's stored or in-transit on U.S. soil, the researchers note these same protections do not exist when American data leaves the country. Furthermore, they suggest that Internet traffic can be "deliberately manipulated" to push American data outside of the country. Although the researchers say they "do not intend to speculate" about whether any U.S. intelligence agencies are actually doing this, they say it could provide a loophole for vacuuming up vast amounts of U.S. citizen data for intelligence purposes, thus "circumventing constitutional and statutory safeguards seeking to protect the privacy of Americans," they warned.

AT: NSA response proves no circumvention

The NSA response was vague legal trickery that doesn't answer our arg

Arnbak and Goldberg 15 [Axel Arnbak is a cybersecurity and information law researcher at the Institute for Information Law, University of Amsterdam. Sharon, an associate professor in the Computer Science Department at Boston University, and a member of the BU Security Group. 2015, "Loopholes for Circumventing the Constitution: Unrestrained Bulk Surveillance on Americans by Collecting Network Traffic Abroad" Michigan Telecommunications and Technology Law Review Volume 21 | Issue 2. //jweideman]

4. The Official NSA Response to Our Analysis As noted in the Introduction to this Article, coverage of an earlier online version of this Article by CBS News spurred an official response from the NSA compliance department.¹²⁴ The relevant part of the media report reads as follows:¹²⁵ However, an N.S.A. spokesperson denied that either EO 12333 or USSID 18 authorizes targeting of U.S. persons for electronic surveillance by routing their communications outside of the U.S., in an emailed statement to CBS News. Absent limited exception (for example, in an emergency), the Foreign Intelligence Surveillance Act requires that we get a court order to target any U.S. person anywhere in the world for electronic surveillance. In order to get such an order, we have to establish, to the satisfaction of a federal judge, probable cause to believe that the U.S. person is an agent of a foreign power,' the spokesperson said. Our response to the NSA statement was published online on July 11, 2014, and the NSA has not yet responded.¹²⁶ The NSA statement to CBS News cleverly sidetracks our analysis by re-framing the issue to construct a legal situation that evades our main arguments. Specifically, the statement concentrates on the legality of "targeting US persons," an issue we barely analyze. Indeed, the loopholes we identify in this Article exist when 1) surveillance is conducted abroad and 2) operations do not intentionally target a US person. The NSA statement, therefore, does not address our concerns. Moreover, in re-wiring the legal situation to cover the targeting of US persons, the element "absent limited exceptions (for example, an emergency)"¹²⁷ of the NSA statement is also misleading. Exceptions for targeting US persons under EO 12333 are outlined in USSID 18 § 4.¹²⁸ These exceptions span four redacted pages and include a completely classified paragraph.¹²⁹ It is impossible to tell what lies beneath those redactions, and we do not intend to speculate on their contents. Even so, it seems unlikely that one could reasonably characterize four pages of exceptions and an entirely classified paragraph—which could amount to dozens of actual scenarios—as "limited."

AT: FISC reform

They won't even go to the court for approval

Arnbak and Goldberg 15 [Axel Arnbak is a cybersecurity and information law researcher at the Institute for Information Law, University of Amsterdam. Sharon, an associate professor in the Computer Science Department at Boston University, and a member of the BU Security Group. 2015, "Loopholes for Circumventing the Constitution: Unrestrained Bulk Surveillance on Americans by Collecting Network Traffic Abroad" Michigan Telecommunications and Technology Law Review Volume 21 | Issue 2. //jweideman]

There are other specific exceptions where "communications which are known to be to, from, or about US persons" may be "intentionally intercepted."¹¹⁴ Even with the many redactions, it is possible to see that the exceptions provide more diminished protections on critical points than the already permissive "minimization procedures" under FISA. Often, instead of FISA Court approval, some operations merely require the Attorney General or the NSA Director's approval.¹¹⁵ Out of dozens of scenarios mentioned, one especially interesting instance is the consent exception.¹¹⁶ It states that when US persons (including US corporations) consent to a surveillance operation, the approval of the Director of the NSA suffices to go ahead with a program as long as the surveillance does not fall within the FISA regime. Indeed, May 2014 saw revelations on NSA's "strategic partnerships" with several leading corporations, which may point to a "consent"-based relationship.¹¹⁷

AT: ESR—Rollback

Executive self restraint fails—future presidents have an incentive and are likely to roll back the XO

Bendix and Quirk 15 [William Bendix is an assistant professor of political science at Keene State College. His research focuses on Congress, legislative deliberation, and homeland security and civil liberties policies. Paul J. Quirk is the Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia and a former research associate at the Brookings Institution. His work focuses on debate and deliberation in Congress and the mass public. March 2015.

“Secrecy and negligence: How Congress lost control of domestic surveillance” Issues in Governance Studies Number 68.

<http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congress-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>

For the immediate future, however, Congress appears to have gone out of the business of determining policy for antiterrorism surveillance. In the near term, the best hope for privacy interests is for President Obama to make good on his post-Snowden pledge, repeated in his 2015 State of the Union Address, to reform surveillance programs in order to instill “public confidence...that the privacy of ordinary people is not being violated.” He promised to work with Congress on the issue. If Congress is not capable of acting, the executive branch can impose its own constraints on surveillance practices.⁵⁷ But the maintenance of self-imposed executive-branch constraints would depend entirely on the strength of the administration’s commitment—and, in two years’ time, on the disposition of the next president Because of the president’s central responsibility for national security, the presidency is hardly a reliable institutional champion for privacy interests. If over the long run surveillance practices are to afford significant protection to privacy interests, Congress will need to overcome its partisan gridlock and strengthen the institutional framework for surveillance policymaking. We suggest two long-term goals. First, Congress should seek some means of enhancing its capacity for oversight and policymaking on secret surveillance practices. Some reformers have called for abolishing or prohibiting any secret laws or interpretations that control investigations. In his 2011 speech mentioned above, Senator Wyden acknowledged that surveillance activities are necessarily secret.⁵⁸ He insisted, however, that the policies governing those activities should be debated and decided openly, through normal democratic processes. He argued that secret laws, or secretly sanctioned interpretations of laws, are incompatible with democracy.

Impacts

Impact—US Cred

Circumvention is worse than the status quo—undermines institutions, kills US credibility

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Michael J., "Torturing the Rule of Law", <http://nationalinterest.org/files/digital-edition/%5Buser-last-login-raw%5D/134%20Digital%20Edition.pdf>, EC

The cia's spying was thus no trivial staff quarrel requiring merely a personal apology. Willfully deceiving a governmental fact-finding body, whether a court or a congressional committee, undermines the integrity of the American legal system. In the constitutional design, these organs were intended to be the government's portals to truth. To carry out their duties, they depend upon an accurate assessment of the facts. When they are misled, their work product is suspect; judicial opinions and legislative findings then rest upon falsehood. The body politic casts votes based upon misinformation, electing candidates who would not otherwise hold office. The entire system of constitutional and electoral checks on abusive power is thereby corrupted. Those who mislead no doubt believe that they do so for a greater good, the protection of the nation's security. They are mistaken. The cia, the nsa and other elements of the military/intelligence community do not exist merely to prevent airplanes from flying into buildings. Their larger mission is to protect the nation's democratic institutions and the rule of law established by the Constitution. When elements of the national-security apparatus deceive Congress or the courts, they feed the perception that the whole system is rigged and undermine the very institutions that it is their mission to protect. Distrust of government tends to become generalized. People who doubt government officials' assertions on national-security threats are inclined to extend their skepticism to other arenas. Governmental assurances concerning everything from vaccine and food safety to the fairness of stock-market regulation and IRS investigations (not without reason) become widely suspect. The protection of legitimate national-security interests itself suffers if the public is unable to distinguish between measures vital to its protection and those assumed to be undertaken for reasons of doubtful validity. Further, it does not strengthen the United States in its relations with other nations to engage in deception. It weakens our government when its institutions are seen around the world as hollow or its officials as duplicitous. The United States' historic advantage in its international relations has been not merely military or economic. It has been reputational. Legislative and judicial monitors that operate independent of the executive branch, that are able to call the military and intelligence agencies to task when they run amok,

lie at the core of America's reputation for a robust rule of law. Whether the United States thrives or declines in this century will rest in large part on its ability or inability to maintain democratic accountability by safeguarding the integrity of its institutions.

Legitimate unipolarity is key to a stable world order

Finnemore '9, professor of political science and international affairs at George Washington University

"Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn't All It's Cracked Up to Be," World Politics, Volume 61, Number 1, http://home.gwu.edu/~finnemor/articles/2009_unipolarity_wp.pdf, EC

The Legitimacy of Power and the Power of Legitimacy. Legitimacy is, by its nature, a social and relational phenomenon. One's position or power cannot be legitimate in a vacuum. The concept only has meaning in a particular social context. Actors, even unipoles, cannot create legitimacy unilaterally. Legitimacy can only be given by others. It is conferred either by peers, as when great powers accept or reject the actions of another power, or by those upon whom power is exercised. Reasons to confer legitimacy have varied throughout history. Tradition, blood, and claims of divine right have all provided reasons to confer legitimacy, although in contemporary politics conformity with international norms and law is more influential in determining which actors and actions will be accepted as legitimate. 9. Recognizing the legitimacy of power does not mean these others necessarily like the powerful or their policies, but it implies at least tacit acceptance of the social structure in which power is exercised. One may not like the inequalities of global capitalism but still believe that markets are the only realistic or likely way to organize successful economic growth. One may not like the P5 vetoes of the Security Council but still understand that the United Nations cannot exist without this concession to power asymmetries. We can see the importance of legitimacy by thinking about its absence. Active rejection of social structures and the withdrawal of recognition of their legitimacy create a crisis. In domestic politics, regimes suffering legitimacy crises face resistance, whether passive or active and armed. Internationally, systems suffering legitimacy crises tend to be violent and noncooperative. Post-Reformation Europe might be an example of such a system. Without at least tacit acceptance of power's legitimacy, the wheels of international social life get derailed. Material force alone remains to impose order, and order creation or maintenance by that means is difficult, even under unipolarity. 10. Successful and stable orders require the grease of some legitimation structure to persist and prosper. The social and relational character of legitimacy thus strongly colors the nature of any unipolar order and the kinds of orders a unipole can construct. Yes, unipoles can impose their will, but only to an extent. The willingness of others to recognize the legitimacy of a unipole's actions and defer to its wishes or judgment shapes the character of the order that will emerge. Unipolar power without any underlying legitimacy will have a very particular character. The unipole's policies will meet with resistance, either active or passive, at every turn. Cooperation will be induced only through material quid pro quo payoffs. Trust will be thin to nonexistent. This is obviously an expensive system to run and few unipoles have tried to do so. More often unipoles attempt to articulate some set of values and shared interests that induce acquiescence or support from others, thereby legitimating their power and policies. In part this invocation of values may be strategic;

acceptance by or overt support from others makes exercise of power by the unipole cheaper and more effective. Smart leaders know how to “sell” their policies. Wrapping policies in shared values or interests smoothes the path to policy success by reassuring skeptics.¹¹ Rhetoric about shared interests in prosperity and economic growth accompanies efforts to push free trade deals on unwilling partners and publics. Rhetoric about shared love of human rights and democracy accompanies pushes for **political reforms** in other states.¹² In their examination of debates leading up to the 2003 Iraq war, in this issue of World Politics, Jack Snyder, Robert Shapiro, and Yaeli Bloch-Elkon provide an example of unipolar attempts to create legitimacy through strategic use of rhetoric. They show how “evocative and evasive rhetoric” allowed proponents of the war to imply links between the 9/11 attacks, weapons of mass destruction, and Saddam Hussein’s regime. Potentially unpopular or controversial policies were rationalized by situating them in a larger strategic vision built on more widely held values, as when the authors of the 2002 National Security Strategy memorandum wove together the global war on terror, the promotion of American democratic values abroad, and the struggle against authoritarian regimes to create a justification for preventive war.¹³ Indeed, as Ronald Krebs and Patrick Jackson argue, rhetorical “sales pitches” of this kind can be highly coercive. Examining the same case (the selling of the Iraq war), Krebs and Jennifer Lobasz show how the administration’s “war-on-terror” discourse, which cast the U.S. as a blameless victim (attacked for “who we are” rather than anything we did), was designed in such a way as to leave opponents with very few arguments they could use to rally effective opposition in Congress.¹⁴ Usually this articulation of values is not simply a strategic ploy. Decision makers and publics in the unipole actually hold these values and believe their own rhetoric to some significant degree. Unipole states, like all states, are social creatures. They are composed of domestic societies that cohere around some set of national beliefs. Their leaders are products of those societies and often share those beliefs. Even where leaders may be skeptical, they likely became leaders by virtue of their abilities to rally publics around shared goals and to construct foreign and domestic policies that reflect domestic values. Even authoritarian (and certainly totalitarian) regimes articulate shared goals and function only because of the web of social ties that knit people together. Certainly all recent and contemporary strong states that could be candidates for unipoles—the U.S., China, Russia, Germany, and Britain—do.¹⁵ Thus unipole states, like all states, find naked self-aggrandizement or even the prescriptions of Machiavellian virtù difficult to pursue.¹⁶ Unipoles and the people who lead them pursue a variety of goals derived from many different values. Even “national interest” as most people and states conceive of it involves some broader vision of social good beyond mere self-aggrandizement. Americans like to see democracy spread around the world in part for instrumental reasons—they believe a world of democracies is a safer, more prosperous world for Americans—and also for normative ones—they believe in the virtues of democracy for all. Likewise, Americans like to see markets open in part for instrumental reasons—they believe a world of markets will make Americans richer—and also for normative ones—they believe that markets are the ticket out of poverty. Much of unipolar politics is thus likely to revolve around the degree to which policies promoting the unipole’s goals are accepted or resisted by others. Other states and foreign publics may need to be persuaded, but often influential domestic constituencies must also be brought on board. Channels for such persuasion are many and varied, as is evident from past U.S. diplomatic efforts to sell its policies under bipolarity. The shift from laissez-faire to what

John Ruggie terms the “embedded liberal compromise” as the basis for the U.S.-led economic order after WWII required extensive diplomatic effort to persuade other states and New York’s financial elite to go along. The tools of influence used to accomplish this were sometimes material but also intellectual and ideological. It was the “shared social purposes” of these economic arrangements that gave them legitimacy among both state and societal actors cross-nationally.¹⁶ A unipole’s policies are thus circumscribed on two fronts. The policies must reflect values held at home, making them legitimate **domestically**. At the same time, in order to induce acquiescence or support from abroad, they must appeal to the leaders and publics of other states. Constructing policies across these two spheres—domestic and international—may be more or less difficult, depending on circumstances, but the range of choices satisfying both constituencies is unlikely to be large. Widespread disaffection on either front is likely to create significant legitimacy costs to leaders, either as electoral or stability threats domestically or as decreased cooperation and increased resistance internationally. Creating legitimacy for its policies is thus essential for the unipole but it is also difficult, dangerous, and prone to unforeseen consequences. Domestically, the need to cement winning coalitions in place has polarized U.S. politics, creating incentives to exploit wedge issues and ideological narratives. As Snyder, Shapiro, and Bloch-Elkon describe, neoconservatives, particularly after 9/11, used these tools to great effect to generate support for the Bush administration’s policies. Such ideologically-driven persuasion efforts entail risks, however. Constructing coherent ideological narratives often involves sidelining inconvenient facts, what Snyder and his coauthors call “fact bulldozing.” This is more than just highlighting some facts at the expense of others. It may (or may not) begin with that aim, but it can also involve changing the facts people believe to be true, as when large numbers of people came to believe that weapons of mass destruction were indeed found in Iraq. Thus, to the degree that these persuasion efforts are successful, if their ideology does not allow them to entertain contrary facts, policymakers and publics may make decisions based on bad information. This kind of self-delusion would seem unlikely to result in smart policy. To the extent that ideological narratives become entrenched, these delusions may extend to future generations of policymakers and make them victims of blowback. Even if successors come to terms with the facts, they may be entrapped by the powerful legitimating rhetoric constructed by their predecessors.¹⁷

Circumvention contributes to the cycle of civic ignorance- that causes authoritarianism in the name of national security

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Michael J., "Torturing the Rule of Law", <http://nationalinterest.org/files/digital-edition/%5Buser-last-login-raw%5D/134%20Digital%20Edition.pdf>, EC

That root cause is difficult to discuss in a democracy, for it **lies in the electorate's own deficiencies**. This is the second great obstacle the reform proposals confront; on this point Bagehot's and Madison's theories converge. Bagehot argued that **when the public becomes too sophisticated to be misled**, any longer about who holds governmental power but not informed enough to play a genuine role in governance, **the whole structure will "fall to the earth,"** in his phrase. Madison, contrary to popular belief, did not suggest that the system that he and his colleagues designed was self-correcting. The Framers did not believe that merely setting "ambition against ambition" within the government would by itself save the people from autocracy. They believed that **this competition for power would not occur absent an informed and engaged public**—what Robert Dahl has called the "adequate citizen," the citizen able and willing to undertake the responsibilities required to make democracy work. Thomas Jefferson spoke for many of the Framers. He said: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." Competition between institutions was thus written into the constitutional architecture not as a substitute for civic virtue—there is none—but as a backstop, as an additional safeguard to forestall the rise of autocracy. But that backstop was not freestanding: it, too, depended upon an electorate possessed of civic virtue. If anything, the essentiality of civic virtue has grown over the years. **In the early days** of the Republic, **public-policy issues were less intricate**, and **the franchise was de jure or de facto more restricted**. A smaller electorate was more capable of mastering the more straightforward issues it faced. As Louis Henkin pointed out, however, the United States has since changed gradually from a republic to a democracy—an "ultra-democracy," Bagehot believed. The problems government has faced over the years have become more complex, and a greater base of **civic knowledge has thus become indispensable for responsible participation in the process of governance**. Yet **a cursory glance at consistent survey results confirms** what former Supreme Court justice David Souter has described today as **the public's "pervasive civic ignorance."** The numbers are sobering. A 2011 Newsweek survey showed that 80 percent of Americans did not know who was president during World War I; 40 percent did not know whom the United States fought in World War II; and 29 percent could not identify the current vice president of the United States. **Far more Americans can name the Three Stooges than any member of the Supreme Court.** One poll has found that **71 percent of Americans believe that Iran already has nuclear weapons**. In 2006, at the height of U.S. military involvement in the region, 88 percent of Americans aged eighteen to twenty-four could not find Afghanistan on a map of Asia, and 63 percent could not find Iraq or Saudi Arabia on a map of the Middle East. Ilya Somin's fine book *Democracy and Political Ignorance* analyzes the problem in depth. The great conundrum is that the public's ignorance does not derive from "stupidity"—average raw IQ scores actually have increased in recent decades—so much as it derives from simple rationality: **Why spend time and energy learning about national-security policies that cannot be changed? That is the nub of the negative feedback loop in which the United States is now locked. Resuscitating the Madisonian institutions requires an informed, engaged electorate,** but voters have little incentive to be informed or engaged if they believe that their efforts would be for naught—and **as they become more uninformed and unengaged, they have all the more reason to continue** on that path. The Madisonian institutions thus **continue to atrophy,**

the power of the Trumanite network continues to grow and the public continues to disengage. Should this trend continue, and there is scant reason to believe it will not, it takes no great prescience to see what lies ahead: outward symbols and rituals of national security, governance that appear largely the same, concealing a Trumanite network that takes on the role of a silent directorate, and Madisonian institutions that, like the British monarchy and House of Lords, quietly and gradually are transformed into museum pieces.

Private Sector Impact—Econ

Private-sector surveillance tanks consumer confidence in the economy

Jon D. **Michaels 8**, Acting Professor, UCLA School of Law, August 2008, "ARTICLE: All the President's Spies: Private-Public Intelligence Partnerships in the War on Terror," California Law Review, 96 Calif. L. Rev. 901

Even if a given informal partnership is not aimed at defying governing legal requirements, a range of harms may still follow from the ostensibly lawful decision to proceed by handshake. For instance, left to their own devices, both corporations and intelligence agencies may systematically undervalue the social costs associated with the commodity being traded (i.e., private information) - and thus traffic in an inordinately high amount of citizens' personal information. n161 As in the case of industrial regulation of pollution, the possibility of exposing or misusing individuals' personal data is not fully internalized by the parties to the given transaction. Therefore, irrespective of what value society as a whole would assign to the personal information in question, n162 the parties to the transaction peg it comparatively lower. n163 In other words, without the government having to resort to legal process (e.g., by obtaining ex ante authorization and compelling corporate cooperation, n164), the [*938] "informal market" may transfer more information with fewer safeguards than is socially optimal, or even necessary. n165 If, on the other hand, the Executive and the corporations were required to internalize these social costs (say, if a robust oversight regime existed or if private rights of action were readily enforceable), n166 it is likely that the parties would have a greater incentive to reduce instances of over-trafficking in the information and thus better abide by whatever agreed-upon privacy protections were in place. This result would be similar to how corporations respond when forced by outside interests to come to terms with an environmental externality. n167¶ Second, under any of the possible arrangements agreed to voluntarily or via legal compulsion, if word gets out that such partnerships exist for the purpose of domestic-intelligence gathering, there could be a chilling effect. Some individuals would be less candid on the telephone and over email (especially when voicing political dissent), and expressive activities would [*939] suffer. n168 Certainly, if such a chilling effect occurred, it would set in no matter what type of private-public intelligence-gathering partnership was reported by the press; but, if the arrangement were described as having been regulated pursuant to the dictates of the law, individuals could take some solace in the fact that the partnership's activities were accountable and being monitored for a requisite showing of cause. n169 They might also find some comfort in the fact that the firms were evidently protective of their customers, giving out information only upon pains of legal compulsion.¶ By contrast, when a legally informal relationship is exposed by the media, a consumer could reasonably fear that intelligence-gathering intrusions lack meaningful limits. Consider a counterfactual about New York's Container Inspection Program, which involves police officers conducting random searches of subway passengers in an effort to locate or deter concealed explosives. n170 While many passengers may find the random search itself to be bothersome and intrusive, they at least know that as a matter of unambiguous law the agents are forbidden from looking through reading materials or collecting personally identifying information about those searched. n171 If suddenly, however, it came to light that the police had mini-hand scanners and, notwithstanding the clear limitations on their discretion, were secretly cataloging personal information and triangulating it with time/location of people's travel and reading habits, it may well be the case that, on the margins, people may choose to take the bus (at least when they are carrying particularly personal materials). Thus, informality, and the corresponding uncertainty that [*940] attaches, may excessively chill expression or limit freedoms. n172¶ Third, and building on the previous point, evidence that any private-public surveillance program operated without complying with the relevant regulatory requirements is likely to engender distrust of private industry writ large. Individuals confronted with the realities of legally informal relationships have no reason to believe that journalists or government watchdogs have smoked out all of the possible collaborations of that kind. Instead, people have cause for suspecting that if such partnerships exist in realms A and B, the government might just as likely be doing something improper in realms C and D, too. n173 These worries are only compounded when revelation of such partnerships, including the infamous NSA warrantless eavesdropping program, prompts an unrepentant President to insist that Congress grant retroactive legal immunity to the private parties involved. n174

<Insert econ impact>

Private Sector Impact—National Security

Government outsourcing weakens security and efficiency – open-ended contracts save money at risk of Snowden level leaks

Pearlstein 14 (Steven Pearlstein, an American columnist. He writes a column on business and the economy that is published twice weekly in The Washington Post, 1/31/15, Washington Post, “The federal outsourcing boom and why it’s failing Americans”, http://www.washingtonpost.com/business/the-federal-outsourcing-boom-and-why-its-failing-americans/2014/01/31/21d03c40-8914-11e3-833c-33098f9e5267_story.html, 7/13/15, ACC)

If you give federal managers the choice of filling vacancies from the candidates who emerge from the government’s arcane recruitment and promotion system (and who, once chosen, will be virtually impossible to fire if they don’t work out), or you gave them the choice of handpicking whomever they want and hiring them under an open-ended “umbrella” contract with a private firm (with the power to fire them at a moment’s notice), nine in 10 would hire the contractor. And that’s exactly why you now find so many contract employees in government offices working side by side with government employees. The system the government uses to recruit, hire, evaluate and incentivize its employees is seriously broken. And yet every attempt to reform it is bitterly opposed by federal employee unions, who take it as their mission to prevent good employees from being rewarded and bad employees from being fired. The result is that the unions are protecting ever-fewer employees with ever-lower pay. Those open-ended IDIQ (for “indefinite delivery, indefinite quantity”) contracts, by the way, now account for anywhere between one quarter and one half of all federal service contracting, according to Gordon. Originally, they were designed to allow agencies buy smaller quantity of standardized supplies, or respond to the occasional surge in workload, without having to go through the long and cumbersome process of letting a new contract. But now they are routinely used by agencies for orders worth hundreds of millions of dollars that involve no competition, little transparency and dubious savings. These clever work-arounds to the government’s personnel and contracting systems have driven the rapid growth in government contracting, much of it here in the Washington region. Federal contracting grew from about \$200 billion in 2000 to about \$550 billion in 2011 before falling back to \$450 billion last year. Sixty percent of that was for services. By some estimates, there are twice as many people doing government work under contract than there are government workers. Against that backdrop, hardly anyone considered it remarkable that the government would have outsourced the day-to-day operation of its most secretive computer system to Booz Allen Hamilton, the agency’s leading contractor. Nor, during the homeland security push after 9/11, did anyone question why a company such as USIS, which was originally spun off from the government to do simple background checks for new employees at departments such as Agriculture and Education, should be doing investigations for top security clearances normally done by the FBI. After the Snowden affair, the government sued USIS, accusing the firm of pushing through clearances without sufficient investigation in order to qualify for performance bonuses.

FBI buys invasive hacking software to collect data and control devices – same tech Sudan and Bahrain uses to spy

Cox 7/6 (Joseph Cox, journalist covering the intersection of technology, crime and politics for Motherboard, the Daily Dot and WIRED, and works on documentaries for VICE. He trains journalists and media organisations to keep their communications secure in an age of mass government surveillance. 7/6/15, “The FBI Spent \$775K on Hacking Team’s Spy Tools Since 2011”, Wired.com, <http://www.wired.com/2015/07/fbi-spent-775k-hacking-teams-spy-tools-since-2011/>, 7/13/15, ACC)

THE FBI IS one of the clients who bought hacking software from the private Italian spying agency Hacking Team, which was itself the victim of a recent hack. It’s long been suspected that the FBI used Hacking Team’s tools, but with the publication yesterday of internal documents, invoices, emails and even product source code from the company, we now have the first concrete evidence that this is true. The FBI is not in good company here. According to several spreadsheets within the hacked archive, which contain a list of Hacking Team’s customers, many of the other governments who bought the same software are repressive regimes, such as Sudan and Bahrain. The documents show that the FBI first purchased the company’s “RCS” in 2011. RCS stands for “Remote Control Service,” otherwise known as “Galileo,” Hacking Team’s premiere spy product. RCS is a simple piece of hacking software that has been used by the Ethiopian regime to target journalists based in Washington DC. It has also been detected in an attack on a Moroccan media outlet, and a human rights activist from the United Arab Emirates. Once a target’s computer has been infected, **RCS is able to siphon off data, and listen in on communications before they have been encrypted.** According to researchers based at the University of Toronto’s Citizen Lab, who have monitored the use of RCS throughout the world, the tool can also “record Skype calls, e-mails, instant messages, and passwords typed into a Web browser.” To top that off, RCS is also capable of switching on a target’s web camera and microphone. Hacking Team has generated a total of 697,710 Euros (\$773,226.64) from the FBI since 2011, according to the hacked spreadsheets. In 2015, the FBI spent 59,855 Euros on “maintenance,” and in 2014 the agency spent the same amount on “license/upgrades.” No expenditure was recorded for the whole of 2013. In 2012, however, the FBI allegedly spent 310,000 Euros for Hacking Team’s services, all on licenses or upgrades, and the year before it spent 268,000 Euros.

Hack on spy software company poses major security threat – terrorists have access to surveillance source codes – zero-day vendors at risk

Zetter 7/10 (Kim Zetter, award-winning, senior staff reporter at Wired covering cybercrime, privacy, and security. She is writing a book about Stuxnet, a digital weapon that was designed to sabotage Iran's nuclear program, 7/10/15, “Hacking Team Shows the World How Not to Stockpile Exploits”, Wired, <http://www.wired.com/2015/07/hacking-team-shows-world-not-stockpile-exploits/>, 7/13/15, ACC)

BANK ROBBER WILLIE Sutton’s famous line about why he robs banks—“because that’s where the money is”—was particularly apt this week after the Italian firm Hacking Team was hacked

and at least two zero-day exploits the firm possessed were spilled to the public, along with about 400 gigabytes of company emails and other data. Hacking Team has long been a source of controversy because the company sells surveillance tools to law enforcement and intelligence agencies around the world—among them repressive regimes that use the tools to spy on human rights activists and political dissidents. But the hack this week highlights another serious issue around Hacking Team and companies like it that stockpile or store zero-day exploits, including software vendors who run bug bounty programs: they can be rich targets for hackers who might want to steal the zero-days to use them for nefarious purposes or sell them. This places an added onus on companies to protect their repositories to prevent the zero-days from getting into the hands of unintended parties “Hackers have been hacking each other to steal zero-days for as long as there has been hacking,” says Katie Moussouris, chief policy officer for HackerOne, a company that helps other companies manage their zero-day bug bounty programs. “Why wouldn’t you go after people who do vulnerability research and companies that have databases of their own unpatched vulnerabilities that they’re working on? These are all potential repositories of zero-days that people will want to get.” Zero-day exploits are malicious code designed to target security holes in software that the software maker generally doesn’t know about yet or hasn’t patched yet. This makes the exploits gold to cybercriminals, intelligence agencies, and other hackers who want to sell them or use them to attack vulnerable systems. Zero-days, if purchased, can cost anywhere from \$5,000 to more than \$500,000, depending on what they target and their level of sophistication. One of the leaked emails from Hacking Team discussed the company paying the security firm Netragard \$105,000 to buy one “flawless” remote-code exploit. If someone can get a whole cache of zero-days by surreptitiously stealing them instead, it would be very valuable. Hacking Team and other entities like it that store zero-day exploits—including the US government and US defense contractors and security firms who sell to the government—put the public at risk as long as the zero-days are kept secret from vendors, and vulnerable systems remain unpatched and open to attack. One would hope at the very least, then, that these zero-days would be stored in highly secured networks, to prevent criminal hackers and others from getting them. But Hacking Team’s security was by all accounts abysmal, making it easy for the hacker who breached it to get its exploits. Hacking Team, ironically, published a blog post on Wednesday claiming that the hacker had put everyone at risk by leaking the company’s exploits and the source code for its surveillance tools. “It is now apparent that a major threat exists because of the posting by cyber criminals of HackingTeam proprietary software on the Internet the night of July 6,” the company wrote in the post. “HackingTeam’s investigation has determined that sufficient code was released to permit anyone to deploy the software against any target of their choice.... Terrorists, extortionists and others can deploy this technology at will if they have the technical ability to do so. We believe this is an extremely dangerous situation.” The company also said that “[b]efore the attack, HackingTeam could control who had access to the technology which was sold exclusively to governments and government agencies.” The claim, however, is undermined by the poor security the company maintained over its network, software and exploits. If the hackers put everyone at risk, they were only able to do so because Hacking Team did so first. There have been three exploits discovered so far by researchers among the cache of Hacking Team documents leaked by the hacker on Sunday. Two of them were zero-days. One of them targets a security hole in Adobe’s Flash Player program, the other targets a kernel vulnerability in the

Windows operating system. In an internal document, Hacking Team described one of the security holes as “the most beautiful Flash bug for the last four years.” The vulnerability affects all versions of the Flash Player since version 9, including the latest version 18. Adobe has since released a patch for its zero-day hole, but Microsoft is still working on a patch for the Windows kernel vulnerability. In the meantime, the exploits have already been added to at least three exploit kits being sold to hackers in the underground—Angler EK, Neutrino, and Nuclear Pack. Exploits kits are packages that help automate hacking for attackers. The hacker who breached Hacking Team and dumped its data online appears to have been motivated by a sense of justice—to expose the company’s hypocritical sales to repressive regimes—and probably didn’t have an interest in using the exploits to attack other targets. But if one hacker could breach Hacking Team’s network and get its exploits, others could have, too.

FBI and DEA spy tech supplier was hacked – major threat to privacy info

Bertrand 7/11 (Natasha Bertrand, Before joining Business Insider, worked at a political think tank in Madrid, Spain, researching E.U. relations with the Middle East and North Africa, 7/11/15, “A big leak of hacking tools is 'causing a bit of mayhem right now”, Business Insider, <http://www.businessinsider.com/we-all-got-more-susceptible-to-hackers-this-week-2015-7>, 7/13/15, ACC)

A hefty cache of hacking tools were leaked to the masses this week when the controversial surveillance company Hacking Team was breached and 500 GB of its files were released for download on Twitter. “The hacking team tools are of a much higher quality and are much more effective than anything hackers have had access to,” Lior Div, CEO of Israeli cybersecurity firm Cybereason, told the Times of Israel on Thursday. “Now that anybody can download them and use them in cyberattacks, don’t be surprised to see many more well-protected sites and servers being compromised,” he added. The hackers who infiltrated the company, which sells surveillance technology such as spyware to governments around the world, reportedly “got everything,” according to Vice — including the tools Hacking Team developed to monitor cell phones, laptops, and any other device with network connectivity. “Hacking Team’s investigation has determined that sufficient code was released to permit anyone to deploy the software against any target of their choice,” the company’s spokesperson Eric Rabe said in a statement on Wednesday. “Terrorists, extortionists and others can deploy this technology at will if they have the technical ability.” Experts largely agree that both Div’s and Rabe’s statements are exaggerated — the tools Hacking Team sold to its clients were not very sophisticated, and most of them were already widely available to hackers. Still, “even if the hackers had little use for the tools that were leaked, they could always re-engineer them to serve their own purposes,” Joe Loomis, founder and CEO of Cybersponse security, told Business Insider. “The leak will probably have a bigger impact on personal privacy than anything else since this software is used primarily to monitor individuals and what they’re doing.” The hack also exposed the questionable clients Hacking Team told surveillance tools to, including a number of repressive, US-blacklisted regimes such as the Syrian and Sudanese governments. The US Drug Enforcement Agency was also listed as a client. While they can be used to “snoop and sniff,” the tools are not particularly sophisticated, Dave Aitel, CEO of Immunity, Inc., noted to Business Insider. “The exploits

wouldn't affect systems running basic security mechanisms." But they don't necessarily have to be sophisticated to be effective, Dave Chronister, founder of Parameter Security, countered. "It's causing a bit of mayhem right now," Chronister said. "A lot of the leaked tools were already out there, but there are a few new ones that will definitely add to hackers' arsenals." One of these tools — an Adobe Flash 0day allowing hackers to penetrate Adobe's media player — was exploited by hackers almost immediately after it was leaked. "The only silver lining is that cybersecurity experts know what to watch for because they know which tools were leaked," Chronister added.

FBI and DEA implement same secret hacking tech - court orders aren't specific to hacking tech

Cox 7/6 (Joseph Cox, journalist covering the intersection of technology, crime and politics for Motherboard, the Daily Dot and WIRED, and works on documentaries for VICE. He trains journalists and media organisations to keep their communications secure in an age of mass government surveillance. 7/6/15, "The FBI Spent \$775K on Hacking Team's Spy Tools Since 2011", Wired.com, <http://www.wired.com/2015/07/fbi-spent-775k-hacking-teams-spy-tools-since-2011/>, 7/13/15, ACC)

The FBI did not immediately respond to multiple requests for comment. One interesting tidbit from the spreadsheet is that it appears that Hacking Team has not been selling these products directly to the FBI. Though the FBI is listed as the client, its "Partner/Fulfillment Vehicle" is listed as "CICOM USA." That name is familiar. Earlier this year, an investigation from Motherboard revealed that the Drug Enforcement Administration had been secretly purchasing surveillance technology from Hacking Team. Within that contract, \$2.4 million was sent "between the DEA's Office of Investigative Technology and a government contractor named Cicom USA," according to Motherboard. An invoice with the file name "Commessa019.2014. CICOM USA x FBI.xls," also included in the Hacking Team archive, lists a "One year renewal for Remote Control System," charged to Cicom USA. The invoice says that the product lasts from July 1, 2014 to the June 30, 2015. The file name for the invoice explicitly includes the FBI, and not the DEA. However, the spreadsheet with the client list shows that the FBI is, in fact, joined by the DEA and the DOD in buying products from Hacking Team, which both also use Cicom USA as their "fulfillment vehicles." Cicom USA is little more than a shell company for Hacking Team. "They have the same address, they have the same telephone number," as Hacking Team's US office, Edin Omanovic, a technologist at Privacy International, told WIRED in a phone interview. As for what protections might be in place to make sure that the FBI (or any US government agency) is using this technology responsibly, it's all a bit hazy. "We think they get court orders, and we have even seen a few, but the applications don't really describe how the software works, or how they will get it onto the target's device," Christopher Soghoian, Principal Technologist at the American Civil Liberties Union, told WIRED in an encrypted chat. The problem is that the discussion around law enforcement using hacking as a means of information gathering has never been carried out in public. "Congress has never explicitly granted law enforcement agencies the power to hack. And there have never been any congressional hearings on the topic," Soghoian continued. "We need to have a national debate about whether we want law enforcement agencies to be able to hack into the computers of targets. This is too dangerous a tool for them to start using by themselves."

Gov supported hacking company breaking down encryption – FBI and US Army known investors

Brewster 7/6 (Thomas Fox-Brewster, covers digital crime, privacy and hacker culture for Forbes. 7/6/15, "Leaked Emails: How Hacking Team And US Government Want To Break Web Encryption Together", Forbes.com, <http://www.forbes.com/sites/thomasbrewster/2015/07/06/us-gov-likes-hacking-team/>, 7/13/15, ACC)

Milan said the FBI was still keen on new features in future Hacking Team products, in particular those that target Tor, which has been used to host criminal activity, but is also widely used by activists to keep identities safe. "They [the FBI] continue to be interested in new features all the more related to TOR, VPN [virtual private networks] and less-click infections. In the past their targets were 20 per cent on TOR, now they are 60 per cent on TOR. They want to be able to catch the IP of their targets using TOR," Milan added. She expressed dissatisfaction at missing out on a slice of \$600,000+ of the FBI's budget for "legal interception" technologies. Work with the US Army was also troubled. According to an email found by ACLU principal technologist Christopher Soghoian, the government body signed a deal in 2011 to use Hacking Team but its budget was cut and it hadn't been able to get the system working as it hadn't been given permission to connect the Hacking Team server to the internet. Another Milan mail from 21 May discusses a meeting with the Metropolitan Bureau of Investigation of Orlando, FL. It appears more business with the US government is on the way. "We briefly met the Director of the MBI, who acknowledged [sic] the need for a solution like ours. [NAME REDACTED] agreed and was positive in finding budget, along the lines of the new price list. They are interested in 10 conc. targets to being with, while infection vectors are still to be evaluated." Targeting Apple and Google phones Hacking Team is planning on impressing with more offensive technologies as it builds its business in America. One email dated 30 January, from Milan, outlined a roadmap to be sent to customers. It reads: "It goes without saying that **we are continuously looking for solutions to attack unjailbroken iPhones and install our agents on Android easier than it is possible today.** We are confident we will have good news on that soon." Other files released by the unknown hacker crew on Sunday indicated various efforts to crack iPhones, including attempts to exploit the Newsstand app and use of publicly released jailbreak code, which releases iDevices from Apple control with offensive security techniques. Hacking Team also appeared to have its hands on an official Apple developer certificate, possibly to install its malware, known as Galileo or Remote Control System (RCS). Some in-depth notes on the level of exploitation across a number of Android devices, from the likes of Samsung, HTC and Huawei, were also included in the epic 415GB dump. It appears the exploits weren't always successful in accessing voice or texts on phones. That same Milan email from January indicated some imminent features in Hacking Team's tools included "physical infection of BitLocker protected disks", thereby bypassing the much-used Microsoft disk encryption technology, as well as "extraction of information from pictures posted on Facebook and Twitter". It will also soon be able to "capture of documents edited using Google Docs or Office 365", the roadmap suggested. Another email from Milan, dated 15 May, indicated the security-focused messaging application Wickr was on the target list too, thanks to a request from the US government. "I had a call this morning with an agent from Homeland Security Investigations [a body within the Department of Homeland Security], and he told me he got some requests to intercept suspects using this application, Wickr... we may want to keep an eye on it and eventually evaluate to add support."

FBI and law enforcement able to use hacking systems - court cases aren't specific enough to effectively restrain

Franceschi-Bicchierai 4/15 (Lorenzo Franceschi-Bicchierai, staff writer at VICE Motherboard in Brooklyn, New York, where he covers hacking, information security, and digital rights. Prior to working at Motherboard, Lorenzo worked at Mashable and at Wired's Danger Room 4/15/15, Motherboard.com, "The DEA Has Been Secretly Buying Hacking Tools From an Italian Company", <http://motherboard.vice.com/read/the-dea-has-been-secretly-buying-hacking-tools-from-an-italian-company>, 7/13/15, ACC)

For surveillance experts, the big question is whether the DEA actually has legal authority to use spyware such as Hacking Team's—and how, exactly, it is used. A DEA spokesperson said that the agency "always abides by the laws of the jurisdictions within which it operates." And added that "however, in this case, this is off-the-shelf technology, legally available for purchase by all and used throughout the world by many organizations." But experts are not convinced. "The legal framework governing the use of such tools in the US is extremely unclear, meaning that the use of Hacking Team's spyware is potentially unlawful," Edin Omanovic, a researcher at Privacy International, told Motherboard. The FBI is the only other US law enforcement agency that has been reported to use malware. The bureau has been using it since at least 2001 when FBI's spyware Magic Lantern was revealed. But **the precise legal authority, as well as the process that FBI agents use to get authorization, is still unclear, and very few cases where the bureau used malware have actually come to light.** In 2011, internal emails obtained by the Electronic Frontier Foundation revealed that in some past instances, FBI agents considered using malware known as "Computer and Internet Protocol Address Verifier" (CIPAV) without getting a warrant, or in other cases, hid key details on what the technology actually entailed in order to increase the chances the judge would approve it. In any case, the bureau, after consulting with the Office of General Counsel and the National Security Law Branch finally appeared to settle on a "two-step request" legal process: get a search warrant to authorize the deployment of the software on a target's computer, and then a subsequent order (known as pen register or trap and trace) to authorize the actual surveillance. In 2013, a Texas judge stopped the FBI from using malware, rejecting the bureau's warrant application because it was too vague and didn't specify how the agents would actually install the software. Soghoian, the ACLU surveillance tech expert, said that given the nature of this technology, and the fact that "Congress and the courts have been kept in the dark" about it, Americans should have more information on when and how the feds are using spyware. "Courts are not being told how agencies will get malware onto the computers of targets," Soghoian said. "Similarly, law enforcement agencies have not discussed the use of this technique in any public Congressional hearings." "The American people deserve some answers and I think Congress needs to investigate this," Soghoian told Motherboard. Omanovic, from Privacy International, added that the US needs update the legal framework regarding hacking and the use of spyware by law enforcement agencies and establish "effective oversight mechanisms." Privacy International also released a dossier on Hacking Team on Wednesday, asking Italian authorities to look into the company and its practices in light of European export controls of surveillance technology. (Rabe said that the company "is in compliance with all export laws.") Some legal experts, however, argue that there's nothing illegal about the use of spyware. Although there is no specific law that specifically covers hacking, Jonathan Mayer, a

computer scientist and lawyer at Stanford University, said that **law enforcement agencies are “broadly authorized” to conduct searches in the US, including** using **hacking** techniques. “They don't need some special legislative grant of extra authority before they can hack,” Mayer told Motherboard, adding that a search warrant supported by probable cause and particularly describing what the agents seek is all they need. But for critics, such as Soghoian or Privacy International, there still should be more transparency and a public debate. “If law enforcement agencies can hack into your computer, turn on your webcam, turn on your microphone and steal documents from your computer,” Soghoian said, “that’s the kind of thing that should get the attention of Congress, particularly before this trickles down to local law enforcement agencies.”

Interagency Impact—Terrorism

Independent of circumvention, sudden curtailment creates intelligence gaps, stovepiping – makes strategic intelligence impossible

Stewart 13 (Jeff, Lieutenant Colonel in the United States Army. “Improving the National Strategy Process” (March 2013), U.S. Army War College, Department of National Security and Strategy)

Another issue with the current system is the lack of intelligence gathering and analysis at the strategic level. No nation can develop a strategy to pursue its national interests without accurate intelligence to inform decision makers on what the threats or obstacles to those interests may be. Our current intelligence community consists of 16 different agencies designed to provide integrated intelligence capabilities. ²⁰ These agencies are tasked to provide the government with accurate analysis in a timely manner, but there continue to be problems with the implementation of that goal. The Congressional Research Service identified that, “Congressional intelligence committees have for some time noted weakness in analysis, a lack of language skills, and a predominant focus on current intelligence at the expense of strategic analysis.”²¹ This results in strategy that is frequently developed from estimates based upon very little information.²² The intelligence community must provide strategic intelligence: long range forecasts based upon rigorous analysis and incorporating diverse elements such as the global environment and the predicted actions of other actors. Richard Immerman recommends that in contrast to current intelligence, this strategic intelligence would be “. . . That composite intelligence, interdepartmental in character, which is required . . . in determining policies with respect to national planning and security in peace and war and for the advancement of broad national policy.”²³ Such a shift is required to advance intelligence production beyond the tactical and operational levels into the strategic realm where it will provide meaningful input to the interagency and strategy development processes. This input would be instrumental for the president and the NSC in the production of a grand national strategy and detailed planning guidance, as well as to the various departments as they develop their nested supporting strategies. Once the strategy has been crafted, the focus for the intelligence community then shifts to collection on those identified national interests and the effectiveness of our implemented strategy. The conditions for this shift were created by the Intelligence Reform and Terrorism Prevention Act of 2004. The act established the Director of National Intelligence, a position which would facilitate strategic intelligence gathering in its capacity as the principal intelligence advisor to the president. Rather than seeking solely to provide intelligence on imminent threats and the current global situation, the Director is capable of overseeing the collection and interdepartmental dissemination of intelligence which would support strategists and policy makers in the development and assessment of strategy. As noted by Flournoy and Brimley, “While the Intelligence Community provides valuable products to policymakers on a regular basis, it has not been tasked to support a more interactive process in which future trends, possible developments, and wild cards can be discussed and debated to inform national security issues.”²⁴ Attempting to develop and assess strategy without the appropriate intelligence is haphazard at best and disastrous at worst. In the absence of dedicated support by the intelligence community, strategists will rely on in-house assessments or think tank products, further stovepiping and confusing the interagency process, making coordinated effort all but impossible. Kathleen Hicks recognized this when she wrote that, “The next QDR should also be prefaced by a set of competitive, independent analyses of the strategic environment and its implications for the U.S defense policy.”²⁵ Occasional steps have been made in this direction, such as the National Intelligence Council’s Global Trends 2025 report, but such products are intermittent and not fully integrated into the strategy development and interagency process.²⁶ Show Me the Money Our current system faces significant challenges in resourcing our national strategy. The president, the NSC, and the governmental departments can draft creative and detailed strategies to meet national objectives, but without congressional approval of the required resources those strategies are doomed to failure. Strategies without resources are simply plans. As Eliot Cohen stated, “Strategy is the art of choice that binds means with objectives.”²⁷ The current process is deliberately inefficient, the result of the crafted separation of powers between the executive and legislative branches of government. The executive branch identifies

national interests, devises strategy, and even assigns responsibilities for the ways in which to achieve those objectives. Yet the resources, the means which enable those ways, are controlled by Congress through the budgeting process. Donald Snow and Eugene Brown noted that following World War II, "Foreign and defense policy and its implementation became an increasing part of the competition for scarce government resources."²⁸ This competition can have an adverse affect on strategy implementation. Paul Miller wrote, "Effective policy implementation depends on encouraging teamwork over turf wars."²⁹ Under the current system, the determination of whether a strategy will succeed or fail is firstly determined by the resources allocated to its execution. Consequently, resourcing is the most important execution indicator. A whole of government approach to strategy requires a whole of government approach to budgeting. Janine Davidson states, "Currently the stovepiped committee system in Congress reinforces the agency-centric approach to budgeting and therefore operations."³⁰

Strategic intelligence is key to counterterrorism – strategic foresight requires a whole-of-government approach

Shehadey 14 (Brett Daniel, M.A. in Strategic Intelligence from American Military University. "Strategic Blowback in the Global War on Terror" (1/11/14), In Homeland Security, <http://inhomelandsecurity.com/strategic-blowback-in-the-global-war-on-terror>)

Terrorism is on the rise, not the decline. U.S. strategy of decapitating the leadership has predictably been near futile. While operationally and regionally, there is some progress, much of these are merely isolated short-term gains that do little with the safety of the American people or any actual progress in defeating the evolving international jihadist terrorism. A new approach is greatly needed, fast. While some may go to the extreme to not only condemn these methods entirely, but to cite them as the key fault factor in international counterterrorism set-backs, the reality is more complicated. The US neglect for strategic resolve and their imprudent reliance on operations, regional obsession and over-reliance on tactical execution is a missed opportunity more than a cause in rising terror. A lack of right strategic action is the real policy problem and a narrow theater-by-theater military approach is the obstacle. The major failures in the War on Terror are also frequently and falsely blamed on regional events more than the lack of effective actions and operations of the US government and its international allies. An events-focused analysis will highlight problems such as the Syrian Civil War or the US withdrawal from Afghanistan. Yet these centers of jihad creation happen independent of US action. First, one must perceive international jihad as currently independent, or at least semi-independent, from American operations. Whereas in the past, al Qaeda led a revolutionary Islamic extremist movement against the USA and incited a world of terrorism directed at the USA, this is no longer the case. The US is no longer the number one enemy, there are more pressing matters. In fact, by making the US enemy number two a self-sustaining terrorist movement finds itself a growing political contender for the entire Middle East, Central Asia and parts of Africa. Thus, terrorism is not dependent on the US or its actions; it has its own amorphous and adaptive sustenance. The new theme is not retaliation against a "Satanic America" or Israel but a call to arms and the struggle for local and regional resurgence and political control through the insidious incitement of sectarian conflict and other manipulative measures. International jihadist are incorporating operations to influence or direct Sunni Islamist insurgencies, sympathy, propoganda and recruitment in or destined to key regional conflict areas. Tactics include: assassination, terror, suicide and targeted bombings, raids, sympathy, intimidation by torture, beheadings, kidnappings, etc. Second, US counterterrorism policy has made it easier in some instances only by derailing an American strategic focus into a concentrated projection in limited arenas. Importantly, America has lost the power or the momentum to substantially dictate the terms regarding the War on Terrorism. It is no longer Washington that defines or limits the movements of the international jihadists. Previously they were on the defensive running and hiding. Now there is a resurgence, regrowth and redefining new operations and missions. Syria, however, cannot be balm on the US- it is an internal civil war. Iraqi and Afghani instability on the other hand, and Pakistani in part, can be blamed on US military and political actions. The US and allies are now forced into a position of trying to hold back a growing resurgence of terrorism with little success. New methods are insufficient, such as the diplomatic attempts at truce with the Afghani Taliban will not likely

prevail in any lasting peace. This does not mean that diplomacy is ineffective, but whether the American people choose to exit a war with the enemy there, the Taliban will be at war with them. If you cannot neutralize them all with direct attacks, the next best thing is finding new methods not presently against an enemy that is set to attack the homeland so much as one that is taking advantage of all near-by political opportunities. The major problem is one of local and regional political instability- which is a patented American diplomatic failure, more so than a military failure. The attempt to turn back time and retroactively put in use a larger “whole-of-government” approach has still not achieved a substantial maturity in critical areas. The American devotion to military and security resources and the operational “treatments” rather than the diplomatic, informational and intelligence strategic focus left many vulnerable states prey to such international jihadist influence. As with geopolitical rivalry, international Sunni jihadism seeks to establish itself as a leading political contender in the new Central Asia and Africa. New terrorist safe havens or jihadists camps have sprung up in more and more places. Washington continues to favor US special operations and intelligence special activities as a cure-all for complex and growingly diverse enemy operations and strategic intent. If America and partners show a willingness to substitute the strategic diplomatic, intelligence and informational national functions for military and intelligence operational methods, they will continue to see massive blowback. Military and intelligence operations are needed, but they are the first a result of the failure to implement the appropriate resources of other levels which precede them. By the time they are deployed, US political and information objectives have stalled or been defeated. Eventually, the US will not be able to put out all the fires on the prairie fields of Africa and Central Asia. Firstly, all tactical strikes drone targeted killings and tactical raids should be limited to imminent national threats and friendly state support missions. If they are used at all, they must follow diplomacy, intelligence and informational strategic resources. Yet such cannot continue at the levels they were and be efficient or cost effective within the new strategic dynamic. **Diplomacy, intelligence and information must become the dominant players, using the military and the latter special missions as support roles.** This does not mean that the US is prepared for such a transition. It is not. America’s informational, diplomacy and intelligence must be re-engineered to combat an adaptive pervasive ideological enemy and defeat them globally on a perceptual level. America is nowhere near this capacity. It does not need to spend much money to do so, but **there must be a whole-of-government approach that shares a civil foreign relations end-state or strives for such goal.** Discard the antiquated “us versus them” mentality of warfare and engage them in a more intelligence and informational based approach of infiltration, manipulation and influence; among others. Third, leaving US national security or the War on Terrorism to foreign alliances, coalition partners or multinational operators is not good enough for the safety of the American people or the political well-being of the Afro-Asian regions. The ‘leading from behind’ foreign policy can be a powerful operational initiative to lower the US visibility but it falls short of any essential and needed grand strategy. America must also remain active abroad but not seen in its operational undertakings. On the surface, it must be as innocent as a lamb and as keen as a wolf. Hypocrisy cannot be allowed to continue out in the highly visible wind of large-scale aggressive operations. Anything that the US does at all will be criticized by the enemy- anything except a state’s actions of moral legitimacy or universally accepted sovereign right. On the surface, there must be a new about face of total innocence; economic and innovative military power and strategic prudence. A shifting of alliance to realign the national interest and values should be applicable; particularly at the diplomatic and surface overt levels. The US should act as the wisest and most capable leader in diplomatic affairs; and with strategic intelligence and global information programs should lead political operations in non-lethal and indirect ways, where applicable. Perception is central to a benign grand foreign affairs strategy- which must be created and is at present non-existent. The US must engage the world and the enemy with the power of words and words of power. It must be honest on the surface, principled, honorable, just, fair and benign in relations and actions. As of now, the America appears weakened and two-faced at a time when the Islamic terrorists and militancy movement appear stronger and single-minded. Perception is not truth, but can mean victory or defeat; high or low morale for armed forces and security personnel; partner and potential partners. Moving foreign publics against the enemy must be an objective with and a purpose. Washington must find ways in making the enemy appear far weaker and the US far more capable. Deeds of the enemy must be brought to light with truth campaigns and not ignored or sprinkled by a few words in an unbiased and ironically biased media environment that effectively

objectifies terrorism. A demonstration of power might be needed here and there but it all comes down to destroying the enemy's credibility and incapacitating their ability to approach an audience with any confidence. It becomes increasingly difficult to carry out without political embarrassments like Iraq, Afghanistan, Syria or Pakistan. Such military vacuum states listed above have not been replaced with diplomacy, intelligence or information functions of national power. The US was a large balancer of military state power and such military state power was shipped back home or off to the Asia Pacific. There should have been a proportional transfer of national power, but there was not. It was not a simple pull-out that failed but an over-reliance on military national power and failure to substantially transition to critical national resources of state power. The truth is that America did not and still does not have the appropriate measure of non-military state resources to follow any desired non-aggressive and indirect operations, or to follow the above prescription. Any hard fought stability in previous wars must be immediately followed by a total commitment full-force diplomatic, intelligence and information peace and economic programs.

Personnel Impact—Minority Targetting

Local police forces use spy software to target minorities – warrantless collection of data and monitoring of social spaces

Levinson-Waldman 5/12 (Rachel Levinson-Waldman, counsel in the Liberty and National Security Program at the Brennan Center for Justice at NYU School of Law, 5/12/15, “How the NYPD became George Orwell’s worst nightmare”, Salon.com,

http://www.salon.com/2015/05/12/how_the_nypd_became_george_orwells_worst_nightmare/, 7/13/15, ACC)

There’s been much controversy around the New York City Police Department’s stop and frisk program, which unfairly ensnared tens of thousands of young minority men. But new reports show the NYPD’s tactics are evolving. Now, the Department is monitoring Facebook, Twitter, Instagram, and YouTube accounts — particularly those of young African-American men— and residents have pointed to surveillance cameras liberally sprinkled throughout African-American neighborhoods. The NYPD’s deployment of technology to watch communities of color is only the latest chapter in a much longer story of government surveillance often disproportionately focused on marginalized groups, and now affecting nearly every American in one way or another. We ignore this history at our peril; if we fail to act when one group finds itself targeted by the government, we will soon find we are all under the microscope. The developing welfare state provided the first opportunity to keep tabs on a disfavored community: the poor. Some states require drug tests for aid recipients. Others strictly limit the items that can be purchased with aid dollars. Most recently, Kansas banned welfare recipients from spending aid money at swimming pools, and if the Missouri legislature has its way, those on food stamps will no longer be able to buy canned tuna. Such restrictions are likely to be accompanied by bureaucratic tracking mechanisms as well as limits on using cash to facilitate monitoring of recipients’ spending. The information in some welfare databases is shared extensively within the government, and recipients report that caseworkers are using their electronic welfare benefit cards to monitor their activities. These accumulations of data are also inevitably vulnerable to misuse. Cutting-edge technologies are prone to be targeted at communities of color as well. An advocacy group’s deep dive into license plate records from Oakland, Calif., revealed that lower-income minority neighborhoods – regardless of their crime rates – were lined with the devices, while white wealthier neighborhoods could count on having their cars snapped with far less frequency. Another study conducted after a Michigan city installed surveillance cameras in residential neighborhoods found that African-American residents were twice as likely to be surveilled as their white neighbors. In the counterterrorism context, too, law enforcement and intelligence agencies have frequently, and erroneously, focused on minority populations. The NYPD, for instance, often in close collaboration with the CIA, surveilled and documented barbershops, restaurants, travel agencies, and more, solely because their owners hailed from the Middle East. The FBI spied on Muslims under cover of a community outreach program. The NSA allegedly monitored Muslim activists and scholars. And TSA employees at a major American airport accused their colleagues of pulling aside Middle Easterners, Hispanics, blacks, and other

minorities instead of focusing on real threats. These surveillance efforts often focus on illusory risks, diverting policing, enforcement, and intelligence resources from the real threats. Welfare recipients, for instance, are generally less likely than the overall population to use drugs, and the actual incidence of fraud by beneficiaries of aid is relatively low. Muslims, an enduring target of counterterrorism efforts, are responsible for just a small fraction of all terrorist attacks in the West. Indeed, the NYPD was forced to acknowledge that its spying program origin produced no leads. And the TSA's behavior detection program, which led to its agents' racial and religious profiling, was discredited by the government's own accountability watchdog. Further, using the government's power to widely surveil its own citizens may fundamentally alter the balance of a democratic society. People under surveillance may limit their exercise of First Amendment rights, including choosing whom they associate with and engaging in lawful protest and dissent. When the groups being surveilled have also historically been the disproportionate subjects of law enforcement and intelligence interest, that chilling effect is likely to be magnified.

Director of FBI admits security service personnel react with bias – surveillance technologies solve and debate about alternatives key

Reilly 2/12 — Reporter on Justice Department and the Supreme Court (Ryan J. Reilly, February 12, 2015, "FBI Director: 'Lazy' Racial Biases May Affect Law Enforcement," http://www.huffingtonpost.com/2015/02/12/james-comey-fbi-race-law-enforcement_n_6671030.html), acui

WASHINGTON -- The director of the FBI said on Thursday that law enforcement officers may develop a cynicism that can lead them to treat minorities unfairly, and acknowledged the need for a debate about race and policing. ¶ FBI Director James Comey, in a speech on race and law enforcement delivered at Georgetown University, said that throughout American history, law enforcement has often enforced "a status quo that was often brutally unfair to disfavored groups." Citing the song "Everyone's A Little Bit Racist" from the Broadway musical "Avenue Q," he said that many in America's "white-majority culture have unconscious racial biases and react differently to a white face than a black face." ¶ The speech appears to be the first time that a director of the FBI has so directly addressed the way that race influences law enforcement. Comey said that decades ago, his Irish ancestors likely faced their own problems with discrimination, but said that "little compares to the experience on our soil of black Americans." ¶ While Comey heaped praise upon the nation's law enforcement officers, he also said he was "not looking to let law enforcement off the hook" as he called for an "open and honest discussion" about the role that race can play in the justice system. ¶ "We must better understand the people we serve and protect -- by trying to know, deep in our gut, what it feels like to be a law-abiding young black man walking on the street and encountering law enforcement," Comey said. "We must understand how that young man may see us. We must resist the lazy shortcuts of cynicism and approach him with respect and decency."

Alternatives to personnel allow for more peaceful resolutions

Freskos 11 — news reporter, University of North Carolina (Brian Freskos, October 18, 2011, "NC police dept sees benefits of robotics," <http://www.policeone.com/police-products/police-technology/robots/articles/4508511-NC-police-dept-sees-benefits-of-robotics/>), acui

WILMINGTON, N.C. — Around 1 a.m., after about five hours of tense strategizing and what-if questions, the police dispatched "Sheila," a blue robot that rides on wheels and tracks and used her to make contact with Clay McArthur, a 38-year-old wanted on suspicion of robbing a Wilmington-area bank with a rifle earlier that same day in late September. ¶ The \$187,000 piece of machinery, purchased through federal grant monies, is equipped with four cameras that can tilt, pan and zoom. Her single long arm and claw are so nimble that the robot can open cupboards, pick up suitcases and, if the occasion calls for it, drag a wounded police officer out of harm's way. ¶ And officials

later **credited Sheila with helping bring the McArthur situation to a peaceful conclusion**, an end that came without police breaking down the door. After the window crashed, McArthur came outside and was taken into custody.

Personnel put judgment before the crime – metadata puts the crime first

Alexander 10 -- associate professor of law at Ohio State University, civil rights advocate and writer (Michelle Alexander, 2010, "The New Jim Crow," p. 8), acui

By the time I left the ACLU, I had come to suspect that I was wrong about the **criminal justice system**. It was not just another institution infected with racial bias, but rather a different beast entirely. The activists who posted the sign on the telephone were not crazy; nor were the smattering of lawyers and advocates around the country who were beginning to connect the dots between our current system of mass incarceration and earlier forms of social control. Quite belatedly, **I came to see that mass incarceration in the United States had, in fact, emerged as a stunningly comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow.** I state my basic thesis in the introduction to my book, *The New Jim Crow*.[¶] What has changed since the collapse of Jim Crow has less to do with the basic structure of our society than the language we use to justify it. In the era of colorblindness, it is no longer socially permissible to use race, explicitly, as a justification for discrimination, exclusion, and social contempt. So we don't. **Rather than rely on race, we use our criminal justice system to label people of color "criminals" and then engage in all the practices we supposedly left behind.** Today it is perfectly legal to discriminate against criminals in nearly all the ways it was once legal to discriminate against African Americans. Once you're labeled a felon, the old forms of discrimination—employment discrimination, housing discrimination, denial of the right to vote, and exclusion from jury service—are suddenly legal. **As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow. We have not ended racial caste in America; we have merely redesigned it.**

Hard statistics prove

Alexander 10 -- associate professor of law at Ohio State University, civil rights advocate and writer (Michelle Alexander, 2010, "The New Jim Crow," p. 9-12), acui

Here are some facts I uncovered in the course of my work and research that you probably have not heard on the evening news:[¶] * **More African American adults are under correctional control today—in prison or jail, on probation or parole—than were enslaved in 1850, a decade before the Civil War began.**[¶] * **In 2007 more black men were disenfranchised than in 1870, the year the Fifteenth Amendment was ratified prohibiting laws that explicitly deny the right to vote on the basis of race.**⁴ During the Jim Crow era, African Americans continued to be denied access to the ballot through poll taxes and literacy tests. Those laws have been struck down, but today felon disenfranchisement laws accomplish what poll taxes and literacy tests ultimately could not.[¶] * **In many large urban areas in the United States, the majority of working-age African American men have criminal records.** In fact, it was reported **in 2002 that, in the Chicago area, if you take into account prisoners, the figure is nearly 80%.** Those bearing criminal records and cycling in and out of our prisons today are part of a growing undercaste—not class, caste—a group of people, defined largely by race, who are relegated to a permanent second-class status by law. **They can be** denied the right to vote, automatically excluded from juries, and **legally discriminated against** in employment, housing, access to education, and public benefits, **much as their grandparents and great-grandparents were during the Jim Crow era.**[¶] I find that when I tell people that mass incarceration amounts to a New Jim Crow, I am frequently met with shocked disbelief. The standard reply is: "How can you say that a racial caste system exists? Just look at Barack Obama! Just look at Oprah Winfrey! Just look at the black middle class!"[¶] The reaction is understandable. But we ought to question our emotional reflexes. The mere fact that some African Americans have experienced great success in recent years does not mean that something akin to a caste system no longer

exists. No caste system in the United States has ever governed all black people. There have always been "free blacks" and black success stories, even during slavery and Jim Crow. During slavery, there were some black slave owners-not many, but some. And during Jim Crow, there were some black lawyers and doctors-not many, but some. The unprecedented nature of black achievement in formerly white domains today certainly suggests that the old Jim Crow is dead, but it does not necessarily mean the end of racial caste. If history is any guide, it may have simply taken a different form.¶ Any honest observer of American racial history must acknowledge that racism is highly adaptable. The rules and reasons the legal system employs to enforce status relations of any kind evolve and change as they are challenged.⁶ In the first chapter of the book, I describe the cyclical rebirths of racial caste in America. Since our nation's founding, African Americans have been repeatedly controlled through institutions, such as slavery and Jim Crow, which appear to die, but then are reborn in new form-tailored to the needs and constraints of the time.¶ For example, following the collapse of slavery, the system of convict leasing was instituted-a system many historians believe was worse than slavery.⁷ After the Civil War, black men were arrested by the thousands for minor crimes, such as loitering and vagrancy, and sent to prison. They were then leased to plantations. It was our nation's first prison boom. The idea was that prisoners leased to plantations were supposed to earn their freedom. But the catch was they could never earn enough to pay back the plantation owner the cost of their food, clothing and shelter to the owner's satisfaction, and thus they were effectively re-enslaved, sometimes for the rest of their lives. It was a system more brutal in many respects than slavery, because plantation owners had no economic incentive to keep convicts healthy or even alive. They could always get another one.¶ Today, I believe the criminal justice system has been used once again in a manner that effectively re-creates caste in America. Our criminal justice system functions more like a caste system than a system of crime control.¶ For those who find that claim difficult to swallow, consider the facts. Our prison system has quintupled for reasons that have stunningly little to do with crime. In less than 30 years, the U.S. penal population exploded from around 300,000 to more than 2 million.⁹ The United States now has the highest rate of incarceration in the world, dwarfing the rates of nearly every developed country, including highly repressive regimes like China and Iran.¹⁰ In fact, if our nation were to return to the incarceration rates of the 1970s-a time, by the way, when civil rights activists thought that imprisonment rates were egregiously high-we would have to release four out of five people who are in prison today." More than a million people employed by the criminal justice system could lose their jobs.¹² That is how enormous and deeply entrenched the new system has become in a very short period of time.¶ As staggering as those figures are, they actually obscure the severity of the crisis in poor communities of color. Professor Loic Wacquant has argued that the term "mass incarceration" itself is a misnomer, since it implies that nearly everyone has been subject to the new system of control.¹³ But, of course that is not the case. The overwhelming majority of the increase in imprisonment has been poor people of color, with the most astonishing rates of incarceration found among black men. It was estimated several years ago that, in Washington, D.C.-our nation's capital-three out of four young black men (and nearly all those in the poorest neighborhoods) could expect to serve time in prison. ¹⁴ Rates of incarceration nearly as shocking can be found in other communities of color across America.¹⁵

War on drugs proves racial stereotyping

Alexander 10 -- associate professor of law at Ohio State University, civil rights advocate and writer (Michelle Alexander, 2010, "The New Jim Crow," p. 13-15), acui

People of all races use and sell drugs at remarkably similar rates, but the enemy in this war has been racially defined.²¹ The drug war has been waged almost exclusively in poor communities of color, despite the fact that studies consistently indicate that people of all races use and sell drugs at remarkably similar rates.²² This evidence defies our basic stereotype of a drug dealer, as a black kid standing on a street corner, with his pants hanging down. Drug dealing happens in the ghetto, to be sure, but it happens everywhere else in America as well. Illegal drug markets, it turns out-like American society generally-are relatively segregated by race.²⁴ Blacks tend to sell to blacks, whites to whites, Latinos sell to each other. University students sell to each other. People of all races use and sell drugs. A kid in rural Kansas does not drive to the 'hood to get his pot, or meth, or cocaine, he buys it from somebody down the road. In fact, the research suggests that where significant differences by race can be found, white youth are more likely to commit drug crimes than youth of color.²⁵ But that is not what you would guess when entering our nation's prisons and jails, overflowing as they are with black and brown drug offenders. In the United States, those who do time for drug crime are overwhelmingly black and brown.²⁶ In some states, African Americans constitute 80 to 90% of all drug offenders sent, ²⁷ to

prison. I find that many people are willing to concede these racial disparities once they see the data. Even so, they tend to insist that the drug war is motivated by concern over violent crime. They say: just look at our prisons. Nearly half of the people behind bars are violent offenders. Typically this is where the discussion ends. The problem with this abbreviated analysis is that violent crime is not responsible for the prison boom. Violent offenders tend to get longer sentences than nonviolent offenders, which is why they comprise such a large share of the prison population. One study suggests that the entire increase in imprisonment can be explained by sentence length, not increases in crime.²⁸ To get a sense of how large a contribution the drug war has made to mass incarceration, consider this: there are more people in prison today just for drug offenses than were incarcerated in 1980 for all reasons.²⁹ The reality is that the overwhelming majority of people who are swept into this system are non-violent offenders.

The police bring racial biases – faceless metadata solves best

Chaney and Robertson 13

— Associate Professor at LSU and Associate Professor in the Department of Criminal Justice at University of Louisiana Lafayette, respectively (Cassandra Chaney and Ray V. Robertson, January 12, 2013, “Racism and Police Brutality in America,” http://download.springer.com/static/pdf/37/art%253A10.1007%252Fs12111-013-9246-5.pdf?originUrl=http%3A%2F%2Flink.springer.com%2Farticle%2F10.1007%2Fs12111-013-9246-5&token2=exp=1436761338~acl=%2Fstatic%2Fpdf%2F37%2Fart%25253A10.1007%25252Fs12111-013-9246-5.pdf%3ForiginUrl%3Dhttp%253A%252F%252Flink.springer.com%252Farticle%252F10.1007%252Fs12111-013-9246-5*~hmac=944244999f9576f96dd7831550ba8952fd63887bc8d0c62950816a11a3029988), acui

Skolnick and Fyfe (1994) asserted that the police are an extension of White supremacy in the field. Accordingly, it should not come as a surprise that increases in police sensitivity training, higher educational requirements for officer recruits, community policing, and other progressive approaches have not produced a measurable decrease in police brutality against Black males because none of these initiatives specifically address the larger societal issues of police brutality and White supremacy of which police are an extension (Alexander 2010; Feagin 2010).

Paternalism Impact—Gender Violence

The logic of circumvention puts the president in the position of the “masculine protector” – he exerts control over what Congress, the Courts and the people can know

*Bendix and Quirk show paternalism towards Congress

*IC on the record cards show paternalism towards the people – executive branch determines what is released

Crowley 6/17 -- political and foreign affairs analyst (Monica Crowley, June 17, 2015, “How Obama screwed up Hillary’s ‘mommy party’ strategy,” <http://www.washingtontimes.com/news/2015/jun/17/monica-crowley-troubles-for-hillary-clintons-mommy/?page=all>), acui

Every president assumes a somewhat paternalistic role as he leads the nation, even if he comes from the “mommy party.” He’s the guy in charge, shaping the country, leading us in war, making or keeping the peace, herding Congress and presiding over some 300 million citizens who look to him for protection, reassurance and guidance.¶ Mr. Obama, however, has taken the daddy role and supersized it. Let’s face it. Mr. Obama is the worst national daddy ever.¶ In his 2009 inaugural address, he returned to a phrase that he had used before as he admonished us to “put away childish things.” In framing it that way, Mr. Obama subliminally put each American in the position of being a child. And of course, the nanny state he is building makes children out of all of us, as the government — with him sitting at the top — strips away your freedom and makes you a dependent.¶ By virtue of his super-paternalistic role, Mr. Obama elevated himself over Congress as well as the American people. Two days after he was sworn-in as president, Mr. Obama invited top congressional leaders to the White House to discuss plans for economic “stimulus.” When Republican Sen. John Kyl challenged him over the package’s massive spending and tax “cut” to people who did not pay income taxes, Mr. Obama shot back: “I won.”¶ Two months later, the House Democratic Caucus met with Mr. Obama to discuss his budget proposal. When the president spotted Democratic Rep. Peter DeFazio, who had voted against the “stimulus,” Mr. Obama leaned in to him and said, “Don’t think we’re not keeping score, brother.”¶ This was the presidency, done Sopranos-style. But it was also designed to remind Congress of who was boss. Big Daddy was now on the scene, and that co-equal branches of government thing? Forget it. In fact, Mr. Obama took to routinely lecturing Congress about this or that policy, repeatedly summoning congressional leaders to the White House on whims, convening numerous joint sessions to make them show up and applaud his latest radical proposal on health care or solar energy.¶ During the 2011 debt debate, Mr. Obama even instructed members of Congress to “eat their peas” and get a deal in front of him. “Hey you kids! Stop fighting and play nice!” He relished playing Big Daddy as he presided over a rapidly growing welfare state in which all of us are infantilized, and like dutiful children, silenced.

The executive will always circumvent to maintain the surveillance state. The resulting redistribution of powers among the branches reentrenches a new form of hegemonic masculinity and authoritarianism

Cannen 13 -- Bachelor of Arts Communication Social Inquiry/Bachelor of Arts International Studies (First Class Honours) (Emma Cannen, 2013, “US and Venezuelan Presidential Masculinities in the First Decade of the ‘War on Terror’,” p. 184-6, <https://opus.lib.uts.edu.au/research/bitstream/handle/10453/24085/02whole.pdf?sequence=2>), acui

In this section, I argue that Obama’s presidential masculinity does rely on this notion of defensive violence but in contrast to Messerschmidt I demonstrate that despite Obama’s much-flouted credentials as a ‘man of the law’, he practices a very healthy disregard for international law in his

pursuit of the 'WOT'. Obama's escalation of the 'WOT' in Afghanistan and Pakistan, his highly controversial use of drones and implementation of a 'kill not capture' policy, are clear evidence of this. In fact, I argue that **Obama maintains the very same commitment to 'unilateral military force' as the sole policy option for obtaining White House goals' as his predecessors** (Messerschmidt 2010, p. 158). As Landreau (2011) eloquently demonstrates, **Obama's national security rhetoric and policy is oriented by the long held logics of US masculinity and American Exceptionalism** that propel US militarism both domestically and globally. Obama does 'perform a softer, more inclusive presidential masculinity in the area of global politics and terrorism', but fundamentally his foreign policy and presidential masculinity are 'in a line of continuity with Bush' (Landreau 2011, pp. 4 & 2). However, as argued earlier in the thesis, as a black man, Obama does not embody US masculinity in the same way as previous US presidents. Instead he performs a unique presidential masculinity. **Obama constructs and performs a hybrid presidential masculinity that** is contemporary, urbane, demilitarised and characterised by a post-hip-hop ghetto-style cool. This presidential masculinity **has successfully distinguished Obama from Bush** and his accompanying gung-ho militarised masculinity, **convincing many that Obama's policies are also different**. This thesis argues to the contrary. **Obama's presidential masculinity is superficially appealing and globally popular but it cleverly and dangerously camouflages ongoing US militarism**. Obama's **presidential masculinity thus functions as a militarising manoeuvre**. It is complicit in promoting the 'lawyer-in-chief' myth alluded to in the vignette above and thus deserves feminist interrogation. **Obama has largely continued Bush's 'WOT' and further institutionalised the government and military architecture** around it both at home and abroad (De Genova 2010; Jackson 2011; Murray 2011; Parmar 2010, 2011).¹¹ At home, **Obama re-appointed Bush militarists in key positions**, most notably Robert Gates as Secretary of Defence, **and normalised the national-surveillance state** (Jack Balkin as cited in Murray 2011, p. 93). **More broadly, he 'redefined the rule of law and how the three branches of government – executive, legislative and judicial – should function'** (Murray 2011, p. 87). **For example**, in mid-2011, **he reauthorised the unreformed Patriot Act, which as a candidate he had promised to overhaul** because of civil liberty concerns (Murray 2011, pp. 89 & 91). On torture, Obama repeatedly invoked 'state secrets' to avoid releasing information in lawsuits and he blocked the release of memos detailing CIA black sites and interrogation practices (Murray 2011, p. 87). He continued the practice of 'rendition' (kidnapping terrorist suspects) and continues to detain many of them, without charge, in Guantanamo Bay (Parmar 2011). Obama even 'signed executive orders formalising Guantanamo's system of indefinite detention without charges or trial and cranked up military commissions' (Murray 2011, p. 92). **The Obama Administration has also been vindictive in its response to whistleblowers, placing Bradley Manning, an alleged leaker, in solitary confinement, and is pursuing a grand jury trial against Wikileaks founder Julian Assange. Like Bush, Obama is undemocratically claiming 'executive privilege and state secrecy' in defending the crime of an aggressive war'** (Kroes 2012, p. 17)¹² Furthermore, Obama has defied the US constitution and the rights of US citizens themselves in the pursuit of his global 'WOT' (Murray 2011). **Unlike any other president, Obama has endorsed the killing of US citizens outside war zones** (Murray 2011, p. 88); **challenges to his warrantless wiretapping of US citizens have been thrown out of court** (Murray, 2011 p. 89); **and under his administration, it is now legal for police to detain domestic terrorist suspects 'without informing them of their constitutional rights**, including the right to remain silent and to have an attorney present during the interrogation' (Murray 2011, p. 92). Although Obama 'gave us every reason to think that he would...reject the impunity of Bush's imperial presidency', he has perpetuated and even expanded that approach (Murray 2011, pp. 85-6).

Hegemonic masculinity has evolved to a demilitarized "influential manliness" – creates the hierarchies that are used to legitimize patriarchal social relations and global war

Cannen 13 – Bachelor of Arts Communication Social Inquiry/Bachelor of Arts International Studies (First Class Honours) (Emma Cannen, 2013, "US and Venezuelan Presidential Masculinities in the First Decade of the 'War on Terror'," p. 22-23, <https://opus.lib.uts.edu.au/research/bitstream/handle/10453/24085/02whole.pdf?sequence=2>), acui

Messerschmidt's work has implications for my research. In this thesis I conclude that Obama's contemporary, demilitarised and post-hip-hop presidential masculinity potentially engenders new modes of US hegemonic masculinities whereas Messerschmidt might argue that it only represents a new 'dominant' or 'dominating' masculinity. That is, in the post-9/11, post-Bush era demilitarised presidential masculinities are now more powerful and/or celebrated than militarised ones and Obama's global political power and the masculinity associated with it allows him to 'call the shots' and 'run the show'. However, Messerschmidt defines dominant masculinities as those that are the most powerful or widespread but these are two very different things. For example, Obama's demilitarised presidential masculinity is now more powerful and celebrated – an 'influential manliness' (Messerschmidt 2012, pg. 64) – but demilitarised masculinities across the US have not necessarily become more widespread or common. Moreover, it is unclear whether Obama's presidential masculinity would be categorised as a 'dominating' masculinity simply because of his global political power or by virtue of his now more celebrated 'dominant' masculinity. Does power to 'call the shots' logically follow from achieving a more socially celebrated masculinity?¶ Thus, I argue that more detailed theorisation between these two types of masculinities, not just their distinction from hegemonic masculinities, is needed. However, intervening in this 'slippage' debate is not a key concern of this thesis. This research project is firmly situated in the feminist global politics field and is more directly concerned with militarised masculinities and how they relate to hegemonic masculinity. I, along with the feminist scholarship reviewed and quoted throughout the thesis argue that militarised masculinities in their varied forms are often hegemonic because they legitimate unequal gender relations via the subordination of women, femininities and non-militarised masculinities. Put simply, militarism relies heavily on patriarchal social relations, so militarised masculinities are natural contenders for hegemonic masculinities in various localities and regions. In fact, feminists argue that militarised masculinities play a key role in constructing and maintaining more generic hierarchies between masculinities, that in turn not only legitimate patriarchal social relations but war and violence across the globe. The latter is of utmost concern in the field and this thesis. I outline this literature in detail in the next section, illustrating how feminists in the field have adopted and utilised the concept of hegemonic masculinity. My research follows this lead and Messerschmidt's acknowledgement that no scholar has a monopoly on the 'correct' use of any concept (2012, p. 63). Thus, I maintain my argument that Obama's contemporary, demilitarised and post-hip-hop presidential masculinity potentially engenders new modes of US hegemonic masculinities, not just dominant or dominating ones, because it simultaneously camouflages, legitimates and propels US imperial militarism and for feminists this also means the legitimisation of patriarchal social relations.

Current oversight is outdated, update is key

*IC on the record could be an example of gradually implementing transparency – be careful reading this with the tag that says IC is paternalistic

Lewis 14 -- Director and Senior Fellow, Strategic Technologies Program at the Center for Strategic & International Studies (James Andrew Lewis, December 2014, "Underestimating Risk in the Surveillance Debate," p. 17-18, http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf), acui

The oversight process that has served us since the 1970s must change to reflect the expectations of citizens for greater transparency and greater accountability. Delegating responsibility to representatives is no longer by itself sufficient. The United States can strengthen the case for intelligence activities by providing the American people examples of where and how these programs have prevented harm. People will not take on faith or assurances alone that the benefits of surveillance outweigh the risk to civil liberties, and we harm national security by not discussing what these programs have stopped.¶ Oversight involves more than Congress. The biggest change to intelligence oversight is that it must be expanded to include a greater degree of public oversight.

This should involve annual reporting, more open hearings, and other activities, such as public speaking engagements by leaders of the intelligence community. The usual reason for not increasing public oversight is that intelligence programs are secret and must remain so. There is a degree of truth in this, but it should not be an excuse for avoiding all transparency. Whatever the merits of the argument that the surveillance programs cannot be made public even at some high level of detail as this would damage their effectiveness and warn our opponents that the lack of public knowledge and debate is what drives much of the public concern and misunderstanding. **Democratic governance today requires greater transparency and debate, even for secret activities.** Congress and the executive branch must expand its activities in this important public function. Ex post facto releases on intelligence programs and activities, while useful, do not really provide for accountability, as they are too late to provide guidance.¶ The more important structural change to oversight involves the executive branch. The intelligence agencies are the tool of the president for carrying out American foreign policy and for defense. Congress and the courts have the primary oversight responsibility for ensuring that agencies operate in a legal manner, but the president, while ensuring that espionage is conducted in accordance with the law, has primary responsibility for ensuring that agencies are operating in ways that make political and strategic sense. To do this, he or she must rely on the staff of the National Security Council. Success requires dynamic engagement and leadership among the agencies and a clear sense of U.S. goals. It is the NSC that must weigh, as in the cases of Germany and Brazil, when the political risks of espionage outweigh the benefits. A passive approach will lead either to excess or failure.¶ **The greatest weakness in the oversight structure inherited from the 1970s is its lack of transparency.** Adding a privacy advocate to the FISA Court does not solve the transparency problem. It continues the existing overreliance on representative oversight rather than increasing public knowledge. An overreliance on representation is a key flaw in the current oversight system. A privacy advocate would slow the processes of the court—and one of the criticisms of the FISA process as it existed before 9/11 was that it was cumbersome and this contributed to a situation where “the information flow withered.”²² Adding an advocate to the FISA Court smacks of elitism, and a more democratic approach is preferable in the new political environment created by the Internet, which has changed public expectations about how much access to information they should have and where they should have a voice.

AT: Doesn't Turn Perception Advantages

Leaks about circumvention inevitable—turns perception based advantages-- stats, technology, personnel, etc.

Peterson 13 [Andrea Peterson is the Tech Reporter for ThinkProgress. Andrea has a dual degree with honors in political science and East Asian languages and cultures from the University of Kansas and has previously worked as a Constituent Services Aide to Representative Dennis Moore. JUN 25, 2013 “How Technology Makes More Leaks Inevitable”
<http://thinkprogress.org/justice/2013/06/25/2199391/tech-leaks-inevitable///jweideman>]

This week's massive game of “Where In The World Is Edward Snowden?” may soon be a common occurrence, thanks to new technologies that make more leaks and more leak prosecutions virtually inevitable. Snowden is the eighth person the Obama administration has pursued for leaking information under the Espionage Act of 1917 — more than double the number charged by all previous administrations combined — and it is likely that America is on an unstoppable trajectory towards more and more leak prosecutions in future presidencies. Certainly, the sheer increase in the amount of potentially leakable data is a part of this conversation: According to IBM, the world creates 2.5 quintillion bytes of data everyday and that pace means that ninety percent of the data that has ever existed was created within the last two years. And governments are adapting to this new reality. Thanks to Snowden's leaks, we now know that the National Security Agency (NSA) has been siphoning up call records and sniffing through internet data. And according to one 2007 Department of Defense report, the Pentagon is trying to expand its worldwide communications network to handle yottabytes of data with the Utah NSA data center being key to achieving that goal. A yottabyte is equal to about 500,000,000,000,000,000,000,000 pages of text. Yes, that is the correct number of zeros. As a result of the expansion of the national security apparatus in general and the amount of intelligence that apparatus must sift through, there are now more than 4.9 million people with security clearance. That includes roughly 483,000 contractors with top secret clearance, like Snowden. Indirectly, this means that the expansion of government surveillance operations and the technological innovations driving that expansion have led to more and more people having access to the kind of documents that could result in a major intelligence leak. Similarly, with digital storage it's no longer a matter of sneaking out folders or filing cabinets worth of documents to expose a full extent of a program with national security and civil liberty implications. Now you just need a flash drive — or in the alleged case of Bradley Manning, a disc that appears to be a burnt Lady Gaga CD. And services like Wikileaks, the group allegedly used by Bradley Manning to release a vast treasure trove of sensitive content would not exist or have the same impact without the communications capabilities of the internet. Plus, being able to upload documents to an anonymous tool like the New Yorker's strongbox, while onerous, is certainly different beast than meeting in a dark parking garage.

High level insiders agree

AP 15 [Associated press. 5/15/15, “In speech to NSA employees, former official says leak of domestic collection was inevitable” <http://www.foxnews.com/us/2015/05/15/in-speech-to-nsa-employees-former-official-says-leak-domestic-collection-was315620///jweideman>]

WASHINGTON – The decision to keep secret the National Security Agency's collection of American calling records was a strategic blunder that set the stage for Edward Snowden's unauthorized disclosures and ultimately harmed U.S. national security, the agency's former inspector general told NSA employees in blunt remarks Friday. "You now live in a glass house," Joel Brenner, NSA inspector general from 2002 to 2006, said in a speech marking the 40th anniversary of the congressional hearings into the intelligence scandals of the Watergate era. "How could anyone think the bulk collection program would remain secret?" It's not that there no longer can be national security secrets, said Brenner, a lawyer who retired in 2009 after serving as the top U.S. counterintelligence official. But "the idea that the broad rules governing your activities — not specific operations, but the broad rules can be kept secret is a delusion. And they should not be kept secret." Snowden, a former NSA systems administrator, has said he decided to leak thousands of top secret documents to journalists because of what he viewed as deception by Director of National Intelligence James Clapper, when he denied to Congress in 2013 that the U.S. was collecting records on millions of Americans. But Snowden went on to reveal programs that had nothing to do with domestic surveillance, but rather involved NSA's foreign intelligence gathering operations. Clapper and other officials have said they wished the government had been more transparent about the NSA program that since 2002 has collected and stored records of nearly all American landline phone calls for use in counterterrorism investigations, but none put it as starkly as Brenner did. Congress is now debating whether to end the program before the Patriot Act provisions allowing it expire on June 1.

Gradualism Solves

Gradualism- General Movements

Anti-surveillance movements are on the rise—gradually solves the plan

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Jeff and Meena, “Top 10 U.S. Privacy Developments of 2014”,
<http://www.natlawreview.com/article/top-10-us-privacy-developments-2014>, EC

Data Breaches, Studies show increase. Amidst a flurry of high-profile breaches during 2014, several studies confirmed that data breaches as a whole have risen significantly over the past few years. The California Attorney General released a study showing a 28% increase in breaches in 2013 as compared to 2012. Another study, which examined the volume of data breaches during the first quarter of 2014, found an increase of 233% compared to the same time period in 2013.¶ State laws. In April, Kentucky became the 47th state to enact a data breach notification law. Florida and Iowa each amended their data breach notification laws in 2014 to, among other changes, enhance regulator notification requirements. California amended its data breach notice law to expand the types of information covered and to require certain companies to provide one year of free credit monitoring to affected individuals (although the statutory language on the latter point is subject to multiple interpretations).¶ Federal legislation. Numerous data breach bills, including the Data Security Breach Notification Act of 2014 and the Personal Data Protection and Breach Accountability Act, were introduced in Congress, although none passed during 2014. The Senate Judiciary Committee, the Senate Commerce Committee, and the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade, among others, held hearings during 2014 to discuss the need to address data breaches and the possibility of enacting federal legislation.¶ Federal enforcement. In the enforcement arena, the Federal Trade Commission (“FTC”), the Department of Health and Human Services (“HHS”), and state attorneys general pursued enforcement action during 2014 against companies that had suffered data breaches. The Securities and Exchange Commission also announced in April that it would conduct over 50 cybersecurity examinations of publicly traded companies. The Federal Communications Commission (“FCC”), for its part, levied a \$10 million fine in October against two telecommunications carriers for exposing customer data, which represented the FCC’s first enforcement action in the wake of a data breach.¶ Continued attention in 2015. Legislative interest in data breach issues has only increased in early 2015. Since President Obama proposed national data breach legislation, additional data breach notification bills have been introduced in the House and Senate. The House Subcommittee on Commerce, Manufacturing, and Trade also held a hearing on crafting a national data breach bill, debating the harm that should trigger notification obligations and the appropriate window for providing notifications.¶ Exploring Big Data, White House report. Starting in March, the White House hosted a series of public workshops across the country to review “the implications of collecting, analyzing, and using” big data. The workshops culminated in the publication of the White House’s Big Data Report, outlining the Administration’s approach to open data and privacy, public- and private-sector management of data, and a proposed policy framework for big data, along with other recommendations concerning privacy values, educational innovation, big-data discrimination, law enforcement, and public-resource data.¶ FTC workshop. Building on these efforts to

understand big data, last September the FTC hosted a public workshop on the topic. Specifically, the workshop explored big data's impact on low-income and underserved consumers and the extent to which practices and outcomes facilitated by big-data analytics could have discriminatory effects on protected communities.¶ Mobile App Enforcement¶ Device tracking. Starting in February, the FTC held a series of workshops focused on mobile-device tracking, which has gained attention as brick-and-mortar retailers have begun tracking signals emitted from customer devices in order to better understand shopping habits. On the state side, the California Attorney General released guidelines to help websites comply with a state law requiring websites to explain whether and how they respond to Do Not Track requests.¶ Consumer consent. Throughout 2014, the FTC brought complaints against several tech giants — including Apple, Amazon, and Google — alleging that the companies billed parents and other account holders for children's in-app activities without obtaining proper consent.¶ App security and disclosures. The FTC also obtained settlements with mobile-app providers Credit Karma, Fandango, and Snapchat, for allegedly failing to provide reasonable security for personal information or adequate disclosures regarding security and data-collection practices. In August, the FTC issued a report examining the consumer-protection implications of popular shopping apps, finding that these types of mobile apps frequently failed to provide sufficient pre-download disclosures to consumers. ¶ Increasing Scrutiny of Data Brokers¶ Federal legislation. In early 2014, Senators John D. Rockefeller IV (D-WV) and Ed Markey (D-MA) introduced the Data Broker Accountability and Transparency Act, which would require greater transparency from data brokers about consumer information they collect and sell. Following a majority staff report's finding that some data brokers sell sensitive information, such as data about financial vulnerability, without any mechanism for consumers to control or correct their information, the Act was drafted with an express concern that data brokers operate "behind a veil of secrecy" and with "very little scrutiny and oversight" in a multibillion-dollar industry handling large quantities of personal information.¶ FTC report. Simultaneously with the White House Big Data Report, the FTC released its Data Broker Report, urging Congress to consider legislation promoting transparency and consumer access to information held by data brokers, and calling on data brokers to adopt best practices like privacy by design.¶ Wyndham v. FTC¶ Issue. The FTC alleged that Wyndham Hotels violated Section 5 of the FTC Act's prohibition against "unfair practices" by failing to provide "reasonable" security for the personal information of its customers. Unlike most FTC data security cases, which settle before the FTC files a complaint in federal court, Wyndham refused to settle, and instead challenged the FTC's authority to bring data security cases under Section 5.¶ Denial of motion to dismiss. In April, Judge Esther Salas of the U.S. District Court for the District of New Jersey disagreed with Wyndham and denied its motion to dismiss, concluding that Section 5 provides the FTC with the authority to regulate data security.¶ Interlocutory certification. Recognizing that no federal appellate court has ruled on the issue before, Judge Salas certified the case for review by the U.S. Court of Appeals for the Third Circuit.¶ Third Circuit review. In August, the Third Circuit agreed to review the lower court's decision. The case has been briefed and now awaits argument. Assuming that the Third Circuit publishes its opinion in this case, the ruling would be binding in Delaware, New Jersey, and Pennsylvania. It also likely would be highly persuasive in other jurisdictions.¶ Emerging Regulation of the Internet of Things¶ NSTAC Report. In February, the Industrial Internet Subcommittee of the National Security Telecommunications Advisory Council ("NSTAC")

released a report on the Internet of Things, concluding that the federal government has less than 5 years, and possibly as few as 3 years, to influence how the Internet of Things is adopted to mitigate the associated cybersecurity risks.[¶] Proposal for V2V communication. In August, the National Highway Transportation Safety Administration (“NHTSA”) and the Department of Transportation (“DOT”) initiated rulemaking to require vehicle-to-vehicle (“V2V”) communication on new model cars and trucks. The notice of proposed rulemaking included an interim privacy risk assessment of NHTSA and DOT’s proposed framework for V2V communication.[¶] Voluntary Code of Conduct for Smart Grid Data Privacy. The Department of Energy and the Federal Smart Grid Task Force also solicited comments on a Voluntary Code of Conduct for Smart Grid Data Privacy (“VCC”) in late 2014 before releasing a final version of the VCC in January 2015. Although the VCC’s impact could be limited by its voluntary nature and lack of external enforcement, it provides a framework that utilities and third parties can use to govern their collection, use, and disclosure of smart grid data.[¶] More interest in 2015. Following the release of the FTC’s long-anticipated Internet of Things report in January, interest in the Internet of Things should only continue to grow in 2015. Resulting from the FTC’s Internet of Things workshop in November 2013, the report provided key recommendations on security, data minimization, and consumer notice and choice. The Senate Commerce Committee also held a hearing in February to examine how the federal government should regulate the Internet of Things.

Gradualism – Public Push

There's momentum now- Freedom Act proves

Fox-Brewster 5-14-15, Security and Privacy Journalist

Thomas, "House Says No To NSA Bulk Data Collection As Fight To End Mass Surveillance Gathers Momentum", <http://www.forbes.com/sites/thomasbrewster/2015/05/14/usa-freedom-act-passes-house/>, EC

It appears Edward Snowden's decision to blow open the National Security Agency's mass snooping has been vindicated again, with the House of Representatives passing the USA Freedom Act, which promises to end bulk collection across all domestic surveillance authorities. It was overwhelmingly supported by members of the House, with a vote of 338 to 88 and, if passed by the Senate, would see Section 215 of the Patriot Act amended to stop intelligence agencies collecting Americans' phone call and internet communications data, placing limits on how that data can be obtained from communications providers. The overall aim is of the Act is to make surveillance far more targeted with more oversight on bodies like the Foreign Intelligence Surveillance Court who approve or deny requests from the NSA and other snoop agencies. The Freedom Act has widespread support across Washington and Silicon Valley. Though Mitch McConnell, the Senate majority leader, introduced a bill designed to extend the powers under Section 215 of the Patriot Act until 2020, Senator Ron Wyden said he would filibuster that attempt, whilst praising the House vote. "Supporters of dragnet surveillance are fighting to preserve the status quo, but the American public is rightfully demanding a change. It is time for mass surveillance to end, and I will filibuster any attempt to extend this illegal surveillance, which violates core American rights without making our country any safer," he added. National Security Agency leaker Edward Snowden appears on a live video feed broadcast from Moscow at an event sponsored by the ACLU Hawaii in Honolulu on Saturday, Feb. 14, 2015. (AP Photo/Marco Garcia) Tech firms appear to be in favour of the Act. Chris Riley, the Mozilla Corporation's Head of Public Privacy, said it should put America on a path to "a more private and secure internet". "We urge the Senate to swiftly follow suit and vote to pass the bipartisan USA Freedom Act. We are staunchly opposed to any short- or long-term reauthorization of these sections of the Patriot Act absent meaningful reforms. Now is not the time to delay on these much needed reforms." CloudFlare, a content delivery network that supports a significant portion of the web, also explicitly backed the legislation. But not all privacy advocates are convinced the Freedom Act goes far enough. In the wake of a New York federal appeals court ruling that the NSA's mass collection of telephone records was unlawful, the Electronic Frontier Foundation said the Senate should feel emboldened to tighten up the statute, withdrawing its support for the bill unless changes were made. In particular, it wants any vague terms in the legislation to be clarified. "Most importantly, the Second Circuit's correct interpretation of the law should be expressly embraced by Congress in order to avoid any confusion going forward about what the key terms in the statute mean, especially the terms 'relevant' and 'investigation'." The EFF also wants "super minimization" procedures, that would see agencies delete any information obtained about a person not connected to the investigation, reintroduced from the original 2013 bill. Whatever happens with the final USA

Freedom Act and the imminent decision on the future of the Patriot Act, the pendulum appears to have swung in favour of the anti-surveillance crowd for now.

Gradualism--Advocates

Privacy advocates are at the threshold

Ryan et al '14, staff correspondent

Laura, "NSA Critics Gain Momentum", <http://www.nationaljournal.com/tech-edge/nsa-critics-gain-momentum-20140623>, EC

TODAY'S TOP PARAGRAPH: Privacy advocates have a new spring in their step after last week's House vote to curb NSA spying. The administration, however, gained approval to continue its bulk collection of phone records. The FCC unveiled its proposal to pump money into WiFi in schools, and all eyes are on the Supreme Court this week with the Aereo decision looming.¶TOP NEWS¶HOUSE VOTE BOOSTS NSA CRITICS: A strong House vote to close "backdoor" NSA spying programs has given privacy advocates a new boost of momentum as they try to toughen up surveillance reform legislation in the Senate. "That overwhelming vote changes the trajectory of this issue moving forward," Rep. Zoe Lofgren, a sponsor of one of the amendment to the defense bill, said. Lawmakers also approved an amendment from Rep. Alan Grayson to bar the NSA from undermining encryption standards.¶Lofgren argued that the votes are a "better reflection of the actual views" of House members than the USA Freedom Act, which leaders scaled back with last minute changes before a floor vote last month. Even if the provisions don't become law through the appropriations process, they put pressure on the Senate to adopt stronger reform.¶"I'll be urging my colleagues in the Senate to follow the House's lead," Sen. Ron Wyden said in a statement. "It is time to slam this back door shut."

Gradualism—Freedom Act Emboldened

Privacy supporters are rallying behind momentum from the Freedom Act

Volz and Fox 6-3-15, staff correspondents

Dustin and Lauren, "The War Over NSA Spying Is Just Beginning",

<http://www.nationaljournal.com/tech/the-war-over-nsa-spying-is-just-beginning-20150603>, EC

June 3, 2015 Now that Congress has passed the USA Freedom Act, a surveillance overhaul bill that will shutter the National Security Agency's bulk gathering of U.S. call data—having done so while shutting down attempts from the Senate Majority Mitch McConnell to weaken it—reform-minded legislators are emboldened. But while reformers hope Tuesday's victory is an appetizer to a multiple-course meal to rein in the NSA, security hawks—many of them Republicans vying for the White House—hope to halt the post-Snowden momentum behind surveillance reform. And some already are talking about unraveling the Freedom Act. ¶ "What you are seeing on the floor of the Senate is just the beginning," said Sen. Ron Wyden, a civil-liberties stalwart in the upper chamber who serves on the intelligence committee and has worked for more than a decade to reform government surveillance. "There is a lot more to do when—in effect—you can ensure you protect the country's safety without sacrificing our liberty." ¶ Wyden used the Freedom Act's passage to call for additional intelligence-gathering reforms that he has long advocated, such as closing the so-called "backdoor search loophole" that allows U.S. spies to "incidentally" and warrantlessly sweep up the email and phone communications—including some content—of Americans who correspond with foreigners. He added he plans to move quickly on reworking Section 702 of the Foreign Intelligence Surveillance Act, before Congress is up backed up against its renewal deadline in 2017. ¶ The Oregon Democrat also supports tech companies in their ongoing tussle with the administration over smartphone encryption as a key priority. While Google and Apple have begun to build their phones with "too-tough-to-crack" encryption standards, the FBI has warned that the technology locks out the bad guys and the good—and can impede law-enforcement investigations. ¶ ADVERTISEMENT ¶ Wyden and his allies, though, are bumping up against an impending presidential campaign, where many Republicans will jockey with one another to look toughest on national security. ¶ Few issues divide the GOP White House contenders more than NSA surveillance, as defense hawks such as former Florida Gov. Jeb Bush and Sen. Marco Rubio continue to defend the NSA bulk metadata program as necessary to protect the homeland, while libertarian-leaning agitators such as Sens. Rand Paul and Ted Cruz warn voters of the privacy perils associated with the government's prying eyes. ¶ Rubio, who has said he'd prefer that the NSA's phone dragnet be made permanent, issued a statement after the Freedom Act's passage saying it fell to the next president to undo its policies. ¶ "The failure to renew the expiring components of the PATRIOT Act was a mistake," Rubio said in a statement after the vote. "The 'USA Freedom Act' weakens U.S. national security by outlawing the very programs our intelligence community and the FBI have used to protect us time and time again. A major challenge for the next president will be to fix the significantly weakened intelligence system that the current one is leaving behind." ¶ Paul, meanwhile, continues to fundraise on social media and in campaign emails off his hardline opposition to "illegal NSA bulk data collection." The Kentucky senator succeeded in drawing enormous attention to the issue by forcing a temporary lapse this week of the Patriot Act's spy authorities, and has vowed to limit the agency's mass surveillance practices "on day one" if elected

president.¶ But Paul also was a major obstacle for the Freedom Act's passage, repeatedly voting against it and helping delay its consideration on grounds it didn't go far enough—and codified parts of the Patriot Act he thinks should stay dead.¶ Cruz, meanwhile, represented the middle ground and was a chief GOP backer of the legislation, setting up a potential argument with Paul on debate stages about who has done more to fight against mass surveillance. Any jockeying between the two will expose them to sniping from candidates on the other side of the debate, including potential candidate Chris Christie, the New Jersey governor, who often goes out of his way to condemn those who criticize government snooping. Rand Paul already has become a regular punching bag for the GOP field's security hawks.¶ DON'T MISS TODAY'S TOP STORIES¶ “I read the Tech Edge every morning.” Ashley, Senior Media Associate Sign up form for the newsletter¶ Back on Capitol Hill, many of the same members who were trying to block reform warn that it only takes one security setback for Congress to stop taking powers away from the NSA.¶ “The next time there is a terrorist act within the United States, the same people are going to be coming to the floor seeking changes to the tools that our intelligence community, our law enforcement community has at their disposal because the American people will demand it,” said Sen. Richard Burr, the chairman of the Intelligence Committee.¶ Sen. Susan Collins, who also serves on the intelligence panel, recognized that reforms and oversight will likely continue now that the USA Freedom Act has passed, but she said she's not so sure supporters of the Freedom Act won't have buyer's remorse down the line.¶ “I believe it is actually going to expose Americans' data to greater privacy risk and to vulnerability from computer data breaches,” Collins said.¶ The momentum to end the NSA's phone dragnet snowballed over the past year and a half as two review panels deemed it ineffective. President Obama pledged to end it “as it currently exists” and a federal appeals court deemed it illegal.

Gradualism- Drones

There's new privacy concerns regarding domestic drones

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Jeff and Meena, "Top 10 U.S. Privacy Developments of 2014",
<http://www.natlawreview.com/article/top-10-us-privacy-developments-2014>, EC

¶ Limiting Use of Drones¶ FAA proposal and privacy advocates' concerns. This month, the FAA released a Notice of Proposed Rulemaking that would allow limited commercial use of drones less than 55 pounds. Over the past year, news of the FAA's plans has raised a number of privacy concerns, such as fears that companies and the government would use drones to spy on individuals.¶ White House response. To address these concerns, the White House released a memorandum that limits the government's ability to use drones to collect information about individuals, and requires the government to be transparent about its drone use. The memorandum also directs the National Telecommunications and Information Administration to work with the private sector to develop voluntary best practices for drone use.¶ Federal legislation. In December, retiring Sen. Jay Rockefeller released a bill that would prohibit the use of drones for surveillance of an individual without the individual's prior express consent and require drone operators to anonymize and aggregate information about individuals who have not provided prior express consent.

Gradualism- NSA Data Collection

NSA data's on the decline- recent reforms prove

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Jeff and Meena, "Top 10 U.S. Privacy Developments of 2014",
<http://www.natlawreview.com/article/top-10-us-privacy-developments-2014>, EC

Reforming NSA Data Collection¶ Restricting collection and expanding disclosure. In January, President **Obama called for an "end" to the National Security Agency's ("NSA") bulk data collection program "as it currently exists"** and released a Presidential Policy Directive restricting the NSA's ability to collect bulk data or target specific individuals surveillance. Later in the same month, the Department of Justice loosened restrictions regarding public disclosure of Foreign Intelligence Surveillance Act ("FISA") orders and National Security Letters, providing recipients of these requests with two options for disclosing to the public the approximate volume of the requests.¶ Federal legislation. **The White House also proposed legislation to restrict the collection of bulk calling records by the NSA. Under the proposal, the records would be retained for 18 months by telecommunications providers, instead of the NSA, and the NSA would have to obtain a court order to access the records.** The House Intelligence Committee also proposed a similar bill, which included slightly looser restrictions on the FISA Court's oversight of government data requests. None of these bills, however, passed successfully. One such bill, the USA Freedom Act, was blocked by Senate Republicans in November over concerns that the bill would hamper the government's ability to fight terrorism.¶ Sharing of Cyber Threat Information¶ DOJ/FTC Antitrust Policy Statement. Although the concept of cyber threat information-sharing has been discussed for several years, **the federal government took several small but important steps in 2014 towards making widespread sharing a reality. In April, the Department of Justice ("DOJ") and the FTC released a joint Antitrust Policy Statement**, stating that the sharing of cyber threat information does not implicate antitrust concerns. The DOJ reiterated this position in a business review letter in October, announcing that it had no intention of challenging the TruSTAR information sharing platform under antitrust laws.¶ Federal legislation. Following these developments, **Congress passed the National Cybersecurity Protection Act of 2014, which codified the National Cybersecurity and Communications Integration Center within the Department of Homeland Security as a platform for cyber threat information sharing between the public and private sector. However, this bill did not provide any liability protection for the sharing of cyber threat information.** Passing information-sharing legislation that includes liability protections has remained a central issue in early 2015. After President Obama proposed an information-sharing bill in January, the Senate Committee on Homeland Security and Governmental Affairs held a hearing to discuss with a cross-section of private industry stakeholders and cybersecurity experts the need for information sharing and liability protection.¶ Cyber Threat Intelligence Integration Center. **Last week, the White House announced the creation of the Cyber Threat Intelligence Integration Center, which will coordinate cyber threat intelligence from the FBI, the Department of Homeland Security, the National Security Agency, and other federal agencies.**¶ Telemarketing Enforcement¶ TCPA amendment. In October 2013, the Federal Communications Commission amended its

telemarketing rules under the Telephone Consumer Protection Act (“TCPA”) to require companies to collect consumers’ prior express written consent for autodialed or prerecorded telemarketing calls (including text messages) to wireless telephone numbers.¶ Increase in lawsuits. Because statutory damages can reach \$1,500 per call, the new TCPA rules have been attractive to class action plaintiffs’ lawyers. TCPA lawsuits increased by 30 percent between September 2013 and September 2014.¶ Federal court ruling on definition of “autodialer.” In a significant recent opinion, a federal judge in the Northern District of California dismissed a putative class action lawsuit under the TCPA, ruling that an automated telephone dialing system or “autodialer” is not used when a third party group inviter has provided the number that resulted in the initiation of the automated text by a company to a consumer.

Gradualism- Reforms

Reforms are happening now despite a history of circumvention

Timm 3-14-15, Guardian US columnist and executive director of the Freedom of the Press Foundation

Trevor, “Congress won't protect us from the surveillance state – they'll enhance it”,
<http://www.theguardian.com/commentisfree/2015/mar/14/congress-wont-protect-us-from-the-surveillance-state-theyll-enhance-it>, EC

The same Senator who warned the public about the NSA's mass surveillance pre-Snowden said this week that the **Obama** administration **is still keeping more spying programs** aimed at Americans **secret**, and it seems **Congress only wants to make it worse**.[¶] In a revealing interview, **Ron Wyden** – often the lone voice in favor of privacy rights on the Senate's powerful Intelligence Committee – **told** BuzzFeed's John **Stanton** that American citizens are being monitored **by intelligence agencies in ways that still have not been made public more than a year and a half after the Snowden revelations and countless promises by the intelligence community to be more transparent**. Stanton wrote:[¶] Asked if intelligence agencies have domestic surveillance programs of which the public is still unaware, Wyden said simply, “Yeah, there's plenty of stuff.”[¶] **Wyden's warning is not the first clue about the government's still-hidden surveillance; it's just the latest reminder that they refuse to come clean** about it. For instance, **when** the New York Times' Charlie Savage and Mark **Manzetti** exposed a secret CIA program “collecting bulk records of international money transfers handled by companies like Western Union” into and out of the United States in 2013, they also reported that “**several government officials said more than one other bulk collection program has yet to come to light**.”[¶] Since then – beyond the myriad Snowden revelations that continue to pour out – **the public has learned about** the Postal Service's massive database containing **photographs of** the front and back of **every single piece of mail** that is sent in the United States. **There was** also **the Drug Enforcement Administration's** mass phone **surveillance program** – wholly separate than the NSA's – **in which “phone records were retained even if there was no evidence the callers were involved in criminal activity,”** according to the New York Times. And recently, the Justice Department's “national database to track in real time the movement of vehicles around the US”, reported by the Wall Street Journal.[¶] That **there are** still **programs** aimed at Americans that the Obama administration is **keeping secret from the public** should be a front page scandal.[¶] Instead of exposing and informing these programs, however, Congress seems much more intent on giving the intelligence agencies even more power. On the same day that Wyden issued his warning, **the Senate Intelligence Committee passed its** latest version of CISA, a supposed “cybersecurity” **bill that allows companies to hand over** large swaths of **personal information** to the government without any court order at all – and gives the companies immunity from any privacy lawsuits that may result.[¶] Wyden called it “a surveillance bill by another name” – and was the only Senator on the Intelligence Committee member to vote against it.[¶] The committee claims they passed some privacy amendments, but we have no idea what since they did so in complete secrecy, and the announcement came after it had already passed. The public has yet to see the bill.[¶] While members of Congress attempt to pass a new way for the government – and the NSA – to get their hands on more data of Americans, they've barely made a peep about reforming

Section 215 of the Patriot Act, the controversial law that was twisted and warped to allow the NSA to collect every phone record in the United States.¶ Soon they'll have no choice but to address it: Section 215 has to be renewed by Congress in June, or the law expires. With no progress on reforming, there will be a huge push in the coming weeks for Congress to reject Section 215 entirely – and many people believe the surveillance state might not have the votes to keep it.¶ Congress can keep trying to avoid change, but reform is coming one way or another.

Congressional momentum is shifting opinion towards privacy

Steinhauer and Weisman 6-2-15, reporters

Jennifer and Jonathan, “US Surveillance in Place Since 9/11 Is Sharply Limited”

http://www.nytimes.com/2015/06/03/us/politics/senate-surveillance-bill-passes-hurdle-but-showdown-looms.html?_r=0, EC

WASHINGTON — In a significant scaling back of national security policy formed after the Sept. 11, 2001, terrorist attacks, the Senate on Tuesday approved legislation curtailing the federal government’s sweeping surveillance of American phone records, and President Obama signed the measure hours later.¶ The passage of the bill — achieved over the fierce opposition of the Senate majority leader — will allow the government to restart surveillance operations, but with new restrictions.¶ The legislation signaled a cultural turning point for the nation, almost 14 years after the Sept. 11 attacks heralded the construction of a powerful national security apparatus. The shift against the security state began with the revelation by Edward J. Snowden, a former National Security Agency contractor, about the bulk collection of phone records. The backlash was aided by the growth of interconnected communication networks run by companies that have felt manhandled by government prying.¶ The storage of those records now shifts to the phone companies, and the government must petition a special federal court for permission to search them.¶ Even with the congressional action, the government will continue to maintain robust surveillance power, an authority highlighted by Senator Rand Paul, Republican of Kentucky, whose opposition to the phone records program forced it to be shut down at 12:01 a.m. Monday. Mr. Paul and other critics of the legislation said the government’s reach into individuals’ lives remained too intrusive.¶ The bill cleared the Senate 67 to 32 after a fierce floor fight; at least four of the opponents voted no because they felt the bill did not go far enough.¶ Mr. Obama was quick to praise passage of the legislation and to scold those who opposed it.¶ “After a needless delay and inexcusable lapse in important national security authorities, my administration will work expeditiously to ensure our national security professionals again have the full set of vital tools they need to continue protecting the country,” Mr. Obama said. “Just as important, enactment of this legislation will strengthen civil liberty safeguards and provide greater public confidence in these programs.”¶ The Senate’s longest-serving member, Patrick J. Leahy, the seven-term Democrat of Vermont, said the legislation, which he co-sponsored, represented “the most significant surveillance reform in decades.”¶ The fight for the changes was led largely by Democrats and a new generation of Republicans in the House and the Senate who were elected a decade after the terrorist attacks. Even as threats have multiplied since then, privacy concerns, stoked by reports of widespread computer security breaches at private companies, have shifted public opinion.¶ “National security and privacy are not mutually exclusive,” said Senator James Lankford, Republican of Oklahoma, a freshman who like several

other younger Republicans voted against the senior senator from his state. “They can both be accomplished through responsible intelligence gathering and careful respect for the freedoms of law-abiding Americans.”¶ Tuesday’s vote was a rebuke to Senator Mitch McConnell, Republican of Kentucky and the majority leader, who, until the end in a bitter floor speech, maintained the bill was a dangerous diminishment of national security. Lawmakers in both parties beat back amendments — one by one — that he insisted were necessary to blunt some of the bill’s controls on government spying.¶ Mr. McConnell blasted his fellow senators — and by association Speaker John A. Boehner, who heartily endorsed the measure — as taking “one more tool away from those who defend our country every day.”¶ “This is a significant weakening of the tools that were put in place in the wake of 9/11 to protect the country,” he said. “I think Congress is misreading the public mood if they think Americans are concerned about the privacy implications.”¶ But even scores of senators who loathed the actions of Mr. Snowden voted for the legislation.¶ The legislation’s goals are twofold: to rein in aspects of the government’s data collection authority and to crack open the workings of the secret national security court that oversees it. After six months, the phone companies, not the N.S.A., will hold the bulk phone records — logs of calls placed from one number to another, and the time and the duration of those contacts, but not the content of what was said. A new kind of court order will permit the government to swiftly analyze them.¶ The Foreign Intelligence Surveillance Court, for the first time, will be required to declassify some of its most significant decisions, and outside voices will be allowed to argue for privacy rights before the court in certain cases.¶ The battle over the legislation, the USA Freedom Act, made for unusual alliances. Mr. Boehner joined forces with Mr. Obama, the bipartisan leadership of the House Judiciary Committee, and a bipartisan coalition of senators against Mr. McConnell and his Intelligence Committee chairman, Senator Richard Burr, Republican of North Carolina.¶ Mr. McConnell made a series of miscalculations, stretching back to last year, when he filibustered a similar surveillance overhaul measure. Last month, after Republicans blocked consideration of the Freedom Act, Mr. McConnell sent the Senate on a weeklong Memorial Day recess, pushing Washington up against a June 1 deadline, when surveillance authority would lapse.¶ That empowered Mr. Paul, who promised supporters of his presidential campaign that he would single-handedly ensure that surveillance authority lapsed, a promise on which he delivered. When Mr. McConnell then argued in favor of amending the Freedom Act, senators in both parties — even some who supported him — said any changes would only extend the surveillance blackout and risk the country’s security.¶ In a heated meeting of House Republicans on Tuesday morning, one of the architects of the post-Sept. 11 USA Patriot Act, Representative Jim Sensenbrenner of Wisconsin, angrily told Senator John Barrasso of Wyoming, an emissary from the Senate leadership, to deliver a message to his colleagues: Any change to the House bill would be flatly rejected.¶ About a dozen Republican senators — most of them recent House members — took the warning to heart, joined Democrats and voted down all of Mr. McConnell’s proposed changes.¶ As the debate over the bulk phone records program unfolded, supporters and opponents both trotted out worst case scenarios to make their argument. Opponents warned that the government could root through the records to learn who was calling psychiatrists and political groups, while supporters said ending it would lead to terrorist attacks on the United States.¶ Neither of those warnings was supported by how the program had performed in its nearly 14 years of existence. Repeated studies found no evidence of intentional abuse for personal or political gain, but also found no

evidence that it had ever thwarted a terrorist attack.¶ Still, the debaters on each side also made other points. Opponents said that the mere collection of Americans' calling records by the government was a privacy violation and that it risked being abused in the future. Supporters said it had helped flesh out investigations in other ways, and could still prove to be crucial in the future.¶ Senator Mike Lee, a Utah Republican, and Senator Leahy made it clear after passage that curtailing the phone sweeps might be only the beginning. The two are collaborating on legislation to undo a provision in the Electronic Communications Privacy Act of 1986 that allows the government to read the contents of email over six months old. House members and senators from both parties are already eyeing a section of the Foreign Intelligence Surveillance Act that they say has also been abused by the government.¶ But opponents of the law said they imagined further fights going forward for their positions, too. Senator Susan Collins, Republican of Maine, said she and others would continue to seek reforms and oversight.¶ "It's not the end," she said.

Gradualism- Congress

Freedom Act passage proves Congress is taking the side of privacy

Kaplan 6-1-15, Pulitzer Prize-winning journalist

Fred, “America isn’t defenseless without the Patriot Act, and the revised law won’t hurt national security, either.”,

http://www.slate.com/articles/news_and_politics/war_stories/2015/06/don_t_worry_about_the_patriot_act_expiring_the_usa_freedom_act_won_t_hurt.2.html, EC

After the Senate’s rare Sunday night session, Congress is on track to end the National Security Agency’s practice of sweeping millions of Americans’ phone records—the most controversial program revealed by former NSA consultant Edward Snowden two years ago. The move will reduce the potential for NSA abuse in the future, but—contrary to the dire warnings of some and the dizzy celebrations of others—it will not diminish the agency’s ability to spy on terrorists, either abroad or inside the United States.¶ Under Section 215 of the Patriot Act, which was passed in 2001, shortly after the Sept. 11 attacks, certain phone companies have been required to give the NSA bulk records known as “metadata”—the numbers, dates, times, and durations of all phone calls, but not the identities of the callers or the contents of their conversations. The NSA has then stored the metadata for up to five years and has used it to draw links between suspected terrorists and possible associates—or that’s the theory.¶ A revision to this law, known as the USA Freedom Act, which the House passed in May, would keep these records stored with the phone companies. The NSA could gain access to the metadata only by requesting it through the Foreign Intelligence Surveillance Court—and, even then, the requests and access would be limited to specific phone numbers or information.¶ On May 23, the Senate voted, 57-42, to adopt the House bill, but the tally fell three votes short of the 60 needed to override a filibuster—and a filibuster was threatened from the right and from the libertarian-left.¶ Senate Majority Leader Mitch McConnell was pushing a bill to extend the Patriot Act, unchanged, for another five years. Under ordinary circumstances, he might have won, or held out for some compromise between the House bill and his proposal, but that tactic wouldn’t work this time. Back in 2001, in the wake of the terrorist attacks, then-President George W. Bush pushed Congress to pass the Patriot Act immediately; the bill was still hot off the presses, almost no one had read it, and it differed substantially from a similar measure hammered out by the judiciary committees. In exchange for their haste, key legislators insisted that a “sunset clause”—an expiration date—be written into some parts of the law (including Section 215), which Congress could extend or let lapse in a more sober, reflective time.¶ Removing the metadata from the NSA removes the temptation, or opportunity, for abuse.¶ In 2011, when the bill was last scheduled to expire, Congress voted to extend the law until 2015. In the interim, three things have happened. First, and pivotaly, came Snowden’s disclosures. Second, a presidential commission—which was formed as a result of those disclosures—recommended several reforms to NSA practices, some of which are included in the USA Freedom Act. Third, in early May, a federal appeals court ruled that Section 215 of the Patriot Act did not in fact authorize anything so broad as the NSA’s bulk metadata-collection program—that, in other words, the bulk-collection program was illegal.

And it's just the first step- other legislation's on the agenda

Calabrese 7-5-15, vice president of policy at the Center for Democracy & Technology

Chris, "Post USA Freedom Act: There's more to be done",

http://www.ourmidland.com/opinion/editorials/post-usa-freedom-act-there-s-more-to-be-done/article_6676dd8c-7565-5ba4-8387-0158caae0784.html, EC

Congress delivered a **resounding win** for the American people and their **right to privacy**. By **passing the USA FREEDOM Act**, they showed that **we could protect** our national **security while respecting privacy rights**, and do so **in a bipartisan manner**. The **momentum is now clearly on the side of** those seeking broad government **surveillance reform** and hopefully Congress keeps the forward progress going.¶ Perhaps **the most logical**, and easiest, **reform** that should be on their agenda **is** reform of **the** Electronic Communications Privacy Act (**ECPA**). **This** outdated law continues to threaten the very thing it was intended to protect — the privacy of Americans using the Internet.¶ In 1986, when ECPA was written, few Americans owned computers and even fewer used email. Hard drives were small. Service providers offered little storage capacity and the storage they did sell was expensive. The World Wide Web didn't exist in 1986. Neither did cloud computing or broadband or social media or smartphones. Few people needed to store anything in digital form longer than it took to write or read an email.¶ To protect the privacy of the small numbers of Americans who used email then, ECPA restricted the government's access to emails to only those stored with service providers for less than 180 days. No one imagined anyone would keep emails longer than six months, and those emails that were left on a third party server for that amount of time were assumed to be abandoned.¶ That was a perfectly reasonable assumption in 1986. It's an absurd notion in 2015, decades after the Internet Age began. Today, we store all kinds of sensitive possessions online indefinitely — emails, work documents, financial records, diaries, photographs and much else. According to this outdated law, all of it — every email, every text, every document, every picture of our grandchild, every love letter, everything we have communicated in digital form and kept for six months — is subject to government inspection without a warrant.¶ The Fourth Amendment protects us from "unreasonable searches and seizures" of our "persons, houses, papers and personal effects." The government can't inspect our mail or tap our phones or search our homes and offices without obtaining a warrant from a judge after showing probable cause to believe a crime is being committed.¶ But unless ECPA is reformed to reflect modern realities, government agents will continue to assert the authority to search our communications and our private possessions without a warrant and without showing any evidence whatsoever that a crime has been committed.¶ That's an intolerable and completely unwarranted invasion of our privacy. It isn't what the law's authors intended, of course. But government agencies are taking advantage of ECPA's unintended consequences to evade constitutional checks on their powers. And as long as ECPA remains on the books as written, it no longer represents an unexpected assault on our liberty. It is an intentional one.¶ Fortunately, **members in both houses** of Congress, led by Senators Mike Lee and Pat Leahy, and Representatives Kevin Yoder and Jared Polis, **have introduced legislation to reform ECPA**, and restore Fourth Amendment protections to our online communications. **The ECPA Amendments Act and Email Privacy Act**, respectively, **would restore the law's original purpose to protect privacy in the ways we communicate**, transact businesses, learn and recreate today by protecting emails and other communications stored with third party

service providers for any amount of time.¶Their **legislation has broad, bipartisan support**. It is backed by hundreds of members in Congress, including more than 270 House members. **Outside the halls of Congress, conservatives, moderates and liberals, small and large businesses, labor unions, civil libertarians and former prosecutors** all **advocate reforms** to an obsolete law that threatens the liberty and prosperity of the American people.¶ Congress has regularly had to pass reforms to legislation that technology has rendered obsolete and vulnerable to exploitation by the executive branch. We're calling on ECPA to be next.¶Since our founding as a nation, Americans have insisted that we be secure in our persons and secure in our liberties. We made progress toward that end with the passage of the USA Freedom Act. The next step is the reform of ECPA, and re-establishing that neither changes in technology nor laws that have outlived their purpose can be allowed to infringe on Americans' privacy protections.

Gradualism—FBI Surveillance

Senate bill proposed to limit aerial surveillance – SQ FBI doesn't need warrants for plane investigations

AP 6/18 (Jack Gillum, Associated Press reporter on the DC investigations desk covering privacy, technology and surveillance; Eileen Sullivan, AP reporter; and Eric Tucker, AP Reporter; 6/18/15, "FBI: Surveillance flights by the book, rarely track phones", Associated Press,

<http://bigstory.ap.org/article/1240a8a42edf4a86aff72a0246525a95/fbi-surveillance-flights-book-rarely-track-phones>, 7/11/15, ACC)

The FBI would not openly answer some questions about its planes, which routinely orbit major U.S. cities and rural areas. Although the FBI has described the program as unclassified and not secret, it declined to disclose during an unclassified portion of a Capitol Hill briefing any details about how many planes it flies or how much the program costs. In a 2009 budget document, the FBI said it had 115 planes in its fleet. The briefing Wednesday to Senate staff was the first effort in recent years — if ever — to impose oversight for the FBI's 30-year aerial surveillance program that gives support to specific, ongoing investigations into counterterrorism, espionage and criminal cases and ground surveillance operations. While it withheld some details, it offered assurances that the planes are not intended to perform mass surveillance or bulk intelligence collection. However, there is still no formal oversight regimen for the program. The briefing came two weeks after the FBI confirmed to The Associated Press for the first time its wide-scale use of the aircraft, after the AP traced at least 50 planes registered to fake companies back to the FBI. The AP investigation identified more than 100 flights in 11 states over a 30-day period this spring. The planes since June 1 have flown more than two-dozen times over at least seven states, including parts of Texas, Georgia and the Pacific Northwest. The ubiquity of the flights, combined with few details about the surveillance equipment aboard the planes, raised civil liberties concerns over Americans' privacy. The AP had reported that, in rare circumstances, the FBI equipped the planes with technology capable of tracking thousands of cellphones using a device known as a "cell-site simulator." These can trick pinpointed cellphones into revealing identification numbers of subscribers, including those not suspected of a crime. The FBI said that technology has been used on its surveillance aircraft only five times since 2010, according to one Senate staffer present at the briefing. The FBI would not say how often it has used the technology in ground surveillance operations. Staffers shared details with the AP on condition of anonymity because they were not authorized to speak publicly about them. The FBI said 85 percent of the aircraft have commercially available infrared still and video cameras. The remaining 15 percent use binoculars for surveillance missions. The FBI said there were only eight high-definition cameras in the fleet, though it would like to have that technology for more of its planes. The FBI, like the Drug Enforcement Administration, said it hides its aircraft behind fake companies so that it can discreetly conduct surveillance and protect the safety of the pilots. The FBI said most surveillance flights — some 64 percent — are part of national security investigations. It was unclear over what time period those flights took place. Senate Judiciary Chairman Chuck Grassley, R-Iowa, pressed for answers about the FBI's aerial surveillance

program after The Washington Post reported in May that an FBI surveillance plane was used over Baltimore during rioting that erupted following the death of 25-year-old Freddie Gray, who sustained grievous injuries while in police custody. In that instance, the FBI was helping local police with aerial support. Despite government concerns that publicity about the planes might impede surveillance, the number of flights has remained consistent since the AP first reported on the program, according to an AP review of flight records and radar data. Flights since June 2 have occurred a few times each day over cities across the United States, including San Francisco, Phoenix and Orange County, California. They are generally flown without a warrant, which the FBI says is consistent with the law. Two senators proposed changing that Wednesday. Sen. Dean Heller, a Nevada Republican, and Sen. Ron Wyden, an Oregon Democrat who has been outspoken about government surveillance, introduced a bill that would limit what the federal government can record from the skies and require a warrant to conduct surveillance from planes and drones. "Technology has made it possible to conduct round-the-clock aerial surveillance. The law needs to keep up," Wyden said in a statement. "Clear rules for when and how the federal government can watch Americans from the sky will provide critical certainty for the government, and help the unmanned aircraft industry reach its potential as an economic powerhouse in Oregon and the United States." The FBI said it does not comment on pending legislation, but maintained that a warrant was not necessary for the type of surveillance being conducted from its planes. Courts are grappling with balancing constitutional protections against evolving technologies, as laws have not kept pace with technological advancements. Among other reasons, the surveillance planes were exposed as belonging to the FBI because one of its fake companies shared a post office box with the Justice Department, creating a link between the companies and the FBI through publicly available Federal Aviation Administration records. The FBI told Senate staffers it was working with the FAA to restore some cover to preserve operational security, but it did not plan to spend the money required to operate under "deep cover."

FBI uses secret aircraft surveillance – Collects video records and basic cell-phone subscriber info

AP 6/2 (Jack Gillum, Associated Press reporter on the DC investigations desk covering privacy, technology and surveillance; Eileen Sullivan, AP reporter; and Eric Tucker, AP Reporter; 6/2/15, "FBI behind mysterious surveillance aircraft over US cities", Associated Press

https://www.washingtonpost.com/world/national-security/fbi-behind-mysterious-surveillance-aircraft-over-us-cities/2015/06/02/030ce2e2-0959-11e5-951e-8e15090d64ae_story.html, 7/11/15, ACC)

U.S. law enforcement officials confirmed for the first time the wide-scale use of the aircraft, which the AP traced to at least 13 fake companies registered to post office boxes in Bristow, Virginia. Those include FVX Research, KQM Aviation, NBR Aviation and PXW Services. "The FBI's aviation program is not secret," spokesman Christopher Allen said in a statement. "Specific aircraft and their capabilities are protected for operational security purposes." Allen added the

FBI's planes "are not equipped, designed or used for bulk collection activities or mass surveillance." The FBI does occasionally help local police with aerial support, such as during the recent disturbance in Baltimore that followed the death of 25-year-old Freddie Gray, who sustained grievous injuries while in police custody. Those types of requests are reviewed by senior FBI officials. The FBI does not generally obtain warrants to record video of people moving outside in the open. But it says it needs warrants to help identify potentially thousands of cellphones below — using what are known as cell-site simulators — even if a user is not making a call or in public. Officials said that practice, which mimics cell towers to get phones to reveal basic subscriber information, is rare. An FBI spokesman said the flights comply with agency rules, although details are heavily redacted in publicly available documents that discuss limitations and justifications for such surveillance. "It's important that federal law enforcement personnel have the tools they need to find and catch criminals," said Sen. Charles Grassley of Iowa, who chairs the Senate Judiciary Committee. "But whenever an operation may also monitor the activities of Americans who are not the intended target, we must make darn sure that safeguards are in place to protect the civil liberties of innocent Americans." Details about the flights come as the Justice Department seeks to navigate privacy concerns arising from aerial surveillance by unmanned aircrafts, or drones. The AP traced at least 50 aircraft back to the FBI, and the agency told Congress in 2010 it had at least 115 planes. The FBI asked the AP not to disclose the names of the fake companies it uncovered, saying that would saddle taxpayers with the expense of creating new cover companies to shield the government's involvement, and could endanger the planes and the surveillance missions. The AP declined the FBI's request because the companies' names — as well as common addresses linked to the Justice Department — are listed on public documents and in government databases. Justice Department lawyers approved the decision to create fictitious companies to protect the flights' operational security and the Federal Aviation Administration was aware of the practice, officials said. The FBI has been careful not to reveal its surveillance flights in court documents. After The Washington Post revealed flights by two planes circling over Baltimore in early May, the AP began analyzing the mysterious owners behind planes that shared similar addresses and flight patterns. Independent journalists have also recently cited companies traced to post office boxes in Virginia, including one shared with the Justice Department. The AP had analyzed similar data from the website FlightRadar24.com, while also drawing upon aircraft registration documents, business records and interviews with U.S. officials to understand the scope of the government's operations.

AT: Freedom Act Isn't Momentum

The Freedom Act is a crucial first step to combating abuse

Kaplan 6-1-15, Pulitzer Prize-winning journalist

Fred, "America isn't defenseless without the Patriot Act, and the revised law won't hurt national security, either.",

http://www.slate.com/articles/news_and_politics/war_stories/2015/06/don_t_worry_about_the_patriot_act_expiring_the_usa_freedom_act_won_t_hurt.2.html, EC

So does the new law have any significance whatever? Can it properly be called a reform law? Yes, for three main reasons. First, it adopts another of the Obama commission's recommendations: requiring the appointment of a privacy advocate on the FISA Court. This may make the court hearings—which are held in secret—less of a rubber-stamp exercise. Second, it requires periodic declassification review of the court's rulings (another commission recommendation), which may lead to greater accountability. Third, and most significant, the very removal of metadata from NSA headquarters substantially reduces the potential for abuse. The Obama commission found no evidence that the NSA has used metadata analysis to go after political opponents—or, for that matter, any target other than suspected members or associates of three specific terrorist organizations. It is worth noting that Snowden's documents have revealed no such evidence, either. However, one can imagine what Richard Nixon or J. Edgar Hoover might have done with the technology that the NSA has at its disposal—and it's hardly a farfetched notion that the likes of Nixon or Hoover could again ascend to national power. The NSA has set its metadata-search algorithms to trace terrorists, but there's no physical reason why they couldn't be set to search for domestic drug traffickers, criminals, political enemies, or troublemakers of whatever category some rogue director might choose. (Currently the NSA is crawling with lawyers, who assiduously follow reporting requirements, but one can imagine a climate in which a director might tear down this whole apparatus.) Removing the metadata from the NSA removes the temptation, or opportunity, for abuse. Given the fears tapped by Snowden's disclosures, and some harrowing chapters of 20th-century American history, this is a very good thing. And it's been accomplished with no compromise of national security.

AT: Obama Controls NSA

Vague rulings and past NSA behavior prove Obama's got no control independently over the agency

Schwartz '15, Staff Writer

Mattathias, "Who Can Control NSA Surveillance?", <http://www.newyorker.com/news/news-desk/can-control-n-s-surveillance>, EC

President Obama spent only a few moments of his State of the Union this week talking about the National Security Agency and civil liberties. A year before, he'd promised to "end" Section 215, the N.S.A.'s most controversial surveillance program, "as it currently exists." In his speech last Tuesday, he said almost nothing concrete, aside from mentioning a forthcoming report "on how we're keeping our promise to keep our country safe while strengthening privacy." Since Edward Snowden revealed the extent of the N.S.A.'s activities in the summer of 2013, there have been a number of official reports on the troubled relationship between surveillance and privacy—one from the President's Review Group, two from the Privacy and Civil Liberties Oversight Board, and another, last week, from the National Academy of Sciences. In August, 2013, the Office of the Director of National Intelligence started a Tumblr, on which they've posted many interesting and useful documents, including redacted orders from the secret Foreign Intelligence Surveillance Court (FISA). But, while the government has made some moves toward transparency about its surveillance programs, it has enacted few substantial reforms of them. The N.S.A. continues to use Section 215, named after a part of the Patriot Act, to collect metadata on hundreds of billions of U.S. phone calls. Obama has talked about moving the data to some third party. Congress has talked about more serious reforms, including an independent advocate who would represent privacy concerns before the FISA court. But the most significant reform that has been undertaken as the result of an order from Obama is a reduction in the scope of metadata searches, from three "hops," or degrees of association, to two. There isn't much evidence to suggest that Section 215 helps catch the most dangerous terrorists, like those who committed the attacks in Paris two weeks ago. It may even slow investigators down, by eating up resources and generating extraneous leads. (I wrote about Section 215's track record in this week's magazine.) Nevertheless, opponents of N.S.A. reform continue to claim that Section 215 can stop violent terrorists. Last week, House Speaker John Boehner, of Ohio, said that information collected from phone records helped halt a plot to bomb the U.S. Capitol, despite the fact that, as the Guardian reported, the F.B.I. has indicated that the critical information came from a government informant. "The first thing that strikes me is that we would've never known about this had it not been for the FISA program and our ability to collect information for people who pose an imminent threat," Boehner told Politico. When Obama and Congress talk about N.S.A. reform, they're mostly talking about Section 215. But what other classified surveillance programs are out there? The difficulty of answering this question was made clear last week, when the Drug Enforcement Administration revealed in a court filing that it had maintained a database of calls made from U.S. phone numbers to and from overseas callers. The D.E.A. held the database under a law ostensibly related to administrative subpoenas, not metadata, and used it in criminal drug-trafficking investigations, not counterterrorism activities. Despite the apparent lack of a connection to terrorism, all the D.E.A.

needed to search the database was a “reasonable articulable suspicion,” a lower standard of evidence than probable cause that is most often associated with counterterrorism and counterintelligence programs. According to the D.E.A. filings, the program was suspended in September, 2013. All of the information that was contained in the database has since been deleted, a D.E.A. spokesperson told the Times.¶ If Obama and Congress were to undertake serious surveillance reforms, they would have a hard time doing it one authority at a time. The limits on U.S. surveillance were written in an analog age, when “pen registers” and “trap and trace devices” intercepted communications moving on copper wire. The legality of collecting phone metadata rests on a 1979 Supreme Court case, Smith v. Maryland, which held that the police did not need a warrant to obtain the phone numbers dialed from a single suspect’s land line. It didn’t say anything about location tracking, pattern-based analysis, or collecting phone records by the million. The discrepancy between the old guidelines and the new technology they describe has facilitated surprisingly broad interpretations of the ruling, most notably Section 215.

AT: No Compliance

The status quo maintains the possibility of judicial review, which triggers effective compliance

McGreal '6, dean of the University of Dayton School of Law

Paul E., "Counteracting Ambition: Applying Corporate Compliance and Ethics to the Separation of Powers Concerns with Domestic Surveillance",

<http://www.smu.edu/~media/Site/Provost/Ethics/pdfs/McGreal%20Paper.ashx?la=en>, EC

And like data collected by private firms, the government's data will be vulnerable to abuse or attack. Data could be improperly disclosed, either through inadvertence or misconduct of government personnel, who handle the data, or through the wrongful acts of those who obtain unauthorized access to the data. Disclosure can cause harm through either embarrassment or the subsequent misuse of the information (e.g., identity theft or blackmail). Also, the data could be abused by those with authorized access, as when the government targets its political opponents. And even legitimate use of the data can lead to false positives, as when an innocent person is mistakenly identified as a terrorist target. The threats posed by domestic surveillance raise serious separation of powers concerns. Recall that when liberty is at issue, first principles counsel that the federal courts should play some role in checking abuses of government power. Here, the judiciary must play some role checking the abuses posed by data collection, analysis, and storage. Part IV argues that judicial review ought to examine whether the government's domestic surveillance programs implement an effective compliance and ethics program designed to reduce threats to data security. The next part describes what such a program entails.

Misc

Presidential Elections Trick (read with GOP DA)

We'll concede that the GOP will win the elections- that means that circumvention is inevitable because changes in the executive moot any arguments about Obama or the current administration not overturning the aff's statutes

Volz and Fox 6-3-15, staff correspondents

Dustin and Lauren, "The War Over NSA Spying Is Just Beginning",
<http://www.nationaljournal.com/tech/the-war-over-nsa-spying-is-just-beginning-20150603>, EC

June 3, 2015 Now that **Congress** has **passed the** USA **Freedom Act**, a surveillance overhaul bill that will shutter the National Security Agency's bulk gathering of U.S. call data—having done so while shutting down attempts from the Senate Majority Mitch McConnell to weaken it—reform-minded legislators are **emboldened**.[¶] But while reformers hope Tuesday's victory is an appetizer to a multiple-course meal to rein in the NSA, **security hawks**—**many** of them **Republicans vying for the White House**—**hope to halt the post-Snowden momentum behind surveillance reform**. And **some** already **are talking about unraveling the Freedom Act**.[¶] "What you are seeing on the floor of the Senate is just the beginning," said Sen. Ron Wyden, a civil-liberties stalwart in the upper chamber who serves on the intelligence committee and has worked for more than a decade to reform government surveillance. "There is a lot more to do when—in effect—you can ensure you protect the country's safety without sacrificing our liberty."[¶] Wyden used the Freedom Act's passage to call for additional intelligence-gathering reforms that he has long advocated, such as closing the so-called "backdoor search loophole" that allows U.S. spies to "incidentally" and warrantlessly sweep up the email and phone communications—including some content—of Americans who correspond with foreigners. He added he plans to move quickly on reworking Section 702 of the Foreign Intelligence Surveillance Act, before Congress is up backed up against its renewal deadline in 2017.[¶] The Oregon Democrat also supports tech companies in their ongoing tussle with the administration over smartphone encryption as a key priority. While Google and Apple have begun to build their phones with "too-tough-to-crack" encryption standards, the FBI has warned that the technology locks out the bad guys and the good—and can impede law-enforcement investigations.[¶] **Wyden and his allies**, though, **are bumping up against an impending presidential campaign, where many Republicans will jockey with one another to look toughest on national security**.

Surveillance Inevitable

Surveillance reform inevitable – generational divide

Romero 4/21 — Executive Director of the American Civil Liberties Union (Anthony D. Romero, April 21, 2015, “Generation Snowden: On Why Surveillance Reform Is Inevitable,” <http://www.commondreams.org/views/2015/04/21/generation-snowden-why-surveillance-reform-inevitable>), acui

In late February, the American Civil Liberties Union commissioned a global poll surveying millennials (18- to 34-year-olds) in 10 countries, including the United States, about their opinions of Snowden and what the effect of his disclosures will mean for privacy. The results confirmed that surveillance reform, like marriage equality, will come about because of generational change.¶ The poll showed that in every country surveyed — Australia, Canada, France, Germany, Britain, Italy, New Zealand, the Netherlands, Spain and the U.S. — millennials have an overwhelmingly positive opinion of Snowden. In continental Europe, 78% to 86% has positive opinions of him. Even in the United States, where the Justice Department has charged Snowden with espionage, 56% view him favorably.¶ The poll also found that millennials believe Snowden's disclosures will benefit privacy rights. In Germany, Italy, Spain and the Netherlands, 54% to 59% said they thought Snowden's actions would lead to more privacy protection.¶ **By 2020, [millennials] will represent 1 out of 3 adults. As they grow in influence, so too will the demand to rein in the surveillance state.** - ¶ It might seem counterintuitive to think that Snowden's disclosures will lead to greater privacy protections when many of the governments in the countries polled are insistent on maintaining or enhancing their abilities to spy on their citizens. Canada, France and the Netherlands are considering expansive surveillance powers similar to the Patriot Act, and Australia already has enacted such a law.¶ **Though surveillance reform may confront resistance in the near term, millennials have made it clear that they don't want government agencies tracking them** online or collecting data about their phone calls. In the United States, millennials will surpass the baby boomer generation this year, and by 2020, they will represent 1 out of 3 adults. As they grow in influence, so too will the demand to rein in the surveillance state.¶ Conventional wisdom says that the young and idealistic grow up and shed their naive ideals as they confront the real world. By that logic, as millennials age, they will recognize the need for the surveillance state to keep us safe from terrorism. But **given the lack of evidence that mass surveillance works** — President Obama's own review group concluded that the National Security Agency's call-records program never played a pivotal role in any investigation — **it is unlikely this generation of digital natives will shed a fundamental commitment to the free exchange of information.**¶ Their ethos — that the Internet should be a place where people are free to share knowledge and ideas without government interference — is already reflected in tech culture. Technology companies, compelled by profit and principle, recognize how governments continue to violate their citizens' trust with secretive surveillance practices, and some have responded by providing encryption measures for their customers to circumvent it. Last month, the Reform Government Surveillance coalition, which includes Google, Apple, AOL, Facebook, LinkedIn, Microsoft, Twitter and Yahoo, sent a letter to U.S. lawmakers calling for the government to end the bulk collection of data.¶ **It's important to remember how fast even the most entrenched beliefs can change. Not so long ago, the majority of Americans opposed same-sex marriage.** In 2003, the Pew Research Center found that 59% of the U.S. population opposed same-sex marriage. But that same year, 51% of millennials supported it. Since then, support for it has increased every year, in every age group. Federal legalization of same-sex marriage now appears inevitable.

Man-in-the-middle hijacking poses a real threat

Cowie 13 — chief scientist at Dyn, founder and CTO of Renesys (Jim Cowie, November 19, 2013, “The New Threat: Targeted Internet Traffic Misdirection,” <http://research.dyn.com/2013/11/mitm-internet-hijacking/>), acui

For years, we've observed that there was potential for someone to weaponize the classic Pakistan-and-YouTube style route hijack. Why settle for simple denial of service, when you can instead steal a victim's traffic, take a few milliseconds to inspect or modify it, and then pass it along to the intended recipient?¶ This year, that potential has become reality. We have actually observed live Man-In-the-Middle (MITM) hijacks on more than 60 days so far this year. About 1,500 individual IP blocks have been hijacked, in events lasting from minutes to days, by attackers working from various countries.¶ Simple BGP alarming is not sufficient to distinguish MITM from a generic route hijacking or fat-finger routing mistake; you have to follow up with active path measurements while the attack is underway in order to verify that traffic is being simultaneously diverted and then redelivered to the victim. We've done that here.¶ Here's a map of 150 cities in which we've observed at least one victim of a validated MITM route hijacking attack so far this year (click to inspect). The victims have been diverse: financial institutions, VoIP providers, and world governments have been prominent targets.¶ What makes a Man-in-the-Middle routing attack different from a simple route hijack? Simply put, the traffic keeps flowing and everything looks fine to the recipient. The attackers keep at least one outbound path clean. After they receive and inspect the victim's traffic, they release it right back onto the Internet, and the clean path delivers it to its intended destination. If the hijacker is in a plausible geographic location between the victim and its counterparties, they should not even notice the increase in latency that results from the interception. It's possible to drag specific Internet traffic halfway around the world, inspect it, modify it if desired, and send it on its way. Who needs fiberoptic taps?¶ It's even possible to see these attacks as they are occurring, if you have the right global measurement infrastructure. Renesys maintains a realtime view of the Internet from hundreds of independent BGP vantage points. We have to, because that's how we can detect evidence of Internet impairment worldwide, even when that impairment is localized. We also maintain an active measurement infrastructure that sends out billions of measurement packets each day, crisscrossing the Internet in search of impaired or unusual paths like these. Finally, we have a distributed realtime-taskable measurement system that allows us to trigger quick measurements from all over the planet when trouble is detected in a region, so that we can immediately evaluate its significance.¶ Example 1: Belarusian Traffic Diversion¶ In February 2013, we observed a sequence of events, lasting from just a few minutes to several hours in duration, in which global traffic was redirected to Belarusian ISP GlobalOneBel. These redirections took place on an almost daily basis throughout February, with the set of victim networks changing daily. Victims whose traffic was diverted varied by day, and included major financial institutions, governments, and network service providers. Affected countries included the US, South Korea, Germany, the Czech Republic, Lithuania, Libya, and Iran.¶ We recorded a significant number of live traces to these hijacked networks while the attack was underway, showing traffic detouring to Belarus before continuing to its originally intended destination.¶ Here's an example of a trace from Guadalajara, Mexico to Washington, DC that goes through Moscow and Minsk. Mexican provider Alestra hands it to PCCW for transit in Laredo, Texas. PCCW takes it to the Washington, DC metro area, where they would normally hand it to Qwest/Centurylink for delivery.¶ Instead, however, PCCW gives it to Level3 (previously Global Crossing), who is advertising a false Belarus route, having heard it from Russia's TransTelecom, who heard it from their customer, Belarus Telecom. Level3 carries the traffic to London, where it delivers it to Transtelecom, who takes it to Moscow and on to Belarus. Beltelecom has a chance to examine the traffic, and then sends it back out on the "clean path" through Russian provider ReTN. ReTN delivers it to Frankfurt and hands it to NTT, who takes it to New York. Finally, NTT hands it off to Qwest/Centurylink in Washington DC, and the traffic is delivered.¶ The recipient, perhaps sitting at home in a pleasant Virginia suburb drinking his morning coffee, has no idea that someone in Minsk has the ability to watch him surf the web. Even if he ran his own traceroute to verify connectivity to the world, the paths he'd see would be the usual ones. The reverse path, carrying content back to him from all over the world, has been invisibly tampered with.¶ May 2013: Changing of the Guard¶ The Belarus traffic diversions stopped in March. They restarted briefly in May, using a different customer of BelTelecom as the source, and then ended for several months. Within the same hour as the final Belarus hijack of May, however, we saw a first BGP hijack lasting only five minutes from a completely new source: Nyherji hf (AS29689), a small Icelandic provider.¶ Example 2: Icelandic Traffic Diversion¶ After this "first light" from Iceland in May, there were no more route hijacks from Iceland for more than two months. Then, at 07:36:36 UTC on July 31st 2013, Icelandic provider Opin Kerfi (AS48685) began announcing origination routes for 597 IP networks owned by one of the largest facilities-based providers of managed services in the United States, a large VoIP provider. On a normal day, Opin Kerfi normally originates only three IP networks, and has no downstream AS customers.¶ Opin Kerfi has two ISPs: Fjarskipti (AS 12969) and Síminn (AS 6677). The faulty routes propagated exclusively through Síminn, never through Fjarskipti.¶ In fact, this was one of seventeen Icelandic events, spread over the period July 31 – August 19th. And Opin Kerfi was not the only Icelandic company that appeared to announce international IP address space: in all, we saw traffic redirections from nine different Icelandic autonomous systems, all

customers of (or belonging to) the national incumbent Síminn. Hijacks affected victims in several different countries during these events, following the same pattern: false routes sent to Síminn's peers in London, leaving 'clean paths' to North America to carry the redirected traffic back to its intended destination.¶ Here's an example in which traffic between two locations in Denver, Colorado actually ends up getting carried all the way to Iceland and back. The Icelandic providers have hijacked a block of address space belonging to Qwest/Centurylink in Denver. Atrato receives a false peer route to this block from Síminn Iceland, so when an Atrato customer needs to send content across town, Atrato instead carries their traffic to London. There they hand it off to Síminn, who takes it to Iceland before returning it to Montreal on the clean path to Cogent via the Greenland Cable.¶ Cogent gamely carries the traffic back from Montreal to Chicago, and then to New York, where they hand it to Qwest/Centurytel for delivery. Centurytel brings it back across the USA through Dallas and Kansas City, and on to the intended recipient in Denver.¶ Attribution¶ It's important to clarify that we base these conclusions on direct observation and active measurement. Various providers' BGP routes were hijacked, and as a result, some portion of their Internet traffic was misdirected to flow through Belarusian and Icelandic ISPs. We have BGP routing data that show the second-by-second evolution of 21 Belarusian events in February and May 2013, and 17 Icelandic events in July-August 2013.¶ We have active measurements that verify that during the period when BGP routes were hijacked in each case, traffic redirection was taking place through Belarusian and Icelandic routers. These facts are not in doubt; they are well-supported by the data.¶ What's not known is the exact mechanism, motivation, or actors.¶ We first contacted the peering team at Iceland's Síminn in July, when their traffic redirection began in earnest, highlighting some of the erroneous routes. We received no response.¶ We contacted them again recently while researching this story. We were told that the problems were the result of a bug in vendor software, that the problem had gone away when patched, and that they did not believe this problem had a malicious origin. Despite repeated requests for supporting details, we received no further communication.¶ If this is a bug, it's a dangerous one, capable of simulating an extremely subtle traffic redirection/interception attack that plays out in multiple episodes, with varying targets, over a period of weeks. If it's a bug that can be exploited remotely, it needs to be discussed more widely within the global networking community and eradicated.¶ We believe it's unlikely that a single router vendor bug can account for the 2013 worldwide uptick in route hijacking with traffic redirection. These Belarusian and Icelandic examples represent just two of a series of MITM attack sequences that we've observed playing out in the last 12 months, launched from these and other countries around the world.¶ Implications¶ In practical terms, this means that Man-In-the-Middle BGP route hijacking has now moved from a theoretical concern to something that happens fairly regularly, and the potential for traffic interception is very real. Everyone on the Internet — certainly the largest global carriers, certainly any bank or credit card processing company or government agency — should now be monitoring the global routing of their advertised IP prefixes.

Court Capital DA Wake 2015

Notes

Zivotofsky v. Kerry is a court case determining whether or not the president has executive authority to declare whether a state exists or not. This boy (Zivotofsky) wants to put Jerusalem, Israel on his birthplace even though the government doesn't consider Jerusalem to be Israeli territory. You shouldn't have too hard of a time winning that the court will side with Kerry (the government) bc the President generally has the final word on Foreign Policy. Kennedy is the swing vote and you have to use one of the link modules to win that the plan will cause him to switch his vote bc he's a centrist. The impact is middle east war between Israel and Palestine which would escalate.

Go Deacs,

Luke Sullivan

1NC

Court likely to side with the Kerry now- Zivotofsky win causes Middle East war and SOP in foreign policy breakdown

Spiro 4/21 (Peter holds the Charles Weiner Chair in international law. Before joining Temple's faculty in 2006, Professor Spiro was Rusk Professor of Law at the University of Georgia Law School, where he also served as Associate Dean for Faculty Development. A former law clerk to Justice David H. Souter of the U.S. Supreme Court, "Supreme Court Takes Jerusalem Passport Case on the Merits", <http://opiniojuris.org/2014/04/21/supreme-court-takes-jerusalem-passport-case-merits/>)

NY Times dispatch here. **The Supreme Court will now confront the** question of whether Congress can force the Secretary of State to include the birthplace "Jerusalem, Israel" at a U.S. citizen's option. **This could be a huge case or a not-so-huge case. If the Court affirms the D.C. Circuit's ruling** below and strikes down legislation purporting to constrain the Secretary of State's passport authority, the ruling **would** be important **but hardly epochal. That would protect the president's authority** over foreign relations, and fit neatly into a doctrinal tradition dating back at least a century. It is something new for the Court to get to the merits of the question — that's why the decision in Zivotofsky I itself marked something of a watershed. **If the Court accepts expansive executive branch powers, the jurisprudential gun remains loaded but no shots get fired. But if the Court upholds the law, it will be a major departure from that tradition. The passport case implicates a genuinely sensitive issue of foreign relations.** **If the Court forces the State Department into something like formal acknowledgement of Israeli sovereignty over Jerusalem, who knows what would follow on the ground.** This isn't a case like Medellin, which predictably upset Mexico at the same time that our relations predictably weathered any such upset. Nor would it play out like Bond, which even if it restricts the Treaty Power will hardly be noticed by foreign audiences. To use the vocabulary of the foreign relations canon, **a Supreme Court ruling against the executive branch in Zivotofsky could severely "embarrass" the President in the conduct of foreign relations.** Think unruly crowds outside U.S. embassies. That would have been inconceivable 20 years ago. But foreign relations law is being normalized. (For an excellent take on the shift, see Harlan Cohen's piece here.) **Foreign affairs has long been immune to judicial activism; maybe no longer. The Court may still hesitate to the extent it sees some real, even uncabinable, damage to the Middle East peace process in siding with Congress on the question.** The easier path would have been to duck the case altogether. By accepting review, it may already have tipped its hand in a new direction.

(insert link)

Kennedy's the swing vote

Gilhooley 14 ("The Judiciary, the Constitution and US Foreign Policy, Simon at Bard College is Visiting Assistant Professor of Political Studies. Primary Academic Program: Political Studies <http://www.bard.edu/civicingagement/usfp/resources/2014/index.php?action=getfile&id=1536307>.)

A decision by the Supreme Court is regarded as final, and on constitutional questions, the Court has asserted a doctrine of judicial supremacy since 1958, and the case of Cooper v. Aaron. Judicial Supremacy is the idea that the Supreme Court's rulings on the constitutionality of government action represent the final word on such matters. In reality, there is nothing to stop Congress re-

asserting a statute found unconstitutional by voting it through again. Check up on this behavior. The requirement of 4 justices to approve the selection of a case has importance given the make up of the Supreme Court. Justices are nominated by the President when a vacancy arises, and approved by the Senate. While every President hopes to shape the Supreme Court with his nominees, since at least the 1980s this process has become progressively more partisan in nature. Of the current nine justices, 5 have been appointed by Republican Presidents and 4 by Democrats. **The most moderate of the Republican appointees is Justice Kennedy**, appointed by Ronald Reagan. Apart from 9-0 decisions, where the Court is unanimous, **the most common split in decisions is 5-4**. In the 2012 term of the 23 5-4 decisions, Kennedy was in the majority in 20 cases. **Of these 23 cases, 16 were decided on the basis of either Kennedy and the 4 Republican appointees or Kennedy and the 4 democratic appointees.** For this reason, **Kennedy is regarded as the “swing” vote for many issues.** So 4 justices may vote to bring a case before the Court if they believe that they can get Kennedy to join them in a ruling. So to recap: - the federal judiciary is made up of three layers - the Supreme Court comprises of 9 members, often regarded as holding ideological positions similar to the Presidents that appointed them - the Supreme Court controls its docket - On constitutional matters seen as the final arbiter of legal disputes. Hopefully, that provides a little background on the operation of the federal judiciary – and sets the scene for a discussion of the judiciary’s involvement in foreign policy. The Judiciary in Foreign Policy: Judicial Rulings - Judicial Supremacy and the Treaty Power o John Marshall and Foster v. Neilson (1829) o “Self-Executing” and Medellín v. Texas (2008) - The Political Question Doctrine o Goldwater v. Carter (1979) - Judicial Intervention in the War on Terror o Hamdi v. Rumsfeld (2004), Boumediene v. Bush (2008) So, what I would like to do now, is talk about three areas in which the Supreme Court has come into contact with foreign policy – Judicial Supremacy and the Treaty power, the so-called “Political Question Doctrine,” and the recent judicial intervention in the War on Terror. A crucial early case in which the Supreme Court was drawn into a foreign policy dispute concerned the results of the 1819 treaty between Spain and the United States. The 1829 case of Foster v. Neilson saw contested land claims emerging from the rotation of sovereign authorities in West Florida during the early C19th. The Court was called on to adjudicate between these competing claims. The problems this posed for the Court were noted by the presiding chief Justice, John Marshall: “A question like this respecting the boundaries of nations is, as has been truly said, more a political than a legal question, and, in its discussion, the courts of every country must respect the pronounced will of the Legislature.” Should the Court rule against its own government in a dispute with a foreign power? In most countries a treaty is an obligation on the part of the sovereign nations, and a court would not be readily called to intervene in disputes over its implementation. But as we noted earlier, the US Constitution places treaties on the level of law. The Court was therefore required to rule somehow. Marshall offered the following view: “Our Constitution declares a treaty to be the law of the land. It is consequently to be regarded in courts of justice as equivalent to an act of the Legislature whenever it operates of itself, without the aid of any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the Judicial, Department, and the Legislature must execute the contract before it can become a rule for the Court.” Three things emerge here: 1) the acknowledgment of the legal stature of a treaty (2) the distinction between political and judicial questions, & (3) the notion of a requirement for some treaties to be “executed” via legislation. These in effect carve out a very small area in which the Court can be involved in disputes over treaties – when they are not political questions and when they require no legislative execution. The issue of so-called “self-executing” treaties has recently emerged in the 2008 case of Medellín v. Texas. This case concerned the conviction of Jose Medellin of the rape and murder of two teenage girls in Houston in 1993. Medellin had signed a confession after being read his Miranda rights, but was not advised of his right to contact the Mexican consulate as a foreign citizen under the Vienna Convention. After conviction, he raised this issue on appeal but was denied relief in both Texas and federal courts. In the meantime, Mexico brought suit to the International Court of Justice. The ICJ ruled that Medellin and 50 other similarly affected defendants were entitled to review and reconsideration of their cases. Medellin pursued this route of appeal to the Supreme Court, which decided that in the absence of congressional action “executing” the relevant treaties and enforcing Medellin’s claim the Court was unable to require a further round of appeals on the basis of the ICJ’s ruling. In such a way, the idea of “non-self-executing” treaties enabled the Supreme Court to be deferent to the Legislative when it comes to international treaties or to reject the rulings of international institutions dependent on your outlook. The issue of “political questions” received its most recent review with regard to foreign affairs by the Supreme Court in the 1979 case of Goldwater v. Carter. In this case, Barry Goldwater, the 1964 Republican presidential candidate challenged President Carter’s rescinding of a treaty with Taiwan as part of recognition of the People’s Republic of China. In its ruling the Court judged this to be a political question and passed on the opportunity to opine on the issue – instructing the lower courts to dismiss the case. However, despite the Court’s limited involvement in foreign affairs on the basis of these legal restraints, it did find itself involved in foreign policy as it regarded War on Terror, and specifically detention. In Hamdi v. Rumsfeld in 2004, the Court examined the question of whether an American citizen captured in a foreign country could be detained indefinitely without due process. In this case the Court ruled 5-4 that Hamdi could be held as an “enemy combatant,” but 8-1 that he be accorded due process and a meaningful hearing. In 2006, in Hamdan v. Rumsfeld the Court ruled that the use of military tribunals to designate enemy combatant status lacked legislative or executive authority. In response, Congress passed the 2006 Military Commission Act, which created military commissions to process non-citizen enemy combatants. In 2008’s BOUMEDIENE v. BUSH, the Court ruled that the procedures set up in 2006 under the Military Commission Act were not adequate replacements for habeas corpus. In effect it rejected claims that habeas corpus protections extend only to US nationals and/or to the borders of the United States. In recognizing the claims of those detained at Guantánamo Bay, the Court also struck a blow to the Bush Administration’s attempts to respond to the legal complexities created by the War on Terror. The Court’s involvement in the War on Terror brought it therefore indirectly into the sphere of foreign affairs, insofar as its ruling on individual claims forced

Congressional and Executive responses that shaped relationships and actions with traditional spheres of foreign policy. Current Issues - The Supreme Court and FISA Court o Oversight o Activity of FISA Court - The Judiciary and Drones o Al-Aulaqi v. Panetta (2014) - Issues Before the Court o Zivotofsky v. Kerry o Bond v. United States o Republic of Argentina v. NML Capital Ltd. At this point, I'd like to make use of the remainder of the time to discuss the judiciary's role in current issues within international relations. The first of these concerns surveillance. The activities of the National Security Agency have been getting much national and international coverage of late. In its capacity as the overseer of surveillance the judiciary has a part to play in these debates. The Chief Justice of the Supreme Court has responsibility for the appointment of members of the FISC – established under the 1978 Foreign Intelligence Surveillance Act. You can see the oversight on the slide here: However, the New York Times has reported that since the mid-2000s, the FISA Court has developed a body of law pertaining to the surveillance carried out by the NSA. In doing so it has extended the special needs exceptions to the Fourth Amendments protections on warrantless search and seizures, creating a parallel – and secret – body of Fourth Amendment law to that publically produced by the Supreme Court itself. As Congress moves to reign in the activities of the NSA attention could turn to the rule of the judiciary within the oversight of this area of government activity. The second issue of current interest, is the use of drones. In April of this year, the US District Court for the District of Columbia threw out the claim in the case of AlAulaqi v. Panetta In this case the families of Al-Aulaqi and two other US Citizens sought damages for their deaths in Yemen as a consequence of a drone strike. In this instance, Al-Aulaqi was targeted as a leader of Al-Queda in Yemen. The Court ruled that while this case raised interesting questions as to the personal liability of officials carrying out drone strikes, there was no clear remedy available in case law for such an instance and that given Al-AAulaqi's membership of Al-Queda and the existence of an Authorization for Use of Military Force the Court was hesitant to intervene. Judge Collyer did however note the Executive's recalcitrance in assisting the court's work in this case noting that she would have not dismissed the case had the court itself not been able to put together sufficient factual information from its own research. In that same month, the US Court of Appeals for the 2nd Circuit reversed a lower court decision and requested that the government release memos pertaining to the drone strike, which were released this week. At this moment, its not clear if this case line will develop, but it perhaps indicates the judiciary's involvement within the legal and constitutional questions relating to drones. Finally, the Supreme Court has dealt with several cases this term which had potential consequences for foreign policy. In Bond v United States, the Court was encouraged to consider whether Congress is given authority to pass legislation required by a treaty that it would ordinarily not have. In this instance that concerned the Chemical Weapons Convention, which as a "non-self-executing" treaty, was enforced in the United States by the Chemical Weapons Convention Implementation Act of 1998. In this improbable case Carol Anne Bond sought to attempt to poison her husband's lover with photograph-printing chemicals purchased from Amazon.com. Charged under the Chemical Weapons Convention Implementation Act, she challenged the Act's constitutionality. Had the Supreme Court agreed that Congress can not pass legislation to enforce treaties it has entered into, it may have caused problems going forward. As it turned out, the Court sidestepped this issue and questioned whether this law was intended to apply to Bond's case at all. In Republic of Argentina v. NML Capital Ltd. decided two weeks ago, the Supreme Court gave Argentina's creditors the ability to pursue claims against the nation on an equal footing with those that have accepted a bond swap. In doing so, the Court refused to support Argentina's claim that it ought not be beholden to the rulings of lower American courts. The ruling has been criticized by charities as it may make future sovereign debt relief more difficult. Mexico, France, and Brazil had filed friend of the court briefs asking the Court to side with Argentina, and the ruling may make nations more reticent to issue bonds in future – or it may shift the legal arena of bond issuances away from the United States. Greek bonds issued under English and Greek law were effectively restructured in 2012. And [the Court has agreed to hear](#) next session the case of [Zivotofsky](#) v. Kerry. This case asks whether the Secretary of State, John Kerry is correct to regard a federal statute that directs the Secretary of State, on request, to record the birthplace of an American citizen born in Jerusalem as born in "Israel" on a Consular Report of Birth Abroad and on a United States passport as unconstitutional. Kerry (standing in for the Dept of State in the case) asserts this view on the ground that the law infringes the President's power of recognizing foreign states on his own terms. In July 2013 the Court of Appeals for the District of Columbia sided with the Department of State on this issue. So even as it does its best to stay deferent to Congress and the Executive on issues of foreign policy, [the Court is often drawn in to foreign affairs by the need to decide constitutional questions](#). From a start as an act of foreign policy, the Constitution – and as a result [the Court](#) - [remains a significant](#), if not ever present, [consideration in foreign affairs](#).

Kennedy wants to be perceived as a centrist – plan makes him vote conservative
Bilionis '5

(Samuel Ashe Distinguished Professor, University of North Carolina at Chapel Hill (Louis,
 "LOCATING THE CONSTITUTIONAL CENTER CENTRIST JUDGES AND MAINSTREAM VALUES: A

MULTIDISCIPLINARY EXPLORATION: GRAND CENTRISM AND THE CENTRIST JUDICIAL PERSONAM” 83 N.C.L. Rev. 1353, June, lexis)

We could say that Justice **Kennedy is a switch-hitting centrist**. When shared faith cannot serve as the centering force, a more palatable, metaphorically centered and grounded framework that avoids the extremes of the competition does. **(Given his ability to produce rulings that please conservatives one day and liberals the next, we also could say that Justice Kennedy can hit the ball to all fields.)** It should interest us that an intelligent man who obviously has devoted much thought to these matters has chosen to invoke both of these brands of centrism to stake his ground in the areas that have proved most controversial during his years on the Supreme Court. Justice **Kennedy plainly perceives himself as a centrist and wishes to be perceived as one**. These are the ways he has chosen to construct a centrist judicial personam.

Failure to side with the president causes world war 3

Lipsky 4/22 (Seth- editor of The New York Sun. He was a foreign editor and a member of the editorial board of The Wall Street Journal, founding editor of The Forward and editor from 1990 to 2000, 2014, **“The Jerusalem question: Will a U.S. court case trigger WWII?”**, <http://www.haaretz.com/opinion/.premium-1.586566>)

The decision of the U.S. Supreme Court Monday **to give another hearing to one of the most explosive cases** before it in years – the so-called Jerusalem question – certainly **sets the stage for some high court drama in the Middle East**. It concerns whether Secretary of State John Kerry will have to bow to Congress and state in Menachem Binyamin Zivotofsky’s U.S. passport that he was born in Israel. **The law that requires Kerry to do this** – for Zivotofsky, or any other American born in Jerusalem who wants Israel listed as his place of birth – **was passed in 2002** by an almost unanimous House and a unanimous Senate. The Jerusalem requirement was part of a larger bill funding the State Department. **It was signed by one of America’s most pro-Israel presidents, George W. Bush. But Bush issued a signing statement saying the requirement to issue consular documents listing Jerusalem as part of Israel infringed on his executive powers**. He may have promised to move the American embassy to Jerusalem, but he defaulted on that. He also refused to yield to Congress on the passport question. President Barack Obama took the same position, as did secretaries of state Colin Powell, Hillary Clinton and now Kerry. Clinton and Kerry balked, even though they’d been in the Senate that passed the law unanimously. **They all tried to dodge it by saying that the question of Jerusalem was the president’s to decide and, in any event, was a political matter beyond the ken of the courts. All the liberal commentators and the anti-Israel left were certain Master Zivotofsky was going to lose. And he was losing, until it reached the Supreme Court** the first time. Then, in March 2012, **the Supreme Court stunned the foreign policy bar by casting aside Secretary of State Clinton’s pettifogging**. It did so by a vote of 8-1, in a stern opinion written by Chief Justice John Roberts, who told the lower court in **no uncertain terms that it would have to step up and decide the matter**. Roberts made clear that the courts weren’t being asked to decide whether Jerusalem was part of Israel. That is a political question. They were being asked to decide whether Congress has the authority, under the Constitution, to decide the political question. “This is what courts do,” Roberts wrote. “The political question doctrine poses no bar to judicial review of this case.” So, the matter went back to the second most powerful bench: the United States Court of Appeals for the District of Columbia Circuit. Last year, it issued its second ruling against Zivotofsky. It held that Congress had infringed on the president’s so-called “recognition power.” So Zivotofsky went back to the Supreme Court and successfully asked for a second hearing. **Now the Nine will have an opportunity to answer what I call the World War III question**. It was first posed by Justice Sonia Sotomayor, who asked point-blank about the possibility that war could result from America listing “Israel” as the country of birth of a person born in Jerusalem. **“Let’s assume that a dozen nations said this designation on the passport is – we view as an act of war; if the United States is going to do this, we’re going to view it as an act of war,”** Justice Sotomayor said.

“Would that then permit the president to ignore Congress...” The court’s transcript indicates the justice let the last word hang in the air. Zivotofsky’s lawyer – the famed constitutionalist Nathan Lewin – replied, “If Congress determines that in any event this is what the passport should say, then that is Congress...” He was interrupted by one of the justices, and the moment, through no fault of his own, was lost. The answer is – or ought to be – that if it’s war that the Supreme Court fears, then the decision belongs to Congress.

For it is expressly to Congress that the Constitution grants the power to declare war in the first place. **There were signs that the Supreme Court was having a hard time deciding** even whether to take a second look at the Case.

Zivotofsky’s petition had been on the docket for its secret conference three times so far this term, and no decision had emerged.

But the court finally granted certiorari, setting the stage for a final showdown. The consequences are potentially **huge** – not only for Israel, but also for other countries at a time when we have an administration that wants to retreat overseas and a Congress that doesn’t.

Links

Link- Trade-off

The plan trades off---the Court has limited willingness to fight Congress by striking down statutes

Ernest A. Young 99, Assistant Professor at the University of Texas School of Law, 1999, "ARTICLE: State Sovereign Immunity and the Future of Federalism," Supreme Court Review, 1999 Sup. Ct. Rev. 1, p. lexis

The opportunity cost of immunity rulings. The first reason, and the simplest, is that **the Court has limited political capital.** n261 As Dean Choper has argued, "**the federal judiciary's ability to persuade the populace and public leaders that it is right** and they are wrong **is determined by the number and frequency of its attempts** [*59] to do so, **the felt importance of the policies it disapproves,** and the perceived substantive correctness of its decisions." n262 **There is thus likely to be,** at some point, **a limit on the Court's ability to continue striking down federal statutes** in the name of states' rights. n263 To the extent that this limit exists, then the Court's extended adventure in aggressive enforcement of state sovereign immunity will trade off with its ability to develop a meaningful jurisprudence of process or power federalism. If protecting state authority to regulate private conduct is the key to a viable state/federal balance, then a considered reaffirmation, explanation, or extension of Lopez may do more good than another expansion of Seminole Tribe.¶ "Political capital," of course, is a pretty vague concept. It might be that the Court's ability to enforce federalism limits is more like muscles than money: it atrophies unless it is exercised regularly. n264 The National League of Cities story arguably illustrates this phenomenon, in that the Court's failure to apply the doctrine to check federal power in a series of subsequent cases may have helped lead to the outright rejection of the doctrine in Garcia. n265 **The important point,** however, **is that the Justices who matter most on these issues** tend to **think in terms of limited capital and worry about judicial actions that may draw down the reserves.** n266 **Political capital** [*60] **is** thus **likely to function as an internal constraint on the Court's willingness repeatedly to confront Congress.**

L- Liberal Ruling Mod

Liberal rulings are *heavily scrutinized* and ensure *future conservative wins*
Ware 13

(Honorable Charles J., "SCOTUS Synopsis: U.S. Supreme Court 2012-2013 Term," Open Salon, 1-24,
http://open.salon.com/blog/charlesjware/2013/01/24/scotus_synopsis_gestalt_us_supreme_court_2012-2013_term)

The term will also provide signals about the repercussions of Chief Justice John G. Roberts Jr.'s surprise decision in June to join the court's four more liberal members and supply the decisive fifth vote in the landmark decision to uphold President Obama's health care law. Every decision of the new term will be scrutinized for signs of whether Chief Justice Roberts, who had been a reliable member of the court's conservative wing, has moved toward the ideological center of the court.¶ The term could clarify whether the health care ruling will come to be seen as the case that helped Chief Justice Roberts protect the authority of his court against charges of partisanship while accruing a mountain of political capital in the process. He and his fellow conservative justices might then run the table on the causes that engage him more than the limits of federal power ever have: cutting back on racial preferences, on campaign finance restrictions and on procedural protections for people accused of crimes.

L- Popularity Mod

Controversy forces the court to side with popular opinions in future cases Bragaw and Perry, '2

[Stephen (Assistant Professor of Government at Sweet Briar College) and Barbara (Professor of Government at Sweet Briar College), 2002, "The "Brooding Omnipresence" in Bush v. Gore" 13 Stanford Law and Policy Review 19]

At the March 2001 House of Representatives Subcommittee meeting, Congressman **Serrano begged** Justices **Kennedy** and **Thomas to explain Bush v. Gore** to the American people. While proclaiming his profound respect for the justices and the high court they represented, Serrano berated their decision on Election 2000, which he said struck some of his immigrant constituents as similar to the corrupt electoral practices in their native countries from which they had fled. ⁿ⁹² Kennedy, who at this point had already testified for half an hour before the subcommittee on the minutest technical details of the Supreme Court building's upcoming renovation--all without notes--began a dramatic soliloquy. ⁿ⁹³ He noted that the **justices knew**, even as they decided the presidential election case, **that their opinion would provoke strong feelings among the American people** (How could they have thought otherwise when protestors for each side in the presidential race staged loud demonstrations at the Court's very doorstep? ⁿ⁹⁴). **Launching an institutional defense of the tribunal** he represented, **Kennedy attempted to distinguish the Court from the other two branches** by virtue of its language, ethic, discipline, dynamic, grammar, tradition, and logic of the law that are all "different from the political branches." ⁿ⁹⁵ Thus, he contended, **the Supreme Court would be judged on Bush v. Gore** not by what the justices say after the fact, but "by what we put in the appellate reports." ⁿ⁹⁶ **Kennedy** also **revealed the Court's consideration of its institutional capital**, observing, "Ultimately, **the power and the prestige and the respect of the Court depends on trust. My colleagues and I want to be the most trusted people in America. How do you instill that trust? Over time you build up a** deposit, a reservoir, a [*31] **storehouse of trust**. And **when we make a difficult decision . . . you draw down on that capital of trust.**" ⁿ⁹⁷ Then the brooding, soul-searching Kennedy admitted, "**You must make sure you are listening to the right voice**, not the wrong voice. And I've been a judge for over 25 years, and I know how hard it is to search for that voice and to make sure you're doing what's neutral." ⁿ⁹⁸ Kennedy next turned to the substance of **Bush v. Gore**, citing its two main themes: the fundamental right to vote that the Florida Supreme Court had violated with its equal protection transgressions and the supreme authority of the U.S. Supreme Court to decide such a case. ⁿ⁹⁹ On the latter contention, Kennedy grew particularly grave, observing that the justices "did not bring it [the election case] there [to the Court] ... It **involved a constitutional issue of the gravest importance**, decided 4 to 3 by a state court on a federal issue, . . . it was our responsibility to take the case." ⁿ¹⁰⁰ Paraphrasing the closing refrain of Bush v. Gore's per curiam opinion, Kennedy concluded, "Sometimes it's easy, so it seems, to enhance your prestige by not exercising your responsibility, but that's not been the tradition of our Court." ⁿ¹⁰¹ Summing up his oration, he declared, "**I'm confident that the people will understand the position that the Court was in and will trust the institution** for what it is." ⁿ¹⁰² The brooding justice had found his voice.

**Public opinion is heavily on the side of Israel, even during times of conflict
Devaney 8/3 (Tim- staff writer for the Hill, 2014, "Poll finds majority in US support
Israel", <http://thehill.com/policy/international/214173-poll-finds-majority-in-us-support>)**

As the conflict in Gaza rages on, Americans say they are three times more likely to side with Israel than the Palestinians, according to a new poll from The Wall Street Journal and NBC News. The poll found 43 percent of voters support Israel, while just 14 percent sympathize with the Palestinians. However, another 43 percent say they are not sure who to side with in the most recent month-long conflict in Gaza. When comparing Israel to Hamas, a terrorist organization that is operating in Gaza, 54 percent of voters say they sympathize with Israel, compared with just 7 percent who support Hamas, according to the poll. The poll was conducted between July 28 and 31, as United Nations officials blamed Israeli forces for a strike on a school in Gaza that killed at least 20 people, including many children, who were taking shelter at the school.

L- AT: 9/0

The plan's likely to be a 5-4 Cooper '95

[Phillip –Professor of Political Science @ U of Vermont – Battles on the Bench, Page 58//JVOSS]

The **excessive fragmentation of the Court** noted by O'Brien, particularly during the 1980s and 1990s, flashes a warning. The **expansion of separate opinions**, among other uses, provides a means to vent disagreement, and these opinions have clearly been used for that purpose. But the character of separate opinions has changed. Furthermore, the **rise in the number of pluralities and opinions** for the Court **joined only in discrete parts** by members of the Court is **particularly troublesome**. It is as though the **members of the Court are avoiding the task of compromise** and are moving back toward the tradition of seriatim opinions that John Marshall worked so hard to eliminate. Granted, too much concern with consensus may paper over in public what are serious differences within the institution. Conversely, however, too little concern with the coherence of institutional decisions in order to purchase tranquility and avoid hard negotiations within the Court is conflict by another means, and it is far less helpful than a careful compromise hammered out through intense negotiations. The **current spate of opinions in which one justice concurs in parts A, C, E, and F, and two other justices concur only in parts A and E** is reminiscent of Alexander Hamilton's complaint about the plethora of state court rulings with **no coherent synthesis in a national body**. His observation that **so many opinions "are a hydra in government from which nothing but confusion and chaos can proceed"** is worth remembering for those who prefer apparent peace to effective institutional judgment.

Unanimous decisions still trigger the link Ignani and Meernik '94

[Profs Poli Sci North Texas. "Explaining Congressional Attempts to Reverse Supreme Court Decisions" *Political Science Quarterly*, 1994. In//GBS-JV]

The age of the legislation the Court overturns and **court unanimity both have a significant impact on the chances for congressional reversal and are statistically significant**. The derivative at mean for the AGE OF LEGISLATION variable is .006, which indicates that, for example, for every year that passes between the date of enactment and the year the Court strikes down the legislation, the probability of a congressional response decreases by .6 percent holding all other factors constant at their mean value. Thus, it would appear that **the Congress is slightly less attached to legislation the members are unfamiliar with** or feel no allegiance to or that has become irrelevant with the passage of time. Congress, in effect, lets the matter rest with the Court's decision. Interestingly, our results indicate that **the commonly held belief among judicial scholars concerning the value of the Court presenting a unified front is unfounded**. In fact, from 1954 to 1990 **the Congress was more likely to strike back if the decision was unanimous**. The derivative at mean statistic for this variable is .24 which indicates that **when the Court is unanimous in overturning federal legislation, the probability of a congressional response increases by 24 percent** when holding all other variables constant at their mean value. In fact, **in 48 percent of the cases where the Court verdict was unanimous, the decision was later reversed by the Congress**, while in only 17 percent of the cases where the verdict was non-unanimous was the decision overturned. These results would seem to show that **this institutional defense mechanism does not deter the Congress**. The variable measuring ideological conflict, however, is statistically insignificant. Unfortunately when ideological conflict must be measured at the institutional level, we cannot take into

consideration contention between the Court and individual Congress members or groups. To determine if our measure was, in fact, partly to blame for our findings we also used the partisan division of Congress and ADA rankings on Congress to measure ideological conflict, but still found no relationship.

More ev – the plan’s a 5-4 – our ev about the Roberts Court – too adversarial to agree

Rosen ‘7

[Jeffery Rosen. Political Correspondent for TIME. “Disorder in the Court” TIME July 10, 2007. Pg 26-27. In//JVOSS]

But he added an important qualifier: "There will of course be disagreements on the court, and these could and should not be artificially suppressed." Roberts practiced what he preached in his three dissents, using often forceful prose. "It is a sordid business, this divvying us up by race," he declared last week in the partisan-gerrymandering case, which left all but one of Texas' redrawn congressional districts in place. Earlier in the term, he attacked an opinion by Justice David Souter that held that a wife couldn't give the police permission to search a house over her husband's objection. "The majority reminds us, in high tones, that a man's home is his castle," Roberts wrote, "but even under the majority's rule, it is not his castle if he happens to be absent, asleep in the keep, or otherwise engaged when the constable arrives at the gate." Souter responded in kind. "In the dissent's view, the centuries of special protection for the privacy of the home are over," he announced with an uncharacteristic note of melodrama. Having abandoned his famous Yankee reserve, he started to make a habit of it. During oral arguments in the Gitmo case, the government's lawyer seemed to suggest that Congress could suspend the writ of habeas corpus--which allows prisoners to challenge the legality of their detentions--inadvertently. Souter, incredulous, asked, "Isn't there a pretty good argument that a suspension of the writ [by] Congress is just about the most stupendously significant act that the Congress of the United States can take? The writ is the writ!" Antonin Scalia, one of the most reliable defenders of Executive power, insisted that Congress could suspend habeas corpus even if it didn't say so explicitly. That mini courtroom brawl between Souter and Scalia, which had the overtones of an 18th century boxing match, was picked up again in the final days of the term. By a 5-to-4 vote, the court upheld a death-penalty verdict in Kansas, and Souter filed an agonized dissent listing recent cases in which DNA testing had led to innocent people's exoneration. Dripping with sarcasm, Scalia chided Souter for encouraging the "sanctimonious criticism of America's death penalty" that he said was common in "some parts of the world." "I say sanctimonious," Scalia added, "because most of the countries to which these finger wagers belong had the death penalty themselves until recently." Scalia is famous for picking intellectual street fights on and off the court, and this year he has been even more pugnacious than usual. In March, Scalia ridiculed the challenge to military tribunals during a speech in Switzerland. "Give me a break," he declared. "I had a son on that battlefield, and they were shooting at my son, and I'm not about to give this man who was captured in a war a full jury trial. I mean, it's crazy." A few weeks later, when a Boston reporter asked whether his participation at a Mass for Catholic lawyers might raise questions about his impartiality, Scalia fanned the fingers of his right hand under his chin. "That's Sicilian," he said, explaining that the gesture meant he "could not care less." Scalia can always be counted on to pick a fight, but what has changed this year is that other Justices, once relative wallflowers, are increasingly emboldened to fire back in kind.

In February, Ruth Bader Ginsburg, ordinarily a model of judicial composure, gave a speech in South Africa attacking [attacked] critics in Congress who have assailed her citations of international law as an offense against U.S. sovereignty. Those criticisms, she said, "fuel the irrational fringe" and have encouraged threats on her life. She singled out Scalia, who had called the consultation of "alien law" a form of "sophistry."

L- AT: Generic Link Turns

The link only goes our direction – the Court will *take the blame* but *won't get any credit*

Grosskopf and Mondak '98

(Anke, Prof PoliSci – U Pitt and Jeff, Prof PoliSci – Florida Stat, Political Research Quarterly,, v. 51, n3, September, p. 635)

Few of us cheer an umpire's good call with the same passion that we boo when the umpire gets one wrong, and we certainly do not remember the good calls when we talk about the game at work on Monday. We hypothesize that precisely such a negativity bias operates on perception concerning the Supreme Court, meaning that the harm the Court suffers from its unpopular rulings is not offset by a boost in public esteem from its popular rulings. In research consistent with the negativity effect, several studies of the Supreme Court have found that, as in other contexts, negative information is more memorable than positive. Specifically, respondents offered approximately three times more disliked than liked cases when answering open-ended questions about the Court's actions (Murphy and Tanenhaus 1968; Adamany and Grossman 1983). Also, a mathematical model of public support for the Supreme Court casts the negativity bias in formal terms, and shows that observed change in confidence in the Court in the period of 1973 to 1994 is consistent with the presence of a very strong negativity effect (Mondak and Smithey 1997).

More reasons they can't win a link turn –

A. Negative reactions overwhelm any positive benefit that the Court could achieve

Friedman '5

Barry Friedman, the Jacob D. Fuchsberg Professor of Law, New York University School of Law, December 2005, "Article: The Politics of Judicial Review," Texas Law Review, 84 Tex. L. Rev. 257, p. lexis

The critical question thus becomes how deep the Court's diffuse support among the general public is; for if theory holds, this is the leash on which the Court operates. Actually, a bungee cord might be a better analogy; for, in operation, the diffuse support hypothesis suggests that the judiciary can stray a certain distance from public opinion but that ultimately it will be snapped back into line. n393 Testing the length and flexibility of the cord is hard to do, however. It may be that there is greater tolerance for judicial deviation in some directions, such as with regard to the First Amendment. n394 Although the Court's degree of freedom of movement around public opinion may not be certain, positive scholars are fairly confident that one major determinant is information. The dynamics here are complex, but some generalities may be possible. Both negative and positive reactions to the Court influence public opinion, but negative reactions seem to be more intense and have a shorter half-life. n395 Perhaps it is for this reason that the [*328] less people hear about the Court, the better for it. n396 As time passes, people develop a store of good feelings about the Supreme Court, reflected in the

Court's relatively strong performance in public mood indicators. n397 Commentators who have studied public opinion and the Court regularly advise it to keep a low profile. n398

B. The abrupt nature of the ruling causes the link Marshall '2

[William Marshall, prof of law @ UNC, Fall 2002 (73 U. Colo. L. Rev. 1217)]

It might also be argued that the judicial activism question is misguided because judicial activism is not inherently wrong. Rather, the proper inquiry should simply be whether a case was correctly decided - not whether it was activist. Although I agree that a determination of activism is not the same as a determination of merit (an activist decision is not necessarily wrong, a non-activist decision is not necessarily correct), the activism inquiry can shed light on the merits issue. A decision that overturns a federal law while ignoring precedent, text, history, and jurisdictional limitations would appropriately be subject to an activist critique regardless of result. In addition, one need not be completely in the camps of Alexander Bickel, Robert Nagel, Mark Tushnet, and others to recognize that there is value in judicial restraint. Court overreaching may negatively affect the political capital of the judiciary. Alexander M. Bickel, *The Least Dangerous Branch: The Supreme Court at the Bar of Politics* (1962). Abrupt judicial action invalidating politically achieved results may undermine long-term support for the principles the decision was designed to achieve. Robert F. Nagel, *Constitutional Cultures: The Mentality and Consequences of Judicial Review* (1989). Courts may well be less receptive to progressive social and economic action than are the political branches. Mark Tushnet, *Taking the Constitution Away from the Courts* (1999). Finally, the activism critique is important in that it sets rhetorical constraints on actions that might otherwise appear unbounded. The legitimacy of a particular decision cannot be completely appraised without evaluating the deciding court's methodology. Activism is a part of that inquiry.

C. negativity bias Grosskopf and Mondak 98

(Anke, Prof PoliSci – U Pitt and Jeff, Prof PoliSci – Florida Stat, *Political Research Quarterly*, v. 51, n3, September, p. 636-7)

Few of us cheer an umpire's good call with the same passion that we boo when the umpire gets one wrong, and we certainly do not remember the good calls when we talk about the game at work on Monday. We hypothesize that precisely such a negativity bias operates on perception concerning the Supreme Court, meaning that the harm the Court suffers from its unpopular rulings is not offset by a boost in public esteem from its popular rulings. In research consistent with the negativity effect, several studies of the Supreme Court have found that, as in other contexts, negative information is more memorable than positive. Specifically, respondents offered approximately three times more disliked than liked cases when answering open-ended questions about the Court's actions (Murphy and Tanenhaus 1968; Adamany and Grossman 1983). Also, a mathematical model of public support for the Supreme Court casts the negativity bias in formal terms, and shows that observed change in confidence in the Court in the period of 1973 to 1994 is consistent with the presence of a very strong negativity effect (Mondak and Smithey 1997).

L- AT: Winners Win

This might be true for the President...definitely not of the Supreme Court – there is no restriction on what cases they can hear or how many of them they can arbitrate...this argument literally makes no sense

Even if they're right in theory, our link outweighs. Justices think in terms of limited capital and will constrain their rulings because of the plan

Yoo 4

(John C., Professor of Law, University of Texas, Texas LR, November, 83 Tex. L. Rev. 1)

n443. This last point is quite controversial. Jesse Choper has argued, for example, that "the people's reverence and tolerance is not infinite and the Court's public prestige and institutional capital is exhaustible." The judiciary's ability to strike down laws without incurring severe institutional costs, therefore, "is determined by the number and frequency of its attempts to do so, the felt importance of the policies it disapproves, and the perceived substantive correctness of its decisions." Choper, *supra* note 35, at 139. Others, by contrast, have asserted that the Court may - at least in some circumstances - actually enhance its legitimacy by actively confronting the political branches. See, e.g., Peter M. Shane, Rights, Remedies and Restraint, 64 Chi.-Kent L. Rev. 531, 546 (1988) (suggesting that, in some cases, the Court may enhance its legitimacy through opposing the political branches). It would be exceptionally difficult to verify either proposition empirically; about all that can be said with confidence is that the Court sometimes seems to behave as if it thinks its "institutional capital" is limited in this way, and the notion may at least constrain judicial behavior in this sense. See Young, State Sovereign Immunity, *supra* note 92, at 58-60.

L- AT: Oral Arguments Take Out the Link

Oral arguments mean nothing

Johnson 4

(Timothy R., Professor of Political Science – U Minnesota, Oral Arguments and Decision Making on the United States Supreme Court, p. 3)

The contention that oral arguments do not affect the Court's decisions is not unique to adherents of the attitudinal model, however. For instance, Abraham (1993) points out that while questions asked during oral arguments may "forecast the ultimate decision of the Court... in few, if any, instance is it possible to give accurate prognosis" (193). Further, Smith (1993) suggests that the justices use these proceedings simply to "probe the attorneys' minds for additional arguments and justifications to make their case opinions more complete and compelling" (271). The bottom line is that most Court scholars still adhere to the view that the oral arguments are little more than window dressing and have no effect on how justices make decisions.³ For them, the short time allotted for oral arguments, combined with the fact that justices' preferences are fixed, means that their votes will not change as a result of what transpires during these proceedings.⁴ In short, many Court scholars simply dismiss oral arguments because they find no direct link between these proceedings and disposition (final vote) of a case.

This magnifies the link

Johnson 1

(Timothy R., Professor of Political Science – U Minnesota, "Information, Oral Arguments, and Supreme Court Decision Making", American Politics Research 29(4))

If Supreme Court justices are to make decisions that satisfy their own goals, will be accepted by other actors, and will not violate institutional rules, they must possess information about cases that they hear. As such, it is no surprise that they seek, and receive, an abundance of information from a variety of sources. For example, the parties and amici curiae submit briefs that contain hundreds of pages of materials, arguments, and reasons the Court should decide a case in a particular manner. This clearly decreases the "information problem" (see Caldeira&Wright, 1988) facing the justices because these briefs often help them understand the range of policy options available to them, as well as how external actors might react to decisions (see, e.g., Epstein & Knight, 1998b; Epstein & Kobyłka, 1992). Although litigant and amicus briefs certainly quell the justices' information problem, they also create another, possibly more difficult dilemma: All of the information provided in briefs or obtained from other sources (law reviews, lower court decisions, etc.) is that which others want the justices to see and use. In other words, this information reflects the biased goals and preferences of the parties or groups who present it to the Court. Therefore, if the justices want additional, or different, information entered into the record, they must look elsewhere. One means by which justices can obtain information that they themselves want is by asking questions during oral arguments. Anecdotal evidence supports this assumption and also demonstrates that justices use this information

when writing opinions. For instance, in a comparison of justices' inquiries during oral arguments with positions taken by the majority in *TVA v. Hill* (1978), D. Cohen (1978) found explicit instances in which Justices Powell and Stevens use issues from these proceedings in their opinions. More recently, Benoit (1989) analyzed four incorporation cases to discern whether the Court's majority opinions include issues advanced by the winning party during oral arguments. Benoit's findings corroborate Cohen's but also make a key improvement over the earlier work. That is, Benoit's method controls for issues raised during oral arguments that were not discussed in the litigants' briefs, as well as for those that were raised in both instances. This is important because Benoit's findings suggest that oral arguments may provide information beyond the briefed arguments.

L- AT: Announced in June

The question's not when the decision's announced---the justices make and write their decisions before then obviously, and adding the plan means they'll change how they vote in the Zivotofsky case.

Uniqueness

Court will rule for the executive in Zivotofsky now but it's close and requires ruling against Congress

Victoria **Kwan 11/7**, Blog Editor for The Brooklyn Quarterly, citing Abed Ayoub, Legal & Policy Director of the Arab-American Anti-Discrimination Committee, "A Tinderbox of a Case," <http://brooklynquarterly.org/tinderbox-case/>

Abed Ayoub thinks that **it's going to be a close decision in Zivotofsky** v. Kerry, **the separation of powers battle between Congress and the President** over U.S. policy on Jerusalem that is currently under consideration at the Supreme Court. ¶ **I'd predict a 5-4 decision for the State Department**, or possibly even 6-3." Ayoub, the Legal and Policy Director for the American-Arab Anti-Discrimination Committee (ADC), said this week after attending the Court's oral argument in Zivotofsky. ¶ The case's central figure is a 12-year-old Jerusalem-born American citizen, Menachem Zivotofsky, who wants the birthplace line in his passport to say "Israel." While this sounds like a simple enough request, the Executive branch has a longstanding policy of not recognizing any state's sovereignty over the city, so his passport merely says that he is born in "Jerusalem," with no designated country of birth. **Zivotofsky and his parents invoked a 2002 law passed by Congress** that included a section (known as Section 214(d)) **ordering the State Department to amend the birthplace from "Jerusalem" to "Israel" for any American citizen who requests the change.** But **the State Department refused** to do so for Zivotofsky, **citing Congress' intrusion into the Executive's power to determine foreign policy and the harm that even a one-word change would inflict on American diplomacy efforts in the already-volatile Middle East.** Zivotofsky took the dispute to the Supreme Court, which must decide whether Section 214(d) is a proper exercise of Congress' constitutional powers. ¶ Because the law Congress wrote addresses only Jerusalem's relationship to Israel, Palestinian Americans born in that city do not have the option of swapping out "Jerusalem" for "Palestine" in their passports, which is where the ADC comes in. The organization, which describes itself as the country's largest Arab American civil rights grassroots group, is adamant in its belief that Jerusalem is not a part of Israel. If the ADC had its way, the passports of all Americans born in Jerusalem would list "Palestine" as the place of birth. Since it is unlikely that Congress or the Executive would approve such a policy, however, the ADC wants Palestinian Americans to at least be able to pick Palestine as their country of birth—the same right to self-identification that Zivotofsky argues he should have. ¶ According to Ayoub, most of the ADC's staff attended the **oral argument** on Monday, including the team of attorneys who had submitted an amicus brief in support of the State Department. "The **questions were in line with what we anticipated,**" he said. They were pleased when Justice Elena **Kagan characterized Section 214(d) as a "very selective vanity plate law" and Jerusalem as a "tinderbox"** where the United States government's every move regarding Israel or Palestine matters. They did not agree with Justice Antonin Scalia's comments that the Palestinians' feelings toward the matter were "irrelevant" or Chief Justice John G. Roberts, Jr.'s questions about whether the law would actually have "such dramatic effects on American foreign policy." Overall, though, Ayoub thought that the justices "really got to the nuts and bolts of the questions at hand." ¶ The only moment that was "genuinely surprising" came when Justice Samuel A. **Alito, Jr.**, in the course of questioning Zivotofsky's attorney, said that he did not "completely understand... the position of the United States regarding Israeli sovereignty over Jerusalem." Ayoub had expected the justices to be familiar with the Executive's official policy already. Despite this and Alito's skepticism of the State Department's position at oral argument, Ayoub still thinks that the 64-year-old justice **might** wind up being the fifth or sixth **vote for the Executive, alongside** Justices **Ginsburg, Breyer, Sotomayor, and Kagan.** "He had good questions." **Ayoub is also hopeful that** Justice Anthony M. **Kennedy will vote to strike down** **Section 214(d).** He sensed that "Kennedy was thinking about how the United States could be neutral on this"—the justice had suggested early on that the Executive could put "Israel" as the country of birth, but then add a disclaimer to say the birthplace line is neither an acknowledgment nor a declaration by the State Department or the President that Jerusalem belongs to Israel—but predicted that "**Kennedy] would probably fall on the side of the government.**"

Kerry Will Win, Kennedy is the swing, and any opposite decision will cause distress in the Middle East.

Bob 11/3- Yonah Jeremy Bob is legal affairs correspondent and an international affairs commentator for the Jerusalem Post. Yonah graduated with honors from both Columbia University, receiving a BA, and Boston University, receiving a JD, where he focused his studies on international relations and international law. ("US Supreme Court appears split on landmark

Jerusalem passport case”, <http://www.jpost.com/International/US-Supreme-Court-appears-split-on-landmark-Jerusalem-passport-case-380667>)

The US Supreme Court on Monday seemed divided on the question of whether it is constitutional to register “Israel” as the birthplace of Jerusalem-born Americans. After Monday’s hearing on the issue, Menachem Zivotofsky, the boy on whose behalf the case was filed, told reporters, “I am an Israeli and I want people to know that I am glad that I am an Israeli, and that I am not embarrassed by the fact that I am an Israeli.” During a long-awaited onehour argument, **the left-wing justices** on the nine-member court – Ruth Bader-Ginsburg, Stephen Breyer, Sonia Sotomayor, and Elena Kagan – **signaled support for the president’s position** against placing “Israel” on US passports of citizens born in Jerusalem, while **the right-wing judges** – Chief Justice John Roberts and Justices Antonin Scalia, Clarence Thomas, and Samuel Alito – **seemed more sympathetic to the position of Congress**, that “Israel” should be placed on such passports. Though the justices are not bound by their questions and comments at oral argument, their statements often hint at which way they are leaning. Still, justices sometimes rule differently than their earlier statements would indicate, if the purpose of their statements was merely to focus on resolving a specific legal concern. Justice Anthony Kennedy, often **the court’s swing vote** in close decisions, may find himself in that position in this case. He did not appear to commit clearly to either side. **He signaled some support for the president**, saying that if the case rests on who gets to recognize a foreign government’s authority, the State Department “should be given deference.” He mentioned, however, a possible compromise, suggested by some scholars, in which the 2002 US law requiring that “Jerusalem, Israel” be placed on the passports is enforced, but the government adds disclaimers saying the place of birth is not intended to recognize Israel’s sovereignty over the city – theoretically alleviating concerns that the policy change would be viewed as taking sides in the Israeli-Arab conflict. **The State Department has argued that if the court rules for Congress and upholds the law, “irreversible damage” could be caused to America’s power to influence the peace process.** The solicitor-general, who represents the president, has noted that US citizens born in other places in the region where sovereignty has not been established, including the West Bank and the Gaza Strip, are similarly prevented from stating a country of birth on their passports. **The case, Zivotofsky v. Kerry, has been winding through the US courts for years. The overall prediction has been that the Supreme Court will likely side with the president.**

Kerry Will Win, but it’s close

Lee 11/3- Ed Professor of Law, Director of the Program in Intellectual Property Law, and Norman and Edna Freehling Scholar (“Predicting the Winners in Zivotofsky v. Kerry and Omnicare v. Laborers District Council”, <http://blogs.kentlaw.iit.edu/iscotus/predicting-winners-zivotofsky-and-omnicare/>)

The Supreme Court heard oral argument in two cases on Monday. I’m predicting the winners of the Supreme Court cases based on the number of questions asked during oral argument. **Studies have shown that the advocate who receives more questions during oral argument is more likely to lose.** For more about this method, see my post on last Term’s Aereo case. Zivotofsky v. Kerry asks whether a federal statute that directs the Secretary of State, on request, to record the birthplace of an American citizen born in Jerusalem as born in “Israel” on a Consular Report of

Birth Abroad and on a United States passport is unconstitutional, on the ground that the statute “impermissibly infringes on the President’s exercise of the recognition power reposing exclusively in him.” This is a very close call. Petitioner (Zivotofsky) received 51 questions, while the Respondent (Solicitor General) received 46 questions. If you break down the questions asked by Justice, 3 Justices (Roberts, Scalia, and Alito) asked the Petitioner fewer questions, and 4 Justices (Kennedy, Breyer, Sotomayor, and Kagan) asked the Solicitor General fewer questions. Justice Ginsburg asked both sides an equal number of questions. Justice Thomas asked no questions. Given the conservative and liberal alignment of Justices in the question count, the key in this case appears to be Justice Kennedy. My confidence level is not high in predicting Kennedy’s vote based on the question count. He asked only one question more of the Petitioner, and his prior questioning in other cases does not correspond as well to the predicted pattern of outcomes based on question counts. Nonetheless, if I had to choose, my predicted winner is the Respondent (Solicitor General).

Link magnifier- the case is important

Savage 5/26- Staff Writer Duluth News Tribune, Washington Bureau (“U.S. Supreme Court to soon rule on 13 important cases”, David G.

<http://www.duluthnewstribune.com/news/3753072-us-supreme-court-soon-rule-13-important-cases>)

A seemingly minor case involving the passport of a 12-year-old American boy born in Jerusalem raises a major question: Does Congress or the president have the final word on foreign policy? Congress in 2002 passed a law giving U.S. parents a right to have “Israel” listed as the birthplace for a child born in Jerusalem, but Presidents George W. Bush and Barack Obama refused to abide by it, noting that both Israelis and Palestinians claim the city as their capital. They say the law interferes with a president’s “exclusive authority to recognize foreign states” and handle a sensitive matter of foreign policy. The case of Zivotofsky vs. Kerry was argued in November, so the decision is overdue.

It’s Close

Grand 15- Cara J. JD Candidate Duke University Law School 2016 (“ZIVOTOFSKY V. KERRY: OF PASSPORTS, POLITICS, AND FOREIGN POLICY POWERS”, Duke Journal of Constitutional Law, lexis)

The Supreme Court's repeated use of the Youngstown framework, including in its recent *Medellin v. Texas* n149 decision, strongly suggests that it will apply the framework in this case. This means that it will likely evaluate whether or not historical evidence supports an exclusive presidential recognition authority strongly enough to [*58] overcome Congress's will when the President's power is "at its lowest ebb." n150 As the Secretary correctly notes, this likely can be done if section 214(d) is found to constitute legislation beyond the outer bounds of Congress's constitutional authority. n151 Whether the Supreme Court will reach this holding is somewhat

unclear in light of the notable absence of precedent illuminating this particular tension between the legislative and executive branches. On the one hand, no Supreme Court dicta appear to strongly support the concept of an exclusive presidential recognition power beyond the reach of congressional intervention. The "sole organ" dictum upon which the D.C. Circuit largely relied has been historically misinterpreted. n152 In making the original statement, evidence suggests that Chief Justice Marshall was discussing only the President's power to execute a treaty absent congressional instruction. n153 He never claimed exclusive executive recognition power, but rather, supported Congress's ability to intervene in foreign policy matters. n154 Moreover, other Supreme Court dicta appear to contradict the theory of exclusive executive recognition authority, stating "Congress and the President share . . . [recognition] power." n155 However, the Court may ultimately be persuaded by existing scholarly arguments favoring a broad reading of the President's authority over matters concerning diplomacy. n156 Such arguments explain that the President enjoys a "residual" foreign affairs power under Article II, Section 1's grant of the "executive Power[,]," and that leading political writers of the founding era, including Locke, Montesquieu, and Blackstone, expressed that the executive power included broad foreign affairs powers. n157 In addition, the explicit allocations of some foreign affairs powers to other government bodies, such as the power to declare war to Congress, may constitute [*59] evidence of the outer bounds of the President's foreign affairs authority, which may otherwise be all-encompassing. n158 CONCLUSION Zivotofsky presents a unique dilemma to the Supreme Court in that it will force it to define, for the first time, the boundaries of legislative and executive power in matters of foreign recognition. Ambiguities in dicta and a stark absence of analogous historical examples will prevent the Court from drawing upon the security of well-established precedent and venerated pillars of constitutional interpretation. Instead, the Supreme Court will have to fulfill its ultimate role in examining what relationship, if any, the Constitution envisioned between these two branches in regard to foreign affairs, and what historical practice has suggested the future should hold for the implementation of so many crucial United States recognition decisions.

Impacts

i/l to M.E.

Decision for Zivotofsky would de-facto declare Palestine as a state

Ayoub 11/2- Abed Ayoub Legal & Policy Director of the Arab-American Anti-Discrimination Committee (“Zivotofsky v. Kerry decision could further destabilize Mideast”, <http://thehill.com/blogs/congress-blog/judicial/222492-zivotofsky-v-kerry-decision-could-further-destabilize-mideast>)

With new Israeli limits being placed on Palestinians seeking to pray in Jerusalem, violence mounting, and Palestinian neighborhoods being illegally colonized, Congress is ill-equipped to make a unilateral decision on the status of Jerusalem. Yet this could happen in the days ahead if the Supreme Court decides to strip the executive branch of its typical powers, ceding them to Congress, in the closely watched Zivotofsky v. Kerry case. Constitutional authority grants power to the executive in foreign affairs. For decades Americans have recognized the executive's power to determine United States foreign policy as paramount. The executive branch, not Congress, is tasked with the duty to defend and uphold American national interests. This obligation is based on the executive being elected by all citizens of the United States. Congressional members, however, are elected by citizens only from their state, territory, or district of residence. National interests are not the focus of Congressional members. The issues and interests of a Congress member's particular constituency and state are given greater weight, among other private interests. House representatives are always subject to the worries of surviving the next election and push forward local interests that will get them re-elected. Consequently, the executive is in a better position to shape foreign policy free of domestic constraints and pressures. The executive is also in a better position to react quickly to crises by taking substantive action as national interests change. Congress must go through the lengthy process of drafting legislation, debate, and having it pass both the House and Senate before any substantive action is taken. Executive orders are a product of this understanding of the limited capacity of Congress to enact substantive change to readily address vital and quickly evolving foreign policy concerns. Foreign policy must be made in one voice, not with conflicting and/or competing positions as in Congress. This necessity is easily achieved with the executive as the sole organ of United States external relations. It would be extremely difficult if 535 people were tasked with negotiating treaties and agreements, or establishing and maintaining diplomatic relations with other countries and international organizations. Furthermore, the president is the U.S. representative to the United Nations and the world. The president, not Congress, is held accountable by the international community for American compliance with international law and human rights. In U.S. domestic politics, political expediency incentivizes Congress to support ill-advised Israeli policy with little concern for Palestinian human rights and freedom or international law prohibitions on settlement activity. The executive branch has broader considerations. In the context of Jerusalem, the executive's power to decide U.S. foreign policy on the status of Jerusalem is imperative. Foremost, Israel's annexation of East Jerusalem is illegal. Israel's expansion of settlements in East Jerusalem, uprooting and displacing thousands of Palestinians, violates international law. Israel has taken this action with the purpose of altering the cultural makeup of Jerusalem to be more Israeli and to limit Palestinian population growth in the city. This is done in spite of United Nations Security Council Resolution 476, adopted in June 1980, which states that “all legislative and administrative actions taken by

Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem, have no legal validity and constitute a fragrant violation of the Fourth Geneva Convention.” Nevertheless, Congress continues to pass numerous pro-Israel resolutions – even as Israel colonizes occupied Palestinian territory and kills civilians in Gaza. Congressional members often feel obliged to support these resolutions because to do otherwise would isolate them from pro-Israel constituents whose backing takes primacy over upholding the rights of politically weak Palestinians. This flawed incentive structure makes Congress ill-equipped to make a unilateral decision on the status of Jerusalem. The executive’s leadership role in peacekeeping and peacemaking around the globe makes the executive better positioned to determine the status of Jerusalem. Jerusalem is the center of the Israeli-Palestinian conflict. Since President Harry Truman recognized the nation of Israel in 1948, the executive branch has consistently exercised its duty to attempt to preserve peace by maintaining Jerusalem’s neutral status. Even former Israeli Prime Minister Yitzhak Rabin opposed U.S. legislation to move Israel’s capital to Jerusalem because he knew it would endanger the Oslo Peace Process. All presidents since Clinton have invoked the national security waiver to prevent the U.S. embassy from moving to Jerusalem in order to avoid sabotaging peace efforts. To recognize Jerusalem as the capital of Israel, either concretely or symbolically as the Passport Statute does, is political dynamite and would be grossly irresponsible. Federal case precedent should be upheld and afforded deference. The court should be mindful of Congressional politics and judicial activism being allowed to further destabilize the region.

Middle East Module

Destroys US ability to mediate tensions and prevent war in the Middle East

Abed **Ayoub 10/31**, Legal & Policy Director of the Arab-American Anti-Discrimination Committee, “Expert Q&A: The US Supreme Court & Jerusalem (Zivotofsky v. Kerry)”
<http://imeu.org/article/expert-qa-the-us-supreme-court-jerusalem-zivotofsky-v.-kerry>

Q - What would be the implications, legal and otherwise, **if the justices rule in favor of the plaintiff**? ¶ AA - “Preliminarily, the decision may require the U.S. Department of State to comply with all requests by U.S. citizens born in Jerusalem to have their country of birth recorded as Israel on their passport. The Department of State will not be able to refuse, contrary to current policy and practice, to record the place of birth as Jerusalem. ¶ “Foremost, **it will constitute a concrete and symbolic recognition of Israel’s sovereignty over Jerusalem** by the United States. First, **this recognition will place the U.S. at odds with its current policy** to remain neutral on **Jerusalem and the international community consensus that the entire city of Jerusalem is not part of** Israel. The pre-1967 boundaries as established by the 1949 armistice agreements and under international law through several United Nations resolutions recognize that East Jerusalem is part of Palestine. Under Section 214(d) all of Jerusalem, not just West Jerusalem, can be identified as part of Israel. Thus Section 214(d) recognition will explicitly constitute U.S. support and approval of Israel’s illegal annexation of East Jerusalem and Israel’s continuous violations of international law through the ongoing building of Israeli settlements in East Jerusalem. So not only will this case force the Executive to recognize Jerusalem as the capital and under the sovereignty of Israel but also the territorial boundaries of Palestine, disregarding the national origin of thousands of Palestinian Americans and violating international law. Thousands of Palestinian Americans’ right to also recognize Jerusalem as part of and/or the capital of Palestine is not recognized. ¶ “Second, **this will immediately hinder the role of the U.S. in the Israeli-Palestinian peace process and in the Middle East.** The sensitive status of **Jerusalem is at the center of** the Israeli-Palestinian conflict and **tensions in the Middle East. The U.S.’s neutrality has been key in easing tensions, as well as in bringing both sides to the table to resolve armed conflicts.** Thus not only will **U.S. credibility in the international community be at stake, which has broad implications on foreign affairs beyond the Israeli-Palestinian conflict**, but also the U.S. role as a key negotiating partner for a two-state solution. ¶ “The sensitive status of Jerusalem has further implications. To recognize Jerusalem as part of Israel, a Jewish state, will also recognize Jerusalem as a Jewish state. **To indicate recognition of Jerusalem as part of a Jewish state will directly impact and alienate the Christian and Muslim communities.** They hold Jerusalem as religious sacred “holy land” and have legitimate ties to Jerusalem. Additionally, **the case may also open the door and set a precedent to allow Congress to legislate on other sensitive foreign affairs** issues that are **usually reserved for the Executive, especially** issues concerning the Israeli-Palestinian conflict and the Middle East, effectively abrogating the power of the Executive and shifting the balance of powers largely to Congress. With this comes serious concern of biased and/or discriminatorily motivated legislation against and/or at the expense of Palestine and Palestinian Americans.”

Global nuclear war

James **Russell 9**, Senior Lecturer Department of National Security Affairs, Spring, “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” Security Studies Center Proliferation Papers, <http://www.analyst-network.com/articles/141/StrategicStabilityReconsideredProspectsforEscalationandNuclearWarintheMiddleEast.pdf>

Strategic stability in the region is thus undermined by various factors: ⁽¹⁾ **asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors;** ⁽²⁾ **the presence of non-state actors** that introduce unpredictability into relationships between the antagonists; ⁽³⁾ **incompatible assumptions about the structure of the deterrent relationship** that makes the bargaining framework strategically unstable; ⁽⁴⁾ **perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack.** ⁽⁵⁾ **the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States;** ⁽⁶⁾ **the lack of a communications framework to build trust and cooperation among framework participants.** ^{These systemic weaknesses in the coercive bargaining framework all suggest that} **escalation by any the parties could happen either on purpose or as a**

result of **miscalculation** or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could **quickly escalate** in which the **regional antagonists would consider the use of chemical, biological, or nuclear weapons**. It would be a mistake to believe the nuclear taboo can somehow magically **keep nuclear weapons from being used** in the context of an unstable strategic framework. Systemic **asymmetries** between actors in fact suggest a certain **increase in the probability of war** – a war in which **escalation could happen quickly** and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent **such an outcome** which **would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.**

Blocks

AT: Judicial Review Good

The link only goes one way---Court decisions don't build political capital

Schauer 4 [Frederick Schauer, Professor of the First Amendment, John F. Kennedy School of Government, Harvard University, 2004 (92 Calif. L. Rev. 1045)]

Examples of the effects of judicial supremacy hardly occupy the entirety of constitutional law. As the proponents of popular constitutionalism properly claim, **it is** simply **not plausible to argue that** all of the Supreme Court's decisions are counter-majoritarian, nor that **the Court is unaware of the potential repercussions if a high percentage of its decisions diverges too dramatically from the popular or legislative will**. Nevertheless, **there is no indication that the Court uses its vast repository of political capital only to accumulate more political capital**, and in many areas judicial supremacy has made not just a short-term difference, but a long-term difference as well. Perhaps most obvious is school prayer. For over forty years the Court has persisted in its view that organized prayer in public schools is impermissible under the Establishment Clause n59 despite the fact that public opinion is little more receptive to that view now than it was in 1962. n60 So too with flag burning, where the Court's decisions from the late 1960s n61 to the present have remained dramatically divergent from public and legislative opinion. n62 Or consider child pornography, where the Court's decision in Ashcroft v. Free Speech Coalition n63 flew in the face of an overwhelming congressional majority approving the extension of existing child pornography laws to virtual child pornography. Similarly, in the regulation of "indecentcy," the Court has spent well over a decade repeatedly striking down acts of Congress that enjoyed overwhelming public and [*1059] congressional support. n64 Most dramatic of all, however, is criminal procedure, where the Supreme Court's decision in Dickerson v. United States, n65 invalidating a congressional attempt to overrule Miranda v. Arizona, n66 underscores the persistent gap in concern for defendants' rights between Congress and the public, on the one hand, and the Supreme Court, on the other.

AT: Kennedy No Vote Switch

Uniqueness evidence says Kennedy is key---he thinks capital is finite and works to limit fights with Congress

Michael B. **Rappaport**, University Professor, University Of San Diego School Of Law. The Rehnquist Court, Northwestern University Law Review, Fall, **2004**. 99 Nw. U.L. Rev. 369

If these critiques of the Rehnquist Court are not accurate, then how should we portray the Court? The answer can be summarized in a sentence: It is the O'Connor Court or perhaps the O'Connor-Kennedy Court. The three conservatives cannot obtain a majority without both O'Connor and Kennedy joining the opinion, and therefore these justices dominate the Court's decisions. The O'Connor-Kennedy appellation fairly reflects the decisions and overall work product of the Court as I have been describing it. O'Connor [*377] and Kennedy are political moderates, often leaning in a conservative direction, but sometimes following liberal views. In addition, neither Justice appears willing to consistently impose his or her views on other political institutions. One important element of O'Connor and **Kennedy's judicial behavior is** that they appear **especially concerned with protecting the Court's political capital**. Consequently, these **Justices would be unlikely to reach too many decisions that would lead to significant attacks on the Court**. Many of the **decisions** that have been criticized for excessive judicial supremacy **are** actually better **understood as reflecting an undue concern with the Court's political capital**. For example, Larry Kramer portrays United States v. Dickerson, which held unconstitutional a congressional statute that conflicted with Miranda v. Arizona, as reflecting a judicially supremacist view that took umbrage at, and refused to defer to, a constitutional interpretation by Congress. n46 In my view, however, Dickerson is better understood as deriving from the Court's unwillingness to be seen as overruling Miranda. Miranda arguably is the most famous decision in all of constitutional law. Citizens who know little else about constitutional law know from television and movies about "the right to remain silent." If the Rehnquist Court had overruled Miranda, it would have not only been criticized by elite opinion but also taken a highly visible action to eliminate "a constitutional right." As a result, Dickerson could have been used to suggest that the Court was demolishing the people's liberties generally. In this situation, the most politically sensitive "conservative" Justices - O'Connor, Kennedy, and Rehnquist - bolted. A similar analysis applies to Planned Parenthood v. Casey, where the joint opinion of Justices O'Connor, Kennedy, and Souter refused to overrule Roe v. Wade. n47 Kramer again views this case as involving undue judicial supremacy because the joint opinion was concerned about the appearance created to its independence and credibility if it were to "overrule under fire ... a watershed decision." n48 While I certainly do not want to defend the joint opinion on legal grounds, I see no reason to doubt that it was motivated by its stated fear for the political capital of the Court rather than disrespect for the public's constitutional views. Had the Court overruled Roe v. Wade, it was likely to have been subjected to a vehement attack by the political elite as well as by large numbers of ordinary citizens. These attacks could have charged not only that the Court had mistakenly eliminated a constitutional right, but that it had responded to political pressure. [*378] **It was much safer for the Court to approve the precedent while suggesting that the decision was wrong as an original matter**. n49 Finally, **the Court's federalism decisions can also be understood as an element of Justice O'Connor and Kennedy's political sensitivity**. n50 While the five federalism Justices clearly seek to enforce constitutional federalism, **the Court has not struck down any politically important legislation that might provoke the political branches to strongly attack it**. Justices O'Connor and Kennedy have also adopted narrow positions regarding federalism, both in separate concurrences and in their votes. n51 It would seem that Justices O'Connor and Kennedy are wary of doing anything that would provoke the strong reactions that occurred during the New Deal.

Kennedy's a switch-hitting centrist but the plan flips his vote

Bilionis 5, Samuel Ashe Distinguished Professor at the University of North Carolina-Chapel Hill, (Samuel, 83 N.C.L. Rev. 1353, Lexis)

We could say that Justice **Kennedy is a switch-hitting centrist**. When shared faith cannot serve as the centering force, a more palatable, metaphorically centered and grounded framework that avoids the extremes of the competition does. **(Given his ability to produce rulings that please conservatives one day and liberals the next, we also could say that Justice Kennedy can hit the ball to all fields.)** It should interest us that **an intelligent man** who obviously has devoted much thought to these matters **has chosen to invoke both of these brands of centrism to stake his ground** in the areas that have proved most controversial during his years on the Supreme Court. Justice **Kennedy** plainly **perceives himself as a centrist and wishes to be perceived as one**. These are the ways he has chosen to construct a centrist judicial personam.

AT: No Palestine War

Most likely scenario for war---normal checks on conflict don't apply

Michael **Singh 11**, Washington Institute director, 9/22, "What has really changed in the Middle East?",

http://shadow.foreignpolicy.com/posts/2011/09/22/what_has_really_changed_in_the_middle_east

Third, and **most troubling, the Middle East is likely to be a more dangerous and volatile region in the future. For the past several decades, a relatively stable regional order has prevailed**, centered around Arab-Israeli peace treaties and close ties between the United States and the major Arab states and Turkey. **The region was not conflict-free by any means**, and Iran, Iraq, and various transnational groups sought to challenge the status quo, albeit largely unsuccessfully. **Now, however, the United States appears less able or willing to exercise influence in the region, and the leaders and regimes who guarded over the regional order are gone or under pressure. Sensing either the need or opportunity to act autonomously, states like Turkey, Saudi Arabia, and Iran are increasingly bold, and all are well-armed and aspire to regional leadership. Egypt, once stabilized, may join this group. While interstate conflict is not inevitable by any means, the risk of it has increased and the potential brakes on it have deteriorated.** Looming over all of this is Iran's quest for a nuclear weapon, which would shift any contest for regional primacy into overdrive.

1NR Zivotofsky Impacts / Internals

DA wrecks foreign affairs SOP—a Zivotofsky win causes WW3

Seth **Lipsky 14**, editor of the New York Sun and foreign editor and member of the Wall Street Journal editorial board and founding editor of The Forward, 4/22/, “The Jerusalem Question: Will a U.S. Court Case Trigger WWIII?”, <http://www.haaretz.com/opinion/.premium-1.586566>)

The decision of the U.S. Supreme Court Monday to give another hearing to one of the most explosive cases before it in years – the so-called Jerusalem question – certainly sets the stage for some high court drama in the Middle East. It concerns whether Secretary of State John Kerry will have to bow to Congress and state in Menachem Binyamin Zivotofsky’s U.S. passport that he was born in Israel. The law that requires Kerry to do this – for Zivotofsky, or any other American born in Jerusalem who wants Israel listed as his place of birth – was passed in 2002 by an almost unanimous House and a unanimous Senate. The Jerusalem requirement was part of a larger bill funding the State Department. It was signed by one of America’s most pro-Israel presidents, George W. Bush. But **Bush issued a signing statement saying the requirement to issue consular documents listing Jerusalem as part of Israel infringed on his executive powers.** He may have promised to move the American embassy to Jerusalem, but he defaulted on that. He also refused to yield to Congress on the passport question. President Barack **Obama took the same position, as did secretaries of state Colin Powell, Hillary Clinton and now Kerry.** Clinton and Kerry balked, even though they’d been in the Senate that passed the law unanimously. They all tried to dodge it by saying that the question of Jerusalem was the president’s to decide and, in any event, was a political matter beyond the ken of the courts. **All the liberal commentators and the anti-Israel left were certain Master Zivotofsky was going to lose.** And he was losing, until it reached the Supreme Court the first time. Then, in March 2012, the Supreme Court stunned the foreign policy bar by casting aside Secretary of State Clinton’s pettifoggery. It did so by a vote of 8-1, in a stern opinion written by Chief Justice John Roberts, who told the lower court in no uncertain terms that it would have to step up and decide the matter. Roberts made clear that the courts weren’t being asked to decide whether Jerusalem was part of Israel. That is a political question. They were being asked to decide whether Congress has the authority, under the Constitution, to decide the political question. “This is what courts do,” Roberts wrote. “The political question doctrine poses no bar to judicial review of this case.” So, the matter went back to **the second most powerful bench:** the United States Court of Appeals for the District of Columbia Circuit. Last year, it issued its second ruling against Zivotofsky. It **held that Congress had infringed on the president’s so-called “recognition power.”** So Zivotofsky went back to the Supreme Court and successfully asked for a second hearing. Now **the Nine will have an opportunity to answer** what I call **the World War III question.** It was first posed by Justice Sonia **Sotomayor**, who **asked point-blank about the possibility that war could result from America listing “Israel” as the country of birth of a person born in Jerusalem.** “Let’s assume that **a dozen nations said this designation on the passport is** – we view as **an act of war:** if the United States is going to do this, we’re going to view it as an act of war,” Justice Sotomayor said. “Would that then permit the president to ignore Congress...” The court’s transcript indicates the justice let the last word hang in the air. Zivotofsky’s lawyer – the famed constitutionalist Nathan Lewin – replied, “If Congress determines that in any event this is what the passport should say, then that is Congress...” He was interrupted by one of the justices, and the moment, through no fault of his own, was lost. The answer is – or ought to be – that if it’s war that the Supreme Court fears, then the decision belongs to Congress. For it is expressly to Congress that the Constitution grants the power to declare war in the first place. There were signs that **the Supreme Court was having a hard time deciding** even whether to take a second look at the case. Zivotofsky’s petition had been on the docket for its secret conference three times so far this term, and no decision had emerged. But **the court finally granted certiorari, setting the stage for a final showdown. The consequences are** potentially **huge** – not only for Israel, but also for other countries at a time when we have an administration that wants to retreat overseas and a Congress that doesn’t.

Turns case---undermines the President’s recognition power---destroys diplomatic credibility

Donald **Verrilli 14**, US Solicitor General, J.D. from Columbia Law School, September 2014, Brief for the Respondent in Zivotofsky v Kerry,

http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/BriefsV4/13-628_resp.authcheckdam.pdf

ii. **Section 214(d)**, which purports to establish "United States policy with respect to Jerusalem as the capital of Israel," **encroaches on the President's exclusive constitutional authority to recognize foreign sovereigns**. Since Israel's founding, U.S. Presidents have followed a consistent policy of **recognizing no state as having sovereignty over Jerusalem**. Section 214(d) purports to require the President simultaneously to express precisely the opposite view in official communications with foreign sovereigns-and to do so at the behest of individual citizens seeking to express their personal views on what the Nation's position should be. The Executive historically has been understood to possess inherent constitutional authority to determine passport content as it pertains to the conduct of diplomacy. Although Congress may enact passport legislation in furtherance of its enumerated powers, it may not encroach on the President's use of passports as instruments of diplomacy. Section 214(d) bears no apparent relation to Congress's enumerated powers over foreign commerce and naturalization-the only sources of authority petitioner and his amici identify as supporting Section 214(d)-and it bears no resemblance to the passport regulations Congress has historically enacted. Thus, although petitioner seeks to justify Section 214(d) as "passport legislation", that label fairly describes Section 214(d) only insofar as the provision uses passports as a vehicle to accomplish a recognition-related purpose. The Executive's practice of designating "Jerusalem" as the birthplace on passports implements the President's recognition position. By reversing that practice, Section 214(d) would force the Executive to convey to foreign sovereigns that -contrary to the President's longstanding recognition position-the United States has concluded that Israel exercises sovereignty over Jerusalem. **A decision by this Court requiring the Executive to implement Section 214(d) would** thus result in significant uncertainty about the United States' position and **undermine the President's ability to effectively exercise and implement his recognition power. It would also force the Executive to take an inconsistent position in conducting foreign relations** on behalf of the United States, thereby **undermining the President's credibility and his conduct of sensitive diplomatic efforts**.

AT: Peace Process Fails

Even if total resolution is unlikely, US mediation is key to strengthen moderates and prevent escalation

Richard **Haass 13**, President, Council on Foreign Relations, "The Irony of American Strategy," May/June 2013, Foreign Affairs, <http://www.cfr.org/middle-east-and-north-africa/irony-american-strategy/p30534>

As **for the Israeli-Palestinian divide, the prospects for advancing reconciliation and peace are poor. But this is not an argument for standing pat; bad situations can and do get worse. Ideally, the Israeli government or the Palestinian Authority would put forward a comprehensive peace proposal that would generate real excitement and support both at home and across the divide; failing that, the U.S. should articulate principles for establishing a sustainable peace settlement that would leave all parties better off. Hopefully, a political process and negotiations would then ensue.** Hamas, which controls Gaza, should be able to participate in negotiations only if it eschews violence and demonstrates a willingness to coexist with Israel. **Washington should do what it can to bolster moderate forces in the Palestinian community and discourage Israel from engaging in activities -- including, but not limited to, settlement construction -- that will further undermine what few prospects remain to create a viable Palestinian state.**

AT: ME War Defense

Middle East war sparks global great power war

Walter Russell **Mead 14**, Professor of Foreign Affairs and Humanities at Bard College; Editor-at-Large of The American Interest magazine, 7/7/14, "Have We Gone From a Post-War to a Pre-War World?," http://www.huffingtonpost.com/walter-russell-mead/new-global-war_b_5562664.html

One hundred years later, the world is nervously keeping its eyes peeled for misguided chauffeurs and asking itself whether history could repeat. The great powers are at peace, and trade and cultural ties between nations seem closer than ever before, yet the international scene is in many ways surprisingly brittle. In particular, a rising naval power is challenging an established hegemon, and a "powder keg" region replete with ethnic and religious quarrels looks less stable by the day.

In 1914, Germany was the rising power, the U.K. the weary hegemon and the Balkans was the powder keg. In 2014, China is rising, the United States is staggering under the burden of world leadership and the Middle East is the powder keg.

Only a few years ago, most western observers believed that the age of geopolitical rivalry and great power war was over. Today, with Russian forces in Ukraine, religious wars exploding across the Middle East, and territorial disputes leading to one crisis after another in the East and South China seas, the outlook is darker. Serious people now ask whether we have moved from a post-war into a pre-war world. Could some incident somewhere in the world spark another global war?

MIDDLE EAST POWDER KEG

Let's start with the powder keg. The immediate cause of the fighting in World War I was the set of ethnic and religious conflicts in the Balkans. In the second half of the 19th century, economic development and modernization led to heightened competition among the region's peoples. The drive for self-determination set Croats, Serbs, Magyars, Kosovars, Bosniaks, Macedonians, Bulgarians, Greeks and others at one another's throats. The death toll mounted and the hatred grew as massacres and ethnic cleansing spread -- and the ability of the outside powers to control the region's dynamics shrank as the imperial powers were themselves undermined by rising social and nationalist tensions.

The Middle East today bears an ominous resemblance to the Balkans of that period. The contemporary Middle East has an unstable blend of ethnicities and religions uneasily coexisting within boundaries arbitrarily marked off by external empires. Ninety-five years after the French and the British first parceled out the lands of the fallen Ottoman caliphate, that arrangement is now coming to an end. Events in Iraq and Syria suggest that the Middle East could be in for carnage and upheaval as great as anything the Balkans saw. The great powers are losing the ability to hold their clients in check; the Middle East today is at least as explosive as the Balkan region was a century ago.

GERMANS THEN, CHINESE NOW

What blew the Archduke's murder up into a catastrophic world war, though, was not the tribal struggle in southeastern Europe. It took the hegemonic ambitions of the German Empire to turn a local conflict into a universal conflagration. Having eclipsed France as the dominant military power in Europe, Germany aimed to surpass Britain on the seas and to recast the emerging world order along lines that better suited it. Yet the rising power was also insecure, fearing that worried neighbors would gang up against it. In the crisis in the Balkans, Germany both felt a need to back its weak ally Austria and saw a chance to deal with its opponents on favorable terms.

Could something like that happen again? China today is both rising and turning to the sea in ways that Kaiser Wilhelm would understand. Like Germany in 1914, China has emerged in the last 30 years as a major economic power, and it has chosen to invest a growing share of its growing wealth in military spending.

But here the analogy begins to get complicated and even breaks down a bit. Neither China nor any Chinese ally is competing directly with the United States and its allies in the Middle East. China isn't (yet) taking a side in the Sunni-Shia dispute, and all it really wants in the Middle East is quiet; China wants that oil to flow as peacefully and cheaply as possible.

AMERICA HAS ALL THE ALLIES

And there's another difference: alliance systems. The Great Powers of 1914 were divided into two roughly equal military blocs: Austria, Germany, Italy and potentially the Ottoman Empire confronted Russia, France and potentially Britain.

Today the global U.S. alliance system has no rival or peer; while China, Russia and a handful of lesser powers are disengaged from, and in some cases even hostile to, the U.S. system, the military balance isn't even close.

While crises between China and U.S. allies on its periphery like the Philippines could escalate into US-China crises, we don't have anything comparable to the complex and finely balanced international system at the time of World War I. Austria-Hungary attacked Serbia and as a direct result of that Germany attacked Belgium. It's hard to see how, for example, a Turkish attack on Syria could cause China to attack Vietnam. Today's crises are simpler, more direct and more easily controlled by the top powers.

On the other hand, the Middle East's supplies of oil will keep China, as well as other powers, more involved in events there than geography would suggest. The Balkans had no products in 1914 that the rest of the world much cared about; the Middle East looms much larger in the global economy than the Balkan peninsula ever has. Already, countries including Russia and Iran have been involving themselves in Iraq. If the slide into regional chaos continues and countries like China and Japan believe that direct action is needed to secure their oil supplies, almost anything could happen in a few years.

Legitimacy DA Michigan 7

Lindsay, Matt, Justin, Eugene, Rafael

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A. Uniqueness – The Supreme Court has legitimacy – that’s key to enforcement of its decisions

Hillygus’12 [Sunshine, professor of political science at Duke University, Perceptions of Supreme Court Legitimacy, You Gov, 7/15/2012

<https://today.yougov.com/news/2012/07/15/perceptions-supreme-court-legitimacy/> LM]

In the two weeks since the Supreme Court upheld Obama’s Affordable Care Act (ACA), journalists and pundits have scrutinized the public’s response. Most have found quite mixed reviews of the decision. For example, Pew reports divided approval of the court’s decision, with “disappointed” being the most common one-word reaction to the ruling. Given this, we wondered about more general evaluations of the court’s legitimacy since the ruling; especially in light of Larry Bartels recent post here at Model Politics. The U.S. Supreme Court is a unique institution in American politics because it lacks explicit mechanisms to enforce its rulings (i.e. the “power of purse or sword”), relying instead on the goodwill of other institutions, and of the American public. This makes the study of Supreme Court legitimacy particularly important. Broadly speaking, the received wisdom in the scholarly literature on Supreme Court legitimacy is comprised of two, related observations: (1) the Court is perceived as above the “political fray” that characterizes the other branches, and thus enjoys relatively high levels of legitimacy, and (2) legitimacy itself rests on solid foundations, such as support for democratic values, and is thus independent of its decision-making as it relates to citizens’ partisan or ideological preferences. However, a forthcoming article in the American Journal of Political Science (ungated here, summary here), co-authored by one of us (Christopher Johnston) and Brandon Bartels, concludes that legitimacy is conditional on perceptions of the ideological direction of the Court’s decision making.

B. Insert Link

C. Impact – Legitimacy key to Democracy

Peretti 1999 (Terri J., In Defense of a Political Court, Princeton University Press)

Should the Court lose its legitimacy and, consequently, its power, we in turn lose the benefits that only the Court can provide. Vitally important constitutional rights and liberties, as well as minority groups, would be unprotected and would likely suffer at the hands of an indifferent or hostile majority. An additional loss of paramount importance is the ideal and the reality of the rule of law. All government action would be reduced to arbitrary will and force, rather than being justified according to reason and, thus, rendered legitimate. The consequences of the Court losing its legitimacy and the ability to play its specialized role, if we are to believe Philip Kurland, are horrible indeed.

Democracy solves war

Diamond 95, (Larry Diamond, Promoting Democracy in the 1990s: Actors and Instruments, Issues and Imperatives, Carnegie Commission, December 1995,

<http://carnegie.org/fileadmin/Media/Publications/PDF/Promoting%20Democracy%20in%20the%201990s%20Actors%20and%20Instruments,%20Issues%20and%20Imperatives.pdf>)

Other Threats. This hardly exhausts the lists of threats to our security and well-being in the coming years and decades. In the former Yugoslavia nationalist aggression tears at the stability of Europe and could easily spread. The flow of illegal drugs intensifies through increasingly powerful international crime syndicates that have made common cause with authoritarian regimes and have utterly corrupted the institutions of tenuous, democratic ones. Nuclear, chemical, and biological weapons continue to proliferate. The very source of

life on Earth, the global ecosystem, appears increasingly endangered. Most of these new and unconventional threats to security are associated with or aggravated by the weakness or absence of democracy, with its provisions for legality, accountability, popular sovereignty, and openness. LESSONS OF THE TWENTIETH CENTURY The experience of this century offers important lessons. Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbors to aggrandize themselves or glorify their leaders. Democratic governments do not ethnically "cleanse" their own populations, and they are much less likely to face ethnic insurgency. Democracies do not sponsor terrorism against one another. They do not build weapons of mass destruction to use on or to threaten one another. Democratic countries form more reliable, open, and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments. They are better bets to honor international treaties since they value legal obligations and because their openness makes it much more difficult to breach agreements in secret. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, democracies are the only reliable foundation on which a new world order of international security and prosperity can be built.

Uniqueness

Court legitimacy high now- popular recent court decision

Liptak 6/26 [Adam, American journalist, lawyer and instructor in law and journalism & Supreme Court correspondent for The New York Times, "Gay Marriage Backers Win Supreme Court Victory", the New York Times, 6/26/15

<http://www.nytimes.com/2015/06/27/us/supreme-court-same-sex-marriage.html> LM]

WASHINGTON — In a long-sought victory for the gay rights movement, the Supreme Court ruled on Friday that the Constitution guarantees a right to same-sex marriage. Justice Anthony M. Kennedy wrote the majority opinion in the 5 to 4 decision. He was joined by the court's four more liberal justices. The decision, the culmination of decades of litigation and activism, came against the backdrop of fast-moving changes in public opinion, with polls indicating that most Americans now approve of same-sex marriage. Justice Kennedy said gay and lesbian couples had a fundamental right to marry. "No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family," he wrote. "In forming a marital union, two people become something greater than once they were." "It would misunderstand these men and women to say they disrespect the idea of marriage," Justice Kennedy said of the couples challenging state bans on same-sex marriage. "Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right." Chief Justice John G. Roberts Jr., in a dissent joined by Justice Antonin Scalia and Clarence Thomas, said the Constitution had nothing to say on the subject. "If you are among the many Americans — of whatever sexual orientation — who favor expanding same-sex marriage, by all means celebrate today's decision," Chief Justice Roberts wrote. "Celebrate the achievement of a desired goal. Celebrate the opportunity for a new expression of commitment to a partner. Celebrate the availability of new benefits. But do not celebrate the Constitution. It had nothing to do with it." In a second dissent, Justice Scalia mocked Justice Kennedy's soaring language. "The opinion is couched in a style that is as pretentious as its content is egotistic," Justice Scalia wrote of his colleague's work. "Of course the opinion's showy profundities are often profoundly incoherent." As Justice Kennedy finished announcing his opinion, several attendees seated in the bar section of the court's gallery wiped away tears, while others grinned and exchanged embraces. As a relatively young gay man I am glad I get to live in this time ... My life is much better than it would have been even just 20 years ago. Thank you to all the previous generations who fought hard for this for so long. Justice John Paul Stevens, who retired in 2010, was on hand for the decision and many of the justices' clerks took seats in the chamber, which was nearly full as the ruling was announced. In earlier civil rights cases, the Supreme Court had moved cautiously and methodically, laying careful judicial groundwork for a transformative decision. As late as October, the justices ducked the issue, refusing to hear appeals from rulings allowing same-sex marriage in five states. That decision delivered a tacit victory for gay rights, immediately expanding the number of states with same-sex marriage to 24, along with the District of Columbia, up from 19. Largely as a consequence of the Supreme Court's decision not to act, the number of states allowing same-sex marriage has since grown to 36, and more than 70 percent of Americans live in places where gay couples can marry. The court did not agree to resolve the issue for the rest of the nation until January, in cases filed by gay and lesbian couples in Kentucky, Michigan, Ohio and Tennessee. The court heard extended arguments in April, and the justices seemed sharply divided over what the Constitution has to say about same-sex marriage. I feel as if we're emerging from the Dark Ages and into the Renaissance. The dismal right wing years after 9/11 are finally ending. Now if... Lawyers for the plaintiffs said their clients had a fundamental right to marry and to equal protection, adding that the bans they challenged demeaned their dignity, imposed countless practical difficulties and inflicted particular harm on their children. The Obama administration, which had gradually come to embrace the cause of same-sex marriage, was unequivocal in urging the justices to rule for the plaintiff

Recent decision on Obama Care makes Court Legitimacy High

Beutler 15 (Brian, senior editor at The New Republic, 04/22/15, The New Republic, "Obamacare's Rising Popularity Could Sink Republicans in 2016", <http://www.newrepublic.com/article/121614/obamacare-popular-kaiser-poll> , 06/25/15)

Two days ago, I observed that the Affordable Care Act remained barely unpopular, with a 2 percent unfavorability margin that could be attributed entirely to elderly people who have little-to-no stake in the law. ¶ A day later, the Kaiser Family Foundation updated its tracking poll numbers and revealed that the margin hasn't merely disappeared: It has reversed. ¶ Even accounting for cranky old people, Obamacare's popularity is above water, 43 percent to 42 percent, and its trend lines are improving. The numbers reflect a steady but remarkable climb back from November 2013, when the Healthcare.gov outage left the law under water by a 16-point margin. Part of the reversal owes to the simple fact that the website now works. But even that only returned the numbers to their pre-launch levels, when the law was under water by margins of 4 to 8 points. ¶ It's hard to know what accounts for the rest. I'd wager the 20 million Americans who now count on Obamacare for their insurance coverage have something to do with it. ¶ Whatever explains it, conservatives are adjusting to the new reality with predictable equanimity. ¶

Public pleased with recent decision on Obama Care- Legitimacy high now
Mangan 15 (Dan, healthcare reporter for CNBC, 04/21/15, CNBC, "Obamacare is becoming more popular: Kaiser poll", <http://www.cnbc.com/id/102602525> , 06/25/15 DanLeigh)

For the first time since President Barack Obama won re-election, his signature health-care law may have slightly more fans than foes, a new poll shows. ¶ The Kaiser Health Tracking poll, released Tuesday, found that 43 percent of the public said they have a favorable opinion of the Affordable Care Act. That compares with 42 percent who said they view the law negatively. ¶ The 1 percentage point gap is within the poll's margin of error and is not statistically significant, the Kaiser Family Foundation said. ¶ Nonetheless, the results follow several months of that gap narrowing, and mark the first time since Obama's November 2012 re-election that the number of people with a favorable view on the law has topped those with an unfavorable view. ¶ "I think what we're seeing is a sort of a return to the normal state" of public opinion about the health law, said Mollyann Brodie, who oversees the poll for Kaiser. ¶ "This narrowing of opinion is occurring at the same time there hasn't been a lot of bad news about the law," she said. ¶ The survey, which questioned 1,506 adults and had a sampling error of plus or minus 3 percentage points, also comes amid signs that the Republican push to repeal the Affordable Care Act has lost steam. ¶

Supreme Court legitimacy high now – upheld precedent on Obamacare Cohn and Young, 6/25

Johnathon Cohn and Jeffrey Young, senior national correspondent and health care reporter respectively for the Huffington Post, "Supreme Court Rejects Obamacare Lawsuit, Preserving Insurance For Millions," 6/25/2015, Huffington Post, http://www.huffingtonpost.com/2015/06/25/obamacare-supreme-court-decision_n_7346048.html

WASHINGTON -- The latest and possibly the last serious effort to cripple Obamacare through the courts has just failed. On Thursday, for the second time in three years, the Supreme Court rejected a major lawsuit against the Affordable Care Act -- thereby preserving the largest expansion in health coverage since the creation of Medicare and Medicaid half a century ago. The stakes of the case, *King v. Burwell*, were enormous. Had the plaintiffs prevailed, millions of people who depend upon the Affordable Care Act for insurance would have lost financial assistance from the federal government. Without that money, most of them would have had to give up coverage altogether. And the loss of so many customers would have forced insurers to raise premiums, seriously disrupting state insurance markets. But two of the court's conservatives, Chief Justice John Roberts and Justice Anthony Kennedy, joined the court's four liberals in rejecting the lawsuit in a 6-3 decision. Roberts delivered the opinion for the majority. And the decision was a concise, stinging rebuke of the plaintiffs, who contended that Congress intended to write a law that would leave so many people without coverage, and cause such disarray. "Congress passed the Affordable Care Act to improve health insurance markets, not destroy them," Roberts wrote. The decision is a major defeat for conservatives, who have been trying to wipe Obamacare off the books ever since its enactment in 2010. The sweeping health care reform law, a key component of President Barack Obama's legacy, now appears to be secure at least through the 2016 elections. "Today, after more than 50 votes in Congress to repeal or weaken this law, after a presidential election based in part on preserving or repealing this law, after multiple challenges to this law in front of the Supreme Court, the Affordable Care Act is here to stay," Obama said.

Legitimacy high now - most recent overturn was five years ago, and didn't affect the public Goldstein, 2010

Thomas Goldstein, attorney and founder of Goldstein and Russell which is a Supreme Court litigation firm, "Supreme Court Overturns Restriction On Corporate and Union Spending In Elections," February 2010, Metropolitan Corporate Counsel, Southwest Edition

On January 21, in a decision written by Justice Anthony Kennedy, the Supreme Court by a five-to-four vote overturned decades of

restrictions on the ability of corporations and labor unions to use general treasury funds in support of, or opposition to, candidates for federal office. The Court did uphold (by an eight-to-one vote) the statutory requirements on corporate disclosures in advertising. The decision in Citizens United v. Federal Election Commission has been anxiously awaited after the Court ordered the case reargued to consider whether two precedents upholding restrictions on corporate money in elections should be overruled.

L- Data Collection Popular

Plan causes breach of security which causes public outrage- Public agree that the government should fight terrorism even if privacy is compromised

Cohen' 13 [John, Political Analyzer, "Most Americans back NSA tracking phone records, prioritize probes over privacy", the Washington Post, http://www.washingtonpost.com/politics/most-americans-support-nsa-tracking-phone-records-prioritize-investigations-over-privacy/2013/06/10/51e721d6-d204-11e2-9f1a-1a7cdee20287_story.html 6/10/13 LM]

A large majority of Americans say the federal government should focus on investigating possible terrorist threats even if personal privacy is compromised, and most support the blanket tracking of telephone records in an effort to uncover terrorist activity, according to a new Washington Post-Pew Research Center poll. Fully 45 percent of all Americans say the government should be able to go further than it is, saying that it should be able to monitor everyone's online activity if doing so would prevent terrorist attacks. A slender majority, 52 percent, say no such broad-based monitoring should occur. The new survey comes amid recent revelations of the National Security Agency's extensive collection of telecommunications data to facilitate terrorism investigations. Overall, 56 percent of Americans consider the NSA's accessing of telephone call records of millions of Americans through secret court orders "acceptable," while 41 percent call the practice "unacceptable." In 2006, when news broke of the NSA's monitoring of telephone and e-mail communications without court approval, there was a closer divide on the practice — 51 percent to 47 percent. General priorities also are similar to what they were in 2006: Sixty-two percent of Americans now say it's more important for the government to investigate terrorist threats, even if those investigations intrude on personal privacy, while 34 percent say privacy should be the focus, regardless of the effect on such investigations. But with a Democratic president at the helm instead of a Republican, partisan views have turned around significantly. Sixty-nine percent of Democrats say terrorism investigations, not privacy, should be the government's main concern, an 18-percentage-point jump from early January 2006, when the NSA activity under the George W. Bush administration was first reported. Compared with that time, Republicans' focus on privacy has increased 22 points. The reversal on the NSA's practices is even more dramatic. In early 2006, 37 percent of Democrats found the agency's activities acceptable; now nearly twice that number — 64 percent — say the use of telephone records is okay. By contrast, Republicans slumped from 75 percent acceptable to 52 percent today. Compared with a 2002 Pew poll, Democrats are now 12 percentage points more apt to support the government's monitoring of all e-mails and other online activity if officials say that it might help prevent terrorist attacks. On the flip side, the number of Republicans who say the government should not do this has increased by 13 points. The poll was conducted Thursday through Sunday among a random national sample of 1,004 adults. Results from the full poll have a margin of sampling error of plus or minus 3.5 percentage points. The question on monitoring everyone's online activity was asked starting Friday; results from that question have a 4.5-point error margin.

Americans support the patriots Act

Puglie 6/2 [Andre, Political Analyzer, "Majority of Americans Back NSA's Bulk Data Collection" Latin Post, <http://www.latinpost.com/articles/57174/20150602/poll-majority-of-americans-back-nsas-bulk-data-collection.htm> 6/2/15 LM]

Most Americans support the federal government's bulk collection of telephone metadata first revealed by NSA leaker Edward Snowden, and they want Congress to reauthorize the program, CNN reported based on a poll it conducted along with the Opinion Research Corporation. Sixty-one percent of those surveyed think that the recently expired provisions of the Patriot Act, which ostensibly allow the National Security Administration to collect

that information, should be extended; 36 percent are opposed to the renewal, the news channel detailed. Republican leaders in the Senate hope to quickly reinstate the law after its Monday expiration..

6 in 10 back renewal of NSA data collection

Song' 15 [Sharon, Political Analyzer, "6 in 10 back renewal of NSA data collection", Kron News June 1, 2015, <http://kron4.com/2015/06/01/poll-6-in-10-back-renewal-of-nsa-data-collection/> LM]

Americans overwhelmingly want to see Congress renew the law that authorizes the bulk collection of data on the public's telephone calls, though they are split on whether allowing that law to expire increases the risk of terrorism in the U.S., according to a new survey. With the provisions of the Patriot Act which allow the National Security Administration to collect that data now newly expired, a new CNN/ORC poll shows 61% of Americans think the law should be renewed, including majorities across party lines, while 36% say it should not be reinstated. Republican leaders in the Senate are working to pass a bill to reinstate the law which expired at 12:01 a.m. Monday. The bill faced resistance from opponents including Sen. Rand Paul (R-Kentucky), whose presidential campaign has been noted for its appeal to independent voters and younger Republicans. But Paul's stance on the issue is unlikely to bring him many fans within his own party. Support for renewal peaks among Republicans, 73% of whom back the law. Democrats largely agree, with 63% saying the law should be renewed. Independents are least apt to back it, with 55% saying renew it and 42% let it expire. Liberals, regardless of partisan affiliation, are most likely to say the law should not be renewed, 50% say so while 48% want to see it renewed. About half of Americans, 52%, say that if the law is not renewed, the risk of terrorism here in the U.S. would remain about the same. Still, a sizable 44% minority feel that without the law, the risk of terrorism will rise. Only 3% feel it would decrease. The sense that the risk will rise is greatest among Republicans, 61% of whom say the risk of terrorism will climb if the NSA is unable to collect this data. Among Democrats and independents, less than half feel the risk of terrorism would increase if the program ended. The poll reveals a steep generational divide on the data collection program. Among those under age 35, just 25% say the risk of terrorism would increase without NSA data collection. That figure more than doubles to 60% among those age 65 or older. The survey found those under age 35 are also split on whether the law should be renewed at all, 50% say it should be renewed while 49% say it should not. Among those age 35 or older, 65% back renewal of the law.

L- Drones

Decreasing drones tanks legitimacy – overturned precedent Friedersdorf '14

Conor Friedersdorf, staff writer for The Atlantic discussing the *Florida v. Riley* decision, "Why Police Don't Need Warrants to Snoop With Drones," 8/28/2014, The Atlantic, <http://www.theatlantic.com/politics/archive/2014/08/california-lawmakers-back-a-restraining-order-on-police-drones/379267/>

"In the 1989 case Florida v. Riley, the U.S. Supreme Court ruled that since airplanes and helicopters often fly over private property, citizens do not have a reasonable expectation of privacy that their activities will not be observed from the air," Ronald Bailey explains in Reason. "Consequently, the police were permitted use of evidence obtained without a search warrant from helicopter observation of a greenhouse in which they suspected marijuana was being grown."

L-High Visibility Link

High visibility decisions influence court legitimacy Hoekstra, 2003

Valerie J. Hoekstra, PhD in political science; specializes in judiciary politics and judicial decision-making, Public Reaction to Supreme Court Decisions, 2003, p. 119

Most previous accounts suggest that the majority of Court decisions go unnoticed; still, the possibility that Court decisions influence attitudes remains an open question, in large part due to the findings from experimental research. In such research, the connection between institutional support and Court decisions has been well established (Mondak 1991, 1992; Segal 1995). It is only outside of the laboratory that this connection remains rather elusive (Mondak and Smithey 1997; Grasskopf and Mondak 1998; Kritzer 2001). The reason is straightforward: If people do not hear about Court decisions. By definition those decisions can have no impact. But, as revealed in Chapter 3, levels of awareness in the local communities were quite high, especially in the Monroe and Center Moriches cases, and it was often higher among those from the immediate communities. This provides a unique opportunity to examine this question under more realistic, real-world conditions.

Decrease in court legitimacy builds and escalates – negativity bias Grosskopf, 1998

Anke Grosskopf, PhD in political science; specializing in international politics, Do Attitudes toward Specific Supreme Court Decisions Matter? The Impact of Webster and Texas v. Johnson on Public Confidence in the Supreme Court, 1998, Political Research Quarterly, Vol. 51, No. 3, p. 4

If reaction to Supreme Court decisions affects subsequent opinion about the Court, does this necessarily imply that esteem for the Court will tend to be lessened by the Court's actions? The answer is no if we

assume that the Supreme Court benefits from its popular rulings to an extent sufficient to offset antipathy toward its unpopular rulings. This, however, is a rather bold assumption, and one that is supported by neither relevant theories of decision making nor past empirical research. Social psychologists have shown a tendency of people to weigh negative information more heavily than positive information in various cognitive tasks, a phenomenon commonly known as a “negativity bias”; (e.g., Fiske 1980; Pratto and John 1991; Skrowonski and Carlston 1987, 1989). We believe that such a bias may affect judgments about the Supreme Court. The dominance of negative evaluations has been demonstrated in the world of politics by Lau (1982, 1985), who showed that the impact of negative information on candidate approval was some three times stronger than that of positive information in congressional campaigns between 1968 and 1980. Lau (1985) argues that the existence of a negativity bias in the evaluation of political leaders is partly a perceptual phenomenon. Political leaders are expected to behave in a positive manner, and thus people see nothing extraordinary nor even particularly commendable when politicians behave properly. Negative information stands out, however, because it runs contrary to our expectations. In recent research consistent with this view, McGraw and Steenbergen (1995) find that participants in a laboratory experiment remembered more negative than positive information about the study’s hypothetical congressional candidates.

Court legitimacy is based on public opinion, overturns wreck support

Bigel '93

Alan Bigel, PhD in political science on the effect of court case decisions on public support of and legitimacy of the court, “PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA v. CASEY: CONSTITUTIONAL PRINCIPLES AND POLITICAL TURBULENCE,” 1993, 18 Dayton L. Rev. 733

In an effort to quell potential criticism of the Court's failure to overrule Roe, the joint majority also elaborated on the role of the Court in American society. n144 The joint majority wrote that, unlike the political branches, which derive support by

ballot, the justices over time must cultivate public confidence in the Court by making decisions "grounded truly in principle" apart from prevailing "social and political pressures." n145 To enhance respect for the law and facilitate order and continuity in human behavior through each generation, the joint majority asserted that the Court must avoid overturning precedent "in the absence of the most compelling reason to reexamine a watershed decision" n146 After noting the significant impact that the Roe decision has had on the social and economic life of the nation, the Court concluded that a decision to overrule its "essential holding" would inflict "profound and unnecessary damage to the Court's legitimacy." n147

L- Overturn

Decreasing surveillance wrecks court legitimacy – overturns precedent Donohue '15

Laura K. Donohue, associate professor of law at Georgetown Law School with a JD as well as a Ph.D. in history, "SECURITY VS. FREEDOM: CONTEMPORARY CONTROVERSIES: THE THIRTY-THIRD ANNUAL FEDERALIST SOCIETY NATIONAL STUDENT SYMPOSIUM ON LAW AND PUBLIC POLICY -- 2014: ARTICLE: SECTION 702 AND THE COLLECTION OF INTERNATIONAL TELEPHONE AND INTERNET CONTENT," 2015, 38 Harv. J.L. & Pub. Pol'y 117

Banks was not the only one to question the implementation of Section 702. Cases began to appear, raising facial and as applied constitutional challenges. Problems characteristic of relying on Article III courts in the context of surveillance came to the fore.

In Clapper v. Amnesty International plaintiffs
alleged that Section 702 violated the targets' Fourth
Amendment rights because it allowed for the
acquisition of international communications absent an
individualized court order supported by probable
cause. ⁿ¹⁵¹ The Supreme Court dismissed the suit
for lack of standing --that is, the absence of any concrete injury. It did not
reach the merits of the Fourth Amendment
claim. ⁿ¹⁵²

**Overtorn of congressional actions decreases public support, it's counter-majoritarian
Barnum '85**

David G. Barnum, professor of political science at DePaul University in Chicago, **The Supreme Court and Public Opinion: Judicial Decision Making in the Post-New Deal Period, 1985, The Journal of Politics, Vol. 47, No. 2, p. 1**

The Supreme Court is appointed, not elected, and it consists of only nine members. As a result, democratic theorists have always been uncomfortable with the institution of judicial review and in particular with the power of the Court to overturn acts of Congress. "The root difficulty," according to Alexander Bickel, "is that judicial review is a counter-majoritarian force in our system... [W]hen the Supreme Court declares unconstitutional a legislative act or the action of an elected executive, it thwarts the will of representatives of the actual people of the here and now; it exercises control, not in behalf of the prevailing majority, but against it" (1962, pp. 16-17).

Legitimacy based in precedents, overturning them wrecks support

Fowler 08

James H. Fowler, Ph.D in Government from Harvard and M.A. in IR from Yale; professor of Political Science at UCSD; senior fellow on global justice at UCSD, The authority of Supreme Court precedent, 2008, Social Networks, Vol. 30(1), p. 16-30

Legal historians suggest that justices in the 19th Century responded to the crisis of legitimacy by strengthening the norm of stare decisis, a legal norm inherited from English common law that encourages judges to follow precedent by letting the past decision stand (Friedman, 1985, pp. 127-133). In order to foster compliance and enhance the institutional reputation of the Court, stare decisis was implemented to place decision-making in the domain of neutral

legal principles and the “accumulated experience of many judges responding to the arguments and evidence of many lawyers” (Landes and Posner, 1976, p. 250) rather than at the whim of the personal preferences of individuals. To this day, the justices of the Supreme Court are aware of the inherent weakness of the federal judiciary and place high value on maintaining their institutional and decisional legitimacy through the use of precedent (Ginsburg, 2004, Powell, 1990 and Stevens, 1983). Recognizing that legitimacy is essential to achieve their policy objectives, the members of the Court justify their substantive rulings through court opinions, which allow the justices to demonstrate how their decisions are consistent with existing legal rules and principles established in prior cases (see Hansford and Spriggs, 2006, pp. 24–30). Because it is the application of existing precedents that creates the perception of judicial decision-making to be procedurally neutral and fair (Tyler and Mitchell, 1994), these opinions are often considered to be the source of the Court's power (Epstein and Knight, 1998 and Segal and Spaeth, 2002).

Court bases a majority of its decisions on precedents set by previous cases

Spriggs & Hansford 02 (James F. II and Thomas G., Ph.D in Political Science from Washington University in St. Louis and the Sidney W. Souers Professor of Government Chair, Department of Political Science, Ph.D in Political Science from University of California, Davis and Associate Professor of Political Science at University of California, Merced, 01/01/2002, Law and Society Review, “The U.S Supreme Court’s Incorporation and Interpretation of Precedent”, <https://www.questia.com/library/journal/1P3-235040221/the-u-s-supreme-court-s-incorporation-and-interpretation> , 06/26/15)

What explains how and why the Supreme Court interprets precedent? We contend that Justices incorporate precedents into their opinions to maximize the extent to which the Court's legal policy reflects their own policy preferences and to increase the likelihood that their opinions will be efficacious. Thus, we expect the interpretation of precedent to be influenced by the Justices' policy preferences, the norm of stare decisis, and certain characteristics of precedents. To test this idea, we examined how, in all cases decided in the 1991 and 1995 terms, the Court's majority opinions chose to legally interpret the set of available Supreme Court precedents. While our results are not uniformly supportive of our

hypotheses, they lend general support to our theoretical argument. First, we demonstrate that the Court is more likely to positively interpret (rather than not interpret) a precedent that is ideologically proximate to the Court, that is legally relevant, or that was previously positively interpreted by the Court. When considering negative treatment broadly construed, our data only demonstrate that the legal relevance of a precedent exerts any influence. However, when we restrict our analysis to "strong" negative interpretation of precedent, we uncover reasonable support for the influence of stare decisis in that both the legal relevance of precedent and prior negative interpretation of precedent affect strong negative treatment. Thus, one implication of this study is that, contrary to the attitudinal model's prediction, the Court's prior treatment of precedent does appear to influence the way Justices make decisions. ¶ The explanation and prediction of Supreme Court policy outcomes endures as a topic of scholarly inquiry. For decades, scholars attempted to identify the factors that account for the disposition of Court cases, individual Justices' final votes on the merits, and aggregate patterns in Court outcomes (e.g., Baum 1988; Rohde & Spaeth 1976; Segal 1984). The policy set by the Court, however, is not solely, or even mainly, a function of case dispositions. While case dispositions determine who prevails in a particular dispute, **the Court establishes legal policy through the legal rules or precedents developed in its majority opinions.** These precedents set up referents for behavior by providing decisionmakers with information necessary to develop expectations and by outlining sanctions for noncompliance (see Spriggs 1996; Wahlbeck 1997). As a result, scholars recognize that the interpretation of precedent represents one of the Court's central policy outputs (e.g., Knight & Epstein 1996; Landes & Posner 1976). ¶ Despite the acknowledged importance of precedent, few scholars have attempted to explain systematically how or why courts choose to interpret it. The literature on the quantitative study of precedent can be broadly divided into two parts. First, a variety of studies examine either the citation of court opinions (e.g., Friedman et al. 1981; Landes & Posner 1976; Merryman 1977) or patterns of citations among state courts (e.g., Caldeira 1985; Walsh 1997). These articles shed light, for example, on the conditions under which one court will cite the opinions of another court. This line of research, however, does not seek to explain how court opinions actually interpret precedents. Second, a handful of studies examine how the Supreme Court substantively treats its own precedents (e.g., Brenner & Spaeth 1995; Johnson 1985, 1986). For instance, Spriggs and Hansford (2001) show in part that the Supreme Court is more likely to overrule one of its precedents when it is either ideologically distant from the precedent or when the Court has previously interpreted the precedent in a negative manner. Yet, despite this insight into the Court's overruling of precedent, we have little understanding of why the Court more generally chooses to interpret precedent positively, negatively, or not at all. ¶

The Supreme Court already ruled that all phone and internet metadata collection is legal when they made the Clapper v. Amnesty international decision. To enact the aff's plan through the court, the only way to do it is by ruling the surveillance unconstitutional. That changes the precedent already made, which is the link to the DA.

L-Prism

Public overwhelmingly supports Prism- aff creates disapproval

Logiurato 13' [Brett, M.A political science & Politics Editor, "The NSA's PRISM Program Is Shockingly Uncontroversial with the American Public, Business Insider, 6/17/13 <http://www.businessinsider.com/prism-surveillance-poll-nsa-obama-approval-2013-6> LM]

President Barack Obama's approval rating is sinking like a stone in a new CNN/ORC poll — but it's not because of Americans' reactions to the National Security Agency surveillance program known as "PRISM." In fact, **the public overwhelmingly approves of the program.** The poll found that 66 percent of Americans say the Obama administration was right to gather and analyze information from major internet companies to help locate suspected terrorists. Here's the full wording of the question posed in the poll: [F]or the past few years the Obama administration has reportedly been gathering and analyzing information from major internet companies about audio and video chats, photographs, e-mails and documents involving people in other countries in an attempt to locate suspected terrorists. The government reportedly does not target internet usage by U.S. citizens and if such data is collected, it is kept under strict controls. Do you think the Obama administration was right or wrong in gathering and analyzing that internet data? Overall, according to the poll, the public has exhibited a collective shrug to new revelations detailing the scope of the NSA's surveillance efforts. On its collection of phone data, the public is less gung-ho about the program, but still supportive — 51 percent say the Obama administration is right, while 48 percent say it's wrong. Incidentally, **partisans on both sides of the aisle are most likely to support the programs.** Self-identified Republicans and Democrats approve of both programs, while Independents are much less enthusiastic.

IL- K/T Global Power

Supreme Court legitimacy on law is key to global leadership and solving terrorism

Frank 07' [Daniel J, B.A Law Carleton College, "Constitutional Interpretation Revisited: The Effects of a Delicate Supreme Court Balance on the Inclusion of Foreign Law in American Jurisprudence" 3/5/2007]

Conservative politicians echo the sentiments of originalist Court members, weary of the Court's "dangerous" trend of citing foreign law in domestic constitutional matters²³ reintroduced in *Lawrence and Roper*. For years, the Court largely decided not to participate in an ongoing judicial dialogue in which foreign law was seriously considered, even if the law was²³⁹ not binding. Perhaps the real danger, though, stems from this insular posture and nonparticipation, which tend to perpetuate an unfavorable view of the United States (particularly of the U.S. judiciary) by the outside world.²⁴ ° The originalists' refusal to look outward when dealing with basic civil liberties, "labeling them as idiosyncratic American values," effectively "declare[s] the world irrelevant to our Constitution. This traditional unwillingness to engage in transnational judicial dialogue on a meaningful level has already had an impact: "the U.S. Supreme Court is no longer viewed worldwide as a beacon or trailblazer on civil and individual rights."²⁴² In the wake of September 11th, as President George W. Bush attempts to lead a worldwide coalition against terror, American judicial passivity feeds the outward perception that the United States "pays only lip service to the opinions of mankind."²⁴³ Originalist opposition to considering foreign law when interpreting the Constitution may, in turn, invite undue friction and ultimately strain U.S. foreign relations at a time when America seeks the military, political, and economic cooperation of other countries. Although²⁴⁵ the U.S. Supreme Court is empowered to settle cases and controversies and not to mollify cross-border tensions, the scope of today's problems oftentimes demands that Justices understand and acknowledge foreign²⁴⁶ law. According to Justice Ginsburg, "We are the losers if we neglect what others can tell us about endeavors to eradicate bias against women, minorities, and other disadvantaged groups.²⁴⁷ Lawrence and Roper signaled to the world once again that the American judiciary values opinions of other nations and considers foreign law in constitutional matters, thereby acknowledging the world community without²⁴⁸ compromising domestic legal norms. If such a course continues, a ripple effect may then ensue: as America's image abroad improves, the spirit of cooperation between countries increases, and the United States can serve as a more effective global leader. Admitting that certain outmoded practices state interference with private sexual conduct and the juvenile death penalty, for example-are similarly condemned abroad has helped steer the Court on the path to reclaiming its image abroad while maintaining the primacy of American domestic law. VI. CONCLUSION American law does not exist in a vacuum. The rigid textual analysis that originalists employ should not govern the manner in which the Court interprets the Constitution in the future. *Lawrence and Roper* offer great strides in according other nations the respect they deserve under the roadmap provided by our Founding Fathers. However, this does not mean that our Constitution should sacrifice its uniqueness at the expense of cooperating with the international community. Justice Breyer himself concedes that courts should use foreign law sparingly when circumstances present domestic constitutional issues centered on fundamental freedoms.⁴⁹ The lens through which Lawrence and Roper considered foreign law was specific, restricting foreign norms to a confirmatory role after laying a solid groundwork in American law.¹⁵ In this way, the Court seemed to prevent the usurpation of American ideals by foreign ones. ¹⁵ Michael Kirby, a Justice on Australia's High Court, warned that the United States "is in danger 'of becoming something of a legal backwater' if its courts continue to disregard foreign precedent."²⁵² As long as the Court continues to limit the relevance of foreign law to issues that concern the protection of fundamental rights and does not seek to transpose foreign norms onto purely domestic affairs (e.g., American social-welfare practices not shared by other democratic nations), the real danger appears to be in America's refusal to participate in the ongoing, global judicial dialogue.

IL- K/T Rule of Law

Legitimacy key to Judicial Power

Tyler and Mitchell 94, (Tom R. Tyler, Gregory Mitchell, LEGITIMACY AND THE EMPOWERMENT OF DISCRETIONARY LEGAL AUTHORITY: THE UNITED STATES SUPREME COURT AND ABORTION RIGHTS, Duke Law Journal, Volume 43, Number 4, February 1994, <http://www.jstor.org/stable/1372774>)

In other words, when stating their rationales for the Casey decision, the Justices focus not simply on whether people accept the Court's authority to make decisions regarding abortion rights but also on why they do so. The Justices contrast legitimacy to other possible bases of authority, including purchasing or physically coercing obedience. They argue that the Court's authority rests heavily on legitimacy because the Court lacks the ability to be authoritative in other ways. The Justices' argument resonates with the work of political scientists, who also have emphasized the limited power of the Supreme Court to enforce its decisions. "In a political system ostensibly based on consent, the Court's legitimacy-indeed, the Constitution's-must ultimately spring from public acceptance . . . of its various roles." Legitimacy is important to all political institutions. It is especially important, however, to judicial authorities like the U.S. Supreme Court because, as the Justices themselves note, the Court has only limited coercive power and can do little to reward those who comply with its directives.55As Gregory Caldeira and James Gibson observe, the Court "is an uncommonly vulnerable institution. The Court lacks an electoral connection to provide legitimacy, is sometimes obligated to stand against the winds of public opinion, operates in an environment often intolerant of those in need of defense, and has none of the standard political levers over people and institutions."If the legitimacy thesis is correct, then the directives of the Supreme Court may still carry considerable obligatory force, even in controversial realms. Historical research suggests that Americans have traditionally been more willing to accept unpopular public policy decisions if the Supreme Court legitimizes those decisions.57This legitimizing ability-the legitimacy conferring hypothesis-is central to theories about the basis for the Court's effectiveness. The general legitimacy of the Court as an institution of government may have aided acceptance of a wide variety of unpopular decisions, including banning school prayer, mandating school desegregation, and limiting criminal prosecutions through the exclusionary rule." That is, the Court's institutional legitimacy may have increased the willingness of the public to empower the Court to settle these issues and then to accept the decisions willingly and compliantly. "The general theory is that the procedures, rituals, ideology, and substantive decisions of legal institutions, particularly judicial institutions, measurably shape American popular beliefs in the legitimacy of government and the American sense of obligation and loyalty to the nation."6

K/T to Environment

Legitimacy key to Environment protection

Benjamin and Fulton 11, (Antonio Herman Benjamin, justice at Supreme Court of Brazil, Scott Fulton, General Council Member, Effective National Environmental Governance – A Key to Sustainable Development, UNEP, October 12-13, 2011, <http://www.unep.org/delc/Portals/24151/EffectiveNationalEnvironmentalGovernance.pdf>)

The judiciary (and, in some countries, administrative courts) plays a vital role as the guarantor of the protective benefits of environmental law. What judges treat as important, a society comes to judge as important. And thus the response of the courts to environmental problems can have a powerful transforming effect for a society at large. The seriousness of judicial attention and response can project to the regulated community and to the public at large the importance of environmental quality and the unacceptability of behaviors that jeopardize the environment. The judicial response can serve as a powerful catalyst toward the solidification of the environmental rule of law and the development of an environmental ethic – an ethic that, once it takes hold, can engender a sense of responsibility in all sectors of society, inspire citizens to think green and buy green, and encourage businesses to respond to green consumer demand and to their own emergent corporate environmental conscience.

K/T Hedge

Supreme Court legitimacy key to US heg

Knowles 09, (Robert Knowles, professor at New York University Public Law, American Hegemony and the Foreign Affairs Constitution, 41 Ariz. St. L.J. 87 2009)

This Article offers a new model for assessing appropriate judicial deference in foreign affairs that takes account of American-led order. By maintaining consistent interpretation of U.S. and international law over time and providing virtual representation for other nations and non-citizens, U.S. courts bestow legitimacy on the acts of the political branches, provide public goods for the world, and increase America's soft power—all of which assist in maintaining the stability and legitimacy of the American-led hegemonic order. This "hegemonic" model substantially eliminates the problematic deference gap between foreign and domestic cases and enables courts to appropriately balance foreign affairs needs against other separation-of-powers goals by "domesticating" foreign affairs deference. The hegemonic model also has explanatory and predictive value. In four recent cases addressing habeas claims by alleged enemy combatants, the Supreme Court rejected special deference. It refused to defer to the executive branch interpretations of foreign affairs statutes and international law, and even asserted military exigencies. The hegemonic model justifies this recent rejection of special deference and explains why it could augur increased judicial involvement in foreign affairs.

Supreme Court legitimacy key to US heg-empirics

Knowles 09, (Robert Knowles, professor at New York University Public Law, American Hegemony and the Foreign Affairs Constitution, 41 Ariz. St. L.J. 87 2009)

During the years following 9/11, the Supreme Court has made a substantial departure from the special deference norm in four habeas cases regarding the detention of "enemy combatants." These cases concerned a foreign affairs power thought to be least appropriate for judicial oversight: the authority to wage war. Rather than apply the special deference doctrines or abstain from deciding the cases altogether under the still vibrant political question doctrine in foreign affairs, the Supreme Court rejected the government's functional rationales for exceptional deference each time. Hamdi v. Rumsfeld addressed the executive branch power to detain enemy combatants as part of the war against al Qaeda and the Taliban, and the process due U.S. citizens who dispute their enemy combatant status. The government's central argument was functional: given the courts' "limited institutional capabilities ... in matters of military decision making" in connection with an ongoing conflict, courts should eschew evaluation of individual cases and decide only whether the overall detention scheme was legally authorized. At most, the Court's role was to review for facial sufficiency a two-page declaration by a Defense Department official who had reviewed classified documents allegedly providing the legal and factual basis for an individual's detention. The Fourth Circuit had agreed, citing the expertise and accountability justifications for Curtiss-Wright deference and concluding that "[n]o further factual inquiry is necessary or proper." The Supreme Court rejected these functional arguments. The Court acknowledged that Congress had authorized the detention of

"enemy combatants" to prevent return to the battlefield, but it was the Court's role to independently evaluate the procedures used for a detainee's challenge to his enemy combatant status." The plurality's approach applied a domestic, functional doctrine—the *Matthews v. Eldridge*² due process balancing test—to weigh the detainee's liberty interest and the value of additional procedures against the government's interest in security and the cost of those additional procedures." "At a minimum, due process required that "a citizen-detainee . . . must receive notice of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decisionmaker."¹⁴ Rather than try to conform to these requirements, the government released Hamdi."

Hegemony solve great power war

Ward 14, (Alex Ward, defense policy and strategy specialist, Only US Can Prevent Great Power War, *The Diplomat*, August 22, 2014, <http://thediplomat.com/2014/08/only-us-can-prevent-great-power-war/>)

But Gilpin's preconditions shouldn't be misconstrued as predictive or fatalistic. Indeed, the United States, as the hegemon, has the capability (and responsibility) to preserve the international order and lead the world out of this mess. By keeping good relations with partners and allies, deterring adversaries, reversing the perception of its decline, and leveraging technological capabilities for global good, there is a decent chance that the U.S. can make the great-power-war-incubation period fade away. Should the United States not seize this moment, and ensure that China is a responsible partner in the current global system alongside it, then the chance of a great power war cannot be dismissed, however remote.

No Solvency

Lack of legitimacy prevents AFF solvency

Gibson et al. 03 (James L. Gibson, Gregory A. Caldeira and Lester Kenyatta Spence, Measuring attitudes toward the United States Supreme Court, American Journal of Political Science, Volume 47, Issue 2, pg. 354-367, April 14, 2003, <http://onlinelibrary.wiley.com/doi/10.1111/1540-5907.00025/epdf>)

Most analysts distinguish between “diffuse” and “specific” support. Though some thoughtful scholars doubt that the distinction between the two types of support can be made empirically, most recognize a difference at least at the theoretical level between approval of the policy outputs of an institution in the short term and more fundamental loyalty to the institution in the short-term and more fundamental loyalty to the institution over the long-haul. “Specific support” is satisfaction with the immediate outputs of the institution. When specific support is low (i.e., people are dissatisfied, diffuse support becomes especially important since it cushions the impacts of policy dissatisfaction. Over the long-term the two types of support should be related, although the meaning of any given cross-sectional correlation may be unclear. We contend that the most important attitudes ordinary citizens hold toward institutions like the supreme court have to do with institutional loyalty. Institutions like courts need the leeway to be able to go against public opinion. Thus, a crucial attribute of judicial institutions is the degrees to which they enjoy the loyalty of their constituents.

Courts Link

Courts link to politics.

Harrison, Jenner and Block Litigation associate, 2005

(Lindsay, "Does the Court Act as "Political Cover" for the Other Branches?" 11-18 legaldebate.blogspot.com)

While the Supreme Court may have historically been able to act as political cover for the President and/or Congress, that is not true in a world post-Bush v. Gore. The Court is seen today as a politicized body, and especially now that we are in the era of the Roberts Court, with a Chief Justice hand picked by the President and approved by the Congress, it is highly unlikely that Court action will not, at least to some extent, be blamed on and/or credited to the President and Congress. The Court can still get away with a lot more than the elected branches since people don't understand the technicalities of legal doctrine like they understand the actions of the elected branches; this is, in part, because the media does such a poor job of covering legal news. Nevertheless, it is preposterous to argue that the Court is entirely insulated from politics, and equally preposterous to argue that Bush and the Congress would not receive at least a large portion of the blame for a Court ruling that, for whatever reason, received the attention of the public.

Links to politics – Obama appointed Sotomayor and Kagan – he would get the blame

Courts link

Mirengoff 10 [Paul E. Mirengoff, JD Stanford, Attorney in DC, [And if Barack **Obama** is still president at that time, he likely will receive some of the blame.](http://webcache.googleusercontent.com/search?q=cache:aNOGdaFrKhYJ:www.fed-soc.org/debates/dbtid.41/default.asp+obama+minimalism+blame+court+confirmation&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a, 6-23-10]There's a chance that <u>the Democrats' latest partisan innovation will come back to haunt them.</u> Justice Sotomayor and soon-to-be Justice Kagan are on record having articulated a traditional, fairly minimalist view of the role of judges. If a liberal majority were to emerge -- or even if the liberals prevail in a few high profile cases -- the charge of)

Causes fights with congress

Brickman '7 (Danette. "Congressional Reaction to U.S. Supreme Court Decisions: Understanding the Introduction of Legislation to Override" Paper presented at the annual meeting of the Southern Political Science Association, Hotel InterContinental, New Orleans, LA, Jan 03, 2007 <Not Available>. 2009-05-24 <http://www.allacademic.com/meta/p143265_index.html>The United States Constitution sets forth a government that prescribes specific roles for each of its branches. **While, constitutionally, Congress is the policy-making branch, the U.S. Supreme Court enters the policy-making arena through statutory interpretation and judicial review decisions. The preferred policies of these two branches of government do not always coincide, causing conflict between the Court and Congress. At such times this conflict can lead to a battle over control of national policy.** This paper explains congressional reaction to Supreme Court decisions by relaxing two of the assumptions of the separation of powers game and incorporating changing congressional preferences and context. **U.S. Supreme Court decisions tend to be**

viewed “not **as** a mere interpretation of law, but **a determinative statement of national policy that is**, for all practical purposes, **irrevocable**” (Paschel 1991:144). While the majority of Supreme Court decisions remain untouched by Congress, a number of statutory interpretation and judicial review decisions have been successfully overridden by the legislative branch, making it apparent that Supreme Court decisions are not necessarily final. **In certain circumstances Congress is willing to do battle with the Court to achieve their preferred policy**. Although successful congressional overrides of Supreme Court decisions are infrequent, their occurrence has generated a body of research that has contributed to our understanding of the interaction between these two branches of government. What is missing from the discourse is an examination that focuses on the introduction of legislation to override Supreme Court decisions¹. This paper fills that gap, examining the circumstances under which Congress introduces legislation attempting to override a Supreme Court decision. Using an approach which incorporates changing congressional preferences and context this research contributes to our understanding of Court-Congress interaction.

Courts Don't Link

Courts shield

Whittington 5 Keith E., Cromwell Professor of Politics – Princeton University, ““Interpose Your Friendly Hand”: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, *American Political Science Review*, 99(4), November, p. 585, 591-592

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympathetic to the politician's own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

They alleviate political pressure

Ward, political science professor Northern Illinois University, 2009

(Artemus, “Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court”, *Congress & the Presidency*, Jan-Apr, (36)1; p. 119)

After the old order has collapse the once- united, new-regime coalition begins to fracture as original commitments are extended to new issues. In chapter 3 Whittington combines Skowronek's articulation and disjunctive categories into the overarching "affiliated" presidencies as both seek to elaborate the regime begun under reconstructive leaders. By this point in the ascendant regime, Courts are staffed by justices from the dominant ruling coalition via the appointment process - and Whittington spends time on appointment politics here and more fully in chapter 4. Perhaps counter-intuitively, affiliated political actors - including presidents - encourage Courts to exercise vetoes and operate in issue areas of relatively low political salience. Of course, this "activism" is never used against the affiliated president per se. Instead, affiliated Courts correct for the overreaching of those who operate outside the preferred constitutional vision, which are often state and local governments who need to be brought into line with nationally dominant constitutional commitments. Whittington explains why it is easier for affiliated judges, rather than affiliated presidents, to rein in outliers and conduct constitutional maintenance. The latter are saddled with controlling opposition political figures, satisfying short-term political demands, and navigating intraregime gridlock and political thickets. Furthermore, because of their electoral accountability, politicians engage in position-taking, credit-claiming, and blame-avoidance behavior. By contrast, their judicial counterparts are relatively sheltered from political pressures and have more straightforward decisional processes. Activist Courts can take the blame for advancing and legitimizing constitutional commitments that might have electoral costs. In short, a division of labor exists between politicians and judges affiliated with the dominant regime.

Courts avoid partisanship Tushnet, law professor at Harvard, 2008

(Mark, "THE OBAMA PRESIDENCY AND THE ROBERTS COURT: SOME HINTS FROM POLITICAL SCIENCE: POLITICAL FOUNDATIONS OF JUDICIAL SUPREMACY: THE PRESIDENCY, THE SUPREME COURT, AND CONSTITUTIONAL LEADERSHIP IN U.S. HISTORY", Summer, 25 Const. Commentary 343, lexis)

What can the courts do for a resilient regime? **Presidents and Congress have limited time and political energy.** They will spend them on what they regard as central issues. But at any time there will be "outliers" - geographic regions as yet uncommitted to the regime's constitutional understandings, or substantive areas that plainly require change if those understandings are to become deeply implanted in society, yet politically too touchy [*347] or relatively unimportant to Congress. **For the affiliated leader, enhancing judicial authority to define and enforce constitutional meaning provides an efficient mechanism for supervising and correcting those who might fail to adhere to the politically preferred constitutional vision** (pp. 105-06). **The courts can serve as a convenient but essentially administrative mechanism for bringing these outliers into the constitutional order. n16 In addition, the courts may have rhetorical resources unavailable to presidents.** Their obligation to explain their decisions, and the fact that they make decision after decision, means that they have an opportunity to develop a **reasonably general account of the resilient regime's constitutional understandings.** In Whittington's words, "It is the classic task of judges within the Anglo-American tradition ... to render new decisions and lay down new rules that can be explicated as a mere working out of previously established legal principles" (p. 84). Presidents, in contrast, only sporadically make speeches illuminating those understandings. **More boldly, affiliated presidents may try to use the courts to "overcome gridlock"** (p. 124) caused by the strategic positions recalcitrant opponents of the new constitutional regime may occupy. **And, if not "use the courts," at least rely on the courts to take the initiative, because "the Court can sometimes move forward on the constitutional agenda where other political officials cannot" (p. 125). "Coalition leaders might be constrained by the needs of coalition maintenance," but "judges have a relatively free hand" (p. 125).** This "use" of the courts, though, poses risks. The courts may push the regime's constitutional principles further and faster than is politically wise, and the regime's political leaders may find themselves on the defensive. Indeed, in this way the courts can contribute to making a resilient regime vulnerable, which may be part of the story about the Warren Court and the demise of the New Deal/Great Society regime. n17 [*348] Preemptive presidents face a special strategic problem. Sometimes they take office because they manage to persuade the public that they remain committed to a resilient regime's constitutional vision even if in their hearts they want to transform the regime. n18 At other times they take office as a regime becomes vulnerable, but do not themselves have the program, vision, or charisma to be reconstructive presidents themselves. n19 They are likely to face opposition in Congress and to some degree in the courts. But they can turn divided government to their advantage by seeking judicial confirmation of executive prerogative. The judges in place might be sympathetic to such claims for doctrinal and political reasons. They will have "inherited from affiliated administrations" (p. 169) doctrines supporting executive authority. And, though Whittington doesn't make this point explicitly, they may see the preemptive president as an accident, soon to be replaced by an affiliated one whose exercises of presidential power they will want to endorse. Finally, preemptive presidents need to get their authority from somewhere when they face congressional opposition, as they will. They don't have much of their own, but they can try "to borrow from the authority of the courts in order to hold off their political adversaries" (p. 195). One final point before I move to some speculations about the future of judicial supremacy. Whittington emphasizes the growth of judicial supremacy during the twentieth century, both in terms of the judges' self-understanding and, perhaps more importantly, in terms of the degree of political commitment to judicial supremacy (p. 25). **He suggests that politicians have had increasingly strong reasons to support the Supreme Court. The reconstructive presidency of Ronald Reagan was less ambitious than that of Franklin Roosevelt (p. 232), assuring the American people that Reagan's policies would strengthen rather than destroy the social safety nets that Roosevelt and**

Lyndon Johnson's regimes had created. Even a reconstructive president could hope that the Supreme Court would assist in articulating regime principles in the way the Court ordinarily does for affiliated presidents. Further, drawing again on Skowronek's account of the [*349] ways in which regimes leave a residue even after they have been displaced, Whittington describes the doctrinal thickening that occurred during the twentieth century with respect to essentially every possible ideological and political commitment a President could have (p. 283). Doctrinal thickening means that every member of a ruling coalition will have some basis in constitutional law for its assertions that the Constitution requires satisfaction of its policy preferences, and that the Court cannot possibly satisfy all the demands on it. n20 So, for the future, we might expect Presidents to have increasingly ambivalent views about the Supreme Court. In the twenty-first century, the Supreme Court will be useful and annoying to every President - useful because the Court can serve to articulate regime principles and can do some policy work that Presidents would rather not expend time and political capital on, and annoying because the Court's failure to satisfy all the demands emanating from a President's political supporters will put pressure on the President to do something about the Court.

Courts Negative DA SDI

Politics

Courts Link to Politics

(--) Health care proves—Republicans will lash out against unpopular Supreme Court decisions:

Stephen **Manual**, 2012 6/28/2012, staff writer, “Will Supreme Court judgment help Obama win presidential election?” Accessed 7/26/2012 at <http://www.allvoices.com/contributed-news/12483143-will-supreme-court-judgment-help-obama-win-presidential-election, rwg>

Finally, President Barack **Obama has** carried the day. He **stood winner as the Supreme Court ruled on Thursday to uphold the Affordable Care Act.** However, the president remained humble during his speech following the decision. He said that it was a victory for the American people and his administration would continue to work for betterment of the people. **The Supreme Court judgment is clearly against the anticipation of Republicans,** as they were predicting a contrary decision on the issue. The judgment can be called one of the biggest victories of the Obama administration in years. **However, the question arises whether the Obama administration will be able to translate the victory into successful election campaign or not. Observers believe the administration would definitely exploit the judgment in its favor** and try its best to convince electorates to cast vote for Obama in the upcoming presidential election. The visionary abilities of Obama would be highlighted and people would be told about revolutionary plans of Obama for the people and that all these plans would be implemented only if he is reelected into the office in November’s election. The judgment would also help the Obama administration to undermine capabilities of Republican presidential candidate Mitt Romney. Observers opine the judgment dealt a heavy blow to the Republicans, as they believed the court would strike down the individual mandate – at the very least. They were planning to celebrate the judgment and shaming the Obama administration once the verdict was out, but they were shocked after the judgment was released. Observers believe that the Obama administration has got a fresh opportunity to set the house in order and focus more on public-related issues so that they could bag maximum votes in the upcoming presidential election. It is the best opportunity for Obama to sell his Health-Care law to the masses. Mitt Romney, while giving his reaction on the Supreme Court judgment, said that he would repeal the law if elected to the presidency in the November election. He even said that there was a need to get rid of Obama if people want to get rid of Obama-care. Definitely, **Republicans would lash out at the law in their public meetings and try to invoke public anger on the issue.** Republicans believe the ruling of the Supreme Court can hamper their campaign against Obama.

(--) Health care proves: Republicans will rally against Supreme Court decisions they oppose:

Fox News Latino, 2012 6/28/2012 (“Supreme Court Upholds Health Care Reform Law in Big Win for Obama,” <http://latino.foxnews.com/latino/politics/2012/06/28/supreme-court-obama-health-care-reform-act-is-constitutional/, rwg>)

Republicans immediately cast the Supreme Court decision as a wake-up call for Americans. In what is surely to be a campaign theme for Romney going forward, the Republican National committee chairman Reince Priebus said: "We need market-based solutions that give patients more choice, not less. The answer to rising health care costs is not, and will never be, Big Government.” Democrats heralded the decision as a much needed extension of basic health care to millions of Americans without access to medical attention.

(--) Conservatives will push other branches of Congress to reverse unpopular Supreme Court decisions:

Steffi **Porter**, 2012 6/28/2012 (staff writer, “Conservative groups denounce Supreme Court ruling on ‘ObamaCare’” Porter

<http://blog.chron.com/txpotomac/2012/06/conservative-groups-denounce-supreme-court-ruling-on-obamacare/>, Accessed 7/26/2012, rwg)

Conservative opponents of "ObamaCare" were not happy to hear that the Supreme Court ruled 5-4 in favor of upholding the controversial health care law. Not just unhappy. Furious.

"Today's Supreme Court decision will do serious harm to American families," said Family Research Council President Tony Perkins. "Not only is the individual mandate a profound attack on our liberties, but it is only one section among hundreds of provisions in the law that will force taxpayers to fund abortions, violate their conscience rights, and impose a massive tax and debt burden on American families."

American Conservative Union Chairman Al Cardenas called for the law to be "thrown out."

"Today's unfortunate decision by the Supreme Court to uphold an unpopular and ill-considered law puts the American healthcare system at the mercy of Washington bureaucrats," Cardenas said in a statement. **"This law needs to be thrown out by the Congress and the President immediately,** as it exceeds federal power, asserting enormous federal control over the healthcare of every man, woman and child in America. We need a bill that that will actually solve our healthcare problems and reduce the cost — not add to the legacy of debt to our children with trillions of dollars in new spending."

(--) Liberal Supreme Court decisions quickly become fodder for the Republican Party to rally their conservative base:

Atlanta Journal-Constitution, 2005 7/10/2005; Lexis

With the retirement of Supreme Court Justice Sandra Day O'Connor, and the expected retirement of Chief Justice William Rehnquist, a court that has been unchanged since 1994 is about to take on a very different look. But it's not going to happen without a fight.

The conservative movement that has taken control of the Republican Party --- and with it the legislative and executive branches --- now sees its opportunity to remake the Supreme Court as well, clearing the last obstacle to the revolution it seeks to create in American government and culture. **To justify that makeover of the court, Republican activists have spun out an elaborate indictment of the current system, repeating it endlessly until it has taken on the aura of absolute truth in some corners.**

For instance, much of the rhetoric coming from House Majority Leader Tom DeLay, Senate Majority Leader Bill Frist and other Republican leaders has focused on what they call "judicial activism," judges who in their minds have been overly eager to impose their own personal beliefs on the political system.

AT: Decision Announced in May/June

- 1) **FIAT abuse: the plan should be decided immediately**
- A) **Key to Disad ground: we can't have uniqueness for disads if they could delay indefinitely**
- B) **Infinite regression: They could always delay until after any major event.**
- C) **Court decisions CAN be announced quickly if they need to be: Bush v. Gore proves:**

Michael C. **Dorf, 2001** (Vice Dean and Professor of Law, Columbia University School of Law, Michigan Law Review, "ELECTIONS AND DEMOCRACY: THE 2000 PRESIDENTIAL ELECTION: ARCHETYPE OR EXCEPTION?" May 2001, Lexis/Nexis, accessed 6/26/2015, rwg)

This is a fair criticism. A U.S. Supreme Court opinion relying on the Eleventh Circuit's due process rule would have been unjustifiable. Yet it would have been no more unjustifiable than the actual decision in Bush v. Gore, for the equal protection standard the majority announced also threatens to inject a federal issue into every state election. Similarly, it is no less arbitrary for a federal court to substitute its reading of state law for that of the state courts under the nominal auspices of Article II - as three Justices did in Bush v. Gore - than under the Due Process Clause. **Perhaps the majority Justices relied on Article II** and equal protection rather than due process **because of the haste with which they needed to decide the case and issue their opinion. Bush v. Gore was handed down less than two days after it was argued.** By way of comparison, even working at lightning speed, Issacharoff, Karlan, and Pildes took nearly two weeks from the date of the decision until they submitted their final manuscript to the publisher, whereas I spent a leisurely two and a half months working on this Essay, and the editors of the Michigan Law Review spent a still longer period editing it and checking citations. Given this upside-down allocation of time, it is not surprising that the Court's chosen legal theories do not survive close scrutiny.

- D) **Ignores topic specific education: turns every debate into a court capital debate instead of about the merits of the plan.**

Court Capital DA

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A) The Supreme Court will rule for Spokeo in Spokeo v. Robins now:

Rich **Samp**, **4/15/2015** (staff writer, "Supreme Court Has Opportunity To Halt Lawsuits By Uninjured Plaintiffs," <http://www.forbes.com/sites/wlf/2015/04/15/supreme-court-has-opportunity-to-halt-lawsuits-by-uninjured-plaintiffs/>, Accessed 6/26/2015, rwg)

Federal courts have been inundated in recent years by suits filed by plaintiffs who have suffered no injury but who allege that a federal statute provides them with "standing" to sue for alleged violations of federal law. Such lawsuits can be extremely lucrative for the plaintiffs' bar when the statute provides for an award of statutory damages (typically, \$100 to \$1,000) for each violation; by filing their suits as nationwide class actions, attorneys can often plausibly seek to recover billions of dollars. **The Supreme Court may soon make it much more difficult for such suits to survive a motion to dismiss.** The Court on Friday will consider whether to grant review in Spokeo v. Robins, a case that squarely addresses whether plaintiffs can assert Article III standing where their only "injury" is the affront to their sensibilities caused by the belief that someone is not complying federal law. **The Court has indicated a strong interest in addressing the issue; Spokeo is an appropriate vehicle for doing so and ought to be granted.**

B) A ruling in favor of Spokeo is a controversial ruling:

Christi A. **Lawson**, **4/29/2015** (staff writer, "United States: U.S. Supreme Court Accepts Review Of Robins v. Spokeo, Inc.," <http://www.mondaq.com/unitedstates/x/393448/trials+appeals+compensation/US+Supreme+Court+Accepts+Review+Of+Robins+v+Spokeo+Inc>, Accessed 6/26/2015, rwg)

The Supreme Court's acceptance of Spokeo's petition is interesting in light of the fact that the Court previously declined review of two cases with very similar issues: First National Bank of Wahoo v. Charvat, which the court declined to review, and First American Financial Corp. v. Edwards, which the Court heard in 2010, but later dismissed certiorari as "improvidently granted." **The Supreme Court's acceptance of Spokeo's petition is also interesting because it means that the high court has disregarded the recommendations of the federal government.** In October, the high court requested that the Solicitor General file a brief regarding the government's position. In response, the Solicitor General recommended that the **Court deny Spokeo's petition**, which would leave the Ninth Circuit's decision in place. The Solicitor General supported his position by stating that the public dissemination of inaccurate personal information about Robins amounted to "concrete harm" that courts have traditionally acted to redress, regardless of whether the plaintiff could demonstrate some further consequential injury.

C) Court involvement in surveillance undermines the courts institutional credibility:

Foundation for Defense of Democracies, **5/22/2012** ("The Supreme Court Enters the Surveillance Debate," <http://www.defenddemocracy.org/media-hit/the-supreme-court-enters-the-surveillance-debate/>, Accessed 7/8/2015, rwg)

To protect the nation from hostile foreign forces is the principal responsibility of the federal government. Primarily, it is the responsibility of the Executive Branch. The federal courts have held both before and after FISA's enactment that **the president is endowed by the Constitution with the power to conduct surveillance —** including electronic eavesdropping — against "foreign powers" (a term of art that includes operatives not only of foreign governments but of such sub-sovereign entities as foreign terrorist organizations). If the president has that power, it cannot be reduced by a statute — it is black-letter law that the Constitution cannot be trumped by a mere congressional enactment. **The federal courts were intended to have no national security role**, particularly when it comes to foreign threats, **both because they**

lack institutional competence in intelligence matters and, more importantly, because they are not politically accountable to the American people — national defense decisions being the most significant that a body politic makes.

D) Political capital of the court is necessary to make controversial rulings:

Grosskopf and Mondak, 1998 Profs of Poli Sci Long Island U and U of Illinois, 1998

(Anke Grosskopf, Assistant Prof of Political Science @ Long Island University, & Jeffrey Mondak, Professor of Political Science @ U of Illinois, 1998, “Do attitudes toward specific supreme court decisions matter? The impact of Webster and Texas v Johnson on Public Confidence in the Supreme Court” Political Research Quarterly, vol. 51 no 3 633-54 September 1998)

The existence of a strong link between basic values and diffuse support does not necessarily preclude a role for specific decisions, particularly when we seek to understand how support comes to change over time (e.g., Caldeira and Gibson 1992: 658-61). We believe that **any claim that the Supreme Court is fully immune to backlash against controversial decisions can be rejected on a prima facie level.** First, consider the extreme case. **Were the Supreme Court to make its occasional blockbusters—Brown v. Board of Education, Roe v. Wade, Texas v. Johnson, etc.—the norm by routinely ruling on the thorniest social questions, we see it as implausible that such actions would bring no cumulative impact on how people view the Court.** Second, the Supreme Court’s typical mode of operation suggests that **justices themselves view institutional support as an expendable political capital** (Choper 1980). That is, the Court recognizes its own political limitations, and thus **justices pick their spots carefully when approaching potentially controversial cases.** From this perspective, the apparent dominance of democratic values as a determinant of institutional support (e.g., Caldeira and Gibson 1992) means not that the Court is insulated from backlash, but that **strategic justices tread cautiously** so as **to keep backlash to a minimum.** Consequently, how and where we examine whether public response to Supreme Court decisions affects institutional support may shape what answer we find.

IMPACT

E) Victory for Spokeo is necessary to prevent billions of dollars of damage to the tech sector:

Wall Street Journal, 4/16/2015 (“Surf, Cry, Sue,” <http://www.wsj.com/articles/surf-cry-sue-1429226196>, Accessed 6/26/2015, rwg)

Trial lawyers have built an empire chasing the potentially injured and convincing them to sue. But what if a multimillion-dollar lawsuit required no injury at all? On Friday the Supreme Court will consider taking a case about whether companies can be held liable in civil court for violating a federal statute, even if no one was harmed. Under Article III of the Constitution, a plaintiff in federal court has to claim injury to have standing to sue. But over the years, especially in the area of financial regulation and privacy matters, Congress has passed statutes that allow plaintiffs to sue without having to show they were injured. Now trial lawyers are translating those developments into class actions. **In Spokeo v. Robins**, Thomas Robins claims that Spokeo, a website that culls data about people, posted information about him that isn’t true, creating the impression that he is richer and more educated than he is, and married, which he isn’t. Because of those misrepresentations, Mr. Robins has sued Spokeo in a class action, saying the mistakes upset him and made it harder for him to get a job. He says he represents a class that “consists of millions of individuals.” ENLARGE Photo: Corbis The Supreme Court has said that to meet the Article III requirement, a plaintiff has to show an “injury in fact” that is “concrete and particularized.” Hypotheticals don’t count. There is “an outer limit to the power of Congress to confer rights of action,” Justice Anthony Kennedy wrote in his concurrence in 1992’s Lujan v. Defenders of Wildlife. “[I]t would exceed those limitations if, at the behest of Congress and in the absence of any showing of concrete injury, we were to entertain citizen suits to vindicate the public’s nonconcrete interest in the proper administration of the laws.” **A federal district court dismissed Mr. Robins’s claim that he suffered an economic injury from the incorrect information, but the liberal Ninth Circuit Court of Appeals reversed.** Even if he hadn’t suffered a personal economic injury, the Ninth Circuit said, alleging a statutory violation is enough to satisfy Article III’s injury requirements. **If that decision is left standing, it will open the floodgates for the tort bar to sue for statute violations.**

Mr. Robins claims Spokeo violated the Fair Credit Reporting Act, but similar class actions are pending in federal courts alleging violations of privacy laws. The risk is acute for tech companies such as eBay, Facebook, Google and Yahoo, which have said that with a no-injury requirement they will likely face lawsuits running into the billions of dollars. The trial-lawyer agenda is not to litigate but to confront companies with such mammoth classes and astronomical legal fees that they will settle, regardless of the merit of the claim. Jay **Edelson, founder of the law firm representing Mr. Robins, told the New York Times he has wrested more than \$1 billion in settlements suing technology companies. If left to stand, the Ninth Circuit's standard could make that number look like pocket change.** The Supreme Court was poised to consider this issue in a case called First American Financial Corp. v. Edwards, but dismissed it at the last minute without deciding the merits. We hope the Justices take this one.

F) Strong tech sector key to US military dominance and solving war around the globe:

Dr. Mary L. **Good, 1996**(Chair, Undersecretary for Technology, Dept. of Commerce, Technology in the national interest, accessed via google books)

Technology and the National Defense **On the battlefield, technology can be the decisive edge.** America's technological superiority has provided our men and women in uniform the wherewithal to protect the freedom, democracy, and security of the United States. Beyond our own borders, U.S. military strength—built on a foundation of high-technology—has enabled the United States **to stand in defense of our allies, preserve the peace, deter hostilities, repel aggression, and foster fledging democracies around the globe.** During the Cold War, an arsenal of advanced weapons allowed the United States to field a technologically superior force to counter the numerically superior Soviet threat. Today, these high-technology weapons and the transportation and logistics systems that support their deployment provide the United States with the ability to undertake global military operations and conduct surgical strikes on strategic military targets—as in recent operations in Iraq and Bosnia—while minimizing the risk to U.S. soldiers and civilians. **Continued technological leadership is essential to U.S. national security, military readiness, and global influence.**

FYI on Spokeo v. Robins

At issue in this case is whether a person may bring a lawsuit when a company violates a federal privacy law. In order to invoke the jurisdiction of federal courts under Article III, a plaintiff must have "standing" to sue. The Petitioner Spokeo, Inc., argues that the case should be dismissed because the Plaintiff did not prove that the publication of inaccurate personal information in violation of the Fair Credit Reporting Act was a concrete "injury" under Article III. The U.S. Court of Appeals for the Ninth Circuit disagreed, and denied Spokeo's motion to dismiss the case for lack of jurisdiction.

Uniqueness

Uniqueness: Spokeo will win now

(--) Court will likely rule in favor of Spokeo now:

Elliot **Katz**, **5/28/2015** ("Spokeo v. Robins: The Case That Has Silicon Valley Buzzing, Even Though Plaintiffs Likely Don't Have a Leg To "Stand" On,"

<http://www.jdsupra.com/legalnews/spokeo-v-robins-the-case-that-has-75066/>, Accessed 6/29/2015, rwg)

The Ninth Circuit reversed. The Ninth Circuit ruled that Mr. Robins did have standing to sue because (1) the "violation of a statutory right is usually a sufficient injury in fact to confer standing", and (2) the FCRA does not require a showing of actual harm when a plaintiff sues for statutory damages in certain circumstances. Spokeo subsequently petitioned the Supreme Court for cert. on the standing issues, and, on April 27, 2015, Spokeo's request was granted. **In Spokeo**, the Supreme Court will decide "[w]hether Congress may confer Article III standing upon a plaintiff who suffers no concrete harm, and who therefore could not otherwise invoke the jurisdiction of federal court, by authorizing a private right of action based on a bare violation of a federal statute." In other words, can Congress authorize an individual to sue by alleging that a company violated a federal statute without also alleging that he or she has actually suffered any injury? This question affects not only cases brought under the FCRA, but other privacy-related cases as well, which are often brought under statutes passed by Congress authorizing statutory damages without requiring a plaintiff to demonstrate harm, such as the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. and Electronic Communications Privacy Act, 18 U.S.C. § 2510, et seq. What Is The Likely Outcome? To support his position that he does have standing to sue, Robins cited Warth v. Seldin, a 1975 Supreme Court decision which states: "The actual or threatened injury required by Art. III may exist solely by virtue of statutes creating legal rights, the invasion of which creates standing." Interestingly, the Ninth Circuit quoted the above portion of Warth in its opinion holding that Robins did have Article III standing, despite the fact that six sentences later, Warth states: "Of course, Art. III's requirement remains: the plaintiff still must allege a distinct and palpable injury to himself...." Given that one of the opening lines in the Ninth Circuit's opinion was "Robins's allegations of injury were sparse", the above-quoted portion of Warth – puzzlingly absent from the Ninth Circuit opinion – may not bode well for Robins' chances before the Supreme Court. Additionally, an important footnote on the final page of the Ninth Circuit opinion states: "Because we determine that Robins has standing by virtue of the alleged violations of his statutory rights, we do not decide whether harm to his employment prospects or related anxiety could be sufficient injuries in fact." Given that Warth states a plaintiff must allege a "distinct and palpable injury to himself," **this case will most likely ultimately hinge on the Supreme Court's 2013 defendant-friendly Clapper v. Amnesty International USA decision. In Clapper, a case that is virtually always cited by defendants in motions to dismiss data breach and privacy-related lawsuits, the Supreme Court held that mere concern or fear of future harm cannot manufacture standing. Under Clapper, Mr. Robins' alleged future harm** to his employment prospects and related anxiety – similar to plaintiffs' fear that they could be harmed by a bad actor who may utilize their financial information post-data breach – **will likely not suffice to confer standing.**

(--) Spokeo will win now:

Barry **Goheen**, **6/22/2015** (Corporate Counsel, "Supreme Court Prepares to Weigh FCRA and 'Actual Injury'" <http://www.corpcounsel.com/id=1202730126796/Supreme-Court-Prepares-to-Weigh-FCRA-and-Actual-Injury#ixzz3fG4O93W5>, Accessed 7/7/2015, rwg)

The Supreme Court's grant of certiorari in Spokeo has raised hopes from the defense bar that the Court will hold that standing to sue is a constitutional issue that Congress cannot confer merely by enacting a statute that provides for penalties upon proof that the statute was violated. **Prior statements from the Court have hinted at such a holding.** See, e.g., *Raines v. Byrd*, 521 U.S. 811, 820 (1997) ("Congress cannot erase Article III's standing requirements by statutorily granting the right to sue to a plaintiff who would not otherwise have standing.").

(--) Spokeo will win now—Court took the case at the behest of tech firms:

Marisa **Kendall**, 6/22/2015 (“On SCOTUS Watch with Akin Gump's Heinke,”

<http://www.therecorder.com/id=1202729771067/On-SCOTUS-Watch-with-Akin-Gumps-Heinke?slreturn=20150529150348>, Accessed 6/29/2015, rwg)

Second, **in Spokeo v. Robins, the Supreme Court granted certiorari to decide whether Congress may confer Article III standing upon a plaintiff who suffers no concrete harm**, and who therefore could not otherwise invoke the jurisdiction of a federal court, by authorizing a private right of action based on a bare violation of a federal statute (so-called “statutory injury”). Spokeo is likely to limit the viability of class action lawsuits claiming millions of dollars in statutory damages for technical violations of federal privacy, data breach and consumer protection laws. **The Supreme Court took the case at the urging of a number of companies and groups—such as Facebook, Google, Trans Union, the U.S. Chamber of Commerce and the Consumer Data Industry Association—with a strong stake in discouraging such cases.** Spokeo could have an enormous impact on class action defense because of the number of laws providing for statutory damages, as well as the potential exposure under such statutes.

(--) Court will reverse the Ninth Circuit and rule for Spokeo now:

Terry W. **Clemans**, 7/8/2014 (executive director of the National Consumer Reporting Association, “Will SCOTUS Take Up Spokeo v. Robins and Address the No Harm, No Foul Claim?” <http://nationalmortgageprofessional.com/news/41629/will-scotus-take-spokeo-v-robins-and-address-no-harm-no-foul-claim>, Accessed 6/29/2015, rwg)

Several interested parties, including the National Consumer Reporting Association (NCRA) **have filed amicus briefs in the U.S. Supreme Court urging it to hear the case of Spokeo v. Robins and reverse the Ninth Circuit’s conclusion** that “the violation of a statutory right” in itself is “a sufficient injury in fact to confer standing” under Article III [Robins v. Spokeo Inc., 742 F.3d 409, 412 (9th Cir. 2014)]. The Ninth Circuit found that “the statutory cause of action does not require a showing of actual harm” (id.), and held that the plaintiff had sustained injury-in-fact under Article III by virtue of the bare statutory violation of the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 et seq. The importance of this issue has a broad impact far beyond the FCRA claim it specifically addresses. There are many federal and state statutes that provide statutory damages that arguably may be recovered in the absence of any showing of actual consumer harm. By holding that causation is effectively automatic in statutory damages cases, the Ninth Circuit’s rule makes it very easy to certify a class of plaintiffs: if a statute was violated, then every consumer was hurt. That rule raises a defendant’s exposure in class-action statutory damages cases to a level that is not survivable by most businesses. In order for a federal court to be able to hear a case, Article III of the U.S. Constitution requires a plaintiff to have standing. Basically, they need to have suffered a concrete, particularized harm. In Spokeo v. Robins, the plaintiff filed a class-action suit based on a “bare allegation” that the defendant had violated FCRA by issuing consumer reports in willful violation of that statute. Spokeo is a Web site that offers information on consumers, claiming to have searched social media, criminal records, and public filings to put together estimates of their wealth and character. The named plaintiff found his profile on Spokeo, but never lost a job or was denied credit. In fact, Spokeo’s Web site listed him as having more wealth than he actually did. The issue in the Spokeo case is whether an allegation of a willful violation, standing alone, is enough of a “harm” to justify the exercise of federal jurisdiction. This issue is particularly important under FCRA, which creates statutory damage liability for willful violations ranging from \$100 to \$1000 per consumer. Even a small consumer reporting agency issues reports on thousands of individuals per month, and a small disclosure mistake that goes unnoticed for only a couple of months could result in a liability that would eliminate the company’s ability to survive. It would also outstrip any actual harm caused by the award. This is not news to the class-action bar, which is showing an increased interest in filing these kinds of suits and is filing growing numbers of them. This Supreme Court has attempted to rein in the excesses of class-action litigation through, for example, enforcing arbitration clauses that prohibit class-action suits and tightening pleading standards so that defendants cannot be forced to endure discovery or to enter in *terrorem* settlements based on a naked claim that a violated a statute that affected the plaintiff and a few thousand of his closest friends. In fact, last year, the mortgage industry was at the center of another case important to this one, that of First American Financial v. Edwards. That case took a very similar issue involving the presence of conflicts of interest in real estate transactions. The Court dismissed that appeal as improvidently granted, meaning that a majority of them thought that the facts of First American presented a bad vehicle to decide the question presented. Spokeo, however, represents a better vehicle due to the fact that there is no question of whether or not this plaintiff was harmed (he wasn’t), and **if the Supreme Court were to review this decision, there is a good chance that they would reverse it.** As the Supreme Court, however, hears very few cases, amicus participation at the petition stage is critical. NCRA joined with the National Association of Professional

Background Screeners (NAPBS) and PreCheck, a background screening company, to retain the Washington, D.C. law firm of Meyer, Klipper & Mohr PLLC (thank you to Chris Mohr of the firm for assistance with this article) to file a friend-of-the-court brief explaining the harm that these suits are doing to this industry, and urging them to take the case.

(--) Spokeo will win now—the fact that the Court agreed to hear it proves:

Scott A. **Shaffer, 5/1/2015** (focuses his litigation practice in the areas of advertising, direct marketing, class action defense, “Supreme Court To Consider An Appeal That Could Greatly Impact TCPA Litigation” <http://www.olshanlaw.com/blogs-Advertising-Law-Blog,Supreme-Court-Appeal-TCPA>, Accessed 6/29/2015, rwg)

The district court in the Central District of California sided with Spokeo and dismissed the case. **Robins appealed to the Ninth Circuit, and prevailed.** In reversing the district court, the Ninth Circuit held that, “When, as here, the statutory cause of action does not require proof of actual damages, a plaintiff can suffer a violation of the statutory right without suffering actual damages. Of course, the Constitution limits the power of Congress to confer standing... This Constitutional limit, however, does not prohibit Congress from ‘elevating to the status of legally cognizable injuries concrete de facto injuries that were previously inadequate in law.’” **By agreeing to hear Spokeo’s appeal, the Supreme Court cast doubt on the continuing validity not only of the Ninth Circuit’s ruling,** but indirectly on a large number of TCPA cases. In nearly every TCPA case (except for possibly junk fax cases, where printer ink and toner are wasted), the recipient will have a difficult time showing an injury-in-fact from an unwanted telephone call or text message, and therefore only the statutory award is sought

Uniqueness: Spokeo Decided Next Term

(--) **Spokeo will be decided next term**

Skipease, 4/28/2015 (“Supreme Court To Hear Spokeo People Search Case,”

<http://www.skipease.com/blog/peoplesearch/spokeo-v-robins/>, Accessed 6/29/2015, rwg)

Spokeo, Inc. v. Robins will be argued and decided during the Supreme Court’s next term, which starts in October 2015 and ends in June 2016.

Uniqueness: AT: Gay Marriage Ruling

(--) Majority of Americans support same-sex marriage ruling:

Nick Gass, 6/30/2015 (staff writer, "Majority supports Obamacare, gay marriage Supreme Court decisions," <http://www.politico.com/story/2015/06/poll-obamacare-gay-marriage-supreme-court-rulings-119590.html>, Accessed 7/10/2015, rwg)

A majority of Americans support the Supreme Court's decisions last week **on** Obamacare and **same-sex marriage**, according to a new CNN/ORC poll released Tuesday. But at the same time, nearly 4 in 10 say the nation's highest court is too liberal. More than 6 in 10 Americans — 63 percent — said they support the Court's ruling that upheld government subsidies for Americans buying health insurance through federally-run exchanges in states where no such program would otherwise exist. **Asked about same-sex marriage, 59 percent said they agreed with the decision to legalize it in all 50 states.**

(--) Majority of Americans support same-sex marriage ruling:

Evan **McMurry, 6/30/2015** (staff writer, "CNN Poll: Majority Agree with SCOTUS Gay Marriage, Obamacare Rulings," <http://www.mediaite.com/online/cnn-poll-majority-agree-with-scotus-gay-marriage-obamacare-rulings/>, Accessed 7/10/2015, rwg)

More good polling news for President Barack **Obama** from CNN **today: the two major Supreme Court cases decided last week enjoy broad popularity among the public**, an early affirmation of the administration's stances on health care and same-sex marriage. A CNN/ORC poll found 63% of respondents approved of the Supreme Court's 6-3 decision to ratify the Affordable Care Act's federal subsidies against a tortured reading of the law, the biggest existential threat to the president's signature domestic legislation since the constitutional challenge over the individual mandate two years ago. **Meanwhile, 59% approved of the Supreme Court's decision to establish marriage equality as a constitutional right**, a landmark ruling in the progression of gay rights that led to apocalyptic denunciations from the right. Some clerks in southern states have refused to issue licenses to same-sex couples, citing legal ambiguities and religious objections; the popularity of the decision could pressure dissenting justices to give up the ghost.

Uniqueness: AT: Obamacare Ruling

(--) Majority of Americans support Obamacare decision

Nick Gass, 6/30/2015 (staff writer, "Majority supports Obamacare, gay marriage Supreme Court decisions," <http://www.politico.com/story/2015/06/poll-obamacare-gay-marriage-supreme-court-rulings-119590.html>, Accessed 7/10/2015, rwg)

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(--) Obamacare decision is broadly popular in the public:

Evan **McMurry, 6/30/2015** (staff writer, "CNN Poll: Majority Agree with SCOTUS Gay Marriage, Obamacare Rulings," <http://www.mediaite.com/online/cnn-poll-majority-agree-with-scotus-gay-marriage-obamacare-rulings/>, Accessed 7/10/2015, rwg)

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Links

Links: Big Precedents

(--) Moving away from watershed decisions undermines the court's political capital

John C. **Yoo, 2001** Professor of law at the University of California, **2001**, [The University of Chicago Law Review, "In defense of the court's legitimacy," p. 75]

How does the Court maintain this legitimacy? According to the Casey plurality, the Court receives its public support by "making legally principled decisions under circumstances in which their principled character is sufficiently plausible to be accepted by the Nation."³⁹ In other words, **only by acting in a manner that suggests that its decisions are the product of law rather than politics can the Court maintain its legitimacy. Therefore, the Court must adhere to settled precedent, lest the public believe that the Court is merely just another political actor. "[T]o overrule under fire in the absence of the most compelling reason to reexamine a watershed decision would subvert the Court's legitimacy beyond any serious question."**⁴⁰ Without this legitimacy, the Court would be unable to perform its role as interpreter of the Constitution, which at times may require the Court to act against the popular will in favor of individual rights.

Links: Meta-Data

(--) Court strikedown of metadata is activist and puts the courts in an area that exposes their institutional legitimacy:

Paul **Mirengoff**, 12/17/2013 (“The NSA, privacy, and judicial activism,”

<http://www.powerlineblog.com/archives/2013/12/the-nsa-privacy-and-judicial-activism.php>, Accessed 7/9/2015, rwg)

Judge Leon’s response to Smith is, in essence, that things have changed considerably since 1979 when that case was decided. He cites the vast increase in the government’s surveillance capacity and changes in people’s phone usage habits. But these changes provide no sound basis for distinguishing Smith. That case rests on the view that, **because of the nature of metadata**, its collection by the government without a warrant isn’t constitutionally problematic. This true no matter the quantity of metadata the government collects. It’s possible that the Supreme Court would decide that changed circumstances warrant limiting the holding of Smith. **The Court has seen fit to limit or dispense with other old decisions in the name of striking down certain government policies intended to protect the nation from terrorism. But this isn’t something that district courts or courts of appeals are supposed to do.** John Yoo and Max Boot are right to condemn Judge Leon’s decision on this basis. **It is an egregious example of judicial activism.** I also agree with Yoo that **even the Supreme Court shouldn’t reconceive the rules of search and seizure in light of new Internet technologies.** As Yoo explains: [T]hat is the responsibility of our elected representatives. Only they can determine what society’s “reasonable expectation of privacy” is in Internet and telephone communications. **Judges are the last people to fairly claim they have their fingers on the pulse of the American people.** Only our elected representatives can properly balance existing privacy rights (if any), against the need for information to protect the nation from terrorist attack. **Judges are far too insulated and lack the expertise to make effective judgments on national-security and foreign affairs.** Unfortunately, judges — even district court judges — are too immodest and/or too power hungry to recognize this reality.

(--) Activism threatens the courts legitimacy:

ABDULLAH **BOZKURT**, 4/13/2008 (“Judicial activism’s quarrel with legitimacy and democracy,”

http://www.todayszaman.com/national_judicial-activisms-quarrel-with-legitimacy-and-democracy_139067.html, Accessed 7/9/2015, rwg)

“This is judicial activism if not a judicial coup,” says Professor Ergun Özbudun, a teacher of constitutional law at Ankara’s Bilkent University. “There is no smoking gun in the indictment filed by the chief prosecutor with the Constitutional Court,” he adds.

Judicial activism is a term adopted in the US to describe zealous judges who overstep their authority and conflict with the legislature’s power by making new law rather than interpreting existing legislation. The issue was constantly debated at the republic’s foundation, spearheaded by Alexander Hamilton in his famous “Federalist Papers” and Republican Thomas Jefferson. Hamilton argued that the judiciary would be least dangerous to political rights because it had no influence over the “sword or purse.” Jefferson, however, challenged the proposition, saying that **exalting the judiciary over the executive and legislature would disgrace the judiciary and lead to its eventual degradation.** The Jeffersonian prediction did not happen, thanks to the US Supreme Court mostly **steering clear of politics and respecting the power of the legislative and executive branches.**

(--) Striking down metadata is an example of judicial activism:

Max **Boot**, 12/17/2013 (“NSA, Metadata, and the Constitution,”

<https://www.commentarymagazine.com/2013/12/17/nsa-metadata-and-the-constitution/>, Accessed 7/9/2015, rwg)

If any evidence were needed that judicial activism is not merely a problem of the left, look at what a couple of conservative judicial activists pulled off yesterday in a case involving one of our most important national security safeguards—the NSA’s monitoring of terrorist communications. Larry Klayman is a professional plaintiff who has filed too many cases to count. (He has even gone to court against the organization he founded and then left, Judicial Watch.) He first came to public attention pursuing various far-fetched allegations against the Clintons; more recently he has been pursuing the conspiratorial “birther” claim that President Obama should be thrown out of office because he supposedly wasn’t born in this country. He has also been quoted as saying that conservatives should demand “that this president leave town, to get up, to put the Quran down, to get up off his knees, and to figuratively come out with his hands up.” **Klayman’s latest cause is the NSA’s collection of “metadata”** which has been irresponsibly revealed by Edward Snowden. This is the NSA program that collects information on which telephone numbers are in contact with each other so that links among terrorist plotters can be detected. Mind you, the NSA can’t actually listen in to the content of these communications without a court order. It can only search for patterns so that if an al-Qaeda mastermind abroad calls someone in the United States, that phone number can be tagged for further investigation. This is considerably less intrusive than the use of surveillance cameras in public places by organizations such as the New York Police Department or Macy’s which can monitor individuals’ movements—and, more to the point, it’s a lot less intrusive than the kind of data that big companies such as Amazon and Google compile on their customers, which includes their Internet browsing habits. Yet Klayman did not choose to sue the NYPD or Google—at least not that I know of. (Given his litigious nature—he doesn’t seem to have a job other than filing suits—such cases may well be pending.) He chose to sue the NSA over its collection of metadata, claiming that the NSA was infringing on his personal liberties by collecting his metadata—as if Larry Klayman were so important a personage that the NSA was actually going to devote time and resources to monitoring him. Such suits are almost as common as spam emails and about as significant. The difference in this case is that **a federal judge**, Richard J. Leon of Federal District Court for the District of Columbia, **chose to grant Klayman an injunction against the NSA.** Sort of. Leon actually stayed his own injunction in a moment of self-awareness or perhaps self-protection—because if he hadn’t done so, an appeals court undoubtedly would have.

(-- The lower court decision to strike down meta-data is activist:

Barry Friedman and Dahlia Lithwick, 12/18/2013 (professor of law at New York University School of Law, “Judge Leon’s NSA #Slatepitch,” http://www.slate.com/articles/news_and_politics/jurisprudence/2013/12/nsa_data_collection_ruling_judge_richard_leon_is_right_that_we_expect_more.html, Accessed 7/9/2015, rwg)

Buried deep in Judge Richard Leon’s breathtaking decision invalidating the NSA’s telephone metadata program is a #slatepitch. Leon concludes, contrary to the views of virtually everyone else in our digital world, that we have a greater expectation of privacy in the data we readily hand over to third-party providers today than we had back in the 1970s. As our colleague Emily Bazelon wrote Monday, “That’s the most debatable proposition in his opinion.” Debatable it is, but—like some percentage of all good Slatepitches—it’s probably also true. It had better be true. If Judge Leon’s groundbreaking opinion is to be upheld on appeal, it is crucial that he is right about this one proposition. The Fourth Amendment prohibits “unreasonable searches and seizures,” and the Supreme Court has said that if we don’t have a legitimate expectation of privacy in what the government grabs, it is not a search at all. Period. Unfortunately for Judge Leon (and for anyone else who doesn’t want all their telephone metadata vacuumed up by the NSA), long-standing Supreme Court precedents state unequivocally that is not a search for the government to collect evidence we’ve already given over to third-party providers. That’s why Judge Leon felt compelled to make a normative argument to support his conclusion. And while he is normatively correct that our expectations of privacy should be greater than they were back in the days of rotary phone booths, his claim still sounds paradoxical. The most relevant case here is the Supreme Court’s 1979 decision in *Smith v. Maryland*. In *Smith* a guy snatched a woman’s purse, and she started to get weird phone calls. So the police had the phone company install a pen register to trace her incoming calls, without obtaining a warrant, which ultimately incriminated the defendant. The Supreme Court decided that *Smith* had no reasonable expectation of privacy in the numbers he dialed from his home phone. (If that strikes you as odd, sit tight; we’ll get back to it in a moment.) No reasonable expectation of privacy means there was no search, which means there was no constitutional protection. The *Smith* decision looked to be one heck of an obstacle for Judge Leon to get around, and so he worked overtime—and not particularly successfully in the eyes of some—to distinguish the NSA’s ginormous warrantless wiretapping scheme from collecting the numbers called from just one person’s phone in *Smith*. That’s also why he went normative. Judge Leon sets up the question before him as follows: “When do present-day circumstances—the evolutions in the Government’s surveillance capabilities, citizens’ phone habits, and the relationship between the NSA and telecom companies—become so thoroughly unlike those considered by the Supreme Court thirty-four years ago that a precedent like *Smith* simply does not apply?” You guessed it—his answer to that question turns out to be “now.” Leon’s opinion is a cornucopia of facts about all the new ways we use phones, suggesting that we think—or would like to think—our information is absolutely private, way more so than back in the day (1979). The money line in Judge Leon’s opinion is this

one: "Whereas some may assume that these cultural changes will force people to 'reconcile themselves' to an 'inevitable' 'diminution of privacy that new technology entails,'"—he is quoting Justice Samuel Alito here—"I think it is more likely that these trends have resulted in a greater expectation of privacy and a recognition that society views that expectation as reasonable." That's the Slatepitch: the counterintuitive insistence that, as a society in 2013, the more we give information away to anyone and everyone, the more privacy we expect in our data. The last thing any of us reasonably expect is that the government will use some stealthy technology to invade that which we wish to keep private. And what about the fact that Americans really don't seem to care about giving all their data away? Leon writes in a footnote (it's the footnotes in his opinion that really ring the change) that it's the government's—and especially the Supreme Court's—fault: We have been conditioned by our legal regime not to care. "The experiences of many Americans—especially those who have grown up in the post-Smith, post-cell phone, post PATRIOT Act age—might well be compared to those of the 'refugee from a totalitarian country, unaware of this Nation's traditions, [who] erroneously assume that police were continuously monitoring' telephony metadata. Accordingly, their 'subjective expectations obviously could play no meaningful role in ascertaining ... the scope of Fourth Amendment protection.'" And then Judge **Leon rather dramatically concludes that because our catawampus ideas about privacy can no longer be helpful to the debate over what a reasonable expectation of privacy might look like, "a normative inquiry" is what's called for.** So there it is, sports fans. That's the moment you want to watch on instant replay. **When a Republican-appointed federal judge tells you he is going to make a "normative" determination about what reasonable expectations of privacy should be, that's a signal that he is going to step out. In some quarters that's called "judicial activism."**

Links: War on Terror Cases

(--) Active role by the judiciary in the war on terror risks judicial capital:

Stephen **Reinhardt, 2006** (Judge, U.S. Court of Appeals for the Ninth Circuit, Boston University Law Review, "THE ROLE OF THE JUDGE IN THE TWENTY-FIRST CENTURY: THE JUDICIAL ROLE IN NATIONAL SECURITY," Lexis/Nexis, Accessed 7/6/2015, rwg)

The role of judges during times of war - whether it be a traditional war or a "war on terrorism" - is essentially no different than during times of peace: it is to interpret the law to the best of our ability, consistent with our constitutionally mandated role and without regard to external pressure. Among the differences in wartime for the judiciary, however, is one that involves a principle that is essential to the proper operation of the federal courts - judicial independence. In wartime, the need for judicial independence is at its highest, yet the very concept is at its most vulnerable, imperiled by threats both within and without the judiciary.

Externally, there is pressure from the elected branches, and often the public, to afford far more deference than may be desirable to the President and Congress, as they wage wars to keep the nation safe. Often this pressure includes threats of retribution, including threats to strip the courts of jurisdiction. Internally, judges may question their own right or ability to make the necessary, potentially perilous judgments at the very time when it is most important that they exercise their full authority. This concern is exacerbated by the fact that the judiciary is essentially a conservative institution and judges are generally conservative individuals who dislike controversy, risk taking, and change.

Links: Strikedown of Other Branches

(--) Striking down actions of other branches risks court capital:

Lisa A. Kloppenberg, 2007 (Dean and Professor of Law, University of Dayton School of Law, University of Dayton Law Review, "ENACTING AND INTERPRETING STATUTES IN THE CONSTITUTION'S SHADOWS SYMPOSIUM: THE AVOIDANCE CANON: FROM THE COLD WAR TO THE WAR ON TERROR," Lexis/Nexis, Accessed 7/6/2015, rwg)

Why have federal and state courts developed avoidance canons if they pose the risks delineated above? The justifications for avoidance can be grouped into a few categories based on Justice Brandeis's famous Ashwander formulation of 1936. n13 Perhaps the most understandable and defensible justification is the proposition that federal courts should avoid unnecessary constitutional questions to promote federalism and separation of powers. Thus, to the extent Congress or a state is charged with authority in a particular substantive area, courts should carefully ensure the ability of these actors to interpret the Constitution in their work by not foreclosing options. **Judicial review that invalidates another branch's constitutional work should be a last resort due to its purportedly delicate and final nature.**

Similarly, states and other constitutional actors should be given the benefit of the doubt whenever possible, and their actions repudiated only when absolutely necessary. n14 While deference is an important and valid stance for courts in our multilayered democracy, it is not simple to apply. Additionally, executive and legislative officials may sometimes fail to protect constitutional interests of individuals, particularly in times when expedience is needed, majoritarian political pressure is extreme, or when those seeking protection are viewed as threats or enemies. The precise dictates of federalism and separation of powers are not clear, making more difficult the judgment call about whether lawsaying by a court is necessary. In addition to being vague and broad, the constitutional interests in these areas change over time in response to historical, political and social developments. For example, in recent decades, federalism issues have emerged as major areas for power struggles between the federal and state governments, businesses, and individuals, with courts delineating the scope of these powers regularly and "mediating" these struggles. n15 During the War on Terror, President George W. Bush and his advisors have advanced a broad view of executive power that is not completely shared by the Court, some legislators, and some of the polity. While avoiding constitutional issues to afford time for political battles to play out or crises to diminish may appear attractive, it entails costs for parties who must spend excessive time and expense in determining and [*353] securing protection for their constitutional rights. Additionally, a court's invocation of an avoidance mechanism does not always lead to greater deference to other constitutional actors or advance constitutional dialogue. n16 Judge Posner has characterized Professor Bickel's avoidance project as promoting a "coercive" kind of dialogue. n17 "It would be a Bickelian Court's hope that legislators' eyes would be opened by the Court's tutorial or that reenactment would flounder because of the difficulty of enacting legislation." n18 In terms of promoting dialogue, the canon affords less clarity as the Court shapes constitutional law. The Court could step away from the ruling or alter the boundaries of the danger zone identified in future cases. Professor Murchison has said the canon advances a rather "muffled" and "tentative" dialogue, with a "blend of indirection, impatience, pause and reply," but he nevertheless concludes that the canon is important and useful. n19 **A second set of justifications for avoidance** is even more troubling. These concerns **center on the pressure placed on courts resulting from constitutional adjudication.** n20 **They include a court's credibility and viability,** and are directly linked to fears for judicial independence. The Ashwander formulation arose in part as a response to the activism of the conservative U.S. Supreme Court of the Lochner era. **The fears of political reprisal and long-term credibility,** or the viability of unelected Article III judges **certainly animate the general avoidance doctrine,** as captured so well in Bickel's work on the countermajoritarian difficulty and passive virtues. n21

Links: Striking Down New Technologies

A) Court interpretation of privacy to strike down new technologies violates Separation of Powers:

Orin S. **Kerr, 2004** (Associate Professor, George Washington University Law School, Michigan Law Review, 102 Mich. L. Rev. 801, Accessed 7/7/2015, rwg)

In the fast-developing area of communications technology, **courts should be cautious not to wield the amorphous "reasonable expectation of privacy" standard, in a manner that nullifies the balance between privacy [*853] rights and law enforcement needs struck by Congress in Title III As new technologies continue to appear** in the marketplace and outpace existing surveillance law, **the primary job of evaluating their impact on privacy rights and of updating the law must remain with the branch of government designed to make such policy choices, the legislature.** Congress undertook in Title III to legislate comprehensively in this field and has shown no reluctance to revisit it. Accordingly, we must decline [the defendant]'s invitation to usher in through the Fourth Amendment a prohibition of that which Title III tells us, in no uncertain terms, Congress affirmatively permitted at the time this case arose. n309

B) Striking down actions of other branches risks court capital:

Lisa A. **Kloppenber, 2007** (Dean and Professor of Law, University of Dayton School of Law, University of Dayton Law Review, "ENACTING AND INTERPRETING STATUTES IN THE CONSTITUTION'S SHADOWS SYMPOSIUM: THE AVOIDANCE CANON: FROM THE COLD WAR TO THE WAR ON TERROR," Lexis/Nexis, Accessed 7/6/2015, rwg)

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Similarly, states and other constitutional actors should be given the benefit of the doubt whenever possible, and their actions repudiated only when absolutely necessary. n14 While deference is an important and valid stance for courts in our multilayered democracy, it is not simple to apply. Additionally, executive and legislative officials may sometimes fail to protect constitutional interests of individuals, particularly in times when expedience is needed, majoritarian political pressure is extreme, or when those seeking protection are viewed as threats or enemies. The precise dictates of federalism and separation of powers are not clear, making more difficult the judgment call about whether lawsaying by a court is necessary. In addition to being vague and broad, the constitutional interests in these areas change over time in response to historical, political and social developments. For example, in recent decades, federalism issues have emerged as major areas for power struggles between the federal and state governments, businesses, and individuals, with courts delineating the scope of these powers regularly and "mediating" these struggles. n15 During the War on Terror, President George W. Bush and his advisors have advanced a broad view of executive power that is not completely shared by the Court, some legislators, and some of the polity. While avoiding constitutional issues to afford time for political battles to play out or crises to diminish may appear attractive, it entails costs for parties who must spend excessive time and expense in determining and [*353] securing protection for their constitutional rights. Additionally, a court's invocation of an avoidance mechanism does not always lead to greater deference to other constitutional actors or advance constitutional dialogue. n16 Judge Posner has characterized Professor Bickel's avoidance project as promoting a "coercive" kind of dialogue. n17 "It would be a Bickelian Court's hope that legislators' eyes would be opened by the Court's tutorial or that reenactment would flounder because of the difficulty of enacting legislation." n18 In terms of promoting dialogue, the canon affords less clarity as the Court shapes constitutional law. The Court could step away from the ruling or alter the boundaries of the danger zone identified in future cases. Professor Murchison has said the canon advances a rather "muffled" and "tentative" dialogue, with a "blend of indirection, impatience, pause and reply," but he nevertheless concludes that the canon is important and useful. n19 **A second set of justifications for avoidance** is even more troubling. These concerns **center on the pressure placed on courts resulting from constitutional adjudication.** n20 **They include a court's credibility and viability,** and

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Links: Katz Precedent

(--) The Katz precedent has been the subject of carefully crafted precedent—it can't be cavalierly mixed with other rules:

George M. Dery, 2007 (Professor, California State University Fullerton, Connecticut Law Review, "Blissful Ignorance? The Supreme Court's Signal to Police in Georgia v. Randolph to Avoid Seeking Consent to Search from All Occupants of a Home," Lexis/Nexis, Accessed 6/26/2015, rwg)

In mentioning Olson in passing in order to support its holding, Randolph made an explicit connection between its "commonly held understanding" element and **Katz's "reasonable expectation of privacy" standard**.ⁿ²⁵⁰ Randolph's linkage of "reasonable expectation of privacy" and "commonly held understanding" could lead to unintended consequences. **"Reasonable expectation of privacy" is not a concept that can be cavalierly mixed with other rules, for it has been the focus of considerable Court attention and thus has been the subject of a long list of** [*77] **carefully crafted precedent**.ⁿ²⁵¹ In particular, the Court has previously determined that reasonable privacy expectations, rather than being static assessments, are subject to change by the actions of others.ⁿ²⁵² Indeed, third parties can "frustrate" a person's otherwise legitimate privacy expectations.ⁿ²⁵³ Such a situation occurred in United States v. Jacobsen, a case involving the commercial delivery service, Federal Express.ⁿ²⁵⁴

(--) Katz is a landmark that established the foundations for modern day 4th amendment jurisprudence:

Donald R. C. Pongrace, 1985 (J.D. The Washington College of Law, The American University, Summer, "A SYMPOSIUM OF CRITICAL LEGAL STUDY: STEREOTYPIFICATION OF THE FOURTH AMENDMENT'S PUBLIC/PRIVATE DISTINCTION: AN OPPORTUNITY FOR CLARITY," Lexis/Nexis, accessed 6/26/2015, rwg)

Commentators applauded the Katz decision as significantly expanding the scope of the fourth amendment's protections.ⁿ⁷⁸ Although **the decision in Katz is probably a landmark in fourth amendment doctrine**,ⁿ⁷⁹ such a status should not rest solely on a somewhat simplistic characterization of its contribution to fourth amendment jurisprudence. **Ultimately, the Court in Katz abandoned a property oriented, formalistic definition of fourth amendment privacy and replaced it with a relativistic definition characterized by the now familiar balancing approach used to protect privacy rights**.ⁿ⁷⁹ [*1206] **The decision in Katz, therefore, constitutes a clear dividing line**, albeit tardily established, **between formalist and realist fourth amendment doctrine**.ⁿ⁸⁰ Although the rhetoric of the opinion in Katz evokes images similar to those enunciated by the Court in its opinion in Boyd, the rationales of the two opinions are disparate and incomparable.

(--) Katz is a watershed Fourth Amendment decision:

Orin S. Kerr, 2004 (Associate Professor, George Washington University Law School, Michigan Law Review, 102 Mich. L. Rev. 801, Accessed 7/7/2015, rwg)

This brings us back to Katz. **Today, Katz is canonized as a landmark decision that dramatically changed Fourth Amendment law. Professor Amsterdam called it a "watershed in fourth amendment jurisprudence."**ⁿ⁹⁹ Yet a close examination of Katz suggests a plausible contrary reading: Katz did not revolutionize Fourth Amendment law, but merely reemphasized the loose property-based approach announced in Jones. Indeed, while Justice Harlan's concurrence in Katz did introduce the "reasonable expectation of privacy test," that doctrinal formulation was apparently meant merely to articulate the legal standard that the Court had been tacitly applying in past cases - cases such as Jones v. United States.

Links: 4th Amendment

(--) Bright line rules on the 4th amendment undermine court legitimacy:

Joshua **Levy, 2011** (New York University School of Law, magna cum laude, Virginia Journal of Law & Technology, "Towards a Brighter Fourth Amendment: Privacy and Technological Change," http://www.vjolt.net/vol16/issue4/v16i4_499-Levy.pdf, Accessed 7/8/2015, rwg)

Despite their advantages, bright - line rules entail significant legitimacy costs. First and foremost, they are inherently inflexible, which can lead courts to incorrect results in particular cases.¹⁴¹
Incorrect or unjust results risk severely damaging the institutional credibility of the judiciary.

¹⁴² Second, **bright - line rulemaking is legislative in nature and, therefore, risks damaging the Court's legitimacy.**¹⁴³ In order to ameliorate these costs, courts should only engage in bright - line rulemaking for uncontroversial areas that have traditionally received the highest privacy protections. **"[T]he Court has given weight to such factors as the intention of the Framers of the Fourth Amendment,** the uses to which the individual has put a location, and our societal understanding that certain areas deserve the most scrupulous protection from government invasion."¹⁴⁴ In addition to limiting themselves to traditional areas of privacy protection, courts should only adopt bright - line rules for activities that are recurring in nature, clearly understandable, and affected by rapid technological changes. The event must be recurring since developing rules entails upfront costs of scarce judicial resources, whereas standards incur costs in enforcement; so efficiency favors only promulgating rules for frequent, recurring events.¹⁴⁵ Judges will only be able to develop such rules if they can fully understand the activities at issue.¹⁴⁶ Yet, given the legitimacy costs of bright line rules, the Court should only invoke this power when "[t]o withdraw protection of this minimum expectation would be to permit police technology to erode the privacy guaranteed by the Fourth Amendment," leaving citizens "at the mercy of advancing technology."¹⁴⁷ In areas of rapid technological change, the inability (or unwillingness) of other areas of government to adequately protect privacy mollify any legitimacy costs rulemaking might entail.¹⁴⁸ **Although technological change may diminish privacy in all areas of life,**¹⁴⁹ **courts should proceed with caution given the institutional and legitimacy limitations they face.** While this may not provide protection from all areas into which the government may intrude, this Article seeks to set out a framework of bright - line Fourth Amendment rules for core areas of privacy that can later be expanded. There are two areas that satisfy all these requirements: homes and human bodies. The text of the Fourth Amendment explicitly refers to both "houses" and "persons,"¹⁵⁰ and searches involving homes and bodies are mainstays of criminal investigations and have been for years.¹⁵¹ Since all judges have bodies and live somewhere, they surely understand the privacy and security interests at stake. These interests are constantly being changed as police develop technology that can see into homes¹⁵² and even bodies.¹⁵³ Therefore, courts must proactively protect both homes and bodies with bright - line rules to ensure that their traditional Fourth Amendment protections do not become increasingly empty due to technological advancements.

Links: Controversial Decisions

(--) Controversial decisions risks the court's credibility:

Lisa A. **Kloppenber**, 2007 (Dean and Professor of Law, University of Dayton School of Law, University of Dayton Law Review, "ENACTING AND INTERPRETING STATUTES IN THE CONSTITUTION'S SHADOWS SYMPOSIUM: THE AVOIDANCE CANON: FROM THE COLD WAR TO THE WAR ON TERROR," Lexis/Nexis, Accessed 7/6/2015, rwg)

Relying on concerns about deference, foreclosure, and threats to judicial independence, **the U.S. Supreme Court has employed avoidance techniques selectively over the past three decades**, often in cases involving controversial issues or "sensitive area[s] of social policy." n27 The costs of avoiding constitutional questions are borne too often by the poor and marginalized in our society-those most in need of help in securing protections for their constitutional rights and civil liberties. For example, the Court has used avoidance techniques frequently in litigation involving dissident speech (notably the Cold War cases), civil rights claims and issues of equity for women, racial minorities, gays, lesbians, and cases involving the protection of religious minorities. n28 **Sometimes the justices write overtly about the political pressure on the courts; more often, the political controversy goes unstate**d. The decision to avoid a constitutional issue is itself a decision, and it is impossible to separate analysis of the procedural tool completely from the merits of the underlying constitutional questions. As judges determine whether it is necessary to address a constitutional issue, their views of the merits are frequently intertwined with that decision. **Political pressure on courts may influence when courts issue minimalist rulings**, affording less clarity and guidance to other constitutional actors on some of the most important issues of the day.

(--) Decisions do affect the court's political capital:

Harold **Maass**, 7/22/2013 (staff writer, "How the Supreme Court got on the bad side of everybody," <http://theweek.com/article/index/247206/how-the-supreme-court-got-on-the-bad-side-of-everybody>, Accessed 7/25/2013, rwg)

Unlike Congress or the presidency, one might expect the Supreme Court, as a nominally nonpartisan institution, to be sheltered from the public disaffection that has chipped away at the ratings of the other two branches. In reality, though, the court has often been a source of political polarization since 2000 and is hardly immune to the same political forces plaguing the other two branches. [Gallup]

Links: Upholding Precedent

(--) Ignoring legal consistency threatens the Court's legitimacy:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis, rwg

For example, **critics who claimed that the Supreme Court acted illegitimately in Bush v. Gore mostly seemed to imply that the majority acted not merely erroneously, but with a willful disregard for applicable constitutional principles.** n143 More particularly, **some thought that the majority breached the requirement that judges must apply legal principles consistently, without regard to the parties or a case's partisan impact.** n144

(--) Adherence to precedent critical to the foundations of legitimacy:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

First, **the foundations of contemporary constitutional legitimacy - regardless of whether that term is used in a legal, sociological, or moral sense - necessarily lie in current states of affairs. If precedent is accepted as a legally valid source of authority for future decisions, then it enjoys legal legitimacy,** regardless of its relation to the original understanding of constitutional language. Nor does any tinge of moral illegitimacy sully this state of affairs. If the current constitutional regime deserves to be supported, as I believe that it does, it is because the current regime furnishes the great benefits of the rule of law and because it is reasonably just, not because we are bound by the intentions of generations now long dead.

(--) Distorting precedent weakens the judiciary:

ALBERTO GONZALES, 2/2/2007 (Federal News Service; Lexis)

Activist judges - those who on a pretense substitute their own views for the will of the legislatures - can, of course, find some rationale to support any desired outcome. They can find some quote to support their viewpoint in legislative history. Or, from a footnote in an earlier decision, they can extrapolate a new principle despite what the language of the law itself says. **But in the end, distorting history or precedent to support a pre-determined outcome weakens the Judiciary, undermines the rule of law, and harms our democracy.**

(--) Upholding precedent key to Supreme Court legitimacy:

ALBERTO GONZALES, 2007 2/2/2007 (Federal News Service; Lexis)

Judicial decisions have been obeyed historically in large part because the judgment of the federal Judiciary is respected. But it is perhaps underappreciated that **when courts apply an activist philosophy that stretches the law to suit policy preferences, they reduce the Judiciary's credibility and authority.** In contrast, **a judge who** humbly understands the role of the courts in our tripartite system of government renders decisions based on neutral principles. **He generally defers to the judgment of the political branches, and respects precedent - the collective wisdom of those who have gone before him. In so doing, that judge strengthens respect for the Judiciary, upholds the rule of law,** and permits the People - through their elected representatives - to decide the issues of the day.

(--) Court's legitimacy depends upon its adherence to legal norms:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

In this passage, the Supreme Court invoked - sometimes alternately and sometimes simultaneously - sociological and legal concepts of legitimacy. When the Court equated its institutional legitimacy with its power and said that its power depends on acceptance, it referred to legitimacy in a sociological sense: the Court's sociological legitimacy resides in the public's acceptance of its role (institutional legitimacy) and in the public's willingness to accept judicial mandates (authoritative legitimacy). n241 As the Court recognized, however, its sociological legitimacy depends on its adherence or apparent adherence to legal [*1841] norms. If the Court did not base its decisions on legal principles, the public would lose respect for it. n242

(--) Overruling its decisions undermine the Court's legitimacy.

Thomas W. **Merrill, 1994** John Paul Professor of Law at Northwestern University School of Law, 1994, [Harvard Journal of Law and Public Policy, "A Modest Proposal for a Political Court," p. 137]

The legitimacy of the Supreme Court is widely assumed to depend on the perception that its decisions are dictated by law. This is the central thesis of the extraordinary joint opinion in Planned Parenthood v. Casey, decided by the Supreme Court at the end of the 1991 Term. The joint opinion observes that the Court's power lies in its legitimacy and that its legitimacy is "a product of the substance and perception" that it is a court of law. Thus, frequent overrulings are to be avoided, because this would "overtax the country's belief' that the Court's rulings are grounded in law.

(--) Unpopular decisions erode the Supreme Court's institutional capital:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

n183. Compare Gibson et al., supra note 22, at 361 (concluding that "judgments of specific policies are entirely unrelated to confidence in the Court"), and Tyler & Mitchell, supra note 22, at 781 (reporting findings that views of "institutional legitimacy" and thus of whether to empower the Supreme Court to make abortion decisions were "generally unrelated to support for Court decisions"), with Anke **Grosskopf & Jeffery J. Mondak**, Do Attitudes Toward Specific Supreme Court Decisions Matter? The Impact of Webster and Texas v. Johnson on Public Confidence in the Supreme Court, 51 Pol. Res. Q. 633, 651-52 (1998) (concluding that confidence in the Supreme Court depends on perceptions of particular decisions and that unpopular decisions erode the Court's institutional capital).

(--) Legitimacy depends more on present acceptance of decisions than the legal legitimacy of decisions:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

When we examine legitimacy debates with these three concepts in mind, striking conclusions emerge. First, the legal legitimacy of the Constitution depends more on its present sociological acceptance than on the (questionable) legality of its formal ratification.

(--) Supreme Court actively bases its decisions on perceived public opinion:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

Only when the concepts of sociological and legal legitimacy are distinguished does Casey's provocative aspect come into focus: the majority opinion suggests that the Supreme Court is permitted and perhaps required by law to base its decisions partly on public perceptions and, in particular, on an asserted interest in preserving its own sociological legitimacy. n243

**(--)
Judges don't live in a cocoon—they respond to public opinion:**

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

n209. See generally Friedman, supra note 167, at 2611-13 (noting that "judges do not live in a cocoon" and recognizing the incentives "to remain within the range of public opinion").

**(--)
The Court will bend to public opinion:**

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

n210. See Robert A. Dahl, Democracy and Its Critics 190 (1989) ("The views of a majority of the justices of the Supreme Court are never out of line for very long with the views prevailing among the lawmaking majorities of the country."); Robert G. McCloskey, The American Supreme Court 224 (1960) ("It is hard to find a single historical instance when the Court has stood firm for very long against a really clear wave of public demand.").

**(--)
Controversial overrules uniquely undermine the Court's authority**

Thomas W. **Merrill, 1994** John Paul Professor of Law at Northwestern University School of Law, 1994, [Harvard Journal of Law and Public Policy, "A Modest Proposal for a Political Court," p. 137]

Especially when a controversial ruling like Roe v. Wade is involved, a decision to overrule should be avoided at all costs, because this would give rise to the perception that the Court is "surrendering to political pressure" or "over-ruling under fire." Such a perception, in turn, would lead to "loss of confidence in the judiciary." Translated, the thesis of the joint opinion is that the further a decision deviates from the Constitution, the more important it is for the Court to adhere to that decision, or else the public may conclude that the emperor is wearing no clothes.

**(--)
Current sociological acceptance is key to legitimacy:**

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

First, the legal legitimacy of the Constitution depends much more on its present sociological acceptance (and thus its sociological legitimacy) than upon the (questionable) legality of its formal ratification. Other fundamental elements of the constitutional order, including practices of constitutional interpretation, also owe their legal legitimacy to current sociological acceptance.

Links: Unpopular Decisions Undermine Court Capital

(--) Making unpopular decisions threatens the court's capital:

Kevin **Burke**, August 23, 2013 ("How Low Public Trust Threatens the Legitimacy of Court Decisions," <http://proceduralfairnessblog.org/2013/08/23/how-low-public-trust-threatens-the-legitimacy-of-court-decisions/>, Accessed 7/8/2015, rwg)

What do these two pieces mean for judges? Both articles highlight how **the judiciary itself**, if not careful, **can contribute to the erosion of public trust in our decisions**. To be sure, the erosion of the legitimacy of judicial decisions is not entirely the fault of the Supreme Court, nor of judges in general. The media, for example, often refers to which President appointed a judge as a shorthand way to explain a decision. But that is, in part, why Ms. Greenhouse's piece is important. The Chief Justice is recognized as a brilliant man. He and every other judge in the United States know the inevitable shorthand the media will use to describe judges and to explain their decisions. And so the Chief Justice, the members of the United States Supreme Court, indeed **every judge in this country needs to be particularly sensitive to what we are doing that might either advance trust in courts or contribute to the erosion of the legitimacy of our courts**. The bottom line is: **Appearances make a difference**. There will be decisions by judges at every level of court that test the public's trust in our wisdom. **It is therefore imperative that judges act in a manner that builds a reservoir of goodwill so that people will stand by courts when a decision is made with which they disagree**. There may have been an era when trust in the wisdom and impartiality of judicial decisions could be taken as a given. But if there was such an era, we no longer live in it. Trust and legitimacy today must be earned.

(--) Legitimacy is affected by perception of the Court:

Tsai, 2005 Assistant Prof. of Law @ University of Oregon School of Law, 2005 (Robert, Iowa Law Review, March 2005; 90 Iowa L. Rev. 1095; Lexis)

These themes were played out in the contentious battle over the scope of the right to abortion. **In Planned Parenthood v. Casey, the plurality opinion transparently explored the idea that the Court's legitimacy is a "product of substance and perception."** n209 In justifying their decision to affirm the core [*1143] of Roe on stare decisis grounds, Justices Kennedy, O'Connor, and Souter found occasion to discuss Brown's legacy.

(--) Legal legitimacy rests fundamentally on societal acceptance of judicial rulings:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

Following a well-trod jurisprudential path, n279 I have maintained that **legal legitimacy depends fundamentally on sociological legitimacy**. To repeat now familiar formulae, **the foundations of law, including constitutional law, lie in sociological embrace and acceptance of rules, norms, and interpretive practices. The Constitution is law because it is accepted as such**. Judicial precedent contrary to what otherwise would be the best interpretation of the Constitution is law for the same reason.

(--) The Court's legitimacy, institutional legitimacy, is dependent on public opinion.

John C. **Yoo, 2001** Professor of law at the University of California, 2001, [The University of Chicago Law Review, "In defense of the court's legitimacy," p. 75]

Legitimacy is a word often used in our political debate, but seldom defined precisely. We can think of institutional "legitimacy" as the belief in the binding nature of an institution's decisions.

even when one disagrees with them.¹⁰ This sociological or even psychological definition of the term is concerned with whether people will think the Court's decision in Bush v Gore was legitimate, and as a result will obey it.¹¹

**(--)
Public opinion key to the Court's legitimacy:**

John C. **Yoo, 2001** Professor of law at the University of California, **2001**, [The University of Chicago Law Review, "In defense of the court's legitimacy," p. 75]

"The Court's power lies, rather, in its legitimacy, a product of substance and perception that shows itself in the people's acceptance of the Judiciary as fit to determine what the Nation's law means and to declare what it demands."³⁸ Without the sword or purse, the Casey plurality believes, the Court's authority derives from the public's acceptance of its power to interpret the Constitution.

Link Extensions—AT: Public Won't Notice the Courts

(--) THE GENERAL PUBLIC DOESN'T MATTER—ELITES WILL PERCEIVE THE DECISION AND THEY ARE KEY

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis, rwg

To me, at least, these are jarring conclusions. **When defenders maintain that the legal legitimacy of the Supreme Court's role rests largely on public acceptance, n168 as I myself have done, we may be saying scarcely more than that the public, being little informed about the Court's practices, has not mounted a revolt. n169 The American people have allowed constitutional law to become what legal elites, especially [*1826] the Supreme Court, say that it is under interpretive standards evolved by the courts and little understood outside the legal elite.**

(--) Major decisions are picked up by the media guaranteeing perception:

Uhlmann, 2003 professor of government at Claremont Graduate University, October 2003 (Michael M., "The Supreme Court Rules www.orthodoxytoday.org/articles2/UhlmannSupremeCourt.shtm)

Under this new dispensation the Court is increasingly seen as a political institution, different in form and customs from the political branches but not essentially different in kind. And why should it not be so understood? **One can scarcely name an issue of political or moral significance on which the Court has not opined or suggested how we ought to think. That is why judicial nominations are now routinely freighted with hot political debate; and that is why the full glare of media attention now focuses on the Court whenever a major decision is pending.**

(--) Elites are key to legitimacy:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis, rwg

n285. See Friedman, supra note 128, at 1387 (observing that **"if those familiar with the Court's decisions do not believe those decisions to be socially correct, the work of judges will be seen as illegitimate"**).

(--) Even if the public doesn't notice Supreme Court decisions—elites do—their perception of the Court is closely tied to individual decisions of the Court:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis, rwg

n170. See David Adamany & Joel B. Grossman, Support for the Supreme Court as a National Policy Maker, 5 Law & Pol'y Q. 405, 407-08 (1983) (noting that **although most judicial opinions have relatively little salience with the general public, awareness goes up among elites, and "support for the Court among these elites is ... very closely correlated with their approval of specific court decisions"**).

(--) Elites are critical to how decisions are perceived:

Tsai, 2005 Assistant Prof. of Law @ University of Oregon School of Law, 2005 (Robert, Iowa Law Review, March 2005; 90 Iowa L. Rev. 1095; Lexis, rwg)

But judges do not bear all of the blame, for litigation is not the only process that affects a legal icon's vitality. How the decisions have been received by intellectual elites more generally reinforces their gestalt properties in juridic thought. Accordingly, Part V considers the influence of academic culture on these two sacred emblems. Treatment of this pair of cases mirrors the telling of religious creation stories and parables. I close by suggesting that a lasting devotion to our constitutional heritage must be made of more inspiring stuff than the combination of these two decisions.

(--) Views of political elites key to Court legitimacy

Thomas W. **Merrill, 1994** John Paul Professor of Law at Northwestern University School of Law, **1994**, [Harvard Journal of Law and Public Policy, "A Modest Proposal for a Political Court," p. 137]

Perhaps the best decisional rule for a political Court to adopt is to exercise its discretion in accordance with the emerging consensus among the dominant political elites of society. If the Court correctly anticipates the emerging consensus among those with influence, then there is little danger that its decisions will be overruled. Moreover, if powerful elites are happy with the Court, then the Court can rest assured that the Executive will enthusiastically enforce its judgments, Congress will not cut its funding, and no attempt will be made to circumscribe its jurisdiction.

**Links: AT: "ONE DECISION NOT ENOUGH TO AFFECT THE
COURT'S LEGITIMACY"**

(--) Webster and Texas v. Johnson prove: specific decisions of the Court can undermine its legitimacy:

Friedman, 2003 Professor of Law, New York University School of Law

Michigan Law Review, August 2003, 101 Mich. L. Rev. 2596; Lexis, rwg

n103. Anke Grosskopf & Jeffery J. Mondak, Do Attitudes Toward Specific Supreme Court Decisions Matter? The Impact of Webster and Texas v. Johnson on Public Confidence in the Supreme Court, 51 Pol. Res. Q. 633 (1998) (showing that **disagreement with one or both decisions of the Court, on Webster and Texas v. Johnson cases, substantially reduced confidence in the Court**); Hoekstra, supra note 78, at 97 (showing that **satisfaction or dissatisfaction with the decisions made by the Court influences subsequent evaluations of the Court**).

Links: AT: Original Decision Violated Precedent

(--) Adherence to precedent key to Court legitimacy—even if the original precedent itself is constitutionally suspect:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

Fifth, however, as Part III argues at length, a virtual consensus exists that at least some judicial precedents suffice to ground further, future claims of legitimate judicial authority, even when those precedents were themselves erroneously decided in the first instance. Like the legal legitimacy of the Constitution, the legal legitimacy of precedent-based decisionmaking arises from sociological acceptance.

Links: AT: Courts Winners Win

(--) Court needs to save capital – controversial decisions burn capital.

Peretti, 2001 Prof PoliSci Santa Clara U, 2001

(Terri Jennings Peretti, Prof of Poli Sci at Santa Clara University, 2001, *In Defense of a Political Court*, p.152)

To the degree that **a justice** cares deeply about her policy goals, she **will be quite attentive to the degree of support and opposition among interest groups and political leaders** for those goals. She will be aware of the re— sources (e.g., commitment, wealth, legitimacy) that the relevant interest groups possess who bear the burden of both carrying forward the appropriate litigation necessary for policy success and for pressuring the other branches for full and effective implementation. Only **the policy motivated justice will care about the willingness of other government officials to comply with the Court’s decisions** or carry them out effectively. And only **the policy motivated justice will care about avoiding the application of political sanctions against the Court** that might foreclose all future policy options. The **school desegregation cases illustrate these points** quite nicely. The Court could not pursue the goal of racial integration and racial equality until there was an organized and highly regarded interest group such as the National Association for the Advancement of Colored People willing and able to help. The **Court further was required to protect that group from political attack**, as it did in NAACP v. Alabama and NAACP v. Button. **Avoidance of other decisions that might harm its desegregation efforts was also deemed necessary.** Thus, the Court had legal doctrine available to void antimiscegenation statutes, but refused to do so on two occasions.⁶⁰⁰ (Murphy notes that one justice was said to remark upon leaving the conference discussion, **"One bombshell at a time is enough."**⁶⁰¹) The Court additionally softened the blow by adopting its "deliberate speed" implementation formula. Even so, the Court still needed the active cooperation of a broad range of government officials, in all branches and at all levels of government, in order to carry out its decisions effectively. Thus, significant progress in racial integration in the southern schools did not in fact occur until Congress and the Department of Health, Education, and Welfare decided to act. **The Court further had to consider whether the political opposition that it knew would ensue would be sufficient to result in sanctions** against the Court, such as withdrawal of jurisdiction or impeachment. These considerations arose only in the process of caring deeply about the policy goal at hand—racial equality in public education. They were not a by-product of caring only about the logical or precedential consistency of an opinion or of worrying only about deriving a decision from the Framers’ intentions.

(--) Even if court capital isn’t finite, justices think it is and fears of the loss of its legitimacy cause the Court to adhere to public opinion after it angers the public:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis

(c) Measures of Sociological Legitimacy and the Limits of Judicial Power. - **The measures of sociological legitimacy commonly used by social scientists provide poor gauges of the effective limits of judicial**

[*1833] power. Indeed, excessive focus on the authoritative legitimacy of Supreme Court rulings and on the Court’s institutional legitimacy - as measured by surveys charting "diffuse support" - could prove affirmatively misleading for some purposes. Among other things, the public’s belief that the Supreme Court is a legitimate institution need not entail a view that the Justices currently are doing a good job. n207 When significant fractions of the public disagree with the Court on salient issues, they may support political candidates pledged to change the Court’s ideological balance. In recent decades, presidential candidates have repeatedly campaigned against unpopular claims of judicial authority and promised to appoint Justices whom their constituencies would regard as more right-thinking. n208 **Justices who defy aroused public opinion risk, and know that they risk, provoking a political backlash that ultimately could cause their doctrinal handiwork to collapse.** n209 **Possibly as a result of the Court’s concern for its own sociological legitimacy, it has seldom remained dramatically at odds with aroused public opinion for extended periods.** n210 **In ways that are still little understood, the Justices undoubtedly are influenced by popular political movements and by the evolving attitudes of their society.** n211

(--) Court needs to pick battles – capital is finite.

Young, Prof Law UT Austin, 2004

(Ernest A. Young, Prof of Law at UT Austin, November 2004, “The Rehnquist Court's Two Federalisms” 83 Tex. L. Rev. 1)

Whether or not Alexander Hamilton was right to call the judiciary the "least dangerous branch," ⁿ⁴⁵¹ both contemporary theory and historical experience suggest that courts' ability to defy the national political branches is not unlimited. Those limits bear on federalism doctrine in at least three respects. First, they support, at least to some extent, the notion that the judiciary has limited institutional capital. If that is true, then courts may not be able to pursue all possible doctrinal avenues at once and may, in consequence, have to choose among them. Second, these limits suggest that courts should pursue certain kinds of doctrine. In particular, they support doctrine that advances the goal of state autonomy without forcing direct confrontations by invalidating political branch actions. Finally, the limits on the judiciary's ability to confront the political branches ought to temper our expectations (or fears) of what judicial federalism doctrine can accomplish.

(--) Court needs to conserve capital.

Pacelle, Prof PoliSci Georgia Southern, 2002

(Richard L. Pacelle, Jr., Prof of Poli Sci @ Georgia Southern University, The Role of the Supreme Court in American Politics: The Least Dangerous Branch? 2002 p 162-3

The Court is supposed to be the voice of reason, charged with the creative function of articulating the durable principles of government. The normative view is that the justices should be governed by principles of constitutional law and statutory interpretation. The justices must respect the governmental structure and use reasoned principle and societal moral tradition, as well as history, the text of the Constitution, and judicial precedent as sources of inspiration. The justices need to pay attention to the broader context that Leslie Goldstein refers to as “the evolving morality of our tradition? Because the Court stands outside popular control, it should refrain from taking and deciding certain cases when it would be politically unwise.” The justices need to find the underlying meaning embedded in the plans behind the Constitution. To deny the existence of broader guiding principles is to make the Court “a naked power organ” rather than a court of law (Goldstein 1995, 277--278). In Chapter 2, I argued that since the late 1980s, the Supreme Court has begun to move away from the so-called double standard that dominated judicial decisionmaking for half a century. This move would help the Court resolve the dilemmas it faced. Part of the new role urges the Court to adopt judicial restraint when it deals with the actions of the elected branches. To do so would mitigate concerns that the Court is undemocratic. This new role also asks the Court to avoid making sweeping policy pronouncements. That would reduce concerns over the Court's institutional limitations and arguments about capacity. However, the adoption of such a role would represent an abdication of the role of the Court as a protector of minorities.

Internal Links

Internal Links: Spokeo is a controversial decision

(--) Spokeo is a controversial decision:

David L **Wallace**, 4/29/2015 (Herbert Smith Freehills LLP, 4/29/2015, "U.S. Supreme Court to weigh future of no harm class-action menace,"

<http://www.lexology.com/library/detail.aspx?g=1c7d7816-a85d-41da-af19-30a6afd36480>, Accessed 6/29/2015, rwg)

A Waterloo Moment for **Standing to Sue in Federal Courts The US Supreme Court will take up this controversial subject when it hears Spokeo, Inc. v. Robins** (No. 13-1339) during its next Term, which begins in October. The question it will decide – which will determine the future of "no harm" class actions in the federal system – is whether a person suing for a bare violation of a federal statute, who suffers no concrete harm, has standing to invoke the jurisdiction of a federal court.

(--) Issues in Spokeo are controversial:

Stephen J. **Newman**, 5/6/2015 (experience in defending class actions, Daily Journal, <http://www.stroock.com/publications/where-class-actions-belong>, Accessed 6/29/2015, rwg)

In its next term, the U.S. Supreme Court likely will address one of the most controversial issues in current class action jurisprudence: whether class litigation may be pursued by or on behalf of persons with no real-world injury, against a defendant alleged only to have violated a technical legal requirement. On April 27, the Supreme Court granted certiorari in Spokeo v. Robins, 13-1339, to address the question: "Whether Congress may confer Article III standing upon a plaintiff who suffers no concrete harm, and who therefore could not otherwise invoke the jurisdiction of a federal court, by authorizing a private right of action based on a bare violation of a federal statute."

Internals: AT: No Major Settlements vs. Tech Companies

(--) Major claims will come once the industry matures:

Ross **Todd, 5/29/2015** (staff writer, "Wave of Privacy Suits Peters Out,"

<http://www.therecorder.com/id=1202727906735/Wave-of-Privacy-Suits-Peters-Out>, Accessed 6/29/2015, rwg)

David Vladeck, a professor at Georgetown University Law Center and the former director of the Federal Trade Commission's Bureau of Consumer Protection, said that the current privacy landscape reminds him of the early days of tobacco and asbestos litigation, when plaintiffs struggled to establish harm and proximate cause. It was only through the discovery gained through early litigation failures, he says, that plaintiffs began to show the value of their claims. Vladeck said that he doesn't know if the cases "will turn 180 degrees," but he thinks there's a potential for the cases to gain value as the evidence accumulates.

Internal Links: AT: Legitimacy Resilient

(--) Legal legitimacy of the Courts always at risk because it rests on uncertain foundations:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis, rwg

Fourth, because the Constitution invites disagreement about so much, many claims about the legal legitimacy of practices under the Constitution - especially those of the courts - rest on inherently uncertain foundations.

(--) Constitutional law always rests on shifting sands of legitimacy:

Fallon, 2005 prof. of Constitutional Law @ Harvard, Harvard Law Review, April 2005, 118 Harv. L. Rev. 1787; Lexis, rwg

Finally, as should be evident already, constitutional law does not rest on a single rock of legitimacy, as many appear to assume, but on sometimes shifting sands. Realistic discourse about constitutional legitimacy must reckon with the snarled interconnections among constitutional law, its diverse sociological foundations, and the felt imperatives of practical exigency and moral right.

Internal Links: Court Capital Key to Decisions

(--) The Court is actively concerned about protecting its political capital—
justices will make decisions based on this concern:

ERIC R. **CLAEYS, 2011** (staff writer, "Obamacare and the Limits of Judicial Conservatism," <http://www.nationalaffairs.com/publications/detail/obamacare-and-the-limits-of-judicial-conservatism>, Accessed 7/25/2013, rwg)

All the same, **conservatives on the Supreme Court may worry about protecting the Court's political capital long after the public has forgotten about Obamacare. When Justice Scalia respects precedent, defers to Congress,** or refrains from construing indeterminate text, **he does so at least in part to preserve the Court's standing in relation to Congress and the president.** In Lane, he found it "ill advised" for the Court "to adopt or adhere to constitutional rules that bring us into constant conflict with a coequal branch of Government." In the 1995 case *Plaut v. Spendthrift Farm*, he indicated that he prefers "high walls and clear distinctions" in structural constitutional law because "low walls and vague distinctions will not be judicially defensible in the heat of interbranch conflict." Depending on how he reads the relevant precedents and the term "proper," Scalia (or Alito, or Roberts) may decide that the theory followed by Judges Hudson and Vinson yields walls too low and distinctions too vague. **Even if a ruling against the mandate did not provoke a crisis or a political backlash from Obamacare supporters in the short term, these conservatives might worry about its effects on interdepartmental relations over the long term.**

(--) The Court responds to backlash against its decisions by moving back in line:

Barry **Friedman and Jeffrey Rosen, 4/14/2010** ("The Battle Over the Court," <http://www.newrepublic.com/article/politics/the-battle-over-the-court>, Accessed 7/9/2015, rwg)

How will the Supreme Court respond to these attempts to enlist it in a war with the president and Congress? If history is any predictor, the justices won't be interested in a sustained assault.

As both of us have written in recent books, on the big issues, **over time, the Court tends to come into line with public opinion.** Think here of gay rights, women's rights, and abortion. And **when the Court has wandered outside the mainstream**--on issues like the death penalty or economic regulation--**it has quickly retreated after encountering resistance from the public, Congress, or the president. The Court, in other words, is very sensitive to the possibility of backlash against its actions;** and if anything, the heated reaction to its recent decision striking down campaign finance restrictions on corporations is only likely to make it more so.

(--) Justices will adapt to potential threats to its legitimacy:

Uhlmann, 2003 professor of government at Claremont Graduate University, **October** (Michael M., "The Supreme Court Rules" www.orthodoxytoday.org/articles2/UhlmannSupremeCourt.shtm, rwg)

Thanks chiefly to the Supreme Court, the Constitution is now widely understood to derive its legitimacy not from the permanent truths on which its provisions rest, but from their more or less endless capacity (as divined by the Justices) to adapt. The Court has given us a "living Constitution," by which the Court simultaneously justifies its interpretive plasticity and leaves its critics in the unenviable position of having to defend a "dead" Constitution.

(--) Justices will modify their behavior to avoid backlash from other branches:

Lawrence **Baum, 2003** Department of Political Science, Ohio State University, June **2003**

["The Supreme Court in American Politics,"

<http://arjournals.annualreviews.org/doi/full/10.1146/annurev.polisci.6.121901.085526;jsessionid=n1HzQqZJALRe>]

Another possibility is that **the justices** ordinarily give little attention to their political environment but **take protective action** when their decisions have **aroused negative reactions from other policy makers**. Justices might reason that it is a **poor strategy to depart from their most preferred positions to avoid the possibility of an unfavorable response from the other branches**. But when **conflicts actually occur, the justices retreat as a means to limit the damage**. What might be called crisis-driven strategy is analogous to the "fire alarm" form of congressional oversight over the executive branch. Compared with routine strategy, it would lead to more interventions and more confrontations, but some periods of intervention would end abruptly as the justices responded to conflicts provoked by their decisions.

Internal Links—Capital Key to Rulings

(--) Judicial capital is key to rulings.

Gibson and Caldeira, Profs of Political Science at Wash U in St. Louis and Ohio State U,
2009

(James L. Gibson, prof of PoliSci @ Wash U in St. Louis, and Gregory A. Caldeira, Prof of PoliSci @ Ohio State U, January 2009, “Confirmation Politics and The Legitimacy of the U.S. Supreme Court” *American Journal of Political Science*, Vol. 53, No. 1, January 2009, Pp. 139–155)

We reiterate our view that institutional legitimacy is an enormously important source of political capital. The conventional hypothesis is that legitimacy is significant because it contributes to acquiescence to decisions of which people do not approve (e.g., Gibson, Caldeira, and Spence 2005). We have devoted considerable effort toward investigating that hypothesis throughout the world. To the extent that we are correct in our analysis of the theory of positivity bias, we suggest here that legitimacy has an even more significant role in the political process: Citizens who extend legitimacy to the Supreme Court are characterized by a set of attitudes that frame a variety of expectations and choices. These frames provide a standing decision that is difficult to rebut in contemporary American politics. This consequence of institutional legitimacy is perhaps the most significant.

Internal Links—Precedents

(--) Precedents snowball—once the Court decides one issue in an area, it will expand:

Foundation for Defense of Democracies, 5/22/2012 (“The Supreme Court Enters the Surveillance Debate,” <http://www.defenddemocracy.org/media-hit/the-supreme-court-enters-the-surveillance-debate/>, Accessed 7/8/2015, rwg)

For the most part, the effort to “judicialize” the political realm of national defense has been confined to the disposition of enemy combatants, specifically the process due for detaining and trying them. On Monday, the Supreme Court announced that next term it will enter the fray of intelligence gathering. The justices will entertain the Lawyer Left’s predictable challenge to overseas surveillance, which now occurs under judicial auspices thanks to wrongheaded amendments enacted in 2008 to modify the ill-conceived 1978 Foreign Intelligence Surveillance Act, also known as “FISA.” **As is usual when the judges begin to flex their muscles in a new area, the first case is a camel’s nose in the tent: involving only the narrow question of “standing” — i.e., whether the plaintiff’s have a right to bring their suit** — and not the merits of their claim that Fourth Amendment principles apply to searches targeting non-Americans outside the United States.

Internal Links--Public Opinion

(--) Public opinion key to the Court's legitimacy: the Court won't stay at odds with public opinion for long:

Tom S. Clark, 2011 (The Limits of Judicial Independence, pg. 21-22, accessed via google books, 7/10/2015, rwg)

In order to protect this legitimacy, we will see, the courts—the Supreme Court in particular—often have an incentive to engage in a deeply political calculation. Because the Supreme Court wants to preserve public support for the institution, it will be unwilling to stray too far from the broad contours of what will be accepted by the American public. The irony is that in order to protect its image as a neutral, independent decision-making body, the Court must in fact pay close attention to what will be deemed acceptable by the populace and sometimes yield from any neutral perspective to avoid overstepping the bounds imposed by perceptions of what is legitimate. Therein lies the limits of judicial independence and the politics-legitimacy paradox. In order to guard its image as an apolitical decision-maker, and with it its institutional legitimacy, the Court must engage in deeply political behavior.

(--) Court capital is limited – public opinion matters

McGuire and Stimson, profs PoliSci @ UNC Chapel Hill, 2004

(Kevin T. McGuire and James T. Stimson, profs of PoliSci @ UNC Chapel Hill, November 2004, "The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences" THE JOURNAL OF POLITICS, Vol. 66, No. 4, November 2004, Pp. 1018–1035)

The reasons for such behavior are not terribly mysterious. The justices may well want to see their preferences reflected in policy outcomes, but that ambition would be fairly hollow if those policies, once promulgated, had no practical effect. The Court requires the cooperation of legislative and executive officials, many of whom are themselves careful auditors of mass opinion. For that reason, the members of the Court must reflect on how well their preferred outcomes will be received and supported by implementers. By no means does this imply that the Court cares about public opinion in the same ways that elected officials do, but we do think it entirely reasonable to assume that justices want their policies to be taken seriously by relevant publics. This is not just our opinion, of course. There is abundant evidence of resistance, avoidance, and downright defiance from various constituencies of the Court (Canon and Johnson 1999). It is only when popular opinion supports the Court's goals that its policies have their full effects (Rosenberg 1991). To be sure, the Constitution affords the Supreme Court institutional independence, but it in no way guarantees the prestige upon which its success is so highly dependent.

(--) Public opinion factors into court decisions.

Kramer, Prof Law NYU, 2004

(Larry D. Kramer, Prof Law @ NYU, July 2004, "Popular Constitutionalism" 92 Calif. L. Rev. 959)

We can, in a sense, view all this work on the existence and necessity of popular constitutionalism as a kind of upping the ante on legal realism. Where the realists taught us to look beyond "the rules" to what courts actually do, we now see that even this does not go far enough. We must also look beyond the courts to see how judicial rulings are absorbed, transformed, and sometimes made irrelevant. This is especially true when it comes to the Supreme Court's constitutional jurisprudence. Whether because of practical institutional limitations or a need for support from other branches or a willingness to behave strategically to preserve institutional capital or an inability to overcome deeply inscribed societal norms, the Supreme Court can never monopolize constitutional lawmaking or law

interpreting. Popular constitutionalism is, to some extent, perhaps a very great extent, inevitable and unavoidable. The question is what to make of this fact. That the Supreme Court does not fully determine the course of constitutional law is something most lawyers and judges already know - including, I am sure, the Justices of the Supreme Court. We sometimes talk or write as if we thought otherwise, but that is because most legal scholarship is about (and so mainly interested in) only the formal legal system. Aware that there are limits to this system's effectiveness, we leave them unspoken because such qualifications are beyond the problem being addressed and because we assume they will be taken for granted. Maybe this is a mistake. By declining to qualify what we say or failing to consider the fate of law beyond the courthouse, legal scholars have almost certainly overestimated the influence of judicial pronouncements and overlooked extrajudicial influences that matter. To that extent, the work of scholars like Griffin, Whittington, Galanter, Rosenberg, McCann, and others provides a useful and important corrective, a reminder that judicial lawmakers face substantial obstacles and that nonjudicial actors and activities have real significance for law and especially for constitutional law.ⁿ⁵⁶ Yet nothing in this scholarship provides a basis for criticizing or challenging even the most ambitious claims of judicial authority. Quite the contrary, evidence that courts face inherent limits in establishing and [*974] enforcing constitutional norms may simply give those who believe in the necessity of judicial supervision a reason to redouble their efforts to shut down extrajudicial interpretation. The reason is straightforward: barriers to the Supreme Court's ability to monopolize constitutional interpretation are not exogenous to beliefs about what the status of the Court's rulings ought to be.

Impacts

Impacts: Tech Sector

(--) If Spokeo loses, could cost tech companies billions of dollars:

Kate Cox, **4/27/2015** (“Supreme Court To Decide If You Can Sue When Data Aggregators Are Wrong,” <http://consumerist.com/2015/04/27/supreme-court-to-decide-if-you-can-sue-when-data-aggregators-are-wrong/>, Accessed 6/29/2015, rwg)

If Robins wins and the class action suit he’s pursuing is verified, **Spokeo could face damages of \$1000 per violation. Given how many millions of people the company aggregates records on, and how many potential errors are in every profile, that could easily be millions or billions of dollars.** So it’s easy to see why Spokeo would want to fight this all the way to the Supreme Court. But in our data-driven economy, where we the collective consumers are more often than not also the product being traded and sold, **the case also has repercussions far beyond Spokeo. Tech giants are closely watching the case. Facebook and Google between them are probably the two biggest personal data collectors and traders in the world,** and nearly all of us interact with one or both several times daily. **If they and others are going to have liability for making sure every piece of personal data they move is accurate, that would be a huge shift for them.**

(--) Spokeo v. Robins is key to the tech sector—billions or trillions of dollars are at stake:

Stephen E. Embry, **2/20/2015** (Frost, Brown & Todd attorneys, member of the Firm's class action, privacy and mass tort groups, “Robins v. Spokeo Inc: the Light at the End of the Tunnel for Rule 23 Privacy Class Actions...or the Headlights of an Oncoming Train,” Accessed 6/29/2015, rwg)

Still no word from the Supreme Court in what is the most important privacy class action and consumer case of the decade, Robins v. Spokeo Inc. The key issue in Robins is whether Article III standing can be conferred when plaintiff suffers no injury but can recover statutory imposed penalties. Article III of the U.S. Constitution requires that a plaintiff suffer an injury in fact—injury or damage that is concrete and which the law recognizes. The Supreme Court is now pondering whether to accept cert in this case that was originally decided by the 9th Circuit in February 2014. Not surprisingly, the 9th Circuit determined that such statutory penalties were sufficient without injury or damage to provide standing, joining the 6th, 10th and D.C Circuits. The 2nd and 4th Circuits have found directly to the contrary. **In Robins, the Act in question, the Fair Credit Reporting Act, imposed penalties collectible by affected consumers** of not less than \$100 or more than \$1000 per violation for publishing inaccurate personal information. Spokeo operated a website that provided users with information about individuals. Unfortunately, it published inaccurate information about Mr. Robins who brought suit on his own behalf and on behalf of a class of allegedly similarly situated individuals. **The importance of the decision facing the Supreme Court cannot be overstated.** Most privacy related statutes contain monetary penalties recoverable by affected consumers or users; it is the compounding effect of such penalties across a class of individuals that have the plaintiffs’ class action bar salivating. The Telephone Consumer Protection Act (TCPA,) the Video Privacy Protection Act, (VPPA), the Stored Communications Act, the Electronic Communications Privacy Act (ECPA) (not to mention a whole slew of more traditional consumer protection acts) are just a few of such statutes. **Based on this “no injury” concept sustained by the 9th, 6th, 10th and D.C. Circuits, plaintiffs’ attorneys have and are bringing class actions that net millions of dollars in settlements** due to the enormous exposure presented by these claims. For example, **Netflix recently faced class claims in the billions of dollars and Google in the trillions. Facebook was presented with claims of a class composed of over 3.6 million people whose statutory claims each ranged from \$2500 to \$10,000 PER VIOLATION.** The settlements of class claims brought under the TCPA are legendary: Capitol One paid \$75 million, Bank of America \$32 million, Jiffy Lube \$47 million and the list grows longer each month. The in terrorem effect of such claims makes settlement the only viable option. And yet often the only real injury is irritation and disclosure of facts that really make little difference to anyone. Perhaps sensing the importance of the question, the Supreme Court in October of last year asked the Solicitor General to weigh in after the filing of multiple amicus briefs from businesses and the technology industry. There is no deadline for the Solicitor General’s office to provide its input. **Whether this trend and practice will continue hinges almost entirely on what the**

Supreme Court decides. If it does not accept cert., then these cases will proliferate perhaps at an alarming rate as new and novel arguments will be made to fit new technology into statutes that were designed to prohibit other harms. (The VPPA for example was an outgrowth of a successful effort to obtain and then publish a list of videos rented by a Supreme Court nominee. Now it's being applied to streaming over the internet). **If the Court accepts cert and overturns Robins, then an entire practice area will vanish over night.** If it sustains the Ninth Circuit's view then Robins becomes the law of the land. Either way privacy and class action practitioners face perhaps the most significant disruptive event in their careers.

(-- Ruling for Spokeo key to tech firms:

David N. **Anthony, 4/28/2015** ("Supreme Court Grants Certiorari In Spokeo Case – Set To Address Article III Standing In Cases With No Concrete Harm," http://www.consumerfinancialserviceslawmonitor.com/2015/04/supreme-court-grants-certiorari-in-spokeo-case-set-to-address-article-iii-standing-in-cases-with-no-concrete-harm/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ConsumerFinancialServicesLawMonitor+%28Consumer+Financial+Services+Law+Monitor%29, Accessed 6/29/2015, rwg)

Because **the Spokeo decision** could impact numerous statutory schemes outside of the Fair Credit Reporting Act, it has received significant national attention in the form of multiple amicus briefs. For example, **the Supreme Court received a brief from several technology giants**, including Facebook, eBay, and Yahoo. In their brief, they argued in favor of Spokeo, contending that a plaintiff must allege actual harm in order to have Article III standing, even if a statute is alleged to have been violated. **The risk of "no injury" class actions is particularly acute for these companies because they interact with hundreds of millions of users on a daily basis,** with many of those interactions subject to state and federal laws. According to their brief, **if an actual injury – separate and apart from an alleged statutory violation – is not a necessary precursor to a lawsuit in federal court, any of the millions of individuals who interact with these companies could bring a lawsuit alleging technical statutory violations on behalf of hundreds of millions of people,** with no accompanying actual injury. At the invitation of the Supreme Court, the United States Office of the Solicitor General also filed an amicus brief. In its brief, the United States requested the Supreme Court deny the writ of certiorari. According to the United States, the Ninth Circuit correctly decided the issue and there was no need for the Supreme Court to weigh in. The Supreme Court's grant of certiorari is contrary to the United States' position. Consumer protection statutes have created fertile ground for class action litigation. These statutes often require compliance with very technical provisions and allow for the award of statutory damages, without a showing of actual harm. This creates the potential for very large classes of plaintiffs who have not suffered any actual injuries and who often do not even know a technical statutory violation has taken place. **These large classes, coupled with the possibility of statutory damages, often create exposure in the tens or hundreds of millions of dollars. A decision in favor of Spokeo could dramatically curtail many of these "no concrete harm" class action lawsuits** due to the lack of standing of the named plaintiff.

(-- Spokeo could change the landscape of lawsuits against tech companies for years to come:

Elliot **Katz, 5/28/2015** ("Spokeo v. Robins: The Case That Has Silicon Valley Buzzing, Even Though Plaintiffs Likely Don't Have a Leg To "Stand" On," <http://www.jdsupra.com/legalnews/spokeo-v-robins-the-case-that-has-75066/>, Accessed 6/29/2015, rwg)

On April 27, 2015, **the United States Supreme Court granted certiorari in Spokeo v. Robins** and will soon decide whether a plaintiff must allege more than just the bare violation of a federal statute in order to invoke Article III jurisdiction. Some of Silicon Valley's top companies have observed in a brief to the Court in support of cert. that if the Ninth Circuit's ruling stands, "plaintiffs may pursue suits against [companies] even where they are not actually harmed by an alleged statutory violation." While single-plaintiff lawsuits are problematic, the real problem arises when these types of cases are brought as class actions, seeking "billions" in statutory damages creating an "immense pressure to settle" even the cases that may be "baseless on the

merits." Silicon Valley companies are monitoring this case carefully because of the impact it will have on data breach and privacy-related class actions, which are often brought by plaintiffs alleging violations of federal statutes that are enforced through statutory damages. It is not an understatement to say that the Supreme Court's decision could radically change the landscape for these types of class actions for years to come. Put simply, if the Supreme Court does not reverse the Ninth Circuit, it is likely that there will be a significant increase in the volume of data breach and other privacy-related lawsuits filed in moving forward. Conversely, if the Ninth Circuit is affirmed then the volume of privacy class action lawsuits may decline. If the Supreme Court's decision in *Clapper v. Amnesty International USA*, 133 S.Ct. 1138 (2013) is any indication, then the latter may be true.

Impacts—Business Confidence

A) Spokeo victory needed for business confidence:

KATE COMERFORD **TODD**, 6/16/2014 (SPOKEO , INC ., Petitioner, v. THOMAS ROBINS , INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, Amicus Curiae Brief, <http://www.chamberlitigation.com/sites/default/files/scotus/files/2014/Chamber%20et%20al%20Amici%20Brief%20--%20Spokeo%20Inc.%20v.%20Robins%20%28U.S.%20Supreme%20Court%29.pdf>)

Like First American Financial Corp. v. Edwards , 132 S. Ct. 2536 (2012), which presented but did not resolve the same issue (and in which both the Chamber and the IADC participated as amici curiae), **this case presents both a danger and an opportunity. If the decision below is allowed to stand, there is a serious danger of continued erosion of the minimum requirements for standing** under Article III of the Constitution. **Such a danger is of grave concern to the business community because** (as this case illustrates) **alleged technical violations of regulatory statutes can often affect large numbers of people without actually injuring them. If,** as the Ninth Circuit held (following its precedent in Edwards) **such people can bring lawsuits without the need to demonstrate any injury** beyond the alleged statutory violation itself, **businesses will predictably be tied up in damages litigation** over harmless alleged lapses, **diverting their resources from more productive uses**. This case presents an opportunity to rein in abusive litigation over such trifles, and to restore proper constitutional limitations on no-injury lawsuits.

B) Business confidence key to the economy:

Kenneth **McCarthy**, 8/14/2013 (Senior Managing Director, Cushman Wakefield, “U.S. Economic Update - Ready for Growth,” <http://www.cushmanwakefield.com/en/research-and-insight/2013/us-economic-update-august-2013-ready-for-growth/>, Accessed 6/29/2015, rwg)

The U.S. economy continues to improve steadily. Although gross domestic product (GDP) growth has lagged, employment is increasing at a faster pace than a year ago and consumer demand is holding up surprisingly well. **The key to stronger growth will be higher levels of confidence in the business sector. Once businesses are more confident, investment spending will accelerate, as will hiring, and the economy will accelerate** from today’s 1.5% to 2.0% GDP growth rate to around 3.0% to 3.5%.

C) U.S. economic failure risks multiple scenarios for nuclear war

Khalilzad ’11 Zalmay was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, “ The Economy and National Security”, 2-8-11, <http://www.nationalreview.com/articles/print/259024>, MCR

Today, **economic** and fiscal **trends pose the most severe** long-term **threat to the U**^{nited} **S**^{tates}’ **position as global leader**. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The **continuation of these two trends could lead** to a shift from American primacy toward a multi-polar global system, **leading in turn to increased geopolitical rivalry and even war among the great powers**. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years. Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which

already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a **radical retrenchment of the United States internationally**. Such scenarios **would reshape the international order**. It was the **economic devastation** of Britain and France **during World War II**, as well as the rise of other powers, that **led both countries to relinquish their empires**. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, **the United States would be compelled to retrench, reducing its military spending and shedding international commitments**. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. **The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation**. The stakes are high. In modern history, **the longest period of peace among the great powers has been the era of U.S. leadership**. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. **Failures of multi-polar international systems produced both world wars**. American **retrenchment could have devastating consequences**. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, **there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict**. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, **hostile states would be emboldened to make aggressive moves in their regions**.

(-- Victory for Spokeo necessary to prevent a flood of cases against businesses:

KATE COMERFORD **TODD**, 6/16/2014 (SPOKEO, INC., Petitioner, v. THOMAS ROBINS, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, Amicus Curiae Brief, <http://www.chamberlitigation.com/sites/default/files/scotus/files/2014/Chamber%20et%20al%20Amici%20Brief%20--%20Spokeo%20Inc.%20v.%20Robins%20%28U.S.%20Supreme%20Court%29.pdf>)

As the Petition ably demonstrates, **the significance of the Ninth Circuit’s error reaches far beyond this particular case**. There are dozens of federal laws similar to the one at issue here, all of which could be read to authorize suit by plaintiffs who have suffered no actual, concrete, or particularized injury. See Pet. 16-18. Lower courts are deeply and intractably divided over whether such suits pass constitutional muster. See id. at 9-12. The resulting jurisprudential hodge-podge means a suit can be brought to vindicate injuries-in-law under some statutes but not others, and in some courts but not others. See id. at 9-12, 18. The need to resolve that confusion alone warrants this Court’s review. But this case is also of great practical significance—particularly to the business community. No matter their size, industry, or geographic location, businesses are subject to all manner of technical legal duties. By the Ninth Circuit’s logic, for practical purposes, injury-in-fact (and with it causation and redressability) would no longer be a required element for standing in federal courts. **With standing based solely on a technical statutory violation that could be identical for a large swath of potential plaintiffs**, the traditional class-certification hurdles of commonality and predominance could be rendered meaningless, as well. As a result, **businesses would be significantly more likely to face class actions seeking damages** (sometimes annihilating damages) for conduct that caused concrete and particularized harm to only a handful of people or to no one at all—**the kind of “frivolous lawsuits” that “essentially force corporate defendants to pay ransom to class attorneys by settling.”** S. Rep. No. 109-14, at 20 (2005) (Class Action 7 Fairness Act). This is not idle speculation: Such suits are already being

brought, and their pace is accelerating. See Pet. 12-14. This Court's review is necessary to stop these litigious opportunists who have suffered no injury—and the courts that enable them—from playing fast and loose with Article III.

Impacts: Court Clog Scenario

A) Failure to rule in favor of Spokeo leads to court clog:

Michael **Greibrok, 5/18/2015** ("Spokeo, Inc. v. Robins: A Possible Alternative Path to Standing," <http://www.freedomworks.org/content/spokeo-inc-v-robins-possible-alternative-path-standing>, Accessed 6/29/2015, rwg)

In Spokeo, the plaintiff, Thomas Robins, sued the people finder website, Spokeo, Inc., alleging that the website had shared inaccurate information about him. While there is some debate over whether the misinformation actually caused harm to Robins, he also claimed that Spokeo had violated the Fair Credit Reporting Act ("FCRA") by failing to provide him with notices. The Ninth Circuit ruled that Robins did not have to show any particularized harm, as long as he showed the defendant violated a statute that authorized a private right of action. **This decision has concerned many large companies, including tech giants Google and Facebook. They are worried that a Supreme Court decision upholding the ruling could lead to more lawsuits with no real injuries**, but where federal laws similar to FCRA were violated. **This is a legitimate concern, and a weakened standing requirement could flood courts and lead to businesses settling meritless lawsuits**, rather than going through the process of discovery and a trial.

B) Court clog crushes the economy:

Ashley **Post, 7/22/2011** (staff writer, "Frivolous lawsuits clogging U.S. courts, stalling economic growth," <http://www.insidecounsel.com/2011/07/22/frivolous-lawsuits-clogging-us-courts-stalling-eco>, Accessed 9/16/2014, rwg)

Americans' litigiousness and thirst for massive damages has been a boon to the legal profession. But **some researchers and litigation experts warn that the abundance of lawsuits—many of them frivolous—flooding U.S. courts is severely weakening the economy**. According to consulting firm Towers Watson, the direct cost of the U.S. tort system in 2009 was approximately \$250 billion, which was roughly 2 percent of the gross domestic product. The amount is double the estimated tort expenses in other countries, including the U.K. and Japan. **In May, the House Judiciary Committee held a hearing that explored excessive litigation's effect on the United States' global competitiveness**. During his testimony, Skadden Partner John Beisner explained that plaintiffs counsel engage in five types of litigation abuse that ultimately undermine economic growth: improperly recruiting plaintiffs, importing foreign claims, filing suits that piggyback off government investigations and actions, pursuing aggregate litigation and seeking third-party litigation financing. **"America's litigious nature has caused serious damage to our country's productivity and innovation. ... The root cause is that we have created incentives to sue—and to invest in litigation—instead of establishing disincentives for invoking judicial process unless absolutely necessary**. Other countries discourage litigation; we nurture it," Beisner said at the hearing. **Many litigation experts resoundingly agree with Beisner's stance on the necessity of tort reform to ameliorate the country's economy**.

C) An economic collapse causes a global nuclear war.

Aaron **Friedberg and Gabriel Schoenfeld, 2008** (prof. of politics @ Princeton & Senior editor of the Wall Street Journal) WALL STREET JOURNAL. Oct. 21, 2008. Retrieved May 17, 2014 from <http://online.wsj.com/article/SB122455074012352571.html>.

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? **Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and**

Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

Impacts--Clog Internals: Spokeo win necessary to prevent clog

(--) Ruling in favor of Spokeo prevents a proliferation of lawsuits:

Rich **Samp**, 4/15/2015 (staff writer, "Supreme Court Has Opportunity To Halt Lawsuits By Uninjured Plaintiffs," <http://www.forbes.com/sites/wlf/2015/04/15/supreme-court-has-opportunity-to-halt-lawsuits-by-uninjured-plaintiffs/>, Accessed 6/26/2015, rwg)

By granting review in Spokeo and reversing the Ninth Circuit, the Court can bring a halt to the proliferation of lawsuits filed by uninjured plaintiffs who lack the requisite Article III standing to sue for infractions of federal statutes. Such a ruling would remind Congress that it cannot expand federal courts' jurisdiction beyond the limits set out in the Constitution.

(--) Ruling in favor of Spokeo prevents court clog:

Christi A. **Lawson**, 4/28/2015 ("U.S. Supreme Court Accepts Review of Robins v. Spokeo, Inc.," <http://www.foley.com/intelligence/detailpdf.aspx?int=46acc213-4842-4bd9-9c19-8b2dc13e1bcc>, Accessed 6/29/2015, rwg)

Spokeo has the attention of the financial industry. Additionally, several large companies have joined Spokeo in opposing the Ninth Circuit's Ruling, including but not limited to, Facebook Inc., Google Inc., Yahoo Inc. and eBay. In an amicus brief, the companies expressed to the high court that agreeing with the Ninth Circuit's decision would result in a flood of "no-injury" class actions under the Telephone Consumer Protection Act, the Video Privacy Protection Act and similar statutes.

(--) A Spokeo win discourages a wave of lawsuits:

Pamela Q. **Devata**, 4/27/2015 ("U.S. Supreme Court Grants Cert in Spokeo, Inc. v. Robins," <http://www.seyfarth.com/publications/OMM042715-LE>, Accessed 6/29/2015, rwg)

The Supreme Court's decision in Spokeo is likely to dramatically affect employers, consumer reporting agencies, and other corporate defendants. Indeed, ten separate amicus briefs were filed on behalf of seventeen different companies, trade associations, and other organizations in support of Spokeo's petition (including the National Association of Professional Background Screeners, Chamber of Commerce of the United States, eBay, Facebook, Google, Yahoo, and leading consumer reporting agencies). A decision limiting congressional power and providing for actual damages to be alleged would likely discourage the current wave of consumer, workplace, and other class actions seeking millions in statutory damages. A decision allowing individual and class claims to go forward alleging only statutory damages without injury in fact would likely have the opposite outcome. Employers should continue to closely monitor the developments in this case.

(--) Limiting standing is necessary to stop a floodgate of litigation:

MARY MASSARON **ROSS**, 2014 (BRIEF OF DRI - THE VOICE OF THE DEFENSE BAR AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/DRI-Brief-Spokeo-Inc.-v.-Thomas-Robins-SCt-13-1339.pdf>)

DRI's interest in this case stems from its members' extensive involvement in civil litigation. DRI's members are regularly called upon to defend their clients in lawsuits brought merely to pursue public policies rather than to seek redress for a distinct and personalized injury. Left unreviewed by this Court, the Ninth Circuit's decision in this case will have a profound effect on businesses and individuals who may be subject to suits brought under the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq., and other federal and state statutes providing for statutory damages because it broadens the doctrine of standing to allow the judiciary to resolve disputes in the absence of an actual injury. The Ninth Circuit's decision, which exacerbates an already-existing circuit split, would encourage the filing of lawsuits by non-injured plaintiffs. DRI has a strong interest in assuring that the many federal and state statutes which confer a statutory cause of action do not provide a "back door" for uninjured litigants to obtain

relief in federal court. **The Ninth Circuit's alteration of the standing doctrine opens the floodgates of litigation in derogation of the Framers' intent to limit the jurisdiction of the judicial branch to "cases" and "controversies."** This, in turn, directly affects the fair, efficient, and consistent functioning of our civil justice system and, as such, is of vital interest to the members of DRI.

Impacts--Court Clog Impact Extensions

(--) Court clog hurts small businesses:

Ashley **Post**, 7/22/2011 (staff writer, "Frivolous lawsuits clogging U.S. courts, stalling economic growth," <http://www.insidecounsel.com/2011/07/22/frivolous-lawsuits-clogging-us-courts-stalling-eco>, Accessed 9/16/2014, rwg)

The result is clogged courts and corporate funds that finance defense costs instead of economic investment. Small businesses and startups with less than \$20 million in revenue suffer the most because they pay a higher percentage of their revenues toward tort costs than larger companies do, and therefore they become less able to invest in research and development, create new jobs, and give raises and benefits to employees.

(--) Business confidence key to staving off a recession:

JOHN **BRAITHWAITE**, 2004 (The Annals of The American Academy of Political and Social Science, March; Lexis)

The challenge of designing institutions that simultaneously engender emancipation and hope is addressed within the assumption of economic institutions that are fundamentally capitalist. This contemporary global context gives more force to the hope nexus because we know capitalism thrives on hope. When business confidence collapses, capitalist economies head for recession. This dependence on hope is of quite general import; business leaders must have hope for the future before they will build new factories; consumers need confidence before they will buy what the factories make; investors need confidence before they will buy shares in the company that builds the factory; bankers need confidence to lend money to build the factory; scientists need confidence to innovate with new technologies in the hope that a capitalist will come along and market their invention. Keynes's ([1936]1981) General Theory of Employment, Interest and Money lamented the theoretical neglect of "animal spirits" of hope ("spontaneous optimism rather than . . . mathematical expectation" (p. 161) in the discipline of economics, a neglect that continues to this day (see also Barbalet 1993).

Impacts: DA Turns Case

(--) **Lack of legitimacy means Court can't enforce its decisions:**

Kevin **Burke**, August 23, 20**13** ("How Low Public Trust Threatens the Legitimacy of Court Decisions,"

<http://proceduralfairnessblog.org/2013/08/23/how-low-public-trust-threatens-the-legitimacy-of-court-decisions/>, Accessed 7/8/2015, rwg)

Trust is an essential component of procedural fairness, which, in turn, has been shown to be **a key source of legitimacy for decision-makers**. All public institutions now face serious skepticism from the public about their trustworthiness. **However, a trust deficit – and the resulting lack of legitimacy – are of particular threat to the judiciary. Legitimacy is essential if courts are to be respected and, indeed, if court orders are to be obeyed.** Simply put, **failure to maintain and enhance the legitimacy of court decisions imperils the judiciary as an institution and the vital role assigned to the judiciary in our Constitutional tradition.**

Impacts: Disease

A) Technology key to solve disease:

Charles **Stokes**, 6/11/2013 (“Technology is key to CDC’s Public Health Defense of Our Country,” <http://www.cdcfoundation.org/blog-entry/technology-cdc-public-health-defense>, Accessed 7/10/2015, rwg)

The U.S. Centers for Disease Control and Prevention (CDC) has a long history of using technology and data to solve public health mysteries surrounding both chronic and contagious diseases. Just as diseases advance, however, so do the ways that technology and data can address them. Looking forward, it is vital to America’s health and national security for our nation to continue making investments in technology at CDC. That is the core message I take from a new op-ed in The Hill’s Congress blog today.

B) Diseases cause extinction

Guterl ’12 [Fred, award-winning journalist and executive editor of Scientific American, worked for ten years at Newsweek, has taught science at Princeton University, *The Fate of the Species: Why the Human Race May Cause Its Own Extinction and How We Can Stop It*, 1-2, Google Books, online]

Over the next few years, the bigger story turned out not to be SARS, which trailed off quickly, but avian influenza, or bird flu. It had been making the rounds among birds in Southeast Asia for years. An outbreak in 1997 Hong Kong and another in 2003 each called for the culling of thousands of birds and put virologists and health workers into a tizzy. Although the virus wasn’t much of a threat to humans, scientists fretted over the possibility of a horrifying pandemic. Relatively few people caught the virus, but more than half of them died. What would happen if this bird flu virus made the jump to humans? What if it mutated in a way that allowed it to spread from one person to another, through tiny droplets of saliva in the air? **One bad spin of the genetic roulette wheel and a deadly new human pathogen would spread across the globe in a matter of days.** With a kill rate of 60 percent, such a pandemic would be devastating, to say the least. Scientists were worried, all right, but the object of their worry was somewhat theoretical. Nobody knew for certain if such a supervirus was even possible. To cause that kind of damage to the human population, a flu virus has to combine two traits: lethality and transmissibility. The more optimistically minded scientists argued that one trait precluded the other, that if the bird flu acquired the ability to spread like wildfire, it would lose its ability to kill with terrifying efficiency. The virus would spread, cause some fever and sniffles, and take its place among the pantheon of ordinary flu viruses that come and go each season. The optimists, we found out last fall, were wrong. Two groups of scientists working independently managed to create bird flu viruses in the lab that had that killer combination of lethality and transmissibility among humans. They did it for the best reasons, of course—to find vaccines and medicines to treat a pandemic should one occur, and more generally to understand how influenza viruses work. If we’re lucky, the scientists will get there before nature manages to come up with the virus herself, or before someone steals the genetic blueprints and turns this knowledge against us. Influenza is a natural killer, but we have made it our own. **We have created the conditions for new viruses to flourish—among pigs in factory farms and live animal markets and a connected world of international trade and travel—and we’ve gone so far as to fabricate the virus ourselves.** Flu is an excellent example of how we have, through our technologies and our dominant presence on the planet, begun to multiply the risks to our own survival.

Continued technological advancements key to solve disease:

Charles **Stokes**, 6/11/2013 (“Technology is key to CDC’s Public Health Defense of Our Country,” <http://www.cdcfoundation.org/blog-entry/technology-cdc-public-health-defense>, Accessed 7/10/2015, rwg)

While these developments are impressive, Carlos stresses the urgent need for CDC to continue to grow its capacity for advanced science and technology, particularly in light of several recent developments—five new drug-resistant microbes and a new coronavirus in the Middle East, to name a few. Carlos offers, “In these times of shrinking federal budgets we can’t afford to give the advantage to life-threatening diseases.” One way he says that CDC can make significant strides forward is through “whole genome sequencing of bacteria and viruses to understand how disease spreads.”

But there's more to the story. Carlos relates how several years ago when a cholera epidemic hit Haiti CDC could sequence the genome but couldn't interpret the results because it didn't have sufficient bioinformatics capacity. That worries Carlos, and he's not alone. In fact, CDC Director Tom Frieden conveyed the same concern in a recent [Huffington Post](#) blog.

Impacts: Economy

A) Relaxed standing requirement will cause untold economic damage:

MARY MASSARON ROSS, 2014 (BRIEF OF DRI - THE VOICE OF THE DEFENSE BAR AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/DRI-Brief-Spokeo-Inc.-v.-Thomas-Robins-Sct-13-1339.pdf>)

Relaxation of the standing requirement will broaden dramatically the composition of a class litigating a violation of the FCRA or other similar “no harm” statute. This, in turn, **will dramatically increase the expense of defending a class action**. Even before the Ninth Circuit’s decision in this case, **the attendant costs of a major lawsuit could sound the death knell for new companies and those suffering under today’s current economic climate**. Bradley J. Bondi, Facilitating Economic Recovery and Sustainable Growth Through Reform of the Securities Class-Action System: Exploring Arbitration as an Alternative to Litigation, 33 Harv. J. L. & Pub. Pol’y, 607, 612 (Spring 2010). **With the new lax standing requirement** announced by the Ninth Circuit, **defendants may be forced to make payouts to hundreds or even thousand of unharmed class members**. In addition, due to the violation of some statutory standard, a non-injured plaintiff might be deemed a “prevailing party” entitled to attorney fees. **The unwarranted economic burden this imposes on defendants cannot be overstated**. As one legal scholar noted, **“aggregated statutory damages claims can result in absurd liability exposure in the hundreds of millions – or even billions – of dollars on behalf of a class whose actual damages are often nonexistent”**. Sheila B. Scheuerman, Due Process Forgotten: The Problem of Statutory Damages and Class Actions, 74 Mo. L. Rev. 103, 104 (Winter 2009). Stated another way, **a class judgment based on a statutory damages claim can have an “annihilating effect” on a defendant**. O’Neil, supra, at *6. Defendants, unwilling to roll the dice, are placed under intense pressure to settle, even if an adverse judgment seems “improbable.” See Thorogood v. Sears, Roebuck and Co., 547 F.3d 42, 745 (7th Cir. 2008); Matter of Rhone-Poulenc Rorer, Inc., 51 F.3d 1293, 1298 (7th Cir. 1995). See also Barry F. McNiel, et. al., Mass Torts and Class Actions: Facing Increased Scrutiny, 167 F.R.D. 483, 489-90 (updated 8/5/96). The Ninth Circuit’s holding in this case, if left uncorrected by this Court, will only exacerbate these problems and proliferate more of these “blackmail settlements.” Rhone, supra at 1298, citing Henry J. Friendly, Federal Jurisdiction: A General View 120 (1973).

B) U.S. economic failure risks multiple scenarios for nuclear war

Khalilzad ’11 Zalmay was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, “The Economy and National Security”, 2-8-11, <http://www.nationalreview.com/articles/print/259024>, MCR

Today, **economic** and fiscal **trends pose the most severe** long-term **threat to the United States’ position as global leader**. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The **continuation of these two trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased geopolitical rivalry and even war among the great powers**. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years. Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a **radical retrenchment of the United States internationally**. Such scenarios **would reshape the international order. It was the economic devastation of Britain and France during World War II**, as well as the rise of other powers, that **led both countries to relinquish their empires**. In the late 1960s, British leaders concluded that they

lacked the economic capacity to maintain a presence "east of Suez." Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, the United States would be compelled to retrench, reducing its military spending and shedding international commitments. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation. The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions

(--) Ruling for Spokeo necessary to stop billions of dollars in damage:

FELICIA H. ELLSWORTH, 2014 (BRIEF FOR AMICI CURIAE EBAY INC., FACEBOOK, INC., GOOGLE INC., AND YAHOO! INC. IN SUPPORT OF PETITIONER, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339-Spokeo-Inc.-v.-Robins-Br.-for-Amici-eBay-Inc.-et-al.-Jun....pdf>, Accessed 6/29/2015, rwg)

Amici are concerned that this decision will substantially and improperly lower the bar for invoking the jurisdiction of federal courts, inviting abusive and costly litigation, including class actions seeking millions or even billions of dollars in statutory damages under FCRA and similar statutes. Amici are members of a rapidly growing and transforming technology industry that provides services to hundreds of millions of individuals each day. Users of amici's services routinely conduct financial transactions, share information and content, and interact with people all over the world on platforms offered by amici. The services amici provide, the information they collect, and the interactions they facilitate arguably could be subject to laws that contain private rights of action and allow for statutory damages.

(--) Limiting standing to actual injury key to the collection industry—key to the national economy:

BRIAN MELENDEZ, 6/13/2014 (BRIEF OF ACA INTERNATIONAL AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339-tsac-ACA.pdf>, Accessed 6/29/2015, rwg)

Through their attempts to recover outstanding accounts, ACA's members act as an extension of every community's businesses. ACA's members represent the local hardware store, the retailer down the street, and the family doctor. They work with these businesses, large and small, to obtain payment for the goods and services received by consumers, and each year, their combined effort results in the recovery of billions of dollars that are returned to businesses and reinvested in local communities. Without an effective collection process, these businesses' economic viability — and, by extension, the local and national economies in general — are threatened. At the very least, absent effective collections, consumers would be forced to pay more for their

purchases to compensate for uncollected debts. 3 Finally, ACA's members also help governments in recovering unpaid obligations — a function that is increasingly important as many governments face record budget deficits. _____ Summary of Argument Standing is a fixed constitutional principle that Congress cannot expand by statute. Congress can enact statutes that create new rights, and Congress can create remedies for those rights. But Congress cannot abrogate the constitutional principle of standing altogether: “broadening the categories of injury that may be alleged in support of standing is a different matter from abandoning the requirement that the party seeking review must himself have suffered an injury.” That requirement of injury in fact — “that the party seeking review be himself among the injured” — is an “irreducible constitutional minimum” without which a federal court lacks jurisdiction. The statute at issue is one of a class of statutes that creates liability without requiring injury in fact. Consumer credit protection is a field that Congress has regulated extensively in the last several decades, beginning with the Consumer Credit Protection Act in 1968. Many consumer-credit statutes created private rights of action to redress injuries for which there was no adequate remedy at common law. But sometimes the remedies that Congress devised for the practices that it prohibited have gone beyond the harms that Congress was trying to address. More to the point, Congress sometimes devised remedies that offered relief even to plaintiffs who were never harmed at all. Several federal courts of appeals have allowed plaintiffs to recover statutory damages under consumer-protection statutes without any proof of actual damages — that is, they have let the plaintiffs recover for an injury in law without having suffered an injury in fact. A statute may be “blind when it comes to distinguishing between plaintiffs who have suffered actual damages and those who have not,” but the Constitution is not. Most courts of appeals that have upheld liability against a defendant without injury to the plaintiff did not even consider the standing requirement’s constitutional dimensions. Other courts of appeals that have considered the constitutional issue have concluded that a statutory violation confers constitutional standing. Yet other courts of appeals have delved adequately in to this Court’s standing jurisprudence and correctly held that an uninjured plaintiff lacks constitutional standing. This Court should resolve the various approaches that the courts of appeals have taken, and insist upon consideration of the standing requirement’s constitutional dimensions. This case is the right medium for that message. **This case’s implications go beyond the statute at issue, and affect the credit-and-collection industry at every level.** The Fair Credit Reporting Act is far from the only consumer-protection statute that provides for statutory damages independent of whether the plaintiff suffered actual damages. **These statutes affect the credit-and-collection industry, daily, and at every level, from the issuance of credit to the collection of debt in default.** ACA therefore joins the Petitioner in asking that this Court grant the petition for a writ of certiorari.

(--) Victory for Spokeo key to the consumer credit agency—key to economy:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

Trans Union LLC (“TransUnion”) is a “consumer reporting agency that compiles and maintains files on consumers on a nationwide basis,” as defined in Section 603(p) of the Fair Credit Reporting Act (the “FCRA” or the “Act”), 15 U.S. C. § 1681a(p). As one of the nation’s three major credit bureaus, **TransUnion maintains billions of pieces of information about United States consumers, and issues millions of consumer reports every month. Given these functions and the consumer credit reporting system’s critical importance to the national economy,** TransUnion is regulated comprehensively as a “consumer reporting agency” by the FCRA, as well as by certain state mini-FCRAs and the Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C. § 5301 (the “Dodd-Frank Act”). 1 TransUnion has a strong interest in ensuring that the Act is applied in accordance with Constitutional requirements and is properly construed. It expends millions of dollars annually to ensure compliance with credit reporting laws, regulations and relevant judicial decisions. **The opinion below threatens to greatly expand FCRA liability beyond its intended scope** of consumer protection, **thereby exposing TransUnion, other credit bureaus, data furnishers and users of credit reports to potentially massive class action cases brought by persons without any real-world harm. If this Court does not** grant the petition for certiorari and **correct the Ninth Circuit’s error,** then the immediate result will be more “bet the company” litigation filed under the Act. The consequent defense costs and inevitable corporate skittishness with respect to offering new data services will reduce the scope of predictive information available to credit grantors to manage risk. Moreover, it will increase the expense of delivering such new information services that survive legal challenge. Ultimately, **consumers will bear the brunt of these effects in the form of diminished access to credit,** delays in obtaining credit and/or higher costs of obtaining it.

(--) Failure to maintain an injury standard for standing does severe damage to the economic system:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

In various circumstances, the Justices of this Court and other members of the federal judiciary have expressed concern about **the rising tide of massive class action cases, and the harm they may pose to the economic system**, and principles of sound policymaking. **To keep the class action in its appropriate procedural place, this Court should recognize an inherent constitutional limitation** under Article III. A class action violates the Constitution **unless the proposed class representative and each member of the proposed class sustained an injury in fact.**

Impacts—First Amendment

(--) Actual injury requirement key to the First Amendment:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

Few defendants faced with a claim that seeks statutory damages under a law for which there is a “dearth of guidance and [] less-than-pellucid statutory text,” *Safeco Ins. Co. v. Burr*, 551 U.S. 47, 70 (2007), will roll the dice in litigation when the result of losing the case is the total loss of their business. **The issue inherent in all class actions—that class certification itself often places defendants in a must-settle position—is more pernicious under the FCRA, due to the Act’s regulation of commercial speech.** See *Sorrell v. IMS Health, Inc.*, 564 U.S. ___, 131 S. Ct. 2653, 2667 (2011) (credit report is “speech”) (citing *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 759 (1985)). **There are grave First Amendment implications when the procedural device of the class action threatens, as a practical matter, to restrict innovation and limit the free flow of information critical to economic decision-making.** The FCRA, properly construed, allows only consumers with true injury in fact to receive statutory damages. **Technical violations that do not actually harm the vast majority of consumers should not threaten the destruction, through private litigation, of vital components of America’s economic and informational systems.**

(--) Injury in fact standard necessary to preserve the First Amendment:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

Much of the FCRA attempts to protect the same interests protected by the common law of defamation or invasion of privacy. **The opinion below, however, would vastly expand FCRA liability to circumstances where no plaintiff or any putative class member suffered any actual impairment to his reputation or any other traditional tort-like injury. Here, sound Article III jurisprudence will help protect important First Amendment values. To allow uninjured consumers to participate in FCRA class actions “works speech-related harm that is out of proportion to” the statute’s goals.** See *United States v. Alvarez*, 567 U.S. ___, 132 S. Ct. 2537, 2551 (2012) (Breyer, J., concurring). **This Court recognizes that “the creation and dissemination of information are speech within the meaning of the First Amendment.** . . . Facts, after all, are the beginning point for much of the speech that is most essential to advance human knowledge and to conduct human affairs.” *Sorrell*, 131 S. Ct. at 2667 (citing *Bartnicki v. Vopper*, 532 U.S. 514, 527 (2001)) (stating that “if the acts of ‘disclosing’ and ‘publishing’ information do not constitute speech, it is hard to imagine what does fall within that category, as distinct from the category of expressive conduct”) (internal quotation marks and alterations omitted).

(--) Huge class action lawsuits will chill the First Amendment:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

Rapid advances in technology will continue to lead to new and different methods of distributing information, unless legal risk interferes. **The First Amendment, however, protects the transmission of information even if transmission occurs by means other than traditional print media.** E.g., *Lovell v. City of Griffin*, 303 U.S. 444, 452 (1938) (“every sort of publication which affords a vehicle of information and opinion”). The First Amendment also protects for-profit ventures. E.g., *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 351-52 (2010). **The threat of a class action**

litigation seeking millions or even billions of dollars in FCRA statutory damages will have an **extraordinary chilling effect** on companies that otherwise would **expand access to publicly available information**. See *New York Times Co. v. Sullivan*, 376 U.S. 254, 294-95 (1964) (discussing how civil litigation may impair protected First Amendment activity; “public feelings may make local as well as out-of-state newspapers easy prey for libel verdict seekers”) (Black, J., concurring).

Impacts: Internet Scenario

A) Ruling for Spokeo key to the Internet:

FELICIA H. ELLSWORTH, 2014 (BRIEF FOR AMICI CURIAE EBAY INC., FACEBOOK, INC., GOOGLE INC., AND YAHOO! INC. IN SUPPORT OF PETITIONER, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339-Spokeo-Inc.-v.-Robins-Br.-for-Amici-eBay-Inc.-et-al.-Jun....pdf>, Accessed 6/29/2015, rwg)

The services offered by amici have created or transformed a wide range of industries, including electronic communications of all forms; financial transactions and online commerce; social networking; delivery of video, television, music and other media content; and the organization and accessibility of information. **Amici are proven innovators that continue to cultivate valuable technology through significant investments in research and development.** However, due to the nature of their businesses, amici engage in many activities that may be subject to federal and state laws that contain private causes of action and statutory damages provisions similar to the provisions contained in the Fair Credit Reporting Act (FCRA). Many of these laws, like FCRA, provide a private right of action for alleged violations and statutory damages. **If the Ninth Circuit's rule stands, plaintiffs may pursue suits against amici even where they are not actually harmed by an alleged statutory violation, and in certain circumstances, seek class action damages that could run into the billions of dollars. Permitting such "no-injury" lawsuits to proceed has an increasingly negative impact** on amici due to the broad-scale nature of their operations. **Amici interact with hundreds of millions of users each day, using highly efficient automated mechanisms to process and facilitate billions of transactions and interactions. These mechanisms enable amici to unlock the power of the Internet and to deliver immense value to users.** But this structure also makes amici vulnerable to the untoward consequences of the Ninth Circuit's misreading of Article III and this Court's precedent.

B) The internet solves multiple scenarios for extinction:

David Eagleman, 11/9/2010 (Neuroscientist at Baylor College of Medicine, "Six ways the internet will save civilization," <http://www.wired.co.uk/magazine/archive/2010/12/start/apocalypse-no>, Accessed 6/24/2015, rwg)

Many great civilisations have fallen, leaving nothing but cracked ruins and scattered genetics. Usually this results from: natural disasters, resource depletion, economic meltdown, disease, poor information flow and corruption. **But we're luckier than our predecessors because we command a technology that no one else possessed: a rapid communication network that finds its highest expression in the internet.** I propose that **there are six ways in which the net has vastly reduced the threat of societal collapse.** Epidemics can be deflected by telepresence **One of our more dire prospects for collapse is an infectious-disease epidemic.** Viral and bacterial epidemics precipitated the fall of the Golden Age of Athens, the Roman Empire and most of the empires of the Native Americans. **The internet can be our key to survival because the ability to work telepresently can inhibit microbial transmission by reducing human-to-human contact.** In the face of an otherwise devastating epidemic, businesses can keep supply chains running with the maximum number of employees working from home. This can reduce host density below the tipping point required for an epidemic. If we are well prepared when an epidemic arrives, we can fluidly shift into a self-quarantined society in which microbes fail due to host scarcity. Whatever the social ills of isolation, they are worse for the microbes than for us. **The internet will predict natural disasters.** We are witnessing the downfall of slow central control in the media: news stories are increasingly becoming user-generated nets of up-to-the-minute information. During the recent California wildfires, locals went to the TV stations to learn whether their neighbourhoods were in danger. But the news stations appeared most concerned with the fate of celebrity mansions, so Californians changed their tack: they uploaded geotagged mobile-phone pictures, updated Facebook statuses and tweeted. The balance tipped: **the internet carried news about the fire more quickly and accurately than any news station could.** In this grass-roots, decentralised scheme, there were embedded reporters on every block, and the news shockwave kept ahead of the fire. **This head start**

could provide the extra hours that save us. If the Pompeians had had the internet in 79AD, they could have easily marched 10km to safety, well ahead of the pyroclastic flow from Mount Vesuvius. If the Indian Ocean had the Pacific's networked tsunami-warning system, South-East Asia would look quite different today. Discoveries are retained and shared. Historically, critical information has required constant rediscovery. Collections of learning -- from the library at Alexandria to the entire Minoan civilisation -- have fallen to the bonfires of invaders or the wrecking ball of natural disaster. Knowledge is hard won but easily lost. And information that survives often does not spread. Consider smallpox inoculation: this was under way in India, China and Africa centuries before it made its way to Europe. By the time the idea reached North America, native civilisations who needed it had already collapsed. The net solved the problem. New discoveries catch on immediately; information spreads widely. In this way, societies can optimally ratchet up, using the latest bricks of knowledge in their fortification against risk. Tyranny is mitigated. Censorship of ideas was a familiar spectre in the last century, with state-approved news outlets ruling the press, airwaves and copying machines in the USSR, Romania, Cuba, China, Iraq and elsewhere. In many cases, such as Lysenko's agricultural despotism in the USSR, it directly contributed to the collapse of the nation. Historically, a more successful strategy has been to confront free speech with free speech -- and the internet allows this in a natural way. It democratises the flow of information by offering access to the newspapers of the world, the photographers of every nation, the bloggers of every political stripe. Some posts are full of doctoring and dishonesty whereas others strive for independence and impartiality -- but all are available to us to sift through. Given the attempts by some governments to build firewalls, it's clear that this benefit of the net requires constant vigilance. Human capital is vastly increased. Crowdsourcing brings people together to solve problems. Yet far fewer than one per cent of the world's population is involved. **We need expand human capital. Most of the world not have access to the education afforded a small minority. For every Albert Einstein, Yo-Yo Ma or Barack Obama who has educational opportunities, uncountable others do not. This squandering of talent translates into reduced economic output and a smaller pool of problem solvers.** The net opens the gates education to anyone with a computer. A motivated teen anywhere on the planet can walk through the world's knowledge -- from the webs of Wikipedia to the curriculum of MIT's OpenCourseWare. **The new human capital will serve us well when we confront existential threats we've never imagined before.** Energy expenditure is reduced. Societal collapse can often be understood in terms of an energy budget: when energy spend outweighs energy return, collapse ensues. This has taken the form of deforestation or soil erosion; currently, the worry involves fossil-fuel depletion. The internet addresses the energy problem with a natural ease. Consider the massive energy savings inherent in the shift from paper to electrons -- as seen in the transition from the post to email. Ecommerce reduces the need to drive long distances to purchase products. Delivery trucks are more eco-friendly than individuals driving around, not least because of tight packaging and optimisation algorithms for driving routes. Of course, there are energy costs to the banks of computers that underpin the internet -- but these costs are less than the wood, coal and oil that would be expended for the same quantity of information flow. The tangle of events that triggers societal collapse can be complex, and there are several threats the net does not address. But **vast, networked communication can be an antidote to several of the most deadly diseases threatening civilisation.** The next time your coworker laments internet addiction, the banality of tweeting or the decline of face-to-face conversation, you may want to suggest that the net may just be the technology that saves us.

Impacts: Judicial Independence

(--) **Strong legitimacy is key to judicial independence:**

Tom S. **Clark, 2011** (The Limits of Judicial Independence, pg. 7, accessed via google books, 7/10/2015, rwg)

The intent of the current project is to examine the conditions under which one should expect to see protections of judicial independence break down. I show that waning public support for the Court manifests itself in the form of institutional signals from the elected branches of government—specifically, Congress—to the Court about the Court’s standing with the public. Because the Court relies on public support in order to be an efficacious policy maker, upon observing signals of waning public support, the Court is more likely to lose judicial independence and make a decision constrained by the preferences of the elected majority.

Impacts: Manufacturing Scenario

A) A ruling for Spokeo is necessary for a healthy manufacturing sector:

National Law Review, 5/31/2015 (“No Injury? No Problem. - Spokeo v. Robins,”

<http://www.natlawreview.com/article/no-injury-no-problem-spokeo-v-robins>, Accessed 6/26/2015, rwg)

The Supreme Court recently granted certiorari in Spokeo v. Robins, a case that has the potential to redefine standing in federal court. The Ninth Circuit’s February 2014 decision permitted plaintiff Thomas Robins to establish standing under the Fair Credit Reporting Act (“FCRA”) with nothing more than a speculative injury. This contravenes Supreme Court precedent, which finds standing when a plaintiff suffers a harm that is actual, distinct, palpable, and concrete; attenuated and hypothetical injuries do not constitute an injury-in-fact. **The implications of the Ninth Circuit’s holding in Spokeo v. Robins has grabbed the attention of companies in nearly every industry. Their concern**, as expressed by the U.S. Chamber of Commerce – **granting standing to plaintiffs who have not suffered an injury-in-fact will open the flood gates to no-injury class actions** brought under statutes that authorize a private right of action. **But, in truth, the implications to businesses could extend beyond this.** Robins initiated a putative class action against Spokeo for violating the FCRA. Spokeo aggregates data from phone books, social networks, marketing surveys, real estate listings, business websites, and other sources into an online database. The FCRA regulates consumer information – including consumer credit information – that is collected, disseminated, and used in consumer reports. Spokeo allegedly posted false information about Robins’ wealth, education, and marital status. Robins claims that these misrepresentations will negatively affect his credit, insurance and employment prospects. While the Ninth Circuit found that Robins had not suffered actual damages, it ultimately held that the statutory FCRA violation satisfied Article III’s injury-in-fact requirement. The Supreme Court has granted cert to determine “[w]hether Congress can create Article III standing by authorizing a remedy for a bare statutory violation.” The FCRA engenders dozens of federal class actions each year. That number has jumped since the Ninth Circuit’s decision — 29 FCRA class actions were filed in the first four months of 2014. Many federal statutes authorize a private right of action. For example, internet firms interact with millions of individuals and are subject to numerous federal statutes with private rights of action. Facebook, eBay, Google, and Yahoo! expressed concern in their amicus brief that, under the Ninth Circuit’s holding, if any of these users was “willing (or enticed by a plaintiff’s attorney) to allege that a generalized practice or act violated a law providing a private cause of action and statutory damages, then she could launch a putative class action on behalf of herself and millions of other ‘similarly situated’ users . . . [and] pursue a multi-billion dollar statutory damages claim despite the lack of injury . . .” **What do no-injury class actions mean for manufacturers? It could mean lawsuits based on “defective products” that allegedly violate a state or federal statute but have not caused any harm.** For example, the food and beverage and cosmetic industries are often accused of misleading consumers through false advertising, labeling, and packaging. ConAgra was sued under the Magnuson-Moss Warranty Act and state consumer protection laws for advertising its cooking oils, which were made from GMOs, were 100% natural. And Maybelline was sued under state consumer fraud and consumer protection acts because its “Super Stay” lipstick allegedly didn’t stay on the advertised 10-14 hours. Under Robins, plaintiffs in these no-injury, statutory-based class actions would not need to establish that they were physically injured to survive a standing challenge. Will creative plaintiff lawyers be able to craft an argument that extends the no-injury standing rule in Robins to non-statutory violations?

B) Strong manufacturing sector key to hegemony:

Alliance for American Manufacturing, 5/7/2013 (“Report Says U.S. Military Dangerously Dependent on Foreign Suppliers,” <http://www.americanmanufacturing.org/blog/entry/report-says-u.s.-military-dangerously-dependent-on-foreign-suppliers>, Accessed 6/26/2015, rwg)

New Report Calls for Stronger U.S. Manufacturing Sector to Protect National Security Urgent action is needed to reduce the U.S. military’s dangerous dependence on foreign suppliers for the raw materials, parts, and finished products needed to defend America, according to a new study prepared by Brigadier General John Adams (U.S. Army, Retired). Remaking American Security: Supply Chain Vulnerabilities & National Security Risks Across the U.S. Defense Industrial Base was authored by Guardian Six Consulting President Brigadier General John Adams and released today at a Capitol Hill event led by Sen. Chris Murphy (D-Conn.), Rep. Mo Brooks (R-Ala.), and Rep. Tim Ryan (D-Ohio). (Watch videos from the event.) **The report finds that U.S. national security and the health of the nation’s defense industrial base are in jeopardy because of an over-reliance on foreign suppliers for critical defense materials.** Foreign sourcing puts America’s military readiness in the hands of potentially unreliable supplier nations and undermines the ability to develop capabilities needed to win on future battlefields. The report calls for action to

increase domestic production of the natural resources and manufactured goods necessary to equip our military. "**America's vulnerability today is frightening**," said General Adams. "This report is a wake-up call for America to pay attention to the growing threat posed by the steady deterioration of our defense industrial base. **Excessive and unwise outsourcing of American manufacturing to other nations weakens America's military capability**. As a soldier, I've witnessed firsthand the importance of our nation's ability to rapidly produce and field a sophisticated array of capabilities. There is a real risk that supply chain vulnerabilities will hamper our response to future threats."

C) US leadership is essential to prevent global nuclear exchange.

Zalmay Khalilzad, 1995 RAND, The Washington Quarterly, Spring 1995

Under the third option, the United States would seek to retain global leadership and to preclude the rise of a global rival or a return to multipolarity for the indefinite future. On balance, this is the best long-term guiding principle and vision. Such a vision is desirable not as an end in itself, but because **a world in which the United States exercises leadership would have tremendous advantages**. First, the global environment would be more open and more receptive to American values -- democracy, free markets, and the rule of law. Second, **such a world would have a better chance of dealing cooperatively with** the world's major problems, such as **nuclear proliferation, threats of regional hegemony by renegade states, and low-level conflicts**. Finally, **U.S. leadership would help preclude the rise of another hostile global rival, enabling** the United States and **the world to avoid another global cold or hot war and all the attendant dangers, including a global nuclear exchange**. U.S. leadership would therefore be more conducive to global stability than a bipolar or a multipolar balance of power system.

Impacts: Manufacturing Key to Economy

(--) Manufacturing sector independently key to economic health

Adrienne **Selko – 2012** (Senior Editor; Industry Week, "What Makes a Manufacturing Company Competitive? Labor Productivity," 8/6/2014, <http://www.industryweek.com/labor-employment-policy/what-makes-manufacturing-company-competitive-labor-productivity?page=2>, Accessed 9/12/2014, WSH)

With manufacturing cited (70%) as the single most important industry for a country's economic health, a recent survey asked global manufacturers which factors are necessary for achieving success in the segment. ¶ ¶ Manufacturers in Australia, Brazil, Canada, China, France, Germany, India, Mexico, Spain, the U.K., and U.S. ranked labor productivity (74%) at the top. ¶ ¶ The study, by Kronos Incorporated and conducted by IDC Manufacturing Insights, reported that while emerging nations rated the need for modern infrastructure higher than mature economies, labor productivity still topped as the main driver of success among all countries. ¶ ¶ Brazil, Mexico, and Spain scored the highest regarding labor productivity, with 82% in all three countries noting it to be very or extremely important. China, France, India, and Germany scored relatively low, with 66%, 66%, 68% and 68%. ¶ ¶ "Manufacturers today are judged on A world stage and their TREATMENT of labor is under the scrutiny of governments, downstream supply chain partners, and end consumers," explained Gregg Gordon, senior director, manufacturing practice group, Kronos and author of Lean Labor. ¶ ¶ "With developed countries facing high levels of un-employment and falling wages, emerging nations can no longer rely on low cost labor as A growth strategy," he added. "They will need to develop a skilled, productive workforce to compete globally. Also, as manufacturers seek growth internationally, they are required to invest in economic development by foreign governments; specifically good paying, local jobs. With increased global scrutiny, competition, and supply chain complexities, the workforce is becoming a competitive differentiator for manufacturers everywhere."

(--) U.S. economic failure risks multiple scenarios for nuclear war

Khalilzad '11 Zalmay was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, "The Economy and National Security", 2-8-11, <http://www.nationalreview.com/articles/print/259024>, MCR

Today, economic and fiscal trends pose the most severe long-term threat to the United States' position as global leader. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The continuation of these two trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased geopolitical rivalry and even war among the great powers. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years. Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a "sudden stop" in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a radical retrenchment of the United States internationally. Such scenarios would reshape the international order. It was the economic devastation of Britain and France during World War II, as well as the rise of other powers, that led both countries to relinquish their empires. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence "east of Suez." Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, the United States would be compelled to retrench, reducing its military spending and shedding international commitments. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even

though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation. The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions

Impacts: Manufacturing Key to Readiness

(--) Domestic steel manufacturing key to overall hegemony

AISI et al. 7- (*American Iron and Steel Institute, **Specialty Steel Industry of North America, ***Steel Manufacturers Association, ****Steel Manufacturer's Association, *****United Steel Workers, "Steel and the National Defense", http://www.ssina.com/news/releases/pdf_releases/steel_and_national_defense_0107.pdf)/WK

This analysis presented by the U.S. steel industry addresses the importance of domestically-produced steel to our nation's overall national defense objectives and the increased need for steel to bolster our economic and military security. The President and other U.S. government leaders have recognized repeatedly the critical interdependence of steel and national security. The American steel industry and the thousands of skilled men and women who comprise its workforce produce high quality, cost-competitive steel products for military use in applications ranging from aircraft carriers and nuclear submarines to Patriot and Stinger missiles, armor plate for tanks and field artillery pieces, as well as every major military aircraft in production today. These critical applications require consistent, high quality on-shore supply sources. While leading-edge defense applications represent only a small portion of overall domestic sales of steel products, defense-related materials are produced on the same equipment, using some of the same technology, and are developed by the same engineers who support the larger commercial businesses of steel companies in the U.S. Thus, the companies are not typical defense contractors who derive the majority of their sales and profits from their defense business. It is the overall financial health of U.S. steel producers, and not simply the profitability of their defense business, that is essential to their ability to be reliable defense suppliers. The domestic steel industry also believes that, over an extended period of time, the United States could lose much of its steel-related manufacturing base if U.S. steel consumers continue to move production offshore due to market-distorting foreign government incentives and due to unsound economic policies at home. If we continue to lose our manufacturing base due to market-distorting foreign competition or U.S. economic policies that are hostile to domestic investment and U.S.-based manufacturing, it could become impossible to produce here; the U.S. military would lose its principal source of strategic metals; and we as a nation would become dangerously dependent upon unreliable foreign sources of supply. The U.S. steel industry, consisting of all carbon and alloy steel producers and specialty metal producers, employs more than 160,000 highly skilled workers who produce over \$60 billion of high quality steel and high-technology specialty alloy products annually. The industry includes state-of-the-art, large and small electric arc furnace producers (or "mini mills") that make steel from recycled scrap, and highly efficient large "integrated" steel producers who make steel from virgin materials and recycled steel. Steel is produced in many forms, including flat-rolled and long products, carbon pipe and tube products, wire and other fabricated products. Carbon and alloy steel is used in all major end-use markets, including construction, automotive, machinery, appliance and containers. Specialty steels are high technology, high value materials, produced by small and medium-sized companies. These specialty metals are used in extreme environments that demand exceptional hardness, toughness, strength and resistance to heat, corrosion and abrasion, such as in the aerospace and chemical processing industries. All segments of the domestic steel industry contribute directly or indirectly to the defense industrial base. The U.S. carbon/alloy and specialty steel industries are vital partners to American defense contractors and to the DOD. Domestic and specialty metals are found in virtually every military platform. Whether it is missiles, jet aircraft, submarines, helicopters, Humvees® or munitions, American-made steels and specialty metals are crucial components of U.S. military strength. A few examples follow: 1. The Joint Strike fighter F135 engine, the gears, bearings, and the body itself, will use high performance specialty steels and superalloys produced by U.S. specialty steel companies. 2. Land based vehicles such as the Bradley Fighting Vehicle, Abrams Tank, and the family of Light Armored Vehicles use significant tonnage of steel plate per vehicle. 3. Steel plate is used in the bodies and propulsion systems of the naval fleet. 4. The control cables on virtually all military aircraft, including fighter jets and military transport planes, are produced from steel wire rope. Numerous additional examples illustrating how steel and specialty metals directly support the U.S. defense industrial base are provided in Appendices 1 and 2. These materials are an integral part of many diversified military applications and, as such, are in a continuing state of technological development. Steel's importance to the military must also be looked at in a broader context to include both direct and indirect steel shipments to the military infrastructure that are needed to support our defense efforts, both at home and overseas -- e.g., all of the steel that goes into the rails, rail cars, ground vehicles, tanks, ships, military barracks, fences and bases, which are not classified as shipments to ordinance, aircraft, shipbuilding or other military uses. The September 11 attacks on the United States made it clear that (1) steel will be needed to "harden" existing U.S. infrastructure and installations and (2) a strong and viable domestic steel industry will be needed to provide immediate steel deliveries when and where required. Consider the potential difficulties the U.S. would face in defending, maintaining and rebuilding infrastructure in an environment where our nation is largely dependent upon foreign steel. By becoming even more dangerously dependent upon offshore sources of steel, the United States would experience sharply reduced security preparedness in the face of: • Highly variable, and certainly higher, costs; • Uncertain supply, impacted by unsettled foreign economies and politics; • Quality, design and performance problems; • Inventory problems, long lead times and extended construction schedules.

(--) Military readiness prevents great power war

Spencer, 2000 – Research Fellow at Thomas A. Roe Institute for Economic Policy Studies (Jack, "The Facts About Military Readiness", Heritage Foundation, 9/15/00, <http://www.heritage.org/Research/Reports/2000/09/BG1394-The-Facts-About-Military-Readiness>)

America's national security requirements dictate that the armed forces must be prepared to defeat groups of adversaries in a given war. America, as the sole remaining superpower, has many enemies. Because attacking America or its interests alone would surely end in defeat for a single nation, these enemies are likely to form alliances. Therefore, basing readiness on American military superiority over any single nation has little saliency. The evidence indicates that the U.S. armed forces are not ready to support America's national security requirements. Moreover, regarding the broader capability to defeat groups of enemies, **military**

readiness has been declining.

The National Security Strategy, the U.S. official statement of national security objectives,¹ concludes that the United States "must have the capability to deter and, if deterrence fails, defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames." According to some of the military's highest-ranking officials, however, the United States cannot achieve this goal. Commandant of the Marine Corps General James Jones, former Chief of Naval Operations Admiral Jay Johnson, and Air Force Chief of Staff General Michael Ryan have all expressed serious concerns about their respective services' ability to carry out a two major theater war strategy.² Recently retired Generals Anthony

Zinni of the U.S. Marine Corps and George Joulwan of the U.S. Army have even questioned America's ability to conduct one major theater war the size of the 1991 Gulf War.³

Military readiness is vital because declines in America's military readiness signal to the rest of the world that the United States is not prepared to defend its interests. Therefore, **potentially hostile nations will be more likely to lash out against American allies and interests, inevitably leading to U.S. involvement in combat. A high state of military readiness is more likely to deter potentially hostile nations from acting aggressively in regions of vital national interest,** thereby **preserving peace.**

Impacts: Military Readiness

(--) Tech key to military readiness:

Harrison **Donnelly**, 5/26/2015 (staff writer, “Training Technology for Readiness,” <http://www.kmimediagroup.com/mtt/articles/440-articles-mtt/training-technology-for-readiness>, Accessed 7/10/2015, rwg)

The United States faces a looming crisis of military readiness, and new training technologies could play a key role in the remedy, according to panelists at a recent government/industry event focused on the nation’s preparedness for future conflicts.

(--) Readiness is weakening now—tech is key to solve the problem:

Harrison **Donnelly**, 5/26/2015 (staff writer, “Training Technology for Readiness,” <http://www.kmimediagroup.com/mtt/articles/440-articles-mtt/training-technology-for-readiness>, Accessed 7/10/2015, rwg)

For participants in the daylong summit, concerns about readiness status have grown both because of and in spite of the past decade of conflict. Operations in Iraq and Afghanistan have created a large cadre of exceptionally skilled military personnel but also left potential gaps in the future supply, particularly of those prepared for major state-to-state combat rather than counterinsurgency. To respond to those needs, members of the panel identified a variety of “game-changing” technologies applicable to training, including social media, big data analytics, advanced metrics, digital tutoring and the latest in neuroscience research.

Impacts: Separation of Powers

A) Limited standing requirements key to Separation of Powers:

DEBORAH J. LA FETRA, 5/29/2014 (Pacific Legal Foundation, Amicus Brief, Spokeo v. Robins, <http://blog.pacificlegal.org/wp/wp-content/uploads/2014/06/AC-Brief-final-5-29-14.pdf>, Accessed 6/29/2015, rwg)

Article III standing requirements ensure that federal courts do not provide a vehicle for these types of abusive, non-injury class action lawsuits. See Lujan, 504 U.S. at 559-77 (Article III standing doctrine includes a concrete injury requirement to prevent citizen bystanders from suing about an alleged statutory violation that does not affect them personally and could be addressed by the political branches instead.). **The Constitution was designed to protect the people from governmental overreach by curtailing the orbit of all three branches.** American Federation of Labor v. American Sash and Door Co., 335 U.S. 538, 545 (1949) ("[T]he Government—the organ of the whole people—is restricted by the system of checks and balances established by our Constitution."). Federal courts must act within the constraints of Article III, resolving only the true cases and controversies presented to them. See Antonin Scalia, The Doctrine of Standing as an Essential Element of the Separation of Powers, 17 Suffolk U. L. Rev. 881, 881 (1983) (**The "judicial doctrine of standing is a crucial and inseparable element" of separation of powers principles required by the structure and original intent of the Constitution,** "which successively describes where the legislative, executive and judicial powers, respectively, shall reside."). **The decision of the court below, and several other circuits, significantly weakens these constitutional constraints.**

B) Flawed model of separation of powers causes global wars

Zakaria, 1997 editor of Newsweek International, '97 (Fareed, Foreign Affairs, November, LN)

When divining the cause behind this correlation, one thing becomes clear: the **democratic peace is actually the liberal peace.** Writing in the eighteenth century, Kant believed that democracies were tyrannical, and he specifically excluded them from his conception of "republican" governments, which lived in a zone of peace. **Republicanism, for Kant, meant a separation of powers, checks and balances, the rule of law, protection of individual rights, and some level of representation in government** (though nothing close to universal suffrage). Kant's other explanations for the "perpetual peace" between republics are all closely linked to their constitutional and liberal character: a mutual respect for the rights of each other's citizens, a system of checks and balances assuring that no single leader can drag his country into war, and classical liberal economic policies -- most importantly, free trade -- which create an interdependence that makes war costly and cooperation useful. Michael Doyle, the leading scholar on the subject, confirms in his 1997 book *Ways of War and Peace* that without constitutional liberalism, democracy itself has no peace-inducing qualities: Kant distrusted unfettered, democratic majoritarianism, and his argument offers no support for a claim that all participatory polities -- democracies -- should be peaceful, either in general or between fellow democracies. Many participatory polities have been non-liberal. For two thousand years before the modern age, popular rule was widely associated with aggressiveness (by Thucydides) or imperial success (by Machiavelli) . . . The decisive preference of [the] median voter might well include "ethnic cleansing" against other democratic polities. The distinction between liberal and illiberal democracies sheds light on another striking statistical correlation. Political scientists Jack Snyder and Edward Mansfield contend, using an impressive data set, that over the last 200 years democratizing states went to war significantly more often than either stable autocracies or liberal democracies. **In countries not grounded in constitutional liberalism, the rise of democracy often brings with it hyper-nationalism and war-mongering.** When the political system is opened up, diverse groups with incompatible interests gain access to power and press their demands. Political and military leaders, who are often embattled remnants of the old authoritarian order, realize that to succeed that they must rally the masses behind a national cause. **The result is invariably aggressive rhetoric and policies, which often drag countries into confrontation and war.** Noteworthy examples range from Napoleon III's France, Wilhelmine Germany, and Taisho Japan to those in today's newspapers, like Armenia and Azerbaijan and Milosevic's Serbia. The democratic peace, it turns out, has little to do with democracy.

(--) Must reverse the Ninth Court's decision to maintain Separation of Powers:

MARY MASSARON **ROSS, 2014** (BRIEF OF DRI - THE VOICE OF THE DEFENSE BAR AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/DRI-Brief-Spokeo-Inc.-v.-Thomas-Robins-SCt-13-1339.pdf>)

Failure to address and reverse the Ninth Circuit's decision will not only provide a vehicle for individuals with no actual injury to seek and possibly obtain relief, it will also result in the increase of costly litigation against businesses and individuals that was not intended by the Framers of the United States Constitution. Additionally, the Ninth Circuit's decision to excuse plaintiffs from showing Article III injury-in- fact **undermines class certification standards and thereby encourages forum shopping**. DRI believes that **preserving the Legislature's right to create a statutory cause of action while simultaneously requiring a plaintiff to allege actual injury will safeguard the constitutionally-derived balance of powers between and among the three branches of government**, by maintaining the longstanding doctrine of standing, which is an indispensable element in our separation of powers.

(--) Standing doctrine key to separation of powers:

MARY MASSARON **ROSS, 2014** (BRIEF OF DRI - THE VOICE OF THE DEFENSE BAR AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/DRI-Brief-Spokeo-Inc.-v.-Thomas-Robins-SCt-13-1339.pdf>)

The standing doctrine is a critical element of the separation-of-powers principle and the separation of powers is a fundamental method of protecting liberty. *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 340-342 (2006). **Under the doctrine of the separation of powers, each branch of government has powers that belong to it and cannot be transferred to another branch of government. The doctrine of standing recognizes and honors those bounds**. When a court encroaches on Article III's standing requirement by permitting a suit to proceed based on a bare statutory violation – even though the plaintiff does not have an actual injury, on the theory that the statutory violation alone confers standing, it strips Article III of its power. That is exactly what the Ninth Circuit did in this case when it held that standing is demonstrated whenever there is a “violation of a statutory right[.]” 742 F.3d at 412. This holding not only undermines respect for the law, and particularly, our federal Constitution, it also renders it difficult for DRI's members to adequately represent their clients' interests. As a result of the Ninth Circuit's decision, DRI's members are unable to predict with any accuracy the outcome of suits brought by uninjured plaintiffs under the FCRA and other similar no-harm statutes. The current circuit split further exacerbates this problem.

(--) Ruling against Robins necessary for separation of powers doctrine:

FELICIA H. **ELLSWORTH, 2014** (BRIEF FOR AMICI CURIAE EBAY INC., FACEBOOK, INC., GOOGLE INC., AND YAHOO! INC. IN SUPPORT OF PETITIONER, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339-Spokeo-Inc.-v.-Robins-Br.-for-Amici-eBay-Inc.-et-al.-Jun....pdf>, Accessed 6/29/2015, rwg)

When a statutory violation causes no actual harm, enforcement is properly left to the executive branch, not to unharmed individual plaintiffs functioning as private attorneys general. **This basic principle flows from the separation of powers, which is the foundation for Article III's standing requirement**. *Allen v. Wright*, 468 U.S. 737, 752 (1984) (“Art. III standing is built on a single basic idea—the idea of separation of powers.”); see also *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 134 S. Ct. 1377, 1386 (2014) (standing doctrine derives from “separation-of-powers principles”). **The “federal courts may exercise power only ‘in the last resort, and as a necessity,’ and only when adjudication is ‘consistent with a system of separated powers and [the dispute is one] traditionally thought to be capable of resolution through the judicial process.’** *Allen*, 468 U.S. at 752 (citation omitted); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 102 (1998) (standing doctrine ensures that federal courts adjudicate only disputes “traditionally amenable to, and resolved by, the judicial process”).

Thus, only plaintiffs who can demonstrate actual harm sufficient to meet the Article III standing requirement may invoke the jurisdiction of the federal courts.

(-- Limits on standing key to Separation of Powers:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

In the present litigation (like in so many others) **a private attorney is simply seeking to collect a bounty,**

not to improve the consumer reporting system. As a practical matter, no-injury statutory damages cases impose overshadowing regulation independent of any “rational, overall agenda” for achieving an appropriate balance between innovation and consumer protection. See STEPHEN B REYER, BREAKING THE VICIOUS CYCLE: TOWARD EFFECTIVE RISK REGULATION 20 (Harvard University Press 1993). **Recognizing an Article III limit on such litigation is therefore essential to**

“prevent the judicial process from being used to usurp the powers of the political branches,”

which include assessing new technologies and their social implications, and (when necessary) taking appropriate, measured enforcement actions on behalf of the general public. See Clapper v. Amnesty Int’l USA, 568 U.S. ___, 133 S. Ct. 1138, 1146 (2013).

(-- Injury in fact requirement necessary for Separation of Powers:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

Article III’s injury-in-fact requirement “is founded in concern about the proper—and properly limited— role of the courts in a democratic society.” Summers v. Earth Island Inst., 555 U.S. 488, 492-93 (2009)

(quoting Warth v. Seldin, 422 U.S. 490, 498 (1975)). **Congress may not “transfer from the President to the courts the Chief Executive’s most important constitutional duty, to ‘take Care that the Laws be faithfully executed.’ . . .”** Lujan v. Defenders of Wildlife, 504 U.S. 555, 577 (1992) (quoting U.S. Const. art. II, § 3). Congress, of course, has the power to legislate a private remedy for an actual harm, assuming Congress is otherwise acting within the scope of its Constitutional powers. See Lujan, 504 U.S. at 578. But Article III is offended when Congress attempts to grant judicial recourse to those who have not suffered any injury in fact. Wallace v. ConAgra Foods, Inc., 747 F.3d 1025, 1030 (8th Cir. 2014). This principle applies in both individual and class cases. See Simon v. E. Kentucky Welfare Rights Org., 426 U.S. 26, 40 (1976). The procedural device of a class action may not be used to enlarge, abridge or modify any substantive right, and Congress disclaims any intent to do so. See 28 U.S.C. § 2072(b); Wal-Mart Stores, Inc. v. Dukes, 564 U.S. ___, 131 S. Ct. 2541, 2561 (2011). Thus, in a class case, the plaintiff must “demonstrate that the class members ‘have suffered the same injury,’ . . . This does not mean merely that they have all suffered a violation of the same provision of law.” Wal-Mart, 131 S. Ct. at 2551 (quoting Gen. Tel. Co. of Southwest v. Falcon, 457 U.S. 147, 157 (1982)). A class action based solely on injury in law, but with no rigorous analysis of whether the proposed class representative or any members of the proposed class suffered injury in fact (and if so, which ones), is anathema to these principles.

(-- Ninth Circuit decision undermines Separation of Powers:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

This Court has long recognized that just as Article III protects the courts from infringements on their Constitutional powers, Article III also prohibits Congress from expanding the judicial power beyond its Constitutional limits. See Marbury v. Madison, 5 U.S. (1 Cranch.) 137, 176-77 (1803). **By allowing standing for pure injury in law, with no corresponding injury in fact, the Ninth Circuit has improperly expanded the court system’s “constitutionally limited role of adjudicating actual and concrete disputes,** the resolutions of which have direct consequences on the parties involved.” See Genesis Healthcare Corp. v. Symczyk, 569 U.S. ___, 133 S. Ct. 1523, 1528 (2013).

(--) Ninth Circuit decision undermines the core of Separation of Powers:

STEPHEN J. **NEWMAN, 2014** (BRIEF OF TRANS UNION LLC AS AMICUS CURIAE IN SUPPORT OF PETITIONER, Spokeo v. Robins, <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/06/13-1339acTransUnionLLC-Ok-to-Print.pdf>, Accessed 6/29/2015, rwg)

“No principle is more fundamental to the judiciary’s proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies.”

Simon , 426 U.S. at 37. “One essential aspect of this requirement is that any person invoking the power of a federal court must demonstrate standing to do so.” Hollingworth , 133 S. Ct. at 2660. **“The constitutional requirements for federal-court jurisdiction—including the standing requirements and Article III—‘are an essential ingredient of separation and equilibrium of powers.’”** Hein v. Freedom From Religion Found. , 551 U.S. 587, 611 (2007) (quoting Steel Co. v. Citizens for a Better Env’t , 523 U.S. 83, 101 (1998)). **The Ninth Circuit’s opinion improperly departs from the above principles.** Article III does not authorize a court to hear a dispute brought by a plaintiff who suffered no injury in fact, and Congress may not legislate through legislation what the Constitution prohibits. Certiorari should be granted so that this Court may explain how these limits should be defined and applied.

Court Politics DA Northwestern

Notes

If you're reading the Iran impact, we did not turn out additional deal good impacts – use the politics file.

Interesting visual on how the outcome of the ruling could cause significant re-districting:
<https://www.brennancenter.org/blog/supreme-court-hear-case-could-radically-change-redistricting>

The Court will rule against the plaintiffs in *Evenwel vs. Abbott* but it's not on lock – ruling for *Evenwel* ensures a Republican president in 2016 due to re-districting.

Sean **Trende, 6/3** (Sean Trende, senior elections analyst, “The Most Important Redistricting Case in 50 Years,” June 3, 2015
http://www.realclearpolitics.com/articles/2015/06/03/the_most_important_redistricting_case_in_50_years_126831.html) K.Gekker

In a pair of cases decided in 1964, the Supreme Court of the United States famously established the “one person, one vote” test. This meant that all congressional districts would be required to have the same number of people, while state legislative districts must have roughly the same number. The consequences of those decisions were both immediate and far-reaching. A wave of mid-decade redistricting swept the country, as virtually every congressional and legislative district had to be, at a minimum, tweaked to account for population discrepancies. Rural districts in particular lost representation, while the depopulation of urban centers helped usher in the rise of the suburbs in Congress.^a Last week, the Supreme Court shocked watchers by agreeing to hear a case that could have consequences of a similar magnitude. In 1966, in a follow-up to the Reynolds v. Sims decision, the court had held that states did not necessarily need to use persons as the basis for their representation schemes. Since then the court has at times been asked to adopt various different metrics. It generally resisted these entreaties, although Justice Clarence Thomas has, at times, urged the court to take up these cases.^a So most were caught off guard when the court decided to take up *Evenwel v. Abbott*. The plaintiffs in that case asked the court to clarify that only citizens should be counted for purposes of drawing legislative districts. The “why” of this is a bit complex, but it grows out of a (superficial, in my mind) tension between the 14th Amendment, which apportions voting districts on the basis of population, and the Voting Rights Act, which requires that states ensure there are a sufficient number of citizens of voting age in a given group to enable that group to elect a candidate of its choice.^d If the court were to find for the plaintiffs – and it seems unlikely that the court would have gratuitously taken up this case, absent a circuit split, if there weren't some substantial support for the plaintiffs' position – it would mean that, once again, virtually every legislative and congressional district in the country would have to be redrawn (although this would not, as some have suggested, affect apportionment – i.e. the number of seats allocated to each state). This would occur at a time when Republicans control a record-high number of state legislatures and a majority of state governments. Republicans would be able to update their maps to account for changes in political orientations in their states since the previous round of redistricting.^a But this would have implications for Democratic-controlled states as well. Consider

that in 2012, counties with high citizen populations were more likely to vote for Mitt Romney (the t-stat is 9.047). Of the 35 states with four or more congressional districts, there was a statistically significant, positive correlation between the share of county residents who were citizens and the share of voters who cast ballots for Mitt Romney in 18 of the states, most of which are among our largest: California, Colorado, Florida, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nevada, New York, Ohio, Oregon, Pennsylvania, Texas, Virginia and Wisconsin.^a By ruling that states had to ensure an equal number of eligible voters in districts -- rather than persons -- the court would force even Democratic map makers to push districts out of heavily Democratic areas and into Republican areas. Just 78 percent of the residents of heavily Democratic Queens County are citizens, and 83 percent of similarly Democratic Kings County residents are citizens. In neighboring Nassau County, however, 91 percent of residents are citizens. In other words, 20 percent of the population in districts in Queens and Brooklyn would no longer count. To populate these districts, line drawers would be forced to push districts into Nassau County. Democrats would have a choice between weakening the Queens/Brooklyn districts, or making the remaining Nassau County districts more Republican.^a To see how this plays out in practice, consider the lawsuit brought in 2012 challenging the apportionment of the New York State Senate. The current map places nine senate districts on Long Island, 26 districts in New York City, and 28 districts upstate. These districts are of similar populations.^a But if we look at citizens of voting age (or CVAP), we see some pretty wide disparities. The average CVAP for the Long Island districts is 215,436 persons. The average CVAP for the New York districts is 191,133 persons. The average CVAP for the upstate districts is 217,759 persons. There are other ways to look at the data, but the upshot is that a successful lawsuit would probably move two senate seats out of reliably Democratic New York City and into upstate New York. New York's congressional districts are similarly apportioned between New York City, Long Island, and Upstate, so adopting CVAP would likely move a congressional district out of the city and into the swing areas upstate.^a There are other examples here: Harry Enten and Dave Wasserman note that only 41 percent of the residents of California's 34th District (downtown Los Angeles) are adult citizens; this district would probably have to be combined with most of a neighboring district (probably the 40th, where only about 40 percent of the population is adult citizens) to generate a full Hispanic-majority district. This would probably result in a new district placed in swingier areas of the state. Republican David Valadao's Central Valley district is majority non-adult citizen; Democrats would love to weaken him but would have a hard time doing so while also protecting Jim Costa's Fresno-based district. Weakening Loretta Sanchez's district would be almost unavoidable. The five districts that abut the Rio Grande River in Texas have high non-citizen populations; one would likely be eliminated and, if Republicans have their way, transferred to the heavily Republican suburbs of one of the major cities.^a You get the point. As Enten and Wasserman point out, of the 50 districts with the lowest share of adult citizens, 82 percent are represented by Democrats, while Republicans represent 38 of the 50 districts with the highest share of adult citizens. Redistricting would probably move five or 10 House seats toward the Republicans, with proportional gains likely in the state legislatures.^a I do think it is unlikely that the court will rule for the plaintiffs, but then again, I wouldn't have thought that it would take this case up without a lower court forcing its hand. If it does take the case up, **it could have serious consequences for the next president's term.**

Plan is controversial – forces the Court to reverse its Flyover Exception to the Fourth Amendment.

Guerin 15 [Gimbel, Lawyer at Gimbel, Reilly, Guerin, Brown LPP, “Drones for Aerial Surveillance by Police” 1/8/15, <http://www.grgblaw.com/wisconsin-trial-lawyers/2015/01/08/drones-for-aerial-surveillance-police/>] Reynoso

Technology’s forward progress is usually reason for celebration. New technologies can cure disease, make work easier, or improve people’s quality of life. Still, new technology can also breed controversy, and one of the most controversial pieces of new technology to appear lately has been unmanned aerial vehicles, or drones. Much of the controversy has centered on drones as used by the military, but as the technology has become cheaper, local police forces have begun to invest in drones for aerial surveillance. This raises new concerns about people’s privacy and their right to be protected from unreasonable searches under the Fourth Amendment. Aerial Surveillance and the Fourth Amendment The limits of the rights of citizens under the Fourth Amendment are often determined by cases that go before the U.S. Supreme Court. That Court has yet to hear a case about drone surveillance, but it has heard multiple cases on aerial surveillance and manned aircraft. The cases on searches by manned aircraft have tended to center on cases in which the police flew over a person’s land and spotted marijuana plants from above. In response to these cases, the Supreme Court created the Flyover Exception to the Fourth Amendment. The Flyover Exception states that a person cannot have a “reasonable expectation of privacy” with regard to things that are clearly visible to anyone flying over in a plane. Without a reasonable expectation of privacy, the Fourth Amendment does not apply, so the police do not need a warrant to perform aerial surveillance. This same argument may extend to drone searches, but it is not clear that it would. The Supreme Court has been sensitive to changes in surveillance technology in the past, and updated its doctrines to help protect people’s privacy. The fact that drones make aerial surveillance so much easier and cheaper may cause the Supreme Court to change its thinking on the issue. Wisconsin’s New Law Regardless of where the Supreme Court comes down on the ultimate limits of the Fourth Amendment, the Wisconsin legislature has already passed a law to protect its citizens. The law, 2013 Wisconsin Act 213, went into effect in April of 2014 and it requires the police to have a warrant before they use a drone to gather evidence. This protection mimics the protection that would be provided if the Fourth Amendment were extended to drone searches. However, it is important to remember that state laws are much easier to change than the Constitution, so the Supreme Court’s ultimate decision on this issue may still come to matter in Wisconsin. The law provides a variety of rights and protections to people who have been charged with a crime. If you are facing criminal charges, contact an experienced Milwaukee criminal defense attorney today to learn more about what those rights are.

Plan forces a Kennedy flip flop – past 5-4 rulings on surveillance prove.

Barnes ’13 (Robert, Supreme Court Reporter, and National Politics Editor for the Washington Post, “The supreme court dismisses Challenge to Surveillance Law”, http://www.washingtonpost.com/politics/supreme-court-dismisses-challenge-to-surveillance-law/2013/02/26/ce04b364-8042-11e2-b99e-6baf4ebe42df_story.html) Chowdhury

The Supreme Court split along ideological lines Tuesday in dismissing a challenge to an expanded federal law that allows the interception of electronic communications between foreign targets and people in the United States. Justice Samuel A. Alito Jr. wrote for the conservative majority in saying that the lawyers, journalists and human rights organizations that brought the suit cannot prove they have been caught up in the surveillance and thus may not challenge the law’s 2008 expansion. The 5 to 4 ruling did not touch on the constitutionality of the law, and challengers said it will be almost impossible now to get that issue before a court. The amendments, passed to bolster national security in the wake of terrorism threats, carry “far-reaching implications for Americans’ privacy,” said Jameel Jaffer,

deputy legal director of the American Civil Liberties Union, one of the groups that sued. “This ruling insulates the statute from meaningful judicial review and leaves Americans’ privacy rights to the mercy of the political branches.” After the Sept. 11 attacks, President George W. Bush authorized the National Security Agency to conduct warrantless wiretapping of telephone and e-mail communications in which one party was outside the U.S. and was “reasonably believed to be a member or agent of al Qaeda” or other terrorist organization. When the program came to light, the administration asked Congress to amend the Foreign Intelligence Surveillance Act to include broader powers. It allows national security officials to obtain authorization from the Foreign Intelligence Surveillance Court to track suspects for up to one year. The requests are almost never denied. In 2011, all but two of the 1,676 were approved, and those two were withdrawn by the government. Lawyers, journalists and human rights groups challenged the 2008 amendments on the day they took effect. They said some of the people they represent or those with whom they exchange information are likely targets of the surveillance, and thus their communications were being monitored as well. A panel of the U.S. Court of Appeals for the 2nd Circuit said that was enough for the lawsuit to proceed. But the Supreme Court majority Tuesday said it was not. Because information about targets is secret, there is no way for challengers to prove they are caught up in the surveillance, Alito wrote, so they have no legal grounds to challenge the law. “Simply put, [the challengers] can only speculate as to how the attorney general and the director of national intelligence will exercise their discretion in determining which communications to target,” **Alito wrote. In addition, he said it was not enough that the individuals had taken precautions to protect the confidentiality of their communications,** such as visiting their contacts rather than relying on phone calls or e-mails, Alito said. Otherwise, he said, it would be enough to get into court “simply by making an expenditure based on a nonparanoid fear.” **He was joined by Chief Justice John G. Roberts Jr. and Justices Antonin Scalia, Anthony M. Kennedy and Clarence Thomas. Justice Stephen G. Breyer said the majority was ignoring precedent — and the obvious.** He said the challengers’ fears were not speculative, but common sense. “We need only assume that the government is doing its job (to find out about, and combat, terrorism) in order to conclude that there is a high probability that the government will intercept at least some electronic communication to which at least some of the plaintiffs are parties,” Breyer wrote. **He said the court had found standing for parties in the past in which injury was “far less certain than here.” He was joined by Justices Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan.**

Kennedy is the swing vote on *Evenwel* – empirics and data on our side.

Harold **Cook**, 5/26/15 (Harold Cook, writer and journalist who covers the supreme court, “SCOTUS taking Texas redistricting case is potentially bad news for minorities, Democrats,” Lettersfromtexas.com, <http://www.lettersfromtexas.com/2015/05/scotus-taking-texas-redistricting-case-is-potentially-bad-news-for-minorities-democrats.html>, accessed date: 7/31/15) Salehitezangi

This morning, the U.S. Supreme Court agreed to hear an obscure redistricting challenge to Texas Senate districts that, frankly, most court watchers have not paid much attention to. The case, *Evenwel v. Abbott*, had been dismissed at the trial court level. If the Supreme Court revives this case, it has the potential to turn what’s left of the Voting Rights Act on its ear, and devastate minority representation in Texas. Here’s how: currently, districts (Congressional, state House, state Senate, city council, etc.) are drawn based on total population. The plaintiffs in *Evenwel* want those districts to be drawn based only on citizen voting age population. Under their scenario, people under the age of 18

don't exist, and non-citizens don't exist. From a public policy standpoint, this flies in the face of reality, and of why governments exist and who governments serve. Children count; governments serve them in many ways, from health care to public education. And even non-citizens count – can you imagine firefighters not bothering to put out a house fire because an immigrant lives in the house? Governments serve everybody living within its geographic boundaries in some way, and they collect taxes from everybody living within those boundaries in some way – not just those who are citizens of voting age. Politically, the case has potential serious ramifications for the current make-up of the Senate, and if the plaintiffs prevailed, it would almost certainly mean fewer minority Senators holding office. The current map was drawn using total population. Under the plaintiff's scheme, the state would be required to draw maps using only citizen voting age population, not total population. Thrown out of the count would be everybody under the age of 18, and everybody who isn't a citizen. The Hispanic population in Texas is very young (in fact, Texas in general is very young – more than 25% of Texans are children). And Texas had an estimated 1.7 million non-citizen residents as of 2010. These residents are counted in the census (as they should be, even redistricting aside, since the funding for many federal programs depends on it). These residents also live disproportionately in the Senate districts of current minority Senators and/or Senators of minority voters' choice – mostly in urban and South Texas. if these children and non-citizens suddenly didn't count toward the totals in map-drawing, the districts of most if not all of the racial minorities currently in the Texas Senate would necessarily become much larger, since the one man-one vote principle dictates that districts be roughly the same population. Since there are only so many minority Texans to go around, plus other Texans who ally themselves with minorities, it is entirely possible that these larger districts would elect fewer minority Senators, or Senators of minority Texans' choice regardless of the Senator's ethnicity. Senator Sylvia Garcia's urban and Hispanic-heavy Houston district, for example, was drawn based on its total population of 812,881 people, but only contains 383,985 citizens of voting age. Meanwhile, quick-and-dirty math dictates that the new ideal citizen age voting population of any Senate district would be 522,508. Her district would have to be re-drawn to be significantly larger if the plaintiffs prevailed. While other districts' mileage may vary, this scenario would be the rule, not the exception, in other Senate districts currently holding a significant minority population. **If the plaintiffs prevailed, the net result would be less minority representation, and presumably less Democratic representation,** since all current Senate officeholders who represent a definitive minority population are Democrats, and with the exception of Senators Watson and Whitmire, are themselves racial minorities. The bottom line is that if the plaintiffs prevail, **it's devastating news for minorities, Democrats, and progressives.** Which is one key reason why conservative organizations support the lawsuit. **The good news: just because the Supreme Court opted to hear this case doesn't mean the plaintiffs will prevail.** Accepting a case only requires that four justices want it. But **for a plaintiff to win a case requires that five justices agree with the plaintiff's argument.** **As is usual in voting rights and redistricting litigation, all eyes will be on Justice Kennedy – the perennial swing vote on such matters.** The court will take up the case in its next session, which begins in October. Keep your seat belts fastened.

Irrespective of the primary outcome, a Republican president will rollback the Iran deal.

Jackson 7/14/15 [David Jackson has been a reporter for more than three decades, and now covers the White House for USA TODAY. "Republican presidential candidates slam Iran deal" [usatoday.org](http://onpolitics.usatoday.com/2015/07/14/republican-2016-candidates-iran-deal/) (July 17, 2015)<http://onpolitics.usatoday.com/2015/07/14/republican-2016-candidates-iran-deal/>] sheikh

Republican presidential candidates have found a new election issue: Iran. Members of the large Republican field raced Tuesday to denounce the nuclear agreement with Iran, saying the Islamic government cannot be trusted to give up the means to make nuclear weapons. Former Florida governor Jeb Bush called it a “dangerous, deeply flawed, and short-sighted” package. “A comprehensive agreement should require Iran to verifiably abandon – not simply delay – its pursuit of a nuclear weapons capability,” he said. Sen. Lindsey Graham, R-S.C., called the agreement a “nightmare” for Israel, the Middle East, and the world. Marco Rubio, a Florida senator who will be in a position to vote on the deal, said the Obama administration made too many concessions. He also suggested it would be difficult for Congress to override a presidential veto of a resolution of disapproval. Said Rubio: “It will then be left to the next President to return us to a position of American strength and re-impose sanctions on this despicable regime until it is truly willing to abandon its nuclear ambitions and is no longer a threat to international security.” Wisconsin Gov. Scott Walker, who kicked off his campaign yesterday, blasted the agreement as well. “President Obama’s nuclear agreement with Iran will be remembered as one of America’s worst diplomatic failures.” He again pledged to kill it if he wins office. Hillary Clinton the Democratic presidential front-runner and former secretary of State who criticized Obama’s pledge to explore diplomacy with Iran during their 2008 Democratic primary battle, expressed tentative support Tuesday for the new accord “Based on what I know now, this is an important step in putting a lid on Iran’s nuclear program,” she told reporters on Capitol Hill Tuesday. She added, however, that “this agreement will have to be enforced relentlessly.” Others in the Democratic field were also supportive Vermont Sen. Bernie Sanders called it “a victory for diplomacy over saber-rattling and could keep the United States from being drawn into another never-ending war in the Middle East.” Former Virginia senator Jim Webb said: “This is an important moment in terms of the future of American foreign policy. I look forward to reading and examining the agreement.” The GOP field, on the other hand, was unanimous in their criticism. “Shame on the Obama administration for agreeing to a deal that empowers an evil Iranian regime to carry out its threat to ‘wipe Israel off the map’ and bring ‘death to America,’” former Arkansas governor Mike Huckabee said in a statement. Donald Trump called it “very dangerous.” Kentucky Sen. Rand Paul tweeted that the agreement was “unacceptable” and that he planned to vote against it. Retired neurosurgeon Ben Carson said the agreement was “almost certain to prove an historic mistake with potentially deadly consequences.” Another Republican senator, Ted Cruz of Texas, called it a “staggeringly bad deal” that he would try to thwart. “It is a fundamental betrayal of the security of the United States and of our closest allies, first and foremost Israel,” Cruz said. Carly Fiorina cited opposition from U.S. allies to dispute Obama’s claim that the deal reduces the chances of a nuclear arms race in the Middle East. “Our Arab allies have said just the opposite, so has Israel, so there is reason for suspicion here that’s not partisan,” Fiorina said on CBS This Morning. Louisiana Gov. Bobby Jindal focused his criticism not only on Obama but also Clinton. “If Secretary Clinton goes along with President Obama’s efforts to appease Iran, it will make our enemies stronger,” Jindal said in a statement. Former Texas governor Rick Perry took a similar tack. “Secretary Clinton, who played a significant role in initiating these negotiations with Iran, will have to justify to the American people why she supports allowing a known state sponsor of terrorism to move toward obtaining a nuclear weapon,” Perry said. Obama said earlier he welcomed “scrutiny” of the agreement. “I am confident that this deal will meet the national security interests of the United States and our allies,” Obama said at the White House. White House officials have questioned whether any Republican president would actually gut the agreement because it would undercut allies who signed into it. Former Obama senior adviser Dan Pfeiffer tweeted Tuesday that “none of these GOP contenders would end this Iran Deal if they got to the White House” because it would “massively damage US in the world.”

Deal necessary to prevent nuclear annihilation—get the foot in the door for future reforms

Cirincione, president of the Ploughshares Fund, **7/9/2015**

(Joe, “What You Need to Know About the Coming Deal With Iran,”

http://www.huffingtonpost.com/joe-cirincione/what-you-need-to-know-abo_b_7763516.html)

What about Iran's support for terrorism, human rights record, it's recognition of Israel? Is that in any way part of these negotiations?¶ These are deeply troubling aspects of Iran's regional behavior. This is not a pleasant regime. Iran executes about a thousand people a year, more than any other country in the world. They support Hamas and Hezbollah, who are foes of our ally, Israel. We disapprove of a lot of Iran's behavior in the region, but that's not what this negotiation is about.¶ As I wrote earlier this year, "Iran's deplorable record is not a reason to walk away. It is the very reason we must hammer out an iron-clad agreement to ensure Iran cannot get its hands on a nuclear bomb."¶ We negotiate with untrustworthy or "evil" governments all of the time. One of the greatest achievements of the 20th century was our ability to work with the Soviet Union, a country that Reagan called an "evil empire," **to avoid nuclear annihilation**. That moniker was well deserved. Stalin's purges murdered millions of Russians. Political opponents were rounded up, given show trials and executed. They were sent to gulags where they were worked to death or simply disappeared. His successors supported scores of groups fighting against America and our allies.¶ But cooperation with the Soviets not only prevented a nuclear war, it also led to a series of security, economic and political agreements that helped stabilize the world and led to the gradual demise of the Soviet empire.¶ When Nixon toasted Mao in Beijing in 1972, the Chinese Communist Party was arming the North Vietnamese, who had killed over 2,000 American soldiers in Vietnam the previous year. But the relationship they brokered shifted global relations and resulted in dramatic changes in China that have made better lives for hundreds of millions of Chinese.¶ Negotiating with corrupt, brutal and often despicable governments is necessary to prevent even greater evils. This time, we are doing it to make sure that a dangerous regime does not get the bomb. Certainly that is an endeavor that is worth our effort.¶ If we try to load every single one of our concerns into this negotiation, we will break the table. You can't possibly resolve all those issues at once, so we are taking care of the most threatening, which is the nuclear program. As bad as Iran's behavior is, it might be worse if they actually got a nuclear weapon. And then we'll see if this opens up new channels of communication, and avenues for addressing these other issues.¶ If there is a good deal, or a good enough deal, over time that will have some kind of moderating influence on the Iranian government, on its behavior in its neighborhood and also on domestic issues as well?¶ I do think that, and I'm informed by human rights activists and civic activists inside Iran.¶ Research conducted by experts from the International Campaign for Human Rights in Iran, has shown that Iranians themselves believe that a nuclear agreement between Iran and world powers will lead to internal political and cultural reforms in Iran. A recent report shows that "sixty-one percent [of Iranians] believe a deal would enable political and cultural reforms, as a politically strengthened Rouhani administration could now turn its focus to such issues."¶ The Executive Director of the Campaign, Hadi Ghaemi, believes that the nuclear agreement will "will have the potential to validate voices of moderation and embolden those who have called for a loosening of the political and cultural environment in Iran." Indeed, the Campaign asserts that, "every poll undertaken has confirmed Iranian society's strong support for the nuclear negotiations, and the resounding electoral win of the centrist Hassan Rouhani reflects society's desire for greater political and social freedoms."¶ Activists inside Iran see it as a beginning. As a way to empower Rouhani, who campaigned not just on economic stimulation, but on opening up freedoms for the Iranian people, and establishing a more moderate government. They think this will empower him and could be the opening that they're looking for.¶ That's why you saw these massive

crowds greet even the interim agreement in April. Foreign Minister Zarif was mobbed on the way home from the airport not because they reached some complicated agreement on inspections and the nuclear program, but because they see this as a ray of hope, the beginning of change in the regime. Whether that will happen, we don't know. That will require a lot of struggle. But yes, I think this deal could be the beginning of big change inside Iran, and in Iran's relationship with us and its neighbors, including Israel.¶ Are the U.S. and its negotiating partners hypocrites in these negotiations? In that all of them possess nuclear weapons, and no one has called Israel on their nuclear arsenal?¶ This is a point the Iranians make quite often. The five permanent members of the Security Council all have nuclear weapons. The U.S. and Russia have thousands of nuclear weapons, about ninety six percent of all the weapons in the world. So this is a point.¶ Israel has somewhere around one hundred weapons in an undeclared arsenal. This is also a point.¶ But there are other means of addressing these arsenals, in the United Nations and in the Nonproliferation Treaty process, but we're not talking about those now, we're talking about the Iranian program. The Iranians swore when they signed the Nonproliferation Treaty, that they would not undertake nuclear weapons research. We caught them building secret facilities, in violation of the treaty. That's why sanctions were imposed, that's why we are talking about it now.¶ Is it an hypocrisy problem? Do we have a problem, as long as we are maintaining thousands of weapons and telling Iran they can't have one? Yes, but the legal and diplomatic arguments outweigh that at this point, and they're on our side. We are going to stop this program -- and that may create the diplomatic and political space for us to further reduce our own obsolete nuclear arsenal.

2NC Uniqueness

Will rule against plaintiffs.

Lyle Denniston 7/27/15, [the National Constitution Center's constitutional literacy adviser
The new look at "one person, one vote," made simple, SCOTUSblog (Jul. 27, 2015, 12:01 AM),
<http://www.scotusblog.com/2015/07/the-new-look-at-one-person-one-vote-made-simple/>]
sheikh

The Constitution's text, of course, is not much help: it just insists on equality, period. And the constitutional doctrine of "one person, one vote" is not self-defining, so the Court has to make it functional. Those two cases will come up for hearings at the Court's next Term, and will be decided by next summer. Probably the more important of the two, in terms of constitutional meaning, is the case over the maps drawn up by the Texas state legislature in 2013, for filling the thirty-one seats in the state senate. Its starting point was total population, divided by thirty-one. It came close to equality: the largest-to-smallest numbers gap was 8.04 percent, definitely within the ten percent the Court has allowed. But those maps were challenged by two voters, Sue Evenwel and Edward Pfenninger, who regularly exercise their right to vote. They interpret "one person, one vote" to require equality of voters, so they argue that the Constitution requires voting-age population to be the starting point. Each of them lives in a district where the voting-age population is considerably larger than in some other districts, so they argue that their votes are diluted, comparatively. In other words, it takes more of them to decide an election in their district, so their votes are less weighty. If there is an "ideal" district in terms of numbers, Evenwel says, her district is thirty-one percent larger, and Pfenninger says that his is forty-nine percent larger. They sued in a three-judge federal district court, but lost. The judges ruled that the choice of the population starting point is one for the legislature to make. The starting point, that court said, goes directly to "the nature of representation," and that should be a choice made by the elected representatives of the people. The other case the Court will take up has a curious twist to it. It involves a decision by the voters of Arizona in 2000 to take away from its legislature the power to redistrict, and give it to an independent commission, with the specific aim of taking the process out of partisan maneuvering. And yet the case as it reached the Court is based upon an accusation that the redistricting commission itself yielded to partisan preferences, in a way that contradicts "one person, one vote." Another curious facet of that case is that the challengers are not asking the Court to rule that "partisan gerrymandering" is itself unconstitutional, only that it cannot be used when the result is unequal districts. (The Court has never ruled against partisan gerrymandering, as such, concluding that it has no idea how to judge when there has been too much partisanship.) By the way, this case involves the same Arizona redistricting commission that the Court examined last Term, ruling that it did not violate the Constitution or federal law for the voters to assign the task of redistricting congressional seats to a body other than the legislature. The new case is focused on the commission's separate power to redistrict the state legislature — a power that no one questions was a valid choice for Arizona voters to make. It is the result of the commission's work in 2012, following the 2010 census, that produced the challenge. A group of voters sued in a three-judge district court, claiming that the maps were unconstitutional because the commission packed more non-minority voters into Republican-dominated districts, making them larger, and put

minority voters into smaller, normally Democratic districts, with the result of voter dilution in the GOP districts and a violation of “one person, one vote.” Although the district court found that partisan considerations had played some role, it ruled that those efforts were not responsible for the numbers gaps in the resulting districts. The main motivation of the legislature, that court found, was to enhance the prospect that the maps would get official approval from the U.S. Department of Justice, under the federal Voting Rights Act. The intent, the court found, was to enhance minority voting influence across the state, in a bid for federal government acceptance at a time when that acceptance was necessary for a state like Arizona; it is no longer necessary because the Supreme Court has since put an end to the need for some states to get federal approval. When the Supreme Court accepted the Arizona case for review, it said it would confront two questions: whether a desire for partisan advantage justified the packing plan that distorted voters’ influence between districts, in violation of “one person, one vote” principles, and whether a desire to get Justice Department endorsement justified the creation of unequally sized districts in violation of those same principles. The commission tried to persuade the Justices to simply uphold the district court’s rejection of the challenge, arguing that any partisan influence was minimal, and that the need to satisfy the Justice Department was a valid justification for the maps that resulted. The Court took on the case, anyway. One of the complications of this case is that there is a clear disagreement between the two sides on just what was done, and why, raising the prospect that the case may not turn out to be a particularly good test case on the larger constitutional issues that the voters’ appeal insisted are at stake. Incidentally, the Arizona case does not involve the issue of the population metric to be used under the “one person, one vote” doctrine. The commission began with total population. It is likely that, as the two cases develop further, the Justice Department will decide to take a part in them — especially to offer its views on what population starting point map-drafters should use.

2NC Links/Internals

Link – Kennedy

Court empirically split on constitutionality of broad-sweeping surveillance – 5-4 decisions prove and Kennedy is the swing.

Barnes '13 (Robert, Supreme Court Reporter, and National Politics Editor for the Washington Post, "The supreme court dismisses Challenge to Surveillance Law", http://www.washingtonpost.com/politics/supreme-court-dismisses-challenge-to-surveillance-law/2013/02/26/ce04b364-8042-11e2-b99e-6baf4ebe42df_story.html) Chowdhury

The Supreme Court split along ideological lines Tuesday in dismissing a challenge to an expanded federal law that allows the interception of electronic communications between foreign targets and people in the United States. Justice Samuel A. Alito Jr. wrote for the conservative majority in saying that the lawyers, journalists and human rights organizations that brought the suit cannot prove they have been caught up in the surveillance and thus may not challenge the law's 2008 expansion. The 5 to 4 ruling did not touch on the constitutionality of the law, and challengers said it will be almost impossible now to get that issue before a court. The amendments, passed to bolster national security in the wake of terrorism threats, carry "far-reaching implications for Americans' privacy," said Jameel Jaffer, deputy legal director of the American Civil Liberties Union, one of the groups that sued. "This ruling insulates the statute from meaningful judicial review and leaves Americans' privacy rights to the mercy of the political branches." After the Sept. 11 attacks, President George W. Bush authorized the National Security Agency to conduct warrantless wiretapping of telephone and e-mail communications in which one party was outside the U.S. and was "reasonably believed to be a member or agent of al Qaeda" or other terrorist organization. When the program came to light, the administration asked Congress to amend the Foreign Intelligence Surveillance Act to include broader powers. It allows national security officials to obtain authorization from the Foreign Intelligence Surveillance Court to track suspects for up to one year. The requests are almost never denied. In 2011, all but two of the 1,676 were approved, and those two were withdrawn by the government. Lawyers, journalists and human rights groups challenged the 2008 amendments on the day they took effect. They said some of the people they represent or those with whom they exchange information are likely targets of the surveillance, and thus their communications were being monitored as well. A panel of the U.S. Court of Appeals for the 2nd Circuit said that was enough for the lawsuit to proceed. But the Supreme Court majority Tuesday said it was not. Because information about targets is secret, there is no way for challengers to prove they are caught up in the surveillance, Alito wrote, so they have no legal grounds to challenge the law. "Simply put, [the challengers] can only speculate as to how the attorney general and the director of national intelligence will exercise their discretion in determining which communications to target," Alito wrote. In addition, he said it was not enough that the individuals had taken precautions to protect the confidentiality of their communications, such as visiting their contacts rather than relying on phone calls or e-mails, Alito said. Otherwise, he said, it would be enough to get into court "simply by making an expenditure based on a nonparanoid fear." He was joined by Chief Justice John G. Roberts Jr. and Justices Antonin Scalia, Anthony M. Kennedy and Clarence Thomas. Justice Stephen G. Breyer said the majority was ignoring precedent — and the obvious. He said the challengers' fears were not speculative, but common sense. "We need only assume that the government is doing its job (to find out about, and combat, terrorism) in order to conclude that there is a high probability that the government will intercept at least some electronic communication to which at least some of the plaintiffs are parties," Breyer wrote. He said the court had found

standing for parties in the past in which injury was "far less certain than here." He was joined by Justices Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan.

Kennedy is pro-surveillance – him changing his vote would cause a loss of court capitol

Matt **Berman, '13** (Matt Berman, Assistant Editor, "How Justice Anthony Kennedy Helped Bring You the Surveillance State," July 9, 2013, <http://www.nationaljournal.com/nationalsecurity/how-justice-anthony-kennedy-helped-bring-you-the-surveillance-state-20130709>) K.Gekker

In 1989, the Supreme Court ruled 7-2 in *Skinner v. Railway Labor Executives*, a decision that upheld drug-testing programs for the railroad industry. The majority opinion, written by Justice Anthony Kennedy, gave the government broad power to drug-test public workers as a means of protecting public safety. Back then, the ruling was a big deal for those concerned about drug use in the workplace. But now it has become a major part of the legal basis for the recently unveiled National Security Agency surveillance programs. On Sunday, The New York Times' Eric Lichtblau reported that the secret FISA court that oversees intelligence operations and surveillance issues uses the doctrine of "special needs" established in Skinner as a means of justifying increased government surveillance without overriding the Fourth Amendment right to a warrant for searches and seizures. As Lichtblau writes, this applies to the mountains of metadata collected by the NSA. In *Skinner*, that doctrine meant that taking blood and urine samples in a drug test was minimal enough of a privacy invasion—with large enough of a public-safety benefit—that it fit a "special needs" exception to the Fourth Amendment. In his majority opinion, Justice Kennedy, who was also joined by Justice Antonin Scalia, explained why this exception made sense: In most criminal cases, we strike this balance in favor of the procedures described by the Warrant Clause of the Fourth Amendment.... Except in certain well-defined circumstances, a search or seizure in such a case is not reasonable unless it is accomplished pursuant to a judicial warrant issued upon probable cause.... We have recognized exceptions to this rule, however, "when 'special needs, beyond the normal need for law enforcement, make the warrant and probable cause requirement impracticable.' " (*Griffin v. Wisconsin*) When faced with such special needs, we have not hesitated to balance the governmental and privacy interests to assess the practicality of the warrant and probable cause requirements in the particular context. In his dissent in *Skinner*, Justice Thurgood Marshall (joined by Justice William Brennan) was none-too-pleased with the idea of a "special needs" exception to the right to a warrant. "The process by which a constitutional 'requirement' can be dispensed with as 'impracticable' is an elusive one to me," he wrote. The entire dissent is an incredibly strong argument against the idea of a flexible Fourth Amendment. While it obviously applied to the case at hand, Marshall's argument is broad enough to reflect on Fourth Amendment issues that could come in the future. Excerpts here, with our emphasis: Constitutional requirements like probable cause are not fair-weather friends, present when advantageous, conveniently absent when "special needs" make them seem not. In widening the "special needs" exception to probable cause to authorize searches of the human body unsupported by any evidence of wrongdoing, the majority today completes the process begun in [*New Jersey v. T. L. O.*] of eliminating altogether the probable-cause requirement for civil searches--those undertaken for reasons "beyond the

normal need for law enforcement." Ante, at 619 (citations omitted). In its place, the majority substitutes a manipulable balancing inquiry under which, upon the mere assertion of a "special need," even the deepest dignitary and privacy interests become vulnerable to governmental incursion. . . . The fact is that the malleable "special needs" balancing approach can be justified only on the basis of the policy results it allows the majority to reach. The majority's concern with the railroad safety problems caused by drug and alcohol abuse is laudable; its cavalier disregard for the text of the Constitution is not. There is no drug exception to the Constitution, any more than there is a communism exception or an exception for other real or imagined sources of domestic unrest. . . . Because abandoning the explicit protections of the Fourth Amendment seriously imperils "the right to be let alone--the most comprehensive of rights and the right most valued by civilized men," *Olmstead v. United States*, 277 U. S. 438, 478 (1928)[***676] (Brandeis, J., dissenting), I reject the majority's "special needs" rationale as unprincipled and dangerous. . . . I believe the Framers would be appalled by the vision of mass governmental intrusions upon the integrity of the human body that the majority allows to become reality. The immediate victims of the majority's constitutional timorousness will be those railroad workers whose bodily fluids the Government may now forcibly collect and analyze. But ultimately, today's decision will reduce the privacy all citizens may enjoy, for, as Justice Holmes understood, principles of law, once bent, do not snap back easily. . . . It's reasonably crazy to imagine that Justice Marshall saw the government collection of metadata coming, or that he even had any idea that in the future "metadata" would be a thing. But it's not too crazy to think that this exact same constitutional argument and rationale could be used to protest NSA surveillance today.

Kennedy supports unlimited surveillance now – studies prove National Journal, Berman, 15

Berman, 7/9/2013, "A decades-old, relatively obscure Supreme Court decision is now the basis for the NSA's collection of metadata.", National Journal, July 9, 2013, <http://www.nationaljournal.com/nationalsecurity/how-justice-anthony-kennedy-helped-bring-you-the-surveillance-state-20130709>, Hsiao

Supreme Court Justice Anthony Kennedy wrote in a 1989 decision, "When faced with such special needs, we have not hesitated to balance the governmental and privacy interests."(AP Photo/Rich Pedroncelli)¶ July 9, 2013 In 1989, the Supreme Court ruled 7-2 in *Skinner v. Railway Labor Executives*, a decision that upheld drug-testing programs for the railroad industry. The majority opinion, written by Justice Anthony Kennedy, gave the government broad power to drug-test public workers as a means of protecting public safety. Back then, the ruling was a big deal for those concerned about drug use in the workplace. But now it has become a major part of the legal basis for the recently unveiled National Security Agency surveillance programs.¶ On Sunday, The New York Times' Eric Lichtblau reported that the secret FISA court that oversees intelligence operations and surveillance issues uses the doctrine of "special needs" established in Skinner as a means of justifying increased government surveillance without overriding the Fourth Amendment right to a warrant

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Link – Surveillance

Court action concerning surveillance gets messy – court action with ACLU v. Clapper prove

Graham 15 (David, staff writer at *The Atlantic* where he covers US politics and global news

“Does The PATRIOT Act Allow Bulk Surveillance? 5/7/15

<http://www.theatlantic.com/politics/archive/2015/05/does-the-patriot-act-allow-bulk-surveillance/392651/>) Foronda

There are two concurrent debates about the National Security Agency's bulk collection of telephone metadata. One is whether the program violates the Fourth Amendment because it's a warrantless search or seizure. The second is a statutory question: Does the law Congress passed authorize it in the first place? A panel of federal judges on the Second Circuit Court of Appeals ruled Thursday morning in ACLU v. Clapper that the collection program isn't authorized by Section 215 of the PATRIOT Act, which the government has cited to justify the program. In short, the judges ruled that the law doesn't allow the government to collect domestic phone records, because that's not what Congress authorized in the first place. The ACLU brought the lawsuit against James Clapper, the director of national intelligence, less than a week after Edward Snowden revealed the NSA surveillance programs in 2013. One of Snowden's first disclosures was a federal surveillance-court order for Verizon to hand over all of its domestic telephone metadata records to the NSA for a three-month period. That included records from the ACLU and its New York state chapter, both of which were Verizon customers at the time. The Second Circuit's decision only partially addresses the lower court's ruling. While the ACLU asked the appeals court to rule on the constitutional aspect, Judge Gerard Lynch, who wrote the opinion for the panel, ruled that the fact that the program wasn't allowed by Section 215 meant the broader Fourth Amendment questions didn't need to be answered. At the same time, he acknowledged serious questions about its constitutionality: "Because we conclude that the challenged program was not authorized by the statute on which the government bases its claim of legal authority, we need not and do not reach these weighty constitutional issues." The opinion by Lynch—who was appointed to the federal bench by Bill Clinton and elevated to the Second Circuit by President Obama—reads as a strong rebuke of the government's arguments. (As Orin Kerr noted at the time of oral arguments, the panel was a good draw for the ACLU.) "[Section] 215 does not permit an investigative demand for any information relevant to fighting the war on terror, or anything relevant to whatever the government might want to know. It permits demands for documents 'relevant to an authorized investigation,'" Lynch wrote. "We agree with appellants that the government's argument is 'irreconcilable with the statute's plain text.'" The panel also rejected the argument, successfully advanced by the government at the lower court, that people contesting the bulk collection don't have standing to challenge the law. The Supreme Court rejected a similar suit in 2013 because the plaintiffs could not prove they were affected by a bulk-collection program. On Thursday, the panel that the ACLU had met that threshold: "The government's own orders demonstrate that appellants' call records are indeed among those collected as part of the telephone metadata program. Nor has the government disputed that claim." Citing the debate since Edward Snowden revealed the bulk-collection program, Lynch also rejected the idea that legislators might have justified the program without entirely understanding it. "Congress cannot reasonably be said to have ratified a program of

which many members of Congress—and all members of the public—were not aware," he wrote. "The widespread controversy that developed, in and out of Congress, upon the public disclosure of the program makes clear that this is not a situation in which Congress quietly but knowingly adopted the FISC's interpretation of [Section] 215 because there was no real opposition to that interpretation." The circuit-court decision vacates the district-court ruling and sends it back to be reheard. In the lower court, Judge William Pauley ruled against the ACLU on constitutional grounds in December 2013. The metadata program doesn't violate the Constitution, he said, because citizens were handing their information over to a third party—their phone companies—which then gave it to the federal government. Under the Supreme Court's 1979 decision in Smith v. Maryland, Judge William Pauley said there was no expectation of privacy for information given to third parties. But that doctrine is now disputed. The very same month, a federal judge in the D.C. District said that Smith wasn't really relevant, due to advances in communication technology. As such, Judge Richard Leon ruled against the program on constitutional grounds. Of course, just as the Second Circuit overturned the district judge, Leon could see his decision reversed or vacated by the D.C. Circuit. There's been no decision yet; oral arguments took place in November. Meanwhile, the Ninth Circuit has also heard a case about NSA collection. In short: **It's all a big mess, with various courts siding with both the government and plaintiffs, on both statutory and constitutional grounds.** If the circuits end up with conflicting decisions, the Supreme Court could be forced to weigh in on the surveillance program. But there's a good chance it won't come to that. The Second Circuit didn't order collection be stopped, noting that Section 215 expires on June 1. There's a fight going on in Congress about how to best handle the expiration, with cleavages among Democrats and Republican and between the House and Senate. Civil-liberties-focused lawmakers want to constrain the program, while Senate Majority Leader Mitch McConnell favors a simple extension. And if Congress can't reach a deal and the law expires, that would resolve the issue as well.

Supreme Court considers ruling NSA programs – support from only two justices means the rest are unsure – can damage Court's jurisdiction to protect the 4th Amendment

Hurley, 14 (Lawrence, editor for Huffington Post, "Supreme Court Will Likely Rule On NSA Programs, Antonin Scalia And Ruth Bader Ginsburg Suggest," The Huffington Post, 4/17/14, http://www.huffingtonpost.com/2014/04/17/supreme-court-nsa_n_5170559.html) Zhang

Two members of the U.S. Supreme Court indicated on Thursday night that the court will ultimately have to decide the legality of National Security Agency surveillance activities. The two justices, Antonin Scalia and Ruth Bader Ginsburg, made the comments during a public event at the National Press Club in Washington. They were responding to questions posed by journalist Marvin Kalb about whether the court would take up cases arising from the recent disclosures about NSA surveillance, most notably by former NSA contractor Edward Snowden. The justices did not discuss specific NSA programs. There are various lawsuits pending around the country challenging the government's widespread collection of telephone records. A federal judge in Washington, D.C., ruled in December that the program was probably unlawful, while a judge in New York held later that month that it was not. Both cases are now on appeal. Scalia, a

leading conservative justice, said the court was not the best body to decide major national security issues because of its lack of expertise. But he indicated that the court would likely decide the issue of whether widespread gathering of telecommunications data violates the Fourth Amendment, which bars unlawful searches and seizures.”The institution that will decide that is the institution least qualified to decide it,” Scalia said. The legal question is about “balancing the emergency against the intrusion” on the individual, he said. Ginsburg, one of the court's liberal members, said the justices would have little choice but to decide the matter should it come before them.”We can't run away and say, 'Well, we don't know much about that subject so we won't decide it,'” she said.

Unanimous ruling on cellphones suggest a consensus on privacy protection – accusing pro-surveillance arguments and creates split

Timberg, 14 (Craig, a national technology reporter for The Washington Post, specializing in privacy, security and surveillance. Since joining The Post in 1998, he has been a reporter, editor and foreign correspondent and has co-authored a book, “Tinderbox: How the West Sparked the AIDS Epidemic and How the World Can Finally Overcome It.” He contributed to the Post’s Pulitzer Prize-winning coverage of the NSA, “Supreme Court cellphone ruling hints at broader curbs on surveillance,” Washington Post, 6/25/14, http://www.washingtonpost.com/business/technology/supreme-court-cellphone-ruling-hints-at-broader-curbs-on-surveillance/2014/06/25/2732b532-fc9b-11e3-8176-f2c941cf35f1_story.html) Zhang

The words “National Security Agency” appear nowhere in the Supreme Court’s opinion Wednesday prohibiting cellphone searches without a warrant. But the unanimous ruling makes clear that the nation’s most important jurists are tuned in to the roiling debate about high-tech surveillance and concerned about government officials going too far.”In broad, passionate language — spiked with the occasional joke — the ruling by Chief Justice John G. Roberts Jr. asserts that the vast troves of information police can find in modern cellphones are no less worthy of constitutional protection than the private papers that Founding Fathers once kept locked in wooden file cabinets inside their homes.”Roberts even chides the government for arguing that searching a cellphone is “materially indistinguishable” from searches of other items that can be seized at the scene of an arrest, such as a pack of cigarettes or a handwritten note. “That is like saying a ride on horseback is materially indistinguishable from a flight to the moon. Both are ways of getting from point A to point B, but little else justifies lumping them together,” he wrote. Such declarations, experts said, suggest a willingness to reconsider legal rulings long used to justify modern surveillance tools. A footnote in Wednesday’s ruling cautions against assuming too much about the court’s views on data collection “under other circumstances.” But legal experts on both sides of the privacy debate took notice of the unanimity of the ruling and the uncommonly strong language Roberts used when describing the privacy risks in modern technologies. The ruling on cellphone searches, experts said, suggested that the court’s consensus has grown on such issues over the past two years, a period in which the revelations made by former NSA contractor Edward Snowden have sparked international controversy over the privacy implications of high-tech government spying.”The Supreme Court ruling, said former NSA general counsel Stewart A. Baker, “shows that the judges have the same technology panic that the rest of us do.” More than anything, legal experts said, the ruling offers a reminder that

Supreme Court justices live in the real world and almost certainly use cellphones in ways that make them aware of their privacy risks.

Court going against the government is tough – there's been little policy change since Snowden.

Williams, 14 (Lauren, tech reporter for ThinkProgress with an affinity for consumer privacy, cybersecurity, tech culture and the intersection of civil liberties and tech policy. Before joining the ThinkProgress team, she wrote about health care policy and regulation for B2B publications, and had a brief stint at The Seattle Times, "How The Supreme Court Could Decide The Fate Of NSA Surveillance," ThinkProgress, 12/10/14, <http://thinkprogress.org/justice/2014/12/10/3601363/nsa-surveillance-ninth-circuit/>) Zhang

With legal help from the American Civil Liberties Union and the Electronic Frontier Foundation, neonatal intensive care nurse Anna Smith contested the government's spy programs Monday in the U.S. Court of Appeals for the Ninth Circuit. In Monday's oral argument for *Smith v. Obama*, Smith's attorney and husband, Peter Smith, asserted the government violated Smith's privacy by searching and collecting data that reveals intimate details about her and her family without her permission. Smith argued that each time the NSA's database was queried or restocked with new information violated the Fourth Amendment. Smith built his case's standing on the fact Verizon is America's top telecommunications provider and the NSA's program indiscriminately swept up swaths of customer data, which included and potentially revealed personal information about his wife's business and life. These cases have yet to be finalized, but depending on their outcome, the Supreme Court could end up deciding the constitutionality of the NSA's phone surveillance program. The Supreme Court tends to get involved in cases mainly where there's a split decision among federal appeals courts — in this case with some courts ruling in the government's favor and others against. But challenging the government has proven to be an uphill legal battle. Civil liberties activists' biggest obstacle is decades-old legal precedent. *Smith v. Maryland* established that law enforcement could collect the call records of an individual or small group of individuals suspected of a crime. The question is whether the sheer scale and volume of the NSA's metadata program, which was technologically impossible in 1979, is protected under that same ruling. Even if the legal standard wins out, the publicity of challenging the government's actions could have a positive effect down the line; showing that taking the government to task can be done. There have been past cases where despite proof of being targeted for surveillance, courts have ruled in favor of the government. The Al-Haramain Islamic Foundation sued the Bush Administration for illegally wiretapping the charity's leaders and lawyers based on a classified document accidentally disclosed in court documents. The court ruled in favor of the government because the information was classified. Snowden's revelations inspired public calls to action for comprehensive reform of U.S. intelligence programs. But in the year since, there's been little movement toward policy changes. Obama rolled back some of the NSA's spying power earlier this year saying intelligence agencies could still collect phone records but couldn't store them, and accessing the database would be subject to a judge's approval.

Supreme Court doesn't like taking surveillance cases—U.S. v. Jones 2012 decision proves

Fisher 15 [Daniel, Senior Editor at Forbes, "Court Rules NSA Phone Surveillance Illegal, But Saves Bigger Questions For Later," 5/7/15,

<http://www.forbes.com/sites/danielfisher/2015/05/07/court-rules-nsa-phone-surveillance-illegal-but-saves-bigger-questions-for-later/>] Reynoso

The Second Circuit Court of Appeals in New York declared the government's sweeping collection of "metadata" on domestic phone calls is illegal, but held off enjoining the practice or ruling on weightier constitutional challenges until Congress decides whether to revise the program. Deep in its 97-page ruling issued today the court discusses, but does not resolve, the big question looming over the practice of Hoovering up vast amounts of digital data that citizens produce as they navigate through the physical world and cyberspace: At some point does the mere collection of that data violate the Fourth Amendment prohibition on unreasonable searches? The National Security Agency program of collecting the details of millions of domestic phone calls every day raises "one of the most difficult issues in Fourth Amendment jurisprudence," the Second Circuit said, which is the extent to which digital technology alters expectations of privacy. The appeals court never got to that question because it ruled that the NSA had exceeded its congressional mandate by demanding Verizon and other telecommunications companies turn over records on virtually all calls, on a daily basis, for years. Section 215 of the Patriot Act limits such searches to data that are relevant to a pending investigation of foreign terrorism and could be obtained in an equivalent grand jury proceeding, the court ruled, not the wholesale collection of information so it can be warehoused for future searches. The government argued the law allows it to collect business records or any other information relevant to an investigation into terrorist acts by a foreign entity. But the three-judge panel on the Second Circuit said that stretched the meaning of "relevant" past the breaking point: The sheer volume of information sought is staggering; while search warrants and subpoenas for business records may encompass large volumes of paper documents or electronic data, the most expansive of such evidentiary demands are dwarfed by the volume of records obtained pursuant to the orders in question here. It reversed a lower court decision dismissing the case, but refused to issue an injunction halting the collection of the data, saying Congress may soon modify the Patriot Act to eliminate the problems. A bill that cleared the House Judiciary Committee on April 30 would end the wholesale collection of metadata, instead requiring telecoms carriers to keep it for 18 months in case the government seeks it for specific investigations. The Second Circuit opinion speaks at length about the bigger questions of whether Fourth Amendment law must be expanded to include protections against such snooping. The government argued successfully at the trial court level that U.S. Supreme Court rulings have limited Fourth Amendment challenges to cases where citizens have a reasonable expectation of privacy, and phone records don't fall within that circle of protection. One of the key decisions is Smith v. Maryland, a 1979 case rejecting upholding the police use of a "pen register" to collect the numbers dialed by a suspected drug dealer. In that and other cases, the court has determined that people don't have a constitutional right to privacy when it involves information they've willingly given to a third party, such as a phone company that uses that information for other purposes like billing. Grand juries frequently subpoena phone records without a warrant on this basis, the Second Circuit said. Thinking on this subject is changing, however. The Supreme Court was forced to consider the question of digital surveillance in U.S. v. Jones, a 2012 decision that found illegal the use of a GPS device surreptitiously attached to another suspected drug dealer's car. But Justice Antonin Scalia invoked a sort of property right to hold the attachment of the device was illegal, not the collecting of the information it transmitted. Five of the justices made arguments closer to a reasonableness standard in that case, however. Justice Sonia Sotomayor, in a concurrence, said: "it may be necessary to reconsider the premise that an individual has no reasonable expectation of privacy in information voluntarily disclosed to third parties," noting that such an approach is "ill suited to the digital age, in which people reveal a great deal of information about themselves to third parties in the course of carrying out mundane tasks."

Supreme Court doesn't like surveillance cases—didn't want to challenge government's terrorist surveillance programs

Robillard 13 [Kevin, Reporter at Politico, "Supreme Court dismisses surveillance case," 2/26/13, <http://www.politico.com/story/2013/02/supreme-court-dismisses-surveillance-case-88097.html>] Reynoso

A closely divided Supreme Court threw out a challenge to the government's terrorist surveillance programs, arguing journalists, human rights groups and lawyers could not prove they had been harmed by a government program monitoring foreign communications. In the 5-4 ruling, the court's conservatives sided with President Barack Obama's administration in arguing that the groups could not prove the program had harmed them, Reuters reports. The court's liberals disagreed. The 2008 law challenged in the case authorized mass spying, without specific targets, on foreigners living outside the country. The plaintiffs had argued the law had created a burden by forcing them to meet with sources and clients living outside the country in person rather than emailing or calling them. Associate Justice Samuel Alito, writing for the majority, dismissed their concerns as a "highly speculative fear." The American Civil Liberties Union blasted the decision in a statement. "It's a disturbing decision," said the group's deputy legal director, Jameel Jaffer, who argued the case. "The FISA Amendments Act is a sweeping surveillance statute with far-reaching implications for Americans' privacy. This ruling insulates the statute from meaningful judicial review and leaves Americans' privacy rights to the mercy of the political branches. Justice Alito's opinion for the court seems to be based on the theory that the FISA Court may one day, in some as-yet unimagined case, subject the law to constitutional review, but that day may never come. And if it does, the proceeding will take place in a court that meets in secret, doesn't ordinarily publish its decisions, and has limited authority to consider constitutional arguments. This theory is foreign to the Constitution and inconsistent with fundamental democratic values."

Link – Soft on Terror Perception

The “ratchet effect” makes it difficult for SCOTUS to rule on precautionary surveillance cases because no one wants the blame for a terrorist attack – PATRIOT controversies prove

Givens ’13 (Austin, PhD student in the Department of Political Economy at King’s College London “The NSA Surveillance Controversy: How the Ratchet Effect Can Impact Anti-Terrorism Laws” Harvard Law School National Security Journal 7/21/13
<http://harvardnsj.org/2013/07/the-nsa-surveillance-controversy-how-the-ratchet-effect-can-impact-anti-terrorism-laws/>) Foronda

On June 5, 2013, the world learned that the National Security Agency (NSA), America’s largest intelligence-gathering organization, had been gathering the metadata of all the phone calls made by Verizon customers since early April 2013. The next day, two prominent newspapers reported that PRISM, a top secret NSA program, had been vacuuming up customer data from some of the world’s largest and best known information technology (IT) firms—including Google, Apple, Facebook, and Microsoft—directly from their servers. Director of National Intelligence James Clapper later clarified that specific requests for customer data from these IT firms were subject to tight legal controls and only targeted non-US citizens. But Clapper’s comments did little to calm frayed nerves. A public outcry ensued, with some loudly opposing the NSA’s surveillance programs and others forcefully defending them. The New York Times condemned the NSA surveillance in an editorial and the American Civil Liberties Union (ACLU) filed a lawsuit against the NSA, challenging the constitutionality of the NSA telephone call metadata collection program. Former Vice President Al Gore called the surveillance “obscenely outrageous” on Twitter. But others came out in support of the NSA’s efforts. Senator Lindsay Graham said “I am a Verizon customer...it doesn’t bother me one bit for the NSA to have my phone number.” Max Boot, a senior fellow with the think tank Council on Foreign Relations, credited the NSA surveillance with helping to reduce the number of terrorist incidents on US soil since the attacks of September 11, 2001. A Pew Research Center poll suggested that there was significant support among the American public for the NSA’s surveillance efforts. Despite the heated rhetoric on both sides of the surveillance debate, the NSA’s collection of telephone call metadata appears to be legal based upon the Foreign Intelligence Surveillance Court’s (FISC) interpretation of section 215 of the USA PATRIOT Act. Perhaps the most interesting remarks about the NSA controversy thus far came from Representative Jim Sensenbrenner, one of the original authors of the USA PATRIOT Act. He wrote that when the Act was first drafted, one of the most controversial provisions concerned the process by which government agencies obtain business records for intelligence or law enforcement purposes. Sensenbrenner stated that particular provision of the Act requires government lawyers to prove to the FISC that a request for specific business records is linked to an “authorized investigation” and further stated that “targeting US citizens is prohibited” as part of the request. Sensenbrenner argued that the NSA telephone metadata collection is a bridge too far and falls well outside the original intended scope of the Act: “[t]he administration claims authority to sift through details of our private lives because the Patriot Act says that it can. I disagree. I authored the Patriot Act, and this [NSA surveillance] is an abuse of that law.” Acknowledging that Sensenbrenner’s statements may have been motivated in part by political interests, the perceived creeping expansion of the USA PATRIOT Act—the “abuse” that Sensenbrenner describes in the context of the NSA surveillance controversy—is consistent with what is known as the “ratchet effect” in legal scholarship. The ratchet effect is a unidirectional change in some legal variable that can become entrenched over time, setting in motion a process that can then repeat itself indefinitely.[1] For example, some scholars argued that anti-terrorism laws tend to erode civil liberties and establish a new baseline of legal “normalcy” from which further extraordinary measures spring in future crises.[2] This process is consistent with the ratchet effect, for it suggests a “stickiness” in anti-terrorism laws that makes it harder to scale back or reverse their provisions. Each new baseline of legal normalcy represents a new launching pad for additional future anti-terrorism measures. There is not universal consensus on whether or not the ratchet effect is real, nor on how powerful it may be. Posner and Vermeule call ratchet effect explanations “methodologically suspect.”[3] They note that accounts of the ratchet effect often ring hollow, for they “fail to supply an explanation of such a process...and if there is such a mechanism [to cause the ratchet effect], it is not clear that the resulting ratchet process is bad.”[4] I argue that the recent controversy

surrounding the NSA's intelligence collection efforts underscores the relevance of the ratchet effect to scholarly discussions of anti-terrorism laws. I do not seek to prove or disprove that the recent NSA surveillance controversy illustrates the ratchet effect at work, nor do I debate the potential strength or weakness of the ratchet effect as an explanation for the staying power or growth of anti-terrorism laws. As Sensenbrenner's recent comments make clear, part of the original intent of the USA PATRIOT Act appears to have been lost in interpretation. It is reasonable to suggest that future anti-terrorism laws may suffer a similar fate. Scholars can therefore benefit from exploring how the USA PATRIOT Act took shape and evolved, and why anti-terrorism laws can be difficult to unwind.

The USA PATRIOT Act: a Sticky History A brief survey of the history of the USA PATRIOT Act provides a glimpse of how anti-terrorism laws can form after terrorist attacks, how the effects of these laws can quickly expand, and how efforts to modify or repeal portions can prove challenging. An initial draft of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 developed within a week of the September 11th terrorist attacks.[5] At approximately the same time, government officials' and popular media outlets' offices nationwide received anonymous letters containing weapons-grade anthrax. After then-President George W. Bush signed the Act, it increased law enforcement powers within the United States, began to break down historical barriers against information sharing between police and intelligence agencies, and expanded the definition of terrorism in 18 USC § 2331.[6] Moreover, the Act assigned lead investigative authority in terrorism cases to the U.S. Department of Justice (DOJ). Previously, this responsibility was spread among a number of agencies, including the Department of the Treasury (DOT), the Department of Defense (DOD), and the DOJ.[7] The Act provoked controversy after it was passed and, as the recent NSA surveillance revelations make clear, it continues to do so today. Putting aside section 215 of the Act, which relates directly to the NSA's collection of telephone call metadata from Verizon, another contentious area is the Act's permitting searches of personal library records and other organizational files via issuance of National Security Letters (NSLs). Federal agencies use NSLs to demand disclosure of certain records from an organization; they are a form of administrative subpoena that can be issued without judicial review.[8] The number of NSLs drastically increased after the Act took effect. In 2000, the Federal Bureau of Investigation issued approximately 8,000 NSLs. In 2004, by contrast, the FBI issued 56,000 NSLs. IT firms like Google, Twitter, and Yahoo have also been issued NSLs, though secrecy rules bar their lawyers from discussing the nature of these NSLs openly. In the twelve years since the Act's entrance into use, governments, civic organizations, and citizens sought repeatedly to modify and repeal portions of the Act without success. Two years after the Act became law, local governments in Ann Arbor, Oklahoma City, New York, and Philadelphia passed resolutions against it.[9] Members of the U.S. Senate and U.S. House of Representatives introduced separate pieces of legislation seeking to scale back the Act's original scope. The American Library Association (ALA) and American Civil Liberties Union (ACLU) lobbied against provisions of the Act. Doe v. Gonzales—a case that reached the U.S. Supreme Court—raised serious questions about the Act's constitutionality. Yet despite this steady drumbeat of concern around the Act's expansion of government power, both Republican and Democratic administrations renewed provisions of the Act that had been set to expire. This brief history reflects the difficulties governments, civic groups, and citizens face in attempting to modify or repeal portions of the USA PATRIOT Act. This difficulty is for good reason. Al-Qaeda has been degraded significantly since 9/11, but terrorism remains a significant threat to the United States, as the April 2013 Boston Marathon bombing vividly illustrates. In light of the continuing threat of terrorism in the United States, it is worth exploring the reasons why anti-terrorism laws like the USA PATRIOT Act can prove difficult to scale back. The list of causes below is not meant to be exhaustive, but to show how a constellation of variables can help to cement anti-terrorism laws in place. The ratchet effect can occur because anti-terrorism laws are effective. Anti-terrorism laws may stick simply because they work. If so, then scaling back or reversing an effective anti-terrorism law would increase a nation's vulnerability to terrorism, pulling it back toward a condition that existed before the law initially went into effect. This goes against national security interests, so it makes sense to leave these laws on the books. The ratchet effect can occur because anti-terrorism laws may address multiple threats. Anti-terrorism laws may come about because of a particular terrorist group or incident. But that does not necessarily mean the laws will work only for that group, or apply only to similar types of terrorist attacks. Al-Qaeda's attack on 9/11 spurred the creation of the USA PATRIOT Act. Yet today the Act's provisions can also impede domestic terrorist organizations like the Animal Liberation Front (ALF) and Earth Liberation Front (ELF) by facilitating intelligence sharing for law enforcement purposes. The ratchet effect can occur because it is challenging to repeal laws in democracies. Absent "sunset" provisions, which force certain portions of a law to expire after a pre-determined amount of time, it can be difficult to repeal a law under normal circumstances—let alone when that law concerns something as serious as terrorism. It requires careful political maneuvering to reverse an anti-terrorism law because the law itself may enjoy popular support, be seen as effective, or be linked to vested economic interests. These obstacles can promote a legal inertia that resists

efforts to scale back or reverse the law.^{δ δ} The ratchet effect can occur because elected officials do not want to risk repealing anti-terrorism laws.^δ Here is a political nightmare: for whatever reason, a legislator or government executive spearheads an effort to reverse an anti-terrorism law. The anti-terrorism law is repealed. Within a week, a terrorist attack occurs. **Being wrong about terrorism can carry devastating political consequences** for incumbents. But being specifically identified as the one who “turned off the alarm system” is a political death sentence. Under this scenario, even if there is no direct causal link between the law’s repeal and the attack, the two are easily correlated because of their temporal proximity to each other. It makes no sense for an elected official to open herself to the possibility of this scenario without a clear, compelling reason—and, even then, scaling back an anti-terrorism law may still be too politically risky a proposition to entertain seriously. For these reasons, anti-terrorism laws can remain in effect beyond the end of the crisis that brought them into existence.

AT: Surveillance Rulings Thump

Courts refuse cases on surveillance- NSA scandal proves

Daily News, 4/7/14 (Daily News, News channel, "Supreme Court refuses case on controversial NSA phone surveillance," nydailynews.com, <http://www.nydailynews.com/news/politics/supreme-court-refuses-case-controversial-nsa-phone-surveillance-article-1.1748552>, accessed date: 7/31/15) Salehitezangi

The Supreme Court on Monday declined an early look at a constitutional challenge to the National Security Agency's bulk collection of millions of Americans' telephone records, instead allowing the dispute to work its way through the usual lower-court process. The decision means the high court will not take the unusual step of short-circuiting appeals courts as they consider contrary opinions over the legitimacy of the agency's vast surveillance program. Conservative lawyer Larry Klayman had persuaded a federal judge in December to rule that the agency's activities likely violate the Constitution's ban on unreasonable searches. The judge in Washington, D.C., put his decision on hold pending a government appeal. The justices rejected without comment Klayman's long-shot request to bypass the appeals process and hear the case immediately. Klayman argued that the constitutional questions raised were too important to wait for the U.S. Court of Appeals for the D.C. Circuit to reach a decision. But the Supreme Court rarely grants such requests. It could take many months before the justices consider any legal challenge to the controversial collection program disclosed by former NSA systems analyst Edward Snowden. Klayman's lawsuit is one of two dueling NSA cases currently winding their way through the federal appeals system. Just days after Klayman won his case, a federal judge in New York reached the opposite conclusion in rejecting a similar challenge to the NSA program from the American Civil Liberties Union. U.S. District Judge William H. Pauley III validated the NSA operation as an effective "counterpunch" to terrorist acts.

Kennedy = Swing – Evenwel

Kennedy key to passing one voter one vote

Balloon Juice, Tim, 15

Tim, 5/27/2015, “Evenwel v. Abbott could have some pretty ugly stakes”, Balloon Juice, May 27, 2015, <http://www.balloon-juice.com/2015/05/27/evenwel-v-abbott-will-have-some-pretty-ugly-stakes/>, Hsiao

¶ Most people talking about Anthony Kennedy re-evaluating the principle of one-person-one-vote have covered how it will diminish Congressional representation from districts that have a lot of immigrants in them.¶ However, I don't think that immigrants will be the thing we talk about in the years after Kennedy changes the rules, if he decides to do that. A lot of states take away the right to vote from anyone convicted of a felony. Many of those same states stand out, one could say, when it comes to treating black people fairly. The result is some Congressional districts, often but not exclusively in the South, where a whole lot of residents are black non-voters either in prison or recently released from it.¶ Will Justice Kennedy let former voters count as citizens? I would strongly hope so. I mean I hope that he puts the whole idea of changing the law to bed, but if he does go the other way then he really needs to at least include citizen non-voters. The alternative would give Republican states an even greater incentive than they already have to move as many black people through the prison system as they possibly can. Under new rules they could not only eliminate Democratic voters, but Democratic Congressmen and Congresswomen as well.¶ Just a little palate cleanser while we wait for the wreckage of King v. Burwell.

Kennedy = Swing – General

Justice Kennedy is the key swing vote

Elizabeth **Slattery 6/26** (Elizabeth Slattery, The Daily Signal Correspondent, “Is Kennedy Still the Swing Vote on the Supreme Court?” <http://dailysignal.com/2015/06/26/is-kennedy-still-the-swing-vote-on-the-supreme-court/>, June 26, 2015) K.GEKKER

For many of the highest-profile U.S. Supreme Court cases, it all comes down to one man.^a Though only 20 percent of cases each term are decided by one vote and 65 percent in the last term were unanimous decisions, litigants often craft arguments aimed at capturing his vote and pander to him at oral argument. Anthony Kennedy runs the court, according to conventional wisdom.^a But is his time on top coming to an end?^a Kennedy was appointed to the Supreme Court by President Ronald Reagan in 1987 after spending more than a decade on the U.S. Court of Appeals for the 9th Circuit. A California native with ties to Reagan from his days as governor, Kennedy was the third choice to replace Justice Lewis Powell Jr. after the failed nominations of the late Robert Bork and Douglas Ginsburg. Known for his affinity for foreign cultures, Kennedy spends his summers teaching in Austria, travels annually to China with the American Bar Association and has advised nascent democracies on their constitutions.^a On occasion—for good or ill—this affinity for foreign mores creeps into his work at the court. Chief Justice Roberts and others have described citing foreign law as “looking out over a crowd and picking out your friends” (meaning, it’s a way to find support for just about any legal argument).^a But Kennedy approvingly cited European courts in his majority opinion in Lawrence v. Texas (2003), striking down the state’s ban on sodomy, as well as in Boumediene v. Bush (2008), extending the writ of habeas corpus to detainees held at Guantanamo Bay. Likewise, he pointed to the “climate of international opinion” as not dispositive but instructive in limiting the availability of life-without-parole sentences for juvenile offenders in *Graham v. Florida* (2010).^a Hailed “King Kennedy,” his ideology places him squarely in the middle of the two wings of the court. He often sides with the conservative justices in civil rights and campaign finance cases (e.g., *Fisher v. University of Texas*, *Shelby County v. Holder*, and *Citizens United v. FEC*), but he frequently casts the deciding vote in cases advancing socially liberal causes (*Miller v. Alabama*, *United States v. Windsor*, *Romer v. Evans*, and *Obergefell v. Hodges*).^a Last term, Kennedy was in the majority in all 10 of the cases decided by one vote. So far this term, Kennedy was been in the majority in 10 of 15 decisions. It may have been Kennedy’s COURT, at least for a time, but increasingly Roberts is gaining on Kennedy, leading some to suggest he is attempting to wrest control of the court away from his colleague.^a Roberts is known as a judicial minimalist, favoring narrow decisions and large majorities. During his Senate confirmation, he likened the role of a judge to an umpire—it’s his job to “call balls and strikes and not to pitch or bat.”^a Appointed to the Supreme Court by President George W. Bush in 2005, Roberts previously served as a judge on the U.S. Court of Appeals for the D.C. Circuit. His career before joining the bench paints the picture of a poster child for the Federalist Society (full disclosure: I’m a member): law clerk to Chief Justice William Rehnquist, associate counsel in the White House counsel’s office during the Reagan administration and a stint in the solicitor general’s office.^a But since he voted to uphold Obamacare in 2012, conservatives no longer consider Roberts a guaranteed vote in many cases. Since that decision, Roberts has broken with the conservative wing in a string of cases, such as *McCullen v. Coakley* (although a unanimous decision, Kennedy and the conservatives disagreed with Roberts’ reasoning), *Williams-Yulee v. Florida Bar*, *Yates v. United States*, *Young v. United Parcel Service*, and *North Carolina Board of Dental Examiners v. Federal Trade Commission*.^a With the decision this week in *King v. Burwell*, Roberts further distanced himself from the conservatives—although Kennedy joined in the majority as well.^a It’s fair to say Roberts acted less like an umpire and more like a player on Team Obamacare—willing to save the law at any cost. In his majority opinion, Roberts looked for ways to obscure the plain meaning of the statutory text to repair a law that simply wouldn’t work.^a Dubious though his methods were, perhaps in Roberts’ mind he was limiting the damage (“jumping on the grenade”) of a potential decision written by one of the liberal justices. Maybe he fell prey to liberals’ admonitions that he safeguard the court’s reputation; or it might even have been an attempt to remove the temptation for people to resort to the court to settle purported political differences. Whatever his reason for deciding *King v. Burwell*, the chief justice is now in the running with Kennedy for the “swing vote.”^a As the 2014-15 term wraps up, a clearer picture will emerge of this court and who’s truly in charge..

Kennedy is a key swing vote

Siddiqui and Roberts 6/26/15 [Dan Roberts is the Guardian's Washington Bureau chief, covering politics and US national affairs. Sabrina Siddiqui is a political reporter for Guardian US based in Washington DC. She previously covered US politics for the Huffington Post and worked with the White House team at Bloomberg News, “Anthony Kennedy: how one man's evolution

legalized marriage for millions” June 26 <http://www.theguardian.com/us-news/2015/jun/26/kennedy-ruling-gay-marriage-supreme-court>] Sheikh

Kennedy, the 78-year-old former lawyer from California appointed to the bench by Republican president Ronald Reagan a generation ago, is seen – in theory – as one of the conservative majority. But in practice, he has long been the most enigmatic of the swing voters on some of the most defining stories in American history. On Thursday, he had joined Roberts in defending Barack Obama’s healthcare reforms from yet another legal onslaught by conservative critics. But on Friday, the day same-sex marriage became the law of the land, Roberts had decided to stay firmly in the conservative camp. And so Kennedy became the one man to effectively determine a decision that will directly affect millions of Americans in love – and redefine a core legal and social bedrock for all of them, perhaps forever. Gay marriage bans struck down by US supreme court – read the ruling [Read more](#) For a while, it looked as if the swing voters might have coalesced around a compromise on marriage equality, forcing all states to recognise same-sex marriages carried out elsewhere but still shying away from forcing them to carry it out themselves against the wishes of their voters.

Justice Kennedy’s vote counts- he’s the swing voter

Supreme Court Review, 7/27/15 (Supreme Court Review, “THE JUSTICES OF THE UNITED STATES SUPREME COURT”, [Supremecourtreview.com](http://supremecourtreview.com), <http://supremecourtreview.com/default/justice/index/id/40>, accessed date 07/27/15) Salehitezangi

Justice Kennedy is the court's most moderate vote and, therefore, its swing vote. Kennedy's judicial philosophy is at the intersection of the liberal court and conservative court; however, although he occasionally sides with the more liberal justices in close cases he is considered to be a member of the more conservative wing of the Court. Justice Kennedy was nominated to the bench by President Ronald Reagan and took office on February 18, 1998. As the current court's swing vote, Justice Kennedy has decided many of the court's most controversial cases. Recently, Justice Kennedy provided the fifth vote in *Florence v. Board of Chosen Freeholders of the County of Burlington* where the majority held that jail strip searches prior to admission into the general prison population for a person convicted of a minor offense does not require reasonable suspicion. He also provided the fifth vote in: *District of Columbia v. Heller*, which struck down DC's ban on handguns, *Citizens United v. FEC*, which struck down portions of the McCain-Feingold Act that limited corporate funding of political broadcasts within 60 days of a general election or 30 days of a primary, and *Boumediene v. Bush*, a ruling that permitted terrorism suspects at Guantanamo Bay to have a right to challenge their detentions in federal courts. On the few occasions when Kennedy sides with the liberals on the court, he is assailed by conservatives. Kennedy receives such attention only because he is the swing justice and is regarded as more responsible for outcomes in controversial cases than the other justices. Justice Kennedy is not always the swing vote, however, and occasionally finds himself in the dissent even where the court largely divides along liberal and conservative lines (the recent Obamacare decision in *National Federation of Independent Business v. Sebelius* is an example).

Kennedy is perceived as an important swing voter—gay rights ruling proves

AFP 7/1 [Reporter at Manila Bulletin, “Anthony Kennedy: One justice makes big difference in US gay marriage ruling” Manila Bulletin, 7/1/15, <http://mb.com.ph/anthony-kennedy-one-justice-makes-big-difference-in-us-gay-marriage-ruling/>] Reynoso

Washington, DC, United States — He was appointed in the 1980s under the conservative presidency of Ronald Reagan, but Supreme Court Justice Anthony Kennedy has gone on to become perhaps the most important gay rights supporter in the American legal system. The gray-haired 78-year-old cemented that position Friday when he wrote the majority opinion for the five judges — or justices as they are known — who ruled to allow gay marriage across the United States. “No union is more profound than marriage for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family,” Kennedy said, his deep voice resonating around the solemn surroundings of the Supreme Court. “In forming a marital union, two people become something greater than once they were.” All eyes were fixed on him. Without Kennedy — who soon found himself trending on Twitter — gay marriage

would not have been legalized at the federal level. That's because Kennedy is seen as an important "swing vote," siding with the court's four liberal judges instead of the conservative bloc on some issues — including gay marriage. Friday's momentous ruling was met with jubilation by many same-sex couples, including those who had been living in the 13 states that banned gay marriage. "Their hope is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions," Kennedy said in his ruling. "They ask for equal dignity in the eyes of the law. The Constitution grants them that right." "Justice Kennedy has become probably the most powerful jurist in the entire world because he's the point on so many issues before the Supreme Court of the US, and though he only has one vote, his vote literally changes most cases," said Mary Margaret Penrose, law professor at Texas A&M University. David Cruz, an expert from the University of Southern California Gould law school, said that without Kennedy's vote, states would have remained free to exclude same-sex couples from civil marriage. Kennedy was the "favorite to write the decision that extends same-sex marriage nationwide," Cruz said. In the past, Kennedy — who is considered moderate — has taken positions on civil rights that demonstrate his "flexibility" in interpreting the Constitution, lawyer Lisa Linsky said. "His positions and decisions in major civil rights cases over the years demonstrate that he is a humanitarian," she said. "His constitutional scholarship is rooted in common sense and the recognition that societies, attitudes and institutions change and evolve." Legal analyst Elizabeth Wydra told AFP that Kennedy's words would be immortalized in the "Obergefell v. Hodges" ruling, as the case is known. "With this ruling, Justice Kennedy has ensured that his name will be forever linked with the recognition of equal rights for gay men and lesbians," Wydra said. "He has used language so sweeping and powerful to describe the desire for equal dignity that it brings a tear to the eye." Kennedy had already authored three major decisions affecting gay rights in America, each a significant step towards Friday's historic ruling. In 1996, Kennedy wrote the decision in the landmark "Romer v. Evans" case on the protection of civil rights for gays and lesbians. In 2003, the court struck down anti-sodomy laws in "Lawrence v. Texas." And in 2013 in "United States v. Windsor," Kennedy wrote the majority opinion against the Defense of Marriage Act. The decision to hand down the ruling in the "Obergefell" case Friday was likely no accident, as June 26 was also the date in the years when Kennedy and the court released the rulings in "Lawrence" and "Windsor."

Kennedy's views matter—he's the swing vote almost every time

Hasen 6/27 [Richard, professor of law and political science at University of California Irvine, "More than ever, it's a Kennedy court" Mccall.com, 6/27/15 , <http://www.mcall.com/opinion/mc-supreme-court-justice-kennedy-influence-yv-0708-20150707-story.html>]

Forget the debate over whether the Supreme Court has taken a liberal turn. It is not a liberal court or a conservative court. It's a Kennedy court. On major constitutional and statutory questions, Justice Anthony M. Kennedy's views matter more than anything else. Liberals do have more to celebrate this term than in the recent past, from the same-sex marriage and Obamacare decisions, to a major housing discrimination case, to a surprising win for minority plaintiffs in a voting rights lawsuit. In those cases, Kennedy was in the majority, and all but one — Obamacare — were decided 5 to 4. But there were some victories for conservatives as well. The court blocked a key environmental rule on mercury pollution. It upheld Oklahoma's lethal injection method. And it rejected an attempt to put a Texas voter identification law on hold, even though a federal court found that the legislature intended to discriminate against minority voters. Kennedy was in the majority in these rulings. Indeed, there were only a handful of important cases this term in which Kennedy was on the losing side of a 5-4 split, such as the Williams-Yulee case, in which Chief Justice John G. Roberts Jr. sided with the four liberals against Kennedy and three conservatives to uphold Florida's ban on judicial candidates personally soliciting campaign contributions. Looked at over the long run, Kennedy's influence seems even greater. Think of the Supreme Court's 5-4 decision in the 2010 Citizens United case striking down the ban on corporate spending in elections, which has opened the floodgates to super PACs and big money in politics. Or consider the court's 5-4 decision in the 2013 Shelby County case, which eviscerated a key provision of the Voting Rights Act. Kennedy was in the majority in each instance. His power won't lessen any time soon. Last week, the court said it would

review a case that could kill public sector unions, overturning long-standing precedent. Kennedy will probably cast the crucial fifth vote. And, no doubt, the court's upcoming decision on how far states can go in restricting abortion will depend on Kennedy's view of what constitutes an "undue burden" on a woman's right to choose. It is no surprise, as professor Nan Hunter of Georgetown Law School remarked, that Supreme Court advocates often write their briefs for an audience of one: Kennedy. How does the court's swing voter choose sides? The evidence suggests that Kennedy goes with his gut and personal sense of morality rather than a well-thought-out and consistent jurisprudential theory. Consider, for example, the contrast between the court's decision last term in an affirmative action case called Schuette and its recent decision in the Obergefell case finding a constitutional right to same-sex marriage. In Schuette, Kennedy wrote that Michigan voters could pass a ballot measure banning the use of affirmative action in college admissions. Arguing in favor of judicial restraint, he said the decision was best left to the democratic process. Kennedy wrote: "Were the court to rule that the question addressed by Michigan voters is too sensitive or complex to be within the grasp of the electorate ... or that these matters are so arcane that the electorate's power must be limited because the people cannot prudently exercise that power even after a full debate, that holding would be an unprecedented restriction on the exercise of a fundamental right held not just by one person but by all in common." Yet when it came to same-sex marriage, Kennedy was just as content to take the question away from the voters. He wrote for a different 5-4 majority in Obergefell: "It is of no moment whether advocates of same-sex marriage now enjoy or lack momentum in the democratic process. The issue before the court here is the legal question whether the Constitution protects the right of same-sex couples to marry." How to reconcile the two cases? The answer seems to lie in Kennedy's psychology. He is skeptical of race-based preferences but not of gay rights. When to trust the voters? When they are likely to agree with Kennedy. Driven by feeling over theory, Kennedy also has the frustrating habit of taking nondefinitive positions as he makes up his mind. He's skeptical of racial preferences but not so skeptical that he's willing to completely jettison affirmative action. And so the law remains uncertain. He's troubled by partisan gerrymandering but is reluctant to police legislatures. And so the law remains uncertain. It's crazy to have major social and public policy questions depend so much on Kennedy's whim, not to say what he had for breakfast. But it could be worse. As much as liberals would love to see Kennedy retire and be replaced by another Elena Kagan or Sonia Sotomayor, depending on the next election, we could get another Samuel A. Alito Jr. or Antonin Scalia. Then we'll be pining for the days when Kennedy ruled America.

AT: Court Capital Infinite

Court capital is finite – past actions affect their credibility and force them to pick and choose the issues they deal with

Young 99 (Ernest, Assistant Professor at the University of Texas School of Law “State Sovereign Immunity and the Future of Federalism” The University of Chicago: The Supreme Court Review <http://www.lexisnexis.com.turing.library.northwestern.edu/hottopics/Inacademic/>) Foronda

I argued in the preceding section that immunity federalism does little to promote the states' core interest in maintaining a robust authority over private conduct and benefits. In this sense, the Court's aggressive development of the immunity model may not be worth the candle. One might, however, view the Court's efforts to develop a model of immunity federalism as largely unhelpful to state interests without condemning them as counterproductive. It is not obvious, after all, that the Court must choose one model of federalism to the exclusion of the others. n260 I have already suggested some reasons to view the Court's state sovereign immunity jurisprudence as counterproductive. In this section, I want to focus on three more specific ways in which the Court's pursuit of immunity federalism risks actual harm to state governments.^a 1. The opportunity cost of immunity rulings. The first reason, and the simplest, is that the Court has limited political capital. n261 As Dean Choper has argued, "**the federal judiciary's ability to persuade the populace and public leaders that it is right and they are wrong is determined by the number and frequency of its attempts** [^{*59}] to do so, the felt importance of the policies it disapproves, and the perceived substantive correctness of its decisions." n262 **There is** thus likely to be, at some point, **a limit on the Court's ability to continue striking down federal statutes in the name of** states' **rights.** n263 To the extent that this limit exists, then the Court's extended adventure in aggressive enforcement of state sovereign immunity will trade off with its ability to develop a meaningful jurisprudence of process or power federalism. If protecting state authority to regulate private conduct is the key to a viable state/federal balance, then a considered reaffirmation, explanation, or extension of Lopez may do more good than another expansion of Seminole Tribe.^a "Political capital," of course, is a pretty vague concept. It might be that the Court's ability to enforce federalism limits is more like muscles than money: it atrophies unless it is exercised regularly. n264 The National League of Cities story arguably illustrates this phenomenon, in that the Court's failure to apply the doctrine to check federal power in a series of subsequent cases may have helped lead to the outright rejection of the doctrine in Garcia. n265 **The important point,** however, **is that the Justices who matter most** on these issues tend to **think in terms of limited capital and worry about judicial actions that may draw down the reserves.** n266 **Political capital** [^{*60}] is thus likely to function as an internal constraint on the Court's willingness repeatedly to confront Congress.

2NC Elections Impacts

Ext – Elections Internal Link

Ruling for the plaintiffs will cause an immediate electoral shift towards the GOP in the 2016 election.

Reifowitz 6/1 [Ian, author for Huffington Post, "When It Comes to Voting, Conservatives Want Some People to Count More Than Others. Sound Familiar?" *Huffington Post*, 6/1/15, http://www.huffingtonpost.com/ian-reifowitz/when-it-comes-to-voting-c_b_7485910.html] **Reynoso**

The case of *Evenwel v. Abbott* centers on the question of how legislative districts should be drawn, given that a number of Supreme Court decisions in the mid-1960s established the principle of equal representation, i.e., one person, one vote. In *Reynolds v. Sims*, the court found that districts in the U.S. House of Representatives as well as in all houses of a state legislature must "be apportioned substantially on a population basis," and that districts must "be of equal population." Seems pretty straightforward. However, the plaintiffs in *Evenwel* claim that using population as the measure actually dilutes the vote of eligible voters in districts where there are proportionately fewer non-eligible voters, which includes anyone from disenfranchised felons, non-citizen but legal residents, undocumented immigrants, and, of course, children. Democratic districts are more likely to contain a disproportionate number of people who fall into those categories. That's why, explained election law guru Richard Hasen, **a victory for the plaintiffs in this case will likely result in more electoral clout for Republican voters. If they win, FiveThirtyEight found the likely net outcome would be a shift of eight seats in the House of Representatives to the GOP.** The plaintiffs want the court to require states to ensure that every district has an equal number of eligible voters rather than an equal number of people (even though figuring that out is likely impossible, because, according to the folks at FiveThirtyEight, doing so "relies on statistics that nobody has"). If the plaintiffs win, states will be forced literally to count some people more than others. I told you there was something about this case that sounds familiar to anyone who knows our country's, er, problematic history on voting and discrimination. Nina Perales is the vice president of litigation at the Mexican American Legal Defense and Educational Fund, an organization that opposed the *Evenwel* plaintiffs. She called their effort "an attempt to cut back on growing Latino political strength in [Texas] by packing Latinos into a smaller number of districts." There is a lot to unpack in this case, in terms of constitutionality and legal principles. Although the issues are complex, the aforementioned Hasen nonetheless characterized the Court's decision to take it "a surprise move." He added that he had "considered the issue fairly settled by the Supreme Court that states have the power to decide whether to use total population or another measure for drawing district lines." At this point, nothing surprises me when it comes to conservative attempts to win elections by changing the rules of the voting process rather than actually trying to, you know, win votes. On the matter of it sounding familiar, one thing that stuck in my mind as I was reading about this case was how much it reminded me of something from the time of America's founding, a morally suspect deal struck in order to keep slave-owning states in the union as the Constitution came together. The specific circumstances of the *Evenwel* case certainly differ from those surrounding the Three-Fifths Compromise. However, the fundamental parallel remains. Even leaving aside the question of undocumented immigrants, if the conservative plaintiffs in *Evenwel* triumph, some Americans will count and others will not in determining the very same question at the heart of that debate from over two centuries ago, namely how to draw legislative districts of equal size. Ultimately, the Three-Fifths Compromise allowed Southern white conservatives to gain greater representation in the House of Representatives than they deserved, at least so long as they denied citizenship, freedom, and equal rights to those Americans of African descent whom they enslaved in such large numbers. After slavery was outlawed, the South got an even greater unearned benefit in representation because -- under Jim Crow -- they denied black men the right to vote while counting 100 percent (as opposed to three-fifths) of Southern blacks in their states' population. This discrepancy only grew wider after women won the right to vote in 1920 -- except in the South, where, until 1965, whites continued to disenfranchise black women as well as men while happily counting their numbers for purposes of representation. This case is by no means the equivalent of slavery, or of Jim Crow. But that is a very low bar to clear in 2015. The *Evenwel* case is, without question, part of a long-term, multi-pronged effort by conservative activists and Republican officials to alter election and voting rules in a way that enhances their electoral prospects. In other words, they want to fix the game. Having already achieved much, they certainly aren't going to allow something like counting a person as a person stand in their way. Will the Supreme Court see this scheme for what it is and rule in favor of not counting some Americans more than others? Or, on the other hand, will the five conservatives on the Court see it for what it is and give the conservative plaintiffs exactly what they want, knowing full well the purpose behind their push? Given how the court ruled on the Voting Rights Act, we need to be prepared for

the worst. If that indeed comes to pass, the next question will be: What are we who believe that voting rights and equality are sacrosanct going to do about it?

Ruling for Evenwel demolishes the Democratic Voting base by shifting power from Cities to Rural areas

Liptak 5/26 (Adam, New York Times Correspondent of the Supreme Court, “Supreme court agrees to Settle meaning of ‘One person one vote’” http://www.nytimes.com/2015/05/27/us/supreme-court-to-weigh-meaning-of-one-person-one-vote.html?smid=tw-share&_r=1) Chowdhury

WASHINGTON — The Supreme Court agreed on Tuesday to hear a case that will answer a long-contested question about a bedrock principle of the American political system: the meaning of “one person one vote.” The court’s ruling, expected in 2016, could be immensely consequential. Should the court agree with the two Texas voters who brought the case, its ruling would shift political power from cities to rural areas, a move that would benefit Republicans. The court has never resolved whether voting districts should have the same number of people, or the same number of eligible voters. Counting all people amplifies the voting power of places with large numbers of residents who cannot vote legally, including immigrants who are here legally but are not citizens, illegal immigrants, children and prisoners. Those places tend to be urban and to vote Democratic. A ruling that districts must be based on equal numbers of voters would move political power away from cities, with their many immigrants and children, and toward older and more homogeneous rural areas. Such a decision, said Richard H. Pildes, a law professor at New York University, “would be most significant in border states, like California, Texas, Arizona and Nevada, that have the largest proportions of noncitizens.” The Supreme Court over the past nearly 25 years has turned away at least three similar challenges, and many election law experts expressed surprise that the justices agreed to hear this one. But since Chief Justice John G. Roberts has led the court, it has been active in other voting cases. In 2013, in *Shelby County v. Holder*, a closely divided court effectively struck down the heart of the Voting Rights Act. The new case, *Evenwel v. Abbott*, No. 14-940, concerns state and local voting districts. But “the logic of the decision in *Evenwel* will likely carry over to congressional redistricting,” said Richard L. Hasen, a law professor at the University of California, Irvine. The case, a challenge to voting districts for the Texas Senate, was brought by two voters, Sue Evenwel and Edward Pfenninger. They are represented by the Project on Fair Representation, the small conservative advocacy group that successfully mounted the earlier challenge to the Voting Rights Act. It is also behind a pending challenge to affirmative action in admissions at the University of Texas at Austin. In the new case, the challengers said their voting power had been diluted. “There are voters or potential voters in Texas whose Senate votes are worth approximately one and one-half times that of appellants,” their brief said. In a statement issued after the Supreme Court accepted their case, Ms. Evenwel and Mr. Pfenninger said they “hoped that the outcome of our lawsuit will compel Texas to equalize the number of eligible voters in each district.” Professor Hasen said their lawsuit was in tension with some conservative principles. “It is highly ironic that conservatives, who usually support respect for precedents and states’ rights, are bringing a case that if successful will not only upset decades-old case law but also restrict the kind of representation states may choose,” he said. In November, a three-judge panel of the Federal District Court in Austin dismissed the case, saying that “the Supreme Court has generally used total population as the metric of comparison.” At the same time, the panel said, the Supreme Court has never required any particular standard. The choice, the panel said, belongs to the

states. A 1964 Supreme Court decision, *Reynolds v. Sims*, ruled that voting districts must contain very close to the same number of people. But the court did not say which people count. Most state and local governments draw districts based on total population. If people who were ineligible to vote were evenly distributed, the difference between counting all people or counting only eligible voters would not matter. But demographic patterns vary widely. Federal appeals courts have uniformly ruled that counting everyone is permissible, and one court has indicated that it is required. In the process, though, several judges have acknowledged that the Supreme Court's decisions provide support for both approaches. The federal appeals court in New Orleans said the issue "presents a close question," partly because the Supreme Court had been "somewhat evasive in regard to which population must be equalized." Judge Alex Kozinski, in a partial dissent from a decision of the federal appeals court in San Francisco, said there were respectable arguments on both sides. On one theory, he said, counting everyone ensures "representational equality," with elected officials tending to the interests of the same number of people, whether they are voters or not. On the other hand, he said, counting only eligible voters vindicates the principle that voters "hold the ultimate political power in our democracy." He concluded that the Supreme Court's decisions generally supported the second view. Even if counting only adult citizens is the correct approach, there are practical obstacles. "A constitutional rule requiring equal numbers of citizens would necessitate a different kind of census than the one currently conducted," Nathaniel Persily, a law professor at Stanford, wrote in 2011 in the *Cardozo Law Review*. For now, he said, "the only relevant data available from the census gives ballpark figures, at best, and misleading and confusing estimates at worst." In 2001, the Supreme Court turned down an opportunity to decide the question, in another case from Texas. Justice Clarence Thomas objected. "We have never determined the relevant 'population' that states and localities must equally distribute among their districts," he wrote. "The one-person-one-vote principle may, in the end, be of little consequence if we decide that each jurisdiction can choose its own measure of population," Justice Thomas added. "But as long as we sustain the one-person-one-vote principle, we have an obligation to explain to states and localities what it actually means." In the new case, the Supreme Court may decide that states can determine for themselves which standard to use. Even such a ruling could have a major impact, Professor Pildes said. "If the court leaves it to states to decide, we could see the politics of immigration come to affect the politics of redistricting even more," he said. "State legislatures would be given a green light to locate more power or less power in areas that have large geographic concentrations of noncitizens. Those areas would have more power if the rule is equality of residents and less power if it's equality of eligible voters."

The Evenwell Case destroys the Democratic voter base, and gives an unfair advantage to the Republicans

Cohn 6/4 (Nate, Staff Writer for The New York Times and the New Republic, " Voting Case Has Potential to Put House Further Out of Reach for the Democrats", www.nytimes.com/2015/06/04/upshot/court-case-can-put-house-further-out-of-reach-for-democrats.html?abt=0002&abg=1) Chowdhury

In 2012, Republicans won a majority of seats in the House even though more people voted for Democratic candidates over all. This is because of structural biases, factors that allow a party to outperform its share of the popular vote. The Republicans are expected to again have a big advantage in 2016 because of such factors, which include gerrymandering and the tendency of

Democratic voters to be concentrated in cities. But not all structural biases favor Republicans, and one that doesn't will be the subject of a Supreme Court case connected to the question of what "one person, one vote" really should mean. If the court overturns current law, it will probably make the composition of Congress even more biased and lengthen the odds for Democrats to retake the House. Last week, the Supreme Court agreed to hear the case, *Evenwel v. Abbott*. It's about whether voting districts need to have equal populations (as they do today), or whether they need to have equal numbers of eligible voters: adults who are citizens and who haven't been disenfranchised as a result of imprisonment or felony convictions. Equal population districts have been taken for granted; every state draws its districts in this way, and it was surprising to see the court even consider the question. But it's a system that has been an advantage for Democrats for a long time. If the court requires that districts have equal numbers of eligible voters, it will make the elections of representatives to Congress even more biased toward Republicans. It's useful to think about bias in Congress in terms of "wasted votes." Votes are said to be wasted when a party uses more votes than the other party to win its safe districts. When a party wins a district by 90 percent to 10 percent, its strength seems impressive. But in reality, it is increasing its popular vote margin without getting any additional members of Congress. All those extra votes are, effectively, wasted. The party that wastes fewer votes in its safe districts is generally well positioned to do better in more competitive areas than one would expect from the statewide popular vote. Take the best-known "wasted vote" case: Democrats in cities. Democrats tend to have large majorities in cities, and so it is common for them to do better (that is, win by a wider margin) in places like Philadelphia, Chicago and Detroit than Republicans do in equally populated stretches of suburbs and countryside. It is a big part of the Republican advantage in the House. Suppose there's a state that is, over all, evenly split between Republicans or Democrats. Let's give it three congressional districts, with one district for a hypothetical city that voted, 80-20, for Obama, and another district for a Republican stretch of countryside that voted, 70-30, for Romney. This is a bad deal for Democratic House candidates. The party wasted more votes in its heavily Democratic district. The remaining district leans Republican, 60-40, giving the Republicans a safe 2-to-1 seat edge in a 50-50 state. This same phenomenon gives the Republicans an advantage in many states. Republican gerrymandering exploits this pattern well; even Democratic gerrymanders, like those in Illinois or Maryland, struggle to overcome it. But the Republicans have a wasted vote problem, too, although of a different kind, and it's the basis of the lawsuit. In the Southwest, it has to do with higher turnout in the areas that Republicans tend to win. A big part of the reason turnout is higher in those areas is simply that there are more eligible voters. Democrats, on the other hand, tend to do well in Hispanic areas with large numbers of ineligible voters, like those with immigrants who have not yet become citizens. A result is that Democrats can win their districts with fewer voters than the Republicans can in non-Hispanic areas with higher numbers of eligible voters. Imagine, again, a 50-50 state of 700,000 voters with three districts. First, a majority Hispanic district votes 70-30 Democratic, and a majority white district votes 70-30 Republican. Each district has an equal population, but unequal numbers of voters. In our admittedly extreme example, the Hispanic district has just 150,000 voters, versus 300,000 in the non-Hispanic district. So the third district, with 250,000 votes, winds up leaning Democratic, 62 to 38 percent, and the Democrats hold two of the state's three seats. This phenomenon helps Democrats in states like Texas and Arizona. The turnout in the heavily Hispanic districts in these

states is so low that Democrats waste fewer voters winning safe districts than the Republicans. The easiest way to detect this type of bias is to look at the average congressional district. In the low-turnout state example, the average district was 54 percent Democratic ($70 + 30 + 62 \div 3$), and the Democrats won 50 percent of the vote in our hypothetical state. Nationally, the average congressional district voted for Obama by 4.6 points in the two-party-vote, even though he won by only 4 points. This reflects that the Democrats tended to have slightly lower turnout in their districts than the Republicans (because of Hispanic districts that brought down the average). Take Arizona, where Mitt Romney won by nine percentage points in 2012. The Democrats have a pretty solid congressional map there. Arizona's heaviest Democratic district — Phoenix's Seventh Congressional District — had just 141,357 voters. No Republican district had fewer than 259,113 voters. The average congressional district in Arizona favored Mr. Romney by just 4.5 points. Not all of the turnout bias is a result of ineligible voters. The turnout rate among adult citizen Hispanics in these same areas is quite low. Even if the court required equal numbers of eligible voters, the Democrats would still retain an edge because of lower turnout among those voters who are eligible. But if the court requires equal eligible-voter districts, the size of this bias would basically be cut in half. Here's one way to think about it: If districts are redrawn with equal numbers of eligible voters, today's heavily Republican, white, non-Hispanic districts will have to give up excess voters to less Republican districts, reducing their wasted vote problem and making other districts more conservative. The idea that equal population districts are "biased" is sure to rankle those who argue that the current system reflects democratic values, particularly the notion that members of Congress represent all of the people of their district, not just eligible voters. It would decrease Hispanic or Latino representation in Congress as well. But if the principal concern is to make sure that the composition of elected bodies most closely reflects the popular vote, then this case is a difficult one: Although the Supreme Court could remove one source of bias, it would leave elections to the chamber even more biased than before.

Ruling in favor of plaintiffs is bad for Democrats—they'll lose key districts.

Kennedy 6/1 [Sheila, Professor of Law and Policy in the School of Public and Environmental Affairs (SPEA) at Indiana University Purdue University Indianapolis, "An Attack on Cities," 6/1/15, <http://sheilakennedy.net/2015/06/an-attack-on-cities/>] Reynoso

It is not news that demographic data poses long-term problems for the GOP—at least unless the party returns to its more responsible roots. For a decade or more, pundits have pointed to the disaffection of Latinos and other immigrant populations, the continuing Democratic self-identification of African-Americans, and the reduced religiosity and increasing social liberalism of younger Americans—characteristics that correlate with voting Democratic. What has been less remarked-upon is the widening urban/rural political divide. In our familiar red/blue political map, cities are dots of blue in even the reddest states. And in America, as elsewhere, people are increasingly moving to the cities. The political dilemma this poses for Republicans is obvious. Thus far, the party has responded with efforts to make it more difficult for poor people and minorities to cast their ballots, and (in states they control) with aggressive gerrymandering aimed at diluting urban political power. (And yes, Democrats, in states they control, gerrymander too.) Now, Ed Blum—who brought *Shelby County v. Holder*, the case that resulted in the gutting of the Voting Rights Act—is asking the Court to redefine "one person, one vote." Is Congress's job to represent people, or just voters? Currently, all states are required to redraw their political boundaries based on the Census's official count of total population every 10 years, which includes minors and noncitizen immigrants. But the Texas plaintiffs argue that states should be allowed to apportion seats based on where only U.S. citizens

over 18 years of age livegv..... A move toward counting only eligible voters, as logistically difficult as it may be, would drastically shift political power away from the urban environs with minorities and noncitizens, and toward whiter areas with larger native-born populations. That's bad news for Democrats: Of the 50 congressional districts with the lowest shares of eligible voters, 41 are occupied by Democrats (nearly all are Latino-majority seats). Meanwhile, of the 50 districts with the highest shares of eligible voters, 38 are represented by the GOP. Those "logistic difficulties" would be substantial, with opportunities for all sorts of mischief; the blog FiveThirtyEight notes that calculating the number of eligible voters would "require statistics that no one has." (In a rational world, *Evenwel v. Abbott* would never have made it to the Supreme Court for that reason alone.) What this lawsuit really highlights is that the partisan division between today's Republicans and Democrats is also geographic, with Republicans primarily rural and Democrats, urban. (Of course there are Republicans in cities and Democrats on farms, but they are the outliers.) The problem for the GOP is that the U.S. population is increasingly urban—city dwellers vastly outnumber rural folks, and movement into metropolitan areas continues to accelerate. The problem for Democrats (and city dwellers) is that state governments are still largely controlled by rural interests, thanks to legal structures originally created for an agrarian nation. There are plenty of flaws in the arguments advanced in *Evenwel*—practical, democratic and legal—and election law experts are quite properly focusing on those flaws. But at its root—and at the root of the increasingly hysterical attacks on "elitists" and "intellectuals" and "progressives"—is rejection of the values and diversity and complexity that characterize modern urban life. That hysteria may attract insecure folks for a while, but over the long haul, resentment isn't a viable political strategy.

A ruling in favor of changing district lines would only benefit the GOP—keeps their power in the House

Hasen 15 [Richard, professor of law and political science at the UC–Irvine School of Law, "Only Voters Count? Conservatives ask the Supreme Court to restrict states' rights and overturn precedent" 5/26/15, http://www.slate.com/articles/news_and_politics/jurisprudence/2015/05/evenwel_v_abbott_supreme_court_case_state_districts_count_voters_or_total.html] Reynoso

For the second time in a year, the Supreme Court has agreed to wade into an election case at the urging of conservatives. In both cases it has done so despite the issue appearing to be settled by long-standing precedent. In a case expected to be decided next month, *Arizona State Legislature v. Arizona Independent Redistricting Commission*, conservatives asked the court to bar states from using independent redistricting commissions to draw congressional lines. In a case the court agreed to hear Tuesday, *Evenwel v. Abbott*, conservatives asked the court to require states to draw their legislative district lines in a particular way: Rather than considering the total population in each district, conservatives argue, the lines should instead divide districts according to the number of people registered or eligible to vote. Most states use total population for drawing districts, which includes noncitizens, children, felons, and others ineligible to vote. In both Supreme Court cases, there is great irony in the fact that they are being brought by conservatives, who usually claim to respect precedents and states' rights. The challengers are not only asking the court to revisit issues that seemed to be settled by decades-old precedent. If successful, these cases will undermine federalism by limiting states' rights to design their own political systems. A ruling favorable to conservatives in the *Evenwel* case, especially if extended to congressional redistricting, could shift more power to Republicans, who are more likely to live in areas with high concentrations of voters. The *Arizona State Legislature* case concerns the question of who gets to set the rules for congressional redistricting. The Constitution's election clause gives that power to state "legislatures," subject to be overridden by Congress. The question is how literally to take the word legislature and whether only the state legislature qualifies. Supreme Court precedents going back to the beginning of the 20th century read the term broadly to include, for instance, redistricting plans approved by the voters. Although the issue looked settled before the Supreme Court took the *Arizona* case, there is now a real chance the court will hold that removing the legislature from redistricting decisions is unconstitutional. That decision would be unfortunate. In places like California, for example, voters approved independent redistricting commissions as a way to take self-interest and partisanship out of the redistricting process. This should be a legitimate choice for states to make, especially in the eyes of those committed to states' rights. Yet the court may soon take this important option off the table for congressional districts. It may also bar the use of voter initiatives to make other changes in congressional elections, such as mandating open primaries. Perhaps even more is at stake in the *Evenwel* case, from Texas. A ruling that states may not draw legislative district lines taking total population into account will benefit rural voters over urban voters, and that will benefit Republicans over Democrats. Urban

areas are much more likely to be filled with people who cannot vote: noncitizens (especially Latinos), released felons whose voting rights have not been restored, and children. With districts redrawn using only voters rather than all people, there will be more Republican districts. Evenwel involves the issue of state legislature redistricting, but you can bet that if the challengers are successful in this case, they will argue for the same principle to be applied to the drawing of national congressional districts. It is not clear whether the ruling would apply to congressional districts, because the one-person, one-vote principle for congressional districts has a different source in the Constitution (Article I) than the 14th Amendment's Equal Protection Clause, which applies to state legislatures. But logically, the two cases are likely to be treated the same, and the result could be more congressional districts tending Republican, helping Republicans keep their advantage in the U.S. House of Representatives. In Evenwel, once again, the issue appeared to be settled. Back in 1966 the Supreme Court considered the issue in a case called *Burns v. Richardson*, holding that Hawaii could choose total population or total voters as its method of drawing district lines. The court's point about why this was the state's decision celebrated the values of federalism: "The decision to include or exclude any such group involves choices about the nature of representation with which we have been shown no constitutionally founded reason to interfere." Although courts have periodically been asked to revisit the question, Adam Liptak reports that all the courts of appeal to consider the question have ruled that total population is a permissible basis for drawing district lines. And it is not even clear we have good measures of citizen population, meaning there could be great errors in how newly ordered redistricting following Evenwel would be conducted. We are also not sure if district lines would be based on the number of actual or eligible voters, and that alone could make a big difference. The conservatives behind Evenwel don't seem bothered much by the intrusion on states' rights that a decision in their favor would engender. That's because they are motivated more by the fact that noncitizens are getting representation, and in their belief that this is "diluting" the voting power of citizens. They are the same people who backed attacks on affirmative action at the Supreme Court in the *Fisher v. University of Texas at Austin* case and successfully got the Supreme Court to strike down a key portion of the Voting Rights Act in the *Shelby County v. Holder* case. It is an agenda not about states' rights but about getting the Supreme Court to force states to empower conservatives and force onto all of us the theories of representation and power they envision.

2NC Ext – Kills Deal

The Iran deal would put a Republican president in a bind– a commander in chief from the GOP would spell destruction of the agreement

Toosi 15 (Nahal, foreign affairs correspondent at POLITICO "How a Republican president could kill the Iran deal" 7/14/15 www.politico.com/story/2015/07/gop-president-iran-deal-kill-120077.html) Foronda ***edited for gendered language

If the next president hates the nuclear deal with Iran, he (or she) they can undo it after taking office. The dilemma: Use blunt force? Or go for a soft kill? The accord reached this week in Vienna promises broad sanctions relief to Iran in exchange for significant curbs on its nuclear program. The agreement has taken years to negotiate, involves seven countries as well as the European Union and the United Nations, and relies upon the expertise of scientists as well as diplomats. But **at the end of the day, the “deal” is at most a political arrangement — not a treaty** or other form of signed legal document. That means that the presidential candidates who have threatened to cancel the deal — so far all of them Republicans — can keep their promise by using the presidency’s executive authority to reimpose suspended U.S. sanctions on Iran and withdrawing from panels involved in implementing the accord. That abrupt approach may be quick, but it also carries risks. For one thing, a sudden U.S. withdrawal could anger the European and Asian countries also involved in the deal, making them less inclined to reimpose their own sanctions on a country they consider an alluring trading partner. The international business community may resist efforts to once again seal off a youthful, well-educated nation with vast energy reserves. And Iran could respond to the U.S. move by resuming elements of its nuclear program, which the West has long suspected is aimed at making weapons. **“If we try to reimpose sanctions on Iran and no one follows, then we have the worst of all worlds,”** said Robert Einhorn, a former Iran nuclear negotiator at the State Department.

A GOP controlled government would send the country’s progress rolling back – their political power now sets the momentum for 2016

Cassidy 15 (John, staff writer at The New Yorker with a column focusing on politics and economics “Why 2016 is so very important” 5/19/15 <http://www.newyorker.com/news/john-cassidy/why-2016-is-so-very-important>) Foronda

But before you think of moving to Canada for a year and a half, or tuning out and reading Tolstoy and Dickens, take a peek at a new analysis of the American political firmament by Sean Trende and David Byler, of the Web site Real Clear Politics. It’s a data-driven article that examines what’s happening not only in Washington but in legislatures and statehouses around the country, which also have a significant impact on people’s lives. Trende and Byler conclude that the Republican Party is already stronger than it has been for many decades. With a good result in 2016, including a takeover of the White House, it could virtually sweep the board. Indeed, Trende and Byler say, the **Republicans could end up in their strongest position since 1920**, the year women got the vote. If the spectre of today’s Republican Party monopolizing most of the levers of power at the federal, congressional, and state levels isn’t enough to get people exercised about 2016, I don’t know what is. **From tax and spending policy to health insurance, foreign policy, and social issues like gun control and gay marriage, the country would be subjected to a concerted effort to roll**

back time. While the Senate filibuster and the courts might exercise some restraint on the G.O.P. victors, many members of the Party would be determined to use their position of dominance to set the country on a regressive, rightward path.^a Is this too alarmist? One can quibble with the power index that Trende and Byler constructed to gauge the political influence of each party, which consists of five equally weighted parts: Presidential performance, House of Representatives performance, U.S. Senate performance, gubernatorial performance, and state legislative performance. ("Performance" refers to measures of electoral performance, rather than of governance.) Perhaps the Presidency should be assigned more importance than the national and local legislatures. Another pertinent criticism is that the two analysts don't weight state governorships by population, which means, for example, that the victory of a Republican governor in Arkansas counts for as much as that of a Democratic governor in California.^a Still, the Trende and Byler power index has the merit of being straightforward, and it enables the analysis to be taken all the way back to the Civil War. In 1866, Lincoln's G.O.P. scored a hundred and eight, a number it has never again attained. The Republicans' worst ever score was recorded after the Roosevelt landslide of 1936: minus a hundred and nineteen. (A negative score for one party implies a positive score for the other.)^a For much of the postwar period, the Democrats held a narrow lead over the Republicans on the power index, but this changed after the 2014 midterms, when the G.O.P. score jumped up to 33.8. The fifty-four seats the Republicans won in the Senate was their second-best result since 1928, and the two hundred and forty-seven seats they hold in the House is the highest since after the 1928 election, when Herbert Hoover trounced Al Smith. At the local level, the G.O.P. now has thirty-one governors, and it controls sixty-eight of ninety-eight partisan state legislatures, its best showing since 1920.^a Trende and Byler concede that their portrait of Republican dominance "is at odds with the prevailing theme of a Republican Party with serious demographic problems," which "make it difficult for the GOP to win the presidency." But they also point out that "those same shifts have strengthened it in the states, which is where most lawmaking takes place." (In an earlier article, Byler pointed out how partisan redistricting has also helped Republicans at the local level.) The two analysts conclude: "None of this is to say that Republicans are building a permanent majority of any sort. It is simply to say that **when one takes account of the full political picture, the Republican Party is stronger than it has been** in most of our readers' lifetimes. This is important, and more analysis should take account of this fact."^a It should—and indignant voters should pay attention, too. At this stage, Democratic control of the White House is about the only thing holding the Republicans back, but they are far from invulnerable. Thanks to the big gains they made in the midterms of 2010 and 2014, they will be defending a lot of seats at the national and state level that are potentially up for grabs. Indeed, Trende and Byler note that, "a bad Republican year could place the party 'in the red,' with its share of the presidential vote, Senate, House and state legislatures falling precipitously." In short, the 2016 election could bring a quick end to Republican gains, or it could assign the G.O.P. a position of dominance. It matters; it matters enormously.

Impact – Climate Change

GOP takeover guts climate adaptation policies.

Steven **Rosenfeld**, 5/8/15, (Steven Rosenfeld, covers national political issues for AlterNet, including America's retirement crisis, democracy and voting rights, and campaigns and elections. Author of "Count My Vote: A Citizen's Guide to Voting", "12 Ways the GOP Would Destroy the Country If They Controlled Washington After 2016", alternet.org, <http://www.alternet.org/election-2016/12-ways-gop-would-destroy-country-if-they-controlled-washington-after-2016>, accessed date: 7/31/15) Salehitezangi

The GOP controls the House and Senate and last week passed a federal budget slashing virtually every social program from pre-school to senior safety nets. Democrats, responded by accurately calling it "a recipe for national decline," as it goes after health care, anti-poverty programs, schools and student loans and Social Security, all while raising taxes on the middle-class, breaking promises to veterans and boosting military spending. Meanwhile, in red states where Republicans control the Legislature and executive branches, the rampage has exceeded even this Congress' wildest dreams. In Kansas, the GOP rewrote laws for their welfare programs, turning assistance from a safety net into a barbed-wire fence, treating recipients—mostly single parents and children—like paroled convicts. In 11 red states, 37 new rules have been adopted this year creating more barriers to abortion—from requiring parental consent, to mandatory waiting periods, to falsely telling women that some procedures can be reversed. It doesn't stop there. As a June 30th deadline approaches for states to expand Medicaid— state-run health care for the poor—by using Obamacare's federal subsidies, 21 red states are still refusing to do so. According to Henry J. Kaiser Family Foundation's statistics, 960,000 adults and 2.52 million children are being deliberately denied access to care. In a handful of other red states, the right-wing war on labor grinds on by repealing prevailing wage laws for construction jobs, which academics found cuts union wages by 10 percent and non-union construction pay by two-to-four percent. **What would Republicans try to do if they controlled Congress and the White House after the 2016 election?** It's not a far-fetched question. The presidency has swung between the two major parties after each two-term president since 1992. The GOP's just-passed 2016 budget in Congress may be heading for President Obama's veto pen, but it signals what they'd do—justified by hyped fears about retiring the federal debt. In red states, social conservatives are going after abortion rights, opposing LGBT equality, and punishing welfare recipients. Meanwhile, business conservatives are following the template from the pro-corporate American Legislative Exchange Council (ALEC) and going after unions, opposing living wages, denying climate change and more.

Adaptation key to avoid climactic impacts.

Feldman and Kahan 8 [Ira Feldman is the president and senior counsel of Greentrack Strategies, an independent think tank focusing on strategic environmental management and sustainability policy issues, he is also a professor at Washington College of Law, teaching environmental regulatory innovation, Joshua Kahan is an environmental consultant and researcher of ecosystem services, M.S. in Environmental Studies at the University of Pennsylvania, "Preparing for the Day After Tomorrow: Frameworks for Climate Change Adaptation," *Sustainable Development Law & Policy*, 2008, <http://heinonline.org/HOL/LandingPage?handle=hein.journals/sd1p8&div=16&id=&page=>]

To date, **the international community has dealt with climate change**, the quintessential sustainability issue of our time, **principally by promoting the mitigation of greenhouse gases** (GHGs). The rationale for such mitigation efforts, simply stated, is that if GHG concentrations are stabilized or reduced, ultimately the severity of climate change can be alleviated. While there is no doubt that mitigation activities are necessary to the long-term well-being and stability of the global environment, the level of attention paid to mitigation-oriented science, technology, methodology, and policy serves to obscure the pressing need to seriously address the inevitable question of adaptation to climate change.

The overwhelming focus on GHG mitigation overshadows the adaptation half of the climate change equation. The reality is that, **even if the most optimistic mitigation plans are adopted and all**

GHGs are stabilized immediately, residual GHG concentrations within the atmosphere **will continue to create adverse consequences well into the future. The challenge is** not successfully “managing a transition from one equilibrium to another,” as mitigation does, “but rather, **adapting to a far more uncertain climatic future.**” **At best, mitigation of anthropogenic sources of GHGs can attempt to minimize long-term climate change impacts, but cannot** half or **avoid** all **impacts**. Therefore, **adapting** to the adverse impacts of climate change **is a reality, and** in some instances **the need is immediate**.

The Intergovernmental Panel on Climate Change (IPCC) defines climate change adaptation as “an adjustment in ecological, social, or economic systems in response to actual or expected climatic stimuli and their effects or impacts.” Adaptive measures are needed because adverse consequences are expected to occur globally on unprecedented levels. The IPCC states with high confidence that many **natural systems are being affected by regional climate changes**, particularly temperature increases. **Global data** assessments **show** that it is likely that **anthropogenic warming impacts many physical and biological systems**, and other effects of regional climate change on natural and human environments are emerging. **The current knowledge of climate change associated impacts has** led the global community **to the conclusion that “adaptation will be necessary to address impacts from the warming which is already unavoidable due to past emissions.”**

Warming is the largest risk of extinction

Deibel 07 – professor of IR at National War College (Terry L. Deibel, Foreign Affairs Strategy, “Conclusion: American Foreign Affairs Strategy Today Anthropogenic – caused by CO2”)

Finally, **there is one major existential threat** to American security (as well as prosperity) of a nonviolent nature, **which**, though far in the future, **demands urgent action. It is the threat of global warming to the stability of the climate upon which all earthly life depends. Scientists** worldwide have **been observing** the gathering of this threat **for three decades now, and what was once a mere possibility has passed through probability to near certainty**. Indeed **not one of more than 900 articles** on climate change published in refereed scientific journals from 1993 to 2003 doubted that anthropogenic warming is occurring. “In legitimate scientific circles,” writes Elizabeth Kolbert, **“it is virtually impossible to find evidence of disagreement over the fundamentals of global warming.”** Evidence from a vast international scientific monitoring effort accumulates almost weekly, as this sample of newspaper reports shows: an international panel predicts “brutal droughts, floods and violent storms across the planet over the next century”; climate change could “literally alter ocean currents, wipe away huge portions of Alpine Snowcaps and aid the spread of cholera and malaria”; “glaciers in the Antarctic and in Greenland are melting much faster than expected, and...worldwide, plants are blooming several days earlier than a decade ago”; “rising sea temperatures have been accompanied by a significant global increase in the most destructive hurricanes”; “NASA scientists have concluded from direct temperature measurements that 2005 was the hottest year on record, with 1998 a close second”; **“Earth’s warming climate is estimated to contribute to more than 150,000 deaths and 5 million illnesses each year” as disease spreads;** “widespread bleaching from Texas to Trinidad...killed broad swaths of corals” due to a 2-degree rise in sea temperatures. **“The world is slowly disintegrating”** concluded Inuit hunter Noah Metuq, who lives 30 miles from the Arctic Circle. “They call it climate change...but we just call it breaking up.” From the founding of the first cities some 6,000 years ago until the beginning of the industrial revolution, carbon dioxide levels in the atmosphere remained relatively constant at about 280 parts per million (ppm). At present they are accelerating toward 400 ppm, and by 2050 they will reach 500 ppm, about double pre-industrial levels. **Unfortunately, atmospheric CO2 lasts about a century, so there is no way immediately to reduce levels, only to slow their increase, we are thus in for significant global warming; the only debate is how much and how serious the effects will be.** As the newspaper stories quoted above show, **we are already experiencing** the effects of 1-2 degree warming in more **violent storms, spread of disease, mass die offs of plants and animals, species extinction, and** threatened **inundation of low-lying countries** like the Pacific nation of Kiribati and the Netherlands at a warming of 5 degrees or less **the Greenland and West Antarctic ice sheets could disintegrate, leading to a sea level of rise of 20 feet** that would cover North Carolina’s outer banks, swamp the southern third of Florida, and inundate Manhattan up to the middle of Greenwich Village. **Another catastrophic effect would be the collapse of the Atlantic thermohaline circulation that keeps the winter weather in Europe far warmer than its latitude would otherwise allow.** Economist William Cline once estimated the damage to the United States alone from moderate levels of warming at 1-6 percent of GDP annually; severe warming could cost 13-26 percent of GDP. But **the most frightening scenario is runaway greenhouse warming, based on positive feedback from the buildup of water vapor in the atmosphere** that is both caused by and causes hotter surface temperatures. Past ice age transitions, associated with only 5-10 degree changes in average global temperatures, took place in

just decades, even though no one was then pouring ever-increasing amounts of carbon into the atmosphere. Faced with this specter, the best one can conclude is that "humankind's continuing enhancement of the natural greenhouse effect is akin to playing Russian roulette with the earth's climate and humanity's life support system. At worst, says physics professor Marty Hoffert of New York University, "we're just going to burn everything up; we're going to heat the atmosphere to the temperature it was in the Cretaceous when there were crocodiles at the poles, and then everything will collapse." During the Cold War, astronomer Carl Sagan popularized a theory of nuclear winter to describe how a thermonuclear war between the United States and the Soviet Union would not only destroy both countries but possibly end life on this planet. Global warming is the post-Cold War era's equivalent of nuclear winter at least as serious and considerably better supported scientifically. Over the long run it puts dangers form terrorism and traditional military challenges to shame. It is a threat not only to the security and prosperity to the United States, but potentially to the continued existence of life on this planet.

Impact – Hegemony

GOP majority indicates more friction – may not last or disable them from passing legislation

Milligan, 15 (Susan, a political and foreign affairs writer and contributed to a biography of the late Sen. Edward M. Kennedy, "Last Lion: The Fall and Rise of Ted Kennedy," "The Pitfalls of a New Majority," US News, 2/7/15, <http://www.usnews.com/news/articles/2015/02/02/the-pitfalls-of-a-new-republican-majority-in-congress>) Zhang

With a more muscular majority in the House and a new majority in the Senate, Republicans were ideally poised to pass legislation, dare Obama to veto it and cast the Democrats as the obstructionists who couldn't manage to get things done when they were in power. Less than a month into the 114th Congress, the reality is: not so much. House Republican leadership is finding that it's a mixed bag, having an expanded majority. A bigger caucus naturally tends to create more factions within that group, and those minority-within-the-majority factions themselves feel more empowered to make demands. In the Senate, Republicans are reminded that they are subject to the same frustrations and political pressures Democrats had when they were in power. Now, it's the Republicans (with 54 seats) who need to muster the 60 votes needed to stop a Democratic filibuster. Several blue-state Republicans are facing the same landscape in 2016 as red-state Democrats did last year, and know they will be called to account for a party-line vote that doesn't please their less-than-conservative constituents. "at the end of the day, you need collaboration," Graham adds, or the Senate will remain as Democrats complained it operated when they were in the chair – paralyzed by a minority that won't allow votes on bills that would pass with a simple majority. The measure was symbolic anyway: Democrats almost certainly would have filibustered it in the Senate, Obama would presumably veto it and it's unclear whether it would have passed court scrutiny. In the end, House Republican leadership pulled the bill, leaving the party with no message at all, save a talking point for 2016 Democratic candidates eager to make women's issues a bigger deal. Immigration, too, was meant to be a rallying point for the newly empowered Republicans. But GOP leaders pulled consideration of a measure that would require the Department of Homeland Security to have "operational control" over the border to prevent illegal crossings. The Senate, too, has gotten off to a rocky start. New Majority Leader Mitch McConnell, R-Ky., points out that the Senate has had more roll-call votes on amendments in the first few weeks than it did in the whole of last year. But Democrats are also complaining that McConnell shut down members of their party seeking to offer amendments on the floor (ironically the same charge Republicans levied against Democrats when they ran the Senate). The GOP has another wrinkle, as well – Republican senators up for re-election in 2016 may need to display their moderate sides. Unlike their last election cycle, the GOP wave of 2010, these senators will be running in a presidential year, possibly with a Democratic nominee who could galvanize female voters and Democrats overall.

Gridlock will crush u.s. foreign policy credibility and destroy u.s. leadership

Biden 98 (Senator Joseph R. Biden, Jr. Bipartisan Foreign Policy at a Time of Crisis http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/history/post-cold-war/biden_bipartisan-foreign-policy-crisis.htm.)

That's true now more than ever. The good news is we are the world's only remaining superpower. The bad news is, we are the world's only remaining superpower. Unless we lead, no one will. The dangers we face are many: Financial crises in Russia and Asia; Humanitarian disaster in Kosovo; Weapons of mass destruction in Iraq; Nuclear weapons in North Korea, India, and Pakistan; Missile programs in North Korea and Iran; Fragile peace in the Middle East; And continuing threats from international terrorism. The risks of not acting are obvious. There is real potential for foreign policy paralysis. In my view American foreign policy, which has already fallen victim to the antics of the Republicans in the House of Representatives, has been further harmed by this growing domestic crisis. In the face of major world problems, we cannot be distracted from our task of maintaining America's security, leadership, and credibility abroad. As I see it, the problem breaks down into two areas. In some key instances Congress is not doing its job. The need for IMF funding, payment of our UN arrearages, and sanctions flexibility regarding India and Pakistan are just three examples. I will mention others later in my remarks. In other areas, the President is limited in doing his job by the uncertainty of Congressional support. As President he has the power to act, but he has to ask himself in this political climate whether he will be cut adrift by a Congress that will not back him up. And foreign leaders, knowing of the President's difficulties, wonder whether the President can deliver on his commitments. The two most immediate cases in point are Iraq and Kosovo. In Kosovo, the Serbian special police and Yugoslav Army continue a terrorist policy that has destroyed more than two hundred villages, driven more than 300,000 ethnic Albanians from their homes, with an estimated 50,000 forced into the forests and mountains. With the onset of winter only weeks away, a humanitarian catastrophe looms. The stability of the entire southern Balkans hangs in the balance. I believe the United States and its NATO allies should give President Milosevic a date certain to cease military operations. If he fails to do so, then NATO should undertake an air campaign, whose preparations were agreed upon by the Alliance in Portugal last week. But for the President to be able to act he needs to have the support of the Congress. If that support is not asked for - or given - because of the growing chasm created by the impeachment debate, United States leadership will be forfeited, and the Balkan tragedy will continue.

Hegemony key to solve extinction

Thomas P.M. **Barnett 11** Former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department, Center for Naval Warfare Studies, U.S. Naval War College American military geostrategist and Chief Analyst at Wikistrat., worked as the Assistant for Strategic Futures in the Office of Force Transformation in the Department of Defense, "The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads," March 7 <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>

It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured with this historical moment's most amazing feature being its ^{relative and absolute} lack of mass violence That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire. We'll be engaging in ^{the same sort of} system-administering activity that has marked our stunningly successful stewardship of global order ^{since World War II. Let me be more blunt:} As the guardian of globalization the U.S. military has been the greatest force for peace the world has ever known. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the world did not keep sliding down that path of perpetual war. Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace We introduced the international liberal trade order known as globalization and played loyal Leviathan over its spread What resulted was the collapse of empires, an explosion of democracy, the persistent spread of human rights the liberation of women, the doubling of life expectancy a roughly 10-fold

increase in adjusted global GDP and a profound and persistent **reduction in** battle deaths from **state-based conflicts**. That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. **As for the sheer "evil" that is our military-industrial complex**, again, **let's examine what the world looked like before that establishment reared its ugly head**. The last great period of global structural change was the first half of **the 20th century**, a period that **saw a death toll of about 100 million** across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these **calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war**. We are clearly **headed for a world order characterized by multipolarity**, something the American-birthing system was designed to both encourage and accommodate. **But given how things turned out the last time we** collectively faced such a fluid structure, **we would do well to keep U.S. power**, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, **the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism**. America then successfully **replicated globalization** further **in East Asia** over the second half of the 20th century, **setting the stage for the Pacific Century now unfolding**.

Impact – Economy

Economy performs better under Democratic presidents – overall stock returns were significantly higher

Lund, 14 (Brian, a freelance writer, author, and financial executive with almost 30 years of market experience. He writes prose about the markets and finance with an occasional poetic slice of pop culture. He is the author of *Trading: The Best of the Best - Top Trading Tips For Our Times*, and has made numerous appearances on CNBC, “Republican or Democrat Presidents: Which Are Better for the Stock Market?” *DailyFinance*, 3/5/14, <http://www.dailyfinance.com/2014/03/05/republican-democrat-presidents-better-stock-market-performance/>) Zhang

In 2012, a report titled "US Market Performance Since 1900: Republicans Versus Democrats" was released by CMC Markets, a major financial research company -- ironically, based in Canada -- which attempted to answer the question once and for all.^a The report has a number of surprises in it, including the fact that although Ronald Reagan and Franklin Roosevelt had impressive overall returns over the course of their terms -- 125 percent and 201 percent respectively -- it's actually Calvin Coolidge, a Republican, who comes in at the top spot with a total return of 269 percent during his time in office. However, on the whole, the stock market has performed better under Democratic presidents than under Republicans. Much, much better. The average monthly return under Democrats was 0.73 percent versus 0.38 percent for Republicans, and Democrats posted an average yearly return of 15.31 percent against 5.47 percent for their political counterparts.^d In fact, there's a school of thought that says the best time for the market is when there's conflict between Congress and the presidency, which renders them both impotent, and allows private industry to innovate free from government intervention.^a A classic example of this was the economic boom of the mid- to late- '90s when the markets hit record highs. That includes the Nasdaq composite (^IXIC), which more than quadrupled in two years, then plummeted by the same amount in the next two. To this day, it has not reached that high water mark again (though it has more than tripled from its post-bubble low).^a Democrat Bill Clinton was president then, and the stock market had overall returns of 227 percent. But Clinton's two terms were also known for intractable conflict between the Republican-majority Congress and the office of the president. Some will assert that this allowed a new technology, the Internet, to grow unobstructed and unregulated by a government that was too busy beating up on itself.

Growth prevents nuclear warfare – history proves

Mead 9 [Walter Russell Mead, the Henry A. Kissinger Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, 2-4, “Only Makes You Stronger,” *The New Republic*, <http://www.tnr.com/politics/story.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8&p=2>]

If current market turmoil seriously damaged the performance and prospects of India and China, the current crisis could join the Great Depression in the list of economic events that changed history, even if the recessions in the West are relatively short and mild. The United States should stand ready to assist Chinese and Indian financial authorities on an emergency basis--and work very hard to help both countries escape or at least weather any economic downturn. It may test the political will of the Obama administration, but the United States must avoid a protectionist response to the economic slowdown. U.S. moves to limit market access for Chinese and Indian producers could poison relations for years. For billions of people in nuclear-armed countries to emerge from this crisis believing either that the United States was indifferent to their well-being or that it had profited from their distress could damage U.S. foreign policy far more severely than any mistake made by George W. Bush. It's not just the great powers whose trajectories have

been affected by the crash. Lesser powers like Saudi Arabia and Iran also face new constraints. The crisis has strengthened the U.S. position in the Middle East as falling oil prices reduce Iranian influence and increase the dependence of the oil sheikdoms on U.S. protection. Success in Iraq—however late, however undeserved, however limited—had already improved the Obama administration’s prospects for addressing regional crises. Now, the collapse in oil prices has put the Iranian regime on the defensive. The annual inflation rate rose above 29 percent last September, up from about 17 percent in 2007, according to Iran’s Bank Markazi. Economists forecast that Iran’s real GDP growth will drop markedly in the coming months as stagnating oil revenues and the continued global economic downturn force the government to rein in its expansionary fiscal policy. All this has weakened Ahmadinejad at home and Iran abroad. Iranian officials must balance the relative merits of support for allies like Hamas, Hezbollah, and Syria against domestic needs, while international sanctions and other diplomatic sticks have been made more painful and Western carrots (like trade opportunities) have become more attractive. Meanwhile, Saudi Arabia and other oil states have become more dependent on the United States for protection against Iran, and they have fewer resources to fund religious extremism as they use diminished oil revenues to support basic domestic spending and development goals. None of this makes the Middle East an easy target for U.S. diplomacy, but thanks in part to the economic crisis, the incoming administration has the chance to try some new ideas and to enter negotiations with Iran (and Syria) from a position of enhanced strength. Every crisis is different, but there seem to be reasons why, over time, financial crises on balance reinforce rather than undermine the world position of the leading capitalist countries. Since capitalism first emerged in early modern Europe, the ability to exploit the advantages of rapid economic development has been a key factor in international competition. Countries that can encourage—or at least allow and sustain—the change, dislocation, upheaval, and pain that capitalism often involves, while providing their tumultuous market societies with appropriate regulatory and legal frameworks, grow swiftly. They produce cutting-edge technologies that translate into military and economic power. They are able to invest in education, making their workforces ever more productive. They typically develop liberal political institutions and cultural norms that value, or at least tolerate, dissent and that allow people of different political and religious viewpoints to collaborate on a vast social project of modernization—and to maintain political stability in the face of accelerating social and economic change. The vast productive capacity of leading capitalist powers gives them the ability to project influence around the world and, to some degree, to remake the world to suit their own interests and preferences. This is what the United Kingdom and the United States have done in past centuries, and what other capitalist powers like France, Germany, and Japan have done to a lesser extent. In these countries, the social forces that support the idea of a competitive market economy within an appropriately liberal legal and political framework are relatively strong. But, in many other countries where capitalism rubs people the wrong way, this is not the case. On either side of the Atlantic, for example, the Latin world is often drawn to anti-capitalist movements and rulers on both the right and the left. Russia, too, has never really taken to capitalism and liberal society—whether during the time of the czars, the commissars, or the post-cold war leaders who so signally failed to build a stable, open system of liberal democratic capitalism even as many former Warsaw Pact nations were making rapid transitions. Partly as a result of these internal cultural pressures, and partly because, in much of the world, capitalism has appeared as an unwelcome interloper, imposed by foreign forces and shaped to fit foreign rather than domestic interests and preferences, many countries are only half-heartedly capitalist. When crisis strikes, they are quick to decide that capitalism is a failure and look for alternatives. So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. **Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists** who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies. As a result, developing countries and **countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes**—as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again. None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads—but it has other, less reassuring messages as well. **If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. Bad economic times can breed wars** Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi to be born? The United States may not, yet, decline, but **if we can't get the world economy back on track, we may still have to fight.**

Impact – GOP Bad – Laundry List

The GOP would kill Social Security

Waldman 1/26/15 [Paul Waldman is a senior writer with the American Prospect magazine and a blogger for the Washington Post, “ Why is GOP going after Social Security?” Cnn.com (January 26, 2015)<http://www.cnn.com/2015/01/26/opinion/waldman-social-security/>] sheikh

(CNN)Social Security is often described as "the third rail of American politics" -- touch it and you'll get zapped. So why do Republicans keep sidling up to it and sticking their fingers out? Paul Waldman Paul Waldman There's a brewing controversy in Congress over a small part of the program, which is just the latest version of an old routine that goes like this: Republicans say Social Security is going broke, and they propose changes that would cut benefits or otherwise undermine the program. Democrats shout "Republicans are trying to cut Social Security!" Then the Republicans, scared of a backlash from older voters, back off. And why do we keep going through this? Republicans will tell you it's because the program is in peril, and if we don't cut it back, it won't be there at all for future generations. Democrats will tell you it's because Republicans never liked the program in the first place, and would love to kill it. That may be an exaggeration, but the fact is that Republicans hate big government, and government doesn't come any bigger than Social Security. It's also the most successful and beloved social program in American history. Most of us are too young to remember when growing old in America almost inevitably meant a miserable descent into poverty, but until the middle of the 20th century, that's what it was. The current controversy revolves around a rule change Republicans made as soon as the new Congress was sworn in this month. Social Security is actually two separate programs, Old Age and Survivors Insurance (OASI), and the much smaller Disability Insurance program (DI). The disability program will be facing a funding shortfall next year, and to ensure that disabled people continue to get all their benefits, Congress would have to move some money from OASI into DI. This isn't anything new -- it's been done many times in recent years.

But House Republicans adopted a parliamentary rule barring the House from allowing that transfer unless it was accompanied by benefit cuts or tax increases. If it can't get worked out, people on DI could see their benefits cut substantially. The next generation and Social Security The next generation and Social Security 01:17 PLAY VIDEO So why would Republicans insist on this? My guess is that they think forcing a mini-crisis over the Disability Insurance program's finances will allow for a debate on the program that will make it easier to do what they've wanted to do for a long time: cut it back somehow, either by reducing benefits, increasing the retirement age, or even partially privatizing it. The justification is always that the program is "going broke." But that's just not true. When people say that, what they're usually referring to is that, according to the projections in the Social Security Trustees' latest report, in 2033 the program's trust fund will be exhausted. But even if there are no changes between now and then, the program would not be "broke." That's because it would still be taking in billions of dollars in taxes every day and paying them out in benefits. Even under this scenario, the program will still pay 77% of recipient's benefits after 2033, according to the report. Which would be awful. That would be a large reduction in income for millions of seniors. But 77% is not nothing. The people who tell you that the program will be "broke" are hoping that, faced with that (fictional) nightmare, you might be willing to accept steep benefit cuts now. But we don't have to -- the

projected shortfall can be fixed with some very modest changes, like raising the payroll tax cap (right now you only pay payroll taxes on the first \$117,000 of your wages, which means that the wealthy actually pay less as a proportion of their income than the rest of us) or gradually raising the payroll tax by a point in tiny increments over an extended period. The point is, it wouldn't be hard to come up with some combination of changes that could take care of the shortfall without cutting benefits. But for that to happen, both parties would have to agree on that goal. And there's reason to wonder whether Republicans really want a Social Security that's strong and stable. Programs like Social Security and Medicare -- which provide vital benefits to millions of Americans and are hugely popular -- stand as a living rebuke to conservatives' small-government philosophy. When Republicans tell voters that government can't do anything right, they hope that the voters don't respond, "Well, the government is doing a good job keeping my grandma from having to eat cat food." The idea that the program is perennially in crisis, on the other hand, validates everything else that Republicans say. Congress will probably work out the issue with Disability Insurance funding, just like they have in the past -- once the GOP starts feeling some political heat over it. But Republicans will be back for another attack on Social Security soon enough.

Impact – Poverty

Gop will decrease food stamps therefore increasing poverty

Hines 14 [Joseph hines was a Democratic Party politician and one of the most powerful leaders of Tammany Hall in New York City, “The House GOP’s Insane Plan To Increase Record Poverty” (September 18)<http://www.demos.org/blog/9/18/13/house-gop%E2%80%99s-insane-plan-increase-record-poverty>] sheikh

Washington's set to go from not doing enough to actively adding to our unconscionable poverty rate, slashing food stamps as poverty languishes. That's because the House Republicans have a plan to double-down in their cuts to the Supplemental Assistance for Needy Families (SNAP), commonly known as food stamps. Meanwhile, new Census data shows that record poverty rates, which rose sharply during the recession, have not been helped by our milquetoast recovery. They stayed flat at an historic high of 15 percent in 2012. That isn't to say that government policy doesn't work. Conservatives love to point to rising food stamp enrollment as evidence of social insurance fraud, or to argue that simultaneously rising poverty and rising food stamp enrollment are evidence of the program's failure. The Census numbers tell another story: in 2012, current SNAP enrollment lifted four million Americans above the poverty line. That makes it our third most effective poverty relief program, after the Earned Income Tax Credit and Social Security, at a fraction of the cost. If the goal is to maximize our impact in reducing poverty, food stamps are an overwhelming success. And they've been growing in importance in accordance to the weakening economy. The issue, then, lies not in overuse of food stamps but in the declining economic prospects for the poor and middle-classes overall. Stagnating income, which directly correlates to increasing poverty, hasn't rebounded from its steep decline since the recession. Median income also failed to rebound in 2012, the third year of the recovery, following five years of decline. Yet despite weak economic prospects and a successful food stamp program, today House Republicans are set to vote on a bill as early as Thursday to double down their June proposal to gut SNAP. The House already set the stage for such cuts, separating SNAP into a stand-alone piece of legislation from its usual place as a part of the comprehensive farm bill. So what would the House GOP plan do to one of our most essential poverty-prevention programs? The bill would add an additional \$19 billion dollars in cuts to a proposal in June to cut \$20.5 billion over ten years. The Center on Budget Policy Priorities finds that the bill will cut SNAP benefits to nearly four million people in 2014 and to an average of nearly three million people each year over the coming decade. Robert Greenstein, the CBPP's president, summarizes why the bill is so draconian: The so-called “work requirement” provision of the June farm bill would let states cut off non-elderly adults, including parents with children as young as 1, who are not working at least 20 hours a week or enrolled in a work or training program for at least 20 hours a week, even if they want to work and are looking hard for a job but can't find one—regardless of local labor market conditions And that's just the twenty billion in cuts from June. The current proposal contains twice the economic pain. There are many, many other cruel aspects in the House GOP's current bill, that the CBPP details exhaustively, but the broader point is clear: as a result of an ideology that blames recipients of food stamps for an inability to find work, the House GOP will increase the ranks of the poor. Demonizing the poor is insane at a time of record poverty and stagnant incomes. A War on Poverty (not to mention the renewed

War on Poverty we need) can only succeed if it's funded. In the end, a just polity would be expanding SNAP, not cutting it down.

2NC Minority Disenfranchisement

Impact Module

SCOTUS is set to hear *Evenwel v. Abbott* – racial issues cause concern and mean this case is imperative

Epps 15 (Garrett, Professor of Law at University of Baltimore “One Person, One Vote?” 5/31/15 <http://www.theatlantic.com/politics/archive/2015/05/one-person-one-vote/394502/>) Foronda

“Equality of representation in the legislature is a first principle of liberty,” John Adams wrote in 1776. ∂ Most Americans would agree. But does “equality of representation” mean equal numbers of people—or equal numbers of voters? ∂ That question is raised by the Court’s decision Monday to hear the case of *Evenwel v. Abbott*. *Evenwel* is a challenge to the Texas Legislature’s plan for state Senate districts. The appellants are registered voters from Senate districts that have significantly more eligible voters than some others. The legislature’s districts vary from each other in raw population by less than 10 percent; but in their “citizen voting-age population,” or CVAP, the variation can be as high as 50 percent. ∂ In their appeal to the Court, the aggrieved voters note that “in Texas, large numbers of non-voters swell the population of certain geographic locations.” The Cato Institute, in a brief urging the Court to take the case, is more specific: **Evenwel is about race and national origin.** Under the current basis, the Cato brief says, “a relatively small constituency of eligible Hispanic voters ... have their votes ‘over-weighted’ and ‘over-valuated,’ effectively diluting the votes of eligible voters” in districts with fewer Latinos. Latino voters thus have “disproportionate power.” Though the brief doesn’t mention this, redrawing lines on CVAP would produce districts that are older, whiter, richer, and more likely to vote Republican. ∂ Throughout much of our history, states got to apportion their legislatures any way they wanted. But in a 1964 case called *Reynolds v. Sims*, the Warren Court proclaimed that “as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis.” The Court’s explanation, however, created a lasting confusion between population and voters; “an individual’s right to vote for state legislators,” it said, “is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.” This and later decisions spawned the shorthand phrase, “one person one vote.” ∂ In a 1966 case called *Burns v. Richardson*, the Court approved a temporary Hawaii districting plan based on the number of eligible voters; the state argued it needed to use that basis, rather than population, because of the large number of military personnel moving in and out of the state. Justice William Brennan’s majority opinion approved Hawaii’s temporary plan “only because” it “produced a distribution of legislators not substantially different from that which would have resulted from the use of a permissible population basis.” ∂ Since then, the Court has formally left the population-basis decision to each individual state. In 2001, the Court denied review in a case presenting this issue. Justice Clarence Thomas dissented from that denial, arguing that the Court should decide the issue rather than leaving it to states. “The one-person, one-vote principle may, in the end, be of little consequence if we decide that each jurisdiction can choose its own measure of population,” he wrote. ∂ As the Cato brief makes clear, the hidden issue in *Evenwel* is Section 2 of the Voting Rights Act. It forbids a state from adopting any “standard, practice, or procedure” that offers racial minorities “less opportunity than other members of the

electorate to participate in the political process and to elect representatives of their choice.” It’s hard to generalize, but states with large Latino populations use census figures on raw population—including racial makeup—to draw districts, and then look at the voting-age population (including non-citizens) and CVAP to ensure they are not “diluting” Latino political power. As Professor Nathaniel Persily of Stanford pointed out in 2010, current census data on citizenship is less reliable than the census’ raw population counts. ∂ A constitutional rule requiring that districts must be drawn on CVAP alone thus would likely lead to fewer districts in which a majority of voters are Latino. ∂ The voters’ argument is mostly based on phrases taken from the Court’s earlier decisions. The text and history of the Constitution itself don’t offer much support for the idea that voters, not population, should be counted as the basis of representation. ∂ In Article I Section 2, the framers provided that seats the U.S. House of Representatives would be awarded to states “according to their respective numbers.” The “numbers” included immigrants, women, children, and other people ineligible to vote—lumped together as “free persons.” There were two exceptions to the rule: “Indians not taxed” (meaning those living under independent tribal governments) were not counted; and “other persons” (meaning slaves) were counted as three-fifths of “free persons.” ∂ After Emancipation, there were no more “other persons.” Section Two of the Fourteenth Amendment, approved in 1868, now provides that apportionment is to be based on “the whole number of persons in each State, excluding Indians not taxed.” Population, not voting rights, again. (In 1924, Congress granted citizenship to Native people under tribal government; there are no more “Indians not taxed.”) ∂ Voting rights do appear in the Fourteenth Amendment, however. Immediately after the Civil War, Southern states were happy to have representation apportioned on the basis of the whole population of freed slaves, and not just at three-fifths of that sum, because it would have increased their number of House seats and electoral votes. They also planned to keep the franchise all white, thereby inflating the power of white, southern voters. The framers of the Fourteenth Amendment tried to forestall that, without using racial terms, by providing that when the right to vote “is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime,” the states would lose representation for the entire excluded group. (That language has never really been tested; by 1870, the Fifteenth Amendment formally barred racial discrimination in voting altogether.) ∂ Taken together, these provisions suggest that the basic constitutional rule of apportionment is, as the Reynolds v. Sims Court said, raw population. The three-fifths clause in 1787 and the “male inhabitants” clause in 1868 are phrased as extraordinary departures from that rule. ∂ These provisions, of course, do not directly govern the issue in Evenwel. They apply to federal apportionment; the districts in this case are state legislative ones. The relevant constitutional provision, then is, the equal protection clause of the Fourteenth Amendment: “No state shall ... deny to any person within its jurisdiction the equal protection of the laws.” The privileges and immunities clause appears in the same section; it applies to “citizens of the United States”; equal protection, however, explicitly applies to every “person”—white and non-white, immigrant and native-born, citizen and non-citizen. ∂ What right are we talking about? Is it the individual person’s right to representation? In a democratic system, leaders are elected by voters, but once elected, they represent all the people. Those too young to vote, those excluded

because of criminal records, and those who are not citizens are “persons” for equal-protection purposes. Is it the individual voter’s right to an equal vote? Then voting-age population or something like it would be the correct basis for apportionment. ∂ It’s not an easy question; but I think the theory, the text, and the history favor raw population. ∂ The real issue, though, is VRA Section Two. It impels some states with large Latino populations to draw districts that empower Latino voters—so that Latinos will have the “opportunity” to elect candidates of their choice. That requirement was added after congressional hearings in 1982, to provide a remedy to minority voters against voting procedures and districting that had the effect of reducing their influence, whether or not they can prove that the states intended to do so. As a young lawyer in the Reagan administration, Chief Justice John Roberts expressed his dismay at this “effects test.” In a 2006 case about “vote dilution,” Roberts wrote a separate opinion that said, “It is a sordid business, this divvying us up by race.” This case might offer a chance to reduce Section Two’s impact.

Ext – Race Internal Link

Redistricting based on eligible voters cast minorities aside – court struggling to uphold equal protection for all

B, 5/26 (Adam, Daily Kos Member, Member, Netroots Nation Bd of Dirs (Chair 2008-14), and contributing writer to the Daily Kos front page on legal and campaign finance issues, “One person, one vote,’ but which persons?” Daily Kos, 5/26/15, <http://www.dailykos.com/story/2015/05/26/1387893/--One-Person-One-Vote-but-which-persons#>) Zhang

The Justices’ move into the Texas Senate redistricting case comes fourteen years after Justice Clarence Thomas, in *Chen v. City of Houston* in May 2001, was the sole member of the Court who went on record in favor of sorting out “what measure of population should be used for determining whether the population is equally distributed among the districts.”^a The usual choice considered by legislatures is to make districts more or less equal by dividing up shares of the state’s total population, or, as an alternative, to draw lines based upon some measure of the voting members of the population — such as the numbers actually registered to vote.^a Two Texas voters, who wound up in state Senate districts where they say their votes will count less than the votes in another district even though each of those districts has about the same total number of people, argued that this contradicts the “one-person, one-vote” guarantee of voter equality. Their votes would have counted equally, they contended, if the legislature instead had used voting-age population as the measure. Other, more urban districts have proportionally fewer registered voters, so the redistricting plan based on actual population is said to give those who do vote more weight — that is, fewer of them can control the outcome.^a Neither in *Reynolds v. Sims* nor in any other decision has this Court suggested that the States are required to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime, in the apportionment base by which their legislators are distributed and against which compliance with the Equal Protection Clause is to be measured. The decision to include or exclude any such group involves choices about the nature of representation with which we have been shown no constitutionally founded reason to interfere.^a Almost all state and local governments draw districts based on total population. If people who were ineligible to vote were evenly distributed, the difference between counting all people or counting only eligible voters would not matter. But demographic patterns vary widely.[∂] As long as the baseline remains constitutionally undefined, states can manipulate the districting system by choosing one baseline over another in order to achieve various partisan or political ends. The difference can be significant, especially in areas of the country with large numbers of non-citizen residents.^a To ensure political equality in this arena, the baseline for drawing districts has been voters — not residents. Thus, to decide whether a district provides an “equality opportunity to elect” for minority voters, the courts do not look at the total number of minority residents — they look to the total number of voting-age eligible residents.^a the Court ought to adopt a clear, uniform standard to end uncertainty and potential manipulation regarding what counts as the baseline for the requirement of equality between election districts.

Redistricting causes disenfranchisement of the Latino populations – Republican majority – causes racial and systemic violence

Hans von **Spakovsky 7/28** (Hans von Spakovsky, Senior Fellow, "Symposium: Does "one person, one vote" really mean what it says?" July 28, 2015, <http://www.scotusblog.com/2015/07/does-one-person-one-vote-really-mean-what-it-says/>)
K.GEKKER

Evenwel v. Abbott may wind up being the most important voting case in sixty years. Its political ramifications could rival those of Reynolds v. Sims, the 1964 case that established the principle of "one person, one vote" under the Equal Protection Clause of the Fourteenth Amendment. The key question in Evenwel is what population does that principle require legislatures to use when they are redrawing legislative districts? Prior to Reynolds, states like Alabama and Tennessee had refused to redistrict for more than half a century, despite a dramatic, nationwide population shift from rural to urban areas. These state legislatures were dominated by rural legislators, who were not willing to reapportion and lose their power and control. Under the principle established in Reynolds, districts have to be drawn "on a basis that will insure, as far as is practicable, that equal numbers of voters can vote for proportionally equal numbers of officials." Within two years of the Reynolds decision, legislative districts had been redrawn in almost every state, and urban areas gained a substantial number of legislative seats. Today, lawmakers from urban areas dominate many state legislatures because of the huge influx of non-citizens, both legal and illegal, into predominantly urban settings. This greatly increases the population of non-voters who can be and are used to fill in urban legislative districts. If the Court rules for the plaintiffs, there could be a similar loss of clout by urban areas that rural districts experienced after Reynolds. In this case, Sue Evenwel and Edward Pfenninger are contesting the state senate districts drawn by the Texas legislature in 2013. The legislature used total population in determining whether the population of each senate district met equal protection requirements. Evenwel, a registered voter in Senate District 1, and Pfenninger, a registered voter in Senate District 4, filed suit because both the number of citizens of voting age and the number of registered voters in these two districts deviate substantially – between thirty-one and forty-nine percent – from the "ideal" population of a Texas senate district. Evenwel and Pfenninger argue that this disparity significantly dilutes their votes in comparison to those of voters who live in districts with large numbers of non-voters, particularly districts with large numbers of non-citizens who are ineligible to vote and may not even be in the country legally. According to this logic, their votes were worth roughly half that of voters in other districts. Evenwel and Pfenninger lost their constitutional challenge before a three-judge panel, however, and appealed directly to the Supreme Court. The plaintiffs argue that the "one-person, one-vote principle protects the rights of voters to an equal vote." They contend that a "statewide districting plan that distributes voters or potential votes in a grossly uneven way, therefore, is patently unconstitutional under Reynolds and its progeny." The Supreme Court has left unresolved the issue of what is the appropriate population to use for redistricting, whether it is total population, voting age population, citizen voting-age population, citizen-eligible voting-age population, or some variant thereof. In Burns v. Richardson (1966), the Court said it was up to states to choose what population to use "unless a choice is one the Constitution forbids." They did warn in Burns about using registered voters or "actual voter basis," because that population

is “susceptible to improper influences by which those in political power might be able to perpetuate underrepresentation of groups constitutionally entitled to participate in the electoral process.”^a But the Court also said states are not “required to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime.”

Additionally, while absolute parity of population is not required, the Court has established that a state legislative redistricting plan with a population deviation that exceeds ten percent creates a prima facie case of discrimination.^a In 2001 the Court denied certiorari in another case out of Texas that raised this same issue, *Chen v. City of Houston*. Justice Clarence Thomas dissented from the denial in that case, saying the Court should have taken up the case because it had “left a critical variable in the [“one person, one vote”] requirement undefined. We have never determined the relevant ‘population’ that States and localities must equally distribute among their district.” According to Thomas, this failure means that the “one-person, one-vote principle may, in the end, be of little consequence if we decide that each jurisdiction can choose its own measure of population.”^a The plaintiffs obviously agree. In their “Jurisdictional Statement” they point out that, absent such a determination, the legislature could have drawn a senate districting plan with thirty-one districts of equal population without violating the “one person, one vote” principle “even if 30 of the districts each contained one voter and the 31st district contained all other voters in the State.” As they argue, “That cannot be correct.”^a The plaintiffs also cite Judge Alex Kozinski’s partial dissent in *Garza v. County of Los Angeles* (1991), in which the Ninth Circuit held that total population was the correct population to use regardless of voters because “the people, including those who are ineligible to vote, form the basis for representative government.” However, Kozinski disagreed, because the theory “at the core of one person one vote is the principle of electoral equality, not that of equality of representation.”^a Kozinski added that a “districting plan that gives different voting power to voters in different parts of the county . . . even though raw population figures are roughly equal. . . certainly seems in conflict with what the Supreme Court has said repeatedly” with regard to equal protection and “one person, one vote.” Equal protection “protects a right belonging to the individual elector and the key question is whether the votes of some electors are materially undercounted because of the manner in which districts are apportioned.”^a Groups claiming to represent the interests of Hispanics are upset that the Supreme Court took this case. Nina Perales of the Mexican American Legal Defense and Education Fund claims this is “an attempt to cut back on growing Latino political strength in [Texas] by packing Latinos into a smaller number of districts.” But those groups and the U.S. Justice Department, with whom they are almost always allied in lawsuits filed under the Voting Rights Act, will have a tough time making these arguments. In redistricting suits that it brings under Section 2 of the VRA, the department almost always bases its claims on citizen voting-age population rather than total population.^a That policy is plain on the face of the lawsuits the Justice Department filed in cases ranging from Lake Park, Florida, to Boston, Massachusetts. In its complaint against the School Board of Osceola County, Florida, for example, on behalf of Hispanic voters, the department made it very clear that it was suing under Section 2 in order to obtain a school board district in which “Hispanic persons would constitute a majority of the citizen voting-age population in one out of five districts.”^a Conservatives are being faulted in this case for supposedly wanting some people to count more than others. That is categorically untrue. What is true is that if the Supreme Court really meant what it said when it established the “one person, one vote” principle, then the

votes of voters must be valued the same as other voters. That can't happen when you included millions of non-citizens in the populations you use to determine legislative districts. In fact, as Sue Evenwel and Edward Pfenninger demonstrate, their votes were diluted to make them less valuable than those of other voters. So, in fact, those who support what Texas did here do want some people's votes to count more than others – specifically, they want the votes of certain groups to count more than those of other voters. If the Supreme Court rules in favor of the plaintiffs, what effect could it have? Democratically controlled legislative seats tend to have larger numbers of non-citizens than do Republican seats. Sean Trend, the senior elections analyst at RealClearPolitics, points out for example that in the heavily Democratic areas of Queens and Kings County, New York, only seventy-eight percent of the residents are citizens. Compare this to more Republican Nassau County, where ninety-one percent of the residents are citizens. Similarly, in the 2012 election, "counties with high citizen populations were more likely to vote for Mitt Romney" than Barack Obama. Legislative districts would probably get redrawn in parts of the country with large non-citizen populations, with a noticeable shift towards Republicans. But in the final analysis, it is not the potential political effects that make this case important. What makes it important is the principle of "one person, one vote." While states have a great deal of leeway under our federalist system, the Supreme Court determined sixty years ago that they have to apply equal protection to the election process, particularly when determining the districts in which voters exercise their basic right to choose their representatives. As Judge Kozinski said, that principle protects the value of the vote of individual voters. When the value of the vote of Sue Evenwel and Edward Pfenninger is half the value of their neighbor's vote, it seems pretty clear that principle has been violated.

AT

AT: CVAP Good

Evenwel v. Abbott rides on inaccurate population statistics – groups such as felons, children, and noncitizens mean that redrawing districts would require major upheaval

Libresco 15 (Leah, FiveThirtyEight news writer “The ‘One Person, One Vote’ Case Relies On Statistics That Nobody Has” 5/27/15 <http://fivethirtyeight.com/datalab/one-person-one-vote-case-relies-on-statistics-that-nobody-has/>) Foronda

“One person, one vote” is a deceptively simple promise, but a Texas woman wants to clarify which persons count. On Tuesday the U.S. Supreme Court agreed to hear *Evenwel v. Abbott*, a suit that challenges exactly who should be counted as a person when states draw their district boundaries in pursuit of proportional representation.^a The plaintiffs are challenging the usual method (counting total number of people living in a district) and are asking that states use the total number of eligible voters instead. The trouble is, we don’t have robust statistics on the number of eligible voters. If the Supreme Court were to set new standards for districting, we would need to overhaul the nation’s statistics and surveys.^a Electoral College votes and congressional district boundaries are determined based on Census figures for population. Those numbers include noncitizens, prisoners, felons, children and other people barred from voting. To get from the Census numbers to an eligible voter estimate, a district-drawer would need to make a lot of slightly suspect adjustments.^a From the Census numbers alone, it’s possible to calculate the voting-age population (VAP) as a crude approximation of the total number of eligible voters. VAP is just the Census tally, minus everyone under the age of 18. This adjustment wouldn’t placate the plaintiffs of *Evenwel v. Abbott*, who are more concerned about noncitizens who, provided they’re of age, would still be included in VAP figures. (Sue Evenwel is the plaintiff, and the case is filed against Texas Gov. Greg Abbott.)^b But the Census doesn’t ask respondents about their immigration status. In order to get an accurate count of the population, the Census form has to be short and relatively uncontroversial. This encourages people to fill it out without too much inconvenience or fear of the consequences.^c To get a sense of the geographic distribution of citizens, the Census numbers have to be adjusted again using statistics from a different Census Bureau project, the American Community Survey (ACS), which does ask about citizenship. The ACS’s citizenship questions make it possible to change the Census’s count of the voting-age population into an estimate of the voting age citizen population.^a Unlike the Census, the ACS is not a complete count of the country. The goal of the Census is to reach everyone; the ACS uses a representative sample of the nation. Sampling can be more accurate than counting, but efforts to use sampling to allow the Census to account for people it misses were blocked by the Supreme Court in 1999, on the grounds that the Constitution requires a traditional, full-count Census.^a Relying on the ACS for this adjustment may be harder to do in the future because the ACS has struggled to get support from Congress. In 2012, the House of Representatives passed a bill that would have eliminated the ACS. Although that proposal did not become law, ACS funding has been cut to the point where the Census Bureau can no longer provide three-year rolling averages of its figures. Provided the ACS continues to exist, it’s the best option available for calculating the citizen voting-age population. But that’s still not enough to estimate how many eligible voters live in a district.^a At the end of 2013, the Bureau of Justice Statistics estimated that 2,220,300 people were incarcerated in the United States. Nearly all of these prisoners are barred from voting. Every state but Vermont and Maine denies voting rights to people in jail. So one more adjustment needs to be added to the eligible voter calculation.^a Districting based on total population, rather than eligible voters, usually favors urban areas, but prisoners are an exception to this tendency. Prisoners are sometimes incarcerated far from where they live, usually in rural areas, boosting the electoral clout of a district in which they have never been eligible to vote. The Prison Policy Initiative has identified 21 counties in the United States where at least 20 percent of residents are prisoners.^a There’s still one more big adjustment to make. People who have been convicted of felonies are frequently ineligible to

vote, even after they've been released from jail, but the restrictions vary by state. Some states strip felons of their votes permanently, others have a waiting period, and some require felons to apply for restoration of their rights on a case-by-case basis. This hodgepodge of restrictions makes it hard to adjust the numbers, especially because states may not release detailed data on where these former felons live now.^a In a 2001 paper in the American Political Science Review, Michael McDonald and Samuel Popkin suggested two other possible factors to consider when estimating the total number of eligible voters. First, some states have residency requirements that might make people who have recently moved ineligible. Second, citizens can lose their voting rights if they are ruled mentally incompetent. McDonald and Popkin thought both of these factors were more trouble than they were worth to model: The researchers estimated that only 1 percent of the voting-age population failed to meet residency requirements and that only 0.1 percent were mentally incompetent to vote.^a **If the Supreme Court requires eligible voter estimates for districting, they may need to rule on whether McDonald and Popkin were right to exclude those groups — and on a host of other methodological questions — as the states scramble to commission constitutionally compatible surveys.**

AT: OPOV Confusion

Ruling key to clarify OPOV.

Denninston 4/19/15 [Lyle Denniston, the National Constitution Center's constitutional literacy adviser, "Constitution Check: How can voter equality be made a reality?" (May 19, 2015)]

<http://blog.constitutioncenter.org/2015/05/constitution-check-how-can-voter-equality-be-made-a-reality/>] sheikh

"The one-person, one-vote principle protects the rights of voters to an equal vote. A statewide districting plan that distributes voters or potential voters in a grossly uneven way is therefore patently unconstitutional under Supreme Court precedent....The one-person, one-vote principle may, in the end, be of little consequence if we decide that each jurisdiction can choose its own measure of population....At the core of one-person, one-vote is the principle of electoral equality, not that of equality of representation." – Excerpts from an appeal filed in the Supreme Court, urging the Justices to adopt the theory that the allocation of power to elect public officials must be based on equality among the voters who will be represented, not on equality in the number of people in each election district. The case is titled Evenwel v. Abbott. WE CHECKED THE CONSTITUTION, AND... One of the most basic aspirations of the American Constitution is the principle of equality, the notion that in a free and democratic society, no person or class of persons is to be favored over another. But to achieve equality, one has to know how to measure that: to what does one compare a person's situation to know if that person is being treated equally? That is easy if, for example, one is talking about racial equality. If one race is given special advantages, but others are not, that is a condition of inequality among the races. The same is true if one is talking about gender equality: men cannot be treated better than women. But that is not so easy when one is talking about equality among those who will be given the opportunity to choose government leaders, through elections. At America's founding, the vote was held by those who were male and owned property. Within that group, one could say those voters were equal. But people not in that category – women, or the property-less — obviously were not treated equally; they simply did not share in the sovereign act of voting. Over the decades that came later, that sovereignty was spread around more widely, though not universally, and one could say with more accuracy that there ultimately was something close to an equal right to vote. The Supreme Court made that broader equality a constitutional mandate in the 1964 decision in Reynolds v. Sims, establishing the concept of "one-person, one-vote." When legislatures created districts for electing public officials, that mandate required, the vote of each person should count as fully, in determining election outcomes, as that of any other person. In other words, the weight of one's vote should not depend upon what district each person called home; districts had to be equal, or close to equal, in the people represented. But it is a historic curiosity that, a full half-century later, the Supreme Court has yet to spell out just how the one-person, one-vote goal is to be achieved in drawing up new election districts. Should the basis of comparison be actual population, the total number of people in each district? Should it, instead, be how many voters are in each district? And who is to decide on which measure is to be used? The Supreme Court has now been asked

to answer those questions. Lawyers who filed a test case that now awaits the Justices' attention make the bold argument that one-person, one-vote means equality among voters; it is their right to equal electoral opportunity that is said to be constitutionally mandated. The target of this complaint is a redistricting plan that the Texas legislature drafted in 2013, creating new districts for electing the 31 members of the state senate. The legislature decided that it would proceed on a theory of equal representation by actual population. It came very close to achieving absolute equality among the 31 districts using that measure: between the largest and the smallest, there was only a mere 8.04 percent difference. But because some of the districts actually had many more registered voters in them than were in other districts, using voting age population as the decider, the difference between the largest and the smallest rose to as much as 49 percent. That meant, when it came to election time, that voters in districts with the lowest proportions of voters would cast votes that were about one and a half times more powerful than in the other districts. The smaller the number of voters, the more power they had in voting. The challenge to that situation was based directly on the one-person, one-vote principle, with equality of voting power as the aspiration. That challenge failed in lower federal courts, however, in a decision that it is up to the state legislature to decide what theory of representation it wants to follow, and thus what population metric to use in striving for near-equality. Taking their complaint to the Supreme Court, two Texas voters who live in districts where voters will have much less than equal voting power, comparatively, asked the Justices to declare for the first time that one-person, one-vote doctrine requires a legislature to use voting population numbers – at least when using total population numbers would cause serious disparities in the strength of the votes that will be cast. Total population as the metric could be valid, the argument goes, but only when it does not produce the kind of skewed results that it has in Texas for state senate elections. The challengers to the Texas districting plan would concede, of course, that the senators who get elected would actually be representing everyone in their districts, and not just the voters who sent them to Austin. But it is the constitutional legitimacy of their election, the challengers suggest, that is what actually is at stake. The Texas case reached the Supreme Court in a procedural form that may require the Justices to decide, one way or the other, whether the use of the total population metric can become unconstitutional when it has such a negative impact on voter equality. That could be a formidable task if for no other reason than that it would require the Justices to decide if the answer is in the Constitution, or should be left to elected representatives.

AT: Doesn't Affect House

Plaintiffs ruling will spill up to the House.

Steve **Huntly, 5/27** (Steve Huntly, Correspondent, "One-person-one-vote is a complicated concept," May 27, 2015 (<http://chicago.suntimes.com/opinion/7/71/640438/steve-huntley-one-person-one-vote-complicated-concept>) K.Gekker

Does your vote count the same as the ballot of someone living in another part of the state, or elsewhere in the country? The U.S. Supreme Court's one-person-one-vote ruling says it must. But a new case before the high court demonstrates that issue is not as simple as it seems. In deciding this week to take a lawsuit from Texas, the justices will elaborate on the court's historic 1964 decision that legislative districts must have, as close as possible, the same number of people. The question comes down to the meaning of people. Does that describe all persons, just citizens or only the voting age population? Obviously the issue is fraught with overtones of the illegal immigration issue but raises legitimate questions about citizenship and representation in a democratic republic. The stakes are huge for states with big immigrant populations, such as Texas, California and Illinois among others. While the case involves legislative representation in a state government, any decision would surely apply to determining districts for the U.S. House of Representatives, too. Representation traditionally has been based on the census of the general population, meaning everybody. That standard has been challenged in the past but until now the Supreme Court has refused to take it up. Justice Clarence Thomas in 2001 unsuccessfully argued, "As long as we sustain the one-person-one-vote principle, we have an obligation to explain to states and localities what it actually means." It looks like he finally won that argument. In the new case, Evenwel v. Abbott, the Project for Fair Representation, a conservative advocacy group representing Texas voters Sue Evenwel and Edward Pfenninger, asserts that the total-population standard means they have seen their votes in their Texas state senate districts "diluted" compared to other jurisdictions. Large urban districts can have big immigrant populations and significant numbers of disqualified felons, as well as a lot of children. Such districts enjoy the same representation in the legislature although they may be home to fewer actual voters than other districts that have much smaller non-citizen populations, the suit says. It cites Evenwel's rural East Texas district with 533,000 citizens of voting age and a nearby Houston urban district with 372,000 eligible voters. Each elects one senator to the 31-member Texas Senate. Defenders of the status quo worry that any change could benefit rural and suburban districts over urban ones, favor the Republican Party over Democrats, be detrimental to Latinos, and deny big cities the clout they need to deal with their particular problems. They further argue that since the national census counts everyone, any ruling overturning tradition would have legislative apportionment based more on an estimate than an actual count of citizens or eligible voters, whichever was the new standard. The legal fight may boil down to whether the word "persons" in the Constitution's phrase "counting the whole number of persons in each state" means citizens or every one. A plain reading of that text would seem to favor the total population argument. But certainly the Founders never envisioned an America with such a large illegal immigrant population, 11 million, as now exists. Texas asserts state's rights in saying it and other states should have the authority to set the standards. Justice Thomas has said, "The one-person-one-vote principle may, in the end, be of little consequence if we decide that each jurisdiction can choose its own measure of population." This case poses a

huge challenge for the court: The Constitution is a contract between the government and the nation's citizens, and if one person, one vote means anything, that should be equality among citizens in the responsibility of electing our legislatures. But any change from the current standard might deprive immigrant-heavy cities the legislative influence to address the unique problems of their communities. One person, one vote — what does it mean? We'll have to wait until 2016 to find out what the court thinks.

Cuba Politics DA JDI

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Obama has PC—key to lifting the Cuban embargo

Milbank 7/1 – Washington Post

Dana, In his presidential homestretch, Obama regains the momentum, 7/1/15,
http://www.washingtonpost.com/opinions/obama-regains-the-momentum/2015/07/01/43a6b932-203c-11e5-aeb9-a411a84c9d55_story.html

This echo of his 2008 campaign theme was self-congratulatory but deserved, coming at a time of unexpected hope late in his presidency. In the space of just over a week, Obama's tired tenure came back to life. He bested congressional Democrats and got trade legislation on his desk. The Supreme Court upheld the signature achievement of his presidency — Obamacare — and thereby cemented his legacy. The high court also made same-sex marriage legal across the land following a tidal change in public opinion that Obama's own conversion accelerated. Had the court's decisions not dominated the nation's attention, Obama's eulogy Friday for those slain in a South Carolina church, and his extraordinary rendition of "Amazing Grace," would have itself been one of the most powerful moments of his presidency. It is little surprise, then, that this lame duck's job approval rating hit a respectable 50 percent this week for the first time in two years in a CNN poll, and his disapproval rating dropped to 47. The good tidings of the past week have been arguably more luck than achievement for Obama, but he deserves credit for his effort to use the momentum of his victories to revive what had been a moribund presidency. When you earn political capital, as George W. Bush liked to say, you spend it. This is why it was shrewd of the surging Obama to be in the Rose Garden on Wednesday morning, demanding new action from Congress on Cuba. "Americans and Cubans alike are ready to move forward; I believe it's time for Congress to do the same," he said, renewing his call to lift the travel and trade embargo. ". . . Yes, there are those who want to turn back the clock and double down on a policy of isolation, but it's long past time for us to realize that this approach doesn't work. It hasn't worked for 50 years. . . . So I'd ask Congress to listen to the Cuban people, listen to the American people, listen to the words of a proud Cuban American, [former Bush commerce secretary] Carlos Gutierrez, who recently came out against the policy of the past." Fifteen minutes later, Obama lifted off from the South Lawn in Marine One on his way to Nashville, where he tried to use the momentum generated by the Supreme Court Obamacare victory to spread the program to states where Republican governors have resisted. "What I'm hoping is that with the Supreme Court case now behind us, what we can do is . . . now focus on how we can make it even better," he said, adding, "My hope is that on a bipartisan basis, in places like Tennessee but all across the country, we can now focus on . . . what have we learned? What's working? What's not working?" He said that "because of politics, not all states have taken advantage of the options that are out there. Our hope is, is that more of them do." He urged people to "think about this in a practical American way instead of a partisan, political way." This probably won't happen, but it's refreshing to see Obama, too often passive, regaining vigor as he approaches the final 18 months of his presidency. The energy had, at least for the moment, returned to the White House, where no fewer than six network correspondents were doing live stand-ups before Obama's appearance Wednesday morning. There was a spring in the president's step, if not a swagger, as he emerged from the Oval Office trailed by Vice President Biden. Republican

presidential candidates were nearly unanimous in denouncing the plan to open a U.S. embassy in Havana. But Obama, squinting in the sunlight as he read from his teleprompters, welcomed the fight. “The progress that we mark today is yet another demonstration that we don’t have to be imprisoned by the past,” he said. Quoting a Cuban American’s view that “you can’t hold the future of Cuba hostage to what happened in the past,” Obama added, “That’s what this is about: a choice between the future and the past.” Obama turned to go back inside, ignoring the question shouted by Bloomberg’s Margaret Talev: “How will you get an ambassador confirmed?” That will indeed be tricky. But **momentum is everything in politics — and for the moment, Obama has it again.**

[insert link]

Lifting the embargo is key to successful cooperative engagement strategies in the Middle East and Asia

Sergio **Dickerson**, Lieutenant Colonel in the US Army, 2010 (UNITED STATES SECURITY STRATEGY TOWARDS CUBA, www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA518053)

Today, 20 years have passed since the fall of the Berlin Wall – it’s time to chip away at the diplomatic wall that still remains between U.S. and Cuba. As we seek a new foreign policy with Cuba it is imperative that we take into consideration that distrust will characterize negotiations with the Cuban government. On the other hand, consider that loosening or **lifting the embargo could also be mutually beneficial.** Cuba’s need and America’s surplus capability to provide goods and services could be profitable and eventually addictive to Cuba. Under these conditions, diplomacy has a better chance to flourish. If the Cuban model succeeds President **Obama will be seen as a true leader for multilateralism. Success in Cuba could afford the international momentum and credibility to solve other seemingly “wicked problems” like the Middle East and Kashmir.** President **Obama could leverage this international reputation with other rogue nations like Iran and North Korea who might associate their plight with Cuba. The U.S. could begin to lead again and reverse its perceived decline in the greater global order bringing true peace for years to come.**

Engagement prevents Asian nuclear conflict – the impact is extinction

Hamel-Green, Executive Dean at Victoria, 1/5/10

(The Path Not Taken, the Way Still Open: Denuclearizing the Korean Peninsula and Northeast Asia, www.nautilus.org/fora/security/10001HayesHamelGreen.pdf)

The international community is increasingly aware that cooperative diplomacy is the most productive way to tackle the multiple, interconnected global challenges facing humanity, not least of which is the increasing proliferation of nuclear and other weapons of mass destruction. **Korea and Northeast Asia are instances where risks of nuclear proliferation and actual nuclear use** arguably **have increased** in recent years. This negative trend is a product of continued US nuclear threat projection against the DPRK as part of a general program of coercive diplomacy in this region, North Korea’s nuclear weapons programme, the breakdown in the Chinese-hosted

Six Party Talks towards the end of the Bush Administration, regional concerns over China's increasing military power, and concerns within some quarters in regional states (Japan, South Korea, Taiwan) about whether US extended deterrence ("nuclear umbrella") afforded under bilateral security treaties can be relied upon for protection. The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community. At worst, there is the possibility of nuclear attack, whether by intention, miscalculation, or merely accident, leading to the resumption of Korean War hostilities. On the Korean Peninsula itself, key population centres are well within short or medium range missiles. The whole of Japan is likely to come within North Korean missile range. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. Even a limited nuclear exchange would result in a holocaust of unprecedented proportions. But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming. Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs² (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas). The studies indicate that the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years.³ In Westberg's view: That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years. The temperature over the continents would decrease substantially more than the global average. A decrease in rainfall over the continents would also follow...The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger...To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth's protective.

Uniqueness

Will Pass

Obama is pushing for the Cuban embargo to be lifted—has the political capital and public support, but it's close

Talev and Lakshmanan 7/1 – Bloomberg

Margaret and Indira, Obama Wants Travel to Cuba to Resume and Embargo to End, 7/1/15, <http://skift.com/2015/07/01/obama-wants-travel-to-cuba-to-resume-and-embargo-to-end/>

President Barack Obama urged Congress to follow his decision to reopen the American embassy in Havana by lifting the U.S. trade embargo on Cuba. “The best way to support our values is through engagement,” Obama said at the White House. “Americans and Cubans alike are looking to move forward. I believe it’s time for Congress to do the same.” The embassy will reopen on July 20 and Cuba will reopen its embassy in Washington. Secretary of State John Kerry intends to go to Havana for the occasion and he will “proudly raise the American flag” over the embassy, Obama said. Jeffrey DeLaurentis, who heads the U.S. Interests Section in Havana and would be the initial envoy heading the reopened embassy, delivered a letter from Obama confirming the plans addressed to Cuba President Raul Castro, according to the Foreign Ministry. The president hasn’t decided on who might be nominated as ambassador or whether he would make the nomination in the immediate future, according to an administration official. The question for Obama is whether he has the political momentum to get a U.S. ambassador to Cuba confirmed by the Republican-controlled Senate or get the embargo lifted. Florida Senator Marco Rubio, who is seeking the Republican presidential nomination, has said he would block any ambassador nominee offered by the White House. Ted Cruz, a Texas senator also seeking the party’s nomination, has echoed that threat. Obama’s Victories Obama is coming off of series of high-profile legislative and political victories. Congress last month gave him expanded authority to negotiate trade deals and the U.S. Supreme Court upheld a key portion of his signature health care law and legalized same-sex marriage nationwide. During a White House press conference Tuesday, Obama said he’d use the political capital he had built up on a long list of priorities. “We are going to squeeze every last ounce of progress that we can make as long as I have the privilege of holding this office,” he said. Word of the embassy reopenings brought renewed criticism from a U.S. lawmaker who’s among those opposed to normalizing ties with Cuba’s Communist regime, citing its poor record on human rights. “Opening the American embassy in Cuba will do nothing to help the Cuban people and is just another trivial attempt for President Obama to go legacy shopping,” said Representative Ileana Ros-Lehtinen, a Cuban-American Republican from Florida. Public Sentiment Obama said the U.S. must not be “imprisoned by the past.” He said there are tourists who want to travel to Cuba and businesses that want to invest there. Public sentiment may be moving Obama’s way. A Pew Research poll released in January, one month after the president first announced plans to reestablish diplomatic ties, found that 63 percent of Americans favored re-establishing diplomatic relations, while 28 percent disapproved. Two-thirds of respondents favored ending the trade embargo.

Obama will win on Cuba policy—GOP will be forced to get on board

Maloy 7/2 – Salon

Simon, GOP's dead-end Cuba gamble: Republicans' Cold War-era tough talk won't come to anything, 7/2/15,

http://www.salon.com/2015/07/02/gops_dead_end_cuba_gamble_republicans_cold_war_era_tough_talk_wont_come_to_anything/

After winning a great victory for communism with the Supreme Court decision upholding the Affordable Care Act's subsidies, Barack Obama went for broke this week and surrendered to Cuba, thus ending the Cold War in a crippling defeat for global capitalism. ¡Que viva la gran revolución! ¡Venceremos! Okay, maybe that's not precisely what happened. But what did happen is that the White House followed through on a key portion of the president's plan to normalize relations with our tiny communist island neighbor. In a Rose Garden ceremony yesterday, Obama officially announced that the United States and Cuba would open embassies in Havana and Washington, DC. That announcement came just over a month after Cuba was removed from the State Department's list of state sponsors of terrorism. That's two big changes to the United States' Cuba policy, which had remained essentially unchanged for 50 years and made precisely zero progress towards its goal of dislodging the Castro regime. But Republicans in Congress and the 2016 presidential field are, as is their wont, pushing back on the president and insisting that we stick with what hasn't been working. The two Cuban-American Republican presidential candidates, Marco Rubio and Ted Cruz, vowed to block Senate confirmation of any ambassador to Cuba. House Speaker John Boehner said "relations with the Castro regime should not be revisited, let alone normalized, until Cubans enjoy freedom – and not one second sooner." 2016 hopeful Carly Fiorina outdid everyone, promising to Hugh Hewitt that as president she would close the U.S. embassy in Cuba. I guess it's not entirely surprising that the GOP would still be so gung-ho about fighting the Cold War more than two decades after it ended. But **there's no real reason to think that all this tough talk and posturing on Cuba will amount to anything**, even if a Republican wins the White House in 2016. The reason is simple: corporate America very strongly approves of Obama's plans to open up Cuba, and Republicans try very hard to not piss off the business community too much. For half a century the island has just been sitting there off the Florida coast, a market completely shut off from thorough exploitation by American business interests. Those same business interests would love nothing more than to see the 50-year trade embargo come crashing down, but Obama can't unilaterally end it because Bill Clinton stupidly gave up the executive branch's authority over the embargo back in 1996. The only way to end the Cuba embargo is for Congress to vote to kill it, and statements like the one from the House Speaker quoted above don't lead one to believe that that will happen any time soon. But America's corporate masters are apparently massing their armies of lobbyists to try and convince enough Republicans in Congress to give up on this obsolete relic from the Kennedy administration. There's also some political blowback to be had for advocating a hardline Cuba posture. Polling over the past few months has shown that Americans are ready to abandon the embargo and generally approve of Obama's moves to normalize diplomatic relations with Cuba. Even majorities of the Cuban-American population favor a less antagonistic posture towards Cuba. Carlos Gutierrez, the Cuban-born commerce secretary under George W. Bush, just recently wrote an op-ed for the New York Times explaining how he'd overcome his skepticism of the Obama administration's Cuba policy, arguing that "it is now time for Republicans and the wider American business community to stop fixating on the past and embrace a new approach to Cuba." Obviously Republicans have

legitimate concerns about the Castro regime's human rights abuses and longstanding policies of censorship and repression. But none have, as yet, offered a compelling rationale for why diplomatic rapprochement should be abandoned and the longstanding and wildly ineffective policies of isolation and embargo should snap back into place, given that they did nothing to stop those abuses in the first place. But they've promised to do it anyway, and in doing so they're putting themselves into a box politically. Obama's already set the country on the path to normalized relations with Cuba, and it's tough to roll back that progress, especially when it is strongly supported by the public and all-powerful business interests. Any Republican who may feel impelled by ideological conviction to once again sever diplomatic ties and return to the Cold War days of total isolation will have to convince their corporate financial backers to sacrifice their bottom lines so that we can resume the dead-end fight against the Red Menace. Seems like it would be a lot more trouble than it's worth.

Embassy creates momentum

Spencer 7/1 – Star Tribune

Jim, Embassy reopening could help efforts to end Cuban trade embargo, 7/1/15,
<http://www.startribune.com/embassy-reopening-could-help-efforts-to-end-cuban-trade-embargo/311225501/>

The reopening of the U.S. embassy in Cuba on July 20 pushes the United States a giant step closer to ending a long-standing trade embargo and travel restrictions that some Minnesota politicians and businesses have been lobbying hard to remove. "You can't get rid of a trade embargo without first having an embassy," Sen. Amy Klobuchar D-Minn., told the Star Tribune.

Lifting the embargo will pass—Obama will overcome GOP opposition

Prensa Latina 7/2

Battle in Congress Against Blockade of Cuba Advocated in USA, 7/2/15,
http://www.plenglish.com/index.php?option=com_content&task=view&id=3947081&Itemid=1

"We need to talk with the Congress to lift the embargo, it will not be easy, but we have to do it," he said in an interview with Prensa Latina in connection with the announcement on the eve of the restoration of diplomatic relations between Havana and Washington and the opening of embassies, to from 20 July. According to Smith, who headed the American section in the years from 1979 to 1982, one can not speak yet of normal ties between the two nations, "because the embargo still remains." Having become law, it is up to the US Congress to pass a resolution on the end of the economic, commercial, and financial blockade in effect for more than half a century, but the Republican Party, which controls both houses, seems intent on using the Cuban issue in its pulse with President Barack Obama, who called for an end to the blockade. Despite the aggressive discourse of some sectors stuck in the past, especially the Cuban-American legislators, the former diplomat was optimistic about the future of bilateral scene. In his view, it will be difficult to jeopardize Obama's decisions to boost the approach, approved by the majority of Americans and with growing support among businessmen[persons]. Regarding the presidential elections next year, he predicted a Democratic victory, which would maintain the

current line to pursue normal ties with the Caribbean country after decades of hostility, which also include the blockade and subversive plans to impose a regime change.

Yes PC

Yes PC

Miller 6/30 – Roll Call

Jonathan, Democrats Pursue a No-Veto Strategy on Spending Bills, 6/30/15,
http://www.rollcall.com/news/democrats_pursue_a_no_veto_strategy_on_spending_bills-242605-1.html

Allowing Obama to issue vetoes would seem to make sense. The president is a lame duck with an approval rating that hit 50 percent in a CNN poll for the first time in more than two years as he enjoys one of the best periods of his presidency, so **he's got some political capital to spend.** At just four vetoes, his record doesn't come close to that of other recent presidents, though of course there's many months left in his tenure.

AT Gun Control

Won't cost PC—received positively

Kumar 7/2 – International Business Times

Kalyan, Obama Turns Gaze On Gun Control Reforms: Survey Shows Slimming Support For Obama Line On Guns, 7/2/15, <http://www.ibtimes.com.au/obama-turns-gaze-gun-control-reforms-survey-shows-slimming-support-obama-line-guns-1454168>

Mr Obama's speech at the Charleston homage ceremony, with a "call to action" on gun control and race -- the thorniest and most divisive problems of his presidency, found a **positive acceptance**. The aftermath of Charleston shootings gave the President the moral authority to pursue his reform plans on gun control. Bruce Buchanan, a specialist in presidential politics said, "It remains to be seen if he can use either as leverage to press his remaining policy ambitions."

Links

Generic

New surveillance restrictions will cost PC—politically controversial

Gross 15 - covers technology and telecom policy in the U.S. government for the IDG News Service

Grant, Don't expect major changes to NSA surveillance from Congress, 6/5/15,
<http://www.pcworld.com/article/2932337/dont-expect-major-changes-to-nsa-surveillance-from-congress.html>

After the U.S. Congress approved what critics have called modest limits on the National Security Agency's collection of domestic telephone records, many lawmakers may be reluctant to further change the government's surveillance programs. The Senate this week passed the USA Freedom Act, which aims to end the NSA's mass collection of domestic phone records, and President Barack Obama signed the bill hours later. After that action, expect Republican leaders in both the Senate and the House of Representatives to resist further calls for surveillance reform. That resistance is at odds with many rank-and-file lawmakers, including many House Republicans, who want to further limit NSA programs brought to light by former agency contractor Edward Snowden. Civil liberties groups and privacy advocates also promise to push for more changes. It may be difficult to get "broad, sweeping reform" through Congress, but many lawmakers seem ready to push for more changes, said Adam Eisgrau, managing director of the office of government relations for the American Library Association. The ALA has charged the NSA surveillance programs violate the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable searches and seizures. "Congress is not allowed to be tired of surveillance reform unless it's prepared to say it's tired of the Fourth Amendment," Eisgrau said. "The American public will not accept that." Other activists are less optimistic about more congressional action. "It will a long slog getting more restraints," J. Kirk Wiebe, a former NSA analyst and whistleblower said by email. "The length of that journey will depend on public outcry—that is the one thing that is hard to gauge." With the USA Freedom Act, "elected officials have opted to reach for low-hanging fruit," said Bill Blunden, a cybersecurity researcher and surveillance critic. "The theater we've just witnessed allows decision makers to boast to their constituents about reforming mass surveillance while spies understand that what's actually transpired is hardly major change." The "actual physical mechanisms" of surveillance programs remain largely intact. Blunden added by email. "Politicians may dither around the periphery but they are unlikely to institute fundamental changes." What's in the USA Freedom Act? Some critics have blasted the USA Freedom Act as fake reform, while supporters have called it the biggest overhaul of U.S. surveillance program in decades. Many civil liberties and privacy groups have come down in the middle of those two views, calling it modest reform of the counterterrorism Patriot Act. The law aims to end the NSA's decade-plus practice of collecting U.S. telephone records in bulk, while allowing the agency to search those records in a more targeted manner. The law also moves the phone records database from the NSA to telecom carriers, and requires the U.S. Foreign Intelligence Surveillance Court (FISC) to consult with tech and privacy experts when ruling on major new data collection requests from the NSA. It also requires all significant FISC orders from the last 12 years to be released to the public. The new law limits bulk collection of U.S. telephone and business records by requiring the FBI, the agency

that applies for data collection, to use a “specific selection term” when asking the surveillance court to authorize records searches. The law prohibits the FBI and NSA from using a “broad geographic region,” including a city, county, state or zip code, as a search term, but it doesn’t otherwise define “specific search term.” That’s a problem, according to critics. The surveillance court could allow, for example, “AT&T” as a specific search term and give the NSA the authority to collect all of the carrier’s customer records. Such a ruling from FISC would seem to run counter to congressional intent, but this is the same court that defined all U.S. phone records as “relevant” to a counterterrorism investigation under the old version of the Patriot Act’s Section 215. The USA Freedom Act also does nothing to limit the NSA’s surveillance of overseas Internet traffic, including the content of emails and IP voice calls. Significantly limiting that NSA program, called Prism in 2013 Snowden leaks, will be a difficult task in Congress, with many lawmakers unconcerned about the privacy rights of people who don’t vote in U.S. elections. Still, the section of the Foreign Intelligence Surveillance Act that authorizes those NSA foreign surveillance programs sunsets in 2017, and that deadline will force Congress to look at FISA, although lawmakers may wait until the last minute, as they did with the expiring sections of the Patriot Act covered in the USA Freedom Act. The House Judiciary Committee will continue its oversight of U.S. surveillance programs, and the committee will address FISA before its provisions expire, an aide to the committee said. Republican leaders opposed to more changes Supporters of new reforms will have to bypass congressional leadership, however. Senate Republican leaders attempted to derail even the USA Freedom Act and refused to allow amendments that would require further changes at the NSA. In the House, Republican leaders threatened to kill the USA Freedom Act if the Judiciary Committee amended the bill to address other surveillance programs. Still, many House members, both Republicans and Democrats, have pushed for new surveillance limits, with lawmakers adding an amendment to end so-called backdoor government searches of domestic communications to a large appropriations bill this week.

NSA

Reforming the NSA costs political capital

Burnett 14 – retired Silicon Valley executive

Bob, Why Hasn't Obama Reined in NSA?, Huffington Post, 1/10/14,
http://www.huffingtonpost.com/bob-burnett/obama-nsa_b_4574910.html

1. Obama decided not to expend political capital changing it. Given the economic problems he inherited from George Bush, plus the difficulty of working with a divided Congress, Obama may have decided it was not worth the effort to rein in the NSA. That's been true of national security in general. Obama had increased defense spending, expanded the national-security state, and maintained the hundreds of US military bases that dot the globe. Obama tried to shut down Guantanamo but was thwarted by Congress.

Internals

Yes Spillover

Domestic policies spillover—drain Obama’s ability to modify Cuba policy

Lee 7/2 – Wall Street Journal

Carol, White House Gears Up for Domestic-Policy Offensive, 7/2/15,
<http://blogs.wsj.com/washwire/2015/07/02/white-house-gears-up-for-domestic-policy-offensive/>

The challenge for Mr. Obama will be in the places where his domestic and foreign policy agendas intersect. The president has limited political capital in Congress. And he needs lawmakers to back—or at least not amass a veto-proof majority opposition to—a nuclear deal with Iran if one is finalized in coming days. He’ll also need to generate enough support among Republican and Democratic lawmakers for lifting the embargo on Cuba, which on Wednesday he again called on Congress to do as he announced finalized plans to open an American embassy in Havana.

Issues spillover – horse-trading occurs on unrelated issues

Beckman 10 – Professor of Political Science

Matthew N. Beckman, Professor of Political Science @ UC-Irvine, 2010, “Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004,” pg. 59

This key point about agenda-centered lobbying leads to the final insight: because the president seeks a "deal" that is worse for leading opponents than what they could get by challenging him, the administration must compensate these leading opponents to offset the difference. This "horse-trading" can be on exogenous issues - for example, a different bill, an executive or judicial nomination, or some other executive-controlled offering - but often occurs within the confines of the same bill. Typically, the president's part of the logroll is included as the bill's first title, leading opponents' part as its second.

PC Theory True

Political capital key to the agenda

Hill '10

Dell [<http://www.uncoverage.net/2010/05/obama-political-capital-tank-running-on-empty/>]
Obama's Political Capital Tank Running On Empty/May 2)

Basically, **political capital is the currency of politics**. It's what one politician uses to convince another politician to support a particular piece of legislation. **Some would call it "one hand washing the other" and that's a fair analogy. For the President to advance a political agenda, political capital is his fuel tank to get things done. He wheels and deals – all the while using that political fuel tank to get what he ultimately wants, and some agendas consume incredible amounts of that fuel. ObamaCare, for instance, required an enormous amount of political capital to get enacted.** It has become the centerpiece of the Obama administration and is, quite frankly, about the only real victory the President can claim, but **it came at a tremendous cost, literally and figuratively.**

Political capital key and finite

McClellan '9 – Professor of Political Science at Elizabethtown College

E. Fletcher McClellan is professor and Chair of the political science department at Elizabethtown College, Checking In, Patriot News, April 26, 2009, LN

Presidents make decisions, and it will soon be time for Obama to choose. So far he has had the luxury, if it can be called that, of justifying his actions as responses to economic crisis and the failed policies of his opponents. For their part, the Republicans have played the role of Washington Generals to Obama's Globetrotters, providing little in the way of credible alternatives to the president's plans. **As Obama's predecessors discovered, political capital and time are finite resources.** These are anxious times, and the public does not have unlimited patience. Though ridiculed for their manufactured character, the recent "tea party" protests, estimated to involve more than 300,000 participants nationwide, indicate that there are political boundaries to government spending and public debt. The same phenomenon is happening in Washington. **Powerful lobbies and their Congressional allies are lining up to block the president's proposals** to cut costly defense projects and curb corporate subsidies. Obama's plans for raising revenue, including his "cap and trade" proposal to reduce reliance on fossil fuels, are meeting stiff resistance. Taking a different approach, traditional opponents of health care reform such as the pharmaceutical industry are advocating expansion of the existing Medicaid program so as to prevent the adoption of a new public health insurance option. The unanswered question of the first 100 days is what is Obama willing to fight for? Is it health care? Energy independence? Tax cuts for the middle class? If the history of recent presidents is any guide, **there will come a time when Obama must shed his cool demeanor, abandon the soothing rhetoric, and draw a line in the sand.** You don't have to believe in global warming to know that it will be a hot summer in the nation's capitol.

PC Theory True—Studies

Academic studies go our way

Schier 9

Professor of Political Science at Carleton, (Steven, "Understanding the Obama Presidency," The Forum: Vol. 7: Iss. 1, Berkely Electronic Press, <http://www.bepress.com/forum/vol7/iss1/art10>)

In addition to formal powers, a president's informal power is situationally derived and highly variable. Informal power is a function of the "political capital" presidents amass and deplete as they operate in office. Paul Light defines several components of political capital: party support of the president in Congress, public approval of the presidential conduct of his job, the President's electoral margin and patronage appointments (Light 1983, 15). Richard Neustadt's concept of a president's "professional reputation" likewise figures into his political capital. Neustadt defines this as the "impressions in the Washington community about the skill and will with which he puts [his formal powers] to use" (Neustadt 1990, 185). In the wake of 9/11, George W. Bush's political capital surged, and both the public and Washington elites granted him a broad ability to prosecute the war on terror. By the later stages of Bush's troubled second term, beset by a lengthy and unpopular occupation of Iraq and an aggressive Democratic Congress, he found that his political capital had shrunk. Obama's informal powers will prove variable, not stable, as is always the case for presidents. Nevertheless, he entered office with a formidable store of political capital. His solid electoral victory means he initially will receive high public support and strong backing from fellow Congressional partisans, a combination that will allow him much leeway in his presidential appointments and with his policy agenda. Obama probably enjoys the prospect of a happier honeymoon during his first year than did George W. Bush, who entered office amidst continuing controversy over the 2000 election outcome. Presidents usually employ power to disrupt the political order they inherit in order to reshape it according to their own agendas. Stephen Skowronek argues that "presidents disrupt systems, reshape political landscapes, and pass to successors leadership challenges that are different from the ones just faced" (Skowronek 1997, 6). Given their limited time in office and the hostile political alignments often present in Washington policymaking networks and among the electorate, presidents must force political change if they are to enact their agendas. In recent decades, Washington power structures have become more entrenched and elaborate (Drucker 1995) while presidential powers – through increased use of executive orders and legislative delegation (Howell 2003) – have also grown. The presidency has more powers in the early 21st century but also faces more entrenched coalitions of interests, lawmakers, and bureaucrats whose agendas often differ from that of the president. This is an invitation for an energetic president – and that seems to describe Barack Obama – to engage in major ongoing battles to impose his preferences.

AT Hirsh

Hirsh concedes political capital matters

Hirsh 13

Michael, chief correspondent, There's No Such Thing as Political Capital, 2/7/13,
<http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn't, he has a better claim on the country's mood and direction. **Many pundits still defend political capital as a useful metaphor** at least. **It's an unquantifiable but meaningful concept.** says Norman **Ornstein** of the American Enterprise Institute. “You can't really look at a president and say he's got 37 ounces of political capital. But the fact is, **it's a concept that matters, if you have popularity and some momentum on your side.**”

AT Winners Win

Winner's don't win and PC is finite – empirics prove and especially true in the context of Obama

Eberly 13 – political science assistant professor @ St. Mary's College

Todd, "The presidential power trap" [http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-george-hw-bush-party-support/2] January 21 //mtc

As Barack Obama prepares to be sworn in for the second time as president of the United States, he faces the stark reality that little of what he hopes to accomplish in a second term will likely come to pass. Mr. Obama occupies an office that many assume to be all powerful, but like so many of his recent predecessors, the president knows better. He faces a political capital problem and a power trap.¶ In the post-1960s American political system, presidents have found the exercise of effective leadership a difficult task. To lead well, a president needs support – or at least permission – from federal courts and Congress; steady allegiance from public opinion and fellow partisans in the electorate; backing from powerful, entrenched interest groups; and accordance with contemporary public opinion about the proper size and scope of government. This is a long list of requirements. If presidents fail to satisfy these requirements, they face the prospect of inadequate political support or political capital to back their power assertions.¶ What was so crucial about the 1960s? We can trace so much of what defines contemporary politics to trends that emerged then. Americans' confidence in government began a precipitous decline as the tumult and tragedies of the 1960s gave way to the scandals and economic uncertainties of the 1970s. Long-standing party coalitions began to fray as the New Deal coalition, which had elected Franklin Roosevelt to four terms and made Democrats the indisputable majority party, faded into history. The election of Richard Nixon in 1968 marked the beginning of an unprecedented era of divided government. Finally, the two parties began ideologically divergent journeys that resulted in intense polarization in Congress, diminishing the possibility of bipartisan compromise. These changes, combined with the growing influence of money and interest groups and the steady "thickening" of the federal bureaucracy, introduced significant challenges to presidential leadership.¶ Political capital can best be understood as a combination of the president's party support in Congress, public approval of his job performance, and the president's electoral victory margin. The components of political capital are central to the fate of presidencies. It is difficult to claim warrants for leadership in an era when job approval, congressional support and partisan affiliation provide less backing for a president than in times past. In recent years, presidents' political capital has shrunk while their power assertions have grown, making the president a volatile player in the national political system.¶ Jimmy Carter and George H.W. Bush joined the small ranks of incumbents defeated while seeking a second term. Ronald Reagan was elected in two landslides, yet his most successful year for domestic policy was his first year in office. Bill Clinton was twice elected by a comfortable margin, but with less than majority support, and despite a strong economy during his second term, his greatest legislative successes came during his first year with the passage of a controversial but crucial budget bill, the Family and Medical Leave Act, and the North American Free Trade Agreement. George W. Bush won election in 2000 having lost the popular vote, and though his impact on national security policy after the Sept. 11 attacks was far reaching, his greatest domestic policy successes came during 2001. Ambitious plans for Social Security reform, following his narrow re-election in 2004, went nowhere.¶ Faced with obstacles to successful leadership, recent presidents have come to rely more on their formal powers. The number of important executive orders has increased significantly since the 1960s, as have the

issuance of presidential signing statements. Both are used by presidents in an attempt to shape and direct policy on their terms. Presidents have had to rely more on recess appointments as well, appointing individuals to important positions during a congressional recess (even a weekend recess) to avoid delays and obstruction often encountered in the Senate. Such power assertions typically elicit close media scrutiny and often further erode political capital.¶ Barack Obama's election in 2008 seemed to signal a change. Mr. Obama's popular vote majority was the largest for any president since 1988, and he was the first Democrat to clear the 50 percent mark since Lyndon Johnson. The president initially enjoyed strong public approval and, with a Democratic Congress, was able to produce an impressive string of legislative accomplishments during his first year and early into his second, capped by enactment of the Patient Protection and Affordable Care Act. **But with each legislative battle and success, his political capital waned.** His impressive successes with Congress in 2009 and 2010 were accompanied by a shift in the public mood against him, evident in the rise of the tea party movement, the collapse in his approval rating, and the large GOP gains in the 2010 elections, which brought a return to divided government.¶ By mid-2011, Mr. Obama's job approval had slipped well below its initial levels, and Congress was proving increasingly intransigent. In the face of declining public support and rising congressional opposition, Mr. Obama, like his predecessors, looked to the energetic use of executive power. In 2012, the president relied on executive discretion and legal ambiguity to allow homeowners to more easily refinance federally backed mortgages, to help veterans find employment and to make it easier for college graduates to consolidate federal student loan debt. He issued several executive orders effecting change in the nation's enforcement of existing immigration laws. He used an executive order to authorize the Department of Education to grant states waivers from the requirements of the No Child Left Behind Act — though the enacting legislation makes no accommodation for such waivers. Contrary to the outcry from partisan opponents, Mr. Obama's actions were hardly unprecedented or imperial. Rather, they represented a rather typical power assertion from a contemporary president.¶ Many looked to the 2012 election as a means to break present trends. But Barack Obama's narrow re-election victory, coupled with the re-election of a somewhat-diminished Republican majority House and Democratic majority Senate, hardly signals a grand resurgence of his political capital. The president's recent issuance of multiple executive orders to deal with the issue of gun violence is further evidence of his power trap. Faced with the likelihood of legislative defeat in Congress, the president must rely on claims of unilateral power. But such claims are not without limit or cost and will likely further erode his political capital.¶ Only by solving the problem of political capital is a president likely to avoid a power trap. **Presidents in recent years have been unable to prevent their political capital from eroding.** When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval.¶ However, short-term legislative strategies may win policy success for a president but do not serve as an antidote to declining political capital over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's recent predecessors solved the political capital problem or avoided the power trap. It is the central political challenge confronted by modern presidents and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

Health care and energy prove winners don't win – capital is finite

Lashof '10

Dan Lashof, director of the National Resource Defense Council's climate center, Ph.D. from the Energy and Resources Group at UC-Berkeley, 7-28-2010, NRDC Switchboard Blog, "Coulda, Shoulda, Woulda: Lessons from Senate Climate Fail," http://switchboard.nrdc.org/blogs/dlashof/coulda_shoulda_woulda_lessons.html

Lesson 2: **Political capital is not necessarily a renewable resource**. Perhaps the most fateful decision the Obama administration made early on was to move **healthcare** reform **before energy** and climate legislation. I'm sure this **seemed like a good idea** at the time. Healthcare reform was popular, was seen as an issue that the public cared about on a personal level, and was expected to unite Democrats from all regions. White House officials and Congressional leaders reassured environmentalists with their theory that success breeds success. A quick victory on healthcare reform would renew Obama's political capital, some of which had to be spent early on to push the economic stimulus bill through Congress with no Republican help. **Healthcare** reform **was** eventually **enacted**, but **only after an exhausting battle that eroded public support, drained political capital and created the Tea Party movement**. **Public support** for healthcare reform **is slowly rebounding** as some of the early benefits kick in and people realize that the forecasted Armageddon is not happening. **But this is occurring too slowly to rebuild Obama's political capital in time to help push climate legislation across the finish line.**

Impacts

Engagement—Embargo Key

Lifting the embargo boosts international engagement – that increases our negotiating leverage with regimes like Iran and North Korea

Klaas **Hinderdael**, Associate Case Manager at Kroll risk management, 6/11/11

(Breaking the Logjam: Obama's Cuba Policy and a Guideline for Improved Leadership, <http://bcjournal.org/volume-14/breaking-the-logjam.html?printerFriendly=true>)

In the context of Raúl shifting course in Cuba, the Obama administration has the opportunity to highlight the benefits of both the use of soft power and a foreign policy of engagement. As evidence mounts that the United States is ready to engage countries that enact domestic reforms, its legitimacy and influence will grow. Perhaps future **political leaders, in Iran or North Korea** for example, **will be more willing to make concessions knowing that the United States will return in kind.** The United States should not wait for extensive democratization before further engaging Cuba, however. One legacy of the Cold War is that Communism has succeeded only where it grew out of its own, often nationalistic, revolutions. As it has with China and Vietnam, the United States should look closely at the high payoffs stemming from engagement. By improving relations, America can enhance its own influence on the island's political structure and human rights policies. At home, with the trade deficit and national debt rising, the economic costs of the embargo are amplified. Recent studies estimate that the US economy foregoes up to \$4.84 billion a year and the Cuban economy up to \$685 million a year.⁵⁰ While US-Cuban economic interests align, political considerations inside America have shifted, as "commerce seems to be trumping anti-Communism and Florida ideologues."⁵¹ Clearly, public opinion also favors a new Cuba policy, with 65 percent of Americans now ready for a shift in the country's approach to its neighboring island.⁵² At this particular moment in the history of US-Cuban relations, there is tremendous promise for a breakthrough in relations. In a post-Cold War world, Cuba no longer presents a security threat to the United States, but instead provides it with economic potential. American leaders cannot forget the fact that an economic embargo, combined with diplomatic isolation, has failed to bring democracy to Cuba for over 50 years. American policymakers should see Cuba as an opportunity to reap the political, economic, and strategic rewards of shifting its own policies toward engagement. By ending the economic embargo and normalizing diplomatic relations with the island, President Obama would indicate that he is truly willing to extend his hand once America's traditional adversaries unclench their fists.

Engagement—Yes Asia War

Asia outweighs all other impacts—It has the greatest risk of nuclear war that involves the superpowers with the most nuclear weapons, is key to the global economy, is key to global democracy

Mead 10

Mead, senior fellow @ the Council on Foreign Relations, 2010 Walter, American Interest, "Obama in Asia", <http://blogs.the-american-interest.com/wrm/2010/11/09/obama-in-asia/>

The decision to go to Asia is one that all thinking Americans can and should support regardless of either party or ideological affiliation. **East and South Asia are the places where the 21st century, for better or for worse, will most likely be shaped; economic growth, environmental progress, the destiny of democracy and success against terror are all at stake here.** American objectives in this region are clear. While convincing China that its best interests are not served by a rash, Kaiser Wilhelm-like dash for supremacy in the region, the US does not want either to isolate or contain China. We want a strong, rich, open and free China in an Asia that is also strong, rich, open and free. **Our destiny is inextricably linked with Asia's; Asian success will make America stronger, richer and more secure. Asia's failures will reverberate over here, threatening our prosperity, our security and perhaps even our survival. The world's two most mutually hostile nuclear states, India and Pakistan, are in Asia.** The two states most likely to threaten others with nukes, North Korea and aspiring rogue nuclear power Iran, are there. **The two superpowers with a billion plus people are in Asia as well. This is where the world's fastest growing economies are. It is where the worst environmental problems exist. It is the home of the world's largest democracy,** the world's most populous Islamic country (Indonesia — which is also among the most democratic and pluralistic of Islamic countries), and the world's most rapidly rising non-democratic power as well. Asia holds more oil resources than any other continent; the world's most important and most threatened trade routes lie off its shores. East Asia, South Asia, Central Asia (where American and NATO forces are fighting the Taliban) and West Asia (home among others to Saudi Arabia, Israel, Turkey and Iraq) are the theaters in the world today that most directly engage America's vital interests and where our armed forces are most directly involved. **The world's most explosive territorial disputes are in Asia** as well, with islands (and the surrounding mineral and fishery resources) bitterly disputed between countries like Russia, the two Koreas, Japan, China (both from Beijing and Taipei), and Vietnam. From the streets of Jerusalem to the beaches of Taiwan **the world's most intractable political problems are found on the Asian landmass and its surrounding seas. Whether you view the world in terms of geopolitical security, environmental sustainability, economic growth or the march of democracy, Asia is at the center of your concerns.** That is the overwhelming reality of world politics today, and that reality is what President Obama's trip is intended to address

Conflict in Asia goes nuclear

Chakraborty 10

United Service Institution of India "The Initiation & Outlook of ASEAN Defence Ministers Meeting (ADMM) Plus Eight,"

<http://www.usiofindia.org/Article/?pub=Strategic%20Perspective&pubno=20&ano=739>

The first ASEAN Defence Ministers Meeting Plus Eight (China, India, Japan, South Korea, Australia, New Zealand, Russia and the USA) was held on the 12th of October. When this

frame work of ADMM Plus Eight came into news for the first time it was seen as a development which could be the initiating step to a much needed security architecture in the Asia Pacific. Asia Pacific is fast emerging as the economic center of the world, consequently securing of vulnerable economic assets has becomes mandatory. The source of threat to economic assets is basically unconventional in nature like natural disasters, terrorism and maritime piracy. This coupled with the conventional security threats and flashpoints based on territorial disputes and political differences are very much a part of the region posing a major security challenge. As mentioned ADMM Plus Eight can be seen as the first initiative on such a large scale where the security concerns of the region can be discussed and areas of cooperation can be explored to keep the threats at bay. The defence ministers of the ten ASEAN nations and the eight extra regional countries (Plus Eight) during the meeting have committed to cooperation and dialogue to counter insecurity in the region. One of the major reasons for initiation of such a framework has been the new face of threat which is non-conventional and transnational which makes it very difficult for an actor to deal with it in isolation. Threats related to violent extremism, maritime security, vulnerability of SLOCs, transnational crimes have a direct and indirect bearing on the path of economic growth. Apart from this the existence of territorial disputes especially on the maritime front plus the issues related to political differences, rise of China and dispute on the Korean Peninsula has aggravated the security dilemma in the region giving rise to areas of potential conflict. This can be seen as a more of a conventional threat to the region. The question here is that how far this ADMM Plus Eight can go to address the conventional security threats or is it an initiative which would be confined to meetings and passing resolution and playing second fiddle to the ASEAN summit. It is very important to realize that when one is talking about effective security architecture for the Asia Pacific one has to talk in terms of addressing the conventional issues like the territorial and political disputes. These issues serve as bigger flashpoint which can snowball into a major conflict which has the possibility of turning into a nuclear conflict.

1nc Cuba Relations

Ending the embargo is key to US/Latin American relations

Robert **White**, Senior fellow at the Center for International Policy, 3/7/13

(After Chávez, a Chance to Rethink Relations With Cuba,

www.nytimes.com/2013/03/08/opinion/after-chavez-hope-for-good-neighbors-in-latin-america.html?pagewanted=all&_r=1&)

An end to the Cuba embargo would send a powerful signal to all of Latin America that the United States wants a new, warmer relationship with democratic forces seeking social change throughout the Americas. I joined the State Department as a Foreign Service officer in the 1950s and chose to serve in Latin America in the 1960s. I was

inspired by President John F. Kennedy's creative response to the revolutionary fervor then sweeping Latin America. The 1959 Cuban revolution, led by the charismatic Fidel Castro, had inspired revolts against the cruel dictatorships and corrupt pseudodemocracies that had dominated the region since the end of Spanish and Portuguese rule in the 19th century. Kennedy had a charisma of his own, and it captured the imaginations of leaders who wanted democratic change, not violent revolution. Kennedy reacted to the threat of continental insurrection by creating the Alliance for Progress, a kind of Marshall Plan for the hemisphere that was calculated to achieve the same kind of results that saved Western Europe from Communism. He pledged billions of dollars to this effort. In hindsight, it may have been overly ambitious, even naïve, but Kennedy's focus on Latin America rekindled the promise of the Good Neighbor Policy of Franklin D. Roosevelt and transformed the whole concept of inter-American relations. Tragically, after Kennedy's assassination in 1963, the ideal of the Alliance for Progress crumbled and "la noche mas larga" — "the longest night" — began for the proponents of Latin American democracy. Military regimes flourished, democratic governments withered, moderate political and civil leaders were labeled Communists, rights of free speech and assembly were curtailed and human dignity crushed, largely because the United States abandoned all standards save that of anti-Communism. During my Foreign Service career, I did what I could to oppose policies that supported dictators and closed off democratic alternatives. In 1981, as the ambassador to El Salvador, I refused a demand by the secretary of state, Alexander M. Haig Jr., that I use official channels to cover up the Salvadoran military's responsibility for the murders of four American churchwomen. I was fired and forced out of the Foreign Service. The Reagan administration, under the illusion that Cuba was the power driving the Salvadoran revolution, turned its policy over to the Pentagon and C.I.A., with predictable results. During the 1980s the United States helped expand the Salvadoran military, which was dominated by uniformed assassins. We armed them, trained them and covered up their crimes. After our counterrevolutionary efforts failed to end the Salvadoran conflict, the Defense Department asked its research institute, the RAND Corporation, what had gone wrong. RAND analysts found that United States policy makers had refused to accept the obvious truth that the insurgents were rebelling against social injustice and state terror. As a result, "we pursued a policy unsettling to ourselves, for ends humiliating to the Salvadorans and at a cost disproportionate to any conventional conception of the national interest." Over the subsequent quarter-century, a series of profound political, social and economic changes have undermined the traditional power bases in Latin America and, with them, longstanding regional institutions like the Organization of American States. The organization, which is headquartered in Washington and which excluded Cuba in 1962, was seen as irrelevant by Mr. Chávez. He promoted the creation of the Community of Latin American and Caribbean States — which excludes the United States and Canada — as an alternative. At a regional meeting that included Cuba and excluded the United States, Mr. Chávez said that "the most positive thing for the independence of our continent is that we meet alone without the hegemony of empire." Mr. Chávez was masterful at manipulating America's antagonism toward Fidel Castro as a rhetorical stick with which to attack the United States as an imperialist aggressor, an enemy of progressive change, interested mainly in treating Latin America as a vassal continent, a source of cheap commodities and labor. Like its predecessors, the Obama administration has given few signs that it has grasped the magnitude of these changes or cares about their consequences. After President Obama took office in 2009, Latin America's leading statesman at the time, Luiz Inácio Lula da Silva, then

the president of Brazil, urged Mr. Obama to normalize relations with Cuba. Lula, as he is universally known, correctly identified our Cuba policy as the chief stumbling block to renewed ties with Latin America, as it had been since the very early years of the Castro regime. After the failure of the 1961 Bay of Pigs invasion, Washington set out

to accomplish by stealth and economic strangulation what it had failed to do by frontal attack. But the clumsy mix of covert action and porous boycott succeeded primarily in bringing shame on the United States and turning Mr. Castro into a folk hero. And even now, despite the relaxing of travel restrictions and Raúl Castro's announcement that he will retire in 2018, the implacable hatred of many within the Cuban exile community continues. The fact that two of the three Cuban-American members of the Senate — Marco Rubio of Florida and Ted Cruz of Texas — are rising stars in the Republican Party complicates further the potential for a recalibration of Cuban-American relations. (The third member, Senator Robert Menendez, Democrat of New Jersey, is the new chairman of the Senate Foreign Relations Committee, but his power has been weakened by a continuing ethics controversy.) Are there any other examples in the history of diplomacy where the leaders of a small, weak nation can prevent a great power from acting in its own best interest merely by staying alive? The re-election of President Obama, and the death of Mr. Chávez, give America a chance to reassess the irrational hold on our imaginations that Fidel Castro has exerted for five decades. The president and his new secretary of state, John Kerry, should quietly reach out to Latin American leaders like President Juan Manuel Santos of Colombia and José Miguel Insulza, secretary general of the Organization of American States. The message should be simple: The president is prepared to show some flexibility on Cuba and asks your help. Such a simple request could transform the Cuban issue from a bilateral problem into a multilateral challenge. It would then be up to Latin Americans to devise a policy that would help Cuba achieve a sufficient measure of democratic change to justify its reintegration into a hemisphere composed entirely of elected governments. **If, however, our present policy paralysis continues, we will soon see the**

emergence of two rival camps, the United States versus Latin America. While Washington would continue to enjoy friendly relations with individual countries like Brazil, Mexico and Colombia, **the vision of** Roosevelt and Kennedy of **a hemisphere of partners** cooperating in matters of common concern **would be reduced to a historical footnote.**

Relations are key to solve proliferation

IAD '12 [Inter-American Dialogue, research organization with majority of Board of Directors from Latin American and Caribbean nations, "Remaking the Relationship: The United States and Latin America," April,

<http://www.thedialogue.org/PublicationFiles/IAD2012PolicyReportFINAL.pdf>]

Many of the **issues on the hemispheric agenda carry critical global dimensions**. Because of this, **the United States should seek greater cooperation** and consultation **with** Brazil, Mexico, and other **countries of the region** in world forums addressing shared interests. Brazil has the broadest international presence and influence of any Latin American nation. In recent years it has become far more active on global issues of concern to the United States. The United States and Brazil have clashed over such issues as Iran's nuclear program, non-proliferation, and the Middle East uprisings, but they have cooperated when their interests converged, such as in the World Trade Organization and the G-20 (Mexico, Argentina, and Canada also participate in the G-20), and in efforts to rebuild and provide security for Haiti. **Washington has worked with** Brazil and other **Latin American countries to raise the profile of emerging economies** in various international financial agencies, including the World Bank and the International Monetary Fund. In addition to economic and financial matters, Brazil and other **Latin American nations are assuming enhanced roles on an array of global political, environmental, and security issues**. Several for which US and Latin American cooperation could become increasingly important include:

- **As the world's lone nuclear-weapons-free region, Latin America has the opportunity to participate more actively in non-proliferation efforts**.

Although US and Latin American interests do not always converge on non-proliferation questions, they align on some related goals. For example, **the main proliferation challenges today are found in developing and unstable parts of the world, as well as in the leakage—or transfer of nuclear materials—to terrorists**. In that context, **south-south connections are crucial**. Brazil could play a pivotal role.

Proliferation causes extinction

Utgoff 2'

Utgoff, 2002 (Deputy Director of the Strategy Forces, and Resources Division of the Institute for Defense Analyses, Victor, "Proliferation, Missile Defence, and American Ambitions," Survival, Volume 44, Number 2, Summer)

First, the dynamics of getting to **a highly proliferated world could be very dangerous**. Proliferating **states will feel great pressures to obtain nuclear weapons** and delivery systems **before any potential opponent does**. Those who succeed in outracing an opponent may consider **preemptive nuclear war before the opponent becomes capable of nuclear retaliation**. Those who lag behind might try to preempt their opponent's nuclear programme or defeat the opponent using conventional forces. And those who feel threatened but are incapable of building nuclear weapons may still be able to join in this arms race by building other types of weapons of mass destruction, such as biological weapons. Second, as the world approaches complete proliferation, the hazards posed by nuclear weapons today will be magnified many times over. Fifty or more nations capable of launching nuclear weapons means that **the risk of nuclear accidents** that could cause serious damage not only to their own populations and environments, but those of others, **is hugely increased**. The chances of such weapons falling into the hands of renegade military units or terrorists is far greater, as is the number of nations carrying out hazardous manufacturing and storage activities. Worse still, in a highly proliferated world there would be more frequent opportunities for the use of nuclear weapons. And more

frequent opportunities means shorter expected times between conflicts in which nuclear weapons get used, unless the probability of use at any opportunity is actually zero. To be sure, some theorists on nuclear deterrence appear to think that in any confrontation between two states known to have reliable nuclear capabilities, the probability of nuclear weapons being used is zero.³ These theorists think that such states will be so fearful of escalation to nuclear war that they would always avoid or terminate confrontations between them, short of even conventional war. They believe this to be true even if the two states have different cultures or leaders with very eccentric personalities. History and human nature, however, suggest that they are almost surely wrong. History includes instances in which states known to possess nuclear weapons did engage in direct conventional conflict. China and Russia fought battles along their common border even after both had nuclear weapons. Moreover, logic suggests that if states with nuclear weapons always avoided conflict with one another, surely states without nuclear weapons would avoid conflict with states that had them. Again, history provides counter-examples. Egypt attacked Israel in 1973 even though it saw Israel as a nuclear power at the time. Argentina invaded the Falkland Islands and fought Britain's efforts to take them back, even though Britain had nuclear weapons. Those who claim that two states with reliable nuclear capabilities to devastate each other will not engage in conventional conflict risking nuclear war also assume that any leader from any culture would not choose suicide for his nation. But history provides unhappy examples of states whose leaders were ready to choose suicide for themselves and their fellow citizens. Hitler tried to impose a 'victory or destruction' policy on his people as Nazi Germany was going down to defeat.⁴ And Japan's war minister, during debates on how to respond to the American atomic bombing, suggested 'Would it not be wondrous for the whole nation to be destroyed like a beautiful flower?'⁵ If leaders are willing to engage in conflict with nuclear-armed nations, use of nuclear weapons in any particular instance may not be likely, but its probability would still be dangerously significant. In particular, human nature suggests that the threat of retaliation with nuclear weapons is not a reliable guarantee against a disastrous first use of these weapons. While national leaders and their advisors everywhere are usually talented and experienced people, even their most important decisions cannot be counted on to be the product of well-informed and thorough assessments of all options from all relevant points of view. This is especially so when the stakes are so large as to defy assessment and there are substantial pressures to act quickly, as could be expected in intense and fast-moving crises between nuclear-armed states.' Instead, like other human beings, national leaders can be seduced by wishful thinking. They can misinterpret the words or actions of opposing leaders. Their advisors may produce answers that they think the leader wants to hear, or coalesce around what they know is an inferior decision because the group urgently needs the confidence or the sharing of responsibility that results from settling on something. Thus, both history and human nature suggest that nuclear deterrence can be expected to fail from time to time, and we are fortunate it has not happened yet. But the threat of nuclear war is not just a matter of a few weapons being used. It could get much worse. Once a conflict reaches the point where nuclear weapons are employed, the stresses felt by the leaderships would rise enormously. These stresses can be expected to further degrade their decision-making. The pressures to force the enemy to stop fighting or to surrender could argue for more forceful and decisive military action, which might be the right thing to do in the circumstances, but maybe not. And the horrors of the carnage already suffered may be: seen as, justification for visiting

the most devastating punishment possible on the enemy.' Again, history demonstrates how intense conflict can lead the combatants to escalate violence to the maximum possible levels. In the Second World War, early promises not to bomb cities soon gave way to essentially indiscriminate bombing of civilians. The war between Iran and Iraq during the 1980s led to the use of chemical weapons on both sides and exchanges of missiles against each other's cities. And more recently, violence in the Middle East escalated in a few months from rocks and small arms to heavy weapons on one side, and from police actions to air strikes and armoured attacks on the other. Escalation of violence is also basic human nature. Once the violence starts, retaliatory exchanges of violent acts can escalate to levels unimagined by the participants beforehand. Intense and blinding anger is a common response to fear or humiliation or abuse. And such anger can lead us to impose on our opponents whatever levels of violence are readily accessible. In sum, widespread proliferation is likely to lead to an occasional shoot-out with nuclear weapons, and that such shoot-outs will have a substantial probability of escalating to the maximum destruction possible with the weapons at hand. Unless nuclear proliferation is stopped, we are headed toward a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing nuclear 'six-shooters' on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather on a hill to bury the bodies of dead cities or even whole nations

Relations—Embargo Key

Failing to lift the embargo now dooms relations forever

White, '13 [3/7/13, Robert E. White, a senior fellow at the Center for International Policy, was the United States ambassador to Paraguay from 1977 to 1979 and to El Salvador from 1980 to 1981, “After Chávez, a Chance to Rethink Relations With Cuba”, <http://www.nytimes.com/2013/03/08/opinion/after-chavez-hope-for-good-neighbors-in-latin-america.html?pagewanted=all>]

FOR most of our history, the United States assumed that its security was inextricably linked to a partnership with Latin America. This legacy dates from the Monroe Doctrine, articulated in 1823, through the Rio pact, the postwar treaty that pledged the United States to come to the defense of its allies in Central and South America. Yet for a half-century, our policies toward our southern neighbors have alternated between intervention and neglect, inappropriate meddling and missed opportunities. The death this week of President Hugo Chávez of Venezuela — who along with Fidel Castro of Cuba was perhaps the most vociferous critic of the United States among the political leaders of the Western Hemisphere in recent decades — offers an opportunity to restore bonds with potential allies who share the American goal of prosperity. Throughout his career, the autocratic Mr. Chávez used our embargo as a wedge with which to antagonize the United States and alienate its supporters. His fuel helped prop up the rule of Mr. Castro and his brother Raúl, Cuba’s current president. The embargo no longer serves any useful purpose (if it ever did at all); President Obama should end it, though it would mean overcoming powerful opposition from Cuban-American lawmakers in Congress. An end to the Cuba embargo would send a powerful signal to all of Latin America that the United States wants a new, warmer relationship with democratic forces seeking social change throughout the Americas. I joined the State Department as a Foreign Service officer in the 1950s and chose to serve in Latin America in the 1960s. I was inspired by President John F. Kennedy’s creative response to the revolutionary fervor then sweeping Latin America. The 1959 Cuban revolution, led by the charismatic Fidel Castro, had inspired revolts against the cruel dictatorships and corrupt pseudodemocracies that had dominated the region since the end of Spanish and Portuguese rule in the 19th century. Kennedy had a charisma of his own, and it captured the imaginations of leaders who wanted democratic change, not violent revolution. Kennedy reacted to the threat of continental insurrection by creating the Alliance for Progress, a kind of Marshall Plan for the hemisphere that was calculated to achieve the same kind of results that saved Western Europe from Communism. He pledged billions of dollars to this effort. In hindsight, it may have been overly ambitious, even naïve, but Kennedy’s focus on Latin America rekindled the promise of the Good Neighbor Policy of Franklin D. Roosevelt and transformed the whole concept of inter-American relations. Tragically, after Kennedy’s assassination in 1963, the ideal of the Alliance for Progress crumbled and “la noche mas larga” — “the longest night” — began for the proponents of Latin American democracy. Military regimes flourished, democratic governments withered, moderate political and civil leaders were labeled Communists, rights of free speech and assembly were curtailed and human dignity crushed, largely because the United States abandoned all standards save that of anti-Communism. During my Foreign Service career, I did what I could to oppose policies that supported dictators and closed off democratic alternatives. In 1981, as the ambassador to El Salvador, I refused a demand by the secretary of

state, Alexander M. Haig Jr., that I use official channels to cover up the Salvadoran military's responsibility for the murders of four American churchwomen. I was fired and forced out of the Foreign Service. The Reagan administration, under the illusion that Cuba was the power driving the Salvadoran revolution, turned its policy over to the Pentagon and C.I.A., with predictable results. During the 1980s the United States helped expand the Salvadoran military, which was dominated by uniformed assassins. We armed them, trained them and covered up their crimes. After our counterrevolutionary efforts failed to end the Salvadoran conflict, the Defense Department asked its research institute, the RAND Corporation, what had gone wrong. RAND analysts found that United States policy makers had refused to accept the obvious truth that the insurgents were rebelling against social injustice and state terror. As a result, "we pursued a policy unsettling to ourselves, for ends humiliating to the Salvadorans and at a cost disproportionate to any conventional conception of the national interest." Over the subsequent quarter-century, a series of profound political, social and economic changes have undermined the traditional power bases in Latin America and, with them, longstanding regional institutions like the Organization of American States. The organization, which is headquartered in Washington and which excluded Cuba in 1962, was seen as irrelevant by Mr. Chávez. He promoted the creation of the Community of Latin American and Caribbean States — which excludes the United States and Canada — as an alternative. At a regional meeting that included Cuba and excluded the United States, Mr. Chávez said that "the most positive thing for the independence of our continent is that we meet alone without the hegemony of empire." Mr. Chávez was masterful at manipulating America's antagonism toward Fidel Castro as a rhetorical stick with which to attack the United States as an imperialist aggressor, an enemy of progressive change, interested mainly in treating Latin America as a vassal continent, a source of cheap commodities and labor. Like its predecessors, the Obama administration has given few signs that it has grasped the magnitude of these changes or cares about their consequences. After President Obama took office in 2009, Latin America's leading statesman at the time, Luiz Inácio Lula da Silva, then the president of Brazil, urged Mr. Obama to normalize relations with Cuba. Lula, as he is universally known, correctly identified our Cuba policy as the chief stumbling block to renewed ties with Latin America, as it had been since the very early years of the Castro regime. After the failure of the 1961 Bay of Pigs invasion, Washington set out to accomplish by stealth and economic strangulation what it had failed to do by frontal attack. But the clumsy mix of covert action and porous boycott succeeded primarily in bringing shame on the United States and turning Mr. Castro into a folk hero. And even now, despite the relaxing of travel restrictions and Raúl Castro's announcement that he will retire in 2018, the implacable hatred of many within the Cuban exile community continues. The fact that two of the three Cuban-American members of the Senate — Marco Rubio of Florida and Ted Cruz of Texas — are rising stars in the Republican Party complicates further the potential for a recalibration of Cuban-American relations. (The third member, Senator Robert Menendez, Democrat of New Jersey, is the new chairman of the Senate Foreign Relations Committee, but his power has been weakened by a continuing ethics controversy.) Are there any other examples in the history of diplomacy where the leaders of a small, weak nation can prevent a great power from acting in its own best interest merely by staying alive? The re-election of President Obama, and the death of Mr. Chávez, give America a chance to reassess the irrational hold on our imaginations that Fidel Castro has exerted for five decades. The president and his new secretary of state, John Kerry,

should quietly reach out to Latin American leaders like President Juan Manuel Santos of Colombia and José Miguel Insulza, secretary general of the Organization of American States. The message should be simple: The president is prepared to show some flexibility on Cuba and asks your help. Such a simple request could transform the Cuban issue from a bilateral problem into a multilateral challenge. It would then be up to Latin Americans to devise a policy that would help Cuba achieve a sufficient measure of democratic change to justify its reintegration into a hemisphere composed entirely of elected governments. If, however, our present policy paralysis continues, we will soon see the emergence of two rival camps, the United States versus Latin America. While Washington would continue to enjoy friendly relations with individual countries like Brazil, Mexico and Colombia, the vision of Roosevelt and Kennedy of a hemisphere of partners cooperating in matters of common concern would be reduced to a historical footnote.

Relations—Solves Prolif

Relations are key to preventing Latin American proliferation and nuclear terrorism

Ferkaluk, Executive Officer to the Commander at 88 Air Base Wing

Logistics Readiness Officer at United States Air Force, **10**

(Brian, Fall 2010, Global Security Studies, "Latin America: Terrorist Actors on a Nuclear Stage," pg 12, ACCESSED June 29, 2013, RJ)

The policy implications for the United States are to maintain the role of a guiding figure in Latin American developments. The stakes for the US have never been higher. In a region that has a strong history of domestic terrorism and stratocracy, strong oversight is warranted. The current US administration's policy on nuclear deterrence is that the threat of a nuclear attack from a sovereign state has gone down, but the threat of nuclear weapons falling into the hands of terrorists has gone up. No region of the world is closer to the US or has a greater ease of access to the US border than Latin America. Therefore, it is vital that the US continue providing antiterrorism training to key Latin American states, offer economic assistance and encourage mutual cooperation and information sharing among allied states. Once this is accomplished, Latin American nuclear proliferation will cease to be a factor in the terrorist activity that threatens each state to this day. The mutual cooperation will help to diminish the activities of groups like the FARC and the AUC. Furthermore, international groups such as Al Qaida and Hezbollah will not be able to acquire nuclear weapons should they develop a stronger presence in the region. A blind eye should also not be turned towards states that overtly refuse to cooperate in the GWOT. States like Venezuela and Nicaragua should not be left to their own devices. The relationships that are being built with Russia and Iran must also be carefully monitored. Venezuela may not be very close to a nuclear weapon, but the technology and applied sciences it receives from both Iran and Russia has the potential to speed up its development. It has already failed to acquire technology from its neighbors, so the US must continue to solidify its relations with states like Brazil and Argentina and discourage any relations with Iran. If its leaders and diplomats can continue to press that issue, it can curb the increase in trade between Latin America and Iran and end the political and diplomatic connections Iran has been forming in recent years. Above any other measure, the US must ensure that every Latin American nation knows that it cares about the development and defense of the region. If that region is secure, the US is secure; and as long as the region struggles with terrorism and nuclear proliferation, the US will be there to support it in every way possible.

Relations—Prolif Bad

Proliferation increases the risk of nuclear war

CFR 9'

http://www.cfr.org/publication/19226/us_nuclear_weapons_policy. "US Nuclear Weapons Policy." Council on Foreign Relations April 2009.

Increasing global access to weapons-usable nuclear materials, and the technologies used to make them, has substantially challenged the United States in its mission of preventing nuclear weapons acquisition and use. Further proliferation will likely raise the risks of strategic miscalculation and increase the probability of nuclear use, particularly if it happens quickly and involves actors that oppose the mainstream international order. Presently, seven states—China, France, India, Pakistan, Russia, the United Kingdom, and the United States—have demonstrated the capability to make nuclear weapons; Israel is widely believed to have the capability but has not explicitly acknowledged this status as a matter of policy; and though North Korea detonated a low-yield nuclear device in October 2006, it may not yet have the ability to deploy nuclear weapons.

Proliferation won't be stable – intentional or accidental use becomes likely

Ong 2000

Graham Gerard Ong, officer with the Ministry of Information and the Arts (Singapore), 2000, http://www.mindef.gov.sg/safti/pointer/Vol27_2/Denying%20Armageddon.htm

Military analyst Roger Hilsman in his recent book, From Nuclear Military Strategy to a World Without War, draws up six possible scenarios of "Armageddon" or nuclear war of a global scale that mankind can face in the near future:

- Scenario 1: Group sponsored nuclear terrorism. A terrorist organisation might smuggle a small suitcase type nuclear bomb in a city of a major power and set it off to dramatise its demands.
- Scenario 2: State sponsored nuclear terrorism. An "outlaw" state that acquires or manufactures nuclear weapons may try to provoke a war between the US and Russia or the US and China by sending agents to set off nuclear devices in the capitols of these countries.
- Scenario 3: Nuclear war between third and fourth countries. A good possibility is India and Pakistan. Both have tested nuclear weapons, and in the case of war are very likely to use them.
- Scenario 4: A war between Israel and a Muslim state in the Middle East. Israel is known to have built a stockpile of nuclear weapons. Countries such as Iraq and Iran have engaged in nuclear weapons activities before. If any of these or other Muslim states acquire such weapons, a war with Israel could easily escalate into nuclear warfare.
- Scenario 5: Nuclear war between nuclear powers purely by accident. Hilsman predicts that the number of states possessing nuclear weapons will rise such that in a decade or two, several dozen countries will have such weapons. The chances for miscalculation will be proportionately higher in launching such weapons.
- Scenario 6: The "bolt from the blue" scenario. This is a war that starts when one nuclear state attacks an adversary without warning during a period of low international tension and succeeds in achieving surprise. Countries that have autocratic governments allow an irrational leader to carry out such attacks based on hatred and anger without much opposition.

AT Embargo Good

No offense – the embargo has repeatedly failed to liberalize Cuban governance and solidifies support for regime hardliners

Bandow 12 (Doug Bandow is a senior fellow at the Cato Institute and a former special assistant to former US president Ronald Reagan. December 11, 2012, “Time to End the Cuba Embargo”, <http://www.cato.org/publications/commentary/time-end-cuba-embargo>

The U.S. government has waged economic war against the Castro regime for half a century. The policy may have been worth a try during the Cold War, but the embargo has failed to liberate the Cuban people. It is time to end sanctions against Havana. Decades ago the Castro brothers lead a revolt against a nasty authoritarian, Fulgencio Batista. After coming to power in 1959, they created a police state, targeted U.S. commerce, nationalized American assets, and allied with the Soviet Union. Although Cuba was but a small island nation, the Cold War magnified its perceived importance. Washington reduced Cuban sugar import quotas in July 1960. Subsequently U.S. exports were limited, diplomatic ties were severed, travel was restricted, Cuban imports were banned, Havana’s American assets were frozen, and almost all travel to Cuba was banned. Washington also pressed its allies to impose sanctions. These various measures had no evident effect, other than to intensify Cuba’s reliance on the Soviet Union. Yet the collapse of the latter nation had no impact on U.S. policy. In 1992, Congress banned American subsidiaries from doing business in Cuba and in 1996, it penalized foreign firms that trafficked in expropriated U.S. property. Executives from such companies even were banned from traveling to America. On occasion Washington relaxed one aspect or another of the embargo, but in general continued to tighten restrictions, even over Cuban Americans. Enforcement is not easy, but Uncle Sam tries his best. For instance, according to the Government Accountability Office, Customs and Border Protection increased its secondary inspection of passengers arriving from Cuba to reflect an increased risk of embargo violations after the 2004 rule changes, which, among other things,

eliminated the allowance for travelers to import a small amount of Cuban products for personal consumption. Three years ago, President Barack Obama loosened regulations on Cuban Americans, as well as telecommunications between the United States and Cuba. However, the law sharply constrains the president’s discretion. Moreover, UN Ambassador Susan Rice said that the embargo will continue until Cuba is free. It is far past time to end the embargo. During the Cold War, Cuba offered a potential advanced military outpost for the Soviet Union. Indeed, that role led to the Cuban missile crisis. With the failure of the U.S.-supported Bay of Pigs invasion, economic pressure appeared to be Washington’s best strategy for ousting the Castro dictatorship. However, the end of the Cold War left Cuba strategically irrelevant. It is a poor country with little ability to harm the United States. The Castro regime might still encourage unrest, but its survival has no measurable impact on any important U.S. interest. The regime remains a humanitarian travesty, of course.

Nor are Cubans the only victims: three years ago the regime jailed a State Department contractor for distributing satellite telephone equipment in Cuba. But Havana is not the only regime to violate human rights. Moreover, experience has long demonstrated that it is virtually impossible for outsiders to force democracy. Washington often has used sanctions and the Office of Foreign Assets Control currently is enforcing around 20 such programs, mostly to little effect. The policy in Cuba obviously has failed. The regime remains in power. Indeed, it has consistently used the embargo to justify its own mismanagement, blaming poverty on America. Observed Secretary of State Hillary Clinton: “It is my personal belief that the Castros do not want to see an end to the embargo and do not want to see normalization with the United States, because they would lose all of their excuses for what hasn’t happened in Cuba in the last 50 years.” Similarly, Cuban exile

Carlos Saladrigas of the Cuba Study Group argued that keeping the “embargo, maintaining this hostility, all it does is strengthen and embolden the hardliners.” Cuban human rights activists also generally oppose sanctions. A decade ago I (legally) visited Havana, where I met Elizardo Sanchez Santa Cruz, who suffered in communist prisons for eight years. He told me that the “sanctions policy gives the government a good alibi to justify the failure of the totalitarian model in Cuba.”

Indeed, it is only by posing as an opponent of Yanqui Imperialism that Fidel Castro has achieved an international reputation. If he had been ignored by Washington, he never would have been anything other than an obscure authoritarian windbag. Unfortunately, embargo supporters never let reality get in the way of their arguments. In 1994, John Sweeney of the Heritage Foundation declared that “the embargo remains the only effective instrument available to the U.S. government in trying to force the economic and democratic concessions it has been demanding of Castro for over three decades. Maintaining the embargo will help end the Castro regime more quickly.” The latter’s collapse, he wrote, is more likely in the near term than ever before. Almost two decades later, Rep. Ileana Ros-Lehtinen, chairwoman of the House Foreign Relations Committee, retains faith in the embargo: “The sanctions on the regime must remain in place and, in fact, should be strengthened, and not be altered.” One of the best definitions of insanity is continuing to do the same thing while expecting to achieve different results. The embargo survives largely because of Florida’s political importance. Every presidential candidate wants to win the Sunshine State’s electoral votes, and the Cuban American community is a significant voting bloc. But the political environment is changing. A younger, more liberal generation of Cuban Americans with no memory of life in Cuba is coming to the fore. Said Wayne Smith, a diplomat who served in Havana: “for the first time in years, maybe there is some chance for a change in policy.” And there are now many more new young Cuban Americans who support a more sensible approach to Cuba. Support for the Republican Party also is falling. According to some exit polls Barack Obama narrowly carried the Cuban American community in November, after receiving little more than a third of the vote four years ago. He received 60 percent of the votes of Cuban Americans born in the United States. Barack Obama increased his votes among Cuban Americans after liberalizing contacts with the island. He also would have won the presidency without Florida, demonstrating that the state may not be essential politically. Today even the GOP is no longer reliable. For instance, though Republican vice-presidential nominee Paul Ryan has defended the embargo in recent years, that appears to reflect ambition rather than conviction. Over the years he voted at least three times to lift the embargo, explaining: “The embargo doesn’t work. It is a failed policy. It was probably justified when the Soviet Union existed and posed a threat through Cuba. I think its become more of a crutch for Castro to use to repress his people. All the problems he has, he blames the American embargo.” There is essentially no international support for

continuing the embargo. For instance, the European Union plans to explore improving relations with Havana. Spain’s Deputy Foreign Minister Gonzalo de Benito explained that the EU saw a positive evolution in Cuba. The hope, then, is to move forward in the relationship between the European Union and Cuba. The administration should move now, before congressmen are focused on the next election. President Obama should propose legislation to drop (or at least significantly loosen) the embargo. He also could use his authority to relax sanctions by, for instance, granting more licenses to visit the island. Ending the embargo would have obvious economic benefits for both Cubans and Americans.

The U.S. International Trade Commission estimates American losses alone from the embargo as much as \$1.2 billion annually. Expanding economic opportunities also might increase pressure within Cuba for further economic reform. So far the regime has taken small steps, but rejected significant change. Moreover, thrusting more Americans into Cuban society could help undermine the ruling system. Despite Fidel Castro's decline, Cuban politics remains largely static. A few human rights activists have been released, while Raul Castro has used party purges to entrench loyal elites. Lifting the embargo would be no panacea. Other countries invest in and trade with Cuba to no obvious political impact. And the lack of widespread economic reform makes it easier for the regime rather than the people to collect the benefits of trade, in contrast to China. Still, more U.S. contact would have an impact. Argued trade specialist Dan Griswold, "American tourists would boost the earnings of Cubans who rent rooms, drive taxis, sell art, and operate restaurants in their homes. Those dollars would then find their way to the hundreds of freely priced farmers markets, to carpenters, repairmen, tutors, food vendors, and other entrepreneurs." The Castro dictatorship ultimately will end up in history's dustbin. But it will continue to cause much human hardship along the way. The Heritage Foundation's John Sweeney complained nearly two decades ago that "the United States must not abandon the Cuban people by relaxing or lifting the trade embargo against the communist regime." But the dead hand of half a century of failed policy is the worst breach of faith with the Cuban people. Lifting sanctions would be a victory not for Fidel Castro, but for the power of free people to spread liberty. As Griswold argued, "commercial engagement is the best way to encourage more open societies abroad." Of course, there are no guarantees. But lifting the embargo would have a greater likelihood of success than continuing a policy which has failed. Some day the Cuban people will be free. Allowing more contact with Americans likely would make that day come sooner.

Cuba embargo fails to create reform—lifting it unilaterally key to create prerequisite conditions

Birns and Mills 13—director and senior research fellow @ Council on Hemispheric Affairs

Larry and Frederick "Best Time for U.S.—Cuba Rapprochement Is Now"
[<http://www.coha.org/best-time-for-u-s-cuba-rapprochement-is-now/>]

The anti-Castro lobby and their allies in the US Congress argue that the reforms coming out of Havana are too little too late and that political repression continues unabated. They continue to see the embargo as a tool for coercing either more dramatic reforms or regime change. It is true that the reformist tendency in Cuba does not include a qualitative move from a one party system to political pluralism. Lamentably, Cuba reportedly continues to use temporary detentions and the occasional jailing of non-violent dissidents to limit the parameters of political debate and total freedom of association. The authors agree that no non-violent Cuban dissident should be intimidated, detained or jailed. But continuing to maliciously turn the screws on Havana has never provided an incentive for more democracy in any sense of the word nor has it created a political opening into which Cuba, with confidence, could enter. The easing of tensions between Washington and Havana is more likely to contribute to the evolution of a more democratic form of socialism on the island, the early stages of which we may presently be witnessing. In any case the precise form of such change inevitably should and will be decided in Cuba, not in Washington or Miami.

****Cyber Security DA****

1NC Shell

Cyber security is a top priority now – new programs ensure safety from attack

Shavit **Matias**, 3-5-2015, research fellow at the Hoover Institution and a member of the Jean Perkins Task Force on National Security and Law. , "Combating Cyberattacks In The Age Of Globalization," Hoover Institution, <http://www.hoover.org/research/combating-cyberattacks-age-globalization>

Over the past decade, facing the alarming growth of cyberattacks on industry, media, banks, infrastructure and state institutions, there has been an increasing focus of industry and states on building tools to enhance capabilities to combat cybercrime, cyber espionage, cyberterrorism and cyberwarfare, and there is a major shift of funds, efforts, and focus to these areas. Many countries are creating cyber defense institutions within their national security establishments and enhancing their cyber capabilities, including through the creation of dedicated cyberwarfare units within their defense forces. Others are beginning to be aware of the necessity. According to Director of National Intelligence James R. Clapper in a January 29, 2014 Statement for the Record before the Senate Select Committee on Intelligence, the United States estimates that several of the cyber defense institutions created by states will likely be responsible for offensive cyber operations as well. The cyber arena is complex and continuously evolving. Recognizing the critical interlink between the various actors and the need for cooperation and innovation, states are increasingly trying to build cooperation between domestic state cyber institutions and industry and academia, and devise mechanisms for internal cooperation between different state units and agencies. While in the past states kept many of these efforts — including information on the formation of military cyber units — relatively secret, today they increasingly publicize their efforts both nationally and internationally. “Be an Army hacker: This top secret cyber unit wants you” shouts the headline of an April 6, 2013 article in the Military Times, explaining that the US Army is looking for computer-savvy American troops to “turn into crack cyberwarriors” for both offensive and defensive purposes. The United States Cyber Command has already announced that over the next few years it intends to recruit 6,000 cyber experts and create teams of soldiers and civilians to assist the Pentagon in defending US national infrastructure.

Strong NSA Surveillance necessary to stop cyberattacks

Jack **Goldsmith**, 2013 “We Need an Invasive NSA”, October 10, 2013, <http://www.newrepublic.com/article/115002/invasive-nsa-will-protect-us-cyber-attacks>,

Ever since stories about the National Security Agency’s (NSA) electronic intelligence-gathering capabilities began tumbling out last June, The New York Times has published more than a dozen editorials excoriating the “national surveillance state.” It wants the NSA to end the “mass warehousing of everyone’s data” and the use of “back doors” to break encrypted communications. A major element of the Times’ critique is that the NSA’s domestic sweeps are not justified by the terrorist threat they aim to prevent.¶ At the end of August, in the midst of the Times’ assault on the NSA, the newspaper suffered what it described as a “malicious external attack” on its domain name registrar at the hands of the Syrian Electronic Army, a group of hackers who support Syrian President Bashar Al Assad. The paper’s website was down

for several hours and, for some people, much longer. “In terms of the sophistication of the attack, this is a big deal,” said Marc Frons, the Times’ chief information officer. Ten months earlier, hackers stole the corporate passwords for every employee at the Times, accessed the computers of 53 employees, and breached the e-mail accounts of two reporters who cover China. “We brought in the FBI, and the FBI said this had all the hallmarks of hacking by the Chinese military,” Frons said at the time. He also acknowledged that the hackers were in the Times system on election night in 2012 and could have “wreaked havoc” on its coverage if they wanted. ¶ Illustration by Harry Campbell ¶ Such cyber-intrusions threaten corporate America and the U.S. government every day. “Relentless assaults on America’s computer networks by China and other foreign governments, hackers and criminals have created an urgent need for safeguards to protect these vital systems,” the Times editorial page noted last year while supporting legislation encouraging the private sector to share cybersecurity information with the government. It cited General Keith Alexander, the director of the NSA, who had noted a 17-fold increase in cyber-intrusions on critical infrastructure from 2009 to 2011 and who described the losses in the United States from cyber-theft as “the greatest transfer of wealth in history.” If a “catastrophic cyber-attack occurs,” the Times concluded, “Americans will be justified in asking why their lawmakers ... failed to protect them.” ¶ When catastrophe strikes, the public will adjust its tolerance for intrusive government measures. ¶ The Times editorial board is quite right about the seriousness of the cyber- threat and the federal government’s responsibility to redress it. What it does not appear to realize is the connection between the domestic NSA surveillance it detests and the governmental assistance with cybersecurity it cherishes. To keep our computer and telecommunication networks secure, the government will eventually need to monitor and collect intelligence on those networks using techniques similar to ones the Times and many others find reprehensible when done for counterterrorism ends. ¶ The fate of domestic surveillance is today being fought around the topic of whether it is needed to stop Al Qaeda from blowing things up. But the fight tomorrow, and the more important fight, will be about whether it is necessary to protect our ways of life embedded in computer networks. ¶ Anyone anywhere with a connection to the Internet can engage in cyber-operations within the United States. Most truly harmful cyber-operations, however, require group effort and significant skill. The attacking group or nation must have clever hackers, significant computing power, and the sophisticated software—known as “malware”—that enables the monitoring, exfiltration, or destruction of information inside a computer. The supply of all of these resources has been growing fast for many years—in governmental labs devoted to developing these tools and on sprawling black markets on the Internet. ¶ Telecommunication networks are the channels through which malware typically travels, often anonymized or encrypted, and buried in the billions of communications that traverse the globe each day. The targets are the communications networks themselves as well as the computers they connect—things like the Times’ servers, the computer systems that monitor nuclear plants, classified documents on computers in the Pentagon, the nasdaq exchange, your local bank, and your social-network providers. ¶ To keep these computers and networks secure, the government needs powerful intelligence capabilities abroad so that it can learn about planned cyber-intrusions. It also needs to raise defenses at home. An important first step is to correct the market failures that plague cybersecurity. Through law or regulation, the government must improve incentives for individuals to use security software, for private firms to harden their defenses and share

information with one another, and for Internet service providers to crack down on the botnets—networks of compromised zombie computers—that underlie many cyber-attacks. More, too, must be done to prevent insider threats like Edward Snowden’s, and to control the stealth introduction of vulnerabilities during the manufacture of computer components—vulnerabilities that can later be used as windows for cyber-attacks.¶ And yet that’s still not enough. The U.S. government can fully monitor air, space, and sea for potential attacks from abroad. But it has limited access to the channels of cyber-attack and cyber-theft, because they are owned by private telecommunication firms, and because Congress strictly limits government access to private communications. “I can’t defend the country until I’m into all the networks,” General Alexander reportedly told senior government officials a few months ago.¶ For Alexander, being in the network means having government computers scan the content and metadata of Internet communications in the United States and store some of these communications for extended periods. Such access, he thinks, will give the government a fighting chance to find the needle of known malware in the haystack of communications so that it can block or degrade the attack or exploitation. It will also allow it to discern patterns of malicious activity in the swarm of communications, even when it doesn’t possess the malware’s signature. And it will better enable the government to trace back an attack’s trajectory so that it can discover the identity and geographical origin of the threat.¶ Alexander’s domestic cybersecurity plans look like pumped-up versions of the NSA’s counterterrorism-related homeland surveillance that has sparked so much controversy in recent months. That is why so many people in Washington think that Alexander’s vision has “virtually no chance of moving forward,” as the Times recently reported. “Whatever trust was there is now gone,” a senior intelligence official told Times.¶ There are two reasons to think that these predictions are wrong and that the government, with extensive assistance from the NSA, will one day intimately monitor private networks.¶ The first is that the cybersecurity threat is more pervasive and severe than the terrorism threat and is somewhat easier to see. If the Times’ website goes down a few more times and for longer periods, and if the next penetration of its computer systems causes large intellectual property losses or a compromise in its reporting, even the editorial page would rethink the proper balance of privacy and security. The point generalizes: As cyber-theft and cyber-attacks continue to spread (and they will), and especially when they result in a catastrophic disaster (like a banking compromise that destroys market confidence, or a successful attack on an electrical grid), the public will demand government action to remedy the problem and will adjust its tolerance for intrusive government measures.¶ At that point, the nation’s willingness to adopt some version of Alexander’s vision will depend on the possibility of credible restraints on the NSA’s activities and credible ways for the public to monitor, debate, and approve what the NSA is doing over time.¶ Which leads to the second reason why skeptics about enhanced government involvement in the network might be wrong. The public mistrusts the NSA not just because of what it does, but also because of its extraordinary secrecy. To obtain the credibility it needs to secure permission from the American people to protect our networks, the NSA and the intelligence community must fundamentally recalibrate their attitude toward disclosure and scrutiny. There are signs that this is happening—and that, despite the undoubted damage he inflicted on our national security in other respects, we have Edward Snowden to thank.¶ “Before the unauthorized disclosures, we were always conservative about discussing specifics of our collection programs, based on the truism that the more

adversaries know about what we're doing, the more they can avoid our surveillance," testified Director of National Intelligence James Clapper last month. "But the disclosures, for better or worse, have lowered the threshold for discussing these matters in public."¶ In the last few weeks, the NSA has done the unthinkable in releasing dozens of documents that implicitly confirm general elements of its collection capabilities. These revelations are bewildering to most people in the intelligence community and no doubt hurt some elements of collection. But they are justified by the countervailing need for public debate about, and public confidence in, NSA activities that had run ahead of what the public expected. And they suggest that secrecy about collection capacities is one value, but not the only or even the most important one. They also show that not all revelations of NSA capabilities are equally harmful. Disclosure that it sweeps up metadata is less damaging to its mission than disclosure of the fine-grained details about how it collects and analyzes that metadata.¶ It is unclear whether the government's new attitude toward secrecy is merely a somewhat panicked reaction to Snowden, or if it's also part of a larger rethinking about the need for greater tactical openness to secure strategic political legitimacy. Let us hope, for the sake of our cybersecurity, that it is the latter.

Cyber-attacks will cause extinction – outweighs all other concerns

Visha Thamboo, 2014—, citing Richard Clarke, a former White House staffer in charge of counter-terrorism and cyber-security, "Cyber Security: The world's greatest threat," 11-25, <https://blogs.ubc.ca/vishathamboo/2014/11/25/cyber-security-the-worlds-greatest-threat/>

After land, sea, air and space, **warfare had entered the fifth domain: cyberspace**. Cyberspace is arguably **the most dangerous of all warfares** because of the amount of damage that can be done, whilst remaining completely immobile and anonymous. In a new book **Richard Clarke**, a former White House staffer in charge of counter-terrorism and cyber-security, **envisages a catastrophic breakdown within 15 minutes. Computer bugs bring down military e-mail systems; oil refineries and pipelines explode; air-traffic-control systems collapse; freight and metro trains derail; financial data are scrambled; the electrical grid goes down** in the eastern United States; **orbiting satellites spin out of control. Society soon breaks down as food becomes scarce and money runs out**. Worst of all, the identity of the attacker may remain a mystery. Other dangers are coming: weakly governed swathes of Africa are being connected up to fibre-optic cables, potentially creating new havens for cyber-criminals and the spread of mobile internet will bring new means of attack. **The internet was designed for convenience and reliability, not security. Yet in wiring together the globe, it has merged the garden and the wilderness. No passport is required in cyberspace. And although police are constrained by national borders, criminals roam freely. Enemy states are no longer on the other side of the ocean, but just behind the firewall.** The ill-intentioned can mask their identity and location, impersonate others and con their way into the buildings that hold the digitised wealth of the electronic age: money, personal data and intellectual property. **Deterrence in cyber-warfare is more uncertain than, say, in nuclear strategy: there is no mutually assured destruction, the dividing line between criminality and war is blurred and identifying attacking computers**, let alone the fingers on the keyboards, **is difficult**. Retaliation need not be confined to cyberspace; the one system that is certainly not linked to the public internet is America's nuclear firing chain. **Although for now, cyber warfare**

has not spiralled out of control, it is only a matter of time, before cyber warfare becomes the most prominent type of attack, and the most deadly because of its scope and anonymity.

Uniqueness ext

Preventing cyber terror is a top priority now – by 2018 there will be total security

Institute for Critical Infrastructure Technology, April 18, 2015, Critical infrastructure Alliance – public private partnership for the advancement of digital security in the United States, "Pentagon drafting civilians into Cyber Mission Force to combat cyber terrorism national emergency," <http://criticalinfrastructurealliance.com/pentagon-drafting-civilians-into-cyber-mission-force-to-combat-cyber-terrorism-national-emergency/>

By 2018, there will be 133 teams consisting of almost 6,200 military and civilian personnel who have been trained and equipped with the tools and infrastructure to defend US cyber space. The DoD wants its civilian personnel to come from “the most talented experts in both the uniformed and civilian workforce, as well as a close partnership with the private sector”. The US government has been struggling to find enough cyber security experts to join its ranks over the past 12 months. In May 2014, the FBI even went so far as to admit it was considering relaxing its No Weed policy in order to attract more hackers, as it had 2,000 jobs it needed to fill for its cybercrime unit. By asking IT and cybersecurity professionals to serve as reserve forces and let them keep their day jobs, the DoD is hoping to harness the power of the US cybersecurity industry in case cyberterrorism incidents escalate even further. Rosenbach concluded in his testimony to the Senate: “Cyber threats are real, serious and urgent, and we can only overcome them with a cohesive, whole-of-government approach. We have made significant strides but there is still more work to be done. “I look forward to working with this Committee and the Congress to ensure that DoD has the necessary capabilities to keep our country safe and our forces strong.

Current intel gathering is key to continued security from cyber attack

Jude Abeler, 2-10-2015, Independent Researcher, Journalist The Daily Caller, Thoughtree Previous Young Americans for Liberty, Abeler for U.S. Senate Education Washington Journalism Center, "White House Announces Urgent Cyber Terror Agency," Daily Caller, <http://dailycaller.com/2015/02/10/white-house-announces-urgent-cyber-terror-agency/>

The Obama administration announced the creation of a new executive agency on Tuesday that will cooperate with the private sector along with other agencies and countries to try and disrupt cyber criminals. “Those who do harm should know that they can be found, and held to account,” said Lisa Monaco, chief counterterrorism advisor to the president. The announcement is largely a response to the rise in cyber-terrorism activity, such as North Korea’s recent attacks on Sony. Monaco also cited last week’s data breach at Anthem insurance, which contains sensitive information for up to 80 million identities. The new Cyber Threat Intelligence Integration Center will employ what Monaco said are lessons we have learned in combating other forms of terrorism that need to be applied to the realm of cyber threats – namely coordinating all of the government’s tools to respond at the highest level. “Currently no single government entity is responsible for producing coordinated cyber-threat assessments ensuring that information is shared rapidly among existing cyber centers and other elements within our government,” she

explained. “We need to build up the muscle memory for our cyber-response capabilities, as we have on the terrorism side.” Monaco said the new entity will not collect new intelligence, but analyze data already collected by other relevant agencies, such as the Department for Homeland Security, to enable it to do its job more effectively. According to Monaco, 85 percent of the country’s critical infrastructure such as hospitals, banks and water grids are in private sector (.com) hands. “You are vulnerable if you are hooked up to the internet,” she said. Therefore the system is designed to work in lockstep with the private sector, and encourages companies that are victims to do the patriotic thing and report the details to DHS, where it can then be passed on to CTIIC — which will use all of the government’s tools and unique capacity to integrate information about threats, and make the best possible assessment. She claimed that the government will not bottle up intelligence, but will do its utmost to share it, and used the Sony attack as an example. “Within 24 hours of learning about the Sony Pictures Entertainment attack, the U.S. government pushed out information and malware signatures to the private sector to update their cyber defenses so they could take action,” Monaco said. Officials said the new agency will begin with a staff of about 50 people and a budget of \$35 million. Monaco made a gentle pitch to Congress, pointing out that cyber security should not be a partisan issue, and asked Congress to pass a budget with funding for it. Some, however, question the need for a new agency when there are already several that have cyber-operations centers. “We should not be creating more organizations and bureaucracy,” argued Melissa Hathaway, president of Hathaway Global Strategies and former White House cybersecurity coordinator. “We need to be forcing the existing organizations to become more effective – hold them accountable,” she said.

Cyber security is a top national security priority – successful now

Robert S. **Mueller**, Director Federal Bureau of Investigation, 3-1-2012, "Combating Threats in the Cyber World: Outsmarting Terrorists, Hackers, and Spies," FBI, <https://www.fbi.gov/news/speeches/combating-threats-in-the-cyber-world-outsmarting-terrorists-hackers-and-spies>

Terrorists are increasingly cyber savvy. Much like every other multi-national organization, they are using the Internet to grow their business and to connect with like-minded individuals. And they are not hiding in the shadows of cyber space. Al Qaeda in the Arabian Peninsula has produced a full-color, English-language online magazine. They are not only sharing ideas, they are soliciting information and inviting recruits to join al Qaeda. Al Shabaab—the al Qaeda affiliate in Somalia—has its own Twitter account. Al Shabaab uses it to taunt its enemies—in English—and to encourage terrorist activity. Extremists are not merely making use of the Internet for propaganda and recruitment. They are also using cyber space to conduct operations. The individuals who planned the attempted Times Square bombing in May 2010 used public web cameras for reconnaissance. They used file-sharing sites to share sensitive operational details. They deployed remote conferencing software to communicate. They used a proxy server to avoid being tracked by an IP address. And they claimed responsibility for the attempted attack—on YouTube. To date, terrorists have not used the Internet to launch a full-scale cyber attack. But we cannot underestimate their intent. In one hacker recruiting video, a terrorist proclaims that cyber warfare will be the warfare of the future. Terrorist use of the Internet is not our only national security concern. As we know, state-sponsored computer hacking and economic espionage pose significant challenges. Just as traditional crime has migrated online, so, too, has espionage. Hostile foreign nations seek our intellectual property and our trade secrets for military and competitive advantage. State-sponsored hackers are patient and calculating. They have the time, the money, and the resources to burrow in, and to wait. They may come and go, conducting reconnaissance and exfiltrating bits of seemingly innocuous information—information that in the aggregate may be of high value. You may discover one breach, only to find that the real damage has been done at a much higher level. Unlike state-sponsored intruders, hackers for profit do not seek information for political power—they seek information for sale to the highest bidder. These once-isolated hackers have joined forces to create criminal syndicates. Organized crime in cyber space offers a higher profit with a lower probability of being identified and prosecuted. Unlike traditional crime families, these hackers may never meet, but they possess specialized skills in high demand. They exploit routine vulnerabilities. They move in quickly, make their money, and disappear. No company is immune, from the Fortune 500 corporation to the neighborhood “mom and pop” business. We are also worried about trusted insiders who may be lured into selling secrets for monetary gain. Perimeter defense may not matter if the enemy is inside the gates.

The end result of these developments is that we are losing data. We are losing money. We are losing ideas and we are losing innovation. And as citizens, we are increasingly vulnerable to losing our information. Together we must find a way to stop the bleeding. We in the FBI have built up a substantial expertise to address these threats, both here at home and abroad. We have cyber squads in each of our 56 field offices, with more than 1,000 specially trained agents, analysts, and forensic specialists. Given the FBI’s dual role in law enforcement and national security, we are uniquely positioned to collect the intelligence we

need to take down criminal networks, prosecute those responsible, and protect our national security. But we cannot confront cyber crime on our own. Borders and boundaries pose no obstacles for hackers. But they continue to pose obstacles for global law enforcement, with conflicting laws, different priorities, and diverse criminal justice systems. With each passing day, the need for a collective approach—for true collaboration and timely information sharing—becomes more pressing. **The FBI has 63 legal attaché offices that cover the globe.** Together with our international counterparts, **we are sharing information and coordinating investigations.** We have special agents embedded with police departments in Romania, Estonia, Ukraine, and the Netherlands, working to identify emerging trends and key players. Here at home, **the National Cyber Investigative Joint Task Force brings together 18 law enforcement, military, and intelligence agencies to stop current and predict future attacks.** With our partners at **DHS, CIA, NSA, and the Secret Service,** **we are targeting cyber threats** facing our nation. **The task force operates through Threat Focus Cells—specialized groups of agents, officers, and analysts that are focused on particular threats,** such as botnets. Together we are making progress. **Last April, with our private sector and law enforcement partners, the FBI dismantled the Coreflood botnet. This botnet infected an estimated two million computers** with malware that enabled hackers to seize control of zombie computers to steal personal and financial information. With court approval, the FBI seized domain names and re-routed the botnet to FBI-controlled servers. The servers directed the zombie computers to stop the Coreflood software, preventing potential harm to hundreds of thousands of users. **In another case, just a few months ago, we worked with NASA’s Inspector General and our partners** in Estonia, Denmark, Germany, and the Netherlands **to shut down a criminal network operated by** an Estonian company by the name of **Rove Digital.** The investigation, called Operation Ghost Click, targeted a ring of criminals who manipulated Internet “click” advertising. They re-directed users to their own advertisements and generated more than \$14 million in illegal fees. This “click” scheme impacted more than 100 countries and infected four million computers, half-a-million of which were here in the United States. We seized and disabled computers, froze the defendants’ bank accounts, and replaced rogue servers with legitimate ones to minimize service disruptions. With our Estonian partners, we arrested and charged six Estonian nationals for their participation in the scheme. And again, we must continue to push forward together. **Terrorism remains the FBI’s top priority.** But in the not too distant future, we anticipate that the cyber threat will pose the number one threat to our country. We need to take lessons learned from fighting terrorism and apply them to cyber crime. We will ensure that all of our special agents have the fundamental skills to operate in this cyber environment. Those agents specializing in cyber matters will have the greatest possible skill set. We are creating a structure whereby a cyber agent in San Francisco can work in a virtual environment with an agent in Texas, an analyst in Virginia, and a forensic specialist in New York to solve a computer intrusion that emanated from Eastern Europe. At the same time, we must rely on the traditional capabilities of the Bureau: sources and wires. We must cultivate the sources necessary to infiltrate criminal online networks, to collect the intelligence to prevent the next attack, and to topple the network from the inside. We must ensure that our ability to intercept communications—pursuant to court order—is not eroded by advances in technology. These include wireless technology and peer-to-peer networks, as well as social media.

L – Surveillance key to stop cyberattacks

Intelligence gathering provisions are critical to halting catastrophic cyberattacks

Lev-Ram, 1-21—citing DeWalt, CEO of FireEye, a leader in cyber security, protecting organizations from advanced malware, zero-day exploits, APTs, and other cyberattacks. “Does President Obama's bid to bolster cyber security go far enough?” Forbes, http://fortune.com/2015/01/21/obama-state-union-cybersecurity/?icid=maing-grid7|ie8-unsupported-browser|dl31|sec3_Ink3%26pLid%3D602263

Sharing real-time threat intelligence and indicators of compromise—both between the private sector and the government and among the private sector—is a critical component of a pro-active security strategy. The timely sharing of threat intelligence improves detection and prevention capabilities and provides organizations with the ability to mitigate and minimize the adverse consequences of a breach. Sharing also provides enhanced situational awareness for the community at large. FireEye research demonstrates that over 70% of malware is highly targeted and used only once. To better manage risk stemming from this continuously evolving threat environment, FireEye recommends that organizations conduct robust compromise risk assessments, adopt behavioral based tools and techniques such as detonation chambers, actively monitor their networks for advanced cyber threats, stand ready to rapidly respond in the event of a breach and share threat intelligence and lessons learned through active engagement in information sharing organizations. As a final preventative measure, organization should obtain a cyber insurance policy to help with catastrophic repercussions of a breach.

Surveillance is helping us predict and prevent cyber-attacks now

James B. **Comey** Director Federal Bureau of Investigation Statement Before the Senate Judiciary Committee Washington, D.C. May 21, **2014**

<https://www.fbi.gov/news/testimony/oversight-of-the-federal-bureau-of-investigation-5>

We face sophisticated cyber threats from state-sponsored hackers, hackers for hire, organized cyber syndicates, and terrorists. They seek our state secrets, our trade secrets, our technology, and our ideas—things of incredible value to all of us. They may seek to strike our critical infrastructure and our economy. The threat is so dire that cyber security has topped the Director of National Intelligence list of global threats for the second consecutive year. Given the scope of the cyber threat, agencies across the federal government are making cyber security a top priority. Within the FBI, we are targeting high-level intrusions—the biggest and most dangerous botnets, state-sponsored hackers, and global cyber syndicates. We want to predict and prevent attacks, rather than reacting after the fact. FBI agents, analysts, and computer scientists are using technical capabilities and traditional investigative techniques—such as sources and wires, surveillance, and forensics—to fight cyber crime. We are working side by side with our federal, state, and local partners on Cyber Task Forces in each of our 56 field offices and through the National Cyber Investigative Joint Task Force (NCIJTF). Through our 24-hour cyber command center, CyWatch, we combine the resources of the FBI and NCIJTF, allowing us to provide connectivity to federal cyber centers, government agencies, FBI field offices and legal attachés, and the private sector in the event of a cyber intrusion. We also work with the private sector

through partnerships such as the Domestic Security Alliance Council, InfraGard, and the National Cyber Forensics and Training Alliance. And we are training our state and local counterparts to triage local cyber matters, so that we can focus on national security issues. Our legal attaché offices overseas work to coordinate cyber investigations and address jurisdictional hurdles and differences in the law from country to country. We are supporting partners at Interpol and The Hague as they work to establish international cyber crime centers. **We continue to assess other locations to ensure that our cyber personnel are in the most appropriate locations across the globe. Cyber threats to critical infrastructure require a layered approach to cyber security,** including partnerships with private sector owners and operators, and with Federal partners including the Department of Homeland Security (DHS). We have been successful in a joint campaign to combat a campaign of cyber intrusions targeting natural gas pipeline sector companies, in which the FBI and DHS's Industrial Control Systems-CERT Cyber Emergency Response Team deployed onsite assistance to some of the organizations targeted, and provided 14 briefings in major cities throughout the United States to over 750 personnel involved in the protection of energy assets and critical infrastructure. **We have also successfully worked with DHS in to empower the U.S. banking system to better defend against cyber attacks.** As powerful distributed denial of service (DDoS) incidents impacting leading U.S. banking institutions in 2012 have persisted through 2014, the FBI has worked with DHS's US-CERT United States Computer Emergency Readiness Team to identify 600,000 DDoS-related IP addresses and contextual information, to better equip banks to defend themselves. **We know that to be successful in the fight against cyber crime, we must continue to recruit, develop, and retain a highly skilled workforce.** To that end, we have developed a number of creative staffing programs and collaborative private industry partnerships to ensure that over the long term we remain focused on our most vital resource—our people.

Expanded NSA domestic surveillance protects against cyber-attack.

Jonathan **Mayer**, a computer scientist + lawyer at Stanford Web Policy June 4, **2015** The NSA's Domestic Cybersecurity Surveillance <http://webpolicy.org/2015/06/04/nsa-cybersecurity/>

Earlier today, the New York Times reported that **the National Security Agency has secretly expanded its role in domestic cybersecurity.** In short, **the NSA believes it has authority to operate** a warrantless, signature-based intrusion detection system—**on the Internet backbone.**¹ Owing to the program's technical and legal intricacies, the Times-ProPublica team sought my explanation of related primary documents.² I **have high confidence in the report's factual accuracy.**³ Since this morning's coverage is calibrated for a general audience, I'd like to provide some additional detail. I'd also like to explain why, in my view, the news is a game-changer for information sharing legislation. The Facts Despite nearly two years of disclosures, the NSA's domestic Internet surveillance remains shrouded in secrecy. To borrow Donald Rumsfeld's infamous turn of phrase, it remains one of the greatest known unknowns surrounding the agency. The following facts are already public. **The NSA maintains "upstream" interception equipment at many points on the global telecommunications backbone.** One of the primary legal authorities for domestic upstream surveillance is Section 702 of the FISA Amendments Act (FAA). The Foreign Intelligence Surveillance Court (FISC) has authorized warrantless FAA

surveillance in connection with foreign governments, counterterrorism, and counterproliferation. Each of these topics has an associated “certification,” establishing procedures for targeting and minimization. **The NSA can use FAA upstream Internet surveillance to collect⁴ traffic that is “to,” “from,” or “about”⁵ a “selector.”** Prior disclosures have emphasized email addresses as FAA upstream Internet selectors. In order for a selector to be eligible for FAA surveillance, it must be used by a foreign person or entity outside the United States. Intelligence community⁶ NSA analysts can search FAA surveillance data for information involving Americans. Senator Wyden has been a particularly persistent critic of these queries, dubbing them “backdoor searches.” The primary documents associated with today’s report confirm the following additional facts.⁶ **The NSA can use FAA upstream Internet surveillance for cybersecurity purposes,** so long as there is a nexus with one of the three prior certifications. The most common scenario is where the NSA can attribute a cybersecurity threat to another nation, enabling it to rely on the foreign government certification. Internet protocol (IP) addresses and ranges are eligible as FAA upstream surveillance selectors. The Department of Justice approved this practice in July 2012.⁷ Cybersecurity threat signatures are also eligible as FAA upstream surveillance selectors. This adds a de facto fourth category of FAA interceptions, since a threat signature cannot reasonably be categorized as “to,” “from,” or “about” a particular address.⁸ DOJ appears to have approved the practice in May 2012. The NSA has acted upon the above legal interpretations. The primary documents make reference to particular FAA cybersecurity operations. Those operations relied on the foreign government certification, and they used IP addresses as selectors. Since 2012, if not earlier, the NSA has prioritized obtaining an FAA “cyber threat” certification. From the agency’s perspective, a cyber certification has two desirable properties. First, it would eliminate the nexus requirement. The NSA would be able to intercept traffic associated with a cybersecurity threat, regardless of whether the threat originates with a foreign government. Second, a cyber certification would codify procedures for IP address and signature targeting. The present status of the cyber certification is not apparent; it may have been approved, have been bundled into another certification, still be in progress, or have been set aside.⁹ It is also not apparent how FAA’s foreignness requirement would be implemented under the certification.¹⁰ When data is exfiltrated in the course of an attack, it often includes sensitive information about Americans. The NSA believes that this exfiltrated data should be considered “incidental” collection, rendering it eligible for backdoor searches. Put differently: when a data breach occurs on American soil, and the NSA intercepts stolen data about Americans, it believes it can use that data for intelligence purposes. **The NSA collaborates with the Department of Homeland Security and the Federal Bureau of Investigation on cybersecurity matters. It receives and shares cybersecurity threat signatures with both agencies.** When the NSA wishes to disclose a threat signature to the private sector, it usually routes that information through DHS or the FBI. The NSA is not attributed as the source of the threat signature. The FBI does not have its own national security surveillance equipment installed on the domestic Internet backbone. It can borrow the NSA’s equipment, though, by having the NSA execute surveillance on its behalf. In my view, the key takeaway is this: for over a decade, there has been a public policy debate about what role the NSA should play in domestic cybersecurity. The debate has largely presupposed that the NSA’s domestic authority is narrowly circumscribed, and that DHS and DOJ play a far greater role. Today, we learn that assumption is incorrect. **The**

NSA already asserts broad domestic cybersecurity powers. Recognizing the scope of the NSA's authority is particularly critical for pending legislation.

NSA surveillance is critical to help deter against successful cyber attacks

Jack **Goldsmith**, Henry L. Shattuck Professor at Harvard Law School, **2012**

http://www.brookings.edu/~media/research/files/papers/2010/12/08-4th-amendment-goldsmith/1208_4th_amendment_goldsmith.pdf

The National Security Agency ("NSA") plays an important role in the EINSTEIN projects. NSA is America's signals-intelligence and government information assurance agency. It is technically a component of the Department of Defense ("DoD"), and it is typically headed by a lieutenant general or vice admiral. While the NSA's collection capabilities are mostly directed outside the United

States, NSA also has domestic responsibilities. It was the operator of the Terrorist Surveillance Program (TSP) that involved warrantless wiretapping of certain terrorist communications with one end in the United States. And it has been heavily involved in the development of the EINSTEIN systems. The Department of Homeland Security ("DHS") has stated that EINSTEIN 3 capabilities are "based on technologies developed by the NSA."⁸ According to the government, the "threat signatures determined by NSA in the course of its foreign intelligence and DoD information assurance missions" will be used in the EINSTEIN system.⁹ And based on threats identified by EINSTEIN 3, "alerts that do not contain the content of communications" will be sent to NSA, which will use the information to check cyber attacks in unknown ways that the government assures us are consistent with NSA's "lawfully authorized missions."¹⁰ NSA also has the lead in the recently established Cyber Command, which is headed by NSA Director General Keith Alexander. Cyber Command is charged with coordinating US offensive cyber activities and U.S. defensive efforts in protecting the .mil network. Consistent with the above analysis, Cyber Command is also in tasked with the responsibility of providing "support to civil authorities" in their cybersecurity efforts. ¹¹ In addition, Deputy Secretary of Defense William Lynn recently stated that Cyber Command "works closely with private industry to share information about [cybersecurity] threats and to address shared vulnerabilities."¹² NSA is involved with domestic cybersecurity in these and doubtlessly other ways because it possesses extraordinary technical expertise and experience, unmatched in the government, in exploring and exploiting computer and telecommunication systems. NSA also has close relationships with private telecommunications firms and other firms central to national cybersecurity.¹³ These relationships are important because cybersecurity requires the government to work closely with the telecommunication firms whose hardware and software constitute the Internet's backbone and Internet connection points. These firms already have enormous experience and expertise identifying and eliminating certain types of bad actors and agents on their systems that the government leverages in stopping threats that concern it.

Broad NSA surveillance power ensures ability to prevent cyber attacks.

Russell **Brandom** on June 4, **2015** 01:17 pm Email @russellbrandom The NSA is still conducting mass surveillance of the US internet to find cyberattacks

<http://www.theverge.com/2015/6/4/8729155/snowden-nsa-internet-cyber-surveillance-cyberattack>

The NSA is scanning US web traffic for specific malware signatures, according to new Snowden documents published by The New York Times and ProPublica. Previous documents have shown the NSA and GCHQ collecting data from undersea data cables, but this is the most comprehensive look at how the NSA uses that data to zero in on specific activities or actors on the web. According to the new documents, **the scanning is enabled by broad legal powers**, granted by the Department of Justice and FISA court in 2012. An initial Justice Department order (interpreting Section 702 of the FISA Amendments Act) authorized the NSA to target data based on specific IP addresses or threat signatures that were linked to foreign nations. **In addition to its surveillance operations, the NSA is tasked with defending official US networks from digital intrusions**, a task that's grown increasingly difficult as states like China have grown more sophisticated. But according to the documents, limiting the scans to foreign states was too restrictive for the NSA. Over the course of 2012, NSA director Keith Alexander lobbied the Justice Department to extend the signature-based scans to malware that hadn't been linked to state actors, but his efforts were unsuccessful. Still, the agency Specific malware programs are often reused, even between criminals and governments, so it's notoriously difficult for researchers to connect a tactic to a specific actor. Experts are comparing the resulting system to the network intrusion detection systems (or NIDS) that are deployed on many private networks. Given a top-down view of the network, **NIDS systems monitor for malware traveling between points on the network**, rather than catching the bad actors as they infect individual machines. Those systems have also been proposed at a national level, although they've rarely been deployed publicly due to the privacy issues involved.

Current surveillance techniques are effective and disrupt/deter terrorist attacks

David Rothkopf 2014 a visiting scholar at the Carnegie Endowment as well as CEO and editor of Foreign Policy. "National Insecurity: American Leadership in an Age of Fear," PublicAffairs, p. 337-8

For all of the questions raised by some of the sweeping programs revealed by Snowden, **the surveillance programs of the US government include some targeted efforts that are widely regarded within the intelligence and policy communities as extremely helpful**. And new capabilities are emerging daily. Although these will require vigilance to avoid future violations of civil liberties, there is also a sense that on the cyber side, **as with drones and the development of light-footprint approaches for combating terror, important steps have been taken that actually enhance the security of the American people and reduce the likelihood of future attacks** like those that ushered in this era. **Those tools have made such a marked difference in US counterterrorism efforts that intelligence community leaders are becoming comfortable with the idea of relaxing other controversial practices**. Mike Hayden noted that one reason he was willing to "empty the prisons" and "scale back on the authorized

interrogation techniques” is that he was not “nearly as desperate as [Director of Central Intelligence] George [Tenet] was back in 2002, 2003. I’ve got agent networks. I’ve got penetrations. I’ve built up a strong human intelligence collection efforts. [sic] I’m less dependent on capturing and questioning than I was in 2002. More sources. Better electronic intelligence. You’re hitting on all cylinders now. And with the requisite intelligence, it enables your orthoscopic stuff” (meaning “surgical” or “light-footprint activities”).¶ Lisa Monaco asserts, “I think the US government has done a good job of creating a counterterrorism structure and apparatus- operationally and policy-wise – to learn the lessons of 9/11 and have an ability to meet the threats that we face, share information, apply the right kind of military, intelligence, diplomatic, and law enforcement tools today... As an example, say we know a terrorist is transiting Germany. We have an apparatus to reach out: The FBI will talk to its German counterparts, share information, get their assistance within the bounds of the rule of law to try and detail that person. so, we have a process. We share intelligence. We try and disrupt that threat.” Although she acknowledges the systems are not quite as evolved on the cybersecurity side, the point is that – despite metastasizing terror threats worldwide, and confusion and ill-conceived programs of the US government is in a number of important ways fulfilling its core mission of helping to make America and Americans safer.

NSA surveillance is critical to protecting us against cyber attacks

Michelle **Van Cleave** What It Takes: In Defense of the NSA NOVEMBER/DECEMBER 2013

<http://www.worldaffairsjournal.org/article/what-it-takes-defense-nsa>

For my old business of US counterintelligence, the Snowden case is something of an unraveling nightmare. At this stage, there is no telling whether or not he acted alone, or what he compromised. Four months isn’t much time on-site, yet he used his access to identify and download highly classified information that would be of particular use to him. How did he decide what was of value to snatch? Where did he find it? How did he take it without getting caught? He admitted that he took the NSA contractor job in March of this year in order to gain access to this material, so his preparations had been under way for quite a while. The deeper question is at what point along the way he started to get outside help and direction, and from whom. At a minimum, the press leaks were very well scripted to provide cover for the rest of the operation, which has received far less attention. Snowden passed documents allegedly showing US and UK surveillance of Russian and Turkish representatives at a Group of 20 meeting. He passed ostensible records of US signals intelligence operations in Hong Kong and elsewhere, as well as Britain’s signals intelligence arm, GCHQ. He passed information about top-secret plans to counter Chinese cyber-attack capabilities, and about joint intelligence undertakings among Western allies, including US and German cooperation. That’s just what has been reported publicly. Then of course there is whatever else he stole. Whether or not there are audit trails for IT administrators like Snowden we can only guess. If not, there may be no way of bounding the potential damage. And since we don’t know what secrets may have been lost, we won’t know what or who may now be at risk. That uncertainty alone is an intelligence bonanza for our adversaries. Whatever else Snowden may be, he has been a voice of disinformation. For example, here’s an excerpt from his Guardian interview: “Any analyst at any time can target anyone, any selector, anywhere. . . I sitting at my desk certainly had the authorities to wiretap anyone from you or your accountant to a federal judge to even the president if I had a personal

e-mail.” If that were true, it would be an outrageous abuse of authority. But it is not true, not a whit. Now maybe Snowden is just delusional. Or maybe someone is coaching him a little, the better to inflame public opinion. But who would know, when there is an immediate rush to judgment to pronounce the man a “hero” or a “conscientious objector” or “deeply idealistic” or whatever other bouquets of virtue were thrown his way. By such means, some of the West’s best and brightest (looking less bright all the time) become part of the disinformation campaign directed against America’s moral standing in the world. That campaign has a long history. **Two inherent qualities make US intelligence unique among the world’s intelligence services. The first is its accountability and unparalleled openness to public scrutiny and the rigorous oversight of the political process.** The fact that we measure these things against civil liberties, and bring them under the careful checks and balances of our Constitution, is the bedrock of their strength. Even more fundamentally, US intelligence is part of the great experiment in governance that is our democratic republic. Beginning with George Washington’s first State of the Union Address, in which he requested a secret fund for clandestine activities, **intelligence has been an instrument to achieve the broad goals of the American people** and the policies advanced by their duly elected representatives. **That is why any rupture between public confidence and the US intelligence enterprise is so destructive.** It is also why America’s adversaries have long sought to provoke one. During the Cold War, the KGB expended a great deal of energy and treasure in undermining the credibility and effectiveness of US intelligence in general and the CIA in particular. Soviet disinformation campaigns included some breathtaking lies, deceptions, and fantastic tales (e.g., forged documents, planted news reports, and grotesque accusations that the CIA was responsible for trafficking in baby parts, assassinating President Kennedy, and inventing AIDS). It took decades for the CIA to recover from the Church Committee investigations of the 1970s—years that the Soviets used to advantage in undermining pro-Western governments, supporting insurgencies, and implanting spies. And here we go again. Whatever Snowden may have had in mind when he decided to break his oath, the secrets he disclosed have been used to discredit US intelligence among the very democratic populations that depend most on the American defense umbrella. Across Europe, there have been lawsuits to stop NSA operations. Round two of Snowden’s leaks included purported US collection activities directed against members of the European Union, so the EU, the French, the Germans, and others lodged diplomatic complaints and suspended trade and other talks and loudly proclaimed their indignation. (This is more than a little hypocritical, given their own intelligence activities against one another—not to mention the value they derive from ours.) To make matters worse, a whole series of damaging leaks in recent years, ranging from WikiLeaks to include some from the highest levels of the US government, have called into question America’s reliability as an intelligence partner. For friendly intelligence services, trusting the Americans to keep secrets secret has become a far riskier proposition. In fact, our stock as an intelligence partner has never been lower, which is exceedingly worrisome in an era when we rely so heavily on liaison services for essential intelligence about terrorist targets. For American intelligence personnel, doing their jobs has become that much more difficult and that much more thankless. You can be sure that the Russians, the Chinese, and others, knowing about the demoralizing effects of the Snowden leaks, are working overtime pursuing new recruitment prospects within US intelligence ranks. They know from long experience that low morale is a key factor in persuading Americans to spy on their own country. Today, there are more Russian intelligence

personnel operating in the United States than there were at the height of the Cold War, and they are far from alone. By some counts, China is here in even greater numbers, and even more active against us through cyber means. Add to that the Cubans, the Iranians, and most of the rest of the world's governments—plus some thirty-five suspected terrorist organizations—all here, taking advantage of the freedom of movement, access, and anonymity afforded by American society. And then there is the phenomenon of the hacker culture and virtual anarchists like “Anonymous,” which is hard at work to set the conditions for what it calls a “global secrets meltdown.” Their ostensible plan is to recruit individuals to infiltrate governments to steal classified information or enable Anonymous hackers to steal it. Then, when the message “do it now” goes out, they will simultaneously reveal all of the world's secrets (but of course mostly concentrated in the West because that's where the access is). It may sound ridiculous until you realize just how many disaffected, cynical youth like Snowden are drawn to these circles to find some sense of belonging and self-importance. The United States has built a global intelligence apparatus because it has global interests and global responsibilities. We have taken seriously the duties of leader of the free world, as two world wars, Korea, Vietnam, Afghanistan, Iraq, and freedom fighters in many parts of the world can attest. None of these duties in the last sixty years could have been met without the exceptional resources of NSA. Successive presidents and Congresses, entrusted with preserving and defending our freedom, have judged these investments to be vital to our nation's security. They have protected the core secrets that enable collection programs to succeed, as have those in US business and industry who have been integral to their success. The unquestioned qualitative edge of US intelligence has been as essential to defending this country and preserving our freedom as have the forces we have built to arm and equip our military. But time has not stood still. China is attacking computer systems throughout the world, stealing information and implanting features to enable future control. China's prominence in IT commercial markets means that they are in the supply chain, and their market share is growing as part of a purposeful, state-run program for strategic position. A long roll call of spies from Russia, China, Cuba, and other nations have targeted the essential secrets of US intelligence capabilities in order to be able to defeat them. And now they have the Snowdens and the WikiLeaksers of the world helping them out. Interconnected global networks of digital data have become the single most important source of intelligence warning of threats, enabling our defense at home and the advancement of freedom abroad. To say “hands off,” as some shortsighted privacy advocates have been doing, will not preserve our liberties, it will endanger them. It should be possible for an enlightened citizenry to empower government action in that sphere without forfeiting the very rights that our government exists to secure. That challenge is, at the very least, a part of the continuing experiment that is our democracy.

Surveillance efforts are expanding and deterring cyber attacks

Frank **Konkel** 9/10/2014 (writer for NextGov, IS THERE ANY PART OF GOVERNMENT THAT HASN'T BEEN HACKED YET?, <http://www.nextgov.com/cybersecurity/2014/09/there-any-part-government-hasnt-been-hacked-yet/93704/>)

Feds Cite ‘Unprecedented’ Collaboration with Industry The only way to stay ahead of the evolving threats is to collaborate and share information with the private sector, officials testified. “We’re engaging in an unprecedented level of collaboration” with industry,

international law organizations and other bodies, Anderson said, and those partnerships will continue to expand. For example, the FBI released 40 near real-time alerts on “current and emerging threat trends and technical indicators,” to the private sector – with 21 of those alerts sent to the financial industry. The agency is now engaging in a more back-and-forth dialogue as opposed to the FBI listening and rarely sharing – which used to be the case. Anderson also vowed harsher deterrents for malicious actors, referencing the recent indictments of Chinese citizens who were caught hacking the networks of American companies. Sen. Tom Coburn, R-Okla., said he was pleased with FBI’s get-tough approach. “I’m happy to see the FBI being aggressive on deterrence,” said Coburn, the committee’s ranking Republican. “For so long, we thought building a higher wall was [the way to protect], but people are going to climb over any wall we have. We need prosecutorial deterrence. I’m thankful of that attitude from FBI both domestically and internationally.”

NSA surveillance prevents cyber attack

Jonathan **Mayer**, a computer scientist + lawyer at Stanford Web Policy June 4, **2015** The NSA’s Domestic Cybersecurity Surveillance <http://webpolicy.org/2015/06/04/nsa-cybersecurity/>

This much is certain about FAA cybersecurity surveillance: If the NSA snoops on hackers as they move stolen data over the Internet backbone, agency analysts can sift through that information—other than with explicit U.S. person queries. If the NSA, FBI, or CIA snoops on hackers as they move stolen data through a cloud service, such as Dropbox or Gmail, analysts can sift through that information—including with explicit U.S. person queries.

I - Cyber threat is high

Cyber-threat risk is high – prefer consensus

Jordain **Carney 14**, Staff @ National Journal, "Defense Leaders Say Cyber is Top Terror Threat," 1-6-14, <http://www.nationaljournal.com/defense/defense-leaders-say-cyber-is-top-terror-threat-20140106>, DOA: 8-13-14,

Defense officials see cyberattacks as the greatest threat to U.S. national security according to a survey released Monday. Forty-five percent of **respondents to the** Defense News Leadership **Poll** named a cyberattack as the single greatest threat—nearly 20 percentage points above terrorism, which ranked second. **The** Defense News Leadership **Poll**, underwritten by United Technologies, **surveyed 352** Defense News **subscribers, based on job seniority**, between Nov. 14 and Nov. 28, 2013. **The poll targeted senior employees within the White House, Pentagon, Congress, and the defense industry.** "The magnitude of the cyber problem, combined with declining budgets, **will challenge the nation for years to come**," said Vago Muradian, the editor of Defense News. It's not the first time cyber has ranked at or near the top of a list of security concerns. Seventy percent of Americans called a cyberattack from another country a major threat in a Pew Research Center survey released last month. Defense Department officials, for their part, have warned about the increasing threat. **FBI Director James Comey, Rand Beers, the then-acting secretary for the Homeland Security Department, and Gen. Keith Alexander, director of the National Security Agency, each voiced their concerns** before Congress last year. And **House Intelligence Committee Chairman Mike Rogers, R-Mich., called it the "largest national security threat** to face the U.S. that we are not even close to being prepared to handle as a country."

Threat of cyber-attack real and growing; most serious economic and national security challenge in 2015.

DUSTIN **VOLZ**, April 1 **2015** <http://www.nationaljournal.com/tech/obama-declares-cyber-attacks-a-national-emergency-20150401>

April 1, 2015 President Obama on Wednesday signed an executive order expanding his administration's ability to respond to malicious cyberattacks by allowing financial penalties to be inflicted on foreign actors who engage in destructive hacking campaigns. "**Cyberthreats pose one of the most serious economic and national security challenges to the United States**, and my administration is pursuing a comprehensive strategy to confront them," Obama said in a statement. "As we have seen in recent months, **these threats can emanate from a range of sources and target our critical infrastructure, our companies, and our citizens**. This executive order offers a targeted tool for countering the most significant cyberthreats that we face." The order allows the Treasury secretary, in consultation with the attorney general and the secretary of State, to impose financial sanctions—such as freezing of assets or prohibition of commercial trade—on individuals or groups responsible for **malicious cyberattacks that "create a significant threat to U.S. national security, foreign policy, or economic health or financial stability of the United States."** Obama said. Administration officials have long indicated a desire to strengthen the government's ability to respond to and penalize those engaging in cyberattacks. The massive hit on Sony Pictures last Thanksgiving—which the White House publicly blamed on North Korea—increased the urgency to bolster the nation's cyberdefenses. In January, Obama signed a separate executive order allowing for further sanctions against designated North Korean targets, but that action was limited solely to government officials in that country and not tethered directly to the Sony cyberattack. Wednesday's order will broaden the government's authority to permit the levying of sanctions against those directly responsible for hacking activities—and

officials will not need to acquire a discrete order to respond to each attack. Data breaches in recent years at places like Target, Home Depot, and Anthem Insurance have resulted in the heist of the personal data of millions of consumers, ranging from credit-card information to Social Security numbers and health information. But hundreds, if not thousands, of cyberattacks are waged daily against the United States, officials have said, and many of them originate overseas. China and Russia have been identified as particularly aggressive and adept at cyberintrusion and cyberespionage.

Cyberattacks are currently the biggest threat to US national security

Council on foreign relations 3/15, “Cyberattacks on US Infrastructure”,
<http://www.cfr.org/global/global-conflict-tracker/p32137#!/?marker=2>

In March 2013, Director of National Intelligence James Clapper identified cyberattacks as the greatest threat to U.S. national security. Critical infrastructure—the physical and virtual assets, systems, and networks vital to national and economic security, health, and safety—is vulnerable to cyberattacks by foreign governments, criminal entities, and lone actors. Due to the increasingly sophisticated, frequent, and disruptive nature of cyberattacks, such an attack on critical infrastructure could be significantly disruptive or potentially devastating. Policymakers and cybersecurity experts contend that energy is the most vulnerable industry; a large-scale attack could temporarily halt the supply of water, electricity, and gas, hinder transportation and communication, and cripple financial institutions. The rising prevalence of cyberattacks was detailed in a 2013 report by the U.S. security firm Mandiant that linked the Chinese military to 140 cyberattacks against U.S. and foreign corporations. The same year, major U.S. banks called on policymakers for assistance after experiencing cyberattacks emanating from Iran. The Obama administration has emphasized the importance of cybersecurity—its fiscal year 2014 budget requested a 20 percent increase in funding, and in February the White House announced the establishment of a new Cyber Threat Initiative Integration Center (CTIIC) to provide analysis and support to U.S. government agencies in response to cyber threats. The United States has strengthened its offensive strategies by developing rules of engagement for cyber warfare and cyber weapons capabilities. However, cyberspace policymaking remains decentralized with authority shared among the White House and five executive departments, resulting in gaps in U.S. cyber policy that leave vulnerabilities unaddressed.

Cyber threat is high---tech advancement

Josephine **Wolff 13** is a Ph.D. candidate at MIT and a fellow at Harvard’s Berkman Center for Internet and Society, “Great, Now Malware Can Jump the “Air Gap” Between Computers,” 12-3-2013, Slate Magazine, http://www.slate.com/blogs/future_tense/2013/12/03/researchers_michael_hanspach_michael_goetz_prove_malware_can_jump_air_gap.html, DOA: 3-15-2015, y2k

The gold standard for protecting computer systems—as everyone from the U.S. military to Osama Bin Laden’s ghost well knows—is disconnecting them from the Internet. Called an “air gap,” because prior to wireless networking it literally meant making sure there was no cable physically connecting a computer to the public Internet, this is one of the most drastic, inconvenient, and difficult-to-maintain computer security measures out there. It’s usually reserved for systems that require the very highest levels of security, because it leaves you with a

computer system that may be limited in what it can do, but at least it's absolutely safe. But according to a recent paper by researchers at the Fraunhofer Institute for Communication, Information Processing, and Ergonomics, that [air]gap can be bridged by high-frequency audio signals.

The researchers, Michael Hanspach and Michael Goetz, were able to transmit data between air-gapped laptops up to 19.7 meters (more than 60 feet) apart at a rate of approximately 20 bits per second by using acoustic methods originally developed for underwater communications. In other words, the computers communicated via their built-in speakers and microphones by transmitting inaudible acoustic waves. The paper announcing this prototype comes just weeks after security consultant Dragos Ruiu hypothesized that the "badBIOS" malware he was studying was able to penetrate air-gapped machines in the same manner. Even without Hanspach and Goetz's confirmation of its feasibility, Ruiu's claim was enough to unsettle some. At the Defense One conference last month, United States Naval Academy cyber security professor and retired Navy captain Mark Hagerott said the discovery of air-gap jumping technology would "disrupt the world balance of power."

The basic idea underlying an air gap is that we want to cut off all access to a computer system to the outside world but, as it turns out, there are lots of ways to access computers even through the air. The name itself is deeply misleading, and it reflects a certain kind of misguided thinking about computer security that comes from carelessly applying the language of physical security to the virtual world. It's not just that the things we can't see—the electromagnetic and acoustic waves—can serve as access points for attackers. It's that we don't yet have any thorough understanding of what all the possible access points to computer systems are, or what their complete "attack surface" looks like.

Hanspach and Goetz's research, and Ruiu's warning, will likely mean that the definition of "air-gapped" is extended yet again—this time so that its implementation includes shutting off audio input and output devices. In the long tradition of mixing archaic physical security metaphors with modern cybersecurity efforts, you can think of it as a sort of modern-day version of Odysseus telling his sailors to plug their ears as they sail past the sirens. Hanspach and Goetz also suggest as possible defenses against acoustic malware high-frequency audio filtering and audio intrusion detection systems, but these solutions are more complicated to implement and may be less effective.

This isn't the first time we've discovered that the machines we thought were protected by an impermeable air gap were, in fact, vulnerable. Stuxnet made headlines in 2010 when it was spread to the air-gapped machines in the Iranian Natanz nuclear facilities using infected USB drives. The realization (or reminder, really) that USB drives could carry malware meant that the notion of air-gapping computer systems was extended to include banning removable media, or filling USB ports with superglue.

Of course, with each such addition to the protocol for thorough air gapping, the practice becomes more and more difficult to maintain. This summer, for instance, it was revealed that Edward Snowden used a flash drive to copy the classified materials he later leaked to the press. Turns out the Department of Defense may have granted thousands of exceptions to its nominal ban on removable media devices. A mandate to shut off all computer audio input and output

devices could meet a similar fate, with organizations finding that these tools are necessary for certain important tasks—or employees finding safety measures to be a hassle. More **stringent requirements for air-gapping** almost **inevitably lead to less rigorous implementation** and, as the new acoustic malware prototype suggests, **we don't even know** yet all of **the possible attack vectors** for computer systems, or what other basic functions they will mean shutting off and deactivating in the name of greater security.

Trends in social engineering and phishing attacks **show that** the human users of computer systems **are** often crucial (and very vulnerable) **attack vectors**, while research in side-channel attacks on cryptosystems has shown that the power used by computers, as well as the sounds they make, can be used to target encrypted information. In short, audio input and output devices are only the latest in a long list of computer features that turn out to be vulnerable to attack—that doesn't make the researchers' discovery any less important or significant, but it does mean that it's probably far from the final word in air-gap-jumping technology. **New attacks will** continue to **emerge alongside technological improvements**—dark reflections of our ingenuity. **The security vulnerabilities of computers extend across every dimension**, including several we likely haven't thought of yet, and it would be unwise to rely too heavily on the wax in your ears, or the glue in your computer ports—or the protective cushion of the air.

Prefer qualified evidence---9/11 commission concludes aff

Melissa **Clyne 2014**, Staff Writer @ News Max, "9/11 Commission: Cyberattack on US Is Imminent Threat," 7-22-14, <http://www.newsmax.com/Newsfront/911-terrorism-cyberattack-power-grid/2014/07/22/id/584093/#ixzz3Ala4AZSB>, DOA: 8-13-14, y2k

Terrorists are plotting a cyberattack against the United States that is tantamount to 9/11, and the American public is acutely uninformed about the grave danger, according to The Wall Street Journal. **Members of the former 9/11 Commission, formed to investigate and analyze the terrorist attacks, will release a report today stating a growing complacency** has set in since 2001, despite heightened threats facing the country. For the 10th anniversary of the release of the 9/11 report, the National Commission on Terrorist Attacks met to assess the current national security climate and how the government is handling it. As part of their undertaking, **the panel interviewed current and former intelligence officials**, the Journal reports. In the report, **most top spy officials pointed to cyberattacks as a "growing danger** that the government has yet to adequately address," according to the Journal. The Washington Post reports that **the panel's most recent findings indicate that cyberspace is the "battlefield of the future"** and advocate for cybersecurity legislation allowing private companies to work with the government to counter the threat. National security is tantamount to privacy protection. Additionally, the public should be made aware of the seriousness of the looming threat, according to the panel. "Platitudes will not persuade the public," the authors wrote. In 2012, then Defense Secretary Leon Panetta warned that terrorists were targeting computer control systems that operate chemical, electricity, and water plants, and those that guide transportation throughout the country, Bloomberg reported at the time. **"We know of specific instances where intruders have successfully gained access to these control systems,"** Panetta said. "We also know **they are seeking to create advanced tools to attack these systems and cause** panic, destruction, and even **the loss of life.**" He explained that **an attacker could** derail trains, contaminate the water supply, or **shut down power** grids across the country by gaining access to control switches. It's important, according to the report's authors, that Americans learn of the threats before it's too late. **"History may be repeating itself in the cyber realm,"** the report states. "Complacency is setting in. There is a danger that this waning sense of urgency will divert attention and needed resources from counterterrorism efforts."

Cyber attacks are possible, likely, and will escalate

Bucci 9, Dr. Steven P. Bucci is IBM's Issue Lead for Cyber Security Programs and a part of the Global Leadership Initiative, the in-house think tank for IBM's public-sector practice. He most recently served as Deputy Assistant Secretary of Defense, Homeland Defense and Defense Support to Civil Authorities. Dr. Bucci delivered these remarks at a meeting of The Heritage Foundation's Cyber Security Working Group, The Confluence of Cyber Crime and Terrorism, <http://www.heritage.org/research/lecture/the-confluence-of-cyber-crime-and-terrorism>

If a cash-rich terrorist group would use its wealth to hire cyber criminal botnets for their own use, **we would have a major problem.** A terrorist group so enabled could begin **to overwhelm the cyber defenses** of a specific **corporation, government organization, or infrastructure sector and do much damage.** **They could destroy** or corrupt **vital data in the financial sector communications over a wide area to spread panic and uncertainty.**

Similar to the nation-state attack scenarios discussed earlier, terrorists could use botnet-driven DDoS attacks to blind security forces at a border crossing point as a means of facilitating an infiltration operation, or a cyber attack in one area of a country to act as a diversion so a "conventional" kinetic terrorist attack can occur elsewhere. They could even conduct SCADA attacks on specific sites and use the system to create kinetic-like effects without the kinetic component. A good example would be to open the valves at a chemical plant near a population center, creating a Bhopal-like event.

The **permutations are as endless as one's imagination**. The **cyber capabilities** that the **criminals could provide** would **in short order make any terrorist organization infinitely more dangerous and effective.**

Some have **opined** that **cyber attacks are not suitable as terror tactics because they lack the drama and spectacular effect of**, say, a suicide bomber. **This does not take into account the ability of the terrorists to adapt.** As our intelligence and law enforcement agencies continue to effectively combat the terrorists, they will continue to evolve. The terrorists' old methods will be augmented and improved. They will need to develop more imagination and versatility if they are to conduct successful operations.

This evolutionary capability has not been in short supply among the terrorist leadership. They will not define "spectacular" so narrowly. **Imagine** the **operational elegance of simply hitting the return key and seeing thousands of enemies die a continent away, or watching a bank go under due to the destruction of all its data by an unknown force**. This will be enormously attractive to terrorist groups. Additionally, the **combination of cyber methods and kinetic strikes could be spectacular regardless of one's definition.**

Criminals, for their part, **are motivated by greed and power.** **Few** of the **leaders of the enormous cyber organized crime world would hesitate** at selling their capabilities to a terrorist loaded with cash. **That** fact, **combined with** the **ever-growing terrorist awareness of cyber vulnerabilities, makes this set of scenarios not just likely, but nearly inevitable.**

I – War/Escalation

Cyber attacks escalate to nuclear war

Jason Fritz 2009, Former Captain of the U.S. Army, Jason, July, Hacking Nuclear Command and Control, www.icnnd.org/Documents/Jason_Fritz_Hacking_NC2.doc

The US uses the two-man rule to achieve a higher level of security in nuclear affairs. Under this rule two authorized personnel must be present and in agreement during critical stages of nuclear command and control. The President must jointly issue a launch order with the Secretary of Defense; Minuteman missile operators must agree that the launch order is valid; and on a submarine, both the commanding officer and executive officer must agree that the order to launch is valid. In the US, in order to execute a nuclear launch, an Emergency Action Message (EAM) is needed. This is a preformatted message that directs nuclear forces to execute a specific attack. The contents of an EAM change daily and consist of a complex code read by a human voice. Regular monitoring by shortwave listeners and videos posted to YouTube provide insight into how these work. These are issued from the NMCC, or in the event of destruction, from the designated hierarchy of command and control centres. Once a command centre has confirmed the EAM, using the two-man rule, the Permissive Action Link (PAL) codes are entered to arm the weapons and the message is sent out. These messages are sent in digital format via the secure Automatic Digital Network and then relayed to aircraft via single-sideband radio transmitters of the High Frequency Global Communications System, and, at least in the past, sent to nuclear capable submarines via Very Low Frequency (Greenemeier 2008, Hardisty 1985). The technical details of VLF submarine communication methods can be found online, including PC-based VLF

reception. Some reports have noted a Pentagon review, which showed **a potential “electronic back door into the US Navy’s system for broadcasting nuclear launch orders to Trident submarines”** (Peterson 2004). The investigation showed that **cyber terrorists could potentially infiltrate this network and insert false orders for launch.** The investigation led to “elaborate new instructions for validating launch orders” (Blair 2003). Adding further to the concern of cyber terrorists seizing control over submarine launched nuclear missiles; The Royal Navy announced in 2008 that it would be installing a Microsoft Windows operating system on its nuclear submarines (Page 2008). The choice of operating system, apparently based on Windows XP, is not as alarming as the advertising of such a system is. **This may attract hackers and narrow the necessary reconnaissance to learning its details and potential exploits.** It is unlikely that the operating system would play a direct role in the signal to launch, although this is far from certain. **Knowledge of the operating system may lead to the insertion of malicious code, which could be used to gain accelerating privileges, tracking, valuable information, and deception that could subsequently be used to initiate a launch.** Remember from Chapter 2 that the UK’s nuclear submarines have the authority to launch if they believe the central command has been destroyed. **Attempts by cyber terrorists to create the illusion of a decapitating strike could also be used to engage fail-deadly systems. Open source knowledge is scarce as to whether Russia continues to operate such a system** However evidence suggests that they have in the past. Perimetr, also known as **Dead Hand**, was an automated system set **to launch a mass scale nuclear attack** in the event of a decapitation strike against Soviet leadership and military. **In a crisis, military officials would send a coded message to the bunkers, switching on the dead hand. If nearby ground-level sensors detected a nuclear attack on Moscow, and if a break was detected in communications links with top military commanders, the system would send low-frequency signals over underground antennas to special rockets. Flying high over missile fields and other military sites, these rockets in turn would broadcast attack orders to missiles, bombers and, via radio relays, submarines at sea. Contrary to some Western beliefs, Dr. Blair says, many of Russia’s nuclear-armed missiles in underground silos and on mobile launchers can be fired automatically. (Broad 1993)** Assuming such a system is still active, **cyber terrorists would need to create a crisis situation in order to activate Perimetr, and then fool it into believing a decapitating strike had taken place.** While this is not an easy task, the information age makes it easier. **Cyber reconnaissance could help locate the machine and learn its inner workings. This could be done by targeting the computers high of level official’s**—anyone who has reportedly worked on such a project, or individuals involved in military operations at underground facilities, such as those reported to be located at Yamantau and Kosvinsky mountains in the central southern Urals (Rosenbaum 2007, Blair 2008) **Indirect Control of Launch** **Cyber terrorists could cause incorrect information to be transmitted, received, or displayed at nuclear command and control centres, or shut down these centres’ computer networks completely.** In 1995, a Norwegian scientific sounding rocket was mistaken by Russian early warning systems as a nuclear missile launched from a US submarine. A radar operator used Krokus to notify a general on duty who decided to alert the highest levels. Kavkaz was implemented, all three chegets activated, and the countdown for a nuclear decision began. It took eight minutes before the missile was properly identified—a considerable amount of time considering the speed with which a nuclear response must be decided upon (Aftergood 2000). **Creating a false signal in these early warning systems would be relatively easy using computer network operations.** The real difficulty would be gaining access to these systems as they are most likely on a closed network. However, **if they are transmitting wirelessly, that may provide an entry point, and information gained through the internet may reveal the details, such as passwords and software, for gaining entrance to the closed network.** If access was obtained, **a false alarm could be followed by something like a DDoS attack,** so the operators believe an attack may be imminent, yet they can no longer verify it. **This could add pressure to the decision making process, and if coordinated precisely, could appear as a first round EMP burst. Terrorist groups**

could also attempt to launch a non-nuclear missile, such as the one used by Norway, **in an attempt to fool the system**.

The number of states who possess such technology is far greater than the number of states who possess nuclear weapons. Obtaining them would be considerably easier, especially when enhancing operations through computer network operations.

Combining traditional terrorist methods with cyber techniques opens opportunities neither could accomplish on their own. For example, **radar stations might be more vulnerable to a computer attack, while satellites are more vulnerable to jamming from a laser beam, thus together they deny dual phenomenology. Mapping communications networks through cyber reconnaissance may expose weaknesses, and automated scanning devices created by more experienced hackers can be readily found on the internet.**

¹¹ Intercepting or spoofing communications is a highly complex science. These systems are designed to protect against the world's most powerful and well funded militaries. Yet, there are recurring gaffes, and the very nature of asymmetric warfare is to bypass complexities by finding simple loopholes. For example, commercially available software for voice-morphing could be used to capture voice commands within the command and control structure, cut these sound bytes into phonemes, and splice it back together in order to issue false voice commands (Andersen 2001, Chapter 16). Spoofing could also be used to escalate a volatile situation in the hopes of starting a nuclear war. " [they cut off the paragraph] "In June 1998, a group of international hackers calling themselves

Milw0rm hacked the web site of India's Bhabha Atomic Research Center (BARC) and put up a spoofed web page showing a mushroom cloud and the text "If **a nuclear war does**

start, you will be the first to scream" (Denning 1999). Hacker web-page defacements like these are often derided by critics of cyber terrorism as simply being a nuisance which causes no significant harm. However, web-page defacements are becoming more common, and they point towards alarming possibilities in subversion. During the 2007 cyber attacks against Estonia, a counterfeit letter of apology from Prime Minister Andrus Ansip was planted on his political party website (Grant 2007). This took place amid the confusion of mass DDoS attacks, real world protests, and accusations between governments.

Cyberattacks cause great power wars

Habiger 2010 [Eugue – Retired Air Force General, Cyberwarfare and Cyberterrorism, The Cyber Security Institute, Feb 2010. p. 11-19]

However, there are reasons to believe that what is going on now amounts to a fundamental shift as opposed to business as usual. Today's network exploitation or information operation trespasses possess a number of characteristics that suggest that the line between espionage and conflict has been, or is close to being, crossed. (What that suggests for the proper response is a different matter.) First, the number of cyberattacks we are facing is growing significantly. Andrew Palowitch, a former CIA official now consulting with the US Strategic Command (STRATCOM), which oversees the Defense Department's Joint Task Force-Global Network Operations, recently told a meeting of experts that the Defense Department has experienced almost 80,000 computer attacks, and some number of these assaults have actually "reduced" the military's "operational capabilities."²⁰ Second, the nature of these attacks is starting to shift from penetration attempts aimed at gathering intelligence (cyber spying) to offensive efforts aimed at taking down systems (cyberattacks). Palowitch put this in stark terms last November, "We are currently in a cyberwar and war is going on today."²¹ Third, these recent attacks need to be taken in a broader strategic context. Both Russia and China have stepped up their offensive efforts and taken a much more aggressive cyberwarfare posture. The Chinese have developed an openly discussed cyberwar strategy aimed at achieving electronic dominance over the U.S. and its allies by 2050. In 2007 the Department of Defense reported that for the first time China has developed first strike viruses, marking a major shift from prior investments in defensive measures.²² And in the intervening period China has launched a series of offensive cyber operations against U.S. government and private sector networks and infrastructure. In 2007, Gen. James Cartwright, the former head of STRATCOM and now the Vice Chairman of the Joint Chiefs of Staff, told the US-China Economic and Security Review Commission that China's ability to launch "denial of service" attacks to overwhelm an IT system is of particular concern. ²³ Russia also has already begun to wage offensive cyberwar. At the outset of the recent

hostilities with Georgia, Russian assets launched a series of cyberattacks against the Georgian government and its critical infrastructure systems, including media, banking and transportation sites.²⁴ In 2007, cyberattacks that many experts attribute, directly or indirectly, to Russia shut down the Estonia government's IT systems. Fourth, the current geopolitical context must also be factored into any effort to gauge the degree of threat of cyberwar. The start of the new Obama Administration has begun to help reduce tensions between the United States and other nations. And, the new administration has taken initial steps to improve bilateral relations specifically with both China and Russia. However, it must be said that over the last few years the posture of both the Chinese and Russian governments toward America has clearly become more assertive, and at times even aggressive. Some commentators have talked about the prospects of a cyber Pearl Harbor, and the pattern of Chinese and Russian behavior to date gives reason for concern along these lines: both nations have offensive cyberwarfare strategies in place; both nations have taken the cyber equivalent of building up their forces; both nations now regularly probe our cyber defenses looking for gaps to be exploited; both nations have begun taking actions that cross the line from cyberespionage to cyberaggression; and, our bilateral relations with both nations are increasingly fractious and complicated by areas of marked, direct competition. Clearly, there are sharp differences between current U.S. relations with these two nations and relations between the US and Japan just prior to World War II. However, from a strategic defense perspective, there are enough warning signs to warrant preparation. In addition to the threat of cyberwar, the limited resources required to carry out even a large scale cyberattack also makes likely the potential for a significant cyberterror attack against the United States. However, the lack of a long list of specific incidences of cyberterrorism should provide no comfort. There is strong evidence to suggest that al Qaeda has the ability to conduct cyberterror attacks against the United States and its allies. Al Qaeda and other terrorist organizations are extremely active in cyberspace, using these technologies to communicate among themselves and others, carry out logistics, recruit members, and wage information warfare. For example, al Qaeda leaders used email to communicate with the 9-11 terrorists and the 9-11 terrorists used the Internet to make travel plans and book flights. Osama bin Laden and other al Qaeda members routinely post videos and other messages to online sites to communicate. Moreover, there is evidence of efforts that al Qaeda and other terrorist organizations are actively developing cyberterrorism capabilities and seeking to carry out cyberterrorist attacks. For example, the Washington Post has reported that "U.S. investigators have found evidence in the logs that mark a browser's path through the Internet that al Qaeda operators spent time on sites that offer software and programming instructions for the digital switches that run power, water, transport and communications grids. In some interrogations . . . al Qaeda prisoners have described intentions, in general terms, to use those tools."²⁵ Similarly, a 2002 CIA report on the cyberterror threat to a member of the Senate stated that al Qaeda and Hezbollah have become "more adept at using the internet and computer technologies."²⁶ The FBI has issued bulletins stating that, "U. S. law enforcement and intelligence agencies have received indications that Al Qaeda members have sought information on Supervisory Control And Data Acquisition (SCADA) systems available on multiple SCADA-related web sites."²⁷ In addition a number of jihadist websites, such as 7hj.7hj.com, teach computer attack and hacking skills in the service of Islam.²⁸ While al Qaeda may lack the cyber-attack capability of nations like Russia and China, there is every reason to believe its operatives, and those of its ilk, are as capable as the cyber

criminals and hackers who routinely effect great harm on the world's digital infrastructure generally and American assets specifically. In fact, perhaps, the most troubling indication of the level of the cyberterrorist threat is the countless, serious non-terrorist cyberattacks routinely carried out by criminals, hackers, disgruntled insiders, crime syndicates and the like. If run-of-the-mill criminals and hackers can threaten powergrids, hack vital military networks, steal vast sums of money, take down a city's traffic lights, compromise the Federal Aviation Administration's air traffic control systems, among other attacks, it is overwhelmingly likely that terrorists can carry out similar, if not more malicious attacks. Moreover, even if the world's terrorists are unable to breed these skills, they can certainly buy them. There are untold numbers of cybermercenaries around the world—sophisticated hackers with advanced training who would be willing to offer their services for the right price. Finally, given the nature of our understanding of cyber threats, there is always the possibility that we have already been the victim or a cyberterrorist attack, or such an attack has already been set but not yet effectuated, and we don't know it yet. Instead, a well-designed cyberattack has the capacity cause widespread chaos, sow societal unrest, undermine national governments, spread paralyzing fear and anxiety, and create a state of utter turmoil, all without taking a single life. A sophisticated cyberattack could throw a nation's banking and finance system into chaos causing markets to crash, prompting runs on banks, degrading confidence in markets, perhaps even putting the nation's currency in play and making the government look helpless and hapless. In today's difficult economy, imagine how Americans would react if vast sums of money were taken from their accounts and their supporting financial records were destroyed. A truly nefarious cyberattacker could carry out an attack in such a way (akin to Robin Hood) as to engender populist support and deepen rifts within our society, thereby making efforts to restore the system all the more difficult. A modestly advanced enemy could use a cyberattack to shut down (if not physically damage) one or more regional power grids. An entire region could be cast into total darkness, power-dependent systems could be shutdown. An attack on one or more regional power grids could also cause cascading effects that could jeopardize our entire national grid. When word leaks that the blackout was caused by a cyberattack, the specter of a foreign enemy capable of sending the entire nation into darkness would only increase the fear, turmoil and unrest. While the finance and energy sectors are considered prime targets for a cyberattack, an attack on any of the 17 delineated critical infrastructure sectors could have a major impact on the United States. For example, our healthcare system is already technologically driven and the Obama Administration's e-health efforts will only increase that dependency. A cyberattack on the U.S. e-health infrastructure could send our healthcare system into chaos and put countless of lives at risk. Imagine if emergency room physicians and surgeons were suddenly no longer able to access vital patient information. A cyberattack on our nation's water systems could likewise cause widespread disruption. An attack on the control systems for one or more dams could put entire communities at risk of being inundated, and could create ripple effects across the water, agriculture, and energy sectors. Similar water control system attacks could be used to at least temporarily deny water to otherwise arid regions, impacting everything from the quality of life in these areas to agriculture. In 2007, the U.S. Cyber Consequences Unit determined that the destruction from a single wave of cyberattacks on critical infrastructures

could exceed \$700 billion, which would be the rough equivalent of 50 Katrina-esque hurricanes hitting the United States all at the same time.²⁹ Similarly, one IT security source has estimated that the impact of a single day cyberwar attack that focused on and disrupted U.S. credit and debit card transactions would be approximately \$35 billion.³⁰ Another way to gauge the potential for harm is in comparison to other similar noncyberattack infrastructure failures. For example, the August 2003 regional power grid blackout is estimated to have cost the U.S. economy up to \$10 billion, or roughly .1 percent of the nation's GDP. ³¹ That said, a cyberattack of the exact same magnitude would most certainly have a much larger impact. The origin of the 2003 blackout was almost immediately disclosed as an atypical system failure having nothing to do with terrorism. This made the event both less threatening and likely a single time occurrence. Had it been disclosed that the event was the result of an attack that could readily be repeated the impacts would likely have grown substantially, if not exponentially. Additionally, a cyberattack could also be used to disrupt our nation's defenses or distract our national leaders in advance of a more traditional conventional or strategic attack. Many military leaders actually believe that such a disruptive cyber pre-offensive is the most effective use of offensive cyber capabilities. This is, in fact, the way Russia utilized cyberattackers—whether government assets, governmentdirected/ coordinated assets, or allied cyber irregulars—in advance of the invasion of Georgia. Widespread distributed denial of service (DDOS) attacks were launched on the Georgian governments IT systems. Roughly a day later Russian armor rolled into Georgian territory. The cyberattacks were used to prepare the battlefield; they denied the Georgian government a critical communications tool isolating it from its citizens and degrading its command and control capabilities precisely at the time of attack. In this way, these attacks were the functional equivalent of conventional air and/or missile strikes on a nation's communications infrastructure.³² One interesting element of the Georgian cyberattacks has been generally overlooked: On July 20th, weeks before the August cyberattack, the website of Georgian President Mikheil Saakashvili was overwhelmed by a more narrowly focused, but technologically similar DDOS attack.³³ This should be particularly chilling to American national security experts as our systems undergo the same sorts of focused, probing attacks on a constant basis. The ability of an enemy to use a cyberattack to counter our offensive capabilities or soften our defenses for a wider offensive against the United States is much more than mere speculation. In fact, in Iraq it is already happening. Iraq insurgents are now using off-the-shelf software (costing just \$26) to hack U.S. drones (costing \$4.5 million each), allowing them to intercept the video feed from these drones.³⁴ By hacking these drones the insurgents have succeeded in greatly reducing one of our most valuable sources of real-time intelligence and situational awareness. If our enemies in Iraq are capable of such an effective cyberattack against one of our more sophisticated systems, consider what a more technologically advanced enemy could do. At the strategic level, in 2008, as the United States Central Command was leading wars in both Iraq and Afghanistan, a cyber intruder compromised the security of the Command and sat within its IT systems, monitoring everything the Command was doing. ³⁵ This time the attacker simply gathered vast amounts of intelligence. However, it is clear that the attacker could have used this access to wage cyberwar—altering information, disrupting the flow of information, destroying information, taking down systems—against the United States forces already at war. Similarly, during 2003 as the United States prepared for and began the War in

Iraq, the IT networks of the Department of Defense were hacked 294 times.³⁶ By August of 2004, with America at war, these ongoing attacks compelled then-Deputy Secretary of Defense Paul Wolfowitz to write in a memo that, "Recent exploits have reduced operational capabilities on our networks."³⁷ This wasn't the first time that our national security IT infrastructure was penetrated immediately in advance of a U.S. military option.³⁸ In February of 1998 the Solar Sunrise attacks systematically compromised a series of Department of Defense networks. What is often overlooked is that these attacks occurred during the ramp up period ahead of potential military action against Iraq. The attackers were able to obtain vast amounts of sensitive information—information that would have certainly been of value to an enemy's military leaders. There is no way to prove that these actions were purposefully launched with the specific intent to distract American military assets or degrade our capabilities. However, such ambiguities—the inability to specifically attribute actions and motives to actors—are the very nature of cyberspace. Perhaps, these repeated patterns of behavior were mere coincidence, or perhaps they weren't. The potential that an enemy might use a cyberattack to soften physical defenses, increase the gravity of harms from kinetic attacks, or both, significantly increases the potential harms from a cyberattack. Consider the gravity of the threat and risk if an enemy, rightly or wrongly, believed that it could use a cyberattack to degrade our strategic weapons capabilities. Such an enemy might be convinced that it could win a war—conventional or **even nuclear**—against the United States. The effect of this would be to undermine our deterrence-based defenses, making us significantly more at risk of a major war.

The cyber arms race is accelerating — the best data proves; involves countries like Iran and at least 12 of the world's 15 largest nuclear powers.

Goldman 2013, CNN Writer, Nations Prepare for Cyberwar,

<http://money.cnn.com/2013/01/07/technology/security/cyber-war/index.html>

In 2012, large-scale cyberattacks targeted at the Iranian government were uncovered, and in return, Iran is believed to have launched massive attacks aimed at U.S. banks and Saudi oil companies. At least 12 of the world's 15 largest military powers are currently building cyberwarfare programs, according to James Lewis, a cybersecurity expert at the Center for Strategic and International Studies.

So a cyber Cold War is already in progress. But some security companies believe that battle will become even more heated this year.

"Nation states and armies will be more frequent actors and victims of cyberthreats," a team of researchers at McAfee Labs, an Intel (INTC, Fortune 500) subsidiary, wrote in a recent report.

Michael Sutton, head of security research at cloud security company Zscaler, said he expects governments to spend furiously on building up their cyber arsenals. Some may even outsource attacks to online hackers.

The Obama administration and many in Congress have been more vocal about how an enemy nation or a terrorist cell could target the country's critical infrastructure in a cyberattack. Banks, stock exchanges, nuclear power plants and water purification systems are particularly vulnerable, according to numerous assessments delivered to Congress last year.

Escalation likely – comparative to nuclear weapons

Stephen Dycus, 2010, Professor of national security law at Vermont Law School, former member of the National Academies committee on cyber warfare, LL.M., Harvard University, LL.B., BA, Southern Methodist University, “Congress’ Role in Cyber Warfare,” *Journal of National Security Law & Policy*, 4(1), 2010, p.161-164, http://www.jnslp.com/read/vol4no1/11_Dycus.pdf

In other words, **cyber weapons are critically different from their nuclear counterparts.** For one thing, **the time frame for response to a cyber attack might be much narrower. A nuclear weapon delivered by a land-based ICBM could take 30 minutes to reach its target. An electronic attack would arrive instantaneously, and leave no time to consult with or even inform anyone outside the executive branch before launching a counterstrike,** if that were U.S. policy.

Cyber attacks escalate

Sean Lawson 2009 assistant professor in the Department of Communication at the University of Utah, *Cross-Domain Response to Cyber Attacks and the Threat of Conflict*, <http://www.seanlawson.net/?p=47>

At a time when it seems impossible to avoid the seemingly growing hysteria over the threat of cyber war,[1] network security expert Marcus Ranum delivered a refreshing talk recently, “The Problem with Cyber War,” that took a critical look at a number of the assumptions underlying contemporary cybersecurity discourse in the United States. He addressed one issue in particular that I would like to riff on here, the issue of conflict escalation—i.e. the possibility that offensive use of cyber attacks could escalate to the use of physical force. As I will show, his concerns are entirely legitimate as current U.S. military cyber doctrine assumes the possibility of what I call “cross-domain responses” to cyberattacks. *Backing Your Adversary (Mentally) into a Corner* Based on the premise that completely blinding a potential adversary is a good indicator to that adversary that an attack is imminent, Ranum has argued that “**The best thing** that you could possibly do if you want **to start World War III is launch a cyber attack.** [...] When people talk about cyber war like it’s a practical thing, what they’re really doing is messing with the OK button for starting World War III. We need to get them to sit the f-k down and shut the f-k up.” [2] He is making a point similar to one that I have made in the past: Taking away an adversary’s ability to make rational decisions could backfire. [3] For example, Gregory Witol cautions that “attacking the decision maker’s ability to perform rational calculations may cause more problems than it hopes to resolve.” Removing the capacity for rational action may result in completely unforeseen consequences, including longer and bloodier battles than may otherwise have been.” [4] Cross-Domain Response So, from a theoretical standpoint, I think his concerns are well founded. But the current state of U.S. policy may be cause for even greater concern. It’s not just worrisome that a hypothetical blinding attack via cyberspace could send a signal of imminent attack and therefore trigger an irrational response from the adversary. What is also cause for concern is that current U.S. **policy indicates that “kinetic attacks”** (i.e. physical use of force) **are seen as potentially legitimate responses to cyber**

attacks. Most worrisome is that current U.S. policy implies that a nuclear response is possible, something that policy makers have not denied in recent press reports. The reason, in part, is that the U.S. defense community has increasingly come to see cyberspace as a “domain of warfare” equivalent to air, land, sea, and space. The definition of cyberspace as its own domain of warfare helps in its own right to blur the online/offline, physical-space/cyberspace boundary. But thinking logically about the potential consequences of this framing leads to some disconcerting conclusions. If cyberspace is a domain of warfare, then it becomes possible to define “cyber attacks” (whatever those may be said to entail) as acts of war. But what happens if the U.S. is attacked in any of the other domains? It retaliates. But it usually does not respond only within the domain in which it was attacked. Rather, responses are typically “cross-domain responses”—i.e. a massive bombing on U.S. soil or vital U.S. interests abroad (e.g. think 9/11 or Pearl Harbor) might lead to air strikes against the attacker. Even more likely given a U.S. military “way of warfare” that emphasizes multidimensional, “joint” operations is a massive conventional (i.e. non-nuclear) response against the attacker in all domains (air, land, sea, space), simultaneously. The possibility of “kinetic action” in response to cyber attack, or as part of offensive U.S. cyber operations, is part of the current (2006) National Military Strategy for Cyberspace Operations [5]: (U) Kinetic Actions. DOD will conduct kinetic missions to preserve freedom of action and strategic advantage in cyberspace. Kinetic actions can be either offensive or defensive and used in conjunction with other mission areas to achieve optimal military effects. Of course, the possibility that a cyber attack on the U.S. could lead to a U.S. nuclear reply constitutes possibly the ultimate in “cross-domain response.” And while this may seem far fetched, it has not been ruled out by U.S. defense policy makers and is, in fact, implied in current U.S. defense policy documents. From the National Military Strategy of the United States (2004): “The term WMD/E relates to a broad range of adversary capabilities that pose potentially devastating impacts. WMD/E includes chemical, biological, radiological, nuclear, and enhanced high explosive weapons as well as other, more asymmetrical ‘weapons’. They may rely more on disruptive impact than destructive kinetic effects. For example, cyber attacks on US commercial information systems or attacks against transportation networks may have a greater economic or psychological effect than a relatively small release of a lethal agent.” [6] The authors of a 2009 National Academies of Science report on cyberwarfare respond to this by saying, **“Coupled with the declaratory policy on nuclear weapons described earlier, this statement implies that the United States will regard certain kinds of cyberattacks against the United States as being in the same category as nuclear, biological, and chemical weapons, and thus that a nuclear response to certain kinds of cyberattacks (namely, cyberattacks with devastating impacts) may be possible.** It also sets a relevant scale—a cyberattack that has an impact larger than that associated with a relatively small release of a lethal agent is regarded with the same or greater seriousness.” [7]

I - Cyber attacks on the grid

Grid is vulnerable now and an attack on the grid by terrorists would cripple society

Stuart **Poole-Robb**, 7-4-2015, "National power grids hit by cyber terrorist onslaught," ITProPortal, <http://www.itproportal.com/2015/04/07/cyber-terrorists-target-national-power-grids/>

An analysis of federal energy records has revealed that parts of **the US power grid are attacked online or in person every few days. This threat is now also looming over major cities outside the US** such as London.

After analysing federal data and surveying more than 50 electric utilities, *USA Today* **described the power grid as vulnerable to a major outage that could affect millions.** Although a cyberattack has not yet caused a major loss of power, the mechanisms guarding the grid undergo small hacks multiple times a week. The Department of Homeland Security was alerted to 151 energy-related "cyber incidents" in 2013, up from 111 in 2012. But, since 2013, **the attacks have escalated hugely with probes now continuously taking place**, according to the Edison Electric Institute. The massive power outage that occurred across the US NorthEast in 2003 is evidence that **national power grids in even the most developed countries are vulnerable to cyber attacks.** While no one at the time thought of attributing the widespread outage to a cyber attack, investigations revealed that the outage was originally caused by a software bug in the alarm system at a control room of the FirstEnergy Corporation, located in Ohio. The failed alarm left operators unaware of the need to re-distribute power after overloaded transmission lines hit some trees. This triggered a race condition in the control software and the local blackout cascaded into a widespread power outage. There are now growing fears on both sides of the Atlantic that terrorist groups or hostile governments might be behind the repeated attempts to hack into the power grids' control systems. Other possibilities include that of an organised criminal gang (OCG) using the threat of repeated power outages to hold a city such as New York or London to ransom. **A group of terrorist hackers located in Iran called Parastoo is already known to be actively recruiting software engineers with precisely those skills needed to bring down the power supply in a major city such as New York or London.** Parastoo has already been linked to a military-style attack on an electric power station, the PG&E Metcalf substation in California on 16 April 2013. Parastoo now claims it has been testing national critical infrastructure using cyber vectors. **Although cities in the US and Europe appear equally vulnerable to a determined cyber attack, the US national grid is particularly at risk.** Jon Wellinghoff, former chairman of the Federal Energy Regulatory Commission warns that the power grid is currently "too susceptible to a cascading outage" because of its reliance on a small number of critical substations and other physical equipment. **Such an attack could leave areas populated by millions of Americans without power.** The US national grid operates as an interdependent network and, if one element fails, energy must be drawn from other geographical areas. It is an essentially old-fashioned system which predates the era of cyber terrorism. A determined cyber attack by a group such as Parastoo would involve ensuring that multiple parts of the US Grid failed at the same time. If successful, this type of attack would result in what has been called "a cascading effect" that could rob millions of people of power for weeks, perhaps even longer. According to Wellinghoff, "Those critical nodes can, in fact, be attacked in one way or another. You have a very vulnerable system that will continue to be vulnerable until we figure out a way to break it out into more distributed systems." **It is easy to underestimate the potentially devastating effect that a major power outage lasting weeks might have on a city such as London or New York.** It would not merely be a question of lost production and a rush in the shops for torches as happened in the UK during the energy workers' strikes in the early 1970s. **Today's economy and society is far more electronic and computerised than that of four decades ago.** Our financial systems are powered by highly-sophisticated real time computer systems, as are all the cash dispensers. **A major power outage could also cripple shop tills and retail security systems**, meaning that most shops and stores would be forced to close until the power was restored.

Cyber attack on the grid would cause death and collapse the economy; all infrastructure at risk.

Kevin **Mandi**, 2-19-2013, "Successful hacker attack could cripple U.S. infrastructure, experts say," NBC News, http://usnews.nbcnews.com/_news/2013/02/19/17019005-successful-hacker-attack-could-cripple-us-infrastructure-experts-say?lite

A report tying the Chinese military to computer attacks against American interests has sent a chill through cyber-security experts, who worry that the very lifelines of the United States — its energy pipelines, its water supply, its banks — are increasingly at risk. The experts say that a successful hacker attack taking out just a part of the nation's electrical grid, or crippling financial institutions for several days, could sow panic or even lead to loss of life. "I call it cyberterrorism that makes 9/11 pale in comparison," Rep. Mike Rogers, a Michigan Republican and chair of the House Intelligence Committee, told NBC News on Tuesday. An American computer security company, Mandiant, reported with near certainty that members of a sophisticated Chinese hacking group work out of the headquarters of a unit of the Chinese army outside Shanghai. The report was first detailed in The New York Times, which said that the hacking group's focus was increasingly on companies that work with American infrastructure, including the power grid, gas lines and waterworks. The Chinese embassy in Washington told The Times that its government does not engage in computer hacking. As reported, the Chinese attacks constitute a sort of asymmetrical cyberwarfare, analysts said, because they bring the force of the Chinese government and military against private companies. "To us that's crossing a line into a class of victim that's not prepared to withstand that type of attack," Grady Summers, a Mandiant vice president, said on the MSNBC program "Andrea Mitchell Reports." The report comes as government officials and outside security experts alike are sounding ever-louder alarms about the vulnerability of the systems that make everyday life in the United States possible.

Power grid super vulnerable – empirics prove risk

Pierluigi **Paganini**, 7-4-2015, Works as a director at European Union Agency for Network and Information Security and is a fellow at the EUROPEAN CENTRE FOR INFORMATION POLICY & SECURITY, "US power grid vulnerable to cyber-attacks," Security Affairs, <http://securityaffairs.co/wordpress/38296/security/us-power-grid-vulnerable.html>

Security experts and US politicians are aware that the power grid is vulnerable to a terrorist attack. Nation's power grid is a privileged target for terrorists as explained by the former Secretary of Defense William Cohen: "It's possible and whether it's likely to happen soon remains to be seen," said Cohen on Monday on "The Steve Malzberg Show." A major attack on the power grid would cause chaos in the country by interrupting vital services for the population, the former government official said. Not only cyber attacks are threatening the vulnerable power grid, natural disasters, such as the solar storm known as the Carrington Event, could also interfere or disrupt the power delivery system nationwide. Terrorists have several options to hit a power grid, from a cyber attack on SCADA systems to an EMP attack, according to Cohen. "You can do it through cyber attacks, and that's the real threat coming up as well. We have to look at cyber attacks being able to shut down our power grid, which you have to remember is in the private sector's hands, not the government's. And we're vulnerable," Cohen added. "It's possible and whether it's likely to happen soon remains to be seen." "That's because the technology continues to expand and terrorism has become democratized. Many, many people across the globe now have access to information which allows them to be able to put together a very destructive means of carrying out their terrorist plans. We're better at

detecting than we were in the past. We're much more focused in integrating and sharing the information that we have, but we're still vulnerable and we'll continue to be vulnerable as long as groups can operate either on the margins or covertly to build these kind of campaigns of terror." said Cohen. Former Department of Homeland Security Secretary Janet Napolitano shared the same Cohen's concerns, a major cyber attack the power grid was a matter of "when," not "if." State-sponsored hackers, cyber terrorists are the main threat actors, but as confirmed by a recent research conducted by TrendMicro, also the cybercrime represents a serious menace. Former senior CIA analyst and EMP Task Force On National Homeland Security Director, Dr. Peter Vincent Pry, told Newsmax TV that that a cyber attack against the power grid could cause serious destruction and losses of lives. Not only US power grid are under attack, In January 2015 the British Parliament revealed that UK Power Grid is under cyber attack from foreign hackers, but the emergency is for critical infrastructure worldwide.

Attacks on the grid would be devastating

Tara **Dodrill**, 06-30-2015, "Power Grid Vulnerable To Cyber Attack, Former Defense Secretary Says," Inquisitr News, <http://www.inquisitr.com/2213678/power-grid-vulnerable-to-cyber-attack-former-defense-secretary-says/>
Read more at <http://www.inquisitr.com/2213678/power-grid-vulnerable-to-cyber-attack-former-defense-secretary-says/#fqS9YG7EpwxldHox.99>

The power grid is vulnerable to a terrorist attack, former Secretary of Defense William Cohen said. A direct assault on the electrical system would cause chaos and civil unrest throughout the country, the former government official said. Natural disasters, such as Carrington Event-level solar flares, could also take down the power delivery system nationwide. William Cohen was a Republican Senator from Maine and is currently serving as the CEO and chairman of The Cohen Group. Cohen recently released a new thriller, Collision, which is published by Forge Books. Cohen served as Secretary of Defense under President Bill Clinton from 1997-2001. The destruction of the power grid by terrorists would not necessarily have to involve an EMP attack, according to Cohen. You can do it through cyber attacks, and that's the real threat coming up as well. We have to look at cyber attacks being able to shut down our power grid, which you have to remember is in the private sector's hands, not the government's. And we're vulnerable," the former Secretary of Defense added. "It's possible and whether it's likely to happen soon remains to be seen." As previously reported by the Inquisitr, former Department of Homeland Security Secretary Janet Napolitano said that a cyber attack on the power grid was a matter of "when," not "if." Former senior CIA analyst and EMP Task Force On National Homeland Security Director, Dr. Peter Vincent Pry, told Newsmax TV that that America is a "sitting duck" for a terror attack that could completely destroy the power grid and take the lives of every nine out of ten Americans in the process. William Cohen detailed the power grid threats and what role modern technology could play in a terror attack that would leave all of America sitting in the dark. That's because the technology continues to expand and terrorism has become democratized. Many, many people across the globe now have access to information which allows them to be able to put together a very destructive means of carrying out their terrorist plans. We're better at detecting than we were in the past. We're much more focused in integrating and sharing the information that we have, but we're still vulnerable and we'll continue to be vulnerable as long as groups can operate either on the margins or covertly to build these kind of campaigns of terror." The American Society of Civil Engineers (ASCE) reviewed the soundness and functionality of the power grid, and gave the vital piece of infrastructure a barely passing grade of "D+." The rating means the power grid is in "poor to fair condition and mostly below standard, with many elements approaching the end of their service life." The ASCE review also revealed that a "large portion of the system exhibits significant deterioration" with a "strong risk of failure."

I - Grid attacks escalate

Grid attacks cause nuclear war

Robert **Tilford 12**, Graduate US Army Airborne School, Ft. Benning, Georgia, "Cyber attackers could shut down the electric grid for the entire east coast" 2012, <http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa> ***we don't agree with the albeist language

To make matters worse **a cyber attack that can take out a civilian power grid**, for example **could** also **cripple destroy the U.S. military**.[¶] The senator notes that is that **the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power "every military base in our country."**[¶] "Although **bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out**", he said.[¶] Which means **military command and control centers could go dark**.[¶] **Radar systems that detect air threats to our country would shut Down** completely.[¶] **Communication between commanders and their troops would also go silent.** And **many weapons systems would be left without either fuel or electric power**", said Senator Grassley.[¶] "So **in a few short hours** or days, **the mightiest military in the world would be left scrambling to maintain base functions**", he said.[¶] **We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.**[¶] **Top national security officials**—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director—**have said, "preventing a cyber attack and improving the nation's electric grids is among the most urgent priorities of our country"** (source: Congressional Record).[¶] So how serious is the Pentagon taking all this?[¶] Enough to start, or end a war over it, for sure.[¶] **A cyber attack today against the US could very well be seen as an "Act of War" and could be met with a "full scale" US military response.**[¶] That could **include the use of "nuclear weapons"**, if authorized by the President.

Blackouts escalate to nuke war

Andres and Breetz 11 Richard B, Professor of National Security Strategy at the National War College and a Senior Fellow and Energy and Environmental Security and Policy Chair in the Center for Strategic Research, Institute for National Strategic Studies, at the National Defense University and Hanna L, doctoral candidate in the Department of Political Science at The Massachusetts Institute of Technology, February, "Small Nuclear Reactors for Military Installations: Capabilities, Costs, and Technological Implications", www.ndu.edu/press/lib/pdf/StrForum/SF-262.pdf

Government and private organizations are currently working to secure the grid against attacks; however, it is not clear that they will be successful. Most military **bases currently have backup power that allows them to function for a period of hours** or, at most, a few days on their own. **If power were not restored after this amount of time, the results could be disastrous.** First, military assets taken **offline** by the crisis **would not be available to help with disaster relief.** Second, during an extended blackout, **global military operations could be seriously compromised**; this disruption would be particularly serious if the blackout was induced during major **combat operations.** During the Cold War, this type of event was far less likely because the United States and Soviet Union shared the common understanding that **blinding an opponent with a grid blackout could escalate to nuclear**

war America's current **opponents** however, **may not** share this fear or **be deterred** by this possibility.¹¹ In 2008, the Defense Science Board stressed that DOD should mitigate the electrical grid's vulnerabilities by turning military installations into "islands" of energy self-sufficiency.¹⁰ The department has made efforts to do so by promoting efficiency programs that lower power consumption on bases and by constructing renewable power generation facilities on selected bases. Unfortunately, these **programs will not come close to reaching the goal** of islanding the vast majority of bases. **Even with massive investment in efficiency and renewables, most bases would not be able to function for more than a few days after the civilian grid went offline.**

Cyber attack hurts economy

Cyber-attacks are the biggest threat to our economy

Ed Moy, 7-6-2015, "Cyber Attacks Pose Biggest Unrecognized Threat to Economy," Newsmax, <http://www.newsmax.com/Finance/Ed-Moy/cyber-attack-terrorism-economy/2015/05/07/id/643241/>

There is no shortage of threats to the U.S. economy: fragile growth, increasing regulation, the timing of the Fed's raising interest rates, White House and congressional inaction, out-of-control entitlements, and a punitive and complicated tax system. Yet the biggest threat may be one that is least mentioned: cyber attacks. Cyber attacks have been expanding quickly from criminal gain to corporate espionage to ideological warfare. And these attacks have been increasing in frequency, scale, sophistication and severity. The primary reason for cyber attacks has been financial gain. Criminals go where the money is and there is easy money using personal data to commit fraud. Credit card data are sold to other criminals who use them to make purchases. Medical data are used to create new personal identities for credit card and bank fraud. Health insurance information is used to make false claims, access addictive prescription drugs and get free medical treatment. As a result, stealing personal data has reached epidemic proportions. The numbers from recent data breaches are staggering: credit card information from 56 million Home Depot and 70 million Target customers, 145 million login credentials from eBay, contact information for 76 million J.P. Morgan Chase customers and 80 million Anthem customers. Even small companies are not immune to these cyber attacks. From card skimmers to point-of-sale intrusions, data theft rings have targeted relatively unprotected small businesses as a new and vast profit center. The economic costs are monumental. It costs the breached organization an average of \$200 per compromised record, mostly from business disruption and revenue loss. That does not include intangible costs like losing customer loyalty or hurting a company's brand. To add insult to injury, corporate espionage attacks are increasing. Stealing intellectual property and spying on competitors comprises a growing number of attacks and come at huge costs to the company that has been hacked. And the big difference with corporate spying is that the attacker usually does not give up until they are successful. Finally, and most dangerous, are ideologically and politically motivated attacks. Cyber attacks have proven that computers are very vulnerable. But like any profit-driven enterprise, criminals and corporations are adverse to killing the goose that lays their golden eggs. Even nation states like China and Russia may be too co-dependent on the U.S. But the growth of ideologically driven movements is changing the risk. It is not a huge leap of imagination to envision a radical environmental group hacking into our energy infrastructure. Or terrorist groups like ISIS, Boko Haram and al Qaeda wanting to bring down our banking system. Ideological or political enemies can exploit the same vulnerabilities but have no remorse about maiming or killing the goose. In the recent annual threat assessment delivered to Congress, the National Director of Intelligence said that cyber attacks by politically and criminally motivated actors are the biggest threat to U.S. national security. In this brave new world, the good guys are playing catch up to the bad guys, who seem to always be one step ahead.

Cyberterrorism turns both the economy and surveillance

Patrick Tucker 2014 [Patrick - technology editor for Defense One. He's also the author of The Naked Future: What Happens in a World That Anticipates Your Every Move? "Major Cyber Attack Will Cause Significant Loss of Life By 2025, Experts Predict", Defense One, 10/29/14,

<http://www.defenseone.com/threats/2014/10/cyber-attack-will-cause-significant-loss-life-2025-experts-predict/97688/>

Signals Intelligence, CyberWar and You You may believe that a major cyber attack is likely to occur between now and 2025, or you may view the entire cyber menace as a scheme by security software companies. (The truth may be a mixture of both.) However, one thing that the threat of cyberwar will certainly do is increase the amount of computer, and particularly network government, surveillance to detect “anomalous behaviors,” possibly related to cyber attacks. The same recently released Pentagon paper on offensive cyber operations made a pointed mention of networks and the cloud as a potential source of signals intelligence of relevance to cyber-operators. Networks were “a primary target for signals intelligence (SIGINT), including computer network exploitation (CNE), measurement and signature intelligence, open source intelligence, and human intelligence.” Make no mistake, signals intelligence collection means watching how individuals behave online. As for the Pew’s 2025 date, Jason Healey, director of the Cyber Statecraft Initiative of the Atlantic Council, told Defense One that he considered it to be arbitrary. “We just don’t have a clue when it’s going to happen,” he said, adding that a single cyber attack on the scale of Pearl Harbor frightened him less than the prospect of a massive cyber failure, absent of malice but with real-time market implications. “I’m less concerned about attacks and more about a shock” of the size of a major market collapse, he said and argued that pre-occupation with a “cyber Pearl Harbor” ignores the “larger complexity” of the issue. “What do we do if one of these IT companies that’s too big to fail has a Lehman Brother’s moment? The data was there on Monday and is gone on Friday? If a major cloud provider fails, how do we get our data back?” While Healey was incredulous that a country like Russia would launch a cyber attack resulting in loss of life, he acknowledged that much has changed between today and 1991 when the electronic Pearl Harbor concept first emerged. And the changes are coming only more rapidly, as are potential vulnerabilities. “The more that we plug things to the Internet, things of concrete and steel and connect them to the Internet, the more likely we are to get ourselves into the state where this will happen in 2025. The dynamic that will make that more and more true is the Internet of Things,” he said

Cyber attacks could potentially cause millions in damage. Next 3 years are critical.

Patricia **Burke 7/1/15** Burke is a writer for CEO Insight “CIOs Need to Address Growing Cyber-Crime Threats” <http://www.cioinsight.com/security/cios-need-to-address-growing-cyber-crime-threats.html> / EM

Aside from a communications gap, increased **cyber-attacks will cost enterprises millions, and not just because of down time and lost productivity.** Within three years, due to the increase in cyber-attacks and cyber-terrorism, **organizations will be facing the need to invest more in compliance with mandates on critical infrastructure protection and national cyber-defense strategies,** according to the report. The study, titled “The Global Megatrends in Cybersecurity 2015,” questioned 1,006 cyber security CIOs, CISOs and senior IT leaders. It revealed that within the current state of cyber-security across surveyed organizations: * Less than one-half of respondents (47 percent) believe their organizations take appropriate steps to comply with the leading cyber-security standards. *Only one-third of those surveyed believe their organizations are prepared to deal with the cyber-security risks associated with the Internet of things (IoT) and the proliferation of IoT devices. *Fewer than half of all respondents (47 percent) said their organizations have sufficient

resources to meet cyber-security requirements. *Two-thirds (66 percent) of those surveyed indicated their organizations need more knowledgeable and experienced cyber-security practitioners. "You don't have to wait until you're attacked to take cyber-security seriously," said Jack Harrington, vice president of cyber-security and special missions at Raytheon Intelligence, Information and Services. "Rallying around the cyber-security issue is critical to address the real threats we face as a global society." Many security leaders believe the next three years will determine if organizations can win the cyber-war, according to the study. Understanding the trends that will impact organizations will help IT leaders make more informed decisions about investments in people, processes and technologies.

Cyber-attacks will destroy the economy

Carter **Dougherty**, 8-30-2014, "Next Big Bailout for U.S. Banks Could Be Forced by Cyber-Attack," Bloomberg,

<http://www.bloomberg.com/news/articles/2014-08-29/next-u-s-bank-bailout-could-come-after-a-cyber-terror-attack>

Bankers and U.S. officials have warned that cyber-terrorists will try to wreck the financial system's computer networks. What they aren't saying publicly is that taxpayers will probably have to cover much of the damage. Even if customers don't lose money from a hacking assault on JPMorgan Chase & Co., the episode is a reminder that banks with the most sophisticated defenses are vulnerable. Treasury Department officials have quietly told bank insurers that in the event of a cataclysmic attack, they would activate a government backstop that doesn't explicitly cover electronic intrusions, two people briefed on the talks said. "I can't foresee a situation where the president wouldn't do something via executive order," said Edward DeMarco, general counsel of the Risk Management Association, a professional group of the banking industry. "All we're talking about is the difference between the destruction of tangible property and intangible property." The attack on New York-based JPMorgan, though limited in scope, underscored how cyber assaults are evolving in ferocity and sophistication, and turning more political, possibly as a prelude to the sort of event DeMarco describes. Not simply an effort to steal money, the attack looted the bank of gigabytes of data from deep within JPMorgan's network. And bank security officials believe the hackers may have been aided by the Russian government, possibly as retribution for U.S. sanctions over the Ukraine war.

Cyber-crime will collapse the economy

Matt **Egan**, 7-22-2013, "Report: Cyber Crime Costs Global Economy Up to \$500B a Year," Fox Business, <http://www.foxbusiness.com/technology/2013/07/22/report-cyber-crime-costs-global-economy-up-to-1-trillion-year/>

Cyber evildoers are inflicting serious damage to the world's already-sluggish economy. According to a newly-released report sponsored by McAfee, global cyber activity is costing up to \$500 billion each year, which is almost as much as the estimated cost of drug trafficking. In the U.S. alone, the report estimates that cyber crime is the catalyst behind the loss of as many as 500,000 jobs as companies grapple with the loss of coveted intellectual property, confidential strategies that are snooped on, and suffer reputational harm. "Extracting value from the computers of unsuspecting companies and government agencies is a big business," the 20-page report from McAfee and the Center for Strategic and International Studies says. "These losses could just be the cost of doing business or they could be a major new risk for companies and

nations as these illicit acquisitions damage global economic competitiveness and undermine technological advantage," the report said.

Biggest threat

Cyberwarfare is a bigger threat than terrorism- Experts agree

Michael Pizzi January 7,, 1-7-2014, "Cyberwarfare greater threat to US than terrorism, say security experts," No Publication, <http://america.aljazeera.com/articles/2014/1/7/defense-leaders-saycyberwarfaregreatestthreattous.html>

Cyberwarfare is the greatest threat facing the United States – outstripping even terrorism – according to defense, military, and national security leaders in a Defense News poll, a sign that hawkish warnings about an imminent “cyber Pearl Harbor” have been absorbed in defense circles. That warning, issued by then Secretary of Defense Leon Panetta in Oct. 2012, struck many as a fear-mongering plug for defense and intelligence funding at a moment when many in the United States, including 32 percent of those polled by the same Defense News Leadership Poll, believe the government spends too much on defense. But 45 percent of the 352 industry leaders polled said cyberwarfare is the gravest danger to the U.S., underlining the government’s shift in priority – and resources – towards the burgeoning digital arena of warfare. In 2010, the Pentagon created the U.S. Cyber Command, under the helm of NSA director Gen. Keith Alexander, to better prepare the U.S. for a potential attack on digital infrastructure. Later that year, U.S. Deputy Secretary of Defense William Lynn said cyberspace had become “just as critical to military operations as land, sea, air, and space.” The nebulous term “cyberwarfare” refers to full-on conflict between countries or terror groups featuring digital attacks on computer systems. But its more devastating, violent impacts are considered by many analysts to be largely theoretical at this point. Looming fears of cyber attacks on pacemakers of world leaders, for instance, have inspired movie plots and television shows but are not known to have occurred, noted Morgan Marquis-Boire, a security researcher at the University of Toronto's Citizen Lab. “At the moment, this is all set in the realm of science fiction.” Marquis-Boire said the most kinetic cyberattack to date was probably the Stuxnet worm that attacked Iran’s Natanz nuclear enrichment facility in 2010, stoking fears of a cyber-triggered nuclear terror attack. In the U.S., the most prominent cyber attacks have targeted websites, including the Syrian Electronic Army’s infamous White House bomb hoax that briefly caused a 140-point drop in the Dow Jones Industrial Average. But the classic fear is that enemy hackers – from countries like Iran, China, or Russia – could infiltrate the U.S. power grid, shutting down government agencies, crashing planes into buildings, and grinding the economy to a halt. And though it has yet to happen, security experts say a large-scale attack on the U.S. power grid that could inflict mass casualties is within the realm of possibility. The North American Electric Reliability Corporation reported in 2009 that the U.S. grid remains susceptible to infiltration despite substantial government investment in securing it. “We do have a security problem whereby life is rushing towards the Internet faster than we’re developing Internet security,” said Marquis-Boire. “Many of these systems weren’t built in a cyberwarfare age. We weren’t worried about cyberwarfare when we built the national power grid, and it’s difficult to retrofit security.” The impact of such an attack could be devastating. Massive power outages could not only unleash chaos, they could also distract from a simultaneous military – or terrorist – attack. That latter concern – that cyber war tactics might blur with traditional terrorism – were underlined in June 2012, when information security expert Eugene Kaspersky announced his lab’s discovery of the Flame virus that targeted computers in Iran. “It’s not cyber war, its cyber terrorism and I’m afraid it’s just the beginning of the game,” Kaspersky said at a conference in Tel Aviv. “I’m afraid it will be the end of the world as we know it.” A few months later, Panetta compounded fears when he warned of a “new, profound sense of vulnerability” in the U.S. due to the prospect of cyberwarfare. But with the exception of several high-profile hacking incidents of websites, the American public has yet to experience any sort of large-scale attack on U.S. infrastructure, let alone American lives. Despite the improbability of a full-on cyber conflict, analysts say they are not surprised the nebulous threat posed by cyberwarfare has struck fear in American hearts. “The capability is out there to launch a large-scale cyberattack resulting in loss of life or property damage, and potential targets are in some sense infinite, because everything is connected to computers in one way or the other,” said Tara Maller, a research fellow with the National Security Studies program at the New America Foundation and a former military analyst for the CIA. “But do I think it is very likely another country would launch a cyber attack of this type on the U.S. right now?” No, because I think

there is some level of cyber deterrence that exists between states," she said. The prospect of cyberwarfare between world powers might be compared to a nuclear standoff: Unless geopolitical dynamics shift, it's difficult to envision a viable scenario whereby any state's capacity to wreak havoc and mass casualties is actually deployed. A "cyber" Pearl Harbor – like the real one – could spark a world war. "I don't think there's any country right now where tensions are high enough for the state to essentially carry out an act of war against the U.S.," added Maller. "It could make more sense for a terrorist group, but they have more limited capabilities."

Drones Terror DA Northwestern

1NC Shell

Border Security has more funding but it's on the brink

O'Toole 14 – (Molly, politics reporter for Defense One, covered national and international politics for Reuters, The Nation, the Associated Press and Newsweek International, among others, "Top General Says Mexico Border Security Now 'Existential' Threat to U.S.", 7/5/14, <http://www.defenseone.com/threats/2014/07/top-general-says-mexico-border-security-now-existential-threat-us/87958/>, AB)

A top United States general in charge of protecting the southern border says he's been unable to combat the steady flow of illegal drugs, weapons and people from Central America, and is looking to Congress for urgent help. Marine Corps Gen. John Kelly, commander of U.S. Southern Command, has asked Congress this year for more money, drones and ships for his mission – a request unlikely to be met. Since October, an influx of nearly 100,000 migrants has made the dangerous journey north from Latin America to the United States border. Most are children, and three-quarters of the unaccompanied minors have traveled thousands of miles from El Salvador, Guatemala and Honduras. "In comparison to other global threats, the near collapse of societies in the hemisphere with the associated drug and [undocumented immigrant] flow are frequently viewed to be of low importance," Kelly told Defense One. "Many argue these threats are not existential and do not challenge our national security. I disagree." In spring hearings before the Senate and House Armed Services Committees, Kelly said that budgets cuts are "severely degrading" the military's ability to defend southern approaches to the U.S. border. Last year, he said, his task force was unable to act on nearly 75 percent of illicit trafficking events. "I simply sit and watch it go by," he said. But the potential threats are even greater. Kelly warned that neglect has created vulnerabilities that can be exploited by terrorist groups, describing a "crime-terror convergence" already seen in Lebanese Hezbollah's involvement in the region. "All this corruption and violence is directly or indirectly due to the insatiable U.S. demand for drugs, particularly cocaine, heroin and now methamphetamines," Kelly told Defense One, "all of which are produced in Latin America and smuggled into the U.S. along an incredibly efficient network along which anything – hundreds of tons of drugs, people, terrorists, potentially weapons of mass destruction or children – can travel, so long as they can pay the fare." With the Obama administration calling the flow of children in the U.S. a humanitarian crisis, even some of the most outspoken proponents of immigration reform in Congress are calling for a greater focus on security. At the same time, they demand a long-term strategy from the State Department and U.S. Agency for International Development, which manages foreign aid and assistance. "While the deployment of U.S. military assets and personnel rightfully prioritizes national security challenges in the Middle East and Central Asia, U.S. Southern Command (SOUTHCOM) is only sourced at five percent of the capacity it needs," Senate Foreign Relations Committee Chair Sen. Bob Menendez, D-N.J., and other leading reform Democrats said in a statement last month, introducing a 20-point plan to address the crisis. "This is a humanitarian and refugee crisis. It's being caused in large measure by thousands in Central America who believe it is better to run for their lives and risk dying, than stay and die for sure," Menendez said. "The bottom line is that we must attack this problem from a foreign policy perspective, a humanitarian perspective, a criminal perspective, immigration perspective, and a national security perspective." The Democratic coalition wants increased funding and resources for SOUTHCOM and the State Department's Central American Regional Security Initiative. For fiscal 2015, the Obama administration requested \$130 million for the program, which covers seven countries, but that ask is a decrease of \$30 million from the current year, the senators noted. Homeland Security Secretary Jeh Johnson has said an additional \$161.5 million will be provided for CARSI programs to "respond to the region's most pressing security and governance challenges" – but the administration has made no mention of additional resources for the U.S. military.

Drones key to deter terrorists on border

Patrick **Svitek 13**, covers Texas state government and politics, August 13, 2014 “FAA, Perry apparently at odds over border drones”, <http://www.houstonchronicle.com/politics/texas-take/article/FAA-Perry-apparently-at-odds-over-border-drones-5687716.php>, AB)

For years, Gov. Rick Perry has been calling for drones to monitor the Texas-Mexico border as a way to fight the influx of illegal immigrants and the crime that he says accompanies it. More recently, he has used the issue to rail against the federal government, calling out the Federal Aviation Administration for refusing to allow Texas to use unmanned aircraft. Perry on Wednesday raised the demand for drones twice, first during a news conference at a National Guard training center in Bastrop and then an interview on Fox News in which host Neil Cavuto asked Perry what it will take to secure the border. “That’s going to require boots on the ground, it’s going to require strategic fencing in the metropolitan areas and it’s going to require a substantial number of aviation assets, which by the way, the FAA will not let us use drones at this particular point in time for looking down – unarmed drones to look down twenty-four seven in all types of weather so that we can have these fast-response forces move in and make apprehensions,” Perry answered. “If the FAA would allow that, it would be substantial help. Those are the three things that need to happen for the American people to be comfortable that this country is being secured on the southern border.” Using unmanned aircraft in an effort to secure the border is not a novel idea. Customs and Border Protection already operates hundreds of drones in the region, and President Barack Obama has asked Congress to approve \$39.4 million for what the White House calls “air surveillance capabilities” along the border.

ISIS currently has nuclear weapons and could supply them through the border without protection

Edwin **Mora 13**, BreitbartNews Staff Writer: Primarily covers defense and national security, “DABIQ: ISIS COULD TRANSPORT NUKE FROM NIGERIA INTO U.S. THROUGH MEXICO”, 6/3/15, <http://www.breitbart.com/national-security/2015/06/03/dabiq-isis-could-transport-nuke-from-nigeria-into-u-s-through-mexico/http://www.breitbart.com/national-security/2015/06/03/dabiq-isis-could-transport-nuke-from-nigeria-into-u-s-through-mexico/>, AB)

The Islamic State (ISIS/ISIL), in the latest edition of its propaganda magazine, indicated that it could purchase a nuclear weapon in Pakistan, take it to Nigeria, and then smuggle it into the U.S. through Mexico by using existing trafficking networks in Latin America. In an op-ed article published in the ninth edition of ISIS’ Dabiq magazine released in late May, the jihadist group claims it could transport a nuclear device in the same way illicit drugs are smuggled into Europe through West Africa, adding that Boko Haram’s presence in Nigeria could facilitate the transaction. The Nigeria-based Islamic terrorist group, Boko Haram, pledged allegiance to ISIS in March. In March, Gen. John Kelly, commander of U.S. Southern Command (Southcom), warned that Islamic terrorist groups such as ISIS could exploit the capabilities and knowledge of Latin American smuggling networks to infiltrate the U.S. through Mexico and possibly bring in weapons of mass destruction. The general, in October 2014, acknowledged that illegal drugs from South America move “through West Africa, up the Maghreb and into Western Europe,” adding that ISIS enemy al Qaeda and its affiliates take “a lot of money to allow it to flow.” According to the alleged author of the Dabiq op-ed article, kidnapped British photojournalist John Cantlie, ISIS could smuggle a nuke into the U.S. by using the same route and reversing the flow—moving the nuke from West Africa into South America, from where it could be transported into the United States through Mexico. “Let me throw a hypothetical operation onto the table,” Cantlie wrote in the article

entitled "The Perfect Storm." "The Islamic State has billions of dollars in the bank, so they call on their wilayah [province] in Pakistan to purchase a nuclear device through weapons dealers with links to corrupt officials in the region." He added: The weapon is then transported over land until it makes it to Libya, where the mujāhidīn [fighters] move it south to Nigeria. Drug shipments from Columbia bound for Europe pass through West Africa, so moving other types of contraband from East to West is just as possible. The nuke and accompanying mujāhidīn arrive on the shorelines of South America and are transported through the porous borders of Central America before arriving in Mexico and up to the border with the United States. "From there it's just a quick hop through a smuggling tunnel and hey presto, they're mingling with another 12 million 'illegal' aliens in America with a nuclear bomb in the trunk of their car," he also wrote. If not a nuke, ISIS could easily smuggle in "a few thousand tons of ammonium nitrate explosive" that is easy to manufacture, said the article. Cantlie wrote that ISIS, which started as a movement in Iraq, has suddenly morphed into a global phenomenon that the West and the democratic world as a whole is ill-prepared to handle. He said that Boko Haram controls most of Nigeria, home to "an exhausted and smashed national army that is now in a virtual state of collapse". While testifying before the Senate Armed Services Committee in March, Gen. Kelly noted, "Last year, ISIS adherents posted discussions on social media calling for the infiltration of the U.S. southern border. Thankfully, we have not yet seen evidence of this occurring, but I am deeply concerned that smuggling networks are a vulnerability that terrorists could seek to exploit." "While there is not yet any indication that the criminal networks involved in human and drug trafficking are interested in supporting the efforts of terrorist groups, these networks could unwittingly, or even wittingly, facilitate the movement of terrorist operatives or weapons of mass destruction toward our borders, potentially undetected and almost completely unrestricted," he added. The general, speaking at the National Defense University in Washington, D.C. in October 2014, warned that Latin American drug cartels were working with jihadist groups in West Africa, namely Sunni group Al Qaeda in the Islamic Maghreb and its affiliates.

An ISIS attack through the border causes extinction

Jon **Austin 6/11**, reporter for express, "Is Chuck Norris right about 'ISIS 'smuggling nuke into US for 9/11 anniversary strike?'" , 6/11/15, <http://www.express.co.uk/news/world/583537/Chuck-Norris-Islamic-State-ISIS-nuclear-weapons-US-attack-9-11-September-11-anniversary>, AB)

Norris said he believes the reason the US army is mysteriously amassing in seven southern states is to prevent ISIS smuggling a dirty bomb into the country and destroying cities. He pointed to how ISIS sources have already claimed the group has obtained the 40kg of uranium compounds seized from Mosul University last July. Norris said will \$2 billion in seized assets they had the buying power to bribe corrupt officials in Pakistan for the remaining equipment and know how to build a bomb, which could then be exported to Libya, onto Nigera, South American and into the US. Last night, after www.express.co.uk exclusively revealed the martial arts experts' theory, it emerged Ms Bishop was saying Nato members are growing increasingly worried about radioactive material seized by the terror group, with fears that it could be turned into a nuclear weapon. She fears ISIS fighters have stolen or captured the toxic loot from government-controlled research centres and hospitals across the region. The radioactive matter is thought to have been destined for use by authorities for health and science research - but it has now fallen into the hands of ISIS radicals. The most likely place to get it from is Pakistan, she said. Ms Bishop claimed the jihadi organisation had recruited "highly technically trained professionals" and was already using chlorine as a weapon She added that ISIS was "prepared to use any and all means, any and all forms of violence they can think of, to advance their demented cause. "That includes use of chemical weapon." A former commander of the British army's chemical weapons unit has also spoken out in support of the Australian foreign minister and Chuck Norris' comments, calling the development of a dirty bomb by ISIS a "very real threat". Hamish de Bretton-Gordon also described as "worrying" reports that ISIS fighters had got hold of chemical weapons previously controlled by Syrian president Bashar al-Assad's troops. Middle East expert Afzal Ashraf told Express.co.uk that the group's long-term plan hinged on obtaining the deadly weapon. He said: "The most likely place to get it from is Pakistan." There are fears the group's campaign of terror could escalate in the coming month to mark the start of Ramadan on June 18. ISIS has in the past carried out major operations to coincide with the Islamic holy month. Express.co.uk last night revealed Norris wanted more action from US President Obama and joked the solution to defeating ISIS is to "send 'em all to Mars" The US Air-force vet-turned martial arts expert went public with his theory following questions about the mysterious Jade Helm15 US military operation in seven southern US states which

begins next month and lasts until the end of September. The 75-year-old, now a Christian evangelist, believes it is a show of strength and a bid to stop the world's deadliest Jihadist movement smuggling nuclear arms into the states to set it off around the anniversary of 9/11. We reported this week how conspiracist website Whistleblower800 believed to have cracked what Jade Helm was all about - suggesting it was to get troops ready to deal with predicted anarchy in the days before an asteroid that would wipe out the world was about to hit from September 22 to 28. Other conspiracists have said Jade Helm is about bringing martial law in or seizing guns from the public. Norris agrees the world is at risk in September, but does not agree with the asteroid theory, or any of the other Jade Helm predictions. He instead fears it could be the onset of a global nuclear war. After serving in the air force, Norris became a martial arts expert, before starring in a slew of kung fu and action movies from 1968 onwards. He starred alongside Bruce Lee in Way of the Dragon and the Missing in Action trilogy. More recently, the actor who holds "conservative political views", had a starring role in the TV series Walker, Texas Ranger from 1993 until 2001. Writing on the WND Commentary website, he said: "I believe Jade Helm 15 is more than 'just a training exercise,' and I think ISIS just gave us the clue. "I do believe, in addition to the largest domestic military training, it is also a display of power intended for deterrence of enemies like ISIS, whom the FBI has already said have tentacles in all 50 states. "And guess who just released its intent to smuggle nuclear weapons across the U.S.-Mexico border? You guessed it. ISIS. "ISIS even has a nuclear plan." Norris went on to describe a theory, based on international news and website reports and ISIS' own propaganda, which claims how the terrorist could smuggle a warhead into America. He explained how Nigerian newspaper Premium Times reported that Nigerian Jihadists Boko Haram, which has pledged allegiance to ISIS, could carry out the nuclear bomb import into the US as easy as smugglers use drug routes from east to west. He added the extremists and "the nuke" could move through south America's porous borders to Mexico - just a short hop into the states with a "nuclear bomb in the trunk of their car." He added: "This isn't fiction, fairytale or conspiracy. I'm talking about the US government not sticking its heads in the sand or at least asking us to stick ours in it. Washington needs to quit downplaying or minimising the nuclear risk, lest we find ourselves right back in the unprepared era of pre-9/11."

UQ: Border Security Effective

Drone border security is effective at facilitating security now

Andrew **O'Reilly 14**, reporter for Fox News Latino “Drones Get More Space To Roam Over Texas: FAA Approves Runway For Unmanned Aircrafts”, 9/12/14, <http://latino.foxnews.com/latino/money/2014/09/12/drones-get-more-space-to-roam-over-south-texas-faa-approves-extended-range/>, AB)

In 2012, Congress passed legislation directing the FAA to integrate unmanned aerial systems into the nation's airspace by 2015. The test sites, like the one in South Texas, are the FAA's way of gathering data to deal with privacy and safety issues, like how to keep the drones from flying into other objects. The military and some law enforcement agencies already employ the devices, but the FAA doesn't currently allow commercial use of drones. While the FAA is working to develop the guidelines for use by the end of 2015, officials concede the project may take longer. The agency projects some 7,500 commercial drones could be aloft within five years of getting widespread access to the skies above America. Texas is also one of the front lines for military and law enforcement drone use, as the Department of Homeland Security and Immigration and Customs Enforcement uses drones to patrol for undocumented immigrants and drug traffickers illegally crossing the border between the Lone Star state and Mexico. The federal government also uses Texas as a jump-off point for drones used in drug interdictions throughout the Caribbean. Texas Gov. Rick Perry has called on the administration of President Barack Obama saying it needs to get much tougher on the U.S.-Mexico border by putting more drones in the air to secure it. The use of drones along the U.S. borders with Canada and Mexico began several years ago. The U.S. Customs and Border Protection currently has eight Predators in the skies along the northern and southern borders with an additional two drones patrolling the Caribbean.

Link: Border Security k2 stop Terror

Border security is key to stop ISIS

Trujillo 14 – (Mario, reporter for The Hill, “Paul: Secure border to prevent ISIS ‘infiltration’”, 9/6/14, The Hill, <http://thehill.com/policy/defense/216652-paul-warns-of-possible-isis-infiltration-through-us-border>. AB)

Sen. Rand Paul (R-Ky.) on Thursday warned that **terrorists from the Islamic State in Iraq and Syria could infiltrate the United States through the southern border. "We must also secure our own borders and immigration policy from ISIS infiltration."** Paul said in an op-ed in Time magazine that outlined his strategy for dealing with the group. **"Our border is porous, and the administration, rather than acting to protect it, instead ponders unconstitutional executive action,** legalizing millions of illegal immigrants," he added. Paul, a potential presidential candidate, said the immigration system needs a full-scale review, pointing to a recent ABC report that found more than 6,000 foreign nationals in the country had disappeared on expired student visas. **"This is inexcusable** over a decade after we were attacked on 9/11 by hijackers including one Saudi student who overstayed his student visa," he said. Paul called for revoking the visas of any U.S. citizens fighting with ISIS overseas. His comments echo a warning from another potential GOP presidential contender, Texas Gov. Rick Perry. Perry went further last month, saying that **ISIS militants might have already crossed the border** though he acknowledged there is no evidence of that. The Pentagon has said **ISIS has aspirations to hit Western targets**, but the military has "seen no indication that they are coming across the border with Mexico. We have no information that leads us to believe that," Rear Adm. John Kirby said last month.

Drones are key to solve illegal border crossings

CBS 14, CBS DC, “Gov. Perry Wants Drones To Be Used Along US-Mexico Border”, July 7, 2014, <http://washington.cbslocal.com/2014/07/07/gov-perry-wants-drones-to-be-used-along-us-mexico-border/>, AB)

Texas Gov. Rick Perry is **calling for drones to be used along the U.S.-Mexico border in an effort to deter immigrants from illegally crossing into the U.S.** “So the issue is, this president understands now that **we have a huge problem on our southern border. We have to deal with it,**” Perry told ABC News. “And **I don’t think you’re going to be able to address it until you put the resources there, and that’s boots on the ground. We’re asking for the FAA to allow for drones to be used.”** More than 50,000 unaccompanied minors have been caught on the U.S.-Mexico border this year. Most are from Guatemala, Honduras and El Salvador, where a spike in violence and poverty are prompting parents to send their children on difficult and dangerous journeys north. Perry pointed the blame at President Barack Obama, calling it **a “failure of leadership from the administration.” “The federal government is just absolutely failing.** We either have an incredibly inept administration, or they’re in on this somehow or another,” Perry told ABC News. “I mean I hate to be conspiratorial, but I mean how do you move that many people from Central America across Mexico and then into the United States without there being a fairly coordinated effort?” Perry stated that he personally warned the White House years ago about a potential border crisis. “We have been bringing to the attention of President Obama and his administration since 2010,” Perry detailed to ABC News. “... **Unless we secure our southern border, this is going to continue to be a massive amount of individuals that are coming to the United States.** And, frankly, we don’t have a place to house them as it is. And if we have a major event, a hurricane that comes in to the Gulf Coast, I don’t have a place to be housing people who are displaced.” Perry also claimed that Obama doesn’t care whether or not the border is secure. “I don’t believe he particularly cares whether or not the border of the United States is secure. And that’s the reason there’s been this lack of effort, this lack of focus, this lack of resources,” Perry told ABC News. Homeland Security Secretary Jeh Johnson said Sunday the administration has dramatically sped up the processing of adults who enter the country illegally, and it is opening more detention facilities. He acknowledged that the unaccompanied children from Central America, some 9,700 taken into custody in May alone, pose the most vexing problem. All persons, regardless of age, face “a deportation proceeding” if they are caught entering the country illegally, Johnson said. The administration, he said, is “looking at ways to create additional options for dealing with the children in particular, consistent with our laws and our values.” Repeatedly pressed to say whether thousands of Central American children will be deported promptly, Johnson said, “we need to find more efficient, effective ways to turn this tide around generally, and we’ve already begun to do that.” On June 18, Perry announced that **the state would steer another \$1.3 million per week to the**

Department of Public Safety to assist in border security through at least the end of the year. He followed that two days later with a letter inviting Obama to see the crisis firsthand.

Drones solve drug trafficking and check cartels

Spencer **Ackerman 11**, reporter for Wired, “U.S. Drones Are Now Sniffing Mexican Drugs”, 3.6.11, <http://www.wired.com/2011/03/u-s-drones-are-now-sniffing-mexican-drugs/>, (AB)

But now the drones are taking on a new mission: hunting drug gangs in Mexico. According to a previously undisclosed agreement between President Barack Obama and his Mexican counterpart, Felipe Calderon, the Pentagon is authorized to fly unmanned surveillance flights over Mexico, a big expansion of U.S.-Mexico information-sharing on counternarcotics. One of the drones used for the mission is the Air Force’s Global Hawk, reports The New York Times. The drone soars at up to 60,000 feet with a multitude of sensors. (Calm down, it’s unarmed.) It’s not known how many flights the Global Hawk has made above Mexico. But the Times reports that the drones helped catch the killers of Jaime Zapata. He was one of two special agents of the U.S. Immigration and Customs Enforcement service who were shot on the road between Mexico City and Monterrey. The drone flights are part of an expansion of U.S.-Mexican antidrug cooperation that’s risen to match the furious violence brought by the drug cartels. (Violence, the Mexican government is quick to point out, that relies on trafficked American guns.) In the heart of Mexico City, at 265 Paseo de la Reforma, an office building is stacked with U.S. intelligence, law enforcement and military officials from the FBI, CIA, NSA and many other agencies. According to the Times, a second “fusion center” to merge U.S. and Mexican intel will soon open. It’s not clear if that center, the previous one or a different facility receives data swooped up by the Global Hawks. Nor is it clear what role if any the Mexican government plays in directing the drone flights. An anonymous U.S. official quoted by the Times’ Ginger Thompson and Mark Mazzetti asserts that “counternarcotics activities [are] conducted at the request and direction of the Mexican government.” Still, welcome to yet another civilian mission for the drones. A much smaller unmanned spy vehicle, colloquially known as the Flying Beer Keg, is now in the hands of Miami-Dade police (who, it should be noted, also hunt for drugs, if Rick Ross is to be believed). And, while the Department of Homeland Security isn’t so enthusiastic about using drones for bomb detection inside the United States, the Federal Aviation Administration is slowly warming to the idea of remotely piloted planes inside U.S. airspace. There are also Global Hawks flying in support of Japan’s earthquake- and tsunami-relief efforts. No wonder Defense Secretary Robert Gates told the Air Force that the era of the drone will outlast the Iraq and Afghanistan wars. Terrorists and insurgents have already had to make adjustments to the drones hunting them overhead. Now it’s the cartel’s turn to adjust.

I/L: ISIS slips through border

ISIS can cross border, leads to WMD use

Inquisitr 14, cites several border reports and Sen. Jim Inhofe, "ISIS Terrorist Group Developing WMD Bomb To Blow Up U.S. Cities, Claims Senator Jim Inhofe", August 22, 2014, <http://www.inquisitr.com/1427802/isis-terrorist-group-developing-wmd-bomb-to-blow-up-u-s-cities-claims-senator-jim-inhofe/>, AB)

The possibility of the **ISIS terrorist group attacking America** has Senator Jim Inhofe claiming that **ISIS' WMD capabilities may include developing a bomb big enough to destroy a U.S. city**. In a related report by The Inquisitr, even Osama bin Laden and al Qaeda apparently think ISIS is too wicked and before the infamous al Qaeda leader was killed he was discussing disavowing any ties with the ISIS terrorist group. **The Islamic terrorist group is now the richest in the world and apparently the best organized** since it's believed that ISIS sleeper cells are **allegedly planning a large scale terror attack within the United States**. The full extent of ISIS' WMD capabilities have been debated by the experts ever since it was revealed that the ISIS in Iraq had uncovered Saddam Hussein's WMD stockpiles. The **ISIS terrorist group even managed to recover nuclear materials in addition to chemical weapons** secreted in different locations throughout Iraq. But many experts concluded that ISIS should not have the expertise necessary to create even a dirty bomb, never mind a full functioning WMD like a nuclear weapon. It was even believed that finding Iraq's WMD stockpiles may actually pose more of a danger to the Islamic fighters themselves since it was assumed they could hurt themselves in the process of attempting to make a functioning WMD. Regardless, the ISIS terrorist group **has begun making threats targeted at America**, even going so far as to claim they'll plant their black flag on the White House and issuing bomb threats against President Obama. Oklahoma Republican Sen. Jim Inhofe is warning that the **ISIS terrorist group may be attempting to develop a weapon capable of blowing up a major city in the United States: "We're in the most dangerous position we've ever been in as a nation.** They're crazy out there, and **they're rapidly developing a method of blowing up a major U.S. city**, and people just can't believe that's happening. [President Obama is] going to have to come up with something that we're going to do because they're holding another hostage in place and the problem is, the president says all these things and he never does them." The Department of Homeland Security also recently issued a statement discussing the possibility of an ISIS terrorist attack in America: "ISIL members and supporters will almost certainly continue to use social media platforms to disseminate their English-language violent extremist messages. Although we remind first responders that content not explicitly calling for violence may be constitutionally protected, we encourage awareness of media advocating violent extremist acts in particular locations or naming particular targets, to increase our ability to identify and disrupt potential Homeland threats. We urge state and local authorities to promptly report suspicious activities related to homeland plotting and individuals interested in traveling to overseas conflict zones, such as Syria or Iraq, to fight with foreign terrorist organizations." Texas Governor Rick Perry has also been warning the nation that **members of the ISIS terrorist group could sneak across the Mexican border** because the illegal immigrant crisis has kept so many border patrol agents busy. An Osama bin Laden impersonator recently made that point by making a video showing himself sneaking across the U.S. border undetected while dressed as a terrorist. Both the Pentagon and Mexican authorities dismissed the possibility that ISIS agents are operating inside of Mexico.

ISIS and terrorists are here now

Monica **Cantilero 7/1**, "ISIS could smuggle fighters, weapons into US via Mexican tunnels, says ex-FBI agent", July 1 2015, <http://www.christiantoday.com/article/isis.could.smuggle.fighters.weapons.into.us.via.mexican.tunnels.says.ex.fbi.agent/57653.htm>, AB)

A former FBI agent has warned that **tunnels used by drug dealers to smuggle drugs and cash into the US from Mexico could be used by the Islamic State to move its jihadist fighters, including suicide bombers and even a nuclear warhead, into the United States.** "Drug dealers have **found a way to move money without it being followed**," said former FBI agent Tyrone Powers during a recent remark on national television. "**They found a way to move people in and out and they found a way to move product.**"

ISIS agents may find a way to enter the US and "may be, at some point, suicide bombers, which is really scary, and then weapons of mass destruction," said Powers. Two major drug cartels that could be involved are the Sinaloa Federation, which controls western Mexico's borders from Texas to California, and the Los Zetas, which occupies eastern Mexico. Experts say al-Qaeda once tried to establish links with Mexican drug lords, Newsmax reported. "It makes logical sense for ISIS to do this," said Powers. "But I do not think they'll be catching the intelligence agencies off guard, because this has been a persistent problem whether it was al-Qaeda or any other group." Mexico's unstable leadership mixed with drug cartels can create a dangerous concoction that could be used by ISIS, according to experts. "What's been going on in Mexico creates an opportunity for any organisation to try to take advantage of it, whether it's ISIS or Al Shabbab," said Brandon Behlendorf, a terrorist targeting strategist. The jihadist group claimed earlier this month that it plans to acquire a nuclear weapon from Pakistan and to sneak it into US territory using drug and human smuggling routes. Judicial Watch reported in April that ISIS is managing a camp in northern Mexico just a few miles from El Paso, Texas, and that "coyotes" of the Juarez Cartel are helping to "move ISIS terrorists through the desert and across the border between Santa Teresa and Sunland Park, New Mexico." ISIS fighters are also being smuggled "through the porous border between Acala and Fort Hancock, Texas." The locations are being eyed by ISIS "because of their understaffed municipal and county police forces, and the relative safe-havens the areas provide for the unchecked large-scale drug smuggling that was already ongoing." In a related development, the CIA is now reassessing the view that the ISIS is mostly a "regional threat" following the "Bloody Friday" attacks that covered three countries on different continents. The group is transforming into a global threat because of its ability to "evangelise followers," said retired Army Col. Peter Mansoor, who helped create the US military campaign against al-Qaeda.

Impact UQ: ISIS has nukes

They have nukes

Eben **Blake 6/3**, covering general affairs at IBTimes in New York City, previously worked at The Brown Daily Herald as the Arts and Culture Editor, June 03 2015 "Islamic State Nuclear Weapons: ISIS Claims It Can Smuggle Devices Through Nigeria, Mexico To The United States", <http://www.ibtimes.com/islamic-state-nuclear-weapons-isis-claims-it-can-smuggle-devices-through-nigeria-1950280>, AB)

The Islamic State group claims it could purchase a nuclear device from Pakistan and transport it to the United States through drug-smuggling channels. The group, also known as ISIS and ISIL, would transfer the nuclear weapon from Pakistan to Nigeria or Mexico, where it could be brought to South America and then up to the U.S., according to an op-ed allegedly written by kidnapped British photojournalist John Cantlie and published in Dabiq, the group's propaganda magazine. The op-ed said that Boko Haram, the Nigerian jihadist group that announced its formal allegiance to ISIS in March, would make their efforts to transport a weapon to the U.S. much easier, reported Nigerian newspaper Premium Times. ISIS claims the Nigerian army is in a "virtual state of collapse" because of its war against Boko Haram. While U.S. officials have dismissed the ability of the group to acquire or transport a nuclear weapon, Indian Minister of State Defense Rao Inderjit Singh said at the Shangri-La regional security conference in Singapore last weekend that "[w]ith the rise of ISIL in West Asia, one is afraid to an extent that perhaps they might get access to a nuclear arsenal from states like Pakistan," Bloomberg reported. Cantlie describes how ISIL would hypothetically call on supporters in Pakistan to "purchase a nuclear device through weapons dealers with links to corrupt officials in the region," after which it would be "transported overland until it makes it to Libya" when "the mujahedeen move it south to Nigeria." It would then be moved to South America in the same method that "drug shipments bound for Europe pass through West Africa," according to Premium Times. After transporting the device through the "porous borders of South America" to Mexico, it would be "just a quick hop through a smuggling tunnel" to bring the nuclear bomb into America.

Impact Module: Grid

They'd attack the grid from the border – best statistics, this card is great

-9/55,000 is enough for a long-term wipeout

-blackout is widespread

-causes 90% deaths in the US

-could happen tomorrow

-has connection with cartels and other groups to get in

Aaron **Klein 4/19**, weekend radio talk show host, author, and staffer for WorldNetDaily, and columnist for The Jewish Press and Jerusalem Post, "INSIDE THE ISIS-U.S. BORDER SCARE", 04/19/2015, <http://www.wnd.com/2015/04/the-deadly-truth-isis-and-mexican-drug-gangs/>, AB)

ISIS terrorists pose an "imminent" threat to the U.S. electric grid with the capacity to coordinate a devastating assault on our nation's infrastructure, warned a leading homeland security and terrorism expert in a radio interview Sunday. Dr. Peter Pry, a former CIA officer, is executive director of the Task Force on National and Homeland Security and director of the U.S. Nuclear Strategy Forum, both congressional advisory boards. He also served on the Congressional EMP Commission, the Congressional Strategic Posture Commission, and the House Armed Services Committee. "There is an imminent threat from ISIS to the national electric grid and not just to a single U.S. city," said Pry. Pry was speaking on "Aaron Klein Investigative Radio" on New York's AM 970 The Answer. Outlining the threat, Pry recalled a leaked U.S. Federal Energy Regulatory Commission report divulged this past March that coordinated terrorist attacks on just nine of the nation's 55,000 electrical power substations could provoke coast-to-coast blackouts for up to 18 months. Such an attack would mirror the devastating impact of an electromagnetic pulse (EMP) attack without the need for any nuclear device or delivery system. The chances of a major electrical outage across America are now surging. Get your autographed copy of "A Nation Forsaken" which probes this crucial issue. The congressional EMP Commission previously estimated that within 12 months of a nationwide blackout, upwards of 90 percent of the U.S. population could possibly die from disease, lack of food and resources and larger societal breakdown. Speaking to Klein's audience, Pry pointed specifically to the possibility of ISIS immediately hiring Mexican extremists such as the Knights Templar drug cartel, which last year successfully utilized guns and Molotov cocktails to attack numerous Mexican power stations, leaving 11 towns without electricity. "Now those guys are just across our southern border," stated Pry. Pry continued: "That means that ISIS doesn't have to actually come to the United States on those U.S. passports. You know, Obama is always talking about how he's got a phone. Well, ISIS has got a telephone, too. All they've got to do is contact the Knights Templar, wire these guys \$10 million, I mean they'll do anything for money. And say, 'Hey, go across that open U.S. border and take out the electric grid in Arizona, or New Mexico, or Minnesota or New York. Or the entire nation.'" Pry surmised such an attack on the U.S. power grid "wouldn't be difficult for them." "There are ... open-source computer models where you can figure out which are those nine critical transformer substations where if attacked would take down the whole national power grid," he said. "So something like that could be arranged. It could happen tomorrow. It could happen next week." Pry pointed out ISIS allies in al-Qaida last June attacked power lines in Yemen that left the entire nation without power for a day. He took issue with a statement last week from former deputy director of the CIA Mike Morell who said it would take ISIS two to three years to develop the capacity to carry out a 9/11-style attack. Morell stated that "over the long term – two and a half, three years – we need to worry about a 9/11-style attack by ISIS." Countered Pry: "I don't think that's true at all. You know, because they can hire these criminal gangs that are south of our porous border. Or criminal gangs that are already present here." "We also have Muslim terror

cells already in this country that would be willing to do anything for money and it's very easy to attack the electrical grid," he added. Pry also warned of rogue nations such as Iran and North Korea passing ISIS a nuclear device and delivery system, such as a SCUD missile, to launch an actual EMP attack.

A long-term loss of electrical power would cause nuclear reactor meltdowns— guarantees extinction

Hodges 14

Dave, an established award winning psychology, statistics and research professor as he teaches college and university classes at both the undergraduate and graduate level, an established author as his articles are published on many major websites, citing Judy Haar, a recognized expert in nuclear plant failure analyses, "Nuclear Power Plants Will Become America's Extinction Level Event", April 18 2014, www.thelibertybeacon.com/2014/04/18/nuclear-power-plants-will-become-americas-extinction-level-event/

Fukushima is often spoken of by many, as a possible extinction level event because of the radiation threat. Fukushima continues to wreak havoc upon the world and in the United States as we are being bathed in deadly radiation from this event. Because of Fukushima, fish are becoming inedible and the ocean currents as well as the prevailing ocean winds are carrying deadly radiation. Undoubtedly, by this time, the radioactivity has made its way into the transpiration cycle which means that crops are being dowsed with deadly radiation. The radiation has undoubtedly made its way into the water table in many areas and impacts every aspect of the food supply. The health costs to human beings is incalculable. However, this article is not about the devastation at Fukushima, instead, this article focuses on the fact that North America could have a total of 124 Fukushima events if the necessary conditions were present. A Festering Problem Long before Fukushima, American regulators knew that a power failure lasting for days involving the power grid connected to a nuclear plant, regardless of the cause, would most likely lead to a dangerous radioactive leak in at least several nuclear power plants. A complete loss of electrical power poses a major problem for nuclear power plants because the reactor core must be kept cool as well as the back-up cooling systems, all of which require massive amounts of power to work. Heretofore, all the NERC drills which test the readiness of a nuclear power plant are predicated on the notion that a blackout will only last 24 hours or less. Amazingly, this is the sum total of a NERC litmus test. Although we have the technology needed to harden and protect our grid from an EMP event, whether natural or man-made, we have failed to do so. The cost for protecting the entire grid is placed at about the cost for one B-1 Stealth Bomber. Yet, as a nation, we have done nothing. This is inexplicable and inexcusable. Our collective inaction against protecting the grid prompted Congressman Franks to write a scathing letter to the top officials of NERC. However, the good Congressman failed to mention the most important aspect of this problem. The problem is entirely fixable and NERC and the US government are leaving the American people and its infrastructure totally unprotected from a total meltdown of nuclear power plants as a result of a prolonged power failure. Critical Analyses According to Judy Haar, a recognized expert in nuclear plant failure analyses, when a nuclear power plant loses access to off-grid electricity, the event is referred to as a "station blackout". Haar states that all 104 US nuclear power plants are built to withstand electrical outages without experiencing any core damage, through the activation of an automatic start up of emergency generators powered by diesel. Further, when emergency power kicks in, an automatic shutdown of the nuclear power plant commences. The dangerous control rods are dropped into the core, while water is pumped by the diesel power generators into the reactor to reduce the heat and thus, prevent a meltdown. Here is the catch in this process, the spent fuel rods are encased in both a primary and

secondary containment structure which is designed to withstand a core meltdown. However, **should the pumps stop because either the generators fail or diesel fuel is not available, the fuel rods are subsequently uncovered and a Fukushima type of core meltdown commences immediately.** At this point, I took Judy Haar's comments to a source of mine at the Palo Verde Nuclear power plant. My source informed me that as per NERC policy, nuclear power plants are required to have enough diesel fuel to run for a period of seven days. Some plants have thirty days of diesel. This is the good news, but it is all downhill from here. The Unresolved Power Blackout Problem **A long-term loss of outside electrical power will most certainly interrupt the circulation of cooling water to the pools.** Another one of my Palo Verde nuclear power plant sources informed me that there is no long term solution to a power blackout and that all bets are off if the blackout is due to an EMP attack. A more detailed analysis reveals that **the spent fuel pools carry depleted fuel for the reactor. Normally, this spent fuel has had time to considerably decay and therefore, reducing radioactivity and heat. However, the newer discharged fuel still produces heat and needs cooling. Housed in high density storage racks, contained in buildings that vent directly into the atmosphere, radiation containment is not accounted for with regard to the spent fuel racks. In other words, there is no capture mechanism. In this scenario, accompanied by a lengthy electrical outage, and with the emergency power waning due to either generator failure or a lack of diesel needed to power the generators, the plant could lose the ability to provide cooling.** The water will subsequently heat up, boil away and uncover the spent fuel rods which required being covered in at least 25 feet of water to remain benign from any deleterious effects. Ultimately, this would lead to fires as well and the release of radioactivity into the atmosphere. This would be the beginning of another Fukushima event right here on American soil. Both my source and Haar shared exactly the same scenario about how a meltdown would occur. Subsequently, I spoke with Roger Landry who worked for Raytheon in various Department of Defense projects for 28 years, many of them in this arena and Roger also confirmed this information and that the above information is well known in the industry. When I examine Congressman Franks letter to NERC and I read between the lines, it is clear that Franks knows of this risk as well, he just stops short of specifically mentioning it in his letter. Placing Odds On a Failure Is a Fool's Errand An analysis of individual plant risks released in 2003 by the Nuclear Regulatory Commission shows that **for 39 of the 104 nuclear reactors, the risk of core damage from a blackout was greater than 1 in 100,000.** At 45 other plants the risk is greater than 1 in 1 million, the threshold NRC is using to determine which severe accidents should be evaluated in its latest analysis. According to the Nuclear Regulatory Commission, the Beaver Valley Power Station, Unit 1, in Pennsylvania has the greatest risk of experiencing a core meltdown, 6.5 in 100,000, according to the analysis. **These odds don't sound like much until you consider that we have 124 nuclear power generating plants in the US and Canada and when we consider each individual facility, the odds of failure climb. How many meltdowns would it take in this country before our citizens would be condemned to the hellish nightmare,** or worse, being experienced by the Japanese? The Question That's Not Being Asked **None of the NERC, or the Nuclear Regulatory tests of handling a prolonged blackout at a nuclear power plant has answered two critical questions, "What happens when these nuclear power plants run out of diesel fuel needed to run the generators", and "What happens when some of these generators fail"?** In the event of an EMP attack, can tanker trucks with diesel fuel get to all of the nuclear power plants in the US in time to re-fuel them before they stop running? Will tanker trucks even be running themselves in the aftermath of an EMP attack? And in the event of an EMP attack, it is not likely that any plant which runs low on fuel, or has a generator malfunctions, will ever get any help to mitigate the crisis prior to a plethora of meltdowns occurring. Thus, every nuclear power plant in the country has the potential to cause a Chernobyl or Fukushima type accident if our country is hit by an EMP attack. **CAN YOU EVEN IMAGINE 124 FUKUSHIMA EVENTS IN NORTH AMERICA HAPPENING AT THE SAME TIME? THIS WOULD CONSTITUTE THE ULTIMATE DEPOPULATION EVENT.** ...And There Is More... The ramifications raised in the previous paragraphs are significant. What **if the blackout lasts longer than 24 hours?** What if the reason for the blackout is an EMP burst caused by a high altitude nuclear blast and transportation comes to a standstill? **In this instance, the cavalry is not coming.** Adding fuel to the fire lies in the fact that the

power transformers presently take at least one year to replace. Today, there is a three year backlog on ordering because so many have been ordered by China. This makes one wonder what the Chinese are preparing for with these multiple orders for both transformers and generators. In short, our unpreparedness is a prescription for disaster. As a byproduct of my investigation, I have discovered that most, if not all, of the nuclear power plants are on known earthquake fault lines. All of California's nuclear power plants are located on an earthquake fault line. Can anyone tell me why would anyone in their right mind build a nuclear power plant on a fault line? To see the depth of this threat you can visit an interactive, overlay map at this site. Conclusion I have studied this issue for almost nine months and this is the most elusive topic that I have ever investigated. The more facts I gather about the threat of a mass nuclear meltdown in this country, the more questions I realize that are going unanswered. With regard to the nuclear power industry we have the proverbial tiger by the tail. Last August, Big Sis stated that **it is not matter of if we have a mass power grid take down, but it is a matter of when.** I would echo her concerns and apply the "not if, but when" admonition to the possibility of a mass meltdown in this country. **It is only a matter of time until this scenario for disaster comes to fruition.** Our collective negligence and high level of extreme depraved indifference on the part of NERC is criminal because **this is indeed an Extinction Level Event.** At the end of the day, can anyone tell me why would any country be so negligent as to not provide its nuclear plants a fool proof method to cool the secondary processes of its nuclear materials at all of its plants? Why would ANY nuclear power plant be built on an earthquake fault line? Why are we even using nuclear energy under these circumstances? And why are we allowing the Chinese to park right next door to so many nuclear power plants?

AT: Drones are Ineffective

That's a poor reading of the situation – your evidence is based on old metrics, and new policy decisions make funding sustainable

Joshua **Breisblatt 7/8**, Manager of Policy and Advocacy at the National Immigration Forum, "WE ARE MEASURING BORDER SECURITY ALL WRONG", July 8, 2015

<https://immigrationforum.org/blog/we-are-measuring-border-security-all-wrong/>, AB)

There's a better way to define and measure border security, and that's important. Many members of Congress say the border must be secure before Congress addresses other parts of the broken immigration system, but they do not define what that means. But the Bipartisan Policy Center released a report earlier this year that should be a starting point. The report, "Measuring the Metrics: Grading the Government on Immigration Enforcement," examines already available data and identifies additional data that should be used to create an objective set of comprehensive, outcome-based border security performance measures. The report points out we must move away from measures such as how many agents are stationed on the border or how many people are detained and instead adopt output measures that assess achievement and progress. The report includes analysis of some existing output measures, such as whether CBP's consequence delivery system, where individuals are assigned various consequences for crossing the border, actually deters attempts to cross the border, and it offers a critique of how CBP currently measures deterrence. These types of outputs need to be examined when assessing border security. In addition, the Department of Homeland Security (DHS) needs to provide the public with transparent and consistent measures. Currently, DHS does not release many of its measures and uses different metrics from year to year, which makes comparisons very difficult. The lack of publicly available and consistent metrics has contributed greatly to the public's lack of clarity surrounding our nation's border security. It has also made it difficult for members of Congress to hold the agency accountable and to know what additional resources are necessary to secure our border. Any additional increases in border security should be implemented in a smart and conscientious manner. Millions of dollars have been spent in the last decade as more and more money has been poured into border technology, all without metrics to show how truly effective these investments have been. In a positive development, it appears that Congress might be listening. The Department of Homeland Security appropriations bill for fiscal year 2016 the Senate Appropriations Committee approved this month included report language requiring CBP to keep, maintain and publish consistent metrics related to border security. Hopefully, the inclusion of this report language signals the beginning of a shift on how policymakers think about measuring border security.

Prisons Aff Specific

Link: Terror

Abolishing federal prisons would let out a loooooooot of terrorists

Scott **Shane 11**, reporter for the New York Times, “Beyond Guantánamo, a Web of Prisons for Terrorism Inmates”, December 10, 2011, <http://www.nytimes.com/2011/12/11/us/beyond-guantanamo-bay-a-web-of-federal-prisons.html?pagewanted=all>

It is the other Guantánamo, an archipelago of federal prisons that stretches across the country, hidden away on back roads. Today, it houses far more men convicted in terrorism cases than the shrunken population of the prison in Cuba that has generated so much debate. An aggressive prosecution strategy, aimed at prevention as much as punishment, has sent away scores of people. They serve long sentences, often in restrictive, Muslim-majority units, under intensive monitoring by prison officers. Their world is spare. Among them is Ismail Royer, serving 20 years for helping friends go to an extremist training camp in Pakistan. In a letter from the highest-security prison in the United States, Mr. Royer describes his remarkable neighbors at twice-a-week outdoor exercise sessions, each prisoner alone in his own wire cage under the Colorado sky. “That’s really the only interaction I have with other inmates,” he wrote from the federal Supermax, 100 miles south of Denver. There is Richard Reid, the shoe bomber, Mr. Royer wrote. Terry Nichols, who conspired to blow up the Oklahoma City federal building. Ahmed Ressam, the would-be “millennium bomber,” who plotted to attack Los Angeles International Airport. And Eric Rudolph, who bombed abortion clinics and the 1996 Summer Olympics in Atlanta. In recent weeks, Congress has reignited an old debate, with some arguing that only military justice is appropriate for terrorist suspects. But military tribunals have proved excruciatingly slow and imprisonment at Guantánamo hugely costly — \$800,000 per inmate a year, compared with \$25,000 in federal prison. The criminal justice system, meanwhile, has absorbed the surge of terrorism cases since 2001 without calamity, and without the international criticism that Guantánamo has attracted for holding prisoners without trial. A decade after the Sept. 11 attacks, an examination of how the prisons have handled the challenge of extremist violence reveals some striking facts: Big numbers. Today, 171 prisoners remain at Guantánamo. As of Oct. 1, the federal Bureau of Prisons reported that it was holding 362 people convicted in terrorism-related cases, 269 with what the bureau calls a connection to international terrorism — up from just 50 in 2000. An additional 93 inmates have a connection to domestic terrorism.

Most terrorists end up in prison and prisons actually rehabilitate them

Andrew **Silke 14**, Head of Criminology and Director for Terrorism Studies at the University of East London. He is inter- nationally recognized as a leading expert on terrorism in general and terrorist psychology in particular. He has a background in forensic psychology and criminology and has worked both in academia and for government. He has written extensively on terrorism and counter-terrorism and is frequently invited to give talks at international conferences and universities throughout the world. “PRISONS, TERRORISM AND EXTREMISM Critical issues in management, radicalization and reform”, 2014, AB)

Although many if not most terrorists eventually end up in prison, there has been surprisingly little research on what happens to them while in prison and after they have been released. This volume, edited by a prominent expert in the field, makes an important contribution to fill this gap in our knowledge. Several of the chapters challenge the conventional wisdom that prisons are universities of terror . Prisons may also provide opportunities for disengagement, deradicalisation and rehabilitation. Wise policies may contribute constructively to facilitate these processes. To achieve this, Professor Silke and his colleagues provide indispensable insights.

Terror Reps Good

Terror Reps True

Terrorism is a real threat – ignoring that reality risks annihilation.

Ralph Peters, 6 (Ralph, retired Army Officer, The Weekly Standard, "The Counterrevolution in Military Affairs; Fashionable thinking about defense ignores the great threats of our time," 2-6-2006, <http://www.weeklystandard.com/Content/Public/Articles/000/000/006/649qrsob.asp>, BP)

Living in unprecedented safety within our borders and lacking firsthand knowledge of the decay beyond, honorable men and women have convinced themselves that Osama bin Laden's professed goals of driving the United States from the Middle East and removing corrupt regional governments are what global terror is all about. They gloss over his ambition of reestablishing the caliphate and his calls for the destruction of Israel as rhetorical effects--when they address them at all. Yet, Islamist fanatics are more deeply committed to their maximalist goals than to their lesser ones--and their unspoken ambitions soar beyond logic's realm. Religious terrorists are committed to an apocalypse they sense within striking distance. Their longing for union with god is inseparable from their impulse toward annihilation. They seek their god in carnage, and will go on slaughtering until he appears to pat them on the back. A dangerous asymmetry exists in the type of minds working the problem of Islamist terrorism in our government and society. On average, the "experts" to whom we are conditioned to listen have a secular mentality (even if they go to church or synagogue from habit). And it is a very rare secular mind that can comprehend religious passion--it's like asking a blind man to describe the colors of fire. One suspects that our own fiercest believers are best equipped to penetrate the mentality--the souls--of our Islamist enemies, although those believers may not be as articulate as the secular intellectuals who anxiously dismiss all possibilities that lie outside their theoretical constructs.

Terrorism is inherently evil—the war on terror is correct

William F. Schultz 04 (executive director of Amnesty International USA, "Human rights and the evil of terrorism", UU World, February, http://findarticles.com/p/articles/mi_qa4071/is_200402/ai_n9347594/?tag=content;col1 BP)

Nothing can excuse atrocities such as these. No appeal to cultural differences can excuse the husband. No pursuit of a political agenda can explain away the actions of the minister. Evil is real, and it is very important to call it by its name. When President Bush labeled those who terrorized Americans on September 11, 2001, "evildoers," he was absolutely right, and his instinct to avenge their deaths was, too. Human rights are designed to make the world a safer place and to help stop people from doing evil things. Terrorists may sincerely think that what they are doing is good, but advocates of human rights have no problem agreeing with the president: Terrorist acts are evil, and terrorists must be punished.

Terrorist ideology is the root cause, not language—only the war on terror solves.

Alex Epstein 05 (, analyst at the **Ayn Rand Institute**, BA in Philosophy from Duke University, "Fight the Root of Terrorism With Bombs, Not Bread", San Francisco Chronicle, 8/14, http://www.aynrand.org/site/News2?page=NewsArticle&id=11243&news_iv_ctrl=1021 BP)

In light of the recent suicide bombings in London, and the general inability of the West to prevent terrorist attacks, there is much talk about fighting the "root cause" of terrorism. The most popular argument is that terrorism is caused by poverty. The United Nations and our European and Arab "allies" repeatedly tell us to minimize our military operations and instead dole out more foreign aid to poor countries--to put down our guns and pick up our checkbook. Only by fighting poverty, the refrain goes, can we address the "root cause" of terrorism. The pernicious idea that poverty causes terrorism has been a popular claim since the attacks of September 11. U.N. Secretary General Kofi Annan has repeatedly asked wealthy nations to double their foreign aid, naming as a cause of terrorism "that far too many people are condemned to lives of extreme poverty and degradation." Former Secretary of State Colin Powell agrees: "We have to put hope back in the hearts of people. We have to show people who might move in the direction of terrorism that there is a better way." Businessman Ted Turner also concurs: "The reason that the World Trade Center got hit is because there are a lot of people living in abject poverty out there who don't have any hope for a better life." Indeed, the argument that poverty causes terrorism has been central to America's botched war in Iraq--which has focused, not on quickly ending any threat the country posed and moving on to other crucial targets, but on bringing the good life to the Iraqi people. Eliminating the root of terrorism is indeed a valid goal--but properly targeted military action, not welfare handouts, is the means of doing so. Terrorism is not caused by poverty. The terrorists of September 11 did not attack America in order to make the Middle East richer. To the contrary, their stated goal was to repel any penetration of the prosperous culture of the industrialized "infidels" into their world. The wealthy Osama bin Laden was not using his millions to build electric power plants or irrigation canals. If he and his terrorist minions wanted prosperity, they would seek to emulate the United States--not to destroy it. More fundamental, poverty as such cannot determine anyone's code of morality. It is the ideas that individuals choose to adopt which make them pursue certain goals and values. A desire to destroy wealth and to slaughter innocent, productive human beings cannot be explained by a lack of money or a poor quality of life--only by anti-wealth, anti-life ideas. These terrorists are motivated by the ideology of Islamic Fundamentalism. This other-worldly, authoritarian doctrine views America's freedom, prosperity, and pursuit of worldly pleasures as the height of depravity. Its adherents resent America's success, along with the appeal its culture has to many Middle Eastern youths. To the fundamentalists, Americans are "infidels" who should be killed. As a former Taliban official said, "The Americans are fighting so they can live and enjoy the material things in life. But we are fighting so we can die in the cause of God." The terrorists hate us because of their ideology--a fact that filling up the coffers of Third World governments will do nothing to change. What then, can our government do? It cannot directly eradicate the deepest, philosophical roots of terrorism; but by using military force, it can eliminate the only "root cause" relevant in a political context: state sponsorship of terrorism. The fundamentalists' hostility toward America can translate into international terrorism only via the governments that employ, finance, train, and provide refuge to terrorist networks. Such assistance is the cause of the terrorist threat--and America has the military might to remove that cause. It is precisely in the name of fighting terrorism at its root that America must extend its fist, not its hand. Whatever other areas of the world may require U.S. troops to stop terrorist operations, we must above all go after the single main source of the threat--Iran. This theocratic nation is both the birthplace of the Islamic Fundamentalist revolution and, as a consequence, a leading sponsor of terrorism. Removing that government from power would be a potent blow against Islamic terrorism. It would destroy the political embodiment of the terrorists' cause. It would declare America's intolerance of support for terrorists. It would be an unequivocal lesson, showing what will happen to other countries if they fail to crack down on terrorists within their borders. And it would acknowledge the fact that dropping bombs, not food packages, is the only way for our government to attack terrorism at its root.

Money Laundering DA Georgetown

1NC

Generic Link-Data collection and linkage of databases is key to combating and dealing with fraud issues

House of Lords 09 (Surveillance: Citizens and the State - Constitution Committee <http://www.publications.parliament.uk/pa/ld200809/ldselect/ldconst/18/1805.htm>), MJ

Combating fraud is a law enforcement activity which uses data collection and processing. Evidence from the Government's Fraud Review described a policy development to combat fraud, which would include extensive information sharing and the linkage of databases. Success is already claimed in respect of NHS savings of £189 million in 2005, the National Fraud Initiative's savings of £111 million in 2005-06, and £10 million saved in respect of cheque and plastic card fraud. The Department for Business, Enterprise and Regulatory Reform (BERR) is authorised to carry out covert or other non-intrusive forms of surveillance. It regards these powers and methods as "fundamental, basic and crucial utensils of any investigative toolbox" in pursuit of, for example, company and insolvency fraud, and suspected fraud of health-related compensation schemes. (pp 324-26) The Department for Work and Pensions (DWP) gathers personal data from a range of other departments and local authorities, in part "to prevent and detect fraudulent claims, for example by matching death information from the General Register Office with our customer records". (p 340) Benefit fraud control at the local authority level also involves the matching of personal data files. Professor Morphet described how recent improvements in IT systems had led to data matching being used to identify people committing benefit fraud.

Current Money Laundering efforts are succeeding, but if they decline money laundering will threaten the global economy

McDowell and Novis, 2001 (John McDowell, Senior Policy Adviser of the Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State. Gary Novis, Program Analyst of the Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State. "THE CONSEQUENCES OF MONEY LAUNDERING AND FINANCIAL CRIME" <https://www.hsd.org/?view&did=3549>) // IL

Money laundering is the criminal's way of trying to ensure that, in the end, crime pays. It is necessitated by the requirement that criminals — be they drug traffickers, organized criminals, terrorists, arms traffickers, blackmailers, or credit card swindlers — disguise the origin of their criminal money so they can avoid detection and the risk of prosecution when they use it. Money laundering is critical to the effective operation of virtually every form of transnational and organized crime. Anti-money-laundering efforts, which are designed to prevent or limit the ability of criminals to use their ill-gotten gains, are both a critical and effective component of anti-crime programs. Money laundering generally involves a series of multiple transactions used to disguise the source of financial assets so that those assets may be used without compromising the criminals who are seeking to use them. These transactions typically fall into three stages: (1) placement — the process of placing unlawful proceeds into financial institutions through deposits, wire transfers, or other means; (2) layering — the process of separating the proceeds of criminal activity from their origin through the use of layers of complex financial transactions; and (3) integration — the process of using an apparently legitimate transaction to disguise illicit proceeds. Through these processes, a criminal tries to transform the monetary proceeds derived from illicit activities into funds with an apparently legal source. Money laundering has potentially devastating economic, security, and social consequences. It provides the fuel for drug dealers, terrorists, illegal arms dealers, corrupt public officials, and others to operate and expand their criminal enterprises. Crime has become increasingly international in scope, and the financial aspects of crime have become more complex due to rapid advances in technology and the globalization of the

financial services industry. Modern financial systems, in addition to facilitating legitimate commerce, also allow criminals to order the transfer of millions of dollars instantly using personal computers and satellite dishes. Because money laundering relies to some extent on existing financial systems and operations, the criminal's choice of money laundering vehicles is limited only by his or her creativity. Money is laundered through currency exchange houses, stock brokerage houses, gold dealers, casinos, automobile dealerships, insurance companies, and trading companies. Private banking facilities, offshore banking, shell corporations, free trade zones, wire systems, and trade financing all can mask illegal activities. In doing so, criminals manipulate financial systems in the United States and abroad. Unchecked, money laundering can erode the integrity of a nation's financial institutions. Due to the high integration of capital markets, money laundering can also adversely affect currencies and interest rates. Ultimately, laundered money flows into global financial systems, where it can undermine national economies and currencies. Money laundering is thus not only a law enforcement problem; it poses a serious national and international security threat as well.

This poses an existential threat

Luna 12 (David, October/26/2012, Director for Anticrime Programs, Bureau of International Narcotics and Law Enforcement Affairs, The Destructive Impact of Illicit Trade and the Illegal Economy on Economic Growth, Sustainable Development, and Global Security, US Department of State, <http://www.state.gov/j/inl/rls/rm/199808.htm//ghs-SG>)

The illegal economy poses an existential threat when it begins to create criminalized markets and captured states, which launches a downward, entropic spiral towards greater insecurity and instability. In economies that have been corrupted by criminal networks, market- and state-building become more unattainable, economic growth is stunted, efforts towards development and poverty eradication are stifled, and foreign direct investment is deterred.

Links

Anti-money laundering program still in effect under Section 352

Goodrich, 2015 (Amber Goodrich, serves as a compliance strategist for CSI Regulatory Compliance, and has more than 10 years of financial industry experience. She is a Certified Regulatory Compliance Manager (CRCM) and Certified Bank Secrecy Act (BSA) Professional (CBAP), and holds a wealth of knowledge in bank operations, compliance and enterprise risk management. "What the USA PATRIOT Act Expiration and the USA Freedom Act Mean to Your Financial Institution" <http://www.csiweb.com/resources/blog/post/2015/06/03/what-the-usa-patriot-act-expiration-and-the-usa-freedom-act-mean-to-your-financial-institution>) // IL

This lesser-known provision is leading to the misconception that the entire PATRIOT Act has expired. And that's simply not true. The vast majority of the act, including Title III (the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001), which carries the vast majority of requirements for financial institutions, is still in effect. Financial institutions are still required to monitor for customers and transactions that could be related to terrorist activities through Section 314(a) and (b). You're still required to verify the identity of customers through a customer identification program under Section 326. And you're still required to have an established anti-money laundering program under Section 352.

Justice Department and DEA allow mapping of trafficking and money laundering within the US and overseas

Heath, 2015 (Brad Heath, investigative reporter at USA TODAY, writing primarily about law and criminal justice. His work includes award-winning series on misconduct by federal prosecutors and air pollution outside schools. He has a law degree from Georgetown University. "U.S. secretly tracked billions of calls for decades" <http://www.wtsp.com/story/news/2015/04/07/us-secretly-tracked-billions-of-calls-for-decades/25434673/>) // IL

The system they built ultimately allowed the drug agency to stitch together huge collections of data to map trafficking and money laundering networks both overseas and within the USA. It allowed agents to link the call records its agents gathered domestically with calling data the DEA and intelligence agencies had acquired outside the USA. (In some cases, officials said the DEA paid employees of foreign telecom firms for copies of call logs and subscriber lists.) And it eventually allowed agents to cross-reference all of that against investigative reports from the DEA, FBI and Customs Service.

Data collection and linkage of databases is key to combating and dealing with fraud issues

House of Lords 09 (Surveillance: Citizens and the State - Constitution Committee <http://www.publications.parliament.uk/pa/ld200809/ldselect/ldconst/18/1805.htm>), MJ

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and Regulatory Reform (BERR) is authorised to carry out covert or other non-intrusive forms of surveillance. It regards these powers and methods as "fundamental, basic and crucial utensils of any investigative toolbox" in pursuit of, for example, company and insolvency fraud, and suspected fraud of health-related compensation schemes. (pp 324-26) The Department for Work and Pensions (DWP) gathers personal data from a range of other departments and local authorities, in part "to prevent and detect fraudulent claims, for example by matching death information from the General Register Office with our customer records". (p 340) Benefit fraud control at the local authority level also involves the matching of personal data files. Professor Morphet described how recent improvements in IT systems had led to data matching being used to identify people committing benefit fraud.

AML/ CFT with the Fund are successful in combating money laundering and terrorist financing

Public Information Notice, 2011 (Public Information Notice (PIN) No. 11/74 form part of the IMF's efforts to promote transparency of the IMF's views and analysis of economic developments and policies. With the consent of the country (or countries) concerned, PINs are issued after Executive Board discussions of Article IV consultations with member countries, of its surveillance of developments at the regional level, of post-program monitoring, and of ex post assessments of member countries with longer-term program engagements. PINs are also issued after Executive Board discussions of general policy matters, unless otherwise decided by the Executive Board in a particular case. "IMF Executive Board Reviews Efforts in Anti-Money Laundering and Combating the Financing of Terrorism" <http://www.imf.org/external/np/sec/pn/2011/pn1174.htm>) // IL

Over the past 10 years the Fund has contributed significantly to the efforts of the international community to combat money laundering and terrorist financing. The Fund's AML/CFT program encompasses (i) assessments of countries' compliance with the AML/CFT standard established by the Financial Action Task Force (FATF); (ii) the examination of AML/CFT issues in the context of Article IV surveillance; (iii) the provision of technical assistance; and (iv) research and policy development. The AML/CFT program has experienced a number of successes and changes over the past years, particularly in the areas of assessments and technical assistance. AML/CFT assessments are integrated into the joint IMF/World Bank financial sector assessment program (FSAP) and forms part of a broader effort within the international community to combat money laundering and terrorist financing. Since 2004, the Fund has conducted 34 assessments; these form part of a body of 186 assessments conducted by 11 assessor bodies, including the FATF and the World Bank, based on a comprehensive, uniform methodology. Many of the assessor bodies have benefitted from the Fund's assistance in strengthening the quality of their assessments. The Fund has provided AML/CFT technical assistance on topics such as financial sector regulatory issues, law reform, good governance and institution building. Since 2008 the Fund's technical assistance program is almost completely financed with external resources. The central pillar of this new approach was the establishment of the AML/CFT multi-donor trust fund which provides the Fund with approximately USD 25 million for the FY2010-2014 period. Donor states that support the trust fund are Canada, France, Japan, Korea, Kuwait, Luxembourg, the Netherlands, Norway, Qatar, Saudi Arabia, Switzerland, and the United Kingdom. The establishment and governance of the trust fund helps ensure that the AML/CFT technical assistance program focuses on areas where the Fund's comparative advantage results in specific, value-adding contributions to global AML/CFT efforts. Five years since the last review, the current review of the Fund's AML/CFT program pointed to a way forward in several areas. This includes moving towards a targeted, risk-focused approach to AML/CFT assessments, revisiting the mandatory coverage of AML/CFT in all FSAP assessments, and providing clearer guidance on the circumstances where AML/CFT should be examined in the context of the Fund's bilateral surveillance or financial sector work. Executive Board Assessment Executive Directors welcomed the opportunity to discuss the effectiveness of the AML/CFT program. They noted that the Fund's work has significantly

contributed to the international community's response to money laundering and the financing of terrorism.

AML Surveillance protects against money laundering, if unmaintained, will lead to drift

Sabatini, Choi, and Agarwal, 2013 (John Sabatini, Advanced Risk and Compliance Analytics Leader; David Choi, Advanced Risk and Compliance Analytics Principal; Vikas Agarwal, Advanced Risk and Compliance Analytics Managing Director. "Avoiding the drift Optimizing and maintaining AML surveillance programs" http://www.pwc.com/en_US/us/risk-assurance-services/publications/assets/pwc-avoiding-the-drift.pdf) // IL

Enacted in October 2001, the International Money Laundering Abatement and Financial Anti-Terrorism Act (an element of the USA PATRIOT Act) was designed to strengthen US measures to prevent, detect, and prosecute international money laundering and the financing of terrorism. The act built on existing requirements under the Bank Secrecy Act of 1970 (BSA), increasing criminal and civil penalties around money laundering and terrorist financing, widening the population of financial institutions to which anti-money laundering (AML) regulations apply, and significantly expanding the AML obligations incumbent upon those institutions. Faced with these new requirements, financial sector companies poured billions into AML compliance efforts. They instituted new or upgraded due-diligence policies, procedures, and controls and built transaction surveillance systems able to detect patterns indicative of criminal money laundering and terrorist financing. They created new departments to manage these systems and conduct investigations and hired new compliance officers to oversee them. They instituted training programs to mainstream and maintain AML practices across the enterprise and began conducting regular independent audits to test their controls. Yet despite this enormous investment in systems, training, and assurance, the AML ship has lately begun springing leaks. Since 2008, US regulators have imposed substantial fines and issued a large number of cease-and-desist consent orders against US and foreign banks, citing lax AML compliance. Between 2008 and early 2013, the Federal Reserve issued 113 enforcement actions relating to compliance with the BSA and with economic sanctions administered by the Treasury's Office of Foreign Assets Control (OFAC).¹ Why, with all the efforts put into AML across the financial services community, are these problems occurring? In some instances, banks have been aware of specific AML risks but failed to take corrective action. One of the banks noted above, for example, failed to address significant AML compliance problems in its operations, which allowed drug cartels to launder—approximately \$881 million. While the magnitude of both the failure and the resulting \$1.9 billion fine make this a particularly marquee-worthy example, it serves as a warning to all financial institutions: A company need not intend to launder money to be found guilty of laundering money. "Willful blindness" is enough—and that includes failing to maintain adequate systems, oversight, and controls. The more complex a system, the more opportunities for breakdown, a fact that leaves the financial industry vulnerable to AML compliance risk. At many financial institutions, inadequate attention and resources have been dedicated to maintaining and sustaining the core components of AML programs that may now have been in place for more than a decade, leading to gaps in AML compliance. We call this gradual process of inadvertent noncompliance "AML drift," and it occurs because AML systems are reliant on numerous variables across the organization, including where transaction information is stored, changes to financial products and services (and the introduction of new products and services), and changes in customer behavior. To account for changing conditions, AML systems need to be constantly monitored, updated, maintained, and repaired. When they're not, drift is inevitable. Drift happens in three places: processes and updates, technology, and organization. To protect against drift and keep their AML programs up to date, companies need to do better, more data-based testing. They need to think about the type of metrics they're using to monitor their program. They need to uplift the technology they use for monitoring. And they need to make sure their organization is aligned correctly to ensure that AML programs are kept updated and functioning at peak efficiency. If companies get this right, they will protect themselves not only from regulatory fine and censure, but from the potentially costlier reputational risks that could follow. How AML programs work and how they can break down All anti-money laundering programs share similar structures and processes:¹. Know your customer procedures are the tools that help financial institutions gain a detailed understanding of their customers, including their identity, citizenship status, occupation, source of funds, volume and type of expected activity, countries with which they do business, etc. By collecting this information and keeping it continually updated via transaction monitoring, companies are able to assign their customers into high-, medium-, and low-risk categories and apply further due-diligence as appropriate.² Surveillance processes allow banks to monitor for money laundering typologies: people moving money inside and outside the bank very quickly; a pattern of "structuring," in which a customer continually makes deposits just below the reporting threshold; a single beneficiary receiving money from multiple originators; customers who are depositing large sums and making wire transfers to high-risk countries; and so on. Surveillance also

typically includes Office of Foreign Assets Control (OFAC) screening, in which bank customers' names are compared against lists of known terrorists and other high-risk individuals.

AML is more accepted, more technologically sophisticated, and better funded than other anti-corruption programs

Sklar, 2012 (Howard Sklar, compliance officer with over 17 years of experience. He has also been a prosecutor, regulator, compliance officer, and in-house counsel. Sklar ran an anti-corruption programs for American Express and for Hewlett-Packard, and was head of compliance for three operating divisions at American Express (wearing a second hat). He is currently a Senior Counsel with eDiscovery software company Recommind. "Six Reasons Why You're Going To Get Caught" <http://www.forbes.com/sites/howardsklar/2012/10/31/six-reasons-why-youre-going-to-get-caught/>) // IL

Your bank. Bribes are paid, generally, with money. Money goes through banks. Banks are required to monitor their transactions to catch money laundering. Banks, in fact, spend hundreds of millions of dollars on their anti-money laundering programs. Anti-corruption compliance is like the country cousin to AML compliance. AML compliance is more mature, more accepted, more well-funded than any anti-corruption program. And much, much more sophisticated technologically. If a bank finds evidence of a bribery transaction, it will file a Suspicious Activity Report (SAR). In the UK, and in other places around the world, reporting is a regulatory requirement. So unless your bribe is paid with money you keep under your mattress, you stand a fair chance of being caught. Roger Cook from the City of London Police gave a presentation recently about the prosecution of a Ugandan official and a local UK company where the entire bribery prosecution started with a SAR filing.

Impacts

This poses an existential threat

Luna 12 (David, October/26/2012, Director for Anticrime Programs, Bureau of International Narcotics and Law Enforcement Affairs, The Destructive Impact of Illicit Trade and the Illegal Economy on Economic Growth, Sustainable Development, and Global Security, US Department of State, <http://www.state.gov/j/inl/rls/rm/199808.htm//ghs-SG>)

The illegal economy poses an existential threat when it begins to create criminalized markets and captured states, which launches a downward, entropic spiral towards greater insecurity and instability. In economies that have been corrupted by criminal networks, market- and state-building become more unattainable, economic growth is stunted, efforts towards development and poverty eradication are stifled, and foreign direct investment is deterred.

Internal Links

Money Laundering threatens the stability of government and the economy

Luna 12 (David, October/26/2012, Director for Anticrime Programs, Bureau of International Narcotics and Law Enforcement Affairs, The Destructive Impact of Illicit Trade and the Illegal Economy on Economic Growth, Sustainable Development, and Global Security, US Department of State, <http://www.state.gov/j/inl/rls/rm/199808.htm//ghs-SG>)

From an economic perspective, all of these illicit activities divert money from the balance sheets of legitimate businesses and put cash in the hands of criminals, who build larger and larger illicit networks. These networks threaten the stability of governments and the prosperity of our economies. National revenue and assets intended to finance the future are instead embezzled and stashed away for private gain, impairing the ability of communities and businesses to make the investments necessary to create resilient pathways for economic growth and give people hope for a brighter tomorrow. Illicit trade and the illegal economy also undermine the social stability and socioeconomic welfare of our communities. Illicit enterprises not only divert opportunities from the legal economy, they also divert revenue threatening economic growth and development and preventing the equitable distribution of public goods. But this goes beyond just the economic harm. The illegal economy also incurs a significant negative social cost. Consider how criminals undermine fair labor conditions through exploitation of persons in the illegal economy such as coca and heroin cultivation and in industries as varied as manufacturing counterfeits, agriculture, tourism, and elder hostels. Equally damaging is the environmental damage resulting from criminals' penetration into illegal logging, wildlife trafficking, waste hauling, and fishing. Instead of producing wage earners for tomorrow's markets and investments, the communities most at risk of exploitation by illicit networks are saddled with the negative externalities of the illicit economy. The grim reality is that revenue that could be used to build roads to facilitate commerce, hospitals to save lives, homes to raise and protect families, or schools to educate our future leaders are lost to kleptocrats, criminals, and terrorists whose only interest in the future may be to destroy it.

Money laundering destroys the economy, encourages crime and corruption, and distorts the economy's external sector – effective AML key

Bartlett, 2002 (Brent L. Bartlett, International Economics Group, Dewey Ballantine LLP. "The negative effects of money laundering on economic development" <http://www.afp.gov.au/~media/afp/pdf/m/money-laundering-02.pdf>) // IL

The negative economic effects of money laundering on economic development are difficult to quantify. It is clear that such activity damages the financial-sector institutions that are critical to economic growth, reduces productivity in the economy's real sector by diverting resources and encouraging crime and corruption, which slow economic growth, and can distort the economy's external sector – international trade and capital flows – to the detriment of long-term economic development. Developing countries' strategies to establish off-shore financial centres (OFCs) as vehicles for economic development are also impaired by significant money-laundering activity through OFC channels. Effective anti-money-laundering policies, on the other hand, reinforce a variety of other good-governance policies that help sustain economic development, particularly through the strengthening of the financial sector. The financial sector A broad range of recent economic analyses points to the conclusion that strong developing-country financial institutions – such as banks, non-bank financial institutions (NBFIs) and equity markets – are critical to economic growth. Such institutions allow for the concentration of capital resources from domestic savings – and perhaps even funds from abroad – and the efficient allocation of such resources to investment projects that generate sustained economic

development. Money laundering impairs the development of these important financial institutions for two reasons. First, it erodes financial institutions themselves. Within these institutions, there is often a correlation between money laundering and fraudulent activities undertaken by employees. At higher volumes of money-laundering activity, entire financial institutions in developing countries are vulnerable to corruption by criminal elements seeking to gain further influence over their money-laundering channels. Second, particularly in developing countries, customer trust is fundamental to the growth of sound financial institutions, and the perceived risk to depositors and investors from institutional fraud and corruption is an obstacle to such trust. By contrast, beyond protecting such institutions from the negative effects of money laundering itself, the adoption of anti-money-laundering policies by government financial supervisors and regulators, as well as by banks, NBFIs, and equity markets themselves, reinforce the other good-governance practices that are important to the development of these economically critical institutions. Indeed, several of the basic anti-money-laundering policies – such as know-your-customer rules and strong internal controls – are also fundamental, long-standing principles of prudential banking operation, supervision, and regulation.

Money laundering poses a serious threat to nation and international security and unchecked will undermine national economies and currencies

McDowell and Novis, 2001 (John McDowell, Senior Policy Adviser of the Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State. Gary Novis, Program Analyst of the Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State. “THE CONSEQUENCES OF MONEY LAUNDERING AND FINANCIAL CRIME” <https://www.hsd1.org/?view&did=3549>) // IL

Money laundering is the criminal’s way of trying to ensure that, in the end, crime pays. It is necessitated by the requirement that criminals — be they drug traffickers, organized criminals, terrorists, arms traffickers, blackmailers, or credit card swindlers — disguise the origin of their criminal money so they can avoid detection and the risk of prosecution when they use it. Money laundering is critical to the effective operation of virtually every form of transnational and organized crime. Anti-money-laundering efforts, which are designed to prevent or limit the ability of criminals to use their ill-gotten gains, are both a critical and effective component of anti-crime programs. Money laundering generally involves a series of multiple transactions used to disguise the source of financial assets so that those assets may be used without compromising the criminals who are seeking to use them. These transactions typically fall into three stages: (1) placement — the process of placing unlawful proceeds into financial institutions through deposits, wire transfers, or other means; (2) layering — the process of separating the proceeds of criminal activity from their origin through the use of layers of complex financial transactions; and (3) integration — the process of using an apparently legitimate transaction to disguise illicit proceeds. Through these processes, a criminal tries to transform the monetary proceeds derived from illicit activities into funds with an apparently legal source. Money laundering has potentially devastating economic, security, and social consequences. It provides the fuel for drug dealers, terrorists, illegal arms dealers, corrupt public officials, and others to operate and expand their criminal enterprises. Crime has become increasingly international in scope, and the financial aspects of crime have become more complex due to rapid advances in technology and the globalization of the financial services industry. Modern financial systems, in addition to facilitating legitimate commerce, also allow criminals to order the transfer of millions of dollars instantly using personal computers and satellite dishes. Because money laundering relies to some extent on existing financial systems and operations, the criminal’s choice of money laundering vehicles is limited only by his or her creativity. Money is laundered through currency exchange houses, stock brokerage houses, gold dealers, casinos, automobile dealerships, insurance companies, and trading companies. Private banking facilities, offshore banking, shell corporations, free trade zones, wire systems, and trade financing all can mask illegal activities. In doing so, criminals manipulate financial systems in the United States and abroad. Unchecked, money laundering can erode the integrity of a nation’s financial institutions. Due to the high integration of capital markets, money laundering can also adversely affect currencies and interest rates. Ultimately, laundered money flows into global financial systems, where it can undermine national economies and currencies. Money laundering is thus

not only a law enforcement problem; it poses a serious national and international security threat as well.

Money laundering is a threat to the economic and political stability of international security, affecting all countries regardless of their level of development

France Diplomatie, 2014 (France Diplomatie, French Ministry of Foreign Affairs and International Development. "France and the fight against money-laundering, financing of terrorism and corruption" <http://www.diplomatie.gouv.fr/en/french-foreign-policy/defence-security/money-laundering-and-corruption>) // IL

The fight against illicit financial flows is a priority for the French authorities. Money laundering is central to criminal activities and is a threat to the economic and political stability of countries and international security. The rise of terrorism has made it necessary to strengthen the surveillance of financial circuits that could fund it. To address these facts, France has adopted a considerable legal arsenal and actively participates in improving standards in this field, both at international level, through its contribution to the work of the Financial Action Task Force (FATF) and at regional level, as a contributor to the legislative work carried out by the European Commission and to the conventions of the Council of Europe. Corruption affects all countries, regardless of their level of development. It is a barrier to sustainable economic development and an obstacle to good governance and strengthening the rule of law, especially when it affects sectors such as policing, justice and prison administration. Corruption also provides fertile ground for the development of criminal and/or terrorist activities in certain vulnerable countries. The poorest people are those most affected by its consequences. According to a World Bank study, the sum of bribes paid each year amounts to \$1000 billion, representing 9% of global trade.

Money laundering is identified as a threat to global peace and freedom – it undermines political stability, increases crime, encourages corruption

Schroeder, 2001 (William R. Schroeder, Associate Professor of Philosophy at the University of Illinois at Urbana-Champaign. He is the author of Sartre and His Predecessors (1984) and co-editor, with Simon Critchley, of A Companion to Continental Philosophy (Blackwell, 1998).

"Money Laundering"

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.unl.edu%2Feskridge%2Fcj394laundering.doc&ei=RbmZVZrQGmb6-AGvrYLICw&usg=AFQjCNFZVdsCNkiPQIS2IOGICAb4W3wDNQ&bvm=bv.96952980,d.cWw&cad=rja> // IL

Money laundering has become a global problem as a result of the confluence of several remarkable changes in world markets (i.e., the globalization of markets). The growth in international trade, the expansion of the global financial system, the lowering of barriers to international travel, and the surge in the internalization of organized crime have combined to provide the source, opportunity, and means for converting illegal proceeds into what appears to be legitimate funds. Money laundering can have devastating effects on the soundness of financial institutions and undermine the political stability of democratic nations. Criminals quickly transfer large

sums of money to and from countries through financial systems by wire and personal computers.⁵ Such transfers can distort the demand for money on a macroeconomic level and produce an unhealthy volatility in international capital flows and exchange rates.⁶ A recent and highly publicized case prosecuted in New York provides an example of the ease with which criminals can launder large amounts of money in a short time period.⁷ Several individuals and three companies pleaded guilty to federal money laundering charges in that case in connection with a scheme that funneled more than \$7 billion from the Russian through a bank in New York over a 2-year period. The laundering scheme involved the transfer of funds by wire from Moscow to the United States and then to offshore financial institutions. Additionally, in 1998, federal authorities in Florida announced arrests in an international fraud and money laundering scheme involving victims from 10 countries, with losses up to \$60 million laundered through two banks on the Caribbean island of Antigua.⁸ Emerging market countries⁹ are particularly vulnerable to laundering as they begin to open their financial sectors, sell government owned assets, and establish fledgling securities markets.¹⁰ The economic changes taking place in the former Soviet States in Eastern Europe create opportunities for unscrupulous individuals where money laundering detection, investigation, and prosecution tools slowly take shape. Indeed, as most emerging markets began the process of privatizing public monopolies, the scope of money laundering increased dramatically. The international community of governments and organizations that have studied money laundering recognize it as a serious international threat.¹¹ The United Nations and the Organization of American States (OAS) have determined that the laundering of money derived from serious crime represents a threat to the integrity, reliability, and stability of financial, as well as government, structures around the world.¹² In October 1995, the President of the United States, in an address to the United Nations General Assembly, identified money laundering, along with drug trafficking and terrorism, as a threat to global peace and freedom. Immediately thereafter, he signed Presidential Directive 42, ordering U.S. law enforcement agencies and the intelligence community to increase and integrate their efforts against international crime syndicates in general and against money laundering in particular.¹³ The U.S. Department of the Treasury Deputy Secretary summed up the seriousness of the domestic and international threat when he testified before the U.S. Congress on March 9, 2000. During his testimony before the House Committee on Banking and Financial Services, he advised that money laundering encouraged corruption in foreign governments, risked undermined the integrity of the U.S. financial system, weakened the effects of U.S. diplomatic efforts, and facilitated the growth of serious crime.¹⁴ These assessments make it clear that money laundering presents not only a formidable law enforcement problem, but also a serious national and international security threat as well. Money laundering threatens jurisdictions from three related perspectives. First, on the enforcement level, laundering increases the threat posed by serious crime, such as drug trafficking, racketeering, and smuggling, by facilitating the underlying crime and providing funds for reinvestment that allow the criminal enterprise to continue its operations. Second, laundering poses a threat from an economic perspective by reducing tax revenues and establishing substantial underground economies, which often stifle legitimate businesses and destabilize financial sectors and institutions.¹⁵ Finally, money laundering undermines democratic institutions and threatens good governance by promoting public corruption through kickbacks, bribery, illegal campaign contributions, collection of referral fees, and misappropriation of corporate taxes and license fees.¹⁶

Money Laundering Kills the economy-hampers government revenue, erodes the economy and funds criminals

FIU No Date (Financial Intelligence Unit of the Republic of Mauritius, It is the central Mauritian agency for the request, receipt, analysis and dissemination of financial information regarding suspected proceeds of crime and alleged money laundering offences as well as the financing of any activities or transactions related to terrorism to relevant authorities, Consequences of Money Laundering, Financial Intelligence Unit Mauritius, http://www.fiumauritius.org/index.php?option=com_content&view=article&id=18%3Amoney-laundering&catid=3&lang=en&limitstart=3//ghs-SG)

Money laundering impairs the development of the legitimate private sector through the supply of products priced below production cost, making it therefore difficult for legitimate activities to compete. Criminals may also turn enterprises which were initially productive into sterile ones to launder their funds leading ultimately to a decrease in the overall productivity of the economy. Furthermore, the laundering of money can also cause unpredictable changes in money

demand as well as great volatility in international capital flows and exchange rates. While the financial sector is an essential constituent in the financing of the legitimate economy, it can be a low-cost vehicle for criminals wishing to launder their funds. Consequently, the flows of large sums of laundered funds poured in or out of financial institutions might undermine the stability of financial markets. In addition, money laundering may damage the reputation of financial institutions involved in the scheming resulting to a loss in trust and goodwill with stakeholders. In worst case scenarios, money laundering may also result in bank failures and financial crises. Money laundering also reduces tax revenue as it becomes difficult for the government to collect revenue from related transactions which frequently take place in the underground economy. The socio-economic effects of money laundering are various because as dirty money generated from criminal activities are laundered into legitimate funds; they are used to expand existing criminal operations and finance new ones. Further to that money laundering may lead to the transfer of economic power from the market, the government and the citizens to criminals, abetting therefore crimes and corruption.

Drugs DA Georgetown

1NC

US winning the drug war now

Kerlikowske 12 (Gil Kerlikowske, the direction of the White House's National Drug Control Policy. 11/05/2012.

"Successfully Fighting the War on Drugs". http://www.washingtonpost.com/opinions/successfully-fighting-the-war-on-drugs/2012/11/05/676c969c-273e-11e2-ac64-5d52a2c5953e_story.html) AP

Since March 2009, the Obama administration has placed an unprecedented amount of personnel, infrastructure and **tech** technology **along the** southwest **border**. The U.S. Border Patrol has doubled in size, **we've** **bolstered operations at our ports of entry** and we've expanded successful partnerships with the Mexican government that are cracking down on cross-border crime. **these actions have improved our ability to disrupt drug-trafficking across the United States.** As **drug seizures have increased due to smarter enforcement, the U.S. consumption of cocaine and methamphetamine** **has** also **plummeted.** **Since 2006, cocaine use has dropped by more than 40 percent, and meth use has fallen by a third.** The demand for these drugs in the United States has fallen substantially, and the market for cocaine in particular is in disarray. While serious challenges remain, we recognize that no single nation is exclusively a producer of illegal drugs, a transit country or a consumer country. We are all in this together, and **by working to reduce both the demand and supply of drugs, we can continue to make progress in making our communities safer and healthier.**

Generic Link-NSA bulk phone surveillance that the aff limits more than the current USA FREEDOM Act would severely limit the ability of the NSA to detect drug trafficking networks

Heath, staff writer about law and criminal justice, 4/8/15

(Brad, "U.S. secretly tracked billions of phone calls for decades", USA TODAY, 4/8/15, <http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/>, accessed 6/23/15, ZW)

WASHINGTON — The U.S. government started keeping secret records of Americans' international telephone calls nearly a decade before the Sept. 11 terrorist attacks, harvesting billions of calls in a program that provided a blueprint for the far broader National Security Agency surveillance that followed. For more than two decades, the Justice Department and the Drug Enforcement Administration amassed logs of virtually all telephone calls from the USA to as many as 116 countries linked to drug trafficking, current and former officials involved with the operation said. The targeted countries changed over time but included Canada, Mexico and most of Central and South America. Federal investigators used the call records to track drug cartels' distribution networks in the USA, allowing agents to detect previously unknown trafficking rings and money handlers. They also used the records to help rule out foreign ties to the bombing in 1995 of a federal building in Oklahoma City and to identify U.S. suspects in a wide range of other investigations.

Drugs Hurt economic development and cause decline

UN 12 (United Nations, International Assembly of Nations who move to solve the problems of the world, 6/26/2012, United Nations Website,

<http://www.un.org/en/ga/president/66/Issues/drugs/drugs-crime.shtml//ghs-SG>)

As economic development is threatened by transnational organized crime and illicit drugs, countering crime must form part of the development agenda, and social and economic development approaches need to form part of our response to organized crime. If we are to ensure that the MDGs are achieved, we must strengthen strategies to deliver these goals, including stepping up efforts to address issues such as money laundering, corruption and trafficking in wildlife, people and arms, and drugs. Organized crime and drugs impact every economy, in every country, but they are particularly devastating in weak and vulnerable countries. Weak and fragile countries are particularly vulnerable to the effects of transnational organized crime. These countries, some devastated by war, others making the complex journey towards democracy, are preyed upon by crime. As a result, organized crime flourishes, successes in development are reversed, and opportunities for social and economic advancement are lost. Corruption, a facilitator of organized crime and drug trafficking, is a serious impediment to the rule of law and sustainable development. It can be a dominant factor driving fragile countries towards failure. It is estimated that up to US\$40 billion annually is lost through corruption in developing countries. Drugs and crime undermine development by eroding social and human capital. This degrades quality of life and can force skilled workers to leave, while the direct impacts of victimisation, as well as fear of crime, may impede the development of those that remain. By limiting movement, crime impedes access to possible employment and educational opportunities, and it discourages the accumulation of assets. Crime is also more "expensive" for poor people in poor countries, and disadvantaged households may struggle to cope with the shock of victimisation. Drugs and crime also undermine development by driving away business. Both foreign and domestic investors see crime as a sign of social instability, and crime drives up the cost of doing business. Tourism is a sector especially sensitive to crime issues. Drugs and crime, moreover, undermine the ability of the state to promote development by destroying the trust relationship between the people and the state, and undermining democracy and confidence in the criminal justice system. When people lose confidence in the criminal justice system, they may engage in vigilantism, which further undermines the state.

Econ decline goes nuclear and escalates

Auslin 9 (Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, "The Global Economy Unravels", Forbes, 3-6, <http://www.aei.org/article/100187>)

What do these trends mean in the short and medium term? The Great Depression showed how social and global chaos followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions

between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce into a big bang.

Uniqueness

Uniqueness – currently, marijuana legalization has caused foreign trafficking of the drug to plummet, reducing cartel violence as well

Grillo, staff writer, 4/8/15

(Ioan, “U.S. Legalization of Marijuana Has Hit Mexican Cartels’ Cross-Border Trade”, TIME, 4/8/15, <http://time.com/3801889/us-legalization-marijuana-trade/>, accessed 7/6/15, ZW)

Agents on the 2,000 mile-U.S. border have wrestled with these smuggling techniques for decades, seemingly unable to stop the northward flow of drugs and southward flow of dollars and guns. But the amount of one drug — marijuana — seems to have finally fallen. U.S. Border Patrol has been seizing steadily smaller quantities of the drug, from 2.5 million pounds in 2011 to 1.9 million pounds in 2014. Mexico’s army has noted an even steeper decline, confiscating 664 tons of cannabis in 2014, a drop of 32% compared to year before. This fall appears to have little to do with law enforcement, however, and all to do with the wave of U.S. marijuana legalization. The votes by Colorado and Washington State to legalize marijuana in 2012, followed by Alaska, Oregon and D.C. last year have created a budding industry. U.S. growers produce gourmet products with exotic names such as White Widow, Golden Goat and Oaktown Crippler as opposed to the bog-standard Mexican “mota.” American dispensaries even label their drugs, showing how strong they are, measured in THC (tetrahydrocannabinol, the main psychoactive ingredient), and grade their mix of sativa, which gets people stoned in a psychedelic way and indica, which has a more knock-out effect. Drug policy reformists tout this market shift from Mexican gangsters to American licensed growers as a reason to spread legalization. “It is no surprise to me that marijuana consumers choose to buy their product from a legal tax-paying business as opposed to a black market product that is not tested or regulated,” says Tom Angell, chairman of Marijuana Majority. “When you go to a legal store, you know what you are getting, and that is not going to be contaminated.” A group called Marijuana Doctors elaborate the point in this comical online ad. Analysts are still trying to work out the long-term effect this shift will have on Mexican cartel finances and violence. The legal marijuana industry could be the fastest growing sector of the U.S. economy. It grew 74% in 2014 to \$2.7 billion, according to the ArcView group, a cannabis investment and research firm. This includes revenue from both recreational drug stores and from medical marijuana, which has been legalized in 23 states. The group predicts the industry will top \$4 billion by 2016. This means less cash for Mexican cartels to buy guns, bribe police and pay assassins. Coinciding with legalization, violence has decreased in Mexico. Homicides hit a high in 2011, with Mexican police departments reporting almost 23,000 murders. Last year, they reported 15,649.

Uniqueness – marijuana legalization reduces the power and influences of drug cartels in the status quo

Bricken, attorney and chair of the Canna Law Group in Harris Moure, PLLC in Seattle, 6/29/15

(Hilary, “Marijuana Legalization: Bad For The Cartels, Better For All”, Above The Law, 6/29/15, <http://abovethelaw.com/2015/06/marijuana-legalization-bad-for-the-cartels-better-for-all/>, accessed 7/6/15, ZW)

So, what does legalization of cannabis in the United States have to do with helping Mexico eliminate its cartels? The more cannabis Americans buy from state-licensed operations, the less cannabis they buy from the drug cartels. This will have positive long-term effects for pretty much everyone except the cartels themselves. A few years ago, our law firm represented a medical marijuana dispensary against a city attempting to shut it down. A city police officer took the stand to explain why this city was so eager to shut down our client’s dispensary. Among the reasons he expressed was a concern about Mexican drug cartels. On cross-examination, we asked this police officer

whether he was aware of any Mexican drug cartel links to legal medical marijuana in his city or anywhere else in the United States. He answered truthfully with a “no.” We then asked if he was aware of Mexican drug cartel links to illegal drugs in the United States and he, of course, answered with a “yes.” Needless to say, our closing argument included us talking about how having legal marijuana in this city would, if anything, help drive out or at least reduce criminal gang influences. According to Mexican security analyst Alejandro Hope, “approximately 30 percent of cartels’ drug export revenues come from marijuana.” Though on one level marijuana legalization has little effect on the cartels’ ability to smuggle hard drugs like heroin into the United States, just reducing the cartels’ marijuana sales will reduce their power, influence, and wealth and should correspondingly reduce their ability to move heroin and other hard drugs across borders. Standing alone, any reduction in the drug cartels’ power and presence in Mexico and in Colombia would be a great achievement.

Links

NSA Surveillance stops a number of violent crimes

Falkvinge 13 (Rickard Falkvinge, Founder of a Swiss IT entrepreneur, NSA Mass Surveillance Has Already Been Used for Ordinary Police Work, Falkvinge.Net, <http://falkvinge.net/2013/11/24/nsa-mass-surveillance-has-already-been-used-for-ordinary-police-work///ghs-SG>)

The NSA has used its ubiquitous wiretapping for ordinary police work. It used mass surveillance to prevent the murder of an eccentric artist, ACCORDING to the New York Times. This means that the final line has been crossed; once mass surveillance of ordinary people is used for everyday police work, we are past the EVENT horizon to a surveillance dystopia. In an article outlining the vast capabilities of the NSA, the New York Times drops this tidbit: The spy agency's station in Texas intercepted 478 emails while helping to foil a jihadist plot to kill a Swedish artist who had drawn pictures of the Prophet Muhammad. However, the New York Times fails to elaborate on the immense importance of this fact. This means that the NSA went far, far beyond its mandate of "national SECURITY", and used its mass surveillance – ubiquitous wiretapping, really – for ordinary police work. The Swedish artist in question is Lars Vilks, known for making outlandish art statements like putting images of the prophet Muhammed on crude dog sculptures in everyday traffic roundabouts. (It's particularly unclear how the Islamic prophet's likeness was created, as he is traditionally imaged faceless.) While preventing the murder of a highly eccentric artist may be admirable in its own right, it does not nearly qualify for national SECURITY concerns, nor for preventing terrorism. So why is this important? It's important because it crosses the line we were promised would never, ever, be crossed – that the ubiquitous wiretapping would only be used for national security, and never for ordinary police work against citizens. Once that line is crossed, the wiretapping is used against the country's own citizens. For once you have prevented a murder, it's easy to justify that you should be able to use the ubiquitous wiretapping to also prevent, say, rape and aggravated assault. No policymaker will protest that. Once you are preventing serious violent crimes, it's easy to justify that the NSA and the Police should use the ubiquitous wiretapping to prevent all violent crimes. People who protest that in the name of civil liberties will be shot down; "it's a fundamental civil liberty to not be a victim of a violent crime". And so, surveillance will be Newspeaked into civil liberties in televised debates by Big Brother hawks. Once the wiretapping is preventing all violent crime, it will be repurposed to prevent all prison-time crime (described as "serious crime"), and from there, to prevent all crime. And those who speak up against this will be accused of "siding with criminals". I have seen each of these steps happen in the past decade in various stages of policymaking. Yes, I'm presenting a slippery slope argument, but these STEPS are typically just 3-4 years apart, and I'm speaking from first-hand experience with this development. Then, once you have the ability to enforce all laws, out come the moral laws – typically first banning all kinds of sex that aren't intended for reproduction, then everyday drugs, life-saving pharmaceuticals, and anything else that the regime du jour considers immoral for whatever reason. The crucial line to never be crossed is that wiretapping of PRIVATE communications must never be used for ordinary police work against people who aren't under formal, individual, and prior suspicion of an identified and already-committed crime. And that line has now been crossed. This means that we can unfortunately predict that the United States will take a very dark turn toward purebred fascism for a couple of decades, until it collapses under its own weight. We are now past the event horizon for that development. The focus must now lie on isolating this development to the United States to prevent contagion to the rest of the world.

Surveillance of telephone calls was originally used to prevent the spread of drugs

Shackford 15 (Editor and Journalist for Reason.com The Drug War, Not Terrorism, Brought Us Mass Surveillance <http://reason.com/blog/2015/04/07/the-drug-war-not-terrorism-brought-us-ma>), MJ

For more than two decades, the Justice Department and the Drug Enforcement Administration amassed logs of virtually all telephone calls from the USA to as many as 116 countries linked to drug trafficking, current and former officials involved with the operation said. The targeted countries changed over time

but included Canada, Mexico and most of Central and South America. Federal investigators used the call records to track drug cartels' distribution networks in the USA, allowing agents to detect previously unknown trafficking rings and money handlers. They also used the records to help rule out foreign ties to the bombing in 1995 of a federal building in Oklahoma City and to identify U.S. suspects in a wide range of other investigations. The Justice Department revealed in January that the DEA had collected data about calls to "designated foreign countries." But the history and vast scale of that operation have not been disclosed until now. The program was discontinued in 2013 after the outrage of Edward Snowden's revelations. According to Heath, the program was also "suffering from diminishing returns," as there were now so many different ways for drug smugglers to communicate outside of the telephone.

Bulk collection of telephone calls catch drug related crimes, bombings, and participants in 9/11

Heath, investigative reporter at USA TODAY, writing primarily about law and criminal justice, 4/8/15

(Brad, His work includes award-winning series on misconduct by federal prosecutors and air pollution outside schools. He has a law degree from Georgetown University., U.S. secretly tracked billions of calls for decades, USA Today, <http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/>),MJ

For more than two decades, the Justice Department and the Drug Enforcement Administration amassed logs of virtually all telephone calls from the USA to as many as 116 countries linked to drug trafficking, current and former officials involved with the operation said. The targeted countries changed over time but included Canada, Mexico and most of Central and South America. Federal investigators used the call records to track drug cartels' distribution networks in the USA, allowing agents to detect previously unknown trafficking rings and money handlers. They also used the records to help rule out foreign ties to the bombing in 1995 of a federal building in Oklahoma City and to identify U.S. suspects in a wide range of other investigations. The Justice Department revealed in January that the DEA had collected data about calls to "designated foreign countries." But the history and vast scale of that operation have not been disclosed until now. The now-discontinued operation, carried out by the DEA's intelligence arm, was the government's first known effort to gather data on Americans in bulk, sweeping up records of telephone calls made by millions of U.S. citizens regardless of whether they were suspected of a crime. It was a model for the massive phone surveillance system the NSA launched to identify terrorists after the Sept. 11 attacks. That dragnet drew sharp criticism that the government had intruded too deeply into Americans' privacy after former NSA contractor Edward Snowden leaked it to the news media two years ago. More than a dozen current and former law enforcement and intelligence officials described the details of the Justice Department operation to USA TODAY. Most did so on the condition of anonymity because they were not authorized to publicly discuss the intelligence program, part of which remains classified.

60 percent of electronic surveillance is used to prevent the war on drugs
Stanley, Senior Policy Analyst JUNE 6, 2011

(Jay, ACLU Speech, Privacy & Technology Project, The American Civil Liberties, The War on Drugs and the Surveillance Society, <https://www.aclu.org/blog/war-drugs-and-surveillance-society>),MJ

These wars have transformed America from a place where most people's interactions with employees of the federal government was limited to their postmaster, into one in which millions of citizens routinely face sometimes intimidating government agents checking their papers, ordering them about, searching them, groping their genitals, and putting their hands down their pants, as in today's airline security lines. The so-called "war on drugs" is no exception to this pattern. Future generations will look back on the "war on drugs" as a crude, barbaric and inhumane response to the social and public health problem of drug abuse. And they'll look back with dismay at how our primitive "drug war" had ugly repercussions in so many areas. One of those areas is the growth of government surveillance. The "war on terror" has been the primary driver of expanded surveillance in the past decade — but the "war on drugs" is sometimes overlooked as also having played a key role in eroding our privacy rights. It is a "war" that takes place not on some foreign battlefield, but in the lives of Americans — their homes, cars, phones, purses and bodies — and in fighting this war the authorities have found justification for extending their power into all such realms. The result has been a ferocious assault on American's privacy rights: Electronic surveillance. The drug war has always been a central justification for more surveillance powers, from traditionally wiretapping through modern laws such as the 1990s telecom spying law CALEA. Sometimes government agencies also seek new powers by citing terrorism but mainly use those powers in attempts to wage the war against drugs. As researcher Chris Soghoian has pointed out, if you look at the latest (2009) government reports, more than 86 percent of law enforcement wiretaps were used as part of narcotics investigations. And after 9/11, the government insisted that it needed new powers to carry out "sneak and peek" searches to "avoid tipping off terrorists" — and was granted those powers by the Patriot Act. However, records show that only 3 of the 763 "sneak and peek" warrants obtained in 2009 were for terrorism probes, while over 60 percent were for drug investigations.

Prescription Databases help battle against drug abuse **Stanley, Senior Policy Analyst JUNE 6, 2011**

(Jay, ACLU Speech, Privacy & Technology Project, The American Civil Liberties, The War on Drugs and the Surveillance Society, <https://www.aclu.org/blog/war-drugs-and-surveillance-society>), MJ

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“prodding” them into linking the state databases together into a single distributed national database.

System for Government surveillance financially monitors to alleviate war on drugs

Stanley, Senior Policy Analyst JUNE 6, 2011

(Jay, ACLU Speech, Privacy & Technology Project, The American Civil Liberties, The War on Drugs and the Surveillance Society, <https://www.aclu.org/blog/war-drugs-and-surveillance-society>),MJ

These wars have transformed America from a place where most people’s interactions with employees of the federal government was limited to their postmaster, into one in which millions of citizens routinely face sometimes intimidating government agents checking their papers, ordering them about, searching them, groping their genitals, and putting their hands down their pants, as in today’s airline security lines. The so-called “war on drugs” is no exception to this pattern. Future generations will look back on the “war on drugs” as a crude, barbaric and inhumane response to the social and public health problem of drug abuse. And they’ll look back with dismay at how our primitive “drug war” had ugly repercussions in so many areas. One of those areas is the growth of government surveillance. The “war on terror” has been the primary driver of expanded surveillance in the past decade — but the “war on drugs” is sometimes overlooked as also having played a key role in eroding our privacy rights. It is a “war” that takes place not on some foreign battlefield, but in the lives of Americans — their homes, cars, phones, purses and bodies — and in fighting this war the authorities have found justification for extending their power into all such realms. The result has been a ferocious assault on American’s privacy rights: Electronic surveillance. The drug war has always been a central justification for more surveillance powers, from traditionally wiretapping through modern laws such as the 1990s telecom spying law CALEA. Sometimes government agencies also seek new powers by citing terrorism but mainly use those powers in attempts to wage the war against drugs. As researcher Chris Soghoian has pointed out, if you look at the latest (2009) government reports, more than 86 percent of law enforcement wiretaps were used as part of narcotics investigations. And after 9/11, the government insisted that it needed new powers to carry out “sneak and peek” searches to “avoid tipping off terrorists” — and was granted those powers by the Patriot Act. However, records show that only 3 of the 763 “sneak and peek” warrants obtained in 2009 were for terrorism probes, while over 60 percent were for drug investigations. Prescription databases. As part of the battle against prescription drug abuse, most states have created prescription drug monitoring databases that collect and store the details of individuals’ medical prescriptions, which can then be checked by police, pharmacies and doctors for “suspicious” patterns. These databases are funded by the federal government which is also “prodding” them into linking the state databases together into a single distributed national database. Financial monitoring. The war on drugs led to the creation of a sophisticated government surveillance system for the monitoring of financial activities — which was later expanded dramatically on the rationale of detecting terrorist financing. Laws require any business or tradesperson to report large cash transactions as well as a variety of other “suspicious” transactions to the government, which maintains a database of those transactions. As we detailed in this 2004 ACLU report, the government can also issue sweeping orders requiring financial institutions to check for records of particular individuals or organizations, and requires a broad array of businesses to check government financial black lists before doing business with anyone.

Most intercepting of phone calls attempts to catch drug offenses

(Civil and Human Rights, and the Impact of the War on Drugs, http://www.drugwarfacts.org/cms/Civil_Rights#Domestic),MJ

Drug offenses were the most prevalent type of criminal offense investigated using wiretaps. Table 3 indicates that 87 percent of all applications for intercepts (3,115 wiretaps) in 2013 cited illegal drugs as the most serious offense under investigation. 'Other major offenses,' a category that includes smuggling and money laundering, was the second-largest category and was specified as the

most serious offense in approximately 4 percent of applications. Homicide, the third-most frequently cited crime, was specified in less than 4 percent of applications. Many applications for court orders revealed that multiple criminal offenses were under investigation, but Table 3 includes only the most serious criminal offense listed on an application.

Increase in government surveillance related to drug war prevention Privacy SOS 14

(Wiretap report shows explosion in government surveillance, nearly all drug war related, Privacy SOS Sunlight on Surveillance, <https://privacysos.org/node/1456>), MJ

Although the war on drugs is increasingly politically unpopular across the political spectrum, the US courts wiretap report for 2013 provides yet more evidence that both federal and state government are doubling down on the ruinous policy. The 2013 wiretap report—which does not include figures pertaining to Foreign Intelligence Surveillance Act (FISA) wiretaps—shows that a whopping 87% of authorized intercepts, 93% of which were phone taps, were executed in drug cases. The figures show that courts granted 3,576 wiretap authorizations in 2013 in the 27 states that reported. Courts denied only one wiretap application in the United States in 2013. Coming the same week as new hints about the FBI's expansive tapping of NSA data troves—empirical figures for which the public remains ignorant to this day—the wiretap data show that the government's appetite for spying on Americans has strengthened over the past decade. And instead of moving away from failed drug war enforcement, the government has focused with laser precision on tapping the phones of suspected dealers. If anyone is confused about the relationship between the drug war and the surveillance state, let the following put to rest their doubts: 87 percent of all applications for intercepts (3,115 wiretaps) in 2013 cited illegal drugs as the most serious offense under investigation... Authorized intercept applications reported by year increased 100 percent from 1,789 in 2003 to 3,576 in 2013 (the total for 2003 was revised after initial publication). The majority of wiretaps have consistently been used for narcotics investigations, which accounted for 77 percent of intercepts in 2003 (1,104 applications) and 87 percent in 2013 (3,115 applications). Other notable data from the report include: 97% of wiretaps were targeted at portable devices (presumably mostly cell phones); 100% of wiretaps in Massachusetts were for narcotics investigations (6 federal and 11 local, with 1 from Middlesex County and 10 from Berkshire County); In the Northern District of Illinois, investigators conducted the most expansive federal wiretap in 2013, intercepting "136,378 messages over 90 days, including 36,244 incriminating interceptions" in a narcotics case; The most expansive state wiretap occurred in Gwinnett County, Georgia, where police working a narcotics case intercepted 187,091 calls and messages over a 194-day wiretap—13 percent of which were incriminating; Edward Snowden's revelations appear to have had a significant impact on state wiretap investigations: "The number of state wiretaps in which encryption was encountered increased from 15 in 2012 to 41 in 2013." In nine of those cases, the encryption worked, and officials were unable to decipher the targeted communications; Wiretaps cost taxpayers quite a chunk of change, but overall the price of surveillance is plummeting. "For federal wiretaps for which expenses were reported in 2013, the average cost was \$43,361, a 25 percent decrease from 2012."

Federal agencies partner with phone companies to get data on possible drug dealers

Gregorian 13

(Dareh, writer for Daily News, AT&T helps DEA track suspected drug dealers with phone call data The phone company has been helping the agency's Hemisphere Project by providing access to a database with 26 years of information that tracks 4 billion calls a day,

<http://www.nydailynews.com/news/national/t-helps-government-track-suspected-drug-dealers-article-1.1443707>), **MJ**

The feds have partnered with AT&T to reach out and touch alleged drug dealers. The phone company has been helping the Drug Enforcement Agency's "Hemisphere Project" by providing easy access to its massive database, which contains 26 years of information and tracks 4 billion calls a day, records show. The government also pays AT&T to embed employees alongside DEA agents and investigators in locations around the country. The employees can quickly supply the investigators with subpoenaed phone data and help them track down dealers, the report said, adding that the project has been highly successful in following suspects who frequently switch cellphones. Some of the subpoenas are issued by the DEA itself — it's one of a handful of government agencies that can issue its own "administrative subpoenas." The sought-after information — which can include the location of callers — "can be returned via email within an hour," Hemisphere training documents crow. A law enforcement source said the program is far different from the National Security Agency's controversial phone data collection program, which was revealed by leaker Edward Snowden earlier this year. "It's not a surveillance program," the source said of Hemisphere, but a mechanism to speed up access to information about specific phone numbers. "We're trying to keep up with the drug dealers," the source said. While the AT&T data goes back 26 years, the source said, that's not much of a help to the feds. Wiretaps are key to stopping drug trafficking

Greenberg 4/10/15 (Andrew, Andy Greenberg is a senior writer for WIRED, covering security, privacy, information freedom, and hacker culture, WANT TO SEE DOMESTIC SPYING'S FUTURE? FOLLOW THE DRUG WAR, Wired, <http://www.wired.com/2015/04/want-see-domestic-spyings-future-follow-drug-war///ghs-SG>)

It's no secret that drug cases overwhelmingly dominate American law enforcement's use of surveillance techniques. The Department of Justice annually reports to the judiciary how many wiretaps it seeks warrants for, broken down by the type of crime being investigated. In 2013, the last such report, a staggering 88 percent of the 3,576 reported wiretaps were for narcotics. That's compared to just 132 wiretaps for homicide and assault combined, for instance, and a mere eight for corruption cases.

DEA Wire taps have increased over the past decade and are critical to counter-drug operations

Heath 6/2/15 (Brad, Brad Heath is an investigative reporter at USA TODAY, writing primarily about law and criminal justice. His work includes award-winning series on misconduct by federal prosecutors and air pollution outside schools. He has a law degree from Georgetown University, DEA eavesdropping tripled, bypassed federal courts, <http://www.wtsp.com/story/news/2015/06/02/dea-wiretap-surveillance-tripled-in-state-courts/28383107///ghs-SG>)

WASHINGTON — The U.S. Drug Enforcement Administration more than tripled its use of wiretaps and other types of electronic eavesdropping over the past decade, largely bypassing federal courts and Justice Department lawyers in the process, newly obtained records show. The DEA conducted 11,681 electronic intercepts in the fiscal year that ended in September, 2014 Ten years earlier, the drug agency conducted 3,394. Most of that ramped-up surveillance was never reviewed by federal judges or Justice Department lawyers, who typically are responsible for examining federal agents' eavesdropping requests. Instead, DEA agents now take 60% of those requests directly to local prosecutors and judges from New York to California, who current and former officials say often approve them more quickly and easily. Drug investigations account for the vast majority of U.S. wiretaps, and much of that surveillance is carried out by the DEA. Privacy advocates expressed concern that the drug agency had expanded its surveillance without going through internal Justice Department reviews, which often are more demanding than federal law requires. Wiretaps — which allow the police to listen in on phone calls and other electronic communications — are considered so sensitive that federal law requires approval from a senior Justice Department official before agents can even ask a federal court for permission to conduct one. The law imposes no such restriction on state court wiretaps, even when they are

sought by federal agents. "That law exists to make sure that wiretap authority is not abused, that it's only used when totally appropriate," said Hanni Fakhoury, an attorney with the Electronic Frontier Foundation. "That's a burden. And if there's a way to get around that burden, the agents are going to try to get around it." USA TODAY obtained the DEA's wiretapping statistics under the Freedom of Information Act. The figures include every order authorizing or extending electronic eavesdropping. Some orders could be counted more than once, if they include the collection of both voice calls and text messages, for example. DEA Spokesman Joseph Moses said agents' increased use of wiretaps reflects "the proliferation of communication devices and methods" used by the drug traffickers. He said the wiretaps have been critical for agents to penetrate the networks high-level traffickers use to control their operations.

NSA bulk phone surveillance that the aff limits more than the current USA FREEDOM Act would severely limit the ability of the NSA to detect drug trafficking networks

Heath, staff writer about law and criminal justice, 4/8/15

(Brad, "U.S. secretly tracked billions of phone calls for decades", USA TODAY, 4/8/15, <http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/>, accessed 6/23/15, ZW)

WASHINGTON — The U.S. government started keeping secret records of Americans' international telephone calls nearly a decade before the Sept. 11 terrorist attacks, harvesting billions of calls in a program that provided a blueprint for the far broader National Security Agency surveillance that followed. For more than two decades, the Justice Department and the Drug Enforcement Administration amassed logs of virtually all telephone calls from the USA to as many as 116 countries linked to drug trafficking, current and former officials involved with the operation said. The targeted countries changed over time but included Canada, Mexico and most of Central and South America. Federal investigators used the call records to track drug cartels' distribution networks in the USA, allowing agents to detect previously unknown trafficking rings and money handlers. They also used the records to help rule out foreign ties to the bombing in 1995 of a federal building in Oklahoma City and to identify U.S. suspects in a wide range of other investigations.

The SOD uses bulk surveillance to fight the war on drugs daily

Shiffman and Cooke, staff writers, 8/5/13

(John, Reuters enterprise correspondent, co-author of *Priceless*, and author of *Operation Shakespeare*, and Kristina, investigative reporter and former student in International Relations and History at the London School of Economics, "Secretive Drug Enforcement Agency (DEA) unit told to cover-up massive spy program used to investigate Americans", Reuters, 8/5/13, <http://www.rawstory.com/2013/08/secretive-drug-enforcement-agency-dea-unit-told-to-cover-up-massive-spy-program-used-to-investigate-americans/>, accessed 7/3/15, ZW)

WASHINGTON (Reuters) — A secretive U.S. Drug Enforcement Administration unit is funneling information from intelligence intercepts, wiretaps, informants and a massive database of telephone records to authorities across the nation to help them launch criminal investigations of Americans. Although these cases rarely involve national security issues, documents reviewed by Reuters show that law enforcement agents have been directed to conceal how such investigations truly begin — not only from defense lawyers but also sometimes from prosecutors and judges. The undated documents show that federal agents are trained to "recreate" the investigative trail to

effectively cover up where the information originated, a practice that some experts say violates a defendant's Constitutional right to a fair trial. If defendants don't know how an investigation began, they cannot know to ask to review potential sources of exculpatory evidence – information that could reveal entrapment, mistakes or biased witnesses. "I have never heard of anything like this at all," said Nancy Gertner, a Harvard Law School professor who served as a federal judge from 1994 to 2011. Gertner and other legal experts said the program sounds more troubling than recent disclosures that the National Security Agency has been collecting domestic phone records. The NSA effort is geared toward stopping terrorists; the DEA program targets common criminals, primarily drug dealers. "It is one thing to create special rules for national security," Gertner said. "Ordinary crime is entirely different. It sounds like they are phonying up investigations." THE SPECIAL OPERATIONS DIVISION The unit of the DEA that distributes the information is called the Special Operations Division, or SOD. Two dozen partner agencies comprise the unit, including the FBI, CIA, NSA, Internal Revenue Service and the Department of Homeland Security. It was created in 1994 to combat Latin American drug cartels and has grown from several dozen employees to several hundred. Today, much of the SOD's work is classified, and officials asked that its precise location in Virginia not be revealed. The documents reviewed by Reuters are marked "Law Enforcement Sensitive," a government categorization that is meant to keep them confidential. "Remember that the utilization of SOD cannot be revealed or discussed in any investigative function," a document presented to agents reads. The document specifically directs agents to omit the SOD's involvement from investigative reports, affidavits, discussions with prosecutors and courtroom testimony. Agents are instructed to then use "normal investigative techniques to recreate the information provided by SOD." A spokesman with the Department of Justice, which oversees the DEA, declined to comment. But two senior DEA officials defended the program, and said trying to "recreate" an investigative trail is not only legal but a technique that is used almost daily. A former federal agent in the northeastern United States who received such tips from SOD described the process. "You'd be told only, 'Be at a certain truck stop at a certain time and look for a certain vehicle.' And so we'd alert the state police to find an excuse to stop that vehicle, and then have a drug dog search it," the agent said. "PARALLEL CONSTRUCTION" After an arrest was made, agents then pretended that their investigation began with the traffic stop, not with the SOD tip, the former agent said. The training document reviewed by Reuters refers to this process as "parallel construction." The two senior DEA officials, who spoke on behalf of the agency but only on condition of anonymity, said the process is kept secret to protect sources and investigative methods. "Parallel construction is a law enforcement technique we use every day," one official said. "It's decades old, a bedrock concept."

The DHS uses underground robots to fight the war on drugs

Fox News Latino, 1/15/14

(Fox News Latino, "Drug War Underground: Homeland Security Department Unveils Tunnel-Detecting Robots", Fox News, 1/15/14, <http://latino.foxnews.com/latino/news/2014/01/15/drug-war-underground-homeland-security-department-unveils-tunnel-detecting-robots/>, accessed 7/3/15, ZW)

NOGALES, ARIZ. (AP) – The U.S. Border Patrol unveiled one of its weapons Tuesday in the war on drugs: Three wireless camera-equipped robots that let border agents remotely navigate the tunnels

and storm drainage systems that smugglers use to sneak drugs, guns and people across the border. The agency is using the devices to keep agents out of harm's way as many tunnels can be poorly built and possibly collapse and lack proper ventilation. The 12-pound robots also let agents navigate an underground labyrinth in a fraction of the time it would take an agent to

explore the tunnel. And the devices can be used in tunnels and pipes where agents can't fit. "If we find a tunnel, we like to send a robot into clear the tunnel and identify any threats, contraband, potential people with weapons, and let the agent know ahead of time if the tunnel is structurally sound," said Border Patrol Agent Kevin Hecht, an agency tunnel expert. The Border Patrol held a demonstration of the devices Tuesday in the southern Arizona border city of Nogales, where dozens of crude tunnels have been discovered over the years. The tunnels discovered in Nogales have generally begun in Mexico and have tied into the Arizona city's storm drainage system. Nearly 170 tunnels have been found nationwide since 1990, most along the Arizona and California border with Mexico. The tunnel robots have been in use by Border Patrol for several years. But the agency recently paid \$109,000 for the three new cameras with money from an asset forfeiture fund, which comes from the seizure of property in criminal cases, including drug cases involving cartel members, the Border Patrol said. Two of the three robots will remain in southern Arizona, while the third is headed to southern California, where immigration authorities have used a tunnel robot for a number of years. Tunnel construction ranges from extremely rudimentary, a small burrow dug by hand sometimes only large enough for a person to crawl through, to very sophisticated, including lights, supports to hold up the ceiling and ventilation. They can range from just a few feet stretching from one side of the border to the other, to up to a quarter mile long. Some tunnels merely go from one side of the border to the other with the contraband being off loaded in a field or on public land, while others exit into warehouses or homes along the border.

Miners and other laborers hired by cartels use hoes, jackhammers, shovels and picks to gouge out soil and load the dirt into buckets that are brought back out of the tunnel's starting point in Mexico. Their tools are old-fashioned and can be bought at home improvement stores. Miners, for instance, must use compasses because GPS devices don't work underground. Smugglers have dug dozens of crude tunnels in Nogales, Ariz., that begin in Mexico and tie into the Arizona city's storm drainage system. For sophisticated tunnels, such as those found near San Diego, cartels will hire engineers and miners to build the tunnels. A cartel will have a financier or a cell that reports to the cartel bosses and runs the construction. U.S. border officials estimate that the more sophisticated tunnels probably cost between \$2 million to \$3 million to build. Smuggling groups use tunnels to move drugs, guns and people who want to sneak across the U.S. border, though traffickers are sometimes selective about what they will move through their tunnels. Experts say sophisticated tunnels are used for mostly drug and gun smuggling, though people who don't want to risk traveling above ground will occasionally be sneaked through those tunnels. Cocaine and methamphetamine are brought in through the tunnels, but marijuana — which is big and bulky and therefore difficult to move — is the most prevalent drug transported

through the tunnels. Authorities found a 600-yard tunnel in Southern California during November 2011 that resulted in seizures of 32 tons of marijuana on both sides of the border, with 26 tons found on the U.S. side, accounting for one of the largest marijuana busts in U.S. history. That tunnel was equipped with electric railcars, lighting and ventilation while wooden planks lined the floor. Immigrant smugglers use "gopher hole" tunnels made up of huge PVC pipes that are buried underground and span the border, providing enough space through which a person can barely squeeze. The storm-drain tunnels in places like Nogales are used for both immigrant and drug smuggling.

Small, coastal vessels key and ideal for smuggling drugs into the US **DHS Science and Technology Directorate, 10/31/14**

(DHS Science and Technology Directorate, "Coastal Surveillance System", 10/31/14, <http://www.dhs.gov/sites/default/files/publications/Coastal%20Surveillance%20Systems.pdf>, accessed 7/3/15, ZW)

Increasingly, criminals use small vessels to smuggle illicit materials into the United States (U.S.). Transnational criminal organizations design and build these vessels, including go-fasts, pangas, and self-propelled semi-submersibles, for stealth. Although primarily used for drug smuggling at present, these vessels could also be used for a variety of threats. Small vessels are an ideal platform for smuggling—they are difficult to detect with existing sensors, and it is challenging to distinguish between the bad actors and those engaged in legitimate pleasure and commercial boating. Another challenge for the agencies responsible for guarding our maritime borders is how to effectively patrol the vast shorelines of the U.S. using limited resources (ships, boats, planes, helicopters). To do this more efficiently and effectively requires an enhanced situational awareness of the maritime domain. Agencies need reliable, timely, and actionable law enforcement information in order to cue limited interdiction assets.

CSS key to check maritime drug smuggling practices **DHS Science and Technology Directorate, 10/31/14**

(DHS Science and Technology Directorate, "Coastal Surveillance System", 10/31/14, <http://www.dhs.gov/sites/default/files/publications/Coastal%20Surveillance%20Systems.pdf>, accessed 7/3/15, ZW)

The Department of Homeland Security (DHS) Science and Technology Directorate is improving the ability of the U.S. Coast Guard (USCG), U.S. Customs and Border Protection (CBP), and other DHS operational components to interdict small vessels by developing a Coastal Surveillance System (CSS) with an open, Web-based architecture for rapid technology insertion and agile information sharing. The CSS integrates data feeds from existing local and regional sensors. An unclassified data fusion engine then analyzes the data and provides law enforcement agencies with realtime actionable information, including vessel tracking information. The CSS also provides a secure, service-based framework that can integrate into existing user networks without requiring a re-design of hardware infrastructure. The CSS houses multiple tools that provide users with different capabilities. One CSS tool in development, the Smart Chart Automatic Identification System (AIS), is a smartphone app that provides boat owners with free access to maritime safety and security information and tools, such as nautical charts, weather overlays, cruising guidance, vessel locations, and more. In return, users

voluntarily report the location of their boats, thereby helping law enforcement officials to differentiate between potential smugglers and legitimate boating traffic. A more secure maritime border The CSS will provide a more complete national maritime picture and enable users to more efficiently use and preposition law enforcement assets, both on and offshore, resulting in increased apprehensions and seizures. USCG and CBP will benefit from reduced aircraft and vessel operating hours, which will save valuable fuel, manpower, and maintenance resources.

DEA license plate surveillance used to catch a myriad of criminals, especially drug cartels

Barrett, staff writer, 1/26/15

(Devlin, "U.S. Spies on Millions of Drivers: DEA Uses License-Plate Readers to Build Database for Federal, Local Authorities", Wall Street Journal, 1/26/15, <http://www.wsj.com/articles/u-s-spies-on-millions-of-cars-1422314779>, accessed 7/4/15, ZW)

WASHINGTON—The Justice Department has been building a national database to track in real time the movement of vehicles around the U.S., a secret domestic intelligence-gathering program that scans and stores hundreds of millions of records about motorists, according to current and former officials and government documents. The primary goal of the license-plate tracking program, run by the Drug Enforcement Administration, is to seize cars, cash and other assets to combat drug trafficking, according to one government document. But the database's use has expanded to hunt for vehicles associated with numerous other potential crimes, from kidnappings to killings to rape suspects, say people familiar with the matter. Officials have publicly said that they track vehicles near the border with Mexico to help fight drug cartels. What hasn't been previously disclosed is that the DEA has spent years working to expand the database "throughout the United States," according to one email reviewed by The Wall Street Journal. Many state and local law-enforcement agencies are accessing the database for a variety of investigations, according to people familiar with the program, putting a wealth of information in the hands of local officials who can track vehicles in real time on major roadways. The database raises new questions about privacy and the scope of government surveillance. The existence of the program and its expansion were described in interviews with current and former government officials, and in documents obtained by the American Civil Liberties Union through a Freedom of Information Act request and reviewed by The Wall Street Journal. It is unclear if any court oversees or approves the intelligence-gathering. A spokesman for Justice Department, which includes the DEA, said the program complies with federal law. "It is not new that the DEA uses the license-plate reader program to arrest criminals and stop the flow of drugs in areas of high trafficking intensity," the spokesman said.

Internal Links

Drugs Hurt economic development

UN 12 (United Nations, International Assembly of Nations who move to solve the problems of the world, 6/26/2012, United Nations Website,

<http://www.un.org/en/ga/president/66/Issues/drugs/drugs-crime.shtml//ghs-SG>)

As economic development is threatened by transnational organized crime and illicit drugs, countering crime must form part of the development agenda, and social and economic development approaches need to form part of our response to organized crime. If we are to ensure that the MDGs are achieved, we must strengthen strategies to deliver these goals, including stepping up efforts to address issues such as money laundering, corruption and trafficking in wildlife, people and arms, and drugs. Organized crime and drugs impact every economy, in every country, but they are particularly devastating in weak and vulnerable countries. Weak and fragile countries are particularly vulnerable to the effects of transnational organized crime.

These countries, some devastated by war, others making the complex journey towards democracy, are preyed upon by crime. As a result, organized crime flourishes, successes in development are reversed, and opportunities for social and economic advancement are lost. Corruption, a facilitator of organized crime and drug trafficking, is a serious impediment to the rule of law and sustainable development. It can be a dominant factor driving fragile countries towards failure. It is estimated that up to US\$40 billion annually is lost through corruption in developing countries. Drugs and crime undermine development by eroding social and human capital. This degrades quality of life and can force skilled workers to leave, while the direct impacts of victimisation, as well as fear of crime, may impede the development of those that remain. By limiting movement, crime impedes access to possible employment and educational opportunities, and it discourages the accumulation of assets. Crime is also more "expensive" for poor people in poor countries, and disadvantaged households may struggle to cope with the shock of victimisation. Drugs and crime also undermine development by driving away business. Both foreign and domestic investors see crime as a sign of social instability, and crime drives up the cost of doing business. Tourism is a sector especially sensitive to crime issues. Drugs and crime, moreover, undermine the ability of the state to promote development by destroying the trust relationship between the people and the state, and undermining democracy and confidence in the criminal justice system. When people lose confidence in the criminal justice system, they may engage in vigilantism, which further undermines the state.

Impacts

Impact – The heinously violent practices of drug cartels parallels those of the Islamic State in Iraq and Syria

Gordon, author of *Mainstreaming Torture: Ethical Approaches in the Post-9/11 United States*, 3/23/15

(Rebecca, teacher in the philosophy department at the University of San Francisco and a member of the War Times/Tiempo de Guerras collective, “When the War on Drugs in Mexico Comes Back Home to the U.S.: Like the Islamic State, the Mexican drug cartels’ power has increased as the result of disastrous U.S. policies.”, In These Times, 3/23/15, <http://inthesetimes.com/article/17782/when-the-war-on-drugs-in-mexico-comes-back-home-to-the-u.s>, accessed 7/6/15, ZW)

They behead people by the hundreds. They heap headless, handless bodies along roadsides as warnings to those who would resist their power. They have penetrated the local, state, and national governments and control entire sections of the country. They provide employment and services to an impoverished public, which distrusts their actual government with its bitter record of corruption, repression, and torture. They seduce young people from several countries, including the United States, into their murderous activities. Is this a description of the heinous practices of the Islamic State (IS) in Iraq and Syria? It could be, but as a matter of fact it’s not. These particular thugs exist a lot closer to home. They are part of the multi-billion-dollar industry known as the drug cartels of Mexico. Like the Islamic State, the cartels' power has increased as the result of disastrous policies born in the U.S.A.

War on drugs threatens human life by jeopardizing health and security

(Civil and Human Rights, and the Impact of the War on Drugs, http://www.drugwarfacts.org/cms/Civil_Rights#Domestic),MJ

Like the war on terror, the war on drugs is framed as a response to an exceptional, existential threat to our health, our security, and indeed the very fabric of society. The 'Addiction to narcotic drugs' is portrayed as an 'evil' the international community has a moral duty to 'combat' because it is a 'danger of incalculable gravity' that warrants a series of (otherwise publicly unacceptable) extraordinary measures. This is not an exaggeration of the political rhetoric. This crusading language has created a political climate in which drug war policy and enforcement are not required to meet human rights norms.

The majority of wiretapping is used for narcotics and preventing other crimes that stem from narcotics

Greenberg 15

(Andy, Andy Greenberg is a senior writer for WIRED, covering security, privacy, information freedom, and hacker culture, [WANT TO SEE DOMESTIC SPYING’S FUTURE? FOLLOW THE Drug War](http://www.wired.com/2015/04/want-see-domestic-spyings-future-follow-drug-war/), <http://www.wired.com/2015/04/want-see-domestic-spyings-future-follow-drug-war/>),MJ

It’s no secret that drug cases overwhelmingly dominate American law enforcement’s use of surveillance techniques. The Department of Justice annually reports to the judiciary how many wiretaps it seeks warrants

for, broken down by the type of crime being investigated. In 2013, the last such report, a staggering 88 percent of the 3,576 reported wiretaps were for narcotics. That's compared to just 132 wiretaps for homicide and assault combined, for instance, and a mere eight for corruption cases. 2013 Wiretaps [Click to Open Overlay Gallery](#) A chart of reported law enforcement wiretaps from 2013, showing that wiretaps for suspected narcotics trafficking dwarfed all other crimes. One reason drug cases dwarf other crimes in terms of law enforcement's surveillance, Soghoian says, is that narcotics sales require long-term conspiring within criminal organizations. That provides plenty of internal communications to tap compared to a one-off murder or robbery. But Soghoian also argues that the use of surveillance to bust drug dealers feeds on itself. Cops or DEA agents who take down a narcotics trafficking group often seize millions of dollars in assets. "When agencies bust a drug dealer and get \$5 million and a kilo of coke, they keep the money," Soghoian says. "Surveillance is expensive...In many ways, the drug cases subsidize the surveillance technology used by law enforcement."

The war on drugs is extremely expensive and negatively affects US economy

(The War on Drugs: Wasting billions and undermining economies, The costs of the war on drugs to the economy Billions spent on drug law enforcement Global spending on drug law enforcement, <http://www.countthecosts.org/sites/default/files/Economics-briefing.pdf>), MJ

In order to accurately assess the level of expenditure on drug law enforcement, it is important to recognise the difference between proactive and reactive spending. The former is spending on supply-side drug law enforcement, which has its own discrete, labelled budget allocation; while the latter is expenditure across the criminal justice system, used to deal with drug offenders and drug-related crime. While this distinction – in addition to other factors – poses difficulties in calculating levels of drug-related

expenditure (see box, p. 4 for more detail), some tentative estimates and comparisons can be made: **Total expenditure on drug law enforcement by the US has been estimated at over \$1 trillion during the last 40 years. Federal spending on drug control in the US is around \$15 billion annually, according to official figures.** (However, it is unclear how much reactive spending is included in this figure, of which roughly 35% is on treatment and prevention, and 50% on domestic law enforcement and interdiction. It is much more difficult to attain accurate data regarding state and local government expenditure, though one estimate of drug-related criminal justice expenditure alone is \$25.7 billion. **Cartel violence leads to**

the mutilation of innocent people and the corruption of law enforcement agencies through fear

Perkins, associate deputy director of the FBI, AND Placido, assistant administrator for intelligence of the DEA, 05/05/10

(Kevin L, previous assistant director of the FBI's Criminal Investigative Division, previous assistant director of the FBI's Criminal Investigative Division, previous special agent in charge of the Baltimore Field Office, bachelor's degree in business administration from Baylor University, AND Anthony P, "U.S. Senate Caucus on International Narcotics Control", Federal Bureau of Investigation, 05/05/10, <https://www.fbi.gov/news/testimony/drug-trafficking-violence-in-mexico-implications-for-the-united-states>, accessed 7/5/15, ZW)

The drug trade in Mexico has been rife with violence for decades, though the level and the severity of violence we are seeing today is unprecedented. Without minimizing the severity of the problems we are confronted with today, it is nonetheless critical to understand the background of the “culture of violence” associated with Mexican DTOs and the cyclical nature of the “violence epidemics” with which Mexico is periodically beset. We do not have to go very far back in history to recall the cross-border killing spree engaged in by Los Zetas operatives in the Laredo-Nuevo Laredo area during 2004-05. But one thing must remain clear in any discussion of violence in Mexico, or violence practiced by Mexican traffickers operating in the United States: drug gangs are inherently violent, and nowhere is this more true than in Mexico, where Wild West-style shootouts between the criminals and the cops, and/or elements of opposing trafficking groups is far too common. Since 2007, there have been over 22,000 drug-related murders in Mexico, as reported by the Mexican Attorney General’s Office. We cringe at news stories detailing the arrest of a “pozolero” (stew-maker), a killer who disposes of his victims’ body parts in barrels of acid, or the discovery of a mass grave containing the remains of countless victims decomposing under a layer of lime. But these and other gruesome tactics are not new. What is both new and disturbing are the sustained efforts of Mexican DTOs to use violence as a tool to undermine public support for the government’s counter-drug efforts. Traffickers have made a concerted effort to send a public message through their bloody campaign of violence. They now often resort to leaving the beheaded and mutilated bodies of their tortured victims out for public display with the intent of intimidating government officials and the public alike. Particularly worrisome are those tactics intended to intimidate police and public officials, and law-abiding citizens. The intimidation of public and police officials through violence or the threat of violence has a more insidious side. Not all corruption is a clear cut, money-for-cooperation, negotiation: the intimidation of officials, threats against their lives or their families’ lives, is a much more widespread and effective tactic, and likely accounts for a plurality of corrupt law enforcement officials in Mexico.

Excessive violence by junior drug cartel members spills over to the US – high-risk national security issue

Perkins, associate deputy director of the FBI, AND Placido, assistant administrator for intelligence of the DEA, 05/05/10

(Kevin L, previous assistant director of the FBI’s Criminal Investigative Division, previous assistant director of the FBI’s Criminal Investigative Division, previous special agent in charge of the Baltimore Field Office, bachelor’s degree in business administration from Baylor University, AND Anthony P, “U.S. Senate Caucus on International Narcotics Control”, Federal Bureau of Investigation, 05/05/10, <https://www.fbi.gov/news/testimony/drug-trafficking-violence-in-mexico-implications-for-the-united-states>, accessed 7/5/15, ZW)

Excessive violence by the cartels is a national security problem for Mexico, and—as our close neighbor and political ally—presents high stakes for the United States. In the past year, U.S. intelligence and law enforcement agencies have worked diligently to reach a consensus view on “spillover” violence and on U.S. vulnerability to the Mexican cartels’ violent tactics. These discussions required the interagency to define “spillover” in practical terms. As agreed to by the interagency community, spillover violence entails deliberate, planned attacks by the cartels on U.S. assets, including civilian, military, or law enforcement officials, innocent U.S. citizens, or physical institutions such as government buildings, consulates, or businesses. This definition does not include trafficker on trafficker violence, whether perpetrated in Mexico or the U.S. Spillover violence is a complicated issue. It is crucial, in order to address the problem with the appropriate programs, resources, and operations, that we understand the difference between the intentional targeting of innocent civilians in the United States, or official U.S. government interests in Mexico or the United States, and actions that are characteristic of violent drug

culture, such as the killing of an individual who owes a drug debt to the organization. Certain isolated incidents in the United States, such as the torture by a Mexican trafficker of a Dominican drug customer in Atlanta, are frightening, but do not represent a dramatic departure from the violence that has always been associated with the drug trade. Much of the risk of spillover violence is posed by younger-generation traffickers whose approach to the drug trade is less rational and profit-minded than that of their "elders," or by multi-national street and prison gangs working in concert with Mexican cartels as enforcers and street-level drug distributors. As the GOM has continuously and successfully disrupted the cartels' command and control structure through operations against their leaders, less-experienced "junior" cartel members are inhabiting roles formerly held by traffickers of long standing who, while violent, tended to be more deliberate and cautious in their actions. In Ciudad Juarez, where three individuals associated with the U.S. consulate were killed in March, the Barrio Azteca (BA) street gang is the best known of several gangs being used as enforcers by La Linea, gatekeepers for the Juarez Cartel. The BA has been linked to drug trafficking, prostitution, extortion, assaults, murder, and the retail sale of drugs obtained by Mexican DTOs. Elsewhere in Mexico, the link between street gangs and the Mexican cartels is more fluid and tenuous, with gang members typically filling retail drug sales roles rather than providing enforcement.

Drug cartels carry out violent acts in their pursuit of payment, injuring and killing even those not associated with drugs

Archibold, staff writer, 3/23/09

(Randal C., New York Times bureau chief for Mexico, Central America and the Caribbean, former national correspondent, and former Los Angeles Times reporter and editor, "Drug Cartel Violence Spills Over From Mexico, Alarming U.S.", The New York Times, 3/23/09, LexisNexis, accessed 7/5/15, ZW)

TUCSON -- Sgt. David Azuelo stepped gingerly over the specks of blood on the floor, took note of the bullet hole through the bedroom skylight, raised an eyebrow at the lack of furniture in the ranch-style house and turned to his squad of detectives investigating one of the latest home invasions in this southern Arizona city. A 21-year-old man had been pistol-whipped throughout the house, the gun discharging at one point, as the attackers demanded money, the victim reported. His wife had been bathing their 3-month-old son when the intruders arrived. "At least they didn't put the gun in the baby's mouth like we've seen before," Sergeant Azuelo said. That same afternoon this month, his squad was called to the scene of another home invasion, one involving the abduction of a 14-year-old boy. This city, an hour's drive north of the Mexican border, is coping with a wave of drug crime the police suspect is tied to the bloody battles between Mexico's drug cartels and the efforts to stamp them out. Since officials here formed a special squad last year to deal with home invasions, they have counted more than 200 of them, with more than three-quarters linked to the drug trade. In one case, the intruders burst into the wrong house, shooting and injuring a woman watching television on her couch. In another, in a nearby suburb, a man the police described as a drug dealer was taken from his home at gunpoint and is still missing. Tucson is hardly alone in feeling the impact of Mexico's drug cartels and their trade. In the past few years, the cartels and other drug trafficking organizations have extended their reach across the United States and into Canada. Law enforcement authorities say they believe traffickers distributing the cartels' marijuana, cocaine, heroin, methamphetamine and other drugs are responsible for a rash of shootings in Vancouver, British Columbia, kidnappings in Phoenix, brutal assaults in Birmingham, Ala., and much more. United States law enforcement officials have identified 230 cities, including Anchorage, Atlanta, Boston and Billings, Mont., where Mexican cartels and their affiliates "maintain drug distribution networks or supply drugs to distributors," as a Justice Department report put it in December. The figure rose from 100 cities reported three years earlier, though Justice Department officials said that may be because of better data collection methods as well as the spread of the organizations.

Drug cartels use children to do their dirty work for them, distracting authorities from the cartel leaders directing them

The Associated Press, 3/14/12

(Associated Press, "Mexico drug gangs using more children as "mules"", Associated Press, 3/14/12, <http://www.cbsnews.com/news/mexico-drug-gangs-using-more-children-as-mules/>, accessed 7/5/15, ZW)

(AP) TIJUANA, Mexico - Luis Alberto is only 14 but has the wizened gaze of a grown-up hardened by life. He never met his father, worked as a child, was hired by a gang to sell drugs and then got addicted to them. In October he checked into Cirad, a rehab center west of this border city that handles about 500 drug addicts at a time, a fifth of them younger than 17. "They brought me here because I was using and selling 'cri loco,'" Luis Alberto said, referring to methamphetamine, the drug of choice for 90 percent of adolescents in detox because of its low cost and easy availability. Luis Alberto is just one of an increasing number of young people being used as "mules" to ferry drugs across the border into the U.S. or sell them in nearby Mexican towns, said Victor Clark, an anthropologist who studies drug trafficking. "Minors are cheap labor and expendable for organized crime in an area where there are few job opportunities or places for recreation, and where the distribution and consumption of drugs have grown fast," Clark said. Mexican authorities say they are aware of the problem, but there are no official figures on the number of adolescents detained for selling or distributing drugs because the law forbids keeping criminal records for minors. The U.S. Immigration and Customs Enforcement says that between 2008 and 2011, the number of youths aged 14 to 18 caught trying to cross the border between Tijuana and San Diego to sell drugs has grown tenfold. Lauren Mack, spokeswoman for ICE in San Diego, said 19 minors were arrested in 2008, 165 in 2009, 190 in 2010 and 190 again last year. Most of them were high school students who carried drugs, usually methamphetamine or cocaine, hidden in their bodies or in their cars, Mack said. Clark said similar things are being seen all along the border, at Mexican cities like Nogales, Ciudad Juarez and Reynosa. "It's growing at a worrying pace," he said. Officials at drug rehab centers across Tijuana estimate that of the approximately 500 adolescents now undergoing treatment, about a tenth of them are like Luis Alberto, not only addicted to a drug but also used by cartels to sell it. Luis Alberto, whose last name cannot be published because he is a minor, said he started selling drugs about two years ago in a neighborhood of east Tijuana along with other minors who were hired by "a boss." He made about 200 pesos (\$16) a day, which he says he spent on food and drugs. "Between me and my friends we sold about 40 packets a day. My boss kept 1,100 pesos (about \$88) per packet and the rest was for us. Sometimes there were about three or four packets left over and we just divided them among ourselves," he said. Sometimes the drug bosses used the children as lookouts in case police or soldiers approached, he added. Mexico's cartels have also employed children for their hit squads. In what may be the most shocking case involving a youth in Mexico's drug war, a 14-year-old boy born in San Diego and known only as "El Ponchis" was arrested in December 2010 in central Mexico and told reporters he had been kidnapped at age 11 and forced to work for a cartel. He said he participated in at least four beheadings.

The utilization of children by drug cartels is a unique form of abuse exacerbated by the affirmative

Montalvo, staff writer, 1/19/12

(Tania L, "Children in Mexico: Criminals or victims?", CNNMexico, 1/19/12, <http://www.cnn.com/2012/01/17/world/americas/mexico-children-crime/index.html>, accessed 7/5/15, ZW)

At least 30,000 children in Mexico are involved in some sort of organized crime, according to a nationwide alliance of civic and social organizations. The Child Rights Network in Mexico says many of these children are taking part because of death threats or because of economic and social necessity. It is urging the government to start recognizing them as victims of child abuse. "The drug cartels are

not training them to be ringleaders," spokeswoman Veronica Morales said. "It is a new form of abuse in which they are being used to commit an offense, to violate the law and to deceive authorities." In the past year, there have been numerous headlines of children being arrested in Mexico. Perhaps the most high-profile case involved a 14-year-old boy known as "El Ponchis" ("The Cloak"). He was found guilty of torturing and beheading at least four people for the South Pacific drug cartel. A month after the boy was sentenced to three years in a correctional facility, a 13-year-old girl was captured in the state of Jalisco and accused of being part of the Zetas drug cartel. Authorities said the girl was receiving 8,000 pesos a month -- almost \$800 -- for being a lookout. She would let gang members know who was entering and who was leaving Luis Moya, a municipality in north-central Mexico. In January of last year, a 15-year-old boy was captured in Jiutepec, just outside of Mexico City. During an impromptu news conference on the street, the child confessed that he was a lookout for the South Pacific cartel. He said he was collaborating with the cartel because of death threats. Children are easy prey for organized crime because they lack opportunities, said José Luis Cisneros, a sociologist at the Metropolitan Autonomous University in Mexico City. "Socially, (the children) see the violence as the only way to make people respect them -- and as a way to exercise certain power, something that has been denied to their families," Cisneros said.

I Don't Know where these go

Drug cartels assist Hezbollah

The Commentator 12 (The Commentator, a group of editors founded and legally incorporated by journalist, author, and political analyst Robin Sheperd, 12/30/2012, Cooked Up: How Hezbollah is fundraising with Mexican drug cartels" http://www.thecommentator.com/article/2332/coked_up_how_hezbollah_is_fundraising_with_mexican_drug_cartels). AP

A beleaguered **Hezbollah is partnering with** brutal Mexican **drug gangs in order to raise cash and further** its **aspirations for attacks on the United States**, it has been reported today. Recent US intelligence has suggested however, that **Mexico is home to some 200,000 illegal** Lebanese and Syrian **immigrants, many** of which **have established links with Mexican drug cartels**. Ynet reports: **Western intelligence agencies have been able to gather** ample **evidence suggesting that the drug cartels** in Mexico – which are **the** de facto **rulers of the northern districts bordering the US – are in cahoots with Islamic terror** organizations, **which are eager to execute attacks** against American, Israeli, Jewish and western targets; but most of all, the Islamic terror groups are **eager to make money, so they can fund their** nefarious **aspirations**. Hezbollah has previously been implicated with the Los Zetas cartel, the most advanced and dangerous drug cartel in Mexico. The Zetas are known for their brutality which has recently included public beheadings, torture and mass slaughter.

Cartels fund terror groups to fight US

The Commentator 12 (The Commentator, a group of editors founded and legally incorporated by journalist, author, and political analyst Robin Sheperd, 12/30/2012, Cooked Up: How Hezbollah is fundraising with Mexican drug cartels" http://www.thecommentator.com/article/2332/coked_up_how_hezbollah_is_fundraising_with_mexican_drug_cartels). AP

Hezbollah is thought to be **using Mexican drug money to fill the gap created by the recent sanctions on Tehran which** has **caused Ahmadinejad's regime to** seriously **cut back in its funding to the terrorist** outfit. In return for access, **Hezbollah stands accused of helping drug cartels with establishing underground tunnel networks, assisting with logistics and improving cartel weapons and explosives production. Hezbollah is** said to be **interested in utilising the tunnels into the U**nited **S**tates **for its** own **terrorist activities**.

US-Mexico border easy access point – insiders prove

The Commentator 12 (The Commentator, a group of editors founded and legally incorporated by journalist, author, and political analyst Robin Sheperd, 12/30/2012, Cooked Up: How Hezbollah is fundraising with Mexican drug cartels" http://www.thecommentator.com/article/2332/coked_up_how_hezbollah_is_fundraising_with_mexican_drug_cartels). AP

In 2009, a Department **of H**omeland **S**ecurity **wiretap derived a recording of Professor Abdallah Nafisi**, a Kuwaiti clergyman and **a known al-Qaeda recruiter, boasting about the ease by which** nonconventional warfare and **weapons of mass destruction can be smuggled into the US**, through the Mexican drug tunnels. He said, **"Ten pounds of anthrax in a medium-size suitcase, carried by a Jihad warrior through the tunnels can kill 300,000 Americans in one hour," he said. "It will make 9/11 look like peanuts. There's no need for plans**... Just one courageous man, to spread this confetti on the White House lawn. Then we will really be able to celebrate."

Cartels close to reaching a tipping point

Russia Today 13 (RT News, The first Russian 24/7 English-language news channel with award winning, Editor-in-Chief Margarita Simonyan, 4/01/2013, "Mexican drug cartels: 'The most serious threat the US has faced from organized crime'". <http://rt.com/usa/drug-us-mexican-cartels-177/>). AP

Mexican drug cartels — the same groups credited with taking tens of thousands of innocent

lives through brutal murders during the last few years — **have infiltrated the United States**. In an exposé published by The Associated Press this week, reporter Michael Tarm cites an extensive review of federal court cases, government drug-enforcement data and interviews with top law enforcement officials to back up the claim that violent drug lords from south of the border have established bases within the US that are now working as remote hubs for international narcotics rings. These groups, writes Tarm, once rarely journeyed out of Mexico or, if that, far beyond the nation's border with the US. In recent years, however, Mexican cartels like **the infamous Zetas have extended their reach into the US by literally deploying entire units to oversee domestic operations**. It isn't amateur drug mules or wannabe gangsters that are being sent abroad either. The **AP says some of the most trusted agents** aligned with Mexican drug militias **now operate out of the US "to tighten their grip on the world's most lucrative narcotics market and maximize profits."** **Should the expansion continue at its current rate, US authorities warn that it could eventually become harder if not impossible to extradite the cartels to outside of the US**. Soon, says Tarm, **drug smugglers may expand into other ventures, like prostitution, kidnapping-and-extortion rackets and even money laundering**. "It's probably the most serious threat the United States has faced from organized crime," Jack Riley of the US Drug Enforcement Administration explains to the AP. Southern California, Texas and Arizona aren't the new homes of these groups, either. Nine non-border states across the US now have a documented Mexican cartel presence, with the AP claiming that these collectives have expanded as far north as Pennsylvania, roughly 1,500 miles away. In Chicago, Illinois, the cartels have even become the new kings. In the Windy City, the Chicago Crime Commission now considers Joaquin "El Chapo" Guzman, the leader of the Sinaloa cartel, as Public Enemy No. 1 — the same title once bestowed on gangster kingpin Al Capone. Unlike his prohibition era counterpart, though, Guzman has never once set foot in the eastern Illinois town. "People think, 'The border's 1,700 miles away. This isn't our problem.' Well, it is. These days, we operate as if Chicago is on the border," Riley tells the AP. But if **geographical boundaries no longer apply in terms of the growing drug trade**, will the same trends found in Mexico make their way up north too? The Houston Chronicle reported over the weekend that 3,000 drug-cartel murders have been carried during just the first 100 days since the country's president, Enrique Peña Nieto, took office in December. And since 2006, **the death toll is thought to exceed 70,000 — or nearly 20 times more than NATO combat deaths in Afghanistan**, adds the paper. As recently as last Friday, seven people were killed in Ciudad Juarez, Mexico after a gunman opened fire in a bar using an AK-45 assault rifle. "It has not been determined whether the attack is connected to drug trafficking, but by the type of weapon involved, it is to be assumed," police spokesman Carlos Gonzalez told Reuters. But given the documented expansion of the drug gangs into locales like Chicago — where crime states have skyrocketed in recent months — the surge in cartel presence in the US is likely already being accompanied by a wave of violence as well. The Texas Department of Public Safety cites 22 killings and five kidnappings in Texas due to cartel activity from 2010 through mid- 2011, but as gangs penetrate further into the mainland, those numbers are expected to only grow.

Cartels in Mexico infiltrate the US

Zuckerman 9 (Mortimer Zuckerman, the chairman and editor-in-chief of U.S. News & World Report and the publisher of the New York Daily News. 3/09/2009. "Mexican Drug Cartels Threaten American National Security ". <http://www.usnews.com/opinion/mzuckerman/articles/2009/03/09/mexican-drug-cartels-threaten-american-national-security>).AP

The American media have finally caught up to the mounting danger of the violent internal struggle in our southern neighbor, Mexico. **Heavily armed narco-criminal cartels financed by billions of dollars of drug money have engaged in murders, kidnappings, and assassinations, terrifying the Mexican population**. These **gangs have brought chaos to a number of cities and states along our border and destroyed trust in law enforcement there**. Mexican academic Edgardo Buscaglia estimates that there are some 200 counties in Mexico, roughly 8 percent of the total, where drug gangs wield more influence than the authorities. They are concentrated in the northern areas adjacent to the United States. **The cartels are better armed than the police—and even the military—with arms and weapons purchased in the United States**. They are able to field as many as 10,000-plus gunmen in regions where police don't earn enough to resist being corrupted or to live with the constant danger of being killed. This is a mortal threat to the rule of law in large areas of Mexico, raising the risk that the country may become a failed state.

Or, as retired Gen. Barry McCaffrey, former U.S. drug czar, suggested, Mexico "might well become a narco state within a decade." This is no small matter for the United States. Should Mexico fail to restore control, millions of refugees could join their other economically motivated countrymen in trying to cross the U.S. border. There are already a million legal border crossings every day along our mostly unfenced and unmarked 2,000-mile frontier, which, alas, lends itself to as many as a million illegal border crossings a year. Mexico is also a substantial business partner. As just one example of the trade ties, Mexico provides one third of our imported oil. The only good news is that Mexico's leaders—President Felipe Calderón, the attorney general, and the head of the federal police—are facing up to the threat. Given the unreliability of the civilian law enforcement agencies and the police, the president has bravely deployed the armed forces in violence-plagued cities in the north. America must support these efforts. Because it has long been stable and friendly, we have paid slight attention to Mexico's strategic significance. But we cannot afford to let Mexico become a failed state. We must support its efforts in ways that are acceptable to the Mexican political structure and take into account Mexican national sensitivities about its sovereignty. **The Bush administration began with the U.S.-Mérida initiative that is funding about \$400 million annually for special weapons and technology, such as satellite surveillance, to monitor the drug routes into our country. We must accept a double responsibility here.** We are the source of the drug cartels' guns—some 2,000 daily make their way across our border into Mexico daily—and we also are the source of their revenue from those here who buy drugs. **This is not just a Mexican matter. The drug gangs are described by the Justice Department as "the biggest organized crime threat to the U.S."** Crimes connected to these cartels are spreading across the Southwest, especially in Phoenix, where most of murders and kidnappings are believed to be linked to the drug trade. The cartels are also increasing their relationship with prison and street gangs in the United States to facilitate drug trafficking, according to a congressional report. This cooperation enables the traffickers to excavate cross-border tunnels and install ramp-assisted smuggling roads over the border fence between the countries, in order to get their cargoes into the United States. Mexico's efforts to wage a more effective war against these cartels is inhibited by the vast amounts of money the drug lords are able to pay politicians who protect them, private judges who will not convict them, and unregulated financial institutions that make big profits laundering the money. This will be a long-term struggle. The problem of rooting out the domestic corruption that supports the cartels in Mexico is too large to be solved anytime soon. Mexico has begun the long struggle to develop an independent judiciary and a powerful and incorruptible police force to cope with the well-financed, burgeoning cartels. America cannot afford to take the risk of a continued deterioration in the legitimacy and effectiveness of the Mexican government.

Drones Terror DA Northwestern

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Border Security has more funding but it's on the brink

O'Toole 14 – (Molly, politics reporter for Defense One, covered national and international politics for Reuters, The Nation, the Associated Press and Newsweek International, among others, "Top General Says Mexico Border Security Now 'Existential' Threat to U.S.", 7/5/14, <http://www.defenseone.com/threats/2014/07/top-general-says-mexico-border-security-now-existential-threat-us/87958/>, AB)

A top United States general in charge of protecting the southern border says he's been unable to combat the steady flow of illegal drugs, weapons and people from Central America, and is looking to Congress for urgent help. Marine Corps Gen. John Kelly, commander of U.S. Southern Command, has asked Congress this year for more money, drones and ships for his mission – a request unlikely to be met. Since October, an influx of nearly 100,000 migrants has made the dangerous journey north from Latin America to the United States border. Most are children, and three-quarters of the unaccompanied minors have traveled thousands of miles from El Salvador, Guatemala and Honduras. "In comparison to other global threats, the near collapse of societies in the hemisphere with the associated drug and [undocumented immigrant] flow are frequently viewed to be of low importance," Kelly told Defense One. "Many argue these threats are not existential and do not challenge our national security. I disagree." In spring hearings before the Senate and House Armed Services Committees, Kelly said that budgets cuts are "severely degrading" the military's ability to defend southern approaches to the U.S. border. Last year, he said, his task force was unable to act on nearly 75 percent of illicit trafficking events. "I simply sit and watch it go by," he said. But the potential threats are even greater. Kelly warned that neglect has created vulnerabilities that can be exploited by terrorist groups, describing a "crime-terror convergence" already seen in Lebanese Hezbollah's involvement in the region. "All this corruption and violence is directly or indirectly due to the insatiable U.S. demand for drugs, particularly cocaine, heroin and now methamphetamines," Kelly told Defense One, "all of which are produced in Latin America and smuggled into the U.S. along an incredibly efficient network along which anything – hundreds of tons of drugs, people, terrorists, potentially weapons of mass destruction or children – can travel, so long as they can pay the fare." With the Obama administration calling the flow of children in the U.S. a humanitarian crisis, even some of the most outspoken proponents of immigration reform in Congress are calling for a greater focus on security. At the same time, they demand a long-term strategy from the State Department and U.S. Agency for International Development, which manages foreign aid and assistance. "While the deployment of U.S. military assets and personnel rightfully prioritizes national security challenges in the Middle East and Central Asia, U.S. Southern Command (SOUTHCOM) is only sourced at five percent of the capacity it needs," Senate Foreign Relations Committee Chair Sen. Bob Menendez, D-N.J., and other leading reform Democrats said in a statement last month, introducing a 20-point plan to address the crisis. "This is a humanitarian and refugee crisis. It's being caused in large measure by thousands in Central America who believe it is better to run for their lives and risk dying, than stay and die for sure," Menendez said. "The bottom line is that we must attack this problem from a foreign policy perspective, a humanitarian perspective, a criminal perspective, immigration perspective, and a national security perspective." The Democratic coalition wants increased funding and resources for SOUTHCOM and the State Department's Central American Regional Security Initiative. For fiscal 2015, the Obama administration requested \$130 million for the program, which covers seven countries, but that ask is a decrease of \$30 million from the current year, the senators noted. Homeland Security Secretary Jeh Johnson has said an additional \$161.5 million will be provided for CARSI programs to "respond to the region's most pressing security and governance challenges" – but the administration has made no mention of additional resources for the U.S. military.

Drones key to deter terrorists on border

Patrick **Svitek 13**, covers Texas state government and politics, August 13, 2014 “FAA, Perry apparently at odds over border drones”, <http://www.houstonchronicle.com/politics/texas-take/article/FAA-Perry-apparently-at-odds-over-border-drones-5687716.php>, AB)

For years, Gov. Rick Perry has been calling for drones to monitor the Texas-Mexico border as a way to fight the influx of illegal immigrants and the crime that he says accompanies it. More recently, he has used the issue to rail against the federal government, calling out the Federal Aviation Administration for refusing to allow Texas to use unmanned aircraft. Perry on Wednesday raised the demand for drones twice, first during a news conference at a National Guard training center in Bastrop and then an interview on Fox News in which host Neil Cavuto asked Perry what it will take to secure the border. “That’s going to require boots on the ground, it’s going to require strategic fencing in the metropolitan areas and it’s going to require a substantial number of aviation assets, which by the way, the FAA will not let us use drones at this particular point in time for looking down – unarmed drones to look down twenty-four seven in all types of weather so that we can have these fast-response forces move in and make apprehensions,” Perry answered. “If the FAA would allow that, it would be substantial help. Those are the three things that need to happen for the American people to be comfortable that this country is being secured on the southern border.” Using unmanned aircraft in an effort to secure the border is not a novel idea. Customs and Border Protection already operates hundreds of drones in the region, and President Barack Obama has asked Congress to approve \$39.4 million for what the White House calls “air surveillance capabilities” along the border.

ISIS currently has nuclear weapons and could supply them through the border without protection

Edwin **Mora 13**, BreitbartNews Staff Writer: Primarily covers defense and national security, “DABIQ: ISIS COULD TRANSPORT NUKE FROM NIGERIA INTO U.S. THROUGH MEXICO”, 6/3/15, [http://www.breitbart.com/national-security/2015/06/03/dabiq-isis-could-transport-nuke-from-nigeria-into-u-s-through-mexico/](http://www.breitbart.com/national-security/2015/06/03/dabiq-isis-could-transport-nuke-from-nigeria-into-u-s-through-mexico/http://www.breitbart.com/national-security/2015/06/03/dabiq-isis-could-transport-nuke-from-nigeria-into-u-s-through-mexico/), AB)

The Islamic State (ISIS/ISIL), in the latest edition of its propaganda magazine, indicated that it could purchase a nuclear weapon in Pakistan, take it to Nigeria, and then smuggle it into the U.S. through Mexico by using existing trafficking networks in Latin America. In an op-ed article published in the ninth edition of ISIS’ Dabiq magazine released in late May, the jihadist group claims it could transport a nuclear device in the same way illicit drugs are smuggled into Europe through West Africa, adding that Boko Haram’s presence in Nigeria could facilitate the transaction. The Nigeria-based Islamic terrorist group, Boko Haram, pledged allegiance to ISIS in March. In March, Gen. John Kelly, commander of U.S. Southern Command (Southcom), warned that Islamic terrorist groups such as ISIS could exploit the capabilities and knowledge of Latin American smuggling networks to infiltrate the U.S. through Mexico and possibly bring in weapons of mass destruction. The general, in October 2014, acknowledged that illegal drugs from South America move “through West Africa, up the Maghreb and into Western Europe,” adding that ISIS enemy al Qaeda and its affiliates take “a lot of money to allow it to flow.” According to the alleged author of the Dabiq op-ed article, kidnapped British photojournalist John Cantlie, ISIS could smuggle a nuke into the U.S. by using the same route and reversing the flow—moving the nuke from West Africa into South America, from where it could be transported into the United States through Mexico. “Let me throw a hypothetical operation onto the table,” Cantlie wrote in the article

entitled "The Perfect Storm." "The Islamic State has billions of dollars in the bank, so they call on their wilayah [province] in Pakistan to purchase a nuclear device through weapons dealers with links to corrupt officials in the region." He added: The weapon is then transported over land until it makes it to Libya, where the mujāhidīn [fighters] move it south to Nigeria. Drug shipments from Columbia bound for Europe pass through West Africa, so moving other types of contraband from East to West is just as possible. The nuke and accompanying mujāhidīn arrive on the shorelines of South America and are transported through the porous borders of Central America before arriving in Mexico and up to the border with the United States. "From there it's just a quick hop through a smuggling tunnel and hey presto, they're mingling with another 12 million 'illegal' aliens in America with a nuclear bomb in the trunk of their car," he also wrote. If not a nuke, ISIS could easily smuggle in "a few thousand tons of ammonium nitrate explosive" that is easy to manufacture, said the article. Cantlie wrote that ISIS, which started as a movement in Iraq, has suddenly morphed into a global phenomenon that the West and the democratic world as a whole is ill-prepared to handle. He said that Boko Haram controls most of Nigeria, home to "an exhausted and smashed national army that is now in a virtual state of collapse". While testifying before the Senate Armed Services Committee in March, Gen. Kelly noted, "Last year, ISIS adherents posted discussions on social media calling for the infiltration of the U.S. southern border. Thankfully, we have not yet seen evidence of this occurring, but I am deeply concerned that smuggling networks are a vulnerability that terrorists could seek to exploit." "While there is not yet any indication that the criminal networks involved in human and drug trafficking are interested in supporting the efforts of terrorist groups, these networks could unwittingly, or even wittingly, facilitate the movement of terrorist operatives or weapons of mass destruction toward our borders, potentially undetected and almost completely unrestricted," he added. The general, speaking at the National Defense University in Washington, D.C. in October 2014, warned that Latin American drug cartels were working with jihadist groups in West Africa, namely Sunni group Al Qaeda in the Islamic Maghreb and its affiliates.

An ISIS attack through the border causes extinction

Jon **Austin 6/11**, reporter for express, "Is Chuck Norris right about 'ISIS 'smuggling nuke into US for 9/11 anniversary strike?'" , 6/11/15, <http://www.express.co.uk/news/world/583537/Chuck-Norris-Islamic-State-ISIS-nuclear-weapons-US-attack-9-11-September-11-anniversary>, AB)

Norris said he believes the reason the US army is mysteriously amassing in seven southern states is to prevent ISIS smuggling a dirty bomb into the country and destroying cities. He pointed to how ISIS sources have already claimed the group has obtained the 40kg of uranium compounds seized from Mosul University last July. Norris said will \$2 billion in seized assets they had the buying power to bribe corrupt officials in Pakistan for the remaining equipment and know how to build a bomb, which could then be exported to Libya, onto Nigera, South American and into the US. Last night, after www.express.co.uk exclusively revealed the martial arts experts' theory, it emerged Ms Bishop was saying Nato members are growing increasingly worried about radioactive material seized by the terror group, with fears that it could be turned into a nuclear weapon. She fears ISIS fighters have stolen or captured the toxic loot from government-controlled research centres and hospitals across the region. The radioactive matter is thought to have been destined for use by authorities for health and science research - but it has now fallen into the hands of ISIS radicals. The most likely place to get it from is Pakistan, she said. Ms Bishop claimed the jihadi organisation had recruited "highly technically trained professionals" and was already using chlorine as a weapon She added that ISIS was "prepared to use any and all means, any and all forms of violence they can think of, to advance their demented cause. "That includes use of chemical weapon." A former commander of the British army's chemical weapons unit has also spoken out in support of the Australian foreign minister and Chuck Norris' comments, calling the development of a dirty bomb by ISIS a "very real threat". Hamish de Bretton-Gordon also described as "worrying" reports that ISIS fighters had got hold of chemical weapons previously controlled by Syrian president Bashar al-Assad's troops. Middle East expert Afzal Ashraf told Express.co.uk that the group's long-term plan hinged on obtaining the deadly weapon. He said: "The most likely place to get it from is Pakistan." There are fears the group's campaign of terror could escalate in the coming month to mark the start of Ramadan on June 18. ISIS has in the past carried out major operations to coincide with the Islamic holy month. Express.co.uk last night revealed Norris wanted more action from US President Obama and joked the solution to defeating ISIS is to "send 'em all to Mars" The US Air-force vet-turned martial arts expert went public with his theory following questions about the mysterious Jade Helm15 US military operation in seven southern US states which

begins next month and lasts until the end of September. The 75-year-old, now a Christian evangelist, believes it is a show of strength and a bid to stop the world's deadliest Jihadist movement smuggling nuclear arms into the states to set it off around the anniversary of 9/11. We reported this week how conspiracist website Whistleblower800 believed to have cracked what Jade Helm was all about - suggesting it was to get troops ready to deal with predicted anarchy in the days before an asteroid that would wipe out the world was about to hit from September 22 to 28. Other conspiracists have said Jade Helm is about bringing martial law in or seizing guns from the public. Norris agrees the world is at risk in September, but does not agree with the asteroid theory, or any of the other Jade Helm predictions. He instead fears it could be the onset of a global nuclear war. After serving in the air force, Norris became a martial arts expert, before starring in a slew of kung fu and action movies from 1968 onwards. He starred alongside Bruce Lee in Way of the Dragon and the Missing in Action trilogy. More recently, the actor who holds "conservative political views", had a starring role in the TV series Walker, Texas Ranger from 1993 until 2001. Writing on the WND Commentary website, he said: "I believe Jade Helm 15 is more than 'just a training exercise,' and I think ISIS just gave us the clue. "I do believe, in addition to the largest domestic military training, it is also a display of power intended for deterrence of enemies like ISIS, whom the FBI has already said have tentacles in all 50 states. "And guess who just released its intent to smuggle nuclear weapons across the U.S.-Mexico border? You guessed it. ISIS. "ISIS even has a nuclear plan." Norris went on to describe a theory, based on international news and website reports and ISIS' own propaganda, which claims how the terrorist could smuggle a warhead into America. He explained how Nigerian newspaper Premium Times reported that Nigerian Jihadists Boko Haram, which has pledged allegiance to ISIS, could carry out the nuclear bomb import into the US as easy as smugglers use drug routes from east to west. He added the extremists and "the nuke" could move through south America's porous borders to Mexico - just a short hop into the states with a "nuclear bomb in the trunk of their car." He added: "This isn't fiction, fairytale or conspiracy. I'm talking about the US government not sticking its heads in the sand or at least asking us to stick ours in it. Washington needs to quit downplaying or minimising the nuclear risk, lest we find ourselves right back in the unprepared era of pre-9/11.

UQ: Border Security Effective

Drone border security is effective at facilitating security now

Andrew **O'Reilly 14**, reporter for Fox News Latino “Drones Get More Space To Roam Over Texas: FAA Approves Runway For Unmanned Aircrafts”, 9/12/14, <http://latino.foxnews.com/latino/money/2014/09/12/drones-get-more-space-to-roam-over-south-texas-faa-approves-extended-range/>, AB)

In 2012, Congress passed legislation directing the FAA to integrate unmanned aerial systems into the nation's airspace by 2015. The test sites, like the one in South Texas, are the FAA's way of gathering data to deal with privacy and safety issues, like how to keep the drones from flying into other objects. The military and some law enforcement agencies already employ the devices, but the FAA doesn't currently allow commercial use of drones. While the FAA is working to develop the guidelines for use by the end of 2015, officials concede the project may take longer. The agency projects some 7,500 commercial drones could be aloft within five years of getting widespread access to the skies above America. Texas is also one of the front lines for military and law enforcement drone use, as the Department of Homeland Security and Immigration and Customs Enforcement uses drones to patrol for undocumented immigrants and drug traffickers illegally crossing the border between the Lone Star state and Mexico. The federal government also uses Texas as a jump-off point for drones used in drug interdictions throughout the Caribbean. Texas Gov. Rick Perry has called on the administration of President Barack Obama saying it needs to get much tougher on the U.S.-Mexico border by putting more drones in the air to secure it. The use of drones along the U.S. borders with Canada and Mexico began several years ago. The U.S. Customs and Border Protection currently has eight Predators in the skies along the northern and southern borders with an additional two drones patrolling the Caribbean.

Link: Border Security k2 stop Terror

Border security is key to stop ISIS

Trujillo 14 – (Mario, reporter for The Hill, “Paul: Secure border to prevent ISIS ‘infiltration’”, 9/6/14, The Hill, <http://thehill.com/policy/defense/216652-paul-warns-of-possible-isis-infiltration-through-us-border>. AB)

Sen. Rand Paul (R-Ky.) on Thursday warned that **terrorists from the Islamic State in Iraq and Syria could infiltrate the United States through the southern border. "We must also secure our own borders and immigration policy from ISIS infiltration."** Paul said in an op-ed in Time magazine that outlined his strategy for dealing with the group. **"Our border is porous, and the administration, rather than acting to protect it, instead ponders unconstitutional executive action,** legalizing millions of illegal immigrants," he added. Paul, a potential presidential candidate, said the immigration system needs a full-scale review, pointing to a recent ABC report that found more than 6,000 foreign nationals in the country had disappeared on expired student visas. **"This is inexcusable** over a decade after we were attacked on 9/11 by hijackers including one Saudi student who overstayed his student visa," he said. Paul called for revoking the visas of any U.S. citizens fighting with ISIS overseas. His comments echo a warning from another potential GOP presidential contender, Texas Gov. Rick Perry. Perry went further last month, saying that **ISIS militants might have already crossed the border** though he acknowledged there is no evidence of that. The Pentagon has said **ISIS has aspirations to hit Western targets**, but the military has "seen no indication that they are coming across the border with Mexico. We have no information that leads us to believe that," Rear Adm. John Kirby said last month.

Drones are key to solve illegal border crossings

CBS 14, CBS DC, “Gov. Perry Wants Drones To Be Used Along US-Mexico Border”, July 7, 2014, <http://washington.cbslocal.com/2014/07/07/gov-perry-wants-drones-to-be-used-along-us-mexico-border/>, AB)

Texas Gov. Rick Perry is **calling for drones to be used along the U.S.-Mexico border in an effort to deter immigrants from illegally crossing into the U.S.** “So the issue is, this president understands now that **we have a huge problem on our southern border. We have to deal with it,**” Perry told ABC News. “And **I don’t think you’re going to be able to address it until you put the resources there, and that’s boots on the ground. We’re asking for the FAA to allow for drones to be used.”** More than 50,000 unaccompanied minors have been caught on the U.S.-Mexico border this year. Most are from Guatemala, Honduras and El Salvador, where a spike in violence and poverty are prompting parents to send their children on difficult and dangerous journeys north. Perry pointed the blame at President Barack Obama, calling it **a “failure of leadership from the administration.” “The federal government is just absolutely failing.** We either have an incredibly inept administration, or they’re in on this somehow or another,” Perry told ABC News. “I mean I hate to be conspiratorial, but I mean how do you move that many people from Central America across Mexico and then into the United States without there being a fairly coordinated effort?” Perry stated that he personally warned the White House years ago about a potential border crisis. “We have been bringing to the attention of President Obama and his administration since 2010,” Perry detailed to ABC News. “... **Unless we secure our southern border, this is going to continue to be a massive amount of individuals that are coming to the United States.** And, frankly, we don’t have a place to house them as it is. And if we have a major event, a hurricane that comes in to the Gulf Coast, I don’t have a place to be housing people who are displaced.” Perry also claimed that Obama doesn’t care whether or not the border is secure. “I don’t believe he particularly cares whether or not the border of the United States is secure. And that’s the reason there’s been this lack of effort, this lack of focus, this lack of resources,” Perry told ABC News. Homeland Security Secretary Jeh Johnson said Sunday the administration has dramatically sped up the processing of adults who enter the country illegally, and it is opening more detention facilities. He acknowledged that the unaccompanied children from Central America, some 9,700 taken into custody in May alone, pose the most vexing problem. All persons, regardless of age, face “a deportation proceeding” if they are caught entering the country illegally, Johnson said. The administration, he said, is “looking at ways to create additional options for dealing with the children in particular, consistent with our laws and our values.” Repeatedly pressed to say whether thousands of Central American children will be deported promptly, Johnson said, “we need to find more efficient, effective ways to turn this tide around generally, and we’ve already begun to do that.” On June 18, Perry announced that **the state would steer another \$1.3 million per week to the**

Department of Public Safety to assist in border security through at least the end of the year. He followed that two days later with a letter inviting Obama to see the crisis firsthand.

Drones solve drug trafficking and check cartels

Spencer **Ackerman 11**, reporter for Wired, “U.S. Drones Are Now Sniffing Mexican Drugs”, 3.6.11, <http://www.wired.com/2011/03/u-s-drones-are-now-sniffing-mexican-drugs/>, AB)

But now the drones are taking on a new mission: hunting drug gangs in Mexico. According to a previously undisclosed agreement between President Barack Obama and his Mexican counterpart, Felipe Calderon, the Pentagon is authorized to fly unmanned surveillance flights over Mexico, a big expansion of U.S.-Mexico information-sharing on counternarcotics. One of the drones used for the mission is the Air Force’s Global Hawk, reports The New York Times. The drone soars at up to 60,000 feet with a multitude of sensors. (Calm down, it’s unarmed.) It’s not known how many flights the Global Hawk has made above Mexico. But the Times reports that the drones helped catch the killers of Jaime Zapata. He was one of two special agents of the U.S. Immigration and Customs Enforcement service who were shot on the road between Mexico City and Monterrey. The drone flights are part of an expansion of U.S.-Mexican antidrug cooperation that’s risen to match the furious violence brought by the drug cartels. (Violence, the Mexican government is quick to point out, that relies on trafficked American guns.) In the heart of Mexico City, at 265 Paseo de la Reforma, an office building is stacked with U.S. intelligence, law enforcement and military officials from the FBI, CIA, NSA and many other agencies. According to the Times, a second “fusion center” to merge U.S. and Mexican intel will soon open. It’s not clear if that center, the previous one or a different facility receives data swooped up by the Global Hawks. Nor is it clear what role if any the Mexican government plays in directing the drone flights. An anonymous U.S. official quoted by the Times’ Ginger Thompson and Mark Mazzetti asserts that “counternarcotics activities [are] conducted at the request and direction of the Mexican government.” Still, welcome to yet another civilian mission for the drones. A much smaller unmanned spy vehicle, colloquially known as the Flying Beer Keg, is now in the hands of Miami-Dade police (who, it should be noted, also hunt for drugs, if Rick Ross is to be believed). And, while the Department of Homeland Security isn’t so enthusiastic about using drones for bomb detection inside the United States, the Federal Aviation Administration is slowly warming to the idea of remotely piloted planes inside U.S. airspace. There are also Global Hawks flying in support of Japan’s earthquake- and tsunami-relief efforts. No wonder Defense Secretary Robert Gates told the Air Force that the era of the drone will outlast the Iraq and Afghanistan wars. Terrorists and insurgents have already had to make adjustments to the drones hunting them overhead. Now it’s the cartel’s turn to adjust.

I/L: ISIS slips through border

ISIS can cross border, leads to WMD use

Inquisitr 14, cites several border reports and Sen. Jim Inhofe, "ISIS Terrorist Group Developing WMD Bomb To Blow Up U.S. Cities, Claims Senator Jim Inhofe", August 22, 2014, <http://www.inquisitr.com/1427802/isis-terrorist-group-developing-wmd-bomb-to-blow-up-u-s-cities-claims-senator-jim-inhofe/>, AB)

The possibility of the **ISIS terrorist group attacking America** has Senator Jim Inhofe claiming that **ISIS' WMD capabilities may include developing a bomb big enough to destroy a U.S. city**. In a related report by The Inquisitr, even Osama bin Laden and al Qaeda apparently think ISIS is too wicked and before the infamous al Qaeda leader was killed he was discussing disavowing any ties with the ISIS terrorist group. **The Islamic terrorist group is now the richest in the world and apparently the best organized** since it's believed that ISIS sleeper cells are **allegedly planning a large scale terror attack within the United States**. The full extent of ISIS' WMD capabilities have been debated by the experts ever since it was revealed that the ISIS in Iraq had uncovered Saddam Hussein's WMD stockpiles. The **ISIS terrorist group even managed to recover nuclear materials in addition to chemical weapons** secreted in different locations throughout Iraq. But many experts concluded that ISIS should not have the expertise necessary to create even a dirty bomb, never mind a full functioning WMD like a nuclear weapon. It was even believed that finding Iraq's WMD stockpiles may actually pose more of a danger to the Islamic fighters themselves since it was assumed they could hurt themselves in the process of attempting to make a functioning WMD. Regardless, the ISIS terrorist group **has begun making threats targeted at America**, even going so far as to claim they'll plant their black flag on the White House and issuing bomb threats against President Obama. Oklahoma Republican Sen. Jim Inhofe is warning that the **ISIS terrorist group may be attempting to develop a weapon capable of blowing up a major city in the United States: "We're in the most dangerous position we've ever been in as a nation.** They're crazy out there, and **they're rapidly developing a method of blowing up a major U.S. city**, and people just can't believe that's happening. [President Obama is] going to have to come up with something that we're going to do because they're holding another hostage in place and the problem is, the president says all these things and he never does them." The Department of Homeland Security also recently issued a statement discussing the possibility of an ISIS terrorist attack in America: "ISIL members and supporters will almost certainly continue to use social media platforms to disseminate their English-language violent extremist messages. Although we remind first responders that content not explicitly calling for violence may be constitutionally protected, we encourage awareness of media advocating violent extremist acts in particular locations or naming particular targets, to increase our ability to identify and disrupt potential Homeland threats. We urge state and local authorities to promptly report suspicious activities related to homeland plotting and individuals interested in traveling to overseas conflict zones, such as Syria or Iraq, to fight with foreign terrorist organizations." Texas Governor Rick Perry has also been warning the nation that **members of the ISIS terrorist group could sneak across the Mexican border** because the illegal immigrant crisis has kept so many border patrol agents busy. An Osama bin Laden impersonator recently made that point by making a video showing himself sneaking across the U.S. border undetected while dressed as a terrorist. Both the Pentagon and Mexican authorities dismissed the possibility that ISIS agents are operating inside of Mexico.

ISIS and terrorists are here now

Monica **Cantilero 7/1**, "ISIS could smuggle fighters, weapons into US via Mexican tunnels, says ex-FBI agent", July 1 2015, <http://www.christiantoday.com/article/isis.could.smuggle.fighters.weapons.into.us.via.mexican.tunnels.says.ex.fbi.agent/57653.htm>, AB)

A former FBI agent has warned that **tunnels used by drug dealers to smuggle drugs and cash into the US from Mexico could be used by the Islamic State to move its jihadist fighters, including suicide bombers and even a nuclear warhead, into the United States.** "Drug dealers have **found a way to move money without it being followed**," said former FBI agent Tyrone Powers during a recent remark on national television. "**They found a way to move people in and out and they found a way to move product.**"

ISIS agents may find a way to enter the US and "may be, at some point, suicide bombers, which is really scary, and then weapons of mass destruction," said Powers. Two major drug cartels that could be involved are the Sinaloa Federation, which controls western Mexico's borders from Texas to California, and the Los Zetas, which occupies eastern Mexico. Experts say al-Qaeda once tried to establish links with Mexican drug lords, Newsmax reported. "It makes logical sense for ISIS to do this," said Powers. "But I do not think they'll be catching the intelligence agencies off guard, because this has been a persistent problem whether it was al-Qaeda or any other group." Mexico's unstable leadership mixed with drug cartels can create a dangerous concoction that could be used by ISIS, according to experts. "What's been going on in Mexico creates an opportunity for any organisation to try to take advantage of it, whether it's ISIS or Al Shabbab," said Brandon Behlendorf, a terrorist targeting strategist. The jihadist group claimed earlier this month that it plans to acquire a nuclear weapon from Pakistan and to sneak it into US territory using drug and human smuggling routes. Judicial Watch reported in April that ISIS is managing a camp in northern Mexico just a few miles from El Paso, Texas, and that "coyotes" of the Juarez Cartel are helping to "move ISIS terrorists through the desert and across the border between Santa Teresa and Sunland Park, New Mexico." ISIS fighters are also being smuggled "through the porous border between Acala and Fort Hancock, Texas." The locations are being eyed by ISIS "because of their understaffed municipal and county police forces, and the relative safe-havens the areas provide for the unchecked large-scale drug smuggling that was already ongoing." In a related development, the CIA is now reassessing the view that the ISIS is mostly a "regional threat" following the "Bloody Friday" attacks that covered three countries on different continents. The group is transforming into a global threat because of its ability to "evangelise followers," said retired Army Col. Peter Mansoor, who helped create the US military campaign against al-Qaeda.

Impact UQ: ISIS has nukes

They have nukes

Eben **Blake 6/3**, covering general affairs at IBTimes in New York City, previously worked at The Brown Daily Herald as the Arts and Culture Editor, June 03 2015 "Islamic State Nuclear Weapons: ISIS Claims It Can Smuggle Devices Through Nigeria, Mexico To The United States", <http://www.ibtimes.com/islamic-state-nuclear-weapons-isis-claims-it-can-smuggle-devices-through-nigeria-1950280>, AB)

The Islamic State group claims it could purchase a nuclear device from Pakistan and transport it to the United States through drug-smuggling channels. The group, also known as ISIS and ISIL, would transfer the nuclear weapon from Pakistan to Nigeria or Mexico, where it could be brought to South America and then up to the U.S., according to an op-ed allegedly written by kidnapped British photojournalist John Cantlie and published in Dabiq, the group's propaganda magazine. The op-ed said that Boko Haram, the Nigerian jihadist group that announced its formal allegiance to ISIS in March, would make their efforts to transport a weapon to the U.S. much easier, reported Nigerian newspaper Premium Times. ISIS claims the Nigerian army is in a "virtual state of collapse" because of its war against Boko Haram. While U.S. officials have dismissed the ability of the group to acquire or transport a nuclear weapon, Indian Minister of State Defense Rao Inderjit Singh said at the Shangri-La regional security conference in Singapore last weekend that "[w]ith the rise of ISIL in West Asia, one is afraid to an extent that perhaps they might get access to a nuclear arsenal from states like Pakistan," Bloomberg reported. Cantlie describes how ISIL would hypothetically call on supporters in Pakistan to "purchase a nuclear device through weapons dealers with links to corrupt officials in the region," after which it would be "transported overland until it makes it to Libya" when "the mujahedeen move it south to Nigeria." It would then be moved to South America in the same method that "drug shipments bound for Europe pass through West Africa," according to Premium Times. After transporting the device through the "porous borders of South America" to Mexico, it would be "just a quick hop through a smuggling tunnel" to bring the nuclear bomb into America.

Impact Module: Grid

They'd attack the grid from the border – best statistics, this card is great

-9/55,000 is enough for a long-term wipeout

-blackout is widespread

-causes 90% deaths in the US

-could happen tomorrow

-has connection with cartels and other groups to get in

Aaron **Klein 4/19**, weekend radio talk show host, author, and staffer for WorldNetDaily, and columnist for The Jewish Press and Jerusalem Post, "INSIDE THE ISIS-U.S. BORDER SCARE", 04/19/2015, <http://www.wnd.com/2015/04/the-deadly-truth-isis-and-mexican-drug-gangs/>, AB)

ISIS terrorists pose an "imminent" threat to the U.S. electric grid with the capacity to coordinate a devastating assault on our nation's infrastructure, warned a leading homeland security and terrorism expert in a radio interview Sunday. Dr. Peter Pry, a former CIA officer, is executive director of the Task Force on National and Homeland Security and director of the U.S. Nuclear Strategy Forum, both congressional advisory boards. He also served on the Congressional EMP Commission, the Congressional Strategic Posture Commission, and the House Armed Services Committee. "There is an imminent threat from ISIS to the national electric grid and not just to a single U.S. city," said Pry. Pry was speaking on "Aaron Klein Investigative Radio" on New York's AM 970 The Answer. Outlining the threat, Pry recalled a leaked U.S. Federal Energy Regulatory Commission report divulged this past March that coordinated terrorist attacks on just nine of the nation's 55,000 electrical power substations could provoke coast-to-coast blackouts for up to 18 months. Such an attack would mirror the devastating impact of an electromagnetic pulse (EMP) attack without the need for any nuclear device or delivery system. The chances of a major electrical outage across America are now surging. Get your autographed copy of "A Nation Forsaken" which probes this crucial issue. The congressional EMP Commission previously estimated that within 12 months of a nationwide blackout, upwards of 90 percent of the U.S. population could possibly die from disease, lack of food and resources and larger societal breakdown. Speaking to Klein's audience, Pry pointed specifically to the possibility of ISIS immediately hiring Mexican extremists such as the Knights Templar drug cartel, which last year successfully utilized guns and Molotov cocktails to attack numerous Mexican power stations, leaving 11 towns without electricity. "Now those guys are just across our southern border," stated Pry. Pry continued: "That means that ISIS doesn't have to actually come to the United States on those U.S. passports. You know, Obama is always talking about how he's got a phone. Well, ISIS has got a telephone, too. All they've got to do is contact the Knights Templar, wire these guys \$10 million, I mean they'll do anything for money. And say, 'Hey, go across that open U.S. border and take out the electric grid in Arizona, or New Mexico, or Minnesota or New York. Or the entire nation.'" Pry surmised such an attack on the U.S. power grid "wouldn't be difficult for them." "There are ... open-source computer models where you can figure out which are those nine critical transformer substations where if attacked would take down the whole national power grid," he said. "So something like that could be arranged. It could happen tomorrow. It could happen next week." Pry pointed out ISIS allies in al-Qaida last June attacked power lines in Yemen that left the entire nation without power for a day. He took issue with a statement last week from former deputy director of the CIA Mike Morell who said it would take ISIS two to three years to develop the capacity to carry out a 9/11-style attack. Morell stated that "over the long term – two and a half, three years – we need to worry about a 9/11-style attack by ISIS." Countered Pry: "I don't think that's true at all. You know, because they can hire these criminal gangs that are south of our porous border. Or criminal gangs that are already present here." "We also have Muslim terror

cells already in this country that would be willing to do anything for money and it's very easy to attack the electrical grid," he added. Pry also warned of rogue nations such as Iran and North Korea passing ISIS a nuclear device and delivery system, such as a SCUD missile, to launch an actual EMP attack.

A long-term loss of electrical power would cause nuclear reactor meltdowns— guarantees extinction

Hodges 14

Dave, an established award winning psychology, statistics and research professor as he teaches college and university classes at both the undergraduate and graduate level, an established author as his articles are published on many major websites, citing Judy Haar, a recognized expert in nuclear plant failure analyses, "Nuclear Power Plants Will Become America's Extinction Level Event", April 18 2014, www.thelibertybeacon.com/2014/04/18/nuclear-power-plants-will-become-americas-extinction-level-event/

Fukushima is often spoken of by many, as a possible extinction level event because of the radiation threat. Fukushima continues to wreak havoc upon the world and in the United States as we are being bathed in deadly radiation from this event. Because of Fukushima, fish are becoming inedible and the ocean currents as well as the prevailing ocean winds are carrying deadly radiation. Undoubtedly, by this time, the radioactivity has made its way into the transpiration cycle which means that crops are being dowsed with deadly radiation. The radiation has undoubtedly made its way into the water table in many areas and impacts every aspect of the food supply. The health costs to human beings is incalculable. However, this article is not about the devastation at Fukushima, instead, this article focuses on the fact that North America could have a total of 124 Fukushima events if the necessary conditions were present. A Festering Problem Long before Fukushima, American regulators knew that a power failure lasting for days involving the power grid connected to a nuclear plant, regardless of the cause, would most likely lead to a dangerous radioactive leak in at least several nuclear power plants. A complete loss of electrical power poses a major problem for nuclear power plants because the reactor core must be kept cool as well as the back-up cooling systems, all of which require massive amounts of power to work. Heretofore, all the NERC drills which test the readiness of a nuclear power plant are predicated on the notion that a blackout will only last 24 hours or less. Amazingly, this is the sum total of a NERC litmus test. Although we have the technology needed to harden and protect our grid from an EMP event, whether natural or man-made, we have failed to do so. The cost for protecting the entire grid is placed at about the cost for one B-1 Stealth Bomber. Yet, as a nation, we have done nothing. This is inexplicable and inexcusable. Our collective inaction against protecting the grid prompted Congressman Franks to write a scathing letter to the top officials of NERC. However, the good Congressman failed to mention the most important aspect of this problem. The problem is entirely fixable and NERC and the US government are leaving the American people and its infrastructure totally unprotected from a total meltdown of nuclear power plants as a result of a prolonged power failure. Critical Analyses According to Judy Haar, a recognized expert in nuclear plant failure analyses, when a nuclear power plant loses access to off-grid electricity, the event is referred to as a "station blackout". Haar states that all 104 US nuclear power plants are built to withstand electrical outages without experiencing any core damage, through the activation of an automatic start up of emergency generators powered by diesel. Further, when emergency power kicks in, an automatic shutdown of the nuclear power plant commences. The dangerous control rods are dropped into the core, while water is pumped by the diesel power generators into the reactor to reduce the heat and thus, prevent a meltdown. Here is the catch in this process, the spent fuel rods are encased in both a primary and

secondary containment structure which is designed to withstand a core meltdown. However, **should the pumps stop because either the generators fail or diesel fuel is not available, the fuel rods are subsequently uncovered and a Fukushima type of core meltdown commences immediately.** At this point, I took Judy Haar's comments to a source of mine at the Palo Verde Nuclear power plant. My source informed me that as per NERC policy, nuclear power plants are required to have enough diesel fuel to run for a period of seven days. Some plants have thirty days of diesel. This is the good news, but it is all downhill from here. The Unresolved Power Blackout Problem **A long-term loss of outside electrical power will most certainly interrupt the circulation of cooling water to the pools.** Another one of my Palo Verde nuclear power plant sources informed me that there is no long term solution to a power blackout and that all bets are off if the blackout is due to an EMP attack. A more detailed analysis reveals that the spent fuel pools carry depleted fuel for the reactor. Normally, this spent fuel has had time to considerably decay and therefore, reducing radioactivity and heat. However, the newer discharged fuel still produces heat and needs cooling. Housed in high density storage racks, contained in buildings that vent directly into the atmosphere, radiation containment is not accounted for with regard to the spent fuel racks. In other words, there is no capture mechanism. In this scenario, accompanied by a lengthy electrical outage, and with the emergency power waning due to either generator failure or a lack of diesel needed to power the generators, the plant could lose the ability to provide cooling. The water will subsequently heat up, boil away and uncover the spent fuel rods which required being covered in at least 25 feet of water to remain benign from any deleterious effects. Ultimately, this would lead to fires as well and the release of radioactivity into the atmosphere. This would be the beginning of another Fukushima event right here on American soil. Both my source and Haar shared exactly the same scenario about how a meltdown would occur. Subsequently, I spoke with Roger Landry who worked for Raytheon in various Department of Defense projects for 28 years, many of them in this arena and Roger also confirmed this information and that the above information is well known in the industry. When I examine Congressman Franks letter to NERC and I read between the lines, it is clear that Franks knows of this risk as well, he just stops short of specifically mentioning it in his letter. Placing Odds On a Failure Is a Fool's Errand An analysis of individual plant risks released in 2003 by the Nuclear Regulatory Commission shows that for 39 of the 104 nuclear reactors, the risk of core damage from a blackout was greater than 1 in 100,000. At 45 other plants the risk is greater than 1 in 1 million, the threshold NRC is using to determine which severe accidents should be evaluated in its latest analysis. According to the Nuclear Regulatory Commission, the Beaver Valley Power Station, Unit 1, in Pennsylvania has the greatest risk of experiencing a core meltdown, 6.5 in 100,000, according to the analysis. **These odds don't sound like much until you consider that we have 124 nuclear power generating plants in the US and Canada and when we consider each individual facility, the odds of failure climb. How many meltdowns would it take in this country before our citizens would be condemned to the hellish nightmare,** or worse, being experienced by the Japanese? The Question That's Not Being Asked **None of the NERC, or the Nuclear Regulatory tests of handling a prolonged blackout at a nuclear power plant has answered two critical questions, "What happens when these nuclear power plants run out of diesel fuel needed to run the generators", and "What happens when some of these generators fail"?** In the event of an EMP attack, can tanker trucks with diesel fuel get to all of the nuclear power plants in the US in time to re-fuel them before they stop running? Will tanker trucks even be running themselves in the aftermath of an EMP attack? And in the event of an EMP attack, it is not likely that any plant which runs low on fuel, or has a generator malfunctions, will ever get any help to mitigate the crisis prior to a plethora of meltdowns occurring. Thus, every nuclear power plant in the country has the potential to cause a Chernobyl or Fukushima type accident if our country is hit by an EMP attack. **CAN YOU EVEN IMAGINE 124 FUKUSHIMA EVENTS IN NORTH AMERICA HAPPENING AT THE SAME TIME? THIS WOULD CONSTITUTE THE ULTIMATE DEPOPULATION EVENT.** ...And There Is More... The ramifications raised in the previous paragraphs are significant. What **if the blackout lasts longer than 24 hours?** What if the reason for the blackout is an EMP burst caused by a high altitude nuclear blast and transportation comes to a standstill? In this instance, the cavalry is not coming. Adding fuel to the fire lies in the fact that the

power transformers presently take at least one year to replace. Today, there is a three year backlog on ordering because so many have been ordered by China. This makes one wonder what the Chinese are preparing for with these multiple orders for both transformers and generators. In short, our unpreparedness is a prescription for disaster. As a byproduct of my investigation, I have discovered that most, if not all, of the nuclear power plants are on known earthquake fault lines. All of California's nuclear power plants are located on an earthquake fault line. Can anyone tell me why would anyone in their right mind build a nuclear power plant on a fault line? To see the depth of this threat you can visit an interactive, overlay map at this site. Conclusion I have studied this issue for almost nine months and this is the most elusive topic that I have ever investigated. The more facts I gather about the threat of a mass nuclear meltdown in this country, the more questions I realize that are going unanswered. With regard to the nuclear power industry we have the proverbial tiger by the tail. Last August, Big Sis stated that **it is not matter of if we have a mass power grid take down, but it is a matter of when.** I would echo her concerns and apply the "not if, but when" admonition to the possibility of a mass meltdown in this country. **It is only a matter of time until this scenario for disaster comes to fruition.** Our collective negligence and high level of extreme depraved indifference on the part of NERC is criminal because **this is indeed an Extinction Level Event.** At the end of the day, can anyone tell me why would any country be so negligent as to not provide its nuclear plants a fool proof method to cool the secondary processes of its nuclear materials at all of its plants? Why would ANY nuclear power plant be built on an earthquake fault line? Why are we even using nuclear energy under these circumstances? And why are we allowing the Chinese to park right next door to so many nuclear power plants?

AT: Drones are Ineffective

That's a poor reading of the situation – your evidence is based on old metrics, and new policy decisions make funding sustainable

Joshua **Breisblatt 7/8**, Manager of Policy and Advocacy at the National Immigration Forum, "WE ARE MEASURING BORDER SECURITY ALL WRONG", July 8, 2015

<https://immigrationforum.org/blog/we-are-measuring-border-security-all-wrong/>, AB)

There's a better way to define and measure border security, and that's important. Many members of Congress say the border must be secure before Congress addresses other parts of the broken immigration system, but they do not define what that means. But the Bipartisan Policy Center released a report earlier this year that should be a starting point. The report, "Measuring the Metrics: Grading the Government on Immigration Enforcement," examines already available data and identifies additional data that should be used to create an objective set of comprehensive, outcome-based border security performance measures. The report points out we must move away from measures such as how many agents are stationed on the border or how many people are detained and instead adopt output measures that assess achievement and progress. The report includes analysis of some existing output measures, such as whether CBP's consequence delivery system, where individuals are assigned various consequences for crossing the border, actually deters attempts to cross the border, and it offers a critique of how CBP currently measures deterrence. These types of outputs need to be examined when assessing border security. In addition, the Department of Homeland Security (DHS) needs to provide the public with transparent and consistent measures. Currently, DHS does not release many of its measures and uses different metrics from year to year, which makes comparisons very difficult. The lack of publicly available and consistent metrics has contributed greatly to the public's lack of clarity surrounding our nation's border security. It has also made it difficult for members of Congress to hold the agency accountable and to know what additional resources are necessary to secure our border. Any additional increases in border security should be implemented in a smart and conscientious manner. Millions of dollars have been spent in the last decade as more and more money has been poured into border technology, all without metrics to show how truly effective these investments have been. In a positive development, it appears that Congress might be listening. The Department of Homeland Security appropriations bill for fiscal year 2016 the Senate Appropriations Committee approved this month included report language requiring CBP to keep, maintain and publish consistent metrics related to border security. Hopefully, the inclusion of this report language signals the beginning of a shift on how policymakers think about measuring border security.

Prisons Aff Specific

Link: Terror

Abolishing federal prisons would let out a loooooooot of terrorists

Scott **Shane 11**, reporter for the New York Times, “Beyond Guantánamo, a Web of Prisons for Terrorism Inmates”, December 10, 2011, <http://www.nytimes.com/2011/12/11/us/beyond-guantanamo-bay-a-web-of-federal-prisons.html?pagewanted=all>

It is the other Guantánamo, an archipelago of federal prisons that stretches across the country, hidden away on back roads. Today, it houses far more men convicted in terrorism cases than the shrunken population of the prison in Cuba that has generated so much debate. An aggressive prosecution strategy, aimed at prevention as much as punishment, has sent away scores of people. They serve long sentences, often in restrictive, Muslim-majority units, under intensive monitoring by prison officers. Their world is spare. Among them is Ismail Royer, serving 20 years for helping friends go to an extremist training camp in Pakistan. In a letter from the highest-security prison in the United States, Mr. Royer describes his remarkable neighbors at twice-a-week outdoor exercise sessions, each prisoner alone in his own wire cage under the Colorado sky. “That’s really the only interaction I have with other inmates,” he wrote from the federal Supermax, 100 miles south of Denver. There is Richard Reid, the shoe bomber, Mr. Royer wrote. Terry Nichols, who conspired to blow up the Oklahoma City federal building. Ahmed Ressam, the would-be “millennium bomber,” who plotted to attack Los Angeles International Airport. And Eric Rudolph, who bombed abortion clinics and the 1996 Summer Olympics in Atlanta. In recent weeks, Congress has reignited an old debate, with some arguing that only military justice is appropriate for terrorist suspects. But military tribunals have proved excruciatingly slow and imprisonment at Guantánamo hugely costly — \$800,000 per inmate a year, compared with \$25,000 in federal prison. The criminal justice system, meanwhile, has absorbed the surge of terrorism cases since 2001 without calamity, and without the international criticism that Guantánamo has attracted for holding prisoners without trial. A decade after the Sept. 11 attacks, an examination of how the prisons have handled the challenge of extremist violence reveals some striking facts: Big numbers. Today, 171 prisoners remain at Guantánamo. As of Oct. 1, the federal Bureau of Prisons reported that it was holding 362 people convicted in terrorism-related cases, 269 with what the bureau calls a connection to international terrorism — up from just 50 in 2000. An additional 93 inmates have a connection to domestic terrorism.

Most terrorists end up in prison and prisons actually rehabilitate them

Andrew **Silke 14**, Head of Criminology and Director for Terrorism Studies at the University of East London. He is inter- nationally recognized as a leading expert on terrorism in general and terrorist psychology in particular. He has a background in forensic psychology and criminology and has worked both in academia and for government. He has written extensively on terrorism and counter-terrorism and is frequently invited to give talks at international conferences and universities throughout the world. “PRISONS, TERRORISM AND EXTREMISM Critical issues in management, radicalization and reform”, 2014, AB)

Although many if not most terrorists eventually end up in prison, there has been surprisingly little research on what happens to them while in prison and after they have been released. This volume, edited by a prominent expert in the field, makes an important contribution to fill this gap in our knowledge. Several of the chapters challenge the conventional wisdom that prisons are universities of terror . Prisons may also provide opportunities for disengagement, deradicalisation and rehabilitation. Wise policies may contribute constructively to facilitate these processes. To achieve this, Professor Silke and his colleagues provide indispensable insights.

Terror Reps Good

Terror Reps True

Terrorism is a real threat – ignoring that reality risks annihilation.

Ralph Peters, 6 (Ralph, retired Army Officer, The Weekly Standard, "The Counterrevolution in Military Affairs; Fashionable thinking about defense ignores the great threats of our time," 2-6-2006, <http://www.weeklystandard.com/Content/Public/Articles/000/000/006/649qrsob.asp>, BP)

Living in unprecedented safety within our borders and lacking firsthand knowledge of the decay beyond, honorable men and women have convinced themselves that Osama bin Laden's professed goals of driving the United States from the Middle East and removing corrupt regional governments are what global terror is all about. They gloss over his ambition of reestablishing the caliphate and his calls for the destruction of Israel as rhetorical effects--when they address them at all. Yet, Islamist fanatics are more deeply committed to their maximalist goals than to their lesser ones--and their unspoken ambitions soar beyond logic's realm. Religious terrorists are committed to an apocalypse they sense within striking distance. Their longing for union with god is inseparable from their impulse toward annihilation. They seek their god in carnage, and will go on slaughtering until he appears to pat them on the back. A dangerous asymmetry exists in the type of minds working the problem of Islamist terrorism in our government and society. On average, the "experts" to whom we are conditioned to listen have a secular mentality (even if they go to church or synagogue from habit). And it is a very rare secular mind that can comprehend religious passion--it's like asking a blind man to describe the colors of fire. One suspects that our own fiercest believers are best equipped to penetrate the mentality--the souls--of our Islamist enemies, although those believers may not be as articulate as the secular intellectuals who anxiously dismiss all possibilities that lie outside their theoretical constructs.

Terrorism is inherently evil—the war on terror is correct

William F. Schultz 04 (executive director of Amnesty International USA, "Human rights and the evil of terrorism", UU World, February, http://findarticles.com/p/articles/mi_qa4071/is_200402/ai_n9347594/?tag=content;col1 BP)

Nothing can excuse atrocities such as these. No appeal to cultural differences can excuse the husband. No pursuit of a political agenda can explain away the actions of the minister. Evil is real, and it is very important to call it by its name. When President Bush labeled those who terrorized Americans on September 11, 2001, "evildoers," he was absolutely right, and his instinct to avenge their deaths was, too. Human rights are designed to make the world a safer place and to help stop people from doing evil things. Terrorists may sincerely think that what they are doing is good, but advocates of human rights have no problem agreeing with the president: Terrorist acts are evil, and terrorists must be punished.

Terrorist ideology is the root cause, not language—only the war on terror solves.

Alex Epstein 05 (, analyst at the **Ayn Rand Institute**, BA in Philosophy from Duke University, "Fight the Root of Terrorism With Bombs, Not Bread", San Francisco Chronicle, 8/14, http://www.aynrand.org/site/News2?page=NewsArticle&id=11243&news_iv_ctrl=1021 BP)

In light of the recent suicide bombings in London, and the general inability of the West to prevent terrorist attacks, there is much talk about fighting the "root cause" of terrorism. The most popular argument is that terrorism is caused by poverty. The United Nations and our European and Arab "allies" repeatedly tell us to minimize our military operations and instead dole out more foreign aid to poor countries--to put down our guns and pick up our checkbook. Only by fighting poverty, the refrain goes, can we address the "root cause" of terrorism. The pernicious idea that poverty causes terrorism has been a popular claim since the attacks of September 11. U.N. Secretary General Kofi Annan has repeatedly asked wealthy nations to double their foreign aid, naming as a cause of terrorism "that far too many people are condemned to lives of extreme poverty and degradation." Former Secretary of State Colin Powell agrees: "We have to put hope back in the hearts of people. We have to show people who might move in the direction of terrorism that there is a better way." Businessman Ted Turner also concurs: "The reason that the World Trade Center got hit is because there are a lot of people living in abject poverty out there who don't have any hope for a better life." Indeed, the argument that poverty causes terrorism has been central to America's botched war in Iraq--which has focused, not on quickly ending any threat the country posed and moving on to other crucial targets, but on bringing the good life to the Iraqi people. Eliminating the root of terrorism is indeed a valid goal--but properly targeted military action, not welfare handouts, is the means of doing so. Terrorism is not caused by poverty. The terrorists of September 11 did not attack America in order to make the Middle East richer. To the contrary, their stated goal was to repel any penetration of the prosperous culture of the industrialized "infidels" into their world. The wealthy Osama bin Laden was not using his millions to build electric power plants or irrigation canals. If he and his terrorist minions wanted prosperity, they would seek to emulate the United States--not to destroy it. More fundamental, poverty as such cannot determine anyone's code of morality. It is the ideas that individuals choose to adopt which make them pursue certain goals and values. A desire to destroy wealth and to slaughter innocent, productive human beings cannot be explained by a lack of money or a poor quality of life--only by anti-wealth, anti-life ideas. These terrorists are motivated by the ideology of Islamic Fundamentalism. This other-worldly, authoritarian doctrine views America's freedom, prosperity, and pursuit of worldly pleasures as the height of depravity. Its adherents resent America's success, along with the appeal its culture has to many Middle Eastern youths. To the fundamentalists, Americans are "infidels" who should be killed. As a former Taliban official said, "The Americans are fighting so they can live and enjoy the material things in life. But we are fighting so we can die in the cause of God." The terrorists hate us because of their ideology--a fact that filling up the coffers of Third World governments will do nothing to change. What then, can our government do? It cannot directly eradicate the deepest, philosophical roots of terrorism; but by using military force, it can eliminate the only "root cause" relevant in a political context: state sponsorship of terrorism. The fundamentalists' hostility toward America can translate into international terrorism only via the governments that employ, finance, train, and provide refuge to terrorist networks. Such assistance is the cause of the terrorist threat--and America has the military might to remove that cause. It is precisely in the name of fighting terrorism at its root that America must extend its fist, not its hand. Whatever other areas of the world may require U.S. troops to stop terrorist operations, we must above all go after the single main source of the threat--Iran. This theocratic nation is both the birthplace of the Islamic Fundamentalist revolution and, as a consequence, a leading sponsor of terrorism. Removing that government from power would be a potent blow against Islamic terrorism. It would destroy the political embodiment of the terrorists' cause. It would declare America's intolerance of support for terrorists. It would be an unequivocal lesson, showing what will happen to other countries if they fail to crack down on terrorists within their borders. And it would acknowledge the fact that dropping bombs, not food packages, is the only way for our government to

US-EU Relations Core – SDI

NEG

A2: US-EU Rels

1NC – No Impact

No impact to US/European relations

Haas 11—president of the CFR Lecturer in public policy, Harvard. DPhil, Oxford (17 June 2011, Richard, Why Europe No Longer Matters, <http://www.cfr.org/europerussia/why-europe-no-longer-matters/p25308>)

Gates sounded a pessimistic note, warning of "the real possibility for a dim if not dismal future for the transatlantic alliance." Yet, the outgoing Pentagon chief may not have been pessimistic enough. **The U.S.-European partnership** that proved so central to managing and winning the Cold War **will inevitably play a far diminished role in the years to come**. To some extent, we're already there: If NATO didn't exist today, would anyone feel compelled to create it? The honest, if awkward, answer is no. In the coming decades, **Europe's influence on affairs beyond its borders will be sharply limited**, and it is in other regions, not Europe, that the 21st century will be most clearly forged and defined. Certainly, one reason for NATO's increasing marginalization stems from the behavior of its European members. The problem is not the number of European troops (there are 2 million) nor what Europeans collectively spend on defense (\$300 billion a year), but rather how those troops are organized and how that money is spent. **With NATO, the whole is far less than the sum of its parts. Critical decisions are still made nationally;** much of the **talk about a common defense policy remains just that -- talk**. There is little specialization or coordination. **Missing as well are many of the logistical and intelligence assets needed to project military force** on distant battlefields. **The alliance's effort in Libya -- the poorly conceived intervention, the widespread refusal or inability to participate in actual strike missions, the obvious difficulties in sustaining intense operations -- is a daily reminder of what the world's most powerful military organization cannot accomplish.** **With the Cold War** and the Soviet threat **a distant memory, there is little political willingness**, on a country-by-country basis, **to provide adequate public funds to the military**. (Britain and France, which each spend more than 2 percent of their gross domestic products on defense, are two of the exceptions here.) Even where a willingness to intervene with military force exists, such as in Afghanistan, where upward of 35,000 European troops are deployed, there are severe constraints. Some governments, such as Germany, have historically limited their participation in combat operations, while **the cultural acceptance of casualties is fading in many European nations**. But it would be wrong, not to mention fruitless, to blame the Europeans and their choices alone. There are larger historical forces contributing to the continent's increasing irrelevance to world affairs. Ironically, Europe's own notable successes are an important reason that transatlantic ties will matter less in the future. The current euro zone financial crisis should not obscure the historic accomplishment that was the building of an integrated Europe over the past half-century. The continent is largely whole and free and stable. Europe, the principal arena of much 20th-century geopolitical competition, will be spared such a role in the new century -- and this is a good thing. The contrast with Asia could hardly be more dramatic. Asia is increasingly the center of gravity of the world economy; the historic question is whether this dynamism can be managed peacefully. The major powers of Europe -- Germany, France and Great Britain -- have reconciled, and the regional arrangements there are broad and deep. In Asia, however, China, Japan, India, Vietnam, the two Koreas, Indonesia and others eye one another warily. Regional pacts and arrangements, especially in the political and security realms, are thin. Political and economic competition is unavoidable; military conflict cannot be ruled out. Europeans will play a modest role, at best, in influencing these developments. If Asia, with its dynamism and power struggles, in some ways resembles the Europe of 100 years ago, the Middle East is more reminiscent of the Europe of several centuries before: a patchwork of top-heavy monarchies, internal turbulence, unresolved conflicts, and nationalities that cross and contest boundaries. Europe's ability to influence the course of this region, too, will be sharply limited. **Political and demographic changes within Europe, as well as the U_{nited} States, also ensure that the transatlantic alliance will lose prominence.** In Europe, **the E.U. project still consumes the attention of many, but for others, especially those in southern Europe facing unsustainable fiscal shortfalls, domestic economic turmoil takes precedence**. No doubt, Europe's security challenges are geographically, politically and psychologically less immediate to the population than its economic ones. Mounting financial problems and the imperative to cut deficits are sure to limit what Europeans can do militarily beyond their continent. Moreover, intimate **ties across the Atlantic were forged at a time when** American political and economic **power was largely in the hands of Northeastern elites**, many of whom traced their ancestry to Europe and who were most interested in developments there. **Today's U_{nited} States -- featuring the rise of the South and the West along with an increasing percentage of Americans who trace their roots to Africa, Latin America or Asia -- could hardly be more different. American and European preferences will increasingly diverge as a result.** Finally, the very nature of international relations has also undergone a transformation. **Alliances**, whether NATO during the Cold War or the U.S.-South Korean partnership now, **do best in settings that are highly inflexible and predictable**, where foes and friends are easily identified, potential battlefields are obvious, and contingencies can be anticipated. Almost **none of this is true in our current historical moment**. Threats are many and diffuse. Relationships seem situational, increasingly dependent on evolving and unpredictable circumstances. Countries can be friends, foes or both, depending on the day of the week -- just look at the United States and Pakistan. **Alliances tend to require shared assessments and explicit obligations; they are much more difficult to operate when worldviews diverge and commitments are discretionary. But as the conflicts in Iraq, Afghanistan and now Libya all demonstrate, this is precisely the world we inhabit.** For the United States, the conclusions are simple. First, **no amount of harping on what European governments are failing to do will push them toward what some in Washington want them to do**. They have changed. We have changed. The world has changed. Second, NATO as a whole will count for much less. Instead, the United States will need to maintain or build bilateral relations with those few countries in Europe willing and able to act in the world, including with military force. Third, **other allies are likely to become more relevant partners in the regions that present the greatest potential challenges**. In Asia, this might mean Australia, India, South Korea, Japan and Vietnam, especially if U.S.-China relations were to deteriorate; in the greater Middle East, it could again be India in addition to Turkey, Israel, Saudi Arabia and others.

US-European relations are irrelevant in solving global problems

Wright 8 [Thomas, executive director of studies at the Chicago Council on Global Affairs, 12/4, pg. <http://www.thestar.com/News/World/article/548178>]

Europe is no longer at the centre of gravity for many of the biggest difficulties facing the United States. Pakistan is indispensable in the fight against Al Qaeda. The Middle East peace process can't move without Israel and Saudi Arabia. Success or failure on climate change will turn on America's relations with China and India. Today, **the European Union** often matters in international affairs in the way the U.S. mattered in the first half of the 20th century: **a wealthy power with tremendous potential that could choose to engage or, instead, hang back and focus on the home front.**

1NC - Inevitable

Relations will stay low, but cooperation is inevitable

Walt 11, IR - Harvard, [The coming erosion of the European Union Posted By Stephen M. Walt Thursday, August 18, 2011 - 11:19 AM Share
[http://walt.foreignpolicy.com/posts/2011/08/18/the_coming_erosion_of_the_european_u
nion](http://walt.foreignpolicy.com/posts/2011/08/18/the_coming_erosion_of_the_european_union)]

Third, I argued that the glory days of transatlantic security cooperation also lie in the past, and **we will see less cooperative and intimate security partnership** between Europe and America in the future. Why do I think so? **One obvious reason is the lack of common external enemy.** Historically, that is the only reason why the United States was willing to commit troops to Europe, and it is therefore no surprise that America's military presence in Europe has declined steadily ever since the Soviet Union broke up. Simply put: there is no threat to Europe that the Europeans cannot cope with on their own, and thus little role for Americans to play. In addition, the various imperial adventures that NATO has engaged in since 1992 haven't worked out that well. It was said in the 1990s that NATO had to "go out of area or out of business," which is one reason it started planning for these operations, but most of the missions NATO has taken on since then have been something of a bust. Intervention in the Balkans eventually ended the fighting there, but it took longer and cost more than anyone expected and it's not even clear that it really worked (i.e., if NATO peacekeepers withdrew from Kosovo tomorrow, fighting might start up again quite soon). NATO was divided over the war in Iraq, and ISAF's disjointed effort in Afghanistan just reminds us why Napoleon always said he liked to fight against coalitions. The war in Libya could produce another disappointing result, depending on how it plays out. Transatlantic security cooperation might have received a new lease on life if all these adventures had gone swimmingly; unfortunately, that did not prove to be the case. But this raises the obvious question: If the United States isn't needed to protect Europe and there's little positive that the alliance can accomplish anywhere else, then what's it for? Lastly, transatlantic security **cooperation will decline because the United States will be shifting its strategic focus to Asia.** The central goal of US grand strategy is to maintain hegemony in the Western hemisphere and to prevent other great powers from achieving hegemony in their regions. For the foreseeable future, the only potential regional hegemon is China. There will probably be an intense security competition there, and the United States will therefore be deepening its security ties with a variety of Asian partners. Europe has little role to play in this competition, however, and little or no incentive to get involved. Over time, Asia will get more and more attention from the U.S. foreign policy establishment, and Europe will get less. This trend will be reinforced by demographic and generational changes on both sides of the Atlantic, **as the percentage of Americans with strong ancestral connections to Europe declines** and as the generation that waged the Cold War leaves the stage. So in addition to shifting strategic interests, some of **the social glue** that held Europe and America together **is likely to weaken as well.** It is important not to overstate this trend -- **Europe and America won't become enemies**, and I don't think intense security competition is going to break out within Europe anytime soon. **Europe and the United States will continue to trade** and invest with each other, **and** we will continue to **collaborate on a number of security issues (counter-terrorism, intelligence sharing, counter-proliferation, etc.). But Europe won't be America's "go-to" partner** in the decades ahead, at least not the way it once was. This will be a rather different world than the one we've been accustomed to for the past 60 years, but that's not necessarily a bad thing. Moreover, **because it reflects powerful structural forces, there's** probably **little we can do to prevent it.** Instead, the smart response -- for both Americans and Europeans -- is to acknowledge these tendencies and adapt to them, instead of engaging in a futile effort to hold back the tides of history

1NC – Resilient

US-EU free trade agreement proves relations resiliency The Hill 12/9/14

Breathing new life into the US-EU trade talks <http://thehill.com/blogs/congress-blog/foreign-policy/226358-breathing-new-life-into-the-us-eu-trade-talks//sd>

While much of the **trade focus in Washington will center on** the Trans-Pacific Partnership talks taking place around the city, this week will be at least equally important for the Transatlantic Trade and Investment **Partnership TTIP**. The proposed agreement **between the US and European Union would create the world's largest free trade area**—covering almost half of global GDP and two-thirds of foreign investment. Monday, U.S. Trade Representative Michael Froman met with his European counterpart Trade Commissioner Cecilia Malmström who is travelling to Washington for the first time in her new position overseeing international commerce for the EU. Monday's meeting is a key part of the larger effort to give **the TTIP negotiations a fresh start** after a challenging first year. As Ambassador Froman recently underlined, **"we have an opportunity to work together for a fresh start to the negotiations. The United States is committed to moving forward with TTIP as soon as we can and as fast as we're able."** But what does this "fresh start" actually entail, and what role should today's meeting play? To answer these questions, we need to take a look at the broader political picture on both sides of the Atlantic. On the European side, a new European Parliament has been elected along with a new European Commission. New Commission President Juncker's "Agenda for Jobs, Growth, Fairness and Democratic Change" outlines that completing an ambitious TTIP agreement is among Europe's top economic and strategic priorities. Similarly, last month's US mid-term elections have shifted the balance of power in both

houses of Congress firmly towards the Republicans who are eager to demonstrate their ability to govern. **Trade policy provides fertile ground for bipartisan cooperation**: according to the incoming Senate Majority Leader Mitch McConnell (R-Ky.), trade is one of the few issues where congressional leaders see room for cooperation with President Obama. Given the number of jobs that

TTIP (and TPP) could create, **Congress should work closely with the White House to move the trade agenda forward**. Of course, there is still the question of whether Congress will grant the President Trade Promotion Authority (TPA)—which would allow Congress up-or-down votes on both TPP and TTIP without amendments that could scupper both deals. However, considerable progress can be made even before the passage of TPA—and that is where Ambassador Froman and Commissioner Malmström's "fresh start" comes in. For Commissioner Malmström, there is a need for more clarity, debate, and realism to more effectively communicate to citizens what is actually being negotiated, and how TTIP would help them. Other important goals of the fresh start include increasing civil society involvement in the negotiations and outlining ambitious and realistic goals for European access to the large US goods, services, and public procurement markets. After less than a month in office, Malmström has already started publishing previously restricted TTIP documents and hosted numerous meetings with legislators and NGOs as part of a broad transparency initiative. This is an important effort as the public debate in Europe turns increasingly hostile towards globalization and international trade. Fostering an informed and enlightened public debate on TTIP is of paramount importance on both sides of the Atlantic. One of the main myths about the agreement is that it will primarily help large corporations, leaving the small ones on the sidelines. According to a recent Atlantic Council study, however, the exact opposite is the case: SMEs stand to gain exponentially from a transatlantic agreement that streamlines regulatory and customs processes. More than 99 percent of all businesses in both the United States and European Union are SMEs with less than 500 employees. These small companies account for the vast majority of employment and have contributed almost two-thirds of all net new private sector job creation in the United States over the past twenty years, adding more than 14.3 million new jobs to the US economy. In her first official meeting before the European Parliament's Trade Committee, Commissioner Malmström confirmed that she wants "[a] TTIP that works for small and medium enterprises." Ambassador Froman agrees, calling small businesses "the backbone of economic growth, job creation, and a stronger middle class in communities across America." During a time where the Internet and free movement of data are powerful drivers of economic growth, jobs, and welfare, SMEs have more opportunities than ever before to connect to potential customers across the world. To unlock the full potential of TTIP for businesses of all sizes, the US and EU need to work to establish a truly transatlantic digital marketplace with reliable, secure, and safe information flowing online as easily as goods and services do in planes or ships. As the world's two largest economies, any transatlantic agreement on cross-border data flows should shape a future global agreement. Coming

back to our initial question—how can today's meeting give **TTIP a fresh start**? The second meeting of the lead negotiators from both sides of the Atlantic in less than a month's time (they also met in Brussels in November) **shows the deep commitment of both sides to give the negotiations new impetus**. As the two sides prepare to reconvene in February, political leadership from Froman and Malmström is needed to develop a common transatlantic public relations strategy that promotes clarity of TTIP's purpose and its benefits while encouraging an open and informed public debate on the **true potential of building a more-integrated transatlantic market**.

2NC – Resilient

EU/US relations resilient

Joynner 11—editor of the Atlantic Council. PhD in pol sci (James, Death of Transatlantic Relationship Wildly Exaggerated, 14 June 2011, www.acus.org/new_atlanticist/death-transatlantic-relationship-wildly-exaggerated)

The blistering farewell speech to NATO by U.S. defense secretary Robert Gates warning of a "dim, if not dismal" future for the Alliance drew the Western public's attention to a longstanding debate about the state of the transatlantic relationship. With prominent commenters voicing concern about much more than just a two-tiered defensive alliance, questioning whether the U.S.-Europe relationship itself is past its prime, doubts that the Western alliance that has dominated the post-Cold War world are reaching a new high. But those **fears are overblown, and may be mistaking short-term bumps in the relationship for proof of a long-term decline that isn't there.** Gates' frustration with the fact that only five of the 28 NATO allies are living up to their commitment to devote 2 percent of GDP to defense, which has hindered their ability to take on even the likes of Muammar Qaddafi's puny force without American assistance is certainly legitimate and worrying. Though **the U.S.-Europe partnership** may not be living up to its potential, **is not worthless, and that relationship continues to be one of the strongest and most important in the world.** Gates is an Atlanticist whose speech was, as he put it, "in the spirit of solidarity and friendship, with the understanding that true friends occasionally must speak bluntly with one another for the sake of those greater interests and values that bind us together." He wants the Europeans, Germany in particular, to understand what a tragedy it would be if NATO were to go away. Most **Europeans** don't see their security as being in jeopardy and political leaders **are hard pressed to divert scarce resources away from social spending** -- especially in the current economic climate -- **a dynamic that has weakened NATO but, despite fears to the contrary, not the greater Transatlantic partnership.** It would obviously have been a great relief to the U.S. if European governments had shouldered more of the burden in Afghanistan. This disparity, which has only increased as the war has dragged on and the European economies suffered, is driving both Gates' warning and broader fears about the declining relationship. But it was our fight, not theirs; they were there, in most cases against the strong wishes of the people who elected them to office, because we asked. We'd have fought it exactly the same way in their absence. In that light, every European and Canadian soldier was a bonus. Libya, however, is a different story. The Obama administration clearly had limited interest in entering that fight - Gates himself warned against it -- and our involvement is due in part to coaxing by our French and British allies. The hope was to take the lead in the early days, providing "unique assets" at America's disposal, and then turn the fight over to the Europeans. But, as Gates' predecessor noted not long after the ill-fated 2003 invasion of Iraq, you go to war with the army you have, not the one you wish you had. The diminished capabilities of European militaries, spent by nearly a decade in Afghanistan, should be of no surprise. NATO entered into Libya with no real plan for an end game beyond hoping the rebels would somehow win or that Qaddafi would somehow fall. That failure, to be fair, is a collective responsibility, not the fault of European militaries alone. But the concern goes deeper than different defensive priorities. Many Europeans worry that the United States takes the relationship for granted, and that the Obama administration in particular puts a much higher priority on the Pacific and on the emerging BRICS (Brazil, Russia, India, China, and South Africa) economies. New York Times columnist Roger Cohen recently wrote that this is as it should be: "In so far as the United States is interested in Europe it is interested in what can be done together in the rest of the world." In Der Spiegel, Roland Nelles and Gregor Peter Schmitz lamented, "we live in a G-20 world instead of one led by a G-2." It's certainly true that, if it ever existed, the Unipolar Moment that Charles Krauthammer and others saw in the aftermath of the Soviet collapse is over. But that multipolar dynamic actually makes transatlantic cooperation more, not less, important. A hegemon needs much less help than one of many great powers, even if it remains the biggest. Take the G-20. Seven of the members are NATO Allies: the US, Canada, France, Germany, Italy, the UK, and Turkey. Toss in the EU, and you have 40 percent of the delegation. If they can form a united front at G-20 summits, they are much more powerful than if each stands alone. Add in four NATO Partner countries (Russia, Japan, Australia, and South Korea) and you're up to 60 percent of the delegation -- a comfortable majority for the U.S.-European partnership and its circle of closest allies. Granted, it's unlikely that we'll achieve consensus among all 12 states on any one issue, let alone most issues. But constantly working together toward shared goals and values expands a sense of commonality. And, like so many things, projects end. Indeed, that's generally the goal. The transatlantic military alliance that formed to defeat fascism remained intact after victory; indeed, it expanded to include its former German and Italian adversaries.

NATO outlasted the demise of its raison d'être, the Soviet threat, and went on to fight together --along with many of its former adversaries -- in Bosnia, Kosovo, Afghanistan, and Libya. Is there seriously any doubt that other challenges will emerge in the future in which the Americans and its European allies might benefit from working together?

Conflicts over surveillance won't collapse relations – it's all for show, strategic interests prevail

Mix 15 (Derek E. Mix, Analyst in European Affairs, "The United States and Europe: Current Issues," Feb 3, <http://fas.org/sgp/crs/row/RS22163.pdf>, DAH)

Other analysts argue that the purported U.S. surveillance operations remain a point of friction but that tensions have proven manageable and do not pose a sustained threat to the overall transatlantic relationship. Those holding this view contend that much of the outrage expressed by European leaders has been for domestic public consumption. They also note that while senior European officials may not have been familiar with the details of U.S. surveillance activities, many were well aware that their own security services conduct various surveillance operations and often work closely with U.S. intelligence services to help prevent terrorist attacks and other serious crimes in Europe. In addition, especially given the potential threat posed by the Islamic State and returning foreign fighters, officials indicate that cooperation between U.S.

and European intelligence and security services has continued **uninterrupted** despite any loss of trust at the political level. 35

Relations resilient – any conflict is self-correcting

Mix 15 (Derek E. Mix, Analyst in European Affairs, “The United States and Europe: Current Issues,” Feb 3, <http://fas.org:8080/sgp/crs/row/RS22163.pdf>, DAH)

Polls show that European perceptions of U.S. foreign policy under the Obama Administration remain relatively favorable and considerably more positive compared to the years of the George W. Bush Administration. 3 The overall tone of transatlantic relations has been mostly constructive over the past six years, and many of the broad global challenges faced by the United States and Europe have pushed the two sides toward common or cooperative approaches. In attempting to deal jointly with the daunting list of challenges they face, however, both sides have also encountered frustrations and reality checks that have reminded each side to be realistic about what it can expect from the other.

Prefer consensus

Mix 15 (Derek E. Mix, Analyst in European Affairs, “The United States and Europe: Current Issues,” Feb 3, <http://fas.org:8080/sgp/crs/row/RS22163.pdf>, DAH)

As the United States and Europe face a changing geopolitical environment, **some observers assert** that the global influence of the Euro-Atlantic partnership is in decline. In addition, the Obama Administration’s announced intention of “re-balancing” U.S. foreign policy toward Asia has caused some anxiety among Europeans. Overall, however, most analysts maintain that the United States and Europe are likely to remain one another’s closest partner, and that U.S.-European cooperation is likely to remain the foundation of international action on a wide range of critical issues.

Cooperation is resilient- shared values, economic ties, and issue specific cooperation

McCormick ‘6 (The War on Terror and Contemporary U.S.-European Relations James M. McCormick 1 1 Iowa State University ABSTRACT AU: James M. McCormick TI: The War on Terror and Contemporary U.S.-European Relations SO: Politics & Policy VL: 34 NO: 2 PG: 426-450 YR: 2006

Even if the conceptual gap were to narrow only slightly over U.S. foreign policy generally and terrorism particularly, **powerful international and domestic constraints remain, which may motivate both** the United States and Europe **to close the action gap.** In other words, certain existing constraints may actually serve as incentives to close the action gap between these two global actors in the near term. Some of these constraints result from the common ties that already exist, but others are unique to the United States and Europe. First, of course, the United States and Europe are **still bound together by a set of underlying common values and beliefs that brought them together during the Cold War** after World War II, albeit no longer with the Soviet Union acting as a lone star guiding policy formulation. Those common values and beliefs are **hardly empty notions to the vast majority** of

Europeans and Americans, particularly not to the new European states that have escaped communist rule since the fall of the Berlin Wall. How those values should be advanced will surely remain as a source of disagreement both within and between Europe and America, but those values will undoubtedly continue to serve as incentives for all parties to seek some policy accommodations. Second, Europe and America are fundamentally tied by the significant economic links that serve as the "sticky power" (Mead 2004, 46-53; Mead 2005, 29-36) between them. Indeed, economic ties remain very strong, despite recent political differences and lingering disputes over access to both participants' markets (Drozdiak 2005). Third, the often unspoken levels of cooperation on terrorism—for example, in the areas of law enforcement, intelligence matters, or the tracking of financial matters—remain in place, even in the face of more visible political differences over Iraq and the wider war on terrorism. Moreover, the events of 3/11/04 in Madrid and 7/7/05 in London continue to provide very powerful incentives for this kind of transatlantic cooperation. In this sense, these different kinds of "ties that bind"—and continue to bind—should not be forgotten as important sources of momentum to seek common ground between America and Europe.

1NC – Alt Cause – Court Ruling

Alt cause – court case

Williams 6/24

(Lauren, tech reporter for ThinkProgress with an affinity for consumer privacy, cybersecurity, tech culture and the intersection of civil liberties and tech policy, French Anger Over NSA Spying Further Strains Europe-U.S. Relations, June 24th, 2015, <http://thinkprogress.org/world/2015/06/24/3673403/french-anger-nsa-spying-strains-europe-us-relations/>)

Negative global perception of the NSA's actions could also affect how the U.S. does business overseas. European regulators have already begun investigating tech companies' potential wrongdoing by participating in NSA surveillance programs. The Court of Justice of the European Union is hearing a case involving Apple, Facebook, Microsoft, and Yahoo, for potential privacy law violations. The decision could seriously damage the U.S.-European relationship by deterring companies from doing business through stricter regulations. Facebook's European public policy director Richard Allan warned legislators in April that imposing stringent regulations on tech companies would be bad for business stateside and abroad: National regulators in a number of countries, including Belgium and the Netherlands, appear to be initiating multiple, overlapping investigations of Facebook, revisiting basic questions about how our services work.

1NC – Alt Cause – Energy

The plan is a drop in the bucket – energy is the litmus test to relations Koryani, 11—Hungarian diplomat, former Undersecretary of State, foreign policy and energy expert. He is also the Deputy Director of the Dinu Patriciu Eurasia Center of the Atlantic Council of the United State (David [Editor], Transatlantic Energy Futures, 2011, http://transatlantic.sais-jhu.edu/publications/books/Transatlantic_Energy_Futures/Transatlantic_Energy_Futures.pdf)

Critical factors of divergence cannot be discounted either, as they have an almost equally strong pull. Differing climate change perceptions and the lack of U.S. commitment and action is extremely dangerous, as it alienates Europeans, both policymakers and the wider public alike. These differences, if not solved, could drive a wedge for decades between the partners, undermine trust, create a value gap and hinder cooperation not only in climate change and energy issues but in all other aspects as well. There is in fact a chance that U.S. and European energy markets could largely decouple in coming years, due in part to differences regarding the need to tackle climate change, and in part to diverging geopolitical and domestic trends. The U.S. has edged closer to self sufficiency with respect to fossil fuels, with the extensive development of its vast unconventional gas resources and increasing reliance on Canadian oil sands. This could lead to a more isolationist stance in U.S. policy. Meanwhile unconventional gas faces mixed reactions in Europe; the EU, for example, plans to shun oil shales and tar sands in its impending Fuel Quality Directive. Friction in transatlantic perceptions on energy security and divergences over preferred courses of action are real dangers that must be addressed head on. Towards a Transatlantic Energy Alliance The systemic transformation of the world of energy, triggered by climate change and powered by new technologies, will likely cause the reorganization of our societies. The benefits and pitfalls of transatlantic cooperation are beyond doubt. Renewing the transatlantic community's leadership is essential to lead the world to a sustainable, low carbon future. Transatlantic cooperation can contribute to provide secure and affordable energy to people in the EU and the U.S., foster economic prosperity and create jobs. Current cooperation on a wide range of subjects is encouraging but inadequate. What we need is a new impetus, genuine political will, adequate resources and enhanced cooperation to advance a transatlantic green economy. Joint efforts in addressing climate change, innovation and investment into clean energy technologies, risk sharing and cost reduction, joint RD&D and harmonized energy diplomacy must be the cornerstones of a Transatlantic Energy Alliance. A Transatlantic Energy Alliance is desirable and feasible, but not self-evident. Climate change and energy cooperation will be the litmus test of converging or diverging European and American norms, values and interests in the 21st century. We have to bridge our differences and we have to do that quickly in order to remain in the driving seat. To amend Robert Kagan's famous line, Americans may be from Mars and Europeans from Venus, but we shall all soon need to move to some other planet if we do not adjust course. Transatlantic Energy Futures endeavors to give you a taste of the intricate and multifaceted energy challenges facing our communities. It aims to do so with a strong conviction in the enduring prominence and necessity of the transatlantic partnership.

2NC - Alt Cause - Energy

Renewable energy is the cornerstone to the transatlantic alliance

Stori '14 (January 27, 2014 | by Val Stori, OWAP Project Director Trade Missions Critical in Building an Offshore Wind Industry)

Perhaps one of the most cost-effective measures US developers can take to reduce project risk and installation costs is partnership with experienced developers. Reducing risks and construction time can have a significant impact on overall project costs. In Europe, growing professionalism in the industry—mainly market entry by large construction companies and major utilities, has led to faster installation times and improved methods. These major players have developed and improved techniques and equipment specific to offshore wind development, which has led to speedier installations and thus, reduced costs. In fact, leading utility and major offshore wind developer DONG Energy predicts that a cost reduction of 10-20% by 2017 is realistic; companies like these are focused on streamlining, improving efficiencies, and incentivizing OEMs and suppliers to reduce costs. **Through partnerships, a US developer can gain valuable experience and tap the wealth of knowledge that European developers have already amassed.** To spur the development of offshore wind in the US and to gain public acceptance through more acceptable power prices, the US must take advantage not only of European know-how, but also of the European supply chain. State renewable energy agencies and local economic development councils who already are heavily invested in offshore wind-related infrastructure and who are looking to position themselves as **leading US offshore wind players, are engaging with key European developers and political leaders through international trade missions.** In 2013, two CESA members travelled to Germany and Denmark along with a contingent from economic development councils and port authorities as part of international trade missions. Both contingents returned to the US cognizant of the major challenges that lie ahead in building a domestic industry, yet aware of the tremendous opportunities for growth. After touring some of the world's largest wind farms, visiting offshore wind-dedicated ports, and speaking with turbine OEMs, the US representatives returned home to champion for offshore wind. In the words of New Bedford Mayor Jon Mitchell, who travelled to Europe with the Massachusetts Clean Energy Center, "it is hard to avoid the adage that seeing is believing." But what other than awe at the industry's huge potential is to be gleaned from these international missions? **Beyond the fact finding and knowledge sharing lies an integral component of these trade missions—the opportunity to build relationships and establish joint ventures.** Dedicated matchmaking sessions and networking opportunities are critical to kick-starting efficient development off US shores. The opportunity to partner—whether a US contractor partners to operate in Europe and brings the experience back or a US project partners with an experienced European contractor—enables us to benefit from Europe's learning curve. We do not have to reinvent the wheel every step of the way. In fact, to do so would likely be cost prohibitive at this point in the game. The US currently does not have the volume or the guaranteed market to develop a robust supply chain or to justify investment in domestic ventures that would support the nascent-at-best industry. Even in Germany, where nearly 400MW of offshore wind were installed in 2013, factories sit idle when demand is low despite investment of an estimated \$1.3 billion for specialized ports and factories. Even though economic development and job creation are key goals for the states interested in building an offshore wind industry, until a sufficient pipeline of projects is established along the US Atlantic coast, the first few projects will be supplied by European manufacturers. **European developers and manufacturers are eager to work on this side of the Atlantic.** Recently, the Maryland Energy Administration was invited to attend the annual European Wind Energy Association's conference at the request of European turbine manufacturers who recognize that Maryland may be the first state to deploy a large-scale project in the US. And in late December, Cape Wind contracted with Siemens to supply the project with Siemens' 3.6MW turbines and an electrical services platform. The platform, in fact, has been contracted out by Siemens to Cianbro Corp.—a Massachusetts-based company, that will construct the offshore substation at its manufacturing facility in Brewer, Maine. While it may be too early for European developers to establish significant facilities in the US at this stage, they are looking for project partners and prime locations to invest—especially if states set offshore wind targets. **It could be a win-win situation.** Local content is lacking and would be a substantial hurdle causing major bottlenecks if US offshore developers chose

to go "local only." Overseas cooperation with local industry will be key in getting the US offshore wind industry up and running, while providing a large opportunity for the established European players to get involved in US developments.

1NC – Alt Cause – Trade

Expanding economic and trade ties are the only way to sustain the relationship

Brattberg '13 (By Erik Brattberg. Published 8 November 2013. Erik Brattberg is Analyst at The Swedish Institute of International Affairs, and currently Visiting Fellow at the Atlantic Council of the United States and a Non-Resident Fellow at the Paul H. Nitze School of Advanced International Studies (SAIS) at Johns Hopkins University in Washington DC.

If so, this could be the start of a recreated and re-invented transatlantic relationship. The development of a more **strategic EU-US relationship** could also **help allay fears regarding the US 'abandonment' of Europe**. While US strategic thinking is changing – and fast (the so-called 'Asian pivot' is only the beginning) – a more strategic transatlantic relationship would still serve a critical function for Washington, and not just on the security side of things. The drawdown of the military mission in Afghanistan means that the US will have less need for Europe in coming years. Focusing more on global **economic and trade issues could constitute a new strategic imperative for closer EU-US ties.**

Uniqueness

Rels High Now

US-EU united on foreign policy with M.E and Russian

Mason '15

(Jeff Mason covers the White House for Reuters. He was the lead correspondent for President Barack Obama's 2012 campaign and has been posted in Washington since 2008, when he covered the historic race between Obama, Hillary Clinton and John McCain, traveling with all three candidates. Jeff has also been posted in Frankfurt, Germany, where he covered the airline industry and Brussels, Belgium, where he covered climate change and the European Union. He has appeared on MSNBC, CNN, BBC, and NPR. Jeff is a graduate of Northwestern University and a former Fulbright scholar, <http://www.reuters.com/article/2015/06/06/us-g7-summit-obama-idUSKBN00M00J20150606>

When President Barack Obama attends the Group of Seven summit in Germany on Sunday, he will join **fellow leaders who are growing accustomed to a new dynamic in the transatlantic relationship: less direction from Washington, more demands on Europe.** In responding to Russia's intervention in Ukraine, the crisis in Libya and efforts to advance Middle East peace, European leaders have stepped up their role after a real or perceived sense that the United States was drawing back. The shift has created both annoyance and satisfaction among European officials. Some privately express frustration at what they view as reluctance by the Obama administration to get involved. They contrast a "leading from behind" strategy in the Middle East and Europe with the more proactive U.S. stance in Asia, where Obama is acting diplomatically and militarily to counter growing Chinese influence. France has publicly berated the U.S. administration for not launching air strikes in 2013 against Syrian President Bashar al-Assad. It said that the decision caused irreparable damage to the Syrian opposition on the ground and emboldened Russian President Vladimir Putin on the international scene. "At the heart of what's going on is that the Americans themselves don't want to be on the front line in this region" a senior French official said. The phrase "leading from behind" grew out of the 2011 NATO intervention in Libya when Washington let France and Britain do most of the heavy military lifting. DIVISION OF LABOR Other diplomats **and U.S. officials say France and Germany's leading role in talks between Moscow and Kiev,** which led to a shaky ceasefire deal in eastern Ukraine, **was appropriate for a crisis that hits them closer to home.** "It's not a question of ceding responsibility, it's the natural division of labor between us," said David O'Sullivan, the European Union's ambassador to the United States. Other areas, however, have been hurt by a lack of U.S. leadership, foreign policy analysts said. Stephen Hadley, Republican President George W. Bush's national security adviser, said it was very attractive to Russia not to have the United States at the table in the Ukraine ceasefire talks. He noted that Europeans were eyeing a new approach to peace between Israelis and Palestinians by potentially backing a U.N. resolution for a Palestinian state. "Overhanging this, of course, is this perception of American disengagement and stepping back from leadership on a lot of problems in the world, which is a perception that our Arab friends and allies have in the Middle East and, you know, I think is very much prevalent in Europe," he said. "STRONG ALIGNMENT" The White House rejects that charge, which is voiced by many Republican critics. It **points to U.S.-European unity on Iran's nuclear program, global climate change negotiations, strikes against Islamic State militants, and sanctions against Russia.** "If you look at the president's key foreign policy priorities, every single one of them, just about, is supported by these key European partners," **Obama's deputy national security adviser Ben Rhodes said. "I think this is a moment of very strong alignment with Europe."** That alignment has not translated into pro-American sentiment in Germany, which is hosting the G7 summit. Germans remain angry at U.S. spying practices, an issue German Chancellor Angela Merkel has raised repeatedly with Obama. In an effort to set a more positive tone, Obama and Merkel will spend some public time together before the summit on Sunday, walking around a small village and sampling local food. The

United States has openly talked about the need for Europe to step up militarily and has recently reiterated a long-standing message that its NATO partners must boost their military spending.

US-EU Relations strong for the future

Hughes '14

US, EU and trade <http://thehill.com/opinion/op-ed/238633-us-eu-and-trade>

(Julia K. Hughes, President of International Development Systems, Inc., which has a proven international reputation as the resource for companies, trade associations and countries when they need the latest information regarding trade statistics and government regulation of textile and apparel products. Additionally, Ms. Hughes serves as Vice President, International Trade and Government Relations for the United States Association of Textiles and Apparel (USA-ITA), where she leads the development of new strategies to liberalize trade in textiles and apparel. Prior to joining IDS, Ms. Hughes was Divisional Vice President of Government Relations for the Associated Merchandising Corporation (AMC), the largest retail merchandising, marketing and consulting organization in the world.)

TPA, TPP, AGOA, and TESA are just a few of the trade policy acronyms we've heard on Capitol Hill lately, but this week, the trade community is focusing on yet another acronym that could have an enormous benefit for both companies and consumers: TTIP, or the Transatlantic Trade & Investment Partnership. **Trade negotiators from the United States and European Union are currently meeting** in New York City **for** the ninth round of TTIP negotiations in hopes of **strengthening the important partnership between the United States and Europe, which already supports 13 million jobs on both sides of the Atlantic.** While the **U.S.-EU relationship is already quite strong**, many obstacles to trade remain in place. This is why our organizations—representing American and European brands, retailers, and importers in a variety of industries, including the fashion industry—urge the negotiation of an ambitious, high-standard agreement that recognizes the way companies do business in the 21st century. This means that the agreement should include the elimination of all tariffs as well as the reduction and harmonization of product-related regulations. For companies, the benefits are clear. The United States and European Union have higher tariffs and more restrictive practices on textile, leather, and fashion products than most consumer goods. **By eliminating tariffs and reducing technical barriers, companies** would **experience greater efficiencies and reduced costs of doing business, allowing them to sell more products globally, expand their operations, and create more high quality jobs**, including design, compliance, retail, and marketing jobs in the fashion industry. Such an agreement would also benefit the consumers those companies serve. Studies show an ambitious agreement could create as many as 750,000 new jobs in the United States, while the expansion of transatlantic commerce would add approximately €95 billion to the United States' economy and approximately €119 billion to Europe's economy and each year. Families will reap the benefits, as the average American household could gain approximately \$865 annually while European households could gain approximately \$720 annually. An ambitious agreement would also have a positive impact on global trade. By instituting uniform, high-standard regulations on everything from product labeling and testing, to sustainability and safety in the global value chain, the United States and Europe could set the global standard. TTIP would serve as a model for future trade agreements when other nations see the widespread benefits of an ambitious elimination of tariffs and reduction of trade barriers—as well as the cost savings and efficiencies that result when they need to follow only one set of regulations for exporting to the United States and Europe. We strongly urge the negotiators to take a fresh look at the proposals, and take a new, 21st-century approach to trade policy. If they do, TTIP won't just be another acronym—but will be a landmark agreement that changes the future of business and trade for the better.

US-EU Communication never been higher EU 2006

(http://eeas.europa.eu/us/docs/infopack_06_en.pdf)

Enhanced EU–US communication has been essential in developing a closer understanding of respective policy positions and a better coordination of activities. The 1990 Transatlantic Declaration introduced structured political dialogues to allow for EU–US discussion on a great variety of regional and horizontal themes. The New Transatlantic Agenda (NTA) which followed in 1995 now governs the relationship. This ambitious agenda of **cooperation between the EU and the USA** in a large number of areas requires intensive dialogue. The **yearly summits between the Presidents of the European Commission and the European Council and the President of the United States** are the apex of an intensive dialogue. The summits are prepared by senior level representatives from the EEAS, the European Commission, the Council Secretariat and the US State Department. Implementation of summit decisions is taken forward via regular working level contacts. Under the EU’s Industrialised Countries Instrument for 2007-2013, over € 20 million are earmarked for cooperation with the United States under three focal areas: dialogues, people to people and cooperation. Following an Annual Work Programme, tenders or calls for proposals for the various instruments (EU Centres of Excellence, people to people actions, dialogues and outreach activities) are published on that same website and are opened to EU and US participants. Such activities should be eligible for support as of 2014 under the new Partnership Instrument proposed by the European Commission under the Multi-Annual Financial framework for the period 2014- 2020. In recent years, the development of more informal and operational ad hoc contacts have allowed for a more detailed understanding of our respective priorities and policies, provided early warning of potential problems and improved the coordination of policy planning and assistance. **The EU and the US have continued to work together in the field of both civilian and military crisis management and conflict prevention.** In March 2008, both sides concluded a work plan on crisis management and conflict prevention, setting out the concrete steps to operationalise co-operation in a number of areas, with specific elements on conflict prevention and early warning. In May 2011, the EU and the US formalised an agreement to allow US civilians to participate in EU CSDP operations. **Close cooperation continues in stabilization efforts, for example in the Balkans,** concerning the EULEX Kosovo rule of law mission.

French Anger Over NSA Spying Further Strains Europe-U.S. Relations,

Williams ’15 BY LAUREN C. WILLIAMS JUN 24, 2015 1:06PM,

<http://thinkprogress.org/world/2015/06/24/3673403/french-anger-nsa-spying-strains-europe-us-relations/>, Lauren C. Williams is the tech reporter for ThinkProgress with an affinity for consumer privacy, cybersecurity, tech culture and the intersection of civil liberties and tech policy. Before joining the ThinkProgress team, she wrote about health care policy and regulation for B2B publications, and had a brief stint at The Seattle Times. Lauren is a native Washingtonian and holds a master’s in journalism from the University of Maryland and a bachelor’s of science in dietetics from the University of Delaware.

New WikiLeaks documents show the U.S. **National Security Agency spied on the private communications of three French presidents, angering the French government and adding strain to an already tenuous Europe-American relationship.** French news site Mediapart first published the documents Tuesday, which cover NSA activity from 2006 to 2012, and were part of the original

WikiLeaks provided by former NSA contractor Edward Snowden. That **news quickly drew the ire of French President François Hollande, who called an emergency meeting Wednesday with the U.S. ambassador and government attorneys. “France will not tolerate actions that threaten its security and the protection of its interests.”** Hollande said in a statement Wednesday. **“These are unacceptable facts that have already**

been the subject of clarification between the US and France, notably at the end of 2013 when the first revelations were made and during a state visit by the president of the Republic to the United States in February 2014. Commitments were made by the US authorities. **They need to be recalled and strictly respected.**"

US-EU relations High Now—Key to counteracting terrorism Archick '14

("U.S.-EU Cooperation Against Terrorism", Kristin Archick, Specialist in European Affairs, December 1, 2014, <https://www.fas.org/sgp/crs/row/RS22030.pdf> Congressional Research Service, 7-5700 www.crs.gov RS22030)

U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions with individual EU member states. Despite some frictions, **most U.S. policy makers and analysts view the developing partnership with the EU** in these areas **as positive**. Like its predecessor, the **Obama Administration has supported U.S. cooperation with the EU in the fields of counterterrorism, border controls, and transport security.** At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a "Declaration on Counterterrorism" aimed at deepening the already close U.S.-EU relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama's National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, **the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.** The EU has also been a key U.S. partner in the **30-member Global Counterterrorism Forum**, founded in September 2011 as a multilateral body aimed at mobilizing resources and expertise to counter violent extremism, strengthen criminal justice and rule of law capacities, and enhance international counterterrorism cooperation.

US EU Relations Tense- Asia risks souring relations

Esther Brimmer, 2015, 6-22-15 "Why rising Asia risks souring U.S.-EU relations," Europe's World, <http://europesworld.org/2015/06/22/why-rising-asia-risks-souring-u-s-eu-relations/#.VZ7SuvIVgaB>

Asia's rise is going to **need careful management by the U.S. and the EU**. The U.S. and EU must manage their reactions to the rise of Asia **because** this transition for **it has the potential to deepen existing strains in the transatlantic relationship**. The need for America and Europe to manage cope with such external influences is hardly new. **Transatlantic relations have been buffeted over the years** by trends ranging from Europe's process of de-colonisation to America's Vietnam War, and from conflict in the Middle East to war in Afghanistan. **Global changes affect North**

America and Europe differently, **and** so **can lead to misunderstandings** because the long-term rise of Asia will change the world. Europeans and Americans need to build a more nuanced understanding of their shared interests. There are different interpretations of the rise of Asia, but five aspects are particularly interesting. It can be seen as an economic phenomenon, a strategic challenge, a global power shift, a recognition of the re-emergence of China and India, and an acknowledgement of the many "middle powers" in the region. All five interpretations are likely to influence the views from North America and Europe. "The biggest transatlantic divergence over Asia's rise is the strategic outlook now that many Asian countries are greatly increasing their military spending" Asia contains a number of the largest economies in the world. China last year accounted for over 16% of global GNP, as measured by purchasing power parity. Japan for 5.4%, India 5.8% and the U.S. 16.3%. Although trade is important, investment flows show a more complex relationship. International capital is taking a renewed interest in stable, established markets now the sparkle of emerging ones is being dimmed by slower growth. For European countries, Asia and especially China has become a source of investment income. The economic crisis has ushered in an era of inadequate intra-European investment, creating a profound need for investment in Europe just at a time when China wanted to invest its huge surpluses internationally. Chinese investors and others found bargains in Europe. The result is that Chinese foreign direct investment (FDI) into the EU grew a whopping 338% between 2010-2012. UNCTAD reports that Chinese investment in the United Kingdom doubled from \$1.4bn, it was \$2.8bn during that period, and the overall value of Chinese investment stock in the EU rose to \$31.5bn from a mere \$1.3bn in 2006. Chinese investment in the U.S. reached \$17bn in 2012, up from a similarly low level of \$1.2bn in 2006. Yet, despite this dramatic increase in Chinese investment, the U.S. and Europe are still by far each other's most significant economic partners. In 2012, the U.S. accounted for about a quarter of the EU's foreign investments, with China trailing far behind at 6.1%, Hong Kong at 5.9% and India only 2.1%. As to U.S. foreign investment, Europe received \$2.7 trillion in 2013, almost a fifth of which went to the UK alone. Asia as a whole was of far less interest than Europe to American investors, getting \$695bn in 2013, of which \$61.5bn went to China. "The rise of Asia is creating opportunities, but is also opening new areas for politically charged debate" The transatlantic partners know well that increased investment brings deeper social engagement. But corporate investors' decisions can also affect local labour conditions, and now some of the most difficult negotiations over TTIP relate to investment disputes. The perception that other countries' standards are not as high as your own creates a politically charged climate for negotiations. Europe has agreed investment provisions with Canada, but is still debating them with the U.S. in the TTIP negotiations. Europeans worry that American companies will use the investor state dispute mechanisms to circumvent the EU's labour, health and safety standards. For their part, the Europeans want such mechanisms to be included in the pending EU-China bilateral investment treaty precisely to protect them from local actions in the less transparent Chinese dispute resolution system. Different types of investors in China enjoy different degrees of market access, with the state-owned enterprises there controlling an important segment of Chinese international investment., although they are less transparent than many commercial investors yet wield political clout. Europe arguably needs this investment agreement more than China as it wants greater access to Chinese markets, while China already benefits from access to Europe's open economies. One possible source of transatlantic tension is that the U.S., and but only some EU countries, requires a security review of investments by foreign government entities. This raises questions about whether NATO-member the EU countries will be able to develop acceptable investment rules with some Asian countries from a security perspective. The rise of Asia is creating opportunities, but is also opening new areas for politically charged debate. The biggest transatlantic divergence over Asia's rise is the strategic outlook now that many Asian countries are greatly increasing their military spending. China last year spent \$216.4bn, triple its 2006 defence budget of \$71.4bn. While the U.S. accounts for over a third of global military spending, China's share has risen to 12.25%. Part of the heralded U.S. "rebalance" to Asia reflects Washington's efforts to revitalise transpacific political and security relationships as Asia raises strategic and political issues for America as well as economic ones. Europeans may speak of Asia as a neighbouring region, but for many Americans the U.S. is part of the Asia/Pacific region. Fifty million Americans live in the five states that border the Pacific Ocean. The United States is not alone among the countries of the Asia/Pacific region to have been alarmed by China's adventurism in the East China and the South China Seas. Yet from a U.S. perspective the rise of Asia in strategic terms means not only the challenge of a more assertive China but also the benefit of more capable regional partners for Washington. America and Japan have been allies for over 60 years, and Australia and New Zealand have been bound by the ANZUS treaty for as long. The U.S. and India have moved closer together over the past decade in a stronger security relationship, with their 2008 agreement and subsequent work to bring India closer to international nuclear weapons control regimes having removed barriers to more widespread co-operation. **The re-**

emergence of Asia is recalibrating global power balances. These changes are **likely to have a particular impact on Europe, whose** leaders may **feel they need to ingratiate** themselves **with the emerging Asian powers** to stay in the game. While the United States will be a large and powerful country for decades to come, **Europe** may feel disadvantaged in its relations with Asia, and that **could cause tensions with the U.S.**

US-EU will continue to work together

O'Sullivan '15 (22 June 2015, "HENRY GRATTAN LECTURE: EU-US RELATIONS IN A CHANGING WORLD SPEECH BY DAVID O'SULLIVAN EU AMBASSADOR TO THE UNITED STATES", <http://www.euintheus.org/press-media/henry-grattan-lecture-eu-us-relations-in-a-changing-world-speech-by-david-osullivan-eu-ambassador-to-the-united-states/>, David O'Sullivan is an Irish civil servant who serves as the Ambassador of the European Union to the United States and the Head of the Delegation of the European Union to the United States. Prior to arriving to the United States, he was the chief operating officer of the European Union's diplomatic corps, the European External Action Service (EEAS). He has held a number of high level positions including Head of Cabinet to Romano Prodi and Secretary-General of the European Commission)

Working increasingly with what I call 'institutional Europe' has rendered **the EU-US relationship** much more **effective. Without a program of joint EU-US wide sanctions, we would not have brought Iran back to the table and** we **would** certainly **have had** a lot **less leverage on** Mr. **Putin**. So far, despite the drag of these sanctions on the European economy, we have managed to maintain unity, and as long as attempts to divide us fail, the **EU will continue to work hand-in-glove with the United States on these complicated issues. Washington increasingly sees Europe as having an important role to play** also in our southern neighbourhood and Federica Mogherini has been tireless in her attempts to contribute to

Rels Low Now

U.S- E.U. relations are becoming increasingly strained as the U.S. continues with international spying

Gramer, 14

(Robert Gramer, Gramer staffs the Atlantic Council's Transatlantic Security Initiative, Collateral damage: US spy scandals endanger the world's largest trade deal, 7/22/14, URL, LJG)

After two German officials were arrested on charges of spying for the United States, Germany ordered the CIA station chief in Berlin to leave the country. This story ripped open painful wounds from the NSA-spying scandal that had barely begun to scab over, when leaked documents revealed that the United States had spied on German citizens and tapped German Chancellor Angela Merkel's personal phone. According to U.S. officials, this scandal is simply a crisis du jour spurred primarily by naivety and hypocrisy from an ally who spies right back on the United States. But to German officials, it's the latest example of overreaching U.S. intelligence practices that irrevocably damage the U.S.-German relationship and deeply undermine the sanctity of allies' trust — to the point where the German committee investigating the NSA has considered switching to typewriters.

In this politically charged climate, German and EU leaders may find a new political lightning rod for rising frustration toward the U.S. in the Transatlantic Trade and Investment Partnership (TTIP), an ambitious trade deal between the United States and the European Union slated to add \$280 billion and 13 million jobs to the transatlantic economy. Germany is the EU's economic center of gravity, making it the United States' most important bilateral partner in the TTIP negotiations. German and EU politicians will have to sell TTIP to their people for it to pass. This will be much more difficult with citizens furious at the country on the other side of the negotiating table. As one German official told The New York Times, the latest scandal "overshadows everything we do," including TTIP negotiations (complicated by the fact that the next round of TTIP negotiations started this week with the spy scandal still saturating headlines). Indeed, the chair of the European Parliament's Committee on Foreign Affairs, Elmar Brok, hinted in an interview after the Edward Snowden scandal first broke that TTIP could be leveraged against the United States: "the European Union is in charge of all the trade negotiations, all the rules and regulations on data protection, on the new transatlantic marketplace agreement. ... I think the Americans should see that it is in their interests to find a solution to this question." While few European officials have explicitly stated that the spy scandal will slow TTIP talks, it will undoubtedly be the elephant in the negotiating room. How can the United States salvage TTIP's prospects before political pressures grind the trade negotiators' efforts to a halt? First, **American officials need to acknowledge the full scale of damage to U.S.-**

German relations. Right now, American officials appear to be more annoyed than concerned, neither comprehending how deeply the multiple spy scandals scarred the German public nor how it could hinder TTIP negotiations.

White House Press Secretary Josh Earnest said Germany should understand what allies' "intelligence relationships and activities entail" and Rep. Mike Rogers (R-Mich.), chairman of the U.S. House Committee on Intelligence, accused Germany of throwing a "political temper tantrum." Intelligence, especially surveillance, is a deeply personal and contentious subject for the German people, inextricably rooted in the country's painful and infamous past. That makes this scandal disastrous for U.S.-German relations, but this fact falls on deaf ears in the White House. Second, the U.S. government must demonstrate that it will exert additional oversight on overly broad intelligence collection practices. Even if the government didn't substantially alter U.S. intelligence policy (something even Angela Merkel conceded is tough), it would demonstrate to allies that at least publicly elected bodies were sufficiently "watching the watchmen." Lastly, the United States should include language in TTIP that explicitly signals a commitment to agreeable civil liberty protection for both American and EU citizens, while still effectively protecting national security interests. European officials can brandish this as a victory, and the United States can link TTIP's success with policies on curbing broad surveillance it should have implemented in the first place. **The NSA spy scandal unleashed a political firestorm in Europe,** and this most recent scandal further fanned the flames. **American policymakers must realize that this will not simply blow**

over with the right mixture of time, a few quotes about being "great friends," or a nice photo-op. **This is a disastrous turning point for U.S.-German relations, and potentially TTIP, but few Americans seem to notice.**

The United States has shown it's more than capable of eavesdropping on allies, but now it's time to listen to them.

U.S. - E.U. relations are becoming increasingly strained as businesses in the E.U. realize that U.S. privacy policies are mostly false.

Bernard, 14

(Doug Bernard, Bernard covers cyber issues for Voice of America News, "EU Data Retention Ruling May Roil US-European Relations", 4/8/14, <http://www.voanews.com/content/eu-data-retention-ruling-may-roil-us-european-relations/1888781.html>, LJG)

Before any data can leave an EU member nation, U.S. telecommunications firms must certify they follow privacy policies and programs similar to the more stringent EU protections, creating a "safe harbor" for data privacy. However, Kelley said, **regulators on both sides of the Atlantic have long known that many U.S. safe harbor certifications are actually false, creating a serious potential problem for U.S. companies doing business in the EU.** This week's court ruling, he said, will only make commerce more difficult. "Even before Snowden, there were concerns about the EU Safe Harbor," Kelley said. **"There's already skepticism in Europe because of that, and then you throw in Snowden, it creates more distrust. Having one more element of differentiation between the U.S. and EU is just not helpful."**

Rise of Asia is likely to deepen problems with U.S. – E.U. relations

Brimmer, 6/22/15

(Esther Brimmer, Former U.S. Assistant Secretary of State for International Organisation Affairs (2009-2013) and Professor of International Affairs at the George Washington University's Elliott School of International Affairs, "Why rising Asia risks souring U.S.-EU relations", 6/22/15, <http://europesworld.org/2015/06/22/why-rising-asia-risks-souring-u-s-eu-relations/#.VZ06wflVikp>, LJG)

Asia's rise is going to need careful management by the U.S. and the EU, **The U.S. and EU must manage their reactions to the rise of Asia because this transition for it has the potential to deepen existing strains in the transatlantic relationship.** The need for America and Europe to manage cope with such external influences is hardly new. Transatlantic relations have been buffeted over the years by trends ranging from Europe's process of de-colonisation to America's Vietnam War, and from conflict in the Middle East to war in Afghanistan. **Global changes affect North America and Europe differently, and so can lead to misunderstandings because the long-term rise of Asia will change the world.** Europeans and Americans need to build a more nuanced understanding of their shared interests. There are different interpretations of the rise of Asia, but five aspects are particularly interesting. It can be seen as an economic phenomenon, a strategic challenge, a global power shift, a recognition of the re-emergence of China and India, and an acknowledgement of the many "middle powers" in the region. All five interpretations are likely to influence the views from North America and Europe.

EU US Relations Falling Apart- Obama Administration to Blame

Sputnik, 4-2-15, By, 7-9-2015, "What transatlantic renaissance? US-EU relations falling apart at the seams," SOTT.net, <http://www.sott.net/article/294681-What-transatlantic-renaissance-US-EU-relations-falling-apart-at-the-seams>

While the US President urges his Western allies to rally support for Washington's stance on the most burning international issues, he should not be surprised that consensus is hard to come by, notes David J. Karl, pointing to the fact Barack **Obama has repeatedly snubbed the continent's leaders.** The **"continuing ructions" in the US relations with its Western allies** caused by Obama's failure to develop strong ties with European leaders **have ultimately overshadowed Washington's plan of a "transatlantic renaissance,"** David J. Karl, president of the Asia Strategy Initiative, an analysis and advisory firm, pointed out. "[In 2008] speaking before a massive crowd assembled in Berlin's "Tiergarten", [President Obama] grandly vowed to "remake the world once

again," this time in a way that allies would "listen to each other, learn from each other and, most of all, trust each other." That pledge is now so yesterday that Mrs. Merkel is reportedly longing for the days of George W. Bush," the expert emphasized. Barack Obama has repeatedly snubbed the European leaders, Mr. Karl pointed out. Instead of taking a chance to demonstrate to the world US-NATO solidarity, Barack Obama "in fact deliberately" missed an opportunity to meet with the new NATO Chief, Jens Stoltenberg, in Washington last week. Stoltenberg requested a meeting with the US President "well in advance," the expert underscored. Obama's move could only be considered as an obvious slight to Jens Stoltenberg: the US President is one of a few Western leaders who have yet to with the NATO chief, who assumed the position almost six months ago. However, Obama has demonstrated disinterest in the US' European allies many times before. For instance, in November 2009, Barack Obama opted out of holding a meeting with European Union leaders at the White House sparking speculations that British Prime Minister Gordon Brown and French President Nicolas Sarkozy, one of the most pro-American French leaders, felt like they were being ignored. Remarkably, a year later the American President once again missed a summit with the EU leaders. In September 2009, during a so-called "reset" of relations with Moscow, Barack Obama changed his plans of deploying a missile defense system in Poland and the Czech Republic, but did not bother to inform his eastern European counterparts about his decision. David J. Karl cited a top Polish security official who said that Warsaw heard Obama had shifted the plan though the media. Another European security official complained that US President Obama "does not do consultation, and he doesn't do discussion with allies. He reports, and he describes his analytical process," as quoted by the expert. Curiously, the members of the Obama administration also demonstrated little if any respect to the US' continental allies. A senior German official close to Chancellor Angela Merkel remarked that Susan Rice, the US National Security Adviser, in 2013, pressed the German team to adopt the US approach to the Syrian crisis openly demonstrating that she was not interested in the EU view, David J. Karl noted. The expert added that Rice even used the hardly diplomatic term "mother**ker," causing outrage among German politicians. The leaked phone conversation of Victoria Nuland, the Assistant Secretary of State for European Affairs, who graphically cursed the EU, once again demonstrated the Obama cabinet's attitude towards its European allies. While Obama is urging the EU to rally common Western positions on such issues as the Ukrainian conflict, Iran's nuclear program and the rise of China, he should not be surprised that consensus is hard to come by, the expert underscored. Instead of repairing ties with Europe, Barack Obama has evidently mismanaged relations with the continent, David J. Karl stated.

Despite Stress over Surveillance- US EU Relations Still High

John Curran,, 6-16-2014, "EU AMBASSADOR NOTES EU-U.S. 'STRESS' OVER SURVEILLANCE, PRIVACY," No Publication, <http://search.proquest.com.proxy2.cl.msu.edu/docview/1541351319?pq-origsite=summon>

Joao Vale de Almeida, the European Union ambassador to the U.S., this week called for a renewal of a more trusting relationship between the EU and the U.S. following the past year's discord between the two over disclosures of National Security Agency surveillance programs,

which he said have constituted a "stress test" of the relationship. Speaking at a cloud computing policy conference organized by Forum Global, Mr. de Almeida said the EU and the U.S. need to "cultivate, nurture, protect, and promote" a more trusted relationship. "In Europe, this is a serious issue," he said. "We should not underestimate the importance of trust." "If trust does not exist...then the whole concept is not sustainable," he said, speaking of agreements on cross-border data flows that are involved in cloud computing and other communications services. Along those lines, he said the future may hold "severe weather alerts" over security and policy differences. "Some clouds bring storms . . . some storms can be linked to cybersecurity - this is the most obvious problem," he said. On the policy front, he said NSA program revelations constitute a "political" storm, with the "capacity to pollute policy making." He said, for example, that transatlantic trade talks now underway between the EU and U.S. do not involve surveillance issues, but that those issues "are having an impact on the negotiations. I don't think we should ignore this." Mr. de Almeida offered that it was difficult to find the right balance between security and privacy, but that the EU and the U.S. nonetheless have to attempt to "square the circle" on that issue. At the same event, Federal Trade Commissioner Maureen Ohlhausen emphasized the importance of cross-border data flows to economic growth, and said they constitute "the purest form of a broadband bonus - nobody loses, and everybody wins." She also offered that the relationship between the U.S. and the EU has been improving in recent times following the NSA surveillance program disclosures. "Despite some of the storms, it's getting stronger because it needs to get stronger," she said. "It triggered a discussion, but I think we'll come out stronger." Cameron Kerry, a former Department of Commerce general counsel and now a fellow at the Brookings Institution, said that NSA surveillance "revelations have fueled the worst fears" that some Europeans have about U.S. policy, and that some European institutions have tried to move forward on their own with data privacy reforms as a result. "But at the end of the day, I don't think either side of the Atlantic can afford that," he said. "Trade is too important, and the Internet is too important." He said the U.S. and the EU need to affirm the continuing validity of their existing Safe Harbor framework for cross-border data flows, and improve the "interoperability" of the exchange. "We need to dial back some of the regulatory friction so we can focus on regulatory outcomes, not process." - John Curran, john.curran@wolterskluwer.com

US Spying on French Presidents Strain Relations

Khabar.Eu, 6-24-2015, "US must work to repair relations after spy claims, says French PM," Khabar.eu, <http://www.khabar.eu/france-summons-us-ambassador-over-spying-claims-diplomatic-source/>

PARIS: The United States must "do everything in its power" to repair relations after reports emerged that it spied on French President Francois Hollande and two of his predecessors, Prime Minister Manuel Valls said Wednesday. "The US should recognise not only the danger that such actions represent for our freedom, but should also do everything in its power – and quickly – to repair the damage they have done to relations... between the United States and France," Valls told parliament. France earlier summoned the US ambassador to complain about the "unacceptable" spying that was apparently revealed in leaked documents. Hollande was due to

discuss the documents released by WikiLeaks with US President Barack Obama in the coming hours. **France “will not tolerate any acts that threaten its security”** the presidency said, after a meeting between Hollande and his top intelligence officials and cabinet ministers. US Ambassador Jane Hartley has also been summoned to meet French Foreign Minister Laurent Fabius, diplomatic sources told AFP. The United States wiretapped France’s former presidents Jacques Chirac (L) and Nicolas Sarkozy (C), as well as current leader Francois Hollande (R), French media report - AFP/File The United States wiretapped France’s former presidents Jacques Chirac (L) and Nicolas Sarkozy (C), as well as current leader Francois Hollande (R), French media report – AFP/File The documents – labelled “Top Secret” and appearing to reveal spying on Jacques Chirac, Nicolas Sarkozy and Hollande from 2006 to 2012 – were published by WikiLeaks in partnership with French newspaper Liberation and the Mediapart website. The leak coincides with a vote later on Wednesday in the French parliament on a controversial new law granting the state sweeping powers to spy on its citizens. The White House said it was not targeting Hollande’s communications and will not do so in the future, but it did not comment on past activities. “We are not targeting and will not target the communications of President Hollande,” said National Security Council spokesman Ned Price late Tuesday, calling the US partnership with France “indispensable”. French Foreign Minister Laurent Fabius (pictured) on Wednesday summoned the US ambassador over leaked documents that suggest her government spied on President Francois Hollande and two predecessors - AFP/File / Francois Guillot French Foreign Minister Laurent Fabius (pictured) on Wednesday summoned the US ambassador over leaked documents that suggest her government spied on **President Francois Hollande and two predecessors** – AFP/File / Francois Guillot **Hollande’s office recalled US promises in late 2013 not to spy on French leaders following accusations that the US National Security Agency (NSA) had wiretapped German Chancellor Angela Merkel.** “Commitments were made by the US authorities,” the Elysee Palace said in a statement. **“They must be remembered and strictly respected.”**

New Leaks show US Surveillance of German Officials- Further Strains Relations

Guardian, 7-1-2015, "WikiLeaks: US spied on Angela Merkel's ministers too, says German newspaper,"

<http://www.theguardian.com/media/2015/jul/02/wikileaks-us-spied-on-angela-merkels-ministers-too-says-german-newspaper>

The United States did not just tap chancellor Angela Merkel’s phone but also eavesdropped on several of her ministers, the German daily Sueddeutsche Zeitung has reported, citing documents from WikiLeaks. **German-US relations were badly strained after fugitive US intelligence contractor Edward Snowden in 2013 revealed widespread US foreign surveillance**, although a probe into the alleged tapping of Merkel’s mobile phone was dropped in June over a lack of evidence. But according to the latest revelations **the US National Security Agency did not limit its snooping activities to Merkel and showed particular interest in the activities of the ministries of finance, economy and agriculture**, Sueddeutsche Zeitung reported. It said WikiLeaks had shown **it a list of 69 phone numbers belonging to ministers and senior officials that were reportedly targeted**. The list appears to date back to between 2010 and 2012. The current economy minister and vice-chancellor, Sigmar Gabriel, was among those spied on by the NSA, the report

said, although it noted he had been in the opposition at the time. The list also features the number of former finance minister Oskar Lafontaine, who left the job in 1999. But the number was “still active” according to Sueddeutsche Zeitung, ringing through to the secretariat of the current finance minister, Wolfgang Schaeuble. While Snowden alleged US spying on many European governments, his disclosures triggered particular anger in Germany where bitterness lingers over mass state spying on citizens by the Stasi secret police in former communist East Germany where Merkel grew up. Merkel herself phoned the US president, Barack Obama, over the revelations and in public told Germany’s traditional post-war ally and Nato partner that “spying between friends just isn’t on”. Washington appeared to confirm her phone had previously been tapped when US officials said the cellphone was “no longer” a target.

NSA Foreign Surveillance Strains European-US Relations

Lauren C. **Williams, 6-24-2015**, "French Anger Over NSA Spying Further Strains Europe-U.S. Relations," ThinkProgress, <http://thinkprogress.org/world/2015/06/24/3673403/french-anger-nsa-spying-strains-europe-us-relations/>

New WikiLeaks documents show the U.S. National Security Agency spied on the private communications of three French presidents, angering the French government and adding strain to an already tenuous Europe-American relationship. French news site Mediapart first published the documents Tuesday, which cover NSA activity from 2006 to 2012, and were part of the original WikiLeaks provided by former NSA contractor Edward Snowden. That news quickly drew the ire of French President François Hollande, who called an emergency meeting Wednesday with the U.S. ambassador and government attorneys. “France will not tolerate actions that threaten its security and the protection of its interests,” Hollande said in a statement Wednesday. “These are unacceptable facts that have already been the subject of clarification between the US and France, notably at the end of 2013 when the first revelations were made and during a state visit by the president of the Republic to the United States in February 2014. Commitments were made by the US authorities. They need to be recalled and strictly respected.” The White House has denied the spying allegations, saying via a statement Wednesday: We are not targeting and will not target the communications of President Hollande. Indeed, as we have said previously, we do not conduct any foreign intelligence surveillance activities unless there is a specific and validated national security purpose. This applies to ordinary citizens and world leaders alike. We work closely with France on all matters of international concern, and the French are indispensable partners. Spying on friendly and enemy governments alike isn’t a new occurrence and is widely practiced, the U.S. is generally more brazen about it. German lawmakers accused its own intelligence agencies earlier this year of violating German regulations and gathering information in European targets for the NSA. The new Snowden-derived information comes as trust in U.S. government wanes domestically and overseas. Only a quarter of Americans trust the government always or most of the time, according to a 2014 Pew Research survey. When it comes to foreign relations, only 43 percent are at least fairly confident in how the U.S. handles international matters, Gallup found. This week’s WikiLeaks also follows news that Germany folded its investigation into the NSA’s spying practices after documents surfaced in 2013 indicating the agency spied on Chancellor Angela

Merkel's personal communications. But public disclosing of what should be clandestine movements fuels international sentiment of American government's disregard for civilian privacy. "We find it hard to understand or imagine what motivates an ally to spy on allies who are often on the same strategic positions in world affairs," Stéphane Le Foll, a French government spokesman told iTELE television. Negative global perception of the NSA's actions could also affect how the U.S. does business overseas. European regulators have already begun investigating tech companies' potential wrongdoing by participating in NSA surveillance programs. The Court of Justice of the European Union is hearing a case involving Apple, Facebook, Microsoft, and Yahoo, for potential privacy law violations. The decision could seriously damage the U.S.-European relationship by deterring companies from doing business through stricter regulations. Facebook's European public policy director Richard Allan warned legislators in April that imposing stringent regulations on tech companies would be bad for business stateside and abroad: National regulators in a number of countries, including Belgium and the Netherlands, appear to be initiating multiple, overlapping investigations of Facebook, revisiting basic questions about how our services work. In effect, this would mark a return to national regulation. If it is allowed to stand, complying with EU law will no longer be enough; businesses will instead have to comply with 28 independently shifting national variants. They would have to predict the enforcement agenda in each country... Facebook's costs would increase, and people in Europe would notice new features arriving more slowly, or not at all. The biggest victims would be smaller European companies. The next big thing might never see the light of day.

Impact Turns

1NC – China/EU Rels

US-EU relations trade off with China-EU relations

Small 7 (Andrew, transatlantic fellow with the Asia program at the German Marshall Fund - previously worked as the director of the Foreign Policy Centre's Beijing office; as a visiting fellow at the Chinese Academy of Social Sciences, and was an ESU scholar in the office of Senator Edward M. Kennedy. Graduated from Oxford. "China-Eu: A Common Future" edited by Stanley Crossick (Founding Chairman, European Policy Centre, Brussels) & Etienne Reuter (European Commission, Belgium), World Scientific Publishing Co., Chapter 6, p. 73-80)

For Europe and China alike, the most important bilateral relationship is with the **United States**. Although often described as a '**strategic triangle**', **neither the Chinese impact on the transatlantic relationship nor Europe's role in the Sino-US relationship is remotely comparable to the significance of the United States for the Sino-European relationship**. Describing the **United States as the elephant in the room does not even begin to do it justice: the size and shape of the room are themselves shaped by the US factor**.[¶] To start with the Sino-European relationship and then look at the US influence is to look in the wrong place. **It is the structure and dynamics of the other two relationships — the underlying tensions in the Sino-US relationship and the underlying strength of transatlantic ties — that provide the critical frame**. The Primacy of the Transatlantic Relationship It is not much of an exaggeration to suggest that **major developments in EU-China relations over the past few years have been a subsidiary consequence of the fraying and strengthening again of the transatlantic relationship**. The 2003-2004 "**honeymoon**" period in EU-China relations, **during which the two sides launched the "strategic partnership" concept and agreed, in principle, to lift the arms embargo, was substantially driven by a major transatlantic falling-out over Iraq**. It was led, moreover, **by two European political leaders — Jacques Chirac and Gerhard Schroeder — who were simultaneously burning their bridges with the Bush administration**. **The end of the honeymoon, in 2005, coincided with Schroeder's fading the scene, and the efforts of both Europe and the United States, largely successful at an elite (if not a popular) level, to put transatlantic relations back on track**.

EU-China relations dampen global conflict and solve everything US-china rels do better

Geiger 3 ("China and the European Union: A Strategic Partnership for the Future"[¶] Presentation made by Henriette Geiger,[¶] China Desk, DG External Relations, Unit H2 (China, Hong Kong, Macau, Taiwan, Mongolia), European Commission[¶] 5 September 2003 <http://www.ceibs.edu/ase/Documents/EuroChinaForum/henriette.htm#i3>

The spectre of international **terrorism, as well as** growing concerns over the **proliferation of weapons of mass destruction, have brought new types of international security concerns to the top of the global agenda**. The **sluggish world economy and** concomitant **negative trends in**

protectionism and regionalism also **loom as** potential **threats to global trade** and development.[¶]
¶ **Faced with these** common **concerns**, it is in the clear and ever-greater **interest of the EU and China to work together** as strategic partners on the international scene **to safeguard** and promote development, **peace and stability**.[¶] ¶ Both **EU and Chinese interests converge on** many issues, particularly in their appreciation of **the key role of multilateral organisations and systems in global governance**. Through **further reinforcement of their co-operation**, the EU and China will be better able to promote these **shared visions and interests**, and to **shore up** their joint **security** and other interests, both **in the Asian region and elsewhere** in the world.[¶] ¶ Given China's rapid emergence as a key global player, it must be recognised that **Europe has a major political and economic stake in supporting China's successful transition process and full engagement in the international community**. At the same time China has a considerable interest in strengthening its ties with a larger and stronger European Union.

1NC – Heg Collapse

US-EU relations constrain US leadership

John Van **Oudenaren 2005**, Chief of the European Division of the Library of Congress, Summer [National Interest]

A partnership on terms likely to be acceptable to the EU would have significant economic disadvantages for the United States and would complicate the ability of the United States to meet its global commitments. The United States would remain the target of revisionist forces elsewhere in the world--whether Islamic radicalism or a rising China--but it would be forced to defer to a greater extent to European views and interests with regard to these areas. While those who favor partnership argue that one of its main advantages would be to provide the United States with added resources to deal with precisely these challenges, it is not clear that the phasing-in of European contributions would keep pace with the decreased freedom of action that partnership on European terms might entail.

Leadership prevents nuclear war and ensures great power peace **Barnett, Professor of Warfare Analysis and Research Dept U.S. Naval War College, 2011**

(Thomas Barnett, Professor, Warfare Analysis and Research Dept – U.S. Naval War College, 3/7/11, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads,” <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>)

Events in Libya are a further reminder for Americans that we stand at a crossroads in our continuing evolution as the world's sole full-service superpower. Unfortunately, we are increasingly seeking change without cost, and shirking from risk because we are tired of the responsibility. We don't know who we are anymore, and our president is a big part of that problem. Instead of leading us, he explains to us. Barack Obama would have us believe that he is practicing strategic patience. But many experts and ordinary citizens alike have concluded that he is actually beset by strategic incoherence -- in effect, a man overmatched by the job. It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured, with this historical moment's most amazing feature being its relative and absolute lack of mass violence. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: As the guardian of globalization, the U.S. military has been the greatest force for peace the world has ever known. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the world did not keep sliding down that path of perpetual war. Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace. We introduced the international liberal trade order known as globalization and played loyal Leviathan over its spread. What resulted was the collapse of empires, an explosion of democracy, the persistent spread of human rights, the liberation of women, the doubling of life expectancy, a roughly 10-fold increase in adjusted global GDP and a profound and persistent reduction in battle deaths from state-based conflicts. That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding.

1NC – NATO Collapse

Ties with EU trades off with NATO

International Herald Tribune 2005 – 2-18

On the face of it, the issue is about how **NATO and the European Union** can discuss sensitive security issues when some EU countries have not received security clearance from NATO to attend these meetings. In essence, however, diplomats say, it is about how the two organizations **are vying with each other to set the agenda for the trans-Atlantic relationship.** "There is now a **competition between both organizations** where member countries try to play off their interests either against the EU or NATO," said a senior NATO official who, like most officials interviewed for this article, requested anonymity. "The relationship between **the EU and NATO** is in flux because both **are jockeying for influence on the international stage,**" he added. "As **the EU** moves slowly along the road toward doing more defense and security, it **is seen as threatening to NATO. NATO knows it is no longer Washington's first port of call** for its military missions. **It is becoming a toolbox for the U.S.**"

Collapse of NATO causes multiple escalatory nuclear wars

John **Duffield 1994**, Assistant Professor of Government and Foreign Affairs at the University of Virginia,

[Political Science Quarterly 109:5, p. 766-7]

Initial analyses of NATO's future prospects overlooked at least three important factors that have helped to ensure the alliance's enduring relevance. First, they underestimated the extent to which external threats sufficient to help justify the preservation of the alliance would continue to exist. In fact, NATO still serves to secure its members against a number of actual or potential dangers emanating from outside their territory. These include not only the residual threat posed by Russian military power, but also the relatively new concerns raised by conflicts in neighboring regions. Second, the pessimists failed to consider NATO's capacity for institutional adaptation. Since the end of the cold war, the alliance has begun to develop two important new functions. NATO is increasingly seen as having a significant role to play in containing and controlling militarized conflicts in Central and Eastern Europe. And, at a deeper level, it works to prevent such conflicts from arising, at all by actively promoting stability within the former Soviet bloc. Above all, NATO pessimists overlooked the valuable intra-alliance functions that the alliance has always performed and that remain relevant after the cold war. Most importantly, NATO has helped stabilize Western Europe, whose states had often been bitter rivals in the past. By damping the security dilemma and providing an institutional mechanism for the development of common security policies, NATO has contributed to making the use of force in relations among the countries of the region virtually inconceivable. In all these ways, NATO clearly serves the interests of its European members. But even the United States has a significant stake in preserving a peaceful and prosperous Europe. In addition to strong transatlantic historical and cultural ties, American economic interests in Europe— as a leading market for U.S. products, as a source of valuable imports, and as the host for considerable direct foreign investment by American companies — remain substantial. If history is any guide, moreover, the United States could easily be drawn into a future major war in Europe, the consequences of which would likely be even more devastating than those of the past, given the existence of nuclear weapons.¹¹

2NC – NATO Collapse

Heightened US-EU cooperation will tradeoff with NATO and other regional alliances

John Van **Oudenaren 2005**, Chief of the European Division of the Library of Congress, Summer [National Interest]

Two elements are important for a new U.S. strategy. First, a renewed attention to liberal multilateralism should make clear the direction that U.S. policy should not take. The United States should not pursue with the EU the kinds of charters, compacts, partnerships and other bilateral arrangements currently being promoted in Atlanticist circles. However well intentioned, this kind of U.S.-EU bilateralism moves away from a more plural and open international order. Within Europe, it cannot help but promote the further centralization of policymaking in and through Brussels that shifts power to the European Commission and member states such as France and Germany, even as it helps to marginalize the contributions of more liberal outliers such as the UK, the Scandinavian countries and the new member states to the east. In the wider world, it increases the likelihood that U.S.-EU understandings will be imposed worldwide, thereby marginalizing the influence of third countries that tend to be closer to U.S. positions. The result is a double loss for international pluralism, both within Europe and at the global level. For the United States, such a loss might be worth paying if it meant "pinning the EU down", both with regard to substantive principles (concerning regulation, global governance and so forth) and procedural norms to ensure that these principles would be universalized in a cooperative rather than competitive manner. This is unlikely to happen, however: Any bilateral U.S.-EU understanding is certain to be ambiguous enough to preserve both the EU's internal autonomy and external freedom of action, even as it diminishes the importance of other mechanisms (such as NATO or the U.S.-Japanese relationship) that are valuable in their own right and that give the United States levers of influence over the EU.

1NC – NMD

US-EU relations enable NMD

Malone and Thakur 1, (David, president of the International Peace Academy, Ramesh- vice Director of the United Nations University, The Japan Times March 11,

There can be little doubt that the Bush administration does not incline naturally toward multilateral diplomacy and a treaty-based international security system. Nevertheless, it will not wish to alienate close allies on more than one or two issues at a time and may soon find itself engaged in give-and-take with them. Its top priority appears to be the further development and eventual deployment of a national missile defense system, a U.S. idea that has long unsettled not only Russia and China, but also key European allies and Canada. It could well decide, among other measures, that ratification of the CTBT had become useful to reassure allies and foes alike. Regardless of their views on NMD, U.S. allies and foes now need to consider their own strategies. Indefinitely stamping their feet on an issue that may be nonnegotiable in essence but negotiable in specifics and at the margins, would be self-defeating. NMD is not something the allies Moscow or Beijing can stop. However, they could well influence the context within which NMD will be developed, its ultimate scope and its detailed aims. Their eventual consent can also be exchanged against concessions from Washington on related or different issues.

NMD is a pretext for space militarization that results in global NBC war and destruction.

Mitchell and Helwich 1, Gordon- Associate Professor of Communication, Kevin- Teaching Fellows in the Department of Communication at the University of Pittsburgh, <http://www.isisuk.demon.co.uk/0811/isis/uk/bmd/no6.html>

Since any US attempt to overtly seize military control of outer space would likely stir up massive political opposition both home and abroad, defence analyst James Oberg anticipates that 'the means by which the placement of space-based weapons will likely occur is under a second US space policy directive — that of ballistic missile defense... This could preempt any political umbrage from most of the world's influential nations while positioning the US as a guarantor of defense from a universally acclaimed threat'.³² In this scenario, ABM Treaty breakout, conducted under the guise of missile defence, functions as a tripwire for unilateral US military domination of the heavens. A buildup of space weapons might begin with noble intentions of 'peace through strength' deterrence, but this rationale glosses over the tendency that '... the presence of space weapons...will result in the increased likelihood of their use'.³³ This drift toward usage is strengthened by a strategic fact elucidated by Frank Barnaby: when it comes to arming the heavens, 'anti-ballistic missiles and anti-satellite warfare technologies go hand-in-hand'.³⁴ The interlocking nature of offense and defense in military space technology stems from the inherent 'dual capability' of spaceborne weapon components. As Marc Vidricaire, Delegation of Canada to the UN Conference on Disarmament, explains: 'If you want to intercept something in space, you could use the same capability to target something on land'.³⁵ To the extent that ballistic missile interceptors based in space can knock out enemy missiles in mid-flight, such interceptors can also be used as orbiting 'Death Stars', capable of sending munitions hurtling through the Earth's atmosphere. The dizzying speed of space warfare would introduce intense 'use or lose' pressure into strategic calculations, with the spectre of split-second attacks creating incentives to rig orbiting Death Stars with automated 'hair trigger' devices. In theory, this automation would enhance survivability of vulnerable space weapon platforms. However, by taking the decision to commit violence out of human hands and endowing computers with authority to make war,

military planners could sow insidious seeds of accidental conflict. Yale sociologist Charles Perrow has analyzed 'complexly interactive, tightly coupled' industrial systems such as space weapons, which have many sophisticated components that all depend on each other's flawless performance. According to Perrow, this interlocking complexity makes it impossible to foresee all the different ways such systems could fail. As Perrow explains, '[t]he odd term "normal accident" is meant to signal that, given the system characteristics, multiple and unexpected interactions of failures are inevitable'.³⁶ Deployment of space weapons with pre-delegated authority to fire death rays or unleash killer projectiles would likely make war itself inevitable, given the susceptibility of such systems to 'normal accidents'. It is chilling to contemplate the possible effects of a space war. According to retired Lt. Col. Robert M. Bowman, even a tiny projectile reentering from space strikes the earth with such high velocity that it can do enormous damage — even more than would be done by a nuclear weapon of the same size!'.³⁷ In the same Star Wars technology touted as a quintessential tool of peace, defence analyst David Langford sees one of the most destabilizing offensive weapons ever conceived: 'One imagines dead cities of microwave-grilled people'.³⁸ Given this unique potential for destruction, it is not hard to imagine that any nation subjected to space weapon attack would retaliate with maximum force, including use of nuclear, biological, and/or chemical weapons. An accidental war sparked by a computer glitch in space could plunge the world into the most destructive military conflict ever seen.

1NC – Precautionary Principle

US-EU partnership forces adoption of the precautionary principle by the U.S.

John Van **Oudenaren 2005**, Chief of the European Division of the Library of Congress, Summer [National Interest]

Furthermore, an institutionalized partnership acceptable to Brussels and the member states probably would have to be a kind of "partnership plus" in which the United States would cede a great deal more influence than U.S. policymakers are likely to regard as reasonable. It would mean more than improved consultation and a reining-in of what Europeans see as U.S. unilateralism. From the EU perspective, a satisfactory partnership that would qualify as "equal" and "balanced" would be an acknowledgment of a new order in which the EU would play an increased--and the United States a correspondingly decreased--role in setting the global "rules of the game." The EU would expect to call the tune in multilateral settings, much the way it already does in forums such as the Kyoto Protocol and the International Criminal Court (ICC). In the trade area, such EU-pioneered concepts as the precautionary principle, the cultural exception and the multifunctional role of agriculture would have to be accommodated in some form.

The Precautionary Principle forces compliance with internationally binding mechanisms that curtail nanotechnology development

Ronald **Bailey 2004**, Science Correspondent for *Reason* and former FERC analyst, 12-1

To address the social and economic effects of nanotechnology, the ETC Group is proposing a sweeping international effort to regulate and control its development. "Extreme care should be taken that, unlike with biotech, society does not lose control of this technology," warns Mooney. For the ETC Group, raising health and environmental concerns about nanomaterials and nanobots is mainly a delaying tactic. "The biggest concern really is that with a technology as powerful as this one, society has a role in deciding how it can and will be used," says Mooney. "This is going to have a profound effect on people's lives. Let people know that their jobs are going to be taken away." In an April report on nanotechnology, the ETC Group declares: "The international community must begin work on a legally binding mechanism to govern atomotechnology, based on the Precautionary Principle, one that will look beyond laboratory research to consider the wider health, socioeconomic and environmental implications of nanoscale technologies... This protocol should be embedded in one or more of the relevant United Nations agencies... Ultimately, ETC Group believes that the international regulations for atomotechnology should be incorporated under a new International Convention for the Evaluation of New Technologies (ICENT)." The framework for ICENT's evaluation of new technologies would be the Precautionary Principle. As the ETC Group explains, "The Precautionary Principle says that governments have a responsibility to take preventive action to avoid harm to human health or the environment, even before scientific certainty of the harm has been established. Under the Precautionary Principle it is the proponent of a new technology, rather than the public, that bears the burden of proof." Greenpeace's Douglas Parr also advocates using the Precautionary Principle to regulate the development of nanotechnology. The Precautionary Principle can be summarized as "never do anything for the first time." (See "Precautionary Tale," April 1999.) The chief problem with the Precautionary Principle is that it encourages the natural conservatism of our species. People far more easily imagine the harms new developments might bring than the benefits. But history clearly demonstrates that the benefits of modern technology have far outweighed the harms. "Basically, people who support the strong Precautionary Principle say, 'We don't care if we throw the baby out with the bathwater,'" says the Foresight Institute's Peterson. "They don't want any risks, so they are willing to forgo the benefits."

This precautionary approach to nanotechnology causes extinction

Ronald **Bailey 2004**, Science Correspondent for *Reason* and former FERC analyst, 12-1

The ETC Group's ICENT proposal is starting to be taken seriously. Committees of both the European Parliament and the United Nations' Food and Agriculture Organization have called for the adoption of an ICENT. "ICENT would have the power to conduct analyses of the economic impacts, the effects on labor, on restructuring society," says Mooney. "ICENT would examine all scientific, economic and social issues of any new technology." Mooney argues that ICENT would improve our ability to forecast the effects of new technologies. The track record for social, economic, and technological forecasting by experts is not very encouraging. Consider the notorious 1972 Club of Rome study *The Limits to Growth* and President Carter's *Global 2000* report, both of which predicted that humanity would run out of a wide variety of natural resources by now. Or take Stanford University biologist Paul Ehrlich's prediction that hundreds of millions of people would starve to death in massive famines in the 1970s. Such forecasts are not harmless. The predictions in the 1970s that the world would soon run out of oil, for instance, resulted in the creation of the expensive and polluting Synfuels program. Corporations aren't any better at forecasting than government agencies. In 1876 a Western Union internal memo concluded, "This 'telephone' has too many shortcomings to be seriously considered as a means of communication. The device is inherently of no value to us." In 1943 IBM CEO Thomas Watson famously predicted there would be a global demand for perhaps five computers. Over the short term, nanotechnology will seem less odd than the telephone or the computer did. It will simply be incorporated into products that we already know how to use: computers, cameras, clothing, cars. It will make them function better and more cheaply. By contrast, a full-fledged nanotechnology, especially if molecular assemblers can be built, will disrupt all kinds of social and economic processes. Yet there is no reason to believe that humanity will be unable to cope with what is coming. As for unintended consequences, someday something will go wrong with nanotechnology, as it has with electricity, cars, and computers. But we shouldn't deny ourselves the benefits of a new technology just because we cannot foresee every consequence. We should proceed by trial and error and ameliorate problems as they arise. That's how the dramatic progress humanity has seen during the last two centuries was accomplished. If an ICENT had existed in the 19th century, we probably would still be riding horses, using candles for lighting, cooking on wood stoves, and gulping whiskey for anesthesia. Mooney comes close to celebrating the emancipating possibilities offered by the new technologies he fears. Yet he seems almost wistful for a time when he and many others believed ecological and economic collapse was imminent. "We have lived so long by the assumptions of *The Limits to Growth*, it is hard to contemplate alternative possibilities" he writes. "If nanotech does work, we might console ourselves with the knowledge that we were not really wrong all this time, it is just that *The Limits to Growth* have been postponed a few billion years... If nanotechnology is commercialized successfully, Armageddon may have to be put on the back burner." Armageddon may indeed be postponed indefinitely, but only if, with due caution, we leave human genius free to harvest the fruits of technological progress.

1NC – Russian/EU Rels

U.S. – E.U. relations trades off with EU-Russian relations – Key to regional stability. Recent events mean now is key.

Shapiro and Witney, 9 [TOWARDS A POST-AMERICAN EUROPE: A POWER AUDIT OF EU-US RELATIONS, Jeremy Shapiro and Nick Witney, The European Council on Foreign Relations]

Relations with Russia are of intrinsic and self-evident importance to all the states of Europe and, for sound historical reasons, the subject of a near obsession for some. A schism has long been evident between the “old Europe” led by Germany, which is pursuing engagement (and gas), and the “new Europe” of ex-Communist member states which have an altogether tougher attitude towards Russia. But, in fact, things are even more complex than that schism suggests. History, geography, and culture have all played a part in generating a patchwork of views among the EU’s 27 member states. For example, there is a discernible bond of sympathy between Russia and its Orthodox co-religionists in Bulgaria, Cyprus, and Greece. On the other hand, a significant number of West European member states incline towards a “frosty pragmatism” in dealing with Russia, rather than any enthusiastic pursuit of partnership. However, as the Bush presidency faded away in 2008, European attitudes began noticeably to converge. A number of factors contributed. First, as the dust settled on the Georgia crisis, the extent of Georgian President Mikhail Sakashvili’s contribution to the debacle became clearer, while the effectiveness of French President Nicolas Sarkozy’s intervention on behalf of the EU encouraged a degree of European self-confidence. Second, Russia had, like everyone else, been humbled by the financial crisis – indeed, exceptional pride had gone before an unusually large fall. Third, the gas crisis of early 2009 brought home to many Europeans that the problem is less energy dependency on Russia per se than the murky issues involved in transiting Ukraine, and the lack of the right networks and markets to distribute gas effectively within Europe. Against this background, it became easier for “old” and “new” Europe to find common ground. With hindsight, German-French opposition to setting Ukraine and Georgia on the path to NATO membership at the Bucharest summit of 2008 seemed smart. Member states began to agree that the right way to protect European interests in the Eastern neighbourhood was through the EU (specifically, the new Eastern Partnership initiative), not NATO. Shortly before the 2009 NATO summit, the Polish foreign minister even endorsed the idea of Russia one day joining the alliance – exemplifying both a new conciliation towards Russia and a reluctance to use NATO as a weapon against it. Then, however, the Obama administration announced a “reset” of relations with Moscow. Although most Europeans welcomed the US move, old anxieties about “condominium” – in other words, the idea that Europe could end up sandwiched between converging US and Russian interests – also re-emerged. In the wake of the June 2009 US-Russia summit in Moscow, these anxieties found striking expression in the open letter signed by 22 leading Central and Eastern European figures that urged the US not to take the region for granted.³⁷ The US was deeply irritated – its immediate reaction was, according to one Washington insider, “a very, very angry push-back”. The Obama administration had, after all, done its utmost to reassure the new EU member states that it was committed to their security and to ensure that Russia did not misinterpret “reset” as tacit permission to claim a new sphere of influence in the former Soviet space. The episode illustrates that nothing so confuses and divides Europeans as an active US policy, whether the president behind it is George W. Bush or Barack Obama. Our audit suggests that the key reason is that Eastern Europeans simply do not trust their European partners and allies, even through NATO, to guarantee their security against Russia. They look only to the US for that security. Neither EU solidarity nor NATO’s mutual security guarantees can compensate for the fear that they might be betrayed by the US. Although the historic roots of this view are clear, it would seem to be anachronistic. After all, the US effectively had no Russia policy during the last year of the Bush administration and did little when Russia invaded its neighbour. Meanwhile, with the US effectively absent during the interregnum between the old and new administrations, Europe worked through the Georgia and gas crises with a quite untypical degree of cohesion and self-confidence. This analysis suggests that Europeans might have more success if they worry a little less about what the US is up to and a little more about defining and asserting their own common interests in relation to Russia. Having launched their new Eastern Partnership initiative – albeit with German Chancellor Angela Merkel as the sole EU head of government in attendance – they now need to devote the necessary attention and resources to making it a success. They need to make it harder for the Russians to play on their divisions by presenting a more united front to Moscow, not just on issues such as energy but also on the wider economic relationship that is waiting to be developed to mutual benefit. Europeans should also debate Moscow’s ideas on a “new security architecture” rather than just waiting to see what the US thinks about them. Europe’s interests in relation to Russia are not identical with those of the US. Nor is it paranoid to believe that the Obama administration would like to see the Europeans taking rather more responsibility for themselves and indeed for the post-Soviet states covered by the Eastern Partnership. As a global power, the US cannot afford to assign disproportionate time and attention to a region of the world that does not, or at least should not, need it. The US wants the EU to be a more effective player on its own continent. From a

European point of view, this would not only be a more effective way of dealing with Russia, but also would prevent Washington and Moscow doing deals over querulous European heads. From an American point of view, a Europe that acted in this way would be the sort of partner that it wants at the other end of an effective transatlantic relationship.

And, Effective EU- Russian relations are key to stabilize Europe and prevent war.

Anderson 7, Russian-EU relations: Leaders, Present Conflicts, and Future Policies, Brussels Research Project, Andrea, Fall

This is a crucial time in EU-Russian relations because, not only is Putin up for reelection in a few months, but his predecessor will most likely be someone he approves of. Will Putin try to use his influence with the EU to promote economic stability in Russia? Or is socialism with a semi-dictatorship back on the table? Even though anything is possible with elections just around the corner, the EU must decide now if close ties with Russia will promote its agenda, as well as advance the EU's and Russia's reputation as global actors ("Agreement on Partnership and Cooperation"). Even though anything is possible with presidential elections just around the corner, this paper shows that because EU-Russian relations are still important. Thus, it is in Russia's best interests to stay tied politically and economically to the EU. The EU needs to stay on good terms and in a relationship with Russia during this Kosovo crisis so that Javier Solana, who assists with the EU's foreign policy matters, can influence Russia to put pressure on Serbia to not act violently while the international community attempts to help Serbia with Kosovo's declaration of independence. The EU must decide if close ties with Russia will promote its agenda, as well as advance its reputation as a global actor ("EU, Russia signal closer ties at Portugal summit"). This is more likely because parting ways is not the best option for either of them right now. With yesterday's signing of the Reform Treaty, the EU is rising on the global scene. As becoming a global actor is also Russia's intention, the two are going in the same direction just with a few kinks in their relationship. As far as human rights violations are concerned, the EU needs to start discussing these with Russia; human rights need to be back on the table if Russia wishes to be taken seriously. Most countries have domestic problems, but the (in some cases, mass) displacement of citizens by authorities and unrepresentative voting arrangements make Russia's problems more than just domestic conflicts that can be overlooked by the international community.

1NC – Unity

US-EU relations kill EU unity

Marquand 9 By Robert Marquand | Staff writer of The Christian Science Monitor from the April 2, 2009 edition

Strasbourg, France - As Barack Obama leaves London and heads to a key NATO gathering here Friday, he steps onto the European continent as new, fresh – an urban guy, a 21st century American, someone Europeans understand and admire. Yet that may be part of the problem. President **Obama**, the new US face and policy, represents an inherent challenge to Europe: It is not just that Obama drips soft power from every pore, is a listener, a Democrat, "sympathetic," and a hero for immigrant populations in Europe's suburbs that have yet to achieve political power. More deeply, the popular young American president is stirring basic questions here over how to coordinate and respond to a chief ally that is suddenly sending all the signals Europe asked for. In London, in a last-minute compromise that many called historic, the White House got far more stimulus to relight the global trade economy than many thought possible. However, at NATO's 60th anniversary here in Strasbourg, he may not get more troops for Afghanistan – though the new "Afpak" review indicates such troops are needed even for the civil building that Europeans say will aid in "mission accomplished" there. But the "Obama in Europe" storyline runs deeper than a difficult diplomatic checklist that includes Russia, Iran, North Korea, and the global crisis, say political thinkers here. It has to do with a Europe that, for 40 years, and in significant strides, has sought to speak with one voice. For almost a decade, Europe and America, tied by history, drifted apart in terms of stated values and policy. But with an avowedly liberal internationalist at the US helm, Europe has less to complain about. Ahead of his visit, in inconclusive meetings in Brussels, there was uncertainty and bickering. What's causing stress in the European Union is not US badgering and unilateralism, but the Obama dynamic of moving toward agreement, consensus, and multilateralism, say some economists and political scientists. "President Bush was an extraordinary catalyst for Europe, a bogeyman. Even people with diverging views on economic and foreign policy were united against the US policy," says Karim Bitar, a Paris consultant and scholar at the Institute for International and Strategic Relations. "But now the US can no longer be accused of all the world's ills. The truth is, Europeans now think more about America than about Europe. There is no European consensus on the most basic questions of our future, what we should be. Under Bush, we could evade them. Not now." Europe's internal conflict over the Russian war in Georgia last summer, and the crisis over interrupted oil and gas supplies to Europe this winter, were indicators of division in what is still an economic union struggling to achieve political solidarity. The question is whether Europe can find its voice when there is basic agreement with Washington. "When the Europeans

agree with the US, they often disagree with each other," as a European diplomat puts it.

Unified Europe solves hotspots, growth and global war

STABILITY, GROWTH AND PROSPECT – A REVIEW OF CHINA-EU RELATIONS IN 2010 Ambassador SONG **Zhe** December, □ □ Mr SONG Zhe is the Ambassador of the People's Republic of China's Mission to the European Union. Issue 6, December 2010 2010 eu china observer

Europe is a major power in the international community. Europe plays an important role in upholding world peace, promoting common development, tackling global challenges, and resolving regional and hotspot issues. Europe is a strong force in building a fair and just international political and economic order. The EU's integration process is the most viable choice for European countries in order to develop strength through unity. For decades, the European Union has demonstrated admirable determination and resolve in overcoming all difficulties and hardships and in establishing from scratch an otherwise **highly integrated** union today. We firmly believe that the European integration process will continue to enjoy a promising prospect in the future. Europe is the world's most important economy. As the world's largest bloc of developed countries, the EU is a leading player in terms of foreign trade, innovation, brand marketing, and economy of scale. We have full Issue 6, 2010 4 confidence that the euro will emerge from the current crisis and contribute to the stability and diversity of the international monetary regime. Europe enjoy

s strong influence over international public opinion and agenda-setting. Europe is the birthplace of Western civilization and modern philosophy and a supporter and practitioner of multilateralism, global governance, and of peaceful resolutions to international disputes. We believe that thanks to the many active minds present in Europe and thanks to the strength of its media, Europe is in a position to contribute more forcefully to the prosperous development of a more diverse world.

Impact Defense

A2: Afghanistan

1NC – Stable Now

Afghanistan stability now

PressTV, “US withdrawal brings stability to Afghanistan: Officials”, **Feb 14**, 2015, <http://www.presstv.ir/Detail/2015/02/14/397602/US-pullout-brings-peace-to-Afghanistan>

The security situation across Afghanistan is gradually improving following the partial withdrawal of US-led forces from the war-ravaged country, officials say, Press TV reports. Local residents and security officials in Afghanistan say order has significantly improved in the volatile southern and eastern provinces, which were once the epicenters of the Taliban militancy. US-led forces have closed most of their military facilities in the southern, eastern and central regions of the violence-torn country. Thousands of Afghan troops have assumed full responsibility for the security of several provinces. Maidan Wardak Police Chief Khalil Andarab has recently said attacks have decreased drastically in the past few months. Attacks and insecurities in Maidan Wardak Province, especially on Kabul-Kandahar highway, have decreased by around 95 percent in the past 8 months,” he told Press TV.

Even if they win that Afghan is unstable now ---

Solving Afghan Instability requires increasing ground forces --- they don't do that

Faizi and Roufi 15 (Abdul Rashid Faizi graduated from the United Arab Emirates University, in the UAE. Abdul is a researcher at the UAE University focusing on political economy, international economic, economics of development, and foreign direct investment. Shahabuddin Roufi is a research assistant at the College of Business and Economics, UAE University. His research interests include economics and political economy focusing in Islamic countries. “Three Factors Contributing to Afghanistan's Instability” January 13 2015 accessed 7/9/15 <http://www.sharnoffsglobalviews.com/rural-population-afghanistan-476/>) DAH

Political scientists believe that higher population size and concentration raises the risk of civil conflict. It could also lead to higher probability of revolutions to overthrow governing elites in non-democratic countries. This claim, supported by political scientists, does not refer to the number of people that eventually join an insurgency, but only the number of people that start one. They constitute enough rebels to pose a serious threat. In Afghanistan the rural population is an important determinant of political stability. Now and in the past, the political stability in Afghanistan has been threatened mainly by rural residents. Currently almost all insurgent groups such as the Taliban are based in rural areas. From those safe heavens they recruit insurgents and manage all of their destructive activities against the government. As a footnote in history, most resistance groups were based in rural areas during Afghanistan's fight against the Soviet Union. In 1996 when the Taliban conquered Kabul, almost all of their fighters were recruited from rural communities. The reasons are very obvious: rural areas are safe havens where insurgents could easily and freely plan their destructive activities. Moreover, the threat of rural populations to political stability of Afghanistan results from the interconnection of the following well-known facts: Geography Insurgency is closely related to the geography of the country. The presence of rough terrain, poorly served by roads and at a distance from the centers of state power, favors insurgents. This is fostered by the availability of cross-border sanctuaries inhabited by people that can be easily manipulated by local insurgents. In this scenario it is not

uncommon that these local populations get trapped between their responsibilities as citizens of the country and their cultural loyalty to the local insurgent groups. Moreover, the government does not have a permanent control over these areas, which nurtures a decent atmosphere for insurgent groups. Poverty People feel that their government has abandoned them and failed to provide financial means to elevate their living standards. This problem is enhanced by the fact that the country has a large percentage of young men who cannot find enough employment opportunities. Their contribution to economic development and their participation in the political process is highly underexploited. Afghan young men tend to participate in activities that are either economically unproductive, such as joining gangs and drug cartels or politically destructive, such as organizing resistance groups under leadership of insurgents. Extremism It is a well known fact that religious extremism has become the core of much of Afghanistan's violence. Extremists justify their version of Islam to force people to accept their Islamic interpretation. This problem is further exacerbated by the fact that almost all of the rural residents are uneducated. The presence of madrasas (Islamic schools) works in their favor. In these schools they mainly spread their radical political thinking to the public. The products of madrasas are radical Muslims who play key roles in destabilizing activities. Recently, there has been a dramatic increase in insurgent attacks in the country. Security handovers from NATO to Afghan forces, and the American pullout have motivated the Taliban to increase their destructive activities. The threat might strongly resurface yet again. Based on these three reasons, the rural population has a strong impact on the political stability of Afghanistan. Unfortunately, it seems that the government is not taking this problem very seriously. This threat is becoming very grave by the reduction and withdrawal of American and NATO forces from the country. History might repeat itself again if the government fails to tackle the challenges.

1NC – No Spillover

Afghanistan won't spillover

Kazemi, Afghanistan Analysts Network, 2012

(S. Reza, "A Potential Afghan Spill-Over: How Real Are Central Asian Fears?", <http://aan-afghanistan.com/index.asp?id=3152,ldg>)

A spill-over of the Afghan conflict or aspects of it like the drug trade into Central Asia is realistic, but it need not be as threatening and disastrous as the region's governmental officials depict it. It also may differ for particular Central Asian countries. Tajikistan and Uzbekistan – of Afghanistan's three direct Central Asian neighbours (with the third being Turkmenistan) – are likely to continue to be most affected. A spill-over of Islamist terrorism from Afghanistan seems unlikely, however, at least for the time being. The leadership of the IMU, regarded as the most serious militant threat against the region, has been largely dismantled. Although a 2011 AAN report identified some IMU presence in Afghanistan's Balkh, Faryab and Kunduz provinces bordering Central Asia, the bulk of the IMU fighters are based in Pakistan's Waziristan, far away from any shared Afghanistan-Central Asia frontier. It is unclear, therefore, if the movement can re-group to organise and carry out attacks in Central Asian territory, apart from causing localised instability and violence on Afghan soil.(9) And even if so, terrorist and extremist threats facing Central Asia (and particularly Tajikistan and Uzbekistan) are more home-grown than what would originate from Afghanistan, as, for example, Christian Bleuer argues (read, for example, here), although others like Ahmed Rashid have, both in the past and recently, talked about larger regional networks of militants. If there is any actual spill-over of the Afghan conflict into Central Asia, it is more likely to continue to be drug trafficking. Afghanistan is by far the largest global producer of poppy and hashish and increasingly of derivatives produced from them. As the recent fighting in Tajikistan's Gorno-Badakhshan Autonomous Oblast (GBAO) has shown, there are cross-border networks functioning and corrupt government officials both in Afghanistan and Central Asia can hugely benefit from their trafficking (for a UN report on drug trafficking from Afghanistan through Central Asia and onwards, see here). In a reverse way, Uzbekistan has engaged to influence Afghanistan's socio-political developments more seriously than any other Central Asian government. It has supported the Uzbek commander-turned-politician Abdul Rashid Dostum and his party Jombesh-e Mellī-ye Islami-ye Afghanistan (Afghanistan's National Islamic Movement) (for latest developments in the party, read a recent AAN paper). Tajikistan and Uzbekistan also have large numbers of co-ethnics inside Afghanistan, but Afghan Tajiks and Uzbeks are very different from their ethnic kin in Tajikistan and Uzbekistan, mainly because of Central Asia's Sovietisation, despite speaking almost similar languages (see, for example, here).(10) It also needs to be recalled that conflicts in Afghanistan and Tajikistan have had mutual spill-over effects. During the 1992-97 Tajik civil war, parts of the Tajik opposition fled to Afghanistan, were supported by Afghan mujahedin and used Afghanistan as a safe haven and base to carry out attacks in Tajikistan. During the conflict between the Northern Alliance and the Taleban, Tajikistan had provided, among other things, an airbase to the Northern Alliance in Kulyab in southern Tajikistan for them to use to mobilise and organise the resistance against the Taleban's advance towards northern Afghanistan (read, for example, here). In addition, the civil war in Tajikistan drove tens of thousands of people out of Tajikistan to the northern Afghan provinces of Balkh, Kunduz and Takhar (read here). Judging by recent contemporary precedents, an American Central Asia researcher, who requested not to be named, wrote to AAN that 'the previous experience in the mid- to late 1990s of having a civil war in northern Afghanistan and a Taleban government controlling much of the north was not particularly traumatic'. Whatever the speculations about the Afghan conflict going northwards may be, Central Asia plus Afghanistan is one of the world's least integrated regions. To subsume the five former Central Asian Soviet republics under one term – 'the -stans' – reflects an un-informed and superficial look at this region. Considering the growing number of bilateral and intra-regional conflicts and competing attempts to achieve regional leadership, this perception is everything but justified.

A2: Asian

1NC – No Asia War

No Asia war

Nick **Bisley 14**, Professor of IR @ La Trobe University (Australia) and Executive Director of La Trobe Asia, “It’s not 1914 all over again: Asia is preparing to avoid war”, 3/10, <http://theconversation.com/its-not-1914-all-over-again-asia-is-preparing-to-avoid-war-22875>

Asia is cast as a region as complacent about the risks of war as Europe was in its belle époque. Analogies are an understandable way of trying to make sense of unfamiliar circumstances. In this case, however, **the historical parallel is deeply misleading**. Asia is experiencing a period of uncertainty and strategic risk unseen since the US and China reconciled their differences in the mid-1970s. Tensions among key powers are at very high levels: Japanese prime minister Shinzo Abe recently invoked the 1914 analogy. But **there are very good reasons, notwithstanding these issues, why Asia is not about to tumble into a great power war. China is America’s second most important trading partner**. Conversely, the US is by far the most important country with which China trades. **Trade and investment’s “golden straitjacket” is a basic reason to be optimistic**. Why should this be seen as being more effective than the high levels of interdependence between Britain and Germany before World War One? Because Beijing and Washington are not content to rely on markets alone to keep the peace. **They are acutely aware of how much they have at stake**. Diplomatic infrastructure for peace **The two powers have established a wide range of institutional links to manage their relations**. These are designed to improve the level and quality of their communication, to **lower the risks of misunderstanding spiralling out of control and to manage the trajectory of their relationship**. Every year, around 1000 officials from all ministries led by the top political figures in each country meet under the auspices of the Strategic and Economic Dialogue. The dialogue has demonstrably improved US-China relations across the policy spectrum, leading to collaboration in a wide range of areas. These range from disaster relief to humanitarian aid exercises, from joint training of Afghan diplomats to marine conservation efforts, in which Chinese law enforcement officials are hosted on US Coast Guard vessels to enforce maritime legal regimes. **Unlike the near total absence of diplomatic engagement by Germany and Britain in the lead-up to 1914, today’s two would-be combatants have a deep level of interaction** and practical co-operation. **Just as the extensive array of common interests has led Beijing and Washington to do a lot of bilateral work, Asian states have been busy the past 15 years. These nations have created a broad range of multilateral institutions and mechanisms intended to improve trust** generate a sense of common cause **and promote regional prosperity**. Some organisations, like the Asia-Pacific Economic Cooperation (APEC), have a high profile with its annual leaders’ meeting involving, as it often does, the common embarrassment of heads of government dressing up in national garb. Others like the ASEAN Regional Forum and the ASEAN Defence Ministers’ Meeting Plus Process are less in the public eye. But **there are more than 15 separate multilateral bodies that have a focus on regional security concerns**. All these organisations are trying to **build what might be described as an infrastructure for peace in the region**. While **these mechanisms** are not flawless, and many have rightly been criticised for being long on dialogue and short on action, they **have been crucial in managing specific crises** and allowing countries to clearly state their commitments and priorities.

A2: Asia Pivot

1NC – Fails/False

Asia pivot fails

Auslin, scholar at the American Enterprise Institute, 2012

(Michael, and columnist at wsj “America Doesn’t Need a Pivot to Asia,” 8/27, http://online.wsj.com/article/SB10000872396390444506004577614941100974630.html?mod=goetlenews_wsj)

It is time to bury the Obama administration's pivot to Asia. This reallocation of military and diplomatic resources was supposed to guarantee stability in a region seeking to balance China's rise. In reality, this strategic shift is less than it appears. It won't solve Asia's problems and may even add to the region's uncertainty by over-promising and under-delivering. Everything wrong with the pivot can be summed up by Four R's: rhetoric; reality; resourcing; and raising expectations and then doubts. So far, the first and perhaps biggest problem with the idea of the pivot—or, as the Defense Department calls it, the rebalancing—is that it remains largely rhetorical, vague and aspirational. True, there are some laudable moves, such as basing U.S. Marines in northern Australia and agreeing to port new U.S. warships in Singapore. These, however, hardly add up to a breakthrough. The world still wonders what the purpose is: to contain China, to promote democracy, to make the United States the de facto hegemon of Asia, or simply to reassure nervous nations about China's rise? The reality is that not much will change in America's actions. The pivot says nothing about taking on new commitments, for example toward the Association of Southeast Asian Nations or to countries with whom America does not currently have formal alliances. Just as importantly, Washington has made clear in recent months that it will not take sides in the territorial disputes that have roiled the East and South China Seas, even when allies like Tokyo and Manila are involved. Further evidence for this reality comes from the resource constraints imposed on this grand project. The Obama administration is trying to do it on the cheap. Pivot funding is in danger from sequestration—forced budget cuts resulting from larger budget politicking in Washington—that, if allowed to proceed, will cut another \$500 billion from a defense budget already reduced by \$900 billion since 2009. The administration claims that America's military presence in Asia will not be affected by these budget cuts. If that is so, then U.S. military posture in the rest of the world will be cut back. More likely, any buildup will be difficult to sustain. The shifting of more planes and ships to the Pacific will soon slow down, as the size of the Air Force and Navy shrink, and as other world problems such as Iran and Syria continue to dominate the attention of American policy makers. This, in turn, is raising doubts about the pivot in Asia, so soon after the rhetoric from Washington had raised expectations. Countries such as Vietnam and the Philippines led themselves to believe that the pivot would have concrete results, such as quickly increasing American presence in the region and perhaps even American support in their maritime territorial disputes with China. Both accordingly reached out to Washington, holding new military exercises or discussing greater security cooperation. Yet this enthusiasm makes it all the worse when those hopes turn out to be dashed by Washington's failure to act. As one Philippines senator asked during his country's standoff this spring with China over the Scarborough Shoal, what good is the alliance with the U.S. if America refuses to back up its partners in times of need? By appearing to make unrealistic promises, the Obama administration has created new diplomatic headaches for itself in managing the fall-out from its failure to deliver. What then is the point of the pivot? By not getting involved in maritime disputes, other than rhetorically, Washington is actually taking the most realistic approach possible. No administration, Republican or Democratic, is going to risk a crisis with China short of any overt attempt by Beijing to take over territory clearly controlled by other nations. Building up U.S. forces in Asia, were it even possible, would not change that political calculation. The current American military posture can be diversified to a few more countries, but essentially, Washington has had the right balance for the past several decades. While it would be a mistake to shrink the U.S. air and naval presence in Asia, all Washington could do is slightly increase it, and that will change nothing in the region. Moreover, there are few realistic options for new partners in Asia, especially ones such as Japan and Australia that can provide some level of regional security cooperation. That means America's current grouping of allies and partners is right-sized for the political and security realities of the Asia-Pacific for the foreseeable future.

Asia pivot is inflated- the status quo solves literally every impact Innocent, foreign policy analyst at Cato, 2012

(Malou Innocent, "Talk of a U.S.-Asia 'Pivot' Is Overblown,"

<http://www.usnews.com/opinion/blogs/world-report/2012/12/13/talk-of-a-us-asia-pivot-is-overblown>)

The greatest misperception surrounding Washington's "pivot" to Asia is that America's dominant presence is not already felt there on a regular basis. It is. The United States plays a considerable role in the Far East, despite the Obama administration's proclamations last autumn that it would "pivot" or "rebalance" there in the future. For one, the United States maintains forward-deployed forces in South Korea, with 28,500 U.S. troops; Guam, with 4,500 U.S. troops; and Japan, with 40,000 U.S. troops. Guam, of course, is part of America as a non-self-governing, unincorporated territory. South Korea and Japan, however, after decades of proven internal stability and peaceful democratic transitions, are equipped to defend themselves. [See a collection of political cartoons on defense spending.] Once upon a time, South Korea was incapable of surviving without America's support. That began to change in the 1980s. Today, its economy ranks around 13th in the world, it has twice the North's population, and, if South Korea's leaders chose to, could be spending on defense the equivalent of the North's entire annual GDP. As for Japan, despite its recent economic woes, it had the fifth highest defense budget in the world in 2011, according to the International Institute for Strategic Studies. Japan surpassed Russia, India, and Brazil, and fell only behind the United States, China, the United Kingdom, and France. Moreover, as scholars Shinichi Ogawa and Michael Schiffer have pointed out, in criticism of its policy, Japan possesses a nuclear "breakout" capacity, meaning its civilian nuclear fuel cycle is so advanced "that, at the flip of the switch, [it] could be militarized." Save for a planned contingent of 2,500 U.S. Marines in Australia, four littoral combat ships stationed in Singapore, and rotating troops and surveillance aircraft in the Philippines, it is unclear whether U.S. troop deployments will grow more robust in Japan and South Korea. They should not. Such prosperous allies can live without the generous welfare of American taxpayers. [Read the U.S. News Debate: Should Cuts Be Made to Domestic Social Programs to Protect the Defense Budget?] Aside from these forward-deployed forces, the Far East feels Washington's constant presence with the United States Pacific Command. This regional unified military structure consists of about one-fifth of total U.S. military strength. It includes six aircraft carrier strike groups, about two-thirds of U.S. Marine Corps combat strength, and the U.S. Pacific Fleet, which goes on frequent patrols conducting joint, military-training exercises with America's allies and partners. Talking about partners, Uncle Sam has a lot of them in a region home to over 50 percent of the world's population. The United States has been cultivating warmer relations with India, most especially after accommodating New Delhi's nuclear expansion with a symbolic, 2008 agreement facilitating civilian nuclear cooperation between them. Moreover, despite recent hand wringing over U.S.-Russia relations, Washington's so-called "reset" has rebounded ties from their 2008 low, particularly with regard to Moscow's help supplying NATO's war effort in Afghanistan. [Read the U.S. News Debate: Are Cuts to the Defense Budget Necessary?] Elsewhere, the United States has forged better relations with Vietnam, Myanmar, Indonesia, Singapore, and the Philippines, and has embraced existing multilateral organizations and trade agreements, like the East Asia Summit, the Trans-Pacific Partnership, and the Association of Southeast Asian Nations. In the end, Washington's obsessive fixation on the Middle East and North Africa should warrant serious reconsideration. More of America's attention should be paid to the future of the Asia-Pacific, since maintaining peace in that region will be the challenge of the 21st century. However, what foreign policy planners in Washington should be asking themselves is what the United States should be willing to defend in this region, and at what cost? What implicit commitments should Washington make to prosperous, populous countries eminently capable of defending themselves? Allies are intended to supplement a nation-state's power, not hinder or jeopardize it. [See a collection of political cartoons on the Middle East.] Primarily, America's deepening involvement in Asia is meant to reassure allies nervous over China's growing assertiveness and increased military spending. However, the United States can both value being a strong military power and allow other countries in the Far East to assert a greater leadership role. These policies are neither zero-sum nor mutually exclusive. For more than half a century, the United States has played a prominent military and economic role in the Asia-Pacific. The American people should not be led to believe that their country was a never a force to be reckoned with there. Indeed, the

biggest tale proponents of U.S. prominence in Asia ever sold was the intimation that we do not already have it.

A2: Bioweapons

1NC – I/L D

EU is not willing to upgrade security to help bioterrorism

Stokes, 15- Director of Global Economic Attitudes

5 key takeaways about the U.S.-German relationship <http://www.pewresearch.org/fact-tank/2015/05/07/5-key-takeaways-about-the-u-s-german-relationship/>

Half (50%) of both Germans and Americans say their country should deal with its own problems and let other countries deal with their own challenges. Roughly comparable proportions of Germans (43%) and Americans (39%) believe their nation should help other countries deal with their difficulties. Younger Germans and Americans in particular are more inward-looking than their older counterparts. More than half of Americans (57%) and Germans (54%) ages 18 to 29 hold the view that their country should deal with its own problems and let others deal with theirs. And only 36% of that age group in Germany and 31% in the U.S. believe that their country should assist other nations. This stands in sharp contrast with the attitudes of their older countrymen: 46% of both Americans and Germans ages 65 and older say their countries should do more to help others.

1NC – No Bioweapons

No risk of bioterror

Rebecca **Keller 13**, Analyst at Stratfor, 7 March 2013, “Bioterrorism and the Pandemic Potential,” Stratfor, <http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential>)

The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact.

A2: European War

1NC – Europe War

European war is impossible

Karaganov 11

et al – head of the Russian Group of the Valdai International Discussion Club. Dean of the School of the World Economy and International Affairs at the National Research University–Higher School of Economics (NRU-HSE); Chairman of the Presidium, the Council on Foreign and Defense Policy (CFDP); Chairman of the Editorial Board, Russia in Global Affairs journal. -- Report by the Russian Participants of the Working Group on the Future of the Russian—U.S. Relations, The U.S.—Russia Relations after the «Reset»: Building a New Agenda. A View from Russia, http://vid-1.rian.ru/ig/valdai/US-Russia%20relations_eng.pdf

This short list of challenges shows that the main threats to Russia and the U.S. in the world of today and tomorrow stem not from each other's policies but from external global and regional factors. Russia and the U.S. do not pose direct military threats to each other, either in the field of conventional forces in Europe, or in the strategic sphere. **A conventional «big war» in Europe is physically impossible. The preservation by Russia and the U.S. of their ability to physically destroy each other while maintaining appropriate confidence-building measures and strategic stability, has a stabilizing effect both on their own policies and the policies of other nuclear and nonnuclear countries.**

No European war and no escalation

John J. **Mearsheimer 10**, PROF OF POLITICAL SCIENCE --- University of Chicago, “why is europe peaceful today?,” ECPR KEYNOTE LECTURE, european political science: 9 2010, <http://www.palgrave-journals.com/eps/journal/v9/n3/pdf/eps201024a.pdf>

Much has happened since then, including the dire economic crisis that we are now experiencing. It promises to have farreaching effects on European life.

Nevertheless, I think that **the most important development of the past two decades is the fact that Europe remains at peace.** Of course, **there were a handful of small wars** in the Balkans during the 1990s, **but the major European powers did not start them, did not exploit them for national gain, and with the help of the United States ultimately managed to shut them down.** Very importantly **there has been no war between any of the major powers.** Indeed, **there has been little security competition** among them. **Given Europe's tumultuous history, this is quite remarkable.** Remember that from 1900 to 1990 Europe was the site of two of the deadliest wars in recorded history followed by the Cold War. The broad sweep of European history certainly looks very different from the past two decades.

A2: Institutions

1NC – Coop Fails

Cooperation internationally is terminally ineffective and small measures like the aff can't save it

Hellmann, 13 (Gunther Hellmann is a senior fellow at the Transatlantic Academy, an initiative of the German Marshall Fund, "The Decline of Multilateralism," May 2, German Marshall Fund Blog, <http://blog.gmfus.org/2013/05/02/the-decline-of-multilateralism/>)

WASHINGTON—It is becoming increasingly difficult to argue against retrenchment in Europe and North America. Economic crises and domestic political stagnation absorb energy and financial resources. Global military engagements in faraway places cost lives and treasure and often yield limited success. There is growing disillusionment with democracy promotion. Coalitions of sovereign state defenders like the BRICS (Brazil, Russia, India, China, and South Africa) make life for the guardians of the liberal world order ever more challenging. The upshot is multilateral fatigue in both Europe and North America. This is a perilous state of affairs because state-transcending global problems are proliferating. "Global Trends 2030," a study published by the U.S. National Intelligence Council last December, predicts that "the current, largely Western dominance of global structures ... will have been transformed by 2030 to be more in line with the changing hierarchy of new economic players." Yet even if this were to happen, the report argues, it remains unclear to what degree new or reformed institutions "will have tackled growing global challenges." One might be forgiven for taking this to be an overly optimistic projection. Based on current trends, the outlook is much gloomier, due mainly to the political contagion effects of sovereigntism, the fixation on state sovereignty as an absolute value, and minilateralism. Moisés Naim, who initially coined the term, defined minilateralism as getting together the "smallest possible number of countries needed to have the largest possible impact on solving a particular problem." The problem is that the smallest possible number may quickly grow very large; Naim's own book, *The End of Power*, provides ample evidence that this is so. Consider, for instance, the number and political weight of countries needed to address the problems in the aftermath of a military escalation in the Middle East and Persian Gulf. The minimum number of countries required to effectively regulate global warming does not look any more encouraging. In other words, sovereigntism and minilateralism are symptoms of the crisis of liberal world order — manifestations of The Democratic Disconnect — and not a recipe for curing its ills. In the old days when multilateralism was not yet qualified politically with such adjectives as "assertive" (Madeleine Albright) or "effective" (EU), it served as a descriptor for a fundamental transformation of interstate collaboration in the second half of the 20th century. In an influential article, John Ruggie, a Harvard professor and former high-ranking UN official, showed that the actual practice of multilateralism by the liberal democracies of North America and Europe after World War II was based on a set of generalized principles of conduct. These principles rendered segments of the post-war international order into more reliable cooperative settings, such as the United Nations, or islands of peaceful change, such as the zone of European integration. A readiness to give up sovereignty or, at least to cooperate on the basis of reciprocity, were characteristic elements of multilateralism and what came to be called the "liberal world order." This liberal order is under strain today because its creators and guardians have themselves strayed from these principles. In the security field, "coalitions of the willing" have undermined multilateralism not only in the UN context, but also in NATO. In economic and financial matters, the politics of European sovereign debt crisis management illustrates both the dangers of executive federalism and the limits of diffuse reciprocity among Europe's nation states in the world's most integrated region. "Responsible stakeholders," the former Deputy Secretary of State Robert Zoellick once said, do more than merely "conduct diplomacy to promote their national interests...They recognize that the international system sustains their peaceful prosperity, so they work to sustain that system." What was meant as advice to China when Zoellick gave that speech in 2005 can easily be redirected at the liberal democracies of North America and Europe today. There are no easy ways out. Even if the slide toward retrenchment can be stopped, the prospects do not seem bright for the kind of bold new initiatives for global institutional reform that are required. It is debatable whether calls for "democratic internationalism" or a new alignment among "like-minded democracies" can do the trick, but Europe and North America need to realize that their stakes in the liberal order are much higher than those of relative newcomers. Indeed, overcoming crises at home hinges at least in part on sustaining a conducive global environment. Readjusting the balance between minilateralism and multilateralism will help.

A2: Iran Prolif

1NC – I/L

US would prefer more EU involvement than there is in the squo

Adebahr, 6/8 (Cornelius, Adebahr is an associate in the Europe Program at the Carnegie Endowment for International Peace in Washington, DC. His research focuses on European foreign policy, “Leave It to Europe: Why Iran Is Not (Solely) America’s Responsibility”, <http://carnegieendowment.org/2015/06/08/leave-it-to-europe-why-iran-is-not-solely-america-s-responsibility/i9I7>)

Even before a nuclear deal with Iran has been signed, the debate in Washington has shifted to the regional implications of a possible accord. But lessons learned from the success of the nuclear negotiations so far help explain why the **United States should not lead international efforts to bring about regional cooperation with Iran. Instead, Washington should let its European allies take the initiative.** After all, it was **the European Union**—particularly France, Germany and Britain—that **laid the diplomatic groundwork since 2003.** **They** brought China, Russia and the United States on board and, in close transatlantic coordination, **pursued a two-track approach of sanctions and diplomacy that led to the current nuclear talks. Secondly, both sides have accepted the other’s domestic discourse. For Iran, the narrative is about how the international community is ready to accept its demands to keep** what Tehran insists is a peaceful nuclear program, while dropping its sanctions and also helping to modernize this program. **In the United States, the narrative is that considerable concessions have been extracted from Iran, which agreed to substantial program limitations, both of proportions and duration. The third success factor of the talks lies in compartmentalization and de-politicization. By focusing on the nuclear issue—and excluding everything from human rights to terrorism from the negotiations—the aim is to find creative, but sustainable technical solutions that dodge the broader political questions.** However, certainly the first two ingredients are not yet there when it comes to regional cooperation. **Washington’s major accommodation would be to accept that Iran has a (legitimate) role to play in the region, while Iran would have to overcome its refusal even to talk to Saudi Arabia—its regional rival—based on sectarian as much as on geopolitical grounds. Both sides would have to be ready to ignore fundamentally different viewpoints on regional order,** not least because the power competition between them—with Israel and the Arab Gulf states each playing their part—does not lend itself to the (comparatively easy) “no bomb” compromise in the nuclear field. **Moreover, simply getting the nuclear deal through will likely exhaust the necessary willingness—both in Tehran and Washington—to accommodate the other side.**

EU Unilateralism supported by the US

Adebahr, 6/8 (Cornelius, Adebahr is an associate in the Europe Program at the Carnegie Endowment for International Peace in Washington, DC. His research focuses on European foreign policy, “Leave It to Europe: Why Iran Is Not (Solely) America’s Responsibility”, <http://carnegieendowment.org/2015/06/08/leave-it-to-europe-why-iran-is-not-solely-america-s-responsibility/i9I7>)

This is where the EU comes in. Establishing a multilateral framework, the EU's focus should be on the third ingredient, i.e. to de-politicize and compartmentalize possible areas of cooperation.

Maritime security in the Gulf and the situation in Gaza are two such practical issues on which the European Union could engage Iran. A regional maritime-security regime would broadly be based on the United Nations Convention of the Law of the Seas (which neither Iran nor the United States have ratified) that regulates nonmilitary fields of cooperation such as maritime safety, fisheries protection, marine-environment protection and port security. Such an approach would also dovetail with the G7 declaration last month to strengthen maritime governance in a cooperative, rules-based approach at the regional and global level. Addressing the Gaza conflicts means involving Iran in the international efforts to implement the unity government that the Palestinians agreed on, but so far failed to put in place. Even such narrow and technical cooperation can be a difficult hurdle to jump, even before one could start thinking about conflict resolution in Yemen or Syria. Given the Old Continent's internal and external woes, it may seem naïve to expect Brussels to provide a framework for regional cooperation with Iran. However, **with clear signals from Washington that it would support such a European lead in the aftermath of a nuclear agreement, the EU and its member states should be happy to oblige.** Previous European initiatives with strong U.S. backing include the Helsinki Accords of 1975, which helped establish security cooperation between the Cold War superpowers (the United States and the Soviet Union) and the Madrid and Oslo talks leading to the Israeli-Palestinian accords of the early 1990s. While these cases also show that agreement cannot guarantee lasting success, the diplomatic opening that a deal can create in its wake is what counts. Such momentum, however, needs to be given a direction. A single nuclear deal cannot bring fundamental change to a region torn by religious strife, sectarian rivalry and weak governance. Add to this the fact that the United States has now entered the pre-election season, and it becomes clear that it is up to the European Union as the often-overlooked mediator of the nuclear talks to make a push for regional cooperation after a possible deal. The United States, happy to direct its top-level diplomatic resources to other burning crises, should welcome and support such an initiative of its European partners.

1NC – No Escalation

No proliif and long timeframe

Kahl '12 (Colin H. Kahl 12, security studies prof at Georgetown, senior fellow at the Center for a New American Security, was Deputy Assistant Secretary of Defense for the Middle East, "Not Time to Attack Iran", January 17, <http://www.foreignaffairs.com/articles/137031/colin-h-kahl/not-time-to-attack-iran?page=show>)

Kroenig argues that there is an urgent need to attack Iran's nuclear infrastructure soon, since Tehran could "produce its first nuclear weapon within six months of deciding to do so." Yet that last phrase is crucial. The International Atomic Energy Agency (IAEA) has documented Iranian efforts to achieve the capacity to develop nuclear weapons at some point, but **there is no hard evidence that Supreme Leader Ayatollah Ali Khamenei has yet made the final decision to develop** them. In arguing for a six-month horizon, Kroenig also misleadingly conflates hypothetical timelines to produce weapons-grade uranium with the time actually required to construct a bomb. According to 2010 Senate testimony by James Cartwright, then vice chairman of the U.S. Joint Chiefs of Staff, and recent statements by the former heads of Israel's national intelligence and defense intelligence agencies, even if Iran could produce enough weapons-grade uranium for a bomb in six months, **it would take it at least a year to produce a testable nuclear device** and considerably longer to make a deliverable weapon. And David Albright, president of the Institute for Science and International Security (and the source of Kroenig's six-month estimate), recently told Agence France-Presse **that there is a "low probability" that the Iranians would actually develop a bomb over the next year even if they had the capability to do so. Because there is no evidence that Iran has built additional covert enrichment plants since the Natanz and Qom sites were outed in 2002 and 2009, respectively, any near-term move by Tehran to produce weapons-grade uranium would have to rely on its declared facilities. The IAEA would thus detect such activity with sufficient time** for the international community to mount a forceful response. As a result, the Iranians are unlikely to commit to building nuclear weapons until they can do so much more quickly or out of sight, which could be years off.

A2: ISIS

1NC – I/L D

ISIS distinct from terrorist organizations--- traditional EU-US coop is insufficient

Cronin 15 (AUDREY KURTH CRONIN is Distinguished Professor and Director of the International Security Program at George Mason University and the author of *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. "ISIS Is Not a Terrorist Group: Why Counterterrorism Won't Stop the Latest Jihadist Threat" *Foreign Affairs* 94.2 (Mar/Apr 2015): 87-98.)

After 9/11, many within the U.S. national security establishment worried that, following decades of preparation for confronting conventional enemies, Washington was unready for the challenge posed by an unconventional adversary such as al Qaeda. So over the next decade, the United States built an elaborate bureaucratic structure to fight the jihadist organization, adapting its military and its intelligence and law enforcement agencies to the tasks of counterterrorism and counterinsurgency. Now, however, a different group, the Islamic State of Iraq and alSham (isis), which also calls itself the Islamic State, has supplanted al Qaeda as the jihadist threat of greatest concern. Isis' ideology, rhetoric, and long-term goals are similar to al Qaeda's, and the two groups were once formally allied. So many observers assume that the current challenge is simply to refocus Washington's now-formidable counterterrorism apparatus on a new target. But isis is not al Qaeda. It is not an outgrowth or a part of the older radical Islamist organization, nor does it represent the next phase in its evolution. Although al Qaeda remains dangerous-especially its affiliates in North Africa and Yemen-isis is its successor. Isis represents the post-al Qaeda jihadist threat. In a nationally televised speech last September explaining his plan to "degrade and ultimately destroy" isis, U.S. President Barack Obama drew a straight line between the group and al Qaeda and claimed that isis is "a terrorist organization, pure and simple." This was mistaken; isis hardly fits that description, and indeed, although it uses terrorism as a tactic, it is not really a terrorist organization at all. Terrorist networks, such as al Qaeda, generally have only dozens or hundreds of members, attack civilians, do not hold territory, and cannot directly confront military forces. Isis, on the other hand, boasts some 30,000 fighters, holds territory in both Iraq and Syria, maintains extensive military capabilities, controls lines of communication, commands infrastructure, funds itself, and engages in sophisticated military operations. If isis is purely and simply anything, it is a pseudo-state led by a conventional army. And that is why the counterterrorism and counterinsurgency strategies that greatly diminished the threat from al Qaeda will not work against isis. Washington has been slow to adapt its policies in Iraq and Syria to the true nature of the threat from isis. In Syria, U.S. counterterrorism has mostly prioritized the bombing of al Qaeda affiliates, which has given an edge to isis and has also provided the Assad regime with the opportunity to crush U.S.-allied moderate Syrian rebels. In Iraq, Washington continues to rely on a form of counterinsurgency, depending on the central government in Baghdad to regain its lost legitimacy, unite the country, and build indigenous forces to defeat isis. These approaches were developed to meet a different threat, and they have been overtaken by events. What's needed now is a strategy of "offensive containment": a combination of limited military tactics and a broad diplomatic strategy to halt isis' expansion, isolate the group, and degrade its capabilities.

1NC – Not a Threat

ISIS isn't a threat—they can't execute outside attacks or kill more than a dozen people

Benjamin 8/17 (Daniel, "Hawks exaggerate Islamic State threat to the United States," Boston Globe, <http://www.bostonglobe.com/opinion/2014/08/17/hawks-exaggerate-isis-threat-united-states/yICJ0bpzRhoK88GtauyHLO/story.html>)

To judge by the doom-laden prophecies cascading in from Washington, the United States faces a towering and imminent threat in the form of the militant group calling itself the Islamic State, or ISIS.

"They are coming here," Republican Senator Lindsey Graham of South Carolina intoned on Fox News Sunday. "I think of an American city in flames because of the terrorists' ability to operate in Syria and Iraq." Senator Graham's friend Senator John McCain is no less alarmist. Calling for immediate air strikes in Iraq and Syria, he declared, "They are getting stronger all the time . . . And their goal . . . is destruction of the United States of America." Stoking the panic has been a very excitable press. On CNN last week, I was asked if Islamic State fighters represented an "existential threat" to the United States. **Set aside that absurdity; no terrorist group threatens our**

existence. (America has faced one existential threat in modern times — the Soviet nuclear arsenal — and that is it.) But **is the Islamic State (IS) a huge and menacing terrorist threat? Certainly not to the**

United States today. The danger to Iraq and its neighbors is real. The Islamic State has shown itself to be a formidable insurgency. Its focus is on ripping apart Iraq and Syria, sowing sectarian conflict, and creating in its midst a new jihadist state or caliphate. (That very word seems to incite fearmongers: "Every day that goes by, ISIS builds up its caliphate, and it becomes a direct threat to the United States," said New York Representative Peter King, conjuring an image of a new Golden Horde with nuclear-tipped scimitars.) If the insurgency grows, and the threat to Jordan or Lebanon increases, we may have to act. But, for now, it's important to understand that **even if marauding operatives in Land Cruisers may be**

humiliating Iraq's hollowed-out military, that doesn't mean they have genuine terrorist skills. Consider the details: **The Islamic State has never carried out a significant**

attack outside of its neighborhood. In 2005, when its operatives were still part of Al Qaeda in Iraq, operatives carried out hotel bombings in Jordan and tried and failed to attack an American warship in the Red Sea. More recently, four people were killed in an apparent lone-wolf attack at the Jewish museum in Brussels by a young man trained in Syria. In other words, **we've seen no demonstrated ability to carry out the kind of complex international strike that kills dozens or hundreds, let alone engulfs a US city in flames.**

A2: Middle East War

1NC - I/L D

Alliance doesn't solve foreign policy challenges

Techau 2011

(Jan, director of Carnegie Europe, the European centre of the Carnegie Endowment for International Peace, 10/6/11, "The Dirty Secret of US European relations"

<http://carnegieendowment.org/2011/10/06/dirty-secret-of-u-s-european-relations/811h>)

For the internal psychology of the transatlantic relationship, this is undoubtedly good news. The more interesting question, however, seems to be **whether all this new love translates into a more meaningful partnership on shared foreign-policy challenges.** Here the answer is less clear.

While cooperation on issues such as the Middle East, Iran and terrorism was and is constructive, one of **the most crucial items** on the Euro-American agenda **remains untouched** by the improved atmosphere: **transatlantic burden sharing in the field of security and defense.** Here, **Europeans have** for the last sixty years **been in a position of utter dependence** on the Washington's willingness and ability to guarantee their security. And even though the global strategic framework has drastically changed since the beginning of this transatlantic bargain in the 1950s, Europeans still conduct their defense planning as if American generosity were the most naturally abundant and easily accessible political commodity. By doing so, they increase their reliance on U.S. guarantees, and they become less and less interesting as an ally for their American counterparts. All attempts to wake Europeans up and make them rethink their priorities have died away without much impact. ¶ It would be easy to blame President Obama for not using his popularity with allies intelligently enough to induce them to get their act together. But the European passivity on security and defense issues goes far beyond the reach of even the most popular American president. By and large, Europeans are unaware of their utter dependency; they don't feel particularly threatened, they hold a deep mistrust in all things military, and they have learned to look at the world without regard to strategic considerations. Despite Libya, their willingness for an active approach to the world around them and for intervention on behalf of values and interests is small. **Their political leaders**—to the extent that they are aware of today's realities—**shy away from the enormous** budgetary and political **costs that a realistic security and defense posture would create.** The dirty little secret of transatlantic relations is that, under these circumstances, they will undoubtedly become a whole lot less boring very soon. **Both America and Europe are broke. Their ability to shape the world around them is getting weaker.** The global center of gravity is shifting towards the Pacific. Americans are ultimately better suited to master this process of relative decline. But it is in Washington's fundamental interest to keep Europe safe and stable, to keep its best allies strong and to defend the enormous economic investments it has placed in the old world. Obsessing about perceptions and sympathy ratings will soon look like frivolous luxury. The ball is in the European court. For Americans, a Europe with a grown-up strategic culture will be more important than one that produces high approval ratings for the United States. For Europeans, investing in a relevant and workable transatlantic future will be more important than an American president they find easy to like.

1NC – No Escalation

No escalation

Fettweis 7, Asst Prof Poli Sci – Tulane, Asst Prof National Security Affairs – US Naval War College, (Christopher, “On the Consequences of Failure in Iraq,” *Survival*, Vol. 49, Iss. 4, December, p. 83 – 98)

Without the US presence, a second argument goes, nothing would prevent Sunni-Shia violence from sweeping into every country where the religious divide exists. A Sunni bloc with centres in Riyadh and Cairo might face a Shia bloc headquartered in Tehran, both of which would face enormous pressure from their own people to fight proxy wars across the region. In addition to intra-Muslim civil war, cross-border warfare could not be ruled out. Jordan might be the first to send troops into Iraq to secure its own border; once the dam breaks, Iran, Turkey, Syria and Saudi Arabia might follow suit. The Middle East has no shortage of rivalries, any of which might descend into direct conflict after a destabilising US withdrawal. In the worst case, Iran might emerge as the regional hegemon, able to bully and blackmail its neighbours with its new nuclear arsenal. Saudi Arabia and Egypt would soon demand suitable deterrents of their own, and a nuclear arms race would envelop the region. Once again, however, none of these outcomes is particularly likely. Wider war No matter what the outcome in Iraq, the region is not likely to devolve into chaos. Although it might seem counter-intuitive, by most traditional measures the Middle East is very stable. Continuous, uninterrupted governance is the norm, not the exception; most Middle East regimes have been in power for decades. Its monarchies, from Morocco to Jordan to every Gulf state, have generally been in power since these countries gained independence. In Egypt Hosni Mubarak has ruled for almost three decades, and Muammar Gadhafi in Libya for almost four. The region's autocrats have been more likely to die quiet, natural deaths than meet the hangman or post-coup firing squads. Saddam's rather unpredictable regime, which attacked its neighbours twice, was one of the few exceptions to this pattern of stability, and he met an end unusual for the modern Middle East. Its regimes have survived potentially destabilising shocks before, and they would be likely to do so again. The region actually experiences very little cross-border warfare, and even less since the end of the Cold War. Saddam again provided an exception, as did the Israelis, with their adventures in Lebanon. Israel fought four wars with neighbouring states in the first 25 years of its existence, but none in the 34 years since. Vicious civil wars that once engulfed Lebanon and Algeria have gone quiet, and its ethnic conflicts do not make the region particularly unique. The biggest risk of an American withdrawal is intensified civil war in Iraq rather than regional conflagration. Iraq's neighbours will likely not prove eager to fight each other to determine who gets to be the next country to spend itself into penury propping up an unpopular puppet regime next door. As much as the Saudis and Iranians may threaten to intervene on behalf of their co-religionists, they have shown no eagerness to replace the counter-insurgency role that American troops play today. If the United States, with its remarkable military and unlimited resources, could not bring about its desired solutions in Iraq, why would any other country think it could do so?¹⁷ Common interest, not the presence of the US military, provides the ultimate foundation for stability. All ruling regimes in the Middle East share a common (and understandable) fear of instability. It is the interest of every actor - the Iraqis, their neighbours and the rest of the world - to see a stable, functioning government emerge in Iraq. If the United States were to withdraw, increased regional cooperation to address that common interest is far more likely than outright warfare.

A2: Multilat

1NC – I/L D

The EU itself is a terrible model for multilat

Van Schaik and Ter Haar 2013 (Louise van Schaik is Senior Research Fellow at the Clingendael Institute. She has extensively analysed the EU's international activities in the fields of health (WHO), climate change (UNFCCC) and food standards (Codex Alimentarius). She has also worked on related research areas such as EU external affairs and the Lisbon Treaty, EU development cooperation and trade policy, scarcity of natural resources, global public goods, and sustainable development, Barend (Bas) ter Haar is Senior Visiting Research Fellow at the Clingendael Institute. During his career at the Netherlands' Ministry of Foreign Affairs he took part in many multilateral negotiations, inter alia on chemical weapons and within the EU, NATO, OSCE, IAEA and UNESCO. At the ministry he served as Director of the Policy Planning Staff. As Ambassador for International Security Affairs he represented the European Union at the ASEAN Regional Forum, "Why the EU is not promoting effective Multilateralism", <http://www.clingendael.nl/sites/default/files/Why%20the%20EU%20is%20not%20promoting%20effective%20multilateralism.pdf>)

However, in the decade since 2003 the EU has become increasingly quiet about this objective. Paradoxically (but logical in view of the explanation given below) the only field where the EU has been partly successful is the field of classic security, a field where feelings of national sovereignty are usually strongest. In other fields **the support of the EU for effective multilateralism has, for the most part, been fragmented and weak. The experts who represented EU countries in international talks** on issues such as the environment, health, food, water, education and transport, **often seemed hardly aware of the existence of a European strategy** to strengthen an effective multilateral system. And the diplomats who were aware of this strategy usually rather concentrated on the promotion of their national priorities. This, **in combination with the Eurocrisis and the threat of the UK to leave the EU reinforced the impression that the EU is a power in decline, better known for its rhetoric than for its action.** At the UN Climate Summit **in Copenhagen in 2009 the EU was rudely confronted with a new world order** in which emerging economies use their increased power to further their interests. **Despite tenacious efforts to promote a new international climate treaty** to succeed the Kyoto Protocol and a detailed 'leadership by example' strategy, **the EU found itself sidelined, partly because of its inability to speak with a strong single voice.** The case also illustrates the EU's lack of sensitivity to its negotiating environment. **Promoting effective multilateralism is not the same as simply expecting others to adopt European views and standards.** **An ongoing study of the way the EU has operated in a large number of multilateral forums has led us to the conclusion that the fiasco at Copenhagen is not an exceptional case, but is symptomatic.**¹ We were struck by the lack of a European strategy in most forums. We found some instances where the EU supported a multilateral approach, e.g. in the G20. However, in most cases the EU did not promote strategic goals, but concentrated instead on administrative reforms. In larger debates the EU was sometimes conspicuously absent due to its inability to come to a joint position, or because nobody felt responsible to cover the topic. Furthermore, many of the representatives of the EU were unaware of the positions of EU member states and EU institutions in other relevant forums. This made issue linkage difficult and could lead to contradictory positions (e.g. on intellectual property rights).

1NC – Multilat Fails

Multilateral coop will always structurally fail regardless of their internal link

Barma et al., 13 (Naazneen, assistant professor of national-security affairs at the Naval Postgraduate School; Ely Ratner, a fellow at the Center for a New American Security; and Steven Weber, professor of political science and at the School of Information at the University of California, Berkeley, March/April 2013, “The Mythical Liberal Order,” The National Interest, <http://nationalinterest.org/print/article/the-mythical-liberal-order-8146>)

Assessed against its ability to solve global problems, **the current system is falling progressively further behind on the most important challenges, including** financial stability, the “responsibility to protect,” and coordinated action on **climate change, nuclear proliferation, cyberwarfare and maritime security.** The **authority, legitimacy and capacity of multilateral institutions dissolve when the going gets tough** when member **countries have meaningfully different interests** (as in currency manipulations), **when** the distribution of **costs is large enough to matter** (as in humanitarian crises in sub-Saharan Africa) **or when** the shadow of **future uncertainties looms large** (as in carbon reduction). **Like a sports team that perfects** exquisite **plays during practice but fails to execute against an actual opponent** **global-governance institutions have sputtered precisely when their supposed skills and multilateral capital are needed most.** WHY HAS this happened? **The hopeful liberal notion that these failures** of global governance are merely reflections of organizational dysfunction that **can be fixed** by reforming or “reengineering” the institutions themselves, as if this were a job for management consultants fiddling with organization charts, **is a costly distraction from the real challenge.** A decade-long effort to revive the dead-on-arrival Doha Development Round in international trade is the sharpest example of the cost of such a tinkering-around-the-edges approach and its ultimate futility. Equally distracting and wrong is the notion held by neoconservatives and others that global governance is inherently a bad idea and that its institutions are ineffective and undesirable simply by virtue of being supranational. **The root cause of stalled global governance is** simpler and more straightforward. **“Multipolarization” has come faster and more forcefully than expected.** Relatively **authoritarian and postcolonial emerging powers** have become leading voices that **undermine anything approaching international consensus** and, with that, multilateral institutions. It’s not just the reasonable demand for more seats at the table. That might have caused something of a decline in effectiveness but also an increase in legitimacy that on balance could have rendered it a net positive. Instead, global governance has gotten the worst of both worlds: a decline in both effectiveness and legitimacy. **The problem is not** one of **a few rogue states acting badly** in an otherwise coherent system. There has been no real breakdown per se. There just wasn’t all that much liberal world order to break down in the first place. **The new voices are more than just numerous and powerful. They are truly distinct** from the voices of an old era, **and they approach the global system in a meaningfully different way.**

A2: NATO

1NC - I/L D

EU doesn't solve - NATO is redundant and other international organizations fill the gap

Hartung 13 (Farina Hartung, Master Thesis International and European Relations, Linköping University, "Case-study of NATO: Is NATO a redundant international organization or not?",

<http://www.liu.se/utbildning/pabyggnad/F7MME/student/courses/733a27masterthesis/filarkiv/spring-2013/theses-june/1.464731/MasterThesisFinalVersionFarinaHartung.pdf>

Just as mentioned above, NATO has gone through a process of changes since it was first established. It can be said that the changes were necessary or as a matter of fact that they were not - it always depends on the view one takes. The position of this paper has been stated before that it is going to investigate the question if **NATO** is redundant and to show proof that it is. As history has shown, it can be argued that the organization **is redundant and has survived much longer passed its due time**. From this point of view, it can be argued that **this is what hurts the**

organization: they need to reform before they have a chance to act. It is quite difficult to claim that NATO is not redundant, but as mentioned before, this Thesis will take a look at the opposite side of this claim.

Instead of trying to prove that **NATO** is needed, I will try to show that it **is not needed and has long**

surpassed its duty. That has become clear over the past years. **NATO has reformed**

itself in order to ensure that it will stay relevant enough in order to play an impacting role in politics

and international relations. **Although they have taken the initiative to stay relevant, they**

seem to have failed. There have been different voices, such as Theo Sommer and Kenneth Waltz, who claim and

argue that NATO is as a matter of fact redundant. One could always ask what is redundancy and how can it be measured. Redundancy is not self-evident, and it also cannot really be defined. Neither can redundancy be measured. Redundancy is what one makes out of it and what others understand of redundancy is left open for discussion. But in regards to this paper, redundancy is just the fact that **NATO is not really needed any longer. The task it is currently**

doing, such as the peacekeeping, can be done by other international

organizations, such as the United Nations There is no longer the need for just one international organization to have its sole focus and propose on collective security.

Security is something that is desired by so many countries and there is no need that NATO needs to be the one organization that will provide this to all the countries in the world. And as mentioned before, NATO already goes outside its territorial borders in

order to provide security to the world ("NATO in the 21st Century). **NATO is a redundant**

international organization simply **because it has lost its endeavor**. It strives to do so

much in order to provide its member states with the necessary certainty that in case of a threat, there is a whole community that will act and protect each member state. But how should NATO really do that in reality?

The member states have cut down their size of military they have. In time of great danger, one country might not want to act because there could be a conflict of

interests. Currently, **there is just not such a big threat as the Soviet Union** was that there needs

to be a military alliance. **In case that such a great threat rises to the surface again, it is just**

simply as easy to create a new international military organization which can then function according to the actual needs, because it is always during the time of threat that new alliances are created. As mentioned above, the main purpose of NATO has vanished when the Cold War was over and the Soviet Union ceased to exist. Since the Cold War and the threat that the Soviet Union posed so close to European borders dissolved in the beginning of the 1990s, NATO just has lost its main function. According to Theo Sommer, NATO has ever since then been in a constant stage of "transformation", never really knowing what it should achieve and what its goal is (17). In addition to that, one could argue that NATO is facing more problems that seem to have come along with the problem of the lacking threat. This Thesis argues that NATO is neither necessary to fulfill a defensive function or that of providing security for its members. NATO is an international organization that is in fact no longer permissible. It has surpassed its life expectancy by many years. Moreover, it can be said that since it has surpassed its reason of existence, it will step down from the position it holds in regards of an international security organization. It is no longer the main focus of the member states. NATO should also no longer be the main focus. Other organizations have emerged over the past decades that show that they are able to do the necessary work without having to go through a process of transformation. For example regional international organization, such as the European Union could take over this task, since most of the members are located on the European continent to begin with. Furthermore, it can be claimed that NATO should be able to see that they are no longer fit for modern times. Before NATO is able to act on any kind of problem or concern, it has to go through a process of transforming itself; otherwise, it might not be able to act. This point of view may seem a bit exaggerated; however, it is suitable for NATO since it is pragmatic. NATO is not the same since the end of the Cold War. It can be said that the main reason why the NATO was established was to be able to encounter the Soviet Union in a time of crisis. According to Lindley-French, NATO today is a strategic and defensive focal point that can project both military and partnership power worldwide (89). She continues her argument by noting that the job the alliance has to do is the same as ever and has not changed (Ibid). The job of the alliance has always been to safeguard the freedom and security of its member nations through political and security needs, instituted by the values of "democracy, liberty, rule of law and the peaceful resolution to disputes" (Ibid). Yet another point he claims is that NATO provides a strategic forum for consultation between North Americans and Europeans on security issues of common concern and the facility for taking joint action to deal with them (Ibid). To repeat, NATO has lost its power and maybe even its standpoint in the modern day time politics. There are many different international organizations that all could take over the work of NATO or even could continue it in a better manner than NATO is currently doing. Claiming that NATO is not redundant just does not seem to follow the actual fact of the position that NATO is currently in. They have missed indeed the point where it was time to either dissolve the whole international organization or the time to reform which would have actually created positive outcomes. The latter point, however, seems impossible now. It just is impossible for NATO to change yet again. In the time of its existence, NATO has undergone so many different changes and reforms, altogether a total of six. There is just no logical reason why NATO is able to successfully undergo another process of changes and transformation. New reforms always bring changes and if they actually will help NATO is left in the open. As Theo Sommer puts it, NATO has served its time simply because the world has changed (9). The threats are no longer the same and to some extent may not even exist anymore. There are of course new threats, such as terrorism, piracy, and cyber-attacks, now that have emerged and rose to the surface of international politics. However, those are not really the same as they were when NATO was created. Hence, NATO is not suitable to tackle new issues and problems. They can try to reform, but it will never be the same because NATO itself will have to adjust to the new situation. But this is not what this once great military alliance was intended to do.

1NC – Collapse Inev

NATO collapse inevitable—no purpose and shrinking force-structure

Granatstein 13 (Jack, has held the Canada Council's Killam senior fellowship twice, was editor of the Canadian Historical Review, and was a founder of the Organization for the History of Canada. Fellow of the Royal Society of Canada, awarded the Society's J.B. Tyrrell Historical Gold Medal. He has been awarded honorary doctorates by Memorial University of Newfoundland, the University of Calgary, Ryerson Polytechnic University, the University of Western Ontario, McMaster University, and Niagara University. Senior Fellow of Massey College. Officer of the Order of Canada Member of the Advisory Committee of the Dominion Institute, an adjunct fellow of the University of Calgary's Centre for Military and Strategic Studies and Chair of the Council for Canadian Security in the 21st Century. Board member and the Chair of the Advisory Council of the Canadian Defence and Foreign Affairs Institute. "J.L. Granatstein: The end of NATO?" 3/13, <http://fullcomment.nationalpost.com/2013/03/04/j-l-granatstein-the-end-of-nato/>)

Perhaps it might have been better if **NATO** had wound itself up at the end of the Cold War. The alliance instead **sought for a new role, a new strategic purpose, and it found it outside the boundaries of the alliance.** Provoked by ethnic slaughter in Bosnia-Herzegovina, **it conducted operations in** the former **Yugoslavia**, involving air attacks against Serbia and the deployment of troops in Kosovo. Then came 9/11 and a long war against al-Qaeda and the Taliban in **Afghanistan**, followed by an air campaign that brought down the Gaddafi regime in **Libya.** **None of these operations were notable successes.** In June 2011, then U.S. secretary of defence, Robert **Gates, stated** in public **what many had** privately **acknowledged:** NATO, the linchpin of European security and transatlantic relations, **faced "the real possibility [of] a dim, if not dismal future ... While every alliance member voted for the Libya mission, less than half have participated at all, and fewer than a third have been willing to participate in the strike mission.** Frankly, **many of those allies sitting on the sidelines do so not because they do not want to participate, but simply because they can't. The military capabilities simply aren't there."** This was an **affirmation of the ineffectiveness of the alliance after six decades of existence.** **Matters have since worsened. NATO members have begun pulling combat troops out of Afghanistan on their own timetables,** and all the troops, except an undisclosed number of Americans, **are scheduled to depart by 2014. The global economic crisis has led members to cut back on defence spending.** And faced with the increasing power of China, the Obama administration indicated that it was **rebalancing its forces toward Asia.** **The NATO alliance seemed completely unprepared for this new uncertainty.** As secretary Gates stated, "the U.S. share of NATO defence spending has now risen to more than 75% — at a time when politically painful budget and benefit cuts are being considered at home." **The U.S., in other words, won't pay the bills much longer. We know Canada won't, and the Europeans don't seem willing to do so, either.** If this continues, **NATO may not be long for this world.**

A2: NoKo Prolif

1NC - I/L D

Alliance doesn't solve foreign policy challenges

Techau 2011

(Jan, director of Carnegie Europe, the European centre of the Carnegie Endowment for International Peace, 10/6/11, "The Dirty Secret of US European relations"

<http://carnegieendowment.org/2011/10/06/dirty-secret-of-u-s-european-relations/811h>)

For the internal psychology of the transatlantic relationship, this is undoubtedly good news. The more interesting question, however, seems to be **whether all this new love translates into a more meaningful partnership on shared foreign-policy challenges.** Here the answer is less clear.

While cooperation on issues such as the Middle East, Iran and terrorism was and is constructive, one of **the most crucial items** on the Euro-American agenda **remains untouched** by the improved atmosphere: **transatlantic burden sharing in the field of security and defense.** Here, **Europeans have** for the last sixty years **been in a position of utter dependence** on the Washington's willingness and ability to guarantee their security. And even though the global strategic framework has drastically changed since the beginning of this transatlantic bargain in the 1950s, Europeans still conduct their defense planning as if American generosity were the most naturally abundant and easily accessible political commodity. By doing so, they increase their reliance on U.S. guarantees, and they become less and less interesting as an ally for their American counterparts. All attempts to wake Europeans up and make them rethink their priorities have died away without much impact. ¶ It would be easy to blame President Obama for not using his popularity with allies intelligently enough to induce them to get their act together. But the European passivity on security and defense issues goes far beyond the reach of even the most popular American president. By and large, Europeans are unaware of their utter dependency; they don't feel particularly threatened, they hold a deep mistrust in all things military, and they have learned to look at the world without regard to strategic considerations. Despite Libya, their willingness for an active approach to the world around them and for intervention on behalf of values and interests is small. **Their political leaders**—to the extent that they are aware of today's realities—**shy away from the enormous** budgetary and political **costs that a realistic security and defense posture would create.** The dirty little secret of transatlantic relations is that, under these circumstances, they will undoubtedly become a whole lot less boring very soon. **Both America and Europe are broke. Their ability to shape the world around them is getting weaker.** The global center of gravity is shifting towards the Pacific. Americans are ultimately better suited to master this process of relative decline. But it is in Washington's fundamental interest to keep Europe safe and stable, to keep its best allies strong and to defend the enormous economic investments it has placed in the old world. Obsessing about perceptions and sympathy ratings will soon look like frivolous luxury. The ball is in the European court. For Americans, a Europe with a grown-up strategic culture will be more important than one that produces high approval ratings for the United States. For Europeans, investing in a relevant and workable transatlantic future will be more important than an American president they find easy to like.

1NC – No NoKo Prolif

North Korea can't proliferate Hymans '12

[Jacques E. C. Hymans, PhD from Harvard, Associate Professor of International Relations at the University of Southern California, his most recent book is Achieving Nuclear Ambitions: Scientists, Politicians, and Proliferation, "Botching the Bomb: Why Nuclear Weapons Programs Often Fail on Their Own-and Why Iran's Might, Too," Foreign Affairs 91. 3 (May/June 2012): 44-53, Proquest]

The third lesson is that **states** that **poorly manage their** nuclear **programs can bungle** even **the** supposedly **easy steps of the process**. For instance, **based on estimates of** the size of **North Korea's** plutonium **stockpile and the** presumed **ease of weapons fabrication**, **U.S. intelligence agencies thought that by the** 19**90s**, North **Korea had built** one or two **nuclear weapons. But in** 20**06**, North **Korea's first nuclear test** essentially **fizzled**, **making it clear that the "hermit kingdom" did not have any working weapons at all. Even its second try, in** 20**09**, **did not work properly. Similarly, if Iran eventually does acquire a significant quantity of weapons-grade highly enriched uranium, this should not be equated with the possession of a nuclear weapon.**

Extra I/L D

The U.S. is known to be unfit to deal with North Korean policies. They have disagreed with the EU on related policy in the past.

Wagner 01

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Adopting a harder line toward North Korea than that of his predecessor, President George W. said March 7 that his administration would not immediately resume missile negotiations with Pyongyang left unfinished by the Clinton administration. The announcement differed from previous statements by Secretary of State Colin Powell, who had indicated that the administration planned to pursue what appears to have been a nearly complete deal by the Clinton administration to end North Korea's missile development and exports. Bush, who made his remarks during a joint press conference with visiting South Korean President Kim Dae Jung, expressed "skepticism" about North Korean leader Kim Jong-Il and said that he has concerns about the ability to verify any agreement with a closed society like North Korea. Bush said he "look[s] forward to, at some point in the future, having a dialogue with the North Koreans, but that any potential negotiation would require complete verification of the terms of a potential

agreement." During the press conference **Bush** also **said that the United States is "not certain as to whether or not [the North Koreans] are keeping all terms of all agreements."**

The statement sparked some confusion because the United States has only one agreement with North Korea: the 1994 Agreed Framework, which ended Pyongyang's nuclear weapons program.

In a briefing following the conference, a senior administration official explained that, despite his phrasing, the president was referring to the potential verifiability of a future missile deal with North Korea. The official said that there are no indications North Korea is violating the Agreed Framework. Bush's decision to put off negotiations contrasted with statements Powell had previously made on the administration's approach to North Korea. On March 6, Powell told reporters that "we do plan to engage with North Korea and pick up where President Clinton and his administration left off." Powell went on to say that "some promising elements were left on the table" and that the United States has "a lot to offer that regime if they will act in ways that we think are constructive." However, **emerging from**

the March 7 meeting between Bush and Kim, Powell shifted gears, emphasizing that there is "no hurry" to engage Pyongyang.

He said that the administration is conducting a comprehensive review of U.S. policy toward North Korea and that it would, "in due course, decide at what pace and when we engage." Amending his remarks from March 6, Powell said that if "there was some suggestion that imminent negotiations are about to begin—that is not the case." According to a former senior U.S. official, North Korea had been prepared at the end of the Clinton administration to stop its missile development and missile exports in exchange for international satellite launch services and nonmonetary compensation, respectively. Writing in The New York Times March 7, Ambassador Wendy Sherman, Clinton's special adviser on North Korea, characterized such an agreement as "tantalizingly close." The former senior official noted, however, that the problem of how to verify and monitor an agreement, in addition to the status of Pyongyang's current missile inventory, had remained unresolved. Powell indicated this was one reason the Bush administration was reviewing its options before proceeding. "What was missing in what had been done was how one would put in place any kind of monitoring or verification regime. And the North Koreans had not engaged on that in any serious way in the period of the Clinton administration," he said in March 8 testimony to the Senate Foreign Relations Committee. Powell also said that the administration would consider issues beyond missile negotiations in its policy review, including whether the conventional military balance on the Korean Peninsula should be considered simultaneously with missile talks—a course the Clinton administration had avoided. "There's a huge army poised on the demilitarized zone, pointing south, that is probably as great a threat to South Korea and Seoul and regional stability as are weapons of mass destruction. Should that be included in a negotiation with the North Koreans?" Powell asked. In what may have been a reaction to Bush's

comments, on March 13 Pyongyang canceled cabinet-level discussions with Seoul hours before they were set to begin. On March 15, **North Korea threatened to "take thousand-fold revenge" on the United States "and its black-hearted intention to torpedo the dialogue between North and South [Korea]."** The statement issued by the state-run Korean Central News Agency, **called Washington's new**

policies "hostile" and noted that Pyongyang remains "fully prepared for both dialogue and war."

Congress Reacts Following Bush's demand for verification in dealings with North Korea, Republican leaders in the House and Senate urged the administration to reconsider the terms of the Agreed Framework, under which North Korea is to be provided with two light-water reactors. On March 9, Chairman of the Senate Foreign Relations Committee Jesse Helms (R-NC), along with Senators Mike DeWine (R-OH) and Bob Smith (R-NH), sent a letter to Bush calling for the administration to abandon the reactor project in favor of "several clean-burning, coal-fired power plants to meet North Korea's civilian energy needs." The letter called into question Pyongyang's "track record" and said that "North Korea's regime hardly can be trusted with [light-water reactor] technology, or with fissile material." In a March 13 speech to the American Enterprise Institute, Henry Hyde (R-IL), chairman of the House International Relations Committee, also championed replacing the light-water reactors with conventional power plants while stressing the need for comprehensive verification in light of past actions by North Korea. Congressional Democrats urged Bush to continue to pursue a negotiated solution to U.S. concerns over Pyongyang's nuclear and missile capabilities. In a March 6 letter to Bush before his meeting with Kim, the Democratic leadership of the House and Senate, as well as the ranking members of the International Relations and Foreign Relations committees, encouraged the president to work with South Korea to address North Korea's nuclear and missile programs and said that, if he does so, they "stand ready to support" him. EU to Send Delegation to Korean Peninsula Following President George W. Bush's decision to put off missile negotiations with North Korea, the European Union (EU) announced it would send a high-level delegation to the Korean Peninsula. Speaking at the EU summit in Stockholm, President of the European Council and Swedish Prime Minister Göran Persson said March 24 that he, EU Secretary-General Javier Solana, and EU External Affairs Commissioner Christopher Patten hope to visit Seoul and Pyongyang before the end of May. Persson said he planned to broach "a broad agenda" with North Korean leader Kim Jong-Il, including discussions on missiles. Sweden currently holds the six-month rotating presidency of the EU and has had diplomatic relations with Pyongyang for the past 26 years. According to a senior Swedish official, **the**

EU discussion is intended to be "complementary" to both the North-South peace process and any further U.S.-North Korean security negotiations.

The official stressed that it is "important that the U.S.-North Korean discussions resume" and **said that the dialogue on missile negotiations "cannot and should not" be taken up without the United States.** However, **in a March 24 interview on Swedish television, Swedish Foreign Minister Anna Lindh reportedly stated that the unanimous decision by the 15 EU leaders to send the delegation came about because "it's becoming clear that the new U.S. administration wants to take a more hard-line approach toward North Korea."** Lindh went on to say that such a policy "means that Europe must step in to help reduce tension between the two Koreas, not least because the outside world is so worried about North Korean missiles." —A.W.a

U.S. and EU collaborative sanctions against North Korea don't work

Bajpai 15

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The dynasty regime in North Korea continues to splurge and squander its resources towards nuclear armament and military expansion, while its people suffer from food deprivation and continue to be fed by aid. The secretive totalitarian economy has increasingly isolated itself from the world except for a few allies. Its activities and actions have time and again violated international agreements, thus inviting sanctions against it. However, while the Democratic People's Republic of Korea (DPRK) has been repeatedly sanctioned by the United Nations (UN), the US, Japan, Canada, Australia, and European Union, the regime has shown little inclination to comply with international agreements. (For more, see: How the North Korea Economy Works) Relations: The European Union & The United States The European Union (EU) and most of its constituent countries have bilateral diplomatic relationships with North Korea and maintain embassies in Pyongyang, and the EU indulges in annual talks with North Korea. The European Union's stance regarding North Korea is based on a few key issues, including peace and stability in the region, non-proliferation of nuclear weapons, aid (and cooperation), and human rights. According to the European Commission External Action Service, "Since 1995, over €366 million in aid has been provided in the form of food aid, medical, water and sanitation assistance and agricultural support. In 2011, the EU provided €10 million in emergency aid following a severe food crisis." The total trade between DPRK and the European Union was €144 million or about 2.09 percent of North Korea's trade volume. Though there is no direct involvement by the EU in North Korea's economic reforms, Brussels is supportive of any initiatives toward reform. The European Union (through a few member countries) provides education and training in economic policy making and business to North Korean officials. The United States does not have any diplomatic relations with DPRK, thus neither has an embassy in the other's country. The US operates through the Swedish embassy in North Korea for any services for US citizens in DPRK. While economic interaction between the two countries is minimal, the US is concerned with issues like human rights and food deprivation in North Korea. The only form of US economic assistance to North Korea is humanitarian during times of natural calamities or emergencies.

Sanctions **The US and EU** comply by the UN Resolution 2094 (2013) and earlier resolutions regarding **restrict** ions (and bans) against **North Korea** on the following: Travel and asset freezes **on** certain individuals involved in arms dealing and exports of goods and equipment related to **ballistic missiles and other weapons**. Asset freezes of certain organizations involved in supporting activities towards arms and weapon dealings, as well as illegal trading activities. Items, Materials, Equipment, Goods, and Technology (nuclear items, missile items, and chemical weapons list). Luxury goods (jewelry, pearls, gems, precious, and semi-precious stones and precious metal, as well as transportation items like yachts, racing cars, and luxury automobiles). The first EU sanction was imposed in

2006 in reaction to North Korea's first test of a nuclear device. Currently, the European Union has autonomously banned provision of new DPRK bank notes and coins, any financial support which could be used for nuclear-related or weapons of mass destruction (WMD) program, and any new commitment towards DPRK in the form of concessional loans and financial assistance. There is a restriction on the issue and trade in certain bonds, use of EU airports, and establishment of subsidiaries or branches of DPRK banks. Moreover, there will be enhanced monitoring of banks in DPRK that work with EU financial institutions, as well as increased scrutiny of DPRK diplomats. In addition to supporting the UN resolutions, the US has time and again imposed sanctions on North. The US, which has backed South Korea since the start of the Korean War, first imposed an economic embargo on the North in 1950. Over the years, the US and EU Sanctions Against North Korea By Prableen Bajpai, CFA (ICFAI) | February 18, 2015 7/9/2015 US And EU Sanctions Against North Korea <http://www.investopedia.com/articles/investing/021815/us-and-eu-sanctions-against-north-korea.asp?view=print> 2/2 © 2015, Investopedia, LLC. has levied additional sanctions against North Korea, especially in the wake of its nuclear tests and provoking episodes against South Korea. Broadly, the US prohibits any foreign and military aid, government-backed credits, agricultural credits or financing, US commercial bank financing, export licenses and imports into the US for certain goods and services, export-import bank financing, any support for energy-related programs, cultural exchanges, and support in international institutions and banks. Under the Bush administration in 2008 (Executive Order 13466), the US ended the Trading With the Enemy Act but continued with certain restrictions on North Korea and a few individuals. In 2010 (Executive Order 13551), the US blocked three North Korean entities and one individual from property and interests in property that were under US jurisdiction. In 2011 (Executive Order 13570), direct and indirect import of goods, services and technology was prohibited. The most recent sanctions (Executive Order 13687) were triggered by the cyber-attacking incident on Sony Pictures Entertainment and affect three North Korean entities, including including a government intelligence agency and a North Korean arms dealer, as well as 10 individuals employed by those entities or by the North Korean government. They have been barred from the US financial system; any assets under US jurisdiction have been blocked. (Related reading, see: How US & European Union Sanctions Impact Russia) Since From 1988 to 2008, the US designated the DPRK government as state sponsor of terrorism. Though there are many sanctions in place against North Korea, the US has not levied any travel ban for US citizens, nor is there a ban on trade of basic goods (the trade volume is negligible though). The sanctions imposed by the US on North Korea have resulted in minimal trade limited to medicines and food. The US also prohibits any cultural exchange with DPRK. The limited engagement of Washington with Pyongyang on the diplomatic, political, and economic fronts gives it less leverage over North Korea. On the other hand, the European Union's focus on backing any economic reform in DPRK but wanting to put a stop to the proliferation of WMD has created a quandary over what is the right balance of "pressure" and "support." If the European Union exerts pressure without any economic engagement, the effectiveness could be minimal. While if there is no constructive pressure while it offers some economic backing, the EU stance on DPRK becomes questionable and opposed to its own stated policies. Thus, the European Union's sanctions are aimed at blocking any direct or indirect help in North Korea's nuclear armament program, while trying to maintain basic economic engagement in the form of trade, aid, and assistance that might improve North Korea's economic development, human rights, and its citizen's standard of living. (Related

reading, see: Socialist Economies: How China, Cuba And North Korea Work) Bottom Line **There many opinions about the effectiveness of the sanctions. It seems that North Korea is able to get access to almost everything it requires whether it is for a luxury project or nuclear program through a back channel via its allies from the time of the Cold War. Another reason for the limited effectiveness of both EU and US sanctions is the fact that North Korea does not depend greatly on the West; its main trading partner and benefactor is China. Strings can be pulled when they are attached.**

A2: Prolif

1NC - I/L D

EU defenses solve - Alliance isn't key Bandow 2013

(Doug, senior fellow at the Cato Institute, specializing in foreign policy and civil liberties, 4-22, "NATO's Lack Of Any Serious Purpose Means It Should Retire", <http://www.forbes.com/sites/dougbandow/2013/04/22/natos-lack-of-any-serious-purpose-means-it-should-retire/>)

Alliances should be based on international circumstance. Rasmussen recently argued that "The need for a strong military alliance between Europe and North America has never been stronger." That is nonsense. **Neither continent faces an existential military threat.** Neither faces a significant global competitor. Neither has a compelling interest to meddle in regional conflicts. **While there is much about which the U.S. and Europe should cooperate there is no need for an** American-dominated **transatlantic military alliance.** Thus, what is needed is U.S. burden-shedding rather than allied burden-sharing. **Europeans could provide forces sufficient to defend themselves, patrol the Mediterranean, aid the Central Asia states, and protect their interests in North Africa and the Middle East.** If they chose not to do so, no worries for America. But they shouldn't expect Washington to step in. And U.S. officials then could stop their unproductive whining about Europe's defense choices.

1NC – No Prolif

No impact – takes too long and too many disincentives – reversal of the program is more likely

Kahl et al., Georgetown Security Studies professor, 2013

(Colin, “If Iran Builds the Bomb, Will Saudi Arabia Be Next?”

http://www.cnas.org/files/documents/publications/CNAS_AtomicKingdom_Kahl.pdf, ldg)

111 . LESSONS FROM HISTORY Concerns over “regional proliferation chains,” “falling nuclear dominos” and “nuclear tipping points” are nothing new; indeed, reactive proliferation fears date back to the dawn of the nuclear age.¹⁴ Warnings of an inevitable deluge of proliferation were commonplace from the 1950s to the 1970s, resurfaced during the discussion of “rogue states” in the 1990s and became even more ominous after 9/11.¹⁵ In 2004, for example, Mitchell Reiss warned that “in ways both fast and slow, we may very soon be approaching a nuclear ‘tipping point,’ where many countries may decide to acquire nuclear arsenals on short notice, thereby triggering a proliferation epidemic.” Given the presumed fragility of the nuclear nonproliferation regime and the ready supply of nuclear expertise, technology and material, Reiss argued, “a single new entrant into the nuclear club could catalyze similar responses by others in the region, with the Middle East and Northeast Asia the most

likely candidates.”¹⁶ Nevertheless, **predictions of inevitable proliferation cascades have historically proven false** (see The Proliferation Cascade Myth text box). In the six decades since atomic weapons were first developed, nuclear restraint has proven far more common than nuclear

proliferation, and cases of reactive proliferation have been exceedingly rare. Moreover, most **countries that have started down the nuclear path** have **found the road more difficult than imagined**, both

technologically and bureaucratically, **leading the majority** of nuclear-weapons aspirants **to reverse course**. Thus, despite frequent warnings of an unstoppable “nuclear express,”¹⁷ William Potter and Gaukhar Mukhatzhanova astutely note that the “train to date has been slow to pick up steam, has made fewer stops than anticipated, and usually has arrived much later than expected.”¹⁸ None of this means that additional proliferation in response to Iran’s nuclear ambitions is inconceivable, but the empirical record does suggest that regional chain reactions are not inevitable. Instead, only certain countries are candidates for reactive proliferation. Determining the risk that any given country in the Middle East will proliferate in response to Iranian nuclearization requires an assessment of the incentives and disincentives for acquiring a nuclear deterrent, the technical and bureaucratic constraints and the available strategic alternatives. Incentives and Disincentives to Proliferate Security considerations, status and reputational concerns and the prospect of sanctions combine to shape the incentives and

disincentives for states to pursue nuclear weapons. **Analysts predicting proliferation cascades tend to**

emphasize the incentives for reactive proliferation while ignoring or downplaying the disincentives. Yet as it turns out, **instances of nuclear proliferation (including reactive proliferation) have**

been so rare because going down **this road** often **risks insecurity, reputational damage and economic costs that outweigh** the

potential benefits.¹⁹ Security and regime survival are especially important motivations driving state decisions to proliferate. All else being equal, if a state’s

leadership believes that a nuclear deterrent is required to address an acute security challenge, proliferation is more likely.²⁰ Countries in conflict-prone neighborhoods facing an “enduring rival” – especially countries with inferior conventional military capabilities vis-à-vis their opponents or those that face an adversary that possesses or is seeking nuclear weapons – may be particularly prone to seeking a nuclear deterrent to avert aggression.²¹ A recent quantitative study by Philipp Bleek, for example, found that security threats, as measured by the frequency and intensity of conventional militarized disputes, were highly correlated with decisions to launch nuclear weapons programs and eventually acquire the bomb.²² The Proliferation Cascade Myth Despite repeated warnings since the dawn of the nuclear age of an inevitable deluge of nuclear proliferation, such fears have thus far proven largely unfounded. Historically, nuclear restraint is the rule, not the exception – and the degree of restraint has actually increased over time. In the first two decades of the nuclear age, five nuclear-weapons states emerged: the United States (1945), the Soviet Union (1949), the United Kingdom (1952), France (1960) and China (1964). However, in the nearly 50 years since China developed nuclear weapons, only four additional countries have entered (and remained in) the nuclear club: Israel (allegedly in 1967), India (“peaceful” nuclear test in 1974, acquisition in late-1980s, test in 1998), Pakistan (acquisition in late-1980s, test in 1998) and North Korea (test in 2006).²³ This significant slowdown in the pace of proliferation occurred despite the widespread dissemination of nuclear know-how and the fact that the number of states with the technical and industrial capability to pursue nuclear weapons programs has significantly increased over time.²⁴ Moreover, in the past 20 years, several states have either given up their nuclear weapons (South Africa and the Soviet successor states Belarus, Kazakhstan and Ukraine) or ended their highly developed nuclear weapons programs (e.g., Argentina, Brazil and Libya).²⁵ Indeed, by one estimate, 37 countries have pursued nuclear programs with

possible weapons-related dimensions since 1945, yet the overwhelming number chose to abandon these activities before they produced a bomb. Over time, **the number of nuclear reversals has grown while the number of states initiating programs** with

possible military dimensions **has markedly declined**.²⁶ Furthermore – especially since the Nuclear Non-Proliferation Treaty (NPT) went into force in 1970 – reactive proliferation has been exceedingly rare. The NPT has near-universal membership among the community of nations; only India, Israel, Pakistan and North Korea currently stand outside the treaty. Yet the actual and suspected acquisition of nuclear weapons by these outliers has not triggered widespread reactive proliferation in their respective neighborhoods. Pakistan followed India into the nuclear club, and the two have engaged in a vigorous arms race, but Pakistani nuclearization did not spark additional South Asian states to acquire nuclear weapons. Similarly, the North Korean bomb did not lead South Korea, Japan or other regional states to follow suit.²⁷ In the Middle East, no country has successfully built a nuclear weapon in the four decades since Israel allegedly built its first nuclear weapons. Egypt took initial steps toward nuclearization in the 1950s and then expanded these efforts in the late 1960s and 1970s in response to Israel’s presumed capabilities. However, Cairo then ratified the NPT in 1981 and abandoned its program.²⁸ Libya, Iraq and Iran all pursued nuclear weapons capabilities, but only Iran’s program persists and none of these states initiated their efforts primarily as a defensive response to Israel’s presumed arsenal.²⁹ Sometime in the 2000s, Syria also appears to have initiated nuclear activities with possible military dimensions, including construction of a covert nuclear reactor near al-Kibar, likely enabled by North Korean assistance.³⁰ (An Israeli airstrike destroyed the facility in 2007.³¹) The motivations for Syria’s activities remain murky, but the nearly 40-year lag between Israel’s alleged development of the bomb and Syria’s actions suggests that reactive proliferation was not the most likely cause. Finally, even countries that start on the nuclear path have found it very difficult, and exceedingly time consuming, to reach the end. Of the 10 countries that launched nuclear weapons projects after 1970, only three (Pakistan, North Korea and South Africa) succeeded; one (Iran) remains in progress, and the rest failed or were reversed.³² The successful projects have also generally needed much more time than expected to finish. According to Jacques Hymans,

the average time required to complete a nuclear weapons program has increased from seven years prior to 1970 to about 17 years after 1970, even as the hardware, knowledge and industrial base required for proliferation has expanded to more and more countries.³³ Yet throughout the nuclear age, many states with potential security incentives to develop

nuclear weapons have nevertheless abstained from doing so.³⁴ Moreover, contrary to common expectations, recent statistical research shows that states with an enduring rival that possesses or is pursuing nuclear weapons are not more likely than other states to launch nuclear weapons programs or go all the way to acquiring the bomb, although they do seem more likely to explore nuclear weapons options.³⁵ This suggests that a rival's acquisition of nuclear weapons does not inevitably drive proliferation decisions. One reason that reactive proliferation is not an automatic response to a

rival's acquisition of nuclear arms is the fact that security calculations can cut in both directions. Nuclear weapons might deter outside threats, but **leaders have to weigh these potential gains against the possibility that seeking nuclear weapons would trigger a regional arms race or a preventive attack by outside powers.** Countries also have to consider the possibility that **pursuing nuclear weapons will produce strain in strategic relationships with**

allies and security patrons. If a state's leaders conclude that their overall security would decrease by building a bomb, they are not likely to do so.³⁶ Moreover, although security considerations are often central, they are rarely sufficient to motivate states to develop nuclear weapons. Scholars have noted the importance of other factors, most notably the perceived effects of nuclear weapons on a country's relative status and influence.³⁷ Empirically, the most highly motivated states seem to be those with leaders that simultaneously believe a nuclear deterrent is essential to counter an existential threat and view nuclear weapons as crucial for maintaining or enhancing their international status and influence. Leaders that see their country as naturally at odds with, and naturally equal or superior to, a threatening external foe appear to be especially prone to pursuing nuclear weapons.³⁸ Thus, as Jacques Hymans argues, extreme levels of fear and pride often "combine to produce a very strong tendency to reach for the bomb."³⁹ Yet here too, leaders contemplating acquiring nuclear weapons have to balance the possible increase to their prestige and influence against the normative and reputational costs associated with violating the Nuclear Non-Proliferation Treaty (NPT). If a country's leaders fully embrace the principles and norms embodied in the NPT, highly value positive diplomatic relations with Western countries and see membership in the "community of nations" as central to their national interests and identity, they are likely to worry that developing nuclear weapons would damage (rather than bolster) their reputation and influence, and thus they will be less likely to go for the bomb.⁴⁰ In contrast, countries with regimes or ruling coalitions that embrace an ideology that rejects the Western dominated international order and prioritizes national self-reliance and autonomy from outside interference seem more inclined toward proliferation regardless of whether they are signatories to the NPT.⁴¹ Most countries appear to fall in the former category, whereas only a small number of "rogue" states fit the latter. According to one count, before the NPT went into effect, more than 40 percent of states with the economic resources to pursue nuclear programs with potential military applications did so, and very few renounced those programs. Since the inception of the nonproliferation norm in 1970, however, only 15 percent of economically capable states have started such programs, and nearly 70 percent of all states that had engaged in such activities gave them up.⁴² The prospect of being targeted with economic sanctions by powerful states is also likely to factor into the decisions of would-be proliferators. Although sanctions alone proved insufficient to dissuade Iraq, North Korea and (thus far) Iran from violating their nonproliferation obligations under the NPT, this does not necessarily indicate that sanctions are irrelevant. A potential proliferator's vulnerability to sanctions must be considered. All else being equal, the more vulnerable a state's economy is to external pressure, the less likely it is to pursue nuclear weapons. A comparison of states in East Asia and the Middle East that have pursued nuclear weapons with those that have not done so suggests that countries with economies that are highly integrated into the international economic system – especially those dominated by ruling coalitions that seek further integration – have historically been less inclined to pursue nuclear weapons than those with inward-oriented economies and ruling coalitions.⁴³ A state's vulnerability to sanctions matters, but so too does the leadership's assessment regarding the probability that outside powers would actually be willing to impose sanctions. Some would-be proliferators can be easily sanctioned because their exclusion from international economic transactions creates few downsides for sanctioning states. In other instances, however, a state may be so vital to outside powers – economically or geopolitically – that it is unlikely to be sanctioned regardless of NPT violations. Technical and Bureaucratic Constraints In addition to motivation to pursue the bomb, a state must have the technical and bureaucratic wherewithal to do so. This capability is partly a function of wealth. Richer and more industrialized states can develop nuclear weapons more easily than poorer and less industrial ones can; although as Pakistan and North Korea demonstrate, cash-strapped states can sometimes succeed in developing nuclear weapons if they are willing to make enormous sacrifices.⁴⁴ A country's technical know-how and the sophistication of its civilian nuclear program also help determine the ease and speed with which it can potentially pursue the bomb. The existence of uranium deposits and related mining activity, civilian nuclear power plants, nuclear research reactors and laboratories and a large cadre of scientists and engineers trained in relevant areas of chemistry and nuclear physics may give a country some "latent" capability to eventually produce nuclear weapons. Mastery of the fuel-cycle – the ability to enrich uranium or produce, separate and reprocess plutonium – is particularly important because this is the essential pathway whereby states can indigenously produce the fissile material required to make a nuclear explosive device.⁴⁵ States must also possess the bureaucratic capacity and managerial culture to successfully complete a nuclear weapons program. Hymans convincingly argues that many recent

would-be proliferators have weak state institutions that permit, or even encourage, **rulers to take a coercive** authoritarian

management approach to their nuclear programs. This approach, in

turn, politicizes and ultimately **undermines nuclear projects by gutting the autonomy** and

professionalism **of the very scientists, experts and organizations needed**

to successfully build the bomb.⁴⁶ Alternative Sources of Nuclear Deterrence Historically, the availability of credible security guarantees by outside nuclear

powers has provided a potential alternative means for acquiring a nuclear deterrent without many of the risks and costs associated with developing an indigenous nuclear weapons capability. As Bruno Tertrais argues, nearly all the states that developed nuclear weapons since 1949 either lacked a strong guarantee from a superpower (India, Pakistan and South Africa) or did not consider the superpower's protection to be credible (China, France, Israel and North Korea). Many other countries known to have pursued nuclear weapons programs also lacked security guarantees (e.g., Argentina, Brazil, Egypt, Indonesia, Iraq, Libya, Switzerland and Yugoslavia) or thought they were unreliable at the time they embarked on their programs (e.g., Taiwan). In contrast, several

potential proliferation candidates appear to have abstained from developing the bomb at least partly because of formal or informal extended deterrence guarantees from the United States (e.g., Australia, Germany, Japan, Norway, South Korea and Sweden).⁴⁷ All

told, a recent quantitative assessment by Bleek finds that **security assurances have empirically** significantly

reduced proliferation proclivity among recipient countries.⁴⁸ Therefore, if a country perceives that a security guarantee by the United States or another nuclear power is both available and credible, it is less likely to pursue nuclear weapons in reaction to a rival developing them. This option is likely to be particularly attractive to states that lack the indigenous capability to develop nuclear weapons, as well as states that are primarily motivated to acquire a nuclear deterrent by security factors (as opposed to status-related motivations) but are wary of the negative consequences of proliferation.

A2: Russian War

1NC – I/L D

Alliance fails to deter Russia – Europe alone solves Bandow 2012

(Doug, senior fellow at the Cato Institute, 8-12, "How NATO Expansion Makes America Less Safe", <http://www.cato.org/publications/commentary/how-nato-expansion-makes-america-less-safe>)

With the end of the Cold War the justification for NATO disappeared. The Soviet Union split, the Warsaw Pact dissolved, the global communist menace vanished. There no longer was any there there, as Gertrude Stein said of Oakland. President Putin is no friend of liberty, but he evidences no design – and possesses no capability – to recreate a global empire. Under him Russia has reverted to a pre-World War I great power, focused on winning respect and protecting its borders. A Russian invasion of Eastern Europe, let alone the core western members of NATO, is but a paranoid fantasy. Anyway, the Europeans are able to defend themselves. Today the European Union has ten times the GDP and three times the population of Russia. Despite their ongoing economic crises, EU members together still spend far more than Moscow on the military. There is no prospect of Russia dominating Eurasia. Unfortunately, expanding NATO over the last two decades has turned what once was a military alliance into an international social club. Other than Poland, the post-1989 NATO entrants have been military midgets, security black holes requiring the U.S. to pay to rearm and retrain militaries which remain too small to do anything useful in a real war. Yes, the new members contributed small contingents in America's other conflicts; President Saakashvili similarly sent Georgian troops to Afghanistan and Iraq to win American support. But the U.S. has paid mightily for de minimis benefits. Still, alliance advocates claim that NATO could at least protect countries at Europe's periphery. For instance, had Georgia been a member, they argue, Moscow would not have attacked. Lithuanian Foreign Minister Petras Vaitiekunas contended that including Tbilisi would "clearly show to Russia how unhelpful it is to even try flexing its muscles." Yet history is full of examples of alliances which failed to deter powers from acting when they believed their vital interests to be at stake. In World War I most of the continent plunged into bloody conflict despite competing military leagues. In World War II Germany ignored British and French commitments to Poland. Today Moscow might not believe that Americans and Europeans with little at stake would be so foolish as to confront a nuclear armed power over interests it viewed as vital. Moreover, the Russians are not likely to be any more inclined toward "appeasement" than would the U.S. in a comparable situation. Indeed, given the West's consistent policy of ignoring Russian interests, Moscow likely would insist even more strongly that concessions not be made and humiliations not be countenanced. Attempting to establish friendly, democratic regimes along Russia's borders, and turn them into military outposts as members of the historic American-led, anti-Soviet alliance, is geopolitically aggressive. As America developed, Washington demonstrated little patience for European "meddling" in Central and even South America, which it considered to be America's backyard. Perhaps U.S. intentions were better, though the Latin Americans might not agree. Nevertheless, European security guarantees for America's neighbors would have made Washington less rather than more tractable. Worse, NATO expansion brings the political and territorial disputes of new members with each other and Russia into the alliance. The organization then threatens to act as a transmission belt of rather than firebreak to war. Countries reliant on their own resources are more likely to compromise. In contrast, having a superpower in their corner makes them more likely to be intransigent. Although most of the new NATO members, and especially the most recent additions like Albania and Croatia, are money pits for American aid, at least these nations are geopolitically irrelevant. Moscow has no reason to pay them any mind.

1NC – No Russian War

No Russia war – no motive or capability

Betts, Columbia war and peace studies professor, 2013

(Richard, "The Lost Logic of Deterrence", Foreign Affairs, March/April, ebsco, ldg)

These continuities with the Cold War would make sense only between intense adversaries. Washington and Moscow remain in an adversarial relationship, but not an intense one. If the Cold War is really over, and the West really won, then continuing implicit deterrence does less to protect against a negligible threat from Russia than to feed suspicions that aggravate political friction. In contrast to during the Cold War, it is now hard to make the case that Russia is more a threat to NATO than the reverse. First, the East-West balance of military capabilities, which at the height of the Cold War was favorable to the Warsaw Pact or at best even, has not only shifted to NATO's advantage; it has become utterly lopsided. Russia is now a lonely fraction of what the old Warsaw Pact was. It not only lost its old eastern European allies; those allies are now arrayed on the other side, as members of NATO. By every significant measure of power -- military spending, men under arms, population, economic strength, control of territory -- NATO enjoys massive advantages over Russia. The only capability that keeps Russia militarily potent is its nuclear arsenal. There is no plausible way, however, that Moscow's nuclear weapons could be used for aggression, except as a backstop for a conventional offensive -- for which NATO's capabilities are now far greater. Russia's intentions constitute no more of a threat than its capabilities. Although Moscow's ruling elites push distasteful policies, there is no plausible way they could think a military attack on the West would serve their interests. During the twentieth century, there were intense territorial conflicts between the two sides and a titanic struggle between them over whose ideology would dominate the world. Vladimir Putin's Russia is authoritarian, but unlike the Soviet Union, it is not the vanguard of a globe-spanning revolutionary ideal.

A2: Terrorism

1NC - I/L D

Terror coop is strong and resilient

Mix 15 (Derek E. Mix, Analyst in European Affairs, "The United States and Europe: Current Issues," Feb 3, <http://fas.org:8080/sgp/crs/row/RS22163.pdf>, DAH)

Overall, in the years since the 9/11 attacks, transatlantic cooperation on counterterrorism has been strong. U.S. and European officials from the cabinet level down maintain regular dialogues on issues related to homeland security and counterterrorism. In 2010, new U.S.-EU treaties on extradition and mutual legal assistance entered into force. The United States and the EU have also reached agreements on container security and sharing airline passenger data as part of their efforts to strengthen aviation, transport, and border security. In addition, the United States and the EU actively work together to track and counter the financing of terrorism, in forums such as the Financial Action Task Force and through information sharing deals such as the U.S.-EU "SWIFT agreement," which allows U.S. authorities access to financial data held by a Belgium-based consortium of international banks as part of the U.S. Treasury Department's Terrorist Finance Tracking Program (TFTP). While the EU has been increasing its relevance in this area, bilateral intelligence sharing and law enforcement cooperation between the United States and individual European countries also remains key to disrupting terrorist plots and apprehending those involved.

1NC – No Terror

No risk of nuclear terrorism – too many obstacles Mearsheimer, Distinguished Professor of Political Science at the University of Chicago, 2014

(John J. “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show)

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled. What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency. Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

A2: Trade

1NC - I/L D

*Read generic take-outs to relations (resiliency, inevitable, alt causes, etc)

1NC – No Trade Wars

Trade is strong and resilient

Ikenson, 9 – associate director of the Center for Trade Policy Studies at the Cato Institute

[Daniel, “ A Protectionism Fling: Why Tariff Hikes and Other Trade Barriers Will Be Short-Lived,” March 12, 2009, http://www.cato.org/pub_display.php?pub_id=10651]

Although some governments will dabble in some degree of protectionism, the combination of a sturdy rules-based system of trade and the economic self interest in being open to participation in the global economy will limit the risk of a protectionist pandemic. According to recent estimates from the International Food Policy Research Institute, if all WTO members were to raise all of their applied tariffs to the maximum bound rates, the average global rate of duty would double and the value of global trade would decline by 7.7 percent over five years.⁸ That would be a substantial decline relative to the 5.5 percent annual rate of trade growth experienced this decade.⁹ But, to put that 7.7 percent decline in historical perspective, the value of global trade declined by 66 percent between 1929 and 1934, a period mostly in the wake of Smoot Hawley's passage in 1930.¹⁰ So the potential downside today from what Bergsten calls "legal protectionism" is actually not that "massive," even if all WTO members raised all of their tariffs to the highest permissible rates. If most developing countries raised their tariffs to their bound rates, there would be an adverse impact on the countries that raise barriers and on their most important trade partners. But most developing countries that have room to backslide (i.e., not China) are not major importers, and thus the impact on global trade flows would not be that significant. OECD countries and China account for the top two-thirds of global import value.¹¹ Backsliding from India, Indonesia, and Argentina (who collectively account for 2.4 percent of global imports) is not going to be the spark that ignites a global trade war. Nevertheless, governments are keenly aware of the events that transpired in the 1930s, and have made various pledges to avoid protectionist measures in combating the current economic situation. In the United States, after President Obama publicly registered his concern that the "Buy American" provision in the American Recovery and Reinvestment Act might be perceived as protectionist or could incite a trade war, Congress agreed to revise the legislation to stipulate that the Buy American provision "be applied in a manner consistent with United States obligations under international agreements." In early February, China's vice commerce minister, Jiang Zengwei, announced that China would not include "Buy China" provisions in its own \$586 billion stimulus bill.¹² But even more promising than pledges to avoid trade provocations are actions taken to reduce existing trade barriers. In an effort to "reduce business operating costs, attract and retain foreign investment, raise business productivity, and provide consumers a greater variety and better quality of goods and services at competitive prices," the Mexican government initiated a plan in January to unilaterally reduce tariffs on about 70 percent of the items on its tariff schedule. Those 8,000 items, comprising 20 different industrial sectors, accounted for about half of all Mexican import value in 2007. When the final phase of the plan is implemented on January 1, 2013, the average industrial tariff rate in Mexico will have fallen from 10.4 percent to 4.3 percent.^{13v} And Mexico is not alone. In February, the Brazilian government suspended tariffs entirely on some capital goods imports and reduced to 2 percent duties on a wide variety of machinery and other capital equipment, and on communications and information technology products.¹⁴ That decision came on the heels of late-January decision in Brazil to scrap plans for an import licensing program that would have affected 60 percent of the country's imports.¹⁵ Meanwhile, on February 27, a new free trade agreement was signed between Australia, New Zealand, and the 10 member countries of the Association of Southeast Asian Nations to reduce and ultimately eliminate tariffs on 96 percent of all goods by 2020. While the media and members of the trade policy community fixate on how various protectionist measures around the world might foreshadow a plunge into the abyss,

there is plenty of evidence that **governments remain interested in removing barriers to trade**. Despite the occasional temptation to indulge discredited policies, there is a growing **body of institutional knowledge** that when people are free to engage in commerce with one another as they choose, regardless of the nationality or location of the other parties, they can leverage that freedom to accomplish economic outcomes far more impressive than when governments attempt to limit choices through policy constraints.

EU Tech Competitiveness DA HSS

1NC

Funding proves EU committed to cloud computing—key to EU-led innovation

Computer Weekly 14 Archana Venkatraman, Datacentre Editor - Computer Weekly, "EU

funds project to boost European cloud computing market," 21 Jul 2014

<http://www.computerweekly.com/news/2240225047/New-EU-funded-project-to-boost-European-cloud-computing-market>

A European Union-funded project called Cloudcatalyst has been set up to assess the current cloud computing market in Europe, identify barriers to cloud adoption and provide tools to boost its growth in the region. The project aims to instill confidence in European businesses, public entities, ICT providers and other cloud stakeholders eager to develop and use cloud services. **It will create "a strong and enthusiastic community of cloud adopters and supporters in Europe"**, according to Cordis, the European Commission's project funding arm. According to the EC, cloud computing is a "revolution" but its providers are still struggling to captivate and build trust among businesses and everyday citizens. **"Cloud-sceptics" are concerned over data security and legal exposure and a lack of information around cloud is hindering its adoption.** The Cloudcatalyst project will tackle this issue by providing useful tools to foster the adoption of cloud computing in Europe and to boost the European cloud market, according to Cordis, the European Commission's primary public repository that gives information about EU-funded projects. The project, which is funded by FP7 – the 7th Framework Programme for Research and Technological Development – will target all cloud players. These include software developers, members of the scientific community developing and deploying cloud computing services, incubators at the local, national and European levels, large industries, SMEs, startups and entrepreneurs. With a total budget of over €50bn, the project will primarily analyse practices across Europe and identify the conditions for a successful adoption. "We will cover all the main issues around cloud and give a clear overview on a number of topics, such as current cloud trends, critical success factors to overcome major technical barriers, data privacy and compliance requirements, and recommendations for quality of service and cloud SLA," said Dalibor Baskovc, vice-president at EuroCloud Europe, one of the project partners. We see cloud as an engine of change and a central ingredient for innovation in Europe Francisco Medeiros, European Commission The project will also create a series of tools to help stakeholders create value-added cloud products and services. These consist of the Cloud Accelerator Toolbox and the Go-to-the-Cloud service platform – a collection of management tools bundling together trend analysis, use cases and practical recommendations in the form of printable report templates and instructional videos. "The tools we are developing will help companies adopt and deploy cloud solutions, whatever their different needs and requirements are," said Baskovc. The project will also carry out a number of market surveys to gather key information and produce an overview of the cloud adoption status, such as why companies should develop cloud services, the main internal problems in adopting a cloud product, the associated risks and how these issues can be addressed. According to the European Commission, **cloud computing has the potential to employ millions in Europe by 2020. "We see cloud as an engine of change and a central ingredient for innovation in Europe,"** Francisco Medeiros, deputy head of unit, software and services, cloud computing at the European Commission told the Datacentres Europe 2014 audience in May this year. **"Cloud is one of the fastest-growing markets in Europe."**

PRISM is essential to development of EU leadership in cloud computing

Reuters 13 "Analysis: European cloud computing firms see silver lining in PRISM scandal,"

PARIS/LONDON | BY LEILA ABOUD AND PAUL SANDLE, Jun 17, 2013,

<http://www.reuters.com/article/2013/06/17/us-cloud-europe-spying-analysis-idUSBRE95G0FK20130617>

France has its "Sovereign Cloud" project while across the Rhine data firms have created the label "Cloud Services: Made in Germany", all trying to reassure big companies that their information is stored away from the prying eyes of U.S. spies. European firms believe revelations that the U.S. National Security Agency (NSA) has secretly gathered user data from nine big U.S. Internet companies, including Microsoft and Google, **will hand them a competitive advantage as they play catch-up with the dominant American players in "cloud computing".** Yet companies and individuals may have to accept that while storing and processing their most sensitive information on servers owned by Europeans and located

in Europe could keep it from the NSA's eyes, intelligence agencies closer to home may be looking anyway. "If you are going to have a Big Brother, I'd much rather have a domestic Big Brother than a foreign Big Brother," said Mikko Hypponen, chief research officer at internet security company F-Secure, which also offers cloud services with data stored in the Nordic countries. Cloud computing - an umbrella term for everything from web-based email to business software that is run remotely via the Internet instead of on-site - is being adopted by big companies and governments globally to cut costs and add flexibility to their IT departments. In a Normandy town nestled in a loop of the Seine river lies a huge new data centre, a part of France's Sovereign Cloud project that some in the industry once poked fun at as being out of step with the realities of the borderless Internet. Last year the French government ploughed 150 million euros (\$200 million) into two start-ups, including the data centre's owner Cloudwatt, to equip the country with infrastructure independent of U.S. cloud computing giants. Following the revelations that the NSA's PRISM program collected user data from the nine companies that also include Yahoo and Facebook, the French position now seems prescient to some people. "People are being spied on without their knowledge, and non-U.S. residents have no legal rights," said Philippe Tavernier of Numergy, another cloud-computing group that got state help. "We feel vindicated that our strategy is right." As European Union officials seek answers from the U.S. government on PRISM, technology executives, data protection regulators and analysts told Reuters the scandal may prove a turning point for the region's young cloud computing industry. European companies such as telecoms groups Orange and Deutsche Telekom are trying to exploit the concerns as they build their own cloud businesses. Government agencies and municipalities, especially in more privacy-conscious countries such as Germany, are more likely to turn to local alternatives for cloud services. Sweden recently banned Google Apps - cloud-based email, calendar and storage - in the public sector over concerns that Google had too much leeway over how the data was used and stored. "SOMEONE IS ALWAYS WATCHING" Similar changes could also gather pace in Asia where companies and regulators were already concerned about data security in the cloud before PRISM. A source at a major Chinese company that provides cloud infrastructure said governments were likely to impose stricter controls on where data was stored, although this would not be a panacea. "Frankly, wherever you put your data, someone is always watching. It could be the U.S., it could be China," he said. Some lawmakers in the European Parliament also want rules requiring companies undertaking cloud projects to protect European users' data better, and are using concerns around PRISM to lobby for their cause. They want supervisors or judges to oversee the transfer of personal data to overseas security services, and for customers of cloud companies to be able to opt out of their data being stored in the United States. Caspar Bowden, an independent privacy advocate and Microsoft's chief privacy adviser from 2002-2011, said that before the PRISM revelations the big U.S. cloud companies had been largely able to quell fears about data security with savvy public relations. "The headlines this past week will change all that. The nationality of the company and the location of the data do make a difference," he said. Even before PRISM, some companies abroad planning cloud computing projects were concerned about the powers given to U.S. intelligence agencies by anti-terrorism laws enacted after the September 11 attacks on the country: the 2001 Patriot Act and the 2008 Foreign Intelligence Surveillance Amendments Act (FISAA). A European Parliament body said in a report last year that FISAA granted the U.S. "heavy-caliber mass surveillance fire-power aimed at the cloud" and had "very strong implications on EU data sovereignty and the protection of its citizens' rights".

That revitalizes Europe's economy—endogenous cloud computing is comparatively better

Etro 11 Federico Etro is a Full Professor of Economics at the University of Venice, Ca' Foscari, where he teaches Macroeconomics. He previously taught at the University of Edinburgh and the University of Milan, Bicocca, "Understanding Cloud Computing Competition, Environment and Finance," November 24, 2011, <http://www.europeanbusinessreview.com/?p=3140>

Cloud computing is going to reshape business in Europe and worldwide. It has been defined by the US National Institute for Standards and Technology as "a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, applications and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction." It is a general purpose technology able to improve productivity in all sectors and, at the same time, to have a positive environmental impact. Through cloud computing, firms will be able to rent computing power and storage from

a service provider, and to pay on demand, as they already do for other inputs such as energy and electricity

(the price of using a computer for a thousand hours is the same as that of using a thousand computers for one hour). This article examines some issues related to the diffusion of cloud computing: its general role in section 1, competition policy issues in section 2, environmental issues in section 3 and macroeconomic issues in section 4. Introduction A new general purpose technology such as cloud computing can provide huge cost savings and more efficiency in large areas of the private sector (especially in fields such as services and selected manufacturing sectors where ICT costs are relevant), and also of the public sector, including hospitals and healthcare, education and the activity of government agencies with periodic spikes in usage. Case studies in the private and public sectors suggest that cost advantages can be substantial. A few examples from a specific sector, the health sector, can exemplify the point (let us start from the most simple applications to move toward more relevant ones). One of the leading Italian hospitals, the Children's Hospital of Bambin Gesù in Rome, has recently switched to an online solution for the email services of its 2500 employees (the switch took place in 2010 in less than four months, created large cost savings and allowed IT specialists to focus on other more relevant tasks for the hospital). Similar experiences are planned by the USL of Asolo in Veneto, which is also trying to use cloud computing to help operative tasks. The Swedish Red Cross has improved the coordination of its intervention by adopting a cloud computing solution, which has reduced costs of about 20 % and enhanced communication in real time between its employers. A Russian cardiovascular centre, Penza, has adopted a cloud computing solution to coordinate activities, diagnosis and decisions on treatment and surgery between doctors around the country, with crucial gains for the patients. During the H1N1 pandemic, a global cloud computing tool was build and made available in a few days (based on the Microsoft's Windows Azure platform) to centralize and provide information on the diffusion of the flu. Cloud computing is currently developing along side few different concepts, focused on the provision of Infrastructure as a Service (IaaS: renting virtual machines), Platform as a Service (PaaS, on which software applications can run) or Software as a Service (SaaS: renting the full service, as for email). In preparation for its development, many hardware and software companies are investing to create new platforms that are able to attract customers "on the clouds". Cloud platforms provide services to create applications in competition with or in alternative to on-premise platforms, the traditional platforms based on an operating system as a foundation, on a group of infrastructure services and on a set of packaged and custom applications. The crucial difference between the two platforms is that, while on-premises platforms are designed to support consumer-scale or enterprise-scale applications, cloud platforms can potentially support multiple users at a wider scale, namely at the Internet scale. The introduction of cloud computing is going to be gradual. Currently, we are still in the middle of a phase of preparation with a few services that can be regarded as belonging to cloud computing, often derived from internal solutions (turning private clouds into public ones). Amazon Cloud Computing was launched in October 2006, IBM's Blue Cloud in November 2007, followed by cloud solutions by Google and Microsoft. Meanwhile, many large high-tech companies as Amazon, Google, Microsoft, Salesforce.com, Oracle and other CCP (Cloud Computing Providers) keep building huge data centres loaded with hundreds and thousands of servers to be made available for customer needs in the near future. Competition issues emerging from cloud computing Competition between CCPs is probably going to reshape the ICT market structure as PC distribution did in the 80s, with consequences also at the downstream level, that of the ISPs (Internet Service Providers). This may raise some concern for competition and for the consequences on the users of cloud services. Let us look at the upstream level. Notice that here, antitrust evaluation may concern a market definition ranging from the three separate aspects of cloud computing (IaaS, PaaS or SaaS) at national levels up to the general market for IT services at the global level, but we believe that the most relevant market definition would probably include the three forms of clouds at a supra-national level. Notice however, that in case of antitrust issues involving downstream companies, namely ISPs, market definition could be restricted to the national level, which is still the relevant one in each EU country for competition between telecommunication providers – see Sluijs, Larouche and Sauter (2011) for a detailed discussion. On one side, the strength of competition for the provision of cloud services suggests that multiple players (as those mentioned above and, possibly, others) would probably share the market for a while, avoiding excessive concentration. The importance of cloud computing in changing the prevailing business model in ICT is determining wide investments in innovation by these same players, therefore the ultimate success in the cloud business will be associated with the creation of superior technologies rather than with the exploitation of network effects or barriers to entry. On the other side, the development of alternative cloud computing solutions could create the risk of being locked-in for potential customers. To avoid this, it is important to promote, especially in this initial phase, agreements between public authorities and industry leaders on a minimum set of technological standards and process standards to be respected in the provision of cloud services to guarantee data security, privacy and portability.

However, the lack of scenarios with low concentration or dominance by a single CCP makes it difficult for interoperability problems to become crucial: a CCP offering services that have limited interoperability with the services of other CCPs would easily lose market shares. The environmental impact of cloud computing Besides economic gains, substantial positive externalities are expected from cloud computing because of energy savings: the improvement of energy efficiency may contribute to the reduction of total carbon emissions in a substantial way (currently, ICT contributes to 2 % of global CO₂ emissions). The costs savings associated with the new technology can improve the PUE (power usage effectiveness) of the datacenters, which is the ratio between the power drawn by the datacenter facility and the power delivered to hardware (the difference being used for cooling the IT equipment). This ratio is around PUE = 2 in the average datacenters (for every kWh of energy which is used to operate hardware, there is another kWh of energy used to cool the same hardware)¹, but it could go down to PUE = 1.1/1.2 with the outsourcing of certain activities to cloud computing solutions in separate datacenters, which can be built in colder regions (as they currently are in Ireland, Scotland and other cold EU regions) and with more efficient cooling systems (as in the Google's project of a submarine datacenter). In a recent

study on the environmental aspects of the move to cloud computing, Accenture (2010) estimates energy savings that are variable with the size of the organizations: up to 90 % for small ones with less than 100 users, between 60 % and 90 % for medium size organizations with up to 1000 users and 30-60 % for larger organizations with up to 10 thousand users: clearly this corresponds to large reductions in carbon emissions (by a third on average). Larger cost savings and environmental gains are expected from the adoption of cloud computing in SMEs. Beyond this, datacenters can be located in regions with low carbon emission factors. The gains can be larger (in terms of per-user energy use and carbon footprint) in case of small deployments, since these currently operate at low utilization levels (being idle during most of the day). Of course, cloud computing can also contribute to reduce the emissions of non-ICT processes through its indirect impact. Therefore, larger cost savings and environmental gains are expected from the adoption of cloud computing in SMEs, and the coordination of policies for accelerating its adoption could be fruitful.² The macroeconomic impact of cloud computing The first and most relevant benefit of cloud computing is associated with a generalized reduction of the fixed costs of entry and production, in terms of shifting fixed capital expenditure from IT into operative costs depending on the size of demand and production. This contributes to reducing the barriers to entry especially for SMEs, as the provider owns infrastructure, it does not need to be purchased for one-time or infrequent intensive computing tasks, and it generates quick scalability and growth. The consequences on the endogenous structure of the markets with largest cost savings will be wide, with entry of new companies, a reduction of the mark ups, and an increase in average and total production. In recent research (Etro 2009; Etro and Colciago, 2010), we have adopted a macroeconomic approach emphasizing the effects that this innovation has on the cost structure of the firms investing in IT and consequently the incentives to create and expand new businesses, on the market structure, on the level of competition in their sectors, and ultimately on the effects for aggregate production, employment and other macroeconomic variables.³ The diffusion of cloud computing could provide a substantial contribution to the annual growth rate, helping to create more than a million new permanent jobs. Our methodology is based on a DSGE calibrated model augmented with endogenous market structures in line with recent developments in the macroeconomic literature. This model includes a realistic structural change to the cost structure with the purpose of studying the short- and long-term reactions of the economy. Starting from conservative assumptions on the cost reduction process associated with the diffusion of cloud computing over five years, we have estimated that the diffusion of cloud computing could provide a positive and substantial additional contribution to the annual growth rate (up to a few decimal points), helping to create more than a million new permanent jobs through the development of a few hundred thousand new small- and medium-sized enterprises across the EU. Empirical exercises under different scenarios show a strong impact on the creation of new businesses, in the magnitude of a few hundred thousand within the EU. Moreover, the effect is expected to be deeper in countries where the diffusion of smaller companies is particularly strong or where IT adoption has been generally rapid.

Absent growth, euro falls apart

Economist 10/25 "The world's biggest economic problem," Oct 25th 2014,

<http://www.economist.com/news/leaders/21627620-deflation-euro-zone-all-too-close-and-extremely-dangerous-worlds-biggest-economic>

Now that German growth has stumbled, the euro area is on the verge of tipping into its third recession in six years. Its leaders have squandered two years of respite, granted by the pledge of Mario Draghi, the European Central Bank's president, to do "whatever it takes" to save the single currency. The French and the Italians have dodged structural reforms, while the Germans have insisted on too much austerity. Prices are falling in eight European countries. The zone's overall inflation rate has slipped to 0.3% and may well go into outright decline next year. A region that makes up almost a fifth of world output is marching towards stagnation and deflation. In this section The world's biggest economic problem Many winners, a few bad losers Call for help A light unto the Arab nations Keep open the gates Reprints Related topics Monetary Policy Recessions and depressions Economic policy Domestic policy United States Optimists, both inside and outside Europe, often cite the example of Japan. It fell into deflation in the late-1990s, with unpleasant but not apocalyptic consequences for both itself and the world economy. But the euro zone poses far greater risks. Unlike Japan, the euro zone is not an isolated case: from China to America inflation is worryingly low, and slipping. And, unlike Japan, which has a homogenous, stoic society, the euro

area cannot hang together through years of economic sclerosis and falling prices. As debt burdens soar from Italy to Greece, investors will take fright, populist politicians will gain ground, and—sooner rather than later—the euro will collapse. This parrot has ceased to be. Although many Europeans, especially the Germans, have been brought up to fear inflation, deflation can be still more savage (see article). If people and firms expect prices to fall, they stop spending, and as demand sinks, loan defaults rise. That was what happened in the Great Depression, with especially dire consequences in Germany in the early 1930s. So it is worrying that, of the 46 countries whose central banks target inflation, 30 are below their target. Some price falls are welcome. Tumbling oil prices, in particular, have given consumers' incomes a boost (see article). But slowing prices and stagnant wages owe more to weak demand in the economy and roughly 45m workers are jobless in the rich OECD countries. Investors are starting to expect lower inflation even in economies, such as America's, that are growing at reasonable rates. Worse, short-term interest rates are close to zero in many economies, so central banks cannot cut them to boost spending. The only ammunition comes from quantitative easing and other forms of printing money. The global lowinflation threat is a good reason for most central banks to keep monetary policy loose. It is also, in the longer term, a prompt to look at revising inflation targets a shade upwards. But the immediate problem is the euro area. Continental Europe's economy has plenty of big underlying weaknesses, from poor demography to heavy debt and sclerotic labour markets. But it has also made enormous policy mistakes. France, Italy and Germany have all eschewed growth-enhancing structural reforms. The euro zone is particularly vulnerable to deflation because of Germany's insistence on too much fiscal austerity and the ECB's timidity. Even now, with economies contracting, Germany is still obsessed with deficit reduction for all governments, while its opposition to monetary easing has meant that the ECB, to the obvious despair of Mr Draghi, has done far less than other big central banks in terms of quantitative easing (notwithstanding this week's move to start buying "covered bonds"). If there was ever logic to this incrementalism, it has run out. As budgets shrink and the ECB struggles to convince people that it can stop prices slipping, a descent into deflation seems all too probable. Signs of stress are beginning to appear in both the markets and politics. Bond yields in Greece have risen sharply, as support for the left-wing Syriza party has surged (see article). France and Germany are trading rhetorical blows over a new budget proposal coming out of Paris.

Eurozone collapse causes World War III

Gommes, 11 -- former Columbia Law Review senior editor Thomas Gommes, publisher of Periscope Post, former corporate lawyer, "Eurozone in crisis: The death of the euro could trigger World War III," 12-9-11, www.periscopepost.com/2011/12/eurozone-in-crisis-the-death-of-the-euro-could-trigger-world-war-iii/

Eurozone in crisis: The death of the euro could trigger World War III The slow-motion demise of the euro isn't just financial Armageddon – it could just be one step down the slippery path to World War III. At the risk of being accused of scaremongering, I'll state my point simply and up front: Things in Europe are not as bad as they seem – they're worse. And though the commentariat is queuing up to predict the imminent demise of the euro currency and to lament the ongoing recession, that's not even the half of it: We're looking at World War III. As major corporations start drawing up contingency plans for a world without the euro and as weaknesses in government finances become ever more glaring, the end of the euro currency becomes an increasingly realistic prospect. Related, the total absence of business growth, or trading among European nations raises the question of what benefits a unified trading block offers. The driving motive behind the original Coal and Steel alliance that ultimately became today's European Union was a desire among nations, traumatised by the worst war in their collective history, to provide a deterrent against another war. My concern is that that trauma has faded, and that the fear of war has been replaced by the fear of recession. As anyone with even a fleeting familiarity with European history can confirm, ours is not exactly a history of love and peace. In fact, the period since the end of World War II has been probably the longest period of relative peace the region has ever known. Arguably, it's no coincidence that that period of peace has coincided exactly with the ever strengthening ties that have been forged between European nations over these past 60 years. If the bonds that tie Europe an nations together are weakened, the incentives to avoid total war dwindle. And its not as dramatic or far fetched a theory as it may at first sound. The end of the euro currency and a reversion to national currencies could quite possibly provide the impetus for a further dissolution of the union. The unraveling of painstakingly negotiated ties becomes easier and easier as each strand frays and breaks. Combine this unraveling with an ongoing or even deepening recession, and it all makes for a combustible atmosphere. Unfortunately, it is human nature to blame others for our woes. In an environment of unemployment, austerity, and general resentment, it is not difficult to imagine

nations starting to point the finger at their neighbours. And without the unifying effect of a common currency, thriving trading relations, free movement of peoples, and common interests, Europe would find itself increasingly susceptible to war. Moreover, as so few Europeans in my generation, let alone subsequent generations, have even the slightest inkling about how horrific war is, it may be tempting to consider it as a solution to problems, or at minimum an acceptable response to perceived slights.

2NC—UQ

The EU is committed to cloud computing

Europa 2/27, (the official web portal of the European Union. It is intended to improve the public's interaction with EU institutions, "European Cloud Computing Strategy", Europa, 2/27/2015, <http://ec.europa.eu/digital-agenda/en/european-cloud-computing-strategy>) BBER

In September 2012, **the European Commission adopted a strategy for "Unleashing the Potential of Cloud Computing in Europe". The strategy outlines actions to deliver a net gain of 2.5 million new European jobs, and an annual boost of €160 billion to the European Union GDP** (around 1%), by 2020. **The strategy is designed to speed up and increase the use of cloud computing across all economic sectors. This strategy is the result of an analysis of the overall policy, regulatory and technology landscapes and of a wide consultation with stakeholders, to identify ways to maximise the potential offered by the cloud.** This document sets out the most important and urgent additional actions. It represents a political commitment of the Commission and serves as a call on all stakeholders to participate in implementing these actions. Working groups are already engaged on this. Cloud Computing Working Groups The strategy includes three key actions: Safe and Fair Contract Terms and Conditions The Commission's proposal for a Regulation on a Common European Sales Law addresses many of the obstacles stemming from diverging national sales law rules by providing contractual parties with a uniform set of rules. The proposal includes rules adapted to the supply of "digital content" that cover some aspects of cloud computing. **The aim of the cloud computing strategy is to develop model contract terms that would regulate issues not covered by the Common European Sales Law such as: data preservation after termination of the contract, data disclosure and integrity, data location and transfer, ownership of the data, direct and indirect liability change of service by cloud providers and subcontracting.** Identifying and disseminating best practices in respect of model contract terms will accelerate the take-up of cloud computing by increasing the trust of prospective consumers. Cutting through the jungle of Standards Cutting through the jungle of technical standards so that cloud users enjoy interoperability, data portability and reversibility is one of the aims of the strategy. **The Commission will work with the support of European Union Agency for Network and Information Security (ENISA) and other relevant bodies to assist the development of EU-wide voluntary certification schemes and establish a list of such schemes by 2014. The Cloud Standards Coordination holds regular meetings to support the cloud standardisation roadmap.** Establishing a European Cloud Partnership **The European Cloud Partnership (ECP) brings together industry and the public sector to work on common procurement requirements for cloud computing in an open and fully transparent way. The ECP Steering Board provided advice to the Commission on strategic options to turn cloud computing into an engine for sustainable economic growth, innovation and cost-efficient public and private services.** The public sector has a key role to play in shaping the cloud computing market. But with the public sector market fragmented, its requirements have little impact, services integration is low and citizens do not get the best value for money. Part of the ECP is the Cloud-for-Europe (C4E) initiative, aiming at helping Europe's public authorities procure cloud products and services, so as to build trust in European cloud computing. Find out more about the scope and aims of the European Cloud Partnership.

European Commission has commitment to developing cloud

Computer Weekly 13 "EC: Europe should become a 'trusted cloud region' in the post-Prism age," Archana Venkatraman, Datacentre Editor, 18 Oct 2013,

<http://www.computerweekly.com/news/2240207456/EC-Europe-should-become-a-trusted-cloud-region-in-the-post-Prism-age>

European cloud providers must turn the Prism surveillance revelations into a Europe-wide opportunity to build trusted cloud services for customers globally, the European Commission (EC) has said. According to the EC, Prism revelations could slow down the adoption of cloud computing services and Europe should build on its “relatively high standards” of data protection, security, interoperability and transparency of cloud services to become the world’s trusted cloud region. Earlier this year it was revealed that Prism is a programme that allows the US intelligence community to gain access from nine internet companies to a wide range of digital information on foreign targets operating outside the US. Its existence was revealed by whistleblower Edward Snowden. At that time, EC vice-president Neelie Kroes said US cloud service providers could suffer loss of business in light of revelations about the US National Security Agency’s (NSA) Prism surveillance system. In its latest memo, the EC said that as cloud users become more conscious of the need for cheap, flexible IT services, without wanting to compromise privacy, Europe should ride on its relatively higher standards of security and transparency to develop cloud services. Regional cloud providers to use the security, privacy and transparency standards to their competitive advantage and aim to make Europe the world’s most secure and trusted region for cloud computing European Commission The EC’s call for Europe to become a global cloud hub comes after it established a European Cloud Partnership steering board and discussed the possible fall-out of Prism revelations. The board members concluded that post-Prism, two issues must be addressed. One is that trust in cloud is suffering, which affects cloud uptake and results in Europe lagging behind in cloud computing adoption. Second, the Prism revelations have led to calls for national or regional cloud computing initiatives. Such fragmentation or segmentation of the cloud computing market along national or regional lines could unfortunately hold back the development of cloud computing in Europe, the EC warned. Addressing the concerns of European citizens, businesses and public administrations should be seen as an opportunity for the development of cloud computing in Europe. Tackling the current lack of regulatory consistency in particular could boost the competitiveness of the European economy.

AT: Squo solves Euro

Euro long-term trends show decline—12 year low

BBC News, '15, ("Euro hits 12-year low against dollar," BBC News, Business, 11 March 2015, <http://www.bbc.com/news/business-31833200>)/erg

The euro has fallen to its lowest level against the US dollar in 12 years after the European Central Bank (ECB) began its government bond buying programme. It fell as low as \$1.0560, before recovering a little. But many traders expect it may soon be worth the same as a dollar. The ECB began its latest round of quantitative easing (QE) on Monday. It will buy bonds worth €1.14tn over the next 18 months, flooding the market with euros. Traders have reacted to the ECB's latest round of QE by selling euros and buying other currencies such as US dollars. The US currency is appealing because the Federal Reserve looks to have completed its bond-buying programme. The euro started its slide against the dollar in July last year as traders reacted to the divergence in policy between the ECB and the Fed. The value of the euro has fallen 22.4% since 1 July, when a euro was worth \$1.37. Positive US data An upbeat US jobs survey released on Friday provided an additional boost to the dollar. "This opened up speculation again that the US will raise interest rates in June," says Jane Foley, senior currency strategist at Rabobank. This would attract foreign capital and boost the dollar. In the eurozone Greece's economic woes continue to put downward pressure on the euro, bringing it closer to dollar parity. The eurozone's growing current account surplus is encouraging Europeans to invest abroad causing the euro to weaken further, according to Deutsche Bank. Analysis: Andrew Walker, BBC Economics Correspondent It's what you expect when the economic performance of two currency blocs diverge in the way that the eurozone and the US have. The stronger growth in the US means higher interest rates, because the Federal Reserve will raise its own rates, perhaps later this year, and also because there is more demand for cash to fund investment. In Europe by contrast, the quantitative easing that is finally underway is driving down borrowing costs in the financial markets even further. The weaker euro is also what you want, at least if you are at the eurozone end of this exchange rate. Part of Europe's problem is weak demand for goods and services at home and the cheaper currency will make it a little easier to compensate for that by selling more abroad. null "The momentum is certainly building and there's a lot of talk of parity," says Ms Foley. "We now see euro-dollar moving down to \$1.00 by year-end, \$0.90 by 2016 and down to a trough of \$0.85 by 2017," said Deutsche Bank in a report published on Tuesday. While further devaluation of the euro should give businesses in the eurozone a boost, the pace of change may pose challenges for companies that need to plan ahead.

AT: Greece

Cloud computing solves the Greek crisis—revitalizes growth—that's Etro

Grexit doesn't matter—4 reasons

Financial Times 6/30/15 "Explainer: Why is the euro resilient?"

<http://www.ft.com/intl/cms/s/0/dc33777c-1e7e-11e5-ab0f-6bb9974f25d0.html#axzz3eZQseaHX>

How much of a threat does this all pose to the single currency? This is a club whose members are not meant to be able to leave. But those euro doom-mongers who expected the Greek crisis to send the single currency into freefall have (thus far) been brought up short. The euro may have dropped 1.5 per cent in Monday's initial reaction to the Greek banks shutting, but that loss was wiped out. So the currency market has come over all sensible, has it? There's a first time for everything (though this is not necessarily it). But what plausible explanations are there for the market's muted reaction? Lots of theories. One — Greece makes up only 1-2 per cent of the eurozone's gross domestic product and most of Greece's debt is borne by institutions, not private banks. So Greece's problems need to be put in perspective. Two — polls suggest Greece will vote on Sunday to accept the creditors' terms, pulling the country back from the brink. Three — even if the country votes "no", a deal could still be reached. Four — some traders think the single currency would be strengthened by Grexit, although that might put an unwelcome spotlight on so-called "periphery" eurozone members, such as Spain, Portugal and Italy. Those are the Greek-related theories.

No spillover—no downgrading and IPS are fine

*Italy, Portugal, Spain

The Australian 6/30/15—Australian paper of record. "Greek default won't hurt much despite market jitters," <http://www.theaustralian.com.au/business/opinion/greek-default-wont-hurt-much-despite-market-jitters/story-e6frg9wx-1227420724265>

Markets were roiled yesterday as Greece edged towards a financial abyss, but the truth is that the financial system is much better prepared to handle a Greek exit from the euro than it was five years ago when the eurozone crisis first hit. As the country prepares for a long economic winter, and a likely currency devaluation of 40-50 per cent that will trigger inflation and decimate savings, the spillover effects to other countries will be more limited than many fear. For a start, the structure of the country's debt has changed fundamentally. In 2010, 85 per cent of Greek debt was in private hands. The ratio has flipped since then, with governments and other institutions such as the International Monetary Fund and the European Central Bank holding 80 per cent of the debt as a result of massive bond purchases. Foreign banks, furthermore, held only \$US46bn (\$60.2bn) of Greek debt at the end of last year compared to \$US300bn in 2010, according to the central banks' club, the Bank for International Settlements. The prospect of those lenders suffering a wave of credit losses has been contained because the global credit rating agencies have confirmed they won't downgrade Greece to "selective default" if the government fails to meet its obligations in relation to €6.7bn in bonds with July and August maturities that are held by the ECB. That's because sovereign ratings relate to commercial creditors, not entities such as the ECB. Finally, the other troubled eurozone countries of Portugal, Italy and Spain are in much better shape than five years ago.

2NC—Link

Market shifting away from US now – EU fill in is inevitable absent surveillance reform

Castro 13 (DANIEL CASTRO; Vice President of the Information Technology and Innovation Foundation and Director of the Center for Data Innovation; “How Much Will PRISM Cost the U.S. Cloud Computing Industry?” ITIF – Information Technology and Innovation Foundation; AUGUST 2013)

The recent revelations about the extent to which the National Security Agency (NSA) and other U.S. law enforcement and national security agencies have used provisions in the Foreign Intelligence Surveillance Act (FISA) and USA PATRIOT Act to obtain electronic data from thirdparties will likely have an immediate and lasting impact on the competitiveness of the U.S. cloud computing industry if foreign customers decide the risks of storing data with a U.S. company outweigh the benefits. The United States has been the leader in providing cloud computing services not just domestically, but also abroad where it dominates every segment of the market. In the 2013 Informa Cloud World Global Insights survey, 71 percent of respondents (of which only 9 percent were from North America) ranked the United States as the leader in cloud computing usage and innovation.¹ In this same survey, nine out of ten respondents linked cloud computing to their country’s economic competitiveness. But other countries are trying to play catch-up to the United States’ early success. Of the \$13.5 billion in investments that cloud computing service providers made in 2011, \$5.6 billion came from companies outside North America. ² Even national governments are helping to bankroll these efforts to combat U.S. market leadership—France, for example, invested €135 million in a joint venture in cloud computing.³ At stake is a significant amount of revenue. As shown in figure 1, the global enterprise public cloud computing market will be a \$207 billion industry by 2016.⁴ Europeans in particular are trying to edge out their American competitors, and they are enlisting their governments to help. Jean-Francois Audenard, the cloud security advisor to France Telecom, said with no small amount of nationalistic hyperbole, “It’s extremely important to have the governments of Europe take care of this issue because if all the data of enterprises were going to be under the control of the U.S., it’s not really good for the future of the European people.”⁵ And governments have begun to respond. In a 2012 policy document titled “Unleashing the Potential of Cloud Computing in Europe,” the European Commission (EC) called for a number of steps to promote cloud computing adoption in Europe, including creating pan-European technical standards, EU-wide certification for cloud computing providers, and model contract language.⁷ The Europeans are quite frank about their intentions. The EC notes “this strategy is about building a new industry, and better competing against the United States in particular.”⁸ Gartner estimates that in Western Europe alone the cloud computing market will be \$47 billion by 2015, and the EC estimates that European cloud computing providers stand to gain €80 billion in revenue by 2020.⁹ While much of this projected growth was until recently up for grabs by U.S. companies, the disclosures of the NSA’s electronic surveillance may fundamentally alter the market dynamics. Neelie Kroes, European Commissioner for Digital Affairs, stated the problem quite succinctly, “If European cloud customers cannot trust the United States government, then maybe they won’t trust U.S. cloud providers either. If I am right, there are

multibillion-euro consequences for American companies. If I were an American cloud provider, I would be quite frustrated with my government right now.”¹⁰ The impact of PRISM on U.S. companies may be particularly acute because cloud computing is a rapidly growing industry. This means that cloud computing vendors not only have to retain existing customers, they must actively recruit new customers to retain market share. Global spending on cloud computing is expected to grow by as much as 100 percent between 2012 and 2016, whereas the global IT market will only grow by 3 percent.¹¹ If U.S. companies lose market share in the short term, this will have long-term implications on their competitive advantage in this new industry. Rival countries have noted this opportunity and will try to exploit it. One tactic they used before the PRISM disclosures was to stoke fear and uncertainty about the USA PATRIOT Act to argue that European businesses should store data locally to protect domestic data from the U.S. government.¹² Reinhard Clemens, CEO of Deutsche Telekom’s T-systems group, argued in 2011 that creating a German or European cloud computing certification could advantage domestic cloud computing providers. He stated, “The Americans say that no matter what happens I’ll release the data to the government if I’m forced to do so, from anywhere in the world. Certain German companies don’t want others to access their systems. That’s why we’re well-positioned if we can say we’re a European provider in a European legal sphere and no American can get to them.”¹³ And after the recent PRISM leaks, German Interior Minister Hans-Peter Friedrich declared publicly, “whoever fears their communication is being intercepted in any way should use services that don't go through American servers.”¹⁴ Similarly, Jörg-Uwe Hahn, a German Justice Minister, called for a boycott of U.S. companies.¹⁵ After PRISM, the case for national clouds or other protectionist measures is even easier to make.

PRISM is accelerating the fracturing of the globalized internet—EU leadership

AWP 1/24 “More Cowbells: new NSA leaks reveal extent of spying tactics,” Associated Whistleblowing Press, January 24, 2015, AWP is a nonprofit organization dedicated to the defense of human rights by promoting transparency, freedom of information and speech, whistleblowing and investigative journalism, <http://roarmag.org/2015/01/nsa-leak-domain-name-system/>

Because of this, and thanks to the reckless exploitation of the network as a spying machine, the trend towards an Internet divided according to national interests is accelerating. In the future **there might not be one Internet, but many strategically separated internets.** Something similar is already a reality in countries like China and Iran, which have isolated their networks in order to control the flow of information and exercise censorship according to their own specific interests. Towards greater decentralization However, since the Snowden revelations caused a huge stir in international politics, the debate has opened up completely. “Brazil is in favor of greater decentralization: Internet governance must be multilateral and multisectoral with a broader participation,” Communications Minister Paulo Bernardo told a congressional panel in 2013, and other BRICS countries such as Russia have openly declared that they will start laying their own fiber optic cables. At the same time, Germany has proposed a closed system that protects European communications roughly along the lines of the Schengen agreement. Their argument is very logical: why does an email sent from Berlin to Paris have to pass through New York or London?

PRISM program is fracturing the globalized internet

Extreme Tech 13 “The NSA’s Prism leak could fundamentally change or break the entire internet,” Joel Hruska on June 10, 2013, <http://www.extremetech.com/computing/157761-the-nsas-prism-leak-could-fundamentally-change-or-break-the-entire-internet>

Most of the discussion of the NSA’s Prism program has focused on the domestic fallout, with some spillover into the question of what Google, Microsoft, Facebook and Apple did (or didn’t) do to safeguard user data when the NSA came knocking. There’s another facet to the issue that’s worth discussing, I think, even though it’s going to take months or even years to play out. The Prism leak could lead to fundamental changes in how the internet is controlled, administered, and routed. Despite the focus on domestic implications, Prism is a system specifically designed to eavesdrop on foreign Internet traffic flowing through the United States — the NSA even says so. Prism This leak is a colossal embarrassment for the United States. Every time the UN-backed ITU has raised the issue of a more global approach to internet governance, the United States has fired back with both barrels and a tactical nuke. Last December, the House of Representatives passed S. Con Res 50 by a vote of 397-0. The opening paragraph of that resolution declared it vital that the internet “remain stable, secure, and free from government control” and stated that the structure of internet governance “has profound implications for competition and trade, democratization, free expression, and access to information.” For a decade, the United States has fought to position itself as a neutral party that could be trusted to administer the internet in a manner that was beneficial to all parties. Now, the NSA has been caught gloating over the fact that internet traffic routing rules drive foreign data directly into its data centers by the truckload. Latin America, China, and to a much smaller extent, Europe, have precious little reason to trust the NSA and now, a great many reasons to guard their own digital borders. The question of whether the NSA actually did anything inappropriate is remarkably unimportant when there’s political hay to be made. So what happens next? Not every sea change kicks off with a trumpet fanfare and international brouhaha. If this had happened seven months ago, in the run up to the ITU’s latest vote on internet governance, it might have been a different story. As things stand, the short-term impact may be minor. Long-term, however, I think things will change. Internet routing map This slide shows the amount of internet traffic that passes through the United States or Canada from other major regions. The percentage of worldwide Internet traffic routed through the US has been falling for years as nations have brought their own IXPs (Internet Exchange Points) online – African traffic, for example, routes almost entirely through Europe. These trends could accelerate sharply now that Prism is in the limelight, either out of a genuine fear of US spying or because politicians see a handy opportunity to launch their own regional efforts and projects. Either way, the total amount of traffic routed through US servers is likely to decrease at an accelerating rate. The Prism disclosure could cause problems for the United States’ diplomatic efforts in other, seemingly unrelated areas. The ACTA (Anti-Counterfeiting Trade Agreement) treaty was narrowly defeated at the last minute, after the various member states of the EU raised concerns regarding the treaty’s negotiation process and copyright strong-arming. There’s a philosophical link between the idea that the NSA has the right to spy on foreign internet traffic and the treaty’s requirement that various EU member states agree to US-mandated copyright laws and the enforcement mechanisms those laws promote. Both the spy program and the treaty implicitly position the United States as the arbiter of legal rights in a manner that’s not subject to oversight from member states or its own citizenry. I wouldn’t be surprised to see foreign nations simultaneously boosting their own regional networks and tightening their data protection laws. The long-term impact on companies like Google or Facebook is unclear. It’s one thing to require Google Germany to comply with German privacy laws, but how would Google go about isolating email sent from a German user to a US citizen? Prism is designed to theoretically intercept such a missive — so what happens if Germany decides it doesn’t like that possibility? I honestly don’t know. It seems unlikely, however, that the status quo will continue. Nations that want to build their own spy systems and carry more traffic internally now have political cover to build the networks and blame Prism as the reason. Countries that were genuinely concerned about US overreach now have a concrete system to point to rather than a vague fear. Regardless of underlying motivation, there are precious few arguments for funneling traffic through the US.

AT: Regs Alt cause

Legal/structural constraints are NOT an issue—this ev addresses everything

O'Donoghue and Brimsted, '14, (Cynthia, leads the International Information Technology, Privacy & Data Security team and is a partner in the IP, Information & Innovation group and Kate, Counsel in the Data Privacy, Management and Security team and has more than 15 years' experience in commercial and contentious data privacy acquired at a major global law firm, where she led the global information governance practice, "European Union: European Commission Releases Cloud Computing Service Level Agreement," Mondaq, 23 July 2014, [//erg">http://www.mondaq.com/x/329758/Data+Protection+Privacy/European+Commission+Releases+Cloud+Computing+Service+Level+Agreements\)//erg](http://www.mondaq.com/x/329758/Data+Protection+Privacy/European+Commission+Releases+Cloud+Computing+Service+Level+Agreements)

Back in 2012, the European Commission ('Commission') adopted the Cloud Computing Strategy to promote the adoption of cloud computing and ultimately boost productivity. In June 2014, the Cloud Select Industry Group – Subgroup on Service Legal Agreements published Standardisation Guidelines for Cloud Service Level Agreements ('Guidelines') as part of this strategy. To achieve standardisation of Service Level Agreements ('SLAs'), the Guidelines call for action "at an international level, rather than at national or regional level", and cite three main concerns. Firstly, SLAs are usually applied over multiple jurisdictions, and this can result in the application of differing legal requirements. Secondly, the variety of cloud services and potential deployment models necessitate different approaches to SLAs. Finally, the terminology used is highly variable between different service providers, presenting a difficulty for cloud customers when trying to compare products. A number of principles are put forward to assist organisations through the development of standard agreements, including technical neutrality, business model neutrality, world-wide applicability, the use of unambiguous definitions and comparable service level objectives, standards and guidelines that span customer types, and the use of proof points to ensure the viability of concepts. The Guidelines also cover the common categories of service level objectives ('SLOs') typically covered by SLAs relating to performance, security data management and data protection. In particular, SLOs cover availability, response time, capacity, support, and end-of-service data migration, as well as authentication and authorization, cryptography, security incident management and reporting, monitoring, and vulnerability management. Some of the important data-management SLOs cover data classification, business continuity and disaster recovery, as well as data portability. The personal data protection SLOs address codes of conduct, standards and certification, purpose specification, data minimization, use, retention and disclosure, transparency and accountability, location of the personal data, and the customer's ability to intervene. The Commission hopes the Guidelines will facilitate relationships between service providers and customers, and encourage the adoption of cloud computing and related technologies.

Cloud computing offers huge gains—strategies can tackle legal standards

European Commission, '15, ("Cloud computing," DIGITAL AGENDA FOR EUROPE, February 27, 2015, [//erg">http://ec.europa.eu/digital-agenda/en/cloud#Article\)//erg](http://ec.europa.eu/digital-agenda/en/cloud#Article)

The next big evolution for the internet is cloud computing, where everyone from individuals to major corporations and governments move their data storage and processing into remote data centres. Cloud computing is where IT infrastructures, platforms and software are provided centrally and distributed to end users over a network. Centralising data storage and processing offers economies

of scale even the largest organisations cannot achieve by themselves. Cloud computing therefore represents considerable savings in IT budgets, and the end of headaches linked to older computing methods. Private sector businesses using cloud computing report 10-20% lower IT costs, while cloud computing can also help the public sector improve efficiencies and lower costs. Innovation would get a major boost, too, by offering research institutions much faster access to more data. Unsurprisingly, therefore, cloud computing is developing rapidly, from individuals using the cloud to store personal data to major companies who have moved much of their IT services into it. Recent estimates are that these developments could double the EU cloud sector's current revenues to nearly €80 billion by 2020. However, obstacles exist. The EU has therefore launched a three-pronged cloud computing strategy aiming to: cut through the jungle of different standards; identify safe and fair contract terms and conditions; establish a European Cloud Partnership, with the participation of public authorities and industry, to stimulate the take-up and effective use of cloud computing, particularly by Europe's public sector. Cloud computing can only work at EU-scale or greater, and demand for it will drive further investments in better networks. The cloud is the "killer app" for superfast broadband. On 11 September 2013 (calendar), we adopted a legislative package for a "Connected Continent: Building a Telecoms Single Market". The package could boost the cloud computing market in Europe, as, among others, it aims at improving the quality of service that new services (such as cloud computing, videoconferencing, 3D printing) can offer.

EC push solves

Reding, '13, (Viviane, Member of the European Commission responsible for Justice, Fundamental Rights and Citizenship, "Implementing the EU-Wide Cloud

Computing Strategy," Implementing the EU-Wide Cloud Computing Strategy, Government Gazette, March, 2013, http://governmentgazette.eu/wp-content/uploads/2013/GGMar13_CloudComputing.pdf//erg

Today, almost unlimited computing power is available on demand. Companies no longer need to make significant investments to meet their data storage needs. The Cloud is transforming business. **The Cloud is reality**. The Cloud forms an incredibly important part of the digital single market policy, one which will help to create growth and jobs. Europe needs to think big when it comes to cloud computing and the most efficient way to grow the market for everybody's benefit is through pan-European action. The actions proposed by Vice-President Neelie Kroes and myself in our Communication on Cloud Computing in September could mean an additional EUR 45 billion of direct spending on Cloud Computing in the EU. The cumulative impact on GDP could be EUR 957 billion and 3.8 million jobs could be created by 2020. The cloud strategy will create a friendlier environment for 24/7 access to computing power and content and boost a competitive digital single market where Europeans feel safe. The **Commission has thus proposed actions to cut through the jungle of technical standards so that cloud users enjoy interoperability, data portability and reversibility; develop an EU-wide certification scheme for trustworthy cloud services; and develop safe and fair contract terms and conditions in line with the Common European Sales Law. Consistent solutions will enhance trust and encourage a wide take up of cloud computing services. The lack of trust is indeed the biggest challenge today and we intend to tackle this problem above all with the ongoing reform of the EU's data protection rules**. The current data protection laws date back to 1995. The Internet stone age. Only 1% of Europe's population was using the internet and clouds were about saturated air. Since 1995, a new economy has emerged including innovative new services like the Cloud, and personal data has become a highly valuable asset. The data protection reform will allow this new economy to flourish. It establishes a single set of rules for the internal market. Companies will be able to do business in Europe's Single Market on the basis of just one law, instead of 27 different and often

contradictory ones. This will save companies around EUR 2.3 billion per year. Besides, the reform regulates transfers beyond the borders of the Union. Any data controller that offers goods or services to an individual residing in the EU will have to comply with EU rules, no matter where he is established in the world: the same rules will apply irrespective of where the data is stored and will thus facilitate the flow of data within the Cloud. The data protection reform also strengthens citizens' rights and puts people in control of their data: the new rules clarify the notion of consent and have introduced a general transparency principle. There is an obligation to notify clients of data breaches, which will apply to all sectors. The "Right to be forgotten" is an important pillar of the proposals. It empowers users, under certain well defined conditions, to ask a company to delete personal data they have given to it. And in case the rules are not enforced, we have introduced a one-stop-shop system. For the consumer, this means that they will always turn to their national data protection authority when they have a problem with a company – no matter where the company is based. They will not have to fight through the process of contacting authorities in different EU countries, riddled as it is with problems of different languages or procedures. We will make things easy for the consumer. The same un-bureaucratic one-stop-shop exists for companies as well. They will only have to deal with one data protection authority: in the country in which they have their main establishment. This cuts costs while increasing legal certainty. And we went even further in scrapping administrative ballast: no more obligations for companies to notify each and every time data is processed. Indeed, the key aim of our data protection reform proposals is to reduce administrative burden while increasing protection for individuals. It all does make economic sense. The Cloud will allow companies to cut costs. But the Cloud will not prosper if consumers do not want businesses to use it. Reliable, consistently applied rules make data processing safer, cheaper and inspire users' confidence. Confidence in turn drives growth. We want to bring Cloud services to new levels of competitiveness, performance and security, and a strong set of data protection rules is key. The rules we have proposed reflect the reality of the Cloud and cloud computing is an opportunity our economy cannot miss. We in Europe will harness the potential of the Cloud by taking the lead.

AT: Culture Alt Cause

Cloud computing overcomes small privacy concerns

O'Brien, '10, (Kevin J, Professor of Asian Studies and Professor of Political Science, Department of Political Science, "Cloud Computing Hits Snag in Europe," New York Times, SEPT. 19, 2010, [//erg](http://www.nytimes.com/2010/09/20/technology/20cloud.html?_r=0)

Facing legal obstacles in Europe, the U.S. businesses with the greatest stake in cloud computing — primarily Microsoft, Google, H.P. and Oracle — are lobbying lawmakers to loosen restrictions on cross-border data transfers. Alternatively, **some are developing new methods to make cloud computing work within Europe's complicated legal landscape.** Advertisement Continue reading the main story At the H.P. Labs in Bristol, England, researchers are devising ways to encrypt data before it is sent into a cloud computing center and then decrypt it after it leaves the cloud, thus addressing the privacy concerns of many European governments. Another solution being studied is to give individuals the ability in advance to set the degree of privacy control on each part of their personal information in the cloud by digitally tagging bits of the data. Under this model, a person could make an e-mail address available to marketers, while shielding a phone number and street address from unwanted solicitations. In that aim, H.P. plans to begin testing new software that complies with European privacy laws this year. Called H.P. Privacy Advisor, the software will handle the transfer of data between H.P. offices within Europe as well as to those outside of the Union. "The benefits and impact of the cloud are so great, and the legislative and technical issues are what they are at the moment," said Siani Pearson, one of H.P.'s lead researchers on cloud computing technologies at its laboratory in Bristol. **"But we can make sure that the benefits of the cloud come even within the existing framework."**

AT: Impossible

Cloud negotiations for Europe are already underway—huge potential and capability

MHP, '13, (“European Cloud Computing: Too Big To Fail?” MHP Communications, March 14, 2013, <http://www.mhpc.com/blog/european-cloud-computing-too-big-to-fail/>)///erg

Last week, representatives of the technology industry and European regulators (and this public affairs consultant) met in Brussels for the annual European Cloud Computing Conference. Among the discussion topics were entrepreneurship, digital skills, the internationalisation of the cloud and sustainability. Underpinning it all was a concern for privacy and data protection. This should not come as a surprise: the European Commission released its cloud computing strategy last year, and members of the European Parliament –as well as individual Member States- are debating the breadth and implementation of the long awaited reforms of EU data protection laws, which have not been changed since 1995. Officials and businesses agreed on the tremendous economic and productivity benefits cloud computing can bring to Europe (some experts have predicted that the diffusion of cloud computing will create up to a million new jobs in the coming years). But it seems that the EU also has too many barriers to cloud adoption, and needs to make a bigger effort to promote cloud knowledge generally and digital skills in particular. (The European Commission –having pre-empted these criticisms- launched its Grand Coalition for Digital Jobs three days before the conference) The importance of cloud computing in Europe was summed up by a Dutch panellist: “We all know that some banks are too big to fail. But are some cloud providers too big to fail?” Some participants at the Cloud Conference called for better international standards to regulate the cloud on a broad scale, whilst others argued that Europe needs to model itself on Japan if it wants to become a respected tech market. With EU-US trade negotiations due to kick off soon, both have been developing parallel policies to strengthen not just the cloud, but also privacy and cybersecurity. The OECD believes that the EU’s data protection legislation will provide impetus to the trade deal (although one can also argue that the reverse is true: that the prospect of a US trade deal will motivate European politicians to quickly revise and adopt the data protection reforms).

2NC—Impact

EU collapse causes global war

Adams 3/23, (Mike, expert on technology – background in science and software technology, Adams is the original founder of the email newsletter technology Arial Software- founding editor of NaturalNews.com - executive director of the non-profit Consumer Wellness Center, “Why Greece is the lynchpin that could unleash economic collapse, domestic martial law and global war”, Natural News, 3/23/2015,

http://www.naturalnews.com/049094_Greece_European_Union_economic_collapse.html#)

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I wish I could download to your brain everything you need to know about the European Crisis unfolding right now. **The possibility of the breakup of the European Union could be the spark that sets off the global debt implosion that leads to violent conflict across the globe**. The actions of Greece, it turns out, could set off a chain reaction that leads directly to a Wall Street panic and the "bail-in" seizure of your savings accounts at your favorite hometown bank. **It could also radically destabilize Eastern Europe, heightening the risk for conflict between Russia and Western European nations** (including NATO members like the United States). To understand why this is, we first need to grasp the basics of European history. The average American, unfortunately, knows virtually nothing about European history. But that might be asking too much, since the average American also knows nothing about American history, either. Fortunately, this article is written for exceptional Americans who are far better informed than the average Joe. What most Americans don't realize is that **Europeans have very long memories of crimes against their people. These memories are passed down from generation to generation and can't simply be greenwashed out of the history books.** The European Union was formed on the hope and assumption that people from an incredibly diverse array of cultural backgrounds might forgive the past and surrender to cultural homogenization as "Europeans." But the hope turned out to be false. **The people of Greece in 2015 still remember the crimes of Nazi Germany from 1943, even long after they have been officially absorbed into the European Union. And now that memory may very well result in the shattering of the European Union itself. If the European Union crumbles, Europe will see a wave of regional wars breaking out over so-called "borderlands" and strategic nations like Ukraine. The fall of the European Union, in fact, would likely embolden Russia to be even more assertive in the Ukraine as it attempts to defend itself from America's ever-encroaching military bases which now occupy most of Russia's border states.** (Why did Putin put his country so darn close to all our military bases? Geesh...) **Russia, you see, must maintain strategic control over these border states in order to export its primary resource: energy. Germany, meanwhile, must maintain strong economic ties with wealthy nations that can afford to import Germany's high cost value added exports -- the backbone of the German economy. A shattering of the European Union would destabilize both Germany and Russia for these two reasons (exports of energy and exports of manufactured goods), reigniting the same sort of fears and insecurities that drove the German invasion of Russia in World War II. That invasion was a strategic move to occupy Stalingrad not for the city itself, but because the city was a gateway to the enormous energy and strategic resources of Mother Russia, which Hitler needed to fuel his thirsty war machine. NATO and Germany are militarily weak Today, Germany has no military to speak of. Russia, on the other hand, is re-emerging as a very powerful military force with considerable leverage throughout Western Europe due to its energy pipelines.** NATO, meanwhile, exists in name only and is primarily backed by the threat of military force from America, a nation bogged down in endless (and pointless) military action in the Middle East. While America was defusing roadside bombs

in Afghanistan, Russia was busy occupying the "strategic high ground" of the North Pole, as described in this article by Dave Hodges. **This places Russia in a position where it can credibly threaten all of Western Europe and North America with nuclear strikes** (if it ever comes to that). Russia, too, is populated by strong, rugged, durable people who are used to surviving with little in the way of material goods. They can endure war far more readily than wealthy, pampered nations like America or the UK. As a matter of record, young Americans are now so obese that even the U.S. military must reject almost a quarter of all applicants due to excessive body weight. **Economic warfare will likely precede military warfare** On the economic side, Russia has joined forces with China to erect its own alternative to the SWIFT inter-bank money transfer system. China has been accumulating a massive amount of gold reserves to back its currency, while Russia has been selling off the U.S. dollar and bypassing western sanctions in creative ways by selling energy in exchange for physical gold. The dollar itself is headed for a global collapse for the simple reason that it isn't backed by anything other than (dwindling) faith. President Nixon removed the gold backing of the dollar in 1971, and ever since, America has been headed toward a day of reckoning where the dollar would eventually collapse as all fiat currencies do. Faith in the dollar is eroding by the day as the Fed keeps printing more money, diluting the existing money supply and silently stealing wealth from those people foolish enough to still be holding dollars when the music stops (i.e. all U.S. wage earners and taxpayers). Fort Knox, meanwhile, isn't filled with gold but rather IOUs. Most of the physical gold has been quietly but diligently accumulated by China over the last two decades. **The stage is now set for a global economic war aimed at America and the dollar hegemony** I'm barely touching the highlights of the global dynamics at play here, but what's really taking shape is a global economic and military war, waged by China and Russia against the Western powers of the United States, NATO, the European Union and Germany in particular. Greece now plays the role of the lynchpin in all this, as its exit from the European Union could loosen the knot that unravels the empire of debt upon which Western nations are now based. **An economic implosion leads to systemic weakness which invites more aggressive economic warfare actions on the part of Russia and China.** If a combined economic action by Russia and China were to take place -- for example, China announcing a fire sale of U.S. debt while Russia cuts off energy supplies to Western Europe -- **the economic implications for Europe and America would be beyond catastrophic. They might be terminal.** We would see the U.S. government, for example, instantly unable to sell any new debt to foreign nations. The only option is to print more money to finance the debt -- a form of economic suicide -- and with the loss of the dollar's global currency reserve status, this would lead very quickly to accelerating money debasement and price hyperinflation in consumer goods. Think Venezuela: price controls, biometric scanning requirements to purchase groceries. Armed guards at grocery stores. Food shortages, street riots, etc. It wouldn't be long before the U.S. government would be forced to stop funding entitlement programs such as EBT cards and pensions. This would almost immediately lead to massive riots in the streets and the wholesale destruction of large cities such as St. Louis and Chicago. From here, it gets even uglier with declarations of Martial Law, the suspension of the Bill of Rights, and the military occupation of America's cities in order to maintain order. The problem with all entitlement-based Western nations (including America) is that sooner or later you run out of other people's money. When that day of reckoning comes, the population that has come to depend on entitlements for day-to-day existence finds itself abandoned by the very government that promised to take care of them. Chaos ensues. This all explains why Germany and the United States are desperate to prevent the breakup of the European Union and the continued illusion of economic stability. As Germany is now discovering to its horror, the problem with debt is that sooner or later you have to repay it. But all **the Western governments of the world have accrued far more debt than they can ever repay, and the collapse of the European Union would savagely reveal those debts.** If there's one thing America, the UK and the

European Union cannot handle right now, it's debt transparency. The day the truth about debt and spending becomes widely acknowledged, faith in the dollar collapses and the world nosedives into a tailspin. Watch Greece carefully, for your own future depends strongly on what happens there.

Euro collapse causes EU collapse – ensures war – their defense doesn't apply

Van de Velde and Wadhwa 13 (Antonia van de Velde; journalist at CNBC; and Silvia Wadhwa; German financial journalist currently working for CNBC Europe; "Euro Collapse Could Lead to War: Polish FinMin" CNBC; September 16, 2011; <http://www.cnbc.com/id/44535393>)

A collapse of Europe's monetary union would likely lead to a breakup of the European Union as a whole, posing significant risks to the region and even raising the possibility of war in the long term, Poland's Finance Minister told CNBC late on Thursday. "If the euro zone were to fall apart then it's hard to exclude the possibility of EU falling apart as well," Polish finance minister Jacek Rostowski said in an interview. "The EU has been one of the two great pillars of European peace and security of the past 60 years," he said. "Therefore the danger in a longer-time horizon, in 10-20 years, in the absence of one of the key elements of our security system and one of the key elements of our political system, which ensures we deal with problems in this peaceful, democratic way we've developed, the risk of all sorts of authoritarian political movements, and therefore even war, in the long horizon, rises," he said. On Friday, Treasury Secretary Timothy Geithner will join EU finance ministers at a meeting in Poland, which holds the rotating EU presidency, to urge them to take decisive action in response to the euro zone debt crisis. Poland joined the European Union in 2004, but has not adopted the euro. "I think a lot has been done and a lot is on its way," Rostowski said of the meeting of EU finance ministers on Friday and Saturday. He said the intervention on Italian and Spanish bond markets by the European Central Bank had been "very courageous but also necessary and essential and correct."

AT: Euro Resilient

Not resilient – collapse spreads through strong economies – ensures bank failure

Praet 13 (Peter Praet; executive board member and chief economist of the European Central Bank; “Economic, financial and monetary stability in Europe: reinforcing our policy instruments” Bank for International Settlements; BIS Paper No 59. Dec 9, 2011)

The impact of a banking crisis – even of a large, cross-border nature – ultimately has to be absorbed by national budgets. The euro area has so far lacked integrated regulatory, supervisory and resolution institutions for the financial sector at European level. Such Europe-wide institutions could mitigate the risks of the link between multinational banking systems and public finances by closer and better regulation and supervision of systemically important financial institutions. More fundamentally, there is an urgent need for a European resolution framework. Fragile public finances can also have serious implications for the stability of the financial sector. Public debt is commonly held as a low-risk asset by financial institutions and it is also used as collateral in refinancing operations, for example. When the financial markets doubt the sustainability of public debt, the liquidity and even the solvency of financial institutions can deteriorate, in turn potentially destabilising the financial sector. Operating under such forms of “fiscal stress” can also put a central bank in a difficult position. If in a situation of sustained financial instabilities stemming from distressed financial institutions or sovereigns, **the delegation of fiscal tasks to monetary policy endangers the central bank’s primary mandate of ensuring price stability. A central bank may find itself overburdened with the task of providing sufficient liquidity to the financial sector on the one hand, and maintaining sufficient independence and operational capability to ensure price stability on the other hand.** In the long run, the credibility of the central bank’s commitment to price stability may be called into question. Thus, to avoid the build-up of excessive risks on the central bank’s balance sheet and to avoid the creation of adverse incentives in the financial markets, all non-standard measures by a central bank must remain exceptional and temporary. Moreover, the support of insolvent financial institutions or sovereigns is clearly a task for fiscal authorities, not the central bank. In the euro area, the ECB accordingly lends to its counterparties against “adequate collateral” in accordance with Article 18.1 of its Statute in order to ensure protection of the Eurosystem from losses in the conduct of credit operations. If the adequacy of the sovereign collateral is called into question, however, this would make it difficult for the central bank to perform its role of providing sufficient liquidity to the financial sector.

Turns US Econ

European econ k2 us econ

Beck 8 (Rachel, staff writer, "Slowing European economy could dent U.S. corporate profits", New York Times, 6/2/2008, http://www.nytimes.com/2008/06/02/business/worldbusiness/02iht-euecon.4.13403659.html?_r=0) BBer

U.S. corporate profits fueled by international sales could quickly disappear if the European economy begins to falter, stripping many multinational companies of a huge source of earnings growth. **Europe accounts for almost half of U.S. companies' foreign sales**, according to Citigroup. "Investors tend to think of China and India when they hear about international sales," said Tobias Levkovich, chief U.S. equity strategist for Citigroup. "They don't recognize how much comes from Europe." This is where the popular "decoupling" investment strategy starts to show some cracks. **In recent years, investors have been attracted to companies with ties to faster-growing global markets, because they think their performance will hold up even if the U.S. economy does not.** That effort has paid off: Corporate profits earned abroad jumped 45 percent in 2007 and were expected to climb another 25 percent this year, Citigroup predicted. At the same time, U.S. profits earned domestically turned negative in the third quarter of 2007. McDonald's international operations, for example, drove a 24 percent rise in the company's quarterly operating profit. Sales at European restaurants open at least a year were up 11.1 percent, compared with a 2.9 percent gain in the quarter in same-store sales for the chain's U.S. operations. **U.S. companies with big foreign exposure are also more likely to surpass their earnings estimates.** About 57 percent of a sample of 450 companies from the Russell 1000 stock index exceeded earnings-per-share estimates. Of that group, the 95 companies deriving more than half their revenues outside the United States exceeded estimates about 68 percent of the time, compared with a 46 percent rate for those with no international sales, according to Bespoke Investment Group. **With the European economy possibly slowing, those kind of results could be under threat.** Citigroup economists expect 1.4 percent growth in European gross domestic product in 2008, down from 2.6 percent in 2007. The bank says European earnings growth expectations have shifted from gains of about 9 percent in October to under 2 percent today. That deceleration could come should the euro - **the currency for 13 European countries - retreat against the dollar because its relative strength has pressured European exports. In recent years, the weak dollar has helped the earnings of exporters and U.S. multinational companies because their goods are less expensive abroad.** At the same time, credit conditions have begun to tighten in Europe just as they have in the United States, and the European Commission's monthly survey of economic sentiment dropped unexpectedly in April to its lowest level since August 2005. Inflation levels are also mounting, with European consumers, like their U.S. counterparts, feeling particularly pressed by the rising costs for oil and food. But unlike the U.S. Federal Reserve, the European Central Bank is refusing to lower interest rates amid mounting inflationary pressures. **If European economic conditions do falter**, Citigroup estimates that the **large- and mid-cap stock sectors hardest hit will be household and personal products, autos and components, and consumer durables and apparel, which each derive more than 20 percent of their sales from Europe.** Those are many of the sectors already suffering from sliding consumer confidence at home. **A pullback would also affect already battered large financial services companies**, including Morgan Stanley and Merrill Lynch, which have been plagued over the past year by large losses in their debt-related assets. **Technology firms**, including Sun Microsystems, Apple, Microsoft and Yahoo, **also have significant European exposure**, Citigroup said.

Turns Global Econ

An economic collapse in Europe would destroy the EU and disrupt the global economy

Buiter 11, (Willem, chief economist – Ph.D. in economics with distinction dissertation, “The terrible consequences of a eurozone collapse”, Financial times, 12/7/2011, <http://www.ft.com/cms/s/0/6cf8ce18-2042-11e1-9878-00144feabdc0.html#axzz3eVzTK000>)
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What happens if the euro collapses? **A euro area breakup, even a partial one involving the exit of one or more fiscally and competitively weak countries, would be chaotic. A full or comprehensive break-up, with the euro area splintering into a Greater Deutschmark zone and about 10 national currencies would create pandemonium. It would not be a planned, orderly, gradual unwinding of existing political, economic and legal commitments.** Exit, partial or full, would likely be precipitated by disorderly sovereign defaults in the fiscally and competitively weak member states, whose currencies would weaken dramatically and whose banks would fail. If Spain and Italy were to exit, there would be a collapse of systemically important financial institutions throughout the European Union and North America and years of global depression. Consider the exit of a fiscally and competitively weak country, such as Greece – an event to which I assign a probability of about 20-25 per cent. Most contracts, including bank deposits, sovereign debt, pensions and wages would be redenominated in new Drachma and a sharp devaluation, say 65 per cent, of the new currency would follow. As soon as an exit was anticipated, depositors would flee Greek banks and all new lending governed by Greek law would effectively cease. Even before the exit, the sovereign and the banking system would fail because of a lack of funding. Following the exit, contracts and financial instruments written under foreign law would likely remain euro-denominated. Balance sheets would become unbalanced and widespread default, insolvency and bankruptcy would result. Greek output would collapse. FirstFT is our new essential daily email briefing of the best stories from across the web Greece would temporarily gain a competitive advantage from the sharp decline in the new Drachma’s value, but like Portugal, Spain and Italy, Greece does not have the persistent nominal rigidities to make it a lasting competitive advantage. **Soaring wage and price inflation would restore the uncompetitive status quo. Without external funding, imports would collapse, disrupting domestic production. Aggregate demand and aggregate supply would chase each other downwards.** If Greece storms out of the eurozone there might be little fear other countries would follow suit. However, if Greece is pushed out of the eurozone because other member states refuse to fund the Greek sovereign and the European Central Bank refuses to fund Greek banks, the markets could beam in on the next most likely country to go. This could prompt a run on that country’s banks and stop funding for its sovereign, financial institutions and companies. Fear might actually then force the departure of the afflicted country. Exit contagion might sweep right through the rest of the eurozone periphery – Portugal, Ireland, Spain and Italy – and then begin to infect the “soft core” of Belgium, Austria and France. A disorderly sovereign default and eurozone exit by Greece alone would be manageable. Greece accounts for only 2.2 per cent of eurozone area GDP and 4 per cent of public debt. However, a disorderly sovereign default and eurozone exit by Italy would bring down much of the European banking sector. Disorderly sovereign defaults and eurozone exits by all five periphery states – an event to which I attach a probability of no more than 5 per cent – would drag down not just the European banking system but also the north Atlantic financial system and the internationally exposed parts of the rest of the global banking system. **The resulting financial crisis would trigger a global depression that would last for years, with GDP likely falling by more than 10 per cent and unemployment in the West reaching 20 per cent or more. Emerging markets would be dragged down too. Exits by** Germany and other fiscally and competitively **strong countries could be even more disruptive.** This might occur amid attempts to introduce a one-sided fiscal union with open-ended and uncapped euro-bonds or other transfers from the strong to the weak without a corresponding surrender of fiscal sovereignty to prevent future crises or if the ECB were to “go Weimar”. I consider this highly unlikely, with a probability of less than 3 per cent. Following such an

exit, Germany and the other core eurozone member states (perhaps excluding France) would introduce a new Deutschmark. The sovereigns in the periphery would default. The new Deutschmark would appreciate sharply. Financial institutions in the new area would have to be bailed out because of losses from exposure to the old periphery and the soft core. As nothing would be holding the remaining eurozone countries together, the rump would split into perhaps 11 national currencies. The legal meaning and validity of all euro-denominated contracts and instruments would be up for grabs. Everyone, except lawyers specialising in the Lex Monetæ, would become much poorer. Even if a break-up of the eurozone does not destroy the EU completely and **precipitate the kind of conflicts that disfigured the continent in the past, the case for keeping the show on the road seems rather robust.**

Elections DA JDI

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Despite recent dips in polling, Hillary still positioned to win.

Bouie, 6/4. Janelle, Slate, 2015. "Democrats, Don't Freak Out! Hillary [Clinton's poll numbers were always going to fall a little. That doesn't change anything.](#)"

http://www.slate.com/articles/news_and_politics/politics/2015/06/hillary_clinton_s_poll_numbers_have_fallen_democrats_should_n_t_be_worried.html

George W. Bush is popular again. According to a new poll from CNN, the majority of Americans—52 percent—have a "favorable" view of Bush, versus 43 percent who still aren't keen on the former president. And while he isn't as popular as his post-presidential peers—including his father—he's in far better shape than he was during his final days in office, when most Americans disliked and disapproved of his administration. But more striking than this is his stature versus the current president, Barack Obama. In addition to their survey on Bush, CNN also finds that the 43rd president is more popular than the 44th, who is as liked (49 percent approval) as he is disliked (49 percent disapproval). Conservatives, no surprise, are thrilled. But before touting these numbers as proof of Bush's ultimate success—and Obama's clear failure—they should consider this fact of public opinion: Richard Nixon and Lyndon Johnson aside, every president becomes popular, or at least more popular, out of office. Jimmy Carter was so unpopular he faced a powerful Democratic opponent to his re-election campaign and lost the general election in a popular and electoral vote landslide. But 35 years later, his favorable/unfavorable spread is also better than Obama's. The other one-term president of the past generation, George H.W. Bush, has also recovered from his prior unpopularity. On the eve of the 1992 election, his approval rating was 43 percent. Today, 63 percent of Americans have a favorable view of the elder Bush, versus 31 percent who still aren't convinced. Likewise, Bill Clinton was popular throughout his eight years—with an average approval rating of 55 percent—and has become more popular as his tenure has moved to memory. According to Gallup, he has an average post-presidential rating of 60 percent. Put bluntly, George W. Bush's popularity isn't news, although it would be if, after seven years of a quiet post-presidency, Bush was still as hated as he was at the end of 2008. With that said, what's striking about the rehabilitation of Bush is that it's concurrent with Hillary Clinton's return from the stratosphere of public opinion. At this time four years ago—when she was chief diplomat and the 2012 election was still in the distance—Clinton was among the most popular figures in the country with a favorable rating of 60 percent. Indeed, just 31 percent of Americans held an unfavorable view of her. She was less popular in 2012, but not by much; the atmosphere was partisan, but not so much that it hurt her standing. That changed in 2013, as she slid from a 56 percent favorability rating in January to 48 percent one in December. And her numbers fell further in 2014, from a high of 50 percent to just under 47 percent at the end of the year. Her recent decline—as well as her higher unfavorables—are part of the same trend. Through 2012, less than one-third of respondents had a poor view of Hillary Clinton. By last month, the anti-Hillary crowd had grown to almost 47 percent of Americans, inching out her supporters. For the media, this reflects scandal. Between the email controversy, foreign donors, and the Clinton

Foundation, the public is already weary from Hillary's baggage. At the same time, those are relatively young stories—they've only been in the news a few months. [If you want to understand the broad trend of Clinton's decline, you have to look at her position: She was outside of politics.](#) As she's gone from a

potential candidate to a live one, Clinton's popularity has climbed down from the stratosphere. By leaving domestic politics after the 2008 election, Clinton entered a sort of post-presidency, not dissimilar to Bill Clinton's or even George W. Bush's. In public life, but out of the spotlight, she was no longer a partisan figure, which—for Democrats, Republicans, and independents alike—made her palatable. She wasn't, to borrow from the New Republic's Rebecca Traister, asking for anything. Now she is. And as she's gone from a potential candidate to a live one, her popularity has climbed down from the stratosphere. Now, she's back to where she was in 2007—a well-known and polarized politician with tremendous opposition on the right and substantial support on the left. Like Bush, her journey through public opinion has less to do with her and everything to do with her place in the political firmament. There is one difference. When he left office, Bush was genuinely unpopular, so much so that—four years later—a majority of voters still blamed him for the country's poor economic conditions. For as much as Republicans might celebrate his present standing, I'd be shocked if they asked him to campaign for the eventual nominee. Americans have warm feelings for the former president, but that sentiment wouldn't survive the scrutiny of a campaign. She never has been all that likable. Take a look at that recent video of her telling an autograph seeker to get in the back of the line. Her husband would never have done that. More... Clinton didn't leave on a high, but she didn't leave on a low either.

[When Obama claimed victory in the Democratic primary, 48 percent of Americans had a favorable view of Clinton. Which means that, with her current ratings, she's returned to her norm as a partisan figure. And it's a good one.](#) By 2009, that 48 percent had become 50 percent as Democrats forgave and forgot the combat of the previous year. In the same

way, the secret of her present decline is that it's driven by Democrats, who will return to the "team" as the country enters election season. [Despite everything, Hillary is in good shape](#) if you aren't convinced, consider the reverse scenario. Imagine that the Republican Party had a former senator turned presidential candidate turned secretary of state, who at best pulled a plurality of all voters, and who at best pulled a firm majority. Would the GOP reject her, or would they immediately embrace her standard, confident that—even with the inevitable scandals and criticism—[they're still positioned for victory.](#)

Issues get spun as "Obama part 3"

Jackson 4/10 (David Jackson, "Hillary Clinton's test: A third straight Democratic term," 4/10/15, <http://www.usatoday.com/story/news/politics/elections/2015/04/10/hillary-clinton-third-democratic-term/25512195/>)/JHH

Starting in 1896, three Republicans — William McKinley, Theodore Roosevelt and William Howard Taft — won four straight presidential elections. Democrat Woodrow Wilson ended that string of GOP dominance by winning the election of 1912, a race that included both Taft and the by-then independent Roosevelt. ¶ Americans went back with the Republicans after eight years of Wilson. The Roaring Twenties saw three more consecutive GOP wins: Warren Harding in 1920, Calvin Coolidge in 1924 and Herbert Hoover in 1928. ¶ [Not unlike Nixon and Eisenhower, Humphrey and Johnson, Gore and Bill Clinton, and McCain and Bush, Hillary Clinton will be linked with President Obama if she runs in 2016, for better or for worse.](#) ¶ Some [Republican candidates are already arguing that a Clinton victory would mean a "third Obama term."](#)

Hillary only wins if she avoids controversial issues- the plan forces her out of the political center.

Grunwald, 6/22. Michael, Politico, 2015. "Hillary the populist." <http://www.politico.com/agenda/story/2015/06/hillary-the-populist-000085>

[One thing to remember about populism: It's popular.](#) It tends to go over well with the populace. So while Hillary Clinton's first big campaign speech Saturday could be accurately described as liberal populism, she wasn't exactly veering to the left or simply pandering to her base. The liberal policies that she championed on Roosevelt Island were the liberal policies with broad appeal to the center as well, the liberal policies that Americans tend to like more than they like "liberalism." That's certainly not true of all liberal policies, but Clinton mostly ignored the less popular ones. At times, she sounded left-leaning general themes that have come to poll well across the political spectrum: shared prosperity, economic fairness, investments in people, aid for distressed communities, equality for gays and lesbians, the unfairness of overpaid CEOs and Wall Street malfeasance and billionaires buying elections. She name-checked the Children's Defense Fund, renewable power, Franklin D. Roosevelt and other leftist things that evoke positive reactions in focus groups. But [Clinton also pledged to champion a slew of specific left-](#)

leaning policies, including universal pre-kindergarten, paid family leave, an infrastructure bank, universal voting registration, a higher minimum wage, equal pay for women, tax penalties for companies that “stash profits overseas,” more government spending—well, “public investments”—on science and research, and increased aid for the mentally ill. **None of those were exceptionally bold stands to take. Most Americans like that stuff. They like the goodies that big government provides,** even if they don't like big government, and they like the idea of taxing and regulating what FDR would have called “malefactors of great wealth,” even if they don't like the idea of taxes and regulations. It's true that there was no Sister Souljah moment, no rebuke to the left. She did not echo her husband's warning that “the era of big government is over.” **She did not embrace** President **Obama's** education reforms, which Democratic teacher's unions hate, and she certainly did not embrace Obama's crusade for a free-trade deal with Asia, which progressive activists of all stripes have been fighting. **Then again, she didn't denounce Obama's** education **reforms** or free-trade push, either. She just didn't discuss them. **She didn't discuss NSA surveillance or gun control or welfare or carbon regulations, either. What she did discuss were the least popular elements of the modern Republican agenda:** tax cuts for the rich, climate change denial, opposition to gay marriage and Wall Street reform. She didn't mention Obamacare, which polls badly, but she did attack Republicans for trying to take away health insurance from newly covered Americans, which polls even worse. It was telling that Clinton talked much more about FDR than she talked about Obama or even her husband. Everyone likes FDR! Even Ronald Reagan used to speechify about FDR. It's modern politicians who are polarizing. Obviously, **Clinton is a modern politician. She would like to excite her base and appeal to the center. She endorsed nice-sounding things** important to the labor movement, like the right to know your work schedule in advance, **but omitted controversial things important** to the labor movement, like “card check” for union **elections**. She took aim at overpaid Wall Street executives for focusing on short-term profits, but she didn't propose to break up megabanks or raise the top income tax bracket above 50 percent, as her primary opponent Bernie Sanders has.

Clinton key to maintain global leadership – the impact is global war, Middle East conflict, Iran nuclear program, Chinese economy, and a slew of other things

Hodes and Emerson, writers for the Concord Monitor, **2/22/2015**

(Paul W. and Peter V., “My Turn: Who else but Hillary can manage world's problems?,” <http://www.concordmonitor.com/news/politicalmonitor/15722816-95/my-turn-who-else-but-hillary-can-manage-worlds-problems>)

The **world is** becoming **increasingly unstable** and unpredictable, and therefore often far more threatening and dangerous to America and to American citizens at home and abroad. Looking but a few years down the road, **there will be less food, less** potable **water** and fewer basic human necessities for most of the world's exponentially expanding population. **Consequently, there will be more** violence, civil strife and **war**. Unfortunately, many Americans are geographically and geopolitically challenged. Many **still believe** that America dominates the world and that **we are neither dependent upon the international community nor subject to events occurring outside our borders**. In short, many still hold opinions based on a world order long ago dismantled. We are now interconnected and interdependent upon every region of the world. Thus **international stability** and **our continued prosperity are under attack** in our shrinking world: ■ the continued advance of **the Islamic State** has already further **destabilized** an already precarious order in **the unstable Middle East**. The **escalation of the Israeli-Palestinian stalemate** with almost daily outbreaks of killings and retaliation. ■ **Iran's** continued **nuclear program**. The **slowing of the Chinese economy** and the potential **head-on conflict over** the Diaoyu Islands in China and **the Senkaku islands** in Japan. ■ The postponement of the election in Africa's largest democracy, Nigeria, a success for Boko Haram ■ **Greece's** possible default on its debt and the impact on the **European Union** ■ **North Korea's** continued militaristic posture and **nuclear capabilities**. **Declining crop production** in critical areas around the world And the list goes on and on and on. So what do these events mean to a waitress in New Hampshire, a farmer in Iowa, a rancher in Montana, an avocado grower in California, a high-tech entrepreneur in Massachusetts, a fisherman in Maine, a single mother in Harlem, a pensioner in Phoenix, a widower in Washington, our neighbors, family and friends? It means that events in other countries, often far away, spill into and through our borders. Americans are part of a new global order – or too frequently **global disorder** – that **challenges** our traditional **notions of American exceptionalism and leadership**. International crises that emerge anew each day directly affect the prices of our food, gas, health care, etc. – our domestic tranquility and our national security. All these events affect the bottom-line of all American households. So when we cut through the clutter of **lies and gross distortions of the facts** – all meant to create fear – **to weigh and examine who's capable of making a dent in these seemingly intractable problems** and challenges, **there is only one person who is capable of managing them**. Please note that we did not say solve these intractable problems because that would be impossible. But managing problems and challenges, that's possible. Although we promised not to join the chorus of those asking Secretary Clinton to run for president, **we have taken a sober look at the world's condition, the prognosis for the future and America's position in the world and, Hillary Clinton is the only one who can manage the problems** that others see as unmanageable.

Uniqueness

Hillary wins-GOP chaos

Favorability polls don't translate to votes and GOP chaos ensures Hillary wins.

Robinson, 6/10. Eugene, Mercury News, 2015. "Republicans might as well pound sand." http://www.mercurynews.com/opinion/ci_28289013/eugene-robinson-republicans-might-well-pound-sand

After months of trying to weaken Hillary Clinton by pounding her with everything they've got, the amount of progress Republicans have made is pretty close to zero. The GOP seems to have forgotten the central fact about the Clintons: That which does not kill them makes them stronger. Yes, it's true that a Washington Post-ABC News poll reported last week that Hillary Clinton's favorability rating has dipped to 45 percent. Yes, people seem to disapprove of the way she handled her personal emails while she was secretary of state, wonder about all the money sloshing around the Clinton Foundation and question how she handled the Benghazi tragedy. And yes, the poll found that in a hypothetical matchup against Jeb Bush, her lead has shrunk from 12 points to just three. All of this should certainly cause the Clinton campaign to pay attention. But when asked who they thought would win the election, 55 percent said Clinton while only 39 percent said Bush. Meanwhile, it is anything but certain that Bush will win the nomination, given the general chaos in the GOP. The Republican field is so big that the networks scheduled to air the first debates have had to establish rules to determine who can participate. Fox News has said its Aug. 6 debate will include the 10 candidates scoring highest in an average of polls. CNN, for the Sept. 16 debate, announced it will also invite the top 10, but then hold a second debate for those who failed to make the cut. It sounds like Thanksgiving -- an adults table and a kids table. Since getting to the big table is probably the difference between a viable candidacy and a futile one, there is a powerful incentive for GOP hopefuls to do anything they can to attract attention. If a debate were held tomorrow, two contenders best known for saying ridiculously outrageous and incendiary things -- Donald Trump and Ben Carson -- would be in the top 10. Several experienced current and former office holders -- Sen. Lindsey Graham from South Carolina, Gov. Bobby Jindal of Louisiana, former Govs. Rick Perry of Texas and George Pataki of New York -- would not. Neither would businesswoman Carly Fiorina, the only woman in the Republican race. On the Democratic side, meanwhile, those who were hoping that Clinton would be challenged, if only to hone her skills for the general election, are getting their wish. Sen. Bernie Sanders, the Vermont independent, promises to get more traction with the party's liberal base than former Maryland Gov. Martin O'Malley, former Virginia Sen. Jim Webb or former Rhode Island Sen. Lincoln Chafee. But only in relative terms: Clinton has the support of nearly two-thirds of Democrats, according to the Post-ABC poll, leaving the rest to share the remaining third. We'll have a better idea of how Clinton will perform on the stump this time around following her big kickoff rally, scheduled for Saturday on New York's Roosevelt Island. So far, I'd say she's doing quite well. Her fiery speech last week in defense of voting rights was her campaign's best moment so far, but the big question about Clinton's candidacy is whether she can inspire the coalition that twice elected President Obama -- young people, minorities, women. Voting rights is an issue that reliably sends African-Americans to the polls in large numbers. I'll be surprised if Clinton doesn't soon have major messages for Latinos on immigration policy and women on reproductive rights. So far, Clinton has done any number of

things right -- and, by my count, nothing wrong. Next year's election is still hers to lose, and she doesn't seem inclined to do anything of the sort.

Hillary wins – GOP is too split

Floyd 5/21 (David Floyd, "Tea Party Vs. Republican Party: Who Will Win In 2016?" May 21, 2015, <http://www.investopedia.com/articles/personal-finance/052115/tea-party-vs-republican-party-who-will-win-2016.asp>)//JHH

On social issues, the Tea Party is also split. For some, opposition to same-sex marriage, abortion, and other targets of evangelical and social conservative ire is muted, either because it distracts from fiscal priorities, or it leads to government overreach. On the other hand, many, perhaps most, Tea Partiers reconcile social conservative and libertarian priorities easily. Ted Cruz, for example, sees the role of the federal government as being "to defend the sanctity of human life, and to uphold the sacrament of marriage."¶ The Tea Party attitude to business is also conflicted. An emphasis on self-reliance, fiscal responsibility, and personal freedom, along with a suspicion of government environmental regulation, aligns with the traditional conservative pro-business agenda. Yet many Tea Partiers fundamentally distrust the wealthy establishment on Wall Street and Capitol Hill. The movement in large part coalesced around opposition to golden parachutes and TARP bailouts.¶ WHO WILL WIN IN 2016?¶ The Republicans face a dilemma. Especially after the government shutdown, many voters doubt the Tea Party can govern, but Republican candidates still must win Tea Party-dominated primaries. House Majority Leader Eric Cantor's "operatic" defeat by a primary challenger in June is the textbook example of this danger. Mitch McConnell escaped the same fate through a tense détente with Rand Paul.¶ In the 2016 presidential primary, Cruz and Paul may force Jeb Bush out of his element, attacking him as a quintessential establishment politician and dredging up his surname's worst associations, so he is lucky to be facing a Clinton. Paul will force him to contend with the Tea Party's libertarian wing, Cruz with its evangelical wing. He will have to lurch to the right and then back to the center without careening off course. If he fails and loses the nomination, the Republicans are unlikely to win the White House.¶ Whoever wins the Republican nomination faces the fundamental challenge of changing demographics. So long as conservatives depend on the white vote, they will have more trouble winning with every election cycle. The next nominee will need one of two things: almost double the share of the non-white vote Romney earned in 2012, or a greater share of the white vote than Reagan got in 1984.¶ Assuming the economy improves, the Tea Party will probably fade in importance. Yet its ideas, in tamer forms, are here to stay. Evangelical Christians were a minor political force until the 1970s; now we can't imagine a Republican constituency without them. The Tea Party's radical commitment to small government will leave a lasting mark on the American right. As this commitment achieves a stable synthesis with the conservative establishment's agenda, the Republicans' crisis of identity will become less acute.¶ The question is, will the Democrats also tear in two over along the establishment/anti-establishment axis? A loss by establishment-as-can-be Hilary Clinton could be a rallying cry for the Elizabeth Warren left. Perhaps in 2020 it'll be the Democrats fretting over primaries.¶ THE BOTTOM LINE¶ The financial crisis led to a rift in the Republican Party, splitting it between the old guard establishment and the anti-establishment Tea Party. The Tea Party's ideas have made it into the Republican mainstream, but they are not tame yet, and primary voters are still a threat. When it comes to a national election, however, the Tea Party probably cannot win. If Jeb Bush is the nominee, the Republicans may have a shot at the White House. If not, they'll probably have to wait for 2020.

Hillary Wins- Independent

Hillary win inevitable – independents vote democrat and the GOP is dying

Leo 5/18 (Jacqueline Leo, “A Demographic Edge for Hillary Clinton in 2016” 5/18/15,
<http://www.thefiscaltimes.com/2015/05/18/Demographic-Edge-Hillary-Clinton-2016>)//JHH

No matter how many GOP candidates enter the 2016 presidential sweepstakes, **it will be an uphill climb for any Republican to secure the White House.** That’s not simply because **Democratic voters outpace Republicans by a four-point edge**, according to Gallup. **It’s because the GOP is dying — literally** — according to an analysis published Sunday in Politico. ¶ **Seems 2.75 million Republican voters will be dead by** the time the **2016** election rolls around, Daniel J. McGraw claims in what he calls his “back-of-the-napkin” math. By comparison, roughly 2.3 million Obama supporters will have died by the time the 2016 election rolls around. McGraw is right, of course, that **Republicans tend to be older than Democrats**, and that the surge of millennials (about 78 million) tends to vote Democratic. They’re young, energetic, tilt left on social issues like gay marriage and believe women are underrepresented in the boardroom as well as the White House. ¶ Republicans could still connect with millennial voters on economic issues, but on the whole, **the demographic trends will only make it harder for the GOP’s eventual nominee.** ¶ McGraw’s estimates can only go so far, though. They can’t fully account for state-by-state differences that could tilt the Electoral College, and they don’t factor in specific candidates and how they might appeal to various age groups, or not. Can a youthful Marco Rubio, for example, find a way to draw younger voters? Will Hillary Clinton trip over her political baggage, packed in part by her husband? ¶ In the end, regardless of who is nominated by the GOP, **the election will rest on the 43 percent of Americans who identify themselves as independents.** Including independents, **Democrats had a three-point edge** as of last year. But if McGraw is right, **that edge could widen before long.**

Wins—General

Hilary will win – leading polls against GOP frontrunners **Washington Times 6/23**

By David Sherfinski - The Washington Times - Tuesday, June 23, 2015 Hillary Clinton leads Jeb Bush, Marco Rubio, Scott Walker in head-to-head matchups: poll
<http://www.washingtontimes.com/news/2015/jun/23/hillary-clinton-leads-jeb-bush-marco-rubio-scott-w/>

Former Secretary of State **Hillary Rodham Clinton leads a trio of Republican heavyweights in head-to-head 2016 matchups**, according to a new poll.¶ Mrs. **Clinton**, the 2016 Democratic presidential frontrunner, **leads** former Florida Gov. Jeb **Bush by 8 points**, 48 percent to 40 percent, she leads Sen. Marco **Rubio** of Florida **by 10 points**, 50 percent to 40 percent, **and** she leads Wisconsin Gov. Scott **Walker by 14 points**, 51 percent to 37 percent, a new NBC News/Wall Street Journal poll said.¶ In an NBC/WSJ survey released in April, she had led Mr. Bush, Mr. Rubio and Mr. Walker by 6, 6, and 10 points, respectively.¶ **In a “generic” presidential preference question**, however, **39 percent of registered voters said they think it would be better to have a Democrat** as the next president, **compared to 36 percent who said a Republican would be better**.¶ Mrs. **Clinton has a tight grip on the Democratic nomination**, the poll said; she’s the first choice of 75 percent of Democrats and **leads** her next-closest rival, Sen. Bernie **Sanders** of Vermont, **by 60 points**.¶ More than 6 in 10 Democrats still prefer that she have a challenging primary so she is tested for the general election, compared to 35 percent who want an easy primary so the party is united ahead of the general election.

Hillary Clinton will win the 2016 presidential election now

Espuelas 15’ Fernando Espuelas (Contributor, a political analyst, host and manager of political talk show) March 12th, 2015. The Hill. “Ignore the Noise – Clinton will win in 2016” <http://thehill.com/blogs/pundits-blog/presidential-campaign/235507-ignore-the-noise-clinton-will-win-in-2016>

Hillary Clinton will be the Democratic Party's nominee, and she will win the 2016 election.¶ When you **analyze the objective conditions of the Republican Party today and** most likely over the next two years and **compare them to Clinton's strengths, it's hard not to make such a prediction with confidence.**¶ The email flap will be gone soon enough. Short of the State Department finding some grenade of an email, **the release of some 55,000 Clinton emails from the government archives is more likely to reinforce Clinton's formidable leadership and executive abilities** than subtract from her decades-old image of an American Iron Lady.¶ Republicans will wait at her desire for privacy in not turning over her personal emails, but **look at America's angst on this very topic Many citizens feel that our privacy has been compromised, by everyone from the government to Russian hackers; that our private stuff is under threat Hard to imagine that the citizenry will begrudge Clinton's desire for some modicum of privacy** even as her official emails are published on a State Department website.¶ The Washington press corps has been foaming at the mouth, an expected reaction. At a recent networking event of political reporters, one 2016 campaign beat journalist, writing for a major national paper, was almost salivating. “It’s just like the Clintons!” he cried. “So typical! This is huge!”¶ This would be his meal ticket for the next few weeks, and I could not help but feel happy for him. Washington journalists need scandal to thrive. The routine reporting of the minor personalities who haunt the halls of Congress or of obscure second-rank Cabinet secretaries makes for poor copy.¶ And while the Benghazi Brigade in the GOP is still marching along in the desert, hoping to stumble on to a smoking gun, their political shenanigans in not releasing the voluminous collection of Clinton’s email that they possess will only further tarnish their credibility. And there is no polling that I’ve seen that shows that Benghazi is even a remotely relevant issue for the non-Tea Party majority of the electorate.¶ It’s no wonder, then, that the 2016 GOP pre-candidates have stayed largely silent on the Clinton email brouhaha. First, you can bet that more than one of those candidates has used multiple email accounts themselves while in office. The widespread ownership of email glass houses makes it awkward, if not outright dangerous, for these candidates to throw rocks at Clinton. Second, if any of these candidates think that Clinton’s email flap will both endure and be a factor in 2016, they are getting bad advice.¶ As nonpartisan Charlie Cook in National Journal pointed out, there are much more real, politically relevant and resonant issues that will either result in Clinton presidency or an upset.¶ **Clinton has a built-in advantage — her gender. It now looks that she will use the glass-ceiling theme to connect with millions of people who think that the disparities in opportunity, income and talent-based achievement between men and women is not only unfair, but damaging to all women, two-income families and the economy in general. Some percentage**

of Americans, likely a large one, would like to cast a historic vote. When polling points to Americans wanting "change," what bigger change than a woman as president? Clinton is white. Yes, President Obama was elected twice, with millions of votes over the 50 percent victory threshold. But looking at the election data that show a precipitous drop in his support among white voters, relative to past Democratic candidates, one can infer some racial bias in a sliver of the electorate. Clinton will be able to attract those voters simply because she is not an African-American man. In terms of the Latino vote, even though many Republicans are counting on him, Sen. Marco Rubio's (Fla.) craven flip-flopping is not likely to endear him to many Hispanics outside of Miami. Conversely, Clinton is hugely popular among Hispanics, as is her husband. She's been a steadfast supporter of immigrant rights and was Latino voters' favorite during the 2008 primaries. She will sweep the Hispanic vote. Lastly, the first couple of months of Republican congressional hegemony has been an exercise in immigrant-baiting. Republicans seem to have a visceral need to attack undocumented immigrants. It's an article of faith among the majority of Republicans who voted in both chambers of Congress several times that Obama's immigration actions must be destroyed — even if young people like the Dreamers are deported. In a recent Latino Decisions poll, 89 percent of American Latinos favored Obama's executive actions. I learned my lesson about predictions when I projected former Speaker Newt Gingrich (R-Ga.) as the 2012 GOP nominee. But in this case, short of a serious health crisis holding her back, it's a good bet that Hillary Clinton will next occupy the White House.

Hillary Will Win Glenza 6/23

(Jessica Glenza is a breaking news reporter at the Guardian US, 15 “Hillary Clinton on course to win presidential election, poll says”, <http://www.theguardian.com/us-news/2015/jun/23/hillary-clinton-presidential-election-poll>)

Hillary Clinton is on course to win the Democratic primary and would go on to trounce her Republican opponents, according to a new poll. The NBC News/Wall Street Journal poll found that the former secretary of state was the first choice for nominee of 75% of her party, with Vermont socialist Bernie Sanders far behind on 15%. Martin O'Malley, the former Maryland governor, was on 2%, while Lincoln Chafee, the former governor of Rhode Island, polled less than 1%. Former Virginia senator Jim Webb, who has not yet formally declared he is running, was on 4%. According to the poll, **92% of likely Democratic voters said they could see themselves supporting Clinton.** The poll asked 1,000 likely voters about their opinions on potential presidential candidates, both Republican and Democrat. It showed Clinton polling at 48% to 40% against her closest Republican contender, former Florida governor Jeb Bush, the brother of former president George W Bush and son of former president George HW Bush. Against the Florida senator Marco Rubio, Clinton polled 50% against 40%. And against Wisconsin governor Scott Walker she polled 51% to 37%. Among Republican primary voters, the poll showed Bush ahead with 22% of the vote. Walker was next with 17% and Rubio third with 14%. Retired neurosurgeon Ben Carson had 11%, while former Arkansas governor Mike Huckabee (9%), libertarian senator Rand Paul (7%), former Texas governor Rick Perry (5%), New Jersey governor Chris Christie (4%) and Texas senator Ted Cruz (4%) were all in single figures. **The poll is likely to encourage the Clinton camp,** whose campaign got off to a rough start when questions arose about Clinton's use of personal email as secretary of state, this spring. But it is possible that early polls may not reflect the true strength of Clinton's challengers. Republican pollster Bill McInturff told the Wall Street Journal that Clinton had “the strongest and most advantageous” standing among Democrats he had seen in 35 years of campaign polling. “She starts with advantages among very important groups,” he said. McInturff conducted the poll with Democrat Fred Yang. Clinton's high rankings could be buoyed by increasingly positive support numbers for her 2008 rival Barack Obama, whose approval rating is up by 8 percentage points to 48% since September 2014, when it hit an all-time low of 40% according to the same polls. Among Republican candidates, Bush and Rubio remain neck and neck, with 75% and 74% of respondents saying they could see themselves supporting the candidates in a Republican primary. Bush pulls away slightly in favorability rankings, pulling 5% ahead of Walker with 22%, and 8% ahead of Rubio. Most see Clinton as a moderate candidate (58%) who is trustworthy because of her “experience and background” (59%). Respondents were fairly split over which party the next president should be from, with Republicans scoring 36% and Democrats 39%. Ongoing concerns going into the election could set the mood for the campaign. A “decline in traditional moral values” was rated as the most alarming trend in America of all respondents (25%), seconded by possible terrorist attacks on the US (18%), while corporate and wealthy individuals' influence over elections was rated as the most disconcerting facet of the upcoming campaign (33%).

Foreign Policy gives Hillary leg up Rothenberg 6/23

(Stuart Rothenberg is a writer for Roll Call a political news website, 15, “Rand Paul, Hillary Clinton Face Foreign Policy Challenges in 2016”, <http://blogs.rollcall.com/rothenblog/rand-paul-hillary-clinton-face-foreign-policy-challenges-in-2016/?dcz=>), <http://theweek.com/articles/559639/why-economy-almost-guarantees-hillary-win-almost>)

if **foreign policy and national security** become increasingly salient to voters before the 2016 election, those issues **will also have a significant impact on the general election**. On one hand, former Secretary of State Hillary Clinton should benefit from that, given her time as the nation's chief diplomat. She is knowledgeable about international issues and she has dealt with world leaders. Moreover, while Obama is seen by some as indecisive and even timid when it comes to projecting American military power and standing up to those threatening international stability, Clinton has a very different image. She is widely regarded as tougher than the president. But as the administration's former top foreign policy voice, Clinton will have to defend, or at least explain, U.S. policy and answer questions about the nation's security and influence. No doubt she'll have to separate herself from Obama on some foreign policy matters, creating some awkward moments and possible problems for her campaign.

Economy makes Hillary win Pethokoukis 6/10

James Pethokoukis is the DeWitt Wallace Fellow at the American Enterprise Institute where he runs the AEIdeas blog. He has also written for The New York Times, National Review, Commentary, The Weekly Standard, and other places." Why the economy almost guarantees Hillary will win. Almost."

if **Mitt Romney couldn't beat President Obama in 2012 when the jobless rate was almost 8 percent, how can the next Republican nominee beat Hillary Clinton in 2016 when the unemployment rate could be under 5 percent?** That's the big question Republican presidential candidates must ask

themselves. And **the unpleasant political possibility for the GOP's White House hopefuls is that the improving U.S. economy is, well, "likeable enough" for voters to give Democrats four more years in the Oval Office.** At the very least, **the economy might be such a strong tailwind for Democrats that Jeb Bush, Marco Rubio, or whoever else the GOP puts up would need to run a near-flawless campaign to win.** Now, there are no economic guarantees here. Maybe the Yellen Fed will start reading too much Austrian economics, freak out about inflation, and crank up interest rates so high that it causes a recession. Of course, that's unlikely. **The more likely scenario is more of the same, and the slow-but-steady Obama-era recovery keeps chugging along.** Sure, the Fed probably will raise rates sometime this year. With inflation low, however, the pace of tightening should be gradual. And even if economic growth doesn't accelerate much, it seems good enough to keep generating gobs of jobs and a much lower unemployment rate. In a new analysis, for instance, Goldman Sachs says the U.S. economy will add another 3.5 million net new jobs over the next year and half — on top of the 12 million created since the recovery began — bringing the jobless rate to 4.8 percent by Election Day 2016. Compare that to the Great Recession peak of 10 percent. **Even a wooden politician like Clinton should be able to run a successful "stay the course" campaign on those numbers. Many Republicans will surely disagree** with this thesis. **They see the "failure" of Obamanomics as self-evident, and seem certain that it will be a big plus for their nominee. Among their arguments: Sure, the "official" unemployment rate is way down, but that's only because so many discouraged potential workers have left the labor force. Also, what kind of jobs are being created anyway? Isn't wage growth stagnant? And remember that a strong economy back in 2000 didn't help Vice President Al Gore, another wooden, uncharismatic Democrat running for a predecessor's de facto third term. These counters are hardly persuasive. First, Romney also tried the labor force participation argument to prove the economy was far worse than the headline jobless numbers suggested. Not a game changer. What matters to voters is that they have a job and aren't scared about losing it — not the fate of "discouraged" workers as defined by the Bureau of Labor Statistics.** That's a little abstract. Second, while wage growth isn't roaring, lower energy prices and low inflation overall means take-home pay is rising at a pretty good clip for consumers. Third, Gore really didn't run on the Bill Clinton economic boom. At the Democratic National Convention that year, he said, "This election is not an award for past performance. I'm not asking you to vote for me on the basis of the economy we

have." (Well, he should have! Talk about campaign malpractice.) And finally, it's hard for Republicans to ding the "Obama-Hillary" economy when the the financial system nearly collapsed under the watch of the last Republican president.

Hillary will win- GOP will tear themselves apart

Noonan 6/19

(Peggy Noonan is a columnist for The Wall Street Journal whose work appears weekly in the Journal's Weekend Edition and on OpinionJournal.com., 15 "Hillary Will Glide Above It All", <http://www.wsj.com/articles/hillary-will-glide-above-it-all-1434667768>)

Mrs. Clinton is almost certainly about to glide to her party's nomination. There will be a few bumps. She will occasionally be pressed and challenged on various questions. There will be back and forth. But **her Democratic opponents will not attack her** character, her history, her financial decisions, her scandals. They will not go at her personally. **She will emerge dinged but not damaged. No one will ravage the queen. The Republican primary, on the other hand, will be all hell bursting loose. The candidates will spend the next year tearing each other apart on everything and anything. Super PACs are furiously raising money, some of which will be used to take down and slam GOP opponents in negative ads and videos.** At least a few of them will do what Newt Gingrich so effectively did to Mitt Romney in South Carolina in 2012. Mr. Gingrich hit hard on Mr. Romney's investment firm, Bain Capital, and his tax returns. He painted Mr. Romney as a cold, rapacious capitalist who'll close your factory and take your jobs. Mr. Gingrich described Mr. Romney's line of work as "rich people figuring out clever legal ways to loot a company." Mr. Romney's South Carolina numbers began to sink in the last days of the campaign. Mr. Gingrich enjoyed a surprise win. The Obama re-election campaign was of course watching the fun, and went on to kill Mr. Romney with Mr. Gingrich's themes. They'd likely have done it anyway but the attacks were given added legitimacy by GOP provenance. **The Democrats have an enforcement mechanism to keep all their candidates in line. Bernie Sanders and Martin O'Malley know without being told that the party will kill them if they tear apart the assumed nominee. Their careers will be over if they go at her personally.** A GOP opposition-research veteran said of the Democrats' enforcement mechanism, "As an upstairs-downstairs party, the upstairs is a fairly concentrated place. **The Democrats as the 'in' party—the party of Silicon Valley and academia—has interlocking pools of money, brains and talent.**" **When they turn on you, it is like facing "the Death Star." And "on top of that, you have the Clintonian tropism toward score settling and vengeance.** What you have in the end is discipline." The Republicans? "They stand to beat the hell out of each other for months to come." The GOP is not concentrated but spread out, geographically and culturally—"everything from establishment types to evangelicals to hedge-fund gods and farmers." Candidates reflect diverse denominations: "It's a party of dissenters" and operatives who have no motive to avoid hurting another group's favorite.

Hillary Becomes President

Poor 6/12

(Brett Poor is a political writer for the news website Breitbart, 15 "HUGH HEWITT: HILLARY CLINTON WILL WIN THE PRESIDENCY", <http://www.breitbart.com/video/2015/06/12/hugh-hewitt-hillary-clinton-will-win-the-presidency/>)

During that appearance, **Carolla asked Hewitt about his thoughts on Democratic presidential hopeful Hillary Clinton and if at this stage in her career it was possible for her to put off a better "vibe" to make her more appealing to the public.** Hewitt acknowledged Clinton's age, but added **that he thought she would win the presidency in 2016. "She's 67," Hewitt said. "She'll be 69 if she wins and I think she will – the presidency."** Later in that segment, **Hewitt, who is slated to be a moderator in one of the upcoming Republican presidential primary debates,** elaborated on why took that position. According to Hewitt, **the deck is stacked against the Republican candidate because of the Electoral College and Clinton he said was "awfully smart" and would formidable financially.** "I wrote 'The Queen' because the advice, if she takes it, she'll win," he explained. "So if I put it on the table, maybe she won't take it because the Electoral College is so freaking against the Republicans. And so, we have to nominate the perfect ticket. They have to make a lot of mistakes. The Jets did beat the Colts, right – in Super Bowl III. So, it's possible. The heavy underdog can win. We are the heavy underdog. But **if she does the right thing and she's awfully smart, and she's got a lot of money, and the Republicans are going to carve each other up.**

Sen. Ted Cruz (R-TX) 96% today – he’s terrific and I write in ‘The Queen’ he could win, or he could lose 44 states. It’s more likely he’s going to lose 44 states because she is good and disciplined and does her work. So I am not an optimist, but that’s why I wrote the book – to increase our chances that much.”

Hillary wins Wilkinson 6/22

(Shannon Wilkinson is a political analyst for Forbes, 15 “Hillary’s Race For 2016: Turning Followers Into Votes”, <http://www.forbes.com/sites/elleivate/2015/06/22/hillarys-race-for-2016-turning-followers-into-votes/>)

As GOP candidates launch their White House bids, the main contest isn’t for prime-time TV appearances and massive money streams from SuperPACs. It’s to **win the support of 18 to 24 year olds.** That group has the lowest voting rate. **Any candidate that can find a way to get them to the polls will have a tremendous advantage.** Also important are **single women.** Women as a whole have voted at higher rates than men for many years—but single women lag behind. All votes matter. But **younger citizens and single women have the power to tip the scales in 2016. Those are also the two demographic groups that make the most use of the Internet.** So the war for the next presidency will be fought online. State of the art digital analytics, strategic outreach and social media engagement won the election for President Obama. It will determine who wins in 2016, too. How are the candidates doing so far? **CNN recently aired a segment on a Harvard University Institute of Politics poll showing that “83 percent of 18 to 29 year-olds are on Facebook, 44 percent are on Instagram and 39 percent are on Twitter TWTR +0.26%.** After Facebook, **Instagram is the most popular social media tool for millennials.** The poll also shows that 55 percent of all young adults, ages 18 to 29, would rather see a Democrat in the White House in 2016.” Last week The New York Times reported that after the 2012 presidential election, “Democrats were light years ahead of Republicans when it came to digital strategy and tactics, and Republicans had serious work to do on the technology front if they ever hoped to win back the White House.” According to the article, they still do. **Hillary Clinton is currently the dominant player in the online space.** Here are five reasons why: 1. **She has the most control over her online image: if anyone enters a Google search for “Hillary Clinton,” much of the first two pages of results will be sites she manages.** That is no easy feat. 2. Facebook. **She has almost one million likes on Facebook, where women aged 18 to 29 are the majority of users.** According to Vox, **in the 24 hours surrounding Clinton’s announcement on April 12, 4.7 million people on Facebook produced 10.1 million interactions pertaining to the announcement. That far outranks any other presidential contender.**

Links

National Security

National security is key issue-

Kuttner, 2/22. Robert, Huffington Post, 2015. "National Security and the 2016 Election."

http://www.huffingtonpost.com/robert-kuttner/national-security-and-the-2016-election_b_6732076.html

Today, however, there are people out there who feel that western civilization really does have to go -- not the courses but the thing itself. And they seem to be gaining. Call me sentimental, call me privileged, but I have a certain fondness for western civilization. Let me count the ways. I like the rule of law. I like the Enlightenment sensibility that a wide variety of religions and viewpoints must be accommodated. I like the connection of free speech and free inquiry to the scientific method -- giving reason, logic and evidence priority over faith. I like letting political opposition flourish without fear of life and limb. These were radical ideas -- they still are -- and to the Islamic State they are intolerable ones. I like not just the political democracy, but the fact that over the centuries the values of western civ have allowed democracy to be expanded to formerly excluded groups -- women, the descendants of slaves, religious minorities -- despite the resistance of elites. It was the values of western civ, after all, that accommodated those demands for a broader college curriculum, rather than cutting off the hands of the protestors in the name of some received wisdom. I say all this, knowing that western civ has often not lived up to its promise. Indeed, some of the very people who most fervently oppose radical Islam are trashing the values of western civ -- the science deniers; the democracy destroyers; those who would make America a theocracy; the haters. Yet with all of its failings and the oddity of some of its alleged champions, the Enlightenment is looking better and better. The alternatives now on the march around the world are hideous. At least, that's how most

Americans see it. So, like it or not, **the 2016 presidential election will be about national security. And most**

Americans and most voters will be very fearful

of the threat that the Islamic State represents and confused about how we should respond. In its lifetime, the United States has faced countless threats, and it has overreacted to many. Often in the 20th century, the U.S. government acted as an agent of U.S. corporate interests, wrapping them in the broader rhetoric of the Cold War. And the Cold War itself led to policies that were often excessive and self-defeating, not the least of which was Vietnam. That said, the Islamic State is a true threat, and one that presents difficult if not impossible choices. It is hydra-headed. Lop off one leader and 10 others appear. **The threat of al-Qaeda and the Taliban was easy**

compared to this new one. These organizations actually had a command structure that could be monitored and disrupted.

The Islamic State and kindred groups represent a throwback to barbarism, yet because of the broad unrest of hundreds of millions of people, their cause has appeal on the ground. **And the West has precious few allies in the region that can plausibly serve as either**

ideological or military counterweights.

Even if the West had the stomach for ground warfare in a war of civilizations, it is not clear where the theatres of operation would be. There is potentially a band that stretches all the way from Boko Haram in Northern Nigeria, through Libya and Somalia, into the region of Jordan, Syria, Iraq, Afghanistan and Pakistan, that is vulnerable to the most brutal sort of Islamist fundamentalism. There are three broad strands of thinking on how the United States ought to respond. One is basically isolationist. Let them stew in their own juices. My wife taught me a terrific Polish proverb that translates, "Not my circus, not my monkeys." There are some conservatives who espouse this view, such as Rand Paul and the Cato Institute, some lefties like Noam Chomsky who think this retribution is the West's just dessert for its past sins, as well as such centrist foreign policy scholars as John Mearsheimer and Stephen Walt. I am a little queasy about such views because I find the prospect of the Islamic State taking over much of the world frightening. Even if you write off the fates of hundreds of millions of people (half them women by the way), the march of the Islamic State really does increase the chances of nuclear weapons falling into the hands of people who don't mind blowing up the world, because they are certain that they are bound for glory. The second strand of thinking might be called Wilsonian. The U.S., in this view, has a duty to intervene because of the need to bring true Enlightenment democracy to regions that are otherwise vulnerable to the appeal of al-Qaeda and the Islamic State. Well, based on the events of the past 15 years, good luck to that. The third viewpoint we might call realpolitik. It argues that the West needs to act against the threat of the Islamic State, even if that means getting into bed with some unsavory people -- the very people whose dominance in the region helped seed the unrest that led to fundamentalist Islam. Are we to say that the Saudi monarchy is the lesser evil? How about Bashar al-Assad? There have been times in American history when we sided with lesser evils against greater ones, our wartime alliance with Stalin against Hitler being the epic case. Henry Kissinger, the ultimate foreign policy realist, persuaded Richard Nixon to embrace Red China as a counterweight to the USSR, back in an era when China really was ferociously communist as well as brutal. The problem is that President Obama has vacillated between wanting to be Wilson and wanting to be Kissinger. Whatever the policy, it needs to be coherent. So we will go into the 2016 election with the electorate feeling very uneasy about our national security, and with Democrats somewhat on the defensive. Normally, that would help the Republicans. Except that no Republican first-tier presidential candidate has foreign policy experience. Let's see. Chris Christie can see the World Trade Center from his window. Scott Walker led wars -- on unions and on the University of Wisconsin. Marco Rubio sees national security through the prism of immigration and Cuba. And Jeb Bush has only the proxy foreign policy expertise of his family connections -- which did not perform so well. Which brings us to Hillary Clinton. On the plus side, she was Secretary of State. On the minus side, she was Secretary of State. She is also female, which some retrograde voters associate with weak -- and she has bent over backwards to be the most hawkish of the Democrats, a posture that could wear better than expected as more threats unfold. But whatever you think of her views, Clinton does have more national security chops than anyone else in the field. There are other forms of security, of course. One is economic security. By all rights, this election should be about ordinary Americans getting shafted, about the rules being rigged, about the One Percent getting all the gains. If those phrases sound familiar, this is the fervent hope of admirers of Elizabeth Warren. It would be fitting if 2016 were about the economy, stupid, as the 1992 election was. But in those triumphalist days, the foreign policy scene was relatively calm. Pocketbook issues can and should be brought to bear. Warren can help assure that, whether or not she chooses to run. The economy is a travesty, and this should be Warren's moment. Even so, 2016 is likely to be an audition for the role of commander-in-chief. Note, however, that neither Barack Obama nor George W. Bush, nor for that matter Bill Clinton nor Ronald Reagan had foreign policy experience. The first George Bush did, and he couldn't win re-election. So yes, national security will be front and center in 2016 -- and it's anybody's guess how that will play out.

National security energizes the GOP base and key issue-

Mascaro 5/13

By LISA MASCARO May 13, 2015 As voters fret over national security, GOP candidates seek right message <http://www.latimes.com/nation/politics/politicsnow/la-pn-republicans-national-security-20150513-story.html#page=1>

The increasingly aggressive national security stance of Republican candidates was on full display this week, for example in former Florida Gov. Jeb Bush's misstep over questions about whether he would have invaded Iraq in 2003, and in Florida Sen. Marco Rubio's policy speech Wednesday, which was long on promises but short on specific policies.¶ In

many ways, **Republicans should welcome a discussion on national security, particularly because they are the party that voters frequently have depended upon to confront America's enemies.** At

the same time, the U.S. economy, as a campaign issue, has slipped as a top concern among many voters amid an improving job market.¶ **Polls show that for Republican voters, national security ranks higher than pocketbook issues.**¶ **"There's no doubt national security has risen on the most-important-issues list,"** said Whit

Ayres, a Republican strategist who has worked with Rubio's campaign. **"It's very clear that America wants a more muscular foreign policy than it has seen in the Obama years, and that's particularly true of**

Republican voters.”

National security blame get attached to Clinton because she isn't prioritizing the risk

Kraushaar 6/16/15 – Political Analyst

(Josh, “Hillary Clinton's Identity Crisis”, National Journal, <http://www.nationaljournal.com/against-the-grain/hillary-clinton-s-identity-crisis-20150616>)

Hillary Clinton belatedly offered her rationale running for president last weekend, making the case that she's an experienced fighter who will forcefully advocate progressive-minded policies to raise the fortunes of disaffected Americans. It was a well-delivered and necessary speech to counter the endless reminders about her entitled status—from her secretive home-brew email server as secretary of State to the avoidance of the press and regular voters during her initial presidential launch. **But at the same time, the speech underscored what will make Clinton's campaign a challenging endeavor—it was detached from the political realities of the moment. She assiduously sidestepped controversial issues** dividing her party, avoided others entirely, and sounded like a born-again populist despite being one of the wealthiest women in the country. She barely mentioned her role as secretary of State or her service as a senator from New York. Far from being confident that the country has moved sharply to the left, as one of her super PAC's top advisers pronounced, **Clinton sounded as if she was hedging her bets, sprinkling liberal shout-outs over taking firm positions on specific issues** in classic Clinton fashion, she railed against income inequality while arguing that a growing economy will lift all boats. She tweaked Wall Street for excess, while praising other companies' long-term investment in benefits. She referenced progressive priorities, like climate change and expanded voting rights, without

making them the core of her address. **This is a candidate in the middle of an identity crisis**, trying to appeal to the Democratic Party's myriad constituencies while forging an overall message that can appeal to “all Americans,” as she put it. It will be awfully tricky for her to triangulate all the way through a lengthy campaign without suffering through the inconsistencies in her message. In Clinton's world, President Obama isn't responsible for any of the economic maladies she outlined. Only Republicans are. Her speech takes an all-too convenient detour from her last presidential campaign to the present day, entirely sidestepping the current president's role in the growing gap between rich and poor, and why his policies haven't created enough opportunities for the growing number of Americans left behind. **In Clinton's thinking, the world is a pretty safe place. She**

sparingly mentioned national security in her 45-minute address, focusing more on the “good news” from abroad than the growing threat that terrorist groups are posing. She spoke as much about her Nixon-era work as an attorney at the Children's Defense Fund as she did about her leadership as secretary of State. **It's becoming increasingly clear that foreign policy is a serious vulnerability for her** campaign, even as growing numbers of voters rank it as a top priority for **the next president** (it's telling that Clinton's advisers don't think foreign policy will play much of a role at all in the general election.) In Clinton's perspective, the debate over free trade that's dividing her party in Washington is totally irrelevant to her campaign. She didn't reference it at all in New York, and gave a tortured response in Iowa and New Hampshire. Her campaign has made an art form out of avoiding the question of whether she supports the president on one of his legacy-making initiatives. For a candidate positioning herself as a fighter, her fear of tackling the issue directly runs against that carefully-crafted image. All this issue avoidance badly undermines her campaign's argument, pithily framed by Priorities USA pollster Geoff Garin, that “the center of US politics has moved left on many key issues.” That's certainly true on gay marriage. But on trade, it's the liberal base that's becoming out of step with public opinion. Last month's NBC/Wall Street Journal poll showed that, for the first time in 15 years, more Americans believe that free trade helps the United States rather than hurts it. On national security, a recent Pew Research Center survey showed Republicans with a double-digit lead over Democrats as the party viewed as best-equipped to deal with terrorism. The same survey showed Republicans with a narrow three-point lead over Democrats on who's best equipped to handle the economy, and—contrary to conventional wisdom—barely behind on immigration (2 points). That's hardly an endorsement for an aggressively liberal campaign. There's also an opportunity cost in tackling secondary, base-ginning issues at the expense of an overall message on the economy and national security.

Obama's security issues specifically get tied to Hillary

Dilanian 15 (Steve Peoples and Ken Dilanian, writers on presidential politics for AP, 5-18-2015, “Republicans clash over NSA surveillance powers”, Associated Press, http://hosted.ap.org/dynamic/stories/U/US_GOP_2016_NSA_SURVEILLANCE, DA: 5-30-2015)

PHILADELPHIA (AP) — **Republicans clashed over** the future of government **surveillance programs** on Monday, **highlighting a deep divide among the GOP's 2016 presidential class over** whether the **National Security Agency should be collecting** American citizens' **phone records** in the name of preventing terrorism. Republican White House hopeful Rand Paul decried the phone data program and other post-9-11 domestic surveillance as unconstitutional at a Monday event outside Philadelphia's Independence Hall. “We will do everything possible — including filibustering the Patriot Act — to stop them,” the Kentucky senator charged in front of the building where the Declaration of Independence was signed. Three hundred miles to the north, New Jersey Gov. **Chris Christie offered an unapologetic defense of NSA phone records collection** as he faced voters in the first-in-the-nation primary state of New Hampshire. **Christie**, who said he used the Patriot Act as a federal prosecutor, **argued that government surveillance powers should be strengthened**, not weakened. “When it comes to fighting terrorism, our government is not the enemy,” Christie declared. “Absolutely no one has a single real example of our intelligence services misusing this program for political or other nefarious purposes.” The revelation that the NSA had for years been secretly collecting all records of U.S. landline phone calls was among the most controversial disclosures by Snowden, a former NSA systems administrator who in 2013 leaked thousands of secret documents to journalists. The program collects the number called, along with the date, time and duration of call, but not the content or people's names. It stores the information in an NSA database that a small number of analysts query for matches against the phone numbers of known terrorists abroad, hunting for

domestic connections to plots. Intelligence officials call the program useful, but can point to no single terrorist plot uncovered because of it. Monday's **clash comes** just **as Congress debates the future of the Patriot Act**, which authorizes the phone records program. The law will expire on June 1 unless Congress acts. The House has passed a bill that would end the NSA's collection and storage of the phone records, but would allow the agency to gather them from the phone companies on a case-by-case basis. **Some in the Senate, including** Republican leader Mitch **McConnell, want to continue the program as is**, with the NSA keeping all the records. **Christie and** another presidential candidate, Sen. Marco **Rubio**, R-Fla., **are** in McConnell's camp, **arguing that it's critical to extend the provision to fight terrorism. So is** former Florida Gov. **Jeb Bush**, whose aides addressed the issue head on for the first time Monday. "In light of the growing terrorist threat to the United States, Governor **Bush supports extending** responsible intelligence and law enforcement authorities—including **the NSA metadata program**—in order to help keep us safe against the asymmetric terrorist threats facing our country," Bush spokeswoman Kristy Campbell said. During an interview with The Associated Press, Wisconsin Gov. **Scott Walker** three times declined to say whether he supported reauthorizing the program. He **said it was "important to be able to collect information like that,"** as long as there were unspecified privacy safeguards. After the interview, a spokesman emailed to say that **Walker supported continuing the program as it exists**, with the NSA storing American phone records. Sen. Ted Cruz, R-Texas, strikes a middle ground, supporting a Senate version of the House bill that preserves the program while ending NSA bulk collection and storage. Paul goes the furthest, arguing that the Patriot Act should expire. That would end the phone records program and also other unrelated counter terrorism provisions, including a provision that makes it easier for the FBI to track "lone wolf" terror suspects. The House bill would transfer too much power to telephone companies, he said. **"They have the votes inside the Beltway,"** he said. **"But we have the votes outside the Beltway. And we'll have that fight."** **Obama supports** the House legislation, known as **the USA Freedom Act**, **which is in line with a proposal he made** last March. **So, too, does** Democratic presidential candidate **Hillary Rodham Clinton, who** on Twitter recently **endorsed the House plan**. Overall, however, **Clinton has been vague on her position on the surveillance program**. The former secretary of state has also been critical of Snowden, whom she says could have acted as a whistleblower without damaging national security. He leaked thousands of top secret NSA documents and fled to Russia to escape prosecution. Christie took aim at Snowden during a full-throated defense of American intelligence gathering. "When Edward Snowden revealed our intelligence secrets to the world in 2013, civil liberties extremists seized that moment to advance their very own narrow agenda," Christie said. "They want you to think that there's a government agent listening in every time you pick up the phone or Skype with your grandkids." He called that notion "exaggerated and ridiculous." Paul, meanwhile, has been less critical of Snowden. He declined Monday to say whether, if elected, he would pardon the former government contractor. But he equated Snowden and Director of National Intelligence James Clapper, whom some say misled Congress about NSA surveillance. "It would probably be just and informative to put Clapper and Snowden in the same cell for the same period of time," Paul said.

Clinton gets attached to national security policy

Stewart 6/13/15

(Joshua, "Rand Paul: Snowden led to spying reforms", Union Tribune, <http://www.utsandiego.com/news/2015/jun/13/rand-paul-snowden-triggered-surveillance-reforms/>)

Surveillance reform and its implications on personal privacy are major components of Paul's bid for the GOP nomination. His policies on this issue are unique among more than a dozen potential Republican opponents. He said it gives him "a distinctive spot as the person championing personal privacy." During his speech, Paul criticized **former Secretary of State Hillary Clinton** over the deadly 2012 attacks on the U.S. diplomatic compound in Benghazi, Libya. He said the State Department **repeatedly ignored warnings that tensions and dangers were growing there before the facility was overrun. He said the Democratic presidential candidate's management of security at the compound should disqualify her for the presidency.** **"When you add it up, month after month, I say that Hillary Clinton, by not providing adequate security, by pulling the security out, by making decision after decision that made our people vulnerable, it should forever preclude her from becoming commander in chief,"** he said. U.S. Ambassador Christopher Stevens was killed in the attack along with two former Navy SEALs from San Diego County — Tyrone Woods of Imperial Beach and Glen Doherty of Encinitas — and State Department information management specialist and San Diego native Sean Smith. Paul also was critical of federal spending and government shutdowns. And, as he has before, he said the Republican Party needs to be more inclusive, adding that it needs people with and without tattoos. "We've got to be a party that looks like America," he said.

GOP voters see curbing surveillance as a national security issue – the plan would motivate their vote

Arom 6/10

Voter Views on USA Freedom Act Bode Well for Graham and Rubio, Not Cruz and Paul

EITAN AROM | JUNE 10, 2015 <http://morningconsult.com/2015/06/voter-views-on-usa-freedom-act-bode-well-for-graham-and-rubio-not-cruz-and-paul/>

In a recent Morning Consult poll, 37 percent of Republican voters said the new law curtailing the NSA's spying powers will have a negative effect on national security. That's compared to 14 percent who said it would improve security and 29 percent who said it would just maintain the status quo. Republicans were 9 percentage points more likely than the average registered voter to predict a negative national security impact from the law. And security is the second-most important voting issue for Republicans: 22 percent said it's their top set of priorities when casting votes, compared with 16 percent of registered voters and 9 percent of Democrats. Economic issues are the most important for GOP voters, at 41 percent. In addition, Republicans aren't convinced the USA Freedom Act will keep their personal information away from prying eyes. Fewer than one in five said it would have a positive impact on protecting personal information. Twenty percent said the law will decrease individual data security, while 19 percent said it will help safeguard such info. Among all registered voters polled, 18 percent predicted increased data security, compared with 15 percent who said protections would be weakened. Among GOP voters and the general population, pluralities of 43 percent and 45 percent, respectively, said there would be no impact at all on personal info. Skepticism about the effects of the law augurs poorly not only for Cruz, but also for fellow GOP presidential candidate Sen. Rand Paul (Ky.), even though he voted against the measure, saying it didn't go far enough to protect civil liberties. Paul also wanted to do away with the surveillance provisions altogether, a less popular option among Republicans than extending modified versions, according to a Morning Consult poll in May. Twenty-six percent of Republicans favored allowing the provisions to lapse while 43 percent said Congress should renew them with some modifications, which is what happened under the USA Freedom Act. Sen. Marco Rubio, however, is one GOP presidential candidate in the chamber who stands to gain from voter dissatisfaction with the law. The Florida lawmaker favored a clean reauthorization of the Patriot Act surveillance authorities and voted against the USA Freedom Act. "Weak presidential leadership combined with a politically motivated misinformation campaign have now left the American people less safe than we've been at any point since the 9/11 attacks," Rubio said in a statement on June 2, the day President Obama signed the bill into law. Fourteen percent of Republicans favored a clean renewal of the authorities, compared with 12 percent of all registered voters, according to the May poll.

GOP Links

GOP voters losing confidence in surveillance – plan would be a win for them Rainie and Madden 3/16

MARCH 16, 2015¶ Americans' Privacy Strategies Post-Snowden¶ BY LEE RAINIE AND MARY MADDEN¶ <http://www.pewinternet.org/2015/03/16/Americans-Privacy-Strategies-Post-Snowden/>

This survey asked the 87% of respondents who had heard about the surveillance programs: “As you have watched the developments in news stories about government monitoring programs over recent months, would you say that you have become more confident or less confident that the programs are serving the public interest?” Some 61% of them say they have become less confident the surveillance efforts are serving the public interest after they have watched news and other developments in recent months and 37% say they have become more confident the programs serve the public interest. Republicans and those leaning Republican are more likely than Democrats and those leaning Democratic to say they are losing confidence (70% vs. 55%).

Restricting data collection has massive public support - especially among Republicans

Gao 5/29

GEORGE GAO MAY 29, 2015 What Americans think about NSA surveillance, national security and privacy <http://www.pewresearch.org/fact-tank/2015/05/29/what-americans-think-about-nsa-surveillance-national-security-and-privacy/>

A majority of Americans (54%) disapprove of the U.S. government's collection of telephone and internet data as part of anti-terrorism efforts, while 42% approve of the program. Democrats are divided on the program, while Republicans and independents are more likely to disapprove than approve, according to a survey we conducted last spring.¶ 2More broadly, most Americans don't see a need to sacrifice civil liberties to be safe from terrorism: In spring 2014, 74% said they should not give up privacy and freedom for the sake of safety, while just 22% said the opposite. This view had hardened since December 2004, when 60% said they should not have to give up more privacy and freedom to be safe from terrorism.¶ While they have concerns about government surveillance, Americans also say anti-terrorism policies have not gone far enough to adequately protect them. More (49%) say this is their bigger concern than say they are concerned that policies have gone too far in restricting the average person's civil liberties (37%), according to a January survey. While Americans held this view between 2004 and 2010, they briefly held the opposite view in July 2013, shortly after the Snowden leaks.¶ 4At the same time, Americans want to control their personal information, but few feel like they are able to. Most say it is important to control who can get their information (93%), as well as what information about them is collected (90%). But only 9% say they have a lot of control over how much information is collected about them, and 38% say they have some control, according to our survey conducted August-September 2014.¶ Just 6% of Americans say they are very confident that government agencies can keep their records private and secure, while 25% are somewhat confident. Similar shares express those views about their landline and cellular telephone companies. Most Americans have heard about the U.S. government's surveillance programs, and some have changed their behavior because of it. Fully 87% are aware of the federal surveillance programs; among those aware of the programs, 25% – and 22% of adults overall – say they have changed the way they use technology at least somewhat after the Snowden revelations, according to our November 2014-January 2015 survey. Additionally, 61% of those aware of the programs say they have become less confident that the programs are serving the public interest.¶ 6The view from abroad is mostly one of disapproval. In most countries we surveyed in 2014, majorities opposed U.S. government monitoring of emails and phone calls of foreign leaders or their citizens. And a median of 62% in 43 countries also

oppose U.S. monitoring of American citizens. In contrast, Americans tilt toward the view that eavesdropping on foreign leaders is an acceptable practice, though they are divided over using this technique on average people in other countries. But six-in-ten Americans (61%) also oppose the government monitoring communications of U.S. citizens.

Obama

The Obama Presidency is over—it's Hillary's party now

Rothman 6/12 [Noah Rothman, Political Analyst, "The Democratic Party is Officially Leaderless," <https://www.commentarymagazine.com/2015/06/12/how-obama-presidency-ends/>; June 12, 2015; JW]

President Barack **Obama** wanted Congress to pass a variety of trade-related proposals, and he didn't want to have to rely on Republican votes in order to see that happen. He **lobbied his fellow Democrats in favor of trade, and he lobbied them hard. In the end, it wasn't enough.** On Friday, the president endured a stern censure from the very member of the party for whom he once served as a savior. **Barack Obama's presidency is all but over. It's Hillary Clinton's party now, but she does not seem inclined to lead it so much as to emerge as its supervisor by default and through a process of attrition. She is not in a hurry to rush that process, and there is no alternative Democratic leader waiting in the wings.** Inadvertently, **what House Democrats did on Friday was to decapitate their own party.** By a **hair's margin, the** GOP-dominated House passed fast-track trade promotional authority (TPA) that will allow the president to prioritize trade negotiations and conclude the terms of a free trade deal with 11 Pacific Rim countries. But by a resounding 302 to 126-vote margin, however, the House resoundingly rejected a Trade Adjustment Assistance (TAA) proposal passed in the Senate. The TAA, a giveaway to unions and other labor interests that will potentially be negatively impacted as a result of the passage of the Trans-Pacific Partnership, was soundly rejected. Obama was not merely supportive of the passage of both TPA and TAA; he pressed his fellow Democrats in the House to pass both proposals. During the annual indulgence that is the Congressional baseball game at Nationals Park on Thursday, the president surprised the press when made an impromptu visit to the Democratic dugout. **He smiled and waved to the adoring crowds, but Obama wasn't there merely to soak in the applause; he was there to work House Minority Leader Nancy Pelosi. It was clear that his cajoling was unsuccessful** on Friday morning when the president made another surprise visit to the Capitol Building to implore his fellow Democrats not to abandon him. **None of this extraordinary effort was enough.** ¶ "[A] president who has long kept Congress at arm's length may have paid a price," the New York Times reported. **And Democrats were not shy about scolding the president's approach to lobbying his fellow Democrats in the press and on the record. "I wish there had been much better outreach,"** Texas Democratic Representative Henry Cuellar lamented. ¶ Other anonymous Democrats were even sterner in their rebukes of Obama, according to the background quotes they gave CNN host Jake Tapper. **"Pelosi sealed the deal to vote no." "Democrats believe they often are taken [for] granted and not appreciated." "[Obama] was fine until he turned it at the end and became indignant and alienated some folks."** ¶ "Democrats desert their president," screamed an apoplectic New York Times headline. "As they return to their home districts for the weekend, Democrats will now have the distinct pleasure of experiencing what Republicans have undergone for the last few years – a narrative of their party in disarray and divided." **The Obama presidency is over. For Democrats, the transition into the era of Hillary Clinton began in earnest on Friday,** but it did so without her participation. On the issue of trade, as well as a whole host of pressing matters related to public policy, **Hillary Clinton has chosen to keep quiet.**

Obama's actions get attached—current support for Hillary proves

Pindell 6/27 [James Pindell; Political Analyst for the Boston Globe; "In Unity, N.H., Obama-Clinton bond was born"; <https://www.bostonglobe.com/metro/2015/06/26/unity-obama-clinton-bond-was-born/ytbkcLJhmdMZxoS0F1GCLP/story.html>; June 27, 2015; JW]

Seven years ago, on an elementary school soccer field, **Hillary Rodham Clinton started on a path to become the most dominant nonincumbent candidate for president in American history.** On July 27, 2008, **thousands came to** a rural town of 1,700, miles from interstates and airports, to **witness the first joint campaign appearance between Clinton and her rival** for the previous 16 months, Barack **Obama.** **Clinton had conceded the race just days earlier, and now she found herself trying to bring unity to the party in a town**

by that name. "We may have started on separate paths," Clinton said onstage that day, "but today our paths have merged." **The message was encouraging to supporters of Obama** — and in New Hampshire, those good feelings have lingered. **I don't think there is any doubt that the reason a big chunk of the Obama coalition is with Hillary today is because Hillary was with Obama in unity and afterward**" said Jim Demers, Obama's most prominent supporter in New Hampshire. "I see it in the phone calls to Obama supporters I make every day." "It was one of the biggest days in New Hampshire politics," Sullivan said. **That event really set a tone that helped Obama win two general elections in the state and is helping Hillary today**. Past presidential primaries in the state have ended with a rift, but this prevented that. Everyone was just happy." **It was a very symbolic moment.**" Demers said recalling the day. **When Hillary stood there and told her supporters she was on the same team, it was a moment that Obama supporters began to see Hillary in an entirely different light.** "Without Unity, Clinton may not have even been secretary of state, and who knows if she would even be running for president today, much less in the strong position she is in."

Obama's actions get attached to Hillary—ACA proves

Wald 6/25 [Alex Seitz-Wald; Political Analyst for MSCNB; "Hillary Clinton won't have to fight Obama's battles on health care"; <http://www.msnbc.com/msnbc/clinton-wont-have-fight-obamas-battles-health-care>; June 25, 2015; JW]

If Hillary Clinton takes the oath of office on January 20, 2017, she'll inherit a health care reform law that will be already seven years old and likely deeply entrenched, thanks in part to Thursday's Supreme Court ruling upholding the subsidy system for state-based exchanges. **Health care has been one of the defining issues of Clinton's long career in public life**, capped by an ambitious but ultimately doomed effort to create a universal health care system under her husband's administration in 1993. **By securing the future of the Affordable Care Act, the court's ruling could allow Clinton to complete one of the biggest unfinished goals of her career by building on the law that bears her one-time rival's name.** "This morning, the Supreme Court sided with common sense and America's families, and confirmed again that the Affordable Care Act is the law of land — and it's here to stay," **Clinton said in an email to supporters.** **The next president will either protect and expand health care for every American, or undo the progress we've made.** Politically, the ruling preserves the status quo. While Republicans will keep talking about repealing Obamacare as long as it motivates their base, most probably know it's now practically infeasible. And the GOP remains deeply divided on how to replace the law, making it unlikely the party will unite behind an alternative. Clinton will likely not feel much pressure to endorse major changes to the law. While only eight percent of Americans think the Affordable Care Act is working well, according to a new NBC News/Wall Street Journal poll, most say they want the law preserved and improved rather than nixed. **Among Democrats, whom Clinton will need to win over in the primary election and turnout in the general election, more than three-quarters think the law is working.** Obamacare didn't sink Obama in 2012 and will likely be even less of an issue in 2016, when repealing it would mean actively taking away healthcare from millions of Americans. In his remarks in the Rose Garden Thursday, Obama said it was time to switch from defense to offense on health care. After five years of relentless attacks, three elections, a mismanaged roll out, and two legal challenges that went all the way to the Supreme Court, the existence of the law is finally secure. "The Affordable Care Act is here to stay," he said. "There will be parts of the law that will still need to be improved. And if we can stop re-fighting old political battles that keep us gridlocked, then we could actually make the law work even better for everybody." White House Press Secretary Josh Earnest said that in its waning days, the Obama administration will focus on implementing the law to maximize its impact. That will include pushing more governors to expand Medicaid and create their own exchanges. **But improvements on top of the existing statute will likely have to wait until the next presidency. When asked Obama, Clinton has often spoken of her potential presidency as finishing some of the big projects Obama started,** noting that his administration had to prioritize saving the country from the Great Recession. **I think the president has done an extraordinary job in dealing with a terrible set of issues he inherited," Clinton said** in a response to a question from msnbc on the economy in New Hampshire last week. **"There's a lot more work still to be done, but boy am I glad where we are now than where we were."** During the 2008 Democratic presidential primary, **it was Clinton who pushed the other candidates to come up with comprehensive health reform plans.** And hers included the controversial mandate for individuals to hold health care, which Barack

Obama slammed then before ultimately making it a cornerstone of his own health law. **Now, she might finally have the chance to not only defend a national health law that strives for universal health access, but to expand it.**

Obama's actions are directly tied to Hillary's success in the upcoming election

Dickerson Nov 24th 2014

(John Dickerson: a Slate political columnist and author of On Her Trail, NOV. 24 2014, Slate: "Go Ahead, Blame Me", http://www.slate.com/articles/news_and_politics/politics/2014/11/president_obama_says_voters_want_that_new_car_smell_can_he_take_criticism.html)

President Obama expects to get a few dings from his successor and he doesn't mind it. He told ABC's George Stephanopoulos he understands that the next Democratic presidential nominee will need to distance herself from him. The next candidate will want an opportunity to describe what he or she believes in and the public wants to inhale what Obama called "that new car smell." Let the Olfactory Primary begin! **The public certainly likes a new new thing, though after trying out a one-term senator with no executive experience, the voters in 2016 might be looking for more time-tested qualities. But whatever the waft of the Hillary mobile, it will be hitched to the Obama wagon. That's true of any Democratic nominee, but particularly true for Clinton, who served as his secretary of state.** President Obama and any Democratic successor will be closely connected for all of the obvious reasons—they will share roughly the same philosophy; they will have both fought Republican opponents—but also because of the growth of the imperial presidency. **The more presidents act alone, the more their policies live or die depending on the views of the next president. The president's recent decision not to deport millions of undocumented immigrants could be undone by the next president. So too could some of his environmental regulations. Both of those issues are important to key constituencies in the Obama coalition—Latinos and younger voters—so the next Democratic nominee will promise to uphold them.** Though the Affordable Care Act is a piece of legislation, the president has shown how it can be protected through executive modifications, a tradition his successor could continue. Plus, the law will continue to face existential threats from Republicans, which means its survival may also be dependent on the shield of the presidential veto. Willfully dressing up in the lame-duck costume every day to sit mute at 1600 Pennsylvania Ave. is very hard. **Each Democratic candidate who hopes to have a chance will run supporting Obama's positions on health care, immigration, and climate change. Given those positions on the big things, any move to distance themselves from Obama will seem puny by comparison.** In newsrooms, editors will monitor the micrometers between the faintest policy differences, and they will shout emergency orders to make a big deal about it. But despite all the talk about distancing, candidates will learn what Democratic senators up for re-election learned this fall: **Resistance is futile. If there is a D next to your name, you can't really get that far from the president. Over the next two years, if you could capture the relative political distance between Barack Obama and Hillary Clinton in Hyperlapse, it would look like two figures standing in place with a blast from the flash cameras every time one or the other made the smallest wiggle** but retaining their essential original posture. Even if they are not trying to distance themselves from an unpopular incumbent, candidates do sometimes have different views and whether by design or accident they will define themselves as what the president is not. Obama's aides say the president understands this: He is supposedly prepared to endure some criticism and even the occasional blow or two to his ego because the best way to lock in his legacy is if a Democrat is elected. As Taylor Branch wrote in *The Clinton Tapes*, Bill Clinton once told Al Gore, "Al, I would let you flog me at noon right on the doorstep of the Washington Post." That equanimity sounds good now, but it might be hard to sustain that Zen posture. In the end, what makes it hard for presidents is not just enduring the abuse but the idea that the current nominee could be running a better campaign. However much Gore's distancing might have hurt Clinton personally, he also thought the Gore team was politically stupid to run away from the president and he imagined he could do some good out there campaigning for Gore on the campaign trail. Obama may feel the same way; he may stay mum, but his loyal aides will provide the anonymous quotes. It will also be hard for Obama to sit still. During the final months of the 2014 races, Obama could barely move without it becoming a campaign story. That will kick in even faster before 2016. Taking abuse is easy; willfully dressing up in the lame-duck costume every day to sit mute at 1600 Pennsylvania Ave. is much harder.

Empirics proves Obama's actions are tied to Hillary's campaign

Judis Nov 17th 2014

(History Shows That Hillary Clinton Is Unlikely to Win in 2016, NOVEMBER 17, 2014 By John B. Judis an American journalist, is a senior writer at The National Journal and a former senior editor at The New Republic, New Republic, <http://www.newrepublic.com/article/120303/democrats-hillary-clinton-could-lose-2016-presidential-election>)

Republicans did well in the midterm elections, but there is widespread agreement that they face a demographic disadvantage in the 2016 presidential election, when many of the predominately Democratic

younger and minority voters, who stayed home in 2014, will return to the polls. It's true that an expected increase in turnout will benefit the Democrats, but may not be enough to elect another Democratic president. The chief obstacle that any Democratic nominee will face is public resistance to installing a president from the same party in the White House for three terms in a row. If you look at the presidents since World War II, when the same party occupied the White House for two terms in a row, that party's candidate lost in the next election six out of seven times. The one exception was George H.W. Bush's 1988 victory after two terms of Ronald Reagan, but Bush, who was seventeen points behind Democratic nominee Michael Dukakis at the Republican convention, was only able to win because his campaign manager Lee Atwater ran a brilliant campaign against an extraordinarily weak opponent. (Democrats might also insist that Al Gore really won in 2000, but even if he had, he would have done so very narrowly with unemployment at 4.0 percent.) There are three reasons why the three-term obstacle has prevailed. The first and most obvious has been because the incumbent has become unpopular during his second term, and his unpopularity has carried over to the nominee. That was certainly the case with Harry Truman and Adlai Stevenson in 1952, Lyndon Johnson and Hubert Humphrey in 1968, Gerald Ford (who had succeeded Richard Nixon) in 1976, and George W. Bush and John McCain in 2008. The second reason has to do with an accumulation over eight years of small or medium-sized grievances that, while not

affecting the incumbent's overall popularity, still weighed down the candidate who hoped to succeed him.

Dwight Eisenhower remained highly popular in 1960, but some voters worried about repeated recessions during his presidency, or about his support for school integration; Bill Clinton remained popular, and unemployment low, in 2000, but his second term had been marred by the Monica Lewinsky scandal, and coal-state voters worried about Democrats' support for Kyoto

while white Southern voters worried about the administration's support for African American causes. The third reason has to do with the voters' blaming party gridlock between the president and congress partly on the president and his party. That was a factor in 1960—James McGregor Burns was inspired to write The Deadlock of Democracy by the Eisenhower years—and it was also a factor in the 2000

elections. In the 2016 election, not just one, but all three of these factors will be in play and will jeopardize the Democratic nominee. Obama and his administration are likely to remain unpopular among voters. There is already an accretion of grievances among Obama and the Democrats that will carry over to the nominee. These include the Affordable Care Act, which, whatever benefits it has brought to many Americans, has alienated many senior citizens (who see the bill as undermining Medicare), small business owners and employees, and union leaders and workers whose benefits will now be taxed. Add to these the grievances around the

administration's stands on coal, immigration, guns, and civil rights, including most recently its support for the protestors in Ferguson. There are, of course, many voters who would vote for a Republican regardless

of who had been in office, but there are many voters in the middle (especially in presidential years) whose vote, or failure to vote at all, will be swayed by a particular grievance. That certainly hurt Al Gore in 2000, McCain in 2008, and could hurt the Democratic nominee in 2016. It's a very rough measure, but you can look at the shift in the independent vote in 1960, 1968, 1976, 2000, and 2008 to see how the accretion of grievances can sway voters in the middle. There are, of course, mitigating factors that could help a Democrat to succeed in 2016. Demography and turnout are important, although not decisive. (A Democrat still has to win over 40 percent of the white vote to succeed, as well as nearly 70 percent of the Hispanic vote.) The quality of the candidate is also important. If the opposition party nominates candidates who are ineffective, as Dukakis was, or are incapable of moving to the center (either temperamentally or because of party pressures), then the candidate of the party in the White House can win. Equally, if the party in the White House nominates someone who is greatly admired (as Herbert Hoover was in 1928), or runs a terrific campaign (as Bush-Atwater did in 1988), they can win. Can the Democrats overcome the third-term hitch in 2016? If the nominee is Hillary Clinton, as now appears likely, she should be able to command significant support among women and minorities—two key Democratic constituencies. Her experience gives her credibility as a candidate (the dynastic factor is primarily of interest to the press). And she is not positioned too far to the left. But in her 2008 run, neither she nor her campaign managers displayed the political skill of the last presidential victors. And she will have difficulty dissociating herself from the voters' disapproval of Obama's

administration. The Democrats could benefit if the Republicans nominate a relatively inexperienced right-winger or someone who possesses the temperament of a high school football coach rather than a president. But in the last elections, they opted for the more centrist contenders who had some credibility as presidential candidates. If they opt for an experienced centrist in 2016—Florida's Jeb Bush is the obvious example—and if the party's right wing doesn't demand he toe the line, they could stand a good chance of reclaiming the White House and of confirming Americans' reluctance to keeping the same party in the White House three terms in a row.

Courts Link

Court activism a key issue in the election

LA Times 6/10

By DAVID G. SAVAGE AND MICHAEL A. MEMOLI June 10, 2015 How will history judge Obama? Courts may decide <http://www.latimes.com/nation/la-na-obama-courts-legacy-20150610-story.html#page=1>

A decade ago, Democrats cheered court decisions that tried to rein in the National Security Agency or the Guantanamo prison. Republicans complained of “activist” judges who sought to “legislate from the bench.” Now it is Republicans who are turning to the courts and accusing the president of abusing his authority. Last year, the House under Republican control voted for the first time to sue a president for exceeding his authority. Jonathan Turley, a George Washington University law professor who said he voted for Obama, signed on as the lead lawyer for the House. His suit says Obama chose to extend several deadlines set in the healthcare law and opted to spend money that was not appropriated by the House. For Democrats, **alleged conservative court activism has emerged as a key issue in the early stages of the 2016 presidential campaign.** Hillary Rodham Clinton has turned a spotlight on decisions that limited voting rights and opened the door for more money in politics.

Empirics prove – Republicans will stick court decisions on Hillary

Bush 6/25

Jeb Bush June 25, 2015 Jeb 2016! Mass email

<https://twitter.com/derekwillis/status/614094116075520001/photo/1>

The Supreme Court just upheld Obamacare yet again. This is the direct result of President Obama. He deliberately forced ObamaCare on the American people in a partisan and toxic way. And **we both know that Hillary Clinton will be more of the same. We cannot let this happen.** That is why I need you to make a one time – emergency contribution of \$50, \$25, or \$10 to my campaign to ensure that NEVER happens. Friend, you know in your heart that **we cannot afford four more years of the same policies, which will be the case under a Clinton White House.** But the only way to prevent that is to make the most generous contribution you can afford right now to stop her. And here is my promise to you. As President, I will uphold our Constitution, I will not compromise my duty to you or the American people. We need a President who will repeal and replace ObamaCare with a conservative solution. **So join me today, and ensure we put a stop to Hillary Clinton and the overreaches of the last six years.**

No Stance

Empirics prove- Hillary was too issue specific and policy focused in 2008

Encarnacao, 6/14. Jack, Boston Herald, 2015. "'Sheer force' could be enough to propel Hillary Clinton, Jeb Bush to 2016."

http://www.bostonherald.com/news_opinion/us_politics/2015/06/sheer_force_could_be_enough_to_propel_hillary_clinton_jeb_bush_to

Presidential front-runners Hillary Clinton and Jeb Bush will struggle to convince skeptical voters in New Hampshire appearances this week that they're fresh and invigorating candidates, but "sheer force" and "dynasty" may yet prove their winning hands in 2016, political operatives say. "It's going to be about the dynasty," said Andrew Hemingway, who ran Newt Gingrich's New Hampshire campaign in 2012. "It's going to be about the amount of money I can raise, the size of my organization, and, 'I don't care, I can wait everybody out.' It's just going to be sheer force. It's really boring." Boston-based Democratic operative Scott Ferson said it all adds up to the kind of clash of political royalty that voters profess to disdain — but which he believes they'll end up choosing. "How does the royal family in England keep fresh? They give us new royalty, same family, new players," Ferson said. "So we've got Charles and George, maybe that's Hillary and Jeb. And we've got a kingmaker, Mitt Romney. And we've got a court jester, Donald Trump." But GOP strategist Ford O'Connell, who advised John McCain's 2008 campaign, countered that the key to clinching New Hampshire for Bush is "to convince people that he's Jeb the former conservative governor from Florida and not the third Bush." "It's a record that, honestly, if you remove the last name, everyone would be going gaga over," O'Connell said, citing reduced taxes and improved education. Bush is expected to formally announce today in Florida, then travel to the Granite State. Clinton today will attend an early education forum in Rochester, a launch party in Concord and a Democratic dinner in Manchester. Real estate mogul Trump is expected to announce tomorrow and then hit the

Granite State Wednesday, Ferson said Clinton needs to revive the solution-oriented rhetoric of her 2008 bid to counter feelings of inevitability and questioned the strategy behind Clinton framing herself as a champion of the middle class. In '08, she was very pointed about what we need to do and how we're going to get it done. It wasn't an, 'I feel your pain' kind of thing," Ferson said. She's trying to be fresh like Barack Obama was in '08 and like Bill Clinton was in '92. And the reality is she's not new, she's not like them, but she's the most qualified person in the race. ... It's a mistake for her to try to switch up who she is and reinvent herself."

Clinton won't take a stance on surveillance – the plan and a narrowing race would force her hand Friedersdorf 15

CONOR FRIEDERSDORF FEB 25, 2015 Hillary's Evasive Views on the NSA

<http://www.theatlantic.com/politics/archive/2015/02/hillary-clintons-evasive-position-on-nsa-spying/386024/>

Hillary Clinton is almost certain to launch a bid for the presidency. But at least for now, she's determined to keep the public guessing about her stance on NSA spying. As Edward Snowden's revelations forced the issue to the fore of national debate, she kept mum, even as other prospective candidates staked out

positions. ¶ On Tuesday, the technology journalist Kara Swisher raised the subject of surveillance while questioning the former Secretary of State. "Would you throttle back the NSA in the ways that President Obama has promised but that haven't come to pass?" she asked. Clinton's successfully evasive answer unfolded as follows: ¶ Clinton: Well, I think the NSA needs to be more transparent about what it is doing, sharing with the American people, which it wasn't. And I think a lot of the reaction about the NSA, people felt betrayed. They felt, wait, you didn't tell us you were doing this. And all of a sudden now, we're reading about it on the front page... ¶ So when you say, "Would you throttle it back?" Well, the NSA has to act lawfully. And we as a country have to decide what the rules are. And then we have to make it absolutely clear that we're going to hold them accountable. What we had because of post-9/11 legislation was a lot more flexibility than I think people really understood, and was not explained to them. I voted against the FISA Amendments in 2008 because I didn't think they went far enough to kind of hold us accountable in the Congress for what was going on. ¶ Swisher: By flexibility you mean too much spying power, really. ¶ Clinton: Well yeah but how much is too much? And how much is not enough? That's the hard part. I think if Americans felt like, number one, you're not going after my personal information, the content of my personal information. But I do want you to get the bad guys, because I don't want them to use social media, to use communications devices invented right here to plot against us. So let's draw the line. And I think it's hard if everybody's in their corner. So I resist saying it has to be this or that. I want us to come to a better balance. ¶ This will not do. The answer elides the fact that Clinton has not been a passive actor in surveillance policy. "What the rules are" is something that she was responsible for helping to decide. She served in the United States Senate from 2001 to 2009. She cast votes that enabled the very NSA spying that many now regard as a betrayal. And she knew all about what the NSA wasn't telling the public. To say now that the NSA should've been more transparent raises this question: Why wasn't Clinton among the Democrats working for more transparency? Clinton may resist "saying" that surveillance policy "has to be this or that," but it must be something specific. "Let's draw the line" and "I want us to come to a better balance" are shameless weasel phrases when you're vying to call the shots. What is being balanced in her view? What should the NSA have revealed earlier? How much transparency should it provide going forward? What does the law require of the NSA? Since 9/11, when has the NSA transgressed against the law as Clinton sees it? Those

questions hint at the many ways that her position is evasive. So long as no one else contests her party's nomination, she can get away with it.

Clinton guilty of shifting positions

Tobin 2015, Jonathan S. Tobin (Senior Online Editor of Commentary magazine), 15 June 2015, The "New Hillary" Reboot Changes Nothing, <https://www.commentarymagazine.com/2015/06/15/the-new-hillary-clinton-reboot/>. PE

Like past attempts by politicians to re-imagine themselves ("new Nixon"), Hillary's second start to her campaign was to a large degree a sleight of hand maneuver. Her problems stemmed from blows to her reputation from revelations about her bizarre use of private emails and the ethical questions that arose once the press began scrutinizing the Clinton Family Foundation. Clinton's inability or unwillingness to candidly address these issues dovetailed with her refusal to speak to the press after she began her campaign to give her the impression of a woman trying to run for president in a bubble. Clinton is supposed to start giving interviews to local press outlets this week while still shunning more aggressive national reporters. But the problem goes deeper than whether she's dodging the press altogether as opposed to giving canned and evasive answers to questions. If Clinton's trust and favorability ratings are under water, it's not because she hasn't given interviews. It's because the public understands that she is a chameleon who will change her positions as often as she changes her accent. Her willingness to adopt a southern drawl in the south and then drop it when north of the Mason-Dixon line is one of the most obvious and shameless bits of pandering by a politician since Thomas Edison first recorded sound. But while that might be forgiven, the country has also noticed that Clinton has made a hard left turn on both foreign and domestic issues that gives the lie to her pose as a "fighter." The most obvious instance this past week was her steadfast refusal to take a stand one way or the other on the trade bill that failed in the House last Friday because rank and file Democrats opposed President Obama. Clinton had been on record supporting this concept throughout her time as secretary of state and before that in the Senate. But she stayed silent as Obama went down to a humiliating defeat and then said nothing about it the next day in her speech. Subsequently, she tried to play both ends against the middle by saying she wanted a modified trade bill. This does nothing to further the cause she once supported and also fails to satisfy the unions that flexed their muscles last week on the vote. That her reboot that aims to show her as a "fighter" happened on the very days that her backers were busy rather fruitlessly trying to spin her cowardice as principle on the cable news shows was bad luck. But the new emphasis on personal biography isn't likely to help her overcome that setback. ¶ We're told we're going to hear a lot about how Mrs. Clinton's mother's humble beginnings and struggles influenced her. But Clinton's decision to run against the same Wall Street that backed her in 2008 by slamming the chutzpah of hedge fund managers making more than kindergarten teachers also opens the former First Lady up to the same sort of scrutiny. The problem with the Clinton Cash scandal is not just that it raised serious conflict-of-interest questions that haven't been answered. It's that it reminded voters that the Clintons have grown wealthy by giving speeches and profited handsomely from a foundation that is more a political slush fund than anything else. ¶ The left loves Clinton's new emphasis on soaking the rich. But this is the same Hillary who claimed to be "dead broke" the year she and her husband received \$18 million in book advances. It's the same Hillary who made hundreds of thousands of dollars per speech. This marks her as a hypocrite on income inequality. The biography she wants to run on tells us the only operating principle in her political career is opportunism. That's why she changed positions on foreign policy (Iraq, Cuba); social issues like gay marriage, immigration, abandoning her husband's stances on crime and, of course, trade. ¶ The new Hillary is talking more like a left-winger to ensure that no one gets to her left in the next year as she waltzes to the Democratic nomination. But she's still the same politician that voters view with unease even if they'd like a woman to be president and are unsure about her potential GOP rivals. This is a dilemma no amount of repackaging can fix and in fact efforts to do so only remind us of her former stances. Clinton's shady ethics and shifting positions indelibly mark her as a politician no one outside of her party base can trust. Just as Republicans were rightly chided for forcing Mitt Romney so far to the right that it hurt him in the general election in 2012, the new Hillary is an unforced error that may come back to haunt the candidate in the fall of 2016.

Clinton refuses to take stance on foreign policy

Fahy & Fahy 15', Brian and Garrett Fahy (attorneys from Los Angeles who previously worked in the White House and Senate Republican Conference), Hillary's Backward Avoidance Campaign, 15 June 2015, <http://townhall.com/columnists/brianandgarrettfahy/2015/06/15/hillarys-backward-avoidance-campaign-n2012022/page/full>. PE

Greece's continuing economic woes threaten to send the European Union into chaos. China creates islands in the South China Sea on which to build military bases to threaten our allies. ISIS claims more of Iraq and the White House contemplates another influx – don't call it surge – of "military advisors" and bases to counter the threat. The Russia/Ukraine conflict festers.¶ The presumptive Democratic nominee for the White House, Hillary Clinton, spent four years globetrotting and meeting foreign heads of state, ostensibly in service of the country. Based on this experience, one would assume she has something constructive to say about these issues. Yet she apparently does not, and she has assiduously avoided wading into foreign policy issues since declaring her candidacy for the presidency.¶ Instead, after she overcame the early scandals of private email usage at the State Department, and reemergence of Sidney Blumenthal, she has been spending her time talking about prison overcrowding, racial strife, and now, in her latest effort to avoid the realm she supposedly mastered, she is talking about the story of her own mother, Dorothy Howell. This latest, shall we call it reset, of her campaign is evidence that she has no idea what her campaign is about.

Hilary Clinton refuses to take partisan position on issues – Obama's trade bill shows.

Ehrenfreund 6/19 Max Ehrenfreund (Political Reporter who has written for The Huffington Post, Los Angeles Times, and other publications,) Washington Post, "Hillary Clinton takes a stand on trade," <http://www.washingtonpost.com/blogs/wonkblog/wp/2015/06/19/wonkbook-hillary-clinton-takes-a-stand-on-trade/>

In a televised interview with Jon Ralston for KNPB in Reno, Hillary Rodham Clinton said she'd vote against the procedural bill on trade that President Obama, her old boss, and congressional Republicans have spent months working to pass. Clinton's statement Thursday contrasts sharply with her previous support for Obama's trade agenda. After all, as his secretary of state, she helped negotiate the deal in the Pacific that Obama hopes to conclude. Clinton seems to worry that the struggle in Congress has weakened the bill. With Democrats opposed in the House, the GOP leadership separated the bill into two parts to try to guarantee that their caucus would support the legislation. One piece would give the president broader authority to negotiate a trade deal with foreign countries, and another would protect workers and firms here displaced by global commerce. With no assurance that the second part of the legislation will pass, Clinton is now formally opposed. Clinton's comments might be seen as a victory for Sen. Bernie Sanders (I-Vt.), her rival for the Democratic presidential nomination. Sanders has spent weeks criticizing Clinton for "fence-sitting" on the trade issue, as he told CNN's "State of the Union." A few days ago, Clinton had said she thought Obama should "listen to and work with his allies in Congress, starting with Nancy Pelosi," the House minority leader who had voted against the legislation, but Clinton also implied that Obama could use congressional Democrats' opposition to bargain with other countries for a better deal. Clinton's campaign has reason to be concerned about Sanders's challenge, Jonathan Easley writes in The Hill. Sanders is polling well in New Hampshire, and Clinton has performed poorly in Iowa in the past. With a strong showing in either of the two early primary states, Sanders could win the attention of the media, donors and voters.

Hillary refuses to take stance on issues to silence GOP critics

Jonah Goldberg 15[fellow at the American Enterprise Institute, contributor to Fox News, LA Times, editor of National Review Online], 3-9-2015, "Where's Hillary? Avoiding the issues, again," latimes, <http://www.latimes.com/opinion/op-ed/la-oe-0310-goldberg-hillary-clinton-emails-20150310-column.html>

The drumbeat for **Hillary Rodham Clinton** to exit her bunker and answer questions about her “home-brewed” email system **has been** growing louder by the day, **prompting people to ask, “Where's Hillary?”** But if you think about it (or search the Internet or Lexis-Nexis), you'll realize that “Where's Hillary?” is one of the most frequently asked questions of her long career in public life. Hillary Clinton's strategy on those missing emails: Ignore her critics Hillary Clinton's strategy on those missing emails: Ignore her critics Sometimes it's asked figuratively. **Clinton has a tendency to sit out many public controversies**, refusing to take a stand. Last December, **for instance**, as **the issues of race and police conduct** were tearing apart the country over killings in Missouri and New York, CNN's Jason Johnson asked, “Where's Hillary Clinton?” According to Johnson, a political science professor and political consultant, the “most serious problem for **Hillary** 2016 is the perception that she's an overly cautious politician who **is afraid to take tough stances on anything, especially** those **issues the Democratic base might be passionate about**. And nowhere is this more evident than in her almost utter silence on the recent protest marches across the nation.” I Related Clinton's miscalculation on her private email account EDITORIAL Clinton's miscalculation on her private email account SEE ALL RELATED 8 That same month, MSNBC.com ran a piece by Alex Seitz-Wald headlined, “Where is Hillary on Torture?” Just last week, Breitbart.com asked, “Where's Hillary?” with regard to the controversy over Israeli Prime Minister Benjamin Netanyahu's address to Congress. **She's been similarly coy about gay marriage and countless other issues**. For one of America's most knowledgeable and controversial political leaders, **she** sure **stays on the sidelines** a lot. Perhaps because the first advice lawyers give their clients is to clam up, **one of Clinton's preferred tactics is to slow-walk her response to investigators**. - At this point, it's fair to say this is simply who she is. She and Bill Clinton have law degrees, but only Hillary was ever a real, practicing lawyer. And though she made the transition to full-time politician long ago, she never lost her lawyerly persona or worldview. Bill works by the seat of his pants (well, usually it's the seat). He's probably the greatest extemporaneous political talker in America, with the possible exception of Newt Gingrich. Clinton, meanwhile, does her homework. She puts together huge, sprawling task forces. That's how she crafted her failed “HillaryCare” proposal in the early 1990s, and it's how she's setting up her presidential campaign (she reportedly has 200 policy advisors already). cComments @trudeman neither ridicule nor argumentative JERRY W. LEWIS AT 6:06 PM MARCH 12, 2015 ADD A COMMENTSEE ALL COMMENTS 85 Perhaps because the first advice lawyers give their clients is to clam up, one of Clinton's preferred tactics is to slow-walk her response to investigators. To pick just the most famous example, in 1994, special counsel Robert Fiske subpoenaed all papers related to an allegedly shady land deal, to be delivered within 30 days. The Clintons claimed the billing records from her law firm were lost. Almost two years later, they magically appeared in the White House residence. Will Clinton let email issue mushroom into a major problem? Will Clinton let email issue mushroom into a major problem? Just because she's served as her own lawyer doesn't mean Clinton has a fool for a client. **Her passive-aggressive approach to politics** often serves her well. By waiting long stretches of time, she **encourages her political enemies to get ever more shrill** or conspiratorial, **even as the mainstream media grow weary of the story, particularly if it lends aid and comfort to GOP critics**.

Hillary won't focus on controversial issues-

Paul Mirengoff 15, lawyer, attended Dartmouth College and Stanford Law School. 6-15-2015, “Hillary Clinton: launched but not engaged,” Power Line, <http://www.powerlineblog.com/archives/2015/06/hillary-clinton-launched-but-not-engaged.php>

The **Hillary Clinton** campaign, twice launched, **still doesn't** meet the traditional criteria for a political campaign. Real presidential candidates have always **take positions on key issues**, especially those current enough to be voted on by Congress. Hillary Clinton refuses. Judged conventionally, **she's** still in exploratory mode. What is she **exploring**? Two things. The political winds and **how much** (or little) **she can get away with**. The mainstream media, it appears, will let her get away with plenty. **Republican contenders**, be they governors or neurosurgeons, **are expected to opine** on a wide range of **foreign policy topics. If they trip up even slightly, they are said to be unready** for the Oval Office. **Meanwhile, Clinton**, who as Secretary of State helped formulate current U.S. foreign policy, **opines little. And** the MSM **makes little complaint**.

Internal Link

I/L – momentum

Obama’s momentum determines the success of the Hilary campaign

Weber et al. 4/7 (Lauren Weber, Jason Linkins, Howard Fineman, “Trail To The Chief: The 2016 State Of The Race Edition” 4/7/2015, http://www.huffingtonpost.com/2015/04/02/trail-to-the-chief-2016-state-of-race_n_6994690.html)//JHH

It’s spring, and it’s time for the quadrennial launching of presidential campaigns.¶ “Launching” used to be exclusively a live theatrical moment, akin to smashing a bottle of Dom Perignon against a battleship or raising the curtain on a one-man (or one-woman) Broadway play.¶ But this year the live, in-person launch is merely the excuse for as big a social media supernova as the candidate can muster. The aim is not so much to advertise the candidate to the entire world as to vacuum up contact info about potential supporters, donors and volunteers.¶ The candidates this year need all the socialization they can get, for different reasons. Hillary Clinton wants to convert all those Obama lists and all that Obama energy into something of her own. The others just desire some momentum any way they can get it.

Losing momentum during the announcement decimates Hilary

Gerber 3/31 (Scott Gerber, “Opening Day optimism” 3/31/2015, [//JHH](http://thehill.com/blogs/congress-blog/presidential-campaign/237256-opening-day-optimism))

Second, you can’t win the pennant race in April and May, but you sure can lose it. So it’s so important to come out of the gate strong, define yourself and your candidacy, show momentum and inevitability. That’s why the Hillary Clinton email brouhaha matters. It’s not that people really care what server she kept her public and private correspondence on. They really don’t. But the issue diminishes her ability to present herself anew to the American people, and it has the potential to undermine one of her chief arguments – that she is more competent than the sitting president and the diverse field of Republican wannabes. Similarly, reports that Ted Cruz is signing up for Obamacare hints at the worst political trait of them all – hypocrisy.¶ Third, pitching wins championships, especially in the post-steroid era. The Giants have Matt Cain and Madison Bumgarner. The Dodgers have Clayton Kershaw. The Nationals have Stephen Strassburg, Jordan Zimmermann, and Max Scherzer.¶ So what’s the equivalent in politics. It’s message, message, message. Finding the right message defines the Why of the campaign. Why are you running? Why are you better than the other candidates? Why now?¶

I/L – turnout

The plan kills voter turnout and perceptions of a strong Hillary, now is key Reich 4/10 (Robert Reich, “The Defining Moment, and Hillary Rodham Clinton,” 4/10/15, http://www.huffingtonpost.com/robert-reich/the-defining-moment-and-h_b_7042646.html)//JHH

It's a paradox. ¶ Almost all the economic gains are still going to the top, leaving America's vast middle class with stagnant wages and little or no job security. Two-thirds of Americans are working paycheck to paycheck. ¶ Meanwhile, big money is taking over our democracy. ¶ If there were ever a time for a bold Democratic voice on behalf of hardworking Americans, it is now. ¶ Yet I don't recall a time when the Democratic Party's most prominent office holders sounded as meek. With the exception of Elizabeth Warren, they're pussycats. If Paul Wellstone, Teddy Kennedy, Robert Kennedy, or Ann Richards were still with us, they'd be hollering. ¶ The fire now is on the right, stoked by the Koch brothers, Rupert Murdoch, and a pocketful of hedge-fund billionaires. ¶ Today's Republican firebrands, beginning with Ted Cruz, blame the poor, blacks, Latinos, and immigrants for what's been happening. They avoid any mention of wealth and power. ¶ Which brings me to Hillary Rodham Clinton. ¶ Some wonder about the strength of her values and ideals. I don't. I've known her since she was 19 years old, and have no doubt where her heart is. For her entire career she's been deeply committed to equal opportunity and upward mobility. ¶ Some worry she's been too compromised by big money - that the circle of wealthy donors she and her husband have cultivated over the years has dulled her sensitivity to the struggling middle class and poor. ¶ But it's wrong to assume great wealth, or even a social circle of the wealthy, is incompatible with a deep commitment to reform - as Teddy Roosevelt and his fifth-cousin Franklin clearly demonstrated. ¶ The more relevant concern is Hillary Clinton's willingness to fight. ¶ Politicians usually seek to appeal to as many voters as possible, eschewing controversy. After a devastating first midterm election, her husband famously "triangulated" between Democrats and Republicans, seeking to find a middle position above the fray. ¶ But these times are different. Not in ninety years has America harbored a greater concentration of wealth at the very top. Not since the Gilded Age of the 1890s has American politics been as corrupted by big money as it is today. ¶ If Hillary Clinton is to get the mandate she needs for America to get back on track, she will have to be clear with the American people about what is happening and why - and what must be done. ¶ For example: Wall Street is still running the economy, and still out of control. ¶ So we must resurrect the Glass-Steagall Act and bust up the biggest banks, so millions of Americans don't ever again lose their homes, jobs, and savings because of Wall Street's excesses. ¶ Also: Increase taxes on the rich in order to finance the investments in schools and infrastructure the nation desperately needs. ¶ Strengthen unions so working Americans have the bargaining power to get a fair share of the gains from economic growth. ¶ Limit the deductibility of executive pay, and raise the minimum wage to \$15 an hour. ¶ Oppose trade agreements like the Trans Pacific Partnership designed to protect corporate property but not American jobs. ¶ And nominate Supreme Court justices who will reverse "Citizens United." ¶ I'm not suggesting a long list. Democratic candidates too often offer mind-numbing policy proposals without explaining why they're important. ¶ She should use such policies to illustrate the problem, and make a vivid moral case for why such policies are necessary. ¶ In recent decades Republicans have made a moral case for less government and lower taxes on the rich, based on their idea of "freedom." ¶ They talk endlessly about freedom but they never talk about power. But it's power that's askew in America - concentrated power that's constraining the freedom of the vast majority. ¶ Hillary Clinton should make the moral case about power: for taking it out of the hands of those with great wealth and putting it back into the hands of average working people. ¶ In these times, such a voice and message make sense politically. The 2016 election will be decided by turnout, and turnout will depend on enthusiasm. The largest party in America isn't the Republican or Democratic Parties; it is the Party of Non-Voters, who have become so cynical about politics they've ceased voting. ¶ If she talks about what's really going on and what must be done about it, she can arouse the Democratic base as well as millions of Independents and even Republicans who have concluded, with reason, that the game is rigged against them. ¶ The question is not her values and ideals. It's her willingness to be bold and to fight, at a time when average working people need a president who will fight for them more than they've needed such a president in living memory. ¶ This is a defining moment for Democrats, and for America. It is also a defining moment for Hillary Clinton.

I/L – trade

Clinton is against TPP

Bradner 15' Eric Bradner (Reporter in CNN Politics) May 19th, 2015. CW Politics. "Clinton finds Problems with Obama TPP Trade Proposal" <http://www.cnn.com/2015/05/19/politics/hillary-clinton-trade-issues-iowa-trip/>

Hillary Clinton took aim Tuesday at two core components of a massive free trade pact that President Barack Obama is negotiating — signaling some agreement with the deal's liberal critics. ¶ The Democratic front-runner in the 2016 presidential race said she wants to see rules included in the Trans-Pacific Partnership that would penalize countries for driving down the value of their currencies in order to give their exports a price advantage in the U.S. market. ¶ And she said she's concerned about a provision that would give "corporations more power to overturn health and environmental and labor rules than consumers have." "I think that is a problem," Clinton said ¶ during a roundtable event in Iowa, when one woman participating in the event asked her about the deal. ¶ It's

as close to staking out a clear position on the trade deal that Clinton has come — though she left wiggle room Tuesday. ¶ "I want to judge the final agreement. I have been for trade agreements; I have been against trade agreements," she said. ¶ Her comments come as the Senate prepares to vote on trade promotion authority, a measure that would allow Obama to finalize the Pacific Rim deal and submit it to Congress for a vote with limited debate and no amendments. That authority, negotiators say, is crucial to getting other countries to sign off on a final deal. ¶ Those two items are central to the critique that trade unions, environmental and public health groups have made against the 12-country Pacific Rim pact, which would link 40% of the world's economy, including Japan, Australia, Canada and Mexico. ¶ Currency manipulation is not part of the talks. U.S. trade negotiators have instead said currency issues are best left to the Treasury Department, and that including them in the trade talks could be a deal-breaker for other countries. ¶ Democrats are pushing to amend the trade promotion authority bill to force Obama to address currency in the trade deal. ¶ The amendments being pushed, Clinton said, have "some merit." ¶ What is part of the negotiations, though, is a wonky item known as an "investor-state dispute settlement" mechanism. ¶ It would give corporations the right to challenge, to an independent, international arbiter, whether countries' rules and regulations meet their free trade obligations. ¶ Democratic Sen. Elizabeth Warren of Massachusetts has raised that issue as the key reason she wants to see the Trans-Pacific Partnership rejected.

Hillary will reject TAA

White 6/19/15

(Hillary's campaign stumbles on trade Ben White is Politico's chief economic correspondent and a CNBC contributor Friday, 19 Jun 2015, http://www.cnbc.com/id/102773635?_source=msn%7Cmoney%7Cheadline%7Cstory%7C&par=msn)

Hillary Clinton remains the all-but-certain Democratic nominee for president. But right now her campaign is something of a hot mess, especially on the issue of trade, where pressure from the left is leading her into nonsensical and inconsistent statements. Clinton was a strong advocate of the Trans-Pacific Partnership trade deal as secretary of state. And she wrote about the giant Asia trade pact in glowing terms in her pre-campaign book "Hard Choices." But as the activist left of the party mobilizes against the deal, Clinton now says on the campaign trail that there is stuff in it she doesn't like. And Clinton backed House Minority Leader Nancy's Pelosi's approach, which was to torpedo Trade Adjustment Assistance (TAA), a cherished Democratic program, in order to stop Obama's push for Trade Promotion Authority (TPA). But without TPA there is no TPP, which Clinton once strongly supported. Figure that out, if you can. And many of the former first lady's comments on the topic lately have made no logical sense whatsoever. This is perhaps the most bizarre: "The TPA is a process issue. The issue for me is what's in the deal," Clinton said this week in New Hampshire. "I think this is a chance to use this leverage so that the deal does become one that more Americans and members of Congress can vote for." ¶ Where to start trying to deconstruct this statement? TPA is not just a process issue. Without it Obama cannot complete TPP because no country is going to offer up major concessions if they fear Congress will just amend the deal. So what kind of leverage was she talking about? TPA is designed to give the administration leverage to get the best trade

terms possible. Blocking it would take that leverage away. Clinton might as well have said, "I can't anger unions and the left and feed Bernie Sanders' momentum by backing my former boss on TPA so an advisor told me to dismiss it as a 'process issue' so that's what I'm doing even though it makes no sense and everyone knows it." The Bernie Sanders problem is increasingly real for Clinton. It's impossible to imagine the Democratic Party nominating an avowed socialist for president. But Sanders is drawing close to Clinton in New Hampshire polling and drawing big enthusiastic crowds wherever he goes. The reason for this is he thrills the activist left with his outspoken (and consistent) opposition to free trade deals and repeated calls for breaking up big banks and otherwise cracking down hard on Wall Street. He is to the left what Eugene McCarthy and Adlai Stevenson were in the past: The genuine progressive article. So far Clinton is trying to defuse this with her references to overpaid hedge fund managers and now backing off on previous trade support. But just as soon as Hillary Clinton hedged on trade, her husband former President Bill Clinton went on "The Daily Show" and talked up the benefits to American workers and the economy of signing such deals. Bill Clinton obviously speaks for himself not his wife but these moments can only remind voters that it's hard to know exactly where the Clintons really stand on some of these issues. And the heat for Hillary Clinton to clarify her position on trade is only going to rise if the current legislative gambit to get TPA done works, which it probably will. If it does, Obama could finish TPP and send it to Congress. Perhaps Clinton's need to tack so nakedly and embarrassingly to the left will be over by the time that happens and she can return to her previous support for TPP. But she will not have covered herself in glory (or consistency or trustworthiness) by the time that happens. The whole trade mess points up the central problem with Hillary Clinton's candidacy: Who exactly is she and what does she believe? Is she the liberal fighter for universal health care? Or the moderate, centrist who backs free trade and sees a pivotal role for Wall Street and the banking industry in the American capitalist system? Is she the foreign policy hawk who backed the second Iraq war and ran to the right of Barack Obama in 2008 or the more dovish 2016 version who admits the Iraq vote was a mistake? So far the answer has been: Who knows? And attempts by the Clinton campaign to wrap the candidate in gauzy platitudes about grandmotherhood and advocacy for women and girls won't cut it as the primaries and caucuses approach. Hillary Clinton will eventually have to take tough and clear stands on issues like free trade and let voters decide if they like what they hear. Hard choices, indeed.

Impact

1NR — Turns climate

Clinton win solves climate change

Sargent 14

Greg, “This one Hillary quote about climate change is very, very important”

[<http://www.washingtonpost.com/blogs/plum-line/wp/2014/12/04/this-one-hillary-quote-about-climate-change-is-very-very-important/>] December 14 //

Hillary Clinton said something important about climate change this week — something that could resonate into the next presidential race. It isn't what you've read about, though. Clinton gave a speech at the League of Conservation Voters, and judging by the headlines about it, you'd think the newsworthy portion was her unwillingness to take a position on the Keystone pipeline. ¶ That is understandably frustrating to environmental activists. But now that video of the full speech is available, it's obvious that her Keystone dodge is potentially far less important than this portion: ¶ “You pushed for and rallied behind President Obama's use of the Clean Air Act to set the first ever federal limits on carbon pollution from existing power plants, which are driving the most dangerous effects of climate change. As you know so well, power plants account for about 40 percent of the carbon pollution in the United States, and therefore must be addressed. And the unprecedented action that President Obama has taken must be protected at all cost. ¶ “So this is an exciting time. From the administration's announcement last month of a \$3 billion commitment to the global green climate fund, to that new joint announcement with China, to new rules under consideration for ozone, we continue to push forward. But that is just the beginning of what is needed.” ¶ Taking Clinton at her word, this hints at the ways in which climate could become an important issue in the 2016 race. The key is that it is a forward-looking policy statement. Clinton isn't simply praising Obama's environmental record. She is also saying that protecting and implementing his policies for years into the future is an urgent priority — which is to say, an urgent priority for the next president. ¶ There is a great deal riding on the successful implementation of those policies — long after Obama leaves office. As Coral Davenport explained the other day, Obama is currently using the 1970 Clean Air Act to put in place a far-reaching environmental legacy that, most prominently, includes ambitious new regulations on existing power plants. Implementation of these regulations will reach years into the future, with the eventual goal of reducing carbon-dioxide emissions from U.S. power plants by 25 percent into the next decade, and by 30 percent by 2013. ¶ The question of whether the U.S. successfully reduces emissions over time has important long term international ramifications. The success of the recently announced deal between the United States and China to cap or reduce emissions will turn in part on whether the U.S. meets its own goals, and as Philip Bump noted recently, this could be complicated if a Republican president takes over in 2017. ¶ Indeed, Republicans have pledged to do everything possible to roll back Obama's environmental regulations, and they essentially received the news of the China deal with a big shrug. What's more, the 2016 GOP candidates might dig in even harder against Obama's regs. After all, once Obama announced his executive action to defer deportations, that immediately supplanted Obamacare as the leading Enemy Of Freedom for the Tea Party. Next year, Obama will likely be talking about climate change a good deal more, as negotiations for a global climate treaty get underway — hopes for which were boosted by news of the U.S.-China deal. There will likely be court challenges to the new regs, which means more attention to them. They, too, could become another Tea Party preoccupation — which means the 2016 GOP presidential candidates may be expected to pledge to eradicate them once elected president. ¶ As Ron Brownstein noted recently, climate is a key area in which Hillary will embrace Obama's legacy, even as Republicans line up to campaign for president by vowing to unwind it. Clinton has now confirmed this, on her side, by vowing to protect Obama's initiatives “at all cost.” The battle may shape up as one over whether the U.S. should participate in global efforts to reduce carbon emissions, and embrace all the difficult domestic policy trade-offs that will entail, or retreat from them. ¶ Perhaps for Clinton, such promises are little more than checking a box for an important Democratic constituency (the environmental movement). Perhaps her consultants will want her to shy away from discussing climate out of fear of alienating blue collar whites in swing states. But the key architect of Obama's climate agenda, John Podesta, is expected to play a major role on Clinton's campaign. The Democratic coalition in national elections is less and less reliant on culturally conservative downscale whites, and Democrats are increasingly organized around the priorities — climate included — of its emerging coalition of millennials, minorities, and socially liberal college educated whites.

1NR — Turns econ

Hilary presidency solves the Chinese economy – that’s key to global growth and outweighs the US

Suwankiri, PhD, economist – TMB Bank Risk Analytics and Research Group, analyst – NBER, 3/4/'11

(Benjarong, “When the dragon ceases to roar,” Bangkok Post, <http://www.bangkokpost.com/business/economics/224714/when-the-dragon-ceases-to-roar>)

Will China remain important? Today, it is the world's second-largest economy. Its gross domestic product (GDP) is one-third that of the US, or two-thirds if you adjust for cost of living – what economists fancily call “purchasing power parity-adjusted”. By any measure, that makes China a very large economy, but it remains poor compared with the Group of Three (G3) economies of the US, the EU and Japan.¶ With per capita GDP at US\$4,000 – not very far behind Thailand – China is no match in the view of cynics for the \$46,000 per capita GDP of the US. But when adjusted for purchasing power, the gap closes considerably, with both Chinese per capita GDP at \$7,500 and that of the US about the same. In other words, it takes 6.1 Chinese to equal to one American. China has 1.3 billion people, the US has 307 million – that's a factor of 4.2. Not there yet.¶ However, if we factor in China's economic growth, it will take only four or five years for 4.2 Chinese to equal one American. By sheer size, China is already positioned to be a world economic leader without the need to be fully developed. When it sneezes, the rest of Asia – indeed the world – catches cold.¶ This brings us to the present main concern of world markets – the possibility of a Chinese economic slowdown, a potential byproduct of the recent waves of policy tightening and a crackdown on commercial bank lending by Chinese authorities. Beyond a doubt, this will be the main threat to the global economy over the next decade.¶ Let us briefly review how China has found itself in such an uneasy position. The story begins with the sub-prime crisis that triggered the global downturn and a plunge in demand for Chinese exports, which account for more than one-third of its GDP. As a countermeasure, Beijing authorities resorted to a quick-fix policy of injecting easy money via aggressive credit expansion by banks into real estate and construction. This was indeed done on an unprecedented scale, and credit growth managed to top 30% by the end of 2009.¶ But the policy worked only too well, as the aftermath was an economic phase close to what can only be called “irrational exuberance” against the backdrop of global recession. Serving as a high-profile memento is Dongguan's “ghost mall”, an empty shopping complex that was built to be the world's largest retail shopping space. Then, to make matters worse, along came the current commodity bubble in global markets, affecting everything from energy to crops. This combination is a classic recipe for a destructive inflationary cycle. In fact Chinese consumer prices have risen continuously over the past year and now look set to cruise above the 5% level in the coming months.¶ This explains the urgency in Chinese authorities' attempts to curb rising inflationary and asset price pressures via a rapid reversal of its policy stance, with surprise interest rate rises and higher required reserve ratio. These new policies have indeed been effective, cutting loan growth in half, but inflation persists. The market expects more tightening, but doing it just right is difficult to achieve – not enough policy will be too little, too late, but too much and the bubble could pop, bringing China crashing down and the world economy with it.¶ Vulnerability to China's downfall differs in each country, but the main channel of crisis transmission will be trade. To quantify this exposure, we must look beyond just the simple share of exports to China, as the global trade network is complex. First, it depends on how much your country directly exports to China. Second, it depends on how much your trading partners export to China and how much you export to them, an indirect exposure.¶ For direct exports alone, we find that South Korea, Australia and Japan top the list of high exposure to a Chinese slowdown, with about 20% of exports concentrated in that country. Asean countries have medium exposure, while Western economies such as Europe and the US are only mildly exposed.¶ Once indirect measures are taken into account, the situation looks slightly different. Some Asean economies move up the rank such as the Philippines and Singapore. Malaysia and Thailand would then double the direct effect from their exports to China. With Asean economies tightly knit via Afta and the Asean-China FTA, this should come to no surprise. Australia, on the other hand, has fairly small indirect exposure to China, but being a major commodity exporter it is undeniably tied to this second-biggest economy.¶ China is undoubtedly the most important economy today. The global economy can withstand another slowdown in the US or European economies, but a contraction in China guarantees disaster, with the world plunging into a double-dip recession. After all, the US economy has lost its shine, while the EU and Japan remain crippled by long-term structural problems, so the world is learning to live with less from the G3 economies.

1NR- Hillary Key

Hillary key to Iran nuclear deal

High Political Stakes For Hillary Clinton On Iran Nuclear Agreement ¶ AP | By By KEN THOMAS and JULIE PACE ¶ Posted: 04/04/2015 9:18 am EDT

But Clinton occupies a unique space on the nuclear issue because of her role in Obama's Cabinet. She sent a close adviser, Jake Sullivan, to participate in the secret talks with Iran that led to the start of the international negotiations over the country's nuclear ambitions. ¶ Clinton is also navigating delicate ties with Israel and the American Jewish community, an influential group of voters and donors. Israeli Prime Minister Benjamin Netanyahu, a fierce critic of the Obama administration's outreach to Iran, described the framework deal as a threat to "the very survival" of his nation. ¶ "I don't know how you can maneuver all aspects of this politically," said Ray Takeyh, a senior fellow for Middle Eastern studies at the Council on Foreign Relations. "You can be supportive and skeptical. I suspect that's the direction." ¶ The tentative agreement announced Thursday by the U.S. and its negotiating partners — Britain, France, Germany, China and Russia — is aimed at keeping Iran from developing a nuclear weapon. Negotiators have until June 30 to settle the technical details. ¶ The deal would remove economic penalties against Iran once the U.N. nuclear agency verifies Tehran's compliance. ¶ At times, Clinton has tried to play up her connection to the historic diplomacy. The U.S. and Iran severed diplomatic relations in 1979 after the Islamic revolution and the storming of the U.S. Embassy in Tehran, where 52 Americans were held hostage for more than a year. ¶ When Obama was getting credit for the clandestine negotiations, Clinton's aides made sure reporters knew that the approach had started during her tenure at the State Department. ¶ Clinton wrote in her memoir of how she set the negotiations in motion by facilitating back-channel discussions with Iran through the sultan of Oman, who suggested the talks after he helped free an American hiker held by Iran. Clinton tapped Sullivan to establish contact with the Iranians in 2012, an important step in the path to Thursday's preliminary agreement. ¶

Hillary is in support of the Iran nuclear deal

Elliot Smilowitz 15, Writer for the Hill. 4-3-2015, "Hillary: 'The onus is on Iran'," <http://thehill.com/blogs/blog-briefing-room/news/237810-hillary-touts-iran-deal>

Former Secretary of State Hillary Clinton expressed support Thursday for the United States's nuclear agreement with Iran, but warned that "the devil is always in the details." In a statement released Thursday evening, Clinton called the deal "an important step toward a comprehensive agreement that would prevent Iran from getting a nuclear weapon and strengthen the security of the United States, Israel, and the region." She praised President Obama and current Secretary of State John Kerry for being "persistent and determined in pursuit of this goal." Clinton encouraged the U.S. to hold the line in the remaining negotiations to "reach a final deal that verifiably cuts off all of Iran's paths to a nuclear weapon." "The onus is on Iran and the bar must be set high," she said. "It can never be permitted to acquire a nuclear weapon. "It is also vital that these efforts be part of a comprehensive strategy to check Iran's regional ambitions, defend our allies and partners, and reinforce American leadership in the Middle East." The United States and allies announced Thursday they'd reached an outline of a deal with Iran that would lift international sanctions on the country in exchange for new limitations on its nuclear program. President Obama called it a "historic" agreement that would leave the United States and its allies safe by preventing Iran from acquiring nuclear weapons. The deal has faced criticism from Israeli leader Benjamin Netanyahu, Republicans and some Democrats.

Hillary Clinton supports the Iran deal

Walker 15' Hunter Walker (Business Insider's politics editor, has worked for The New York Observer, The Daily, and has a master's degree in journalism from Columbia University) Business Insider. "Hillary Clinton is very happy with the Iran Nuclear Deal" <http://www.businessinsider.com/hillary-clinton-is-very-happy-with-the-iran-nuclear-deal-2015-4>

Former Secretary of State **Hillary Clinton issued a statement expressing strong support for the framework for a nuclear deal with Iran** that was announced on Thursday.¶ In her statement, **Clinton**, who **is widely seen as the Democratic frontrunner in the 2016 presidential race, praised the agreement as a step that would improve security in the US and international community.** ¶ **"The understanding that the major world powers have reached with Iran is an important step toward a comprehensive agreement that would prevent Iran from getting a nuclear weapon and strengthen the security of the United States, Israel, and the region,"** Clinton said.¶ This framework was negotiated by Iran and the so-called P5+1 powers, the US, Russia, France, the United Kingdom, China, and Germany. Negotiators originally set a March 31 deadline for a political framework agreement. Any final deal must be signed by June 30, which was the ultimate deadline established by the agreement that allowed for the talks. ¶ "President [Barack Obama] and Secretary [of State John] Kerry have been persistent and determined in pursuit of this goal, building on a decade of bipartisan pressure and diplomacy. Getting the rest of the way to a final deal by June won't be easy, but it is absolutely crucial. I know well that the devil is always in the details in this kind of negotiation," **Clinton** said. "So I **strongly support** President **Obama and Secretary Kerry's efforts** between now and June **to reach a final deal that verifiably cuts off all of Iran's paths to a nuclear weapon, imposes an intrusive inspection program with no sites off limits, extends breakout time, and spells out clear and overwhelming consequences for violations."**¶ Critics of the deal, including Israeli Prime Minister Benjamin Netanyahu, have suggested the deal will pave the way towards Iran obtaining a nuclear weapon, which would undermine US and Israeli security.¶ In statements on Thursday, both Obama and Kerry defended the political framework agreement as the best option on the table for preventing Iran from developing a nuclear bomb.¶ Clinton echoed these defenses in her own statement.¶ "The onus is on Iran and the bar must be set high. It can never be permitted to acquire a nuclear weapon. **It is also vital that these efforts be part of a comprehensive strategy to check Iran's regional ambitions, defend our allies and partners, and reinforce American leadership in the Middle East,**" **Clinton said.** adding, "There is much to do and much more to say in the months ahead, but **for now diplomacy deserves a chance to succeed."**

1NR- Deal Good

Nuclear deal is key to preventing military confrontation

Joseph 10/8

(Jofi, "In Iran Nuclear Talks, 'No Deal' Is Worse Than Status Quo," 10/8/14,

<http://thediplomat.com/2014/10/in-iran-nuclear-talks-no-deal-is-worse-than-status-quo/>)/JHH

If talks collapse and the interim agreement is allowed to expire, **we are likely to witness a significant escalation of regional tensions**. Iran will likely move to quickly reconstitute 20 percent enrichment production, and remove caps on its 3.5 percent low-enriched uranium (LEU) stockpile by ending its conversion into oxide form. It will reduce IAEA access to the Natanz and Fordow enrichment facilities from the current daily inspections to the bare-bones requirements under its safeguards agreement. It **may introduce new, more advanced centrifuges** like the IR-2m model **to replace older and less efficient IR-1 models**, enhancing its capability to enrich uranium more quickly. **Threats of military action against Iran will resurface**, even as a U.S.-led coalition pursues action against the Islamic State in Iraq and Syria, supported tacitly by Iran itself.

Causes extinction

Avery 13

(John Scales, Lektor Emeritus, Associate Professor, at the Department of Chemistry, University of Copenhagen, since 1990 he has been the Contact Person in Denmark for Pugwash Conferences on Science and World Affairs, An Attack On Iran Could Escalate Into Global Nuclear War, 11/6/13, <http://www.countercurrents.org/avery061113.htm>)/JHH

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, **Israeli pressure groups in Washington continue to demand an attack on Iran**. But **such an attack might escalate into a global nuclear war**, with **catastrophic consequences**.[¶] As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict. There is a danger that an **attack on Iran would escalate into a large-scale war in the Middle East**, entirely destabilizing a region that is already deep in problems.[¶] The unstable government of Pakistan might be overthrown, and **the revolutionary Pakistani government might enter the war** on the side of Iran, thus **introducing nuclear weapons** into the conflict. **Russia and China**, firm allies of Iran, **might also be drawn into a general war** in the Middle East. Since much of the world's oil comes from the region, **such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy**.[¶] In the dangerous situation that could potentially result from an attack on Iran, **there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation**. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, **a nuclear war would damage global agriculture to such a extent that a global famine of previously unknown proportions would result**.[¶] Thus, **nuclear war is the ultimate ecological catastrophe**. It **could destroy human civilization and much of the**

biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

Successful deal key to prevent war with Iran Shank and Gould '13

(Michael Shank, Ph.D., is director of foreign policy at the Friends Committee on National Legislation. Kate Gould is legislative associate for Middle East policy at FCNL, No Iran deal, but significant progress in Geneva, 9/12/13,
<http://communities.washingtontimes.com/neighborhood/cause-conflict-conclusion/2013/nov/12/no-iran-deal-significant-progress-geneva/>)//JHH

WASHINGTON, November 12, 2013 — Even without a final nuclear deal with Iran, this weekend's intensive negotiations in Geneva resulted in major diplomatic achievements that warrant mention. First and foremost, since direct contact between U.S. and Iranian diplomats has long been unthinkable, the fact that U.S. Secretary of State John Kerry and Iranian Foreign Minister Javad Zarif are talking to each other is a good thing. ¶ More progress was made in U.S.-Iran relations from these three days of talks than at any point in the last three decades. Most notably, Iran is allowing inspectors from the International Atomic Energy Agency much broader access to nuclear sites long-unseen. That is a diplomatic achievement in and of itself. ¶ These one-on-one conversations between the United States and Iran were crucial to the progress made toward a deal that will be a substantial step forward in guarding against another **nuclear-armed nation and another Middle East war**. Despite French objection to specific details of the deal at the eleventh hour, diplomats from all seven countries involved in the talks have another opportunity to reach a preliminary accord when they meet on November 20. ¶ Providing neither the French nor the U.S. Congress get in the way, the parties are close to a deal that would be unprecedented. It imposes limits on Iran's nuclear enrichment program for six months in exchange for small relief from sanctions, which have devastated Iran's economy. It addresses the most urgent areas of concern vis-à-vis Iran's nuclear program, while laying the groundwork for a comprehensive agreement to prevent weaponization over the long-term. ¶ This is what diplomacy looks like. And this is exactly the kind of deal a U.S. Secretary of State should be brokering. Yet some members of Congress refuse to accept a win, and could sabotage the deal even before the parties meet next week by imposing new sanctions. House majority leader Eric Cantor, R-Va., has already trashed efforts toward a deal, saying that, "any agreement that does not require the full and complete halting of the Iranian nuclear program is worse than no deal at all." Cantor's nay saying of diplomacy with Iran is longstanding, though recently outmatched by his Super PAC funder, Sheldon Adelson, who called for President Obama to launch a nuclear weapon against Iran. ¶ The Republican House majority leader is not alone in demanding unrealistic ultimatums for dealing with Iran. Senator Robert Menendez, D-N.J., chair of the Senate Foreign Relations Committee, has pressed for more sanctions until Iran halts its entire nuclear enrichment program, including the programs for the more benign fields of energy production, health research, etc. ¶ The abolition of nuclear weapons and energy is desirable, not only in Iran but throughout the world. Short of that, however, hawks in both parties in Congress must realize the gains garnered this weekend. ¶ Congress should welcome, not stubbornly dismiss, diplomatic efforts to finalize the interim accord and support the continued conversation

to reach a more comprehensive agreement. The sanctions that hawks on the Hill are pushing derail such efforts and increase the prospects of war. ¶ There is, thankfully, a growing bipartisan contingent of Congress who recognizes that more sanctions could undercut the delicate diplomatic efforts underway. Senator Carl Levin, D-Mich., chair of the Senate Armed Services Committee, cautioned early on that, “We should not at this time impose additional sanctions.” ¶ Senator Tim Johnson, D-S.D., chair of the Banking Committee, is still weighing whether to press forward with new sanctions in his committee. Separately, as early as next week, the Senate could vote on Iran sanctions amendments during the chamber’s debate on the must-pass annual defense authorization bill. ¶ This caution against new sanctions, coming from these more sober quarters of the Senate, echoes the warnings from a wide spectrum of former U.S. military officials against new sanctions. There is broad recognition by U.S. and Israeli security officials that the military option is not the preferred option; a diplomatic one is. ¶ This widespread support for a negotiated solution was highlighted last week when 79 national security heavyweights signed on to a resounding endorsement of the Obama Administration’s latest diplomatic efforts. ¶ Any member of Congress rejecting a diplomatic solution moves the United States toward another war in the Middle East. Saying no to this deal-in-the-works, furthermore, brings the world no closer toward the goal of Iran giving up its entire nuclear program. Rather, it would likely result in an unchecked Iranian enrichment program, while the United States and Iran would teeter perilously close on the brink of war. ¶ A deal to prevent war and a nuclear-armed Iran is within reach and it would be dangerous to let it slip away. Congress can do the right thing here, for America’s security and Middle East’s stability, and take the higher diplomatic road. Pandering to harsh rhetoric and campaign contributors is no way to sustain a foreign policy agenda. It will only make America and her assets abroad less secure, not more. The time is now to curb Iran’s enrichment program as well as Congress’s obstructionism to a peaceful path forward.

Russia Defense

Competition in the squo makes Russian war immiment – only standing up to them solves

Goldenberg '14 [Suzanne, US environment correspondent, Climate change poses growing threat of conflict in the Arctic, report finds, <http://www.theguardian.com/environment/2014/may/14/climate-change-arctic-security-threat-report>]

Climate change poses a growing security threat and could cause conflict in the Arctic, a group of retired American generals and admirals said on Tuesday. In a new report, the former military officers said the Pentagon had been caught out by the rapid changes under way in the Arctic because of the melting of the sea ice. **“Things are accelerating in the Arctic faster than we had looked at,” said** General Paul Kern, the chairman of the Centre for Naval Analysis Corporation's military advisory board, which produced the report. “The changes there appear to be much more radical than we envisaged.” **The prospect of an ice-free Arctic by mid-century had set off a scramble for shipping lanes by Russia** and China especially, and for access to oil and other resources. “As the Arctic becomes less of an ice-contaminated area it represents a lot of opportunites for Russia,” he said. Oil companies were also moving into the Arctic. “We think things are accelerating in the Arctic faster than we had looked at seven years ago,” he said, saying **the situation had the potential to “spark conflict there”**. The CNA report deepens concern about the security risks posed by climate change. In March, the United Nations' IPCC, in a landmark report, also warned that growing competition for resources in a world under climate change could lead to conflict. The report from the retired generals goes further, however, upgrading the climate risk from a “threat multiplier” to a “conflict catalyst”.

Russia won't break relations with the US

Rumer and Wallander 2003 - *senior fellow at the Institute for National Strategic Studies at the National Defense University, **director of the Russia and Eurasia Program and Trustee Fellow at CSIS (Eugene B., Celeste A., Washington Quarterly 27.1, 57-73, Project MUSE, WEA)

Given Russia's geopolitical predicament, it is difficult to imagine how a rational, even selfish, assessment of Russian interests would lead Russia to conclude that it would be best served by undermining the United States. The fallout from a weaker and diminished U.S. role in global security affairs would carry with it a number of serious challenges to Russian security interests, ranging from a strong Russian stake in partnership with the United States on geopolitically balancing China to the immediate threat to Russian security in the event of U.S. abandonment of its security assistance to Central Asia to the prospect of Iran armed with nuclear weapons and ballistic missiles with Moscow well within range. Thus, although Russia apparently has a strong interest in making clear to the United States that it is not to be taken for granted and that its interests and sensitivities are not to be brushed aside, Russia has no compelling rational interest in undermining or geopolitically balancing the United States' international position.

Individual disputes do not spill over.

Federal News Service '07 (Tom Casey, Deputy Spokesman, 7/19/2007, State Department Briefing, <http://www.globalsecurity.org/military/library/news/2007/07/mil-070719-stateb01.htm>)

In terms of the broader relationship, we talked a little bit about this this morning. Certainly, there are issues where the United States and Russia, where the UK and Russia, where other countries will have their differences. And we've talked about them on any number of occasions from here. But fundamentally, the relationship between Russia and the United States, and I think Russia and the broader West, is certainly very different than it was during the time of the Soviet Union. And there are many areas where we do cooperate and where I expect we will continue to cooperate, whether that is in the Security Council working to prevent Iran from acquiring a nuclear weapon, whether that's with us and the Russians and the other members of the six-party talks working to end North Korea's nuclear program, whether that's in areas like counterterrorism where we all share or are all under a common threat from extremists in various parts of the world and where we have a common interest in working together. So I think while these are important individual disputes and I'm not trying to make light of them, I do think that there is a fundamentally constructive relationship overall between the United States and Russia and more broadly between Russia and Europe.

Supplement for Elections DA JDI

Uniqueness

Silver

Silver says the race will be close, but Hillary is ahead. Prefer our evidence because it's from the most qualified source

Silver 5/12

2016 1:32 PM MAY 12, 2015 ¶ There Is No 'Blue Wall' ¶ By NATE SILVER

<http://fivethirtyeight.com/features/there-is-no-blue-wall/>

so **when commentators talk about the Democrats' "blue wall," all they're really pointing out is that Democrats have had a pretty good run in presidential elections lately.** And they have, if you conveniently draw the line at 1992 (it doesn't sound so impressive to instead say Democrats have won five of the 12 elections since 1968). During that time, Democrats have won four elections pretty clearly, lost one narrowly and essentially tied the sixth. This has been evident from the popular vote, however. The one time the Electoral College really mattered — that was 2000, of course — it hurt the Democrats. ¶ **Republicans, in all likelihood, would have won by similar Electoral College margins if they'd done as well as the Democrats in the popular vote,** casting all sorts of cracks in the blue wall. Suppose, for instance, that Romney, rather than Obama, had won the 2012 election by 3.9 percentage points. What would the map have looked like? ¶ It would have looked pretty red. A 3.9-point Romney victory represents a 7.8-point swing from the actual result. So if the swing were distributed uniformly, Obama would have lost every state that he won by 7.8 percentage points or less. That means he'd have lost three "blue wall" states — Minnesota, Pennsylvania and Wisconsin — along with Colorado, Florida, Iowa, Nevada, New Hampshire, Ohio and Virginia. ¶ An alternative technique is to assume that some states are more "elastic" than others, meaning that they contain more swing voters and are more responsive to national trends. Based on our previous calculations, for instance, New Hampshire is relatively elastic — its vote swings a lot — whereas Georgia (where there are a lot of black voters and a lot of conservative whites and not many voters in between) is less so. ¶ But running the calculation that way changes the outcome of just one electoral vote. Romney would have narrowly won the rural, 2nd Congressional District of Maine, which like Nebraska awards one electoral vote to the winner of each congressional district, in addition to his other spoils. That would have put Romney on 332 electoral votes — exactly the total that Obama finished with, as it happens. ¶ **Where you'd see more evidence of an impregnable "blue wall" is in the event of an extremely lopsided election.** Suppose that Democrats had lost the 2012 election by 18.2 percentage points, as Walter Mondale did to Ronald Reagan. In 1984, Mondale won only 13 electoral votes — 10 from his home state of Minnesota, plus D.C.'s three. In contrast, I estimate that a Democrat losing by that margin now would still carry states totaling 104 electoral votes: California, New York, Maryland, Vermont, Hawaii, and D.C. That's a reflection of the fact that the country is far more geographically polarized than it once was. ¶ But this cuts both ways. If Obama had won by Reagan's 1984 margin, Republicans would still have won Texas, Tennessee, Alabama, South Carolina, Kentucky, Louisiana, Oklahoma, Arkansas, Kansas, Mississippi, Utah, Nebraska, 4 West Virginia, Idaho, North Dakota, South Dakota and Wyoming — for 136 electoral votes. Neither party's slate is close to a majority, however, and they mostly offset each other. (In the chart below, I've run this calculation for all possible outcomes, up to a 30-point win for either party.) ¶ **What about in the event of an extremely close election, instead of a lopsided one? Another election as close as 2000, for instance? ¶ Obama would probably have won such an election in 2012.** My method has him winning the Electoral College 285-253 in the event of an exactly tied popular vote, for instance. ¶ **But it would have had to be very close indeed.** If Obama had lost the popular vote by just 1 percentage point, for instance, I have **him losing the election 279-259,** as highly elastic states like New Hampshire and Colorado would have fallen out of his column. ¶ The net impact of this is minor. Our Election Day forecast in 2012 estimated that there was about a 5 percent chance that Obama would win the Electoral College but lose the popular vote (and about a 1 percent chance that Romney would do so). ¶ **So if you want to argue that Hillary Clinton's chances of winning the popular vote next year are 50 percent but that her Electoral College chances are more like 53 percent or 55 percent instead, go ahead — that's probably about what the "blue wall" amounts to.** (And even that advantage is tenuous, possibly reflecting Obama's superior turnout operation in swing states — an edge that Clinton might or might not replicate.) ¶ Hey, look: I can get carried away, too. ¶ **If the 2016 election turns out to be close, we'll be sweating the small stuff by October and November.** The difference between a 50 percent and a 55 percent chance of victory for Clinton or Marco Rubio or whomever because of Electoral College dynamics will seem like a pretty big deal. ¶ But for now? The Electoral College just isn't worth worrying about much. **If you see analysts talking about the**

“blue wall,” all they’re really saying is that Democrats have won a bunch of presidential elections lately — an obvious fact that probably doesn’t have much predictive power for what will happen this time around.¶ I’m not saying Clinton is doomed. Rather, I think the “fundamentals” point toward her chances being about 50-50, and I wouldn’t argue vigorously if you claimed the chances were more like 60-40 in one or the other direction. But Clinton is no sort of lock, and if she loses the popular vote by even a few percentage points, the “blue wall” will seem as archaic as talk of a permanent Republican majority.

General

Despite Sanders' rise, Clinton will still win

CNN 6/26 Clinton weathers the summer of Sanders ¶ By Jeff Zeleny, CNN ¶ Updated 3:51 PM ET, Sat June 27, 2015 <http://www.cnn.com/2015/06/26/politics/hillary-clinton-summer-of-bernie-sanders/> ¶ Washington (CNN) Hillary Clinton always insisted she wasn't expecting a coronation in her second presidential bid, but a single-digit lead over Bernie Sanders was surely not what she had in mind. ¶ It's now clear that Clinton, despite a raft of political advantages that make her the envy of rivals from both parties, faces a stubborn obstacle in her quest to win the Democratic nomination. ¶ She must weather the summer of Sanders. ¶ In New Hampshire on Saturday, he drew hundreds of supporters -- or curiosity-seekers -- during a weekend campaign tour. As a senator from neighboring Vermont, Sanders is a familiar figure in the first-in-the-nation primary state, which helps explain why he now trails Clinton by only 8 points, according to a new CNN/WMUR New Hampshire Primary poll. ¶ "I have been attacked recently: 'Bernie is extreme.' I don't think these things are extreme," Sanders told an audience of about 500 people in Nashua. "This is the agenda of America, what the American people want. Don't let anyone tell you or define me as extremist or out of touch with the American people." ¶ He has emerged as the leading progressive alternative to Clinton, consolidating support from Democrats who had been clamoring for Elizabeth Warren to enter the race. ¶ "This is a different type of campaign -- a people's campaign," Sanders said, railing against the influence from what he calls the "billionaire class." ¶ While the Clinton campaign has been carefully tracking the Sanders momentum for the last month, particularly the Obama-size crowds he's been drawing in Iowa, New Hampshire and beyond, aides say she has no immediate plans to go after Sanders. ¶ Taking an aggressive posture could not only elevate him even more in the eyes of liberals, it could also backfire and create deep divisions inside the Democratic Party that she is still far more likely than not to lead. ¶ Several Democrats close to the campaign, even some who have been underwhelmed by the first three months of her candidacy, tell CNN that Clinton and her team are far from panicking.

Although Hillary's image is tainted, she is still leading the most recent polls. She leads in key categories which have accurately predicted the last 5 elections

LA Times 6/23 ¶ Hillary Clinton's image is dented, but she still leads all challengers in polls June 23, 2015 By DAVID LAUTER <http://www.latimes.com/nation/la-na-hillary-clinton-polls-20150623-story.html> ¶ Hillary Rodham Clinton weathered an intense period of scrutiny this spring that has left her public image dented, but it has done little to diminish her strength as a presidential contender, several recent polls indicate. ¶ The latest numbers come from a new Wall St. Journal/NBC poll, which indicates that Clinton continues to hold a vast lead over her rivals for the Democratic nomination, with the support of 75% of voters surveyed who said they planned to take part in the party's primaries. ¶ An even larger share of Democratic voters polled, 92%, said they could see themselves supporting her as the party nominee. By contrast, 40% said they could see themselves supporting her closest rival, Sen. Bernie Sanders of Vermont, with just under one-third saying they could not see supporting him and about a quarter saying they did not know. ¶ The Wall St. Journal/NBC survey is overseen by two leading polling firms, one Democratic and the other Republican. ¶ Over the last month, half a dozen polling organizations have found Clinton with the support of about two-thirds of Democratic voters surveyed nationwide. Clinton's standing is lower in two recent polls of New Hampshire, the site of the next winter's first primary. There, the most recent surveys show her with support of just under half of Democratic primary voters polled, with Sanders about 15 points behind. ¶ New Hampshire, however, has advantages for Sanders that he lacks elsewhere -- not

just geographic proximity to his home state, but also an overwhelmingly white electorate. Sanders, who represents a mostly white, rural state, has few ties to the minority communities that make up large shares of the Democratic vote in other states. ¶ The Wall St. Journal/NBC poll also found Clinton continuing to lead the major Republican presidential prospects by between 8 and 14 points. ¶ This far in advance of the election, specific head-to-head contests don't mean much. What is more significant is the trend: Clinton's leads over the GOP candidates in surveys by several organizations have not changed significantly since April. That steadiness comes despite two months of negative publicity surrounding her use of a private email server while secretary of State and scrutiny of donations to the Clinton Foundation. ¶ Clinton's image has worsened, particularly on questions regarding whether she is honest and trustworthy. To date, however, that has not translated into declining support for her election -- in part because many of those who say they don't trust her are Republicans who were already planning to vote against her. ¶ One other number from the Wall St. Journal/NBC poll could be telling. Since the 1996 election, the survey has asked voters whether they would feel "optimistic," "satisfied," "uncertain" or "pessimistic" if a particular presidential candidate won the White House. ¶ In the current survey, 49% said they would be in one of the two positive categories if Clinton won, while 50% said they would be on the negative side. For Bush, the only Republican tested, the reaction was gloomier, 37% positive and 61% negative. ¶ In each election since 1996, the candidate with more positive responses to that question at this stage of the campaign went on to win.

Impact Modules

Bioterror Impact

Hillary has a hardline on bioterror

The only exception to Hillary's party-line voting were her support for the Iraq War & her votes for appropriations to fund it, her uniform support for tough anti-terrorism measures, and--in an attempt to curry favor with the media--her opposition to nullification of the FCC rules making media consolidation easier.¶ **Hillary has amassed a good legislative record on fighting terrorism. She has pushed hard for threat assessments on bioterrorism, to protect the food supply, promote benefits to children of terror victims, increase homeland security grants, investigate securing radioactive materials, require annual inspections of high-risk sites, identify potential terror sites, encourage bomb-scanning technology, and improve protection at our embassies.** But none of these bills has passed.¶ [On spending bills], Hillary has proposed additional spending to improve military housing, keep open facilities on closed defense bases, upgrade armed forces medical readiness, and increase aid to blind veterans.

Biological terrorist attack would cause extinction

Steinbruner 97¶ Steinbruner, Senior Fellow at Brookings Institute 1997 [John, Sr. Fellow @ Brookings institution, "Biological Weapons: A Plague upon All Houses", Foreign Policy, Winter 1997-1998, p. 85-96, JSTOR] ¶ Ultimately the world's military, medical, and business establishments will have to work together to an unprecedented degree if the international community is to succeed in containing the threat of biological weapons.

Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. **Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things.** That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. **The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely controlled.** For most potential biological agents, the predominant drawback Biological Weapons is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use--the risk runs in the other direction. **A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population.** The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit.

Israel Impact

Clinton would strengthen ties to Israel

Lewis 6/17

Clinton and Israel: No doubts about her support

JUNE 17, 2015 BY ANN LEWIS <http://washingtonjewishweek.com/22764/clinton-and-israel-no-doubts-about-her-support/>

Now, dialing up the partisan edge on cable TV doesn't require much twisting – but trying to dismiss Clinton's pro-Israel record? That calls for real gymnastics. ¶ Let's look at the facts: In eight years as a senator, Clinton worked consistently and effectively for Israel's security. She traveled to Jerusalem during the second Intifada, spoke at the site of a bombed pizzeria and visited with victims of terrorist attacks. She spoke for Israel's right to build the security fence, and she spoke out in the Senate about the dangers of anti-Israel and anti-Semitic biases in textbooks used in Palestinian schools. ¶ She led the fight to force admission of Magen David Adom as a full voting member of the International Red Cross, building a bipartisan coalition for legislation that tied America's contribution to the IRC to Israel's admission. She was a cosponsor of legislation like the Palestinian Anti-Terrorism Act and the Syrian Accountability Act. ¶ As secretary of state, Clinton built the international coalition that enacted the toughest sanctions against Iran in history, forcing the regime into negotiations about its nuclear program. "Iran can never be permitted to acquire a nuclear weapon," she said in April, speaking of what is at stake in the negotiations. "The onus is on Iran, and the bar must be set high." ¶ Throughout her time at the State Department, she worked closely with the government of Israel, including almost daily coordination on security issues. ¶ Israel's defense minister said the administration was "doing in regard to our security more than anything I can remember in the past." ¶ She condemned the U.N. Human Rights Council for its structural bias against Israel. In November 2012, after eight days of violence, she negotiated a cease-fire in Gaza, by working with Israeli leaders and the government of Egypt. She understands that direct talks between Israel and Palestinians are essential for a peaceful resolution, one that enables Israel to maintain defensible borders and advance its national interests. ¶ That record comes as no surprise to people who know her. We know that Clinton, who made her first trip to Israel in 1981, has a background of friendship and admiration for Israel and its people. ¶ Before she was ever a candidate for office, Clinton learned about a program developed at Hebrew University that offered early childhood education to disadvantaged families. She reached out to its creator and then worked with the National Council of Jewish Women to bring the concept to the United States. Today that program, developed in Israel, can be found in 21 states. ¶ That's one of my favorite examples of Clinton's record: Effective action on behalf of life-long principles, like investing in children; supporting Israel, as an ally with shared values and a source of good ideas; and working to ensure Israel's security and to maintain a strong U.S.-Israel relationship because she recognizes the importance to both our countries.

US-Israel alliance key to ME stability and rise of terrorism

Baruch 6/9/15

(Uzi Baruch, "Dempsey: I Couldn't Imagine a World Without US-Israel Alliance", Arutz Sheva, <http://www.israelnationalnews.com/News/News.aspx/196492#.VZCvPvIViko>) DZ

During their meeting, Yaalon praised Dempsey's record and hailed the enduring ties between their two respective countries as crucial. "I want to emphasize how much we value your work, which has strengthened the friendship and partnership between the defense establishment," Yaalon said. We are all facing the challenge of jihadism in the region. he continued, listing the wide range of threats spanning both Sunni and Shia Islamist groups, including "in Syria, in Lebanon; the radical Shia axis; the ISIS infrastructure in Sinai; and of course the terror infrastructure in Gaza." "We believe that vis-a-vis all developments connected to the regional turmoil, Israel and the United States are on the same page, to tackle these challenges." he said. Yaalon went on to stress that the strategic partnership between Israel and the US was deep and exceptional. in spite of political differences. "We greatly value the United States' commitment to our security," he told Dempsey. "Your personal commitment, the commitment of the Secretary of Defense, and the commitments of President Obama to our security," Yaalon also addressed the threat posed by Iran, less than a month before a final deal is due to be signed between Tehran and world powers which will see Iran maintain its core nuclear program which will only serve to embolden Iranian regional aggression. "We are very concerned about Israel's role in the region, not just in the present time but more than that, after it signs a deal," Yaalon warned. We recognize Iran's fingerprints in every conflict in the Middle East. he continued, referring to Tehran's deep involvement and support for terrorist proxies in conflicts including Gaza, Iraq, Syria and Yemen, as well as its role in stoking tensions in Lebanon. The Iranian

regime is playing a very criminal role, and we fear that the deal will enable the Iranians to rebuild their economy and (use it) **to increase its support for terrorism in the Middle East and globally.** **The turbulence in the Middle East is immense.**

in Syria alone there are some 30 terrorist organizations we need to deal with. They aren't engaging with us at the moment, and we are not involved in with is going on there, but the time may come when that all changes. "In such a case we will deal them a heavy blow," he warned. Islamist groups on both sides of the Syrian civil war - including ISIS and Al Qaeda's Nusra Front, as well as pro-regime Shia militias including Hezbollah - are inherently hostile to Israel, although all are currently focusing primarily on more immediate targets. General Dempsey responded by thanking Yaalon and the IDF for the honorary badge of appreciation he was awarded earlier Tuesday, saying he was accepting in on behalf of the entire US armed forces.

US-Israel alliance key to preventing spread of wmd terror and rogue states Hirsh and Kleiner 5/13/13- DPhil in International Relations and Foreign Affairs

(Jordan Chandler Hirsch and Sam Kleiner, "ISRAEL FIGHTS AMERICA'S BATTLES", Tablet, <http://www.tabletmag.com/jewish-news-and-politics/131868/israel-fights-americas-battles>) DZ

For two weeks in the summer of 1982, U.S. and Soviet jets duelled in the skies over Lebanon in one of the largest aerial dogfights since World War II. The pilots were Israelis and Syrians. In a classic Cold War proxy battle, U.S.-backed Israel humiliated Soviet-backed

Syria, downing 86 MiGs without a single loss. It was the finest example of Israel's strategic value to the United States: in return for the planes, Israel served as America's shield and a model for the superiority of American-made weaponry. In the summer of 2013,

American-made Israeli jets are humiliating Syria once again. Israel's **ability to evade sophisticated Russian-made anti-aircraft systems to bomb Syrian territory over the past week does not just signal a possible expansion of Syria's civil war or the latest salvo in the struggle with Iran.** It also suggests that the U.S.-Israel alliance may be returning to its Cold War roots—

which is good news for both countries. The strategic bond between the United States and Israel did not begin with the Jewish state's founding in 1948. Many U.S. officials cautioned against becoming too close with the nascent state, which identified itself as a socialist country, had diplomatic support within the Soviet bloc, and was hated by America's Arab oil suppliers. As the United States attempted to build a regional security alliance to contain Soviet power in the Middle East, President Dwight Eisenhower pressured Israel to cede a large portion of the Negev Desert so that Egypt and Jordan could link borders. He also forced Israel to abort its military incursion into Egypt to seize the Suez Canal in concert with Britain and

But as Cairo and other Arab capitals increasingly sided with Moscow, Washington began to see Jerusalem as a possible bulwark against Soviet influence. In 1962, John F. Kennedy told Golda Meir, then Israel's foreign minister, "The United States has a

special relationship with Israel in the Middle East really comparable only to what it has with Britain over a wide range of world affairs"—a statement that wasn't true at the time, but did turn out to be prophetic. The Kennedy and Johnson Administrations generally ignored Israel's development of nuclear weapons during the 1960s and sent moderate amounts of small arms that helped the Jewish state smash Arab armies fighting with Soviet weapons in the Six Day War. Israel's victory—largely achieved with French-made jets and homemade Kfir fighters rather than American weapons—suggested the benefits of a strategic alliance with Israel. After the Six Day War, the United States would supply the advanced weapons and Israel would do the fighting. Over the course of the 1970s and 1980s, Israel rescued the U.S.-supported Hashemite monarchy in Jordan from a Syrian invasion, embarrassed the U.S.S.R. by downing Soviet planes over the Suez Canal, and opened its port in Haifa to the U.S. Sixth Fleet to counter the establishment of a Soviet

submarine base in Syria. Despite several points of tension, such as U.S. displeasure with Israel's full-scale invasion of Lebanon in 1982, **the partnership between the two countries**

became a key component of Washington's Cold War strategy in the Eastern Mediterranean and a powerful advertisement for high-end American arms. But the end of the Cold War shook the strategic foundations of the U.S.-Israel relationship. No longer worried

about the Soviet threat, U.S. officials began to see Israel as an obstacle to building relations with erstwhile enemies in the Arab World. The rise of Palestinian resistance to Israel's occupation of the West Bank furthered this view. Many in Washington embraced the notion that the Israeli-Palestinian conflict drove anti-American resentment across the Middle East and saw Israel as a chief obstacle to regional harmony. President George H.W. Bush and his Secretary of State James Baker tried to force Israel to make peace with the PLO at the Madrid Peace Conference in the hopes of winning friends among the Arabs. When the United States cobbled together a coalition of Arab nations against Saddam Hussein, it sought desperately to keep Israel out of the war, suggesting that it saw the Jewish state as a strategic burden rather than an asset. The signing of the Oslo Accords on the White House lawn and subsequent negotiations at Wye and Camp David seemed to suggest that Israel's chief value to the United States was as a source of prestige for presidents who could deliver that most enchanting diplomatic prize, Middle East peace. The 2006 war between Israel and Hezbollah gave the Jewish state its first real opportunity since the end of the Cold War to quiet doubters by applying the classic alliance model. In a new Middle Eastern proxy struggle, this time between the United States and Iran, Israel sought to crush Hezbollah. Yet it did not perform up to its Cold War standard. In a bungling operation, it fought the Lebanese terrorist group to what many saw as a draw, causing then-U.S. Secretary of State Condoleezza Rice, among others, to lose faith in its value as an arm of U.S. deterrence in the region. The strategic drift between Washington and Jerusalem opened up space for critics to call for an end to a special relationship that had outlived its usefulness on the ground. Stephen Walt and John Mearsheimer spearheaded this campaign in 2006 with an explosive article arguing that there was no longer any strategic rationale for a continued alliance. Although critics rallied against aspects of their work, their basic contention was widely accepted in Washington. In 2010, Gen. David Petraeus, then the head of U.S. Central Command, testified on Capitol Hill that the Israeli-Palestinian conflict "foment[s] anti-American sentiment" and "limits the strength and depth of U.S. partnerships." Tensions during the Obama Administration's first term over the stalled peace process and Iran seemed to underscore the idea that official Washington saw the alliance with Israel as a costly political burden that served no evident military or

strategic purpose. But **recent events in the Middle East suggest that 20 years of uncertainty about Israel's**

strategic value may be ending ... The Israeli bombings in Syria over the past week came with Washington's close coordination and President Obama's post-strike blessing. Although the

United States does not seek any escalation of the war in Syria, it appears to have deputized Israel to police the spread of chemical weapons and advanced Iranian arms bound for

Hezbollah. Iran, to be sure, poses a lesser threat to the United States than the Soviet Union. Yet its drive for regional hegemony comes exactly as the United States is attempting to disengage from the region. That makes the strategic logic of relying

on Israel to guarantee U.S. interests more clear than it has been in a generation for Republicans and Democrats alike. **Those who want the United States to intervene more**

actively in the Middle East can take solace in the fact that the United States still has a means of striking back at Iran and containing other possible regional threats, like Syria's aborted attempt

to develop its own nuclear bomb. Those who want the United States to get as far away from the Middle East as possible, meanwhile, can be happy that Israel will do the fighting while America extracts itself.

The Pentagon, at the very least, appears to be embracing the idea of Israel fighting America's battles in the Middle East in exchange for high-end weapons systems, the same way it did during the Cold War. The strikes in Syria came two weeks after a major arms sale between the United States and Israel in which the Jewish state will receive anti-radiation missiles designed to target enemy aerial defenses, upgraded radar systems, Osprey helicopters, and air refueling tankers—a sale that U.S. Secretary of Defense Chuck Hagel

described as a "clear signal" to Iran. The United States has long had moral, emotional, and domestic political reasons to support Israel. **The return of the American-Israeli alliance to**

its Cold War foundations will aid both countries in overcoming their disagreements and

coordinating their efforts in Syria and across the Middle East. Just as Israel downed Soviet-made Syrian jets in the Cold War, **it will now**

destroy Iranian-made missiles, bolstering U.S. deterrence as Washington's proxy war with Tehran approaches its climax.

US-Israel alliance key to preventing Iran using nukes

Meng and Zeldin 5/17/15 – members of the House of Foreign Affairs Committee

(Reps. Grace Meng and Lee Zeldin, “It’s time to give Israel the means to take out Iranian nukes”, New York Post, <http://nypost.com/2015/05/17/its-time-to-give-israel-the-means-to-take-out-iranian-nukes/>) DZ

The negotiations over Iran’s nuclear program have engendered furious debate in Washington and in capitals across the world. But there are steps outside of the nuclear talks that President Obama can take to help ensure that the United States and its allies are stronger and more secure the day after a deal than they were the day before. One such step would be to provide Israel with GBU-57 30,000-pound bunker-buster bombs (known as the Massive Ordnance Penetrators, or MOPs) and the means to carry them, in a quantity sufficient to destroy Iran’s most deeply buried nuclear sites. At present, Israel possesses US-supplied 5,000-pound bunker-buster bombs. But experts doubt these bombs could seriously impede Iran’s nuclear development. On the other hand, there is little doubt that MOPs, which Israel lacks, are capable of destroying Iran’s nuclear sites. As Michael Makovsky and Lt. Gen. David Deptula noted in a 2014 Wall Street Journal op-ed, the Defense Department has MOPs to spare, aircraft in storage that could carry the MOP payload and legal authority to transfer such arms to the Israelis. A longstanding component of America’s Iran policy has been a credible military threat to ensure that Iran does not obtain a nuclear weapon. Many contend that the credibility of this threat has waned, and that Iran is now more assured than ever that it will not be attacked. Providing Israel with a stronger capability to destroy Iran’s nuclear facilities would help deter Iran from ever trying to break any agreement it may sign. Transferring MOPs to Israel would also help assuage the concerns of Congress and our Middle East allies, who are wary of the emerging deal. President Obama will need to take measures to strengthen the security of our allies and ensure Congress that he is negotiating from a position of strength. Transferring MOPs to Israel would help the president achieve these objectives. Because the MOPs are outside the scope of the negotiations, Iran is in no position to object to transferring them to the Israelis. Iran continues to expand Hezbollah’s arsenal, placing all of Israel’s population centers within range of Hezbollah rockets. Iran supports the Assad regime in Syria and Hamas in the Gaza Strip. It supports the Houthi rebels in Yemen, who have violently overthrown a democratically elected government. It propagates violence and terrorism throughout the Middle East. We are now in a period when more must be done for Israel to retain its Qualitative Military Edge (or “QME”), a legally binding American commitment to ensure that Israel can overcome any combination of credible conventional military threats against it. Last month, Russia lifted a ban on the sale of missiles to Iran and decided to deliver to Iran a sophisticated air-defense system. The United States needs to ensure that Israel’s conventional military capabilities become stronger relative to those of Iran, not weaker. Additionally, the issue of QME relates to the American desire to boost the military capabilities of its Gulf allies; in order to do this while not violating QME law, the president may need to proportionally strengthen Israel. This in part explains why the administration recently announced that it would provide Israel with new F-35 fighter jets, and it further underscores the need for Israel to obtain MOPs. Some may argue that regional instability and sensitive negotiations make this the wrong time to introduce new weapons into the Middle East. But those of us who trust in Israel and in the US-Israel alliance know that the MOPs would not create further instability. Israel already has significant offensive military capabilities, and it has always used them responsibly. The transfer of MOPs would not by itself resolve the Iranian nuclear question. Nor would it lessen the need for any deal to ensure that Iran has no technical path to a nuclear weapon. But it would enable the United States to negotiate from a position of strength — and remain in a position of strength long after the negotiations. It is one of several tools with which the president could pave the path to a strong, sustainable nuclear agreement with Iran, a more secure Israel and a more stable Middle East.

US-Israeli alliance is key to national security and Middle-East stability

Eisenstadt and Pollock Nov 7th 2012

(Friends with Benefits: Why the U.S.-Israeli Alliance Is Good for America Michael Eisenstadt is the Kahn Fellow and director of The Washington Institute’s Military and Security Studies Program and David Pollock is the Kaufman Fellow at The Washington Institute, focusing on regional political dynamics and related issues. Foreign Affairs November 7, 2012, <http://www.washingtoninstitute.org/policy-analysis/view/friends-with-benefits-why-the-u.s.-israeli-alliance-is-good-for-america>)

At the final presidential debate of the 2012 campaign season, President Barack Obama and

Governor Mitt Romney mentioned Israel some 30 times, more than any other country except Iran. Both candidates called the Jewish state "a true friend," pledging to stand with it through thick and thin.

Some political commentators criticized these effusive declarations of support as pandering, suggesting that the candidates were simply going after Jewish and pro-Israel votes. But if support for Israel is indeed such a political winner, then it's at least in part because the voters know best.

The U.S.-Israeli alliance now contributes more than ever to American security, as bilateral cooperation to deal with both military and nonmilitary challenges has grown in recent years.

The relationship may not be symmetrical; the United States has provided Israel with indispensable diplomatic, economic, and military support totaling more than \$115 billion since 1949. But it is a two-way partnership whose benefits to the United States have been substantial. The other, less tangible costs of the U.S.-Israeli alliance -- mainly, damage to Washington's reputation in Arab and Muslim countries, a problem also caused by American interventions and decades of U.S. support for autocratic leaders in the Middle East -- pale in comparison with the economic, military, and political gains it affords Washington. U.S.-Israeli security cooperation dates back to heights of the Cold War, when the Jewish state came to be seen in Washington as a bulwark against Soviet influence in the Middle East and a counter to Arab nationalism. Although the world has changed since then, the strategic logic for the U.S.-Israeli alliance has not. Israel remains a counterweight against radical forces in

the Middle East, including political Islam and violent extremism. It has also prevented the further proliferation of weapons of mass destruction in the region by thwarting Iraq and Syria's nuclear programs. **Israel continues to help the United States deal with traditional security threats. The two countries share**

intelligence on terrorism, nuclear proliferation, and Middle Eastern politics. Israel's military experiences have shaped the United States' approach to counterterrorism and homeland

security. The two governments work together to develop sophisticated military technology, such as the David's Sling counter-rocket and Arrow missile defense systems, which may soon be ready for export to other U.S. allies. Israel has also emerged as an important niche defense supplier to the U.S. military, with sales growing from \$300 million per year before

September 11 to \$1.1 billion in 2006, due to the wars in Afghanistan and Iraq. **Israel's military research and development complex has pioneered**

many cutting-edge technologies that are transforming the face of modern war, including cyberweapons, unmanned vehicles (such as land robots and aerial drones), sensors and electronic warfare systems, and advanced defenses for military vehicles.

The U.S.-Israeli alliance has paved the way for the countries to cooperate on far more than just traditional security issues. In part because of the long-standing political and security relationship between the United States and Israel, most Israelis know the United States and harbor positive feelings toward it. Israeli companies looking for a global market for their products have often viewed their American counterparts as partners of choice. So today, Israeli civilian technological innovations are helping the United States maintain its economic competitiveness, promote sustainable development, and address a range of non-military security challenges. Dozens of leading U.S. companies have set up technology incubators in Israel to take advantage of the country's penchant for new ideas, which is why Bill Gates observed in 2006 that the "innovation going on in Israel is critical to the future of the technology business." Likewise, Israeli high-tech firms often turn to U.S. companies as partners for joint production and marketing opportunities in the United States and elsewhere, creating tens of thousands of American jobs. And although Israelis make up just three percent of the population of the Middle East, in 2011 Israel was the destination of 25 percent of all U.S. exports to the region, having recently eclipsed Saudi Arabia as the top market there for American products. U.S. companies' substantial cooperation with Israel on information technology has been crucial to Silicon Valley's success. At Intel's research and development centers in Israel, engineers have designed many of the company's most successful

microprocessors, accounting for some 40 percent of the firm's revenues last year. If you've made a secure financial transaction on the Internet, sent an instant message, or bought something using PayPal, you can thank Israeli IT researchers. **Israeli**

innovators have also come up with novel solutions to the water and food security challenges posed by population growth, climate change, and economic development.

By necessity, given the geography of the Middle East, Israel is a world leader in water conservation and management and high-tech agriculture. Israel recycles more than eighty percent of its wastewater -- the highest level in the world -- and has pioneered widely used techniques of conserving or purifying water, including drip irrigation and reverse osmosis desalination. And a number of Israeli companies are leaders in the development of renewable energy sources. BrightSource Industries, for example, is building a solar power plant in California using Israeli technology that will double the amount of solar thermal electricity produced in America. These innovations, bolstered by the substantial American investment in Israel, contribute to long-term U.S. domestic and foreign policy objectives relating to sustainable development. To be sure, the alliance with Israel has not been without risks or costs for Washington. The 1973 War between Israel and its neighbors brought America to the brink of conflict with the Soviet Union and prompted an Arab embargo on oil exports to the United States. Following the 1982 Israeli invasion of Lebanon, the Reagan administration dispatched U.S. marines to help stabilize the country, which ultimately resulted in costly attacks on American diplomats and military personnel there. And U.S. diplomatic and military support for Israel has reinforced negative attitudes toward the United States in many Arab and predominantly Muslim countries. But these costs should not be overstated. Beyond leading to largely symbolic UN votes against U.S. positions, Washington's support for Israel has hardly damaged the United States' ties with its Arab and Muslim allies. Standing with Israel certainly has not hobbled U.S. policy toward the region as much as the war in Iraq or Washington's backing of autocratic Arab regimes. Meanwhile, no Arab ally of the United States

has ever, as a result of its pro-Israel posture, refused to cooperate with Washington on counterterrorism or denied its requests for access, basing, or overflight rights. **In fact, the U.S.-Israeli alliance has at times helped spur closer U.S.-Arab relations, on the theory that only the United States could convince Israel to make concessions in negotiations;**

this was part of the logic behind Egypt's shift away from the Soviet Union and toward the United States in the 1970s.

and even during the past decade of close U.S.-Israeli cooperation, and despite an impasse in the Israeli-Palestinian peace process, Arab ties with the United States have largely flourished:

bilateral trade and investment are booming, as U.S. exports to the Middle East in 2011 reached an all-time high of \$56 billion. Defense cooperation is as close as ever, indicated by the several multi-billion-dollar arms deals that Washington has struck with Gulf allies in recent years.

Moreover, several states, including Egypt and Jordan, along with the Palestinian Authority, share intelligence with Israel and at various times have worked behind the scenes to enlist Israel as an intermediary with Washington. This has been the case even with Egypt's post-revolutionary government. All this underscores the fact that self-interest, not ideology, is the primary driver of the Arab states' relations with Washington. Despite the ties that continue to bind the United States and some Arab countries, the last two years of

upheaval have brought turmoil to many of Washington's traditional allies in the region. **At a time of great uncertainty, particularly as tensions with Iran**

mount, the United States is even more likely to depend on its somehow stable nondemocratic allies, such as Saudi Arabia, and its **stable democratic allies, such as Israel** and Turkey, **to secure its interests in the region. If anything, recent**

events have reinforced the logic underpinning U.S.-Israeli strategic cooperation. The benefits to the United States of its relationship with Israel belie the argument that the alliance is based solely on the two countries' shared democratic values, on the popularity of Israel in American politics, or on the elusive pursuit of progress in the peace process. It is a relationship based on tangible interests -- and will remain so for the foreseeable future. It isn't always easy being Israel's ally (and Israeli actions don't always make it easier). The country faces many challenges, including the unresolved conflict with the Palestinians, internal socioeconomic gaps, voices around the world that deny it's right to exist, and now Iran's nuclear program. Israel has made uneven progress toward addressing these issues, and needs to do more to remain an attractive partner for the United States. But its past successes in incorporating huge numbers of immigrants, bridging deep social divides, and showing remarkable resilience in the face of war and terrorism provide reason to believe that Washington can continue to count on its closest partner in the Middle East, and will continue to benefit from its alliance with the Jewish state.

Israel is a key strategic ally in the Middle East-Key to hotspot stability

Oren April 25th 2011

(The "realists" are wrong: America needs Israel now more than ever, Micheal Oren formerly Israel's ambassador to the United States and now a member of Knesset., APRIL 25, 2011, "The ultimate ally", Foreign Policy, <http://foreignpolicy.com/2011/04/25/the-ultimate-ally-2/>)

What is the definition of an American ally? On an ideological level, an ally is a country that shares America's values, reflects its founding spirit, and resonates with its people's beliefs. Tactically, an ally stands with the United States through multiple conflicts and promotes its global vision. From its location at one strategic crossroads, an ally enhances American intelligence and defense capabilities, and provides ports and

training for U.S. forces. Its army is formidable and unequivocally loyal to its democratic government. An ally helps secure America's borders and assists in saving American lives on and off the battlefield. And an ally stimulates the U.S. economy through trade, technological innovation, and job creation. Few countries fit this description, but Israel is certainly one of them. As U.S. President Barack Obama told a White House

gathering, **The United States has no better friend in the world than Israel,** a statement reflecting the positions of Democrats and Republicans alike. **The importance of the U.S.-Israel alliance has been upheld by successive American administrations and consistently endorsed by lawmakers and military leaders. It should be unimpeachable.**

But for some it is not. Rather than viewing Israel as a vital American asset, an increasingly vocal group of foreign-policy analysts insists that support for the Jewish state, including more than \$3 billion in annual military aid, is a liability. Advocates of this "realist" school claim that the United States derives little strategic benefit from its association with Israel. The alliance, they assert, arises mainly from lobbyists who place Israel's interests before America's, rather than from a clearheaded assessment of national needs. Realists regard the relationship one-dimensionally — America gives Israel aid and arms — and view it as the primary source of Muslim anger at the United States. American and Israeli policies toward the peace process, the realists say, are irreconcilable and incompatible with relations between true allies. By definition, realists seek a foreign policy immune to public sentiment and special interest groups. In this rarefied view, the preferences of the majority of the American people are immaterial or, worse, self-defeating. This would certainly be the case with the U.S.-Israel alliance, which remains outstandingly popular among Americans. Indeed, a Gallup survey this February showed that two out of three Americans sympathize with Israel. Overall, since the Sept. 11, 2001, attacks, and the wars in Iraq and Afghanistan — and in spite of Israel's

responses to the second intifada and rocket attacks from Lebanon in 2006 and Gaza in 2008 — **support for Israel in the United States has risen, not declined. The surveys prove that most Americans do not accept the argument that U.S. support for Israel provokes Islamic radicals**

or do not especially care even if it does. In a Senate hearing last year, Gen. David Petraeus, then head of U.S. Central Command, testified that the Arab-Israeli conflict "challenges ... our ability to advance our interests." Critics of the U.S.-Israel relationship seized on the remark as evidence of the alliance's prohibitive costs — an interpretation Petraeus strenuously rejected — but the incident wrought no change in popular opinion. In fact, a CNN survey taken later that week showed that eight out of 10 Americans still regarded Israel as an allied or friendly state. That kind of popular foundation for the Israeli-American alliance is all the more important at a time of great upheaval in the Middle East. As Iran's malign influence spreads and Turkey turns away from the West, Israel's strategic value in the region, both to the United States and to pro-Western Arab governments, will surely increase. Following Hezbollah's recent takeover of Lebanon and the political

turmoil in Egypt, Jordan, and the Persian Gulf, **Israel is the only Middle Eastern country that is certain to remain stable**

and unequivocally pro-American. In Israel alone, the United States will not have to choose between upholding its democratic principles and pursuing its vital interests.

And yet, for all their urgency, the close ties between the United States and Israel are hardly new. Their roots extend further than Israel's creation 63 years ago — rather, they took hold with the Pilgrims' arrival in North America.

Climate

Republican in office would result in a rollback of environmental policies and stagnation on the environmental agenda –

Geman 15

For GOP Presidential Candidates, a Slightly Changing Climate How the 2016 Republican contenders are discussing global warming. February 8, 2015 BY BEN GEMAN
<http://www.nationaljournal.com/twenty-sixteen/for-gop-presidential-candidates-a-slightly-changing-climate-20150208>

The 2012 Republican presidential field was largely made up of climate skeptics. As the 2016 field shapes up, that's still the case.¶ Many of the would-be 2016 contenders will acknowledge that the climate is changing but publicly question the extent to which man-made greenhouse-gas emissions are responsible—if at all. There's strong opposition in the field to President Obama's EPA regulations on power plants, a central pillar of his second-term agenda.¶ "The federal government has no business attempting to massively reorder the global economy, resulting in policies that kill jobs and keep people from rising out of poverty, all in the name of a theory that can't be proven or disproven," Republican Sen. Ted Cruz from Texas told National Journal.

Extinction

Griffin 4/14 (David Ray Griffin is Professor of Philosophy of Religion and Theology, Emeritus, Claremont School of Theology and Claremont Graduate University (1973-2004); Co-Director, Center for Process Studies. He edited the SUNY Series in Constructive Postmodern Thought (1987-2004), which published 31 volumes. He has written 28 books, edited 13 books, and authored 248 articles and chapters. "The climate is ruined. So can civilization even survive?" 4/14/15, <http://edition.cnn.com/2015/01/14/opinion/co2-crisis-griffin/>)/JHH

(CNN) Although most of us worry about other things, climate scientists have become increasingly worried about the survival of civilization. For example, Lonnie Thompson, who received the U.S. National Medal of Science in 2010, said that virtually all climatologists "are now convinced that global warming poses a clear and present danger to civilization."¶ Informed journalists share this concern. The climate crisis "threatens the survival of our civilization," said Pulitzer Prize-winner Ross Gelbspan. Mark Hertsgaard agrees, saying that the continuation of global warming "would create planetary conditions all but certain to end civilization as we know it."¶ These scientists and journalists, moreover, are worried not only about the distant future but about the condition of the planet for their own children and grandchildren. James Hansen, often considered the world's leading climate scientist, entitled his book "Storms of My Grandchildren."¶ The threat to civilization comes primarily from the increase of the level of carbon dioxide (CO₂) in the atmosphere, due largely to the burning of fossil fuels. Before the rise of the industrial age, CO₂ constituted only 275 ppm (parts per million) of the atmosphere. But it is now above 400 and rising about 2.5 ppm per year.¶ Because of the CO₂ increase, the planet's average temperature has increased 0.85 degrees Celsius (1.5 degrees Fahrenheit). Although this increase may not seem much, it has already brought about serious changes.¶ The idea that we will be safe from "dangerous climate change" if we do not exceed a temperature rise of 2C (3.6F) has been widely accepted. But many informed people have rejected this assumption. In the opinion of journalist-turned-activist Bill McKibben, "the one degree we've raised the temperature already has melted the Arctic, so we're fools to find out what two will do."¶ His warning is supported by James Hansen, who declared that "a target of two degrees (Celsius) is actually a prescription for long-term disaster."¶ The burning of coal, oil, and natural gas has made the planet warmer than it had been since the rise of civilization 10,000 years ago.

Civilization was made possible by the emergence about 12,000 years ago of the "Holocene" epoch, which turned out to be the Goldilocks zone - not too hot, not too cold. But now, says physicist Stefan Rahmstorf, "**We are catapulting ourselves way out of the Holocene.**"¶ This catapult is dangerous, because **we have no evidence civilization can long survive with significantly higher temperatures.** And yet, the world is on a trajectory that would lead to an increase of 4C (7F) in this century. In the opinion of many scientists and the World Bank, **this could happen as early as the 2060s.**¶ What would "a 4C world" be like? According to Kevin Anderson of the Tyndall Centre for Climate Change Research (at the University of East Anglia), "during New York's summer heat waves the warmest days would be around 10-12C (18-21.6F) hotter [than today's]." Moreover, he has said, above an increase of 4C only about 10% of the human population will survive.¶ Believe it or not, some scientists consider Anderson overly optimistic.¶ The main **reason for pessimism is the fear that the planet's temperature** may be close to a tipping point that **would initiate a "low-end runaway greenhouse," involving "out-of-control amplifying feedbacks."** This condition would result, says Hansen, **if all fossil fuels are burned** (which is the intention of all fossil-fuel corporations and many governments). **This result "would make most of the planet uninhabitable by humans."**¶ Moreover, many scientists believe that **runaway global warming could occur much more quickly, because the rising temperature caused by CO2 could release massive amounts of methane (CH4), which is, during its first 20 years, 86 times more powerful than CO2.** Warmer weather induces this release from carbon that has been stored in methane hydrates, in which enormous amounts of carbon -- four times as much as that emitted from fossil fuels since 1850 -- has been frozen in the Arctic's permafrost. And yet now the Arctic's temperature is warmer than it had been for 120,000 years -- in other words, more than 10 times longer than civilization has existed.¶ According to Joe Romm, a physicist who created the Climate Progress website, **methane release from thawing permafrost in the Arctic "is the most dangerous amplifying feedback in the entire carbon cycle."** The amplifying feedback works like this: The warmer temperature releases millions of tons of methane, which then further raise the temperature, which in turn releases more methane.¶ **The resulting threat of runaway global warming may not be merely theoretical.** Scientists have long been convinced that methane was central to the fastest period of global warming in geological history, which occurred 55 million years ago. Now a group of scientists have accumulated evidence that methane was also central to the greatest extinction of life thus far: the end-Permian extinction about 252 million years ago.¶ Worse yet, whereas it was previously thought that significant amounts of permafrost would not melt, releasing its methane, until the planet's temperature has risen several degrees Celsius, recent studies indicate that a rise of 1.5 degrees would be enough to start the melting.¶ What can be done then? Given the failure of political leaders to deal with the CO2 problem, it is now too late to prevent terrible developments.¶ But **it may -- just may -- be possible to keep global warming from bringing about the destruction of civilization. To have a chance, we must,** as Hansen says, **do everything possible to "keep climate close to the Holocene range" -- which means, mobilize the whole world to replace dirty energy with clean as soon as possible.**

Turns Case

Turns the case – while Hillary has been quiet on surveillance, major GOP frontrunners would roll back the plan

Wofford 6/1

The First Fight for 2016's GOP Hopefuls: Surveillance BY TAYLOR WOFFORD 6/1/15 AT 5:34 PM
<http://www.newsweek.com/first-fight-2016s-gop-hopefuls-surveillance-338190>

On Monday, former Florida governor Jeb **Bush staked out a position on National Security Agency (NSA) surveillance in opposition to** his libertarian rival for the 2016 GOP presidential nomination, Senator Rand **Paul** of Kentucky. **Bush argued on publishing platform Medium that parts of the Patriot Act that expired Sunday night should be kept:** "Today we have lost the metadata program, authorized by Section 215 of the USA PATRIOT Act, **an important tool in helping law enforcement and the Intelligence Community connect the dots between known foreign terrorists and potential operatives in the United States,**" he wrote.¶ Bush has yet to file the Federal Election Commission forms announcing his intent to run for president. Paul filed with the FEC on April 8 after formally announced his campaign on April 7.¶ Section 215, which Bush argues should be kept, has most famously allowed bulk collection of telephone records by the NSA since 2001. In this context, metadata refers to information about a phone call—who was called and for how long, for example—but not the contents of the conversation. Critics of the Patriot Act, Rand Paul included, argue that allowing law enforcement agencies to see who Americans are calling is a violation of their privacy rights. They also argue that such tools have not helped the government thwart potential terrorist attacks. According to Cindy Cohn and Andrew Crocker at the Electronic Frontier Foundation, which argues government surveillance is unconstitutional, "Every assessment about the bulk collection of telephone records, including two by hand-picked administration panels, have concluded that 'collecting it all' hasn't materially aided any terrorism investigation."¶ **Paul filibustered in the Senate over the weekend, preventing a vote to extend to the provisions. His actions have sparked criticism from within the Republican Party, including an accusation from Senator Marco Rubio of Florida that the filibuster was nothing but "political posturing."**¶ The Kentucky libertarian is easily the most opposed to bulk collection of phone records out of the Republican hopefuls. **Senators Ted Cruz of Texas and Rubio have both spoken out in favor of the practice.** Cruz positioned himself as a moderate by backing the proposed USA Freedom Act, a replacement for the Patriot Act, which lessens the NSA's ability to spy on Americans somewhat by requiring the government to ask private companies to hand over records, rather than having the NSA collect them directly, but doesn't go far enough for Paul. Cruz said the Freedom Act strikes "the right balance" between "privacy interests of law-abiding citizens [and] the public's interest in national security." Paul says it still gives the government too much latitude to spy on Americans. Marco Rubio supports the Freedom Act. So does President Barack Obama.¶ The Senate on Sunday night voted 77-17 in favor of lining up a vote on the Freedom Act, which passed in the House of Representatives in May.¶ **Hillary Clinton, the presumptive Democratic nominee, has been mum on the issue so far.** But her challenger to the left, Senator Bernie Sanders of Vermont, is opposed to bulk collection.¶

Miscellaneous

Paul's security stance means he can't win – other GOP candidates would support stronger NSA measures

Bacon 4/7

Why Rand Paul Probably Can't Win Republican Nomination¶ Perry Bacon Jr.¶ Tuesday, 7 Apr 2015 | 6:23 AM ET <http://www.cnbc.com/id/102565085>

Paul, who is expected to announce a presidential run Tuesday, has spent the last two years courting black voters in part by urging the restoration of voting rights for convicted felons, who are disproportionately African-American. As leaders in both political parties take hawkish stances on national security, Paul, often with few allies, has warned against broad surveillance of American phone records and the expanded use of drones. ¶ But Paul's unorthodox and at times courageous approach has done little to help his presidential prospects. The Kentucky senator faces very long odds of becoming the GOP presidential nominee, mainly because he has taken foreign policy stances opposed by many powerful figures in the Republican Party.¶ Making sure the United States projects military strength has long been one of the core ideas of the GOP. But national security and foreign policy receded slightly in importance in conservative politics during President Barack Obama's first term, with Republicans reeling from the failures of George W. Bush's war in Iraq and both parties fixated on the recovery of the American economy after the 2008 meltdown. Paul was elected to the Senate in 2010 as part of a class of Republicans who had campaigned on reducing the national debt, cutting federal spending and repealing programs like the Affordable Care Act. With conservative voters not as fixated on national security, Paul overcame strong opposition from some Republicans who disliked his suggestions that the U.S. was too involved in conflicts overseas. ¶ Now, the first-term senator enters a presidential campaign amid the rise of ISIS, growing tensions between the U.S. and Israel and a resurgent Russia. Republicans believe that Obama's foreign policy record is full of failures and that he is weakening American influence abroad. ¶ But Paul has broken with GOP orthodoxy on a number of national security policies: supporting Obama's decision to normalize relations with Cuba; pledging to end the NSA program by which the U.S. government has collected the phone data of millions of Americans; suggesting the U.S. should engage in direct talks with Iran about its nuclear program; and saying he would oppose U.S. airstrikes in Iraq to fight ISIS, a position he has since reversed.¶ While polls suggest some younger Republicans agree with Paul, most of the party's members in Congress adamantly oppose these positions, isolating the Kentucky senator within the GOP. ¶ Nearly all of his 2016 rivals are to the right of Paul on foreign policy. Two potential candidates, South Carolina Sen. Lindsey Graham and former United Nations Ambassador John Bolton, have said they are considering running for president to show the Republican Party remains committed to a strong national defense, even though Bolton and Graham have almost no chance of winning.¶ Read More¶ NJ Sen. Menendez indicted on corruption charges¶ Former congressman Mike Rogers, once chair of the House Intelligence Committee, is now leading a political committee devoted to promoting hawkish national security views in early primary states like Iowa.

Elections DA Northwestern

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Rand Paul

Paul trailing primary now – decisive sweep still possible with win in Iowa.

Don Ramussen 06/03/15 Republican political consultant, Masters in political management from George Washington University, BA in political economy from University of Washington, “Here’s How Rand Paul Wins the GOP nomination,” <http://thelibertarianrepublic.com/author/nafl2214/>

The naysayers are wrong. Rand Paul has a clearer path to the Republican nomination than most of the other candidates. ¶ Last week I looked at the structure of the 2016 primary campaign. This week I’ll drill down on how this structure will affect Rand Paul’s strategy and his path to the nomination. The top line take-away is that Senator Paul needs to win early and decisively. Thanks to a big field, unique positioning and changes in campaign financing rules, it is more possible than many pundits are willing to admit, but still fraught with danger. ¶ 2016 primary voting starts with the Iowa Caucuses on February 2. In 2008, Ron Paul received 10% of the vote. In 2012, Ron Paul received 22% of the vote. In just 4 years, the percentage of Iowa Republicans that identified with libertarian views had increased by 108%. Assuming that Paul can hold his father’s voters and that the field will still be divided by half a dozen or more other credible candidates, this alone could be enough to win. After all, in 2012 there were only three credible alternatives on the ballot and one of them was Newt Gingrich. Santorum’s winning percentage was only 2.3 points better than Ron Paul. Throw one more credible candidate in the mix and Ron Paul (whose voters are uniquely loyal) wins Iowa and carries the momentum into New Hampshire. Most people don’t realize just how close Ron Paul actually came. ¶ An important difference this cycle is changes to campaign finance rules that allow any candidate with a sugar daddy supporting their PAC to stay in far longer in the hope that they can grind on, pick up delegates and catch the frontrunner. That means more candidates dividing the national security and evangelical votes, clearing the way for Paul to consolidate the libertarian, Constitutional and civil liberty blocs. Under this analysis, Ted Cruz becomes Paul’s biggest direct challenge along with the possibility of a break-out candidate consolidating security and religious voters a la Marco Rubio. ¶ The other thing to keep in mind is that Iowa is a closed caucus state so only registered Republicans can show up and vote. Although the state does allow same day party changes, this is still a structural impediment to activating a large number of the non-traditional voters that Team Paul has targeted. The current media strategy is clearly designed to enhance his chances in primaries such as New Hampshire as well as the general election by showing strong independent support and good head-to-head numbers against Hillary Clinton. ¶ Bottom line: Paul could maybe survive a second place finish in Iowa, but only maybe and no worse. If he is to maximize his potential to win the nomination, it must start in Iowa. There is one week between Iowa and New Hampshire. Media coverage will go overwhelmingly to the winner and define the narrative and momentum going in. ¶ New Hampshire has long broken the hearts of libertarians. For all of the bluster of “Live Free or Die”, the statist McCain and Romney took over 68% of the vote in 2008, the neo-con militarist Kelly Ayotte is their senator and the Free

State Project has been reduced to feeding parking meters. In the 2012 primary, Mitt Romney won New Hampshire by 16.5 points. More like “Live Free...you know, or not”.¶ But hope does spring eternal or there wouldn't be any libertarians left. In 2008 Ron Paul won 8%. In 2012 he juiced his total to 23%, an increase in votes of an eye-popping 297%. For the same reasons as in Iowa, Rand Paul could easily win New Hampshire with a similar vote total.¶ He also has a second big advantage; New Hampshire has a semi-closed primary. That means that unaffiliated voters can choose either a GOP or Democrat ballot. This allows that **much hoped for bloc of leave me alone liberal and social libertarian independents to be organized and turned out for Paul in a way that no other Republican candidate could match.**¶ Any way you slice it, New Hampshire is a must win for Paul. Not only will this result linger for 11 days before South Carolina goes to the polls, it is perceived to be among the most libertarian states. The line will go “If Paul can't win in New Hampshire, where can he win?

SSRA passage will be spun as huge Paul victory – sponsors of bill are staunch allies.

Spencer **Ackerman 06/02/15 Guardian National Security Editor, Former Wired Senior Writer, Recipient of 2012 national magazine award for Digital Reporting, “Rand Paul Allies plan new Surveillance reforms to follow USA freedom act,” <http://www.theguardian.com/us-news/2015/jun/02/rand-paul-house-allies-surveillance-usa-freedom-act>**

Several of Rand Paul's allies in the US House of Representatives are seeking to capitalize on the momentum of surveillance reform as the USA Freedom Act continues through the Senate by attempting to stop the National Security Agency from undermining encryption and banning other law enforcement agencies from collecting US data in bulk.¶ Thomas Massie, a libertarian-minded Kentucky Republican, has authored an amendment to a forthcoming appropriations bill that blocks any funding for the National Institute of Science and Technology to “coordinate or consult” with the NSA or the Central Intelligence Agency “for the purpose of establishing cryptographic or computer standards that permit the warrantless electronic surveillance” by the spy agencies. He is joined in the effort by Democrat Zoe Lofgren of California.¶ Massie and Lofgren will place the amendment on the bill funding the Justice Department as early as Tuesday. Their move is part of the first wave of follow-up measures by privacy advocates to supplement the USA Freedom Act, a bill already passed by the House which, although it would limit some NSA powers, many civil libertarians consider insufficient. ¶ “The USA Freedom Act is definitely not the last word. Whenever a program expires or whenever funding is required, those are must-pass pieces of legislation that present opportunities for refinement,” Massie told the Guardian on Tuesday.¶ Lofgren and another civil libertarian, Republican Ted Poe of Texas, will propose an amendment to the same appropriations bill that would block the Federal Bureau

of Investigation from inserting vulnerabilities into encryption on mobile devices.¶
Advertisement¶ The FBI director, James Comey, is currently campaigning against tech companies that are expanding encryption for their commercial products.¶ “Privacy is a constitutional right, whether the FBI likes it or not,” Poe told the Guardian on Tuesday. ¶
Another congressional privacy advocate, Democrat Jared Polis of Colorado, will push a further amendment to the appropriations bill that would in effect block the Drug Enforcement Agency from collecting Americans’ phone data in bulk – a recently exposed surveillance program that preceded the NSA’s now-shuttered bulk collection. The Guardian has acquired the text of all these amendments.¶ Polis told the Guardian he wanted to “rein in” the DEA’s “unwarranted and unconstitutional program”, calling the Freedom Act “the beginning of a reform process, not the conclusion of one”.¶ The Senate is slated on Tuesday to debate the USA Freedom Act, a bill to ban bulk collection of US phone records by the NSA that would have the effect of restoring provisions of the Patriot Act that expired at midnight on Sunday.¶ Passage is expected, but the GOP majority leader, Mitch McConnell, is pushing amendments that civil libertarians in the House reject and which would require a new House vote on the overall bill.¶ “We still don’t know what the Senate’s going to do. If they start changing what we sent them, we’re going to be looking to do further improvements in the bill,” Lofgren told the Guardian before the Senate vote. “We’re not giving up.”¶ Extensive compromise with the NSA and the White House, as well as clever legislative strategy, ensured House passage of the Freedom Act last month. But it also siphoned enthusiasm and even support from the chamber’s most fervent privacy advocates. Massie championed a different bill, the Surveillance State Repeal Act, that would have rolled back many more NSA and FBI spy powers.¶ The more technologically sophisticated privacy campaigners have warned that neither the White House nor the US Congress has addressed government efforts to secretly undermine encryption standards.¶ The Guardian, thanks to whistleblower Edward Snowden, revealed in September 2013 that the NSA and its British partner GCHQ routinely insert vulnerabilities into commercial encryption software that permit the agencies to access protected data. But the vulnerabilities, commonly called “backdoors”, also leave software that banks, businesses, internet service providers and others rely upon as prey for hackers.¶ The National Institute of Science and Technology issues encryption standards. But a document leaked by Snowden showed that in 2006, the NSA secretly worked with the institute to become the “sole editor” of a draft security standard that the institute issued.¶ “It’s bad for business. It’s bad for privacy and bad for civil rights,” Massie recently told a business conference in Louisville.¶ Last year, Lofgren unsuccessfully attempted to place a ban on undermining encryption in the USA Freedom Act. But this time, she and her allies will attempt to hang their amendments on to as many must-pass bills as necessary. Should their efforts fail this week, Poe confirmed that their next step will be to add the amendments to the must-pass Defense Department appropriations bill that the House will debate soon.¶ If that doesn’t work, they intend to move on to the next available bill and employ the same strategy. Massie indicated the coalition is already looking towards the June 2017 expiration of another broad surveillance power, Section 702 of the Foreign Intelligence Surveillance Act, to force additional rollbacks, much as the USA Freedom Act authors used the expiration of parts of the Patriot Act as leverage to pass their bill.¶ “We’re going to have multiple opportunities going forward. In fact, the 702 provisions expire in 2017, so those will have to be renewed, and there’ll be a great debate then about the even more invasive spying on American citizens that’s going on,” Massie

said. ¶ Lofgren added: “We will continue to make efforts to attach those improvements to every vehicle that moves through the body.” ¶ Massie, Poe and Lofgren’s efforts come as the FBI and NSA have launched a public campaign against commercial encryption. While advocating in favor of backdoors and denouncing new mobile-device encryption – which companies describe as a market-driven response to Snowden’s disclosures – they insist they can create vulnerabilities they alone can exploit. Engineers consider the effort to be technologically illiterate. ¶ “House members are sending two clear messages with these amendments to the Department of Justice funding bill. The first is to Senators Mitch McConnell and Richard Burr, and the message is: ‘Surveillance law reform is continuing; deal with it,’” said Patrick Eddington of the Cato Institute. ¶ “The second is to Attorney General Loretta Lynch and FBI director Jim Comey, and the message is: ‘We’re not going to let you make every American vulnerable to hackers and foreign spies by subverting public key encryption.’” ¶ **Massie is among the leading House allies of Senator Rand Paul, the Kentucky Republican and presidential candidate who is making opposition to mass surveillance a cornerstone of his campaign.** He and their comrade Justin Amash, a Michigan Republican, stood guard in the House last week to ensure surveillance advocates did not exploit a parliamentary maneuver to drive a weaker version of the USA Freedom Act through a recessed House.

Voter majority in Iowa disapprove of surveillance – sets Paul up for Iowa success.

Julian **Hatem 05/27/15 Columnist for The Hill, “Rand Paul seeks breakout moment,”** <http://thehill.com/policy/national-security/243274-rand-paul-seeks-breakout-moment>

At the same time, however, polls released by the American Civil Liberties Union this month found that 63 percent of Republican voters in Iowa and 57 percent of GOP voters in New Hampshire believed that Congress should modify the Patriot Act instead of preserving it without change. ¶ Still, it’s clear his campaign is trying to capitalize on his efforts in the Senate. ¶ Within just 24 hours of scuttling Majority Leader Mitch McConnell’s (R-Ky.) plans for a short-term patch to the expiring Patriot Act provisions early on Saturday morning, Paul’s campaign sent at least two separate emails asking supporters for money and contact information. ¶ “Last night I put NSA spying on life support,” Paul said in the subject line of one email. ¶ In recent days, the campaign has also begun selling a \$30 “filibuster starter pack” that includes a T-shirt, bumper sticker and “NSA spy cam blocker” device designed to cover a laptop Web camera. The shirt reads: “The NSA knows I bought this Rand Paul tshirt.” ¶ That publicity focus has certainly irked some of his fellow GOP lawmakers. ¶ Paul’s behavior is “a great revenue raiser,” quipped Sen. John McCain (R-Ariz.) after the late-night voting over the weekend. ¶ Even Republicans who largely agree with Paul about the need to rein in the NSA say that he’s playing political games, which detract from his message. ¶ Paul’s 10.5-hour floor remarks last week “was a speech from

someone who's running for president of the United States," Sen. Dean Heller (R-Nev.) told The Hill after the speech. Heller is a co-sponsor of the main NSA reform bill in the Senate, called the USA Freedom Act. ¶ "I don't disagree with him, but I don't think it has as much weight as it would be if it were from someone who is not a candidate running for president."

Paul nomination leads to general win over Hilary – attracts swing voters, republicans, and rapidly growing libertarian base.

Brian O' Connor 4/13/15 Contributing columnist and editor for New republic, "Rand Paul is Republicans' best hope to beat Hilary," <http://www.newrepublic.com/authors/brian-oconnor>

Hillary Clinton, to no one's surprise, announced Sunday that she's running for president. Barring catastrophe, she'll become the Democratic nominee next summer. There is no such clarity on the Republican side, with a new candidate official entering the race every week. But this much is clear: If the GOP want to defeat Clinton next fall, they should turn to the only Republican whose buzz rivals hers: Rand Paul. ¶ The **Republican Party** is at a crossroads. Its base, bolstered by big-tent conservatism throughout the 1980s and late 2000s, is aware of its own image problem: The "Party of No" **is on the losing side** in the battle for marriage equality, has failed to convince Americans that it has a clearer plan for healthcare reform, and remains tacitly pro-war when the population is interested in a U.S. withdrawal from foreign intervention. **Worse yet, its base is aging and isn't being replaced by younger voters. Libertarianism, however, is on the rise nationally, with 22 percent of eligible voters identifying with the movement in recent polling. Enter Rand Paul**, heir apparent to the movement, who pointedly said during in an interview with the Associated Press, "Young people aren't so wedded to party. The kids are probably adrift somewhat. I don't think someone who is an authoritarian, or comes from a much more authoritarian point of view like Hillary Clinton, will attract them." A **fresh brand of libertarian-infused conservatism** could be the **way forward for Republicans looking to woo the youth vote**, and Paul sees himself as the person who can provide it. ¶ Rand might be right. While Clinton has overwhelming support from Millennials who grew up under her husband's administration, **the growth of libertarian ideology among young voters may peel away some of Hillary's reliable supporters**, swayed by Paul's "leave-me-alone-coalition" of voters, reluctance toward the use of **military force abroad, support of medical marijuana legislation, his platform position on criminal justice reform, and his sometimes-unpolished appearance in interviews and stump speeches that connote a sense of "realness" that is uncommon in GOP candidates**. Paul gains headlines for what he's not: a non-threatening Republican with a cadre of platform stances that are nearer to obsolescence than relatability. His brand of digestible libertarianism is made for the post-Obama generation. Hillary, on the other hand, is likely seen as a successor of Obama's administration; she is the torch-bearer that Vice President Joe Biden would be, were he cut out for the presidency. Young voters who came of age during Obama's two exciting campaigns may find Hillary to be a less magnetic choice compared Paul—if he finds traction with any Republican

voters willing to compromise the beliefs of the base for the betterment of the party.¶ But therein lies the rub. Rand may be the candidate that Republicans need, but not the one they want. He is a dove in a party of hawks; a pro-marijuana legalization advocate in a party that only tacitly embraces reform. He's a young, vibrant speaker whom Millennials actually listen to (even if he needs to be trained not to lash out at reporters). He doesn't espouse the conservative boilerplate of his competitors, so he may not stand a chance in Iowa, where his father's campaign took devastating blows in 2012, or in the GOP primary generally. And yet, [polls suggest he would stand a chance against Hillary in the general election](#). In the [latest Quinnipiac poll, Paul leads Clinton in both Iowa and Colorado](#) while a national surveys place him only seven points behind Hillary. Paul leads Clinton in current Iowa polling by two to three percentage points. He leads Clinton on head-to-head polls in Colorado as well, a crucial state during both Obama campaigns.¶ ADVERTISEMENT¶ Jeb [Bush is seen as the strongest Republican candidate](#), given his name recognition, relative moderation, and powerful donor base. But it could [be tough to convince anyone outside the party to vote another Bush into the White House, especially after the economy is finally showing signs of recovery](#). Rand Paul, so far, has said all the right things to make the base warm to him: He calls for a balanced budget every year of his prospective administration, wants to curtail government spending, is decidedly anti-bailout, and would gleefully dismantle regulation before he has a chance to take off his overcoat in the Oval Office. What's more, Paul opposes abortion, would block welfare grants to states, and takes a dim view of marriage equality initiatives. With the waning influence of Evangelical Christians and the wholesale admonishment of neoliberalism by economists, it may be time for the GOP to cater to a fresh brand of conservatism, even if it means shifting what the base considers "conservative enough." Savvy Republicans would do well to see [Paul's mixture](#) of likeability and base conservative [values as a Trojan horse for swing voters](#), a demographic which might not want to vote for the obstructionist party after two more years with a sclerotic Congress.

Paul presidency leads to AFA repeal.

OTI 04/07/15 "Rand Paul on Health Care," Originally quoted from Rand Paul's Campaign site – titled "Issues,"

http://www.ontheissues.org/2016/Rand_Paul_Health_Care.htm,

I was not a member of the US Senate during the 111th Congress, but if I had been [I would have voted against ObamaCare](#). [As your President, one of my first acts would be to repeal the abomination that is ObamaCare](#).¶ As a doctor, I have had firsthand experience with the immense problems facing health care. Prior to the implementation of ObamaCare, our health care system was over-regulated and in need of serious market reforms--but ObamaCare is not the answer.¶ Government interventions in health care have driven up the cost of coverage and decreased competition within the market. More--not less--freedom to choose and innovate will make sure our health care system remains the best in the world.¶ As your President, I will ensure that real

free-market principles are applied to the American health care system so that it is responsive to patients, families, and doctors, rather than government bureaucracy.

ACA is key to the economy – 6 reasons.

Furman 14 – Jason, Chairman of the Council of Economic Advisers, Ph.D. in Economics @ Harvard, “Six Economic Benefits of the Affordable Care Act”

<http://www.whitehouse.gov/blog/2014/02/06/six-economic-benefits-affordable-care-act>

¶ This week has seen the release of a Congressional Budget Office (CBO) analysis that refuted claims by opponents of the Affordable Care Act (ACA) that it is a “job killer” and demonstrated that, by giving families more options for obtaining affordable health insurance outside the workplace, the ACA will make it easier for people take a risk and start a business, take time out of the labor force to raise a family, or retire when they are ready.¶ As CBO made clear, however, its analysis was not a comprehensive analysis of how the ACA will affect the labor market in particular or the economy as a whole. This blog post illustrates six ways that the ACA is helping the labor market, laying the foundation for future economic growth, and improving families’ financial security and well-being.¶ 1. Putting more money in families’ pockets, boosting demand, and bringing down unemployment today. As of January 1, more than 2 million people had selected a plan in the health insurance marketplace, and nearly 80 percent of those people will – thanks to the ACA – benefit from tax credits to help pay their premiums. All told, the Congressional Budget Office estimates that over the entirety of 2014, 5 million people will benefit from premium tax credits and help with cost-sharing averaging \$4,700 per person. In 2015, 11 million people are estimated to benefit, rising to 19 million in 2016. Many millions more will gain affordable health insurance coverage through Medicaid.¶ These provisions of the ACA make it easier for families to access health care services and to meet other pressing needs, which will increase the demand for goods and services throughout the economy at a time when the unemployment rate is still elevated. For this reason, as CBO Director Doug Elmendorf testified, the ACA “spurs employment and would reduce unemployment over the next few years.” The ACA is thus – today – helping ensure that every American who wants a job can find one.¶

Clinton

Jeb losing Iowa Caucus – 6th place in the polls and tops the “no way” list

Quinnipiac University 7/1 (Political Poll, cites data from RDD telephone survey, conducted from June 20 – 29, 2015 throughout the state of Iowa. 7/1/15, “It's Walker Plus Six Also-Rans In Iowa GOP Caucus, Quinnipiac University Poll Finds; Christie In 15th Place In Field Of 16”, <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/iowa/release-detail?ReleaseID=2258>, 7/7/15, ACC)

Scott Walker leads the pack in the Iowa Republican Caucus, but his support is shrinking among likely Republican Caucus participants, as six other contenders battle for second place, according to a Quinnipiac University poll released today. New Jersey Gov. Christopher Christie is in 15th place, with 1 percent. Walker has 18 percent of likely GOP caucus participants, compared to 25 percent in a February 25 poll by the independent Quinnipiac (KWIN-uh-pe-ack) University and 21 percent in a May 6 survey. Jostling for second place are Donald Trump and Ben Carson, at 10 percent each, U.S. Sen. Rand Paul of Kentucky and U.S. Sen. Ted Cruz of Texas at 9 percent each, former Gov. Jeb Bush of Florida at 8 percent and U.S. Sen. Marco Rubio of Florida at 7 percent. Former Arkansas Gov. Mike Huckabee has 5 percent. No other candidate is above 4 percent and 5 percent are undecided. Trump and Bush top the "no way" list as 28 percent say they would definitely not support Trump and 24 percent say no to Bush. Christie is next on this negative list with 18 percent. "Those who thought the Republican race in the Iowa caucuses might begin to clarify itself better think again," said Peter A. Brown, assistant director of the Quinnipiac University Poll. "As even more candidates toss their hats into the ring, the race has gotten even more muddled.

Mass surveillance splits GOP – Makes 2016 primaries unsteady

Diaz 6/8 (Kevin Diaz is the winner of the McClatchy President Award for Superior Journalism, a Washington Bureau reporter, Houston Chronicle Washington Correspondent, and a chief Washington correspondent for the Minneapolis Star Tribune, where he got his start in journalism in 1984 as a night cops reporter. During his tenure in Minneapolis, he won awards for his coverage of gang crime and city hall. He also taught public affairs reporting at the University of Minnesota, where he received his Master's. 6/8/15, “Spy powers debate poses challenge to GOP leaders ahead of 2016”, Houston Chronicle, <http://www.houstonchronicle.com/news/politics/us/article/Spy-powers-debate-poses-challenge-to-GOP-leaders-6311696.php>, 7/5/15, ACC)

Last week's 67-32 Senate vote was a milestone — the first substantial rollback of counter-terrorism powers approved in the immediate aftermath of 9/11 terrorist attacks. It also

represented a challenge for the Senate's new GOP leaders, exposing a rift within the Republican Party that will be felt in the upcoming GOP presidential nominating contest, where suspicion of Big Government is a dominant grass-roots theme. Moreover, the political environment Cornyn lamented brought together populists on the left and right, including in his own party, rejecting the post-9/11 telephone and Internet tracking authority. The shifting coalitions produced some portentous divisions among the four GOP presidential hopefuls in the Senate: Ted Cruz, the junior senator from Texas, voted for the Freedom Act restrictions, calling them "the right balance between protecting our privacy rights and our national security." But for Rand Paul of Kentucky, who led the opposition to the government's spy powers with an 11-hour filibuster-like speech, the reforms did not go far enough. Meanwhile, Florida's Marco Rubio and South Carolina's Lindsey Graham both argued to extend the government's previous surveillance powers, saying they are essential to national security. While most Democrats supported the new Freedom Act curbs, Vermont presidential candidate Bernie Sanders went with the Paul faction, arguing that the reforms do not sufficiently protect citizens' Constitutional rights. Much like an earlier immigration standoff that nearly shut down the Department of Homeland Security, some Republican leaders found themselves at odds with much of their party's rank-and-file. Except this time the divide split GOP leaders in the House and Senate as well, contributing to the impression of a fractious party in the run-up to 2016. Cornyn and Senate Majority Leader Mitch McConnell of Kentucky pleaded to keep the Bush-era provisions of the 2001 USA Patriot Act permitting the collection of telephone "metadata" — including call numbers, times and durations of calls. But the GOP-led House — including most of the Texas delegation — voted overwhelmingly last month to curb those powers, which were set to expire June 1. Under the USA Freedom Act, which President Barack Obama signed hours after Senate passage, those records would remain in the hands of private telephone companies, searchable by national security officials only by court order. McConnell and Cornyn cast the new restrictions as a vindication of Snowden, the fugitive NSA contractor who revealed the secret surveillance program to the world in 2013. "I'm sorry to say that a lot of what happened has been misrepresented, including by members of Congress, in a way that basically rewarded Edward Snowden and others who were conjuring conspiracy theories," Cornyn told Texas reporters after the vote. House Speaker John Boehner, who backed the new curbs on the NSA's surveillance authority, said "they can characterize it any way they want. The fact is I believe that we have a good bill to help keep Americans safe and address the concerns that have been brought to light." Cornyn stood by McConnell throughout the weeks-long impasse of debates and procedural votes. They argued that despite the extensive media coverage and controversy over Snowden's revelations, there have been no instances of abuse of the Patriot Act by national security officials. "Some, like me, have wondered why we're trying to fix a system that is not broken," Cornyn told the Senate. "I believe that it's absolutely reckless for us to take any unnecessary chances." He told reporters later that the threats to privacy could be worse under the Freedom Act. Now, when the government requests cell phone data, he said, "you have telephone company employees who are actually going to be conducting those queries, rather than a hand-selected, vetted group of people at the NSA." Among those defending the NSA spy powers is presumed GOP front-runner Jeb Bush, who irritated the Paul campaign by telling Fox News that "the great preponderance of people that want to overturn the Patriot Act are on the left." But concern over governmental — not corporate — intrusion has been getting more

traction with the public. Jameel Jaffer, deputy legal director of the American Civil Liberties Union, called the broad bipartisan passage of the Freedom Act “an indication that Americans are no longer willing to give the intelligence agencies a blank check.”

Jeb Bush would win the national election if he makes it past the Republican Primary

Glueck 6-12-2015 “Katie, Katie Glueck is a reporter at POLITICO. Glueck, a graduate of Northwestern University’s Medill School of Journalism, has previously written for The Wall Street Journal, Politics Daily, Medill News Service and Washingtonian magazine,”Jeb can beat Hillary-but he might not make it past primary, <http://www.politico.com/story/2015/06/gop-jeb-can-beat-hillary-but-he-might-not-make-it-past-primary-118913.html>” .CC

Despite a spell of rough headlines and a recent campaign shake-up, 70 percent of early-state Republicans think Jeb Bush could win their state in a general election contest against Hillary Clinton. But they’re not confident he’ll make it out of the primary. That’s the assessment of this week’s POLITICO Caucus, our bipartisan survey of top operatives, activists and elected officials in Iowa and New Hampshire. Story Continued Below On the eve of Bush’s expected presidential announcement Monday, only 32 percent of Iowa Republicans said he could win there if the caucuses were held today. His numbers were much stronger in New Hampshire — 86 percent of both Republicans and Democrats said he would win the primary as of now — yet many caution that his frontrunner status there is precarious. **“He could win but so could several other candidates,”** said one New Hampshire Republican who — like all 61 respondents this week — completed the questionnaire anonymously in order to speak candidly. “It’s going to be a horse race and Bush is no American Pharoah right now.” **“Operative word is ‘could,’” added another Granite State Republican,** speaking of the former Florida governor’s ability to win the New Hampshire primary. “He has all the advantages he brought to the race — he has performed very well in visits here and his staff is strong — **but R voters are liking a race with no frontrunner. That will change but for now for R voters it is like Black Friday for shopping deals.”** **Iowa, with its socially conservative GOP base, has never been considered a natural fit for Bush and his brand of establishment conservatism.** His travel schedule to the state reflects that: Bush has visited just twice in 2015, though he plans to return next week. Some Hawkeye State Republicans doubt it will make a difference. “Not a chance,” said one Iowa Republican aligned with another candidate, when asked whether Bush could win the caucuses today. “He has shown little regard for Iowa or for what Iowans are looking for. Just not going to do well here unless he changes his game.” But several noted that Bush doesn’t need to win Iowa — he just needs to avoid an embarrassing finish. **“Believe it or not, he could [effectively win], because everyone forgets what a win is in the Iowa Caucuses,” an uncommitted Iowa Republican argued. “A win is a slot in top three — and arguably the top prize is not the first place finish, but the one in the top three that exceeded expectations the most.** Bush is in a tight grouping behind [Scott] Walker. If he was to finish in the top three — a very doable task — it would turn heads. And likely help a great deal in New Hampshire. Remember, too, that New Hampshire never votes for the top finishing Republican in Iowa. Who is on top in New Hampshire? Bush. Pretty early to write him off.” As for general election match-ups in Iowa and New Hampshire — smaller states, but swing states nonetheless — 70 percent of Republicans said Bush could beat Clinton and just 30 percent said he couldn’t; those numbers were exactly reversed among early-state Democrats. “NH is a swing state, and not any Republican can carry it. Several current candidates cannot but Bush could,” a New Hampshire Republican said. “Jeb Bush enjoys campaigning; Hillary Clinton endures campaigning,” an Iowa Republican said. “That difference is becoming more clear by the week.” But, argued a New Hampshire Republican who thinks Bush would lose to Clinton, “Bush’s primary flaw in attempting to attract independent women against Clinton is that he does not have an issue that would cause this critical demographic to break away from their natural inclination to support Clinton.” On the other side of the aisle, more than two-thirds of Democrats said Clinton would beat Bush in their states. “The GOP will hype their chances here, but ultimately this state (both sides of the aisle) has had a checkered history with the Bush family, and Hillary is too strong,” a Granite State Democrat said. “Silent ‘time for a woman’ Republican women outnumber silent sexist Democratic men,” said an Iowa Democrat. Republicans who didn’t see Bush beating Clinton — and Democrats who could envision Clinton losing to Bush — largely pointed to concerns about low turnout in another Bush-Clinton match-up, citing fatigue with both families. The responses come as Bush nears the end of a nearly week-long European tour and the beginning of his official campaign on Monday. While his fundraising juggernaut continues to roll on, his standing has suffered in the run-up to his campaign launch — his struggles to articulate his position on the U.S. decision to invade Iraq alarmed donors and supporters who expected more from such a mature and polished officeholder — and for weeks Marco Rubio has sucked up a lot of Bush’s oxygen. In the most recent POLITICO Caucus survey, 29 of the 61 respondents called the

Florida senator the biggest threat to Bush (though some named Rubio and another candidate, like Scott Walker). Still, Caucus insiders brushed aside the rough stretch — especially news about a staff shuffle — saying it doesn't resonate outside the Beltway. The focus for Bush and his reconfigured team now, they said, needs to be on spending time in the early states. "They need to come up with an early state strategy," an Iowa Republican said. "It's clear their strategy to raise as much money as possible to ward off opponents and freeze the field didn't work. Now they need to do what it takes to actually win and that's meet voters." **Here are three other takeaways from this week's POLITICO Caucus: Jeb's announcement day is an opportunity to break away from the Bush brand** Bush has been an all-but-declared candidate for months, but when he makes it official on Monday, he should use the chance to distinguish himself from the family name, insiders say. "Show he's his own man, different from his father and brother," said one New Hampshire Republican. "Show those who don't know him that he is a thoughtful, detail-oriented, reform-minded governor with a record of remarkable accomplishment, not the legacy politico his detractors portray him as," added another. As with Clinton's first major rally, which will happen on Saturday, insiders said Bush's announcement is a time to spell out his campaign rationale, and to make clear he's not running out of a sense of entitlement. "Show that he really wants this, that it's not a family destiny endeavor," urged an Iowa Republican. Bush has a clear strength — and an obvious weakness. Caucus insiders, from both states and on both sides of the aisle, were in agreement on Bush's biggest political asset — and his biggest challenge. For most respondents, fundraising was cited as Bush's strongest attribute of the options given. About 70 percent of Iowa and New Hampshire Republicans, as well as New Hampshire Democrats, pointed to his ability to raise money as his biggest strength. Forty percent of Iowa Democrats said the same. Other options included his electability, his ability to broaden the base and his executive experience. About a quarter of both Iowa and New Hampshire Democrats named electability as his biggest strength. **"If Jeb Bush can make it out of the primary, he's going to be a very tough general election candidate," an Iowa Democrat said. "He's not going to appeal to hardcore Democrats, but there are plenty of moderate Democrats in Iowa and elsewhere who are not threatened by the idea of a Jeb Bush presidency like they are about a Scott Walker or Ted Cruz presidency."** As for weaknesses, more than half of respondents in each category pointed to "Bush fatigue." Seventy percent of Iowa Republicans called that Bush's biggest problem, while more than half of Iowa Democrats and New Hampshire respondents overall said the same. His next biggest flaw, according to respondents from all of the blocs represented, is that he turns off the conservative base. Roughly a quarter of New Hampshire Republicans and Iowa Democrats offered that answer; 20 percent of Iowa Republicans and 26 percent of New Hampshire Democrats said the same. "The national network he and his family have built are indeed impressive. It will have to wait to be seen if \$100 million can inoculate him from the weaknesses of his campaign," an Iowa Republican said. There's no Republican groundswell for John Kasich. The Ohio governor continues to signal serious interest in a presidential bid, swiping at Bush and hiring prominent GOP staffers for his political team. But 61 percent of Republican POLITICO Caucus insiders say there's no opening for him. "Who's looking for a curmudgeonly moderate to support?" said one Iowa Republican. Another, more diplomatically, added, "Plenty of others to choose from already — don't need another." Nearly 70 percent of Iowa Republicans said there was no space for Kasich. Kasich fared better overall in New Hampshire, where Republicans were evenly divided over where there is appetite for his potential candidacy. "For Republicans looking for a moderate to liberal Republican, John Kasich is a strong option," a Granite State Republican said. "That probably is part of the Jeb Bush base as well." But several said that the more moderate conservative lane in which he would run is already too crowded, and he would be late to the game. "Big field and he cannot differentiate himself adequately to make a difference," a New Hampshire Republican said. "We are going to have a half a dozen establishment candidates running against a half a dozen conservatives." Several Granite State Democrats, however, noted that Kasich might appeal to independents, who could vote in the New Hampshire primary. "His name recognition is nil but he's a straight talker which has lots of appeal in NH — especially as all the NH "undeclared" voters will be voting in the Republican primary," said one, echoing another Democrat who asserted that Kasich is best-positioned, aside from Bush, to make the "electability" argument.

Clinton is showing strong support for CIR, knows that the Latin turnout is key to her chances

Nowicki 6-19-2015 "Dan, a reporter for the Arizona Central, "Hillary Clinton stressing support for immigration reform" <http://www.azcentral.com/story/news/politics/immigration/2015/06/19/hillary-clinton-backing-comprehensive-immigration-reform/28966917/>". CC

LAS VEGAS — As the 2016 Republican presidential field toughens its tone on border security and enforcement, Democratic front-runner Hillary **Clinton has drawn a sharp distinction on immigration by embracing comprehensive reforms such as a pathway to citizenship for undocumented workers already in the United States.** Speaking Thursday before the National Association of Latino Elected and Appointed Officials, Clinton,

a former secretary of State, reiterated promises she made during a May 5 roundtable in North Las Vegas. That she **would fight for comprehensive immigration reform that includes "a real path to citizenship" for the more than 11 million undocumented immigrants who have settled in the United States.** That she would oppose any move to deport the young immigrants known as "dreamers" or to undo President Barack Obama's executive actions that are shielding millions of immigrants from enforcement action. And that **if Congress continues to balk at acting on immigration reform, "as president I will do everything possible under the law to go even further than what President Obama has attempted to achieve,"** she said. "There are so many people with deep ties and contributions to our communities, like many parents of dreamers, who deserve a chance to stay, and I will fight for them, too," Clinton said to applause from a standing-room-only crowd inside the Aria Resort & Casino. "But I don't have to wait to become president to take a stand, right here and right now, against divisive rhetoric that demonizes immigrants and their families. It's wrong and no one should stand for it." The contrast between Clinton and the Republican White House prospects grew sharper this week with the entry into the race of celebrity real-estate developer Donald Trump, who announced his candidacy with a speech bashing Mexican immigrants as "rapists" and vowing to build a border wall at Mexico's expense. "They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people," Trump said of immigrants from Mexico. **While Trump is viewed by many political handicappers as a novelty candidate, others said his anti-immigrant rant could tarnish the Republican brand with Latino voters, a fast-growing demographic that is increasingly influential in key swing states such as Nevada, Colorado, Florida, New Mexico and Virginia. Despite warnings** from national GOP leaders after the loss of 2012 nominee Mitt Romney to Obama, in which Romney was shellacked among Latino voters, **most of the Republican presidential contenders continue to stake out hard-line positions on immigration and border security.** Trump's comments were a noisy distraction from the official entry into the race of former Florida Gov. Jeb Bush, a more moderate GOP presidential candidate who supports immigration reform. But even Bush didn't appear inclined to take up the issue during his Monday announcement until he was interrupted by pro-citizenship hecklers. "By the way, just so that our friends know, the next president of the United States will pass meaningful immigration reform so that that will be solved, not by executive order," Bush said. Later in the week, Bush called for immigration reform while campaigning in Iowa, which hosts the first presidential caucuses. U.S. Sen. Marco Rubio, R-Fla., another GOP 2016 candidate, also sparred this week with immigration activists who interrupted a speech he was giving in Washington, D.C. Ben Carson, a conservative retired neurosurgeon seeking the Republican nomination, was the only GOP hopeful to make an appearance at the NALEO conference. His remarks on Wednesday largely avoided immigration and instead highlighted the economy and the need for global U.S. leadership. He did say national-security concerns dictate the need to seal the borders. "What we should do, I believe, is provide them a way that they don't have to hide in the shadows," Carson said of the millions of undocumented immigrants already in the country. "Give them an opportunity to become guest workers. They have to register. They have to enroll in a back-tax program. And if they want to become citizens, they have to get in the line with everybody else and do what's necessary." Clinton spent less than five minutes of her 30-minute speech to the NALEO conference focusing explicitly on immigration policy. She also discussed other issues that resonate with Latino voters, including early-childhood development, preschool, jobs, education and voting rights. She also addressed the mass shooting Wednesday in Charleston, S.C., which killed nine people at a historic Black church. **Clinton's efforts to secure the Latino vote are fueled, in part, by anxiety among some**

Democrats that Obama's winning coalition might not be as motivated to turn out to the polls if Obama is no longer on the ticket. "Because this is what this community wants and needs to hear, it's what it's going to take to energize that community to actually show up in this election," said state Sen. Martin Quezada, D-Phoenix, who attended the NALEO conference. "If we don't, I think she's going to be in trouble. It's going to be a tough race anyway, so she needs this community to turn out next year and this is one way to really motivate them to do that." One political scientist said that while the Republicans must finesse immigration-related issues so as not to alienate anti-"amnesty" conservatives who are influential in the GOP primary, **Clinton's pro-reform stance appeals not only to Democratic primary voters but also to less partisan general-election voters.** Clinton so far has a few opponents in the Democratic race, including U.S. Sen. Bernie Sanders, I-Vt., who is expected to address the NALEO conference on Friday. "A Democrat on an issue like this can run for the broad center from the beginning and doesn't have to worry that she'll pay a big price for that in the primaries, whereas on the Republican side, even nominal immigration moderates like Jeb Bush have to say they're against the executive action," said Louis DeSipio, a professor of political science and Chicano/Latino studies at the University of California-Irvine. Meanwhile, the Republican National Committee suggested Clinton's efforts to appeal to Latinos is merely cynical politics. "Latinos deserve to know that Hillary Clinton is looking out for her own political ambition instead of their interests," Reince Priebus, the RNC chairman, said Thursday in a written statement. "As she has proven time and again, Hillary Clinton will say anything to get elected — making big promises she won't and can't keep, just like President Obama." Still, Clinton's all-out endorsement of immigration reform so early in the presidential campaign has immigrant-rights activists applauding. "I don't doubt whether she is deeply committed to it, but what I respect is that she understands the power of our movement, the importance of the Latino vote, and therefore she feels like it's in her interest to say what she's saying," said Frank Sharry, the executive director of America's Voice, a liberal national group that advocates for comprehensive immigration reform. **"To me, it's a movement victory that she's saying what she's saying. And for me, it's slow-motion political suicide for the Republicans to be saying what they're saying,** with a few notable exceptions." Even so, Clinton's expansive pro-immigration agenda is a recent development for her and a sharp break from the policies of her husband, former President Bill Clinton, who served two terms in the White House from 1993 to 2001. As a U.S. senator from New York, Clinton voted for the border-fence-authorizing Secure Fence Act of 2006, although she distanced herself from it as early as her 2008 presidential race. Also during the 2008 campaign, when she lost the Democratic nomination to Obama, Clinton came out against issuing driver's licenses to undocumented immigrants, a position she reversed this year. "Hillary seemed tone-deaf and rusty when she was on her book tour (for her 2014 memoir 'Hard Choices') and she was asked a couple of questions about immigration, and both times she fumbled it," Sharry said. "But now, **as a candidate, she has really leaned into it, taken ownership of the issue and made it clear that she's going to draw sharp distinctions with whoever the Republican nominee** is, including if it's Jeb Bush." Her husband's legacy could follow her as the campaign rolls on. Bill Hing, a University of San Francisco law professor and immigration-policy expert, said that from the standpoint of immigrant-rights advocates, Bill Clinton "has one of the worst immigration records" of any president in modern history. Under his administration, the United States started the "big militarization of the border" through Operation Gatekeeper, which was aimed at stopping illegal immigration along the U.S.-Mexico border south of San Diego by deploying more Border Patrol agents, and installing fencing, ground sensors, lights and other technology, Hing said. Clinton also signed the Illegal Immigration Reform and Immigrant Responsibility

Act of 1996, a sweeping bill passed by the Republican-controlled Congress that was aimed at cracking down on undocumented immigrants through a wide range of punishments. Those included barring undocumented immigrants from returning to the United States for up to 10 years, and expanding the list of crimes for which legal immigrants could be stripped of their status and deported. However, Hing doubts Bill Clinton's old positions on border security and immigration enforcement will hurt Hillary Clinton with Latinos. "Latino voters are giving her a pass because the Republicans have been so intransigent on immigration reform," Hing said, pointing out that in recent years conservative Republicans have consistently foiled attempts by moderate Republicans and Democrats to pass immigration reform. Doris Meissner, former commissioner of the Immigration and Naturalization System during the Clinton administration, said it's unfair to tie Bill Clinton's record to Hillary Clinton. The border-security and immigration-enforcement measures launched under Bill Clinton's administration were badly needed, Meissner said. But **what distinguishes Hillary Clinton from her Republican rivals is that she believes it is time to move beyond border security and immigration enforcement,** she said. "She's talking about now what needs to be done in addition and that is very different from what all the Republicans are saying," Meissner said. "They are just saying more of the same and they are in a time warp. ... We just don't have the same issues at the border."

The effects of CIR would be huge it can reduce the debt by 2.5 trillion and create millions of new jobs over the coming decade empirically proven by the IRCA of 1986

IPC 13' "Immigration Policy Center, "an immigration stimulus the economic benefits of a legalization program", <http://www.immigrationpolicy.org/just-facts/immigration-stimulus-economic-benefits-legalization-program>".CC

As the legislative debate over immigration reform heats up, a central point of contention will be whether or not to create a pathway to legal status for all or most of the 11 million unauthorized immigrants now living in the United States. **In evaluating the pros and cons of a legalization program, it is important to keep in mind that legalization is not only a humanitarian act; it is also a form of economic stimulus. The example of the 1986 Immigration Reform and Control Act (IRCA) demonstrates that workers with legal status earn more than workers who are unauthorized. And these extra earnings generate more tax revenue for federal, state, and local governments, as well as more consumer spending which sustains more jobs in U.S. businesses. Recent studies suggest that the economic value of a new legalization program would be substantial, amounting to tens of billions of dollars in added income, billions of dollars in additional tax revenue, and hundreds of thousands of new jobs for native-born and immigrant workers alike.** In short, a new legalization program for unauthorized immigrants would benefit everyone by growing the economy and expanding the labor market. The experience of IRCA demonstrates that legalization allows previously unauthorized workers to earn higher wages and get better jobs. University of Michigan economist Sherrie Kossoudji and Australian National University economist Deborah Cobb-Clark estimate that men who gained legal status under IRCA would have been earning between 14 percent and 24 percent higher wages if they'd been "legal" for all of their working lives in the United States. In addition, Kossoudji reports that "using different methodologies, data sets, and national-origin groups, nearly all researchers agree: once legalized, men's wages increased simply because they now had the legal right to work." As a result, "IRCA provided immediate direct benefits by successfully turning formerly clandestine workers into higher-paid employees." More broadly, "legalization for otherwise law-abiding undocumented immigrants is humane for them and their families, develops a better workforce for U.S. companies, and acts as a workforce development

program for young people. **Legalization would also create a level playing field and fair competition for U.S. workers, improve the earnings of law-abiding companies,** increase the tax revenue of local, state, and federal governments, and free local police to return to crime prevention, crime solving, and building safe communities.” A study by Rob Paral and Associates found that “between 1990 and 2006, the educational attainment of IRCA immigrants increased substantially, their poverty rates fell dramatically, and their home ownership rates improved tremendously. Moreover, their real wages rose, many of them moved into managerial positions, and the vast majority did not depend upon public assistance.” In 1990, 27 percent of IRCA immigrants age 16-24 lived below the federal poverty line. By 2006, the share who lived in poverty had fallen to 15 percent. Similarly, among IRCA immigrants age 25-34 in 1990, the poverty rate declined from 26 percent to 14 percent between 1990 and 2006. Only 26 percent of IRCA immigrants who were 25-34 years old in 1990 owned their own homes. This had risen to 67 percent by 2006. Likewise, among immigrants age 35-44 in 1990, the homeownership rate rose from 34 percent to 68 percent between 1990 and 2006. Recent studies demonstrate that the higher earnings of legalized workers yield more tax revenue, more consumer buying power, and more jobs Raúl Hinojosa-Ojeda, founding director of the North American Integration and Development Center at the University of California, Los Angeles, estimates that in just the first three years following legalization, the “higher earning power of newly legalized workers translates into an increase in net personal income of \$30 to \$36 billion, which would generate \$4.5 to \$5.4 billion in additional net tax revenue. Moreover, an increase in personal income of this scale would generate consumer spending sufficient to support 750,000 to 900,000 jobs.” In general, the study found that “removing the uncertainty of unauthorized status allows legalized immigrants to earn higher wages and move into higher-paying occupations, and also encourages them to invest more in their own education, open bank accounts, buy homes, and start businesses.” Raúl Hinojosa-Ojeda also estimates the fiscal benefits of legalization for eight states. Arizona: The wages of unauthorized workers would increase by \$1.8 billion, generating an additional \$540 million in tax revenue and creating 39,000 new jobs. California: The wages of unauthorized workers would increase by \$26.9 billion, generating an additional \$5.3 billion in tax revenue and creating 633,000 new jobs. Colorado: The wages of unauthorized workers would increase by \$924 million, generating an additional \$297 million in tax revenue and creating 20,000 new jobs. Florida: The wages of unauthorized workers would increase by \$3.8 billion, generating an additional \$1.13 billion in tax revenue and creating 97,000 new jobs. Nevada: The wages of unauthorized workers would increase by \$970 million, generating an additional \$249 million in tax revenue and creating 23,000 new jobs. New Mexico: The wages of unauthorized workers would increase by \$312 million, generating an additional \$90 million in tax revenue and creating 8,000 new jobs. Texas: The wages of unauthorized workers would increase by \$9.7 billion, generating an additional \$4.1 billion in new tax revenue and creating 193,000 new jobs. Virginia: The wages of unauthorized workers would increase by \$1.2 billion, generating an additional \$371 million in tax revenue and creating 27,000 new jobs. A study by Manuel Pastor and his colleagues at the Center for the Study of Immigrant Integration at the University of Southern California found that California’s unauthorized Latino population lost out on \$2.2 billion in wages each year because of their lack of legal status. Were they to earn this additional \$2.2 billion, the “rise in income would spur direct consumption spending by about \$1.75 billion dollars per year, which would ripple throughout the state economy, generating an additional \$1.5 billion in indirect local spending. Such an increase in direct and indirect consumer spending of about \$3.25 billion would generate over 25,000 additional jobs in the state.” Moreover, “if unauthorized Latino workers were granted legal status, the state government would benefit from a gross increase of \$310 million in income taxes and the federal government would gain \$1.4 billion in paid income taxes each year.” In another study, Manuel Pastor and Justin Scoggins estimate that, if the 8.5 million Lawful Permanent Residents (LPRs) in the United States who are eligible to naturalize did so, their earnings over the next decade would rise somewhere between \$21 billion and \$45 billion. These additional earnings and the spending they generate would amount to an increase in Gross

Domestic Product of somewhere between \$37 billion and \$52 billion. A report from the American Action Forum, authored by former CBO director Douglas Holtz-Eakin, **estimates that immigration reform would “raise GDP per capita by over \$1,500 and reduce the cumulative federal deficit by over \$2.5 trillion” over 10 years. These benefits accrue because “immigration reform can raise population growth, labor force growth, and thus growth in Gross Domestic Product (GDP).** In addition, immigrants have displayed entrepreneurial rates above that of the native born population.” A study by the Center for American Progress and Partnership for a New American Economy estimated the economic benefits of passing the Development, Relief, and Education for Alien Minors (DREAM) Act, which would create a pathway to legal status for the estimated 2.1 million eligible unauthorized immigrants who were brought to this country as children. The study found that “through a combination of improved educational attainment and higher paid jobs available to authorized immigrants, the passage of the DREAM Act would result directly in \$148 billion in increased earnings for beneficiaries of the passage of the proposed law. This direct effect would result in an induced effect of an additional \$181 billion of economic activity. We conservatively estimate the combined economic benefits of the DREAM Act would be approximately \$329 billion over the next 20 years, leading to 1.4 million new jobs and at least an additional \$10.2 billion in tax revenue.”

Sanders

Bernie Sanders is a flash in the pan, Hillary will win inevitably - early polls are misleading - Sander's cannot get the key minority vote nationally

Zipperer 07-02-2015 "Eddie, "The Bernie Sanders Hoax", <http://thehill.com/blogs/pundits-blog/presidential-campaign/246734-the-bernie-sanders-hoax>, a writer for the hill".CC

My Facebook newsfeed has been invaded by more than rainbows and Confederate flags. Stories about Sen. Bernie Sanders's (I-Vt.) "surge" in the Democratic primary have become ubiquitous on social media. Out of nowhere, here comes this 72-year-old Vermont socialist — free education in one fist, single-payer healthcare in the other — poised to surpass the once-thought-inevitable Hillary Clinton. **Am I witnessing the emergence of 2015's Barack Obama?** Mad dash to the keyboard. Finally, I can write something about the Democratic primary! Finally, it got interesting! In a big, bold Salon headline, Bill Curry asserts that "Hillary Clinton is going to lose." In the Huffington Post, H.A. Goodman (a contributor to The Hill) has an article headlined "Bernie Sanders Has Overtaken Hillary Clinton In the Hearts and Minds of Democrats." Imagine my disappointment when I found out that it was all empty hype. In fairness to Curry and Goodman, their articles do address the overly optimistic nature of their headlines. **Still, the polls tell the story of a reality in stark contrast to the progressive opinion-writing zeitgeist. There is no surge. There is no overtaking Clinton.** In the most recent Fox News poll (note to those who are anti-Fox: Fox News polls are conducted by an independent, bipartisan organization), **Sanders is second at 15 percent. Up 4 points since the May 31 to June 2 poll. That's a nice little jump. Guess who else jumped 4 points since that poll? Clinton. Except her jump was from 57 percent to 61 percent. So Sanders's 4-point jump did not come at Clinton's expense, from voters jettisoning themselves from a sinking ship. Sanders's 4-point jump came from Elizabeth Warren voters.** Sen. Warren (D-Mass.) was at 7 percent in the May 31 to June 2 poll, but she was not included at all in the most recent poll. Those 7 percent of Democratic voters didn't decide to unregister and forgo voting; they simply chose a new candidate. The New Hampshire surge — which is responsible for much of the burgeoning Sanders mythology — is much more interesting than the nonexistent national surge. Bloomberg and CNN polled New Hampshire voters last week, and the results were a Dickensian tale of two polls. The CNN poll showed Clinton with an 8-point lead. The Bloomberg poll showed Clinton with a 32-point lead. Both polls polled likely Democratic primary voters. Both polls had similar sample sizes. Both polls had a margin of error near 5 points. So, why the 24 point disparity? The most obvious difference between these two polls was that the Bloomberg poll did not include Vice President Biden as a possible contender. When Biden is included, it hurts Clinton, which means that if Sanders is to have any real chance at all, it rests largely on Biden's decision. **That being said, Sanders is still 8 points down in New Hampshire, even with Biden in the race. An 8-point deficit is small compared to Clinton's national lead, but it's still formidable, and New Hampshire polling misrepresents Sanders's popularity because he does disproportionately well among white voters.** On a national level, Clinton leads Sanders among white Democrats by about 34 points. **Among black Democrats, she leads him by about 65 points. The black population of New Hampshire is about 1.5 percent according to the Census Bureau, which is far below the 13.5 percent black population of the U.S.** But what about the big lead that evaporated for Clinton in 2008? I asked Kyle Kondik, the managing editor at Larry Sabato's Crystal Ball about that, and he explained that "her leads were not as towering as they are now: She was generally in

the low-to-mid 40s nationally, whereas she's now consistently over 60 percent. Anything can happen, but Clinton is as big a favorite for her party's nomination as any non-incumbent in recent memory." So, what is all this Sanders hype really about? Dr. Paul Rutledge, associate professor of political science at the University of West Georgia, attributes it to "the media trying to sensationalize an otherwise dreadfully boring Democratic primary." Looks to me like wish-upon-a-star thinking from progressives in the media who see the Democratic Party ready to hand the nomination to a non-progressive Democrat who's perceived by 52 percent of people as "untrustworthy," according to the latest Fox poll. In Curry's insightful but overly optimistic Sanders article, he points to this himself, saying, "She's weakest on the sleeper issue of 2016: public corruption and the general debasement of politics and government." I sympathize with progressives and their lack of options in this primary. I'll take the so-called GOP "clown car," which comes with 15 to 20 choices, over the Democrats' self-driving Clinton-mobile any day.

Plan makes Clinton lose - Bernie can confront her corruption and hypocrisy

Curry 6-14-2015 "Bill, "Here's how Bernie Sanders could win: The one issue where Hillary's vulnerable, and where the Tea Party might be right", Bill Curry was White House counselor to President Clinton and a two-time Democratic nominee for governor of Connecticut. He is at work on a book on President Obama and the politics of populism, http://www.salon.com/2015/06/14/heres_how_bernie_sanders_could_win_the_one_issue_where_hillarys_vulnerable_and_where_the_tea_party_might_be_right/.CC

After one of many trips to sub-Saharan Africa, Bono recalled that on his first visit there he thought its biggest problem was AIDS. Later, it seemed it was poverty; after many visits over many years he at last saw that it was corruption: the problem that kept all other problems from ever being solved. Corruption is hard to unmask, and harder to measure, but we know its cost to Africa is truly staggering. One study puts it at a quarter of the continent's total GDP, itself a paltry 2.4 percent of world GDP. Another says it slashes growth by 20 percent every year. It was long hoped that the sale of Africa's vast trove of natural resources would generate the investment capital necessary to move its people out of poverty and into the modern age. Instead, the money is siphoned off by corrupt elites who blow it on lavish lifestyles, park it in Swiss banks or invest it in high-end Paris or London real estate. It's the world's most common form of treason and goes largely unpunished. We live amidst a global pandemic of corruption. It ravages Asia, Latin America and the Middle East and devours Africa. It was the issue at the heart of every uprising of the Arab Spring. It has spurred riots in India and Brazil, struck fear into the hearts of China's leaders and contributed mightily to the warping of Russia's politics as well as its economy. It tops liberal agendas everywhere in the world — everywhere, that is, but here. **America has not had a full-throated debate of political corruption since Watergate.** In that scandal's immediate aftermath Congress enacted sweeping campaign finance reforms (struck down by the Supreme Court in its vile Buckley v. Valeo decision). In the mid '70s, states passed a flurry of reforms, establishing what were often their first ethics, campaign finance and freedom-of-information commissions. But politicians have chipped away at those reforms ever since. Few commissions have anything like adequate enforcement staff. Most states lack the civic self-respect to enforce their ethics laws, preferring to leave the job to overburdened federal prosecutors. Some say the reason our politicians talk less about corruption is that we have less of it, but it's a hard point to prove. How much money do we lose to corruption each year? Our government goes out of its way not to know. All major retailers itemize "inventory shrinkage" in their annual reports; 2013 losses were pegged at \$37 billion. No public-sector budget itemizes the cost of corruption, but here's a safe bet: America loses more to corruption than to shoplifting. Some say voters don't care about ethics. Political consultants tell their clients that nobody cares except old "goo-goos" — good government types — and even they don't care much. It's just a "process issue," they say; too abstract, too far removed from people's lives to matter. For the consultants who pocket millions from corporate and political clients alike, it's a convenient theory, but it's a lie, proven to be such again and again by election results and, yes, even by polling data. Every election year major news organizations conduct nationwide exit polls to ask, among other things, what issues brought voters out. Ethics is never even on the list. In 2009 and 2010 pollster Scott **Rasmussen posed the same question but included "government ethics and corruption" as a possible response. Both times over 80 percent of voters called it very important and both times it topped the list, edging out even the economy — this in the teeth of a protracted recession.** This week the Times released a poll on money in politics. Eighty-five percent of respondents said the system needs "fundamental change" or even to be "completely rebuilt." Eighty-five percent said politicians do their donors' bidding some or all of the time. Seventy-eight percent want to limit spending by independent groups. Seventy-five percent would require disclosure of donations to any entity engaged in politics. Just 23 percent said all Americans have an equal voice in their democracy. And here's an interesting fact: On every question, it seems Democrats and Republicans felt pretty much the same. Our government is so corrupt it is odious even in the eyes of patriots. In a Gallup poll measuring reputations of professions, nurses finished first; 80 percent judged their integrity to be

high. Members of Congress finished last at 7 percent, a full 14 percent behind lawyers. Even these numbers don't capture the depth of public anger. If the anger turns to cynicism millions will walk away from politics. Millions already have. If it finds a voice we may have an Arab Spring of our own, maybe as soon as 2016. If so, the less-prepared party will be blown away. As things stand now, that would be the Democrats. Republicans are by nature better at ginning up anger, but lately it's as if they had the patent on it. Progressives were first to oppose the 2008 Wall Street bailout. The first protest was hosted by TrueMajority, a liberal advocacy group founded by Ben Cohen of Ben & Jerry's ice cream fame. But by 2009 Obama owned the bailout and word went out that to attack it would only undercut him. Enter the Tea Party, amidst cries of "crony capitalism," to tap the rich vein of public anger. For the first time, economic populism was the property of conservatives. It was some gift. Of course, Republicans don't really want to fix the government; they want to kill it. The only corruption they really oppose is when some business that gave to Obama gets a federal contract. But they do have a nose for the issue. And since the decline of the religious right they've been looking hard for other hornets' nests to poke. Thus Rick Santorum in his recent announcement speech mentioned abortion only twice, while referencing corruption and moneyed interests 10 times. In his announcement, George Pataki proposed a list of reforms. The first was a revolving-door law to stop members of Congress from cashing in as lobbyists. It was the first ethics reform proposed by a presidential candidate of either party. It won't be the last. Even when they don't propose any reforms, Republicans express the anger voters feel. If Democrats don't propose some reasonable reforms, voters will go with whoever does the best job of sounding as mad as they feel. **As for the Democrats, Hillary Clinton may not be the worst person to fly the reform flag,** but then again, she might be. Her first problem is her past. If the Clintons didn't invent pay-to-play politics, with such minions as Rahm Emanuel and Terry McAuliffe in tow, they came close to perfecting it. **Her second problem is her present: her special way of handling her email; the alleged conflicts of interest over at the Clinton Foundation;** the pricey speeches she gave and Bill still insists on giving. Her third problem is how she handles questions about it all: her defensive tone; her far-too-clever syntactical evasions; her insistence on being praised even as she stumbles; and, yes, her seeming sense of entitlement. In a June 2 Gallup poll, 57 percent of respondents said Hillary is not "honest or trustworthy." In a Public Policy Polling survey of Ohio voters this week, she led Ted Cruz by a point and was tied with Marco Rubio. The first poll explains the others. This week, Bill Clinton said he'll stop giving \$500,000 speeches if she becomes president. Yesterday, Hillary went to New York City to deliver a populist-themed speech. Neither Clinton has a clue about the depth of public anger over watching big-money interests treat government as their personal toy. **If Clinton loses the nomination or the general election, this will be the reason why. Bernie Sanders does a far better job on the issue, but even he doesn't quite nail it.** Like Clinton, he says his Supreme Court appointees must commit to overturn Citizens United. He said it first, but every Democrat says it now and it feels like a dodge. Overturning Citizens United, whether by judicial review or constitutional amendment, is a highly conjectural remedy. A president could serve two terms and not get to replace a single Republican Supreme Court justice, and hell will freeze over before a 38th state ratifies a constitutional amendment. Democrats speak of Citizens United as if overturning it would restore a golden age of ethics; as if its mere existence excuses all the bad bargains they strike with the rich and powerful; as if it proved that where corruption is concerned, they are only victims, never culprits. Government was corrupt before Citizens United was filed and will have to be cleaned up before it's overturned. Voters want to hear some practical ideas about how to do it up—but so far Democrats don't have any. The sight of any Democrat raising billions while offering vague assurances of future reform won't satisfy anyone and comes at a high opportunity cost. Jeb Bush has possibly been breaking at least two major campaign finance laws all year. Democrats can't call him to account because they do the same thing. How much money must they raise to recoup the expense of ceding the high moral ground? One reason Democrats can't talk about corruption is that it's as much in their nature to defend government as it is in the Republicans' nature to attack it. The idea that government may be rotten at its core is alien to them. Two of Clinton's declared Democratic opponents, Martin O'Malley and Lincoln Chafee, attack her ethics, but the only reform either proposes is to pick him over her. Neither seems able to frame the issue properly. Democrats just aren't very good at it. Another reason Democrats can't talk about corruption is that they deny both its extent and their complicity in it. In Citizens United, Justice Kennedy "found" that government has no stake in "soft corruption"—the billions spent on lobbying and elections—because, he says, it does no harm and people don't seem to mind it. There was no evidence in the pleadings to support his finding because none exists. It's a statement of a sacred tenet of the establishment creed, that the powerful can exchange endless favors without injury to ethics, reason or the public interest. It's the big lie that holds the whole corrupt enterprise together. When he told it, Kennedy wasn't speaking for the radical right. He was speaking for the center. Kennedy recognizes government's stake in curbing "hard corruption," meaning the bribery that occurs when a politician puts the money in his pocket rather than his campaign or agrees to an explicit quid pro quo, preferably on tape or in an email. But when everyone knows the rules of the game, there's no need for post-it notes or idle chit-chat: one guy pledges cash, another expresses vague but heartfelt thanks, saying nothing of tangible reward, leaving little in the way of tangible evidence. Everybody gets home safe. Thus the law rewards the subtle rather than the good. The false dichotomy between hard and soft corruption isn't just in Citizens United; it's everywhere. It's why the New York Times made a deal with the GOP hatchet man who penned the borderline libelous "Clinton Cash" to explore its dubious leads. It's why O'Malley and Chafee say so much about Clinton but so little about the system itself. I care less about whether Clinton put her staff on a foundation payroll than I do about the billions she'll raise and the vital reform she'll forswear to do it. To get real change we have to pierce everyone's denial, not just hers. Last week O'Malley blasted Clinton for her ties to Goldman Sachs while signing off on an "independent" PAC of his own. Maybe he thinks his cookie-cutter critique of Citizens United will keep the public from noticing the hypocrisy. I bet it won't. Of all the candidates running in both parties, only Bernie Sanders has said he won't set one up, or signal some close confidant to do it when he

isn't looking. Bush denies he's a candidate to skirt laws that limit contributions to candidates. Clinton attends fundraisers for her "independent" PAC but leaves before the pitch so as to appear to obey laws that forbid her campaign and her PAC from working together. It's sad to see them flout the few laws left on the books that seek to curb corruption. But it would be just as sad to see them follow the law to the letter and rake in as much cash with only a bit more work. It's not just one case that needs overturning, it's the whole system. Everyone knows it except the ones in charge. America isn't Africa. There every injustice stands out as if etched in bas-relief. Here it's harder to see how political corruption leads to income inequality, global warming and other man-made disasters. Political elites, including elite Democrats, deny what most average folks have long known, that the new global economy runs not on innovation but on corruption. Without the ties that bind politicians to their donors, wages would be harder to restrain, the air would be harder to pollute, social contracts would be harder to shred. If you don't believe it just ask Bono, or Buhari or your next-door neighbor. Our real enemy is corruption. **A storm's brewing, but if Democrats feel the barometric pressure dropping they do a good job of hiding it. As the party of government they pay the price for our revulsion at its condition. Voters now espouse liberal views on most big issues: climate change; income inequality; immigration; same sex marriage; gun control; prison reform; foreign interventions.** Yet Republicans run Congress and the 2016 race is a dead heat. How can it be? One answer: the government's broken and Democrats can't or won't fix it. Republicans won't either, but then they don't plan to use it. **On the issue of corruption, Clinton's the most vulnerable of all the candidates.** She should take steps to shore up her position. For starters, she and Bill should stop trying to justify their seeming obsession with their personal finances. ("When we left the White House we were broke"; "I gotta pay the bills", etc.) Since 2001 they've earned \$125 million. Enough is enough. Cancel the pricey speeches or talk for free. Rid the foundation of any hint of a conflict. Ethical behavior begins in the assumption of personal responsibility. Show us you know it. I doubt she will. She should embrace real ethics reform, but I doubt she'll do that either. **Her campaign model is a perfect match for her neoliberal worldview and it's all she knows. It's true of nearly every top Democrat, Sanders being a rare exception.** If he wins a few rounds with low-dollar fundraising and grass-roots organizing, it'll shake conventional political wisdom as nothing has in a long time. But Democrats will resist reform to the bitter end and he can't subdue them all by himself. **The only way to put ethics where it belongs, at the center of the political debate, is for progressives to mount a full-bore, grass-roots anti-corruption campaign. It isn't a task they often take on,** perhaps because the issue is something of an ideological outlier. To some, it's an issue for the judicial branch. Like Bono, many liberals fail at first to see its connection to other fundamental issues of the distribution of wealth, income, opportunity and power. But that's starting to change. There are many questions of strategy and policy. One thing that's clear is the need to pivot from the question of how we fund campaigns to that of how we run government. The former issues require long constitutional battles and are hard to explain. The latter are easily attainable and understood. In 2008 Obama made government ethics reforms the centerpiece of his campaign. The ones he promised were concrete and specific. Most could be implemented by executive order. By the late fall his reform agenda was his biggest applause line, delivered at the end of each speech to bring a crowd to its feet. In office, he did little of it, though all of it was within his discretion. Among his unkept vows: no hiring of lobbyists; opening up "back rooms," including a pledge to let C-SPAN cameras film health care negotiations; a public register of visits by donors or lobbyists (delayed three years, never fully implemented); procurement reform; protection of whistleblowers; expanded transparency; vigorous prosecution of public and private corruption. Add to it a reform of rules governing classified secrets and a revolving-door bill covering not just members of Congress but their staffs and executive branch appointees and you're off to a strong start. Whoever made these promises would have to mean it. But that's where a strong, grass-roots movement comes in: to educate and mobilize the public and thus to hold politicians to account. Leaders of such movements take instruction from none but their conscience and their base. The time to draft a platform is now. By late fall, activists could be out presenting candidates for president, Senate and Congress with pledges to sign. Many candidates won't grasp the politics or the policy. But we can educate them and perhaps save them from themselves. It may seem a long shot but this we know for sure: it's the only way reform will ever come.

Bernie Sanders can't win general – too polarizing

Catalyst 05-12-2015 ["The problem with Bernie Sanders, http://catalystnewspaper.com/archive/the-problem-with-bernie-sanders/, the catalyst an independent student newspaper".CC](http://catalystnewspaper.com/archive/the-problem-with-bernie-sanders/)

Bernie Sanders is the liberal version of Ron Paul. As the longest-serving Independent in U.S. Congressional history and the only person in Congress who self-identifies as a socialist, Bernie Sanders is perfect for those who find Hillary Clinton too hawkish or too cozy with corporate interests. Senator Sanders has been a long-time champion of populist issues like income inequality, and has thus received a Ron Paul-esque following among young people. Many students at CC are supportive of his presidential run, and a recent post on CC Confessions asked, "how can we best help the Bernie Sanders campaign?" In spite of all the excitement surrounding Sanders' campaign, his bid for the Democratic nomination is futile and ultimately counterproductive. First of all, Sanders will not win the Democratic nomination. Radical candidates who

come out of left field have a pretty bad track record in the primaries. While Ron Paul was able to mobilize a dedicated fan base, he did not win a single primary in 2012. In 2008, Democratic candidate Mike Gravel echoed many of the same sentiments as Bernie Sanders, and his bid for the Democratic nomination was a disaster. **Those who are outside of the mainstream party narrative suffer two problems. First, they receive little serious media attention.** Ron Paul's share of media coverage went from 34 percent in December 2011 to 3 percent in January 2012. Mike Gravel received only 5 percent of the questions in the CNN-YouTube Presidential Debate. Second, radical candidates are unable to raise enough money to seriously compete. **Large-scale donors tend to favor those who are likely to win, and radical candidates don't fit that description. In Bernie Sanders' case, he has outright refused to take any money from large donors and has instead opted to stick to grassroots funding, so even if there were big donors to support him, it wouldn't matter. While this might appeal to the idealistic voters, it is hardly a good campaign financing strategy.** There is simply not enough money in grassroots fundraising to sustain a successful campaign. While Barack Obama received more money from donations under \$200 than any other successful presidential candidate, it still only amounted to 22 percent of the money he raised in the 2008 Campaign. Dennis Kucinich received 68 percent of his funds from grassroots, more than any other 2008 candidate. He also failed to receive more than 10 percent of the vote in a single primary. Campaigns are expensive (Obama and Romney raised more than \$1 billion each in 2012) and small donations won't cut it. **Even if Bernie Sanders were to win the Democratic nomination, he would never win in the general election. As mentioned above, Sanders is the only person in Congress who is a self-proclaimed socialist. Unfortunately for him, "socialism" is a dirty term in American politics,** right up there with "boots on the ground" and "sex with the interns." There is simply no way that someone as openly left wing as Bernie Sanders could win in the general election. Many who support the Sanders campaign will point to Barack Obama as proof that Bernie Sanders can win. After all, Obama came out of nowhere and won the nomination when everyone thought Hillary Clinton would win. There are important differences between Obama and Sanders. First, Obama was willing to take money from corporate interests and was thus able to raise money like there was no tomorrow. JP Morgan Chase and Goldman Sachs were among the top 5 donors to the 2008 Obama campaign. Furthermore, Obama towed the mainstream party line. In spite of what Fox News might say, **Obama did not take any radical positions and never identified as a socialist.** **Finally, Bernie Sanders is a boring old white guy. It is unlikely that he could electrify voters the way a young African-American candidate could.** Another argument in favor of Bernie Sanders' prospects regards fundraising. Within 24 hours of his campaign announcement, Bernie Sanders was able to raise \$1.5 million, which many have hailed as proof that he can win. \$1.5 million is a pitiful amount of money in the era of billion-dollar campaigns. Ron Paul was able to raise four times as much in a 24-hour period, and still lost. Some concede that even if Bernie Sanders can't win, he will at least force mainstream candidates like Hillary Clinton to shift further left. This is unlikely, since previous candidates have failed to do so. Neither Dennis Kucinich nor Mike Gravel were able to force the mainstream Democratic candidates to take a tougher stance on big banks in 2008; the financial reform passed by the Obama administration is almost laughable. Ron Paul's vocal opposition to drug prohibition (probably the main reason he is popular among young people) and American foreign policy did not force Mitt Romney to become more libertarian. If anything, Sanders' campaign will prove to be counterproductive as the Democrats try to win more than two consecutive terms for the first time since Roosevelt and Truman. Up until now, a major advantage the Democrats had is that they were united behind Hillary while the Republicans had too many candidates in the race. Bernie Sanders will certainly erode that unity. While he certainly won't beat Hillary, he will force her to use up resources that would be better spent in the general election, while eroding enthusiasm among the Democratic base. Even if Bernie Sanders could win, there are reasons that a Sanders presidency would not be as great as many think it would. For one thing, many of his economic proposals (higher taxes on the rich, increased spending on infrastructure) would have to go through Congress and cannot be implemented by the President through executive action. Given the fact that only three of the bills he sponsored (out of more than 300) have been signed into law, Sanders' ability to push bills through the legislature is questionable at best. Bernie Sanders has also been noticeably silent on foreign policy. One of his few recent statements on foreign policy is an interview in which he argued that Middle Eastern nations should do the bulk of the fighting against ISIS. How this differs from the current policy and the policy everyone else has argued is unclear, regional armies are already doing the vast majority of the fighting and the dying in the War against ISIS. Sanders has also opposed the Trans-Pacific Partnership, a key free trade agreement that will bolster economic growth and innovation, create jobs, and counter China's growing influence. Sanders simply lacks foreign policy experience. He does not serve on any foreign policy committees in the Senate. His only foreign policy credential is that he opposed the Iraq War. Opposing a mistake that was made over a decade ago is fine, but how would the Sanders administration deal with current issues like the rise of China or Putin's stealth invasion of Ukraine? At the end of the day, foreign policy is the area that the President has the most control over, and Bernie Sanders seems pretty deficient. Sanders has also been outspoken in his belief that climate change is real, man-made, and threatening. However, he has also opposed nuclear energy, calling for a moratorium on licensing new plants and re-licensing existing ones. Nuclear energy is key to cutting carbon emissions (renewables alone aren't going to cut it in a world where the sun doesn't always shine and the wind doesn't always blow) and it is difficult to see how Sanders would combat climate change without it. Sanders should never have run in the first place. The 2016 election is too crucial for the Democrats to lose, and Sanders will do more harm than good. He won't win, and even if he

could, he would likely be a major disappointment. If you are serious about making sure that the Republicans don't take the White House in 2016, then drop all support for Bernie Sanders.

Clinton is showing strong support for CIR, knows that the Latin turnout is key to her chances

Nowicki 6-19-2015 "Dan, a reporter for the Arizona Central, "Hillary Clinton stressing support for immigration reform" <http://www.azcentral.com/story/news/politics/immigration/2015/06/19/hillary-clinton-backing-comprehensive-immigration-reform/28966917/>".CC

LAS VEGAS — As the 2016 Republican presidential field toughens its tone on border security and enforcement, Democratic front-runner Hillary **Clinton has drawn a sharp distinction on immigration by embracing comprehensive reforms such as a pathway to citizenship for undocumented workers already in the United States.** Speaking Thursday before the National Association of Latino Elected and Appointed Officials, Clinton, a former secretary of State, reiterated promises she made during a May 5 roundtable in North Las Vegas. That she **would fight for comprehensive immigration reform that includes "a real path to citizenship" for the more than 11 million undocumented immigrants who have settled in the United States.** That she would oppose any move to deport the young immigrants known as "dreamers" or to undo President Barack Obama's executive actions that are shielding millions of immigrants from enforcement action. And that **if Congress continues to balk at acting on immigration reform, "as president I will do everything possible under the law to go even further than what President Obama has attempted to achieve,"** she said. "There are so many people with deep ties and contributions to our communities, like many parents of dreamers, who deserve a chance to stay, and I will fight for them, too," Clinton said to applause from a standing-room-only crowd inside the Aria Resort & Casino. "But I don't have to wait to become president to take a stand, right here and right now, against divisive rhetoric that demonizes immigrants and their families. It's wrong and no one should stand for it." The contrast between Clinton and the Republican White House prospects grew sharper this week with the entry into the race of celebrity real-estate developer Donald Trump, who announced his candidacy with a speech bashing Mexican immigrants as "rapists" and vowing to build a border wall at Mexico's expense. "They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people," Trump said of immigrants from Mexico. **While Trump is viewed by many political handicappers as a novelty candidate, others said his anti-immigrant rant could tarnish the Republican brand with Latino voters, a fast-growing demographic that is increasingly influential in key swing states such as Nevada, Colorado, Florida, New Mexico and Virginia. Despite warnings** from national GOP leaders after the loss of 2012 nominee Mitt Romney to Obama, in which Romney was shellacked among Latino voters, **most of the Republican presidential contenders continue to stake out hard-line positions on immigration and border security.** Trump's comments were a noisy distraction from the official entry into the race of former Florida Gov. Jeb Bush, a more moderate GOP presidential candidate who supports immigration reform. But even Bush didn't appear inclined to take up the issue during his Monday announcement until he was interrupted by pro-citizenship hecklers. "By the way, just so that our friends know, the next president of the United States will pass meaningful immigration reform so that that will be solved, not by executive order," Bush said. Later in the week, Bush called for immigration reform while campaigning in Iowa, which hosts the first presidential caucuses. U.S. Sen. Marco Rubio, R-Fla., another GOP 2016 candidate, also sparred this week with immigration activists who interrupted a speech he was giving in Washington, D.C. Ben Carson, a conservative retired neurosurgeon seeking the Republican nomination, was the

only GOP hopeful to make an appearance at the NALEO conference. His remarks on Wednesday largely avoided immigration and instead highlighted the economy and the need for global U.S. leadership. He did say national-security concerns dictate the need to seal the borders. "What we should do, I believe, is provide them a way that they don't have to hide in the shadows," Carson said of the millions of undocumented immigrants already in the country. "Give them an opportunity to become guest workers. They have to register. They have to enroll in a back-tax program. And if they want to become citizens, they have to get in the line with everybody else and do what's necessary." Clinton spent less than five minutes of her 30-minute speech to the NALEO conference focusing explicitly on immigration policy. She also discussed other issues that resonate with Latino voters, including early-childhood development, preschool, jobs, education and voting rights. She also addressed the mass shooting Wednesday in Charleston, S.C., which killed nine people at a historic Black church.

Clinton's efforts to secure the Latino vote are fueled, in part, by anxiety among some Democrats that Obama's winning coalition might not be as motivated to turn out to the polls if Obama is no longer on the ticket. "Because this is what this community wants and needs to hear, it's what it's going to take to energize that community to actually show up in this election," said state Sen. Martin Quezada, D-Phoenix, who attended the NALEO conference. "If we don't, I think she's going to be in trouble. It's going to be a tough race anyway, so she needs this community to turn out next year and this is one way to really motivate them to do that." One political scientist said that while the Republicans must finesse immigration-related issues so as not to alienate anti-"amnesty" conservatives who are influential in the GOP primary, **Clinton's pro-reform stance appeals not only to Democratic primary voters but also to less partisan general-election voters.** Clinton so far has a few opponents in the Democratic race, including U.S. Sen. Bernie Sanders, I-Vt., who is expected to address the NALEO conference on Friday. "A Democrat on an issue like this can run for the broad center from the beginning and doesn't have to worry that she'll pay a big price for that in the primaries, whereas on the Republican side, even nominal immigration moderates like Jeb Bush have to say they're against the executive action," said Louis DeSipio, a professor of political science and Chicano/Latino studies at the University of California-Irvine. Meanwhile, the Republican National Committee suggested Clinton's efforts to appeal to Latinos is merely cynical politics. "Latinos deserve to know that Hillary Clinton is looking out for her own political ambition instead of their interests," Reince Priebus, the RNC chairman, said Thursday in a written statement. "As she has proven time and again, Hillary Clinton will say anything to get elected — making big promises she won't and can't keep, just like President Obama." Still, Clinton's all-out endorsement of immigration reform so early in the presidential campaign has immigrant-rights activists applauding. "I don't doubt whether she is deeply committed to it, but what I respect is that she understands the power of our movement, the importance of the Latino vote, and therefore she feels like it's in her interest to say what she's saying," said Frank Sharry, the executive director of America's Voice, a liberal national group that advocates for comprehensive immigration reform. **To me, it's a movement victory that she's saying what she's saying. And for me, it's slow-motion political suicide for the Republicans to be saying what they're saying,** with a few notable exceptions." Even so, Clinton's expansive pro-immigration agenda is a recent development for her and a sharp break from the policies of her husband, former President Bill Clinton, who served two terms in the White House from 1993 to 2001. As a U.S. senator from New York, Clinton voted for the border-fence-authorizing Secure Fence Act of 2006, although she distanced herself from it as early as her 2008 presidential race. Also during the 2008 campaign, when she lost the Democratic nomination to Obama, Clinton came out against issuing driver's licenses to undocumented immigrants, a position she reversed this

year. "Hillary seemed tone-deaf and rusty when she was on her book tour (for her 2014 memoir 'Hard Choices') and she was asked a couple of questions about immigration, and both times she fumbled it," Sharry said. "But now, **as a candidate, she has really leaned into it, taken ownership of the issue and made it clear that she's going to draw sharp distinctions with whoever the Republican nominee** is, including if it's Jeb Bush." Her husband's legacy could follow her as the campaign rolls on. Bill Hing, a University of San Francisco law professor and immigration-policy expert, said that from the standpoint of immigrant-rights advocates, Bill Clinton "has one of the worst immigration records" of any president in modern history. Under his administration, the United States started the "big militarization of the border" through Operation Gatekeeper, which was aimed at stopping illegal immigration along the U.S.-Mexico border south of San Diego by deploying more Border Patrol agents, and installing fencing, ground sensors, lights and other technology, Hing said. Clinton also signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, a sweeping bill passed by the Republican-controlled Congress that was aimed at cracking down on undocumented immigrants through a wide range of punishments. Those included barring undocumented immigrants from returning to the United States for up to 10 years, and expanding the list of crimes for which legal immigrants could be stripped of their status and deported. However, Hing doubts Bill Clinton's old positions on border security and immigration enforcement will hurt Hillary Clinton with Latinos. "Latino voters are giving her a pass because the Republicans have been so intransigent on immigration reform," Hing said, pointing out that in recent years conservative Republicans have consistently foiled attempts by moderate Republicans and Democrats to pass immigration reform. Doris Meissner, former commissioner of the Immigration and Naturalization System during the Clinton administration, said it's unfair to tie Bill Clinton's record to Hillary Clinton. The border-security and immigration-enforcement measures launched under Bill Clinton's administration were badly needed, Meissner said. But **what distinguishes Hillary Clinton from her Republican rivals is that she believes it is time to move beyond border security and immigration enforcement**, she said. "She's talking about now what needs to be done in addition and that is very different from what all the Republicans are saying," Meissner said. "They are just saying more of the same and they are in a time warp. ... We just don't have the same issues at the border."

The effects of CIR would be huge it can reduce the debt by 2.5 trillion and create millions of new jobs over the coming decade empirically proven by the IRCA of 1986

IPC 13' "Immigration Policy Center, "an immigration stimulus the economic benefits of a legalization program", <http://www.immigrationpolicy.org/just-facts/immigration-stimulus-economic-benefits-legalization-program>".CC

As the legislative debate over immigration reform heats up, a central point of contention will be whether or not to create a pathway to legal status for all or most of the 11 million unauthorized immigrants now living in the United States. **In evaluating the pros and cons of a legalization program, it is important to keep in mind that legalization is not only a humanitarian act; it is also a form of economic stimulus. The example of the 1986 Immigration Reform and Control Act (IRCA) demonstrates that workers with legal status earn more than workers who are unauthorized. And these extra earnings generate more tax revenue for federal, state, and local governments, as well as more consumer spending which sustains more jobs in U.S. businesses. Recent studies suggest that the economic value of a new legalization program would be substantial, amounting to tens of billions of dollars in**

added income, billions of dollars in additional tax revenue, and hundreds of thousands of new jobs for native-born and immigrant workers alike. In short, a new legalization program for unauthorized immigrants would benefit everyone by growing the economy and expanding the labor market. The experience of IRCA demonstrates that legalization allows previously unauthorized workers to earn higher wages and get better jobs. University of Michigan economist Sherrie Kossoudji and Australian National University economist Deborah Cobb-Clark estimate that men who gained legal status under IRCA would have been earning between 14 percent and 24 percent higher wages if they'd been "legal" for all of their working lives in the United States. In addition, Kossoudji reports that "using different methodologies, data sets, and national-origin groups, nearly all researchers agree: once legalized, men's wages increased simply because they now had the legal right to work." As a result, "IRCA provided immediate direct benefits by successfully turning formerly clandestine workers into higher-paid employees." More broadly, "legalization for otherwise law-abiding undocumented immigrants is humane for them and their families, develops a better workforce for U.S. companies, and acts as a workforce development program for young people. **Legalization would also create a level playing field and fair competition for U.S. workers, improve the earnings of law-abiding companies,** increase the tax revenue of local, state, and federal governments, and free local police to return to crime prevention, crime solving, and building safe communities." A study by Rob Paral and Associates found that "between 1990 and 2006, the educational attainment of IRCA immigrants increased substantially, their poverty rates fell dramatically, and their home ownership rates improved tremendously. Moreover, their real wages rose, many of them moved into managerial positions, and the vast majority did not depend upon public assistance." In 1990, 27 percent of IRCA immigrants age 16-24 lived below the federal poverty line. By 2006, the share who lived in poverty had fallen to 15 percent. Similarly, among IRCA immigrants age 25-34 in 1990, the poverty rate declined from 26 percent to 14 percent between 1990 and 2006. Only 26 percent of IRCA immigrants who were 25-34 years old in 1990 owned their own homes. This had risen to 67 percent by 2006. Likewise, among immigrants age 35-44 in 1990, the homeownership rate rose from 34 percent to 68 percent between 1990 and 2006. Recent studies demonstrate that the higher earnings of legalized workers yield more tax revenue, more consumer buying power, and more jobs Raúl Hinojosa-Ojeda, founding director of the North American Integration and Development Center at the University of California, Los Angeles, estimates that in just the first three years following legalization, the "higher earning power of newly legalized workers translates into an increase in net personal income of \$30 to \$36 billion, which would generate \$4.5 to \$5.4 billion in additional net tax revenue. Moreover, an increase in personal income of this scale would generate consumer spending sufficient to support 750,000 to 900,000 jobs." In general, the study found that "removing the uncertainty of unauthorized status allows legalized immigrants to earn higher wages and move into higher-paying occupations, and also encourages them to invest more in their own education, open bank accounts, buy homes, and start businesses." Raúl Hinojosa-Ojeda also estimates the fiscal benefits of legalization for eight states. Arizona: The wages of unauthorized workers would increase by \$1.8 billion, generating an additional \$540 million in tax revenue and creating 39,000 new jobs. California: The wages of unauthorized workers would increase by \$26.9 billion, generating an additional \$5.3 billion in tax revenue and creating 633,000 new jobs. Colorado: The wages of unauthorized workers would increase by \$924 million, generating an additional \$297 million in tax revenue and creating 20,000 new jobs. Florida: The wages of unauthorized workers would increase by \$3.8 billion, generating an additional \$1.13 billion in tax revenue and creating 97,000 new jobs. Nevada: The wages of unauthorized workers would increase by \$970 million, generating an additional \$249 million in tax revenue and creating 23,000 new jobs. New Mexico: The wages of unauthorized workers would increase by \$312 million, generating an additional \$90 million in tax revenue and creating 8,000 new jobs. Texas: The wages of unauthorized workers would increase by \$9.7 billion, generating an additional \$4.1 billion in new tax revenue and creating 193,000 new jobs. Virginia: The wages of unauthorized workers would increase by \$1.2 billion, generating an additional \$371 million in

tax revenue and creating 27,000 new jobs. A study by Manuel Pastor and his colleagues at the Center for the Study of Immigrant Integration at the University of Southern California found that California's unauthorized Latino population lost out on \$2.2 billion in wages each year because of their lack of legal status. Were they to earn this additional \$2.2 billion, the "rise in income would spur direct consumption spending by about \$1.75 billion dollars per year, which would ripple throughout the state economy, generating an additional \$1.5 billion in indirect local spending. Such an increase in direct and indirect consumer spending of about \$3.25 billion would generate over 25,000 additional jobs in the state." Moreover, "if unauthorized Latino workers were granted legal status, the state government would benefit from a gross increase of \$310 million in income taxes and the federal government would gain \$1.4 billion in paid income taxes each year." In another study, Manuel Pastor and Justin Scoggins estimate that, if the 8.5 million Lawful Permanent Residents (LPRs) in the United States who are eligible to naturalize did so, their earnings over the next decade would rise somewhere between \$21 billion and \$45 billion. These additional earnings and the spending they generate would amount to an increase in Gross Domestic Product of somewhere between \$37 billion and \$52 billion. A report from the American Action Forum, authored by **former CBO director Douglas Holtz-Eakin, estimates that immigration reform would "raise GDP per capita by over \$1,500 and reduce the cumulative federal deficit by over \$2.5 trillion" over 10 years. These benefits accrue because "immigration reform can raise population growth, labor force growth, and thus growth in Gross Domestic Product (GDP).** In addition, immigrants have displayed entrepreneurial rates above that of the native born population." A study by the Center for American Progress and Partnership for a New American Economy estimated the economic benefits of passing the Development, Relief, and Education for Alien Minors (DREAM) Act, which would create a pathway to legal status for the estimated 2.1 million eligible unauthorized immigrants who were brought to this country as children. The study found that "through a combination of improved educational attainment and higher paid jobs available to authorized immigrants, the passage of the DREAM Act would result directly in \$148 billion in increased earnings for beneficiaries of the passage of the proposed law. This direct effect would result in an induced effect of an additional \$181 billion of economic activity. We conservatively estimate the combined economic benefits of the DREAM Act would be approximately \$329 billion over the next 20 years, leading to 1.4 million new jobs and at least an additional \$10.2 billion in tax revenue."

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Clinton will beat Sanders

Voters who would support Sander's will inevitably vote for Clinton, they see her as the only candidate that can win the national election

Tani 07-01-2015 "Mexwell, "Here's the one number that proves Bernie Sanders isn't a threat to Hillary Clinton", a writer for business insider, <http://www.businessinsider.com/can-bernie-sanders-beat-hillary-clinton-2015-7>"

Here's a theory that has popped up in recent weeks: Democratic presidential candidate Sen. Bernie Sanders (I-Vermont) is a legitimate challenger to Hillary Clinton. Following several recent polls that showed Sanders in a statistical dead heat with the former Secretary of State in the first-in-the-nation primary state of New Hampshire, some spectators and analysts have begun to tout Sanders as a threat to Clinton, who has long been the presumptive Democratic nominee. Slate said that Bernie is "within striking distance" of Hillary Clinton in New Hampshire. So did the Boston Globe. The Hill said that Sanders's surge is "becoming a bigger problem" for Clinton. Prominent GOP pollster Glen Bolger predicted that Sanders would win Iowa and New Hampshire. We've noted the Sanders uptick, including one poll that showed a "statistical tie" in New Hampshire. But **one question** in a new CNN poll out Wednesday **takes the air out of Sanders' surge, and shows why his momentum likely won't translate to electoral success. According to CNN, only 2% of Democratic voters think Sanders has the best chance of winning the general election. That number has proven to be a red flag for any candidate.** Studies have long shown that most voters desire to cast their vote for a winning candidate, and they'll often vote for their second choice if they perceive the candidate to have a better chance of winning. As University of Maryland professor Eric Pacuit points out, many voters in 2000 who supported Green Party candidate Ralph Nader ended up voting for Democratic nominee Al Gore. There are a couple of reasons for this. According to Duke researchers Daniel Kselman and Emerson Noiu, **some voters cast their votes strategically, as some Nader supporters did for Gore. Other simply desire to jump on the bandwagon of the winning team.** Voting behavior aside, Sanders's recent gains in New Hampshire shouldn't be projected elsewhere. As Slate's Josh Voorhes points out, **the Senator's popularity in New Hampshire hasn't necessarily translated to other states. In Iowa, Sanders is barely making a dent, trailing Clinton by 40 points,** according to a recent Real Clear Politics polling average. So, yes: **Sanders is gaining ground with some Democratic primary voters in New Hampshire. But if more people don't start thinking he can actually win the nomination, it's unlikely that he'll be a continued threat.**

Clinton still has strong support in the key swing states of New Hampshire and Iowa, Bernie is a threatening but not even close to a viable candidate nationally

Cassidy 6-26-2015 "John, "Bernie Sanders is enjoying a mini surge", staff writer for the New Yorker since 1995, <http://www.newyorker.com/news/john-cassidy/bernie-sanders-is-enjoying-a-mini-surge>".CC

On Thursday, while the political world was focussed on the Supreme Court's Obamacare ruling, **two polls came out showing Bernie Sanders making up ground on Hillary Clinton in New Hampshire and Iowa.** In a survey carried out by the University of New Hampshire Survey Center for CNN and the Manchester-based WMUR TV, **Clinton was leading Sanders by just eight percentage points: forty-three per cent to thirty-five per cent. Meanwhile, a poll carried out in Iowa for Bloomberg found that Sanders now has the support of about a quarter of likely Democratic voters,** by far his strongest showing yet in the state that will be the first to vote in the

Democratic primary. “It’s tremendous progress that he is making with voters in the first two states,” Tad Devine, Sanders’s chief political strategist, told Bloomberg’s John McCormick. “It’s something we felt on the ground.” **At this stage, it’s necessary to issue a few qualifiers. First, it’s not July 4th yet, and there are still seven months until the 2016 primaries begin. At this early stage, opinion polls bounce around quite a bit, and no single survey should be accorded very much weight. Second, Clinton is trouncing Sanders in the national polls. Third, even in the early primary states she still has a big advantage. In Iowa, Sanders has yet to come within twenty-five points of her in any poll,** and in New Hampshire a separate Bloomberg survey found that she retains a much bigger lead than the CNN/WMUR survey suggested: twenty-six points. “Clinton remains enormously well-known and well-liked in New Hampshire, a state she won before,” Doug Usher, of Purple Strategies, the research firm that carried out Bloomberg’s New Hampshire poll, said. **She benefits from a gender gap in a primary that will be disproportionately female, and even Sanders’s voters admit Clinton is likely the nominee.** **So there’s no need for panic in the Clinton camp, which has adopted the public position that it expected a competitive primary all along.** But for Sanders, and for Democrats who would like an alternative to Clinton, the signs are encouraging. The seventy-three-year-old Vermont senator is clearly enjoying himself, hurtling around the country, drawing large crowds, and promoting his progressive agenda. In the past few days, for instance, he has welcomed Pope Francis’s encyclical on climate change, criticized Congress for granting President Obama fast-track authority to complete the Trans-Pacific Partnership, and reiterated his call to expand Medicare into a national health-care system for everyone. As Sanders promised when he started out, he isn’t criticizing Clinton directly. But he is seeking to draw a contrast between his clear positions on such issues as trade with his opponent’s nuanced statements. And he’s insisting he’s in it to win. Speaking to David Corn, of *Mother Jones*, Devine explained that Sanders’s strategy is based on raising enough money—forty or fifty million dollars—to advertise in the early primary states of Iowa, New Hampshire, Nevada, and South Carolina, and he claimed that, thanks to lots of small donations, this strategy is working so far. “I don’t know if we can outright beat her in Iowa and New Hampshire,” Devine said, “but we have a real shot at it in both places.” That may be stretching things. **Still, if Sanders keeps gaining, he will certainly have the capacity to disrupt some of the Clinton campaign’s carefully laid plans.** Should they go after Bernie? Should they ignore him? Something in the middle? Up until now, the Clintonites have been running a professional and highly scripted operation that has achieved most of its initial goals, but that sometimes resembles painting by numbers. Clinton has the money, the infrastructure, and the support from other prominent Democrats that Sanders lacks, but the Vermont senator has advantages, too: enthusiasm at the grassroots, the flexibility that comes with being a one-man band, and the ability to position himself as a scrappy underdog and outsider. “You can make the case that a certain amount of Bernie Sanders’s support is a protest vote, but there’s more to it than that,” J. Ann Selzer, the president of Selzer & Co, which carried out Bloomberg’s poll in Iowa, said. “People like him. They like what he stands for. They like showing up at his events and hearing him say things they believe in.” In short, Sanders is running a classic insurgency campaign. And as many establishment candidates have discovered in the past, running against such an opponent can be an uncomfortable experience.

Sanders Popular

Clinton should be worried by Sanders's rise, Hillary is weak because of her alignment with the Democratic establishment

Goodwin 05-07-2015 "Michael, "How Bernie Sanders threatens to derail Hillary's coronation", a writer for the New York post, <http://nypost.com/2015/07/05/how-bernie-sanders-threatens-to-derail-hillarys-coronation/>".CC

Trying to create a presidential persona and a rationale for running, Hillary Clinton relaunched her campaign at a memorial to FDR. She used the glorious setting of Four Freedoms Park to summon Roosevelt's legacy and frame her theme as "Four Fights." She also invoked her husband and President Obama, as if piggy-backing on presidents would define her. Perhaps it will work, but her predicament recalls a Dem president she didn't mention: Lyndon Baines Johnson. The similarities must scare her. LBJ looked certain to be re-elected in 1968, until a Minnesota senator with a penchant for poetry named Eugene McCarthy shocked the world by getting 42 percent in the New Hampshire primary, against Johnson's 49 percent. Less than three weeks later, the president famously declared that "I shall not seek, and I will not accept, the nomination of my party for another term as your president." **If there is a McCarthy-like figure on the scene today, it is Bernie Sanders, the scrappy underdog threatening to upset Hillary's coronation. The news that Sanders is surging in polls in Iowa and New Hampshire must be sending shivers through Clinton's camp. Even though Hillary still leads in the 2016 first states, the gap has narrowed so much that her surrogates are lowering expectations,** saying Sanders might win some showdowns. That's amazing enough, but her problem could be even more serious. Echoing the Mark Twain line that "history doesn't repeat itself, but it does rhyme," the Clinton-Sanders dynamic is starting to rumble like the political earthquake of '68. LBJ's demise is a textbook example of how quickly the bubble can burst. He had the power of incumbency while Hillary wears the mantle of inevitability. That didn't work for her in 2008, either, when Obama emerged to crash her party. **Sanders, a self-described democratic socialist, doesn't need to win the nomination — and he probably won't — to block Clinton. He only need show that she's not inevitable, and that there is a motivated, significant piece of the party that rejects her. That is exactly what he's doing, as large, enthusiastic crowds greet him wherever he goes. If she looks beatable, more viable candidates will find the courage to run.** That's the McCarthy model. He ran as a dissident against the Vietnam War and the New Hampshire results in mid-March of '68 crystallized unhappiness with Johnson. Nearly 20,000 American soldiers were dead by the end of 1967, and the election year would be the bloodiest of all. It started with a Jan. 1 attack on a US military base and February's Tet Offensive saw the deadliest single week of the war, when 543 Americans were killed and more than 2,500 wounded. Overall, 16,899 of our soldiers died in 1968, the most in any year. In those dark days, many people, including top Democrats, grew disillusioned with Johnson, and McCarthy's promise to end the conflict found special resonance among draft-age students. Shaggy anti-war protesters shaved and got haircuts in a "clean for Gene" movement. But the New Hampshire primary was McCarthy's high-water mark. Bobby Kennedy jumped in and, after Johnson bowed out, so did Hubert Humphrey. Kennedy probably would have won, but was assassinated in June by Palestinian terrorist Sirhan Sirhan. Humphrey got the nod at the Chicago convention, a debacle marked by violent street protests that helped Republican Richard Nixon win the presidency. **For her part, Clinton already has veered left to head off a challenge from the progressive flank. But her long record as a relative military hawk who is cozy with Wall Street is proving a tough sell in a party increasingly more radical than she is. The anti-Hillary movement is also picking up steam because of her shady dealings with international oligarchs and the rivers of cash flowing to the Clinton Foundation.** Never reliably honest, she's been caught in lies about her e-mails as secretary of state, leading most voters to say she is untrustworthy. That,

in turn, is keeping several GOP candidates ahead or close in hypothetical matchups. Although she remains the likely nominee, there are many dents in Clinton's armor and a long way to go. By the end, 2016 could be the new 1968. Bratton is better than his word Bill Bratton's bite is worse than his bark. That's a very good thing for New York. With crime in June falling to its lowest level since at least 1993, the top cop is showing he still has a talent for miracles. Through May, murder was up nearly 20 percent. Bratton's reaction then was a disappointment, writing in The Post that the "relatively minor increase" did not mean crime was "raging out of control." He said he had a plan of action, but his lack of a clear promise sounded like he was preparing the city for a new normal of more violence. Thankfully, that has not happened. June's numbers were dramatically lower than a year ago, with murders down 38 percent and fewer shootings, rapes, robberies and stolen cars. Beyond the obvious benefits, the stats are comforting because they prove the NYPD still can move quickly and make a life-saving difference despite the handcuffs and insults coming from City Hall. It's just one month, but let's hope this is the start of a new, downward trend. Congratulations to the commissioner and all the members of the NYPD. Once again, they showed why they are the Finest. Smith's old wives tale Former state Senate leader Malcolm Smith had delusions of grandeur, boasting that he, President Obama and Gov. David Paterson all had wives named Michelle. The implication was that he, too, was bound for glory. His sentencing on federal bribery charges brought him back to earth with a thud. A Democrat, he was convicted of a scheme to buy his way onto the Republican mayoral ballot in 2013. Leaving court last week, Smith said only, "I thank God for the opportunity I've had to serve." Presumably, he didn't mean his time in prison, which was set at seven years. Oh, how the would-be mighty have fallen. Pataki plays his 'Trump' card Who's afraid of Donald Trump? Apparently most of the GOP presidential candidates except George Pataki. Even as Republicans try to attract Latino voters, the former three-term New York governor broke the party's shocking silence over Trump's statement that Mexican immigrants are "bringing drugs. They're bringing crime. They're rapists." In an open letter to competitors, Pataki said the comments "left me and a lot of other sensible people wondering what century we are living in," and urged others to join him in denouncing them. Initially, only former Texas Gov. Rick Perry mumbled disagreement, but late Friday Marco Rubio finally denounced Trump's comments as "offensive." And yesterday, Jeb Bush chimed in, labeling Trump's remarks "extraordinarily ugly." Better late than never. Pataki is a long shot for the nomination, but his refreshing capacity for decency has not been dimmed by his time out of office.

Sanders is a legitimate threat to Clinton, he can tap into the grassroots movement his only obstacle is in getting his message out to every voter

Smith 07-03-2015 "Adam, tampa bay times political editor, "Bernie Sanders turns into force on presidential campaign trail", <http://www.tampabay.com/news/politics/national/bernie-sanders-turns-into-force-on-presidential-campaign-trail/2236070>".CC

The biggest obstacle to Hillary Rodham Clinton winning the Democratic presidential nomination is a rumped, white-haired grandfather who doesn't even call himself a member of the Democratic Party.

Bernie Sanders has no entourage or bevy of political advisers. He represents a state with half the population of Hillsborough County, and he has long been viewed by the national media as a quaint fringie — a self-described democratic socialist, of all things! — from the People's Republic of Vermont. **But contrary to conventional wisdom**

about the Democratic presidential contest, people are listening to presidential candidate

Sanders. A lot of people. "This is a rigged economy and, brothers and sisters, together we are going to change that," Sanders, 73, told a crowd of more than 10,000 people in Madison, Wis., Wednesday night. "This campaign is sending a message loud and clear to the billionaire class. And that is: You can't get tax breaks when children in America go hungry. You cannot continue to send our jobs to China when millions of Americans are desperately looking for work. You can't hide your profits in the Cayman Islands and in other tax havens when we have so many unmet needs in America!" The packed arena roared. "Bernie! Bernie! Bernie!" It was the largest campaign crowd any of the nearly two dozen 2016 presidential candidates has drawn so far, and it followed Sanders pulling 5,500 in Denver the previous week. Three hundred people showed up in late May when he appeared in the

farm town of Kensett, Iowa, population 260. Whether you call it old-fashioned class warfare or, as some Sanders fans prefer, a movement for economic justice, **Sanders is tapping into something, much as the less-focused Occupy Wall Street movement did.** How broad that something is remains to be seen, but Vermont's junior senator is no longer a bit player in a Democratic primary where Clinton had long been seen as the most commanding frontrunner in generations. The latest poll of New Hampshire primary voters, by WMUR and CNN, found that Clinton's 21-point lead over Sanders two months ago has dropped to 8 points, 43 percent support to 35 percent. That is within the poll's margin of error. None of the other announced Democratic candidates — former Maryland Gov. Martin O'Malley and former Sens. Lincoln Chafee of Rhode Island and James Webb of Virginia — topped 2 percent. A Quinnipiac University Iowa poll released last week found Clinton with an overwhelming 19-point lead over Sanders. But the Vermonter's support had doubled in less than two months, and Clinton's lead had been cut by more than half. "He is galvanizing support unlike any candidate I have ever seen, and I've been doing this for a while," said Mike Fox, a St. Petersburg resident and national organizer for the political group Progressive Democrats of America, which is independently helping Sanders. The Sanders campaign has no presence in Florida, concentrating instead on the early primary states like Iowa and New Hampshire and generating national attention, buzz and enthusiasm with appearances in liberal bastions like Austin and Madison. Grass roots Sanders supporters are still mobilizing across the Sunshine State. In Tampa Bay, nearly 80 people attended a Sanders event June 22 in Tampa, while former Pinellas Democratic chairman and St. Petersburg mayoral candidate Ed Helm last weekend hosted about 50 people at his home. They saw a Skype presentation from one of Sanders' aides in Vermont. "He's like a breath of fresh air," said Jim Jackson, a Democratic activist in Pinellas. "He's standing up and taking on the issues that so many of us care about: the big banks, the hedge fund people, how nobody went to jail for what they did to the economy, while the middle class keeps getting stepped on." Like Jackson, retired Tampa lawyer Rochelle Reback said she would support Clinton if she wins the nomination, but so far sees little to be excited about with the frontrunner. "Bernie Sanders is the one speaking up for the middle class in America and he's brave enough to take positions that are not favorable to Wall Street. It's about time somebody did that," she said. "Hillary has been overly cautious, and I don't think she's been very clear on a lot of her positions." Helm, who splits his time between St. Petersburg and Vermont, said it's not uncommon to see barns painted with the slogan "Take Back Vermont" — a backlash against liberal Vermonters — and pro-Bernie Sanders signs on the same property. "He connects with people. People respect his honesty, his directness and his commitment," said Helm, who thinks Sanders' populism and independence would pull tea party Republicans and libertarians in a general election. "He cares about things that matter to everyday people." Voters do not register by party in Vermont, but Sanders calls himself a democratic socialist. That's not as radical as it may sound. Sanders, who caucuses with the Democrats in the Senate, essentially argues that the government in a healthy democracy can and should play a big role in promoting and protecting the welfare of citizens. His platform includes: • Committing \$1 trillion to rebuild the country's infrastructure and generate jobs. • Creating a Medicare-for-all, single-payer health care system. • Raising the minimum wage to \$15 an hour. • Making tuition free for public colleges and universities. • Aggressively moving the country's energy policies away from fossil fuels. • Curbing the power and influence of Wall Street and breaking up the biggest banks. ("If a bank is too big to fail, it is too big to exist.") "The issue of wealth and income inequality, to my mind, is the great moral issue of our time, is the great economic issue of our time, and it is the great political issue of our time," Sanders said in Wisconsin in his Brooklyn baritone. "Let me be as clear as I can be: There is something profoundly wrong when today the top one-tenth of 1 percent own almost as much wealth as the bottom 90 percent. There is something profoundly wrong when today 58 percent of all new income is going to the top 1 percent." Sanders served as mayor of Burlington, Vt., for four terms, in the U.S. House for 16 years, and eight so far in the U.S. Senate. He may be among the most liberal members of Congress, but he also understands governing and compromise. He is the ranking Democrat on the Senate Budget Committee and chaired the Veterans Affairs Committee from 2013 to 2015. "You won't find two members of Congress more at the opposite ends of the ideological spectrum than Bernie and me," said North Florida U.S. Rep. Jeff Miller, the House Veterans Affairs chairman. "But from working with him on VA issues, I can tell you Bernie is a very intelligent man, a skilled negotiator and an astute political tactician. **I think he has been underestimated and will surprise a lot of people.**" Consistently drawing monster crowds does not necessarily translate to winning presidential nominations, as Democrat Howard Dean and Republican Ron Paul can attest. He has shown little momentum among minority voters — which would make him a much more serious threat to Clinton — **and he faces the widespread perception that he can't win. But even as Sanders lambastes the role of big money in politics, it appears money will not be his chief obstacle. He reported last week raising \$15 million from 250,000 donors since entering the race in April, with an average contribution of \$33.51. Clinton's campaign said she raised about \$45 million. "Right now the people who favor Bernie, we're not fighting Republicans. We're fighting the media's bias in not taking him seriously as a legitimate challenger,"** said Reback of Tampa. "People go, 'Bernie can't win,' but it's just you guys (in the media) talking to each other. You're not talking to the 10,000 people who showed up in Wisconsin." In Miami, 28-year-old Ellen Wall clicked on the New York Times website Thursday morning to read about Sanders' Madison event. She found a report on Jeb Bush's strong opposition to peas in guacamole, but nothing on Sanders. **"Yes, Bernie Sanders is a dark horse," she said. "But if more people are able to hear about his message, absolutely he can win the nomination."**

Sanders Loses General

Bernie Sanders cannot win the general election he does not have the money and the general electorate is polarized

Cesca 05-04-2015 “Bob, “The five nearly impossible challenges for Bernie Sanders and his supporters”, Bob Cesca is the Managing Editor of The Daily Banter. Cesca has written weekly featured columns in The Huffington Post since August 2005, <http://thedailybanter.com/2015/05/the-five-nearly-impossible-challenges-for-bernie-sanders-and-his-supporters/> .CC

Based strictly upon his agenda, Sen. Bernie Sanders (I-VT) would be a groundbreaking president, and in a general vote-your-conscience sense, he's definitely worthy of support from the activist left. Here are just a few of the reasons why: he supports single-payer healthcare; he supports higher tax rates on the wealthiest one percent, especially when it comes to paying for wars; he'd prioritize global warming as the number one crisis of our time; and he's arguably the most vocal supporter of the middle class since FDR. **In many ways, Sanders is a dream candidate... .On paper. This is the big “but.”** Supporting Sanders for the Democratic nomination is sort of like ordering a new-fangled As-Seen-On-TV exercise contraption. Making a conscious decision to get into better shape is admirable. However, there are about ten thousand subsequent steps that need to occur after handing over your credit card number. Either you'll do all of the impossibly necessary work to look like the fitness models in the infomercial, or you'll have a medieval clothes rack festooning the corner of your bedroom until the big yard sale. Likewise, **there are five impossible challenges facing Sanders and his people. 1) Raising money. Evidently, Sanders raised over a million dollars immediately after his announcement, with the average donation not exceeding \$43. That's significant and respectable. The question is whether he has the continuously generous donors to outspend not just Hillary Clinton, but the other potential contenders including** the John Edwards of this election, Martin O'Malley, who's getting ready to announce soon. In order to do so, will Sanders accept support from big-money donors and various 501(c)3 organizations, along with the accompanying dark money? And how will his supporters take the news? It'll be impossible for Sanders to make a serious dent in the delegate count without going there. 2) Calibrating expectations. On Sunday's *This Week with George Stephanopoulos*, Sanders made it clear that we shouldn't underestimate his chances, given his track record of victories so far. Frankly, however, I don't think he seriously, deep down, expects to win. Historically, candidates like Sanders (see also Dennis Kucinich, Ron Paul, Al Sharpton, Mike Gravel and even Ross Perot) never really believe they can win. If that's the case, what's the point in activating massive grassroots support and fundraising for a no-win candidate? The obvious answer, and one which I personally like, is the idea of nudging the Overton Window leftward. Sanders has the rhetorical chops to move the debate leftward, making some of his ideas more palatable to voters, and that's a good thing, given how rightward the Window has been pulled by the tea party and Bush-era, post-9/11 politics. The caveat here, though, is for his supporters to calibrate expectations to match this goal, rather blindly and singularly expecting victory because if too many supporters fail to steel

themselves for the inevitable, disillusionment and subsequently more Hillary Derangement Syndrome will ensue and that's terrible news for the Democratic nominee in the general. 3) Superdelegates and winning the nomination. Remember 2008? In the Democratic nomination fracas between Barack Obama and Hillary Clinton, 20 percent of the necessary delegates required for the nomination came from unpledged "superdelegates" who had enough power to throw a tight nomination battle in either direction, or worse, to a contested convention. Does an Independent-turned-Democrat have the superdelegate support of someone like Clinton or O'Malley, knowing that each candidate's been shmoozing party apparatchiks for many, many years. 2008 taught us that the Democratic nomination isn't solely decided by voters. Without superdelegate support, Sanders is entering the race with a 20 percent deficit. Unless Sanders runs a flawless campaign and reassures enough superdelegates that he's capable of defeating the Republican nominee, he doesn't have a shot. **4)**

Beating the Republican ticket. With an increasingly polarized electorate, Sanders would have to acquire massive support from the center-left and especially the middle in order to come close to beating the GOP nominee. While it's true the Republicans have mostly abandoned the middle for the tea party and libertarian extremists in the party, it doesn't necessarily mean a far-left socialist can grab up the centrist votes. There's no doubt that a Sanders general election campaign could generate plenty of Democratic support, from both the left and center-left, but how would moderate undecided voters swing: toward a crumpled socialist or a familiar GOP name like Bush, or a young newcomer like Scott Walker who feels familiar? Bottom line: Sanders has much farther to go in order to win the middle than the GOP ticket. 5) Governing and compromising his agenda. Let's say Sanders successfully runs the

gauntlet and a series of events transpire that impossibly thrusts him into the White House. What then? More than anything else, Sanders' coattails would have to be longer than Florida in order to carry with him enough congressional seats to support his agenda. And even if perchance the Democrats pull a Godzilla-sized rabbit out of a Jeb Bush-sized hat and win majorities in both chambers, would there be enough votes from moderate Democrats to support colossal tax hikes on the rich or a single-payer health insurance plan to replace Obamacare? Highly, highly, highly doubtful. Remember how long Obamacare was hashed out in Congress in order to win the support of blue-dog Democrats like Ben Nelson and Max Baucus? Nearly a year, as I recall, and a pantload of compromise, including the soul-crushing abandonment of the public option. Now imagine trying to get blue-dog Democratic Senator X to vote for single-payer. Honestly, it wouldn't even come to that because the Senate Republicans would filibuster the hell out of the entire Sanders agenda, much less single-payer. I think most liberals would agree, at least when compared to Sanders, that Obama has governed as a center-left Democrat and occasionally a centrist Republican. How has the GOP reacted? Like mental patients. Insert, now, an actual socialist agenda into that equation and stir. In order for Sanders to get anything passed he'd absolutely be forced to significantly compromise his agenda and cut deals with the Republicans. How might he compromise? First and foremost, his unwavering support for Israel as well as his votes against closing Guantanamo might indicate two areas that'd be on the table in negotiations with Mitch McConnell and John Boehner. But just imagine the apoplexy

from his far-left supporters if he did. And that's just the tip of the iceberg in a divided government. How would Sanders get his would-be Treasury Secretary Robert Reich (who's a fantastic choice, by the way) confirmed by a Republican Senate? He'd have to give them something they'd want, of course, and even then it'd be crap-shoot. Would the far-left be comfortable with a trade? Reich for, say, a moderate Supreme Court nominee? Or Reich for Keystone XL? Or Reich for ANWAR? Based on the last six-plus years and the far-left's ongoing perfectionist freakout over Obama's compromises, not to mention President Clinton's compromises in the 1990s, many heads would surely explode. Bottom line: while Sanders' agenda is attractive, it's wise to calculate whether it's at all practical. Sadly and regrettably, I'd argue that none of it is, given the political climate today — unless Sanders and his supporters are willing to compromise, and I don't think his supporters in particular have the capacity for compromise. Not even close, given recent history. There's a definite nobility in voting for candidates who best align with our personal values, even if they have no chance of winning. But our convictions in the voting booth are equally if not less important as having a realistic outlook on the bigger picture, and voters of both parties would do well to seriously consider these factors. If a vote for a longshot candidate with a longshot agenda triggers an explosive and perhaps irreparable blowback against your values, was it really worth it? Meanwhile, the left ought to provide Sanders just enough leverage to inject his message into the mainstream. At the end of the day, isn't that the point?

Sanders winning the nomination would give the GOP the win his continued candidacy makes liberals skeptical of Hillary and they will stay home in the general election

Clifton 05-09-2015 "Sanders is already making it more likely republicans win the white house in 2016, Allen Clifton is from the Dallas-Fort Worth area and has a degree in Political Science, <http://www.forwardprogressives.com/bernie-sanders-already-making-likely-republicans-win-white-house-2016/>".CC

I absolutely love Sen. Bernie Sanders (I-VT). He's one of the few genuine politicians we have in this country and he's someone I believe "gets it" when it comes to policies that can help the average American. **But he's also at an advantage to say and do a lot of the things other progressives/liberals can't because he represents the very liberal state of Vermont in the Senate. His polar opposite might be Sen. Ted Cruz (R-TX). Cruz can be as asinine, ridiculous and fanatical as he wants because that's what conservatives in Texas want. But there is one thing both Sanders and Cruz do have in common - neither of them are ever going to become president.** As much as I really like Bernie Sanders, I also care a heck of a lot about Republicans not winning the White House in 2016. What's worrying me now is I'm seeing signs that Sanders' entrance into the presidential race is already making it more likely that Republicans could do just that. Right now, the **GOP is continuing to try to convince millions** of Americans that Hillary **Clinton** is some shady, underhanded crook **who shouldn't be trusted.** **Meanwhile, many on the far-left are trying to paint her as a neocon who's actually more "Republican" than somebody like Jeb Bush** because she's not a far-left progressive like Sanders. In a lot of ways, far-left liberals are actually helping out the Republican party by bashing

Clinton. I've literally received several messages from people saying they believe that if Hillary Clinton had to nominate Supreme Court Justices, her choices might be more conservative than many of her potential Republican opponents. That statement in and of itself proves just how delusional many people have become about her. But there's a catch to why Sanders can say and do a lot of what he's doing now - because he's not actually trying to win. **Sure, his rhetoric plays well with far-left liberals, many liberal blogs and people who care more about idealism instead of realism, but none of that is going to win in the general election. Besides, Sanders is best suited for the Senate, not the presidency. And in 2016 we can't run on unrealistic idealism; far too much is at stake.** I don't deny Sanders is a revolutionary figure. I honestly believe in the not too distant future many of the policies he stands for now will be more mainstream in our government. But most of the country isn't ready for that drastic of a change, because change often happens very slowly. Right now, Bernie Sanders, if he were the Democratic nominee for president, would get crushed in the general election. I'll use same-sex marriage as an example of what I mean when I say change happens slowly. It's 2015 and only now are we finally on the brink of gay marriage becoming legal in all 50 states. Both President Obama and Hillary Clinton have come out in support of same-sex marriage, when even just a few years ago they both opposed it. But could they have done that 20 years ago? For the most part, no. For example, if Bill Clinton runs on legalizing same-sex marriage in 1992, George H.W. Bush wins re-election – because the country wasn't yet ready for marriage equality. Not only that, but pushing the issue before people were ready might have potentially led to a Constitutional Amendment banning gay marriage, as many Republicans have pushed for now, which would have made legalizing it now much more difficult (if not impossible). My point being, **you have to know when and where to pick your battles because sometimes you can do more harm than good.** Is that fair? No – it's just reality. My colleague Manny Schewitz disagrees with me on this. In a recent article, he wrote: Hillary Clinton does not do well when matched against Rand Paul, but **Bernie Sanders has the ability to win over many libertarians who don't trust Rand Paul** and would agree with Senator Sanders on issues like ending the War on Drugs, reducing military spending and ending domestic surveillance programs. (Source) First, the libertarian vote is minuscule in the grand scheme of things. If libertarians were a powerful enough entity in politics, we'd see more libertarians elected to public office. Second, the vast majority of libertarians are not going to support someone who describes themselves as a socialist, pushes for socialized health care and opposes many of those "free market ideas" libertarians hold so dear. So **even if he were to lure some of the libertarian vote, he's basically grabbing a tiny percentage of an already small pool of voters.** Besides, Paul is in no way going to win the GOP nomination, so wondering how a Sanders vs. Paul 2016 campaign would turn out might make for a fun debate, but it's not going to happen. Also from my colleague's article: Bernie Sanders has been a progressive for his entire career and has shown that you don't need massive amounts of money to win an election if you have a message that voters identify with. Hillary Clinton has a much shorter political career and is more of a center-right Democrat who voted to authorize the Iraq War, whereas Bernie Sanders voted against it. Ideally, a candidate should not only have a message that connects with the majority of voters, but they should be able to excite and energize the base as well – and nothing excites me less than being told that a candidate is inevitable and that I need to sit down, shut up, and support her. (Source) Again, while I am a big fan of Sanders, to believe he can become president is falling in love with idealism instead of the reality of politics. **Sanders wouldn't win in a national election in 2016 because he's a self-described socialist in a country where just that word alone terrifies many people.** While I respect the opinions of those like my colleague who believe Sanders would be a viable candidate (and there are quite a few who do), I can tell you with absolute certainty in my mind that there's no way he would win the general election – period. To put into perspective just how little Sanders' chances are at winning the nomination (even as much as I like him), let alone becoming president, in most polls he's getting about as much support as Joe Biden – and who honestly believes our vice president stands any chance at taking that next step? I like Biden, but not for

president. Though what I ultimately fear Sanders is going to do is get liberals worked up just enough to where when he eventually loses the Democratic primary election to Hillary, it's going to cause many to become apathetic and refuse to show up in 2016 to vote for the "not liberal enough/basically a Republican" Hillary Clinton. After all, liberal apathy is what happened to President Obama. Prior to moving into the White House, liberals were "energized" and excited about Barack Obama. Then reality set in and they began realizing that he couldn't wave a magic wand and make all their dreams come true overnight. By 2010, his approval rating had fallen a decent amount, liberals weren't "motivated" to vote because apathy had set in and Republicans took control of the House of Representatives, ensuring that almost nothing "liberal" would ever get passed. And that apathy, if strong enough in even just a couple of swing states next year, can be more than enough to ensure that a Republican wins the White House in 2016. That cannot happen, because like I said earlier, far too much is at stake. Read more at: <http://www.forwardprogressives.com/bernie-sanders-already-making-likely-republicans-win-white-house-2016/>

2016 will be determined by voter turnout the election hangs on if Democrats stay home

Clifton 3-18-2015 "Allen,"There's a reality about Hillary Clinton many liberals need to face," Clifton is a writer for the publication forward progressives, he has a degree in political science, <http://www.forwardprogressives.com/reality-hillary-clinton-liberals-need-face/>"

Let me list a few numbers for everyone: 78 80 80 83 Those are the ages that Supreme Court Justices Stephen Breyer, Antonin Scalia, Anthony Kennedy and Ruth Bader Ginsberg will be when the next president is sworn in, respectively. The next president we elect (assuming he or she serves two terms) could very well be the individual who selects four Supreme Court Justices. Now, in a world where we've all seen how powerful the Supreme Court can be concerning the laws that impact all of us, who on the left wants a Republican such as Jeb Bush, Ted Cruz or Scott Walker potentially selecting four Supreme Court Justices? Listen, I know quite a few people on the left aren't huge Hillary Clinton supporters. I personally like her, but I understand that a lot of people don't. Even as a supporter, I know she's far from perfect – but there's a harsh reality that Hillary haters on the left need to face. First, Sen. Elizabeth Warren (D-MA) isn't going to run for president. I repeat, Elizabeth Warren is not going to run for president. The only way I think she might is if Clinton decided not to run. Considering that isn't going to happen, I will repeat once again – Elizabeth Warren isn't going to run for president. And if you don't believe me, here she is - several different times - stating that she's not going to run for president. Besides, she's best suited for the Senate. She's a warrior who can get much more done fighting Republicans as a senator than she could as president. We need her voice in the Senate. Then there are those people who are excited Sen. Bernie **Sanders** (I-VT) is running. Listen, I love Sanders, but he's never going to be president - ever. He'll be 75 in 2016, meaning that if he served eight years he'd be 83-years-old. Even if you get past his age, which many wouldn't, he's also a self-described socialist. If you really think this country is going to elect a self-described socialist to the White House, you really don't know much about politics. Furthermore, Sanders is also best suited for the Senate – just like Elizabeth Warren. Outside of those three, it's too late in the game for anyone to sneak in and make a big name for themselves. If someone worth electing was planning to run, they would already be a big name with a lot of momentum. Liberals might not like hearing this, but it's going to be Hillary Clinton or a Republican in 2016. It really breaks down to these two options: Either get on board with Hillary Clinton, even if she's not everything you've dreamed of. - or – Whine and cry because Elizabeth Warren isn't going to run, become apathetic, then let Republicans win the White House in 2016; likely replace four Supreme Court Justices over the following 8 years; start a war with Iran; ruin the planet; destroy our economy again; and undo all the good that's been done these last 6 years. Yes, it's really that simple. The question is, would

you rather have a candidate who supports 60-70 percent of what you support, or almost none of it? And spare me this, "I'll vote for an independent because Americans need to move away from the two-party, corrupt system that's ruining this country" nonsense. **Look, if you want to waste a vote based on principles, that's your choice. I'm telling all of those people right now, Republicans won't. In fact, Republicans are hoping that's exactly what many liberals and independents will do. The system is what it is and it's unlikely to ever change. We've mostly been a two-party system since the founding of this nation, and definitely have been for the last century and a half. While some liberals will go off and pout in a corner, pointlessly carrying on about how their wasted vote is a "stance against a system they don't support," you know what Republicans will be doing?** Voting for Republicans and destroying this country. Republicans overwhelmingly won this past November, not because they were popular or ran the better candidates, but because liberals let them win. For every liberal who didn't cast a vote, that was essentially a vote for a Republican. **The GOP thrives on lower voter turnout and a disjointed Democratic party.** Hell, they count on it. So, while I understand that Hillary Clinton isn't everyone's cup of tea, I can promise you this much – she's a hell of a lot better than any Republican alternative. So to all of you liberals who loathe her and feel that voting for her would be "selling out," do you really want a Republican president potentially replacing four Supreme Court Justices? It all goes back to one simple fact: **If liberals don't want to get behind whomever is the Democratic candidate for president in 2016, then a Republican is going to occupy the White House after President Obama.** This isn't me trying to sensationalize anything or using hyperbole, I'm just telling you the truth. Even if we break this down to its simplest form, ignoring any mention of who is or isn't running for president, then the question really comes down to: Who do you want potentially replacing four Supreme Court Justices in the next 8 to 10 years – a Democrat who supports same-sex marriage, abortion rights, health care and the separation of church and state, or a Republican who opposes all of that and then some? Read more at: <http://www.forwardprogressives.com/reality-hillary-clinton-liberals-need-face/>

Clinton Loses General

1. Empirics prove approval ratings don't carry over, and models show voters flip flop after consecutive wins for same party.

Meghan Mcardle 04/15/15 Bloomberg Columnist, MBA from University of Chicago, English lit BA from University of Penn. "Hilary Clinton isn't inevitable."
<http://www.bloombergview.com/articles/2015-04-14/hillary-clinton-isn-t-inevitable04/15/15>

Unlike fine wine, presidential parties do not age well. There's evidence that voters get sick of the ruling party after a while and want a change, even if things seem to be doing OK. Now, we don't have that many elections to go by, as this just covers the postwar period. The theory could be wrong. But it makes a certain amount of sense: The longer a party has been in office, the staler its ideas seem, and the more time there has been for scandals to accumulate. And in Clinton's case, she comes prepackaged with scandals of her own. It's just less motivating to turn out for your party's third presidential term than it was for the first, when your base was fired up and a substantial number of independents were sick of the party in office. ¶9. Obama's approval ratings do not make for long coattails. In the last four years of his presidency, Bill Clinton's approval ratings averaged over 60 percent. Nonetheless, his not-particularly-appealing VP barely fought the election to a statistical draw. Obama, meanwhile, has struggled to break 50 percent. Maybe those ratings are going to shoot up for the last year, but that's going to take some shooting to get Hillary Clinton into "inevitable" territory.

2. Clinton scandals and stoic attitude kill public appeal.

Meghan Mcardle 04/15/15 Bloomberg Columnist, MBA from University of Chicago, English lit BA from University of Penn. "Hilary Clinton isn't inevitable."
<http://www.bloombergview.com/articles/2015-04-14/hillary-clinton-isn-t-inevitable04/15/15>

6. She's not a particularly good candidate. She has never won a tough election. In fact, she's only won in deep blue New York, which is not exactly playing against the varsity. On the stump, she has nowhere near the appeal of her husband, or Barack Obama. She's a totally fine speaker, but she is not inspiring, and she does not come off as warm; her tone ranges from "well coached" to "annoyed." You might call her the Mitt Romney of the Democrats. ¶ 7. All the Clinton baggage is going to come back to haunt her. Americans love their presidents ... in retrospect. Even George W. Bush is starting to attract some warm, fuzzy feelings for his foray into painting and his

admirable determination not to go around trying to conduct shadow policy debates. All the things we hated about the Clintons, from the financial scandals to the pardons, have faded into distant memory. As soon as Hillary Clinton goes on the stump, however, we'll start having flashbacks. Indeed, with the e-mail mess, they have already started.

3. Chait's conclusions are false, large voter coalitions are empirically fragile.

Meghan Mcardle 04/15/15 Bloomberg Columnist, MBA from University of Chicago, English lit BA from University of Penn. "Hillary Clinton isn't inevitable."
<http://www.bloombergview.com/articles/2015-04-14/hillary-clinton-isn-t-inevitable>04/15/15

Seemingly alone among commentators, I am bearish on Hillary Clinton. Not "she can't win" bearish, but "something less than a 50 percent chance of winning" bearish. Why is everyone else convinced she's a lock?¶ If you believe the "wisdom of crowds" argument, the answer is that I'm wrong and they're right. And fair enough. But this crowd is composed of mostly left-leaning journalists and academics, so there might be a wee bit of sample bias.¶ Gender Gap¶ Jonathan Chait has a smart piece in New York magazine on why Clinton is probably going to win. Here's my bear-side case for why I don't think she will. The Emerging Democratic Majority is questionable. Chait thinks it still holds; I'm skeptical, mostly because I don't believe in permanent coalitions. The bigger your coalition, the bigger its internal tensions. Coalitions can collapse suddenly and without warning -- who in 1976 would have predicted 1980?

4. Clinton campaign focus on female audience that already leans towards democrats trades off with low male and minority turnout needed for win.

Meghan Mcardle 04/15/15 Bloomberg Columnist, MBA from University of Chicago, English lit BA from University of Penn. "Hillary Clinton isn't inevitable."
<http://www.bloombergview.com/articles/2015-04-14/hillary-clinton-isn-t-inevitable>04/15/15

It's not clear how far she'll outperform Barack Obama with women. Clinton beat Rick Lazio in 2000 by a shocking percentage among women -- 20 points. But that's in New York state, where there are a lot of unmarried women (married women actually lean Republican). And Obama already carried women 55 to 60 percent in 2012. Realistically, how much higher can she drive that percentage, or turnout among women voters? Moreover, there are trade-offs: Democrats outperformed among women, but are underperformed among men. Clinton seems to be planning a platform heavy on items designed to appeal to female voters, such as paid family leave. But these actually appeal to a pretty narrow segment of the population -- young single women, and those with small children -- where Democrats already do really well. There's the risk that these gain her voters among folks who are already strong Democrats while costing her votes in segments she needs to pick up. Especially since any serious promise of these things is going to have to come with a plan for paying its hefty price tag. 3. I doubt she'll replicate Obama's turnout among black voters. Obama brought a lot of black voters to the polls, for the same reasons that Catholic voters, especially Irish Catholics, lined up around the block to vote for Al Smith and John F. Kennedy. The first president from a group that has historically faced discrimination is naturally going to drive higher turnout among that group, but that doesn't mean they'll keep turning out in the same numbers (or even for the same party -- 20 years after JFK, a lot of Irish Catholics were voting Republican). I expect that blacks will continue to be a strong constituency for Democrats in years to come, but I doubt they will come to the polls for Clinton in the same way they did to vote for the first black president. That means she has to make up those votes elsewhere.

Dems Lose General

Democrats will lose General but Economic growth could be Black Swan

Fair 5/27 (Ray Fair, professor of economics at Yale University, has predicted 7 out of 9 elections, author of 'Predicting Presidential Elections and Other Things', 5/27/15, 'In 2016's presidential race, the winner will be ...', <http://www.latimes.com/opinion/op-ed/la-oe-0527-fair-election-prediction-20150527-story.html>, 7/1/15, ACC)

Since 1978, based on data going back to 1916, I've documented how four conditions affect voting patterns. The first is whether the president is running again. If so, this has a positive effect on votes for the president. The second is how long a party has controlled the White House. **Voters like change; when a party has been in power for two or more consecutive terms, this has a negative effect on votes for that party's candidate.** The third is the slight but persistent bias in favor of the Republican Party. Finally, the state of the economy: **A good economy at the time of the election has a positive effect on votes for the incumbent party candidate.** The economic variables that matter are the rate of inflation and output (GDP) growth. Of particular importance is GDP growth in the first three quarters of the election year. **These first three conditions are working against the Democrats** in 2016. The president is not running; the Democrats have been in power for two terms; there is that lingering Republican bias. According to the equation behind my work, then, **the economy has to be very strong between now and the election for the Democrats to have a good chance of winning.** Most economists believe the economy will grow at about a 3% annual rate between now and **November 2016**. If that happens, my equation predicts the Democrats will win about 46% of the vote in a two-party contest. **In order for them to win more than 50%, the economy would need to grow at about 4%, and even in that case their predicted vote share would climb only slightly above the halfway mark.** My equation's average prediction error over the 25 elections since 1916 is between 2.5 and 3.5 percentage points. **Assuming the economy does indeed grow at 3%, the probability that the Democrats will win is low, between about 5% and 13%.** Republicans have cause for confidence. My analysis is, of course, based on the assumption that the future will be like the past. What if voters start caring more about income inequality than economic growth, and perceive the Republicans to be poor on that issue? Or what if the GOP nominates someone further from the mainstream than ever before? **Shifts in priorities can never be ruled out, but** the best I can say is that **the conditions that sway voters appear to have been fairly stable for 100 years** — and my equation has a fairly good track record. **In seven of the nine contests** between 1980 and 2012, my **equation correctly predicted which party would win the popular vote**. It was wrong in 1992, when it predicted that Clinton would lose. (There was a strong third-party candidate that year, Ross Perot, which may have been a problem.) And it was wrong in 2012, when it predicted President Obama would win only 49% of the vote and he got 52%. All along, however, I said the prediction fell within the margin of error. A prediction of the sort I have just made is different from predictions using polls. **Although polls can at times be fairly accurate, at least near the time of the election, they are not causal. The theory behind my analysis is that the economy and the other conditions have a causal effect on voting behavior.** Given an economic forecast, I can make a prediction at any time — I don't

even need to know who's running. I made my first prediction for the 2016 election in November, at which time I predicted, as now, that the Republicans would win if the economy turned out as currently expected. **If a more robust economy does not materialize, it is likely that after 18 months of essentially nonstop campaigning, the Democratic nominee will lose** — through no fault of her own.

Bush Losing Now

Jeb Bush could not win the Republican primary now due to the conservative vote

Collins 3-2-2015 "Kevin, "Here's Why It Is Simply Not Possible For Jeb Bush To Win 2016 GOP Primary, <http://www.westernjournalism.com/heres-simply-not-possible-jeb-bush-win-2016-gop-primary/>, a writer for **Western Journalism**".CC

We didn't really notice the political ineptness of George H.W. Bush. He ran with the great Ronald Reagan, who could have picked a name from the phone book as his running mate and still would have won both times. Bush the elder brought little to the ticket as he knew little about politics. When he ran on his own and picked Dan Quayle to run with him, he proved that point. George W. Bush was different. He had been Governor of Texas and knew things about politics his father never learned. He presented himself to us as a solid Texas-style conservative at first; but as his two terms progressed, his basic, RINO streak came out. Nevertheless, he won two hard-fought campaigns and demonstrated enough political skill to get by. Now, **the younger Bush-brother Jeb-who was twice elected governor of Florida, wants to be the Republican nominee for president in 2016. His political skills are not to be dismissed; yet a case can be made that, like his father, he was merely at the right place at the right time. Jeb Bush seems to think that he is entitled to the nomination** because..... well, it isn't clear why; but it is certainly the case. He has openly declared his intention **to capture the nomination without the support of the TEA party, which is the conservative core of the Republican Party. This is simply not possible. There are just not enough moderate and liberal Republicans who will actually vote in the Party's primaries to overcome the number of conservatives who will NOT turn out to vote.** Jeb winning Republican primaries will be as likely as his drawing the cards to fill an inside royal straight flush. **This doesn't seem to bother Jeb because he feels he is "entitled" to the nomination, somewhat like Bob Dole was in 1996.** Nevertheless, the differences between them are stark. While Dole was "conservative enough" for his time, Jeb is actively promoting the worst of the Left's agenda and has been for some time. He has called illegal immigration "an act of love" and continues to support amnesty for illegal aliens, even now after the Democrats have started openly admitting they want to use illegal aliens to gain and keep control of Congress for decades to come. Even knowing conservatives hate Common Core, Jeb wants to taunt us as he smugly talks down to us on the campaign trail. Jeb is undoubtedly being led astray by the likes of Karl Rove, just as his brother was. If they succeed, and Jeb Bush is the Republican nominee in 2016 (or ever, for that matter), he and the Republican Party will be crushed at the polls. Jeb's BFFs from Mexico won't vote for him, and neither will we. Jeb Bush's candidacy is a danger to America and the Republican Party.

No Republican Frontrunner– GOP loses confidence in Walker and JEB Campaign Mistakes

Hunt 5/14 (Kasie Hunt, Political correspondent for MSNBC, also writes for msnbc.com and NBCNews.com, and reporter in Washington, D.C., for nearly 10 years, 5/14/15, 'Lack of 2016 front-runner puts the GOP on edge',

<http://www.msnbc.com/msnbc/lack-2016-front-runner-puts-the-gop-edge,6/30/15,ACC>)

The Republican Party is without a front-runner in the presidential nomination fight. It's a reality that's been brewing for months, but has crystallized this week among the GOP officials gathered here in Arizona for the Republican National Committee's spring meeting. Jeb Bush has fallen from the man to beat to the richest member of the pack. Scott Walker seems to have gone underground. Marco Rubio is exciting but untested. And the Republican establishment is growing increasingly nervous that the party is facing a long, bloody primary fight that could drag into next summer. "There are a bevy of riches," former presidential candidate Rick Santorum said Thursday, putting the most positive possible spin on the chaotic reality that Republicans now face. "I don't know how you could look at any metric and not see that this is a completely wide open race." Santorum's rosy take is different from the slightly nervous, somewhat unsettled mood among the state party chairs, committee members and operatives who have gathered at the luxurious Phoenician resort. But hallway conversations, interviews and casual discussions over two days reveal they've largely reached the same conclusion about the state of the race: "It's anybody's ballgame," as one longtime RNC member put it, bluntly. Driving this reality? First, major mistakes. Earlier this year, it was Walker, who was leading in polls when he struggled to answer simple questions about President Obama's religion. He ducked questions from reporters and voters in the weeks that followed — though he has opened up some in recent weeks — and refused press access to his ongoing trip to Israel this week. "Now he's running the Hillary strategy," said an RNC member who's supporting a different candidate in the 2016 race. "It's the right strategy for him, but it's not a good situation." And then there's Bush, who this week couldn't seem to find an answer to the question that has seemed the most obvious from the get-go: Whether he would have authorized the war in Iraq that his brother launched in 2003. He stumbled into it in the very first sit-down TV interview he's given since December, when he announced he was interested in pursuing the presidency, telling Fox News' Megyn Kelly that he would have launched the war. It took him four days to fix it. "Knowing what we know now," Bush finally said on Thursday during a town hall in nearby Tempe, "I would not have engaged. I would not have gone into Iraq." The stumbling raised fears among many Bush loyalists and admirers. "That's not a hard answer. The answer is, 'hell no,'" said one RNC attendee. "I always encourage everybody to run for president, but it's hard," said Santorum, when a reporter asked if Bush was no longer an unstoppable force. "You're [reporters] here to cut to the bone. And, I've felt that knife at the bone. And it's a tough business, and if you're not prepared for it ... you're not going to do very well." Bush's diminished stature is quite a switch from just four months ago, when the party met in San Diego and the halls were energized by the prospect of Bush's impending candidacy. Back then, it had been about a month since Bush had announced he was interested in the race; Mitt Romney was considering a bid and many of the RNC's members privately wanted Romney to get out of the way so they could jump aboard with Bush. Since that time, Bush has raised tens of millions of dollars — possibly over \$100 million, an eye-popping and likely record-breaking sum. He's mounted an intense behind-the-scenes campaign to win over party chairs, officials and donors, taking aim at rivals' longtime supporters (particularly Chris Christie's). But he's failed to truly consolidate the party's support in the early stages of the nomination battle — and that's not just because of the recent Iraq stumble. It's

also the overall inaction in the non-finance areas of the campaign — namely Bush's waiting to formally announce and his failure to gin up excitement among voters in early states. "It's not just Iraq. It's everything about how he's conducted his campaign so far," said another member of the committee, who hasn't yet signed on with a candidate and requested anonymity to discuss private deliberations. Bush's family legacy and the focus on finding a new face to lead the charge against Hillary Clinton have raised nagging doubts for both Republican elites and the grassroots. It helps explain why there seem to be more and more potential Republican presidential candidates by the day — including John Kasich, the Ohio governor with longstanding ties to the Bush family who was widely expected to stay out when Jeb Bush announced he was interested. The whole scenario is the exact opposite of what the RNC tried to engineer as it surveyed the damage in the wake of 2012. Officials, led by RNC Chairman Reince Priebus, changed the rules for awarding delegates and altered the calendar to try and make sure the party picked a nominee quickly. It was supposed to eliminate a drawn-out fight like the one between Santorum and Romney that continued through April 2012 —and drained Romney's campaign of the money it could have used to answer Obama campaign attack ads that aired all summer long. All the better, the thinking went, to take on Clinton with a strong, consensus choice nominated at an early convention in July of 2016. Now, party members speculated this week, it's possible that as many as a half dozen candidates could emerge from the early state primaries. That sends the contest into a handful of bigger states that will award delegates proportionally, and then into a winner-take-all season after March 15. If there are multiple candidates still in, it could spark an across-the-map slugfest as hopefuls campaigned in different friendly delegate-rich states, their ads paid for by super PACs that can raise unlimited funds from a single wealthy backer.

No republican front-runner – Smaller contenders can still win

Shribman 6/2 (David Shribman, PITTSBURGH POST-GAZETTE EXECUTIVE EDITOR, 6/2/15, "For Kasich and other possible GOP hopefuls, low poll numbers not necessarily bad", The Blade, <http://www.toledoblade.com/David-Shribman/2015/06/02/For-Kasich-and-other-possible-GOP-hopefuls-low-poll-numbers-not-necessarily-bad.html>, 7/6/15, ACC)

Fox News and CNN, which will hold debates this summer, have established separate criteria to determine who gets to participate in their sessions. But both **will eliminate candidates who don't have average poll ratings in the top 10.** That may seem like a reasonable standard, but it is not foolproof. At this time in the political cycle in 1972, Sen. George McGovern of South Dakota averaged 5 percentage points in the polls. He won the Democratic presidential nomination. **At this time in the political cycle in 1976, former Gov. Jimmy Carter of Georgia polled an average 1 percent in national polls. He won the Democratic nomination — and the presidency.** Mr. Carter, who stood below former Mayor John Lindsay of New York, did not rank in the top 10 in 1975. Mr. Carter ranked just below Rep. Morris Udall of Arizona, who checked in with 1.7 percent. Mr. Udall was Mr. Carter's most ferocious and persistent challenger in that 1976 Democratic campaign. And **though Mr. Kasich and Mr. Pataki may seem like presidential long shots, they have occupied positions that have propelled occupants to the White House.** Martin Van Buren, Grover Cleveland, Theodore Roosevelt, and Franklin Roosevelt all were

former governors of New York. Rutherford B. Hayes and William McKinley both served as governor of Ohio. Mr. Graham can take comfort that a onetime senator from South Carolina, John Calhoun, served as vice president under two chief executives, was both secretary of state and secretary of war, and mounted several presidential campaigns. None of this is likely to help those three, however. **The rules of the road for 2016 require high poll ratings.** In a crowded field of declared candidates, that is going to be harder to do in 2015 than it was in 1971 and 1975. Of course, sometimes the front-runner wins the nomination and all the machinations of those at the bottom are rendered meaningless. But **in the 2016 GOP presidential race, there is no discernible front-runner. The distance separating** former Florida Gov. **Jeb Bush**, Sen. **Marco Rubio** of Florida, and Wisconsin Gov. **Scott Walker is an average 2.6 percentage points.** And **in one poll, Mr. Rubio leads. In another, Mr. Walker leads.** But **resolving the nomination is far off. Getting into contention is Job One for the new candidates.** And it will be hard for a candidate to get into contention unless he or she is involved in the debates. Then again, maybe the barrier to entry isn't quite as formidable as it may seem. **The two people tied for the No. 10 position — the contenders these other candidates have to surpass — are Mr. Kasich and Mr. Perry.** They stand at 2.0 percent in the polls.

JEB needs a GOP split to win primary – Walker and Rubio are main rivals

Stirewalt 6/15 (Chris Stirewalt, joined Fox News Channel (FNC) in July of 2010 and serves as digital politics editor based in Washington, D.C. and he authors the daily "Fox News First" political news note, 6/15/15, "It's really more like 'Jeb?' than 'Jeb!'", Fox News, <http://www.foxnews.com/politics/2015/06/15/its-really-more-like-jeb-than-jeb/>, 7/6/15, ACC)

The biggest disadvantage that Jeb Bush has isn't his last name, but rather the relative quality of the Republican field he is facing. That's not to say that being George W. Bush's little brother is an unalloyed positive for the former Florida governor. But as polls have shown, it is (no surprise) less of a problem for GOP primary voters than with the general electorate. Plus, Dubya is mellowing in the cask of public opinion, especially as President Obama flails about over Iraq. The younger Bush obviously understands the liabilities involved with his family name and the basic American resistance to dynasties. Otherwise, he wouldn't pick a logo that emphasizes a nickname that sounds as if it were ringing across the tennis courts at Andover. But don't let them kid you. If you wanted to be president and could choose whether to be the son and brother of presidents or be the son of a small-town preacher or a Miami bartender, you know what you'd pick. Bush was born on third base; everybody else had to hit a triple. But still, as he launches his official candidacy, Bush is struggling to assert his dominance. Bush is probably a better establishment-backed candidate than either of the two after his brother, and both John McCain and Mitt Romney won by comfortable margins. Yet, this time seems different. Part of it is technique. While Hillary Clinton has lowered the bar dramatically for forthrightness, accountability and probity, Bush's decision to invoke his Right to Raise unlimited sums for six months before actually declaring hasn't exactly set him up to run as the tribune of the people. But the biggest part is that Bush is facing serious competition. In 2008, Romney had to keep other viable establishmentarians out of the field, particularly then-Indiana Gov. Mitch Daniels. Once the field was set, Romney had only one real threat: then Texas Gov. Rick Perry. But Perry

was a bust. Everything after was just delaying the inevitable. This time, Bush has at least two rivals in Gov. Scott Walker, R-Wisc., and Sen. Marco Rubio, R-Fla., whose talents and positions make them real alternatives. Remember, the way the previous two candidates put away the nomination: Mainstream Republicans blanched at the thought of nominating candidates seen, fairly or not, as one-dimensional, social issue grinds. Neither Walker nor Rubio is that kind of candidate. If either makes it into the home stretch with Bush, the surge is more likely to come for the underdog rather than the current frontrunner. **Unless Walker and Rubio succeed in destroying each other and leaving the way open for a riskier pick,** Bush will not have the advantage of declaring his final foe electorally toxic.

Bush Wins General

Jeb Bush's moderate stance can capture votes from both sides of the aisle he is the only Republican that can defeat Hillary Clinton, his surveillance stance only

hurts him in the primary **Rose 15** "Steve, writer for the Kansas City Star, "Jeb Bush would be a lock for the GOP in the 2016 presidential campaign", <http://www.kansascity.com/opinion/opn-columns-blogs/steve-rose/article5350368.html>".CC

No matter what many political pundits say, I believe Jeb Bush will be the Republican nominee for president in 2016. Furthermore, the former governor of Florida is the only Republican candidate in sight who can beat Hillary Clinton (who, I believe, has nearly a 100 percent chance of running). I know the arguments against what I am predicting. Bush is too moderate to make it through the Republican primaries, where conservatives dominate the process. But here is why I believe Bush will prevail in the primaries and possibly become the next president of the United States: Conservatives will want, more than anything, to beat Hillary. They will look around, they will study the polls and they will find they will lose without Bush at the head of their ticket. Furthermore, with what appears will be the most competitive Republican primary for president in recent memory, there is a good possibility that the conservatives will split up their vote, while Bush parades through with his moderate views. Jeb Bush has so many things going for him, to help him in both the primary and the general elections. **First of all, he has the name identification. Although his brother, George W. Bush, left the presidency with a highly unpopular rating, the Bush name is still a plus, over so many other Republican candidates, some of whom remain mysteries to most people. Bush has his family's network to fundraise tens of millions of dollars overnight.** He has the political organization inherited from the Bush family — a state-by-state infrastructure — to immediately place him ahead of any other Republican candidate. Bush stands, by far, the best chance of capturing a good size of the critical Hispanic vote. His wife is Mexican, and **Bush speaks fluent Spanish. His open position on immigration reform will draw throngs of Latinos to his side. Although immigration reform is not popular with conservatives, when they do the math and see that the Hispanic vote can make the difference in key states,** they will come to realize they cannot win without Jeb Bush's immigration reform. Bush isn't afraid to speak his mind. He has been critical of many in his own party, who he believes have been irresponsible and abrasive. He is refreshing, because most other candidates — if not all the others — will kowtow to the right and say the same things to get nominated. Bush will stand out as a leader, who has a mind of his own. Bush has been a Catholic since 1995 and is devoutly pro-life. Jeb Bush is a likable candidate. His demeanor is one that voters can embrace. He comes across as affable, reasonable and friendly. **He is not a fire-brand Republican, nor would he alienate moderate Republicans and, critically, independents. All of these pluses, for sure, would make Bush the best candidate to field against Hillary Clinton, or any other Democratic candidate.** Conservatives will begrudgingly come to the same conclusion. Rush Limbaugh and others are incorrect when they pose the hypothesis that Republicans lose the presidency so often because its candidates are not conservative enough. Limbaugh holds the mistaken belief that a majority of Americans believe like he and his listeners do. Quite the opposite is true. **The majority of voters in a presidential election are not conservatives. They are mainstream voters looking for moderation. If Mitt Romney, for example, had portrayed himself more like the moderate former governor of Massachusetts that he is, and not a conservative caricature of himself, he might have beaten Barack Obama. But, no, he alienated so many middle-of-the-road voters, that he had no chance in a general election.** I wouldn't be surprised if Bush skips the Iowa Caucus, where he would end up getting trounced by an ultra-conservative. He could build momentum after that. **I just do not think conservatives will commit suicide, assuming Hillary Clinton runs. Only Bush can beat her, and conservatives detest the Clintons so much, they would do anything to keep**

both of them out of the White House. Read more here: <http://www.kansascity.com/opinion/opn-columns-blogs/steve-rose/article5350368.html#storylink=cpy>

Turn Out: Dynasty

Bush and Clinton are synonymous with their parties - limits the other factors that would change turnout and the course of the election

Ladd 5-1 “Clinton v Bush could be the most political science-y election of all time, Jonathan Ladd is an associate professor in the McCourt School of Public Policy and the Department of Government at Georgetown and a nonresident senior fellow at the Brookings Institution, <http://www.mischiefsoffaction.com/2014/05/clinton-v-bush-in-2016-could-be-most.html>”.CC

As Jeb Bush considers whether to run for the 2016 Republican presidential nomination, and Hillary Clinton remains the most likely Democratic nominee, **analysts have already begun speculating about what it would mean to have a Bush v. Clinton election in 2016.** Why are political dynasties so successful in the United States? Is it further evidence that the United States is really an oligarchy? While these questions are certainly important, as a political scientist, this sparks another thought in me. **A Bush v. Clinton 2016 race could be the most political science-y presidential election of all time!** If ever there is ever an election where the fundamentals are vastly more important than details of the candidates and campaigns, this will be it **There is a stereotype that political scientists think presidential election results are entirely determined by national conditions.** These conditions lead the parties to perform similarly regardless of whom they nominate or what happens in the campaign. While few political scientist would go that far, there is some truth to this. The consensus in the field is that structural factors matter much more than is usually depicted in political journalism. The variables political science most often puts forth are national economic performance in the election year, how long the current party has held the presidency, whether the nation is involved in a costly foreign war, and the division of party identification in the mass public. Beyond these, it is hard to find anything else that is correlated with election results, yet not caused by them. For instance, issue preferences and assessments of candidates personalities are strongly correlated with vote choice, but largely because they are rationalizations of pre-existing political orientations. This is not to say that candidate attributes never matter. But we only have good evidence of this in a few instances. One type of circumstance is when the demographics of the candidate is very novel. In 1928, the first Catholic major party nominee Al Smith did better than expected among Catholic voters. And in 2008, some plausibly argue that the first African American nominee Barack Obama performed worse because of his race than the disastrous economic conditions would predict. Even the classic 1960 book, *The American Voter*, which is usually cited for its argument about the importance of long term party identification, admits that candidates can matter. One of the themes of the book is that in 1952 and 1956, Dwight Eisenhower's tremendous personal popularity based on saving western civilization from the Nazis allowed him to overcome the Democrats' advantage in long term party identification. Campaign resources also can matter when the discrepancy between the campaigns is huge. At one point Larry Bartels estimated that a 2-to-1 advantage in general election spending, which the Republican Party enjoyed from 1964 to 1972, produced a three-percentage-point increase in vote share. But short of a dramatic discrepancy in resources, almost all campaign efforts by the two sides cancel each other out **If Hillary Clinton is the Democratic nominee and Jeb Bush the Republican nominee, none of these special situations where candidates and**

campaigns matter will be present. It will be practically the exact opposite. Rather than standing out from their parties' typical nominees, at this point Bushes and Clintons are synonymous with their respective parties. A 2016 Clinton v Bush race would mean that since 1980, 8 of 10 presidential elections had a Bush or Clinton on a major party ticket and 6 of 10 had a Bush or Clinton at the top of a major ticket. This is more prior national campaign exposure linking nominees' names to their parties than in any previous presidential election. (*Historical Side Note:* The closest analogue might be 1968, when Nixon had previously been on a national ticket 3 times and Humphrey once. FDR was elected 4 times, and was vice-presidential nominee in 1920, but none of his opponents' names had been on a national ticket before. Of course his fifth cousin Teddy had been president from 1901 to 1909, but representing the opposite party. Going all the way back to a very different media era, Andrew Jackson and John Quincy Adams ran against each other twice in a row in 1824 and 1828. Adams' father was widely known for his role in the revolutionary era. But when John Adams was president 1797-1801, he represented the Federalist Party, which was defunct by the 1820s, when his son ran essentially without a clear party affiliation.) One of the reasons the structural circumstances of the parties usually matter so much is that those who have weak enough party attachments to be persuadable pay only loose attention to politics. Once a candidate gets a major party nomination, they are mainly known to these voters as someone who holds said nomination. That is by far the most salient thing about them. They are assumed to hold the policy positions and economic management aptitude of their party. Yet in this case, it is not a matter of party reputations overwhelming candidate reputations so much as the two already being inseparable. The actions of Clintons and Bushes have helped create the parties' national reputations over the past several decades at the same time as the families' long prominent partisan activities have adhered those parties' reputations to the families. If they are nominated in 2016, they might as well be named Jeb Republican and Hillary Democrat. **As a result, structural party circumstances that political scientist love to talk about will loom large and it will be harder than ever for some new campaign appeal to distract voters from that.** The two ways that this could be wrong is if Hillary's gender has an impact, or if one side obtains a huge financial advantage. While possible, I think both are unlikely. The reason I am skeptical that women would support Hillary in greater numbers (or men in smaller numbers) than they would for another Democrat is that women are historically not disproportionately likely to favor so called "women's issues." Women in recent decades have disproportionately supported Democrats, but that is because women have more liberal views than men on social welfare spending, defense policy, crime policy, and racial policy. Women and men have on average the same views on things like women's role in the family and abortion (see here and here). Gender differences in party preference are not the result of gender-specific political appeals. Thus, I expect Hillary to have the same advantage among women (and disadvantage among men) that Democrats typically do, because that is based on the foundational policy commitments of the parties. With recent Supreme Court decisions loosening campaign finance regulations, it is difficult to speculate about how much spending will favor each side in 2016. It is possible that money from the wealthy and corporations will produce a Republican advantage greater than we've seen in recent years. All I will say is that, if there is any nominee who minimizes the chances of that happening, it is Hillary. The Clinton family's long-developed network of donors and fundraisers, along with their reputation as members of the more pro-business wing of the Party, will likely give her as much money as any Democrat could hope for in 2016. If Jeb and Hillary are nominated in 2016, you'll be able to ignore the day-to-day blather of the campaign more than ever, knowing that voters will be deciding based on structural assessments of the two parties. For

better or worse, those hoping to get a respite next cycle from political scientists feeling superior to campaign journalists may be disappointed.

Predictions/Polls Good

Polls only way for updated political opinion – gives people a voice

Gallup 7 (Gallup Organization, American research-based, global performance-management consulting company, known for its public opinion polls conducted in several countries, 'What Is Public Opinion Polling and Why Is It Important?', Gallup.com, <http://media.gallup.com/muslimwestfacts/PDF/PollingAndHowToUseItR1drevENG.pdf>, 7/2/15, ACC)

A scientific, nonbiased public opinion poll is a type of survey or inquiry designed to measure the public's views regarding a particular topic or series of topics. Trained interviewers ask questions of people chosen at random from the population being measured. Responses are given, and interpretations are made based on the results. It is important in a random sample that everyone in the population being studied has an equal chance of participating. Otherwise, the results could be biased and, therefore, not representative of the population. Representative samples are chosen in order to make generalizations about a particular population being studied. Why are opinion polls important? Helping regular people be heard Polls tell us what proportion of a population has a specific viewpoint. They do not explain why respondents believe as they do or how to change their minds. This is the work of social scientists and scholars. Polls are simply a measurement tool that tells us how a population thinks and feels about any given topic. This can be useful in helping different cultures understand one another because it gives the people a chance to speak for themselves instead of letting only vocal media stars speak on behalf of all. Opinion polling gives people who do not usually have access to the media an opportunity to be heard.

Election forecasts growing more accurate – pollsters switch to online surveys

Ball 13 (Molly Ball, staff writer covering U.S. politics at The Atlantic, March 2013, 'A More Perfect Poll', The Atlantic, <http://www.theatlantic.com/magazine/archive/2013/03/a-more-perfect-poll/309219/>, 7/2/15, ACC)

But a funny thing happened last fall, even as polling paranoia was raging: the polls got smarter, thanks in part to Internet-based polling, a method that had previously been seen as the industry's redheaded stepchild. After the election, when Silver ranked 23 pollsters by how closely they approximated the presidential-election result, firms that had conducted their polls online took four of the top seven spots; in a separate ranking by a Fordham University professor, they took three of the top seven. Meanwhile, traditional, telephone-based survey groups like Gallup and the Associated Press scored near the bottom of both lists. That's right: in 2012, polls that relied on people clicking on the equivalent of those "Your Opinion Counts!" pop-up ads proved a more effective gauge of the American electorate than the venerable Gallup Poll. There's reason to believe the Internet-based survey may be the future of political polling. If people are increasingly inaccessible by phone, they're increasingly accessible online. Market research by big corporations, which have economic incentives to pursue fast, cheap, accurate data, has largely migrated to the Internet already. Darrell Bricker, the CEO of Ipsos Public Affairs, whose online polls for Reuters placed a respectable sixth out of 28 in the Fordham professor's rankings, told me that about 70 percent of corporate opinion studies are now Internet-based. Political polling is another matter, however. Bricker says he's heard online researchers mocked

on more Washington, D.C., political panels than he can count. Political consultants and the media have been cautious, even hidebound, about changing their polling standards in recent years. "I'm all for experimentation," Jon Cohen, the polling director for The Washington Post, told me. "But until it's been justified methodologically the way random polling with telephones has been, I'm skeptical." Some of this skepticism is understandable. Whereas most phone surveys follow a well-established protocol, online polling's sheer newness means practitioners are still refining techniques and working out methodological kinks. The chief issue is how to get people to participate. Most online-survey participants have opted in, sometimes in exchange for cash or other rewards. Some companies, like Ipsos, bring in additional respondents through social media and ads on Web sites (for example, a poll that needs more 18-to-34-year-old men might advertise on a gaming site). Nonetheless, the traditionalists charge that online polls don't achieve a truly "probabilistic" sample, in which each member of the electorate has a theoretically equal chance of being contacted. Just about everyone who votes has a phone, but only 80 percent of American adults have Internet access, and those who don't are predominantly older and lower-income. For Ipsos, a French opinion-research conglomerate that takes in more than \$1.5 billion annually, early success in online market research for clients like Coca-Cola opened minds to the Internet's possibilities. The company began experimenting with online political polling in 2004, in Canada. The country proved to be an ideal laboratory, as a series of unstable minority governments led to four national elections in seven years. Conducting surveys online and by telephone simultaneously, Ipsos refined its techniques until, by the fourth election, its Internet surveys were consistently more reliable than its phone polling. The company later persuaded Reuters to go online for the 2012 election, a decision that was vindicated almost immediately, in Florida's January 2012 Republican primary. Primaries are notoriously difficult to forecast, because they involve relatively small—and fickle—blocs of voters. But while other pollsters were off by an average of nearly 6 percentage points, Ipsos came within half a point of the Florida result. When it came to the general election, online-poll results were quite a bit more accurate, on average, than their offline competitors. When Silver compared polls in the final weeks of the presidential campaign with the outcome, Internet polls had an average error of 2.1 points, while telephone polls by live interviewers had an average error of 3.5 points. Might the polling traditionalists finally come around? You might think so, and yet The New York Times—the very paper that hosts FiveThirtyEight, Silver's blog—still refuses to cite Internet-based polls in its news reporting.

Links

Generic: Sanders

Plan brings up Clinton's voting history on surveillance – paints her as hypocritical and Bernie will press the issue

Friedersdorf 2-25-2015 “Conor, Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs, “Hillary’s evasive views on the NSA”, <http://www.theatlantic.com/politics/archive/2015/02/hillary-clintons-evasive-position-on-nsa-spying/386024/>” .CC

Hillary Clinton is almost certain to launch a bid for the presidency. But **at least for now, she's determined to keep the public guessing about her stance on NSA spying. As Edward Snowden's revelations forced the issue to the fore of national debate, she kept mum, even as other prospective candidates staked out positions.** On Tuesday, the technology journalist Kara Swisher raised the subject of surveillance while questioning the former Secretary of State. "Would you throttle back the NSA in the ways that President Obama has promised but that haven't come to pass?" she asked. Clinton's successfully evasive answer unfolded as follows: Clinton: Well, I think the NSA needs to be more transparent about what it is doing, sharing with the American people, which it wasn't. And I think a lot of the reaction about the NSA, people felt betrayed. They felt, wait, you didn't tell us you were doing this. And all of a sudden now, we're reading about it on the front page... So when you say, "Would you throttle it back?" Well, the NSA has to act lawfully. And we as a country have to decide what the rules are. And then we have to make it absolutely clear that we're going to hold them accountable. What we had because of post-9/11 legislation was a lot more flexibility than I think people really understood, and was not explained to them. I voted against the FISA Amendments in 2008 because I didn't think they went far enough to kind of hold us accountable in the Congress for what was going on. Swisher: By flexibility you mean too much spying power, really. Clinton: Well yeah but how much is too much? And how much is not enough? That's the hard part. I think if Americans felt like, number one, you're not going after my personal information, the content of my personal information. But I do want you to get the bad guys, because I don't want them to use social media, to use communications devices invented right here to plot against us. So let's draw the line. And I think it's hard if everybody's in their corner. So I resist saying it has to be this or that. I want us to come to a better balance. This will not do. **The answer elides the fact that Clinton has *not* been a passive actor in surveillance policy. "What the rules are" is something that she was responsible for helping to decide. She served in the United States Senate from 2001 to 2009. She cast votes that enabled the very NSA spying that many now regard as a betrayal. And she knew all about what the NSA wasn't telling the public. To say now that the NSA should've been more transparent raises this question: Why wasn't Clinton among the Democrats working for more transparency?** Clinton may resist "saying" that surveillance policy "has to be this or that," but it must be *something* specific. "Let's draw the line" and "I want us to come to a better balance" are shameless weasel phrases when you're vying to call the shots. What is being balanced in her view? What should the NSA have revealed earlier? How much transparency should it provide going forward? What does the law require of the NSA? **Since 9/11, when has the NSA transgressed against the law as Clinton sees it? Those questions hint at the many ways that her position is evasive. So long as no one else contests her party's nomination, she can get away with it.**

Generic: Rand Paul

Federal curtailment of Surveillance gets tied back to Paul – Freedom Act proves.

Rogers 6-1-2015 “Alex, a correspondent for the National Journal, “Rand Paul takes credit for NSA reform bill he opposes, <http://www.nationaljournal.com/defense/rand-paul-takes-credit-for-advancing-nsa-reform-bill-he-opposes-20150601>”.CC

Sen. Rand Paul is taking credit for advancing a bill he opposes. A day after forcing a temporary shutdown of the National Security Agency's bulk collection of America's metadata, the Kentucky Republican said Monday night that his actions actually boosted the surveillance-reform bill known as the USA Freedom Act, which will likely pass the Senate in the coming days despite his repeated—and vociferous—objections that it doesn't go far enough protecting the privacy rights of Americans. Noting that the Senate failed to get the requisite 60 votes before Memorial Day recess and subsequently voted overwhelming Sunday to move the bill forward, Paul told reporters as he left the Capitol that his blockade of the bill helped Freedom Act advocates. "The government will no longer be collecting in bulk all Americans' records under a generalized warrant," he said. "So I think that's a big step forward." "I like to look at the bright side of things," Paul added. **Before I got involved there were 57 votes. Even though I object to the final vote, there's now 77 votes for ending bulk collection. So you could say that I—in an unusual way—persuaded 20 people to switch their vote and to vote to end bulk collection. It's kind of a different way of persuading people, but it seemed to work."**

Paul held up consideration of the Freedom Act during a rare Sunday session called to try to stave off the lapse of the Patriot Act's spy authorities—which expired the moment the calendar turned over to June. The presidential candidate has repeatedly said he would relent in gumming up the process if he were allowed simple-majority votes on two amendments to the Freedom Act he is seeking, but the Republican leadership has refused. On Monday, Paul again objected to allowing the Senate to move more quickly on voting on the Freedom Act when Majority Leader Mitch McConnell sought unanimous consent to proceed, continuing his delay tactics even though the expiration has already come and gone. Though Paul is taking credit for the jump in support for the Freedom Act, something else likely played a more significant role: McConnell released his caucus to vote for the measure. The defense hawk had been unusually aggressive in whipping against the House-passed bill until it became clear that there was no support for his push of a "clean" short-term extension. When the measure came up for another vote to proceed Sunday, **it jumped from 47 to 77 "ayes," and both McConnell and Majority Whip John Cornyn joined in the switch. Sens. Mike Lee, R-Utah, and Joe Manchin, D-W.Va., and others took to the floor to press for the bill during Paul's 10-plus hour-talk-a-thon on the chamber floor last month.** Paul's "fear," as he said Monday, is that the bill would still keep Americans' metadata—the numbers, time stamps, and duration of a call but not its contents—by asking phone companies to hold that data. "If you think bulk collection is wrong, why do they need new authorities," asked Paul during his "filibuster." "Why are we giving them some new authorities?" Paul said Monday that his position is still misconstrued. "I think there's still some misunderstanding about what I want, because I'm for researching the records of terrorists," he added. "I'm just not for having a generalized search of everybody in the American public."

SSRA: Rand Paul

SSRA passage will be spun as huge Paul victory – sponsors of bill are staunch allies.

Spencer Ackerman 06/02/15 Guardian National Security Editor, Former Wired Senior Writer, Recipient of 2012 national magazine award for Digital Reporting, “Rand Paul Allies plan new Surveillance reforms to follow USA freedom act,” <http://www.theguardian.com/us-news/2015/jun/02/rand-paul-house-allies-surveillance-usa-freedom-act>

Several of Rand Paul’s allies in the US House of Representatives are seeking to capitalize on the momentum of surveillance reform as the USA Freedom Act continues through the Senate by attempting to stop the National Security Agency from undermining encryption and banning other law enforcement agencies from collecting US data in bulk. ¶ Thomas Massie, a libertarian-minded Kentucky Republican, has authored an amendment to a forthcoming appropriations bill that blocks any funding for the National Institute of Science and Technology to “coordinate or consult” with the NSA or the Central Intelligence Agency “for the purpose of establishing cryptographic or computer standards that permit the warrantless electronic surveillance” by the spy agencies. He is joined in the effort by Democrat Zoe Lofgren of California. ¶ Massie and Lofgren will place the amendment on the bill funding the Justice Department as early as Tuesday. Their move is part of the first wave of follow-up measures by privacy advocates to supplement the USA Freedom Act, a bill already passed by the House which, although it would limit some NSA powers, many civil libertarians consider insufficient. ¶ “The USA Freedom Act is definitely not the last word. Whenever a program expires or whenever funding is required, those are must-pass pieces of legislation that present opportunities for refinement,” Massie told the Guardian on Tuesday. ¶ Lofgren and another civil libertarian, Republican Ted Poe of Texas, will propose an amendment to the same appropriations bill that would block the Federal Bureau of Investigation from inserting vulnerabilities into encryption on mobile devices. ¶

Advertisement ¶ The FBI director, James Comey, is currently campaigning against tech companies that are expanding encryption for their commercial products. ¶ “Privacy is a constitutional right, whether the FBI likes it or not,” Poe told the Guardian on Tuesday. ¶ Another congressional privacy advocate, Democrat Jared Polis of Colorado, will push a further amendment to the appropriations bill that would in effect block the Drug Enforcement Agency from collecting Americans’ phone data in bulk – a recently exposed surveillance program that preceded the NSA’s now-shuttered bulk collection. The Guardian has acquired the text of all these amendments. ¶ Polis told the Guardian he wanted to “rein in” the DEA’s “unwarranted and unconstitutional program”, calling the Freedom Act “the beginning of a reform process, not the conclusion of one”. ¶ The Senate is slated on Tuesday to debate the USA Freedom Act, a bill to ban bulk collection of US phone records by the NSA that would have the effect of restoring provisions of the Patriot Act that expired at midnight on Sunday. ¶ Passage is expected, but the GOP majority leader, Mitch McConnell, is pushing amendments that civil libertarians in the

House reject and which would require a new House vote on the overall bill.¶ “We still don’t know what the Senate’s going to do. If they start changing what we sent them, we’re going to be looking to do further improvements in the bill,” Lofgren told the Guardian before the Senate vote. “We’re not giving up.”¶ Extensive compromise with the NSA and the White House, as well as clever legislative strategy, ensured House passage of the Freedom Act last month. But it also siphoned enthusiasm and even support from the chamber’s most fervent privacy advocates. Massie championed a different bill, **the Surveillance State Repeal Act**, that would have rolled back many more NSA and FBI spy powers.¶ The more technologically sophisticated privacy campaigners have warned that neither the White House nor the US Congress has addressed government efforts to secretly undermine encryption standards.¶ The Guardian, thanks to whistleblower Edward Snowden, revealed in September 2013 that the NSA and its British partner GCHQ routinely insert vulnerabilities into commercial encryption software that permit the agencies to access protected data. But the vulnerabilities, commonly called “backdoors”, also leave software that banks, businesses, internet service providers and others rely upon as prey for hackers.¶ The National Institute of Science and Technology issues encryption standards. But a document leaked by Snowden showed that in 2006, the NSA secretly worked with the institute to become the “sole editor” of a draft security standard that the institute issued.¶ “It’s bad for business. It’s bad for privacy and bad for civil rights,” Massie recently told a business conference in Louisville.¶ Last year, Lofgren unsuccessfully attempted to place a ban on undermining encryption in the USA Freedom Act. But this time, she and her allies will attempt to hang their amendments on to as many must-pass bills as necessary. Should their efforts fail this week, Poe confirmed that their next step will be to add the amendments to the must-pass Defense Department appropriations bill that the House will debate soon.¶ If that doesn’t work, they intend to move on to the next available bill and employ the same strategy. Massie indicated the coalition is already looking towards the June 2017 expiration of another broad surveillance power, Section 702 of the Foreign Intelligence Surveillance Act, to force additional rollbacks, much as the USA Freedom Act authors used the expiration of parts of the Patriot Act as leverage to pass their bill.¶ “We’re going to have multiple opportunities going forward. In fact, the 702 provisions expire in 2017, so those will have to be renewed, and there’ll be a great debate then about the even more invasive spying on American citizens that’s going on,” Massie said.¶ Lofgren added: “We will continue to make efforts to attach those improvements to every vehicle that moves through the body.” ¶ Massie, Poe and Lofgren’s efforts come as the FBI and NSA have launched a public campaign against commercial encryption. While advocating in favor of backdoors and denouncing new mobile-device encryption – which companies describe as a market-driven response to Snowden’s disclosures – they insist they can create vulnerabilities they alone can exploit. Engineers consider the effort to be technologically illiterate.¶ “House members are sending two clear messages with these amendments to the Department of Justice funding bill. The first is to Senators Mitch McConnell and Richard Burr, and the message is: ‘Surveillance law reform is continuing; deal with it,’” said Patrick Eddington of the Cato Institute.¶ “The second is to Attorney General Loretta Lynch and FBI director Jim Comey, and the message is: ‘We’re not going to let you make every American vulnerable to hackers and foreign spies by subverting public key encryption.’”¶ **Massie is among the leading House allies of Senator Rand Paul, the Kentucky Republican and presidential candidate who is making opposition to mass surveillance a cornerstone of his campaign.** He and their comrade Justin

Amash, a Michigan Republican, stood guard in the House last week to ensure surveillance advocates did not exploit a parliamentary maneuver to drive a weaker version of the USA Freedom Act through a recessed House.

Plan -> GOP Split

Surveillance is key for primary – GOP divisions on security

Shribman 6/9 (David Shribman, PITTSBURGH POST-GAZETTE EXECUTIVE EDITOR, 6/9/15, “Surprises in 2016 campaign: National security, GOP attacking income gap”, The Blade, <http://www.toledoblade.com/David-Shribman/2015/06/09/Surprises-in-2016-campaign-National-security-GOP-attacking-income-gap.html>, 7/6/15, ACC)

So it should be no surprise that the 2016 presidential campaign already has provided several surprises. But these surprises are worth noting, because they help explain the road ahead and prepare us for the sorts of surprises that may be around the next bend. The prominence of national security. Few American elections have been about foreign policy. Usually our candidates emphasize domestic issues, especially the economy. There was every expectation when this campaign began months ago that 2016 would be no different. But two events last week suggest the opposite may be true. One was the entrance into the Republican presidential race of Sen. Lindsey Graham of South Carolina, a defense hawk who emphasized foreign policy in his announcement. “I have more experience with our national security than any other candidate,” he said. About Democrat and former secretary of State Hillary Clinton, Mr. Graham added: “That includes you, Hillary.” Also last week, Sen. Rand Paul of Kentucky transformed the Capitol debate on the Patriot Act into a campaign event, bringing attention to his drive to curtail electronic surveillance. The Republican also set out his broader foreign-policy views, which his critics argue verge on isolationism. Republicans of a bygone age, but only a few who’ve been recently active, such as Mr. Paul’s father, were confirmed isolationists. During the Vietnam era and the years that followed, though, it was Democrats who shied away from international involvement. Now the presence of Mrs. Clinton in the presidential race assures that foreign policy will have unusual attention.

JEB supports surveillance – Applauded Obama for continuation

Shiner and Stableford 5/19 (Meredith Shiner, Reporter for Roll Call, Politico and a Yahoo Political Correspondant; Dylan Stableford, Reporter for The Wrap and Yahoo News 5/19/15, ‘Bulk domestic surveillance: Where the 2016 candidates stand’, Yahoo Politics, <https://www.yahoo.com/politics/bulk-domestic-surveillance-where-the-2016-119309240446.html>, 6/30/15, ACC)

Jeb Bush is a big supporter of surveillance — so much so, he has applauded the Obama administration’s continuation of the program, which began under his brother’s presidency. “I would say the best part of the Obama administration would be his continuance of the protections of the homeland using, you know, the big metadata programs, the NSA being enhanced,” Bush said on a radio show in April. “Even though he never defends it, even though he never openly admits it, there has been a continuation of a very important service, which is the first obligation I think of our national government is to keep us safe.” “For the life of me, I don’t understand [how] the debate has gotten off track,” the former Florida governor said in

February , “where we’re not understanding and protecting — we do protect our civil liberties, but this is a hugely important program.”

I/L Theory

Swing States Key

Voter majority from all stances in key swing states strongly support curtailment.

Julian Hattem 05/19/15 Contributing columnist for the Hill, “ACLU, Tea Party take on federal spying: 'They've gone too far',”
<http://thehill.com/policy/national-security/242502-aclu-tea-party-run-anti-nsa-ads-in-dc-iowa-new-hampshire>

The American Civil Liberties Union ([ACLU](#)) and a top Tea Party organization are teaming up to pressure lawmakers to oppose renewing controversial parts of the Patriot Act that undergird National Security Agency (NSA) operations.¶ The strange bedfellows of the ACLU and Tea Party Patriots [will be running joint TV advertisements in](#) Washington, D.C., as well as the early presidential [primary states of New Hampshire and Iowa](#).¶ The ads increase the political pressure

on the Senate to rein in the NSA, and reflect the growing coalition that has risen up to oppose the agency's spying practices.¶ The federal government surveillance program has collected records on nearly every American's phone calls, emails, — your most private moments — without a warrant, without cause and without your permission,” a narrator says in the 30-second ad.¶ Among those communications, the ad implies, are those between a doctor and their patient as well as a troop stationed abroad chatting with his daughter over the internet.¶ “When Washington invades your privacy, they've gone too far,” the narrator concludes.¶ The commercials come amid a standoff in the Senate over whether or not to reform parts of the Patriot Act before they expire at the end of the month. Lawmakers are at odds over how to proceed, which has increased the chances that the law expires in just a few days.¶ Versions of the new commercial running in Iowa and New Hampshire urge people to contact Sens. Chuck Grassley (R-Iowa) and Kelly Ayotte

(R-N.H.), who have appeared to resist reforms to the NSA. Both lawmakers are up for reelection in 2016, and Ayotte is seen as vulnerable.¶ At the same time, however, the [ads also serve to prepare Democratic and Republican voters](#) in the nation's first two primary states [to oppose the NSA](#).¶ [Polling released by the ACLU](#) this week showed that [voters in both parties overwhelmingly support reforming the NSA](#). In [both Iowa and New Hampshire, 61 percent of voters believe Congress should](#) [limit government surveillance and protect Americans' privacy](#).

the poll found. Twenty-eight percent of likely Iowa voters and 33 percent of likely voters in New Hampshire disagreed, and said that Congress could renew the law unchanged.¶ Former Secretary of State Hillary Clinton and other top Democratic White House hopefuls have supported reforming the NSA.¶ On the Republican side, Sens. Ted Cruz (R-Texas) has co-sponsored legislation to change the agency's surveillance practices, while Sen. Rand Paul (R-Ky.) has pledged to

filibuster any “clean” extension of the law.¶ Other White House hopefuls, however — including Sen. Marco Rubio (R-Fla.), New Jersey Gov. Chris Christie (R) and former Florida Gov. Jeb Bush (R) — have warned that reforming the law would risk jeopardizing American national security.¶

President Promises

Empirically Presidents enact their campaign promises – party and cabinet pressure face off against congressional opposition

Bernstein 12 (Jonathan Bernstein, political scientist who writes about American politics, especially the presidency, Congress, parties, and elections, January/February 2012, “Campaign Promises”, Washington Monthly, http://www.washingtonmonthly.com/magazine/january_february_2012/features/campaign_promises034471.php?page=all#, 7/6/15, ACC)

The solution was obvious, and for the U.S. budget, fateful: Bush ran on a radical regressive tax cut, thereby destroying the rationale for the Forbes campaign and leaving the Texas governor a clear path to the nomination. And, as everyone knows, that tax cut also became part of Bush’s general election campaign platform, and was eventually enacted into law in the massive 2001 and 2003 tax cuts—tax cuts that have set the terms of budget politics for the last decade. The lesson: we can be governed now by measures that were adopted years ago, in some cases decades ago, based on what some candidate said in reaction to the particular dynamics of some now-obscure nomination battle. Or, to be more blunt: presidents usually try to enact the policies they advocate during the campaign. So if you want to know what Mitt Romney or the rest of the Republican crowd would do in 2013 if elected, the best way to find out is to listen to what they are saying right now. I suspect that many Americans would be quite skeptical of the idea that elected officials, presidents included, try to keep the promises they made on the campaign trail. The presumption is that politicians are liars who say what voters want to hear to get elected and then behave very differently once in office. The press is especially prone to discount the more extreme positions candidates take in primaries on the expectation that they will “move to the center” in the general election. Certainly everyone can recall specific examples of broken promises, from Barack Obama not closing Gitmo to George W. Bush and “nation building” to, well, you may remember this from the Republican National Convention in 1988: And I’m the one who will not raise taxes. My opponent, my opponent now says, my opponent now says, he’ll raise them as a last resort, or a third resort. But when a politician talks like that, you know that’s one resort he’ll be checking into. My opponent won’t rule out raising taxes. But I will. And the Congress will push me to raise taxes, and I’ll say no, and they’ll push, and I’ll say no, and they’ll push again, and I’ll say, to them, “Read my lips: no new taxes.” Political scientists, however, have been studying this question for some time, and what they’ve found is that out-and-out high-profile broken pledges like George H. W. Bush’s are the exception, not the rule. That’s what two book-length studies from the 1980s found. Michael Krukones in *Promises and Performance: Presidential Campaigns as Policy Predictors* (1984) established that about 75 percent of the promises made by presidents from Woodrow Wilson through Jimmy Carter were kept. In *Presidents and Promises: From Campaign Pledge to Presidential Performance* (1985), Jeff Fishel looked at campaigns from John F. Kennedy through Ronald Reagan. What he found was that presidents invariably attempt to carry out their promises; the main reason some pledges are not redeemed is congressional opposition, not presidential flip-flopping. Similarly, Gerald Pomper studied party platforms, and discovered that the promises parties made were consistent with their postelection agendas. More recent and smaller-scale papers have

confirmed the main point: presidents' agendas are clearly telegraphed in their campaigns. Richard Fenno's studies of how members of Congress think about representation are relevant here, even though his research is based on the other side of Pennsylvania Avenue. Fenno, in a series of books beginning with *Home Style* in 1978, has followed members as they work their districts, and has transcribed what the world looks like through politicians' eyes. What he has found is that representatives and senators see every election as a cycle that begins in the campaign, when they make promises to their constituents. Then, if they win, they interpret how those promises will constrain them once they're in office. Once in Washington, Fenno's politicians act with two things in mind: how their actions match the promises they've made in the previous campaign; and how they will be able to explain those actions when they return to their district. Representation "works," then, because politicians are constantly aware that what they do in Washington will have to be explained to their constituents, and that it will have to be explained in terms of their original promises. Of course, there's more to it than that; at the presidential level, one of the key ways that campaigns constrain presidents is that the same people who draft the candidate's proposals usually wind up working on those same issue areas in the White House or the relevant departments and agencies, and they tend to be highly committed to the ideas they authored. And don't sell short the possibility that candidates themselves are personally committed to the programs they advocate—either because those issues sparked their interest in politics to begin with (and that's why they were advocating them on the campaign trail), or because it's just a natural human inclination to start believing your own rhetoric. So why are most Americans (and many members of the working press) so skeptical of campaign promises? One reason is that we tend to care a lot when promises are broken, and so those examples get a lot more attention than do the ones that are redeemed, which often can seem by the time they are finally acted on as foregone conclusions, not news. That's especially true for the president's strongest supporters, who are the most likely to be upset about a broken presidential promise, and "Democrats upset with Obama" or "Republicans upset with Bush" is more unexpected and therefore more newsworthy than when the other party attacks the president. Another reason is that the Madisonian system of checks and balances, especially in eras of frequent divided government, often yields situations in which a president may try hard to achieve a goal he campaigned for, only to be stymied by Congress. (And not just Congress: the bureaucracy doesn't automatically implement even those initiatives that can be accomplished without legislation.) But given the media's intense focus on the president at the expense of the rest of the system, activists often blame the president for falling short, rather than holding Congress or others responsible for blocking presidential initiatives. The result is that people systematically underestimate the importance of positions taken on the presidential campaign trail. For illustrations of this, it's useful to look back on the last few elections, including at least one—the close 2000 election between George W. Bush and Al Gore—in which many pundits and voters (not to mention Ralph Nader) believed that it didn't matter what happened. As it turned out, of course, some of the things that Bush did that Gore might not have done were only dimly predictable from the campaign. But in fact the 2000 campaign was a good guide to many of Bush's initiatives as president, from No Child Left Behind to his faith-based initiative to, most notably, his tax and budget preferences. A look back at the Republican debates leading into the primaries makes that very clear. Republicans held a debate in Iowa in December 1999, just before the caucuses (this was the debate in which Bush was asked about his favorite

philosopher, and he answered, "Christ"). Other than pandering to social conservatives, what did Bush promise to do if he was elected? If we look at public policy issues mentioned in the debate, Bush supported the following: ethanol; trade agreements as a key way of boosting the economy, including easier trade with China; missile defense, and withdrawing from the ABM treaty; more military spending; and the status quo (but tougher) on drugs. These are all ideas he went on to support as president. His proposed tax cuts were mentioned in that debate a few times, as well.

Millennials

Millennials like the NSA

Santos, Red Alert Politics staff writer, 2015

(Maria, "Poll: The NSA is more popular among millennials than any other generation", 3-4, <http://redalertpolitics.com/2015/03/04/poll-nsa-popular-among-millennials-generation/>)

Pew's new poll on public views of various government agencies finds that a lot of agencies are viewed favorably by the majority of Americans—including the NSA, CDC, CIA, and VA. ^{The IRS,} however, is the one agency with a favorable-view percentage below 50 percent—no surprise here. Some of the most interesting numbers come from views of the NSA. Overall, 51 percent view the agency favorably, and 37 percent unfavorably. Democrats are bigger fans than Republicans—58 to 47 percent. (The CIA is the only agency that Republicans favor more than Democrats—64 to 46 percent.) **And millennials—generally thought to distrust institutions—have more favorable views of the NSA than any other generation. 61 percent of 18-29 years view the NSA favorably. That number dwindles down to 55 percent within the 30-49 age group, and down further, to 40 percent, among those 65 and older.**

Clinton Key Scenario(s)

Key To CIR

Clinton is dedicated to passing CIR through Congress or by executive order she knows this consistency and commitment is what the important Latin vote desires

Avila et al 5-5-2015 "Jim, A reporter for abc news, "Clinton vows to push past Obama on immigration, <http://abcnews.go.com/Politics/hillary-clinton-reveals-plans-immigration-reform/story?id=30812123>".CC

She is the presumed favorite of Latino voters and, today in Las Vegas, **Hillary Clinton doubled down on what is seen as a gateway issue for that voting bloc. She laid out her plan for comprehensive immigration reform at a campaign event—including a pathway to citizenship, willingness to take executive action, and reforming detention programs.** At a campaign event today, her third since announcing she's running for president, Clinton made immigration reform a defining issue, and on Cinco de Mayo, no less. State Department Says No Undue Influence After Foreign Gifts to Clinton Foundation Meet Hillary Clinton: Everything You Need to Know (And Probably Didn't Know) About The Prospective 2016 Presidential Candidate Latino leaders consulting her campaign have told ABC News that **Clinton is looking for a way to clearly contrast herself with Republican presidential candidates** by embracing the full path to citizenship rather than proposing a second class of Americans who can work in the United States but not enjoy the protection of citizenship. Clinton made the argument that comprehensive immigration reform "strengthens families, strengthens our economy, and strengthens our country." "That's why we can't wait any longer. We can't wait any longer for a path to full and equal citizenship." Clinton also took an aggressive stance against Republicans. "Now this is where I differ with everybody on the Republican side," she said. **"Make no mistakes. Today not a single Republican candidate - announced or potential - is clearly and consistently supporting a path to citizenship.** Not one." "When they talk about 'legal status' that is code for second-class status," she added. She added that her time as Secretary of State showed her the difference of countries that include "second-class status." "They never feel they belong or have allegiance...that is a recipe for divisiveness and even disintegration... we are a nation of immigrants," she said. "Those who say, we can do reform but not a path to citizenship, would be fundamentally undermining what has made American unique... not just in my view the right thing to do for America, if you compare us to other countries." And while she said she was unsure if it would be among her first moves if elected president, **she did say it would be a priority. Clinton,** speaking at Rancho High School in Las Vegas, where 70 percent of students are Hispanic **added that if no action taken, she wouldn't be adverse to executive authority.** "I will fight for comprehensive immigration reform and a path to citizenship," she said. "I will fight to stop partisan attacks on the executive action that would put dreamers with us today at risk of deportation. **If congress refuses to act, as president I would do**

everything under the law to go even further. Last November, President Obama chose a Las Vegas high school to lay out his plans for immigration reform. Clinton also promised to extend the DREAMer program to undocumented parents of children born in the United States (as President Obama's proposed DAPA program would do) and responded to pushes by immigrant groups to expand protections to parents of DREAMers. "We have a lot of these blended families," she said. "I want to do more to make sure that DACA and DAPA and all of the changes that have occurred continue and would like to try to do more on behalf of the parents of dreamers who are not necessarily included." She also outlined support for reforms to the detention process currently in place. "I don't think we should put children and vulnerable people into the detention facilities bc I think they are at risk—their physical and mental health are at risk," she said.

Clinton has professed her deep concern for immigrants and her unwavering support for CIR

AFP 5-20-2015 "AFP, is one of the central French press

agencies,<http://www.rawstory.com/2015/05/hillary-clinton-singles-out-immigration-as-a-key-2016-campaign-issue/>, "Hillary Clinton signals out Immigration as a key 2016 campaign issue".CC

The 11 million undocumented immigrants in the United States don't vote, but they have children, siblings or cousins who do, and Hillary Clinton is courting their support. The Democratic presidential candidate has singled out immigration as a key campaign issue in her bid for the White House in 2016. **She is looking to set herself apart from her Republican rivals on the matter, and has even said she wants to go further than President Barack Obama to secure legal status,** and citizenship, for millions of undocumented immigrants, most of whom are Hispanic. The move is a strategic one: **securing the Hispanic vote could be what Clinton — or any candidate — needs to become president in the next election. In 2012, the Hispanics made up 10 percent of the vote, compared to only two percent in 1976.** In recent elections, they have shown an increasing preference for the Democratic Party. Obama won the 2012 race with 82 percent of the minority vote, including 71 percent of the Hispanic vote. Sitting with a group of undocumented students this week in Nevada, Clinton made her stance clear, calling on Congress to adopt comprehensive immigration reform and create a path to citizenship for the youths and millions of others like them. **She promised to do more than Obama, who used executive action last November to bypass Congress and approve measures to protect about four million undocumented foreigners from deportation. Clinton said she was ready to use executive action to shield many more.** Republicans immediately zeroed in on this to attack Clinton as a hyper-partisan Democrat. "She is running even further to the left than Barack Obama," Whit Ayres, Republican pollster and adviser to conservative presidential hopeful Marco Rubio, told AFP. "Executive actions on immigration are exactly the wrong way to solve a broken immigration system. If anything we need more bipartisan approaches to addressing a broken system, not declarations of unilateral action," said Ayres. — 'Howling for impeachment' — **Clinton's stance will matter even more in states with a large Hispanic population, such as Nevada and Florida.** But

Republican rivals hope the move will come back to bite her. “This is just one more issue that she’s going to have to answer for in the general election,” Glen Bolger, Republican pollster and co-founder of Public Opinion Strategies, told AFP. “If Republicans started to do major policymaking by executive action, the Democrats would be howling for impeachment,” Bolger said. However, Republican presidential candidates are aware they cannot ignore the immigration question, a key issue for Hispanic voters. **Ayres predicts that Republicans will need much more than 40 percent of the Hispanic vote in next year’s election to win, a substantial hike from the 27 percent that Republican candidate Mitt Romney clinched in 2012.** Republicans focus on a precondition for reform, that the long border with Mexico should be better secured. Texas Senator Ted Cruz, the first to join the 2016 White House race, once proposed to triple the number of police along the border. But none has offered any kind of substantive plan on immigration reform. Rubio, the Florida Senator whose parents immigrated from Cuba, has previously supported comprehensive immigration reform but has since backpedaled. He acknowledges that 11 million people cannot simply be deported, but now insists on securing the border first, indefinitely delaying any action on legal status. Jeb Bush, who is expected to announce his White House bid, remains somewhat ambiguous. He prefers to talk about legal immigration, and has proposed reducing family-based immigration, removing the sibling category preference, to increase the number of permanent visas for skilled immigrants. But Bush, whose wife was born in Mexico, has adopted a more compassionate tone to discuss the lives of immigrants who take risks to cross the border. “We’re going to turn people into Republicans if we’re much more aspirational in our message, and our tone has to be more inclusive as well,” he said last month. But Hispanic hopes, at least for the moment, seem to remain in the Democrats’ camp. Asked by Pew in 2014 “which party do you think has more concern for Hispanics/Latinos?”, half of the Hispanic respondents said Democrats. Only 10 percent thought Republicans cared more, and 35 percent said there was no difference between the parties.

CIR: Economy

CIR will help the economy - Obama's recent executive order proves that when legal rights are given to aliens, productivity and GDP increase

Gittleson "Kim, BBC business reporter stationed in New York, us economy will immigration reform help the recovery", <http://www.bbc.com/news/business-30182934>".CC

US President Barack Obama angered many - and pleased few - when he announced plans last week to reform parts of the US immigration system without Congressional approval. But one potential impact of his plan - the boost it will provide to the US economy - could help sway many Americans who are still primarily concerned with the sluggish pace of the recovery.

The question, of course, is just how much the US economy could benefit from President Obama's proposal, which would give an estimated four million immigrants who are here illegally a path towards legal status, as well as reforming part of the visa process that allows high-skilled workers primarily in technology fields to work in the USA study by economists at UCLA estimates that this proposal will generate, in the short term, \$6.8bn in labour income, create around 160,000 jobs and create \$2.5bn in tax revenue. **A different study by the White House has estimated that in the long term, the plan would increase gross domestic product (GDP) - what the US economy produces - by about 0.4% to 0.9% - or about \$90bn to \$210bn - over the next ten years.** Alex

Nowrasteh, an immigration policy analyst with the right-leaning Cato Institute, says: **"What seems to be the case is that everyone agrees that the economic benefits will be positive from legalisation.** "The dispute is over to what degree." The eighties are back Most economists agree that there are two main ways that President

Obama's immigration plan will affect the US economy: via the wages paid to low-skilled workers, and via the productivity boost that comes from allowing more high-skilled

workers to enter the US labour force. In the case of the former, the best data comes **from 1986.** That's when then-US President Ronald Reagan announced a sweeping amnesty programme for immigrants who were in the country illegally, where any unauthorised immigrants who had already been living in the US continuously since 1982 were eligible for temporary legal status. **Academics who have studied the impact of that programme on those immigrants found that their wages rose anywhere from five to 10%, according to**

several studies. The wage boost was a result of several factors, according to Giovanni Peri, a professor of economics at University of California, Davis. Illegal immigrant workers who previously could not switch jobs, out of fear of being reported to authorities, could now search for work better suited to their skills. Furthermore, immigrants granted amnesty "invest more in their abilities and their training because they know they'll be here for a long time," says Prof Peri, leading to wage increases down the line. Participation problems The question for those looking to study how this increase in wages might impact the overall US economy is not whether or not wages will rise - but how many workers will choose to participate in President Obama's initiative. Under Reagan's plan, only around 50% to 75% of those who were eligible took advantage of the law - and most observers expect a similar or even lesser level of participation this time around, because President Obama's order will not grant illegal immigrants full legal status. The life of the American worker will probably not change very much Giovanni Peri, Professor, UC Davis "We only expect about two million people will come forward which is not huge in a labour force of 150 million," says Randy Capps, the director of research for US programmes at the Migration Policy Institute. Furthermore, Mr Capps said the benefit in terms of tax revenues would almost certainly be negligible. That is because anywhere from one third to two thirds of illegal immigrants are working under false Social Security numbers or other papers, meaning they already contribute income taxes. Halo effect Another aspect of President Obama's immigration overhaul involves changing the restrictions involved on the visas for high-skilled immigrants, known as H1B - something Silicon Valley firms have long been lobbying for. Although the provisions offered by President Obama fell far short of the long list of tech firm demands, there will nonetheless be some economic benefits, according to Mr Capps

Labor Secretary Perez claims CIR can increase GDP by 5.4% and help build US infrastructure

Oleaga 14' "Michael, a reporter for the latin post "Immigration Reform Economy Benefits: Comprehensive Reform Is

'Economic Imperative' for US, Says Labor Secretary Thomas Perez",

<http://www.latinpost.com/articles/24132/20141021/immigration-reform-economy-benefits-comprehensive-economic-imperative-labor-secretary-thomas.htm>".CC

U.S. Department of Labor Secretary Thomas Perez identified immigration as one step to "shared prosperity" for the U.S. economy. During a speech at the National Press Club, **Perez said immigration reform would increase economic benefits, including trillions of dollars in economic activity for the U.S. "It's not just a moral, humanitarian and national security imperative; it's an economic imperative,"** said Perez regarding why the immigration system needs to be fixed. "The Congressional Budget Office estimates **that immigration reform would increase real GDP relative to current projections by 5.4 percent over the next two decades.**

That translates into an additional \$1.4 trillion in economic activity -- adding jobs, putting upward pressure on wages and helping stabilize the Social Security Trust Fund." **SHARE THIS STORY**
RELATED NEWS Immigration Reform Update: Senate Democrats to Homeland Security Secretary: Refugee Mothers and Children 'Should Not Be Treated Like Criminals' Immigration News Update: Undocumented Immigrants Given Bail Rights in Arizona, Court Rules Prop 100 Unconstitutional "Congress shouldn't stop there," added Perez. He said comprehensive immigration reform is "big and bold" and is one of many policy initiatives that are "long overdue."
With immigration reform, Perez also noted an increase of the minimum wage and infrastructure improvements can also build the economy. Perez acknowledged that the three aforementioned ideas have worked in the past and should be supported in the future. Regarding the minimum wage, Perez said a wage increase is not a "radical idea" despite comments from "certain folks" in Washington, D.C. The Labor secretary recalled the minimum wage increase passed during the Republican-controlled Congress led by Newt Gingrich and has been signed into law by every president, except two, since Franklin D. Roosevelt's presidency. "The purchasing power of the minimum wage is 20 percent less today than it was 30 years ago, and the United States has the third lowest minimum wage - as a percentage of median wage -- among OECD (Organization for Economic Co-operation and Development) countries," said Perez, who highlighted the conservative British government recently increasing its minimum wage to \$11.05 per hour. **Infrastructure improvements, which range from rebuilding bridges, ports, roads and transit systems, can grow the economy and added jobs.** "Yes, it involves some federal spending, but no, it's not an exotic left-wing idea ... As someone who worked on transportation issues as a local elected official, I know firsthand that we can't build a 21st century transportation infrastructure with the current approach -- lurching from one short-term bill to the next and making long-term planning nearly impossible," said Perez.

Key To GW: Generic

Hilary best hope for climate leadership – Senate years prove energy advocacy Drury 5/16 (Shawn Drury, senior editor of Blue Nation Review and Senior Editor MOKO Social Media, 5/16/15, 'On Environmental Issues, Hillary Clinton is a No-Brainer Over Rivals', BNR.com, <http://bluenationreview.com/environmental-issues-hillary-clinton-brainer-rivals/>, 7/5/15, ACC)

Conversely, Hillary Clinton's record during her eight years in the Senate should be encouraging to environmentalists. The League of Conservation Voters issues a report card every year on members of Congress. During then-Sen. Clinton's time in office, she amassed a lifetime score of 82 out of 100. As a means of comparison, current Republican Senators Ted Cruz, Lindsey Graham, Rand Paul, and Marco Rubio have lifetime scores of 11, 11, 9, and 9, respectively. There is no comparison. While in the senate, Clinton voted to: Keep drillers out of public lands, including Alaska's Arctic National Wildlife Refuge. Support clean, safe, renewable energy. Protect families by ensuring water and air are clean. Seek alternatives to coal. Provide assistance for low income families for help with energy bills. The challenge for environmentalists is to push their issues up the priority list so they make it into the discussion of a general election campaign. That would benefit Clinton, given her record, and it would help her with younger, undecided voters for whom the environment is a priority.

Hilary prioritizes climate change – supported cap and trade and UN's climate plan

Friedman et al 4/13 (Lisa Friedman, writer for Scientific American, Evan Lehmann, writer for Scientific American, ClimateWire, led by veteran Wall Street Journal reporter John Fialka, and the reporting crew includes additions to our team from award-winning writers who worked at the Houston Chronicle, Denver Post and LA Daily News, "Hillary Clinton May Take a Strong Stance on Global Warming", Scientific American, <http://www.scientificamerican.com/article/hillary-clinton-may-take-a-strong-stance-on-global-warming/>, 7/5/15, ACC)

Clinton signaled in September that she will stay apace of Obama's soaring oratory on the impacts of climbing temperatures (ClimateWire, Sept. 5, 2014). The president has described it as an ever-growing threat with deeper risks to the economy and the environment than perhaps even from disparate terrorist groups. Clinton also puts it near the top of her priority list. She described global warming as "the most consequential, urgent, sweeping collection of challenges we face as a nation and a world" at the National Clean Energy Summit held by Sen. Harry Reid (D-Nev.). Then, in December, she locked arms with Obama's climate legacy by vowing to defend U.S. EPA's Clean Power Plan "at all cost" (Greenwire, July 1, 2014). Some see that as a sign that she'll wage war against Republican climate change deniers in her campaign for the White House, potentially giving climate a higher profile in 2016 than in previous elections. "The science of

climate change is unforgiving," Clinton said then. "No matter what deniers may say, sea levels are rising; ice caps are melting; storms, droughts and wildfires are wreaking havoc." Clinton isn't a recent convert. She proposed a cap-and-trade program in 2007 when she and Obama were dueling to be their party's presidential nominee -- and to be the leader on climate solutions. Her goal was to cut emissions 80 percent below 1990 levels by 2050. That year, in a speech in Cedar Rapids, Iowa, she reminisced about a trip she had taken to the Alaskan wilderness, where she heard about warming winters from dogsledders, rising seas from villagers and drying lakebeds. "There are no climate change skeptics inside the Arctic Circle," Clinton said then, adding later, "This is the biggest challenge we have faced in a generation." Podesta choice sends a strong signal Purvis noted that her tenure as secretary of State was more punctuated by work on womens' empowerment than on energy. But, he argued, she also found a way to weave those concerns into new climate policies. She put \$50 million into a new initiative to encourage families to use cleaner-burning stoves instead of kerosene, wood, dung and other solid fuels as a way to both improve health and cut emissions, focused on helping those hardest hit by climate change. She also spearheaded the Climate and Clean Air Coalition, dedicated to curbing non-carbon-dioxide pollutants that cause global warming. "One has to acknowledge that the issues that probably animate her the most are the rights of women, community empowerment, children and democracy. But I can't think of a time when she didn't make the right environmental decision," Purvis said. Since leaving office, Clinton has toughened her language. Skeptical Republicans are now described as deniers by Clinton and her party. Paul Bledsoe, a former Clinton White House climate adviser and now a fellow at the German Marshall Fund, noted that the fact Clinton tapped Podesta to run her campaign signals that she considers climate change a winning campaign issue and a top priority. "I think she's going to run as an economic populist and a defender of the middle class against the depredations of extreme economic inequality," Bledsoe said. "Climate fits in because I think she's going to portray the Republicans as willing to put the average American in clear and present danger from climate change, because the solutions don't fit with the ideological litmus test of the party. "I think she's going to be very aggressive in the campaign as pushing climate change as a part of the 'defender of the little guy' message," Bledsoe said.

Key To GW: EPA

Next President can make or break climate policy – Ex can change fuel-economy standards, Clean Power Plan, and EPA strength

Plumer 5/5 (Brad Plumer, senior editor at Vox.com, where he oversees the site's science, energy, and environmental coverage and he was previously a reporter at the Washington Post covering climate and energy policy, 5/5/15, "The next president can have a big impact on climate policy — even without Congress", <http://www.vox.com/2015/5/5/8542787/climate-change-2016-election>, 7/7/15, ACC)

Okay, now let's assume it's 2017. There's a new president, and Congress is still totally gridlocked on climate change. What happens next? The next president likely won't be able to dismantle Obama's climate policies entirely — not on his or her own. After all, the Supreme Court has effectively ordered the EPA to regulate greenhouse gases so long as there's evidence that they cause harm, and that evidence is quite solid. Only Congress could undo everything Obama's done, by revising the Clean Air Act. Still, whoever occupies the White House and EPA will have a lot of say in how to implement Obama's climate rules. That sounds boring, but it's actually a key step. There's tons of leeway to strengthen or weaken these rules. Here are a few ways this could play out: 1) Fuel-economy standards could be tightened (or weakened) in 2017. Remember, the EPA's fuel-economy standards for new cars and light trucks are on pace to rise from their current 35 miles per gallon to 54.5 miles per gallon by 2025. Yet those numbers aren't set in stone. These CAFE (corporate average fuel economy) rules are scheduled to come up for a midterm review in 2017. At that point, automakers may lobby to allow the standards to rise more slowly — particularly if sales of fuel-efficient vehicles have been sluggish due to low oil prices. Green groups, meanwhile, could push to make the standards stricter, or to have them keep increasing past 2025, to push vehicle emissions down even further. So the next administration will have to decide. Leave the vehicle standards alone? Make them stricter? Weaker? The one twist here is that due to a longstanding quirk of the Clean Air Act, California can threaten to create its own stricter standards if it's not happy with what the federal government is doing (and other states can join). Automakers really hate the idea of multiple sets of vehicle standards around the country, so they may prefer not to weaken the federal rules too much and risk having California go it alone. 2) The Clean Power Plan will live or die based on implementation. The EPA will finalize its rules for reducing carbon dioxide from existing power plants in the summer of 2015. It's a core component of Obama's climate policy — power plants are responsible for 40 percent of the nation's greenhouse gas emissions. But the next president will have enormous influence over how this plan actually works. Assuming the rule holds up in court, it could prove difficult for the next president to simply hit the kill switch on the plan and start all over. But he or she will get to decide how to implement it — and that's arguably just as significant. After the rule is finalized, states will have another 14 months to submit plans for cutting emissions, though some will request extensions. That process could drag on until 2017 or 2018. At that point, the EPA will review each state's plans for reducing emissions from its power plants and decide whether the plans are acceptable. An administration that really wants to tackle climate change can make sure states are doing as much as is feasible. By contrast, a

president who was less concerned about global warming could allow states that wanted to, like Texas, to submit less-aggressive plans. "There's a lot of latitude in the review process," says Stanford's Michael Wara. "The history of the Clean Air Act shows this. If you have a president who doesn't like climate policy, they could basically signal to the states that they're going to give a lot of compliance flexibility and allow states to make assumptions in their plan that reduce their costs." This would likely involve seemingly arcane tweaks to models and baselines that would be harder for green groups to challenge in court. Meanwhile, some states may outright refuse to submit any plans for reducing emissions. (Sen. Mitch McConnell, R-KY, is already urging states to do exactly this.) If that happens, the EPA has the authority to impose its own federal plan on the states. The agency will unveil the details of this federal plan in 2015, though, again, implementation would be left to the next president. Meanwhile, industry groups are almost certain to challenge aspects of the rule in court. Adele Morris, the policy director for the Climate and Energy Economics Project at the Brookings Institution, points out that an administration hostile to Obama's EPA rule could defend it weakly in court. And if any parts of the rule get struck down, the next administration will get to decide how to redo it. It all comes down to preference. "If you have an administration that's friendly to [Obama's] policy, then you'd have continuity in implementation," says David Doniger, director of the Natural Resources Defense Council's climate and clear air program. "But if you had an administration that wasn't as friendly, they could try to drag their feet or change the rules." 3) The next president will decide whether to regulate other sectors — like refineries. The Clean Air Act doesn't just cover vehicles and power plants. Technically the EPA has the authority to regulate carbon dioxide from other sources, as well. Oil refineries. Cement plants. Trucks. Airplanes. The agency is regulating methane leaks from new oil and gas wells, but it hasn't touched existing wells. And so on. These sources all add up. The Obama administration is leaving most of the decisions about what to do with these sectors to the next president. If Hillary Clinton comes in and wants to expand the EPA's authority here, she can. If Marco Rubio comes in and doesn't, he may have to fend off lawsuits, but he can likely hold off on doing this for a long time.

EPA key to international climate negotiations – next president determines success

Plumer 5/5 (Brad Plumer, senior editor at Vox.com, where he oversees the site's science, energy, and environmental coverage and he was previously a reporter at the Washington Post covering climate and energy policy, 5/5/15, "The next president can have a big impact on climate policy — even without Congress", <http://www.vox.com/2015/5/5/8542787/climate-change-2016-election>, 7/7/15, ACC)

Where the EPA rules could have a more important effect is on the international stage — at least in the near term. Remember, the United States only accounts for about 17 percent of worldwide greenhouse gas emissions. There's also China, India, Brazil, Europe, Russia, and so on. That's why international cooperation on climate change is so crucial. Right now, the world is groping toward a very, very weak international agreement. The US put forward its pledge to cut emissions at least 26 percent between 2005 and 2025. That spurred China to respond by vowing to get its emissions to peak around 2030. Other countries have started to pitch in, too. Add all

these pledges up, and we're still not close to tackling global warming. The Climate Action Tracker estimates that we're on pace for global average temperatures to rise 3.1°C (or 5.6°F) above pre-industrial levels, give or take — a seriously disruptive change. Even so, some experts think even these weak promises could lead, iteratively, to stronger action over time. "You can see how those plans could start to connect together and create a positive negotiating dynamic," David Victor, a political scientist at UC San Diego's School of International Relations and Pacific Studies, told me. "The encouraging precedent here is in trade ... You build credibility and trust over time and then move to bigger issues." The next US president can help decide how this agreement continues to evolve in the years to come. The US can keep pushing its own emissions down and try to persuade countries like China and India to respond in kind. Or it could abandon this budding framework entirely. Abandoning the US climate targets, says Wara, "would do real damage to whatever credibility the US has left on the international stage. What Obama has done with China is a big step in changing the dynamics in a very positive way. And if the US were to walk away from that, that would be very damaging for future climate negotiations and commitments."

GW: Bush Fails

Jeb will restrict EPA – needs conservative vote, supports Keystone XL and fracking

Foran and Geman 4/10 (Clare Foran, energy reporter at National Journal. Her writing has appeared in The Atlantic Cities, Philadelphia City Paper and NPR's science and technology blog, All Tech Considered, Ben Geman National Journal Energy and Environment Correspondent, and has nearly a decade of experience on the beat and spent four years as an energy correspondent for The Hill, where he helped launch the paper's energy blog., "How Jeb Bush's Environmental Record Could Hurt Him In 2016", National Journal, <http://www.nationaljournal.com/energy/how-jeb-bush-s-environmental-record-could-hurt-him-in-2016-20150310>, 4/10/15, ACC)

Overall, Bush is firmly in line with the GOP on most high-profile energy priorities. He has repeatedly endorsed the Keystone XL oil pipeline and lauded the onshore hydraulic-fracturing boom that has boosted natural-gas production to record levels and crude-oil production to near-record levels. In a speech to the National Automobile Dealers Association in San Francisco early this year, Bush quipped that "it is not cool in San Francisco" to talk about the boom. "It's cool in places like North Dakota and West Texas. It's cool because it creates significant economic activity," Bush said, according to a transcript. He lauded jobs and argued that the boom is saving consumers billions of dollars at the pump and on power bills. In the same speech, Bush said Washington "shouldn't try to regulate hydraulic fracturing," but that it should be done "reasonably and thoughtfully to protect the environment." The comments put Bush at odds with Democratic efforts to boost federal oversight. The Interior Department is preparing to release final regulations to govern fracking on public lands, while EPA is planning new methane emissions standards for new oil and gas development nationwide. Bush has also lobbed attacks at the Obama administration's environmental regulations, a common refrain among likely Republican presidential contenders. He called EPA "a pig in slop" at the Iowa Agriculture Summit earlier this month and called for action to "rein in this top-down regulatory system." That stance is likely to play well with conservatives. "Going after the EPA and connecting its actions to harming jobs and economic growth goes a long way with Republican primary voters across the board," veteran Republican strategist Ron Bonjean said.

JEB denies anthro caused warming – appealing to GOP voters

Nuccitelli 5/27 (Dana Nuccitelli, blogger on environmentguardian.co.uk and an environmental scientist and risk assessor, 5/27/16, "Memo to Jeb Bush: denying human-caused global warming is ignorant", The Guardian, <http://www.theguardian.com/environment/climate-consensus-97-per->

cent/2015/may/27/memo-to-jeb-bush-denying-human-caused-global-warming-is-ignorant, 7/6/15, ACC)

In a campaign event last week, Republican presidential frontrunner Jeb Bush exhibited Stage 2 climate denial, saying (video available here), “Look, first of all, the climate is changing. I don’t think the science is clear what percentage is man-made and what percentage is natural. It’s convoluted. And for the people to say the science is decided on, this is just really arrogant, to be honest with you. It’s this intellectual arrogance that now you can’t even have a conversation about it.” The Politics Unfortunately, denial of human-caused global warming may be a prerequisite for any viable Republican presidential candidate. Conservative and Tea Party Republicans are the one group of American voters among whom Stage 2 climate denial is the majority position, but they’re also the group that most reliably votes in GOP primary elections. In American politics, a candidate first has to win a primary election before reaching the national ballot. For Republicans, that means appealing to conservatives. It’s not clear that a Republican presidential candidate can accept climate science and run a viable primary campaign.

GW: Extinction

Global Warming greatest threat to survival – reduced food yields, heatwaves, natural disasters and disease

Snow and Hannam 14 (Deborah Snow, Senior Writer for the Sydney Morning Herald, Peter Hannam, Sydney Morning Herald writer who covers broad environmental issues,, “Climate change could make humans extinct, warns health expert”, 3/31/14, <http://www.smh.com.au/environment/climate-change/climate-change-could-make-humans-extinct-warns-health-expert-20140330-35rus.html>, 7/7/15, ACC)

The Earth is warming so rapidly that unless humans can arrest the trend, we risk becoming "extinct" as a species, a leading Australian health academic has warned. Helen Berry, associate dean in the faculty of health at the University of Canberra, said while the Earth has been warmer and colder at different points in the planet's history, the rate of change has never been as fast as it is today. "What is remarkable, and alarming, is the speed of the change since the 1970s, when we started burning a lot of fossil fuels in a massive way," she said. "We can't possibly evolve to match this rate [of warming] and, unless we get control of it, it will mean our extinction eventually." Professor Berry is one of three leading academics who have contributed to the health chapter of a Intergovernmental Panel on Climate Change (IPCC) report due on Monday. She and co-authors Tony McMichael, of the Australian National University, and Colin Butler, of the University of Canberra, have outlined the health risks of rapid global warming in a companion piece for The Conversation, also published on Monday. The three warn that the adverse effects on population health and social stability have been "missing from the discussion" on climate change. "Human-driven climate change poses a great threat, unprecedented in type and scale, to wellbeing, health and perhaps even to human survival," they write. They predict that the greatest challenges will come from undernutrition and impaired child development from reduced food yields; hospitalisations and deaths due to intense heatwaves, fires and other weather-related disasters; and the spread of infectious diseases. They warn the "largest impacts" will be on poorer and vulnerable populations, winding back recent hard-won gains of social development programs. Projecting to an average global warming of 4 degrees by 2100, they say "people won't be able to cope, let alone work productively, in the hottest parts of the year". They say that action on climate change would produce "extremely large health benefits", which would greatly outweigh the costs of curbing emission growth. A leaked draft of the IPCC report notes that a warming climate would lead to fewer cold weather-related deaths but the benefits would be "greatly" outweighed by the impacts of more frequent heat extremes. Under a high emissions scenario, some land regions will experience temperatures four to seven degrees higher than pre-industrial times, the report said.

Climate change increases disease outbreak – transmission cycles shaped by heat patterns

Harris 14 (Chris Harris,

Climate change will lead to 250,000 extra deaths a year from 2030, a report quantifying the health impacts of global warming has claimed. The study, published by the World Health Organisation (WHO), estimates around 48,000 will die from diarrhoea, 60,000 due to malaria, 95,000 from childhood undernutrition, as well as 38,000 elderly people because of heat exposure. "Our planet is losing its capacity to sustain human life in good health," said Dr Margaret Chan, director general of WHO. "Earlier this year, the Intergovernmental Panel on Climate Change (IPCC) issued its most disturbing report to date, with a strong focus on the consequences for health." The report said the health impacts of climate change would be "overwhelmingly negative" with the biggest changes expected by 2050. Dr Chan said: "Debates about climate change are still not giving sufficient attention to the profound effects that climate variables have on health. "Many of the world's most worrisome diseases have transmission cycles that are profoundly shaped by conditions of heat and humidity and patterns of rainfall. As one important example, malaria parasites and the mosquitoes that transmit them are highly sensitive to climate variability, which has been repeatedly linked to epidemics. "Other epidemic-prone diseases, like cholera, dengue, and bacterial meningitis, are likewise highly sensitive to climate variability. All of these diseases have a huge potential for social disruption and make huge logistical demands on response teams." Dr Chan also highlighted speculation that climate may affect the frequency of Ebola outbreaks. She said 75% of new human diseases begin in animals, adding climate influences "animal populations and their incursion into areas inhabited by humans".

Key to Prisons

Clinton will end mass incarceration – criminal justice reforms and body cameras

Terkel 4/29 (Amanda Terkel, Senior Political Reporter and Politics Managing Editor at The Huffington Post and previously served as Deputy Research Director at the Center for American Progress, 4/29/15, “Hillary Clinton: 'There Is Something Profoundly Wrong' In Our Criminal Justice System”, Huffington Post, http://www.huffingtonpost.com/2015/04/29/hillary-clinton-baltimore_n_7170668.html, 7/5/15, ACC)

Clinton laid out her vision for fundamentally reforming the criminal justice system, centering around an "end to the era of mass incarceration." Those changes include addressing probation and drug diversion programs, increasing support for mental health and drug treatment and pursuing alternative punishments for low-level offenders. She also wants to see body cameras given to every police department to increase transparency and accountability in a way that benefits both officers and members of the public. "We have allowed our criminal justice system to get out of balance, and these recent tragedies should galvanize us to come together as a nation to find our balance again," said Clinton. Wednesday's speech was Clinton's most significant comment on the situation in Baltimore thus far. During a fundraiser in New York City last week, she also said, "We have to restore order and security. But then we have to take a hard look as to what we need to do to reform our system."

Hilary commits to reducing mass incarceration and faster probation programs – Dems will hold her to it

Bouie 4/30 (Jamelle Bouie, Slate staff writer covering politics, policy, and race, 4/30/15, “Hillary Clinton’s Impressive Criminal Justice Speech”, Slate, http://www.slate.com/articles/news_and_politics/politics/2015/04/hillary_clinton_s_impressive_criminal_justice_speech_the_democratic_front.html, 7/6/15, ACC)

Two days after riots in Baltimore—at a time when most of the presidential field is either silent or contemptuous—Clinton has stepped out front with a forward-looking agenda on bringing people out of prison, a definitive rebuke to the “law and order” politics used by her husband throughout his career. Not only did Clinton call for an end to “the era of mass incarceration,” but she also connected our prison population to broader patterns of inequality. “Without the mass incarceration that we currently practice, millions fewer people would be living in poverty,” she said. “And it’s not just families trying to stay afloat with one parent behind bars. Of the 600,000 prisoners who re-enter society each year, roughly 60 percent face long-term unemployment.” We have to do more than release nonviolent offenders to solve mass incarceration, but this at least shows that Clinton is thinking in broad terms. Reducing the prison population is the beginning of the project. What comes next—reintroducing former inmates into mainstream society and giving them a chance to succeed—is just as important. Clinton’s speech is a political gamble as much as it is a policy commitment. Likewise, Clinton is clearly giving thought to how we restructure policing and punishment. In the speech, she promises to make

sure that “federal funds for state and local law enforcement are used to bolster best practices, rather than to buy weapons of war that have no place on our streets.” She calls for body cameras on all police—a major goal of the “Black Lives Matter” movement—supports better, “swifter” probation programs, and stresses help for mental health patients. “You and I know that the promise of de-institutionalizing those in mental health facilities was supposed to be followed by the creation of community-based treatment centers. Well, we got half of that equation—but not the other half.” On a more prosaic note, Clinton alludes to high-profile cases of police abuse and racial violence, directly identifying with black and Latino families on an issue that is polarizing with white Americans. “You don’t have to look too far from this magnificent hall to find children still living in poverty or trapped in failing schools,” she says, “Mothers and fathers who fear for their sons’ safety when they go off to school—or just to go buy a pack of Skittles.” What’s important about this, beyond public policy, is that it’s a sign of where Clinton sees the electorate. A Hillary Clinton who believed she needed working class whites to win is not a Hillary Clinton who would embrace this agenda for police reform, or use this rhetoric. No, this Clinton clearly believes that she needs to reconstitute the Obama coalition to win, and to do that, she’ll push forward on key issues for black Americans, Latinos, young women, and other members of the Obama electorate. Put differently, this speech is a political gamble as much as it is a policy commitment. To some, that sounds cynical. And maybe it is. But it also doesn’t matter. Political science is clear: Presidential candidates don’t make idle promises. When they make a commitment or signal a priority, they try to follow through, and when they don’t, the party tries to hold them accountable. Now, Clinton is on the record, and if elected, she’ll face the kind of pressure that makes policy happen. On that, it’s worth a final point. Four years ago, body cameras weren’t a priority for national politicians. Now, the Democrats’ presumptive nominee for president—who may win next year—has endorsed them for all police officers. Even if its not a panacea for broad problems of police violence, it’s still a victory. Not just because Clinton has made the commitment, but because she’s sent a powerful signal to other Democrats (and even some Republicans) to treat police reform as a mainstream issue. Competitors like Sen. Bernie Sanders and former Maryland Gov. Martin O’Malley may try to outflank her, but potential allies, either in Congress or elsewhere, will support her message and her leadership. Suddenly, police reform is a Democratic agenda item, something a Democratic Congress and a Democratic White House may act on.

Prisons: Econ

Better job security for prisoners saves \$57-65 billion – accounts for 1.5% of unemployment rate

Wang 14 (Emily Wang, 4/7/14, “Ban the Box: Employing Former Felons Will Improve the Economy and Public Safety”, Pacific Standard, <http://www.psmag.com/politics-and-law/ban-box-employing-former-felons-will-improve-economy-public-safety-78407>, 7/6/15, ACC)

An overwhelming 65 million Americans with criminal records face significant barriers to employment each day. Most applications for employment include a box that asks, "Have you ever been convicted of a crime?" Check the box, and nowadays, the application most likely goes to the trash. In 2009, a team of Princeton and Harvard researchers found that having a criminal record in New York city reduced the likelihood of a callback or job offer by nearly 50 percent. It doesn't matter if you finished serving your time, committed a crime decades ago, or whether the crime would impact the quality of your work. In the aftermath of 9/11, the background check industry skyrocketed. In 2007, private intelligence companies, like ChoicePoint, reported \$253 million in employee-screening revenue and, last year alone, the FBI preformed a record 16.9 million criminal background checks, a six-fold increase from over a decade ago. Economists at the Center for Economic and Policy Research estimate that the United States has at least 12 million individuals with criminal records of working age, who account for about 1.5 percent of our unemployment rate, costing the economy between \$57 and \$65 billion in lost output.

Jeb -> Iran War

Jeb Bush's foreign policy advisors are the same that were in his brother's, father's, and the Reagan administration - they will increase tensions

Bump 2-18-2015 "Philip, "Jeb Bush's foreign policy team is eerily familiar, in one Venn diagram, <http://www.washingtonpost.com/blogs/the-fix/wp/2015/02/18/jeb-bushs-foreign-policy-team-is-eerily-familiar-in-1-venn-diagram/>, a reporter for the Washington Post".CC

Former Florida governor Jeb Bush will announce his foreign policy vision in a speech Wednesday in Chicago. Accompanying that speech is **a rollout of a slate of experts who will help guide the candidate on foreign policy issues. If Bush's goal is to present himself as his "own man," that list of advisers undermines the point somewhat: 19 of the 21 people on it worked in the administrations of his father or brother.** We've identified the roles each played in the past three Republican administrations, divvying them up as needed in the following Venn diagram. **It's easy to suggest** that the above diagram indicates that **Jeb Bush is hopelessly linked to his brother and father. But it's important to remember that the foreign policy team of any Republican president probably would draw heavily from the experience of the past three Republican administrations** — each of which had a Bush at or near the top. Many of the foreign policy names on the alternate-universe Mitt **Romney** transition team appear above — although Romney branched out a bit more. That may be because **he was four years closer to the low point of the Iraq war and some of the Bush-era advisers on foreign policy were still too damaged. Bush has access to a lot of people by virtue of his family's long history in Washington.** That can be a mixed blessing. "Each president learns from those who came before — their principles . . . their adjustments," Bush plans to say in Chicago. "One thing we know is this: Every president inherits a changing world . . . and changing circumstances." And, on occasion, they inherit the same advisory team.

Bush has said he will press for new sanctions on Iran replacing the deals currently in place and defend Israel at all costs - puts the US on a path to nuclear war

McCarthy 2-18-2015 "Tom, Jeb Bush's attacks Obama's foreign policy and insists I am my own man, national affairs correspondent for the Guardian US, <http://www.theguardian.com/profile/tommccarthy>"

Warning that "everywhere you look, you see the world slipping out of control," Jeb Bush mounted a harsh attack on the foreign policy of President Obama Wednesday, in a speech that appeared to be a next step in a carefully choreographed rollout of a 2016 presidential bid. Addressing a crowd of about 800 at the Chicago Council on Global Affairs, Bush described a foreign policy vision that was sharply at odds with Obama's, and more subtly divergent from that of his brother, President George W Bush. **In a speech that was sharply skeptical of Iran,**

demonstratively supportive of Israel and disdainful of a White House foreign policy that he characterized as lackadaisical and foolish, Bush covered everything from the legacy in Iraq and Israeli prime minister Binyamin Netanyahu's controversial visit to Washington to surveillance reform and relations with Cuba.

Perhaps Bush's most pointed remarks were in faulting the Obama administration for entering nuclear negotiations that would leave Iran with civilian nuclear power. "Iran's intent is clear," Bush said at the Chicago Council of Global Affairs, a non-partisan thinktank. "Its leaders have openly called for an attempt to annihilate the state of Israel. This is an existential threat to Israel" and America's friends in the region. **Bush called on Congress to pass sanctions in advance of the close of nuclear negotiations, to go into effect if the negotiations fail. The Obama administration and others have warned that such new legislation would derail the negotiations.** "Iran's ambitions are clear, and its capabilities are growing ... yet the Obama administration has launched negotiations in which the goal has shifted," Bush said. "The Obama administration no longer seeks to 'prevent' nuclear enrichment, but only to 'manage' it." Bush emphasized his close ties with Israel, and jumped into the debate over a planned address to Congress by Netanyahu about Iran's nuclear program. The White House has said it was not informed in advance of the planned speech, which was scheduled at the invitation of House Speaker John Boehner, and that Vice President Joe Biden would not attend. "I for one am very eager to hear what he has to say," Bush said of Netanyahu. "I don't blame him for wanting to share his views... I'm surprised that the US administration is upset about hearing from such a close and valuable ally." Bush said the Obama "administration has lobbed personal leaks and insults" at Netanyahu "with incredible regularity". **Bush said government surveillance programs, including dragnet metadata collection by the National Security Agency, were important to preserve in the interests of national security. "For the life of me, I don't understand – the debate has gotten off track," Bush said of the NSA collections. "We do protect our civil liberties, but this is a hugely important program to keep us safe."** But Bush also grappled on Wednesday with perhaps the thorniest topic he will have to face in the 2016 presidential campaign: his brother George W Bush's Iraq war. "I love my brother, I love my dad – I actually love my mother, too," Jeb Bush said in Chicago. "I admire their service to the nation and the difficult decisions they had to make. But I am my own man – and my views are shaped by my own thinking and own experiences." **A list of foreign policy advisers** announced in advance of the speech by the Bush team threatened to complicate the message, however. The list, first **obtained by the Washington Post, includes several prominent advocates of the 2003 invasion of Iraq. Among them are Paul Wolfowitz, deputy defense secretary under George W Bush; Stephen Hadley, national security adviser under Bush; and John Negroponte, ambassador to the UN under Bush.** "In 2003, at the beginning of the liberation of Iraq, neither Twitter nor Isis existed," he said. "New circumstances require new approaches." Bush laid out principles he said would ensure American leadership, beginning with the importance of growing the US economy. He said Congress should give the president trade authority to complete new deals in the Pacific and in Europe. Bush said the "normalization" of US-Cuba relations announced by the White House last December was "the wrong thing to do" and resulted from poorly conducted negotiations with the Cuban government. He said falling oil prices would have brought Cuba to the negotiating table in a weaker position, comparing the effect to the weakening

of Iran through sanctions. “A little more patience would have yielded a better result,” Bush said. “The notion that somehow you’re just going to have freedom outbreak in Cuba, I think it’s false,” he said. “I think it’s incorrect.” While Bush has not officially declared his candidacy for president, he has assembled teams of aides and donors and begun to lay out a policy platform. The foreign policy plank Bush laid out on Wednesday featured sharp criticism of Obama, whom Bush accused of “withdrawing from the world”. Bush’s brother left the White House as an historically unpopular president in part for the failure of his project to shape events in the Middle East. On the 10th anniversary of the March 2003 invasion of Iraq, 53% of Americans said the US “made a mistake sending troops to fight in Iraq” and 42% said it was not a mistake, according to a Gallup poll. **For the distance he sought to create from his brother’s foreign policy, Bush fell back on speech that was sometimes reminiscent of the clipped cadence and cowboy imagery of George W Bush. Asked about “diplomacy on Isis,” Jeb Bush said: “No diplomacy. “With them directly? No. We have to develop a strategy that’s global, that takes them out. Restrain them, tightening the noose and then taking them out is the strategy. No talking about this. That just doesn’t work, for terrorism.”** Veterans of the second Bush presidency who are now advising Jeb Bush have admitted mistakes in Iraq. “We also did not anticipate that al-Qaida would move into the security vacuum created by [Saddam] Hussein’s fall and seek to defeat the United States in Iraq,” Hadley wrote on the war’s 10-year anniversary. Hadley has also warned, however, about the dangers of inaction abroad. “Syria today shows what happens when a bloody dictator goes unchecked,” Hadley wrote in a 2014 op-ed. **Other former George W Bush cabinet members or advisers who are working on the Jeb Bush presidential project, according to the Washington Post list, include former homeland security secretaries Tom Ridge and Michael Chertoff, former CIA directors Porter Goss and Michael Hayden, and former attorney general Michael Mukasey. Jeb Bush’s list also includes James Baker and George Schultz, both secretaries of state who served under his father, President George HW Bush. Bush described a need for American interventionism, saying that if the United States did not pursue terrorists “in their own dark corner of the globe,” “they will eventually strike at America, and they often do.” “If we withdraw from the defense of liberty elsewhere, the battle will come to us anyway,” Bush said.**

Ron Paul Scenario

Key to Keystone/Flat Tax

Rand Paul is key to the passage of the keystone xl pipeline and he is key to a flat tax

Gillespie 4-7-2015 "Patrick, "Rand Paul 2016, breaking down his economic policy", reporter at CNN money, <http://money.cnn.com/2015/04/07/news/economy/rand-paul-2016-economics/>".CC

Republican Senator Rand Paul hopes to drill, slash and "simplify" if he becomes president. If he reaches the Oval Office, Paul, who announced his presidential candidacy Tuesday, wants to reel in government spending, taxes and regulation. He would like to increase America's energy production and put more oversight on the Federal Reserve. While many details of the Kentucky senator's plans need to be fleshed out, here are four key points of "Paulonomics" that we know so far: 1. An energy-focused economy: Drill baby drill. Paul wants the U.S. economy to run on American gas, oil and coal. His budget plan -- arguably a presidential manifesto -- calls for more government-owned land to be open for drilling. Perhaps not surprising for a senator from a coal-heavy state, Paul says America should return its focus to coal energy. Paul is a big advocate for the Keystone XL Pipeline, which he says will create jobs and enhance America's energy independence.

Paul's energy economy will face major questions during the election. Oil prices have tumbled from \$100 a barrel to about \$50. There's an oil oversupply in the world, and U.S. energy companies have laid off 30,000 workers this year, according to the Labor Department. It's uncertain how Paul's energy economy would stack up against the industry's tough reality right now. Related: The Ted Cruz economy: Reality-checking his talking points 2. **Federal spending slide: Paul wants to eliminate the U.S. departments of education, commerce, housing and energy** (that would cut a quarter of the president's cabinet secretaries). He would reduce government payments on food stamps, Medicaid and child nutrition programs too. Paul argues that many welfare programs waste money. These cuts are meant to eliminate the U.S. government's deficit and return power to state governments. It's unclear how easily Paul could shave off four departments and decrease America's welfare programs. The four departments he wants to get rid of are also small spenders compared to defense, Social Security and Medicare Related: Senator Rand Paul goes after Fed...again 3. Audit the Fed (and more?): One of Paul's big campaign promises is to audit the Federal Reserve ... even though it's already audited twice. Paul is the author of an "Audit the Fed" bill that would allow a Congressional oversight office to go a step further than just looking at the numbers and actually comment on the Fed's monetary policy decisions. Many at the Fed, and even some of Paul's Republican peers, say the bill is an attempt to influence the Fed's policy, especially on interest rates. Fed Chair Yellen staunchly opposes Paul's bill and says she's prepared to fight it. America's central bank wants to remain independent of politics as much as possible. But Paul is not backing down. He is even raising money off his Fed attacks. He raised \$88,000 in grassroots donations for his "Stand with Rand Audit the Fed Money Bomb" campaign in February (though he hoped to get \$150,000). Paul actually grew up in an anti-Fed household: his father, former Congressman Ron Paul, published a book entitled "End the Fed" in 2009. Republican presidential hopeful Ted Cruz is also in favor of auditing the Fed. Related: Rand Paul on Hillary Clinton's email 4. Bye-bye (many) taxes: **Flat tax is the buzz word of the 2016 race so far. Like many GOP presidential candidates before him** (including Ted Cruz and Rick Perry, Herman Cain and Newt Gingrich in the last election cycle), **Paul wants to enact a flat tax if elected president. He also plans to cut taxes on stock profits, corporations and estates.** Paul opines that a low-tax economy will give Americans more spending power, boosting economic activity. The United States has had two flat-tax laws passed -- in the 19th century. One was later ruled unconstitutional and the government never enforced the other. Paul points out that America's tax code is too complicated today and

needs to be simpler, but the idea of a flat tax is often criticized for being unfair to lower income households who pay little to no federal income taxes now. So far, Paul and Cruz -- the only two to announce their presidential bids -- appear to agree on a lot when it comes to economic policy.

Paul presidency would spur efforts for keystone XL construction, and strip EPA regulation authority.

Ben Adler 04/06/15 Contributing editor for Columbia journal, Grist columnist, "Rand Paul is no moderate on climate change," <http://grist.org/politics/rand-paul-is-no-moderate-on-climate-change/04/06/15>

Journalists love a counterintuitive story, like when a Democrat criticizes unions or a Republican endorses gay marriage. Sen. Rand Paul (R-Ky.), with his idiosyncratic libertarianism, provides them with a lot of good stories, like his opposition to mass incarceration. In that vein, a couple of recent media reports assert, on the thinnest reeds of evidence, that Paul has accepted climate science or endorsed regulating carbon pollution. He hasn't. Sorry, reporters: There is no counterintuitive story about Paul and climate change.¶ Paul, who is announcing a presidential run on Tuesday, is an anti-government extremist and a climate change denier. Just last April, he said he is "not sure anybody exactly knows why" the climate is changing. He went on to call the science "not conclusive" and complain about "alarmist stuff." If you're wondering what he means by "alarmist stuff," in 2011, while [arguing for a bill that would prevent the EPA from regulating carbon emissions](#), Paul said, "If you listen to the hysterics, ... you would think that the Statue of Liberty will shortly be under water and the polar bears are all drowning, and that we're dying from pollution. It's absolutely and utterly untrue." Paul went on to assert that children are being misled into believing that "pollution" has gotten "a lot worse," when "It's actually much better now." Paul, of course, was conflating conventional air pollution — like sulfur dioxide, which has declined in the U.S. — and climate pollution, which is cumulative and global, and therefore gets worse every year, even if America's annual emissions drop.¶ Indeed, Paul is prone to making ignorant, conspiracist statements about science in general. In October, he suggested to Breitbart News that Ebola may be more easily spread than scientists say and that the White House had been misleading the country on the issue. And in February, Paul told CNBC, "I've heard of many tragic cases of walking, talking normal children who wound up with profound mental disorders after vaccines." This despite the fact that the supposed connection between autism and vaccination has been thoroughly debunked.¶ Like almost every other Senate Republican, [Paul has voted to strip the EPA of its legal authority to regulate greenhouse gas emissions, to force approval of the Keystone XL oil pipeline, and to prevent Congress from placing any tax or fee on carbon pollution.](#) Paul's lifetime voting score from the League of Conservation Voters is 9 percent

Keystone: War and GW

(highlight this next card down if needed – has several very good warrants however).

Causes great power war, water depletion, and massive environmental collapse.

Michael Klare 2/13/2015 Five Colleges Prof of Peace and World Security Studies @ Hampshire College, “A Republican Neo-Imperial Vision for 2016”
http://www.truthdig.com/report/item/keystone_xl_cold_war_20_and_the_gop_vision_for_2016_20150213

This approach has been embraced by other senior Republican figures who see increased North American hydrocarbon output as the ideal response to Russian assertiveness. In other words, the two pillars of a new energy North Americanism—enhanced collaboration with the big oil companies across the continent and reinvigorated Cold Warism—are now being folded into a single Republican grand strategy. Nothing will prepare the West better to fight Russia or just about any other hostile power on the planet than the conversion of North America into a bastion of fossil fuel abundance. This strange, chilling vision of an American (and global) future was succinctly described by former Secretary of State Condoleezza Rice in a remarkable Washington Post op-ed in March 2014. She essentially called for North America to flood the global energy market, causing a plunge in oil prices and bankrupting the Russians. “Putin is playing for the long haul, cleverly exploiting every opening he sees,” she wrote, but “Moscow is not immune from pressure.” Putin and Co. require high oil and gas prices to finance their aggressive activities, “and soon, North America’s bounty of oil and gas will swamp Moscow’s capacity.” By “authorizing the Keystone XL pipeline and championing natural gas exports,” she asserted, Washington would signal “that we intend to do exactly that.” So now you know: approval of the Keystone XL pipeline isn’t actually about jobs and the economy; it’s about battling Vladimir Putin, the Iranian mullahs, and America’s other adversaries. “One of the ways we fight back, one of the ways we push back is we take control of our own energy destiny,” said Senator Hoeven on January 7th, when introducing legislation to authorize construction of that pipeline. And that, it turns out, is just the beginning of the “benefits” that North Americanism will supposedly bring. Ultimately, the goals of this strategy are to perpetuate the dominance of fossil fuels in North America’s energy mix and to enlist Canada and Mexico in a U.S.-led drive to ensure the continued dominance of the West in key regions of the world. Stay tuned: you’ll be hearing a lot more about this ambitious strategy as the Republican presidential hopefuls begin making their campaign rounds. Keep in mind, though, that this is potentially dangerous stuff at every level—from the urge to ratchet up a conflict with Russia to the desire to produce and consume ever more North American fossil fuels (not exactly a surprising impulse given the Republicans’ heavy reliance on campaign contributions from Big Energy). In the coming months, the Obama administration and Hillary Clinton’s camp will, of course, attempt to counter this drive. Their efforts will, however, be undermined by their sympathy for many of its components. Obama, for instance, has boasted more than once of his success in increasing U.S. oil and gas production, while Clinton has repeatedly called for a more combative foreign policy. Nor has either of them yet come up with a grand strategy as seemingly broad and attractive as Republican North Americanism. If that plan is to be taken on seriously as the dangerous contrivance it is, it evidently will fall to others to do so. This Republican vision, after all, rests on the desire of giant oil companies to eliminate government regulation and bring the energy

industries of Canada and Mexico under their corporate sway. Were this to happen, it would sabotage efforts to curb carbon emissions from fossil fuels in a major way, while undermining the sovereignty of Canada and Mexico. In the process, the natural environment would suffer horribly as regulatory constraints against hazardous drilling practices would be eroded in all three countries. Stepped-up drilling, hydrofracking, and tar sands production would also result in the increased diversion of water to energy production, reducing supplies for farming while increasing the risk that leaking drilling fluids will contaminate drinking water and aquifers. No less worrisome, the Republican strategy would result in a far more polarized and dangerous international environment, in which hopes for achieving any kind of peace in Ukraine, Syria, or elsewhere would disappear. The urge to convert North America into a unified garrison state under U.S. (energy) command would undoubtedly prompt similar initiatives abroad, with China moving ever closer to Russia and other blocs forming elsewhere. In addition, those who seek to use energy as a tool of coercion should not be surprised to discover that they are inviting its use by hostile parties—and in such conflicts the U.S. and its allies would not emerge unscathed. In other words, the shining Republican vision of a North American energy fortress will, in reality, prove to be a nightmare of environmental degradation and global conflict. Unfortunately, this may not be obvious by election season 2016, so watch out.

Keystone: GW=Extinction

Absent cuts in emissions, warming causes extinction

Mazo 10 (Jeffrey Mazo – PhD in Paleoclimatology from UCLA, Managing Editor, Survival and Research Fellow for Environmental Security and Science Policy at the International Institute for Strategic Studies in London, 3-2010, “Climate Conflict: How global warming threatens security and what to do about it,” pg. 122)

The best estimates for global warming to the end of the century range from 2.5-4.~C above pre-industrial levels, depending on the scenario. Even in the best-case scenario, the low end of the likely range is 1.5oC, and in the worst 'business as usual' projections, which actual emissions have been matching, the range of likely warming runs from 3.1--7.1°C. Even keeping emissions at constant 2000 levels (which have already been exceeded), global temperature would still be expected to reach 1.2°C (0.9"1.5°C) above pre-industrial levels by the end of the century." Without early and severe reductions in emissions, the effects of climate change in the second half of the twenty-first century are likely to be catastrophic for the stability and security of countries in the developing world - not to mention the associated human tragedy. Climate change could even undermine the strength and stability of emerging and advanced economies, beyond the knock-on effects on security of widespread state failure and collapse in developing countries. And although they have been condemned as melodramatic and alarmist, many informed observers believe that unmitigated climate change beyond the end of the century could pose an existential threat to civilisation." What is certain is that there is no precedent in human experience for such rapid change or such climatic conditions, and even in the best case adaptation to these extremes would mean profound social, cultural and political changes

No adaptation – 4 degree temperature increase will breakdown civilization and cause every impact

Roberts 13 (David, citing the World Bank Review's compilation of climate studies, "If you aren't alarmed about climate, you aren't paying attention" <http://grist.org/climate-energy/climate-alarmism-the-idea-is-surreal/>)

We know we've raised global average temperatures around 0.8 degrees C so far. We know that 2 degrees C is where most scientists predict catastrophic and irreversible impacts. And we know that we are currently on a trajectory that will push temperatures up 4 degrees or more by the end of the century. What would 4 degrees look like? A recent World Bank review of the science reminds us. First, it'll get hot: Projections for a 4°C world show a dramatic increase in the intensity and frequency of high-temperature extremes. Recent extreme heat waves such as in Russia in 2010 are likely to become the new normal summer in a 4°C world. Tropical South America, central Africa, and all tropical islands in the Pacific are likely to regularly experience heat waves of unprecedented magnitude and duration. In this new high-temperature climate regime, the coolest months are likely to be substantially warmer than the warmest months at the end of the 20th century. In regions such as the Mediterranean, North Africa, the Middle East, and the Tibetan plateau, almost all summer months are likely to be warmer than the most extreme heat waves presently experienced. For example, the warmest July in the Mediterranean region could be 9°C warmer than today's warmest July. Extreme heat waves in recent years have had severe impacts, causing heat-related deaths, forest fires, and harvest losses. The impacts of the extreme heat waves projected for a 4°C world have not been evaluated, but they could be expected to vastly exceed the consequences experienced to date and potentially exceed the adaptive capacities of many societies and natural systems. [my emphasis] Warming to 4 degrees would also lead to "an increase of about 150 percent in acidity of the ocean" leading to levels of acidity "unparalleled in Earth's history." That's bad news for, say, coral reefs: The combination of thermally induced bleaching events, ocean acidification, and sea-level rise threatens large fractions of coral reefs even at 1.5°C global warming. The regional extinction of entire coral reef ecosystems, which could occur well before 4°C is reached, would have profound consequences for their dependent species and for the people who depend on them for food, income, tourism, and shoreline protection. It will also "likely lead to a sea-level rise of 0.5 to 1 meter, and possibly more, by 2100, with several meters more to be realized in the coming centuries." That rise won't be spread evenly, even within regions and countries — regions close to the equator will see even higher seas. There are also indications that it would "significantly

exacerbate existing water scarcity in many regions, particularly northern and eastern Africa, the Middle East, and South Asia, while additional countries in Africa would be newly confronted with water scarcity on a national scale due to population growth." Also, more extreme weather events: Ecosystems will be affected by more frequent extreme weather events, such as forest loss due to droughts and wildfire exacerbated by land use and agricultural expansion. In Amazonia, forest fires could as much as double by 2050 with warming of approximately 1.5°C to 2°C above preindustrial levels. Changes would be expected to be even more severe in a 4°C world. Also loss of biodiversity and ecosystem services: In a 4°C world, climate change seems likely to become the dominant driver of ecosystem shifts, surpassing habitat destruction as the greatest threat to biodiversity. Recent research suggests that large-scale loss of biodiversity is likely to occur in a 4°C world, with climate change and high CO2 concentration driving a transition of the Earth's ecosystems into a state unknown in human experience. Ecosystem damage would be expected to dramatically reduce the provision of ecosystem services on which society depends (for example, fisheries and protection of coastline afforded by coral reefs and mangroves.) New research also indicates a "rapidly rising risk of crop yield reductions as the world warms." So food will be tough. All this will add up to "large-scale displacement of populations and have adverse consequences for human security and economic and trade systems." Given the uncertainties and long-tail risks involved, "there is no certainty that adaptation to a 4°C world is possible." There's a small but non-trivial chance of advanced civilization breaking down entirely. Now ponder the fact that some scenarios show us going up to 6 degrees by the end of the century, a level of devastation we have not studied and barely know how to conceive. Ponder the fact that somewhere along the line, though we don't know exactly where, enough self-reinforcing feedback loops will be running to make climate change unstoppable and irreversible for centuries to come. That would mean handing our grandchildren and their grandchildren not only a burned, chaotic, denuded world, but a world that is inexorably more inhospitable with every passing decade.

Keystone:Food Shortages

Food shortages cause nuclear world war 3

FDI 12, Future Directions International, a Research institute providing strategic analysis of Australia's global interests; citing Lindsay Falvey, PhD in Agricultural Science and former Professor at the University of Melbourne's Institute of Land and Environment, "Food and Water Insecurity: International Conflict Triggers & Potential Conflict Points," <http://www.futuredirections.org.au/workshop-papers/537-international-conflict-triggers-and-potential-conflict-points-resulting-from-food-and-water-insecurity.html>

There is a **growing appreciation** that the **conflicts in the next century will most likely be fought over a lack of resources.** Yet, in a sense, **this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food.** More recently, **Germany's World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food.** Yet the general sense among those that attended FDI's recent workshops, was that **the scale of the problem in the future could be significantly greater** as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, *Small Farmers Secure Food*, **Lindsay Falvey**, a participant in FDI's March 2012 workshop on the issue of food and conflict, clearly **expresses the problem** and why countries across the globe are starting to take note. He writes (p.36), "...**if people are hungry**, especially in cities, **the state is not stable** – riots, violence, breakdown of law and order and migration result." "Hunger feeds anarchy." This view is also shared by **Julian Cribb**, who in his book, *The Coming Famine*, writes that **if "large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow."** He continues: **"An increasingly credible scenario for World War 3 is not so much a confrontation of super powers and their allies, as a festering, self-perpetuating chain of resource conflicts."** He also says: "The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources." As another workshop participant put it, people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. **A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea and the Balkans experienced such wars.** Governments, especially in developed countries, are increasingly aware of this phenomenon. **The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, all identify famine as a potential trigger for conflicts and possibly even nuclear war.**

Keystone:Ag = Ext.

Agricultural collapse causes extinction.

Richard **Lugar 2k**, Chairman of the Senator Foreign Relations Committee and Member/Former Chair of the Senate Agriculture Committee “calls for a new green revolution to combat global warming and reduce world instability,”

<http://www.unep.org/OurPlanet/imgversn/143/lugar.html>

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. But we do so at our peril. One of the most daunting of them is meeting the world's need for food and energy in this century. At stake is not only preventing starvation and saving the environment, but also world peace and security. History tells us that **states may go to war over access to resources**, and that poverty and **famine** have **often bred fanaticism and terrorism. Working to feed the world will minimize factors that contribute to global instability** and the proliferation of **weapons of mass destruction. With the world population expected to grow** from 6 billion people today to 9 billion by mid-century, the **demand for affordable food will increase well beyond current international production** levels. People in rapidly developing nations will have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will raise demand for feed grain at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: **developing countries often use limited arable land to expand cities** to house their growing populations. **As good land disappears, people destroy timber resources and even rainforests** as they try to create more arable land **to feed themselves**. The long-term **environmental consequences could be disastrous for the entire globe**. ¶ Productivity revolution ¶ **To meet the expected demand** for food over the next 50 years, we in **the United States will have to grow** roughly **three times more food** on the land we have. That's a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it's been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course there is no guarantee that we can achieve those results again. Given the urgency of expanding food production to meet world demand, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. The **United States** can take a leading position in a productivity revolution. And our success at **increasing food production may play a decisive humanitarian role in the survival of billions of people and the health of our planet.**

Flat Tax: Ruins Economy

Rand Paul's economic policies would destroy American manufacturing jobs and competitiveness Richman 4-9-2015 "Howard, writes for the blog American thinker "Rand Paul would give

Libertarian economics a bad name"

http://www.americanthinker.com/blog/2015/04/president_rand_paul_would_give_libertarian_economics_a_bad_name.html".CC

I watched Senator Rand Paul's announcement that he was running for president. He had good goals, but his economic ignorance was dismayng. For example, he argued that allowing American corporations to bring back profits from overseas at a low tax rate would encourage investment in American manufacturing. Exactly the opposite. Doing so would not only make outsourcing more profitable, but it would also bid up the exchange rate of the dollar (American corporations would convert foreign profits to dollars), which would put even more American manufacturing workers out of work.

Several of his goals were excellent: Balanced Budget. He called for a balanced budget, one of the requirements for stable economic growth. Unfortunately, balancing budgets can cause recession unless monetary growth and trade are also balanced. Bringing Back American Manufacturing. He called for increasing U.S. manufacturing jobs. Unfortunately, his program for doing so would reduce U.S. manufacturing jobs. U.S. manufacturing jobs could be increased simply by requiring balanced trade through a **Scaled Tariff**. Auditing the Federal Reserve. The Federal Reserve under Bernanke supported financial losers by buying their bad loans, which awarded those with political power and contributed to crony capitalism. The Federal Reserve should be put on a much tighter leash. Recent Federal Reserve chairs Bernanke and Yellen caused asset price bubbles by purchasing long-term bonds, not just the short-term bonds that their predecessors purchased. In contrast, their predecessors Volcker and Greenspan maintained balanced monetary growth during the 1980s and 1990s, producing stable economic growth that would have continued if not for the growing U.S. trade deficits. Senator Paul may be the candidate for president who is least tied to the crony-capitalist system that is becoming entrenched in U.S. economic policies. If he only understood economics, he could be a great president. Unfortunately, his economic policies would backfire. They would produce recession and increased loss of American manufacturing jobs, giving economic libertarianism a bad name. We need a president who not only understands the need for smaller government and balanced budgets, but also understands the need for balanced monetary growth and balanced trade. The combination of balanced budgets, balanced monetary growth, and balanced trade would restore American prosperity.

Keystone Ext.

KXL fails – jobs temporary, refineries foreign owned, and greater costs than benefit because of spills, fuel prices, and other factors.

Jack Holmes 11/15/14 Editor and columnist for the Daily beast, Previously contributing editor and columnist for New York Times, “The pipeline from Hell: There’s no Good Reason to Build Keystone XL,”

<http://www.thedailybeast.com/articles/2014/11/15/the-pipeline-from-hell-there-s-no-good-reason-to-build-keystone-xl.html>

No lasting jobs, no cheaper gas, and a chance to kill off one-fourth of U.S. farmland and maybe the planet.¶ So why, you might ask, are many of our leaders so eager to build it? The answer is straightforward: money and political gain.¶ Why, if the project will create a lot of jobs and have little environmental impact, does it continue to be met with opposition? To begin with, it won't actually create many jobs. According to a George Mason University study, via Bloomberg, the pipeline's construction could create between 2,500 and 20,000 jobs. More likely (PDF), it'll be between 2,500 and 4,650, assuming that a huge chunk (as much as 50 percent) of steel production will be outsourced to China, Canada, and India. Moreover, when construction ends, the number of permanent jobs could fall to 20. Yes, 20.¶ A rosier estimate, from the State Department's report and Newsweek, puts the number of permanent jobs at 35. A study by Cornell's Global Labor Institute claims that the project may actually kill more American jobs than it creates due to pipeline spills, additional fuel costs in the Midwest, and other factors. It also claims that 85-90 percent of people hired for the line's construction will not be from the areas through which the pipeline is running.¶ So, it won't create that many jobs. After all, it's merely taking oil drilled in Canada to pre-existing refineries on the Gulf Coast. But it's a \$7 billion project, and the State Department has said it will have a minimal negative effect on the environment. Plus, it could increase America's energy independence and strengthen our position in the Middle East and beyond. These are all good reasons to move ahead with the plan, but unfortunately, none of them are actually true.¶ The pipeline is a \$7 billion project, but only \$3 billion-\$4 billion of that would be headed to the U.S. The rest is going to wherever that steel is getting outsourced. The claim of reduced dependence on foreign oil suppliers is also suspect. China has already invested billions in Canada's oil sands, and Chinese corporations are upping their stakes all the time. Much of the oil transported by the pipeline will be refined in Port Arthur, Texas, where the main refinery is half-owned by the state-owned oil company of Saudi Arabia (PDF). The Keystone project is not an American one, but a global one, financed and favored by major multinational oil interests. Besides, real domestic oil production—oil drilled and refined in the U.S. by nominally American companies—has already increased 70 percent under the Obama administration.

Their State department studies are bogus – conducted by ERM – a long time TransCanada business partner.

Jack Holmes 11/15/14 Editor and columnist for the Daily beast, Previously contributing editor and columnist for New York Times, “The pipeline from Hell: There’s no Good Reason to Build Keystone XL,”
<http://www.thedailybeast.com/articles/2014/11/15/the-pipeline-from-hell-there-s-no-good-reason-to-build-keystone-xl.html>

¶ All of this means that the pipeline’s approval would essentially be a continuation of the status quo, with a few billion dollars kicked the U.S. economy’s way. Except that the project would, **in spite of the State Department’s claims, have drastic effects on the environment on both local and global levels.** That **study published by the State Department was conducted by Environmental Resources Management (ERM), a firm that listed TransCanada, the would-be pipeline builder, as a client in its marketing materials a year before** it began the Keystone contract.¶ Both ERM and TransCanada told the State Department at the time that they had not worked together for at least five years, a term of the contract meant to limit conflict of interest. Of course, any doubts about a conflict of interest evaporated when it emerged that up until the summer of 2013, a division of ERM had been “working alongside TransCanada on the Alaska Pipeline Project.” These are two in a **laundry list of troubling connections between the two companies.**

KXL leak destroys ¼ of U.S. farm land, and tar sands burned from pipeline would create irreversible warming nightmare.

Jack Holmes 11/15/14 Editor and columnist for the Daily beast, Previously contributing editor and columnist for New York Times, “The pipeline from Hell: There’s no Good Reason to Build Keystone XL,”
<http://www.thedailybeast.com/articles/2014/11/15/the-pipeline-from-hell-there-s-no-good-reason-to-build-keystone-xl.html>

¶ Considering, then, that the State Department study was conducted by TransCanada’s business partner, it’s little surprise that it failed to find any environmental consequences for the project. The reality is far different. On a **local level, pipeline leaks and spills could have a number of drastic effects.** **Recent leaks** from similar lines have been bad. Really bad. A New York Times article cites a 2010 leak of 840,000 gallons of bitumen into Michigan’s Kalamazoo River. The **cleanup has cost \$1 billion** so far, **and continues today.**¶ It also mentions an Arkansas leak that

sent 210,000 gallons of bitumen running through the streets of small-town Mayflower and left local residents with respiratory problems, nausea, and headaches. The proposed Keystone route would see it “pass over the Ogallala Aquifer, the lifeblood of Great Plains agriculture,” where the water table is close to the surface. A major leak could poison the water supply of large swaths of the Midwest that add up to one quarter of the nation’s farmland.[¶] The pipeline also has environmental consequences on a larger scale. The pipeline would encourage accelerated extraction of Canada’s tar sands, which have greenhouse gas emissions 81 percent greater than those of conventional oil. By most measures, it is the dirtiest fossil fuel on the planet. James Hansen, formerly of NASA, claimed in a 2012 op-ed that the tar sands contain twice the amount of carbon dioxide emitted by global oil use in our entire history. If true, its exploitation along with our continued use of fossil fuels at present levels would bring carbon concentration in the atmosphere above the 500 parts per million threshold often discussed by climatologists as the point of no return. That would create an irreversible cycle wherein the climate is beyond our control. Hansen describes it as “game over for the environment.”[¶] Even if that’s an alarmist prediction, and Canada will exploit their tar sands with or without the Keystone XL Pipeline, there is no question that its construction will not help with controlling emissions, boosting energy independence, or creating jobs. The only people it will benefit are TransCanada, the Canadian oil companies (many part-owned by Chinese and Mideast interests) working in the tar sands, the multinational oil companies who will refine what it brings to the Gulf Coast, and a few thousand workers. Temporarily.

Flat Tax: Econ KT Heg

Economic strength is vital to hegemony and conflict suppression

Hubbard, Open Society Foundations program assistant, 2010

(Jesse, "Hegemonic Stability Theory: An Empirical Analysis", 5-28,
<http://isrj.wordpress.com/2010/05/28/hegemonic-stability-theory/>)

Regression analysis of this data shows that Pearson's r-value is -.836. In the case of American hegemony, economic strength is a better predictor of violent conflict than even overall

national power, which had an r-value of -.819. The data is also well within the realm of statistical significance, with a p-value of .0014. While the data for British hegemony was not as striking, the same overall pattern holds true in both cases. During both periods of hegemony, hegemonic strength was negatively related with violent conflict, and yet use of force by the hegemon was positively correlated with violent conflict in both cases. Finally, in both cases, economic power was more closely associated with conflict levels than military power. Statistical analysis created a more complicated picture of the hegemon's role in fostering stability than initially anticipated. VI. Conclusions and Implications for Theory and Policy To elucidate some answers regarding the complexities my analysis unearthed, I turned first to the existing theoretical literature on hegemonic stability theory. The existing literature provides some potential frameworks for understanding these results. Since economic strength proved to be of such crucial importance, reexamining the literature that focuses on hegemonic stability theory's economic implications was the logical first step. As explained above, the literature on hegemonic stability theory can be broadly divided into two camps – that which focuses on the international economic system, and that which focuses on armed conflict and instability. This research falls squarely into the second camp, but insights from the first

camp are still of relevance. Even Kindleberger's early work on this question is of relevance. Kindleberger posited that the **economic instability between the First and Second World Wars could be attributed to the lack of an economic hegemon** (Kindleberger 1973). But economic instability obviously has spillover effects into the international political arena.

Keynes, writing after WWI, warned in his seminal tract *The Economic Consequences of the Peace* that Germany's economic humiliation could have a radicalizing effect on the nation's political culture (Keynes 1919). Given later events, his warning seems prescient. In the years since the Second World War, however, the European continent has not relapsed into armed conflict. What was different after the second global conflagration? Crucially, the United States was in a far more powerful position than Britain was after WWI. As the tables above show, Britain's economic strength after the First World War was about 13% of the total in strength in the international system. In contrast, the United States possessed about 53% of relative economic power in the international system in the years immediately following WWII. The U.S. helped rebuild Europe's economic strength with billions of dollars in investment through the Marshall Plan, assistance that was never available to the defeated powers after the First World War (Kindleberger 1973). The interwar years were also marked by a series of debilitating trade wars that likely worsened the Great Depression (Ibid.). In contrast, when Britain was more powerful, it was able to facilitate greater free trade, and after World War II, the United States played a leading role in creating institutions like the GATT that had an essential role in facilitating global trade (Organski 1958). The possibility that economic stability is an important factor in the overall

security environment should not be discounted, especially given the results of my statistical analysis. **Another theory that could provide insight into the patterns observed in this research is that of preponderance of power.**

Gilpin theorized that when a state has the preponderance of power in the international system, rivals are more likely to resolve their disagreements without resorting to armed

conflict (Gilpin 1983). The logic behind this claim is simple – it makes more sense to challenge a weaker hegemon than a stronger one. This simple yet powerful theory can help explain the puzzlingly strong positive correlation between military conflicts engaged in by the hegemon and conflict overall. It is not necessarily that military involvement by the hegemon instigates further conflict in the international system. Rather, this military involvement could be a function of the hegemon's weaker position, which is the true cause of the higher levels of conflict in the international system.

Additionally, it is important to note that military power is, in the long run, dependent on economic strength. Thus, it is possible that as hegemons lose relative economic power, other nations are tempted to challenge them even if their short-term military capabilities are still strong.

This would help explain some of the variation found between the economic and military data. The results of this analysis are of clear importance beyond the realm of theory. As the debate rages over the role of the United States in the world, hegemonic stability theory has some useful insights to bring to the table. What this research makes clear is that a strong hegemon can exert a positive influence on stability in the international system. However, this should not give policymakers a justification to engage in conflict or escalate military budgets purely for the sake of international

stability. **If anything, this research points to the central importance of economic influence in fostering international stability.** To misconstrue these findings to justify anything else would be a grave error indeed. Hegemons may play a stabilizing role in the international system, but this role is complicated. **It is economic strength, not military dominance that is the true test of**

hegemony. A weak state with a strong military is a paper tiger – it may appear fearsome, but it is vulnerable to even a short blast of wind.

Econ collapse causes global conflict - Current geo-political climate creates multiple scenarios

Duncan 12

Richard Duncan, former World Bank specialist and chief economist in Blackhorse Asset Management, in 2012 (Richard, chief economist at Singapore-based Blackhorse Asset Management, former financial sector specialist at the World Bank and global head of investment strategy at ABN AMRO Asset Management, studied literature and economics at Vanderbilt University (1983) and international finance at Babson College (1986), “The New Depression: The Breakdown of the Paper Money Economy”, <http://www.amazon.com/The-New-Depression-Breakdown-ebook/dp/B007GZOYI6>, 2/24/12)

The consequences of a New Great Depression would extend far beyond the realm of economics. Hungry people will fight to survive. Governments will use force to maintain internal order at home. This section considers the geopolitical repercussion of economic collapse, beginning with the United States. First, the U.S. government’s tax revenues would collapse with the depression. Second, because global trade would shrivel up, other countries would no longer help finance the U.S. budget deficit by buying government bonds because they would no longer have the money to do so. At present, the rest of the world has a \$500 billion annual trade surplus with the United States. The central banks of the United States’ trading partners accumulate that surplus as foreign exchange reserves and invest most of those reserves into U.S. government bonds. An economic collapse would cause global trade to plummet and drastically reduce (if not eliminate altogether) the U.S. trade deficit. Therefore, this source of foreign funding for the U.S. budget deficit would dry up. Consequently, the government would have to sharply curtail its spending, both at home and abroad. Domestically, social programs for the old, the sick, and the unemployed would have to be slashed. Government spending on education and infrastructure would also have to be curtailed. Much less government spending would result in a dramatic increase in poverty and, consequently, in crime. This would combine to produce a crisis of the current two-party political system. Astonishment, frustration, and anger at the economic breakdown would radicalize politics. New parties would form at both extremes of the political spectrum. Given the great and growing income inequality going into the crisis, the hungry have-nots would substantially outnumber the remaining wealthy. On the one hand, a hard swing to the left would be the outcome most likely to result from democratic elections. In that case, the tax rates on the top income brackets could be raised to 80 percent or more, a level last seen in 1963. On the other hand, the possibility of a right-wing putsch could not be ruled out. During the Great Depression, the U.S. military was tiny in comparison with what it became during World War II and during the decades of hot, cold, and terrorist wars that followed. In this New Great Depression, it might be the military that ultimately determines how the country would be governed. The political battle over America’s future would be bitter, and quite possibly bloody. It cannot be guaranteed that the U.S. Constitution would survive. Foreign affairs would also confront the United States with enormous challenges. During the Great Depression, the United States did not have a global empire. Now it does. The United States maintains hundreds of military bases across dozens of countries around the world. Added to this is a fleet of 11 aircraft carriers and 18 nuclear-armed submarines. The country spends more than \$650 billion a year on its military. If the U.S. economy collapses into a New Great Depression, the United States could not afford to maintain its worldwide military presence or to continue in its role as global peacekeeper. Or, at least, it could not finance its military in the same way it does at present. Therefore, either the United States would have to find an alternative funding method for its global military presence or else it would have to radically scale it back. Historically, empires were financed with plunder and territorial expropriation. The estates of the vanquished ruling classes were given to the conquering generals, while the rest of the population was forced to pay imperial taxes. The U.S. model of empire has been unique. It has financed its global military presence by issuing government debt, thereby taxing future generations of Americans to pay for this generation’s global supremacy. That would no longer be possible if the economy

collapsed. Cost-benefit analysis would quickly reveal that much of America's global presence was simply no longer affordable. **Many**—or even most—of the **outposts** that did not pay for themselves **would have to be abandoned.** Priority would be given to those places that were of vital economic interests to the United States. The Middle East oil fields would be at the top of that list. The United States would have to maintain control over them whatever the price. In this global depression scenario, **the price of oil could collapse to \$3 per barrel.** **Oil consumption would fall** by half and there would be no speculators left to manipulate prices higher. **Oil at that level would impoverish** the **oil-producing nations,** **with extremely destabilizing political consequences.** **Maintaining control over** the Middle East oil fields would become much more difficult for the United States. It would require a much larger military presence than it does now. On the one hand, **it might become necessary for the United States to reinstate the draft** (which would possibly meet with violent resistance from draftees, as it did during the Vietnam War). On the other hand, America's all-volunteer army might find it had more than enough volunteers with the national unemployment rate in excess of 20 percent. **The army might have to be employed to keep order** at home, given that mass unemployment would inevitably lead to a sharp spike in crime. Only after the Middle East oil was secured would the country know how much more of its global military presence it could afford to maintain. If international trade had broken down, would there be any reason for the United States to keep a military presence in Asia when there was no obvious way to finance that presence? **In a global depression, the United States' allies in Asia would most likely be unwilling or unable to finance America's military bases** there or to pay for the upkeep of the U.S. Pacific fleet. **Nor would the United States have the strength to force them** to pay for U.S. protection. Retreat from Asia might become unavoidable. And Europe? What would a cost-benefit analysis conclude about the wisdom of the United States maintaining military bases there? What valued added does Europe provide to the United States? Necessity may mean **Europe will have to defend itself.** **Should a New Great Depression put an end to the Pax Americana, the world would become a much more dangerous place.** When the Great Depression began, Japan was the rising industrial power in Asia. It invaded Manchuria in 1931 and conquered much of the rest of Asia in the early 1940s. Would China, Asia's new rising power, behave the same way in the event of a new global economic collapse? Possibly. China is the only nuclear power in Asia east of India (other than North Korea, which is largely a Chinese satellite state). However, in this disaster scenario, **it is not certain that China would survive** in its current configuration. **Its economy would be in ruins.** Most of its factories and banks would be closed. Unemployment could exceed 30 percent. There would most likely be starvation both in the cities and in the countryside. **The Communist Party could lose its grip on power,** in which case **the country could break apart,** as it has numerous times in the past. It was less than 100 years ago that China's provinces, ruled by warlords, were at war with one another. United or divided, China's nuclear arsenal would make it Asia's undisputed superpower if the United States were to withdraw from the region. From Korea and Japan in the North to New Zealand in the South to Burma in the West, all of Asia would be at China's mercy. And **hunger among China's population** of 1.3 billion people **could necessitate territorial expansion** into Southeast Asia. In fact, the central government might not be able to prevent mass migration southward, even if it wanted to. In Europe, severe economic hardship would revive the centuries-old struggle between the left and the right. During the 1930s, the Fascists movement arose and imposed a police state on most of Western Europe. In the East, the Soviet Union had become a communist police state even earlier. The far right and the far left of the political spectrum converge in totalitarianism. **It is difficult to judge whether Europe's democratic institutions would hold up better this time** that they did last time. England had an empire during the Great Depression. Now it only has banks. In a severe worldwide depression, the country— or, at least London—could become ungovernable. **Frustration over poverty and a lack of jobs would erupt into anti-immigration riots** not only in the United Kingdom but also across most of Europe. The extent to which Russia would menace its European neighbors is unclear. On the one hand, **Russia would be impoverished by the collapse in oil prices** and might be too preoccupied with internal unrest to threaten anyone. On the other hand, **it could provoke a war with the goal of maintaining internal order through emergency wartime powers.** Germany is very nearly demilitarized today when compared with the late 1930s. Lacking a nuclear deterrent of its own, it could be subject to Russian intimidation. While Germany could appeal for protection from England and France, who do have nuclear capabilities, it is uncertain that would buy Germany enough time to remilitarize before it became a victim of Eastern aggression. As for the rest of the world, its prospects in this disaster scenario can be summed up in only a couple of sentences. Global economic output could fall by as much as half, from \$60 trillion to \$30 trillion. Not all of the world's seven billion people would survive in a \$30 trillion global economy. Starvation would be widespread. **Food riots would provoke** political upheaval and myriad big and small **conflicts around the world.** It would be a humanitarian catastrophe so extreme as to be unimaginable for the current generation, who, at least in the industrialized world, has known only prosperity. Nor would there be reason to hope that the New Great Depression would end quickly. The Great Depression was only ended by an even more calamitous global war that killed approximately 60 million people.

Flat Tax: Heg Stops War

Losing hegemony causes great power war

Zhang et al., Carnegie Endowment researcher, 2011

(Yuhan, "America's decline: A harbinger of conflict and rivalry", 1-22,

<http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/>, Idg)

This does not necessarily mean that the US is in systemic decline, but it encompasses a trend that appears to be negative and perhaps alarming. Although the US still possesses incomparable military prowess and its economy remains the world's largest, the once seemingly indomitable chasm that separated America from anyone else is narrowing. Thus, the global distribution of power is shifting, and the inevitable result will be a world that is less peaceful, liberal and prosperous, burdened by a dearth of effective conflict regulation. Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear, many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. However, as the hegemony that drew these powers together withers, so will the pulling power behind the US alliance. The result will be an international order where power is more diffuse. American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid. As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America's emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain 'rules the waves.' Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere's security to become the order-creating Leviathan shaping the international system with democracy and rule of law. Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations. However, what will happen to these advances as America's influence declines? Given that America's authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way. Public imagination and academia have anticipated that a post-hegemonic world would return to the problems of the 1930s: regional blocs, trade conflicts and strategic rivalry. Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations. For example, Europe and East Asia would each step forward to fill the vacuum left by Washington's withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy. Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973). A world without American hegemony is one where great power wars re-emerge the liberal international system is supplanted by an authoritarian one, and trade protectionism devolves into restrictive, anti-globalisation barriers. This, at least, is one possibility we can forecast in a future that will inevitably be devoid of unrivalled US primacy.

Heg decline causes every scenario for extinction

Brzezinski, John Hopkins American Foreign Policy professor, 2012

(Zbigniew, Strategic Vision: America and the Crisis of Global Power, google books, Idg)

An American decline would impact the nuclear domain most profoundly by inciting a crisis of confidence in the credibility of the American nuclear umbrella. Countries like South Korea, Taiwan, Japan, Turkey, and even Israel, among others, rely on the United States' extended nuclear deterrence for security. If they were to see the United States slowly retreat from certain regions, forced by circumstances to pull back its guarantees, or even if they were to lose confidence in standing US guarantees, because of the financial, political, military, and diplomatic consequences of an American decline, then they will have to seek security elsewhere. That "elsewhere" security could originate from only two sources: from nuclear weapons of one's own or from the extended deterrence of another power—most likely Russia, China, or India. It is possible that countries that feel threatened by the ambition of existing nuclear weapon states, the addition of new nuclear weapon states, or the decline in the reliability of American power would develop their own nuclear capabilities. For crypto-nuclear powers like Germany and Japan, the path to nuclear weapons would be easy and fairly quick, given their extensive civilian nuclear industry, their financial success, and their technological acumen. Furthermore, the continued existence of nuclear weapons in North Korea and the potentiality of a nuclear-capable Iran could prompt American allies in the Persian Gulf or East Asia to build their own nuclear deterrents. Given North Korea's increasingly aggressive and erratic behavior, the failure of the six-party talks, and the widely held distrust of Iran's megalomaniacal leadership, the guarantees offered by a declining America's nuclear umbrella might not stave off a regional nuclear arms race among smaller powers. Last but not least, even though China and India today maintain a responsible nuclear posture of minimal deterrence and "no first use," the uncertainty of an increasingly nuclear world could force both states to reevaluate and escalate their nuclear posture. Indeed, they as well as Russia might even become inclined to extend nuclear assurances to their respective client states. Not only could this signal a renewed regional nuclear arms race between these three aspiring powers but it could also create new and antagonistic spheres of influence in Eurasia driven by competitive nuclear deterrence. The decline of the United States would thus precipitate drastic changes to the nuclear domain. An increase in proliferation among insecure American allies and/or an arms race between the emerging Asian powers are among the more likely outcomes. This ripple effect of proliferation would undermine the transparent management of the nuclear domain and increase the likelihood of interstate rivalry, miscalculation, and eventually even perhaps of international nuclear terror. In addition to the foregoing, in the course of this century the world will face a series of novel geopolitical challenges brought about by significant changes in the physical environment. The management of those changing environmental commons—the growing scarcity of fresh water, the opening of the Arctic, and global warming—will require global consensus and mutual sacrifice. American leadership alone is not enough to secure cooperation on all these issues, but a decline in American influence would reduce the likelihood of achieving cooperative agreements on environmental and resource management. America's retirement from its role of global policeman could create greater opportunities for emerging powers to further exploit the environmental commons for their own economic gain, increasing the chances of resource-driven conflict, particularly in Asia. The latter is likely to be the case especially in regard to the increasingly scarce water resources in many countries. According to the United States Agency for International Development (USAID), by 2025 more than 2.8 billion people will be living in either water-scarce or water-stressed regions, as global demand for water will double every twenty years.⁹ While much of the Southern Hemisphere is threatened by potential water scarcity, interstate conflicts—the geopolitical consequences of cross-border water scarcity—are most likely to occur in Central and South Asia, the Middle East, and northeastern Africa, regions where limited water resources are shared across borders and political stability is transient. The combination of political insecurity and resource scarcity is a menacing geopolitical combination. The threat of water conflicts is likely to intensify as the economic growth and increasing demand for water in emerging powers like Turkey and India collides with instability and resource scarcity in rival countries like Iraq and Pakistan. Water scarcity will also test China's internal stability as its burgeoning population and growing industrial complex combine to increase demand for and decrease supply of usable water. In South Asia, the never-ending political tension between India and Pakistan combined with overcrowding and Pakistan's heightening internal crises may put the Indus Water Treaty at risk, especially because the river basin originates in the long-disputed territory of Jammu and Kashmir, an area of ever-increasing political and military volatility. The lingering dispute between India and China over the status of Northeast India, an area through which the vital Brahmaputra River flows, also remains a serious concern. As American hegemony disappears and regional competition intensifies, disputes over natural resources like water have the potential to develop into full-scale conflicts. The slow thawing of the Arctic will also change the face of the international competition for important resources. With the Arctic becoming increasingly accessible to human endeavor, the five Arctic littoral states—the United States, Canada, Russia, Denmark, and Norway—may rush to lay claim to its bounty of oil, gas, and metals. This run on the Arctic has the potential to cause severe shifts in the geopolitical landscape, particularly to Russia's advantage. As Vladimir Radyuhin points out in his article entitled "The Arctic's Strategic Value for Russia," Russia has

the most to gain from access to the Arctic while simultaneously being the target of far north containment by the other four Arctic states, all of which are members of NATO. In many respects this new great game will be determined by who moves first with the most legitimacy, since very few agreements on the Arctic exist. The first Russian supertanker sailed from Europe to Asia via the North Sea in the summer of 2010.¹⁰ Russia has an immense amount of land and resource potential in the Arctic. Its territory within the Arctic Circle is 3.1 million square kilometers—around the size of India—and the Arctic accounts for 91% of Russia's natural gas production, 80% of its explored natural gas reserves, 90% of its offshore hydrocarbon reserves, and a large store of metals.¹¹ Russia is also attempting to increase its claim on the territory by asserting that its continental shelf continues deeper into the Arctic, which could qualify Russia for a 150-mile extension of its Exclusive Economic Zone and add another 1.2 million square kilometers of resource-rich territory. Its first attempt at this extension was denied by the UN Commission on the Continental Shelf, but it is planning to reapply in 2013. Russia considers the Arctic a true extension of its northern border and in a 2008 strategy paper President Medvedev stated that the Arctic would become Russia's "main strategic resource base" by 2020.¹² Despite recent conciliatory summits between Europe and Russia over European security architecture, a large amount of uncertainty and distrust stains the West's relationship with Russia. The United States itself has always maintained a strong claim on the Arctic and has continued patrolling the area since the end of the Cold War. This was reinforced during the last month of President Bush's second term when he released a national security directive stipulating that America should "preserve the global mobility of the United States military and civilian vessels and aircraft throughout the Arctic region." The potentiality of an American decline could embolden Russia to more forcefully assert its control of the Arctic and over Europe via energy politics; though much depends on Russia's political orientation after the 2012 presidential elections. All five Arctic littoral states will benefit from a peaceful and cooperative agreement on the Arctic—similar to Norway's and Russia's 2010 agreement over the Barents Strait—and the geopolitical stability it would provide. Nevertheless, political circumstances could rapidly change in an environment where control over energy remains Russia's single greatest priority. **Global climate change** is the final component of the environmental commons and the one with the greatest potential geopolitical impact. **Scientists** and policy makers alike **have projected catastrophic consequences for** mankind and **the planet** if the world average temperature rises by more than two degrees over the next century. Plant and animal **species could grow extinct** at a rapid pace, large-scale **ecosystems could collapse**, human **migration could increase** to untenable levels, and global **economic development could be** categorically **reversed**. **Changes** in geography, forced migration, and global economic contraction layered on top of the perennial regional security challenges **could create a** geopolitical reality of **unmanageable** complexity and **conflict**, especially in the densely populated and politically unstable areas of Asia such as the Northeast and South. Furthermore, any legitimate action inhibiting global climate change will require unprecedented levels of self-sacrifice and international cooperation. The United States does consider climate change a serious concern, but its lack of both long-term strategy and political commitment, evidenced in its refusal to ratify the Kyoto Protocol of 1997 and the repeated defeat of climate-change legislation in Congress, deters other countries from participating in a global agreement. The United States is the second-largest global emitter of carbon dioxide, after China, with 20% of the world's share. The United States is the number one per capita emitter of carbon dioxide and the global leader in per capita energy demand. Therefore, **US leadership is essential in not only getting other countries to cooperate**, but also in actually inhibiting climate change. Others around the world, including the European Union and Brazil, have attempted their own domestic reforms on carbon emissions and energy use, and committed themselves to pursuing renewable energy. Even China has made reducing emissions a goal, a fact it refuses to let the United States ignore. But none of those nations currently has the ability to lead a global initiative. President Obama committed the United States to energy and carbon reform at the Copenhagen Summit in 2009, but the increasingly polarized domestic political environment and the truculent American economic recovery are unlikely to inspire progress on costly energy issues. China is also critically important to any discussion of the management of climate change as it produces 21% of the world's total carbon emissions, a percentage that will only increase as China develops the western regions of its territory and as its citizens experience a growth in their standard of living. China, however, has refused to take on a leadership role in climate change, as it has also done in the maritime, space, and cyberspace domains. China uses its designation as a developing country to shield itself from the demands of global stewardship. China's tough stance at the 2009 Copenhagen Summit underscores the potential dangers of an American decline: no other country has the capacity and the desire to accept global stewardship over the environmental commons. Only a vigorous United States could lead on climate change, given Russia's dependence on carbon-based energies for economic growth, India's relatively low emissions rate, and China's current reluctance to assume global responsibility. **The protection and good faith management of the global commons—sea, space, cyberspace, nuclear proliferation, water security, the Arctic, and the environment itself—are imperative to the long-term growth of the global economy and the continuation of basic geopolitical stability**. But in almost every case, **the potential absence of constructive and influential US leadership would fatally undermine the essential communality of the global commons**. The argument that America's decline would generate global insecurity, endanger some vulnerable states, produce a more troubled North American neighborhood, and make cooperative management of the global commons more difficult is not an argument for US global supremacy. In fact, the strategic complexities of the world in the twenty-first century—resulting from the rise of a politically self-assertive global population and from the dispersal of global power—make such supremacy unattainable. But in this increasingly complicated geopolitical environment, an America in pursuit of a new, timely strategic vision is crucial to helping the world avoid a dangerous slide into international turmoil.

Ends Diplomacy: War

Rand Paul would virtually end all US diplomacy this causes our allies to be alienated and encourages aggression

Solmimi 4-10-2015 “Dave, writer for talking points memo “Rand Paul’s deeply misguided national security policy”, <http://talkingpointsmemo.com/cafe/rand-paul-misguided-national-security-policy>”.CC

Senator Rand Paul came out of the gates swinging this week, and one of his biggest swipes was at foreign aid, development and diplomacy funding. While his stated reason of cost doesn’t pass the sniff test—foreign aid costs about what Americans spent on \$1 smartphone apps last year—that isn’t the worst thing about Paul’s plan. **The real problem is that Rand Paul’s national security policy is a mismatch both for the world we live in and public opinion about what America’s role should be. A basic premise of security spending is that we should buy the tools we need to meet the threats we face. The 21st century is full of challenges that don’t respond well to bombs and bullets.** We can’t bomb nuclear knowledge out of Iran. We can’t send in a tank to deal with Ebola. And the F-22 is little use against a terror cell plotting in the heart of London. **Paul’s approach would cut the very tools we need to address those threats: diplomacy with Iran, public health in Africa and public diplomacy in Pakistan.** This shouldn’t be too much of a surprise; Paul’s neo-libertarian worldview is a bit odd. What with its survivalists and preppers and tri-corner hats, it’s all a bit fetishistic for a real-world version of The Walking Dead where you hole up with your rifle, live behind a big wall and wait for the grid to go down. Applying that view to the international sphere becomes an exercise in overly simplistic analogy: the libertarian supplants the man in his castle with the nation surrounded by oceans and becomes an isolationist. **These roots lie in corrupted nostalgia for the 1700s—an era of kings and mercantilism, when transatlantic trade took a month and transpacific trade didn’t exist.** In those days, the vast geography of our continent offered opportunities for growth that today can only be met by trade beyond our shores. Paul’s views can’t adapt to a hyperconnected world of Internet communication and global economy. **President Paul would have at his disposal a big military, but no real diplomatic corps, no foreign aid and few tools of economic statecraft—the sanctions, summits, prods and pressures that grease international relations. Yet the problems of the world would not go away. And here lies an even bigger rub: With only force to use, Paul is more, not less, likely to become involved in military adventures overseas. Without trade leverage, how does President Paul protect significant trading partners like Japan and South Korea from Chinese aggression in the South China Sea?** Without sanctions available to him, Paul has few choices to confront Russian aggression on the border of the EU, our fourth largest trade partner. Without UN resolutions and the alliances to enforce them, how does Paul prevent a nuclear-armed Iran? Much of international relations is about creating more options when the set available to you looks bad. But when all you have is a bomber, everything starts looking like a target. By refusing the modern tools of statecraft and power, Rand Paul would tie one hand behind our back and then force us to fight with the other. American feelings of weariness towards the world have had an impact on our policy preferences. From opposition to intervention in Syria and Ukraine to worries about military moves against Iran, hawkish choices today seem more off the table than on it, at least for voters. The assumption of neo-isolationists like Senator Paul is that voters who want less government at home also want less America in the world. It turns out that this a simplified caricature. Rather than becoming truly isolationist, Americans have instead become skeptical of military intervention alone. Since 2001, American global engagement has been defined by the use of force, and we have learned costly lessons about the limits of American military power. It should be no surprise that when Americans are asked about “global engagement,” they actually hear “war.” Yet dig into the particulars of the data and there is strong support for civilian tools of power. With Iran,

Americans prefer negotiations to attack. In Syria, they prefer humanitarian support to air strikes. Americans give more private donations to international development projects than any other people in the world. These aren't the views of a country that wants to withdraw; they are the views of people grasping for alternative ways to engage with the world. Successful leaders will embrace the lessons of American leadership earned during the 20th century through clarity of values, diplomatic engagement, international development, and capable defense when necessary. That approach fits our world and our people much better than Senator Paul's.

Violates Civil Rights

Rand Paul would have the worst on civil rights of an president, he values the freedom to discriminate over protecting the discriminated

Millhiser 4-7-15 “Ian, “Rand Paul would be the worst President on civil rights since the 1800s”, Ian Millhiser is a Senior Fellow at the Center for American Progress Action Fund and the Editor of ThinkProgress Justice. He received a B.A. in Philosophy from Kenyon College and a J.D., magna cum laude, from Duke University, <http://thinkprogress.org/justice/2015/04/07/3643434/rand-paul-worst-president-civil-rights-since-reconstruction/>” .CC

Every piece of anti-discrimination legislation passed over the past few decades,” a young campus activist wrote in a 1982 editorial in Baylor University’s college paper, “ignores one of the basic, inalienable rights of man — the right to discriminate.” Though “eliminating racial and sexual prejudice” had “noble aspiration,” the editorial claimed, anti-discrimination laws “necessarily utilize the ignoble means of coercive force.” More than three decades later, the author of that editorial is a United States senator who hopes to be president. On Monday, Sen. Rand Paul (R-KY) revealed his presidential campaign slogan: “Defeat the Washington machine. Unleash the American dream.” On Tuesday, he is expected to formally announce his bid for the White House. Yet, while Paul’s ambitions have no doubt grown since his days as a college prankster and member of the Baylor swim team, his politics have changed little. Paul continued to espouse the same opposition to civil rights laws that he expressed as an undergraduate until months before his election to the Senate. And, while Paul has since learned to be more careful in his rhetoric, his public statements on the Constitution are entirely inconsistent with a legal regime that protects women and minorities from businesses that engage in discrimination. Indeed, if a President Paul succeeds in implementing the younger Paul’s concept of the “basic, inalienable rights of man,” he would destroy decades of legislation won by men and women who literally bled for the cause of freedom. **No president since Rutherford B. Hayes, who ended Reconstruction as part of a deal to secure his own election, could make a similar claim. ‘A Free Society Will Abide’** It is unlikely that many national figures would fare well if they were judged according to the views they held while in college, so the editorial Paul penned at Baylor could easily be dismissed as the naive rantings of a young man born into privilege with little understanding of the outside world. Twenty years later, however, Paul was a medical doctor practicing ophthalmology in Bowling Green, Kentucky — and his views on discrimination had not changed one bit. **“Decisions concerning private property and associations should in a free society be unhindered,” Paul wrote in a 2002 letter to his local newspaper.** He added that these decisions should remain unhindered even though “some associations will discriminate.” **“A free society will abide unofficial, private discrimination,” Paul claimed, “even when that means allowing hate-filled groups to exclude people based on the color of their skin.”** This notion that “freedom” requires permitting business owners to engage in odious behavior animates many of Paul’s statements on discrimination. Though “[i]t is unenlightened and ill-informed to promote discrimination against individuals based on the color of their skin,” Paul wrote in his 2002 letter, “It is likewise unwise to forget the distinction between public (taxpayer-financed) and private entities. A society that forgets this distinction will ultimately lose the freedoms that have evolved and historically been attached to private ownership.” Eight years later, during his successful bid for the U.S. Senate, Paul laid out this philosophy more succinctly. After a member of the Louisville Courier-Journal’s editorial board asked Paul if “it would be okay for Dr. [Martin Luther] King not to be served at the counter at Woolworths,” the soon-to-be-senator replied that permitting racists to discriminate is “the hard part about believing in freedom.” And then there was his interview with MSNBC’s Rachel Maddow, where he admitted that he has a problem with much of the Civil Rights Act of 1964. As originally enacted, the Civil Rights Act is divided into 11 titles, most of which prevent discrimination by government actors. Shortly after winning the GOP nomination for the Senate seat he now holds, **Paul told Maddow that he has no problem with these bans on state-sanctioned action because “the government should not be involved with institutional racism or discrimination.”** Paul did express doubts, however, about the provisions of the Civil Rights Act that “harbor in on private businesses and their policies.” When pushed on whether businesses should be able to turn patrons away because they are black, Paul suggested that doing so would violate the free speech rights of racists — “I don’t want to be associated with those people, but I also don’t want to limit their speech in any way in the sense that we tolerate boorish and uncivilized behavior because that’s one of the things freedom requires is that we allow people to be boorish and uncivilized.” The Right to Contract Since this interview, Paul’s been somewhat more cautious in his rhetoric, possibly because he learned an important lesson about politics after

his encounter with Maddow dominated early coverage of his Senate campaign. As the New Yorker's Ryan Lizza explained in a lengthy profile of Paul, once Paul won his Senate primary, "the appearances on Alex Jones's show stopped and the wooing of the establishment that he abhorred began." Paul wasn't going to let his willingness to tolerate racism stand between him and victory at the polls. Yet, while Paul's been much less direct in laying out the implications of these views for civil rights laws, he still clings to an understanding of the Constitution that is incompatible with bans on private discrimination. Just last January, for example, Paul praised the Supreme Court's notorious 1905 decision in *Lochner v. New York* during a speech at the conservative Heritage Foundation. *Lochner*, which is widely taught in law schools as an example of how judges should not behave, helped fabricate a "right to contract" that employers could wield to challenge laws protecting their workers. **Lochner later formed the basis for decisions stripping workers of a right to unionize and striking down a minimum wage.** As I explain in my book, *Injustices: The Supreme Court's History of Comforting the Comfortable and Afflicting the Afflicted*, **Lochner's right to contract is wholly incompatible with modern civil rights laws.** As the Court explained shortly after *Lochner*, this fabricated right does not permit the government "to compel any person in the course of his business and against his will to accept or retain the personal services of another, or to compel any person, against his will, to perform personal services for another." So the law can neither require racists to hire racial minorities nor can it require racist business owners to serve people of color — at least under the Supreme Court decision that Paul recently praised. What's striking about Paul's statements on civil rights, however, is that, despite his lifelong opposition to bans on private discrimination, Paul sounds less like George Wallace than he does like Commander Data when he discusses anti-discrimination laws. That is, rather than coming off as an unrepentant racist seeking to carve out a space for bigotry, Paul almost always goes to great pains to emphasize that he views racism as "unenlightened," "ill-informed," "boorish," and "uncivilized." Yet he also seems unable to grasp fundamental concepts that most lawmakers — indeed, most humans — simply take for granted. Paul lives in a world of theory untouched by the lessons of history and evidence. In 2013, for example, Paul gave another speech praising the *Lochner* decision in which he made the surprising claim that *Lochner* helped "end Jim Crow." His evidence for this claim was a 1917 Supreme Court decision named *Buchanan v. Warley*, which did, indeed, rely on *Lochner*-like reasoning to strike down an ordinance prohibiting a homeowner from selling his home to "colored people." Yet there is a reason why *Buchanan* is an obscure Supreme Court decision that few people have heard of: Jim Crow didn't exactly end in 1917. To the contrary, it continued to thrive for nearly half a century. *Lochner*'s rule, which placed obedience to contracts above other virtues, could work in white supremacists' favor just as easily as it could be turned against them. Racially restrictive covenants, for example, which prohibited homeowners from selling their property to African Americans, were a common Jim Crow tactic. Moreover, the Supreme Court's decisions that actually helped tear down Jim Crow, cases like *Shelley v. Kraemer* (which blocked enforcement of racist covenants) and *Brown v. Board of Education*, were rooted in the Constitution's guarantee that no one may be denied "the equal protection of the laws." They had nothing whatsoever to do with *Lochner*. Criminal Justice and Civil Rights Like the proverbial man with a hammer, who must treat every problem as if it is a nail, Paul behaves as if tearing down government programs is the solution to every problem. This explains his idiosyncratic view that *Lochner* helped dissolve Jim Crow. It also explains an unusual op-ed Paul published last November, as much of America watched the heavy-handed tactics used by police in Ferguson, Missouri with horror. Ferguson, with its images of tear gas-filled streets and peaceful protesters confronted by tanks, offered a genuine window into the dangers of government overreach, and **Paul rightfully described Ferguson as a symptom of a criminal justice system run amok. In offering solutions to Ferguson, however, Paul quickly slipped into hammer-and-nailism, claiming that police overreach could somehow be linked back to America's welfare policy.** "The failure of the War on Poverty has created a culture of violence and put police in a nearly impossible situation," Paul claimed, without citing any evidence other than the fact that poverty still exists. The strongest argument against the image of Paul as the scourge of civil rights is his admirable willingness to seek criminal justice reform. As Bloomberg's Dave Weigel wrote on Monday, Paul could potentially "cement the GOP's role in the reform push—a role that still benefits from the Nixon-to-China, fish-out-of-water coverage conservatives get for leading on reform." Paul teamed with Senate Minority Leader Harry Reid (D-NV) to introduce legislation restoring voting rights to many people convicted of non-violent offenses. And he joined with Sen. Cory Booker (D-NJ) to introduce the REDEEM Act, a set of reforms that primarily focus on juvenile offenders, but which also include sealing some adult offenders' criminal records and restoring government benefits to some minor drug offenders. These proposed reforms are welcome, but they are also far from adequate to the task of reforming a criminal justice system in which 1 in 3 African American men can expect to go to prison at some point in their lifetime. Paul's relatively modest criminal justice proposals also do very little to counterbalance a philosophy of governance that is hostile to bans on private discrimination. Paul's anti-government views, moreover, cut much deeper than the two areas of criminal justice reform and civil rights. Last month, in a speech at the historically black Bowie State University, Paul correctly linked high crime rates to poverty — "Criminal justice, or the lack of criminal justice, it's not a black or white problem," Paul explained, "It's a poverty problem." But Paul has also called for deep cuts to programs like Medicaid and food stamps, including a massive 30 percent cut to the later. If poverty begets "the lack of criminal justice," Paul's fiscal policies seem designed to make our criminal justice system even worse. The Leverage Point As Barack Obama has discovered repeatedly since moving into the White House, a president's power is limited if Congress is not on board with their agenda. So a President Paul is unlikely to repeal many civil rights laws legislatively, even if he sets out to do so, if Congress balks at such an agenda. Whoever the next president is, however, they are likely to have an unusual opportunity to work around Congress by shaping the institution at the top of the one remaining branch of government: the Supreme Court. Assuming that no one leaves the Court before Inauguration Day 2017, three justices will be over the age of 80 when the next

president is sworn in, and a fourth, Justice Stephen Breyer, will be 78 years-old. If Paul is that president, he could replace nearly half of the Supreme Court in just one term. Meanwhile, Justice Clarence Thomas, who will be a relatively young man at the age of 68 during the next inaugural, has already embraced a narrow reading of the federal government's power under the Constitution that is complementary to Paul's — Thomas's reading of our founding document would forbid a nationwide ban on child labor, federal minimum wage laws, and the ban on whites-only lunch counters, among other things. If Thomas were joined by four Paul appointees, that constitutes a majority of the Court. Paul, in other words, would not need to push repeal legislation through Congress in order to gut our civil rights laws. He would not even need to openly express his desire to do so. He would simply need to place men and women who share his views on the Supreme Court, and then sit back while they implement his vision. And even if the American people soundly reject this agenda when Paul seeks reelection, those four new justices would serve for life.

Encryption DA Northwestern

Top Shelf

1NC Shell (Encryption)

Snowden revelations is creating a commercial market for encryption and other security technologies

Doctorow 14 (Cory-Technology columnist for the Guardian and Co-Editor of Boing Boing, a technology blog, “What happens with digital rights management in the real world?” The Guardian, 2/5/14, <http://www.theguardian.com/technology/blog/2014/feb/05/digital-rights-management>)

The revelations of the NSA whistleblower Edward Snowden have changed the global conversation about privacy and security. According to a Pew study from last autumn, most American Internet users are now attempting to take measures to make their computers more secure and keep their private information more private. It's hard to overstate how remarkable this is (I devoted an entire column to it in December). For the entire history of the technology industry, there was no appreciable consumer demand for security and privacy. There was no reason to believe that spending money making a product more secure would translate into enough new users to pay for the extra engineering work it entailed. With the shift in consciousness redounding from the Snowden files, we have, for the first time ever, the potential for commercial success based on claims of security. That's good news indeed – because computer security is never a matter of individual action. It doesn't matter how carefully you handle your email if the people you correspond with are sloppy with their copies of your messages. It's a bit like public health: it's important to make sure you have clean drinking water, but if your neighbours don't pay attention to their water and all get cholera, your own water supply's purity won't keep you safe.

Surveillance “reform” tricks the public into believing that their communications are now private-destroys consumer market for privacy and encryption technology

Greenwald 14 (Glenn-Journalist and Constitutional Lawyer, the first person Snowden contacted in the 2013, “CONGRESS IS IRRELEVANT ON MASS SURVEILLANCE. HERE’S WHAT MATTERS INSTEAD,” The Intercept, 11/19/14, <https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nas-mass-surveillance/>)

All of that illustrates what is, to me, the most important point from all of this: the last place one should look to impose limits on the powers of the U.S. government is . . . the U.S. government. Governments don't walk around trying to figure out how to limit their own power, and that's particularly true of empires. The entire system in D.C. is designed at its core to prevent real reform. This Congress is not going to enact anything resembling fundamental limits on the NSA's powers of mass surveillance. Even if it somehow did, this White House would never sign it. Even if all that miraculously happened, the fact that the U.S. intelligence community and National Security State operates with no limits and no oversight means they'd easily co-opt the entire reform process. That's what happened after the eavesdropping scandals of the mid-1970s led to the establishment of congressional intelligence committees and a special FISA “oversight” court—the committees were instantly captured by putting in charge supreme servants of the intelligence community like Senators Dianne Feinstein and Chambliss, and Congressmen Mike Rogers and “Dutch” Ruppertsberger, while the court quickly became a rubber stamp with subservient judges who operate in total secrecy. Ever since the Snowden reporting began and public opinion (in both the U.S. and globally)

began radically changing, the White House's strategy has been obvious. It's vintage Obama: Enact something that is called "reform"—so that he can give a pretty speech telling the world that he heard and responded to their concerns—but that in actuality changes almost nothing, thus strengthening the very system he can pretend he "changed." That's the same tactic as Silicon Valley, which also supported this bill: Be able to point to something called "reform" so they can trick hundreds of millions of current and future users around the world into believing that their communications are now safe if they use Facebook, Google, Skype and the rest. In pretty much every interview I've done over the last year, I've been asked why there haven't been significant changes from all the disclosures. I vehemently disagree with the premise of the question, which equates "U.S. legislative changes" with "meaningful changes." But it has been clear from the start that U.S. legislation is not going to impose meaningful limitations on the NSA's powers of mass surveillance, at least not fundamentally. Those limitations are going to come from—are now coming from—very different places

Encryption and other defensive strategies are necessary to combat cyberattacks- current infrastructure is all offense no defense

Doctorow 6/20 (Cory-Co-Editor of Boing Boing, a technology blog, citing Bruce Schneider-acclaimed security expert, "Schneier: China and Russia probably did get the Snowden leaks — by hacking the NSA," Boing Boing, 6/20/15, <http://boingboing.net/2015/06/20/schneier-china-and-russia-pro.html>)

Schneier argues that China and Russia's spy agencies are full of infowar ninjas who've been hacking away at the NSA's repositories for years, and that there is likely a steady flow of secrets that are exfiltrated by the agencies. He says that he thinks successful hack-attacks against the NSA are much more likely than Chinese and Russian spooks coming up with some kind of magic crypto-cracking ability (especially as Snowden didn't even bring the docs with him to Russia). There is a lot of evidence for this belief. We know from other top-secret NSA documents that as far back as 2008, the agency's Tailored Access Operations group has extraordinary capabilities to hack into and "exfiltrate" data from specific computers, even if those computers are highly secured and not connected to the Internet. These NSA capabilities are not unique, and it's reasonable to assume both that other countries had similar capabilities in 2008 and that everyone has improved their attack techniques in the seven years since then. Last week, we learned that Israel had successfully hacked a wide variety of networks, including that of a major computer antivirus company. We also learned that China successfully hacked US government personnel databases. And earlier this year, Russia successfully hacked the White House's network. These sorts of stories are now routine. Which brings me to the second potential source of these documents to foreign intelligence agencies: the US and UK governments themselves. I believe that both China and Russia had access to all the files that Snowden took well before Snowden took them because they've penetrated the NSA networks where those files reside. After all, the NSA has been a prime target for decades. Those government hacking examples above were against unclassified networks, but the nation-state techniques we're seeing work against classified and unconnected networks as well. In general, it's far easier to attack a network than it is to defend the same network. This isn't a statement about willpower or budget; it's how computer and network security work today. A former NSA deputy director

recently said that if we were to score cyber the way we score soccer, the tally would be 462–456 twenty minutes into the game. In other words, it's all offense and no defense.

A cyber-attack would trigger military retaliation and escalate to nuclear war

Robert **Tilford 12**, Graduate US Army Airborne School, Ft. Benning, Georgia, “Cyber attackers could shut down the electric grid for the entire east coast” 2012, <http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa> ***we don't agree with the ableist language

To make matters worse **a cyber attack** that **can take out** a civilian power grid, for example **could** also **cripple (destroy) the U.S. military.** ¶ The senator notes that is that **the same power grids** that supply cities and towns, stores and gas stations, cell towers and heart monitors also **power “every military base in our country.”** ¶ “Although bases would be prepared to weather a short power outage with **backup diesel generators**, within hours, not days, fuel **supplies would run out**”, he said. ¶ Which means **military command and control centers could go dark.** ¶ **Radar systems** that detect air threats to our country **would shut Down** completely. ¶ **Communication between commanders and their troops would** also **go silent.** And **many weapons systems would be left without** either fuel or **electric power**”, said Senator Grassley. ¶ “So **in a few short hours** or days, **the mightiest military in the world would be left scrambling** to maintain base functions”, he said. ¶ **We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.** ¶ **Top national security officials**—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— **have said, “preventing a cyber attack** and improving the nation's electric grids **is among the most urgent priorities** of our country” (source: Congressional Record). ¶ So how serious is the Pentagon taking all this? ¶ Enough to start, or end a war over it, for sure. ¶ **A cyber attack** today **against the US could** very well **be seen as an “Act of War”** and could be met with a **“full scale” US military response.** ¶ **That could include** the use of **“nuclear weapons”**, if authorized by the President.

2NC Uniqueness

2NC-Snowden Effect

Snowden revelations indicate a new movement towards investment in security technologies-statistics prove

Doctorow 13 (Cory-Technology columnist for the Guardian and Co-Editor of Boing Boing, a technology blog, "We cannot afford to be indifferent to internet spying," The Guardian, 12/9/13, <http://www.theguardian.com/technology/2013/dec/09/internet-surveillance-spying>)

In September, the Pew Research Centre released Anonymity, Privacy, and Security Online, a study of American Internet users' attitudes towards privacy. Broadly, they found that Americans had recently taken extensive, affirmative steps to improve their privacy, but had, generally speaking, failed. Their technology and their technical literacy were insufficient to accomplish such a difficult end. They evinced a widespread view that privacy rules were too loose. They reported many instances of bad consequences arising from breaches of their privacy or the privacy of people close to them. Not long after this report, Cassidy Wolf, this year's Miss Teen USA, made headlines after it was revealed that her computer had been taken over by a creep who took covert nude photos of her using its webcam, captured her social media passwords, and demanded live sex shows or he would post the compromising photos to her online accounts. Wolf went to the FBI, and they ran the creep to ground, only to discover that he had dozens of other victims, including minor children. The Internet Engineering Task Force is promising to encrypt the entire internet by default. Internet companies like Google and Yahoo are stepping up the encryption within their networks. They're rethinking their collusion with spy agencies – having discovered that these agencies not only demanded the right to their spy-boxes in the data-centre, they also secretly tapped the fibre leading in and out of it. More of us are increasingly aware of the risks of the privacy risks from technology. From here on in, the market for privacy-preserving technology will only grow. From here on in, the public pressure to rein in spy agencies and preserve privacy in law will only mount. From here on in, the chorus of voices correcting the nothing-to-hides will only swell. From here on in, the privacy-preserving design decisions in technology will only rise in importance. The spies will keep spying. They will spy more. They will spy harder. They have proven themselves to be without any scruple and without any adult supervision. But their job gets a lot harder from here on out. There is a moment out there for privacy activists to seize upon, a moment that privacy entrepreneurs can capitalise upon, a moment that privacy-oriented lawmakers can make political hay from. It's up to us to make the most of it.

The "Snowden Effect" has allowed the security and encryption industries to see unprecedented growth

P.A.M. 14 (Pictet Asset Management- Investment management firm part of the independent wealth and asset manager group Pictet, "News from the Advisory Board Security – Post-NSA leaks, a new cyber security landscape," Pictet Asset Management, May 2014, http://www.pictetfunds.fr/files/Focus_du_mois/Contributions/Pictet-Security_Advisory-Board_201405.pdf)

These low-profile niche operators are cyber-security firms. Specialising in antivirus, firewall, intrusion detection or encryption, such companies have played a key role in the expansion of the technology by giving users - individuals and businesses - the confidence to shift more of their activities to the cloud. But recent events suggest these firms will not remain in the background for much longer. While revelations of systematic spying by the US National Security Agency appear to have damaged the reputation of the big tech companies operating the cloud, they have had the opposite effect on cyber-security providers. The actions of NSA whistleblower Edward Snowden have pushed cyber-security to the very top of the corporate agenda; the sector is set to become both a source of innovation and a destination for investment as a result. This is one of the topics discussed at the recent Advisory Board meeting of the PictetSecurity fund, which invests in companies that offer innovative solutions to protect individuals, businesses and

governments. IT services have represented one of the main areas of investment since the fund's inception in 2006. The Snowden effect Snowden's revelations that US security agencies had obtained confidential data held by major US tech companies threatened to irreversibly damage the cloud industry. Leaked documents showed that US and British intelligence agencies had gained access to huge swathes of internet traffic - users' personal data as well as online transaction and emails stored on tech companies servers - as part of a clandestine data-mining program named PRISM. Of equal concern were the methods used. It emerged that the NSA had been given complete control over international encryption standards and that it had used supercomputers to break encryption. Even more worrying were suggestions that NSA officials had collaborated with technology companies and internet service providers - enabling agencies to insert secret "backdoors" into commercial encryption software. Although big technology firms denied they had knowingly provided the government with such backdoors, the revelations were seen as a threat to the future growth of the cloud as it suggested companies could not safeguard the security and privacy of their customers. In the immediate aftermath of the leaks, a report released by the Information Technology and Innovation Foundation (ITIF), a non-partisan think tank based in Washington, estimated that foreigners' distrust in US cloud storage providers since the NSA spying scandal could cost such companies up to USD35 billion in lost revenues by 2016. Forrester Research, an IT market research company, argued that losses could top USD180 billion over the same period - a 25 per cent hit to overall IT service provider revenues. NSA leaks unlock fast growth in the IT security sector Fast-forward nine months and a more nuanced picture is emerging, AB participants heard. What our panel of security experts report is that while the NSA's practices may have undermined customer confidence, slowing the rate of cloud adoption, they have unlocked opportunities for security vendors. Security concerns move higher on corporate agenda Snowden's revelations have made the cyber-security threat far more visible, forcing companies to review how their data is stored. If IT security professionals had long suspected that government agencies were involved in systematic electronic spying, there was scant evidence available. But the Snowden leaks have revealed the full extent of NSA surveillance activities and brought to light the collaboration of US major tech companies. Such is the level of concern that cyber security has evolved from a being compliance matter for IT specialists into a strategic priority for corporations worldwide. The scandal has served as a trigger to unlock corporate investment in cyber-security solutions. Cyber security companies see investment boom Companies with data stored in clouds are upgrading their systems, and are increasingly engaging the services of cyber-security providers. They are turning to the providers with the most innovative solutions - and in the IT security world, the companies with the hottest technologies are small, very dynamic start-ups. Revelations by Snowden of possible ties between tech firms and government have made consumers suspicious that large US-based companies could be beholden to intelligence agencies. As a result, it has become easier for new, smaller security businesses to sell their solutions. With spending on cyber-security rising, the sector has drawn the attention of investors. Intense interest in the sector has helped fuelled a buoyant IPO market and robust share price performance; companies operating in the sector of cloud security, data management or encryption have attracted particularly strong demand. Rising valuations may be a reflection of the heated competition in the sector, which has seen a wave of consolidation in recent months as these young security companies make attractive acquisition targets for their larger rivals (RSA/Silvertail, Cisco/Sourcefire, F5 Networks/Versafe).

Snowden leaks has private users concerned for their own security

Raistrick 13 (Security administrator for Palo Alto Networks, "Is Your Organisation Edward Snowden Proof?" Business Computing World, 7/1/13, <http://www.businesscomputingworld.co.uk/is-your-organisation-edward-snowden-proof/>)

From a national security point of view, the post-mortem of Snowden's leak is where attention should be most keenly focused, to determine the veracity of his statements. But if the claims turn out to be true, it does not automatically mean that other organisations are prone to the same breaches. Generally speaking, the more powerful an application is, the more tightly it is segmented, monitored, and controlled. The same is true of security administrators themselves. The more power they are provided, the more their duties need to be segmented, monitored, and controlled. In the case of Ed Snowden, we have a very privileged administrator accessing very powerful applications - common practice would be to watch him like a hawk. Ultimately the access to sensitive information comes down to company mindset. In many cases, companies simply think of security as blocking attacks as opposed to the process of securing their information. Blocking the attack is obviously a critical part of the equation, but it has to be tied into the context of the data itself, the applications that serve that data, and the people that use those applications. The NSA leak is a perfect example of what can happen when very powerful applications and powerful users are

not controlled sufficiently. A modern solution to a modern problem With vast amounts of privileged and sensitive data stored on company networks and pervasive threat vectors that want to steal that data, businesses require a segmented approach to security that monitors all users, content and applications that are present on the network. It's an approach some companies have been reluctant to grasp but, given the revelations of the past few weeks, the consequences of not taking appropriate measures should be far more of a concern.

Snowden revelations have started a new market for encryption technology- even if the technology isn't 100% effective

Reuters 14 (Reuters-New Agency, "Snowden leaks a boon for the digital security market," Business Tech New Zealand, 8/6/14, <http://businesstech.co.za/news/internet/64984/snowden-leaks-a-boon-for-the-digital-security-market/>)

Public concerns about the U.S. government's secretive surveillance programs exposed by Edward Snowden have spawned a slew of encryption products and privacy services that aim to make electronic spying more difficult. Two products brought out in the past five weeks illustrate the rapid development of the new marketplace: Blackphone, a handset which started shipping on June 30 for \$629, and Signal, a free app that appeared on the iPhone app store last week. They are among an array of offerings to emerge since Snowden, a former National Security Agency contractor, last year leaked documents that showed the U.S. government harvested enormous amounts of data from the likes of Google Inc, Yahoo Inc, Microsoft Corp, AT&T Inc and Verizon Communications Inc. Though they have different business philosophies, target markets and tactical approaches, the companies behind Blackphone and Signal share an underlying encryption technique, world-class cryptographers, and an anti-government stance. "In an environment of increasingly pervasive surveillance, we want to make it as easy as possible for anyone to be able to organize and communicate securely," Signal maker Open Whisper Systems wrote on its blog. Secure communications will be a major topic at two key hacking conferences in Las Vegas this week: Black Hat, which is aimed at professionals, and Def Con, which attracts many amateurs. Blackphone uses software from one of its backers, Silent Circle, that allows users to send encrypted voice calls and texts to one another. Silent Circle's software is already available for iPhone and Android phones, but the company says Blackphone is more secure because it uses a new operating system – based on Android – that makes it harder for hackers to take control of the phone and eavesdrop. Silent Circle recently expanded its service by allowing encrypted calls to landlines. That feature has helped its sales rate triple in the past three months, said Silent Circle Chief Revenue Officer Vic Hyder. He declined to give subscriber figures but said Chevron Corp and Walt Disney Co were among the company's major corporate customers. Supported mainly by grants, Signal maker Open Whisper Systems was co-founded by security researcher Moxie Marlinspike and already has a compatible Android version called RedPhone. The company said Signal had 70,000 downloads on the first day. Marlinspike said the company may charge in the future for extra services, but the basic functions of the app should remain free forever. "Open Whisper Systems is a project rather than a company, and the project's objective is not financial profit," he wrote on his personal blog. An encrypted chat service popular with security professionals is Wickr. The free service relies on heavy encryption that is considered unbreakable for the foreseeable future if implemented correctly. Wickr does not use the open-source software that is the industry standard, which means security experts cannot inspect its software code. But Wickr says it will soon post results of security audits by well-regarded firms, and it is offering a \$200,000 reward for anyone who breaks its system. Wickr Chief Executive Nico Sell, a longtime official at Def Con, said she plans to add a desktop version of Wickr soon. Law enforcement concerns Civil liberties enthusiasts have welcomed the proliferation of new privacy-protecting software and services, but some law enforcement and intelligence agents are concerned that they make it more difficult for agents to intercept communications. "It's a significant problem, and it's continuing to get worse," Amy S. Hess, executive assistant director of the Federal Bureau of Investigation, told the Washington Post. An FBI spokeswoman declined to elaborate. Experts said it was unlikely that any communications system can be 100 percent safe from government interception. The goal for some users would be simply to make it expensive for the authorities to eavesdrop on them without good reason.

2NC- Silicon Valley Innovation

The encryption renaissance is here because of NSA surveillance-Silicon valley are all using new innovative ways to counter surveillance and pushing encryption innovation-curtailing surveillance reverses that

Marten 14 (Donn-Blogger for Carrying a Flag, an anti-surveillance blog, "NSA Reform is Dead: Tech Companies Must Act to Protect Us Now," Carrying a Flag, 6/7/14, <http://carryingaflag.blogspot.com/2014/06/nsa-reform-is-dead-tech-companies-must.html>)

Not that it is surprising that the NSA Stasi is protected by a firewall of entrenched and corrupt members of our pathetic excuse for a legislative branch - the US Congress remains the number one enemy of the American people - and that any sort of effective reform in the aftermath of the Snowden leaks has always been dead on arrival. The USA Freedom Act seemed to be a perfect counterpart to the fascist USAPATRIOT Act when it was introduced, with the backing of US Representative James Sensenbrenner who was largely responsible for the latter monstrosity but as the establishment stalled enough time had passed for it to be gutted. The intelligence committee chairpersons of the House and Senate, respectively the right-wing talk radio bound fanatic Mike Rogers and the always ghastly Dianne Feinstein would be there to protect the warrantless mass surveillance and data-mining in all of its Constitution trashing glory because the protection of criminality is the main reason why they got their gigs in the first place. The USA Freedom Act, in its watered down version which prolific security blogger Marcy Wheeler of Emptywheel has brilliantly pegged as the USA Freedumber Act not only preserves the powers of the NSA but now provides them with official cover. The Freedumber Act is the Obama administration's wet dream as it would allow the narcissistic one to present himself as a champion of the American people by fixing the system and the business of getting all of the phone calls, financial data, images, book purchases, associations, family information, political affiliation, blog traffic, internet searches, sexual orientation, religious preferences, text messages and thousands of other data points to sock away in their massive storage facilities like the one out in Utah. Then Obama can get about the business of avenging the injury to his ego when Vladimir Putin prevented a war in Syria and Russia provided asylum to Snowden saving him from a US torture chamber and starting a new cold war which will ensure that military contractor money rolls in for the next election cycles. Barring the promised bombshell revelations from journalist Glenn Greenwald - which are taking forever and making many (although not myself, at least not yet) nervous that he sold out to billionaire Pierre Omidyar and that the real stuff is never going to see the light of day - are so shocking as to make serious reform possible the great hope at this point is having to hope that Silicon Valley will come to the rescue. The NSA rampage has permanently tarnished the image of American big tech to the point that the only rational thing - at least from a business standpoint and these area after all businesses - is to improve their own security in order to prevent or at least make it more difficult for the government goons to penetrate their networks and customer communication activity. This is currently in process and will continue to evolve as the US government has chosen to continue the programs rather than lose precious time between now and the day that the order comes down to use the data to go after those who are deemed to be threats to state power. According to a New York Times article entitled "Internet Giants Erect Barriers to Spy Agencies" that was published on Friday: Just down the road from Google's main campus here, engineers for the company are accelerating what has become the newest arms race in modern technology: They are making it far more difficult — and far more expensive — for the National Security Agency and the intelligence arms of other governments around the world to pierce their systems. As fast as it can, Google is sealing up cracks in its systems that Edward J. Snowden revealed the N.S.A. had brilliantly exploited. It is encrypting more data as it moves among its servers and helping customers encode their own emails. Facebook, Microsoft and Yahoo are taking similar steps. After years of cooperating with the government, the immediate goal now is to thwart Washington — as well as Beijing and Moscow. The strategy is also intended to preserve business overseas in places like Brazil and Germany that have threatened to entrust data only to local providers. Google, for example, is laying its own fiber optic cable under the world's oceans, a project that began as an effort to cut costs and extend its influence, but now has an added purpose: to assure that the company will have more control over the movement of its customer data. A year after Mr. Snowden's revelations, the era of quiet cooperation is over. Telecommunications companies say they are denying requests to volunteer data not covered

by existing law. A.T.&T., Verizon and others say that compared with a year ago, they are far more reluctant to cooperate with the United States government in “gray areas” where there is no explicit requirement for a legal warrant. AND Eric Grosse, Google’s security chief, suggested in an interview that the N.S.A.’s own behavior invited the new arms race. “I am willing to help on the purely defensive side of things,” he said, referring to Washington’s efforts to enlist Silicon Valley in cybersecurity efforts. “But signals intercept is totally off the table,” he said, referring to national intelligence gathering. “No hard feelings, but my job is to make their job hard,” he added. There is naturally the standard fear-mongering by the US government and the implied threat of terrorist attacks is tech companies do not allow the NSA to proceed with impunity. The NYT piece cites an Obama administration official who invokes the 9/11 card once again: Robert S. Litt, the general counsel of the Office of the Director of National Intelligence, which oversees all 17 American spy agencies, said on Wednesday that it was “an unquestionable loss for our nation that companies are losing the willingness to cooperate legally and voluntarily” with American spy agencies. “Just as there are technological gaps, there are legal gaps,” he said, speaking at the Wilson Center in Washington, “that leave a lot of gray area” governing what companies could turn over. In the past, he said, “we have been very successful” in getting that data. But he acknowledged that for now, those days are over, and he predicted that “sooner or later there will be some intelligence failure and people will wonder why the intelligence agencies were not able to protect the nation.” Companies respond that if that happens, it is the government’s own fault and that intelligence agencies, in their quest for broad data collection, have undermined web security for all. BINGO on that last statement - the government to this day has yet to fire anyone who was on the job and failed to protect the nation on the morning of September 11, 2001 - why is that? Power will not be surrendered willingly and at this point, as there is ZERO chance for legitimate and serious reform of the unconstitutional practices of the NSA within the government it is incumbent on the tech companies to do what they can to go into a defensive mode and internet users to look into getting some serious encryption software installed.

2NC Link

2NC- Consumer Security Link

Ending surveillance is a “shell game” luring consumers into a false sense of security

Peterson 15 (Andrea- Technology policy reporter for the Washington Post, “It’s nearly two years after Snowden and privacy advocates are divided on how to fix NSA spying,” Washington Post, 4/29/15, <https://www.washingtonpost.com/blogs/the-switch/wp/2015/04/29/its-nearly-two-years-after-snowden-and-privacy-advocates-are-divided-on-how-to-fix-nsa-spying/>)

Without those limits, ending 215 might result in a sort of "shell game," where the government replaces one authority with another, according to Julian Sanchez, a senior fellow at the Cato Institute. There's also a provision built into the current Patriot Act that would allow for 215 to continue to be used for ongoing investigations even after it sunsets, as reported by the New York Times last year. Such a provision might be used to continue the bulk phone records program because some government enterprise-level investigations, such as those into major terror groups, can go on for a decade or more, according to Geiger and Sanchez. "The truth is that neither the USA Freedom Act nor the expiry of Section 215 would end the government’s mass-surveillance programs," said the ACLU's Jaffer. But actually forcing a sunset on 215 would send "an important message" against spying programs, he argued. Some critics also worry the bill might actually give the government expanded spying powers, even if it moves direct control of Americans' bulk phone records out of government hands, because of the breadth of data that service providers might be forced to turn over in response to a request. "In a way, it's kind of like PRISM," the program revealed by Snowden where major tech companies turned over the content of online communications to the NSA, said longtime independent surveillance researcher Marcy Wheeler. "It pushes things to providers: Everyone gets immunity, but it doesn't add to the privacy." Passing the bill, she argues, might also make it harder to get movement on more comprehensive reforms because tech companies, who have been a major political force on this issue, will be able to already point to changes they helped win. "Companies are provided monetary incentive to spy and share that information with the government and blanket liability once they do under USA Freedom -- even if that breaks that law," said Sascha Meinrath, the director of X-lab, an independent tech policy institute previously associated with New America. "Once companies receive that, they'll have almost no reason to weigh in on meaningful surveillance reform."

2NC- Circumvention Link

Legal solutions to surveillance fail- governments will circumvent encryption is the only effective way to combat surveillance

Ingham 15 (Lucy-Editor for Factor Magazine-consumer technology and science magazine, also cites Edward Snowden's presentation at London's FutureFest in March 2015, "EDWARD SNOWDEN ON THE FUTURE OF SURVEILLANCE," Factor Magazine, 5/25/15, <http://factor-tech.com/feature/edward-snowden-on-the-future-of-surveillance/>)

While there are continued efforts to bring an end to mass surveillance through legal means, most recently with the ruling in a New York federal appeals court that the collection of American's metadata and phone records is unlawful, there is scepticism that governments will ever fully stop mass surveillance due to its tremendous spying benefits. "We're losing leverage. Governments are increasingly gaining more power and we are increasingly losing our ability to control that power and even to be aware of that power," he says. Although he is keen to remind everyone that he is just the "mechanism of disclosure", Snowden does have some ideas about how we can turn the tables. "Fundamentally, changes to the fabric of the Internet, our methods of communication, can enforce our rights, they can enforce our liberties, our values, on governments," he says. Increasingly all of our elected officials are pulled from the same class "By leaning on companies, by leaning on infrastructure providers, by leaning on researchers, graduate students, postdocs, even undergrads to look at the challenges of having untrusted Internet, we can restructure that communications fabric in a way that's encrypted. And by encrypted I mean the only people who can read and understand the communications across those wires are the people at the two distant ends. This is called end-to-end encryption, and what we're doing there is making it much more difficult to perform mass surveillance." Not only does he believe this is the way forward, but suspects that this will be the likely scenario as we seek to resolve this issue. "I think it is more likely than not that the technical side of the argument will come in, because it's much easier, I think, to protect communications rather than it is to enforce legislation in every country in the world." LONG ROAD AHEAD However, the future is likely to be fraught with challenges as we seek to put an end to mass surveillance Snowden warns. "I think we're going to see disasters on both sides, I think we're going to see it exploited callously and relentlessly by governments to purposes that undermine the progress of the public's interest in favour of the elite's interests," he says. "And when we have these people representing everyone in our society, millions of people, the question becomes, are we really going to get policies that reflect the broad social interests, the broad public interests, or more of class interests?" However, this does not mean we should give up, and simply ignore mass surveillance as we get on with our daily lives. "We have to at least say that this is happening. We can't wish it away, we can't say that it's something that it's not. We have to confront the reality of our world, and make the hard decisions about which way we want to move forward," he advises.

There is no possible ability for actual privacy reform- legislation is like rearranging chairs on the titanic

Stanley 15 (Mark-Director of Communications and Operations at Demand Progress "DEMAND PROGRESS AND CREDO MOBILE BLAST USA FREEDOM ACT," Demand Progress, 4/28/15, <http://demand-progress.tumblr.com/post/117623640615/demand-progress-and-credo-mobile-blast-usa-freedom>)

A vote for a bill that does not end mass surveillance is a vote in support of mass surveillance.
The way to end mass surveillance is to end mass surveillance. Everything else is window dressing. Rather than reauthorizing section 215, Congress should let this dangerous provision expire and pass much-needed reforms, including ending mass surveillance under section 702 of the FISA Amendments Act, Executive Order 12333 and other authorities, and enhancing Congressional oversight of secret intelligence agencies. CREDO and Demand Progress would support legislation enshrining the reforms demanded in this just-released letter, signed by 60 organizations, businesses, and prominent national security whistleblowers. <http://demand-progress.tumblr.com/post/117018009995/letter-to-congress-end-mass-surveillance> Furthermore, the organizations support likely efforts to amend the legislation to ban warrantless wiretapping of U.S. persons. “It’s like rearranging the chairs on the deck of the Titanic,” said Becky Bond, Vice President of CREDO Mobile. “As a telecom that can be compelled to participate in unconstitutional government surveillance, we can tell you that the latest version of the USA FREEDOM Act is just a diversion to take the heat off our out-of-control surveillance state. That’s why CREDO Mobile opposes this proposal to reauthorize section 215 of the USA PATRIOT Act.” “This bill purports to ban certain acts under narrow authorities — but it doesn’t ban those behaviors outright. Nor does it increase meaningful oversight of the NSA. If there’s one thing we know about the NSA, it’s that it will stretch the law to its limits,” said David Segal, Executive Director of Demand Progress. “If this bill passes, the NSA will continue unaddressed surveillance programs and will secretly torture the English language to devise novel justifications for spying on Americans — we won’t even know the details until a new whistleblower comes forward a decade or two from now.”

2NC Impacts

Impact Magnifier-Cyber Security

Cyberattacks are highly likely- even small attacks will overwhelm the US

Gady 15 (Franz-Stefan-associate editor for the Diplomat and Senior Fellow with the EastWest institute, “Russia Tops China as Principal Cyber Threat to US,” The Diplomat, 3/3/15, <http://thediplomat.com/2015/03/russia-tops-china-as-principal-cyber-threat-to-us/>)

While I can't go into detail here, the Russian cyber threat is more severe than we had previously assessed,” the director of national intelligence, James Clapper, told the Senate Armed Services Committee during the 2015 presentation of the “Worldwide Threat Assessment of the U.S. Intelligence Community.” The report lists sophisticated cyberattacks as the principle national security threat facing the United States. “Cyber threats to U.S. national and economic security are increasing in frequency, scale, sophistication, and severity of impact,” the assessment notes. Russia is singled out as one of the most sophisticated nation-state actors in cyberspace. The report notes that Russia’s Ministry of Defense is establishing its own cyber command, responsible for conducting offensive cyber activities (similar to the United States Cyber Command). The report says that Russia’s cyber command will also be responsible, again similar to its U.S. counterpart, for attacking enemy command and control systems and conducting cyber propaganda operations. Furthermore, “unspecified Russian cyber actors” have developed the capability to target industrial control systems and thereby attack electric power grids, air-traffic control, and oil and gas distribution networks. However, the report points out that the United States will not have to fear debilitating strategic cyberattacks on a large scale: “Rather than a ‘Cyber Armageddon’ scenario that debilitates the entire U.S. infrastructure, we envision something different. We foresee an ongoing series of low-to-moderate level cyber attacks from a variety of sources over time, which will impose cumulative costs on U.S. economic competitiveness and national security.” The assessment also provided a hint that we may see an increase in “naming and shaming” campaigns, similar to the cyber espionage charges against five Chinese military officials accused of hacking into U.S. companies back in May 2014. The report argues that “the muted response by most victims to cyber attacks has created a permissive environment in which low-level attacks can be used as a coercive tool short of war, with relatively low risk of retaliation.” In addition, the report notes that identification of perpetrators has become a lot easier in the last few years. Perhaps this is the reason why the U.S. intelligence community chose to go public at this stage. U.S. intelligence agencies have known for years that Russia is a much more capable adversary in cyberspace than China and that Moscow employs more sophisticated and stealthier cyberattack methods. “The threat from China is overinflated, (and) the threat from Russia is underestimated,” Jeffrey Carr, head of the web security firm Taia Global and author of the book Inside Cyber Warfare, emphasized in an interview last year. Carr added: “Russia certainly has been more active than any other country in terms of combining cyber-attacks, or cyber-operations, with physical operations. The Russia-Georgia war of 2008 was a perfect example of a combined kinetic and cyber operation. And nobody else has ever done that – China has never done anything like that.” In another article back in 2014, Carr stated that the United States has neglected to keep track of Russia’s ever growing cyber power. “If you want to properly assess a threat, you need to understand your adversary’s intent, capability and opportunity,” Carr wrote. “The U.S. government has not kept current on Russian technical advancements which means that we cannot estimate capability accurately.” Back in 2010, in a report for the EastWest Institute, my colleague Greg Austin and I proposed “cyber military exercises” between the United States and Russia as a vehicle for trust building. While the idea may seem far-fetched, it perhaps might have allowed for both countries to become more familiar with each other’s capabilities and helped reduce tensions. This could have happened without reducing one’s side capability for waging cyber war. Bruce Schneier emphasizes that it is almost impossible to stop the spread of sophisticated attack tools in cyberspace or to keep them secret for too long. In his article “The Democratization of Cyberattack” he laconically summarizes the predicament of cyber warriors: “Today’s NSA secrets become tomorrow’s Ph.D. theses and the next day’s hacker tools.”

Innovation I/L

Investment in IT security is key to technological innovation- specifically cloud computing

P.A.M. 14 (Pictet Asset Management- Investment management firm part of the independent wealth and asset manager group Pictet, “News from the Advisory Board Security – Post-NSA leaks, a new cyber security landscape,” Pictet Asset Management, May 2014, http://www.pictetfunds.fr/files/Focus_du_mois/Contributions/Pictet-Security_Advisory-Board_201405.pdf)

In the view of experts on the AB panel, the industry is witnessing a profound shift in the behaviour of cloud users, who are now focusing less on protecting infrastructure but more on protecting data. A new privacy industry is emerging as a result, with demand rising for technology to browse the web privately and encrypt emails, mobile phone calls and text messages. The NSA’s mass surveillance programme has accelerated the development of a range of tools for individuals and corporate users, from NSA-proof messaging apps to Boeing’s Black phone, an Android phone for government agencies and contractors which will self-destruct if its hardware is tampered with. This is just as well, since most of the data-gathering capabilities detailed by Snowden may be available commercially within five years. Prospects look especially bright for providers of smart cyber-security solutions, as individuals and businesses continue to face increasingly complex cyber threats. Snowden’s revelations of the existence of mass-surveillance programmes has generated interest in the security industry all levels. Once a “grudge purchase” that was considered a drain on resources, IT security in its new incarnation is now viewed as delivering added value to buyers, and putting them back in control. Cyber-security is intrinsically linked to the long-term technological trends shaping our society, from cloud computing to mobile devices and big data. IT security providers can give companies the confidence they require to embrace these new technologies - one positive development investors can give Snowden credit for.

Competitiveness I/L

Snowden leaks have set off a gold rush for security companies increasing competitiveness

Ungerleider 14 (Neal-reporter for Fast Company, "MANDIANT AND THE CYBERSECURITY GOLDRUSH," Fast Company, 1/7/14, <http://www.fastcompany.com/3024445/mandiant-and-the-cybersecurity-goldrush>)

2014 was celebrated in the cybersecurity world with a massive, billion-dollar acquisition. Mandiant, a security firm best known for conducting forensics on alleged Chinese military attacks against the New York Times, was acquired by security software provider FireEye. If you happen to run a security firm or have equity in one, congratulations: The next year is going to be all about acquiring cybersecurity firms, and it's largely the result of one Edward Snowden. Snowden's revelations of omnipresent American government data vacuuming of the entire digital world, and not just of foreign militant or government targets, accelerated larger trends in the security sphere. Large and midsized companies realized that for cybersecurity, they'd have to go it alone: Closer ties between tech firms and the government could hurt foreign sales due to non-U.S. consumers fearing U.S.-based companies are in cahoots with American intelligence agencies. There were even post-Snowden fears by foreign-owned companies working on American soil that the NSA might be spying on them as well. These weren't just idle fears; Reuters recently offered good evidence that security firm RSA let the NSA put a backdoor in one of their software tools as part of a secret \$10 million contract. In 2013 and 2014, it's deeply out of fashion to discuss increased collaboration between the government and cybersecurity firms. For said security firms, this means a gold rush of mergers and acquisitions. The combination of a higher volume of digital attacks, more clients being aware of the need to protect themselves, and government paranoia means security companies—many of which are on the small side—are in a good place to be purchased for large sums of money. Mandiant, many of whose employees reportedly come from the intelligence community, was acquired for more than \$1 billion in cash and stock. They're only the latest in a string of cybersecurity acquisitions over the past year. Websense was acquired this past spring, IBM acquired financial security firm Trusteer last summer, and Cisco acquired SourceFire in July for a reported \$2.7 billion dollars. Acquisitions in the billions of dollars are relatively commonplace in the security world because of the organizations that use their services: Fortune 500 companies are willing to dig deep in their pockets to keep away white collar criminals and other digital intruders—just think of how Target's public image suffered as a result of their data breach. The trend of acquisitions is likely to continue; Gartner Research analyst Lawrence Orans told me in a telephone conversation that "there are a lot of small companies in various segments of the security market, defending and protecting against advanced persistent threats (APTs) ... and you'll see a lot more consolidation there. You'll see the larger players acquiring smaller players." He added that smaller and mid-sized companies will be using outside cybersecurity services as well. "Smaller to mid-size companies will have to rely on third-party services, because defending against APTs and targeted attacks is a complicated area that they don't have time or resources to bring their people up to speed. Large companies will develop expertise and invest internally in security." Either way, this means security firms are in a prosperous position right now.

Ex-Im Bank DA JDI

*****NEGATIVE**

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Uniqueness and link – Congress will let the Export-Import bank expire now unless its attached to must-pass legislation like the plan Werner 6-24

Erica, Political Analyst for the Associated Press, “GOP-led Congress prepared to let Export-Import Bank expire,” <http://www.kptv.com/story/29393533/gop-led-congress-prepared-to-let-export-import-bank-expire>

Republican House Speaker John Boehner of Ohio, a longtime business booster, has pushed his Financial Services Committee Chairman Jeb Hensarling, R-Texas, to come up with a plan to reform the bank or wind it down. Hensarling has responded, instead, by pushing for the bank's charter to expire without a vote June 30. With Congress heading out on recess next week and no prospect of action on the Export-Import Bank before then, Hensarling and fellow tea party conservatives will get their wish. But their victory may be short-lived. Lawmakers of both parties on Capitol Hill expect a reauthorization of the bank could move in the Senate in July. **if attached to must-pass legislation** extending the federal highway trust fund, **it could make it through** the House as well.

Export-Import Bank financing is corporate welfare that stifles market competition—it's the worst form of picking winners

Rugy 12

Veronique de Rugy, PhD and senior research fellow @ the Mercatus Center @ George Mason University, the National Review, March 8, “Why Would Anyone be Against the Export-Import Bank?,” <http://www.nationalreview.com/corner/292997/why-would-anyone-be-against-export-import-bank-veronique-de-rugy>, jj

I am more than happy to explain why we should get rid of the Export-Import Bank. First, **the Ex-Im Bank is nothing more than corporate welfare.** This is an agency that is in the business of **subsidizing private companies with taxpayer dollars.** It is unseemly and I will never understand why anyone would think that it is a role of the federal government to help private companies make money, pay their employees, get loans, or produce goods or services at home or abroad. If a company can't stay in business on its own, that is probably because it is trying to sell stuff that consumers don't want to buy. If that's the case, why should consumers then have to buy the goods or the service indirectly through their taxes? **An excellent paper** by Cato Institute's trade analyst Sallie James **exposes just how unseemly, inefficient, and irrelevant the Export-Import Bank is.** As James explains, **the Bank not only picks winners and losers by guaranteeing the loans of private companies, but it also introduces unfair competition for all the U.S. firms that do not benefit from such special treatment.** Also, while advocates for the programs claim that the bank takes risk that the private sector is unwilling to take (I wonder why the private sector will, year after year, pass up supposedly great opportunities), **the bank's lending activity is almost certainly irrelevant, since so few U.S. exports are supported through Ex-Im Bank activities.** With this paper, James is following in the steps of David Stockman who, over 20 years ago, called for the termination of the Ex-Im Bank. In the book, *The Triumph of Politics*, Stockman does a great job at exposing the export subsidies as a mercantilism illusion based on the strange idea that a country — in this case the United States — can raise its employment and produce wealth by selling its goods for less than they cost to produce. In a way, **we can think of the Bank as a charitable organization with an international bent.** The truth, he explains, is that **“export subsidies subtract from GDP and jobs, not expand them.”** More importantly, **the idea that export subsidies will create jobs and increase GDP is yet another example of the single-**

entry-bookkeeping mentality that has larded the federal budget with so many subsidies and payments to special interests. One of the biggest special interests, in this case, is Boeing. Yes, the giant manufacturer Boeing. According to the Washington Examiner's Tim Carney, in 2009, **90 percent of the loan guarantees issued by the Bank went to subsidize Boeing.** Not surprisingly, as a result, in 2011 Boeing "accounted for 45.6%, or \$40.7 billion, of ExIm's total exposure in fiscal 2011." With the help of the federal government guarantees, the company gained contracts from airlines like Air China and Air India. Good for Boeing. However, not good for Delta or other U.S. companies that have to compete with Air China and its new discounted Boeing planes. The Wall Street Journal, for instance, reported on Saturday that "In a letter to Congress last month, Delta estimated that Ex-Im cost the U.S. airline industry up to 7,500 jobs and \$684 million a year." Moreover, what does it tell you about Boeing and its ability to fly on its own without the help of taxpayers that the Bank has been providing for decades? Enough, already. I will leave the conclusion to David Stockman, because of his points' incredible relevance in today's politics. It is an important message to Republicans in particular and it applies to all forms of subsidies (oil, gas, wind, small businesses, manufacturers, automobiles, banks, and others). He writes: I had long insisted, to any liberals who would listen, that the supply-side revolution would be different from the corrupted opportunism of the organized business groups; that it would go after weak claims like Boeing's, not just weak clients such as food stamp recipients. Given the heave-ho to the well-heeled lobbyists of the big corporations who keep the whole scam alive would be dramatic proof that we meant business, not business-as-usual. Washington, listen up.

The impact is great power war

Baru 9 Sanjaya is a Professor at the Lee Kuan Yew School in Singapore Geopolitical Implications of the Current Global Financial Crisis, Strategic Analysis, Volume 33, Issue 2 March 2009 , pages 163 – 168

Hence, economic policies and performance do have strategic consequences.² In the modern era, the idea that strong economic performance is the foundation of power was argued most persuasively by historian Paul Kennedy. 'Victory (in war)', Kennedy claimed, 'has repeatedly gone to the side with more flourishing productive base'.³ Drawing attention to the interrelationships between economic wealth, technological innovation, and the ability of states to efficiently mobilize economic and technological resources for power projection and national defence, Kennedy argued that nations that were able to better combine military and economic strength scored over others. 'The fact remains', Kennedy argued, 'that all of the major shifts in the world's military-power balance have followed alterations in the productive balances, and further, that the rising and falling of the various empires and states in the international system has been confirmed by the outcomes of the major Great Power wars, where victory has always gone to the side with the greatest material resources'.⁴ In Kennedy's view, the geopolitical consequences of an economic crisis, or even decline, would be transmitted through a nation's inability to find adequate financial resources to simultaneously sustain economic growth and military power.

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It'll be attached to the plan – supporters are searching for must-pass legislation Miller 6-9

Kathleen, political contributor, Bloomberg, “Ex-Im Bank Likely to Lapse as Congress Lacks Path to Votes,” <http://www.bloomberg.com/politics/articles/2015-06-09/ex-im-likely-to-lapse-as-congress-lacks-path-to-votes-on-bank>

Shelby's Stance Senator Richard Shelby, an Alabama Republican and chairman of the Banking Committee, said Tuesday that Congress should let the bank die if it's not going to be revised, according to his spokeswoman, Torrie Miller. He doesn't plan for his committee to consider legislation reauthorizing Ex-Im, she said. That's significant because such efforts would usually pass through his committee. In the House, Paul Ryan, the Wisconsin Republican who is chairman of the Ways and Means Committee, said he won't let the bank's reauthorization be attached to a measure that would speed consideration of trade agreements. “Ex-Im Bank will not be included in any of these trade deals,” Ryan, who opposes the bank, said last week. “We are not doing that.” **That leaves supporters searching for must-pass legislation to carry the reauthorization**, something that Ex-Im opponents would be reluctant to vote against even if it means extending the bank's charter.

Yes attached to must-pass legislation

Roberts 6-24

Gregory, Reporter, the Advocate, “Export-Import Bank likely to expire next week,” <http://theadvocate.com/sports/saints/12731923-148/export-import-bank-likely-to-expire>

The vehicle for the bank's revival likely will be “must-pass” legislation — such as a transportation projects bill — that originates in the Senate and comes to the House for approval, with the reauthorization included as an amendment, Boustany said. Such a measure can be taken up directly on the House floor, bypassing the committee process.

Passage is uncertain in the House – they'll attach it to the first must-pass bill

Weisman 6-25

Jonathan, Reporter, New York Times, “Jeb Hensarling's Fight Against Ex-Im Bank Succeeds, for the Moment,” <http://www.nytimes.com/2015/06/26/business/jeb-hensarlings-fight-against-ex-im-bank-succeeds-for-the-moment.html>

Many House Republicans say that has only left the House vulnerable to the Senate, where moves are afoot to save the bank. In a recent show vote, 65 senators — including 22 Republicans — voted on a procedural measure to extend the bank's charter. And supporters hope to attach it to the **first must-pass bill they can**, probably an extension of the Highway Trust Fund scheduled to be taken up after the July 4 break that would bring it back to life after a short demise.

Must pass legislation

Lawder 6-24

David, Reporter, Reuters, "U.S. firms fear financing drought as trade bank deadline looms,"
<http://www.reuters.com/article/2015/06/24/us-usa-congress-exim-insight-idUSKBNOP40C320150624>

The bank will have to stop lending and writing new trade guarantees on June 30 if Congress fails to act. At least a short-term lapse in its activities looks likely. Asked if Ex-Im's would later be revived, Republican House Speaker John Boehner told reporters on Wednesday: "I have no idea." But Boehner, a traditional backer of the trade bank, said such legislation could be attached to a "must-pass" bill in the Senate and then be considered in the House.

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No thumpers – Congress is avoiding attaching it to must-pass legislation in the squo

Dumain 6-22

Emma, congressional reporter, Roll Call, “House Poised to Let Ex-Im Bank Charter Expire,” <http://blogs.rollcall.com/218/house-set-let-ex-im-bank-charter-expire/?dcz=>

The House will consider its seventh appropriations bill of the year this week — one to fund the Interior Department and related activities — and possibly more legislation related to trade in the event the Senate keeps to its schedule. But with only four scheduled legislative work days left before the weeklong July 4 recess, there’s one thing the House is not expected to take up: reauthorization of the Export-Import Bank. The now-likely expiration of the bank’s charter on the last day of this month is a fate supporters of the bank, which provides credit and financing for U.S. export sales, predicted back in the waning days of 2014, when lawmakers were negotiating the terms of a government-funding bill. **Disconnecting the bank’s sunset date from “must-pass” legislation was a key element of the strategy for Ex-Im opponents, who want to see funding for the credit agency lapse without the political costs associated with a larger shutdown of federal operations.** And that is what’s on track to happen, despite support for the bank from a majority of House members — almost every Democrat and several dozen Republicans.

No must-pass legislation this month – aff happens first

Everett and Raju 6-4

Burgess and Manu, Political Reporters, Politico, “Ex-Im Bank expiration 'inevitable' amid 2016 GOP fight,” <http://www.politico.com/story/2015/06/ex-im-bank-expiration-now-inevitable-amid-2016-gop-fight-118663.html>

The Export-Import Bank is almost certain to close its doors for the first time in history this summer, dragged down by presidential politics and a bitterly divided GOP — raising the question of whether the nation’s chief export credit agency will ever be revived. Supporters are beginning to throw up their hands and admit that **the agency is very likely to lose its charter after June 30**, the first time since President Franklin D. Roosevelt established the agency in 1934 that it won’t be available to support U.S. exporters. House leaders, who are divided on the issue, are waiting to see if the Senate can pass a reauthorization bill first. But **the** lack of available floor time in the Senate — combined with **scant pieces of must-pass legislation awaiting action this month** — means the political football will almost certainly be punted until July after the bank’s charter expires, according to top Senate Republicans and Democrats following the matter. That means bank supporters are sure to try to revive the bank later this summer, an effort that will cause a major rift within the GOP.

Committee chairmen block reauthorization now

Bloomberg 6-25

Reporter, “Republicans Will Allow Export-Import Bank to Expire Under Senate Plan,”
<http://ttnews.com/articles/basetemplate.aspx?storyid=38667&t=Republicans-Will-Allow-Export-Import-Bank-to-Expire-Under-Senate-Plan>

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House Democrats, led by Representative Maxine Waters of California, the top member of her party on the Financial Services Committee, said they would try to force a vote June 24 to reauthorize the bank. A similar effort by Waters failed last week. Bank supporters say the Senate and House would reauthorize Ex-Im if allowed to vote on the issue. **They have struggled to get a floor vote on the matter because top Republicans, including the two committee chairmen with oversight of the bank** — House Financial Services Committee Chairman Jeb Hensarling and Senate Banking Chairman Richard **Shelby** — **oppose extending Ex-Im’s charter.**

Relative popularity doesn’t matter – House leadership prevents Ex-Im now Weisman 6-28

Jonathan, Reporter, New York Times, “EX-IM Bank to Halt Lending,”
http://www.nytimes.com/2015/06/29/business/greeces-impending-deadline-apples-new-music-service-and-the-jobs-report.html?_r=0

At 12:01 a.m. on Wednesday, a major federal agency’s charter will lapse — a victory, at least temporarily, for the Republican Party’s most conservative wing, which has been waging war on the Export-Import Bank for more than a year now. The bank, which guarantees commercial loans for overseas customers of American exporters, will not exactly go out of business. Its employees will continue to service all outstanding loans, some of them so large they could take up to 15 years to pay back. But no new loans can be guaranteed, and a host of small business support programs will halt at midnight. Supporters of the bank, however, are hoping to attach legislative language restarting the bank to a must-pass transportation funding bill in late July, then dare opponents in the House to kill it. Earlier this month, 65 senators voted to keep the bank alive in a test vote to show it could overcome a filibuster. And few doubt the agency has majority support in the House. **But** so far, **the House members who matter have blocked consideration.**

Not enough votes in the House or Senate – no momentum Fleming 5-21

Matthew, Reporter, Roll Call, “Trade Deal Tees Up Export-Import Bank Vote,”
<http://blogs.rollcall.com/wgdb/trade-deal-tees-up-export-import-bank-vote/>

It’s unclear if the votes are there in the Senate to pass reauthorization, and chances in the House are far worse. Despite the fact that Speaker John A. Boehner, R-Ohio, has been supportive of at least winding the program down, House Financial Services Chairman Jeb Hensarling, R-Texas, has been adamant about letting the charter lapse. In January, the conservative group Heritage Action for America began attacking Republican members of the House who supported reauthorization, calling the bank “corporate welfare.” It’s possible that if

the Senate approves reauthorization, the momentum could carry the bill through House, if Boehner brings it up for a vote. **But that's uncertain to say the least.** "Just because the Senate votes on a piece of crap doesn't mean we have to vote for it," said Rep. Mick Mulvaney, R-S.C. Boehner confirmed that Cantwell had reached out to him to try to secure a House vote on the bank, but he said Thursday that he "will not make that commitment" to have a vote. Cantwell told reporters that "the Republican Party needs to stand up and decide whether they're for essential tools that businesses need to compete in a global economy like the export bank credit agency, or whether they're with the Heritage Foundation."

2nc/1nr – at highway thumper

Highway bill doesn't thump –

a) Vote is in July – happens after the plan

Timiraos and Peterson 6-23

Nick and Kristina, Reporters, Wall Street Journal, "Time Running Out for Ex-Im Bank,"
<http://www.wsj.com/articles/time-running-out-for-ex-im-bank-1435091246>

Members of the Senate Environment and Public Works Committee unveiled a six-year reauthorization of the highway bill on Tuesday. The legislation would increase funding for roads and transit systems and expand funding for a freight program. Lawmakers expect to approve the bill in committee this week, and hope it will come to the floor in July.

b) Highway bill won't pass – Congress won't agree to tax increases

Baker and Starkey 6-24

Karl and Jonathan, Reporters, Delaware Online, "Political gridlock puts DelDOT funding in peril,"
<http://www.delawareonline.com/story/news/traffic/2015/06/24/political-gridlock-puts-deldot-funding-peril/29217911/>

Congress would need to authorize an additional \$13 billion to \$18 billion every year through 2024 to maintain its level of highway spending from recent years, Joseph Kile, an economist at the Congressional Budget Office, told Congress last year. If Congress doesn't pass a new highway spending bill by the end of July, the U.S. Department of Transportation will begin to cut back on the dollars that it sends to states. President Barack Obama is pushing a bill that would provide \$478 billion for transportation projects over six years, which would be funded by taxing the profits that U.S. businesses earn outside of the country. The plan doesn't appear to have enough support to pass both houses of Congress, however.

c) Won't be attached to a highway bill – financing differences

PB 6-29

Repoter, Policy Bazar, "What's subsequent for Ex-Im as time runs out,"
<http://policybazar.xyz/latest-news/whats-next-for-ex-im-as-time-runs-out/>

For now, a bank's supporters still have a shot during a discerning renewal, potentially hitching it a float on a highway authorization bill that expires during a finish of July. Senate Majority Leader Mitch McConnell, who is opposite to a bank, has betrothed a opinion an Ex-Im renewal. Sen. Maria Cantwell (D-Wash.), a supporter, pronounced she and other proponents will accommodate with Obama on Jul 8 to ask his subsidy for a renovation "in a early days of July." It appears a infancy of members in both chambers would support renewal. Sixty-five senators voted opposite murdering an Ex-Im reauthorization amendment to a invulnerability process check — a offer that was after withdrawn. More than 240 House members are co-sponsors of during slightest one of dual renovation bills, yet estimable differences remain, quite over supplies to mislay a administration's restrictions on financing for spark projects.

d) Committee chairmen block passage

NEI 6-25

Nuclear Energy Institute, citing Dan Lipman, NEI's vice president of supplier and international programs, "NEI's Dan Lipman on Ex-Im Bank Reauthorization," <http://www.nei.org/News-Media/News/News-Archives/NEI-s-Dan-Lipman-on-Ex-Im-Bank-Reauthorization>

Nuclear Energy Overview: What are the reauthorization prospects after June 30?^a Lipman: A strong bipartisan majority of Congress supports reauthorizing Ex-Im Bank. **The challenge is to get a vote, given the opposition to the bank by key committee chairmen.** We are hopeful that the Senate will attach reauthorization legislation to a must-pass bill that will be approved by the House. We would like to see majority leaders in both houses allow an up-or-down vote on the bank.

e) Momentum – opposition is gaining strength

Guida 6-28

Victoria, trade reporter, Politico, "What's next for Ex-Im as time runs out," <http://www.politico.com/story/2015/06/whats-next-for-ex-im-as-time-runs-out-119488.html>

Ex-Im's champions in both chambers — Mark Kirk (R-Ill.) and Heidi Heitkamp (D-N.D.) in the Senate and Stephen Fincher (R-Tenn.), Maxine Waters (D-Calif.) and Steny Hoyer (D-Md.) in the House — have used news conferences, hearings, floor speeches and procedural maneuvers to urge their leadership to bring its renewal up for a floor vote. But neither Hensarling nor Senate Banking Chairman Richard Shelby (R-Ala.) will mark up a stand-alone bill, **lending huge momentum to the opposition's cause.**^b For now, the bank's supporters still have a shot at a quick renewal, potentially hitching it a ride on the highway authorization bill that expires at the end of July. Senate Majority Leader Mitch McConnell, who is opposed to the bank, has promised a vote on Ex-Im renewal.^c Sen. Maria Cantwell (D-Wash.), a supporter, said she and other proponents will meet with Obama on July 8 to ask his backing for a renewal "in the early days of July."^d It appears a majority of members in both chambers would support renewal. Sixty-five senators voted against killing an Ex-Im reauthorization amendment to the defense policy bill — a proposal that was later withdrawn. More than 240 House members are co-sponsors of at least one of two renewal bills, though substantial differences remain, particularly over provisions to remove the administration's restrictions on financing for coal projects.^e Still, Rep. Jim Jordan, who criticizes the bank both for its role in the economy and the fraud investigations some of its employees are facing, is optimistic.^f "Those of us who are opposed to it, we are making progress," the Ohio Republican said in an interview earlier this month. "It looks like **it's likely to go past June 30.** Six months ago, did anyone think that was going to happen?"

***link**

2nc AT Plan Not Must-Pass/Theory

Plan has to be must pass – fiat guarantees passage

Certainty is mandated by topicality – if they don't meet, you should vote against them

Resolved

Burton's Legal Thesaurus 98

William C. Burton, 3rd Edition

Resolved: decisive, deliberate, indomitable, inexorable, **inflexible**, intense, intentional, patient, peremptory, persistent, pertinacious, purposeful, **res judicata**, **resolute**, sedulous, serious

"Should" means "must" and requires immediate legal effect

Summers 94

(Justice – Oklahoma Supreme Court, "Kelsey v. Dollarsaver Food Warehouse of Durant", 1994 OK 123, 11-8,

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13>)

4 The legal question to be resolved by the court is whether the word "should"¹³ in the May 18 order connotes futurity or may be deemed a ruling in praesenti.¹⁴ The answer to this query is not to be divined from rules of grammar;¹⁵ it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.¹⁶

[CONTINUES – TO FOOTNOTE]

¹³ "Should" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, 802 P.2d 813 (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). ¹⁴ In praesenti means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is presently or **immediately effective**, as opposed to something that will or would become effective in the future [*in futuro*]. See Van Wyck v. Knevals, 106 U.S. 360, 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

***impact – growth**

1nc

Ex-Im discourages competition by picking winners – impedes economic growth Rugy 6-18

Veronique de Rugy, PhD and senior research fellow @ the Mercatus Center @ George Mason University, Reason.com, "End the Export-Import Bank,"
<http://reason.com/archives/2015/06/18/expecting-the-export-import-bank-to-expi>

On June 30, the Export-Import Bank of the United States—an agency that mostly extends loans and loan guarantees to large foreign companies to buy U.S. products—will most likely see its charter expire for the first time in 81 years. This state of affairs is nothing short of remarkable, considering that for years, Ex-Im's charter has been reauthorized by Congress without any debates or even formal votes. The change is the result of an intense fight between the people who oppose corporate welfare and those who will support it at any cost. However, it would be a mistake to see this battle against Ex-Im as an end in and of itself. It is not. The battle is better understood in the context of a broader rejection of government-funded privileges for a handful of connected actors. Indeed, everywhere we look, big business is teaming up with big government, and that's causing big problems. People know this, and they're sick of it. **Ex-Im is the epitome of that cronyism** and has a charter that is set to expire, which is why it became such a great target. For instance, in recent years, some 60 percent of the bank's activities have benefited 10 giant U.S. corporations, with 40 percent benefiting one company alone: Boeing. On the foreign side, the cheap loans are extended to giant state-owned companies such as Mexico's petroleum company, Pemex, and the United Arab Emirates' airline, Emirates. When the Ex-Im financing isn't benefiting a state-owned firm, it is often flowing to very successful private firms with plenty of access to capital, such as the loan extended to the richest woman in Australia to finance her iron ore project at the expense of its U.S competitors. These Ex-Im companies may enjoy the perks of cheap financing and artificially inflated profits, but it's not fair for the 98 percent of U.S. exports generated without special treatment from the federal government. That's especially outrageous when the program has taxpayers on the hook for \$140 billion. The Department of Energy's 1705 loan program falls squarely in that category. A few years ago, it received a lot of media and political attention when one of its recipients, a solar company named Solyndra, defaulted on its \$538 million loan guarantee, leaving taxpayers with the tab. The overlooked scandal of the 1705, however, is that—as with the Ex-Im Bank—most of its beneficiaries are green energy projects backed by gigantic companies with plenty of access to capital, such as Goldman Sachs and NRG Energy. But cronyism goes beyond loan guarantees. A 2012 paper by budget analyst Tad DeHaven calculated that subsidies to businesses alone cost taxpayers almost \$100 billion each year. The subsidies flow to air carriers, community developers, fisheries and wineries. There are also billions in subsidies to rich farmers, on top of such things as the bailout of the automobile industry, which ended up costing \$9.26 billion. Whatever form it takes, this cronyism is harmful. As my colleague Matt Mitchell explains, "whatever its guise, government-granted privilege is an extraordinarily destructive force. It misdirects resources, impedes genuine economic progress, breeds corruption, and undermines the legitimacy of both the government and the private sector."

Economic collapse causes extinction

Kerpen 8

Phil, National Review Online, October 29, , Don't Turn Panic Into Depression,
<http://www.cbsnews.com/stories/2008/10/29/opinion/main4555821.shtml>

It's important that we avoid all these policy errors - not just for the sake of our prosperity, but for our survival. The Great Depression, after all, didn't end until the advent of World War II, the most destructive war in the history of the planet. In a world of nuclear and biological weapons and non-state terrorist organizations that breed on poverty and despair, another global economic breakdown of such extended duration would risk armed conflicts on an even greater scale. To be sure, Washington already has stoked the flames of the financial panic. The president and the Treasury secretary did the policy equivalent of yelling fire in a crowded theater when they insisted that Congress immediately pass a bad bailout bill or face financial Armageddon. Members of Congress splintered and voted against the bill before voting for it several days later, showing a lack of conviction that did nothing to reassure markets. Even Alan Greenspan is questioning free markets today, placing our policy fundamentals in even greater jeopardy. But after the elections, all eyes will turn to the new president and Congress in search of reassurance that the fundamentals of our free economy will be supported. That will require the shelving of any talk of trade protectionism, higher taxes, and more restrictive labor markets. The stakes couldn't be any higher.

I/L – Economic Growth

Letting Ex-Im expire is key to growth, innovation, and job creation Rugy and Katz 15

Veronique de Rugy, PhD and senior research fellow @ the Mercatus Center @ George Mason University, Diane Katz, Senior Research Fellow in Regulatory Policy @ the Heritage Foundation, “The Export-Import Bank’s Top Foreign Buyers,” <http://mercatus.org/sites/default/files/DeRugy-Ex-Im-Foreign-Buyers.pdf>

Ex-Im Bank advocates emphasize its importance to small businesses and economic growth. A new analysis of government data reveals that Ex-Im Bank’s top 10 overseas buyers are large corporations that primarily purchase exports from multinational conglomerates. Ex-Im Bank’s small business narrative is challenged by the fact that the buyers receiving the most subsidies are—like the exporters—major corporations. **If lawmakers truly want to nurture** small businesses and **economic growth, they should end** the **Ex-Im Bank favoritism** that undermines domestic companies and focus instead on reducing the tax and regulatory barriers that ~~choke~~ deter investment, innovation, and job creation.

Impact – Growth Good – AT Impact Defense

Nuclear war

Friedberg and Schoenfeld 8

Aaron, Prof. Politics. And IR @ Princeton's Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, "The Dangers of a Diminished America" <http://online.wsj.com/article/SB122455074012352571.html>

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

Growth controls conflict escalation – solves aff impacts

Griswold 7 Griswold, Trade Policy Studies @ Cato, 4/20/7,

(Daniel, Trade, Democracy and Peace, <http://www.freetrade.org/node/681>)

A second and even more potent way that trade has promoted peace is by promoting more economic integration. As national economies become more intertwined with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war.

Statistical studies go neg

Royal 10

Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, "Economic Integration, Economic Signaling and the Problem of Economic Crises," in *Economics of War and Peace: Economic, Legal and Political Perspectives*, ed. Goldsmith and Brauer, p. 213-214

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as **economic crises could usher in a redistribution of relative power** (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, **if the expectations of future trade decline**, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the **trigger** for **decreased trade expectations** either on its own or because it triggers protectionist moves by interdependent states.⁴ Third, **others have considered the link between economic decline and external armed conflict at a national level**. **Blomberg and Hess** (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the **presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other**. (Blomberg & Hess, 2002, p. 89) **Economic decline has also been linked with an increase in the likelihood of terrorism** (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that **the tendency towards diversionary tactics are greater for democratic states** than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas **political science scholarship links economic**

decline with external conflict at systemic, dyadic and national levels.⁵ This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Impact – Turns Democracy

Decline turns democracy

Friedman 5 – Professor of Economics @ Harvard

Ben, professor of economics at Harvard, Meltdown: A Case Study,
<http://www.theatlantic.com/doc/200507/friedman>

Not just in America but in the other Western democracies, too, history is replete with instances in which a turn away from openness and tolerance, often accompanied by a weakening of democratic institutions, has followed economic stagnation. The most familiar example is the rise of Nazism in Germany, following that country's economic chaos in the 1920s and then the onset of worldwide depression in the early 1930s. But in Britain such nasty episodes as the repression of the suffragette movement under Asquith, the breaking of Lloyd George's promises to the returning World War I veterans, and the bloody Fascist riots in London's East End all occurred under severe economic distress. So did the ascension of the extremist Boulangist movement in late-nineteenth-century France, and the Action Française movement after World War I. Conversely, in both America and Europe fairness and tolerance have increased, and democratic institutions have strengthened, mostly when the average citizen's standard of living has been rising. The reason is not hard to understand. When their living standards are rising, people do not view themselves, their fellow citizens, and their society as a whole the way they do when those standards are stagnant or falling. They are more trusting, more inclusive, and more open to change when they view their future prospects and their children's with confidence rather than anxiety or fear. Economic growth is not merely the enabler of higher consumption; it is in many ways the wellspring from which democracy and civil society flow. We should be fully cognizant of the risks to our values and liberties if that nourishing source runs dry.

Impact – Turns Heg

Decline kills heg – defense spending

Haass 8 – President @ CFR

Richard. President of the Council on Foreign Relations. 11/8/8.
<http://online.wsj.com/article/SB122611110847810599.html>.

Pressures to rein in federal spending are sure to grow. There is little that is easy to cut given the need to meet entitlement obligations, pay interest on the \$10 trillion debt, and bail out states and cities unable to balance their budgets. What's more, there is an emerging consensus on the need for yet another stimulus package. Down the road, ballooning deficits will bring inflation and cause problems for the dollar. It is highly likely then that Congress will want to cut the defense and foreign-aid budgets simply because there are so few other targets available to reduce federal spending. This will limit the availability of tools central to asserting U.S. power and influence abroad.

Impact – Turns Warming

Decline turns warming – green tech investments

Klare 8 – Peace and World Security Studies Professor at Hampshire College

Michael, October 17, "The Crisis and the Environment" Foreign Policy in Focus,
<http://www.commondreams.org/view/2008/10/17-6>

The Downside But there is a downside to all this as well. Most serious is the risk that venture capitalists will refrain from pouring big bucks into innovative energy projects. At an energy forum organized by professional services firm Ernst & Young on October 9, experts warned of a sharp drop-off in alternative energy funding. "The concept of alternative energy has a lot of momentum," says Dan Pickering, head of research for Tudor, Pickering, Holt & Co. Securities in Houston. "But lower oil prices make it harder to justify investment. At \$50 a barrel, a lot of that investment will die." Governments could also have a hard time coming up with the funds to finance alternative energy projects. Moderators at the presidential debates repeatedly asked both John McCain and Barack Obama what programs they would cut in order to finance the massive financial-rescue packages the Bush administration has engineered in order to avert further economic distress. Both insisted that their respective energy initiatives would be spared any such belt-tightening. It is highly likely, however, that costly endeavors of this sort will be scaled back or postponed once the magnitude of the financial rescue effort becomes apparent. The same is true for Europe and Japan, who have also pledged to undertake ambitious energy initiatives in their drive to reduce greenhouse-gas emissions. Indeed, leaders of some European Union countries are calling for a slowdown in efforts to curb emissions of greenhouse gases due to the burgeoning economic crisis. Under a plan adopted by the EU in 2007, member countries pledged to reduce such emissions by 20% below 1990 levels by 2020, which is far more ambitious than the Kyoto Protocol. European leaders are scheduled to implement a detailed plan to achieve this goal by December of this year. But at a rancorous summit meeting of the EU heads of state in mid-October, Prime Minister Silvio Berlusconi of Italy and the leaders of some Eastern European countries indicated that due to the current crisis, they were no longer able to finance the high costs of attaining the 2020 goal and so weren't prepared to adopt a detailed plan. "We don't think this is the moment to push forward on our own like Don Quixote," Berlusconi declared at the summit. "We have time." At some point, the price of gasoline will fall so low that many drivers will once again engage in the wasteful driving habits they may have given up when the price of gas soared over \$3 per gallon. This may not occur right away. But with crude oil at \$70 per barrel, half of what it was in August, a corresponding drop in the price of refined products will eventually follow. And that could lead people to see cheap gasoline as the one bright spot on an otherwise dismal horizon. It's unclear at this point whether the crisis will do more good or more harm for the environment. In the short term, it will certainly slow the increase in carbon dioxide emissions. It will also cause a delay in developing environmentally hazardous projects like Canadian tar sands. But if the crisis also sets back the development of energy alternatives for any significant length of time, it will cancel out any of these positive developments. Many people are waiting and watching what happens in the global financial markets. Likewise, the verdict is still out on the ultimate impact of the crisis on the environment.

Impact – Turns Terrorism

Decline causes terrorism

Thomas 8 – Professor of Economics

John Thomas, Professor of Economics, January 18 2008, Becker-Posner Blog, Accessed April 8 2008, http://www.becker-posner-blog.com/archives/2008/01/terrorism_and_e.html

However lack of economic growth also helps terrorism. To manage in the modern world, every country requires an intellectual class, and without sufficient economic growth this intellectual class is often idle or their partially educated children are idle and likely somewhat unemployed, and thus ripe for radicalism. Also, lack of economic growth tends to support the idea that the nation has fallen behind as a great power. People always like to feel like their part of a great power and economic growth makes people feel like if they are not part of a great power they are becoming part of one. Much of the discontent in the Muslim world is from the idea that the Muslim world has fallen behind the West and thus it must become a great power by any means necessarily.

*****impact – competitiveness**

I/L – Competitiveness

The bank only picks losers—they are responsible for multiple epic fails like Enron and Solyndra—this destroys competitiveness and growth **Williams 13**

David, October 24, “Ending Ex-Im Bank Should Be Top Priority For Both Parties,”
<http://townhall.com/columnists/davidwilliams/2013/10/24/ending-exim-bank-should-be-top-priority-for-both-parties-n1730923/page/full>

While there are certainly more pressing issues at hand, like the debt ceiling and another budget showdown, Congress must address the future of the Ex-Im Bank. And unlike the debt ceiling and potential shutdown, there is a reasonable amount of room for both sides to come together concerning the Bank, considering Republicans have consistently opposed it, Democrats have recently begun to express reservations about its actions and President Obama himself once called it “little more than a fund for corporate welfare.” The fact that the Ex-Im Bank was willing to get involved with companies such as these should raise alarms, but the fact that the federal agency has a record rife with similar mistakes is what should push Americans to call on our elected officials to wind-down this corporate welfare program. The Export-Import Bank is a federal government agency that is authorized by Congress and the loans are backed by the American taxpayer. One might think that such an agency would be somewhat risk-adverse considering that the Bank is operating on behalf of the American public, but **when it comes to investing in questionable energy companies the Ex-Im Bank has a lengthy rap sheet that includes providing financial backing to companies such as Enron and Solyndra.** The Bank has been often been referred to as a reverse Robin Hood, distributing wealth to large companies that use their influence and lobbyists to secure favorable financial packages. This practice is not only unfair, but it is also a **danger to our free market economy.** The Bank effectively gives the U.S. government the power to intrude into free markets and unilaterally provide companies with monetary advantages over their competitors. This aids bad companies, such as Enron, and Solyndra, and often has damaging unintended consequences on healthy American employers. Take, for example, Boeing, which receives the lion’s share of Ex-Im’s loans. This successful American company has been the benefactor of much of Ex-Im’s largesse, sometimes receiving more than \$12 billion a year. And while this is fantastic for Boeing and its shareholders, **these loans wreak havoc** on the entire American airline industry and its workers. Due to its charter, the Export-Import Bank has traditionally only financed deals that allow foreign companies to purchase goods from American manufacturers, in an effort to promote trade with entities outside the United States. This has excluded American carriers from receiving the same low-interest loans and favorable terms that are often given to their foreign competitors by the Ex-Im Bank. This puts the entire American airline industry at a relative disadvantage, and over the long-term, foreign airlines save millions, while American carriers are left in the dark. This disadvantage has caused the American airline industry to reportedly lose as many as 7,500 jobs and hundreds of millions of dollars in potential revenue. Given that Ex-Im is having a disastrous impact on American economic growth, in addition to a track record of assisting failed companies such as Abound Solar, Congress should scrap its charter altogether. There aren’t many issues

that Democrats and Republicans agree on, so let's move forward with the one that they do agree on, shutting down the Ex-Im Bank.

Ex-Im loan guarantees destroy competitiveness and distort markets

Katz 14

Diane Katz is Research Fellow for Regulatory Policy in the Thomas A. Roe Institute for Economic Policy Studies at The Heritage Foundation, April 11, 2014, The Heritage Foundation, "U.S. Export-Import Bank: Corporate Welfare on the Backs of Taxpayers"
<http://www.heritage.org/research/reports/2014/04/us-exportimport-bank-corporate-welfare-on-the-backs-of-taxpayers>

Congress will soon debate the fate of the U.S. Export-Import Bank (Ex-Im), which doles out financing to favored corporations and credit to foreign governments. Proponents claim that such taxpayer bankrolling creates jobs and fills "gaps" in private financing.[1] In fact, the bank is a conduit for corporate welfare beset by unreliable risk management, inefficiency, and cronyism. Terminating the bank's charter should be an easy call for lawmakers. Even Barack Obama, as a presidential candidate, endorsed its end.[2] With strong growth in privately financed exports, there is no justification for maintaining this Depression-era relic. The New Deal Ex-Im was incorporated in 1934 by President Franklin D. Roosevelt to finance trade with the Soviet Union. Congress later constituted the bank as an independent agency under the Export-Import Bank Act of 1945. Its authorization, last extended in 2012, will expire on September 30 unless reauthorized. The bank provides loans and loan guarantees as well as capital and credit insurance to "facilitate" U.S. exports. The financing is backed by the "full faith and credit" of the U.S. government, which means taxpayers are on the hook for losses that bank reserves fail to cover. Weaknesses in Governance Supporters say the bank carefully manages risk; its charter allows loans only to enterprises that demonstrate "a reasonable assurance of repayment." However, the latest report to Congress by Ex-Im's inspector general (IG) hardly inspires confidence, noting insufficient policies to prevent waste, fraud, and abuse. According to the IG, the bank also exhibits "weaknesses in governance and internal controls for business operations." [3] In another review, the Government Accountability Office reported that the bank appears to be relying on inappropriate risk modeling that could produce inaccurate estimates of both subsidy costs and potential losses.[4] These findings are not surprising. Ex-Im officials are not putting their own money at risk and thus have less of a stake in the outcome. It is an inevitable aspect of government intrusion into the finances of private enterprise. Such operational shortcomings have worsened as the number and value of bank transactions have increased.[5] In FY 2013, the bank authorized financing totaling \$27.3 billion—a 28 percent increase from 2009—including \$636 million for China and \$630 million for Russia. Taxpayers' exposure now totals nearly \$134 billion. However, the IG suggests that sloppy record-keeping has obscured the actual amount of outstanding commitments, which likely exceed the \$140 billion cap set by Congress. Working the Numbers Bank officials and advocates emphasize that Ex-Im financing creates jobs. In fact, the bank does not count actual jobs related to its projects but simply extrapolates numbers based on national data. This formula does not distinguish among full-time, part-time, and seasonal jobs. It also assumes that average employment trends apply to Ex-Im clients (who may not be typical). Most important, the bank does not account for what would occur in the absence of the subsidies. Ex-Im officials assume that the economic activity they subsidize would not occur absent bank financing. That is an absurd notion, but it is prevalent among bureaucrats who cannot fathom that business actually functions without

them. In some cases, Ex-Im financing actually puts U.S. workers at a disadvantage by providing overseas companies with billions of dollars in financing at favorable rates. Delta Airlines and the Airline Pilots Association, for example, filed a legal challenge last year against the bank for providing financing to five foreign airlines[6] for the purchase of Boeing aircraft. According to the lawsuit: The bank's aggressive approach to aircraft financing allows foreign airlines to borrow at much cheaper rates than they could in the private market. Cheaper financing, in turn, leads to competitive advantages for foreign airlines...shifts industry growth abroad, and puts downward pressure on American production and employment.[7] Whether well-intentioned or otherwise, **government interference distorts the competitive landscape, with winners and losers determined by political considerations rather than the merit of their products and services.** On Automatic Pilot Multinational corporations attract the largest proportion of Ex-Im financing, including the construction and engineering firm of Bechtel, ranked by Forbes as the fourth-largest privately held company by revenue, and Lockheed Martin, valued in excess of \$50 billion. But the bank's foremost beneficiary is Boeing, the world's largest aerospace company (with a market capitalization exceeding \$91 billion). In the past five years, the company has profited from 197 Ex-Im deals totaling \$48 billion. Last year alone, Boeing-related financing comprised 30 percent of all Ex-Im activity. These and the other deals with titans of industry belie claims that the bank is necessary to fill "gaps" in financing—that is, bankrolling deals that supposedly pose too much political or economic risk to garner private capital. In fact, U.S. exports hit a record-high \$2.2 trillion in 2013, up from \$1.4 trillion five years ago, reflecting no shortage of private export capital.[8] In decades past, political and economic turmoil around the world did present export risks, but global trade is now firmly entrenched. If the bank were stepping in where private investors fear to tread, a larger proportion of its financing would be directed to Africa and Latin America, where risks are greatest. Instead, bank authorizations last year were concentrated in Asia (\$9.7 billion), followed by Europe (\$5.7 billion) and North America (\$3.4 billion). In contrast, Latin America has received \$2.9 billion and Africa a measly \$600 million.[9] To the extent Ex-Im does finance deals that the private sector supposedly snubs, taxpayers are justified in questioning whether they should be saddled with risk that private investors deem unacceptable. It is also difficult to reconcile bank officials' assertions that they alone assist higher-risk exporters but still manage to offer competitive rates and generate profits. On the Level? Advocates also claim that the bank is necessary to create a "level playing field" vis-à-vis government subsidies to foreign firms, but only 2.2 percent of all U.S. exports last year received Ex-Im financing, which means that 98 percent of American exporters are competing without the bank's intervention. Nor is the playing field leveled for the domestic firms that do not receive special treatment. Rather than recommit to the government's risky and inefficient finance scheme, lawmakers should focus on reducing tax and regulatory barriers to exports. For example, the flood of Dodd-Frank regulations is likely to constrain private-sector credit, while the costs of Obamacare weigh heavily on U.S. firms. In fact, regulatory costs have increased by nearly \$73 billion a year under the Obama Administration.[10] An Easy Call Ex-Im advocates offer myriad excuses for maintaining government interference in export financing, including job creation, gaps in private investment, and government subsidies lavished on foreign firms. Such justifications do not stand up to the facts, and the purported benefits, if any, are not commensurate with the risk to taxpayers.

More evidence – kills competitiveness

Murray 12

Iain Murray is Vice-President for Strategy at the Competitive Enterprise Institute, 3.21.12, The American Spectator, "THE EXPORT-IMPORT BANK SHOULD BE AN EX-BANK" <http://spectator.org/articles/35842/export-import-bank-should-be-ex-bank>

Among the nation's failing financial institutions the Export-Import Bank has received little notice. Now, however, the House and Senate are considering whether to reauthorize the bank. They should not. It was a bad idea to begin with, and the market is currently developing better ways to meet its stated goals without putting taxpayer money at risk. It is time to do away with this outdated mercantilist institution. Why do we have a bank to subsidize exports at all? This stems from a fundamental economic misunderstanding -- that exports are good and imports are bad. In fact, both are beneficial to an economy. Essentially we export goods to pay for the goods we import. If we are wealthy enough to pay for the goods we import without exporting, we are still better off. When we subsidize exports, we are paying to export things with money we could be using to import more things we actually want. To be competitive, imports need to be more affordable than home-grown goods. Therefore, imports lead to savings. That means that we free up wealth to use elsewhere in the economy, which is why the idea that we should subsidize exports to provide jobs is also a myth. There is no economic case for the Export-Import Bank. Yet its supporters claim that it is solving a case of market failure by providing taxpayer money for risky ventures that are unable to attract conventional funding. Unfortunately for this line of argument, the Ex-Im Bank has a dual mandate -- to subsidize these ventures but also to lend money only when there is a reasonable chance of repayment. It is difficult to square that particular circle. If something has a reasonable chance of repayment, private sector funding should be available for it. If something is too risky for conventional funding, that is what venture capital is for. Using taxpayers' money to finance the venture is the worst possible choice. As former Obama adviser Larry Summers acknowledged in comments about the Solyndra boondoggle, government makes a terrible venture capitalist (though he put it somewhat more crudely).

I/L – Competitiveness – AT China Markets

Reauthorization won't cause U.S. companies to lose new markets to China – best literature proves

Rugy 6-4

Veronique De Rugy, PhD and senior research fellow @ the Mercatus Center @ George Mason University, National Review, “Ex-Im Is Supposed to Help Us Compete against Chinese Companies, But It Also Helps Chinese Companies to the Tune of Billions,” <http://www.nationalreview.com/corner/419322/ex-im-bank-export-subsidies-wanted?target=author&tid=900102>

Export-Import Bank defenders often argue that the U.S. government must subsidize foreign companies because we need to fight back against competition from China. I wouldn't be surprised if the argument came up today at the Senate's hearing on Ex-Im. In particular, the argument goes, we have to subsidize our own exports because the Chinese government does too, through the Export-Import Bank of China. But this assumes, for one, export subsidies are good for the country extending them. **The academic literature is pretty clear that this assumption is incorrect.** Heritage economist Salim Furth reviewed the literature last year; here's how he summarized his findings: However, ample research by academic economists found that in most cases, export subsidies reduce the total income of the country paying the subsidies. In all cases, export subsidies reduce global income, and benefits accrue only to those who are subsidized—at the expense of other exporters and taxpayers. Most of the arguments in favor of the Export-Import Bank recast the bank as having a primary function other than providing export subsidies—such as small-business lending or global diplomacy. But theory and practical reality both show that the bank does not, and should not, engage in other activities. **Since the bank's main function is harmful to the U.S. economy,** and it is not designed to carry out other functions, **its charter should not be renewed.** Over at the Cato Institute, K. William Watson has a great piece making the case that unilateral disarmament isn't even really a thing. A tidbit: Claiming that the United States should pursue any economic policy on the grounds that China is doing it strikes me as bordering on insanity absurdity. Market intervention by the Chinese government has resulted in large-scale misallocation and is a serious liability for the stability of the Chinese economy. It's true that Chinese subsidies to domestic industries reduce opportunities for U.S. businesses, and it's perfectly alright for the U.S. government to condemn those policies. But should we really seek to emulate them? Competitive metaphors about trade are generally bad, and martial ones are especially unhelpful. The United States is simply not engaged in a metaphorical war with its trading partners. Thinking of trade as a contest inevitably leads to bad policy by giving governments an excuse to intervene in the market for the benefit of crony constituencies. The fact that some U.S. businesses would make more money if foreign governments pursued better policies is not a legitimate excuse to intervene in the market on their behalf. But just as important, Chinese companies and – believe it or not — China's export credit agency also happen to be beneficiaries of Ex-Im financing:

Impact – Competitiveness Turns Heg

Declining innovation empirically causes hegemonic transition and great power war --- outweighs the aff

Drezner 2001 Daniel Drezner (professor of international politics at The Fletcher School of Law and Diplomacy at Tufts University) 2001 “State structure, technological leadership and the maintenance of hegemony” <http://www.danieldrezner.com/research/tech.pdf>

In this decade, proponents of globalization argue that because information and capital are mobile, the location of innovation has been rendered unimportant.⁶ While this notion has some popular appeal, the globalization thesis lacks theoretical or empirical support.

Theoretically, even in a world of perfect information and perfect capital mobility, economists have shown that the location of technological innovation matters.⁷ Empirically, the claims of globalization proponents have been far-fetched. Capital is not perfectly mobile, and increased economic exchange does not lead to a seamless transfer of technology from one country to another.⁸ The location of innovation still matters. Long-cycle theorists have paid the most attention to the link between technological innovation, economic growth, and the rise and fall of hegemons.⁹ They argue that the past five hundred years of the global political economy can be explained by the waxing and waning of hegemonic powers. Countries acquire hegemonic status because they are the first to develop a cluster of technologies in leading sectors. These innovations generate spillover effects to the rest of the lead economy, and then to the global economy. Over time, these ‘technological hegemons’ fail to maintain the rate of innovations, leading to a period of strife until a new hegemonic power is found.

Impact – Competitiveness Turns Heg/Econ

Competitiveness is vital to U.S. hegemony and the economy

Segal, 4 – Senior Fellow in China Studies at the Council on Foreign Relations

(Adam, Foreign Affairs, “Is America Losing Its Edge?” November / December 2004, <http://www.foreignaffairs.org/20041101facomment83601/adam-segal/is-america-losing-its-edge.html>)

The **U**_{nited} **S**_{tates}' global primacy **depends in large part** on its ability to develop new technologies and industries faster than anyone else. For the last five decades, **U.S. scientific innovation and technological entrepreneurship have ensured the country's economic prosperity and military power**. It was Americans who invented and commercialized the semiconductor, the personal computer, and the Internet; other countries merely followed the U.S. lead.

Today, however, **this technological edge-so long taken for granted-may be slipping, and the most serious challenge is coming from Asia.** Through competitive tax policies, increased investment in research and development (R&D), and preferential policies for science and technology (S&T) personnel, Asian governments are improving the quality of their science and ensuring the exploitation of future innovations. The percentage of patents issued to and science journal articles published by scientists in China, Singapore, South Korea, and Taiwan is rising. Indian companies are quickly becoming the second-largest producers of application services in the world, developing, supplying, and managing database and other types of software for clients around the world. South Korea has rapidly eaten away at the U.S. advantage in the manufacture of computer chips and telecommunications software. And even China has made impressive gains in advanced technologies such as lasers, biotechnology, and advanced materials used in semiconductors, aerospace, and many other types of manufacturing.

Although the United States' technical dominance remains solid, the globalization of research and development is exerting considerable pressures on the American system. Indeed, as the United States is learning, globalization cuts both ways: it is both a potent catalyst of U.S. technological innovation and a significant threat to it. **The **U**_{nited} **S**_{tates} will never be able to prevent rivals from developing new technologies; it **can remain dominant only by continuing to innovate faster than everyone else.** But this won't be easy; **to keep its privileged position in the world, the **U**_{nited} **S**_{tates} **must get better at fostering technological entrepreneurship at home.******

Impact – Competitiveness Turns Warming

Turns warming – key to renewables transition

Schelmetic 12

Tracey Schelmetic, 8-21-12, Thomas Net, Do Tariffs on Chinese Solar Panels Help or Hurt the U.S. Solar Industry?, http://news.thomasnet.com/green_clean/2012/08/21/do-tariffs-on-chinese-solar-panels-help-or-hurt-the-u-s-solar-industry/

If the goal is to create a global energy system that is largely carbon free, continual dependence on subsidies, whether domestic and legitimate or foreign and mercantilist, is not the way.

Driving innovation is. Matthew Stepp, one of the authors of the report, told Ars Technica that it is important for the U.S. to create an effective solar market policy because it could well serve as the foundation for future policies for next-generation renewable

energy technologies. "For the U.S. to out-innovate, it must still prosecute green mercantilist policies," Stepp said. "China is dominating first-generation silicon-based solar PV. But the U.S. has been a leader in second-generation thin-film solar technologies and is currently investing significantly in third- and fourth-generation solar designs that use nanotechnologies. What's to stop China from simply doing what it's doing now in first-generation solar to next-generation solar ... and unfairly subsidize and export dump their way to market dominance?" Clifton Yin, a clean energy policy analyst at the Information Technology and Innovation Foundation (ITIF), expressed optimism for the U.S. solar industry. He said the Obama administration's tariffs will work to the U.S.'s advantage. "The tariffs are meant not only to level the solar market playing field for U.S. manufacturers, but also to discourage unfair Chinese trade practices and hopefully serve as a wake-up call for Chinese policymakers," Yin said. "However, even in the absence of the Chinese government changing policies, there is a lot that U.S. solar panel manufacturers can do.

There needs to be a renewed focus on research and development and innovation to develop solar products that are much more cost and performance effective. Ultimately, they're not only competing with cheap Chinese panels, but also cheap fossil fuels everywhere," he added. "The ultimate goal, Yin said, should be spurring cost reductions and performance improvements such that solar is competitive with fossil fuels without relying on subsidies.

Picking winners inhibits the technological innovation necessary to solve warming

EnergyWashington Week, 08 ("DOE Science Chief Eyes Energy Policy Focused On Breakthrough R&D," 7/2, lexis)

DOE's science chief says "breakthrough" scientific research is the key to solving current energy woes -- including the food-versus-fuel crisis, carbon capture and sequestration, nuclear power, electricity storage and the material difficulties inherent in using hydrogen as a low carbon fuel. The official discussed the direction of the Office of Science while testifying June 25 before the Senate Energy and Natural Resources Committee on the future development of energy technologies in a carbon constrained world. DOE's Office of Science chief Dr. Raymond Orbach, saying that the era of incremental advancements on energy is over, argued that refocusing DOE toward fundamental breakthroughs should be the priority. His testimony hints at the recent food-versus-fuel debate playing a role in the shift, together with high fuel prices and the move toward new CO2 emissions controls. In recent years, detractors of the Bush administration's energy policy have criticized funding reductions for basic science research in favor of big ticket R&D efforts such as the president's hydrogen fuel cell initiative. Now with the Bush presidency coming to a close, and the administration backtracking on fuel cells, Orbach's push for "basic science" breakthroughs could become a prominent feature of a new energy policy. Issues surrounding the nation's increased focus and use of ethanol and biofuels are at the center of this basic science shift, driven in part by the recent food-versus-fuel debacle being played out on

global grain commodity exchanges. Orbach wants to see breakthroughs in the development of advanced biofuels derived from cellulose and other sources meeting a third of the U.S.'s transportation needs without competing with fuel, feed or export demands. The increased demand for corn-based ethanol, the meat industry has argued, has driven up the price of feed, while also driving up prices for wheat and rice. Many argue that the consequences of increased food costs due in part to biofuels production were not discussed in the move to establish renewable fuels mandates in both the 2005 and 2007 energy laws.¶ "Imagine a sustainable, carbon-neutral biofuels economy capable of meeting a third of U.S. transportation fuel needs without competing with fuel, feed, and export demands," he said. "Unfortunately, our current means of converting cellulose, or plant fiber, to fuel is neither efficient nor cost effective." But it is Orbach's position that this should impel the cause of basic science research to make the breakthroughs that crack the cellulose barrier and deliver on the potential of biofuels.¶ "Incremental improvements in our current technologies will not be enough to meet this challenge [of increased energy demand and CO2 emissions mitigation]," said Orbach in prepared remarks. "We will need transformational breakthroughs in basic science to provide the foundation for truly disruptive technologies that will fundamentally change the rules of the game. This applies to renewables, nuclear, and CO2 capture and storage as well as to promising technologies like fusion that are farther off."¶ Recently, DOE's Assistant Secretary of Energy Efficiency and Renewable Energy Andy Karsner said that the hydrogen initiative, for example, was too narrowly focused, and that the next administration should take pains to construct an energy policy to be more inclusive of a variety of technologies. The policy should focus more on balance and the goals of the technology than trying to "pick a winner" (or, one technology type). This would correspond with Orbach's push for a more wide-ranging policy that promotes the ability of basic science research to cascade across a variety of areas toward a breakthrough.

Technological innovation is the only way to solve warming

Newell and Wilson, 05 - * Senior Fellow at Resources for the Future AND **economist with the Energy Information Administration (Richard and Nathan, "Technology Prizes for Climate Change Mitigation," June, <http://www.rff.org/documents/RFF-DP-05-33.pdf>)

Ninety percent of the energy consumed globally comes from fossil fuels, whose combustion generates the bulk of the greenhouse gases (GHG) that are linked to global climate change. In response to growing concern about the potential damages from climate change, many of the world's governments, including the government of the United States, have agreed on the goal of stabilizing GHG concentrations. If stabilization is to be accomplished without drastically reducing energy consumption, the world needs a new energy system capable of meeting demand, but with close to zero net emissions. The adoption of such an energy system is conditional on the development of new technologies. At present, the most commonly cited technology options for reducing GHG emissions are increased energy efficiency, renewable energy sources, advanced nuclear generation, and carbon capture and storage.

***at impact turns**

AT Econ Turn

Reauthorization is worse for growth – outweighs the turn

Luddy 5-28

Robert, founder and CEO of Captive Aire Systems, USA Today, "Crony capitalism only Boeing could love: Column," <http://www.usatoday.com/story/opinion/2015/05/28/export-import-bank-congress-commerce-column/27975647/>

The weight of evidence is on their side. The claims made by the bank's backers and beneficiaries frequently don't add up. One example in particular stands out: the bank's insistence that it primarily serves small businesses. This is perhaps its favorite talking point, if Ex-Im's annual reports are any indication. Put aside, if you can, that Ex-Im defines a small business as having up to 1,500 employees or \$21 million in annual revenues, depending on the industry. That may count as a small business in Washington, D.C., but you'd be hard-pressed to find anyone in my home town of Raleigh, N.C. who'd agree. A look at the bank's own data raises additional problems. In 2014, small businesses received only a quarter of Ex-Im's money. In 2013, they received less than a fifth. And according to a news report last year, the bank also potentially mischaracterized hundreds of big businesses as small ones, including firms owned by Warren Buffett and Carlos Slim Helu, the second and third richest individuals in the world. The real beneficiaries are major companies across the globe. In 2013, nearly two-thirds of the bank's assistance benefited only ten companies — and nearly one-third benefited only one company, Boeing. These same companies are now donating to politicians and hiring lobbyists in an effort to keep Ex-Im's doors open. As for the bank's foreign beneficiaries, a staggering number are state-owned, from Russia to China to Saudi Arabia to other countries around the globe. Strangely, America's Export-Import Bank even sends our taxpayer dollars to its counterpart in China. So much for "small business." This is hardly the only area in which the bank's claims don't match up with reality — see the argument that it makes money for taxpayers. While the bank contributed \$1.6 billion to the federal treasury between 2007 and 2012, this wasn't always the case. Ex-Im failed to turn a profit at any point between 1982 and 1995. In 1991, its total accumulated deficit was some \$6.2 billion. The Congressional Budget Office now projects that the bank will likely return to the red in the next decade, during which time it could lose some \$2 billion. Considering that the bank's portfolio has grown by 92% from 2008 to 2014 — from \$58.4 billion to \$112 billion — it isn't difficult to see how Ex-Im's cost to taxpayers could quickly increase in our unpredictable global economy. Also at play are the bank's internal failings, which other government agencies have frequently noted. Its own inspector general stated in 2012 that Ex-Im "lacks a systematic approach to identify, measure, price, and reserve for its portfolio risk." This shouldn't fill American taxpayers with confidence. Nor should we be confident that Ex-Im "supports jobs," another common claim. When the bank sends taxpayers' hard-earned money overseas, it often helps one company at the expense of another. Take the bank's role in financing the sale of commercial airliners to international customers — the bank's biggest function in terms of dollars spent. Yes, this benefits domestic manufacturers, but it simultaneously harms domestic airlines. The Air Line Pilots Association has estimated that Ex-Im's support for just two airlines — Emirates and Air India — eliminated some 7,500 American jobs. Whether it's airlines, mining, or any other industry in which Ex-Im is involved, the global

economy is simply too complex for the bank to accurately claim that it helps the U.S. job market.
No wonder the Export-Import Bank has become a major political issue in recent years. It encourages the sort of government-sponsored cronyism that only lobbyists and their clients could love — and that the rest of us see and despise. If Americans are ever going to stop believing that government and big business work together at rest of the country's expense, then Washington needs to eliminate the places where such collusion occurs. They can start this summer by letting the Export-Import Bank expire.

Export/Import Bank DA Michigan 7

1nc ex-im bank

Despite setbacks in the House, the Senate will push towards reauthorization of the Export-Import bank

Laing 7/28 [Keith, The Hill, "Senate pressing ahead with long-term highway funding bill," <http://thehill.com/policy/transportation/249428-senate-pressing-ahead-with-long-term-highway-bill>] //khirn

The Senate is pressing ahead on Tuesday with its effort to pass a long-term extension of federal highway bill that is set to expire on Friday, despite staunch objections from the House.

Lawmakers in the House are planning to vote Wednesday on a temporary three-month transportation extension and then leave town in an effort to force the Senate to accept its version of the must-pass highway bill.

Senate Majority Leader Mitch McConnell (R-Ky.) said his chamber will continue to try to drive its long-term highway bill over the finish line this week.

"The Senate continues to move closer and closer to passage of bipartisan, multi-year highway bill," he said at the start of Tuesday's Senate session.

"Success was never assured at the beginning of this process, it wasn't assured even yesterday," McConnell continued. "We're not done yet, but the important thing is that the Senate is now on the verge of passing a multi-year highway bill."

Lawmakers are facing a Friday deadline for renewing federal road funding. The House and Senate are gridlocked on the length of a possible extension, imperiling infrastructure spending at the height of the busy summer construction season.

Lawmakers in the House balked at the Senate's multiyear proposal, and the lower chamber is planning to vote on a bill that would extend transportation funding until Oct. 29 and leave town to jam the Senate into dropping its longer proposal.

McConnell did not address the House's plans on Tuesday, but he made the case for his chamber's longer proposal.

"The legislation we advanced again last night is fiscally responsible, it won't raise taxes by a penny and it will give state and local governments the kind of stability they need to plan longer-term projects for American roads and bridges," he said.

"The bottom line is this," McConnell continued. "If Republicans and Democrats resolve to keep working hard for the American people, we'll get this done."

Other Republican leaders predicted that the House would have no choice but to accept the Senate's multiyear highway bill to prevent an interruption in the nation's transportation funding if the upper chamber can pass it before the chamber goes home this week.

"My feeling is this...one of the reasons that I think statements have been made over there is that they never believed we're going to be able to get passed a six-year highway reauthorization bill over here," said Sen. Jim Inhofe (R-Okla.), who is chairman of the Senate Environment and Public Works Committee.

Inhofe said he hoped the Senate would be able to speed up the procedural clock to pass the long-term highway bill before Wednesday to "allow the House to look at it and perhaps come up with a better judgment than they've expressed thus far."

"There is time to do this, and I'm personally going to make every effort," he said.

Democrats in the Senate also sharply criticized Republican leaders in the House for planning to leave town for the traditional August early to avoid taking up the Senate's multi-year highway bill.

"Is it even August?" Sen. Sheldon Whitehouse (D-R.I.) asked. "Isn't it July 28th today?"

The squabbling between the chambers has threatened to imperil the nation's infrastructure spending.

The House moved first to pass an \$8 billion patch earlier this month that would have extended transportation funding until Dec. 18 **in an effort to preempt Senate efforts to add a renewal of the controversial Ex-Im Bank to the must-pass highway bill.**

Surveillance reform is unpopular

Diamond 6/2 Jeremy Diamond, reporter for CNN politics, "NSA surveillance bill passes after weeks-long showdown," 6/2/2015, *CNN*, <http://www.cnn.com/2015/06/02/politics/senate-usa-freedom-act-vote-patriot-act-nsa///RA>

Washington (CNN)The National Security Agency lost its authority to collect the phone records of millions of Americans, thanks to a new reform measure Congress passed on Tuesday. President Barack Obama signed the bill into law on Tuesday evening. It is the first piece of legislation to reform post 9/11 surveillance measures. "It's historical," said Sen. Patrick Leahy, D-Vermont, one of the leading architects of the reform efforts. "It's the first major overhaul of government surveillance in decades." The weeks-long buildup to the final vote was full of drama. Kentucky Sen. Rand Paul assailed the NSA in a 10-hour speech that roused civil libertarians around the country. He opposed both renewing the post 9/11-Patriot Act and the compromise measure -- that eventually passed -- known as the USA Freedom Act. Meanwhile, Senate Majority Leader Mitch McConnell, and defense hawks such as Sens. John McCain and Lindsey Graham, had hoped to extend the more expansive Patriot Act, arguing it was essential for national security. NSA spying: Has the government lost important tool? NSA spying: Has the government lost important tool? 02:40 PLAY VIDEO RELATED: Are post 9/11 politics shifting? The Republican infighting broke out during two weeks of debate on Capitol Hill and on the presidential campaign trail. And in part thanks to Paul's objections, certain counterterrorism provisions of the Patriot Act expired late Sunday amid warnings of national security consequences. Obama welcomed the bill's final passage on Tuesday, but took a shot at those who held it up. "After a needless delay and inexcusable lapse in important national security authorities, my administration will work expeditiously to ensure our national security professionals again have the full set of vital tools they need to continue protecting the country," he said in a statement. No that Obama has signed the bill, his administration will get to work getting the bulk metadata collection program back up and running during a six-month transition period to the new data collection system. Senior administration officials described a two-step process: The first is the technical process -- essentially flipping the switches back and coordinating the databases of information stored by the government -- which takes a full day. White House slams Senate over lapse in spy measures White House slams Senate over lapse in spy measures 03:28 PLAY VIDEO RELATED: McConnell refuses to blast Rand Paul The second is a legal process that could take longer. The government needs to make a filing with the special secretive court -- which has authorized the bulk metadata collection program since 2006 -- to verify that the metadata programs are legal under the new law. It's unclear how long the process would take, but one official estimated the process could take three or four days. Final passage of the compromise bill was in question until Tuesday, until the Senate successfully rebuffed with three amendments which could have thrown a wrench into the works. The bill's passage is the culmination of efforts to reform the NSA that blossomed out of NSA leaker Edward Snowden's 2013 revelations. "This is the most important surveillance reform bill since 1978, and its passage is an indication that Americans are no longer willing to give the intelligence agencies a blank check," said Jameel Jaffer, deputy legal director at the American Civil Liberties Union. Congress had failed last year to pass a similar reform effort. The legislation will require the government obtain a targeted warrant to collect phone metadata from telecommunications companies, makes the Foreign Intelligence Surveillance Court (known as the FISA court) which reviews those warrant requests more transparent and reauthorizes Patriot Act provisions that lapsed early Monday. The bill, though, passed over the strong and impassioned objections of security hawks in the Republican Party and from some former members of the intelligence community. But as the June 1 deadline to renew expiring provisions of the Patriot Act closed in, and as NSA reform advocates refused to budge in the face of charges of damaging national security, top Senate Republicans led by Senate Majority Leader Mitch McConnell eventually relented, giving way to pressure from House

Republicans, the Obama administration and reform advocates in their own body. McConnell and others realized that the USA Freedom Act, which passed the House three weeks earlier, was their only ticket to keeping counterterrorism provisions like data collection and roving wiretaps alive. But while McConnell kept up his protest into the final moments leading up to the vote, his fellow Kentucky senator who antagonized his every move to reauthorize provisions of the Patriot Act noticeably avoided the spotlight on Tuesday. Paul's weeks of staunch and unflinching opposition to reauthorizing the Patriot Act, and to the USA Freedom Act for not going far enough, ended Thursday with a simple "No" vote on that bill. He even relented in his plan to offer his own amendments to that piece of legislation and didn't make a prominent speech on the Senate floor on Tuesday. Paul chalked up his efforts as a win, though, succeeding in leading the bulk metadata collection program to its expiration on Sunday night.

Political capital is key

Nelson 7/8 (Colleen McCain, WSJ, 7/8/2015, "Obama Works to Corral Support From Senate Democrats on Several Issues", <http://blogs.wsj.com/washwire/2015/07/08/obama-works-to-coral-support-from-senate-democrats-on-several-issues/>)PG

President Barack Obama huddled with Senate Democrats Tuesday night at the White House for a social get-together that also served as an opportunity to hit the reset button after parting ways on trade legislation. With Iran nuclear negotiations nearing an end and time running short for the president's domestic to-do list, Mr. Obama turned to Democrats on the Hill for help advancing his policy objectives. The most immediate White House priorities include marshaling lawmakers' support for a possible deal to curb Iran's nuclear program, reauthorizing the U.S. Export-Import bank and passing a highway funding measure. Tuesday's meeting came two weeks after the president partnered with Republican congressional leaders to pass a fast-track trade bill amid a messy battle that divided the Democratic Party. With the approval of the trade package, Mr. Obama notched his biggest win to date in this Republican-controlled Congress, but he clashed with many Democrats in the process. Administration officials have dismissed suggestions of any lingering hard feelings, saying that the president and Democratic lawmakers would quickly return to work on shared goals. Still, the gathering in the State Dining Room signaled a concerted outreach effort aimed at ensuring that the president has Senate Democrats in his corner on several key issues. Chief among them is a long-sought nuclear agreement with Iran. While the diplomatic process has extended into overtime and the outcome remains uncertain, any eventual deal will be vetted by Congress. White House Press Secretary Josh Earnest said lawmakers are closely following the nuclear talks, and "the administration is doing the best we can to try to be responsive to that interest and help them understand exactly where things stand." Mr. Obama is working to corral Democratic support for a potential deal as many Republicans express deep reservations about an accord with Iran and some urge the White House to suspend negotiations. Mr. Earnest said the president also is looking to Democratic senators to push for the renewal of the Ex-Im Bank's charter, which lapsed last month. And with the Highway Trust Fund set to expire at the end of July, Mr. Obama is seeking Democrats' help forging a deal to fund an infrastructure package. "Obviously, there is a deadline coming up at the end of this month and we're hopeful that Congress can take action in bipartisan fashion that would reflect the need to make investments in our infrastructure in a way that would not just benefit our infrastructure but also benefit our broader economy in terms of creating jobs and stimulating economic growth," Mr. Earnest said.

It's the lynchpin of the economy – failure to reauthorize decimates growth

Brunell 13 [Don, Bonney Lake Sumner Courier Herald Business Columnist, 3/15/2013, <http://www.blscourierherald.com/business/142408875.html>]

It started in 1935 with a \$3.8 million loan to Cuba for the purchase of U.S. silver ingots. That loan, backed by the U.S. government, was the beginning of the Export-Import Bank. Today, the bank helps finance export sales by thousands of U.S. manufacturers. While it is little-known outside our nation's capital, the Export-Import Bank is a lynchpin of our economy. It

provides direct loans, loan guarantees and insurance to help finance sales of American goods and services overseas. In 2011, the Export-Import Bank provided \$32 billion in financing, supporting more than \$41 billion in export sales from more than 3,600 U.S. companies. More than 85 percent of those transactions directly supported small business. Those exports, in turn, support approximately **290,000 export-related American jobs.** For example, financing from the Export-Import Bank is critical to the success of The Boeing Company. Beleaguered airlines around the world need to replace aging fleets with more fuel efficient jet liners. Boeing is competing with manufacturers in Europe, Canada, Brazil and China to win those contracts, and in that highly competitive environment, financing options are important. **For our manufacturers, the Export-Import Bank is a vital link in U.S. export sales, and it is one government-backed program that is returning money to the U.S. Treasury** – some \$195 million last year and more than \$3.4 billion in the last five years. It operates at no cost to the taxpayer. But there's a glitch. The Export-Import Bank is currently operating under an extension that expires on May 31. Congress must pass legislation to reauthorize the bank for the long term and substantially increase its lending authority. Absent congressional action, it will run out of funding ability, derailing pending sales of U.S. manufactured products and harming manufacturing companies of all sizes.

Nuclear war

Roberts, PhD, 2014 (Paul Craig, PhD in Economics, served in the Reagan Administration, 12/13/2014, "On the Brink of War and Economic Collapse", *GlobalResearch*, <http://www.globalresearch.ca/on-the-brink-of-war-and-economic-collapse/5419685>)/PG

"And so is Russia." As I have often remarked, Americans are an insouciant people. They are simply unaware. Suppose they were aware, suppose that the entire population understood the peril, could anything be done, or have the insouciant Americans fallen under the control of the police state that Washington has created? I don't think there is much hope from the American people. The American people cannot tell genuine from fake leadership, and the ruling private elites will not permit real leaders to emerge. Moreover, there is no organized movement in opposition to the neoconservatives. The hope comes from outside the political system. The hope is that the House of Cards and rigged markets erected by policymakers for the benefit of the One Percent collapses. David Stockman regards this outcome as a highly likely one. The collapse that Stockman sees as being on its way is the same collapse about which I have warned. Moreover, the number of Black Swans which can originate collapse are even more numerous than the ones Stockman correctly identifies. Some financial organizations are worried about a lack of liquidity in the fixed income (bonds) and derivatives markets. Barbara Novack, co-chair of Black Rock, is lobbying hard for a derivatives bailout mechanism. Many will ask: If the wealth of the One Percent is vulnerable to economic collapse, will war be initiated to protect this wealth and to blame the Russians or Chinese for the hardships that engulf the American population? My answer is that the kind of collapse that I expect, and that David Stockman, Nomi Prins, Pam Martens, Dave Kranzler, and no doubt others expect, presents government with such social, political, and economic insecurity that organizing for a major war becomes impossible. Whereas the political impotence of the American people and the vassalage of the Western World impose no constraints on Washington, economic collapse brings revolutions and the demise of the existing order. As hard as collapse would make it for people to survive, the chances for survival are higher than in the event of nuclear war.

2nc uniqueness

Will pass – vote counts

Weisman 7/26 [Jonathan, New York Times, “Senate Resurrection of Export-Import Bank Goes To Divided House,” http://www.nytimes.com/2015/07/27/business/senate-resurrection-of-export-import-bank-goes-to-divided-house.html?_r=0] //khirn

WASHINGTON — In a rare and fiery weekend session, the Senate voted on Sunday to resurrect the federal Export-Import Bank, handing the Republican Party’s most conservative wing a major defeat and setting up a showdown this week with House leaders divided over the moribund export credit agency.

The bipartisan vote, 67 to 26, broke a filibuster and allowed supporters to attach a measure to a three-year highway and infrastructure bill that would reauthorize the Export-Import Bank. That bill is expected to pass the Senate early this week.

The agency’s authorization expired on June 30, halting all new loan guarantees and other assistance to foreign customers seeking to purchase goods from American companies. The agency continues to service existing loans.

A clear majority in the House supports resurrecting the agency, but it will be up to House leaders to decide whether the chamber will get a vote, or whether to allow the bank’s powerful opponents — led by the House majority leader, the majority whip, the Ways and Means Committee chairman and the Financial Services Committee chairman — to stand in the way.

Will pass – business support

Weisman 7/26 [Jonathan, New York Times, “Senate Resurrection of Export-Import Bank Goes To Divided House,” http://www.nytimes.com/2015/07/27/business/senate-resurrection-of-export-import-bank-goes-to-divided-house.html?_r=0] //khirn

But Sunday’s session showed that the U.S. Chamber of Commerce and National Association of Manufacturers still hold some sway in a Republican Party increasingly willing to buck business lobbies.

“With more than 60 export credit agencies enabling our foreign competitors to seize opportunities away from workers, it’s critical that Congress restores this important tool for American exports,” Jay Timmons, the president of the manufacturers’ association, said on Sunday.

The Sunday session to hasten action on the highway bill, called by Senator Mitch McConnell of Kentucky, the majority leader, came as tensions rose between Republican leaders and rank-and-file conservatives, intensified by the presidential candidacies of four Republican senators — Ted Cruz of Texas, Rand Paul of Kentucky, Marco Rubio of Florida and Mr. Graham.

On Friday, after Mr. McConnell scheduled the Ex-Im vote, Mr. Cruz took to the Senate floor to say that Mr. McConnell had assured him that he had made no deal to bring the bank to a vote.

“Not only what he told every Republican senator, but what he told the press over and over and over again was a simple lie,” Mr. Cruz said.

That brought the most senior Senate Republicans to the floor on Sunday to rebuke Mr. Cruz.

"Squabbling and sanctimony may be tolerated on the campaign trail, but not in here," said Senator Orrin G. Hatch of Utah, the most senior Republican. "We are not here on some frolic or to pursue personal ambitions. We are here because the people of the United States have entrusted us with the solemn responsibility to act on their behalf."

"It is a sacred trust in which pettiness or grandstanding should have no part," he added.

Unrepentant, Mr. Cruz responded, "It is entirely consistent with decorum and with the nature of this body traditionally as the world's greatest deliberative body to speak the truth."

The Senate then beat back a novel effort by Mr. Cruz to break Senate legislative rules and force a vote on an amendment he hoped to attach to the highway bill. That amendment would have blocked the lifting of sanctions on Iran — part of a broad deal to curb Iran's nuclear program — until Tehran recognized the State of Israel and released American prisoners from its jails.

On Friday, the lawmaker presiding over the Senate at the time, Shelley Moore Capito of West Virginia, had ruled Mr. Cruz's amendment out of order. He had hoped to get a simple majority to reject that ruling, a "nuclear option" that Senator John Cornyn of Texas, the No. 2 Republican, said would usher in "chaos."

Senator Mike Lee, Republican of Utah, then joined Mr. Cruz, moving to amend the highway bill with a measure to defund Planned Parenthood. When that was ruled out of order, he too asked the Senate to vote to disregard that ruling. Again, most Republicans refused to back him up.

But the rift between conservatives and the Republican leadership has been most acute with respect to the Ex-Im Bank. Conservative groups like Heritage Action, the political arm of the Heritage Foundation, and the Kochs' Freedom Partners saw a chance to deal a blow to President Obama, after losing fights to defund the Affordable Care Act and reverse Mr. Obama's executive orders on immigration.

They hoped that if they could make sure Congress did nothing to save the bank, its future lending operations would go dark this summer.

Their problem has been strong support for the bank by Democrats, coupled with deep divisions among Republicans. On Sunday, 24 Republicans, nearly half the Senate Republican Conference, voted with Democrats to revive the bank. By contrast, opposition to Ex-Im has become almost automatic on the Republican presidential campaign trail.

"A vote against reauthorization is nothing more than a shameless attempt to garner the affection of the Koch brothers," Senator Harry Reid of Nevada, the Democratic leader, said on the Senate floor Sunday. "After all, opposition to the Export-Import Bank is a prerequisite for any Republican running for president."

But in Congress, lawmakers have proved more sensitive to companies in their district that have lobbied hard, saying the demise of the bank would cripple their export business or at least put them at a disadvantage against foreign competitors.

"We are one step closer to keeping American jobs here in America and not lost to countries like China," said Senator Mark Kirk, Republican of Illinois and one of the most endangered incumbents up for re-election next year.

Will pass – Senate support

Miller 7/28 [Kathleen, Bloomberg Politics, July 28, 2015, "Ex-Im Backers Fret Over Future As U.S. House Ignores Bank," <http://www.bloomberg.com/politics/articles/2015-07-28/ex-im-backers-fret-over-its-future-as-u-s-house-ignores-bank>] //khirn

Yet, the Senate voted late Monday night to reauthorize the Export-Import Bank using a series of convoluted parliamentary procedures that blocked opposition and permitted the Export-Import Bank

to bypass the normal law-making procedures. The House had originally planned to leave after handling business on Thursday.

The House wants to fill the wide highway funding hole temporarily – and then head home.

Senate Democrats piled on Mr. McConnell Monday, saying he ignored their plea to **debate the highway bill sooner and avoid these problems**. The Obama administration and some lawmakers in both parties had hoped to find more money to pay for a six-year transportation bill by taxing profits U.S. companies park overseas, and House leaders are pushing their highway bill extension to **buy more time to work on that issue**.

Authority for federal highway aid payments to states will expire at midnight Friday without congressional action.

The House's three-month bill also includes \$3.4 billion to fill a budget hole that the Department of Veteran's Affairs claims would force it to close hospitals and clinics nationwide.

"It's frustrating, but the only thing worse than a short-term extension would be to allow funding to run out, so it's the best we can do right now", said Rep. Carlos Curbelo, R-Fla.

The House decision to move a shorter bill for the plagued Highway Trust Fund, which has experienced 33 small patches since 2009, comes as the Senate is full steam ahead on its own version.

"Squabbling and sanctimony may be tolerated in other venues and perhaps on the campaign trail, but they have no place among colleagues in the United States Senate", said Sen.

The US House will not vote on the Senate's six-year transportation bill and China's economic crisis could cause gold imports to plunge there.

"**The assumption is that it will come back; the Senate will find a way to get Ex-Im over to the House**", Representative Carlos Curbelo, a Florida Republican, said in an interview in the U.S. Capitol. Its charter expired June 30, but Democrats and some Republicans-with the support of Senate Majority Leader Mitch McConnell tried to revive the agency through an amendment to the Senate highway bill.

Democratic Sen. Chuck Schumer of New York is drooling for a deal and pressing Republicans to drop their no new taxes pledge in a bipartisan package.

Will pass – lobbies

Schoffstall 7/23 [Joe, July 23, 2015, "Major Ex-Im Beneficiaries Pour Millions Into Lobbying Efforts for Subsidies," <http://freebeacon.com/issues/major-ex-im-beneficiaries-pour-millions-into-lobbying-efforts-for-subsidies/>]

Two large companies who receive taxpayer-backed financing from the Export-Import bank have **poured millions** into recent lobbying efforts to revive the controversial bank.

The government-owned Ex-Im bank, which provides taxpayer-backed loans to foreign companies for the purchase of American goods, left the companies scrambling to find private funding in place of the subsidies after the expiration of the bank's charter June 30.

Boeing Co. and General Electric, who are the two largest beneficiaries of the bank, increased their lobbying expenditures in recent months as the charter was nearing expiration, according to newly released lobbying disclosure reports.

The disclosure reports show that from April 1 to June 30, aerospace conglomerate Boeing Co. spent \$9.3 million on lobbying efforts—the third highest total of any company or organization during the period—and deployed 20 lobbyists to Capitol Hill in efforts to revive the bank. This was more than twice the amount from the \$3.8 million Boeing spent on lobbying efforts in the first quarter of 2015.

Last year, Boeing received over \$8.1 billion from the Export-Import bank. This figure accounted for over 40 percent of Ex-Im's total authorizations making it by far the bank's largest program. When looking at long-term guarantees, their percentage of the bank's total authorizations skyrockets to 68 percent. Due to these figures, critics often to refer to the Export-Import bank as "Boeing's Bank."

General Electric, another major benefactor from the bank, poured \$8.5 million into their ramped up lobbying push during the second quarter and was the fourth largest lobbying spender from April until late June.

Like Boeing, General Electric has reason for the frantic reauthorization push. General Electric is the second largest benefactor from the Export-Import bank, having received billions from the bank as well.

Will pass in September at the latest

Journal Gazette 7/29 [Fort-Wayne Journal Gazette, "Export-Import Bank bolsters area manufacturing," July 29, 2015, <http://www.journalgazette.net/opinion/editorials/Smart-business-7957864>] //khirn

Reauthorization of the Export-Import Bank used to be a bipartisan cinch. Presidents and congressional leaders from both parties supported it. Founded during the Depression to help U.S. companies compete internationally, the bank is more important than ever in today's global economy. Extending credit to encourage foreign purchasers to buy U.S. goods, the bank even makes a profit: \$6.9 billion in fees, premiums and interest over the last two decades.

In northeast Indiana, the bank supports 19 exporters, including 14 small businesses, representing \$232 million in total export value. Fort Wayne's Master Spas Inc., for instance, has done \$27,686,678 worth of business with the support of the bank. Other Fort Wayne companies include Alliance Winding Equipment Inc., Advanced Machine & Tool Corp. and Rea Magnet Wire Inc.

A spokesperson for Republican 3rd District Rep. Marlin Stutzman says he tried to get the bank to make changes as a member of the House Financial Services Committee. "Unfortunately, the bank under current leadership has repeatedly failed to implement the reforms Congress required as part of the last reauthorization," said Stutzman's communications director, Kelsey Knight.

Other critics of the bank say it's an example of big government and crony capitalism. But the Export-Import Bank is not about swelling the size of government or giving handouts – it's about leveling the playing field for American companies in communities like ours that have to compete in a world market.

"Unilaterally eliminating our export credit agency," Donnelly said in a Senate speech last month, "just further handcuffs U.S. job creators and allows competitors in foreign countries to pick up the business.

"If the Ex-Im Bank no longer provides financing, foreign companies and countries, they're still going to buy their goods and products – they need the products – but instead of buying a product made in Muncie, Indiana, they'll purchase it in Russia or China."

Caught up in a whirlwind of political maneuvering, the effort to resuscitate the Export-Import Bank will probably have to be renewed in September. If so, it will need the support of House members like Stutzman, who may not have to vote on the question before the break.

There are sufficient votes to pass Export-Import Bank

Kim And French 7/20 [Seung and Lauren, "Battle lines drawn over Ex-Im renewal," *Politico*, 7/20/15 <<http://www.politico.com/story/2015/07/battle-lines-drawn-over-ex-im-renewal-120339.html>>]//shrek

Just three weeks ago, lawmakers quietly let the little-known Export-Import Bank expire, handing Republican conservatives one of their biggest victories since they took control of Congress. But now an effort to resurrect the bank, led by Democrats and business-backed Republicans, could trigger open warfare within the GOP. And the battle over Ex-Im could upend a must-pass highway bill that lawmakers are scrambling to pass before the end of the month. Conservatives aren't going to go quietly, and GOP leaders would likely risk the wrath of the right if they chose to let an Ex-Im renewal advance. "I think our leadership understands where Republicans in the House are on this issue," said Rep. Bill Flores of Texas, chairman of the Republican Study Committee. "They don't want Ex-Im reauthorized." Bank supporters, including nearly all Democrats and many moderate Republicans, will get their chance to challenge the conservative wing as early as this week, when the Senate is expected to take up the highway bill. Because it's a must-pass measure, Export-Import backers have targeted it as a quick way to send a bank reauthorization to President Barack Obama's desk. "Not having the Ex-Im Bank authorized today is costing us business," Sen. Heidi Heitkamp (D-N.D.) said. "Every day we're not in business — where we can't take an application or guarantee a credit — are days that we're hurting American workers, and so we need to do everything we can to reauthorize it this month." A clear majority of both the House and Senate support the Export-Import Bank, whose charter expired last month and rendered the agency unable to underwrite any new loans. Sixty House Republicans have publicly supported the bank, and 180 House Democrats are on record backing the agency. Meanwhile, 65 senators, including 22 Republicans, voted in favor of the bank in a key test vote in June. But a majority of Senate Republicans, including its top four leaders, voted against the bank in that key vote, and conservative forces both on and off Capitol Hill believe a majority of the House GOP oppose it as well. At least 95 House Republicans have indicated publicly that they won't support the bank. Conservative lawmakers are already crowing about Ex-Im's demise, pointing to it as one of the first and biggest successes of the new GOP-controlled Congress. House conservatives are pledging to keep up opposition to the bank even as the Senate works toward reauthorization. The majority of these hard-line members are opposed to any highway deal that would reauthorize the bank's charter and have indicated to GOP leadership not to count on their votes — which could force Speaker John Boehner (R-Ohio), who has praised the bank as essential to job growth, to turn to House Democrats for votes on a final highway package Boehner has tried to strike a delicate balance with his conservative members. He's told Financial Services Chairman Jeb Hensarling that if the Senate sends over a highway bill with Ex-Im measures attached, the Texas Republican will be allowed to offer amendments to the bill. That would put pressure on Hensarling to whip enough Republicans against the bank to ensure its charter is not renewed. In the Senate, Majority Leader Mitch McConnell (R-Ky.) is open to amendments on the highway bill and expects Ex-Im backers to offer one. He's likely to face pressure from conservatives like Sen. Ted Cruz (R-Texas) — who's threatened to use any procedural weapon in his arsenal on the highway bill to ensure the bank stays dead — to shut down any prospects of a bank reauthorization. But with at least 65 votes already on record in favor of the bank, it would be politically impossible for McConnell — who has made a more open and freewheeling chamber a key tenet of his tenure so far as majority leader — to block a vote. Even on its own, the politics of the underlying highway bill are complicated. House and Senate Republicans are colliding over how to get a bill to Obama that keeps money flowing for rundown roads and bridges in need of repair by the end of the month, when the Highway Trust Fund is expected to run dry. House Republicans, backed by more than 130 Democrats, easily cleared a bill that fuels the trust fund with enough cash to keep it running until December. But Senate Republicans want a highway bill that runs at least through the November 2016 elections. And the main problem for Senate Republicans: They haven't even released a bill. A key test vote on a highway measure is set for Tuesday afternoon in the Senate, but Democrats haven't said whether they'll help advance it since the bill isn't finished. Senators are still tussling over how to pay for the highway measure, and offsets that are too far to the right could turn off Democrats — who'll likely be needed to get the bill across the finish line. Sen. Jim Inhofe (R-Okla.), chairman of the Senate Environment and Public

Works Committee and an opponent of Ex-Im, said if a reauthorization were attached, the highway bill could lose some votes once it heads over to the House. “I think we have enough votes over there anyway,” Inhofe said. “But it wouldn’t do it any good.” And that dynamic is just what Ex-Im backers fear. “My concern is not having enough for Ex-Im,” Heitkamp said. “It’s whether the vehicle, the debate about surface transportation will in fact create some concerns for people so they might vote for the amendment, but not be able to vote for the bill.” The Ex-Im language that supporters will try to get included in the highway bill hews closely to a bill written by Heitkamp and Mark Kirk (R-Ill.), two of the Senate’s most vocal proponents of the export agency. It would reauthorize the bank’s charter for four years. And adding to the jumbled politics of the highway bill, Sen. Rand Paul (R-Ky.) last week threw another curveball: The 2016 hopeful is threatening to use procedural tactics to force a vote on defunding Planned Parenthood. The highway bill, work on which is likely going to run into next week, is a ripe target for Paul. House Republicans want no part of the Senate highway mess, and some of the House’s influential members are pushing senators to swallow their short-term highway fix and veer clear of attaching any Ex-Im reauthorizations. When the five-month highway patch passed last week, House Ways and Means Committee Chairman Paul Ryan (R-Wis.) — who wants the short-term bill to buy time for a broader, multiyear highway measure — urged senators to quickly pass it, “without any unrelated measures.” Still, if Boehner were to move to put a Senate compromise bill to the floor, it would face stiff opposition from the House Freedom Caucus and even some more moderate members, including Majority Leader Kevin McCarthy (R-Calif.). And while Boehner has turned to House Minority Leader Nancy Pelosi before for “yes” votes, he has faced harsh criticism each time. “Six months ago, if I was to tell any of you that we’d be 15 days into July and the Export-Import Bank would not be reauthorized, you all would have laughed at me,” said Rep. Jim Jordan (R-Ohio), chairman of the House Freedom Caucus, last week. “But that’s exactly where we are at. Momentum, I think, is on our side.”

at: gop blocks

Even if they punt it to after the August recess, it'll get through

Russert 7/28 [Luke, NBC News, "Six Things to Know About the Export-Import Bank," <http://www.nbcnews.com/news/us-news/six-things-know-about-export-import-bank-n399786>] //khirn

WHO SUPPORTS IT?

President Barack Obama as well as most Democrats who think the bank saves American jobs. So do pro-business Republicans who believe EX-IM puts the USA on equal footing with other foreign nations that insure and promote their products.

Not surprisingly, so do politicians who have a large group of constituents who work for General Electric, Boeing and Caterpillar.

WHAT'S GOING TO HAPPEN? The Ex-IM Bank can only work on the loans and insurance previously agreed to. House Majority Leader Kevin McCarthy says there are no plans to vote on the reauthorization of the Export-Import Bank before the August recess and that the House will not agree to attach it to the must-pass highway bill.

IS THIS THE END FOR THE BANK? Probably not. The vote in the Senate showed it has enough support to move forward if given a chance on the floor. It's all a balancing act of how the GOP Leadership wants to move it forward in a way where it can pass and cause them the least amount of headaches with the activist base.

Will pass --- Senate GOP leadership will overcome House GOP opposition

West 7/29 [Chelsea, TheWeatherSpace, "House weighs short-term highway extension, possible way out after clash with," <http://theweatherspace.com/2015/07/29/90132-house-weighs-short-term-highway-extension-possible-way-out/>] //khirn

Obama underscored the importance of export credits during a visit to Addis Ababa Tuesday as he viewed a Boeing 787 Dreamliner sold to Ethiopian Airlines, the first African operator of the leading-edge jetliner. The Export-Import bank loans were vital to the survival of these companies and the gainful employment of their workforce.

"This is a good path forward, and we should be able to do our work", Shuster said.

Namely: a probable reauthorization of the Move plus An extension of the motorway expenses - Import Bank.

"It really does put Ex-Im in a hard position", he said.

Despite the House's announcement, the Senate continued work Tuesday on its longer-term bill even as Republicans expressed resignation they'd end up having to swallow the House's short-term patch.

Three of the Senate's highest-ranking Republicans rose after the Senate convened Sunday afternoon to counter the stunning floor speech Cruz gave on Friday in which he attacked McConnell, R-Ky. "At some point, we will miss out on some business opportunity of such magnitude that it will catch the attention of the public, and **we will respond**".

2nc obama pushing

Obama pushing

USA Today 7/22 [David Jackson, July 22, 2015, "Obama urges Congress to reauthorize Ex-Im Bank," <http://www.usatoday.com/story/news/nation/2015/07/22/obama-export-import-bank-business-owners/30527085/>]

The Export-Import Bank helps American businesses compete with foreign competition, President Obama said Wednesday in urging Congress to re-authorize the agency after allowing its charter to lapse.

The Ex-Im Bank "helps U.S. companies — with U.S. companies — sell their products overseas," Obama said after meeting with lawmakers and business owners who have used the bank's services are now in the lurch.

In allowing its charter to expire as June ended, some congressional Republicans described the bank as corporate welfare that benefits big corporations at the expense of U.S. taxpayers.

Still, congressional leaders are working to re-authorize the bank before the August congressional recess.

Big companies do benefit from the bank, Obama said, but so do smaller ones. He noted that his guests at the White House included the owner of a business that makes specialized organic coffee and another that makes quiche.

The bank underwrites loans to foreign companies purchasing American products. Obama noted that every other advanced country has some kind of similar program to promote its exports.

"We cannot unilaterally disarm," Obama said. "We've heard stories from these companies right now that orders are on hold, business is in danger, potentially expansions will stall, fewer employees will be hired, if we do not get this done."

Businesses that use the Export-Import Bank also have to pay a fee, Obama said, so the U.S. Treasury profits from its operations.

"The Export-Import Bank makes money for the U.S. government," Obama said. "I just want to be clear about this: This is not a situation in which taxpayers are subsidizing these companies."

Obama pushing

Laing 7/23 [Keith, "White House insists on attaching Ex-Im bank to highway bill," The Hill, <http://thehill.com/policy/transportation/248970-white-house-insists-on-attaching-ex-im-bank-to-highway-bill>]

President **Obama is insisting** that lawmakers reauthorize the controversial Export-Import Bank in must-pass transportation funding legislation that is being debated this week, the White House said Thursday.

Republicans in the House have vocally objected to the idea of including an extension of the Ex-Im Bank's charter in the highway bill, despite an apparent openness to the proposal in the Senate.

The standoff has imperiled federal transportation funding that is scheduled to expire on July 31 without congressional action.

White House press secretary Josh Earnest said Thursday that **Obama is adamant** the Ex-Im Bank renewal should be included in the transportation funding bill, despite the objections from the GOP-led House.

"Surface transportation legislation is the most likely legislative vehicle, no pun intended, to move before the end of the month," he said. "That's why we've insisted that the provisions related to reauthorizing the Export-Import Bank should be added to any transportation bill that passes Congress this month."

The fight over whether reauthorization of the Ex-Im Bank, which expired in June, should be added to the highway bill comes as lawmakers are scrambling to prevent an interruption in the nation's transportation spending.

GOP leaders are scrambling to meet a **July 31** deadline for replenishing the Department of Transportation's beleaguered Highway Trust Fund. Transportation department officials have warned they will have to cut back on payments to states at the end of the month **unless Congress reaches an agreement** on a transportation funding extension.

Lawmakers in the Senate have worked on a multi-year transportation bill, but GOP leaders in the House resisted the upper chamber's efforts to add the Ex-Im Bank renewal to its proposal.

2nc political capital key

Political capital is key

Puzzanghera 6/30 [Jim, business reporter, graduate from Northwestern University, "As Export-Import Bank charter expires, backers warn of economic damage," *Los Angeles Times*, 6/30/15, <<http://www.latimes.com/business/la-fi-export-import-bank20150630-story.html>>]//eugchen

As the charter of the Export-Import Bank was set to expire Tuesday, supporters warned of economic damage if Congress doesn't act quickly to reauthorize the federal agency when lawmakers return next week from a holiday recess. "We are undermining thousands and thousands of jobs," said Rep. Steny Hoyer (D-Md.). "This is unilateral disarmament in the competition for jobs and sales in the world." Business groups and Democrats, who strongly back the bank, organized news conferences and calls with journalists to try to increase the pressure on House Republican leaders to allow a reauthorization vote. Even President Obama was getting personally involved. The White House said he scheduled a conference call Tuesday with elected officials, business owners, and labor leaders to discuss the importance of reauthorizing the bank, which provides loans to foreign buyers of U.S. goods and other assistance to support exports. "We are facing the cold reality of the Ex-Im bank authorization expiring," said Aric Newhouse, a senior vice president at the National Assn. of Manufacturers. "This is a critical blow to manufacturers," he said. Dick Rogovin, chief legal counsel at U.S. Bridge, a Cambridge, Ohio, manufacturer, said a nearly \$100-million sale to Ghana is in jeopardy without Export-Import Bank assistance. "We have already received a very disturbing message ... that one of our competitors from China has informed our customer that they cannot secure financing for our bridges and therefore they should consider another source." said Rogovin, whose company has about 150 employees. "Ex-Im Bank was going to guarantee a long-term loan to Ghana," he said. "There is no U.S. domestic commercial bank that will perform the same service." Newhouse and business executives blamed politics for the failure to reauthorize the bank, which has helped U.S. exporters for 81 years. The bank, similar to export-assistance agencies in about 60 other countries, provided \$20.5 billion in aid last year that that financed \$27.5 billion worth of U.S. exports. The bank is funded by interest and fees paid by users and last year sent \$675 million in profits to the U.S. Treasury. But many conservative Republicans complain that the bank mostly helps large corporations, such as Boeing Co., putting taxpayers at risk for any losses the bank can't cover on about \$112 billion in outstanding assistance. Critics say the assistance amounts to crony capitalism, with government officials picking winners and losers in the marketplace. "This is a small step toward renewing a competitive free-market economy and arresting the rise of the progressive welfare state and the cronyism connected to it," said House Financial Services Committee Chairman Jeb Hensarling (R-Texas), a leading bank opponent. About 195 pending bank transactions, totaling more than \$9.1 billion in assistance, will be put on hold by the lapse of its charter, said Rep. Maxine Waters (D-Los Angeles). "Unless Congress acts to renew the Bank's charter, these transactions – and the American jobs they support – will hang in the balance," said Waters, one of the bank's most outspoken advocates. Bank supporters are hoping the lapse of the bank's charter, which expires at 9 p.m. Tuesday, will be temporary.

2nc key to economy

Key to reverse the trade deficit

Baltimore Sun 7/29 ["Revive Export-Import Bank,"

<http://www.baltimoresun.com/news/opinion/editorial/bs-ed-ex-im-20150727-story.html>
//khirn

What independent agency has supported millions of jobs, enjoyed support from Republican and Democrat presidents alike over its 81-year history and doesn't cost taxpayers a dime, actually earning billions of dollars in revenue for the U.S. Treasury? The answer is **the U.S. Export-Import Bank**, a little-known entity that has stepped into the spotlight this week.

Even the most ardent newswatchers may have been caught off guard this past weekend when the reauthorization of the Export-Import Bank caused a heated debate in the U.S. Senate. Sen. Ted Cruz called Senate Majority Leader Mitch McConnell a liar for bringing the matter to a vote — as an amendment to a long-term transportation funding bill. The amendment passed the Senate, 67-26, breaking what had been a filibuster against the agency's reauthorization.

The "EXIM Bank," as its commonly known, helps finance or insure some foreign purchases of U.S. goods. That it could stir such passions within the GOP seems ludicrous on its face. But the bank's defeat has been a cause celebre for the tea party wing as well as some of the conservative moment's biggest backers including Charles and David Koch and the Club for Growth. They see the bank as the kind of government intervention into the marketplace — the so-called picking of winners and losers — that they decry as self-defeating corporate welfare.

But that criticism not only fails to recognize the agency's record of success — an estimated 164,000 jobs created in fiscal year 2014 alone by helping underwrite \$27.4 billion in U.S. exports (the vast majority of the transactions helping small businesses) — but ignores the reality of government involvement in the global marketplace. The vast majority of U.S. competitors in international trade offer similar government-backed loans so that foreign customers can afford to buy their exports. Will Russia or China stop providing that credit to purchasers if the U.S. no longer offers it? **Not likely. Killing the EXIM Bank amounts to unilateral surrender.**

And it's already happening. The bank lost its lending authority on June 30 when its reauthorization expired. Now, it's reduced to simply completing and servicing existing loans. That's entirely unhelpful to U.S. trade interests. This country continues to import far more than it exports (the monthly deficit reaching \$42.7 billion in May), and denying customers the ability to pay for U.S. goods is only going to make matters worse.

That's key to the economy

Zwim 13 [Randy, Siemens Energy CEO, "Where the Jobs Are: Exports",

<http://www.marketwatch.com/story/where-the-jobs-are-exports-2012-03-02>]]

When President Obama called on the United States to double its exports by the end of 2014, business and political leaders were strongly supportive. After all, doubling exports should create roughly two million American jobs. Today exports already support almost 10 million jobs in the United States and have been responsible for nearly half of all U.S. economic growth since the middle of 2009. There's really **no question that growing exports is central to America's future prosperity.** But there is a question about how the U.S. can achieve this goal without the

reauthorization of the Export-Import Bank. Last month Congress delayed the long-term reauthorization of the Bank, a worrying development for companies who manufacture products in America and sell them around the world. In 2011, the Bank offered \$32.7 billion in financing. That financing, in turn, spurred \$40.6 billion in U.S. exports and supported nearly 300,000 export-related jobs. More than 3,600 companies were able to export products because of that financing. With the Export-Import Bank in place, the U.S. is actually on pace to meet President Obama's ambitious goal of doubling exports by the end of 2014. Without it, America will almost certainly come up short. There is extraordinary power in the collaboration between innovative, export-savvy companies on one side and the Export-Import Bank on the other, making it imperative that the Export-Import Bank is reauthorized and its lending cap raised for a considerable period of time. This is especially important right now, when statistics show that manufacturing in America is on the march. According to the Labor Department, last year the U.S. added 136,000 jobs in manufacturing, the first time we've seen those numbers go up since 1997. A perfect example of this collaboration can be found in Charlotte, North Carolina. There, Siemens recently opened a plant that manufactures the most advanced, most energy efficient gas turbine and is committed to making Charlotte a major export hub, selling "Made in America" turbines around the world. The first turbine off the line went straight to Mexico. The next ten, thanks to a \$638 million direct loan from the Export-Import bank, are headed to Saudi Arabia. This is a billion dollar deal and it never would have happened if the Export-Import Bank hadn't provided this financing for the customer. These orders are supporting the work of 825 employees currently at this plant and 400 new employees. The truth is, for all the talk about the decline of American manufacturing, of the widening of its trade deficit, the U.S. now has a unique opportunity to turn the conventional wisdom on its head. The Export-Import Bank has the ability to help sell America's higher technology products around the world while creating jobs for workers at home. And we know the rest of the world is eager to do business with the United States.

Ex-Im Bank key to international competitiveness

Druzin 7/6 (Rye, "Conaway: Ex-Im Bank Important for American companies", http://www.mrt.com/news/politics/article_68683356-2459-11e5-94ec-db0191181371.html Acc. 7/16/15 // yZ)

Congressman Mike Conaway visited the Ranchland Hills Golf Club to talk at the West Texas & Trade luncheon about the expired Export-Import Bank and the Republican presidential field. In an interview after the talk, Conaway discussed the importance of the Export-Import Bank, a federal program that provides American businesses with funds to help promote exports and imports. The mandate for the Ex-Im Bank expired at the end of June. "It's a way for American manufacturers to be able compete against other countries," Conaway said. "Almost all the countries we compete with have some sort of financing vehicle, and Ex-Im bank-like thing, and this allows our guys to be competitive in that regard." The congressman, who is also the chairman of the House Agriculture Committee, acknowledged that the Ex-Im Bank clashed with some conservative values of smaller and less intrusive government. But he reiterated that the bank is a necessary tool for the government. "From a pure conservative standpoint you can argue to get the federal government out of that deal, but the truth of the matter is it's no different than other things that we do to try to level the playing field between American manufacturers and producers and their competition around the world," he said. Conaway added that the bank has made money and reduced the federal trade deficit. While he has voted both for and against it in the past, he said that he is struggling to make a decision as to how he will vote this time when the bank comes up in Congress. About the crowded Republican field for president, the Congressman said that he is still waiting to see which candidate will emerge at the top. He urged those in the crowd to continue to push forward even if their first, second or third candidates drop out. Conaway was also divided on controversial comments made by presidential candidate and billionaire Donald Trump. In his presidential campaign announcement, Trump called immigrants from Mexico rapists and accused them of drug smuggling, comments that have exploded into a flurry of uproar online and in the media. When asked if the comments and Trump's affiliation with the Republican Party would hurt the GOP, Conaway replied that "it's unhelpful in coalescing toward a solution." "That just further polarizes the positions, because those comments were music to the

ears of some people and to some people they resented what he said," Conaway added. "So as you look at the impact it has on the people that are going to have to come together to try to find a solution then that's how you ought to judge the comments that are made: does it help us move the direction we want to go?" He then said that the comments do highlight some of the issues that Americans have over immigration, and advocated for a guest worker program that does not promise citizenship in order to keep food prices low.

Ex-Im solves for American security, economic diplomacy, and economic collapse
Kirk 6/29 (Ron, "A critical deadline", <http://www.usnews.com/news/the-report/articles/2015/06/29/the-export-import-bank-is-critical-to-national-security-and-the-economy> Acc. 7/16/15 // yZ)

A disconcerting misconception has slipped into the U.S. Export-Import Bank debate about how America achieves its diplomatic goals. Some believe that a strong military and open dialogue are the solution to all our problems. Of course, diplomacy with world leaders has immense strategic value, but as equally important to maintaining our influence is economics. We are the largest economy in the world, and that's one of our biggest selling points. But being big isn't always enough. Foreign businesses want to transact with us and have a means to do so. Often the global marketplace is efficient enough where American businesses can win deals just by virtue of the value they provide. But the marketplace isn't level, and we can lose business by no fault of our own. That's why more than 7,300 companies rely on the Ex-Im Bank. Enough cannot be said of the role the Ex-Im Bank plays in securing American jobs simply by giving businesses an edge to win a piece of the huge overseas market. The Bank's function is relatively simple: foreign buyers need access to financing to purchase American goods, but sometimes can't get it from private sector lenders. This can happen for a number of reasons, which are rarely related to how much risk the borrower carries. There could be regulatory obstacles, or political factors, or the borrower needs official export credit guaranteed by a government. In these cases, the Ex-Im Bank is able to step in. But helping small and mid-sized businesses grow and expand is not the only value of the Ex-Im Bank. As important is the kind of influence we can have when our trading partners are making strategic decisions. We see this happen in several ways. First, the Ex-Im Bank is often involved in politically sensitive industries where goods and services have national security implications. When we export a nuclear reactor or a satellite or a power plant, we are integrating not just American products, but also American standards and protocols into the infrastructure of trading partners. Then there's good old-fashioned economic diplomacy, where our trading partners understand their economic prosperity is at stake in choosing to align against U.S. interests. This has been an important tool in international affairs for millennia, and is no less true today. The Ex-Im Bank plays no small part in preserving these interests and I've witnessed its influence, such as when Indian suppliers cut sales to Iran fearing consequences to Ex-Im Bank deals. The end of the Ex-Im Bank poses such severe consequences to U.S. interests abroad, 12 former national security officials, including myself, wrote to Congress urging them to reauthorize the Bank. The letter, with no exaggeration, concludes, "Our national security and economic interest depend upon it." Susan Rice, U.S. National Security Advisor, echoed our comments in April, adding, "when President Obama meets with foreign leaders, Ex-Im is an important part of our diplomacy." Rarely do you see an issue where all the facts point so clearly in one direction, and I'm inspired by the broad bipartisan, bicameral support to reauthorize the Bank. Unfortunately, a small group of lawmakers have hijacked the agency for their own ideological agenda. This political game now threatens not only our national security, but also the more than 1.4 million jobs the Bank supports. I am not a cynic, and believe Congress will do the right thing, but they must act now. Every missed day is a blow to our economy and our international standing.

Ex-Im is key to manufacturing and the economy

Peters 7/16 (Gary, US Senator, "Revive the Export-Import bank to keep Michigan competitive", http://www.mlive.com/opinion/index.ssf/2015/07/import-export_bank_is_lifeline.html Acc. 7/16/15 // yZ)

Last month, I had the opportunity to visit Mill Steel Company in Grand Rapids, one of hundreds of Michigan businesses that work with the Export-Import Bank of the United States to export their made-in-Michigan products across the globe. Mill Steel is one of North America's premier flat-rolled steel suppliers, and it's also a family-owned business that strives to reinvest in the community by making Michigan products and hiring Michigan workers. Human Trafficking Press Conference4 U.S. Sen. Gary Peters MLive.com By partnering with the Ex-Im Bank to secure loan guarantees, Mill Steel has been able to sell its steel to auto suppliers in Canada and continue hiring new employees and providing good-paying jobs right here in Michigan. But last month, a small, extreme partisan minority in Congress allowed the charter for the Ex-Im Bank to expire, risking billions of dollars in U.S. exports and hundreds of thousands of American jobs, and putting America's small businesses at a disadvantage in an increasingly competitive global marketplace. Over its 81-year history, the Ex-Im Bank has enabled American companies to sell their goods in foreign markets and grow their businesses by offering direct loans to businesses to start exporting, working with private lenders to fill gaps in financing and providing insurance to help businesses protect their bottom lines if a foreign buyer fails to pay. Simply put, the Ex-Im Bank helps close deals that would simply never happen without its support. This creates more demand here at home for parts, services and skilled workers, and opens new markets and new customers to American businesses. Most importantly, the Ex-Im Bank does all this while turning a profit for taxpayers. In fact, in 2014 alone, the Ex-Im Bank contributed their \$675 million surplus to reduce the federal budget deficit. The Ex-Im Bank also helps level the playing field for American companies in a tough global market. Last year, it supported more than \$27.4 billion in U.S. exports and 164,000 jobs. More than \$10 billion of that total — nearly 40 percent — represented exports by small businesses. Critics charge that the Ex-Im Bank supports corporate welfare, but 90 percent of its overall transactions directly supported small businesses, including many that serve as suppliers for larger companies. Here in Michigan, the Ex-Im Bank has supported 229 exporter businesses selling \$11 billion worth of goods to places like Saudi Arabia, Mexico and Canada. This support is particularly important for our manufacturing industry, and the majority of Michigan companies using the Ex-Im Bank are manufacturers of motor vehicles and parts, machinery and chemicals — the backbone of Michigan's economy. Renewing Ex-Im Bank's charter is especially critical as Michigan manufacturers fight to compete with countries using extreme and unfair measures, such as direct subsidies or currency manipulation, to boost their own manufacturing sectors. Many of our competitors, including China, Japan, South Korea, Canada and Germany, use their own export credit agencies to boost their countries' exports. China provided more financing through its export credit agency in the last two years than our own Ex-Im Bank has in its entire history. Without our own Export-Import Bank, American businesses will struggle to compete overseas, and our economy will suffer. That is why the Ex-Im Bank has broad bipartisan support in Congress from members of both parties, as well as organizations like the U.S. Chamber of Commerce, the National Small Business Association and the National Association of Manufacturers. Congress should focus on growing our economy and creating American jobs, and the Export-Import Bank is key to that mission. Congress must act now to renew the Ex-Im Bank's charter and help secure Michigan's economic competitiveness as a hub for manufacturing and trade, grow our economy and strengthen our middle class.

Export Import Bank key to Treasury, jobs, trade and trade-finance banks

Vianna 7/7 [Carla, business reporter, "Ex-Im Bank lapse leaves big trade gap," *Miami Today*, 7/7/15, < <http://www.miamitodaynews.com/2015/07/07/ex-im-bank-lapse-leaves-big-trade-gap/>> //eugchen

Log on to the Export-Import Bank of the United States website and users will be greeted with a message typed in 50-size-font capital letters: AUTHORIZATION HAS LAPSED. "Due to a lapse in EXIM Bank's authority, as of July 1 2015, the Bank is

unable to process applications or engage in new business or other prohibited activities,” a disclaimer reads. The authorization of the Export-Import Bank, an independent federal agency that aims to support jobs by facilitating the export of US goods and services, expired at the end of June and was not reauthorized by Congress. Therefore, the bank can only manage the about \$110 billion it has given out in loans but cannot take on any new loans until re-authorization occurs, said David Schwartz, president of the Florida International Bankers Association. “The Ex-Im Bank was one of the few profitable government agencies [last year \$675 million in fees back to the Treasury], and it is estimated that it helped to create 1.3 million jobs in the export business,” Guillermo Diaz-Rousselot, president and CEO of Miami’s Continental National Bank, told Miami Today. He said the bank played a large role in helping Florida exporters in the ’70s and ’80s, and helped Miami become a hub for international business. In Florida alone, there are about 58,000 exporters. Data show that total trade through Miami International Airport and PortMiami topped \$93.1 billion in 2013, according to the county’s most recent international trade report. In 2014, Miami Today reported that small- and medium-sized businesses make up more than 96% of Florida exporters and account for 68% of Florida exports, the highest among all 50 states. Mr. Schwartz called the decision, or lack of one, unfortunate. “[This] will make us the only industrialized nation that does not have this type of institution,” he said. A number of banks in Miami focus on export-import transactions, said Dennis Campbell with Campbell Law Firm. A lot of these trade-finance banks focus on trade with South and Central America. “Ex-Im assumed risks that trade finance banks are unable or unwilling to accept and guaranteed payment of the debt,” Mr. Campbell told Miami Today. “The lapse in Ex-Im’s authority could have a significant impact on trade-finance banks in South Florida and require these banks to change their business models.” Let’s say an exporter wants to finance trade with a foreign country. A local bank may look at that country’s risk factors, such as currency or political risk, and deem it an unsafe transaction. An Ex-Im bank might have more experience financing trade with that particular country, and is therefore more willing to take the risk. The Ex-Im bank is meant to benefit small- and medium-sized businesses, but critics say it’s being used by major manufacturers instead, said Richard Zelman, co-founder of the Sacher, Zelman, Hartman, Paul, Beiley & Sacher law firm. There have been discussions about reforming Ex-Im bank processes, perhaps in the form of a bill or amendment on a bill, but at present, Mr. Schwartz said, nothing is in the works. The hope is that the re-authorization will come attached to a bill that both the bank’s supporters and opponents want to pass. But as a standalone bill, he said, it won’t make it through.

Ex-Im critical to manufacturing and the economy

Minter 6/30 (Steve, “Manufacturers: Ex-Im Opponents “Don’t Have a Clue”,
<http://www.industryweek.com/legislation/manufacturers-ex-im-opponents-dont-have-clue> Acc.
7/16/15 // yZ)

Just as they tell you to do in the civics textbooks, Don Nelson has met with his congressman and others in Washington several times to explain how important a threatened government program is to his business. But Nelson, president of ProGauge Technologies in Bakersfield, Calif., says it has done him no good. Nelson’s congressman is House Majority Leader Kevin McCarthy, an influential critic of the Export-Import Bank of the United States, whose authorization is set to lapse today despite months of lobbying by the National Association of Manufacturers and other business groups. At a press call organized by NAM, Nelson said 65% to 70% of his business – steam generators and other equipment for the oil industry - involves exports and that he will have to forfeit millions in contracts if the bank’s charter expires. He noted that McCarthy and other critics have repeatedly argued that the Ex-Im Bank is unnecessary and that its financing services can be handled by private banks. “To me it shows that these critics have little conception of the realities of international trade and finance or the challenges that smaller businesses like us face competing for global customers and markets,” Nelson told reporters. “In fact, I’d say it’s clear that few of them have ever run a business or met a payroll.” He said McCarthy and his allies “don’t have a clue what they are doing or the damage they are going to inflict on small businesses in America by closing the Ex-Im Bank.” McCarthy and

other congressional critics "don't have a clue what they are doing or the damage they are going to inflict on small businesses in America by closing the Ex-Im Bank." The Ex-Im Bank was set to guarantee a long-term loan so the government of Ghana could purchase a bridge from his company, said Dick Rogovin, chairman and chief legal counsel at U.S. Bridge, a manufacturer of steel truss bridges headquartered in Cambridge, Ohio. He told reporters the contract was worth nearly \$100 million. "In the absence of Ex-Im Bank, there is no commercial U.S. bank that will perform the same service," Rogovin said. He added that he had asked McCarthy's office for a list of private banks that could provide the loan guarantee. By this morning, Rogovin said, they had not provided him a list. Rogovin said he had contacted several large U.S. banks and "there wasn't anybody who was willing to extend loan guarantees to third world countries for long terms. They just wouldn't do it." Both Nelson and Rogovin said failure to reauthorize the Ex-Im Bank would result in layoffs at their companies. Nelson said ProGauge currently was bidding on a large project in the Middle East. He said his company was proceeding as if the bank will be reauthorized. If it is not reauthorized before the bid is awarded, he said, ProGauge will have to forfeit the project, worth \$30 million. "The reality is we can't export any longer because we can't provide bank guarantees," said Nelson. "We'll be forced to reduce our workforce that feeds our export business." In Washington, the groups that have been battling over the trade bank kept up their lobbying efforts. Business groups such as NAM warned of dire consequences to U.S. businesses if the bank were to go out of business. "Today, a minority of lawmakers in Washington caused America to wave the white flag in the battle to keep selling U.S. products overseas," charged NAM CEO and President Jay Timmons. "Governments in Seoul, Berlin and Beijing are celebrating a clearing field of competition with the expiration of the Ex-Im Bank's charter, while American companies, including small and medium-sized businesses, are losing their shot at large-scale projects, and communities across the nation are at serious risk of losing stable, high-paying jobs." But Ex-Im Bank critic Veronique de Rugy, an economist and senior research fellow for the Mercatus Center at George Mason University, said the day would be remembered as "a day Americans stood up to powerful special interests and won." "Americans are sick of cronyism, and the Export-Import Bank is the epitome of cronyism," she added. "Activists from the Tea Party to Occupy Wall Street agree that it's time to put an end to the unhealthy marriage between government and big business." Congress is expected to take up bank reauthorization when it returns from its July 4 recess. Reauthorization could either be included with a bill such as highway funding or in a standalone bill, said Aric Newhouse, NAM's senior vice president for Policy and Government Relations. Newhouse said there was strong bipartisan support for the bank in both houses of Congress.

2nc heg impact

Loss of Ex-Im destroys aerospace and propels China forward economically- destroys heg

Melcher 7/15 (David, President and CEO of Aerospace Industries Association, "Ex-Im Bank foes hurt Ohio jobs, help China", http://www.cleveland.com/opinion/index.ssf/2015/07/ex-im_bank_foes_hurt_ohio_jobs.html Acc. 7/16/15 // yZ)

Last year, 124 Ohio companies did \$427 million worth of business selling transportation equipment, motor vehicle parts, manufactured chemicals, wood products and other goods to foreign purchasers with the help of financial assistance from the Export-Import Bank of the United States. Over an eight-year period, Ex-Im has led to more than \$3 billion in Ohio company export sales. And for 81 years, Ex-Im, supported by both political parties, has enabled U.S. businesses — small, medium and large — to compete for overseas sales against foreign companies that enjoy aggressive support from their countries' export credit agencies. Unfortunately, some lobbyists with a rigid ideological agenda want to kill off the bank without regard for the good Ohio jobs that will be lost in the process. They might just get their way. Sadly, these anti-bank lobbyists work for the same organizations that have been pouring thousands of dollars into ad buys meant to influence members of Congress. They've succeeded so far in blocking a congressional vote to continue the bank's operations, causing American firms to compete for foreign sales with one hand tied behind their backs since July 1. This deed was accomplished despite the fact that majorities in the House and Senate are ready to vote in favor of the bank. In fact, 65 members of the Senate just voted in support of the bank's operations. They know that America can't declare unilateral economic disarmament in the increasingly competitive international marketplace. Last year alone, the bank: Supported \$27.5 billion in U.S. manufacturing exports, including \$10.7 billion of exports from U.S. small businesses. Returned \$675 million dollars to the U.S. Treasury. Helped level the playing field for U.S. companies competing abroad against 60 foreign export credit agencies. Supported 164,000 private sector jobs, while indirectly supporting thousands more in the supply chains of the Bank's customers – generating economic growth in local communities in the form of jobs for restaurants, pharmacies, gas stations etc. The bank's opponents use clever slogans to claim they are economic purists. But capital markets don't operate with textbook perfection. Sometimes the private sector is unable or unwilling to assume credit risks, and the bank is needed to step in to fill gaps in the trade financing picture. Just ask those workers who benefited from Ex-Im financing during the 2007-2010 credit crunch, when even low-risk loans could not get financing from a paralyzed banking system. The aerospace industry is greatly dependent upon Ex-Im financing to allow American manufacturers of commercial, general aviation and business airplanes, helicopters, satellites, spacecraft and launch vehicles to sell our goods abroad and help maintain and expand the largest positive trade balance of any sector in the U.S. economy. And for every major aerospace product sold abroad, thousands of medium and small supply-chain companies throughout the country also benefit. Without the bank, many U.S. exporters will not be able to compete in the global marketplace, and good U.S. jobs will be the next critical item we export. To illustrate the competition we are up against, in 2013, the Export-Import Bank of China provided more than \$430 billion in loan guarantees for Chinese goods sold worldwide. Our Ex-Im Bank provided \$36 billion that year. Failure to allow a vote in Congress on the future of the bank will have only one result — losing business to China, Russia and other economically aggressive nations. Indeed, a senior Chinese official recently said Ex-Im going away would be "a good thing" for China. Ex-Im financing has helped Ohio boost jobs in difficult economic times when every new job is important. Contact your congressional representatives and tell them it's time they stopped playing D.C. politics and listening to ideologues. Ask them to support the bank, and make the statement that we are proud to build products for the global market in Ohio.

2nc isis impact

Export-Import Bank is vital to the fight against ISIS and the global economy

Stanley 6/29 [Kevin, BA in economics, CEO at Ventech Engineers, Inc., "Export-Import Bank critical to American strength," *Washington Examiner*, 6/29/15, <<http://www.washingtonexaminer.com/export-import-bank-critical-to-american-strength/article/2567131>>]//eugchen

There is a fight raging in Congress right now over the future of the Export-Import Bank. Not many people are familiar with this small federal agency, which provides loans and insurance to help American companies sell their products overseas. But it is vital to our economy and supports the industries, technologies and services that are important to America's national defense as well. For example, my company, Ventech Engineers International, designs and builds small oil refineries at our plant in Texas. We then export these largely pre-built facilities all over the world, supplying desperately needed fuel to some of the most impoverished and remote areas of the globe. Right now, our refineries are at work at three locations in the Kurdish area of Northern Iraq, processing almost 400,000 barrels of crude oil a day to fuel America's most vital and reliable ally in the region. It is no understatement to say that this oil is one of the foundations of the Kurds' fight against ISIS. The U.S. Consulate in Erbil, the Kurdish capital city, told us a few years ago that Ventech does more business in Iraq than any other private company – and we are extraordinarily proud of our small part in the effort to stabilize this region and support the struggle against the ISIS terrorists. Most of the discussion of the Ex-Im Bank deals with economic issues like the 150,000 American jobs that are attributed to the bank each year and its impact on America's GDP. Critics focus on ideological slogans like "crony capitalism" or the true but irrelevant point that government shouldn't "pick winners and losers" in the market. (Ex-Im does no such thing.) But here's a far more relevant fact — if Ex-Im shuts down at the end of June, we will not be able to build a critically-needed \$300 million facility to supply fuels required for the fight against ISIS. In the longer term, America's central role in the rebuilding of Iraq and the development of the entire region will be put at risk as foreign firms — fiercely backed by their own big-spending governments — rush in to seize business that right now is going to American companies backstopped by the Export-Import Bank. And the loss of those projects will also represent lost future business to support and maintain those American-supplied facilities for decades. That loss will have painful economic consequences, as export-oriented businesses pull back and American export workers lose their jobs by the tens of thousands. It will put in motion a costly "brain drain" as key export fields like aerospace, oil services and precision machinery all shift overseas. Last year, Ex-Im supported nearly \$30 billion in U.S. exports, all of which would be lost to U.S. business if the bank's attackers have their way. But the stakes are higher still. We learned during the Cold War how the spread of U.S. culture, products and businesses around the globe enhances our global strength. Anyone who sees America's free and open economic system at work ends up wanting to join with us, to take our side. Withdrawing from global economic engagement as the bank's critics would have us do would dangerously undermine this vital outreach tool. Bank critics are willing to sacrifice these interests because they believe any effort by the government to help American private industry succeed is an improper interference in the marketplace. But the bank is governed by strict regulations that forbid it from competing with the private sector and anyone who wants to use its services must show that no commercial alternative exists. And this is often the case, especially in destabilized regions like the Middle East. The charge of "corporate welfare" is even more far-fetched. Like any bank, Ex-Im charges interest and fees for its services, at market rates according to independent accountants. In fact, the bank actually pays for its own operations out of these fees, and in some years even runs a surplus. In 2014, it returned more than half a billion dollars to the U.S. Treasury. As a businessman, I don't have the luxury of debating fine points of ideology. All I know is that for every export we make to Iraq, Kazakhstan or Western Africa, there is a long line of foreign competitors hungry to replace us — and most of these are backed by export credit from their own governments that are up to ten times more than anything Ex-Im provides. The bank's conservative critics in Congress would never support unilateral disarmament for our military; why on earth are they pushing to unilaterally disarm our economy in this way? Right

now Texas politicians like Sen. Ted Cruz and Rep. Jeb Hensarling are leading the push to shut down the Ex-Im Bank. I urge them to reconsider and stand up for U.S. business and American strength by reauthorizing the Export-Import Bank.

2nc pc real

Political capital is real

Eshbaugh-Soha & Peake 10 (Matthew Eshbaugh-Soha: Texas Tech University & Jeffrey S. Peake: Bowling Green State University. *Routledge*: "Presidential Influence Over the Systemic Agenda." Published March 9th, 2010. Accessed July 20th, 2015.
<http://www.tandfonline.com/doi/citedby/10.1080/07343460409507704#.Va17sfIVhBc>)KaIM

One of the most widely accepted sources of presidential power is agenda setting. Being able to affect the media's agenda on key issues—influencing the systemic agenda and expanding the scope of conflict—has enormous consequences for the president's ability to govern effectively. Yet the literature to date has not conclusively determined the extent to which presidents consistently set agendas, especially over the media, because it has not explicitly considered variation in agenda setting influence by policy type. For these reasons, we test whether presidential public statements have increased the media's attention to three policy areas. Using Vector Autoregression (VAR) analysis, we demonstrate that presidents have some influence over the systemic agenda, at least in the short term, with policy type being an important predictor of presidential influence. Understanding when and why presidents may or may not be successful agenda setters is crucial to explaining the varying legislative impacts of presidential speech making. Agenda setting has long been viewed as a vital source of power in American politics. Whoever controls the agenda affects which issues are debated, how they are framed, and who may participate. Much work on agenda setting holds unequivocally that presidents have this power, and that they are uniquely situated to affect the national agenda. John Kingdon (1984, 25), in his seminal study on Washington agenda setting, maintained that "no other single actor in the political system has quite the capability of the president to set agendas." Baumgartner and Jones (1993, 241) surmised, "no single actor can focus attention as clearly, or change the motivations of such a great number of other actors, as the president." After all, these scholars assert, Congress, the public, and the news media regularly look to presidents for leadership on the nation's most pressing issues. Presidential influence over agenda setting arguably increases the president's ability to govern effectively. If the president dictates the issues that Congress debates each legislative session, he is more likely to succeed on his top legislative priorities (Bond and Fleisher 1990). Moreover, presidents who affect the systemic agenda—media attention to a policy or set of policies—may be able to "expand the scope of conflict" and enlist the public as an ally to further increase their legislative success. The "going public" argument, which structures much of the research examining the political effects of presidential rhetoric, maintains that presidents can use their rhetoric to expand the scope of conflict, and use subsequent public pressure to increase their success in Congress (see Kernell 1997). Although research shows that increased presidential attention to issues before Congress increases the president's success on those issues, it does not model the intervening impact that influence over the systemic agenda may have on the way in which presidential attention increases presidential success in Congress (Barrett 2004; Canes-Wrone 2001a; Fett 1994; Peterson 1990).¹ Moreover, because this research does not systematically differentiate agenda-setting effects by policy type, we are limited in our conclusions about if and when presidents may be successful agenda setters. Hence, we do not know conclusively whether presidents consistently influence the systemic agenda, or whether influence over the systemic agenda matters to the president's ability to govern.

at: growth now

US economy is on the brink

Whitefoot 7/8 [John, BA, financial writer since 90s, specialized in low-priced investment opportunities, "Economic Collapse Headed for U.S. in 2015," *Profit Confidential*, 7/8/15, <<http://www.profitconfidential.com/economic-analysis/economic-collapse-2015/>>]//eugchen

The last thing Wall Street is thinking about is an economic collapse in 2015. After all, the stock markets are at record highs, unemployment is down, and inflation is in check. But the fact of the matter is that these same indicators were also in check before the markets crashed in 1987, 2000, and 2008/09. Back in 2008/09, everyone on Wall Street, save for Michael Lombardi and Peter Schiff, was absolutely certain that the U.S. economy was the envy of the world and that it was rock solid. But we all know what happened. And if history is any indicator, it will happen again. By the looks of things, the U.S. could experience an economic collapse in 2015 and slip back into a recession. Or worse. When it comes to reading economic indicators, Wall Street is famous for looking at the surface. Instead of actually analyzing the data, they just regurgitate what they're spoon-fed. If you were to take a cursory glance at the state of the U.S. economy, you'd think everything was going according to plan. First, there are the stock markets. The U.S. markets have been marching steadily higher since bottoming in early 2009. The tech-heavy NASDAQ is up approximately 275% since March 2009, while the New York Stock Exchange (NYSE) is up 165%. The S&P 500 has climbed more than 200% and in August 2014, it closed above 2,000 for the first time ever. The Dow Jones Industrial Average has climbed 175%. And the stock market has been amazingly resilient. Even full-blown corrections are short-lived. On September 19, 2014, the U.S. markets started a three-week descent; both the NASDAQ and the NYSE fell by more than 11%, while the S&P 500 gave up more than 10% and the heavyweight Dow Jones Industrial Average fell 9.5%. Two weeks later, everything was back to normal. The stock markets were flying high and investor optimism was over the top. Back in the summer of 2014, 30% of investors were bullish. By mid-November, the number of investors with bullish sentiment had soared to almost 60%. Sentiment has retraced a little, but it's still exuberant at 50%.⁽¹⁾ But are investors too optimistic? And will this euphoria, and an economic collapse, come back to haunt them in 2015? Let's be blunt. Investors are overly optimistic about an overvalued stock market. Or at least they are relative to their 10-year price-to-earnings ratio. Today, stocks have a price-to-earnings ratio of 26.51. Over the last 10 years, that average has been 15. That means stocks are priced 76% higher than their 10-year average. Let's not forget that the stock market is a forward-looking indicator that reflects the state of the U.S. economy. So by all accounts, the U.S. economy is a lot healthier than it was before the recession. And certainly doesn't portend an economic collapse. Profits without Prosperity Case in point, the S&P 500 has advanced more than 200% since bottoming in early March 2009. The S&P 500 is a good overall indicator of the health of large-cap U.S. equities. The index includes 500 leading companies and covers approximately 80% of the available market capitalization. There is more than \$5.14 trillion benchmarked to the index, with assets accounting for approximately \$1.6 trillion of this total. So, if the S&P 500 is doing well, the entire U.S. economy must be doing well, right? Well, not necessarily. The S&P 500 and overall stock market have only done well because of the Federal Reserve's bond-buying program. By making interest rates artificially low, the Federal Reserve has made it easy and cheap to borrow. And with interest rates hovering near zero, there's nowhere for investors to turn but the stock market. In 2013, investors sent the S&P 500 up approximately 30%. That must mean the companies that made up the S&P 500 performed really well. But they didn't. Yet investors rewarded them for it. In each quarter of 2013, a larger percentage of companies revised their earnings guidance lower. During the first quarter of 2013, 78% of S&P 500 companies that provided preannouncements issued negative earnings guidance. That number climbed to 81% in the second quarter, 83% in the third quarter, and a new record of 88% in the fourth quarter. Borrow, Invest, Send Markets Higher, Repeat Instead of focusing on weak revenue and earnings, investors were distracted by financial engineering—also known as share repurchase programs. Because U.S. businesses couldn't impress investors with improved earnings, they propped up their results in other, more creative ways, namely cost-cutting measures and uncharacteristically generous share repurchase programs. In 2013, companies on the key stock indices logged a record-high for share buyback activity. In 2013, share buybacks amounted to \$460 billion—the highest amount since 2007.⁽²⁾ But 2013 wasn't an anomaly either. Let's consider the 449 companies on the S&P 500 that were publicly listed from 2003 to 2012. Over that timeframe, those companies used 54% of their earnings (\$2.4 trillion) to buy back their own shares. Dividends account for an additional 37% of earnings. Together, share buybacks and dividends accounted for 91% of earnings. That leaves very little for investment and improved wages.⁽³⁾ The stock market may be booming, but most Americans are not enjoying the recovery. In fact, most would be hard pressed to say the U.S. is even in a recovery. Like the stock market, the U.S. economy looks really good on paper, that is until you simply dig a little deeper and look at the underlying jobs data. The U.S. unemployment rate is under six percent, but at the same time, approximately

12% of the population remains underemployed. Wages are flat, personal debt levels remain elevated, and 15% of the population is still receiving food stamps.(4) Approximately a third (36%) of Americans have less than \$1,000 in savings and investments; 60% have less than \$25,000.(5) Meanwhile, 76% of Americans are living paycheck to paycheck.(6) This is not a recipe for sustained economic growth, especially for the world's largest economy and one that gets 71% of its gross domestic product (GDP) from consumer spending. America can't use credit cards to buy its way to prosperity. This might explain why U.S. economic growth has been underwhelming at best. In 2008, the U.S. reported GDP of -0.03%; in 2009, it retraced to -2.8%. Since then, growth has been unpredictable. In 2013, the year that the overall markets soared, U.S. GDP growth was a paltry 1.9%. The recent third-quarter GDP data was better than expected, but for 2014, U.S. GDP growth is forecast at just 2.2%. In 2015, the International Monetary Fund (IMF) thinks U.S. GDP will advance 3.1%—but it also says in the same breath that its outlook may be a little bit optimistic. The U.S. won't get much help from the rest of the world. The IMF cut its outlook for global growth to 3.8% from previous estimates of four percent. It noted that there is a 38% chance the eurozone, the world's biggest economic region, will fall back into a recession in 2015. Economic trajectories for China, Japan, and Russia are also an issue.(7) All of this could seriously damage the U.S. economy. That's because approximately 50% of the public companies that make up the S&P 500 get sales from Europe. Add it up. The stock market is sorely overvalued. The so-called U.S. recovery may have helped make Wall Street wealthier, but it has done little or nothing to benefit Main Street. The U.S. economy isn't as strong as we're being told it is. And the global economy is a mess. These are just a few reasons why the U.S. could experience an economic collapse in 2015.

at: econ defense

Economic decline leads to a laundry list of consequences

Thomas 14 [Jeff, studied economics around 1990 from Sir John Templeton, Harry Schulz, Doug Casey and others, "A Glimpse into the Coming Collapse," *Casey Research*, 1/17/14, <<http://www.caseyresearch.com/articles/a-glimpse-into-the-coming-collapse>>]//eugchen

However, the number of people whose eyes have been opened seems to be growing, and many of them are asking what the collapse will look like as it unfolds. What will the symptoms be? Well, the primary events are fairly predictable: they would include major collapses in the bond and stock markets and possible sudden deflation (primarily of assets), followed by dramatic inflation, if not hyperinflation (primarily of commodities), followed by a crash of several major currencies, particularly the euro and the US dollar. The secondary events will be less certain, but likely: increased unemployment, currency controls, protective tariffs, severe depression, etc. But, along the way, there will be numerous surprises—actions taken by governments that may be as unprecedented as they would be unlawful. Why? Because, again, such actions are the norm when a government finds itself losing its grip over the people it perceives as its minions. Here are a few: Travel Restrictions. This will begin with restrictions on foreign travel, including suspension/removal of passports. (This has begun in a small way in both the EU and US.) Later, travel restrictions will be extended within the boundaries of countries (highway checkpoints, etc.) Confiscation of wealth. The EU has instituted the confiscation of bank accounts, which can be expected to become an international form of governmental theft. This does not automatically mean that other assets, such as precious metals and real estate will also be confiscated, but it does mean that the barrier for confiscation has been eliminated. There is therefore no reason to assume that any asset is safe from any government that approves theft through bail-ins. Food Shortages. The food industry operates on very small profit margins and survives only as a result of quick payment of invoices. With dramatic inflation, marginal businesses (suppliers, wholesalers, and retailers) will fall by the wayside. The percentage of failing businesses will be dependent upon the duration and severity of the inflationary trend. Squatters Rebellions. A dramatic increase in the number of home and business foreclosures will result in homelessness for anyone whose debt exceeds his ability to pay—even those who presently appear to be well-off. As numbers rise significantly, a new homeless class will be created amongst the former middle class. As they become more numerous, large scale ownership of property may give way to large scale "possession" of property. Riots. These will likely happen spontaneously due to the above conditions, but if not, governments will create them to justify their desire for greater control of the masses. Martial Law. The US has already prepared for this, with the passing of the 2012 National Defense Authorization Act (NDAA), which many interpret as declaring the US to be a "battlefield." The NDAA allows the suspension of habeas corpus, indefinite detention, and the assumption that any resident may be considered an enemy combatant. Similar legislation may be expected in other countries that perceive martial law as a solution to civil unrest. The above list is purposely brief—a sampling of eventualities that, should they occur, will almost definitely come unannounced. As the decline unfolds, they will surely happen with greater frequency. But the value in projecting what the collapsing governments may do to their citizens is not merely an exercise in speculation. By anticipating the likelihood of any of the above, the individual may find that it would be prudent to turn off the game on television tonight and spend his time musing on the possibility of what he would do if any of the above events were to take place. (And, again, these projections are not mere fancy; they are actions typically taken by governments as their declines play out.) Most importantly, if the reader concludes that there is a significant percentage of likelihood that any of the above are coming his way, he would be well-advised to assess whether they are developments that he feels he could live with. If not, he might wish to assess how much time he has before these events become a reality and what he may do to sidestep their impact on him. Whilst, throughout the First World, the comment, "The whole world is going to Hell," is becoming common, in fact, this is not the case. Although some countries are in decline, others are on the rise. It is left to the reader to decide whether he will fall victim to coming events, or will use them as an opportunity to internationalise himself.

at: not key to global econ

US economy is key to the global economy

Bekiros 14 [Stelios D., Assistant Professor at the Athens University of Economics & Business and Research Professor at the IPAG Business School, "Contagion, decoupling and the spillover effects of the US financial crisis: Evidence from the BRIC markets," *International Review of Financial Analysis*: Volume 33, May 2014, Pages 58-69, <<http://www.sciencedirect.com/science/article/pii/S1057521913000872>>]]/eugchen

An interesting conclusion with respect to the globalization of the stock markets emerged from this study, in that all markets considered here have become more internationally integrated after the US financial crisis and the consequent Eurozone sovereign debt crisis. Moreover, it is evident from the results that mean and volatility spillover effects exist not only from the US market to the developed equity markets of Europe and Asia as shown in previous studies, but also between the US the BRIC economies. Another finding is that some differences exist between the persistence and strength of the causal linkages in the pre- and post-crisis periods. In view of the fact that BRICs pertain strong linkages with the global economy through trade and financial markets, a contagion effect was further substantiated due the transmission of the US subprime crisis to the BRIC equity markets. For instance, the post-crisis period exhibits highly significant feedback spillovers between the US market and the BRICs, with the exception of China which is always Granger caused by the US and the EU. Results from both periods show that India and Russian equity returns were highly affected by the movements in the US market. For Russia in particular, a clear evidence of contagion is established after the Lehman Brothers' bankruptcy. The leading role of the US market in the world financial system is visible throughout all causality tests and in all time periods, a fact that is consistent with earlier findings by Eun and Shim (1989). On the other hand, the Chinese market has relatively little influence on the stock price movements in the US and the EU, particularly once linear effects have been removed through VAR-filtering. This finding provides a relative support to the view that China plays a passive role in transmitting information to other stock markets. Moreover, the volatility of the US, Chinese, and Indian equity markets may be interrelated through investment, trade and macroeconomic fundamentals, so that news about the US economic conditions most likely has implications for the Chinese and Indian economies and financial markets. However, the trade linkages between the pairs US–Russia and US–Brazil are rather small. Nevertheless, their stock markets may be linked through the impact of world oil and energy demand, which most likely affects the Russian and to some extent the Brazilian economy. In general, the US, EU and the BRIC economies are also related through changes in currency markets which affect their relative competitiveness. In the financial sector foreign exchange volatility may also induce global portfolio managers to dynamically modify their investment positions among the six markets.¹³ One other reason of the remaining causalities could be that speculative movements driven by trader fads may be transmitted to and from the US, EU and the BRIC stock markets. Thus, speculative and noise trading may also lead to contagion effects across the investigated markets. Finally, beyond the contagious effects of the US crisis on the BRIC equity markets, the present study explored the so-called "decoupling" phenomenon. It seems that some evidence in support of the decoupling view was found based on the causality results. Specifically, the assumption that the emerging markets can be major drivers of world growth is partially validated by the detected feedback linkages. However, decoupling would have been plausible, especially after the financial crisis period, only if strong unidirectional links were detected from the BRICs to the US market and not of the opposite direction as well.

link – general

Surveillance reform kills bipartisanship – political fights

Diamond 6/2 Jeremy Diamond, reporter for CNN politics, “NSA surveillance bill passes after weeks-long showdown,” 6/2/2015, *CNN*, <http://www.cnn.com/2015/06/02/politics/senate-usa-freedom-act-vote-patriot-act-nsa//RA>

Washington (CNN)The National Security Agency lost its authority to collect the phone records of millions of Americans, thanks to a new reform measure Congress passed on Tuesday. President Barack Obama signed the bill into law on Tuesday evening. It is the first piece of legislation to reform post 9/11 surveillance measures. "It's historical," said Sen. Patrick Leahy, D-Vermont, one of the leading architects of the reform efforts. "It's the first major overhaul of government surveillance in decades." The weeks-long buildup to the final vote was full of drama. Kentucky Sen. Rand Paul assailed the NSA in a 10-hour speech that roused civil libertarians around the country. He opposed both renewing the post 9/11-Patriot Act and the compromise measure -- that eventually passed -- known as the USA Freedom Act. Meanwhile, Senate Majority Leader Mitch McConnell, and defense hawks such as Sens. John McCain and Lindsey Graham, had hoped to extend the more expansive Patriot Act, arguing it was essential for national security. NSA spying: Has the government lost important tool? NSA spying: Has the government lost important tool? 02:40 PLAY VIDEO RELATED: Are post 9/11 politics shifting? The Republican infighting broke out during two weeks of debate on Capitol Hill and on the presidential campaign trail. And in part thanks to Paul's objections, certain counterterrorism provisions of the Patriot Act expired late Sunday amid warnings of national security consequences. Obama welcomed the bill's final passage on Tuesday, but took a shot at those who held it up. "After a needless delay and inexcusable lapse in important national security authorities, my administration will work expeditiously to ensure our national security professionals again have the full set of vital tools they need to continue protecting the country," he said in a statement. No that Obama has signed the bill, his administration will get to work getting the bulk metadata collection program back up and running during a six-month transition period to the new data collection system. Senior administration officials described a two-step process: The first is the technical process -- essentially flipping the switches back and coordinating the databases of information stored by the government -- which takes a full day. White House slams Senate over lapse in spy measures White House slams Senate over lapse in spy measures 03:28 PLAY VIDEO RELATED: McConnell refuses to blast Rand Paul The second is a legal process that could take longer. The government needs to make a filing with the special secretive court -- which has authorized the bulk metadata collection program since 2006 -- to verify that the metadata programs are legal under the new law. It's unclear how long the process would take, but one official estimated the process could take three or four days. Final passage of the compromise bill was in question until Tuesday, until the Senate successfully rebuffed with three amendments which could have thrown a wrench into the works. The bill's passage is the culmination of efforts to reform the NSA that blossomed out of NSA leaker Edward Snowden's 2013 revelations. "This is the most important surveillance reform bill since 1978, and its passage is an indication that Americans are no longer willing to give the intelligence agencies a blank check," said Jameel Jaffer, deputy legal director at the American Civil Liberties Union. Congress had failed last year to pass a similar reform effort. The legislation will require the government obtain a targeted warrant to collect phone metadata from telecommunications companies, makes the Foreign Intelligence Surveillance Court (known as the FISA court) which reviews those warrant requests more transparent and reauthorizes Patriot Act provisions that lapsed early Monday. The bill, though, passed over the strong and impassioned objections of security hawks in the Republican Party and from some former members of the intelligence community. But as the June 1 deadline to renew expiring provisions of the Patriot Act closed in, and as NSA reform advocates refused to budge in the face of charges of damaging national security, top Senate Republicans led by Senate Majority Leader Mitch McConnell eventually relented, giving way to pressure from House Republicans, the Obama administration and reform advocates in their own body. McConnell and others realized that the USA Freedom Act, which passed the House three weeks earlier, was their only ticket to keeping counterterrorism provisions like data collection and roving wiretaps alive. But while McConnell kept up his protest into the final moments leading up to the vote, his fellow Kentucky senator who antagonized his every move to reauthorize provisions of the Patriot Act noticeably avoided the spotlight on Tuesday. Paul's weeks of staunch and unflinching opposition to reauthorizing the Patriot Act, and to the USA Freedom Act for not going far enough, ended Thursday with a simple "No" vote on that bill. He even relented in his plan to offer his own amendments to that piece of legislation and didn't make a prominent speech on the Senate floor on Tuesday. Paul chalked up his efforts as a win, though, succeeding in leading the bulk metadata collection program to its expiration on Sunday night.

link – PRISM

Surveillance reform causes partisan backlash

Kelly 7/8 [Erin, "New privacy debate focuses on government access to emails, texts, calls," *USA Today*, 7/8/15, <<http://www.usatoday.com/story/news/politics/2015/07/08/patriot-act-section-702-privacy-debate/29823349/>>]//eugchen

Now that Congress has ended the National Security Agency's controversial dragnet of Americans' phone records, privacy advocates are pushing to curb a lesser-known surveillance power that allows the government to read the content of Americans' emails, cellphone conversations and other electronic communication. Rep. Thomas Massie, R-Ky., said the power, which comes from Section 702 of the 2008 FISA Amendments Act, was supposed to be aimed at foreign nationals living outside the USA but has ended up being used to collect massive amounts of personal communication from Americans. That data, which can also include photos, texts and instant messages, can be gathered by U.S. intelligence agencies without a warrant as long as it crosses the U.S. border electronically at some point. Given the fluid nature of electronic communications and data storage, that happens all the time, Massie said. "Your email may go to a server in Canada or Iceland, and that's the loophole that allows the government into your communications," Massie told USA TODAY. "It's really troubling, and it's a clear violation of the Fourth Amendment prohibition against unreasonable searches and seizures." A majority of House members agreed, voting 255-174 in June for legislation by Massie and Rep. Zoe Lofgren, D-Calif., to prohibit intelligence agencies from using federal funds to search the data they collect under Section 702 for information about Americans. It was the second time in two years that the House has voted for the measure as part of its passage of a sweeping defense spending bill. The vote came shortly after Congress passed the USA Freedom Act, which will end the NSA's mass collection of Americans' phone records under Section 215 of the Patriot Act anti-terrorism law. But security hawks in Congress and the Obama administration are pushing back, vowing to fight any effort to weaken government surveillance programs at a time when terrorist threats from the Islamic State and other terrorist groups are on the rise. House Intelligence Chairman Devin Nunes, R-Calif., recently took the unusual step of writing letters to House Republicans who voted for the Massie-Lofgren amendment asking them to publicly renounce their vote. That would not actually rescind the outcome of the original vote, but supporters of the surveillance program hope it would help stop the legislation from being passed by the Senate or approved again in the House. "Despite the threats that face us, Congressman Massie's amendment ... would end the use of a vital tool for identifying and disrupting terrorist plots at home and abroad," Nunes wrote. National Intelligence Director James Clapper provided Nunes with a letter in an effort to change lawmakers' minds about Section 702. He said the prohibition on searching the data for information about U.S. residents could hamper investigations. "These queries can, among other things, enable analysts to identify terrorists plots ... alert potential victims of impending danger or locate hostages," Clapper said in a letter to House Intelligence Committee members the day after the Massie-Lofgren amendment passed the House. Lofgren said the intent of the letters was "to try to scare people into abandoning the Constitution." "It's hard to say that our current situation is more threatening than World War II, but we didn't throw out the Fourth Amendment during that war," she said in an interview. Under Section 702, an American citizen living in the United States could become the subject of an investigation for merely contacting a human rights organization in London that opposes the use of military drones, said Neema Singh Guliani, legislative counsel for the American Civil Liberties Union. "The government could say that the group has foreign intelligence information and collect the contents of your call or email with the group," she said. Massie said he has a simple answer for government agents who want to target Americans for surveillance. "Get a warrant," Massie said. "We're not taking away a tool for the people who are keeping us safe. We're just telling them 'get a warrant if you want to spy on Americans.'"

to flourish unabated.

Google DA HSS

Notes

This is a DA that links to affs that increase privacy regulations of some sort. The evidence on government privacy regulations spilling over and hurting private companies' abilities (specifically, Google) to collect data/operate efficiently is pretty good.

The 1NC impact is the oil dependence scenario, but we have cards that talk about innovation/economy.

Good luck! Let us know if we can update/cut/change anything ~Myles, Aameek, Clare, Rishika 😊

1NC Shell

1NC — Google DA

Privacy regulations directly inhibit private sector data collection and innovation

Goldfarb and Tucker 12 — Avi Goldfarb, Professor of Marketing in the Rotman School of Management at University of Toronto, has published over 50 articles in a variety of outlets in economics, marketing, statistics, computing, and law, holds a PhD from Northwestern, MA from Northwestern, and BAH from Queens University, with Catherine Tucker, Professor of Marketing at MIT Sloan, Chair of the MIT Sloan PhD Program, received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for Emerging Marketing Scholar and Mentor, the Paul E. Green Award for contributions to the practice of Marketing Research and a Garfield Award for her work on electronic medical records, holds a PhD in economics from Stanford University, and a BA from the University of Oxford, 2012 (“Privacy and Innovation,” Innovation Policy and the Economy, Chicago Journals, The National Bureau of Economic Research, Vol. 12, No. 1, pp. 65-90, January, Available Online via Subscribing Institutions at JStor, Accessed 7/21/15)

The relationship between innovation and privacy policy runs deeper than this superficial similarity suggests. This paper argues that ultimately **privacy policy is interlinked with innovation policy and consequently has potential consequences for innovation and economic growth.** Drawing on empirical analysis of privacy regulations in online advertising and health care, we summarize evidence that **privacy regulations directly affect the usage and efficacy of emerging technologies in these sectors.** Furthermore, because these impacts are heterogeneous across firms and products, regulations affect the direction of innovation.

This linkage sets up a tension between the economic value created by the use of personal data and the need to safeguard consumers’ privacy in the face of the use of such data. As discussed by Hui and Png (2006), it is not straightforward to incorporate notions of privacy into economic models, because such notions are often based on consumer emotions as well as on strict economic concerns. As such, it is important for regulators to balance consumer uneasiness with (or repugnance toward) data collection and usage with the consequences such regulations may have on certain types of innovation.

More broadly, the extent of privacy regulation should represent a trade-off between the benefits of data-based innovation and the harms caused by violations of consumer privacy. Much of the policy discussion appears to assume **substantial** harms, perhaps citing survey evidence that people do not like to be tracked (FTC 2010). It is important to measure the size of these harms carefully, ideally in a real-world revealed-preference setting where the costs and benefits can be explicitly traded off. These studies should be conducted across many industries and settings, because such harms likely affect different sectors in different ways. The fact that there may be differential effects in terms of both harm and incentives to innovate across different sectors means that **there may be potential adverse consequences of using a single policy tool to regulate all sectors.** These adverse consequences should be set against the benefits of simplicity and uniformity of comprehensive cross-sector privacy regulation.

Data collection is key to enhanced Google revenues and operations

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It is not new for companies to collect information about their customers. For decades, firms have been able to buy data from external parties (such as magazine subscription and car ownership data) and integrate it into their mailing lists. What is new about the collection of online data is the scope of the data collected, the precision with which the company can associated an action with a specific customer, and the sheer quantity of information. Before online purchasing, stores rarely observed abandoned shopping carts, statements of customer preferences, or a complete list of all past purchases.

The quantity and precision of the data collected mean that **there are benefits to firms that offer services online from the retention and use of customer clickstream data** beyond the example of advertising described earlier. One common innovative application is the use of data to tailor products automatically to a consumers’ needs and interests. Data can also be used for immediate feedback. **Google**, for example, retains user clickstream data to **continuously improve both its search algorithms and online product services**, such as youtube.com, partly on the basis of terminated user queries and actions.

Online data have also allowed the development of recommender systems that use customers’ purchase decisions to offer recommendations about products of interest to another customer. If, for example, a website observes a customer buying a DVD of the television series “Lost,” it uses the purchase histories of other customers who have also bought “Lost” to suggest other DVDs that the customer might also enjoy. Dias et al. (2008) suggest that **such systems can increase revenues by 0.3%. This increase is economically significant** given the relatively low cost of implementing such systems and the high costs of increasing revenues through alternative marketing actions. Recommender systems can also be designed to move sales toward higher-margin items (Fleder and Hosanagar 2009).

So far, our discussion has focused on how the sharing of information collected online has been used by firms to improve the accuracy of their efforts to increase demand and customer satisfaction. However, **improvements in information and communication technologies** allow a wide-scale collection of consumer data that **can also enhance a firm’s operational efficiency.** At Walt Disney World, a new operations center is designed to use detailed customer surveillance

data to minimize wait times in lines (Barnes 2010). Many financial services companies use data to predict credit risk and to determine promotions and interest rate offers.

Another valuable type of data for operational efficiency is information about consumer trends that enables firms to manage their supply chains more effectively. For example, companies use data from wishlists, grocery lists, and registries online to project future demand for certain products. Search data are also useful for predicting demand. Choi and Varian (2009) show that data about who is searching for what on search engines can predict travel and retail demand reasonably accurately. Again, the collection and analysis of information, facilitated by recent advances in information and communications technologies, has led to innovation in the operations of firms from online retailers to theme parks to financial services companies.

Google Self-Driving cars are key to revitalizing the economy, reducing dependence on oil, and a more sustainable future.

Dallegro 14 — Joseph A. Dallegro is a journalist and advertising copywriter living in the New York area. He has covered business and finance, automobiles and local interest stories for publications such as Institutional Investor, ConsumerSearch and the Jersey City Independent. His advertising work has been profiled in CBS News, The Huffington Post, and Adweek, 2014 ("How Google's Self-Driving Car Will Change Everything," Investopedia, April 2014, Available Online at <http://www.investopedia.com/articles/investing/052014/how-googles-selfdriving-car-will-change-everything.asp>, Accessed 7-21-2015)//CM

Imagine getting in your car, typing or speaking a location into your vehicle's interface, then letting it drive you to your destination while you read a book, surf the web or nap. Self-driving vehicles – the stuff of science fiction since the first roads were paved – are coming, and they're going to radically change what it's like to get from point A to point B. Basic Technology Already In Use "The building blocks of driverless cars are on the road now," explained Russ Rader, senior v.p. of communications at the Insurance Institute for Highway Safety. He pointed to the front-crash prevention systems that for several years have been able to warn drivers of an impending obstacle and apply the brakes if they don't react fast enough. These systems were quickly followed by technology allowing cars to self-park by sizing up a free spot and automatically steering into it, with the driver only controlling the accelerator and brake pedals. Mercedes-Benz took autonomous driving even further with last year's unveiling of a steering system that works on the highway, in certain circumstances. The first big leap to fully autonomous vehicles is due in 2017, when Google Inc. (GOOG) said it would have an integrated system ready to market. Every major automotive manufacturer is likely to follow by the early 2020s, though their systems could wind up being more sensor-based, and rely less on networking and access to map information. Google probably won't manufacture cars. More likely, it'll license the software and systems. A Drastic Change As with the adoption of any new revolutionary technology, there will be problems for businesses that don't adjust fast enough. Futurists estimate that hundreds of billions of dollars (if not trillions) will be lost by automakers, suppliers, dealers, insurers, parking companies, and many other car-related enterprises. And think of the lost revenue for governments via licensing fees, taxes and tolls, and by personal injury lawyers and health insurers. Who needs a car made with heavier-gauge steel and eight airbags (not to mention a body shop) if accidents are so rare? Who needs a parking spot close to work if your car can drive you there, park itself miles away, only to pick you up later? Who needs to buy a flight from Boston to Cleveland when you can leave in the evening, sleep much of the way, and arrive in the morning? Indeed, Google's goal is to increase car utilization from 5-10% to 75% or more by facilitating sharing. That means fewer cars on the road. Fewer cars period, in fact. Who needs to own a car when you can just order a shared one and it'll drive up minutes later, ready to take you wherever you want? "This [has the potential to] dramatically reduce the number of cars on the street, 80% of which have people driving alone in them, and also a household's cost of transportation, which is 18% of their income – around \$9,000 a year – for an asset that they use only 5% of the time," said Robin Chase, the founder and CEO of

Buzzcar, a peer-to-peer car sharing service, and co-founder and former CEO of Zipcar. In 2030, self-driving cars are expected to create \$87 billion worth of opportunities for automakers and technology developers, said a report by Boston-based Lux Research. Software developers stand to win big. A Car Manufacturing Revolution If you're an automaker, such as Ford Motor Co. (F), General Motors Co. (GM), Chrysler Group LLC, Toyota Motor Corp. or Honda Motor Co., Ltd. (HMC), which account for about 70% of the U.S. market, you could see an initial surge in the \$600 billion in annual new and used car sales in the U.S. But as soon as the technology takes hold, sales could fall off significantly as sharing popularizes. Cars will always need steel, glass, an interior, a drivetrain and some form of human interface (even if that interface is little more than a wireless connection to your smartphone). But much of everything else could change. As an example, take front-facing seats; they could become an option, not a requirement. Automakers that see change coming, such as how the big profits are secured downstream by car servicers, insurers and more, are focusing on services as much as on what and how they manufacture.

Infrastructure Transformation With fewer cars around, parking lots and spaces that cover roughly a one-third of the land area of many U.S. cities can be repurposed. That could mean temporary downward pressure on real estate values as supply increases. It could also mean greener urban areas, as well as revitalized suburbs, as longer commutes become more palatable. And if fewer cars are on the road, the federal and state governments may be able to reallocate a good portion of the roughly \$30 billion spent annually on highways. Changing Oil Demand If you're in the business of finding, extracting, refining and marketing hydrocarbons, such as Exxon Mobil Corp. (EOX), Chevron Corp. (CVX) or BP plc (BP), you could see your business fluctuate as use changes. "These vehicles should practice very efficient eco-driving practices, which is typically about 20% better than the average driver," said Chase "On the other hand, if these cars are owned by individuals, I see a huge rise in the number of trips, and vehicle miles traveled. People will send out their car to run errands they would never do if they had to be in the car and waste their own time. If the autonomous cars are shared vehicles and people pay for each trip, I think this will reduce demand, and thus (vehicle miles traveled)." Safety Dividend Autonomous vehicles are also expected to be safer. "These cars won't get drunk or high, drive too fast, or take unnecessary risks – things people do all the time," Chase said. "Over 90% of accidents today are caused by driver error," said Professor Robert W. Peterson of the Center for Insurance Law and Regulation at Santa Clara University School of Law. "There is every reason to believe that self-driving cars will reduce frequency and severity of accidents, so insurance costs should fall, perhaps dramatically." "Cars can still get flooded, damaged or stolen," notes Michael Barry, the v.p. of media relations at the Insurance Information Institute. "But this technology will have a dramatic impact on underwriting. A lot of traditional underwriting criteria will be upended." Barry said it's too early to quantify exactly how self-driving vehicles will affect rates, but added that injured parties in a crash involving a self-driving car may choose to sue the vehicle's manufacturer, or the software company that designed the autonomous capability. Initially, insurers such as State Farm Insurance, Allstate Corp. (ALL), Liberty Mutual Group, Berkshire Hathaway Inc.'s (BRK-A) GEICO, Citigroup Inc.'s (C) Travelers Group could see a huge benefit from lower accident liabilities, but wind up losing a big portion of the \$200 billion in personal auto premiums they write every year as fewer cars take to the road. Some have even speculated that mandatory insurance for cars could be dropped. And as long as we're talking about financial services, what of the multitude of banks and creditors that lend buyers money in about 70% of car purchases if sales volume falls? According to a University of Texas report, if only 10% of the cars on U.S. roads were autonomous, more than \$37 billion of savings could be realized via less wasted time and fuel, as well as fewer injuries and deaths. At 90%, the benefit rises to almost \$450 billion a year. Closer to Home Self-driving cars could have a substantial impact on the taxi and limousine industries and could create new ones. Chase noted that they could be used to share specific trips as a kind of pay-as-you-go small-scale public transportation – taking a disparate bunch of Manhattanites to the beach in the Hamptons, for instance. One study found that a fleet of 9,000 driverless taxis could serve all of Manhattan at about 40 cents per mile (compared to about \$4-6 per mile now). There are licenses for over 13,000 taxis in the Big Apple now. Self-driving cars may also challenge train lines. "A self-driving car offers much of the convenience of rail service with the added convenience that the service is portal-to-portal rather than station-to-station," Peterson said. "On the other hand, a fleet of self-driving cars available at the station may make rail service more palatable. "The technology has already been adopted in closed systems, such as campuses, air-terminals and mining," he noted. "Rio Tinto Group (RIO), a large mining company, uses enormous self-driving trucks in its mining operations. European countries are experimenting with the platooning of trucks. Among other things, this saves about 18% in fuel." Risks, Hurdles and the Unknown There are regulatory and legislative obstacles to widespread use of self-driving cars, and substantial concerns about privacy (who will have access to any driving information these vehicles store?). There's also the question of security, as hackers could theoretically

take control of these vehicles, and are not known for their restraint or civic-mindedness. The Bottom Line However it plays out, these vehicles are coming – and fast. Their full adoption will take decades, but their convenience, cost, safety and other factors will make them ubiquitous and indispensable. Such as with any technological revolution, the companies that plan ahead, adjust the fastest and imagine the biggest will survive and thrive. And companies invested in old technology and practices will need to evolve or risk dying.

Oil dependence diminishes US hegemony — key to combating WMD spread, terrorism, Gulf instability

Deutch and Schlesinger 6 — John Deutch, served as Deputy Secretary of Defense, Director of Central Intelligence, Director of Energy Research, Acting Assistant Secretary for Energy Technology, and Undersecretary of the Department, emeritus Institute Professor at the Massachusetts Institute of Technology, holds a B.A. in history and economics from Amherst College, and both the B.S. in chemical engineering and Ph.D. in physical chemistry from M.I.T, and James R. Schlesinger, served as Secretary of Defense under Nixon and Ford, America's first Secretary of Energy, Director of Central Intelligence, earned a B.A., M.A., and Ph.D. in economics from the Horace Mann School and Harvard University, 2006 (“National Security Consequences of U.S. Oil Dependency,” Report of an Independent Task Force, Available Online at http://pages.ucsd.edu/~dgvictor/publications/Faculty_Victor_Chapter_2006_National%20Security%20Consequences_CFR.pdf, Accessed 7/22/15)

The Task Force has identified five major reasons why dependence on energy traded in world markets is a matter of concern for U.S. foreign policy. We have also examined a sixth, the relationship of military force structure to oil dependence.

First, the control over enormous oil revenues gives exporting countries the flexibility to adopt policies that oppose U.S. interests and values. Iran proceeds with a program that appears to be headed toward acquiring a nuclear weapons capability. Russia is able to ignore Western attitudes as it has moved to authoritarian policies in part because huge revenues from oil and gas exports are available to finance that style of government. Venezuela has the resources from its oil exports to invite realignment in Latin American political relationships and to fund changes such as Argentina’s exit from its International Monetary Fund (IMF) standby agreement and Bolivia’s recent decision to nationalize its oil and gas resources. **Because of their oil wealth, these and other producer countries are free to ignore U.S. policies and to pursue interests inimical to our national security.**

Second, oil dependence causes political realignments that constrain the ability of the United States to form partnerships to achieve common objectives. Perhaps the most pervasive effect arises as **countries dependent on imports subtly modify their policies to be more congenial to suppliers.** For example, China is aligning its relationships in the Middle East (e.g., Iran and Saudi Arabia) and Africa (e.g., Nigeria and Sudan) because of its desire to secure oil supplies. France and Germany, and with them much of the European Union, are more reluctant to confront difficult issues with Russia and Iran because of their dependence on imported oil and gas as well as the desire to pursue business opportunities in those countries.

These new realignments have further diminished U.S. leverage, particularly **in the Middle East and Central Asia.** For example, Chinese interest in securing oil and gas supplies challenges U.S. influence in central Asia, notably in Kazakhstan. And Russia’s influence is likely to grow as it exports oil and (within perhaps a decade) large amounts of natural gas to Japan and China.

All consuming countries, including the United States, are more constrained in dealing with producing states when oil markets are tight. To cite one current example, concern about losing Iran's 2.5 million barrels per day of world oil exports will cause importing states to be reluctant to take action against Iran's nuclear program.

Third, **high prices and seemingly scarce supplies create fears**— especially evident in Beijing and New Delhi, as well as in European capitals and in Washington—**that the current system of open markets is unable to ensure secure supply.** The present competition has resulted in **oil and gas deals** that **include political arrangements in addition to commercial terms.** Highly publicized Chinese oil investments in Africa have included funding for infrastructure projects such as an airport, a railroad, and a telecommunications system, in addition to the agreement that the oil be shipped to China. Many more of these investments also include equity stakes for state-controlled Chinese companies. Another example is Chinese firms taking a position in Saudi Arabia, along with several Western firms, in developing Saudi Arabia's gas infrastructure.

At present, these arrangements have little effect on world oil and gas markets because the volumes affected are small. However, **such arrangements are spreading.** These arrangements are worrisome because **they lead to special political relationships that pose difficulties for the United States.** And **they allow importers to believe that they obtain security through links to particular suppliers rather than from the proper functioning of a global market.**

We note that **the United States, in the past, has also taken decisions to restrict markets partly due to similar concerns about energy security.** For example, when the trans-Alaska pipeline opened, it included a prohibition against exporting the oil. **The hostility toward proposals** by the Chinese National Overseas Oil Company (CNOOC) to purchase Union Oil of California **is seen by some as denying investment opportunity in the U.S. market in a similar manner to what the United States decries about other nations' conduct.** The Task Force believes that foreign entities should be able to purchase U.S. assets provided that the acquisitions meet the criteria established by the Committee on Foreign Investment in the United States (CFIUS).¹²

Opening a dialogue with rapidly growing consumers, notably China and India, can help those consumers gain confidence that will lead to a greater willingness to allow markets to operate. (We return to this policy recommendation later.) The United States and other consuming countries have a tremendous interest in maintaining the present open market oil commodity trading rules.

Fourth, **revenues from oil and gas exports can undermine local governance.** The United States has an interest in promoting good governance both for its own sake and because it encourages investment that can increase the level and security of supply. **States that are politically unstable and poorly governed often struggle with the task of responsibly managing the large revenues that come from their oil and gas exports.** The elements of good governance include democratic accountability, low corruption, and fiscal transparency. Production in fragile democracies, such as in Nigeria, can be undermined when politicians or local warlords focus on ways to seize oil and gas rents rather than on the longer-term task of governance. **Totalitarian governments that have control over those revenue flows can entrench their rule.**

When markets are tight, large oil consumers have tended to become especially focused on securing supply and ignore the effects of their investments on corruption and mismanagement. In Sudan, for example, despite civil war and widespread human rights abuses, the Chinese government and its oil enterprises are funding extensive oil supply and 12 Alan P. Larson and David M. Marchick, Foreign Investment and National Security: Getting the Balance Right, a Council Special Report (New York: Council on Foreign Relations Press, 2006). Findings: How Dependence on Imported Energy Affects U.S. Foreign Policy 29 infrastructure projects. China has used its threat of a veto in the UN Security Council to thwart collective efforts by other countries to manage the Darfur crisis in Sudan. Similarly, China, India, and several Western European countries continue to invest in Iran despite the need to contain its nuclear aspirations.

Fifth, **a significant interruption in oil supply will have adverse political and economic consequences in the United States and in other importing countries.** When such a disruption occurs, **it upends all ongoing policy activity in a frantic effort to return to normal conditions.** Inevitably, **those**

efforts include matters of foreign policy, such as coordination with other countries to find measures that will mitigate the consequences of the supply disruption. Some of these responses may be preplanned, such as the coordinated release of strategic reserves, but other **responses will be hurried, ineffectual, or even counterproductive.**

Sixth, some observers see a direct relationship between the dependence of the United States on oil, especially from the Persian Gulf, and the size of the U.S. defense budget. Such a relationship invites the inference that **if it were not dependent on this oil, the United States and its allies would have no interest in the region, and hence it would be possible to achieve significant reductions in the U.S. military posture.** In the extreme, this argument says that **if the nation reduced its dependence, then the defense budget could be reduced as well.**

U.S. strategic interests in reliable oil supplies from the Persian Gulf are not proportional with the percent of oil consumption that is imported by the United States from the region. Until very low levels of dependence are reached, the United States and all other consumers of oil will depend on the Persian Gulf. Such low levels will certainly not be reached during the twenty-year time frame of this study.

Even if the Persian Gulf did not have the bulk of the world's readily available oil reserves, there would be reasons to maintain a substantial military capability in the region. **The activities of Iran today and Iraq,** especially prior to 1991, **underline the seriousness of threats from weapons of mass destruction. Combating terrorism also requires a presence in the Gulf.** In addition to military activities, **a U.S. presence in the region can help to improve political stability.**

At least for the next two decades, the Persian Gulf will be vital to U.S. interests in reliable oil supply, nonproliferation, combating 30 National Security Consequences of U.S. Oil Dependency terrorism, and encouraging political stability, democracy, and public welfare. Accordingly, the United States should expect and support a strong military posture that permits suitably rapid deployment to the region, if required.

It is worthwhile to explain what should and should not be expected from this military force, and how it serves U.S. interests. Most importantly, **the conventional force of the United States deters aggression in the region. Any nation** (or subnational group) **that contemplates violence on any scale must take into account the possibility of U.S. preemption, intervention, or retaliation.** Deterrence is powerful, but it does not always work (especially if the possibility of a military response is not raised). For example, deterrence did not prevent the Iran-Iraq war of the early 1980s. Because no clear and credible signal was sent of a possible response in 1990, Saddam Hussein was not deterred from invading Kuwait. Nevertheless, **the U.S. military posture with its capacity to intervene,** if managed wisely, **can play a role in stabilizing this highly fragile region and make many countries in the region more secure from hostile action by their neighbors.**

2NC/1NR Uniqueness

They Say: “Regulations Key”

Status quo privacy regulations should solve their advantage — any more results in a loss of data collection capabilities

Goldfarb and Tucker 12 — Avi Goldfarb, Professor of Marketing in the Rotman School of Management at University of Toronto, has published over 50 articles in a variety of outlets in economics, marketing, statistics, computing, and law, holds a PhD from Northwestern, MA from Northwestern, and BAH from Queens University, with Catherine Tucker, Professor of Marketing at MIT Sloan, Chair of the MIT Sloan PhD Program, received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for Emerging Marketing Scholar and Mentor, the Paul E. Green Award for contributions to the practice of Marketing Research and a Garfield Award for her work on electronic medical records, holds a PhD in economics from Stanford University, and a BA from the University of Oxford, 2012 (“Privacy and Innovation,” Innovation Policy and the Economy, Chicago Journals, The National Bureau of Economic Research, Vol. 12, No. 1, pp. 65-90, January, Available Online via Subscribing Institutions at JStor, Accessed 7/21/15)

Concerns over the use of data for targeted advertising have also led to a number of regulations designed to offer privacy protection. The first major legislation on the issue was the European ePrivacy Directive (EC/2002/58), which predominantly addressed the telecommunications sector. However, several provisions of the ePrivacy Directive limited the ability of companies to track user behavior on the Internet. **These changes made it more difficult** for a specific advertiser to collect and use data about consumer browsing behavior on other websites.

The interpretation of EC/2002/58 has been somewhat controversial as it relates to behavioral targeting. For example, it is not clear to what extent companies need to obtain opt-in consent: the provision says only that companies who use invisible tracking devices such as web bugs require the “knowledge” of consumers, and the definition of “knowledge” has been extensively debated. This is one reason why, in the recent “Telecoms Reform Package,” the European Union (EU) amended the current regulation to clarify what practices are allowed. However, in general, the limitations the current EU regulation impose on data collection by online advertisers are widely seen as stricter than in the United States and elsewhere. Baumer, Earp, and Poindexter (2004, 410) emphasize that the privacy laws that resulted from the ePrivacy Directive are far stricter than in the United States and that **“maintaining full compliance with restrictive privacy laws can be costly, particularly since that adherence can result in a loss of valuable marketing data.”**

There are also proposals for legislation in the United States. In particular, FTC (2010) suggests a move to implement a “do not track” policy that would allow consumers to enable persistent settings on their web browsers and prevent firms from collecting clickstream data. A specific privacy office within the Department of Commerce has also been suggested to monitor and regulate the use of data by firms (USDOC 2010).

Consequences.—However, such regulation will impose costs. As set out by Evans (2009) and Lenard and Rubin (2009), **there is a trade-off between the use of online customer data and the effectiveness of advertising.**

Google Revenue High

Google has an extremely high revenue now – even after spending money on driverless cars, revenues will be sustainable

Womack 7/16 — Brian Womack is a Reporter at Bloomberg News, 7-16-2015 ("Google stock soars to record high on earnings beat," Globe and Mail, 7-16-2015, Available Online at <http://www.theglobeandmail.com/report-on-business/international-business/us-business/google-profit-tops-analyst-estimates-as-company-curbs-costs/article25536408/>, Accessed 7-26-2015)//CM

Google stock soars to record high on earnings beat Google Inc.'s stock rallied in Europe trading after new Chief Financial Officer Ruth Porat signaled plans to bring more restraint to spending at the Internet search giant. Profit and sales topped analysts' estimates in the second quarter, and operating expenses rose at the slowest pace since 2013. On a conference call after the results were released Thursday, Porat -- who joined the company in May from Morgan Stanley -- said she was focused on cost controls. Reuters Jul. 16 2015, 6:15 PM EDT Video: Google's earnings beat expectations As the company seeks ways to boost revenue growth in its main Web search-advertising business and beyond, Chief Executive Officer Larry Page has been investing in new -- and sometimes expensive - - projects, from driverless cars to fast Internet service. Porat has bolstered investor confidence that the company will balance spending on such initiatives with the need to keep a tighter rein on expenses. "People are realizing it's a new era," said Colin Gillis, an analyst at BGC Financial LP. "She's coming in and she's expressing what investors wanted -- that's there's going to be cost rationalization, a degree of discipline." Google shares rose about 12 percent to the equivalent of \$672.88 at 8:47 a.m. in Frankfurt. The stock gained 3.1 percent to \$601.78 at the close in New York Thursday, and has soared 11 percent since the start of July. Porat's Priorities Profit before certain items in the recent period was \$6.99 a share, the company said in a statement. Sales, minus revenue passed on to partners, rose 13 percent to \$14.4 billion. Analysts on average projected \$6.73 a share in profit on \$14.3 billion in sales, according to data compiled by Bloomberg. "The priority is revenue growth," Porat said on the call, her first at Google, after the report. "We have a breadth of opportunity, but pursuing revenue growth is obviously not inconsistent with expense management." Second-quarter net income was \$3.93 billion, compared with \$3.35 billion a year earlier, Mountain View, California-based Google said. Revenue would have been \$1.1 billion higher had foreign-exchange rates stayed constant, the company said. Porat said Google is still investing in new businesses, just as it always has under co-founders Page and Sergey Brin. Pursuits have included the introduction of a new wireless-phone service and tests of delivery drones and Google Glass wearable computer, as well as forays into products like contact lenses that can track glucose levels and kites designed to deliver clean energy. "The founders are still in control and that dynamic still exists, so she'll have to deal with that going forward," said Josh Olson, an analyst at Edward Jones & Co. "The fact that she was hired indicates that Larry and Sergey are looking for a change in the approach around expenses." Advertising Business Google also has devoted money to improving its core advertising services, including new tools to enable purchases directly from ads and features that aim to make the buying process simpler for marketers. The company has a wide lead in the digital-advertising market over rivals such as Facebook Inc., Apple Inc. and Twitter Inc. In the recent quarter, the number of clicks on ads rose 18 percent, compared with a 13 percent increase in the first quarter, while the average cost per click fell 11 percent after dropping 7 percent in the prior period. Google's mobile cost- per-click is climbing, helping to close the gap with desktop ads, Porat said on the call. Watch time on YouTube, the company's video-sharing site, was up 60 percent, with mobile watch time more than doubling, she said.

Google's revenue is at a record high

Hall 7/16 — Stephen Hall is a Senior Editor of 9to5Google, 7-16-2015 ("Google announces Q2 2015 earnings: \$17.7 billion revenue, \$3.93 billion net income," 9to5Google, 7-16-2015, Available Online at <http://9to5google.com/2015/07/16/google-announces-q2-2015-earnings-17-7-billion-revenue-3-93-billion-net-income/>, Accessed 7-26-2015)//CM

Google today has posted its earnings for Q2 2015. The company reports revenue of \$17.7 billion, which is up 11% or \$15.9 billion year over year. Net income for Q2 2015 was \$3.93 billion. Of its total revenue, advertising consisted of right about \$16 billion, with Google's own websites accounting for \$12.4 billion. Advertising revenue is up 11% year over year, while that of Google's own sites are up 13 percent year over year. Aggregate paid clicks rose 18 percent in Q2, while cost-per-click rates fell 11 percent compared to Q2 of 2014. Google is holding a webcast at 1:30PST/4:30EST further discussing its earnings for the first quarter of 2015, and you can find that stream embedded above.

Google's revenue is on an upward spiral – sustainable growth and improving margins prove

Cardenal 7/21 — Andrés Cardenal, CFA, is a tenacious researcher of the best investment opportunities around the world. Andres is an economist and CFA Charterholder living in Buenos Aires, Argentina, 7-21-2015 ("Google Stock at Record Highs: Time to Take Profits, or More Growth Ahead?," Motley Fool, 7-21-2015, Available Online at <http://www.fool.com/investing/general/2015/07/21/google-stock-at-record-highs-time-to-take-profits.aspx>, Accessed 7-26-2015)//CM

Google (NASDAQ:GOOG) (NASDAQ:GOOGL) stock was having an uninspiring year in 2015. Shares of the online search giant were basically flat, as investors were getting disappointed with Google's financial performance over the past several quarters. However, things took a dramatic turn when Google reported rock-solid earnings for the second quarter of 2015 last week, gaining a staggering 16% in a single day and making new historical records for Google stock. Let's look at the main reasons Google delivered such an explosive gain in a relatively short period of time, and, more importantly, whether the company still offers upside potential from current levels or if the best is already in the past for investors in Google stock. Google is still growing rapidly Google is in the midst of a transformation. The online advertising industry is going through major changes because of powerful emerging trends such as the rise of mobile computing and increasing online video consumption, factors that are changing industry dynamics. Transformations are seldom easy, and Google's revenue growth has been hurt by declining ad prices, since channels such as mobile and YouTube typically mean lower average prices per ad. Besides, rising costs, as the company invests huge sums of money on all kind of growth initiatives, have taken their toll on profit margins. But Google dissipated a lot of concerns when it announced financial results for the second quarter of 2015. Not only did earnings come in ahead of Wall Street expectations, but management also highlighted some remarkably encouraging trends, which bode well for investors in Google stock over the years ahead. Total revenue during the second quarter of 2015 came in at \$17.7 billion, an 11% year-over-year increase. Unfavorable currency movements were a major headwind during the period, since total revenue in constant currency jumped by an impressive 18% versus the same quarter in the prior year. This growth rate is nothing short of extraordinary for a company as big as Google. Margins are improving, too: Traffic acquisition costs declined to 19% of revenue from 21% in the second quarter of 2014, and the company managed to contain operating costs at reasonable levels, so adjusted operating margin rose from 32% of sales to 34% of revenue in the last quarter. Promising trends The latest quarter was the first time ever that Google's new CFO, Ruth Porat, led the company's earnings conference call, and what she had to say sounded like music to investors' ears. To begin with, Google is being more disciplined when it comes to investments and expenditures, which

should drive higher profit margins over the coming quarters. In Porat's own words: The sequential deceleration in expense growth achieved in the second quarter reflects in part the benefit of expense discipline discussed in prior calls. A key focus is on the levers within our control to manage the pace of expenses while still ensuring and supporting our growth. We will do this while we continue to invest in engineering talent to keep us preeminent in innovation globally. The company is also making big inroads in mobile, reducing the price gap between desktop and mobile ads via an improved user experience and enhanced ad quality. This is another major positive for investors, since it indicates that Google will be able to sustain its enormously profitable business model under the mobile computing paradigm. According to management, more Google searches are taking place on mobile devices than on desktop in 10 countries, including the U.S. and Japan, two of Google's biggest markets. The company calculates that 30% of mobile queries are related to a specific location, which provides plenty of opportunities for growth and monetization in local search. Also, YouTube is firing on all cylinders and consolidating Google's position as a top player in online video. Watch time on YouTube was up by a staggering 60% year over year during the last quarter, the fastest growth rate the platform has seen in the past couple of years. YouTube mobile watch time more than doubled from the same period in 2014, so YouTube is rapidly expanding on mobile devices, too. Advertising dollars are going in the same direction as consumers' eyeballs. As more viewers are increasingly going online for their video content, advertisers are jumping in to capitalize on the opportunity. The number of advertisers running video ads on YouTube is up more than 40% year over year, and the average spend among the 100 top advertisers is up by 60% versus the same quarter last year. The stock is priced at a moderate premium versus the overall market: Google stock trades at a forward P/E ratio near 21, while the average company in the S&P 500 carries a forward P/E ratio in the neighborhood of 18. Still, this doesn't sound like an excessive price tag to pay for such a leading growth company. The way things are going, it looks like Google is well positioned for sustained growth over the years ahead, and current valuation levels provide attractive upside room for investors in Google stock.

Collection High

Google largest collector of data and uses data to enhance experience

Aronsky, '14 Eugene Aronsky is a Sr. SEO specialist at NetLZ and holds a Masters Degree in International Relations from Seton Hall University, ("What does Google Know about Me?", Feb. 14 2014, Available online at <http://commonseoquestions.com/2014/02/14/what-does-google-know-about-me/>, Accessed online at 07-20-15)

The Internet works great when it comes to collecting information and putting the information into our command. The privacy that was once known in America is long gone, taken away by various different websites.

Surprisingly, the biggest collector of information is Google. With so many services offered by Google, they are able to collect a large amount of data on users. Here is a taste of what Google knows about you and how they got the information. Data Collection Services Google collects information through its many services. Gmail sends what information it can find to Google for safe keeping. They even index and analyze the e-mails that you throw away. Why it collects this information is to serve as the relevant ads that Google presents you with. Google also collects information about what you buy, where you buy it, how much of it you buy, and how you pay for it. Google explains that this data is for the analytics and demographics data that can be derived from the material. Powerful Data Collection Tools If you own an Android Smartphone, you would be surprised what data Google has about you. They likely have your whole contact list, what phone numbers you called when, and even who you call often. On top of that, they have information stored about your Mobile network as well as your ISP. Chrome OS is another powerful data collection tool of Google. So, What do They Have? Google most definitely has your full name if you have signed up for any kind of service through them. They keep this information and store it for future reference. Your physical street address is also likely known by Google. Your Google Maps could have shared this information, or services like AdSense or Checkout. Having a Gmail account grants Google your phone number. Google can tell when you are online, what your latest IP address was, and even your interests. Google gets information from Google Reader as well as your Google Bookmarks. Your bookmarks can contain a massive amount of information. More? Google Web History and the Google Toolbar keeps track of every website that you go to. Google Notebook contains your "To Do" list. Google Calendar contains information about your most important appointments. Through your Gmail Contacts, Google gains information about everyone that you know. Gmail and Google Talk know what you are saying. Google finances keeps a record of what stocks that you own. Google has access to your bank account and your routing number. Google Analytics If you have a blog, Google Analytics is able to track a large variety of stats. Google knows when you publish a blog, how popular it is, and even who is reading it. By having personal pictures in Picasa Web Albums, Google knows what you look like. Google can plug your information into a search database and come up with every site that you have an account at. Google's Privacy Policy Google's Privacy Policy states that everyone's privacy is important to them. They now only save 18 months worth of search data. This data is also completely anonymous. A large amount of data can be learned from behaviors online. By combining a large body of data with Google's massive computer power, they can get an excellent idea of how to shape products that meet user's needs. Information Technology Google gains more and more information from users every day. Questions about how big Google is allowed to get and whether the government needs to step in and regulate this overwhelming amount of data that gets collected should be on the tips of everyone's tongues. Having this amazing collection of data is great, but if used by the wrong hands, the information could be used in a lot of different bad ways. If you want to know what information Google has on you, it is easy to find out. The first step is to sign in to your account with Google. Once signed in, visit <https://www.google.com/dashboard>. This will show you some of the information that they have collected about you already. Google is not going anywhere and their reign at the top of the internet world is just beginning. They are able to collect a large amount of data about the users of their products. Google knows more about you than you think.

2NC/1NR Links/ILs

They Say: "Regulations Don't Hurt"

Privacy protections undermine Google's ability to function.

ElectroSpaces, 9/15/14 ("What if Google was an Intelligence Agency?", Available Online at <http://electrospace.blogspot.com/2014/08/what-if-google-was-intelligence-agency.html>, Accessed online at 07-21-15

Google security practices are generally considered state of the art and the company recently announced support for end-to-end encryption in GMail, but the body of messages will remain unencrypted on Google's servers and accessible to the company's bots. In October 2013, Google became aware of a covert network penetration lead by the NSA, targeting communications links connecting the company's data centers, which were not encrypted.* The exact amount of user data which may have been collected by the NSA during the operation is still unclear. - Google privacy policy is sometimes cloudy, and users trying to get informed about what data they release to Google, how this data will be used and how long it will be retained, have to sift through disclaimer pages scattered on Google's websites. - As a major stakeholder in the worldwide web, Google has to bring more accountability and transparency about what is shared from its users. The user data that could potentially be provided to law enforcement agencies should be clearly and precisely marked as such. It should become clear to all users that some of their data, whether it's personal information, files, e-mails, messages, metadata from network traffic or phone calls, or even recorded communications may become available to intelligence services. - Also, Google should clarify if this information can be provided only to the law enforcement agencies of the user's country of residence or also to United States government agencies, as Google is an American company with most of its servers and activities in the US. - American web companies and cloud operators are facing growing critics about their vulnerability to US intelligence operations. Some in Europe advocates for sovereign "national clouds" restricting data retention and traffic between secured servers and users, forbidding access to the American government. During an hearing before the United States Senate in November 2013, Richard Salgado, Google's director for law enforcement and information security, stated that "in the wake of press reports about the so-called "PRISM" program", he was concerned by the trend of "data localization" that could result in the creation of a "splinternet" and the "effective Balkanization of the Internet". Data localization would also probably cost more to Google, and would place the company under the law of each country where the company processes user data. In many cases Google argued that it was established in the United States and therefore was not subjected to the law of European countries, as all data processing occurs in the USA. However in France, Google was imposed a (small) financial penalty as the administrative authority made clear that the company had to comply with the French Data Protection Act. - Google cannot condone a systematic breach of confidentiality and privacy of its users. A call to reform US government surveillance laws cannot be considered enough. Google must implement proactive measures, reinforcing its network security, offer end-to-end encryption for all of its services, securely distribute users' files hosting in their countries of residence and better inform its users of privacy risks. These measures could be seen as costly, but are necessary to maintain the trust of Google's user base and main source of revenue. Google has massive technical capabilities for user data retention, metadata collection, telecommunications monitoring, localization, mapping and imaging, all which could allow it to act as an intelligence agency. The main difference is that Google has a different goal (commercial) than an intelligence agency, but this also makes that Google gathers far more data than an intelligence agency is legally allowed to do.

They Say: “Data Not Key to Google”

Data is key Google’s advancement as a company — increasing privacy protections eliminates that data hindering technological innovation.

Harris 11 — Derrick Harris, Senior Writer and Technology Journalist at Gigaom, 2011 (“Will a Crackdown on Privacy Kill Big Data Innovation?,” *Gigaom*, May 16th, Available Online at <https://gigaom.com/2011/05/16/will-a-crackdown-on-privacy-kill-big-data-innovation/>, Accessed on 07-22-15)

As the report’s authors note, policymakers will play an important role in enabling future big data advances, both technologically and strategically. They point out and briefly discuss six issues facing policymakers:

1. Build human capital for big data
2. Align incentives to promote data sharing for the greater good
3. Develop policies that balance the interests of companies wanting to create value from data and citizens wanting to protect their privacy and security
4. Establish effective intellectual property frameworks to ensure innovation
5. Address technology barriers and accelerate R&D in targeted areas
6. Ensure investments in underlying information and communication technology infrastructure

I’ve given this issue a lot of thought over the past few months, and I think No. 3 is the key issue — not just for the future of big data, but for the future of the web in general. Unless there’s a well-reasoned balance developed between consumer privacy and business interests, goals such as information sharing and an increased pace of innovation could fall victim to the federal government’s heavy hand. As I explained in January, Congress is considering its strategy for regulating online privacy, but it’s an issue strewn with pitfalls. Here are a couple of thoughts I’ve been mulling lately:

Proposed federal regulations could hamstring technological innovation: For example, two proposed federal regulations — the Federal Trade Commission’s Do Not Track policy (which has just been endorsed by several senators in the form of the “Do-Not-Track Online Act of 2011”) and the Department of Commerce’s Fair Information Practice Principles — have the potential to seriously hamper big data and analytics innovations, illustrating the importance of striking the right balance. The regulations are fairly complex in their current states, but they strive for two separate but interrelated goals, respectively: giving consumers the ability to proactively opt out of certain data-tracking practices and giving consumers all the information — upfront and crystal-clear — about how sites are using their data. Both limit to some degree what sites can track, how they can do it, and impose penalties for violations. My concern — and one echoed by **Google** in its recent opposition to California’s proposed Do Not Track legislation — is that customer data has driven the innovation of numerous key big data technologies by major web sites, including Hadoop (within Facebook and Yahoo, especially), NoSQL databases and many of Google’s tools and projects. McKinsey highlights many of these among the list of technologies

enabling big data. **Will putting companies' analytics efforts at the mercy of consumers, and under the thumb of the federal government, reduce desire to innovate because they fear penalties or because they simply don't have the relevant data required to do so?**

Social media and the personalized could be jeopardized. This is directly related to the above concern, but is more wide-reaching. Social media sites such as Facebook, Twitter and Foursquare, and larger-scope web sites such as Google, innovate on big data technologies because their services rely on data. The only way to optimize and create a better user experience is to draw better insights into customers' activities, interests and connections. And the only way (or, at least, the primary way) to make money from such services is via targeted advertising. It's the data that drives Google's huge advertising revenues, which pay for its myriad free services, and Facebook to an \$80 billion valuation. I'm not suggesting Facebook or Google are going to fold in the face of proposed regulations, just that their services could suffer. **Less data and more regulations means less innovation and fewer risks taken.** This might be a boon for privacy, but it's a hindrance in the fast-moving web world, where major changes come from rewriting code as opposed to physically building a new project, and where services can be improved on the fly as issues arise.

Don't get me wrong, consumers deserve more information and the federal government is right to attempt to give it to them, but everyone needs to get educated on the connection between data collection and usage and the benefits they provide. If consumers value their social media and personalized web experiences, and if the government is serious about pushing analytics as a major skill set for the next-generation economy, they need to consider the issue of big data in terms of its pros as well as in terms of its obvious cons such as privacy and security implications. It might be tempting to clamp down on data practices or to click "do not track" and shut off the personal-data firehose, but such decisions could have far greater implications than meets the eye.

They Say: “No Spillover”

The plan builds on the virtuous cycle for privacy to create more reforms.

Ozer 12 — Nicole Ozer, the Technology and Civil Liberties Policy Director at the ACLU of Northern California (ACLU-NC), where she developed the organization's Demand Your dotRights online privacy campaign, 2012 (“Putting Online Privacy Above The Fold: Building A Social Movement And Creating Corporate Change” *New York University Review of Law & Social Change*, Lexis)

As noted in Part I, n226 one of the primary challenges of establishing a privacy social movement is sustainability. While the privacy community has had success in the past in addressing specific incidents, these successes did not initially lead to a coherent and sustainable privacy social movement. n227 More recently, however, advocates have successfully leveraged the environmental changes discussed in Part II to win specific battles to protect individual privacy. The privacy community has also used those victories to reinforce the climate for change and support the discussion necessary to sustain the nascent social movement. **This has helped to create a much-needed “virtuous cycle” n228 in which each successful advocacy effort reinforces awareness of the ongoing issues concerning online privacy and makes it easier both to challenge specific practices in the future and to lay the groundwork for broader-reaching change.**

Privacy protections from the government spillover into the private sector and inhibit services

Anderson 14 — Dan Anderson, staff writer for E-Net News, Elon University’s academic newspaper, 2014 (“Elon University & Pew Research Center report on the future of privacy,” December 16th, Available Online at <https://www.elon.edu/e-net/Article/105454>, Accessed on 07-20-15)

Mark Rotenberg, president of the Electronic Privacy Information Center (EPIC), said, “Within 10 years, there will be much more contentious battles over the control of identity, mobility, communications and private life. The appropriation of personal facts for commercial value—an issue that began to emerge this year with Google and Facebook’s sponsored stories—are a small glimpse of what lies ahead.” Bob Briscoe, chief researcher in networking and infrastructure for British Telecom, observed, “Society’s memory is short—Stalinism, Maoism, Nazism, and McCarthyism happened too long ago to worry about.” Jeff Jarvis, director of the Tow-Knight Center at the City University of New York, wrote, “Government, threatened by the redistribution of power brought by the Net, could succeed in claiming sovereignty over it, throttling its freedoms. Business could overstep its trust with consumers and bring regulation into place. Media could succeed in breeding moral panic—technopanic—over anything that could go wrong. But, I hope that enlightened self-interest will prevail.” Andrew Bridges, a partner and Internet law litigator and policy analyst at Fenwick & West LLP, wrote, “There will be no trusted privacy-rights infrastructure that is effective against government surveillance. Unless government surveillance of all aspects of society and of all individuals gets under control, all norms about privacy will become hollow, and the expectation of privacy will be nil. We will have

to reorder all our actions to reflect the reality that there is no privacy except for the secrecy associated with the 'Security Class,' namely those persons who get to know about others without their own actions and knowledge being known." Alex Halavais, a social sciences professor at Arizona State, said, "Our language around privacy may evolve. The word, on its own, is too broad to encapsulate the broad range of concerns. Until the issue of 'privacy' is appropriately segmented, we will have a tough time either talking about it or addressing it." Vint Cerf, Google vice president and chief Internet evangelist, responded, "Corporations and service providers will feel pressure to implement practices including two-factor authentication and end-to-end cryptography. Users will insist on having the ability to encrypt their email at need. They will demand much more transparency of the private sector and, especially, their governments. Privacy conventions will evolve in online society—violations of personal privacy will become socially unacceptable. Of course, there will be breaches of all these things, but some will be accompanied by serious social and economic downsides and, in some cases, criminal charges." Craig Newmark, founder of Craigslist, wrote, "If capable people of good will—on both policy and tech sides—can connect, then this can happen." Alice Marwick, author of "Status Update," predicted, "It will be quite difficult to create a popularly-accepted and trusted privacy rights infrastructure. This is for a number of reasons. First, countries, regions, and cultures differ in their approaches to privacy." Alf Rehn of Abo Akademi University wrote, "As privacy is becoming increasingly monetized, the incentive to truly protect it is withering away, and with so much of policy run by lobbyists, privacy will be a very expensive commodity come 2025. Some of us will be able to buy it, but most will not. Privacy will be a luxury, not a right—something that the well-to-do can afford, but which most have learnt to live without."

Privacy restrictions on governments shift the debate to corporate privacy rules

Langenderfer and Miyazaki 9 — Jeff Langenderfer, Vice President at Fifth Third Bank, previous District Manager at Huntington National Bank, holds a Bachelors Degree in Business and Finance from the University of Toledo, and ANTHONY D. MIYAZAKI, Anthony D. Miyazaki, Chair Head and Professor of the Department of Marketing in the College of Business at Florida International University, holds a PhD in Business Administration from University of South Carolina, holds a Bachelor of Arts in Business Administration from the University of Utah, 2009 ("Privacy in the Information Economy," The Journal of Consumer Affairs, Volume 43, Issue No. 3, pp. 380-388, Fall, Available Online via Subscribing Institutions to JStor, Accessed 7/20/15)

Relatively early in the computer age, it became apparent to U.S. law makers that the ability to assemble vast amounts of electronic information implicated privacy rights. The Privacy Act of 1946 controls the use of information held in federal government records by restricting disclosure of personally identifiable data, granting individuals the right to access information about them held in governmental records, allowing individuals the opportunity to amend federal records upon a demonstration of inaccuracy, and requiring federal agencies to adhere to particular standards of record keeping and maintenance.⁷ The Act was later amended to establish standards when federal agencies exchange computer records through matching programs under the Computer Matching and Privacy Protection Act.⁸

Although these statutes accomplished a great deal to ensure the fairness of governmental record keeping within the United States, federal regulation of private information practices is uneven at best and applies only to certain kinds of records. Educational,⁹ medical,¹⁰ and credit data¹¹ are all subject to specific legislative provisions as are video rental records,¹² but for many areas of record keeping in private hands, federal regulation is minimal or absent.

Largely free from federal control are such potentially sensitive areas as purchases histories for consumer products, web surfing history, employment records, and many types of insurance data. Even financial records, some of the most sensitive of any kind of privately held personal information, is only minimally federally regulated, with financial institutions required to provide consumers with opt-out options from information sharing among unaffiliated companies. In other words, it is possible, if a person takes the affirmative step, to prevent a financial institution from selling a customer's bank balance, loan payment history, and debt level to other interested companies willing to buy the data.¹³ But few customers take actually opt out, most don't even read the privacy notices (Winkler 2001), and many have little knowledge regarding the privacy regulations affecting various types of firms (Turow, Hennessy and Bleakley 2008). The onus is on the customers to control data sharing— the institution owns the data, not the customer—and information flow is largely unimpeded.

The consequence of this regulatory void is that as private data collection has grown— commensurate with the development of inexpensive computing power—**concern about the privacy implications of nongovernmental data sharing has grown also.** A May 20, 2009 ABI/Inform Global search for "privacy" in the title of a scholarly journal articles published since January 1, 2003 reveals 568 papers. Of these, virtually all of them deal with the threat to privacy posed by private data collection or the mechanics of information safeguarding. One hundred fifty-eight articles focused on computer security, 108 on electronic commerce, 144 dealt with governmental privacy regulation, 46 focused on medical data, 23 on privacy in the workplace, and 11 on identity theft. Only 32 dealt in any way with consumer responses to the current commercial data explosion, and of those, all but 10 were devoted to online privacy. In a world that relies largely on consumers to manage their own privacy, **privacy concern has evolved from a fear of intrusion to a generalized unease regarding the power that comes from easily accessible, personally identifiable data, with each area of sensitive information the subject of separate scrutiny.**

To be sure, intrusion has not disappeared completely from the radar of privacy advocates, particularly in the wake of heightened governmental security practices put into place following the events of September 11, 2001. But the lion's share of the attention is surely on information gathering and exchange and the felt intrusion that comes with the knowledge that anyone can easily discover a great deal about anyone else, from their desktop, with a modicum of skill, at little or no cost.

Against this backdrop of shifting privacy attention comes this special issue on privacy literacy. Because federal lawmakers have adopted, in the main, a hands-off approach with respect to private data collection and exchange, it has become increasingly incumbent upon individuals to take an active role in the ways they safeguard their own personal information. Privacy literacy is the understanding that consumers have of the information landscape with which they interact

and their responsibilities within that landscape. It is an area that demands understanding in a climate where the responsibility for privacy rests largely in the hands of the consuming public, and lack of literacy may have important implications.

A series of articles focusing on privacy literacy highlight the Fall 2009 issue of the Journal of Consumer Affairs. Youn writes insightfully and eloquently about student privacy concerns and their coping behavior (Youn 2009). Podar, Mosteller, and Ellen (2009) explore, through a series of depth interviews, the ways in which consumers protect themselves online. Using a more quantitative approach, Milne, Labrecque and Cromer (2009) also examine privacy protection practices in risky environments. And Stanaland, Lwin and Leong (2009) detail the responses that web sites make to different regulatory environments. To finish the special issue, an intuitive article by Norberg, Home and Home (2009) calls for the inclusion of the self in the privacy debate, an alert that may help set the agenda for the privacy debates to come. But to where from here? Though state legislators and, in some cases, state courts have periodically stepped into the regulatory void, the state of information control remains an uneven regulatory patchwork (Langenderfer and Cook 2001).

The debate has changed from government invasion to private information sharing, with intrusion and loss of privacy experienced not from police entering the sanctity of the home, but from corporate entities compiling long and accurate dossiers regarding virtually every aspect of our existence. Indeed, it seems that, given the ubiquity of private data sharing and the importance of the accuracy of many data centers, we are increasingly defined by the information that databases store about us. For celebrities, being defined by others may seem normal. For most citizens who have yet to experience their 15 minutes of fame, self-definition would seem to be an inalienable right.

Distrust toward government surveillance leads to distrust toward the private sector.

Diaz 13 — Claudia Diaz, Assistant professor at the KU Leuven Department of Electrical Engineering, COSIC (Computer Security and Industrial Cryptography) in Belgium, 2013 ("SYMPOSIUM: The Second Wave of Global Privacy Protection: Hero or Villain: The Data Controller in Privacy Law and Technologies," *74 Ohio St. L.J.* 923, Available Online at Subscribing Institutions via LexisNexis, Accessed on 07-20-15)

Constitutional privacy protections treat centralized power with distrust and require effective checks, balances, and safeguards against government surveillance. Over the past two decades, as individuals' daily lives have become increasingly mediated by technologies, government institutions have enhanced their surveillance powers through tightening collaboration with private sector entities, to create a "surveillant assemblage." Findings about the extent of government and private sector surveillance have recently reached the zenith with the constant drumbeat of revelations about the NSA and GCHQ. Information privacy law, a legal framework arising in the 1970s to protect individuals' data privacy, provides little protection against such surveillance risks. This relatively new legal framework bridges two distinct trust paradigms: one assuming that data controllers are trusted entities, the other assuming that, in a similar vein to

the constitutional framework, data controllers should be treated with suspicion and distrust. Over the past few years, the legal framework has shifted from focusing on data minimization, a cornerstone of the untrusted controller model, to imposing information stewardship obligations on data controllers who are increasingly viewed as custodians of individuals' rights. These obligations, typically grouped under the title "accountability," are based on a notion of the data controller as a trusted party. In stark contrast, the technological community researching PETs proceeds from a diametrically opposed perception of a data controller, that of an adversary. Under this approach, information disclosed to a data controller is compromised and can no longer be viewed as private, given that a data controller itself may subject individuals to persistent surveillance.

Inter users will soon demand privacy from the private sector, not just the government.

Rainie and Anderson 14 — Lee Rainie, Director of Internet, Science, and Technology at the Pew Research Center, Janna Anderson, Director of the Imaging the Internet Center at Elon University, 2014 ("The Future of Privacy," *Pew Research Center*, Available Online at http://www.pewinternet.org/files/2014/12/PI_FutureofPrivacy_1218141.pdf, Accessed on 7-21-15)

A variety of views in regard to this issue are reflected in these big thinkers' imaginings of what may happen by 2025.

'Social punishment may have to be accompanied by legislation'

Vint Cerf, Google vice president and chief Internet evangelist, responded, "The public will become more sophisticated about security and safety. Corporations and service providers will feel pressure to implement practices including two-factor authentication and end-to-end cryptography. Users will insist on having the ability to encrypt their email at need. They will demand much more transparency of the private sector and, especially, their governments. Privacy conventions will evolve in online society—violations of personal privacy will become socially unacceptable. Of course, there will be breaches of all these things, but some will be accompanied by serious social and economic downsides and, in some cases, criminal charges. By 2025, people will be much more aware of their own negligent behavior, eroding privacy for others, and not just themselves. The uploading and tagging of photos and videos without permission may become socially unacceptable. As in many other matters, the social punishment may have to be accompanied by legislation—think about seat belts and smoking by way of example. We may be peculiarly more tolerant of lack of privacy, but that is just my guess."

Since intelligence agencies rely on private companies for the data, the private sector's relationship with consumers are also at risk.

EFF 14 — Electronic Frontier Foundation, leading non-profit organization defending privacy and civil liberties, 2014 ("Big Data in Private Sector and Public Sector Surveillance," *EFF*, April 8th,

Available Online at <https://www.eff.org/files/2014/04/08/eff-big-data-comments.pdf>, Accessed on 7-21-15, NYL)

How should the policy frameworks or regulations for handling big data differ between the government and the private sector? Please be specific as to the type of entity and type of use (eg, law enforcement, government services, commercial, academic research, etc.).

First, government use of big data is inherently subject to constitutional constraints, while private sector use of big data is typically subject only to statutory constraints, with two significant caveats. In California, for example, private actors are subject to the state constitutional privacy right. And even under the federal constitution, private actors can in some circumstances violate individual rights under the state action doctrine. Of particular importance are the predication and particularity values of the Fourth Amendment, the due process values of the Fifth Amendment, the reasoned elaboration values of Article III courts and the democratic accountability of the Constitution itself.

Second, the policy framework for law enforcement and intelligence uses of big data is distinguishable from most other contexts by its lack of transparency. Obviously, law enforcement and intelligence agencies typically collect data in secret and without the consent of the people being surveilled. Secrecy also interferes with public knowledge about these surveillance practices and technologies. Particularly in the intelligence realm, **the system of classified information and the state secrets privilege distorts normal processes of democratic accountability essential to legitimate constitutional government. And because these law enforcement and intelligence agencies often rely on data collected by the private sector, these distortions also directly affect individuals' trust relationships with business.**

They Say: “Privacy Violations are Intrusive”

Google’s data collection for the purpose of online advertising is not invasive and increases innovation.

Goldfarb and Tucker 12 — Avi Goldfarb, Professor of Marketing in the Rotman School of Management at University of Toronto, has published over 50 articles in a variety of outlets in economics, marketing, statistics, computing, and law, holds a PhD from Northwestern, MA from Northwestern, and BAH from Queens University, with Catherine Tucker, Professor of Marketing at MIT Sloan, Chair of the MIT Sloan PhD Program, received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for Emerging Marketing Scholar and Mentor, the Paul E. Green Award for contributions to the practice of Marketing Research and a Garfield Award for her work on electronic medical records, holds a PhD in economics from Stanford University, and a BA from the University of Oxford, 2012 (“Privacy and Innovation,” Innovation Policy and the Economy, Chicago Journals, The National Bureau of Economic Research, Vol. 12, No. 1, pp. 65-90, January, Available Online via Subscribing Institutions at JStor, Accessed 7/21/15)

Online advertising is perhaps the most familiar example of how firms use the rich data provided by users of information and communication technology. Online advertising is also distinctive among advertising media in its application of detailed data collection. Key to this data collection effort are two important differences between online advertising and offline advertising — “targetability” and “measurability.” Targetability reflects the collection and use of data to determine which kind of customers are most likely to be influenced by a particular ad. Measurability reflects the collection and use of data to evaluate whether the advertising has actually succeeded (Goldfarb and Tucker 2011a). Targetability and measurability have helped make advertising-supported Internet companies, such as Google and Facebook, among the fastest growing and most innovative in the U.S. economy.

Targeting occurs when an advertiser chooses to show an ad to a particular subset of potential viewers and displays the ad online to that subset rather than to everyone using the media platform. An example would be choosing to advertise cars to people who have recently browsed web pages devoted to car reviews and ratings. No newspaper or television station can offer this level of targeting. The targetability of online advertising can be thought of as reducing the search costs to advertisers of identifying consumers. Targeting advertising has always been known to be desirable, but Internet advertising has two primary advantages over offline advertising. First, the online setting makes it virtually costless for advertisers to collect large amounts of customer data. Second, Internet technology makes it relatively easy to serve different customers different ads because packets are sent to individual computers. In contrast, with current technology, targeting individual customers with newspaper or TV ads is prohibitively expensive.

These innovative targeting methods require media platforms to collect comprehensive data about the web pages that customers have browsed. Typically, advertisers and website owners track and identify users using a combination of cookies, flash cookies, and web bugs. Many advertising networks have relationships with multiple websites that allow them to use these

technologies to track users across websites and over time. By examining past surfing and click behavior, firms can learn about current needs as well as general preferences. Reflecting the value of this behavioral targeting to firms, Beales (2010) documents that in 2009 the price of behaviorally targeted advertising was 2.68 times the price of untargeted advertising. Lambrecht and Tucker (2011) further show that the performance of behavioral targeting can be improved when combined with clickstream data that help to identify the consumer's degree of product search.

Increasing Privacy Protections will result in decreased operation efficiency.

Google's surveillance is not a massive violation of privacy.

Lenard and Rubin '09 , Thomas M. Lenard, Professor and Senior Fellow at Tech Policy Institute and Paul Rubin, Professor of Economics at Emory University and Ph. D for Purdue University ("IN DEFENSE OF DATA: INFORMATION AND THE COSTS OF PRIVACY", Tech Policy Institute, May 2009, Available online at <https://www.techpolicyinstitute.org/files/in%20defense%20of%20data.pdf>, Accessed 07-16-2015)

At the highest level of data collection, users can opt in for Google's "Web History" service for users with Google accounts (those who use Gmail, Google Documents, Google Reader, or most other Google services), which tracks, indexes, and archives search history. Data are available both to the user for future reference and to Google itself for analysis. Yahoo! offers and uses data collected by these applications for behavioral targeting in advertising. Users concerned about ensuring personal privacy when using search engines have a variety of technological tools at their disposal to choose a level of activity-monitoring with which they are comfortable. Search engines provide some of these themselves; for example, users can opt out of Google's Web History (which is opt-in to begin with), pause monitoring, or delete their collected search and browsing history altogether. Yahoo!, AOL, and MSN also allow users to opt out of similar behavioral targeting systems. Other privacy protections rely on client-side techniques. Users of Internet Explorer and Firefox can easily delete Google's tracking cookie, which is essential for tying together separate personal data streams. In addition, several free browser extensions and utilities can clear the cookie or require Google to provide a new one at the start of each browsing session. Web proxies and anonymizing applications like Tor easily conceal user IP addresses, although because of their architecture they often reduce bandwidth speeds. At the most basic level, a dedicated user could potentially even —spoof|| TCP source addresses to prevent Google from monitoring immediately previous search results. The costs in time and difficulty of these solutions tend to increase as the desired level of privacy increases, but minor actions can have huge marginal effects on privacy protection—for example, opting out of Web History takes only a few clicks but prevents collection of a significant amount of personal data, whereas browsing entirely anonymously requires more effort to set up. Finally, all major search engines offer privacy policies in compliance with the requirements of both United States and European data security laws. These policies disclose the 22 companies' use of personal information and require user notification and consent before transferring personal information to others. Users of search engines essentially face a tradeoff between protecting their personal privacy and the speed and relevance of their search results. As personalized search algorithms and behavioral targeting techniques grow in popularity and precision, this tradeoff will likely become more and more evident to the everyday user of search technology. Considering the current availability and ease of use of tools for protecting personal information, **the greatest threat to individual privacy is not search engines themselves, but the governments that may seek their records.**

Companies vary in the degree to which they have protected data from government requests. In 2006, Google resisted a Justice Department subpoena for millions of user search records, while Yahoo!, AOL, and MSN complied and handed over detailed server

logs. It is unclear whether search engines have aided government agencies in other surveillance efforts. Google declared publicly in March 2008 that it —was not part of the NSA’s Terrorist Surveillance program,|| but this statement does not rule out the possibility of collaboration in other monitoring schemes. Could search engines exist and organize information without collecting any personal information? They could—consider Google’s early years, when search rankings were based primarily on analysis of incoming links. However, Google attributes much of its success in developing better search algorithms to careful analysis of consumer behavior that is stored in its logs. Going forward, it is likely that user information will continue to be useful in providing searchers with relevant results and sustaining the business model that makes free search engines viable.

They Say: “Private Sector Bad”

Private sector data collection allows for innovation and more – restricting that would detrimental for society

New 2/5, (Joshua, a policy analyst at the Center for Data Innovation. He has a background in government affairs, policy, and communication. Prior to joining the Center for Data Innovation, Joshua graduated from American University with degrees in C.L.E.G. (Communication, Legal Institutions, Economics, and Government) and Public Communication, “A Lot of Private-Sector Data is Also Used for Public Good”, Center for Data Innovation, 2/5/2015, <http://www.datainnovation.org/2015/02/a-lot-of-private-sector-data-is-also-used-for-public-good/>) BBer

The unprecedented collection of data by the private sector has been a boon for the average citizen, but **government restrictions could have a chilling effect. As the private sector continues to invest in data-driven innovation, the capacity for society to benefit from this data collection grows as well.** Much has been said about how the private sector is using the data it collects to improve corporate bottom lines, but positive stories about how that data contributes to the greater public good are largely unknown. This is unfortunate, because data collected by the private sector is being used in a variety of important ways, including to **advance medical research, to help students make better academic decisions and to provide government agencies and nonprofits with actionable insights.** However, **overzealous actions by government to restrict the collection and use of data by the private sector are likely to have a chilling effect on such data-driven innovation.** Companies are working to advance medical research with data sharing. Personal genetics company 23andMe, which offers its customers inexpensive DNA test kits, has obtained consent from three-fourths of its 800,000 customers to donate their genetic information for research purposes. 23andMe has partnered with pharmaceutical companies, such as Genentech and Pfizer, to advance genomics research by providing scientists with the data needed to develop new treatments for diseases like Crohn’s and Parkinson’s. The company has also worked with researchers to leverage its network of customers to recruit patients for clinical trials more effectively than through previous protocols.

Private-sector data is also helping students make more informed decisions about education.

With the cost of attending college rising, data that helps make this investment worthwhile is incredibly valuable. The social networking company LinkedIn has built tools that provide prospective college students with valuable information about their potential career path, field of study and choice of school. By analyzing the education tracks and careers of its users, LinkedIn can offer students critical data-driven insights into how to make the best out of the enormous and costly decision to go to college. Through LinkedIn’s higher-education tools, students now have an unprecedented resource to develop data-supported education and career plans. **Government agencies and nonprofits, which often lack the capacity to do their own large-scale collection and analysis, are using data from the private sector to advance their own missions.** The nonprofit organization GiveDirectly discovered that the materials used for housing, such as metal roofs versus cheaper, homemade thatched roofs, are a good indicator of economic status in rural Africa. The group now analyzes satellite imagery from Google Maps to identify the poorest households in Uganda to prioritize aid delivery. Elsewhere in Uganda, a United Nations project has begun mining Facebook data to better understand perceptions surrounding contraception and teenage pregnancy in an effort to improve public health outcomes. By analyzing the content of Facebook posts, UN workers have begun to better understand attitudes towards condom use, abstinence, teen pregnancy and HIV/AIDS — incredibly valuable information in a country where one in four girls between the age of 15 and 19 are pregnant and 7.2% of adults have HIV — and increase the efficacy of the policies and programs to address these public

health concerns. Finally, in the United States a researcher at the Food and Drug Administration mined 1.4 million electronic health records from health insurer Kaiser Permanente to determine that the popular arthritis and pain drug Vioxx posed serious health risks and should be withdrawn from the market. **These beneficial uses of private-sector data are not just one-off, isolated occurrences — just this past month two major tech companies have offered to put valuable and even potentially life-saving data to good use for the public.** Facebook will now start matching users' location data to Amber Alerts to rapidly spread awareness about missing children, and Uber will be donating its anonymized transportation data to city governments to help reduce congestion and enable better city planning. However, **it is important to keep in mind that many of these success stories could have been blocked by rules limiting data collection or unnecessarily restricting data reuse.** If researchers had not been allowed to analyze data from the electronic health records of Kaiser's patients, it might have taken more time to prove the harmful effects of Vioxx. The takeaway for policymakers should be **that data, even or perhaps especially in the hands of the private sector, has enormous potential to improve societal welfare, and so government should be cautious about implementing well-intended restrictions that limit data-driven innovation.**

They Say: “No Adoption”

Google’s cars will get adopted – efficiency and current adoption is increasing
Fancher 14, Lou Fancher is a Reporter for the SF Weekly, 2014 (“Hard Drive: Self-Driving Cars Are Closer Than They Appear “, February 2014, Available at <http://www.sfweekly.com/2014-02-19/news/google-self-driving-cars-center-for-automotive-research-darpa/>, Accessed 07-26-15)

Before 2009, it was a secret. In 2010, it became an announcement. And from 2011 on, Google's self-driving car program has been an intriguing spectacle. Now, five years on, Google cars regularly traverse Bay Area byways, sensing their surroundings and operating off internalized maps. At a late-January lecture at Livermore's Bankhead Theater, Google senior staff engineer Mike Montemerlo played a video compilation. A windshield-mounted camera showed faultless journeys: through dark mountain roads filled with big rigs and leaping deer; a residential, stroller-infested Mountain View neighborhood; a FasTrak toll booth; and highway construction sites. And what Bay Area driving test would be complete without a meander down pedestrian-rich Lombard Street? Throughout 10 challenging routes and 1,000 miles, the self-driving phenomenon performed like a robotic Galileo. Originally composed of a tiny fleet of toaster-topped Priuses and one Audi TT, the program now boasts a dozen Lexus SUVs sporting Silicon Valley tech company Velodyne's Light Detection and Ranging system (LIDAR). Spinning at up to 900 rpm, the 64-laser rooftop whirlygig creates a 360-degree point cloud — an enhanced "driver's" view. Other than the vehicles' high-tech hats, Google's autonomous cars hide their hardware: algorithm-loaded computers in the trunk, radar under the front hood, Vestigial Actuators where they always are (VAs are code for brake, accelerator, steering wheel). In the car's interior, the only aberrant features are a passenger with a data-collecting laptop and a Big Red Button (known as the BRB) — a clown-sized, electronics interruption knob to punch in a crisis. (Self-driving car language is rife with acronyms, applied to everything from roadkill to potholes to the car's sensitive circuitry.) Beyond the geeky fascination, Google's program wields enough clout to earn commentary from transportation experts all over the Bay Area. At a sustainable transportation conference sponsored by Chevron in Concord in late January, Oakland-based Cambridge Systematics partner and ITS-Midwest Vice President Christopher Hedden said the interesting part isn't the technology, it's how we will live in the smart-car future. "Google's goal is to reduce the number of cars on the road. This will impact where you choose to live," he said. "Imagine an autonomous Winnebago. Get in after work at 7 p.m. and say, 'Take me to L.A.'" Turning to more serious matters, Hedden said connected vehicles and self-driving cars will greatly reduce drunken driver-related accidents. Self-driving cars trace their origin to a Defense Advanced Research Project Agency invention, the DARPA Grand Challenge. Frustrated in its efforts to develop self-operating vehicles, the Department of Defense in 2004 dangled a \$1 million prize (subsequently \$2 million) for inventing a car capable of traveling 132 miles in the desert without a driver or remote control. The first year's winner managed to cover only 7.5 miles. But bright minds at places like Carnegie Mellon University and Stanford were turned on. In 2005, the second year, Montemerlo's Stanford team completed the course and won with "Stanley," a VW Touareg stuffed with computers. After 2007, DARPA's focus turned to robotics; the corporate world had taken the self-driving car challenge and run with it. Safety, Montemerlo says, is the No. 1 reason "you need this car in your driveway." With 32,778 auto-related fatalities in 2010 — 1.5 million worldwide, on average, per year — he said, "anything we can do to make driving safer can potentially save thousands of lives." Smart cars save lives, he argues, by reducing human error. An autonomous vehicle doesn't get mad, drink and drive, fall asleep, text illegally, become legally blind or too old to drive responsibly — but remain too independent to stop — or practice playing trombone. Montemerlo showed actual photographic evidence of a driver practicing his instrument, earning a big laugh, but statistics from

the American Automobile Association prove the sobering truth: Ninety-three percent of the 6 million annual crashes are attributable to human error. Improved safety and economics also come from autonomous driving's efficiency. Total lane capacity on a freeway is estimated by experts to be 2,000 vehicles per hour. At peak capacity, only 15 percent of the space is used, according to Montemerlo. But that would change if sensors were allowed to command a car and decrease the "cushion" needed to drive safely. "If we could use more of the space, we could double the capacity of the road," Montemerlo said. Instead of adding lanes to handle congestion (costly construction), smart cars could operate more cars on existing roads, leaving more funds for road maintenance. Plus, greater efficiency would reduce the amount of time (and fuel) people burn up on the road: 30 billion hours per year, studies show.

Revenue Internal Link

Advertising revenue is a driving factor for internet companies profits, especially Google.

Investopedia 15 — Investopedia is a popular financial website that includes a wide variety of financial voices, 2015 ("How important is advertising revenue in the Internet sector?," Early 2015, Available Online at <http://www.investopedia.com/ask/answers/041015/how-important-advertising-revenue-internet-sector.asp>, Accessed 7-21-2015)//CM

Advertising revenue is extremely important to the Internet sector, though reliance on advertising revenue varies among industry participants. Certain Internet firms such as Amazon, eBay and Priceline operate online marketplaces and derive revenue from premium postings and commissions from sales on their respective platforms, reducing the importance of advertisements. Companies such as Salesforce generate revenue by charging users for services. This model is becoming increasingly popular as software-as-a-service providers proliferate, especially for enterprise solutions. Media companies such as Netflix or the Wall Street Journal can charge users for subscription memberships because they offer unique, high-quality content. E-commerce retailers generate income through retail sales in the same manner as traditional brick and mortar retailers. Advertising generates the vast majority of revenue in the search and social media portions of the Internet industry. Google, Yahoo and Baidu all rely heavily on income from advertising. According to Search Engine Watch, 47% to 64% of total website traffic comes through search engines. This allows search providers to charge vendors for display ad placement or sponsored search results. Popular social networks such as Facebook and Twitter have become common mediums for communication and entertainment, resulting in heavy traffic and access to substantial user data. User volume and targeted advertising are attractive to businesses that are trying attract customers, and social networks have exploited this advantage substantially. To illustrate these points, consider the 2014 annual filings for the largest Internet firms. According to Pricewaterhouse Cooper, the ten largest U.S. companies in terms of digital ad revenues control 71% of the market, and the next 15 companies hold an additional 11% market share. The largest companies provide an excellent gauge of overall industry conditions. For the online marketplace operators Amazon, eBay, Alibaba and Priceline, advertising revenues contributed 7%, 16%, 1.6% and 5% respectively. These advertising contributions also include revenue from marketing solutions and other services, meaning that the actual ad revenues are even lower than the available figures. Salesforce derives substantial income from subscription fees and support services, and advertising income is not even mentioned in its 2014 10-K. Netflix similarly generates substantial revenues from membership fees, and it does not publish figures related to ad sales. Advertising contributed 90% of Google's total revenue, 79% of Yahoo's total revenue and 99% of Baidu's total revenue. Digital advertising accounted for 92% and 90% of Facebook's and Twitter's total revenues, respectively. The importance of advertising revenue will continue to grow as technology advances. According to a 2014 report by Pricewaterhouse Cooper, U.S. online advertising revenues grew 15.1% year over year to \$23.1 billion in the first half of 2014. During this same period, mobile ad spending grew 76%. As mobile devices become ubiquitous, local, real-time and precisely targeted advertising will become increasingly valuable for businesses.

Advertising makes up the majority of google's revenue

Bott 14, (Ed, an award-winning technology writer with more than two decades' experience writing for mainstream media outlets and online publications. He has served as editor of the U.S. edition of PC Computing and managing editor of PC World; both publications had monthly paid circulation in excess of 1 million during his tenure, "Apple, Google, Microsoft: Where does the money come from?", Zdnet, 2/6/2014, <http://www.zdnet.com/article/apple-google-microsoft-where-does-the-money-come-from/>)

GOOGLE Two years ago, Google was a one-trick pony, with its revenues coming almost entirely from advertising. According to its 2011 annual report, "Advertising revenues made up 97 percent of our revenues in 2009 and 96 percent of our revenues in 2010 and 2011." That picture changed slightly with Google's attempt to move into hardware manufacturing via its acquisition of Motorola Mobility, as you can see in this chart. But the pending sale of Motorola Mobility to Lenovo will shift things back to nearly the way they were. The "Other" category, which includes digital content and non-Motorola hardware products, is still a tiny fraction of the company's revenues. After the Lenovo transaction closes, Google's advertising revenues will go back to being more than 90 percent of its total.

PRISM Link

Google's intelligence will reduce if PRISM is curtailed

,Available online at <http://thedailyjournalist.com/wp-content/uploads/2014/06/rja-privacy-v-spying.pdf>, Accessed online at 07-14-15

However they do help explain many effects beyond mere information security. A further set of examples comes from studying dependability in network industries, from the power industry to the ISPs and other firms that provide the Internet itself [4]. Here again there are other externalities; for example, a utility that suffers an outage faces the cost of lost customer minutes, while the social costs are very much greater. But in many utilities, network effects play a role in industry dynamics, along with technical lock-in and marginal costs. Curiously, scholars of government appear to have paid little attention to these factors. Experts in public choice study how people act within institutions, while the international relations community observes the interaction between them. The latter school is divided between realists (Thucydides, Machiavelli, Hobbes, Kissinger ...) who see relations between states as a cynical zero-sum game, and liberals who believe in international institutions, global norms and interdependence (Kant, Wilson, Keohane, Clinton ...) – but even the liberals pay little or no attention to network effects. There is some specialist literature on whether governments should interfere in markets with network effects, or with behaviours that have a social-network component such as smoking and obesity, but this tends to focus on the likely effectiveness of intervention; its takeaway message is the pessimistic one that regulating networked industries is hard, and behaviours with entrenched social-network support can be hard to change. The Snowden papers reveal an **international surveillance network** whose scale **surprised even industry insiders and security experts**. In order to understand how this might be brought under appropriate political, judicial and social control, we need to understand its dynamics. **Of course these depend hugely on the economics of the communications service industries; it was the existence of large service firms like Google, Facebook, Yahoo and Microsoft which control the personal information of many millions of people that enabled the intelligence agencies to gain cheap and convenient access via PRISM**, while the relatively small number of international cable operators facilitates TEMPORA. But that is not all.

2NC/1NR Impacts

Innovation Module

Google has significant influence on the world – a loss of revenue would preclude future innovations that can change the shape of our future

McFarland 14— Matt McFarland is the editor of Innovations at the Washington Post, 1-14-2014 ("7 reasons why Google is the most fascinating company in the world," Washington Post, 1-14-2014, Available Online at <http://www.washingtonpost.com/blogs/innovations/wp/2014/01/14/7-reasons-why-google-is-the-most-fascinating-company-in-the-world/>, Accessed 7-21-2015)//CM

Just Google it. The word is synonymous with searching the Web. But given the sweeping goals of the company, the word Google might come to mean something else in pop culture. Google made a big move Monday, announcing plans to acquire Nest Labs for \$3.2 billion. With Nest on board Google continues to position itself to change the world on a grand scale. Here are seven reasons why Google's future will be incredibly interesting: Tony Fadell has a proven track record. What will he do next? (Marcio Jose Sanchez/AP) 1. They now have a key player behind the iPod and iPhone on their side. Before he was CEO of Nest, Tony Fadell led the Apple team that developed the iPod. He's sometimes called "the Podfather" and had a hand in the iPhone as well. This is huge for Google, a company that has lacked a hip, aesthetic touch. Google Glass looks like something for cyborgs. Apple has long had talent for making beautiful objects that can win mainstream acceptance. Take one look at the Nest Thermostat or Nest Protect and you'll be struck by its looks. With at least 100 former Apple employees now joining Google, a lack of elite design instincts is addressed. Meet the Nest Thermostat. (Justin Sullivan/Getty Images) 2. The Internet of Things is exploding, and Google has its hottest products. Not long ago, a phone was something you simply placed calls on. Now, a smartphone can be used as flashlight, alarm clock, pocketwatch, calculator, GPS, camera and more. The gadgets smartphones don't kill off will be reinvented too with computer chips and online access. We're realizing the potential of the Internet of Things, in which everyday objects harness the power of digital chips and Internet access. Nest's two products — a thermostat and smoke detector — have received near universal praise. Fadell's team has a secret sauce and an advantage over everyone else in this space. Whatever unloved household device they seek to reinvent next will likely be a hit. Driving may be fun, but it isn't healthy. (Chris Ratcliffe/Bloomberg) 3. The self-driving car may be the most important innovation of the 21st century. Motorized vehicles kill 1.24 million people per year worldwide. That number is on pace to triple to 3.6 million by 2030. Self-driving cars offer a solution. Who happens to be a key player in this space? Google. 4. They're hoarding robots for who knows what. Google bought eight robotics companies in 2013 to pursue what it admits is a "moonshot." One of those companies won the DARPA robotics challenge in December, which suggests that Google has a leg up on competitors. It's been reported that its early robotics efforts will focus on electronics assembly and manufacturing. Instead of limiting itself to its core business of Web search, Google has expanded its tentacles into whatever it finds interesting or potentially world changing. It even bought a company that makes airborne wind turbines. A Google Fiber technician gets supplies out of his truck to install Google Fiber in a residential home in Provo, Utah. (George Frey/Reuters) 5. Google is quietly building a telecom network. Google controls more than 100,000 miles of fiber-optic cables around the world, according to the Wall Street Journal. For comparison's sake, that's more than twice the size of Sprint's network. They're experimenting with Google Fiber, which brings uncommonly fast Internet to a nation that is lagging behind the world in Internet speeds. While Google Fiber's current reach is limited, its existence is a reminder to consumers and rival Internet providers that better service can and should exist. If the country that invented the Internet is going to lead the world in Internet speeds, Google Fiber will nudge us forward. 6. They'd like to cheat death. You've heard the expression — nothing is certain but death and taxes. But it may not even be a certainty if Google has its way. Its funding Calico, which will tackle aging and related diseases. 7. Google doesn't care for convention or

precedent. Companies, individuals and armies falter when they expect the future to resemble the past. Because the past is all we know, imagining the future is a challenge. "We look at the present through a rear-view mirror. We march backwards into the future," media theorist Marshall McLuhan once wrote. Google doesn't have this problem. "Don't be surprised if we invest in projects that seem strange or speculative compared with our existing Internet businesses," Google CEO Larry Page wrote in September. He's open to radical and different thinking. His idea as a Stanford grad student of downloading the entire Web onto a computer may have seemed crazy, but it was the foundation of Google. As Yahoo CEO Marissa Mayer once put it, "Larry's superpower is asking 'Why not? Why does it have to be this way?'" Page's outlook is the perfect fit for leading a company in an era of revolutionary technology. Google says its mission is to organize the world's information and make it universally accessible and useful. With these new ventures a more accurate — and appropriately shorter — slogan might be "reorganizing the world." Eventually our planet will see a company with a market cap of \$1 trillion. If Google can put all the pieces together and keep innovating, they have a good chance. Whether they succeed or not, the road ahead will be exciting.

Innovations in business are key to competition in the future.

Macfarland 13 — Scott Macfarland is a Digital marketer and brand strategist, 2013 ("Why Is Innovation Management So Important to Compete?," Huffington Post, 10-30-2013, Available Online at http://www.huffingtonpost.com/scott-macfarland/why-innovation-management-is-important_b_4174482.html, Accessed 7-21-2015)//CM

In reality, innovation management is really just a form of looking into the future, being creative and imaginative so that you can carve out a new niche before your competitors. Business must look ahead, not behind. It's not just the big companies that need to do this. Every business must innovate to compete. They must create new products and services for new markets. They must be creative, and come up with new ideas that never would have been thought of before. This is the new management paradigm. Get used to it, it's not going away anytime soon. Here's what will happen. Everything will speed up. Processes, functions, data, inventory turns and speed to market, will force employees to learn a whole new language called innovation. Business as usual doesn't cut it any more. Enter innovation management. The proven management tools, techniques and clichés once embraced, are being challenged and shelved for a new set of rules and a new way of doing business. The management style of the future is no longer command and control. That ship has sailed. Today, in order for businesses to succeed, management must trust in the technologies and open leadership styles that are sweeping boardrooms, the C-suite, office suites and cubicles everywhere. In fact, today's companies are implementing new job titles that are rapidly appearing on business cards and office doors. So, which one will you hire next? Chief Innovation Officer, Chief Ideation Officer or Chief Digital Officer? Ten years ago, you would have been laughed out of the building if these were printed on your business card. Not today. According to Idris Mootee who wrote the book Design Thinking for Strategic Innovation, Innovation Management is about more than just planning new products, services, brand extensions, or technology inventions. It's about imagining, mobilizing, and competing in new ways. I couldn't agree more. This may sound like it's just another day in the office, however, it's clear that imagining new ideas and competing in new ways is extremely challenging, even for the biggest and best of companies. So, how do companies forge ahead so they can be change agents for the next generation? I believe one way is to immerse themselves in the benefits of what the internet offers. The world as we know it has actually become smaller as a result of the convenient connectedness of the internet. Some businesses have fully embraced the global online economy and real time, digital, interactive communication we now have at our fingertips, all of which didn't exist that long ago. Consequently, a massive paradigm shift in how business is conducted has paved the way for an environment that desires more and demands more. In the online environment, everyone communicates more, and in more ways, shares more information, creates more content, trashes more, stores more, and buys more of just about everything a human or business could possibly want. People and businesses also have more friends in their contact list. Based on the trends, we are addicted to more, and it's embedded in the business

environment. Expectations are now rising at alarming rates, and the speed of business is no longer fast enough to keep up with the speed of innovation. Guess what? There is no end in sight. Businesses around the world are more connected than ever before. Just ask any company how many smartphones they have, how many tablets and laptops they have, how many virtual meetings are held with clients, and how many emails and text messages are sent. Oh, and we haven't even talked about the use of social technologies. Being connected is probably the most powerful influencer of innovation. There are many reasons for this. The immediacy and accuracy of real-time data transfer has become the norm. We now have the ability to share and connect with people, groups, and companies around the world. The quality and ease of use of digital media is not just for professionals any longer. Online learning and the global reach of it have changed the face of learning. Mobile technologies, cloud based storage, computing, medicine and space have continued to amaze us year after year. The list could go on. Some form of innovation touches every aspect of our life. In my opinion, innovation is also required to be competitive today and tomorrow. Managing that expectation and deliverable is critical for sustainable growth to OCCUR. In thinking about sustainable growth, I spoke with Kevin Wells, Executive Vice President, Global Market Development for Reach Analytics. Kevin's comments were quite telling when discussing how to predict innovation for growth purposes. How do you predict innovation, and also leverage predictive analytics so that your business can use that information to create growth? Predicting innovation has always been part science, part black magic and part luck. The world of data gives us the ability to maybe leverage the science and luck parts of that equation a little more. We are a predictive analytics firm so we have to eat our own dog food so to speak. We look at the trends the data uncovers and then we look at the variables that are more difficult to quantify. And then we make what we think are good business decisions. But they are based on facts more than gut. Big data uncovers things humans would overlook -- if you know how to look for them. The future is not like the past It's no longer the speed of business that creates challenges. It's the speed of disruption that is permeating our business models in seemingly every possible way that is causing businesses to rethink how they operate. The speed of disruption is also the trigger that is causing entire industries to think about how to re-purpose what they have, and redefine a new sense of the brand. They are realizing their current model may not be sustainable. Welcome to the new business paradigm. Welcome to innovation management.

Competitiveness among businesses is key to stimulate the economy — 4 warrants

Kolasky 2 — William J. Kolasky, Deputy Assistant Attorney General in the Antitrust Division for the U.S. Department of Justice, 2002 ("The Role Of Competition In Promoting Dynamic Markets And Economic Growth," Address Before the TokyoAmerica Center, November 12, Available Online at <http://www.justice.gov/atr/speech/role-competition-promoting-dynamic-markets-and-economic-growth>, Accessed 7/16/15)

The most obvious benefit of competition is that **it results in goods and services being provided to consumers at competitive prices.** But what people often forget is that producers are also consumers. They must buy raw materials and energy to produce their products, telecommunications services to communicate with their suppliers and customers, computer equipment to keep track of their inventories, construction services to build their plants and warehouses, and so forth. To the extent that prices for these goods and services are higher than those of their foreign competitors because of a lack of competition in those markets, firms will be less competitive and will suffer in the marketplace.

A second benefit of competition is its effect on efficiency and productivity. **Companies that are faced with vigorous competition are continually pressed to become more efficient and more productive.** They know that their competitors are constantly seeking ways to reduce costs, in

order to increase profits or gain a competitive advantage. With that constant pressure, firms know that if they do not keep pace in making efficiency and productivity improvements, they may well see their market position shrink, if not evaporate completely. It is exactly this process of fierce competition between rivals that leads firms to strive to offer higher quality goods, better services and lower prices.

A third benefit of competition is its positive effects on innovation. In today's technology-driven world, innovation is crucial to success. Innovation leads to new products and new production technologies. It allows new firms to enter into markets dominated by incumbents, and is critical for incumbent firms who want to continue their previous market successes and stimulate consumer demand for new products. Competition drives innovation. Without competition, there would be little pressure to introduce new products or new production methods. Without this pressure, an economy will lag behind others as a center of innovation and will lose international competitiveness

A fourth benefit of competition is that it fosters restructuring in sectors that have lost competitiveness. It is difficult for governments to determine which sectors of the economy need to be restructured, which firms in those sectors should remain or should cease to exist, and when it is best to engage in such restructuring. Governments are subject to political constraints and pressures, which more often than not lead to sub-optimal decisions. The competitive process, on the other hand, is unbiased. It forces decisions to be based on market factors, such as demand, product uses, costs, technologies, rather than the incomplete information in the possession of government bureaucrats. The competition for capital and other resources by firms throughout the economy leads to money and resources flowing away from weak, uncompetitive sectors and firms and towards the strongest, most competitive sectors, and to the strongest and most competitive firms within those sectors. In these ways, the very operation of the competitive process makes decisions on restructuring clear, and leads to the strongest and most competitive economy possible.

US economy is still the lynchpin of the global economy — most recent evidence

Brett 15 — Shane Brett, author of "The Future of Hedge Funds", founder of "Global Perspectives", co-founder of "Gecko", received his Bachelor of Business Studies (Hons), Accounting & Finance from Dundalk Institute of Technology, received his MBA in Management Consulting from the University of Wales, has 19 years experience in hedge fund /asset management operations, consultancy & technology, including programme & product management at top fund managers & administrators worldwide, 2015 ("The Global Economy In 2015 - 5 Key Trends," Seeking Alpha, January 11, Available Online at <http://seekingalpha.com/article/2811155-the-global-economy-in-2015-5-key-trends>, Accessed 7/16/15)

The US economy created 7,000 jobs per day in 2014 and this remarkable rate of employment growth is set to escalate in 2015.

The perceived decline of American power has been greatly exaggerated.

Commentators confuse the current US unwillingness to wield hard power, for a lack of underlying real power. They also confuse deadlock in Washington with the underlying dynamism of many US regions and States.

The US still controls the global economy, all the world's oceans, its trade routes and its reserve currency. It spends nearly as much on defence as the rest of the world put together. **This will not change anytime soon.**

In 2015, the US will continue to be the global engine for growth, enterprise and innovation, as it has been for most of the last century.

This should not be surprising. The English-speakers (i.e. the USA/UK) have run the world for 3 centuries now. They have consistently defeated all challengers to world hegemony that have appeared over this time (Philip II, Louis XIV, Napoleon, Kaiser Wilhelm II, Hitler, Stalin etc.).

Despite the chorus of BRIC hysteria over the last few years, the economic growth in these countries has taken place because **they adopted US policies of trade liberalization, economic freedom and a free market.** In 2015, they will endure a major emerging market crisis. Their power will not surpass the US for decades (if ever).

Oil Dependence Module

Google Self-Driving cars are key to revitalizing the economy, reducing dependence on oil, and a more sustainable future.

Dallegro 14 — Joseph A. Dallegro is a journalist and advertising copywriter living in the New York area. He has covered business and finance, automobiles and local interest stories for publications such as Institutional Investor, ConsumerSearch and the Jersey City Independent. His advertising work has been profiled in CBS News, The Huffington Post, and Adweek, 2014 ("How Google's Self-Driving Car Will Change Everything," Investopedia, April 2014, Available Online at <http://www.investopedia.com/articles/investing/052014/how-googles-selfdriving-car-will-change-everything.asp>, Accessed 7-21-2015)//CM

Imagine getting in your car, typing or speaking a location into your vehicle's interface, then letting it drive you to your destination while you read a book, surf the web or nap. Self-driving vehicles – the stuff of science fiction since the first roads were paved – are coming, and they're going to radically change what it's like to get from point A to point B. Basic Technology Already In Use "The building blocks of driverless cars are on the road now," explained Russ Rader, senior v.p. of communications at the Insurance Institute for Highway Safety. He pointed to the front-crash prevention systems that for several years have been able to warn drivers of an impending obstacle and apply the brakes if they don't react fast enough. These systems were quickly followed by technology allowing cars to self-park by sizing up a free spot and automatically steering into it, with the driver only controlling the accelerator and brake pedals. Mercedes-Benz took autonomous driving even further with last year's unveiling of a steering system that works on the highway, in certain circumstances. The first big leap to fully autonomous vehicles is due in 2017, when Google Inc. (GOOG) said it would have an integrated system ready to market. Every major automotive manufacturer is likely to follow by the early 2020s, though their systems could wind up being more sensor-based, and rely less on networking and access to map information. Google probably won't manufacture cars. More likely, it'll license the software and systems. A Drastic Change As with the adoption of any new revolutionary technology, there will be problems for businesses that don't adjust fast enough. Futurists estimate that hundreds of billions of dollars (if not trillions) will be lost by automakers, suppliers, dealers, insurers, parking companies, and many other car-related enterprises. And think of the lost revenue for governments via licensing fees, taxes and tolls, and by personal injury lawyers and health insurers. Who needs a car made with heavier-gauge steel and eight airbags (not to mention a body shop) if accidents are so rare? Who needs a parking spot close to work if your car can drive you there, park itself miles away, only to pick you up later? Who needs to buy a flight from Boston to Cleveland when you can leave in the evening, sleep much of the way, and arrive in the morning? Indeed, Google's goal is to increase car utilization from 5-10% to 75% or more by facilitating sharing. That means fewer cars on the road. Fewer cars period, in fact. Who needs to own a car when you can just order a shared one and it'll drive up minutes later, ready to take you wherever you want? "This [has the potential to] dramatically reduce the number of cars on the street, 80% of which have people driving alone in them, and also a household's cost of transportation, which is 18% of their income – around \$9,000 a year – for an asset that they use only 5% of the time," said Robin Chase, the founder and CEO of Buzzcar, a peer-to-peer car sharing service, and co-founder and former CEO of Zipcar. In 2030, self-driving cars are expected to create \$87 billion worth of opportunities for automakers and technology developers, said a report by Boston-based Lux Research. Software developers stand to win big. A Car Manufacturing Revolution If you're an automaker, such as Ford Motor Co. (F), General Motors Co. (GM), Chrysler Group LLC, Toyota Motor Corp. or Honda Motor Co., Ltd. (HMC), which account for about 70% of the U.S. market, you could see an initial surge in the \$600 billion in annual new and used car sales in the U.S. But as soon as the technology takes hold, sales could fall off significantly as sharing popularizes. Cars will always need steel, glass, an interior, a drivetrain and some form of human interface (even if that interface is little more than a wireless connection to your smartphone). But much of everything else could change. As an example, take front-facing seats; they could become an option, not a requirement. Automakers that see change coming, such as how the big profits are secured downstream by car servicers, insurers and more, are focusing on services as much as on what and how they manufacture. Infrastructure Transformation With fewer cars around, parking lots and spaces that cover roughly a one-third of the land area of many U.S. cities can be repurposed. That could mean temporary downward pressure on real estate values as supply increases. It could also mean greener urban

areas, as well as revitalized suburbs, as longer commutes become more palatable. And if fewer cars are on the road, the federal and state governments may be able to reallocate a good portion of the roughly \$30 billion spent annually on highways. Changing Oil Demand If you're in the business of finding, extracting, refining and marketing hydrocarbons, such as Exxon Mobil Corp. (EOX), Chevron Corp. (CVX) or BP plc (BP), you could see your business fluctuate as use changes. "These vehicles should practice very efficient eco-driving practices, which is typically about 20% better than the average driver," said Chase "On the other hand, if these cars are owned by individuals, I see a huge rise in the number of trips, and vehicle miles traveled. People will send out their car to run errands they would never do if they had to be in the car and waste their own time. If the autonomous cars are shared vehicles and people pay for each trip, I think this will reduce demand, and thus (vehicle miles traveled)." Safety Dividend Autonomous vehicles are also expected to be safer. "These cars won't get drunk or high, drive too fast, or take unnecessary risks – things people do all the time," Chase said. "Over 90% of accidents today are caused by driver error," said Professor Robert W. Peterson of the Center for Insurance Law and Regulation at Santa Clara University School of Law. "There is every reason to believe that self-driving cars will reduce frequency and severity of accidents, so insurance costs should fall, perhaps dramatically." "Cars can still get flooded, damaged or stolen," notes Michael Barry, the v.p. of media relations at the Insurance Information Institute. "But this technology will have a dramatic impact on underwriting. A lot of traditional underwriting criteria will be upended." Barry said it's too early to quantify exactly how self-driving vehicles will affect rates, but added that injured parties in a crash involving a self-driving car may choose to sue the vehicle's manufacturer, or the software company that designed the autonomous capability. Initially, insurers such as State Farm Insurance, Allstate Corp. (ALL), Liberty Mutual Group, Berkshire Hathaway Inc.'s (BRK-A) GEICO, Citigroup Inc.'s (C) Travelers Group could see a huge benefit from lower accident liabilities, but wind up losing a big portion of the \$200 billion in personal auto premiums they write every year as fewer cars take to the road. Some have even speculated that mandatory insurance for cars could be dropped. And as long as we're talking about financial services, what of the multitude of banks and creditors that lend buyers money in about 70% of car purchases if sales volume falls? According to a University of Texas report, if only 10% of the cars on U.S. roads were autonomous, more than \$37 billion of savings could be realized via less wasted time and fuel, as well as fewer injuries and deaths. At 90%, the benefit rises to almost \$450 billion a year. Closer to Home Self-driving cars could have a substantial impact on the taxi and limousine industries and could create new ones. Chase noted that they could be used to share specific trips as a kind of pay-as-you-go small-scale public transportation – taking a disparate bunch of Manhattanites to the beach in the Hamptons, for instance. One study found that a fleet of 9,000 driverless taxis could serve all of Manhattan at about 40 cents per mile (compared to about \$4-6 per mile now). There are licenses for over 13,000 taxis in the Big Apple now. Self-driving cars may also challenge train lines. "A self-driving car offers much of the convenience of rail service with the added convenience that the service is portal-to-portal rather than station-to-station," Peterson said. "On the other hand, a fleet of self-driving cars available at the station may make rail service more palatable. "The technology has already been adopted in closed systems, such as campuses, air-terminals and mining," he noted. "Rio Tinto Group (RIO), a large mining company, uses enormous self-driving trucks in its mining operations. European countries are experimenting with the platooning of trucks. Among other things, this saves about 18% in fuel." Risks, Hurdles and the Unknown There are regulatory and legislative obstacles to widespread use of self-driving cars, and substantial concerns about privacy (who will have access to any driving information these vehicles store?). There's also the question of security, as hackers could theoretically take control of these vehicles, and are not known for their restraint or civic-mindedness. The Bottom Line However it plays out, these vehicles are coming – and fast. Their full adoption will take decades, but their convenience, cost, safety and other factors will make them ubiquitous and indispensable. Such as with any technological revolution, the companies that plan ahead, adjust the fastest and imagine the biggest will survive and thrive. And companies invested in old technology and practices will need to evolve or risk dying.

Driverless cars have the potential to substantially cut oil dependence and make traveling more efficient.

Plumer 13 — Brad Plumer is a reporter focusing on energy and environmental issues at The Washington Post. He was previously an associate editor at The New Republic, 2013 ("Will

driverless cars solve our energy problems — or just create new ones?," Washington Post, 3-30-2013, Available Online at

<http://www.washingtonpost.com/blogs/wonkblog/wp/2013/03/30/will-self-driving-cars-solve-all-our-energy-problems-or-create-new-ones/>, Accessed 7-22-2015)//CM

Self-driving cars are all the rage these days. Companies like Google are building vehicles that can drive themselves with sensors and algorithms. Futurists are raving about how this will revolutionize transportation: fewer accidents, easier parking... It's reached the point where even Newt Gingrich is offering a "short course" on driverless cars. Wait a minute, who's driving this thing? (Getty Images) And that got us wondering. If self-driving cars ever do become the future of transportation, what would that mean for energy, oil use and climate change in the decades ahead? Some backdrop: Last week, the National Academy of Sciences released a big report on how the United States could cut gasoline use and transport emissions 80 percent by 2050 — a key step toward addressing global warming and U.S. oil dependency. It would be difficult, the report said, but a big push on electric vehicles, advanced biofuels and efficiency could get us there. In a follow-up post, David Roberts criticized the NAS for thinking too prosaically. The report assumed our transportation system would look basically the same in 2050, only with somewhat cleaner vehicles. And that might well be wrong. What if self-driving cars become ubiquitous and utterly transform the way we get around? The task of getting off oil and curbing emissions could be much easier — or much harder — than anyone thinks. Now, a future filled with driverless cars might be far-fetched, but it's interesting to ponder. So here are a few very speculative thoughts on how self-driving cars could conceivably affect energy use in the decades ahead — assuming they ever catch on: How driverless cars could curb energy use and be great for the environment: Driverless cars will be far more fuel-efficient. That's the idea, anyway, laid out in this report from KPMG. Once we no longer need clumsy human drivers, then self-driving cars and trucks will be able to bunch close together at steadier speeds. Traffic jams and accidents will become a thing of the past. The robots will be driving as efficiently as possible. The hope is that this could save thousands of lives. It could also have massive effects on energy use. The Rocky Mountain Institute estimates that the reduction in wind drag alone from vehicles traveling closely together could reduce fuel use 20 percent to 30 percent: 012513-DriverlessCars2-image2-courtesyPATH Driverless vehicles could also, in theory be much, much lighter — since collisions will no longer be a big concern. Cars that currently weigh 4,000 pounds could one day weigh just 750 pounds. That development alone there would nearly double energy efficiency. Driverless cars will waste less fuel on things like looking for parking. One MIT study found that in congested urban areas, about 40 percent of total gasoline use in cars is spent as drivers look for parking. Presumably, intelligent self-driving cars wouldn't have this problem. Driverless cars will make car-sharing more popular, which will mean fewer vehicles on the road. Lots of self-driving-car enthusiasts have argued that car-sharing will be a popular model — after all, most privately owned cars are currently parked and idle 90 percent of the time. Wouldn't it make more sense for the self-driving car to make itself useful during that period? Car-sharing could mean fewer cars overall. Driverless cars will make the transition to electric vehicles easier. Lighter, more efficient cars will be able to go much farther on a single battery charge, which means that "range anxiety" will be less of an issue for plug-ins. Driverless cars will increase the appeal of walking and biking. Since self-driving cars will (in theory) be much, much safer than human drivers, it'll be less dangerous to bike on the road. At the margins, that could be a boon to pedestrians. Cities will become more appealing. If traffic gets less crazy, if walking and biking become more attractive, and if parking is no longer a huge hassle, denser urban living might become more attractive. Since cities tend to be more energy-efficient than the suburbs, that could reduce energy use. (Although see below for a counterpoint.) The flip side: How driverless cars could lead to a huge surge in energy demand. More and more people will drive. Think about all the people who are not allowed to drive right now. Everyone under 16. The elderly. The disabled. People who are intoxicated or on medication. People who are sleeping. That's a huge portion of the population. And all of those people will be able to ride in driverless cars. And that means we could see many more car trips. That's a huge plus for mobility. But it also has big energy implications. At the moment, vehicle miles-traveled in the United States appears to have peaked back in 2005 — in part because fewer and fewer young people are getting their licenses and driving. Could self-driving cars reverse that trend? Doug-Short-chart-VMT Public transportation could lose its appeal. If driverless cars or driverless taxis catch on, then trains and buses could find themselves displaced. You can read or zone out in a driverless car just as easily as you can on the subway. Depending on how this all shakes out, it could mean more driving and higher energy demands. Urban sprawl could greatly expand. Arielle Duhaime-Ross has a good post on this. Right now, there's a serious limit to how sprawled-out a city can get — people tend to prefer to keep their commutes under an hour. But if driverless cars can offer quick, efficient transportation, then we could see more people spread out to the suburbs. It's possible this could mean bigger environmental effects. (That said, it would be a big gain for public health if commuting became less stressful and arduous.) Cars might need to be

replaced more frequently. If car-sharing became widespread, then driverless cars would be on the road and in motion far more often. This might mean cars would have a lifespan similar to that of police vehicles, about three to five years, rather than their current 11 years. It's hard to say what this would mean for energy use — cars could be upgraded more quickly as new technology became available — but it's another angle here. No doubt there are a million other possibilities I haven't thought of or missed, so feel free to add more in comments.

Self-driving cars have serious implications for the future of the environment

Elkind 12 — Ethan Elkind is the Associate Director of the Climate Change and Business Program at UC Berkeley, 4-10-2012 ("Could Self-Driving Cars Help The Environment?," No Publication, 4-10-2012, Available Online at <http://legal-planet.org/2012/04/10/could-self-driving-cars-help-the-environment/>, Accessed 7-22-2015)//CM

As companies like Google pioneer technologies to allow cars to drive themselves, futurists have been imagining a world where autonomous vehicles rule the roadway. Using computer programs, map data, complex sensors, and soon the ability to “see” all vehicles within miles, these cars hold the promise of averting the vast majority of car accidents caused by human error, while passengers in the driver’s seat can nap, work, and do anything but concentrate on driving. The future is here to some extent: self-parking technologies are already in use with more coming soon, and Google’s autonomous car program has made internet waves (video here), sparking enabling legislation in Nevada and a bill in California. In another few decades, we may have a driving revolution on our hands (and the idea of dying in a car accident may seem as foreign to our grandchildren as dying of small pox). But what could this technology mean for the environment? We know that cars are responsible for significant greenhouse gas emissions and toxic air pollution. Self-driving vehicles hold the potential to reduce these emissions by driving more efficiently, including the possibility of not having to stop at intersections or even red lights as cars seamlessly avoid each other.

Vehicles may also be able to tailgate like train cars, adding more capacity and enabling efficient speeds for existing roads and highways. Cars may also become extremely lightweight and fuel efficient, as consumers no longer need heavy cars to survive collisions. But as the video below suggests, overall vehicle miles traveled may increase as driving becomes possible for those currently unable to drive, such as the elderly, the physically disabled or impaired, and of course the inebriated. Self-driving vehicles may also outcompete public transit for those who can afford to drive, as their cars would provide the same benefits as transit (such as the ability to work while commuting) without the hassles. In addition, self-driving vehicles may clog the road as households share vehicles that drive themselves around to pick up multiple people, such as spouses driving the same car to work at different times. At this point, proponents of self-driving cars are more interested in issues like insurance liability than environmental law. And the technology still requires more research and development. But as the cars become more common, policy makers and clean air advocates could benefit from studying the impacts of these cars to see how they might mitigate our pressing air pollution problems.

Oil independence is key to a sustainable economy

Anderson 14 — Richard Anderson is a business Reporter for BBC News, 2014 ("How American energy independence could change the world," BBC News, 4-1-2014, Available Online at <http://www.bbc.com/news/business-23151813>, Accessed 7-22-2015)//CM

No-one is suggesting America will stop importing power overnight, but being largely self-sufficient in energy could have widespread implications not just for the US, but for the rest of the world. US economy Last year, the United States spent about \$300bn (£180bn) on importing oil. This represented almost two-thirds of the country's entire annual trade deficit. Oil imports are, therefore, sucking hundreds of billions of dollars a year out of the US economy. As the IEA says, a persistent trade deficit can act as a drag on economic growth, manufacturing and employment. If the US achieved energy independence, not only would the country spend far less on cheaper, domestically generated

power, but the money would be going primarily to US-owned energy producers. The US's oil import bill also constitutes about 2% of the country's annual economic growth. As the US economy averages about 2% growth a year, the country would, in effect, be getting a year's growth for free. Paul Dales, at Capital Economics, argues that as this would be spread out over the next 10-20 years, the annual benefits would be much smaller - in this instance, 0.2%-0.1%. True, but comparing now with energy independence, the boost to the US economy of ending oil imports would be significant.

Oil dependence diminishes US hegemony — key to combating WMD spread, terrorism, Gulf instability

Deutch and Schlesinger 6 — John Deutch, served as Deputy Secretary of Defense, Director of Central Intelligence, Director of Energy Research, Acting Assistant Secretary for Energy Technology, and Undersecretary of the Department, emeritus Institute Professor at the Massachusetts Institute of Technology, holds a B.A. in history and economics from Amherst College, and both the B.S. in chemical engineering and Ph.D. in physical chemistry from M.I.T, and James R. Schlesinger, served as Secretary of Defense under Nixon and Ford, America's first Secretary of Energy, Director of Central Intelligence, earned a B.A., M.A., and Ph.D. in economics from the Horace Mann School and Harvard University, 2006 (“National Security Consequences of U.S. Oil Dependency,” Report of an Independent Task Force, Available Online at http://pages.ucsd.edu/~dgvictor/publications/Faculty_Victor_Chapter_2006_National%20Security%20Consequences_CFR.pdf, Accessed 7/22/15)

The Task Force has identified five major reasons why dependence on energy traded in world markets is a matter of concern for U.S. foreign policy. We have also examined a sixth, the relationship of military force structure to oil dependence.

First, the control over enormous oil revenues gives exporting countries the flexibility to adopt policies that oppose U.S. interests and values. Iran proceeds with a program that appears to be headed toward acquiring a nuclear weapons capability. Russia is able to ignore Western attitudes as it has moved to authoritarian policies in part because huge revenues from oil and gas exports are available to finance that style of government. Venezuela has the resources from its oil exports to invite realignment in Latin American political relationships and to fund changes such as Argentina's exit from its International Monetary Fund (IMF) standby agreement and Bolivia's recent decision to nationalize its oil and gas resources. **Because of their oil wealth, these and other producer countries are free to ignore U.S. policies and to pursue interests inimical to our national security.**

Second, oil dependence causes political realignments that constrain the ability of the United States to form partnerships to achieve common objectives. Perhaps the most pervasive effect arises as **countries dependent on imports subtly modify their policies to be more congenial to suppliers.** For example, China is aligning its relationships in the Middle East (e.g., Iran and Saudi Arabia) and Africa (e.g., Nigeria and Sudan) because of its desire to secure oil supplies. France and Germany, and with them much of the European Union, are more reluctant to confront difficult issues with Russia and Iran because of their dependence on imported oil and gas as well as the desire to pursue business opportunities in those countries.

These new realignments have further diminished U.S. leverage, particularly **in the Middle East and Central Asia**. For example, Chinese interest in securing oil and gas supplies challenges U.S. influence in central Asia, notably in Kazakhstan. And Russia's influence is likely to grow as it exports oil and (within perhaps a decade) large amounts of natural gas to Japan and China.

All consuming countries, including the United States, are more constrained in dealing with producing states when oil markets are tight. To cite one current example, **concern about losing Iran's 2.5 million barrels per day of world oil exports will cause importing states to be reluctant to take action against Iran's nuclear program.**

Third, **high prices and seemingly scarce supplies create fears**— especially evident in Beijing and New Delhi, as well as in European capitals and in Washington—**that the current system of open markets is unable to ensure secure supply.** The present competition has resulted in **oil and gas deals** that **include political arrangements in addition to commercial terms.** Highly publicized Chinese oil investments in Africa have included funding for infrastructure projects such as an airport, a railroad, and a telecommunications system, in addition to the agreement that the oil be shipped to China. Many more of these investments also include equity stakes for state-controlled Chinese companies. Another example is Chinese firms taking a position in Saudi Arabia, along with several Western firms, in developing Saudi Arabia's gas infrastructure.

At present, these arrangements have little effect on world oil and gas markets because the volumes affected are small. However, **such arrangements are spreading.** These arrangements are worrisome because **they lead to special political relationships that pose difficulties for the United States.** And **they allow importers to believe that they obtain security through links to particular suppliers rather than from the proper functioning of a global market.**

We note that **the United States**, in the past, **has also taken decisions to restrict markets partly due to similar concerns about energy security.** For example, when the trans-Alaska pipeline opened, it included a prohibition against exporting the oil. **The hostility toward proposals** by the Chinese National Overseas Oil Company (CNOOC) to purchase Union Oil of California **is seen by some as denying investment opportunity in the U.S. market in a similar manner to what the United States decries about other nations' conduct.** The Task Force believes that foreign entities should be able to purchase U.S. assets provided that the acquisitions meet the criteria established by the Committee on Foreign Investment in the United States (CFIUS).¹²

Opening a dialogue with rapidly growing consumers, notably China and India, can help those consumers gain confidence that will lead to a greater willingness to allow markets to operate. (We return to this policy recommendation later.) The United States and other consuming countries have a tremendous interest in maintaining the present open market oil commodity trading rules.

Fourth, **revenues from oil and gas exports can undermine local governance.** The United States has an interest in promoting good governance both for its own sake and because it encourages investment that can increase the level and security of supply. **States that are politically unstable and poorly governed often struggle with the task of responsibly managing the large revenues that come from their oil and gas exports.** The elements of good governance include democratic accountability, low corruption, and fiscal transparency. Production in fragile democracies, such as in Nigeria, can be undermined when politicians or local warlords focus on ways to seize oil and gas rents rather than on the longer-term task of governance. **Totalitarian governments that have control over those revenue flows can entrench their rule.**

When markets are tight, large oil consumers have tended to become especially focused on securing supply and ignore the effects of their investments on corruption and mismanagement. In Sudan, for example, despite civil war and widespread human rights abuses, the Chinese government and its oil enterprises are funding extensive oil supply and 12 Alan P. Larson and David M. Marchick, Foreign Investment and National Security: Getting the Balance Right, a Council Special Report (New York: Council on Foreign Relations Press, 2006). Findings: How Dependence on Imported Energy Affects U.S. Foreign Policy 29 infrastructure projects. China has used its threat of a veto in the UN Security Council to thwart collective efforts by other countries to manage the Darfur crisis in Sudan. Similarly, China, India, and several Western European countries continue to invest in Iran despite the need to contain its nuclear aspirations.

Fifth, **a significant interruption in oil supply will have adverse political and economic consequences in the United States and in other importing countries.** When such a disruption occurs, **it upends all ongoing policy activity in a frantic effort to return to normal conditions.** Inevitably, **those efforts include matters of foreign policy, such as coordination with other countries to find measures that will mitigate the consequences of the supply disruption.** Some of these responses may be preplanned, such as the coordinated release of strategic reserves, but other **responses will be hurried, ineffectual, or even counterproductive.**

Sixth, some observers see a direct relationship between the dependence of the United States on oil, especially from the Persian Gulf, and the size of the U.S. defense budget. Such a relationship invites the inference that **if it were not dependent on this oil, the United States and its allies would have no interest in the region, and hence it would be possible to achieve significant reductions in the U.S. military posture.** In the extreme, this argument says that **if the nation reduced its dependence, then the defense budget could be reduced as well.**

U.S. strategic interests in reliable oil supplies from the Persian Gulf are not proportional with the percent of oil consumption that is imported by the United States from the region. Until very low levels of dependence are reached, the United States and all other consumers of oil will depend on the Persian Gulf. Such low levels will certainly not be reached during the twenty-year time frame of this study.

Even if the Persian Gulf did not have the bulk of the world's readily available oil reserves, there would be reasons to maintain a substantial military capability in the region. **The activities of Iran today and Iraq,** especially prior to 1991, **underline the seriousness of threats from weapons of mass destruction. Combating terrorism also requires a presence in the Gulf.** In addition to military activities, **a U.S. presence in the region can help to improve political stability.**

At least for the next two decades, the Persian Gulf will be vital to U.S. interests in reliable oil supply, nonproliferation, combating 30 National Security Consequences of U.S. Oil Dependency terrorism, and encouraging political stability, democracy, and public welfare. Accordingly, the United States should expect and support a strong military posture that permits suitably rapid deployment to the region, if required.

It is worthwhile to explain what should and should not be expected from this military force, and how it serves U.S. interests. Most importantly, **the conventional force of the United States deters aggression in the region. Any nation** (or subnational group) **that contemplates violence on any scale must take into account the possibility of U.S. preemption, intervention, or retaliation.** Deterrence is powerful, but it does not always work (especially if the possibility of a military response is not raised). For example, deterrence did not prevent the Iran-Iraq war of the early 1980s. Because no clear and credible signal was sent of a possible response in 1990, Saddam Hussein was not deterred from invading Kuwait. Nevertheless, **the U.S. military posture with its capacity to intervene,** if managed wisely, **can play a role in stabilizing this highly fragile region and make many countries in the region more secure from hostile action by their neighbors.**

Oil dependence entrenches existing conflicts and has a laundry list of potential escalation scenarios

Colgan 13 —Jeff D. Colgan is the Richard Holbrooke Assistant Professor in the Department of Political Science and Watson Institute for International Studies at Brown University. His research focuses on two main areas: (1) the causes of war and (2) global energy politics, 2013 ("Oil, Conflict, and U.S. National Interests," Policy Brief, Belfer Center for Science and International Affairs, Harvard Kennedy School, 10-21-2013, Available Online at

http://belfercenter.ksg.harvard.edu/publication/23517/oil_conflict_and_us_national_interests.html, Accessed 7-22-2015)//CM

Although the threat of "resource wars" over possession of oil reserves is often exaggerated, the sum total of the political effects generated by the oil industry makes oil a leading cause of war. Between one-quarter and one-half of interstate wars since 1973 have been connected to one or more oil-related causal mechanisms. No other commodity has had such an impact on international security. The influence of oil on conflict is often poorly understood. In U.S. public debates about the 1991 and 2003 Iraq wars, both sides focused excessively on the question of whether the United States was fighting for possession of oil reserves; neither sought a broader understanding of how oil shaped the preconditions for war. Oil fuels international conflict through eight distinct mechanisms: (1) resource wars, in which states try to acquire oil reserves by force; (2) petro-aggression, whereby oil insulates aggressive leaders such as Saddam Hussein or Ayatollah Ruhollah Khomeini from domestic opposition, and therefore makes them more willing to engage in risky foreign policy adventurism; (3) the externalization of civil wars in oil-producing states ("petrostates"); (4) financing for insurgencies—for instance, Iran funneling oil money to Hezbollah; (5) conflicts triggered by the prospect of oil-market domination, such as the United States' war with Iraq over Kuwait in 1991; (6) clashes over control of oil transit routes, such as shipping lanes and pipelines; (7) oil-related grievances, whereby the presence of foreign workers in petrostates helps extremist groups such as al-Qaida recruit locals; and (8) oil-related obstacles to multilateral cooperation, such as when an importer's attempt to curry favor with a petrostate prevents multilateral cooperation on security issues. These mechanisms can contribute to conflict individually or in combination. The linkages between oil and international conflict are growing increasingly important in light of three transitions under way in global energy markets. The first is the shift in patterns of global oil production away from traditional suppliers in the Middle East and toward (1) suppliers of unconventional oil reserves in North America and (2) new suppliers of conventional oil, especially in Africa. As many as sixteen developing countries will become oil exporters in the near future, creating a swath of new international security concerns. Second, the low oil prices of the 1990s have given way to higher and more volatile prices, increasing the magnitude of the consequences one can expect from oil-conflict linkages. Third, the relative decline of U.S. hegemony may reduce the provision of public goods such as security of shipping lanes and pipelines. Although these transitions alter some of the ways in which the oil industry contributes to international conflict, none eliminates linkages between the two or allows the United States to disengage from global markets. THE ROLE OF FRACKING Understanding the eight mechanisms linking oil to international security can help policymakers think beyond the much-discussed goal of energy security, defined as reliable access to affordable fuel supplies. Achieving such an understanding is important in light of recent changes in the United States. As hydraulic fracturing—"fracking"—of shale oil and gas accelerates, energy imports are projected to decline, and North America could even achieve energy independence, in the sense of low or zero net overall energy imports, in the next decade. Yet the United States will continue to import large volumes of oil, and the world price of oil will continue to affect it. Moreover, so long as the rest of the world remains dependent on global oil markets, the fracking revolution will do little to reduce many oil-related threats to international security. The emergence of aggressive, revolutionary leaders in petrostates would likely continue to pose threats to regional security. Petrostates will continue to be weakly institutionalized and thus subject to civil wars, creating the kind of security problems that demand responses by the international community, as occurred in Libya in 2011. Petro-financed insurgent groups such as Hezbollah will persist, as will threats to the shipping lanes and oil transit routes that supply important U.S. allies, such as Japan. In sum, energy autarky is not the answer. Self-sufficiency will bring economic benefits to the United States, but few gains for national security. So long as the oil market remains globally integrated, national oil imports matter far less than total consumption. Rather than viewing energy self-sufficiency as a panacea, the United States should contribute to international security by making long-term investments in research and development to reduce

oil consumption and provide alternative fuel sources in the transportation sector. In addition to the economic and environmental benefits of reducing oil consumption, substantial evidence exists that military and security benefits will accrue from such investments. UNEXPECTED SOURCES OF CONFLICT Policymakers must also think systematically about oil-security linkages when monitoring emerging security threats as the global oil industry transforms itself. With sixteen additional countries potentially exporting oil in the near future, new international dynamics will materialize, especially in Africa. Furthermore, if oil prices remain high, incentives for resource grabs will grow. Resource wars are most likely to occur in unpopulated territories or naval zones, as oil can be extracted from these areas without the need to manage a populated, potentially hostile territory. Thus, policymakers should be most concerned about disputed territories in the East China and South China Seas and naval borders in the Caspian Sea. There are already competing sovereignty claims to territory in those regions, and considerable uncertainty about the magnitude of the energy resources located there, creating conditions ripe for miscalculation and mutual suspicion. Policymakers should be especially concerned about security threats that arise from unexpected sources, such as allies' energy needs or seemingly benign actions that prompt hostile responses from rivals.

Electronic Medical Records DA HSS

Notes

This is a DA that links to affs that increase privacy regulations of some sort. The evidence on government privacy regulations spilling over and hurting private companies' abilities to collect data/operate efficiently is pretty good.

The 1NC impact is disease, but you can read the economy module in the block as well.

A lot of the cards for uniqueness/internal link section of the Google DA apply here — I recommend using them for extensions in the block.

These cards are simply those cards but specific to electronic medical records.

Also, probably some of the generic disease impact cards/big data solves health care cards may apply here as well.

Good luck! Let me know if I can update/cut/change anything ~Rishika 😊

1NC Shell

1NC — Electronic Medical Records DA

Privacy regulations impose costs on hospitals that prevent them from adopting EMR systems

Miller and Tucker 9 — Amalia R. Miller, Associate Professor of Economics at the University of Virginia, holds a Ph.D. in Economics from Stanford University and an S.B. in Economics from Massachusetts Institute of Technology, and Catherine Tucker, Professor of Marketing at MIT Sloan, Chair of the MIT Sloan PhD Program, received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for Emerging Marketing Scholar and Mentor, the Paul E. Green Award for contributions to the practice of Marketing Research and a Garfield Award for her work on electronic medical records, holds a PhD in economics from Stanford University, and a BA from the University of Oxford, 2009 (“Privacy Protection and Technology Diffusion: The Case of Electronic Medical Records,” *Management Science*, Vol. 55, No. 7, July, Available Online to Subscribing Institutions via JStor, Accessed 7/22/15)

At the same time, privacy laws may impose additional network costs on hospitals who wish to transfer information electronically, for example, by demanding more of a paper trail, or by requiring more robust software. The design of networked EMR systems with strong security and confidentiality protections involves well-known challenges. Individual consent requirements that can be limited to particular types of information and provider destinations demand a flexibility that is costly to implement (Win and Fulcher 2007). It is more expensive to design a system that has the additional flexibility to limit the flow of information by the type of detail in a patient medical record and by the type of external destination, irrespective of how many patients refuse to have their records shared. **Confidentiality protection** that demands prior patient consent, which can be revoked at any time, also increases the costs of information exchange. McCarthy et al. (1999) give details of how privacy legislation that requires subjects to give their consent for each study used in research led to lower response rates. When individual consent was required by state law, it was granted by 19% of individuals, as opposed to 93% of patient records made available directly by providers in states without this privacy protection. Finally, in addition to the fixed costs that are added to the complexity of designing the EMR system, the laws require additional documentation, and that burden increases with the flow of information between providers. Theoretically, therefore, **privacy regulation can affect the fixed or the variable costs of EMR adoption,** and without detailed breakdowns of the costs involved, we cannot distinguish between the two.

Privacy protection inhibits EMR diffusion not by creating a different legal requirement for different record types, but by raising compliance costs. **Complying with privacy laws increases the costs of electronic record systems and,** in particular, **the costs of sharing information.** This is particularly important if one of the key benefits of EMRs is the reduced costs of sharing information as compared with paper records. In this sense, the laws may pose an institutional barrier to information flow, which in turn reduces the potential benefits to hospitals from the adoption of EMRs, a technology that would otherwise reduce the physical barriers to information exchange. Although it would be desirable to estimate the effects of privacy regulation on network costs and benefits separately, we observe neither of these outcomes.

Using data on adoption decisions, we can identify only the net effect of privacy law on network benefits.

Privately collected data is the backbone of effective health care systems — reduces costs and mortality rates

Goldfarb and Tucker 12 — Avi Goldfarb, Professor of Marketing in the Rotman School of Management at University of Toronto, has published over 50 articles in a variety of outlets in economics, marketing, statistics, computing, and law, holds a PhD from Northwestern, MA from Northwestern, and BAH from Queens University, with Catherine Tucker, Professor of Marketing at MIT Sloan, Chair of the MIT Sloan PhD Program, received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for Emerging Marketing Scholar and Mentor, the Paul E. Green Award for contributions to the practice of Marketing Research and a Garfield Award for her work on electronic medical records, holds a PhD in economics from Stanford University, and a BA from the University of Oxford, 2012 (“Privacy and Innovation,” *Innovation Policy and the Economy*, Chicago Journals, The National Bureau of Economic Research, Vol. 12, No. 1, pp. 65-90, January, Available Online via Subscribing Institutions at JStor, Accessed 7/21/15)

The 2009 Health Information Technology for Economic and Clinical Health (HITECH) Act, part of the American Recovery and Reinvestment Act, devoted \$19.2 billion to increase the use of electronic medical records (EMRs) by health care providers. Underlying this substantial public subsidy is a belief that creating an electronic rather than a paper interface between patient information and health care providers can improve health care quality, facilitate the adoption of new technologies, and also save money.

EMRs are the backbone software system that allows health care providers to store and exchange patient health information electronically. As EMRs diffuse to more medical practices, they are expected to reduce medical costs and improve patient care. For example, they may reduce medical costs by reducing clerical duplication; however, there are no universally accepted estimates concerning how much money EMRs will save. Hillestad et al. (2005) suggest that EMRs could reduce America’s annual health care bill by \$34 billion through higher efficiency and safety, assuming a 15-year period and 90% EMR adoption.

In contrast, the clinical benefits from EMR systems have been demonstrated in recent empirical work (Miller and Tucker 2011a).¹ This research examines effects of the digitization of health care on neonatal outcomes over a 12-year period. Neonatal outcome is a measure commonly used to assess the quality of a nation’s health care system and is important in its own right. As we discuss in depth later, Miller and Tucker (2011a) is also directly relevant to the current chapter, as it measures the relationships among health care outcomes, hospitals’ adoption of information technology, and state-level privacy regulation.

Miller and Tucker (2011a) find that a 10% increase in basic EMR adoption would reduce neonatal mortality rates by 16 deaths per 100,000 live births, roughly 3% of the annual mean (521) across counties. Furthermore, they find that a 10% increase in hospitals that adopt both

EMRs and obstetric-specific computing technology reduces neonatal mortality by 40 deaths per 100,000 live births. This finding suggests **there are increasing gains from the digitization of health care.** The paper shows that the reduction in deaths is driven by a decrease in deaths from conditions that can be treated with careful monitoring and data about patient histories. There is no such decrease for conditions where prior patient data are not helpful from a diagnostic standpoint.

Overall, Miller and Tucker (2011a) document that the use of patient data by hospitals helps to improve monitoring and the accuracy of patient medical histories. More broadly, even basic EMR systems can improve the quality of data repositories and ease access to relevant patient information. Adoption of technologies that facilitate data collection and analysis can help hospitals to improve outcomes and perhaps to reduce costs.

Diseases coming now and risk extinction – effective healthcare is key to check
Naish 12 (Reporter for Daily Mail, “The Armageddon virus: Why experts fear a disease that leaps from animals to humans could devastate mankind in the next five years Warning comes after man died from a Sars-like virus that had previously only been seen in bats Earlier this month a man from Glasgow died from a tick-borne disease that is widespread in domestic and wild animals in Africa and Asia” <http://www.dailymail.co.uk/sciencetech/article-2217774/The-Armageddon-virus-Why-experts-fear-disease-leaps-animals-humans-devastate-mankind-years.html#ixzz3E5kqxjQI>)

The symptoms appear suddenly with a headache, high fever, joint pain, stomach pain and vomiting. As the illness progresses, patients can develop large areas of bruising and uncontrolled bleeding. In at least 30 per cent of cases, Crimean-Congo Viral Hemorrhagic Fever is fatal. And so it proved this month when a 38-year-old garage owner from Glasgow, who had been to his brother's wedding in Afghanistan, became the UK's first confirmed victim of the tick-borne viral illness when he died at the high-security infectious disease unit at London's Royal Free Hospital. It is a disease widespread in domestic and wild animals in Africa and Asia — and one that has jumped the species barrier to infect humans with deadly effect. But the unnamed man's death was not the only time recently a foreign virus had struck in this country for the first time. Last month, a 49-year-old man entered London's St Thomas' hospital with a raging fever, severe cough and desperate difficulty in breathing. He bore all the hallmarks of the deadly Sars virus that killed

nearly 1,000 people in 2003 — but blood tests quickly showed that this terrifyingly virulent infection was not Sars. **Nor was it any other virus yet known to medical science** Worse still, the gasping, sweating patient was rapidly succumbing to kidney failure, a potentially lethal complication that had never before been seen in such a case. As medical staff quarantined their critically-ill patient, fearful questions began to mount. The stricken man had recently come from Qatar in the Middle East. What on earth had he picked up there? Had he already infected others with it? Using the latest high-tech gene-scanning technique, scientists at the Health Protection Agency started to piece together clues from tissue samples taken from the Qatari patient, who was now hooked up to a life-support machine. **The results were extraordinary. Yes, the virus is from the same family as Sars. But its make-up is completely new** It has come not from humans, but from animals. Its closest known relatives have

been found in Asiatic bats. The investigators also discovered that the virus has already killed someone. Searches of global medical databases revealed the same mysterious virus lurking in samples taken from a 60-year-old man who had died in Saudi Arabia in July. Scroll down for video Potentially deadly: The man suffered from CCHF, a disease transmitted by ticks (pictured) which is especially common in East and West Africa Potentially deadly: The man suffered from CCHF, a disease transmitted by ticks (pictured) which is especially common in East and West Africa When the Health Protection Agency warned the world of this newly-emerging virus last month, it ignited a stark fear among medical experts. Could this be the next bird flu, or even the next “Spanish flu” — the world's biggest pandemic, which claimed between 50 million and 100 million lives across the globe from 1918 to 1919? **In all these outbreaks, the virus responsible came from an animal.** Analysts

now believe that the Spanish flu pandemic originated from a wild aquatic bird. The terrifying fact is that viruses that manage to jump to us from animals — called zoonoses — can wreak havoc because of their astonishing ability to catch us on the hop and spread rapidly through the population when we least expect it. The virus's power and fatality rates are terrifying One leading British virologist, Professor **John Oxford** at Queen Mary Hospital, University of London, and **a world authority on epidemics, warns that we must expect an animal-originated pandemic to hit the world within the next five years with potentially cataclysmic effects on the human race.** Such a

contagion, he believes, **will be a new strain of super-flu,** a highly infectious virus that may originate in some far-flung backwater of Asia or Africa, and be contracted by one person from a wild animal or domestic beast, such as a chicken or pig. By the time the first victim has succumbed to this unknown, unsuspected new illness, they will have spread it by coughs and

sneezes to family, friends, and all those gathered anxiously around them. **Thanks to our crowded, hyper-connected world, this doomsday virus will already have begun crossing the globe by air, rail, road and sea** before even the best brains in medicine have begun to chisel at its genetic secrets. Before it even has a name, it will have started to cut its lethal swath through the world's population. The high security unit where the man was treated for the potentially fatal disease but later died if this new virus follows the pattern of the pandemic of 1918-1919, it will cruelly reap mass harvests of young and fit people. **They die because of something called a 'cytokine storm' — a vast overreaction of their strong and efficient immune systems that is prompted by the virus.** This uncontrolled response burns them with a fever and wracks their bodies with nausea and massive fatigue. **The hyper-activated immune system actually kills the person, rather than killing the super-virus.** Professor Oxford bases his prediction on historical patterns. The past century has certainly provided us with many disturbing precedents. For example, the 2003 global outbreak of Sars, the severe acute respiratory syndrome that killed nearly 1,000 people, was transmitted to humans from Asian civet cats in China. More... Man, 38, dies from deadly tropical disease after returning to the UK from Afghanistan. Nine-year-old who turns YELLOW with anger: Brianna must spend 12 hours a day under UV lights because of rare condition. In November 2002, it first spread among people working at a live animal market in the southern Guangdong province, where civets were being sold. **Nowadays, the threat from such zoonoses is far greater than ever, thanks to modern technology and human population growth.** Mass transport such as airliners can quickly fan outbreaks of newly-emerging zoonoses into deadly global wildfires. The Sars virus was spread when a Chinese professor of respiratory medicine treating people with the syndrome fell ill when he travelled to Hong Kong, carrying the virus with him. By February 2003, it had covered the world by hitching easy lifts with airline passengers. Between March and July 2003, some 8,400 probable cases of Sars had been reported in 32 countries. It is a similar story with H1N1 swine flu, the 2009 influenza pandemic that infected hundreds of millions throughout the world. It is now believed to have originated in herds of pigs in Mexico before infecting humans who boarded flights to myriad destinations. **Once these stowaway viruses get off the plane, they don't have to learn a new language or new local customs. Genetically, we humans are not very diverse, an epidemic that can kill people in one part of the world can kill them in any other just as easily.** On top of this, **our risk of catching such deadly contagions from wild animals is growing massively, thanks to humankind's relentless encroachment into the world's jungles and rainforests, where we increasingly come into contact for the first time with unknown viral killers that have been evolving and incubating in wild creatures for millennia.** This month, an international research team announced it had identified an entirely new African virus that killed two teenagers in the Democratic Republic of the Congo in 2009. The virus induced acute hemorrhagic fever, which causes catastrophic widespread bleeding from the eyes, ears, nose and mouth, and can kill in days. A 15-year-old boy and a 13-year-old girl who attended the same school both fell ill suddenly and succumbed rapidly. A week after the girl's death, a nurse who cared for her developed similar symptoms. He only narrowly survived. The new microbe is named Bas-Congo virus (BASV), after the province where its three victims lived. It belongs to a family of viruses known as rhabdoviruses, which includes rabies. **A report in the journal PLoS Pathogens says the virus probably originated in local wildlife and was passed to humans through insect bites or some other as-yet unidentified means. There are plenty of other new viral candidates waiting in the wings, guts, breath and blood of animals around us** You can, for example, catch leprosy from armadillos, which carry the virus in their shells and are responsible for a third of leprosy cases in the U.S. Horses can transmit the Hendra virus, which can cause lethal respiratory and neurological disease in people. In a new book that should give us all pause for thought, **award-winning U.S. natural history writer David Quammen points to a host of animal-derived infections that now claim lives with unprecedented regularity. The trend can only get worse,** he warns. Quammen highlights the Ebola fever virus, which first struck in Zaire in 1976. The virus's power is terrifying, with fatality rates as high as 90 per cent. The latest mass outbreak of the virus, in the Congo last month, is reported to have killed 36 people out of 81 suspected cases. According to Quammen, Ebola probably originated in bats. The bats then infected African apes, quite probably through the apes coming into contact with bat droppings. The virus then infected local hunters who had eaten the apes as bushmeat. Quammen believes a similar pattern occurred with the HIV virus, which probably originated in a single chimpanzee in Cameroon. **It is inevitable we will have a global outbreak** Studies of the virus's genes suggest it may have first evolved as early as 1908. It was not until the Sixties that it appeared in humans, in big African cities. By the Eighties, it was spreading by airlines to America. Since then, Aids has killed around 30 million people and infected another 33 million. There is one mercy with Ebola and HIV. They cannot be transmitted by coughs and sneezes. 'Ebola is transmissible from human to human through direct contact with bodily fluids. It can be stopped by preventing such contact,' Quammen explains. **If HIV could be transmitted by air, you and I might already be dead. If the rabies virus — another zoonosis — could be transmitted by air, it would be the most horrific pathogen on the planet.** Viruses such as Ebola have another limitation, on top of their method of transmission. They kill and incapacitate people too quickly. In order to spread into pandemics, zoonoses need their human hosts to be both infectious and alive for as long as possible, so that the virus can keep casting its deadly tentacles across the world's population. **But there is one zoonosis that can do all the right (or wrong) things. It is our old adversary, flu.** It is easily transmitted through the air, via sneezes and coughs. Sars can do this, too. **But flu has a further advantage.** As Quammen points out: 'With Sars, symptoms tend to appear in a person before, rather than after, that person becomes highly infectious. Isolation: **Unlike Sars the symptoms of this new disease may not be apparent before the spread of infection** Isolation: Unlike Sars the symptoms of this new disease may not be apparent before the spread of infection 'That allowed many Sars cases to be recognised, hospitalised and placed in isolation before they hit their peak of infectivity. **But with influenza and many other diseases, the order is reversed. Someone who has an infectious case of a new and potentially lethal strain of flu can be walking about innocently spluttering it over everyone around them for days before they**

become incapacitated. Such reasons lead Professor Oxford, a world authority on epidemics, to warn that a new global pandemic of animal-derived flu is inevitable. And, he says, the clock is ticking fast. Professor Oxford's warning is as stark as it is certain: 'I think it is inevitable that we will have another big global outbreak of flu', he says. 'We should plan for one emerging in 2017-2018.' But are we adequately prepared to cope? Professor Oxford warns that vigilant surveillance is the only real answer that we have. 'New flu strains are a day-to-day problem and we have to be very careful to keep on top of them,' he says. 'We now have scientific processes enabling us to quickly identify the genome of the virus behind a new illness, so that we know what we are dealing with. The best we can do after that is to develop and stockpile vaccines and antiviral drugs that can fight new strains that we see emerging.' But the Professor is worried our politicians are not taking this certainty of mass death seriously enough. Such laxity could come at a human cost so unprecedentedly high that it would amount to criminal negligence. The race against newly-emerging animal-derived diseases is one that we have to win every time. **A pandemic virus needs to win only once and it could be the end of humankind.**

2NC/1NR Uniqueness

Adoption High

EMR adoption high in the status quo

Health and Human Services 14 — U.S. Department of Health & Human Services, HHS Press Office, 2014 (“More physicians and hospitals are using EHRs than before: CDC data provides baseline for EHR adoption among health care providers,” Health and Human Services, August 7, Available Online at <http://www.hhs.gov/news/press/2014pres/08/20140807a.html>, Accessed 7/26/15)

Significant increases in the use of electronic health records (EHRs) among the nation’s physicians and hospitals are detailed in two new studies published today by the HHS Office of the National Coordinator for Health Information Technology (ONC).

The studies, published in the journal Health Affairs, found that in 2013, **almost eight in ten (78 percent) office-based physicians reported they adopted some type of EHR system.** About half of all physicians (48 percent) had an EHR system with advanced functionalities in 2013, **a doubling of the adoption rate in 2009.**

About 6 in 10 (59 percent) hospitals had adopted an EHR system with certain advanced functionalities in 2013, **quadruple the percentage for 2010.** Unlike the physician study, the hospital study does not have an equivalent, established measure of adoption of some type of EHR system; it only reports on adoption of EHRs with advanced functionalities.

“**Patients are seeing the benefits of health IT as a result of the significant strides that have been made in the adoption and meaningful use of electronic health records,**” said Karen DeSalvo, M.D., M.P.H., national coordinator for health information technology. “We look forward to working with our partners to ensure that people’s digital health information follows them across the care continuum so it will be there when it matters most.”

The information in the studies was collected by the Centers for Disease Control and Prevention’s National Center for Health Statistics and the American Hospital Association in 2013.

These data provide an early baseline understanding of provider readiness to achieve **Stage 2 Meaningful Use of the Medicare and Medicaid EHR Incentive programs.** Stage 2 will begin later this year for providers who first attested to Stage 1 Meaningful Use in 2011 or 2012. About 75 percent of eligible professionals and more than 91 percent of hospitals have adopted or demonstrated Stage 1 Meaningful Use of certified EHRs.

Adoption rates of EMRS are high in the status quo

Pettit 13 — Lorren Pettit, holds an MBA in Business, Vice President of HIMSS, a global, cause-based, not-for-profit organization focused on better health through information technology, Market Researcher, 2013 (“Pace of EMR Adoption During the Past 5 Years,” HIMSS, October 14, Available Online at <http://www.himss.org/News/NewsDetail.aspx?ItemNumber=22845>, Accessed 7/26/15)

A lot of attention over the past five years has been focused on the adoption of electronic medical record (EMR) technologies in U.S. hospitals. The interest is understandable given all the money the government is spending to incent providers to use these technologies in a meaningful way, but the idea of EMR adoption in a hospital is a little more complex than how it is typically presented in the press. For one thing, there is no such thing as a singular “EMR application.” The EMR is a suite of tools comprised of distinct applications. To really understand a hospital’s EMR adoption status, we need to understand the hospital’s progression in building out an EMR.

Fortunately, the HIMSS Analytics EMR Adoption Model (EMRAM) provides an eight-stage framework for monitoring the development of a robust EMR system. First introduced into the market in 2006, HIMSS Analytics has been monitoring, on a quarterly basis, the array of hospitals amongst the various EMRAM stages. While it is fairly common knowledge that **the bulk of U.S. hospitals have been progressively moving toward advanced EMRAM stages,** the unknown concerns the “pace” at which these organizations are moving.

HIMSS Analytics staff recently analyzed the quarterly EMRAM progression of 4,811 hospitals during the last five years (Q2 2008 and Q2 2013). As was expected, **the vast majority of all U.S. hospitals (73.7 percent) have advanced at least EMRAM stage during this period.** Not surprising as this observation aligns with the shifting distribution the EMRAM profile discussed above. What we found most interesting was that **almost half of those organizations showing some advancement reflected a fairly progressive adoption posture** advancing by two or three stages during this period, **with another 20 percent assuming an aggressive EMR adoption pace,** advancing four or more stages in five years.

2NC/1NR Links/ILs

They Say: “Doesn’t Affect Health Care”

Privacy restrictions on privately collected data hurt health care effectiveness

Goldfarb and Tucker 12 — Avi Goldfarb, Professor of Marketing in the Rotman School of Management at University of Toronto, has published over 50 articles in a variety of outlets in economics, marketing, statistics, computing, and law, holds a PhD from Northwestern, MA from Northwestern, and BAH from Queens University, with Catherine Tucker, Professor of Marketing at MIT Sloan, Chair of the MIT Sloan PhD Program, received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for Emerging Marketing Scholar and Mentor, the Paul E. Green Award for contributions to the practice of Marketing Research and a Garfield Award for her work on electronic medical records, holds a PhD in economics from Stanford University, and a BA from the University of Oxford, 2012 (“Privacy and Innovation,” Innovation Policy and the Economy, Chicago Journals, The National Bureau of Economic Research, Vol. 12, No. 1, pp. 65-90, January, Available Online via Subscribing Institutions at JStor, Accessed 7/21/15)

Consequences.—Although EMRs were invented in the 1970s, by 2005 only 41% of U.S. hospitals had adopted a basic EMR system. Anecdotal evidence suggests that privacy protection may partially explain this slow pace of diffusion. Expensive state-mandated privacy filters may, for example, have played a role in the collapse of the Santa Barbara County Care Data Exchange in 2007.

Miller and Tucker (2009) examine the empirical consequences of **privacy regulation** and, in particular, how it **suppresses network effects in adoption of medical information technology.** Network effects may shape the adoption of EMRs because hospitals derive network benefits from EMRs when they can electronically exchange information about patient histories with other providers such as general practitioners. Exchanging EMRs is quicker and more reliable than exchanging paper records by fax, mail, or patient delivery. It is especially useful for patients with chronic conditions when a new specialist requires access to previous tests. Emergency room patients whose records (containing information about previous conditions and allergies) are stored elsewhere also benefit.

EMRs key to better health care — 4 warrants

Guerriere 15 — Dr. Michael Guerriere, Chief Medical Officer and Vice-President, Transformation Services at TELUS Health, 2015 (“Four reasons you should care about EMRs,” TELUS, March 24, Available Online at <http://blog.telus.com/telus-health/four-reasons-you-should-care-about-emrs/>, Accessed 7/26/15)

Here are four reasons we as patients, healthcare providers and taxpayers should care about, and advocate for, full EMR adoption in Canada.

1) Convenient, high quality healthcare

When all authorized caregivers can access your complete medical history anywhere, anytime, it means less time repeating your medical history and pacing in waiting rooms. It means more efficiency, better decisions and ultimately, healthier outcomes.

2) Secure interactions

Unlike paper records, EMRs are not in danger of getting lost, damaged or destroyed. Your health details are not only backed up, they are protected from theft and tampering through the Canadian government's strict privacy regulations and procedures.

3) Better management of our own health

Good EMRs will have portals that let patients contribute data like blood pressure readings to their overall health picture. Through portals, patients take a much more active role in health, collaborating with doctors to track the impact of treatments and adjust behaviours to prevent disease. This is especially critical when managing chronic disease.

4) Collaborative care

EMRs give the whole team – doctors, specialists, pharmacists, technicians – complete and secure access to accurate and up-to-date information on your health. Imagine!

They Say: “Data Doesn’t Solve”

EMRs key to preventing short term and chronic disease and saves over \$10B

Hillestad et. al. 15 — Richard Hillestad, policy expert RAND Corporation, holds a Ph.D. in engineering and applied science and an M.S. and B.S. in electrical engineering; James Bigelow, Associate Professor in the Department of Pharmaceutical Sciences, holds a B.S. degree in Microbiology and Ph.D. in Biochemistry; Anthony Bower, researcher at Synageva BioPharma with degrees in Business Economics and Microeconomics; Federico Girosi, Associate Professor in Population Health at the School of Medicine, holds a Ph.D. in Health Policy from Harvard and a Ph.D. in Physics; Robin Meili, senior management systems analyst and director of International Programs at the RAND Corporation, holds an M.B.A. from NYU; Richard Scoville, Adjunct Associate Professor at UNC, holds a BA, MA in Education, and a PhD in Psychology; Roger Taylor, holds a Bachelor of Science (BSc), Politics, Philosophy and Economics, 2015 (“Can Electronic Medical Record Systems Transform Health Care? Potential Health Benefits, Savings, And Costs,” Health Affairs, Available Online at <http://content.healthaffairs.org/content/24/5/1103.full>, Accessed 7/22/15)

Using HIT for near-term chronic disease management.

The U.S. burden of chronic disease is extremely high and growing. In one study, fifteen chronic conditions accounted for more than half of the growth in health care spending between 1987 and 2000, and just five diseases accounted for 31 percent of the increase.²⁸ Disease management programs identify people with a potential or active chronic disease; target services to them based on their level of risk (sicker patients need more-tailored, more-intensive interventions, including case management); monitor their condition; attempt to modify their behavior; and adjust their therapy to prolong life, minimize complications, and reduce the need for costly acute care interventions.

EMR systems can be instrumental throughout the disease management process. Predictive-modeling algorithms can identify patients in need of services. EMR systems can track the frequency of preventive services and remind physicians to offer needed tests during patients’ visits. Condition-specific encounter templates implemented in an EMR system can ensure consistent recording of disease-specific clinical results, leading to better clinical decisions and outcomes. Connection to national disease registries allows practices to compare their performance with that of others. Electronic messaging offers a low-cost, efficient means of distributing reminders to patients and responding to patients’ inquiries. Web-based patient education can increase the patient’s knowledge of a disease and compliance with protocols.

For higher-risk patients, case management systems help coordinate workflows, including communication between multiple specialists and patients. In what may prove to be a transformative innovation, remote monitoring systems can transmit patients’ vital signs and other biodata directly from their homes to their providers, allowing nurse case managers to respond quickly to incipient problems. Health information exchange via RHINs or personal **health records promises great benefits for patients with multiple chronic illnesses,** who receive care from multiple providers in many settings.

We examined disease management programs for four conditions: asthma, congestive heart failure (CHF), chronic obstructive pulmonary disease (COPD), and diabetes (Exhibit 4) and estimated the effects of 100 percent participation of people eligible for each program.²⁹ By controlling acute care episodes, these programs greatly reduce hospital use at the cost of increased physician office visits and use of prescription drugs. As shown, **the programs could generate potential annual savings of tens of billions of dollars.** Keeping people out of the hospital is, of course, a health benefit, but we can also expect important outcomes such as reductions in days lost from school and work and in days spent sick in bed.

Data driven healthcare is the critical factor in disease prevention – revolutionizes planning and treatment

Marr 15 — Bernard Marr, contributor to Forbes, he also basically wrote the book on internet data – called Big Data – and is a keynote speaker and consultant in strategic performance, analytics, KPIs and big data, 2015 (“How Big Data Is Changing Healthcare”, Forbes, April 21, Available Online at <http://www.forbes.com/sites/bernardmarr/2015/04/21/how-big-data-is-changing-healthcare/>)

If you want to find out how Big Data is helping to make the world a better place, there’s **no better example** than the uses being found for it in healthcare. The last decade has seen huge advances in the amount of data we routinely generate and collect in pretty much everything we do, as well as our ability to use technology to analyze and understand it. The intersection of these trends is what we call “Big Data” and it is helping businesses in every industry to become more efficient and productive. Healthcare is no different. Beyond improving profits and cutting down on wasted overhead, Big Data in healthcare is being used to predict epidemics, cure disease, improve quality of life and avoid preventable deaths. With the world’s population increasing and everyone living longer, models of treatment delivery are rapidly changing, and many of the decisions behind those changes are being driven by data. The drive now is to understand as much about a patient as possible, as early in their life as possible – hopefully picking up warning signs of serious illness at an early enough stage that treatment is far more simple (and less expensive) than if it had not been spotted until later. So to take a journey through Big Data in healthcare, let’s start at the beginning – before we even get ill. Wearable blood pressure monitors send data to a smartphone app, then off to the doctor. (Photo by John Tlumacki/The Boston Globe via Getty Images) Prevention is better than cure Smart phones were just the start. With apps enabling them to be used as everything from pedometers to measure how far you walk in a day, to calorie counters to help you plan your diet, millions of us are now using mobile technology to help us try and live healthier lifestyles. More recently, a steady stream of dedicated wearable devices have emerged such as Fitbit, Jawbone and Samsung Gear Fit that allow you to track your progress and upload your data to be compiled alongside everyone else’s. In the very near future, you could also be sharing this data with your doctor who will use it as part of his or her diagnostic toolbox when you visit them with an ailment. Even if there’s nothing wrong with you, access to huge, ever growing databases of information about the state of the health of the general public will allow problems to be spotted before they occur, and remedies – either medicinal or educational – to be prepared in advance This is leading to ground breaking work, often by partnerships between medical and data professionals, with the potential to peer into the future and identify problems before they happen. One recently formed example of such a partnership is the Pittsburgh Health Data Alliance – which aims to take data from various sources (such as medical and insurance records, wearable sensors, genetic data and even social media use) to draw a comprehensive picture of the patient as an individual, in order to offer a tailored healthcare package. That person’s data won’t be treated in isolation. It will be compared and analyzed alongside thousands of others, highlighting specific threats and issues through patterns that emerge during the

comparison. This enables sophisticated predictive modelling to take place – a doctor will be able to assess the likely result of whichever treatment he or she is considering prescribing, backed up by the data from other patients with the same condition, genetic factors and lifestyle. Programs such as this are the industry’s attempt to tackle one of the biggest hurdles in the quest for data-driven healthcare: The medical industry collects a huge amount of data but often it is siloed in archives controlled by different doctors’ surgeries, hospitals, clinics and administrative departments. Another partnership that has just been announced is between Apple and IBM. The two companies are collaborating on a big data health platform that will allow iPhone and Apple Watch users to share data to IBM’s Watson Health cloud healthcare analytics service. The aim is to discover new medical insights from crunching real-time activity and biometric data from millions of potential users.

EMRs provide faster and more complete patient data analysis and diagnosis

Wilson and Bock 12 — John Wilson, MD, Vice President of Clinical Analytics, OptumInsight, and Adam Bock, MD, Chief Medical Information Officer at Minneapolis Veterans Hospital, 2012 (“The benefit of using both claims data and electronic medical record data in health care analysis,” Optum, February, Available Online at <https://www.optum.com/content/dam/optum/resources/whitePapers/Benefits-of-using-both-claims-and-EMR-data-in-HC-analysis-WhitePaper-ACS.pdf>, Accessed 7/26/15)

More complete condition identification

There are a variety of reasons that physicians may fail to completely record on a claim all the diagnoses from a visit. For one thing, physicians are constantly pressed for time, and every second spent recording billing codes is a second that takes them away from direct patient care. Additionally, in a fee-for-service setting, the payment that a physician receives for an office visit is not directly related to the number or type of conditions for which the physician codes (see Appendix A for more detail). Hence, in many cases, **the EMR will have a more complete set of diagnoses** for a given patient than claims data.

Because of this, claims data is often an imperfect reflection of the actual status of a patient. Several studies support this.

One study examined how often people with the condition of chronic kidney disease (CKD) had a claims-based diagnosis code for this condition over a one-year period. In this study,³ results of a blood test (the estimated glomerular filtration rate or eGFR) were used to determine whether or not kidney disease existed. If this test was abnormal on at least two separate occasions over a year, the patients met the definition CKD. The authors then examined all claims data for the patients who had CKD diagnosed by virtue of lab testing. They found that only 20–42 percent of these patients had a diagnosis code for CKD on a claim over the one-year period. Put another way, if one year of claims data was all that had been present, 58–80 percent of people with CKD would not have been identified.

Another study published in the Journal of the American Medical Association (JAMA)⁴ showed that of children with EMR blood pressure values that were high on at least three separate doctor visits, only 26 percent of them had a claim with a diagnosis of hypertension on it.

In addition to showing the shortcomings of claims data in identifying conditions, these data suggest another powerful conclusion: **Use of clinical data from the EMR can significantly**

improve condition identification. The use of lab result data elements can support identification of people with CKD even without a coded diagnosis. In addition, the use of vital sign data can allow identification of people with hypertension despite the lack of a claim-based diagnosis of this condition.

In fact, there are a variety of data elements that might be available in the EMR which, when analyzed, can allow the identification of a condition that was either not recognized or not coded for by the physician. So, one way in which EMR data enables better condition identification is by providing access to data elements (e.g., lab results and vital signs) that allow one to impute a diagnosis—even if that diagnosis was never made.

Allowing for imputed diagnosis is just one way in which EMR data improves condition identification over and above the use of claims data. The EMR also has something which claims data do not: the concept of a ‘problem list’.

Claims data is, by its nature, temporally limited. Meaning the claim reflects only the diagnoses and services that occurred on the date when the claim was submitted. It is not designed to convey information about what happened in the past. So for a patient who had heart surgery or an appendectomy two years ago, there is no reason that those items will appear on a claim today. Similarly, if a patient had a diagnosis of heart failure two years ago, that diagnosis may not appear on a claim during a subsequent time period, even if the condition persists. The EMR, however, has a way to transcend the concept of time by which claims data are constrained: the problem list.

The problem list is an area in the electronic record where providers can keep track of the list of medical problems affecting a patient. The EMR maintains this list independently from any particular medical visit/encounter. Hence, use of the EMR problem list allows identification of conditions which may not be identified via claims data.

More timely

In addition to the ability of EMR data to enhance condition identification as discussed above, EMR data has another advantage: timeliness. Sometimes we would like to understand that a patient has experienced a certain event as soon as that event has occurred. For example, we might like a nurse to provide a follow-up call to a patient the day after an emergency room visit. If we are dependent on claims data alone to identify the emergency room visit, there may be a delay (sometimes of months) until a claim for this visit is received and processed. However, providers interact with the EMR during (or soon after) the patient encounter. Hence, EMR data is generated in real time, and a system which evaluates data from the EMR can allow a much more rapid response.

Obamacare I/L

Explanation of this alternate internal link: EMRs fall under the Obamacare act; given that Republicans hate Obamacare, they will use the plan's privacy restrictions to get rid of EMRs and Obamacare.

EMRs are based in Obamacare

Hughes 15 — Jane Lindell Hughes, M.D., F.A.C.S., Clinical Professor in the Department of Ophthalmology at the University of Texas Health Science Center, 2015 (“Obamacare: Why Washington wants your medical file,” Washington Times, February 11, Available Online at <http://www.washingtontimes.com/news/2015/feb/11/electronic-medical-records-government-medicine-101/>, Accessed 7/26/15)

Medicare and Medicaid have served as the template for Obamacare and government-controlled medicine. This began with price controls on doctors and hospitals resulting in cost-shifting to the private sector and spiraling health care costs. Politicians used this predictable outcome to clamor for healthcare overhaul. **The crucial cost-control piece in the final implementation of Obamacare is the centrally connected EMR database.** It is to be the vehicle by which the patients' conditions are monitored and their treatment options elucidated based on centrally determined “best practices” and factors such as age and pre-existing pathology.

Physician compliance with recommended treatments will be monitored and corrected when necessary. People the likes of Jonathan Gruber and Ezekiel Emmanuel will be deciding these parameters as appointees to the Council for Comparative Effectiveness Research and the Independent Payment Advisory Board (IPAB).

Republicans hate Obamacare and will do anything to end it

Bouie 15 — Jamelle Bouie, Slate staff writer covering politics, policy, and race, 2015 (“Dead Letter Office,” Slate, February 5, Available Online at http://www.slate.com/articles/news_and_politics/politics/2015/02/republicans_want_to_repeal_obamacare_the_gop_has_a_harder_time_replacing.html, Accessed 7/26/15)

To be an elected Republican in the age of Obamacare is to have a single, endless mantra: **“Repeal and replace.”** Of the two parts, Republicans have had the easiest time with “repeal.” Since winning the majority in 2010, House Republicans have held 56 votes to repeal the Affordable Care Act, with the latest attempt on Tuesday, a courtesy for the new members who haven't had a chance to voice their ritual distaste for the law.

If you're feeling charitable, you can treat this focus on “repeal” as a consequence of circumstances. House Republicans could have crafted a bill to replace Obamacare, but then they would have had to make the compromises and pay the costs of building an alternative without the benefit of bringing it to law—as soon as any bill reached the Senate, Democrats would have killed it.

But now, **Republicans have all of Congress. If they want to replace Obamacare, they can.** And on Wednesday, they took a step in that direction. With little fanfare, Sens. Orrin Hatch of Utah, Richard Burr of North Carolina, and Rep. Fred Upton of Michigan unveiled their blueprint for Republican health reform. Called the “Patient Choice, Affordability, Responsibility and Empowerment Act,” it is mostly identical to an outline released last year by Hatch, Burr, and now-retired Sen. Tom Coburn.

Republicans are pushing for privacy restrictions

Miller 14 — Zeke J. Miller, 2014 (“Exclusive: Republican Party Calls For End To NSA Domestic Phone Records Program” Time, January 24, Available Online at <http://time.com/2156/exclusive-republican-party-calls-for-investigation-into-nsa-snooping/>, Accessed 7/26/15)

In the latest indication of a growing libertarian wing of the GOP, the Republican National Committee passed a resolution Friday calling for an investigation into the **“gross infringement of Americans’ rights by National Security Agency** programs that were revealed by Edward Snowden.

The resolution also calls on Republican members of Congress to enact amendments to the Section 215 law that currently allows the spy agency to collect records of almost every domestic telephone call. The amendment should make clear that “blanket surveillance of the Internet activity, phone records and correspondence — electronic, physical, and otherwise — of any person residing in the U.S. is prohibited by law and that violations can be reviewed in adversarial proceedings before a public court,” the resolution reads.

The measure, the “Resolution to Renounce the National Security Agency’s Surveillance Program,” passed by an **“overwhelming majority” by voice vote**, along with resolutions calling for the repeal of the Foreign Account Tax Compliance Act and reaffirming the party’s pro-life stance, according to Reince Priebus, the RNC chairman.

Among other points, the resolution declares “the mass collection and retention of personal data is in itself **contrary to the right of privacy protected by the Fourth Amendment** of the United States Constitution,” a claim embraced by civil libertarians of both parties.

2NC/1NR Impact

Disease Module

EMRs key to preventing disease — increased research, diagnosis and treatment capabilities

Exscribe 13 — Exscribe Orthopaedic Healthcare Solutions, a team of orthopedists and IT professionals to develop and address the unique needs of Orthopaedic practices, 2013 ("EMRs may help boost knowledge of DNA and disease," Exscribe, December 31, Available Online at <http://www.exscribe.com/orthopedic-e-news/ehremr/emrs-may-help-boost-knowledge-of-dna-and-disease>, Accessed 7/26/15)

For decades researchers have been working to link DNA to certain diseases in order to better prevent, diagnose and treat various medical issues. This has resulted in many genome-wide association studies that have proven to be very informative, but also have limitations. Recently, researchers from Vanderbilt University Medical Center and four other U.S. institutions from the Electronic Medical Records and Genomics Network discovered that **EMRs may be able to help overcome these limitations and allow scientists to learn even more about the connection between DNA and disease.**

The researchers used a combination of genetic data and electronic medical records to conduct the first large-scale phenome-wide association study, known as PheWAS. The scientists explained that while traditional genetic studies would start with one phenotype and then examine one or several genotypes, this type of study does the opposite by looking at a number of diseases for one genetic variant or genotype.

"This study broadly shows that we can take decades of off-the-shelf electronic medical record data, link them to DNA, and quickly validate known associations across hundreds of previous studies," said lead author Josh Denny, M.D., M.S., Vanderbilt associate professor of biomedical informatics and medicine. "And, at the same time, we can discover many new associations. A third important finding is that our method does not select any particular disease – it searches simultaneously for more than a thousand diseases that bring one to the doctor. By doing this, **we were able to show some genes that are associated several diseases or traits, while others are not.**"

Denny explained that this method will not be replacing traditional genetic research, but it does offer a cost efficient way to examine many different diseases over time.

"PheWAS opens up important avenues in understanding why certain diseases can present differently in different people, or how drugs might produce unpredicted effects in some patients," said senior author Dan Roden, M.D., assistant vice chancellor for Personalized Medicine, and principal investigator for the Vanderbilt eMERGE site.

The New York Times spoke to Robert Green from Harvard Medical School, who explained that this study has shown that **EMRs could be a reliable source of scientific information.** This is particularly exciting considering that these systems were not even designed with this purpose in mind, adding to the long list of benefits of EMRs.

Moving forward with EMRs and DNA

Healthcare Informatics published an article explaining that precision medicine – the goal of which is to look into the molecular basis of disease using information from people's DNA and linking it to information in their EMR – is a growing field. The news source spoke to Michael Blum, M.D., the leader of the new Center for Digital Health Innovation at the University of California, San Francisco, who explained that he believes that the key to advancing this type of medicine is to utilize the new technology available in the health care industry to create a knowledge network and information commons to link sources together.

EMRs can help diagnose diseases

Along with helping to connect DNA to certain diseases, EMRs have also been shown to help doctors avoid making costly diagnostic errors. According to HealthIT.gov, EMRs do not just contain patient information, they can also help compute it. This means that they can present information in a way that will help doctors better diagnose and treat patients. For example, whenever a doctor prescribes a new medication to a patient and enters it into an EMR, the system will automatically alert him or her if the new meds could interact negatively with a drug the patient is currently taking.

New zoonotic diseases cause extinction – different from past diseases. Health care key to predict and check them

Quammen 12 — award-winning science writer, long-time columnist for *Outside* magazine, writer for National Geographic, Harper's, Rolling Stone, the New York Times Book Review and others, 9/29/2012 (David, "Could the next big animal-to-human disease wipe us out?," The Guardian, pg. 29, Lexis)

Infectious disease is all around us. It's one of the basic processes that ecologists study, along with predation and competition. Predators are big beasts that eat their prey from outside. Pathogens (disease-causing agents, such as viruses) are small beasts that eat their prey from within. Although infectious disease can seem grisly and dreadful, under ordinary conditions, it's every bit as natural as what lions do to wildebeests and zebras. **But conditions aren't always ordinary.** Just as predators have their accustomed prey, so do pathogens. And just as a lion might occasionally depart from its normal behaviour - to kill a cow instead of a wildebeest, or a human instead of a zebra - so a pathogen can shift to a new target. **Aberrations occur.** When a pathogen leaps from an animal into a person, and succeeds in establishing itself as an infectious presence, sometimes causing illness or death, the result is a zoonosis. It's a mildly technical term, zoonosis, unfamiliar to most people, but it helps clarify the biological complexities behind the ominous headlines about swine flu, bird flu, Sars, emerging diseases in general, and the threat of a global pandemic. It's a word of the future, destined for heavy use in the 21st century. Ebola and Marburg are zoonoses. So is bubonic plague. So was the so-called Spanish influenza of 1918-1919, which had its source in a wild aquatic bird and emerged to kill as many as 50 million people. All of the human influenzas are zoonoses. As are monkeypox, bovine tuberculosis, Lyme disease, West Nile fever, rabies and a strange new affliction called Nipah encephalitis, which has killed pigs and pig farmers in Malaysia. Each of these zoonoses reflects the action of a pathogen that can "spillover", crossing into people from other animals. Aids is a disease of zoonotic origin caused by a virus that, having reached humans through a few accidental events in western and central Africa, now passes human-to-human. This form of interspecies leap is not rare; about 60% of all human infectious diseases currently known either cross routinely or have recently crossed between other animals and us. Some of those - notably rabies - are familiar, widespread and still horrendously lethal, killing humans by the thousands despite centuries of efforts at coping with their effects. Others are new and inexplicably sporadic, claiming a few victims or a few hundred, and then disappearing for years. **Zoonotic pathogens can hide.** The least conspicuous strategy is to lurk within what's called a reservoir host: a living organism that carries the pathogen while suffering little or no illness. When a disease seems to disappear between outbreaks, it's often still lingering nearby, within some reservoir host. A rodent? A bird? A butterfly? A bat? To reside undetected is probably easiest wherever biological diversity is high and the ecosystem is relatively undisturbed. The converse is also true: ecological disturbance causes diseases to emerge. Shake a tree and things fall out. Michelle Barnes is an energetic, late 40s-ish woman, an avid rock climber and cyclist. Her auburn hair, she told me cheerily, came from a bottle. It approximates the original colour, but the original is gone. In 2008, her hair started falling out; the rest went grey "pretty much overnight". This was among the lesser effects of a mystery illness that had nearly killed her during January that year, just after

she'd returned from Uganda. Her story paralleled the one Jaap Taal had told me about Astrid, with several key differences - the main one being that Michelle Barnes was still alive. Michelle and her husband, Rick Taylor, had wanted to see mountain gorillas, too. Their guide had taken them through Maramagambo Forest and into Python Cave. They, too, had to clamber across those slippery boulders. As a rock climber, Barnes said, she tends to be very conscious of where she places her hands. No, she didn't touch any guano. No, she was not bumped by a bat. By late afternoon they were back, watching the sunset. It was Christmas evening 2007. They arrived home on New Year's Day. On 4 January, Barnes woke up feeling as if someone had driven a needle into her skull. She was achy all over, feverish. "And then, as the day went on, I started developing a rash across my stomach." The rash spread. "Over the next 48 hours, I just went down really fast." By the time Barnes turned up at a hospital in suburban Denver, she was dehydrated; her white blood count was imperceptible; her kidneys and liver had begun shutting down. An infectious disease specialist, Dr Norman K Fujita, arranged for her to be tested for a range of infections that might be contracted in Africa. All came back negative, including the test for Marburg. Gradually her body regained strength and her organs began to recover. After 12 days, she left hospital, still weak and anaemic, still undiagnosed. In March she saw Fujita on a follow-up visit and he had her serum tested again for Marburg. Again, negative. Three more months passed, and Barnes, now grey-haired, lacking her old energy, suffering abdominal pain, unable to focus, got an email from a journalist she and Taylor had met on the Uganda trip, who had just seen a news article. In the Netherlands, a woman had died of Marburg after a Ugandan holiday during which she had visited a cave full of bats. Barnes spent the next 24 hours Googling every article on the case she could find. Early the following Monday morning, she was back at Dr Fujita's door. He agreed to test her a third time for Marburg. This time a lab technician crosschecked the third sample, and then the first sample. The new results went to Fujita, who called Barnes: "You're now an honorary infectious disease doctor. You've self-diagnosed, and the Marburg test came back positive." The Marburg virus had reappeared in Uganda in 2007. It was a small outbreak, affecting four miners, one of whom died, working at a site called Kitaka Cave. But Joosten's death, and Barnes's diagnosis, implied a change in the potential scope of the situation. That local Ugandans were dying of Marburg was a severe concern - sufficient to bring a response team of scientists in haste. But if tourists, too, were involved, tripping in and out of some python-infested Marburg repository, unprotected, and then boarding their return flights to other continents, the place was not just a peril for Ugandan miners and their families. It was also an international threat. The first team of scientists had collected about 800 bats from Kitaka Cave for dissecting and sampling, and marked and released more than 1,000, using beaded collars coded with a number. That team, including scientist Brian Amman, had found live Marburg virus in five bats. Entering Python Cave after Joosten's death, another team of scientists, again including Amman, came across one of the beaded collars they had placed on captured bats three months earlier and 30 miles away. "It confirmed my suspicions that these bats are moving," Amman said - and moving not only through the forest but from one roosting site to another. Travel of individual bats between far-flung roosts implied circumstances whereby Marburg virus might ultimately be transmitted all across Africa, from one bat encampment to another. It voided the comforting assumption that this virus is strictly localised. And it highlighted the complementary question: why don't outbreaks of Marburg virus disease happen more often? Marburg is only one instance to which that question applies. Why not more Ebola? Why not more Sars? In the case of Sars, the scenario could have been very much worse. Apart from the 2003 outbreak and the aftershock cases in early 2004, it hasn't recurred. . . so far. Eight thousand cases are relatively few for such an explosive infection; 774 people died, not 7 million. Several factors contributed to limiting the scope and impact of the outbreak, of which humanity's good luck was only one. Another was the speed and excellence of the laboratory diagnostics - finding the virus and identifying it. Still another was the brisk efficiency with which cases were isolated, contacts were traced and quarantine measures were instituted, first in southern China, then in Hong Kong, Singapore, Hanoi and Toronto. If the virus had arrived in a different sort of big city - more loosely governed, full of poor people, lacking first-rate medical institutions - it might have burned through a much larger segment of humanity. One further factor, possibly the most crucial, was inherent in the way Sars affects the human body: symptoms tend to appear in a person before, rather than after, that person becomes highly infectious. That allowed many Sars cases to be recognised, hospitalised and placed in isolation before they hit their peak of infectivity. With influenza and many other diseases, the order is reversed. That probably helped account for the scale of worldwide misery and death during the 1918-1919 influenza. And that infamous global pandemic occurred in the era before globalisation. Everything nowadays moves around the planet faster, including viruses. When the Next Big One comes, it will likely conform to the same perverse pattern as the 1918 influenza: high infectivity preceding notable symptoms. That will help it move through cities and airports like an angel of death. The Next Big One is a subject that disease scientists around the world often address. The most recent big one is Aids, of which the eventual total bigness cannot even be predicted - about 30 million deaths, 34 million living people infected, and with no end in sight. Fortunately, not every virus goes airborne from one host to another. If HIV-1 could, you and I might already be dead. If the rabies virus could, it would be the most horrific pathogen on the planet. The influenzas are well adapted for airborne transmission, which is why a new strain can circle the world within days. The Sars virus travels this route, too, or anyway by the respiratory droplets of sneezes and coughs - hanging in the air of a hotel corridor, moving through the cabin of an aeroplane - and that capacity, combined with its case fatality rate of almost 10%, is what made it so scary in 2003 to the people who understood it best. Human-to-human transmission is the crux. That capacity is what separates a bizarre, awful, localised, intermittent and mysterious disease (such as Ebola) from a global pandemic. Have you noticed the persistent, low-level buzz about avian influenza, the strain known as H5N1, among disease experts over the past 15 years? That's because avian flu worries them deeply, though it hasn't caused many human fatalities. Swine flu comes and goes periodically in the human population (as it came and went during 2009), sometimes causing a bad pandemic and sometimes (as in 2009) not so bad as expected; but avian flu resides in a different category of menacing possibility. It worries the flu scientists because they know that H5N1 influenza is extremely virulent in people, with a high lethality. As yet, there have been a relatively low number of cases, and it is poorly transmissible, so far, from human to human. It'll kill you if you catch it, very likely, but you're unlikely to catch it except by butchering an infected chicken. But if H5N1 mutates or reassembles itself in just the right way, if it adapts for human-to-human transmission, it could become the biggest and fastest killer disease since 1918. It got to Egypt in 2006 and has been especially problematic for that country. As of August 2011, there were 151 confirmed cases, of which 52 were fatal. That represents more than a quarter of all the world's known human cases of bird flu since H5N1 emerged in 1997. But here's a critical fact: those unfortunate Egyptian patients all seem to have acquired the virus directly from birds. This indicates that the virus hasn't yet found an efficient way to pass from one person to another. Two aspects of the situation are dangerous, according to biologist Robert

Webster. The first is that Egypt, given its recent political upheavals, may be unable to staunch an outbreak of transmissible avian flu, if one occurs. His second concern is shared by influenza researchers and public health officials around the globe: with all that mutating, with all that contact between people and their infected birds, the virus could hit upon a genetic configuration making it highly transmissible among people. "As long as H5N1 is out there in the world," Webster told me, "**there is the possibility of disaster**." . . . There is the theoretical possibility that it can acquire the ability to transmit human-to-human." He paused. "And then God help us." We're unique in the history of mammals. No other primate has ever weighed upon the planet to anything like the degree we do. In ecological terms, we are almost paradoxical: large-bodied and long-lived but grotesquely abundant. **We are an outbreak. And here's the thing about outbreaks: they end**. In some cases they end after many years, in others they end rather soon. In some cases they end gradually, in others they end with a crash. In certain cases, they end and recur and end again. Populations of tent caterpillars, for example, seem to rise steeply and fall sharply on a cycle of anywhere from five to 11 years. The crash endings are dramatic, and for a long while they seemed mysterious. What could account for such sudden and recurrent collapses? One possible factor is infectious disease, and viruses in particular.

Economy Module

EMRs facilitate cost-effective health care systems

Whitney and Wilkinson 9 — Elisa Whitney, earned a PharmD degree at Lake Erie College of Osteopathic Medicine, and Julie J. Wilkinson, associate professor and chair in the Department of Pharmacy Practice at LECOM, holds PharmD and BCPS degrees, 2009 (“Improving Patient Care with Access to EMRs,” Pharmacy Times, August 15, Available Online at <http://www.pharmacytimes.com/publications/issue/2009/august2009/techfeatureemrs-0809#sthash.q2CauCgL.dpuf>, Accessed 7/26/15)

The demand for health care services in the United States will increase in the coming years because of the aging population. The majority of Americans aged 65 years or older suffer from at least one chronic disease, which could be prevented with proper changes in lifestyle or managed with appropriate drug therapy.⁴ **About 75% of the national health expenditure is on chronically ill patients.**² Unless chronic diseases are well managed and preventive care measures become part of our daily routine, the cost of health care will continue to rise. Better coordination and communication across providers dealing with chronically ill patients and patients seeking preventive care could yield a better health care delivery system.

EMRs could grant community pharmacists access to a patient’s diagnosis, lab results, vital signs, allergies, treatment plans, desired treatment outcomes, clinical progress notes, and social, health, and medication history. They could also provide room for documenting counseling sessions, observations, assessments, and recommendations, which can be instantaneously accessed by other authorized health care providers. Because community pharmacists encounter multiple patients daily, many of whom are regular, chronically ill visitors, they can use EMRs to more effectively screen, monitor, and provide counseling sessions. Additionally, they can provide appropriate recommendations to other health care providers.

Access to a patient’s social history could enable community pharmacists to practice preventive care measures by helping formulate plans that meet patients’ specific needs. For example, if a pharmacist wishes to provide smoking cessation counseling sessions to a patient who has tried to quit several times, it is more likely that the pharmacist will be successful if he is aware of previous difficulties or addiction tendencies recorded by other health care providers during past encounters with the same patient. The same could be said for pharmacists who wish to provide counseling services for the prevention of hypoglycemia, diabetes, obesity, and hypertension.

EMRs will facilitate the adoption and utilization of electronic prescribing (eprescribing). This system is expected to improve the quality of patient care by reducing handwriting based errors and by providing warnings and alerts at point of prescribing. It will also provide prescribers with information about medications a patient is already taking, including those prescribed by other health care providers. This will help ensure that prescribers are aware of possible drug–drug and drug–allergy interactions, drug appropriateness, correct dosage, contraindications, and duplications.⁵

It has been estimated that **eprescribing could save \$27 billion annually and could prevent more than 2 million adverse drug events, from which more than 130,000 are life-threatening.**⁶ This estimate does not take into consideration the time that could be saved in community

pharmacies by reducing clarification callbacks to prescribers, paper based prescription drop offs, fax or telephone refill requests, and interpretation of handwritten prescriptions. Freeing pharmacists from these tasks could eventually result in better patient care quality and reduced health care costs.

Health care costs kill the economy

Callahan 8 — Daniel Callahan, cofounder and president emeritus of The Hastings Center, holds a PhD, 2008 (“Health Care Costs and Medical Technology,” From Birth to Death and Bench to Clinic: The Hastings Center Bioethics Briefing Book for Journalists, Policymakers, and Campaigns, Available Online at <http://www.thehastingscenter.org/Publications/BriefingBook/Detail.aspx?id=2178>, Accessed 7/26/15)

Almost everyone knows that this country has a scandalously large number of people who lack health insurance, now up to 46 million and growing. That number is vivid and evocative. But it has overshadowed another, more serious issue—that of the steady escalation of health care costs. Largely due to the use of medical technology, **those costs are now increasing at an annual rate of 7% a year.** The **Medicare** program as a consequence **is projected to go bankrupt in nine years,** and overall health care cost to go from its present \$2.1 trillion annually to \$4 trillion in 10 years.

Those rising costs are an important reason why the number of uninsured keeps going up. Business finds it harder and harder to pay for employee health benefits, and only 61% of employers even provide them now (from a high a decade ago of close to 70%); and the employers who do provide benefits are cutting them and forcing employees to pay more themselves in the form of copayments and deductibles. The 15% who are uninsured are surely faced with both health and financial threats. But **the cost problem now threatens everyone else as well,** including those using the Medicare and Medicaid programs.

Yet even if most people are now aware of the dangers of cost escalation (and many know it from personal experience), the problem has not gripped the imagination of the public, the presidential candidates, or the media with the force of the uninsured (even though recent public opinion polls indicate it is catching up). There are a number of proposed and detailed schemes for universal care, but nothing comparable for cost control, which is implicitly unpopular. That’s because cost control will mean that just about everyone will be forced to give up something and accept a different, more austere kind of health care.

Consider what serious cost control will require: moving from a 7% annual cost growth down to 3%, which is an inflation of health care costs that is no greater than that of the per annum rise in general inflation. That amounts to a cost reduction of \$1.5 trillion over the next decade, so that health care costs settle in at \$2.5 trillion in a decade. This would represent an **enormous and unprecedented drop in annual costs for a health care system** that has never since World War II seen anything more than a short, temporary decline from time to time.

Inflated health care costs kill the economy

Holland 13 — Joshua Holland, senior digital producer and author of *The Fifteen Biggest Lies About the Economy (and Everything Else the Right Doesn't Want You to Know about Taxes, Jobs and Corporate America)*, host of Politics and Reality Radio, 2013 (“Rip-Off: How Private-Sector Health Costs Are Killing the American Dream,” Moyer, November 1, Available Online at <http://billmoyers.com/2013/11/01/rip-off-how-private-sector-health-costs-are-killing-the-american-dream/>, Accessed 7/26/15)

Part one of this series, “The High Cost of Low Taxes,” noted that while Americans enjoy a tax burden lower than that of other wealthy countries, we also pay four times as much as they do, on average, for out-of-pocket “social costs” in the private sector – on health care, retirement security, disability and unemployment insurance, and the rest of the safety net. When you add up what we pay in taxes and what we pay out of pocket, the US spends about the same amount on social costs overall as some of the most generous, heavily taxed social democracies, but we get a far less secure safety net in return.

The federal government doesn't have a deficit problem. **Its fiscal issues are entirely related to the bloated cost of American health care.** If we paid the same amount for health care per person as people do in other wealthy countries with longer average life expectancies, we'd have a balanced budget now and surpluses projected for the future.

But those are just numbers on a spreadsheet. Fran and Randy Malott understand those costs more viscerally. The Whittier, Calif., couple aren't living the American dream right now. They haven't for a while. They were slammed when Wall Street's house of cards came tumbling down, and now they're feeling the squeeze of the Great American Rip-off.

Fran lost her job as a customer service representative in 2009, at the height of the Great Recession. “A lot of companies are getting rid of customer service these days,” explains Randy. He lost his job managing a temp agency a year or so later. The Malotts are two of what Paul Krugman called “the forgotten millions” – the long-term unemployed who face unique barriers to reentering the workforce, including discrimination by potential employers just because they've been out of work for an extended period. “And our age doesn't help either,” says Randy. He's 59 and she's 60. “There was unemployment for a while,” Randy says, “and now we're getting by on savings.”

He tells Moyers & Company, “we live pretty frugally,” but the \$1,600 a month they're forking over for health insurance represents about half their total spending. The Malotts are a healthy couple, yet they're watching their life savings drain away, in large part due to their health insurance company. The \$140,000 the Malotts had socked away for retirement is now down to around \$45,000. “We've got quite a ways to go before Social Security and Medicare kick in,” says Randy.

The Malotts are in a tough spot, like a lot of people who find themselves in similar circumstances. Studies have shown that long-term unemployment causes stress and illness. In

the rest of the world's highly developed countries, the Malotts' health care would be covered by their government – the risk of long-term unemployment would be spread across an entire society – which means they'd have one less serious stressor, and around \$45,000 more in the bank than they do today.

When Competition Drives Up Costs

The US system is a stark testament to the fact that, at least when it comes to health care, more competition doesn't lead to lower prices or better outcomes.

Three facts are indisputable. First, the \$8,500 we spent per person on health care in 2011 was around \$5,000 more than the average among developed countries in the Organization for Economic Cooperation and Development (OECD) — and almost \$3,000 more than the average in Switzerland, which was the next highest spender.

Second, multiple studies have found that we have significantly poorer health outcomes than most developed countries (see here, and here) – by some measures, **we rank dead last.** And it's not just because we have higher rates of poverty and inequality — a study conducted by the National Research Council and the Institute for Medicine accounted for those factors and found that, as Grace Rubenstein summarized for The Atlantic, “even white, well-off Americans live sicker and die sooner than similarly situated people elsewhere.” (American men are also becoming shorter relative to men in other highly developed countries – the average height of a population is a proxy for the quality of prenatal health care and nutrition.)

Finally, we rely much more heavily on the private sector to finance our health care than any other wealthy country. Every developed state finances health care through a mix of private and public spending, but the balance between private and public health care in the US looks different from the rest of the wealthy world. Across the OECD countries, governments pick up 72 percent of the tab for health care, but our government finances just under 48 percent – only the Chilean government covers a smaller share (XL). (In the eight social democracies with the highest tax burdens in the OECD — Denmark, Sweden, Norway, Belgium, Italy, France, Austria and Finland — 79 percent of health costs are financed through the public sector.)

There are several reasons why our outsized reliance on the private sector ends up costing us so dearly. The first is a simple matter of scale. In 2009, at the height of the debate over Obamacare, economist Josh Bivens wrote that “health care is an area where the more costs are loaded up on the federal government, the more efficiently care tends to be delivered overall.” This is a big reason why costs in America's public health care programs, with their purchasing clout, have grown more slowly than they have in the private sector.

When a single-payer system covers a vast pool of people, it has more bargaining power to negotiate with providers. It needs significantly less administrative overhead to figure out who will pay which bill (a question which is regularly litigated). A 2003 study published in the New England Journal of Medicine found that **three out of every 10 health care dollars spent in the US goes to administrative costs rather than care.**

US economy is still the lynchpin of the global economy — most recent evidence

Brett 15 — Shane Brett, author of "The Future of Hedge Funds", founder of "Global Perspectives", co-founder of "Gecko", received his Bachelor of Business Studies (Hons), Accounting & Finance from Dundalk Institute of Technology, received his MBA in Management Consulting from the University of Wales, has 19 years experience in hedge fund /asset management operations, consultancy & technology, including programme & product management at top fund managers & administrators worldwide, 2015 ("The Global Economy In 2015 - 5 Key Trends," Seeking Alpha, January 11, Available Online at <http://seekingalpha.com/article/2811155-the-global-economy-in-2015-5-key-trends>, Accessed 7/16/15)

The US economy created **7,000 jobs per day** in 2014 and **this remarkable rate of employment growth is set to escalate** in 2015.

The perceived decline of American power has been greatly exaggerated.

Commentators confuse the current US unwillingness to wield hard power, for a lack of underlying real power. They also confuse deadlock in Washington with the underlying dynamism of many US regions and States.

The US still controls the global economy, all the world's oceans, its trade routes and its reserve currency. It spends nearly as much on defence as the rest of the world put together. **This will not change anytime soon.**

In 2015, the US will continue to be the global engine for growth, enterprise and innovation, as it has been for most of the last century.

This should not be surprising. The English-speakers (i.e. the USA/UK) have run the world for 3 centuries now. They have consistently defeated all challengers to world hegemony that have appeared over this time (Philip II, Louis XIV, Napoleon, Kaiser Wilhelm II, Hitler, Stalin etc.).

Despite the chorus of BRIC hysteria over the last few years, the economic growth in these countries has taken place because **they adopted US policies of trade liberalization, economic freedom and a free market.** In 2015, they will endure a major emerging market crisis. Their power will not surpass the US for decades (if ever).

Global economic decline causes nuclear war

Auslin 9 — Michael Auslin, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, 2009 ("The Global Economy Unravels", Forbes, 3-6, Available Online at <http://www.aei.org/article/100187>)

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos followed** hard on **economic collapse**. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the

globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce into a big bang.

Economic decline risks global nuclear conflicts – studies confirm.

Ferguson 9 — Niall Ferguson, Laurence A. Tisch Professor of History at Harvard University, 2009 (“The Axis of Upheaval,” *Foreign Policy*, February 16th, Available Online at http://www.foreignpolicy.com/articles/2009/02/16/the_axis_of_upheaval)

The Bush years have of course revealed the perils of drawing facile parallels between the challenges of the present day and the great catastrophes of the 20th century. Nevertheless, there is reason to fear that the biggest financial crisis since the Great Depression could have comparable consequences for the international system. For more than a decade, I pondered the question of why the 20th century was characterized by so much brutal upheaval. I pored over primary and secondary literature. I wrote more than 800 pages on the subject. And ultimately I concluded, in *The War of the World*, that three factors made the location and timing of lethal organized violence more or less predictable in the last century. The first factor was ethnic disintegration: Violence was worst in areas of mounting ethnic tension. The second factor was economic volatility: The greater the magnitude of economic shocks, the more likely conflict was. And the third factor was empires in decline: When structures of imperial rule crumbled, battles

for political power were most bloody. In at least one of the world's regions—the greater Middle East—two of these three factors have been present for some time: Ethnic conflict has been rife there for decades, and following the difficulties and disappointments in Iraq and Afghanistan, the United States already seems likely to begin winding down its quasi-imperial presence in the region. It likely still will. Now the third variable, economic volatility, has returned with a vengeance. U.S. Federal Reserve Chairman Ben Bernanke's "Great Moderation"—the supposed decline of economic volatility that he hailed in a 2004 lecture—has been obliterated by a financial chain reaction, beginning in the U.S. subprime mortgage market, spreading through the banking system, reaching into the "shadow" system of credit based on securitization, and now triggering collapses in asset prices and economic activity around the world. After nearly a decade of unprecedented growth, the global economy will almost certainly sputter along in 2009, though probably not as much as it did in the early 1930s, because governments worldwide are frantically trying to repress this new depression. But no matter how low interest rates go or how high deficits rise, there will be a substantial increase in unemployment in most economies this year and a painful decline in incomes. Such economic pain nearly always has geopolitical consequences. Indeed, we can already see the first symptoms of the coming upheaval. In the essays that follow, Jeffrey Gettleman describes Somalia's endless anarchy, Arkady Ostrovsky analyzes Russia's new brand of aggression, and Sam Quinones explores Mexico's drug-war-fueled misery. These, however, are just three case studies out of a possible nine or more. In Gaza, Israel has engaged in a bloody effort to weaken Hamas. But whatever was achieved militarily must be set against the damage Israel did to its international image by killing innocent civilians that Hamas fighters use as human shields. Perhaps more importantly, social and economic conditions in Gaza, which were already bad enough, are now abysmal. This situation is hardly likely to strengthen the forces of moderation among Palestinians. Worst of all, events in Gaza have fanned the flames of Islamist radicalism throughout the region—not least in Egypt. From Cairo to Riyadh, governments will now think twice before committing themselves to any new Middle East peace initiative. Iran, meanwhile, continues to support both Hamas and its Shiite counterpart in Lebanon, Hezbollah, and to pursue an alleged nuclear weapons program that Israelis legitimately see as a threat to their very existence. No one can say for sure what will happen next within Tehran's complex political system, but it is likely that the radical faction around President Mahmoud Ahmadinejad will be strengthened by the Israeli onslaught in Gaza. Economically, however, Iran is in a hole that will only deepen as oil prices fall further. Strategically, the country risks disaster by proceeding with its nuclear program, because even a purely Israeli air offensive would be hugely disruptive. All this risk ought to point in the direction of conciliation, even accommodation, with the United States. But with presidential elections in June, Ahmadinejad has little incentive to be moderate. On Iran's eastern border, in Afghanistan, upheaval remains the disorder of the day. Fresh from the success of the "surge" in Iraq, Gen. David Petraeus, the new head of U.S. Central Command, is now grappling with the much more difficult problem of pacifying Afghanistan. The task is made especially difficult by the anarchy that prevails in neighboring Pakistan. India, meanwhile, accuses some in Pakistan of having had a hand in the Mumbai terrorist attacks of last November, spurring yet another South Asian war scare. Remember: The sabers they are rattling have nuclear tips. The democratic governments in Kabul and Islamabad are two of the weakest anywhere. Among the biggest risks the world faces this year is that one or both will break down amid escalating violence. Once again, the

economic crisis is playing a crucial role. Pakistan's small but politically powerful middle class has been slammed by the collapse of the country's stock market. Meanwhile, a rising proportion of the country's huge population of young men are staring unemployment in the face. It is not a recipe for political stability. This club is anything but exclusive. Candidate members include Indonesia, Thailand, and Turkey, where there are already signs that the economic crisis is exacerbating domestic political conflicts. And let us not forget the plague of piracy in Somalia, the renewed civil war in the Democratic Republic of the Congo, the continuing violence in Sudan's Darfur region, and the heart of darkness that is Zimbabwe under President Robert Mugabe. The axis of upheaval has many members. And it's a fairly safe bet that the roster will grow even longer this year. The problem is that, as in the 1930s, most countries are looking inward, grappling with the domestic consequences of the economic crisis and paying little attention to the wider world crisis. This is true even of the United States, which is now so preoccupied with its own economic problems that countering global upheaval looks like an expensive luxury. With the U.S. rate of GDP growth set to contract between 2 and 3 percentage points this year, and with the official unemployment rate likely to approach 10 percent, all attention in Washington will remain focused on a nearly \$1 trillion stimulus package. Caution has been thrown to the wind by both the Federal Reserve and the Treasury. The projected deficit for 2009 is already soaring above the trillion-dollar mark, more than 8 percent of GDP. Few commentators are asking what all this means for U.S. foreign policy. The answer is obvious: The resources available for policing the world are certain to be reduced for the foreseeable future. That will be especially true if foreign investors start demanding higher yields on the bonds they buy from the United States or simply begin dumping dollars in exchange for other currencies. Economic volatility, plus ethnic disintegration, plus an empire in decline: That combination is about the most lethal in geopolitics. We now have all three. The age of upheaval starts now

Decline magnifies the severity of other conflicts – WWII proves

Miller 8 — G. Robert M. Miller, journalist for Digital Journal, 2008 ("Guns vs. Shovels – The Central Question Behind Our Next Economy," Digital Journal, October 25, Available Online at <http://www.digitaljournal.com/article/261595>)

But before we look at the modern 'Guns versus Butter' model, it first has to be noted that this phrase was originally popularized in a time where securing economic prosperity was a primary concern in nearly every nation. More importantly, when these nations did experience economic collapse, nearly all of them chose Guns. There is no question that Nazi aggression spawned World War II, however, what was happening in Europe became a world war for a purpose as central to the heart of the capitalist as was the instantaneous end of the holocaust to the heart of the compassionate; economic prosperity. Simply said, big wars are big money; and to truly break from the embrace of the Great Depression, a big commitment to the economy was necessary. And due to the leadership that guided the balance between 'Guns and Butter' in the US through World War II, the economy was considerably improved; this was true for many western nations.

Economic decline cause nuclear war

Bearden 2k — Lieutenant Colonel in the U.S. Army, 2000 (“The Unnecessary Energy Crisis: How We Can Solve It”, Yahoo, Available Online at <http://groups.yahoo.com/group/Big-Medicine/message/642>)

Bluntly, we foresee these factors - and others { } not covered - converging to a catastrophic collapse of the world economy in about eight years. **As the collapse of the Western economies nears, one may expect catastrophic stress** on the 160 developing nations as the developed nations are forced to dramatically curtail orders. International Strategic Threat Aspects History bears out that **desperate nations take desperate actions**. Prior to the final economic collapse, **the stress on nations will have increased the intensity and number of their conflicts, to the point where the arsenals of** weapons of mass destruction (**WMD**) now possessed by some 25 nations, **are almost certain to be released**. As an example, suppose a starving North Korea launches nuclear weapons upon Japan and South Korea, including U.S. forces there, in a spasmodic suicidal response. Or suppose a desperate China - whose long range nuclear missiles can reach the United States - attacks Taiwan. In addition to immediate responses, the mutual treaties involved in such scenarios will quickly draw other nations into the conflict, escalating it significantly. Strategic nuclear studies have shown for decades that, under such extreme stress conditions, once a few nukes are launched, adversaries and potential adversaries are then compelled to launch on perception of preparations by one's adversary. The real legacy of the MAD concept is his side of the MAD coin that is almost never discussed. Without effective defense, **the only chance a nation has to survive at all, is to launch immediate full-bore pre-emptive strikes** and try to take out its perceived foes as rapidly and massively as possible. As the studies showed, **rapid escalation to full WMD exchange occurs**, with a great percent of the WMD arsenals being unleashed. **The resulting great Armageddon will destroy civilization as we know it**, and perhaps most of the biosphere, at least for many decades.

**Human Rights Cred Bad D.A.'s –
Michigan 7**

Note

More general link cards about the plan boosting human rights/civil rights can be found in the Rights Malthus D.A.

Top Shelf

1NC Russia D.A.

A. Obama subtly pushing for HR protection in Russia now, but is careful with his strategy – overt attempts at HR promotion are perceived in Russia as regime change and cause massive backlash that undermine relations

Weitz 3/3/15

(Richard Weitz is a senior fellow at the Hudson Institute and a World Politics Review senior editor. “Nemtsov Killing Puts Human Rights in Spotlight of U.S.-Russia Tensions,” pg online @ [//ghs-ef\)](http://www.worldpoliticsreview.com/articles/15203/nemtsov-killing-puts-human-rights-in-spotlight-of-u-s-russia-tensions)

The assassination last week of Boris Nemtsov, a former Russian deputy prime minister and opposition political leader, in downtown Moscow, just a stone's throw from the Kremlin, presents a challenge for Washington. **The current tensions in U.S.-Russia relations over crises ranging from Ukraine to Syria make a successful engagement with Moscow on human rights even more unlikely. Yet the U.S. must somehow find ways to support the democratic vision for Russia** advocated by Nemtsov and other political and civil society activists. Nemtsov's murder is in some ways reminiscent of 1990s-era Russia under then-President Boris Yeltsin. At the time, law and order had broken down on many levels, with an increase in assassinations being one prominent illustration. Many of these murders involved business deals gone awry, as in the absence of a functioning court system at the time, commercial disputes were routinely settled through coercion. Ironically perhaps, given the current state of rule of law in Russia, President Vladimir Putin initially won popularity in part for cracking down on such violent crimes in Moscow and other major Russian cities, as well as for boosting Russia's economy and global status. **If Putin's human rights record has always been problematic, his post-2010 presidency has seen increased constraints on Russians' freedom of expression,** assembly and access to the media. **Russian authorities regularly harass the political opposition and other independent civil society actors.** The government has adopted legislation to criminalize actions designed to “insult religious feelings” or that “promote lesbian, gay and transsexual values.” And a new law has designated all Russian civil society activists receiving any foreign funding as “foreign agents,” even when they pursue nonpolitical goals like environmental protection. **Putin's policies have also become strongly anti-Western.** He blames the West for the current tensions between Russia on one side and Europe and the U.S. on the other, citing NATO's membership enlargement; U.S. military operations in Kosovo, Iraq and Libya without Moscow's approval; and the U.S. decision to deploy strategic missile defenses close to Russia as the causes of these tensions. **But Putin's nationalist stance also aims to enhance his authority at home by exploiting Russian patriotism.** Nemtsov challenged this agenda, advocating for a more democratic line at home and a less confrontational stance abroad, but his assassination is still hard to explain. While Nemtsov was Putin's main rival to become Russia's second president in the late 1990s, Putin's policies have since deprived Nemtsov of popularity and other resources. U.S. President Barack Obama may be correct that, over time, Western sanctions and other blows to the Russian economy will lead more Russians to demand a new course, but Nemtsov was hardly a political threat to Putin at the time of his death. Meanwhile, the assassination will certainly further damage relations between Russia and the U.S., serving as a reminder of the many journalists and other Kremlin critics who have met violent—and unexplained—demises under Putin. Moreover, Nemtsov was a respected figure in Washington. Of note, he was the sole Russian to testify in a June 2013 Senate hearing on Russia's deteriorating human rights situation. Sen. John McCain presciently ended that session by warning Nemtsov, who had just explained why Putin had not imprisoned him, about the potential personal costs of his anti-regime agitation. The **Obama** administration **tried during its first term to compartmentalize the U.S.-Russia human rights dialogue** and opposed linking its progress to negotiations on other areas of greater mutual interest, such as Afghanistan and arms control. **The administration also limited the application of the 2012 Magnitsky Law, which sanctions Russian officials responsible for the death of Russian lawyer Sergei Magnitsky and other gross human rights violations, by keeping the number of individuals on its target list small. But Russia's human rights problems exerted an increasingly unavoidable drag on relations.** For example, Obama declined to attend the 2014 Olympic Games in Sochi, a high-profile event for Putin, partly to protest Russian government policies toward gays and lesbians. For their part, **Russian leaders have attacked the United States for encouraging popular protests to overthrow Russia-friendly regimes in post-Soviet states** like Georgia and Ukraine, as well as in the Arab world. **Fearing a similar approach in Russia itself, Russian officials launched a sustained campaign to curtail U.S. government ties with Russian civil society,** end cooperation between Russian and U.S. NGOs, and derail various academic exchange programs. The Obama administration has sought to minimize ties with Russia's political opposition to avoid making the latter appear like a U.S.-sponsored fifth column that could justify countermeasures by the Russian government. Nonetheless, **Russian officials have attacked Russian democracy advocates as foreign stooges and denounced U.S. interference in Russia's internal affairs while**

depicting U.S. efforts to support Russian civic activists as subversive interference aimed at regime change. At the end of 2013, Putin briefly adopted a softer line on some human rights issues. For instance, he released some high-profile prisoners, including the oligarch-turned-critic Mikhail Khodorkovsky and the punk rock band Pussy Riot. However, **the war in Ukraine has blocked further human rights dialogue between both governments.** Further confrontations between Russia and the U.S. over human rights during the remainder of the Obama administration, and beyond, now seem unavoidable. **American values and domestic politics require some U.S. government support for democracy and human rights** in foreign countries, while the Russian political system will not evolve into a genuine multiparty democracy as long as Putin remains president. In addition, **the Kremlin has increasingly appealed to conservative Russian values regarding sexual orientation and other issues, while Americans have become more tolerant regarding such issues. In denouncing U.S. double standards on human rights and democracy issues, Russian officials correctly complain that Washington holds Russia to a higher standard on these issues** than it does with its Middle East and Persian Gulf allies or China. But influential Americans see Russia as essentially a European country that would have evolved into a Western-style democracy, more open and attractive to Western investors and other partners, were it not for Putin's policies. The Obama administration should demand a complete and independent investigation not only of those who shot Nemstov, but also those who orchestrated his killing. Washington also should send the U.S. ambassador to Russia to Nemstov's funeral to underscore the event's importance. In any eventual oration, the ambassador and other U.S. officials would do well to remind listeners of Nemstov's positive vision of a liberal democratic Russia joined in partnership with the Western world. Over the long term, the United States can promote Russia's positive political evolution by resuming efforts to integrate Russians more deeply into international institutions that uphold liberal democratic values. The current suspension of official bilateral contacts as well as multinational engagement through the suspended NATO-Russia Council and the Group of Eight, though justified as a short-term response to Russian aggression in Ukraine, is helping Putin build alternative multinational structures with China and other non-Western partners based on authoritarian values. One can doubt that the Russian authorities will ever bring those who ordered Nemstov's killing to justice, but **human rights and democracy issues will certainly remain an enduring element of the U.S.-Russia relationship. The challenge for Washington remains finding channels to engage Russian civil society while continuing to steadfastly oppose Putin's creeping authoritarianism at home and adventurism abroad.**

B. The plan is a reversal of HR hypocrisy – ensures an effective coalition that will pressure Russia and China

Roth 9

(Kenneth, Kenneth Roth is executive director of Human Rights Watch, Graduate of Yale Law School and Brown University, "Taking Back the Initiative from the Human Rights Spoilers," pg online @ <http://www.hrw.org/world-report-2009/taking-back-initiative-human-rights-spoilers> //um-ef)

Shifts in global power have emboldened spoiler governments in international forums **to challenge human rights as a "Western" or "imperialist" imposition.** The force of China's authoritarian example and the oil-fueled muscle of Russia have made it easier to reject human rights principles. The moral standing of a country like South Africa by virtue of its own dark past means that its challenge to the international human rights agenda is influential. **Nevertheless, governments that care about human rights worldwide retain enough clout to build a broad coalition to fight repression** if they are willing to use it. **Instead, these governments have** largely abandoned the field. **Succumbing to** competing interests and **credibility problems of their own making**, they have let themselves be outmaneuvered and sidelined in UN venues such as the Security Council and the Human Rights Council, and in the policy debates that shape multilateral diplomacy toward Burma, Darfur, Sri Lanka, Zimbabwe, and other trouble spots. **For the U**nited States, **that withdrawal is the logical consequence of the** Bush administration's decision to combat terrorism without regard to the basic rights not to be subjected to torture, "disappearance," or detention without trial. Against that backdrop, **Washington's periodic efforts to discuss rights have been undercut by justifiable accusations of hypocrisy.** Reversing that ugly record must be a first priority for the new administration of Barack **Obama if the US government is to assume a credible leadership**

role on human rights. Washington's frequent abdication has often forced the European Union to act on its own. Sometimes it has done so admirably, such as after the Russia-Georgia conflict, when its deployment of monitors eased tensions and helped protect civilians, or in eastern Chad, where it sent 3,300 troops as part of a UN civilian protection mission. But the EU did a poor job of projecting its influence more broadly, to places like Burma, Somalia, or the Democratic Republic of Congo. It often sought to avoid the political fallout of doing nothing by hiding behind a cumbersome EU decision-making process that favors inaction. Moreover, its frequent **reluctance to stand up** to the Bush administration **in protest against abusive counterterrorism policies opened the EU to charges of double standards that poisoned the global debate on human rights and made it easier for spoilers to prevail.** The US and the EU are not the only ones promoting human rights abroad. Increasingly, some governments in Latin America, Africa, and Asia can be looked to for support on international rights initiatives. Those that stand out include Argentina, Chile, Costa Rica, Mexico, and Uruguay in Latin America, and Botswana, Ghana, Liberia, and Zambia in Africa. In Asia, Japan and South Korea tend to be sympathetic to rights but are generally reluctant to take strong public positions. Yet forced to act without the firm and consistent backing of the major Western democracies, these important voices are rarely able to mount on their own a major international diplomatic effort to address serious human rights abuses. Even the best-intentioned middle-sized powers cannot forge a solution to the world's most repressive situations without the partnership of the larger Western powers that still dominate the United Nations, have large and active diplomatic corps, and can deploy substantial military and economic resources. So by default, **those often setting the human rights agenda in international forums are opponents of human rights enforcement-governments of nations such as** Algeria, **China**, Egypt, India, Pakistan, **and Russia.** They want to return to an era when the defense of human rights was left to the discretion of each government, and violations carried little international cost. To resist that aspiration will take a determination that too often has been lacking. First, **because the most effective human rights advocacy is by example, governments hoping to defend human rights elsewhere must commit themselves to respect those rights in their own conduct.** As described in more detail below, **that means** in **the counterterrorism realm, a definitive end to such abuses** as the use of torture and other coercive interrogation techniques, the "disappearance" of suspects in secret detention facilities, and the long-term detention of suspects without trial-as well as a willingness to speak out immediately if any government, including a close ally, resumes these practices. **It also means addressing such persistent abuses as racism** in the criminal justice system, **mistreatment of migrants**, or use of the death penalty. Second, as in the case of any serious human rights violation, offenders must be held to account. For example, only by investigating, acknowledging, and repudiating the wrongdoing that has occurred, prosecuting serious crimes, and taking remedial steps to ensure that these abuses never recur, will Washington begin to build credibility as a government that practices what it preaches in the human rights realm. Third, **serious efforts must be undertaken to build a broad global coalition in support of human rights.** In the case of the United States, it should seek to rejoin multilateral institutions such as the UN Human Rights Council and ratify key treaties such as those on women's and children's rights, enforced disappearances, cluster munitions, and antipersonnel landmines. It should adopt a policy of embracing the rule of law by re-signing the International Criminal Court treaty, actively supporting the court, and initiating a process for ultimate ratification. And it should actively support-politically, financially, and militarily-multilateral efforts to protect civilians from mass atrocities. In the case of both the European Union and the United States, vigorous efforts should be made to reach out to governments of the global South, especially those that largely respect human rights at home but continue to resist the defense of human rights in their foreign policy. **That requires addressing issues of particular concern to Southern governments, such as economic and social rights, racism, and the rights of migrants. It also requires avoiding double standards** and remaining open to dialogue and appropriate political compromise. Governments of the global South, in turn, must reconsider their reflexive stand shoulder to shoulder with the oppressors of the world rather than their victims. This misguided solidarity is particularly disappointing in the case of governments such as India and South Africa, which today are democracies that on balance respect the rights of their own people but pursue a foreign policy suggesting that others do not deserve similar rights. Bloc solidarity should not become a substitute for embracing the more fundamental values of human rights. Finally, the new **Obama** administration **must abandon the Bush administration's policy of hyper-sovereignty. It is music to the ears of the governments of China, Russia,** and India **to hear Washington deflect human rights criticism on sovereignty grounds.** That approach effectively pushes back the clock to an era before the Universal Declaration of Human Rights and the many legal and institutional mechanisms it has spawned. **A radical reappraisal of US policy is urgently needed.** President Obama has promised such changes, and none too soon. The test will be whether he can resist pressures to sustain the Bush-led status quo.

C. [insert plan increases U.S. HR Cred here if necessary]

D. U.S.-Russia War

Cohen 14

(Roger, "Yes, It Could Happen Again," pg online @

<http://m.theatlantic.com/magazine/archive/2014/08/yes-it-could-happen-again/373465/> //um-ef)

Pessimism is a useful prism through which to view the affairs of states. Their ambition to gain, retain, and project power is never sated. **Optimism, toward which Americans are generally inclined, leads to rash predictions of history's ending in global consensus and the banishment of war** Such rosy views accompanied the end of the Cold War. They were also much in evidence a century ago, on the eve of World War I. Then, as now, Europe had lived through a long period of relative peace, after the end of the Napoleonic Wars. Then, too, rapid progress in science, technology, and communications had given humanity a sense of shared interests that precluded war, despite the ominous naval competition between Britain and Germany. Then, too, wealthy individuals devoted their fortunes to conciliation and greater human understanding. Rival powers fumed over provocative annexations, like Austria-Hungary's of Bosnia-Herzegovina in 1908, but world leaders scarcely believed a global conflagration was possible, let alone that one would begin just six years later. The very monarchs who would consign tens of millions to a murderous morass from 1914 to 1918 and bury four empires believed they were clever enough to finess the worst. **The unimaginable can occur** That is a notion at once banal and perennially useful to recall. Indeed, it has just happened in Crimea, where a major power has forcefully changed a European border for the first time since 1945. Russia's act of annexation and its evident designs on eastern Ukraine constitute a reminder that NATO was created to protect Europe after its pair of 20th-century self-immolations. NATO's core precept, as the Poles and other former vassals of the Soviet empire like to remind blithe western Europeans, is Article 5, by which the Allies agreed that "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all," triggering a joint military response. This has proved a powerful deterrent against potential adversaries. Vladimir Putin, the Russian president, has been most aggressive in the no-man's-lands of Georgia and Ukraine, nations suspended between East and West, neither one a member of NATO. Had Ukraine been a member of NATO, the annexation of Crimea would have come only at the (presumably unacceptable) price of war. Article 5, until demonstrated otherwise, is an ironclad commitment. When a 19-year-old Bosnian Serb nationalist, Gavrilo Princip, assassinated the heir to the Austro-Hungarian throne in Sarajevo, on June 28, 1914, he acted to secure Serbia's liberty from imperial dominion. He could not have known that within weeks, Austria-Hungary would declare war on Serbia, goading Russia (humiliated in war a decade earlier by Japan) to mobilize in defense of its Slavic ally, which caused the kaiser's ascendant Germany to launch a preemptive attack on Russia's ally France, in turn prompting Britain to declare war on Germany. **Events cascade** It is already clear that **the nationalist fervor unleashed by Putin** after a quarter century **of Russia's perceived post-Cold War decline is far from exhausted.** **Russians are sure that the dignity of their nation has been trampled by an American and European strategic advance to their border dressed up in talk of democracy, the rule of law, and human rights.** Whether this is true is irrelevant; they believe it. **National humiliation, real or not, is a tremendous catalyst for war.** That was the case in Germany after the Treaty of Versailles imposed **reparations and territorial concessions,** so, too, in Serbia more than 70 years later, after the breakup of Yugoslavia, a country Serbia had always viewed as an extension of itself. **Russia, convinced of its lost greatness, is gripped by a Weimar neurosis resembling Germany's post-World War I longing for its past stature and power** The **Moscow-backed separatists taking over government buildings in eastern Ukraine** and proclaiming an independent "Donetsk People's Republic" **demonstrate the virulence of Russian irredentism** Nobody can know where it will stop. Appetite, as the French say, grows with eating.

1NC Russia-China Alliance D.A.

- A. Current methods of HR promotion are ineffective due to a lack of U.S. credibility on Human Rights – only the plan’s increase in U.S. credibility can restore effective HR promotion**

Cihangir-Tetik 14

(Damla Cihangir-Tetik is a Ph.D Candidate in Political Science, Sabanci University/Istanbul as well as Project Coordinator for Transparency International Turkey, pg online @ <http://idsmagazine.org/human-rights-and-democracy-promotion-as-foreign-policy-tools-of-transatlantic-partners-by-damla-cihangir-tetik/> //um-ef)

Regarding human rights protection and democracy promotion, the “discrepancy of the West” argument reached its peak with the “war on terrorism” policy of the US after the 9/11 terrorist attacks. Western democracy promotion and human rights norms deteriorated with the US-led operation in Afghanistan in order to fight against global terrorism and with the invasion of Iraq by the US and Britain. Additionally, the treatment of prisoners by the US officials in Guantanamo Bay, Bagram in Afghanistan and Abu Ghraib was perceived as aggressive, paternalistic, neo-imperialist and a combination of all those by the rest of the international community (Burnell 2010, 2). Importantly, the EU and especially **the US are faced with an important credibility problem at the moment concerning their efforts towards international human rights protection** and democracy promotion in the rest of the world. “Credibility refers to the fact that democratization is hardly ever the only foreign policy goal of those governments who provide democracy assistance” (Burnell 2010). As Bermeo explains, even though the US has spent hundreds of millions of dollars on democracy and good governance in Egypt, its military aid, which is much more higher than the ones for democratization, increases the scepticism towards the priority of the US in Egypt (Bermeo 2009). **Democracy promotion can therefore only succeed if** it is embedded within the overall set of foreign policies of the promoting country and if **the promoting country itself adheres to the rules, norms and values it claims to want to become more widespread** (Burnell 2010). Similarly, concerning international human rights protection, the US fails to accede to the ICC with others – including China, India, Indonesia, Saudi Arabia – and this discourages these states and also the others from engaging in activities that promote human rights (Muftuler-Bac and Peterson 2014). As a result, **at the moment it is not expected from the US to be a global leader of human rights protection** and democracy promotion internationally. However, one has to keep in mind that the US under President Wilson’s administration was leading both bilateral and multilateral means of democracy promotion at the beginning of the 20th century. The US has established USAID in 1961 and the National Endowment for Democracy as its main democracy promotion instruments. In the mission statement of the State Department, democracy promotion is underlined as a political purpose for the US; “...advance freedom for benefit of the American people and the international community by helping to build and sustain a more democratic, secure and prosperous world composed of well-governed states that respond to the needs of their people, reduce widespread poverty, and act responsibly within the international system” (US Department of State 2007). As Babayan mentions, different US administrations have different modes of democracy promotion and human rights protection. While in the 1990s President Clinton made democracy promotion one of the three main pillars of his foreign policy, President George W. Bush adopted a different democracy promotion rhetoric, which is combined with military means and which President Obama later distanced himself from (Babayan 2013, Babayan and Huber 2012, 3). **Even though he continues to apply human rights and democracy promotion policies, he is much more cautious than his predecessors because of** increasing multipolarity in global security environment and **increasing domestic pressures**. According to discussed outcomes of diverse Western-led human rights protection and democracy promotion policies there is no certain, clear answer to the question of “do human rights protection and democracy promotion policies of the West work?” The answer is both “yes” and “no”. As Gravingholt et. al. mention, the foremost reason for this blurriness is the unknown precise rules of democratization (Gravingholt et. al. 2009). It is the same for human rights protection, an area where international legal norms and rules are not specified, internationalized and applicable until now, even though some improved steps regarding the creation of enforceable rules of International Criminal Court (ICC) and International Criminal Tribunals for the former Yugoslavia and Rwanda. Even the US and the EU have different approaches regarding human rights protection and democracy promotion and several

disagreements on some issues, ranging from counterterrorism policies to private data collection and their shared security measures. As mentioned above, even though there is a continuation of the “discrepancy of the West” and/or the “credibility problem of the West”, the transatlantic partners still lead human rights protection and democracy promotion internationally. Therefore, they have been pushing other states, IOs and non-state actors for the creation of international norms in the multilateral framework. **However, this leadership perception is now insufficient to abolish the question: Has the West dropped human rights protection** and democracy as a norm in response to the emergence of alternative political regimes to the Western democracy, especially by the rise of China and Russia as global powers?

B. Increased HR promotion causes backlash from Russia and China – they’ll create an alliance to oppose the U.S. and counterbalance against U.S. strategy

Migranyan 14

(Andranik Migranyan is the director of the Institute for Democracy and Cooperation in New York, which works closely with the Russian Presidential administration, “Washington's Creation: A Russia-China Alliance?,” pg online @ <http://nationalinterest.org/feature/washingtons-creation-russia-china-alliance-10843> //um-ef)

Despite internal concerns in both Russia and China that prevent both countries from announcing loudly and decidedly their support for each other—as was in the case of China’s restraint in recognizing the independence of Abkhazia and South Ossetia or the reincorporation of Crimea, and as in the reciprocal case when Russia has not voiced outright support for China in Chinese territorial disputes with neighbors—the two countries act as allies on a host of issues in world politics. These issues include stabilizing Syria, the Iranian nuclear program, U.S. regime change around the world, and **the hard attempts of the U_{nited} S_{tates} to interfere in Chinese and Russian internal affairs masked as support for human rights. Russian-Chinese relations are entering a qualitatively new stage.** They are more than merely partnership relations, but are not quite those of allies. However, it is entirely possible that increasing U.S. sanctions on Russia and attempts to contain China will push the two countries into a full-blown alliance. The present situation in trilateral U.S.-Chinese-Russian relations is at odds with the strategy articulated by Henry Kissinger during the Nixon Administration, which held that American relations with either Russia or China had to be substantially better than the bilateral relations between Russia and China themselves. Today the opposite is occurring. U.S. relations with either of the other two countries are considerably worse than bilateral Russia-China relations. Therefore, the potential for America pitting one against the other is decidedly smaller than the potential of the two countries uniting their efforts and resources to oppose American pressure in the spheres each country considers most sensitive. In both the U.S. and in Russian liberal circles, it is not uncommon to hear the tired assertions that further rapprochement between Russia and China will render Russia a junior partner in the Russo-Chinese relationship and that Russia should keep this in mind when choosing between China and the West. I believe such pronouncements stem more from their authors’ ideological convictions than from real political facts. They are meant to scare Moscow and to cow it into avoiding the strategic alliance with a growing China that is asserting its interests against the status quo in the face of American containment, particularly in the Asia-Pacific region, where it faces conflicts with virtually all of its neighbors—Japan, the Philippines, South Korea, Vietnam, India—and needs an alliance with Russia, with whom it lacks any potential conflicts in the foreseeable future. In talking about the threat of Moscow becoming Beijing’s junior partner, and in pressuring Moscow to choose the West over China, our Western partners have never articulated their vision of Russia in the world, the character of Russian relations with the West and especially with the United States. We are, of course, grateful to our Western partners for their espoused worry that Russia may “inadvertently” become a junior partner to China. But they have never articulated the place of Russia in the Western world, particularly in the Western economic and security frameworks. Since the 1990s, Western, and especially American, policy towards Russia followed a clear line according to which Moscow was to be treated as a whipping boy. Since the collapse of the USSR, the United States has not once, in words or deeds, demonstrated its readiness for an equal partnership with Russia. And by the way, in the context of the Ukrainian crisis, the West, and U.S. politicians and military officials, hurried to place Russia not in the role of a partner, but that of an adversary, which, in their understanding, is practically indistinguishable from that of an enemy. Recently, various analysts have been busy using statistics to prove

yet another unsubstantiated claim frequently invoked to discourage Russo-Chinese relations, namely, the alleged prospect of large Chinese populations pouring into Siberia and the Far East, thereby presenting a threat to Russia's territorial integrity. As we can see from migratory tendencies in the northern border regions of China, the vast majority of migrants flock not to Russia's Siberia and the Far East, but rather to the central regions of China and the new large cities, where lifestyle conditions are more comfortable. And, thanks to China's demographic policies during last decades, the population in the border regions close to Russia is projected to decline rather than grow. In the foreseeable future, Russia has plenty of space for maneuver in its relations with China. Russia's next steps with regard to Beijing will largely depend on Washington's readiness to impose tougher sanctions because of Ukraine. Russo-Chinese relations have great potential for development. We cannot exclude the possibility that Russia and China will enter into a military-political alliance that can shift the global balance of power. The military, technological, and resource potential of Russia propped up by the economic and colossal labor resources of China would allow the two countries to make decisions on many global issues in a way that would rattle the current balance of power in international relations. Apparently, there is some sort of instinctive understanding of this in Washington, which is why the U.S. is not pushing Japan to adopt strict sanctions against Russia. Should Japan impose such sanctions, Prime Minister Shinzo Abe would have to forget his ambition to solve the question of the "Northern territories" in his relations with Russia, as he might force Russia's hand in supporting China's claim over the contentious Senkaku islands. A potential alliance of Russia and China can present many new and unexpected developments for both Washington and Brussels in economic and military-political relations. Today, there are many politicians and analysts in Washington who, on the one hand, desperately thirst to punish Russia and China, and on the other, consciously or not, avoid calculating the consequences of their actions and remain blind to the real preconditions for a closer partnership between Russia and China on all leading global problems. A continued refusal to contemplate such a partnership could have profound consequences for the U.S. foreign policy.

C. [insert plan increases U.S. HR Cred here if necessary]

D. A China-Russia alliance would cause nuclear war

Shukla 5/13

(Vikas, reporter, quotes Paul Craig Roberts, head of the Institute of Political Economy, "Russia, China Challenge U.S. Hegemony; Nuclear War 'Likely Future', <http://www.valuewalk.com/2015/05/russia-china-challenge-u-s-nuclear-war-likely-future/>, 5/13/15/VZ)

Russia and China are conducting naval exercises in the Mediterranean Sea. The naval exercises commenced just a couple of days after Chinese President Xi Jinping attended the grand Victory Day celebrations in Moscow. They include live-fire exercises in the backyard of Western Europe. Russia and China have started flexing their muscles together to challenge the U.S. hegemony as they look to change the current world order. U.S. determined to block Russia and China Dr Paul Craig Roberts, the former U.S. Assistant Secretary of the Treasury for Economic Policy, said in a blog post that the United States was determined to block the rise of Russia and China. But neither of them will join the "world's acceptance of Washington's hegemony." Roberts notes that the US' attempt to contain Russia is the key reason for the crisis "Washington has created in Ukraine." Paul Craig Roberts, head of the Institute of Political Economy, said that Washington's aggression and propaganda have convinced Moscow and Beijing that Washington intends war. It has prompted Russia and China to form a strategic alliance to counterbalance the U.S. might. Dr Roberts believes that Russia and China will not accept the "vassalage status" that Germany, France, the UK, Canada, Japan, Australia and many other countries have accepted. 'Nuclear war is our likely future' Washington's arrogance of its self-image as an "exceptional, indispensable" country with hegemonic rights over other nations

has laid the groundwork for a war. Unless the U.S. dollar and power collapses, **"nuclear war is our likely future,"**
said Dr Roberts. Besides military exercises, Russia and China have been stitching economic alliances to
move closer to each other.

1NC Bahrain D.A.

A. Good Bahrain relations now and key to provide a safe haven for the US Navy – however the US’s silence on human rights policies is crucial to maintain those good relations

Abrams 2/27, (Elliott Abrams, *Elliott Abrams is a senior fellow for Middle Eastern Studies at the Council on Foreign Relations in Washington, DC. He served as deputy assistant to the president and deputy national security advisor in the administration of President George W. Bush, where he supervised U.S. policy in the Middle East for the White House. Mr. Abrams was educated at Harvard College, the London School of Economics, and Harvard Law School. After serving on the staffs of Sens. Henry M. Jackson and Daniel P. Moynihan, he was an assistant secretary of state in the Reagan administration and received the secretary of state’s Distinguished Service Award from Secretary George P. Shultz. In 2012. “How Obama Caved on Bahrain,” <http://foreignpolicy.com/2015/02/27/how-obama-caved-on-bahrain-manama-human-rights/>, 2/27/15, //VZ)*

Once upon a time, President Barack Obama’s administration not only followed the crisis in Bahrain closely, but spoke loudly about it. American policy was clearly to press for a compromise between the Sunni royal family and the majority Shiite population. After all, the U.S. Fifth Fleet is based in Bahrain, allowing the United States to project its naval power across the Gulf, and roughly 8,500 Americans live there. Violence and instability in Manama are obviously something the United States wishes to avoid. Way back in 2011, when the Arab Spring began and protests spread across the country, demanding more democracy and better representation for Shiites, Obama himself pressed for change in Bahrain. In February 2011, as protesters massed in the tens of thousands at Manama’s Pearl Roundabout, the president issued a statement welcoming reform plans – which, alas, were never really carried through – announced by King Hamad bin Isa Al Khalifa. Obama reaffirmed that it was the U.S. position that Bahrain’s stability would be ensured through “respecting the universal rights of the people of Bahrain and reforms that meet the aspirations of all Bahrainis.” The king, however, answered Obama’s call for reform with more repression. On March 14, he invited in troops from Saudi Arabia and the United Arab Emirates to help put down the protests. Thousands of security forces stormed the Pearl Roundabout demonstrations on March 16, clearing the protest camp and arresting its leaders. Two days later, the Pearl Monument at the center of the roundabout, which had become an icon of the protests, was demolished, and closed the area off to the public. In the aftermath of the crackdown, Obama’s tone on Bahrain noticeably toughened. The message was clear: Stability must depend on respecting the rights of the people, not on foreign troops. When the president gave a major speech on the Middle East in May 2011, he was even more critical of Bahrain and its policy of repression: “We have insisted both publicly and privately that mass arrests and brute force are at odds with the universal rights of Bahrain’s citizens, and ... such steps will not make legitimate calls for reform go away.” Later in that speech, he said that Shiites “must never have their mosques destroyed in Bahrain,” raising one of the most explosive aspects of how the Sunni government has attempted to suppress protests by the Shiite majority. In Obama’s September 2011 address to the U.N. General Assembly, the tiny country got a whole paragraph. The president said that the United States “will continue to call on the government and the main opposition bloc — the Wifaq — to pursue a meaningful dialogue that brings peaceful change that is responsive to the people.” He also said that reforms had been made, but that “more is required” — three words that amounted to a clear message that the monarchy was falling short. The White House was not about to let the king off the hook — and the president himself was raising the issue, not some spokesperson. **What has happened since then? Not much. There has been little or no progress in Bahrain — domestic tensions have instead risen higher.** Everything President Obama demanded has been refused. In June 2011, an independent commission was established to examine the events during the early months of the uprising, and in November it reported its findings to the king. Its recommendations, however, were roundly ignored: In 2012, the commission’s chairman, law professor Cherif Bassiouni, delivered what George Washington University’s Marc Lynch termed a “scathing critique of its failure to undertake any deeper political or social reforms.” Bassiouni has given the government credit for taking a number of his recommendations — even as he laid out Manama’s failings to resolve the underlying grievances of the protests. “There are very, very fundamental social and economic issues involved in the Shiite population that need to be addressed, and have not been addressed,” he said in a 2014 interview. “When you have people who do not have the hope of seeing themselves as equal citizens, as having equal opportunities in a particular country, living in mostly economic underprivileged areas in high-density population areas, they explode.” Others are even more critical. In May 2014, Human Rights Watch issued a report finding that, despite the king’s promised reforms, “members of security forces are rarely prosecuted for unlawful killings, including in detention, and the few convictions have carried extremely light sentences.” **The Bahraini government has also adopted new methods to silence opposition voices.** In January 2015, it stripped 72 citizens of their nationality, rendering many of them stateless. As Amnesty International pointed out, the authorities included human rights and political activists on the same list as Bahrainis who allegedly went to fight with the Islamic State (IS). so the government of Bahrain is trying to equate

peaceful protest with jihadi terrorism. While the government is painting all protesters as “terrorists” who support the Islamic State, its own policy appears to be one of promoting sectarian divisions. As the human rights activist Ala’a Shehabi wrote in Foreign Policy last year, the monarchy has been “nurturing and nourishing extremist groups and their sectarian ideology to counter the so-called ‘Shiite threat’ posed by the pro-democracy uprising.” For the government, Sunni solidarity appears to trump the need to act against Sunni extremism. “Bahrain’s public stance on the war against IS contrasts sharply with its lack of action at home,” Shehabi continued.

‘So far there doesn’t appear to have been any documented trial of any person on charges of IS-related terrorist activity despite government vows to pursue and monitor their activities.’ All of this is not to offer roses to the conduct of the Bahraini opposition, which some observers see as having missed several opportunities to gain ground. It has said no when it should have said yes to occasional government offers, some close students of Bahraini politics have argued, and has a habit of seeing compromise as betrayal. Not every movement has a Nelson Mandela at its head: Many opposition leaders around the world could probably make a good case that the leadership of al-Wefaq, the main Shiite opposition group in Bahrain, has made tactical errors. Yet it is hard to agree to compromise when you or your family are in jail, being beaten, or being called a terrorist. In the case of al-Wefaq, its leader, Sheikh Ali Salman, has been thrown in jail yet again and charged with plotting a coup and inciting violence against the security forces. As the Bahrain

situation has worsened in the years since 2011, what has been the Obama administration’s reaction? After the tough language and the demands made by the president in 2011, what has come next? The answer is: near silence — accompanied by steps that make it clear to the royal family that there will be no real American pressure for reform. After the firm language in his 2011 U.N. General Assembly speech, Obama’s only mention of the worsening situation in his U.N. address two years later was a one-line reference to the need for efforts “to resolve sectarian tensions that continue to surface in places like Iraq, Bahrain, and Syria.” No doubt the Bahraini monarchy was unhappy to see Bahrain compared to Iraq and Syria, but there was no blame — and no call for action. In 2012, the president didn’t mention Bahrain in his U.N. speech, and that year the White House issued just one statement about Bahrain — from the press secretary rather than from the president. It blamed both the government and the opposition for the continuing violence, urged the government “to redouble its ongoing efforts to implement the recommendations of the Bahrain Independent Commission of Inquiry,” and called for “genuine dialogue” and “meaningful reforms.” We do not need to wonder whether the government of Bahrain viewed those comments in 2011 and 2012 as real pressure. In May 2011, it orchestrated a campaign against the human rights officer at the U.S. Embassy in Manama, Ludovic Hood, and the State Department pulled him out for his own safety. “It is unacceptable that elements within Bahrain would target an individual for carrying out his professional duties,” said the State Department — but Bahrain paid no price. Throughout his term as ambassador to Bahrain, from 2011 until early this year, Tom Krajeski was subject to the same sort of abuse in the press. Krajeski was no hot-head, and said repeatedly that he placed the blame on the lack of political reconciliation in Bahrain on both sides. But the veteran diplomat’s mere recognition of serious human rights and political problems in Bahrain was too much for the government, which made sure he was vilified in the press. In May 2013, the Bahraini cabinet

approved a parliamentary proposal to “put an end to the interference of U.S. Ambassador Thomas Krajeski in Bahrain’s internal affairs.” Then in July 2014, Bahrain’s government actually expelled U.S. Assistant Secretary of State for Human Rights Tom Malinowski for meeting with members of the country’s political opposition — an extraordinary and

unprecedented act for a U.S. ally to take. What price did Bahrain pay for this? Zero. It gets worse. An American citizen named Tagi Abdalla al-Maidan has been in jail in Bahrain since 2012. He’s accused of violent acts, and the government claims he confessed; he denies the accusations and says the confession was obtained by torture. He was held in prison for almost an entire year before a court

hearing, and then handed a 10-year prison sentence. Last year, the U.N. Working Group on Arbitrary Detention declared that the court had violated a whole series of substantive and procedural rights that rendered his imprisonment a violation of international and Bahraini law. What has the U.S. government reaction been to the imprisonment of one of its citizens in a faulty legal process? As CNN pointed out in November, the United States “has said little” about Maidan’s case. State Department spokesman Jeff Rathke said that the United States was following the case closely, and that “this is a matter of ongoing concern.” Were I in a foreign prison, those words — “this is a matter of ongoing

concern” — would not seem to me a tough and energetic demand for my freedom. It’s hard to believe the United States could not spring Maidan if it pushed hard enough.

The United States maintains considerable leverage in Manama. Even a small drawdown of U.S. military personnel would reverberate loudly there, as would moving — or even announcing a study of moving — any piece of the U.S. military presence out of Bahrain. Perhaps more important, there’s a great struggle over whose “narrative” will prevail in Bahrain: the government’s, arguing that its crackdown is designed to oppose terrorism and maintain stability; or that of the opposition, arguing that the country is becoming increasingly repressive toward peaceful protests and human rights. If the United States were to side publicly, and loudly, with the opposition, the outcome of the argument would be affected. More public pressure might well force the royals to think

harder about compromises, and strengthen the hand of those who are privately arguing for reform. Instead, the United States has not only remained largely silent on human rights abuses, but has acted in ways that can only convince the Bahraini government to ignore any quiet protests that are actually made. In 2012, when Congress objected to arms sales to Bahrain because of the repression there, the Obama administration used a loophole to continue the sales. As Foreign Policy reported, the State Department is required to formally notify Congress of any arms sales over \$1 million. According to a congressional source, rather than going through the notification process, the administration divided up

an arms sales package into multiple sales, each of which was less than \$1 million — thereby dodging congressional oversight. That was 2012. In 2013, the Navy announced that it was adding five more coastal patrol ships to American forces in Bahrain. Last year, the Obama administration went forward with a more than half-billion-dollar expansion of the U.S. presence in Bahrain, which will cement the U.S. presence in the country for decades to come. Now, what signal does that send the royals? “With each passing day, the Bahrain government’s self-fulfilling prophecy of a sectarian war is becoming more and more the reality,” Reza Aslan wrote in 2013. “If that happens — if the Bahrain uprising descends into the kind of regional holy war between Sunni and [Shiite] — the United States will not be able to avoid the consequences.” That message holds true for the U.S. Navy’s Fifth Fleet, which makes one wonder why it is smart to assume that the facilities the United States has in Bahrain will in fact be available — or safe to use — in the coming decades. Meanwhile, the announcement of the expansion can only be read one way

by the Bahraini authorities: The American protests about human rights conditions are not serious. It didn't have to be this way — nobody forced the United States to turn a blind eye to Bahrain's explosive domestic situation. Consider an alternative path: Suppose a top-level messenger, such as the chief of naval operations or chairman of the Joint Chiefs of Staff, had been sent to Bahrain to say, "Look, I personally would like this base expansion. But there's no way it's going to happen until the repression stops. In fact, we are going to announce that naval facilities elsewhere in the Gulf will be examined for future expansion to replace Bahrain, because Bahrain is viewed as increasingly unstable. Guys, you've got three months to start showing us something." Such a message — and if necessary, a public statement a few months later — would have had a huge impact. It would have shown the Bahraini government and its supporters the risks they face; it would have made the business community nervous, and perhaps more supportive of reform; and

above all, it might have given additional ammunition to those in the royal family who favor reconciliation over repression. **Instead, the Obama administration is sending the clear message that its loud protests are over, the president won't speak about Bahrain, and the monarchy can relax.** In fact, no one should relax about Bahrain. It is on a path toward increasing

instability, featuring growing Sunni extremism, growing Shiite outrage, and ever-widening sectarian divisions. **The Fifth Fleet is a hostage, and the Obama administration is spending hundreds of millions of dollars there as if America's welcome will be permanent.** That's a suspect assumption: As the majority of Bahrainis conclude that the United States is indifferent to the crackdown

and siding with the most regressive elements of the royal family, **support for the Fifth Fleet's presence will start to disappear.** As will Bahrain's very sovereignty, as it is caught up in the regional rivalry between Iran and Saudi Arabia. Once upon a time, Bahrain was an outpost of civility and moderation in the Middle East. Now, it is coming to share the pathologies of its neighbors. That's tragic, and it is in part the result of weak American policy. By placing security matters — Bahrain's minuscule participation in the anti-Islamic State coalition and its hosting of the Fifth Fleet — above all other considerations, the Obama administration is putting that very security relationship at risk. Once upon a time, Bahrain was also an example of a sensible Obama human rights policy. Today, one can sadly say that it's a good example of how that human rights policy has vanished into thin air.

B. [insert plan increases U.S. HR Cred here if necessary]

C. The US's stronghold in Bahrain is crucial to Middle East stability and preventing Iran's control of the Strait of Hormuz

McDaniel 13, (Richard, a Commander of the US Navy, Foreign Policy at Brookings, "No "Plan B" U.S. Strategic Access in the Middle East and the Question of Bahrain,"

<http://www.brookings.edu/~media/research/files/papers/2013/06/24-us-strategic-access-middle-east-bahrain-mcdaniel/24-us-strategic-access-middle-east-bahrain-mcdaniel.pdf>, June 2013, //VZ)

To say that Bahrain holds immense strategic and operational value is an understatement. Functionally and geographically, the small island state serves as the strategic centerpiece for U.S. maritime strategy, security, and stability in the Persian Gulf. As mentioned earlier, the base serves numerous purposes. **First and foremost it serves as home to U.S. Naval Forces Central Command and Fifth Fleet. The Fifth Fleet Area of Operations is immense and covers approximately "2.5 million square miles with three critical choke points: the Suez Canal, the Bab al Mandeb, and the Strait of Hormuz."**¹ **The value of its close proximity to the Strait of Hormuz cannot be overemphasized. The short distance to the Strait acts as a deterrent to Iran, which has threatened to close this critical waterway.** Lying only 300 miles to the southwest of the Strait, **U.S. and coalition ships can routinely patrol the area to ensure safe passage for international maritime traffic on a daily basis.** These routine patrols are essential; **over a fifth of the world's oil supply passes through the Strait each year, and if Iran ever attempted to close the critical chokepoint, the price of oil would skyrocket and global markets would plummet. Finally, basing in Bahrain sustains U.S. and coalition naval forces operating in international waters of the Persian Gulf, particularly off the coast of Iran, and provides the United States Navy with a convenient logistics and maintenance hub.**

D. Middle East instability causes Nuclear War – miscalc, offensive posturing, and escalation – deterrence doesn't check

Warren 13, (Roslyn, is an M.A. candidate in Georgetown University's Security Studies Program, "Miscalculating Nuclear Deterrence in the Middle East: Why Kenneth Waltz Gets It Wrong," <http://georgetownsecuritystudiesreview.org/2013/12/19/miscalculating-nuclear-deterrence-in-the-middle-east-why-kenneth-waltz-gets-it-wrong/>, 12/19/13, //VZ)

In his Foreign Affairs article, "Why Iran Should Get the Bomb," Kenneth Waltz suggests that a nuclear-armed Iran is nothing to fear. Indeed, he goes so far as to claim that Iran's membership in the nuclear club will actually increase stability in the Middle East. However, Waltz misses an essential point: nuclear deterrence does not rule out the potential for conventional escalation, which can destabilize regions in unpredictable and potentially catastrophic ways. When it comes to nuclear-armed adversaries, the outbreak of "full-scale war"[1] cannot be the only definition of instability. Tense relations between nuclear-armed foes, be they offensive posturing or limited conventional conflict, create opportunities for miscalculation and escalation to the nuclear level. A closer examination of relations between India and Pakistan reveals that nuclear weapons embolden revisionist nuclear states – i.e., states dissatisfied with the existing regional balance of power – and raises the propensity for and incidence of conventional conflict. Taking Pakistan as a model, a weaponized Iran, believing it has a significant deterrent capability, will, at a minimum, increasingly antagonize Israel without fear of nuclear reprisal. Another, more frightening, side effect of Iranian weaponization runs contrary to Waltz's deterrence model: Both Israel and Iran could each believe a preemptive strike lay in its favor. For these reasons, Waltz's assertion that a nuclear Iran will increase stability in the Middle East is wrong. Waltz neorealists claim that states are rational actors seeking, above all, security within an anarchical international system. States maximize their own security by attempting to balance their power against the status quo power; i.e., a state content with the existing, regional balance of power. Security imbalances spur instability. For Waltz, such is currently the case in the Middle East. Because of Israel's nuclear dominance, it can project undeterred hostility towards its neighbors.[2] The defensive realist remedy for this type of instability is nuclear balance. Waltz suggests that, "By reducing imbalances in military power, new nuclear states generally produce more regional and international stability, not less." [3] Given that all states are rational actors seeking to maximize their relative security, Waltz argues that fear of nuclear reprisal vis-à-vis a second-strike capability acts as a sufficient deterrent between two nuclear-armed adversaries.[4] Hence, if Iran developed nuclear weapons, relations between the two most powerful actors in the Middle East would become more stable. In contrast, many nuclear proliferation experts use the stability-instability paradox to explain how regions with rival nuclear powers become increasingly unstable. The stability-instability paradox posits that two nuclear-armed, adversarial states, believing that neither will initiate a nuclear strike, can and will increasingly engage in offensive posturing and limited conflict with one another. [5] The newly-weaponized, revisionist state – for example, Pakistan or potentially Iran – feels emboldened, and more freely resorts to adventurism in the form of enhanced offensive posturing, increasing low-level conflict, and perhaps stronger support for terrorists. On the other hand, the status quo state – India or Israel in these cases – perceives its freedom of action constrained by its adversary's new status.[6] Instability at the conventional level in the form of more pronounced aggressive posturing and/or limited conflict heightens tensions between major regional powers, and leaves the door open for escalation and miscalculation at the nuclear level. For Waltz, India and Pakistan prove his point: These two nuclear-armed adversaries have not launched a nuclear war against one another because they fear a reciprocal strike, thereby balancing each other and stabilizing their relations. However, Waltz's analysis only explains why India and Pakistan have not yet launched a calculated nuclear attack against one another. He fails to consider how tensions across the conflict spectrum have increased since India and Pakistan both weaponized, which could inadvertently escalate to the nuclear level. Flashpoints between India and Pakistan highlight the stability-instability paradox clearly. S. Paul Kapur reveals how Pakistan's weaponization has "encouraged aggressive Pakistani behavior," whereby it can challenge India "without fearing catastrophic Indian retaliation." [7] In the Kashmir crisis, Pakistan supported a violent insurgency in Kashmir and the Indian state of Jammu. While the extent to which Pakistan involved itself in the initial fighting remains unclear, Pakistani forces did engage in their "largest-ever peacetime military exercise" and announced a strategic shift to a "policy of offensive defense" in relations with India.[8] Former Pakistani Prime Minister Benazir Bhutto acknowledged, "Nuclear weapons 'came out' as an important tool in that struggle," allowing Pakistan to "provide extensive support for 'a low-scale insurgency'...while insulat[ing it] from a full-scale Indian response." [9] Similarly, in the Kargil crisis, the Pakistani military "marshaled a substantial body of forces" and crossed the Line of Control (the military border between the Indian and Pakistani-controlled parts of the disputed region), resulting in Indian air and ground mobilization and significant casualties on both sides.[10] Sumit Ganguly explains, "Absent nuclear weapons, Pakistan would not have undertaken the...misadventure." [11] Relations between India and Pakistan reveal that weaponization emboldens revisionist nuclear states and raises the propensity for conventional conflict. While exhibiting nuclear restraint in both of these situations, India has made "aggressive changes" to its "conventional military posture." [12] India's new Cold Start doctrine, for example, "enable[s] India to rapidly launch a large-scale attack against Pakistan." [13] Responding to this, the director-general of Pakistan's military intelligence agency, Inter-Services

Intelligence (ISI), illustrates how conventional instability can escalate to the nuclear level: Cold Start “is destabilizing; it is meant to circumvent nuclear deterrence [...]. If it becomes too threatening we [Pakistan] will have to rely on our nuclear capability.”[14] While the line at which Pakistan would employ nuclear weapons remains unclear, this statement suggests that Pakistan’s strategic calculations in responding to conventional conflicts with India now include a nuclear contingency plan. Equally disconcerting, Indian officials believe they can “calibrate” their actions relative to Pakistan’s tolerance, “stopping short of Pakistan’s strategic nuclear thresholds.”[15] Erroneously appraising another country’s red lines could have catastrophic effects, leading to unintended drastic escalation.[16] The India-Pakistan relationship displays how the stability-instability paradox subjects the region to escalation and miscalculation on a nuclear scale. The stability-instability paradox also holds true for the Israel-Iran case. Colin Kahl, Melissa Dalton, and Matthew Irvine point out that **a nuclear-armed Iran could stir regional conflict, producing high-stakes miscalculations with “some inherent risk of inadvertent escalation to nuclear war.”**[17] A Middle East where “conflict below the nuclear threshold seem[s] ‘safe’” will likely “encourage **Iranian adventurism**, reduce Israeli freedom of action, and increase aggressive actions by Iranian proxies.”[18] Geographic proximity and mutual distrust could lead “Israel and Iran [to] adopt ‘launch-on-warning’” doctrines for their nuclear arsenals, increasing the chances that “false warnings of an impending attack by one side” could unravel into an “accidental nuclear war.”[19] When it comes to a weaponized Iran, Waltz’s contention fails to follow its own rational deterrence logic. In this scenario, **it is not fear of a second strike that deters Israel and Iran, but vulnerability to a first strike that could lead one side or the other to initiate a nuclear attack.** Kahl notes, “Reciprocal fears of surprise attack could produce incentives for either side to launch a deliberate pre-emptive attack.”[20] Israel, with its nuclear superiority, fearing a nuclear-armed Iran, could seek to annihilate Iran’s small arsenal by initiating a first strike. Even if Iran only feared an Israeli conventional attack, Iran’s nascent nuclear arsenal, extremely vulnerable to an Israeli strike, could generate an Iranian “use them or lose them” sentiment, where Iran could also calculate that a first strike lay in its favor.[21] This would leave two nuclear-armed adversaries without diplomatic relations living in close proximity to one another, both feeling vulnerable and potentially believing a first strike could work to its advantage.[22] **In the Middle East, even the prospect of a weaponized Iran heightens the potential for conflict to escalate to nuclear levels.** While no one can know with certainty what the regional security environment will look like if Iran joins the nuclear club, **one thing is certain: nuclear weapons sustain the possibility of nuclear war.** The Waltzian deterrence model may hold true in a Cold War retrospective, but unintended accidents and escalation are still possible. **When adversarial states both possess a nuclear second-strike capability, relative security gains cannot be achieved at the nuclear level.** Waltz concedes that because states seek to maximize their relative security, nuclear states may choose to develop a massive conventional weapons arsenal as well. In this way, even Waltz acknowledges the paradoxical nature of nuclear weapons, admitting heightened aggression and limited war is possible even when both states are nuclear-armed.[23] As demonstrated by the nuclear standoff between India and Pakistan, **nuclear weapons generate increasingly aggressive behavior, creating greater opportunities for conflict, not fewer.** A likely scenario between Israel and a nuclear Iran involves increased low-intensity conflict where low-level skirmishes **could lead to unintended escalation or accidental nuclear detonation.** At worst, nuclear-armed foes could decide that a first strike is worth the risk.

1NC China D.A.

A. Current U.S. HR Pressure on China Low – they have the upper hand and can deflect criticism

Chen 15

(Dingding Chen, Assist Professor of Govt and Public Admin @ University of Macau, and Katrin Kinzelbach, Assoc. Dir. of Global Public Policy Institute, “Democracy promotion and China: blocker or bystander?” pg Taylor and Francis)

The US and the EU continue to support Chinese human rights activists through financial grants, quiet diplomacy, and public statements, but both actors have scaled down their ambitions in recent years. This is not only because financial regulations have changed. **China's rapidly increasing international weight,** which was further accelerated by the subprime mortgage crisis in the US and the sovereign debt crisis in Europe, **changed the dynamics of international politics, and significantly decreased the party-state's vulnerability to international pressure.** Accordingly, **high-ranking leaders in Beijing now dismiss Western criticism of China's governance model rather confidently.** For example, according to confidential accounts of EU officials, Wu Hailong (since 2014 China's Representative at the UN in Geneva) noted repeatedly in closed-door meetings that **China was no longer willing to be lectured on human rights and democracy because “times have changed”.**¹⁴ As this brief summary shows, the **Chinese party-state has sought to countervail external and domestic democracy promotion by using a wide range of tactics, ranging from domestic repression, counter-discourse at home and abroad, to sticks and carrots at the international level.** To what extent this policy extends beyond the borders of mainland China will be discussed in the following two sections on Myanmar and Hong Kong.

B. The plan is a reversal of HR hypocrisy – ensures an effective coalition that will pressure Russia and China

Roth 9

(Kenneth, Kenneth Roth is executive director of Human Rights Watch, Graduate of Yale Law School and Brown University, “Taking Back the Initiative from the Human Rights Spoilers,” pg online @ [http://www.hrw.org/world-report-2009/taking-back-initiative-human-rights-spoilers //um-ef](http://www.hrw.org/world-report-2009/taking-back-initiative-human-rights-spoilers//um-ef))

Shifts in global power have emboldened spoiler governments in international forums to challenge human rights as a "Western" or "imperialist" imposition. The force of China's authoritarian example and the oil-fueled muscle of Russia have made it easier to reject human rights principles. The moral standing of a country like South Africa by virtue of its own dark past means that its challenge to the international human rights agenda is influential. **Nevertheless, governments that care about human rights worldwide retain enough clout to build a broad coalition to fight repression** if they are willing to use it. **Instead, these governments have largely abandoned the field.** **Succumbing to competing interests and credibility problems of their own making,** they have let themselves be outmaneuvered and sidelined in UN venues such as the Security Council and the Human Rights Council, and in the policy debates that shape multilateral diplomacy toward Burma, Darfur, Sri Lanka, Zimbabwe, and other trouble spots. **For the United States, that withdrawal is the logical consequence of the Bush administration's decision to combat terrorism without regard to the basic rights** not to be subjected to

torture, "disappearance," or detention without trial. Against that backdrop, **Washington's periodic efforts to discuss rights have been undercut by justifiable accusations of hypocrisy. Reversing that ugly record must be a first priority for** the new administration of Barack **Obama if the US government is to assume a credible leadership role on human rights.** Washington's frequent abdication has often forced the European Union to act on its own. Sometimes it has done so admirably, such as after the Russia-Georgia conflict, when its deployment of monitors eased tensions and helped protect civilians, or in eastern Chad, where it sent 3,300 troops as part of a UN civilian protection mission. But the EU did a poor job of projecting its influence more broadly, to places like Burma, Somalia, or the Democratic Republic of Congo. It often sought to avoid the political fallout of doing nothing by hiding behind a cumbersome EU decision-making process that favors inaction. Moreover, its frequent **reluctance to stand up** to the Bush administration **in protest against abusive counterterrorism policies opened the EU to charges of double standards that poisoned the global debate on human rights and made it easier for spoilers to prevail.** The US and the EU are not the only ones promoting human rights abroad. Increasingly, some governments in Latin America, Africa, and Asia can be looked to for support on international rights initiatives. Those that stand out include Argentina, Chile, Costa Rica, Mexico, and Uruguay in Latin America, and Botswana, Ghana, Liberia, and Zambia in Africa. In Asia, Japan and South Korea tend to be sympathetic to rights but are generally reluctant to take strong public positions. Yet forced to act without the firm and consistent backing of the major Western democracies, these important voices are rarely able to mount on their own a major international diplomatic effort to address serious human rights abuses. Even the best-intentioned middle-sized powers cannot forge a solution to the world's most repressive situations without the partnership of the larger Western powers that still dominate the United Nations, have large and active diplomatic corps, and can deploy substantial military and economic resources. So by default, **those often setting the human rights agenda in international forums are opponents of human rights enforcement-governments of nations such as** Algeria, **China,** Egypt, India, Pakistan, **and Russia.** They want to return to an era when the defense of human rights was left to the discretion of each government, and violations carried little international cost. To resist that aspiration will take a determination that too often has been lacking. First, **because the most effective human rights advocacy is by example, governments hoping to defend human rights elsewhere must commit themselves to respect those rights in their own conduct.** As described in more detail below, **that means** in **the counterterrorism realm, a definitive end to such abuses** as the use of torture and other coercive interrogation techniques, the "disappearance" of suspects in secret detention facilities, and the long-term detention of suspects without trial-as well as a willingness to speak out immediately if any government, including a close ally, resumes these practices. **It also means addressing such persistent abuses as racism** in the criminal justice system, **mistreatment of migrants** or use of the death penalty. Second, as in the case of any serious human rights violation, offenders must be held to account. For example, only by investigating, acknowledging, and repudiating the wrongdoing that has occurred, prosecuting serious crimes, and taking remedial steps to ensure that these abuses never recur, will Washington begin to build credibility as a government that practices what it preaches in the human rights realm. Third, **serious efforts must be undertaken to build a broad global coalition** in support of human rights. In the case of the United States, it should seek to rejoin multilateral institutions such as the UN Human Rights Council and ratify key treaties such as those on women's and children's rights, enforced disappearances, cluster munitions, and antipersonnel landmines. It should adopt a policy of embracing the rule of law by re-signing the International Criminal Court treaty, actively supporting the court, and initiating a process for ultimate ratification. And it should actively support-politically, financially, and militarily-multilateral efforts to protect civilians from mass atrocities. In the case of both the European Union and the United States, vigorous efforts should be made to reach out to governments of the global South, especially those that largely respect human rights at home but continue to resist the defense of human rights in their foreign policy. **That requires addressing issues of particular concern to Southern governments, such as economic and social rights, racism, and the rights of migrants. It also requires avoiding double standards** and remaining open to dialogue and appropriate political compromise. Governments of the global South, in turn, must reconsider their reflexive stand shoulder to shoulder with the oppressors of the world rather than their victims. This misguided solidarity is particularly disappointing in the case of governments such as India and South Africa, which today are democracies that on balance respect the rights of their own people but pursue a foreign policy suggesting that others do not deserve similar rights. Bloc solidarity should not become a substitute for embracing the more fundamental values of human rights. Finally, the new **Obama** administration **must abandon the Bush administration's policy of hyper-sovereignty. It is music to the ears of the governments of China, Russia** and India **to hear Washington deflect human rights criticism on sovereignty grounds.** That approach effectively pushes back the clock to an era before the Universal Declaration of Human Rights and the many legal and institutional mechanisms it has spawned. **A radical reappraisal of US policy is urgently needed.** President Obama has promised such changes, and none too soon. The test will be whether he can resist pressures to sustain the Bush-led status quo.

C. Effective US HR Pressure on China backfires – Collapses Relations and Causes mass chaos in China

Wyne 13 Ali, contributing analyst at Wikistrat and a global fellow at the Project for the Study of the 21st Century. "Some Thoughts on the Ethics of China's Rise." 08/14/13. Accessed 6/26/14. http://www.carnegiecouncil.org/publications/ethics_online/0084

The more contentious topic, of course, is the role that human rights should play in U.S.-China relations. While the United States should neither hesitate to articulate its differences with China on issues of human rights, nor refrain from encouraging those trends within China that are promoting greater citizen empowerment, it should not urge China to democratize or condition its interactions with China on the leadership's acceptance of core American values. A country that is not yet 250 years old should appreciate the possibility that a country several millennia old may have its own strain of exceptionalism. Furthermore, attempts to democratize China could backfire. One of the foremost China watchers, former prime minister of Singapore Lee Kuan Yew, declares that it will not "become a liberal democracy; if it did, it would collapse." While the Chinese Communist Party (CCP) is willing to experiment with democratic reforms in "villages and small towns," he explains, it fears that large-scale democratization "would lead to a loss of control by the center over the provinces, like [during] the warlord years of the 1920s and '30s.³ Whatever challenges an increasingly capable and assertive China might pose, a weak China in the throes of chaos would be even more problematic, especially now that its growth is vital to the health of the global economy. It is China's ongoing integration into the international system and attendant exposure to information technology that hold the greatest promise for improvements to its human rights climate. Since the late 1970s, the CCP has implicitly conditioned its delivery of rapid growth to the Chinese people on their acquiescence to its rule. The problem is that citizens' priorities become more sophisticated as their day-to-day situations grow less exigent. Those in dire poverty are quite likely to censor themselves in exchange for food, shelter, and other necessities. As they enter the middle class, however, and become less preoccupied with the demands of survival, they naturally think more about critiquing government policy. Within this transition lies a fundamental challenge for the CCP: the very bargain that it implemented to forestall challenges to its rule is enabling greater numbers of Chinese to pose such challenges. There were only 20 million Internet users in China in 2000; today, there are more than 560 million.⁴

D. Relations collapse causes US China War

Goldstein 13

(2013, Avery, Professor of Global Politics and International Relations, Director of the Center for the Study of Contemporary China, University of Pennsylvania, "First Things First: The Pressing Danger of Crisis Instability in U.S.-China Relations," International Security, vol. 37, no. 4, Spring, muse)

Two concerns have driven much of the debate about international security in the post-Cold War era. The first is the potentially deadly mix of nuclear proliferation, rogue states, and international terrorists, a worry that became dominant after the terrorist attacks against the United States on September 11, 2001.¹ The second concern, one whose prominence has waxed and waned since the mid-1990s, is the potentially disruptive impact that China will have if it emerges as a peer competitor of the United States, challenging an international order established during the era of U.S. preponderance.² Reflecting this second concern, some analysts have expressed reservations about the dominant post-September 11 security agenda, arguing that China could challenge U.S. global interests in ways that terrorists and rogue states cannot. In this article, I raise a more pressing issue, one to which not enough attention has been paid. For at least the next decade, while China remains relatively weak, the gravest danger in Sino-American relations is the possibility the two countries will find themselves in a crisis that could escalate to open military conflict. In contrast to the long-term prospect of a new great power rivalry between the United States and China, which ultimately rests on debatable claims about the intentions of the two countries and uncertain forecasts about big shifts in their national capabilities, the danger of instability in a crisis involving these two nuclear-armed states is a tangible, near-term concern.³ Even if the probability of such a war-

threatening crisis and its escalation to the use of significant military force is low, the potentially catastrophic consequences of this scenario provide good reason for analysts to better understand its dynamics and for policymakers to fully consider its implications. Moreover, **events**

since 2010—especially those relevant to disputes **in the East and South China Seas**—suggest that **the danger of a military confrontation in the Western Pacific that could lead to a U.S.-China standoff may be on the rise**.

In what follows, I identify not just pressures to use force preemptively that pose the most serious risk should a Sino-American confrontation unfold, but also related, if slightly less dramatic, incentives to initiate the limited use of force to gain bargaining leverage—a second trigger for potentially devastating instability during a crisis.⁴

My discussion proceeds in three sections. The first section explains why, during the next decade or two, **a serious U.S.-China crisis may be more likely** than is currently recognized. The second section examines the features of plausible Sino-American crises that may make them so dangerous.

The third section considers general features of crisis stability in asymmetric dyads such as the one in which a U.S. superpower would confront an increasingly capable but still thoroughly overmatched China—the asymmetry that will prevail for at least the next decade. This more stylized discussion clarifies the inadequacy of focusing one-sidedly on conventional forces, as has much of the current commentary about the modernization of China's military and the implications this has for potential conflicts with the United States in the Western Pacific,⁵ or of focusing one-sidedly on China's nuclear forces, as a smaller slice of the commentary has.⁶ An assessment considering the interaction of

conventional and nuclear forces indicates why escalation resulting from crisis instability remains a devastating possibility. **Before proceeding**, however, I

would like to clarify my use of the terms "crisis" and "instability." For the purposes of this article, I **define a**

crisis as a confrontation between states involving a serious threat to vital national interests for both sides, in which there is the expectation of a short time for resolution, and in which there is understood to be a sharply increased risk of war.⁷ This definition distinguishes crises from many situations to which the label is

sometimes applied, such as more protracted confrontations; sharp disagreements over important matters that are not vital interests and in which military force seems

irrelevant; and political disputes involving vital interests, even those with military components, that present little immediate risk of war.⁸ I **define instability as**

the temptation to resort to force in a crisis.⁹ Crisis stability is greatest when both sides strongly prefer to continue bargaining; instability is greatest when they are strongly tempted to resort to the use of military force. **Stability**, then, **describes a spectrum**—from one extreme in which neither side sees much advantage to using force, through a range of situations in which the balance of costs and benefits of using force varies for each side, to the other extreme in which the benefits of using force

so greatly exceed the costs that striking first looks nearly irresistible to both sides. **Although the incentives to initiate the use of force**

may not reach this extreme level in a U.S. China crisis, the capabilities that the two countries possess raise concerns that escalation pressures will exist and that they may be highest early in a crisis, compressing the time frame for diplomacy to avert military conflict.

Russia Version 2NC Link Wall

Extend 1NC Roth – the plan allows the U.S. to re-build its credibility on Human Rights and re-start its international strategy to promote freedom world-wide that has been stalled due to ineffective policies like surveillance that are perceived as hypocritical positions by the U.S. -

And, that increase in prestige and status will be perceived by Russia as a DIRECT TRADE-OFF with Russian Influence and attempts to build its own soft power – the plan will be perceived as a direct attempt to CHALLENGE Russia – star this card

Bugajski, 13

(Janusz, policy analyst and chairs the Foreign Service Institute of the U.S. Department of State, “Russia’s Soft Power Wars”, <http://ukrainianweek.com/World/71849>)

The stark contrast between Western and Russian understanding of “soft power” has become evident during President Vladimir Putin’s third presidency. For the Kremlin, “soft power” is part of its arsenal of foreign policy tools designed to re-integrate Russia’s neighbors around a Moscow orbit. Western “soft power” influences are therefore viewed as a form of geostrategic competition that must be curtailed and eventually eliminated. As a result, in recent months Moscow has mounted a campaign to sever links between Russian NGOs and Western institutions and is encouraging its neighbors to do likewise. Simultaneously to its anti-Western offensive, Moscow deploys its own “soft power” weaponry to achieve specific regional integrationist ambitions. These have ranged from diplomatic offensives and informational warfare to energy blackmail and the exploitation of ethnic disputes. President Putin is also injecting a new form of “soft power” pressure by pursuing claims that Russian culture, language, history, and values should all predominate among the post-Soviet states.

SOFT POWER BATTLEGROUND In Moscow’s calculations, Russia and the West are embroiled in a long-term competition over zones of dominance in the wider Europe and in Central Asia, despite the fact that the US and its European allies have refused to acknowledge or legitimize such a “great game.” Russia’s drive for its own sphere in a “multipolar” world contributes to retarding the formation of stable democratic states along its borders. Governments in these countries turn to authoritarianism to maintain the integrity and stability of the state or simply to cling to power. Such a process is invariably supported by Moscow as it contributes to disqualifying these countries from the process of Western integration. Moscow opposes any “encroachment” by outside powers in its self-proclaimed “privileged” zone of interests or the further expansion of NATO, EU, and US influence. Russia views itself as a regional integrator, expecting neighbors to coalesce around its leadership, rather than a country to be integrated in multi-national institutions in which its own sovereignty is diminished. In this context, Russian “soft power” in all its manifestations is understood as a means for supplementing Russia’s own foreign policy objectives and enhancing regional integration under Moscow’s tutelage. In marked contrast, the West’s “soft power” approach is intended to generate reform, internal stability, external security, democratic development, and open markets to make targeted states compatible with Western systems and institutions. In the case of the EU, the prospect of membership itself has been the primary “soft power” tool as it entices governments to meet the necessary legal, economic, and regulatory standards to qualify for Union accession. However, EU or NATO membership remain voluntary and are not pressured by inducements and threats, as is the case with Moscow-centered organizations. While the West promotes the pooling of sovereignty among independent states, Russia pushes for the surrender of sovereignty within assorted “Eurasian” organizations. To advance its strategic goals, the Kremlin needs to demonstrate that it is in competition with the West and that Washington and Brussels are seeking to impose their political structures and value system on the gullible Eurasian countries. This is a classic form of psycho-political projection, with Russia’s leaders acting as if Western objectives were similar to their own in undermining national independence and eliminating countervailing foreign influences. Putin launched a blistering attack on Western “soft power” in an article in *Moskovskiy Novosti* (Moscow News) in February 2012. He claimed that this weapon was being increasingly used as a means for achieving foreign policy goals without the

use of force, but by exerting informational and other levers of influence. According to Putin, Western "soft power" is deployed to "develop and provoke extremist, separatist, and nationalistic attitudes, to manipulate the public and to conduct direct interference in the domestic policy of sovereign countries." Evidently, for the Kremlin, democratic pluralism is a form of extremism, national independence is a form of separatism, and state sovereignty is a form of nationalism. Putin contends that there must be a clear division between "normal political activity" and "illegal instruments of soft power." Hence, he engages in scathing attacks on "pseudo-NGOs" inside Russia and among the post-Soviet neighbors that receive resources from Western governments and institutions, viewing this as a form of subversion. In reality, the Kremlin is envious that Western values are often more appealing to educated and ambitious segments of the population than traditional Russian values. The global human rights agenda is berated by Putin as a Western plot, because the US and other Western states allegedly politicize human rights and use them as a means for exerting pressure on Russia and its neighbors. Human rights campaigns are depicted as a powerful form of "soft power" diplomacy intended to discredit governments that are more easily influenced by Moscow. Russia supposedly offers a legitimate political alternative to these countries - a quasi- authoritarian "sovereign democracy" and a statist-capitalist form of economic development. "Sovereign democracy" is presented as a viable option to the alleged Western export of democratic revolutions. Russia's support for strong-arm governments is intended to entice these countries under its political and security umbrella and delegitimize the West for its criticisms of autocratic politics. MOSCOW'S SOFT POWER INSTRUMENTS In Putin's version of "soft power," an assortment of tools can be deployed to achieve strategic goals. These include culture, education, media, language, minority protection, Christian Orthodoxy, pan-Slavism, and Russo-focused assimilation. All these elements can supplement institutional instruments, economic incentives, energy dependence, military threats, and the political pressures applied by the Kremlin. In a landmark article on 23 January 2012 in Nezavisimaya Gazeta (The Independent Newspaper) Putin promoted his plan for uniting Russia's multi-ethnic society and stressed the central importance of Russian culture for all former Soviet states. In sum, for Eastern Slavs Russia is supposed to be the model "older brother," while for non-Slavs it is evidently the enlightened "father figure." The stress is on uniting various ethnic communities in the Russian Federation and former USSR under the banner of Russian culture and values. Putin criticizes multiculturalism as a destabilizing force and instead supports integration through assimilation, a veiled term for Russification. According to Putin, Russian people and culture are the binding fabric of this "unique civilization." He extolls the virtues of "cultural dominance," where Russia is depicted as a "poly-ethnic civilization" held together by a Russian "cultural core." The President notes with satisfaction that many former citizens of the Soviet Union, "who found themselves abroad, are calling themselves Russian, regardless of their ethnicity." Russian people are evidently "nation-forming" as the "great mission of Russians is to unite and bind civilization" through language and culture. According to such ethno-racist thinking, Ukrainians, Belarusians, Georgians, and other nationalities simply do not match the historical importance of the Great Russian nation. For Putin, the Russian state has a key role to play in "forming a worldview that binds the nation." He has called for enhancing education, language use, and national history to buttress Russia's tradition of cultural dominance and lists numerous tools for promoting Russian culture, including television, cinema, the Internet, social media, and popular culture. All these outlets must evidently shape public opinion and set behavioral norms. An additional important "soft power" instrument for the Kremlin is the campaign to defend human and minority rights in neighboring states - a ploy designed to increase Moscow's political leverage. Russian leaders claim the inalienable right to defend their compatriots abroad regardless of their status and citizenship. This has involved promoting Russian as a second state language or a regional language in all former Soviet republics, including Ukraine and the Baltic countries. Issuing passports to citizens of neighboring states has been a favored way of developing pro-Russian sectors of the population, influencing local politics, and providing a potential pretext for intervention in case of internal conflict. Some observers have dubbed the policy as "re-occupation through passportization." Georgia is believed to have about 179,000 Russian passport holders, the Transnistria enclave in Moldova about 100,000, Azerbaijan 160,000, Armenia 114,000, and up to 100,000 reside in Ukraine's Crimea out of approximately half a million Russian citizens in Ukraine. In September 2008, the Federal Agency for CIS Affairs, attached to the Russian foreign ministry and answerable directly to the President, began its operations. It was designed to project Russia's soft security tools toward former satellites and to assist Russian citizens in neighboring countries, thereby indicating more systematic intervention by Moscow. Other organizations, such as the Institute of CIS Countries, have been created to channel funds to Moscow-friendly political parties and NGOs in the region. Russian media supportive of the Kremlin is also beamed throughout the CIS or has established joint ventures with local media. In Putin's estimation, Moscow must expand Russia's educational and cultural presence in the world, especially in those countries where a substantial part of the population understands Russian. Support for compatriots and Russian culture abroad involves expanding the rights of co-ethnics and co-linguists in all nearby states so they gain increasing political influence. Hence, we have witnessed persistent attacks on Latvian and Estonian authorities for supposedly abusing the Russian minority as both countries have linguistic stipulations for citizenship. Meanwhile, a high percentage of post-World War Two Russian colonists view their language as superior and have not made sufficient effort to learn Estonian or Latvian. CONFLICTING STRATEGIC OBJECTIVES In assessing the context of "soft power" projection, analysts often overlook some important differences between American and Russian spheres of influence. In order to grasp Moscow's objectives and understand how its "soft power" instruments fit into grand strategy it is useful to consider four significant contrasts with Washington's approach. First, US administrations accept the right of each state to choose its alliances, while Russian officials endeavor to impose security arrangements on neighbors. Countries enter the Western sphere and the NATO alliance voluntarily as this contributes to their security and is not seen as a threat to their sovereignty. States invariably join the Russian sphere as a result of inducement, threat, or outright pressure. Oftentimes, there are no viable alternatives to the Russian-centered alliance because of energy dependence, trade links, and other forms of entrapment. Governments seek to avoid potential destabilization from Moscow by partially acquiescing to Kremlin demands. Nonetheless, disputes continue to simmer as various capitals from Belarus to Uzbekistan resist surrendering the most important elements of their sovereignty to Russia. Second, NATO and the EU have not created spheres of influence orbiting around one power center but voluntary alliances operating on a consensual basis and in the case of the EU pooling elements of their sovereignty. By contrast, Russia has developed a post-Soviet version of the Brezhnev doctrine, whereby countries within Russian-sponsored institutions have serious limitations on their sovereignty, particularly in their foreign policy and security orientations. Third, while the US promotes cordial relations between its own allies and Russia, Moscow remains fixated on its own primacy or exclusivity. For instance, Washington supports closer bilateral relations between Poland or other Central-East European countries and Russia as it believes this generates regional stability and lessens the need for U.S. security guarantees. In stark contrast, the Kremlin does not support closer relations between Ukraine or the CIS states and the US, calculating that this deprives Moscow of its political leverage, undermines its privileged interests, and could be the harbinger of a political and military alliance. Fourth, the Kremlin actually promotes conflicts between its allies and the US to weaken America's influence or seeks to capitalize on disputes between Washington and third parties. For example, Moscow has endeavored to buttress the Hugo Chavez government in Venezuela into a more assertive regional player in Latin America that can create security headaches for the US. By contrast, Washington actively discourages disputes between Moscow and its former satellites. Moreover, it is not obsessed with alleged Russian encirclement when Moscow sends military vessels to Cuba or Venezuela. However, when a U.S ship sails into the Black Sea or

Washington sells military equipment to Georgia, the Kremlin claims that Washington is launching a new Cold War. For Russian officials, alliances and partnerships are in themselves zero sum calculations in a constant struggle for influence and advantage with the United States. "Soft power" is thereby understood by Moscow as an arm of Russian state influence and a valuable tactical tool employed to achieve specific geostrategic ambitions.

And, Russia and China can only deflect HR blame now because of a lack of U.S. credibility – the plan restores the credibility and makes pressure effective

Roth 9

(Kenneth, Kenneth Roth is executive director of Human Rights Watch, Graduate of Yale Law School and Brown University, "Taking Back the Initiative from the Human Rights Spoilers," pg online @ <http://www.hrw.org/world-report-2009/taking-back-initiative-human-rights-spoilers> //um-ef)

Shifts in global power have emboldened spoiler governments in international forums to challenge human rights as a "Western" or "imperialist" imposition. The force of China's authoritarian example and the oil-fueled muscle of Russia have made it easier to reject human rights principles. The moral standing of a country like South Africa by virtue of its own dark past means that its challenge to the international human rights agenda is influential. Nevertheless, governments that care about human rights worldwide retain enough clout to build a broad coalition to fight repression if they are willing to use it. Instead, these governments have largely abandoned the field. Succumbing to competing interests and credibility problems of their own making, they have let themselves be outmaneuvered and sidelined in UN venues such as the Security Council and the Human Rights Council, and in the policy debates that shape multilateral diplomacy toward Burma, Darfur, Sri Lanka, Zimbabwe, and other trouble spots. For the United States, that withdrawal is the logical consequence of the Bush administration's decision to combat terrorism without regard to the basic rights not to be subjected to torture, "disappearance," or detention without trial. Against that backdrop, Washington's periodic efforts to discuss rights have been undercut by justifiable accusations of hypocrisy. Reversing that ugly record must be a first priority for the new administration of Barack Obama if the US government is to assume a credible leadership role on human rights. Washington's frequent abdication has often forced the European Union to act on its own. Sometimes it has done so admirably, such as after the Russia-Georgia conflict, when its deployment of monitors eased tensions and helped protect civilians, or in eastern Chad, where it sent 3,300 troops as part of a UN civilian protection mission. But the EU did a poor job of projecting its influence more broadly, to places like Burma, Somalia, or the Democratic Republic of Congo. It often sought to avoid the political fallout of doing nothing by hiding behind a cumbersome EU decision-making process that favors inaction. Moreover, its frequent reluctance to stand up to the Bush administration in protest against abusive counterterrorism policies opened the EU to charges of double standards that poisoned the global debate on human rights and made it easier for spoilers to prevail. The US and the EU are not the only ones promoting human rights abroad. Increasingly, some governments in Latin America, Africa, and Asia can be looked to for support on international rights initiatives. Those that stand out include Argentina, Chile, Costa Rica, Mexico, and Uruguay in Latin America, and Botswana, Ghana, Liberia, and Zambia in Africa. In Asia, Japan and South Korea tend to be sympathetic to rights but are generally reluctant to take strong public positions. Yet forced to act without the firm and consistent backing of the major Western democracies, these important voices are rarely able to mount on their own a major international diplomatic effort to address serious human rights abuses. Even the best-intentioned middle-sized powers cannot forge a solution to the world's most repressive situations without the partnership of the larger Western powers that still dominate the United Nations, have large and active diplomatic corps, and can deploy substantial military and economic resources. So by default, those often setting the human rights agenda in international forums are opponents of human rights enforcement-governments of nations such as Algeria, China, Egypt, India, Pakistan, and Russia. They want to return to an era when the defense of human rights was left to the discretion of each government, and violations carried little international cost. To resist that aspiration will take a determination that too often has been lacking. First, because the most effective human rights advocacy is by example, governments hoping to defend human rights elsewhere must commit themselves to respect those rights in their own conduct. As described in more detail below, that means in the

counterterrorism realm, a definitive end to such abuses as the use of torture and other coercive interrogation techniques, the "disappearance" of suspects in secret detention facilities, and the long-term detention of suspects without trial—as well as a willingness to speak out immediately if any government, including a close ally, resumes these practices. **It also means addressing such persistent abuses as racism** in the criminal justice system, **mistreatment of migrants**, or use of the death penalty. Second, as in the case of any serious human rights violation, offenders must be held to account. For example, only by investigating, acknowledging, and repudiating the wrongdoing that has occurred, prosecuting serious crimes, and taking remedial steps to ensure that these abuses never recur, will Washington begin to build credibility as a government that practices what it preaches in the human rights realm. Third, **serious efforts must be undertaken to build a broad global coalition in support of human rights.** In the case of the United States, it should seek to rejoin multilateral institutions such as the UN Human Rights Council and ratify key treaties such as those on women's and children's rights, enforced disappearances, cluster munitions, and antipersonnel landmines. It should adopt a policy of embracing the rule of law by re-signing the International Criminal Court treaty, actively supporting the court, and initiating a process for ultimate ratification. And it should actively support—politically, financially, and militarily—multilateral efforts to protect civilians from mass atrocities. In the case of both the European Union and the United States, vigorous efforts should be made to reach out to governments of the global South, especially those that largely respect human rights at home but continue to resist the defense of human rights in their foreign policy. **That requires addressing issues of particular concern to Southern governments, such as economic and social rights, racism, and the rights of migrants. It also requires avoiding double standards** and remaining open to dialogue and appropriate political compromise. Governments of the global South, in turn, must reconsider their reflexive stand shoulder to shoulder with the oppressors of the world rather than their victims. This misguided solidarity is particularly disappointing in the case of governments such as India and South Africa, which today are democracies that on balance respect the rights of their own people but pursue a foreign policy suggesting that others do not deserve similar rights. Bloc solidarity should not become a substitute for embracing the more fundamental values of human rights. Finally, the new **Obama** administration **must abandon the Bush administration's policy of hyper-sovereignty. It is music to the ears of the governments of China, Russia, and India to hear Washington deflect human rights criticism on sovereignty grounds.** That approach effectively pushes back the clock to an era before the Universal Declaration of Human Rights and the many legal and institutional mechanisms it has spawned. **A radical reappraisal of US policy is urgently needed.** President Obama has promised such changes, and none too soon. The test will be whether he can resist pressures to sustain the Bush-led status quo.

*****And, the link is perception-based – even if the plan doesn't ACTUALLY threaten Russian power, they'll perceive U.S. actions as threatening and a power-play to undercut their influence**

Kuchins 2011

(Andrew Kuchins (Director of the Russia and Eurasia Program at the Center for Strategic and International Studies in Washington, D.C) 8-10-2011 "Reset expectations: Russian assessments of U.S. power", <http://valdaiclub.com/usa/29520.html>)

Russian perceptions of the United States and its role in the world provide a powerful lens not only for framing how Russia conceives its foreign and security policies—far more broadly than U.S. Russia bilateral relations—but also for understanding deeply rooted notions of contemporary Russian identity and even its domestic political system. For most of the second half of the twentieth century the United States and the Soviet Union were locked in a competitive struggle for global power and hegemony, and each country viewed its adversary as the principal "other" around which much of each country's identity and foreign policy revolved. The collapse of the Soviet Union was a searing event for citizens of Russia as well as the other newly sovereign states of the region, **yet for most policymakers and elites in Moscow old habits of measuring success or failure through a U.S.-centric prism have endured. Now, nearly 20 years past the Soviet collapse, perceptions of the United States probably remain more significant for Russia than for any other country in this study.** As in other countries in this study, the dominant paradigm for Russian government officials and political elite is realism with probably a higher relative weight for the value of economic and military indices of power and lower relative weight for factors of soft power. In the traditional Russian calculus (czarist, Soviet, and post-Soviet), **it is not the power of attraction that dominates; instead, it is the power of coercion, typically through intimidation or buying support—a very hard-edged realism. When Westerners emphasize values such as human rights and democracy, the default Russian reaction is deep skepticism that their interlocutors, especially the Americans, are being disingenuous. U.S. promotion of democracy, liberal capitalism, a rules-based system of global governance, and the like is interpreted as a collection of ideological fig leaves designed to conceal the naked U.S. ambition to expand its own power and influence abroad**

U.S. HR cred low due to a lack of legitimacy and credibility – policies increasing HR domestic re-build credibility and result in effective HR promotion abroad

ACS 08

(American Constitution Society for Law and Policy, October, “Human Rights at Home: A Domestic Blueprint for the New Administration, <http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf>)

Reaffirming and implementing the U.S. commitment to human rights at home is critical for two reasons. First, **human rights principles are at the core of America’s founding values**, and Americans (as well as others within our borders or in U.S. custody), no less than others around the world, are entitled to the full benefit of these basic guarantees. That can hardly be open to debate. The **second** reason is perhaps less obvious, but equally compelling. **When the United States fails to practice at home what it preaches to others, it loses credibility and undermines its ability to play an effective leadership role in the world.** **Leading through the power of our example rather than through the example of our power**³ is particularly critical now, at a juncture when the United States needs to **cultivate international cooperation to address pressing issues** – such as the current economic downturn – that have global dimensions. Perhaps not surprisingly, then, an overwhelming majority of Americans strongly embrace the notion of human rights: that is, the idea that every person has basic rights regardless of whether or not the government recognizes those rights.⁴ This Blueprint therefore suggests ways in which the new Administration can take concrete steps to ensure that human rights principles are considered and implemented within the process of **U.S. domestic policymaking**. It does not address in any detail the substance of particular policies in areas such as equality, health care, or the prohibition on torture;⁵ rather, **it identifies and evaluates mechanisms by which human rights principles can be integrated into policymaking in all areas of U.S. domestic policy** where they are relevant. **BACKGROUND** The United States was founded on the human rights principle expressed in the American Declaration of Independence: that we all have certain basic, unalienable rights simply by virtue of our humanity. Declaring rights to be inherent, not based on the generosity of the state, was transformative. Two hundred years later, the United States can point to a tradition of promoting human rights in principle, if not always in practice. The United States was a leader in ending the atrocities of World War II and in developing international institutions and instruments aimed at securing peace in the world and human rights for all people. The Universal Declaration of Human Rights, which celebrates its sixtieth anniversary this year, was inspired in part by Franklin D. Roosevelt’s Four Freedoms speech and drafted in part by Eleanor Roosevelt, the first President of the U.N. Human Rights Commission. Just as the New Deal redefined the concept of “security” at home to include economic security for all Americans, so too these post-war international regimes redefined the notion of “security” internationally to include human security.⁶ Indeed, for Americans, recognition that the gross human rights violations of the Holocaust were intertwined with Nazi aggression underscored the inextricable link between our principles and our national interests. **A robust human rights policy supports the rule of law, democratic institutions, accountability mechanisms for serious abuses, a humane global economy, and U.S. global leadership in reducing violence, instability, and refugee flows.**⁷ Oftentimes, in fact, principled policy directly serves U.S. national interests because it allows us to demand reciprocal treatment of our citizens abroad, as in the case of humane treatment of detainees captured in war. Beyond the concern for reciprocity, the strong bipartisan commitment to human rights that has developed over the last several decades emerges from an understanding that ensuring the enjoyment of human rights at home and around the world serves not only America’s deeply held values but also its national interests. Even so, **there remains a gap between the human rights ideals that the United States professes and its actual domestic practice, resulting in both a gap in credibility and a weakening of U.S. moral authority to lead by example.** Human rights include the right to be free from torture or cruel, inhuman or degrading treatment, and yet the **United States has committed such acts in the name of counterterrorism efforts.** Human rights include the rights to emergency shelter, food, and water, as well as security of person, and yet the United States failed to adequately guarantee these rights in the aftermath of Hurricane Katrina. Human rights include the right to equality of opportunity, and yet inequalities persist in access to housing, education, jobs, and health care. **Human rights include the right to equality in the application of law enforcement measures, and yet** there are **gross racial disparities in the application of the death penalty, and racial and ethnic profiling has been used unfairly to target African Americans, Latinos, and those who appear Arab, Muslim, South Asian, or immigrant** (whether through traffic stops, airport screening, or immigration raids). Human rights include the right to equal pay and gender equality, and yet a pay gap persists between female and male workers. Certainly, **the journey to fully realizing human rights is a work-in-progress, but to**

make progress, we must work – through smart, principled policies that advance the ability of the United States to live up to its own highest ideals.

Increased soft power results in international state-driven HR promotion which is ineffective and spurs backlash over perceived regime change – only the status quo strategy of supporting NGO's can spur effective HR

Bouwman 15

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Protecting Human Rights Defenders The specter that the convergence of human rights and democracy promotion raises is that Western states have established a universal blueprint for what societies should look like, and that they now aim to reform the world in their image – through soft power and international law as much as possible, but even through hard power if necessary. While this suspicion may be exaggerated, the stated universality of human rights and democracy leaves no doubt that their spread is, in principle, an objective of Western governments, even though it is bounded by other, competing interests. It is hard to imagine this objective ever being achieved, but as stated above, the notion that Western actors are pursuing it certainly vexes authoritarian regimes. It also disturbs many, especially in the non-West, who doubt the sincerity of the stated intentions for rights and democracy assistance, and who feel that interference in their national politics diminishes their ability to determine their own future. Some of those objections might of course be disingenuous – the product of government propaganda or self-serving logic. Yet it would be short-sighted to assume that all of them are, as there are good reasons for being skeptical of rights and democracy promotion. As indicated above, recent interventions in the name of human rights and democracy as well as human rights violations on the part of countries that are supposed champions of universal morality have dealt a real blow to Western legitimacy. And crucially, the more that human rights and democracy promotion have been amalgamated and expanded into a comprehensive approach to building better societies, the more this threatens to stifle, rather than encourage, political debate in countries in question. As the historian Samuel Moyn has put it, for the purpose of opposing a regime the 'fiction of moral consensus' may be useful, but 'construction requires political dissensus'. (52) The more extensive and concrete human rights and democracy promotion become, the more they risk preempting debate on the contentious political choices that need to be made, such as the makeup of political institutions or arrangements for social justice. An area that may have the potential to steer human rights and democracy promotion around these objections is the protection and assistance of human rights defenders and their organizations. Human rights defenders represent, in principle, endogenous change. Although support for them may well have broader goals in mind, as long as supporting actors guard against selectivity in terms of recipients and use a wide-ranging definition of what constitutes a human rights defender, they have a strong claim to impartiality. Human rights defenders began receiving serious attention as a category of their own about a decade and a half ago. In 1998, the General Assembly of the United Nations adopted its 'Declaration on Human Rights Defenders', a document that had been in production since 1984. In large part, its adoption was spurred by worries over the plight of human rights defenders in countries that had recently become democracies but now seemed to be receding into authoritarianism. By 1997, 'what enthusiasts at the start of the decade were calling "the worldwide democratic revolution"' had 'cooled considerably'. (53) Many new democracies became 'hybrid regimes' that had some features of democracies – such as elections – and some of authoritarian rule – such as concentration of power. In 2003, a UN expert noted that of the 81 countries that had democratized during the 1980s and 1990s, only 47 were now considered 'fully democratic', while problems persisted in the remaining 34. (54) Human rights defenders – a term generally taken to extend not only to human rights professionals but to anyone taking action in defense of any human right – as a category became subject to new measures designed to suppress their activities. Especially from the mid-2000s, countries like Russia, Ethiopia and Venezuela developed new legal and other measures to stifle civil society, in part because the 'color revolutions' and the Arab Spring demonstrated just how dangerous civil society could be, in particular with the onset of new communications technologies. (55) They specifically targeted international rights and democracy assistance by cutting domestic organizations off from foreign funding and forcing international organizations to register as 'foreign agents', among other measures. Since it was felt that existing mechanisms did not offer the means to counter such policies, the United Nations, states and non-governmental organizations began taking measures to protect human rights defenders. (56) In 2000, a UN Special Rapporteur was

appointed to deal with the issue. In 2006, the U.S. State Department established a Human Rights Defenders Fund. The 2007 Dutch human rights strategy prominently featured human rights defenders, as did the strategies that followed it. In 2008, the European Union adopted special Guidelines to instruct member states on how they could best protect and assist human rights defenders. As mentioned above, in 2013 President Obama headed an initiative at the United Nations to counter the closing of space for civil society organizations. Dutch policy has aimed to safeguard above all the physical safety of human rights defenders and to free them from intimidation. This has taken the form, for instance, of the Shelter City project, which allows the relocation of human rights defenders under threat to the Netherlands for a period of three months. (57) In order to preserve its political independence, the ministry limits its involvement to co-funding, opting to have the non-governmental organization Justice and Peace Netherlands execute the project. The selection of participants takes place on the recommendation of an advisory committee in which the ministry has one of the four seats, but Justice and Peace none. During its first year of operation, four human rights defenders participated in the program, and it was set to be ramped up in subsequent years. In 2012, a consultancy firm hired by the European Commission found that across the 27 member states of the European Union, there existed close to 200 temporary shelter places per year. (58) The U.S. State Department co-founded a similar initiative in 2011, called the Lifeline: Embattled Civil Society Organizations (CSOs) Assistance Fund, a multilateral mechanism supported by eleven (now seventeen) like-minded governments, including the Netherlands, and two major American foundations as funders, and a consortium of seven non-governmental organizations (NGOs) to execute the project. In addition to providing emergency support, including funds for relocation and security assistance, the fund supports short-term advocacy efforts to raise attention to violations of the freedom of association and assembly. The activities of the fund are carried out by the NGO consortium, a decision made by the donors to depoliticize the assistance provided through the fund, which reports on activities and outcomes to the donors each quarter. Carrying out the activities through the NGO consortium ensures the global scope of activities, while the inclusion of countries such as Chile and Mongolia shows the wide extent of diplomatic support for the work of Lifeline. (59) By its latest tally, the Lifeline fund had provided assistance to 446 civil society organizations in 85 countries. (60) Conclusion In the post-Cold War era,

human rights and democracy promotion have become increasingly interwoven. In terms of human rights promotion, the Netherlands, both in rhetoric and in practice, has clearly steered a more reticent course than the United States; perhaps not coincidentally, the country is home to one of the largest national sections of Amnesty International. Nevertheless, in Dutch foreign policy, too, human rights promotion has to some extent become interwoven with promoting democracy. The formulation of European foreign policy has exerted a strong pull in this direction and will continue to do so. The crackdown that human rights defenders have experienced since the late 1990s and especially since the mid-2000s was, in part, a response precisely to the amalgamation of human rights and democracy promotion into an increasingly far-reaching project on the part of Western states. As sovereignty has become more and more

conditional on compliance with the values and norms of human rights and democracy, states disputing those international standards have pushed back against international rights and democracy assistance as well as domestic individuals and organizations representing these

causes. While to a significant extent this was a matter of authoritarian leaders striving to maintain power, the widening of the agenda of human rights and democracy promotion and especially its deployment as a justification for military interventions also generated legitimate objections. The association of human rights with democracy promotion has politicized the former, and their association with war has done substantial damage to the legitimacy of both concepts. Measures to protect human rights defenders have largely been a response to the challenge of crackdown by authoritarian regimes. Yet it might be in precisely this area that the promotion of human rights might reclaim its relatively apolitical status. The minimalism of policies that protect human rights defenders – aiming simply to keep endogenous voices for change from being silenced – gives them greater legitimacy than more ambitious forms of human rights and democracy promotion. Insofar as these specific policies have become a priority, they signal a return to a less politicized way of promoting human rights, more in line with the original ethos of Amnesty International than with the zeal of the NED. This could provide a way in which to separate human rights and democracy promotion from each other once again, for the betterment of both. Policies aimed at protecting

human rights defenders must be reconciled with the legacy of Western states elevating civil and political rights over social, economic and cultural rights – to an important extent a legacy of the Cold War. The phrase ‘human rights defender’ in effect leads to a just such a focus on a set of civil and political rights, such as the right to freedom of opinion and expression, the right to freedom of association, and the right to protest. Since the end of the Cold War, however, Western states have subscribed to the indivisibility and interdependency of human rights. (61)

Amnesty has embraced the full spectrum of human rights. Nevertheless, a tendency to focus on civil and political rights has persisted. It is, then, all the more important to ensure that the individual human rights defenders that states focus their efforts on are engaged in furthering not only civil and political rights, but also social, economic and cultural rights. These rights may not resonate as strongly among the Western public, but are widely affirmed as equal in importance. Moreover, aiding human rights defenders in raising an issue like land rights will help to counter the notion that Western rights and democracy assistance goes hand in hand with the promotion of corporate interests that hurt local populations. For instance, by aiding activists who work against expropriation of local farmers, Western actors can prove that their concern extends across the full array of human rights. UN Special Rapporteur Margaret Sekaggya provided an important impetus in this direction in her 2012 report, which noted ‘Defenders working on land and environmental issues’ as one of the most at-risk groups of human rights defenders and called for their protection. (62) Furthermore, as the examples in the previous section show, the legitimacy of human rights as well as democracy promotion can be improved by reaching

out in new ways. Policies to protect human rights defenders are now increasingly the work of coalitions, not only of states but also of non-governmental organizations, municipalities, and even corporations. Heavier investment in international non-governmental organizations stands as a possible way for states to enact policies that enjoy greater legitimacy. In this way states can avoid direct ties with organizations in countries with authoritarian governments. The NED’s Gershman noted in 2008 that ‘[i]t is appropriate for the U.S. to seek the democratic transformation of states that foster extremism, but linking official U.S. policy and diplomacy so closely to this effort has a number of serious drawbacks.’ (63) For instance, because of their permanent engagement through bilateral relationships, states can never claim the impartiality of non-governmental organizations, nor can they single-mindedly pursue democratization or human rights. Cooperating with other actors will not placate those who class all rights and assistance activities as foreign interference, but it does help to show the breadth of support for these areas. The Dutch government’s innovation of trilateral cooperation is a particularly promising instrument in this regard, as it draws on the legitimacy and expertise of regional partners. Projects like Shelter City and Lifeline stand as important case-studies for the further development of a more network-based, multilateral and indirect approach – and similar projects are underway, not only in the West, but also locally and regionally, for instance the East and Horn of Africa Human Rights Defenders Project. A corollary of focusing in this area is to keep shifting the ultimate emphasis as much as possible to local partners. This applies to human rights promotion but also to processes of democratization that may of course be enabled by it. As a 2008 report by the Overseas Development Institute noted, ‘[t]he impetus for democratisation must come from within’. (64) This is so not only for the sake of efficacy, but also for the sake of legitimacy

(which are, of course, interrelated, since a project viewed as illegitimate will be more vulnerable to countervailing forces). Herein lies, perhaps, the greatest challenge for human rights promotion as a state-initiated project: to succeed in the long term, as a manifestation of a truly universal desire for dignity, it must seriously engage with local partners and allow them to not only use the resources that assistance affords to their needs, but also to contribute to setting the agenda. This means returning to the ethos of human rights as an apolitical project, aimed at countering repression and thereby empowering people to realize their ambitions as autonomously as possible.

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And, Russia and China can only deflect HR blame now because of a lack of U.S. credibility – the plan restores the credibility and makes pressure effective

Roth 9

(Kenneth, Kenneth Roth is executive director of Human Rights Watch, Graduate of Yale Law School and Brown University, "Taking Back the Initiative from the Human Rights Spoilers," pg online @ <http://www.hrw.org/world-report-2009/taking-back-initiative-human-rights-spoilers> //um-ef)

Shifts in global power have emboldened spoiler governments in international forums to challenge human rights as a "Western" or "imperialist" imposition. The force of China's authoritarian example and the oil-fueled muscle of Russia have made it easier to reject human rights principles. The moral standing of a country like South Africa by virtue of its own dark past means that its challenge to the international human rights agenda is influential. Nevertheless, governments that care about human rights worldwide retain enough clout to build a broad coalition to fight repression if they are willing to use it. Instead, these governments have largely abandoned the field. Succumbing to competing interests and credibility problems of their own making, they have let themselves be outmaneuvered and sidelined in UN venues such as the Security Council and the Human Rights Council, and in the policy debates that shape multilateral diplomacy toward Burma, Darfur, Sri Lanka, Zimbabwe, and other trouble spots. For the United States, that withdrawal is the logical consequence of the Bush administration's decision to combat terrorism without regard to the basic rights not to be subjected to torture, "disappearance," or detention without trial. Against that backdrop, Washington's periodic efforts to discuss rights have been undercut by justifiable accusations of hypocrisy. Reversing that ugly record must be a first priority for the new administration of Barack Obama if the US government is to assume a credible leadership role on human rights. Washington's frequent abdication has often forced the European Union to act on its own. Sometimes it has done so admirably, such as after the Russia-Georgia conflict, when its deployment of monitors eased tensions and helped protect civilians, or in eastern Chad, where it sent 3,300 troops as part of a UN civilian protection mission. But the EU did a poor job of projecting its influence more broadly, to places like Burma, Somalia, or the Democratic Republic of Congo. It often sought to avoid the political fallout of doing nothing by hiding behind a cumbersome EU decision-making process that favors inaction. Moreover, its frequent reluctance to stand up to the Bush administration in protest against abusive counterterrorism policies opened the EU to charges of double standards that poisoned the global debate on human rights and made it easier for spoilers to prevail. The US and the EU are not the only ones promoting human rights abroad. Increasingly, some governments in Latin America, Africa, and Asia can be looked to for support on international rights initiatives. Those that stand out include Argentina, Chile, Costa Rica, Mexico, and Uruguay in Latin America, and Botswana, Ghana, Liberia, and Zambia in Africa. In Asia, Japan and South Korea tend to be sympathetic to rights but are generally reluctant to take strong public positions. Yet forced to act without the firm and consistent backing of the major Western democracies, these important voices are rarely able to mount on their own a major international diplomatic effort to address serious human rights abuses. Even the best-intentioned middle-sized powers cannot forge a solution to the world's most repressive situations without the partnership of the larger Western powers that still dominate the United Nations, have large and active diplomatic corps, and can deploy substantial military and economic resources. So by default, those often setting the human rights agenda in international forums are opponents of human rights enforcement-governments of nations such as Algeria, China, Egypt, India, Pakistan, and Russia. They want to return to an era when the defense of human rights was left to the discretion of each government, and violations carried little international cost. To resist that aspiration will take a determination that too often has been lacking. First, because the most effective human rights advocacy is by example, governments hoping to defend human rights elsewhere must commit themselves to respect those rights in their own conduct. As described in more detail below, that means, in the counterterrorism realm, a definitive end to such abuses as the use of torture and other coercive interrogation techniques, the "disappearance" of suspects in secret detention facilities, and the long-term detention of suspects without trial-as well as a willingness to speak out immediately if any government, including a close ally, resumes these practices. It also means addressing such persistent abuses as racism in the

criminal justice system, mistreatment of migrants, or use of the death penalty. Second, as in the case of any serious human rights violation, offenders must be held to account. For example, only by investigating, acknowledging, and repudiating the wrongdoing that has occurred, prosecuting serious crimes, and taking remedial steps to ensure that these abuses never recur, will Washington begin to build credibility as a government that practices what it preaches in the human rights realm. Third, serious efforts must be undertaken to build a broad global coalition in support of human rights. In the case of the United States, it should seek to rejoin multilateral institutions such as the UN Human Rights Council and ratify key treaties such as those on women's and children's rights, enforced disappearances, cluster munitions, and antipersonnel landmines. It should adopt a policy of embracing the rule of law by re-signing the International Criminal Court treaty, actively supporting the court, and initiating a process for ultimate ratification. And it should actively support—politically, financially, and militarily—multilateral efforts to protect civilians from mass atrocities. In the case of both the European Union and the United States, vigorous efforts should be made to reach out to governments of the global South, especially those that largely respect human rights at home but continue to resist the defense of human rights in their foreign policy. That requires addressing issues of particular concern to Southern governments, such as economic and social rights, racism, and the rights of migrants. It also requires avoiding double standards and remaining open to dialogue and appropriate political compromise. Governments of the global South, in turn, must reconsider their reflexive stand shoulder to shoulder with the oppressors of the world rather than their victims. This misguided solidarity is particularly disappointing in the case of governments such as India and South Africa, which today are democracies that on balance respect the rights of their own people but pursue a foreign policy suggesting that others do not deserve similar rights. Bloc solidarity should not become a substitute for embracing the more fundamental values of human rights. Finally, the new Obama administration must abandon the Bush administration's policy of hyper-sovereignty. It is music to the ears of the governments of China, Russia and India to hear Washington deflect human rights criticism on sovereignty grounds. That approach effectively pushes back the clock to an era before the Universal Declaration of Human Rights and the many legal and institutional mechanisms it has spawned. A radical reappraisal of US policy is urgently needed. President Obama has promised such changes, and none too soon. The test will be whether he can resist pressures to sustain the Bush-led status quo.

*****And, the link is perception-based – even if the plan doesn't ACTUALLY threaten Russian power, they'll perceive U.S. actions as threatening and a power-play to undercut their influence**

Kuchins 2011

(Andrew Kuchins (Director of the Russia and Eurasia Program at the Center for Strategic and International Studies in Washington, D.C.) 8-10-2011 "Reset expectations: Russian assessments of U.S. power", <http://valdaiclub.com/usa/29520.html>)

Russian perceptions of the United States and its role in the world provide a powerful lens not only for framing how Russia conceives its foreign and security policies—far more broadly than U.S. Russia bilateral relations—but also for understanding deeply rooted notions of contemporary Russian identity and even its domestic political system. For most of the second half of the twentieth century the United States and the Soviet Union were locked in a competitive struggle for global power and hegemony, and each country viewed its adversary as the principal "other" around which much of each country's identity and foreign policy revolved. The collapse of the Soviet Union was a searing event for citizens of Russia as well as the other newly sovereign states of the region, yet for most policymakers and elites in Moscow old habits of measuring success or failure through a U.S.-centric prism have endured. Now, nearly 20 years past the Soviet collapse, perceptions of the United States probably remain more significant for Russia than for any other country in this study. As in other countries in this study, the dominant paradigm for Russian government officials and political elite is realism with probably a higher relative weight for the value of economic and military indices of power and lower relative weight for factors of soft power. In the traditional Russian calculus (czarist, Soviet, and post-Soviet), it is not the power of attraction that dominates; instead, it is the power of coercion, typically through intimidation or buying support—a very hard-edged realism. When Westerners emphasize values such as human rights and democracy, the default Russian reaction is deep skepticism that their interlocutors, especially the Americans, are being disingenuous. U.S. promotion of democracy, liberal capitalism, a rules-based system of global governance, and the like is interpreted as a collection of ideological fig leaves designed to conceal the naked U.S. ambition to expand its own power and influence abroad

U.S. HR cred low due to a lack of legitimacy and credibility – policies increasing HR domestic re-build credibility and result in effective HR promotion abroad

ACS 08

(American Constitution Society for Law and Policy, October, “Human Rights at Home: A Domestic Blueprint for the New Administration, <http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf>)

Reaffirming and implementing the U.S. commitment to human rights at home is critical for two reasons. First, **human rights principles are at the core of America’s founding values**, and Americans (as well as others within our borders or in U.S. custody), no less than others around the world, are entitled to the full benefit of these basic guarantees. That can hardly be open to debate. The **second** reason is perhaps less obvious, but equally compelling. **When the United States fails to practice at home what it preaches to others, it loses credibility and undermines its ability to play an effective leadership role in the world.** Leading through the power of our example rather than through the example of our power³ is particularly critical now, at a juncture when the United States needs to **cultivate international cooperation to address pressing issues** – such as the current economic downturn – that have global dimensions. Perhaps not surprisingly, then, an overwhelming majority of Americans strongly embrace the notion of human rights: that is, the idea that every person has basic rights regardless of whether or not the government recognizes those rights.⁴ This Blueprint therefore suggests ways in which the new Administration can take concrete steps to ensure that human rights principles are considered and implemented within the process of **U.S. domestic policymaking**. It does not address in any detail the substance of particular policies in areas such as equality, health care, or the prohibition on torture;⁵ rather, **it identifies and evaluates mechanisms by which human rights principles can be integrated into policymaking in all areas of U.S. domestic policy** where they are relevant. BACKGROUND The United States was founded on the human rights principle expressed in the American Declaration of Independence: that we all have certain basic, unalienable rights simply by virtue of our humanity. Declaring rights to be inherent, not based on the generosity of the state, was transformative. Two hundred years later, the United States can point to a tradition of promoting human rights in principle, if not always in practice. The United States was a leader in ending the atrocities of World War II and in developing international institutions and instruments aimed at securing peace in the world and human rights for all people. The Universal Declaration of Human Rights, which celebrates its sixtieth anniversary this year, was inspired in part by Franklin D. Roosevelt’s Four Freedoms speech and drafted in part by Eleanor Roosevelt, the first President of the U.N. Human Rights Commission. Just as the New Deal redefined the concept of “security” at home to include economic security for all Americans, so too these post-war international regimes redefined the notion of “security” internationally to include human security.⁶ Indeed, for Americans, recognition that the gross human rights violations of the Holocaust were intertwined with Nazi aggression underscored the inextricable link between our principles and our national interests. **A robust human rights policy supports the rule of law, democratic institutions, accountability mechanisms for serious abuses, a humane global economy, and U.S. global leadership in reducing violence, instability, and refugee flows.**⁷ Oftentimes, in fact, principled policy directly serves U.S. national interests because it allows us to demand reciprocal treatment of our citizens abroad, as in the case of humane treatment of detainees captured in war. Beyond the concern for reciprocity, the strong bipartisan commitment to human rights that has developed over the last several decades emerges from an understanding that ensuring the enjoyment of human rights at home and around the world serves not only America’s deeply held values but also its national interests. Even so, **there remains a gap between the human rights ideals that the United States professes and its actual domestic practice, resulting in both a gap in credibility and a weakening of U.S. moral authority to lead by example.** Human rights include the right to be free from torture or cruel, inhuman or degrading treatment, and yet the **United States has committed such acts in the name of counterterrorism efforts.** Human rights include the rights to emergency shelter, food, and water, as well as security of person, and yet the United States failed to adequately guarantee these rights in the aftermath of Hurricane Katrina. Human rights include the right to equality of opportunity, and yet inequalities persist in access to housing, education, jobs, and health care. **Human rights include the right to equality in the application of law enforcement measures, and yet** there are **gross racial disparities in the application of the death penalty, and racial and ethnic profiling has been used unfairly to target African Americans, Latinos, and those who appear Arab, Muslim, South Asian, or immigrant** (whether through traffic stops, airport screening, or immigration raids). Human rights include the right to equal pay and gender equality, and yet a pay gap persists between female and male workers. Certainly, **the journey to fully realizing human rights is a work-in-progress, but to make progress, we must work – through smart, principled policies that advance the ability of the United States to live up to its own highest ideals.**

Increased soft power results in international state-driven HR promotion which is ineffective and spurs backlash over perceived regime change – only the status quo strategy of supporting NGO's can spur effective HR

Bouwman 15

(Bastiaan Bouwman is pursuing a doctorate in the international history of human rights, at the London School of Economics. He received his research MA in history from the University of Amsterdam. Previously, Bastiaan was a junior scholar at the Woodrow Wilson International Center for Scholars and worked on the Shelter City project of Justice and Peace Netherlands, pg online @ [//um-ef\)](http://www.humanityinaction.org/knowledgebase/579-uncomfortable-bedfellows-why-human-rights-and-democracy-promotion-are-better-off-separate)

Protecting Human Rights Defenders The specter that the convergence of human rights and democracy promotion raises is that Western states have established a universal blueprint for what societies should look like, and that they now aim to reform the world in their image - through soft power and international law as much as possible, but even through hard power if necessary. While this suspicion may be exaggerated, the stated universality of human rights and democracy leaves no doubt that their spread is, in principle, an objective of Western governments, even though it is bounded by other, competing interests. It is hard to imagine this objective ever being achieved, but as stated above, the notion that Western actors are pursuing it certainly vexes authoritarian regimes. It also disturbs many, especially in the non-West, who doubt the sincerity of the stated intentions for rights and democracy assistance, and who feel that interference in their national politics diminishes their ability to determine their own future. Some of those objections might of course be disingenuous – the product of government propaganda or self-serving logic. Yet it would be short-sighted to assume that all of them are, as there are good reasons for being skeptical of rights and democracy promotion. As indicated above, recent interventions in the name of human rights and democracy as well as human rights violations on the part of countries that are supposed champions of universal morality have dealt a real blow to Western legitimacy. And crucially, the more that human rights and democracy promotion have been amalgamated and expanded into a comprehensive approach to building better societies, the more this threatens to stifle, rather than encourage, political debate in countries in question. As the historian Samuel Moyn has put it, for the purpose of opposing a regime the 'fiction of moral consensus' may be useful, but 'construction requires political dissensus'. (52) The more extensive and concrete human rights and democracy promotion become, the more they risk preempting debate on the contentious political choices that need to be made, such as the makeup of political institutions or arrangements for social justice. An area that may have the potential to steer human rights and democracy promotion around these objections is the protection and assistance of human rights defenders and their organizations. Human rights defenders represent, in principle, endogenous change. Although support for them may well have broader goals in mind, as long as supporting actors guard against selectivity in terms of recipients and use a wide-ranging definition of what constitutes a human rights defender, they have a strong claim to impartiality. Human rights defenders began receiving serious attention as a category of their own about a decade and a half ago. In 1998, the General Assembly of the United Nations adopted its 'Declaration on Human Rights Defenders', a document that had been in production since 1984. In large part, its adoption was spurred by worries over the plight of human rights defenders in countries that had recently become democracies but now seemed to be receding into authoritarianism. By 1997, 'what enthusiasts at the start of the decade were calling "the worldwide democratic revolution" had 'cooled considerably'. (53) Many new democracies became 'hybrid regimes' that had some features of democracies – such as elections – and some of authoritarian rule – such as concentration of power. In 2003, a UN expert noted that of the 81 countries that had democratized during the 1980s and 1990s, only 47 were now considered 'fully democratic', while problems persisted in the remaining 34. (54) Human rights defenders – a term generally taken to extend not only to human rights professionals but to anyone taking action in defense of any human right – as a category became subject to new measures designed to suppress their activities. Especially from the mid-2000s, countries like Russia, Ethiopia and Venezuela developed new legal and other measures to stifle civil society, in part because the 'color revolutions' and the Arab Spring demonstrated just how dangerous civil society could be, in particular with the onset of new communications technologies. (55) They specifically targeted international rights and democracy assistance by cutting domestic organizations off from foreign funding and forcing international organizations to register as 'foreign agents', among other measures. Since it was felt that existing mechanisms did not offer the means to counter such policies, the United Nations, states and non-governmental organizations began taking measures to protect human rights defenders. (56) In 2000, a UN Special Rapporteur was appointed to deal with the issue. In 2006, the U.S. State Department established a Human Rights Defenders Fund. The 2007 Dutch human rights strategy prominently featured human rights defenders, as did the strategies that followed it. In 2008, the European Union adopted special Guidelines to instruct member states on how they could best protect and assist human rights defenders. As mentioned above, in 2013 President Obama headed an initiative at the United Nations to counter the closing of space for civil society organizations. Dutch policy has aimed to safeguard above all the physical safety of human rights defenders and to free them from intimidation. This has taken the form, for

instance, of the Shelter City project, which allows the relocation of human rights defenders under threat to the Netherlands for a period of three months. (57) In order to preserve its political independence, the ministry limits its involvement to co-funding, opting to have the non-governmental organization Justice and Peace Netherlands execute the project. The selection of participants takes place on the recommendation of an advisory committee in which the ministry has one of the four seats, but Justice and Peace none. During its first year of operation, four human rights defenders participated in the program, and it was set to be ramped up in subsequent years. In 2012, a consultancy firm hired by the European Commission found that across the 27 member states of the European Union, there existed close to 200 temporary shelter places per year. (58) The U.S. State Department co-founded a similar initiative in 2011, called the Lifeline: Embattled Civil Society Organizations (CSOs) Assistance Fund, a multilateral mechanism supported by eleven (now seventeen) like-minded governments, including the Netherlands, and two major American foundations as funders, and a consortium of seven non-governmental organizations (NGOs) to execute the project. In addition to providing emergency support, including funds for relocation and security assistance, the fund supports short-term advocacy efforts to raise attention to violations of the freedom of association and assembly. The activities of the fund are carried out by the NGO consortium, a decision made by the donors to depoliticize the assistance provided through the fund, which reports on activities and outcomes to the donors each quarter. Carrying out the activities through the NGO consortium ensures the global scope of activities, while the inclusion of countries such as Chile and Mongolia shows the wide extent of diplomatic support for the work of Lifeline. (59) By its latest tally, the Lifeline fund had provided assistance to 446 civil society organizations in 85 countries. (60) Conclusion In the post-Cold War era,

human rights and democracy promotion have become increasingly interwoven. In terms of human rights promotion, the Netherlands, both in rhetoric and in practice, has clearly steered a more reticent course than the United States; perhaps not coincidentally, the country is home to one of the largest national sections of Amnesty International. Nevertheless, in Dutch foreign policy, too, human rights promotion has to some extent become interwoven with promoting democracy. The formulation of European foreign policy has exerted a strong pull in this direction and will continue to do so. The crackdown that human rights defenders have experienced since the late 1990s and especially since the mid-2000s was, in part, a response precisely to the amalgamation of human rights and democracy promotion into an increasingly far-reaching project on the part of Western states. As sovereignty has become more and more

conditional on compliance with the values and norms of human rights and democracy, states disputing those international standards have pushed back against international rights and democracy assistance as well as domestic individuals and organizations representing these

causes. While to a significant extent this was a matter of authoritarian leaders striving to maintain power, the widening of the agenda of human rights and democracy promotion and especially its deployment as a justification for military interventions also generated legitimate objections. The association of human rights with democracy promotion has politicized the former, and their association with war has done substantial damage to the legitimacy of both concepts. Measures to protect human rights defenders have largely been a response to the challenge of crackdown by authoritarian regimes. Yet it might be in precisely this area that the promotion of human rights might reclaim its relatively apolitical status. The minimalism of policies that protect human rights defenders – aiming simply to keep endogenous voices for change from being silenced – gives them greater legitimacy than more ambitious forms of human rights and democracy promotion. Insofar as these specific policies have become a priority, they signal a return to a less politicized way of promoting human rights, more in line with the original ethos of Amnesty International than with the zeal of the NED. This could provide a way in which to separate human rights and democracy promotion from each other once again, for the betterment of both. Policies aimed at protecting

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(American Constitution Society for Law and Policy, October, “Human Rights at Home: A Domestic Blueprint for the New Administration, <http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf>)

Reaffirming and implementing the U.S. commitment to human rights at home is critical for two reasons. First, **human rights principles are at the core of America’s founding values**, and Americans (as well as others within our borders or in U.S. custody), no less than others around the world, are entitled to the full benefit of these basic guarantees. That can hardly be open to debate. The **second** reason is perhaps less obvious, but equally compelling. **When the United States fails to practice at home what it preaches to others, it loses credibility and undermines its ability to play an effective leadership role in the world.** Leading through the power of our example rather than through the example of our power³ is particularly critical now, at a juncture when the United States needs to cultivate international cooperation to address pressing issues – such as the current economic downturn – that have global dimensions. Perhaps not surprisingly, then, an overwhelming majority of Americans strongly embrace the notion of human rights: that is, the idea that every person has basic rights regardless of whether or not the government recognizes those rights.⁴ This Blueprint therefore suggests ways in which the new Administration can take concrete steps to ensure that human rights principles are considered and implemented within the process of **U.S. domestic policymaking**. It does not address in any detail the substance of particular policies in areas such as equality, health care, or the prohibition on torture;⁵ rather, **it identifies and evaluates mechanisms by which human rights principles can be integrated into policymaking in all areas of U.S. domestic policy** where they are relevant. BACKGROUND The United States was founded on the human rights principle expressed in the American Declaration of Independence: that we all have certain basic, unalienable rights simply by virtue of our humanity. Declaring rights to be inherent, not based on the generosity of the state, was transformative. Two hundred years later, the United States can point to a tradition of promoting human rights in principle, if not always in practice. The United States was a leader in ending the atrocities of World War II and in developing international institutions and instruments aimed at securing peace in the world and human rights for all people. The Universal Declaration of Human Rights, which celebrates its sixtieth anniversary this year, was inspired in part by Franklin D. Roosevelt’s Four Freedoms speech and drafted in part by Eleanor Roosevelt, the first President of the U.N. Human Rights Commission. Just as the New Deal redefined the concept of “security” at home to include economic security for all Americans, so too these post-war international regimes redefined the notion of “security” internationally to include human security.⁶ Indeed, for Americans, recognition that the gross human rights violations of the Holocaust were intertwined with Nazi aggression underscored the inextricable link between our principles and our national interests. **A robust human rights policy supports the rule of law, democratic institutions, accountability mechanisms for serious abuses, a humane global economy, and U.S. global leadership in reducing violence, instability, and refugee flows.**⁷ Oftentimes, in fact, principled policy directly serves U.S. national interests because it allows us to demand reciprocal treatment of our citizens abroad, as in the case of humane treatment of detainees captured in war. Beyond the concern for reciprocity, the strong bipartisan commitment to human rights that has developed over the last several decades emerges from an understanding that ensuring the enjoyment of human rights at home and around the world serves not only America’s deeply held values but also its national interests. Even so, **there remains a gap between the human rights ideals that the United States professes and its actual domestic practice, resulting in both a gap in credibility and a weakening of U.S. moral authority to lead by example.** Human rights include the right to be free from torture or cruel, inhuman or degrading treatment, and yet the **United States has committed such acts in the name of counterterrorism efforts.** Human rights include the rights to emergency shelter, food, and water, as well as security of person, and yet the United States failed to adequately guarantee these rights in the aftermath of Hurricane Katrina. Human rights include the right to equality of opportunity, and yet inequalities persist in access to housing, education, jobs, and health care. **Human rights include the right to equality in the application of law enforcement measures, and yet** there are gross racial disparities in the application of the death penalty, and racial and ethnic profiling has been used unfairly to target African Americans, Latinos, and those who appear Arab, Muslim, South Asian, or immigrant (whether through traffic

stops, airport screening, or immigration raids). Human rights include the right to equal pay and gender equality, and yet a pay gap persists between female and male workers. Certainly, the journey to fully realizing human rights is a work-in-progress, but to make progress, we must work – through smart, principled policies that advance the ability of the United States to live up to its own highest ideals.

And, we'll win a new link here – increased credibility means NGO's are MORE EFFECTIVE at pushing HR policies – U.S. credibility ensures a more effective international push

Weisbrot '09 (Mark, Co-Director of the Center for Economic and Policy Research in Washington, D.C. He received his Ph.D. in economics from the University of Michigan, "Washington's Lost Credibility on Human Rights", Center for Economic and Policy Research, <http://www.cepr.net/publications/op-eds-columns/washingtons-lost-credibility-on-human-rights>, 3/12/2009)//HW

U.S.-based human rights organizations will undoubtedly see the erosion of Washington's credibility on these issues as a loss – and understandably so, since the United States is still a powerful country, and they hope to use this power to pressure other countries on human rights issues. But they too should be careful to avoid the kind of politicization that has earned notoriety for the State Department's annual report – which clearly discriminates between allies and "adversary" countries in its evaluations.

And, reversing U.S. hypocritical policies in the War on Terror is the essential place to start – re-builds U.S. credibility and brings allied cooperation together for an effective coalition on rights to pressure the holdouts like Russia and China

Roth 9

(Kenneth, Executive director of Human Rights Watch, Prior to joining Human Rights Watch in 1987, Roth served as a federal prosecutor in New York and for the Iran-Contra investigation in Washington, DC. A graduate of Yale Law School and Brown University, Roth has conducted numerous human rights investigations and missions around the world. He has written extensively on a wide range of human rights abuses, "Taking Back the Initiative from the Human Rights Spoilers," pg online @ <http://www.hrw.org/world-report-2009/taking-back-initiative-human-rights-spoilers> //um-ef)

The Disastrous Bush Years As noted, the rise of the spoilers would have had less impact without an abdication of leadership by governments that traditionally hold themselves forth as defenders of human rights. No government bears greater blame for this abdication than the United States under President

George W. Bush. As is widely known, the Bush administration chose to respond to the serious security challenge of

terrorism by ignoring the most basic requirements of international human rights law. Its decision, made not by low-level "bad apples" but at the highest levels of government, was to "disappear" suspects into secret detention facilities run by the Central Intelligence Agency (CIA) where their detention was unacknowledged, subject them to torture and other abusive interrogation including "waterboarding" (mock execution by drowning) and various "stress" techniques, and detain them for years on end without charge or trial at Guantanamo. The consequences have been disastrous. This

flouting of international human rights law generated resentment that was a boon to terrorist recruiters, and discouraged international cooperation with law-enforcement efforts, particularly in countries that are most likely to identify with the victims and to learn of suspicious activity. The

Bush administration's misconduct profoundly undermined US influence on human rights. Sometimes Washington could still productively promote human rights: when the issue was the right to free speech or association, which is still widely respected in the United States; when the US government enjoyed the added leverage of a major funding relationship with the government in question; or when the atrocities were so massive, such as widespread ethnic or political slaughter, that the United States could oppose them without facing accusations of hypocrisy. More typically, however, when the issue was human

rights abuses that the Bush administration practiced itself, the United States was forced to cede the field. Nowhere was this more visible than at the Human Rights Council. Washington rightly criticized the many shortcomings of this new institution, but as explained in more detail below, it is far from a lost cause. Rather than work to realize its considerable potential, the Bush administration abandoned it from the start. In part that may have been a concession to reality, since given the Bush administration's human rights record, the United States would have had a hard time getting elected. But a good part of the motivation seems to have been the Bush administration's arrogant approach to multilateral institutions.

Instead of undertaking the difficult but essential task of building a broad global coalition for human rights, Washington tended to throw rhetorical grenades from the sidelines when it did not get its way. With one of the human rights movement's most powerful traditional allies having given up without a fight, it is no surprise that those allies who

remain on the council face an uphill struggle. The Failure to Seize the Initiative As noted, the spoilers have taken center stage on global policy debates about human rights in part because the major rights-respecting democracies have chosen to hide in the wings. Of course, many of those democracies have never been consistent defenders of human rights, with their long

history of closing their eyes to, and sometimes sponsoring, abuses by allies and strategic partners. But the hopes that the new century would usher in foreign policies built on a consistent and principled defense of human rights have been dashed by compromises made in the fight against terrorism and by a disappointing lack of commitment. Recent years have seen a particularly feeble performance. Increasingly, these governments seem to consign the promotion of human rights to relations with pariahs and adversaries. In some cases of bilateral ineffectiveness,

the United States bore principal responsibility. For example: Washington provided massive assistance to the Pakistani military while doing little to rein in its Inter-Services Intelligence's use of torture and the "disappearance" of suspects. Indeed, the CIA worked closely with Pakistani intelligence forces, taking custody of suspected terrorists and interrogating them in secret prisons. The Pakistani judiciary's principled insistence on probing into these enforced disappearances, as well as its apparent unwillingness to bless General Musharraf's election as president while still a member of the army, is what led Musharraf to depose the chief justice, Iftikhar Chaudhry, and other high court judges. Washington did little to press for their restoration or to call on Musharraf to subject himself to the rule of law. Musharraf ultimately resigned under domestic pressure, but efforts to hold him accountable for his lawlessness were stymied by Washington's paramount concern that its close ally not be humiliated. Ethiopia has among the worst human rights records in Africa. Its troops have used scorched-earth counterinsurgency policies, including strangling people and burning villages, to displace rural villagers in the ethnic Somali Ogaden region. In Somalia, Ethiopian forces have indiscriminately shelled densely populated urban areas and tortured and executed alleged supporters of insurgent groups. Meanwhile, the Ethiopian government has used violence and arbitrary detention to suppress peaceful dissent at home. Yet as an important regional ally in the fight against terrorism, Ethiopia is the beneficiary of some US\$700 million annually from the US government-and of a notable public silence from Washington about these atrocities. Washington in 2005 briefly demonstrated its ability to gain human rights concessions from the Egyptian government, but it backed off its push for reform when parliamentary elections gave the Muslim Brotherhood big wins. With the restoration of unconditional support-Egypt remains the world's second largest recipient of US aid-the government has reverted to arresting and beating democracy activists, including thousands of members of the Muslim Brotherhood; prosecuting journalists, publishers, and writers who have called for free elections or even commented on President Hosni Mubarak's health; committing widespread torture; mistreating refugees by forcibly returning many to Eritrea and Sudan; and murdering since 2007 at least 32 migrants trying to cross into Israel. In other cases, the European Union or its member states were most at fault for a weak response to serious human rights abuses: The EU imposed sanctions-an arms embargo and visa restrictions for select senior officials-on Uzbekistan following the 2005 massacre of demonstrators in the town of Andijan. Since then, the EU's Uzbekistan policy has been a case study in capitulation. Initially EU sanctions were conditioned on Tashkent's agreement to an independent international investigation of the slaughter. The Uzbek government refused and, instead, arrested witnesses to the killings and forced them to exculpate the government. Nevertheless, the EU gradually weakened the sanctions, justifying its moves as "constructive gestures" to encourage the Uzbek government to undertake necessary reforms. To its credit, the EU tied the sanctions to the release of all imprisoned human rights defenders. But when Tashkent refused, the EU shrugged its shoulders and lifted the sanctions anyway. Among the examples of "progress" cited to justify this surrender was that Tashkent had released some political prisoners even as it imprisoned others, and had held a seminar on media freedom despite the lack of any actual media freedom in Uzbekistan. When the International Criminal Court's prosecutor sought an arrest warrant for Sudanese President Omar al-Bashir, Bashir tacitly threatened all manner of harm to civilians, humanitarian workers, and international peacekeepers unless the Security Council suspended the prosecution. Instead of condemning and rejecting this blackmail, Britain and France began negotiating terms (all the while denying that they were negotiating, as opposed to suggesting ways in which the issue could be resolved). The conditions they set were rigorous, and Bashir quickly showed he had no intention of meeting them, but the dangerous message implicitly delivered was that there might be a reward for following mass atrocities with a threat of more mass atrocities. As the forces of rebel leader Laurent Nkunda attacked and threatened civilians in the eastern region of the Democratic Republic of Congo, the British and French governments took the lead, dispatching their foreign ministers to the area, but their declarations of concern were not matched by substantially reinforced protection for the civilians of eastern Congo. Instead of urgently sending a modest European peacekeeping force, the EU dawdled during critical weeks. The Security Council authorized a slight expansion of the UN peacekeeping force in eastern Congo but without committing, as of late November 2008, to the improvements in the quality and capacity of the force needed to protect civilians. Notably, the EU expressed reluctance to deploy the two 1,500-troop "battle groups" that it had created in 2007 just for such situations, making one wonder when, if ever, these protective forces would be used. The EU lifted a travel ban on Belarus President Alexander Lukashenka despite a lack of discernible improvement in Minsk's dismal human rights record. The decision was motivated by the EU's worsening relations with Russia, and European governments' hope to bring Belarus closer to the West. Quite apart from responding to abuses by others, Britain threatened to itself become complicit in abuse by continuing to insist on the right to send terrorist suspects to governments that torture. To do so, it would rely on flimsy diplomatic assurances of humane treatment from governments that routinely flout their treaty obligations not to torture. Britain's efforts to develop a common EU position endorsing this practice have so far been unsuccessful, but its bad example has helped to inspire other governments -including Denmark, Italy, Kyrgyzstan, Russia, Spain, and Switzerland - thereby weakening the global torture ban. Britain also sought to hollow out an

exception to the prohibition of sending people to places where they risk ill-treatment short of torture by promoting a new rule that would allow such deportation if the suspect's continued presence in the sending country posed too much of a security threat. The European Court of Human Rights unanimously rejected that proposal. Especially in the Middle East, all Western governments seemed to share equally in the failure to promote human rights: Because of Saudi Arabia's oil production and its position as a counterterrorism ally, no Western government mounted any serious challenge to its virtual lack of political freedoms and civil society, or its severe restrictions on the rights of women and migrants. Indeed, the United States and Britain praised and promised to study and learn from a Saudi program that keeps thousands of terrorism suspects detained without charge or trial, offering "reeducation" instead. The West actively sought improved relations with Libya with little criticism of its deplorable human rights records. In return for Libya giving up plans for weapons of mass destruction and compensating the victims of the Lockerbie bombing, the West has rewarded it handsomely with the resumption of diplomatic visits and renewed economic activity. But Western governments have had little to say about the virtual absence of any civil and political freedom in the country. Israel repeatedly closed off Gaza, blocking the import of fuel, food, medicine, and essential supplies. It sought to justify this collective punishment against the civilian population as retaliation for indiscriminate rocket attacks by Gazan armed groups into civilian areas of Israel. Western governments offered occasional public condemnations, but did not condition their massive economic assistance to Israel on change. Nor did Israel suffer consequences for its illegal settlement expansion and construction of the wall/barrier within the West Bank. Elsewhere, Australia, Britain, Canada, France, Germany, and the Netherlands sought, at least at first, to undermine an absolute ban on cluster munitions by seeking exceptions for certain types that they tended to have stockpiled in their arsenals. An absolute ban was important because, as in the case of the landmines treaty, certain major powers such as the United States, Russia, and China could be expected to reject the treaty, but an absolute ban, by stigmatizing the weapon system, would make it politically difficult for them to use it anyway. A coalition led by Austria, Ireland, Mexico, Norway, and New Zealand overcame this resistance and achieved a total ban. Similarly, the 1990 Convention on the Rights of Migrant Workers and Members of their Families has not been ratified by any EU member state, or by Australia, Canada, Japan, or the United States. To date, only governments that send migrant workers have embraced the treaty, greatly undermining its capacity to protect a large and vulnerable population. Some of the major democracies did occasionally show positive leadership on human rights: British Prime Minister Gordon Brown refused to attend a summit between the European Union and the African Union because of the presence of Zimbabwean President Robert Mugabe. Douglas Alexander, the British international development secretary, suggested he would link aid to Ethiopia to an end to its abuses in the Ogaden region. This marked a possible shift from Britain's traditional silence on Ethiopian abuses while providing substantial financial support to the government. To protest Rwanda's support for the abusive forces of its ally, rebel leader Laurent Nkunda, in eastern Congo, the Netherlands redirected its development aid from Rwanda to eastern Congo. The United States, Australia, and the European Union imposed sanctions against Burma for its brutal crackdown against peaceful demonstrators despite countervailing pressure from China and the governments of the Association of Southeast Asian Nations (ASEAN). German Chancellor Angela Merkel boycotted the opening ceremonies of the Beijing Olympics to protest China's crackdown in Tibet. The Bush administration, despite its opposition to the International Criminal Court, took the lead in fending off efforts to suspend the ICC's efforts to prosecute Sudanese President Bashir. However, these positive examples were not repeated regularly enough to build momentum for the defense of human rights and thus to effectively deflect destructive pressure from the spoilers. The EU and the UN Human Rights Council The weakness of the EU's support for human rights was especially evident in multilateral settings such as the Human Rights Council. As noted, the Bush administration did not even try to make the council work, leaving the task to others. The EU has made some effort to assume the leadership mantle in Geneva, but talking to EU diplomats there is often a depressing lesson in defeatism. Much of the reason lies in the influence-sapping procedures that the EU follows for building a consensus around a common policy. The council is divided roughly evenly among governments that tend to support human rights initiatives, governments that tend to oppose them, and swing votes-governments that have tended to join the spoilers but could be moved in a more pro-human rights direction. By giving broad strategic direction, the EU might have empowered its diplomats to act creatively and boldly to forge a multi-regional, pro-human rights majority from among the swing votes. Instead, the EU let the process of building an internal consensus become an exercise in micromanagement. EU diplomats spend so much time negotiating a minutely detailed consensus among themselves, typically consisting of word-for-word approval of any proposed resolution, that by the time they reach agreement among all 27 member states, they are exhausted, with no energy or flexibility to fashion a consensus among other potential allies. To avoid restarting the painstaking process of building a new EU consensus, European diplomats must avoid genuine give-and-take and instead try to convince others to accept the agreed-upon EU position without amendment. Needless to say, that is not an effective negotiating posture. This approach tends to worsen the already--poisonous West-versus-rest atmosphere that frequently prevails at the UN. This polarization and "bloc mentality" makes it more difficult for moderate states to separate themselves from the spoilers such as Algeria, Egypt, and South Africa that tend to dominate African Union

deliberations, and thus harder to build a cross-regional, pro-human rights majority. Even when the EU has wanted to act, its reluctance to criticize Washington for abusive counterterrorism policies has left it open to charges of selectivity and double standards.

For example, by refusing to endorse a Cuba-backed effort at the Human Rights Council to criticize Guantanamo (even though the proposed resolution was deliberately written in the exact same language as the Council of Europe had previously used in its own resolution), the EU contributed to the protect-your-own mentality that now plagues the Human Rights Council. Similarly, by agreeing to end UN scrutiny of Iraq and Afghanistan after the US invasions, the EU made it easier for others to oppose country resolutions aimed at their own friends. Unable for these reasons to build a pro-human rights majority at the council, the EU tends to resign itself to watered-down consensus resolutions, such as on Sudan, or to outright defeat, such as on the decisions to end the work of an expert group on Darfur or to terminate scrutiny of Belarus and Cuba. Similarly, despite ongoing massive atrocities in the eastern Democratic Republic of Congo, the EU acquiesced in a "compromise" resolution sponsored by Egypt ending the mandate of the UN independent expert on Congo; the EU accepted the fig-leaf of scheduling another discussion of Congo a year later. Taking Back the Initiative That the initiative on human rights has been captured by governments that do not wish international protection well should generate not despair but resolve. The new Obama administration in Washington offers the hope of a US government that can assume a place of leadership in promoting human rights.

If the European Union can generate the political will and surmount its self-imposed procedural paralysis, it will be in a position to help build a genuine global coalition for human rights that can seize the initiative from the spoilers. Governments that purport to promote human rights should abide by certain basic rules to be effective. First, they should ensure their own scrupulous respect for human rights-because international law obliges them to do so, because it will set a positive example, and because compliance will help silence charges of hypocrisy. They should also abandon efforts to

undermine human rights standards, such as the prohibition of torture in the context of fighting terrorism, or refugee protection in the rush to develop a common asylum policy. When these governments face criticism for violating human rights, they should accept it as legitimate discourse rather than an affront to be reflexively rejected. In their foreign policy, these governments should promote human rights as even-handedly as possible. That means criticizing not only pariah states but also friends when they commit serious rights violations. They should also elevate the importance of human rights in their relations with other governments, assigning the issue to senior officials, insisting on human rights occupying a prominent place on the agenda during bilateral discussions, and establishing clear benchmarks for change with specific consequences for indifference or retrenchment. In multilateral settings, these governments should make it a major priority to build a pro-human rights majority by encouraging rights-respecting states from all regions to speak out on human rights. With respect to the Human Rights Council, for example, rights-respecting states should be encouraged to offer their candidacy, while the candidacies of the spoilers and their allies should be actively opposed. The defeat in recent years of the candidacies of Belarus and Sri Lanka illustrates what must be done more regularly. Efforts should also be made to ensure that governments obstructing the defense of human rights pay a political price at home. Democratic governments with vibrant civil societies such as India and South Africa are able to get away with negative positions on human rights because few people in those countries track their voting records in intergovernmental forums and their national media rarely report on their conduct there. So when they vote to protect Burma, Sudan, or Zimbabwe, they do not face the criticism that they surely would encounter were they to adopt similarly regressive domestic policies. Helping journalists and civil society representatives visit New York, Geneva, and regional capitals to monitor and lobby their governments would be a useful first step. It is also important to recognize that many governments from the South have legitimate grievances about the behavior of Western governments. These grievances do not justify their hostility to human rights, but they clearly affect their perspective. Expanding the number of Southern governments willing to promote human rights will require addressing their sense that Western concern for human rights varies with the level of strategic interest, that powerful countries are allowed to get away with bad behavior, and that richer parts of the world are insufficiently concerned with economic and social rights in the global South, such as the right to food in the context of rising prices or the right to basic health

care in the midst of a declining economy. A genuine commitment to recognizing these concerns would help to engage with states such as Ghana, Zambia, Mexico, Peru, Indonesia, and the Philippines that ought to be exerting greater human rights leadership in international and regional forums. Finally, there is a need to break the bloc mentality that leads so many governments to vote-almost by default-with their regional groups even when their own views are more progressive. Moderate states need encouragement to distance themselves from the spoilers that tend to dominate bloc voting. Thus in Africa, Ghana and Zambia should be encouraged to part company with Algeria and Egypt. In Asia, the Philippines and Thailand should be weaned from Burma and Vietnam. Success will require a strategy and vision, engagement and diplomacy-all designed to reach out to moderate states, take their concerns seriously, and bring them into the pro-human rights fold. A New Direction in Washington **The success of any effort**

to retake the initiative from the spoilers will depend to a large degree on Washington. The Obama administration **must undo the enormous damage caused by the Bush administration and begin to restore the US government's reputation and effectiveness as a human rights defender.**

Changing US policy on how to fight terrorism is an essential place to start

Among the steps that President Obama should take would be to: Close the CIA's secret detention centers permanently. Bush suggested he had emptied them only temporarily. Apply to the CIA the US military's new rules (revised in the wake of the Abu Ghraib scandal) prohibiting coercive interrogation. Congress had tried to legislate that step, but Bush vetoed the bill, and Congress lacked the votes to override the veto. Close the Guantanamo detention center without effectively moving it on-shore by permitting detention without trial in the United States. That means repatriating or prosecuting all detainees, and ensuring that prosecutions are conducted in regular courts, not the substandard military commissions, which allow criminal convictions based on coerced confessions, or any other "special" tribunal that compromises basic due process. It also means abandoning the radical theory that terrorist suspects arrested anywhere in the world, even far from any recognizable battlefield, can be detained as enemy combatants without regard to the protections of human rights law. Launch a nonpartisan, professionally staffed investigative commission, with subpoena power, to examine who authorized these serious abuses, how they should be held accountable-, and what steps should be taken to ensure that this ugly episode in US history never recurs. That process of exposure, acknowledgment, and repudiation is important so that the Bush administration's abuses do not stand as a precedent to be followed in future periods of security threat. The Obama administration should also signal that, from now on, the US government will submit to the requirements of international human rights law and reengage with international institutions for the enforcement of that law. President Obama should: Offer the United States as a candidate for the UN Human Rights Council with the purpose of making it an effective institution for promoting human rights. While a candidacy under Bush might well have failed, a candidacy under Obama is likely to prevail. Signal an intention to reengage constructively with the International Criminal Court by re-signing the ICC treaty, repealing the American Service-Members' Protection Act (which cuts aid to governments that will not forswear ever surrendering a US citizen for trial and authorizes invading The Hague to liberate any imprisoned American), and supporting the ICC politically and practically. The new administration should also begin the domestic political work needed for the United States to ratify the ICC treaty. Ratify other key human rights treaties, such as the new convention against enforced disappearances (as a sign of commitment never to resort to this despicable practice again), the long-ignored treaties on women's and children's rights (which the United States stands virtually alone in not having ratified), the treaty on economic, social, and cultural rights (to secure a safety net at home while helping to build a broader, cross-regional alliance for human rights abroad), the First Additional Protocol to the Geneva Conventions (setting forth standards for the conduct of warfare that the US already largely accepts as a matter of customary law), and the more recent, life-saving treaties banning cluster munitions and antipersonnel landmines (weapons that, because they have become so stigmatized, the US military would have a hard time using anyway). Finally, President Obama should reassess US bilateral relations with certain governments whose significance as strategic or counterterrorism allies led the Bush administration to overlook their abuses. The United States should use its substantial economic leverage to push for an end to abuses by close allies, such as Ethiopian atrocities in the Ogaden and Somalia, the Pakistani military's use of torture and "disappearances," Egypt's stifling of political opposition, Israel's use of collective punishment to respond to Palestinian rocket attacks on civilians, and Colombia's obstruction of investigations into links between senior government officials and murderous paramilitary forces. Conclusion

Like other global endeavors, **the effective promotion of human rights cannot ignore shifts in global power.**

The traditional role of the West in promoting human rights is not enough. New coalitions must be built by reaching out to other democracies that largely respect human rights at home and could be convinced to join efforts to promote human rights around the world. But such coalitions cannot be built without significant shifts in the policy and approach of the world's leading democracies. Today, the effective defense of human rights requires new commitments-**to studiously respect human rights in one's own conduct,**

to insist on accountability for serious abuses regardless of the perpetrator, to promote human rights consistently without favoritism for allies or strategic partners, and to reach out to potential new allies with an openness to addressing their human rights concerns. None of this is impossible. Those who believe that global shifts in power will sound the death knell of human rights enforcement are confusing the

leading democracies' current poor performance with immutable reality. But the **successful defense of human rights will require serious self-examination on the part of these democracies and a willingness to change course.** The

arrival of the Obama administration in Washington with its seeming determination to end the disastrous abuses of the Bush years **provides an ideal opportunity. The task facing the human rights community is to convince the supporters of human rights-both traditional allies and potentially new ones-to seize this opportunity.** That would truly be something to celebrate in this sixtieth anniversary year of the Universal Declaration of Human Rights.

And, re-building credibility by changing War on Terror policies that kill HR protections is critical to effective HR promotion

Barma and Ratner 06

(“China’s Illiberal Challenge: The Real Threat Posed By China Isn’t Economic or Military-It’s Ideological”, Naazneen Barma and Ely Ratner are Ph.D. candidates

in political science at the University of California, Berkeley and research fellows at the New Era Foreign Policy Center.

http://globetrotter.berkeley.edu/NewEra/pdfs/BarmaRatner_China2006.pdf

The first is **credibility**. A government cannot effectively promote human rights abroad if it is not observing them at home. If a government considers that habeas corpus and guarantees against torture are at variance with its national security, then it will not be able to urge other governments to respect these rights. Nor will a human rights policy be credible if it is used as a pretext for achieving other foreign policy goals, for example as a rationale for an invasion of another country, or for regime change, or to achieve domestic political purposes. Credibility also means a policy based on sound information that neither downplays nor exaggerates the situation for political reasons. Second, the promotion of human rights must be defined as a national interest reflecting American values and bearing on national security. Rather than defining the policy in terms of morality or religion, it should be underscored that governments with open societies and that respect human rights are better allies and less likely to be threats to international peace and security and that our interests are not well served over the long term by allying ourselves with oppressive regimes. Moreover, respect for human rights should be presented as in the interest of foreign governments as well. I always liked the following quotation: "Never appeal to a man's better nature. He may not have one. Invoking his self interest gives you more leverage." Once the policy is defined as a national interest, there should be a willingness to pay something for it. **If trade and exports or the war on terror always trump human rights considerations, the policy will not be effective.**

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U.S. HR cred low due to a lack of legitimacy and credibility – policies increasing HR domestic re-build credibility and result in effective HR promotion abroad

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Perhaps not surprisingly, then, an overwhelming majority of Americans strongly embrace the notion of human rights: that is, the idea that every person has basic rights regardless of whether or not the government recognizes those rights.⁴ This Blueprint therefore suggests ways in which the new Administration can take concrete steps to ensure that human rights principles are considered and implemented within the process of **U.S. domestic policymaking**. It does not address in any detail the substance of particular policies in areas such as equality, health care, or the prohibition on torture;⁵ rather, it identifies and evaluates mechanisms by which human rights principles can be integrated into policymaking in all areas of U.S. domestic policy where they are relevant. **BACKGROUND** The United States was founded on the human rights principle expressed in the American Declaration of Independence: that we all have certain basic, unalienable rights simply by virtue of our humanity. Declaring rights to be inherent, not based on the generosity of the state, was transformative. Two hundred years later, the United States can point to a tradition of promoting human rights in principle, if not always in practice. The United States was a leader in ending the atrocities of World War II and in developing international institutions and instruments aimed at securing peace in the world and human rights for all people. The Universal Declaration of Human Rights, which celebrates its sixtieth anniversary this year, was inspired in part by Franklin D. Roosevelt’s Four Freedoms speech and drafted in part by Eleanor Roosevelt, the first President of the U.N. Human Rights Commission. Just as the New Deal redefined the concept of “security” at home to include economic security for all Americans, so too these post-war international regimes redefined the notion of “security” internationally to include human security.⁶ Indeed, for Americans, recognition that the gross human rights violations of the Holocaust were intertwined with Nazi aggression underscored the inextricable link between our principles and our national interests. **A robust human rights policy supports the rule of law, democratic institutions, accountability mechanisms for serious abuses, a humane global economy, and U.S. global leadership in reducing violence, instability, and refugee flows.**⁷ Oftentimes, in fact, principled policy directly serves U.S. national interests because it allows us to demand reciprocal treatment of our citizens abroad, as in the case of humane treatment of detainees captured in war. Beyond the concern for reciprocity, the strong bipartisan commitment to human rights that has developed over the last several decades emerges from an understanding that ensuring the enjoyment of human rights at home and around the world serves not only America’s deeply held values but also its national interests. Even so, there remains a gap between the human rights ideals that the United States professes and its actual domestic practice, resulting in both a gap in credibility and a weakening of U.S. moral authority to lead by example. Human rights include the right to be free from torture or cruel, inhuman or degrading treatment, and yet the United States has committed such acts in the name of counterterrorism efforts. Human rights include the rights to emergency shelter, food, and water, as well as security of person, and yet the United States failed to adequately guarantee these rights in the aftermath of Hurricane Katrina. Human rights include the right to equality of opportunity, and yet inequalities persist in access to housing, education, jobs, and health care. Human rights include the right to equality in the application of law enforcement measures, and yet there are gross racial disparities in the application of the death penalty, and racial and ethnic profiling has been used unfairly to target African Americans, Latinos, and those who appear Arab, Muslim, South Asian, or immigrant (whether through traffic stops, airport screening, or immigration raids). Human rights include the right to equal pay and gender equality, and yet a pay gap persists

between female and male workers. Certainly, the journey to fully realizing human rights is a work-in-progress, but to make progress, we must work – through smart, principled policies that advance the ability of the United States to live up to its own highest ideals.

Increased soft power results in international state-driven HR promotion which is ineffective and spurs backlash over perceived regime change – only the status quo strategy of supporting NGO's can spur effective HR

Bouwman 15

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Protecting Human Rights Defenders The specter that the convergence of human rights and democracy promotion raises is that Western states have established a universal blueprint for what societies should look like, and that they now aim to reform the world in their image – through soft power and international law **as much as possible**, but even through hard power if necessary. While this suspicion may be exaggerated, the stated universality of human rights and democracy leaves no doubt that their spread is, in principle, an objective of Western governments, even though it is bounded by other, competing interests. It is hard to imagine this objective ever being achieved, but as stated above, the notion that Western actors are pursuing it certainly vexes authoritarian regimes. It also disturbs many, especially in the non-West, who doubt the sincerity of the stated intentions for rights and democracy assistance, and who feel that interference in their national politics diminishes their ability to determine their own future. Some of those objections might of course be disingenuous – the product of government propaganda or self-serving logic. Yet it would be short-sighted to assume that all of them are, as there are good reasons for being skeptical of rights and democracy promotion. As indicated above, recent interventions in the name of human rights and democracy as well as human rights violations on the part of countries that are supposed champions of universal morality have dealt a real blow to Western legitimacy. And crucially, the more that human rights and democracy promotion have been amalgamated and expanded into a comprehensive approach to building better societies, the more this threatens to stifle, rather than encourage, political debate in countries in question. As the historian Samuel Moyn has put it, for the purpose of opposing a regime the 'fiction of moral consensus' may be useful, but 'construction requires political dissensus'. (52) The more extensive and concrete human rights and democracy promotion become, the more they risk preempting debate on the contentious political choices that need to be made, such as the makeup of political institutions or arrangements for social justice. An area that may have the potential to steer human rights and democracy promotion around these objections is the protection and assistance of human rights defenders and their organizations. Human rights defenders represent, in principle, endogenous change. Although support for them may well have broader goals in mind, as long as supporting actors guard against selectivity in terms of recipients and use a wide-ranging definition of what constitutes a human rights defender, they have a strong claim to impartiality. Human rights defenders began receiving serious attention as a category of their own about a decade and a half ago. In 1998, the General Assembly of the United Nations adopted its 'Declaration on Human Rights Defenders', a document that had been in production since 1984. In large part, its adoption was spurred by worries over the plight of human rights defenders in countries that had recently become democracies but now seemed to be receding into authoritarianism. By 1997, 'what enthusiasts at the start of the decade were calling "the worldwide democratic revolution"' had 'cooled considerably'. (53) Many new democracies became 'hybrid regimes' that had some features of democracies – such as elections – and some of authoritarian rule – such as concentration of power. In 2003, a UN expert noted that of the 81 countries that had democratized during the 1980s and 1990s, only 47 were now considered 'fully democratic', while problems persisted in the remaining 34. (54) Human rights defenders – a term generally taken to extend not only to human rights professionals but to anyone taking action in defense of any human right – as a category became subject to new measures designed to suppress their activities. Especially from the mid-2000s, countries like Russia, Ethiopia and Venezuela developed new legal and other measures to stifle civil society, in part because the 'color revolutions' and the Arab Spring demonstrated just how dangerous civil society could be, in particular with the onset of new communications technologies. (55) They specifically targeted international rights and democracy assistance by cutting domestic organizations off from foreign funding and forcing international organizations to register as 'foreign agents', among other measures. Since it was felt that existing mechanisms did not offer the means to counter such policies, the United Nations, states and non-governmental organizations began taking measures to protect human rights defenders. (56) In 2000, a UN Special Rapporteur was appointed to deal with the issue. In 2006, the U.S. State Department established a Human Rights Defenders Fund. The 2007 Dutch human rights strategy prominently featured human rights defenders, as did the strategies that followed it. In 2008, the European Union adopted special Guidelines to instruct member states on how they could best protect and assist human rights defenders. As mentioned above, in 2013 President Obama headed an initiative at the United Nations to counter the closing of space for civil society organizations. Dutch policy has aimed to safeguard above all the physical safety of human rights defenders and to free them from intimidation. This has taken the form, for instance, of the Shelter City project, which allows the relocation of human rights defenders under threat to the Netherlands for a period of three months. (57) In order to

preserve its political independence, the ministry limits its involvement to co-funding, opting to have the non-governmental organization Justice and Peace Netherlands execute the project. The selection of participants takes place on the recommendation of an advisory committee in which the ministry has one of the four seats, but Justice and Peace none. During its first year of operation, four human rights defenders participated in the program, and it was set to be ramped up in subsequent years. In 2012, a consultancy firm hired by the European Commission found that across the 27 member states of the European Union, there existed close to 200 temporary shelter places per year. (58) The U.S. State Department co-founded a similar initiative in 2011, called the Lifeline: Embattled Civil Society Organizations (CSOs) Assistance Fund, a multilateral mechanism supported by eleven (now seventeen) like-minded governments, including the Netherlands, and two major American foundations as funders, and a consortium of seven non-governmental organizations (NGOs) to execute the project. In addition to providing emergency support, including funds for relocation and security assistance, the fund supports short-term advocacy efforts to raise attention to violations of the freedom of association and assembly. The activities of the fund are carried out by the NGO consortium, a decision made by the donors to depoliticize the assistance provided through the fund, which reports on activities and outcomes to the donors each quarter. Carrying out the activities through the NGO consortium ensures the global scope of activities, while the inclusion of countries such as Chile and Mongolia shows the wide extent of diplomatic support for the work of Lifeline. (59) By its latest tally, the Lifeline fund had provided assistance to 446 civil society organizations in 85 countries. (60) Conclusion In the post-Cold War era,

human rights and democracy promotion have become increasingly interwoven. In terms of human rights promotion, the Netherlands, both in rhetoric and in practice, has clearly steered a more reticent course than the United States; perhaps not coincidentally, the country is home to one of the largest national sections of Amnesty International. Nevertheless, in Dutch foreign policy, too, human rights promotion has to some extent become interwoven with promoting democracy. The formulation of European foreign policy has exerted a strong pull in this direction and will continue to do so. The crackdown that human rights defenders have experienced since the late 1990s and especially since the mid-2000s was, in part, a response precisely to the amalgamation of human rights and democracy

promotion into an increasingly far-reaching project on the part of Western states. As sovereignty has become more and more conditional on compliance with the values and norms of human rights and democracy, states disputing those international standards have pushed back against international rights and democracy assistance as well as domestic individuals and organizations representing these

causes. While to a significant extent this was a matter of authoritarian leaders striving to maintain power, the widening of the agenda of human rights and democracy promotion and especially its deployment as a justification for military interventions also generated legitimate objections. The association of human rights with democracy promotion has politicized the former, and their association with war has done substantial damage to the legitimacy of both concepts. Measures to protect human rights defenders have largely been a response to the challenge of crackdown by authoritarian regimes. Yet it might be in precisely this area that the promotion of human rights might reclaim its relatively apolitical status. The minimalism of policies that protect human rights defenders – aiming simply to keep endogenous voices for change from being silenced – gives them greater legitimacy than more ambitious forms of human rights and democracy promotion. Insofar as these specific policies have become a priority, they signal a return to a less politicized way of promoting human rights, more in line with the original ethos of Amnesty International than with the zeal of the NED. This could provide a way

in which to separate human rights and democracy promotion from each other once again, for the betterment of both. Policies aimed at protecting human rights defenders must be reconciled with the legacy of Western states elevating civil and political rights over social, economic and cultural rights – to an important extent a legacy of the Cold War. The phrase ‘human rights defender’ in effect leads to a just such a focus on a set of civil and political rights, such as the right to freedom of opinion and expression, the right to freedom of association, and the right to protest. Since the end of the Cold War, however, Western states have subscribed to the indivisibility and interdependency of human rights. (61) Amnesty has embraced the full spectrum of human rights. Nevertheless, a tendency to focus on civil and political rights has persisted. It is, then, all the more important to ensure that the individual human rights defenders that states focus their efforts on are engaged in furthering not only civil and political rights, but also social, economic and cultural rights. These rights may not resonate as strongly among the Western public, but are widely affirmed as equal in importance. Moreover, aiding human rights defenders in raising an issue like land rights will help to counter the notion that Western rights and democracy assistance goes hand in hand with the promotion of corporate interests that hurt local populations. For instance, by aiding activists who work against expropriation of local farmers, Western actors can prove that their concern extends across the full array of human rights. UN Special Rapporteur Margaret Sekaggya provided an important impetus in this direction in her 2012 report, which noted ‘Defenders working on land and environmental issues’ as one of the most at-risk groups of human rights defenders and called for their protection. (62) Furthermore, as the examples in the previous section

show, the legitimacy of human rights as well as democracy promotion can be improved by reaching out in new ways. Policies to protect human rights defenders are now increasingly the work of coalitions, not only of states but also of non-governmental organizations, municipalities, and even corporations. Heavier investment in international non-governmental organizations stands as a possible way for states to enact policies that enjoy greater legitimacy. In this way states can avoid direct ties with organizations in countries with authoritarian governments. The NED’s Gershman noted in 2008 that ‘[i]t is appropriate for the U.S. to seek the democratic transformation of states that foster extremism, but linking official U.S. policy and diplomacy so closely to this effort has a number of serious drawbacks.’ (63) For instance, because of their permanent engagement through bilateral relationships, states can never claim the impartiality of non-governmental organizations, nor can they single-mindedly pursue democratization or human rights. Cooperating with other actors will not placate those who class all rights and assistance activities as foreign interference, but it does help to show the breadth of support for these areas. The Dutch government’s innovation of trilateral cooperation is a particularly promising instrument in this regard, as it draws on the legitimacy and expertise of regional partners. Projects like Shelter City and Lifeline stand as important case-studies for the further development of a more network-based, multilateral and indirect approach – and similar projects are underway, not only in the West, but also locally and regionally, for instance the East and Horn of Africa Human Rights Defenders Project. A corollary of focusing in this area is to keep shifting the ultimate emphasis as much as possible to local partners. This applies to human rights promotion but also to processes of democratization that may of course be enabled by it. As a 2008 report by the Overseas Development Institute noted, ‘[t]he impetus for democratisation must come from within’. (64) This is so not only for the sake of efficacy, but also for the sake of legitimacy

(which are, of course, interrelated, since a project viewed as illegitimate will be more vulnerable to countervailing forces). Herein lies, perhaps, the greatest challenge for human rights promotion as a state-initiated project: to succeed in the long term, as a manifestation of a truly universal desire for dignity, it must seriously engage with local partners and allow them to not only use the resources that assistance affords to their needs, but also to contribute to setting the agenda. This means returning to the ethos of human rights as an apolitical project, aimed at countering repression and thereby empowering people to realize their ambitions as autonomously as possible.

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U.S. HR cred low due to a lack of legitimacy and credibility – policies increasing HR domestic re-build credibility and result in effective HR promotion abroad

ACS 08

(American Constitution Society for Law and Policy, October, “Human Rights at Home: A Domestic Blueprint for the New Administration, <http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf>)

Reaffirming and implementing the U.S. commitment to human rights at home is critical for two reasons. First, **human rights principles are at the core of America’s founding values**, and Americans (as well as others within our borders or in U.S. custody), no less than others around the world, are entitled to the full benefit of these basic guarantees. That can hardly be open to debate. The **second** reason is perhaps less obvious, but equally compelling. **When the United States fails to practice at home what it preaches to others, it loses credibility and undermines its ability to play an effective leadership role in the world.** **Leading through the power of our example rather than through the example of our power**³ is particularly critical now, at a juncture when the United States needs to **cultivate international cooperation to address pressing issues** – such as the current economic downturn – that have global dimensions. Perhaps not surprisingly, then, an overwhelming majority of Americans strongly embrace the notion of human rights: that is, the idea that every person has basic rights regardless of whether or not the government recognizes those rights.⁴ This Blueprint therefore suggests ways in which the new Administration can take concrete steps to ensure that human rights principles are considered and implemented within the process of **U.S. domestic policymaking**. It does not address in any detail the substance of particular policies in areas such as equality, health care, or the prohibition on torture;⁵ rather, **it identifies and evaluates mechanisms by which human rights principles can be integrated into policymaking in all areas of U.S. domestic policy** where they are relevant. **BACKGROUND** The United States was founded on the human rights principle expressed in the American Declaration of Independence: that we all have certain basic, unalienable rights simply by virtue of our humanity. Declaring rights to be inherent, not based on the generosity of the state, was transformative. Two hundred years later, the United States can point to a tradition of promoting human rights in principle, if not always in practice. The United States was a leader in ending the atrocities of World War II and in developing international institutions and instruments aimed at securing peace in the world and human rights for all people. The Universal Declaration of Human Rights, which celebrates its sixtieth anniversary this year, was inspired in part by Franklin D. Roosevelt’s Four Freedoms speech and drafted in part by Eleanor Roosevelt, the first President of the U.N. Human Rights Commission. Just as the New Deal redefined the concept of “security” at home to include economic security for all Americans, so too these post-war international regimes redefined the notion of “security” internationally to include human security.⁶ Indeed, for Americans, recognition that the gross human rights violations of the Holocaust were intertwined with Nazi aggression underscored the inextricable link between our principles and our national interests. **A robust human rights policy supports the rule of law, democratic institutions, accountability mechanisms for serious abuses, a humane global economy, and U.S. global leadership in reducing violence, instability, and refugee flows.**⁷ Oftentimes, in fact, principled policy directly serves U.S. national interests because it allows us to demand reciprocal treatment of our citizens abroad, as in the case of humane treatment of detainees captured in war. Beyond the concern for reciprocity, the strong bipartisan commitment to human rights that has developed over the last several decades emerges from an understanding that ensuring the enjoyment of human rights at home and around the world serves not only America’s deeply held values but also its national interests. Even so, **there remains a gap between the human rights ideals that the United States professes and its actual domestic practice, resulting in both a gap in credibility and a weakening of U.S. moral authority to lead by example.** Human rights include the right to be free from torture or cruel, inhuman or degrading treatment, and yet the **United States has committed such acts in the name of counterterrorism efforts.** Human rights include the rights to emergency shelter, food, and water, as well as security of person, and yet the United States failed to adequately guarantee these rights in the aftermath of Hurricane Katrina. Human rights include the right to equality of opportunity, and yet inequalities persist in access to housing, education, jobs, and health care. **Human rights include the right to equality in the application of law enforcement measures, and yet** there are **gross racial disparities in the application of the death penalty, and racial and ethnic profiling has been used unfairly to target African Americans, Latinos, and those who appear Arab, Muslim, South Asian, or immigrant** (whether **through traffic stops, airport screening, or immigration raids**). Human rights include the right to equal pay and gender equality, and yet a pay gap persists between female and male workers. Certainly, **the journey to fully realizing human rights is a work-in-progress, but to make progress, we must work – through smart, principled policies that advance the ability of the United States to live up to its own highest ideals.**

And, we'll win a new link here – increased credibility means NGO's are MORE EFFECTIVE at pushing HR policies – U.S. credibility ensures a more effective international push

Weisbrot '09 (Mark, Co-Director of the Center for Economic and Policy Research in Washington, D.C. He received his Ph.D. in economics from the University of Michigan, "Washington's Lost Credibility on Human Rights", Center for Economic and Policy Research, <http://www.cepr.net/publications/op-eds-columns/washingtons-lost-credibility-on-human-rights>, 3/12/2009)//HW

U.S.-based human rights organizations will undoubtedly see the erosion of Washington's credibility on these issues as a loss – and understandably so, since the United States is still a powerful country, and they hope to use this power to pressure other countries on human rights issues. But they too should be careful to avoid the kind of politicization that has earned notoriety for the State Department's annual report – which clearly discriminates between allies and "adversary" countries in its evaluations.

And, reversing U.S. hypocritical policies in the War on Terror is the essential place to start – re-builds U.S. credibility and brings allied cooperation together for an effective coalition on rights to pressure the holdouts like Russia and China

Roth 9

(Kenneth, Executive director of Human Rights Watch, Prior to joining Human Rights Watch in 1987, Roth served as a federal prosecutor in New York and for the Iran-Contra investigation in Washington, DC. A graduate of Yale Law School and Brown University, Roth has conducted numerous human rights investigations and missions around the world. He has written extensively on a wide range of human rights abuses, "Taking Back the Initiative from the Human Rights Spoilers," pg online @ <http://www.hrw.org/world-report-2009/taking-back-initiative-human-rights-spoilers> //um-ef)

The Disastrous Bush Years As noted, the rise of the spoilers would have had less impact without an abdication of leadership by governments that traditionally hold themselves forth as defenders of human rights. No government bears greater blame for this abdication than the United States under President

George W. Bush. As is widely known, the Bush administration **chose to respond to the serious security challenge of terrorism by ignoring the most basic requirements of international human rights law**. Its decision, made not by low-level "bad apples" but at the highest levels of government, was to "disappear" suspects into secret detention facilities run by the Central Intelligence Agency (CIA) where their detention was unacknowledged, subject them to torture and other abusive interrogation including "waterboarding" (mock execution by drowning) and various "stress" techniques, and detain them for years on end without charge or trial at Guantanamo. The consequences have been disastrous. This flouting of international human rights law generated resentment that was a boon to terrorist recruiters, and discouraged international cooperation with law-enforcement efforts, particularly

in countries that are most likely to identify with the victims and to learn of suspicious activity. The Bush administration's misconduct profoundly undermined US influence on human rights. Sometimes Washington could still productively promote human rights: when the issue was the right to free speech or association, which is still widely respected in the United States; when the US government enjoyed the added leverage of a major funding relationship with the government in question; or when the atrocities were so massive, such as widespread ethnic or political slaughter, that the United States could oppose them without facing accusations of hypocrisy. More typically, however, when the issue was human rights abuses that the Bush administration practiced itself, the United States was forced to cede the field. Nowhere was this more visible than at the Human Rights Council. Washington rightly criticized the many shortcomings of this new institution, but as explained in more detail below, it is far from a lost cause. Rather than work to realize its considerable potential, the Bush administration abandoned it from the start. In part that may have been a concession to reality, since given the Bush administration's human rights record, the United States would have had a hard time getting elected. But a good part of the motivation seems to have been the Bush administration's arrogant approach to multilateral institutions.

Instead of undertaking the difficult but essential task of building a broad global coalition for human rights, Washington tended to throw rhetorical grenades from the sidelines when it did not get its way. With one of the human rights movement's most powerful traditional allies having given up without a fight, it is no surprise that those allies who remain on the council face an uphill struggle. The Failure to Seize the Initiative As noted, the spoilers have taken center stage on global policy debates about human rights in part because the major rights-respecting democracies have chosen to hide in the wings. Of course, many of those democracies have never been consistent defenders of human rights, with their long history of closing their eyes to, and sometimes sponsoring, abuses by allies and strategic partners. But the hopes that the new century would usher in foreign policies built on a consistent and principled defense of human rights have been dashed by compromises made in the fight against terrorism and by a disappointing lack of commitment. Recent years have seen a particularly feeble performance. Increasingly, these governments seem to consign the promotion of human rights to relations with pariahs and adversaries. In some cases of bilateral ineffectiveness, the United States bore principal responsibility. For example: Washington provided massive assistance to the Pakistani military while doing little to rein in its Inter-Services Intelligence's use of torture and the "disappearance" of suspects. Indeed, the CIA worked closely with Pakistani intelligence forces, taking custody of suspected terrorists and interrogating them in secret prisons. The Pakistani judiciary's principled insistence on probing into these enforced disappearances, as well as its apparent unwillingness to bless General Musharraf's election as president while still a member of the army, is what led Musharraf to depose the chief justice, Iftikhar Chaudhry, and other high court judges. Washington did little to press for their restoration or to call on Musharraf to subject himself to the rule of law. Musharraf ultimately resigned under domestic pressure, but efforts to hold him accountable for his lawlessness were stymied by Washington's paramount concern that its close ally not be humiliated. Ethiopia has among the worst human rights records in Africa. Its troops have used scorched-earth counterinsurgency policies, including strangling people and burning villages, to displace rural villagers in the ethnic Somali Ogaden region. In Somalia, Ethiopian forces have indiscriminately shelled densely populated urban areas and tortured and executed alleged supporters of insurgent groups. Meanwhile, the Ethiopian government has used violence and arbitrary detention to suppress peaceful dissent at home. Yet as an important regional ally in the fight against terrorism, Ethiopia is the beneficiary of some US\$700 million annually from the US government-and of a notable public silence from Washington about these atrocities. Washington in 2005 briefly demonstrated its ability to gain human rights concessions from the Egyptian government, but it backed off its push for reform when parliamentary elections gave the Muslim Brotherhood big wins. With the restoration of unconditional support-Egypt remains the world's second largest recipient of US aid-the government has reverted to arresting and beating democracy activists, including thousands of members of the Muslim Brotherhood; prosecuting journalists, publishers, and writers who have called for free elections or even commented on President Hosni Mubarak's health; committing widespread torture; mistreating refugees by forcibly returning many to Eritrea and Sudan; and murdering since 2007 at least 32 migrants trying to cross into Israel. In other cases, the European Union or its member states were most at fault for a weak response to serious human rights abuses: The EU imposed sanctions-an arms embargo and visa restrictions for select senior officials-on Uzbekistan following the 2005 massacre of demonstrators in the town of Andijan. Since then, the EU's Uzbekistan policy has been a case study in capitulation. Initially EU sanctions were conditioned on Tashkent's agreement to an independent international investigation of the slaughter. The Uzbek government refused and, instead, arrested witnesses to the killings and forced them to exculpate the government. Nevertheless, the EU gradually weakened the sanctions, justifying its moves as "constructive gestures" to encourage the Uzbek government to undertake necessary reforms. To its credit, the EU tied the sanctions to the release of all imprisoned human rights defenders. But when Tashkent refused, the EU shrugged its shoulders and lifted the sanctions anyway. Among the examples of "progress" cited to justify this surrender was that Tashkent had released some political prisoners even as it imprisoned others, and had held a seminar on media freedom despite the lack of any actual media freedom in Uzbekistan. When the International Criminal Court's prosecutor sought an arrest warrant for Sudanese President Omar al-Bashir, Bashir tacitly threatened all manner of harm to civilians, humanitarian workers, and international peacekeepers unless the Security Council suspended the prosecution. Instead of condemning and rejecting this blackmail, Britain and France began negotiating terms (all the while denying that they were negotiating, as opposed to suggesting ways in which the issue could be resolved). The conditions they set were rigorous, and Bashir quickly showed he had no intention of meeting them, but the dangerous message implicitly delivered was that there might be a reward for following mass atrocities with a threat of more mass atrocities. As the forces of rebel leader Laurent Nkunda attacked and threatened civilians in the eastern region of the Democratic Republic of Congo, the British and French governments took the lead, dispatching their foreign ministers to the area, but their declarations of concern were not matched by substantially reinforced protection for the civilians of eastern Congo. Instead of urgently sending a modest European peacekeeping force, the EU dawdled during critical weeks. The Security Council authorized a slight expansion of the UN peacekeeping force in eastern Congo but without committing, as of late November 2008, to the improvements in the quality and capacity of the force needed to protect civilians. Notably, the EU expressed reluctance to deploy the two 1,500-troop "battle groups" that it had created in 2007 just for such situations, making one wonder when, if ever, these protective forces would be used. The EU lifted a travel ban on Belarus President Alexander Lukashenko despite a lack of discernible improvement in Minsk's dismal human rights record. The decision was motivated by the EU's worsening relations with Russia, and European governments' hope to bring Belarus closer to the West. Quite apart from responding to abuses by others, Britain threatened to itself become complicit in abuse by continuing to insist on the right to send terrorist suspects to governments that torture. To do so, it would rely on flimsy diplomatic assurances of humane treatment from governments that routinely flout their treaty obligations not to torture. Britain's efforts to develop a common EU position endorsing this practice have so far been unsuccessful, but its bad example has helped to inspire other governments-including Denmark, Italy, Kyrgyzstan, Russia, Spain, and Switzerland - thereby weakening the global torture ban. Britain also sought to hollow out an exception to the prohibition of sending people to places where they risk ill-treatment short of torture by promoting a new rule that would allow such deportation if the suspect's continued presence in the sending country posed too much of a security threat. The European Court of Human Rights unanimously rejected that proposal. Especially in the Middle East, all Western governments seemed to share equally in the failure to promote human rights: Because of Saudi Arabia's oil production and its position as a counterterrorism ally, no Western government mounted any serious challenge to its virtual lack of political freedoms and civil society, or its severe restrictions on the rights of women and migrants. Indeed, the United States and Britain praised and promised to study and learn from a Saudi program that keeps thousands of terrorism suspects detained without charge or trial, offering "reeducation" instead. The West actively sought improved relations with Libya with little criticism of its deplorable human rights records. In return for Libya giving up plans for weapons of mass destruction and compensating the victims of the Lockerbie bombing, the West has rewarded it handsomely with the resumption of diplomatic visits and renewed economic activity. But Western governments have had little to say about the virtual absence of any civil and political freedom in the country. Israel repeatedly closed off Gaza, blocking the import of fuel, food, medicine, and essential supplies. It sought to justify this collective punishment against the civilian

population as retaliation for indiscriminate rocket attacks by Gazan armed groups into civilian areas of Israel. Western governments offered occasional public condemnations, but did not condition their massive economic assistance to Israel on change. Nor did Israel suffer consequences for its illegal settlement expansion and construction of the wall/barrier within the West Bank. Elsewhere, Australia, Britain, Canada, France, Germany, and the Netherlands sought, at least at first, to undermine an absolute ban on cluster munitions by seeking exceptions for certain types that they tended to have stockpiled in their arsenals. An absolute ban was important because, as in the case of the landmines treaty, certain major powers such as the United States, Russia, and China could be expected to reject the treaty, but an absolute ban, by stigmatizing the weapon system, would make it politically difficult for them to use it anyway. A coalition led by Austria, Ireland, Mexico, Norway, and New Zealand overcame this resistance and achieved a total ban. Similarly, the 1990 Convention on the Rights of Migrant Workers and Members of their Families has not been ratified by any EU member state, or by Australia, Canada, Japan, or the United States. To date, only governments that send migrant workers have embraced the treaty, greatly undermining its capacity to protect a large and vulnerable population. Some of the major democracies did occasionally show positive leadership on human rights: British Prime Minister Gordon Brown refused to attend a summit between the European Union and the African Union because of the presence of Zimbabwean President Robert Mugabe. Douglas Alexander, the British international development secretary, suggested he would link aid to Ethiopia to an end to its abuses in the Ogaden region. This marked a possible shift from Britain's traditional silence on Ethiopian abuses while providing substantial financial support to the government. To protest Rwanda's support for the abusive forces of its ally, rebel leader Laurent Nkunda, in eastern Congo, the Netherlands redirected its development aid from Rwanda to eastern Congo. The United States, Australia, and the European Union imposed sanctions against Burma for its brutal crackdown against peaceful demonstrators despite countervailing pressure from China and the governments of the Association of Southeast Asian Nations (ASEAN). German Chancellor Angela Merkel boycotted the opening ceremonies of the Beijing Olympics to protest China's crackdown in Tibet. The Bush administration, despite its opposition to the International Criminal Court, took the lead in fending off efforts to suspend the ICC's efforts to prosecute Sudanese President Bashir. However, these positive examples were not repeated regularly enough to build momentum for the defense of human rights and thus to effectively deflect destructive pressure from the spoilers. The EU and the UN Human Rights Council The weakness of the EU's support for human rights was especially evident in multilateral settings such as the Human Rights Council. As noted, the Bush administration did not even try to make the council work, leaving the task to others. The EU has made some effort to assume the leadership mantle in Geneva, but talking to EU diplomats there is often a depressing lesson in defeatism. Much of the reason lies in the influence-sapping procedures that the EU follows for building a consensus around a common policy. The council is divided roughly evenly among governments that tend to support human rights initiatives, governments that tend to oppose them, and swing votes—governments that have tended to join the spoilers but could be moved in a more pro-human rights direction. By giving broad strategic direction, the EU might have empowered its diplomats to act creatively and boldly to forge a multi-regional, pro-human rights majority from among the swing votes. Instead, the EU let the process of building an internal consensus become an exercise in micromanagement. EU diplomats spend so much time negotiating a minutely detailed consensus among themselves, typically consisting of word-for-word approval of any proposed resolution, that by the time they reach agreement among all 27 member states, they are exhausted, with no energy or flexibility to fashion a consensus among other potential allies. To avoid restarting the painstaking process of building a new EU consensus, European diplomats must avoid genuine give-and-take and instead try to convince others to accept the agreed-upon EU position without amendment. Needless to say, that is not an effective negotiating posture. This approach tends to worsen the already--poisonous West-versus-rest atmosphere that frequently prevails at the UN. This polarization and "bloc mentality" makes it more difficult for moderate states to separate themselves from the spoilers such as Algeria, Egypt, and South Africa that tend to dominate African Union deliberations, and thus harder to build a cross-regional, pro-human rights majority. Even when the EU has wanted to act, its

reluctance to criticize Washington for abusive counterterrorism policies has left it open to charges of selectivity and double standards. For example, by refusing to endorse a Cuba-backed effort at the Human Rights Council to

criticize Guantanamo (even though the proposed resolution was deliberately written in the exact same language as the Council of Europe had previously used in its own resolution), the EU contributed to the protect-your-own mentality that now plagues the Human Rights Council. Similarly, by agreeing to end UN scrutiny of Iraq and Afghanistan after the US invasions, the EU made it easier for others to oppose country resolutions aimed at their own friends. Unable for these reasons to build a pro-human rights majority at the council, the EU tends to resign itself to watered-down consensus resolutions, such as on Sudan, or to outright defeat, such as on the decisions to end the work of an expert group on Darfur or to terminate scrutiny of Belarus and Cuba. Similarly, despite ongoing massive atrocities in the eastern Democratic Republic of Congo, the EU acquiesced in a "compromise" resolution sponsored by Egypt ending the mandate of the UN independent expert on Congo; the EU accepted the fig-leaf of scheduling another discussion of Congo a year later. Taking Back the Initiative That the initiative on human rights has been captured by governments that do not wish international protection well should generate not despair but resolve. The new Obama administration in Washington offers the hope of a US government that can

assume a place of leadership in promoting human rights. If the European Union can generate the political will and surmount its self-imposed procedural paralysis, it will be in a position to help build a genuine global coalition for human rights that can seize the initiative from the spoilers. Governments that purport to promote human rights should abide by certain basic rules to be effective. First, they should ensure their own scrupulous respect for human rights—because international law obliges them to do so, because it will set a positive example, and because compliance will help silence charges of hypocrisy. They should also abandon efforts to

undermine human rights standards, such as the prohibition of torture in the context of fighting terrorism, or refugee protection in the rush to develop a common asylum policy. When these governments face criticism for violating human rights, they should accept it as legitimate discourse rather than an affront to be reflexively rejected. In their foreign policy, these governments should promote human rights as even-handedly as possible. That means criticizing not only pariah states but also friends when they commit serious rights violations. They should also elevate the importance of human rights in their relations with other governments, assigning the issue to senior officials, insisting on human rights occupying a prominent place on the agenda during bilateral discussions, and establishing clear benchmarks for change with specific consequences for indifference or retrenchment. In multilateral settings, these governments should make it a major priority to build a pro-human rights majority by encouraging rights-respecting states from all regions to speak out on human rights. With respect to the Human Rights Council, for example, rights-respecting states should be encouraged to offer their candidacy, while the candidacies of the spoilers and their allies should be actively opposed. The defeat in recent years of the candidacies of Belarus and Sri Lanka illustrates what must be done more regularly. Efforts should also be made to ensure that governments obstructing the defense of human rights pay a political price at home. Democratic governments with vibrant civil societies such as India and South Africa are able to get away with negative positions on human rights because few people in those countries track their voting records in intergovernmental forums and their national media rarely report on their conduct there. So when they vote to protect Burma, Sudan, or Zimbabwe, they do not face the criticism that they surely would encounter were they to adopt similarly regressive domestic policies. Helping journalists and civil society representatives visit New York, Geneva, and regional capitals to monitor and lobby their governments would be a useful first step. It is also important to recognize that many governments from the South have legitimate grievances about the behavior of Western governments. These grievances do not justify their hostility to human rights, but they clearly affect their perspective. Expanding the number of Southern governments willing to promote human rights will require addressing their sense that Western concern for human rights varies with the level of strategic interest, that powerful countries are allowed to get away with bad behavior, and that richer parts of the world are insufficiently concerned with economic and social rights in the global South, such as the right to food in the context of rising prices or the right to basic health care in the midst of a declining economy. A genuine commitment to recognizing these concerns would help to engage with states such as Ghana, Zambia, Mexico, Peru, Indonesia, and the Philippines that ought to be exerting greater human rights leadership in international and regional forums. Finally, there is a need to break the bloc mentality that leads so many governments to vote-almost by default—with their regional groups even when their own views are more progressive. Moderate states need encouragement to distance themselves from the spoilers that tend to dominate bloc voting. Thus in Africa, Ghana and Zambia should be encouraged to part company with Algeria and Egypt. In Asia, the Philippines and Thailand should be weaned from Burma and Vietnam. Success will require a strategy and vision, engagement and diplomacy—all designed to reach out to moderate states, take their concerns seriously, and bring them into the pro-human rights fold. A New Direction in Washington The success of any effort

to retake the initiative from the spoilers will depend to a large degree on Washington. The

Obama administration must undo the enormous damage caused by the Bush administration and begin to restore the US government's reputation and effectiveness as a human rights defender.

Changing US policy on how to fight terrorism is an essential place to start

Among the steps that President Obama should take would be to: Close the CIA's secret detention centers permanently. Bush suggested he had emptied them only temporarily. Apply to the CIA the US military's new rules (revised in the wake of the Abu Ghraib scandal) prohibiting coercive interrogation. Congress had tried to legislate that step, but Bush vetoed the bill, and Congress lacked the votes to override the veto. Close the Guantanamo detention center without effectively moving it on-shore by permitting detention without trial in the United States. That means repatriating or prosecuting all detainees, and ensuring that prosecutions are conducted in regular courts, not the substandard military commissions, which allow criminal convictions based on coerced confessions, or any other "special" tribunal that compromises basic due process. It also means abandoning the radical theory that terrorist suspects arrested anywhere in the world, even far from any recognizable battlefield, can be detained as enemy combatants without regard to the protections of human rights law. Launch a nonpartisan, professionally staffed investigative commission, with subpoena power, to examine who authorized these serious abuses, how they should be held accountable, and what steps should be taken to ensure that this ugly episode in US history never recurs. That process of exposure, acknowledgment, and repudiation is important so that the Bush administration's abuses do not stand as a precedent to be followed in future periods of security threat. The Obama administration should also signal that, from now on, the US government will submit to the requirements of international human rights law and reengage with international institutions for the enforcement of that law. President Obama should: Offer the United States as a candidate for the UN Human Rights Council with the purpose of making it an effective institution for promoting human rights. While a candidacy under Bush might well have failed, a candidacy under Obama is likely to prevail. Signal an intention to reengage constructively with the International Criminal Court by re-signing the ICC treaty, repealing the American Service-Members' Protection Act (which cuts aid to governments that will not forswear ever surrendering a US citizen for trial and authorizes invading The Hague to liberate any imprisoned American), and supporting the ICC politically and practically. The new administration should also begin the domestic political work needed for the United States to ratify the ICC treaty. Ratify other key human rights treaties, such as the new convention against enforced disappearances (as a sign of commitment never to resort to this despicable practice again), the long-ignored treaties on women's and children's rights (which the United States stands virtually alone in not having ratified), the treaty on economic, social, and cultural rights (to secure a safety net at home while helping to build a broader, cross-regional alliance for human rights abroad), the First Additional Protocol to the Geneva Conventions (setting forth standards for the conduct of warfare that the US already largely accepts as a matter of customary law), and the more recent, life-saving treaties banning cluster munitions and antipersonnel landmines (weapons that, because they have become so stigmatized, the US military would have a hard time using anyway). Finally, President Obama should reassess US bilateral relations with certain governments whose significance as strategic or counterterrorism allies led the Bush administration to overlook their abuses. The United States should use its substantial economic leverage to push for an end to abuses by close allies, such as Ethiopian atrocities in the Ogaden and Somalia, the Pakistani military's use of torture and "disappearances," Egypt's stifling of political opposition, Israel's use of collective punishment to respond to Palestinian rocket attacks on civilians, and Colombia's obstruction of investigations into links between senior government officials and murderous paramilitary forces. Conclusion

Like other global endeavors, **the effective promotion of human rights cannot ignore shifts in global power.**

The traditional role of the West in promoting human rights is not enough. New coalitions must be built by reaching out to other democracies that largely respect human rights at home and could be convinced to join efforts to promote human rights around the world. But such coalitions cannot be built without significant shifts in the policy and approach of the world's leading democracies. Today, the effective defense of human rights requires new commitments-

to studiously respect human rights in one's own conduct, to insist on accountability for serious abuses regardless of the perpetrator, to promote human rights consistently without favoritism for allies or strategic partners, and to reach out to potential new allies with an openness to addressing their human rights concerns. None of this is impossible. Those who believe that global shifts in power will sound the death knell of human rights enforcement are confusing the leading democracies' current poor performance with immutable reality. But the **successful defense of human rights will require serious self-examination on the part of these democracies and a willingness to change course.**

The arrival of the **Obama administration** in Washington with its seeming determination to end the disastrous abuses of the Bush years **provides an ideal opportunity. The task facing the human rights community is to convince the supporters of human rights-both traditional allies and potentially new ones-to seize this opportunity.** That would truly be something to celebrate in this sixtieth anniversary year of the Universal Declaration of Human Rights.

And, re-building credibility by changing War on Terror policies that kill HR protections is critical to effective HR promotion

Barma and Ratner 06

("China's Illiberal Challenge: The Real Threat Posed By China Isn't Economic or Military-It's Ideological", Naazneen Barma and Ely Ratner are Ph.D. candidates in political science at the University of California, Berkeley and research fellows at the New Era Foreign Policy Center.

http://globetrotter.berkeley.edu/NewEra/pdfs/BarmaRatner_China2006.pdf

The first is **credibility**. **A government cannot effectively promote human rights abroad if it is not observing them at home. If a government considers that habeas corpus and guarantees against torture are at variance with its national security, then it will not be able to urge other governments to respect these rights.** Nor will a human rights policy be credible if it is used as a pretext for achieving other foreign policy goals, for example as a rationale for an invasion of another country, or for regime change, or to achieve domestic political purposes. **Credibility also means a policy based on sound information that neither downplays nor exaggerates the situation for political reasons.** Second, the promotion of human rights must be defined as a national interest reflecting American values and bearing on national security. Rather than defining the policy in terms of morality or religion, it should be underscored that governments with open societies and that respect human rights are better allies and less likely to be threats to international peace and security and that our interests are not well served over the long term by allying ourselves with oppressive regimes. Moreover, respect for human rights should be presented as in the interest of foreign governments as well. I always liked the following quotation: "Never appeal to a man's better nature. He may not have one. Invoking his self interest gives you more leverage." Once the policy is defined as a national interest, there should be a willingness to pay something for it. **If trade and exports or the war on terror always trump human rights considerations, the policy will not be effective.**

2NC Uniqueness Wall

[each 1nc has a little different version of the same argument – U.S. human rights credibility/pressure is down now/ineffective due to a lack of U.S. credibility on human rights at home]

And, U.S. HR credibility is down now – surveillance policy and U.S. double standards gut HR promotion – reversal is essential

Carasik '14 (Lauren, clinical professor of law and the director of the international human rights clinic at the Western New England University School of Law, “Human rights for thee but not for me”, Al Jazeera, <http://america.aljazeera.com/opinions/2014/3/the-us-lacks-moralauthorityonhumanrights.html>, 3/12/2014)//HW

Last month U.S. Secretary of State John **Kerry unveiled the State Department's comprehensive annual assessment of human rights** around the globe. **It painted a grim picture of pervasive violations. Notably absent from the report, however, was any discussion of Washington's own record on human rights. The report elicited sharp rebukes from some of the countries singled out for criticism. Many of them questioned the United States' legitimacy as self-appointed global champion of human rights. China issued its own report**, 154 pages long, **excoriating the U.S. record on human rights** and presenting a list of Washington's violations. Egypt's Foreign Ministry called the report “unbalanced and nonobjective” and censured the U.S. for appointing itself the world's watchdog. Ecuador, Russia and Iran also criticized the report. By signaling that the world cares about human rights violations, the report provides a useful tool for advocates. **While the omission of any internal critique is unsurprising, that stance ultimately undermines the State Department's goals of promoting human rights abroad. Abuses unfolding around the world demand and deserve condemnation. But it is difficult for the U.S. to don the unimpeachable mantle, behave hypocritically and still maintain credibility.** North-south schism It is tempting to dismiss the scolding as retaliatory howls by authoritarian states, but their critiques have long been echoed by others. Pointing to simmering divisions over human rights standards, China argued that developing countries face a different set of challenges from their more developed counterparts. This ideological debate has permeated rights discourse and often underscores a north-south schism. The divide has its roots in the history of human rights. In 1945, still reeling from the atrocities of World War II, world powers gathered in Paris to forge a multilateral agreement that would form “the foundation of freedom, justice and peace in the world.” Those principles were enshrined in the nonbinding Universal Declaration of Human Rights (UDHR). The U.N. then adopted two covenants that would have the force of law: one focused on civil and political rights and the other on economic, social and cultural rights. Together with the UDHR, they form the International Bill of Human Rights. The covenants were meant to be universal, interdependent and indivisible and equally treated, but they do not exist in a political vacuum. Although the U.S. was instrumental in creating this international framework, it has resisted conforming to many of the norms for which there is an emerging international consensus. The U.S. holds sacred its commitment to civil and political rights, such as those protected by its robust and revered Bill of Rights and proclaims itself a beacon of freedom and justice in the world. Critics argue that the rhetoric exceeds the reality on the ground. Economic and social rights are far more contested, in part because they require affirmative duties that affect resource allocation: States must take progressive action toward providing housing, food, education, health care and a host of other rights. The U.S. has been singularly unwilling to ratify key international human rights instruments, reinforcing its status as an outlier in the field. The U.S. purports to be evenhanded. But geopolitical interests influence the tenor and content of its assessments, leading some critics to accuse the U.S. of sacrificing human rights at the altar of political expediency. For example, the U.S. has been accused of blunting its appraisal of allies such as Saudi Arabia, Bahrain, Mexico, Uzbekistan, Honduras and Israel. Economic interests also factor in. Critics decry the sale of arms to countries that by Washington's own assessment are complicit in human rights abuses. While politically and economically self-interested maneuvering is inevitable, not all countries issue an ostensibly definitive and unvarnished report on the state of global human rights. In December during Human Rights Week, U.S. President Barack Obama issued a proclamation reaffirming the United States' “unwavering support for the principles enshrined in the Universal Declaration of Human Rights.” Yet **global headlines are dominated by high-profile U.S. human rights transgressions — indefinite detention at Guantánamo Bay, torture, extraordinary rendition, extrajudicial assassination by drones that claims the lives of innocents in addition to its targets, the aggressive pursuit of whistle-blowers and data collection that violates privacy both at home and abroad.** Advocates criticize a litany of other human rights abuses, such as mass incarceration (the U.S. has 5 percent of the world's population but 25 percent of its inmates, with disproportionate representation among minority groups), the death penalty (including post-execution revelations that raise serious doubt about already questionable convictions), **racial profiling, the disenfranchisement of felons**, sentences of life without parole for juvenile offenders, gun violence, solitary confinement, the shackling of pregnant inmates and many others. The New York-based Human Rights Watch says **these violations disproportionately affect minority communities. “Victims are often** the most vulnerable members of society: **racial and ethnic minorities, immigrants, children, the elderly,**

the poor and prisoners,” it said in its annual report on the U.S. last year. Evading treaties Aside from specific human rights violations, the U.S. has been singularly unwilling to ratify key international human rights instruments, which reinforces its status as an outlier in the field. These include its refusal to ratify the Convention to Eliminate All Forms of Discrimination Against Women (only seven other countries are not parties to it), the International Covenant on Economic, Social and Cultural Rights, the Convention on Rights of the Child (ratified by all states except the U.S., Somalia and South Sudan) and the Convention on the Rights of Persons with Disabilities. The U.S. has also failed to ratify the American Convention on Human Rights, a regional framework on human rights in the Americas. It has ratified only two of the International Labor Organization’s eight fundamental conventions. Washington’s refusal to ratify the Rome Statute of the International Criminal Court (ICC) has provoked particular consternation. The international community has a profound interest in deterring the most violent abuses by ending impunity for war crimes, crimes against humanity and genocide. The ICC was created to promote accountability for these crimes, which are, for a complex and interrelated constellation of reasons, notoriously difficult to prosecute in domestic courts. But the U.S. will not submit to its jurisdiction, citing a number of concerns, including that the court would be subject to political manipulation and lack accountability to the U.N. and that submitting to it would violate state sovereignty. Some critics claim that it is the U.S. that fears being held to account in the international arena for the global expansion of its military and its possible commission of war crimes. To be fair, the ICC has its critics as well, who contest both its legitimacy and its efficacy. Subjects of complaint include its perceived preoccupation with African criminals, its slow pace of prosecutions and questions about how and when the international community should protect citizens of a sovereign state against atrocities. But the U.S. refusal to sign the Rome Statute, which established the ICC, undermines the principle that each and every country must be accountable to certain universal standards if they are to be rendered meaningful. American exceptionalism **U.S. intransigence is often cloaked behind lofty conception of American exceptionalism – the idea that the U.S. embodies the standards of liberty and democracy to which other countries should aspire.** Claiming to stand at the apex of democracy and human rights, **the U.S. exempts itself from surrendering its sovereignty to any global rights framework** Resistance to the adoption of international norms is not monolithic within the country, however. In a sign of retreat from these principles at a local level, some states and municipalities are embracing international human rights standards. The “Bringing Human Rights Home” report by the Human Rights Institute at Columbia School of Law evinces the willingness of some local governments to incorporate universal human rights standards, including economic and social rights that the U.S. has so far declined to validate. In 2012 former U.S. President Jimmy Carter urged the U.S. to reclaim its moral high ground, lamenting that **“America’s violation of international human rights abets our enemies and alienates our friends.”** Upholding universal, inalienable and enforceable human rights standards in a pluralistic and increasingly entangled world is no easy task. But **the domestic and international human rights movements are driven by the urgent goal of protecting the dignity of all human beings — including those at the margins who are powerless, poor, invisible and persecuted. The U.S. would have more credibility in promoting those principles if it reflected on its own transgressions. Naming and shaming by international actors is an essential tool for advancing human rights. But it assumes both the moral authority to sit in judgment and the humility to be self-critical.**

Obama is unable to turn words into action now due to a lack Human Rights Leadership – effective strategy change would result in Putin backlash – he’d perceive the strategy as an attempt at regime change

McFaul 15

(Michael, interview, pg online @ [//um-ef\)](https://news.vice.com/article/there-has-to-be-more-pressure-michael-mcfaul-americas-last-ambassador-to-russia-discusses-putin-and-ukraine)

A lot of **the criticism of President Obama at home is that he’s weak or reactive – that he “leads from behind.”** A more sophisticated version of those arguments is that he has “overlearned” the lessons of the **Bush Administration.** Are there lessons from Obama’s shortcomings that the next president, Democrat or Republican, should keep in mind? I think **there most certainly was in the beginning of the Obama Administration an overreaction and rejection to what the Bush Administration called the Freedom Agenda.** If they were all for it, there were **some in the Administration that thought we had to be against it.** I do think **over time that the President has articulated a much more sophisticated position,** his own voice in this debate. I think about two of his UNGA [United Nations General Assembly] speeches where he did that. I think about his May 2011 speech on the Arab Spring. Or even his South Africa speech last year where if you go and you look at these, **they have some pretty clear analytic statements about why the United States should support democracy and human rights abroad.** You can see there the democratic peace argument. You can see there the economic progress argument that says that democracy and development go together, they’re not in competition with one another.... I think **the problem for the Administration has been to articulate in difficult places strategies for doing something about those analytic statements.** And that’s where I think in terms of self-criticism, including my own work in the government. I wish we had done better and wish I had done better to have the kinds of implementation strategies to achieve the objectives that the president

has outlined. To turn back to Ukraine, I'm actually quite impressed by what the Administration has been able to do under very constraining circumstances with allies that are reluctant to engage in this. Crimea, of course, that came out of the blue. But I think the response in terms of the insurgency in eastern Ukraine has been rather impressive. I can think of areas where that could have gone in a much more negative way. So that's a particular area where I think the president did show leadership, he pivoted strongly to put this coalition together. And when people say the president is weak, I would remind people — how many people were sanctioned when Russia invaded Georgia? The answer to that is zero. So it's got to be compared to that when you talk about the weak response of the Administration. The American ambassador is an easy target. Do you think Putin successfully implemented a strategy against you? Were you, as an expert on democracy, an especially easy target? The answer to your first question is yes. Day two on the job as ambassador, a big feature of me was run on national TV in Russia basically saying that I was sent to Russia to foment revolution. That was part of the campaign strategy and I was a part of it. The answer to your second piece about my biography is also yes. In that hit piece and in many others they would take out of context my writings, some of which I did fifteen years ago, and portray them as US foreign policy. Sometimes they just added things and made up things. Let's be clear, there's no commitment to the truth when it comes to these folks. But they would definitely use my biography that way, and that was frustrating for me. They didn't write about my writings — I have lots of writings, for instance, about why we should engage with Russia and reset relations. I wrote those articles years ago, too, but they didn't focus on that. Nor, of course, did they focus on the work that I did at the White House in terms of signing the START treaty, opening the Northern Distribution Network, Russia's WTO accession. I was involved in all of those things, I wasn't just involved in democracy and human rights. Having said all that, I think there were some people even in the West that thought, "Why is McFaul there? There he is again speaking about the nasty things that Putin is doing in terms of democracy and human rights, and talking about how greater autocracy leads to more belligerent foreign policy." I think there were lots of people that thought that it was all about me personally. I think what the subsequent history shows is that it was not about me personally. This was a bigger, broader trend. This was not about me, this was about Putin. I think the evidence is now overwhelming that it was about him. And maybe people should have paid a little more attention two and a half years ago to the things I was saying to better understand why we're in the mess that we're in

now. How strong is Putin? Is he really as powerful and controlling of the situation in Russia as it appears from the outside? Well, I think he's quite powerful when it

comes to foreign policy matters. I should underscore that no amount of quiet diplomacy, no amount of constructive engagement at lower levels or with Putin, in my view, would have changed the dynamic in US-Russia relations that we see today. I think that that's sometimes hard for people to admit. But I've thought about this pretty hard and I don't think that if only we had some

secret channel to Putin through some government official or private citizen, we could have solved the problem. Because he just has a different theory about international relations than we do. He sees

us as a sinister force. He sees us as wanting to foment regime change around the world, and no amount of engagement is going to change his mind. I saw the president engage with him. I saw other senior American government officials engage.

And he's pretty firm in his views. That's the first thing. The second thing is there is not, in my view, a coalition around him that does the kind of red-teaming, plan B, or pushing back on his theory of international relations. He's been in the job for fourteen years, so he thinks he knows everything. And if fourteen, ten years ago, there were people around him that I think he did listen to, particularly on economic policy, today I think his circle has become smaller and more insulated and more filled with yes men....

Uniqueness

Pressure Ineffective Now

2NC Cards

Current methods of HR promotion are ineffective due to a lack of U.S. credibility on Human Rights – only the plan's increase in U.S. credibility can restore effective HR promotion
[this is in the Alliance 1NC]

Cihangir-Tetik 14

(Damla Cihangir-Tetik is a Ph.D Candidate in Political Science, Sabanci University/Istanbul as well as Project Coordinator for Transparency International Turkey, pg online @ <http://idsmagazine.org/human-rights-and-democracy-promotion-as-foreign-policy-tools-of-transatlantic-partners-by-damla-cihangir-tetik/> //um-ef)

Regarding human rights protection and democracy promotion, the “discrepancy of the West” argument reached its peak with the “war on terrorism” policy of the US after the 9/11 terrorist attacks. **Western democracy promotion and human rights norms deteriorated with the US-led operation in Afghanistan in order to fight against global terrorism** and with the invasion of Iraq by the US and Britain. Additionally, **the treatment of prisoners by the US officials** in Guantanamo Bay, Bagram in Afghanistan and Abu Ghraib was **perceived as aggressive, paternalistic, neo-imperialist** and a combination of all those by the rest of the international community (Burnell 2010, 2). Importantly, the EU and especially **the US are faced with an important credibility problem at the moment concerning their efforts towards international human rights protection** and democracy promotion in the rest of the world. **“Credibility refers to the fact that democratization is hardly ever the only foreign policy goal of those governments who provide democracy assistance”** (Burnell 2010). As Bermeo explains, even though the US has spent hundreds of millions of dollars on democracy and good governance in Egypt, its military aid, which is much more higher than the ones for democratization, increases the scepticism towards the priority of the US in Egypt (Bermeo 2009). **Democracy promotion can therefore only succeed if** it is embedded within the overall set of foreign policies of the promoting country and if **the promoting country itself adheres to the rules, norms and values it claims to want to become more widespread** (Burnell 2010). Similarly, **concerning international human rights protection, the US fails to accede to the ICC with others** – including China, India, Indonesia, Saudi Arabia – **and this discourages these states and also the others from engaging in activities that promote human rights** (Muftuler-Bac and Peterson 2014). As a result, **at the moment it is not expected from the US to be a global leader of human rights protection** and democracy promotion **internationally**. However, one has to keep in mind that the US under President Wilson’s administration was leading both bilateral and multilateral means of democracy promotion at the beginning of the 20th century. The US has established USAID in 1961 and the National Endowment for Democracy as its main democracy promotion instruments. In the mission statement of the State Department, democracy promotion is underlined as a political purpose for the US; “...advance freedom for benefit of the American people and the international community by helping to build and sustain a more democratic, secure and prosperous world composed of well-governed states that respond to the needs of their people, reduce widespread poverty, and act responsibly within the international system” (US Department of State 2007). As Babayan mentions, **different US administrations have different modes of democracy promotion and human rights protection**. While in the 1990s President Clinton made democracy promotion one of the three main pillars of his foreign policy, President George W. Bush adopted a different democracy promotion rhetoric, which is combined with military means and which President **Obama** later distanced himself from (Babayan 2013, Babayan and Huber 2012, 3). **Even though he continues to apply human rights and democracy promotion policies, he is much more cautious than his predecessors** because of increasing multipolarity in global security environment and **increasing domestic pressures**. According to discussed outcomes of diverse Western-led human rights protection and democracy promotion policies there is no certain, clear answer to the question of “do human rights protection and democracy promotion policies of the West work?” The

answer is both "yes" and "no". As Gravingholt et. al. mention, the foremost reason for this blurriness is the unknown precise rules of democratization (Gravingholt et. al. 2009). It is the same for human rights protection, an area where international legal norms and rules are not specified, internationalized and applicable until now, even though some improved steps regarding the creation of enforceable rules of International Criminal Court (ICC) and International Criminal Tribunals for the former Yugoslavia and Rwanda. Even the US and the EU have different approaches regarding human rights protection and democracy promotion and several disagreements on some issues, ranging from counterterrorism policies to private data collection and their shared security measures. As mentioned above, even though there is a continuation of the "discrepancy of the West" and/or the "credibility problem of the West", the transatlantic partners still lead human rights protection and democracy promotion internationally. Therefore, they have been pushing other states, IOs and non-state actors for the creation of international norms in the multilateral framework. However, this leadership perception is now insufficient to abolish the question: Has the West dropped human rights protection and democracy as a norm in response to the emergence of alternative political regimes to the Western democracy especially by the rise of China and Russia as global powers?

Obama Strategy

No Push

Obama's current strategy AVOIDS contentious HR promotion in favor of building institutions and allied cooperation

Beauchamp 15

(Zach, "Obama's long-view foreign policy: why he thinks the US can bend the arc of history," pg online @ <http://www.vox.com/2015/2/10/8013793/obama-interview-history//um-ef>)

That's fine for the long view, but Obama also has to manage foreign policy now, day-to-day. And, on that view, it can look like he's significantly less active on global human rights. **Obama hasn't seriously challenged Chinese authoritarianism** or Saudi theocracy. Iran and Russia pose major threats to stability in Europe and the Middle East. And North Korea is still North Korea. In the Vox interview, Obama's direct response to this line of criticism is pretty weak: the Internet will fix it. "I am a firm believer that particularly in this modern internet age, the capacity of the old-style authoritarian government to sustain itself and to thrive just is going to continue to weaken," he said. Still, his longer-view, implicit argument is a great deal stronger: the best way to deal with authoritarianism in the long run is to build up the global institutions that have accelerated positive trends worldwide — and to prevent other countries from weakening those institutions and trends. China is a good example of this. As a rising power that has been at times hostile to Western power, it was widely expected to challenge the US-dominated global order — potentially catastrophically — and in some cases it has. But, since 2008, the country has generally worked within and even endorsed that international system. This was mostly out of self-interest, but the Obama administration has worked to make sure that China's self-interest and that of the international system lined up. The result has been China buying into those positive trends of the status quo, rather than overturning them. For example, China helped the United States and global economic institutions rescue the global economy after 2008 by refraining from turning to trade protectionism. According to Tufts Fletcher School Professor Dan Drezner, that's evidence that "China is not proposing a serious challenge to what the liberal international order looks like." China benefits from a fairly open international trading regime and would suffer if security competition with the United States ramped up. Roping China into these systems demonstrates Obama's strategy in action. Throughout the interview, he mentions the need to get China on board with helping maintain global institutions: "you've got to step up and help us underwrite these global rules that in fact help to facilitate your rise," he says, addressing China's leaders. Obama has attempted to integrate other bad actors into the global system to make them less likely to cause trouble. The opening to Cuba is the clearest example, but so too are his overtures to Iran on nukes and the original (if ill-fated) Russia reset. "We can't guarantee that [Iran makes] a rational decision [on nukes] any more than we can guarantee Russia and Mr. Putin make rational decisions about something like Ukraine," he said. "But we've also got to see whether things like diplomacy, things like economic sanctions, things like international pressure and international norms, will in fact make a difference." And while these bad actors are co-opted or contained, by sanctions or international isolation, the rest of the world will continue to improve, bringing more states into the global system and depriving its enemies of potential allies. That'll make it harder for these states to sustain aggressive foreign policies — and even brutal repression at home — in the face of long-run international pressure. The Obama Doctrine This long-run vision is, in many ways, quite compelling. But it doesn't do a whole lot for protestors in Hong Kong, Saudi women demanding the right to drive, or Ukrainians gunned down by Russian troops in Donbas. **What about abuses that are happening now? That's where Obama's recognition of America's policy limits kick in**. Yglesias calls this Obama's Undoctrine: avoid costly and counterproductive mistakes, particularly military ones. **In the area of human rights, that means avoiding ostentatious pressure that might backfire**. For instance, Obama avoided openly embracing Iran's green protest movement in 2009, and he's kept support for the Syrian rebels to a relative minimum. That's because, in a lot of these cases, Obama thinks high-profile American statements or actions can backfire. Instead, Obama argues, we have to take human rights wins where we can get them. Not every issue is amenable to American pressure or direct action. "Our successes will happen in fits and starts, and sometimes there's going to be a breakthrough and sometimes you'll just modestly make things a little better," he says. **This may not always be a satisfying approach to spreading human rights** — long-views rarely are — but it has the virtue of being a smart one.

<http://www.washingtonpost.com/wp-dyn/content/article/2010/05/30/AR2010053003299.html>

Obama doesn't care about human rights-low budgets, doesn't release human rights report

Abrams 15 Elliot, senior fellow for Middle Eastern Studies, Council on Foreign Relations. "Why is Obama's Human Rights Report 115 Days Late?" *CCouncil on Foreign Relations*. 06/16/15.

Accessed 6/29/15. <http://blogs.cfr.org/abrams/2015/06/16/why-is-obamas-human-rights-report-115-days-late/>

The argument that this is so important to Mr. Obama and Mr. Kerry that Kerry and only Kerry must preside strikes me as nonsense. Neither man has paid much attention to human rights while in office, human rights budgets are declining, and human rights advocates write constantly about the diminishing U.S. interest in the subject. In fact the reports speak for themselves and any high State Department official could preside over a little ceremony releasing them. If the topic were so important to Secretary Kerry he would not be delaying the release by just short of four months. He could ask National Security Adviser Susan Rice over to dress up the press conference, or Joe Biden. Or let the Deputy Secretary of State do it, noting that the bicycle accident removed Kerry from the scene.

Obama deliberately not promoting Human Rights-Africa Summit

Washington Post 14 Editorial Board, "Where is human rights in the Africa summit?" *Washington Post*. 08/02/14.

www.washingtonpost.com/opinions/where-is-human-rights-in-the-africa-summit/2014/08/02/858d7eae-18ee-11e4-9e3b-7f2f110c6265_story.html

Africa is indeed home to the seven of the 10 fastest growing economies of the past decade. But it's also home to at least 16 countries with a broken or deteriorating human rights record. Three of those countries — Eritrea, Sudan and Zimbabwe — were not invited to the summit because they were not in good standing with the United States. But in a push for inclusiveness, the Obama administration invited at least 13 other strongmen. President Teodoro Obiang Nguema of Equatorial Guinea, the longest-serving non-monarch in the world, will likely be in attendance. He's allegedly jailed and tortured political opponents, including an Italian businessman named Roberto Berardi who was to testify in the United States about corruption by Mr. Obiang's son. Mr. Berardi has been "severely beaten and flogged by guards, [and] held for lengthy periods in solitary confinement," Human Rights Watch reported. Another likely attendee, Ugandan President Yoweri Museveni, had his anti-gay law struck down on Friday but still enforces his public order law, which is used to shutter media organizations and detain politicians. Mr. Museveni's police reportedly killed at least 49 people with impunity in two separate protest crackdowns in recent years. The inclusion of these leaders would have been understandable — and perhaps productive — if human rights were centrally placed on the agenda. No African leader would refuse an invitation to the White House even with a summit prominently featuring human rights. Yet the topic is wholly sidelined through all three days of conferences. There's no doubt a purposeful, diplomatic choice was made to deny human rights its own session, while topics like wildlife trafficking receive their OWN. The idea, as national security adviser Susan E. Rice says, is that "in each of the sessions, there will be some very straight talk and give-and-take." The White House argues that human rights will weave itself into discussions, especially in the Civil Society Forum and the leaders' session on governance. But like all uncomfortable topics, human rights will likely be pushed to the back-burner while more agreeable issues like "civic innovation" and managing "transnational threats" take precedence.

not emphasizing hr now

<https://www.opendemocracy.net/opensecurity/arash-falasiri/obama's-humanrights-lacuna-in-struggle-against-%E2%80%98extremism%E2%80%99>

No Push: China

Obama is not focused on human rights in China – rather political motives, the global economy, climate change, and the security crisis

Hickey 4/7, (Jennifer Hickey, Strategic Communications Specialist and Writer, "Joe Biden to Chinese: US Emphasis on Human Rights Just Politics," <http://www.newsmax.com/Newsfront/Joe-Biden-China-human-rights-Xi-Jinping/2015/04/07/id/637000/>, 04/07/15, //VZ)

During conversations with Chinese President Xi Jinping in 2011 and 2012, Vice President Joe Biden said that American presidents speak about human rights because of "political imperative," according to an article in the latest New Yorker. "No president of the United States could represent the United States were he not committed to human rights," he told Xi when asked why the U.S. puts so much "emphasis" on human rights. "President Barack Obama would not be able to stay in power if he did not speak of it. So look at it as a political imperative. It doesn't make us better or worse. It's who we are. You make your decisions. We'll make ours." "It was not exactly a gaffe. It wasn't a misstatement of a phrase or two," says Wall Street Journal editorial page writer David Feith, who is stationed in Hong Kong. "The answer that Vice President Biden gave to the Chinese leader was quite unusual. This is simply for consumption back home in the U.S. It is not a matter of strategic importance or of America's moral values," but one of political posturing. As noted in the latest report issued by the State Department's Bureau of Democracy, Human Rights and Labor on human rights practices, after completing the leadership transition to Xi, Chinese government officials often engaged in human rights abuses. "Repression and coercion, particularly against organizations and individuals involved in civil and political rights advocacy and public interest issues, ethnic minorities, and law firms that took on sensitive cases, were routine. Increasingly, officials employed harassment, intimidation, and prosecution of family members and associates to retaliate against rights advocates and defenders," the report said, adding that "security forces reportedly committed arbitrary or unlawful killings." Biden's comments echo similar sentiments expressed by then-Secretary of State Hillary Clinton during a visit to South Korea in 2009. "Successive administrations and Chinese governments have been poised back and forth on these issues, and we have to continue to press them. But our pressing on those issues can't interfere with the global economic crisis, the global climate change crisis, and the security crisis," she told reporters when describing the administration's priorities, according to CNN.

No Push: Iran

Obama neglects Iran's human rights' violations – Obama's focus is on the nuclear deal

Kredo 3/17, (Adam Kredo, Adam Kredo is senior writer for the Washington Free Beacon. Formerly an award-winning political reporter for the Washington Jewish Week, where he frequently broke national news, quotes numerous Iranian dissidents, "Iranian Dissidents Criticize Obama's Nuclear Diplomacy," <http://freebeacon.com/issues/iranian-dissidents-criticize-obamas-nuclear-diplomacy/>, 3/17/15, //VZ)

JERUSALEM—A group of Iranian dissidents and political prisoners have lashed out at the Obama administration, lambasting its ongoing diplomacy with Iran, according to two open letters sent to the White House in recent days. As Tehran and the United States move closer to a final deal aimed at stalling Iran's nuclear breakout time at around one year, opponents are stepping forward to register their skepticism and anger over the agreement, which they say does little to address the Islamic Republic's poor human rights record. In each letter, the dissidents—most of whom are currently political prisoners in Iran—criticize the White House for ignoring the issues of human rights and democracy in Iran as they push to finalize a deal with a regime that the dissidents says is murderous and untrustworthy. Iranian reformers and those seeking a change in the country's leadership say they do not view the agreement as representing the plurality of Iranians. "Any deal in which the real representatives of Iranian people are not present and human rights are ignored, is basically a deal between President Obama and Khamenei's agents, and Iranian people will not consider it to be legal," 21 Iranian political prisoners wrote in an open letter to Obama that was translated from Persian for the Washington Free Beacon. **As the Obama administration negotiates with Iran, the Islamic Republic continues to execute scores of political prisoners and dissidents each day**, the letter states. An American pastor, Saeed Abedini, also continues to be imprisoned in Iran. "In this chaos, Iranian people, human rights, and basic civil rights are absent without any representation," they write. **"During President Obama's negotiations for a profitable deal with the non-democratic Regime of Iran, the number of people executed increases everyday; freedoms of speech, religion, women, and journalists are restricted more and more, and civil, labor, and political associations are suppressed heavily."** On Sunday, another Iranian dissident currently in jail for leading protests against the regime sent his own letter to Obama. Heshmat Tabarzadi says that the Obama administration has been ignoring human rights issues in order to placate the Islamic Republic in talks. "When the people of Iran asked you to support them against the tyranny of the Shia clerics over five years ago you, the president of the most powerful country on earth, were secretly writing letters to the dictator of Iran," he writes in the letter, which was smuggled out of Iran by human rights activists and provided to the Foundation for Democracy in Iran, an advocacy group. Obama's outreach has only empowered Ali Khamenei, Iran's supreme leader, writes Tabarzadi, who says he shares a prison cell with Saeed Abedini. "In June 2009, as Khamenei ruthlessly ordered his paramilitary forces to kill people on the streets and on university campuses, imprisoning and torturing journalists, intellectuals, the young and the old mercilessly, your friendly communications with the tyrant of Iran continued in the name of the people of the United States, ignoring the human rights of the people of Iran," the letter states. "You helped Khamenei to continue his Islamic tyranny in the name of Allah and Islam." "The Islamic clerics have taken our nation hostage to their fanatical Islamic tyranny," he adds. "In 2009 when the people of Iran loudly and clearly asked for your support for their freedom and sovereignty, you ignored us and empowered the tyrants to

imprison, torture, and kill us.” Nations such as the United States should be supporting “the People of Iran, not the tyrants,” according to Tabarzadi. Obama has intimidated Americans into going along with his diplomacy by forwarding “misinformation” about the talks, Tabarzadi writes.

No Push: Saudi Arabia

Obama not pushing for human rights in Saudi Arabia – Middle East Stability and relations

McKelvey 1/27, (Tara McKelvey, BBC News, quotes US President Obama, "US-Saudi ties: Obama pursues stability, not human rights," <http://www.bbc.com/news/world-us-canada-30961918>, 01/27/15, //VZ)

Today as in years past, Americans value their ties with Saudi leaders, working closely with them on counterterrorism and intelligence issues. Not everything is perfect, though. The Saudis wish US officials would push harder for Syria President Bashar al-Assad's ouster, for instance. But overall, the US and Saudi Arabia have a shared history - and common goals. For these reasons Mr Obama and his advisors appear to have downplayed the issue of human rights during their visit, though the subject has been in the news. A Saudi blogger, Raif Badawi, was sentenced to weekly floggings recently, charged with "insulting Islam through electronic channels". The scheduled floggings have twice been postponed. In addition Saudi Arabia is a world leader in beheadings, according to Foreign Policy. Still these issues were not high on Mr Obama's agenda during this trip. By his own account he felt reluctant to press matters at this time. Talking about human rights makes some allies "uncomfortable," he explained on CNN. "It makes them frustrated." On his trip to Riyadh Mr Obama was accompanied by Secretary of State John Kerry and CIA Director John Brennan. Condoleezza Rice, who has served as secretary of state, and Brent Scowcroft, a former national security adviser, were also there. "The US has important relationships with lots of countries with which it has differences. China is one, Saudi Arabia is another," says Jon Alterman, the director of the Center for Strategic and International Studies' Middle East program. "I don't see that changing in the near future," he says. The Saudis play a key role in maintaining security in the region. Other countries have been rocked by chaos over the past several years, yet the political situation in Riyadh has remained largely unchanged. "Saudi Arabia is a status quo power," says Bruce Rutherford, an associate professor of political science at Colgate University. "The Saudis provide a rock of stability". The new king has been careful to explain what people could expect in the future. "We will continue adhering to the correct policies which Saudi Arabia has followed since its establishment," King Salman said in a speech broadcast on state television. In recent days US officials have seen people they've gotten to know, such as Prince Mohammed bin Nayef, the interior minister, move up. He is now deputy crown prince and has been formerly placed in the line of succession. This helps to ensure continuity within Saudi Arabia - and also with US-Saudi relations. Prince Mohammed bin Nayef, a graduate of Lewis & Clark College in the US state of Oregon, has "close ties" to White House officials, according to the New York Times. Yet continuity makes it harder for US officials to push for a new approach to human rights. Prince Mohammed bin Nayef, for example, takes a hard line against human-rights campaigners.

No Push: Bahrain

Bahrain is just one example of Obama's vanishing human rights campaign – Obama's words and actions on Human Rights are distinct

Abrams 2/27, (Elliott Abrams, Elliott Abrams is a senior fellow for Middle Eastern Studies at the Council on Foreign Relations in Washington, DC. He served as deputy assistant to the president and deputy national security advisor in the administration of President George W. Bush, where he supervised U.S. policy in the Middle East for the White House. Mr. Abrams was educated at Harvard College, the London School of Economics, and Harvard Law School. After serving on the staffs of Sens. Henry M. Jackson and Daniel P. Moynihan, he was an assistant secretary of state in the Reagan administration and received the secretary of state's Distinguished Service Award from Secretary George P. Shultz. In 2012, the Washington Institute for Near East Policy gave him its Scholar-Statesman Award. Mr. Abrams was president of the Ethics and Public Policy Center in Washington, DC, from 1996 until joining the White House staff. He was a member of the United States Commission on International Religious Freedom from 1999 to 2001 and chairman of the commission in the latter year, and in 2012 was reappointed to membership for another term. Mr. Abrams is also a member of the U.S. Holocaust Memorial Council, which directs the activities of the U.S. Holocaust Memorial Museum. He teaches U.S. foreign policy at Georgetown University's School of Foreign Service. Mr. Abrams joined the Bush administration in June 2001 as special assistant to the president and *senior director of the National Security Council for democracy, human rights, and international organizations*. From December 2002 to February 2005, he served as special assistant to the president and senior director of the National Security Council for Near East and North African affairs. He served as *deputy assistant to the president and deputy national security advisor for global democracy strategy from February 2005 to January 2009, and in that capacity supervised both the Near East and North African Affairs and the democracy, human rights, and international organizations directorates of the NSC*. He is the author of four books, *Undue Process* (1993), *Security and Sacrifice* (1995), *Faith or Fear: How Jews Can Survive in a Christian America* (1997), and *Tested by Zion: the Bush Administration and the Israeli-Palestinian Conflict* (2013); and the editor of three more, *Close Calls: Intervention, Terrorism, Missile Defense and "Just War" Today*; *Honor Among Nations: Intangible Interests and Foreign Policy*; and *The Influence of Faith: Religion and American Foreign Policy*. "How Obama Caved on Bahrain," <http://foreignpolicy.com/2015/02/27/how-obama-caved-on-bahrain-manama-human-rights/>, 2/27/15, //VZ)

Once upon a time, President Barack Obama's administration not only followed the crisis in **Bahrain closely, but spoke loudly about it**. American policy was clearly to press for a compromise between the Sunni royal family and the majority Shiite population. After all, the U.S. Fifth Fleet is based in Bahrain, allowing the United States to project its naval power across the Gulf, and roughly 8,500 Americans live there. Violence and instability in Manama are obviously something the United States wishes to avoid. **Way back in 2011, when the Arab Spring began and protests spread across the country, demanding more democracy and better representation for Shiites**, Obama himself pressed for change in Bahrain. In February 2011, as protesters massed in the tens of thousands at Manama's Pearl Roundabout, **the president issued a statement welcoming reform plans** — which, alas, were **never really carried through** — **announced by King Hamad bin Isa Al Khalifa**. Obama reaffirmed that it was the U.S. position

that Bahrain's stability would be ensured through "respecting the universal rights of the people of Bahrain and reforms that meet the aspirations of all Bahrainis." The king, however, answered Obama's call for reform with more repression. On March 14, he invited in troops from Saudi Arabia and the United Arab Emirates to help put down the protests. Thousands of security forces stormed the Pearl Roundabout demonstrations on March 16, clearing the protest camp and arresting its leaders. Two days later, the Pearl Monument at the center of the roundabout, which had become an icon of the protests, was demolished, and closed the area off to the public. In the aftermath of the crackdown, Obama's tone on Bahrain noticeably toughened. The message was clear: Stability must depend on respecting the rights of the people, not on foreign troops. When the president gave a major speech on the Middle East in May 2011, he was even more critical of Bahrain and its policy of repression: "We have insisted both publicly and privately that mass arrests and brute force are at odds with the universal rights of Bahrain's citizens, and ... such steps will not make legitimate calls for reform go away." Later in that speech, he said that Shiites "must never have their mosques destroyed in Bahrain," raising one of the most explosive aspects of how the Sunni government has attempted to suppress protests by the Shiite majority. In Obama's September 2011 address to the U.N. General Assembly, the tiny country got a whole paragraph. The president said that the United States "will continue to call on the government and the main opposition bloc — the Wifaq — to pursue a meaningful dialogue that brings peaceful change that is responsive to the people." He also said that reforms had been made, but that "more is required" — three words that amounted to a clear message that the monarchy was falling short. The White House was not about to let the king off the hook — and the president himself was raising the issue, not some spokesperson. **What has happened since then? Not much. There has been little or no progress in Bahrain — domestic tensions have instead risen higher.** Everything President Obama demanded has been refused. In June 2011, an independent commission was established to examine the events during the early months of the uprising, and in November it reported its findings to the king. Its recommendations, however, were roundly ignored: In 2012, the commission's chairman, law professor Cherif Bassiouni, delivered what George Washington University's Marc Lynch termed a "scathing critique of its failure to undertake any deeper political or social reforms." Bassiouni has given the government credit for taking a number of his recommendations — even as he laid out Manama's failings to resolve the underlying grievances of the protests. "There are very, very fundamental social and economic issues involved in the Shiite population that need to be addressed, and have not been addressed," he said in a 2014 interview. **"When you have people who do not have the hope of seeing themselves as equal citizens, as having equal opportunities in a particular country, living in mostly economic underprivileged areas in high-density population areas, they explode."** Others are even more critical. In May 2014, Human Rights Watch issued a report finding that, despite the king's promised reforms, **"members of security forces are rarely prosecuted for unlawful killings, including in detention, and the few convictions have carried extremely light sentences."** **The Bahraini government has also adopted new methods to silence opposition voices. In January 2015, it stripped 72 citizens of their nationality, rendering many of them stateless.** As Amnesty International pointed out, **the authorities included human rights and political activists on the same list as Bahrainis who allegedly went to fight with the Islamic State (IS). So the government of Bahrain is trying to equate peaceful protest with jihadi terrorism.** While the government is painting all protesters as "terrorists" who support the Islamic State, its own policy appears to be one of promoting sectarian divisions. As the human rights activist Ala'a Shehabi wrote in Foreign Policy last year, the monarchy has been "nurturing and nourishing extremist groups and their sectarian ideology to counter the so-called 'Shiite threat' posed by the pro-democracy uprising." For the government, Sunni solidarity appears to trump the need to act against Sunni extremism. "Bahrain's public stance on the war against IS contrasts sharply with its lack of action at home," Shehabi continued. **"So far there doesn't appear to have been any documented trial of any person on charges of IS-related terrorist activity despite government vows to pursue and monitor their activities."** All of this is not to offer roses to the conduct of the Bahraini opposition, which some observers see as having missed several opportunities to gain ground. It has said no when it should have said yes to occasional government offers, some close students of Bahraini politics have argued, and has a habit of seeing compromise as betrayal. Not every movement has a Nelson Mandela at its head: Many opposition leaders around the world could probably make a good case that the leadership of al-Wefaq, the main Shiite opposition group in Bahrain, has made tactical errors. Yet it is hard to agree to compromise when you or your family are in jail, being beaten, or being called a terrorist. In the case of al-Wefaq, its leader, Sheikh Ali Salman, has been thrown in jail yet again and charged with plotting a coup and inciting violence against the security forces. **As the Bahrain situation has worsened in the years since 2011, what has been the Obama administration's reaction? After the tough language and the demands made by the president in 2011, what has come next? The answer is: near silence — accompanied by steps that make it clear to the royal family that**

there will be no real American pressure for reform. After the firm language in his 2011 U.N. General Assembly speech, Obama's only mention of the worsening situation in his U.N. address two years later was a one-line reference to the need for efforts "to resolve sectarian tensions that continue to surface in places like Iraq, Bahrain, and Syria." No doubt the Bahraini monarchy was unhappy to see Bahrain compared to Iraq and Syria, but there was no blame — and no call for action. In 2012, the president didn't mention Bahrain in his U.N. speech, and that year the White House issued just one statement about Bahrain — from the press secretary rather than from the president. It blamed both the government and the opposition for the continuing violence, urged the government "to redouble its ongoing efforts to implement the recommendations of the Bahrain Independent Commission of Inquiry," and called for "genuine dialogue" and "meaningful reforms." We do not need to wonder whether the government of Bahrain viewed those comments in 2011 and 2012 as real pressure. In May 2011, it orchestrated a campaign against the human rights officer at the U.S. Embassy in Manama, Ludovic Hood, and the State Department pulled him out for his own safety. "It is unacceptable that elements within Bahrain would target an individual for carrying out his professional duties," said the State Department — but Bahrain paid no price. Throughout his term as ambassador to Bahrain, from 2011 until early this year, Tom Krajeski was subject to the same sort of abuse in the press. Krajeski was no hot-head, and said repeatedly that he placed the blame on the lack of political reconciliation in Bahrain on both sides. But the veteran diplomat's mere recognition of serious human rights and political problems in Bahrain was too much for the government, which made sure he was vilified in the press. In May 2013, the Bahraini cabinet approved a parliamentary proposal to "put an end to the interference of U.S. Ambassador Thomas Krajeski in Bahrain's internal affairs." Then in July 2014, Bahrain's government actually expelled U.S. Assistant Secretary of State for Human Rights Tom Malinowski for meeting with members of the country's political opposition — an extraordinary and unprecedented act for a U.S. ally to take. What price did Bahrain pay for this? Zero. It gets worse. An American citizen named Tagi Abdalla al-Maidan has been in jail in Bahrain since 2012. He's accused of violent acts, and the government claims he confessed; he denies the accusations and says the confession was obtained by torture. He was held in prison for almost an entire year before a court hearing, and then handed a 10-year prison sentence. Last year, the U.N. Working Group on Arbitrary Detention declared that the court had violated a whole series of substantive and procedural rights that rendered his imprisonment a violation of international and Bahraini law. What has the U.S. government reaction been to the imprisonment of one of its citizens in a faulty legal process? As CNN pointed out in November, the United States "has said little" about Maidan's case. State Department spokesman Jeff Rathke said that the United States was following the case closely, and that "this is a matter of ongoing concern." Were I in a foreign prison, those words — "this is a matter of ongoing concern" — would not seem to me a tough and energetic demand for my freedom. It's hard to believe the United States could not spring Maidan if it pushed hard enough. The United States maintains considerable leverage in Manama. Even a small drawdown of U.S. military personnel would reverberate loudly there, as would moving — or even announcing a study of moving — any piece of the U.S. military presence out of Bahrain. Perhaps more important, there's a great struggle over whose "narrative" will prevail in Bahrain: the government's, arguing that its crackdown is designed to oppose terrorism and maintain stability; or that of the opposition, arguing that the country is becoming increasingly repressive toward peaceful protests and human rights. If the United States were to side publicly, and loudly, with the opposition, the outcome of the argument would be affected. More public pressure might well force the royals to think harder about compromises, and strengthen the hand of those who are privately arguing for reform. Instead, the United States has not only remained largely silent on human rights abuses, but has acted in ways that can only convince the Bahraini government to ignore any quiet protests that are actually made. In 2012, when Congress objected to arms sales to Bahrain because of the repression there, the Obama administration used a loophole to continue the sales. As Foreign Policy reported, the State Department is required to formally notify Congress of any arms sales over \$1 million. According to a congressional source, rather than going through the notification process, the administration divided up an arms sales package into multiple sales, each of which was less than \$1 million — thereby dodging congressional oversight. That was 2012. In 2013, the Navy announced that it was adding five more coastal patrol ships to American forces in Bahrain. Last year, the Obama administration went forward with a more than half-billion-dollar expansion of the U.S. presence in Bahrain, which will cement the U.S. presence in the country for decades to come. Now, what signal does that send the royals? "With each passing day, the Bahrain government's self-fulfilling prophecy of a sectarian war is

becoming more and more the reality,” Reza Aslan wrote in 2013. “If that happens — if the Bahrain uprising descends into the kind of regional holy war between Sunni and [Shiite] — the United States will not be able to avoid the consequences.”

That message holds true for the U.S. Navy’s Fifth Fleet, which makes one wonder why it is smart to assume that the facilities the United States has in Bahrain will in fact be available — or safe to use — in the coming decades. Meanwhile, the announcement of the expansion can only be read one way by the Bahraini authorities: The American protests about human rights conditions are not serious. It didn’t have to be this way — nobody forced the United States to turn a blind eye to Bahrain’s explosive domestic situation. Consider an alternative path: Suppose a top-level messenger, such as the chief of naval operations or chairman of the Joint Chiefs of Staff, had been sent to Bahrain to say, “Look, I personally would like this base expansion. But there’s no way it’s going to happen until the repression stops. In fact, we are going to announce that naval facilities elsewhere in the Gulf will be examined for future expansion to replace Bahrain, because Bahrain is viewed as increasingly unstable. Guys, you’ve got three months to start showing us something.” Such a message — and if necessary, a public statement a few months later — would have had a huge impact. It would have shown the Bahraini government and its supporters the risks they face; it would have made the business community nervous, and perhaps more supportive of reform; and above all, it might have given additional ammunition to those in the royal family who favor reconciliation over repression.

Instead, the Obama administration is sending the clear message that its loud protests are over, the president won’t speak about Bahrain, and the monarchy can relax. In fact, no one should relax about Bahrain. It is on a path toward increasing instability, featuring growing Sunni extremism, growing Shiite outrage, and ever-widening sectarian divisions. The Fifth Fleet is a hostage, and the Obama administration is spending hundreds of millions of dollars there as if America’s welcome will be permanent. That’s a suspect assumption: As the majority of Bahrainis conclude that the United States is indifferent to the crackdown and siding with the most regressive elements of the royal family, support for the Fifth Fleet’s presence will start to disappear. As will Bahrain’s very sovereignty, as it is caught up in the regional rivalry between Iran and Saudi Arabia. Once upon a time, Bahrain was an outpost of civility and moderation in the Middle East. Now, it is coming to share the pathologies of its neighbors. That’s tragic, and it is in part the result of weak American policy. By placing security matters — Bahrain’s minuscule participation in the anti-Islamic State coalition and its hosting of the Fifth Fleet — above all other considerations, the Obama administration is putting that very security relationship at risk. Once upon a time, Bahrain was also an example of a sensible Obama human rights policy. Today, one can sadly say that it’s a good example of how that human rights policy has vanished into thin air.

HR Cred Low

U.S. Cred Low: China Report

Multiple issues undermine US HR cred

New York Times 6/26 (Michael Forsythe, “China Issues Report on U.S. Human Rights Record, in Annual Tit for Tat,” New York Times, June 26, 2015, <http://sinosphere.blogs.nytimes.com/2015/06/26/china-issues-report-on-u-s-human-rights-record-in-annual-tit-for-tat/>)//AG

Police brutality, racial discrimination, torture of terrorism suspects, horrifically overcrowded prisons, rising income inequality and endemic poverty. These are just some of the human rights abuses in the United States highlighted by China on Friday in response to the State Department’s annual human rights report. Beijing’s retort is an annual ritual that some might find almost too easy to dismiss. Those who try to equate what happens in the democratic United States with the repression of human rights and civil liberties in authoritarian China will be challenged by the State Department’s 148-page report on China, released on Thursday. But that doesn’t mean that China’s report, issued by the State Council, the country’s cabinet, doesn’t make for sobering reading. Citing American news reports, scholarly articles and government documents while adopting a format and tone similar to the State Department report, the Chinese report covers topics such as the death of Michael Brown in Ferguson, Mo., and the case of Tamir E. Rice, a 12-year-old in Cleveland who was shot by a police officer after he brandished what turned out to be a toy gun. “Racial bias in law enforcement and judicial system is very distinct,” said the Chinese report, titled “Human Rights Record of the United States in 2014.” “Compared with other ethnic groups, African-Americans are more likely to become victims of police shooting.” China’s government considers economic rights to be human rights, and the report takes aim at the rising income inequality in the United States; high poverty rates, especially for minorities; homelessness; and the increasing costs of higher education. The Chinese report liberally cites a December 2014 report from the Senate Intelligence Committee on the use of torture, listing techniques including “sleep deprivation, waterboarding, long-term solitary confinement, slamming prisoners’ heads against the wall, lashing, death threats and even the appalling ‘rectal rehydration.’ ” Still, the report’s statements that Americans “have increasingly lost confidence in electoral politics” and “a few interest groups with power were able to influence the government’s decision making” are bold criticisms coming from a country in which the Communist Party has a monopoly on political power. On Thursday, Human Rights Watch released a report detailing how some lawyers who represent clients in politically sensitive cases in China are physically assaulted. That a New York-based group, and not one based in Beijing, documented these abuses speaks to the awkwardness of the Chinese government taking on the role of human rights critic. China’s report drew on extensive reporting by the American news media and by government agencies, including revelations concerning the excessive use of force by the police, torture and the government’s bulk collection of data about United States citizens, issues that have been the subject of national debates and that have, in some cases, led to policy changes.

US HR cred low and empirically fails with China

Reuters 6/26 (Sui-Lee Wee, “China Attacks U.S. Human Rights Record in Annual Report,” Reuters, June 26, 2015,

<http://www.reuters.com/article/2015/06/26/us-china-usa-rights-idUSKBN0P60A820150626//AG>

China accused the United States on Friday of being "haunted by spreading guns" and racial discrimination, in its annual tit-for-tat rebuttal to U.S. criticism of China's human rights record. In a lengthy report carried by the official Xinhua news agency, the information office of the State Council, or cabinet, said the United States "violated human rights in other countries in a more brazen manner, and was given more 'red cards' in the international human rights field". Human rights have long been a source of tension between the world's two largest economies, especially since 1989, when the United States imposed sanctions on China after a bloody crackdown on pro-democracy demonstrators around Beijing's Tiananmen Square. On Thursday, the U.S. State Department released its annual report on human rights conditions in the world. In the China section of the report, it said repression and coercion were routine against activists, ethnic minorities and law firms that took on sensitive cases. Senior leaders in China periodically promise citizens democracy and human rights, but the last two years under President Xi Jinping's administration have been marked by a sweeping crackdown on dissidents and activists. China has long rejected criticism of its rights' record and has pointed to its success at lifting millions out of poverty. The State Council report was "an equal and mutually beneficial way of reciprocating" the United States, Chinese Foreign Ministry spokesman Lu Kang said at a daily briefing. The State Department report came in the same week that the United States and China held three days of high-level talks in Washington. The Chinese report, which was mostly compiled from U.S. media articles, said "racial discrimination has been a chronic problem in the United States human rights record", adding that the United States suppressed the voting rights of minorities. "In 2014, multiple cases of arbitrary police killing of African-Americans have sparked huge waves of protests, casting doubts on the racial 'equality' in the United States and giving rise to racial hatred factors," the report said. The report also criticized the United States for conducting surveillance on world leaders and civilians and for allowing a few interest groups to influence the government's decision-making.

US HR cred low- surveillance and racial discrimination undermine

Pakistan Today 6/26 (Agencies, "China Slams US Human Rights Record in Annual Report," Pakistan Today, June 26, 2015, <http://www.pakistantoday.com.pk/2015/06/26/foreign/china-slams-us-human-rights-record-in-annual-report//AG>)

China on Friday slammed the United States for a "terrible human rights record", denouncing it for police brutality and global surveillance a day after Washington criticised Beijing's own performance. In a report sourced mainly from US media, China said the US was "haunted by spreading guns, frequent occurrence of violent crimes, the excessive use of force by police". It said that US intelligence had used "indiscriminate" torture against terrorist suspects, while "violating human rights in other countries" with drone strikes and surveillance. The document is released each year by China the day after the US State Department issues its annual global human rights report. Beijing does not release rights reports on other countries. Unlike China the US is a multiparty democracy but the report declared: "Money is a deciding factor in the US politics, and the US citizens' political rights were not properly protected." China's ruling Communist Party has repeatedly imprisoned those who openly challenge its right to rule or have protested publicly. Its state-run media said in December that torture by Chinese police to extract confessions is "not rare", in an unusual admission. Friday's document, released by China's State Council, or cabinet, largely cited US domestic media websites, including the New York Times, which is blocked by Beijing as part of its Internet censorship regime. China said the US justice system suffered from "serious racial bias", highlighting police killings of several unarmed black men, which sparked protests over the

past year. The US has “grim problems of racial discrimination, and institutional discrimination against ethnic minorities continued”, it added. Washington’s own report on Thursday said that in China “repression and coercion were routine, particularly against organisations and individuals involved in civil and political rights advocacy”. It also noted Beijing’s continued repression of ethnic Uighurs and Tibetans. Human rights are a long-standing source of tensions between China and the US, which imposed sanctions on Beijing after the 1989 Tiananmen Square crackdown on pro-democracy protesters that left hundreds, by some estimates more than 1,000, dead. China often says that its rapid economic development in recent decades has led to a greater respect for human rights, and that other countries are not entitled to criticise its record.

U.S. Cred Low: CIA Torture

CIA torture scandal undermines US HR cred

Lord 14 (Kristin Lord, President and CEO of IREX, "Soft Power Outrage," December 23, 2014, <http://foreignpolicy.com/2014/12/23/soft-power-outrage/>)/AG

The release of a long-awaited report by the U.S. Senate Select Committee on Intelligence on the CIA's secret detention and interrogation program dealt yet another blow to the United States' moral authority and its credibility as a defender of human rights around the globe. It also begs the question: How much damage must the United States suffer before it learns to take soft power more seriously and, finally, learn to use it more proactively? To understand the immediate damage done to U.S. influence, look no further than the commentary surrounding the report's release. According to the Washington Post, the state-run Chinese news service Xinhua editorialized that "America is neither a suitable role model nor a qualified judge on human rights issues in other countries," while a pro-government television commentator in Egypt observed, "The United States cannot demand human rights reports from other countries since this [document] proves they know nothing about human rights." The Islamic State and other extremists joined the propaganda gold rush. One tweet, quoted in a report from the SITE Intelligence Group, pointed to the audacity of the United States lecturing Muslims about brutality, adding, "Getting beheaded is 100 times more humane, more dignified than what these filthy scumbags do to Muslims." Such reactions are galling and they do real harm to U.S. credibility. But the fault lies not with those who released the report, as some critics argue, but with those who permitted and perpetrated acts of torture, those who lied about it to America's elected representatives, and those who willfully kept the president and senior members of the Bush administration in the dark. Their actions undermined not only American values, but also American influence and national security interests. In the words of a former prisoner of war, Sen. John McCain (R-Ariz.), the actions laid out in the Senate report "stained our national honor" and "did much harm and little practical good."

US HR cred low- CIA torture

HRW 6/25 (Coalition statement to the Human Rights Council by the ACLU, CELS, Conectas Direitos Humanos, and WOLA, "Letter from more than 100 groups to UN demanding accountability for US torture and other abuses," Human Rights Watch, June 25, 2015, <http://www.hrw.org/news/2015/06/25/letter-more-100-groups-un-demanding-accountability-us-torture-and-other-abuses>)/AG

Last December, the U.S. Senate Select Committee on Intelligence released the summary, findings and conclusions of its four-year investigation into the Detention and Interrogation Program operated by the Central Intelligence Agency (CIA). Since then, the international human rights community has reiterated the call for full transparency about and accountability for this unlawful program, in which systematic human rights violations, including the crimes under international law of torture and enforced disappearance were committed. Last March, more than 20 human rights groups called on the Council to take action and demand that the United States fulfill its international human rights obligations on truth, accountability and remedy, including by appointing a special prosecutor to conduct a comprehensive and credible criminal investigation of alleged serious crimes described in the report and to establish a special fund to compensate victims. Last month, during the United States' UPR session, a significant number of Member-States joined civil society's call and raised the issue of accountability and reparations for the use of torture and other human rights violations in the context of U.S. counter-terrorism policies and practices. They also emphasized the need to end indefinite detention and

close the Guantánamo detention facility, one of the remaining examples of the unlawful actions taken in the name of national security since the attacks of 11 September 2001. Delivering justice for the victims and ending indefinite detention in Guantánamo are both issues that still require more decisive and urgent action from the Obama administration. On 26 June, the world will mark the International Day in Support of Victims of Torture. The U.S. government was a strong supporter of the adoption of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which is commemorated every year on this day. The United States is also a generous contributor to the U.N. Voluntary Fund for Victims of Torture. But the U.S.'s failure to hold accountable those responsible for the CIA program of torture and enforced disappearance, to ensure the victims' rights to truth and reparations, and to take other actions to ensure non-repetition of these heinous crimes leaves the U.S. in violation of its own obligations under UNCAT and other international instruments and is a serious blow to the international human rights system, in general, and to the global effort to eradicate torture and enforced disappearance, in particular. During its next session, the Council will adopt the Working Group report on the U.S. UPR. We call on the Council to send a strong message against impunity for torture and enforced disappearances and demand that the United States take measures to meet the full spectrum of its obligations under international law to ensure accountability, transparency, reparations and non-repetition, including declassification of the full Senate report on the CIA detention program, independent comprehensive criminal investigation, and the issuing of apologies and compensation to victims of enforced disappearance, torture or other cruel, inhuman or degrading treatment. Continued impunity is a dark chapter in the history of the United States that threatens to undermine the universally-recognized prohibition against torture and other abusive treatment, and sends the dangerous message to U.S. and foreign officials that there will be no consequences for future abuses. Other governments implicated in the CIA torture program must also be held accountable and are obligated to conduct independent investigations, hold perpetrators accountable, and provide effective remedies to victims of torture, enforced disappearance and other human rights violations. We know from the experiences of civil society groups and survivors of torture around the world that the struggle for accountability for human rights violations and the search for truth can be a long and difficult journey. Yet the United States has much to gain from rejecting impunity, returning to the rule of law, and providing adequate redress to the dozens and dozens of people it so brutally abused.

U.S. hypocrisy has obliterated its credibility – China confirms

Blanchard '14 (Ben, correspondent at Reuters, primary areas of coverage are China's relations with Southeast Asia and Taiwan, the development of China's military, and ethnic minority issues in China, "China: Police brutality, racism, torture undermine US credibility on human rights", RawStory/Reuters, <http://www.rawstory.com/2014/12/china-police-brutality-racism-torture-underline-us-credibility-on-human-rights/>, 12/11/2014)//HW

China's foreign ministry said on Thursday that the United States has no right to confront other countries on their human rights records when it faces problems with racism and mistreatment of prisoners at home.[¶] Both U.S. Secretary of State John **Kerry** and U.S. ambassador to China Max Baucus **issued statements on Wednesday to mark International Human Rights Day in which they mentioned cases such as the imprisoned Chinese Nobel laureate Liu Xiaobo.**[¶] **Chinese Foreign Ministry spokesman Hong Lei said it was hypocritical of the United States to do this considering its own poor record, in apparent reference to recent protests over the killings of unarmed black men and a U.S. Senate report on the torture of detainees after the Sept. 11 attacks.**[¶] **"The United States has no right to pose as arbiters and at every turn point their fingers at other countries' human rights as racism and mistreatment of prisoners and other serious problems in the United States are facts now known to all,"** Hong told a daily news briefing.[¶] China and the United States often spar about each other's human rights records, and on Wednesday, **Beijing urged Washington to "correct its ways" following the torture report.**

U.S. Cred Low: NSA

US HR cred low- NSA spying angers allies and others on issues of international law

Petersen 13, (Rufus Petersen, "US under heavy criticism at home and abroad over NSA Cyber Spying Another total failure of Obama's to do the right thing."

<http://www.veteransnewsnow.com/2013/09/28/us-under-heavy-criticism-at-home-and-abroad-over-nsa-cyber-spying/>, 9/28/13, //VZ)

Many years ago there was joke that Disney had bought Michael Jackson when he was still just a kid and turned him into a robot. What else would explain his transformation from an innocent little black kid into a gradually whitened and plastic surgeried scarecrow dancing machine? Who bought Obama and turned him into a Zibot? That too was a pretty gradual and complete transformation. PRESS TV reports a group of U-S senators have prepared a bill in a bid to put an end to the National Security Agency's cyber spying on Americans. The lawmakers say the N-S-A's collecting of phone records and data on Internet usage has cost the United States economically and angered its allies. They argue that their bill is an appropriate response to disclosures this past summer about the controversial surveillance programs. Newly-released documents show the N-S-A spied on civil rights icon Martin Luther King, heavyweight boxer Muhammad Ali, and even a number of senators. The U-S administration is under heavy criticism— both at home and abroad— over its vast espionage program that includes many of Washington's close allies. The White House, however, continues to argue that the N-S-A programs are crucial in combating terrorism. I must admit, I know little about the bill, but new revelations about the extent of NSA spying seem to emerge every day in the MSM- "encryption" as it's been known is no longer safe from NSA probing. As a non-techie, I don't pretend to understand the full extent of these disclosures, but the idea of built-in backdoors is now being discussed openly. It's like having a new lock installed in your front door while a copy of your key has been kept, and possibly distributed, by someone else. One copy of that key can easily be many copies, so the potential is there for foreign governments (or any criminal or group of them) to gain access to your private information. This goes for Big Business as well, making the implications of the scale of theft staggering- and not just for businesses but whole economies. Commentator James Morris has a good grasp of what's going on regarding the nexus of where the technology meets the political issues which surround it. What he neglects to say but even I as a layman know is that we are late getting here: US senators prepare bill to end NSA cyber spying on Americans. Brazil's President Dilma Rousseff's obviously an impressive emerging figure in the world of Latin American politics, and now she's on the world stage with a message which must be heard. She's actually acting like the leader of her own country, and that's refreshing for more than just Brazilians to see. Dilma Rousseff's launched a blistering attack on US espionage at the UN general assembly, accusing the NSA of violating international law. Her scathing speech to UN general assembly is the most serious diplomatic fallout over revelations of US spying.

US espionage has caused backlash from former allies like Brazil and others – privacy concerns and violations of international law

Borger 13, (Julian Borger, The Guardian, quotes Dilma Rousseff, Brazil's President, "Brazilian president: US surveillance a 'breach of international law,'"

<http://www.theguardian.com/world/2013/sep/24/brazil-president-un-speech-nsa-surveillance>, 9/24/13, //VZ)

Brazil's president, Dilma Rousseff, has launched a blistering attack on US espionage at the UN general assembly, accusing the NSA of violating international law by its indiscriminate collection of personal information of Brazilian citizens and economic espionage targeted on the country's

strategic industries. Rousseff's angry speech was a direct challenge to President Barack Obama, who was waiting in the wings to deliver his own address to the UN general assembly, and represented the most serious diplomatic fallout to date from the revelations by former NSA contractor Edward Snowden. Rousseff had already put off a planned visit to Washington in protest at US spying, after NSA documents leaked by Snowden revealed that the US electronic eavesdropping agency had monitored the Brazilian president's phone calls, as well as Brazilian embassies and spied on the state oil corporation, Petrobras. "Personal data of citizens was intercepted indiscriminately. Corporate information – often of high economic and even strategic value – was at the centre of espionage activity. "Also, Brazilian diplomatic missions, among them the permanent mission to the UN and the office of the president of the republic itself, had their communications intercepted," Rousseff said, in a global rallying cry against what she portrayed as the overweening power of the US security apparatus. "Tampering in such a manner in the affairs of other countries is a breach of international law and is an affront of the principles that must guide the relations among them, especially among friendly nations. A sovereign nation can never establish itself to the detriment of another sovereign nation. The right to safety of citizens of one country can never be guaranteed by violating fundamental human rights of citizens of another country." Washington's efforts to smooth over Brazilian outrage over NSA espionage have so far been rebuffed by Rousseff, who has proposed that Brazil build its own internet infrastructure. "Friendly governments and societies that seek to build a true strategic partnership, as in our case, cannot allow recurring illegal actions to take place as if they were normal. They are unacceptable," she said. "The arguments that the illegal interception of information and data aims at protecting nations against terrorism cannot be sustained. Brazil, Mr President, knows how to protect itself. We reject, fight and do not harbour terrorist groups," Rousseff said. "As many other Latin Americans, I fought against authoritarianism and censorship and I cannot but defend, in an uncompromising fashion, the right to privacy of individuals and the sovereignty of my country," the Brazilian president said. She was imprisoned and tortured for her role in a guerilla movement opposed to Brazil's military dictatorship in the 1970s. "In the absence of the right to privacy, there can be no true freedom of expression and opinion, and therefore no effective democracy. In the absence of the respect for sovereignty, there is no basis for the relationship among nations." Rousseff called on the UN oversee a new global legal system to govern the internet. She said such multilateral mechanisms should guarantee the "freedom of expression, privacy of the individual and respect for human rights" and the "neutrality of the network, guided only by technical and ethical criteria, rendering it inadmissible to restrict it for political, commercial, religious or any other purposes. "The time is ripe to create the conditions to prevent cyberspace from being used as a weapon of war, through espionage, sabotage and attacks against systems and infrastructure of other countries," the Brazilian president said. As host to the UN headquarters, the US has been attacked from the general assembly many times in the past, but what made Rousseff's denunciation all the more painful diplomatically was the fact that it was delivered on behalf of large, increasingly powerful and historically friendly state.

PRISM destroyed soft power / credibility

Migranyan 13 (Andranik is the director of the Institute for Democracy and Cooperation in New York. He is also a professor at the Institute of International Relations in Moscow, a former member of the Public Chamber and a former member of the Russian Presidential Council. "Scandals Harm U.S. Soft Power," 2013, <http://nationalinterest.org/commentary/scandals-harm-us-soft-power-8695>)

For the past few months, the United States has been rocked by a series of scandals. It all started with the events in Benghazi, when Al Qaeda-affiliated terrorists attacked the General Consulate there and murdered four diplomats, including the U.S. ambassador to Libya. Then there was the scandal exposed when it was revealed that the Justice Department was monitoring the calls of the Associated Press. The Internal Revenue Service seems to have targeted certain political groups. Finally, there was the vast National Security Agency apparatus for monitoring online activity revealed by Edward Snowden. Together, these events provoke a number of questions about the path taken by contemporary Western societies, and especially the one taken by America. Large and powerful institutions, especially those in the security

sphere, **have become unaccountable to the public**, even to representatives of the people themselves. Have George Orwell's cautionary tales of total government control over society been realized?¶ At the end of the 1960s and the beginning of the 1970s, my fellow students and I read Orwell's 1984 and other dystopian stories and believed them to portray fascist Germany or the Soviet Union—two totalitarian regimes—but today it has become increasingly apparent that Orwell, Huxley and other dystopian authors had seen in their own countries (Britain and the United States) certain trends, especially as technological capabilities grew, that would ultimately allow governments to exert total control over their societies. The potential for this type of all-knowing regime is what Edward Snowden revealed, confirming the worst fears that the dystopias are already being realized.¶ **On a practical geopolitical level, the spying scandals have seriously tarnished the reputation of the United States. They have circumscribed its ability to exert soft power;** the same influence that made the U.S. model very attractive to the rest of the world. This former lustre is now diminished. **The blatant everyday intrusions** into the private lives of Americans, **and violations of individual rights and liberties by runaway, unaccountable U.S. government agencies, have deprived the United States of its authority to dictate** how others must live and **what others must do**. Washington can no longer lecture others **when its very foundational institutions and values are being discredited**—or at a minimum, when all is not well “in the state of Denmark.”¶ Perhaps precisely because not all is well, many American politicians seem unable to adequately address the current situation. Instead of asking what isn't working in the government and how to ensure accountability and transparency in their institutions, they try, in their annoyance, to blame the messenger—as they are doing in Snowden's case. Some Senators hurried to blame Russia and Ecuador for anti-American behavior, and threatened to punish them should they offer asylum to Snowden.¶ These threats could only cause confusion in sober minds, as every sovereign country retains the right to issue or deny asylum to whomever it pleases. In addition, the United States itself has a tradition of always offering political asylum to deserters of the secret services of other countries, especially in the case of the former Soviet Union and other ex-socialist countries. In those situations, the United States never gave any consideration to how those other countries might react—it considered the deserters sources of valuable information. As long as deserters have not had a criminal and murderous past, they can receive political asylum in any country that considers itself sovereign and can stand up to any pressure and blackmail.¶ Meanwhile, **the hysteria of some politicians**, if the State Department or other institutions of the executive branch join it, **can only accelerate the process of Snowden's asylum. For any country he might ask will only be more willing to demonstrate its own sovereignty and dignity by standing up to a bully that tries to dictate conditions to it.** In our particular case, **political pressure on Russia** and President Putin **could turn out to be utterly counterproductive**. I believe that Washington has enough levelheaded people to understand that fact, and correctly advise the White House. The administration will need sound advice, as **many people in Congress fail to understand the consequences of their calls for punishment of sovereign countries or foreign political leaders that don't dance to Washington's tune.** Judging by the latest exchange between Moscow and Washington, it appears that the executive branches of both countries will find adequate solutions to the Snowden situation without attacks on each other's dignity and self-esteem. Russia and the United States are both Security Council members, and much hinges on their decisions, including a slew of common problems that make cooperation necessary.¶ Yet **the recent series of scandals has caused irreparable damage to the image and soft power of the United States.** I do not know how soon this damage can be repaired. But gone are the days when Orwell was seen as a relic of the Cold War, as the all-powerful Leviathan of the security services has run away from all accountability to state and society. **Today the world is looking at America—and its model for governance—with a more critical eye.**

China rejects US human rights legitimacy over PRISM

Durden 14 Cites Chinese report, “China Strikes Back At US "Human Rights Violations": Slams PRISM Spying, Droning, Gun Violence, Homelessness And Unemployment.” 02/28/2014.
<http://www.zerohedge.com/news/2014-02-28/china-strikes-back-us-human-rights-violations-slams-prism-spying-droning-gun-violenc>

Today, **China decided to strike back at the US with its own report on US "human rights."** In a nutshell, **China launches a full frontal attack on the hypocrisy of the US, saying that "posing as "the world judge of human rights," the U.S. government "made arbitrary attacks and irresponsible remarks" on the human rights situation in almost 200 countries and regions again in its just-released reports, the report says.** "However, the U.S. carefully concealed and avoided mentioning its own human rights problems," it adds. **The report calls the U.S. tapping program, code-named PRISM, which exercises long-term and vast surveillance both at home and abroad,**

"a blatant violation of international law" and it "seriously infringes on human rights." Hard to argue with that. Full report from Xinhua: [China on Friday responded to the United States criticism and irresponsible remarks of its human rights situation by publishing its own report on the U.S. human rights issues.](#) The Human Rights Record of the United States in 2013 was released by the Information Office of China's State Council, or the Cabinet, in response to the Country Reports on Human Rights Practices for 2013 issued by the U.S. State Department on Thursday. [China said in the report that there were still serious human rights problems in the U.S in 2013, with the situation in many fields even deteriorating. Posing as "the world judge of human rights," the U.S. government "made arbitrary attacks and irresponsible remarks" on the human rights situation in almost 200 countries and regions again in its just-released reports, the report says. "However, the U.S. carefully concealed and avoided mentioning its own human rights problems," it adds.](#)

U.S. Cred Low: Tsarnaev

US HR cred in question- Tsarnaev death penalty

The Globe and Mail 6/26 (Stephanie Nebehay, "UN human rights experts urge U.S. moratorium on death penalty," The Globe and Mail, Reuters, June 26, 2015, <http://www.theglobeandmail.com/news/world/un-human-rights-experts-urge-us-moratorium-on-death-penalty/article25144173/>)/AG

United Nations human rights experts appealed to the United States on Friday to impose a moratorium on the death penalty for federal crimes, including the sentence imposed on the Boston Marathon bomber, with a view to abolishing the practice. Dzhokhar Tsarnaev, 21, was moved on Thursday to a U.S. penitentiary in Florence, Colorado, home to the so-called "Supermax" unit that houses high-risk prisoners. The ethnic Chechen was transferred a day after a federal judge in Boston, Massachusetts, sentenced him to death by lethal injection for killing four people and injuring 264 in the April 2013 bombing and its aftermath with his late older brother. "This decision contradicts the trends towards abolishing the death penalty in the country in law and practice," U.N. special rapporteur on executions Christof Heyns and U.N. torture investigator Juan Mendez said in a joint statement. Tsarnaev's acts fall within the definition of "most serious crimes" to which the United Nations says the death penalty - if imposed at all - should be restricted. More than three-quarters of countries worldwide have abolished the death penalty in law or in practice, the experts said. There is "no proof" that the death penalty has a deterrent effect and many executions have resulted in "degrading spectacles," they added. "Especially if imposed for crimes motivated by ideological or religious considerations, this form of punishment plays into the hands of those who treat life as dispensable and encourage rather than discourage them," their statement said. Massachusetts abolished capital punishment for state crimes in 1984, it noted. "The decision of a federal jury to impose the death penalty for a crime committed in Massachusetts, where the death penalty has been abolished for decades, illustrates how out of place this form of punishment is," the U.N. experts said. Under international law a nation is accountable for all of its jurisdictions, according to Heyns and Mendez. "And there are concrete steps that the Federal Government could take, including a moratorium on the death penalty for federal crimes." Mendez accused the United States in March of stalling on his requests to visit its prisons, where 80,000 people are in solitary confinement, and to interview inmates on his terms. He has sought for more than two years to enter U.S. prisons, including maximum-security facilities, specifically ADX in Colorado where inmates include Oklahoma City bomber accomplice Terry Nichols, underwear bomber Umar Farouk Abdulmutallab and Unabomber Ted Kaczynski. U.S. human rights ambassador Keith Harper told a news briefing on June 11 that talks were "ongoing" with Mendez regarding a "robust and effective" visit. Harper, asked whether he expected the visit to take place this year, said: "We hope it will, yes."

U.S. Cred Low: Ferguson

Ferguson has destroyed U.S. credibility – international backlash

MacLeod and Leger '14 (Calum, Asia Correspondent for the newspaper USA Today, Donna, reporter covering breaking news, national and international crime and disasters at USA Today, "Countries scolded on human rights lash U.S. on Ferguson", USA Today, <http://www.usatoday.com/story/news/world/2014/08/24/ferguson-china-russia-world-media/14524517/>, 8/24/2014)//HW

BEIJING — Countries long the targets of U.S. scoldings for human rights abuses revel in the opportunity to call out Americans for the angry protests that have convulsed Ferguson, Mo., after the police shooting of an unarmed black teenager.¶State-run media in China air extensive and often-critical coverage of the events in Ferguson. Editorials have pointed out the hypocrisy of the United States criticizing China for its treatment of Tibetans and ethnic minorities while apparently committing abuses at home.¶"It's ironic that the U.S., with its brutal manner of assimilating minorities, never ceases to accuse China and countries like it of violating the rights of minorities," The Global Times wrote last week. The popular tabloid, published by the People's Daily, the main mouthpiece of China's ruling Communist Party, often takes a stridently nationalistic tone.¶Another state-run news agency, Xinhua, noted that police in the USA used rubber bullets and tear gas against protesters — tools Xinhua says are used only "under extreme caution in other countries, where police usually use riot shields and batons instead to reduce damage."¶Other countries usually at the pointed end of U.S. criticism, including Russia, Egypt and Iran, also condemned the police response in Ferguson.¶Russia's Foreign Ministry said in a statement last week that the United States needs to clean its own house if it wants to call itself a "bastion of human rights" that "declares its own 'exceptionalism.'"

U.S. Cred Low: WOT

****US HR cred low-double standards in War on Terror and promotion of security policies**

Babayan and Huber 12 Nelli, Senior Researcher and Lecturer, Center for Transnational, Foreign and Security Policy at Freie Universität Berlin; and Daniela, Researcher, Istituto Affari Internazionali. "Motioned, Debated, Agreed? Human Rights and Democracy Promotion in International Affairs." *Transworld*. Dec 2012. [Accessed 6/26/15 www.transworld-fp7.eu/wp-content/uploads/2013/01/TW_WP_06.pdf](http://www.transworld-fp7.eu/wp-content/uploads/2013/01/TW_WP_06.pdf)

The credibility of leading players in the fields of democracy and human rights promotion is one of the most debated issues regarding democracy and human rights promotion. The US and Europe have been called the "axis of double standards" by Al Jazeera. The issue has two dimensions. On the one hand, democracy and human promoters are often accused of own democratic deficits or violations of human rights standards. This became an issue especially in the peaking period of the "war on terror" in which not only the pictures of Abu Ghraib showed Western double standards regarding human rights, but in which democracy also started to deteriorate in Western democracies themselves due to new security legislation (Bigo 2010). On the other hand, the issue of double standards also refers to the observation that democracies tend to prioritize stability over democracy in their foreign policies. Both, the US and Europe, exhibit discrepancies in condemning human rights violations or promoting democracy depending whether they have strategic or energy interests in the given countries. Coupling close ties with autocratic regimes that help in the "war on terror" with a proactive democracy promotion policy, the George W. Bush Administration was accused of applying double standards (Carothers 2009b). Similarly, the EU has often expressed very strong criticism of the Lukashenka regime in Belarus, while frequently failing to condone similar developments in Azerbaijan or Kazakhstan, which are major partners in the EU's attempts to diversify its energy resources. The EU's sometimes "deliberately vague understandings" of democracy prompt claims that instead of being committed to democracy promotion, it "intends to adjust its promotion agenda to fit its own commercial or security interests" (Wetzell and Orbie 2012). Similar double standards can be found in US and EU policies in the Middle East and North Africa, where the authoritarian regimes had been successful in using the Western terrorism script to securitize Islamic opposition movements (Lia 1999; Joffé 2008). These movements perceive especially the EU as "fundamentally anti-Islamic" (Kausch and Youngs 2009: 969)

U.S. Cred Low: Hypocrisy

America is seen as hypocritical-pushing human rights in other nations while violating the same things

Jianting 14 Ding, translated by Yuzhi Yang & edited by Stephen Procter. "Let's See America's Real Face as a Human Rights Defender." 12/12/14.

<http://watchingamerica.com/WA/2014/12/19/lets-see-americas-real-face-as-a-human-rights-defender/>

No country's human rights record is flawless. However, the United States is used to standing on the moral high ground and habitually criticizing and commenting on the human rights issues of other countries and regions, while obscuring and not discussing its own human rights situation. Even as the prisoner abuse scandal worsened, the U.S. government still shamelessly tried to dictate for other countries. U.S. Secretary of State John Kerry and U.S. Ambassador to China Max Baucus released a statement on World Human Rights Day, expressing their concern for human rights in China. We know that a country's own people have the most right to speak about the situation, so how could we allow a country with a tattered record to be the arbitrator, and let it act like a saint, criticizing others? Ever since the People's Republic of China was founded, especially in the 30-plus years after its opening up and reforming, human rights in China have made great strides — a fact that anyone without any political prejudice can admit. The U.S. disregard for the truth and smearing of China could only expose its own hypocrisy and double-standard on human rights. The United States is a typical detractor on China's human rights, and it never sees, nor admits, its own shortcomings. The U.S. government has always used a double-standard, whether for human rights, counterterrorism, trade or other areas; it has always given itself the most leeway and harshly treated others. It can be said that the human rights defender mask the United States wears has long been shed, but the U.S. is still relaxed and willful. It will let domestic and international society keep on criticizing its record, while still sticking to the status quo, without any self-criticism and reflection, and continues to smear other countries from time to time. I wonder how the United States got its nerve and confidence, and what it's using to improve its international image and soft power? A country that cannot really understand the real meaning of human rights, nor see the improvement of other countries in the area, other than adding noncredible, negative feedback to other countries, can only bring disorder, conflict and instability to international society.

U.S. Cred Low: Misc

US Human rights record doesn't look great – surveillance techniques and empirics prove

HRW 14, (Human Rights Watch is an international non-governmental organization that conducts research and advocacy on human right and has won the Peabody award for Prestigious Journalism, "WORLD REPORT 2014," [//VZ](http://www.hrw.org/world-report/2014/country-chapters/united-states))

The United States has a vibrant civil society and media that enjoy strong constitutional protections. Yet its rights record is marred by abuses related to criminal justice, immigration, national security, and drug policy. Within these areas, victims are often the most vulnerable members of society: racial and ethnic minorities, immigrants, children, the elderly, the poor, and prisoners. Revelations in 2013 of extensive government surveillance and aggressive prosecutions of whistleblowers raised concerns about infringement of privacy rights and freedom of expression, generating a firestorm of international protest against US practices. Federal policymakers proposed reforms to harmful longstanding immigration and sentencing laws and policies. The outcome of these initiatives was uncertain at time of writing. A renewed commitment by President Barack Obama to close the Guantanamo Bay detention facility remained unfulfilled. Lack of transparency made it impossible to assess the implementation of promised reforms to the practice of "targeted killings" abroad, including through use of unmanned aerial drones; new information on individual strikes found instances of violations of international humanitarian and human rights law.

HR Cred low-international panels find issues

Associated Press 14 "UN raps US civil rights record on secret programs." 03/27/14.
www.washingtonexaminer.com/article/feed/2125909

GENEVA (AP) — A U.N. panel has found serious shortcomings in the United States' civil rights record, with experts citing Thursday a lack of adequate oversight and transparency in national security programs dealing with everything from electronic surveillance to targeted drone killings and secret detentions. The report by the U.N. Human Rights Committee, a panel of 18 independent experts from different countries, found general improvement in some areas — such as the handling of rights of indigenous peoples and the Guantanamo Bay prisoners — since the last such review in 2006. And while the panel's experts made clear they generally view the U.S. as a promoter of human rights, they also found major concerns while examining compliance with the International Covenant on Civil and Political Rights. "It's one of the top concerns, the lack of transparency, secrecy," committee member Walter Kaelin, a prominent Swiss legal expert, told The Associated Press about the National Security Agency electronic surveillance, use of drone strikes against al-Qaida and the Taliban and CIA secret rendition programs closed in 2012. "We all know that the rights of individuals are very well protected in the United States, and we are not second-guessing that. But there are for certain serious issues, yes." Some of the areas dealt with by the panel include the prolonged solitary confinement of prisoners, sentencing of life without parole for juvenile offenders, racial disparities in the use of the death penalty and laws hindering felons from voting. Other areas include solitary confinement, racial profiling, gun violence, excessive use of force by law enforcement officials and domestic violence. Kaelin said there were concerns about the federal government's inability to ensure compliance on state and local levels, and its long-held views the treaty only applies to its actions on U.S. soil but can't be used as the basis for any U.S. court action.

US HR Cred low-policies don't meet international standards

Dakwar, 14 Jamil, Director, ACLU Human Rights Program. "U.S. Human Rights Record Undergoes International Scrutiny." 3/9/14. <https://www.aclu.org/blog/us-human-rights-record-undergoes-international-scrutiny>

The ACLU submitted a shadow report to the committee highlighting examples of accountability gaps between U.S. human rights obligations and current law, policy, and practice. Although the U.S. human rights record has shown marked improvement since its last review by the committee in 2006, most notably in the areas of LGBT rights and enforcement of civil rights by the Department of Justice, U.S. laws and policies remain out of step with international human rights law in many areas. In addition, the ACLU provided an update to the issues covered in our September submission to the committee, which addresses serious rights violations that have emerged in recent months. The report covers: Anti-Immigrant Measures at the State and Federal Levels U.S.-Mexico Border killings and Militarization of the Border, Solitary Confinement The Death Penalty Accountability for Torture and Abuse During the Bush Administration Targeted Killings NSA Surveillance Programs More than ever, the U.S. is facing an uphill battle to prove its bona fides on human rights issues. The United States is not only seen as a hypocrite, resisting demands to practice at home what it preaches abroad, it is now increasingly seen as a violator of human rights that is setting a dangerous precedent for other governments to justify and legitimize their own rights' violations.

US Human Rights record under scrutiny-international committees

Zamani 14 Nahal, Advocacy Program Manager, Center for Constitutional Rights. "From Stop-and-Frisk to Guantánamo: US Human Rights Record Under Scrutiny at UN." Huffington Post. April 2014. ccrjustice.org/home/press-center/ccr-news/stop-and-frisk-guant-namo-us-human-rights-record-under-scrutiny-un

The two-day grilling strongly condemned the rights abuses that CCR had highlighted, and many others that the U.S. government has either failed to address or openly sanctioned, as in the case of detentions and force-feedings at Guantánamo, immigration detention quotas, and drone strikes. In particular, the committee highlighted the cases of our Guantánamo clients Tarik Ba Odah and Djamel Ameziane. Mr. Ba Odah has been on an uninterrupted hunger strike for 7 years and is force-fed daily by guard staff. He is one of the 56 Yemenis who have been cleared for release for years but remain detained because of their citizenship. Mr. Ameziane was forcibly repatriated to Algeria last December after nearly 12 years of detention without charge. On the stop-and-frisk front, the committee framed the issue as a violation of Article 12 of the ICCPR on the right to freedom of movement and pushed the U.S. government to clarify its position on the practice, noting that a U.S. federal judge has already ruled the program was implemented in a racially discriminatory manner. It was particularly rewarding to see the committee's understanding of this situation match the experiences of affected communities in New York City who feel under siege by the police in their own neighborhoods and reflect former NYPD Commissioner Ray Kelly's statement that he "targeted and focused on [Blacks and Latinos] because he wanted to instill fear in them that every time that they left their homes they could be targeted by police." The committee's acknowledgment shows that the voices of those affected by stop-and-frisk have been heard far and wide. When the U.S. delegation had its turn to respond, its responses were heavy on lip-service to the committee's thorough questioning but light on substance. The delegation insisted that the U.S. government is "continually striving to improve" on many of the issues highlighted and largely stuck to its rhetoric on the importance of the ICCPR, while continuing to hold that the treaty does not apply to U.S. actions overseas. The U.S. mentioned the "exceptional healthcare" Guantánamo detainees receive but refused to address the committee's questions about the force-feedings at the prison, only stating that it is U.S. policy to "support the preservation of life in a humane manner." Similarly, the delegation told the committee that President Obama had lifted his self-imposed ban on repatriations to Yemen last year but did not explain why zero Yemenis have been transferred since. On drone strikes, ignoring the well-documented impact of these practices on civilians, the delegation simply expected the committee to take its word that the attacks are conducted in compliance with the fundamental principles of humanitarian law and that President Obama uses them only when there are no other reasonable alternatives. On stop-and-frisk, they took no position on the NYPD's implementation of the program but stated that the DOJ supports the appointment of a court-monitor as part of the remedies

ordered in Floyd v. City of New York. On specific requests, like declassifying the U.S. Senate's torture report, the delegation simply stayed quiet. The U.S. government's responses show the Obama administration is likely to finish its second term without ever truly "walking its talk" as a human rights leader. But the tough questioning was an indication of how far activists across the U.S. have come in bringing these human rights abuses to the international stage. Public scrutiny from international bodies like the Human Rights Committee helps advocates like us fight for accountability in all possible venues, increase public awareness of these issues, and create new opportunities for real change. Stay tuned for when the committee issues its concluding observations in the coming week.

US human rights credibility down-countries criticizing US & focus shifting from foreign to domestic focus

Weisbrot 9 Mark, co-director, Centre for Economic and Policy Research. "Washington's Lost Credibility on Human Rights." The Guardian. 3/11/09. Accessed 6/26/15
<http://www.cepr.net/publications/op-eds-columns/washingtons-lost-credibility-on-human-rights>

The U.S. State Department's annual human rights report got an unusual amount of criticism this year. This time the center-left coalition government of Chile was notable in joining other countries such as Bolivia, Venezuela, and China – who have had more rocky relations with Washington – in questioning the "moral authority" of the U.S. government's judging other countries' human rights practices. It's a reasonable question, and the fact that more democratic governments are asking it may signal a tipping point. Clearly a state that is responsible for such high-profile torture and abuses as took place at Abu Ghraib and Guantanamo, the regular killing of civilians in Afghanistan and Iraq, and has reserved for itself the right to kidnap people and send them to prisons in other countries to be tortured ("extraordinary rendition") has a credibility problem on human rights issues. Although President Obama has pledged to close down the prison at Guantanamo and outlaw torture by U.S. officials, he has so far decided not to abolish the practice of "extraordinary rendition," and is escalating the war in Afghanistan. But this tipping point may go beyond any differences – and they are quite significant – between the current administration and its predecessor. In the past, Washington was able to position itself as an important judge of human rights practices despite being complicit or directly participating in some of the worst, large-scale human rights atrocities of the post-World War II era – in Vietnam, Indonesia, Central America, and other places. This makes no sense from a strictly logical point of view, but it could persist primarily because the U_{nited} S_{tates} was judged not on how it treated persons outside its borders but within them. Internally, the U_{nited} S_{tates} has had a relatively well-developed system of the rule of law, trial by jury, an independent judiciary, and other constitutional guarantees (although these did not extend to African-Americans in most of the Southern United States prior to the 1960s civil rights reforms). Washington was able to contrast these conditions with those of its main adversary during the Cold War – the Soviet Union. The powerful influence of the U_{nited} S_{tates} over the international media helped ensure that this was the primary framework under which human rights were presented to most of the world. The Bush Administration's "shredding of the Constitution" at home and overt support for human rights abuses abroad has fostered not only a change in image but perhaps the standards by which "the judge" will henceforth be judged. One example may help illustrate the point: China has for several years responded to the State Department's human rights report by publishing its own report on the U_{nited} S_{tates}. It includes a catalogue of social ills in the United States, including crime, prison and police abuse, racial and gender discrimination, poverty and inequality. But the last section is entitled "On the violation of human rights in other nations." The argument is that the abuse of people in other countries – including the more than one million people who have been killed as a result of the United States' illegal invasion and occupation of Iraq – must now be taken into account when

evaluating the human rights record of the United States. With this criterion included, a country such as China – which does not have a free press, democratic elections, or other guarantees that western democracies treasure – can claim that it is as qualified to judge the United States on human rights as vice versa.

Low democracy promotion support-successful autocratic states & failed Iraq war

Babayan and Huber 12 Nelli, Senior Researcher and Lecturer, Center for Transnational, Foreign and Security Policy at Freie Universität Berlin; and Daniela, Researcher, Istituto Affari Internazionali. "Motioned, Debated, Agreed? Human Rights and Democracy Promotion in International Affairs." *Transworld*. Dec 2012. Accessed 6/26/15
http://www.brookings.edu/~media/research/files/papers/2012/3/30%20us%20china%20lieberthal/0330_china_lieberthal.pdf
www.transworld-fp7.eu/wp-content/uploads/2013/01/TW_WP_06.pdf

Human rights, as has been pointed out above, are less contested than “democracy” and relatively well settled in international law. Nonetheless, also the concept of the universality of human rights has been challenged by the Asian value debate. Democracy promotion as a world value (McFaul 2005) has been challenged by several trends. Many states liberalized economically without democratizing (Gat 2007; Bremmer 2009), while many new democracies performed badly. Even though democracies are in general better performers than autocracies, they are nonetheless outrun economically and in terms of welfare by a few successful autocracies such as Singapore or Malaysia (Saxer 2009: 3), making these states another model to follow. Furthermore, democracy promotion is also countered by possible autocracy promotion (Burnell 2010; Burnell and Schlumberger 2010), given China’s development without democratization and Russia’s fall back into semi-authoritarianism. China and Russia exhibit degrees of normative foreign policy behaviour, even if norms and normative behaviour are interpreted differently than in the US and Europe (Tocci and Manners 2008). China, for example, perceives the Arab Spring as a chance to spread its developmental approach to the Arab world (Liu 2013). Finally, also the Iraq war harmed democracy promotion as a world value. Whitehead claims that it was a “pivotal case,” which undermined the international consensus on democracy promotion and also damaged the legitimacy of democracy promotion by countries and international institutions which had not participated in it. Democracy promotion, above all in the Arab world, became associated with occupation, war and torture, followed by disillusionment with democracy promotion and the Western liberal agenda (Gray 2007; Kagan 2008)

Countries Block HR Now

Uniq: LL

A laundry list of countries reject US HR criticism- Ferguson

MacLeod and Leger 6/25, (Calum MacLeod and Donna Leinwand Leger, USA Today,

“Countries scolded on human rights lash U.S. on Ferguson,”

<http://www.usatoday.com/story/news/world/2014/08/24/ferguson-china-russia-world-media/14524517/>, 6/25/15, //VZ)

BEIJING — **Countries long the targets of U.S. scoldings for human rights abuses revel in the opportunity to call out Americans for the angry protests that have convulsed Ferguson, Mo.,** after the police shooting of an unarmed black teenager. **State-run media in China air extensive and often-critical coverage of the events in Ferguson. Editorials have pointed out the hypocrisy of the United States criticizing China for its treatment of Tibetans and ethnic minorities while apparently committing abuses at home.** "It's ironic that the U.S., with its brutal manner of assimilating minorities, never ceases to accuse China and countries like it of violating the rights of minorities," The Global Times wrote last week. The popular tabloid, published by the People's Daily, the main mouthpiece of China's ruling Communist Party, often takes a stridently nationalistic tone. Another state-run news agency, Xinhua, noted that police in the USA used rubber bullets and tear gas against protesters — tools Xinhua says are used only "under extreme caution in other countries, where police usually use riot shields and batons instead to reduce damage." **Other countries usually at the pointed end of U.S. criticism, including Russia, Egypt and Iran, also condemned the police response in Ferguson. Russia's Foreign Ministry said in a statement last week that the United States needs to clean its own house if it wants to call itself a "bastion of human rights" that "declares its own 'exceptionalism.'** " "I would like to advise the American leaders to pay more attention to restoring order in their country before imposing its dubious experience on other states," the Foreign Ministry said. **Ayatollah Ali Khamenei, Iran's supreme leader and religious authority, has tweeted regularly in English with the hashtag #Ferguson to chide the United States over human rights abuses.** "Today the world is a world of tyranny and lies," he wrote. "The flag of #humanrights is borne by enemies of human rights w/US leading them! #Ferguson." **A spokesman for Egypt's Foreign Ministry urged the United States last week to exercise "restraint" and to respect the rights of people who wanted to peaceably assemble in Ferguson.** The United States has repeatedly criticized Egypt for cracking down on political protests. **The protests in Ferguson have gotten widespread coverage in Chinese media. One commentary in Xinhua appeared under the headline "The shadow below the Statue of Liberty" and urged the United States to turn its critical eye on itself.** "Facing this notorious record, when **America directs her torch to check on the morality and human rights situation in other countries, it's time for her to shine it on herself,**" Xinhua wrote. The news agency reported that a human rights society in **China urged the United States to "correct its double standards on human rights" and "reflect on its finger pointing over other countries' human rights records."**

Uniq: China

China resisting US democracy promotion -cracking down on dissent and financial transactions

Chen and Kinzelbach 15 Dingding, Assistant professor of Government and Public Administration, University of Macau and Katrin, Associate director, Public Policy Institute. "Democracy Promotion and China: Blocker or Bystander?" *Democratization*. 03/05/15. Accessed 6/24/15. <http://dx.doi.org/10.1080/13510347.2014.999322>

In the period covered by this special issue (2011–2014), pro-democracy activism in China has been small in scale overall and only loosely organized. At the same time, the resilience of authoritarian rule in China has been tested by economic development trends, changes in Chinese political culture, competition among Chinese leaders, and the effects of globalization.⁴ Andrew Nathan observed in 2013 that consensus was "stronger than at any time since the 1989 Tiananmen crisis that the resilience of the authoritarian regime in the People's Republic of China (PRC) is approaching its limits".⁵ Minxin Pei postulated in the same year that "a transition to democracy in China in the next 10 to 15 years is a high probability event".⁶ It is striking that Document No. 9, the CCP's April 2013 communiqué on the state of the ideological sphere, essentially provides the same analysis, but with a view to stalling democratization pressures. It warns that democracy promotion is an "attempt to undermine the current leadership and the socialism with Chinese characteristics system of governance".⁷ In addition to ideological challenges, the CCP also grapples with an increase in larger-scale protests around bread and butter issues, such as grievances about working conditions and salary levels, but also land grabbing and environmental degradation. Demonstrations, some of which turn violent, are said to continue to grow in frequency, and while there is a lack of clarity on the exact figures, public security spending has been rising as a result.⁸ A sophisticated system of so-called social stability management (weiwen) was set up to deal with these pressures and to undermine organizations that could compete with the authority of the party-state.⁹ According to Xie Yue, a political science professor at Tongji University in Shanghai, weiwen seeks to reduce social and political instability by enhancing coercive capacity rather than by moving forward to the rule of law and democracy.¹⁰ In the CCP's orthodoxy, domestic challengers of one-party rule are not only "anti-Chinese", they also play into the hands of China's international rivals that seek to undermine China's rise, notably the US. That is, the CCP employs a nation-alist counter-discourse and it suggests that external actors (or rather: global rivals) try to politically destabilize the People's Republic for strategic reasons. According to Document No. 9, "Western anti-China forces" and "all kinds of so-called citizens movements" echo each other and rely on each other's support "to squeeze the Party out of leadership".¹¹ Finally, it concludes: "In the face of these threats, we must not let down our guard or decrease our vigilance."¹² Document No. 9 most likely spurred a number of recent arrests, notably of individuals belonging to the "New Citizen Movement". For example, Xu Zhiyong, who gave the movement its name,¹³ received a four-year prison term in early 2014. Three years earlier, in March 2010, China's State Administration of Foreign Exchange had already issued stricter rules on the receipt of foreign donations by Chinese organizations, thereby increasing the party-state's control over the flow of foreign resources to Chinese non-governmental organizations (NGOs). Chinese organizations can now only receive foreign funds if they have a special foreign exchange account and after getting their grant agreements notarized. Due to this procedure, it has become very difficult if not impossible for the US and the EU to make financial transfers to organizations that engage in democracy promotion in China. Therefore, foreign support for domestic civil society actors is, more often than not, designed so as to dispel possible concerns, thereby restricting the flow of foreign resources to activities that are

palatable to the Chinese authorities. The US and the EU continue to support Chinese human rights activists through financial grants, quiet diplomacy, and public statements, but both actors have scaled down their ambitions in recent years. This is not only because financial regulations have changed. China's rapidly increasing international weight, which was further accelerated by the subprime mortgage crisis in the US and the sovereign debt crisis in Europe, changed the dynamics of international politics, and significantly decreased the party-state's vulnerability to international pressure. Accordingly, high-ranking leaders in Beijing now dismiss Western criticism of China's governance model rather confidently. For example, according to confidential accounts of EU officials, Wu Hailong (since 2014 China's Representative at the UN in Geneva) noted repeatedly in closed-door meetings that China was no longer willing to be lectured on human rights and democracy because "times have changed".

China resisting US pressure to comply with human rights in talks

Bodeen 11 Christopher, Associated Press Correspondent. "China media says human rights pressure from U.S. will fail." *Northwest Asian Weekly*. 05/13/15.

<http://www.nwasianweekly.com/2011/05/china-media-says-human-rights-pressure-from-u-s-will-fail/>

BEIJING (AP) — China will never allow the United States to dictate political reforms and any American pressure over human rights will torpedo talks on such issues, a Communist Party-run newspaper said last Thursday. The defiant editorial in the Global Times appeared on the second day of an annual China–U.S. human rights dialogue that comes amid a major Chinese crackdown on government critics. Talks have yielded little progress in recent years and are expected to be even more testy than usual this year. Many human rights advocates are questioning the value of such diplomatic exchanges. The Global Times said China would not accept requests from the United States and claimed that most Chinese "were disgusted" by outside pressure on human rights. "As China is a sovereign nation, there is zero possibility of it allowing the United States to dictate its political development," the editorial said. "If the United States adopts exerting pressure as the starting point of its 'dialogue' with China, that will ensure that there is no progress," it said. The two sides traded frosty language ahead of the closed-door talks, with the United States saying it would focus on the ongoing campaign against dissent, as well as on the rule of law, religious freedom, and labor and minority rights. China's Foreign Ministry warned it would reject what it regards as U.S. meddling. "We also are opposed to the United States using human rights as a pretext for interfering in China's internal affairs," spokesman Hong Lei said, at a regularly scheduled briefing Thursday. Often an occasion for testy exchanges in years past, the dialogue is being buffeted by the broadest clampdown in years by China's Communist government. Hundreds of people, including well-known lawyers and activists, have been questioned, detained, confined to their homes, or have simply disappeared, apparently to squelch any chances of the kind of popular uprisings roiling the Middle East and North Africa.

China fiercely opposes human rights policies

Feldman '13 (Noah, professor of constitutional and international law at Harvard University, BA from Harvard, law degree from Yale, Rhodes Scholar at Oxford, "How Guantanamo affects China: Our human rights hypocrisies", Salon, http://www.salon.com/2013/05/19/how_guantanamo_affects_china_our_human_rights_hypocrisies/, 5/19/2013)//HW

Could all that change? Could China gradually become a human-rights-respecting country, even without becoming a democracy? In the short run, the answer is no. From the Chinese

standpoint, the international human rights agenda poses serious dangers, and China can be expected to oppose it. Today, looking at the collapse of the Soviet Union as a negative model, the party believes that lifting its control over speech and protest and many other aspects of Chinese society would likely bring an end to its rule. The party's overarching interest — remaining in power —precludes rapid advances in human rights.¶This perspective will also in the near term be expressed in China's international attitude toward other rights violators, who are potential allies. With its increased power, China has increased capacity to block human-rights-related initiatives. Thus, for example, one can safely predict that China would not allow any more ad hoc international tribunals to punish genocidal leaders. The ICC will, for the time being, proceed very slowly and cautiously, concerned not only about the nonassent of the United States but about **opposition** from China as well.

U.S. human rights intervention has empirically angered China

Kumar '15 (Kalyan, staff writer for the International Business Times, "China Irked By US Criticism Of Detention Of Human Rights Activist Pu Zhiqiang", International Business Times, <http://www.ibtimes.com/china-irked-us-criticism-detention-human-rights-activist-pu-zhiqiang-1914604>, 5/08/2015)//HW

China has apparently taken exception to criticism from the U.S. over the nearly yearlong detention of a Chinese civil rights lawyer. Reacting to comments by the U. S State Department, a Chinese Foreign Ministry spokeswoman said **Washington should address its own human rights problems** without portraying itself as the "world's policeman or judge."¶On Wednesday, the State Department called on China to immediately release Pu Zhiqiang. The human rights activist, detained since May 2014, faces a plethora of charges. The State Department asked Beijing "to release and remove all restrictions on Pu Zhiqiang, and respect his rights in accordance with China's international human rights commitments."¶Pu, who is awaiting trial, was arrested in Beijing on his way back from a private gathering that honored victims of the 1989 Tiananmen Square massacre.¶The State Department said it objected to the fact that Pu has been denied prompt access to "counsel and other procedural safeguards," and subjected to "harsh conditions and denied access to proper medical treatment." In response, Hua Chunying, a Foreign Ministry spokeswoman, said in Beijing that "some people in the United States have hearts that are **too big** and hands that are **too long.**" Hua then advised Washington to address its own domestic problems -- an obvious reference to recent unrest in Baltimore.

Uniq: Russia

Russia rejects US rights fingerpointing – racism and hypocrisy

Gorst 6/24, (Isabel Gorst, The Irish Times, quotes Pravda.ru, Andrei Klishas, Russian senator who heads the constitutional legislation committee in the Federation Council, and Dmitry Trenin, the director of the Moscow Carnegie Center “Russian propagandists seize on Ferguson race riots,” <http://www.irishtimes.com/news/world/europe/russian-propagandists-seize-on-ferguson-race-riots-1.1906546>, 6/24/15, //VZ)

As the United States embarked on what is likely to be a long period of soul-searching over the race riots in Ferguson, Missouri, Russia has weighed in with some unsympathetic advice: **put your own house in order before lecturing us on human rights**. Sparked by the killing of an unarmed African-American teenager by a white policeman, the **violent unrest in Ferguson has exposed deep rifts in society and shattered any illusions of racial harmony in Barack Obama’s America**. And Russia is relishing the upheaval in the country that presents itself as an exemplary democracy. Russian state television news, after months of devoting prime time reporting to the battlefields of southeastern Ukraine, switched focus to Ferguson as the race riots escalated. Instead of images of Ukrainian troops attacking beleaguered pro-Moscow separatists in Donetsk, Russian audiences were treated to apocalyptic scenes of riot police, tear gas, vandalising and looting on the streets of the Missouri town. For the most part Russian media has dwelt on the heavy-handed reaction of US police to the riots and the authorities’ failure to quell the unrest. Ku Klux Klan In a catchy headline this week Pravda.ru, a Russian news website, described Ferguson police as “the Ku Klux Klan dressed up as law enforcers”. Even though US media and social networks are controlled by the state, the report claimed, “it’s impossible to hide that the country is mortally ill with racism”. Images of the violence gripping Ferguson may help distract, and even console, Russians about problems nearer to home – the economic slowdown, western sanctions and the fate of their fellow Slavs in conflict-torn Ukraine. In a broader sense, Russian gloating over the troubles in the US represents an extension of the Kremlin’s increasingly direct geopolitical confrontation with the West. “While trying to control the situation in Iraq, Syria, Lebanon and Ukraine, the US authorities turn out to be incapable of resolving a domestic conflict,” said Andrei Klishas, a Russian senator who heads the constitutional legislation committee in the Federation Council, the parliament’s upper house. Klishas, who was singled out by the US and the European Union for individual sanctions after calling for a Russian military deployment in Ukraine this year, has a personal axe to grind with the West. Events in Ferguson serve to illustrate that mighty, judgmental America is not all it’s cracked up to be. However, the US and EU economic sanctions against Russia are having a wider psychological impact, creating an “atmosphere in Russia of a country constantly under US pressure,” according to Dmitry Trenin, the director of the Moscow Carnegie Center. “This will stimulate Russian patriotism and nationalism focused on the US as an external adversary,” he said. Hypocrisy For Russia, the police violence in Ferguson has provided an opportunity to expose what it sees as hypocrisy in American policy-making and tell its adversaries in Washington to back off. Over the 14 years that Vladimir Putin has been Russia’s paramount leader, the US has routinely condemned the Kremlin for its increasingly heavy-handed stifling of dissent. Washington was particularly disapproving when Russian police cracked down on an anti-government protest in Moscow in 2012 after scuffles broke out in the crowd, followed by multiple arrests. At least a dozen of those detained have since been handed hefty prison sentences for participating in mass riots and assaulting law enforcers. To the fury of the Kremlin, the US once again took the side of the opposition at protests in Kiev’s Maidan this year that led to the overthrow of Viktor Yanukovich, the Ukrainian president, and swept a new, pro-western government to power. According to the Russian official narrative, the US has lent support to a bunch of usurpers in Ukraine who, while masquerading as democrats, have neglected the rights of minorities and wrought violent havoc in their country. Systemic problems As the unrest in Ferguson

entered a 10th day this week, Russia's foreign ministry issued a lengthy statement detailing "deep systemic problems" in America regarding the observance of human rights and democratic standards. "While demanding that other countries guarantee freedom of speech and don't suppress anti-government protests, the USA does not stand on ceremony with those in its own country who actively express discontent about the immoral discrimination of 'second-class' citizens," it said.

Uniq: Middle East

US Surveillance undermines US credibility in the Middle East - cred key to expand US influence

Al-Gharbi 3/10, (Musa al-Gharbi is a social epistemologist affiliated with the Southwest Initiative for the Study of Middle East Conflicts (SISMEC), “Why America Lacks Credibility in the Middle East,” <http://fpif.org/america-lacks-credibility-middle-east/>, 3/10/15, //VZ)

To hear politicians and beltway pundits tell it, credibility in international relations boils down to this: Do others believe that the United States is willing and able to follow through on its word? Actually, this is a sloppy and often pernicious way to think, leading policymakers to senselessly commit themselves to failing policies (like enforcing a “red line,” for instance) for the sake of “maintaining credibility” — and actually undermining it in the process. Credibility is not about resolve. Strategic credibility is actually about assuring partners that things will work out well for them if they throw their lot in with you. This perception plays a pivotal role in determining whether others will support or resist U.S. interests abroad. The primary way agents establish themselves as credible is by making good decisions, which means forming and executing policies that generate positive outcomes for the relevant stakeholders. The stronger an agent’s track record, the more likely others will be willing to get behind them — that is, the more credibility they will have. Incidentally, this is the secret to ISIS’ success: Regardless of how distasteful many find their methods and ideology, they have established themselves as one of the most effective forces at seizing territory from the governments of Iraq and Syria, making tangible progress in restoring a caliphate, and resisting the prevailing international order. America, on the other hand, has a serious credibility problem in the Middle East. The results of U.S. interventions in the region have been consistently catastrophic: Whether in Afghanistan, Pakistan, Iraq, Yemen, Libya, or Syria, direct U.S. involvement is usually followed by an erosion of state governance, the empowerment of exploitative sub-state and non-state actors, and a dramatic rise in violence, civil tension, and unrest. American indirect involvement, meanwhile, tends to empower corrupt, oppressive, and undemocratic forces — such as in Pakistan, Egypt, Palestine, Saudi Arabia, and Bahrain. In terms of achieving positive outcomes, America simply has absolutely no credibility in the Middle East. However, character is also important: **Moral credibility means a nation’s intentions and motivations are more likely to be trusted.** Strategic and moral credibility are interrelated: Consistently generating good outcomes goes a long way toward bolstering one’s reputation. Even if the methods for achieving an objective seem questionable, they tend to be justified retrospectively if things turn out all right. In the interim, people are much more willing to extend the benefit of doubt to those with a strong track record of success. Conversely, moral credibility can help make up for occasional bad outcomes — an agent is afforded slack when things go awry if it’s perceived as being genuinely well-intentioned. However, when there are glaring inconsistencies between a government’s declared aspirations (say, promotion of democracy and human rights) and their means of realization (imposing Western socio-economic models at the expense of indigenous self-determination) — especially when paired with a general failure to realize stated objectives (producing chaos rather than order, be it liberal or otherwise) — these generate suspicion about its real intentions and motives. Hypocrisy Undermines “Resolve” Part of what contributes to America’s cycle of diplomatic and military failures in the Middle East is an underlying distrust of the United States among most Arabs, which inspires widespread ambivalence or resistance to U.S. efforts in the region. The source of this deficit has nothing to do with U.S. follow-through or resolve, as foreign policy hawks love to allege. One can be consistent with regards to backing up threats, etc. while still being a hypocrite in the moral sphere. Indeed, this is precisely the problem America faces. After decades of supporting the region’s dictators with arms and money, Washington has now formed a coalition with both the surviving local autocrats and the Middle East’s former imperial powers to “bring democracy” to Syria and (once more) to Iraq. Is it any surprise the “Arab street” is mistrustful? It further fuels skepticism when America attempts to fight ISIS — a group largely empowered by previous U.S. support for other non-state actors in

Iraq, Libya, and Syria — by training and arming new, ineffective, and unpopular proxy militias. Moreover, these new groups are often aligned with, and trained in, Saudi Arabia — the power most responsible for proliferating the ideology embraced by the so-called “Islamic State.” It seems disingenuous when the U.S. condemns Russia for funding non-state actors in Ukraine, or Pakistan for doing so in Afghanistan, or Iran in Lebanon — even as America expands its own support of insurgents in Syria. The Arab public is outraged when U.S. policymakers decry human rights violations elsewhere while continuing to support Israel and shield it from international accountability for its occupation of the West Bank or its wars on Gaza. And it doesn’t help at all when the Obama administration, among other failings, declines to prosecute clear and grievous infractions like **torture by its own intelligence agencies, while calling for regime change in other countries for the same sorts of infractions.** When American representatives lecture others about upholding the very international rules and norms **the U.S. government systematically and unapologetically violates through its drone strikes and mass surveillance, enhanced interrogation, and extraordinary rendition programs, others will not take American rhetoric or ideals seriously.** These glaring contradictions imbue the entire ethical project with a cynical hue — undermining not just American credibility, but the general value of moral discourse on the world stage more generally. This breakdown, in turn, disrupts consensus building and cooperation, threatening the long-term viability of the rules-based international order Americans sacrificed so much in years past to establish and preserve.

Links

Aff Specific Links

Links: Allied Credibility

And, increases in allied credibility and cooperation are critical to effective HR promotion – plan’s boost in cooperation is critical

Power 15

(Statement by Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, on the President’s 2015 National Security Strategy, February 6, 2015, pg online @ [//um-ef\)](http://iipdigital.usembassy.gov/st/english/texttrans/2015/02/20150206313448.html#ixzz3eBGOeAx8)

The President’s 2015 National Security Strategy lays out the framework for how the United States will pursue our nation’s interests, and advance universal values through strong and sustainable American leadership. At the United Nations, we pursue these goals every day. By building coalitions to fight international terrorism, prevent and respond to infectious diseases like Ebola, pressure rogue regimes and human rights violators like North Korea, modernize UN peacekeeping, and fight Anti-Semitism and other forms of hate, American leadership at the United Nations is vital to addressing some of the world’s most pressing needs. Recognizing that many challenges facing the world require long-term solutions — from the underlying sources of violent extremism to threats to our security like poverty, inequality and climate change — our strategy maintains a long-term perspective and emphasizes that we must seek a wide array of partners to solve issues of global concern. **Our strategy recognizes that the root of American power stems from how we live our values at home and abroad.** That’s why we’ve prohibited torture, why we are working to close the detention center at Guantanamo Bay, and why we place support for universal values at the center of all we do. We recognize that threats to our collective security — from the war in Syria to Russian aggression in Ukraine — often arise when authoritarian regimes oppose democratic voices. So we will continue to fight against corruption and threats to free expression and a free press, and we will continue to fight for open governments, open societies, and the universal rights of women and LGBT persons. As the strategy notes, “Today, the United States is stronger and better positioned to seize the opportunities of a still new century and safeguard our interests against the risks of an insecure world.” America is leading from a position of strength and in a spirit of partnership. We will not shy away from confronting threats to international peace and security, and to human dignity. That mission, and the vision laid out by the President today, motivate all that we do.

Links: Constitution

Demonstrating constitutional values increases human rights legitimacy

Shattuck 8 John, foreign policy lecturer, Tufts University. "Restoring US Credibility on Human Rights." *Human Rights Magazine*. Fall 2008.

https://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol35_2008/human_rights_fall2008/hr_fall08_shattuck.html

Second, you should bring U.S. values and practices back into alignment. The United States in recent years has lost credibility by charging others with the types of human rights violations that it has committed itself. In recent annual country reports on human rights practices, the State Department has criticized other countries for engaging in torture, detention without trial, warrantless electronic surveillance, and other abuses, even though the U.S. record in these areas also has been abysmal.

Links: Hypocrisy

US Hypocrisy is noticed by other nations-delegitimizes US democracy promotion

Morgus 15 Robert, Program Associate, Cyber Security Initiative and International Security Program, New America Foundation. "Credibility Matters: Revisiting Hard Power, Soft Power and Smart Power." Public Diplomacy Magazine. Summer 2015. publicdiplomacymagazine.com/wp-content/uploads/2015/02/Magazine-LGBT-Winter-2014-Smart-Power.pdf

American values are the root of US soft power. But the United States cannot credibly continue to trumpet freedom, liberty, and justice for all without acknowledging and somehow rectifying the actions of the past fifteen years as they begin to come to light. Without privacy, there is no freedom. Without a state that grants, guards, and guarantees freedom, there is no liberty. Without acknowledgement of and restitution for crimes committed, whether legal or moral, there is no justice. As American policymakers and leaders turn a blind eye to the wrongdoings that they and their predecessors have committed or allowed, the rest of the world has noticed. As Martha Finnemore and Henry Farrell pointed out in Foreign Affairs in 2014, "the United States is far from the only hypocrite in international politics. But the United States' hypocrisy matters more than that of other countries... because most of the world today lives within an order that the United States built, one that is both underwritten by US power and legitimated by liberal ideas." ¹³ US ability to exercise soft power is experiencing a slow atrophy—limiting the ways in which it can exercise smart power. Perhaps the Senate's report is a step in the right direction. Though the contents of the report are troubling, the report itself is an acknowledgement of mistakes. How the current American powers that be react to the report will prove crucial.

Links: Immigration

Reducing Border surveillance is a critical human rights issue that will boost U.S. credibility

Piper Garcia and Flora 10

(Jennifer, Jordan, and Gabriela “Human rights and immigration reform” Flora are with the Colorado office of the American Friends Service Committee, a Quaker peace and justice organization. 03/28/To access A New Path Toward Humane Immigration Policy go to <http://www.afsc.org/newpath>. http://www.denverpost.com/headlines/ci_14764341)

Reforming our obsolete immigration system is a human rights issue that can no longer wait. Our nation needs a clear and workable path toward legal residency for the millions of undocumented workers and families living in this country. Some proposals, such as the immigration-reform blueprint that Senators Chuck Schumer and Lindsey Graham are spearheading, will only create the needed path after creating a more militarized southern border. **Border communities along the U.S.-Mexico border have for generations demanded accountability and respect for their quality of life, not more of the same failed policies. Adding more patrols, or high-tech surveillance systems, to "secure the borders" does not make us more secure.** The tragic deaths of at least 6,000 migrants attempting to cross the U.S. - Mexico border since the mid 1990s are a stark reminder that border control policies have only perpetuated suffering. Migrants are 17 times more likely to die today while crossing the border than they were in 1998. But, we hear from lawmakers that trumpeting border security is necessary to make immigration reform possible. Then where is the clear proof that the multimillion-dollar wall along the U.S. - Mexico border has curbed migration? Economists say the recession of the past two years has had more of an impact. Stepping up ineffective border patrols, filling more detention jails like the one in Aurora, and more wholesale deportations would only aggravate the climate of fear and uncertainty under which millions of families live. In fact, the Obama administration deported more undocumented migrants in its first year in office than in George W. Bush's last year in the White House, based on the Department of Homeland Security's own reports. That is why eighty people from Colorado are traveling via bus, van and plane to Washington D.C. and why tens of thousands of immigrant rights supporters are preparing to converge on the streets of Denver, Washington D.C. and across the country, this weekend to call for just and humane immigration reform, not policies that would expand the current ineffective, overzealous enforcement system. They and millions of others are calling for an end to policies that split families apart and the beginnings of policies that provide safe and swift paths to legalization. We believe the seven core principles the American Friends Service Committee have proposed in A New Path Toward Humane Immigration Policy will help achieve that goal quickly, fairly and humanely. These principles are: create justice with humane economic policies, protect the labor rights of all workers, develop a clear path to permanent residence, respect the civil and human rights of immigrants, demilitarize the U.S.-Mexico border, make family reunification a top priority, and ensure that immigrants and refugees have access to services. As a nation, we should reject appeals to tie the future of millions of families to a broken, unjust system of enforcement. Instead we should respect the human rights and dignity of immigrants through humane and fair immigration policies.

Links: Soft Power/Influence

And, increasing U.S. soft power and influence will increase HR promotion and credibility – past precedent proves

Rubin 1/28

(Jennifer, “A weak America means human rights disasters,” pg online @ <http://www.washingtonpost.com/blogs/right-turn/wp/2015/01/28/a-weak-america-means-human-rights-disasters/> //um-ef)

Former deputy national security adviser Elliott Abrams, citing the Freedom House report showing a massive erosion in human rights worldwide, argues that “the regression in freedom and the decline in perceived American power overlap. Moreover, the decline in freedom and the decline in perceived U.S. government interest in advancing freedom also overlap. Hard to believe all this is coincidence.” He concludes, “It is impossible to prove a negative—to demonstrate that had the **Obama** administration not shrunk democracy assistance, not adopted what it may view as a ‘realpolitik’ attitude of indifference to human rights advances, not backed so many dictators—freedom in the world would not have declined every single year that Mr. Obama has been president. But it is possible to wonder, and it is possible to wish that someone, somewhere in the White House were also wondering.” There are several instances that support this view, namely that **U.S. weakness abets human rights violations and that ignoring human rights violations weakens U.S. influence**. The first is Syria, where the administration refused to take definitive early action to oust Bashar al-Assad and later erased its red line. The results are grotesque and massive human rights atrocities, including the killing of an estimated 200,000 people, the use of WMDs on civilians and the forced flight of millions of civilians. Before jihadists poured into the country, could we have removed Assad? Could airstrikes at key targets to enforce the red line have tipped the scales against Assad? Almost certainly. Second, had the president not adopted reset, not entered into a flawed arms deal with the Russians, not let Russia into the World Trade Organization without a peep, not handed off the Syrian issue to Russia, not dragged its feet on sanctions against Russia for invasion of Ukraine and not refused to arm the Ukrainians, do we really think Russia’s leader would be acting more aggressively than at any time since the end of the Cold War or engaging in massive internal repression? As Abrams notes, nothing is certain, but it is hard to see how our behavior did not encourage Vladimir Putin both at home and internationally. Third, the administration in June 2009 could have extended support for the Green Movement and begun to exert greater political and economic pressure against the Iranian regime. While it might not have been sufficient to topple the mullahs, it would not have conveyed that we were desperate to engage the regime on nukes and therefore would overlook domestic repression. The Iranians quickly learned not to take us seriously at the bargaining table. Now we have the worst of all worlds — worsening human rights atrocities in Iran, Iranian aggression throughout the Middle East and Iranian defiance in nuclear talks. There has never been an administration that has so divorced human rights from geopolitical strategy as this one has. It creates an Atrocities Prevention Board and sends out officials to give speeches filled with empty platitudes. But our actions in the real world — be it in foot-dragging on Magnitsky legislation, doing little to prevent the rise and spread of the barbarous Islamic State, soft peddling criticism of whatever regime is in power in Egypt or giving the Castro brothers normalization without extracting any concrete agreement on human rights — leave innocents to fend for themselves and embolden tyrants. No one in the administration has the slightest clue that the ultimate atrocities prevention mechanism is the influence of the United States, backed up by and, if needed, enforced through the use of hard power. No wonder the world is less free, more chaotic and respects the U.S. less.

Links: War on Terror

The U.S. has empirically lost international credibility over surveillance

Dyer and Waters '13 (Geoff, Beijing bureau chief of the Financial Times, Richard, West Coast editor of the Financial Times, "US admits surveillance on foreign governments 'reached too far'", Financial Times Politics and Policy, <http://www.ft.com/cms/s/0/e028f49c-4257-11e3-9d3c-00144feabdc0.html#axzz3eBswpPMm>, 11/1/2013)//HW

Although the dispute about US dominance over the internet is a long-running one, the Snowden revelations have given substantial ammunition to Washington's critics. "US credibility as a neutral steward of the internet **has been severely damaged by the NSA revelations,**" said Milton Mueller, professor at the Syracuse University school of information studies. **If the US does not move** to appease its critics, he said, **the risk of fragmentation will increase** as countries insist on more data being held locally or erect gateways to control the flow of information to the web. **They have to do something** in response to the revelations," Mr. Mueller said.

International perception of the War on Terror decimates credibility – the plan shifts away from this

Lynch '10 (Marc, Director, Institute for Middle East Studies and Professor of Political Science, The George Washington University, "Rhetoric and Reality: Countering Terrorism in the Age of Obama", Center for a New American Security, http://www.cnas.org/files/documents/publications/CNAS_Rhetoric%20and%20Reality_Lynch.pdf, 6/5/2010)//HW

But if this is no longer a "global war on terror," then what exactly is it? While the administration's policy has taken on clearer contours over the last year and a half, it is still easier to say what the policy is not rather than what it is. The components of the strategy emerge clearly from official statements, documents and from the patterns of behavior, but President Obama has not yet clearly and effectively articulated this strategy. Tellingly, the 2010 Quadrennial Defense Review removed references to the "Global War on Terror" but did not replace it with a new intellectual framework.¹⁰ **The National Security Strategy explicitly says that the U.S. is not fighting a war against terror, but still repeatedly emphasizes an ongoing war against al Qaeda and its affiliates. The administration must fill this void, because the "Global War on Terror" has proven to be a remarkably resilient framework.** Both the **Bush administration and the Obama administration have tried to move away from this terminology, but it has persisted – as an organizing concept, as a justification for budgets and organizational structures, as a set of legal authorities and as a justification for a range of otherwise disparate practices, from enhanced interrogation techniques and domestic surveillance to military campaigns and democracy promotion.** **If the administration's strategy cannot be better articulated and a new approach institutionalized** through a durable and robust set of institutional commitments and legal authorities, then **there is a real risk that it will collapse in the face of challenges or setbacks. The promise of fundamental change combined with significant continuity, even escalation, of controversial counterterrorism practices risks provoking a backlash by those at home and abroad who took the President's rhetoric of**

change seriously. The President came to office amidst stirring promises to close the Guantanamo Bay prison and end many of the controversial practices associated with his predecessor's unpopular "Global War on Terror." The National Security Strategy forcefully argues for stricter adherence to the rule of law in order to restore American leadership and establish durable legal foundations for the struggle against al Qaeda and its affiliates. **That many controversial practices continue has undermined Obama's credibility. Even if useful in the short-term, continuing the "Global War on Terror" in practice threatens to undermine the President's ambitious longer term efforts to transform America's relations with the Muslim communities of the world.**

The War on Terror undermines U.S. human rights credibility

Hooper et al. '15 (Melissa Hooper, Ignacio Mujica, Megan Corrarino, attorneys with Human Rights First, where they focus on the advancement of international human rights law in the United States, "U.S. Must Affirm Leadership Role on Human Rights", New York Law Journal, [//HW](http://www.newyorklawjournal.com/id=1202719078471/US-Must-Affirm-Leadership-Role-on-Human-Rights?slreturn=20150524151844, 2/27/2015)

A recent military commission decision, for example, vacated David Hicks' conviction for "material support for terrorism" that was secured with evidence obtained by torture and outside of the military commission's jurisdiction, which is limited to war crimes.¶ And a federal district judge in Washington, D.C., recently ordered the Obama administration to stop using the immigration detention of women and children to deter others seeking refuge in the United States. These cases reaffirm the principle that human rights can and should be enforceable, and that the first place to begin enforcing them is in our own courts.¶ To reestablish its credibility on the international stage following things like the torture report and more than a decade of due process violations in Guantánamo, the United States must begin more seriously enforcing its own international legal obligations, which are constitutionally-binding law, in its own courts.¶ The United States once positioned itself as a human rights leader, and that moral authority gave it considerable soft power around the world. U.S. leadership was instrumental in creating the Universal Declaration of Human Rights, the United Nations, and the International Covenant on Civil and Political Rights. The significant due process components of the U.S. justice system have been used as the basis for rule-of-law reforms in numerous other countries. The United States still has among the broadest frameworks for protection for free speech and freedom of religion in the world. But **any claim that the United States might have to leadership in human rights is undermined by the fact that, over the past decade and a half, it has failed to satisfy its own international legal obligations. The most famous and egregious examples are those that have come from the so-called "War on Terror," reliance on torture as outlined in the Senate Select Committee on Intelligence Report, and arbitrary detention of prisoners at Guantánamo, often based on secret evidence without access to due process.**

Counterterrorism procedures destroy U.S. human rights credibility

Keyel '13 (Jake, works with immigrants, refugees, and asylees to help them re-enter their professional fields in the United States, "U.S. Credibility Begins at Home", Citizens for Global Solutions, [//HW](http://globalsolutions.org/blog/2013/09/U.S.-Credibility-Begins-Home#.VYsV2BNVikp, 9/12/2013)

What is unclear, however, is whether the United States can credibly claim to represent and speak for those who demand the protection of civilians and an end to human rights abuses. Unfortunately, the United States' record in this regard shows a serious deficit in this type of credibility. Guantanamo Bay remains open, drone wars are on-going in Pakistan and Yemen, and the war in Iraq, a war called illegal by Kofi Annon, has only just ended. The United States is also the world's largest weapons exporter. If the United States wants to be a world leader against human rights abuses and violence it needs to lead by example and not by force.

Internals

Internals: Domestic k to Cred

Inconsistency between domestic policy and international human rights demands undermines moral power

Mehta and Winship 10 (Jal Mehta, Associate Professor in Education at the Harvard Graduate School of Education, and Christopher Winship, the Diker-Tishman Professor of Sociology in the Faculty of Arts and Sciences in the Harvard Kennedy School, "Moral Power," Handbook of the Sociology of Morality, 2010, http://scholar.harvard.edu/files/cwinship/files/moral_power--final_1.pdf)//AG

Moral power is like the other forms of capital: it is a resource which allows actors to do things that they wouldn't be able to do without it. Just like actors can differ in their level of financial capital, or human capital, or even social capital, they can differ in their level of moral power, which affects what they can do and what options they have at their disposal. Unlike financial or political capital, one does not deplete moral power by "spending it"; effective moral leadership enhances one's moral power for the future. Moral power is important for everyone from parents to leaders of organizations to heads of state. Parents of adolescents today need to rely almost entirely on their persuasive powers, and the ability to make well - intentioned and morally capable judgments are key to getting their children to accede to their wishes. Organizational leaders often have some form of coercive or top - down power, but in more collaborative or less hierarchical organizations, moral power can be a means to overcome collective action dilemmas and motivate one's charges to action. Inconsistencies between what one is asking from others and what one is willing to do oneself erode moral power, as when clergy drive Cadillacs or university presidents' pay themselves extravagantly while raising tuition or freezing faculty salaries. Similarly, when world leaders gather and make requests to one another to amend treaties or contribute troops or humanitarian aid, how they are viewed morally by their contemporaries is often a critical factor in the success of these efforts. Like other sources of power, the importance of moral power is in its ability to convince other actors to do something or to allow something to be done. But moral power does more than this. As David Beetham has argued in his book *The Legitimation of Power*, legitimation of authority is created by the expressed consensual behavior of individuals who obey that authority whether they in fact believe in the legitimacy of that authority or whether in any principled sense that authority is legitimate. For example, although George W. Bush's election in 2000 was initially contested, the fact the media covered his inauguration as they had past inaugurations, in part legitimated his election. In a similar way, when individuals act in consent with the moral power of an actor, they cause both that actor and the actions he advocates to be seen as moral. To return to Martin Luther King, King not only convinced the majority of Americans that blacks deserved equal rights, but also that this was morally correct and thus established himself as a moral leader. As Tom Tyler has argued in *Why People Obey the Law* (Tyler 2006) persuading people to do or not do something because it is right is a far more effective form of influence than outright coercion which is often costly to carry out. Thus democracy has proved a more viable form of government in many situations than authoritarian totalitarianism as its stability is

to a large degree a function of people's belief in its legitimacy. Moral power is a centrally important factor in social life which has not been given its proper due. We suggest in this chapter that outcomes are not just determined by standard structural factors (the economic and social resources of various actors and the relationships between them), but by the relative ability of different actors to persuade and influence others by asserting the correctness of particular moral positions. Differences in the moral power of various actors in their relationships with others are an important and at times key determinant of various outcomes. We have found moral power to be a useful concept in our own work in explaining everything from school policy to presidential politics to the relationship between cops and ministers. Our hope is that other researchers will find the concept of moral power similarly useful in explaining a variety of outcomes.

Addressing human rights violations at home would restore U.S. credibility abroad

Carasik '14 (Lauren, clinical professor of law and the director of the international human rights clinic at the Western New England University School of Law, "Human rights for thee but not for me", Al Jazeera, <http://america.aljazeera.com/opinions/2014/3/the-us-lacks-moralauthorityonhumanrights.html>, 3/12/2014)//HW

U.S. intransigence is often cloaked behind lofty conception of American exceptionalism — the idea that the U.S. embodies the standards of liberty and democracy to which other countries should aspire. Claiming to stand at the apex of democracy and human rights, the U.S. exempts itself from surrendering its sovereignty to any global rights framework. Resistance to the adoption of international norms is not monolithic within the country, however. In a sign of retreat from these principles at a local level, some states and municipalities are embracing international human rights standards. The "Bringing Human Rights Home" report by the Human Rights Institute at Columbia School of Law evinces the willingness of some local governments to incorporate universal human rights standards, including economic and social rights that the U.S. has so far declined to validate.¹ In 2012 former U.S. President Jimmy Carter urged the U.S. to reclaim its moral high ground, lamenting that "America's violation of international human rights abets our enemies and alienates our friends." Upholding universal, inalienable and enforceable human rights standards in a pluralistic and increasingly entangled world is no easy task. But the domestic and international human rights movements are driven by the urgent goal of protecting the dignity of all human beings — including those at the margins who are powerless, poor, invisible and persecuted. The U.S. would have more credibility in promoting those principles if it reflected on its own transgressions. Naming and shaming by international actors is an essential tool for advancing human rights. But it assumes both the moral authority to sit in judgment and the humility to be self-critical.

Moral inconsistency undermines international influence

Mehta and Winship 10 (Jal Mehta, Associate Professor in Education at the Harvard Graduate School of Education, and Christopher Winship, the Diker-Tishman Professor of Sociology in the Faculty of Arts and Sciences in the Harvard Kennedy School, "Moral Power," Handbook of the Sociology of Morality, 2010, http://scholar.harvard.edu/files/cwinship/files/moral_power--final_1.pdf)//AG

Despite their many differences, when Barack Obama speaks about the Muslim world, his words are remarkably similar to those of his predecessor, George W. Bush. Compare the September 2006 speech President Bush gave to the U.N. with the June 2009 Cairo speech of President Obama. Both presidents talked about the importance of human rights, self-determination, and democracy in Muslim nations; both said that America will respect the history and traditions of the Muslim world; both argued that America is not at war with Islam; both called on Muslim moderates to join America in denouncing the perpetrators of the September 11th attacks. The reaction to the two men from the Muslim community, however, could not be more different: shoe throwing hatred for President Bush, and, at least as of June 2009, healthy respect for President Obama. The difference in the way that the two presidents have been received by the Muslim world, we argue, lies not in what these men have said, but in how they are perceived. As a product of their past actions, their biographies, and the narratives that they have crafted for themselves they have entirely different moral status and standing, or what we call moral power, in their relationship to the Muslim world. As a result, their words are interpreted quite differently. This difference in moral power is critical for understanding not only how they are perceived, but is one of the resources they have available to persuade and affect the actions of others. To claim the importance of moral power is not to discount more traditional forms of power such as economic or military power. Rather it is to say that there are frequently situations where other forms of power are not dispositive, and moral power is one critical resource in these situations. In these cases, there is often an important but uncommitted middle; moral power is critical to persuading that middle that a particular interpretation of a situation is the correct one, which in turn affects which positions that middle will adopt. Put another way, moral power is important when there is moral ambiguity and the ability to persuade those on the fence as to what is moral is critical. This is frequently the case in politics, but can also be true in other spheres of life. In situations such as these, moral claims about what is right or just and/or what is best for the common good are often made to influence people to support one position or another. A classic example to which we will return is the Civil Rights movement and the passage of federal civil rights legislation during the 1960's. It is difficult to argue that the power of blacks and black leaders as understood in its traditional sense was the key factor in pushing through this legislation. Rather, it was, at least in part, the moral arguments made by Martin Luther King and others that were critical. Furthermore, it was not just the arguments that King and other clergy made, but their moral status and standing as ministers that was influential. Morality and power are often taken to be opposites, with morality grounded in altruism and a commitment to the common good, and power located in self-interest. Our contention is that moral power, seemingly an oxymoron, is actually a widely present and important factor in social and political life. Our aim is to introduce and situate the concept, offer a theory of how moral power is generated and what role it plays, and give examples that illustrate its importance. Moral power is the degree to which an actor, by virtue of his or her perceived moral stature, is able to persuade others to adopt a particular belief or take a particular course of action. While there has been some writing about the importance of moral claims and narratives (Jasper 1997, Polletta 2006, Ganz 2007), it is our argument that it is not only the perceived morality of the claims, as argued by Boltanski and Thevenot (2005), but also the moral power of the specific actor making the claim that is important in determining the outcome. Thus, the quite different reception of Bush's and Obama's comments in the Muslim world. The importance of moral power as a form of influence is exemplified in the widespread debate about the extent to which the United States' behavior in foreign affairs is consistent with the moral claims that it espouses. One common view is that although the U.S. preaches the virtues of democracy, its practices violate that claim in important ways (e.g., by engaging in torture or supporting authoritarian or dictatorial leaders). The issue here is not whether the U.S. has the economic or political muscle

to convince other countries to take particular actions, but rather whether it has the ability to persuade other countries that particular actions are morally justified given the perceived moral inconsistencies of its own behavior. Below we develop the outlines of a theory of moral power. Specifically, we argue that moral power is a function of whether one is perceived as morally well - intentioned, morally capable, and whether one has moral standing to speak to an issue. With respect to intentions, the issue is whether an actor is perceived to be promoting a particular position out of concern with what is morally right or good, as opposed to being driven by self - interest or other motivations, and, relatedly, whether that actor is perceived to be trustworthy. In terms of capability, the question is whether an individual is seen to be both generally wise and knowledgeable in forming moral judgments and appropriately informed about the specific issue at hand. Moral standing refers to the degree to which the actor is understood to be a member of the relevant moral community.

Internals: Credibility k to Push

The administration strategy is low-key diplomacy, but a boost in HR credibility will result in expanded HR promotion

Washington Post 9

("Human Rights Activists Troubled by Administration's Approach", May 5, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/04/AR2009050403450.html//um-ef>)

The Obama administration has backed away from overt expressions of support for human rights and democracy in favor of a more subtle approach, worrying advocates who say that the issues are being given short shrift as President Obama seeks to rebuild relations with allies and reach out to adversaries. Although Obama moved quickly to announce the closure of the detention center at Guantanamo Bay, Cuba, drawing praise from human rights activists, many say other actions by the administration have been troubling. Administration officials have suggested that sanctions against human rights pariahs Burma and Sudan could be eased, that concerns over China's treatment of Tibetans and dissidents should take a back seat to issues such as climate change, and that the United States might once again grant Egypt's autocratic government veto power over the disbursement of U.S. funds to nongovernmental groups. "They need to be careful here that they don't set a pattern they will regret later on," said Jennifer Windsor, a former Clinton administration official who is executive director of Freedom House, a group that supports democracy activists. "There are some good people in the administration, but the instinct of abandoning everything President Bush has stood for has done a disservice." Administration officials acknowledge they have approached the issue of human rights differently but deny that there has been a reduction in commitment. Instead, they say, they are first seeking to restore U.S. credibility on the issue by acknowledging U.S. failings and then pushing for progress on human rights and democracy.

Robust policies and increased US credibility will allow it to promote its interests internationally

FH 12, (Freedom House, endorsed by the American Civil Liberties Union, Amnesty International USA, Better World Campaign, Center for Justice and Accountability, Center for Victims of Torture, Ambassador Mark P. Lagon, International Relations Chair, Georgetown University MSFS Program, Physicians for Human Rights, Eric Sapp Executive Director of American Values Network, Ted Piccone of the Brookings Institution, United to End Genocide, Jennifer Windsor the Associate Dean for Programs at Georgetown and the University School of Foreign Service, "Ten Critical Human Rights Challenges for the Next American President," <https://freedomhouse.org/sites/default/files/Ten%20Critical%20Human%20Rights%20Challenges%20For%20The%20Next%20American%20President.pdf>, Page I, 8/2/12, //VZ)

The next administration should articulate clear priorities and implement credible policies on human rights, address human

rights in its relations with all foreign governments that commit significant violations, and select senior officials who have the expertise and authority to carry out effective human rights policy, while ensuring that America's own policies and practices are consistent with the universal values it promotes around the world. The National Security

Advisor should have sufficient authority to ensure consistent implementation of human rights policy across U.S.

government departments and agencies, and a key criterion in the selection of the Secretary of State should be the candidate's commitment to human rights. While there are many human rights challenges that will confront the next administration, some are so severe, consequential, or open to U.S. influence that they merit the next administration's attention. In this paper,

we highlight ten issues for the next administration to address. **If the U.S. response to these issues is inadequate, they may harm U.S. interests and credibility abroad. If, however, the next administration crafts and executes robust policies to overcome these human rights challenges, it can make a distinct contribution in promoting U.S. values and interests internationally. We recommend that the next presidential administration give priority in pursuing the following policies:** 1. Prioritize U.S. leadership on international norms and universality of human rights 2. Act to prevent genocide and mass atrocities and ensure accountability 3. **Pursue policies that protect people from the threat of terrorism while respecting human rights both at home and abroad** 4. Oppose the coordinated global assault on civil society, including the murder, criminalization, and vilification of human rights defenders 5. Proactively address the democracy and human rights opportunities and challenges presented by the Arab Uprisings 6. Ensure that corporations avoid contributing to human rights violations in their operations and through their supply chains 7. Bolster accountability and access to justice for survivors of sexual and gender-based violence 8. Review the United States' relationships and alliances with governments that violate human rights 9. Support international justice and accountability for human rights violators present in the United States 10. Support policies both at home and abroad and norms that respect the rights of and equal treatment for refugees/migrants/immigrants. The presidential campaigns have to date addressed some human rights issues and benefitted from the insights of individual human rights experts, but leading human rights organizations have yet to weigh in to the debate surrounding the presidential campaigns in a substantial way. This policy paper is a collective effort by leading U.S.-based human rights organizations and experts to contribute to the debate and to the human rights policies of the next administration as it prepares to take office. This paper is a product of Freedom House, the Connect US Fund, and the Human Rights Working Group, a Washington, D.C.-based forum for human rights organizations and expert individuals to share practices, discuss policy challenges, and coordinate advocacy strategies. The policy paper takes into account the priorities of 22 human rights organizations that contributed in some way to its content. However, not every group has a position on all of the issues in this paper, and individual organizations and experts have additional views that are not included in this paper but are nonetheless important positions on critical issues. The analyses and recommendations presented here reflect the views of human rights organizations and experts on particular issues within their organizational mandates and expertise. Participants in the Human Rights Working Group voted on the top ten issues to highlight in this paper. They were guided by three factors: (1) the severity of the human rights violations, (2) the extent of the harm or threat caused by these violations, and (3) the ability of the United States to influence the situation. The absence of an issue in this paper does not suggest a lack of importance. In fact, **many issues, including LGBT rights, Internet freedom, and general women's rights,** are not covered in this paper because they **are current priorities of the United States, which has led efforts to address them worldwide. We anticipate and strongly recommend that work in these areas continue to be a priority** for the next administration. Each of the top ten issues in this paper is covered in one page. Background to frame each issue is followed by a summary of the U.S. record to date on the issue and then by key recommendations. The top ten issues presented in this paper merit discussion during the presidential debates this fall. We look forward to a sustained conversation on these issues with both candidates and ultimately with the next president. 1 **Prioritize U.S. leadership on international norms and universality of human rights. International organizations are most effective in protecting and promoting human rights when the United States plays a leadership role and lives up to its own human rights commitments.**

Despite their imperfections, the United Nations, Organization of American States, Organization for Security and Cooperation in Europe, World Bank, and other multilateral institutions provide a greater level of legitimacy and influence than U.S. bilateral efforts alone. U.S. support, both practical and financial, for multilateral institutions is critical for the United States to shape international human rights norms as well as improve the overall functioning of the institutions themselves. Moreover, by withdrawing from these institutions or restricting funding, the United States forfeits its leadership in these bodies and undermines its ability to advance its own interests. An illustration of how the United States can positively shape the policies of such bodies is demonstrated clearly by its membership in the UN Human Rights Council (HRC). Prior to U.S. membership in the Council in September 2009, very little progress was made on calling attention to the human rights situations in all but the most egregious cases, most often countries such as North Korea and Somalia that have few allies. However, U.S. leadership has been one of the key factors in many of the achievements of the HRC, including launching international investigations into abuses in Libya, Syria, Côte d'Ivoire, Iran, Belarus, Honduras, Guinea, and Eritrea, as well as in pushing engagement of the HRC on dealing with wartime abuses in Sri Lanka. Moreover, the United States was instrumental in the creation of a special rapporteur on freedom of association and peaceful assembly; in the support of the South African initiative for the adoption of the first resolution on the protection of LGBT rights; and in the defeat of the annual —Defamation of Religions— resolution, an attempt by Islamic states to create an international norm criminalizing blasphemy. **The credibility of U.S. engagement on human rights internationally is also directly related to the United States' own human rights record. The United States will be in the strongest position to promote human rights abroad if it improves the domestic implementation of its human rights obligations.**

Perceived moral legitimacy is key to international influence

Mehta and Winship 10 (Jal Mehta, Associate Professor in Education at the Harvard Graduate School of Education, and Christopher Winship, the Diker-Tishman Professor of Sociology in the Faculty of Arts and Sciences in the Harvard Kennedy School, "Moral Power," Handbook of the Sociology of Morality, 2010, http://scholar.harvard.edu/files/cwinship/files/moral_power--final_1.pdf)//AG

A third essential component of moral power is moral standing. Moral standing is whether or not an actor is perceived to be part of the moral interpretive community that is relevant to the question at hand. Moral philosophers are an example of a group that is morally capable and well-intentioned but has little moral standing with respect to many questions of social and political life. **Moral standing can come within a rational - legal structure if the structure is perceived as legitimate (i.e. judges). Alternatively, it can emerge through a kind of open jurisdictional claims - making (as advocates often do in politics).** This means that moral standing can sometimes derive

at least in part from one's role, while at other times it may be more informally negotiated. Much of politics is about who has moral standing with respect to an issue: issues that sit at the intersection of race and other social problems are potent examples of the fights over who has moral standing in the dispute between different claims. Another example is euthanasia: the debate over who should decide (medical professionals? family members? ethicists? society writ large?) is in part a question of who has appropriate moral standing in the matter. Extremely powerful and skilled moral actors are often able to claim membership in multiple moral communities. To return to the Martin Luther King example, the civil right leader was part of at least three such communities: the black community, the Christian community, and the American community, and his standing within each of them effectively allowed him to broaden the reach of his moral power and mobilize multiple moral communities. It should be clear from the preceding discussion that we view moral power as something which is both highly relational and socially constructed. There is no "view from nowhere" when it comes to moral power — there are only actions which are seen as moral or not by a relevant community, which in turn then allows the actor to utilize (or not) moral power with reference to that community. As such, there is a strong "performative" (to use Jeffrey Alexander's term dimension to moral power. Whether an individual has moral power is function of whether their performance in relation to others is successful, which requires that it be perceived as "authentic" (Alexander 2004). Here we argue that perceived intentions, capability, and moral standing are the essential ingredients for initially achieving moral power. Over time, moral power can become a kind of social fact — once an actor's moral power is widely seen as legitimate, it then becomes a resource which that actor can use as new situations arise. At the core of our argument is the claim that moral power is a result of a cultural/symbolic process, that is socially constructed, where the enactment and perception of moral standing, intentions, and capability coheres into a "successful performance." Our theory of how moral power works is similar to Jeffrey Alexander's view of how social "performances" work more generally, and so we draw upon some of his thinking here. For Alexander, the understanding of a situation is the result of the cultural performances of the individuals involved and how the "audience" experiences and understands that performance. A key issue for Alexander is the necessary conditions for a performance to be persuasive and thus successful. He argues that the critical component of success is that the performance be seen as authentic. To quote Alexander: "a strategy's success depends on belief in the validity of the cultural contents of the strategist's symbolic communication and on accepting the authenticity and even the sincerity of another's strategic intentions" (2004: 528). Note that while the language of "strategy" and "performance" seem to imply that moral power is something which is contrived, we do not mean to suggest that that is necessarily so. It may be that the most convincing and sustainable way to establish moral power is simply to consistently act in a way that is broadly seen as morally right (e.g. Gandhi). But given that moral power is ultimately relational, and that it is the perception of the surrounding community that matters, it is also the case that some actors will seek to achieve moral power by intentionally creating a narrative of their moral worthiness and concealing their immoral actions. Our argument is that moral standing, intentionality and capability are the needed ingredients for an actor to be seen as morally "authentic" and thus achieve and maintain moral power. A failure in any one of these components is likely to lead to a performance being seen as invalid, and thus result in the loss of moral power. As such, moral power is fragile. If it is discovered that an actor's intentions are

based in self - interest, the actor's arguments lose their persuasive power. Similarly, if the actor is thought to be morally incapable, no one is likely to give credence to the arguments the actor makes. If she is perceived to be outside the relevant moral community, her opinions are easily ignored.

Internals: U.S. Leadership Key

**U.S. leadership on human rights essential to strengthen democracy abroad—
The Aff ensures we follow through on our commitments**

Griffey 2011 By Brian Griffey 03/18/11 “U.S. leadership on human rights essential to strengthen democracy abroad” (Brian Griffey is a human rights consultant who has worked for the United Nations, Human Rights Watch, Amnesty International USA and as an investigative journalist.) //thehill.com/blogs/congress-blog/foreign-policy/150667-us-leadership-on-human-rights-essential-to-strengthen-democracy-abroad#ixzz2YhFC9FXE

“Human rights is the soul of our foreign policy, because human rights is the soul of our sense of nationhood.” Since helping to establish the United Nations, **U.S. participation in international human rights treaties and mechanisms has been fraught with debate over the merits of involvement and perceived threats to U.S. policymaking prerogative**, topics still contentious on Capitol Hill. Nonetheless, **U.S. leadership on human rights offers clear opportunities to advance not only international peace and security** – a fundamental purpose of the U.N. – **but also conjoined US political and economic interests at home and abroad.** The U.S. is presently demonstrating exactly how crucial such involvement is as an elected member of the Human Rights Council, participating in vital negotiations on how best to mitigate widespread abuses responding to ongoing unrest in the Middle East and North Africa, including by strategic US allies in global security and trade. As Secretary Clinton expressed en route to Geneva to participate in recent talks on human rights violations in Libya, joining the Council has “proven to be a good decision, because we’ve been able to influence a number of actions that we otherwise would have been on the outside looking in.” In its first submission to the body, the U.S. likewise recognized that participation in the Council’s peer-review system allows the U.S. not only to lead by example and “encourage others to strengthen their commitments to human rights,” but also to address domestic human rights shortcomings. **By leading international discourse on human rights, the U.S. will be in a better position both to advance observation of human rights abroad, and to take on new treaty commitments that demonstrate adherence of our own system to the vaulting principles we identify with our democracy. While the U.S. is party to more than 12,000 treaties, it has dodged most human rights treaties drafted since World War II through the U.N., and has ratified only a dozen.** Upon transmission of four core human rights treaties to the Senate in 1978, President Carter observed: **“Our failure to become a party increasingly reflects upon our attainments, and prejudices U_{nited} S_{tates} participation in the development of the international law of human rights.”** The Senate ratified two of those treaties 15 years later. The others continue to languish in the Senate Foreign Relations Committee, still awaiting ratification after 32 years. It likewise took the Senate almost 40 years to approve a treaty punishing genocide, after signing it in 1948 following the Holocaust. Other human rights treaties U.S. presidents have signed – but the Senate has yet to agree to – include U.N. conventions protecting the rights of women, children, and persons with disabilities. The U.S. is the only nation in the world that hasn’t ratified the Convention on the Rights of the Child, with the exception of war-torn Somalia, which lacks a functioning government and control over much of its territory. **As we watch the contours and nature of power being reshaped in the Middle East and North Africa, the U.S. must have a singular message on human rights – both at home and abroad: Human rights go hand-in-hand with a healthy democracy, and demand a concerted and collective effort to be upheld, especially in times of crisis. Greater U.S. participation in U.N. human rights treaties would ensure that the country has not only a seat at the table, but also an authoritative voice on matters vital to advancing democracy abroad, and our national security.** A welcome consequence would be a more prominent place for the human rights lens in our vision of U.S.

democracy – and perhaps a stronger resolve to ameliorate the plights of those least well off in our own society.

The U.S. is a key player in human rights issues

Freedom House '12 (Freedom House, a U.S.-based non-governmental organization that conducts research and advocacy on democracy, political freedom, and human rights, “Ten Critical Human Rights Challenges for the Next American President”, The Connect U.S. Fund, <https://freedomhouse.org/sites/default/files/Ten%20Critical%20Human%20Rights%20Challenges%20For%20The%20Next%20American%20President.pdf>, 8/13/2012)//HW

U.S. leadership is critical to effectively address international human rights issues. International responses to gross violations and systematic abuses of human rights around the world tend to have the greatest impact when the United States plays a prominent role or is otherwise actively engaged in promoting a rights-based response. Multilateral **human rights institutions** similarly **make the greatest progress** in drawing attention to abuses and maintaining human rights standards **when the United States exercises leadership.** Human rights affect almost every aspect of U.S. engagement abroad. Governments that abuse human rights make unstable and unreliable partners across the range of U.S. interests, from business to arms control to counter-terrorism. **By strengthening the protection of human rights, the United States not only promotes its own values but also advances its strategic interests.**

Impacts

Internals

Internals: Pressure Kills China Relations

China strongly opposes U.S. interference in its internal affairs

TBP '14 (The BRICS Post, an international news and views website with writers, analysts, and experts in over a dozen countries, [“Don’t interfere in our internal affairs: China tells US”](http://thebricspost.com/dont-interfere-in-chinas-internal-affairs-china-tells-us/#.VY2nBRNViko, 10/2/2014)//HW), thebricspost.com, [//HW">http://thebricspost.com/dont-interfere-in-chinas-internal-affairs-china-tells-us/#.VY2nBRNViko, 10/2/2014\)//HW](http://thebricspost.com/dont-interfere-in-chinas-internal-affairs-china-tells-us/#.VY2nBRNViko, 10/2/2014)

China has said **no country** must interfere in its internal affairs even as the Occupy protestors in Hong Kong refuse to disperse, threatening to occupy government buildings if the current chief executive does not resign.¶ “Secretary Kerry mentioned Hong Kong. The Chinese Government has very firmly and clearly stated its position. Hong Kong affairs are China’s internal affairs. All countries should respect China’s sovereignty. And this is also a basic principle governing international relations,” Chinese Foreign Minister Wang Yi said in Washington on Wednesday.¶ Wang was meeting US Secretary of State John Kerry to discuss regional and international issues of mutual interest.¶ “I believe for any country, for any society, no one will allow those illegal acts that violate public order. That’s the situation in the United States, and that’s the same situation in Hong Kong.” Wang said in an apparent reference to US police clashing with demonstrators at protest rallies in Ferguson, Missouri, where black teenager Michael Brown was shot to death by a white police officer in August.¶ “We believe that the Hong Kong Special Administrative Region’s government has the capability to properly handle the current situation in accordance with the law,” Wang added.

Internals: Pressure kills China Rels

US criticism of China on HR tanks relations

Zeng et al 15 (Jinghan Zeng, Vice-Chancellor's 2020 Lecturer in the Department of Politics and Public Policy at De Montfort University and an Associate Fellow in the Centre for the Study of Globalisation and Regionalisation at the University of Warwick, Yuefan Xiao, Postdoctoral Research Fellow at the Amsterdam School for Cultural Analysis, University of Amsterdam, Professor of Politics and International Studies at the University of Warwick and Senior Scientist on the EU funded GR:EEN Project (Global Reordering: Evolution through European Networks) that focuses on the EU's role in a multipolar world, Associate Fellow of the Chatham House Asia Programme and co-editor of The Pacific Review, "Securing China's Core Interests: The State of the Debate in China," International Affairs, March 27 2015, <http://onlinelibrary.wiley.com/doi/10.1111/1468-2346.12233/full>)/AG

By far the biggest problem for China in respect of protecting its core interests is the United States. Taiwan is not only important in itself for China; it is also considered to be the biggest problem in Sino-US relations. Moreover, the US is blamed for trying to sabotage this most important core interest. For example, one article argues that, 'regarding the issue of the most central and important interest [Taiwan], the US has always been interfering, challenging, and damaging China's core interests'.⁷⁹ In total, 14.81 per cent of papers refer to US policy towards China on a range of other issues (especially Xinjiang, Tibet and human rights policies) as threatening China's core interests. It is argued that the US has never 'cared' about China's core interests. For example, one article argues: 'The US has never had any scruples respecting China's core interests ... the more important the issues are concerned with China's national core interests, the more likely that the US will "challenge" them.'⁸⁰ In two articles, Chu Shulong, a professor at Tsinghua University, goes a step further and argues that the core interests of the US and China cannot be resolved because they are 'oppositional'.⁸¹ It is argued that the core interests of the US and China are 'opposite and confrontational ... this fundamentally determines that Sino-US relations cannot be friendly—it may even be an opposing and confrontational relationship'.⁸² This view echoes the prediction of Great Power conflict theory that the core interests of the rising power and the existing hegemon will eventually clash—though without directly engaging with the extant (western) literature on the theme. There is, then, a tendency to treat tensions in US–Chinese relations as an unfortunate but natural fact of life in a changing world order. As one article puts it: 'It is not easy to ask the US to give up its hegemonic attitude and actions; and it is impossible to ask China to continue to tolerate the US actions that damaged China's core interests. So a struggle is inevitable.'⁸³

Chinese see US HR policies as intending to interfere on internal affairs and limit its rise

Nathan and Scobell 12 Andrew, prof of political science, Columbia University and Andrew, Senior Political Scientist, RAND Corporation. "How China Sees America: The Sum of Beijing's Fears." Foreign Affairs. September/October 2012. <https://www.foreignaffairs.com/articles/china/2012-08-16/how-china-sees-america>

Chinese analysts also believe that the United States possesses potent ideological weapons and the willingness to use them. After World War II, the United States took advantage of its position as the dominant power to enshrine American principles in the Universal Declaration of Human Rights and other international human rights instruments and to install what China sees as Western-style democracies in Japan and, eventually, south Korea, Taiwan, and other countries. Chinese officials contend that the United States uses the ideas of democracy and human rights to delegitimize and destabilize regimes that espouse

alternative values, such as socialism and Asian-style developmental authoritarianism. In the words of Li Qun, a member of the Shandong Provincial Party Committee and a rising star in the Communist Party, the Americans' "real purpose is not to protect so-called human rights but to use this pretext to influence and limit China's healthy economic growth and to prevent China's wealth and power from threatening [their] world hegemony."

US attempts to democratize China backfire-integrating it into the international system is best

Wyne 13 Ali, contributing analyst at Wikistrat and a global fellow at the Project for the Study of the 21st Century. "Some Thoughts on the Ethics of China's Rise." 08/14/13. Accessed 6/26/14.
http://www.carnegiecouncil.org/publications/ethics_online/0084

The more contentious topic, of course, is the role that human rights should play in U.S.-China relations. While the United States should neither hesitate to articulate its differences with China on issues of human rights, nor refrain from encouraging those trends within China that are promoting greater citizen empowerment, it should not urge China to democratize or condition its interactions with China on the leadership's acceptance of core American values. A country that is not yet 250 years old should appreciate the possibility that a country several millennia old may have its own strain of exceptionalism. Furthermore, attempts to democratize China could backfire. One of the foremost China watchers, former prime minister of Singapore Lee Kuan Yew, declares that it will not "become a liberal democracy; if it did, it would collapse." While the Chinese Communist Party (CCP) is willing to experiment with democratic reforms in "villages and small towns," he explains, it fears that large-scale democratization "would lead to a loss of control by the center over the provinces, like [during] the warlord years of the 1920s and '30s.³ Whatever challenges an increasingly capable and assertive China might pose, a weak China in the throes of chaos would be even more problematic, especially now that its growth is vital to the health of the global economy. It is China's ongoing integration into the international system and attendant exposure to information technology that hold the greatest promise for improvements to its human rights climate. Since the late 1970s, the CCP has implicitly conditioned its delivery of rapid growth to the Chinese people on their acquiescence to its rule. The problem is that citizens' priorities become more sophisticated as their day-to-day situations grow less exigent. Those in dire poverty are quite likely to censor themselves in exchange for food, shelter, and other necessities. As they enter the middle class, however, and become less preoccupied with the demands of survival, they naturally think more about critiquing government policy. Within this transition lies a fundamental challenge for the CCP: the very bargain that it implemented to forestall challenges to its rule is enabling greater numbers of Chinese to pose such challenges. There were only 20 million Internet users in China in 2000; today, there are more than 560 million.⁴

HR pressure on China fails: doesn't take external cues

Drury and Li 6 A. Cooper Drury, prof of political science, University of Missouri. Yitan Li, phd candidate, politics and IR, University of Southern California. "US Economic Sanction Threats Against China: Failing to Leverage Better Human Rights." Foreign Policy Analysis. 6 fac-staff.seattleu.edu/liy/web/druryandli2006fpa.pdf

The question of effectiveness of these sanction threats depends largely on how we conceptualize China's behavior. If change in China's behavior is measured by the level of repression, then there is no link between U.S. threats and Beijing's behavior. Instead, repression is seemingly driven by the domestic situation in

China. Beijing decides to repress in order to maintain its control of the population. It does not take cues from America whether they are verbal or active threats. It is worth noting that positive or cooperative moves by Washington also have no impact. Beijing simply does not respond to external factors when deciding to repress.

China threatened by Western Human Rights pressure-leads to crackdowns

Buckley 13 Chris, New York Times China Correspondent. "China Takes Aim at Western Ideas." New York Times. 08/19/13. www.nytimes.com/2013/08/20/world/asia/chinas-new-leadership-takes-hard-line-in-secret-memo.html? r=0

Even as Mr. Xi has sought to prepare some reforms to expose China's economy to stronger market forces, he has undertaken a "mass line" campaign to enforce party authority that goes beyond the party's periodic calls for discipline. The internal warnings to cadres show that Mr. Xi's confident public face has been accompanied by fears that the party is vulnerable to an economic slowdown, public anger about corruption and challenges from liberals impatient for political change. "Western forces hostile to China and dissidents within the country are still constantly infiltrating the ideological sphere," says Document No. 9, the number given to it by the central party office that issued it in April. It has not been openly published, but a version was shown to The New York Times and was verified by four sources close to senior officials, including an editor with a party newspaper. Opponents of one-party rule, it says, "have stirred up trouble about disclosing officials' assets, using the Internet to fight corruption, media controls and other sensitive topics, to provoke discontent with the party and government." The warnings were not idle. Since the circular was issued, party-run publications and Web sites have vehemently denounced constitutionalism and civil society, notions that were not considered off limits in recent years. Officials have intensified efforts to block access to critical views on the Internet. Two prominent rights advocates have been detained in the past few weeks, in what their supporters have called a blow to the "rights defense movement," which was already beleaguered under Mr. Xi's predecessor, Hu Jintao. Mr. Xi's hard line has disappointed Chinese liberals, some of whom once hailed his rise to power as an opportunity to push for political change after a long period of stagnation. Instead, Mr. Xi has signaled a shift to a more conservative, traditional leftist stance with his "rectification" campaign to ensure discipline and conspicuous attempts to defend the legacy of Mao Zedong. That has included a visit to a historic site where Mao undertook one of his own attempts to remake the ruling party in the 1950s. Mr. Xi's edicts have been disseminated in a series of compulsory study sessions across the country, like one in the southern province of Hunan that was recounted on a local government Web site. "Promotion of Western constitutional democracy is an attempt to negate the party's leadership," Cheng Xinping, a deputy head of propaganda for Hengyang, a city in Hunan, told a gathering of mining industry officials. Human rights advocates, he continued, want "ultimately to form a force for political confrontation." The campaign carries some risks for Mr. Xi, who has indicated that the slowing economy needs new, more market-driven momentum that can come only from a relaxation of state influence. In China's tight but often contentious political circles, proponents of deeper Western-style economic changes are often allied with those pushing for rule of law and a more open political system, while traditionalists favor greater state control of both economic and political life. Mr. Xi's cherry picking of approaches from each of the rival camps, analysts say, could end up mirroring his own agenda in intraparty squabbling. Condemnations of constitutional government have prompted dismayed opposition from liberal intellectuals and even some moderate-minded former officials. The campaign has also exhilarated leftist defenders of party orthodoxy, many of whom pointedly oppose the sort of market reforms that Mr. Xi and Prime Minister Li Keqiang have said are needed. The consequent rifts are unusually open, and they could widen and bog down Mr. Xi, said Xiao Gongqin, a professor of history at Shanghai Normal University who is also a prominent proponent of gradual, party-guided reform. "Now the leftists feel very excited and elated, while the liberals feel very discouraged and discontented," said Professor Xiao, who said he was generally sympathetic to Mr. Xi's aims. "The ramifications are very serious, because this seriously hurts the broad middle class and moderate reformers — entrepreneurs and intellectuals. It's possible that this situation will get out of control, and that won't help the political stability that the central leadership stresses." The pressures that prompted the party's ideological counteroffensive spilled onto the streets of Guangzhou, a city in southern China, early this year. Staff members at the Southern Weekend newspaper there protested after a propaganda official rewrote an editorial celebrating constitutionalism — the idea that state and party power should be subject to a supreme law that prevents abuses and protects citizens' rights. The confrontation at the newspaper and campaign demanding that officials disclose their wealth alarmed leaders and helped galvanize them into

issuing Document No. 9, said Professor Xiao, the historian. Indeed, senior central propaganda officials met to discuss the newspaper protest, among other issues, and called it a plot to subvert the party, according to a speech on a party Web site of Lianyungang, a port city in eastern China. “Western anti-China forces led by the United States have joined in one after the other, and colluded with dissidents within the country to make slanderous attacks on us in the name of so-called press freedom and constitutional democracy,” said Zhang Guangdong, a propaganda official in Lianyungang, citing the conclusions from the meeting of central propaganda officials. “They are trying to break through our political system, and this was a classic example,” he said of the newspaper protest.

Internals: Pressure kills Russia Rels

Russia's warned the U.S. to stay out of its affairs

Firstpost '14 (Firstpost, Indian based international news source, "Don't interfere in Russia's internal affairs: Putin to new US envoy", firstpost.com, <http://www.firstpost.com/world/dont-interfere-in-russias-internal-affairs-putin-to-new-us-envoy-1811277.html>, 11/19/2014)//HW

Moscow, Russia: President Vladimir **Putin urged Washington's new envoy on Wednesday not to interfere in Russia's affairs** as he accepted credentials from US ambassador John Tefft amid raging tensions.¶ "**We are ready for practical cooperation with American partners along various directions guided by the principles of respect for each other's interests, equal rights and non-interference into domestic affairs,**" Putin said.¶ He spoke at the Kremlin where Tefft, Washington's new ambassador to Russia, presented his letter of credence along with envoys from several other countries including North Korea.¶ Tefft -- known for backing the pro-Western aspirations of former Soviet states -- succeeded Michael McFaul, who abruptly quit his post in February after just two years on the job. Tefft served as US ambassador to Ukraine from 2009 to 2013 and was Washington's representative in Georgia during its five-day war with Russia in 2008.¶ His predecessor McFaul, a Stanford university professor, frequently sparked Russia's fury with critical comments on Twitter and meetings with Russian opposition activists.¶ **Cold War-era rivals Russia and the United States are locked in a tug-of-war over the fate of ex-Soviet republic Ukraine, with Washington imposing sanctions and** US President Barack **Obama branding Moscow's actions over Ukraine a "threat to the world"**.¶ Meeting with his supporters on Tuesday, **Putin claimed the United States wanted to subjugate Russia but would never succeed.**¶ "**They want to subdue us, want to solve their problems at our expense,**" the Russian president said.¶ "**No one in history ever managed to do this to Russia, and no one ever will.**"

Putin has used U.S. human rights pressure to promote anti-Americanism

Gerber and Zavisca '15 (Theodore, professor of sociology and director of the Center for Russia, East Europe, and Central Asia at the University of Wisconsin-Madison, Jane, associate professor of sociology at the University of Arizona, "WHAT 18 FOCUS GROUPS IN THE FORMER USSR TAUGHT US ABOUT AMERICA'S IMAGE PROBLEMS", The Wilson Quarterly, <http://wilsonquarterly.com/stories/what-18-focus-groups-in-former-ussr-taught-us-about-americas-pr-problems/>, 5/27/2015)//HW

As Thomas Carothers observed in a 2006 Foreign Affairs article, Putin has been leading a "backlash" campaign against American democracy assistance since 2005, when Russian officials began labeling domestic human rights NGOs with foreign funding as a traitorous "fifth column," a now-standard moniker in official speeches and pro-Kremlin Russian media. In a February 2007 speech in Munich, Putin sounded the themes of unipolarity, U.S. hypocrisy in preaching democracy and human rights, and its interference in Russia's sovereign affairs. After spontaneous protests arose in Russia following allegations of widespread fraud in the country's

December 2011 parliamentary elections, Putin blamed the revolts on U.S. Secretary of State Hillary Clinton, charging that she sent “a signal” to certain “actors” in Russia — a threatening specter of American menace, which became a prominent theme throughout Putin’s 2012 presidential campaign. In his March 18, 2014, address on the “reunification” of Russia and Crimea, Putin again labeled those who oppose his policies as a “fifth column, [a] disparate bunch of national traitors” supported by foreign interests.

Calling out Russian human rights abuses risks relations collapse

Burkhalter ’13 (Holly, International Justice Mission VP for government relations, “The U.S. should use its ability to pressure Russia to end orphan trafficking”, The Washington Post, http://www.washingtonpost.com/opinions/the-us-should-use-its-ability-to-pressure-russia-to-end-orphan-trafficking/2013/05/24/d93596e0-c2ff-11e2-914f-a7aba60512a7_story.html, 5/24/2013)//HW

Meanwhile, Russian authorities are methodically dismantling the country’s once-robust civil society. Human rights groups are required to register as foreign agents if they receive foreign assistance, and their leaders are increasingly harassed, hounded and jailed. **The U.S. government has financially supported Russian anti-trafficking organizations in the past but can no longer do so because of restrictions enacted in November.** **Russia has been on a ranking watch list for nine years** and, under the law, must be moved either up to Tier II or down to Tier III. **Diplomats** recognizing that the United States needs Russian cooperation on a host of national security matters **aren’t eager to irritate Putin. Obama administration officials are reportedly debating whether to graduate Russia to Tier II or to rank the country where Russia watchers understand it belongs — and risk roiling a complicated bilateral relationship.**

U.S. interference into Russian human rights affairs has empirically angered them

Matlock ’14 (Jack, ambassador to the U.S.S.R. from 1987 to 1991, “Who is the bully? The U.S. has treated Russia like a loser since the end of the Cold War.”, The Washington Post, http://www.washingtonpost.com/opinions/who-is-the-bully-the-united-states-has-treated-russia-like-a-loser-since-the-cold-war/2014/03/14/b0868882-aa06-11e3-8599-ce7295b6851c_story.html, 3/24/2014)//HW

President Obama famously attempted a “reset” of relations with Russia, with some success: The New START treaty was an important achievement, and there was increased quiet cooperation on a number of regional issues. But then Congress’s penchant for minding other people’s business when it cannot cope with its own began to take its toll. The Magnitsky Act, which singled out Russia for human rights violations as if there were none of comparable gravity elsewhere, infuriated Russia’s rulers and confirmed with the broader public the image of the United States as an implacable enemy.

Internals: Pressure = Russia Overreact

Russia responds negatively to US HR Pressure-Putin attempting to restore Russia's status

Larson and Shevchenko 14 Deborah Welch, prof of political science, UCLA; and Alexei, associate professor of pol science, CSU Fullerton. "Russia says no: Power, status and Emotions in Foreign Policy." Communist and Post-Communist Studies. 10/16/14.
doi:10.1016/j.postcomstud.2014.09.003

Even the triumph of Russia's 2012 admission into the WTO, after two decades of negotiations, was marred by Russian status grievances. Russian political circles were predictably enraged by the decision of the U.S. Congress to replace the obsolete Cold War-era Jackson e Vanik amendment (which conditioned trade relations with the USSR on freedom of Jewish emigration) with the December 2012 Sergey Magnitsky Rule of Law Accountability Act (which denied visas to Russian officials implicated in " gross human rights violations " and froze their U.S. assets), viewing it as intolerable interference in their domestic affairs (Herszenhorn, 2012). 1 According to Alexei Pushkov, chair of the Russian Duma's international affairs committee, the Magnitsky Act reflected American " pure double standards. " Russia was castigated for its human rights practices while authoritarian partners of the U.S., including China, continued to get a pass from Washington (Weir, 2013). Russia responded tit for tat, first with a bill targeting political nongovernmental organizations receiving financial support from the United States and prohibiting U.S. adoptions of Russian orphans. The latter provision was ostensibly designed to protect Russian children from abuse by American parents, but attracted much opposition within Russia, including from some members of Putin's cabinet (Economist, 2013). A day after the United States released the name of Russian officials subject to sanctions Russia provided its own list of eighteen current and former U.S. officials who would be barred from entering Russia. A spokesperson for the Russian Foreign Ministry, Alexander Lukashevich, commented that the United States must realize that it cannot conduct its relationship with Moscow " in the spirit of mentoring and undisguised diktat " (Barry, 2013). Putin's resentment over the West's use of Russia's March 2011 abstention, rather than a veto, of a UN SC resolution 1973, allowing the NATO air campaign against Gaddafi 's troops in Libya, to promote " regime change " in that country contributed to Russia's falling out with the West over the civil war in Syria, which broke out in 2012 (Economist, 2012). Tellingly, Putin initially signaled his willingness to cooperate with the U.S. in stopping the war and leading the post-con flict peace process, but insisted that this should be a cooperation of equals, a condition which Washington, despite the reset rhetoric, refused to accept (Trenin, 2013b). By saying " no " to Western intervention in Syria and by supporting Syrian President Bashar al-Assad in is military campaign against rebels Putin aimed at restoring Russia's status as an " indispensable power " in global politics and earning the respect of China and other rising powers (Baev, 2013).

Internals: China Pressure

China suspicious of US democracy promotion-believe it is part of US strategy to maintain global hegemony

Lieberthal and Jisi 12 Kenneth G., senior fellow in foreign policy & global economy, Brookings Institute and Wang, Dean of School of International Studies, Peking University. "Addressing US-China Strategic Distruct." March 2012. Accessed 6/26/15. http://www.brookings.edu/~media/research/files/papers/2012/3/30%20us%20china%20lieberthal/0330_china_lieberthal.pdf

In combination, these views make many Chinese political elites suspect that it is the United States that is "on the wrong side of history." Because they believe that the ultimate goal of the U.S. in view of these factors is to maintain its global hegemony, they conclude that America will seek to constrain or even upset China's rise. America's democracy promotion agenda is understood in China as designed to sabotage the Communist Party's leadership. The leadership therefore actively promotes efforts to guard against the influence of American ideology and U.S. thinking about democracy, human rights, and related issues. This perceived American effort to divide and weaken China has been met by building increasingly powerful and sophisticated political and technological devices to safeguard domestic stability.

China believes US democracy promotion is a conspiracy to undermine Chinese sovereignty

He 12 Baogang, prof of Public Policy and Global Affairs, Nanyang Technological University. "Working with China to Promote Democracy." The Washington Quarterly. 12/17/12. <http://dx.doi.org/10.1080/0163660X.2013.751649>

While China has proven resistant to democratic pressures, many Chinese believe that the United States is using democracy to destabilize China from rising. In a survey in the Global Times, 59 percent of the respondents believed that the United States is seeking to contain China, and 79 percent held negative views toward the United States in 2005 — / 06. 25 To combat this external pressure, China responds to U.S. democracy promotion in several ways: it calls democracy promotion a conspiracy theory and infiltration campaign; it reinforces official ideology, even to the point of confrontational statements by high - / powered officials; it impedes NGOs in the country; and it " securitizes " democracy promotion. Ultimately, China views U.S. democracy promotion as a strategic threat ————— / some Chinese scholars even present it as a U.S. conspiracy to split China. In this view, the United States has a hidden plan for peaceful evolution in China, aiming to isolate it from Europe and elsewhere internationally, in part by consolidating U.S. moral leadership. It is widely acknowledged in China that the democracy project has cut to the core of China ' s territorial integrity, with Bill Clinton supporting Tibet, George W. Bush supporting Taiwan, and the National Endowment for Democracy (NED) supporting Xinjiang ' s separatism. Similar projects undermined the power of the former Soviet Union in the past, and today are perceived as playing a parallel role in containing the rise of China. 26 Beijing claims to be able to see through the so - / called human rights issue to its real objective: to frame and constrain China ' s sovereignty, and to negotiate a better deal for the United States at the WTO or in bilateral business relations during China ' s economic transition by highlighting China ' s advantage in having a low human rights standard. 2

General Impact Stuff

Impacts: Turns Case

The disad turns case- human rights promotion leads to crackdown and tanks US human rights credibility

Burnell and Youngs 9 (Peter Burnell, Professor of Politics and International Studies, Richard Youngs, Senior Associate Carnegie Endowment for International Peace and Professor of International Relations, "New Challenges to Democratization," Routledge, December 4, 2009)//AG

The color revolutions were enough on their own to spark concern in many quarters about Western democracy promotion. Yet several elements of the larger international context in which they occurred multiplied this effect. Most importantly, the color revolutions happened to take place in the period immediately following the US-led intervention in Iraq. In March 2003, the United States led an intervention that ousted President Saddam Hussein from power in Iraq. Seven months after the United States and its allies defeated Saddam, the "Rose Revolution" brought a pro-US leader in power in Georgia. A year later, the Orange Revolution did the same in Ukraine. Although this series of events was a coincidence, it did not look like one to many people. Instead it appeared to many that the color revolutions were an integral element of a new Bush global regime change policy—Washington would oust some governments by force, some through economic sanctions and diplomatic pressure, and some through quiet, well-crafted aid to political opposition groups, replacing them with compliant, pro-Western governments. More generally, Bush's extremely assertive and also relentless presentation of the Iraq intervention as the leading edge of his "global freedom agenda" undermined the legitimacy of US democracy promotion and of democracy promotion generally. In the minds of many people around the world, democracy promotion became a code word for military intervention and US hegemony. This greatly fueled the backlash, alarming people about what democracy promotion really is and allowing nondemocratic power-holders all over to justify restrictions on external democracy assistance as national self-defense. This foreign policy dimension of the backlash has been most vividly exemplified by the case of Russia. During his presidency, and in the first year of his prime ministership, Vladimir Putin became increasingly suspicious of US policy towards Russia, in tandem with Russia's growing recovery of national self-confidence (fueled by the energy bonanza that greatly boosted the Russian economy). By 2007, Putin and the Russian security establishment generally were talking darkly about the growing threat of encirclement of Russia by pro-Western governments that sought to join the North Atlantic Treaty Organization (NATO) and do America's bidding. The fact that Western, especially US, democracy assistance was linked with the rise of pro-Western governments in Central Europe and the Baltic States throughout the 1990s and Georgia and Ukraine in this decade tempted Russians to view Western democracy promotion as a direct foreign policy challenge to Russia, and to react vociferously against it on those terms.

The disad turns case- HR promotion leads to worse HR records

Burnell and Youngs 9 (Peter Burnell, Professor of Politics and International Studies, Richard Youngs, Senior Associate Carnegie Endowment for International Peace and Professor of International Relations, "New Challenges to Democratization," Routledge, December 4, 2009)//AG

As we explore whether aid interactions undercut the likelihood of democratic regime change, we should also explore how aid interactions affect the particular components of democracy assistance programmes. Finkel et al. have illustrated that the components of democracy assistance programmes do not 'work' in tandem. On the contrary, despite finding that democracy assistance 'works' in the aggregate, Finkel et al. have shown that 'USAID human rights assistance has a significant negative impact on the human rights' records of recipient states. '[R]eceiving rule of law funding directed at the improvement of human rights' and, specifically, at preventing states from 'abusing the personal integrity of their populations' actually correlates with an increase in human rights abuse (Finkel et al. 2008: 5 and 55; italics added). Why would increased funding for the protection of human rights correlate with increases in human rights abuse? It is possible that the US directs a dis-proportional amount of human rights aid to countries with especially 'suspect' human rights records (and that the trend is one of reverse causation) but Finkel et al. (ibid.: 85) show that this hypothesis does not hold up to statistical tests. Moreover, even if this particular form of aid did go disproportionately to states with the worst human rights records, reverse causality would not explain the dynamic, temporal dimension of the association, that is, why human rights violations actually increase. A focus on the interaction of aid initiatives suggests a more compelling explanation for this troubling association. The following, highly problematic, mix of incentives may be at play: aid for the development of civil society, political parties, and anti-corruption programmes encourages all sorts of political actors to engage in opposition activities and challenge ruling elites. Aid for human rights programmes and judicial development programmes encourages these same actors to use the judicial apparatus of the state as a vehicle for change, but this causes fissures in the state elite. These fissures threaten the anti-democratic forces in government who then use the coercive apparatus of the state to crack down on democratizing forces and protect their own power base. Anti-democratic actors have the capacity to initiate a crack-down precisely because military aid has bolstered the strength of the coercive apparatus and lowered the costs of repression and abuse. In the meantime, aid for free media and transparency has increased the likelihood that the abuses will be reported and recorded. One set of incentives leads people to exercise or demand their rights while another set of incentives lowers the costs of abusing the rights of these same actors. And so the incidence of recorded abuse rises. Recent events in Egypt under President Mubarak and in Pakistan under General Musharraf illustrate the scenario I have just described. How often this cycle of events has been played out elsewhere requires more research but it is a predictable outcome of the US attempt to meet the challenge of promoting national security while aiding democracy abroad.

Impacts: General HR Cred Bad

Countries use human rights law to justify atrocities

Posner 14 (Eric Posner, professor at the University of Chicago Law School, "The Case Against Human Rights," The Guardian, December 4, 2014, [//AG](http://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights)

But while **governments** all **use the idiom of human rights**, they use it **to make radically** different **arguments** about how countries should behave. China cites "the right to development" to **explain** why the Chinese government gives **priority to economic growth over political liberalisation**. Many countries cite the "right to security," a catch-all idea **that protection from crime justifies harsh enforcement methods**. Vladimir Putin cited the rights of ethnic minorities in **Ukraine** in order **to justify his military intervention there**, just as **the United States cited Saddam Hussein's suppression of human rights** in order **to build support for the Iraq war**. Certain **Islamic countries cite the right to religious freedom** in order **to explain why women must be subordinated**, arguing that women must play the role set out for them in Islamic law. The right of "self-determination" can be invoked to convert foreign pressure against a human-rights violating country into a violation of that country's right to determine its destiny. **The language of rights**, **untethered to specific legal interpretations**, **is too spongy to prevent governments from committing abuses and can easily be used to clothe illiberal agendas in words soothing to the western ear**. And while NGOs do press countries to improve their behaviour, they cite the human rights they care about and do not try to take an impartial approach to enforcing human rights in general. **Sophisticated organisations such as Human Rights Watch understand that poor countries cannot comply with all the human rights listed in the treaties**, so they pick and choose, in effect **telling governments around the world that they should reorder their priorities so as to coincide with what Human Rights Watch thinks is important, often fixing on practices that outrage uninformed westerners who donate the money that NGOs need to survive**. But is there any reason to believe that Human Rights Watch, or its donors, knows better than the people living in Suriname, Laos or Madagascar how their governments should set priorities and implement policy?

Top-down attempts to force developing countries to adopt Western human rights ideology lead to their domination

Posner 14 (Eric Posner, professor at the University of Chicago Law School, "The Case Against Human Rights," The Guardian, December 4, 2014, [//AG](http://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights)

International human rights law reflects the same top-down mode of implementation, pursued in the same crude manner. But human rights law has its distinctive features as well. **Because it is law**, it requires the consent of states, **creating an illusion of symmetry and even-handedness** that is **missing from foreign aid**. Hence the insistence, wholly absent from discussions about foreign aid, that western countries are subject to international human rights law as other countries are. **However, in practice, international human rights law does not require western countries to change their behaviour**, while (in principle) **it requires massive changes in the behaviour of most non-western countries**. Both foreign aid and **human rights enforcement**

can be corrupted or undermined because western countries have strategic interests that are not always aligned with the missions of those institutions. But the major problem, in both cases, is that the systems reflect a vision of good governance rooted in the common historical experiences of western countries and that prevails (albeit only approximately) in countries that enjoy wealth, security and order. There is no reason that this vision – the vision of institutionally enforced human rights – is appropriate for poor countries, with different traditions, and facing a range of challenges that belong, in the view of western countries, to the distant past. Development economics has gone some distance to curing itself of this error. The best development scholars today, such as Esther Duflo, have been experimenting furiously with different ways of improving lives of people living in foreign countries. Rigorous statistical methods are increasingly used, and in recent years economists have implemented a range of randomised controlled trials. Much greater attention is paid to the minutiae of social context, as it has become clear that a vaccination programme that works well in one location may fail in another, for reasons relating to social order that outsiders do not understand. Expectations have been lowered; the goal is no longer to convert poor societies into rich societies, or even to create market institutions and eliminate corruption; it is to help a school encourage children to read in one village, or to simplify lending markets in another. It is time to start over with an approach to promoting wellbeing in foreign countries that is empirical rather than ideological. Human rights advocates can learn a lot from the experiences of development economists – not only about the flaws of top-down, coercive styles of forcing people living in other countries to be free, but about how one can actually help those people if one really wants to. Wealthy countries can and should provide foreign aid to developing countries, but with the understanding that helping other countries is not the same as forcing them to adopt western institutions, modes of governance, dispute-resolution systems and rights. Helping other countries means giving them cash, technical assistance and credit where there is reason to believe that these forms of aid will raise the living standards of the poorest people. Resources currently used in fruitless efforts to compel foreign countries to comply with the byzantine, amorphous treaty regime would be better used in this way. With the benefit of hindsight, we can see that the human rights treaties were not so much an act of idealism as an act of hubris, with more than a passing resemblance to the civilising efforts undertaken by western governments and missionary groups in the 19th century, which did little good for native populations while entangling European powers in the affairs of countries they did not understand. A humbler approach is long overdue.

Impacts: General Instability

US democracy promotion causes revolts and instability- empirics

Burnell and Youngs 9 (Peter Burnell, Professor of Politics and International Studies, Richard Youngs, Senior Associate Carnegie Endowment for International Peace and Professor of International Relations, "New Challenges to Democratization," Routledge, December 4, 2009)//AG

Although the backlash against democracy promotion is the result of multiple factors, the "color revolutions" in Georgia, Ukraine, and Kyrgyzstan were clearly a major trigger. Even though these events were few in number, limited to one region, and produced only mixed pro-democratic efforts after their initial bloom faded, they resounded remarkably widely around the world.

Autocrats in many regions reacted, declaring that they would not permit such events to occur and warning both their own countries and outside actors against pushing in such a direction. **The color revolutions produced serious concerns and defensive reactions even in countries that do not match the political profile of the**

countries where color revolutions did occur. The color revolutions (and the similar case of the electoral revolution that ousted Serbian President Slobodan Milošević in 2000) took place in contexts that shared some important characteristics: (1) an incumbent government that was somewhat anti-democratic but not fully authoritarian, one that violated political rights but which did tolerate some active, significant opposition parties and some independent civil society, including, very importantly, at least one independent radio station or television station; (2) a leader who had been losing popularity and was perceived to be in political decline; and (3) a recent record of national elections which, even though manipulated by the incumbent government, did give opposition parties a chance to organize and compete (McFaul 2006). Yet the main countries pushing back against Western democracy assistance in recent years, such as Russia and China, have few or any of these features. They are more authoritarian societies, with relatively secure leaders, very weak or nonexistent opposition parties, fragmented, highly constrained civil societies, and either perfunctory or nonexistent national elections. Why did the color revolutions cast such a wide spell, even in countries which do not fit the profile

of a country ripe for such a cataclysm? **In some places of course the power-holders accusing foreign actors of trying to stir up a color revolution in their country are not genuinely worried.** They are simply using the color revolution "threat" as an excuse to stir up anti-foreign popular sentiment, to crack down on domestic political activists, or to block Western democracy promoters they find irritating even if not threatening. Nevertheless, in many cases of pushback, the color revolution concern is real. The relevant power-holders probably do not feel that a civic uprising is imminent or even possible any time soon but they view it as a troubling prospect that they want to nip in the bud. Two interrelated elements of the color revolution phenomenon, or at least perceptions of the phenomenon, are central to this fear. One of these elements is the specter of mass protests. **The mass protests that occurred in the color**

revolutions were only one part of a larger chain of political events that led to the fall of the regime. Also critical were the active campaigns and electoral successes of unified opposition coalitions and the work of NGOs to scrutinize the elections through domestic monitoring campaigns and parallel vote counts. Yet due to their visibility and drama, the mass protests appeared to many observers as the essence of the color revolutions. **The specter of mass protests is inherently unsettling to authoritarian leaders. They erupt unpredictably and are extremely difficult for power-holders to deal with.** Even authoritarians who believe themselves to be well liked by their citizens seem to harbor fears that just a few small streams of citizen discontent may suddenly coalesce into a surging river of protests. **Some of the governments engaged in pushback, such as those in Russia, China, and Iran, either came to power through or have in their**

national history revolutionary movements that started with the concerted actions of small groups of activists, culminating in mass protests and other mass actions. Power-holders in these countries tend to connect the color revolution idea to such experiences. One Iranian-American who was questioned by the Iranian security services about his civil society work, reports that the Iranians said that they know all about color revolutions because their own revolution, the Islamic revolution, was all about civic resistance and mass mobilization. The other element of the color revolutions that has contributed to such a wide, sharp defensive reaction is the belief prevalent in many quarters that outsiders, especially US groups, fundamentally drove these events. Studies that have assessed the actual weight of the role of outside actors in the color revolutions reach the consistent conclusion that the outsiders' role is not determinative. It can be a valuable helping hand to domestic forces pushing for change, but it neither creates those forces when they do not already exist, drastically increases their strength, nor directs their actions. Nevertheless, the tendency of many observers, especially power-holders in authoritarian or semi-authoritarian countries, to assume a much greater level of influence of outside actors and subscribe to the "made in the US" view of these events is not surprising.

The idea of foreign-sponsored political influence and manipulation by determined,

sophisticated, well-financed organizations funded by governments or private foundations in powerful, wealthy foreign countries is a fertile one. Nondemocratic power-holders themselves rely on behind-the-scenes efforts to try to manipulate political events in their own countries or neighboring ones. They naturally therefore tend to respect the power of what they see as parallel efforts by interventionist foreigners. More-over, the idea of color revolutions as products of outside intervention fits into a familiar historical narrative in many countries where past US or other Western political interventions resulted in ousted leaders, such as the 1953 coup in Iran that ousted Prime Minister Mohammed Mossadegh.

Russia-China Impacts

2NC Impact: R/C Alliance

Increased HR promotion causes backlash from Russia and China – they’ll create an alliance to oppose the U.S. and counterbalance against U.S. strategy

Migranyan 14

(Andranik Migranyan is the director of the Institute for Democracy and Cooperation in New York, which works closely with the Russian Presidential administration, “Washington's Creation: A Russia-China Alliance?,” pg online @ <http://nationalinterest.org/feature/washingtons-creation-russia-china-alliance-10843> //um-ef)

Despite internal concerns in both Russia and China that prevent both countries from announcing loudly and decidedly their support for each other—as was in the case of China’s restraint in recognizing the independence of Abkhazia and South Ossetia or the reincorporation of Crimea, and as in the reciprocal case when Russia has not voiced outright support for China in Chinese territorial disputes with neighbors—the two countries act as allies on a host of issues in world politics. These issues include

stabilizing Syria, the Iranian nuclear program, U.S. regime change around the world, and **the hard attempts of the United States to**

interfere in Chinese and Russian internal affairs masked as support for human rights. Russian-Chinese relations are entering a qualitatively new stage. They are more than merely partnership relations, but are not quite those of allies. However, it is entirely possible that increasing U.S. sanctions on Russia and attempts to contain China will push the two countries into a full-blown alliance. The present situation in trilateral U.S.-Chinese-Russian relations is at odds with the strategy articulated by Henry Kissinger during the Nixon Administration, which held that American relations with either Russia or China had to be substantially better than the bilateral relations between Russia and China themselves. Today the opposite is occurring. U.S. relations with either of the other two countries are considerably worse than bilateral Russia-China relations. Therefore, the potential for America pitting one against the other is decidedly smaller than the potential of the two countries uniting their efforts and resources to oppose American pressure in the spheres each country considers most sensitive. In both the U.S. and in Russian liberal circles, it is not uncommon to hear the tired assertions that further rapprochement between Russia and China will render Russia a junior partner in the Russo-Chinese relationship and that Russia should keep this in mind when choosing between China and the West. I believe such pronouncements stem more from their authors’ ideological convictions than from real political facts. They are meant to scare Moscow and to cow it into avoiding the strategic alliance with a growing China that is asserting its interests against the status quo in the face of American containment, particularly in the Asia-Pacific region, where it faces conflicts with virtually all of its neighbors—Japan, the Philippines, South Korea, Vietnam, India—and needs an alliance with Russia, with whom it lacks any potential conflicts in the foreseeable future. In talking about the threat of Moscow becoming Beijing’s junior partner, and in pressuring Moscow to choose the West over China, our Western partners have never articulated their vision of Russia in the world, the character of Russian relations with the West and especially with the United States. We are, of course, grateful to our Western partners for their espoused worry that Russia may “inadvertently” become a junior partner to China. But they have never articulated the place of Russia in the Western world, particularly in the Western economic and security frameworks. Since the 1990s, Western, and especially American, policy towards Russia followed a clear line according to which Moscow was to be treated as a whipping boy. Since the collapse of the USSR, the United States has not once, in words or deeds, demonstrated its

readiness for an equal partnership with Russia. And by the way, **in the context of the Ukrainian crisis, the West, and U.S.**

politicians and military officials, hurried to place Russia not in the role of a partner, but that of

an adversary, which, in their understanding, is practically indistinguishable from that of an enemy. Recently, various analysts have been busy using statistics to prove yet another unsubstantiated claim frequently invoked to discourage Russo-Chinese relations, namely, the alleged prospect of large Chinese populations pouring into Siberia and the Far East, thereby presenting a threat to Russia’s territorial integrity. As we can see from migratory tendencies in the northern border regions of China, the vast majority of migrants flock not to Russia’s Siberia and the Far East, but rather to the central regions of China and the new large cities, where lifestyle conditions are more comfortable. And, thanks to China’s demographic policies during last decades, the population in the border regions close to Russia is projected to decline rather than grow. In the foreseeable future, **Russia has plenty of space for maneuver in its relations with China. Russia’s next steps with**

regard to Beijing will largely depend on Washington’s readiness to impose tougher sanctions

because of Ukraine. **Russo-Chinese relations have great potential for development. We cannot exclude the possibility that Russia and China will enter into a military-political alliance that can shift the global balance of power.** The military, technological, and resource potential of Russia propped up by the economic and colossal labor resources of China

would allow the two countries to make decisions on many global issues in a way that would

rattle the current balance of power in international relations. Apparently, there is some sort of instinctive understanding of this in Washington, which is why the U.S. is not pushing Japan to adopt strict sanctions against Russia. Should Japan impose such sanctions, Prime Minister Shinzo Abe would have to forget his ambition to solve the question of the "Northern territories" in his relations with Russia, as he might force Russia's hand in supporting China's claim over the contentious Senkaku islands. A potential alliance of Russia and China can present many new and unexpected developments for both Washington and Brussels in economic and military-political relations. Today, there are many politicians and analysts in Washington who, on the one hand, desperately thirst to punish Russia and China, and on the other, consciously or not, avoid calculating the consequences of their actions and remain blind to the real preconditions for a closer partnership between Russia and China on all leading global problems. A continued refusal to contemplate such a partnership could have profound consequences for the U.S. foreign policy.

A China-Russia alliance would cause nuclear war

Shukla 5/13

(Vikas, reporter, quotes Paul Craig Roberts, head of the Institute of Political Economy, "Russia, China Challenge U.S. Hegemony; Nuclear War 'Likely Future', <http://www.valuewalk.com/2015/05/russia-china-challenge-u-s-nuclear-war-likely-future/>, 5/13/15//VZ)

Russia and China are conducting naval exercises in the Mediterranean Sea. The naval exercises commenced just a couple of days after Chinese President Xi Jinping attended the grand Victory Day celebrations in Moscow. They include live-fire exercises in the backyard of Western Europe. Russia and China have started flexing their muscles together to challenge the U.S. hegemony as they look to change the current world order. U.S. determined to block Russia and China Dr Paul Craig Roberts, the former U.S. Assistant Secretary of the Treasury for Economic Policy, said in a blog post that the United States was determined to block the rise of Russia and China. But neither of them will join the "world's acceptance of Washington's hegemony." Roberts notes that the US' attempt to contain Russia is the key reason for the crisis "Washington has created in Ukraine." Paul Craig Roberts, head of the Institute of Political Economy, said that Washington's aggression and propoganda have convinced Moscow and Beijing that Washington intends war. It has prompted Russia and China to form a strategic alliance to counterbalance the U.S. might. Dr Roberts believes that Russia and China will not accept the "vassalage status" that Germany, France, the UK, Canada, Japan, Australia and many other countries have accepted. 'Nuclear war is our likely future' Washington's arrogance of its self-image as an "exceptional, indispensable" country with hegemonic rights over other nations has laid the groundwork for a war. Unless the U.S. dollar and power collapses, "nuclear war is our likely future," said Dr Roberts. Besides military exercises, Russia and China have been stitching economic alliances to move closer to each other.

Impacts: Alliance = Russian Aggression

Sino-Russian Relations Trigger Renewed Russian Aggression

Constantine Menges, Senior Fellow at the Hudson Institute, 2005

[“China: The Gathering Threat”, p. 426]

Of equal concern is the possible reemergence of an authoritarian dictatorship in Russia under President Putin or a successor, whether ultranationalist or Communist. Our in-depth analysis of President Putin has included insights into his personal development, his work in the Soviet foreign intelligence service (KGB), and his actions since assuming the presidency of Russia on January 1, 2000. Putin is an intelligent, disciplined, and systematic leader, determined to assure that Russia is, in his words, a “strong state,” under a “dictatorship of law” and that Russia has a major role in the world. Putin declares his support for political democracy and movement toward a market-oriented economy, but the evidence to date suggests that Russia is gradually moving toward a more autocratic path. As Russia moved toward dictatorship, Putin would attempt to maintain a Potemkin democracy for the purpose of deceiving the major democracies, so that they would continue providing needed economic support for Russia. The ever-closer relationship between Russia and China strengthens the authoritarian tendencies within Russia, thereby increasing the risk that it will become more aggressive internationally. As the Chinese government develops relations with the Putin government, the Chinese Communist Party has revived direct relations with the Communist Party in Russia and also ties between the Chinese and Russian parliaments. These multiple relationships, all coordinated from the Chinese side through its Communist Party, provide many opportunities to cultivate allies in Russia and to fan suspicion of the U.S. and of democracy. This is especially true of China’s ever-expanding and mutually profitable relationships with the Russian military and its military production and research entities.

This causes global conflict which escalates internationally

Ariel Cohen, Senior Policy Analyst at the Heritage Foundation, 1996

[“The New ‘Great Game’: Oil Politics in the Caucasus and Central Asia”, January 25, <http://www.heritage.org/Research/RussiaandEurasia/BG1065.cfm>]

Much is at stake in Eurasia for the U.S. and its allies. Attempts to restore its empire will doom Russia's transition to a democracy and free-market economy. The ongoing war in Chechnya alone has cost Russia \$6 billion to date (equal to Russia’s IMF and World Bank loans for 1995). Moreover, it has extracted a tremendous price from Russian society. The wars which would be required to restore the Russian empire would prove much more costly not just for Russia and the region, but for peace, world stability, and security. As the former Soviet arsenals are spread throughout the NIS, these conflicts may escalate to include the use of weapons of mass destruction. Scenarios including unauthorized missile launches are especially threatening. Moreover, if successful, a reconstituted Russian empire would become a major destabilizing influence both in Eurasia and throughout the world. It would endanger not only Russia's neighbors, but also the U.S. and its allies in Europe and the Middle East. And, of course, a neo-imperialist Russia could imperil the oil reserves of the Persian Gulf.¹⁵ Domination of the Caucasus would bring Russia closer to the Balkans, the Mediterranean Sea, and the Middle East. Russian imperialists, such as radical nationalist Vladimir Zhirinovskiy, have resurrected the old dream of obtaining a warm port on the Indian Ocean. If Russia succeeds in establishing its domination in the south, the threat to Ukraine, Turkey, Iran, and Afghanistan will increase. The independence of pro-Western Georgia and Azerbaijan already has been undermined by pressures from the Russian armed forces and covert actions by the intelligence and security services, in addition to which Russian hegemony would make Western political and economic efforts to stave off Islamic militancy more difficult. Eurasian oil resources are pivotal to economic development in the early 21st century. The supply of Middle Eastern oil would become precarious if Saudi Arabia became unstable, or if Iran or Iraq provoked another military conflict in the area. Eurasian oil is also key to the economic development of the southern NIS. Only with oil revenues can these countries sever their dependence on Moscow and develop modern market economies and free societies. Moreover, if these vast oil reserves were tapped and developed, tens of thousands of U.S. and Western jobs would be created. The U.S. should ensure free access to these reserves for the benefit of both Western and local economies.

Impacts: Alliance = NW

Russia/China Alliance causes extinction

Roberts 7 - Senior Research Fellow at the Hoover Institution, Stanford University and Chair in Political Economy at the Center for Strategic and International Studies (Paul Craig, "US Hegemony Spawns Russian-Chinese Military Alliance", <http://www.lewrockwell.com/roberts/roberts218.html>)

This week the Russian and Chinese militaries are conducting a joint military exercise involving large numbers of troops and combat vehicles. The former Soviet Republics of Tajikistan, Kyrgyzstan, and Kazakhstan are participating. Other countries appear ready to join the military alliance. This new potent military alliance is a real world response to neoconservative delusions about US hegemony. Neocons believe that the US is supreme in the world and can dictate its course. The neoconservative idiots have actually written papers, read by Russians and Chinese, about why the US must use its military superiority to assert hegemony over Russia and China. Cynics believe that the neocons are just shills, like Bush and Cheney, for the military-security complex and are paid to restart the cold war for the sake of the profits of the armaments industry. But the fact is that the neocons actually believe their delusions about American hegemony. Russia and China have now witnessed enough of the Bush administration's unprovoked aggression in the world to take neocon intentions seriously. As the US has proven that it cannot occupy the Iraqi city of Baghdad despite 5 years of efforts, it most certainly cannot occupy Russia or China. That means the conflict toward which the neocons are driving will be a nuclear conflict. In an attempt to gain the advantage in a nuclear conflict, the neocons are positioning US anti-ballistic missiles on Soviet borders in Poland and the Czech Republic. This is an idiotic provocation as the Russians can eliminate anti-ballistic missiles with cruise missiles. Neocons are people who desire war, but know nothing about it. Thus, the US failures in Iraq and Afghanistan. Reagan and Gorbachev ended the cold war. However, US administrations after Reagan's have broken the agreements and understandings. The US gratuitously brought NATO and anti-ballistic missiles to Russia's borders. The Bush regime has initiated a propaganda war against the Russian government of V. Putin. These are gratuitous acts of aggression. Both the Russian and Chinese governments are trying to devote resources to their economic development, not to their militaries. Yet, both are being forced by America's aggressive posture to revamp their militaries. Americans need to understand what the neocon Bush regime cannot: a nuclear exchange between the US, Russia, and China would establish the hegemony of the cockroach.

Internals: Alliance Possible

A China-Russia alliance is possible

Browne 5/4, (Clayton Browne, writer and editor for Valuewalk, quotes Pepe Escobar, a roving correspondent for Asia Times/Hong Kong, an analyst for RT and TomDispatch, and a frequent contributor to websites and radio shows ranging from the US to East Asia; a foreign correspondent since 1985, and has lived in London, Paris, Milan, Los Angeles, Washington, Bangkok and Hong Kong, "US Forcing Russia, China And Iran Into Eurasian Military Alliance," <http://www.valuewalk.com/2015/05/us-forcing-russia-china-iran-military-alliance/>, 5/4/15, //VZ)

It is important to keep in mind that Russia is not acting in a vacuum. Russian President Vladimir Putin's belligerence over the last few years is not entirely about whipping up a nationalist fervor to improve his political fortunes. As Pepe Escobar points out in a recent Op-Ed on Zero Hedge, it's also about U.S. foreign policy in effect forcing Russia, China and Iran into a military alliance against the West. Russia selling Iran S-300 anti-aircraft missiles is a game changer Russia's decision to sell the S-300 anti-aircraft missile system to Iran is clearly a game-changer, and reflects changing geopolitics and the new world order. Jane's Defense Weekly has been saying for years that Israel would have great difficulty penetrating Iranian airspace, and that will certainly be true soon. Keep in mind that following the S-300s, Iran will almost certainly be offered the yet more sophisticated S-400s, which China is already slated to receive. Escobar explains the implications of Russia's decision: "The unspoken secret behind these game-changing proceedings actually terrifies Washington warmongers; it spells out a further frontline of Eurasian integration, in the form of an evolving Eurasian missile shield deployed against Pentagon/NATO ballistic plans." Eurasian military alliance A possible glimpse of the future was offered at the Moscow Conference on International Security in April of this year. Iranian Defense Minister, Brigadier-General Hussein Dehghan, unabashedly stating that Iran wanted BRICS members China, India and Russia to jointly oppose NATO's eastward expansion, and calling NATO's missile shield as an existential threat to their collective security. At the same conference, Russian Defense Minister Sergey Shoigu and Chinese Defense Minister Chang Wanquan noted that their military ties are an "overriding priority", and Iran and Moscow also emphasized that they're working together in their push towards a new global order. NATO versus Russia/China/Iran The battle lines are becoming more clearly drawn between NATO and Russia/China/Iran, so it's not surprising the three nations are cooperating more than ever before. Of note, Iran is an observer at the Collective Security Treaty Organization, and is virtually certain to join the SCO (Shanghai Cooperation Organization) within the next year or two. Given Russia is providing S-300 systems to Iran and S-400 systems to China, and developing the S-500 systems, which can supposedly intercept supersonic targets, it's clear the current NATO /U.S. military domination is at least threatened. On a related note, despite its small fleet in the area, China symbolically announced joint naval exercises with Russia in the Mediterranean last week. More over, as Escobar points out, this "budding military Eurasia integration is a key subplot of the New Great Game that runs parallel to the Chinese-led New Silk Road project." He argues that this Eurasian military alliance was almost inevitable given Beijing is confronted by U.S. and allies encroachment via the Asia-Pacific; Russia by encroachment via Eastern Europe; and Iran by encroachment via Southwest Asia. This means the multi-vector Russia-China-Iran strategic alliance is a reality for the foreseeable future. And despite whatever may occur with the nuclear negotiations with Iran this summer, 'Iran is bound to remain — alongside Russia — a key US geostrategic target."

Impacts: Alliance kills U.S. Leadership

A Russia-China alliance would be disastrous for the U.S. (RE-TAG)

Adomanis '14 (Mark, specializes in Russian economics and demographics, "A Russia-China Alliance Is Emerging, And It Will Be A Disaster For The West", Forbes, <http://www.forbes.com/sites/markadomanis/2014/05/20/a-russia-china-alliance-is-emerging-and-it-will-be-a-disaster-for-the-west/>, 5/20/2014)//HW

It's rare for the Times to be so critical of Obama, but this is an appropriate criticism. **A Russia-China alliance would, of course, be an absolute disaster for the United States, pretty much the only grouping of countries that would be genuinely interested in and capable of challenging its position of global leadership. Preventing the emergence of a Russia-China alliance ought to be at the very top of the list of US foreign policy priorities,** but, as the Times noted, no one seems to be paying any attention. In Washington circles, **Russia and China are considered two totally different and mutually exclusive issues studied by different groups** of people with different affiliations. **A Russia-China alliance is far from inevitable.** Frankly, given the troubled history of the two countries, **I don't think it would take a herculean diplomatic effort to head off the creation of such a partnership. The current policy of not doing anything, however, is clearly not an adequate response to such a serious potential threat. The US foreign policy community needs to wake up** or, a decade from **now**, we'll be hearing anguished debates about "who lost Eurasia."

Russia Impacts

2NC Impact Overview

Disad Outweighs –

A. Lack of Rationality – Loss of Russian prestige causes Putin to grab for power – incites nationalism that results in foreign policy irrationality and accidental nuclear war with the United States

B. Magnitude – Russian war is the only scenario for extinction

Bostrom 2

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

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

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

Parry 3/2/15

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

Exclusive: U.S.-Russian tensions keep escalating – now surrounding the murder of Russian opposition figure Boris Nemtsov – **yet almost no one on the American side seems to worry about the possibility that** the tough-guy rhetoric and proxy war in Ukraine **might risk a nuclear conflagration**, writes Robert Parry. The United States and Russia still maintain vast nuclear arsenals of mutual assured destruction, putting the future of humanity in jeopardy every instant. But an unnerving nonchalance has settled over the American side which has become so casual about the risk of cataclysmic war that the West's propaganda and passions now ignore Russian fears and sensitivities. A swaggering goofiness has come to dominate how the United States reacts to Russia, with American politicians and journalists dashing off tweets and op-eds, rushing to judgment about the perfidy of Moscow's leaders, blaming them for almost anything and everything. These days, playing with nuclear fire is seen as a sign of seriousness and courage. Anyone who urges caution and suggests there might be two sides to the U.S.-Russia story is dismissed

as a wimp or a stooge. A what-me-worry “group think” has taken hold across the U.S. ideological spectrum. Fretting about nuclear annihilation is so 1960s. So, immediately after last Friday night’s murder of Russian opposition figure Boris Nemtsov, the West’s media began insinuating that Russian President Vladimir Putin was somehow responsible even though there was no evidence or logic connecting him to the shooting, just 100 meters from the Kremlin, probably the last place Russian authorities would pick for a hit. But that didn’t stop the mainstream U.S. news media from casting blame on Putin. For instance, the New York Times published an op-ed by anti-Putin author Martha Gessen saying: “The scariest thing about the murder of Boris Nemtsov is that he himself did not scare anyone,” suggesting that his very irrelevance was part of a sinister political message. Though no one outside the actual killers seems to know yet why Nemtsov was gunned down, Gessen took the case several steps further explaining how – while Putin probably didn’t finger Nemtsov for death – the Russian president was somehow still responsible. She wrote: “In all likelihood no one in the Kremlin actually ordered the killing – and this is part of the reason Mr. Nemtsov’s murder marks the beginning of yet another new and frightening period in Russian history. The Kremlin has recently created a loose army of avengers who believe they are acting in the country’s best interests, without receiving any explicit instructions. Despite his lack of political clout, Mr. Nemtsov was a logical first target for this menacing force.” So, rather than wait for actual evidence to emerge, the Times published Gessen’s conclusions and then let her spin off some even more speculative interpretations. Yet, basing speculation upon speculation is almost always a bad idea, assuming you care about fairness and accuracy. Remember how after the Oklahoma City bombing in 1995, some terrorism “experts” not only jumped to the false conclusion that the attack was a case of Islamic terrorism but that Oklahoma was chosen to send a message to Americans that no part of the country was safe. But the terrorist turned out to be a white right-wing extremist lashing out at the federal government. While surely hard-line Russian nationalists, who resented Nemtsov’s support for the U.S.-backed Ukrainian regime in Kiev, should be included on a list of early suspects, there are a number of other possibilities that investigators must also consider, including business enemies, jealous rivals and even adversaries within Russia’s splintered opposition – though that last one has become a target of particular ridicule in the West. Yet, during my years at the Associated Press, one of my articles was about a CIA “psychological operations” manual which an agency contractor prepared for the Nicaraguan Contra rebels noting the value of assassinating someone on your own side to create a “martyr” for the cause. I’m in no way suggesting that such a motive was in play regarding Nemtsov’s slaying but it’s not as if this idea is entirely preposterous either. My point is that even in this age of Twitter when everyone wants to broadcast his or her personal speculation about whodunit to every mystery, it would be wise for news organizations to resist the temptation. Surely, if parallel circumstances occurred inside the United States, such guess work would be rightly dismissed as “conspiracy theory.” Nuclear Mischief Plus, this latest rush to judgment isn’t about some relatively innocuous topic – like, say, how some footballs ended up under-inflated in an NFL game – this situation involves how the United States will deal with **Russia, which possesses some 8,000 nuclear warheads** – roughly the same size as the U.S. arsenal – while **the two countries have around 1,800 missiles on high-alert, i.e., ready to launch at nearly a moment’s notice**. Over the weekend, I participated in a conference on nuclear dangers sponsored by the Helen Caldicott Foundation in New York City. On my Saturday afternoon panel was **Seth Baum of the Global Catastrophic Risk Institute who offered a sobering look at how the percentage chances of a nuclear war – though perhaps low at any given moment – add up over time to quite likely if not inevitable**. He made the additional observation that those **doomsday odds rise at times of high tensions between the United States and Russia**. As Baum noted, **at such crisis moments, the people responsible for the U.S. and Russian nuclear weapons are more likely to read a possible computer glitch or some other false alarm as a genuine launch and are thus more likely to push their own nuclear button**. In other words, it makes good sense to avoid a replay of the Cuban Missile Crisis in reverse by edging U.S. nuclear weapons up against Russia’s borders, especially when U.S. politicians and commentators are engaging in Cold War-style Russia-bashing. Baiting the Russian bear may seem like great fun to the tough-talking politicians in Washington or the editors of the New York Times and Washington Post but this hostile rhetoric could be taken more seriously in Moscow. When I spoke to the nuclear conference, I noted how the U.S. media/political system had helped create just that sort of crisis in Ukraine, with every “important” person jumping in on the side of the Kiev coup-makers in February 2014 when they overthrew elected President Viktor Yanukovich. Since then, nearly every detail of that conflict has been seen through the prism of “our side good/their side bad.” Facts that put “our side” in a negative light, such as the key role played by neo-Nazis and the Kiev regime’s brutal “anti-terrorism operation,” are downplayed or ignored. Conversely, anything that makes the Ukrainians who are resisting Kiev’s authority look bad gets hyped and even invented, such as one New York Times’ lead story citing photos that supposedly proved Russian military involvement but quickly turned out to be fraudulent. [See Consortiumnews.com’s “NYT Retracts Russian Photo Scoop.”] At pivotal moments in the crisis, such as the Feb. 20, 2014 sniper fire that killed both police and protesters and the July 17, 2014 shoot-down of Malaysia Airlines Flight 17 killing 298 passengers and crew, the U.S. political/media establishment has immediately pinned the blame on Yanukovich, the ethnic Russian rebels who are resisting his ouster, or Putin. Then, when evidence emerged going in the opposite direction – toward “our side” – a studied silence followed, allowing the earlier propaganda to stay in place as part of the preferred storyline. [See, for instance, Consortiumnews.com’s “President Gollum’s ‘Precious’ Secrets.”] A Pedestrian Dispute One of the points of my talk was that the Ukrainian crisis emerged from a fairly pedestrian dispute, i.e., plans for expanding economic ties with the European Union while not destroying the historic business relationship with Russia. In November 2013, Yanukovich backed away from signing an EU association agreement when experts in Kiev announced that it would blow a \$160 billion hole in Ukraine’s economy. He asked for more time. But Yanukovich’s decision disappointed many western Ukrainians who favored the EU agreement. Tens of thousands poured into Kiev’s Maidan square to protest. The demonstrations then were seized upon by far-right Ukrainian political forces who have long detested the country’s ethnic Russians in the east and began dispatching organized “sotins” of 100 fighters each to begin firebombing police and seizing government buildings. As the violence grew worse, U.S. neoconservatives also saw an opportunity, including Sen. John McCain, R-Arizona, who told the protesters the United States was on their side, and Assistant Secretary of State for European Affairs Victoria Nuland, who passed out cookies to the protesters and plotted with U.S. Ambassador Geoffrey Pyatt on who would become the new leaders of Ukraine. [See Consortiumnews.com’s “NYT Still Pretends No Coup in Ukraine.”] Thus, a very manageable political problem in Ukraine was allowed to expand into a proxy war between nuclear-armed United States and Russia. Added to it were intense passions and extensive propaganda. In the West, the Ukraine crisis was presented as a morality play of people who “share our values” pitted against conniving Russians and their Hitler-like president Putin. In Official Washington, anyone who dared suggest compromise was dismissed as a modern-day Neville Chamberlain practicing “appeasement.” Everyone “serious” was set on stopping Putin now by shipping sophisticated weapons to the Ukrainian government so it could do battle against “Russian aggression.” The war fever was such that no one raised an eyebrow when Ukraine’s Deputy Foreign Minister Vadym Prystaiko told Canada’s CBC Radio last month that the West should no longer fear fighting nuclear-armed Russia and that Ukraine wanted arms for a “full-scale war” against Moscow. “Everybody is afraid of fighting with a nuclear state. We are not anymore, in Ukraine,” Prystaiko said. “However dangerous it sounds, we have to stop [Putin] somehow. For the sake of the Russian nation as well, not just for the Ukrainians and Europe. ... What we expect from the world is that the world will stiffen up in the spine a little.” [See Consortiumnews.com’s “Ready for Nuclear War over Ukraine?”] Instead of condemning Prystaiko’s recklessness, more U.S. officials began lining up in support of sending lethal military hardware to Ukraine so it could fight Russia, including Director of National Intelligence James Clapper who said he favored the idea though it might provoke a “negative reaction” from Moscow. Russian Regime Change Even President Barack Obama and other U.S. leaders who have yet to publicly endorse arming the Kiev coup-makers enjoy boasting about how much pain they are inflicting on the Russian economy and its government. In effect, there is a U.S. strategy of making the Russian economy “scream,” a first step toward a larger neocon goal to achieve “regime change” in Moscow. Another point I made in my talk on Saturday was how the neocons are good at drafting “regime change” plans that sound great when discussed at a think tank or outlined on an op-ed page but often fail to survive in the real world, such as their 2003 plan for a smooth transition in Iraq to replace Saddam Hussein with someone of their choosing – except that it didn’t work out that way. Perhaps the greatest danger from the new neocon dream for “regime change” in Moscow is that whoever follows Putin might not be the pliable yes man that the neocons envision, but a fierce Russian nationalist who would suddenly have control of their nuclear launch codes and might decide that it’s time for the United States to make concessions or face annihilation. On March 3, the Washington Post’s neocon editorialists emphasized the need for ousting Putin as they praised Nemtsov and other anti-Putin activists who have urged an escalation of Western pressure on Russia. The Post wrote: “They say he [Putin] can be stopped only by steps that decisively raise the cost of his military aggression and cripple the financial system that sustains his regime.” The Post then added its own suggestion that Putin was behind Nemtsov’s murder and its own hope that Putin might be soon be removed, saying: “It’s not known who murdered Mr. Nemtsov, and it probably won’t be as long as Mr. Putin remains in power.” Yet, what I find truly remarkable about the Ukraine crisis is that it was always relatively simple to resolve: Before the coup, Yanukovich agreed to reduced powers and early elections so he could be voted out of office. Then, either he or some new leadership could have crafted an economic arrangement that expanded ties to the EU while not severing them with Russia. Even after the coup, the new regime could have negotiated a federalized system that granted more independence to the disenfranchised ethnic Russians of eastern Ukraine, rather than launch a brutal “anti-terrorist

operation" against those resisting the new authorities. But Official Washington's "group think" has been single-minded: only bellicose anti-Russian sentiments are permitted and no suggestions of accommodation are allowed.

Relations independently prevent extinction and a collapse of U.S. foreign policy

Allison and Blackwill 11

(Graham and Robert, * director of the Belfer Center for Science and International Affairs at Harvard's Kennedy School AND ** Henry A. Kissinger senior fellow for U.S. foreign policy at the Council on Foreign Relations 10/30/11 "10 reasons why Russia still matters," Politico, <http://www.politico.com/news/stories/1011/67178.html>)

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin's decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation's interests by engaging and working with Moscow. First, Russia remains the only nation that can erase the U.S. from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia's cooperation is critical to averting nuclear war. Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than \$11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the "evil empire," not one nuclear weapon has been found loose. Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran's drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success. Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups. Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. Sixth, Russia is the world's largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia's impact at our gas pumps. Seventh, Moscow is an important player in today's international system. It is no accident that Russia is one of the five veto-wielding permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without overturning the existing order. Eighth, Russia is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy. Ninth, Russia's brainpower is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin. Tenth, Russia's potential as a spoiler is difficult to exaggerate. Consider what a Russian president intent on frustrating U.S. international objectives could do — from stopping the supply flow to Afghanistan to selling S-300 air defense missiles to Tehran to joining China in preventing U.N. Security Council resolutions. so next time you hear a policymaker dismissing Russia with rhetoric about "who cares?" ask them to identify nations that matter more to U.S. success, or failure, in advancing our national interests

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

Hallam 9

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

Why did an article in the September 2008 edition of the Bulletin of the Atomic Scientists, entitled 'avoiding human extinction' give a list of measures needed to avoid that, with lowering the operating status of nuclear weapon systems (along with their elimination) topping the rather consequential 'to - do' list, even before climate - change measures and incoming large asteroids? Why over the years has this issue been thought so important at such a high level? The US and Russia undeniably keep a large number (estimated by Blair at 2,654 by Kristensen more recently 2,300) of nuclear warheads (both land - based ICBMs and SLBMs) in a status in which they can be launched at roughly 2 minutes or less notice. This fact is never seriously disputed. The core of the issue is that standard operating procedures envisage extremely short decision making timeframes, and these are imposed by the simple fact of having some missiles on quick - launch status. Careful and measured decision-making in such a situation is simply not possible. Yet the consequences of such decisions are truly apocalyptic. Recent research by US scientists (Toon and Robock 2008/9) on the effects of the use of US and Russian arsenals indicates that even at levels down to 1000 warheads, the use by malice, madness, miscalculation or malfunction of the 'on alert' portions of US and Russian strategic nuclear forces would be essentially terminal for civilization. Maintaining arsenals in an unstable configuration was insanely risky during the Cold War, when there were even larger numbers of warheads on alert and when there were just too many occasions on which it would be fair to say that the world came just too close to ending. There is even less reason, now that the cold - war confrontation has supposedly ended, to maintain nuclear forces in these dangerous configurations. Yet in spite of denials and obfuscations from those who wish to maintain existing postures they are indeed so maintained. President Obama, in his election manifesto, promised to negotiate with Russia to lower the operational status of nuclear weapon systems. It is vital that this promise is not forgotten. The talks between the US and Russia on the successor to the START Treaty are an ideal opportunity to take action to implement Obama's promises to negotiate with Russia to achieve lower operational status of nuclear weapon systems.

And, resurgent Russian Nationalism and aggressive foreign policy causes Russian internal collapse – goes nuclear

Dr. Blank '00

(Stephen, "Threats to Russian Security: The View from Moscow," pg online @ <http://www.strategicstudiesinstitute.army.mil/pubs/summary.cfm?q=135//um-ef>)

The greater danger here is not necessarily that a nuclear provocation will occur, it is rather that the military institutions and government have yet to devise a strategy and policy based on reality. Instead they continue to chase after fantasies of recovering a lost status and of being a military-political global superpower. The deeply embedded notions of international security as a zero-sum game of the militarization of politics and the pervasiveness of threats from all sides, are axioms that are deployed, first of all, for domestic advantage and to obstruct reform. When juxtaposed to the absence of coherent controls and institutions to formulate and direct defense policy, these axioms are an invitation to disaster. These documents and the security consensus that lies behind them represent only the latest manifestation of Russia's continuing failure to become a true democracy at peace with itself and the world. As long as this unrealism and pre-modern structure of politics govern the discourse and practice of Russian security policy, continuous internal unrest is the best scenario we can predict for Russia. But experience shows that this unrest does not remain bottled up in Russia. The war in Chechnya is now accompanied by threats against Tbilisi and Baku as well as attempts at military-political union in the CIS. Thus Russia's refusal or inability to adapt to reality presages a continuing struggle in the CIS and other unsettled areas like the Balkans. Every preceding time when state power in Russia fragmented, the whole region within which it acted was engulfed in instability, if not conflict, and foreign armies were either tempted to invade or dragged into the quagmire. Thus these documents are ultimately a confession of political, economic, social and moral bankruptcy and an admission of despair. If Russia perceives everything around it as a threat whose origins lay beyond its borders, then the temptation to avert domestic reform will continue to strengthen and breed still more internal unrest and instability. Nor will any outside attempts to help be appreciated or accepted. Absent a reliable defense policy and defense forces and following an elite that seems determined on racing to the brink of a precipice Russia's elites remain fixated on military threats that exist mainly in their fantasies. Thus they show themselves utterly unable to come to grips with the new but very real threats to Russia's security and stability. 119 If this situation continues, then the Russian people, if not their neighbors and partners, will be thrown over the edge as Russia falls into an economic, ecological, demographic, and possibly even nuclear abyss.

2NC Relations Impact

And, the plan IMMEDIATELY freaks out Russia and tanks U.S.-Russian Relations – the impact is perception-based

Merry 9

(E. Wayne, a former State Department and Pentagon official, is a senior associate at the American Foreign Policy Council in Washington, 5/22/09 New York Times, “A ‘Reset’ Is Not Enough” http://www.nytimes.com/2009/05/23/opinion/23iht-edmerry.html?_r=0 7/6/13)

The Obama administration has offered to “reset” relations with Russia. But what is really needed is a change of operating system. A reset seeks to restore a previous relationship, which for former officials of the Clinton administration now back in office means the Yeltsin years. This will fail because Moscow views that period as emblematic of Russian weakness and exploitation by the West, and especially by the United States. Relations with Moscow deteriorated under both Bill Clinton and George W. Bush. **The U.S. neo-liberal project of the '90s not only failed but deeply alienated Russians. The bilateral nadir was the Kosovo war, a worse episode than last year's Georgia conflict. A new opportunity after 9/11 was frankly squandered. Washington regarded Russia as a loser and treated it as such. It forgot that Russia would not be weak forever, and would remember. Two structural problems limit the relationship and its improvement. First, it is very narrow, with few automatic stabilizers.** Unlike Russian-European or U.S.-Chinese relations, **the scant economic and human ties between the U.S. and Russia provide inadequate ballast when problems arise. Relations are highly vulnerable to outside events and defined more by disputes than cooperation.** When malice is added to the mix, the result is dangerous. Second, **for Moscow the relationship is largely zero sum,** in that **Russian diplomacy succeeds where America's fails, as in Iran and Venezuela. This is the consequence both of the huge asymmetry in real power and influence of the two countries and an asymmetry of geography in that almost anything the United States does in Eurasia affects Russia's interests, often adversely.** Thus **Moscow worries that a successful Obama presidency will come at their expense with other countries.** Russian commentators especially fear this may be the case with Iran, seeing the potential for a shift comparable to Mao's China or Sadat's Egypt. The current Russian leadership bears a disproportionate share of the blame for our poisonous relations. **But Washington needs to adopt new rules of engagement to not repeat mistakes of the previous 16 years: One, minimize deliberate challenges to Russian interests** and know that none will come free. If we push NATO, they will push back. When we sponsored an independent Kosovo, Moscow declared it would do the same in Abkhazia and South Ossetia. Reciprocity is real.

The impact is extinction and a collapse of U.S. foreign policy

Allison and Blackwill 11

(Graham and Robert, * director of the Belfer Center for Science and International Affairs at Harvard's Kennedy School AND ** Henry A. Kissinger senior fellow for U.S. foreign policy at the Council on Foreign Relations 10/30/11 “10 reasons why Russia still matters,” Politico, <http://www.politico.com/news/stories/1011/67178.html>)

That central point is that **Russia matters a great deal to a U.S. government seeking to defend and advance its national interests.** Prime Minister Vladimir Putin's decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that **Russia is a dangerous, difficult** often disappointing **state to do business with.** We should not overlook its many human rights and legal failures. **Nonetheless, Russia is a player**

whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and

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supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. Sixth, Russia is the world's largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia's impact at our gas pumps. Seventh, Moscow is an important player in today's international system. It is no accident that Russia is one of the five veto-wielding permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without

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resolutions. so **next time you hear a policymaker dismissing Russia with rhetoric about "who**

cares?" ask them to identify nations that matter more to U.S. success, or failure, in advancing

our national interests.

Impacts: Russian Prestige

Loss of prestige causes massive Russian Nationalist Backlash and collapse of foreign policy rationality

Wood 13

(Steven, Department of Politics and International Relations, Macquarie University, Sydney, "Prestige in world politics: History, theory, expression," pg online @ <http://www.palgrave-journals.com/ip/journal/v50/n3/full/ip201313a.html> //um-ef)

States generally do not try to diminish another's prestige. Rather, prestige steers diplomacy's concern to avoid offence, or with how 'we' treat 'them' and are perceived to. Lack of **loss of prestige incites resentment and** occasionally **extreme reaction. The prestige-deprivation inflicted by the Versailles treaty**, Etzioni (1962) argued, **is commonly seen as a factor contributing to the emergence of Nazism** a movement obsessed with national status'. Although **upheaval and attenuation of individual and national fortune instigate heighten sensitivity**, 'in periods of peace, stable economies and integrated social relations, frustrations of national prestige rarely lead to aggressive behavior except student demonstrations before the embassies of the countries which inflict the prestige loss' (Etzioni, 1962, p. 22). People tend to privilege their own nation; the feats and qualities of others are compared with their own. Norkus (2004, p. 397) contends that "'cultural achievements" or "cultural contributions" indicated by the number of famous scientists, writers, architectural monuments' bestow prestige on the nation from which these virtuous or symbolic structures originate. Thus, 'the basis for the feeling of belonging to the world "elite" can be the conviction of the extraordinary value of the culture of "one's own" nation or of its extraordinary contribution to "world culture."' The members or rulers of a nation may consider it as imbued with greatness, whereas others regard it as ordinary, eccentric or overstated, in any case not as something to aspire to. Prestige often correlates with being liked and 'nation brands' marketing links favourable reception to global economic success (Anholt, 2009). Nations regarded as most prestigious are not always most preferred. **Perceived prestige can be a source of envy and resentment.** For Lebow (2008), prestige is bound with beliefs about cultural eminence, heroism and honour. National identity and sentiment permeate his account, through periods that precede the modern phenomenon of nationalism. He argues that 'People seek self-esteem not only through their personal activities, but vicariously through the achievements of social units to which they feel attached, such as sports teams and nations'. Lasswell and Morgenthau are among those said to 'argue that **nationalism involves a degree of transference by individuals of their aspirations on to states**'. This is not a one-way process, at least not in the present. Instead, symbiosis occurs. For **citizenry and rulers, organic and abstract identities merge for performances in which 'standing and honor can be very important and interrelated'** (Lebow, 2008, pp. 122–123). Prestige can induce hubris, an exaggerated or deluded belief by a person, a group or a nation in its capacities. Superficial, if spectacular, display has an appeal that lends a transient prestige. Humility generates a more durable kind. Henrich and Gil-White (2001, p. 179) note that 'Self-deprecation is also common in prestige'. High achievers are often humble in response to praise. Modern nations do the same if they are confident in their accomplishments and inferred status in the world. Political leaders must promote and personify collective prestige. Accent on charismatic features that elevate an individual above the mass is contrasted with an alternative view of the leader's position being sustainable as long as he or she is embedded in the group and fulfils its aspirations. 'The stature of the leader', argued Moos and Koslin (1952), 'is dependent not upon his embodiment of special traits as such, but rather the extent to which a group is aware of those "special qualities"'. Henry Kissinger reportedly said that 'as a professor' he considered 'history as run by impersonal forces. But when you see it in practice, you see the difference personalities make' (cf. Kissinger, 1995; de Gaulle, 2000; Byman and Pollack, 2001, p. 108). In one 'nation brand' index, the United States rose from eighth in 2008 to first in 2009. The rise was attributed to the change in presidents (Anholt, 2009). Nicolson (1939) was sceptical about the participation of politicians in routine international affairs. They were likely to cause problems through interference in negotiation. This was better left to 'professional diplomatists', who must themselves convey prestige. Morgenthau (1978, p. 79) agreed, observing that 'diplomats lend themselves naturally as instruments for a policy of prestige ... respect shown them is really shown their countries ... insult they give or receive is really given or received by their countries'. These accounts pertain chiefly to liberal democracies. Authoritarian regimes take greater offence to slights, and prestige-seeking assumes pathological dimensions. Attempts to generate it often entail effusive display of military might. Collins (2011) impresses connections between endogenous legitimacy and exogenous power-prestige, drawing together realist and historical-sociological interpretations to explain the collapse of the Soviet bloc. For those state-dominated societies, prestige reliant on coercion was exposed as illusory and eroded during the Cold War. Similar fates later befell Ben Ali, Mubarak, Gaddafi and Assad. Prestige as Nexus Prestige is compatible with realist, rationalist, sociological and normative interpretations of international politics. It is a nexus for differing emphases, though largely neglected by scholarship seeking commonalities or convergence (Barkin, 2003; Hellmann, 2003; Barkin, 2004; Jackson and Nexon, 2004; Lebow, 2004; Beardsworth, 2008). The international society school was representative of the endeavour to discover intersections between paradigms (Wight, 1991; Watson, 1992; Alderson and Hurrell, 2000; Linklater and Suganami, 2006), without much focus on prestige. Its tacit presence is weightier than the passing references to it. There are exceptions to this general lack of direct attention. O'Neill (1999) demonstrates how an expansive historiography, symbolic interaction, linguistic analysis and game theory can be effectively combined and applied to illuminate the influence of prestige and honour. Wegener (1992) argued that 'rational and normative foundations of prestige are possible'. He delineated its alignment with achievement, esteem, honour or charisma, and exposition by functionalist, normative and transcendent accounts. Wegener drew on Weber, alternatively a realist (Hobson and Seabrooke, 2001), a 'bourgeois Marx' (Salomon, 1926) or a sociological institutionalist. Weber's understanding of politics went beyond realism and 'various counterpositions based on norms, self-understood social constructions, or cooperative international society' (Breiner, 2004, p. 290). Although he elucidated a predominance of instrumental rationality (Zweckrational) in modernity, his fusion of prestige and interests (Prestigeinteressen) also comprises value rationality (Wertrational) and traditional and affective motivations for action (Weber, 1922). Machtprestige was stimulated by urges for esteem, honour, standing and concerns about relative worth linked to power: All 'power' of political entities (Gebilde) carries in itself a specific dynamic: it can be the basis for a specific 'prestige'-pretension of those who belong to them, which influences their externally focused behaviour ... prestige pretensions have always had a difficult to estimate, generally not precisely definable, but very perceptible impact in the genesis of wars: an empire of 'honour', comparable with the ordering of status groups ['ständischer' Ordnung], extends itself across relations among political entities; feudal rulers, likewise modern military officers or state bureaucrats, are the natural primary bearers of this 'prestige'-striving, oriented purely to the power of its own political entity as such. For the power of their political entity determines their own power and their own power-based feelings of prestige ... (Weber, 1922, p. 619) Lebow (2008, pp. 487–488) notes that for Weber, 'Acquiring prestige is essential for being a great power, just as becoming a great power confers prestige ... **prestige is equivalent to status or standing**'. In Breiner's (2004, p. 299) reading, **prestige is the potential trigger** and protractor of a security dilemma: 'all political communities seek prestige ... large political communities ... aspire to have their superior prestige recognized': **their demand for power to enhance their prestige threatens their neighboring political communities, and so they too are always threatened in return**. This threat in turn prompts the state to compel others to recognize its honor or high standing by amassing more power against its neighbors. This demand by large political communities unleashes a recurrent struggle between states for prestige. **Thus when a large state asserts its claim to prestige in the face of a threat to peace, all other states claiming prestige as well join the 'competition' for dominance**. And this in turn generates new threats ... Reinforced by evidence from earlier, contemporaneous and later societies, prestige is imparted as an intrinsic need or motivation, regardless of the fact that only some attain it to the extent they wish. A large corpus of literature indirectly impresses that prestige may not dictate but is a constant in national and international affairs, connected realms of perceptions, interactions, frailties,

interests and power. If prestige is an innate ingredient of human psychology and behaviour (cf. Brown, 1991; 2004), links to classical realist claims about recurrence in these domains emerge. Observed through the filter of prestige, realism and constructivism are more alike than portrayed by their respective adherents. Lebow (2001) challenged the conventional representation of Thucydides as the prototype 'realist', arguing that he was a 'founding father of constructivism'. However, Lebow notes that some 'nuanced' realist readings present a more accurate picture. These readings comprehended that humans had psychologies and that variation in conditions affected responses and judgements. Lebow (2001, p. 559) concluded that 'Thucydides is both a realist and a constructivist', an entirely plausible observation. Prestige is a binding element between these schools and the different drives they are inclined to prioritise. In the History of the Peloponnesian War, 'People appear driven by their needs for self-preservation, pleasure, recognition, and power but also by needs for love, honor, and esteem' (Lebow, 2001, p. 554). For Morgenthau (1978, pp. 32–33), 'a tendency to reduce political power to the actual application of force or ... successful threats of force' and 'the neglect of prestige as an independent element in international politics' were untenable. Elsewhere (1978, p. 77), he presents prestige as a companion of power, 'rarely an end in itself' but 'one of the instrumentalities' used to pursue 'policies of the status quo and of imperialism'. Markey (1999) investigates the 'mechanics of the prestige motive and conflict' and argues it has been misinterpreted or ignored by most realists. His analysis, conducted among a familiar assemblage of states, anarchy and conflict, finds that Thucydides 'interchangeably employs prestige in both its instrumental and intrinsic variants' and 'Rousseau's prestige begins as an instrumental end and mutates into an intrinsic one': prestige in Rousseau's work holds a possible clue for understanding the (material) objects of prestige motivated behavior ... the types of objects man is likely to seek as instruments of prestige. The character of these objects is 'historically' as well as socially conditioned ... in the earliest stages of social interaction and economic dependence, [man] seeks whatever constitutes an obvious sign of strength, power, or eminence. As society 'flourishes', ... signs of prestige may no longer possess a material value in any concrete sense. (Markey, 1999, pp. 153–154) Compare this with Morgenthau's (1978, pp. 77–78) assessment that: 'the policy of prestige': is as intrinsic an element of the relations between nations as the desire for prestige is of the relations between individuals ... international and domestic politics are but different manifestations of ... the same social fact ... the desire for social recognition is a potent dynamic force determining social relations and creating social institutions ... what others think about us is as important as what we actually are. The image in the mirror of our fellows' minds (that is, our prestige) ... determines what we are as members of society. It is not obvious which passage is that of a 'constructivist' and which is that of a 'classical realist'. Lebow (2008, p. 24) claims Markey 'never effectively distinguishes [prestige] from power'. Yet military victory and defeat, and a warrior ethos that rewards physical prowess with prestige, feature prominently in Lebow's 'cultural theory of international relations'. He writes (2008, p. 101) that 'As external competition becomes more acute, or its material benefits more obvious, warriors increase their standing and authority in the society' and explains (2008, p. 126) that the Greek psyche had three domains or drives: reason, appetite and spirit. Reason has the 'capability to distinguish good from bad' and is contrasted with 'appetite and spirit which can only engage in instrumental reasoning'. These drives are not easy to disentangle. Intuitively, prestige belongs, with honour and esteem, to the spirit domain, but it is also a goal of appetite or calculating reason. Kim's (2004) critique of neorealism suggests that prestige is not independent of the political use of force but supplementary to it. An 'important positive source of prestige is the successful use of power in war' and the 'prestige of the US belatedly caught up with its actual power after the victory in World War II'. Moreover, 'Regardless of the nature of sources states employ to gain prestige, they seek to influence how other states define their interests' (Kim, 2004, pp. 42–44). Lebow, Kim and Markey address prestige and its linguistic connotations in diverse geographic, cultural and historical contexts. Despite wanting to situate prestige and power in different paradigms, these works reveal that discounting the connections between them is erroneous. Wight (1979, p. 97), in contrast, characterised prestige as an 'imponderable' of politics, 'too closely connected with power to be considered as belonging to the moral order. It is the influence derived from power. And unless the power is present power there can be little prestige'. Prestige can be attained without great quantities of the power Wight denotes. Canada, Switzerland and Sweden have developed particular reputations and accrued associated 'prestige capital'. They may be among those that Dore (1975, p. 207) suggests are 'susceptible to the attractions of prestige-as-an-end-in-itself' and 'likely to be constrained to obey whatever norms of international conduct the subterranean movements of world opinion may gradually bring forth'. But is prestige really such a *cul-de-sac*? Canadian policymakers and society want recognition as a 'good international citizen' and for Canada to derive benefits beyond the affective: improved security, an enhanced capacity to set agendas and reliability from others (Jockel and Sokolsky, 2000; Bakhtiari, 2010, p. 21). Wylie (2009, p. 124) proposes that 'powers such as Canada are concerned with their international reputations, and desire prestige both for the influence it might translate into and for its own sake ... Canadians do believe in the rule of law, global governance, and human rights ... it is debatable whether we care even more than others see us promoting these values'. Hafner-Burton and Montgomery (2006, p. 11) posit that 'whether prestige hinders or promotes conflict may depend on the type of social network' and 'if states are like students the more prestigious will expect to receive more social support when they resort to military threats or the use of force in a dispute ...'. However, aggression is a method of gaining or maintaining prestige in these networks. By contrast, in the international system, high-prestige states may be able to get what they need without reverting to aggression since prestige is decoupled from aggression. The extent to which nations will go to defend their prestige and honour has changed in the 'post-heroinic' West, and before all in Europe. Some can attain prestige without aggression. But aggression has been used to exact revenge for the attenuation of prestige, honour and reputation (Elster, 1990; Lebow, 2008, p. 130). These motivations can still incite advanced liberal democracies to the ultimate in risk and sacrifice, Britain's military reclaiming of the Falkland Islands being one example. Their symbolic importance had been canvassed in a 1952 Cabinet memo (NA, 1953, p. 5), which considered disposing of the 'commitment' to the United States, before determining that 'public admission of our inability to maintain these traditional possessions would cause a loss of prestige wholly out of proportion to the saving in money obtained. It might precipitate a scramble by the numerous claimants to various parts of British territory'. In the following sections, a diverse historical selection impresses that prestige is a universal motivation and effect. Other periods, national and regional examples, personalities or events could also be deployed. The ancient world interplay between prestige's internal and external political dimensions, an early two-level game, was present in the Mesopotamian of 1500 BC. Rulers believed that 'Great prestige with the inner public is necessary in order to negotiate from strength, and success in negotiations increases inner prestige' (Liverani, 2001, p. 10). For the same reasons, Ramses II of Egypt, aided by a poet, the 'official record' and pictorial reliefs, presented a defeat at the battle of Kadesh in 1274 BC as an implausible stunning victory. Ramses wanted the 'prodigies of personal valor' recounted (Breasted, 1903; 1906). As Pharaoh, Ramses represented the peak of the Egyptian hierarchy. A level below were priests and magicians, closely linked categories, who practiced 'ritual magic ... on behalf of the state for three thousand years, enhancing its and their prestige. One consequence was the reproduction of Egyptian texts, jewellery and artefacts in Greek, Roman and other Mediterranean societies (Pinch, 1994). Lemche (1985, p. 120) characterised prestige as the 'central concept' explaining leadership in tribal groups in the area of today's Israel and Palestine. Prestige was acquired and sustained by, among other factors and qualities, 'wealth, warlike accomplishments, and eloquence'. Without them, a leader would lose prestige and be deposed. Pfoh's (2008, p. 104) intriguing study of the same region and era elaborates on patronage arrangements that formed a 'pyramidal socio-political network'. Networks were and to some extent are the 'formal expression of a cluster of values that characterizes traditional Mediterranean societies, among others honor and prestige'. This period was contemporaneous to the subject matter of Homer's Iliad and Odyssey, works that embedded battlefield prestige in the Greek world. A distinction can be made between the glory Achilles won as a warrior, and honour, which he did not exhibit in his (initial) treatment of the dead Hector (Homer: Iliad XXIII). Only when Priam comes to his camp as a 'suppliant' does Achilles return Hector's body 'with all honourable courtesies' (Homer: Iliad XXIII; Crotty, 1994). Cornell (2002) vividly illustrates the ritualised conduct of warfare, frequently 'occasioned by the need to exact vengeance for a perceived insult or wrong ... men engage in war for personal and private motives rather than public and political ones ... the aim of the exercise is to obtain prestige and honour, rather than any political or material advantage'. But this form of prestige-seeking did have a political element. Wars are not apolitical events, even if the range of experience and effect transcends politics. Greek warriors were engaged in a political contest as well as one of honour. Lebow (2008, pp. 195–96) suggests the same. Material advantages were not irrelevant. Rather, 'gains ... function as part of the honour system because they are expended in conspicuous displays of rewards to followers, feasting and gift-giving and therefore serve to reinforce': the prestige and standing of successful warriors ... heroes are engaged in an incessant competition for honour and prestige both on and off the battlefield. (Cornell, 2002, p. 32) The Peloponnesian War had material-strategic and ideational-emotive impulses, among which prestige and honour, resentment and indignation are prominent. Preceding military hostilities, Corinth complains of Corcyra that 'we did not found the colony to be insulted by them, but to be their head and to be regarded with a proper respect. At any rate our other colonies honour us' (Thucydides, 1.38; cf. Kagan, 1969, pp. 219–221). Prestige figures in transgressions of protocol, such as the wrong cut of meat being offered to Corinthians, or as influencing alliances with Sparta. Crane (1992, p. 8) conveys its elastic qualities: The symbolic performance of rank was an end in itself, and the accumulation of wealth and allies can properly be seen as a means to attain such public signs of prestige. Material and symbolic power are symbiotic and reinforce each other ... The relationship of the great tyrants of Sicily with mainland Greece reveals clearly enough the complex relationship between material power and intangible prestige. And, 'even those on the "margins" of the Greek world, whose prestige may be lower than their material power would suggest, manipulate the existing value system to legitimate and establish themselves' (Crane, 1992, pp. 9–10). For some participants, prestige was sought through conspicuous heroism or sacrifice, but not only via these means. Here a distinction between prestige and honour emerges. The former is portrayed as standing, the latter as a convention and duty. As the war drags on, honour is threatened and even overwhelmed. So much that 'The ancient simplicity into which honour so largely entered was laughed down and disappeared; and society became divided into camps in which no man trusted his fellow' (Thucydides 3.83). For imperial Rome, Greek civilisation inspired qualified reverence. The Romans introduced other perspectives on war. In contrast to the Greeks, for whom 'the measure of warrior prestige was not actual victory but ideological valour, not the result of the warrior's action but the quality and spirit of his person', 'pure physical strength now has a low valuation, and high esteem is reserved for superior technical skill and static dignity' (Hölscher, 2003, p. 9, 15). In Rome, 'war was not a social and cultural experience but a matter for the state ... Romans do not much care for their fallen dead, because death in war – except for some great heroes of the past – was not glorious but shameful. Only victories counted'. These attitudes were transmitted in art, where 'Life and power' meant 'dignity and status, while defeat and death mean the systematic destruction of such dignity and status'; and religion, which, other than in Greece, 'played a significant role in the conversion of prestige in war into political power' (Hölscher, 2003, pp. 12–14). These passages both preview the force of religion in Christendom, driven by and dependent on a mystical prestige, and glimpse the sentimental modernity that was to challenge and relegate church prestige below that of the state. Reinhold, following Rousseau, maintains that the Romans were the 'most status-symbol-conscious people of the ancient world' (1969, p. 300). Ambitious social climbers attempted to appropriate status associated with purple, ostensibly reserved for nobility, even when dyes and garments were of inferior quality. This early version of upwardly mobile aspiration was galvanised by a socio-political reform under Augustus. Romans also wanted prestige to escort them in death. Political importance and social status were reiterated in the imago, which was to ensure immortality for departed aristocrats and public figures (Flower, 1996). The prosopography (Martindale et al, 1971; 1980; 1992) records the standing ascribed and sought across the empire. It presaged later concerns with 'occupational prestige' (Treiman, 1977; Parcel and Mueller, 1983). Rome had military and civilisational bases for considering itself prestigious. An innovation intended to reflect this to domestic audiences was the triumph, a precursor to modern manifestations of political prestige transmission. When its armies returned victorious, Rome celebrated. The centrepiece was a procession featuring the principal general, the *vir triumphalis*, and officers, soldiers and captives, cheered by onlookers anticipating the spectacles that would follow. Beard (2007) suggests that for all its pomp, the triumph masked republican Rome's frailty, that the prestige it revelled in was shallow and insecure. Miller (2001) describes how the triumph was copied in the age of Elizabeth I and Oliver Cromwell, used by royal and roundhead alike, intent on raising England's and their own prestige at the cost of Spain. The British century and the transition to US predominance Britain's tangible technological, economic and military achievements stimulated a pride and confidence that percolated into the popular consciousness. By the nineteenth century, British influence was manifested by its global empire and role as a balancer of European rivals. Colonies provided raw materials, purchasers, transport routes and transit points for a commercial network. The empire was not established and sustained through trade or intellect, psychological devices and other 'invisible' factors alone. In industrial, economic and naval terms, Britain was the world's most powerful entity. Otte (2001, p. 13) observes that 'Britain's prestige and her international position had rested on her willingness to intervene in European affairs diplomatically or by force'. Nicolson (1937, p. 31) argued, 'Our unchallenged security during the course of the nineteenth century enabled us to build up our Empire': and to create our prestige with a minimum expenditure of force. Yet to contend that we acquired our Empire merely by the exercise of our more agreeable qualities would be to advance a contention which is untrue ... our own navalism was as excessive as it could be. In Savage's (2011) account, prestige is the unstated property that accompanies a superior military and technology to ensure the stability of 'informal empire'. Halvorson (2010, p. 439) claims that 'for a status quo imperial power, the maintenance of prestige is the fundamental interest from which security and wealth flow'. For Kelly (2003), 'Britain's Imperial system had long relied on "prestige" to counter its often chronic material weakness'. Spurred by the British example, competitors, including the Dutch (Kogure, 2008), French (Israeli, 1992) and the unified German state (Wehler, 1970; Hildebrand, 1989), also sought goods, territories and aligned prestige. As challenges mounted, the British genius for prestige projection became crucial. When material power wanes, the importance of prestige increases. When prestige wanes, empires end. British diplomatic dispatches, cabinet papers and Foreign Office memos of the later nineteenth and the twentieth centuries are peppered with references to the maintaining, improving or restoring of British prestige and occasionally to the condition of others' prestige (National Archives (NA), 1914; 1950; 1952; 1953). Despite vast losses during the First World War, Britain and France still had reservoirs of prestige accumulated through economic and industrial capacity, long histories and political-diplomatic standing. Hitler knew this but demoted it below superior war-fighting resources and the will to deploy them. Nicolson (1937, p. 30) emphasises in original had considered that power and reputation were essential for a state to possess prestige, but that 'although you cannot acquire prestige without power, you cannot retain prestige without reputation'. Twenty years later, he declared it 'evident that prestige is based on force alone' (Drinkwater, 2005, p. 73). As Britain's material power declined, its governments were increasingly reliant on the United States to reflate its concomitantly waning prestige. France's similar relative decline encouraged European integration, and embrace of Erbfriede (west) Germany as its main and subordinate partner, as a means to restore prestige. During the Suez crisis, Britain and France were incapable of withstanding their now far more powerful ally, the United States. The then Prime Minister of Australia, Robert Menzies, spoke nostalgically that 'It is apparently not fashionable to speak of prestige'. Yet ... peace in the world and the efficacy of the United Nations Charter ... require that the British Commonwealth and in particular its greatest and most experienced member, the United Kingdom, should retain power, prestige and moral influence. (Menzies, 1958) Meanwhile, United States' policy was guided by calculations of its own geo-strategic interest and prestige. The weakening of European influence in the Middle East resulted in a shift to and intensification of pressures on the United States. Israel demonstrated itself capable of defeating the Arab states in war; however, if a Soviet threat was to be averted or needed to be repelled, the United States had to provide that guarantee. A CIA report articulated the dilemma that the United States and the Soviet Union became embroiled in. In the region for strategic reasons, prestige was an affiliated motivation and snare for both: continuous engagement would result if the Israelis should ever decide

that they must attack Soviet airfields in Egypt or resume the assault on Egyptian facilities ... the USSR would find its prestige more and more heavily pledged on the outcome of this contest and therefore would feel severe pressure to keep funneling more and more air defense forces into Egypt so long as the issue was in doubt. This, in turn, would place increasing pressure on the US to furnish greater and greater assistance to Israel. (CIA, 1971, p. 150) Castro's Cuba had presented a similar problem, exacerbated by the failed Bay of Pigs invasion. Morgenthau (1967) argued that the United States had interests in eliminating Soviet power, especially as it might be projected from Cuba, and in 'avoiding whatever would jeopardize its standing in the new and emerging nations'. But US policymakers and decision makers did not accurately perceive when prestige was most crucial: in order to minimize the loss of prestige, the United States jeopardized the success of the intervention. Instead of using concern for prestige as a datum among others in the political equation – that is, as an interest among others – it submitted to it as though it were an abstract principle imposing absolute limits upon the actions necessary to achieve success ... we lost much prestige as a great nation able to use its power successfully. Thus, prioritising prestige in the short term resulted in a loss of prestige in the longer term. If the Cuba problem had been addressed 'in a rational fashion', US policymakers would have calculated that succeeding in the intervention was more important than preventing 'a temporary loss of prestige among the new and emerging nations' (Morgenthau, 1967, p. 98). The inference is that short-term prestige-seeking is 'non-rational', whereas possessing it in the long term is rational. With advantages of hindsight and sources, Johnson and Tierney (2003) interpret the US policy somewhat differently to Morgenthau but also impress the central role of prestige in the Cuba crisis. In their view, 'Kennedy and the United States subsequently emerged with enhanced prestige: in many

ways the factor that mattered most in the Cold War'. China and Russia **Like change in the international balance of influence, prestige is**

generally **a stronger impetus for revisionist actors than those satisfied with the status quo** Chinese and

Russian concerns about status in the world permeate the respective **national psychologies** (Sun, 2002; Callahan, 2004; Tsygankov, 2008; Larson and Schevchenko, 2010a, 2010b; Tsygankov and Tsygankov, 2010). For China, boosting industrial, technological and military capacity is presumed to result in prestige dividends. Martel and Yoshihara (2003) write that 'China's obsession with national prestige, which forms the backdrop for its commercial and military interests, also animates the country's space policy'. This is one example of direct competition with the United States, which is simultaneously resented for not paying China adequate tribute, and the benchmark against which international status and prestige is measured. For the Chinese Communist Party (CCP), economic progress and display enable the Chinese state and nation to inspire awe in outsiders, and thereby strengthens the party's internal position. Presentation of itself as China's manifest destiny makes the CCP highly sensitive to criticism of the state or nation (Fitzgerald, 1999; Shambaugh, 2008; McGregor, 2010). Setbacks to domestic or international performance are felt as humiliation. Gries (2005) shows how 'rationalist and social psychological variables ... help explain why Chinese diplomats were unable to resolve the Belgrade bombing incident through cool diplomacy – the instrumental stakes were too high, and the assault on Chinese self-esteem was too acute'. Consequently, 'rejecting America's repeated apologies was one of the few ways China's leadership could seek to restore Chinese self-esteem in the eyes of the Chinese people'. A recent instance of attempted face-saving was a cover-up by regime authorities after a high-speed train tragedy (Asian Correspondent, 2011; Hilton, 2011; The

Economist, 2011). Vladimir **Putin's incumbency** as President and Prime Minister **is featured by a reassertion of Russia's global**

standing **Geopolitical and economic interests and resentment at western treatment drive a** **nationalisation agenda and assertive foreign policy.** Feelings of 'Bonapartist revanchism' (Rasizade, 2008) were vehemently expressed in a speech

(Putin, 2007) **attacking American** unipolar assumptions and **encroachment in Russia's rightful sphere of influence**. The speech was a demand for respect and acknowledgment of status. The same year, 9 per cent of Russians, the third and fourth highest response in successive surveys, considered that the principal objective of

'Putin's Plan' was to **'increase Russia's prestige'** (VCIOM, 2007). Baek (2009, p. 457) argues that **Ideational factors are particularly**

important for the decision-making of the Russian leadership, which is preoccupied with national

identity, national status, and prestige in the international system, Russia's historical mission'. **These 'ideational factors' coalesce with**

strategic influence. Energy resources are one means of wielding leverage; the possession and occasional

deployment of still **substantial military force another.** Ambrosio (2006) accents the rise in significance of 'non-material values' in the post-Cold War

era. His analysis is applied to Russia-US relations, especially regarding conflict in and over Yugoslavia. He locates the source of Russian policy as 'dominant **beliefs** in its domestic society and political

establishment; **that Russia had to regain and maintain the status of a 'great power'.** This propelled a contrarian response to the

United States and its allies, despite Yugoslavia (or Serbia) not being a 'matter of Russia's direct, significant security interests'. **Emotional reactions were generated**

and exacerbated because the world was viewed through a realist prism. Similar attitudes and policy have continued in various

phases of intensity since. **The political elite round Putin wants esteem** domestically and **status with commensurate**

respect internationally. These are necessary parts of a virtuous **circle that serves ideational and**

material goals: prestige, status and respect endow influence, which underpins recognition,

which enhances prestige, status and respect. Larson and Schevchenko (2010b) put it simply 'prestige matters'. China and Russia share serious 'concerns for recognition and status, always central to their historic identities'. These concerns were 'intensified by the end of the Cold War' after which both 'experienced major blows to their prestige'. The authors advocate a

'status-enhancement strategy' to draw them into cooperative global governance. **The United States, in particular, should refrain from actions that**

undermine China's and **Russia's prestige'**

Russian prestige necessary for coop on WMD prolif, terror, and stable energy supplies – ONLY the disad can access these impacts

Larson 10

(Deborah, "Prestige Matters: Chinese and Russian Status Concerns and U.S. Foreign Policy," pg online @

http://belfercenter.ksg.harvard.edu/publication/20090/prestige_matters.html//um-ef)

PRESTIGE MATTERS Chinese and Russian cooperation is critical in dealing with key issues such as curbing proliferation of weapons of mass destruction, controlling terrorism, rebuilding Afghanistan and Iraq, and maintaining stable energy supplies. Among rising powers, China and Russia pose problems more difficult and complex than those of other states because, as states that are neither U.S. allies nor Western-style democracies, they are outsiders that do not always accept the rules of the liberal "core" of the international system. As a result, conventional prescriptions for enhancing world order (e.g., admission to international institutions, promotion of liberal democratic norms, and encouragement of economic interdependence) are at best only partially relevant to securing Beijing's and Moscow's contribution to global governance. The authors recommend an alternative approach based on a greater appreciation of China's and Russia's quest for distinctive identities and their heightened international prestige concerns. Chinese and Russian behavior since the beginning of the twenty-first century suggests that the desire for increased international status can motivate both countries to take on more responsibility for global governance.

BEIJING'S AND MOSCOW'S SEARCH FOR STATUS China's and Russia's concerns for recognition and status, always central to their historic identities, were intensified by the end of the Cold War. China has long sought to restore its great power standing after a "century of humiliation" beginning with the Opium War (1839–1842), and Russia has been preoccupied with great power status regardless of whether it had the material wherewithal. In the 1990s, both states experienced major blows to their prestige, as China's rulers were viewed by the West as being "on the wrong side of history" and Russia's leadership was dismissed as unstable, corrupt, and incompetent. President Bill Clinton's administration made China's and Russia's admission to prestigious institutions such as the World Trade Organization, North Atlantic Treaty Organization (NATO), and the Group of Seven (G-7) conditional on greater progress toward liberal democracy and free markets. Frustrated by their continued exclusion, despite having enacted domestic reforms, both states tried to compete for prestige with the United States and its partners. China's provocative missile tests in the Taiwan Strait aroused fears in Asia, however, and Russia's diplomatic balancing could not attract partners to an anti-U.S. diplomatic alliance. Recognizing that their desire for improved status had not been attained and that the U.S.-dominated status hierarchy was secure, China and Russia adopted more innovative strategies for acquiring prestige that did not challenge the United States. China became a strategic partner with all major poles of the international system, participating in multilateral organizations (e.g., the Shanghai Cooperation Organization and Association for Southeast Asian Nations Plus Three), sponsoring six-party talks on North Korea's nuclear program, proposing a new free trade area with Southeast Asia, and after the September 11, 2001, terrorist attacks, supporting U.S. counterterrorism efforts. President George W. Bush showed appreciation for China's constructive behavior by holding formal summits with Chinese leaders and by inaugurating "strategic dialogues" between high-level U.S. and Chinese officials. Russian President Vladimir Putin seized the opportunity provided by the September 11 terrorist attacks to reframe Russia's identity as an equal, special partner with the United States in the war on terror. Russia's cooperation with the United States was both valuable and extensive, including sharing political and military intelligence, allowing U.S. planes to fly over Russian territory, acquiescing to U.S. military bases in Central Asia, and providing a liaison with an anti-Taliban force in Afghanistan, the Northern Alliance. Putin showed that the geopolitical rivalry with the United States was over by withdrawing from a large Russian electronic intelligence-gathering base in Cuba and a naval base in Vietnam; reacting calmly to the U.S. withdrawal from the Antiballistic Missile treaty and the admission of the Baltic states to NATO; and accepting a Strategic Arms Reduction Treaty that allowed the United States to store dismantled warheads. The U.S.-Russian strategic partnership did not last long, however. The Bush administration was unwilling to treat Russia as a partner, much less as an equal. A major irritant among members of Russian political circles was the U.S. failure to graduate Russia from the Cold War–era Jackson-

Vanik amendment, which prevents normal trading relations with a state that restricts emigration. The United States showed indifference to Russia's status concerns by invading Iraq, a former Soviet client, without consulting with Moscow; supporting "color" revolutions in neighboring countries that were regarded as humiliating interference in Russia's sphere of influence; and publicly criticizing Putin's domestic policies as "backsliding" from democracy. Russia's desire to assert its comeback on the world stage, as well as to proclaim a sphere of "privileged interest" in the post-Soviet space, were evident in its August 2008 incursion into Georgia. President Barack Obama's adoption of more respectful policies toward Russia has elicited a more cooperative attitude by Russian President Dmitri Medvedev toward curbing Iran's nuclear program and allowing U.S. cargo flights in Russian air space to supply NATO's military effort in Afghanistan.

THE STRATEGY OF STATUS ENHANCEMENT China and Russia are more likely to engage in constructive status-seeking behavior if the United States finds ways to recognize their international status and distinctive identities. For example, strategic dialogues, formal summits, and strategic partnerships can help to establish issue agendas for future collaboration and symbolize that states are political equals. Engagement through trade and investment does not resolve conflicting political goals. Integration into Western, value-based institutions such as NATO or the G-8 is impractical for aspiring great powers such as China and Russia that want to maintain their distinctive national and cultural identities rather than emulate the established states. Instead of the "Washington Consensus" on neoliberal economic principles espoused by Western financial institutions such as the International Monetary Fund (IMF), China promotes the "Beijing Consensus," advocating adaptation of economic policies to national conditions. Similarly, Putin's team has promoted the concept of "sovereign democracy," arguing that there is more than one definition of democracy and that Russia is following the way best suited to its history and culture. A status enhancement strategy is also superior to a neocontainment policy of imposing ideological criteria for participation in global governance, as reflected in recent calls for a Concert of Democracies that would exclude China and Russia. Such simplistic Wilsonianism is self-defeating because Russia and China would respond by withdrawing cooperation on key issues or by engaging in spoiler behavior.

RECOMMENDATIONS Consultation (such as senior-level strategic dialogues) on issues affecting China's and Russia's interests should be expanded and institutionalized. China and Russia should be encouraged to take greater responsibility in return for sharing leadership roles. For example, the United States could join with China and Russia in a working group on energy security. There could be a consortium on promoting economic development in Central Asia. Chinese and Russian institutional initiatives

(such as President Medvedev's recent proposal for new European security institutions) deserve serious consideration and a positive response from the West. Russia is outside the main European security structures, NATO and the European Union, and an overarching security treaty on the model of the 1975 Helsinki accords would treat Russia as an equal partner with Europe and the United States. **The United States should refrain from actions that undermine** China's and **Russia's prestige**. China is more likely to revalue the renminbi out of self-interest—to reduce its export dependence and to fight inflation—than to comply with humiliating demands from the U.S. Congress or the IMF. Similarly, the United States should avoid antagonizing Russia by further enlarging NATO to include other states in Russia's area of historic interest.

Perceived national humiliation and loss of great power status drive Russia towards nationalism—history proves.

Tuminez '00

(Astrid S. Tuminez, RUSSIAN NATIONALISM SINCE 1856: IDEOLOGY AND THE MAKING OF FOREIGN POLICY, 2000, p. 268.)

A second prominent feature of Russian nationalism is that in cases where it briefly bonded state and society (e.g., in 1876-78 and in 1914), **the sentiments that motivated nationalist fervor were mainly national humiliation and defiance in the face of external threats, crises, and the prospect of further humiliation**. The third and fourth chapters in this book illustrate this. **During the periods studied, an aggressive form of nationalism became widespread, mobilized large numbers of people, and influenced Russian foreign policy, particularly decisions to go to war.** The impact of **nationalism occurred during moments when both Russian state authorities and the articulate public believed that their state had been deeply humiliated, was facing further humiliation, and must respond decisively** to external threats and challenges. Chapters 3 and 4 showed that Russian nationalism, when it manifested itself (however briefly) as an integrative force, was the product not of pride, victory, prosperity, or state-sponsored socioeconomic development or nation-building, but the result of shame and **a desire to compensate for** humiliation and **weakness** in an unfriendly world. In the post-Soviet period, the rise of nationalist discourse has itself been the product of new humiliation and Russian loss and shame. However, as chapter 6 pointed out, such mitigating factors as weaker imperial discourse and a relatively benign international environment have held aggressive nationalism in check in Russia until 1998. How can the impact of national humiliation be further minimized? Can a strong but benign nationalism develop in Russia—a nationalism that articulates primarily a civic definition of the nation; emphasizes a nonchauvinistic self-image and celebrates the interpenetration of Russian and other cultures; and argues for a national purpose focused on internal prosperity, preservation of cultural achievements, and a balancing of political rights and duties between state and society? Can Russia consolidate state-society relations on the basis of nationalism that is not the product of humiliation and resentment against the outside world?

Internals: U.S. Pressure = War

And, U.S. interference causes US/Russia war

Sanz 8

(Daniel, Oxford University educated author, essayist, and financial analyst For U.S. Security, Next Administration Will Have To Repair Relationship With Russia, 1 October 2008, http://www.huffingtonpost.com/daniel-bruno-sanz/for-us-security-next-admi_b_130894.html)

The Obama administration will need to completely overhaul US foreign policy to include de facto recognition of Russia's legitimate security needs and recognition of Russia's sphere of influence including South Ossetia, Abkhazia and Georgia. Only this way can America's own security be assured The profligate Bush administration has pledged \$1 billion to help Georgia recover from its ill-advised invasion of South Ossetia and consequent beating by the Russian army. This arrogant interference of ours will only enrage the Russians and inflame anti-Americanism It is not in our interest to confront and set off a new arms race costing billions of dollars that we will have to borrow from abroad while increased geopolitical tensions keep energy prices sky high. The only way to meet America's national security needs is to work with Russia to create a neutral, demilitarized buffer zone around the Russian border. Enormous oceans to the east and the west and docile neighbors to the north and south act as America's buffer zone. Helping Russia achieve peace of mind about its security and true American intentions will reap untold benefits for the U nited States. The offensive missile batteries in Poland and the Czech Republic need to be withdrawn immediately. The Russians will be more than amenable to a tit-for-tat withdraw of their armed forces from the Western Hemisphere. We need Russian cooperation at the United Nations on a host of issues from nonproliferation to global warming and terrorism. It is not in the interests of the U nited States to alienate this large and powerful country while sticking up for every thorn in its side. Current American policies towards Russia betray a haughty ignorance of her history and contempt for her people , who approve of Vladimir Putin and the Georgia war. **The United States risks military confrontation with Russia at its peril.**

Internals: Russia Relations

US democracy promotion causes Russian backlash

Burnell and Youngs 9 (Peter Burnell, Professor of Politics and International Studies, Richard Youngs, Senior Associate Carnegie Endowment for International Peace and Professor of International Relations, "New Challenges to Democratization," Routledge, December 4, 2009)//AG

In 2006, I and other writers called attention to an emergent international backlash against democracy promotion (Carothers 2006; National Endowment for Democracy 2006). The backlash entails growing hostility and resistance on the part of authoritarian and semi-authoritarian governments to Western, especially US democracy promotion programs and policies. Of course, Western democracy supporters have long encountered a closed door or heavy resistance in many authoritarian countries: This current phenomenon is about governments that once allowed external democracy assistance in their country forcing out or greatly restricting such activities, or it is about governments that never paid much attention to the possibility of such activities on their territory suddenly taking steps to block it. The measures that governments employ against democracy assistance vary. In some cases, governments impose legal restrictions that force democracy aid groups resident in the country to leave or prevent those attempting to work from a distance to do so. Restrictions on the funding and activities of nongovernmental organizations (NGOs)—NGO laws—are a favorite such instrument although laws and regulations relating to political parties and/or elections are also used. Some governments do not force out or completely block external democracy aid groups but harass them. The harassment may be crudely physical—beatings, thefts, and threats against representatives of such groups or against their local partners. Or the harassment may be legal or administrative, such as intrusive tax inspections, administrative fines and office space refusals. Harassment may also take the form of public criticisms or denunciations by government officials of democracy aid groups and their work. The Russian government, under then President Vladimir Putin, was the initial leading force of the backlash but governments in other parts of the world, including Central Asia, East Asia, the Middle East, Sub-Saharan Africa, and Latin America, quickly joined in. In the past few years the backlash has continued and spread. Russia remains the paradigmatic case. In his last two years as president before handing over in mid-2008, Vladimir Putin stepped up his assertive campaign against Western democracy promotion. He denounced Western democracy aid providers in harsh, blunt language as political meddlers who violate Russian sovereignty. Shortly before the December 2007 Duma elections, for example, he denounced Western democracy aid in scathing terms: Unfortunately, some people in this country treacherously gather near foreign embassies, and are hanging around diplomatic missions in hopes of support from foreign funds and governments, not from their own people ... There are those confronting us who do not want us to carry our plans ... They need a weak and feeble state. They need a dis-organized and disoriented society, a split society, so that they can carry out their dirty tricks behind its back.' Russian authorities have harassed and expelled representatives of Western democracy promotion groups. They have made it difficult for

Russian NGOs to receive Western funding and harassed many of those that do. Putin mounted a sustained attack on the election monitoring work of the Organization for Security and Cooperation in Europe (OSCE), imposing such restrictive conditions that the OSCE declined to send observers to the 2007 Duma elections and the 2008 presidential elections. Putin also sought to stir up a similar resistance to Western democracy promotion in other countries, personally warning leaders in China, Central Asia, and elsewhere about what he believed were the dangerous nature of such activities.

China Impacts

2NC Impact: China

US criticism of China on HR tanks relations

Zeng et al 15 (Jinghan Zeng, Vice-Chancellor's 2020 Lecturer in the Department of Politics and Public Policy at De Montfort University and an Associate Fellow in the Centre for the Study of Globalisation and Regionalisation at the University of Warwick, Yuefan Xiao, Postdoctoral Research Fellow at the Amsterdam School for Cultural Analysis, University of Amsterdam, Professor of Politics and International Studies at the University of Warwick and Senior Scientist on the EU funded GR: EEN Project (Global Reordering: Evolution through European Networks) that focuses on the EU's role in a multipolar world, Associate Fellow of the Chatham House Asia Programme and co-editor of The Pacific Review, "Securing China's Core Interests: The State of the Debate in China," International Affairs, March 27 2015, <http://onlinelibrary.wiley.com/doi/10.1111/1468-2346.12233/full>)/AG

By far the biggest problem for China in respect of protecting its core interests is the United States. Taiwan is not only important in itself for China; it is also considered to be the biggest problem in Sino-US relations. Moreover, the US is blamed for trying to sabotage this most important core interest. For example, one article argues that, 'regarding the issue of the most central and important interest [Taiwan], the US has always been interfering, challenging, and damaging China's core interests'.⁷⁹ In total, 14.81 per cent of papers refer to US policy towards China on a range of other issues (especially Xinjiang, Tibet and human rights policies) as threatening China's core interests. It is argued that the US has never 'cared' about China's core interests. For example, one article argues: 'The US has never had any scruples respecting China's core interests ... the more important the issues are concerned with China's national core interests, the more likely that the US will "challenge" them.'⁸⁰ In two articles, Chu Shulong, a professor at Tsinghua University, goes a step further and argues that the core interests of the US and China cannot be resolved because they are 'oppositional'.⁸¹ It is argued that the core interests of the US and China are 'opposite and confrontational ... this fundamentally determines that Sino-US relations cannot be friendly—it may even be an opposing and confrontational relationship'.⁸² This view echoes the prediction of Great Power conflict theory that the core interests of the rising power and the existing hegemon will eventually clash—though without directly engaging with the extant (western) literature on the theme. There is, then, a tendency to treat tensions in US–Chinese relations as an unfortunate but natural fact of life in a changing world order. As one article puts it: 'It is not easy to ask the US to give up its hegemonic attitude and actions; and it is impossible to ask China to continue to tolerate the US actions that damaged China's core interests. So a struggle is inevitable.'⁸³

Relations collapse causes US China War

Goldstein 13

(2013, Avery, Professor of Global Politics and International Relations, Director of the Center for the Study of Contemporary China, University of Pennsylvania, "First Things First: The Pressing Danger of Crisis Instability in U.S.-China Relations," International Security, vol. 37, no. 4, Spring, muse)

Two concerns have driven much of the debate about international security in the post-Cold War era. The first is the potentially deadly mix of nuclear proliferation, rogue states, and international terrorists, a worry that became dominant after the terrorist attacks against the United States on September 11, 2001.¹ The second concern, one whose prominence has waxed and waned since the mid-1990s, is the potentially disruptive impact that China will have if it emerges as a peer competitor of the United States, challenging an international order established during the era of U.S. preponderance.² Reflecting this second concern, some analysts have expressed reservations about the dominant post-September 11 security agenda, arguing that China could challenge U.S. global interests in ways that terrorists and rogue states cannot. In this article, I raise a more pressing issue, one to which not enough attention has been paid. For at least the

next decade, while China remains relatively weak, **the gravest danger in Sino-American relations is the possibility the two countries will find themselves in a crisis that could escalate to open military conflict.** In contrast to the long-term prospect of a new great power rivalry between the United States and China, which ultimately rests on debatable claims about the intentions of the two countries and uncertain forecasts about big shifts in their national capabilities, **the danger of instability in a crisis involving these two nuclear-armed states is a tangible, near-term concern.**³ Even if the probability of such a war-threatening crisis and its escalation to the use of significant military force is low, the potentially catastrophic consequences of this scenario provide good reason for analysts to better understand its dynamics and for policymakers to fully consider its implications. Moreover, **events since 2010**—especially those relevant to disputes **in the East and South China Seas**—suggest that **the danger of a military confrontation in the Western Pacific that could lead to a U.S.-China standoff may be on the rise.** In what follows, I identify not just pressures to use force preemptively that pose the most serious risk should a Sino-American confrontation unfold, but also related, if slightly less dramatic, incentives to initiate the limited use of force to gain bargaining leverage—a second trigger for potentially devastating instability during a crisis.⁴ My discussion proceeds in three sections. The first section explains why, during the next decade or two, **a serious U.S.-China crisis may be more likely** than is currently recognized. The second section examines the features of plausible Sino-American crises that may make them so dangerous. The third section considers general features of crisis stability in asymmetric dyads such as the one in which a U.S. superpower would confront an increasingly capable but still thoroughly overmatched China—the asymmetry that will prevail for at least the next decade. This more stylized discussion clarifies the inadequacy of focusing one-sidedly on conventional forces, as has much of the current commentary about the modernization of China's military and the implications this has for potential conflicts with the United States in the Western Pacific,⁵ or of focusing one-sidedly on China's nuclear forces, as a smaller slice of the commentary has.⁶ An assessment considering the interaction of conventional and nuclear forces indicates why escalation resulting from crisis instability remains a devastating possibility. **Before proceeding, however, I would like to clarify my use of the terms "crisis" and "instability."** For the purposes of this article, I **define a crisis as a confrontation** between states involving a serious threat to vital national interests for both sides, in which there is the expectation of a short time for resolution, and in which there is **understood to be a sharply increased risk of war.**⁷ This definition distinguishes crises from many situations to which the label is sometimes applied, such as more protracted confrontations; sharp disagreements over important matters that are not vital interests and in which military force seems irrelevant; and political disputes involving vital interests, even those with military components, that present little immediate risk of war.⁸ **I define instability as the temptation to resort to force in a crisis.**⁹ **Crisis stability is greatest when both sides strongly prefer to continue bargaining; instability is greatest when they are strongly tempted to resort to the use of military force.** **Stability, then, describes a spectrum**—from one extreme in which neither side sees much advantage to using force, through a range of situations in which the balance of costs and benefits of using force varies for each side, to the other extreme in which the benefits of using force so greatly exceed the costs that striking first looks nearly irresistible to both sides. **Although the incentives to initiate the use of force may not reach this extreme level in a U.S. China crisis, the capabilities that the two countries possess raise concerns that escalation pressures will exist and that they may be highest early in a crisis, compressing the time frame for diplomacy to avert military conflict.**

Impacts: U.S.-China War Outweighs

War with China goes nuclear – safeguards won't prevent escalation

Wittner 11

(11/28/11, Lawrence, PhD in history from Columbia University, Emeritus Professor of History at the State University of New York/Albany, "COMMENTARY: Is a Nuclear War with China Possible?" <http://www.huntingtonnews.net/14446>)

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. **The current deterioration of U.S. relations with China might end up providing us with yet another example** of this phenomenon. **The gathering tension** between the United States and China **is clear enough**. Disturbed by China's growing economic and military strength, **the U.S. government recently challenged China's claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region**. According to Secretary of State Hillary Clinton, the United States was "asserting our own position as a Pacific power." But **need this lead to nuclear war?** Not necessarily. And yet, **there are signs that it could**. After all, both the United States and China possess large numbers of nuclear weapons. **The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over** the future of China's offshore islands, **Quemoy and Matsu**. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would "be used just exactly as you would use a bullet or anything else." Of course, China didn't have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. **Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations**; and, admittedly, there haven't been very many—at least not yet. **But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur**. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan's foreign secretary threatened that, if the war escalated, his country felt free to use "any weapon" in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. **At the least, though, don't nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn't feel deterred, for, throughout the Cold War, NATO's strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack** on the nuclear-armed Soviet Union. **Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to** championing "Star Wars" and its modern variant, **national missile defense**. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, **the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred**. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. **Surely the United States would "win" any nuclear war with China. But what would that "victory" entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning**, the Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, **radioactive debris sent aloft by the nuclear explosions would blot out the sun** and bring on a "nuclear winter"

around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

Bahrain Impact

1NC/2NC

Good Bahrain relations now and key to provide a safe haven for the US Navy – US's silence on human rights policies is crucial to maintain good relations

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Once upon a time, President Barack Obama's administration not only followed the crisis in Bahrain closely, but spoke loudly about it. American policy was clearly to press for a compromise between the Sunni royal family and the majority Shiite population. After all, the U.S. Fifth Fleet is based in Bahrain, allowing the United States to project its naval power across the Gulf, and roughly 8,500 Americans live there. Violence and instability in Manama are obviously something the United States wishes to avoid. Way back in 2011, when the Arab Spring began and protests spread across the country, demanding more democracy and better representation for Shiites, Obama himself pressed for change in Bahrain. In February 2011, as protesters massed in the tens of thousands at Manama's Pearl Roundabout, the president issued a statement welcoming reform plans – which, alas, were never really carried through – announced by King Hamad bin Isa Al Khalifa. Obama reaffirmed that it was the U.S. position that Bahrain's stability would be ensured through "respecting the universal rights of the people of Bahrain and reforms that meet the aspirations of all Bahrainis." The king, however, answered Obama's call for reform with more repression. On March 14, he invited in troops from Saudi Arabia and the United Arab Emirates to help put down the protests. Thousands of security forces stormed the Pearl Roundabout demonstrations on

March 16, clearing the protest camp and arresting its leaders. Two days later, the Pearl Monument at the center of the roundabout, which had become an icon of the protests, was demolished, and closed the area off to the public. In the aftermath of the crackdown, Obama's tone on Bahrain noticeably toughened. The message was clear: Stability must depend on respecting the rights of the people, not on foreign troops. When the president gave a major speech on the Middle East in May 2011, he was even more critical of Bahrain and its policy of repression: "We have insisted both publicly and privately that mass arrests and brute force are at odds with the universal rights of Bahrain's citizens, and... such steps will not make legitimate calls for reform go away." Later in that speech, he said that Shiites "must never have their mosques destroyed in Bahrain," raising one of the most explosive aspects of how the Sunni government has attempted to suppress protests by the Shiite majority. In Obama's September 2011 address to the U.N. General Assembly, the tiny country got a whole paragraph. The president said that the United States "will continue to call on the government and the main opposition bloc — the Wifaq — to pursue a meaningful dialogue that brings peaceful change that is responsive to the people." He also said that reforms had been made, but that "more is required" — three words that amounted to a clear message that the monarchy was falling short. The White House was not about to let the king off the hook — and the president himself was

raising the issue, not some spokesperson. **What has happened since then? Not much. There has been little or no progress in Bahrain — domestic tensions have instead risen higher.** Everything President Obama demanded has been refused. In June 2011, an independent commission was established to examine the events during the early months of the uprising, and in November it reported its findings to the king. Its recommendations, however, were roundly ignored: In 2012, the commission's chairman, law professor Cherif Bassiouni, delivered what George Washington University's Marc Lynch termed a "scathing critique of its failure to undertake any deeper political or social reforms." Bassiouni has given the government credit for taking a number of his recommendations — even as he laid out Manama's failings to resolve the underlying grievances of the protests. "There are very, very fundamental social and

economic issues involved in the Shiite population that need to be addressed, and have not been addressed," he said in a 2014 interview. **When you have people who do not have the hope of seeing themselves as equal citizens, as having equal opportunities in a particular country, living in mostly economic underprivileged areas in high-density population areas, they explode.** Others are even more critical. In May 2014, Human Rights Watch issued a report finding that, despite the king's promised reforms, **members of security forces are rarely prosecuted for unlawful killings, including in detention, and the few convictions have carried extremely light sentences.** **The Bahraini government has also adopted new methods to silence opposition voices.** In January 2015, it **stripped 72 citizens of their nationality, rendering many of them stateless.** As Amnesty International pointed out, **the authorities included human rights and political activists on the same list as Bahrainis who allegedly went to fight with the Islamic State (IS).** **so the government of Bahrain is trying to equate peaceful protest with jihadi terrorism.** While the government is painting all protesters as "terrorists" who support the Islamic State, its own policy appears to be one of promoting sectarian divisions. As the human rights activist Ala'a Shehabi wrote in Foreign Policy last year, the monarchy has been "nurturing and nourishing extremist groups and their sectarian ideology to counter the so-called 'Shiite threat' posed by the pro-democracy uprising." For the government, Sunni solidarity appears to trump the need to act against Sunni extremism. "Bahrain's public stance on the war against IS contrasts sharply with its lack of action at home," Shehabi continued.

So far there doesn't appear to have been any documented trial of any person on charges of IS-related terrorist activity despite government vows to pursue and monitor their activities. All of this is not to offer roses to the conduct of the Bahraini opposition, which some observers see as having missed several opportunities to gain ground. It has said no when it should have said yes to occasional government offers, some close students of Bahraini politics have argued, and has a habit of seeing compromise as betrayal. Not every movement has a Nelson Mandela at its head: Many opposition leaders around the world could probably make a good case that the leadership of al-Wefaq, the main Shiite opposition group in Bahrain, has made tactical errors. Yet it is hard to agree to compromise when you or your family are in jail, being beaten, or being called a terrorist. In the case of al-Wefaq, its

leader, Sheikh Ali Salman, has been thrown in jail yet again and charged with plotting a coup and inciting violence against the security forces. As **the Bahrain situation has worsened in the years since 2011,** what has been the Obama administration's reaction? After the tough language and the demands made by the president in 2011, what has come next? The answer is: near silence — accompanied by steps that make it clear to the royal family that there will be no real American pressure for reform. After the firm language in his 2011 U.N. General Assembly speech, Obama's only mention of the worsening situation in his U.N. address two years later was a one-line reference to the need for efforts "to resolve sectarian tensions that continue to surface in places like Iraq, Bahrain, and Syria." No doubt the Bahraini monarchy was unhappy to see Bahrain compared to Iraq and Syria, but there was no blame — and no call for action. In 2012, the president didn't mention Bahrain in his U.N. speech, and that year the White House issued just one statement about Bahrain — from the press secretary rather than from the president. It blamed both the government and the opposition for the continuing violence, urged the government "to redouble its ongoing efforts to implement the recommendations of the Bahrain Independent Commission of Inquiry," and called for "genuine dialogue" and "meaningful reforms." We do not need to wonder whether the government of Bahrain viewed those comments in 2011 and 2012 as real pressure. In May 2011, it orchestrated a campaign against the human rights officer at the U.S. Embassy in Manama, Ludovic Hood, and the State Department pulled him out for his own safety. "It is unacceptable that elements within Bahrain would target an individual for carrying out his professional duties," said the State Department — but Bahrain paid no price. Throughout his term as ambassador to Bahrain, from 2011 until early this year, Tom Krajeski was subject to the same sort of abuse in the press. Krajeski was no hot-head, and said repeatedly that he placed the blame on the lack of political reconciliation in Bahrain on both sides. But the veteran diplomat's mere recognition of serious human rights and political problems in Bahrain was too much for the government, which made sure he was vilified in the press. In May 2013, the Bahraini cabinet

approved a parliamentary proposal to "put an end to the interference of U.S. Ambassador Thomas Krajeski in Bahrain's internal affairs." Then **In July 2014, Bahrain's government actually expelled U.S. Assistant Secretary of State for Human Rights Tom Malinowski for meeting with members of the country's political opposition** — an extraordinary and

unprecedented act for a U.S. ally to take. **What price did Bahrain pay for this? Zero. It gets worse. An American citizen named Tagi Abdalla al-Maidan has been in jail in Bahrain since 2012.** He's accused of violent acts, and the government claims he confessed; he denies the accusations and says the confession was obtained by torture. He was held in prison for almost an entire year before a court hearing, and then handed a 10-year prison sentence. **Last year, the U.N. Working Group on Arbitrary Detention declared that the court had violated a whole series of substantive and procedural rights that rendered his imprisonment a violation of international and Bahraini law.** What has the U.S. government reaction been to the imprisonment of one of its citizens in a faulty legal process? As CNN pointed out in November, the United States "has said little" about Maidan's case. State Department spokesman Jeff Rathke said that the United States was following the case closely, and that "this is a matter of ongoing concern." Were I in a foreign prison, those words — "this is a matter of ongoing

concern” — would not seem to me a tough and energetic demand for my freedom. It’s hard to believe the United States could not spring Maidan if it pushed hard enough.

The United States maintains considerable leverage in Manama. Even a small drawdown of U.S. military personnel would reverberate loudly there, as would moving — or even announcing a study of moving — any piece of the U.S. military presence out of Bahrain. Perhaps more important, there’s a great struggle over whose “narrative” will prevail in Bahrain: the government’s, arguing that its crackdown is designed to oppose terrorism and maintain stability; or that of the opposition, arguing that the country is becoming increasingly repressive toward peaceful protests and human rights. If the United States were to side publicly, and loudly, with the opposition, the outcome of the argument would be affected. **More public pressure might well force the royals to think harder about compromises, and strengthen the hand of those who are privately arguing for reform. Instead, the United States has not only remained largely silent on human rights abuses,** but has acted in ways that can only convince the Bahraini government to ignore any quiet protests that are actually made. In 2012, when Congress objected to arms sales to Bahrain because of the repression there, the Obama administration used a loophole to continue the sales. As Foreign Policy reported, the State Department is required to formally notify Congress of any arms sales over \$1 million. According to a congressional source, rather than going through the notification process, the administration divided up an arms sales package into multiple sales, each of which was less than \$1 million — thereby dodging congressional oversight. That was 2012. **In 2013, the Navy announced that it was adding five more coastal patrol ships to American forces in Bahrain. Last year, the Obama administration went forward with a more than half-billion-dollar expansion of the U.S. presence in Bahrain, which will cement the U.S. presence in the country for decades to come. Now, what signal does that send the royals? “With each passing day, the Bahrain government’s self-fulfilling prophecy of a sectarian war is becoming more and more the reality,”** Reza Aslan wrote in 2013. “If that happens — if the Bahrain uprising descends into the kind of regional holy war between Sunni and [Shiite] — the United States will not be able to avoid the consequences.” **That message holds true for the U.S. Navy’s Fifth Fleet, which makes one wonder why it is smart to assume that the facilities the United States has in Bahrain will in fact be available — or safe to use — in the coming decades.** Meanwhile, the announcement of the expansion can only be read one way by the Bahraini authorities: The American protests about human rights conditions are not serious. It didn’t have to be this way — nobody forced the United States to turn a blind eye to Bahrain’s explosive domestic situation. Consider an alternative path: Suppose a top-level messenger, such as the chief of naval operations or chairman of the Joint Chiefs of Staff, had been sent to Bahrain to say, “Look, I personally would like this base expansion. But there’s no way it’s going to happen until the repression stops. In fact, we are going to announce that naval facilities elsewhere in the Gulf will be examined for future expansion to replace Bahrain, because Bahrain is viewed as increasingly unstable. Guys, you’ve got three months to start showing us something.” Such a message — and if necessary, a public statement a few months later — would have had a huge impact. It would have shown the Bahraini government and its supporters the risks they face; it would have made the business community nervous, and perhaps more supportive of reform; and above all, it might have given additional ammunition to those in the royal family who favor reconciliation over repression. **Instead, the Obama administration is sending the clear message that its loud protests are over, the president won’t speak about Bahrain, and the monarchy can relax.** In fact, no one should relax about Bahrain. It is on a path toward increasing instability, featuring growing Sunni extremism, growing Shiite outrage, and ever-widening sectarian divisions. **The Fifth Fleet is a hostage, and the Obama administration is spending hundreds of millions of dollars there as if America’s welcome will be permanent.** That’s a suspect assumption: As the majority of Bahrainis conclude that the United States is indifferent to the crackdown and siding with the most regressive elements of the royal family, **support for the Fifth Fleet’s presence will start to disappear.** As will Bahrain’s very sovereignty, as it is caught up in the regional rivalry between Iran and Saudi Arabia. Once upon a time, Bahrain was an outpost of civility and moderation in the Middle East. Now, it is coming to share the pathologies of its neighbors. That’s tragic, and it is in part the result of weak American policy. By placing security matters — Bahrain’s minuscule participation in the anti-Islamic State coalition and its hosting of the Fifth Fleet — above all other considerations, the Obama administration is putting that very security relationship at risk. Once upon a time, Bahrain was also an example of a sensible Obama human rights policy. Today, one can sadly say that it’s a good example of how that human rights policy has vanished into thin air.

The US’s stronghold in Bahrain is crucial to Middle East stability and preventing Iran’s control of the Strait of Hormuz

McDaniel 13, (Richard, a Commander of the US Navy, Foreign Policy at Brookings, “No “Plan B” U.S. Strategic Access in the Middle East and the Question of Bahrain,” <http://www.brookings.edu/~media/research/files/papers/2013/06/24-us-strategic-access-middle-east-bahrain-mcdaniel/24-us-strategic-access-middle-east-bahrain-mcdaniel.pdf>, June 2013, //VZ)

To say that Bahrain holds immense strategic and operational value is an understatement. Functionally and geographically, the small island state serves as the **strategic centerpiece for U.S. maritime strategy, security, and stability** in the Persian Gulf. As mentioned earlier, the base serves numerous purposes. First and foremost it serves as home to U.S. Naval Forces Central Command and Fifth Fleet. The Fifth Fleet Area of Operations is immense and covers approximately “2.5 million square miles with three critical choke points: the Suez Canal, the Bab al Mandeb, and the Strait of Hormuz.”¹ The value of its close proximity to the Strait of Hormuz cannot be overemphasized. The short distance to the Strait acts as a deterrent to Iran, which has threatened to close this critical waterway. Lying only 300 miles to the southwest of the Strait, U.S. and coalition ships can routinely patrol the area to ensure safe passage for international maritime traffic on a daily basis. These routine patrols are essential; over a fifth of the world’s oil supply passes through the Strait each year, and if Iran ever attempted to close the critical chokepoint, the price of oil would skyrocket and global markets would plummet. Finally, basing in Bahrain sustains U.S. and coalition naval forces operating in international waters of the Persian Gulf, particularly off the coast of Iran, and provides the United States Navy with a convenient logistics and maintenance hub.

Internal Link: Extra Cards

More US HR cred means countries like Bahrain will open their ears to US policies

Al-Gharbi 3/10, (Musa al-Gharbi is a social epistemologist affiliated with the Southwest Initiative for the Study of Middle East Conflicts (SISMEC), “Why America Lacks Credibility in the Middle East,” <http://fpif.org/america-lacks-credibility-middle-east/>, 3/10/15, //VZ)

To hear politicians and beltway pundits tell it, credibility in international relations boils down to this: Do others believe that the United States is willing and able to follow through on its word? Actually, this is a sloppy and often pernicious way to think, leading policymakers to senselessly commit themselves to failing policies (like enforcing a “red line,” for instance) for the sake of “maintaining credibility” — and actually undermining it in the process. Credibility is not about resolve. Strategic credibility is actually about assuring partners that things will work out well for them if they throw their lot in with you. This perception plays a pivotal role in determining whether others will support or resist U.S. interests abroad. The primary way agents establish themselves as credible is by making good decisions, which means forming and executing policies that generate positive outcomes for the relevant stakeholders. The stronger an agent’s track record, the more likely others will be willing to get behind them — that is, the more credibility they will have. Incidentally, this is the secret to ISIS’ success: Regardless of how distasteful many find their methods and ideology, they have established themselves as one of the most effective forces at seizing territory from the governments of Iraq and Syria, making tangible progress in restoring a caliphate, and resisting the prevailing international order. America, on the other hand, has a serious credibility problem in the Middle East. The results of U.S. interventions in the region have been consistently catastrophic: Whether in Afghanistan, Pakistan, Iraq, Yemen, Libya, or Syria, direct U.S. involvement is usually followed by an erosion of state governance, the empowerment of exploitative sub-state and non-state actors, and a dramatic rise in violence, civil tension, and unrest. American indirect involvement, meanwhile, tends to empower corrupt, oppressive, and undemocratic forces — such as in Pakistan, Egypt, Palestine, Saudi Arabia, and Bahrain. In terms of achieving positive outcomes, America simply has absolutely no credibility in the Middle East. However, character is also important: **Moral credibility means a nation’s intentions and motivations are more likely to be trusted.** Strategic and moral credibility are interrelated: Consistently generating good outcomes goes a long way toward bolstering one’s reputation. Even if the methods for achieving an objective seem questionable, they tend to be justified retrospectively if things turn out all right. In the interim, people are much more willing to extend the benefit of doubt to those with a strong track record of success. Conversely, moral credibility can help make up for occasional bad outcomes — an agent is afforded slack when things go awry if it’s perceived as being genuinely well-intentioned. However, when there are glaring inconsistencies between a government’s declared aspirations (say, promotion of democracy and human rights) and their means of realization (imposing Western socio-economic models at the expense of indigenous self-determination) — especially when paired with a general failure to realize stated objectives (producing chaos rather than order, be it liberal or otherwise) — these generate suspicion about its real intentions and motives. Hypocrisy Undermines “Resolve” Part of what contributes to America’s cycle of diplomatic and military failures in the Middle East is an underlying distrust of the United States among most Arabs, which inspires widespread ambivalence or resistance to U.S. efforts in the region. The source of this deficit has nothing to do with U.S. follow-through or resolve, as foreign policy hawks love to allege. One can be consistent with regards to backing up threats, etc. while still being a hypocrite in the moral sphere. Indeed, this is precisely the problem America faces. After decades of supporting the region’s dictators with arms and money, Washington has now formed a coalition with both the surviving local autocrats and the Middle East’s former imperial powers to “bring democracy” to Syria and (once more) to Iraq. Is it any surprise the “Arab street” is mistrustful? It further fuels skepticism when America attempts to fight ISIS — a group largely empowered by previous U.S. support for other non-state actors in

Iraq, Libya, and Syria — by training and arming new, ineffective, and unpopular proxy militias. Moreover, these new groups are often aligned with, and trained in, Saudi Arabia — the power most responsible for proliferating the ideology embraced by the so-called “Islamic State.” It seems disingenuous when the U.S. condemns Russia for funding non-state actors in Ukraine, or Pakistan for doing so in Afghanistan, or Iran in Lebanon — even as America expands its own support of insurgents in Syria. The Arab public is outraged when U.S. policymakers decry human rights violations elsewhere while continuing to support Israel and shield it from international accountability for its occupation of the West Bank or its wars on Gaza. And it doesn’t help at all when the Obama administration, among other failings, declines to prosecute clear and grievous infractions like torture by its own intelligence agencies, while calling for regime change in other countries for the same sorts of infractions. When American representatives lecture others about upholding the very international rules and norms the U.S. government systematically and unapologetically violates through its drone strikes and mass surveillance, enhanced interrogation, and extraordinary rendition programs, others will not take American rhetoric or ideals seriously. These glaring contradictions imbue the entire ethical project with a cynical hue — undermining not just American credibility, but the general value of moral discourse on the world stage more generally. This breakdown, in turn, disrupts consensus building and cooperation, threatening the long-term viability of the rules-based international order Americans sacrificed so much in years past to establish and preserve.

Political Pressure and Human Rights clashes will cause the US 5th Navy to be moved – silence is key

Tomlinson 11, (Hugh Tomlinson, The Australian, “US fleet may quit troubled Bahrain,” <http://www.theaustralian.com.au/news/world/us-fleet-may-quit-troubled-bahrain/story-e6frg6so-1226098580227>, 6/21/11, //VZ)

THE US Navy is looking at plans to move its Fifth Fleet away from Bahrain amid fears over violence and continued instability in the Gulf kingdom. Sources in Washington and the Gulf have confirmed a growing consensus around the idea of relocating the fleet after the recent crackdown on anti-government protests that left at least 32 dead. Politicians in Washington are concerned the navy's continued presence a few kilometres from the centre of the capital Manama lends tacit support to Bahrain's suppression of the opposition, amid allegations of systematic human rights abuses. "There was talk on Capitol Hill about moving the fleet within days of the protests breaking out, and that increased in March and April as people realised that what was happening in Bahrain ran counter to our interests," one source said. The Fifth Fleet is a key component of US military power in the Gulf. Possible alternative locations include the United Arab Emirates and Qatar. However, neither has the current capacity for the fleet and a potential move remains some years off. The UAE is considered the most likely destination. The US already moors its aircraft carriers at Dubai's main port, Jebel Ali, and has other military capabilities in the country. Qatar would offer a logistical link with the large US airbase in the emirate. A new port under construction outside Doha has been expanded to include a naval base adjoining the commercial port, though sources in the Qatari capital say the port is being built to accommodate the domestic navy and "occasional visitors". The US Navy has little desire to move, fearing the operation would be costly and pose a logistical nightmare. The fleet comprises 40 vessels and close to 30,000 personnel. But among naval commanders there is an acceptance that political pressure could force the transition.

US silence on rights abuses in Bahrain is key to prevent undermining the Bahrain government and to not give the perception that the US is supporting Iran

Slackman 11, (Michael Slackman, New York Times, graduated from Northwestern, quotes Mustafa el-Labbad, director of Al Sharq Center for Regional and Strategic Studies in Cairo, “The Proxy Battle in Bahrain,” <http://www.nytimes.com/2011/03/20/weekinreview/20proxy.html>, 3/19/11, //VZ)

CAIRO — King Abdullah of Saudi Arabia has demonstrated one lesson learned from the course of pro-democracy uprisings across the Middle East: The world may cheer when autocrats resign, but it picks carefully which autocrats to punish for opening fire on their citizens. That cynical bit of realpolitik seems to have led the king to send troops last week over the causeway from Saudi Arabia to Bahrain, where they backed up a violent crackdown on unarmed

protesters by Bahrain's own security forces. The move had immediate consequences for Middle East politics, and for American policy: It transformed Bahrain into the latest proxy battle between Iran and Saudi Arabia for regional dominance. And it called into question which model of stability and governance will prevail in the Middle East, and which Washington will help build: one based on consensus and hopes for democracy, or continued reliance on strongmen who intimidate opponents, sow fear and co-opt reformist forces while protecting American interests like ensuring access to oil and opposing Iran. **For Saudi Arabia, the issue in Bahrain is less whether Bahrain will attain popular rule than whether Iranian and Shiite influence will grow.** Iran and Saudi Arabia have sparred on many fronts since the Iranian Revolution of 1979 — a Shiite Muslim theocracy in Tehran versus a deeply conservative Sunni Muslim monarchy in Riyadh — in a struggle for supremacy in the world's most oil-rich region. The animosity was evident in Saudi Arabia's support for Iraq during its war with Iran, and it still shows in Iran's backing for Hezbollah in Lebanon. Now, **after a decade that seemed to tilt the regional balance toward Iran, Saudi Arabia decided that Bahrain was the place to put its thumb more heavily on the scale. It sent troops under the auspices of the Gulf Cooperation Council to help crush pro-democracy demonstrations because most of the protesters were Shiites challenging a Sunni king.** "If the political opposition in Bahrain wins, Saudi loses in this regional context," said Mustafa el-Labbad, director of Al Sharq Center for Regional and Strategic Studies in Cairo. **"Saudi is regarding itself as the defender of Sunnis. And Iran is trying to defend Shiites in the region."** The problem for the United States, however, is that Bahrain, at Saudi urging, chose to resolve its fears with force, rather than by addressing the protesters' demands for democratic reform, as American officials had publicly encouraged.

Impacts: Middle East War

Middle East instability causes Nuclear War – miscalc, offensive posturing, and escalation – deterrence doesn't check

Warren 13, (Roslyn, is an M.A. candidate in Georgetown University's Security Studies Program, "Miscalculating Nuclear Deterrence in the Middle East: Why Kenneth Waltz Gets It Wrong," <http://georgetownsecuritystudiesreview.org/2013/12/19/miscalculating-nuclear-deterrence-in-the-middle-east-why-kenneth-waltz-gets-it-wrong/>, 12/19/13, //VZ)

In his Foreign Affairs article, "Why Iran Should Get the Bomb," Kenneth Waltz suggests that a nuclear-armed Iran is nothing to fear. Indeed, he goes so far as to claim that Iran's membership in the nuclear club will actually increase stability in the Middle East. However, Waltz misses an essential point: nuclear deterrence does not rule out the potential for conventional escalation, which can destabilize regions in unpredictable and potentially catastrophic ways. When it comes to nuclear-armed adversaries, the outbreak of "full-scale war"[1] cannot be the only definition of instability. Tense relations between nuclear-armed foes, be they offensive posturing or limited conventional conflict, create opportunities for miscalculation and escalation to the nuclear level. A closer examination of relations between India and Pakistan reveals that nuclear weapons embolden revisionist nuclear states – i.e., states dissatisfied with the existing regional balance of power – and raises the propensity for and incidence of conventional conflict. Taking Pakistan as a model, a weaponized Iran, believing it has a significant deterrent capability, will, at a minimum, increasingly antagonize Israel without fear of nuclear reprisal. Another, more frightening, side effect of Iranian weaponization runs contrary to Waltz's deterrence model: Both Israel and Iran could each believe a preemptive strike lay in its favor. For these reasons, Waltz's assertion that a nuclear Iran will increase stability in the Middle East is wrong. Waltzian neorealists claim that states are rational actors seeking, above all, security within an anarchical international system. States maximize their own security by attempting to balance their power against the status quo power; i.e., a state content with the existing, regional balance of power. Security imbalances spur instability. For Waltz, such is currently the case in the Middle East. Because of Israel's nuclear dominance, it can project undeterred hostility towards its neighbors.[2] The defensive realist remedy for this type of instability is nuclear balance. Waltz suggests that, "By reducing imbalances in military power, new nuclear states generally produce more regional and international stability, not less." [3] Given that all states are rational actors seeking to maximize their relative security, Waltz argues that fear of nuclear reprisal vis-à-vis a second-strike capability acts as a sufficient deterrent between two nuclear-armed adversaries.[4] Hence, if Iran developed nuclear weapons, relations between the two most powerful actors in the Middle East would become more stable. In contrast, many nuclear proliferation experts use the stability-instability paradox to explain how regions with rival nuclear powers become increasingly unstable. The stability-instability paradox posits that two nuclear-armed, adversarial states, believing that neither will initiate a nuclear strike, can and will increasingly engage in offensive posturing and limited conflict with one another.[5] The newly-weaponized, revisionist state – for example, Pakistan or potentially Iran – feels emboldened, and more freely resorts to adventurism in the form of enhanced offensive posturing, increasing low-level conflict, and perhaps stronger support for terrorists. On the other hand, the status quo state – India or Israel in these cases – perceives its freedom of action constrained by its adversary's new status.[6] Instability at the conventional level in the form of more pronounced aggressive posturing and/or limited conflict heightens tensions between major regional powers, and leaves the door open for escalation and miscalculation at the nuclear level. For Waltz, India and Pakistan prove his point: These two nuclear-armed adversaries have not launched a nuclear war against one another because they fear a reciprocal strike, thereby balancing each other and stabilizing their relations. However, Waltz's analysis only explains why India and Pakistan have not yet launched a calculated nuclear attack against one another. He fails to consider how tensions across the conflict spectrum have increased since India and Pakistan both weaponized, which could inadvertently escalate to the nuclear level. Flashpoints between India and Pakistan highlight the stability-instability paradox clearly. S. Paul Kapur reveals how Pakistan's weaponization has "encouraged aggressive Pakistani behavior," whereby it can challenge India "without fearing catastrophic Indian retaliation." [7] In the Kashmir crisis, Pakistan supported a violent insurgency in Kashmir and the Indian state of Jammu. While the extent to which Pakistan involved itself in the initial fighting remains unclear, Pakistani forces did engage in their "largest-ever peacetime military exercise" and announced a strategic shift to a "policy of offensive defense" in relations with India.[8] Former Pakistani Prime Minister Benazir Bhutto acknowledged, "Nuclear weapons 'came out' as an important tool in that struggle," allowing Pakistan to "provide extensive support for 'a low-scale insurgency'...while

insulat[ing it] from a full-scale Indian response.”[9] Similarly, in the Kargil crisis, the Pakistani military “marshaled a substantial body of forces” and crossed the Line of Control (the military border between the Indian and Pakistani-controlled parts of the disputed region), resulting in Indian air and ground mobilization and significant casualties on both sides.[10] Sumit Ganguly explains, “Absent nuclear weapons, Pakistan would not have undertaken the...misadventure.”[11] Relations between India and Pakistan reveal that weaponization emboldens revisionist nuclear states and raises the propensity for conventional conflict. While exhibiting nuclear restraint in both of these situations, India has made “aggressive changes” to its “conventional military posture.”[12] India’s new Cold Start doctrine, for example, “enable[s] India to rapidly launch a large-scale attack against Pakistan.”[13] Responding to this, the director-general of Pakistan’s military intelligence agency, Inter-Services Intelligence (ISI), illustrates how conventional instability can escalate to the nuclear level: Cold Start “is destabilizing; it is meant to circumvent nuclear deterrence [...]. If it becomes too threatening we [Pakistan] will have to rely on our nuclear capability.”[14] While the line at which Pakistan would employ nuclear weapons remains unclear, this statement suggests that Pakistan’s strategic calculations in responding to conventional conflicts with India now include a nuclear contingency plan. Equally disconcerting, Indian officials believe they can “calibrate” their actions relative to Pakistan’s tolerance, “stopping short of Pakistan’s strategic nuclear thresholds.”[15] Erroneously appraising another country’s red lines could have catastrophic effects, leading to unintended drastic escalation.[16] The India-Pakistan relationship displays how the stability-instability paradox subjects the region to escalation and miscalculation on a nuclear scale. The stability-instability paradox also holds true for the Israel-Iran case. Colin Kahl, Melissa Dalton, and Matthew Irvine point out that a nuclear-armed Iran could stir regional conflict, producing high-stakes miscalculations with “some inherent risk of inadvertent escalation to nuclear war.”[17] A Middle East where “conflict below the nuclear threshold seem[s] ‘safe’” will likely “encourage Iranian adventurism, reduce Israeli freedom of action, and increase aggressive actions by Iranian proxies.”[18] Geographic proximity and mutual distrust could lead “Israel and Iran [to] adopt ‘launch-on-warning’” doctrines for their nuclear arsenals, increasing the chances that “false warnings of an impending attack by one side” could unravel into an “accidental nuclear war.”[19] When it comes to a weaponized Iran, Waltz’s contention fails to follow its own rational deterrence logic. In this scenario, it is not fear of a second strike that deters Israel and Iran, but vulnerability to a first strike that could lead one side or the other to initiate a nuclear attack. Kahl notes, “Reciprocal fears of surprise attack could produce incentives for either side to launch a deliberate pre-emptive attack.”[20] Israel, with its nuclear superiority, fearing a nuclear-armed Iran, could seek to annihilate Iran’s small arsenal by initiating a first strike. Even if Iran only feared an Israeli conventional attack, Iran’s nascent nuclear arsenal, extremely vulnerable to an Israeli strike, could generate an Iranian “use them or lose them” sentiment, where Iran could also calculate that a first strike lay in its favor.[21] This would leave two nuclear-armed adversaries without diplomatic relations living in close proximity to one another, both feeling vulnerable and potentially believing a first strike could work to its advantage.[22] In the Middle East, even the prospect of a weaponized Iran heightens the potential for conflict to escalate to nuclear levels. While no one can know with certainty what the regional security environment will look like if Iran joins the nuclear club, one thing is certain: nuclear weapons sustain the possibility of nuclear war. The Waltzian deterrence model may hold true in a Cold War retrospective, but unintended accidents and escalation are still possible. When adversarial states both possess a nuclear second-strike capability, relative security gains cannot be achieved at the nuclear level. Waltz concedes that because states seek to maximize their relative security, nuclear states may choose to develop a massive conventional weapons arsenal as well. In this way, even Waltz acknowledges the paradoxical nature of nuclear weapons, admitting heightened aggression and limited war is possible even when both states are nuclear-armed.[23] As demonstrated by the nuclear standoff between India and Pakistan, nuclear weapons generate increasingly aggressive behavior, creating greater opportunities for conflict, not fewer. A likely scenario between Israel and a nuclear Iran involves increased low-intensity conflict where low-level skirmishes could lead to unintended escalation or accidental nuclear detonation. At worst, nuclear-armed foes could decide that a first strike is worth the risk.

Impacts: US-Russia

Middle East conflicts trigger a US-Russia arms race

Deen 4/27, (Thalif Deen, an IPS UN Bureau Chief, has been covering the United Nations since the late 1970s, quotes Natalie J. Goldring, a senior fellow with the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University, "Middle East Conflicts Trigger New U.S.-Russia Arms Race," <http://www.globalissues.org/news/2015/04/27/20914>, 4/27/15, //VZ)

UNITED NATIONS, Apr 27 (IPS) - The escalating military conflicts in the Middle East – and the month-long aerial bombings of Yemen by an Arab coalition led by Saudi Arabia – have triggered a new arms race in the politically-volatile region. The primary beneficiaries are the United States and Russia, two of the world's largest arms suppliers, who are feeding the multiple warring parties in Syria, Iraq, Libya, and most recently in Yemen.³ Dr. Natalie J. Goldring, a senior fellow with the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University, told IPS "once again, the Middle East seems to be mired in an arms race." The New York Times, she pointed out, recently published a provocative article titled, "Sale of U.S. Arms Fuels the Wars of Arab States," mentioning several potential U.S. arms sales to the region in the near future. "But this isn't likely to be the whole story," she added. In all likelihood, said Dr. Goldring, if the proposed U.S. sales go forward, the Russian government will use them as an excuse to supply its clients with more weapons. "It's an easy cycle to predict -- the United States makes major sales to clients such as Saudi Arabia, Qatar, or the United Arab Emirates. Then Russia sells weapons to Iran and perhaps Syria with the argument they're simply balancing U.S. sales. And the cycle continues," she added. The six-member Arab coalition engaged in bombarding Yemen is led by Saudi Arabia and includes the United Arab Emirates (UAE), Bahrain, Qatar, Jordan and Egypt – all of them equipped primarily with U.S. weapons systems. The jets used in the attacks inside Yemen are mostly F-15s and F-16s – both front line fighter planes in Middle East arsenals. The London Economist says "oblivious to the unfolding humanitarian crisis," Prince Al-Waleed bin Talal, described as a billionaire member of the Saudi royal family, is offering 100 super luxury Bentley cars to each of the fighter pilots participating in the bombing raids inside Yemen. Last week, Russia announced it was lifting a five year voluntary embargo on a long-pending sale of S-300 anti-aircraft missiles to Iran, which is accused of arming the Houthi rebels under attack by Saudi Arabia and its allies. The Saudi coalition, which temporarily halted the aerial attacks last week, resumed its bombings over the weekend. As the Wall Street Journal reported Monday, the air campaign has transformed Yemen into a battlefield for broader contest over regional power between Shiite Iran and Sunni Muslim countries led by Saudi Arabia. There were also reports the Russian government has offered to sell advanced surface-to-air missiles to Iran, providing Tehran with a mobile system that could attack both missiles and aircraft. The system, the Antey-2500, apparently has the capacity to defend against – and attack – ballistic missiles, cruise missiles, and fixed-wing aircraft. Meanwhile, Russia has also continued to be the primary arms supplier to Syria, another military hot spot in the Middle East.

US-Russian arms race causes nuclear prolifer

Heuvel 2/10, (Katrina vanden Heuvel, Washington Post, "An arms race won't help Ukraine," http://www.washingtonpost.com/opinions/an-arms-race-wont-help-ukraine/2015/02/10/d3f30ee4-b086-11e4-827f-93f454140e2b_story.html, 2/10/15, //VZ)

The U.S. interest should be avoiding another arms race with Russia — nuclear or otherwise — and rebuilding the trust that will be necessary to stabilize Ukraine. **Further U.S. involvement** in the conflict **would have the opposite effect, potentially ending the last remnants of cooperation between the countries to contain the spread of nuclear weapons.** Moreover, the Obama administration **should consider the impact on relations with important European allies, who are pushing hard for a diplomatic resolution, and may even break with Washington policy.** Arming Kiev seems to have been a step too far, especially with Ukraine on the point of financial collapse. (It is estimated that in order to survive, Ukraine needs more than \$50 billion, which will be largely up to Europe to provide.) The more weapons Washington provides Kiev, the more the price tag will increase.

Impacts: Oil

Iran's control over the Strait of Hormuz would collapse the global economy – oil chokepoint

Fontevicchia 11, (Agustino, Forbes, quotes Stratfor, and Iranian MP Parviz Sorouri of the Majlis National Security and Foreign Policy Committee, and Stratfor, an American publisher and global intelligence company, "Oil: Iran's Hormuz Strait Threats Could Wreak Global Economic Havoc," <http://www.forbes.com/sites/afontevicchia/2011/12/13/oil-irans-hormuz-strait-threats-could-wreak-global-economic-havoc/>, 12/13/2011, //VZ)

The pop in crude oil prices came after Iranian MP Parviz Sorouri of the Majlis National Security and Foreign Policy Committee said: Currently, **the Middle East region supplies 70 percent of the world's energy needs, (most of) which are transported through the Strait of Hormuz.** We will hold an exercise to close the Strait of Hormuz in the near future. **If the world wants to make the region insecure, we will make the world insecure.** The comments, picked up by the quasi-official Iranian Student News Agency, and reported by the Tehran Times, were later complemented by a statement by the Iranian Foreign Ministry noting the Strait remains open, according to Bloomberg. **Hormuz is one of the world's most important waterways, with daily flow of about 15 million barrels of oil. That's 90% of Persian Gulf Exports and 40% of global consumption, according to geopolitical analysts at Stratfor. "The importance of this waterway to both American military and economic interests is difficult to overstate. Considering Washington's more general — and fundamental — interest in securing freedom of the seas, the U.S. Navy would almost be forced to respond aggressively to any attempt to close the Strait of Hormuz,"** explained analysts at Stratfor. Iran's intentions, though, are to avoid an attack and therefore would use the threat for deterrence rather than as an offensive or defensive action. Iran is being pushed by what the analysts call a "covert intelligence war" carried on by the U.S., Israel, and other U.S. allies. A recent U.S. drone, shot down over Iranian airspace, added to other recent examples of escalation like "the defection to the West of Iranian officials with knowledge of Tehran's nuclear program; the Iranian seizure of British servicemen in the Shatt al Arab Waterway; the assassination of Iranian nuclear scientists; the use of the Stuxnet worm to cripple Iranian uranium enrichment efforts," according to Stratfor. On the markets front, Iran could cause substantial crude oil price movements if it chose to take action. From Stratfor: **A single ship striking a naval mine (or even a serious Iranian move to sow mines) could quickly and dramatically drive up global oil prices and maritime insurance rates. This combination is bad enough in the best of times. But the Iranian threat to the Strait of Hormuz could not be more effective than at this moment, with the world just starting to show signs of economic recovery. The shock wave of a spike in energy prices — not to mention the wider threat of a conflagration in the Persian Gulf — could leave the global economy in even worse straits** than it was a year ago.

Economic decline causes war and miscalculation – diversionary theory

Royal 10 — Jedidiah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, M.Phil. Candidate at the University of New South Wales, 2010 ("Economic Integration, Economic Signalling and the Problem of Economic Crises," *Economics of War and Peace: Economic, Legal and Political Perspectives*, Edited by Ben Goldsmith and Jurgen Brauer, Published by Emerald Group Publishing, ISBN 0857240048, p. 213-215)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at

systemic, dyadic and national levels. Several notable contributions follow. ¶ First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. ¶ Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult [end page 213] to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.⁴ ¶ Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, ¶ The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) ¶ Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. ¶ Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. ¶ In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.⁵ This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention. ¶ This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. [end page 214] Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specificall

Impacts: Saudi-Iran

US key to check Iranian influence – allowing the regime’s undemocratic policies is key to keep the US base there

Ziezulewicz 12, (Geoff, “With Bahrain home to 5th Fleet, US faces dilemma over crackdown on protests,” <http://www.stripes.com/with-bahrain-home-to-5th-fleet-us-faces-dilemma-over-crackdown-on-protests-1.168370>, 2/12/12, //VZ)

But unlike the other Arab Spring flashpoints, Bahrain’s unrest unfolds a few hundred yards from the gates of the Naval Support Activity Bahrain, home to the U.S. Navy’s 5th Fleet, with some 6,200 sailors, civilians and family members. Yet thanks to realpolitik and the imperative to safeguard American strategic interests in the Arabian Gulf, U.S. policymakers find themselves on the opposite side of the protesters, backing an undemocratic regime that continues to brutalize its citizens.

“There is a tension between the U.S. rhetoric and preference for democratic systems and regional requirements when it comes to Bahrain,” said Emile Hokayem, senior fellow for regional security at the Bahrain offices of the International Institute for Strategic Studies. This tiny island of 1.2 million people has served as a crucial American ally in the region for decades, providing the U.S. military a base for naval forces that are a vital counterweight to Iranian influence in the oil-rich Gulf.

Fifth Fleet key to check Iranian takeover of Bahrain

Barnes 11, (Julian E., Pentagon reporter at The Wall Street Journal, got an AB in social studies from Harvard, “U.S. Takes Cautious Line on Fifth Fleet’s Base,” <http://www.wsj.com/articles/SB10001424052748703561604576150662599202064>, 2/18/11, //VZ)

A U.S. ally in a geographically strategic perch, Bahrain is positioned near the world’s most important oil reserves, and its Sunni government has been seen as a reliable bulwark against nearby Shiite-led Iran. At the center of U.S. strategy there is the headquarters of the U.S. Fifth Fleet—a base that is home to 3,000 military personnel who oversee the 30 naval ships and some 30,000 sailors that patrol the Persian Gulf and Arabian and Red seas. The Bahrain base isn’t the most important U.S. base in the Middle East, but it oversees all of its naval operations there, a critical task. While it could conceivably be moved, former officials say no other country has been as reliably welcoming to the U.S. presence as Bahrain. “Could we find some other place to put a fleet headquarters? Probably we could,” said Anthony Cordesman, a defense analyst at the Center for Strategic and International Studies. “But if Bahrain becomes unstable, if it comes under Iranian influence...[that] threatens the entire structure of world oil markets.” The U.S. has so far been relatively quiet in condemning Bahrain’s moves against protesters. President Barack Obama, at a news conference this week, pointedly avoided criticizing Bahrain’s leaders as he eventually did amid building protests against Egypt’s now-deposed Hosni Mubarak. But the State Department on Thursday expressed its sharpest concerns yet over the events in Bahrain, highlighting the delicate path it continues to carve between guarding its longtime alliances in the region and supporting its emerging democracy movements. On Thursday, Secretary of State Hillary Clinton spoke with her Bahraini counterpart to express “deep concern about recent events and [urge] restraint moving forward,” according to a State Department official. “This is something that the Bahraini government needs to address in a greater fashion,” said Mark Toner, a State Department spokesman. He said the U.S. was “expressing our full support for the right of these people to express themselves.” Defense Secretary Robert Gates called Crown Prince Salman Bin Hamad Al Khalifa; officials declined to give details of the call. American ties to Bahrain go back to the 1940s, when U.S. Navy vessels first began to use the port. The U.S. took over the navy base in Bahrain from the British in 1971. Though Bahrain was heavily used in the Gulf war, the U.S. presence remained modest until Sept. 11, 2001, when the U.S. dramatically rebuilt its naval presence in the Persian Gulf. Today the base is a logistics resupply point and command and control node. Two carrier battle groups, one led by the USS Carl Vinson the other by the USS Enterprise, are under Fifth Fleet command. Bahrain has little in

the way of its own energy reserves and a small military. **But its location near key Saudi fields, and its rulers' pro-American track record, have given it outsized importance. U.S. efforts to build up defense cooperation among the Arab gulf states would be undermined if Bahrain's Sunni royal family were to be replaced with a pro-Iranian administration.** Some analysts see Iranian influence among the Shiite protesters in Bahrain, and few doubt Tehran would like to see the U.S. forced to pull out of the kingdom. **"It is a natural goal of Iran to try and expel the Fifth Fleet from Bahrain,"** said Elliott Abrams, a former senior State Department official. In recent years, the U.S. and its military have quietly pushed for political liberalization in Bahrain. Current and former officials have said that while the king and crown prince remain reform-minded, they say the prime minister—the king's uncle—remains a strong obstacle. The prime minister, on his website, says he has supported the royal family's move to support press freedom and other reform efforts. Retired Adm. William Fallon said the administration is right to take a different approach to Bahrain. "This is a different case than Egypt, and we really need to tread lightly," said Adm. Fallon, the former head of U.S. Central Command in the Middle East. "This leadership does not abuse its people." Adm. Fallon said it would be difficult for the Navy to find a Middle Eastern home as open as Bahrain. Unlike in other Middle Eastern countries, U.S. personnel are not confined to compounds. Navy personnel stationed in Bahrain often bring their families. **"With many other places, their affinity for us waxes and wanes. Bahrain has been a staunch ally, unwavering,"** Adm. Fallon said. **"It is very, very handy to have that foothold there."**

Iran takeover of Bahrain leads to direct Saudi-Iran war with American draw-in
Slackman 11, (Michael Slackman, New York Times, graduated from Northwestern, quotes Mustafa el-Labbad, director of Al Sharq Center for Regional and Strategic Studies in Cairo and Abdulaziz O. Sager, chairman of the Gulf Research Center, "The Proxy Battle in Bahrain," <http://www.nytimes.com/2011/03/20/weekinreview/20proxy.html>, 3/19/11, //VZ)

CAIRO — King Abdullah of Saudi Arabia has demonstrated one lesson learned from the course of pro-democracy uprisings across the Middle East: The world may cheer when autocrats resign, but it picks carefully which autocrats to punish for opening fire on their citizens. That cynical bit of realpolitik seems to have led the king to send troops last week over the causeway from Saudi Arabia to Bahrain, where they backed up a violent crackdown on unarmed protesters by Bahrain's own security forces. The move had immediate consequences for Middle East politics, and for American policy: It transformed Bahrain into the latest proxy battle between Iran and Saudi Arabia for regional dominance. And it called into question which model of stability and governance will prevail in the Middle East, and which Washington will help build: one based on consensus and hopes for democracy, or continued reliance on strongmen who intimidate opponents, sow fear and co-opt reformist forces while protecting American interests like ensuring access to oil and opposing Iran. For Saudi Arabia, the issue in Bahrain is less whether Bahrain will attain popular rule than whether Iranian and Shiite influence will grow. Iran and Saudi Arabia have sparred on many fronts since the Iranian Revolution of 1979 — a Shiite Muslim theocracy in Tehran versus a deeply conservative Sunni Muslim monarchy in Riyadh — in a struggle for supremacy in the world's most oil-rich region. The animosity was evident in Saudi Arabia's support for Iraq during its war with Iran, and it still shows in Iran's backing for Hezbollah in Lebanon. Now, after a decade that seemed to tilt the regional balance toward Iran, Saudi Arabia decided that Bahrain was the place to put its thumb more heavily on the scale. It sent troops under the auspices of the Gulf Cooperation Council to help crush pro-democracy demonstrations because most of the protesters were Shiites challenging a Sunni king. "If the political opposition in Bahrain wins, Saudi loses in this regional context," said Mustafa el-Labbad, director of Al Sharq Center for Regional and Strategic Studies in Cairo. "Saudi is regarding itself as the defender of Sunnis. And Iran is trying to defend Shiites in the region." The problem for the United States, however, is that Bahrain, at Saudi urging, chose to resolve its fears with force, rather than by addressing the protesters'

demands for democratic reform, as American officials had publicly encouraged. And for that reason, the military deployment may now have a profound impact on the United States and its primary strategic interest in Bahrain, the Navy base it maintains there. Because Washington did not ultimately support the protesters' demands — as it came to do in Egypt and as it has now, very late in the game, come to back foreign intervention in Libya — many protesters believe that the Saudi troops were sent in with American complicity, or at least with an expectation of American acquiescence. So, among the protesters, who turned out by the tens of thousands, the crackdown may well yield animosity toward America and its Navy when events finally settle down. One American expert in the Persian Gulf who advises policymakers in Washington said the Saudi king's action was taken without regard for what might happen if it fails — if the **violence leads only to more violence. The Saudi policy, he said, "is risky and could potentially draw us into conflicts we have not looked for."** "What if the Bahrain venture fails, **who will bail them out? It will have to be us.**" Saudi Arabia's supporters acknowledge that **this confrontation can escalate,** but they tend to place the responsibility on Iran. "It can lead to that direct conflict if Iran were to interfere and use this as an excuse to interfere," said Abdulaziz O. Sager, chairman of the Gulf Research Center, which is based in Dubai. "I hope Iran can understand that any interference will not be acceptable."

Leads to World War III, threatening humanity

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The World is at the crossroads of the most serious crisis in modern history. The US has embarked on a military adventure, "a long war", which threatens the future of humanity. **At no point** since the first atomic bomb was dropped on Hiroshima on August 6th, 1945, **has humanity been closer to the unthinkable, a nuclear holocaust which could potentially spread,** in terms of radioactive fallout, **over a large part of the Middle East.** There is **mounting evidence** that the Bush Administration in liaison with Israel and NATO is planning the launching of a **nuclear war against Iran,** ironically, in retaliation for its nonexistent nuclear weapons program. The US-Israeli military operation is said to be in "an advanced state of readiness". If such a plan were to be launched, the war would escalate and eventually engulf the entire Middle-East Central Asian region. **The war could extend beyond the region,** as some analysts have suggested, **ultimately leading us into a World War III scenario.** In this regard, the structure of military alliances is crucial. China and Russia have entered into far-reaching military cooperation agreements with Iran. The latter have a **direct bearing on the conflict.** Iran possesses an advanced air defense system as well as capabilities to target US and allied positions in Iraq and the Gulf States, as demonstrated in recent military exercises. The US-led naval deployment (involving a massive

deployment of military hardware) is taking place in two distinct theaters: the Persian Gulf and the Eastern Mediterranean. The militarization of the Eastern Mediterranean is broadly under the jurisdiction of NATO in liaison with Israel. Directed against Syria, it is conducted under the façade of a UN peace-keeping mission. In this context, the war on Lebanon last Summer must be viewed as a stage of the broader US sponsored military road-map. The naval armada in the Persian Gulf is largely under US command, with the participation of Canada. The naval buildup is coordinated with the air attacks. The planning of aerial bombings of Iran started in mid-2004, pursuant to the formulation of CONPLAN 8022 in early 2004. In May 2004, National Security Presidential Directive NSPD 35 entitled Nuclear Weapons Deployment Authorization was issued. While its contents remain classified, the presumption is that NSPD 35 pertains to the stockpiling and deployment of tactical nuclear weapons in the Middle East war theater in compliance with CONPLAN 8022. Despite Pentagon statements which describe tactical nuclear weapons as “safe for the surrounding civilian population”, **the use of nukes in a conventional war theater would trigger a nuclear holocaust. The resulting radioactive contamination, which threatens future generations, would by no means be limited to the Middle East.**

Impacts: Piracy

The US 5th fleet leads international anti-piracy force and deters piracy in the Straits of Hormuz and Suez Canal

Shanker and Goodman 11, (Thom Shanker, a Pentagon correspondent for The New York Times, routinely spends time embedded with troops in Iraq and Afghanistan and he was formerly a foreign editor and correspondent for the Chicago Tribune, based in Moscow, Berlin, and Sarajevo, J. David Goodman, "Pentagon Watching Unrest in Bahrain," <http://www.nytimes.com/2011/02/18/world/middleeast/18fleet.html>, 2/17/11, //VZ)

WASHINGTON — The United States Navy headquarters in Bahrain, the tiny Persian Gulf nation whose capital was rocked Thursday by a violent police crackdown on antigovernment protesters, oversees warships and combat aircraft that carry out long-range missions across Afghanistan and Iraq, conduct antipiracy patrols off the Horn of Africa — and keep a wary eye on the activities of a bellicose Iran. But the Fifth Fleet compound itself looks like little more than a modern office park in a quiet neighborhood of Manama, the capital, whose piers occasionally host a warship but never a sustained presence of hulking vessels comparable to bases in, say, Norfolk, Va., or Yokosuka, Japan. Day by day, the Fifth Fleet is at sea and in the air, across 2.5 million square miles of water. In Manama, a city that is more open and socially welcoming to foreigners than those in much of the restrictive Arab world, American personnel live out in the community, and not in isolation. And thus far, Navy officers are quick to point out, the street protests have given voice to a disenfranchised Shiite majority's complaints about Bahrain's leadership — but the United States has not been cast as a villain, despite six decades of close ties with the governing Sunni elite. "We are monitoring what's going on," said Cmdr. Amy Derrick-Frost, the Fifth Fleet spokeswoman. "The protests and demonstrations are not against the United States or the United States military or anything of that nature." Military personnel, Defense Department civilians, contractors and their families — numbering about 6,100 in total — have been advised to avoid areas where the protests were taking place, but as of late Thursday there was no order to evacuate dependents. "We do not have any information at this time that suggests that planned protests are likely to cause significant disruptions," said Jennifer Stride, a spokeswoman for the Naval Support Activity, which oversees the military complex. "We will continue to monitor the situation." The Navy has had a presence in Bahrain since Franklin Roosevelt's presidency, well before it took over a British army base east of Manama, in 1971, when the country achieved full independence. The 100-acre naval base is in Juffair, a suburb six miles from Pearl Square in the center of the capital, where thousands of mostly Shiite protesters were attacked by security forces early Thursday morning. Though the base is physically separated from its piers, Ms. Stride said there was "no concern" about being cut off if protests were to widen. "There are no demonstrations at all in the vicinity of the base or those piers," she said. The broad mission of the Fifth Fleet includes combat, counterterrorism, air support for the operations in Afghanistan and Iraq, antipiracy efforts and military exercises with regional allies, including Bahrain. Much of the fleet's time is spent watching Iran's two navies — the more professional Iranian state fleet and the less predictable Revolutionary Guard navy that has harassed American warships in recent years. The United States and Bahrain signed a 10-year defense pact in 1991 that includes American training of Bahraini forces; it was renewed in 2001, according to a Congressional Research Service report. "Bahrain has few external security options other than relying on some degree of U.S. security guarantee," said a study by the research service released last month. "The United States has designated Bahrain as a 'major non-NATO ally,' and it provides small amounts of security assistance to Bahrain." The Fifth Fleet's area of responsibility includes waters that touch 20 countries along the Persian Gulf, the Red Sea, the Gulf of Oman and parts of the Indian Ocean. The area includes the Strait of Hormuz, the Suez Canal and the Strait of Bab el Mandeb at the southern tip of Yemen — all strategic passages for international shipping.

Piracy will collapse the global economy

Glick 8, (Caroline, "Column One: Civilization walks the plank,"

<http://www.jpost.com/Opinion/Columnists/Column-One-Civilization-walks-the-plank>

US defense secretary are flying to London for vacation. One of them is stopped at immigration at Heathrow airport and arrested on suspicion of committing war crimes. Which one do you think it was? On Tuesday, Somali pirates, sailing in little more than motorized bathtubs, armed with automatic rifles and rocket-propelled grenades, and

sustained by raw fish and narcotics, successfully hijacked the Sirius Star, a Saudi-owned oil tanker the size of a US aircraft carrier. The tanker was carrying some \$100 million worth of crude oil. **News of its capture caused global oil prices to rise by a dollar a barrel.** The next day, Somali pirates attempted to hijack the Trafalgar, a British frigate, but were forced to flee by a German naval helicopter dispatched to the scene. They did manage to hijack a Chinese trawler and a cargo ship from Hong Kong. They nearly got control of an Ethiopian ship, but it, too, was saved by the German Navy that heeded its call for help in time. **Piracy is fast emerging as the newest old threat to stage a comeback in recent years. Over the past week and a half alone, 12 vessels have been hijacked. And according to the International Maritime Bureau, in the three months that ended on September 30, Somali pirates attacked 26 vessels, capturing 576 crew members. Britain's Chatham House (the Royal Institute of International Affairs) assesses the ransoms they netted at between \$18m. and \$30m.** And with financial strength comes increased military sophistication. The US Navy expressed shock at the pirates' successful hijacking of the Sirius Star. **The pirates staged the hijacking much farther from shore than they had ever done previously. Beyond the personal suffering incurred by thousands of crew members taken hostage in recent years, piracy's potential impact on global economic stability is enormous. In the Gulf of Aden, where the Somali pirates operate, US shippers alone transport more than \$1.5 trillion in cargo annually.** One of the unique characteristics of pirates is that they appear to be equal opportunity aggressors. They don't care who owns the ships they attack. On August 21, Somali pirates hijacked the Iran Deyanat, a ship owned and operated by the Iranian Revolutionary Guards-linked Islamic Republic of Iran Shipping Line (IRISL). In September, the US Treasury Department designated IRISL as a company that assists Iran's nuclear weapons program and placed it under stiff financial sanctions. Iran Deyanat's manifest asserted that its cargo included minerals. Yet shortly after the pirates went on board they began developing symptoms such as hair loss that experts claim are more in line with radiation exposure. According to reports, some 16 pirates died shortly after being exposed to the cargo. Just this week, a second Iranian ship - this one apparently carrying wheat - was similarly captured. Then, too, in September, pirates seized the Faina, a Ukrainian ship carrying 33 Russian-made T-72 tanks. The Ukrainians and Russians claimed that the tanks were destined for Kenya, but it later emerged that they may have been seized en route to Sudan. So, ironically, in the case of both the Faina and the Deyanat, pirates may have inadvertently saved thousands of lives. THE INTERNATIONAL community is at a loss for what to do about the emerging danger of piracy. This is not due to lack of capacity to fight the pirate ships. On Monday an Indian naval frigate, the INS Tabar, sank a pirate "mother ship" whose fleet members were attacking the Tabar in the Gulf of Aden. NATO has deployed a naval task force while the American, French, German and other navies have aggressively worked to free merchant ships under attack by pirates. As David Rivkin and Lee Casey explained in The Wall Street Journal on Wednesday, the problem with contending with piracy is not so much military, as legal and political. Whereas customary international law defined piracy as a threat against all nations and therefore a crime for which universal jurisdiction must be applied to perpetrators, in today's world, states are unwilling to apprehend pirates or to contend with them because they are likely to find themselves in a sticky legal mess. In centuries past, in accordance with established international law, it was standard practice for naval captains to hang pirates after capturing them. Today, when Europe has outlawed capital punishment, when criminal defendants throughout the West are given more civil rights than their victims, and when irregular combatants picked off of battlefields or intercepted before they attack are given - at a minimum - the same rights as those accorded to legal prisoners of war, states lack the political will and the moral clarity to prosecute offenders. As Casey and Rivkin note, last April the British Foreign Office instructed the British Navy not to apprehend pirates lest they claim that their human rights were harmed, and request and receive asylum in Britain. THE WEST'S perverse interpretations of human rights and humanitarian law, which bar it from handling one of the most acute emerging threats to the international economy, is a consequence of the West's abdication of moral and legal sanity in its dealings with international terror. In the 1960s and 1970s, when international terrorism first emerged as a threat to international security, the West adopted international treaties and conventions that tended to treat terrorism as a new form of piracy. Like piracy, terrorism was to be treated as an attack on all nations. Jurisdiction over terrorists was to be universal. Such early views were codified in early documents such as the Convention for the Suppression of Unlawful Seizure of Aircraft from 1970 that established a principle of universal jurisdiction over aircraft hijackers. Similarly, in the wake of the September 11 attacks on the US, the UN Security Council passed binding Resolution 1373, which also compelled member states not only to treat terrorists as illegal combatants who must be universally denied any support of any kind, but to take action against anyone involved with or supporting terrorists in any way. That is, as in piracy, the tendency of states contending with terrorism has been to view it as an act requiring universal jurisdiction, compelling all UN member states to prosecute offenders. And yet, over the years, states have managed to ignore or invert international laws on terrorism to the point where today terrorists are among the most protected groups of individuals in the world. Due to political sympathy for terrorists, hostility toward their victims, or fear of terrorist reprisals against a state that dares to prosecute terrorists found on its territory, states have managed to avoid not only applying existing laws against terrorists. They have

also refrained from updating laws to meet the growing challenges of terrorism. Instead, international institutions and "enlightened" Western states have devoted their time to condemning and threatening to prosecute the few states that have taken action against terrorists. The inversion of international law from an institution geared toward protecting states and civilians from international lawbreakers to one devoted to protecting international menaces from states and their citizens is nowhere more evident than in the international community's treatment of Hamas-controlled Gaza. One of the reasons the international community has failed so abjectly to take reasonable measures to combat terrorism is because international terrorism as presently constituted is the creation of Palestinian Arabs and their Arab brethren. Since the 1960s, and particularly since the mid-1970s, Europe, and to varying degrees the US, have been averse to contending with terrorism because their hostility toward Israel leads them to condone Palestinian Arab terrorism against the Jewish state. THE INTERNATIONAL community's treatment of Hamas-controlled Gaza epitomizes this victory of politics over law. Both the US and the EU have labeled Hamas a terror group. That designation places Gaza, which is controlled by Hamas, under the regime of UN Security Council Resolution 1373. Among other things, Resolution 1373 requires states to "freeze without delay funds and other financial assets or economic resources of... entities owned or controlled directly or indirectly by [terrorists]." That is, the resolution requires UN member states to end all financial and other support for Hamas-controlled Gaza. The resolution also requires UN member states to "cooperate [with other states] to prevent and suppress terrorist attacks and take action against perpetrators of such acts." This means that states are required to assist one another - and in the case of Hamas, to assist Israel - in combating Hamas and punishing its members and supporters. While it can be argued that given the absence of a binding legal definition of terrorism, states that do not designate Hamas as a terrorist organization are not required to abide by the terms of 1373 in dealing with Hamas, it is quite clear that for states that do recognize Hamas as a terror group, 1373's provisions must be upheld. And yet, the EU and the US have willfully ignored its provisions. They have steadily increased their budgetary support for the Palestinian Authority while knowing full well that the Fatah-led PA in Judea and Samaria is transferring money to Hamas-controlled Gaza to pay the salaries of Hamas employees. More disturbingly, the US and the EU as well as the UN demand that Israel itself sustain Hamas-controlled Gaza economically. The UN, EU and the US have consistently demanded that Israel provide Gaza with fuel, food, water, medicine, electricity, telephone service, port services and access to Israeli markets, in spite of the fact that international law actually prohibits Israel from providing such assistance, and in fact arguably requires Israel to deny it. Recently, supported by the UN, and in connivance with Hamas, European leaders began supporting illegal moves to end Israel's maritime blockade of Gaza, which was established to block weapons and terror personnel from entering and exiting the area. Expanding this trend, this week Navanethem Pillay, the UN's High Commissioner for Human Rights, called for Israel to end its blockade of the Gaza Strip, perversely calling the blockade a breach of international and humanitarian law. This inversion of the aims of international law - from protecting states and innocent civilians from attack to protecting aggressors from retaliation - has brought about the absurd situation where terrorist ideologues and commanders such as Sheikh Yusuf Qaradawi are feted in Britain while retired Israeli and American generals are threatened with arrest. Germany welcomed Iranian President and genocide proponent Mahmoud Ahmadinejad to visit and indicted former US defense secretary Donald Rumsfeld for crimes against humanity. Belgium allows Hamas and Hizbullah supporters like Dyab Abu Jahjah, who calls for attacks against Jews, to operate freely, but indicted former prime minister Ariel Sharon for crimes against humanity. The consequence of this absurd state of affairs is obvious. The international law champions who argue that international humanitarian law provides a nonviolent means for nations to defend themselves against aggressors have perverted the purpose and meaning of international humanitarian law to such a degree that the only way for nations to protect themselves against pirates, terrorists and other international rogues is to ignore international law aficionados and secure their interests by force.

Impacts: Saudia-Iran

US key to check Iranian influence – allowing the regime’s undemocratic policies is key to keep the US base there

Ziezulewicz 12, (Geoff, “With Bahrain home to 5th Fleet, US faces dilemma over crackdown on protests,” <http://www.stripes.com/with-bahrain-home-to-5th-fleet-us-faces-dilemma-over-crackdown-on-protests-1.168370>, 2/12/12, //VZ)

But unlike the other Arab Spring flashpoints, Bahrain’s unrest unfolds a few hundred yards from the gates of the Naval Support Activity Bahrain, home to the U.S. Navy’s 5th Fleet, with some 6,200 sailors, civilians and family members. Yet thanks to realpolitik and the imperative to safeguard American strategic interests in the Arabian Gulf, U.S. policymakers find themselves on the opposite side of the protesters, backing an undemocratic regime that continues to brutalize its citizens.

“There is a tension between the U.S. rhetoric and preference for democratic systems and regional requirements when it comes to Bahrain,” said Emile Hokayem, senior fellow for regional security at the Bahrain offices of the International Institute for Strategic Studies. This tiny island of 1.2 million people has served as a crucial American ally in the region for decades, providing the U.S. military a base for naval forces that are a vital counterweight to Iranian influence in the oil-rich Gulf.

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A U.S. ally in a geographically strategic perch, Bahrain is positioned near the world's most important oil reserves, and its Sunni government has been seen as a reliable bulwark against nearby Shiite-led Iran. At the center of U.S. strategy there is the headquarters of the U.S. Fifth Fleet—a base that is home to 3,000 military personnel who oversee the 30 naval ships and some 30,000 sailors that patrol the Persian Gulf and Arabian and Red seas. The Bahrain base isn't the most important U.S. base in the Middle East, but it oversees all of its naval operations there, a critical task. While it could conceivably be moved, former officials say no other country has been as reliably welcoming to the U.S. presence as Bahrain. "Could we find some other place to put a fleet headquarters? Probably we could," said Anthony Cordesman, a defense analyst at the Center for Strategic and International Studies. "But if Bahrain becomes unstable, if it comes under Iranian influence...[that] threatens the entire structure of world oil markets." The U.S. has so far been relatively quiet in condemning Bahrain's moves against protesters. President Barack Obama, at a news conference this week, pointedly avoided criticizing Bahrain's leaders as he eventually did amid building protests against Egypt's now-deposed Hosni Mubarak. But the State Department on Thursday expressed its sharpest concerns yet over the events in Bahrain, highlighting the delicate path it continues to carve between guarding its longtime alliances in the region and supporting its emerging democracy movements. On Thursday, Secretary of State Hillary Clinton spoke with her Bahraini counterpart to express "deep concern about recent events and [urge] restraint moving forward," according to a State Department official. "This is something that the Bahraini government needs to address in a greater fashion," said Mark Toner, a State Department spokesman. He said the U.S. was "expressing our full support for the right of these people to express themselves." Defense Secretary Robert Gates called Crown Prince Salman Bin Hamad Al Khalifa; officials declined to give details of the call. American ties to Bahrain go back to the 1940s, when U.S. Navy vessels first began to use the port. The U.S. took over the navy base in Bahrain from the British in 1971. Though Bahrain was heavily used in the Gulf war, the U.S. presence remained modest until Sept. 11, 2001, when the U.S. dramatically rebuilt its naval presence in the Persian Gulf. Today the base is a logistics resupply point and command and control node. Two carrier battle groups, one led by the USS Carl Vinson the other by the USS Enterprise, are under Fifth Fleet command. Bahrain has little in the way of its own energy reserves and a small military. But its location near key Saudi fields,

and its rulers' pro-American track record, have given it outsized importance. U.S. efforts to build up defense cooperation among the Arab gulf states would be undermined if Bahrain's Sunni royal family were to be replaced with a pro-Iranian administration. Some analysts see Iranian influence among the Shiite protesters in Bahrain, and few doubt Tehran would like to see the U.S. forced to pull out of the kingdom. **"It is a natural goal of Iran to try and expel the Fifth Fleet from Bahrain,"** said Elliott Abrams, a former senior State Department official. In recent years, the U.S. and its military have quietly pushed for political liberalization in Bahrain. Current and former officials have said that while the king and crown prince remain reform-minded, they say the prime minister—the king's uncle—remains a strong obstacle. The prime minister, on his website, says he has supported the royal family's move to support press freedom and other reform efforts. Retired Adm. William Fallon said the administration is right to take a different approach to Bahrain. "This is a different case than Egypt, and we really need to tread lightly," said Adm. Fallon, the former head of U.S. Central Command in the Middle East. "This leadership does not abuse its people." Adm. Fallon said it would be difficult for the Navy to find a Middle Eastern home as open as Bahrain. Unlike in other Middle Eastern countries, U.S. personnel are not confined to compounds. Navy personnel stationed in Bahrain often bring their families. **"With many other places, their affinity for us waxes and wanes. Bahrain has been a staunch ally, unwavering,"** Adm. Fallon said. **"It is very, very handy to have that foothold there."**

Iran takeover of Bahrain leads to direct Saudi-Iran war with American draw-in

Slackman 11, (Michael Slackman, New York Times, graduated from Northwestern, quotes Mustafa el-Labbad, director of Al Sharq Center for Regional and Strategic Studies in Cairo and Abdulaziz O. Sager, chairman of the Gulf Research Center, "The Proxy Battle in Bahrain," <http://www.nytimes.com/2011/03/20/weekinreview/20proxy.html>, 3/19/11, //VZ)

CAIRO — King Abdullah of Saudi Arabia has demonstrated one lesson learned from the course of pro-democracy uprisings across the Middle East: The world may cheer when autocrats resign, but it picks carefully which autocrats to punish for opening fire on their citizens. **That cynical bit of realpolitik seems to have led the king to send troops last week over the causeway from Saudi Arabia to Bahrain, where they backed up a violent crackdown on unarmed protesters by Bahrain's own security forces. The move had immediate consequences for Middle East politics, and for American policy: It transformed Bahrain into the latest proxy battle between Iran and Saudi Arabia for regional dominance.** And it called into question which model of stability and governance will prevail in the Middle East, and which Washington will help build: one based on consensus and hopes for democracy, or continued reliance on strongmen who intimidate opponents, sow fear and co-opt reformist forces while protecting American interests like ensuring access to oil and opposing Iran. For Saudi Arabia, the issue in Bahrain is less whether Bahrain will attain popular rule than whether Iranian and Shiite influence will grow. **Iran and Saudi Arabia have sparred on many fronts since the Iranian Revolution of 1979 — a Shiite Muslim theocracy in Tehran versus a deeply conservative Sunni Muslim monarchy in Riyadh — in a struggle for supremacy in the world's most oil-rich region. The animosity was evident in Saudi Arabia's support for Iraq during its war with Iran, and it still shows in Iran's backing for Hezbollah in Lebanon. Now, after a decade that seemed to tilt the regional balance toward Iran, Saudi Arabia decided that Bahrain was the place to put its thumb more heavily on the scale. It sent troops under the auspices of the Gulf Cooperation Council to help crush pro-democracy demonstrations because most of the protesters were Shiites challenging a Sunni king.** "If the political opposition in Bahrain wins, Saudi loses in this regional context," said Mustafa el-Labbad, director of Al Sharq Center for Regional and Strategic Studies in Cairo. **"Saudi is regarding itself as the defender of Sunnis. And Iran is trying to defend Shiites in the region."** The problem for the United States, however, is that Bahrain, at Saudi urging, chose to resolve its fears with force, rather than by addressing the protesters' demands for democratic reform, as American officials had publicly encouraged. And for that reason,

the military deployment may now have a profound impact on the United States and its primary strategic interest in Bahrain, the Navy base it maintains there. Because Washington did not ultimately support the protesters' demands — as it came to do in Egypt and as it has now, very late in the game, come to back foreign intervention in Libya — many protesters believe that the Saudi troops were sent in with American complicity, or at least with an expectation of American acquiescence. So, among the protesters, who turned out by the tens of thousands, the crackdown may well yield animosity toward America and its Navy when events finally settle down. One American expert in the Persian Gulf who advises policymakers in Washington said the Saudi king's action was taken without regard for what might happen if it fails — if the violence leads only to more violence. The Saudi policy, he said, "is risky and could potentially draw us into conflicts we have not looked for." "What if the Bahrain venture fails, who will bail them out? It will have to be us." Saudi Arabia's supporters acknowledge that this confrontation can escalate, but they tend to place the responsibility on Iran. "It can lead to that direct conflict if Iran were to interfere and use this as an excuse to interfere," said Abdulaziz O. Sager, chairman of the Gulf Research Center, which is based in Dubai. "I hope Iran can understand that any interference will not be acceptable."

Leads to World War III, threatening humanity

Chossudovsky 7, (Michel is an award-winning author, Professor of Economics (emeritus) at the University of Ottawa, Founder and Director of the Centre for Research on Globalization (CRG), Montreal, Editor of Global Research. He has taught as visiting professor in Western Europe, Southeast Asia, the Pacific and Latin America. He has served as economic adviser to governments of developing countries and has acted as a consultant for several international organizations. He is the author of eleven books including The Globalization of Poverty and The New World Order (2003), America's "War on Terrorism" (2005), The Global Economic Crisis, The Great Depression of the Twenty-first Century (2009) (Editor), Towards a World War III Scenario: The Dangers of Nuclear War (2011), The Globalization of War, America's Long War against Humanity (2015). He is a contributor to the Encyclopaedia Britannica. His writings have been published into more than twenty languages. In 2014, he was awarded the Gold Medal for Merit of the Republic of Serbia for his writings on NATO's war of aggression on Yugoslavia. "The Unthinkable: The US- Israeli Nuclear War on Iran," <http://www.globalresearch.ca/the-unthinkable-the-us-israeli-nuclear-war-on-iran/4536>, 1/21/7, //VZ)

The World is at the crossroads of the most serious crisis in modern history. The US has embarked on a military adventure, "a long war", which threatens the future of humanity. At no point since the first atomic bomb was dropped on Hiroshima on August 6th, 1945, has humanity been closer to the unthinkable, a nuclear holocaust which could potentially spread, in terms of radioactive fallout, over a large part of the Middle East. There is mounting evidence that the Bush Administration in liaison with Israel and NATO is planning the launching of a nuclear war against Iran, ironically, in retaliation for its nonexistent nuclear weapons program. The US-Israeli military operation is said to be in "an advanced state of readiness". If such a plan were to be launched, the war would escalate and eventually engulf the entire Middle-East Central Asian region. The war could extend beyond the region, as some analysts have suggested, ultimately leading us into a World War III scenario. In this regard, the structure of military alliances is crucial. China and Russia have entered into far-reaching military cooperation agreements with Iran. The latter have a direct bearing on the conflict. Iran possesses an advanced air defense system as well as capabilities to target US and allied positions in Iraq and the Gulf States, as demonstrated in recent military exercises. The US-led naval deployment (involving a massive deployment of military hardware) is taking place in two distinct theaters: the Persian Gulf and the Eastern Mediterranean. The

militarization of the Eastern Mediterranean is broadly under the jurisdiction of NATO in liaison with Israel. Directed against Syria, it is conducted under the façade of a UN peace-keeping mission. In this context, the war on Lebanon last Summer must be viewed as a stage of the broader US sponsored military road-map. The naval armada in the Persian Gulf is largely under US command, with the participation of Canada. The naval buildup is coordinated with the air attacks. The planning of aerial bombings of Iran started in mid-2004, pursuant to the formulation of CONPLAN 8022 in early 2004. In May 2004, National Security Presidential Directive NSPD 35 entitled Nuclear Weapons Deployment Authorization was issued. While its contents remain classified, the presumption is that NSPD 35 pertains to the stockpiling and deployment of tactical nuclear weapons in the Middle East war theater in compliance with CONPLAN 8022. Despite Pentagon statements which describe tactical nuclear weapons as “safe for the surrounding civilian population”, **the use of nukes in a conventional war theater would trigger a nuclear holocaust. The resulting radioactive contamination, which threatens future generations, would by no means be limited to the Middle East.**

A2: No tradeoff necessary (US Navy and HR in Bahrain)

Human rights are a necessary tradeoff in Bahrain to keep US national interests like Naval power

HRW 2/11, (Human Rights First, a nonprofit, nonpartisan human rights organization based in New York City and Washington D.C., “How to Bring Stability to Bahrain,” <http://www.humanrightsfirst.org/sites/default/files/How-to-Bring-Stability-to-Bahrain.pdf>, 2/11/15, //VZ)

Existing U.S. policy has neither compelled the government of Bahrain to honor its stated commitments, nor contributed to improving its relationship with the United States. U.S. security interests in Bahrain, including the presence of the Fifth Fleet, now depend on an increasingly erratic and internally divided host government. If U.S. entreaties to Bahrain are to be taken seriously, the United States must urgently revise its approach. The arrival of William Roebuck as the new U.S. Ambassador to Bahrain provides an opportunity to develop and implement a new approach in Bahrain. The U.S.-Bahrain relationship has a number of diplomatic, economic, and strategic dimensions that should be considered in a comprehensive strategic review. **Bahrain is among Washington’s most repressive allies** The King’s family controls the government and judiciary in Bahrain. The King’s uncle has been the country’s unelected prime minister since 1971 and through him the King makes all cabinet appointments. The King has the authority to amend the constitution and appoints all judges by royal decree. The alKhalifa family members generally fill about half of all ministerial slots, including those on defense, internal security, and foreign policy. The country’s majority Shi’a sect is underrepresented in the cabinet and other government posts, notably in the security services where they serve mainly in administrative functions, if at all. Bahrain hosts the U.S. Fifth Fleet headquarters and since 1991 has enjoyed “major non-NATO ally” status with the United States. There are about 7,000 members of the U.S. armed forces stationed in Bahrain, mostly located at the navy base. Apparently in reaction to the violent crackdown against protestors since 2011, the U.S. government has held up some arms sales to Bahrain that could be used against protestors, but has continued sales of other weapons systems. Some **U.S. officials make the case that the U.S. government should not be too hard on a loyal military ally, like Bahrain,** especially at a time when the United States needs Arab partners in the fight against ISIS. In this view, Bahrain remains key to countering Iranian aggression and **not pressing Bahrain on human rights is a necessary tradeoff that serves U.S. national interests.** Though not ideal, they argue, the current situation is tolerable and serves the United States adequately enough.

A2: Unlikely

Losing Bahrain is probable – Iran and the Philippines disprove their ‘experts’

McDaniel 13, (Richard, a Commander of the US Navy, Foreign Policy at Brookings, “No “Plan B” U.S. Strategic Access in the Middle East and the Question of Bahrain,” <http://www.brookings.edu/~media/research/files/papers/2013/06/24-us-strategic-access-middle-east-bahrain-mcdaniel/24-us-strategic-access-middle-east-bahrain-mcdaniel.pdf>, June 2013, //VZ)

Recent history, such as **the loss of access in Iran and the Philippines, has taught us to expect the unexpected and highlights the reality that the U.S. does not influence every factor that contributes to the loss of access.** The Navy would be wise to learn from historical lessons to best posture the force should these improbable “**Black Swan**” situations arise. While **losing Bahrain** is not a foregone conclusion, it **remains a distinct possibility** under a variety of different circumstances and scenarios. The absence of a U.S. presence could potentially create a **power vacuum, destabilize the region,** and eliminate the moderating effect of U.S. influence in any **Bahraini crisis.** Therefore, the United States must investigate viable alternatives as a hedge strategy.

Other Scenarios

Impacts: Promo = ME Backlash

US democracy promotion causes Central Asian and Middle Eastern backlash

Burnell and Youngs 9 (Peter Burnell, Professor of Politics and International Studies, Richard Youngs, Senior Associate Carnegie Endowment for International Peace and Professor of International Relations, "New Challenges to Democratization," Routledge, December 4, 2009)//AG

The backlash has also widened in two key regions: Central Asia and the Middle East. In Central Asia, Western democracy promoters are finding less and less room to maneuver. Most Western organizations have given up trying to support civil society in Uzbekistan in the face of the obstacles put up by the government there. Tajikistan presents similar difficulties. Although open to Western assistance in some areas, such as the economic domain, the Kazakh government has blocked political party aid and established high-tened controls over civil society programming. Even Kyrgyzstan, which was relatively open to Western democracy assistance for many years, became a more difficult environment for such work in the period during its 2007 elections, elections that provoked conflict within the country over issues of fairness and openness. The increased attention to the Middle East by Western, especially US, democracy promoters in recent years has produced a backlash in various parts of the region. In early 2007, the Iranian government arrested and imprisoned for several months two Iranian-Americans, one a staff member of the Washington-based Woodrow Wilson International Center for Scholars and the other a Tehran-based consultant for the Open Society Institute, accusing them of being part of US efforts to foment a "velvet revolution" in Iran. Both were released later the same year but the arrests had a powerful chilling effect on the willingness of Iranians to take part in any Western-sponsored activities involving Iranian civil society. Further crackdowns on Iranian intellectuals and civic activists have followed. The Egyptian government has blocked the efforts of some US democracy groups to set up offices in Cairo. The government of Bahrain backed away from its initial receptivity towards US democracy promotion earlier in the current decade to a more restrictive approach. Other Arab governments, such as in Algeria and Yemen, have also shown signs of increasingly cold feet about US democracy programs.

Impacts: Lat Am Backlash

US democracy promotion causes Latin American backlash

Burnell and Youngs 9 (Peter Burnell, Professor of Politics and International Studies, Richard Youngs, Senior Associate Carnegie Endowment for International Peace and Professor of International Relations, "New Challenges to Democratization," Routledge, December 4, 2009)//AG

In Latin America, the florid criticisms by Venezuela's President Hugo Chavez of US democracy assistance activities have been taken up by some of President Chavez's regional allies. In September 2008, for example, Bolivia's President Evo Morales declared the US ambassador to La Paz persona non grata, accusing him and the US Agency for International Development of conspiring against Bolivian democracy by supporting groups in eastern Bolivia that have opposed the Bolivian government's policies concerning the use of the country's ample natural gas revenues.² As the backlash continues, exploring the causes of it becomes more possible and also more important. The initial explanations—such as the view that the backlash is primarily due to a resurgence of authoritarianism in the world—have tended to be too unidimensional. A complex set of causal factors is clearly at work. The passage of time also permits some examination of the reactions of the Western democracy promotion community to the backlash. Examining these reactions leads to consideration of the question of norms—which international norms cover democracy promotion and whether some formalization of norms would be useful in attempting to limit the backlash.

AT: HR Scenarios/1AC Impacts

Defense

No Impact

HR cred fails- morality isn't universal and no enforcers

Posner 14 (Eric Posner, professor at the University of Chicago Law School, "The Case Against Human Rights," The Guardian, December 4, 2014,

[//AG">http://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights\)//AG](http://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights)

We live in an age in which **most** of the major **human rights treaties** – there are nine “core” treaties – **have been ratified by the vast majority of countries.** Yet it seems that the human rights agenda has fallen on hard times. In much of the Islamic world, **women lack equality, religious dissenters are persecuted and political freedoms are curtailed.** The Chinese model of development, **which combines political repression and economic liberalism, has attracted numerous admirers** in the developing world. Political **authoritarianism has gained ground in Russia, Turkey, Hungary and Venezuela.** Backlashes against LGBT rights have taken place in countries as diverse as Russia and Nigeria. **The traditional champions of human rights – Europe and the United States – have floundered.** Europe has turned inward as it **has struggled with a sovereign debt crisis, xenophobia towards its Muslim communities and disillusionment with Brussels.** **The United States, which used torture in the years after 9/11 and continues to kill civilians with drone strikes, has lost much of its moral authority.** Even age-old scourges such as slavery continue to exist. **A recent report estimates that nearly 30 million people are forced against their will to work.** It wasn't supposed to be like this. At a time when human rights violations remain widespread, the discourse of human rights continues to flourish. The use of “human rights” in English-language books has increased 200-fold since 1940, and is used today 100 times more often than terms such as “constitutional rights” and “natural rights”. Although people have always criticised governments, it is only in recent decades that they have begun to do so in the distinctive idiom of human rights. **The United States and Europe have recently condemned human rights violations in Syria, Russia, China and Iran.** Western countries often make foreign aid conditional on human rights and have even launched military interventions based on human rights violations. Many people argue that the incorporation of the idea of human rights into international law is one of the great moral achievements of human history. Because human rights law gives rights to all people regardless of nationality, it deprives governments of their traditional riposte when foreigners criticise them for abusing their citizens – namely “sovereignty” (which is law-speak for “none of your business”). Thus, international human rights law provides people with invaluable protections against the power of the state. **And yet it is hard to avoid the conclusion that governments continue to violate human rights with impunity.** Why, for example, do more than 150 countries (out of 193 countries that belong to the UN) engage in torture? Why has the number of authoritarian countries increased in the last several years? Why do women remain a subordinate class in nearly all countries of the world? Why do children continue to work in mines and factories in so many countries? **The truth is that human rights law has failed to accomplish its objectives. There is little evidence that human rights treaties, on the whole, have improved the wellbeing of people.** The reason is that **human rights were never as universal as people hoped, and the belief that they could be forced upon countries as a matter of international law was shot through with misguided assumptions from the very beginning.** The human rights movement shares something in common with the hubris of development economics, which in previous decades tried (and failed) to alleviate poverty by imposing top-down solutions on developing countries. But where development economists have reformed their approach, the human rights movement has yet to acknowledge its failures. It is time for a reckoning.

Human rights diplomacy fails- language is too vague and enforcement trades off with other efforts

Posner 14 (Eric Posner, professor at the University of Chicago Law School, “The Case Against Human Rights,” The Guardian, December 4, 2014,

[//AG](http://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights)

The central problem with human rights law is that it is hopelessly ambiguous. The ambiguity, which allows governments to rationalise almost anything they do, is not a result of sloppy draftsmanship but of the deliberate choice to overload the treaties with hundreds of poorly defined obligations. In most countries people formally have as many as 400 international human rights – rights to work and leisure, to freedom of expression and religious worship, to nondiscrimination, to privacy, to pretty much anything you might think is worth protecting. The sheer quantity and variety of rights, which protect virtually all human interests, can provide no guidance to governments. Given that all governments have limited budgets, protecting one human right might prevent a government from protecting another. Take the right not to be tortured, for example. In most countries torture is not a matter of official policy. As in Brazil, local police often use torture because they believe that it is an effective way to maintain order or to solve crimes. If the national government decided to wipe out torture, it would need to create honest, well-paid investigatory units to monitor the police. The government would also need to fire its police forces and increase the salaries of the replacements. It would probably need to overhaul the judiciary as well, possibly the entire political system. Such a government might reasonably argue that it should use its limited resources in a way more likely to help people – building schools and medical clinics, for example. If this argument is reasonable, then it is a problem for human rights law, which does not recognise any such excuse for failing to prevent torture. Or consider, as another example, the right to freedom of expression. From a global perspective, the right to freedom of expression is hotly contested. The US takes this right particularly seriously, though it makes numerous exceptions for fraud, defamation, and obscenity. In Europe, most governments believe that the right to freedom of expression does not extend to hate speech. In many Islamic countries, any kind of defamation of Islam is not protected by freedom of speech. Human rights law blandly acknowledges that the right to freedom of expression may be limited by considerations of public order and morals. But a government trying to comply with the international human right to freedom of expression is given no specific guidance whatsoever.

Credibility is useless – it doesn't affect perception

Walt '15 (Stephen, Academic Dean at the John F. Kennedy School of Government at Harvard University, where he holds the Robert and Renee Belfer Professorship in International Affairs, serves on the editorial boards of Foreign Policy, Security Studies, International Relations, and the Journal of Cold War Studies, has his own Wikipedia page, “The Credibility Addiction”,

Foreign Policy, <http://foreignpolicy.com/2015/01/06/the-credibility-addiction-us-iraq-afghanistan-unwinnable-war/>, 1/6/2015)//HW

Unfortunately, this obsession with credibility was misplaced. For one thing, a state's "reputation" for being tough or reliable didn't work the way most foreign-policy elites thought it did. American leaders kept worrying that other states would question the United States' resolve and capability if it ever abandoned an unimportant ally, or lost some minor scrap in the developing world. But as careful research by Ted Hopf, Jonathan Mercer, and Daryl Press has shown, states do not judge the credibility of commitments in one place by looking at how a country acted somewhere far away, especially when the two situations are quite different. In fact, when the United States did lose, or when it chose to cut its losses and liquidate some unpromising position, dominos barely fell and its core strategic relations remained unaffected. In other words, how the United States responds to a challenge in Southeast Asia or sub-Saharan Africa tells you nothing about how it would or should respond somewhere else, and other states understood this all along. When trying to figure out what the United States is going to do, other states do not start by asking what the United States did in some conflict on the other side of the world. Instead, they ask whether it is in America's interest to act in the situation at hand. And guess what? This implies that U.S. commitments are most credible when the American interest is obvious to all. I mean, nobody really doubts that the United States would fight like a tiger to defend its own soil, right? Exaggerated worries about U.S. credibility had a number of unfortunate consequences. They encouraged American leaders to act in places that didn't matter, in order to convince others that it would also act in places that did. Squandering resources on marginal conflicts undermined confidence in U.S. protection, however, because it consumed resources that could have been committed elsewhere and it sometimes made a war-weary American public even less interested in far-flung foreign adventures. Ironically, misguided efforts to bolster U.S. credibility may have weakened it instead. ¶ The credibility obsession also made it easier for U.S. allies to free-ride (something they were already inclined to do), because they could always get Uncle Sucker to take on more burdens by complaining that they had doubts about American resolve. I don't blame them for trying this ploy, but I do blame American officials for falling for it so often.

Inevitable

Low international HR inevitable- China

Posner 14 (Eric Posner, professor at the University of Chicago Law School, "The Case Against Human Rights," The Guardian, December 4, 2014,

[//AG](http://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights)

The rise of China has also undermined the power of human rights. In recent years, China has worked assiduously behind the scenes to weaken international human rights institutions and publicly rejected international criticism of the political repression of its citizens. It has offered diplomatic and economic support to human rights violators, such as Sudan, that western countries have tried to isolate. Along with Russia, it has used its veto in the UN security council to limit western efforts to advance human rights through economic pressure and military intervention. And it has joined with numerous other countries – major emerging powers such as Vietnam, and Islamic countries that fear western secularisation – to deny many of the core values that human rights are supposed to protect.

Insider Threats DA—Georgetown

Top Level

Key Terms

IC

Intelligence community

CI

Counterintelligence

CCI

Cyber counterintelligence

Data mining

Using computerized algorithms to sort through data; designed to identify certain characteristics based on suspicions

1NC Shell

Counterintelligence efforts in federal agencies prevents insider leaks now— status quo detection protects vital security information

Davenport 14 [Christian Davenport (reporter), "Federal agencies embrace new technology and strategies to find the enemy within," Washington Post, 3/7/2014] AZ

After a string of high-profile incidents from the Ft. Hood shooter to Wikileaks and NSA contractor Edward Snowden, government agencies and contractors have started monitoring their own employees and networks with unprecedented scrutiny. After years of focusing on outside threats, the federal government and its contractors are turning inward, aiming a range of new technologies and counterintelligence strategies at their own employees to root out spies, terrorists or leakers. Agencies are now monitoring their computer networks with unprecedented scrutiny, in some cases down to the keystroke, and tracking employee behavior for signs of deviation from routine. At the Pentagon, new rules are being written requiring contractors to institute programs against "insider threats," a remarkable cultural change in which even workers with the highest security clearances face increased surveillance. The "if you see something, say something" mind-set of the post-9/11 world has fully arrived in the workplace, with new urgency following high-profile leaks such as the revelations of former National Security Agency contractor Edward Snowden. "People's sensitivity to this has changed substantially," said Lynn Dugle, president of a Raytheon business unit that markets an insider threat detection system called SureView. "I can tell you five years ago, when we were talking to agencies or companies about insider threat, we would normally be talking to (chief information officers) who were under budget stress. . . . And that was a very tough sell. Now we see boards of directors and CEOs really understanding what the threat can mean to them, and the risk it poses to them." In response to the breach by former Army intelligence analyst Pfc. Bradley Manning, President Obama in 2011 issued an executive order that established a National Insider Threat Task Force and required all federal agencies that handle classified material to institute programs designed to seek out saboteurs and spies. While corporate security has long been part of Beltway culture, the heightened focus and the emergence of new monitoring technology touched off a burgeoning industry. In addition to Raytheon, Lockheed Martin has developed an insider-threat detection service, as have several start-ups in the Washington area. Even Booz Allen Hamilton, which faced national embarrassment when Snowden, one of its employees, walked off with some of the country's most guarded secrets, counsels its clients on how to detect rogue employees. A recent job posting said the company was looking for an "insider threat analyst," which required a security clearance and more than five years of experience in counterintelligence. The posting spread on the Web and sparked ridicule over the notion that the company that employed Snowden was now looking to help turn the historic breach into a profitable lesson learned. Raytheon's SureView program allows agencies to create all sorts of internal alerts indicating when something may be amiss. A company could, for example, program the software to detect whenever a file containing the words "top secret" or "proprietary" is downloaded, e-mailed or moved from one location on the system to another. Once that wire is tripped, an alert almost immediately pops up on a security analyst's monitor,

along with a digital recording of the employee's screen. All the employee's actions — the cursor scrolling over to open the secure file, the file being copied and renamed — can be watched and replayed, even in slow motion. It's the cyber equivalent of the security camera that records robbers sticking up a convenience store. Lockheed Martin provides a service called Wisdom, which acts as "your eyes and ears on the Web," according to a company official. At its broadest use, the service can monitor mountains of data on the Web — Facebook, Twitter, news sites or blogs — to help predict everything from a foreign coup or riot to political elections. But it can also be turned inward, at employees' online habits, to predict who within the organization might go rogue. Counterintelligence officials use Wisdom to "evaluate employee behavior patterns, flagging individuals who exhibit high risk characteristics," the company says in a brochure. "I like to think of it as a digital intuition that is being developed," said Jason O'Connor, Lockheed's vice president for analysis and mission solutions.

NSA surveillance key to address insider threats—foreign counter-espionage

Gellman 13 [Barton Gellman and Greg Miller, 'Black budget' summary details U.S. spy network's successes, failures and objectives," Washington Post, 8/29/2013, https://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972_story.html] AZ

Counterintelligence The budget includes a lengthy section on funding for counterintelligence programs designed to protect against the danger posed by foreign intelligence services as well as betrayals from within the U.S. spy ranks. The document describes programs to "mitigate insider threats by trusted insiders who seek to exploit their authorized access to sensitive information to harm U.S. interests." The agencies had budgeted for a major counterintelligence initiative in fiscal 2012, but most of those resources were diverted to an all-hands emergency response to successive floods of classified data released by the anti-secrecy group WikiLeaks. For this year, the budget promised a renewed "focus . . . on safeguarding classified networks" and a strict "review of high-risk, high-gain applicants and contractors" — the young, nontraditional computer coders with the skills the NSA needed. Among them was Snowden, then a 29-year-old contract computer specialist whom the NSA trained to circumvent computer network security. He was copying thousands of highly classified documents at an NSA facility in Hawaii, and preparing to leak them, as the agency embarked on the new security sweep. "NSA will initiate a minimum of 4,000 periodic reinvestigations of potential insider compromise of sensitive information," according to the budget, scanning its systems for "anomalies and alerts."

Insider threats risk exposing knowledge of nuclear weapons to terrorists

Kirkham 12 [Lara Dawn Kirkham (American attorney with Jackson Walker L.L.P), UT Austin Approved Report, "The Insider Threat in the Digital Age: A Case for Electronic Monitoring in the Nuclear Weapons Complex,"

https://books.google.com/books/about/The_Insider_Threat_in_the_Digital_Age.html?id=qaFQmwEACAAJ AZ

DoD defines the insider threat as, “A person with authorized access, who uses that access, wittingly or unwittingly, to harm national security interests or national security through unauthorized disclosure, data modification, espionage, terrorism, or kinetic actions resulting in personal injury or loss or degradation of resources or capabilities.”⁶ In the context of this paper, **an insider has authorized access, authority, and knowledge of DoD’s nuclear weapons complex.** The DoD nuclear weapons complex consists of the sites in the United States and abroad that maintain a modern arsenal of strategic nuclear warheads and special nuclear material.⁷ An insider becomes a threat once he is willing to exploit his position and knowledge of operations or security systems to further unauthorized activities.⁸ **The insider threat to the nuclear weapons complex concerns an insider’s potential to abuse his authorized level of system access to endanger the physical integrity of nuclear assets through theft, sabotage, or the deliberate unauthorized release of classified technical or command-and-control system information.**⁹ **Insider attacks against nuclear targets are likely to be attempted by** anti-nuclear protest groups, mentally unstable individuals, criminals, **terrorists**, or foreign agents.¹⁰ Terrorists or foreign agents present the most serious threat since they are likely a more capable adversary and the nuclear material would be the most valuable to them for political uses.¹¹ Insider adversaries acting in the following three ways are of particular concern to DoD: (1) active non-violent agents who may covertly assist external actors or directly participate in an attack, but will not use force or violence and will surrender if engaged; (2) active violent agents who will use physical force or violence to covertly assist external actors or to directly participate in an attack; or (3) passive agents who weaken the overall security of the system by failing to report unusual behavior or by inadvertently supplying information to external adversaries.¹² In the context of the DoD nuclear weapons complex, the most plausible scenarios are a single active non-violent insider colluding with an outsider,¹³ an active non-violent insider acting alone,¹⁴ and a passive insider. Electronic monitoring inputs should initially focus on identifying these types of insiders.

Nuclear terrorism is an existential threat—it escalates to nuclear war with Russia and China.

Robert **Ayson**, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” *Studies in Conflict & Terrorism*, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have

wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be "spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important ... some indication of where the nuclear material came from."⁴¹ Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or

China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? **Washington's early response to a terrorist nuclear attack** on its own soil **might** also **raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China.** For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an sinfringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abettors of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the "Chechen insurgents' ... long-standing interest in all things nuclear."⁴² American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither "for us or against us") might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a

state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia's use of nuclear weapons, including outside Russia's traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase "how dare they tell us what to do" immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

Impact Modules

Nuclear Terror Module

Insider threats risk exposing knowledge of nuclear weapons to terrorists

Kirkham 12 [Lara Dawn Kirkham (American attorney with Jackson Walker L.L.P), UT Austin Approved Report, “The Insider Threat in the Digital Age: A Case for Electronic Monitoring in the Nuclear Weapons Complex,” https://books.google.com/books/about/The_Insider_Threat_in_the_Digital_Age.html?id=qaFQmwEACAAJ] AZ

DoD defines the insider threat as, “A person with authorized access, who uses that access, wittingly or unwittingly, to harm national security interests or national security through unauthorized disclosure, data modification, espionage, terrorism, or kinetic actions resulting in personal injury or loss or degradation of resources or capabilities.”⁶ In the context of this paper, **an insider has authorized access, authority, and knowledge of DoD’s nuclear weapons complex.** The DoD nuclear weapons complex consists of the sites in the United States and abroad that maintain a modern arsenal of strategic nuclear warheads and special nuclear material.⁷ An insider becomes a threat once he is willing to exploit his position and knowledge of operations or security systems to further unauthorized activities.⁸ **The insider threat to the nuclear weapons complex concerns an insider’s potential to abuse his authorized level of system access to endanger the physical integrity of nuclear assets through theft, sabotage, or the deliberate unauthorized release of classified technical or command-and-control system information.**⁹ **Insider attacks against nuclear targets are likely to be attempted by** anti-nuclear protest groups, mentally unstable individuals, criminals, **terrorists**, or foreign agents.¹⁰ **Terrorists or foreign agents present the most serious threat since they are likely a more capable adversary and the nuclear material would be the most valuable to them for political uses.**¹¹ Insider adversaries acting in the following three ways are of particular concern to DoD: (1) active non-violent agents who may covertly assist external actors or directly participate in an attack, but will not use force or violence and will surrender if engaged; (2) active violent agents who will use physical force or violence to covertly assist external actors or to directly participate in an attack; or (3) passive agents who weaken the overall security of the system by failing to report unusual behavior or by inadvertently supplying information to external adversaries.¹² In the context of the DoD nuclear weapons complex, the most plausible scenarios are a single active non-violent insider colluding with an outsider,¹³ an active non-violent insider acting alone,¹⁴ and a passive insider. Electronic monitoring inputs should initially focus on identifying these types of insiders.

Nuclear terrorism is an existential threat—it escalates to nuclear war with Russia and China.

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In particular, **if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers**, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? **Washington's early response to a terrorist nuclear attack** on its own soil **might** also **raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China**. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abettors of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the "Chechen insurgents' ... long-standing interest in all things nuclear."⁴² American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither "for us or against us") might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over

which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia's use of nuclear weapons, including outside Russia's traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase "how dare they tell us what to do" immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

Deterrence Module

Insider threats pass on critical information on locations of bombers, submarines, and military operations

Hall 14 [Caitlin Squire Hall (Strategic Intelligence Graduate, Officer in the United States Air Force, Combat Intelligence analyst), "The Trusted Shadow and Trojan Horse of the United States Government: Human Behavior and the Insider Threat," Small Wars Journal, 3/20/2014, <http://smallwarsjournal.com/jrnl/art/the-trusted-shadow-and-trojan-horse-of-the-united-states-government>] AZ

An insider threat is irrefutably one of the greatest threats to United States national security. Greg Chung, Chi Mak, Robert Philip Hanssen, and Edward Snowden are a few of the dozens of personalities who have leaked or passed secrets to foreign governments over the past thirty years. Rita M. Barrios elaborates on the significance of the insider threat stating, "The theft and exposure of the critical data components that resides in a relational database by the authorized insider is on the rise" (Barrios 2013, 54). In comparison to threats such as weapons of mass destruction, cyber, and nuclear, the insider threat can often be overlooked; however, the threat of the insider is not the method of attack, rather the threat is the individual (Blades 2010, 32). The insider threat is comparable to a Trojan horse and is identifiable as a trusted shadow of the government who, despite the extensive background checks, obtains a security clearance providing access to classified information. Furthermore, the United States can strategically mission plan for all divisions of the military, yet it takes one individual to take those plans and pass that information to the enemy, or make it public knowledge. One individual can obtain classified information on the location of United States submarines, specs on the B-2 stealth bomber, or tactics, techniques, and procedures of the United States military and pass that intelligence to a news agency or foreign government easily. With the ever growing world of electronics and advancements in technology, a young adult could walk in and out of the work place with dozens of classified documents saved on a CD. In addition, with websites like Wikileaks, secrets can be published anonymously adding to the elusive nature of an insider threat. These factors make all government employees with a security clearance dangerous as there is no patch to an insider threat, only prevention and minimization. But is that what makes an insider threat so challenging to acknowledge and track? Or is it the fact that these individuals are a trusted shadow whose motivation is prompted by unknown factors? Ellen Messmer highlights this noting, "While the U.S. military is building up defenses to fend off network-based attacks from enemy states and terrorists, some say the more-insidious security problem is the threat is an insider bent on sabotage or stealing data" (Messmer 2003, 12). Messmer, in a sense, simply acknowledges that the motivation of an individual can be as minuet as 'I felt like it.' That being said, is it only the fault of the insider for a leak or do co-workers impact the process of detection as well? This realm of threat to a government entity is challenging due to the fact that, for any organization, they are dealing with the unknown. The state of unknown bears the foremost question; what then are the underlying complexities making the insider threat so dangerous to Department of Defense agencies? Furthermore, how will, if at all, the

current instability of the United States' economy impact the ability to combat the insider threat over the course of the next decade?

Nuclear submarine positioning deters multiple hotspots for conflict and reduces proliferation—key part of the deterrence triad—survivability and secrecy are absolutely key. Revealing nuclear posture causes extinction.

Mies 99 [Admiral Richard W. Mies (Commander in Chief, United States Strategic Command, Offutt Air Force Base, Nebraska), "The SSBN in National Security," Undersea Warfare, Vol. 2, No. 1, Fall 1999]

Without fanfare and recognition, our ballistic missile submarines patrolled the oceans of the Cold War in silent vigil, undetected and invulnerable, ready to strike, to deter our adversaries, and reassure our allies. And just as quietly, they set the standard for strategic deterrence and became the **dominant leg of our strategic deterrent triad** - our "ultimate insurance policy." As Colin Powell said on the occasion of the completion of the strategic submarine force's 3,000th patrol by USS Tennessee (SSBN-734), "...the Cold War was won especially by...America's Blue and Gold crews manning America's nuclear powered ballistic missile submarine fleet...no one has done more to prevent conflict, no one has made a greater sacrifice for the cause of Peace, than... America's proud missile submarine family. You stand tall among all our heroes of the Cold War." Today, the Cold War has been over for a decade, and in its wake we have emerged as the only true superpower in the international arena. At the same time, the world has changed dramatically since the fall of the Berlin Wall. The predictable, monolithic world we once faced has now been replaced by a multi-polar world of greater uncertainty - uncertainty in the hills of the Balkans, the streets of Somalia, the deserts of Iraq, and the bunkers of North Korea. And despite our singular superpower status, we find ourselves in a world of more diverse, asymmetric threats. Strategic Nuclear Policy Deterrence of both aggression and coercion is a cornerstone of our national security strategy. Our strategic nuclear forces serve as the most visible and important element of our commitment to this principle. Although the risk of massive nuclear attack has decreased significantly, and the role of nuclear weapons in our national military strategy has diminished, deterrence of major military attack on the United States and its allies, especially attacks involving weapons of mass destruction, remains our highest defense priority. Our National security strategy reaffirms that: "Nuclear weapons serve as a hedge against an uncertain future, a guarantee of our security commitments to allies, and a disincentive to those who would contemplate developing or otherwise acquiring their own nuclear weapons." - A National Security Strategy for a New Century, 1998 Strategic Deterrence in the Post-Cold War Environment As outlined in our National Military Strategy, although our Nation is at peace and the Cold War has ended, there remain a number of potentially serious threats to national security, including regional dangers, asymmetric challenges, transnational threats, and "wild cards." Russia still possesses, and continues to modernize, their substantial strategic and non-strategic nuclear forces. Because of the deterioration of their conventional forces and severe economic turmoil, Russia has placed increased reliance on nuclear weapons. Russia has made great progress toward creation of a stable democracy, but that transition is not assured. Hence our strategic forces serve as a hedge against the possibility of Russia's reemergence as a threat to the U.S. and its allies. Although China possesses a much smaller nuclear force, it is modernizing its strategic forces, and we cannot discount the emergence of China as a potential threat. The proliferation of weapons of mass destruction and their means of delivery pose the greatest threat to global stability and security and the greatest challenge to strategic deterrence. The issue may not be whether weapons of mass destruction will be used against the West by a rogue nation or transnational actor, but where and when. Accordingly, our present strategic force's mission reflects continuity with the past: "To deter major military attack on the United States and its allies; and if deterrence fails, to employ forces," while simultaneously providing support to the geographic Commanders-in-Chief for countering the proliferation of weapons of mass destruction and the means of their delivery. Strategic Force Structure To deter a broad range of threats, our National Security Strategy requires a robust triad of strategic forces. Both the Nuclear Posture Review and the Quadrennial Defense Review have reaffirmed the wisdom of preserving a complementary strategic triad of land-based intercontinental ballistic missiles, strategic bombers, and submarine-launched ballistic missiles. Each leg of the triad contributes unique attributes that enhance deterrence and reduce risk: Intercontinental ballistic missiles provide prompt response, bombers

provide flexibility, and submarines provide survivability. Together they comprise a robust deterrent that complicates a potential adversary's offensive and defensive planning. The triad is also a synergistic force that provides protection against the failure of any single one of its legs. Ballistic missile submarines (SSBNs) will continue to carry the largest portion of our strategic power, regardless of whether they are subject to START I or START II treaty ceilings. With approximately two-thirds of the force at sea at any one time, the SSBN force is the most survivable leg of the triad, providing the United States with a powerful, assured, retaliatory capability against any adversary. Submarines at sea are stabilizing; by contrast, submarines in port are more vulnerable and could offer an extremely lucrative target in time of crisis. Thus, in any foreseeable arms control scenario, the United States must preserve a large enough SSBN force to enable two-ocean operations, with sufficient assets to ensure a retaliatory force at sea capable of dissuading any adversary in a crisis. Because the Russian Duma has failed to ratify the START II treaty, we have a Congressional mandate to maintain our strategic forces at START I levels. At the same time, the TRIDENT I, C4 missile is already beyond its design service life and can only be sustained at substantial cost and considerable risk to the middle of the next decade. Consequently, we have recently sought Congressional authority to transition the strategic submarine commitment from an 18-boat, mixed-missile force to a 14-boat, all TRIDENT II, D5 missile force. Backfit of four TRIDENT submarines to carry the D5 missile is the most cost-effective means to ensure a reliable sea-based deterrent well into the next century. A modernized 14-boat, two ocean, all D5 missile force is in many ways a more robust, credible, and reliable deterrent than the present 18-boat force. Our strategic forces, particularly our strategic submarines, are postured to provide an assured response capability to inflict unacceptable damage to a potential enemy. Our strategic plans provide a wide range of options to ensure our Nation can react appropriately to any provocation, rather than being limited to an "all or nothing" response. Additionally, our forces are postured such that we have the capability to respond promptly to any attack, without relying upon "launch on warning" or "launch under attack." The high flexibility, survivability, and diversity of our strategic forces are designed to complicate any adversary's offensive and defensive planning calculations. With the end of the Cold War, the United States has changed dramatically our strategic force posture: Our strategic forces no longer target other countries during normal peacetime operations. Our strategic bombers and their supporting tankers have not been on alert since 1991. Our Strategic Submarine Force, while positioned at sea for survivability, patrols under more relaxed and flexible conditions of alertness. Strategic Force Reductions From an historical perspective, the end of the Cold War has brought dramatic change to our strategic forces. Cooperative threat reduction, arms control, Presidential initiatives, and numerous confidence-building measures have brought about many positive developments in the strategic postures of the U.S. and Russia. Since the end of the Cold War, we have reduced our strategic nuclear systems by over 50 percent and non-strategic nuclear systems by over 75 percent. We have reduced the number of people involved in our strategic forces by approximately one-half and the number of military bases supporting them by approximately 60 percent. While overall defense spending has declined roughly 11 percent since the end of the Cold War, strategic force costs have dropped from eight percent of DoD's total obligation authority in 1990 to less than three percent today. This represents a pretty good "peace dividend" and a cost-effective premium on our Nation's "ultimate insurance policy." These changes also reflect a new, constructive relationship between the United States and Russia - a relationship in which stability is a central consideration. Stability is the most important criterion to satisfy as we proceed down the glide slope to lower numbers of nuclear weapons. Dr. Thomas Schelling, a noted writer on international strategic matters has written: "The dimension of 'strength' is an important one, but so is the dimension of 'stability' - the assurance against being caught by surprise, the safety in waiting, the absence of a premium on jumping the gun." Because of their stabilizing attributes of survivability and assured response, strategic submarines will play an increasingly prominent role in future START environments. Both the Nuclear Posture Review and Quadrennial Defense Review reaffirmed the importance of 14 TRIDENT SSBNs each equipped with 24 D5 missiles as a part of the START II-compliant nuclear force structure. These capital ships will form the backbone of the Nation's strategic nuclear force well into the 21st century. The SSBN Contribution: Survivable Deterrence The TRIDENT submarine provides a formidable array of capabilities to the National Command Authorities (NCA). As previously mentioned, these ships are the most survivable leg of the triad. Additionally, TRIDENT submarines provide unsurpassed reliability. To date there have been nearly 3,500 SSBN patrols which account for almost 130,000 man-years spent on patrol; at the same time the D-5 missile system has established an unprecedented record of 85 consecutive successful test flights. In addition to survivability, several specific characteristics of this formidable platform make it an indispensable part of our Nation's triad: Responsiveness. Because of its survivability, the TRIDENT weapon system can be effective under any strategic scenario. SSBNs can provide a sufficiently prompt response to meet any required mission, but their attack can be delayed as desired. Because TRIDENT submarines cannot be preempted, they are inherently stabilizing. There is no need to "use them or lose them." Response is assured, thus providing a highly credible deterrent.

Bioterror Module

Insider threats cause bioterror—pathogenic materials, equipment, and empirics prove. The risk is seriously underestimated

Culp 13 [Derrin Culp (research associate at the National Center for Disaster Preparedness, a unit of Columbia University), "Lessons not learned: Insider threats in pathogen research," Bulletin of Atomic Scientists, 04/03/2013] AZ

Ivins repeatedly authorized the Army to obtain and review his medical and psychiatric treatment records. According to the panel, however, the Army neither examined Ivins' mental health records nor paid close attention to his daily behavior. The expert panel urged organizations to retain the right to examine such records, to keep that access as broad as possible, to use it even in the "absence of specific symptoms or diagnoses," and to withhold access to pathogens from scientists who don't renew privacy waivers. However, the national press and microbiology journals paid little attention to the audacious conclusions. The H5N1 controversy. During the winter of 2011 and 2012, Americans witnessed a prime-time discussion about research on the avian flu virus, known to scientists as H5N1. This organism kills millions of birds annually but, unlike the seasonal flu that makes so many people miserable every winter, H5N1 rarely infects humans. When it does, however, it is incredibly lethal; the World Health Organization estimates that 59 percent of all human cases end in death. The US National Institutes of Health funded two unclassified studies to better understand the likelihood that the H5N1 virus might naturally mutate in ways that would make it more transmissible among humans and, therefore, much more dangerous. When it appeared that at least one of the studies had created in the lab a strain of H5N1 that might be able to spread easily among humans, numerous commentators weighed in on whether publishing the studies would be tantamount to giving terrorists the blueprints for a biological weapon of mass destruction. Scientists and scholars not prone to hyperbole or histrionics indicated that, under certain conditions, the intentional release of a similarly modified virus could cause deaths in the tens or even hundreds of millions. The NSABB, which historically has been strongly opposed to publication restrictions, recommended unanimously that science journals limit what they published, arguing that "the deliberate release of a transmissible highly pathogenic influenza A/H5N1 virus would be an unimaginable catastrophe." The controversy was so intense that virus researchers around the world adopted an open-ended moratorium on similar research, which they maintained for a year. The risk from "terrorists" dominated the H5N1 discussion, and the potential for scientists to do harm barely lit up the radar -- as if that hadn't happened in a spectacular way just a decade earlier. One of the few people who thought it was germane to worry about researchers using their own findings in malevolent ways was Australian immunologist Ian Ramshaw: "I'm not so worried about bioterrorism. It's the disgruntled researcher who is dangerous." Rutgers microbiologist Richard Ebright, commenting at the time on the proposed Select Agent updates, wrote that failure to mandate video monitoring, a two-person rule, and psychological assessments for scientists working with the most dangerous pathogens "would represent a failure to learn lessons from the 2001 anthrax mailings [and] to address the 'insider threat' responsible for the 2001 anthrax mailings."

Bioterror attacks cause extinction

Mhyrvold '13

Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton "Strategic Terrorism: A Call to Action," Working Draft, The Lawfare Research Paper Series Research paper NO . 2 – 2013

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, **the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades.** High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. **Tomorrow's terrorists will have vastly more deadly bugs to choose from.** Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.^{10, 11} Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller's variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.^{12, 13} Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might **the same techniques allow** chickenpox or **another** pox**virus** that infects humans **to be turned into a 100% lethal bioweapon,** perhaps one that is **resistant to any known antiviral therapy**? I've asked this question of experts many times, and no one has yet replied that such a manipulation couldn't be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.¹⁴ **Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats.** Nor is it clear that anyone is even trying. **In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties,** including the length of the latency period during which a

person is contagious but asymptomatic. **Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop.** This dynamic is perhaps best illustrated by HIV, which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS, which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.¹⁵ **A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV. It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious.** A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, **terrorists may not have to develop it** themselves: **some scientist may do so first** and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, **at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction.** Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but **similar techniques could be directed toward humans.**¹⁶ When I've talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. **Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more.** That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

Competitiveness Module

The US is a target for espionage. An attack would hurt the economy, military, and economic competitiveness.

Poteat, '14 (Gene, president of the Association of Former Intelligence Officers (AFIO) and a former senior technical intelligence officer in the CIA, "COUNTERINTELLIGENCE, HOMELAND SECURITY AND DOMESTIC INTELLIGENCE", 04/03,

[http://www.afio.com/publications/Counterintelligence_\(Poteat\)_2014Apr03_DRAFT.pdf](http://www.afio.com/publications/Counterintelligence_(Poteat)_2014Apr03_DRAFT.pdf)) JL

In the present global economy, economic competition has been increasingly important in relation to military confrontations in world affairs. America's intellectual property, industrial and trade secrets are not only the basis of our strong economy and military, but also our economic competitiveness—and the loss of it through economic espionage to foreign governments poses a serious threat to the future of our nation. Economic espionage is a relatively low risk enterprise with extremely high pay off—with little consequences even when caught. The technologically-advanced strong U.S. economy is a priority target for our competitors and the present economic espionage feeding frenzy taking place is now being carried out by both friend and foe alike, for both economic and defense reasons. This economic espionage is an entirely new challenge for counterintelligence and led to the passing of the Economic Intelligence Act of 1996. There is, nonetheless, a widely held perception that the end of the Cold War means that other than a few scattered terrorism and drug problems we no longer face a truly serious foreign threat to our national security, and that these past threats have turned into nothing more than normal economic competition, or business as usual. The Economic Intelligence Act of 1996 thus far has failed to have much impact.⁵

Competitiveness solves great power war – it's an impact filter

Colby 14 (Elbridge, the Robert M. Gates fellow at the Center for a New American Security; and Paul Lettow, was senior director for strategic planning on the U.S. National Security Council staff from 2007 to 2009, 7/3/14, "Have We Hit Peak America?,"

http://www.foreignpolicy.com/articles/2014/07/03/have_we_hit_peak_america)

Many foreign-policy experts seem to believe that retaining American primacy is largely a matter of will -- of how America chooses to exert its power abroad. Even President Obama, more often accused of being a prophet of decline than a booster of America's future, recently asserted that the United States "has rarely been stronger relative to the rest of the world." The question, he continued, is "not whether America will lead, but how we will lead." But will is unavailing without strength. If the United States wants the international system to continue to reflect its interests and values -- a system, for example, in which the global commons are protected, trade is broad-based and extensive, and armed conflicts among great nations are curtailed -- it needs

to sustain not just resolve, but relative power. That, in turn, will require acknowledging the uncomfortable truth that global power and wealth are shifting at an unprecedented pace, with profound implications. Moreover, many of the challenges America faces are exacerbated by vulnerabilities that are largely self-created, chief among them fiscal policy. Much more quickly and comprehensively than is understood, those vulnerabilities are reducing America's freedom of action and its ability to influence others. Preserving America's international position will require it to restore its economic vitality and make policy choices now that pay dividends for decades to come. America has to prioritize and to act. Fortunately, the United States still enjoys greater freedom to determine its future than any other major power, in part because many of its problems are within its ability to address. But this process of renewal must begin with analyzing America's competitive position and understanding the gravity of the situation Americans face.

Trade Module

Economic espionage hurts the world economy. Fair competition develops better products and services that will spur world economic growth.

Schwartz & Talley, '15 (Felicia & Ian, Schwartz: a reporter in the Washington, D.C. bureau, where she writes about national security. She is a graduate of Dartmouth College, Talley: writes about international finance from the Wall Street Journal's Washington, DC bureau, "U.S. Officials Warn Chinese Cyber Espionage Imperils Ties", "The Wall Street Journal", 06/23, <http://www.wsj.com/articles/biden-urges-honest-direct-talks-between-u-s-china-1435071461>) JL

WASHINGTON—Top U.S. officials issued stern admonitions Tuesday about China's behavior in cyberspace, warning it could threaten one of the most important geopolitical relationships in the world. The blunt warning came as high-level officials from the two major economies met for annual Cabinet-level talks on strategic and economic issues. With talks taking place amid rising tensions over cyberspace and maritime security, officials on both sides played down expectations for substantial progress in the seventh round of what is known as the U.S.-China Strategic and Economic Dialogue. U.S. Treasury Secretary Jacob Lew, speaking at the start of the day's meetings, said Washington remains "deeply concerned about government-sponsored cyber theft from companies and commercial sectors." Beijing's leadership, Mr. Lew said, has a responsibility "to abide by certain standards of behavior within cyberspace." U.S. investigators believe a recently disclosed breach of millions of personnel records originated in China, but the Obama administration hasn't said whether it was considered a government-sanctioned hack. Both Chinese and U.S. officials said Tuesday they hoped to find some common ground even in the areas where their disagreements are sharpest. "There's an urgent need to agree on a rule-based system for rapidly evolving areas ranging from cyberspace to outer space," said Vice President Joe Biden, who spoke at the opening of talks. "We have an obligation, China and the United States, to shape these rules. Let me be clear, the United States believes strongly that whenever possible China needs to be at the table as these new rules are written." China's State Councilor Yang Jiechi, speaking through an interpreter, backed the principle of China working with the U.S. and other countries to develop an "international code of conduct for cyber information sharing." "We will work with the U.S. and other countries to work in a spirit of openness to properly address the relevant issues," Mr. Yang said. Washington has also taken a stiffer stance against suspected economic espionage by Chinese citizens, including charging six Chinese citizens last month with stealing trade secrets from U.S. technology companies. Last year, the Justice Department brought charges against five Chinese military employees the U.S. believed hacked into U.S. companies to steal trade secrets in what was the first time Washington publicly charged employees of a foreign government with cybercrimes against U.S. businesses. On Tuesday, Mr. Biden said China would ultimately suffer from pursuing economic espionage. "Nations that use cyber technology and economic weapons to profit from the theft of intellectual property are sacrificing tomorrow's gains for short term gains today," Mr. Biden said. "They diminish the innovative drive and determination of their own people when they do not reward and protect intellectual property." U.S. officials said ahead of the talks they would raise cybersecurity concerns throughout the two days of Cabinet-level talks in both the strategic

and economic tracks. Secretary of State John Kerry also spoke at the opening of the talks, and said the U.S. anticipates candid talks on cybersecurity. "We look forward to a very frank discussion of cybersecurity and other ongoing concerns," Mr. Kerry said. Mr. Biden also warned China to keep international waterways open for trade as the U.S. has repeatedly voiced concerns about China's reclamation work in the South China Sea. "Responsible countries adhere to international law and work together to keep international sea-lanes open for unimpaired commerce," Mr. Biden said. "The notion of sea lanes being open and protected is even more crucial today than any time in human history, because of the interconnectedness of the world." Chinese Vice Premier Liu Yandong, also speaking through an interpreter, warned the U.S. against taking a combative tone. "Confrontation is a negative-sum game in which both sides will pay heavy prices and the whole world will suffer too," Ms. Liu said. The vice premier also appeared to try to manage administration officials' expectations for progress in talks. "Although dialogue may fall short of expectation, and sometimes nothing much is achieved, leaving everybody unhappy, yet, it would always be more preferable than confrontation," she said. In arguing for Beijing to address U.S. trade, investment and security concerns, Mr. Biden appealed to China's need to spur growth as the country's economy appears to be cooling faster than Beijing expects. International rules-based order, he said, propagates economic prosperity. "Fair competition not only spurs our companies to develop better products and services, it spurs economic growth around the world." the vice president said. "On a level playing field, our growth contributes to yours, and your growth in China contributes to ours." The U.S. delegation is being led by Messrs. Biden, Kerry and Lew. The Chinese Delegation includes Vice Premier Wang Jang; State Councilor Yang and Vice Premier Liu. About 400 Chinese officials are in Washington to attend the annual dialogue.

Risk of Chinese espionage in the US is hampering scientific and economic relationships.

Gray, '15 (Charles, "Espionage charges risk hurting science", "Global Times", 06/02,

<http://www.globaltimes.cn/content/924991.shtml>) JL

The recent arrest of Professor Zhang Hao from Tianjin University and the indictment of five other Chinese nationals on charges of violating the Economic Espionage Act (EEA) raises difficult questions when it comes to the relationship between the US and China. Scientific cooperation between the two nations is at a higher level than ever before, with hundreds of thousands of Chinese students and professionals working in the US. But there is nothing more likely to hamper this mutually beneficial relationship than a perception that the US government is going out of its way to target these individuals for prosecution. The EEA occupies a gray area when it comes to protecting trade secrets. It does not refer to military espionage, or the transmission of classified information, nor does it refer to the theft of trade secrets for private gain. The EEA is intended to combat the theft of trade secrets for the benefit of another nation. However, the prosecution must be able to prove that the theft was both intended for and benefited the foreign government in question. American prosecutors currently argue that because Tianjin University is a State-run institution, the alleged espionage falls under the ambit of this law, even though the company these individuals formed, ROFS Microsystem, was the primary beneficiary

of this alleged theft. However, proving such a link will be very challenging for US prosecutors. Attempting to extend this law to cover cases where an alleged theft may benefit a government or where there is an incidental relationship between the suspect and his or her nation could see virtually every alleged theft of trade secrets coming under its ambit. Furthermore, without direct evidence such as stolen blueprints, the question must be raised whether the information was actually stolen as opposed to the accused individuals making use of the knowledge gained during their employment. While this might be seen as a violation of non-disclosure or non-competition agreements made by the individual, it would not be actionable under the EEA. This is especially true given that none of the current indictments allege the use of hacking or other illegal techniques to obtain the information in question. Another issue with the EEA is the fact that it currently has no explicit exception for the process of reverse engineering another business' product. However, the reverse engineering of an existing product or technology is generally considered a legitimate tactic, so long as the company engages in the process of developing its own version of the product or technique in question. Past prosecutions have had a mixed record, such as that of Sherry Chen in 2014. That case was especially notable due to the fact that Chen is a naturalized US citizen. This case, initially proclaimed as an example of espionage directed at the US by China, eventually collapsed and ended with the dismissal of all the charges facing Chen as well as the reinstatement of her benefits and salary. Perhaps the most dangerous issue regarding these prosecutions is the widely held perception that there is a racial bias at play. There is wide concern that Chen's national origins may have played a role in her prosecution, especially given US society's history of anti-Chinese sentiment. When combined with the potential overreach found within the EEA, **further prosecutions could lead to the perception that it is dangerous to be a Chinese national or Chinese American working in any field that is seen as economically important to the US.** Ultimately, **such a perception could damage or destroy what has been an extremely profitable economic and scientific relationship for both nations. There will always be economic tension between the US and China.** However, the economies of both nations are dependent upon maintaining friendly and mutually beneficial trade relations. While the protection of a nation's intellectual property is always an important issue, moves to expand the use of the EEA against Chinese businesspersons and scientists may very well do more harm than good. As Chen's experience shows, the improper use of espionage laws can result in an embarrassing failure for prosecutors and a personally trying experience for the accused.

Econ decline goes nuclear and escalates

Auslin 9 (Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, <http://www.aei.org/article/100187>)

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos followed hard on economic collapse.** The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. **The threat of instability is a pressing concern.** China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent

years, **China faced** upward of **70,000 labor uprisings a year**. **A sustained downturn poses grave and possibly immediate threats to Chinese internal stability**. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. **Russia**, an oil state completely dependent on energy sales, **has had to put down riots in its Far East as well as in downtown Moscow**. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then **wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely**. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. **Europe as a whole will face dangerously increasing tensions** between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. **A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries**. **Couple that with** possible protectionist legislation in the United States, **unresolved ethnic and territorial disputes in all regions of the globe** and a loss of confidence that world leaders actually know what they are doing. **The result may be a series of small explosions that coalesce into a big bang**.

UQ

UQ—Monitoring Checks

Counterintelligence stops Russian spies.

Burton & West, '10 (Fred & Ben, "The Dismantling of a Suspected Russian Intelligence Operation

", "Stratfor Global Intelligence", 07/01,

https://www.stratfor.com/weekly/20100630_dismantling_suspected_russian_intelligence_operation) JL

Counterintelligence According to authorities, the suspected operatives were under heavy surveillance by U.S. counterintelligence agents for 10 years. Working out of Boston, New York and Washington, the FBI employed its Special Surveillance Group to track suspects in person; place video and audio recorders in their homes and at meeting places to record communications; search their homes and safe-deposit boxes; intercept e-mail and electronic communications; and deploy undercover agents to entrap the suspects. **Counterintelligence operations don't just materialize out of thin air.** There has to be a tip or a clue that puts investigators on the trail of a suspected undeclared foreign agent. **As suggested by interviews with the suspects' neighbors, none of them displayed unusual behavior that would have tipped the neighbors off.** All apparently had deep (but not airtight) legends going back decades that allayed suspicion. The criminal complaint did not suggest how the U.S. government came to suspect these people of reporting back to the SVR in Russia, although we did notice that the beginning of the investigation coincides with the time that a high-level SVR agent stationed at Russia's U.N. mission in New York began passing information to the FBI. Sergei Tretyakov (who told his story in the book by Pete Earley called "Comrade J," an abbreviation of his SVR codename, "Comrade Jean"), passed information to the FBI from the U.N. mission from 1997 to 2000, just before he defected to the United States in October 2000. According to the criminal complaint, **seven of the 11 suspects were connected to Russia's U.N. mission**, though evidence of those links did not begin to emerge until 2004 (and some as late as 2010). The timing of Tretyakov's cooperation with the U.S. government and the timing of the beginning of this investigation resulting in the arrest of the 11 suspects this week suggests that Tretyakov may have been the original source who tipped off the U.S. government. So far, the evidence is circumstantial — the timing and the location match up — but Tretyakov, as the SVR operative at Russia's U.N. mission, certainly would have been in a position to know about operations involving most of the people arrested June 27. Why Now? Nothing in the complaint indicates why, after more than 10 years of investigation, the FBI decided to arrest the 11 suspects June 27. It is not unusual for investigations to be drawn out for years, since **much information on tradecraft and intent can be obtained by watching foreign intelligence agencies operate without knowing they are being watched. Extended surveillance can also reveal additional contacts and build a stronger case.** As long as the suspects aren't posing an immediate risk to national security (and judging by the criminal complaint, these 11 suspects were not), there is little reason for the authorities to show their hand and conclude a fruitful counterintelligence operation. It has been suggested that some of the suspects were a flight risk, so agents arrested all of them in order to prevent them from escaping the United States. Metsos left the United States on June 17 and was arrested in Cyprus on June 29, however, his whereabouts are

currently unknown, as he has not reported back to Cypriot authorities after posting bail. A number of the suspects left and came back to the United States numerous times, and investigators appear not to have been concerned about these past comings and goings. It isn't clear why they would have been concerned about someone leaving at this point. The timing of the arrests so soon after U.S. President Barack Obama's June 25 meeting with Russian President Dmitri Medvedev also raises questions about political motivations. Medvedev was in Washington to talk with Obama in an attempt to improve relations between the two countries on the day the FBI officially filed the criminal complaint. The revelation of a network of undeclared foreign agents operating in the United States would ordinarily have a negative effect on relations between the United States and the foreign country in question. In this case, though, officials from both countries made public statements saying they hoped the arrests would not damage ties, and neither side appears to be trying to leverage the incident. Indeed, if there were political motivations behind the timing of the arrests, they remain a mystery. Whatever the motivations, now that the FBI has these suspects in custody it will be able to interrogate them and probably gather even more information on the operation. The charges for now don't include espionage, but the FBI could very well be withholding this charge in order to provide an incentive for the suspects to plea bargain. We expect considerably more information on this unprecedented case to come out in the following weeks and months, revealing much about Russian clandestine operations and their targets in the United States.

Monitoring checks insider threats--empirics

Messmer 3 [Ellen Messmer (Senior editor at Network World), "Security experts: Insider threat looms largest," Network World, 12/8/2013, <http://www.networkworld.com/article/2329002/lan-wan/security-experts--insider-threat-looms-largest.html>] AZ

The FBI has started its own study of those who commit computer crimes - not necessarily focusing on IT administrators - by interviewing those now in jail, said John Jarvis, an FBI behavioral research scientist. "Cybercrime is primarily an insider phenomenon," Jarvis said. Only a quarter can be classified as "outsider," he said. Guarding against that minority is the job of insiders such as Timothy Vieregge, deputy of the systems and architecture branch in computer network operations at Fort Belvoir's First Information Operations Command in Virginia. Vieregge helped set up a network-monitoring system for the Army before the start of the war in Iraq. The system, based on more than 500 intrusion-detection monitors at Army network facilities around the globe, captured information on cyberattacks and sent it to the security information management product the Army uses, Symantec's CyberWolf, with NSA-developed visualization software called Renoir. While Vieregge said he couldn't say where attacks against Army computers originated, the monitoring systems showed which attacks succeeded and which failed. While attempted attacks increased 84% between October 2002 through March, the number of successful intrusions against Army facilities has dropped from a high of 16 in October to six in March. Vieregge said the monitoring system helped the Army prioritize areas that needed strengthening - where proper software patching hadn't been done, for example - and

setting up routers to block IP addresses from attack points. Viergge said the Army isn't using intrusion-prevention systems yet to automatically block attacks but is following the technology's development.

UQ—TSA

Surveillance checks insider threats in the TSA

Sternstein 15

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Transportation Security Administration and aviation industry employees will be subjected to heightened electronic surveillance following several incidents involving insiders who abused their badges to traffic guns, federal officials announced Monday. Among the actions that kick in immediately are random passenger-like screening of airline employees throughout the workday and biennial criminal history checks, until there is a system in place for "real-time recurrent" FBI background checks for all aviation workers, officials said. TSA potentially also might monitor social media communications of individuals near certain airports, as well as suspect employees. And threat assessments of employees could be expanded to include cross-checks of employee information against additional U.S. and international watch lists. "I am confident that the potential insider threat posed by aviation industry employees will be significantly mitigated as a result of these recommendations," DHS Secretary Jeh Johnson said in a statement Monday. The background check system under development, called "Rap Back," will provide immediate notifications about criminal and, in some cases, civil activity of individuals in the FBI's mammoth biometric database. The Aviation Security Advisory Committee called for an "immediate pilot" and full operation by the end of 2015. One potentially divisive recommendation: "When a threat stream is identified, monitoring of social media via keyword GEO Fencing at the appropriate airport, or monitoring of the social media of suspect employees, can be effective tools to determine the existence of an insider threat." Other inspection techniques suggested include feeding security camera footage into prediction software that can flag odd activity. "CCTV monitoring, video analytics or predictive analytical software would focus on anomalies, behavioral patterns, carriage of bags, etc.," the report states.

A2 UQ Overwhelms/2NC Ext

Federal surveillance checks counterespionage now, but metadata collection and bulk surveillance are crucial tools—Chinese and Russian espionage prevented by information gathering

Miller, '14 (Chris, U.S. Army veteran and Purple Heart recipient following two tours in Baghdad, Iraq and has worked as a military contractor in the Middle East. His work currently focuses on strategic studies. His interests are CBRN, military and veterans issues, the Cold War, and international security affairs, “Cold War Lessons for Counterintelligence Today”, “Cicero Magazine”, 07/07, <http://ciceromagazine.com/features/cold-war-lessons-for-counterintelligence-today/>) JL

The first responsibility of counterintelligence is to protect information. If the enemy cannot access information, he cannot obtain it. Passive or defensive measures to protect information can be called “security”. “Physical Security” includes guard forces, protective barriers, flood lighting, intrusion and camera systems, and locking and alarm devices, as well as personnel and material controls such as ID cards, passwords, exit controls and access logs. “Information Control” includes items such as security clearances following background inquiries, polygraphs, locking containers, educating staff on security, document tracking, censorship, and coding and encryption. In 1945, a serving OSS officer found himself reading a report in Amerasia magazine he had written a year before. Upon investigation it was discovered that the publication had been receiving documentation smuggled out of the U.S. State Department. This incident and its aftermath led to a major expansion of the U.S. Bureau of Diplomatic Security under Robert L. Bannerman, including the establishment of a program for “Documentary and Physical Security”. In 1961 the Bureau instituted a standardized system of laminated ID cards in response to the more than 2,000 badges of different types lost by employees over the previous 12 years. John Anthony Walker, a U.S. Navy COMSEC custodian who sold communications information to Moscow, exhibits why these measures are important. Walker was able not only to get away with selling information he accessed over a period of 22 years, he was so trusted in a system with inadequate information controls and re-investigations that he was given access by others to information he would not otherwise have had—a violation of the “need to know” principle. CIA officer and Soviet spy Aldrich Ames was also granted access by trusting colleagues to information he would not have been entitled to access alone. Though not as glamorous as chasing spies, erecting physical, procedural and electronic barriers to the access and removal of documents and data is a vital counterintelligence function. Indeed after a foreign intelligence agent has successfully penetrated or a domestic colleague has turned inside an organization, security barriers may be the last thing standing in their way. Today, physical and information security is arguably an even bigger issue considering the amount of data that can be stored on computers or external drives. There has been an abundance of examples in both the U.S. (see here, here, and here) and UK (see here and here) of government information being compromised, sometimes at cabinet level, by the loss of computers. The cases of Edward Snowden and Private Manning exhibit how much easier the digital age has made leaking, smuggling, and transmitting large amounts of data. Though it isn't as sexy as spy hunting, **the**

security of intelligence information is as important today, if not more so, as during the Cold War. Although movies frequently feature embassy break-ins or hunting undercover spies, much of the Cold War spying by the Soviets was done by “legals,” or Soviet citizens or diplomats openly working in the West. Frustrating foreign intelligence operatives is the second major function of counterintelligence and accurate record keeping is the heart of any counterintelligence program. The U.S. Senate Select Committee on Intelligence in its 1994 investigation into the Ames affair criticized CIA for failing to share counterintelligence records and information within the agency and externally with the FBI and recommended greater cooperation in counterintelligence within the CIA Operations Directorate. As a counterespionage function, it is important to track who visited where and when and how and whom when attempting to identify potential foreign intelligence operatives. The most effective technique to counter foreign spies is to deny them entry to the country or to expel them if already in place. Throughout the 1960s, the KGB overwhelmed MI5 by placing more agents in London than any other Western capital. In 1971, using fantastical sabotage plans from a KGB defector as a pretext, MI5’s Operation Foot led to expelling 90 Soviet intelligence gatherers and notification of Moscow that an additional 15 would not be allowed re-entry, a setback from which Soviet espionage never recovered. Oleg Gordievsky, a KGB agent who defected to the West, remembered the operation as, “A bombshell . . . an event that shocked the [Moscow] center profoundly.” Eighty suspected Soviet spies were expelled from the U.S. in similar fashion in 1985. Expelling or excluding foreign intelligence agents causes embarrassment for their masters and ends the career of a covert agent. This is still a tool used today. In 2010, a Russian intelligence officer informed the FBI of a 10-person spy ring, the most famous of whom was Anna Chapman, who became a celebrity upon return to Russia. The U.S. arrested and expelled them in exchange for four agents held by Moscow. Russia attempted to mitigate embarrassment by greeting the exposed spies, who had achieved virtually nothing, as heroes, much as the USSR did following the exchange of Vilyam ‘Abel’ Fisher for F. Gary Powers in 1962. Physical surveillance of foreign intelligence operatives has proven effective. There are three general methods: Static surveillance of a known place such as residence or embassy; mobile surveillance by following on foot, by car, or even aircraft, and; electronic surveillance such as phone taps, wireless radio transmitters, mail interception, or geographic tracking devices. A study found that between 1976 and 1991 no less than 16 would-be spies telephoned or walked into the Soviet embassy in the U.S. to sell information and in every case they were caught by FBI surveillance. Cold War history on both sides is rich with such stories. Oleg Penkovsky, perhaps the highest-placed spy the West ever had, was supposedly uncovered through KGB surveillance. Recent headlines have been filled with controversy over the electronic surveillance programs revealed by Edward Snowden. The heads of intelligence agencies in the U.S. and UK have responded by publicly discussing how vital the controversial surveillance programs are and claim it has foiled “dozens” of plots. The continuing need to counter electronic surveillance through penetration by foreign governments is shown by constant attacks on U.S. government computers by Chinese government agencies. Though the methods and players have changed with the times after the Cold War, the opponents and counterintelligence requirements remain much the same.

UQ—XO 12333

Executive Order 12333 solving cyber espionage now

Gonnella 14

Cynthia Gonnella. May 2014, "CYBER COUNTERINTELLIGENCE, DEFENDING THE UNITED STATES"
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http://media.proquest.com/media/pq/classic/doc/3333324431/fmt/ai/rep/NPDF?_s=RWOlr5G3chitdEVF5%2FhoOyLni4%3D

The question that remains questions how the United States defeats cyber espionage. Executive order 12333 stated that: Timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence possible. Originally published in 1981 and amended several times since, Executive Order 12333 is as relevant today as it was when President Ronald Reagan signed it into existence. Laying the foundation for the IC and its structure, the executive order is broad in scope but clear in its intent CI is a crucial part of the IC process of defending the United States and its interests both foreign and domestic. Domestically, the FBI is the controlling agency and coordinator of CI activities and remains the focal point for communications and integration into the defense process of the United States National Security Council's intelligence activities. Conversely, the CIA has a similar task, but does so with a projected foreign focus. The activities of the FBI and the CIA play significant roles in defeating espionage and defending technologies and systems that form the foundation for the Communications and IT sectors.

Links

Link—Generic

Federal intelligence is needed to monitor counterintelligence.

Meiman, '07 (Kathryn L. , "What's that I hear? : domestic surveillance and

counterintelligence on antiwar musicians in the 1960s", "Lehigh University",

<http://preserve.lehigh.edu/cgi/viewcontent.cgi?article=1982&context=etd>) JL

COINTELPRO tactics took many forms, including surveillance techniques such as wiretaps, and more active techniques such as "black bag jobs," sending of anonymous letters to promote distrust or fear, and writing and publishing negative information about members of the Communist Party in the national media through sympathetic media outlets. Counterintelligence techniques are significantly different from those that constitute intelligence gathering. The goal of such a program seeks to "actively restrict a target's ability to carry out actions (prevention), or to encourage acts of wrongdoing (facilitation)."¹³ In comparison to simple intelligence gathering, counterintelligence work requires the carrying out of actions in response to the information gathered. Intelligence work is necessary for counterintelligence programs to exist, but not vice versa. By the 1960s, the FBI had developed COINTELPROs that focused not only on the Communist Party, but had branched out to encompass numerous other groups that 1. Edgar Hoover had identified as threats to national security. Under the broad headings which Hoover used to classify his targets, the Socialist Workers Party, the Ku Klux Klan and other "White Hate Groups," several black Civil Rights organizations referred to by the Bureau as the "Black Nationalist-Hate Groups," and the New Left, notably the anti-Vietnam war movement, were now considered to be the greatest threats to America. ¹⁴ Hoover saw any action that challenged the status quo as "subversive," and protesters of any type drew his ire. The younger generation who wore long hair and spoke out against the Vietnam War appeared downright dangerous and, as quoted in the New York Times, Hoover alerted police that it was "vitally important to recognize that these militant extremists are not simply faddists or 'college kids' at play. Their cries for revolution and their advocacy of guerilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it." ¹⁵ This belief fueled his decision to investigate protest of any type in attempt to quash it.

Counterintelligence operations key to solve—surveillance checks espionage

McConnell, '07 (J.M., Director of National Intelligence, "The National Counterintelligence Strategy of the United States of America, <http://www.ncsc.gov/publications/strategy/docs/CIstrategy.pdf>) JL

The United States faces a wide range of threats to its security from foreign intelligence activities, terrorist elements, and other non-traditional adversaries designed to achieve advantage over US military, diplomatic, and economic interests at home and abroad. The counterintelligence community must act jointly to understand, confound, manipulate, and thwart these threats, which exceed the ability or resources of any single US agency or department to overcome. When necessary, we will disrupt these activities through arrest and expulsion. The counterintelligence community will therefore identify and prioritize adversarial intelligence

activities targeting US interests and leverage its collection, analytical, investigative, and operational resources to defeat these activities. We will also expand our capabilities in cyberspace. The cyber environment provides unprecedented opportunities for adversarial activities and is particularly vulnerable because of the nation's heavy reliance on information systems. The counterintelligence community will exploit and defeat adversary intelligence activities through the application of the full range of intelligence techniques. In collaboration with our colleagues in the broader Intelligence elements will assess the intelligence capabilities and activities of foreign powers and non-state groups including terrorists and will describe their resources, plans, methods of operations, and worldwide reach. Foreign intelligence establishments and terrorist groups acquire resources, train and deploy personnel, and execute both clandestine and covert intelligence operations against us. The counterintelligence community must understand who they are, who their intelligence allies are, what they do, why they do it, and what they can do. Counterintelligence elements will use this knowledge to direct activities that counter, exploit, and defeat adversary intelligence activities – particularly the rooting out of spies in our nation's midst. Accordingly, the counterintelligence community will conduct aggressive, strategically directed operations against priority intelligence targets around the world using the full range of operational means. The intelligence activities of foreign powers afford us opportunities to exploit their operations and gain access to their intelligence in order to corrupt its integrity. We will conduct worldwide operations to disrupt or defeat our intelligence adversaries as they assess and respond to the United States. Each agency and department will contribute its own unique capabilities, authorities, and resources in a unified effort.

Link—Bulk Collection

New Freedom Act allows enough surveillance to check insider threats—the plan is too strict and prevents the data collection key to prevent another leak—status quo detection is key

Sternstein 6/4 [Aliya Sternstein (covered technology for more than a decade at such publications as National Journal's Technology Daily, Federal Computer Week and Forbes, commentator on C-SPAN), "WATCHDOG SAYS PENTAGON NEEDS TO CRANK UP 'INSIDER THREAT' MONITORING," NextGov, 6/4/2015, <http://www.nextgov.com/cybersecurity/2015/06/watchdog-says-dod-needs-crank-insider-threat-monitoring/114430/?oref=ng-relatedstories>] AZ

Work to rein in some post-Sept. 11 domestic surveillance practices ended with passage of a bill that limits the National Security Agency's collection of U.S. call records. But regular Joes inside the Pentagon -- or at least those with access to sensitive or classified information -- should expect even greater scrutiny on their workplace digital activities. Just before the Senate cleared the USA Freedom Act, the Government Accountability Office released a report recommending the Defense Department take new steps to set up so-called "insider threat" programs, which aim to stop information leaks by disgruntled employees. The unclassified version of the report found only half of military components GAO reviewed have logged system and user behaviors to develop "a baseline of normal activity patterns." The purpose of tracing the activities of Pentagon personnel is to zero in on network "anomalies," computer usage that might be indicative of a leaker, the watchdogs said. NSA is part of the Defense Department. The employee insider threat program was borne out of various laws and White House policies issued since 2010 that require all departments to do a better job of fortressing classified information. That year, former soldier Chelsea Manning shared top secret files with the WikiLeaks website. The ability of ex-NSA contractor Edward Snowden to reveal classified intelligence in 2013 suggests anti-leak programs need more muscle, Patricia Larsen, co-director of the governmentwide National Insider Threat Task Force, said last December. This week, GAO agreed. A key element of the Pentagon's program has not consistently been incorporated Defensewide, the auditors said, noting "three of the six components [evaluated] have developed a baseline of normal activity" on Defense networks. They did not identify the organizations by name. "Anomalous activities are network activities that are inconsistent with the expected norms, the watchdogs added. "These activities, such as network activity outside of normal work hours or changes in typical data download patterns, could indicate the exploitation of cyber vulnerabilities, among other things." To detect anomalies, three of the components GAO examined plan to buy or upgrade analytic tools that allow them to monitor user behavior suggesting insider-threat activities. One entity that already has such technology said the enhanced model it expects to obtain will be able to watch a user's behavior across unclassified, secret and top-secret networks. A handful of policies published between 2000 and 2012 call for establishing a normal activity baseline. Auditors also pointed to a post-Snowden, nonpublic February 2014 directive on protecting national security systems from insider threats. The U.S. military's 2000 Final Report of the Insider Threat Integrated Process Team instructs organizations to come up with a specific list

of employee behaviors that should be tracked online, because otherwise managers will suffer information overload. It will be impossible to baseline normal activity patterns "with the sheer volume of user characteristics data" unless supervisors establish an "inventory of **behavior attributes** and **patterns** grounded in **counterintelligence experience** and stored to allow for **rapid automatic analysis** and monitoring," the authors of that Defense report wrote. Once a Pentagon organization has selected which employee and system activities to keep tabs on, those attributes should be studied for more than a couple of days. A December 2012 Carnegie Mellon Software Engineering Institute manual, Common Sense Guide to Mitigating Insider Threats, states "the longer the organization monitors the chosen data points, the more reliable the baseline will be." Recommended data points to observe include: Communications between devices: the devices a workstation communicates with and the devices a server communicates with; Bandwidth consumed, especially noting the differences between bandwidth use during and after business hours; Virtual private network users: **times of access**, **bandwidth consumed**, **geolocation information**; Ports and protocols; Normal firewall and IDS alerts—Normal alerts may occur when business processes change (e.g., there is increased website traffic). The Carnegie Mellon researchers note, "Organizations may find it challenging to maintain employee privacy while collecting data to establish a baseline."

Link—Data Mining

Computerized data mining key to checking insider threats—squid monitoring solves

Braun 14 [Stephen Braun (reporter at Associated Press), "U.S. intelligence officials to monitor federal employees with security clearances," PBS News, 3/10/2014, <http://www.pbs.org/newshour/rundown/us-intelligence-officials-monitor-federal-employees-security-clearances/>] AZ

WASHINGTON — U.S. intelligence officials are planning a sweeping system of electronic monitoring that would tap into government, financial and other databases to scan the behavior of many of the 5 million federal employees with secret clearances, current and former officials told The Associated Press. The system is intended to identify rogue agents, corrupt officials and leakers, and draws on a Defense Department model under development for more than a decade, according to officials and documents reviewed by the AP. Intelligence officials have long wanted a computerized system that could continuously monitor employees, in part to prevent cases similar to former National Security Agency analyst Edward Snowden. His disclosures bared secretive U.S. surveillance operations. An administration review of the government's security clearance process due this month is expected to support continuous monitoring as part of a package of comprehensive changes. Privacy advocates and government employee union officials expressed concerns that continuous electronic monitoring could intrude into individuals' private lives, prompt flawed investigations and put sensitive personal data at greater risk. Supporters say the system would have safeguards. Workers with secret clearances are already required to undergo background checks of their finances and private lives before they are hired and again during periodic re-investigations. "What we need is a system of continuous evaluation where when someone is in the system and they're cleared initially, then we have a way of monitoring their behavior, both their electronic behavior on the job as well as off the job," Director of National Intelligence James Clapper told Congress last month. Clapper provided lawmakers with few details but said the proposed system would extend "across the government," drawing on "six or seven data streams." Monitoring of employees at some agencies could begin as early as September and be fully operational across the government by September 2016. The price tag, Clapper conceded, "is going to be costly." In separate comments last week, retiring NSA Director Keith Alexander said intelligence, Defense and Cyber Command officials are collaborating on "insider threat" planning. Recently declassified federal documents show that the NSA is already conducting electronic monitoring of agency staffers involved in surveillance operations. Budget documents released this week show the Pentagon requesting nearly \$9 million next year for its insider threat-related research. Current and former officials familiar with the DNI's planning said the monitoring system will collect records from multiple sources of information about employees. They will use private credit agencies, law enforcement databases and threat lists, military and other government records, licenses, data services and public record repositories. During random spot checks, the system's software will sift through the data to spot unusual behavior patterns. The system could also link to outside databases to flag questionable behavior, said the officials, who spoke anonymously because they were not authorized to publicly discuss the plans. Investigators will analyze the information along with data separately collected from social media and, when necessary, polygraph tests, officials said.

The proposed system would **mimic monitoring systems** already in use by the airline and banking industries, but it most closely draws from a 10-year-old Pentagon research project known as the Automated Continuous Evaluation System, officials said. The ACES program, designed by researchers from the Monterey, Calif.,-based Defense Personnel and Security Research Center and defense contractor Northrop Grumman, has passed several pilot tests but is not yet in full operation.

Link—FBI Spying

The FBI uses forms of domestic communication surveillance cut by the aff to catch foreign spies on US soil

Swarts, investigative reporter for the Washington Times, 2/17/15 (Phillip, “FBI surveillance tactics jeopardized by fight over NSA phone snooping program”, The Washington Times, 2/17/15, <http://www.washingtontimes.com/news/2015/feb/17/fbi-surveillance-tactics-jeopardized-by-fight-over/?page=all>, accessed 6/23/15, ZW)

Congressional discord may cause the FBI to lose its ability to collect hotel bills, credit card slips and other “tangible things” they use to hunt down terrorists, spies and criminals. The FBI uses the authority of Section 215 of the Patriot Act to take “books, records, papers, documents, and other items,” with a court order, to covertly gather evidence against those suspected of spying on America on U.S. soil. Last month, **the FBI rounded up a ring of Russian spies in New York by presenting phone conversations and email communications between two Russian diplomats and a businessman.** Similarly, U.S. officials say, the Patriot Act helped nab Kremlin spy Anna Chapman and nine other Russians who were sent back to their country in a spy swap. **However, Section 215 of the Patriot Act is set to expire in June, and lawmakers are conflicted about whether to renew it, reform it or let it expire.** Section 215 has become a political lightning rod because it also gives legal justification to the National Security Agency’s bulk collection of phone records on American citizens. Sen. Rand Paul, Kentucky Republican, and civil liberties groups have criticized the program and are determined to end its surveillance practices. The move has pitted them against hawks such as Senate Majority Leader Mitch McConnell, Kentucky Republican, who say repeal would threaten national security as Islamist terrorism gains ground in the Middle East. Lawmakers who are seeking a middle-ground, allowing the FBI to keep its surveillance programs but stripping the NSA of its authority, are facing an uphill climb. The two opposing sides could prevent any extension from getting the votes needed before Section 215 simply expires altogether. Senior lawmakers said **if extension efforts are sunk, then some of the FBI’s counterterrorism and spy surveillance tools also will be lost.** “Law enforcement officials often use Section 215 to obtain necessary individual business records, such as hotel records, in connection with national security investigations,” Sen. Chuck Grassley, Iowa Republican and chairman of the Senate Judiciary Committee, said in a statement to The Washington Times. “It’s a useful tool that helps them investigate potential threats to national security.” **The FBI is worried about losing its ability to chase down evidence quickly if Section 215 is not renewed**

FBI programs need more intelligence capabilities in programs including counterintelligence and counterterrorism.

Baginski, '05 (Maureen A., Executive Assistant Director-Intelligence Federal Bureau of Investigation, "Subcommittee on Crime, Terrorism, and Homeland Security House Committee on the Judiciary", "The Federal Bureau of Investigation", 4/19, <https://www.fbi.gov/news/testimony/importance-of-usa-patriot-act-to-fbi-information-sharing>)
JL

Good morning Mr. Chairman and Members of the Subcommittee. I am pleased to be here today with Barry Sabin, Chief of the Counterterrorism Section, Department of Justice Criminal Division to talk with you about the ways in which **the USA Patriot Act has assisted the FBI with its information-sharing efforts**. I will address the overall benefits of the information sharing provisions of the Act, including: the relevant amendments to the Foreign Intelligence Surveillance Act; Section 203(b), which authorizes the sharing of foreign intelligence information obtained in a Title III electronic surveillance with other federal officials, including intelligence officers, DHS/DOD/ICE officials, and national security officials; and Section 203(d), which specifically authorizes the sharing of foreign intelligence information collected in a criminal investigation with intelligence officials. It is important to place the information sharing provisions of the USA Patriot Act in the context of subsequent Congressional action formalizing the FBI Intelligence Directorate in 2004. The Statement of Managers accompanying the Conference Report on H.R. 4818, Consolidated Appropriations Act, 2005 (House of Representatives--November 19, 2004), states: "...the conference agreement adopts the House report language directing the FBI to create a new Directorate of Intelligence....**The need for effective intelligence capabilities cuts across all FBI programs including the counterterrorism, counterintelligence, criminal and cyber crime programs**. This new directorate will ensure that intelligence is shared across these programs, eliminate information stove-piping, and allow the FBI to quickly adapt as threats change.... It shall also work to improve the FBI's capability to share intelligence, not only within the Bureau and the Intelligence Community, but also with State and local law enforcement." I am here today to express to you how crucial renewal of the USA Patriot Act provisions related to information and intelligence sharing is to fulfilling the responsibilities of the FBI's new Directorate of Intelligence as envisioned by Congress. There are two components to this subject: first, the issue of collecting intelligence and the legal authorities and policies that govern that collection; and second, how that information is actually shared once it is collected. I will address both in turn. I realize that the collection authorities granted under the Patriot Act are of concern to many individuals and organizations. In that regard I want to say two things. First, the FBI is committed to carrying out its mission in accordance with the protections provided by the Constitution. **FBI agents are trained to understand and appreciate that the responsibility to respect and protect the law is the basis for their authority to enforce it**. Respect for Constitutional liberties is not optional, it is mandatory for all FBI employees. The FBI could not be effective--and would not exist--without it. Second, the FBI's authority to collect information is very clearly laid out in law and is directed by the Attorney General--the chief law enforcement officer for the United States. Intelligence collection is only done in accordance with the intelligence priorities set by the President, and is guided at every step by procedures mandated by the Attorney General. As soon as an international terrorism intelligence or

counterintelligence case is opened, both Headquarters and the Department of Justice are notified. We are subject to and follow Attorney General's guidelines and procedures for FBI National Security Investigations and Foreign Intelligence Collection (NSIG); and all terrorism-related cases are subject to in-progress review by the Department of Justice (DOJ) Office of Intelligence Policy and Review, the DOJ Criminal Division, and local offices of U.S. Attorneys. We report annually to the Department of Justice on the progress of intelligence cases. The FBI's collection authorities are also controlled by the Federal Courts. Under the USA Patriot Act, a federal judge must still approve search warrants and wiretaps for counterintelligence and counterterrorism investigations and Agents must establish probable cause in order to obtain a FISA warrant. The FBI only collects and disseminates intelligence under guidelines designed specifically to protect the privacy of United States persons, and we are committed to using our authorities and resources responsibly.

Link—DoD Specific

Monitoring social media addresses insider threats within the DoD

Kirkham 12 [Lara Dawn Kirkham (American attorney with Jackson Walker L.L.P), UT Austin Approved Report, “The Insider Threat in the Digital Age: A Case for Electronic Monitoring in the Nuclear Weapons Complex,”

https://books.google.com/books/about/The_Insider_Threat_in_the_Digital_Age.html?id=qaFQmwEACAAJ] AZ

Social media sources can potentially provide much more information about employees than would be contained in DoD personnel files, with the additional benefits of being up-to-the-minute, electronically searchable, and automated.⁹⁷ The term social media includes six different types of content: social networking sites⁹⁸ (Facebook, LinkedIn, MySpace), blogs and micro blogs⁹⁹ (Twitter), content communities¹⁰⁰ (Flickr, YouTube), collaborative projects¹⁰¹ (Wikipedia), virtual game worlds¹⁰² (World of Warcraft), and virtual social worlds¹⁰³ (Second Life).¹⁰⁴ The main difference between these social media and other media content, such as e-mail or instant messaging, is the public sharing aspect. **The social media with the most potential use in prediction of insider threats are social networking sites and blogs. As of October 2012, Facebook reached over 1 billion active monthly users,¹⁰⁵ which includes many military members and DoD employees.**¹⁰⁶ Networking sites allow users to share unprecedented personal information in real-time, and many users post personal photos and comments ranging from office gossip to political opinions. Surprisingly, such a platform does not lead to an “idealized virtual identity,” but rather, the information posted on **social networking sites can reveal the true personality of the user.**¹⁰⁷ **Many of the indicators supervisors would use to evaluate the mental state of an employee can be determined by reading a user’s daily comments and exchanges with friends.** **Data** from Facebook profiles can be combined with visualization applications to create informative graphics about the connections among friends and contacts in a user’s profile. For example, the locations of an employee’s friends can be superimposed on a map to display patterns that might indicate foreign influence or allegiance.¹⁰⁸ Such graphic representations can reveal patterns of locations and connections among individuals that might not reveal themselves in conventional searches and can help to detect changes in who employees consider to be their “friends.” Additionally, **statistical analysis of data posted on Facebook profiles can provide information about users not readily apparent from observation.** For example, an MIT undergraduate project analyzed more than 4,000 Facebook profiles of students and was able to predict with 78 percent accuracy whether a particular profile belonged to a gay male.¹⁰⁹ **Statistical correlations like that used in the MIT project can be accomplished using other data found in social network profiles, perhaps to determine which users are likely to display psychosocial indicators like confrontational behavior or selfcenteredness.** Word choice analysis also shows promise in detection of certain psychosocial indicators. Various text analysis programs take a quantitative approach to analyzing text content and style by counting the individual words related to particular themes.¹¹⁰ “A growing body of research has shown that word use can provide an invaluable means of assessing cognitive, emotional, and behavioral processes.”¹¹¹ **Word use can provide**

insight into personality, social and situational processes, and psychological and health changes.¹¹² Social media like **blogs** not only provide an outlet for an individual to express opinions and personal reflections, but they **can reveal personality characteristics based on differences in linguistic style.**¹¹³ **By evaluating employee word choice in various social media, PRP certifying officials can avoid the uneven reporting that comes from reliance on sporadic observation of employee behavior and the subjective evaluations of supervisor and peer monitoring.**

Link—Vigilance

Counterintelligence uses all information and if it is limited, many scenarios will be overlooked.

Tripwire, '14 (“Cyber Counterintelligence: From Theory to Practice”, “The State of Security”, 05/05, <http://www.tripwire.com/state-of-security/security-data-protection/cyber-counterintelligence-from-theory-to-practice/>)
JL

In the previous article, Cyber Intelligence Collection Operations, the types of collection and the types of data that could be obtained were discussed. At the end of the discussion I pointed out that analysts must be critical of the data they evaluate as at any time it could be compromised. Specifically, adversary actors could employ counterintelligence or deception type techniques to push analysts to draw wrong conclusions or discount the data entirely. In this article we will cover this topic of Cyber Counterintelligence (CCI) and discuss its two main branches: Offensive CCI and Defensive CCI. Counterintelligence is as old of a tradecraft as intelligence operations. The concept is simple: provide protection against foreign intelligence operations. The goal with counterintelligence is to prevent, deter, defeat, or manipulate the adversary from conducting intelligence operations on you, those you protect, or your organization to include its operations. With the unique aspects of cyberspace though, we have to draw some contrasts between traditional counterintelligence and cyber counterintelligence. Many compromises and data loss scenarios are intrusions and espionage attempts for the purpose of some type of economic or political gain even if not orchestrated by a foreign government. If we limited CCI to only focus on intrusions by adversary foreign governments or intelligence services many of the scenarios would be overlooked. However, we cannot simply apply all defensive actions meant to prevent intrusions into the field of CCI. If we labeled CCI as all efforts related to stopping intrusions then CCI would become an overused term and the skillset would not be restricted in a useful way; an overused term and tradecraft quickly loses benefit to an organization. Therefore, CCI could best be described as the tradecraft and actions employed to identify and protect against an adversary’s cyber intelligence collection operations. There is a focus here not only on the intrusion but the intent of the intrusion and tradecraft used. Defensive Cyber Counterintelligence Defensive CCI can be thought of as actions taken to identify and counter adversary intrusions before they occur as well as the efforts in identifying and minimizing the threat landscape. In many ways this seems like the role of many cyber security actions: bolster defenses and prevent an intrusion. However, the intent of Defensive CCI is to understand the adversary and minimize the threat landscape to which they might exploit; the product of this effort is usually reports and analyses that defenders can use to complement their overall personnel, network, and information security. One of the most performed Defensive CCI actions is a red team assessment. Think of the team that is tasked to perform a network assessment to determine where weak points exist and where an adversary might gain access to information systems. The red team must have an understanding of adversary tactics, techniques, and procedures to accurately act like the adversary. The red team looks at the network (to include those that operate on it) and information systems, they evaluate the security systems in place, and they bypass the defenses to infiltrate the target. The assessment that they provide when

they are done helps network defenders to know where extra security systems or controls are needed and better prepare for adversaries. In essence, the red team helped identify the threat landscape to the organization and inform the organization on how they could reduce it. Performing regular vulnerability assessments internally or externally is another way to help accomplish this; the vulnerability assessment does not fix the issues but instead identifies where and how adversaries might attempt an intrusion. The real power in these actions comes in the analysis of the CCI analysts though and not simply the automated reports. A second example of a Defensive CCI action is the performing of threat analysis. Threat analysis should be performed with all available information whether it is from OSINT, HUMINT, or technical analysis performed through things such as reverse engineering malware. Threat intelligence is largely a Defensive CCI type effort; threat intelligence analysts track and understand threats such as the APT1 group identified by Mandiant. With an understanding of the threat, their capabilities and tactics, and their intelligence collection operations it is possible to proactively encourage network defenses thus thwarting their intrusion attempts.

I/L—Cybersecurity

Cybersecurity key to solving foreign cyber attacks

Gonnella 14

Cynthia Gonnella. May 2014, "CYBER COUNTERINTELLIGENCE, DEFENDING THE UNITED STATES!" Gonnella is a Cyber Crimes Instructor at the National White Collar Crime Center. She specializes in teaching Cyber Crime & Cyber Security. http://media.proquest.com/media/pq/classic/doc/3333324431/fmt/ai/rep/NPDF?_s=RWOlr5G3chitdEVF5%2FhoOyLni4%3D

Cyber counterintelligence (CCI) could be the United States' best defense against Chinese cyber aggression of Critical Infrastructure and Key Resources (CIKR). The need to defend CIKR is essential to public safety and national defense. As technology evolves and continues to march towards the inevitable connectedness that brings systems in sync with one another, the United States becomes more vulnerable. Of the 16 total sector specific areas of United States' assets, the Communications and Information Technology (IT) sectors are constantly under attack from threats both foreign and domestic. United States network defense claims billions of dollars invested in legacy protections such as traditional and next-generation firewalls, intrusion prevention systems, anti-virus, and web gateways, all of which no longer stop advanced malware or targeted Advanced Persistent Threats (APTs). The purpose of this research was to examine the use of CCI in defending the United States' Communications and IT sectors against Chinese cyber threats. Why is CCI important to CIKR defense? How does CCI fit into the United States Intelligence Community's (USIC) plan? What are some methodologies used to conduct CCI? What motives does China have for targeting critical infrastructure? The nation relies on the Intelligence Community (IC) to be the eyes and ears of national defense. Information warfare needs active counterintelligence (CI) to act as an offensive weapon, a tool for rooting out attackers. Through misdirection, deception, and denial, cybersecurity professionals and the IC can prevent the next disaster. CI by nature can be offensive and active and it can be the first line of defense meant to mark targets and prevent them from harming essential systems.

2NC Blocks

A2 No ! to Insider Threats

Insider threats are the largest risk for cyber-threats

Holder 11 [William Eberle (Professor at Department of Computer Science, Tennessee Technological University), Jeffrey Graves, Lawrence Holder, "Insider Threat Detection Using a Graph-Based Approach," Journal of Applied Security Research, 6:32–81, 2011] AZ

The ability to mine structurally complex data has become the focus of many initiatives, ranging from business process analysis to cybersecurity. Since September 11, 2001, there has been an increasing emphasis on applicable methods for analyzing everything from bank transactions to network traffic, as our nation scours individual communications for possible illegal or terrorist activity. Protecting our nation's cyberinfrastructure and securing sensitive information are critical challenges for both industry and homeland security. One of the primary concerns is the deliberate and intended actions associated with malicious exploitation, theft, or destruction of data, or the compromise of networks, communications or other information technology resources, of which the most harmful and difficult to detect threats are those perpetrated by an insider.

Insider threats outweigh external threats—cybercrime comes from within— expert consensus

Messmer 3 [Ellen Messmer (Senior editor at Network World), "Security experts: Insider threat looms largest," Network World, 12/8/2013, <http://www.networkworld.com/article/2329002/lan-wan/security-experts--insider-threat-looms-largest.html>] AZ

WASHINGTON, D.C. - While the U.S. military is building up defenses to fend off network-based attacks from enemy states and terrorists, some say the more-insidious security problem is the threat of an insider bent on sabotage or stealing data. At last week's Forum on Information Warfare, researchers from the FBI and George Washington University emphasized the insider threat during presentations that drew military personnel and academics from around the world. In particular, IT systems administrators increasingly are seen as the most potentially dangerous insider threat - and military concern - because of their power over networks. In his keynote speech, Lt. Gen. Kenneth Minihan, former head of the National Security Agency (NSA), compared today's systems administrators to the encryption-code clerks of past wars who broke enemy secrets. He said systems administrators deserve greater attention from the military and should be better paid. Some researchers say they have seen the systems administrator go bad and see it as the Achilles' heel of national defense. FBI and George Washington researchers have studied the case histories of criminal computers use, including interviews with prisoners. "The systems administrator responsible for designing computer systems has the extraordinary ability to do damage," said Jerrold Post, professor of psychiatry, political psychology and international affairs at George Washington. He cited cases that occurred at Fort Bragg in North Carolina, and in banking and other industries, to underscore the danger posed by IT insiders who exploit power over networks. Post noted that insiders who commit computer-based crimes, such as fraud, extortion, sabotage and espionage, have a variety of motivations, including revenge and

financial gain. He said it is critical to understand the psychology of IT administrators in general to recognize possible danger signs. IT specialists are "overwhelmingly represented by introverts" who "internalize stress and express themselves only online," he said. A study of IT specialists caught for computer-based crimes reveals them typically to share some character traits. Post said close analysis of work histories of IT administrators who sabotaged their employers' networks or did other damage reveals that they often first commit less-serious infractions, such as refusing to train their backup. Intervention by management early on could help prevent problems from escalating, because introverted people usually don't seek help. The FBI has started its own study of those who commit computer crimes - not necessarily focusing on IT administrators - by interviewing those now in jail, said John Jarvis, an FBI behavioral research scientist. "Cybercrime is primarily an insider phenomenon," Jarvis said. **Only a quarter can be classified as "outsider,"** he said.

A2 Spywar Exag

The US is an international target—41 countries are attempting to spy on us

Olson, '01 (James M., served in the Directorate of Operations and is now on the faculty of the George Bush School of Government and Public Service at Texas A&M University, "The Ten Commandments of Counterintelligence", "Central Intelligence Agency", http://www.au.af.mil/au/awc/awcgate/cia/ten_cmdmts_counterintel.htm) JL

The need for counterintelligence (CI) has not gone away, nor is it likely to. The end of the Cold War has not even meant an end to the CI threat from the former Soviet Union. The foreign intelligence service of the new democratic Russia, the Sluzhba Vneshney Razvedki Rossii (SVRR), has remained active against us. It was the SVRR that took over the handling of Aldrich Ames from its predecessor, the KGB, in 1991. It was the SVRR that ran CIA officer Harold James Nicholson against us from 1994 to 1996. It was the SVRR that was handling FBI special agent Earl Pitts when he was arrested for espionage in 1996. It was the SVRR that planted a listening device in a conference room of the State Department in Washington in the summer of 1999. And it was the SVRR that was handling FBI special agent Robert Hanssen when he was arrested on charges of espionage in February 2001. The Russians are not alone. There have been serious, well-publicized concerns about Chinese espionage in the United States. The Department of Energy significantly increased security at its national laboratories last year in response to allegations that China had stolen US nuclear weapons secrets. Paul Redmond, the former Associate Deputy Director of Operations for Counterintelligence at the CIA, told the House Permanent Select Committee on Intelligence in early 2000 that a total of at least 41 countries are trying to spy on the United States. Besides mentioning Russia, China, and Cuba, he also cited several "friends," including France, Greece, Indonesia, Israel, the Philippines, South Korea, and Taiwan. He warned of a pervasive CI threat to the United States. The United States, as the world's only remaining superpower, will be the constant target of jealousies, resentments, rivalries, and challenges to its economic well-being, security, and leadership in the world. This inevitably means that the United States will be the target of large-scale foreign espionage.

A2 Nuclear Threat Exag

Not fearmongering—the risk is seriously underestimated

Bunn 14 [Matthew Bunn (American nuclear and energy policy analyst, currently a professor of practice at the Harvard Kennedy School at Harvard University) and Scott Sagan, "A Worst Practices Guide to Insider Threats: Lessons from Past Mistakes," the American Academy of Arts and Sciences, 2014,

<https://www.amacad.org/multimedia/pdfs/publications/researchpapersmonographs/insiderThreats.pdf>] AZ

Conspiracies of multiple insiders, familiar with the weaknesses of the security system (and in some cases including guards or managers), are among the most difficult threats for security systems to defeat. Many nuclear security systems include only a single insider in the threats they are designed to protect against. And many nuclear security experts do not see groups of insiders as a credible threat: in a recent survey of nuclear security experts from most of the countries where HEU and separated plutonium exist, most agreed that a single insider was a highly credible threat; but no one rated multiple insiders as highly credible, and only a few rated insider conspiracies as "somewhat credible."²⁷ Yet insider conspiracies routinely occur. In one database, they constituted approximately 10 percent of the crimes examined.²⁸ In 1998, for example, an insider conspiracy at one of Russia's largest nuclear weapons facilities attempted to steal 18.5 kilograms of HEU—potentially enough for a bomb.²⁹ The Northern Bank case described above is another example, involving two trusted, senior insiders working together—both under coercion from threats to their families. The Gandhi case is yet another example—again involving two insiders working together, both trusted enough to be personal guards to the prime minister. The fact that two of the major cases selected above to illustrate other points also involved insider conspiracies is a telling indicator of how important such conspiracies are. The lesson here is clear: wherever possible, nuclear security systems should be designed to offer substantial protection against even a small group of insiders working together. Nuclear security managers should set up "red team" processes for identifying approaches that groups of insiders might use to steal material and for finding cost-effective approaches to stop them.

A2 HUMINT Link Turn

Counterintelligence and more surveillance key for warnings on insurgent and other force protection threats.

ATAB, '13 (Anti-Terrorism Accreditation Board , "Counterintelligence", 07/26,

file:///Users/jilllin925/Downloads/Chapter+5.pdf) JL

Attacks against military and related facilities are a very real threat, as demonstrated by the Naxalite attack against CRPF personnel in Chattisgarh's Dantewada district and many others. On April 6, Naxalites had killed 75 CRPF personnel and a police officer also succumbed in the massacre. **We must have a doctrine for protecting our facilities and conserving the potential of our forces.** Insurgents deliberately attack the forces -- for example in the rear to destroy camps, housing, support units and ammunition dumps with the intent to undermine the fighting potential and morale of the troops and loot and destroy its ordnance and weapons simultaneously. This is a grave threat and needs to be addressed. Counterintelligence, like it protects the intelligence services it also provides the necessary intelligence to combatant commanders for force protection. Standard intelligence disciplines all provide relevant intelligence but very less or no HUMINT relevant to counterintelligence. Yes we incorporate standard physical security measures but that is not sufficient for force protection. It is never a substitute for protection gained through intelligence. Moreover physical security can never override the value of counterintelligence. It is only HUMINT collected by intelligence and counterintelligence agencies that function as the indications and warning provider with respect to insurgent and other force protection threats.

A2 Privacy Violations

Government employees already give up their privacy when they agree to work in top-security fields. They face extensive background checks and interviews that non-unique any privacy violation argument. Surveillance is a minimal violation of personal space when almost everything is known already.

Audits, encryption, and other precautions check

Braun 14 [Stephen Braun (reporter at Associated Press), "U.S. intelligence officials to monitor federal employees with security clearances," PBS News, 3/10/2014, <http://www.pbs.org/newshour/rundown/us-intelligence-officials-monitor-federal-employees-security-clearances/>] AZ

Officials familiar with the DNI's system said internal guidelines, audits, encryption and other precautions built into the proposal were designed to minimize abuses of private information. A 2007 Homeland Security review of the ACES project concluded that "the system contains security and procedural controls to ensure that data is made available to only those with a legitimate need as defined by the underlying legal authorities." Congressional officials said the DNI already has sufficient permission under U.S. law to launch the new electronic monitoring on its own, but a bill recently introduced by Sen. Susan Collins, R-Maine, would provide additional legal support. Collins' bill calls for at least two random computerized reviews every five years for each of the 5 million government workers with a secret clearance.

Constant cyberwarfare from China and Russia cause economic and political damage and also non-unique any privacy violations

Naim 6/25 [Moises Naim (Reporter at the Atlantic), "Why Cyber War Is Dangerous for Democracies," the Atlantic, 6/25/2015] AZ

Around the time that Snowden published his article, hackers broke into the computer systems of the U.S. Office of Personnel Management and stole information on at least 4 million (and perhaps far more) federal employees. The files stolen include personal and professional data that government employees are required to give the agency in order to get security clearances. The main suspect in this and similar attacks is China, though what affiliation, if any, the hackers had with the Chinese government remains unclear. According to the Washington Post, "China is building massive databases of Americans' personal information by hacking government agencies and U.S. health-care companies, using a high-tech tactic to achieve an age-old goal of espionage: recruiting spies or gaining more information on an adversary." But these attacks are not limited to espionage, and there is not always a government behind them. Many independent hackers make a living off their criminal activities on the Internet; extortion, thefts of commercial secrets and people's identities, breaches of databases belonging to retailers and other companies, and the sabotage of critical infrastructure are all proliferating. To cite just four recent examples: Hackers have stolen personal information from 83 million JPMorgan Chase accounts, 56 million Home Depot payment cards, 110 million Target customer records, and 80 million accounts belonging to Anthem, one of America's largest health-insurance companies. "Our information systems are attacked multiple times a day, every day," the president of one of the world's

largest electricity companies told me. Nowadays, he added, “We spend 10 times more protecting ourselves from cyber attacks than we did three years ago. And despite that we feel we are always a step behind our attackers.” Numerous reports indicate that the frequency of and damage inflicted by cyber attacks is steadily increasing. According to a recent Verizon report on data breaches in the United States, the main victims are the government and the financial-services and information and technology industries, with the healthcare sector, and especially hospitals and health-insurance companies, also frequent targets. And the threat isn’t only coming from China—experts emphasize that attacks from Russia are as aggressive, frequent, and sophisticated.

Need for security against bioterror threats outweighs microbiologists' right to privacy

Culp 13 [Derrin Culp (research associate at the National Center for Disaster Preparedness, a unit of Columbia University), "Lessons not learned: Insider threats in pathogen research," Bulletin of Atomic Scientists, 04/03/2013] AZ

What if, instead of mailing anthrax spores, a microbiologist had released an aerosolized and highly transmissible pathogen near the ticket counters and security lines at Washington's Reagan National Airport, ultimately causing 5,000 deaths instead of five? Would the prescription for addressing the insider threat risk be the same as the current approach? We don't have to get anywhere near the seven-digit fatality numbers mentioned during the H5N1 controversy to be fairly certain that a "culture of responsibility" and regulatory delegation of screening and monitoring choices to scientists and their laboratories would be deemed a naïve and utterly inadequate level of protection. Something akin to the Department of Energy's Human Reliability Program -- one of those "extremely intrusive" regimes cited by the Defense Science Board -- would be much more likely. Microbiologists' claims to an exemption from intrusive personal scrutiny in unclassified research are motivated by sincere (and perhaps even correct) beliefs that restricting them would impede scientific progress and unnecessarily constrain the abundant benefits that their work otherwise would deliver to humankind. But those claims also arise from understandable concerns for personal privacy and dignity. Identifying the extremely high-risk types of pathogen research (both classified and unclassified) for which the government should mandate more oversight -- and picking the right mix of screening and monitoring techniques -- would undoubtedly be a complex and imperfect undertaking. Even with decades of evidence about what has and has not worked in nuclear research, intelligence gathering, and classified microbiological research environments, mistakes would be made and some blameless scientists might be faulted. Ultimately, though, microbiologists can't be exempt from such scrutiny. They lost that privilege when they acquired the ability -- or merely the potential -- to generate mass casualties.

Insider threat programs do not infringe on civil liberties or target individuals.

National Counterintelligence and Security Center, NO DATE ("NATIONAL INSIDER THREAT TASK FORCE

Insider threat programs are developed and operated in coordination with an agency's records management office, legal counsel, and civil liberties and privacy officials to build in protections against infringing upon employees' civil liberties/civil rights, privacy or whistleblower protections. Departments and agencies are required to provide training in these areas to program personnel, as well as the general workforce.

Department and agency heads also have a responsibility to ensure these protections are maintained through oversight of their insider threat programs. Insider threat programs target anomalous activities, not individuals. Additionally, government employees who handle classified information understand that, to hold a security clearance, they accept additional oversight of their workplace activities. Employees sign authorizations for the conduct of investigations to obtain and retain security clearances and there are warning banners on computers and in certain areas of facilities that alert people that they have less expectation of privacy.

A2 Bulk Collection Turn

Behavior analysis and bulk collection key to stopping insider threats

Kopan 14 [Tal Kopan, "Insider threats top to-do lists — New Snowden docs link NSA surveillance, cyber mission — Today: CJS debate should finally begin," Politico, 6/19/2014, <http://www.politico.com/morningcybersecurity/0614/morningcybersecurity14345.html>] AZ

SHOT: INSIDER THREATS TOP TO-DO LISTS – Eliminating the cyber-threat from within was the dominating topic of conversation yesterday in separate events across Washington, which looked at both how organizations can detect inappropriate behavior within their networks and what kind of evaluation process is appropriate for individuals given security clearances. While the “insider threat” has become a buzzword of sorts in security circles, misbehavior by those trusted in the system is still a real concern for companies, government agencies and defense institutions alike, which are looking to shore up defenses against attacks from the outside and the inside in the wake of high-profile insider incidents. Stopping the next Edward Snowden requires deploying technology and human resources intelligence at machine speed, said top defense intelligence officials at a panel discussion yesterday. “Unfortunately, perhaps we all haven’t put as much attention into the insider threat — as the NSA or I can raise my hand and say we were burned by that as much as anyone in recent memory,” said Philip Quade, chief operating officer of the information assurance directorate of the National Security Agency, acknowledging the former intelligence contractor by name at yesterday’s MeriTalk Cybersecurity Brainstorm. “There’s no badguy.com and there’s no stupidguy.com, where there’s this one corner of your network [you can] say, ‘This is where I’m going to optimize my hunting for the insider or remote threat. ... The good news, is that’s where computing can come in, where analysis and big data analysis and behavior-based analysis can really, really directly address this problem,’” he said. More from Quade and officials at the Defense Intelligence Agency and Defense Security Service, from your host:

Behavior analysis key—only algorithms solve

SIFMA 14 [SIFMA (US industry trade group representing securities firms, banks, and asset management companies), "INSIDER THREAT BEST PRACTICES GUIDE," Securities Industry and Financial Markets Association, July 2014, http://www.sifma.org/uploadedfiles/issues/technology_and_operations/cyber_security/insider-threat-best-practices-guide.pdf?n=43757] AZ

The core components of an insider threat mitigation program mirror those denoted in the National Institute of Standards and Technology (NIST) Cybersecurity Framework: Identify, Protect, Detect, Respond, and Recover. This structure encourages firms to individually assess threats most relevant to their firm and to develop a risk-based approach to resource allocation. The structure is also flexible enough to allow firms to scale implementation based on their business models and available resources. However, unlike in a general cybersecurity program, each component in an insider threat mitigation program has a distinctly human element. While external cybersecurity threats can usually only be prevented or detected through technical tools, insider threats commonly exhibit human behaviors that foreshadow the attacker’s intent.

An appropriately trained insider threat mitigation team can leverage technical tools, such as network monitoring software, and counterintelligence skills to detect and investigate suspicious insider behavior. While all personnel in a firm have a role in maintaining an effective insider threat program, an insider threat mitigation team is essential to coordinate firm-wide prevention efforts and alert relevant personnel to suspected or detected threats. Best practices for insider threat mitigation therefore involve both technical cybersecurity defenses, which typically reside within information technology, and human expertise, that resides across the firm.

A2 Background Checks Solve

Background checks don't solve—not comprehensive enough and don't prevent changes

Bunn 14 [Matthew Bunn (American nuclear and energy policy analyst, currently a professor of practice at the Harvard Kennedy School at Harvard University) and Scott Sagan, "A Worst Practices Guide to Insider Threats: Lessons from Past Mistakes," the American Academy of Arts and Sciences, 2014,

<https://www.amacad.org/multimedia/pdfs/publications/researchpapersmonographs/insiderThreats.pdf>] AZ

The belief that personnel who have been through a background check will not pose an insider problem is remarkably widespread—a special case of the “not in my organization” fallacy. There are two reasons why this belief is mistaken. First, background checks are **often not very effective**. Second, even completely **trustworthy employees** may become insiders, especially if **they are coerced**. Background checks as they are conducted today often fail to catch indicators of potential problems. Even in-depth, ongoing monitoring can miss key insider issues: after all, Aldrich Ames famously passed lie detector tests. Moreover, in many cases at non-nuclear facilities, there was no indication that employees were not trustworthy until long after they were hired: they became criminals only once on the job. This was the case with the trusted guards discussed in the previous section; and Leonid Smirnov, who perpetrated one of the first well-documented thefts of weapons-usable nuclear material (1.5 kilograms of 90 percent enriched HEU from the Luch Production Association in Podolsk in 1992), was a trusted employee who had worked at the facility for many years.¹⁵ Even if all the insiders at a facility are highly reliable, coercion remains a danger. In a case in Northern Ireland in 2004, for example, thieves allegedly linked to the Provisional Irish Republican Army made off with £26 million from the Northern Bank. The bank’s security system was designed so that the vault could be opened only if two managers worked together, but the thieves kidnapped the families of two bank managers and blackmailed them into helping the thieves carry out the crime.¹⁶ (The thieves also used deception in this case, appearing at the managers’ homes dressed as policemen.)

A2 States CP

1. The federal government is necessary for successful counterespionage efforts.

National Counterintelligence and Security Center, **NO DATE** ("NATIONAL INSIDER THREAT TASK FORCE

MISSION FACT SHEET", "National Counterintelligence and Security Center", <http://www.ncsc.gov/issues/economic/index.php>) JL

America's adversaries throughout history have routinely taken their competitive efforts beyond the battlefield. They frequently avoid using standing armies, shirk traditional spy circles, and go after the heart of what drives American prosperity and fuels American might. Nazi spies during World War II tried to penetrate the secrets behind our aviation technology, just as Soviet spies in the Cold War targeted our nuclear and other military secrets. Today, foreign intelligence services, criminals, and private sector spies are focused on American industry and the private sector. These adversaries use traditional intelligence tradecraft against vulnerable American companies, and they increasingly view the cyber environment—where nearly all important business and technology information now resides—as a fast, efficient, and safe way to penetrate the foundations of our economy. Their efforts compromise intellectual property, trade secrets, and technological developments that are critical to national security. Espionage against the private sector increases the danger to long-term U.S. prosperity. Without corrective action that mobilizes the expertise of both the Federal Government and the private sector, the technologies cultivated by American minds and within American universities are at risk of becoming the plunder of competing nations at the expense of long-term U.S. security. The private sector alone lacks the resources and expertise to thwart foreign efforts to steal critical American know-how. This is in large part because counterintelligence is not a typical corporate function, even for well-trained and well-staffed security professionals. Counterintelligence is a challenge for corporations for two reasons. Cost is the first reason. CI measures absorb company resources that would otherwise be used for growth. The second CI challenge is tied to the nature of public corporations. American companies are driven into developing markets by shareholders, growth ambitions, and the desire to beat Wall Street's quarterly earnings expectations. The requirement to move quickly and unabashedly leaves American companies vulnerable as they flock into spy-rich developing nations. China and Russia are our most aggressive and capable adversaries using economic espionage. China and Russia are not the only perpetrators of espionage against sensitive US economic information and technology. Some US allies abuse the access they have been granted to try to clandestinely collect critical information that they can use for their own economic or political advantage.

2. Multiple actor fiat bad

- A. Real world—50 states never act exactly in unison—key to education**
- B. Not logical—no one policymaker who has jurisdiction over each state government**

3. Perm do both

Circumvention

Laws don't check—executive agencies go around Congress

Papandrea 14 [Mary-Rose Papandrea (professor of law at Boston College Law School), "Leaker Traitor Whistleblower Spy: National Security Leaks and the First Amendment," Boston College Law School Faculty Papers, 3/1/2014] AZ

The executive branch needs some control over the dissemination of national security information in order to conduct effective military actions, foreign policy, and diplomatic relations. In some instances, the disclosure of national security information outside of the executive branch can pose a genuine threat to our nation's national security.⁸² Although the Constitution makes little mention of secrecy,⁸³ the Framers certainly recognized that some governing must take place outside of the public eye to be effective.⁸⁴ The problem is that the Framers "did not fully explain how citizens and lawmakers could know whether the president is in fact exercising this power responsibly."⁸⁵ Various reforms in the last several decades, including the passage of the Freedom of Information Act and the creation of congressional oversight committees, have failed to serve as significant counterweights to the executive's ability to control the flow of national security information.⁸⁶ Since September 11, the Bush and Obama Administrations have both aggressively asserted their power to control the dissemination of national security information and undermined the checking function of Congress and the judiciary.⁸⁷ The very nature of the executive branch's duties and responsibilities makes true transparency and accountability difficult. The executive is charged with "executing" the law, and the vast administrative state enables the execution of many laws to transpire in the dark.⁸⁸ The difficulties of monitoring the executive are exponentially greater whenever national security is involved. The executive exercises tight control over national security information through the classification system; the assertion of the executive and state secrets privileges; and general assertions time and time again that the executive has the power to keep information from Congress whenever disclosure would harm foreign relations, national security, or the executive's deliberative processes or constitutional duties.⁸⁹ The executive branch has repeatedly asserted its power to control the dissemination of national security information during battles with Congress over Congress's efforts to exercise some meaningful oversight of presidential power.⁹⁰ Although Congress sometimes appears to accept the executive's assertions of national security power without putting up much of a fight or exercising meaningful oversight,⁹¹ Congress generally disputes the executive's theory of the separation of powers. Instead, Congress contends that it shares authority over national security matters with the executive.⁹² Congress has a number of tools at its disposal to encourage disclosures – for example, it can conduct hearings, subpoena testimony and documents, leverage its power in the appropriations and appointments process, and pass statutes that require periodic reports from the executive branch. The executive, however, strongly resists Congress's attempts to force the disclosure of information, and there is very limited opportunity for judicial review of these inter-branch disputes.⁹³ Congress has not been particularly effective in forcing the executive to reveal national security information.⁹⁴ Even when the executive is willing to share information regarding its national security initiatives, it generally does so with only a select group of

congressional members, and the executive may – or may not – share all of the relevant details of its programs with these select members.⁹⁵ Those members who do have access to information about the President’s activities may feel they have no meaningful way of voicing their concerns about them.⁹⁶ While some have argued that the Constitution’s Speech and Debate Clause would immunize from prosecution disclosures of national security information a member might make on the House or Senate floor,⁹⁷ such disclosures would violate House and Senate procedures regarding the release of classified information obtained from the executive branch.⁹⁸ Although Congress could certainly repeal these rules, it is not clear it would be wise to do so. It is likely that at some point a member would reveal information that causes serious national security harm; in addition, a relaxation of these rules could give the President another justification for refusing to share information with Congress.⁹⁹ The executive’s disclosures to Congress may also be misleading, incomplete, or even false. For example, in March 2013 Senator Ron Wyden directly asked James Clapper, the Director of National Intelligence: “[D]oes the NSA collect any type of data at all on millions, or hundreds of millions, of Americans?”¹⁰⁰ Clapper stated that the government did not collect such data, at least “not wittingly.”¹⁰¹ After the Snowden leaks made clear that this response was false, Clapper explained that his response was the “least untruthful” answer he could give when asked about a classified program in an open session.¹⁰²

A2 Targeted Warrants Solve

2NC Extensions

2NC Ext—Gelman [Link]

Federal government intelligence capabilities are key to solve for espionage.

FBI 11 (“FBI Counterintelligence National Strategy”, “The Federal Bureau of Investigation”, 11/04, https://www.fbi.gov/news/stories/2011/november/counterintelligence_110411) JL

Espionage may seem like a throwback to earlier days of world wars and cold wars, but the threat is real and as serious as ever. We see it—and work hard to counter it—all the time. It’s not just the more traditional spies passing U.S. secrets to foreign governments, either to fatten their own wallets or to advance their ideological agendas. **It’s also students and scientists and plenty of others stealing the valuable trade secrets of American universities and businesses—the ingenuity that drives our economy—and providing them to other countries.** It’s nefarious actors sending controlled technologies overseas that help build bombs and weapons of mass destruction designed to hurt and kill Americans and others. In late October, in fact, we took part in a multi-agency and multi-national operation that led to the indictment of five citizens of Singapore and four of their companies for illegally exporting thousands of radio frequency modules from the U.S. Allegedly, at least 16 of these modules were later found in unexploded improvised explosive devices in Iraq. **As the lead agency for exposing, preventing, and investigating intelligence activities on U.S. soil, the FBI continues to work to combat these threats using our full suite of investigative and intelligence capabilities.** We’ve mapped out our blueprint in what we call our Counterintelligence National Strategy, which is regularly updated to focus resources on the most serious current and emerging threats. The strategy itself is classified, but we can tell you what its overall goals are: Keep weapons of mass destruction, advanced conventional weapons, and related technology from falling into the wrong hands—using intelligence to drive our investigative efforts to keep threats from becoming reality. Our new Counterproliferation Center will play a major role here. **Protect the secrets of the U.S. intelligence community—again, using intelligence to focus our investigative efforts and collaborating with our government partners to reduce the risk of espionage and insider threats. Protect the nation’s critical assets—like our advanced technologies and sensitive information in the defense, intelligence, economic, financial, public health, and science and technology sectors.** We work to identify the source and significance of the threats against these assets, and to help their “owners” to minimize vulnerabilities. Counter the activities of foreign spies—whether they are representatives of foreign intelligence agencies or governments or are acting on their behalf, they all want the same thing: to steal U.S. secrets. Through proactive investigations, we identify who they are and stop what they’re doing. One important aspect of our counterintelligence strategy involves strategic partnerships. And on that front, we focus on three specific areas: **The sharing of expertise and resources of the FBI, the U.S. intelligence community, other U.S. government agencies, and global partners to combat foreign intelligence activities;** Coordination of U.S. intelligence community efforts to combat insider threats among its own ranks; and Partnerships with businesses and colleges and universities to strengthen information sharing and counterintelligence awareness. Focus on cyber activities. Another key element of our counterintelligence strategy, according to FBI Counterintelligence Assistant Director Frank Figliuzzi, is its emphasis on detecting and deterring foreign-sponsored cyber intelligence threats to government and private sector information systems. “Sometimes,” he said, “the bad guys don’t have to physically be in the U.S. to steal targeted information...sometimes they can be

halfway around the world, sitting at a keyboard." The FBI's Counterintelligence National Strategy supports both the President's National Security Strategy and the National Counterintelligence Strategy of the United States.

Federal intelligence is needed to monitor counterintelligence.

Meiman, '07 (Kathryn L. , "What's that I hear? : domestic surveillance and

counterintelligence on antiwar musicians in the 1960s", "Lehigh University", <http://preserve.lehigh.edu/cgi/viewcontent.cgi?article=1982&context=etd>) JL

COINTELPRO tactics took many forms, including surveillance techniques such as wiretaps, and more active techniques such as "black bag jobs," sending of anonymous letters to promote distrust or fear, and writing and publishing negative information about members of the Communist Party in the national media through sympathetic media outlets. Counterintelligence techniques are significantly different from those that constitute intelligence gathering. The goal of such a program seeks to "actively restrict a target's ability to carry out actions (prevention), or to encourage acts of wrongdoing (facilitation)."¹³ In comparison to simple intelligence gathering, counterintelligence work requires the carrying out of actions in response to the information gathered. Intelligence work is necessary for counterintelligence programs to exist, but not vice versa. By the 1960s, the FBI had developed COINTELPROs that focused not only on the Communist Party, but had branched out to encompass numerous other groups that 1. Edgar Hoover had identified as threats to national security. Under the broad headings which Hoover used to classify his targets, the Socialist Workers Party, the Ku Klux Klan and other "White Hate Groups," several black Civil Rights organizations referred to by the Bureau as the "Black Nationalist-Hate Groups," and the New Left, notably the anti-Vietnam war movement, were now considered to be the greatest threats to America. ¹⁴ Hoover saw any action that challenged the status quo as "subversive," and protesters of any type drew his ire. The younger generation who wore long hair and spoke out against the Vietnam War appeared downright dangerous and, as quoted in the New York Times, Hoover alerted police that it was "vitaly important to recognize that these militant extremists are not simply faddists or 'college kids' at play. Their cries for revolution and their advocacy of guerilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it." ¹⁵ This belief fueled his decision to investigate protest of any type in attempt to quash it.

Counterintelligence is hard to defeat. All possible information is needed.

CIA, '96 ("The Anatomy of Counterintelligence", "The Central Intelligence Agency", 07/02, https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol13no1/html/v13i1a02p_0001.htm) JL

The first purpose of this study was to help the authorities in emerging or young nations in which a counterintelligence capability is lacking or deficient. Such countries are especially vulnerable in this era, when Soviet skills in espionage, counterespionage, and subversion have been refined for half a century. Even within the US intelligence community, however, some confusion and disagreement about counterintelligence persists. For example, it is often misunderstood as

another name for security. Because the article strips away the flesh and reveals the bones of its subject, it may be useful to us here as well as to others overseas. The paper describes the basic structure and functions of a counterintelligence service in a free society. The subject is not, however, a model CI service, if "model" is understood to mean an ideal or a pattern of excellence, created to be imitated. In this sense of the word, no model service exists. There are wide national variations in such matters as laws governing espionage and security, in budgets and manpower, and in the kind and intensity of threats. These differences are so great that a single model would not do for all countries, so that each must develop its own CI organization specifically adapted to its own environment and its own special requirements. It is possible, on the other hand, to describe the essential or standard functions which most such services share, and to show the kind of organization that derives from these functions. The inquirers should also be put on clear notice concerning the gravity of the commitments they propose to undertake, and of the eventual dimensions of the task. The fact is that a defensive service usually must accept responsibilities which exceed the requirements of security if security is construed, as it often is, to consist of passive defenses against clandestine and covert attacks upon the installations, personnel, and activities of official or semi-official bodies whose methods and sources the government desires to protect against unauthorized disclosure. Although it is possible to describe and even to create a security service concerned solely with these defenses, such an organization would soon find itself unequal to its task. Established intelligence and counterintelligence services, especially those of the USSR, are too competent and too strong to be defeated or even contained by purely defensive tactics. The counterintelligence service must be aggressive. It must learn all it can about its country's enemies. It must learn their secrets and be privy to their councils. This essay is intended as a short course in how these things can be done.

2NC Ext—Vigilance [Link]

Insiders are the largest threat—the threat is real

Fung citing DuBose 13 [Brian Fung, DuBose (a former Justice Department official and head of the cyber investigations unit at the risk-management firm Kroll Advisory Solutions), "Why Insiders, Not Hackers, Are the Biggest Threat to Cybersecurity," National Journal, 6/10/2013] AZ

However common they are, cases like Snowden's show how devastating one insider can be. The extent of the damage depends on what's being exfiltrated and from where, and there aren't many standards for calculating losses. Most companies estimate the value of their trade secrets based on how much money they sank into the research and development of that knowledge. But for the government, it's the potential security impact that takes precedence—and that turns the question into a matter of subjective debate. Last month, The Washington Post reported that Chinese spies compromised the designs for some of the Pentagon's most sensitive weapons systems, including the F-35 Joint Strike Fighter, the V-22 Osprey tiltrotor aircraft, and the Navy's new Littoral Combat Ship. If true, the report could have major consequences for national security. But Snowden's case is equally consequential, if for different reasons, and it bolsters DuBose's point about the relevance of insiders. Snowden may have rightfully uncovered evidence of government overreach, but if a mid-level contractor can steal top-secret information about the NSA and give it to the public in a gesture of self-sacrifice, someone else could do the same—but hand the intelligence to more nefarious actors.

2NC Ext—Kirkham [Nuclear !]

Insiders will betray nuclear organizations in the DoD and compromise either nuclear materials or warheads—that's Kirkham. The threat is coming now. Insiders can steal nuclear materials or engineer meltdowns—2012 case proves – more info is key

Parker 14 [Clifton Parker, "Insider threats biggest challenge to nuclear security," Center for International Security and Cooperation, April 2014, http://cisac.fsi.stanford.edu/news/insider_threats_biggest_challenge_to_nuclear_security_20140409] AZ

A diesel generator at the San Onofre Nuclear Generating Station in Southern California was possibly sabotaged, likely by an insider, in 2012. Insider threats are the most serious challenge confronting nuclear facilities in today's world, a Stanford political scientist says. In every case of theft of nuclear materials where the circumstances of the theft are known, the perpetrators were either insiders or had help from insiders, according to Scott Sagan and his co-author, Matthew Bunn of Harvard University, in a research paper published this month by the American Academy of Arts and Sciences. "Given that the other cases involve bulk material stolen covertly without anyone being aware the material was missing, there is every reason to believe that they were perpetrated by insiders as well," they wrote. And theft is not the only danger facing facility operators; sabotage is a risk as well, said Sagan, who is a CISAC senior fellow and professor of political science. While there have been sabotage attempts in the United States and elsewhere against nuclear facilities conducted by insiders, the truth may be hard to decipher in an industry shrouded in security, he said. "We usually lack good and unclassified information about the details of such nuclear incidents," Sagan said. The most recent known example occurred in 2012, an apparent insider sabotage of a diesel generator at the San Onofre nuclear facility in California. Arguably the most spectacular incident happened at South Africa's Koeberg nuclear power plant (then under construction) in South Africa in 1982 when someone detonated explosives directly on a nuclear reactor.

2NC Ext—Poteat [Competition]

Espionage efforts from other countries damage US competitiveness—spies steal military, economic, and political secrets that compromise our ability to compete as a world leader in various areas—that's 1NC Poteat.

Absent counterintel efforts, American competitiveness declines

ATAB, '13 (Anti-Terrorism Accreditation Board , “Counterintelligence”, 07/26,

file:///Users/jilllin925/Downloads/Chapter+5.pdf) JL

Why does counterintelligence factor so much in COIN missions? Firstly insurgents place a very high emphasis on the usage of informants, double agents, reconnaissance, surveillance, open source collection of media and imagery. Thus it could well be that we have sources who have switched loyalties or who may be working for both the parties with little or no loyalty to the government. We must locate these individuals who are a threat to operational security. Secondly insurgents resort to counter-surveillance. They hide among the local populace, use couriers to transfer money, intelligence and orders to run their ops. Finally and very important is the need for counterintelligence for Force protection. Another definition is CI both ‘information gathered’ and ‘activities conducted’ in order to ‘protect against espionage, other intelligence activities, sabotage or assassination conducted on behalf of foreign powers, organisations or persons, or international insurgent activities but not including personnel, physical documents or communications security’. In order to neutralize hostile intent CI conducts various activities such as acquiring information about plans , operations and capabilities of those organizations whose intent is subversion. CI informs policy. It aids military commanders and allied agency heads to take effective decisions. We don't have a clear doctrine on CI. It is the most misunderstood , most sensitive arcane intelligence discipline. But it performs the very important function of protecting the intelligence cycle. Counterintelligence is both an activity and its product. The product is reliable timely information about enemy/foreign intelligence organizational structure , the personnel profile , the operations of the enemy/foreign intelligence service and how they recruit personnel both from outside and insiders. To this end “counterintelligence intelligence collection” activities are conducted. It is an organization too as it consists of personnel with specialized skills to whom are allocated various functions , which after proper execution an information database is created which provides knowledge to decision makers. Summing up CI is in a way different from all other intelligence disciplines. Intelligence seeks to acquire information through collection methods wherein the result is not the objective but in CI collection activities enemy intent is always in the horizon..and activities..both offensive and defensive are conducted to neutralize this intent or to exploit the enemy itself to our advantage. Counterintelligence interacts with other intelligence disciplines such as SIGINT and IMINT to locate hostile entities and also to acquire knowledge about the capabilities and targeting of hostile SIGINT/IMINT. CI is multidisciplinary. It is different from security in that like security it does not only seek to implement defensive measures but also to aggressively target hostile intent. One of these offensive CI operations is Deception. Deception ops are designed at senior echelon levels such as Command. The CI body/unit executes the deception operation. Just as tactical military intelligence supports combat ops , similarly CI must support

deception ops. CI is not policing. Once a crime is committed the law enforcement authorities resort to arrest of the perpetrator so as to prosecute him as per law. But a CI agent has no arrest authorities. All these doctrinal differences make it more difficult to promulgate a clear CI doctrine. The CI functions include collection of all information about the activities and the organization itself of the enemy intelligence service. To this end source operations and clandestine methods are resorted to. The analytical component of CI holds significant importance because accurate analysis predicates CI operations designed to defeat hostile intent and also conduct exploitation ops to our advantage. Infiltration/penetration and deception operations, to name a few are the offensive operations resorted to by the CI body. A specialized function is the evaluation of defectors and debriefing of returned defectors. There are also defensive operations designed to protect installations/personnel/information and formal security programmes. Protecting secrets High up on its priority list CI has information protection. CI attempts to ensure that classified information doesn't fall into the hands of unauthorized users such as foreign agents /foreign intelligence service (physical security part of CI) and also making certain that all those people who do have access to sensitive information, say due to "need to know" authority or by virtue of portfolio in the intelligence deptt.—these people are protecting that information from being accessed. Here I used the term "CI attempts to ensure" as no amount of security controls can ever guarantee that the employee will observe the rules. Lapses will and do happen. Lapses which may be involuntary or voluntary with multiple intent scenarios ..ranging from yearning for self sufficiency in terms of wealth etc to disgruntled officials. If an official has the authorization to access sensitive information we must accept the fact that the information can also be compromised. To prevent this from happening and thus protect the intelligence information (or in a larger context the intelligence cycle itself) the intelligence organization resorts to psychological/behavioural evaluation/monitoring and profiling those personnel who have a propensity for betrayal. But the former evaluation techniques are below 100% accuracy thus leading to the recruitment of personnel who have intent to do harm. As for the latter profiling method those personnel who are adept in evading detection remain out of scrutiny and more resources are wastefully allocated in profiling the wrong person. Hence I had earlier stated that no amount of security control or vetting can ensure 100% information protection. We have to live with this risk and CI primary function is to resort to all available means so as to minimize this risk.

Chinese hackers steal economic secrets—key to economic growth

Mick, '12 (Jason, "NSA: China is Destroying U.S. Economy Via Security Hacks", "Daily Tech", 03/28, <http://www.dailytech.com/NSA+China+is+Destroying+US+Economy+Via+Security+Hacks/article24328.htm>) JL

NSA director fingers China in recent RSA intrusion and subsequent data thefts, U.S. oblivious its at war Well, no more hemming and hawing about, it's official -- the Chinese hacked EMC Corp. (EMC) subsidiary RSA and stole the secrets of its proprietary security algorithm according to the chief of the U.S. National Security Agency. I. A Grave Threat U.S. Cyber Command leader and NSA director Gen. Keith Alexander made the information public on Tuesday in a briefing to the Senate Armed Services Committee, in which he testified, "I can't go into the specifics here, but we do see [thefts] from defense industrial base companies. There are some very public [attacks],

though. The most recent one was the RSA exploits." China successfully used the information to hack into Lockheed Martin Corp. (LMT), a top U.S. defense contractor. It is thought that China's remarkable progress in stealth fighter technology has been fueled by stolen U.S. Department of Defense Secrets. Indeed a massive amount of intellectual property is being stolen from both the public and private sector by Chinese hackers, according to Gen. Alexander. The U.S. has done precious little to protect its own economic prosperity, as it has been overwhelmed by the Chinese thieves. One official in past commentary graphically described a cyberwarfare campaign of an unnamed nation state (suspected to be China) as "raping" the world. Whether the Chinese government is perpetrating these attacks first hand, sponsoring third parties to conduct them, or merely condoning corporate interests to conduct them is almost as hazy as the sketchy financial ties the Chinese government holds to many of its private sector business (to be fair such allegations have increasingly been raised about the U.S. gov't). But at the end of the day, the result is the same -- the destruction of the U.S. economy at the hands of the Chinese attackers.

Classified information in the wrong hands would damage US defense, transportation, health, financial, and communications.

National **C**ounterintelligence and **S**ecurity **C**enter, **NO DATE** ("NATIONAL INSIDER THREAT TASK FORCE

MISSION FACT SHEET", "National Counterintelligence and Security Center",
http://www.ncsc.gov/nittf/docs/National_Insider_Threat_Task_Force_Fact_Sheet.pdf) JL

When classified information is divulged in an unauthorized manner outside the confines of the U.S. Government (USG) national security structure, that information can create situations that are harmful to U.S. interests and, in some cases, could be life-threatening. Classified information in the wrong hands can provide a unique and potentially dangerous advantage to those states and non-state actors whose interests are opposed to those of the United States. For example, the unauthorized release of classified information could: provide details about weapons systems we rely on to defend our country; expose our overseas intelligence operations and personnel; and identify critical vulnerabilities in the U.S. national infrastructure which, if exploited, could damage internal U.S. defense, transportation, health, financial, and/or communications capabilities.

2NC Ext—Schwartz [Free Trade !]

US trade secrets are stolen from Chinese agents sent over to the US.

Kellen, '13 (Patrick, "China's Cheating and Cyber-Espionage Is Killing Us!", "Economy in Crisis", 10/01, <http://economyincrisis.org/content/chinas-cheating-and-cyber-espionage-is-killing-us>) JL

Across the Pacific Ocean lies a nation which is ruining the United States. That nation is China, a country with its priorities straight and enough self interest to look after itself. The United States, on the other hand, cannot figure out how it should conduct its affairs and does not lift a finger to protect itself in the game of international trade. It has been said that the United States is in an economic war and does not realize it. A brief review of the last couple decades would seem to confirm that diagnosis, and nowhere is this more apparent than in the cyber-espionage carried out by China against a clueless America. As detailed by Greg Autry in his eye-opening book, Death by China, a war on many levels and on many fronts is being waged against us. Many U.S. companies have been the victims of cyber hacking. Precious secrets and technologies are stolen, the American firms are never compensated for the crimes and China advances for free on the back of U.S. sweat and genius. Not only are the U.S. firms prohibited from retaliating, our government does nothing to address the issue and right the wrongs done to them. There have even been several suspected instances of blackmail. Soon after a company's servers get hacked into from Chinese locations, the company execs suddenly agree to sell off and/or move the company overseas. When the technological know-how is transferred from the American company to the Chinese one, the American company is stripped bare, cast off and left to wither. One has to wonder what secrets were discovered and used to strong-arm the owners into such a deal. Chinese agents even get sent over to our shores to befriend American execs, and false fronts are created on social networking sites, all with the purpose of getting to know execs well enough to be able to guess their passwords. When this is successful, a new round of corporate larceny begins. It is no wonder the Chinese economy has grown seven times faster than the American one over the last decade. As if our stupid trade policies were not enough, the Chinese cheat to get even more advantages. While we can do little to change China's behavior, we could at least take some smart steps to protect ourselves. Unfortunately, our politicians do not seem to care. If they did, they surely would have taken action to shore up America's defenses and prevent the long slide into economic obscurity in which we find ourselves. What will it take for them to wake up? What will it take for the entire nation to wake up? Those of us who see and recognize the danger need to sound the alarm. Either we change our course, or we crash and burn, and the choice really is that stark. You can start by calling your representative and telling them we can no longer afford to roll over and play dead. Send this article to five of your friends, and have them do the same!

Impact Work

Nuclear Terrorism

nuke terrorism impact

Successful acquisition causes nuclear spoofing – extinction

Barrett et al. 13—PhD in Engineering and Public Policy from Carnegie Mellon University, Fellow in the RAND Stanton Nuclear Security Fellows Program, and Director of Research at Global Catastrophic Risk Institute—AND Seth Baum, PhD in Geography from Pennsylvania State University, Research Scientist at the Blue Marble Space Institute of Science, and Executive Director of Global Catastrophic Risk Institute—AND Kelly Hostetler, BS in Political Science from Columbia and Research Assistant at Global Catastrophic Risk Institute (Anthony, 24 June 2013, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” Science & Global Security: The Technical Basis for Arms Control, Disarmament, and Nonproliferation Initiatives, Volume 21, Issue 2, Taylor & Francis)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have **globally catastrophic effects** such as severely **reducing food production** for years, ¹ potentially **leading to collapse of modern civilization worldwide, and even the extinction of humanity.** ² Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack. ³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches. ⁴) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides' development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack. ⁵ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced. ⁶ However, it also has been argued that inadvertent nuclear war between the United States and Russia has continued to present a **substantial risk.** ⁷ While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack. ⁸ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. ⁹ Second, **terrorist groups** or other actors might **cause attacks** on either the United States or Russia that **resemble some kind of nuclear attack by the other nation** by actions such as exploding a stolen or improvised nuclear bomb, ¹⁰ especially if such an event occurs during a crisis between the United States and Russia. ¹¹ A variety of nuclear terrorism scenarios are **possible.** ¹² Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States. ¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. ¹⁴ It has

long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions,¹⁵ with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks.¹⁶

2nc yes nuke terrorism

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

Vladimir Z. **Dvorkin 12** Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what_can_destroy_strategic_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing. ¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives ("dirty bombs") is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of "dirty bombs" will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization. ¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities. ¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time. ¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple "gun-type" nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA). ¶ A terrorist "gun-type" uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences. ¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries' populations, but the

public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures. ¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services' best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow.** The prediction that Samuel Huntington has made in his book "The Clash of Civilizations and the Remaking of World Order" may come true. Huntington's book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world's problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order. All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

Threat is real - most qualified

Us Russia Joint **Threat Assessment** May 11

<http://belfercenter.ksg.harvard.edu/files/Joint-Threat-Assessment%20ENG%2027%20May%202011.pdf>

ABOUT THE U.S.-RUSSIA JOINT THREAT ASSESSMENT ON NUCLEAR TERRORISM The U.S.-Russia Joint Threat Assessment on Nuclear Terrorism is a collaborative project of Harvard University's Belfer Center for Science and International Affairs and the U.S.A. and Canada Studies Institute of the Russian Academy of Sciences led by Rolf Mowatt-Larssen and Pavel Zolotarev. Authors: • Matthew Bunn. Associate Professor of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University's Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior fellow at the U.S.A and Canada Studies Institute of the Russian Academy of Sciences, chief of department at the General Staff of the Russian Armed Forces, 1995–2000. • Rolf Mowatt-Larssen. Senior fellow at Harvard University's Belfer Center for Science and International Affairs, director of Intelligence and Counterintelligence at the U.S. Department of Energy, 2005–2008. • Simon Saradzhyan. Fellow at Harvard University's Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer, 1993–2008. • William Tobey. Senior fellow at Harvard

University's Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration, 2006–2009. • Colonel General Viktor I. Yesin (retired Russian Armed Forces). Senior fellow at the U.S.A and Canada Studies Institute of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces, 1994–1996. • Major General Pavel S. Zolotarev (retired Russian Armed Forces). Deputy director of the U.S.A and Canada Studies Institute of the Russian Academy of Sciences and head of the Information and Analysis Center of the Russian Ministry of Defense, 1993–1997, deputy chief of staff of the Defense Council of Russia, 1997–1998. Contributor: • Vladimir Lukov, director general of autonomous non-profit organization “Counter-Terrorism Center.”

The expert community distinguishes pathways terrorists might take to the bomb (discussed in detail in the next section of the report). One is the use of a nuclear weapon that has been either stolen or bought on the black market. The probability of such a development is very low, given the high levels of physical security (guards, barriers, and the like) and technical security (electronic locks and related measures) of modern nuclear warheads. But we cannot entirely rule out such a scenario, especially if we recall the political instability in Pakistan, where the situation could conceivably develop in a way that would increase the chance that terrorist groups might gain access to a Pakistani nuclear weapon. A second pathway is the use of an improvised nuclear device built either by terrorists or by nuclear specialists that the terrorists have secretly recruited, with use of weapons-usable fissile material either stolen or bought on the black market.¹ The probability of such an attack is higher than using stolen nuclear warheads, because the acceleration of technological progress and globalization of information space make nuclear weapons technologies more accessible while the existence of the nuclear black market eases access of terrorists to weapons-usable fissile materials. A third pathway is the use of an explosive nuclear device built by terrorists or their accomplices with fissile material that they produced themselves—either highly enriched uranium (HEU) they managed to enrich, or plutonium they managed to produce and reprocess. Al-Qaeda and associated groups appear to have decided that enriching uranium lies well beyond the capabilities that they would realistically be able to develop. A fourth pathway is that terrorists might receive a nuclear bomb or the materials needed to make one from a state. North Korea, for example, has been willing to sell its missile technology to many countries, and transferred its plutonium production reactor technology to Syria, suffering few consequences as a result. Transferring the means to make a nuclear bomb to a terrorist group, however, would be a dramatically different act, for the terrorists might use that capability in a way that could provoke retaliation that would result in the destruction of the regime. A far more worrisome transfer of capability from state to group could occur without the witting cooperation of the regime. A future A.Q. Khan-type rogue nuclear supplier network operating out of North Korea or out of a future nuclear-armed Iran could potentially transfer such a capability to a surrogate group and/or sell it for profit to the highest bidder. Global trends make nuclear terrorism a real threat. Although the international community has recognized the dangers of nuclear terrorism, it has yet to develop a comprehensive strategy to lower the risks of nuclear terrorism. Major barriers include

complacency about the threat and the adequacy of existing nuclear security measures; secrecy that makes it difficult for states to share information and to cooperate; political disputes; competing priorities; lack of funds and technical expertise in some countries; bureaucratic obstacles; and the sheer difficulty of preventing a potentially small, hard-to-detect team of terrorists from acquiring a small, hard-to-detect chunk of nuclear material with which to manufacture a crude bomb. These barriers must not be allowed to stand in the way of the panhuman universal priority of preventing this grave threat from materializing. If current approaches toward eliminating the threat are not replaced with a sense of urgency and resolve, **the question will become not if, but when, where, and on what scale the first act of nuclear terrorism occurs.**

Nukes feasible – HEU is uniquely vulnerable and catastrophic attack

Kuperman '13 (Alan J. Kuperman, Ph.d., Associate Professor at the LBJ School of Public Affairs @ UT Austin, Coordinator of the Nuclear Proliferation Prevention Project, *Nuclear Terrorism and Global Security*, 2013)

Global commerce in nuclear weapons-usable, highly enriched uranium (HEU) -ostensibly for non-weapons purposes - poses **significant risks of nuclear terrorism and nuclear proliferation.**¹

The international community first recognized these dangers in the 1970s and, ever since, has taken progressive action to minimize and secure such trade. Much has been accomplished, but much more could be done, given that the vast majority of non-weapons HEU commerce persists. This ongoing usage also hinders adoption and implementation of a major international arms-control agreement - the Fissile Material Cutoff Treaty (FMCT) - intended to cap nuclear-weapons arsenals by prohibiting the production of 11KU (and plutonium) for weapons. So long as states may claim to require additional HEU for non-weapons purposes, which could be diverted to weapons, the FMCT has a loophole that undermines its intent and thereby its attractiveness to some potential signatories. For all these reasons, this book explores the prospects and challenges of a total, global phase-out of HEU commerce.

This introductory chapter starts by reviewing the dangers of HEU commerce and the international steps already taken towards a phase-out. Next, it provides an overview of remaining global, non-weapons HEU use. Following that, it explains the scope, organization, and methodology of the book's studies, and summarizes the findings. The chapter closes with policy recommendations to promote and accelerate a global HEU phase-out

Past Efforts: Commendable But Inadequate

The HEU used in non-weapons applications is often identical to, and in some cases even more **optimized for nuclear weapons,** than that contained in military arsenals. By definition, "HEU" is enriched to at least 20 percent in the fissile isotope U-235 that sustains a chain reaction. As indicated in Figure 1.1, this distinguishes it from natural uranium, which contains less than one percent U-235, and from the low-enriched uranium (LEU) fuel for nuclear energy plants that typically is enriched to less than 5 percent. (Enrichment is a process that preferentially selects

the fissile isotope U-235 from the rest of the uranium, which is composed mainly of U-238 that hinders a chain reaction.) The Hiroshima atom bomb utilized uranium enriched to an average of 80 percent.

The HEU in most of today's nuclear weapons has enrichment of 90 to 93 percent. The HEU for non-weapons applications is typically drawn from identical stocks and so has the same weapons-grade enrichment, whether used as fuel for nuclear research reactors, in targets to produce medical isotopes, in critical assemblies to model nuclear reactors, or for other purposes. In at least one application, the fuel for U.S. (and reportedly also UK) naval propulsion reactors, the non-weapons HEU has been enriched to 97 percent, even higher than typical for nuclear weapons. (As the stockpile of such "super-grade" HEU is exhausted, these naval reactors will be converted to fuel of weapons-grade HEU, which ironically is slightly less enriched.)

Compared to the other main fissile material in military arsenals, plutonium. HEU is **much easier for terrorists or states to make into a nuclear weapon.** Its low spontaneous neutron-emission rate permits a gun-type design - much simpler than the implosion design required for plutonium - and its low radiation level represents little danger to those handling it. The resulting threat was famously summed up by Manhattan Project physicist Luis Alvarez in his memoirs:

With modern weapons-grade uranium ... terrorists, if they had such material, would have a good chance of setting off a high-yield explosion simply by dropping one half of the material onto the other half ... **Even a high school student could make a bomb in short order.**

Hundreds of nuclear weapons could be made with the HEU used today for non-weapons purposes. The amount required for one bomb depends on several factors including the enrichment level and weapon design. The simplest design, a gun type-weapon, works by slamming two sub-critical masses together to form a super-critical mass. A "reflector" around the outside of the assembly **reduces the critical mass** by reflecting back in neutrons, which otherwise would escape, to help **sustain the chain reaction.**

A 1998 study by Los Alamos National Laboratory' reports the critical mass of various 1-KU spheres, as summarized in Figure 1.2. // indicates that the critical mass is less than 20 kg for 9-1%-enriched HEU surrounded by a 4-inch reflector of natural uranium? This critical mass could be reduced by use of a more sophisticated reflector, but up to two critical masses would be required to optimize the yield of a gun-type weapon. Accordingly, 20 kg of HEU may be considered.

A nuclear attack in the US is possible – preventing group organization is key

Neely 13 (Meghan, 21 March 2013, "Doubting Deterrence of Nuclear Terrorism," CSIS, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism>)

Assessing the Threat of Nuclear Terrorism The risk that terrorists will set off a nuclear weapon on U.S. soil is **disconcertingly high.** While a terrorist organization may experience difficulty constructing nuclear weapons facilities, **there is significant concern that terrorists can obtain a nuclear weapon or nuclear materials. The fear**

that an actor could steal a nuclear weapon or fissile material and transport it to the United States has long-existed. It takes a great amount of time and resources (including territory) to construct centrifuges and reactors to build a nuclear weapon from scratch. Relatively easily-transportable nuclear weapons, however, present one opportunity to terrorists. For example, exercises similar to the recent Russian movement of nuclear weapons from munitions depots to storage sites may prove attractive targets. Loose nuclear materials pose a second opportunity. Terrorists could use them to create a crude nuclear weapon similar to the gun-type design of Little Boy. Its simplicity – two subcritical masses of highly-enriched uranium – may make it attractive to terrorists. While such a weapon might not produce the immediate destruction seen at Hiroshima, the radioactive fall-out and psychological effects would still be damaging. These two opportunities for terrorists differ from concerns about a “dirty bomb,” which mixes radioactive material with conventional explosives. According to Gary Ackerman of the National Consortium for the Study of Terrorism and Responses to Terrorism, the number of terrorist organizations that would detonate a nuclear weapon is probably small. Few terrorist organizations have the ideology that would motivate nuclear weapons acquisition. Before we breathe a sigh of relief, we should recognize that this only increases the “signal-to-noise ratio”: many terrorists might claim to want to detonate a nuclear weapon, but the United States must find and prevent the small number of groups that actually would. Transportable nuclear weapons and loose fissile materials grant opportunities to terrorists with nuclear pursuits. How should the United States seek to undercut the efforts of the select few with a nuclear intent?

2nc yes obtain – loose nukes

Yes loose nukes---Ukraine crisis destroys US-Russian cooperation

Matthew **Bunn** is a professor at Harvard Kennedy School's Belfer Center for Science and International Affairs and is co-principal investigator with the Belfer Center's Project on Managing the Atom. He is a former adviser on nonproliferation in the White House Office of Science and Technology Policy, where he focused on control of nuclear weapons and materials, "The Real Nuclear Nightmare When It Comes to U.S.-Russian Ties," **1/24/'15**, <http://nationalinterest.org/feature/the-real-nuclear-nightmare-when-it-comes-us-russian-ties-12102>

In the dark days at the turn of the year, all but a few bits of U.S.-Russian cooperation to strengthen nuclear security in Russia came to a halt. No longer, for now at least, will U.S. experts work with counterparts at major Russian nuclear facilities to implement better means to prevent insiders from stealing fissile material, or to improve accounting, so a theft would be quickly detected. The crisis in Ukraine, adding to issues that have chilled relations with Moscow for years, provoked a deep freeze in U.S.-Russian relations. A two-decade era in which the United States and Russia worked together to dismantle and secure the deadly legacies of the Cold War appears to have drawn almost entirely to a close. **The danger of nuclear bomb material falling into terrorist hands will be higher as a result of this downturn in cooperation – putting U.S., Russian, and global security at greater risk.**

Russian insider threat is real

Matthew **Bunn** is a professor at Harvard Kennedy School's Belfer Center for Science and International Affairs and is co-principal investigator with the Belfer Center's Project on Managing the Atom. He is a former adviser on nonproliferation in the White House Office of Science and Technology Policy, where he focused on control of nuclear weapons and materials, "The Real Nuclear Nightmare When It Comes to U.S.-Russian Ties," **1/24/'15**, <http://nationalinterest.org/feature/the-real-nuclear-nightmare-when-it-comes-us-russian-ties-12102>

But nuclear security is never "finished." It must be **constantly improving** in the face of evolving threats. There are still weaknesses in nuclear security in Russia that thieves could exploit – particularly corrupt insiders who understand how security systems work. And no one knows whether Russia will devote the resources necessary to sustain the levels of security that are now in place. **The insider threat is real:** in 2012, for example, the director and two of the deputy directors of one of Russia's largest plutonium and highly enriched uranium facilities were arrested for millions of dollars' worth of corruption (though not stealing nuclear material).

Bioterror

2nc yes extinction

Extinction

Makhan **Saikia 14**, researcher at the Tata Institute of Social Sciences in Mumbai, was an Assistant Professor at the Symbiosis School of Economics, Challenges of Globalization, Journal of Politics & Governance, Vol. 3, No. 1

The unique feature of invisibility of the biological weapons make them the worst predators. Their ability to disseminate fear and cause chaos amongst the victims has a much more grim effect than a bomb attack. By impinging on the Governing bodies from the roots and snatching away every viable option to control them from the authorities, has made this type of terrorist attack the best innovation brought out of the evil side of the humanity. In order to fight back the horrifying potential of a biological weapon global preparedness and individual response capabilities are the only viable option that come our way at this point of time. This transition of the anti-humane weapons from concrete metal objects to undetectable micro-organisms has quite detrimental effects which need to be dealt [with] effectively and intelligently in order to save life on this Earth.

Bioterror causes extinction

Matheny 7 [Jason, research associate with the Future of Humanity Institute at Oxford University, where his work focuses on technology forecasting and risk assessment - particularly of global catastrophic risks and existential risks.[1] He previously worked for the World Bank, the Center for Biosecurity, the Center for Global Development, and on national security projects for the US government. He is a Sommer Scholar and PhD candidate in Applied Economics at Johns Hopkins University. He holds an MPH from Johns Hopkins, an MBA from Duke University, and a BA from the University of Chicago, Department of Health Policy and Management, Bloomberg School of Public Health, Johns Hopkins University, "Reducing the Risk of Human Extinction," http://www.physics.harvard.edu/~wilson/pmpmta/Mahoney_extinction.pdf]

Of current extinction risks, the most severe may be bioterrorism. The knowledge needed to engineer a virus is modest compared to that needed to build a nuclear weapon; the necessary equipment and materials are increasingly accessible and because biological agents are self-replicating, a weapon can have an exponential effect on a population (Warrick, 2006; Williams, 2006). 5
Current U.S. biodefense efforts are funded at \$5 billion per year to develop and stockpile new drugs and vaccines, monitor biological agents and emerging diseases, and strengthen the capacities of local health systems to respond to pandemics (Lam, Franco, & Shuler, 2006). **There is currently no independent body assessing the risks of high-energy physics experiments. Posner (2004) has recommended withdrawing federal support for such experiments because the benefits do not seem to be worth the risks.**

Bioterror leads to extinction

Sandberg 08 (Anders, is a James Martin Research Fellow at the Future of Humanity Institute at Oxford University; Jason G. Matheny, PhD candidate in Health Policy and

Management at Johns Hopkins Bloomberg School of Public Health and special consultant to the Center for Biosecurity at the University of Pittsburgh Medical Center; Milan M. Ćirković, senior research associate at the Astronomical Observatory of Belgrade and assistant professor of physics at the University of Novi Sad in Serbia and Montenegro, 9/8/8, "How can we reduce the risk of human extinction?," Bulletin of the Atomic Scientists, <http://www.thebulletin.org/web-edition/features/how-can-we-reduce-the-risk-of-human-extinction>)

The risks from anthropogenic hazards appear at present larger than those from natural ones. Although great progress has been made in reducing the number of nuclear weapons in the world, humanity is still threatened by the possibility of a global thermonuclear war and a resulting nuclear winter. **We may face even greater risks from emerging technologies. Advances in synthetic biology might make it possible to engineer pathogens capable of extinction-level pandemics.** The knowledge, equipment, and materials needed to engineer pathogens are more accessible than those needed to build nuclear weapons. And unlike other weapons, pathogens are self-replicating, allowing a small arsenal to become exponentially destructive. Pathogens have been implicated in the extinctions of many wild species. Although most pandemics "fade out" by reducing the density of susceptible populations, pathogens with wide host ranges in multiple species can reach even isolated individuals. The intentional or unintentional release of **engineered pathogens** with high transmissibility, latency, and lethality **might be capable of causing human extinction.** While such an event seems unlikely today, the likelihood may increase as biotechnologies continue to improve at a rate rivaling Moore's Law.

2nc yes motive

Al-Qaeda is gearing up for bioterror attacks – disrupting groups key

Obwale 12 [David, Clinical and Experimental Medicine graduate, University College London Clinical and Experimental Medicine graduate, 8/5/12, The Observer, “Ebola a potential bio-terror weapon,”

http://www.observer.ug/index.php?option=com_content&view=article&id=20215:ebola-a-potential-bio-terror-weapon&catid=37:guest-writers&Itemid=66, accessed 9/3/12, JTF]

Ebola has capabilities of biological weaponization with catastrophic consequences, especially due to the fact that it lacks adequate and effective vaccines and therapeutics that would counter any prospective mass attacks. Its zoonotic origin, distribution route and exposure in the tropical climatic conditions conceal its incubation and concurrence in these belligerent conditions.¶ Also, **Ebola, being highly contagious, presents an adaptability factor likely to be exploited by biological terrorists** willing to be infected by these bio-hazardous agents. **The terrorists would** then have to **deliberately transport themselves into their targeted areas during the incubation period in order to initiate person-to-person transmission**, either by secretion contact or airborne dissemination.¶ **The relatively low production cost, that only entails human contact and enormous availability of willing volunteers, which already exists amongst Al Qaeda radicals, poses a threat of unprecedented scale. Al Qaeda and its extremist networks have already carried out numerous terrorist attacks** around the globe. Needless to say, **arming themselves with Ebola**, as a highly effective weapon, **would lend them the capacity to unleash a high-impact attack causing mass civilian casualties.**¶ **Proliferation** of the Ebola virus **for bioterrorism may** also **arise from the way biological specimens are stored**, which is unique to agents of viral hemorrhagic fevers. **Most virological laboratories are not specialized and equipped adequately for rapid diagnosis and appropriate examination** of the Ebola samples. **The storage of Ebola virus samples requires maximum security** in the specimen laboratories.¶ **This has resulted into the monopoly by some reference laboratories** dealing with scientific repositories’ management. **This raises the issues of sharing specimens and the illicit use of these infectious agents which can stream into the possible risk of bioterrorism during diagnostic research and procedures.**

A2 contained

Bioterror spreads – defense fails

Metcalfe 13 (John Metcalfe, Staff Writer for Atlantic Cities, 7/24/2013, "Cities Might Not Be as Prepared as They Think for a Bioterrorism Attack", www.defenseone.com/threats/2013/07/cities-might-not-be-prepared-they-think-bioterrorism-attack/67352/)

Imagine that a small group of terrorists deliberately infect themselves with smallpox and then walk around London, spreading it to the populace. How much could the terrible disease proliferate before the world realized something was amiss?

This unsettling question is at the heart of new computer model showing how a bioterrorism attack in one city could quickly become the world's problem. Scientists started off with the hypothetical release of smallpox in London, New York, Paris and other major cities, then simulated how travelers would carry the virus to a host of other countries. Their conclusion: In the best-case scenario, smallpox could spread to two to four nations before doctors managed to diagnose it. Still ahead would lie the monumental task of quarantining the infected, distributing vaccines and tracing the source of the outbreak.

Previous research into bioterrorism have indicated that Western cities, with their protocols and vaccines, are pretty well prepared to handle a biological attack, says Alessandro Vespig-nani, a computer and health-sciences professor at Boston's Northeastern University. But in a paper in this month's Scientific Reports (don't worry, it was vetted for international-security issues), he and his fellow researchers argue that the assumption of local readiness is missing the big picture. "The problem is that most of those studies don't consider the global dimensions of the event," Vespig-nani says. "**Before you even realize there is an outbreak, it might already be in other places. That changes the game.**"

One major danger: From London, the smallpox might spread to countries that don't have the health infrastructure of the Western world. In these places it could become potent pandemics that might wash over into still more nations. And that's not only possible for attacks in cities near the less-developed corners of the world. No matter what metropolis a bioterrorist targets for harm, the dispersion of disease unfolds more or less the same way, at least according to the computer model.

Vespig-nani says there are two big things that people should take away from these findings. The first is that governments and international health organizations, whether it be WHO, the CDC or whoever, need to develop contingency plans for a pandemic that originates from afar. "They need to think about sharing resources," he says.

The second is that wanna-be terrorists playing with pathogenic agents ought to consider that a biological attack is a double-edged sword. "They think they're going to affect only the area that they target. But quickly and easily, it will spread all over the world," perhaps even right back to their own motherland. "Using these kinds of weapons, there is no winner, for sure."

A2 quarantine

Air travel means their quarantine defense doesn't apply

OCC '10 [Office of the Coordinator for Counterterrorism, August 5, 2010, Global Security, "Country Reports on Terrorism 2009," http://www.globalsecurity.org/security/library/report/2010/c-rprt-terrorism_2009-04.htm, accessed 10/2/12, JTF]

Bioterrorism, another deadly threat, **is the deliberate dispersal of pathogens through food, air, water, or living organisms to cause disease.** The 2009 Commission on the Prevention of WMD Proliferation and Terrorism concluded that it is more likely that terrorists would be able to acquire and use biological agents than nuclear weapons due to the difficulty in controlling the proliferation of biotechnologies and biological agent information. If **properly produced and released, biological agents can kill on a massive scale and, if terrorists use a pathogen that can be transmitted from person to person, the disease could quickly spread through commercial air travel across oceans and continents before authorities realize their nations have been attacked.**

Econ

Global Econ not resilient

() Global Econ not resilient – a shock could reverse growth.

UNECE '14

UNECE is the The United Nations Economic Commission for Europe. “Global economy is improving, but remains vulnerable to new and old headwinds that could derail growth”– UNECE Report – Published:20 January 2014 – <http://www.unece.org/index.php?id=34621>

Global economic growth should increase over the next two years with continuing signs of improvement, according to the United Nations World Economic Situation and Prospects 2014 (WESP) report, launched today. The global economy is expected to grow at a pace of 3.0 per cent in 2014 and 3.3 per cent in 2015, compared with an estimated growth of 2.1 per cent for 2013. The world economy experienced subdued growth for a second year in 2013, but some **improvements in the last quarter have led to the UN's more positive forecast.** The euro area has finally ended a protracted recession. Growth in the United States strengthened somewhat. A few large emerging economies, including China and India, managed to backstop the deceleration they experienced in the past two years and veered upwards moderately. These factors point to increasing global growth. According to WESP, inflation will remain tame worldwide, but the employment situation will continue to be challenging. While growth in international trade flows is expected to pick up moderately to 4.7 per cent in 2014, the prices of most primary commodities are projected to be flat, although any unexpected supply-side shocks, including geo-political tensions, could push some of these prices higher. The report warns that international capital flows to emerging economies are expected to become more volatile. **“Our forecast is made in the context of many uncertainties and risks coming from possible policy missteps** as well as non-economic factors **that could stymie growth,”** said Shamshad Akhtar, UN Assistant Secretary-General for Economic Development. Developed economies In the United States, fiscal tightening and a series of political gridlocks over budgetary issues weighed heavily on growth; however, quantitative monetary easing boosted equity prices. The U.S. labour market and housing sector continued to recover. Gross Domestic Product (GDP) in the U.S. is expected to increase 2.5 per cent in 2014. Western Europe emerged from recession in 2013, but growth prospects remain weak, as fiscal austerity will continue and the unemployment rates remain elevated. GDP in Western Europe is expected to grow by 1.5 per cent in 2014. Growth in Japan has been boosted by a set of expansionary policy packages, but the effects of forthcoming structural reforms remain uncertain and an anticipated increase in Japan's consumption tax rate is expected to curb growth. GDP is forecast to grow by 1.5 per cent in 2014. Developing countries and economies in transition Growth prospects among large developing countries and economies in transition are mixed. Growth in Brazil has been hampered by weak external demand, volatility in international capital flows and tightening monetary policy, but growth is expected to rebound to 3 per cent in 2014. A slowdown in China has been stabilized and growth is expected to maintain at a pace of about 7.5 per cent in the next few years. India experienced its lowest growth in two decades, along with large current account and government budget deficits plus high inflation, but growth is forecast to improve to above 5 per cent in 2014. In the Russian Federation growth weakened further in 2013, as industrial output and investment faltered, and is expected to recover modestly to 2.9 per cent in 2014. Among developing regions, growth prospects in Africa remain relatively robust. After an estimated growth of 4.0 per cent in 2013, GDP is projected to expand by 4.7 per cent in 2014. The report emphasized the dependence of Africa's growth on investment in infrastructure, trade and investment ties with emerging economies, and improvements in economic governance and management. More detailed regional forecasts from WESP will be released in January 2014. Risks and uncertainties threaten global economy The report stressed that the risks associated with a possible bumpy exit from the quantitative easing programmes by the U.S Federal Reserve (Fed) threaten the global economy. As already seen somewhat during the summer of 2013, efforts by the Fed to pull out of quantitative easing programmes could lead to a surge in long-term interest rates in developed and developing countries. Tapering could also lead to a sell-off in global equity markets, a sharp decline of capital inflows to emerging economies and a spike in the risk premium for external financing in emerging economies. These first-round shocks in international financial markets could transmit quickly to developed and developing economies. The report warns that as the Fed is expected to taper and eventually unwind its quantitative easing programmes, emerging economies will face more external shocks. While economic fundamentals and the policy space in many emerging economies are better than when the Asian financial crisis erupted in 1997, emerging economies with large external imbalances remain particularly vulnerable. Other uncertainties and risks include the remaining fragility in the banking system and the real economy in the euro area and the continued political wrangling in the U.S. on the debt ceiling and the budget. Beyond the economic domain, geopolitical tensions in Western Asia and elsewhere remain serious risks. These and other **risk factors, unfolding unexpectedly, could derail the world economy far beyond the report's projections.**

() Global econ not resilient – last financial crisis means reversals still possible.

Hawkins '14

(et al Adam Hawkins – and all of the authors of this paper – are from the International Finance and Development Division, the Australian Treasury. “Is the global financial safety net at a tipping point to fragmentation?” – April 9th – www.treasury.gov.au/~media/.../01_Global_financial_safety_net.ashx)

As with any insurance, **the ideal state** of the world **would be where the safety net is not needed at all.** During the so called Great Moderation years, a sanguine view of the international monetary system, expressed by Rose (2006) for example, was that advanced economies with floating exchange rates and inflation targeting central banks had no need for a safety net. **That rosy view has been laid to rest by the events of the past few years. The Global Financial Crisis and subsequent** ongoing **volatility in** financial **markets** and capital movements **has** triggered a reassessment of the size and use of the safety net, and **reignited debates** about its role. This is very much a live debate, as **continued volatility in financial markets around the world suggests that the global economy remains vulnerable to shocks.** There have been arguments that the safety net should be expanded from its current insurance role to a more active role including intervening in markets to smooth volatility. Against this backdrop, it is timely to reassess the role, size and composition of the global financial safety net.

A2 Econ Defense/Impact Boosters

Global economic decline causes nuclear war

Auslin '9

(Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, <http://www.aei.org/article/100187>)

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos** followed hard on **economic collapse**. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. **The threat of instability is a pressing concern**. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, **China faced** upward of **70,000 labor uprisings a year**. **A sustained downturn poses grave and possibly immediate threats to Chinese internal stability**. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. **Russia**, an oil state completely dependent on energy sales, **has had to put down riots in its Far East as well as in downtown Moscow**. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then **wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely**. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. **Europe as a whole will face dangerously increasing tensions** between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. **A prolonged global downturn, let alone a collapse, would dramatically raise tensions** inside these countries. **Couple that with** possible protectionist legislation in the United States, **unresolved ethnic and territorial disputes in all regions of the globe** and a loss of confidence that world leaders actually know what they are doing. **The result may** be a series of **small explosions that coalesce into a big bang**.

() Economic decline risks global nuclear conflicts – studies confirm.

Ferguson '9

(Niall, Laurence A. Tisch Professor of History at Harvard University, “The Axis of Upheaval,” Foreign Policy, February 16th, http://www.foreignpolicy.com/articles/2009/02/16/the_axis_of_upheaval)

The Bush years have of course revealed the perils of drawing facile parallels between the challenges of the present day and the great catastrophes of the 20th century. Nevertheless, there is reason to fear that the biggest financial crisis since the Great Depression could have comparable consequences for the international system. For more than a decade, I pondered the question of why the 20th century was characterized by so much brutal upheaval. I pored over primary and secondary literature. I wrote more than 800 pages on the subject. And ultimately I concluded, in *The War of the World*, that three factors made the location and timing of lethal organized violence more or less predictable in the last century. The first factor was ethnic disintegration: Violence was worst in areas of mounting ethnic tension. The second factor was economic volatility: The greater the magnitude of economic shocks, the more likely conflict was. And the third factor was empires in decline: When structures of imperial rule crumbled, battles for political power were most bloody. In at least one of the world's regions—the greater Middle East—two of these three factors have been present for some time: Ethnic conflict has been rife there for decades, and following the difficulties and disappointments in Iraq and Afghanistan, the United States already seems likely to begin winding down its quasi-imperial presence in the region. It likely still will. Now the third variable, economic volatility, has returned with a vengeance. U.S. Federal Reserve Chairman Ben Bernanke's "Great Moderation"—the supposed decline of economic volatility that he hailed in a 2004 lecture—has been obliterated by a financial chain reaction, beginning in the U.S. subprime mortgage market, spreading through the banking system, reaching into the "shadow" system of credit based on securitization, and now triggering collapses in asset prices and economic activity around the world. After nearly a decade of unprecedented growth, the global economy will almost certainly sputter along in 2009, though probably not as much as it did in the early 1930s, because governments worldwide are frantically trying to repress this new depression. But no matter how low interest rates go or how high deficits rise, there will be a substantial increase in unemployment in most economies this year and a painful decline in incomes. Such economic pain nearly always has geopolitical consequences. Indeed, we can already see the first symptoms of the coming upheaval. In the essays that follow, Jeffrey Gettleman describes Somalia's endless anarchy. Arkady Ostrovsky analyzes Russia's new brand of aggression, and Sam Quinones explores Mexico's drug-war-fueled misery. These, however, are just three case studies out of a possible nine or more. In Gaza, Israel has engaged in a bloody effort to weaken Hamas. But whatever was achieved militarily must be set against the damage Israel did to its international image by killing innocent civilians that Hamas fighters use as human shields. Perhaps more importantly, social and economic conditions in Gaza, which were already bad enough, are now abysmal. This situation is hardly likely to strengthen the forces of moderation among Palestinians. Worst of all, events in Gaza have fanned the flames of Islamist radicalism throughout the region—not least in Egypt. From Cairo to Riyadh, governments will now think twice before committing themselves to any new Middle East peace initiative. Iran, meanwhile, continues to support both Hamas and its Shiite counterpart in Lebanon, Hezbollah, and to pursue an alleged nuclear weapons program that Israelis legitimately see as a threat to their very existence. No one can say for sure what will happen next within Tehran's complex political system, but it is likely that the radical faction around President Mahmoud Ahmadinejad will be strengthened by the Israeli onslaught in Gaza. Economically, however, Iran is in a hole that will only deepen as oil prices fall further. Strategically, the country risks disaster by proceeding with its nuclear program, because even a purely Israeli air offensive would be hugely disruptive. All this risk ought to point in the direction of conciliation, even accommodation, with the United States. But with presidential elections in June, Ahmadinejad has little incentive to be moderate. On Iran's eastern border, in Afghanistan, upheaval remains the disorder of the day. Fresh from the success of the "surge" in Iraq, Gen. David Petraeus, the new head of U.S. Central Command, is now grappling with the much more difficult problem of pacifying Afghanistan. The task is made especially difficult by the anarchy that prevails in neighboring Pakistan. India, meanwhile, accuses some in Pakistan of having had a hand in the Mumbai terrorist attacks of last November, spurring yet another South Asian war scare. Remember: The sabers they are rattling have nuclear tips. The democratic governments in Kabul and Islamabad are two of the weakest anywhere. Among the biggest risks the world faces this year is that one or both will break down amid escalating violence. Once again, the economic crisis is playing a crucial role. Pakistan's small but politically powerful middle class has been slammed by the collapse of the country's stock market. Meanwhile, a rising proportion of the country's huge population of young men are staring unemployment in the face. It is not a recipe for political stability. This club is anything but exclusive. Candidate members include Indonesia, Thailand, and Turkey, where there are already signs that the economic crisis is exacerbating domestic political conflicts. And let us not forget the plague of piracy in Somalia, the renewed civil war in the Democratic Republic of the Congo, the continuing violence in Sudan's Darfur region, and the heart of darkness that is Zimbabwe under President Robert Mugabe. The axis of upheaval has many members. And it's a fairly safe bet that the roster will grow even longer this year. The problem is that, as in the 1930s, most countries are looking inward, grappling with the domestic consequences of the economic crisis and paying little attention to the wider world crisis. This is true even of the United States, which is now so preoccupied with its own economic problems that countering global upheaval looks like an expensive luxury. With the U.S. rate of GDP growth set to contract between 2 and 3 percentage points this year, and with the official unemployment rate likely to approach 10 percent, all attention in Washington will remain focused on a nearly \$1 trillion stimulus package. Caution has been thrown to the wind by both the Federal Reserve and the Treasury. The projected deficit for 2009 is already soaring above the trillion-dollar mark, more than 8 percent of GDP. Few commentators are asking what all this means for U.S. foreign policy. The answer is obvious: The resources available for policing the world are certain to be reduced for the foreseeable future. That will be especially true if foreign investors start demanding higher yields on the bonds they buy from the United States or simply begin dumping dollars in exchange for other currencies. Economic volatility, plus

ethnic disintegration, plus an empire in decline: That combination is about the most lethal in geopolitics. We now have all three. The age of upheaval starts now

() Decline magnifies the severity of other conflicts – WWII proves Miller '8

G. Robert M. Miller, journalist for Digital Journal, 10-25, 2008, "Guns vs. Shovels – The Central Question Behind Our Next Economy," online: <http://www.digitaljournal.com/article/261595>

But before we look at **the modern 'Guns versus Butter' model**, it first has to be noted that this phrase **was originally popularized in a time where securing economic prosperity was a primary concern in nearly every nation**. More importantly, **when these nations did experience economic collapse, nearly all of them chose Guns**. There is no question that **Nazi aggression spawned World War II, however, what was happening in Europe became a world war for** a purpose as central to the heart of the capitalist as was the instantaneous end of the holocaust to the heart of the compassionate; **economic prosperity**. Simply said, **big wars are big money**; and **to truly break from the embrace of the Great Depression, a big commitment to the economy was necessary**. And **due to the leadership that guided the balance between 'Guns and Butter' in the US through World War II, the economy was considerably improved**; this was true for many western nations.

() Economic decline cause nuclear war. Bearden 2K

(Lieutenant Colonel in the U.S. Army, 2000, The Unnecessary Energy Crisis: How We Can Solve It, 2000, <http://groups.yahoo.com/group/Big-Medicine/message/642>)

Bluntly, we foresee these factors - and others { } not covered - converging to a catastrophic collapse of the world economy in about eight years. **As the collapse of the Western economies nears, one may expect catastrophic stress** on the 160 developing nations as the developed nations are forced to dramatically curtail orders. International Strategic Threat Aspects History bears out that **desperate nations take desperate actions**. Prior to the final economic collapse, **the stress on nations will have increased the intensity and number of their conflicts, to the point where the arsenals of** weapons of mass destruction (**WMD**) now possessed by some 25 nations, **are almost certain to be released**. As an example, suppose a starving North Korea launches nuclear weapons upon Japan and South Korea, including U.S. forces there, in a spasmodic suicidal response. Or suppose a desperate China - whose long range nuclear missiles can reach the United States - attacks Taiwan. In addition to immediate responses, the mutual treaties involved in such scenarios will quickly draw other nations into the conflict, escalating it significantly. Strategic nuclear studies have shown for decades that, under such extreme stress conditions, once a few nukes are launched, adversaries and potential adversaries are then compelled to launch on perception of preparations by one's adversary. The real legacy of the MAD concept is his side of the MAD coin that is almost never discussed. Without effective defense, **the only chance a nation has to survive at all, is to launch immediate full-bore pre-emptive strikes** and try to take out its perceived foes as rapidly and massively as possible. As the studies showed, **rapid escalation to full WMD exchange occurs**, with a great percent of the WMD arsenals being unleashed. **The resulting great Armageddon will destroy civilization as we know it**, and perhaps most of the biosphere, at least for many decades.

Yes, Diversionary war

() Economic decline causes war – studies prove

Royal '10

(Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict.

Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels.

Several notable contributions follow. First, on the systemic level. Pollins (2008) advances Modolski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next.

As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin, 1951) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fcaron, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.⁴ Third, others have considered the link between economic decline and external armed conflict at a national level. Momberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write.

The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Hromben? & Hess, 2002, p. X9) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapan, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an

increase in the use of force. In summary, rccni economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

() Crisis makes diversionary theory true – states will start wars to head off domestic discontent – and use force to settle old disputes with rivals.

Rothkopf '9

David Rothkopf, Visiting Scholar at the Carnegie Endowment for International Peace, 3-11, 2009, "Security and the Financial Crisis," Testimony Before the House Armed Services Committee, CQ Congressional Testimony, lexis

--Destabilizing Bilateral or Regional Effects of the Crisis: The weakening of states can produce instability that spills across borders or can produce social pressures that increase migration and create associated tensions along borders. The rise of opposition groups can create an opportunity for like-minded neighbors to support their activities and thus cause rifts and potential conflicts to spread. Political and economic weakness in nations can be seen by opportunistic neighbors (some wishing to produce distractions from their own crises) as an invitation to intervene in their neighbors politics or even to step in and take control of neighboring territories or to seek to use force to resolve in their favor long-simmering disputes. In the same vein, old animosities may be inflamed by the crisis either because they produce tensions that play into the origins of old rivalries or because political leaders seek to play on those rivalries to produce a distraction from their inability to manage the economic crisis. Need may enhance tensions and produce conflicts over shared or disputed resources. A desire to preserve national resources, jobs, or capital may produce reactive economic, border or other policies that can increase tension with neighbors. This can include both trade and capital markets protectionism (in traditional and new forms see below), closed or more tightly monitored borders, more disputes on cross-border issues and thus both an increase in tensions and a decreased ability to effectively cooperate with neighbors on issues of common concern.

Intelligence DA's Northwestern

Intel

Notes

The fbi and the cia have been having tons of coop over domestic surveillance

Causes people to focus on that means there's interagency coop- the aff by reducing that means it sends the signal that interagency coop won't happen- interagency coop is good

Drone platforms- ISR capabilities- curtailing domestic means we can't test drones on domestic soil- means we can't make the next developments and we fall behind like China- good inroads to important part of the topic

A2: N/U: Freedom Act

FBI Spying Still

The Freedom Act didn't do enough to curtail surveillance

Desvarieux 6-2-15, producer at TRNN

Jessica, "3 Ways USA Freedom Act Fails to Stop FBI Spying on Americans",
http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=13954

JESSICA DESVARIEUX, PRODUCER, TRNN: If you've made a phone call, sent a text or an email, the Federal Bureau of Investigation could be monitoring your online activities without a warrant. Critics of the Patriot Act have pointed out this fact, and now Congress is doing something about it. On Tuesday, the U.S. Senate is likely to pass a bill called the US Freedom Act, which advocates say will reform the Patriot Act of 2001, and some of its surveillance provisions.¶ The House of Representatives already passed their version of the USA Freedom Act last month, which includes a change that makes sure the government can no longer hold on to phone records but instead it will remain in the hands of phone providers that can be compelled to turn over those records to the government. President Obama said in his weekly address that he's ready to sign the bill into law.¶ PRESIDENT BARACK OBAMA: Politics aside, put our national security first. Pass the USA Freedom Act now, and let's protect the security and civil liberties of every American.¶ DESVARIEUX: But critics say it doesn't go far enough to protect Americans' 4th Amendment rights, especially against unwarranted seizures, and the right that all warrants be supported by probable cause.¶ SEN. RAND PAUL (R-KY): Our forefathers would be aghast. One of the things they despised was general warrants. This is a debate that should be had, and the reason I am objecting is because I've made a very simple request: to have amendments, to have them voted on, and to have a guarantee that they're voted on.¶ DESVARIEUX: But Republican Kentucky Senator Rand Paul's two amendments were never brought up for a vote. Director of the nonpartisan organization Bill of Rights Defense Committee Sue Udry says without amendments the US Freedom Act comes short of protecting citizens from not just the NSA but the FBI in three major ways.¶ Number one, under the USA Freedom Act there will be no change to the FBI's national security letters, or NSL, policy.¶ SUE UDRY, BILL OF RIGHTS DEFENSE COMMITTEE: NSL letters are a way that the FBI can demand information from telephone companies and internet service providers and banks to get information about people without any court oversight whatsoever.¶ DESVARIEUX: Number two, the bill fails to challenge Section 215, where the FBI's expansive use of the term 'business records' originates.¶ UDRY: The Department of Justice general inspector has looked into the way the FBI uses these national security letters and found all sorts of problems with them, and in fact referred to them as kind of like an ATM machine for FBI agents. They were pretty much going through no process whatsoever, and just demanding information from phone companies about people that they were curious about, whether they were suspected of a crime or not.¶ DESVARIEUX: Number three, congressional oversight of the FBI is still weak.¶ UDRY: But the FBI has very loose guidelines about who they can investigate and what they can do to investigate them. So my particular concern with the FBI that's absolutely not addressed by USA Freedom is the FBI's use of informants. And we know that they're infiltrating peace groups and environmental groups and animal rights groups on the basis of national security. It was just revealed through a FOIA request that the FBI have been spying on

people who are opposed to the [inaud.] pipeline, and they were doing that on the basis that, well, oil is important to the economy and to national security, so therefore these protesters are threats to national security. And the FBI was spying on them.¶ And there's absolutely nothing in USA Freedom that prevents the FBI from doing that. And we know they're doing it, and Congress doesn't seem to care. And that's where we come in, and we really need to be holding Congress's feet to the fire to reform the FBI.¶ DESVARIEUX: For The Real News Network, Jessica Desvarieux, Washington.

Other Acts Still Cause Surveillance

Freedom Act didn't curtail surveillance- other programs prove it's still strong as ever

Vijayan 6-3-15, Correspondent

Jaikumar, CSMonitor, <http://www.csmonitor.com/World/Passcode/2015/0603/For-privacy-advocates-USA-Freedom-doesn-t-end-push-for-surveillance-reform>

But most reform groups also noted that the Freedom Act leaves unchanged many other controversial surveillance practices. For instance, the Freedom Act does not change a FISA provision referred to as Section 702, which the government has used as its authority to conduct extensive surveillance on online communications. The government has cited Section 702 as its authority for programs like PRISM for collecting huge quantities of data directly from servers and networks belonging to several Internet giants including Google, Microsoft, Yahoo, and Facebook.¶ The amount of records collected under Section 702 likely dwarfs the amount of records collected under the NSA's bulk phone records collection program Mr. Geiger said.¶ Though Section 702 is meant to enable surveillance of terror suspects based outside the US, Mr. Geiger and others say that in practice it enables warrantless backdoor collection of Internet communications belonging to many Americans. Sen. Ron Wyden (D) of Oregon is one of several lawmakers who have said they want additional reforms passed to rein in the "dragnet surveillance" enabled by Sec. 702. The provision is scheduled to sunset in 2017 and the effort has already begun to either kill it or reform it before renewal.¶ Also unchanged by the Freedom Act are authorities granted to government under Executive Order 12333 and statutes like the Electronic Communications Privacy Act (ECPA) of 1986.¶ EO 12333 is a President Reagan era artifact that among other things assigns specific roles, responsibilities and rules for spying for more than a dozen intelligence agencies including the CIA, the NSA, and the FBI.¶ Groups such as the Electronic Privacy Information Center have cautioned that the executive order often serves as an "alternate basis of authority for surveillance activities, above and beyond Section 215 and 702." Activities such as the NSA's efforts to break online encryption and security technologies were likely conducted under the authority granted to the agency under the executive order.¶ The Privacy and Civil Liberties Oversight Board, an independent advisory board within the executive branch, has said it wants to examine surveillance activities conducted under EO 12333 with an eye to reforming them. In May, after House of Representatives overwhelmingly passed the Freedom Act, the PCLOB held a public meeting to discuss the constitutional and oversight implications of counterterrorism activities conducted under the EO.¶ The ECPA, which sets standards for government monitoring of cellphone conversations, is another target for major overhaul. As with many of the other statutes, the government has claimed that the communications privacy act gives it the authority to conduct warrantless tracking of cellphone users and for accessing e-mail and other stored content in the cloud.¶ Earlier this year, Senators Orrin Hatch (R) of Utah, Chris Coons (D) of Delaware, and Dean Heller (R) of Nevada introduced a bill titled the Law Enforcement Access to Data Stored Abroad (LEADS) Act that seeks to reform ECPA. Among other things, the law would require law enforcement to obtain a court-issued warrant in order to obtain the content of stored communications from an Internet service provider and limit the extra territorial reach of US-issued search warrants.¶ While the Freedom

Act has put an end to one instrument for mass surveillance, similar reforms are needed to the various other statutes being used by US law enforcement and spy agencies, Geiger said. "Framing this issue in the context of just one phone records collection program makes it appear smaller than it is."

The Freedom Act covers up other surveillance techniques

RT 6-1-15

"USA Freedom Act vs expired Patriot Act provisions: How do the spy laws differ?",
<http://rt.com/usa/264005-freedom-patriot-act-surveillance/>

Many in opposition to the Patriot Act say the USA Freedom Act is not a meaningful check on government spying capabilities. A leading critic of government surveillance in the US House, Rep. Justin Amash (R-Mich.) described the Freedom Act as a "step in the wrong direction by specifically authorizing such collection in violation of the Fourth Amendment." Others have pointed out that the USA Freedom Act will not address other surveillance powers the government can employ. Should the Senate approve the reform bill, "it'll be suspicionless spying as usual until the next big surveillance provision, section 702 of the FISA Amendments Act sunsets at the end of 2017," said Jennifer Granick, director of Civil Liberties at the Stanford Center for Internet and Society. Edward Snowden revealed the government uses Section 702 of the FISA Amendments Act to authorize digital surveillance on foreign persons, which, tech experts say has involved exploiting security weaknesses on behalf of the government and, as a result, secretly undermining the protocols meant to protect online activity. "Section 702 of the FISA Amendments Act conceals some of the worst mass surveillance operations," he said recently. "In basic terms, the government here prefers to ignore that the 4th Amendment prohibits not just the unwarranted search of private records, but also the initial seizure of them as well. I suspect that's likely to haunt not only them, but all of us as well." Read more. Obama can end NSA bulk surveillance by himself – Rand Paul. Snowden also pointed to Executive Order 12333, signed by President Ronald Reagan in 1981, which requires government agencies to comply with data requests made by the CIA. He said the order, which has been used to justify the collection of unencrypted material, is a "skeleton in the closet," but that changing it will be difficult "because the White House argues these operations are simply above the law and cannot be regulated by congress or the courts." Several civil liberties advocates are strictly opposing the USA Freedom Act because it does not go far enough in curbing unchecked surveillance. "The sacrifices made by the USA FREEDOM Act of 2015 are unacceptable," wrote several groups and intelligence community whistleblowers in a letter urging a vote against the reform bill. "The modest changes within this bill, in turn, fail to reform mass surveillance, of Americans and others, conducted under Section 702 of the FISA Amendments Act of 2008 and Executive Order 12333. Given intelligence agencies' eagerness to subvert any attempts by Congress to rein in massive surveillance programs by changing the legal authorities under which they operate, the modest, proposed changes are no reform at all."

Reviving Other Tech

180 day extension period is an independent uniqueness booster- gives the NSA more power than before

RT 6-30-15

“License to snoop: Court revives NSA spy program through December”,
<http://rt.com/usa/270820-nsa-fisa-extended-spying/>

The NSA can reboot its bulk collection program, which expired on June 1, for a period of five more months. This was the decision of a federal spy court put in charge of reviewing the agency’s future petitions for records under the USA Freedom Act.¶ Judge Michael Mosman of the Foreign Intelligence Surveillance Court (FISC) opened his 26-page decision with a French phrase meaning “the more things change, the more they stay the same,” before granting the government’s request, filed mere minutes after the USA Freedom Act was signed into law on June 2.¶ Drafted before another federal judge ruled that the Patriot Act’s Section 215 did not, in fact, authorize bulk collections, the Freedom Act envisioned a six-month window for the NSA to wind down the program. A bipartisan group of lawmakers held up the law’s adoption until Section 215 had expired, however, hoping to force the program to shut down.¶ “This application presents the question whether the recently-enacted USA Freedom Act ... ended the bulk collection of telephone metadata,” says the order, obtained by National Journal on Tuesday. “The short answer is yes. But in doing so, Congress deliberately carved out a 180-day period following the date of enactment in which such collection was specifically authorized. For this reason, the Court approves the application in this case.”¶ Read more¶ Let us spy for 6 months more: NSA asks court for extension of expired surveillance program¶ Opponents of Section 215 criticized the government’s request as disingenuous, since the assumption behind the Freedom Act’s six-month window to shut down the program was based on it actually running. Once it had been shut down, the need no longer existed. Senator Ron Wyden (D-Oregon) called it “disappointing” that the administration would seek to “resurrect this unnecessary and invasive program after it has already been shut down.”¶ Judge Mosman, however, sided with government lawyers, who claimed the 180-day period intended to ease the program’s shut down, in fact authorized them to restart it. He also accepted the government’s argument that the Second Circuit Court’s ruling that bulk collections were illegal did not apply to the FISC.¶ “Second Circuit rulings are not binding on the FISC, and this Court respectfully disagrees with that Court’s analysis, especially in view of the intervening enactment of the USA Freedom Act,” he wrote in the order. “To a considerable extent, the Second Circuit’s analysis rests on mischaracterizations of how this program works and on understandings that, if they had once been correct, have been superseded by the USA Freedom Act.”¶ Seeking to block the government’s motion, former Virginia Attorney General Ken Cuccinelli and the conservative group FreedomWorks filed their own brief against restarting bulk collections, citing the Fourth Amendment’s prohibition of unreasonable searches and seizure. Judge Mosman rejected that challenge. He did, however, appoint Cuccinelli an “amicus” in future NSA cases, in the absence of a privacy panel envisioned by the Freedom Act as a consulting body for the FISC.¶ Under Judge Mosman’s order, the government will have until November 29 of this year to continue running the bulk collection program. After this date, the Freedom Act will allow the NSA to request

records from phone companies based on specific search terms after obtaining approval from the FISC. Monday's ruling indicates, however, that such approval won't be too difficult to obtain.[¶] Described by Senator Wyden as "illegal dragnet surveillance," Section 215 bulk collection was one of the programs exposed two years ago by NSA whistleblower Edward Snowden. When not hearing government requests at the FISC, Judge Mosman serves on the Federal District Court in Wyden's home state of Oregon.

Generic Momentum Links

Momentum

Privacy advocates are at the threshold, but mass data collection continues

Ryan et al '14, staff correspondent

Laura, "NSA Critics Gain Momentum", <http://www.nationaljournal.com/tech-edge/nsa-critics-gain-momentum-20140623>

TODAY'S TOP PARAGRAPH: Privacy advocates have a new spring in their step after last week's House vote to curb NSA spying. The administration, however, gained approval to continue its bulk collection of phone records. The FCC unveiled its proposal to pump money into WiFi in schools, and all eyes are on the Supreme Court this week with the Aereo decision looming. ¶ TOP NEWS, HOUSE VOTE BOOSTS NSA CRITICS: A strong House vote to close "backdoor" NSA spying programs has given privacy advocates a new boost of momentum as they try to toughen up surveillance reform legislation in the Senate. "That overwhelming vote changes the trajectory of this issue moving forward," Rep. Zoe Lofgren, a sponsor of one of the amendment to the defense bill, said. Lawmakers also approved an amendment from Rep. Alan Grayson to bar the NSA from undermining encryption standards. ¶ Lofgren argued that the votes are a "better reflection of the actual views" of House members than the USA Freedom Act, which leaders scaled back with last minute changes before a floor vote last month. Even if the provisions don't become law through the appropriations process, they put pressure on the Senate to adopt stronger reform. ¶ "I'll be urging my colleagues in the Senate to follow the House's lead," Sen. Ron Wyden said in a statement. "It is time to slam this back door shut." ¶ ADVERTISEMENT ¶ ..BUT BULK COLLECTION CONTINUES: The NSA's phone data collection will continue for at least three more months. The Foreign Intelligence Surveillance Court approved the Justice Department's request Thursday, extending the program until Sept. 12. ¶ Sens. Wyden, Mark Udall, and Martin Heinrich had urged the administration to allow the controversial program to lapse, but the Justice Department and Director of National Intelligence said the administration sought reauthorization "given that legislation has not yet been enacted, and given the importance of maintaining the capabilities" of the program.

Privacy supporters are rallying behind momentum from the Freedom Act, but Congress is putting up a fight

Volz and Fox 6-3-15, staff correspondents

Dustin and Lauren, "The War Over NSA Spying Is Just Beginning", <http://www.nationaljournal.com/tech/the-war-over-nsa-spying-is-just-beginning-20150603>

June 3, 2015 Now that Congress has passed the USA Freedom Act, a surveillance overhaul bill that will shutter the National Security Agency's bulk gathering of U.S. call data—having done so while shutting down attempts from the Senate Majority Mitch McConnell to weaken it—reform-minded legislators are emboldened. ¶ But while reformers hope Tuesday's victory is an appetizer to a multiple-course meal to rein in the NSA, security hawks—many of them Republicans vying for the White House—hope to halt the post-Snowden momentum behind surveillance reform. And some already are talking about unraveling the Freedom Act. ¶ "What you are seeing on the floor of the Senate is just the beginning," said Sen. Ron Wyden, a civil-liberties stalwart in the

upper chamber who serves on the intelligence committee and has worked for more than a decade to reform government surveillance. "There is a lot more to do when—in effect—you can ensure you protect the country's safety without sacrificing our liberty."¶ Wyden used the Freedom Act's passage to call for additional intelligence-gathering reforms that he has long advocated, such as closing the so-called "backdoor search loophole" that allows U.S. spies to "incidentally" and warrantlessly sweep up the email and phone communications—including some content—of Americans who correspond with foreigners. He added he plans to move quickly on reworking Section 702 of the Foreign Intelligence Surveillance Act, before Congress is up backed up against its renewal deadline in 2017.¶ The Oregon Democrat also supports tech companies in their ongoing tussle with the administration over smartphone encryption as a key priority. While Google and Apple have begun to build their phones with "too-tough-to-crack" encryption standards, the FBI has warned that the technology locks out the bad guys and the good—and can impede law-enforcement investigations.¶ ADVERTISEMENT¶ Wyden and his allies, though, are bumping up against an impending presidential campaign, where many Republicans will jockey with one another to look toughest on national security.¶ Few issues divide the GOP White House contenders more than NSA surveillance, as defense hawks such as former Florida Gov. Jeb Bush and Sen. Marco Rubio continue to defend the NSA bulk metadata program as necessary to protect the homeland, while libertarian-leaning agitators such as Sens. Rand Paul and Ted Cruz warn voters of the privacy perils associated with the government's prying eyes.¶ Rubio, who has said he'd prefer that the NSA's phone dragnet be made permanent, issued a statement after the Freedom Act's passage saying it fell to the next president to undo its policies.¶ "The failure to renew the expiring components of the PATRIOT Act was a mistake," Rubio said in a statement after the vote. "The 'USA Freedom Act' weakens U.S. national security by outlawing the very programs our intelligence community and the FBI have used to protect us time and time again. A major challenge for the next president will be to fix the significantly weakened intelligence system that the current one is leaving behind."¶ Paul, meanwhile, continues to fundraise on social media and in campaign emails off his hardline opposition to "illegal NSA bulk data collection." The Kentucky senator succeeded in drawing enormous attention to the issue by forcing a temporary lapse this week of the Patriot Act's spy authorities, and has vowed to limit the agency's mass surveillance practices "on day one" if elected president.¶ But Paul also was a major obstacle for the Freedom Act's passage, repeatedly voting against it and helping delay its consideration on grounds it didn't go far enough—and codified parts of the Patriot Act he thinks should stay dead.¶ Cruz, meanwhile, represented the middle ground and was a chief GOP backer of the legislation, setting up a potential argument with Paul on debate stages about who has done more to fight against mass surveillance. Any jockeying between the two will expose them to sniping from candidates on the other side of the debate, including potential candidate Chris Christie, the New Jersey governor, who often goes out of his way to condemn those who criticize government snooping. Rand Paul already has become a regular punching bag for the GOP field's security hawks.¶ DON'T MISS TODAY'S TOP STORIES¶ "I read the Tech Edge every morning." Ashley, Senior Media Associate Sign up form for the newsletter¶ Back on Capitol Hill, many of the same members who were trying to block reform warn that it only takes one security setback for Congress to stop taking powers away from the NSA.¶ "The next time there is a terrorist act within the United States, the same people are going to be coming to the floor seeking changes to the tools that our intelligence community, our law

enforcement community has at their disposal because the American people will demand it," said Sen. Richard Burr, the chairman of the Intelligence Committee.¶ Sen. Susan Collins, who also serves on the intelligence panel, recognized that reforms and oversight will likely continue now that the USA Freedom Act has passed, but she said she's not so sure supporters of the Freedom Act won't have buyer's remorse down the line.¶ "I believe it is actually going to expose Americans' data to greater privacy risk and to vulnerability from computer data breaches," Collins said.¶ The momentum to end the NSA's phone dragnet snowballed over the past year and a half as two review panels deemed it ineffective. President Obama pledged to end it "as it currently exists" and a federal appeals court deemed it illegal.¶ But further reforms—such as to the Internet surveillance program known as PRISM, which Snowden also revealed—are likely to be tougher sells in Congress. For PRISM especially, that's in part because the program is considered more useful and because it deals primarily with surveillance of foreigners. U.S. tech companies that are subject to PRISM, including Facebook, Yahoo, and Google, have called for changes to the program. Yet when asked about whether he would work to take down PRISM, even Wyden bristled at the question.¶ "I am going to keep it to the three that I am going to change," Wyden said.¶ Even reformers outside the confines of the Senate recognize that ending PRISM is a complicated pursuit.¶ "It is not going to be quite as easy to drum up the same support," says Liza Goitein, codirector for the Liberty & National Security Program at the Brennan Center for Justice.¶ Though PRISM may prove difficult to upend, other efforts, such as a broadly supported push to update the decades-old Electronic Privacy Communications Act, may prove more palatable. Sens. Patrick Leahy and Mike Lee, the lead authors of the Freedom Act in the upper chamber, indicated their desire to move quickly on passing legislation that would update the law to require law enforcement obtain warrants before accessing the content of Americans' old emails.¶ The immediate next battlefield for civil liberties groups will find them on the defense, as they attempt to prevent legislation that would increase the sharing of certain cyber data among the private sector and the government in order to better fend off data breaches. Such proposals, which already passed the House and are likely to be before the Senate in the coming weeks, could grant the NSA access to more personal data, privacy advocates warn.¶ No matter how the looming debates shake out, for now, one thing is clear: the fight over the government's surveillance operations is far from over.

Precedent

The Freedom Act passage proves we're at a critical point

Diamond 5-23-15, Reporter

Jeremy, "Everything you need to know about the Patriot Act debate",
<http://www.cnn.com/2015/05/22/politics/patriot-act-debate-explainer-nsa/>

Washington (CNN) Two years after Edward Snowden exposed the National Security Agency's secret collection of the data of millions of Americans' private communications, the bulk of those programs remain intact. But the key section of the Patriot Act that the NSA used to authorize that program is set to expire on June 1. Early Saturday morning, the Senate failed to pass both a two-month extension of the current program, as well as a House alternative that sought to keep many of the NSA's surveillance abilities intact. With the Senate set to take a week-long recess, Senate Majority Leader Mitch McConnell said the chamber will meet again on Sunday, May 31, to consider ways that would not let the program expire. As the debate roils, get up to speed on NSA surveillance, how the Patriot Act authorized it and why Congress may -- or may not -- reform the program. What is the Patriot Act? The law goes back to the 9/11 terrorist attacks and embodies the swift reaction of the executive and legislative branches in the wake of the deadliest terrorist strike on American soil. Within weeks of the attacks, Congress passed and President George W. Bush signed the bill into law, giving law enforcement and intelligence authorities unprecedented domestic authority -- and the tools to wield that authority -- to thwart plots against the United States. "Surveillance of communications is another essential tool to pursue and stop terrorists," Bush said at the law's signing ceremony in Oct. 2001. "The existing law was written in the era of rotary telephones. This new law that I sign today will allow surveillance of all communications used by terrorists, including emails, the Internet, and cell phones." But it would end up doing much more -- more, even, than the law's major supporters and its primary architect on Capitol Hill, Wisconsin Republican Rep. Jim Sensenbrenner, ever imagined possible. So that part about cell phones. That's how the NSA started collecting phone records on millions of Americans? Yes, but the Patriot Act wasn't actually used for the justification for bulk metadata collection until 2006. That practice began secretly in 2001 after Bush used his executive authority to give the NSA the green light to begin sweeping phone and Internet records after 9/11. The Bush administration would eventually use the Patriot Act to justify its program -- enshrining it in law. Hold up. What the heck is this metadata, anyway? Metadata is all the information surrounding a call, including the caller's number, the receiver's number, the time and location of the call, and how long it lasted -- basically, everything except for the audio of the call itself. And the NSA collects the metadata of millions of Americans without those citizens' knowledge and without a warrant specifically targeting individuals suspected of wrongdoing. OK, but how much can the NSA actually learn without listening in to the call? The NSA can actually piece together quite a bit about a person by analyzing phone metadata --- information that a surveillance target's family might not even know. Repeated calls to a cardiologist could suggest a heart condition. Repeated late night calls between two employees could suggest a romantic relationship. "They can know, for example, whether an American called a psychiatrist three times in 36 hours, twice after midnight. That is a lot private information," explained Sen. Ron Wyden, D-Oregon, a leading supporter of NSA reforms. And

while NSA agents likely aren't spending their days poring over the metadata of Americans who aren't suspected of any terrorist activity, the agency does store the data for five years and retains easy access to the trove of information.¶ So what in the Patriot Act authorizes the NSA to rake in that information?¶ The government can petition the FISA court -- for a warrant to collect "any tangible things" to investigate terrorism or foreign spies.¶ If the government can credibly show that to the court's 11 judges, it gets a secret warrant that can force companies, such as Verizon, to hand over private information. And the recipient of the warrant is barred from discussing the warrant with anyone, due to national security concerns.¶ The Patriot Act stresses that the government can only request a warrant to obtain information that is "relevant to an ongoing investigation against international terrorism."¶ How is the data of millions of Americans "relevant" to terrorism investigations?¶ The Bush administration argued in 2006 that the metadata analysis program could only be successful if the government could collect and store the data of millions of Americans, even though it conceded "the vast majority of (data collected) will not be terrorist-related."¶ "Although admittedly a substantial portion of the telephony metadata that is collected would not relate to operatives of (redacted), the intelligence tool that the government hopes to use to find (redacted) communications -- metadata analysis -- requires collecting and storing large volumes of the metadata to enable later analysis. All of the metadata collected is thus relevant, because the success of this investigative tool depends on bulk collection," the administration argued.¶ That argument served as the justification for subsequent FISA court decisions approving warrants to collect customer data from various phone companies -- warrants that need to be renewed every 60 or 90 days.¶ But now Section 215 of the Patriot Act could be going away? And this program would change?¶ That's right. But lawmakers who want changes to the program still have a tough slog ahead of them.¶ Sensenbrenner, the lead author of the Patriot Act, was quick to condemn the FISA court's interpretation of the law once Snowden revealed the extent of the dragnet surveillance, calling the practice "based on a blatant misreading of the law."¶ He and Sen. Patrick Leahy, D-Vermont, have since led the charge to reform the Patriot Act and their efforts have gained steam in recent months, with the USA Freedom Act overwhelmingly passing the House earlier this month in a 338-88 vote.¶ The reform bill would keep the government from collecting telephone metadata of millions of Americans, instead requiring the NSA to get a warrant from the FISA court to collect data on a specific individual from telecommunications companies.¶ But the law is facing stiff opposition in the Senate from some of that chamber's most powerful Republicans, including Senate Majority Leader Mitch McConnell, R-Kentucky, and the chairman of the Senate Intelligence Committee, Sen. Richard Burr of North Carolina, who want to reauthorize the Patriot Act for five years without any reforms.¶ And if the Senate can't reach an agreement to extend the Patriot Act in some way, chunks of the law would sunset on June 1.¶ If the Senate doesn't get its act together, what happens?¶ Section 215, which authorizes the bulk metadata collection program, would sunset.¶ But two other sections of the Patriot Act would also expire: a so-called "lone wolf" provision and another section that allows roving wiretaps.¶ The first allows law enforcement to use the national security apparatus to go after suspected terrorists who may not be affiliated with a terrorist group, but share terrorist ideology and aims. That's a particular concern for law enforcement officials today as terrorist groups like ISIS are using social media to inspire individuals to carry out attacks in the U.S. and Europe.¶ The FBI would also lose the ability to

apply for new roving wiretaps to pursue suspected terrorists, a common procedure used in other criminal investigations that allows officials to wiretap additional phones linked to a suspect without requesting a new warrant.¶ Former FBI Assistant Director Tom Fuentes, a CNN analyst, said losing that authority would be a "severe" blow to counterterrorism efforts, keeping the FBI from collecting the information it needs in a timely manner.¶ But counterterrorism officials already conducting investigations wouldn't be completely hamstrung. A provision in the Patriot Act would allow officials to use these tools in investigations that were started before the June 1 sunset date.¶ Why are some lawmakers so opposed to reforming the Patriot Act?¶ For opponents of reform, it's all about national security.¶ They cite the growing terror threats the U.S. is facing, as ISIS continues to grow in Syria and Iraq and expands its reach online, inspiring attacks in Europe and the U.S.¶ To throw away a key tool at a time of such heightened concern would be foolish, opponents say.

Drone DA

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Future drone production is on the brink now but set to increase

Holly 14 [writer for a political news agency “States restrict drone use because of privacy concerns” <http://investigatamidwest.org/2014/03/21/states-restrict-drone-use-because-of-privacy-concerns/>] (sakin)

Citing privacy concerns, **legislators** throughout the country **are** increasingly **passing laws to restrict** the use of **domestic drones** over private land. At least **nine states** have officially enacted some form of legislation that bans nonconsensual domestic drone use over private property, found an analysis by the American Civil Liberties Union, a network of more than 500,000 members who monitor First Amendment and privacy rights. “**We believe that we need a system of rules to ensure that we can enjoy the benefits of drones and technology without becoming a surveillance society** in which everyone’s movements are monitored, tracked, recorded and scrutinized by the authorities,” said Allie Bohm, an advocacy and policy strategist for the American Civil Liberties Union. “We believe that drones should be prohibited from indiscriminate mass surveillance.” In the states with drone-restriction policies in place, drone pilots surveying land and capturing images need to first gain consent from the owners of the land they are flying over. Likewise, law enforcement authorities need to first secure a warrant. Matt Waite holds a drone while giving a presentation on citizen journalism in Baltimore. Waite is a professor of journalism at the University of Nebraska who teaches a class on the use of drones in journalism. Matt Waite holds a drone while giving a presentation on citizen journalism in Baltimore. Waite is a professor of journalism at the University of Nebraska who teaches a class on the use of drones in journalism. This year, at least **34 additional states** have also introduced similar policies that aim to limit domestic drone use. And the moves are widely supported by the agriculture industry. “There is a private ownership of the land that’s important to maintain,” said R.J. Carney, director of congressional relations for the American Farm Bureau Federation. “It’s only with consent of the farmer that we would support the use of drones.” Florida, Idaho, Montana, Oregon, Tennessee, Virginia and North Carolina – a state where policymakers placed a minimum two-year moratorium on drone use – have all already passed drone legislation. Illinois and Texas, two of the top ag-producing states in the country, also recently passed legislation restricting drone use. In 2012, the Illinois agriculture industry sold more than \$17.1 billion in farm goods, according to preliminary 2012 Ag Census results. The Texas agriculture industry sold more than \$25.4 billion. Pending policies primed to include more ‘thoughtful’ regulation **When Congress reauthorized the Federal Aviation Administration’s budget in 2012, it did so with the stipulation that the administration would expand airspace for unmanned planes by Sept. 30, 2015.** “**We’re sort of at the brink right now,**” said Bohm. **When that time comes, unmanned aircraft will have access to the same airspace as piloted aircraft.** The University of Alaska, the State of Nevada, New York’s Griffiss International Airport, the North Dakota Department of Commerce, Texas A&M University in Corpus Christi and the State of Nevada have all been designated as test partners to see how the change will play out. “**We’re going to start seeing more and more drones in the air, particularly come 2015 once the FAA has to open their gates,**” Bohm said.

The aff creates a massive privacy movement that spills over onto other issues - Ryan et al '14, staff correspondent

Laura, "NSA Critics Gain Momentum", [http://www.nationaljournal.com/tech-edge/nsa-critics-gain-momentum-20140623\(sakin\)](http://www.nationaljournal.com/tech-edge/nsa-critics-gain-momentum-20140623(sakin))

TODAY'S TOP PARAGRAPH: Privacy advocates have a new spring in their step after last week's House vote to curb NSA spying. The administration, however, gained approval to continue its bulk collection of phone records. The FCC unveiled its proposal to pump money into WiFi in schools, and all eyes are on the Supreme Court this week with the Aereo decision looming. ¶ TOP NEWS, HOUSE VOTE BOOSTS NSA CRITICS: A strong House vote to close "backdoor" NSA spying programs has given privacy advocates a new boost of momentum as they try to toughen up surveillance reform legislation in the Senate. "That overwhelming vote changes the trajectory of this issue moving forward," Rep. Zoe Lofgren, a sponsor of one of the amendment to the defense bill, said. Lawmakers also approved an amendment from Rep. Alan Grayson to bar the NSA from undermining encryption standards. ¶ Lofgren argued that the votes are a "better reflection of the actual views" of House members than the USA Freedom Act, which leaders scaled back with last minute changes before a floor vote last month. Even if the provisions don't become law through the appropriations process, they put pressure on the Senate to adopt stronger reform. ¶ "I'll be urging my colleagues in the Senate to follow the House's lead," Sen. Ron Wyden said in a statement. "It is time to slam this back door shut." ¶ ADVERTISEMENT, ...BUT BULK COLLECTION CONTINUES: The NSA's phone data collection will continue for at least three more months. The Foreign Intelligence Surveillance Court approved the Justice Department's request Thursday, extending the program until Sept. 12. ¶ Sens. Wyden, Mark Udall, and Martin Heinrich had urged the administration to allow the controversial program to lapse, but the Justice Department and Director of National Intelligence said the administration sought reauthorization "given that legislation has not yet been enacted, and given the importance of maintaining the capabilities" of the program.

The privacy movement kills any drone momentum – its seen as the most visible form of surveillance – Drone innovation is impossible

Crump 13 [Catherine Crump is a staff attorney with the ACLU's Speech, Privacy, and Technology Project and a nonresident fellow with the Stanford Center for Internet and Society "Why Americans Are Saying No to Domestic Drones"
http://www.slate.com/articles/technology/future_tense/2013/02/domestic_surveillance_drone_bans_are_sweeping_the_nation.html] (sakin)

In the past year, the American public has begun to pay more and more attention to the issue of domestic surveillance drones. And now, recent events suggest we might be seeing the emergence of a genuine national movement against the use of surveillance drones by law enforcement. With any luck, this may even set the stage for a wider dialogue about the increasingly intrusive technologies that are intended to catch crooks—but that all too often cast an overly broad net. Last week, after an especially raucous city council hearing, the Seattle police department terminated its drones program and agreed to return the purchased equipment to the manufacturer. This came just days after both houses of the Virginia state

legislature passed historic bills imposing a two-year moratorium on the use of drones by law enforcement and regulatory agencies in the state. In Florida, a potentially even more significant bill imposing a judicial warrant requirement on police use of drones continued to march toward passage. Similar legislation has been proposed in at least 13 other state legislatures around the country so far. Of all the threats to privacy that we face today, why have drones caught the attention of the American public to such a remarkable degree? One possibility is that there's something uniquely ominous about a robotic "eye in the sky." Many privacy invasions are abstract and invisible—data mining, for example, or the profiling of Internet users by online advertisers. Drones, on the other hand, are concrete and real, and the threat requires no explanation. But they are just the most visible example of a host of new surveillance technologies that have the potential to fundamentally alter the balance of power between individuals and the state. Physically tailing a suspect requires teams of police officers working 24/7, but now police can slap GPS devices on a suspect's car and then sit in the station house tracking his movements on a laptop. Now that the wholesale surveillance of American life is becoming cheap and easy, legal protections are all the more important. The drone issue has also gained momentum because the concern over it is bipartisan. While Democrats get most of the credit for pushing back on national surveillance programs, it was the Republican Party's 2012 platform that addressed domestic surveillance drones, stating that "we support pending legislation to prevent unwarranted or unreasonable governmental intrusion through the use of aerial surveillance." The ACLU of Virginia, for instance, teamed up with one of the state's most conservative lawmakers to introduce a drone regulation bill in the state House of Delegates, while its Senate companion bill was introduced by a progressive. Florida's drone regulation legislation is being almost entirely pushed by conservatives—and in most states, the legislative efforts we've seen so far have been conservative or bipartisan. Privacy issues are always less partisan than many other political questions, but the support for action on drones from both left and right has been remarkable. It's notable how different all of this is from the way surveillance technologies are normally adopted. There has actually been an opportunity for debate before drones have been widely deployed. We have the Federal Aviation Administration to thank for this state of affairs. At least for now, drones are largely banned by the FAA, which is concerned about the obvious safety issues: We can't have our skies filled with flying robots colliding with passenger aircraft or plummeting into people's houses. (This state of affairs will not last: Congress has ordered the FAA to integrate drones into the national airspace by 2015.) What we usually see happen with new law enforcement technologies is that agencies quickly and quietly snap them up, making their deployment a fait accompli before the public even learns of their existence, let alone has a chance to debate their privacy implications or democratically decide upon the correct balance between privacy and police power. At that point, taking privacy into account is an uphill battle because the tax dollars have already been spent and the technology integrated into the department's approach to crime fighting. With drones, on the other hand, because of the safety and regulatory issues they raise, we have a chance to do it right. The American public and our elected representatives can, for once, get ahead of the deployment curve—we can raise awareness, propose protections, and build support for them before the problems hit us in the face. If done right, this moment of hyperawareness about privacy could become a more permanent state of affairs: Ryan Calo of Stanford's Center for Internet and Society suggested in a December 2011 paper that because of their "disquieting" nature, drones

“could be just the visceral jolt society needs” to spark broader changes in how Americans conceptualize privacy problems. Ultimately, **the best solution on drones would be for Congress to pass strong, uniform rules protecting everyone across the nation and putting privacy concerns to rest.** For example, law enforcement agents should not make drones general tools of surveillance but should instead utilize them only where they have a specific reason to believe that use of one will turn up evidence of criminal activity. Ideally, those protections would become a model for other, perhaps less vivid but equally intrusive technologies such as cellphone location tracking. But unless and until Congress acts, state and local resolutions and rules are the best thing Americans can do to protect our privacy from the enormously invasive potential of domestic surveillance drones. **The upsurge in local activism around the country is just what’s needed to make this happen.**

That wrecks innovation – regulations make it not profitable for companies

Manjoo 2/4 [writer for the New York Times “Giving Drone Industry Leeway to Innovate” http://www.nytimes.com/2015/02/05/technology/personaltech/giving-the-drone-industry-the-leeway-to-innovate.html?_r=0] (sakin)

Commercial operators — people who are making money from their flights and therefore have an incentive to improve their training and the technology on their drones — are now barred from flying in most circumstances. And the Federal Aviation Administration is expected to release new draft rules in the next month that will allow for commercial drone operation in only a limited way. The rules are likely to prohibit drones from flying above 400 feet and require that they be used within sight of the operator. ¶ Untrained hobbyists like the one who crashed the drone in Washington, however, are allowed to fly their devices with relative freedom. ¶ For years, the drone industry has been calling on the Federal Aviation Administration to loosen rules on commercial unmanned flight. The White House crash is another in a string of public relations disasters that may hamper that effort. Drones have an image problem. In the popular imagination, unmanned flying robots portend an overhead invasion of privacy, a potential for novel and terrifying aerial attack and a dangerous cluttering of our skies. ¶ “Right now when you see a news story about an unmanned vehicle, it’s either a story about a hobbyist who did something crazy with his small toy, or you hear about a military strike in the Middle East,” said Jesse Kallman, the head of business development and regulatory affairs at Airware, a start-up that produces a kind of operating system for drones. ¶ But Mr. Kallman, like many in the industry, says that the perceptions have been shaped by a lack of obvious applications for drones, a lack that he blames in part on overly restrictive regulations. If the rules are loosened and commercial operations take flight, drone makers argue that perceptions will shift. ¶ That’s because enthusiasts see almost limitless potential for flying robots. When they fantasize about our drone-addled future, they picture not a single gadget, but a platform — a new class of general-purpose computer, as important as the PC or the smartphone, that may be put to use in a wide variety of ways. They talk about applications in construction, firefighting, monitoring and repairing infrastructure, agriculture, search and response, Internet and communications services, logistics and delivery, filmmaking and wildlife preservation, among other uses. ¶ But perhaps the most interesting applications for drones are the ones we can’t predict. **Imposing broad limitations on drone use now would be squashing a promising new area of innovation just as it’s getting started, and before we’ve seen many of the potential uses.** ¶ Continue

reading the main story ¶ “In the 1980s, the Internet was good for some specific military applications, but some of the most important things haven’t really come about until the last decade,” said Michael Perry, a spokesman for DJI, a Hong Kong-based drone maker whose Phantom drone was involved in the White House crash. He added, “Opening the technology to more people allows for the kind of innovation that nobody can predict.”

Strong drone innovation is necessary for a deterrence factor to prevent global conflicts

Zegart 3/18 [Ms. Zegart is a senior fellow at the Hoover Institution and co-director of Stanford University’s Center for International Security and Cooperation “The Coming Revolution of Drone Warfare” amy-zegart-the-coming-revolution-of-drone-warfare-1426720364] (sakin)

¶ Imagine an aircraft carrier—in the sky, not on sea. From its bay, it deploys swarms of armed drones that can fly, spy and kill, all guided by the touch of a computer keyboard thousands of miles away. This isn’t a scene from a science-fiction movie. It’s part of a recent proposal from the Defense Advanced Research Projects Agency, the Pentagon skunk works that brought us the Internet, videoconferencing and GPS. Now Darpa is soliciting ideas from companies on how to bring this technology to life. ¶ Equally important are the questions about how drones will be used strategically. Drones do not only offer new ways to kill. **They can prevent war.** The cumulative U.S. and Soviet nuclear stockpile peaked at 70,000 weapons in 1986. None of them were fired, but all kept the peace by threatening mutually assured destruction. ¶ Pentagon planners and defense intellectuals have spent decades analyzing the functions of nuclear weapons, but they have never considered seriously how drones could change the face of combat and coercion, whether by threat or with deterrence. Meanwhile, more than 20 nations, including China, are developing lethal drone technologies. In December, Iran said it was deploying an aerial drone replicated from Boeing ▲’s ScanEagle surveillance drone. But Iran’s version is fashioned to crash into designated targets, earning it the nickname “suicide drone.” ¶ Drones are going to revolutionize how nations and nonstate actors threaten the use of violence. First, they will make low-cost, high-credibility threats possible. Military planners have long assumed that high-cost actions risking blood, treasure and national reputation make the most credible threats. The classic example is U.S. Cold War “tripwire” forces in Germany. Risking 200,000 American lives signaled to the Soviets and to NATO allies that any Soviet invasion would kill many Americans, inevitably drawing the U.S. and its nuclear forces into war. Putting lives on the line proved that U.S. leaders meant it when they said the nuclear umbrella covered Europe. ¶ Lethal drones, by comparison, are low-cost weapons They are remotely piloted (U.S. drones in Afghanistan have been piloted from Nevada), so they pose no risk of a pilot being shot down over enemy airspace. Each MQ-9 Reaper, one of the mainstays of the U.S. unmanned arsenal, costs about \$14 million. By contrast, the Air Force’s newest manned aircraft, the F-35 Joint Strike Fighter, is expected to cost between \$148 million and \$337 million per jet. ¶ Boots on the ground aren’t cheap, either: According to the Center for Strategic and Budgetary Assessments, the estimated all-in cost of a single deployed service member in Afghanistan in 2014 was \$2.1 million. ¶ The political costs of using drones are much lower, too. President Obama’s lethal drone strikes in counterterrorism operations have been controversial. But a December Rasmussen poll found that 71% of the public still favors using them. Such low political risks could change the game. Effective threat

messaging used to mean taking actions that conveyed: “You know I mean business because I’ve put so much on the line.” A future effective threat could be: “You know I mean business because I can send swarms of cheap, lethal, stealthy drones at you all day long with no risk to me.”¶ Convincing the enemy that you have the domestic political support to do what you threaten is more important than ever because America’s wars since the 20th century have generally grown longer and more inconclusive. U.S. involvement in World War II lasted almost four years, and in Korea a full three years. Yet U.S. combat in Vietnam and the second Iraq war lasted nearly nine years, and the war in Afghanistan has lasted 13. When warfare was nasty, brutish and short, credible threats entailed convincing the enemy to “do this, or I’ll start shooting.” Today, the true test of political resolve is not initiating combat but sustaining it. Adversaries used to be sure that, over time, pressure would mount in the U.S. to bring troops home. The drones of future combat won’t have families or come back in coffins.¶ The current generation of drones also has capabilities we could not have imagined 20 years ago. Artificial intelligence and autonomous aerial refueling could remove human limitations even more, enabling drones to keep other drones flying and keep the pressure on for as long as victory takes.¶ Finally, lethal drones may make possible a new form of high-tech coercion: targeted hurting. Targeted terrorist-killing operations are designed to take an enemy off the battlefield. Targeted hurting could be designed to change any enemy’s behavior—by destroying selectively the family members, friends, associates, villages or capabilities that the enemy holds most dear.¶ Targeted hurting once was nearly impossible, because intelligence demands of precision targeting were too great, the lapse between identifying and hitting a target was too long, and the penetration of enemy territory required to succeed was too risky and difficult. It took 269 days to find Saddam Hussein in his spider hole even after U.S. forces invaded Iraq, and even though many of his countrymen wanted him caught. Now needle-in-haystack precision operations are growing far more feasible by the day. Drones already have the ability to hover over a target for up to 14 hours without being refueled, and to combine real-time imagery with real-time strike capabilities. ¶ As robotic warfare technologies proliferate and evolve, the U.S. is in a strategy race with other countries engaged in drone programs. If we do not develop innovative ideas about how these weapons can be used for coercion as well as **combat, others will.**¶ ¶

Uniqueness Wall

Drone support is on the brink – lobbies are pushing

Rogers 6-17 [AP “Industry group urges Congress to support expanded drone use”
<http://www.foxnews.com/tech/2015/06/17/industry-group-urges-congress-to-support-expanded-drone-use/>] (sakin)

A key drone industry group called on Congress to support expanded use of the controversial technology during testimony to the House Oversight and Government Reform Committee Wednesday.¶ The Association for Unmanned Vehicle Systems International (AUVSI) noted that the Federal Aviation Administration is working on finalizing rules for commercial and public drone use and is also granting permission for limited commercial use on a case-by-case basis. **“But more can and should be done,”** said AUVSI President Brian Wynne, in prepared testimony.¶ Wynne said that the upcoming FAA reauthorization bill should focus on two key areas – accelerating the safe commercial use of drones, also known as Unmanned Aerial Systems (UAS), and expanding research efforts. The FAA’s current authorization bill expires Sept. 30, 2015.¶ The FAA proposed rules in February that would severely restrict the use of commercial drones. The proposed rules would require operators to keep commercial drones within eyesight at all times, which significantly limits the distance they can fly.¶ Last month the FAA also unveiled its Pathfinder program, which will study how drones are used for newsgathering, as well as in the agriculture and transport industries.¶ “We need to permit expanded uses that pose no additional risk to the airspace system,” said Wynne, in his testimony. “Whether within the context of the rule, through the reauthorization or by other means, we need to allow for beyond-visual-line-of-sight, nighttime operations and operations over congested areas. Otherwise we risk stunting a still-nascent industry.”¶ AUVSI represents more than 7,500 members, including over 600 corporate members.¶ In his testimony, Wynne noted that drone technology is advancing rapidly thanks to collaboration between industry and government, but called for a flexible regulatory environment that can accommodate innovation. Regulations, he added, should focus on specific drone operations, as opposed to different drone technologies.

Drone Use will increase drastically but new legislation will limit its use

Solomon 13 [writer for National Security Zone “Uncertainties remain as FAA integrates drones into U.S. skies; number of drones may hit 30,000 by 2020”
<http://droneproject.nationalsecurityzone.org/uncertainties-remain-as-faa-integrates-drones-into-american-skies-josh-solomon/>](sakin)

WASHINGTON – Thousands of unmanned aircraft systems—commonly known as drones—could be buzzing around in U.S. airspace by 2015 because of a law passed last year, raising both safety and privacy concerns among some lawmakers and advocacy groups.¶ Already, drones are in use counting sea lions in Alaska, monitoring drug trafficking across our borders and conducting weather and environmental research. In fact, 327 drones to date are licensed by the Federal Aviation Administration to fly over U.S. soil.¶ **But the FAA expects that number to increase to 30,000 by 2020, fueling what could become a \$90 billion industry.**¶ The drones used domestically bear little resemblance to the war machines making headlines for their involvement overseas; the drones being flown in the U.S. often look more like toys, and none of

them carry weapons.¶ The 2012 law, called the FAA Modernization and Reform Act, contains a seven-page provision—known as the Drone Act—requiring the FAA to fully integrate unmanned aircraft into the National Airspace System by September 2015. Additionally, the Drone Act allows law enforcement agencies, including local police forces, to buy and use unmanned aircraft for evidence gathering and surveillance.¶ The FAA cannot regulate the use of model drones or airplanes by hobbyists as long as they operate within certain basic limitations. Crafts must weigh less than 55 pounds, cannot fly higher than 400 feet above the ground or interfere with manned airplane traffic and, if the craft is operated within five miles of an airport, the operator must contact airport personnel.¶ Transitioning drones into domestic airspace has raised both safety and privacy concerns. The unmanned vehicle industry, though, believes the benefits associated with civil drone use outweigh any associated concerns.¶ Earlier this month, a small drone was spotted 200 feet from a passenger airliner within airspace controlled by John F. Kennedy International Airport in New York City. This isolated incident may be the first of many, though, as 2020 approaches.¶ There are provisions in the Drone Act to protect manned aviation—airplanes and helicopters—from unmanned flight. But those provisions cannot prevent an inadvertent breach of controlled airspace. Also, as the drone population grows, so do the chances of a mid-air collision between two drones.¶ In addition to concern over drones entering closed airspace, some are worried unmanned aircraft could have their signals interfered with or fall victim to a “spoofing” attack.¶ University of Texas Professor Todd Humphreys and his team developed a software-based GPS transmitter designed to deceive—spoof—a drone.¶ He said sophisticated drones have two wireless communication linkages: the command and control link, which allows the operator to control the aircraft, and the GPS navigation link, which keeps the craft abreast of its own position. Spoofing is when a third party targets the GPS link, through which he could manipulate the drone.¶ Mario Mairena, spokesman for the Association for Unmanned Vehicle Systems International, which lobbies on behalf of the drone industry, said systems like SAASM—Selective Availability Anti-Spoofing Modules—already exist in military craft, and he expects that technology to transition to civilian drones in the coming years.¶ Drones also are susceptible to communications jamming, leaving the operator unable to control the aircraft. A craft with dual linkage would then go into “lost link protocol,” which would likely navigate the vehicle, using its remaining GPS connection, to a pre-designated landing spot. ¶ Despite the potential safety risks, the new technology has potential in a wide range of applications.¶ Mairena said UAS can provide assistance to first responders in search and rescue and during or after natural and man-made disasters, and they can also aid in scientific research. ¶ Unmanned aircraft can be equipped with infrared cameras, allowing responders to identify the heat signature of a body underneath a bank of snow on a mountain or under a pile of rubble in a disaster area. ¶ They can also be flown over land decimated by hurricanes or forest fires to help assess the damage, or through areas dangerous for humans such as a nuclear power plant immediately after a reactor leak or meltdown.¶ Researchers are also using drones. For example, University of Alaska Fairbanks utilizes them to monitor sea lions, because the animals retreat under water when approached by larger and louder manned craft.¶ Mairena also outlined potential commercial uses for unmanned aircraft. Farmers, he said, want to use UAS for crop dusting and disease detection, while oil and gas companies want to use UAS to inspect rigs and pipelines. Hollywood, too, wants to get its hands on unmanned aircraft to capture innovative camera shots and save money on manned aircraft costs.¶ A company called Darwin

Aerospace has even developed the Burrito Bomber, a drone equipped to carry and drop a parachute-wrapped burrito which it calls “truly the world’s first airborne Mexican food delivery service.” As drone technology becomes more popular, Mairena said he expects innovators will develop other practical applications for commercial integration.¶ Unmanned aircraft are already finding homes in local police departments and other law enforcement agencies. The specific provision in the Drone Act authorizing law enforcement and other government-funded entities to use UAS mandates aircraft must weigh 25 pounds or less, cannot be operated higher than 400 feet above the ground or near airports and must remain within naked eyesight of the operator. This portion of the law is contributing to much of the confusion surrounding domestic drone use, and is the reason behind much of the legislation proposed in state and federal governments to restrict the use of drones.¶ Right now, law enforcement can use drones to survey anything that is visible to the human eye without a warrant, said Amie Stepanovich, counsel at the Electronic Privacy Information Center. ¶ But drones can be equipped with penetrating technology like infrared thermal imaging cameras to uncover details that are not visible to the naked human eye. “It is physically impossible to hide from a drone within the typical home” if the drone is equipped properly, she said. At this point, with the technology being so new, Stepanovich said it is unclear whether such examinations will be considered “searches” under the Fourth Amendment, which would require law enforcement agencies to obtain a warrant before pursuing such an endeavor.¶ “There is currently no legislation that governs the collection or retention of information using drone technology,” she said. “Without comprehensive legislation or regulations to protect privacy, all individuals are at risk to having their rights to privacy violated by drone surveillance.”¶ Mairena disagreed. He said the industry believes the Fourth Amendment provides ample protection for citizens from invasions of privacy.¶ “We respect and support individuals’ rights to privacy and if anyone is misusing this technology, they should be punishable to the fullest extent of the law,” he said. “The Fourth Amendment of the U.S. Constitution has protected people from unreasonable searches and seizures for the past 225 years, and there’s no reason to think that the courts aren’t able to handle this new technology.”¶ Stepanovich, said, though, the “wait and see” approach to privacy is not sufficient. She cited the Electronic Communications Privacy Act of 1986, which regulated email privacy. “In no way can the ECPA be said to have hampered the Internet, but it did ensure that the new technology did not have a negative impact on individual privacy,” she said.¶ The concerns related to privacy go beyond just what drones can see, though. Because purchasing an unmanned aerial vehicle is much cheaper than buying a manned one—hundreds or thousands of dollars to buy as opposed to hundreds of thousands or millions of dollars—law enforcement can afford to have more of them in the sky.¶ American Civil Liberties Senior Policy Analyst Jay Stanley said that in American legal tradition, police don’t watch over citizens unless they have individualized suspicion a person is about to do something wrong. But, he said, drones could allow police to constantly monitor people tracking their movements and vehicles.¶ The unmanned vehicle lobby and the International Association of Chiefs of Police have both put forth guidelines for proper drone use. The lobby’s code of conduct includes one sentence addressing privacy that reads, “We will respect the privacy of individuals,” but provides no detail as to which uses do and do not violate an individual’s right to privacy.¶ Rep. Ted Poe, R-Texas, introduced the Preserving American Privacy Act last month that would ban all drone surveillance unless a warrant was first obtained, except during emergencies, if consent is given by the subject of the surveillance and

within 25 miles of the border. U.S. Customs and Border Patrol currently operates 10 Predator drones.¶ Virginia is considering a two-year moratorium on drone use. Thirty other states have introduced legislation to protect privacy and limit unmanned aircraft use.¶ Mairena said the privacy fears are overstated, noting that the only difference between unmanned and manned aircraft is the location of the pilot, of which the general public is much more accepting.¶ Humphreys, who calls himself a UAV proponent, said to ignore privacy concerns is bad for the industry. “My fear is that if we don’t proceed with due caution, we’re going to find ourselves confronted by a very angry public, both because of the privacy and the safety concerns,” he said.

Drone surveillance is set to increase

AP 5-22 [associated press “Justice Department issues policy on domestic drone use”

<http://www.aol.com/article/2015/05/22/justice-department-issues-policy-on-domestic-drone-use/21186497/>](sakin)

WASHINGTON (AP) — The Justice Department is acknowledging that the FBI, DEA and other federal law enforcement agencies are likely to make increasing use of unmanned aerial drones in the United States.¶ The department on Friday issued its first written guidelines for domestic drone use and emphasized the need to respect civil and constitutional rights.¶ The unmanned aircraft already have been used in kidnapping, drug and fugitive cases, as well as search and rescue operations, the department said. They also can be operated relatively cheaply.¶ The five-page policy document comes 19 months after the agency's inspector general recommended drone-specific policies that consider privacy rights. That report said that unmanned drones raised greater privacy concerns than pilot-operated aircraft because they can fly closer to homes and operate for days at a time.¶ The department said drones can't be used solely to monitor protests and other constitutionally protected activities.¶ Annual reviews will make sure the agency is complying with the new policy.

Drones Solve CT

Drones can resolve counter-terrorism

Shinkman 15 [Paul D. Shinkman is a national security reporter for U.S. News & World Report. June 18, 2015

<http://www.usnews.com/news/articles/2015/06/18/obama-cia-returning-to-controversial-drone-signature-strikes> "Obama, CIA Cornered Into Troubling 'Signature Strikes'" (Vaibhav)

The use of signature strikes returned to top headline space earlier this year, after Obama confirmed in April a U.S. aircraft had accidentally targeted and killed two hostages -- American Warren Weinstein and Giovanni Lo Porto, an Italian -- at a compound on the Afghanistan-Pakistan border. The president admitted the CIA had been tracking the compound and incorrectly determined the only occupants were enemy combatants. It launched the strike based on the "near certainties" protocols employed for U.S. counterterrorism strikes. Obama attributed the mistake to "the fog of war," adding, "in our fight against terrorists, specifically, mistakes and sometimes deadly mistakes can occur." The use of these controversial tactics is a result of the Obama administration's war policies, focused on bringing American ground forces home from protracted conflicts in Iraq and Afghanistan. Places like Libya, Syria and Yemen have become hotbeds for insurgent activity, but are also too dangerous for U.S. forces to operate in and provide a platform intelligence agents can use to gather information. The U.S. is then left to rely largely on 21st-century armed drone technology, born from the need to expand a watchful eye over the war in Afghanistan and steadily expanded during the George W. Bush and Obama administrations. The recent popularity of drone operations has put an incredible strain on the Air Force, largely responsible for operating the aircraft. When asked about death of al-Wahishi on Tuesday, Pentagon spokesman Army Col. Steve Warren declined to comment specifically. But the news, combined with the announcement the U.S. had also killed Mokhtar Belmokhtar in Libya this week, shows the effectiveness of U.S. counterterrorism efforts even without having to deploy troops to those countries, he said. "Even though we no longer have a presence in Yemen, no more boots on the ground, we don't have a presence in Libya, but we still have global reach," Warren said. "We still retain the ability to find, and kill terrorists wherever they are hiding in the world." Signature strikes have been an effective but imprecise tool used by U.S. intelligence and military units in the wars in Afghanistan and Iraq, and in the worldwide hunt for al-Qaida, to break terrorist networks' swift methods of moving operatives, particularly their top leaders. Retired Army Gen. Stanley McChrystal, the high profile former head of the military's shadowy Joint Special Operations Command, admitted after retiring in 2013 the appeal of the strikes and their inherent dangers.

Link - Privacy/Civil Rights

Privacy momentum specifically targets drones but the momentum is being controlled now

Delany 14 [International relations expert "Drone industry says it's being targeted by civil liberties groups" <http://innovationtrail.org/post/drone-industry-says-its-being-targeted-civil-liberties-groups>](Sakin)

¶ **The commercial drone industry says privacy advocates are unfairly targeting it when it comes to privacy and surveillance concerns.** ¶ The unmanned aerial systems industry wasn't even expecting to have to fight over privacy when it came to the integration of drones into the national airspace. ¶ "When the FAA bill passed, we had no idea privacy was going to be the issue de jour, of the day, for the next years to come," said Mario Mairena, who handles government relations for the Association of Unmanned Vehicle Systems International, a leading industry trade group. ¶ Mairena recently spoke to a gathering of companies involved in central New York's drone testing center, known as NUAIR. ¶ **AUVSI and Mairena have successfully lobbied against nearly two dozen congressional bills dealing with drones and privacy.** The Federal Aviation Administration has been tasked by Congress to develop regulations on commercial drones but privacy controls remain vague. ¶ **Mairena says civil liberties groups are trying to scare the public about drones' potential uses,** such as agriculture or search and rescue operations. ¶ "Any new technology could be misused," he told the room. "Where would be today, who'd of thunk it, 15 years ago we would have had to deal with anti-bully measures for uses on the internet." ¶ The American Civil Liberties Union and others have called for rules guiding the integration of drones, saying the cameras they're equipped with could be used for unwarranted surveillance and spying. Some states and communities have already banned drone use. ¶ Mairena says his industry does support enforcement of the Fourth Amendment, which protects against unlawful searches. ¶ "Our position is, we support Fourth Amendment rights, and if anyone is carelessly or recklessly utilizing UAS and your Fourth Amendment right has been violated, they should be held accountable and punishable to the fullest extent of the law," he said.

Domestic drone tests bring concerns about privacy violation

Wald '13, reporter

Matthew L., New York Times, http://www.nytimes.com/2013/12/31/us/politics/us-names-domestic-test-sites-for-drone-aircraft.html?_r=0, EC

WASHINGTON — The Federal Aviation Administration will authorize test sites for drone aircraft in upstate New York, New Jersey and at least eight other states, the agency said on Monday, preparing for a time when unmanned aircraft of various shapes and sizes cruise over the landscape.¶ The agency picked six institutions to operate test locations, which will explore how to set safety standards, train and certify ground-based pilots, ensure that the aircraft will operate safely even if radio links are lost and, most important, how to replace the traditional method for avoiding collisions. Integrating the aircraft into the nation's airspace, set by Congress for 2015, will be phased in gradually.¶ Already, federal investigators have linked one drone aircraft to a problem that would have been almost inconceivable if a pilot had been on board:

The engine failed, and no one noticed.¶The F.A.A. did not say precisely where the test flights would go, but it did say that selections were made with an eye toward diversity, including operations in areas of heavy air traffic, like the Northeast, and Nevada’s border with California.¶ While the public is mostly aware of drones like Predators, Global Hawks and other high-altitude, long-range planes operated by the government, Monday’s announcement covers commercial and private aircraft.¶ These include electric helicopters that a landlord could use to inspect a rooftop water tower; midget helicopters, which can fly close to power lines and are started by yanking a cord like the one on a chain saw; and Styrofoam planes that run on lighter fluid and can fly over fields to look for agricultural pests. Police and fire departments are among those eager to operate drones.¶ Competition to host the test sites was fierce, with state economic development agencies predicting the expansion of a major industry.¶ The six winners, chosen from a field of 25, included Griffiss International Airport, a former Air Force base near Rome, N.Y., which will fly some tests from Cape Cod in Massachusetts, and Virginia Tech, which will fly in Virginia and has an agreement with Rutgers University in New Jersey for testing there as well. Virginia Tech plans to conduct “failure mode” testing — finding out what happens if the aircraft’s control link is lost.¶ The other winners were the University of Alaska, which plans to test in Hawaii and Oregon as well as Alaska, the State of Nevada, the North Dakota Department of Commerce, and Texas A&M University Corpus Christi. Michael P. Huerta, the administrator of the F.A.A., said the sites provided diverse geography, climate and air traffic density.¶ Mr. Huerta said the choice of the six institutions marked a milestone for the aircraft, whose proponents prefer to call them “unmanned aerial systems.” But he said that while a 2012 law sets 2015 as the year by which they should be integrated into an airspace shared with conventional airplanes, “we would envision that that would be a staged process, as we learn more about what these aircraft are, and how they interact with other aircraft.”¶ The phase-in could be by type of drone or by type of airspace, or some other factor. The research will continue until 2017, the F.A.A. said. Flights are expected to begin within six months.¶ The basic concept of integrated airspace is that everything in the sky — manned or not — will use the Global Positioning System to determine its location, and will radio that information to the ground, where a computer will develop a whole picture and send that to all pilots. Sophisticated drones could use that data without human intervention to sense conflicts with other aircraft.¶ Mr. Huerta said that the agency had already issued the first commercial license for drone use: In Alaska it gave ConocoPhillips, the oil company, permission to use a ScanEagle off the Alaska coast.¶ The United States uses the ScanEagle as a spy plane; Iran claims to have captured one and copied its design.¶ The F.A.A. has put several privacy requirements in place for the test program. Site operators will be required to publish privacy policies, covering how they will use the data they gather and how long they will retain it, among other steps.¶ Many elected officials celebrated the selection of sites in their jurisdictions. Senator Heidi Heitkamp, a Democrat from North Dakota, said the selection of Grand Forks would help the drone industry grow and “help make sure it can become a key part of North Dakota’s economy.”¶ Some were less certain. “It’s good news and bad news,” said Luis R. Sepulveda, an assemblyman from the Bronx, who said that a bill he introduced this year to limit police use of drones would reach the Assembly floor in Albany in January or early February.¶ “There’s an opportunity for economic development of a new industry, with the potential to be a billion-dollar industry,” he said. “But we have some concerns about privacy. These are devices that can be disguised in such a way that you don’t

even know you're being recorded." ¶ A lawyer in New York who specializes in drones, Brendan Schulman, said the announcement was about a year behind schedule, meaning that integration into the air traffic system might also be delayed. ¶ "The future regulatory framework remains unknown and potentially could be quite burdensome," he said, although "the test site news is a glimmer of hope." ¶ Daniel R. Benson, a New Jersey state assemblyman, said: "You want to see the technology being tested. It's going to mean we're at the cutting edge and hopefully it will bring jobs in the future." ¶ But he added, "any new technology also brings new concerns."

The military tests drones domestically- but privacy activists are opposed

Lynch '12, Senior Staff Attorney with the Electronic Frontier Foundation

Jennifer, "Newly Released Drone Records Reveal Extensive Military Flights in US", <https://www.eff.org/deeplinks/2012/12/newly-released-drone-records-reveal-extensive-military-flights-us>

View EFF's new Map of Domestic Drone Authorizations in a larger window. ¶ Today EFF posted several thousand pages of new drone license records and a new map that tracks the location of drone flights across the United States. ¶ These records, received as a result of EFF's Freedom of Information Act (FOIA) lawsuit against the Federal Aviation Administration (FAA), come from state and local law enforcement agencies, universities and—for the first time—three branches of the U.S. military: the Air Force, Marine Corps, and DARPA (Defense Advanced Research Projects Agency). ¶ Military Drone Flights in the United States ¶ A160 Hummingbird Drone ¶ While the U.S. military doesn't need an FAA license to fly drones over its own military bases (these are considered "restricted airspace"), it does need a license to fly in the national airspace (which is almost everywhere else in the US). And, as we've learned from these records, the Air Force and Marine Corps regularly fly both large and small drones in the national airspace all around the country. This is problematic, given a recent New York Times report that the Air Force's drone operators sometimes practice surveillance missions by tracking civilian cars along the highway adjacent to the base. ¶ The records show that the Air Force has been testing out a bunch of different drone types, from the smaller, hand-launched Raven, Puma and Wasp drones designed by Aerovironment in Southern California, to the much larger Predator and Reaper drones responsible for civilian and foreign military deaths abroad. The Marine Corps is also testing drones, though it chose to redact so much of the text from its records that we still don't know much about its programs.

I/L Privacy Kills Innovation

Drone Paranoia block innovation

Basulto 14 [innovation writer for the Washington Post “The insidious effect of our paranoid drone culture” <http://www.washingtonpost.com/blogs/innovations/wp/2014/10/21/the-insidious-effect-of-paranoid-drone-culture/>] (sakin)

¶ The problem is, all this drone paranoia could have a chilling effect on innovation. Instead of devising new uses for drones, we’ll spend all our time devising anti-drone technology. We’ll be walking around in anti-drone camouflage, carrying around special personal drone detection systems and reaching for special devices that can disable the video cameras and infrared capabilities of drones. The more money that companies need to spend lobbying for drones, the less money they’ll have to pump into drone R&D. And that will be bad for innovation.¶ For now, the best way to address all the safety and privacy concerns Pentagon and Homeland Security account for most of the drones being flown today in the United is to have as much transparency as possible about who has drones and why. Since the States, it means that the greatest transparency has to start with the very people who probably want the least transparency possible when it comes to drones. That being said, there have been some encouraging signs. For example, organizations such as the Electronic Frontier Foundation (EFF) and Citizens for Responsibility and Ethics in Washington (CREW) have successfully forced the federal government to open up about its drone fleets. And now comes signs that the White House is about to sign an executive order forcing all federal agencies to detail how and why they are using drones.

Current FAA rules are sufficient for innovation – any new privacy momentum kills drones

Kaminski 2-25 [Margot E. Kaminski is an assistant professor of law at the Ohio State University Moritz College of Law and an affiliated fellow of the Yale Information Society Project. “The Rules of the Sky”

http://www.slate.com/articles/technology/future_tense/2015/02/faa_small_commercial_drone_rules_don_t_adequately_address_privacy_concerns.html]

The Federal Aviation Administration finally announced its proposed rules for small commercial drones (those fewer than 55 pounds) on Feb. 15. The proposed rules are considerably less stringent than expected. With the practical hurdles for commercial drone flight plummeting, it is time to turn our sights in earnest toward the privacy problem.¶ On Valentine’s Day 2012, the president signed the FAA Modernization and Reform Act, which, among other things, tasked the FAA with integrating small drones into the national airspace system. The FAA was supposed to have a final rule in place by August 2014 but was repeatedly described as lagging far behind. In November, several news outlets reported that the FAA had finally devised a set of rules for small drones. Those rules were sent to the White House for review. But the proposed rules were rumored to be strict, failing to distinguish between different sizes of drones under 55 pounds, and requiring operators to “have a license, and limit flights to daylight hours, below 400 feet and within sight of the person at the controls,” according to the Wall Street Journal.¶ The actual rules that came out this year—an almost perfect three years after the FAA was tasked with

addressing drones—are less stringent than expected and include room for at least one significant loophole for microdrones under 4.4 pounds. Yes, a drone will need to be flown within an operator’s eyesight and can’t climb above 500 feet. They cannot be flown over people. But the FAA has clarified that the license required for commercial small drone operations would not be a commercial pilot license, but a special “UAS operator certificate,” which will be far easier to obtain. (It will also be relatively affordable—the cost is anticipated to be less than \$300.) Small drones would not need to meet strict airworthiness standards, as feared. Moreover, the FAA has called for comments on the possibility of a “micro” UAS rule, for drones under 4.4 pounds, probably based on an industry proposal that such drones be treated with an even lighter regulatory hand. (Bad news for Amazon, though: Drones still can’t drop objects.)[¶]**All of this is probably good news for drone innovation,** although it could still take years before the rules will be finalized. (Anybody who wants to participate in rule formation by commenting should keep an eye on when the rules are formally published, which will start the clock ticking on the comment process.) In the meantime, most commercial drone use will remain banned. Until the rules are finalized, the FAA will continue to permit commercial drone flight only through its current relatively ad hoc process.[¶] But what about privacy? Drones—including small drones, and especially those driven by commercial motives to voraciously gather all kinds of information—can pose significant privacy threats. They see from new vantage points, they are far lower-cost than older aerial technologies, and they can move over boundaries that otherwise protect activity from sight. **These are only a few reasons why drones have been predicted to be a “privacy catalyst”—the drivers of robust discussions about the enactment of new privacy regulations.**[¶] The FAA has very little to say about privacy, which might not be surprising. It is primarily an agency concerned with aircraft safety. When the Electronic Privacy Information Center, a public interest group focused on privacy policy, petitioned the FAA in 2012 to address the threat from drones to privacy and civil liberties, the FAA responded that it “prioritizes its rulemaking projects based on issues that are crucial to the safety of the aviation community and the traveling public.” Similarly, in the required privacy impact assessment that accompanied the FAA’s draft drone rules, the FAA acknowledge privacy concerns over drone operations but pointed elsewhere for legal solutions.

Impact Module: Heg

Tons of other drone threats mean we're at the critical point

Rayne 4-30-15, Writer at American Thinker

Sierra, "The Future of Drone Warfare",

http://www.americanthinker.com/articles/2015/04/the_future_of_drone_warfare.html

According to a Teal Group report that Lerner cites, more than \$6 billion is spent each year on developing drone technology worldwide, a number that is expected to double over the next decade. Almost **90 percent** of this spending is expected to be on military applications. The RAND Corporation notes that 70 nations already have acquired drones, while 50 countries are developing them. Defense One noted predictions from some experts that "virtually every country on Earth will be able to build or acquire drones capable of firing missiles within the next ten years."¶ Analysis by IHS Inc. shows that the United States will likely remain the largest drone user for the foreseeable future. Currently, the U.S. constitutes nearly half of the global drone market, with the U.S. Air Force at half the American demand.¶ Prior to 2015, the U.S. exported armed drones only to the United Kingdom, with some other NATO countries receiving unarmed drones. Starting in February 2015, the Obama administration approved widespread drone exports with certain conditions. Each case will be assessed separately, and foreign military sales regulations will apply. Potential purchasers will need to commit to basic principles of use with respect to international law on military force and human rights, agree not to use them for unlawful domestic surveillance, and agree to potential end-use monitoring. Under the non-binding Missile Technology Control Regime (MTCR), Lerner points out that the U.S. has "committed to approaching requests for our armed drones with a 'strong presumption of denial' – meaning if a country comes to us asking to buy our drones, if they have a range of more than 300 km and can carry more than 500 kg, we force that country to make a strong case for why they should have these drones."¶ Lerner's research further highlights a Frost & Sullivan study showing that Israel is the largest drone exporter, sending about half its exports to Europe, about one-third to the Asia-Pacific, and a little over 10 percent to South America. Several European nations – such as the U.K. and France – are developing combat drones in collaborative networks to reduce their reliance on American and Israeli drones. South Korea and developing nations such as Colombia and India are also working on their own military drone capacity. Of course, China, Russia, Iran, and various non-state actors such as Hezb'allah and Hamas are also using and developing drone technology.¶ Among potential adversaries, China likely has the most advanced drone program. While not yet equal to the U.S. program, Lerner refers to a Project 2049 Institute report indicating that the Chinese have an "extensive design, [research and development], and production infrastructure spread across state-run industries and universities." China's drone programs started in the 1950s using downed Soviet drones that were reverse-engineered, but the real thrust of China's program began in the late 1990s and has been augmented by recent Chinese hacking efforts into the U.S. defense establishment.¶ As one might expect, Russia's drone programs took a major hit after the fall of the USSR, but serious efforts – helped by \$9 billion in funding – have been made since 2005 to restart the programs and catch up to the Americans. From interviewing other experts, Lerner learned that the Russian program went "dark" a few years ago and was probably taken over by Russian Army intelligence.

Lerner also notes that the Russians are reportedly working on a drone base just 400 miles from Alaska in order to provide better reconnaissance capacity to the Russian fleet in the northern Pacific. Iran's active drone program is working on long-range armed drones with potential capability to reach Israel. Iran claims to have captured and reverse-engineered U.S. drones, but Lerner says these claims warrant suspicion because of Iran's long history of related propaganda. In discussions with Lerner, Steve Zaloga from The Teal Group stated the following: Short term, the US probably does have a fair amount of concern about Iranian UAV [unmanned aerial vehicle] operation and use, and not because they are terribly sophisticated. I would describe it more as a nuisance than a serious threat, but the U.S. military is still concerned. Iranian UAVs will probably grow in complexity and sophistication, especially if Iran is able to tap into a significant exporter. So for example, if China decides to support Iran by permitting UAV sales, that could bring about a very, very big change. Among the non-state actors, Hezb'allah is the largest drone threat. The group reportedly has over 200 drones and has repeatedly violated Israeli airspace – including near Haifa and Dimona (where Israel is thought to house its nuclear weapons). Hamas also has drones and brought them into Israeli airspace from Gaza last year. Lerner points to a Lexington Institute article by Daniel Goure calling small drones "[t]he IEDs of the Next War":

Drones are necessary to maintain military dominance

Singer 2-23-15, Strategist for the New American Foundation

Peter Warren, "The future of war will be robotic",
<http://www.cnn.com/2015/02/23/opinion/singer-future-of-war-robotic/>

On the ground, the inventory numbers some 12,000, ranging from iRobot's PackBots, used to search for roadside bombs in Afghanistan, to the U.S. Marine Corps Warfighting Lab's tests with Qinetiq's Modular Advanced Armed Robotic System, a tracked robot that mounts cameras and a machine gun. This revolution is by no means just an American one. At least 87 other countries have used military robotics of some sort, ranging from the UK to China, which has an especially fast-growing drone fleet, as shown off at its recent arms trade show. A number of nonstate actors have added robots to their wares as well, including most recently both sides of the Syrian civil war, as well as ISIS. Both sides in the Ukraine conflict are also using them. These robots, though, are just the start. If this was 100 years ago, they would be the equivalent of the Bristol TB 8, the first bomber plane, or the Mark I, the first tank used in battle. A host of changes awaits us. Their size, shape and form will move in wild and, for many, quite scary new directions. A future Marine squad might not just have an armed robot on the ground -- the plan is that it will also have its own microdrone, such as the PD-100 Black Hornet. The size of a hummingbird, it weighs 18 grams, and will allow a Marine to safely peer around a corner or sneak up on a sniper waiting to ambush the squad from the window of a five-story building down the road. Or, overhead might be a Zephyr, a solar-powered drone with 74-foot wings, that could stay in the air for 11 days. Perhaps the biggest change that looms, however, is in the robots' intelligence and autonomy. The early Predator-class systems were "unmanned" only in that a human wasn't inside them. On the ground, human operators had to remotely instruct their every function and move. The current versions are now more automated, able to do things like take off and land on their own, fly to various mission waypoints on their own, and carry sensors that make sense of

what they are seeing for the humans.¶ This next, more autonomous stage is perhaps best illustrated by the debate in Congress last year over the Navy's Unmanned Carrier-Launched Airborne Surveillance and Strike program, UCLASS for short. Its progenitor, the Northrop X-47 test aircraft, has been able to perform one of the toughest human pilot tasks of all -- taking off from and landing on an aircraft carrier -- and is now being tested on functions like air-to-air refueling and partnering with manned planes. UCLASS is the next stage of a more advanced, jet-powered and stealthy system going operational.¶ But the main debate is not whether to deploy such drones as a regular part of a carrier's air wing, but how much of their role would be for reconnaissance -- or whether they would follow the natural evolution into a focus on bombing and strike missions, seeking to cause damage to any enemy they find, not just watching them. That is just what happened with those early manned airplanes a century ago.¶ Similarly, the British are testing an unmanned system called Taranis that is not just jet-powered and stealthy but also explores new target selection software.¶ We are not yet in the world of the Terminators or "The Matrix," where machines make their own decisions on when and where to go to war. Nor is the human role disappearing from war, or old technology going away. The current Iraq War 3.0 has all the players -- the U.S., ISIS, Iran, and Iraqi government forces -- using both drones and traditional boots on the ground.¶ But it is clear that something important is afoot in the discussion of humans, our technology and our wars. The human role has shifted from being "in the loop" of decision with our machines, making all the key calls to, as a U.S. Air Force report described it, "on the loop" of decision, where our role is more to manage than to direct the operations of robots. Cyberconflict is one area in which artificial intelligence and software algorithms increasingly make most of the decisions at digital speed.¶ The looming debate then is whether that human role will ever move ultimately "out of the loop." Many are deeply concerned by this prospect, arguing that it should be nipped in the bud, just as many wish H.G. Wells' concept of an "atomic bomb" had never been invented. They've started to organize to prevent research into autonomous armed robots and called for arms treaties banning the technology.¶ Whether that is possible remains to be seen, as both science and war have a long history of escaping their bounds. But one thing is clear: Like the present, the future of war will be robotic.

<Insert Heg good>

Impact Module: Agriculture

Drone surveillance is vital to sustaining long term agricultural resiliency

Best 13 [worker for the natural the natural resources defense council “The Surprising New Domestic Drone Market: Agriculture” <http://www.takepart.com/article/2013/04/02/drones-farm-surprising-new-market-unmanned-aircraft>] (sakin)

You’re probably already aware of the “coming of the drones.” While the U.S. government has had seemingly little compunction about unleashing a stealth fleet of unmanned aircraft in places like Iraq and Afghanistan, it’s been reluctant to allow similar winged bots to take to the skies here. And while much attention of late has been given to how law enforcement agencies might use drones to fight crime (or invade privacy, depending on your point of view), what’s surprising is that, in the drone industry, the real money isn’t on the cops—but the crops.¶“Agriculture is gonna be the big market,” Chris Mailey, a VP at the Association for Unmanned Vehicle Systems International, tells Wired.¶Even before the sequestration, the drone industry was preparing for stagnation in the military market, owing to the fact that the U.S. is finally winding down its wars overseas. Law enforcement on the homefront seemed like a natural market (and, in fact, some police drones are already hovering out there, like in Miami), but as Mailey argues in Wired, the market is fixed: there are 18,000 law enforcement agencies in the U.S., a sizeable portion of which are facing budget cuts of their own.¶So what about drones on the farm? Drone boosters (pause: with a phrase like that, it really does hit you that you’re living in the 21st century) enthuse about the range of cool things that drones can do that Old MacDonald could only ever dream about, like detecting fungal diseases in the field well before crops show signs of infection, and thus leading to earlier and more effective treatment.¶As Fast Company reports, a Canadian company called CropCam is hawking a GPS-controlled glider plane equipped with a camera that will snap geotagged hi-res images of fields, giving farmers a birds-eye view of which crops are healthy and which need some TLC. Farm drones could also allow for targeted spraying, especially for specialty crops that are either too difficult or too dangerous to spray with manned aircraft. Researchers at the University of California, Davis are experimenting with farm drones for spraying grapes in Napa Valley; over in Japan, where farm drones have been in use since 1990, 30 percent of the country’s rice paddies are sprayed using unmanned aircraft.

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Impact Module: China

US drone deterrence is key to prevent a China Taiwan war, China is militarizing now.

Gertz 5-8-15, senior editor of the Washington Free Beacon

Bill, "China Preparing for Drone Warfare", <http://freebeacon.com/national-security/china-preparing-for-drone-warfare/>

China's military plans to produce nearly 42,000 land-based and sea-based unmanned weapons and sensor platforms as part of its continuing, large-scale military buildup, the Pentagon's annual report on the People's Liberation Army (PLA) disclosed Friday. ¶ China currently operates several armed and unarmed drone aircraft and is developing long-range range unmanned aerial vehicles (UAVs) for both intelligence gathering and bombing attacks. ¶ The acquisition and development of longer-range UAVs will increase China's ability to conduct long-range reconnaissance and strike operations," the report said. ¶ China's ability to use drones is increasing and the report said China "plans to produce upwards of 41,800 land- and sea-based unmanned systems, worth about \$10.5 billion, between 2014 and 2023." ¶ Four UAVs under development include the Xianglong, Yilong, Sky Saber, and Lijian, with the latter three drones configured to fire precision-strike weapons. ¶ "The Lijian, which first flew on Nov. 21, 2013, is China's first stealthy flying wing UAV," the report said. ¶ The drone buildup is part of what the Pentagon identified as a decades-long military buildup that last year produced new multi-warhead missiles and a large number of submarines and ships. ¶ PLA missile ranges ¶ Additionally, the Pentagon for the first time confirmed China's development of an ultra-high speed maneuvering strike vehicle as part of its growing strategic nuclear arsenal. ¶ **"China is working on a range of technologies to attempt to counter U.S. and other countries'** ballistic missile defense systems, including maneuverable reentry vehicles (MaRV), [multiple, independently targetable reentry vehicles], decoys, chaff, jamming, and thermal shielding," the report, made public Friday, states. ¶ "The United States and China acknowledge that the Chinese tested a hypersonic glide vehicle in 2014," the report noted. ¶ It was the first time the Pentagon confirmed the existence of what is known as the Wu-14 hypersonic glide vehicle, a strike weapon that travels at the edge of space at nearly 10 times the speed of sound. ¶ The Wu-14, designed to deliver nuclear weapons through U.S. missile defenses, was first disclosed by the Washington Free Beacon, which reported on three tests conducted in 2014. ¶ "Together with the increased mobility and survivability of the new generation of missiles, these technologies and training enhancements strengthen China's nuclear force and bolster its strategic strike capabilities," the report said. ¶ "China will likely continue to invest considerable resources to maintain a limited, but survivable, nuclear force to ensure the PLA can deliver a damaging responsive nuclear strike." ¶ Rick Fisher, a China military affairs analyst, said the report is the Pentagon's most detailed assessment in recent years. ¶ "By far it is the most detailed PLA report in terms of explaining near to medium term threat vectors but does not venture enough into the far term, the later 2020s and beyond," said Fisher, with the International Assessment and Strategy Center. ¶ The report also highlights the threat facing Taiwan. "It is a tragedy that the Obama administration does not pay attention to **these assessments when it continually denies**

Taiwan new weapons systems it requires to continue to deter China,” Fisher said.¶**The Chinese military, once a backward, ill-equipped force, is rapidly becoming a very sophisticated high-technology military organization that is focused on developing asymmetric warfare capabilities that will allow it to defeat the United States or other advanced militaries in a future conflict.**¶ The new capabilities include anti-satellite weapons, including a high-earth orbit missile capable of hitting strategic satellites as high as 22,000 miles in space, and cyber warfare capabilities.¶ But the major weapons systems that receive the most attention in Chinese defense spending, estimated by the Pentagon to be more than \$175 billion annually, are missiles.¶ China’s Second Artillery Corps, as its nuclear and conventional missile service is called, is building several new classes and upgrades of offensive missiles, including hypersonic vehicles.¶ **More than 1,200 short-range missiles are now deployed within range of Taiwan,** with which China has vowed to reunite, with force if necessary, since the island broke away at the end of the 1940s civil war against the Communists.¶ **“China is increasing the lethality of its conventional missile force by fielding a new ballistic missile, the CSS-11 (DF-16), which possesses a range of 800-1,000 km [500 to 620 miles],”** the report said.¶ **“The CSS-11, coupled with the already deployed conventional variant of the CSS-5 (DF-21) medium-range ballistic missile (MRBM), will improve China’s ability to strike not only Taiwan, but other regional targets.”**

Technological superiority is necessary to deter china

SCMB 14 [writer from reuters “China's military power an increasing threat to US, Pentagon official admits” <http://www.scmp.com/news/china/article/1416416/chinas-military-power-increasing-threat-us-pentagon-official-admits>] (sakin)

¶ **The US military’s technological superiority is increasingly challenged by China, and efforts to maintain an edge are complicated by shrinking defence budgets that have cut money for development,** the Pentagon’s top weapons buyer said on Tuesday.¶ Frank Kendall, **the deputy undersecretary of defence for acquisition and technology,** told lawmakers that the US military’s technological superiority is being “challenged in ways that I have not seen for decades, particularly in the Asia-Pacific region”, where China is pursuing a rapid modernisation program.¶ [China's] budget is far smaller than ours. But their personnel costs are also far smaller than ours.¶ Frank Kendall, undersecretary of defence, ¶ **“Technological superiority is not assured,”** Kendall told the Armed Services Committee in the House of Representatives. “This is not a future problem. This is a here-now problem.”¶ With China, Russia and other countries **rapidly modernising their militaries, Pentagon officials are voicing increasing concern about the possibility of losing the technological edge that has enabled the US military to dominate the battlefield over the past 25 years.**¶ US defence officials say they do not expect a conflict with China or Russia, but the chances are that **some of what they develop will be sold to other nations and the US military may eventually face those systems.**¶ Defence Secretary Chuck Hagel underscored the value of advanced research in a visit this month to Sandia National Laboratories in New Mexico, saying the **“technological edge that we’ve been able to maintain is critically important ... in the world that we’re in today with more complications, more combustibility”.**¶ Admiral Samuel Locklear, the head of US Pacific Command, told reporters in Washington recently that the military’s “relative dominance” had been diminishing after a period of unequalled superiority.¶ “That’s not something to be afraid of; it’s just to be pragmatic about,” Locklear said, adding that the military would have to think carefully about

which systems to develop in the future in order to maintain that edge.¶¶ Asked by a lawmaker how the technology race with China was going, Kendall indicated it was not positive, even though US defence spending is far greater than China's.¶¶ The base US defence budget will drop below US\$500 billion this year, while China's grew to US\$119 billion last year after another double-digit jump.¶¶ "Overall, China's military investments are increasing in double-digit numbers each year, about 10 per cent," Kendall said. "Their budget is far smaller than ours. But their personnel costs are also far smaller than ours."¶¶ Personnel costs make up roughly half of the US defence budget.¶¶ Kendall told lawmakers the Pentagon's ability to respond by developing new technologies was "severely limited by the current budget situation", with the department facing hundreds of billions in cuts to projected spending over the next decade.¶¶ Lawmakers voiced concern about not having known about Pentagon concerns earlier and asked Kendall when he first realised US technological superiority was being challenged.¶¶ "We've had a steady decline [in spending] over the last several years of cuts ... We've been pleading with you guys to come over and tell us the problem," congressman Randy Forbes of Virginia, a Republican, told Kendall.¶¶ Kendall said the issue became "a more visible concern" when the department conducted a strategic review after Congress approved the budget cuts in 2011.¶

---XT: Domestic Drones KEY

Domestic drones are key to military success- there's 64 known bases

Franceschi-Bicchierai '12, reporter

Lorenzo, "Revealed: 64 Drone Bases on American Soil", <http://www.wired.com/2012/06/64-drone-bases-on-us-soil/>

¶ WE LIKE TO think of the drone war as something far away, fought in the deserts of Yemen or the mountains of Afghanistan. But we now know it's closer than we thought. There are 64 drone bases on American soil. That includes 12 locations housing Predator and Reaper unmanned aerial vehicles, which can be armed.¶ Public Intelligence, a non-profit that advocates for free access to information, released a map of military UAV activities in the United States on Tuesday. Assembled from military sources — especially this little-known June 2011 Air Force presentation (.pdf) — it is arguably the most comprehensive map so far of the spread of the Pentagon's unmanned fleet. What exact missions are performed at those locations, however, is not clear. Some bases might be used as remote cockpits to control the robotic aircraft overseas, some for drone pilot training. Others may also serve as imagery analysis depots.¶ The medium-size Shadow is used in 22 bases, the smaller Raven in 20 and the miniature Wasp in 11. California and Texas lead the pack, with 10 and six sites, respectively, and there are also 22 planned locations for future bases. "It is very likely that there are more domestic drone activities not included in the map, but it is designed to provide an approximate overview of the widespread nature of Department of Defense activities throughout the US," Michael Haynes from Public Intelligence tells Danger Room.¶ The possibility of military drones (as well as those controlled by police departments and universities) flying over American skies have raised concerns among privacy activists. As the American Civil Liberties Union explained in its December 2011 report, the machines potentially could be used to spy on American citizens. The drones' presence in our skies "threatens to eradicate existing practical limits on aerial monitoring and allow for pervasive surveillance, police fishing expeditions, and abusive use of these tools in a way that could eventually eliminate the privacy Americans have traditionally enjoyed in their movements and activities."¶ As Danger Room reported last month, even military drones, which are prohibited from spying on Americans, may "accidentally" conduct such surveillance — and keep the data for months afterwards while they figure out what to do with it. The material they collect without a warrant, as scholar Steven Aftergood revealed, could then be used to open an investigation.

AT: FAA Regs

FAA regs were just good enough to spur drone innovation – innovation is still on the brink

McFarland 5-7 [editor for innovations and writer for the Washington Post “The FAA and the drone industry are turning over a new leaf”

<http://www.washingtonpost.com/blogs/innovations/wp/2015/05/07/the-faa-and-the-drone-industry-are-turning-over-a-new-leaf/>] (sakin)

The drone industry and the FAA haven’t always seen eye to eye, but both sides appear to be finding common ground and moving toward safely integrating drones into U.S. skies.¶ The FAA announced Wednesday that it would allow PrecisionHawk and BNSF Railway to test drone flights outside the line of sight of pilots. As part of this Pathfinder Program CNN will be allowed to test drones over cities. The FAA, which didn’t include outside of line-of-sight operations in its proposed rules this February, now appears fully committed to testing and determining if it can be done safely.¶ Relations between the sides had been strained previously, as the FAA missed deadlines for making commercial drone flights legal. Some drone advocates warned that the United States was being left behind as other nations moved quicker to provide rules for drones.¶ But now, Michael Drobac, executive director of the Small UAV Coalition, says that **a spirit of camaraderie and community has developed between U.S. regulators and the drone industry.**¶ “It’s a real triumph for technology, for consumers and for safety,” Drobac said. **“Now we’re seeing a certain degree of coordination of movement at the FAA with industry partnerships,** a kind of mindshare and a working relationship that is going to develop into something that will allow the U.S. to surge forward in grand fashion to take center stage and lead the world again.”¶ In his Wednesday speech, FAA administrator Michael Huerta said that data gathered at the trials could lead to FAA-approved operations in the next few years.¶ “The FAA for so long was asking industry to bring them solutions and I think that we’ve seen the fact that they are very responsive to that,” said Lisa Ellman, co-chair of McKenna Long & Aldridge’s unmanned aircraft systems group, who previously worked on drone policy at the U.S. Justice department.¶ Earlier this year the FAA streamlined the process for drone operators to apply for and receive an exemption to fly commercially. (Previously some exemption holders had grown frustrated with the time it took the FAA to approve flights, which hampered their ability to take on jobs.)¶ In January, PrecisionHawk presented Latas, its new air traffic management system, to the FAA as a solution for ensuring safe flights beyond line of sight. PrecisionHawk spokeswoman Lia Reich described that as building a trust that led its inclusion in the Pathfinder Program.¶ **“We still have a long ways to go in planning what this is going to look like,”** Reich said. **“But we’re ready to start right away, starting to feed data back to the FAA.”**

FBI/CIA Cooperation DA

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FBI and CIA cooperation's ongoing and successful now

Hitz '13, Adjunct Professor, University of Virginia School of Law and Frank Batten School of Leadership and Public Policy

Frederick, "THE RISE OF THE SPY COMMANDO AND REORGANIZED OPERATIONAL CAPABILITIES", http://www.harvard-jlpp.com/wp-content/uploads/2013/10/35_1_245_Hitz.pdf

Ten years after September 11, there has not been an attack in the United States on a similar scale since that horrific day. We have experienced near misses, such as the failures of both the underwear bomber on Christmas Day, 2009 and the Times Square bomber in May 2010. We experienced the shootings of twelve soldiers by an Arab-American military psychiatrist at Fort Hood Army base in November 2009, although it is not clear that attack was terrorist-inspired. Nonetheless, there have not been any recurrences of terrorist killing in the United States on a mass scale. Why? A simple answer is that we are no longer the unaware, unprotected country we were in early September 2001. Airport security procedures are more elaborate, and the notion of "if you see something, say something" has become widespread. Nonetheless, it is important to ask if we have just been fortunate or if we are demonstrably better at international counterterrorism. Ten years after September 11, there are many new players in the world of U.S. counterterrorism. In addition to calling for the creation of a Director of National Intelligence⁹ and a National Counterterrorism Center,¹⁰ the 2004 9/11 Commission Report encouraged information sharing among government departments with access to intelligence on terrorism.¹¹ Indeed, the 9/11 Commission noted that the September 11 attacks were the product of a plot dreamed up in Hamburg, Afghanistan, and Madrid, within the operational jurisdiction of the CIA and the U.S. Department of State, but the action was destined to take place in the United States, where responsibility for stopping it fell largely to the FBI and local law enforcement.¹² In an age of instant communications, the CIA and FBI ought to be in constant contact about matters that relate to national security. But do the relevant elements of the U.S. Government regularly communicate with one another as the 9/11 Commission envisioned, or have bureaucratic setbacks like Wikileaks driven the intelligence community back to old information stovepiping habits? Thus, the events of September 11 led directly to the creation of the Department of Homeland Security, a gigantic agglomeration of domestic law enforcement, immigration, customs, and coastal protection authorities that did not include a domestic intelligence gathering entity separate from the FBI, like the UK's MI5.¹³ In addition, the United States has committed \$75 billion annually to counterterrorism,¹⁴ including the hiring of hosts of contractors holding an estimated 265,000 top secret clearances.¹⁵ What have we to show for this extraordinary expenditure of resources? With this background in mind, I turn to the role of the intelligence community, particularly the CIA. The CIA rebounded quickly after the September 11 debacle by inserting a team of civilian special operations case officers into northern Afghanistan three weeks later.¹⁶ Led by Gary Schroen, this six-man team helicoptered over the Hindu Kush Mountains from Uzbekistan to the Panjshir Valley¹⁷ where they linked up with members of the Northern Alliance to fight the Taliban who had been shielding Osama bin Laden.¹⁸ Schroen told this fascinating story in *First In*;¹⁹ Gary Berntsen continued it in his book *Jawbreaker*.²⁰ Moving

quickly, both Schroen's and Berntsen's teams used relationships built during the CIA-managed covert war against the Soviets from 1979–1991 and knowledge of regional languages²² to direct a second covert war, this time against the Taliban. Using SOFLAM²³ laser targeting mechanisms, the teams guided U.S. bombers against enemy troop concentrations.²⁴ The CIA exploited a vulnerability that helped drive the Taliban out of Kabul and Osama bin Laden to Tora Bora, where he might have been vulnerable to U.S. troops if they had been deployed on such a mission.²⁵ Although the CIA did not effectively warn President George W. Bush and his top policymakers before the September 11 attacks,²⁶ it picked itself up afterward by exploiting a long-standing CIA special operations capability—"spy commandos." By using these highly trained agents, the CIA was able to get "sneakers" on the ground in Afghanistan weeks before the U.S. military was able to do so.²⁷ It has continued to use spy commandos in Afghanistan since and recently enjoyed further success when they were teamed with U.S. Navy SEALs to bring down Osama bin Laden.²⁸ The CIA built a cadre of spy commandos consisting largely of experienced retired or detailed U.S. Special Forces personnel to work against the terrorist target in the Middle East.²⁹ These former soldiers receive CIA operations and reports training, while retaining their special forces operating skills which allow them to function in the outback where terrorists are active.³⁰ Because CIA officers will not encounter terrorists in official government offices or embassy cocktail parties but must confront them where they are attacking civilians,³¹ it seems to me that training and using spy commandos is an appropriate mission for our nation's clandestine service. The CIA also has experienced success in the decade since September 11 by combining accurate intelligence and American technology. The emergence of the Predator drone, initially deployed as a reconnaissance vehicle but now fitted with Hellfire missiles, helped coalition efforts immeasurably in finding, chasing down, and eliminating Taliban insurgents in the difficult terrain of Afghanistan and Pakistan.³² By some estimates, the CIA drone fleet has killed more than 1,500 suspected militants in Pakistan alone.³³ Not that the Predator has been an unmitigated success. Because of its futuristic and relentless non-humanity, the Predator drone has aroused strong opposition among ordinary citizens of Afghanistan and Pakistan, who deplore the collateral casualties that come with the drone's terrorist-killing accomplishments.³⁴

[INSERT MOMENTUM LINK]

That aff creates momentum from civil liberties groups that stops cooperation

Harris '5, Special Assistant to the President and Senior Director for African Affairs on the National Security Staff of the White House

Grant T., Yale Law and Policy Review, "The CIA Mandate and the War on Terror", <http://www.deckprism.net/news/Yale%20Law%20and%20Policy%20Review,%20CIA%20Mandate,%20Harris,%20G.pdf>

In the context of countering terrorism, there are "bright but dimming lines" between the FBI and CIA.¹²² The struggle against terrorism as well as other transnational threats has brought close cooperation between the CIA and the FBI (as well as other agencies), including combined centers designed to pool resources and enhance the agencies' effectiveness. In short, the fight against terrorism and other transnational threats has dawned an era of co-location, cooperation, and combined resources. In continuing this trend, the Intelligence Reform and

Terrorism Prevention Act of 2004 established a National Counterterrorism Center (NCTC),¹²³ a National Counter Proliferation Center,¹²⁴ and a Human Smuggling and Trafficking Center,¹²⁵ and also empowered the DNI to establish National Intelligence Centers.¹²⁶ The recent intelligence reform also calls for the establishment of a formal relationship between the intelligence community and the National Infrastructure Simulation and Analysis Center.¹²⁷ Co-location and/or close cooperation of CIA and FBI officials in joint centers on transnational threats raises statutory questions related to law enforcement activities because of the nexus between CIA intelligence and criminal prosecutions.¹²⁸ The Intelligence Reform and Terrorism Prevention Act of 2004 also supports an Information Sharing Environment (ISE) to promote the sharing of terrorism information throughout the Federal Government.¹²⁹ One of the policy goals of the ISE is to ensure the "maximum sharing of information among all relevant policy, law enforcement, diplomatic, and intelligence agencies . . . to improve effectiveness and to convert all information into intelligence that can be used to combat terrorist travel, migrant smuggling, and the trafficking of persons."¹³⁰ IRTPA § 7202 (to be codified at 8 U.S.C. § 1777).¹³¹ IRTPA § 1023 (to be codified at 50 U.S.C. § 404o.2).¹³² IRTPA § 8101.¹³³ The lateral sharing of information by the CIA to law enforcement agencies for use in criminal prosecutions "sounds a lot like law enforcement powers."¹³⁴ Telephone Interview with Jeffrey H. Smith, supra note 24.¹³⁵ IRTPA § 1016 (to be codified at 6 U.S.C. § 485). The legislative creation of an ISE continued previous initiatives to improve the sharing of such information between government agencies. See Exec. Order No. 13,356, 69 Fed. Reg. 53,599 (Aug. 27, 2004); Homeland Security Information Sharing Act, § 551, Yale Law & Policy Review Vol. 2:2, 2005, goals of the ISE is to "address and facilitate information sharing between and among departments and agencies of the intelligence community, the Department of Defense, the homeland security community and the law enforcement Community."¹³⁶ The security of sources and methods of intelligence is not mentioned as an explicit goal of the ISE, though the ISE's stated attributes are to include protections of privacy and civil liberties.¹³⁷ The linkage of intelligence and law enforcement was explicitly recognized by Congress in 1996 with a statutory addition to the National Security Act of 1947 directly pertaining to the collection of intelligence for law enforcement purposes.¹³⁸ The revision, codified in 50 U.S.C. § 403-5a, provides that "elements of the intelligence community may, upon the request of a United States law

enforcement agency, collect information outside the United States about individuals who are not United States persons." 133 Such information may be collected "notwithstanding that the law enforcement agency intends to use the information collected for purposes of a law enforcement investigation or counterintelligence investigation." 34 The Senate report noted that the "CIA and the [National Security Agency] currently interpret their legal authorities as permitting them to engage in intelligence collection only for a 'foreign intelligence' purpose" and noted the Aspin-Brown Commission's conclusion "that the Intelligence Community may be taking to[o] restrictive a view regarding whether intelligence assets can be tasked by law enforcement agencies to collect information overseas about non-United States persons." 135

The tearing down of "the wall" between intelligence and law enforcement in the wake of September 11 allows for much greater sharing of information between the two communities. 136 The Uniting and Strengthening America by Pub. L. 107-296, 116 Stat. 2135, tit. VIII, subtit. A (2002). 130. IRTPA § 1016 (to be codified at 6 U.S.C. § 485). 131. IRTPA §1016 (to be codified at 6 U.S.C. §485). 132. See Intelligence Authorization Act for Fiscal Year 1997, Pub. L. No. 104-293, § 814 (1996). 133. 50 U.S.C. § 403-5a(a) (West Supp. 2004). 134. 50 U.S.C § 403-5a(a) (West Supp. 2004). For background on how this statute might affect discovery requests of intelligence agency files during criminal prosecutions, see Fredman, *supra* note 9, at 364. 135 S. REP. No. 104-258, at 35 (1996), reprinted in 1996 U.S.C.A.N 3945, 3980. According to the Senate report, The law enforcement proviso of the National Security Act was intended to prohibit the CIA from infringing on the domestic jurisdiction of the FBI and from becoming a national secret police that might be directed against U.S citizens. These concerns are not present when the Intelligence Community collects against foreign persons outside the U.S. At the same time, the need to combat terrorism, drug trafficking and other transnational threats effectively requires that the capabilities of the Intelligence Community be harnessed to support law enforcement agencies as efficiently as possible. Id See also ASPIN-BROWN COMMISSION, PREPARING FOR THE 21 ST CENTURY: AN APPRAISAL OF U.S. INTELLIGENCE, REPORT OF THE COMMISSION ON THE ROLES AND CAPABILITIES OF THE UNITED STATES INTELLIGENCE COMMUNITY 41 (1996) [hereinafter ASPIN-BROWN COMMISSION]. 136 "The wall" refers to a set of barriers to coordination and information sharing between 552 Vol. 23:529, 2005 The CIA Mandate Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) amended the National Security Act to direct law enforcement agencies to disclose to the DCI (now the DNI) foreign intelligence acquired in the course of a criminal investigation pursuant to guidelines and with some possible exceptions. 37 Rule 6 of the Federal Rules of Criminal Procedure was amended to allow grand jury information involving foreign intelligence or counterintelligence to be shared with "any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving the information in the performance of that official's duties." 138 The USA PATRIOT Act also made it lawful for foreign intelligence and counterintelligence to be shared more broadly among federal officials. 139 Additionally, the USA PATRIOT Act allows federal officers conducting electronic surveillance and physical searches under the Foreign Intelligence Surveillance Act (FISA) 140 greater consultation and coordination with federal law enforcement officers. 141 "The matters to be consulted upon must pertain to terrorist threats, but there is opportunity for definitional creep as the pressure for preventive action in this area of concern intensifies." 4 intelligence and law enforcement officials. See 9/11 COMMISSION

REPORT, supra note 15, at 78-80. "The wall" was extensively criticized after September 11 as having prevented necessary cooperation between intelligence and law enforcement. See, e.g., Testimony of Condoleezza Rice, Assistant to the President for National Security Affairs, Before the National Commission on Terrorist Attacks Upon the United States 9 (Apr. 8, 2004), at http://www.9-11commission.gov/archive/hearing9/9-11%20Commission%20-%20Hearing_2004-04-08.pdf (last visited Mar. 24, 2005), reprinted in THE 9/11 INVESTIGATIONS 215 (Steven Strasser ed., 2004) ("In hindsight, if anything might have helped stop 9/11, it would have been better information about threats inside the United States, something made very difficult by structural and legal impediments that prevented the collection and sharing of information by our law enforcement and intelligence agencies."). For background on some of the policy reasons that originally led to creation of "the wall," see generally Stewart A. Baker, Should Spies be Cops? 97 FOREIGN POL'Y 36 (Winter 1994-95). 137 Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) of 2001, Pub. L. No. 107-56, 115 Stat. 272, 388-89 (to be codified as amended in 50 U.S.C. § 403-5b(a)). The USA PATRIOT Act and the Homeland Security Act of 2002 also permit increased sharing of intercepted communications. See Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135, 2257, § 896 (codified at 18 U.S.C. § 2517). 138. USA PATRIOT Act § 203(a) Rule 6 further allows the sharing of grand jury information involving "a threat of attack or other grave hostile acts of a foreign power or its agent, a threat of domestic or international sabotage or terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by its agent." FED. R. CRIM. P. 6(e)(3)(D). 139. USA PATRIOT Act § 203(d) (codified as amended at 50 U.S.C. § 403-5d (West Supp. 2003)). As passed in the USA PATRIOT Act, this provision is due to sunset on December 31, 2005. USA PATRIOT Act § 224. The Homeland Security Act extended the reach of that provision to allow information obtained as part of a criminal investigation to be more easily shared with federal, state, local, and foreign government officials. Homeland Security Act of 2002 § 897 (codified at 50 U.S.C. § 403-5d (West Supp. 2003)). 140. Foreign Intelligence Surveillance Act of 1978, Pub. L. No. 95-511, 92 Stat. 1783 (codified as amended at 50 U.S.C. § 1801 et seq. (West Supp. 2003)). 141. USA PATRIOT Act § 504 (codified as amended at 18 U.S.C. §§ 1806, 1825 (West Supp. 2003)). 142. Hitz, supra note 62, at 773. 143. 553 Yale Law & Policy Review 252, 205. The law enforcement prohibition in the National Security Act may make part of the destruction of "the wall" somewhat theoretical, despite the expansion of coordination and information sharing between the FBI and CIA. According to Stewart Baker, former General Counsel at the National Security Agency, the CIA's dependence on law enforcement agencies for domestic activities "may still be having an effect on what information they routinely get access to, although that seems to be a controversial question because any suggestion that there is still a 'wall' is not considered politically correct." 143. Baker is "not totally convinced" that "the wall" is gone because it is difficult if not impossible to work hand-in-glove with law enforcement without getting into some issues that touch on law enforcement areas and would therefore be prohibited by the National Security Act." 4 Nevertheless, the changes wrought by the USA PATRIOT Act and subsequent legislation have received harsh criticism from civil liberties groups and others who believe the USA PATRIOT Act "puts the Central Intelligence Agency back in the business of spying on Americans" 145 and that abuses will result. 146

FBI/CIA cooperation is critical to continued CT

Dinshaw 6-13-15, Reporter

Fram, "Animosity between CIA and FBI before 9/11 debilitated spies: newly declassified documents", <http://www.nationalobserver.com/2015/06/13/news/animosity-between-cia-and-fbi-911-debilitated-spies-newly-declassified-documents>

According to a trove of documents declassified by the CIA on June 12, al-Qa'ida's operational activity in the United States and Canada was greater than previously thought leading up to the 9/11 attacks on the World Trade Center and the Pentagon, with Tenet's leadership blamed for much bad judgement.¶ The CIA report details how tension between the CIA and FBI hindered counter-terrorism investigations, and how intelligence agencies repeatedly failed to put future 9/11 hijackers on a watch list.¶ It describes an often-vicious conflict between George Tenet's CIA and the FBI before 9/11, as well as the spy agency's difficulties in gathering Human Intelligence (HUMINT) and mounting a covert strike to capture or kill bin Laden, after his organization bombed US embassies in East Africa and attacked the USS Cole in 2000.¶ "The key pre-9/11 CIA-FBI relationship with respect to al-Qa'ida, that between UBL (Usama Bin Laden) station and the FBI's New York Field Office (the Bureau's office of origin or office with responsibility for al-Qa'ida), was troubled at best and dysfunctional at worst," states the documents.¶ One CIA member told the investigating team that an FBI representative from the Bureau's New York Field Office was there to spy on behalf of his chief, who did not trust the UBL station.¶ The FBI representative, in turn, told investigators that he was mistrusted as New York's 'spy' and felt like an outcast, saying: "...many of his supervisors and peers did, in fact, characterize him that way."¶ Many of those interviewed said that the worst animosity occurred in a crucial period between 1997 and 1999, after which attempts were made to mend fences, with little success.¶ The report notes that the CIA's UBL station had a smoother relationship with FBI Headquarters' counter-terrorism office, but those interviewed said that supposedly monthly meetings were erratic at best.¶ Nonetheless, the UBL station and FBI counter-terrorism heads established a good working relationship.¶ Lack of cooperation despite stepping up effort to investigate bin Laden.¶ But on Dec. 24 1998, then-CIA chief George Tenet called in a memo for "a new phase in our effort against bin Laden," urging that efforts against al-Qa'ida's chief be stepped up dramatically.¶ "We need an integrated plan which captures these elements and others which may be appropriate. This plan must be fully co-ordinated with the FBI," said Tenet in his memo.¶ But co-operation between the CIA and other agencies remained inadequate. On at least three occasions from January 2000 – August 2001, agencies "failed to recommend future 9/11 hijackers Nawaf al-Hazmi and Khalid al-Mihdhar for watchlisting."¶ "...the Director of Central Intelligence (DCI) acknowledged in his testimony that [the] CIA was not sufficiently focused on advising the State Department to watchlist all terrorist operatives, attributing this to uneven practices, bad training, and a lack of redundancy," the report states.

Terrorism causes nuclear war

Kroenig '12, Council on Foreign Relations Stanton Nuclear Security Fellow and Georgetown University assistant professor of government

Matthew, "The History of Proliferation Optimism: Does It Have A Future?",
<http://www.npolicy.org/article.php?aid=1182&tid=30>

Nuclear terrorism. The spread of nuclear weapons also increases the risk of nuclear terrorism.[58] It used to be said that "terrorists want a lot of people watching, not a lot of people dead," but the terrorist attacks of September 11, 2001 changed expert perceptions of the terrorist threat.[59] September 11th demonstrated that Al Qaeda and other modern terrorist groups are interested in imposing massive casualties and there are few better ways of killing large numbers of civilians than detonating a nuclear weapon in a major metropolitan area. And, while September 11th was one of the greatest tragedies in American history, it would have been much worse had Osama Bin Laden been able to acquire nuclear weapons. Osama Bin Laden declared it a "religious duty" for Al Qaeda to acquire nuclear weapons and radical clerics have issued fatwas declaring it permissible to use nuclear weapons in Jihad against the West.[60] Unlike states, which can be deterred, there is little doubt that if terrorists acquired nuclear weapons, they would use them. Indeed, in recent years, many U.S. politicians and security analysts have agreed that nuclear terrorism poses the greatest threat to U.S. national security.[61] Wanting nuclear weapons and actually possessing them, however, are two different things and many analysts have pointed out the tremendous hurdles that terrorists would have to overcome in order to acquire nuclear weapons.[62] Nevertheless, as nuclear weapons spread, the possibility that they will eventually fall into terrorist hands increases. States could intentionally transfer nuclear weapons, or the fissile material required to build them, to terrorist groups. There are good reasons why a state might be reluctant to transfer nuclear weapons to terrorists, but, as nuclear weapons spread, the possibility that a leader might someday purposely arm a terrorist group with nuclear weapons increases. Some fear, for example, that Iran, with its close ties to Hamas and Hezbollah, might be at a heightened risk of transferring nuclear weapons to terrorists. Moreover, even if no state would ever intentionally transfer nuclear capabilities to terrorists, a new nuclear state, with underdeveloped security procedures, might be vulnerable to theft, allowing terrorist groups or corrupt or ideologically-motivated insiders to transfer dangerous material to terrorists. There is evidence, for example, that representatives from Pakistan's atomic energy establishment met with Al Qaeda members to discuss a possible nuclear deal.[63] Finally, a nuclear-armed state could collapse, resulting in a breakdown of law and order and a loose nuclear weapons problem. U.S. officials are currently very concerned about what would happen with Pakistan's nuclear weapons if the government were to fall. As nuclear weapons spread, this problem is only further amplified. Iran is a country with a history of revolutions and a government with a tenuous hold on power. The regime change that Washing has long dreamed about in Tehran could actually become a nightmare if Iran had nuclear weapons and a break down in authority forced us to worry about the fate of Iran's nuclear arsenal.

Cooperation Now/Essential

FBI and CIA cross-agency cooperation is essential

Jackson et al '9, American lawyer and the Chief United States district judge on the United States District Court for the Middle District of Louisiana

Brian Anthony, "The Challenge of Domestic Intelligence in a Free Society: A Multidisciplinary Look at the Creation of a U.S. Domestic Counterterrorism Intelligence Agency",
https://books.google.com/books?id=1MYQCCfuv4QC&dq=%22domestic+surveillance%22+%22interagency+cooperation%22&source=gbs_navlinks_s

As time has passed, the cast of agencies involved in domestic intelligence activities has grown, and therefore, coordination among these agencies has grown increasingly complicated. The events of 9/11 highlighted interagency-coordination problems, and once again, calls for reorganization arose. "The establishment of the Department of Homeland Security promises to further complicate both the delineation of responsibilities and coordination across agencies." The coordination of domestic intelligence activities is particularly complex because such activities overlap with the responsibilities of so many agencies. The military and CIA have gradually been restricted to foreign intelligence activities, while the FBI has taken on the primary role in domestic intelligence activities. However, there must be coordination and information exchange among these agencies because threats have become increasingly transnational in nature. In addition to these historical interagency-coordination problems, the events of 9/11 also led to increasing calls to separate law enforcement and intelligence activities. Since the late 1950s, the FBI increasingly took on surveillance activities until the Church Committee reforms in the 1970s put additional oversight and accountability mechanisms in place. With the events of 9/11, the FBI has once again been asked to take on increased surveillance responsibilities, and some have questioned whether law enforcement and intelligence activities can be conflated in a single organization because of the risk that such activities will come into conflict with one another. Thus, domestic surveillance efforts in the United States have historically been extremely complex because they require coordination across various government agencies, coordination across international and domestic activities, and melding of various organizational cultures. The nation has always struggled with the delineation of responsibilities across agencies and how to streamline the domestic intelligence enterprise. "The calls for reorganization since the 9/11 attacks are merely the latest episode in a cyclical reevaluation of the organizational structure of the country's domestic surveillance activities."

Interagency cooperation is crucial to domestic intelligence

Rosenbach and Peritz '9, Executive Director of the Belfer Center for Science and International Affairs at the Harvard Kennedy School and Associate at the Belfer Center for Science and International Affairs at the Harvard Kennedy School of Government

Eric and Aki, "Confrontation or Collaboration? Congress and the Intelligence Community",
<http://belfercenter.ksg.harvard.edu/files/IC-book-finalasof12JUNE.pdf>

Domestic Intelligence. Unlike many nations, the United States does not have a dedicated organization focused on domestic intelligence collection. Although the Federal Bureau of Investigation (FBI) is the principal domestic intelligence agency, the Central Intelligence Agency (CIA) and Department of Defense (DoD) also play limited domestic intelligence roles. In response to criticism following the attacks of 9/11, the FBI began reforms to increase their collection and analysis of domestic intelligence, especially in regards to terrorism. Nonetheless, critics contend that FBI intelligence collection continues to play a secondary role to the FBI's primary mission, federal law enforcement. This memo provides new members of Congress with an overview of U.S. domestic intelligence and the issues most relevant to the 111th Congress. Domestic Intelligence before September 11, 2001. Since its creation in 1908, the FBI has been responsible for both domestic intelligence and law enforcement. From the 1930s through 1960s, the FBI focused on cases of espionage and foreign subversion. The Church Committee investigation of intelligence abuses in the 1970s disclosed a series of FBI—along with CIA and NSA—violations of Americans' civil liberties. Congress passed a series of reform laws in the late 1970s, including the Foreign Intelligence Surveillance Act (FISA), to prevent future abuses. In the wake of the intelligence scandals of the 1970s, concern about the potential for intelligence agencies to inappropriately collect information that could be used to prosecute citizens prevailed. This concern eventually morphed into a mistaken belief that intelligence officials could not legally share information with FBI criminal investigators. The resulting "wall" of bureaucratic obstacles virtually halted the flow of intelligence information provided to domestic law enforcement agencies. The 9/11 Commission highlighted this shortcoming as a major impediment to national security. Post-9/11 Domestic Intelligence Paradigm. The attacks of 9/11 resulted in major organizational and functional changes within the Intelligence Community and dramatically shifted FBI priorities from traditional criminal matters to international counterterrorism threats and intelligence gathering. After much debate, the 9/11 Commission recommended against creating a dedicated domestic intelligence agency, and instead recommended that the FBI expand and improve its intelligence capabilities. In order to improve its domestic intelligence capacity, the FBI pursued the following initiatives: Joint Terrorism Task Forces (JTTFs): The JTTFs are multi-agency task forces located in more than 100 locations nationwide. JTTFs bring local, state, and federal law enforcement and intelligence agencies together to share information and conduct operations to prevent terrorist operations. Prior to September 11, 2001, the United States had 35 JTTFs. Shortly after the attacks, the FBI Director instructed all FBI field offices to establish formal terrorism task forces. Personnel: The FBI hired hundreds of counterterrorism analysts and linguists, and re-tasked more than 700 personnel from criminal investigations to counterterrorism and counterintelligence duties. National Security Branch: The Bureau merged its intelligence, counterintelligence, and counterterrorism divisions into a unified "National Security Service" in 2005. Field Intelligence Groups (FIGs): FIGs are composed of Special Agents, Intelligence Analysts, and other FBI specialists in each of the FBI's 56 field offices. They are designed to integrate the "intelligence cycle" into FBI field operations and manage the Field Office Intelligence Program in coordination with the Directorate of Intelligence at FBI Headquarters. Domain Management Initiative: In November 2005, the FBI launched the Domain Management Initiative to focus attention on national

security threats within each field offices "geographic domain." The goal of program is to develop a comprehensive understanding of the threats relevant to each field office's region.

---Other Agencies

And there's tons of other agencies involved

Rosenbach and Peritz '9, Executive Director of the Belfer Center for Science and International Affairs at the Harvard Kennedy School and Associate at the Belfer Center for Science and International Affairs at the Harvard Kennedy School of Government

Eric and Aki, "Confrontation or Collaboration? Congress and the Intelligence Community", <http://belfercenter.ksg.harvard.edu/files/IC-book-finalasof12JUNE.pdf>

Although the FBI is the lead agency for domestic intelligence, many other organizations within the government contribute to the collection, processing and analysis of domestic intelligence. The Department of Homeland Security (DHS), The Office of Intelligence and Analysis, located in the Department of Homeland Security, employs over 500 staff responsible for sifting through, analyzing, packaging, and disseminating intelligence based on information collected by DHS component agencies. I&A also integrates with the broader intelligence community and uses DHS links to state, local, and private sector partners to share information about potential threats. The National Counterterrorism Center Since 2005, FBI intelligence experts have been co-located at the National Counterterrorism Center (NCTC) with colleagues from across the Intelligence Community to assess and analyze terrorism threats. Department of Defense The Defense Department established the Counter Intelligence Field Activity (CIFA) in 2002 to counter threats to U.S. military installations and detect espionage against the Pentagon. CIFA had both intelligence and law enforcement functions. After a short and controversial existence in which several of its key programs were "disestablished", Secretary Gates merged CIFA into the Defense Counterintelligence and Human Intelligence Center at the Defense Intelligence Agency (DIA). Domestic Intelligence The Belfer Center for Science and International Affairs | The Harvard Kennedy School 47 Outstanding Issues in Domestic Intelligence Despite the reforms outlined above, improving the nation's domestic intelligence capability will remain an important issue for the 111th Congress. Federal Bureau of Investigation (FBI) As a lead domestic intelligence agency, the FBI continues to improve counterterrorism initiatives, intelligence sharing and capabilities. The 111th Congress will likely need to assess these and other reform issues that have expanded the mission of the FBI.

Link- Generic Surveillance

Interagency surveillance sharing is a target for civil liberties advocates

Barrett 3-10-15, Staff Writer

Devlin, "CIA Aided Program to Spy on U.S. Cellphones", <http://www.wsj.com/articles/cia-gave-justice-department-secret-phone-scanning-technology-1426009924>

WASHINGTON—The Central Intelligence Agency played a crucial role in helping the Justice Department develop technology that scans data from thousands of U.S. cellphones at a time, part of a secret high-tech alliance between the spy agency and domestic law enforcement, according to people familiar with the work.¶ The CIA and the U.S. Marshals Service, an agency of the Justice Department, developed technology to locate specific cellphones in the U.S. through an airborne device that mimics a cellphone tower, these people said.¶ Today, the Justice Department program, whose existence was reported by The Wall Street Journal last year, is used to hunt criminal suspects. The same technology is used to track terror suspects and intelligence targets overseas, the people said.¶ The CIA and the U.S. Marshals developed technology that would trick phones into revealing their registration data. WSJ's Devlin Barrett discusses his exclusive story. Photo: Getty¶ The program operates specially equipped planes that fly from five U.S. cities, with a flying range covering most of the U.S. population. Planes are equipped with devices—some past versions were dubbed "dirtboxes" by law-enforcement officials—that trick cellphones into reporting their unique registration information.¶ The surveillance system briefly identifies large numbers of cellphones belonging to citizens unrelated to the search. The practice can also briefly interfere with the ability to make calls, these people said.¶ Some law-enforcement officials are concerned the aerial surveillance of cellphone signals inappropriately mixes traditional police work with the tactics and technology of overseas spy work that is constrained by fewer rules. Civil-liberties groups say the technique amounts to a digital dragnet of innocent Americans' phones.¶ The CIA has a long-standing prohibition that bars it from conducting most types of domestic operations, and officials at both the CIA and the Justice Department said they didn't violate those rules.¶ The cooperation began a decade ago, when the CIA arranged for the Marshals Service to receive more than \$1 million in gear to conduct such surveillance, said people familiar with the program. More than \$100 million went into research and development of the devices.¶ For years, the U.S. Marshals' Technical Operations Group worked with the CIA's Office of Technical Collection to develop the technology. In the early days it was the CIA that provided the most resources, said the people familiar with the matter.¶ The CIA gave the Marshals Service the ability to conduct what officials called "silent stimulation" of cellphones. By using a device that mimics a cell tower, all phones in its range are compelled to send identifying information. When the device finds a target phone in that sea of information, the plane circles overhead until the device can locate it to within about 3 yards.¶ Some versions of the technology also can be used to intercept signals from phones, these people said. U.S. military and intelligence agencies have used the technology in Afghanistan, Iraq, and elsewhere to hunt terrorists, and map the use of cellphones in such places, according to people familiar with the work.¶ The cooperation between technical experts at the CIA and the Marshals Service, which law-enforcement officials have described as a "marriage," represents one way criminal investigators are increasingly relying on U.S.

intelligence agencies for operational support and technical assistance in the wake of the Sept. 11, 2001, attacks. Many Justice Department officials view the joint effort with the CIA as having made valuable contributions to both domestic and overseas operations.¶ A CIA spokesman declined to comment on whether the CIA or any other agency uses the devices. Some technologies developed by the agency “have been lawfully and responsibly shared with other U.S. government agencies,” the spokesman said. “How those agencies use that technology is determined by the legal authorities that govern the operations of those individual organizations—not CIA.” He also said the relationship between the Marshals Service and CIA tech experts couldn’t be characterized as a marriage.¶ The Justice Department, which oversees the Marshals Service, would neither confirm nor deny the existence of such technology, saying that doing so would tip off criminals.¶ A Justice Department spokesman said Marshals Service techniques are “carried out consistent with federal law, and are subject to court approval.” The agency doesn’t conduct “domestic surveillance, intelligence gathering, or any type of bulk data collection,” the spokesman said, adding that it doesn’t gather any intelligence on behalf of U.S. spy agencies.¶ To civil libertarians, the close involvement of America’s premier international spy agency with a domestic law-enforcement arm shows how military and espionage techniques are now being used on U.S. citizens.¶ “There’s a lot of privacy concerns in something this widespread, and those concerns only increase if we have an intelligence agency coordinating with them,” said Andrew Crocker of the Electronic Frontier Foundation, which has filed a lawsuit seeking more details about the program and its origins.

It’s the privacy advocates’ next goal- concerns about illegitimate data collection prove

Coleman ’13, journalist

Michael, “Ex-CIA, NSA Chief Defends U.S. Intelligence Gathering”,
http://www.washdiplomat.com/index.php?option=com_content&view=article&id=9543:ex-cia-nsa-chief-defends-us-intelligence-gathering&catid=1506:august-2013&Itemid=535

The effects are already being felt. In a speech in mid-August, President Obama addressed public concern over the NSA's surveillance activities. While he made no assurances that the surveillance would stop, he did concede the public should be better informed about it and suggested some modest changes, including greater transparency and a review of the section of the Patriot Act dealing with phone records.¶ He also said the Foreign Intelligence Surveillance Act (FISA) might need to be altered. The law established a secret court to grant warrants for foreign surveillance, similar to a judge who considers police search warrants. Critics of the court say it's little more than rubberstamp, citing the fact that last year, it didn't reject a single one of the more 1,850 applications that the government submitted.¶ Obama suggested creating an independent attorney to challenge government prosecutors in the court — an idea long embraced by FISA critics, including Democratic Sens. Tom Udall of New Mexico and Ron Wyden of Oregon.¶ In late July, Wyden and Udall introduced two bills to level the FISA playing field: The FISA Court Reform Act of 2013 would create a special advocate in the court to argue on behalf of American civil liberties. The second bill, the FISA Judge Selection Reform Act, would reform how judges are appointed to the court to ensure that it is geographically and ideologically diverse (the current court is overwhelmingly stacked with conservatives).¶ Hayden scoffed at the

proposals.¶ "Let me tell you something really weird about the FISA court — we actually go to a court," he said. "No other Western democracy goes to a court to conduct foreign intelligence. People say, 'I don't like it — it's a secret court.' Well, that was the deal! You can't have a court, which I repeat is weird, for foreign intelligence without it being secret. You want an advocate? Does poor Tony Soprano [the fictional mobster in the HBO television series] have an advocate when the FBI goes to a court to get a warrant for that poor besieged citizen of New Jersey?"¶ Asked if he thinks there should be any reforms to the FISA court, Hayden was unequivocally opposed — then softened his stance slightly.¶ "No, of course I don't," he said. "Now, would I give? Sure, if it's the cost of doing business. You want a full-time public defender down there? Go ahead, be my guest. But don't get in the way and don't slow this stuff down. It's probably going to be a little more tedious and it will slow it down. You'll be more confident about what we're doing. You're going to be a little less safe, but you'll be more comfortable. That's the tradeoff."¶ But civil liberty advocates say that tradeoff is a false one. Unlike in the immediate post-9/11 landscape, when privacy concerns took a backseat to security, a growing number of Americans are uncomfortable with the thought of the NSA potentially sifting through the calls they make or websites they visit — especially without hard evidence that such domestic spying has thwarted any actual attacks.¶ That the NSA taps into Internet servers to monitor foreign communications hasn't sparked a major backlash domestically. Obama has made no secret of the fact that the U.S., like all governments, snoops on other countries. Speaking to The Diplomat about the NSA spy scandal for an article in the August issue, Hayden himself joked that "yes, indeed, the United States does conduct espionage," noting that "the Fourth Amendment that protects American privacy isn't an international treaty and therefore doesn't innately protect the privacy of non-Americans."¶ But Americans are increasingly worried about their privacy, as a steady drip of leaks this summer exposed the surprising extent of the NSA's reach into their personal lives. In addition to collecting and storing the phone records of millions of Americans, the NSA also reportedly scours the emails and text messages that travel in and out of the country for links to suspected terrorists abroad.¶ "While it has long been known that the agency conducts extensive computer searches of data it vacuums up overseas, that it is systematically searching — without warrants — through the contents of Americans' communications that cross the border reveals more about the scale of its secret operations," wrote Charlie Savage of the New York Times, detailing how Americans' electronic communications can be swept up in the NSA dragnet if, for example, they mention a foreign target or keyword.¶ And an Aug. 15 report in the Washington Post, based on Snowden's leaks, shows that the NSA broke its own privacy rules thousands of times each year since Congress gave the agency broader surveillance powers in 2008, gathering unauthorized information on Americans, often while not disclosing the violations to Congress or the FISA court.¶ Further piling on the revelations, the Wall Street Journal reported that the NSA has built a network that taps into roughly 75 percent of all U.S. Internet traffic in its hunt for foreign intelligence.¶ Also in August, Reuters detailed how the DEA's super-secret Special Operations Division uses vast troves of data on foreigners collected by the NSA, CIA, FBI and other intelligence agencies to target American citizens for ordinary drug crimes. Law enforcement agencies are taught to conceal these sources of information by creating something called a "parallel construction," or a manufactured trail of evidence (like saying the investigation began with a traffic violation instead of a tip). It's a common tactic used by police enforcement to protect informants, but the problem, critics say, is that the origin of

the case is untraceable by defendants, or even prosecutors and judges.¶ Asked about reports that the NSA is sharing data with the DEA for domestic drug prosecutions, Hayden asserted that NSA is collecting its evidence legally. As for what the DEA is doing with it, he declined to comment.¶ "I will make no case with regard to how DEA does or doesn't use the information," Hayden told The Diplomat. "All I can tell you is what we have is legitimately collected foreign intelligence."¶ Hayden did say that drugs are part of the foreign intelligence matrix. "I had a counter-narcotics center at the CIA and at the NSA, and so we all recognize that it is a legitimate foreign intelligence activity. We also know it has a tremendous law enforcement nexus. We would go out there and collect legitimate foreign intelligence. Now, how that is shared within the government becomes, frankly, a pretty complicated question because it's easier to get running room to collect foreign intelligence than it is for a law enforcement agency to get running room to gather data," he said.¶ "Honest men may differ about the reconstruction [of case history]," Hayden continued. "I'm not a lawyer, but I have read that it is not uncommon in a variety of cases when you want to protect a sensitive source, like a snitch. I'll let that be fought out in the courts, but that should not affect your judgment about collecting legitimate intelligence."¶ But Hayden's critics say a good deal of the intelligence gathered by the U.S. government in the wake of 9/11 was gained through illegitimate means. Hayden, though, was unapologetic about the use of waterboarding — an interrogation tactic that simulates drowning — after the Sept. 11 terrorist attacks. The strategy was widely condemned as torture and President Obama banned the practice in 2009. While Hayden conceded the controversial nature of the tactic, he also claimed it **worked.**

Link- Ambiguity

Ambiguity in CIA power caused by new statutory provisions causes decreased CT

Harris '5, Special Assistant to the President and Senior Director for African Affairs on the National Security Staff of the White House

Grant T., Yale Law and Policy Review, "The CIA Mandate and the War on Terror",
<http://www.deckprism.net/news/Yale%20Law%20and%20Policy%20Review,%20CIA%20Mandate,%20Harris,%20G.pdf>

Terrorism is a national security threat that has united the nation and could create the same climate of tolerance of abuse that prevailed during the Cold War.⁸⁷ The U.S. government is now singularly focused on domestic security and the present day fight against terrorism is portrayed as and perceived by policymakers to be an all-out, multi-front struggle that "knows no borders." This struggle is, as the title of this Note suggests, commonly thought of and described as a "war." In today's fight against terror, ambiguous prohibitions on CIA activity could facilitate future civil liberties abuses.¹⁸⁸ In terms of the limits on CIA authority, the legal restraints are the same as before September 11, but they "may have been reinterpreted."¹⁸⁹ On the other extreme, ambiguity in the boundaries of the law enforcement prohibition could hamper the U.S. response to terrorism and other transboundary national security threats by deterring cooperation between law enforcement and intelligence. According to the 1C2 1 Commission, one of the results of the intelligence scandals of the 1970s "was that the two communities tended to further distance themselves from one another over concern about further inadvertent missteps."¹⁹⁰ Likewise, the Aspin-Brown Commission concluded that "some clarification of existing law would be helpful" in fostering improved cooperation between intelligence and law enforcement agencies because the "[f]lack of clear legal authorities has resulted in confusion inside individual intelligence agencies, between different intelligence agencies, and within the law enforcement community-regarding what activities intelligence agencies can conduct to support law enforcement."¹⁹¹ These concerns are all the more pressing when viewed in light of jurisdictional questions and definitional problems caused by the nature of.¹⁸⁶ See supra Section II.D.¹⁸⁷ In discussing such disturbing hypotheticals, Judge Prettyman's remarks in the context of the Fourth Amendment appear particularly apposite: "[w]e are dealing with doctrines and not with presumable taste and sense of individual officials. Maybe none of these examples would ever occur But the question before us is not whether they would happen but whether they legally could." *District of Columbia v Little*, 178 F.2d 13, 18-19 (D.C. Cir. 1949), *aff'd on other grounds*, 339 U.S. 1 (1950)¹⁸⁸. The Church Committee noted this natural tendency of domestic intelligence collection "In time of crisis, the Government will exercise its power to conduct domestic intelligence activities to the fullest extent, The distinction between legal dissent and criminal conduct is easily forgotten "² CHURCH COMMITTEE, supra note 5 1, at 289. As an illustration of the dangers of ambiguous statutory language, recall the Church Committee's finding that the CIA "interpreted the internal security prohibition narrowly to exclude investigations of domestic activities of American groups for the purpose of determining foreign associations." ¹ CHURCH COMMITTEE, supra note 40, at 138. See supra note 66 and accompanying text, Similar issues can present

themselves in investigating and ascertaining intelligence on domestic groups suspected of foreign terrorist connections. Indeed, an important facet of the struggle against terrorism is ferreting out front organizations for terrorist groups (such as certain ostensibly charitable organizations) operating in the United States.¹⁸⁹ Telephone Interview with Stewart A. Baker, supra note 143.¹⁹⁰ IC21 STAFF STUDY, supra note 150, at 272.¹⁹¹ ASPtN-BROWN CoMMISSION, supra note 135, at 41.⁵⁶³ Yale Law & Policy Review Vo.2:2,05, terrorism and other international threats.^{9 2}

Impact Module- US Russia War

And it spills over to military readiness

AllGov no date

“Counterintelligence Field Activity”, <http://www.allgov.com/departments/department-of-defense/counterintelligence-field-activity?agencyid=7158>

As a result of these events, the Department of Defense established the Defense Counterintelligence Board to better counteract spying attempts against the US military. In 2001 the Deputy Assistant Secretary of Defense for Intelligence and Security created the Joint Counterintelligence Assessment Group (JCAG) with a “mandate for creative experimentation.” The JCAG became the immediate precursor to CIFA.¶¶ Concurrently, senior Defense officials were working with counterparts in the CIA, FBI, the National Security Council and the Senate Select Committee on Intelligence to broaden interagency cooperation across the entire national security apparatus. The resulting blueprint was called CI-21, brought to life by a Presidential Decision Directive, “Counterintelligence for the 21st Century,” in January 2001, one of the last acts of President Bill Clinton. The intent behind CI-21 was to bring the Defense and national security communities into an era of interagency cooperation and to foster a commonality of purpose in the realm of counterintelligence. CI-21 envisioned several new structures, notably a National Counterintelligence Executive, to bring the various elements into close coordination.¶¶ Following the 9/11 terrorist attacks, the Bush administration redirected federal resources and personnel to focus on the country’s Global War on Terrorism (GWOT) campaign and to better protect homeland security. This included the establishment of the Northern Command, a new military organization charged with protecting the United States from attack. Defense Secretary Donald Rumsfeld led the effort to create Northern Command as well as the establishment of the Counterintelligence Field Activity (CIFA) through Department of Defense Directive 5105.67 (PDF) in February 2002.

Russia’s ramping up militarization- only military readiness and continued surveillance solve

Russia’s military occupation and absorption of Crimea shattered the two decades of post–Cold War peace in Europe. Twenty-two years after the collapse of the Soviet Union, Russia is rebuilding its military strength and is once again rising in regional influence. In the military, economic, and political spheres, Russia is preparing to project its power across Eastern Europe, the Caucasus, Central Asia, and the North Pacific. Most notably, Russia is also beginning to bolster its geopolitical presence and military might by expanding the Collective Security Treaty Organization. Russia’s resurgent assertiveness presents challenges for the U.S. and Western allies. It is vital that the Obama Administration increase intelligence gathering on Russian military modernization and strategic and tactical goals, programs, and plans. It is also crucial that U.S. military modernization continue—and that defense spending remain at 4 percent of gross domestic product.¶ Twenty-two years after the collapse of the Soviet Union, Russia is rebuilding its strength and is once again rising in regional influence. In the military, economic, and political spheres, Russia is preparing to project its power across Eastern Europe, Central Asia, and the North Pacific. It is strengthening relationships in the Middle East, especially with

Iran and Syria, but also with Egypt. Most notably, Russia is also beginning to bolster its geopolitical presence and military might by expanding the Collective Security Treaty Organization (CSTO)—its regional military bloc[1] for arms sales and military cooperation.¶The U.S. political and military leadership should be mindful of Russia’s return as an important actor in international relations. Russia will increasingly affect its neighbors in Eastern and Central Europe, in the South Caucasus, and in Central Asia, and will do its best to project power into the Mediterranean and the Middle East.¶ Following the principles articulated in its new military and foreign policy doctrines and redefining the core of Russia’s military and diplomatic strategy, Russia emphasizes its international indispensability, upholding its sovereignty, asserting claims to protect co-ethnics and Russian-speakers along its borders; and, going beyond the inviolability of its boundaries, Moscow is asserting claims to protect co-ethnics and Russian-speakers beyond its borders.[2] This assertiveness, when turning into outright aggression, presents challenges for the U.S.¶ The most important step that the Obama Administration can take in light of Russia’s growing military power is to increase intelligence gathering on Russian military modernization and strategic and tactical goals, programs, and plans. The Administration should also pay closer attention to the dynamics of Russian technical–military cooperation with other countries (arms and military-technology sales); maintain the U.S. military budget at 4 percent of gross domestic product (GDP); continue U.S. military modernization, including the nuclear arsenal and missile defense; and expand military cooperation with NATO allies and partners, especially those in the former Soviet Union.

Extinction

Bostrom 2, Professor, Faculty of Philosophy, Oxford University

Nick, “Existential Risks: Analyzing Human Extinction Scenarios and Related Hazards”,
<http://www.nickbostrom.com/existential/risks.html>

The US and Russia still have huge stockpiles of nuclear weapons. But would an all-out nuclear war really exterminate humankind? Note that: (i) For there to be an existential risk it suffices that we can’t be sure that it wouldn’t. (ii) The climatic effects of a large nuclear war are not well known (there is the possibility of a nuclear winter). (iii) Future arms races between other nations cannot be ruled out and these could lead to even greater arsenals than those present at the height of the Cold War. The world’s supply of plutonium has been increasing steadily to about two thousand tons, some ten times as much as remains tied up in warheads ([9], p. 26). (iv) Even if some humans survive the short-term effects of a nuclear war, it could lead to the collapse of civilization. A human race living under stone-age conditions may or may not be more resilient to extinction than other animal species.

Impact Module- Jihad

Domestic intelligence is the main defense against threats from jihadists

Lewis '6, Center for Strategic and International Studies

James A., "Combating Terrorism: Lessons Learned from London Testimony before the House Government Reform Subcommittee on National Security, Emerging Threats and International Relations", <http://csis.org/files/media/csis/congress/ts060919jimlewis.pdf>

Second, many countries have refocused the work of their intelligence and security services to meet the threat posed by jihad. The work of these services, particularly in domestic intelligence activities, is the main defense against terror attacks. Domestic intelligence – the collection of information within a nation's borders for security purposes, often involving clandestine method, and including collection on citizens who have not violated any law – is a central element of counter-terrorism. The ability to identify and disrupt terrorist plans before they get to the airport or train station is the key to countering attacks, not more screening at airports or harbors. Third, the arrests also show that international cooperation – in the London case, between the UK, Pakistan and the U.S. - is much better than it was five years ago. A national counter-terror effort will not by itself prevent attacks by a jihad that spreads across the Middle East, Europe and Asia. Building this cooperation has been one of the unspoken successes in response to terrorism, but sustaining this cooperation in the face of the growing hostility to the U.S. found in Europe and the rest of the world will be a major challenge for the United States. This combination of network surveillance, domestic intelligence, and international cooperation is what thwarted the plan to blow up twelve airliners over the Atlantic. This success is encouraging CSIS – 9/19/06 2 and points to the ingredients of a defense that can frustrate the attacks of global jihad. Britain's success in stopping the airline plot has also led to renewed calls for an American MI5 (the former name of Britain's Security Service). The desire for an American MI5 has appeared regularly since the 9/11 attacks. The Report of the Commission on Iraqi WMD came closest to such a recommendation when it called on the president to establish a National Security Service. This recommendation led President Bush to direct the FBI, using existing authorities and resources, to merge its counter-terror and counterintelligence division into a new National Security Branch.

That causes nuclear terror

Beinart '8, associate professor of journalism and political science at the City University of New York

Peter, "The Good Fight: Why Liberals, and Only Liberals, Can Win the War on Terror", <https://books.google.com/books?id=o0HB4CoL8X0C&pg=PR13&lpg=PR13&dq=APPLYING+THAT+TRADITION+today+is+not+easy.+Cold+war+liberals+developed+their+narrative+of+national+greatness+in+the+shadow+of+a+totalitarian+%C2%B6+superpower.+Today,+the+United+States+faces+no+such+unified+threat.&source=bl&ots=QkLb1QxUNB&sig=8AMcL782L6FAT5CdIEgUairPAZ0&hl=en&sa=X&ei=tcyaVbu4A4H2yQTEEnYqQBQ&ved=0CB8Q6AEwAA#v=onepage&q=APPLYING%20THAT%20TRADITION%20today%20is%20not%20easy.%20Cold%20war%20liberals%20developed%20their%20narrative%20of%20national%20greatness%20in%20the%20shadow%20of>

%20a%20totalitarian%20%20C2%B6%20superpower.%20Today%20the%20United%20States%20faces%20no%20such%20unified%20threat.&f=false

APPLYING THAT TRADITION today is not easy. Cold war liberals developed their narrative of national greatness in the shadow of a totalitarian ¶ superpower. Today, the United States faces no such unified threat. Rather, it faces a web of dangers—from disease to environmental degradation to weapons of mass destruction—all fueled by globalization, which leaves America increasingly vulnerable to pathologies bred in distant corners of the world. And at the center of this nexus sits jihadist terrorism, a new totalitarian movement that lacks state power but harnesses the power of globalization instead. ¶ Recognizing that the United States again faces a totalitarian foe does not provide simple policy prescriptions, because today's totalitarianism takes such radically different form. But it reminds us of something more basic, that liberalism does not find its enemies only on the right—a lesson sometimes forgotten in the age of George W. Bush. ¶ Indeed, it is because liberals so despise this president that they increasingly reject his trademark phrase, the “war on terror.” Were this just a semantic dispute, it would hardly matter; better alternatives to war on terror abound. But the rejection signifies something deeper: a turn away from the very idea that anti-totalitarianism should sit at the heart of the liberal project. For too many liberals today, George W. Bush's war on terror is the only one they can imagine. This alienation may be understandable, but that does not make it any less disastrous, for it is liberalism's principles—even more than George W. Bush's—that jihadism threatens. If today's liberals cannot rouse as much passion for fighting a movement that flings acid at unveiled women as they do for taking back the Senate in 2006, they have strayed far from liberalism's best traditions. And if they believe it is only George W. Bush who threatens America's freedoms, they should ponder what will happen if the United States is hit with a nuclear or contagious biological attack. No matter who is president, Republican or Democrat, the reaction will make John Ashcroft look like the head of the ACLU.

Impact Module- Laundry List

Interagency cooperation is key to solving Iraq, prolif, climate change, pandemics, and military readiness

Tama '5, Assistant Professor at the School of International Service at American University

Jordan, "Intelligence Reform: Progress, Remaining Deficiencies, and Next Steps",
http://www.princeton.edu/~ppns/papers/intel_reform.pdf

No aspect of the U.S. foreign policy infrastructure has received more attention since 9/11 than intelligence -- and rightfully so.¹ As former 9/11 Commission Vice Chairman Lee Hamilton has stated: "The single most important tool that we have in preventing terrorist attacks is intelligence."² In addition to its central role in combating terrorism, good intelligence is essential to defeat the insurgency in Iraq, stem the proliferation of weapons of mass destruction (WMD), shape smart policies toward the Muslim world, plan for the rise of emerging states such as China and India, and understand the security and economic implications of global dangers such as climate change and highly infectious diseases.¹ Yet the track record of the U.S. intelligence community (IC) includes both notable successes and serious failures. The IC excelled at monitoring the Soviet Union's military capabilities; has frequently provided critical information to American military commanders during wartime; and has helped to capture or kill hundreds of jihadist and insurgent leaders in Afghanistan, Iraq, and elsewhere. But the IC did not forecast India's 1998 nuclear tests or the 9/11 terrorist attacks, inaccurately assessed Iraq's WMD capabilities before the war, and today knows disturbing little about Iran's or North Korea's nuclear programs. It may not be fair, with the benefit of hindsight, to expect the IC to have gotten all of these issues right. But for roughly \$44 billion a year, Americans naturally expect more.³ The 9/11 and Iraqi WMD failures have led to hundreds of proposals for intelligence reform from blue-ribbon commissions, congressional inquiries, and individual experts.¹ They have also led to the adoption of the most far-reaching IC reforms since the passage of the National Security Act in 1947. These adopted reforms include the establishment of the position of Director of National Intelligence (DNI), the creation of the National Counter Terrorism Center (NCTC) and National Counter Proliferation Center (NCPC), the formation of an intelligence-oriented National Security Service in the Federal Bureau of Investigation (FBI), and the breaking down of many walls preventing cooperation and information sharing among the IC's 15 federal agencies.⁴

---Prolif

Prolif leads to extinction

Kroenig '12, Council on Foreign Relations Stanton Nuclear Security Fellow and Georgetown University assistant professor of government

Matthew, "The History of Proliferation Optimism: Does It Have A Future?",
<http://www.npolicy.org/article.php?aid=1182&tid=30>

The spread of nuclear weapons poses a number of severe threats to international peace and U.S. national security including: nuclear war, nuclear terrorism, emboldened nuclear powers, constrained freedom of action, weakened alliances, and further nuclear proliferation. This section explores each of these threats in turn.¶¶ Nuclear War. The greatest threat posed by the spread of nuclear weapons is nuclear war. The more states in possession of nuclear weapons, the greater the probability that somewhere, someday, there is a catastrophic nuclear war. A nuclear exchange between the two superpowers during the Cold War could have arguably resulted in human extinction and a nuclear exchange between states with smaller nuclear arsenals, such as India and Pakistan, could still result in millions of deaths and casualties, billions of dollars of economic devastation, environmental degradation, and a parade of other horrors.¶¶ To date, nuclear weapons have only been used in warfare once. In 1945, the United States used one nuclear weapon each on Hiroshima and Nagasaki, bringing World War II to a close. Many analysts point to sixty-five-plus-year tradition of nuclear non-use as evidence that nuclear weapons are unusable, but it would be naïve to think that nuclear weapons will never be used again. After all, analysts in the 1990s argued that worldwide economic downturns like the great depression were a thing of the past, only to be surprised by the dot-com bubble bursting in the later 1990s and the Great Recession of the late Naughts.[53] This author, for one, would be surprised if nuclear weapons are not used in my lifetime.¶¶ Before reaching a state of MAD, new nuclear states go through a transition period in which they lack a secure-second strike capability. In this context, one or both states might believe that it has an incentive to use nuclear weapons first. For example, if Iran acquires nuclear weapons neither Iran, nor its nuclear-armed rival, Israel, will have a secure, second-strike capability. Even though it is believed to have a large arsenal, given its small size and lack of strategic depth, Israel might not be confident that it could absorb a nuclear strike and respond with a devastating counterstrike. Similarly, Iran might eventually be able to build a large and survivable nuclear arsenal, but, when it first crosses the nuclear threshold, Tehran will have a small and vulnerable nuclear force.¶¶ In these pre-MAD situations, there are at least three ways that nuclear war could occur. First, the state with the nuclear advantage might believe it has a splendid first strike capability. In a crisis, Israel might, therefore, decide to launch a preemptive nuclear strike to disarm Iran's nuclear capabilities and eliminate the threat of nuclear war against Israel. Indeed, this incentive might be further increased by Israel's aggressive strategic culture that emphasizes preemptive action. Second, the state with a small and vulnerable nuclear arsenal, in this case Iran, might feel use 'em or loose 'em pressures. That is, if Tehran believes that Israel might launch a preemptive strike, Iran might decide to strike first rather than risk having its entire nuclear arsenal destroyed. Third, as Thomas Schelling has argued, nuclear war could result due to the reciprocal fear of surprise attack.[54] If there are advantages to striking first, one state might start a

nuclear war in the belief that war is inevitable and that it would be better to go first than to go second. In a future Israeli-Iranian crisis, for example, Israel and Iran might both prefer to avoid a nuclear war, but decide to strike first rather than suffer a devastating first attack from an opponent. ¶ Even in a world of MAD, there is a risk of nuclear war. Rational deterrence theory assumes nuclear-armed states are governed by rational leaders that would not intentionally launch a suicidal nuclear war. This assumption appears to have applied to past and current nuclear powers, but there is no guarantee that it will continue to hold in the future. For example, Iran's theocratic government, despite its inflammatory rhetoric, has followed a fairly pragmatic foreign policy since 1979, but it contains leaders who genuinely hold millenarian religious worldviews who could one day ascend to power and have their finger on the nuclear trigger. We cannot rule out the possibility that, as nuclear weapons continue to spread, one leader will choose to launch a nuclear war, knowing full well that it could result in self-destruction. ¶ One does not need to resort to irrationality, however, to imagine a nuclear war under MAD. Nuclear weapons may deter leaders from intentionally launching full-scale wars, but they do not mean the end of international politics. As was discussed above, nuclear-armed states still have conflicts of interest and leaders still seek to coerce nuclear-armed adversaries. This leads to the credibility problem that is at the heart of modern deterrence theory: how can you threaten to launch a suicidal nuclear war? Deterrence theorists have devised at least two answers to this question. First, as stated above, leaders can choose to launch a limited nuclear war. [55] This strategy might be especially attractive to states in a position of conventional military inferiority that might have an incentive to escalate a crisis quickly. During the Cold War, the United States was willing to use nuclear weapons first to stop a Soviet invasion of Western Europe given NATO's conventional inferiority in continental Europe. As Russia's conventional military power has deteriorated since the end of the Cold War, Moscow has come to rely more heavily on nuclear use in its strategic doctrine. Indeed, Russian strategy calls for the use of nuclear weapons early in a conflict (something that most Western strategists would consider to be escalatory) as a way to de-escalate a crisis. Similarly, Pakistan's military plans for nuclear use in the event of an invasion from conventionally stronger India. And finally, Chinese generals openly talk about the possibility of nuclear use against a U.S. superpower in a possible East Asia contingency. ¶ Second, as was also discussed above leaders can make a "threat that leaves something to chance." [56] They can initiate a nuclear crisis. By playing these risky games of nuclear brinkmanship, states can increase the risk of nuclear war in an attempt to force a less resolved adversary to back down. Historical crises have not resulted in nuclear war, but many of them, including the 1962 Cuban Missile Crisis, have come close. And scholars have documented historical incidents when accidents could have led to war. [57] When we think about future nuclear crisis dyads, such as India and Pakistan and Iran and Israel, there are fewer sources of stability that existed during the Cold War, meaning that there is a very real risk that a future Middle East crisis could result in a devastating nuclear exchange.

Terror DA

Uniqueness

General

Authoritarian regimes make domestic terror uniquely likely, surveillance is the most effective way of preventing it

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate,"

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Broad surveillance of communications is the least intrusive and most effective method for discovering terrorist and espionage activity. Many countries have expanded surveillance programs since the 9/11 attacks to detect and prevent terrorist activity, often in cooperation with other countries, including the United States.

Precise metrics on risk and effectiveness do not exist for surveillance, and we are left with conflicting opinions from intelligence officials and civil libertarians as to what makes counterterrorism successful. Given resurgent authoritarianism and continuing jihad, the new context for the surveillance debate is that the likelihood of attack is increasing. Any legislative change should be viewed through this lens.

The terrorist threat is *increasing* and *global*- continued response is key

PTI 4-14-15, The Economic Times

"Treat terrorism as sensitively as nuclear proliferation: Narendra Modi",

http://articles.economictimes.indiatimes.com/2015-04-14/news/61142201_1_prime-minister-narendra-modi-comprehensive-global-strategy-comprehensive-convention

BERLIN: Asking the international community to treat terrorism as "sensitively" as nuclear proliferation, Prime Minister Narendra Modi today said the world should collectively put pressure on countries which provide shelter to terrorists, in an apparent reference to Pakistan.[¶] The Prime Minister also made a strong pitch for the conclusion of the long-pending Comprehensive Convention on International Terrorism (CCIT) at the UN this year which marks the 70th anniversary of the global body. The objective of the CCIT is to strengthen cooperation to combat international terrorism.[¶] Addressing a joint press conference with German Chancellor Angela Merkel here after their talks during which they discussed the menace of terrorism, Modi described it as the "biggest threat to humanity" and said all those believing in humanity should speak in one voice and intensify collective efforts to tackle it.[¶] "Terrorism is a challenge to the whole world...This issue should be dealt with as sensitively as nuclear proliferation," the Prime Minister said.[¶] He further added that "We need to work on how we can stop sources from where the weapons are supplied. How we can put pressure on the countries where governments provide shelter to terrorists...We need to isolate such countries and governments," he said.[¶] Modi's remarks came four days after a Pakistan court released LeT operations commander and the 2008 Mumbai attack mastermind Zaki-ur-Rehman Lakhvi, which evoked a sharp reaction and concern from several countries including the US, France and Israel.[¶] Strongly protesting Lakhvi's release, India said it "eroded" the value of Pakistan's commitment to tackle terror.[¶] In his initial remarks at the press interaction, Modi said, "The spread of terrorism is growing and its

character is changing. The threat is coming close to us across every region of the world. We need a comprehensive global strategy to deal with this global challenge, in which India and Germany can work together."¶ German Chancellor Merkel also said the two countries have agreed to fight against terrorism collectively, describing it as a global challenge.¶ Equally, in the coming days, maritime cyber and space security would be a matter of concern to everyone and the two countries should increase the cooperation in this area as well, Modi said.¶ He also talked about instability and violence in West Asia, saying it "affects the security of our citizens at home".

ISIS Uniqueness

Current surveillance keeps the ISIS threat under control- but a continued push is key (for impacts based on ISIS)

Rostoum 2-3-15, leading energy expert and geopolitical specialist with degrees from Harvard and Stanford

Elly, “U.S.-Led Coalition Counterterrorist Strategy Against ISIS Going Forward”,
<http://foreignpolicyblogs.com/2015/02/03/us-led-coalition-counterterrorist-strategy-against-isis-going-forward/>

Since June 2014, the Islamic State of Iraq and Syria (ISIS) has managed to gain control of a population of around 8 million people in parts of Iraq and Syria. That’s roughly the equivalent of the population of Switzerland. The group has dominated news headlines and TV coverage around the world thanks to its barbaric and graphic executions and beheading videos. ISIS’ tactics have helped catalyze the global community’s revulsion against the militant jihadist organization, and has partly been the reason the world has been so successful in organizing such a broad-based coalition.¶ In September 2014, U.S. President Barack Obama summed up the world’s response to the ISIS threat: “Our objective is clear. We will degrade, and ultimately destroy, ISIL through a comprehensive and sustained counterterrorism strategy.” Since then, the United States has provided advisers to the Iraqi military in its fight with ISIS and has bombed the organization’s positions extensively, killing more than 6,000 ISIS terrorists since the start of the campaign. The prospect that the United States might need to expand its involvement in the region remains, however, including on the ground troop deployment — a highly contentious issue at home.¶ It’s important to note that the current geopolitical strategy in the Middle East focuses on counterterrorism — which is an attempt to address a symptom of the dynamics of the current conflicts in the region, not the actual problems. The current counterterrorist strategy does not address nor does it hone in the appropriate measures and responses to the civil war in Syria, or the deteriorating security situation in Iraq.¶ According to U.S. intelligence estimates, ISIS currently has a core force of 9,000 to 18,000 fighters. A key aim of the U.S.-led coalition’s counterintelligence strategy has been to undermine ISIS’s core manpower. The weakness of such strategy lies on ISIS’s ability to raise its manpower by tapping into other militant groups to bulk up its force, which underscores ISIS’s focus on recruitment. In October 2014, U.S. officials estimated that there were approximately 1000 recruits joining ISIS per month from overseas.¶ Underlining the importance of that steady flow of ISIS recruits, since the Syrian war began over three years ago, more than 19,000 foreign fighters from 90 different countries have traveled to Syria and Iraq. This points to a serious vulnerability in the coalition’s counterterrorism strategy. If the coalition’s campaign is killing around 1,200 ISIS fighters a month and yet ISIS continues to recruit an estimated 1,000 fighters from overseas a month, the campaign against ISIS will be of limited success.¶ The longer the group remains active, the farther the reach of its militant, barbaric ideology. In fact, ISIS’s influence keeps growing around the world, which has helped “internationalize” the fight as ‘affiliate’ organizations carry out attacks in the name of ISIS — including in Libya, Egypt and Afghanistan. This “internationalization” poses an important problem for the coalition, who has focused on ISIS targets in Syria and Iraq.¶ Seven months into the fight, key questions remain for the coalition: How is ISIS doing as it confronts

the U.S.-led military campaign against it in both Iraq and Syria? Should the United States and its coalition get more actively involved on the front lines of the fight in Syria? And should we push for greater American involvement in Iraq?¶ On the ground, ISIS has continued its attacks in northern Iraq, particularly in Kirkuk, the largely Kurdish city and a key oil production stronghold. ISIS attacks in Iraq are strategic and are partly meant to draw Kurdish fighters away from Mosul, its key base in Iraq. ISIS has controlled Mosul, Iraq's second largest city, since June, but Kurdish forces have closed in around it. The Kurdish authorities have also cut a key supply line to ISIS in Mosul and have taken back an estimated 300 square miles of land around the city.¶ The situation in Syria is not as promising. At least one-third of the country remains under ISIS's control in spite of the coalition's airstrikes. The U.S.-led airstrikes are proving successful — albeit at a slower pace as hoped. Recently, ISIS lost control of Kobani, a small town on the Syrian-Turkish border where many of the U.S.-led airstrikes have been concentrated.¶ The most effective strategy against ISIS is to cripple the organization in Iraq. Continued precision airstrikes in Kirkuk and Mosul will inevitably eliminate ISIS' core manpower. An effective urban warfare campaign will simultaneously be needed to prevent cells from growing. To do so, the Iraqi army and Kurdish forces will ultimately need a greater number of U.S. and coalition advisors to successfully execute and defeat ISIS.¶ From Afghanistan to Libya, ISIS' reach, especially in historically al Qaeda-dominated regions, will have the benefit of causing infighting amongst these terrorist organizations. ISIS' recent move into Yemen is significant for the group as al Qaeda has maintained a presence there for more than a decade. The infighting amongst al Qaeda and ISIS has the benefit of weakening both and offering the U.S. and its coalition with an opportunity to eliminate the threat at the source.

A2 Yemen N/U

There's still success

Connor 3-26-15, fellow for HuffPost Media

Jackson, "MSNBC's Mika Brzezinski Hounds Josh Earnest: 'Is Yemen Still A Success Story?'" , http://www.huffingtonpost.com/2015/03/26/msnbc-josh-earnest-yemen-still-a-success-story_n_6947314.html

Last September, during a speech outlining his plan to fight back the Islamic State, President Barack Obama told Americans to look at Yemen as a shining example of how U.S. counter-terrorism can triumph.¶ "This strategy of taking out terrorists who threaten us, while supporting partners on the front lines, is one that we have successfully pursued in Yemen and Somalia for years," he said.¶ Now, some six months later, the Yemeni government has all but collapsed, with Houthi rebels forcing President Abdu Rabbu Mansour Hadi to allegedly flee the country by boat for Djibouti. On Wednesday night, Saudi Arabia began airstrikes on the Houthis, and Yemen seems poised to descend into a period of total chaos.¶ Still, during a panel discussion on MSNBC's "Morning Joe" Thursday, White House press secretary Josh Earnest was unwilling to walk back the Obama administration's victorious language.¶ Co-host Mika Brzezinski led the charge, grilling Earnest about the crisis.¶ "Josh, I'll put you on the spot here," she began. "Is Yemen still a success story? Can you say that?"¶ "The measure of the U.S. policy should not be graded against the success or the stability of the Yemeni government, that's a separate enterprise," Earnest responded after skirting the question a number of times. "The goal of U.S. policy toward Yemen has never been to try to build a Jeffersonian democracy there. The goal of U.S. policy in Yemen is to make sure that Yemen cannot be a safe haven that extremists can use to attack the west and to attack the United States."¶ Though Earnest conceded that the White House would "prefer a situation where there is a stable government" in Yemen, he ultimately maintained that the U.S. is still able to gather intelligence within the country and launch successful strikes against extremists when necessary.

A2 CT Fails

Counter terrorism efforts are successful now- there is a correlation and causation with a decrease in terror and these efforts

Dilanian 15 [July 3, 2015 AP Intelligence Writer<http://www.vnews.com/news/nation/world/17592169-95/us-counterterrorism-policy-faces-mounting-skepticism> "U.S. Counterterrorism Policy Faces Mounting Skepticism"] (Vaibhav)

"U.S. counterterrorism policy has caused some intense backlash and has had a lot of unintended consequences," said Rosa Brooks, a former Obama administration Pentagon official. Current officials dispute the criticism, but they declined to make anyone available to speak on the record. The administration's position is that the failure of al-Qaida or the Islamic State to launch a coordinated attack on the U.S. homeland is the best evidence that the strategy is working. Timothy Hoyt, a professor of counterterrorism studies at the Naval War College, agreed. Terrorist attacks against the U.S. and its allies have been far less lethal than past campaigns in Britain by the Irish Republican Army, he said, "which suggests that some elements of our counterterrorism strategy are working."

Links

Link- Surveillance

The DA has an invisible risk, every form of data collection is useful because they give fragments to prevent attacks

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate,"

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

NSA carried out two kinds of signals intelligence programs: bulk surveillance to support counterterrorism and collection to support U.S. national security interests. The debate over surveillance unhelpfully conflated the two programs. Domestic bulk collection for counterterrorism is politically problematic, but assertions that a collection program is useless because it has not by itself prevented an attack reflect unfamiliarity with intelligence. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success. Success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture.

In practice, analysts must simultaneously explore many possible scenarios. A collection program contributes by not only what it reveals, but also what it lets us reject as false. The Patriot Act Section 215 domestic bulk telephony metadata program provided information that allowed analysts to rule out some scenarios and suspects. The consensus view from interviews with current and former intelligence officials is that while metadata collection is useful, it is the least useful of the collection programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215, but this would not come without an increase in risk. Restricting metadata collection will make it harder to identify attacks and increase the time it takes to do this.

Every instance of surveillance is a necessity

Jessica **Zuckerman 13**, policy analyst at the Heritage Foundation, et al, 7/22/13, "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism,"

<http://www.heritage.org/research/reports/2013/07/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism>

Maintain essential counterterrorism tools. Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorist threats. Key provisions within the act, such as the roving surveillance authority and business records provision, have proved essential for thwarting terror plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sun setting provisions within the PATRIOT Act.[208] Furthermore, legitimate government surveillance programs are also a vital component of U.S. national security, and should be allowed to continue. Indeed, in testimony before the house, General Keith Alexander, the director of the National Security Agency (NSA), revealed that more than 50 incidents of potential terrorism at home and abroad were stopped by the set of NSA surveillance programs that have recently come under scrutiny. That said, the need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect

individual privacy and liberty. In the American system, the government must do both equally well.

Surveillance is key to preventing violence before it happens- here's an example
Inserra and Walters 4-8-15, Policy Analyst, Homeland Security and Cybersecurity, and Research Assistant

David and Riley, "65th Islamist Terrorist Plot or Attack Since 9/11: Persistent Terrorism Requires Constant Vigilance", <http://www.heritage.org/research/reports/2015/04/65th-islamist-terrorist-plot-or-attack-since-911-persistent-terrorism-requires-constant-vigilance>

Terrorist Plot Details, U.S. citizens Noelle "Najma Samaa" Velentzas and Asia "Murdiyyah" Siddiqui were arrested for willfully conspiring to use a weapon of mass destruction in the United States.[2] Using the Internet and relevant books, the two roommates researched and obtained the items needed to create an explosive device made from propane tanks. Velentzas noted several weeks ago that there are more "opportunities of pleasing Allah" in the United States, implying that she intended to launch an attack on U.S. soil rather than going to fight overseas.[3] An investigation revealed that both defendants took to Islamist ideology several years ago. Velentzas admired Osama bin Laden and his mentor Abdullah Azzam and had been obsessed with pressure-cooker bombs since the 2013 Boston Marathon bombings. She also considered herself a citizen of the Islamic State (ISIS). Siddiqui showed an interest in Islamist ideology even earlier. In 2006, she became close to a prominent figure in the al-Qaeda in the Arabian Peninsula terrorist group, Samir Khan, who died in 2011. In 2009, she wrote a poem for a magazine called Jihad Recollections and called for readers to engage in violent jihad. In 2010, she sent a letter of support to Mohamed Mohamud, who was arrested for attempting to detonate a car bomb in Portland, Oregon.[4] Through an undercover agent, the FBI began tracking both Velentzas and Siddiqui in July 2014. About that time, the two women showed an increased interest in learning how to construct and detonate explosive devices within the United States. Velentzas and Siddiqui read about how to make homemade grenades, pipe bombs, and pressure-cooker bombs and on electrical currents and chemistry. Velentzas showed a growing interest in attacking police, military, and other government targets, and discussed how she and Siddiqui could defend themselves with concealed knives or with stolen weapons in the event they were arrested.[5] Ultimately, the FBI acted because Velentzas and Siddiqui had not only acquired the materials necessary to build a bomb, including multiple propane canisters, but Siddiqui had indicated a desire to proceed with independent planning and plots. With the potential for a bomb to be built, the undercover agent unable to track the progress of the work, and Siddiqui and Velentzas's clear desire to attack the U.S., the FBI arrested them before harm could come to the public.[6] Terrorism on the Rise, Of the 65 Islamist terrorist plots or attacks since 9/11, this marks the 54th homegrown terrorist plot, as both individuals were U.S. citizens who were radicalized in the U.S. This case is also the third terror plot in less than three months, indicating an uptick in Islamist terrorism. This may be due to the success of terrorist campaigns by ISIS and other terrorist organizations inspiring individuals to radicalize and act on those extremist beliefs.[7] The past three terrorist plots have all expressed at least some, if not direct, allegiance to ISIS and a desire to help ISIS by attacking targets here in the U.S. With the trend of homegrown terrorism continuing to grow and the recent increase in terrorist plots, both here in

the U.S. and across the West, the U.S. must redouble its efforts.¶ Specifically, the U.S. should:¶ Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations, however, does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well.¶ Emphasize community outreach. Federal grant funds should be used to create robust community outreach capabilities in higher-risk urban areas. Importantly, these funds must not be used for political pork or so broadly used that they are no longer targeted at those communities at greatest risk. Such capabilities are key to building trust in local communities, and if the United States is to be successful in thwarting lone-wolf terrorist attacks, it must put effective community outreach operations at the tip of the spear.¶ Develop a comprehensive counterterrorism strategy. Since the inspirational source of domestic radicalization and terrorism often lies overseas, battling violent Islamist extremism abroad must be addressed in concert with the challenges presented by the terrorism at home. To this end, Congress should ensure that the Administration has a comprehensive strategy for addressing violent Islamist extremism both at home and abroad. This includes working with allies to strengthen intelligence sharing and collaborative counterterrorism efforts.

Link- Deterrence

Even if the data seems useless, its necessary to deter terrorists from planning an attack in the first place

Kroneg and Pavel 12 [Kroenig is an Assistant Professor of Government at Georgetown University and a Stanton Nuclear Security Fellow at the Council on Foreign Relations. Barry Pavel is Director of the Atlantic Council's International Security Program "How to deter terrorism"]

Given the value that terrorists place on operational success, states can deter terrorism by convincing terrorists that operations are likely to fail. For this reason, **simple homeland security measures can deter terrorist attacks.** Improving **domestic intelligence and hardening key targets** are strong deterrents to attack. Indeed, we know of many cases in which terrorists were deterred from carrying out an attack by the fear of failure. For example, an al-Qaeda affiliate planned to attack a U.S. military base in Turkey in late 2003, but the United States improved its defenses at the site during the planning stages, and the terrorists called off the attack.²² It is, of course, impossible to protect every conceivable target, and terrorists will often re-focus away from hardened targets toward softer ones. This fact can be an asset as well as a liability in the war on terror, however. It is, after all, the counterterrorists' choice about which targets should be defended and at what cost. **Deploying effective homeland security measures may, for example, be targeted to specifically help deter WMD terrorism.** In order to successfully conduct a WMD attack, terrorists would have to complete a number of difficult steps. **Measures that the United States takes to reduce the probability that a WMD terror attack will succeed should have a deterrent effect.** For example, **as the United States improves its radiation detection capabilities at border crossings, the probability that a terrorist smuggling nuclear material across the border will be captured and the radioactive material confiscated increases.** Given the value that terrorists might place on scarce and strategically important nuclear material, **they may prefer not to even attempt to bring it into the United States, given a sufficiently high risk of losing it.** A critic might counter that the United States is already improving homeland security and that this is being done for defensive, not deterrent purposes. This critique, however, glosses over one of the most important questions of U.S. counterterrorism policy: should homeland security measures be intended primarily as a deterrent or as a defense? We argue that homeland security policy should be designed primarily as a deterrent. **The objective of homeland security should not be to fend off an endless number and methods of terrorist attacks.** In fact, if it gets to the point that U.S. forces have to thwart an attack at the last moment, homeland security has failed. Rather, **the United States should aim to deter terrorism.** **Washington should send the message that we are ready and that it is not in terrorists' best interests to attempt an attack.** The point of building concrete barriers around the Washington Monument is not to have terrorists smash explosive-laden trucks into the barricades day after day. Rather, the hope is that terrorists will see the defenses and decide not to attack in the first place. This insight has important implications for the way we structure homeland security. First, homeland security should not be designed primarily as a defense. **We cannot hope to thwart every kind of conceivable attack.** Rather the goal should be to raise the perceived probability that an operation will be thwarted to convince terrorists that they should not attempt an attack in the first place. For this goal, **a perfect defense is overkill** (and

unachievable in any event). Homeland security can rely more heavily on measures such as randomized screening and periodic surges in security levels at key sites. Such measures keep terrorists off guard, are less costly than a watertight defense, and if designed well, are sufficient for deterring terrorist attacks.

A2 Only Suspected Terrorists

“Suspected terror monitoring” is ineffective because it doesn’t stop the unknown terrorist

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, “Underestimating Risk in the Surveillance Debate,”

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

The echoes of September 11 have faded and the fear of attack has diminished. We are reluctant to accept terrorism as a facet of our daily lives, but major attacks—roughly one a year in the last five years—are regularly planned against U.S. targets, particularly passenger aircraft and cities. America’s failures in the Middle East have spawned new, aggressive terrorist groups. These groups include radicalized recruits from the West—one estimate puts the number at over 3,000—who will return home embittered and hardened by combat. Particularly in Europe, the next few years will see an influx of jihadis joining the existing population of homegrown radicals, but the United States itself remains a target.

America’s size and population make it is easy to disappear into the seams of this sprawling society. Government surveillance is, with one exception and contrary to cinematic fantasy, limited and disconnected. That exception is communications surveillance, which provides the best and perhaps the only national-level solution to find and prevent attacks against Americans and their allies. Some of the suggestions for alternative approaches to surveillance, such as the recommendation that NSA only track “known or suspected terrorists,” reflect both deep ignorance and wishful thinking. It is the unknown terrorist who will inflict the greatest harm.

A2 Useless Data

No such thing as useless data – it stops us from going after false leads

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, “Underestimating Risk in the Surveillance Debate,”

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

What is left out of this picture (and from most fictional portrayals of intelligence analysis) is the number of false leads the analysts must pursue, the number of dead ends they must walk down, and the tools they use to decide that something is a false lead or dead end. Police officers are familiar with how many leads in an investigation must be eliminated through legwork and query before an accurate picture emerges. Most leads are wrong, and much of the work is a process of elimination that eventually focuses in on the most probable threat. If real intelligence work were a film, it would be mostly boring. Where the metadata program contributes is in eliminating possible leads and suspects.

This makes the critique of the 215 program like a critique of airbags in a car—you own a car for years, the airbags never deploy, so therefore they are useless and can be removed. The weakness in this argument is that discarding airbags would increase risk. How much risk would increase and whether other considerations outweigh this increased risk are fundamental problems for assessing surveillance programs. With the Section 215 program, Americans gave up a portion of their privacy in exchange for decreased risk. Eliminating 215 collection is like subtracting a few of the random pieces of the jigsaw puzzle. It decreases the chances that the analysts will be able to deduce what is actually going on and may increase the time it takes to do this. That means there is an increase in the risk of a successful attack. How much of an increase in risk is difficult to determine, but this is crucial for assessing the value of domestic surveillance programs.

If the risk of attack is increasing, it is not the right time to change the measures the United States has put in place to deter another 9/11. If risk is decreasing, surveillance programs can be safely reduced or eliminated. A more complicated analysis would ask if the United States went too far after 9/11 and the measures it put in place can be reduced to a reasonable level without increasing risk. Unfortunately, precise metrics on risk and effectiveness do not exist, and we are left with the conflicting opinions of intelligence officials and civil libertarians as to what makes effective intelligence or counterterrorism programs. There are biases on both sides, with intelligence officials usually preferring more information to less and civil libertarians can be prone to wishful thinking about terrorism and opponent intentions.¹³

Interviews with current and former intelligence officials give us some guidance in deciding this. The consensus among these individuals is that 215 is useful in preventing attacks, but the least useful of the programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215 before any others, but ending 215 would not come without some increase in risk.

A2 Link Turn- Data Overload

New data programs solve info overload

Lavenda 3-21-15, Technology strategist

David, "How Smartphone Metadata Can Help Prevent Information Overload",
<http://www.cmswire.com/cms/mobile-enterprise/how-smartphone-metadata-can-help-prevent-information-overload-024591.php?pageNum=2>

Where to Next? Where No Man Has Gone Before, The rapid deployment of sensor-rich smart mobile devices, coupled with the proliferation of distributed, heterogeneous cloud services provides a fertile ground for almost limitless opportunities to define contexts that could pinpoint and surface the information you need "right here, right now." Validation of this trend was provided by Microsoft's recent announcement of the Office Graph. Microsoft's Office Graph uses "signals from email, social conversations, documents, sites, instant messages, meetings and more to map the relationships between the people and things that make your business go." Apps that can tap into the intelligence of Office Graph and related sources, might finally be able to crack the information overload problem. The Internet of Things is ultimately the top level of sophistication available for context-aware situations. Specifically, when devices will be able to communicate amongst themselves, the sky is literally the limit about what is possible. The opportunities to reduce information overload afforded by the coupling of sensors, context and machine-machine interactions will be covered in a future article.

Data tagging and organization do too

Harari 6-23-15, Thompson Reuters

Ofer, "Big Data Intelligent Tagging: Bringing Order to Information Overload",
<http://tabbforum.com/opinions/big-data-intelligent-tagging-bringing-order-to-information-overload>

Data has long been the driving force in financial services, and it continues to play an important role powering everything from governments to healthcare. In this era of Big Data, the ongoing flow of information can be overwhelming or distracting. But when used intelligently, today's open data economy can drive informed, strategic decisions and give a financial service firm an edge in the marketplace. Structured, machine-readable and intelligent information is essential in an evolving landscape in which there are more than three billion online users globally, generating millions of text documents daily. For example, satellite images now offer incredible detail about the state of crops in various parts of the world. Machines can sort through corporate SEC filings faster than any human. Bricks-and-mortar retailers can track the number of people going into stores, how long they spent there and what they walked out with – while online rivals such as Amazon know what people searched for and can make a good guess about what they might order and when. News is now disseminated on social sites such as Twitter faster than through traditional news agencies – and it comes in greater quantity than ever before. [Related: "In-House Alpha: Mining the Unstructured Data Within"] But the abundance of data is only the beginning – firms still face the crucial task of making sense of it all and deriving tangible benefits from it. In a vast digital world, how can a company get to the heart of

what is needed and make valuable connections between people, subjects, places and more? For Big Data to be useful, our clients must connect the dots, find what is relevant and leave the rest behind – in other words, separate the wheat from the chaff. Thomson Reuters Intelligent Tagging, powered by Calais, has been used for the past six years inside Thomson Reuters to effectively mine content, help analysts collect and curate information, and make content searchable in our flagship products such as Eikon, WestlawNext and more. We are now making this exact same service available to our clients as well, providing technology and business professionals access to the automatic generation of rich, semantic metadata and providing a way to link, tag and find relationships within content to increase its value and gain competitive advantage. But Intelligent Tagging also goes far beyond classic entity identification. It uses Natural Language Processing (NLP), text analytics and data mining technologies to derive meaning from all that unstructured information – including research reports, news articles and blog posts. It then connects extracted entities to Thomson Reuters “core entity masters,” which provide even more information and connections to leverage for search and analytics. Thomson Reuters internal Content Marketplace defines a global information model across the organization where each content set is managed centrally with keeping “one version of the truth” and with ontology and linkages to other content sets (like Organization Authority, People Authority, Industries, Deals and more). Thomson Reuters Intelligent Tagging is the glue that links any unstructured content, using metadata, to the relevant authorities (e.g., a News story that mentions a merger deal will be linked to the latest Deals tear sheet and the data on those companies in the Organization Authority). Our unified approach provides a comprehensive and unique perspective that cuts through the clutter and makes relevant connections. It helps clients standardize data definitions, share information across the enterprise and leverage knowledge hidden in the daily deluge of information as well as in data stores. This allows end users, such as analysts, managers, advisors or anyone seeking information, to move from long, challenging data searches, to gaining the insight and advantage that provide a competitive edge. Intelligent Tagging: As Simple as Child’s Play. With this service available now to our clients, data can be easily searched for meaningful, usable information that can help the business be more competitive. 1. Tagging. Using NLP, machine learning and other methods, Thomson Reuters Intelligent Tagging analyzes any kind of documents and finds the entities and events within it. This automatically adds rich, semantic, machine-readable metadata to the client’s content that is connected to the highly curated data of Thomson Reuters. 2. Intelligence. The tags are delivered to the client’s platforms and incorporated into applications for search, analytics, alerts, news aggregation and other use cases. 3. Linkages. Linkages to Thomson Reuters authorities with up-to-date metadata are available at any point in time. As a news and information company, Thomson Reuters has been amassing a host of data for years, giving us unparalleled ability to make the connections we’re now sharing through Intelligent Tagging. Our own teams rely on this proprietary service as an essential building block for developing new products and services. As the marketplace moves faster and grows more competitive, the relevance of intelligent information is becoming increasingly clear. With Intelligent Tagging, the ability to sort through the universe of information to find the news item, document or dataset that could put you ahead of the competition has become “child’s play.” Data About Data. Metadata is “data about data.” For example, a book’s title and author is metadata. In information systems, a tag is a non-hierarchical keyword or term assigned to a piece of

information (such as an Internet bookmark, digital image, or computer file). This kind of metadata helps describe an item and allows it to be found again by browsing or searching. By tagging, clients can start to create an organized, linked metadata store that can be constantly updated and searched for intelligent insight. For example, by tagging entities in a given article and then connecting those entities to Thomson Reuters' rich metadata, a user would have access to a wealth of information, such as:

- ¶ Entities: Examples are companies, people, places and products.
- ¶ Relationships: John Doe works for Acme Corp., which is a pharma company in Dallas.
- ¶ Facts: John Doe is a 42-year-old, male CFO.
- ¶ Events: Jane Doe was appointed a board member of Acme Corp.
- ¶ Topics: Story is about M&As in the pharma industry.

Turns Case

Rollback

DA turns case- surveillance is replaced with increased and more intrusive agents- these are expensive and don't solve the DA because they're not effective

Lewis '14, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies

James Andrew, "Underestimating Risk in the Surveillance Debate", http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf, Broad surveillance of communications is the **least** intrusive method and **most effective** means for discovering terrorist activity. The alternatives to mass surveillance are straightforward. Countries can replace communications surveillance by increasing the number of security service personnel responsible for monitoring terrorism or they can decrease surveillance and accept some increase in the level of risk of a successful attack. The dilemma with choosing this course of action is that the number of agents required to replace communications surveillance is expensive and **overtly intrusive** in a way the communications surveillance is not. Hundreds of thousands of additional agents would be required to provide national coverage, may lack sufficient global reach to detect activity being planned or undertaken outside U.S. territory, and the creation of such a large force risks creating a much greater chilling effect on liberties.

Impact Work

Impact Framing

Frame your decision through the unknowability of the risk of the DA- the fact we don't know exactly when the next attack will happen means you err on the side of caution

Lewis '14, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies

James Andrew, "Underestimating Risk in the Surveillance Debate", http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf, Assertions that a collection program contributes nothing because it has not singlehandedly prevented an attack, reflect an ill-informed understanding of how the United States conducts collection and analysis to prevent harmful acts against itself and its allies. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success (nor is technology consistently infallible). Intelligence is a team sport. Perfect knowledge does not exist and success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. Analysts assemble this mosaic from many different sources and based on experience and intuition. Luck is still more important than anyone would like and the alternative to luck is acquiring more information. This ability to blend different sources of intelligence has improved U.S. intelligence capabilities and gives us an advantage over some opponents. Portrayals of spying in popular culture focus on a central narrative, essential for storytelling but deeply misleading. In practice, there can be many possible narratives that analysts must explore simultaneously. An analyst might decide, for example, to see if there is additional confirming information that points to which explanation deserves further investigation. Often, the contribution from collection programs comes not from what they tell us, but what they let us reject as false. In the case of the 215 program, its utility was in being able to provide information that allowed analysts to rule out some theories and suspects. This allows analysts to focus on other, more likely, scenarios. In one instance, an attack is detected and stopped before it could be executed. U.S. forces operating in Iraq discover a bomb-making factory. Biometric data found in this factory is correlated with data from other bombings to provide partial identification for several individuals who may be bomb-makers, none of whom are present in Iraq. In looking for these individuals, the United States receives information from another intelligence service that one of the bombers might be living in a neighboring Middle Eastern country. Using communications intercepts, the United States determines that the individual is working on a powerful new weapon. The United States is able to combine the communications intercept from the known bomb maker with information from other sources—battlefield data, information obtained by U.S. agents, collateral information from other nations' intelligence services—and use this to identify others in the bomber's network, understand the plans for bombing, and identify the bomber's target, a major city in the United States. This effort takes place over months and involves multiple intelligence, law enforcement, and military agencies, with more than a dozen individuals from these agencies collaborating to build up a picture of the bomb-maker and his planned attack. When the bomb-maker leaves the Middle East to carry out his attack, he is

prevented from entering the United States. An analogy for how this works would be to take a 1,000-piece jigsaw puzzle, randomly select 200 pieces, and provide them to a team of analysts who, using incomplete data, must guess what the entire picture looks like. The likelihood of their success is determined by how much information they receive, how much time they have, and by experience and luck. Their guess can be tested by using a range of collection programs, including communications surveillance programs like the 215 metadata program. What is left out of this picture (and from most fictional portrayals of intelligence analysis) is the number of false leads the analysts must pursue, the number of dead ends they must walk down, and the tools they use to decide that something is a false lead or dead end. Police officers are familiar with how many leads in an investigation must be eliminated through legwork and query before an accurate picture emerges. Most leads are wrong, and much of the work is a process of elimination that eventually focuses in on the most probable threat. If real intelligence work were a film, it would be mostly boring. Where the metadata program contributes is in eliminating possible leads and suspects. This makes the critique of the 215 program like a critique of airbags in a car—you own a car for years, the airbags never deploy, so therefore they are useless and can be removed. The weakness in this argument is that discarding airbags would increase risk. How much risk would increase and whether other considerations outweigh this increased risk are fundamental problems for assessing surveillance programs. With the Section 215 program, Americans gave up a portion of their privacy in exchange for decreased risk. Eliminating 215 collection is like subtracting a few of the random pieces of the jigsaw puzzle. It decreases the chances that the analysts will be able to deduce what is actually going on and may increase the time it takes to do this. That means there is an increase in the risk of a successful attack. How much of an increase in risk is difficult to determine, but this is crucial for assessing the value of domestic surveillance programs. If the risk of attack is increasing, it is not the right time to change the measures the United States has put in place to deter another 9/11. If risk is decreasing, surveillance programs can be safely reduced or eliminated. A more complicated analysis would ask if the United States went too far after 9/11 and the measures it put in place can be reduced to a reasonable level without increasing risk. Unfortunately, precise metrics on risk and effectiveness do not exist, and we are left with the conflicting opinions of intelligence officials and civil libertarians as to what makes effective intelligence or counterterrorism programs. There are biases on both sides, with intelligence officials usually preferring more information to less and civil libertarians can be prone to wishful thinking about terrorism and opponent intentions.¹³ Interviews with current and former intelligence officials give us some guidance in deciding this. The consensus among these individuals is that 215 is useful in preventing attacks, but the least useful of the programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215 before any others, but ending 215 would not come without some increase in risk.

A2 No Terror Threat

Terrorism is feasible and likely- its only a question of prevention by surveillance

Lewis '14, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies

James Andrew, "Underestimating Risk in the Surveillance Debate",
http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Americans are reluctant to accept terrorism is part of their daily lives, but attacks have been planned or attempted against American targets (usually airliners or urban areas) almost every year since 9/11. Europe faces even greater risk, given the thousands of European Union citizens who will return hardened and radicalized from fighting in Syria and Iraq. The threat of attack is easy to exaggerate, but that does not mean it is nonexistent. Australia's then-attorney general said in August 2013 that communications surveillance had stopped four "mass casualty events" since 2008. The constant planning and preparation for attack by terrorist groups is not apparent to the public. The dilemma in assessing risk is that it is discontinuous. There can be long periods with no noticeable activity, only to have the apparent calm explode. The debate over how to reform communications surveillance has discounted this risk. Communications surveillance is an essential law enforcement and intelligence tool. There is no replacement for it. Some suggestions for alternative approaches to surveillance, such as the idea that the National Security Agency (NSA) only track known or suspected terrorists, reflect wishful thinking, as it is the unknown terrorist who will inflict the greatest harm.

View the debate through the lens of the increasing invisible threat of terror

Lewis '14, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies

James Andrew, "Underestimating Risk in the Surveillance Debate",
http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Risk Is Not Going Away. Broad surveillance of communications is the least intrusive and most effective method for discovering terrorist and espionage activity. Many countries have expanded surveillance programs since the 9/11 attacks to detect and prevent terrorist activity, often in cooperation with other countries, including the United States. Precise metrics on risk and effectiveness do not exist for surveillance, and we are left with conflicting opinions from intelligence officials and civil libertarians as to what makes counterterrorism successful. Given resurgent authoritarianism and continuing jihad, the new context for the surveillance debate is that the likelihood of attack is increasing. Any legislative change should be viewed through this lens.

The terror threat exists- the secretary of defense agrees

IBD 15 [June 23, 2015 <http://news.investors.com/ibd-editorials/062315-758709-diminishing-us-power-has-elevated-our-terror-threat-level.htm> "Despite Obama's Claim, Our Terror Threat Level Is High"] (Vaibhav)

Homeland Security: The president repeatedly claims we're safer than ever. The chairman of the House Intelligence Committee just warned of the opposite. Apparently we have difficulty tracking U.S.-based

terrorist cells. The attitude of the Obama administration toward terrorism is summed up by the National Terrorism Advisory System page on the Homeland Security website. "There are no current alerts," it reports. And "there are no expired alerts." Nearby is the question, "Was this page helpful?" The answer is no. The five post-9/11 color-coded terrorism alert levels, abandoned in 2011, were lampooned by comedians for being vague and based on hidden criteria. With the threat level never dropping below "elevated" (yellow), down to "guarded" (blue) or "low" (green), the public was ignoring it, it was said. But now, in its place, is a National Terrorism Advisory System that never issues alerts. In fact, over nearly six and a half years, President Obama has not once, under either the old or new system, issued an alert. Last August he promised **"things are much less dangerous now than they were 20 years ago, 25 years ago, or 30 years ago."** **That contradicted his own Joint Chiefs chairman, secretary of defense, and even his then-Attorney General Eric Holder,** who called potential undetectable explosives smuggled in from Syria the most frightening thing he had seen while in office. Enter House Intelligence Committee Chairman Devin Nunes, R-Calif., who told CBS' "Face the Nation" on Sunday that **"we face the highest threat level we have ever faced in this country today . . . including after 9/11."** Because of obstacles such as encrypted Internet chat rooms, **"we are having a tough time tracking terrorist cells,"** according to Nunes. And **"the flow of fighters"** from Western nations who have been radicalized into the Islamic State, but **"who have now come out"** and may seek to commit terrorist attacks back home, is another reason the threat is greater than ever. Nunes noted that the FBI has **"cases open in 50 states."** Then there is civil war in Yemen, with the AQAP branch of al-Qaida "everywhere," according to Nunes. Last September, outlining his noncombat approach against the Islamic State, Obama cited his Yemen policy as the model. Eleven days later, Iranian-backed Houthi rebels toppled the U.S.-backed government. Obama is poised to make a nuclear deal with those same Iranians, lifting sanctions and handing Tehran tens of billions in cash to terrorize even more and gain regional dominance — all before getting nuclear weapons, which will launch an atomic arms race in the Mideast. Russia's new aggressiveness counters Obama's claims that the Cold War is ancient history. Iran, the Islamic State and other terrorists are actually, while lacking Moscow's massive nuclear arsenal, a greater threat because of the theocratic-based, self-destructive irrationality and instability underlying their motivations. The Soviets, after all, never murdered thousands of Americans on their own soil. Far less powerful Islamist fanatics did. **Under the old color-coded system, today's level of alert would be "severe" (red).**

A2 Metadata Not Key

Successful surveillance requires data from *tons of sources*- restriction decreases early *detection and prevention*

Lewis '14, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies

James Andrew, "Underestimating Risk in the Surveillance Debate",
http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Espionage and Counterterrorism, NSA carried out two kinds of signals intelligence programs: bulk surveillance to support counterterrorism and collection to support U.S. national security interests. The debate over surveillance unhelpfully conflated the two programs. Domestic bulk collection for counterterrorism is politically problematic, but assertions that a collection program is useless because it has not by itself prevented an attack reflect unfamiliarity with intelligence. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success. Success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. In practice, analysts must simultaneously explore many possible scenarios. A collection program contributes by not only what it reveals, but also what it lets us reject as false. The Patriot Act Section 215 domestic bulk telephony metadata program provided information that allowed analysts to rule out some scenarios and suspects. The consensus view from interviews with current and former intelligence officials is that while metadata collection is useful, it is the least useful of the collection programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215, but this would not come without an increase in risk. Restricting metadata collection will make it harder to identify attacks and increase the time it takes to do this.

Splintering Trick

Framing issue- these terrorists don't have to work together- one independent attack is enough to cause our impact

Lewis '14, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies

James Andrew, "Underestimating Risk in the Surveillance Debate",
http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.²⁴ European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.²⁵ The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.²⁶ If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences. A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia. Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali.²⁴ Jon Swaine, "NYPD terror chief: New Yorkers among American Islamists in Middle East," The Guardian, June 20, 2014, <http://www.theguardian.com/world/2014/jun/20/nypd-terror-chief-new-yorkers-american-islamists-middle-east>.²⁵ Carlotta Gall, "Spanish Police Target Cells Recruiting War Volunteers," New York Times, June 16, 2014, <http://www.nytimes.com/2014/06/17/world/europe/spanish-police-target-cells-recruiting-war-volunteers-for-insurgenciesfrom-western-africa-syria-iraq.html?ref=todayspaper>.²⁶ Representative Michael Rogers, first panel, "Ethos and Profession of Intelligence," Georgetown University, Washington, DC, June 12, 2014, <http://www.georgetown.edu/news/cia-conference-2014.html>.²⁰ | Underestimating Risk in the Surveillance Debate, population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population, faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security

forces.¶ The chief difference between now and the situation before 9/11 is that all of these countries have put in place, much more robust surveillance systems, nationally and in cooperation with others, including the United States,¶ to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and,¶ Afghanistan and the opportunities created by the Arab Spring have opened a new “front” for jihadi groups that,¶ makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks,¶ from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish,¶ a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the,¶ Arabian Peninsula) continues to regularly plan attacks against U.S. targets.¶ 27¶ The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number,¶ of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped,¶ but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its,¶ conclusion because of operational difficulties. These attacks are the threat that mass surveillance was created to,¶ prevent. The needed reduction in public anti-terror measures without increasing the chances of successful attack,¶ is contingent upon maintaining the capability provided by communications surveillance to detect, predict, and,¶ prevent attacks. Our opponents have not given up; neither should we.

Impact Module- Prolif (Good for Current UQ)

Specifically, Al Qaeda causes nuclear prolif- *splintering* means they're uniquely difficult to target

Mowatt-Larssen '10, senior fellow at the Harvard Kennedy School's Belfer Center for Science and International Affairs

Rolf, "Bulletin of the Atomic Scientists: Nightmares of nuclear terrorism",

<http://belfercenter.ksg.harvard.edu/files/Atomic%20Bulletin%20March%20April%202010.pdf>

That might have been true at the time, but on 9/11, Al Qaeda rewrote the terrorist playbook by executing mass casualty attacks against strategic U.S. targets. In essence, these attacks ended one era and ushered in a new one. It is an age in which a few terrorists hold the means to alter the course of history with a single blow. Having set a standard that dares to change the world, it is likely only a matter of time before 9/11 is eclipsed by an even more devastating event. So why has it not happened yet? For starters, having pulled off such a complex and successful operation as 9/11, Osama bin Laden may find it problematic to settle on anything lesser—or riskier—that might damage his movement's almost mythological standing in the annals of terrorist lore. W Bulletin of the Atomic Scientists | WWW.THEBULLETIN.ORG March/april 2010 38 Al Qaeda is a conservative, risk-averse organization. The group's leadership apparently recognizes that it is better to not attack at all, than to do so in a way that falls short of the lofty goals they have set for themselves. And for now at least, the Al Qaeda leadership may have few credible options for making good on threats to disrupt the global economy and to convince their adversaries that they are fighting a war that cannot be won. A further—and highly unsettling—explanation of Al Qaeda's extraordinary patience is that group members think time is on their side. They probably believe they have drawn the United States into a deepening commitment to fight a protracted insurgency in Afghanistan. Moreover, Saddam Hussein was deposed, opening up long-term possibilities for an Islamic theocracy in Iraq. Gen. Pervez Musharraf is out of power in Pakistan, and the domestic instability there is growing every day. These developments create opportunities to change the global status quo. In other words, Al Qaeda may be waiting for a perfect storm in the alignment of targets, opportunity, and timing to launch another game-changing attack. If they do so, it will certainly be based on a calculation that the moment is ripe to try to force Washington's hand in ways that favor Al Qaeda's long-term goals. In this light, the group's long-held intent and persistent efforts to acquire nuclear and biological weapons represent a unique means of potentially fulfilling its wildest hopes and aspirations. As bin Laden declared in 1998, it is his duty to obtain WMD. He apparently understood at this early juncture that using such weapons might become necessary at some stage of his confrontation with the United States and its allies. With this in mind, Al Qaeda feverishly pursued nuclear and biological weapons capabilities before 9/11. These efforts were managed by the group's most senior leadership, with a sense of purpose and urgency that suggests it was important to make progress on possessing WMD prior to its 2001 attack on the United States. Yet in spite of bin Laden's declaration and Al Qaeda's subsequent efforts to acquire nuclear and biological weapons, the threat is not widely being treated as a clear-and-present danger that requires an urgent response. Nuclear terrorism detractors point out that the threat has been hyped. Unfortunately, it is true that some have used the WMD threat to

incite fear and to justify extreme tactics to combat terrorism. Skeptics argue that there were no WMD in Iraq, so why should people believe intelligence that terrorists are seriously trying to acquire them? Plus, if terrorists have such a weapon, why haven't they used it? They also argue that it is impossible for men in caves to acquire and detonate a nuclear bomb. They acknowledge some nuclear material may be missing from global stocks, but they exude confidence that it is surely not available in sufficient quantities to constitute a real threat, and that in any case, it is preposterous to believe that primitive, unsophisticated terrorists might be able to construct a bomb capable of producing a nuclear yield. Let us hope the skeptics are right, because in terms of organizing the international community to confront the threat posed by large-scale WMD terrorism, not much has been accomplished. Intelligence and law enforcement agencies, in the United States and abroad, have been slow to dedicate resources and leadership to the problem. For example, there is a widespread assumption that terrorists will employ small-scale, crude forms of chemical, biological, and radiological weapons because they are easier to acquire and use. But the weight of the evidence suggests the opposite is true—i.e., terrorists choose weapons best suited for the targets they intend to strike. The history of Al Qaeda strikes against the United States bears this out. The group historically has utilized a remarkably diverse arsenal of weapons in its attacks against the United States: The embassy bombings in Kenya and Tanzania were ground attacks; the U.S.S. Cole bombing was a sea attack; and the World Trade Center and Pentagon bombings were air attacks. It chose the desired weapons based on operational considerations, most notably a weapon's capacity to destroy the intended target. Another dangerous bias in assessing the threat is the belief that once terrorists obtain a nuclear bomb, they will use it. Thus, the following argument is proffered: Since Al Qaeda has yet to use a nuclear weapon, it does not possess one. This might comfort the doubters, but terrorists may not agree that it is difficult to stash a nuclear or biological weapon in a safe place for future use, without fear of discovery. After all, it has proved exceedingly difficult to find bin Laden and his lieutenant Ayman al-Zawahiri, and we have a pretty good idea of where they might be hiding. Plus, nothing in Al Qaeda's behavior suggests that its leaders follow predictable patterns concerning the means and timing of attacks. But accepting that nuclear terrorism can happen does not mean that it is inevitable. The odds are stacked against a terrorist successfully acquiring a nuclear bomb. That said, in a twenty-first century world of rare and unpredictable events, prudent risk management must prioritize threats based on both the probability of an event and its potential consequences. Accordingly, terrorists must be denied any possibility, however remote it might seem, from ever succeeding in their quest to launch a nuclear or large-scale biological attack on any city. Better still, if we can anticipate how a nuclear terrorist threat might unfold, it stands to reason that we might be able to prevent such an attack from happening. The following scenarios are the nuclear nightmares that keep me up at night.

---A2 Nuke Prolif Impossible

Here's a few scenarios

1. Pakistan can lose control of its bomb

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Rolf, "Bulletin of the Atomic Scientists: Nightmares of nuclear terrorism",
<http://belfercenter.ksg.harvard.edu/files/Atomic%20Bulletin%20March%20April%202010.pdf>

Pakistan loses control of its Bomb. Allegations that the threat posed by Pakistani "loose nukes" has been hyped and that the Pakistani military has everything under control may sound soothing, but they obscure the fact that South Asia is replete with violent extremists. Mix in a rapidly expanding arsenal of nuclear weapons and growing domestic instability, and there is a greater possibility of a nuclear meltdown in Pakistan than anywhere else in the world. It is a good thing then that the Pakistani military approaches nuclear security with great professionalism, for Pakistan has **fewer margins for error** than any other nuclear state. For comparison's sake, in the United States, it was widely recognized that significant nuclear security upgrades had to be made after 9/11. Specific attention was given to the possibility that terrorists could gain access to a nuclear weapons-related facility, particularly with the assistance of insiders working at the facility. Accordingly, large increases in funding were allocated to assure a much higher U.S. nuclear security standard, including an increased emphasis on intelligence and counterintelligence programs. Nonetheless, in recent years, there have been appalling lapses in controls over nuclear weapons and the compromise of nuclear weapons-related information—e.g., a U.S. Air Force B-52 mistakenly and unknowingly flew six nucleartipped cruise missiles across the country (from North Dakota to Louisiana) in August 2007. With this in mind, U.S. concerns about Pakistani vulnerabilities should not be interpreted as finger-pointing or meddling; it obviously can happen in the United States as well. Some broader trends in Pakistan, however, elevate the risks of compromised nuclear security. The burgeoning Pakistani nuclear arsenal. A growing domestic nuclear program means more nuclear activity taking place in more places—necessitating more materials, weapons, facilities, transportation, and storage. In short, there are now more places where something can go wrong. Increased extremism. Growing levels of extremism means higher numbers of potential insiders in the nuclear establishment, willing to work with outsiders to provide access to facilities and exfiltrate nuclear-related materials and weapons. Recent warnings by the Taliban and Al Qaeda that Washington will seize Pakistan's nuclear weapons amount to a clever recruiting pitch to insiders to collaborate with extremists. In an attempt to stoke such groundless

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The following argument is proffered: Since Al Qaeda has yet to use a nuclear weapon, it does not possess one. This might comfort the doubters, but terrorists may not agree that it is difficult to stash a nuclear or biological weapon in a safe place for future use, without fear of discovery. fears, A. Q. Khan, the father of the Pakistani nuclear program, and Bashiruddin Mahmood, the radical CEO of Khan's rogue nuclear supplier network, both recently called upon Pakistan to expand its arsenal of nuclear weapons, implying that they guarantee sovereignty and assure Islamabad's standing as a leading Islamic nation. The perilous military-civilian

relationship. Although Pakistan's nuclear National Command Authority is controlled by the military, the Pakistani constitution delegates certain nuclear weapon responsibilities to the civilian government. This creates the potential for a military-civilian standoff over nuclear assets during a crisis, especially in the event that extremist elements assume power. Moreover, there are no guarantees of how the military and government would react to all contingencies they may encounter in a rapidly unfolding crisis. For instance, how would they respond to a breakdown in internal communication, or with the outside world? Unconfirmed news reports of a seizure of nuclear weapons in transit? A takeover of a facility by a rogue military unit? Taliban penetration of a nuclear weapons storage site? More importantly, how would India interpret and react to such developments? Along these lines: Are current communication mechanisms between Islamabad, New Delhi, and Washington robust enough to be reliable during a crisis? At least in Pakistan, the risks are well-known and extra precautions are being taken to avert nuclear compromise. That is not the case for the next scenario.

2. North Korea sells them the bomb

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Rolf, "Bulletin of the Atomic Scientists: Nightmares of nuclear terrorism",
<http://belfercenter.ksg.harvard.edu/files/Atomic%20Bulletin%20March%20April%202010.pdf>

North Korea sells the Bomb. The discovery of Syria's Al Kibar reactor, believed to be built with North Korean assistance, was a wake-up call that Pyongyang does not possess strong self-imposed constraints on transferring nuclear technologies to other parties—a sobering, if unsurprising, reality. After all, North Korea routinely prints counterfeit U.S. currency, traffics narcotics, and starves its own people. So it is not unexpected that it would provide nuclear-related technologies for profit. If anything, North Korea's erratic and irresponsible behavior makes it a leading potential source—on a witting or unwitting basis—for terrorist acquisition of nuclear-related technologies and materials. The extraordinary level of secrecy in handling intelligence concerning the North Korean-Syrian project at Al Kibar helped ensure that knowledge of its existence did not leak before Israel could effectively neutralize the reactor militarily in September. Bulletin of the Atomic Scientists | WWW.THEBULLETIN.ORG March/april 2010 42, 2007. Unfortunately, secrecy also restricted the international community's ability to run down all leads on the reactor before the North Koreans discovered that it had been compromised. So an opportunity was lost to begin an early examination of active proliferation pathways flowing from Pyongyang. Nonetheless, there are three broad implications of North Korean-Syrian nuclear cooperation that should be assessed urgently. The viability of the nonproliferation regime. To date, the regimes of Kim Jong-il and Bashar al-Assad have suffered no consequences for conspiring to develop a nuclear weapons capability, casting doubts on the viability of the Nuclear Non-Proliferation Treaty and the credibility of the global nuclear order. In fact, U.S. dialogue with Syria improved after the Israeli raid. And the countries participating in the Six-Party Talks with North Korea (the United States, Russia, China, South Korea, and Japan) continue to cajole Pyongyang back to the negotiating table to make new concessions in exchange for more promises the North will not keep. Basically, Al Kibar obliterated all of the red lines thought to exist in terms of nuclear deterrence, accountability,

and responsibility, setting a precedent that it is okay to clandestinely provide nuclear-related technologies to other states. An “A. Q. Kim” network? Since Kim Jong-il came close to providing Syria with the building blocks for a nuclear weapon, how confident can the international community be that there is not a long-running “A. Q. Kim” network in North Korea that is analogous to the Khan nuclear supplier network in Pakistan? Clearly, the chapter of proliferation history that suggests Khan was a historical anomaly may need to be rewritten. But what will it say? Today, there is fresh information and new leads that must be explored to determine the full extent of North Korea’s proliferation activity.

3. They have the means and motives

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Rolf, “Bulletin of the Atomic Scientists: Nightmares of nuclear terrorism”,
<http://belfercenter.ksg.harvard.edu/files/Atomic%20Bulletin%20March%20April%202010.pdf>

Sabotage. Terrorists could attack a nuclear facility in hopes of causing a large release of radioactivity—similar to how they used airplanes on 9/11 as an inscrutable weapon. There is evidence that Al Qaeda’s leadership considered such a possibility before 9/11, when their operatives reportedly conducted some light casing of U.S. nuclear reactor facilities. But thanks to enhanced security and reinforced defenses at U.S. nuclear sites, the available intelligence seems to indicate that Al Qaeda has concluded that it is too difficult to either (a) crash a plane into a nuclear facility or (b) use a team to penetrate a nuclear facility to gain access to nuclear weapons and materials. Purchase. After the Cold War ended, the former Soviet Union was an attractive place to shop for nuclear components. In fact, there are credible reports that Ayman al-Zawahiri visited Russia in the mid-1990s. However, al-Zawahiri’s announcement in 2001 that Al Qaeda had obtained nuclear devices in the former Soviet Union does not ring true. If the terrorist organization had purchased such weapons, why announce it to the world? Of course, there is a possibility that Al Qaeda’s nuclear materials are being held in storage or have not reached their final destination yet. But no credible reporting has surfaced that Russian/Soviet nuclear weapons have been lost, much less that they have found their way into terrorist hands. (Reports of Russian “loose nukes” appear to have been greatly exaggerated.) Construct. Counting assembled nuclear weapons is far easier than accounting for nuclear material in bulk form. Al Qaeda’s experience on the nuclear black market has taught its planners that their best chance at some sort of nuclear or radiological attack is to construct an improvised nuclear device comprised of illegally purchased weapons-usable material—i.e., the direct pathway of finding a “loose nuke” or “suitcase nuke” is riddled with scam artists and intelligence services dangling their wares to terrorists in hopes of landing big fish. So while building a bomb is surely not the preferred course of action, it might be the only realistic pathway for sub-state actors who cannot develop the infrastructure necessary to enrich fissile material. To realistically do so would involve recruiting malicious insiders at nuclear facilities who are in a position to smuggle fissile material from their workplace and patiently combing the nuclear black market for similar material. It also requires enlisting specialists to build a device, rig the explosives, and assemble the pieces, all in complete secrecy. Finally, a suicide bomber is needed to transport the bomb

to the intended target. Even if they succeeded in avoiding discovery throughout the planning stages, a terrorist would never know for certain whether his device would reach a nuclear yield or whether he had a viable bomb until he tried to detonate it. Al Qaeda must understand that the odds are long of conducting a successful nuclear attack. Yet, it is determined to try. And regrettably, time favors intent; if terrorists get something wrong the first time, they can continue to try until they succeed. More likely, however, their plans will be exposed somewhere during the planning stage: Stolen or smuggled fissile material might be interdicted at a port or border crossing equipped with state-of-the-art sensors; a suspicious neighbor might report the curious activities of a rogue scientist from a state weapons program; or an alert analyst might flag the intercept of an unusual container, shipment, or consignment of goods that did not fit the usual patterns. Somehow, though, a clue is likely to emerge that will present an opportunity to disrupt an Al Qaeda nuclear plot—probably when, and where, it is least expected. In this regard, terrorist use of WMD presents a litmus test of the current state of global counterterrorism response. It is an apt challenge. The prospect of an Al Qaeda nuclear bomb stretches the mind to its limits, as such an attack entails almost unimaginable consequences. As such, it is essential to develop a robust, highly Bulletin of the Atomic Scientists | WWW.THEBULLETIN.ORG March/april 2010 45 Rolf Mowatt-Larssen, “Nightmares of nuclear terrorism,” Bulletin of the Atomic Scientists, March/April 2010, vol. 66, no. 2, pp. 37–45. DOI: 10.2968/066002005 Copyright © 2010 Bulletin of the Atomic Scientists. All Rights Reserved. creative capability to identify pathways terrorists might take to obtain a bomb in order to interdict plots before they reach fruition—and to do so quickly. In planning for success, one thing is certain: If we cannot imagine a nuclear catastrophe, we will surely fail to prevent it from happening.

---A2 Intel Not Key

And intelligence is *uniquely* key in our scenario

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Rolf, "Bulletin of the Atomic Scientists: Nightmares of nuclear terrorism",
<http://belfercenter.ksg.harvard.edu/files/Atomic%20Bulletin%20March%20April%202010.pdf>

Al Qaeda acquires the Bomb. It is difficult to objectively assess the feasibility of nuclear terrorism without being suspected of hyping and overdramatizing the threat. It is also hard to set aside the Bulletin of the Atomic Scientists | WWW.THEBULLETIN.ORG March/april 2010 43 fear in contemplating nuclear catastrophe. That said, it is necessary to approach the task with an optimistic mind-set. Methodically sifting through all of the threat's variables can systematically lower the risks—an approach that requires collection and analysis of each potential terrorist nuclear plot pathway, attack indicator, and choke point. Such a dynamic modus operandi can serve as the basis for undertaking anticipatory action that will identify actionable leads, compromise terrorist planning, and neutralize an impending attack. The chances of identifying indicators of a nuclear terrorism plot are highest in the earliest stages of planning. Over time, the likelihood of interdiction decreases. With this in mind, a premium must be paid to penetrate terrorist leadership, facilitation, and support networks during a plot's most formative stages. Here is how it can be done: Finely tuned terrorist communication intercepts must be used to generate actionable leads. Satellite surveillance and state-of-the-art sensors also must be widely employed to enhance quick detection of nuclear material. And every tool of intelligence tradecraft needs to be focused on finding a logistical and support footprint no larger than that of Mohammed Atta's limited 9/11 plot. Fortunately, the challenges faced by terrorists who want to acquire a nuclear weapon are no less formidable than for the global intelligence agencies that are trying to stop them. In fact, by my count, there are only three pathways to a terrorist nuclear attack.

Circumvention/Solvency

Offense

The executive branch will privatize surveillance functions to escape curtailment by statute or litigation

Jon D. **Michaels 8**, Acting Professor, UCLA School of Law, August 2008, "ARTICLE: All the President's Spies: Private-Public Intelligence Partnerships in the War on Terror," California Law Review, 96 Calif. L. Rev. 901

The "War on Terror" has dramatically increased the nation's need for intelligence, and the federal government is increasingly relying, as it does in so many other contexts, on private actors to deliver that information. While private-public collaboration in intelligence gathering is not new, what is novel today - and what drives this inquiry - is that some of these collaborations are orchestrated around handshakes rather than legal formalities, such as search warrants, and may be arranged this way to evade oversight and, at times, to defy the law.ⁿ¹ Unable to target or repel terrorists using conventional military tactics and munitions alone, the United States is acutely aware that today's pivotal battlefield is an informational one. Teams of U.S. intelligence agents, acting as eavesdroppers, infiltrators, interrogators, and data-miners, must race against the clock to anticipate terrorists' actions, frustrate their missions, and dismantle their infrastructure. ⁿ¹ Because the U.S. government does not know the who, [*902] what, where, and when of the next terrorist strike, but recognizes that the plot might be hatched on domestic soil, its first step must be to cast a wide net to gather all sorts of data points, ⁿ² any one of which might be the clue that leads intelligence agents to prevent another September 11-like catastrophe. ⁿ³ In this regard, there is no better ally than the private sector. Its comparative advantage over the government in acquiring vast amounts of potentially useful data is a function both of industry's unparalleled access to the American public's intimate affairs - access given by all those who rely on businesses to facilitate their personal, social, and economic transactions - and of regulatory asymmetries insofar as private organizations can at times obtain and share information more easily and under fewer legal restrictions than the government can when it collects similar information on its own. ⁿ⁴ [*903] Seeking to bridge the private sector's data-gathering capabilities and the nation's need for homeland security is an Executive with a voracious appetite for intelligence and correspondingly little patience for anything that might interfere with its efforts to neutralize the terrorist threat. The Executive is institutionally predisposed to act decisively and unilaterally during times of national crisis, even if it means bypassing legal restrictions, skirting congressional and judicial oversight, and encroaching on civil liberties. ⁿ⁵ As Justice Souter remarked in Hamdi v. Rumsfeld: ⁿ¹ deciding ... on what is a reasonable degree of guaranteed liberty whether in peace or war (or some condition in between) is not well entrusted to the Executive Branch of Government, whose particular responsibility is to maintain security. For reasons of inescapable human nature, the branch of the Government asked to counter a serious threat is not the branch on which to rest the Nation's entire reliance in striking the balance between the will to win and the cost in liberty on the way to victory; the responsibility for security will naturally amplify the claim that security legitimately raises. ⁿ⁶ Unilateral executive policymaking of this sort has figured prominently in post-September 11 national-security policies and is reflected in the United States' approach to military detainees, interrogation tactics, battlefield contractors, and, of course, intelligence operations. ⁿ⁷ [*904] Although the Bush Administration's intelligence policy has garnered no shortage of interest and criticism, much of the focus has been on what seems to be the Administration's own willingness to defy applicable law, and not on the particular role that corporations play in facilitating these operations. ⁿ⁸ To date, the Executive's apparent practice of identifying and then courting private actors, persuading, coaxing, and sometimes deceiving them to enter into "informal" intelligence-gathering partnerships that often are inscrutable to Congress and the courts, has gone largely unexamined by policymakers and scholars alike. These "handshake agreements," ⁿ⁹ which spawned the now-notorious National Security Agency (NSA) warrantless eavesdropping and call-data programs, as well as a range of lesser-known collaborations with the likes of FedEx and Western Union, have enabled the Executive to operate outside of the congressionally imposed framework of court orders and subpoenas, and also outside of the ambit of inter-branch oversight. In the process, these informal collaborations may unduly threaten privacy rights.

separation of powers, the rule of law, and the legitimacy and vitality of bypassed government institutions. In addition, these private-public partnerships may undermine the integrity of the marketplace and weaken consumer trust in key industries.[¶] Transcending these particular concerns are questions of national security accountabilityⁿ¹⁰ - how "privatization," in the guise of informal intelligence agreements with corporations, can help the Executive direct broad swaths of intelligence policy without having to seek ex ante authorization or submit to meaningful oversight. This evasion leaves Congress and the courts ill-equipped to weigh in on important policy considerations regarding the proper scope and calibration of counterterrorism and homeland security operations, not to mention ill-equipped to intervene to remedy individual instances or patterns of injustice. Whether intentional or not, working around the legislative and judicial branches through shadowy collaborations is especially troubling given that many of today's surveillance programs rely on brand-new technologies and cut more broadly and deeply into the domestic fabric than ever before. Thus, [*905] the need for careful consideration by the full range of government actors, especially those further removed from the immediate responsibility of hunting terrorists, is particularly acute. Greater scrutiny is essential both to ensure fidelity to existing laws and to determine whether new, informal surveillance and data-mining practices operating in the interstices of the extant legal framework warrant legislative or administrative responses to fill in those regulatory gaps. In other words, with respect to initiatives that are not currently regulated (and not readily observable), these lawmakers, regulators, and judges need accurate information to determine whether, normatively speaking, the unregulated terrain is in fact underregulated.ⁿ¹¹

Private-sector surveillance tanks consumer confidence in the economy

Jon D. **Michaels 8**, Acting Professor, UCLA School of Law, August 2008, "ARTICLE: All the President's Spies: Private-Public Intelligence Partnerships in the War on Terror," California Law Review, 96 Calif. L. Rev. 901

Even if a given informal partnership is not aimed at defying governing legal requirements, a range of harms may still follow from the ostensibly lawful decision to proceed by handshake. For instance, left to their own devices, both corporations and intelligence agencies may systematically undervalue the social costs associated with the commodity being traded (i.e., private information) - and thus traffic in an inordinately high amount of citizens' personal information.ⁿ¹⁶¹ As in the case of industrial regulation of pollution, the possibility of exposing or misusing individuals' personal data is not fully internalized by the parties to the given transaction. Therefore, irrespective of what value society as a whole would assign to the personal information in question,ⁿ¹⁶² the parties to the transaction peg it comparatively lower.ⁿ¹⁶³ In other words, without the government having to resort to legal process (e.g., by obtaining ex ante authorization and compelling corporate cooperation,ⁿ¹⁶⁴) the [*938] "informal market" may transfer more information with fewer safeguards than is socially optimal, or even necessary.ⁿ¹⁶⁵ If, on the other hand, the Executive and the corporations were required to internalize these social costs (say, if a robust oversight regime existed or if private rights of action were readily enforceable),ⁿ¹⁶⁶ it is likely that the parties would have a greater incentive to reduce instances of over-trafficking in the information and thus better abide by whatever agreed-upon privacy protections were in place. This result would be similar to how corporations respond when forced by outside interests to come to terms with an environmental externality.ⁿ¹⁶⁷¶ Second, under any of the possible arrangements agreed to voluntarily or via legal compulsion, if word gets out that such partnerships exist for the purpose of domestic-intelligence gathering, there could be a chilling effect. Some individuals would be less candid on the telephone and over email (especially when voicing political dissent), and expressive activities would [*939] suffer.ⁿ¹⁶⁸ Certainly, if such a chilling effect occurred, it would set in no matter what type of private-public intelligence-gathering partnership was reported by the press; but, if the arrangement were described as having been regulated pursuant to the dictates of the law, individuals could take some solace in the fact that the partnership's activities were accountable and being monitored for a requisite showing of cause.ⁿ¹⁶⁹ They might also find some comfort in the fact that the firms were evidently protective of their customers, giving out information only upon pains of legal compulsion.¶ By contrast, when a legally

informal relationship is exposed by the media, a consumer could reasonably fear that intelligence-gathering intrusions lack meaningful limits. Consider a counterfactual about New York's Container Inspection Program, which involves police officers conducting random searches of subway passengers in an effort to locate or deter concealed explosives. n170 While many passengers may find the random search itself to be bothersome and intrusive, they at least know that as a matter of unambiguous law the agents are forbidden from looking through reading materials or collecting personally identifying information about those searched. n171 If suddenly, however, it came to light that the police had mini-hand scanners and, notwithstanding the clear limitations on their discretion, were secretly cataloging personal information and triangulating it with time/location of people's travel and reading habits, it may well be the case that, on the margins, people may choose to take the bus (at least when they are carrying particularly personal materials). Thus, informality, and the corresponding uncertainty that [*940] attaches, may excessively chill expression or limit freedoms. n172¶ Third, and building on the previous point, evidence that any private-public surveillance program operated without complying with the relevant regulatory requirements is likely to engender distrust of private industry writ large. Individuals confronted with the realities of legally informal relationships have no reason to believe that journalists or government watchdogs have smoked out all of the possible collaborations of that kind. Instead, people have cause for suspecting that if such partnerships exist in realms A and B, the government might just as likely be doing something improper in realms C and D, too. n173 These worries are only compounded when revelation of such partnerships, including the infamous NSA warrantless eavesdropping program, prompts an unrepentant President to insist that Congress grant retroactive legal immunity to the private parties involved. n174

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Iran deal will survive but veto override is possible—Obama's sales pitch is key **Liptak**, White House producer for CNN, **7/14/2015**

(Kevin, "Now that he has a deal with Iran, Obama must face Congress,"
<http://www.cnn.com/2015/07/14/politics/iran-nuclear-deal-congress-obama-block/>)

With a historic deal meant to curb Iran's nuclear ambitions in place, President Barack Obama has ticked off another legacy-making item on his checklist -- as long as Congress doesn't get in his way.¶ Early Tuesday, Obama launched a sales pitch to lawmakers who remain deeply skeptical of the nuclear deal. But while Congress retains the ability to nullify Obama's accord with Tehran, the high bar for action on Capitol Hill -- including building veto-proof majorities in just over two months -- will make it difficult for opponents to block the President.¶ In its most simplistic form, the deal means that in exchange for limits on its nuclear activities, Iran would get relief from sanctions while being allowed to continue its atomic program for peaceful purposes. Many of the more technical points of the deal weren't available Tuesday morning, and specifics could prove to be red flags for skeptical members of Congress, many of whom said they were still reviewing the specifics of the plan.¶ Congress has 60 days to review the deal, and if it opposes it can pass a resolution of disapproval to block its implementation. The administration now has five days to certify the agreement and formally present the deal to Capitol Hill. The clock on that 60 day period will not start until the official document is delivered to Capitol Hill.¶ The Republican controlled House has the votes to pass a resolution, but in the Senate Republicans would need to attract support from a half a dozen Democrats.¶ Because President Obama has already pledged to veto any bill to block the deal GOP leaders would need to convince enough Democrats to join with them to override his veto -- a heavy lift. How the public views the deal will be critical, as Members of Congress will be back home for several weeks this summer before any vote.¶ While Obama on Tuesday said he welcomed a "robust" debate over the deal's merits, he issued a warning to lawmakers considering blocking the agreement, bluntly threatening to veto any measure that would prevent the deal from going into effect.¶ "Precisely because the stakes are so high, this is not the time for politics," he said in an address from the White House. "Tough talk from Washington does not solve problems. Hard nosed diplomacy, leadership that has united the world's major powers, offers a more effective way of verifying Iran is not pursuing a nuclear weapon."¶ Like the completion earlier this month of a diplomatic renewal with Cuba, the deal with Iran provides Obama a tentative foreign policy achievement in the final year-and-a-half of his presidency. Both are built on the premise of engaging traditional U.S. foes, a vow Obama made at the very beginning of his presidency when he declared to hostile nations the United States would "extend a hand if you are willing to unclench your fist."¶ The deal -- which was finalized after almost two years of talks -- provides vindication for an administration that's sought to emphasize diplomacy over military force.¶ "This deal demonstrates that American diplomacy can bring about real and meaningful change," Obama said Tuesday, adding later that the deal "offers an opportunity to move in a new direction."¶ But even Obama himself has admitted there are risks inherent in striking an accord with a sworn U.S. enemy. Lawmakers, many deeply wary of those risks, now have 60 days to digest the provisions included in the deal with Iran, a two-month review period Congress insisted upon as the negotiations unfolded.¶ Obama was initially resistant to any congressional review of the Iran pact. But faced with overwhelming support among lawmakers for some kind of evaluation period, the White House ultimately conceded that Congress could be able to review the final deal before it takes full effect.¶ It won't be easy for Congress to inflict damage on the agreement. They must act quickly -- and the two-month period in which they can scuttle the plan includes a month-long August recess, and only a handful of working days.¶ Foreign Relations Committee Chairman Bob Corker told reporters Monday he expects to start hearings sometime shortly after the 60-day clock begins -- which will come sometime in the next five days, after the Director of National Intelligence completes a number of certifications to Congress about the deal, including that it meets U.S. non-proliferation objectives and does not jeopardize U.S. national security.¶ Corker said he wants first to ensure senators have ample time to read the agreement and its classified annexes so they are "well versed" before

hearing from the administration and any outside experts he plans to call to testify.¶ Corker said he would like to complete hearings before the August recess -- which begins Aug. 7 -- so lawmakers have the recess to consider their positions. Under this scenario, up or down votes on the deal itself would not happen until mid-September, he said.¶ In the House, a similar process and timeframe is also expected.¶ Within the 60-day span, opponents of the measure must rally votes to either enact new sanctions against Iran, or to disallow Obama from easing sanctions as part of the deal, measures the President would veto.¶ Overriding the veto in Congress would require a two-thirds majority -- meaning in the Senate, Obama must only secure a minimum of 34 votes in order for his deal to take effect. Additional time beyond the 60-day review period is included for Obama to veto any legislation, and for Congress to muster support for an override.¶ If lawmakers fail to pass any new restrictions during the review period -- which ends in mid-September -- the deal will go into place, and sanctions will be lifted in Iran.¶ But among **deeply skeptical senators**, who worry about Iran's support for terror groups and incarceration of Americans, **even 34 Democratic votes** in support of Obama **aren't necessarily assured**.¶ "Over this August recess there's going to be **fast-and-furious lobbying**, and **we don't know whether there will be 34 votes**," said former Democratic Rep. Jane Harman, who now heads the Woodrow Wilson International Center for Scholars.

[Insert link]

Veto override collapses the deal—escalates to middle east war

Cirincione, president of the Ploughshares Fund, **7/9/2015**

(Joe, "What You Need to Know About the Coming Deal With Iran,"

http://www.huffingtonpost.com/joe-cirincione/what-you-need-to-know-abo_b_7763516.html)

If Iran wants to build a nuclear weapon and the deal doesn't happen, is there any way to stop them? Does anyone really expect the U.S. to start a war with Iran by bombing their nuclear installations?¶ That's why this diplomatic deal is so promising. It's not without risk, and there are going to be problems with it, but it is far better than all the alternatives.¶ If the deal falls apart, especially if the U.S. is seen as the reason it falls apart - **if Congress kills this deal** - the sanctions regime will more or less collapse. Other countries aren't going to follow our lead. It doesn't matter if the Senate passes new sanctions. The other negotiating powers aren't going to go along with it.¶ This does not just mean Russia and China. It is also Japan and South Korea and Europe; the people who buy Iran's oil. And that means that Iran's economy will start to recover. The inspections regimes that are in place will end. The restraints on Iran's program will end. They will start installing thousands more centrifuges, enriching thousands of pounds of uranium and getting closer and closer to a bomb.¶ Whether they cross that line or not, they will clearly have the ability to build a weapon in a very short amount of time. That **increases the risk of military action**.¶ If Israel attacks Iran, if we strike Iran, it won't be a neat, little overnight strike, or two or three days of strikes. This will be weeks of bombardment against their hardened nuclear facilities, their air defenses, their ports and airfields. It will kill thousands of Iranians. It will be the beginning of a major war with Iran.¶ Former Secretary of Defense Robert Gates says

that "if you think the war in Iraq was hard, an attack on Iran would, in my opinion, be a catastrophe." That is what we would be looking at; a major new war in the Middle East. That would be a disaster for the U.S., for Israel, and for the entire region.

Goes nuclear

James A. **Russell**, Senior Lecturer, National Security Affairs, Naval Postgraduate School, **2009**

"Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East"
IFRI, Proliferation Papers, #26, http://www.ifri.org/downloads/PP26_Russell_2009.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) **the presence of non-state actors that introduce unpredictability into relationships between the antagonists**; (3) **incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable**; (4) **perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack**; (5) the prospect that Iran's response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) **the lack of a communications framework to build trust and cooperation among framework participants**. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, **it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework.** **Systemic asymmetries** between actors in fact **suggest** a certain increase in **the probability of war** – a war in which escalation could happen quickly and from a variety of participants. **Once such a war starts, events would likely develop a momentum all their own** and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent **such an outcome**, which **would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.**

UQ

AT: UQ Overwhelms

Extend Liptak—August recess means that Obama has to counter intense lobbying—even if it looks overwhelmingly certain now that doesn't assume future lobbying—it increases the vulnerability of the deal.

Republicans have override *within their reach*—Democrats willing to desert Obama

NPR 7/14/2015

("Congress Sharpens Knives For Iran Deal," <https://hereandnow.wbur.org/2015/07/14/iran-deal-cory-gardner>)

In announcing the nuclear deal with Iran today, President Obama vowed to veto any measure that critics in Congress pass in order to stop the deal. Republicans who control the Senate will have to win over more than a dozen Democrats in order to do so, and at least 14 Senate Democrats have signaled a willingness to oppose the deal.

This morning, Colorado Sen. Cory Gardner was one of the Republicans leading the charge against the deal, tweeting "This deal would make Iran a globally-approved nuclear threshold state. It would put Israel in severe danger."

Even if they win that--Bipartisan support key to long-term deal effectiveness

De Luce, chief national security correspondent for Foreign Policy, **7/5/2015**

(Dan, "Even if Obama Wins an Iran Nuclear Deal in Vienna, Can He Sell It at Home?," <http://foreignpolicy.com/2015/07/05/even-if-obama-wins-an-iran-nuclear-deal-in-vienna-can-he-sell-it-at-home/>)

¶ In raw political terms, the Obama administration believes it has already prevailed on the issue after defeating a bid by Republican lawmakers in April to block a deal. ¶ If an accord is clinched by Tuesday, Congress will have 30 days to review the agreement. But if the Republican majority votes against the accord, Obama can veto any proposal to ditch the agreement. And there is little prospect of Republicans managing to attract enough Democrats to back a two-thirds majority needed to override a presidential veto. ¶

Although a short-term political victory seems assured, even supporters of a nuclear agreement worry that the absence of any bipartisan consensus could create risks down the road — particularly if a

Republican president is elected to succeed Obama in 2016. ¶ ¶ Ian Goldenberg, a former Pentagon and State Department official in the Obama administration, said the White House has successfully made a case for the deal so far, with polls showing solid support among American voters for nuclear diplomacy. ¶ ¶ But he said more should have been done from the outset to build up support among members of Congress. ¶ "I think they could have been better in the last few years in reaching out to [Capitol] Hill and building a better relationship with the Hill," said Goldenberg, now a senior fellow at the Center for a New American Security. ¶ By the time Netanyahu addressed a joint session of Congress in March to warn against what he called a "bad deal" being negotiated with Iran, the battle lines in Congress were already drawn. The time to win over skeptics or undecided lawmakers had passed. ¶ ¶ In such a fraught, partisan climate, a small group of scientists with expertise in nuclear weapons find themselves in high demand and at the center of the debate. The technical specialists, some of them former U.N. arms inspectors and scholars in the field of nuclear proliferation, bring instant credibility to discussions about uranium enrichment and the time it could take Iran to build a nuclear weapon. ¶ ¶ Both sides have tried to recruit these experts as "validators" to reinforce their public arguments for or against a potential deal. But some of the scientists have rejected overtures from the administration or from opponents of the talks, insisting on maintaining their independence. ¶ ¶ David Albright, a physicist who leads the Institute for

Science and International Security and who has been tracking Iran's nuclear program for years, said he has been unfairly labeled by the administration as an opponent of an accord. He complained that a "war room" mentality has taken hold inside the White House and warned against taking a black-and-white view of the tentative deal emerging from the talks in Vienna. ¶ "I'm very frustrated," Albright said. "I'm seen as a hardliner or a critic or a skeptic." ¶ The details of the nuclear talks are complicated and intricately intertwined, touching on plutonium metallurgy, inspection procedures, the history of nonproliferation efforts, international finance, and the physics of nuclear weapons. ¶ But the political debate is usually presented as a stark choice, between war and peace, or victory and surrender. ¶ Experts such as Albright resent the up-or-down terms of the political war over the nuclear talks, and say the heated rhetoric makes it difficult to offer sober assessments or to discuss the facts. ¶ He called the atmosphere around the debate "corrosive," as it cuts off the possibility of coming up with constructive solutions for curtailing Iran's nuclear work. ¶ "In the end, this fight isn't healthy. The deal is going to have some strengths and weaknesses; you need to have ways to deal with the weaknesses," Albright said. ¶ The lack of a consensus across party lines could have damaging consequences, he said. ¶ "You need a real heavy commitment ... for implementing this deal. You don't want to have a situation where one [side] is looking for opportunities to undercut the other." ¶ But one former Obama administration official said no amount of engagement with Congress will ever win over entrenched opponents of a deal in Republican ranks. ¶ "When have you last seen a bipartisan consensus on anything?" said the former official, who spoke on condition of anonymity. ¶ "I would not fault the administration's communications strategy for a lack of a bipartisan consensus," the official said. ¶ Advocates of the diplomatic effort with Iran believe Obama is poised to strike a historic breakthrough, but worry that bitter opposition on the political right could produce problems over time. ¶ "The question will become: Can you start to actually build a bipartisan consensus around this ... so that the deal can live beyond the Obama administration — if there's a Republican president," Goldenberg said. ¶ Arms control agreements and other international accords can begin to unravel if a new administration sees it as a low priority or if Congress looks for ways to weaken them, he said. ¶ "There is a big question — whether through neglect that, over time, [the deal] dies," he said. "That's a real danger. That has happened before."

Stops future sanctions and certification

Zengerle, writer for Reuters, **7/14/2015**

(Patricia, "Iran deal faces fight in U.S. Congress, but will likely survive," <http://in.reuters.com/article/2015/07/14/iran-nuclear-congress-process-idINL2NOZSOAW20150714>)

The nuclear deal between world powers and Iran starts a new phase of intense negotiation - this time between the Obama administration and the U.S. Congress, where some Republicans have long been working to sink an agreement. ¶ Any effort in Congress to overturn the deal would face an uphill fight. Republicans have majorities in both the House of Representatives and Senate, but they would need the support of dozens of President Barack Obama's fellow Democrats to sustain a "resolution of disapproval" that could cripple a deal. ¶ The chances of that happening are slim. A resolution of disapproval would need only the support of the Republican majority to pass the House, but would require the votes of at least six Democrats to get the 60 to advance in the Senate. The chances of mustering enough votes to then overrule a near-certain Obama veto are slimmer still. ¶ The second-ranking Democrat in the House, Steny Hoyer, said after the deal was announced: "It is now up to members of Congress to work carefully through every detail, particularly given Iran's likelihood to exploit any ambiguity or loophole to its benefit and to the detriment of the security of America, Israel, and our allies in Europe and the Gulf." ¶ Senate Democrats have stood firm to date against Republican-led efforts to interfere with the talks, which included Iran and the United States, Britain, China, France, Germany and Russia. ¶ In the House, more than 150 Democrats, including party leader Nancy Pelosi, signed a

letter in May strongly supporting the nuclear negotiations.¶ "I understand the heavy lift that's involved," Tennessee Republican Senator Bob Corker, chairman of the Senate Foreign Relations Committee, told reporters when asked about the chances of passing a "resolution of disapproval."¶ Obama in May signed a law, authored by Corker, giving Congress the right to review the agreement and potentially sink it by passing a disapproval resolution that would eliminate the president's ability to waive sanctions passed by Congress.¶ Easing sanctions is an integral part of the deal, under which Iran will curtail its nuclear program.¶ Under the Iran Review Act, lawmakers have 60 days to review the agreement and decide whether to seek a resolution of disapproval. During that period, plus an additional 22 days in which Obama could veto a resolution and Congress could try to override it, Obama cannot waive the congressional sanctions.¶ A veto override would require a two-thirds majority in both houses - or 13 Democrats along with all 54 Republicans in the Senate, and 43 Democrats plus as all 236 House Republicans.¶ Party leaders have said there is no guarantee that every Republican would back a disapproval resolution.¶ Sanctions passed by Congress account for the overwhelming majority of those imposed by the United States. U.S. sanctions are especially important to the international sanctions regime because of the country's influence on global trade and banking.¶ "CONGRESS GAVE AWAY ITS POWER"¶ The congressionally mandated sanctions can be temporarily waived by the president for national security reasons, which he would do under the deal with Iran. That waiver ability stays in place unless Congress is able not just to pass a disapproval resolution, but override Obama's expected veto of it.¶ "Congress gave away its power by granting national security waivers with all of these sanctions," Corker said.¶ Congressional leaders said they plan to begin briefings and hearings on the Iran deal as soon as they receive the agreement, with an eye toward deciding on a course of action this month, before lawmakers leave for summer recess.¶ Obama administration officials, including the president himself, have reached out to members of Congress, holding hundreds of meetings and hearings and making telephone calls in the past four months. Those efforts are expected to intensify now with a deal.¶ Acknowledging the difficulty of passing a disapproval resolution, some lawmakers suggest that Congress would do better to consider, and then reject, a "resolution of approval."¶ Defeating such a resolution by a large margin would not affect the sanctions regime, but would send a strong message that the United States is not united behind a "bad" Iran pact and was prepared to act if Iran made moves toward building a bomb, they said.¶ Lawmakers from both parties acknowledged that the debate will not end with the review period this year. Some Republicans have discussed passing legislation to impose more sanctions over Iran's human rights record or for supporting terrorism.¶ The Iran Review Act requires the president, Obama and his successor after the 2016 election, to regularly certify that Tehran is adhering to terms of a deal. There is no guarantee a Republican president, in particular, would do so. Several of the GOP White House hopefuls have already said they are skeptical about the deal.

Doesn't overwhelm—Obama lobbying and vote counts

Times of Israel 7/21 (Times of Israel; July 21 2015; Israeli newspaper focusing on middle eastern politics; "White House set to lobby House Democrats on Iran deal";

<http://www.timesofisrael.com/white-house-set-to-lobby-house-democrats-on-iran-deal/>)

jskullz

Three senior Obama administration officials will speak to House Democrats this week in an effort to secure their support for the nuclear agreement with Iran and head off attempts to scuttle the deal. ¶ Get The Times of Israel's Daily Edition by email, and never miss our top stories Free Sign up! ¶ Minority Leader Nancy Pelosi (D-Calif.) invited Secretary of State John Kerry, Secretary of Energy Ernest Moniz and Treasury Secretary Jack Lew to hold two briefings for Democrats Wednesday and Thursday. Kerry and Moniz both led the American side in lengthy negotiations between the P5+1 — a coalition of world powers comprising the US, Britain, Russia, China, France and Germany — and Iran. ¶ Lew will be leading the move to lift US sanctions against Iran if the agreement goes ahead as planned. ¶ The briefings will be classified. ¶ Pelosi has declared her support for the agreement, which faces stiff criticism both domestically and internationally, and will encourage fellow Democrats to back it. ¶ “As you may be aware, I believe that this agreement is a major accomplishment. I am pleased that the response thus far from House Democrats has been so positive,” she wrote to lawmakers on Monday. ¶ If Republicans in Congress decide to move ahead with legislation aimed to kill the agreement, they will require the support of House Democrats to overcome the presidential veto that Obama has already guaranteed he will employ in such a scenario. ¶ Obama said last week that that he hoped Congress’s upcoming decision on the agreement would be “based on the facts — not on politics, not on posturing, not on the fact that this is a deal I bring upon us as opposed to a Republican president, not based on lobbying but based on the interest of the United States of America.” ¶ House Minority Leader Nancy Pelosi speaks with reporters on Capitol Hill in Washington, Friday, December 5, 2014 (Photo credit: J. Scott Applewhite/AP) ¶ House Minority Leader Nancy Pelosi speaks with reporters on Capitol Hill in Washington, Friday, December 5, 2014 (Photo credit: J. Scott Applewhite/AP) ¶ There are 46 Democrats in the Senate, but the administration is likely more concerned with 27 of them. Based on statements made immediately following the deal’s release, Washington insider site The Hill last week counted only five senators – Democrats Dick Durbin, Dianne Feinstein, Martin Heinrich, Jack Reed and presidential candidate Bernie Sanders – who are currently definite “yes” votes for the administration. ¶ Another 13 Democrats are seen as leaning toward supporting the administration’s position – but the intentions of the remaining 27 Democrats and one Independent remain unclear. Some, like Senator Robert Menendez, may lean toward rejecting the agreement, but almost all of the yet-undecideds have emphasized that they are still waiting to learn more about the deal. Reports over the weekend said that up to 15 Democratic senators have expressed skepticism over the terms of the deal.

Deal will come down to the wire—PC key to counter republican push

Lillis 7/19 (Mike Lillis; July 19 2015; healthcare and politics reporter for the Hill; Iran deal tests Dems' loyalty to Obama; The Hill; <http://thehill.com/policy/international/248371-iran-nuclear-deal-tests-democrat-loyalty-to-obama>) jskullz

President Obama's nuclear agreement with Iran is the latest test of the Democrats' loyalty toward their ally in the White House. ¶ Coming off a contentious trade debate that highlighted Democratic divisions and infuriated Obama’s liberal base, even the Democrats most critical of the Iran deal are walking a fine line. ¶ ADVERTISEMENT ¶ Sen. Bob Menendez (D-N.J.), for instance, has emerged as the leading Democratic critic in the upper chamber, warning that the agreement “legitimizes” Iran’s nuclear program and sets the stage for Iran to reap billions of dollars in financial relief it could use to bolster its stock of conventional weapons. ¶ But Menendez has stopped short of

saying he'll join Republicans in a vote to disapprove the deal, saying he wants first to examine the agreement more closely, both on the Foreign Relations panel and in briefings with administration officials. ¶ "It's premature for some people to say they're definitely against it and for others to say they're definitely for it," he said. "Let's have the vetting." ¶ The issue is tough for Democrats, because it represents Obama's top foreign policy goal in his second term but is strongly opposed by Israel's government. ¶ The Republicans' near-unanimous objections have further complicated the politics, because even Democrats wary of the deal might not want a role in helping the GOP kill it. ¶ Rep. Brad Sherman (D-Calif.) is concerned that the deal sets the stage for Iran to have nuclear weapons capabilities a decade from now but hasn't signed on to the Republicans' disapproval push. ¶ He says he'd surely vote against a motion of approval if it were to hit the floor, but he remains undecided on the more likely consideration of both a disapproval measure and a vote to override Obama's promised veto of that disapproval. ¶ "It's different," Sherman said. ¶ "A motion of approval would, I think, morally bind this country to accept this deal not only short-term but long-term, and long-term it becomes unenforceable," he explained. "A resolution of disapproval, if it overrides a veto — and those are two separate votes — would create a short-term crisis in our policy toward Iran, with the executive branch pushing in one direction, the congressional branch pushing in the other direction, Europe going in a third direction and [it] might deprive us of the short-term benefits of the agreement — the stockpiles and the centrifuge mothballing." ¶ Republicans are not so indecisive. They wasted no time slamming the agreement with warnings that it will launch a Middle Eastern nuclear arms race while threatening the security of the United States and its allies, particularly Israel. ¶ On Friday, House Republicans introduced their disapproval resolution, backed by more than 170 GOP lawmakers, which is expected to get a vote in September. ¶ "This agreement fails on every level to ensure Iran never acquires a nuclear weapons capability," Rep. Peter Roskam (R-Ill.), the head of the House Republican Israel Caucus and lead sponsor of the resolution, said in a statement. "The unprecedented outpouring of support for this resolution proves that Congress will not rubber-stamp a deal that severely threatens the United States and our allies by paving Iran's path to a bomb." ¶ Still, the reluctance of the Democratic critics to endorse the resolution highlights the tough road ahead for the GOP. ¶ In the Senate, Majority Leader Mitch McConnell (R-Ky.) will need Democratic backers to reach the 60 votes required to defeat a filibuster. And while the House Republicans are expected to pass the disapproval measure through the lower chamber, they'll face a steep climb winning over the Democratic votes needed to override Obama's promised veto. ¶ Liberal Democrats, who make up a majority of the Caucus, are already lining up in favor of the agreement. And House Minority Leader Nancy Pelosi (D-Calif.) threw her considerable influence behind the deal Thursday, when she delivered her enthusiastic stamp of approval. ¶ "[It's] a good product — not only better than the status quo, not only the best possible option, but a strong, effective ... proposal for keeping the peace and stopping the proliferation of weapons of mass destruction," she said. ¶ Pelosi said she's "not exactly lobbying" her troops behind the deal but "made it very clear to them my own standing on this issue and why I think this is a good agreement." ¶ Rep. Steve Israel (N.Y.), yet another Democrat who's voicing strong reservations with the deal but hasn't committed a vote either way, said it's "too early to say" if Obama would have the Democratic support to sustain a veto of the GOP's disapproval measure. ¶ "My sense is, based on my conversations with my colleagues on both sides of the aisle, it's going to be very close in both the House and the Senate," he told CNN Wednesday. "I believe in both chambers it's going to come right on the cusp." ¶ Obama has shown signs that he's taken a lesson from the trade debate — when many Democrats felt excluded — and is leaving nothing to chance. He sent Vice President Biden to Capitol Hill twice this week to meet privately with House and Senate Democrats to explain the deal and address lawmaker concerns. ¶ There are early signals that the strategy is paying dividends. ¶ "You make friends before you need them. I think the administration is doing it very wisely," Rep. Bill Pascrell (D-N.J.) said after meeting with Biden. "I disagreed with them on trade. On this, I think they're heading in the right direction."

PC Key—review time, Israeli and Saudi lobbying, republicans

Goodman and Leverett 7/13 (Amy Goodman and Flynt Leverett; Amy Goodman is the host of the Democracy Now! War and Peace Report, Leverett is a professor of International Affairs at Penn State. He served for over a decade in the U.S. government as a senior analyst at the CIA, Middle East specialist for the State Department, and as senior director for Middle East affairs at the National Security Council; "With Historic Iran Nuclear Deal Expected, Can President Obama Sell It to Congress and the Public?"; Democracy Now!;

http://www.democracynow.org/2015/7/13/as_historic_iran_nuclear_deal_nears) jskullz

FLYNT LEVERETT: Yes. Both houses of Congress will have 60 days to review the agreement once it's finalized. I think it is quite possible, if not likely, that a simple majority of members in each

house will vote a so-called resolution of disapproval in regard to the agreement. At that point, President Obama has said that he would veto those resolutions of disapproval. And at this point, the White House seems pretty confident that they have the votes, at least in the Senate, and perhaps in the House, as well, to sustain President Obama's veto. So, they are confident that if you can get to an agreement here in Vienna, that it will ultimately get through the congressional review process and will go into effect.¶¶ But obviously, during the next—you know, the 60 days following a conclusion of an agreement, the Israelis, the Saudis, their friends and allies in the American political system, others who don't want to see this agreement go forward are going to be working very hard, trying to turn public opinion against the deal and trying to build congressional support to maximize the vote against the deal.¶¶ Public opinion polls would show that Americans are open to supporting this deal, but one of the things I really worry about is that President Obama himself has not really made the strategic case for why doing this deal and for why building a different kind of relationship with Iran is so strongly in America's interest. He either talks about this as a kind of narrow arms control agreement, but Iran is still this very bad actor, or he talks about it in terms of it being an opportunity for Iran to rejoin the international community, as he puts it. This is not the way to sell this deal to Americans. Americans understand that what the United States has been doing in the Middle East for the last decade and a half has actually been profoundly against American interests. It's also been very damaging to Middle Easterners. But it has been profoundly damaging to America's position in this critical part of the world and globally. President Obama has a chance here to begin to turn that around and put U.S. policy toward the Middle East on a more different and more productive trajectory, but he is going to have to make the strategic case—¶¶ AMY GOODMAN: Flynt Leverett, we're going to have to—¶¶ FLYNT LEVERETT: —spend the political capital necessary to make the strategic case.

Iran deal will pass, but Democrats still unsure - Obama PC is key to convincing them

Lillis 7/19 (<http://thehill.com/policy/international/248371-iran-nuclear-deal-tests-democrat-loyalty-to-obama>, Iran deal tests Dems' loyalty to Obama, Mike Lillis, staff writer for the Hill, 7/19/2015)

President Obama's nuclear agreement with Iran is the latest test of the Democrats' loyalty toward their ally in the White House. Coming off a contentious trade debate that highlighted Democratic divisions and infuriated Obama's liberal base, even the Democrats most critical of the Iran deal are walking a fine line. Sen. Bob Menendez (D-N.J.), for instance, has emerged as the leading Democratic critic in the upper chamber, warning that the agreement "legitimizes" Iran's nuclear program and sets the stage for Iran to reap billions of dollars in financial relief it could use to bolster its stock of conventional weapons. But Menendez has stopped short of saying he'll join Republicans in a vote to disapprove the deal, saying he wants first to examine the agreement more closely, both on the Foreign Relations panel and in briefings with administration officials. "It's premature for some people to say they're definitely against it and for others to say they're definitely for it," he said. "Let's have the vetting." The issue is tough for Democrats, because it represents Obama's top foreign policy goal in his second term but is

strongly opposed by Israel's government. The Republicans' near-unanimous objections have further complicated the politics, because even Democrats wary of the deal might not want a role in helping the GOP kill it. Rep. Brad Sherman (D-Calif.) is concerned that the deal sets the stage for Iran to have nuclear weapons capabilities a decade from now but hasn't signed on to the Republicans' disapproval push. He says he'd surely vote against a motion of approval if it were to hit the floor, but he remains undecided on the more likely consideration of both a disapproval measure and a vote to override Obama's promised veto of that disapproval. "It's different," Sherman said. "A motion of approval would, I think, morally bind this country to accept this deal not only short-term but long-term, and long-term it becomes unenforceable," he explained. "A resolution of disapproval, if it overrides a veto — and those are two separate votes — would create a short-term crisis in our policy toward Iran, with the executive branch pushing in one direction, the congressional branch pushing in the other direction, Europe going in a third direction and [it] might deprive us of the short-term benefits of the agreement — the stockpiles and the centrifuge mothballing." Republicans are not so indecisive. They wasted no time slamming the agreement with warnings that it will launch a Middle Eastern nuclear arms race while threatening the security of the United States and its allies, particularly Israel. On Friday, House Republicans introduced their disapproval resolution, backed by more than 170 GOP lawmakers, which is expected to get a vote in September. "This agreement fails on every level to ensure Iran never acquires a nuclear weapons capability," Rep. Peter Roskam (R-Ill.), the head of the House Republican Israel Caucus and lead sponsor of the resolution, said in a statement. "The unprecedented outpouring of support for this resolution proves that Congress will not rubber-stamp a deal that severely threatens the United States and our allies by paving Iran's path to a bomb." Still, the reluctance of the Democratic critics to endorse the resolution highlights the tough road ahead for the GOP. In the Senate, Majority Leader Mitch McConnell (R-Ky.) will need Democratic backers to reach the 60 votes required to defeat a filibuster. And while the House Republicans are expected to pass the disapproval measure through the lower chamber, they'll face a steep climb winning over the Democratic votes needed to override Obama's promised veto. Liberal Democrats, who make up a majority of the Caucus, are already lining up in favor of the agreement. And House Minority Leader Nancy Pelosi (D-Calif.) threw her considerable influence behind the deal Thursday, when she delivered her enthusiastic stamp of approval. "[It's] a good product — not only better than the status quo, not only the best possible option, but a strong, effective ... proposal for keeping the peace and stopping the proliferation of weapons of mass destruction," she said. Pelosi said she's "not exactly lobbying" her troops behind the deal but "made it very clear to them my own standing on this issue and why I think this is a good agreement." Rep. Steve Israel (N.Y.), yet another Democrat who's voicing strong reservations with the deal but hasn't committed a vote either way, said it's "too early to say" if Obama would have the Democratic support to sustain a veto of the GOP's disapproval measure. "My sense is, based on my conversations with my colleagues on both sides of the aisle, it's going to be very close in both the House and the Senate," he told CNN Wednesday. "I believe in both chambers it's going to come right on the cusp." Obama has shown signs that he's taken a lesson from the trade debate — when many Democrats felt excluded — and is leaving nothing to chance. He sent Vice President Biden to Capitol Hill twice this week to meet privately with House and Senate Democrats to explain the deal and address lawmaker concerns. There are early signals that the strategy is paying dividends. "You make friends before you need them. I

think the administration is doing it very wisely,” Rep. Bill Pascrell (D-N.J.) said after meeting with Biden. “I disagreed with them on trade. On this, I think they're heading in the right direction.” Biden, for one, expressed confidence that the accord will survive the congressional gauntlet. “I think we're going to be OK,” he said as he left the House meeting.

Veto override possible

Page 6/25 (Susan Page; June 25th 2005; journalist for USA Today; “Corker: 'Strong possibility' Congress would block 'bad' Iran deal”; USA Today; <http://www.usatoday.com/story/news/politics/2015/06/25/capital-download-bob-corker-iran/29276369/>) jskullz

WASHINGTON — Senate Foreign Relations Chairman Bob Corker warned the White House on Thursday there is a "strong possibility" enough congressional Democrats would join Republicans to block a nuclear deal with Iran if they believe it makes too many concessions to Tehran.¶ In an interview with Capital Download, Corker expressed skepticism about President Obama's willingness to walk away from a "bad deal," as he has pledged to do, and about the president's resolve to launch military action against Iran if necessary to destroy its nuclear capabilities.¶ The strong words from the moderate Tennessee Republican came as negotiators in Vienna face a deadline of next Tuesday to reach a deal.¶ Corker said they should take more time if it's needed.¶ "We all want a strong agreement, but we're going to have to live with it for a long time, so if it takes another month, two months, three months, we're better off where we are with the interim agreement than we are with a bad agreement," he told USA TODAY's weekly newsmaker series.

Will Pass

Extend Liptak—Deal will pass now but August recess means that Obama has to counter intense lobbying

Iran deal will pass, although Congress can still kill it – PC needed to make sure it won't get overridden.

Prokop 7/14 (How Congress could kill the Iran deal, and why it probably won't, <http://www.vox.com/2015/7/14/8959807/iran-deal-congress>, Andrew Prokop, politics Staff Writer for Vox)

Republicans in Congress will get a chance to kill President Obama's new nuclear deal with Iran. But they'd have to win over a sizable chunk of Democrats to do it. The deal doesn't need to be affirmatively approved by Congress. But a law passed earlier this year allows Congress to vote to disapprove it and therefore block the relief of sanctions on Iran that's crucial to it. However, this resolution of disapproval would need to be passed by both the House and Senate over President Obama's veto. Assuming every Republican in the House and Senate votes to disapprove the deal, 13 Senate Democrats and 44 House Democrats would have to join them to kill Obama's veto. (If a vacant House seat is filled by a Republican by the time of the vote, only 43 House Democrats would be needed.) That would be over a fifth of the Democratic delegation in each chamber. Given that Obama made the deal and Hillary Clinton is praising it, defections like these seem unlikely unless key party leaders, like Sen. Chuck Schumer and House Minority Whip Steny Hoyer, come out against it. How the congressional review process works At the start of this year, Congress had no clear way to review the deal with Iran that Obama's team was hoping to strike. Both Democrats and Republicans were unhappy about this, and so after some debate, the bipartisan Iran Nuclear Agreement Review Act of 2015 was passed and signed by Obama. The new law says that once the administration submits this deal to Congress, Obama can't waive sanctions on Iran for 60 days so Congress can have time to review the agreement. However, the burden is then on Congress to disapprove the deal. If Congress takes no action, the lifting of sanctions will go into effect. Furthermore, a mere majority vote to kill the deal isn't enough. To go into effect and block Obama from lifting the sanctions permanently, Congress's resolution of disapproval would have to overcome Obama's promised veto. For that, the GOP would need two-thirds of both the House and Senate — 290 votes in the lower chamber, plus 67 in the upper one. In the House, there are currently 246 sitting Republicans — so if every one of them opposed the deal, the remaining 44 votes would have to come from Democrats. The vacant seat of former Rep. Aaron Schock (R-IL) will be filled in a September 10 special election, and Republican Darin LaHood is expected to win it. So if he's seated in time for the vote, only 43 Democrats would need to disapprove the deal. In addition to that, the Senate would have to vote to override a veto too. In the Senate, there are 54 sitting Republicans, meaning that 13 Democrats would have to join them. The politics of the Iran deal on the Hill What this means in practice, though, is that a vote will take place. And that will be an uncomfortable vote for many Democrats. Some may be genuinely skeptical of the deal, and others may be caught between their desire to support the president and their desire to have good relations with hawkish pro-Israel groups like AIPAC (which released a "deeply concerned" statement about the deal Tuesday morning). But AIPAC has had less clout among Democrats recently. Last year, the Daily

Beast's Eli Lake reported on how, in somewhat of a precursor to this fight, AIPAC "helped turn what was a bipartisan effort to keep Iran in check into just another political squabble," when its effort to get Congress to further toughen sanctions on the country failed. Plus, in addition to President Obama, Hillary Clinton — one of the more hawkish leaders in the party — is praising the deal. That means that Democrats who defect would be going against both the current president and his potential successor. So, barring a true outpouring of anti-deal opinion and pressure from constituents over the summer, not too many Democrats are likely to defect unless they have cover from some respected figures in the party. Those could include Sen. Chuck Schumer (D-NY) and House Minority Leader Steny Hoyer, who have hawkish foreign policy leanings and have tended to be strong allies of pro-Israel groups. Indeed, earlier this year, it was Schumer whose intervention was key in passing the law that gave Congress this review power in the first place, and he is Senate Democrats' choice to replace Harry Reid as their leader after he retires. So for signs of whether Congress will kill the deal, look to Schumer and Hoyer.

Iran deal will pass – but Obama needs his PC to keep Schumer and Dems on his side

Feehery 7/14 (<http://blogs.wsj.com/washwire/2015/07/14/republicans-oppose-the-iran-deal-but-can-they-override-a-veto/>, Republicans Oppose the Iran Deal—but Can They Override a Veto?, John Feehery, policy analyst for Christian Science Monitor and writer for Wall Street Journal, 7/14/2015)

It's easy for Republicans to oppose this nuclear deal with Iran. They don't trust President Barack Obama, they don't like John Kerry, and they love Benjamin Netanyahu. The question is: Can they override a presidential veto of a resolution of disapproval? Congress can pass either a resolution of approval or disapproval regarding the agreement. A two-thirds vote in both chambers is needed to assert congressional dominance over the president, and to reach that threshold, Republicans will most likely need the support of the incoming Democratic leader of the Senate, Chuck Schumer. Senate Majority Leader Mitch McConnell will need Mr. Schumer, all of the other Jewish Democrats in the Senate, and three other Democrats to join him in overcoming the veto that President Obama promised Tuesday in the face of congressional opposition. Sen. Robert Menendez is a likely suspect; Bill Nelson and Kirsten Gillibrand are also strong possibilities. In the House, getting enough votes would be an even tougher slog. Iran is the one issue that unifies House Republicans. Indeed, when Speaker John Boehner invited the Israeli prime minister to address a joint session of Congress, it sent his stock sky-high among his most recalcitrant conservative colleagues. But the odds of getting enough bipartisan support for an override are dicey at best. There are 247 Republicans in the House. They need 290 members to override a veto, which means they would need 43 Democrats to abandon Mr. Obama. It's hard to see where they get that many votes. There are 18 Jewish Democrats in the House, and many of them will probably stick with the president. Neither the black caucus nor the Hispanic caucus is likely to abandon Mr. Obama, and it is highly unlikely that House Democratic leader Nancy Pelosi will either. If Congress can't disapprove of the deal, it becomes fodder for the 2016 presidential campaign. Hillary Clinton has already signaled her support. Sen. Bernie Sanders applauded this "victory for diplomacy." Joe Biden obviously has to support it. Among Republican presidential candidates, the general consensus is that the deal stinks. The question is how colorful their rhetoric will be to capture the support of big donors who also oppose the

agreement. (Expect rhetoric along the lines of: Is this merely the worst deal in history or will it likely bring on the apocalypse?) The president and his secretary of state finally have the deal they have worked so hard to make. Can they keep it? Time will tell.

Iran deal has controversy in Congress but will likely pass as long as Obama has PC

Zengerle 7/14 (Iran deal faces fight in U.S. Congress but will likely survive, <http://www.reuters.com/article/2015/07/14/us-iran-nuclear-congress-process-idUSKCN0PO1HJ20150714>, Patricia Zengerle, Congressional Correspondent and Staff Writer for Reuters, July 14, 2015)

The nuclear deal between world powers and Iran starts a new phase of intense negotiation - this time between the Obama administration and the U.S. Congress, where some Republicans have long been working to sink an agreement. Any effort in Congress to overturn the deal will face an uphill fight. Republicans have majorities in both the House of Representatives and Senate, but they would need the support of dozens of President Barack Obama's fellow Democrats to sustain a "resolution of disapproval" that could cripple a deal. The odds of that are slim. A resolution of disapproval would need only the Republican majority to pass the House, but would require at least six Democrats to get the 60 votes needed to advance in the Senate. The chances of mustering enough support to then overrule an Obama veto are slimmer still. Obama vowed on Tuesday that he would veto any bill Congress passed that would prevent implementation of the Iran agreement. Nancy Pelosi, who leads the Democrats in the House, praised Obama in a statement. "I commend the president for his strength throughout the historic negotiations that have led to this point," she said, promising Congress would "closely review" the agreement. Senate Democrats have stood firm so far against Republican-led efforts to interfere with the talks between Iran, the United States and five other world powers. Some expressed skepticism about the deal, but others said they expected to vote for it. Senator Dianne Feinstein, a veteran Democrat who is the ranking member of the Senate Intelligence Committee, said she would support the deal. "This is a strong agreement that meets our national security needs and I believe will stand the test of time," she said in a statement. In the House, more than 150 Democrats, including Pelosi, signed a letter in May that strongly supported the negotiations. "I understand the heavy lift that's involved," Tennessee Republican Senator Bob Corker, chairman of the Senate Foreign Relations Committee, told reporters when asked about the chances of passing a "resolution of disapproval". Corker said the Foreign Relations committee would review the deal closely but added he would begin "from a place of deep skepticism" about whether the agreement meets the goal of preventing Iran from obtaining a nuclear weapon. RELATED COVERAGE › White House says it will take a couple of days to get Iran deal to Congress Other leading Republicans went much further in their criticism. House Speaker John Boehner promised a fight. "Instead of stopping the spread of nuclear weapons in the Middle East, this deal is likely to fuel a nuclear arms race around the world," Boehner said in a statement. Obama in May signed a law, authored by Corker, giving Congress the right to review the agreement and potentially sink it by passing a disapproval resolution that would eliminate the president's ability to waive sanctions passed by Congress. Easing sanctions is an integral part of the deal, under which Iran will curtail its nuclear program. 60 DAYS Under the Iran Review Act, lawmakers have 60 days to review the agreement and decide how to respond, once they receive the agreement

and supporting documentation. During that period, plus 22 more days in which Obama could veto a resolution and Congress could try to override it, Obama cannot waive the congressional sanctions. A veto override would require a two-thirds majority in both houses, or 13 Democrats along with all 54 Republicans in the Senate, and 43 Democrats plus all 236 House Republicans. Sanctions passed by Congress account for the overwhelming majority of those imposed by the United States. U.S. sanctions are central to the international regime because of the country's influence on global trade and banking. Congressional briefings on the Iran deal have already begun. Vice President Joe Biden was to meet with House Democrats on Wednesday morning to discuss Iran, and Obama and other administration officials called several lawmakers on Tuesday. RELATED COVERAGE › U.S. Senate leader: If Iran deal rejected, would be 'hard' to override veto Acknowledging the difficulty of passing a disapproval resolution, some lawmakers suggested Congress should consider, and then reject, a "resolution of approval." Defeating such a resolution by a large margin would not affect the sanctions regime, but it would send a strong message that the United States is not united behind a "bad" pact and was prepared to act if Iran moved toward building a bomb, they said. Corker told Reuters in an interview that congressional leaders would decide whether to pursue a resolution of approval or disapproval in the coming weeks. But neither the full House nor Senate is expected to vote on any measure before September, after lawmakers' August recess. Steny Hoyer, the number-two Democrat in the House, dismissed concerns that the delay would leave Democrats vulnerable to a summer of attacks from Republicans that they will be voting "for Iran" if they back Obama. "I'm not sure that it's politically disadvantageous to members," he told reporters. "I think the American public may well agree with the president on this." Both parties acknowledged that the debate will not end this year. Some lawmakers have discussed imposing more sanctions over Iran's human rights record or for supporting terrorism. The Iran Review Act requires the president to regularly certify that Tehran is adhering to terms of a deal. There is no guarantee the next president would do so. Most Republican 2016 White House hopefuls said they do not support the deal.

Will pass – can't override veto

Davis 7/14/15 (Susan, writer at USA Today, "Congress Unlikely to block Iran deal", <http://www.usatoday.com/story/news/politics/2015/07/14/congress-iran-deal/30125885/>)/BW

Congressional skeptics of the Iran nuclear deal said lawmakers would thoroughly vet the agreement, but Congress is unlikely to find a veto-proof majority necessary to block the deal. "I want to read the agreement in detail and fully understand it, but I begin from a place of deep skepticism that the deal actually meets the goal of preventing Iran from obtaining a nuclear weapon," said Senate Foreign Relations Chairman Bob Corker, R-Tenn. Iran, world powers reach landmark nuclear agreement "In the coming days, Congress will need to scrutinize this deal and answer whether implementing the agreement is worth dismantling our painstakingly-constructed sanctions regime that took more than a decade to establish," Corker added. The Tennessee senator led the effort to pass a law earlier this year that gave Congress an enhanced oversight role in the event a deal was reached. The law provides a 60-day review period after lawmakers receive the terms of the agreement to hold hearings and examine the fine print. Congress can then vote on a resolution that approves or disapproves of the deal, or they can do nothing at all. Corker told reporters Tuesday that hearings will take place prior to the August recess and a vote would happen in September. If Congress were to pass a resolution seeking to block the deal, President Obama said Tuesday he would veto it. Opponents would then need a veto-proof, two-thirds majority in both chambers to override — a scenario that seems unlikely today as top Democrats issued early statements of support.

Impact

XT Cirincione

Deal necessary to prevent nuclear annihilation—get the foot in the door for future reforms

Cirincione, president of the Ploughshares Fund, **7/9/2015**

(Joe, "What You Need to Know About the Coming Deal With Iran,"

http://www.huffingtonpost.com/joe-cirincione/what-you-need-to-know-abo_b_7763516.html)

What about Iran's support for terrorism, human rights record, it's recognition of Israel? Is that in any way part of these negotiations?¶ These are deeply troubling aspects of Iran's regional behavior. This is not a pleasant regime. Iran executes about a thousand people a year, more than any other country in the world. They support Hamas and Hezbollah, who are foes of our ally, Israel. We disapprove of a lot of Iran's behavior in the region, but that's not what this negotiation is about.¶ As I wrote earlier this year, "Iran's deplorable record is not a reason to walk away. It is the very reason we must hammer out an iron-clad agreement to ensure Iran cannot get its hands on a nuclear bomb."¶ We negotiate with untrustworthy or "evil" governments all of the time. One of the greatest achievements of the 20th century was our ability to work with the Soviet Union, a country that Reagan called an "evil empire," to avoid nuclear annihilation. That moniker was well deserved. Stalin's purges murdered millions of Russians. Political opponents were rounded up, given show trials and executed. They were sent to gulags where they were worked to death or simply disappeared. His successors supported scores of groups fighting against America and our allies.¶ But cooperation with the Soviets not only prevented a nuclear war, it also led to a series of security, economic and political agreements that helped stabilize the world and led to the gradual demise of the Soviet empire.¶ When Nixon toasted Mao in Beijing in 1972, the Chinese Communist Party was arming the North Vietnamese, who had killed over 2,000 American soldiers in Vietnam the previous year. But the relationship they brokered shifted global relations and resulted in dramatic changes in China that have made better lives for hundreds of millions of Chinese.¶ Negotiating with corrupt, brutal and often despicable governments is necessary to prevent even greater evils. This time, we are doing it to make sure that a dangerous regime does not get the bomb. Certainly that is an endeavor that is worth our effort.¶ If we try to load every single one of our concerns into this negotiation, we will break the table. You can't possibly resolve all those issues at once, so we are taking care of the most threatening, which is the nuclear program. As bad as Iran's behavior is, it might be worse if they actually got a nuclear weapon. And then we'll see if this opens up new channels of communication, and avenues for addressing these other issues.¶ If there is a good deal, or a good enough deal, over time that will have some kind of moderating influence on the Iranian government, on its behavior in its neighborhood and also on domestic issues as well?¶ I do think that, and I'm informed by human rights activists and civic activists inside Iran.¶ Research conducted by experts from the International Campaign for Human Rights in Iran, has shown that Iranians themselves believe that a nuclear agreement between Iran and world powers will lead to internal political and cultural reforms in Iran. A recent report shows that "sixty-one percent [of Iranians] believe a deal would enable political and cultural reforms, as a politically strengthened Rouhani administration could now turn its focus to such issues."¶ The Executive

Director of the Campaign, Hadi Ghaemi, believes that the nuclear agreement will "will have the potential to validate voices of moderation and embolden those who have called for a loosening of the political and cultural environment in Iran." Indeed, the Campaign asserts that, "every poll undertaken has confirmed Iranian society's strong support for the nuclear negotiations, and the resounding electoral win of the centrist Hassan Rouhani reflects society's desire for greater political and social freedoms."¶ Activists inside Iran see it as a beginning. As a way to empower Rouhani, who campaigned not just on economic stimulation, but on opening up freedoms for the Iranian people, and establishing a more moderate government. They think this will empower him and could be the opening that they're looking for.¶ That's why you saw these massive crowds greet even the interim agreement in April. Foreign Minister Zarif was mobbed on the way home from the airport not because they reached some complicated agreement on inspections and the nuclear program, but because they see this as a ray of hope, the beginning of change in the regime. Whether that will happen, we don't know. That will require a lot of struggle. But yes, I think this deal could be the beginning of big change inside Iran, and in Iran's relationship with us and its neighbors, including Israel.¶ Are the U.S. and its negotiating partners hypocrites in these negotiations? In that all of them possess nuclear weapons, and no one has called Israel on their nuclear arsenal?¶ This is a point the Iranians make quite often. The five permanent members of the Security Council all have nuclear weapons. The U.S. and Russia have thousands of nuclear weapons, about ninety six percent of all the weapons in the world. So this is a point.¶ Israel has somewhere around one hundred weapons in an undeclared arsenal. This is also a point.¶ But there are other means of addressing these arsenals, in the United Nations and in the Nonproliferation Treaty process, but we're not talking about those now, we're talking about the Iranian program. The Iranians swore when they signed the Nonproliferation Treaty, that they would not undertake nuclear weapons research. We caught them building secret facilities, in violation of the treaty. That's why sanctions were imposed, that's why we are talking about it now.¶ Is it an hypocrisy problem? Do we have a problem, as long as we are maintaining thousands of weapons and telling Iran they can't have one? Yes, but the legal and diplomatic arguments outweigh that at this point, and they're on our side. We are going to stop this program -- and that may create the diplomatic and political space for us to further reduce our own obsolete nuclear arsenal.

Israel Strike Impact

Israel strikes cause extinction

Masko, 2/9/12

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There's always been the danger of something "going nuclear" in our fragile world where countries such as Iran and Israel seem to like rattling sabers at each other was once viewed as "same old, same old," by political science experts when referring to these countries threats of war remaining the same. However, it's not same old, same old, when President Obama told NBC News in a TV interview Feb. 5 that while he does not think Israel has decided whether to attack Iran, the United States is "going to be sure that we work in lockstep as we proceed to try to solve this... hopefully diplomatically." Thus, if Israel does attack Iran's nuclear facilities and war breaks out, "even a small-scale, regional nuclear war could produce as many direct fatalities as all of World War II and disrupt the global climate for a decade or more, with environmental effects that could be devastating for everyone on Earth, university researchers have found," stated a report on the University of California Los Angeles website aasc.ucla.edu; while pointing to "a team of scientists" at Rutgers, the State University of New Jersey; the University of Colorado at Boulder and UCLA who've researched the implications of such an attack. What's at stake for the world? Overall, the stakes could not be any greater for a world that fears war after more than 20 years of sabre rattling by Israel over Iran's nuclear ambitions. In turn, President Obama and other world leaders seem very concerned that it's not if but when "an Israeli military attack on the Islamic Republic of Iran" will leave in its wake a new war in the Middle East, with more terrorism worldwide laced with even broader economic woes at a time when many countries are already at a breaking point. Moreover, the top U.S. intelligence official told Congress Jan. 31 – in an annual report about threats facing the nation – that "Iran's leaders seem prepared to attack U.S. interests overseas, particularly if they feel threatened by possible U.S. action." Jim Clapper, director of National Intelligence, also told the Senate Intelligence Committee Jan. 31 in an MSNBC TV report that America "now faces many interconnected enemies, including terrorists, criminals and foreign powers, who may try to strike via nuclear weapons or cyberspace, with the movement's Yemeni offshoot and 'lone wolf' terror attacks posing key threats." Middle East nuclear confrontation feared "While a regional nuclear confrontation – such as the one feared between Iran and Israel – among emerging third-world nuclear powers might be geographically constrained," report this noted team of U.S. scientists, "the environmental impacts could be worldwide." Thus, even the great Atlantic Ocean – that sits between the U.S. and the Middle East – would not buffer the "fallout" that will be in the "global atmosphere" impacting an already fragile world climate situation. While these conclusions of dark days ahead for the world if the so-called "nuclear genie gets out of the bottle" -- by U.S. scientists during a meeting of the American Geophysical Union – was back in 2006, the UCLA website that presented these nuclear war fears, has updated such conclusions about a clear and present danger of possible nuclear confrontation if Israel attacks Iran, and as of Feb. 9, 2012, the news from Israel is not good at all, state experts.

Prolif Module

Proliferation is an existential threat—Iran deal is necessary to generate modeling and political will

Plame Wilson 15 (Valerie Plame Wilson; May 13 2015; former CIA covert nonproliferation officer; Looking Forward, Nuclear Proliferation Is Still Greatest Existential Threat We Face; Huffington Post; http://www.huffingtonpost.com/valerie-plame-wilson/nuclear-proliferation-existential-threat_b_7118460.html) jskullz

As a former covert CIA operative, specializing in counter-proliferation, I still believe that the spread of nuclear weapons and the risk of their use is the greatest existential threat we face. Twenty-six years after the end of the Cold War, the world still has more than 15,000 nuclear weapons. Whatever other issues people care about -- poverty, the environment, inequality and so many others -- if we don't get this one right, and soon, nothing else will matter. We are at a crossroads on this issue and the decisions we make over the next 10 years will set us on a course either toward the elimination of all nuclear weapons or toward expanding arsenals and proliferation. There are some disturbing trends. All of the nuclear countries are investing heavily, or planning to do so, in modernizing their forces and/or expanding their arsenals. President Obama is proposing a massive overhaul of the U.S. nuclear arsenal that the Congressional Budget Office (CBO) estimates will cost \$1 trillion over the next 30 years. Russia has already begun a major upgrade of its arsenal. China is ramping up each leg of its nuclear triad, India is close to having a full nuclear triad with the addition of a nuclear submarine to its forces, and North Korea continues to develop its nuclear capability. Perhaps most worrisome is Pakistan, which has the fastest-growing nuclear arsenal and is plagued by persistent political instability and extremist elements. In addition to developing new types of weapons, nuclear weapons countries also appear to be taking steps toward establishing the dangerous nuclear high-alert posture that the United States and Soviet Union adopted during the Cold War (and still maintain) -- shortening the decision time for launch and increasing the risk that nuclear weapons will be used in conflict, by accident or through unauthorized launch. Longstanding regional conflicts involving nuclear-armed countries remain unresolved and tensions high, including on the South Asian Peninsula, the Korean Peninsula and the Middle East. Relations between Russia and the West have spiraled dangerously downward; Russia has even threatened to use nuclear force to defend its annexation of Crimea. Meanwhile, terrorists are working to get their hands on the bomb. This danger has risen as states have failed and ungoverned zones have spread, especially in the Middle East and Africa. In the last two decades there have been dozens of incidents of nuclear explosive materials being lost or stolen. The so-called "Islamic State" group has already seized low-grade nuclear material from a facility in Mosul. These are very difficult challenges. But there are also significant factors that could provide opportunities for progress. A final agreement with Iran would verifiably prevent it from developing a nuclear bomb. It would negate a long-standing leading argument of opponents to Global Zero -- that Iran and countries like it would never agree to forgo nuclear weapons. And it provides a model -- multilateral negotiations and intrusive verification -- for pursuing global reductions in nuclear arsenals.

Iran deal failure is a disaster—causes regional instability, nuclear proliferation, and escalation

Kaye 7/7 (Dalia Dassa Kaye; July 7th 2015; Director, Center for Middle East Public Policy; Senior Political Scientist, PhD in political science; "The Middle East After Vienna"; Foreign Affairs; <https://www.foreignaffairs.com/articles/iran/2015-07-07/middle-east-after-vienna>) jskullz

The first and most dangerous scenario is that Tehran could break out of the interim nuclear agreement, the Joint Plan of Action, which has essentially frozen Iran's nuclear program for nearly two years. With no promise of lasting and more significant sanctions relief, Iran may decide to resume its nuclear enrichment program at levels that reduce the time it would need to weaponize its nuclear program. Iran could still remain in the Nuclear Non Proliferation Treaty and come dangerously close to developing the capabilities to quickly break out if there is no international agreement placing further restrictions and inspections on its activities. To make matters worse, unless it is clear that Iran is at fault for the breakdown in nuclear talks, the current broad international support for sanctions against Iran could weaken. U.S. sanctions against Iran have proven effective because of the backing they have garnered among key oil-importing countries such as China, India, South Korea, and Japan. International sanctions have, by some estimates, cut Iran's oil exports by more than half in recent years, costing Iran up to \$40 billion in revenue annually. Continued unilateral American sanctions and secondary U.S. sanctions on countries and institutions doing business with Iran following the breakdown of a deal would likely continue to keep U.S. and European companies away from Iran. But other key international powers, and even some in Europe, may tire of self-imposed restrictions, especially if Iran appeared to have negotiated in good faith. So, Iran could find itself less isolated over time, especially if Congress rejected the deal, leaving the United States to blame for the failure. Indeed, this is the worst-of-both-worlds outcome—few constraints on Iran's nuclear program and dissipating international pressure on Iran. ¶ A return to military escalation with Iran is also more likely in a no-deal Middle East. Iranian hardliners' arguments that the West was never really interested in a deal with Iran will appear vindicated, undermining the leverage and influence of more pragmatic Iranian factions who were associated with the failed negotiations. This could lead to an expansion of Iran's already destabilizing regional activism, particularly in Iraq, Syria, and in its relationship with Hezbollah. Israel and Hezbollah are not currently interested in another conflict, but at some point in time Hezbollah may perceive attacking Israel as a useful distraction from its losses in Syria. Military escalation between Israel and Hezbollah with Iranian-supplied missiles, could happen quickly. Hezbollah attacks on Sunni insurgent groups fighting the Assad regime close to Israel's border could also mistakenly hit an Israeli target, leading Israel to retaliate. Israel would be more concerned about maintaining its deterrence posture in a regional context where Iran's nuclear program was unchecked, leading to harsh retaliation against any missile strike that could also quickly escalate into a broader conflict. ¶ And of course, Israeli leaders are likely to return to open threats about military options against Iran's nuclear facilities should Iran resume its enrichment program to levels that bring it closer to a weapons capability that crosses Israeli red lines. Pressures on neighboring states to consider nuclear programs of their own would also likely increase, even if concerns about the intentions and ability of neighboring countries like Saudi Arabia to pursue nuclear weapons capability are largely overblown.

Economy Module

Iran deal leads to an increase in US business – banking sector

Rosenfeld, Ward and Brennen 7/14/14 (Everett, Marguerite and Morgan, writers for CNBC, "Iran deal: Corporate winners from the nuclear agreement", <http://www.cnbc.com/2015/07/14/iran-deal-corporate-winners-from-the-nuclear-agreement.html>)/BW

Iran and six world powers reached an agreement on Tuesday to lift sanctions against the Islamic Republic, and while U.S. and Iranian leaders have heralded the deal as a victory, the real winners could be corporations across the globe. Iran holds the world's fourth-largest proved crude reserves and the second-largest natural gas reserves, according to the U.S. Energy Information Administration, so energy firms will be some of the clear beneficiaries of the deal. Most of those gains may not go to American companies, however, as they weigh the political costs of doing business with Tehran—especially considering the skepticism from Congress, according to Alireza Nader, senior international policy analyst at the Rand Corp. "Most likely European and Asian energy companies will see an increase in business—so companies like Total and Shell," Nader said. "For American energy companies, it's going to be tougher for them to go back in Iran." A view of a petrochemical complex in Assaluyeh on Iran's Persian Gulf coast. Morteza Nikoubazl | Reuters A view of a petrochemical complex in Assaluyeh on Iran's Persian Gulf coast. Other parts of the energy industry are also likely to benefit, including tankers and oilfield services, experts told CNBC. Citi Research analyst Chris Wetherbee said the opening of Iran is a "net positive" for international tanker firms, because Iran's aging fleet won't be able to compete, and more energy supplies will be on the market. Companies like Scorpio Tankers and Navios Maritime Acquisition saw their stocks rise Tuesday. In a note published by Barron's, Simon Wong of investment firm Gabelli wrote that an agreement would "open investment opportunities in the country's oil and gas sector." That would likely benefit oilfield service firms like Schlumberger, Weatherford International and Halliburton. Earlier this year, Schlumberger pleaded guilty to violating U.S. sanctions related to Iran, agreeing to a three-year period without any operations in Iran. A spokeswoman told CNBC that the company was not in a position to comment on Tuesday's deal. While the energy industry may be the most obvious beneficiary of an Iran deal, banks will also stand to benefit, experts told CNBC. "All of the major banking institutions in the industrial world will try to finance and facilitate increased trade with Iran," Christopher Whalen, senior managing director at Kroll Bond Rating Agency, told CNBC. "It's a big country, (and) they are very Western-focused. Iranians are consumers of everything. You can anticipate anything from industrial equipment to consumer products will definitely be bought, and will definitely be financed." As for which U.S. banks stand to benefit, Whalen said the gains will be concentrated among some of the top financial institutions—Citibank, JPMorgan, Goldman Sachs and Morgan Stanley. Those banks, he said, will likely work to facilitate the shipment of goods and services to Iran, taking on a trade finance function, and supporting project finance. They may also reach out to Iranian banks about sovereign business, Whalen added. But American banks aren't the only ones that stand to benefit from a reduction of Iranian sanctions, Whalen said, explaining that they'll compete against European and Asian banks for the business. If sanctions on Iran's use of SWIFT (the financial messaging system that transmits and tracks international transactions) are lifted, then new financial sector opportunities could also open, experts said. "The SWIFT

sanctions are more important at this point than any other type of sanctions because it affects all manner of industry and agriculture," Djavad Salehi-Isfahani, an economist at Virginia Tech, told CNBC earlier this year. Telecommunications firms may also be early winners, Blaise Misztal, director of national security at the Bipartisan Policy Center, said. Other industries could also benefit from the Iran deal. PSA Peugeot Citroen told Reuters that it's in advanced talks on an Iranian car-making venture with Iran Khodro and expects rapid progress. The political deal struck in Vienna "should clear the way for significant progress in our discussions," Peugeot's Africa and Middle East chief, Jean-Christophe Quemard, said in an emailed statement Tuesday. General Electric, which does business in Iran through its health-care division, could also consider expanding in the country. "We look forward to reviewing the details of the agreement reached and will watch the regulatory landscape that may unfold," the company said in a statement.

Prices Module

Deal collapses oil prices

Randle 7/11 (Jim Randle; July 11th 2015; Journalist for voice of America, citing Gary Hufbauer, scholar at the Peterson institute for international relations; “Analyst: Ending Iran Sanctions Could Push Down Oil Prices”; Voice of America; <http://www.voanews.com/content/analyst-ending-iran-sanctions-could-push-down-oil-prices/2857710.html>) jskullz

One economic expert said the end of sanctions could bolster growth in some of Iran’s neighbors and push global oil prices down further. Peterson Institute for International Relations scholar Gary Hufbauer said ending sanctions could cut oil prices from their current \$50 a barrel range to around \$35 per barrel. Crude prices Hufbauer said after sanctions, Iran could boost production by half a million barrels a day in a few months, and the additional supply could put downward pressure on crude prices worldwide. While that would not be a large percentage of the approximately 90 million barrels of oil a day consumed by the global economy, Hufbauer said the market is oversupplied right now and is sensitive to additional supplies. But U.S. Treasury Secretary Jacob Lew said it is a “myth” that Iran’s economy would “instantly recover” because sanctions have pushed it into a “deep hole.” Lew said sanctions have cost Iran “over \$160 billion” in oil revenue since 2012. The gross domestic product shrank 9 percent in the two years ending in March 2014, and is “15 to 20 percent smaller” than it would have been otherwise. Lew said Iran needs “half a trillion dollars” in domestic investment. The U.S. Congressional Research Service said sanctions cut Iran’s oil exports by half, and falling oil prices cut revenue in half again. Value of currency The economic problems caused the value of the Iran’s currency, the rial, to fall about 56 percent on unofficial markets, and inflation is estimated to have hit 50 percent at one point. The departure of a number of foreign oil firms has reduced Iran’s access to the technology needed to update its oil industry, crimping the long-term outlook for the sector. Sanctions also hurt efforts to modernize Iran’s non-oil industrial sector by blocking access to imported parts and materials.

AT: Deal Bad Top Shelf

Deal resolves the reasons for aggression—creates a more moderate Iran

Traub 7/21 (James Traub; July 21, 2015; fellow of the Center on International Cooperation; The Nuke Deal to End the Revolution; Foreign Policy; <http://foreignpolicy.com/2015/07/21/the-iran-nuke-deal-to-end-the-revolution-obama-policy/>) jskullz

¶ That level of alarmism is ludicrous, even by Netanyahu's standards, both because Iran's military capacities are very modest and because its ambitions are regional, not global. Nevertheless, Iran represents a special kind of danger to the world because, like revolutionary France, if not like Nazi Germany, it seeks to expand its area of control not simply as a matter of state interest but of ideological conviction. Iran is a revolutionary force bent on upending a regional status quo. And while France exhausted itself through perpetual warfare, ultimately discrediting the principles of the revolution, Iran's leaders have largely fought through proxies, preserving their standing, as well as the nation's power. Indeed, the very fact that Supreme Leader Ali Khamenei has given his blessing to the nuclear deal is a sign of the suppleness that has preserved the revolution after more than 35 years. ¶ The regime is unlikely to destroy itself, and the Iraq War should have cured even the most reckless soul of the belief that outside forces can institute regime change without cataclysmic results. The question then is, what actions by outsiders — if any — are most likely to reduce the potency of Iran's revolutionary ideology and thus curb its adventurous foreign policy? How, that is, can Iran come to resemble other ambitious-but-responsible emerging powers, like India or Turkey? ¶ Could the nuclear deal itself begin to bring that about? In conversations I had starting in the summer of 2009, officials in President Barack Obama's administration expressed the very guarded hope that a new, more respectful approach to Iran might ultimately lead to just such an outcome. Now that Obama has gained the nuclear deal he sought, he is careful to say, as he did to the New York Times' Thomas Friedman, that he has no expectations of a kinder, gentler Iran. The president has learned quite a few painful lessons over the years about the intransigence of America's rivals (think of Russia in Ukraine or China in the South China Sea). What's more, he knows very well that both Netanyahu and many of his Persian Gulf allies regard his Iran policy as recklessly naive. There's no reason to compound the problem by putting forward overly optimistic scenarios. ¶ There are, in fact, few grounds for optimism. As many commentators have noted, some portion of the \$100 billion to \$150 billion in bank funds to be unfrozen as sanctions are lifted will almost certainly go to the Iran's Revolutionary Guard or Hezbollah. Even absent that windfall, so long as Iran's Sunni adversaries, above all the Saudis, remain obsessed with countering Teheran's influence, both real and imagined, Iran can be counted on to support Shiite groups in Iraq, Lebanon, Yemen, and Syria. ¶ In the short run, therefore, the nuclear deal is likelier to make matters worse rather than better, and the president may spend more of his remaining time in office countering Iran's aggressive moves than he will summoning its better angels, as the New York Times' editorial page recently urged him to do. ¶ But what about the long run? What about changes, not in the behavior of the regime but in its ideological foundations — and thus in the balance of power between state and society? Is it reasonable to think that the nuclear deal might help tip Iran toward moderation? I think it is, and I imagine that Obama thinks so too, even if you won't catch him saying so. ¶ Revolutions need adversaries. The best argument for ending the decades-long sanctions on Cuba was that inveterate American enmity had offered

the Castros the perfect pretext for preserving their autocratic rule. Normalizing relations would unleash forces that would undermine the legitimacy of the communist regime and strengthen liberal forces. That process has only just begun, but it holds out far more promise of turning Cuba into a country that respects the international order than did the policy of endless antagonism. Iran, like Cuba, has used virulent anti-Americanism to preserve its grip over an increasingly restless citizenry.¶¶ The mullahs can still muster crowds to shout “Death to America,” but they aren’t as large as they once were. Unlike Cuba, Iran has a robust and growing middle class that is desperate to travel to and trade with the West. That class elected the moderate Hassan Rouhani as president in 2013. And it is this aspirational class that will ultimately be the agent of social transformation in Iran.¶¶ Of course, there are arguments on the other side. Cuba is dead broke and needs the lifeline from the West, whereas the nuclear deal is about to loose a cataract of revenue on Iran. If the United States really wants to tip the balance between the theological state and an increasingly aspirational Iranian society, therefore, Washington should keep tightening the screws of sanctions until the citizens rise up against their rulers — as then-President Ronald Reagan did by raising the ante of military spending until the Soviets bankrupted themselves. Nevertheless, that seems less likely to dislodge the mullahs from power than the dynamic of economic freedom.¶¶ Revolutionary societies don’t last forever; they are eventually undone by their own contradictions. Mao gives way to Deng; Andropov to Gorbachev and then to Yeltsin (and then, alas, to Putin). Sometimes the United States confronts such regimes, sometimes it contains them, and sometimes it tries to furnish an exit ramp. Until now, Washington has focused its policy toward Iran on the first two of those options. Now it is trying the third. It’s a gamble. It is, however, vastly preferable to the alternatives.

AT: Deal Bad

Deal prevents nuke—all paths prevented and sanctions easy to reinstate

Lewis 7/14 (Jeffery Lewis; July 14 2015; director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies; “**It’s a Damn Good Deal**”; Foreign Policy; <http://foreignpolicy.com/2015/07/14/its-a-damn-good-deal-iran-nuclear-agreement-joint-comprehensive-plan-of-action/>) jskullz

The reduction in centrifuges remains substantial — the limits are the same as those reported when the framework was announced. Moreover, little worries I had, like whether Iran would agree to remove piping and other infrastructure along with the centrifuges themselves, were resolved favorably.¶ The Vienna Plan also provides a path to resolve the outstanding issues with the International Atomic Energy Agency regarding Iran’s past covert nuclear weapons program (known delicately as “possible military dimensions”) and provides a public description of something U.S. officials had only described in private — a R&D schedule that limits Iran’s development of new centrifuges over the next eight to 10 years.¶ And, if like me you think “breakout,” or the time it would take to turn nuclear material into one bomb, is a dumb measure, the agreement also has lots of provisions to deal with “sneak-out,” or an attempt to get a bomb covertly. These provisions include granting inspectors access to military sites and monitoring of centrifuge workshops and uranium mines. But this shouldn’t be a surprise: It was in the bag in Lausanne.¶ It is worth looking at this chart issued by the Supreme Leader’s office showing all his “red lines” in the talks. It turns out the Iranians gave in on several of them and found rather creative solutions to a few others. You can make your own list, but I think they compromised on (1, 3, 5, 7, 8, and 9): [img removed]¶ What had to be resolved in Vienna was the tricky issue of sanctions. It was always clear that there would have to be an implementation period so that Iran could say sanctions came off “immediately” while the United States could claim the opposite.¶ One of the amazing things is how many of the pearl-clutching stories about how the agreement was going off the rails turned out to be nonsense. Most of these were written by the New York Times’ David E. Sanger, and they won’t age well: see 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.¶ One story said the administration was going to back off what looked like a hard cap on how much enriched uranium Iran could have at any one time. I called it the Great LEU Panic of June 2015. Sure enough, Iran is limited to “300 kg of up to 3.67% enriched UF₆ (or the equivalent in different chemical forms).” The rest of Iran’s stockpile must be sold or diluted. I told you so.¶ The real issues in Vienna were how to re-impose sanctions if the deal collapsed, as well whether to lift the United Nations’ arms embargo and the sanctions on Iran’s missile programs.¶ The mechanism to re-impose sanctions — called “snapback” by people who don’t wear baseball caps — is pretty clever. Any of the parties can raise an issue within a Joint Commission created to administer the agreement. If the party is unsatisfied, it then can notify the U.N. Security Council. The Security Council has 30 days to act — and if it does nothing, the sanctions are automatically re-imposed. That gives the United States and other parties the ability to blow up the deal and return to sanctions regime with no chance for Russia or China to veto.¶ The arms embargo and missile sanctions were trickier. The Iranians argued that those were only imposed as punishment for nuclear activities — and that they should come off as part of any deal. It’s a fair point, but rather too lawyerly for the situation. Iran’s missile program was part of the possible military dimensions to its nuclear program. And Iran is also engaged in several proxy wars in Middle East at the moment. One of the main reasons for being concerned about Iran’s past nuclear weapons work is how aggressive a nuclear-armed Iran might become. It should have been obvious to anyone in Tehran that the United States wasn’t going to agree to a flood of new arms and missile technologies.¶ The compromise, again, was obvious. U.N. sanctions will come off over time — reportedly five years in the case of the arms embargo and eight years in terms of the missile program — but national and other international restrictions stay. President Barack Obama will not waive U.S. sanctions for missile proliferation, terrorism, and human rights. Moreover, Iran remains outside the Missile Technology Control Regime, the cartel of suppliers that controls missile technologies. As a practical matter, Iran’s missile suppliers are still limited to North Korea — something already prohibited by sanctions — and entities already sanctions-busting.¶ That said, it probably makes sense to think about a follow-on agreement limiting Iran’s development of ballistic and cruise missiles as well as how to deal with a deteriorating regional security situation that has many U.S. allies understandably nervous. If Obama ignores these concerns, he will be handing his

opponents back at home an issue that they will only too happily use to club him over the head. ¶ Remember how House Republicans have repeatedly voted to repeal, defund, or deform the Affordable Care Act? Fought all the way to the Supreme Court, twice? ¶ The fight over the Iran deal is going to make the Obamacare battles look like two preppies slap-fighting over a cucumber sandwich. ¶ Congress now has 60 days to review the deal and pass a resolution of disapproval that would remove the president's authority to waive sanctions on Iran. Obama has said he will veto such a measure, if his opponents can find the votes, which will give Congress another, shorter period to attempt to override the veto. ¶ Even if the deal survives the congressional review period, you can expect a lot of leaks. ¶ Much of the arguments in Washington to date have focused on making the process look disorganized or chaotic. At one point, Sanger moaned on Twitter that Mozart wrote Symphony No. 36 in less time than diplomats have been in Vienna for the last round of talks. Fellow nuke wonk Alicia Dressman noted, more than a little sarcastically, that she was going to miss his "poignant observations quarantined from relevance." ¶ Good news, Alicia! He's not going away. The leaks are going to shift to how Iran is doing this or that. You kids may not remember this, but more than 20 years ago the Clinton administration — yes, Hillary's husband was president back then — struck a similar deal with North Korea to freeze its plutonium production infrastructure. Immediately the leaks began: North Korea is cheating! (North Korea probably was cheating, by the way, but just not in the ways alleged by opponents. That's another problem with the Beltway noise-machine.) ¶ The low point was when satellite images showed a large, underground facility under construction near a place called Kumchang-ri. Someone at the Defense Intelligence Agency decided it was a covert underground nuclear reactor — based mostly on the military unit responsible for digging. No one else thought it was a reactor because, well, it was just a hole in the ground. Not surprisingly, this got leaked to the New York Times, which ran the headline: "North Korea Site an A-Bomb Plant, U.S. Agencies Say." (Guess who the author was?) ¶ Never mind that it wasn't true. One agency, singular, said that; the others were unconvinced. But when something is on page A1 of the New York Times, it becomes true. The United States negotiated access to the site, which turned out to be empty. The site was "unsuitable" for a nuclear reactor and "not well designed" for a reprocessing facility. It was kind of a mini-Iraq, but where we had the good sense not to invade. ¶ I've told this story over at 38North, but the point is that the Clinton administration realized too late that they needed to reinforce the 1994 Agreed Framework with other deals, starting with North Korea's ballistic missile program. It makes sense to start thinking now about regional security issues, including Iran's missile program, once this deal comes under monthly attack. ¶ It is possible that the Iranians will cheat. It is also possible that they will insist on tendentious readings of certain provisions. And, although I hate to break it to you, we might not be perfect ourselves. One of my favorite passages in the agreement is an oblique acknowledgement by the Iranians that there is no telling what sort of stunt Sen. Tom Cotton and his friends might pull. (Paragraph 26. Check it out.) Even two committed parties may find that they disagree about how to implement an agreement. That's normal. ¶ But there will also be a cottage industry in Washington, D.C., for the next decade dedicated to manufacturing one crisis after another to try to derail this agreement. We've already seen a series of press conferences by the National Council for Resistance in Iran, a.k.a. the MEK, making one allegation or another. I had to debunk one about a secret centrifuge plant that NCRI claimed was churning out LEU from the basement of the site printing national ID cards.

Deal ensures no nuke—the alternative is war

Jaffe 7/15 (Greg Jaffe; July 15 2015; Military expert for the Washington Post, citing Barack Obama, president of the United States; Obama says only alternative to a nuclear deal with Iran is war; Washington Post; http://www.washingtonpost.com/politics/obamas-defense-of-the-iran-deal-comes-with-a-tough-love-message/2015/07/15/a7614b4a-2b04-11e5-bd33-395c05608059_story.html) jskullz

President Obama's defense of the complex and painstakingly negotiated nuclear deal that his administration reached with Iran boiled down to a simple, if controversial, contention: The only real alternative to the deal was war. ¶ Obama returned to that conclusion repeatedly Wednesday at a news conference that stretched for more than one hour. ¶ "Without a deal," he said in his opening statement, "we risk even more war in the Middle East." ¶ A few minutes later, in response to a reporter's question, Obama dismissed concerns that the House and Senate might vote down the deal, forcing him to use his presidential veto. Wouldn't a rejection of the deal by lawmakers make him question its wisdom? ¶ "Either the issue of Iran obtaining a nuclear weapon is resolved diplomatically through a negotiation or it's resolved through force, through war," Obama countered. "Those are — those are the options." ¶ What about those who argued that Obama should have employed more diplomatic, economic or military leverage to get a "better deal" from the intransigent Iranians? ¶ "What does that mean?" Obama asked rhetorically. "If the alternative is that we should bring Iran to heel through military force, then those critics should say so. And that will be an honest debate." ¶ The president's news conference in the White House's East Room came a day after his negotiators concluded contentious marathon talks with Iran. The deal they reached to limit Iran's nuclear enrichment program — more than six years in the making — was swiftly condemned by virtually every major

Republican presidential candidate. ¶ A spokesman for House Speaker John A. Boehner (R-Ohio) said Wednesday that Obama, in defending the deal, had shown himself to be “hopelessly disconnected from reality.” Israeli Prime Minister Benjamin Netanyahu, addressing his country’s parliament a few hours before Obama spoke, left open the possibility of military action against Iran. ¶ “We will reserve our right to defend ourselves against all of our enemies,” Netanyahu said. “We have strength, and it is great and mighty.” ¶ The president responded with a defense of the nuclear agreement that was equal parts pugilistic and legalistic. Obama was briefed on the progress of the negotiations with Iran as often as twice a day and had amassed a detailed knowledge of the 109-page agreement and the additional 47 pages of annexes. He drew on that knowledge the way an experienced courtroom lawyer might rely on case-law expertise to answer criticisms that the deal didn’t last long enough; that it wouldn’t prevent the Iranians from covertly producing a nuclear weapon; that it still allowed the Iranians some nuclear enrichment capacity and therefore didn’t go far enough. He seemed eager to address every question. ¶ “Have we exhausted [all the] Iran questions here?” Obama said at one point. “I am really enjoying this Iran debate. . . . Go ahead. Go ahead.” ¶ President Obama took questions on the deal with Iran in the East Room of the White House on July 15. Here are key moments from that speech. (AP) ¶ A few minutes later, Obama picked up a piece of paper from the lectern in front of him, eager to keep talking about the deal. “Okay,” he said. “I made some notes about many of the arguments — the other arguments that I’ve heard here.” ¶ Obama’s defense of the deal wasn’t designed to win over dug-in critics, whom he dismissed as illogical and unrealistic. His audience was an American public worried about the threat posed by a nuclear-armed Iran but also exhausted by more than 14 years of war in Iraq and Afghanistan. ¶ Obama has speculated in recent weeks that the nuclear deal could empower moderates in Iran who are eager for better relations with the rest of the world. “What I’d say to them is this offers a historic opportunity,” he told the New York Times in an interview Tuesday. ¶ Such hopeful talk was largely absent Wednesday from Obama’s news conference, which focused on the dangers posed by Iran and the need to prevent the country from acquiring a nuclear weapon. “This has been a Democratic priority, this has been a Republican priority, this has been Prime -Minister Netanyahu’s priority,” Obama said. ¶ Obama hit on almost all the major criticisms of the deal during the news conference. ¶ Republicans have criticized the deal for allowing Iran as many as 24 days before it grants inspectors access to military sites that could house covert programs. The delay could give Iran enough time to conceal illegal activity, critics said. Obama dismissed the charges as unrealistic and not grounded in science. ¶ “This is not something you hide in a closet,” Obama said of the centrifuges and other sensitive equipment needed to make weapons-grade uranium. “This is not something you put on a dolly and kind of wheel off somewhere.” ¶ Even if the Iranians had moved nuclear material from the site, Obama said, inspectors would find it. “Your high school physics will remind us that leaves a trace,” he said. “And so we’ll know, in fact, there was a violation of the agreement.” ¶ Other critics have charged that the deal would pave Iran’s path to a bomb by lifting some of the most onerous restrictions on its nuclear energy program after 10 years. ¶ “That’s a good one,” Obama said. ¶ He countered that the inspections would still be in place 20 years from now. So, too, would Iran’s Non-Proliferation Treaty commitments. Iran would be about one year away from developing enough fuel for a nuclear bomb — a longer time frame than its current two to three months.

Deal key to prevent “sneak-out”

Acton 7/16 (James M. Acton; July 16 2015; Co-director of the Nuclear Policy Program at the Carnegie Endowment for International Peace; Iran Ain’t Gonna Sneak Out Under This Deal; Foreign Policy; <http://carnegieendowment.org/2015/07/16/iran-ain-t-gonna-sneak-out-under-this-deal/idh7>) jskullz

Nonetheless, where verification is concerned, the details do matter and we really should be debating the finer points of the Iran deal’s verification provisions. (See: Annex I, Sections L, M, N, O, P, Q, and R — yes, it’s that detailed.) In assessing whether these arrangements are “good enough,” the best place to start is with the following question: If Iran decides to cheat, how would it go about doing so? ¶ Iran’s leadership would have three options and, in deciding between them, it would presumably choose the pathway that maximized its chances of success. ¶ First, Iran could overtly renounce all its nonproliferation commitments chuck out international inspectors, and build the bomb loudly and proudly. The Nuclear Nonproliferation Treaty contains a clause that allows states to withdraw under “extraordinary” circumstances and, even though JPCOA doesn’t have any such provision, there can be no certainty that Iran won’t abrogate it anyway. No verification system can prevent this scenario, but what almost certainly can deter it is the threat of American weaponry hitting Iran before Ayatollah Khamenei can say “death to.” ¶ The second, more likely scenario would be for Iran to use its declared nuclear materials and facilities for bomb-building: the much-discussed “breakout scenario.” Many of the Iran deal’s limits are intended to make breakout much more time consuming than it would currently be — and that’s a

good thing. Ultimately, however, breakout still isn't all that likely. Declared facilities are subject to International Atomic Energy Agency (IAEA) monitoring and . As a result, Iran understands it would almost certainly be caught quickly if it attempted breakout. ¶ Iran's third option would be to build a secret parallel nuclear program dedicated to military purposes — sneak-out. Detecting small clandestine enrichment plants is difficult and Tehran might view sneak-out as its most attractive option. Indeed, Iran has tried to sneak-out before. Repeatedly, It failed to declare three out of the four facilities in which it has enriched uranium (the Kalaye Electric Factory, the Fordow Fuel Enrichment Plant near Qom, and the Pilot Fuel Enrichment Plant at Natanz) in accordance with IAEA rules. ¶ “Anytime, anywhere” access is often advocated as the solution to detecting secret facilities — in fact, Secretary of Energy Ernest Moniz, an MIT physicist and one of the U.S. negotiators, said back in April that the United States expected it. The Iran deal doesn't provide for it, however, as critics, including Sen. Tom Cotton, have noted (rather gleefully, at that). ¶ So, what access provisions does the deal contain? ¶ It does allow the IAEA to go anywhere — including military sites — if there is evidence of undeclared facilities hosting nuclear activities. But, if Iran declined to grant access, a complicated dispute resolution negotiation process would ensue under which Iran would have to negotiate first with the IAEA and then with the Joint Commission created to oversee implementation of the deal. This process could take up to 24 days. (on day 25, if Iran still refused access, it would be in non-compliance with the agreement and sanctions could be re-introduced.) ¶ Fortunately for the JCPOA, the refrain of an “anytime, anywhere” access may make for a great soundbite, but its utility is overstated by Cotton and other critics of the agreement. An access delay — even one of 24 days — wouldn't make any material difference to the IAEA's ability to detect undeclared nuclear activities. ¶ When IAEA inspectors search for undeclared nuclear activities they look for tiny traces of nuclear material on surfaces. Fortunately for them, nuclear material lingers. And, modern detection technology is so amazingly effective that miniscule traces of nuclear material can be detected years after nuclear activities took place. Countries have tried to sanitize facilities completely to remove every last trace of nuclear material. Iran did so at the Kalaye Electric Factory after its secret nuclear program was revealed in 2002. Syria tried the same thing in 2007 after Israel bombed its plutonium production reactor at Al Kibar. In both cases, the IAEA still managed to detect nuclear material. Those findings were critical to persuading the organization's governing body to make a formal finding of non-compliance against both Iran and Syria. ¶ Perhaps Iran has learned from its past mistakes and could do a better job of cleaning up nuclear material in the future and keeping its program secret. But, what's clear is that perfect cleanup — if it were possible — would take many months. After just 24 days, the IAEA would have little difficulty detecting the residue from undeclared nuclear activities. ¶ So, here's the bottom line: The Iran deal doesn't provide for anytime, anywhere access, but it does facilitate timely access anywhere — and that's what's needed for effective verification. ¶ But wait, as they say on QVC, there's more! ¶ Not only is anytime, anywhere access not necessary, it's also not sufficient. In other words, its inclusion might have placated (a few) critics, but would not be enough, by itself, for effective verification. After all, it would be physically impossible for the IAEA to inspect every building where Iran could conceivably be hiding clandestine nuclear activities. ¶ What the IAEA actually needs is some preliminary evidence about where a secret nuclear facility might be lurking. The much-discussed but little-understood Additional Protocol was developed precisely for that purpose and the JCPOA obliges Iran to accept it, first voluntarily and subsequently on a legally binding basis. But, the JCPOA goes beyond the Additional Protocol in two innovative and important ways. ¶ First, IAEA monitoring will be extended to declared yellowcake (the precursor material to the feedstock for enrichment) and to declared centrifuge components. This measure will deter Iran from diverting this material and equipment to a secret program. Iran could, of course, try to acquire yellowcake or centrifuge components secretly instead — but doing so would create more opportunities for detection. ¶ Second, the deal also creates a “Procurement Working Group” to oversee the import of all equipment and material that either is used or could be used for nuclear purposes. The intelligence communities of the United States and its friends spend considerable resources monitoring Iranian imports. If they discover that Iran has obtained any items that should have been declared but weren't, they will have acquired clear evidence of secret nuclear activities in Iran. They could hand this evidence to the IAEA, which could conduct inspections to investigate further. ¶ All in all, therefore, the JCPOA provides for some impressive verification provisions to guard against sneak-out. That said, no one should be under any illusions. Detecting small, undeclared centrifuge plants is difficult and there is no guarantee of success. But, perfection is not the right metric against which to assess a nonproliferation agreement. The real question is whether sneak-out is more likely with a deal or without one. And here the

answer is clear: sneak-out would be much more likely without a deal, because the IAEA's powers to detect clandestine facilities would be much more limited.

Iran deal does not lead to proliferation

Pashakhanlou 7/14/15 (Arash Heydarian, Postdoctoral Teaching Fellow in Politics & International Relations at University of Bath, "Beyond the Iran deal: nuclear proliferation is a myth", <http://theconversation.com/beyond-the-iran-deal-nuclear-proliferation-is-a-myth-42441//BW>)

After nearly two years of incremental and painstaking negotiations, a full deal on Iran's nuclear programme has at last been struck. In a feat of diplomacy and patience, Iran and the P5+1 – the US, the UK, France, Germany, Russia and China – have managed to construct a deal that limits Iran's nuclear activity and the sanctions imposed on it. Early reactions deemed this a "new chapter of hope" in more ways than one; not just a victory for diplomacy, but a major victory in the efforts against nuclear weapons proliferation. This is somewhat misguided. In reality, however, even a nuclear-armed Iran would not have meant that a nuclear weapons proliferation among states was underway. Proliferation, after all, means rapid spread. And whereas nuclear weapons have proliferated "vertically", with existing nuclear states adding to their existing nuclear arsenals, there has not been a "horizontal" nuclear weapons proliferation – that is, a fast spread of these weapons to new nations. On the contrary, nuclear weapons have spread slowly across the world, even though academics, politicians and the media frequently discuss horizontal nuclear weapons proliferation as if it was a matter of fact. Currently, there are only nine states in the world with nuclear weapons among the UN's 193 members: the US (since 1945), Russia (since 1949), the UK (since 1952), France (since 1960), China (since 1964), India (since 1974), Israel (since 1979, unofficial), Pakistan (since 1998) and North Korea (since 2006). Other countries have dropped off the list. South Africa joined the nuclear club in the 1980s, but dismantled its weapons in the early 1990s. Belarus, Kazakhstan and Ukraine inherited nuclear weapons from the Soviet Union when they became independent states after the Cold War, but they transferred their nuclear arsenal to Russia in the 1990s. In other words, only a handful of countries in Europe, Asia and North America possess these weapons, while Africa, Australasia and Latin America are devoid of nuclear weapons states. In fact, the number of nuclear weapons states has actually decreased ever since the 1990s. And even though the Pakistani nuclear weapons scientist Abdul Qadeer Khan confirmed the existence of a global nuclear black market which purportedly provided nuclear technology, expertise, and designs to various countries, including Libya, no horizontal nuclear weapons proliferation has taken place. Libya eventually voluntarily renounced its secret nuclear weapons efforts in December 2003. Argentina, Brazil, South Korea, and Taiwan have also shelved their nuclear weapons programs. As of now, there are 31 countries with nuclear power plant units in operation; countries such as Australia, Canada, and Japan are widely believed to have the technological sophistication to become nuclear weapons states in relatively short amount of time should they want to – but they have not pursued that path. In other words, even though there have been opportunities for nuclear weapons proliferation across a range of new states, such a development has not materialised. All of the available evidence thus unanimously suggests that no horizontal nuclear weapons proliferation has taken place throughout the 70 years that these weapons have existed. Claims to the contrary lack basis, whether they are made for political or economic reasons, sheer

ignorance, or for any other purposes. Horizontal nuclear weapons proliferation is a bogeyman that does not exist. If we are to devise sound strategies and policies regarding nuclear weapons we have to ground them in existing reality. Recognising that there is no horizontal nuclear weapons proliferation is a good place to start.

AT: Israel Strike

No Israeli strike—if Bibi was serious he'd had bombed Iranian facilities more than a decade ago

Keck 15 (Zachary Keck; Feb. 9 2015; managing editor of The National Interest.; "5 Resasons Israel Won't Attack Iran"; National Interest; <http://nationalinterest.org/commentary/five-reasons-israel-wont-attack-iran-9469?page=2>) jskullz

1. You Snooze, You Lose¶ First, if Israel was going to strike Iran's nuclear facilities, it would have done so a long time ago. Since getting caught off-guard at the beginning of the Yom Kippur War in 1973, Israel has generally acted proactively to thwart security threats. On no issue has this been truer than with nuclear-weapon programs. For example, Israel bombed Saddam Hussein's program when it consisted of just a single nuclear reactor. According to ABC News, Israel struck Syria's lone nuclear reactor just months after discovering it. The IAEA had been completely in the dark about the reactor, and took years to confirm the building was in fact housing one.¶ Contrast this with Israel's policy toward Iran's nuclear program. The uranium-enrichment facility in Natanz and the heavy-water reactor at Arak first became public knowledge in 2002. For more than a decade now, Tel Aviv has watched as the program has expanded into two fully operational nuclear facilities, a budding nuclear-research reactor, and countless other well-protected and -dispersed sites. Furthermore, America's extreme reluctance to initiate strikes on Iran was made clear to Israel at least as far back as 2008. It would be completely at odds with how Israel operates for it to standby until the last minute when faced with what it views as an existential threat.¶

AT: NPT Turn

No NPT breakdown—secondary agreements, lack of capacity, and no interest

Esfiandary and Tabatabai 4/28 (Dina Esfiandary and Ariane Tabatabai; Dina Esfiandary is a McArthur Fellow in the Centre for Science and Security Studies at King's College London. Ariane Tabatabai is a visiting assistant professor in the Security Studies Program at the Georgetown University School of Foreign Service and a columnist for The Bulletin of the Atomic Scientists; "Why an Iran deal won't lead to nuclear proliferation"; Washington Post; www.washingtonpost.com/blogs/monkey-cage/wp/2015/04/28/why-an-iran-deal-wont-lead-to-nuclear-proliferation/) jskullz

First, the entire region, except for nuclear-armed Israel, is party to the NPT. This means that they've already legally given up the nuclear weapon option. Moreover, nuclear weapon states can't legally provide them nuclear weapons either. Second, many countries have safeguards agreements and some, the additional protocol, in place. This means that their programs are under close International Atomic Energy Agency (IAEA) scrutiny. ¶ ¶ None of these states have expressed an interest in reprocessing, which closes the plutonium path to the bomb. Some have even foregone enrichment, which blocks the uranium path to the bomb. That's the case for the UAE. But some states, such as Saudi Arabia and Turkey, want to reserve "the right" to enrich. Riyadh went further and stated it wanted whatever Iran got out of the negotiations, including enrichment. ¶ ¶ Saudi Arabia, Turkey, Egypt, Jordan and the UAE are all dependent on foreign suppliers and expertise for their programs. They lack the human capacity for the programs. Foreign involvement makes it difficult, though not impossible, to covertly develop a nuclear weapon. This means that suppliers also need to do their due diligence and ensure that buyers use their equipment for purely peaceful purposes.

AT: Bomb Good

Iran bomb increases risk of nuclear miscalc

Dokos 12 (Thanos Dokos; Sep 2012; Director-General of the Hellenic Foundation for European & Foreign Policy (ELIAMEP); Why Kenneth Waltz is Both Right & Wrong About the 'Iranian Bomb'; ELIAMP; <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?id=153731>) jskullz

At the heart of the views of the Waltz school is a simple extrapolation from the non-use of nuclear weapons in the U.S.-Soviet context to the future non-use of those weapons in other regions. This analogy overlooks the unique combination of circumstances that has helped to ensure nuclear peace over the past decades. The non-use of nuclear weapons has rested upon particular geopolitical and technical factors: cautious leadership (despite the harsh rhetoric of both sides); the fact that neither national survival nor territorial integrity was immediately at stake and that neither power has ever been at war with the other; the lack of common borders, thereby lessening flash points for conflict and impeding escalation; and adequate technical means to prevent accidental detonation and the unauthorized use of nuclear weapons. Without these features, mere fear of nuclear destruction, though itself quite important, might not have sufficed. For example, the probability of the use of nuclear weapons as a result of miscalculation or loss of control during a crisis cannot be easily dismissed. The lack of secure second-strike forces and reliable C4I systems in most new nuclear weapon states and the adoption of launch-on-warning (LOW) postures as a consequence, could result to strategic instability and could increase the probability of the use of nuclear weapons due to miscalculation. And however small the risk of each individual scenario may be, one should also consider the cumulative risk of all the possible dangers arising from additional nuclear proliferation. The prospect of a nuclear "accident" or miscalculation would, therefore, be much higher in a proliferated world, as tensions between India and Pakistan have demonstrated in the past. The Middle East is probably a different case, mainly because Israel and Iran are not geographically contiguous states, nor do they constitute an existential threat for the other side (although many Israelis would take issue with that statement). Waltz also argues that "Israel's regional nuclear monopoly has long fueled instability in the Middle East. It is Israel's nuclear arsenal, not Iran's desire for one, that has contributed most to the current crisis. Power, after all, begs to be balanced. What is surprising about the Israeli case is that it has taken so long for a potential balanced to emerge." He also suggests that "Current tensions are best viewed not as the early stages of a relatively recent Iranian nuclear crisis but rather as the final stages of a decades-long Middle East nuclear crisis that will only end when a balance of military power is restored." This is a rather surprising statement. Israeli policies and actions, especially in connection with the Palestinian problem, often have had destabilizing consequences for the region, but its "nuclear behavior" can hardly be described as irresponsible or destabilizing (this doesn't imply, of course, that efforts for a NWFZ in the Middle East should be abandoned). As a result, the only full-fledged effort to acquire nuclear weapons by a Middle Eastern state was motivated by Saddam's regional ambitions, not concern about Israel's nuclear arsenal. Similarly, Tehran's current security policies, including its strong interest in the development of a nuclear weapon capability and its regional aspirations, antedate the Islamic revolution and are rooted in Persian nationalism and the country's historical sense of regional leadership, not Israel's nuclear capability. Iran's nuclear programme is also motivated, among other, by some legitimate security concerns, including the experience of its war with Iraq, when Iraq used chemical weapons on a large scale against Iran with the international community protesting very weakly, and fears about regime survival. Post 9/11, influential groups inside Iran were concerned that the U.S. intended to change its regime by force. Indeed, it is possible that the Iranian leadership reached the conclusion that if a regime was considered by the U.S. as a member of the 'Axis of Evil' and did not possess a nuclear capability, a fate similar to Saddam Hussein's could be expected, whereas if the country did have a nuclear weapon capability, like North Korea, it stood a reasonable chance of getting financial support and even regime survival guarantees from the US and the international community. Finally, one should also consider Iranian leadership's distrust towards the West, mainly as a result of a sense of humiliation caused by a long colonial experience. At the same time it is probably true that since late 2003, with the U.S. entangled in an Iraqi (and increasingly an Afghan) quagmire, draining American resources and reducing its influence in the region and worldwide and in view of the domestic situation in Lebanon and Palestine, a permissive regional environment for spoiling

strategies and the lack of a functioning regional security architecture in the Gulf region, the Iranian leadership saw a window of opportunity to increase the country's geopolitical weight and establish Iran as a pivotal regional power. It is possible that the acquisition of a nuclear weapon capability may increase not only Iran's self-confidence, but also its propensity for brinkmanship and risk-taking. Iranian official rhetoric, often bombastic in style, will not help in this context. At the global level, there is little doubt that further proliferation would make the strategic chessboard more complex whilst at the same time multiplying risks and complicating strategic decision-making. There is also growing concern that the open nuclearization of Iran could also, in combination with other negative developments, deal a serious –even deadly– blow to the NPT regime. Although one can speculate whether Iran's nuclearization will be the 'hair that broke the camel's back', Christoph Bertram rightly points out that 'anyone seeing in an Iranian bomb a key factor which might prompt Saudi Arabia, Egypt or other countries to obtain one as well needs to explain why for 40 years the Israeli bomb has not had that effect.' Waltz agrees that "If an atomic Israel did not trigger an arms race then, there is no reason a nuclear Iran should now" (a rather controversial statement in view of his conviction that the real cause of the Middle Eastern crisis has been the Israeli nuclear monopoly).

Iran nuke causes runaway prolif and nuclear war

Lindsay and Takeyh 10 (James M. Lindsay and Ray Takeyh; Lindsay is Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair at the Council on Foreign Relations, Takeyh is a Middle East scholar, former United States Department of State official, and a Senior Fellow at the Council on Foreign Relations; *After Iran Gets the Bomb*; Foreign Affairs; <https://www.foreignaffairs.com/articles/persian-gulf/2010-02-22/after-iran-gets-bomb>) jskullz

Containing a nuclear Iran would not be easy. It would require considerable diplomatic skill and political will on the part of the United States. And it could fail. A nuclear Iran may choose to flex its muscles and test U.S. resolve. Even under the best circumstances, the opaque nature of decision-making in Tehran could complicate Washington's efforts to deter it. Thus, it would be far preferable if Iran stopped -- or were stopped -- before it became a nuclear power. Current efforts to limit Iran's nuclear program must be pursued with vigor. Economic pressure on Tehran must be maintained. Military options to prevent Iran from going nuclear must not be taken off the table. But these steps may not be enough. If Iran's recalcitrant mullahs cross the nuclear threshold, the challenge for the United States will be to make sure that an abhorrent outcome does not become a catastrophic one. This will require understanding how a nuclear Iran is likely to behave, how its neighbors are likely to respond, and what Washington can do to shape the perceptions and actions of all these players. **MESSIANIC AND PRAGMATIC** Iran is a peculiarity: it is a modern-day theocracy that pursues revolutionary ideals while safeguarding its practical interests. After three decades of experimentation, Iran has not outgrown its ideological compunctions. The founder of the Islamic Republic, Ayatollah Ruhollah Khomeini, bequeathed to his successors a clerical cosmology that divides the world between oppressors and oppressed and invests Iran with the mission of redeeming the Middle East for the forces of righteousness. But the political imperative of staying in power has pulled Iran's leaders in a different direction, too: they have had to manage Iran's economy, meet the demands of the country's growing population, and advance Iran's interests in a turbulent region. The clerical rulers have been forced to strike agreements with their rivals and their enemies, occasionally softening the hard edges of their creed. The task of governing has required them to make concessions to often unpalatable realities and has sapped their revolutionary energies. Often, the clash of ideology and pragmatism has put Iran in the paradoxical position of having to secure its objectives within a regional order that it has pledged to undermine. To satisfy their revolutionary impulses, Iran's leaders have turned anti-Americanism and a strident opposition to Israel into pillars of the state. Tehran supports extremist groups, such as Hamas, Hezbollah, and the Islamist militias opposing U.S. forces in Iraq. The mullahs have sporadically attempted to subvert the U.S.-allied sheikdoms of the Persian Gulf. But the regime has survived because its rulers have recognized the limits of their power and have thus mixed revolutionary agitation with pragmatic adjustment. Although it has denounced the United States as the Great Satan and called for Israel's obliteration, Iran has avoided direct military confrontation with either state. It has vociferously defended

the Palestinians, but it has stood by as the Russians have slaughtered Chechens and the Chinese have suppressed Muslim Uighurs. Ideological purity, it seems, has been less important than seeking diplomatic cover from Russia and commercial activity with China. Despite their Islamist compulsions, the mullahs like power too much to be martyrs.¶ Iran's nuclear program has emerged not just as an important aspect of the country's foreign relations but increasingly as a defining element of its national identity. And the reasons for pursuing the program have changed as it has matured. During the presidencies of Hashemi Rafsanjani and Muhammad Khatami, nuclear weapons were seen as tools of deterrence against the United States and Saddam Hussein's regime, among others. The more conservative current ruling elite, including President Mahmoud Ahmadinejad and the Revolutionary Guards, sees them as a critical means of ensuring Iran's preeminence in the region. A powerful Iran, in other words, requires a robust and extensive nuclear infrastructure. And this may be all the more the case now that Iran is engulfed in the worst domestic turmoil it has known in years: these days, the regime seems to be viewing its quest for nuclear self-sufficiency as a way to revive its own political fortunes.¶ Going nuclear would empower Iran, but far less than Tehran hopes. Iran's entry into the nuclear club would initially put Tehran in a euphoric mood and likely encourage it to be more aggressive. The mullahs would feel themselves to be in possession of a strategic weapon that would enhance Iran's clout in the region. They might feel less restrained in instigating Shiite uprisings against the Arab sheikdoms in the Persian Gulf. But any efforts to destabilize their Sunni neighbors would meet the same unsuccessful fate as have similar campaigns in the past. Iran's revolutionary message has traditionally appealed to only a narrow segment of Shiites in the Persian Gulf. Sporadic demonstrations in Bahrain and Saudi Arabia have not sought to emulate Iran's revolution; rather, they have been an outlet for Shiites to express their economic and political disenfranchisement.¶ A nuclear Iran might also be tempted to challenge its neighbors in the Persian Gulf to reduce their oil production and limit the presence of U.S. troops on their territories. However, obtaining nuclear weapons is unlikely to help Iran achieve these aims, because nuclear weapons, by definition, are such a narrow category of arms that they can accomplish only a limited set of objectives. They do offer a deterrent capability: unlike Saddam's Iraq, a nuclear Iran would not be invaded, and its leaders would not be deposed. But regime security and power projection are two very different propositions. It is difficult to imagine Sunni regimes yielding to a resurgent Shiite state, nuclear or not; more likely, the Persian Gulf states would take even more refuge under the U.S. security umbrella. Paradoxically, a weapon that was designed to ensure Iran's regional preeminence could further alienate it from its neighbors and prolong indefinitely the presence of U.S. troops on its periphery. In other words, nuclear empowerment could well thwart Iran's hegemonic ambitions. Like other nuclear aspirants before them, the guardians of the theocracy might discover that nuclear bombs are simply not good for diplomatic leverage or strategic aggrandizement.¶ Likewise, although the protection of a nuclear Iran might allow Hamas, Hezbollah, and other militant groups in the Middle East to become both more strident in their demands and bolder in their actions, Israel's nuclear arsenal and considerable conventional military power, as well as the United States' support for Israel, would keep those actors in check. To be sure, Tehran will rattle its sabers and pledge its solidarity with Hamas and Hezbollah, but it will not risk a nuclear confrontation with Israel to assist these groups' activities. Hamas and Hezbollah learned from their recent confrontations with Israel that waging war against the Jewish state is a lonely struggle.¶ The prospect that Iran might transfer a crude nuclear device to its terrorist protégés is another danger, but it, too, is unlikely. Such a move would place Tehran squarely in the cross hairs of the United States and Israel. Despite its messianic pretensions, Iran has observed clear limits when supporting militias and terrorist organizations in the Middle East. Iran has not provided Hezbollah with chemical or biological weapons or Iraqi militias with the means to shoot down U.S. aircraft. Iran's rulers understand that such provocative actions could imperil their rule by inviting retaliation. On the other hand, by coupling strident rhetoric with only limited support in practice, the clerical establishment is able to at once garner popular acclaim for defying the West and oppose the United States and Israel without exposing itself to severe retribution. A nuclear Iran would likely act no differently, at least given the possibility of robust U.S. retaliation. Nor is it likely that Iran would become the new Pakistan, selling nuclear fuel and materials to other states. The prospects of additional sanctions and a military confrontation with the United States are likely to deter Iran from acting impetuously.¶ A nuclear Iran would undeniably pose new dangers in the Middle East, especially at first, when it would likely be at its most reckless. It might thrash about the Middle East, as it tried to press the presumed advantages of its newfound capability, and it might test the United States' limits. But the mullahs will find it difficult to translate Iran's nuclear status into a tangible political advantage. And if Washington makes clear that rash actions on their part will come at a high cost, they will be far less likely to take any.¶

THE RIPPLES IN THE REGION¶ In assessing the consequences of Iran's nuclearization, it is important to consider not only how Iran is likely to act but also how other states will react to this outcome -- and what the United States could do to influence their responses. Iran's nuclearization would not reduce Washington to passively observing events in the region. Washington would retain considerable ability to shape what Iran's neighbors do and do not do.¶ The nightmare scenario that could be unleashed by Iran's nuclearization is easy to sketch. Israel would go on a hair-trigger alert -- ready to launch a nuclear weapon at a moment's notice -- putting both countries minutes away from annihilation. Egypt, Saudi Arabia, and Turkey would scramble to join the nuclear club. The Nonproliferation Treaty (NPT) would collapse, unleashing a wave of nuclear proliferation around the globe.

I/L

PC Key—Top Shelf

No override now but GOP looking to poach democrats

Logiurato 7/14 (Brett Logiurato; July 14th 2015; Politics editor at Business Insider; “Here's how Congress could kill the Iran deal”; Business Insider; <http://www.businessinsider.com/how-congress-can-veto-iran-deal-2015-7>) jskullz

While even opponents of the deal concede the odds are long, there's at least a small chance that Congress could torpedo the deal.¶ “The American people are going to repudiate this and I believe Congress will kill the deal,” said Sen. Tom Cotton (R-Arkansas), one of the more hawkish members of the Senate on foreign policy.¶ Here's a brief overview of what happens next:¶ Once Congress receives the details of the deal, it will have 60 days to debate and vote on it, according to the terms of the law Obama signed in May. A GOP congressional aide told Business Insider that it has not yet received the details.¶ If Congress sends a joint resolution of disapproval to Obama (meaning both chambers of Congress disapprove of the deal), it would trigger a new timeline. He would have 12 days to veto the resolution. That's likely, considering his promise Tuesday morning to veto anything that would hamper the deal's implementation.¶ Following an Obama veto, Congress would have 10 days to vote to override his veto, which would require a two-thirds majority of both chambers of Congress.¶ If both chambers vote to override, it would prevent Obama from suspending sanctions on Iran related to its nuclear program.¶ Simple math, then, is in favor of the Iran deal moving along through Congress unscathed. ¶ Nevertheless, the deal has not only become just about universally unpopular among Republican members of Congress. It's also opposed by a chunk of Democrats normally aligned with Obama on both domestic and foreign-policy matters.¶ Sen. Chuck Schumer (D-New York), the third-ranking Democrat in the Senate and the incoming Democratic leader after Sen. Harry Reid's retirement next year, said he'd be going through the deal with a "fine-toothed comb" before deciding whether or not to support it. Rep. Eliot Engel (D-New York), the top Democrat on the House Committee on Foreign Affairs, said likewise that he'd have to go through the details — but added that he's been "troubled" by the negotiations.¶ Many congressional observers consider it likely that Congress will pass an initial resolution of disapproval. Thereafter, it will again become another question of math.¶ “The rhetoric and behavior from Iran's ayatollahs has been so provocative in recent months that Congress is surprisingly united in its opposition to the nuclear deal that was announced this morning,” said Greg Valliere, the chief political strategist at Potomac Research Group.¶ Furious lobbying against the deal, from pro-Israeli groups in particular, will begin immediately as a 60-day review period starts. There's little doubt that both houses will pass a resolution of disapproval, which will prompt a veto from President Obama. Then the real drama will begin.¶ A veto override would require at least 13 Democrats in the Senate and 44 in the House to break with their party and president — if all Republicans are united in their opposition.¶ There were 20 Democratic co-sponsors of the legislation that eventually gave Congress a say in the negotiations. Some congressional GOP aides believe at least 13 of those Democrats and an Sen. Angus King (I-Maine), an independent who caucuses with Democrats, are swayable. ¶ GOP leaders aren't convinced they'll get the veto override — but they do plan to force a sustained drumbeat leading up to the first vote in September.¶

PC key to deal legitimacy—too much conflict kills it

Weisman and Davis 7/14 (Jonathan Weisman and Julie Hirschfeld Davis; July 14, 2015; Journalists for the New York Times; “Congress to Start Review of Iran Nuclear Deal”; New York Times; http://www.nytimes.com/2015/07/15/world/middleeast/congress-iran-nuclear-deal.html?_r=0) jskullz

But even potential supporters say the spectacle of a majority of Congress rejecting such a delicate international accord could do real damage. ¶ “If I were in their shoes and I was responsible for this, I would want to win over a majority of the American people and convince them the deal is in their interest,” said Senator Chris Coons, Democrat of Delaware and a member of the Senate Foreign Relations Committee. “Who wants their legacy to be a deal that is barely approved by the narrowest of margins and is opposed by the majority of Congress? That would indicate a depth of division that would put the whole venture into question.”

PC key to keep Schumer—Key to democratic unity

Rogers 7/9 (Alex Rogers; July 9th 2015; Congressional reporter for National Journal; “The Democrat Who Could Swing the Iran Deal”; Defense One; <http://www.defenseone.com/politics/2015/07/democrat-who-could-swing-iran-deal/117442/>) jskullz

“Senator Schumer is a passionate, engaged advocate on the concerns of America and America’s security, and he’s been a strong and persistent voice in the Democratic caucus about making sure that we only support a deal that is a strong and enforceable deal,” Coons said. ¶ ¶ Having Schumer—one of the most vociferous Democratic critics of the Iran talks—on the administration’s side would be a huge get for President Obama. While he worked to alter the nuclear-deal-review bill to bring along more Democrats and supported delaying a vote on a bill that could increase sanctions due to the administration’s concerns, Schumer also ultimately backed both bills over the White House’s objections. ¶ ¶ Dylan Williams, the vice president of government affairs at the left-leaning J Street advocacy group, said supporters of the deal were encouraged by a June 3 speech by Schumer to Orthodox Union activists. “The overall reaction to the speech among those who saw it was that he was making a case that a deal which may not be perfect might be preferable to the alternatives,” Williams said. ¶ ¶ Williams believes that Schumer’s embrace of the final accord “would send a very strong signal that there would be overwhelming, near-unanimous Democratic support in the Senate for a deal.” Only if the administration suffered an unexpected major loss of support—over two-thirds of members—could Congress endanger a final deal by voting to keep sanctions. ¶ ¶ But Republicans point to Schumer’s history as a fierce Israel ally—and his self-described identity as a shomer, or guardian of Israel—and hope to pry the Senate Democrats’ main message man from his party. At least three conservative outside groups released videos last month urging viewers to call Schumer’s office and ask him to reject a deal they too deemed weak.’

Deal will pass but Obama still needs PC to get moderate Dems on board – lobbying now

Lee et al 7/15/15 (CAROL E. LEE, COLLEEN MCCAIN NELSON and KRISTINA PETERSON, Writers for the Wall Street Journal, “Obama Girds for Battle With Congress on Iran Deal”, <http://www.wsj.com/articles/obama-girds-for-battle-with-congress-on-iran-deal-1437005023>)/BW

President Barack Obama delivered an unusually animated and sometimes combative defense of the Iran nuclear deal the day after it was reached, girding for a complicated political challenge likely to force him to use his veto to save his crowning foreign-policy achievement. Lawmakers have 60 days to review the agreement and an option to vote on approving or disapproving it, with opposition to the deal widespread among Republicans who control both houses of Congress. If they vote it down, the deal’s survival will hinge on Mr. Obama’s ability to secure enough support from his own Democratic Party to prevent a two-thirds majority in each chamber from overriding his promised veto. Mr. Obama, in a 67-minute news conference at the White House, accused opponents—from Israeli leader Benjamin Netanyahu to Republican lawmakers—of pushing political talking points to simply discredit the accord as a bad deal. “For all the objections of Prime Minister Netanyahu or, for that matter, some of the Republican leadership that’s already spoken, none of them have presented to me or the American people a better alternative,” Mr. Obama said. “Either the issue of Iran obtaining a nuclear weapon is resolved diplomatically through a negotiation or it’s resolved through force, through war,” he added. “Those are the options.” The president’s aggressive defense of the deal drew quick pushback from Republicans in Congress, where the criticism has largely been twofold: that the agreement won’t stop Iran from acquiring a nuclear weapon and that it doesn’t address broader concerns about Tehran’s behavior in the region. Rep. Lee Zeldin (R., N.Y.) disputed the president’s assertion that this is a choice between the accord or war. “Here’s an alternative other than war: A better deal,” Mr. Zeldin said. “For the security of America and the stability of the Middle East, we must pursue a better direction immediately.” Sen. Marco Rubio, a Florida Republican and 2016 presidential candidate, started an online petition opposing the deal, and the powerful pro-Israel lobby Aipac is calling on lawmakers to vote against it. At the same time, J Street, a liberal pro-Israel group, said Wednesday it will launch a multimillion-dollar effort, including ads in print and broadcast media, to lobby lawmakers to support the deal. The agreement reached Tuesday in Vienna puts strict limits on Iran’s nuclear program for the next decade that are designed to keep Tehran from being at least 12 months away from amassing enough nuclear fuel for a bomb. In exchange, the U.S., the European Union and the United Nations will lift economic sanctions on Iran. Mr. Obama said he is “not betting on the Republican Party rallying around this agreement,” and Vice President Joe Biden met with Democrats on Capitol Hill. Mr. Biden told Democratic lawmakers he was initially skeptical of the deal but is now convinced the agreement, while not perfect, is worth supporting, according to participants. But even some Democrats expressed concerns about the deal, particularly on the inspections provisions and the decision to lift United Nations embargoes on arms and ballistic missile sales to Iran. “For most members, including myself, it comes down to verification,” said Rep. Ron Kind of Wisconsin, chairman of the New Democrat Coalition, a group of centrist House Democrats. “It comes down to access to the sites, making sure they’re not impeded in any way, that we’ve got unlimited access to where we need to go to make sure Iran is living up to their agreement.” The White House’s effort to preserve the deal depends on cohesion among Democrats in the House and persuading wavering Democratic senators to stick with the president. That is because it became clear in the hours after the agreement’s unveiling that few, if any, Republicans were likely to support it. For Mr. Obama, the next best option would be for Democrats to block the Republican-controlled Congress from passing a resolution of disapproval. Such a resolution would likely prompt the agreement’s collapse if Congress could override a veto from Mr. Obama.

Obama needs political capital to pass the Iran deal

WERNER 7/8/15 (Erica, writer at The Associated Press, “Obama presses Senate Democrats to withhold judgment on Iran”, http://www.philly.com/philly/news/politics/20150708_ap_b1b9c2e2baa6436fb31d29e234afcd66.html)/BW

A top focus was Iran, according to several lawmakers. Prospects are uncertain for the Obama administration to complete a deal, but if the accord isn’t sent to Congress by Thursday, its

month-long review period would be doubled to 60 days. Obama has expended significant political capital on finalizing an agreement to keep Iran from going nuclear, prompting Republicans to accuse him of making too many concessions and even some Democrats to express deep ambivalence. "He wanted to make it perfectly clear that he is in no rush to an agreement and that he will walk away from the table if there is no good deal to be reached and that there isn't a deal yet and so all of these reports about what is in a deal are premature," said Sen. Chris Murphy, D-Conn. Participants said that after Obama's opening remarks, the reception with senators and Cabinet members turned into an unusually friendly and free-flowing question and answer session ranging from climate change, to politics, to the church shooting in Charleston, S.C., to the budget, to rare diseases, to health care in the wake of the Supreme Court decision upholding Obama's health care law.

PC Key

Deal will pass but its contentious

Domm 7/13 (Patti Domm; July 13, 2015; CNBC Executive news editor; "Iran deal would face tough battle in Congress"; CNBC <http://www.cnbc.com/2015/07/13/iran-deal-would-face-tough-battle-in-congress.html>) jskullz

¶ Any Iran nuclear deal is going to face a tough, and possibly lengthy, battle in Washington that could delay the arrival of Iranian crude onto the market. ¶ ¶ Iran was reportedly close to a deal Monday that could end its nuclear program and remove the economic sanctions against the country. The U.S. and five other nations have been in tense negotiations with Iran for months, and diplomatic sources were quoted as saying an agreement could be announced Tuesday. ¶ ¶ "For anyone that thinks that Iranian oil will be on the market by the end of the year, it's not a sure thing, because of Congress," said Greg Valliere, chief political strategist at Potomac Research. ¶ ¶ "The Iranian behavior and rhetoric have been so provocative, that there's a decent chance Congress could kill this thing," Valliere said. ¶ ¶ Read More Iran diplomats: Nuclear deal likely Monday into Tuesday: Sources ¶ ¶ While President Barack Obama would override any congressional motion of disapproval, Valliere said Congress would attempt to overturn the veto. "That's going to be a close call," he said. ¶ ¶ Analysts said the details of the deal will be important. The agreement was expected to impose strict verifiable limits on Iran's nuclear program to prevent it from advancing to weapons development. ¶ ¶ Dan Clifton, head of policy research at Strategas, agrees Congress will attempt to roadblock the deal but he expects it ultimately to be approved. ¶ ¶ Congress has 60 days to review the agreement but in several weeks it will go on recess until September, delaying the process. That could also potentially give opponents more time to galvanize their case, Clifton said. ¶ ¶

It's a clash of epic proportions

Lewis 7/14 (Jeffery Lewis; July 14 2015; director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies; "It's a Damn Good Deal"; Foreign Policy; <http://foreignpolicy.com/2015/07/14/its-a-damn-good-deal-iran-nuclear-agreement-joint-comprehensive-plan-of-action/>) jskullz

Remember how House Republicans have repeatedly voted to repeal, defund, or deform the Affordable Care Act? Fought all the way to the Supreme Court, twice? ¶ ¶ The fight over the Iran deal is going to make the Obamacare battles look like **two preppies slap-fighting over a cucumber sandwich.**

Will pass but it will be an epic fight

Atkins 7/13 (Kimberly Atkins; July 13, 2015; Journalist for the Boston Herald; "Atkins: Battle brewing in D.C. over possible Iran deal"; Boston Herald; http://www.bostonherald.com/news_opinion/columnists/kimberly_atkins/2015/07/atkins_battle_brewing_in_dc_over_possible_iran_deal) jskullz

WASHINGTON — GOP lawmakers yesterday **vowed to kill** what appeared to be an imminent Iran nuke deal, in a preview of **the epic battle brewing** on Capitol Hill — but making good on their promise could prove even tougher than the long-running negotiations with Tehran. Senate Majority Leader Mitch McConnell said any deal would be “a very hard sell for the administration” once it lands in Congress, where lawmakers will get 60 days to review the measure before approving it or passing a resolution of disapproval. In actuality, it’s McConnell who will have the toughest sell trying to stop whatever deal Secretary of State John Kerry and the team of allied negotiators reach with Iranian officials. A resolution of disapproval will require 67 Senate votes to override President Obama’s veto. That means **McConnell and other Republicans will have to woo at least 13 Democrats to their side.** That’s a tall order indeed, especially for a Congress with a history of showing more bark than bite when it comes to the Obama administration’s foreign policy moves. Just last month, despite bipartisan calls for Obama to seek congressional approval for the military strikes against ISIS in Iraq and Syria that were already underway, a measure formally authorizing military force fizzled on the Hill despite efforts of a few lawmakers, including Bay State Rep. Jim McGovern, to force a vote. Details of the deal to roll back Iran’s nuclear program and stop it from developing nuclear weapons in exchange for the lifting of sanctions were still being worked out in the early hours today. Of special interest will be the frequency of access international inspectors will have to Iranian nuclear sites and the timing of sanctions relief. Alireza Miryousefi, spokesman for Iran’s Ministry of Foreign Affairs, said the agreement was a 100-page document. But lawmakers yesterday began blasting the measure even as final sticking points were being ironed out. “Whatever deal comes out of this weekend is going to be dangerous for the United States and dangerous for the world,” Sen. Tom Cotton (R-Ark.) said on CBS’s “Face the Nation,” sentiments echoed by McConnell and other GOP lawmakers and Republican presidential candidates. They join critics from abroad, led by Israeli Prime Minister Benjamin Netanyahu, who has steadfastly asserted that a deal puts Israel in imminent danger of attack. In a tweet he called Iran “just like ISIS, but much bigger.” But **when a deal is struck, the hardest part will be over for Obama and Kerry, each seeking to shore up their foreign policy legacies.** And the tough part for McConnell and the rest of the GOP leadership will have just begun.

Deal requires huge amounts of political capital—congressional outrage

Pace 7/14 (Julie Pace; July 14, 2015; Staff Writer for the Associated press; Obama warns Congress not to stand in way of Iran deal; Associated Press via Philly; http://www.philly.com/philly/news/politics/20150714_ap_765c36dd4a1a4ebeaff0c7c6b0294250.html#IXQSzjtWULw2M80A.99) jskullz

For Obama, the accord marks the fulfillment of one of his top foreign policy goals and will be cast by the White House as a validation of the president's focus on seeking resolutions through diplomacy. The president staked enormous political capital on the diplomatic pursuit with Iran, deeply straining relations with Israel and sparking outrage from some congressional lawmakers. It will likely be well after Obama has left the White House before it is known whether the deal succeeds in preventing Iran from building a bomb. Critics say Iran cannot be trusted even with the lower levels of nuclear technology it will be allowed to retain under the terms of the agreement. With the deal between the world powers now finalized, Congress has 60 days to

assess the accord and decide whether to pursue legislation imposing new sanctions on Iran or prevent Obama from suspending existing ones. Obama called congressional leaders Monday night to alert them that a deal was at hand.

It'll be close—PC necessary to keep democrats in line—small margin

Espo 7/14 (David Espo; July 14, 2015; AP special correspondent; "Veto struggle with Congress possible over Iran nuclear deal"; WRAL; <http://www.wral.com/veto-struggle-with-congress-possible-over-iran-nuclear-deal/14772930/>) jskullz

WASHINGTON — The Republican-controlled Congress can't block the complex nuclear agreement the Obama administration announced with Iran on Tuesday, but a veto struggle is a near certainty as lawmakers try to undermine the deal by insisting that numerous sanctions remain in place.¶ A law that President Barack Obama signed earlier this year gives him five days to submit the agreement to Congress for review. It also provides for a condensed, 60-day period for Congress to hold hearings and consider legislation that would bar him from lifting sanctions that lawmakers have enacted in recent years.¶ Republicans and Democrats both noted the measure would be subject to a 60-vote requirement in the Senate. The GOP holds 54 seats, meaning party leaders would need the votes of at least six Democrats to pass the legislation, technically known as a resolution of disapproval.¶ Obama has already said he'll veto any legislation to leave sanctions in place. A two-thirds majority in each house would be required to override him. As an example, that means the administration would be assured of prevailing if it could hold the votes of 34 Democrats in the Senate.¶ A close vote on overriding a veto is likely, and Obama's hopes would rest in part on the views of Democrats with close ties to Israel, which vehemently opposes the lifting of any sanctions. Among them is Sen. Charles Schumer of New York, a member of the leadership, who issued a non-committal statement saying he would "carefully study the agreement before making an informed decision."

Obama political capital key to prevent additional sanctions from the GOP

Welsh 7/6/15 (Teresa, writer at US News, "Iran Nuclear Deal Close, But Not Assured", [//BW](http://www.usnews.com/news/articles/2015/07/06/iran-nuclear-deal-close-but-not-assured)

Diplomats in Vienna have one more day to negotiate a deal on Iran's nuclear program before another deadline expires Tuesday, with both sides saying they have not yet reached consensus on critical remaining issues. Iranian Foreign Minister Javad Zarif said Monday negotiators "are trying and working hard" but that differences remain, while Secretary of State John Kerry said Sunday that progress had been made but negotiations "could go either way." Secretary of State John Kerry and Iranian Foreign Minister Javad Zarif arrive to deliver a statement at the Swiss Federal Institute of Technology in Lausanne, Switzerland on April 2, 2015. "We are not yet where we need to be on several of the most difficult issues," said Kerry, who stayed in Vienna over the weekend even as other ministers traveled home. "If hard choices get made in the next couple of days and made quickly, we could get an agreement this week. But if they are not

made, we will not." Diplomats from China, France, Germany, Russia and the United Kingdom are working along with the U.S. to reach an agreement with Iran on that country's nuclear program. The Americans in particular are eager to reach an agreement this week because Congress must receive a copy of the deal by July 9 to ensure a 30-day review period. If lawmakers see the agreement after that date, the review period will expand to 60 days. That provision is the result of a bill sponsored by Sen. Bob Corker, R-Tenn., chairman of the Foreign Relations Committee. Corker said Sunday he was concerned that the Iran negotiations had gone from an effort to dismantle the Iranian nuclear program to "managing proliferation." Corker and other critics say the Obama administration has given in to too many Iranian demands and that the administration wants a deal so badly it will agree to a bad one. While Tuesday's deadline is self-imposed, not reaching a deal would be a loss for both President Barack Obama and Kerry, who have placed immense political capital on the success of the negotiations. The talks could continue beyond the deadline, but Republicans who have held off on votes to impose additional sanctions on Iran would likely move on such legislation. And, even if Obama could successfully dispatch such a bill with his presidential veto, it would almost certainly be enough to doom the fragile process.

Iran deal will be close- Obama pushing is key

Roberts 7/14/15 (Dan Roberts, covers politics and U.S. national affairs for the guardian, "Iran Nuclear Deal: What will the US do now?" <http://www.theguardian.com/world/2015/jul/14/iran-nuclear-deal-what-will-the-us-do-now>, 7/14/15)

In theory, Towards the end of the 60-day review period, both the House and Senate will probably vote on a resolution of approval or disapproval. The exact mechanism is unclear, but this is likely to require a simple majority in both chambers to pass – ie 51 of the 100 senators and 218 of the 435 representatives. Since many Republicans are opposed to the deal and currently command a majority in both House and Senate, it is quite possible that a joint disapproval resolution would pass. The catch is that the president can veto any attempt to make such a resolution enforceable – and on Tuesday in his statement on the deal he vowed to do so. To override a presidential veto requires a second vote to be passed with a two-thirds majority in both chambers: a high hurdle that would have to include at least 42 Democrats in the House and a dozen Democratic senators – probably more, if some Republicans chose to back the administration. In other words, Obama can stick to his deal as long as he persuades at least one-third of one chamber of Congress to vote with him over the course of the four votes. Conversely, his opponents have to persuade a significant number of Democrats to stand up against their president on the most important foreign policy question of his administration – four times in a row.

Dems key to resolution of disapproval and overriding Obama's potential veto

Zengerle 7/14/15 (Patricia Zengerle, Congressional Correspondent for Reuters.com, "Iran Deal faces fight in U.S. Congress, but will likely survive," <http://in.reuters.com/article/2015/07/14/iran-nuclear-congress-process-idINL2N0ZS0AW20150714>, 7/14/15)

The nuclear deal between world powers and Iran starts a new phase of intense negotiation - this time between the Obama administration and the U.S. Congress, where some Republicans have long been working to sink an agreement. Any effort in Congress to overturn the deal would face an uphill fight. Republicans have majorities in both the House of Representatives and Senate, but they would need the support of dozens of President Barack Obama's fellow Democrats to sustain a "resolution of disapproval" that could

cripple a deal. The chances of that happening are slim. A resolution of disapproval would need only the support of the Republican majority to pass the House, but would require the votes of at least six Democrats to get the 60 to advance in the Senate. The chances of mustering enough votes to then overrule a near-certain Obama veto are slimmer still. The second-ranking Democrat in the House, Steny Hoyer, said after the deal was announced: "It is now up to members of Congress to work carefully through every detail, particularly given Iran's likelihood to exploit any ambiguity or loophole to its benefit and to the detriment of the security of America, Israel, and our allies in Europe and the Gulf." Senate Democrats have stood firm to date against Republican-led efforts to interfere with the talks, which included Iran and the United States, Britain, China, France, Germany and Russia. In the House, more than 150 Democrats, including party leader Nancy Pelosi, signed a letter in May strongly supporting the nuclear negotiations. "I understand the heavy lift that's involved," Tennessee Republican Senator Bob Corker, chairman of the Senate Foreign Relations Committee, told reporters when asked about the chances of passing a "resolution of disapproval."

Iran deal will pass, but it will be close – PC key

Heller and Chiacu 7/19/15 (Gernot and Doina, writers for Reuters, "Obama sends Iran deal to wary Congress, Israel urges rejection", [//BW">http://www.reuters.com/article/2015/07/19/us-iran-nuclear-idUSKCN0PT0I520150719">//BW](http://www.reuters.com/article/2015/07/19/us-iran-nuclear-idUSKCN0PT0I520150719))

President Barack Obama's administration sent a nuclear agreement with Tehran to Congress on Sunday and Israeli Prime Minister Benjamin Netanyahu urged U.S. lawmakers to reject a deal he said would only feed an "Iranian terror machine". In a first concrete sign of European determination to quickly rebuild economic and political ties with Iran after a 12-year standoff, German Economy Minister Sigmar Gabriel arrived in Tehran with an economic delegation. Other European powers were expected to follow. Obama has promised to exercise his veto if Congress rejects the deal, which curbs Iran's nuclear program while allowing an easing of economic sanctions. Overriding it would require a two-thirds majority of both the House of Representatives and Senate, so the administration is working to win over enough of Obama's fellow Democrats to offset strong Republican opposition. In an unusual move, Obama took three Democratic congressman golfing with him: Joe Courtney of Connecticut, Ed Perlmutter of Colorado and John Yarmuth of Kentucky. The president more often taps aides and friends for weekend golfing. "I think the right thing to do is merely not to go ahead with this deal," Netanyahu said on CBS's "Face the Nation" as he continued a string of U.S. media interviews denouncing the deal reached on Tuesday between Iran and six major powers. "There are many things to be done to stop Iran's aggression and this deal is not one of them," he said.

PC key to passing the deal – deal is the only way to top middle eastern proliferation

Al Jazeera 7/15/15 (street creds, "Obama urges passage of Iran nuclear deal in US Congress", [//BW">http://www.aljazeera.com/news/2015/07/obama-urges-passage-iran-nuclear-deal-congress-150715174444041.html">//BW](http://www.aljazeera.com/news/2015/07/obama-urges-passage-iran-nuclear-deal-congress-150715174444041.html))

US President Barack Obama has urged the opposition-led Congress to support the nuclear deal with Iran, calling the agreement "a powerful display of leadership and diplomacy" by Washington DC. In a press conference on Wednesday, Obama said that the deal achieved the goal of cutting off "every single path" Iran has to a nuclear bomb. "I can say with confidence, that Iran will not be in a position to develop a nuclear bomb," he said. "Based on the facts, the majority of Congress should approve it." Both the House of Representatives and the Senate branches of Congress in the US are controlled by the opposition Republican Party. Earlier this year, lawmakers passed a resolution giving them authority to review the deal within the next 60 days. Obama has been holding an intense public lobbying campaign to convince Congress to approve the deal. He has also threatened to veto any measure against the Iran deal. He said that

in the absence of a deal, the international economic sanctions that brought Iran to the negotiating table will unravel, and the world community will be unable to put the sanctions regime together. "Without a deal, we risk even more war in the Middle East, and other countries in the Middle East would feel compelled to develop their own nuclear weapons," Obama said, adding that such a chain of events would risk a nuclear arms race "in the most dangerous region in the world." Obama however ruled out the re-establishment of a formal diplomatic relationship with Iran similar to Cuba in the near future. Later, the White House published a readout of a phone call between Obama and Russian President Vladimir Putin, in which the US president thanked his counterpart for supporting the deal. "The President thanked President Putin for Russia's important role in achieving this milestone, the culmination of nearly 20 months of intense negotiations," the statement said.

Holding off on sanctions key—causes deal collapse and backlash

Toosi 6/15 (Nahal Toosi; foreign affairs correspondent at POLITICO; "'Great unwinding' of sanctions on Iran poses risks"; Politico; <http://www.politico.com/story/2015/06/obama-iran-nuclear-deal-sanctions-119011.html#ixzz3fapIH0Ay>) jskullz

Removing sanctions too quickly would give Iran sudden access to cash that some fear it will use to fund nefarious activity. With an accord due by June 30, however, others warn of a different threat: If Iran doesn't feel relief from sanctions fast enough, it could lose its incentive to stick to the agreement. ¶ With an accord due by June 30, however, others warn of a different threat: If Iran doesn't feel relief from sanctions fast enough, it could lose its incentive to stick to the agreement. ¶ "People think that there's going to be a windfall, a profit for Iran," said Elizabeth Rosenberg, a former senior adviser on sanctions at the Treasury Department. "The truth is, there's actually a number of reasons why it won't be fast and it won't be easy." ¶ The deal is expected to suspend a slew of nuclear-related international sanctions if Iran severely curbs its atomic program, allowing Tehran to access what's believed to be more than \$100 billion in frozen foreign exchange reserves. The Obama administration insists sanctions will be rolled back in phases based on Iran meeting certain benchmarks, and that they will be snapped back in place if Iran violates the deal. But some Iranian officials have indicated they expect many of the main sanctions to be lifted immediately once a deal is reached. ¶ House Majority Leader Kevin McCarthy of Calif., left, walks with Rep. Darrell Issa, R-Calif., toward the House Chamber on Capitol Hill in Washington, Friday, June 12, 2015. Earlier, President Barack Obama made an 11th-hour appeal to dubious Democrats on Friday in a tense run-up to a House showdown on legislation to strengthen his hand in global trade talks. (AP Photo/Pablo Martinez Monsivais) ¶ Also on POLITICO ¶ Obama's trade plan in critical condition ¶ JAKE SHERMAN ¶ The "great unwinding," as some call the removal of sanctions, is no simple task. ¶ ¶ The U.S. alone has over the past few decades placed numerous sanctions on Iran, some through congressional action and others via the executive branch. In more recent years, amid growing international concern about its nuclear program, Iran also has faced sanctions from several other countries as well as through the United Nations and the European Union. ¶ The combined pressure of the international sanctions program cratered Iran's economy, spurring severe inflation that climbed

above 40 percent in 2013, leading its currency to plummet in value — and ultimately helping bring the Islamist-led country to the negotiating table.¶¶ Under the deal, sanctions that target Iran’s sponsorship of terrorism, ballistic missile program and human rights abuses are expected to stay in place, while those related to its nuclear program will be waived. Sanctions that have targeted Iran for multiple reasons, including its nuclear initiatives, may be more challenging to pick apart.¶¶ Iran already is courting international businesses, and many have expressed interest in investing in the Islamic republic, or, in some cases, returning there. The country has a well-educated population of 81 million — about the same as Germany reports. Its vast oil-and-gas reserves make it a prize for energy firms, but the technology, automobile and construction industries, among others, also are appealing.¶¶ Still, the long-term prognosis for the nuclear deal is uncertain. If a Republican wins the White House in 2016, the U.S. commitment to the deal could flag. Corruption also is rampant in Iran, where the state controls much of the economy.¶¶ For those reasons and more, most U.S. firms will likely continue to avoid the Middle Eastern nation altogether, analysts said, while businesses based elsewhere will tread cautiously, knowing they risk their relationship with the United States (and massive fines) if they run afoul of what will still remain a complex sanctions architecture.¶¶ The reluctance could stunt a hoped-for economic rebound in Iran. “What that may do is cause frustration in Iran, which will then undermine the deal and reduce their incentive to adhere to the deal,” Rosenberg said.¶ UNITED STATES - DECEMBER 15: Senate Minority Leader Mitch McConnell, R-Ky., left, talks with Sen. Charles Schumer, D-N.Y., outside of the Senate chamber after a roll call vote on the motion to proceed to the New START Treaty. (Photo By Tom Williams/Roll Call)¶¶ Also on POLITICO¶ Can Schumer and McConnell just get along?¶¶ MANU RAJU¶¶ A slow recovery also could strengthen Tehran hard-liners set against compromising the country’s nuclear program — which Iran has always insisted is peaceful — and disillusion an Iranian public constantly bombarded with anti-U.S. propaganda. Although Iran has received some relief from sanctions under an interim deal struck to keep it at the negotiating table, Iranians expect significantly more of an economic boost once a formal accord is reached.¶

I/L—Unity

Democratic unity key—plan wedges Obama and rest of democrats

Allen 7/14 (Johnathan Allen; July 14 2015; Chief political correspondent at Vox; "Obama's Iran deal is making Democrats in Congress very nervous"; Vox; <http://www.vox.com/2015/7/14/8963101/obama-iran-deal-democrats>) jskullz

The Iran nuclear deal may be good policy — and a legacy builder for President Barack Obama — but it also creates a tougher political environment for Democrats running for president and Congress in 2016. "Overall, this is a deal that will probably come at a price on the campaign trail," said Princeton University political science professor Julian Zelizer, who has written about the short-term political pain of past treaties. "Republicans will play to the fears among voters, including Democrats, that this is too risky." The best proof of the thorny politics: Obama already has vowed to veto planned legislation blocking the deal. That means he will rely on just one-third of either the House or Senate voting with him to save it. He needs a majority of Democrats but only a minority of either chamber. That paradigm — Republicans uniformly opposed and Democrats divided — will make the agreement a tougher sell to the broader public than if it had bipartisan majority support or even full backing from Obama's Democrats. "The easier vote for most us will be no," said one House Democrat who is inclined to back the president. Members don't tend to lose their seats for voting against the president when his position ends up winning, the lawmaker explained. On the other side, it's easy for Republican candidates to be against Obama and his foreign policy — it plays well with their base — and they were vocal in their criticism of the deal even before they'd had a chance to read all the details. Wisconsin Gov. Scott Walker flicked at how the GOP will go after Democrats on the deal. "President Obama has abandoned the bipartisan principles that have guided our nonproliferation policy and kept the world safe from nuclear danger for decades," Walker said in a statement. "Instead of making the world safer, this deal will likely lead to a nuclear arms race in the world's most dangerous region." The larger issue here is that in the waning light of his presidency, Obama is increasingly making policy in areas that divide Democrats — from trade to the Iran deal — and they are concerned that his political incentives no longer match theirs. They know that Obama, who refers to the last two years of his presidency as the "fourth quarter," is running a two-minute drill to secure as much of his legacy as possible before he leaves office. And those goals may not always serve their political futures. Why this is so difficult for Democrats From the White House's perspective — and that of many Democrats — the deal with Iran is far preferable to leaving in place a sanctions regime that doesn't actually stop Tehran from developing a nuclear weapon or going to war with Iran. Under the pact, Iran would give up its nuclear weapons program in exchange for the lifting of certain economic sanctions, which would make it less of a nuclear threat and more stable. The key is whether the inspections and enforcement provisions of the deal can be implemented effectively and whether Iran's loss of nuclear capability is verifiable. And therein lies the rub for Democrats on the ballot in 2016. The deal won't be consecrated for months. Republicans charge that it's not airtight — that Obama is putting his faith in the trustworthiness of the Iranian regime. The truth is that the next election is too soon to judge whether Iran is complying with its end of the bargain, which leaves Democrats open to Republican attacks that the deal is a disaster. It will be hard for Democratic candidates to prove a negative. One House Democrat who is generally supportive of the president — and open to

the deal — expressed hope Tuesday that the Senate would sustain an Obama veto of legislation blocking the deal so that House Democrats wouldn't have to vote on it at all. It's easier for Obama to round up 34 senators than 146 House Democrats, the lawmaker argued — even though conventional wisdom holds that the opposite is true.¶ Obama's interests and those of fellow Democrats are diverging in the "fourth quarter"¶ There was a time, earlier in his administration, when fellow Democrats would have walked the plank for Obama without letting their political concerns slow them down. Those days are over.¶ "It is not unusual as a president comes to the last months of his administration, particularly if it's his second term, that members of his party become a little less willing to follow the president's lead," former Sen. Bob Graham, a Florida Democrat and onetime chairman of the Senate Intelligence Committee, said.¶ Obama's incentives are necessarily different from those of his Democratic allies in Congress. While he's focused on policy and legacy, they are focused on policy and winning reelection. Increasingly, Obama has used tools that don't require full Democratic support to implement policy — such as executive actions and the Iran deal. Still, Democrats know they will be held accountable for his actions, particularly if they can't show that they opposed him on a specific issue.¶ Jim Manley, a former aide to the late Sen. Ted Kennedy and Minority Leader Harry Reid, said the dynamics of a congressional disapproval vote — which would set up the veto and the one-third threshold necessary to sustain it — give the president an advantage.¶ "I think in the end, the president will have enough Democrats with him to sustain a veto," Manley said. "For many Democrats, the politics of this are so tricky they will be forced to vote against their president."

Deal is 50-50 now, Dems are key to ensuring passage

Werner 7/8/15 (Erica Werner, congressional reporter for the Associated Press, "President tells them he will walk away if a good deal isn't there," <http://www.slttrib.com/home/2710403-155/obama-presses-senate-democrats-to-withhold>, 7/8/15)

Washington • President Barack Obama downplayed chances for an Iran nuclear deal in a closed-door meeting with Senate Democrats, participants said Wednesday, while asking them to withhold judgment until any deal is complete. Obama also insisted that he won't sign a weak deal — a message that won praise from senators who joined the president for wine and appetizers in the White House State Dining Room on Tuesday evening. "He was urging that we wait to see the actual terms of an agreement if there is one and to have confidence that he would not sign a deal he viewed as flawed," said Sen. Chris Coons, D-Del. Coons added that Obama said it was uncertain whether the Iranians would go along with some of the tougher conditions and that a deal is "at best a 50-50 proposition."

I/L—Dems Key

Dem base key—rest of congress too polarized

Weisman and Davis 7/14 (Jonathan Weisman and Julie Hirschfeld Davis; July 14, 2015; Journalists for the New York Times; “Congress to Start Review of Iran Nuclear Deal”; New York Times; http://www.nytimes.com/2015/07/15/world/middleeast/congress-iran-nuclear-deal.html?_r=0) jskullz

[ed royce is a republican representative from California; benjamin cardin is head democate on the senate foreign relations committee]

“There are people who have already made up their minds, no question about that, and I think that’s unfortunate,” Mr. Cardin said. “But at this point, a majority of Congress believes we have to objectively review what’s in the agreement before we decide what course we’re going to take.”¶ Mr. Cardin said the Iran review, while proceeding in Congress initially over the White House’s objections, probably played to the West’s advantage. Under the terms of the law that established the review, Congress has 30 days to examine the agreement before sanctions can be lifted on Iran. But because Congress will be in its August recess when that review period ends, the deal effectively has an additional month of public scrutiny before Congress can decide its actions.¶ Mr. Cardin said the Iranians thought they could force negotiators to accept terms more favorable to Tehran to avoid that extra 30-day period. But American negotiators in the end let that deadline slip.¶ “Iran thought they’d blink at the last minute, and they didn’t,” he said.¶ White House officials must now decide whether the president should try to win over a majority of Congress, including hostile Republicans, or focus on shoring up a Democratic base to sustain a veto. Mr. Royce said he thought the strategy to protect the veto was already in play.¶ “I don’t see them convincing skeptical Democrats this is a good agreement. I see them pressuring Democrats to go along,” he said.

Senate Dems key to Iran deal

Hughes and Peterson 7/16/15 (Siobhan Hughes and Kristina Peterson, reports for the wall street journal both cover congressional issues, “Senate Democrats Key to Iran Deal,” <http://www.wsj.com/articles/senate-democrats-key-to-iran-deal-1437092680>, 7/16/15)

WASHINGTON—President Barack Obama’s efforts to cement the nuclear deal with Iran hinge on support from a majority of senators in his party, many of whom face competing political pressures as they weigh an agreement that could reshape the U.S. relationship with the Middle East. Sen. Chuck Schumer of New York, the chamber’s Democratic leader-in-waiting, is perhaps the most closely watched, because of his influence in the broader caucus. The top Democrat on the Senate Foreign Relations Committee, Ben Cardin of Maryland, is pivotal because he is a point person for the party on foreign policy, as is Sen. Chris Coons (D., Del.), whose views are being solicited by others in the caucus. So far, few of the Democrats have shown their hand as they assess the deal, its likely impact on the Mideast—and on their own political futures. Even Minority Leader Harry Reid (D., Nev.), who isn’t running for re-election and is often a reliable Obama ally, is a question mark. Republicans have almost universally promised to fight the agreement, which would stand as a cornerstone of Mr. Obama’s foreign-policy legacy. That leaves Senate Democrats as the key line of defense for the White House, because Republicans need 60 votes to reject the deal and they control only 54 seats. In other words, one of Mr. Obama’s best bets for avoiding a congressional resolution of disapproval of the Iran pact would be getting 41 of the 46 senators in the Democratic caucus to support a filibuster of it, thus depriving Republicans of the 60 votes they need to advance the measure. Mr. Obama has threatened a veto of any such resolution, which would then force Republicans to assemble 67 votes for an override. The lobbying has already begun. Vice President Joe Biden on Thursday met with Democrats on the Senate Foreign Relations Committee in a bid to help Senate Democrats get comfortable with it. An early problem cropped up when lawmakers raised questions about

why the Obama administration would head to the United Nations on Monday for an expected vote on lifting U.N. sanctions that are separate from American-imposed sanctions. Some lawmakers viewed such a move as an affront to Congress, which will have 60 days to review the deal and which is protective of its prerogatives. They feel their imposition of sanctions several years ago made possible this week's diplomatic agreement. "We are deeply concerned that your administration plans to enable the United Nations Security Council to vote on the agreement before the United States Congress can do the same," Senate Foreign Relations Committee Chairman Bob Corker (R., Tenn.) and Mr. Cardin wrote in a letter Thursday to Mr. Obama. "We urge you to postpone the vote at the United Nations until after Congress considers this agreement." House Minority Leader Nancy Pelosi (D., Calif.), who has a strong record of keeping her caucus in line, was optimistic House Democrats would largely hang together with the administration. But because the GOP-controlled House is expected to have the votes to initially reject the Iran deal, Democratic cohesion is more important in the Senate, where the party has more sway. Democrats are caught between competing forces, a situation aggravated by 2016 politics. Liberals view the pact as preferable to the risk of war with Iran, which the Obama administration has painted as the stark alternative. On the other side, pro-Israel constituents—some of whom are big campaign donors—worry that lifting sanctions will make Israel vulnerable and leave Iran flush with cash to support terrorist activities. Mr. Schumer embodies the pressures in his party. He said Thursday he hadn't made a decision, but in January showed a willingness to buck the White House by siding with Republicans in the Banking Committee in favor of a bill to toughen sanctions on Iran if a deal wasn't reached by the end of June. The White House had said the bill could undermine the talks. Two other Democrats seen as crucial, Mr. Cardin and Mr. Coons, have also times been willing to go their own way. Last month, Mr. Cardin voted against a fast-track trade bill pushed by the White House even though he had earlier supported it. "I am in the process of reviewing it," Mr. Cardin said of the Iran pact. "We have lots of questions—we do—and I'm going to take advantage of getting the answers to those questions." Sen. Jon Tester (D., Mont.) said his primary concern with the deal is oversight, to ensure that Iran can't cheat. "There aren't a lot of other options out there, other than boots on the ground," he said. Mr. Tester's position is being watched closely because as chairman of the Democratic Senatorial Campaign Committee he must make calculations about how his voting record will affect fundraising. Sen. Michael Bennet (D., Colo.), a former DSCC chair who is up for re-election in 2016, also has special political considerations. The White House faces additional uncertainty with lawmakers such as Sens. Kirsten Gillibrand of New York, Cory Booker and Bob Menendez of New Jersey and Bill Nelson of Florida, who face pressure because of large Jewish populations in their states. The tone from the New Jersey Democrats hasn't been not promising for the White House. "I'm concerned that the deal ultimately legitimizes Iran as a threshold-nuclear state," Mr. Menendez said in a statement this week. "The bottom line is: The deal doesn't end Iran's nuclear program—it preserves it." Mr. Booker said in a statement that "the most important question...is whether it will credibly prevent Iran from obtaining a nuclear weapon, now and into the future." Liberals like Sen. Brian Schatz (D., Hawaii) were more supportive of the Obama administration. "The more I learn about it, the more inclined I am to support it. The harder you scratch, in terms of the opposition, the more it becomes clear that they have no alternative," Mr. Schatz said. Some centrists, while still weighing the decision, were going through a similar thought process. "I'm skeptical, but I'm also going to very closely examine the alternatives," said Sen. Claire McCaskill (D., Mo.). Ms. McCaskill said she worried that if the U.S. rejected the deal, the international sanctions regime could collapse. "What does the world look like with no more sanctions on Iran except us? Does that mean their race to a nuclear weapon is on steroids at that point? I'm trying to weigh not just what's in this deal and whether or not it's verifiable, but what are we left with if we turn this deal down," she said.

Senate Dems key to Iran deal

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Yes deal block

Deal block possible

Raju and Everett 7/14 (Manu Raju and Burgess Everett; July 14 2015; Political correspondents for Politico; “Key Democrats skeptical of Iran deal”; Politico; <http://www.politico.com/story/2015/07/key-democrats-skeptical-of-iran-deal-120123.html>)
jskullz

But with Republicans almost universally opposed to the deal, a chunk of Democratic defections could put a real scare into the centerpiece of the president’s foreign policy legacy. And if public opposition mounts, Congress could pursue other avenues to rein in the president — either through appropriations legislation or passing further sanctionsx.

AT: Next Prez

Impossible for next president to kill the Iran Deal

Tabin 7/17 (<http://www.thedailybeast.com/articles/2015/07/17/a-gop-president-won-t-stop-the-iran-deal.html>, John Tabin, staff writer for the Daily Beast, A GOP President Won't Stop the Iran Deal)

A number of Republican candidates and office holders say they can sink the nuke deal with Iran. In reality, they probably can't. No matter how what happens with the 2016 elections, the chances of the GOP blowing up the nuclear deal with Iran are extraordinarily slim. First off, it's not a treaty, so it doesn't need the approval of two-thirds of the Republican-controlled Senate. For a while this year, the Obama administration seemed to think they could cut Congress out of the process entirely, presumably using the executive waiver powers built into most of the relevant sanctions legislation; Obama initially threatened to veto Senator Bob Corker's bill to give Congress a vote on the deal. The veto threat was withdrawn, and Corker's bill passed both houses of Congress with near-unanimous support (only the very hawkish Republican Tom Cotton voted no), because the process it establishes is heavily weighted toward approving the deal. If Congress does nothing (or if action gets bottled up in committee), the deal is approved by default. If a resolution of approval fails, it's a symbolic rebuke with no legal force. And if a resolution of disapproval passes, it needs veto-proof support to actually block U.S. participation in the deal. That means the president would need to lose 13 Democrats in the Senate and 45 Democrats in the House (more if there are Republican defections in the other direction). That will, at the very least, be difficult. Before the deal, some Democrats cited a letter put out by the Washington Institute for Near East Policy, signed by a bipartisan group that includes five former Obama advisers, that laid out guidelines for an acceptable deal. The deal that's been struck clearly doesn't meet that bar; to take just one example, the letter demands that weapons inspectors "must have timely and effective access to any sites in Iran they need to visit in order to verify Iran's compliance with the agreement." The deal makes it possible for Iran to delay inspections for up to 24 days. Nonetheless, the White House is circulating an argument that the deal not only meets but exceeds the letter's benchmarks, and it's quite possible, even probable, that the requisite number of lawmakers will buy their assertions. And no matter what happens on Capitol Hill, the United Nations and the European Union will begin unwinding sanctions on Iran in short order; the UN will likely act even before Congress gets around to debating a disapproval resolution. And that makes things a lot trickier for the next president than some of the Republicans who want the job are letting on. Congress can pull the U.S. out of the deal; so can the next president. But at this point, Washington can do little to change the basic picture. "As President," Rick Perry said in a statement, "one of my first official acts will be to fully rescind this accord"—which, under a straightforward interpretation of "fully rescind," is not actually possible. Scott Walker at least said in his official campaign announcement on Monday that "we need to terminate the bad deal with Iran on day one, put in place crippling economic sanctions and convince our allies to do the same," which at least includes a nod toward the fact that the sanctions are an international issue. But with Iran open for business and European corporations eager to cash in, reviving the sanctions regime internationally almost certainly can't be done in year one, much less on day one. If it's possible at all, it would require a multi-year process of documenting Iranian violations of the deal to rebuild the consensus that has until now left Iran

isolated. White House protestations to the contrary, the snapback provisions in the deal do little to change that. To her credit, Carly Fiorina acknowledges this: "Even if Congress does vote this deal down, the rest of the world has moved on," she notes. Fiorina advocates U.S. sanctions on Iran's financial sector; that would have some bite, but without international cooperation it wouldn't undo much of what Iran gets from the deal. Other candidates are less candid: Ted Cruz echoes Walker's "day one" phrasing, and Marco Rubio promises to "re-impose sanctions" but glosses over the limits on Washington's ability to do so unilaterally. Congress can pull the U.S. out of the deal; so can the next president. But at this point, Washington can do little to change the basic picture: Tehran is getting a massive windfall. Newly un-sanctioned Quds Force General Qasem Soleimani will be freer to spread mayhem across the region (if not the world). And, most likely, nothing short of regime change will stop the Islamic Republic from getting the bomb in the long run.

Links

Amendment

Impossible to amend the constitution without political capital

Albert 14 (<http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1758&context=lsfp>, Constitutional Disuse or Desuetude: The Case of Article V, Richard Albert, studied at Boston College Law School, January 2014)

“Nothing is easy,” writes Henry Paul Monaghan, “about the processes prescribed by Article V.”¹¹² Scholars today describe the requirements of Article V as practically impossible to meet.¹¹³ For instance, Bruce Ackerman views Article V as establishing a “formidable obstacle course.”¹¹⁴ Sanford Levinson argues that “Article V, practically speaking, brings us all too close to the Lockean dream (or nightmare) of changeless stasis,”¹¹⁵ and that it is “the Constitution’s most truly egregious feature.”¹¹⁶ Rosalind Dixon has described the “virtual impossibility of formal amendment to the Constitution under Article V.”¹¹⁷ Jeffrey Goldsworthy observes that “the super majoritarian requirements of Article V are so onerous as to be arguably undemocratic, by making it much too easy for minorities to veto constitutional amendments.”¹¹⁸ Vik Amar explains that Article V establishes “particular and cumbersome processes.”¹¹⁹ And Richard Fallon laments that “[e]ven under the best of circumstances, the requirement that three-fourths of the states must ratify constitutional amendments makes it nearly impossible to achieve significant change in our written Constitution through the Article V process.”¹²⁰ Article V, in short, is seen as a dead end. This is not a new perspective on the difficulty of successfully using Article V. Writing in 1885, Woodrow Wilson decried the “cumbrous machinery of formal amendment erected by Article Five.”¹²¹ Even earlier, at the adoption of the Constitution, John DeWitt doubted whether it would ever be possible to amend the Constitution using Article V: “[W]ho is there to be found among us, who can seriously assert, that this Constitution, after ratification and being practiced upon, will be so easy of alteration?”¹²² DeWitt believed states would have views too different to meet Article V’s required supermajority threshold: Where is the probability that three fourths of the States in that Convention, or three fourths of the Legislatures of the different States, whose interests differ scarcely in nothing short of every thing, will be so very ready or willing materially to change any part of this System, which shall be to the emolument of an individual State only?¹²³ The answer, he predicted, was that formal amendment would be rare.

Animal Disease Traceability

ADT surveillance has bipartisan support – empirics prove. PC required to get Obama to repeal it

Warnick 15 (<http://judywarnick.src.wastateleg.org/senate-adopts-warnick-bill-to-modernize-animal-disease-traceability/>, Senate adopts Warnick bill to modernize animal disease traceability, Judy Warnick, Senator of Congress, March 10, 2015)

Beginning in 2011, the Washington State Department of Agriculture implemented the Animal Disease Traceability to better track animals and locate instances of disease. Senate Bill 5733, **sponsored by** Sen. Judy Warnick, **was approved in a nearly unanimous vote Monday. The measure would implement an electronic livestock transaction system.** “We are using technology to increase safety in our food supply and possibly make the process easier for our farmers,” said Warnick, R-Moses Lake. “The Washington State Department Agriculture is working on final implementation to have timely information regarding the transfer of ownership and traceability in the event of a disease outbreak.” The legislation allows licenses to electronically report cattle transactions as an alternative to mandatory cattle inspection requirements currently in place. This information is already collected through the mandatory program but the electronic system is viewed as a more efficient approach to collecting data related to transactions. “This bill makes information about transactions more accessible, more complete, and producers will have that information available. This does not require producers to submit movements to the Department of Agriculture but helps keep records in the event there are issues with livestock health.” “The Washington Cattlemen’s Association appreciates the efforts and focus that Senator Warnick has made to see that Animal Disease Traceability is able to be implemented in Washington State,” said Jack Field, Executive Vice President of the Washington Cattleman’s Association. ADT is an important tool that will assist the cattle industry and animal health officials in the event of an animal health event. The cattle industry has worked closely with the WSDA to ensure that all necessary information is captured for ADT. Senate Bill 5733 is a component of ADT and will need to capture the same quality of information that a field inspection captures for the WSDA Lid Program.

Ban Prisons

Prison reform is unpopular – rarely brought up in Congress in the first place

Greenwald 09 (http://www.salon.com/2009/03/28/webb_2/, Glenn Greenwald, Jim Webb's courage v. the "pragmatism" excuse for politicians, a former Constitutional and civil rights litigator and is the author of three New York Times Bestselling books: two on the Bush administration's executive power and foreign policy abuses, and his latest book, March 28, 2009)

It's hard to overstate how politically thankless, and risky, is Webb's pursuit of this issue — both in general and particularly for Webb. Though there has been some evolution of public opinion on some drug policy issues, there is virtually no meaningful organized constituency for prison reform. To the contrary, leaving oneself vulnerable to accusations of being "soft on crime" has, for decades, been one of the most toxic vulnerabilities a politician can suffer (ask Michael Dukakis). Moreover, the privatized Prison State is a booming and highly profitable industry, with an army of lobbyists, donations, and other well-funded weapons for targeting candidates who threaten its interests. Most notably, Webb is in the Senate not as an invulnerable, multi-term political institution from a safely blue state (he's not Ted Kennedy), but is the opposite: he's a first-term Senator from Virginia, one of the "toughest" "anti-crime" states in the country (it abolished parole in 1995 and is second only to Texas in the number of prisoners it executes), and Webb won election to the Senate by the narrowest of margins, thanks largely to George Allen's macaca-driven implosion. As Ezra Klein wrote, with understatement: "Lots of politicians make their name being anti-crime, which has come to mean pro-punishment. Few make their name being pro-prison reform." For a Senator like Webb to spend his time trumpeting the evils of excessive prison rates, racial disparities in sentencing, the unjust effects of the Drug War, and disgustingly harsh conditions inside prisons is precisely the opposite of what every single political consultant would recommend that he do. There's just no plausible explanation for Webb's actions other than the fact that he's engaged in the noblest and rarest of conduct: advocating a position and pursuing an outcome because he actually believes in it and believes that, with reasoned argument, he can convince his fellow citizens to see the validity of his cause. And he is doing this despite the fact that it potentially poses substantial risks to his political self-interest and offers almost no prospect for political reward. Webb is far from perfect — he's cast some truly bad votes since being elected — but, in this instance, not only his conduct but also his motives are highly commendable.

Biometrics

Curtailment of biometrics will cause backlash from the private sector – will cause Congress to rethink their decision

Mann 11 (Selena Mann, staff writer for IT World Canada,

<http://www.itworldcanada.com/article/biometrics-growing-in-popularity-analyst-says/43177>, Biometrics growing in popularity, analyst says, February 7, 2011)

Biometrics is growing increasingly popular amongst enterprises as a security measure, according to a report by Global Industry Analysts Inc. The worldwide biometrics market will increase to US\$14 billion by 2015. This increase is because there are growing demands for security against terrorism, sophisticated crimes and financial fraud, according to Global Industry Analysts. The US and European share of biometric technology accounts for 60 per cent of the biometrics market. “In general, there’s a market for it,” said Michelle Warren, an analyst at MW Research and Consulting. Biometrics is technology, used to recognize humans by physical features. It is using technology to identify a person based on their biological traits, like retinal or iris scanning, fingerprinting or facial recognition according to The International Biometric Society. Companies use it to control who has access to information or restricted places within their facilities. It can also be used to monitor where individuals go within the company. “Biometrics are embedded into many laptops and mobile devices now to lock down important databases and to replace passwords; again the ROI (return of investment) is significant here,” said Peter O’Neill, president of Find Biometrics. Toronto-based company, Revolution in Secure Sensor Technology (RISST Ltd.), specializes in the creation of biometric products. This company created Automated Fingerprint Identification Systems (AFIS) and other biometric fingerprint recognition systems for enterprises. This technology is effective because it is accurate and fast, as fingerprints are contained in a database are easily accessible in seconds, according to RISST. AFIS could be used for hotels and for credit cards, according to Arun Malhotra, president of RISST. “It would be a better way of eliminating plastic cards,” Malhotra said. With bank and credit card transaction fraud increasing, there is a need for higher levels of security and better ways of identifying people, personal verification technology is becoming more vital, according to the Biometric Consortium, a part of the United States government. “Biometrics on the enterprise level are currently being used for Physical Access to replace cards and keys,” O’Neill said. There is also a use for this type of technology in the legal field. Biometrics can be used to present evidence in court. It is currently being used for fingerprinting and identifying DNA on objects, like extracting fingerprints from metal fragments, gun cartridges and sensory technology. The biometrics/fingerprinting market had a compound annual growth rate of 12 per cent in 2009, according to a report by Global Industry Analysts Inc. There is enhanced security like retinal scans for users, on notebooks, so unauthorized individuals cannot access your private information on your personal laptop. Another benefit with this is a person does not have to remember passwords anymore. It is costly to implement, though, compared to using traditional security measures like passwords. “It is a niche market security solution depending on the organization,” Warren said. “Health care has an increased need, (as do) legal and accounting.” Enterprises might rule using this technology out because of the high cost associated with biometric security, or the company may use biometrics only for part of their organizations where, leaked information could be detrimental to the company, according to Warren.

“Biometric solution is at the individual level; it’s important because that’s where most of the information is being lost,” Warren said.

Borders

Border surveillance reforms unpopular

Rigney 14 (<http://usfinancepost.com/new-cbs-poll-shows-obama-and-immigration-reform-remain-unpopular-18999.html>, New CBS poll shows Obama and immigration reform remain unpopular, Patrick Rigney, Patrick Rigney is a freelance writer with experience writing political speeches, radio advertisements, research works, and financial analysis pieces. He has a love of all things involving politics and history, May 23, 2014)

According to a new CBS poll, President Obama's approval ratings sit at a dismal 43 percent. The newly released poll also shows that the American public would prefer it if the government enforced its current immigration laws before offering amnesty to illegal immigrants. The May 22 poll questioned 1,009 adults, and it found that 48 percent of respondents disapprove of Obama's record. A mere 42 percent rate Obama's economic record positively, only 43 percent support his healthcare policy, and 39 percent support his foreign policy. These are pretty dismal numbers for a president, even one facing a second-term rut. If the President's ratings remain this low, his own party is likely to face massive losses in this year's midterm elections. Democrats are struggling to hold onto the Senate, and this has to do with the fact that President Obama remains incredibly unpopular. Many Democrats have been attempting to distance themselves from President Obama and his signature healthcare law, the Affordable Care Act. Just 37 percent of adults say that "addressing the status of illegal immigrants" should be a higher priority for the federal government. Respondents also heavily favored increasing border security over providing amnesty for illegal immigrants. Independents choose increasing border security over amnesty by a 55 to 35 percent margin. Republicans favored security by a 64 to 31 percent margin. Even Democrats support border enforcement over amnesty by 6 percentage points. CBS notes that these numbers displaying the relative popularity of border security and amnesty have not changed since July of last year. The Daily Caller reports "That's a problem for Obama, his progressive allies, and for business donors. They're collectively pressuring GOP leaders to back the Senate immigration bill that would effectively double the annual inflow of guest workers and immigrants, long before new border and airport security checks survive lawsuits by pro-immigration groups." Should Democrats continue their push for immigration reform without increased border security, the party may be setting itself up for a public relations nightmare going into the 2014 midterm elections. The Daily Caller notes that the CBS poll most likely is understating the public's opposition to new immigration reform, as a Rasmussen survey conducted last year found that only 10 percent of Americans know the current inflow of illegal immigrants per year (roughly 1 million.) If the public had an accurate understanding of the number of illegal immigrants who enter the country each year, public support for amnesty would be even lower than it already is at this point in time.

Drones

Curtailment of Domestic Drones is unpopular

Antle 13 (<http://www.theamericanconservative.com/articles/the-drone-consensus313/>, Congress Goes Bipartisan—Against Civil Liberties, W. James Antle III, editor of the Daily Caller News Foundation and senior editor at The American Spectator, and the author of *Devouring Freedom: Can Big Government Ever Be Stopped?*, March 4, 2013)

Civil liberties are theoretically a bipartisan concern. Conservative Republicans who don't like Obamacare's "death panels" should be outraged by presidential kill lists. Liberal Democrats who defend due process ought to be offended by secret surveillance law. Protectors of the First and Second Amendments should have a high regard for the Fourth, Fifth, and Sixth. Yet restricting civil liberties is what actually commands bipartisan support in Washington. The same Congress that barely averted the fiscal cliff swiftly passed extensions of warrantless wiretapping and indefinite detention, assuring Americans that only the bad guys will be affected but evincing little interest in establishing whether this is really the case. The same Congress that failed to come up with an agreement to avoid sequestration appears to have bipartisan majorities in favor of profligate drone use at home and abroad. Lawmakers are generally less exercised about the confirmation of likely CIA chief John Brennan than Defense Secretary Chuck Hagel. At the very time it appears Washington is so dysfunctional that the two parties cannot get anything done, Democrats and Republicans cooperate regularly—when it comes to jailing, spying on, and meting out extrajudicial punishments in ways that on their face contradict the Bill of Rights. Senate Majority Leader Harry Reid argued that preserving the Bush administration's national surveillance program—now for the benefit of the Obama administration—was more important than Christmas. Republican Sen. Saxby Chambliss didn't even want any amendments. The Senate overwhelmingly rejected an amendment that would apply the same protections against unlawful search and seizure to emails and text messages that already exist for letters, phone calls, and presumably the carrier pigeon. Despite deep divisions over taxes and domestic spending, members of both parties tend to sing from the same song sheet about the Patriot Act, the National Defense Authorization Act, and the Foreign Intelligence Surveillance Act amendments. So much for the Democrats' bedrock belief in the right to privacy or Republicans' convictions about limited government. Civil libertarians are currently a rump caucus in both parties. But they are at least starting to work together. In fact, a critical mass of legislators seeks to use this week's Brennan vote to extract additional drone memos from the Obama administration. More promisingly, liberal Democrats like Sen. Ron Wyden of Oregon and Sen. Mark Udall of Colorado have been teaming up with such conservative Republicans as Sen. Rand Paul of Kentucky and Sen. Mike Lee of Utah, seeking to impose real checks on powers the federal government acquired to fight the war on terror—a conflict with no real boundaries or identifiable endpoint. The core purpose of the Constitution is to balance the powers necessary for the federal government to protect the United States with the need to erect institutional barriers to protect against the abuse of those powers. But in emergencies, constitutional restraints often go out the window and it is difficult to restore them after the fact. This is especially true when there is no transparency or public accountability. Many details about national surveillance, extraordinary rendition, and even the spending habits of intelligence agencies remain state secrets. Some level of secrecy is undoubtedly necessary to preserve

national security. But giving federal officials sweeping, routinely exercised powers without sunlight or scrutiny is an invitation to abuse. That's why having even a small group of senators pressing for public information is important. Eli Lake noted in *The Daily Beast*, "[A]t a moment when inter-party cooperation is almost nonexistent in Washington, any bipartisan alliance—especially one that includes some of DC's most committed ideological opposites—is both unusual and noteworthy." Lake was referring to the bipartisan alliance between civil libertarian-leaning senators like Paul and Wyden. But until they make legislative inroads, the more usual and less noteworthy bipartisan alliance will be the one that exists between John Yoo and the Obama administration, united by a predilection for virtually unchecked executive power.

Islamaphobia

Curtailment of surveillance on Muslims is unpopular

Obeidallah 14 (<http://www.thedailybeast.com/articles/2014/09/11/13-years-after-9-11-anti-muslim-bigotry-is-worse-than-ever.html>, 13 Years After 9/11, Anti-Muslim Bigotry Is Worse Than Ever, Dean Obeidallah, staff writer for the Daily Beast 9/11/14)

On 9/11, I didn't watch the World Trade Center collapse on television like most people. I witnessed that tragedy a few blocks from where it occurred, standing motionless at 8th Street and 6th Avenue in lower Manhattan. Images from that day are still seared in my mind. The South Tower buckling. A sobbing woman running by. An NYPD police car racing uptown covered in debris. A crystal blue sky. Once we learned that al Qaeda was responsible for the attack, I knew there would be a backlash against Muslim and Middle Eastern Americans. But what I could've never predicted was that, 13 years later, my fellow Americans would view Muslims far worse today than in the months after 9/11. The numbers tell a distressing tale. In October 2001, an ABC poll found that 47 percent of Americans had a favorable view of Islam. By 2010, that number had dropped to 37 percent. And today, alarmingly, only 27 percent of Americans have a favorable view of Muslim Americans. This last poll is the most concerning because it shows how my fellow Americans see my Muslim friends, colleagues and even me—because I'm Muslim. How did we get to this place? That's a question I've been asking myself over and over. There are a few key factors. Undisputedly the horrible acts committed by radical Muslims have had a big impact. In the last year alone we've seen the Boston Marathon bombing, the Boko Haram kidnappings of schoolgirls, and now ISIS rampaging through Iraq and Syria. Another reason is that many Americans tell me they don't see Muslims publicly condemning these terrorists. They want to be convinced that the radicals are truly the exception and not "true Islam." Of course, condemning terrorism and getting media coverage for it are two different things. A grisly beheading results in days of media coverage. Muslim leaders holding a press conference denouncing terrorism, which they have done extensively in response to ISIS, will result in two to three minutes of media coverage on cable news, if they're lucky. Just last week an Oklahoma state representative wrote on his official Facebook page that Christians should be "wary" of Muslim Americans because they are planning to kill Christians. Making our efforts more challenging is that we are a small minority group, comprising only 1 to 2 percent of the nation. Unsurprisingly, a recent Pew poll found that more than 60 percent of Americans don't even personally know a Muslim. If you only see news stories that present Muslims in a negative light, and you have no personal connection to Muslims to offer a counter narrative, I can understand why many hold negative views of us. Compounding this issue is that there are few positive images of Muslims or Muslim Americans in American entertainment media. In fact, the exact opposite is true as Hollywood has made millions furthering the worst image of Muslims. And I can tell you firsthand as someone who has pitched film and TV shows that would depict Muslims in a positive light, there's little appetite in Hollywood for such projects. But there's something else causing this. And it's something truly despicable. There are people who intentionally stoke the flames of hate against our community. Some do it because they simply detest/fear anyone who doesn't pray or look like them. For some, Muslim bashing is their career. They make a living writing books and giving lectures about how Muslims want to destroy America. And then there are the politicians, almost exclusively Republicans, who gin up hate of the "other" for political

gain. The anti-sharia law measures passed in states like Florida and North Carolina are a prime example. The proponents of these laws will demonize Muslims while making the case for these measures. Yet they publicly admit there are zero instances of Muslims trying to impose Islamic law in their respective states. For example, Florida State Senator Alan Hays conceded as much but argued the anti-Shaira law legislation was needed as a “preemptive measure,” similar to when your parents would “have you vaccinated against different diseases.” And worse, we have seen unmitigated hate spewed by some Republicans that could inspire hate crimes. For example, just last week Oklahoma State Representative John Bennett wrote on his official Facebook page that Christians should be “wary” of Muslim Americans because they are planning to kill Christians. Not only did Bennett refuse to apologize for his comments, the Oklahoma state Republican chair defended Bennett. What a difference from the words President George W. Bush offered our nation in the days after 9/11. Bush, with the World Trade Center still literally smoldering, visited the large Islamic Center in Washington, D.C., and denounced those who were demonizing Muslim Americans: “Those who feel like they can intimidate our fellow citizens to take out their anger don’t represent the best of America, they represent the worst of humankind, and they should be ashamed of that kind of behavior.” Bush added: “America counts millions of Muslims amongst our citizens, and Muslims make an incredibly valuable contribution to our country. Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect.” So what’s the future for Muslim Americans? Will we see even more hate crimes against Muslims? And Sikhs, whom many misidentify as Muslims? These numbers have spiked in recent years. And just last week my friend Linda Sarsour, a hijab-wearing civil rights activist, was attacked on the streets of New York City by a man who shouted that he wanted to behead her and then chased her into traffic. Thankfully, Linda was not injured and the assailant, a white male, was arrested. Will we see an even higher number of employment discrimination claims filed by Muslim Americans? Currently over 20 percent of the claims filed with the EEOC are from Muslims, even though we comprise just 2 percent of the country. I want to be optimistic. I want to be able to say in a few years it will be better. But I don’t know if that’s true. What I can say with confidence is that American Muslims are not going anywhere. Yes, we will denounce those who commit horrible acts in the name of our faith to make it clear their actions don’t represent us. However, our focus is pursuing our American dream just like every other American. We will become doctors, deli owners, teachers, parents, and maybe even one day, President of the United States. And what I can also say to the bigots is that we will continue, together with the good people who stand with us, to fight your efforts to demonize and marginalize us simply because of our faith. We won’t do that because it’s demanded of us as Muslims, we will do that because it’s demanded of us as Americans.

Curtailment of surveillance on Muslims unpopular with Republican Congress members and public in general – will create backlash

Shen 12 (<http://thinkprogress.org/politics/2012/08/23/735461/poll-republicans-strongly-dislike-muslims/>, Poll: Republicans Strongly Dislike Muslims, August 23, 2012, Aviva Shen, Senior editor and writer of Thing Progress)

57 percent of Republicans hold strongly negative views of Muslims, according to a poll released today by the Arab American Institute. Just 26 percent hold favorable views of Muslims, while

Arabs are equally unpopular among Republicans — 53 percent negative versus 27 positive. The numbers improved slightly when asked about “Muslim Americans” and “Arab Americans.” Democrats, on the other hand, viewed Muslims and Arab Americans favorably by margins of at least 20 to 35 percent in all four cases, though Democrats and Republicans alike had less positive feelings toward Muslims than any other religious group.

NSA Surveillance/Generic

NSA Surveillance reforms unpopular – no bipartisan support – won't change NSA surveillance anymore after Freedom Act

Gross 15 (<http://www.pcworld.com/article/2932337/dont-expect-major-changes-to-nsa-surveillance-from-congress.html>, Don't expect major changes to NSA surveillance from Congress, Grant Gross, June 5, 2015)

After the U.S. Congress approved what critics have called modest limits on the National Security Agency's collection of domestic telephone records, many lawmakers may be reluctant to further change the government's surveillance programs. The Senate this week passed the USA Freedom Act, which aims to end the NSA's mass collection of domestic phone records, and President Barack Obama signed the bill hours later. After that action, expect Republican leaders in both the Senate and the House of Representatives to resist further calls for surveillance reform. That resistance is at odds with many rank-and-file lawmakers, including many House Republicans, who want to further limit NSA programs brought to light by former agency contractor Edward Snowden. Civil liberties groups and privacy advocates also promise to push for more changes. It may be difficult to get "broad, sweeping reform" through Congress, but many lawmakers seem ready to push for more changes, said Adam Eisgrau, managing director of the office of government relations for the American Library Association. The ALA has charged the NSA surveillance programs violate the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable searches and seizures. "Congress is not allowed to be tired of surveillance reform unless it's prepared to say it's tired of the Fourth Amendment," Eisgrau said. "The American public will not accept that." Other activists are less optimistic about more congressional action. "It will a long slog getting more restraints," J. Kirk Wiebe, a former NSA analyst and whistleblower said by email. "The length of that journey will depend on public outcry—that is the one thing that is hard to gauge." With the USA Freedom Act, "elected officials have opted to reach for low-hanging fruit," said Bill Blunden, a cybersecurity researcher and surveillance critic. "The theater we've just witnessed allows decision makers to boast to their constituents about reforming mass surveillance while spies understand that what's actually transpired is hardly major change." The "actual physical mechanisms" of surveillance programs remain largely intact. Blunden added by email. "Politicians may dither around the periphery but they are unlikely to institute fundamental changes." What's in the USA Freedom Act? Some critics have blasted the USA Freedom Act as fake reform, while supporters have called it the biggest overhaul of U.S. surveillance program in decades. Many civil liberties and privacy groups have come down in the middle of those two views, calling it modest reform of the counterterrorism Patriot Act. The law aims to end the NSA's decade-plus practice of collecting U.S. telephone records in bulk, while allowing the agency to search those records in a more targeted manner. The law also moves the phone records database from the NSA to telecom carriers, and requires the U.S. Foreign Intelligence Surveillance Court (FISC) to consult with tech and privacy experts when ruling on major new data collection requests from the NSA. It also requires all significant FISC orders from the last 12 years to be released to the public. The new law limits bulk collection of U.S. telephone and business records by requiring the FBI, the agency that applies for data collection, to use a "specific selection term" when asking the surveillance court to authorize records searches. The law prohibits the FBI and NSA from using a "broad geographic region,"

including a city, county, state or zip code, as a search term, but it doesn't otherwise define "specific search term." That's a problem, according to critics. The surveillance court could allow, for example, "AT&T" as a specific search term and give the NSA the authority to collect all of the carrier's customer records. Such a ruling from FISC would seem to run counter to congressional intent, but this is the same court that defined all U.S. phone records as "relevant" to a counterterrorism investigation under the old version of the Patriot Act's Section 215. The USA Freedom Act also does nothing to limit the NSA's surveillance of overseas Internet traffic, including the content of emails and IP voice calls. Significantly limiting that NSA program, called Prism in 2013 Snowden leaks, will be a difficult task in Congress, with many lawmakers unconcerned about the privacy rights of people who don't vote in U.S. elections. Still, the section of the Foreign Intelligence Surveillance Act that authorizes those NSA foreign surveillance programs sunsets in 2017, and that deadline will force Congress to look at FISA, although lawmakers may wait until the last minute, as they did with the expiring sections of the Patriot Act covered in the USA Freedom Act. The House Judiciary Committee will continue its oversight of U.S. surveillance programs, and the committee will address FISA before its provisions expire, an aide to the committee said. Republican leaders opposed to more changes Supporters of new reforms will have to bypass congressional leadership, however. Senate Republican leaders attempted to derail even the USA Freedom Act and refused to allow amendments that would require further changes at the NSA. In the House, Republican leaders threatened to kill the USA Freedom Act if the Judiciary Committee amended the bill to address other surveillance programs. Still, many House members, both Republicans and Democrats, have pushed for new surveillance limits, with lawmakers adding an amendment to end so-called backdoor government searches of domestic communications to a large appropriations bill this week. Obama's administration has threatened to veto the appropriations bill for several unrelated reasons, but several House members have pledged to push hard to prohibit the FBI and CIA from searching the content of reportedly tens of thousands of U.S. communications swept up in an NSA surveillance program targeting overseas terrorism suspects. Closing that surveillance backdoor is a top priority for civil liberties groups, said Neema Singh Guliani, a legislative counsel with the American Civil Liberties Union's Washington, D.C., legislative office. "We've had this statute that masquerades as affecting only people abroad, but the reality is that it sweeps up large numbers of U.S. persons," she said. Other changes possible Advocates and lawmakers will also push for a handful of other surveillance reforms in the coming months. The changes most likely to pass make limited changes to surveillance programs, however. While not tied to NSA surveillance, lawmakers will press for changes to the 29-year-old Electronic Communications Privacy Act (ECPA), a wiretap law that gives law enforcement agencies warrantless access to emails and other communications stored in the cloud for more than six months. A House version of ECPA reform counts more than half the body as co-sponsors. Still, tech companies and civil liberties groups have been pushing since 2010 to have those communications protected by warrants, but law enforcement agencies and some Republican lawmakers have successfully opposed the changes. Another bill that may gain traction in coming months is the Judicial Redress Act, a bill that would allow citizens of some countries to file lawsuits under the U.S. Privacy Act if government agencies misuse their records. "The Privacy Act offers limited protections, even to Americans, but passage of this bill would be an important first step to addressing especially European concerns that US privacy reforms won't help them,"

said Berin Szoka, president of free market think tank TechFreedom. Public pressure, along with potentially new leaks, will be the key to driving any more surveillance changes, advocates said. “The public will for mass surveillance laws was made very clear recently, and that’s partly why we saw much of Congress flock to whatever could be called surveillance reform,” said Tiffiny Cheng, a founder of digital rights group Fight for the Future. “No one is fooled by USA Freedom—it’s a weak piece of legislation that uses exceptions in legislative language to codify the NSA’s practice of surveilling most people.” Congress has much work left to do, Cheng said by email. “After the recent showdown and public outcry, USA Freedom is at best, seen as a beginning of surveillance reform, not the end,” she said.

NSA Surveillance popular with both the public and Congress – creates backlash when trying to curtail it

Cohen 13 (http://www.washingtonpost.com/politics/most-americans-support-nsa-tracking-phone-records-prioritize-investigations-over-privacy/2013/06/10/51e721d6-d204-11e2-9f1a-1a7cdee20287_story.html, Most Americans back NSA tracking phone records, prioritize probes over privacy, Jon Cohen, Staff writer for the Washington Post, June 10, 2013)

A large majority of Americans say the federal government should focus on investigating possible terrorist threats even if personal privacy is compromised, and most support the blanket tracking of telephone records in an effort to uncover terrorist activity, according to a new Washington Post-Pew Research Center poll. Fully 45 percent of all Americans say the government should be able to go further than it is, saying that it should be able to monitor everyone’s online activity if doing so would prevent terrorist attacks. A slender majority, 52 percent, say no such broad-based monitoring should occur. The new survey comes amid recent revelations of the National Security Agency’s extensive collection of telecommunications data to facilitate terrorism investigations. Overall, 56 percent of Americans consider the NSA’s accessing of telephone call records of millions of Americans through secret court orders “acceptable,” while 41 percent call the practice “unacceptable.” In 2006, when news broke of the NSA’s monitoring of telephone and e-mail communications without court approval, there was a closer divide on the practice — 51 percent to 47 percent. General priorities also are similar to what they were in 2006: Sixty-two percent of Americans now say it’s more important for the government to investigate terrorist threats, even if those investigations intrude on personal privacy, while 34 percent say privacy should be the focus, regardless of the effect on such investigations. But with a Democratic president at the helm instead of a Republican, partisan views have turned around significantly. Sixty-nine percent of Democrats say terrorism investigations, not privacy, should be the government’s main concern, an 18-percentage-point jump from early January 2006, when the NSA activity under the George W. Bush administration was first reported. Compared with that time, Republicans’ focus on privacy has increased 22 points. The reversal on the NSA’s practices is even more dramatic. In early 2006, 37 percent of Democrats found the agency’s activities acceptable; now nearly twice that number — 64 percent — say the use of telephone records is okay. By contrast, Republicans slumped from 75 percent acceptable to 52 percent today. Compared with a 2002 Pew poll, Democrats are now 12 percentage points more apt to support the government’s monitoring of all e-mails and other online activity if officials say that it might help prevent terrorist attacks. On the flip side, the number of Republicans who say the government should not do this has increased by 13 points. The poll was conducted Thursday

through Sunday among a random national sample of 1,004 adults. Results from the full poll have a margin of sampling error of plus or minus 3.5 percentage points. The question on monitoring everyone's online activity was asked starting Friday; results from that question have a 4.5-point error margin.

Prism

PRISM is popular with Congress and public – curtailing it will create backlash

Logiurato 13 (<http://www.businessinsider.com/prism-surveillance-poll-nsa-obama-approval-2013-6>, The NSA's PRISM Program Is Shockingly Uncontroversial with the American Public, Business Insider, Brett Logiurato, Business Insider's politics editor, June 17, 2013)

President Barack Obama's approval rating is sinking like a stone in a new CNN/ORC poll — but it's not because of Americans' reactions to the National Security Agency surveillance program known as "PRISM." In fact, the public overwhelmingly approves of the program. The poll found that 66 percent of Americans say the Obama administration was right to gather and analyze information from major internet companies to help locate suspected terrorists. Here's the full wording of the question posed in the poll: [F]or the past few years the Obama administration has reportedly been gathering and analyzing information from major internet companies about audio and video chats, photographs, e-mails and documents involving people in other countries in an attempt to locate suspected terrorists. The government reportedly does not target internet usage by U.S. citizens and if such data is collected, it is kept under strict controls. Do you think the Obama administration was right or wrong in gathering and analyzing that internet data? Overall, according to the poll, the public has exhibited a collective shrug to new revelations detailing the scope of the NSA's surveillance efforts. On its collection of phone data, the public is less gung-ho about the program, but still supportive — 51 percent say the Obama administration is right, while 48 percent say it's wrong. Incidentally, partisans on both sides of the aisle are most likely to support the programs. Self-identified Republicans and Democrats approve of both programs, while Independents are much less enthusiastic. They disapprove of the NSA's phone surveillance program by a 40-58 split, and their approval of PRISM (58-41) significantly trails both Republicans (67-31) and Democrats (76-24)

PRISM popular with Congress right now – no chance they will curtail it

Maharrey 15 (<http://blog.tenthamentendmentcenter.com/2015/05/yes-more-proof-congress-wont-stop-mass-surveillance/>, Yet More Proof Congress Won't Stop Mass Surveillance, Mike Maharrey, blogger, May 6, 2015)

A recent House Judiciary Committee markup session for the USA Freedom Act provided an inside look at political jockeying going on behind the scenes as Congress tries to hammer out some kind of surveillance reform. It wasn't encouraging for privacy advocates. In fact, it provides yet more proof that Congress will not ever stop mass surveillance. With section 215 of the Patriot Act set to sunset in June, a sense of urgency has bubbled up around the issue of surveillance reform in Washington D.C. Senate Majority Leader Mitch McConnell wants to extend the Patriot Act provisions that authorize bulk collection of telephone metadata. Some privacy advocates and some members of Congress want to let the provisions expire altogether. Others see the USA Freedom Act fix as the only chance to usher in some reforms – however meager. The bill purports to end bulk collection of business records under foreign intelligence authorities. It remains up for debate as to whether the legislation would actually succeed in this aim. Even if it does, the bill does not address other avenues of spying, including Executive Order 12333 and Section 702 of the FISA Amendments Act. Even with a sunset of the Patriot Act

provisions or passage of the USA Freedom Act, bulk spying on your phone records would almost certainly continue. During the committee markup session, Rep. Ted Poe (R-Texas) proposed an amendment to address the most controversial aspect of Section 702, so-called “back-door searches.” This allows the government to search American’s emails and phone calls collected by the NSA while targeting foreigners without a warrant. Poe’s amendment would have required a warrant for these back-door searches. The vast majority of committee members supported the idea. But it didn’t pass because of politics. JustSecurity.org reported on the hearing and described the scene. It was clear from their comments that a majority of committee members supported the goal of the amendment. Indeed, no member spoke against it on substantive grounds. But Committee Chair Bob Goodlatte (R-Va.) explained that the bill represents a fragile compromise — primarily with members of the House Intelligence Committee (HPSCI) — and that House leadership had made clear the bill would not get a floor vote if the Judiciary Committee amended it. The members were faced with a choice: acknowledge the terms set by House leadership and vote against an amendment designed to restore critical Fourth Amendment protections for Americans, or reject those terms and possibly derail surveillance reform altogether. According to Just Security, many on the committee characterized the Poe amendment as an example of “the perfect being the enemy of the good.” Poe was reportedly frustrated. As Just Security reports, he implored committee members not to allow House leadership to dictate their vote. Poe observed dryly that the Committee was not simply delaying the building of a bridge. It was delaying vital Fourth Amendment protections for Americans. He put the question simply: do politics trump the Constitution, or does the Constitution trump politics? He urged fellow committee members not to let leadership’s threats dictate their vote. He said they should support the amendment and let the political chips fall where they may. Ultimately, the amendment failed. Many advocates of reform reportedly breathed a sigh of relief, knowing that the amendment would have effectively killed the bill. Without it, the USA Freedom Act has a decent shot at moving forward. Poe wasn’t thrilled. “Everyone who’s spoken against it is actually for the amendment. It’s a sad day for America,” he said. The politicking raises a huge question: what good is reform that can’t ultimately stop violations of the Constitution and of your privacy rights? And it proves something I’ve said over and over again – we cannot depend on Congress to end mass spying. Even when there is a way, there is no will. The committee markup session demonstrated this sad fact. Even if the USA Freedom Act passes the House, it remains highly questionable if it can get through the Senate. Sen. McConnell has made it clear he wants to continue spying on you and he runs the show in the upper chamber. And even if by some miracle USA Freedom passes both houses of Congress and Pres. Obama signs it, spying will continue unabated under other authorities. It’s been 40 years since Sen. Frank Church declared that the American surveillance apparatus created the potential for “total tyranny.” Congress hasn’t done anything about it yet, and events on the Hill make it clear it won’t in the future. Congress may tinker around the edges and then declare a grand victory for privacy. In the meantime, the NSA will go right on spying on you and everybody else in America. The time has come to focus on new strategies that bypass the political class on Capitol Hill. OffNow has developed that alternative path forward – utilize the power of state governments to thwart the surveillance state.

SSRA

SSRA is unpopular – there’s a bipartisan coalition opposing passage—2013 proves

Wachtler 2015, Mark Wachtler, 4/11/2015, HR 1466 Surveillance State Repeal Act of 2015, <http://www.whiteoutpress.com/articles/2015/q2/hr-1466-surveillance-state-repeal-act-2015/>

Considering the overwhelming outrage by the American people over the government’s blanket domestic espionage programs, it’s surprising that the 2013 Surveillance State Repeal Act didn’t garner more support. The Bill accumulated ten co-sponsors, was assigned to four Committees and six Sub-Committees. But not a single vote was ever taken to advance them out of Committee and to the full House. Supporters of the effort to stop the universal surveillance of the American people hope this year’s effort will be more successful.¶ HR 1466 - Surveillance State Repeal Act of 2015¶ In 2013, Rep Mark Pocan (D-WI) was one of ten Democrat Congressmen who co-sponsored the Patriot Act repeal Bill. This time, he’s the main sponsor and he has a Republican co-sponsor signed on with him. Introduced on March 19, 2015, the new Bill was proposed by five Congressmen and already has an additional Representative who’s signed on since then. The sponsors include Rep Pocan, Rep Thomas Massie (R-KY), Rep Alan Grayson (D-FL), Rep James McGovern (D-MA), Rep Lloyd Doggett (D-TX), Rep Michael Capuano (D-MA).¶ As detailed by the House website, HR 1466 was immediately referred to a number of House Committees upon its introduction. The summary explains that the Surveillance State Repeal Act of 2015 was, ‘Referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, Foreign Affairs, Energy and Commerce, Education and the Workforce, Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker.’¶ What the Bill would repeal and require¶ HR 1466’s official description gives a brief overview of the Bill’s ramifications. The legislation, ‘Repeals the USA PATRIOT Act and the FISA Amendments Act of 2008 (thereby restoring or reviving provisions amended or repealed by such Acts as if such Acts had not been enacted), except with respect to reports to Congress regarding court orders under the Foreign Intelligence Surveillance Act of 1978 (FISA) and the acquisition of intelligence information concerning an entity not substantially composed of US persons that is engaged in the international proliferation of weapons of mass destruction.’¶ As currently written, the Bill would also prohibit the government from collecting information on an American citizen, ‘without a warrant based on probable cause.’ If passed, it would also force the Director of the Office of National Intelligence, and its 16 spy agencies to, ‘destroy any information collected under the repealed Acts, or acquired under Executive Order 12333 without a warrant.’¶ The law would also protect electronics manufacturers from being forced by the government to include encryption-free back doors to their devices and services allowing spy agencies to monitor their customers. Finally, the Bill attempts to protect future whistleblowers that come forward with evidence that the government isn’t abiding by the law.¶ Little chance of passage¶ Illustrating that once you go from Republic to Empire, it’s nearly impossible to go back, experts are already warning that HR 1466 has almost no chance of passing. Much like previous attempts to reign in the government’s massive blanket domestic espionage programs, this latest effort will most likely pit regular Americans from all walks of the political spectrum supporting the Bill against a bipartisan coalition of the most powerful establishment leaders from both Parties opposing it.¶ That uphill fight isn’t deterring the Bill’s main sponsor however. “This isn’t just tinkering around the edges,” Rep Mark Pocan was reported by The Hill explaining during a Capitol Hill briefing after he introduced the legislation, “This is a meaningful overhaul of the system, getting rid of essentially all parameters of the Patriot Act.”¶ Republican co-sponsor Rep Thomas Massie also commented on the Bill with targeted remarks about the whistleblower portion of the newly proposed HR 1466. “Really, what we need are new whistleblower protections so that the next Edward Snowden doesn’t have to go to Russia or Hong Kong or whatever the case may be just for disclosing this,” he said, “We need to repeal all of this junk and just start over.”¶ Illustrating the uphill battle the co-sponsors and their supporters have in front of them, The Hill writes, ‘The bill is likely to be a nonstarter for leaders in Congress, who have been worried that even much milder reforms to the nation’s spying laws would tragically [hurt] handicap the nation’s ability to fight terrorists. A similar bill was introduced in 2013 but failed to gain any movement in the House.’

SSRA is unpopular – link magnitude is huge – major opposition

Macri 2015, Giuseppe Macri, Tech Editor for the Daily Caller, 3/24/2015, House Revives Bill To Completely Repeal The Patriot Act, Dismantle NSA Spying,

Wisconsin Democratic Rep. Mark Pocan and Kentucky Republican Rep. Thomas Massie announced in a press release their intention to reintroduce the Surveillance State Repeal Act — a bill first introduced following the Snowden leaks in 2013 that

would completely repeal the Patriot Act and the 2008 FISA Amendments Act, as well as introduce reforms to the Foreign Intelligence Surveillance Court.¶ The bill **would legally dismantle the National Security Agency's most aggressive surveillance programs**, including the bulk collection and retention of virtually all Americans' landline phone records justified under Section 215 of the Patriot Act. The repeal of the 2008 FISA Amendments Act would also prevent the agency from tapping the physical infrastructure of the Internet, such as undersea fiber cables, to intercept "upstream" data in bulk, which critics including the ACLU claim the NSA uses to collect data on Americans. (RELATED: Wikipedia Tells Reddit Why It Thinks It Can Win A Lawsuit Against NSA)¶ Under the new law the FISA Court, which approves secret surveillance requests by the NSA and other intelligence agencies, would be appointed technology experts to advise judges on the privacy implications of government surveillance requests. The court would also be held to new standards for issuing warrants for all surveillance based on probable cause, as opposed to the current lesser standard of reasonable suspicion.¶ The bill would make it illegal to prosecute whistleblowers like former NSA contractor Edward Snowden and prevent the government from mandating companies build "backdoors" into their privacy encryption products like those currently sought by the FBI. (RELATED: Wyden: Don't Give The FBI Backdoors Into Americans' Cellphones)¶ "Really, what we need are new whistleblower protections so that the next Edward Snowden doesn't have to go to Russia or Hong Kong or whatever the case may be just for disclosing this," Massie said during a Capitol Hill briefing Tuesday, according to The Hill.¶ "The warrantless collection of millions of personal communications from innocent Americans is a direct violation of our constitutional right to privacy," Pocan said in the statement. "Revelations about the NSA's programs reveal the extraordinary extent to which the program has invaded Americans' privacy."¶ "I reject the notion that we must sacrifice liberty for security — we can live in a secure nation which also upholds a strong commitment to civil liberties. This legislation ends the NSA's dragnet surveillance practices, while putting provisions in place to protect the privacy of American citizens through real and lasting change."¶ **After failing the first time in 2013 amid the immediate public backlash from the Snowden leaks, the bill will likely be dead on arrival in Congress, where much weaker reforms failed to pass the Senate as a result of last-minute Republican attacks — all that while the chamber was still in Democratic control.**

Student Visas

Decreasing surveillance on Foreigners with Student Visas unpopular in Congress

Schwab 14 (Thousands roam the U.S. on expired student visas unchecked, <http://tnsjournal.com/national/thousands-roam-u-s-expired-student-visas-unchecked/>, Dwight L. Schwab Jr., staff writer for TNS Journal, ABC News, etc., September 9, 2014)

With thousands of illegal immigrants either sitting at the southern border or being shipped throughout the country to various locations, the Obama administration has yet another scandal on its hands. It seems the administration is unable to locate 6,000 foreign nationals who have entered the United States on student visas, according to ABC News. What makes this more incredible is the growing concern that the government's ability to track potential terror suspects is nothing more than a joke. It is suspected by many experts that thousands may already be in the country. The idea that it is time to grant full or partial amnesty to any illegal is beyond comprehension. Peter Edge, the U.S. Immigration and Customs Enforcement official who oversees investigations into visa violators says, "My greatest concern is that they could be doing anything. Some of them could be here to do us harm." expired student visas imageEdge's comments followed British Prime Minister David Cameron's bold remarks to the House of Commons announcing plans to block all British jihadist passports from re-entering the country. The threat of violence from the Islamic State is apparently being taken as a national threat and not a political football for some encounter group discussion. America's staunchest ally is taking the lead that should be the United State's role. Many within Washington lawmaker circles wonder where the President of the United States is on this topic of this international crisis. The United Kingdom has taken moves to prevent these jihadist-trained nationals from ever returning to provoke deadly violence. The president and his party cannot seriously think these are potential Democratic votes in the future. It would seem only logical that President Obama review the southern border invasion of thousands of unknown illegals and propose a plan of America's own making to stop the tide of unprocessed aliens from putting one foot on U.S. soil. **The vote to do so in Congress would be overwhelming.** Whether or not this is an unpopular move among Obama's political base is negated by the growing threat to America's national security. The shocking facts are that foreign students entering the United States have overstayed their visa limitations to the tune of 58,000 individuals. There are no real numbers available for how many illegal aliens are wandering the American countryside unchecked, unprocessed and free to travel at will. What has been a political folly for years is now a matter of national survival. One stunning fact is since the Sept. 11, 2001, terrorist attacks, 26 student visa holders have been arrested in the United States on terrorism-related charges ABC News reported. Reasonably, the schools should monitor their individual foreign students but they haven't the time or the money to do so with precision. Sen. Tom Coburn (R-OK) says, "We know we have a lot of non-accredited universities that are using this system to bring people in, collect money and not educate them at all. To me, it's a mess." It is a mess that should be priority one to Homeland Security, the FBI and the President of the United States. "Protect and defend" is part of the president's oath of office and it is time to follow through with immediacy on those very words. The American people should demand it.

War on Drugs

War on Drugs has both bipartisan and public support – reforming it requires PC

Vance 15 (<http://fff.org/explore-freedom/article/root-support-drug-war/>, THE ROOT OF SUPPORT FOR THE DRUG WAR, Laurence M. Vance, staff writer for FFF, January 1, 2015)

For some the reason is political. The war on drugs enjoys widespread bipartisan support. Liberals, conservatives, Democrats, Republicans, moderates, populists, progressives, centrists, Tea Partiers — they all generally support government prohibition of certain drugs. The drug war is never an issue in any congressional primary or general election. As long as their party or their political group supports the drug war, most Americans will follow suit. The decision to use drugs should be an ethical, religious, medical, or moral decision, not a political decision.

Opposite - War on Drugs reform is popular and has bipartisan support

Sargent 13 (<http://www.washingtonpost.com/blogs/plum-line/wp/2013/08/12/is-bipartisan-war-on-drugs-reform-possible/>, Is bipartisan 'War on Drugs' reform possible?, Greg Sargent, staff writer for the Washington Post, August 12, 2013)

As expected, Attorney General Eric Holder just delivered a speech in which he proposed long-overdue reforms to ensure that low-level and nonviolent drug offenders without gang ties will no longer face severe mandatory sentences. In the speech, Holder painted the need for reform as morally urgent and a practical imperative. “Too many Americans go to too many prisons for far too long and for no good law enforcement reason,” he said. “We cannot simply prosecute or incarcerate our way to becoming a safer nation.” Holder proposed both executive and legislative action. The executive changes concern instructions to prosecutors on how to write charges without setting in motion the mandatory minimum sentences. As for legislative changes, Holder referenced a bill, sponsored by Dick Durbin, Patrick Leahy, Mike Lee, and Rand Paul, that would allow federal judges more say over whether mandatory minimum sentences are doled out. The administration appears ready to try to work with Congress to build on this proposal. The possibility of legislative change, backed by bipartisan majorities, is not as far fetched as you might imagine. As Ed Kilgore comments: Conservative reaction to Holder’s speech will be extraordinarily interesting. Long before Rand Paul drew national attention to his own support for sentencing reform, there was a quiet movement slowly but surely developing on the Right (which David Dagan and Steven Teles wrote about in the November/December 2012 issue of the Washington Monthly) in favor of calling off the madness of mandatory minimums. Just as importantly, this trend was being fed by various tributaries of the conservative stream, not just libertarians but conservative evangelicals and budget-conscious fiscal hawks. Just last week, in fact, the American Legislative Exchange Council, which probably contributed more to the spread of mandatory minimum legislation in the states than just about any other single source, reversed its position and endorsed sentencing reform. So Holder may be pushing on an unlocked door. Still, a whole generation of pols — mostly Republicans, to be sure, but also many Democrats trying to prove themselves as “tough on crime” — have prospered politically from the “Three Strikes” era. And the high visibility of those people in the ranks of non-violent drug offenders may give emotional pause to conservatives tempted by the massive evidence of the failure of Lock ‘Em Up and Throw Away the Key policies to admit it’s been a tragic mistake. This

could be one of those moments when a rare bipartisan breakthrough happens, or it could get complicated and gridlocked. Along these lines, you should watch for the reaction in particular from Republican Senators on the Judiciary Committee. For instance, Senator Jeff Sessions previously worked with Durbin on a compromise proposal that reduced the disparity between the amounts of crack and powdered cocaine, which had disproportionately impacted blacks. Sessions has yet to comment on today's announcement, but aides to Senators on both sides are looking to the Alabama Senator to get a sense of whether the new push can move out of Judiciary. Another Senator on Judiciary worth watching is Orrin Hatch, who, like Lee (a co-sponsor of the reform) is from Utah. And some Dems believe John Cornyn, who has expressed interest in this area, could be gettable. This is one of those issues where movement once seemed unthinkable. As Kilgore notes, for the longest time, few lawmakers would risk being labeled as "soft on crime." But this is an issue around which Dems concerned about racial justice, and conservative libertarians (such as Senator Paul) who share race-based concerns in their better moments, and conservatives who see the issue more through the prism of their opposition to government overreach and "one size fits all" solutions, should theoretically be able to find common ground. All of this, combined with the sense that the "soft on crime" attacks, for a variety of reasons, no longer have anywhere near the cultural potency or political relevance they once did suggests this may now be an area where compromise is possible.

Welfare

“War on Poverty” bills like the plan has Congress divided – creates backlash

King 14 (<http://www.usatoday.com/story/news/politics/2014/01/08/congress-divided-over-war-on-poverty/4378937/>, Congress divided over war on poverty, January 8, 2014, Ledyard King, staff writer for USA Today)

WASHINGTON — The 50th anniversary of President Lyndon Johnson's "war on poverty" is turning into a pitched battle of agendas in Congress over how to improve prospects for millions of Americans still struggling financially. On Wednesday, exactly five decades after Johnson laid his plans before Congress, Democrats and Republicans voiced disagreement on whether those plans succeeded and, more importantly, whether Johnson's war should continue in its current form as the country emerges from a deep recession. Democrats are pushing for a higher minimum wage, an extension of long-term unemployment benefits and a narrowing of the nation's income gap between rich and poor. "Our economy is still struggling to recover from the Great Recession," said Sen. Tom Harkin, an Iowa Democrat sponsoring a bill to raise the minimum wage from \$7.25 to \$10.10 an hour. "The sluggish recovery has left us with chronic unemployment and a middle class in crisis. For the vast majority of American workers, incomes have stagnated for decades." Republicans say many of the safety-net programs Johnson started have sputtered and need to be scaled back, both to reduce the nation's mounting debt and to avoid fostering an entitlement attitude among the poor. "While this war may have been launched with the best of intentions, it's clear we're now engaged in a battle of attrition that has left more Americans in poverty than at any other point in our nation's history," GOP Rep. Steve Southerland of Florida said. "Clearly, the big-government ideas of the past need to be improved and aren't working to the extent that they should." Those divergent views are fueling congressional debate over key aspects of the government safety net Johnson helped establish. The Democratic-led Senate is preparing to vote on a bill that would extend long-term unemployment benefits for three months. The proposal's fate looks bleak in the Republican-held House because the \$6.5 billion cost of providing those benefits isn't paid for in the Senate measure. Lawmakers are negotiating a farm bill that's expected to cut Supplemental Nutrition Assistance Program benefits, formerly known as food stamps, by as much as \$10 billion. The final bill also could impose new work requirements, authored by Southerland, on able-bodied SNAP recipients. Discussion of ambitious tax reform plans and proposals to raise the federal minimum wage, already long shots, could be derailed before they gain traction. Democrats and Republicans don't even agree on whether Johnson's war on poverty was a success. Democrats resoundingly say it was. Republicans, especially conservatives, are adamant that it wasn't. The official poverty rate in the U.S., defined as lacking resources for life's basic needs, was 19 percent in 1964. It had fallen to 12.1 percent by 1969, the year Johnson left office. Last year, it stood at 15 percent, only a modest decline from the launch of his anti-poverty campaign. Today, about 50 million Americans, including 13 million children, live below the poverty line, which in 2012 was \$23,492 for a family of four. However, poverty experts call the official statistics misleading because they don't take into account non-cash assistance such as rent subsidies, tax credits and food stamps — the tools now favored over a welfare check to ameliorate poverty's effects. Using what's called the Supplemental Poverty Measure, or SPM, researchers at Columbia University calculate that the poverty rate adjusted for inflation has fallen from 26

percent in 1967 to 16 percent today, a more significant decline. "Poverty remains high," says Sharon Parrott, vice president of the Center on Budget and Policy Priorities, a liberal Washington think tank. "It's higher in the United States than in most wealthy nations. We still have very large racial disparities. So you can't look at this record and say we are where we want to be or where we hoped to be when the effort was taken up, but neither is it accurate to say we haven't made significant progress." The government's safety net programs cut the poverty rate last year by nearly half, the Census Bureau reports. Without them, the poverty rate would have been 29 percent in 2012. Government benefits lifted 41 million people, including 9 million children, out of poverty. Some Republicans acknowledge that Johnson's anti-poverty programs initially had a positive impact. But they say the \$15 trillion spent over five decades would have produced better results had it been targeted more specifically than "handing out checks." Republicans want to increase employment by loosening regulations and capitalizing on what they say are job-creating opportunities such as the Keystone XL oil pipeline that's been slowed by the Obama administration's environmental review. "The formula for beating poverty is a job," said Republican Dave Camp of Michigan, chairman of the House Ways and Means Committee, which oversees tax policy. President Obama says government has an obligation to help those who truly need it, and Johnson's legacy should continue. "In the richest nation on Earth, far too many children are still born into poverty, far too few have a fair shot to escape it, and Americans of all races and backgrounds experience wages and incomes that aren't rising, making it harder to share in the opportunities a growing economy provides," Obama said in a written statement Wednesday. "That does not mean, as some suggest, abandoning the War on Poverty... Instead, it means we must redouble our efforts to make sure our economy works for every working American."

XO 12333

Executive Order 12333 has bipartisan support in Congress – recently turned it into an official law – proves that repealing it would be unpopular

Geller 14 (<http://www.dailydot.com/politics/congress-executive-order-12333-surveillance/>, NSA-enabling Executive Order 12333 just passed Congress as a full law, Eric Geller, staff writer for The Daily Dot, December 12, 2014)

Republicans and Democrats can't agree on much these days, but members of Congress recently joined hands to codify a very worrisome national-security executive order into law. The U.S. House of Representatives on Thursday passed a bill authorizing funding for the intelligence community with large bipartisan support. The vote was 325-100. All tallied, 55 Democrats and 45 Republicans voted against it. The same bill passed the Senate by unanimous consent, meaning that the only thing standing in its way is a signature from President Barack Obama. The bill is essentially guaranteed to receive Obama's signature—something privacy advocates have been pushing to prevent. That's because one of the provisions in the bill enshrines Executive Order 12333, a Reagan-era surveillance directive, into law. Executive Order 12333, issued by Reagan on Dec. 4, 1981, is one of the most controversial presidential directives ever issued. If Americans know its name at all, it is only because 12333 is at the heart of the sweeping surveillance apparatus established by the National Security Agency (NSA). To collect contents and metadata from telephone calls and electronic communications, the NSA relies on Executive Order 12333 and Section 215 of the USA Patriot Act, also known as the "business records" provision, respectively. But where Section 215 features relatively serious privacy protections, 12333 is a lawless free-for-all by contrast. Section 215 is subject to the oversight of the Foreign Intelligence Surveillance Court (FISC) and the congressional intelligence committees. It prohibits the collection of audio from phone calls, allowing only metadata collection. It likewise requires the NSA to eliminate the contents of U.S. persons' phone calls if they are "incidentally" collected during an operation aimed at foreign nationals. Executive Order 12333, wrote former State Department Internet-freedom official John Napier Tye, "contains no such protections for U.S. persons if the collection occurs outside U.S. borders." Under 12333, while the NSA still can't individually target U.S. persons and gather content from their phone calls, it is not required to delete such content if it is incidentally acquired. The NSA, relying on 12333 authority, can keep U.S. persons' phone-call recordings even if they are not implicated in any criminal behavior as long as the recordings were obtained accidentally. As if that weren't bad enough, 12333 sits outside the mainstream intelligence apparatus that is subject to congressional oversight. Senator Dianne Feinstein (D-Calif.), the chairwoman of the Senate Intelligence Committee until January, told McClatchy Newspapers in November 2013 that Congress could not "sufficiently" monitor 12333 operations. "Twelve-triple-three programs are under the executive branch entirely," Feinstein said. "I don't think privacy protections are built into it. It's an executive policy. The executive controls intelligence in the country." By codifying Executive Order 12333 as Section 309 of the intelligence community's 2015 budget, Congress has given 12333 operations new legal footing without actually placing them under new oversight. The House was so eager to pass the funding bill and move on that it was prepared to do so by unanimous consent, just like the Senate had done. The only reason there is a recorded vote of the action is because Rep. Justin Amash (R-Mich.) asked the clerk to call the roll. "Sec. 309 provides the first statutory

authority for the acquisition, retention, and dissemination of U.S. persons' private communications obtained without legal process such as a court order or a subpoena," Amash wrote on his Facebook page after the vote. "The administration currently may conduct such surveillance under a claim of executive authority, such as E.O. 12333," he wrote. "However, Congress never has approved of using executive authority in that way to capture and use Americans' private telephone records, electronic communications, or cloud data." In July 2013, Amash worked with with Rep. John Conyers (D-Mich.) to introduce an amendment to the 2014 National Defense Authorization Act that would have ended the NSA's phone-records collection. The House defeated the measure 217-2015. In his Facebook post, Amash called the legislative language giving 12333 increased legal standing "one of the most egregious sections of law I've encountered during my time as a representative."

Iran DA Supplement Northwestern

UQ – Deal will pass

Even though unlikely, fierce pro-Israeli lobbying coupled with congressional bipartisanship will make a veto override majority still very possible

Brett **Logiurato 7-14-15**, Journalist for Business Insider, 7/14/15, "How congress could kill the Iran deal", <http://www.businessinsider.com/how-congress-can-veto-iran-deal-2015-7>

Now that more than a year and a half of nuclear negotiations are in the books, attention on a signature legacy item for President Barack Obama now shifts to Congress. ¶ **Thanks to a bipartisan compromise** that Obama ended up signing in May, **Congress will have a say in the ultimate fate of the deal.** ¶ **While even opponents** of the deal **concede the odds are long, there's at least a small chance that Congress could torpedo it.** ¶ **"The American people are going to repudiate this and I believe Congress will kill the deal,"** said Sen. Tom **Cotton** (R-Arkansas), one of the more hawkish members of the Senate on foreign policy. ¶ Here's a brief overview of what happens next: ¶ Once Congress receives the details of the deal, it will have 60 days to debate and vote on it, according to the terms of the law Obama signed in May. A GOP congressional aide told Business Insider that it has not yet received the details. ¶ If Congress sends a joint resolution of disapproval to Obama (meaning both chambers of Congress disapprove of the deal), it would trigger a new timeline. He would have 12 days to veto the resolution. That's likely, considering his promise Tuesday morning to veto anything that would hamper the deal's implementation. ¶ Following an Obama veto, Congress would have 10 days to vote to override his veto, which would require a two-thirds majority of both chambers of Congress. ¶ If both chambers vote to override, it would prevent Obama from suspending sanctions on Iran related to its nuclear program. ¶ Simple math, then, is in favor of the Iran deal moving along through Congress unscathed. ¶ Nevertheless, the deal has not only become just about universally unpopular among Republican members of Congress. It's also opposed by a chunk of Democrats normally aligned with Obama on both domestic- and foreign-policy matters. ¶ Sen. Chuck Schumer (D-New York), the third-ranking Democrat in the Senate and the incoming Democratic leader after Sen. Harry Reid's retirement next year, said he'd be going through the deal with a "fine-toothed comb" before deciding whether or not to support it. Rep. Eliot Engel (D-New York), the top Democrat on the House Committee on Foreign Affairs, said likewise that he'd have to go through the details – but added that he's been "troubled" by the negotiations. ¶ Many congressional observers consider it likely that Congress will pass an initial resolution of disapproval. Thereafter, it will again become another question of math. ¶ "The rhetoric and behavior from Iran's ayatollahs has been so provocative in recent months that Congress is surprisingly united in its opposition to the nuclear deal that was announced this morning," said Greg Valliere, the chief political strategist at Potomac Research Group. ¶ "Furious lobbying against the deal, from pro-Israeli groups in particular, will begin immediately as a 60-day review period starts. There's little doubt that both houses will pass a resolution of disapproval. ¶ A veto override would require at least 13 Democrats in the Senate and 44 in the House to break with their party and president – if all Republicans are united in their opposition. ¶ There were 20 Democratic cosponsors of the legislation that eventually gave Congress a say in the negotiations. Some congressional GOP aides believe at least 13 of those Democrats and Sen. Angus King (I-Maine), an independent who caucuses with Democrats, are swayable.

The Iran deal will advance – Republicans can't overcome the veto.

Patricia Zengerle 7-14-15, Journalist for Reuters, 7/14/15, "Iran deal faces fight in US congress but will likely survive", <http://www.reuters.com/article/2015/07/14/us-iran-nuclear-congress-process-idUSKCN0PO1HJ20150714>

*edited for ableist language

The nuclear deal between world powers and Iran starts a new phase of intense negotiation - this time between the Obama administration and the U.S. Congress, where some Republicans have long been working to sink an agreement. Any effort in Congress to overturn the deal will face an uphill fight. Republicans have majorities in both the House of Representatives and Senate, but they would need the support of dozens of President Barack Obama's fellow Democrats to sustain a "resolution of disapproval" that could cripple [end] a deal. The odds of that are slim. A resolution of disapproval would need only the Republican majority to pass the House, but would require at least six Democrats to get the 60 votes needed to advance in the Senate. The chances of mustering enough support to then overrule an Obama veto are slimmer still.

PC Key

JCPOA close to passing-but rejection is still possible-PC KEY.

Ryan Costello 14, National Iranian American Council, 11/5/14, "Can Obama and the Republican Congress Seal an Iran Nuclear Deal?",

http://www.huffingtonpost.com/ryan-costello/can-obama-and-the-republi_b_6108300.html

With the Republicans gaining control of both houses of the U.S. Congress, polarization and partisan gridlock are likely to continue to grip Washington. The grim political outlook has already cast a shadow over nuclear negotiations with Iran, where a diplomatic breakthrough remains within reach as the parties near a November 24 deadline for a comprehensive deal. While the parties have a number of difficult choices left to make, the risks of failing to reach an agreement by the November deadline (or shortly thereafter) are significantly higher than they were in July. Given the landscape of domestic politics in both the U.S. and Iran, there may not be a better chance to ink a durable deal than over the next few weeks. Since the U.S. and UN powers secured an interim agreement to freeze Iran's nuclear program last November, President Obama has worked closely with congressional allies to prevent any new sanctions from passing that would violate that agreement. Republicans in the minority clamored to vote on new Iran sanctions, but their motivations could have been due to politics rather than policy. An affirmative vote on Iran sanctions would have killed the agreement, likely fracturing international unity on the sanctions and potentially pushing the U.S. and Iran toward military confrontation. Fortunately, Congress held off, enabling us to test Iran's intentions. As a result, the interim agreement has been an unmitigated success. Iran has capped enrichment at the 5 percent level, eliminated its stockpile of uranium enriched to the 20 percent level, and frozen the number of centrifuges it is operating. Further, Iran has enabled daily access to its enrichment facilities, compared with bimonthly inspections before the deal. However, the future Republican Senate could tip the scales in favor of Congress passing new Iran sanctions. Majority Leader Harry Reid (D-NV) sought to avoid such a vote to allow negotiations to proceed. However, with Mitch McConnell (R-KY) as Majority Leader, a vote on new Iran sanctions becomes far more likely -- regardless of the outcome of talks. McConnell has pursued a policy of obstruction over the past six years, seeking to deny the President any significant policy achievements and then blaming the president for Washington's dysfunction. Despite the obvious benefits of a nuclear deal and the dire consequences of failure, McConnell could continue his policy of denying the president a share of any policy wins.

Obama Lobbying

Obama Lobbying For Iran Deal- The Daily Show and Twitter Campaigning Shows.

Julia **Edwards** 7/21, reporter, 7/21/15, "Obama pitches Iran deal to vets, Daily Show's Stewart", <http://www.reuters.com/article/2015/07/21/us-usa-obama-iran-idUSKCN0PV2GL20150721>

President Barack **Obama's campaign to convince Congress to support the Iran nuclear deal led him** on Tuesday **to a veterans' convention and The Daily Show**, where he took jabs at those **opposing the agreement**. In a back and forth on Comedy Central's nightly political satire show, Obama pushed back against hard questions from host Jon Stewart. **"This [Iran] is an adversary. They are anti-American, anti-Semitic, [and] they sponsor terrorist organizations like Hezbollah," Obama said** of Iran. "Sounds like a good partner for peace," Stewart responded sarcastically. **"Well, as has been said frequently, you don't make peace with your friends."** Obama said. **"The issue here is, do we want them having a nuclear weapon? The answer is no."** **Obama urged Americans to write their representatives in Congress to express their opinion of the deal**. Tuesday's **efforts widened the administration's efforts to gain support** for the deal, from Capitol Hill to the general public. Congress is reviewing the agreement, reached last week, and could vote to reject it. **The process has prompted a lobbying effort on Capitol Hill from both the Obama administration and opponents of the accord. The White House started the Twitter handle @theiranddeal on Tuesday to inform Americans about the contents of the agreement. Speaking to thousands of veterans at the 116th annual Veterans of Foreign Wars conference in Pittsburgh, Obama pushed back against Republicans who oppose him on the issue.** "Some of the same politicians and pundits that are so quick to reject the possibility of a diplomatic solution to Iran's nuclear program are the same folks who were so quick to go to war in Iraq and said it would take a few months," Obama said.

Obama will push for the Iran deal

Gulf News 7-14-15, Middle Eastern News Agency, 7/14/15, "For Obama, another hurdle remains ahead of Iran deal", <http://gulfnews.com/news/mena/iran/for-obama-another-hurdle-remains-ahead-of-iran-deal-1.1550376>

Grumblings from Congress Republicans started soon after Obama's address.¶ US Republican House Speaker John **Boehner criticised the deal, saying Obama had "abandoned his own goals."**¶ The Republican chairman of the US House of Representatives Foreign Affairs Committee said it does not require Tehran to dismantle bomb-making technology and will allow it to develop an industrialised nuclear programme in ten years.¶ **"The deal they have struck is looking like a tough sell."** US Representative Ed Royce, who will convene a hearing on the deal on Tuesday morning, said in a statement.¶ **The deal starts a new phase of intense negotiation — this time between the Obama administration and the US Congress, where some Republicans have long been working to sink an agreement.**

IL

Deal fail in congress = no talks

Failure of the deal to pass congress would collapse the entire deal.

Karen **DeYoung et al.** 4-15-15, Karen DeYoung, Mike DeBonis, Daniela Deane are all journalists for the Washington Post, 4/15/15, "Iran leader: We are in talks with 'the major powers,' not the U.S. Congress", https://www.washingtonpost.com/world/iran-says-it-is-negotiating-with-world-powers-not-the-us-congress/2015/04/15/a828b2f0-e349-11e4-81ea-0649268f729e_story.html

Iranian President Hassan Rouhani said Wednesday that Tehran was negotiating a comprehensive nuclear deal with world powers, not the U.S. Congress, and called a Senate committee's vote to give Congress the power to review any potential deal an American domestic matter.¶ The Iranian leader, in a televised speech in the northern Iranian city of Rasht, also repeated earlier statements that his country will not accept any comprehensive nuclear deal with world powers unless all sanctions imposed against it are lifted.¶ "We are in talks with the major powers and not with the Congress," Rouhani said, Iranian state television reported. Rouhani said the U.S. Congress's power to review a nuclear deal with Iran was a domestic U.S. matter, the Reuters news agency reported.¶ He said Iran wanted to end its isolation by fostering "constructive interaction with the world and not confrontation."

Deal k2 relations

The Iran deal is key to increased relations with Iran – eliminates distrust by integrating Iran into the global economy.

Oren **Dorell** 7-14-15, Journalist for USA Today, 7/14/15, "Nuclear deal spurs prospect for better U.S.-Iran relations", <http://www.usatoday.com/story/news/world/2015/07/14/iran-deal-spurs-hopes--better-us-iran-relations/30084011/>

The nuclear deal between world powers and Iran offers the prospect that the United States and the Islamic Republic may embark on a new, less hostile relationship after 36 years of open enmity. Tuesday's landmark accord [The nuclear deal], which will lift U.S. and international sanctions on Iran in return for its nuclear restraint, will provide Iran with increased trade and the opportunity to integrate its economy and culture more fully with the rest of the world. In Tehran, thousands of people flooded city streets to celebrate the deal amid hopes for more contact with the West, which many crave. The agreement marks the first time the two countries have engaged in direct and open diplomacy in more than a generation. And it puts to rest for now a threat by President Obama to resort to force if necessary to prevent Iran from obtaining a nuclear weapon, something Iran always has denied seeking. The deal could alter a recent history of conflict and lead the two nations toward a more cooperative relationship, both Obama and Iranian President Hassan Rouhani said Tuesday. Obama noted that Iran "has been a sworn adversary of the United States for over 35 years." He urged the Iranian people and their leaders to move away from violence, rigid ideology and threats to eradicate Israel. "A different path, one of tolerance and peaceful resolution of conflict, leads to more integration into the global economy, more engagement with the international community, and the ability of the Iranian people to prosper and thrive," Obama said. "This deal offers an opportunity to move in a new direction. We should seize it." Rouhani said the agreement begins "a new chapter" in Iran's relations with the world community. If the deal is carried out, "we can gradually eliminate distrust," he said in Tehran.

Iran Deal Key To Build U.S-Iran Relations- Rouhani's (Iran President) Statements Show Babak Dehghanpisheh 4/3, Newsweek magazine's Baghdad Bureau Chief, and Ori Lewis 4/3, journalist, 4/3/15, "Iran president views nuclear deal as start of new relationship with world", <http://www.reuters.com/article/2015/04/04/us-iran-nuclear-idUSKBN0MQ0HH20150404>

Iran's president said on Friday that a framework for a nuclear deal was just the first step toward building a new relationship with the world, after Iranians greeted the announcement of the accord with celebrations in the streets. U.S. President Barack Obama also hailed what he called a "historic understanding," although diplomats cautioned that hard work lies ahead to strike a final deal. That work will include efforts by Obama to sell an eventual accord to critics at home, and to close ally Israel, which denounced the interim agreement and pressed for more safeguards in coming negotiations. The tentative agreement, struck on Thursday after eight days

of talks between Iran and six world powers in Lausanne, Switzerland, clears the way for a settlement to allay Western fears that Iran could build an atomic bomb, with economic sanctions on Tehran being lifted in return. It marks the most significant step toward rapprochement between Washington and Tehran since the 1979 Iranian revolution, and could potentially end decades of international isolation, with far-reaching political consequences in the Middle East. In a televised speech on Friday, Iranian President Hassan Rouhani, a relative moderate elected in a landslide two years ago on a promise to reduce Iran's isolation, said the nuclear talks were just the start of a broader policy of opening up. "This is a first step towards productive interactions with the world," he said. "Today is a day that will remain in the historic memory of the Iranian nation," he added. "Some think that we must either fight the world or surrender to world powers. We say it is neither of those, there is a third way. We can have cooperation with the world."

Iran Deal Key

Deal key to prevent nuclear war

Vince Gallo 7/23, Buffalo News Reporter, 7/23/15, “Congress should prevent war and vote in favor of Iran deal”,

<http://www.buffalonews.com/opinion/letters-to-the-editor/letter-congress-should-prevent-war-and-vote-in-favor-of-iran-deal-20150723>

In a **nuclear world**, the planet is too small for any elevated conflicts. The **United States**, our allies and **Iran** recently **reached a deal to stop Iran** from building nuclear weapons. **This historic agreement is an opportunity to resolve one of America’s biggest security concerns through diplomacy, not war.**

I hope my members of Congress will publicly defend and support this deal. **If Congress kills this good deal, Iran could unfreeze its nuclear program, which means either Iran gets a nuclear bomb or we have to fight another war in the Middle East.**

After **over a decade of war** in Iraq, Afghanistan and now Syria, Americans like me are tired of war. **Congress should seize this opportunity to vote for a deal – not war – with Iran.**

Rejection Of The Iran Deal Is Critical To Prevent Another War- Current Events Show This Is True.

Richard Kirsch 7/24, contributor, 7/24/15, “Rejecting Iran deal is what really pours gasoline on fire of war”, <http://thehill.com/blogs/pundits-blog/international/249051-rejecting-iran-deal-is-what-really-pours-gasoline-on-fire-of>

Presidential candidate and U.S. Sen. **Lindsey Graham (R-S.C.)** got a lot of **attention** recently for **saying that the agreement with Iran was like taking a "can of gasoline and [throwing] it on a fire."** But **Graham and other opponents** of the negotiations **have it backwards: It is resorting to the use of force and rejecting diplomacy that pours gasoline on the fire of war.**

Graham and the rest of the hawks should know better. After all, they pushed us into the disastrous war in Iraq, proclaiming that it was the only way to get rid of weapons of mass destruction that did not exist. Their actions cost us the death of thousands of our service men and women, grievance injury to tens of thousands more, and much greater casualties among Iraqis. They also created the unending cycle of unrest in Iraq that has led to the rise of the Islamic State in Iraq and Syria (ISIS). In fact, if we had not invaded Iraq, there would be no ISIS today. **Unfortunately, there are a host of other current examples** where the use of force pours gasoline on the fire. **In Libya, our military support for the rebellion led to continued civil war,** Benghazi and ISIS activity in Libya. **Drone attacks in Yemen helped to destabilize the government, plunging that country into civil war** and an air invasion from Saudi Arabia. The civilian toll in drone attacks in Pakistan, **more than 900** in the first five years, has only won more animosity toward the United States while terrorists have

continued to make gains. **For once**, instead of pouring more gasoline on conflicts, **the agreement with Iran to derail their nuclear weapons program is a stellar example of fire prevention.** The agreement blocks Iran's pathways to nuclear weapons. The breakout time to develop enough material for one bomb will be four times longer with a deal than without one. Rigorous **inspections will guard against cheating**, subject to the most intrusive inspections regime ever negotiated. Uranium will be subject to cradle-to-grave monitoring, which will deter and detect any diversion. **Inspectors will have access to all of Iran's nuclear sites and** will be granted access to **military sites if there are concerns** about illicit nuclear activities. U.S. sanctions will be suspended only after the International Atomic Energy Agency (IAEA) verifies that Iran has taken the key steps it agreed to as part of the nuclear deal. Because the U.S. sanctions architecture is only suspended, not terminated, sanctions can snap back into force if Iran reneges on its commitments. Remarkably and vitally, the agreement was negotiated with two world powers with whom the U.S. has shaky and sometime adversarial relationships: Russia and China. Their participation makes it much harder for Iran to violate the agreement. It also underscores why, if the U.S. rejected the agreement, Russia and China would likely support Iran's conclusion that the U.S. will reject any diplomatic solution and only seek to subjugate Iran. Unfortunately, Iran would be right in making that assertion. **Those who advocate for rejecting the agreement offer no alternative other than igniting a conflagration in Iran, which would put America and Americans in harms way, spread more hatred of the United States, create more terrorists and leave us diplomatically isolated.** There would be no option for tougher sanctions and our allies would not keep the ones we've had in place. **The only option if Iran moved toward nuclear weapons would be war. In today's global world, we have no choice but to work with others to solve the big problems.** It's the only way we can be effectively tough, not just rhetorically tough, as we have been both with the sanctions on Iran and with the agreement to derail their nuclear weapons program. **It's time we switched from being the world's policeman to organizing the world to prevent fires. Sen. Dianne Feinstein (D-Calif.) said on Sunday that the historic deal with Iran is the best chance for peacefully preventing Tehran's acquisition of nuclear weapons.**

Iran Deal Key To Prevent Iran's Acquisition Of Nukes- Iran Wants Deal.

Mark Hensch 7/19, staff writer, 7/19/15, "Iran deal 'our one opportunity,' Feinstein says", <http://thehill.com/policy/international/248453-iran-deal-our-one-opportunity-feinstein-says>

Sen. Dianne Feinstein (D-Calif.) said on Sunday that the historic deal with Iran is the best chance for peacefully preventing Tehran's acquisition of nuclear weapons. "This is our one opportunity," Feinstein, the ranking Democrat on the Senate Intelligence Committee, told host John Dickerson on CBS's "Face the Nation." "It is very likely that regardless of what we do, these nations will drop their sanctions," she said of the U.S. allies involved

in the deal. The Obama administration revealed its major diplomatic pact with Iran on July 14 from Vienna. It reduces economic sanctions on the Islamic nation in exchange for greater restrictions on its nuclear arms research. Feinstein argued on Sunday that the deal was made possible by drastic changes in Iranian leadership. "We have a moderate, elected government that wants to make a change," she said of Iranian President Hassan Rouhani. "We'll see if it is enough to make that change," she added. Ayatollah Ali Khamenei, Iran's supreme leader, has long antagonized the U.S., Israel and America's other allies. Rouhani, in contrast, has struck a more conciliatory tone with Washington since his election in 2013.

Key + AT: Circumvention

Iran Nuclear Deal Vital To Prevent Middle Eastern War And Has Provisions That Will Prevent Circumvention

ABC News 7/15, News, 7/15/15, "Iran nuclear deal needed to avoid 'more war in Middle East', US president Barack Obama says",

<http://www.abc.net.au/news/2015-07-16/iran-nuclear-deal-needed-to-avoid-more-war-in-the-middle-east/6623314>

US president Barack Obama has insisted the landmark Iran nuclear agreement is the best way to avoid a nuclear arms race and more war in the Middle East. Mr Obama made his case in a nationally televised news conference responding to critics at home and abroad after Iran and six world powers sealed an accord in Vienna to restrict Tehran's nuclear program in exchange for sanctions relief. "Without a deal there would be no limits to Iran's nuclear program and Iran could move closer to a nuclear bomb," he said. "Without a deal we risk even more war in the Middle East." Mr Obama said if the US did not seize the opportunity for a deal "future generations will judge us harshly". The agreement is a political triumph for Mr Obama — who has made outreach to America's enemies a hallmark of his presidency — but it is also seen as his biggest foreign policy gamble since taking office in 2009. He is now spearheading an intense White House push to counter Republican critics in Congress and reassure nervous US allies such as Israel and Saudi Arabia. Critics say the deal contains loopholes, especially in regards to the inspection of Iran's procedures and facilities, and will provide Tehran with an infusion of unfrozen assets to fund its proxies in sectarian conflicts ranging from Syria to Iraq to Yemen. Mr Obama argued a "snap-back" mechanism contained in the agreement to restore sanctions if Iran cheated would ensure it faced real consequences for not keeping its nuclear commitments. But he acknowledged that although he hoped the international deal would encourage Iran to rein in its aggressive conduct in the region, he was not betting on a change. "Without a deal, the international sanctions regime will unravel, with little ability to reimpose it," Mr Obama said. "With this deal, we have the possibility to peacefully resolve a major threat to regional and international security." Mr Obama said there would have been a risk of more fighting in the Middle East without a deal and other countries in the region would feel compelled to pursue their own nuclear programs "in the most volatile region in the world". He said the deal would cut off all of Iran's pathways to a nuclear weapons program, but he expected a robust debate in Congress over it.

AT: Circumvention

The JCPOA will work and prevent circumvention- provision text shows.

Paul Heroux 7/21, state representative of Massachusetts, 7/21/15, “Nuclear Iran: How and Why The JCPOA Will Work”,

http://www.huffingtonpost.com/paul-heroux/nuclear-iran_b_7832554.html

If any of these or other provisions of the JCPOA are violated, there is an agreed upon **Dispute Resolution Mechanism** that beings in section 36 of the plan. Section 36 talks about the process for submitting a concern over a breach in the agreement. It continues: 36 -- If the issue still has not been resolved to the satisfaction of the complaining participant, and if the complaining participant deems the issue to constitute significant nonperformance, then that participant could treat the unresolved issue as grounds to cease performing its commitments under this JCPOA in whole or in part and/or notify the UN Security Council that it believes the issue constitutes significant non-performance. This section is saying that there is a way for the U.S. to file for a complaint that Iran is in **breach of its obligations**. Section 37 states that: 37 -- If the resolution described above has not been adopted within 30 days of the notification, then the provisions of the old UN Security Council resolutions would be re-imposed, unless the UN Security Council decides otherwise One reassuring thing about this provision is that U.S. could veto if the four other members of the UNSC decided otherwise. What this section is doing is **effectively snapping back into place the sanctions that were in place before this plan** would take effect **if the US or any party decides that Iran is in non-compliance** of its obligations agreed to under the plan. 24 Days?

The JCPOA “24 Day Provision” Is Not An Issue- They Can’t Clean Up On Time

Paul Heroux 7/21, state representative of Massachusetts, 7/21/15, “Nuclear Iran: How and Why The JCPOA Will Work”,

http://www.huffingtonpost.com/paul-heroux/nuclear-iran_b_7832554.html

There is a lot of **concern about the 24-day provision but there need not be**. First of all, **24 days is not specified** in the JCPOA. There is a **multiple step** process that arrives at 24 days. Second, if **Iran would to cheat** and try to produce nuclear materials for a weapon at an undisclosed location, **nuclear experts are in agreement that it could not be cleaned up in 24 days**. Nuclear materials leave trace particles that **can be detected** by IAEA inspectors. Fourth, Iran agreed that access "will be exclusively for resolving concerns regarding fulfilment of the JCPOA commitments and Iran's other non-proliferation and safeguards obligations." And finally, the **JCPOA states** that if Iran is unable to: Q.78 -- **verify the absence of undeclared nuclear materials and activities** or activities inconsistent with the JCPOA at the specified locations within 14 days of the IAEA's original request for access, **Iran**, in consultation with the members of the Joint Commission, **would resolve the IAEA's concerns** through necessary means agreed between Iran and the IAEA. In the absence of an agreement, the members of the Joint Commission, by consensus or by a vote of 5 or more of its 8 members, would advise on the necessary means to

resolve the IAEA's concerns. The process of consultation with, and any action by, the members of the Joint Commission would not exceed seven days, and Iran would implement the necessary means within 3 additional days. What this means is that the dispute resolution mechanism kicks in and the snapback provision takes effect putting the crippling sanctions back on Iran.

Iran Is Forced To Comply With Agreement- Circumventing Means Economic Collapse.

Paul Heroux 7/21, state representative of Massachusetts, 7/21/15, “Nuclear Iran: How and Why The JCPOA Will Work”,
http://www.huffingtonpost.com/paul-heroux/nuclear-iran_b_7832554.html

Conclusion The contrast between the way President Bush addressed Iraq's suspected WMD program and the way that Obama addressed Iran's nuclear program could not be starker. The sanctions that were placed on Iran under President Obama were effective in getting Iran to negotiate. Sanctions hurt Iran: Iran's unemployment rate is well over 10 percent. Inflation has been up to nearly 40 percent in recent years and is down to about 15 percent right now. Their economy was suffering from a recession and negative growth in recent years. The sanctions were working. Iran agreed to this plan and has everything to gain by adhering to it. Without the sanctions Iran would not have negotiated. Without the JCPOA, there would be no inspection process. With no inspection process, Iran may or may not pursue a nuclear weapon, something it has said many times that it is not and will not pursue. The alternatives that have been proposed by several candidates running for President in the U.S. have no chance of any support in the international community. It was only because the U.S. led international effort to sanction Iran that the sanctions were effective. The U.S. cannot and should not do it alone, as several of the presidential candidates have suggested. Centrifuge enrichment is how Iran probably could first produce enough fissile material for a weapon. The JCPOA blocks this. Covert action is a concern for many. The JCPOA blocks this and has several mechanisms to address this or cheating. If Iran cheats under this plan, the plan still ensures success by snapping back the sanctions. All of this scrutiny comes on the heels that the West and the EU don't trust Iran. But let us not forget that there is no evidence of a nuclear weapons program, and there is no evidence that Iran has been pursuing a nuclear weapon capability. The 2007 NIE stated: **We judge with high confidence that in fall 2003, Tehran halted its nuclear weapons program; we also assess with moderate-to-high confidence that Tehran at a minimum is keeping open the option to develop nuclear weapons.** Any belief to the contrary is in error, or at the very minimum, the critics need to prove there is a nuclear program designed to cause harm.

**Iran Cant Hide Their Nuclear Activity- Inspectors Can Still Uncover The Truth.
Tim Deveaney 7/19, author, 7/19/15, "Obama aide: 'Virtually impossible' for
Iran to hide nuclear activity", [http://thehill.com/policy/international/248444-
energy-secretary-virtually-impossible-for-iran-to-hide-nuclear-activity](http://thehill.com/policy/international/248444-energy-secretary-virtually-impossible-for-iran-to-hide-nuclear-activity)**

One of the Obama administration's top negotiators is defending the controversial Iranian nuclear agreement from critics who say it does not go far enough to protect the West. **Under the agreement, it will be "virtually impossible" for Iran to cover up nuclear activity**, Energy Secretary **Ernest Moniz says**. "We are better off forever in terms of Iranian nuclear activity under this agreement than we would be without it," Moniz told "Fox News Sunday." Moniz made the rounds on the Sunday morning political talk shows. Critics have suggested the nuclear agreement gives Iran too much leeway to secretly build a weapon. One of the chief concerns is that investigators could be forced to wait 24 days before inspecting covert sites suspected of nuclear activity. Some fear this will give Iran enough time to hide any traces of such activity. "You wouldn't tell a drug dealers, give them a 24-day notice," Israeli Prime Minister Benjamin Netanyahu, one of the deal's biggest critics, said. "They'd just flush the drugs down the toilet." **But Moniz said three weeks is a "reasonable" amount of time to inspect for nuclear activity.** Flushing things down the toilet "is not so simple with nuclear materials," he told ABC's "This Week." **"We are very confident in our ability to detect the vestiges of any nuclear work beyond 24 days."** Eventually, inspectors would collect environmental samples. **"When environmental samples are taken and nuclear activity has taken place, it is virtually impossible to clean up that place,"** Moniz said on "Fox News Sunday." **You can paint the floors, you can do what you want. We feel very confident that we would find evidence of nuclear activity."** The key for western negotiators was "getting a defined timeframe" so Iran couldn't hold inspectors out for more than 24 days, Moniz said on CBS's "Face the Nation." "The part of the agreement that is absolutely critical is the one that prevents them from having a weapon," Moniz told CNN's "State of the Union." "There's a lot more you need for a nuclear explosive and if you look at the agreement you will see an indefinite commitment to not pursuing four major activities needed for a weapon," he added on Fox. Moniz said the Obama administration is simply trying to clean up a mess left by the Bush administration. "The issue of Iran having a nuclear program was already established in the previous administration," Moniz said. "Clearly, what we have done is we have dramatically limited and constrained the program."

AT: Disapproval

General + Key

There Is a HUGE amount of support for the Iran Deal- Statement by 60 National Security Leaders Show- Understands Deal Key.

Win Without War 7/20, a national leader in the fight to promote a more progressive national security strategy, 7/20/15, “60 National Security Leaders Support the Iran Deal”, <http://nowarwithiran.org/60-national-security-leaders-support-the-iran-deal/>

applaud the announcement that a Joint Comprehensive Plan of Action (JCPOA) has been reached with Iran to limit its nuclear program. We congratulate President Obama and all the negotiators for a landmark agreement unprecedented in its importance for preventing the acquisition of nuclear weapons by Iran.

Though primarily a nonproliferation agreement, the JCPOA has significant implications for some of America’s most important national objectives: regional stability in the Middle East, Israel’s security, dealing with an untrustworthy and hostile nation, and U.S. leadership on major global challenges.

This JCPOA will put in place a set of constraints and monitoring measures that will help to assure that Iran’s nuclear program will be for peaceful purposes only. Major U.S. objectives have been achieved: uranium enrichment limited to 3.67% and only at the Natanz plant; the Arak reactor will be re-designed to minimize the amount of plutonium produced and Iran is barred from separating plutonium and all spent fuel will be removed from Iran; a 98% reduction in Iran’s stockpile of low enriched uranium for 15 years; unprecedented surveillance of nuclear activities and control of nuclear related imports; a two-thirds reduction in the installed centrifuges for ten years; constraints on research and development of advanced centrifuges. The agreement will set up a highly effective multilayered program to monitor and inspect every aspect of Iran’s nuclear supply chain and fuel cycle, including continuous monitoring at some sites for 20-25 years, and permit inspections on short notice. We have followed carefully the negotiations as they have progressed and conclude that the JCPOA represents the achievement of greater security for us and our partners in the region.

We acknowledge that the JCPOA does not achieve all of the goals its current detractors have set for it. But it does meet all of the key objectives. Most importantly, should Iran violate the agreement and move toward building nuclear weapons, it will be discovered early and in sufficient time for strong countermeasures to be taken to stop Iran. No agreement between multiple parties can be a perfect agreement without risks. We believe without this agreement, the risks to the security of the U.S. and its friends would be far greater. We have also not heard any viable alternatives from those who oppose the implementation of the JCPOA.

We, the undersigned, have devoted our careers to the peace and security of the United States in both Republican and Democratic Administrations. U.S. presidents and Congresses over the past 20 years have joined in a bipartisan policy of sanctioning and isolating Iran to prevent a nuclear weapon. There was bipartisan understanding that when the Iranians indicated a readiness to talk the U.S. would lead the negotiations to test Iran’s seriousness. Indeed the Corker-Cardin

legislation, which was approved this past spring by an overwhelming bipartisan vote in both the House and Senate was signed into law by the President, defines the review process that the Congress will use over the coming months. Members of both political parties can deservedly take credit for bringing us to this moment.

We welcome the discussion that will unfold over the merits of this agreement. We urge members of Congress to be closely involved in the oversight, monitoring and enforcement of this agreement. As Congress was so diligent and constructive in pressing forward the highly effective sanctions regime that helped get Iran to the table, it must now play a key role in the implementation of the agreement which they helped bring about. Congressional approval will eventually be required to lift sanctions under the agreement. Arrangements now need to be made to assure that Congress is a full partner in its implementation.

Those who advocate rejection of the JCPOA should evaluate whether there is a feasible alternative for better protecting U.S. security and more effectively preventing Iran from acquiring a nuclear weapon. The consequences of rejection [of JCPOA] are grave: [1] the unraveling of international sanctions; [2] U.S. responsibility for the collapse of the agreement; and [3] the possible development of an Iranian nuclear weapon under significantly reduced or no inspections. A rejection of the agreement could leave the U.S. with the only alternative of having to use military force unilaterally in the future.

We call on the Administration to place the Joint Comprehensive Plan of Action in a strategic context: assuring our partners in the region that the United States remains fully committed to their defense and to countering any destabilizing Iranian actions in the region. We also call on the Administration, with the express support of the Congress, to make clear that it will remain the arm policy of the United States, during the agreement's initial 10 to 15 years as well as after key restrictions expire, to prevent Iran from acquiring a nuclear weapon by all available means.

[LIST OF SUPPORTERS] → You can list a couple if you want to show the significance of the approval

Amb. (ret.) Morton Abramowitz, Assistant Secretary of State for Intelligence and Research and Ambassador to Thailand and Turkey

Madeleine Albright, U.S. Secretary of State

Samuel Berger, U.S. National Security Advisor

Zbigniew Brzezinski, U.S. National Security Advisor

Amb. (ret.) Nicholas Burns, Under Secretary of State for Political Affairs and Ambassador to Greece

BGen. (ret.) Stephen A. Cheney, U.S. Marine Corps

Joseph Cirincione, President of the Ploughshares Fund

Amb. (ret.) Chester A Crocker, Assistant Secretary of State for African Affairs

Amb. (ret.) Ryan Crocker, Ambassador to Afghanistan, Iraq, Pakistan, Syria, Kuwait, and Lebanon

Tom Daschle, U.S. Senator and Senate Majority Leader

Suzanne DiMaggio, Director of the 21st Century Diplomacy Project at New America
Amb. (ret.) James Dobbins, Special Representative for Afghanistan and Pakistan
Robert Einhorn, Assistant Secretary for Nonproliferation and Secretary of State's Special Advisor for Nonproliferation and Arms Control
Amb. (ret.) Stuart E. Eizenstat, Deputy Treasury Secretary and Department of State's Special Envoy for Holocaust Issues in the Bureau of European and Eurasian Affairs
Michele Flournoy, Under Secretary of Defense for Policy
Leslie Gelb, Assistant Secretary of State for Political-Military Affairs and Director of Policy Planning and Arms Control at the Department of Defense
Morton H. Halperin, Director of Policy Planning, Department of State
Lee H. Hamilton, U.S. House of Representatives and Chairman of the House Foreign Affairs Committee
Amb. (ret.) William C. Harrop, Ambassador to Israel and Inspector General of the State Department
Gary Hart, U.S. Senator and Special Envoy to Northern Ireland
Stephen B. Heintz, President, Rockefeller Brothers Fund
Amb. (ret.) Christopher Hill, Assistant Secretary of State for East Asian and Pacific Affairs and Ambassador to Iraq, Korea, Poland, and Macedonia
Amb. (ret.) Carla A. Hills, U.S. Trade Representative
James Hoge, former Editor, Foreign Affairs Magazine
J. Bennett Johnston, U.S. Senator
Nancy Landon Kassebaum, U.S. Senator
LTG (ret.) Frank Kearney, U.S. Army
Carl Levin, U.S. Senator and Chairman of the Senate Committee on Armed Services
Amb. (ret.) Winston Lord, Assistant Secretary of State for East Asia and the Pacific, Ambassador to China and Director of State Department Policy Planning
Amb. (ret.) William H. Luers, Ambassador to Czechoslovakia and Venezuela
Jessica T. Mathews, Director of the Office of Global Issues of the National Security Council
George J. Mitchell, U.S. Senator and Senate Majority Leader
Amb. (ret.) William G. Miller, Ambassador to Ukraine
Amb. (ret.) Richard W. Murphy, Ambassador to Saudi Arabia and Assistant Secretary of State for Near Eastern and South Asian Affairs
Vali Nasr, Special Representative for Afghanistan and Pakistan and Dean of Johns Hopkins University SAIS
Richard Nephew, Director for Iran, National Security Council and Deputy Coordinator for Sanctions Policy at the Department of State
Joseph Nye, Assistant Secretary of Defense and Chairman National Intelligence Council
Paul O'Neill, U.S. Secretary of the Treasury
Admiral (ret.) Eric Olson, U.S. Navy and Commander of U.S. Special Operations Command
William Perry, U.S. Secretary of Defense
Amb. (ret.) Thomas Pickering, Permanent Representative to the United Nations, Under Secretary of State for Political Affairs, and Ambassador to Israel, Russia, India, United Nations, El Salvador, Nigeria, and Jordan
Paul R. Pillar, National Intelligence Officer for the Near East and South Asia

Amb. (ret.) Nicholas Platt, Ambassador to Pakistan, Philippines, and Zambia
Joe R. Reeder, Deputy Secretary of the Army and Chairman of the Panama Canal Commission
Donald W. Riegle, U.S. Senator
William Reinsch, Under Secretary of Commerce for Export Administration and President
National Foreign Trade Council
Amb. (ret.) J. Stapleton Roy, Assistant Secretary for Intelligence and Research and Ambassador
to China, Indonesia, and Singapore
Barnett R. Rubin, Senior Adviser to the Special Representative for Afghanistan and Pakistan
Karim Sadjadpour, Senior Associate at the Carnegie Endowment for International Peace
Gen. (ret.) Brent Scowcroft, U.S. National Security Advisor
RADM (ret.) Joe Sestak, U.S. Navy, Deputy Chief of Naval Operations for Warfare
Requirements and Programs
Gary Sick, National Security Council Member for Iran and the Persian Gulf
Jim Slattery, U.S. House of Representatives
Anne-Marie Slaughter, Director of Policy Planning, the Department of State
Mark Udall, U.S. Senator
Amb. (ret.) Nicholas A. Veliotis, Assistant Secretary of State for the Near East and South Asia
and Ambassador to Egypt and Jordan
Amb. (ret.) Edward S. Walker, Jr., Ambassador to Israel, Egypt, and United Arab Emirates
James Walsh, Research Associate at MIT's Security Studies Program
Col. (ret.) Lawrence Wilkerson, U.S. Army, Chief of Staff to the Secretary of State
Timothy E. Wirth, U.S. Senator
Amb. (ret.) Frank Wisner, Under Secretary of State for International Security Affairs and
Ambassador to India, Egypt, the Philippines and Zambia

* The signers of this statement were either former senior officials of the U.S. government or prominent national security leaders who have not held senior government positions. The positions listed after the names of the former government officials are senior posts held while in office. The positions listed after the names of those who were not from the government are listed with their current position.

A2 Oil DA

Iran won't flood the market – infrastructural and investment issues will keep output consistent and safe.

Jordan **Golson 7-5-15**, Journalist for Wired, 7/15/15, "LOOK, DON'T FREAK OUT ABOUT IRANIAN OIL FLOODING THE MARKET", <http://www.wired.com/2015/07/look-dont-freak-iranian-oil-flooding-market/>

IRANIAN OIL WILL soon hit the global market, thanks to sanctions being lifted as part of the historic deal reached yesterday to regulate the country's nuclear program.¶ **Some are suggesting that this will flood global markets with oil** at a time when prices are already incredibly low (thanks, in part, to high production from the US and Saudi Arabia). So, should you go out and buy a gas-guzzler and scrap your plans to save up for an electric car?¶ Uh, **no. To the extent that an increase in Iranian oil production will have an effect on the global price of gas, it will be slight and delayed.**¶ "Most of what is assumed can be delivered [from Iran] **has already been priced into the market.**" says Sarah Ladislaw, director of the Energy and National Security Program at the Center for Strategic & International Studies. "We really **don't know how quickly they can ramp up investment and what the state of their fields looks like.**"¶ **According to projections from three energy monitoring agencies, the global demand for crude oil amounts to 30 million barrels a day. Iran wants to double exports up to 2.3 million barrels per day, a far cry from the 6 million barrels per day it was making in the '70s,** before the 1979 revolution. The country's oil minister says it can increase exports by 500,000 barrels per day as soon as sanctions are officially lifted (expected late this year), with another 500,000 per day added over the next six months.¶ But **it's questionable how much oil the country's export infrastructure can handle without significant investment—everything from tankers, pipelines and the wells themselves can affect total production.** And **most of that investment will need to come from western oil companies. The question remains of how much they will want to invest in Iranian production, and when they'll be able to.**¶ "Investors are very **cautious.**" says Ladislaw. "They'll look at how the agreement is being implemented and if things are going well. They need some sense of whether or not their investment could be put at risk."¶ **Even members of OPEC appear to disagree about what the impact of Iranian oil will be.** An emergency meeting may be held to discuss the fallout from increased Iranian production.¶ **The global oil market is incredibly complicated,** with enough moving parts to fill a supertanker. **The potential for increased production from Iran isn't enough to spike or crash gas prices.** It's just all way too complicated for that.

Iran doesn't have the capabilities to flood the market and doesn't have the incentive to do it anyways.

Felicity **Capon 3-26-15**, Journalist for Newsweek-Europe, 3/26/15, "Fears That Iran Will 'Flood' the Oil Market Exaggerated", <http://europe.newsweek.com/fears-iran-will-flood-oil-market-exaggerated-317001>

Oil industry experts say it is unlikely that Iran will flood the market with oil **if sanctions are lifted** as a result of Iranian nuclear talks, quelling fears that the talks would spook the markets.¶ Negotiations between Iran and the U.S., UK, France, Russia, China and Germany - the so-called P5+1 group - reconvene this week, with the aim of curtailing Iran's controversial nuclear programme, in exchange for the lifting of crippling international sanctions.¶ Iran already has large amounts of oil in storage which have been extracted, say experts. **Although it is a state secret exactly how much oil Iran has stored,**

analysts predict it could be as much as 37 million barrels. There have been reports that an injection of hundreds of thousands of barrels a day into the oil market, which is already struggling with oversupply, could depress prices further.¶ The International Energy Agency, an intergovernmental organisation, has warned that Iran "may be in a position to increase production and exports rapidly" if an agreement is reached, stating that "much of last year was spent making sure wells and processing units were up to scratch and pipeline systems were tested".¶ Western sanctions aimed at curtailing Iran's nuclear activities have reduced the country's crude output to about 2.8 million barrels per day, from 3.6 million barrels per day at the end of 2011. While Iran holds almost 10% of the world's proven reserves, financial sanctions have made it extremely difficult for Iran to attract foreign investment needed in order to pump the oil out of the ground.¶ However, energy analysts say concerns that Iran could quickly reboot production in the event of successful negotiations have been exaggerated.¶ "A lot of reports misunderstand how quickly Iranian oil could recover," says Richard Mallinson, geopolitical analyst at consultancy Energy Aspects. "It's a big challenge for Iran - can it increase its production?" Iranian ministers say they are very confident and they have ambitious targets but at the moment they are producing less than three million barrels per day, and because western sanctions on Iran's oil sector back to the 1990s, that has taken its toll on Iran's production capabilities.¶ Mallinson estimates that towards the end of this year and into 2016, Iran would only be likely to lift production to 3.1 million barrels per day, from 2.8 million barrels per day now. "Even if 30 million barrels held in floating storage are released over April, May and June, that will amount to just over 300,000 extra barrels a day," he says. "That's a noticeable amount, but it's not a flood."¶ Demand has also begun to grow since the fall in global oil prices at the beginning of the year. "Demand for oil is coming in much stronger than expected because of the lower prices," says Mallinson, "so the size of the global oversupply is not as big as many had predicted. I don't think we'll see prices drop down to the lows we saw in January, because of this better demand."¶ Valerie Marcel, an associate fellow at Chatham House, agrees. "It's been a bit exaggerated that there will be a flood," she says. "To get to that stage would take some time; it's not like just turning on a tap to get the oil pumping again."¶ Marcel also says it would not be in Iran's interests to flood the market. "It's a tricky situation," she says. "On the one hand Iran will be desperate for cash and will want to maximise the revenues for what they have. But if they flood the market the price will really fall and they won't be making the best of what they have, so there's no incentive."¶ Yet there is a concern that Iran will try to recover its market share by offering low prices. "Iran has lost a lot of market share in critical Asian markets," she continues, "which has been taken back by Saudi Arabia, so Iran might start offering a good deal to get their market share back. I expect there will be a big competition between Saudi Arabia and Iran. They'll be fighting for market share, which will drive down price."

ECON Turn

Iran Deal Key To Prevent War With Iran And As A Result Prevent U.S Economic Collapse-5 things.

Michael Snyder 10, American Author, 6/29/10, "7 Potential Economic Effects Of A War With Iran", <http://theeconomiccollapseblog.com/archives/7-potential-economic-effects-of-a-war-with-iran>

So just **what would a war** between Israel and Iran [U.S would get involved too because they're allies with Israel] **mean for the world economy?** The following are 7 potential economic effects of a conflict between Israel and Iran.... **#1) The Price Of Oil Would Skyrocket** – One of the very first things **a war with Iran would** do is that it would severely constrict or even **shut down oil shipments** through the Strait of Hormuz. Considering the fact that approximately **20% of the world's oil flows through the Strait of Hormuz**, world oil markets would instantly be **plunged into a frenzy**. In fact, some **analysts believe** that oil **prices would rise to \$250 per barrel**. So are you ready to pay 8 or 10 dollars for a gallon of gasoline? What do you think that would do to the U.S. economy? The truth is that **every single transaction that we make every single day is influenced by the price of oil**. If the price of oil **suddenly doubles or triples** that would absolutely **devastate the** already very **fragile U.S. economic system**. **#2) Fear Would Explode In World Financial Markets** – Even without a war, the **dominant force in world financial markets in 2010 is fear**. We are already seeing **unprecedented volatility in financial markets around the globe**, and there is nothing like a war to **turn fear into** a full-fledged **panic**. And **what happens when panic grips financial markets?** What happens is that **they crash**. **#3) World Trade Would Instantly Seize Up** – Once upon a time the economies of the world were relatively self-contained, so a war in one area would not necessarily wreck economies all over the globe. But all of that has changed now. Today, **the economies of virtually every nation are highly interdependent**. That has some advantages, but it also has a lot of disadvantages. **If a war with Iran did break out, nations all over the globe would start taking sides** and world trade would **seize up**. The **global flow of goods and services would be severely interrupted**. That would be enough to push many **nations around the world into a full-blown depression**. **#4) Military Spending Would Escalate** – Even if the **United States was not pulled directly into a conflict between [such as] Israel and Iran**, there is little doubt that **the U.S. would be spending a lot of money and resources to support Israel [or an ally] and to build up military assets in the region in case a wider war broke out**. The U.S. has already spent somewhere in the neighborhood of **a trillion dollars** on the wars in Iraq and Afghanistan. If war does break out with Iran **the amount of money the U.S. government could be forced to spend could be absolutely staggering**. The truth is that **the U.S. is already drowning in debt**. At this point **the U.S. government is over 13 trillion dollars in debt, and another Middle East war is certainly not going to help** things. **#5) Russia Would Greatly Benefit** – Russia and other major oil producers outside of the Middle East would greatly benefit if a war with Iran erupts. Russia is already the number one oil producer in the world, and if supplies out of the Middle East were disrupted for any period of time it would

mean an unprecedented windfall for the Russian Bear. #6) **[5] Massive Inflation** – A huge jump in the price of oil and dramatically increased military spending by the U.S. government would most definitely lead to price inflation. We would probably see a dramatic rise in interest rates as well. In fact, it is quite likely that if a war with Iran does break out we would see a return of “stagflation” – a situation where prices are rapidly escalating but economic growth as a whole is either flat or declining. #7) The Price Of Gold Would Go Through The Roof – When there is a high degree of uncertainty in world financial markets, where do investors turn? As we have seen very clearly recently, they turn to gold. As high as the price of gold is now, the truth is that it is nothing compared to what would happen if a war with Iran breaks out. When times get tough, we almost always see a flight to safety. Right now none of the major currencies around the globe provide much safety, so investors are increasingly viewing precious metals such as gold and silver as a wealth preservation tool. War is never pleasant. If war with Iran does break out it could potentially set off a chain of cascading events that would permanently alter the world economy for the rest of our lifetimes. So let us hope that war does not erupt. It wouldn't be good for anyone. But the reality is that at this point it almost seems like a foregone conclusion. Tensions in the Middle East are rising by the day, and all sides are certainly preparing as if they fully expect a war to happen. Even without a war with Iran, incredibly hard economic times are on the way, so if a war does happen it could mean a complete and total economic disaster.

HEG Turn

Rejecting The Iran Deal Will Only Hurt U.S. Hegemony- The U.S Will Take The Blame If Iran Doesn't Violate And No Deal Was Made.

Michael Krepon 7/15, the co-founder of the nonpartisan Stimson Center.

7/15/15, "The danger of a 'no' vote on the Iran deal",

<http://www.latimes.com/opinion/op-ed/la-oe-krepon-iran-deal-republican-resistance-20150715-story.html>

Congress voted to rid Saddam Hussein of weapons of mass destruction that did not exist. **Will it [congress] now act to block an agreement that verifiably limits Iran's all-too-real nuclear capabilities for a decade or more?** Nothing would **diminish U.S. global leadership, destabilize the Middle East, further exhaust American military forces and weaken the U.S. Treasury more than this one-two punch**. A "nay" vote by Republicans against the Iran deal **can have grave consequences even if they cannot override a presidential veto**. Division, mostly along party lines, **is never cost-free on national security issues**. Countries hedge against American leadership **even when U.S. foreign policies have a broad base of domestic support**. They hedge more when domestic divisions convey that U.S. policies are not sustainable. **Nuclear proliferation can be managed with this agreement; that becomes much harder if it unravels**. Capitol Hill has become a theatrical, **partisan battleground where lawmakers can cast votes in the confident expectation of coming up short**. Republicans can vote repeatedly against Obamacare without having to deal with the consequences of leaving millions of Americans without coverage because they can't override a presidential veto or the Supreme Court. Democrats can vote in large numbers against fast-tracking the Trans-Pacific Partnership because they know the White House will still be able to cobble together a majority. **Voting against the Iran agreement is different**. A deep partisan divide would send all the **wrong messages to U.S. friends, allies and adversaries**. What we need is **a bipartisan strategy to cope with the deal's downside risks and shore up our partners in the Middle East that will be affected** by the lifting of sanctions on Iran. This agreement reflects compromises that can be labeled as defects. They pale in comparison to the defects of a strategy to undo it.- Instead, Republicans are gearing up to oppose this deal, and to carry out a long campaign to block its implementation. Some sanctions covered by the deal can be lifted by executive order, others will need congressional approval. (Sanctions relating to human rights abuses and terrorist activities aren't part of the deal.) In Senate Majority Leader Mitch McConnell's words, **Republicans will continue to send an "unmistakable signal about congressional opposition to lifting sanctions."** **If Tehran violates the provisions of this agreement, it will be responsible for its demise and any consequences that follow. If, however, Tehran abides by its obligations, critics will still accuse Iran of violating provisions that the United States and its negotiating partners wanted but failed to get**. Right-wing opponents may also spin ambiguous Iranian behavior as a **kind of cheating to justify repeated votes to retain sanctions**. Such a strategy could unravel the deal in the future, and then **Washington, not Tehran, would bear primary responsibility** for its failure. **When one party lines up against an**

agreement of this importance, U.S. global leadership takes a **major hit**. America's allies in this deal — Britain, Germany and France — and all our allies in Europe and the Pacific **will be** badly shaken if congressional action indicates that **they cannot place trust in executive agreements reached with the United States**. Beijing and Moscow will be the greatest beneficiaries of weakened confidence in U.S. leadership. Only the governments of Israel and Saudi Arabia vociferously oppose this agreement. By seeking to undermine it, they are not acting as friends or allies. **They will lose more than they will gain if this agreement unravels**. The point of sanctions has been to isolate Tehran and to set the table for an effective and verifiable nuclear limitation agreement. **If Republicans block** implementation of **this agreement**, or if they sabotage it by repeatedly voting to retain sanctions once the deal is done, **Washington** rather than Tehran **will be isolated**, tougher sanctions if they are needed in the future will be a pipe-dream, **and Tehran will be off the hook**. The United States and its friends and allies will then face the worst of both worlds: an Iran that is under no obligations to limit its nuclear capabilities and that welcomes foreign investment. This agreement reflects compromises that can be labeled as defects. They pale in comparison to the defects of a strategy to undo it. The need of the hour is to avoid a partisan divide and instead to work up a bipartisan strategy to support friends in the region.

Iran DA Reverse Politics Northwestern

1NC – Reverse Politics

Iran deal will survive but veto override is possible—Obama’s sales pitch is key
Liptak, White House producer for CNN, **7/14/2015**

(Kevin, “Now that he has a deal with Iran, Obama must face Congress,”

<http://www.cnn.com/2015/07/14/politics/iran-nuclear-deal-congress-obama-block/>)

With a historic deal meant to curb Iran's nuclear ambitions in place, President Barack Obama has ticked off another legacy-making item on his checklist -- as long as Congress doesn't get in his way.¶ Early Tuesday, Obama launched a sales pitch to lawmakers who remain deeply skeptical of the nuclear deal. But while Congress retains the ability to nullify Obama's accord with Tehran, the high bar for action on Capitol Hill -- including building veto-proof majorities in just over two months -- will make it difficult for opponents to block the President.¶ In its most simplistic form, the deal means that in exchange for limits on its nuclear activities, Iran would get relief from sanctions while being allowed to continue its atomic program for peaceful purposes. Many of the more technical points of the deal weren't available Tuesday morning, and specifics could prove to be red flags for skeptical members of Congress, many of whom said they were still reviewing the specifics of the plan.¶ Congress has 60 days to review the deal, and if it opposes it can pass a resolution of disapproval to block its implementation. The administration now has five days to certify the agreement and formally present the deal to Capitol Hill. The clock on that 60 day period will not start until the official document is delivered to Capitol Hill.¶ The Republican controlled House has the votes to pass a resolution, but in the Senate Republicans would need to attract support from a half a dozen Democrats.¶ Because President Obama has already pledged to veto any bill to block the deal GOP leaders would need to convince enough Democrats to join with them to override his veto -- a heavy lift. How the public views the deal will be critical, as Members of Congress will be back home for several weeks this summer before any vote.¶ While Obama on Tuesday said he welcomed a "robust" debate over the deal's merits, he issued a warning to lawmakers considering blocking the agreement, bluntly threatening to veto any measure that would prevent the deal from going into effect.¶ "Precisely because the stakes are so high, this is not the time for politics," he said in an address from the White House. "Tough talk from Washington does not solve problems. Hard nosed diplomacy, leadership that has united the world's major powers, offers a more effective way of verifying Iran is not pursuing a nuclear weapon."¶ Like the completion earlier this month of a diplomatic renewal with Cuba, the deal with Iran provides Obama a tentative foreign policy achievement in the final year-and-a-half of his presidency. Both are built on the premise of engaging traditional U.S. foes, a vow Obama made at the very beginning of his presidency when he declared to hostile nations the United States would "extend a hand if you are willing to unclench your fist."¶ The deal -- which was finalized after almost two years of talks -- provides vindication for an administration that's sought to emphasize diplomacy over military force.¶ "This deal demonstrates that American diplomacy can bring about real and meaningful change," Obama said Tuesday, adding later that the deal "offers an opportunity to move in a new direction."¶ But even Obama himself has admitted there are risks inherent in striking an accord with a sworn U.S. enemy. Lawmakers, many deeply wary of those risks, now have 60 days to digest the provisions included in the deal with Iran, a two-month review period Congress insisted upon as the negotiations unfolded.¶ Obama was initially resistant to any congressional review of the Iran pact. But faced with overwhelming support among lawmakers for some kind of evaluation period, the White House ultimately conceded that Congress could be able to review the final deal before it takes full effect.¶ It won't be easy for Congress to inflict damage on the agreement. They must act quickly -- and the two-month period in which they can scuttle the plan includes a month-long August recess, and only a handful of working days.¶ Foreign Relations Committee Chairman Bob Corker told reporters Monday he expects to start hearings sometime shortly after the 60-day clock begins -- which will come sometime in the next five days, after the Director of National Intelligence completes a number of certifications to Congress about the deal, including that it meets U.S. non-proliferation objectives and does not jeopardize U.S. national security.¶ Corker said he

wants first to ensure senators have ample time to read the agreement and its classified annexes so they are "well versed" before hearing from the administration and any outside experts he plans to call to testify.¶ **Corker said he would like to complete hearings before the August recess -- which begins Aug. 7 -- so lawmakers have the recess to consider their positions.** Under this scenario, up or down votes on the deal itself would not happen until mid-September, he said.¶ In the House, a similar process and timeframe is also expected.¶ **Within the 60-day span, opponents of the measure must rally votes to either enact new sanctions against Iran, or to disallow Obama from easing sanctions as part of the deal, measures the President would veto.**¶ **Overriding the veto in Congress would require a two-thirds majority -- meaning in the Senate, Obama must only secure a minimum of 34 votes** in order for his deal to take effect. Additional time beyond the 60-day review period is included for Obama to veto any legislation, and for Congress to muster support for an override.¶ If lawmakers fail to pass any new restrictions during the review period -- which ends in mid-September -- the deal will go into place, and sanctions will be lifted in Iran.¶ **But among deeply skeptical senators, who worry about Iran's support for terror groups and incarceration of Americans, even 34 Democratic votes in support of Obama aren't necessarily assured.**¶ "Over this August recess there's going to be **fast-and-furious lobbying, and we don't know whether there will be 34 votes,**" said former Democratic Rep. Jane Harman, who now heads the Woodrow Wilson International Center for Scholars.

CP is unpopular -- Curtailing drone surveillance has bipartisan opposition backed by drone campaign contributors

Aaron **Mehta 12**, journalist, June 14, 2012, "Drones not used effectively on U.S. borders," <http://www.publicintegrity.org/2012/06/14/9141/drones-not-used-effectively-us-borders>

In the House, **a 55-member, bi-partisan Unmanned Systems Caucus is dedicated to expanding the use of drone technology.** Part of **the caucus' mission statement is "the urgent need to rapidly develop and deploy more Unmanned Systems in support of ongoing civil, military, and law enforcement operations."** The caucus is **headed up by Defense committee chair Buck McKeon (R-Calif.), a noted friend of the defense industry who has received campaign contributions from multiple drone manufacturers.**

Courts shield

Whittington 5 Keith E., Cromwell Professor of Politics – Princeton University, "'Interpose Your Friendly Hand': Political Supports for the Exercise of Judicial Review by the United States Supreme Court", American Political Science Review, 99(4), November, p. 585, 591-592

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including **presidents** and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected **officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves.** As Mark Graber (1993) has detailed **in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues** to direct legislative action, especially when the courts are believed to be sympathetic to the politician's own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. **For** cross-pressured **politicians** and coalition leaders,

shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity

without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

Iran deal leads to nuclear proliferation

Rogin 6/24/14 (Josh, writer for Bloomberg, "Clinton Defense Chief: Iran Deal Could Spark Proliferation", [//BW](http://www.bloombergview.com/articles/2015-06-24/clinton-defense-chief-iran-deal-could-spark-proliferation))

Gulf Arab powers are likely to respond to President Barack Obama's pending nuclear deal with Iran by developing their own nuclear programs, former Defense Secretary William Cohen said Wednesday. He said they don't trust either the Iranians or the United States to protect their interests. "The administration's intent was to have a counter-proliferation program. And the irony is, it may be just the opposite," he told a meeting of Bloomberg reporters Wednesday morning. As Secretary of State John Kerry prepares to meet Iranian leaders for the final push toward a comprehensive nuclear deal with Iran, there's growing angst in countries like Saudi Arabia, the United Arab Emirates, Qatar and Israel about the deal, which will leave Iran with significant uranium enrichment capabilities and may not give the international community the right to inspect all of Iran's nuclear facilities. The administration argues that a deal with Iran will remove the need for other regional powers to pursue their own nuclear enrichment and weapons programs. Cohen said the region doesn't see it that way. "Once you say they are allowed to enrich, the game is pretty much up in terms of how do you sustain an inspection regime in a country that has carried on secret programs for 17 years and is still determined to maintain as much of that secrecy as possible," said Cohen, who was a Republican lawmaker from Maine before serving under President Clinton from 1997 to 2001. Other regional powers are further skeptical of the international community's ability to enforce any deal with Iran because the Obama administration has lost credibility in the region, according to Cohen. He said America's relationships in the region were damaged in 2013, when President Obama backed away from striking Syria after telling Gulf allies he would do so, even though the Assad regime had crossed his "red line" on chemical weapons. "It was mishandled and everybody in the region saw how it was handled. And I think it shook their confidence in the administration. ... The Saudis, the UAE and the Israelis were all concerned about that," Cohen said. "They are looking at what we say, what we do, and what we fail to do, and they make their judgments. In the Middle East now, they are making different calculations." Cohen acknowledged that without a nuclear deal, Iran could have the ability to expand its nuclear activities with no restrictions, leading to an even more dangerous situation for the U.S. and the region. He doesn't agree with some lawmakers, such as Senator Tom Cotton, who argue that a military strike on Iran's nuclear facilities could be a solution. Cohen said that if a deal is reached, there will be significant international momentum for implementing the deal and lifting sanctions against Iran. The drive to do business in Iran will be alluring, especially to European countries, who have been eager to return to Iran but have been held back by the U.S.-led sanctions. Iranian officials have said that if the U.S. is the only country left with sanctions on Iran, that would amount to America sanctioning itself. "I anticipate this deal will be done. I think Congress is going to be hard-pressed to reject it," said Cohen. "Congress, the only chance it has to influence it is now, before it's signed." Cohen disagrees with those who believe that a nuclear deal will mollify Iran. He is skeptical that giving Iran large economic benefits will lead to significant reform in the Islamic Republic. "Most people that I know believe that Iran will continue to be a revolutionary country, and that's what bothers all of the others in the region, that this is going to continue the expansion of power, that they will be at a disadvantage, and they can't count on the United States," he said. Overall, countries in the Middle East have lost confidence in the Obama administration, Cohen said, in part because the U.S. has failed to articulate a clear vision for America's role in the world in the 21st century. That may not be resolved in the remainder of this administration. "There's a lot of worry about U.S. leadership and what we'll do next. You couple that with the Iran situation, and you could see there's a lot of nervousness now about where we are," he said. "That's something the next president will have to deal with."

Nuclear proliferation risks extinction – deterrence theory is flawed

Krieger, Councillor of the World Future Council, 2009

(David, "Still Loving the Bomb After All These Years", 9-4,
https://www.wagingpeace.org/articles/2009/09/04_krieger_newsweek_response.php?krieger)

Jonathan Tepperman's article in the September 7, 2009 issue of Newsweek, "Why Obama Should Learn to Love the Bomb," provides a novel but frivolous argument that nuclear weapons "may not, in fact, make the world more dangerous..." Rather, in Tepperman's world, "The bomb may actually make us safer." Tepperman shares this world with Kenneth Waltz, a University of California professor emeritus of political science, who Tepperman describes as "the leading 'nuclear optimist.'" Waltz expresses his optimism in this way: "We've now had 64 years of experience since Hiroshima. It's striking and against all historical precedent that for that substantial period, there has not been any war among nuclear states." Actually, there were a number of proxy wars between nuclear weapons states, such as those in Korea, Vietnam and Afghanistan, and some near disasters, the most notable being the 1962 Cuban Missile Crisis. Waltz's logic is akin to observing a man falling from a high rise building, and noting that he had already fallen for 64 floors without anything bad happening to him, and concluding that so far it looked so good that others should try it. Dangerous logic! Tepperman builds upon Waltz's logic, and concludes "that all states are rational," even though their leaders may have a lot of bad qualities, including being "stupid, petty, venal, even evil..." He asks us to trust that rationality will always prevail when there is a risk of nuclear retaliation, because these weapons make "the costs of war obvious, inevitable, and unacceptable." Actually, he is asking us to do more than trust in the rationality of leaders; he is asking us to gamble the future on this proposition. "The iron logic of deterrence and mutually assured destruction is so compelling," Tepperman argues, "it's led to what's known as the nuclear peace..." But if this is a peace worthy of the name, which it isn't, it certainly is not one on which to risk the future of civilization. One irrational leader with control over a nuclear arsenal could start a nuclear conflagration, resulting in a global Hiroshima. Tepperman celebrates "the iron logic of deterrence," but deterrence is a theory that is far from rooted in "iron logic." It is a theory based upon threats that must be effectively communicated and believed. Leaders of Country A with nuclear weapons must communicate to other countries (B, C, etc.) the conditions under which A will retaliate with nuclear weapons. The leaders of the other countries must understand and believe the threat from Country A will, in fact, be carried out. The longer that nuclear weapons are not used, the more other countries may come to believe that they can challenge Country A with impunity from nuclear retaliation. The more that Country A bullies other countries, the greater the incentive for these countries to develop their own nuclear arsenals. Deterrence is unstable and therefore precarious. Most of the countries in the world reject the argument, made most prominently by Kenneth Waltz, that the spread of nuclear weapons makes the world safer. These countries joined together in the Nuclear Non-Proliferation Treaty (NPT) to prevent the spread of nuclear weapons, but they never agreed to maintain indefinitely a system of nuclear apartheid in which some states possess nuclear weapons and others are prohibited from doing so. The principal bargain of the NPT requires the five NPT nuclear weapons states (US, Russia, UK, France and China) to engage in good faith negotiations for nuclear disarmament, and the International Court of Justice interpreted this to mean complete nuclear disarmament in all its aspects. Tepperman seems to be arguing that seeking to prevent the proliferation of nuclear weapons is bad policy, and that nuclear weapons, because of their threat, make efforts at non-proliferation unnecessary and even unwise. If some additional states, including Iran, developed nuclear arsenals, he concludes that wouldn't be so bad "given the way that bombs tend to mellow behavior." Those who oppose Tepperman's favorable disposition toward the bomb, he refers to as "nuclear pessimists." These would be the people, and I would certainly be one of them, who see nuclear weapons as presenting an urgent danger to our security, our species and our future. Tepperman finds that when viewed from his "nuclear optimist" perspective, "nuclear weapons start to seem a lot less frightening." "Nuclear peace," he tells us, "rests on a scary bargain: you accept a small chance that something extremely bad will happen in exchange for a much bigger chance that something very bad – conventional war – won't happen." But the "extremely bad thing" he asks us to accept: is the end of the human species. Yes, that would be serious. He also doesn't make the case that in a world without nuclear weapons, the prospects of conventional war would increase dramatically. After all, it is only an unproven supposition that nuclear weapons have prevented wars, or would do so in the future. We have certainly come far too close to the precipice of catastrophic nuclear war. As an ultimate celebration of the faulty logic of deterrence, Tepperman calls for providing any nuclear weapons state with a "survivable second strike option." Thus, he not only favors nuclear weapons, but finds the security of these weapons to trump human security. Presumably he would have President Obama providing new and secure nuclear weapons to North Korea, Pakistan and any other nuclear weapons states that come along so that they will feel secure enough not to use their weapons in a first-strike attack. Do we really want to bet the human future that Kim Jong-il and his successors are more rational than Mr. Tepperman?

Will Pass

Extend Liptak—Deal will pass now but August recess means that Obama has to counter intense lobbying

Iran deal will pass, although Congress can still kill it – PC needed to make sure it won't get overridden.

Prokop 7/14 (How Congress could kill the Iran deal, and why it probably won't, <http://www.vox.com/2015/7/14/8959807/iran-deal-congress>, Andrew Prokop, politics Staff Writer for Vox)

Republicans in Congress will get a chance to kill President Obama's new nuclear deal with Iran. But they'd have to win over a sizable chunk of Democrats to do it. The deal doesn't need to be affirmatively approved by Congress. But a law passed earlier this year allows Congress to vote to disapprove it and therefore block the relief of sanctions on Iran that's crucial to it. However, this resolution of disapproval would need to be passed by both the House and Senate over President Obama's veto. Assuming every Republican in the House and Senate votes to disapprove the deal, 13 Senate Democrats and 44 House Democrats would have to join them to kill Obama's veto. (If a vacant House seat is filled by a Republican by the time of the vote, only 43 House Democrats would be needed.) That would be over a fifth of the Democratic delegation in each chamber. Given that Obama made the deal and Hillary Clinton is praising it, defections like these seem unlikely unless key party leaders, like Sen. Chuck Schumer and House Minority Whip Steny Hoyer, come out against it. How the congressional review process works At the start of this year, Congress had no clear way to review the deal with Iran that Obama's team was hoping to strike. Both Democrats and Republicans were unhappy about this, and so after some debate, the bipartisan Iran Nuclear Agreement Review Act of 2015 was passed and signed by Obama. The new law says that once the administration submits this deal to Congress, Obama can't waive sanctions on Iran for 60 days so Congress can have time to review the agreement. However, the burden is then on Congress to disapprove the deal. If Congress takes no action, the lifting of sanctions will go into effect. Furthermore, a mere majority vote to kill the deal isn't enough. To go into effect and block Obama from lifting the sanctions permanently, Congress's resolution of disapproval would have to overcome Obama's promised veto. For that, the GOP would need two-thirds of both the House and Senate — 290 votes in the lower chamber, plus 67 in the upper one. In the House, there are currently 246 sitting Republicans — so if every one of them opposed the deal, the remaining 44 votes would have to come from Democrats. The vacant seat of former Rep. Aaron Schock (R-IL) will be filled in a September 10 special election, and Republican Darin LaHood is expected to win it. So if he's seated in time for the vote, only 43 Democrats would need to disapprove the deal. In addition to that, the Senate would have to vote to override a veto too. In the Senate, there are 54 sitting Republicans, meaning that 13 Democrats would have to join them. The politics of the Iran deal on the Hill What this means in practice, though, is that a vote will take place. And that will be an uncomfortable vote for many Democrats. Some may be genuinely skeptical of the deal, and others may be caught between their desire to support the president and their desire to have good relations with hawkish pro-Israel groups like AIPAC (which released a "deeply concerned" statement about the deal Tuesday morning). But AIPAC has had less clout among Democrats recently. Last year, the Daily

Beast's Eli Lake reported on how, in somewhat of a precursor to this fight, AIPAC "helped turn what was a bipartisan effort to keep Iran in check into just another political squabble," when its effort to get Congress to further toughen sanctions on the country failed. Plus, in addition to President Obama, Hillary Clinton — one of the more hawkish leaders in the party — is praising the deal. That means that Democrats who defect would be going against both the current president and his potential successor. So, barring a true outpouring of anti-deal opinion and pressure from constituents over the summer, not too many Democrats are likely to defect unless they have cover from some respected figures in the party. Those could include Sen. Chuck Schumer (D-NY) and House Minority Leader Steny Hoyer, who have hawkish foreign policy leanings and have tended to be strong allies of pro-Israel groups. Indeed, earlier this year, it was Schumer whose intervention was key in passing the law that gave Congress this review power in the first place, and he is Senate Democrats' choice to replace Harry Reid as their leader after he retires. So for signs of whether Congress will kill the deal, look to Schumer and Hoyer.

Iran deal will pass – but Obama needs his PC to keep Schumer and Dems on his side

Feehery 7/14 (<http://blogs.wsj.com/washwire/2015/07/14/republicans-oppose-the-iran-deal-but-can-they-override-a-veto/>, Republicans Oppose the Iran Deal—but Can They Override a Veto?, John Feehery, policy analyst for Christian Science Monitor and writer for Wall Street Journal, 7/14/2015)

It's easy for Republicans to oppose this nuclear deal with Iran. They don't trust President Barack Obama, they don't like John Kerry, and they love Benjamin Netanyahu. The question is: Can they override a presidential veto of a resolution of disapproval? Congress can pass either a resolution of approval or disapproval regarding the agreement. A two-thirds vote in both chambers is needed to assert congressional dominance over the president, and to reach that threshold, Republicans will most likely need the support of the incoming Democratic leader of the Senate, Chuck Schumer. Senate Majority Leader Mitch McConnell will need Mr. Schumer, all of the other Jewish Democrats in the Senate, and three other Democrats to join him in overcoming the veto that President Obama promised Tuesday in the face of congressional opposition. Sen. Robert Menendez is a likely suspect; Bill Nelson and Kirsten Gillibrand are also strong possibilities. In the House, getting enough votes would be an even tougher slog. Iran is the one issue that unifies House Republicans. Indeed, when Speaker John Boehner invited the Israeli prime minister to address a joint session of Congress, it sent his stock sky-high among his most recalcitrant conservative colleagues. But the odds of getting enough bipartisan support for an override are dicey at best. There are 247 Republicans in the House. They need 290 members to override a veto, which means they would need 43 Democrats to abandon Mr. Obama. It's hard to see where they get that many votes. There are 18 Jewish Democrats in the House, and many of them will probably stick with the president. Neither the black caucus nor the Hispanic caucus is likely to abandon Mr. Obama, and it is highly unlikely that House Democratic leader Nancy Pelosi will either. If Congress can't disapprove of the deal, it becomes fodder for the 2016 presidential campaign. Hillary Clinton has already signaled her support. Sen. Bernie Sanders applauded this "victory for diplomacy." Joe Biden obviously has to support it. Among Republican presidential candidates, the general consensus is that the deal stinks. The question is how colorful their rhetoric will be to capture the support of big donors who also oppose the

agreement. (Expect rhetoric along the lines of: Is this merely the worst deal in history or will it likely bring on the apocalypse?) The president and his secretary of state finally have the deal they have worked so hard to make. Can they keep it? Time will tell.

Iran deal has controversy in Congress but will likely pass as long as Obama has PC

Zengerle 7/14 (Iran deal faces fight in U.S. Congress but will likely survive, <http://www.reuters.com/article/2015/07/14/us-iran-nuclear-congress-process-idUSKCN0PO1HJ20150714>, Patricia Zengerle, Congressional Correspondent and Staff Writer for Reuters, July 14, 2015)

The nuclear deal between world powers and Iran starts a new phase of intense negotiation - this time between the Obama administration and the U.S. Congress, where some Republicans have long been working to sink an agreement. Any effort in Congress to overturn the deal will face an uphill fight. Republicans have majorities in both the House of Representatives and Senate, but they would need the support of dozens of President Barack Obama's fellow Democrats to sustain a "resolution of disapproval" that could cripple a deal. The odds of that are slim. A resolution of disapproval would need only the Republican majority to pass the House, but would require at least six Democrats to get the 60 votes needed to advance in the Senate. The chances of mustering enough support to then overrule an Obama veto are slimmer still. Obama vowed on Tuesday that he would veto any bill Congress passed that would prevent implementation of the Iran agreement. Nancy Pelosi, who leads the Democrats in the House, praised Obama in a statement. "I commend the president for his strength throughout the historic negotiations that have led to this point," she said, promising Congress would "closely review" the agreement. Senate Democrats have stood firm so far against Republican-led efforts to interfere with the talks between Iran, the United States and five other world powers. Some expressed skepticism about the deal, but others said they expected to vote for it. Senator Dianne Feinstein, a veteran Democrat who is the ranking member of the Senate Intelligence Committee, said she would support the deal. "This is a strong agreement that meets our national security needs and I believe will stand the test of time," she said in a statement. In the House, more than 150 Democrats, including Pelosi, signed a letter in May that strongly supported the negotiations. "I understand the heavy lift that's involved," Tennessee Republican Senator Bob Corker, chairman of the Senate Foreign Relations Committee, told reporters when asked about the chances of passing a "resolution of disapproval". Corker said the Foreign Relations committee would review the deal closely but added he would begin "from a place of deep skepticism" about whether the agreement meets the goal of preventing Iran from obtaining a nuclear weapon. RELATED COVERAGE › White House says it will take a couple of days to get Iran deal to Congress Other leading Republicans went much further in their criticism. House Speaker John Boehner promised a fight. "Instead of stopping the spread of nuclear weapons in the Middle East, this deal is likely to fuel a nuclear arms race around the world," Boehner said in a statement. Obama in May signed a law, authored by Corker, giving Congress the right to review the agreement and potentially sink it by passing a disapproval resolution that would eliminate the president's ability to waive sanctions passed by Congress. Easing sanctions is an integral part of the deal, under which Iran will curtail its nuclear program. 60 DAYS Under the Iran Review Act, lawmakers have 60 days to review the agreement and decide how to respond, once they receive the agreement

and supporting documentation. During that period, plus 22 more days in which Obama could veto a resolution and Congress could try to override it, Obama cannot waive the congressional sanctions. A veto override would require a two-thirds majority in both houses, or 13 Democrats along with all 54 Republicans in the Senate, and 43 Democrats plus all 236 House Republicans. Sanctions passed by Congress account for the overwhelming majority of those imposed by the United States. U.S. sanctions are central to the international regime because of the country's influence on global trade and banking. Congressional briefings on the Iran deal have already begun. Vice President Joe Biden was to meet with House Democrats on Wednesday morning to discuss Iran, and Obama and other administration officials called several lawmakers on Tuesday. RELATED COVERAGE › U.S. Senate leader: If Iran deal rejected, would be 'hard' to override veto Acknowledging the difficulty of passing a disapproval resolution, some lawmakers suggested Congress should consider, and then reject, a "resolution of approval." Defeating such a resolution by a large margin would not affect the sanctions regime, but it would send a strong message that the United States is not united behind a "bad" pact and was prepared to act if Iran moved toward building a bomb, they said. Corker told Reuters in an interview that congressional leaders would decide whether to pursue a resolution of approval or disapproval in the coming weeks. But neither the full House nor Senate is expected to vote on any measure before September, after lawmakers' August recess. Steny Hoyer, the number-two Democrat in the House, dismissed concerns that the delay would leave Democrats vulnerable to a summer of attacks from Republicans that they will be voting "for Iran" if they back Obama. "I'm not sure that it's politically disadvantageous to members," he told reporters. "I think the American public may well agree with the president on this." Both parties acknowledged that the debate will not end this year. Some lawmakers have discussed imposing more sanctions over Iran's human rights record or for supporting terrorism. The Iran Review Act requires the president to regularly certify that Tehran is adhering to terms of a deal. There is no guarantee the next president would do so. Most Republican 2016 White House hopefuls said they do not support the deal.

Will pass – can't override veto

Davis 7/14/15 (Susan, writer at USA Today, "Congress Unlikely to block Iran deal", <http://www.usatoday.com/story/news/politics/2015/07/14/congress-iran-deal/30125885/>)/BW

Congressional skeptics of the Iran nuclear deal said lawmakers would thoroughly vet the agreement, but Congress is unlikely to find a veto-proof majority necessary to block the deal. "I want to read the agreement in detail and fully understand it, but I begin from a place of deep skepticism that the deal actually meets the goal of preventing Iran from obtaining a nuclear weapon," said Senate Foreign Relations Chairman Bob Corker, R-Tenn. Iran, world powers reach landmark nuclear agreement "In the coming days, Congress will need to scrutinize this deal and answer whether implementing the agreement is worth dismantling our painstakingly-constructed sanctions regime that took more than a decade to establish," Corker added. The Tennessee senator led the effort to pass a law earlier this year that gave Congress an enhanced oversight role in the event a deal was reached. The law provides a 60-day review period after lawmakers receive the terms of the agreement to hold hearings and examine the fine print. Congress can then vote on a resolution that approves or disapproves of the deal, or they can do nothing at all. Corker told reporters Tuesday that hearings will take place prior to the August recess and a vote would happen in September. If Congress were to pass a resolution seeking to block the deal, President Obama said Tuesday he would veto it. Opponents would then need a veto-proof, two-thirds majority in both chambers to override — a scenario that seems unlikely today as top Democrats issued early statements of support.

CP Unpopular

Curtailment of Domestic Drones is unpopular

Antle 13 (<http://www.theamericanconservative.com/articles/the-drone-consensus313/>, Congress Goes Bipartisan—Against Civil Liberties, W. James Antle III, editor of the Daily Caller News Foundation and senior editor at The American Spectator, and the author of *Devouring Freedom: Can Big Government Ever Be Stopped?*, March 4, 2013)

Civil liberties are theoretically a bipartisan concern. Conservative Republicans who don't like Obamacare's "death panels" should be outraged by presidential kill lists. Liberal Democrats who defend due process ought to be offended by secret surveillance law. Protectors of the First and Second Amendments should have a high regard for the Fourth, Fifth, and Sixth. Yet restricting civil liberties is what actually commands bipartisan support in Washington. The same Congress that barely averted the fiscal cliff swiftly passed extensions of warrantless wiretapping and indefinite detention, assuring Americans that only the bad guys will be affected but evincing little interest in establishing whether this is really the case. The same Congress that failed to come up with an agreement to avoid sequestration appears to have bipartisan majorities in favor of profligate drone use at home and abroad. Lawmakers are generally less exercised about the confirmation of likely CIA chief John Brennan than Defense Secretary Chuck Hagel. At the very time it appears Washington is so dysfunctional that the two parties cannot get anything done, Democrats and Republicans cooperate regularly—when it comes to jailing, spying on, and meting out extrajudicial punishments in ways that on their face contradict the Bill of Rights. Senate Majority Leader Harry Reid argued that preserving the Bush administration's national surveillance program—now for the benefit of the Obama administration—was more important than Christmas. Republican Sen. Saxby Chambliss didn't even want any amendments. The Senate overwhelmingly rejected an amendment that would apply the same protections against unlawful search and seizure to emails and text messages that already exist for letters, phone calls, and presumably the carrier pigeon. Despite deep divisions over taxes and domestic spending, members of both parties tend to sing from the same song sheet about the Patriot Act, the National Defense Authorization Act, and the Foreign Intelligence Surveillance Act amendments. So much for the Democrats' bedrock belief in the right to privacy or Republicans' convictions about limited government. Civil libertarians are currently a rump caucus in both parties. But they are at least starting to work together. In fact, a critical mass of legislators seeks to use this week's Brennan vote to extract additional drone memos from the Obama administration. More promisingly, liberal Democrats like Sen. Ron Wyden of Oregon and Sen. Mark Udall of Colorado have been teaming up with such conservative Republicans as Sen. Rand Paul of Kentucky and Sen. Mike Lee of Utah, seeking to impose real checks on powers the federal government acquired to fight the war on terror—a conflict with no real boundaries or identifiable endpoint. The core purpose of the Constitution is to balance the powers necessary for the federal government to protect the United States with the need to erect institutional barriers to protect against the abuse of those powers. But in emergencies, constitutional restraints often go out the window and it is difficult to restore them after the fact. This is especially true when there is no transparency or public accountability. Many details about national surveillance, extraordinary rendition, and even the spending habits of intelligence agencies remain state secrets. Some level of secrecy is undoubtedly necessary to preserve

national security. But giving federal officials sweeping, routinely exercised powers without sunlight or scrutiny is an invitation to abuse. That's why having even a small group of senators pressing for public information is important. Eli Lake noted in The Daily Beast, "[A]t a moment when inter-party cooperation is almost nonexistent in Washington, any bipartisan alliance—especially one that includes some of DC's most committed ideological opposites—is both unusual and noteworthy." Lake was referring to the bipartisan alliance between civil libertarian-leaning senators like Paul and Wyden. But until they make legislative inroads, the more usual and less noteworthy bipartisan alliance will be the one that exists between John Yoo and the Obama administration, united by a predilection for virtually unchecked executive power.

Plan's controversial—differing regulatory stances, strong lobbies

Clay **Dillow 6/23**, June 23, 2015, "Is Congress' new drone safety act an innovation killer?," <http://fortune.com/2015/06/23/congress-drone-safety/>

This type of disconnect between government officials and the industry, perhaps, best embodies the ongoing regulatory conflict that's taking place in the drone industry these days. The drone industry has formed its own lobbying group, the Small UAV Coalition, which includes such deep-pocketed backers as Amazon and Google (Airware, Airmap, DJI, and 3DR are all also members) to represent its side of the argument on Capitol Hill. How effective the industry is at pushing pro-regulation legislators like Sen. Feinstein toward a middle ground will have a lot of impact on what the future U.S. drone industry looks like.

Plan controversial in congress – Drone industry lobbying

James **Rogers 6/17**, Bachelor of Arts from University of Leeds, "Industry group urges Congress to support expanded drone use", 6/17/15, *Fox News*, <http://www.foxnews.com/tech/2015/06/17/industry-group-urges-congress-to-support-expanded-drone-use/>

A key drone industry group called on Congress to support expanded use of the controversial technology during testimony to the House Oversight and Government Reform Committee Wednesday. The Association for Unmanned Vehicle Systems International (AUVSI) noted that the Federal Aviation Administration is working on finalizing rules for commercial and public drone use and is also granting permission for limited commercial use on a case-by-case basis. "But more can and should be done," said AUVSI President Brian Wynne, in prepared testimony. Wynne said that the upcoming FAA reauthorization bill should focus on two key areas – accelerating the safe commercial use of drones, also known as Unmanned Aerial Systems (UAS), and expanding research efforts. The FAA's current authorization bill expires Sept. 30, 2015. The FAA proposed rules in February that would severely restrict the use of commercial drones. The proposed rules would require operators to keep commercial drones within eyesight at all times, which significantly limits the distance they can fly. Last month the FAA also unveiled its Pathfinder program, which will study how drones are used for newsgathering, as well as in the agriculture and transport industries. "We need to permit

expanded uses that pose no additional risk to the airspace system,” said Wynne, in his testimony. “Whether within the context of the rule, through the reauthorization or by other means, we need to allow for beyond-visual-line-of-sight, nighttime operations and operations over congested areas. Otherwise we risk stunting a still-nascent industry.”

Plan extremely controversial ---- fear of terrorist attack by drone use --- held press conference to try discourage use --- I can't believe this is actually true

Kevin **Poulsen 15**, contributing editor at WIRED and author of *Kingpin: How One Hacker Took Over the Billion-Dollar Cybercrime Underground*, “Why the US Government Is Terrified of Hobbyist Drones”, 2/5/15, *Wired*, <http://www.wired.com/2015/02/white-house-drone/>

IF YOU WANT to understand why **the government freaked out when a \$400 remote-controlled quadcopter landed on the White House grounds** last week, you need to look four miles away, to a small briefing room in Arlington, Virginia. There, just **10 days earlier, officials from the US military, the Department of Homeland Security, and the FAA gathered for a DHS “summit” on a danger that had been consuming them privately for years: the potential use of hobbyist drones as weapons of terror or assassination.** The conference was open to civilians, but explicitly closed to the press. One attendee described it as an eye-opener. **The officials played videos of low-cost drones firing semi-automatic weapons, revealed that Syrian rebels are importing consumer-grade drones to launch attacks, and flashed photos from an exercise that pitted \$5,000 worth of drones against a convoy of armored vehicles.** (The drones won.) But the most striking visual aid was on an exhibit table **outside the auditorium, where a buffet of low-cost drones had been converted into simulated flying bombs. One quadcopter, strapped to 3 pounds of inert explosive, was a DJI Phantom 2, a newer version of the very drone that would land at the White House** the next week. Attendee Daniel Herbert snapped a photo and posted it to his website along with detailed notes from the conference. The day after the White House incident, he says, DHS phoned him and politely asked him to remove the entire post. He complied. “I’m not going to be the one to challenge Homeland Security and cause more contention,” says Herbert, who runs a small drone shop in Delaware called Skygear Solutions.

Courts Don't Link

They alleviate political pressure

Ward, political science professor Northern Illinois University, 2009

(Artemus, "Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court", Congress & the Presidency, Jan-Apr, (36)1; p. 119)

After the old order has collapse the once- united, new-regime coalition begins to fracture as original commitments are extended to new issues. In chapter 3 Whittington combines Skowronek's articulation and disjunctive categories into the overarching "affiliated" presidencies as both seek to elaborate the regime begun under reconstructive leaders. By this point in the ascendant regime, Courts are staffed by justices from the dominant ruling coalition via the appointment process - and Whittington spends time on appointment politics here and more fully in chapter 4. Perhaps counter-intuitively, affiliated political actors - including presidents - encourage Courts to exercise vetoes and operate in issue areas of relatively low political salience. Of course, this "activism" is never used against the affiliated president per se. Instead, affiliated Courts correct for the overreaching of those who operate outside the preferred constitutional vision, which are often state and local governments who need to be brought into line with nationally dominant constitutional commitments. Whittington explains why it is easier for affiliated judges, rather than affiliated presidents, to rein in outliers and conduct constitutional maintenance. The latter are saddled with controlling opposition political figures, satisfying short-term political demands, and navigating intraregime gridlock and political thickets. Furthermore, because of their electoral accountability, politicians engage in position-taking credit-claiming, and blame-avoidance behavior. By contrast, their judicial counterparts are relatively sheltered from political pressures and have more straightforward decisional processes. Activist Courts can take the blame for advancing and legitimizing constitutional commitments that might have electoral costs. In short, a division of labor exists between politicians and judges affiliated with the dominant regime.

Courts avoid partisanship

Tushnet, law professor at Harvard, 2008

(Mark, "THE OBAMA PRESIDENCY AND THE ROBERTS COURT: SOME HINTS FROM POLITICAL SCIENCE: POLITICAL FOUNDATIONS OF JUDICIAL SUPREM-ACY: THE PRESIDENCY, THE SUPREME COURT, AND CONSTITUTIONAL LEADERSHIP IN U.S. HISTORY", Summer, 25 Const. Commentary 343, lexis)

What can the courts do for a resilient regime? Presidents and Congress have limited time and political energy. They will spend them on what they regard as central issues. But at any time there will be "outliers" - geographic regions as yet uncommitted to the regime's constitutional understandings, or substantive areas that plainly require change if those understandings are to become deeply implanted in society, yet politically too touchy [*347] or relatively unimportant to Congress. "For the affiliated leader, enhancing judicial authority to define and enforce constitutional meaning provides an efficient mechanism for supervising and correcting those who might fail to adhere to the politically preferred constitutional vision" (pp. 105-06). The courts can serve as a convenient but essentially administrative mechanism for bringing these outliers into the constitutional order. n16 In addition, the courts may have rhetorical resources unavailable to presidents. Their obligation to explain their decisions, and the fact that they make decision after decision, means that they have an opportunity to develop a

reasonably general account of the resilient regime's constitutional understandings. In Whittington's words, "It is the classic task of judges within the Anglo-American tradition ... to render new decisions and lay down new rules that can be explicated as a mere working out of previously established legal principles" (p. 84). Presidents, in contrast, only sporadically make speeches illuminating those understandings. More boldly, affiliated presidents may try to use the courts to "overcome gridlock" (p. 124) caused by the strategic positions recalcitrant opponents of the new constitutional regime may occupy. And, if not "use the courts," at least rely on the courts to take the initiative, because "the Court can sometimes move forward on the constitutional agenda where other political officials cannot" (p. 125). "Coalition leaders might be constrained by the needs of coalition maintenance," but "judges have a relatively free hand" (p. 125). This "use" of the courts, though, poses risks. The courts may push the regime's constitutional principles further and faster than is politically wise, and the regime's political leaders may find themselves on the defensive. Indeed, in this way the courts can contribute to making a resilient regime vulnerable, which may be part of the story about the Warren Court and the demise of the New Deal/Great Society regime. n17 [*348] Preemptive presidents face a special strategic problem. Sometimes they take office because they manage to persuade the public that they remain committed to a resilient regime's constitutional vision even if in their hearts they want to transform the regime. n18 At other times they take office as a regime becomes vulnerable, but do not themselves have the program, vision, or charisma to be reconstructive presidents themselves. n19 They are likely to face opposition in Congress and to some degree in the courts. But they can turn divided government to their advantage by seeking judicial confirmation of executive prerogative. The judges in place might be sympathetic to such claims for doctrinal and political reasons. They will have "inherited from affiliated administrations" (p. 169) doctrines supporting executive authority. And, though Whittington doesn't make this point explicitly, they may see the preemptive president as an accident, soon to be replaced by an affiliated one whose exercises of presidential power they will want to endorse. Finally, preemptive presidents need to get their authority from somewhere when they face congressional opposition, as they will. They don't have much of their own, but they can try "to borrow from the authority of the courts in order to hold off their political adversaries" (p. 195). One final point before I move to some speculations about the future of judicial supremacy. Whittington emphasizes the growth of judicial supremacy during the twentieth century, both in terms of the judges' self-understanding and, perhaps more importantly, in terms of the degree of political commitment to judicial supremacy (p. 25). He suggests that politicians have had increasingly strong reasons to support the Supreme Court. The reconstructive presidency of Ronald Reagan was less ambitious than that of Franklin Roosevelt (p. 232), assuring the American people that Reagan's policies would strengthen rather than destroy the social safety nets that Roosevelt and Lyndon Johnson's regimes had created. Even a reconstructive president could hope that the Supreme Court would assist in articulating regime principles in the way the Court ordinarily does for affiliated presidents. Further, drawing again on Skowronek's account of the [*349] ways in which regimes leave a residue even after they have been displaced, Whittington describes the doctrinal thickening that occurred during the twentieth century with respect to essentially every possible ideological and political commitment a President could have (p. 283). Doctrinal thickening means that every member of a ruling coalition will have some basis in constitutional law for its assertions that the Constitution requires satisfaction of its policy preferences, and that the Court cannot possibly satisfy all the demands on it. n20 So, for the future, we might expect Presidents to have increasingly ambivalent views about the Supreme Court. In the twenty-first century, the Supreme Court will be useful and annoying to every President - useful because the Court can serve to articulate regime principles and can do some policy work that Presidents would rather not expend time and political capital on, and annoying because the Court's failure to satisfy all the demands emanating from a President's political supporters will put pressure on the President to do something about the Court.

PC Key—Top Shelf

No override now but GOP looking to poach democrats

Logiurato 7/14 (Brett Logiurato; July 14th 2015; Politics editor at Business Insider; “Here's how Congress could kill the Iran deal”; Business Insider; <http://www.businessinsider.com/how-congress-can-veto-iran-deal-2015-7>) jskullz

While even opponents of the deal concede the odds are long, there's at least a small chance that Congress could torpedo the deal.¶ “The American people are going to repudiate this and I believe Congress will kill the deal,” said Sen. Tom Cotton (R-Arkansas), one of the more hawkish members of the Senate on foreign policy.¶ Here's a brief overview of what happens next:¶ Once Congress receives the details of the deal, it will have 60 days to debate and vote on it, according to the terms of the law Obama signed in May. A GOP congressional aide told Business Insider that it has not yet received the details.¶ If Congress sends a joint resolution of disapproval to Obama (meaning both chambers of Congress disapprove of the deal), it would trigger a new timeline. He would have 12 days to veto the resolution. That's likely, considering his promise Tuesday morning to veto anything that would hamper the deal's implementation.¶ Following an Obama veto, Congress would have 10 days to vote to override his veto, which would require a two-thirds majority of both chambers of Congress.¶ If both chambers vote to override, it would prevent Obama from suspending sanctions on Iran related to its nuclear program.¶ Simple math, then, is in favor of the Iran deal moving along through Congress unscathed. ¶ Nevertheless, the deal has not only become just about universally unpopular among Republican members of Congress. It's also opposed by a chunk of Democrats normally aligned with Obama on both domestic and foreign-policy matters.¶ Sen. Chuck Schumer (D-New York), the third-ranking Democrat in the Senate and the incoming Democratic leader after Sen. Harry Reid's retirement next year, said he'd be going through the deal with a "fine-toothed comb" before deciding whether or not to support it. Rep. Eliot Engel (D-New York), the top Democrat on the House Committee on Foreign Affairs, said likewise that he'd have to go through the details — but added that he's been "troubled" by the negotiations.¶ Many congressional observers consider it likely that Congress will pass an initial resolution of disapproval. Thereafter, it will again become another question of math.¶ “The rhetoric and behavior from Iran's ayatollahs has been so provocative in recent months that Congress is surprisingly united in its opposition to the nuclear deal that was announced this morning,” said Greg Valliere, the chief political strategist at Potomac Research Group.¶ Furious lobbying against the deal, from pro-Israeli groups in particular, will begin immediately as a 60-day review period starts. There's little doubt that both houses will pass a resolution of disapproval, which will prompt a veto from President Obama. Then the real drama will begin.¶ A veto override would require at least 13 Democrats in the Senate and 44 in the House to break with their party and president — if all Republicans are united in their opposition.¶ There were 20 Democratic co-sponsors of the legislation that eventually gave Congress a say in the negotiations. Some congressional GOP aides believe at least 13 of those Democrats and an Sen. Angus King (I-Maine), an independent who caucuses with Democrats, are swayable. ¶ GOP leaders aren't convinced they'll get the veto override — but they do plan to force a sustained drumbeat leading up to the first vote in September.¶

PC key to deal legitimacy—too much conflict kills it

Weisman and Davis 7/14 (Jonathan Weisman and Julie Hirschfeld Davis; July 14, 2015; Journalists for the New York Times; “Congress to Start Review of Iran Nuclear Deal”; New York Times; http://www.nytimes.com/2015/07/15/world/middleeast/congress-iran-nuclear-deal.html?_r=0) jskullz

But even potential supporters say the spectacle of a majority of Congress rejecting such a delicate international accord could do real damage. ¶ “If I were in their shoes and I was responsible for this, I would want to win over a majority of the American people and convince them the deal is in their interest,” said Senator Chris Coons, Democrat of Delaware and a member of the Senate Foreign Relations Committee. “Who wants their legacy to be a deal that is barely approved by the narrowest of margins and is opposed by the majority of Congress? That would indicate a depth of division that would put the whole venture into question.”

PC key to keep Schumer—Key to democratic unity

Rogers 7/9 (Alex Rogers; July 9th 2015; Congressional reporter for National Journal; “The Democrat Who Could Swing the Iran Deal”; Defense One; <http://www.defenseone.com/politics/2015/07/democrat-who-could-swing-iran-deal/117442/>) jskullz

“Senator Schumer is a passionate, engaged advocate on the concerns of America and America’s security, and he’s been a strong and persistent voice in the Democratic caucus about making sure that we only support a deal that is a strong and enforceable deal,” Coons said. ¶ ¶ Having Schumer—one of the most vociferous Democratic critics of the Iran talks—on the administration’s side would be a huge get for President Obama. While he worked to alter the nuclear-deal-review bill to bring along more Democrats and supported delaying a vote on a bill that could increase sanctions due to the administration’s concerns, Schumer also ultimately backed both bills over the White House’s objections. ¶ ¶ Dylan Williams, the vice president of government affairs at the left-leaning J Street advocacy group, said supporters of the deal were encouraged by a June 3 speech by Schumer to Orthodox Union activists. “The overall reaction to the speech among those who saw it was that he was making a case that a deal which may not be perfect might be preferable to the alternatives,” Williams said. ¶ ¶ Williams believes that Schumer’s embrace of the final accord “would send a very strong signal that there would be overwhelming, near-unanimous Democratic support in the Senate for a deal.” Only if the administration suffered an unexpected major loss of support—over two-thirds of members—could Congress endanger a final deal by voting to keep sanctions. ¶ ¶ But Republicans point to Schumer’s history as a fierce Israel ally—and his self-described identity as a shomer, or guardian of Israel—and hope to pry the Senate Democrats’ main message man from his party. At least three conservative outside groups released videos last month urging viewers to call Schumer’s office and ask him to reject a deal they too deemed weak.’

Deal will pass but Obama still needs PC to get moderate Dems on board – lobbying now

Lee et al 7/15/15 (CAROL E. LEE, COLLEEN MCCAIN NELSON and KRISTINA PETERSON, Writers for the Wall Street Journal, “Obama Girds for Battle With Congress on Iran Deal”, <http://www.wsj.com/articles/obama-girds-for-battle-with-congress-on-iran-deal-1437005023>)/BW

President Barack Obama delivered an unusually animated and sometimes combative defense of the Iran nuclear deal the day after it was reached, girding for a complicated political challenge likely to force him to use his veto to save his crowning foreign-policy achievement. Lawmakers have 60 days to review the agreement and an option to vote on approving or disapproving it, with opposition to the deal widespread among Republicans who control both houses of Congress. If they vote it down, the deal’s survival will hinge on Mr. Obama’s ability to secure enough support from his own Democratic Party to prevent a two-thirds majority in each chamber from overriding his promised veto. Mr. Obama, in a 67-minute news conference at the White House, accused opponents—from Israeli leader Benjamin Netanyahu to Republican lawmakers—of pushing political talking points to simply discredit the accord as a bad deal. “For all the objections of Prime Minister Netanyahu or, for that matter, some of the Republican leadership that’s already spoken, none of them have presented to me or the American people a better alternative,” Mr. Obama said. “Either the issue of Iran obtaining a nuclear weapon is resolved diplomatically through a negotiation or it’s resolved through force, through war,” he added. “Those are the options.” The president’s aggressive defense of the deal drew quick pushback from Republicans in Congress, where the criticism has largely been twofold: that the agreement won’t stop Iran from acquiring a nuclear weapon and that it doesn’t address broader concerns about Tehran’s behavior in the region. Rep. Lee Zeldin (R., N.Y.) disputed the president’s assertion that this is a choice between the accord or war. “Here’s an alternative other than war: A better deal,” Mr. Zeldin said. “For the security of America and the stability of the Middle East, we must pursue a better direction immediately.” Sen. Marco Rubio, a Florida Republican and 2016 presidential candidate, started an online petition opposing the deal, and the powerful pro-Israel lobby Aipac is calling on lawmakers to vote against it. At the same time, J Street, a liberal pro-Israel group, said Wednesday it will launch a multimillion-dollar effort, including ads in print and broadcast media, to lobby lawmakers to support the deal. The agreement reached Tuesday in Vienna puts strict limits on Iran’s nuclear program for the next decade that are designed to keep Tehran from being at least 12 months away from amassing enough nuclear fuel for a bomb. In exchange, the U.S., the European Union and the United Nations will lift economic sanctions on Iran. Mr. Obama said he is “not betting on the Republican Party rallying around this agreement,” and Vice President Joe Biden met with Democrats on Capitol Hill. Mr. Biden told Democratic lawmakers he was initially skeptical of the deal but is now convinced the agreement, while not perfect, is worth supporting, according to participants. But even some Democrats expressed concerns about the deal, particularly on the inspections provisions and the decision to lift United Nations embargoes on arms and ballistic missile sales to Iran. “For most members, including myself, it comes down to verification,” said Rep. Ron Kind of Wisconsin, chairman of the New Democrat Coalition, a group of centrist House Democrats. “It comes down to access to the sites, making sure they’re not impeded in any way, that we’ve got unlimited access to where we need to go to make sure Iran is living up to their agreement.” The White House’s effort to preserve the deal depends on cohesion among Democrats in the House and persuading wavering Democratic senators to stick with the president. That is because it became clear in the hours after the agreement’s unveiling that few, if any, Republicans were likely to support it. For Mr. Obama, the next best option would be for Democrats to block the Republican-controlled Congress from passing a resolution of disapproval. Such a resolution would likely prompt the agreement’s collapse if Congress could override a veto from Mr. Obama.

Obama needs political capital to pass the Iran deal

WERNER 7/8/15 (Erica, writer at The Associated Press, “Obama presses Senate Democrats to withhold judgment on Iran”, http://www.philly.com/philly/news/politics/20150708_ap_b1b9c2e2baa6436fb31d29e234afcd66.html)/BW

A top focus was Iran, according to several lawmakers. Prospects are uncertain for the Obama administration to complete a deal, but if the accord isn’t sent to Congress by Thursday, its

month-long review period would be doubled to 60 days. Obama has expended significant political capital on finalizing an agreement to keep Iran from going nuclear, prompting Republicans to accuse him of making too many concessions and even some Democrats to express deep ambivalence. "He wanted to make it perfectly clear that he is in no rush to an agreement and that he will walk away from the table if there is no good deal to be reached and that there isn't a deal yet and so all of these reports about what is in a deal are premature," said Sen. Chris Murphy, D-Conn. Participants said that after Obama's opening remarks, the reception with senators and Cabinet members turned into an unusually friendly and free-flowing question and answer session ranging from climate change, to politics, to the church shooting in Charleston, S.C., to the budget, to rare diseases, to health care in the wake of the Supreme Court decision upholding Obama's health care law.

I/L—Unity

Democratic unity key—plan wedges Obama and rest of democrats

Allen 7/14 (Johnathan Allen; July 14 2015; Chief political correspondent at Vox; "Obama's Iran deal is making Democrats in Congress very nervous"; Vox; <http://www.vox.com/2015/7/14/8963101/obama-iran-deal-democrats>) jskullz

The Iran nuclear deal may be good policy — and a legacy builder for President Barack Obama — but it also creates a tougher political environment for Democrats running for president and Congress in 2016. "Overall, this is a deal that will probably come at a price on the campaign trail," said Princeton University political science professor Julian Zelizer, who has written about the short-term political pain of past treaties. "Republicans will play to the fears among voters, including Democrats, that this is too risky." The best proof of the thorny politics: Obama already has vowed to veto planned legislation blocking the deal. That means he will rely on just one-third of either the House or Senate voting with him to save it. He needs a majority of Democrats but only a minority of either chamber. That paradigm — Republicans uniformly opposed and Democrats divided — will make the agreement a tougher sell to the broader public than if it had bipartisan majority support or even full backing from Obama's Democrats. "The easier vote for most us will be no," said one House Democrat who is inclined to back the president. Members don't tend to lose their seats for voting against the president when his position ends up winning, the lawmaker explained. On the other side, it's easy for Republican candidates to be against Obama and his foreign policy — it plays well with their base — and they were vocal in their criticism of the deal even before they'd had a chance to read all the details. Wisconsin Gov. Scott Walker flicked at how the GOP will go after Democrats on the deal. "President Obama has abandoned the bipartisan principles that have guided our nonproliferation policy and kept the world safe from nuclear danger for decades," Walker said in a statement. "Instead of making the world safer, this deal will likely lead to a nuclear arms race in the world's most dangerous region." The larger issue here is that in the waning light of his presidency, Obama is increasingly making policy in areas that divide Democrats — from trade to the Iran deal — and they are concerned that his political incentives no longer match theirs. They know that Obama, who refers to the last two years of his presidency as the "fourth quarter," is running a two-minute drill to secure as much of his legacy as possible before he leaves office. And those goals may not always serve their political futures. Why this is so difficult for Democrats From the White House's perspective — and that of many Democrats — the deal with Iran is far preferable to leaving in place a sanctions regime that doesn't actually stop Tehran from developing a nuclear weapon or going to war with Iran. Under the pact, Iran would give up its nuclear weapons program in exchange for the lifting of certain economic sanctions, which would make it less of a nuclear threat and more stable. The key is whether the inspections and enforcement provisions of the deal can be implemented effectively and whether Iran's loss of nuclear capability is verifiable. And therein lies the rub for Democrats on the ballot in 2016. The deal won't be consecrated for months. Republicans charge that it's not airtight — that Obama is putting his faith in the trustworthiness of the Iranian regime. The truth is that the next election is too soon to judge whether Iran is complying with its end of the bargain, which leaves Democrats open to Republican attacks that the deal is a disaster. It will be hard for Democratic candidates to prove a negative. One House Democrat who is generally supportive of the president — and open to

the deal — expressed hope Tuesday that the Senate would sustain an Obama veto of legislation blocking the deal so that House Democrats wouldn't have to vote on it at all. It's easier for Obama to round up 34 senators than 146 House Democrats, the lawmaker argued — even though conventional wisdom holds that the opposite is true.¶ Obama's interests and those of fellow Democrats are diverging in the "fourth quarter"¶ There was a time, earlier in his administration, when fellow Democrats would have walked the plank for Obama without letting their political concerns slow them down. Those days are over.¶ "It is not unusual as a president comes to the last months of his administration, particularly if it's his second term, that members of his party become a little less willing to follow the president's lead," former Sen. Bob Graham, a Florida Democrat and onetime chairman of the Senate Intelligence Committee, said.¶ Obama's incentives are necessarily different from those of his Democratic allies in Congress. While he's focused on policy and legacy, they are focused on policy and winning reelection. Increasingly, Obama has used tools that don't require full Democratic support to implement policy — such as executive actions and the Iran deal. Still, Democrats know they will be held accountable for his actions, particularly if they can't show that they opposed him on a specific issue.¶ Jim Manley, a former aide to the late Sen. Ted Kennedy and Minority Leader Harry Reid, said the dynamics of a congressional disapproval vote — which would set up the veto and the one-third threshold necessary to sustain it — give the president an advantage.¶ "I think in the end, the president will have enough Democrats with him to sustain a veto," Manley said. "For many Democrats, the politics of this are so tricky they will be forced to vote against their president."

Deal is 50-50 now, Dems are key to ensuring passage

Werner 7/8/15 (Erica Werner, congressional reporter for the associated press, "President tells them he will walk away if a good deal isn't there," <http://www.slttrib.com/home/2710403-155/obama-presses-senate-democrats-to-withhold>, 7/8/15)

Washington • President Barack Obama downplayed chances for an Iran nuclear deal in a closed-door meeting with Senate Democrats, participants said Wednesday, while asking them to withhold judgment until any deal is complete. Obama also insisted that he won't sign a weak deal — a message that won praise from senators who joined the president for wine and appetizers in the White House State Dining Room on Tuesday evening. "He was urging that we wait to see the actual terms of an agreement if there is one and to have confidence that he would not sign a deal he viewed as flawed," said Sen. Chris Coons, D-Del. Coons added that Obama said it was uncertain whether the Iranians would go along with some of the tougher conditions and that a deal is "at best a 50-50 proposition."

I/L—Dems Key

Dem base key—rest of congress too polarized

Weisman and Davis 7/14 (Jonathan Weisman and Julie Hirschfeld Davis; July 14, 2015; Journalists for the New York Times; “Congress to Start Review of Iran Nuclear Deal”; New York Times; http://www.nytimes.com/2015/07/15/world/middleeast/congress-iran-nuclear-deal.html?_r=0) jskullz

[ed royce is a republican representative from California; benjamin cardin is head democate on the senate foreign relations committee]

“There are people who have already made up their minds, no question about that, and I think that’s unfortunate,” Mr. Cardin said. “But at this point, a majority of Congress believes we have to objectively review what’s in the agreement before we decide what course we’re going to take.”¶ Mr. Cardin said the Iran review, while proceeding in Congress initially over the White House’s objections, probably played to the West’s advantage. Under the terms of the law that established the review, Congress has 30 days to examine the agreement before sanctions can be lifted on Iran. But because Congress will be in its August recess when that review period ends, the deal effectively has an additional month of public scrutiny before Congress can decide its actions.¶ Mr. Cardin said the Iranians thought they could force negotiators to accept terms more favorable to Tehran to avoid that extra 30-day period. But American negotiators in the end let that deadline slip.¶ “Iran thought they’d blink at the last minute, and they didn’t,” he said.¶ White House officials must now decide whether the president should try to win over a majority of Congress, including hostile Republicans, or focus on shoring up a Democratic base to sustain a veto. Mr. Royce said he thought the strategy to protect the veto was already in play.¶ “I don’t see them convincing skeptical Democrats this is a good agreement. I see them pressuring Democrats to go along,” he said.

Senate Dems key to Iran deal

Hughes and Peterson 7/16/15 (Siobhan Hughes and Kristina Peterson, reports for the wall street journal both cover congressional issues, “Senate Democrats Key to Iran Deal,” <http://www.wsj.com/articles/senate-democrats-key-to-iran-deal-1437092680>, 7/16/15)

WASHINGTON—President Barack Obama’s efforts to cement the nuclear deal with Iran hinge on support from a majority of senators in his party, many of whom face competing political pressures as they weigh an agreement that could reshape the U.S. relationship with the Middle East. Sen. Chuck Schumer of New York, the chamber’s Democratic leader-in-waiting, is perhaps the most closely watched, because of his influence in the broader caucus. The top Democrat on the Senate Foreign Relations Committee, Ben Cardin of Maryland, is pivotal because he is a point person for the party on foreign policy, as is Sen. Chris Coons (D., Del.), whose views are being solicited by others in the caucus. So far, few of the Democrats have shown their hand as they assess the deal, its likely impact on the Mideast—and on their own political futures. Even Minority Leader Harry Reid (D., Nev.), who isn’t running for re-election and is often a reliable Obama ally, is a question mark. Republicans have almost universally promised to fight the agreement, which would stand as a cornerstone of Mr. Obama’s foreign-policy legacy. That leaves Senate Democrats as the key line of defense for the White House, because Republicans need 60 votes to reject the deal and they control only 54 seats. In other words, one of Mr. Obama’s best bets for avoiding a congressional resolution of disapproval of the Iran pact would be getting 41 of the 46 senators in the Democratic caucus to support a filibuster of it, thus depriving Republicans of the 60 votes they need to advance the measure. Mr. Obama has threatened a veto of any such resolution, which would then force Republicans to assemble 67 votes for an override. The lobbying has already begun. Vice President Joe Biden on Thursday met with Democrats on the Senate Foreign Relations Committee in a bid to help Senate Democrats get comfortable with it. An early problem cropped up when lawmakers raised questions about

why the Obama administration would head to the United Nations on Monday for an expected vote on lifting U.N. sanctions that are separate from American-imposed sanctions. Some lawmakers viewed such a move as an affront to Congress, which will have 60 days to review the deal and which is protective of its prerogatives. They feel their imposition of sanctions several years ago made possible this week's diplomatic agreement. "We are deeply concerned that your administration plans to enable the United Nations Security Council to vote on the agreement before the United States Congress can do the same," Senate Foreign Relations Committee Chairman Bob Corker (R., Tenn.) and Mr. Cardin wrote in a letter Thursday to Mr. Obama. "We urge you to postpone the vote at the United Nations until after Congress considers this agreement." House Minority Leader Nancy Pelosi (D., Calif.), who has a strong record of keeping her caucus in line, was optimistic House Democrats would largely hang together with the administration. But because the GOP-controlled House is expected to have the votes to initially reject the Iran deal, Democratic cohesion is more important in the Senate, where the party has more sway. Democrats are caught between competing forces, a situation aggravated by 2016 politics. Liberals view the pact as preferable to the risk of war with Iran, which the Obama administration has painted as the stark alternative. On the other side, pro-Israel constituents—some of whom are big campaign donors—worry that lifting sanctions will make Israel vulnerable and leave Iran flush with cash to support terrorist activities. Mr. Schumer embodies the pressures in his party. He said Thursday he hadn't made a decision, but in January showed a willingness to buck the White House by siding with Republicans in the Banking Committee in favor of a bill to toughen sanctions on Iran if a deal wasn't reached by the end of June. The White House had said the bill could undermine the talks. Two other Democrats seen as crucial, Mr. Cardin and Mr. Coons, have also times been willing to go their own way. Last month, Mr. Cardin voted against a fast-track trade bill pushed by the White House even though he had earlier supported it. "I am in the process of reviewing it," Mr. Cardin said of the Iran pact. "We have lots of questions—we do—and I'm going to take advantage of getting the answers to those questions." Sen. Jon Tester (D., Mont.) said his primary concern with the deal is oversight, to ensure that Iran can't cheat. "There aren't a lot of other options out there, other than boots on the ground," he said. Mr. Tester's position is being watched closely because as chairman of the Democratic Senatorial Campaign Committee he must make calculations about how his voting record will affect fundraising. Sen. Michael Bennet (D., Colo.), a former DSCC chair who is up for re-election in 2016, also has special political considerations. The White House faces additional uncertainty with lawmakers such as Sens. Kirsten Gillibrand of New York, Cory Booker and Bob Menendez of New Jersey and Bill Nelson of Florida, who face pressure because of large Jewish populations in their states. The tone from the New Jersey Democrats hasn't been not promising for the White House. "I'm concerned that the deal ultimately legitimizes Iran as a threshold-nuclear state," Mr. Menendez said in a statement this week. "The bottom line is: The deal doesn't end Iran's nuclear program—it preserves it." Mr. Booker said in a statement that "the most important question...is whether it will credibly prevent Iran from obtaining a nuclear weapon, now and into the future." Liberals like Sen. Brian Schatz (D., Hawaii) were more supportive of the Obama administration. "The more I learn about it, the more inclined I am to support it. The harder you scratch, in terms of the opposition, the more it becomes clear that they have no alternative," Mr. Schatz said. Some centrists, while still weighing the decision, were going through a similar thought process. "I'm skeptical, but I'm also going to very closely examine the alternatives," said Sen. Claire McCaskill (D., Mo.). Ms. McCaskill said she worried that if the U.S. rejected the deal, the international sanctions regime could collapse. "What does the world look like with no more sanctions on Iran except us? Does that mean their race to a nuclear weapon is on steroids at that point? I'm trying to weigh not just what's in this deal and whether or not it's verifiable, but what are we left with if we turn this deal down," she said.

Senate Dems key to Iran deal

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Deal Bad

Iran deal leads to nuclear proliferation

Rogin 6/24/14 (Josh, writer for Bloomberg, "Clinton Defense Chief: Iran Deal Could Spark Proliferation", [//BW](http://www.bloombergview.com/articles/2015-06-24/clinton-defense-chief-iran-deal-could-spark-proliferation))

Gulf Arab powers are likely to respond to President Barack Obama's pending nuclear deal with Iran by developing their own nuclear programs, former Defense Secretary William Cohen said Wednesday. He said they don't trust either the Iranians or the United States to protect their interests. "The administration's intent was to have a counter-proliferation program. And the irony is, it may be just the opposite," he told a meeting of Bloomberg reporters Wednesday morning. As Secretary of State John Kerry prepares to meet Iranian leaders for the final push toward a comprehensive nuclear deal with Iran, there's growing angst in countries like Saudi Arabia, the United Arab Emirates, Qatar and Israel about the deal, which will leave Iran with significant uranium enrichment capabilities and may not give the international community the right to inspect all of Iran's nuclear facilities. The administration argues that a deal with Iran will remove the need for other regional powers to pursue their own nuclear enrichment and weapons programs. Cohen said the region doesn't see it that way. "Once you say they are allowed to enrich, the game is pretty much up in terms of how do you sustain an inspection regime in a country that has carried on secret programs for 17 years and is still determined to maintain as much of that secrecy as possible," said Cohen, who was a Republican lawmaker from Maine before serving under President Clinton from 1997 to 2001. Other regional powers are further skeptical of the international community's ability to enforce any deal with Iran because the Obama administration has lost credibility in the region, according to Cohen. He said America's relationships in the region were damaged in 2013, when President Obama backed away from striking Syria after telling Gulf allies he would do so, even though the Assad regime had crossed his "red line" on chemical weapons. "It was mishandled and everybody in the region saw how it was handled. And I think it shook their confidence in the administration. ... The Saudis, the UAE and the Israelis were all concerned about that," Cohen said. "They are looking at what we say, what we do, and what we fail to do, and they make their judgments. In the Middle East now, they are making different calculations." Cohen acknowledged that without a nuclear deal, Iran could have the ability to expand its nuclear activities with no restrictions, leading to an even more dangerous situation for the U.S. and the region. He doesn't agree with some lawmakers, such as Senator Tom Cotton, who argue that a military strike on Iran's nuclear facilities could be a solution. Cohen said that if a deal is reached, there will be significant international momentum for implementing the deal and lifting sanctions against Iran. The drive to do business in Iran will be alluring, especially to European countries, who have been eager to return to Iran but have been held back by the U.S.-led sanctions. Iranian officials have said that if the U.S. is the only country left with sanctions on Iran, that would amount to America sanctioning itself. "I anticipate this deal will be done. I think Congress is going to be hard-pressed to reject it," said Cohen. "Congress, the only chance it has to influence it is now, before it's signed." Cohen disagrees with those who believe that a nuclear deal will mollify Iran. He is skeptical that giving Iran large economic benefits will lead to significant reform in the Islamic Republic. "Most people that I know believe that Iran will continue to be a revolutionary country, and that's what bothers all of the others in the region, that this is going to continue the expansion of power, that they will be at a disadvantage, and they can't count on the United States," he said. Overall, countries in the Middle East have lost confidence in the Obama administration, Cohen said, in part because the U.S. has failed to articulate a clear vision for America's role in the world in the 21st century. That may not be resolved in the remainder of this administration. "There's a lot of worry about U.S. leadership and what we'll do next. You couple that with the Iran situation, and you could see there's a lot of nervousness now about where we are," he said. "That's something the next president will have to deal with."

Iran deal leads to global proliferation and hurts the economy

Yashar, 7/2/15 (Ari, writer for Israel Nation News, "Experts Warn Iran Deal Will Kill Nuclear Non-Proliferation", [//BW](http://www.israelnationalnews.com/News/News.aspx/197588#.VaVjMRNViko))

Foreign policy experts warned this week that if the US proves itself unable to enforce a hard line against Iran's pursuit of nuclear power, America will be rendered unable to oppose nuclear proliferation on a global scale. The experts were speaking at the Heritage Foundation on Tuesday, reports the Washington Free Beacon, in an event just a week ahead of the extended July 7 deadline for a nuclear deal between world powers and Iran over the latter's controversial nuclear program. "The fundamental problem is that we're giving ground on what has been a principle of US non proliferation policy for 70 years, which (views) the spread of enrichment and reprocessing to any country, even our allies, as a problem," said Matthew Kroenig, associate professor at Georgetown University. "What this Iran deal does is make an exception, not just for any country, but for Iran, a country that's continually cheating on its agreements. So in the wake of the deal, I think it becomes very hard for us to go to our allies and say, 'we trust Tehran with this technology, but we don't trust you.'" Brian Finaly, vice president of the Washington DC-based think tank Stimson Center, added to Kroenig's troubling assessment. "As we understand how the world is changing, it is certainly impacting how we manage the proliferation threat, and I believe that getting out in front of this, thinking beyond the limited ability of the state to control proliferation in the future, is going to be essential to successful non-proliferation efforts," warned Finaly. He explained that non-state actors such as multinational companies can play a role in preventing nuclear crises, noting on the conflict between India and Pakistan in the 1980s. "A group of very senior level executives from an array of companies got together and sent a very clear message to the Indian Prime Minister: 'this crisis is bad for business and if we decide to leave India, we will not return,'" Finlay said. That warning "had the ultimate effect of, I think, contributing significantly to the easing of nuclear tensions between the two countries, and it returned to semi-regular relations between the two countries," he added. Regarding economic incentives, experts have warned that the current sanctions regime against Iran has not been tough enough to have an effect, as the Iranian GDP grew 3% in 2014. Just this Monday Iranian officials announced that 13 tons of gold had been repatriated as part of sanctions relief, bringing the total in unfrozen assets since the November 2013 interim deal was signed to just under \$12 billion.

Deal causes runaway prolif—breakdown of non-proliferation treaty

Pletka 7/14 (Danielle Pletka; July 14 2015; vice president for foreign and defense policy studies at the American Enterprise Institute; "8 Unplanned Results of the Iran Deal"; Politico; www.politico.com/magazine/story/2015/07/eight-unplanned-results-of-the-iran-deal-120129.html?ml=tl_38_b) jskullz

4. The beginning of the end of the NPT Like any set of rules, the Nuclear Non-Proliferation Treaty is only as good as its members make it. Once, a country that hid behind the NPT to violate safeguards agreements and work on nuclear weapons faced the certainty of international punishment. That is what happened to North Korea. With this deal, the exact reverse is happening with Iran. After using the treaty to advance its nuclear weapons program, Iran is now being pardoned, rehabilitated and allowed to keep its nuclear infrastructure. We can expect other countries — especially those most worried about Iran's rising power in the Middle East — to emulate Iran in using the NPT as cover for advancing their own nuclear weapons programs.

Deal causes Israeli first strike—escalates to nuclear war

Worral 15 (Eric Worral; Apr 28 2015; Writer for Breitbart; “Israel Will Strike Iran First To Thwart Nuclear Attack”; Breitbart; <http://www.breitbart.com/big-government/2015/04/28/israel-will-strike-iran-first-to-thwart-nuclear-attack/>) jskullz

Israel is not in a pleasant situation. Every day, her arch enemy Iran draws closer to refining enough uranium to build 100s of nuclear weapons.¶ Every day the Iranian program becomes more difficult to dislodge – as the uranium is concentrated, the number of centrifuges required to complete the process decreases, allowing the remaining refining operation to be moved to smaller and more covert facilities.¶ America, ostensibly Israel’s ally, is rumoured to have ordered US warships to shoot down Israeli aircraft, should a strike on Iran appear to be in progress. According to Israeli newspapers, President Obama thwarted a planned 2014 Israeli attack against Iranian nuclear facilities, by threatening to shoot down the Israeli bombers.¶ America is currently sending additional warships to the Persian Gulf – ostensibly to blockade Iranian supply runs to rebels in Yemen, but if rumours of President Obama’s threat against Israel are correct, perhaps also to reinforce US firepower, should Israel decide to mount an attack against Iran.¶ There is no doubt an attack is on the drawing board – the Israeli Defence Force admitted they are training for an attack on Iran, in a recent interview with The Times of Israel.¶ Iran may pose a grave existential threat to Israel – at least Israel believes they do and they appear to have good reasons for their concerns. According to an Israeli report written in 2008, Iran regularly state that Israel will shortly be wiped from the face of the Earth.¶ Regardless of whether the Iranian threats are as bad as is claimed, or whether Iran actually means what they say, the Iranian nuclear programme will provide Iran with the means to fulfill this terrifying threat.¶ Iran is currently purchasing an advanced Russian air defence system – which will further complicate the job of attacking Iran, should Israel choose to mount an attack.¶ If Israel does decide to mount an attack against Iran, they will run a gauntlet – they will have to fly long distances, over hostile Syria, and other unfriendly countries. They will potentially face a massive counterattack from the growing American presence in the Persian Gulf. When they finally reach Iran, they will suffer even more casualties from the advanced Russian anti-aircraft systems, which will shortly be operational.¶ And when a handful of Israeli aircraft finally reach their targets, the surviving Israeli warplanes will have to somehow inflict sufficient damage on heavily armoured nuclear facilities, some of which are buried hundreds of feet underground, to prevent them from being repaired.¶ There is only one kind of bomb in Israel’s arsenal, which can fulfill this military requirement.¶ A weak Iran deal, if it is ratified, will in my opinion be a lot more than a diplomatic failure – for the reasons I have provided, I believe it may trigger a nuclear war.

Despite the nuclear deal, Iran is still belligerent

Tamara Cofman **Wittes, 7/14**, senior fellow and the director of the Center for Middle East Policy at Brookings, July 14, 2015 , “An Iran deal won’t stabilize the messy Middle East — but maybe Arab states can”, http://www.brookings.edu/blogs/markaz/posts/2015/07/14-iran-nuclear-deal-us-middle-east-wittes?utm_campaign=Brookings+Brief&utm_source=hs_email&utm_medium=email&utm_content=20603985&_hsenc=p2ANqtz-

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Iran's proclivity for regional meddling is longstanding, and the chaotic politics of the Arab world since 2011 has given the Islamic Republic unprecedented opportunities to insert itself into local politics in destabilizing ways. In my recent congressional testimony, and in remarks to the Herzliya Conference in Israel last month, I explained my view that Iran's regional troublemaking is likely to grow worse in coming years, regardless of a deal over the nuclear program. I said: In fact, whether there's a nuclear deal or not, I predict we will see a more aggressive approach by Iran in a host of arenas around the region, where the upheaval has given them greater opportunities than before. If there is a nuclear deal, the hardline elements within the Iranian regime, those most opposed to a deal, are also those with the greatest interest and investment in regional troublemaking. They are likely to use their ability to make noise regionally to try and compensate for the power disadvantages they see inherent in a deal — and they are likely to have a green light from the Supreme Leader to do so, because he will want to compensate them for their unhappiness with a deal. If there's no deal on the nuclear issue, however, then the Iranian leadership will want to scale up its regional assertions of power for a different reason: in order to solidify or even strengthen its current regional power position in advance of whatever tougher American / Israeli / Sunni Arab efforts it anticipates to contain it. I stand by that prediction. While sanctions relief will give Iran considerably more resources, it has never lacked motivation for its assertions of power, and it continues to face ample opportunity. As my Herzliya panel partner, Meir Javandefar, revealed at the conference, Iran's sanctions-induced economic hardship in recent years has not prevented Iran from spending billions of dollars and its own soldiers' lives keeping Bashar al-Assad in power. So yes, Iranian meddling across the region will get worse in the wake of an Iran deal — but it was going to get worse anyway. The real question about Iran's regional behavior is not, therefore, whether a nuclear deal is too dangerous for the Middle East because it will give Iran more ability to make trouble. Trouble, in case you haven't noticed, is not lacking in the Middle East, and Iran is one major source (though not, to be sure, the only one). The real question is what the United States and America's Arab allies are prepared to do about it. Note that, in my view, America's Arab allies have an essential role to play here, independent of the United States. Read on to see what I mean.

The deal changes nothing

Suzanne **Maloney, 7/15**, interim deputy director of the Foreign Policy program at the Brookings Institution and a senior fellow in the Brookings Center for Middle East Policy, July 15, 2015, Brookings, "For the U.S. and Iran, a nuclear accord upends old assumptions", http://www.brookings.edu/blogs/markaz/posts/2015/07/15-iran-deal-diplomacy-sanctions-rouhani-beginning?utm_campaign=Brookings+Brief&utm_source=hs_email&utm_medium=email&utm_content=20624082&_hsenc=p2ANqtz-9SEY60r2pRxzjZc8Zu75XmClZT-sdnEWMIAMc36o-qhMilxtyiusrW5bawoJ6D5CCKUxda4qPpcueDZOOFQw4TxorWVg&_hsmi=20624082 //Zabner

But though the negotiating process itself has ended, the factors that undermine its relationship with the world have not. The deal will not put an end to the dispute over Iran's nuclear ambitions. The agreement will now undergo an excruciating dissection in both capitals, with every word of the 159-page English language text probed for signs of leniency or capitulation. Then, if it survives legislative scrutiny (as it is likely to do), a laborious implementation process will ensure that the issue remains a major preoccupation for each of the states that is a party to the agreement, as well as a source of continuing frictions and suspicions between Washington and Tehran. Nor do Washington's other differences with Tehran appear to be

nearing a more auspicious conclusion. Only the most credulous optimist can assert that a nuclear deal will somehow produce an Iranian epiphany about the horrific and destabilizing consequences of its assistance to Bashar Al Assad. Tehran's approach to extending its regional influence, via the funding and direction of violent proxies across the region, will continue to exacerbate instability in Iraq, Yemen, Lebanon, and beyond, while fueling the geostrategic rivalry with Saudi Arabia and the related sectarian tensions. This week's resumption of a trial of a Washington Post reporter underscores that Iran's unjust detention of American citizens for months or even years will likely continue as well. The same streets where Iranians celebrated a deal yesterday were the scenes of anti-American and anti-Israeli protests, where both flags were burnt in effigy, only a few days ago. Perhaps most importantly, as I'll argue in a follow-up piece tomorrow examining the uncertain prospects for new beginnings, the underlying logic of Islamic regime is unlikely to be altered significantly by the resolution of the nuclear impasse. The nuclear agreement was a transactional decision for Iranian leaders, not a transformational one, and the odds against the moderation of the Iranian system remain overwhelmingly stacked against the establishment of the revolution's elusive Thermidor.

Turn—the Iran bill is problematic and shouldn't pass—concedes too much nuclear power to Iran

Edelman and Takeyh 7/17, Eric Edelman, undersecretary of defense for policy from 2005 to 2009, is a scholar in residence at Johns Hopkins School of Advanced International Studies. Ray Takeyh is a senior fellow at the Council on Foreign Relations., "On Iran Congress should just say no," Washingtonpost, 7/17/15, http://www.washingtonpost.com/opinions/on-iran-congress-should-just-say-no/2015/07/17/56e366ae-2b30-11e5-bd33-395c05608059_story.html

After two years of painstaking diplomacy, the Obama administration has finally concluded a nuclear agreement with Iran. A careful examination of the Joint Comprehensive Plan of Action (JCPOA) reveals that it concedes an enrichment capacity that is too large; sunset clauses that are too short; a verification regime that is too leaky; and enforcement mechanisms that are too suspect.

No agreement is perfect, but at times the scale of imperfection is so great that the judicious course is to reject the deal and renegotiate a more stringent one. The way for this to happen is for Congress to disapprove the JCPOA. Prior to the 2013 interim accord, the Obama administration's position rested on relatively sensible precepts. The United States insisted that, given Iran's practical needs, it should only have a symbolic enrichment program of a few hundred centrifuges, and that the Islamic republic could not be considered a member of the Nuclear Non-Proliferation Treaty (NPT) in good standing until it secured the trust and confidence of the international community in the peaceful nature of its program. These were not just U.S. aspirations but also the position of members of the "P5+1" powers — the five U.N. Security Council members plus Germany. These prudent parameters were overtaken by a cavalcade of concessions that began in 2013. The administration soon brandished the notion of a one-year breakout period that would allow Iran to maintain a substantial enrichment apparatus, in effect abandoning the goal of preventing development of an Iranian nuclear capability in favor of managing its emergence. The much heralded one-year breakout period will only shrink over time as the JCPOA concedes that Iran can begin phasing out its primitive centrifuges in favor of more advanced ones. Even more troublesome is the agreement's stipulation that after its limits expire, the "Iranian nuclear program will be treated in the same manner as that of any other non-nuclear weapon state party to the NPT." This means that Iran can proceed with the construction of an industrial-sized nuclear infrastructure similar to that of Japan. At that time, Iran could easily sprint to the bomb without risking timely detection. In the coming weeks, the administration will justify its concessions by professing that the agreement establishes an unprecedented inspections regime. The verification measures of the JCPOA rely on "managed access" whereby the International Atomic Energy Agency has to first offer credible evidence of untoward activity and then negotiate with Iran for timely access to

the suspect facility. This certainly falls short of the inspection modality pledged by Energy Secretary Ernest Moniz, the administration's chief nuclear physicist, who said in April that "we expect to have anywhere, anytime access." Under the current arrangement, the likely response to Iranian mischief will be prolonged negotiations mired in arcane detail over at least a three-week period. In as little as a few months, Iran will for all intents and purposes no longer be a sanctioned country. Although elaborate and protracted procedures are in place for the re-imposition of the U.N. Security Council sanctions resolutions, the economic sanctions imposed by the European Union and the United States — always the most essential ones — will be rolled back quickly and will not be easily reconstituted. The European oil embargo, international banking restrictions and efforts to segregate Iran from the global economy will be suspended. And the notion that U.S. business will be left out of the commercial march to Iran because congressionally imposed U.S. sanctions will remain in place is itself undermined by a loophole in the deal allowing "non-U.S. entities that are owned or controlled by a U.S. person to engage in activities with Iran that are consistent with this JCPOA." The JCPOA stands as one of the most technologically permissive arms-control agreements in history. All is not lost, however, and with sensible amendments the accord can be strengthened. The United States should return to the table and insist that after the expiration of the sunset clause, the P5+1 and Iran should vote on whether to extend the agreement for an additional 10 years. A majority vote every 10 years should determine the longevity of the agreement, not an arbitrary time-clock. Further, the JCPOA has usefully stressed that all of Iran's spent fuel from its heavy-water reactor will be shipped out permanently. A similar step should be taken with Iran's enriched uranium. The revised agreement should also limit Iran to the first-generation centrifuges and rely on "anytime, anywhere access." These and other such measures could help forestall an Iranian bomb and stem the proliferation cascade in the Middle East that this agreement is likely to trigger. At this late date, the only way that the agreement can be reopened and amended is for Congress to first reject it. At that time, the Obama administration or its successor can return to the table and confess that given the absence of a bipartisan foundation of support in the United States, key provisions of the agreement have to be reconsidered. At the end of such a process, the United States may yet be able to obtain a viable accord that reliably alters Iran's nuclear trajectory.

Bomb Good

Iran bomb good—no prolif or terrorism, and prevents escalatory war with Israel and other states

Waltz 12 (Kenneth N. Waltz; July/Aug 2015; Political Science prof at Columbia and one of the single most influential international relations scholars; Why Iran Should Get the Bomb; Foreign Affairs <https://www.foreignaffairs.com/articles/iran/2012-06-15/why-iran-should-get-bomb>) jskullz

The third possible outcome of the standoff is that Iran continues its current course and publicly goes nuclear by testing a weapon. U.S. and Israeli officials have declared that outcome unacceptable, arguing that a nuclear Iran is a uniquely terrifying prospect, even an existential threat. Such language is typical of major powers, which have historically gotten riled up whenever another country has begun to develop a nuclear weapon of its own. Yet so far, every time another country has managed to shoulder its way into the nuclear club, the other members have always changed tack and decided to live with it. In fact, by reducing imbalances in military power, new nuclear states generally produce more regional and international stability, not less. ¶ Israel's regional nuclear monopoly, which has proved remarkably durable for the past four decades, has long fueled instability in the Middle East. In no other region of the world does a lone, unchecked nuclear state exist. It is Israel's nuclear arsenal, not Iran's desire for one, that has contributed most to the current crisis. Power, after all, begs to be balanced. What is surprising about the Israeli case is that it has taken so long for a potential balancer to emerge. ¶ Of course, it is easy to understand why Israel wants to remain the sole nuclear power in the region and why it is willing to use force to secure that status. In 1981, Israel bombed Iraq to prevent a challenge to its nuclear monopoly. It did the same to Syria in 2007 and is now considering similar action against Iran. But the very acts that have allowed Israel to maintain its nuclear edge in the short term have prolonged an imbalance that is unsustainable in the long term. Israel's proven ability to strike potential nuclear rivals with impunity has inevitably made its enemies anxious to develop the means to prevent Israel from doing so again. In this way, the current tensions are best viewed not as the early stages of a relatively recent Iranian nuclear crisis but rather as the final stages of a decades-long Middle East nuclear crisis that will end only when a balance of military power is restored. ¶ UNFOUNDED FEARS ¶ One reason the danger of a nuclear Iran has been grossly exaggerated is that the debate surrounding it has been distorted by misplaced worries and fundamental misunderstandings of how states generally behave in the international system. The first prominent concern, which undergirds many others, is that the Iranian regime is innately irrational. Despite a widespread belief to the contrary, **Iranian policy is made not by "mad mullahs" but by perfectly sane ayatollahs who want to survive just like any other leaders. Although Iran's leaders indulge in inflammatory and hateful rhetoric, they show no propensity for self-destruction.** It would be a grave error for policymakers in the United States and Israel to assume otherwise. ¶ Yet that is precisely what many U.S. and Israeli officials and analysts have done. Portraying Iran as irrational has allowed them to argue that the logic of nuclear deterrence does not apply to the Islamic Republic. If Iran acquired a nuclear weapon, they warn, it would not hesitate to use it in a first strike against Israel, even though doing so would invite massive retaliation and risk destroying everything the Iranian regime holds dear. ¶ Although it is impossible to be certain of Iranian intentions, it is far more likely that if Iran desires nuclear weapons, it is for the purpose of providing for its own security, not to improve its offensive capabilities (or destroy itself). Iran may be intransigent at the negotiating table and defiant in the face of sanctions, but it still acts to secure its own preservation. Iran's leaders did not, for example, attempt to close the Strait of Hormuz despite issuing blustery warnings that they might do so after the EU announced its planned oil embargo in January. The Iranian regime clearly concluded that it did not

want to provoke what would surely have been a swift and devastating American response to such a move.¶ Nevertheless, even some observers and policymakers who accept that the Iranian regime is rational still worry that a nuclear weapon would embolden it, providing Tehran with a shield that would allow it to act more aggressively and increase its support for terrorism. Some analysts even fear that Iran would directly provide terrorists with nuclear arms. The problem with these concerns is that they contradict the record of every other nuclear weapons state going back to 1945. History shows that when countries acquire the bomb, they feel increasingly vulnerable and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action. Maoist China, for example, became much less bellicose after acquiring nuclear weapons in 1964, and India and Pakistan have both become more cautious since going nuclear. There is little reason to believe Iran would break this mold. ¶ As for the risk of a handoff to terrorists, no country could transfer nuclear weapons without running a high risk of being found out. U.S. surveillance capabilities would pose a serious obstacle, as would the United States' impressive and growing ability to identify the source of fissile material. Moreover, countries can never entirely control or even predict the behavior of the terrorist groups they sponsor. Once a country such as Iran acquires a nuclear capability, it will have every reason to maintain full control over its arsenal. After all, building a bomb is costly and dangerous. It would make little sense to transfer the product of that investment to parties that cannot be trusted or managed. ¶ Another oft-touted worry is that if Iran obtains the bomb, other states in the region will follow suit, leading to a nuclear arms race in the Middle East. But the nuclear age is now almost 70 years old, and so far, fears of proliferation have proved to be unfounded. Properly defined, the term "proliferation" means a rapid and uncontrolled spread. Nothing like that has occurred; in fact, since 1970, there has been a marked slowdown in the emergence of nuclear states. There is no reason to expect that this pattern will change now. Should Iran become the second Middle Eastern nuclear power since 1945, it would hardly signal the start of a landslide. When Israel acquired the bomb in the 1960s, it was at war with many of its neighbors. Its nuclear arms were a much bigger threat to the Arab world than Iran's program is today. **If an atomic Israel did not trigger an arms race then, there is no reason a nuclear Iran should now.**¶ REST ASSURED¶ In 1991, the historical rivals India and Pakistan signed a treaty agreeing not to target each other's nuclear facilities. They realized that far more worrisome than their adversary's nuclear deterrent was the instability produced by challenges to it. Since then, even in the face of high tensions and risky provocations, the two countries have kept the peace. Israel and Iran would do well to consider this precedent. If Iran goes nuclear, Israel and Iran will deter each other, as nuclear powers always have. There has never been a full-scale war between two nuclear-armed states. **Once Iran crosses the nuclear threshold, deterrence will apply, even if the Iranian arsenal is relatively small. No other country in the region will have an incentive to acquire its own nuclear capability, and the current crisis will finally dissipate, leading to a Middle East that is more stable than it is today.**

Defense

Iran won't launch a nuke—only interested for defensive purposes

Shanahan 15 (Roger Shanahan; Jan. 8th 2015; ANU's National Security College and is a non-resident fellow at the Lowy Institute for International Policy; "Would Iran Start a Nuclear War?"; National Interest; <http://nationalinterest.org/blog/the-buzz/would-iran-start-nuclear-war-11995>) jskullz

¶ The language is dramatic but the posts lack much by the way of reasoned argument. Don't get me wrong, I'm a devoted counter-proliferator and think that a nuclear-armed Iran should be stopped simply to avoid other states seeking to do the same. But I disagree with the view advocated by Andy Nikolic and others that a nuclear-armed Iran will seek to use those weapons to become more regionally influential or to launch them against Israel.¶ ¶ (Recommended: 5 Iranian Weapons of War Israel Should Fear) ¶ ¶ The main reason I oppose such views is because they lack intellectual rigour. Firstly, simply having nuclear weapons doesn't make anyone more influential. Pakistan and India are no more influential following their acquisition of a nuclear capability than they were before it. Influence comes through a range of media, and Iran has always understood that in many ways it's an outsider in the region—ethnically, linguistically and religiously different from its Arab and Turkic neighbours. Hence its reliance on allies and proxies to exert influence—and that wouldn't change if it became a nuclear-capable country.¶ ¶ Second, Andy's argument is predicated on Iran's seeing a nuclear weapon as simply an offensive weapon. The reality is that nuclear weapons are often the ultimate defensive weapon. Tehran could look east and see how Islamabad's nuclear capability has stopped it from going to war with India, and it could look west and see how Tel Aviv's undeclared capability has deterred its neighbours from invading it. Its nuclear capability hasn't stopped conflict or guaranteed military success for Israel, as it has faced two intifadas, invaded Gaza, had to withdraw from southern Lebanon and fought a short but bloody war against Hizbullah in 2006. But none of those have been existential threats.¶ ¶ (Recommended: Five Israeli Weapons of War Iran Should Fear) ¶ ¶ The argument follows that Tehran sees a nuclear capability as the ultimate shield, rather than as a potential sword. Having been invaded by the British and the Soviets in World War II, and then suffering through eight years of a war with Iraq backed by its Arab neighbours and some in the West that cost hundreds of thousands of lives, it's easy to see the logic of Tehran viewing a nuclear weapon as the ultimate shield.¶ ¶ In order to protect the Islamic Revolution the leadership seeks to guarantee its survival from external attack first and foremost and a nuclear weapon would do that. Any preemptive use of such weapons would be nearly guaranteed to receive more in return and hence end the rule of those charged with ruling in accordance with God's will. Again, there seems to be no reason why the Supreme Leader would seek to do such a thing. Some have argued that a strain of Shi'a millenarianism would see Iran loose off volleys of nuclear weapons in order to set the conditions to hasten the arrival of the Awaited Imam. There's no explanation of how that would follow, nor evidence of any support for such a concept by the Supreme Leader, who is in charge of Iran's nuclear file.¶ ¶ (Recommended: 5 Israeli Weapons of War ISIS Should Fear) ¶ ¶ Andy claims that Iran exhibits "a determination to leverage the anticipated benefits of that [nuclear] investment" and that it seeks a nuclear capability "because of the prestige, power and authority which Iran believes such weapons would give it, both regionally and beyond." What he doesn't do is explain exactly what he sees those benefits to be, nor how he sees Tehran achieving power and authority as a nuclear state. I agree that Tehran seeks regional influence commensurate with how it views its rightful place in the international system. But I don't see how having a nuclear capability achieves that other than by safeguarding it from existential threats. Rather, I'd argue that Iranian national power, and hence that of the Islamic Revolution, will be furthered by leveraging its enormous potential economic and human capabilities. In many ways that's what its Gulf neighbours truly fear.¶

****Iran Politics DA SDI****

This file just has the cards specific to the iran DA – use the TPP DA to get evidence about PC theory, winners win, etc

Topshelf

1NC

Deal passes now --solves iran prolif

Aaron **Mehta**, 7-18-2015, "Experts Praise Iran Deal, Despite Congressional Concerns," Defense News, <http://www.defensenews.com/story/defense/policy-budget/2015/07/18/experts-praise-iran-deal-despite-congressional-concerns/30261893/>

Substantively, a general consensus quickly emerged following the July 14 unveiling of the agreement that the deal is as close to a best-case situation as reality would allow.¶ Jeffrey Lewis, director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies, believes "the deal is excellent compared to where we are today."¶ "It puts a gap between [Iran's] ability to build a bomb and actually doing it, and the gap is big enough for us to do something about it if we detect them moving toward a bomb," Lewis said. "At the highest macro level, I think that's fantastic."¶ As to critics who say a better deal should have been reached, Kingston Reif, director for disarmament and threat reduction policy at the Arms Control Association, puts it in simple terms: "A perfect deal was not attainable.¶ Overall, it's a very strong and good deal, but it wasn't negotiations that resulted in a score of 100-0 for the US," Reif said. "That's not how international negotiations go."¶ Added James Acton, co-director of the Nuclear Policy Program and senior associate at the Carnegie Endowment: "You can't compare this to a perfect deal, which was never attainable."¶ Speaking July 15, Obama called the agreement "the most vigorous inspection and verification regime by far that has ever been negotiated," something Reif agreed with fully.¶ "The monitoring and verification regime in this deal is the most comprehensive and intrusive regime that has ever been negotiated," Reif said. "But there is no country which would grant [total open access to all its territory], and there has never been a settlement where that has happened."¶ Jon Wolfsthal, senior director for arms control and nonproliferation at the US National Security Council, echoed the president by insisting that the treaty is "a very good deal that not only met, but exceeded" parameters laid out in the interim Lausanne accord from November 2013.¶ "Limitations imposed through this agreement are for the long term. There is no sunset clause here. Limitations are permanent and we have the ability to enforce them," he told a July 15 gathering of the Atlantic Council in Washington.¶ An overriding concern with any Iranian nuclear deal, identified by all interviewed for this story, is the possibility of them starting up a covert nuclear program, one which inspectors possibly could miss.¶ In theory, Tehran could keep inspectors focused on the known nuclear sites while developing weapons elsewhere. And under the treaty, Iran can deny access to inspectors of any non-negotiated site for up to 24 days, raising concerns from some that an Iranian nuclear program could be moved frequently and kept underground.¶ If Iran refuses to allow inspectors to look at a site after 24 days, the US and its partners can reinstate the sanctions being lifted.¶ Given past Iranian behavior and attempts to conceal key aspects of its nuclear program, Wolfsthal said US negotiators and other world powers crafted the agreement on the assumption that Tehran would try to cheat.¶ "Our expectation is that Iran will implement the agreement, but the verification mechanism is structured to assume otherwise," Wolfsthal said.¶ Obama hit back at the idea that the Iranians could develop and produce nuclear weapons without inspectors being aware of the issue, noting that inspectors will be keeping a close eye

on the potential streams of nuclear material and have 24/7 access to known sites.¶ “The nature of nuclear programs and facilities is such, this is not something you hide in a closet. This is not something you put on a dolly and kind of wheel off somewhere,” Obama said. “And, by the way, if we identify an undeclared site that we’re suspicious about, we’re going to be keeping eyes on it.”¶ Wolfsthal noted that compared with previous agreements with North Korea, Iraq and the Moscow Treaty of 2002, which numbered a handful of pages, the treaty is meticulously detailed and annexed.¶ “We assume they will try to cheat. But this agreement is more than 100 pages long; it’s like no nonproliferation agreement that’s ever been signed. It will prevent them from cheating.”¶ Acton agreed the document is crafted to address such concerns, noting that “it is impossible” to hide evidence of a nuclear program within that 24-day time period.¶ “If Iran wants a secret program, they have to procure yellow cake and centrifuge components,” Acton said. “It now can’t do that from existing facilities because they will be monitored. So then it will have to build more facilities or acquire it on the black market — creating opportunities for detection.”¶ Joe Cirincione, president of the Washington-based Plowshares Fund, added Iran has very little, if any, room for error to hide a secret attempt at a nuclear program.¶ “The claims about the inspection regime are particularly ridiculous to anyone who knows anything about inspecting nuclear programs. If Iran were to flush the evidence down the toilet, they’d have a radioactive toilet. And if they were to rip out the toilet, they’d have a radioactive hole in the ground. They simply won’t be able to cheat,” he said.¶ “There is no silver bullet,” to preventing a secret Iranian program, Acton noted. “There is nothing else that could be included in this agreement that solves the problem. What it does contain is a series of provisions that significantly mitigate the chance.”¶ In other words, **while a black program may be hypothetical, it is logistically very, very difficult**. And Iran was never going to allow inspectors 24/7 access to its entire territory, so the system put in place here helps create roadblocks to a secret program being spun up, Reif said.¶ According to Wolfsthal, Washington aims to expand the funding, technological expertise and personnel it contributes to the IAEA to ensure “24/7 monitoring.¶ “We’re providing satellite coverage, live camera feeds, radio identification, tamper seals. ... We will know whatever goes on in those facilities,” he said.¶ Barbara Slavin, senior fellow of the Atlantic Council’s South Asia Center and host of the July 15 event, noted that Iran has abided by previous commitments put forth in the interim agreement and believes the public focus of its people will help keep the agreement on track.¶ “This is a nation that, despite the rhetoric of its leaders, is influenced by its public.”¶ Slavin, who has made repeated visits to Tehran, added the Iranian people aspire to turn a new page with regard to their place in the world.¶ Congressional Challenge Ahead?¶ Cirincione said the debate surrounding the deal needs to be broken down into three parts.¶ “On its nuclear merits, **the expert community is overwhelmingly in favor of this deal. There is not a serious debate on whether it blocks Iran from the bomb; it does,**” he said. “**But then** you get into policy, and that’s where you’ll find a divide among regional experts. And where **it really gets contentious is at the political level;** that’s **where facts don’t really matter anymore.**”¶ Indeed, while experts are happy with the deal, **members of Congress moved quickly to criticize the agreement** — in some cases, before the final wording was even released publicly.¶ The most audible criticisms are coming from Republican members of the House and Senate, as well as the bevy of GOP presidential hopefuls who seem to view a deal with Iran as a cudgel that can be wielded during campaign season.¶ Much of the criticism is of the same flavor: that the US and Israel are less safe because of the agreement reached with

Tehran.¶ Sen. Kelly Ayotte, R-N.H., said the deal "appears to be an historic capitulation on Iran's nuclear program," while her counterpart on the Senate Armed Services Committee, Sen. Lindsey Graham, R-S.C., slammed the deal in a series of television appearances. Graham, notably, is a GOP presidential hopeful who is staking his campaign on his foreign policy and defense credentials.¶ The committee's chairman, Sen. John McCain, R-Ariz., cited concerns that Iran already is expanding in other parts of the region and that loosening restrictions will allow the Iranian government to spread its influence unchecked.¶ "Ultimately, the problem with this agreement is that it is built far too much on hope, on the belief that somehow the Iranian government will fundamentally change in the next several years," McCain said in a statement.¶ "This is delusional and dangerous."¶ **Realistically, Lewis sees little chance that Congress successfully blocks the deal, as it would require veto-proof majorities in both the House and Senate.** Instead, he said, expect a lot of talk, a lot of posturing, and potentially, a way for members of Congress to avoid the issue entirely.¶

But, it will be a battle – PC is key to hold off republican spoiling

By: Kimberly **Atkins 7-8** "Atkins: Expect a battle on the Hill after Iran deal done" Boston Herald http://www.bostonherald.com/news_opinion/columnists/kimberly_atkins/2015/07/atkins_expect_a_battle_on_the_hill_after_iran_deal

WASHINGTON — As Secretary of State John Kerry and a team of negotiators continue eleventh-hour talks in hopes of securing a nuclear pact with Iran, **lawmakers on Capitol Hill are gearing up for a battle** over whatever plan emerges — and **the GOP-dominated Congress could have considerable influence over how the deal is implemented, even if Republicans cannot swing enough Democratic votes to shoot the pact down.**¶ "Congress can establish a 'Team B,' a technique that has been used in the past to monitor the implementation of this agreement so that there are outside experts with access to all the intelligence who can confirm compliance or ensure that noncompliance is detected," said Robert Joseph, senior scholar at the National Institute for Public Policy and former George W. Bush administration State Department undersecretary.¶ **The White House has already begun an urgent behind-the-scenes campaign to sell the pact to Democratic lawmakers not only to prevent intra-party defections that could help Republicans torpedo the agreement, but also to help combat the expected firestorm of criticism from GOP presidential candidates.**¶ President Obama met with several Democratic senators last night, and Iran was on the agenda.¶ The pact is expected to ease sanctions against the Iranian regime in exchange for limits on its nuclear program and monitoring intended to prevent the development of weapons.¶ Critics, including Israeli officials, have said the U.S. appears likely to give too much in exchange for too little. Although negotiators have extended the deadline for reaching a deal to Friday, the timing for Kerry is more urgent.¶ If a deal is sent to Congress for review by tomorrow, lawmakers will have 30 days to approve or reject it.¶ **If a deal is reached after that, lawmakers get a 60-day review, giving critics more time to drum up opposition,** and giving GOP presidential candidates another talking point as debate season begins next month.¶ **Even if a deal is approved, lawmakers have already promised to push to**

continue or even ratchet up sanctions against Iran, a move White House officials have warned could derail the pact.

<<Insert Link>>

iran prolif snowballs and causes nuke war

Matthew **Kroenig 12** (1-24, Stanton Nuclear Security fellow at the Council on Foreign Relations. "Five reasons to attack Iran"

<http://www.csmonitor.com/Commentary/Opinion/2012/0124/Five-reasons-to-attack-Iran/A-strike-is-the-least-bad-option>

1. A nuclear-armed Iran poses a grave threat to international peace and security. Iran currently restrains its foreign policy because it fears US and Israeli retaliation. With nuclear weapons, Tehran will be emboldened by the confidence that it can engage in provocation and use its nuclear weapons to deter the worst forms of retaliation. A more aggressive Iran will increase its support to terrorists and engage in tougher coercive diplomacy. Nuclear weapons in Tehran will cause global nuclear proliferation, as other states in the Middle East seek their own nuclear weapons in response, and as Iran provides uranium enrichment technology to US enemies. The global nonproliferation regime would be weakened. A nuclear Iran could threaten nuclear war to stop developments contrary to its interests, giving the world a nuclear scare every few years. And given that the nuclear balance between Iran and its adversaries would be less stable than the one that held between the United States and the Soviet Union during the cold war, these future crises could very well spiral out of control resulting in a nuclear exchange between Iran and Israel or even Iran and the United States.

Impact Overview 2NC

Deal failure outweighs -- prolif snowballs and causes escalatory spirals of nuclear conflict—crushes the global nonprolif regime – that’s Kroenig Iran deal failure causes nuclear war – Israel strike

Philip **Stevens 13**, associate editor and chief political commentator for the Financial Times, Nov 14 2013, “The four big truths that are shaping the Iran talks,”
<http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html>

The who-said-what game about last weekend’s talks in Geneva has become a distraction. The six-power negotiations with Tehran to curb Iran’s nuclear programme may yet succeed or fail. But wrangling between the US and France on the terms of an acceptable deal should not allow the trees to obscure the forest. The organising facts shaping the negotiations have not changed. The first of these is that Tehran’s acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence. The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world. Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it. The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel’s prime minister, can offer the rest of the world a watertight insurance policy. It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran’s future intentions. By the same token, bombing Iran’s nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it. You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking. The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage. The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by

sanctions. is prepared to talk There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

U: Will Pass 2NC

Will pass now and obama is pushing – solves Mideast war

Matt Spetalnick and Patricia Zengerle, **Reuters, 7-16-2015**, "Republicans are honing in on their plan to derail the Iran nuclear deal," Business Insider, <http://www.businessinsider.com/r-republicans-target-un-arms-embargo-rollback-in-bid-to-derail-iran-deal-2015-7?r=UK&IR=T>

WASHINGTON (Reuters) - Republicans on Thursday honed their attack plan against President Barack Obama's Iran nuclear deal in Congress, targeting part of the pact that calls for eventually rolling back a U.N. arms embargo on Tehran. Opponents of the landmark nuclear agreement hope to use the arms embargo issue, one of the final obstacles to the accord sealed in Vienna on Tuesday between Iran and six world powers, to draw some of Obama's wavering Democrats into helping to derail it. "It blows my mind that the administration would agree to lift the arms and missile bans," John Boehner, speaker of the U.S. House of Representatives and the top Republican in Congress, told reporters. But even as Republicans who control Congress sharpened their criticism, Obama's top aides stepped up their defense of the historic deal to restrict Iran's nuclear program in exchange for sanctions relief. Vice President Joe Biden met Democrats on Capitol Hill for the second day in a row to make the administration's case. Participants said much of the questioning focused on a final compromise that Obama agreed to for lifting the United Nations ban on Iran after five years for conventional weapons and eight years for ballistic missile technology. "It's hard for us to accept it, so we just want to take a look at it," said Senator Ben Cardin, top Democrat on the Senate Foreign Relations Committee. Obama says the deal is the only alternative to Iran moving forward on developing a nuclear weapon, **risking more war in the Middle East.** Tehran has denied seeking a bomb. Critics of the broader deal say easing sanctions will empower Iran financially to expand its influence in the Middle East in the near term. But many lawmakers are just as worried that Tehran's access to advanced arms – even years down the line – would give it even greater ability to fuel regional sectarian strife and threaten U.S. ally Israel. With Congress due to begin a 60-day review of the Iran deal, Republicans hope that misgivings expressed earlier by top Pentagon officials when the arms embargo issue was still under negotiation would give them further leverage with Democrats. Army General Martin Dempsey, chairman of the Joint Chiefs of Staff, told a congressional hearing last week: "Under no circumstances should we relieve pressure on Iran relative to ballistic missile capabilities and arms trafficking." Obama, at a news conference on Wednesday, shrugged off such concerns, saying that the U.S. arms embargo would remain in effect and that the United States and its partners would still have other ways of preventing Iran from acquiring and sending weapons to militant groups. While critics accused the United States of caving on a last-minute Iranian demands in order to salvage Obama's legacy achievement, Wendy Sherman, a key U.S. negotiator, said the American team always knew it would have to be resolved at the end of the talks. Russia and China, two of the world powers involved, had taken Iran's side and pushed for the arms embargo to be lifted. She insisted that while Iran wanted an immediate lifting of the embargo, the United States won a "very tough" bargain in stretching it

out for years.¶ With a U.N. Security Council vote on a resolution considered likely as early as next week, the Republican chairs of the House Foreign Affairs and Homeland Security Committees have sent a letter to Obama asking him to delay the vote.¶ The embargo issue was the final major holdup before a deal was sealed.¶ On July 8, Obama, under pressure from critics who accused him of giving too much ground, held a video conference with his team in Vienna in which he "essentially rejected the deal that was on the table", in part because he didn't like the how fast the U.N. embargo would be removed, a White House official said.¶ The compromise that ultimately won Obama's approval extended that timetable.¶ Republicans would need the support of dozens of Democrats to sustain a "resolution of disapproval" that could [destroy] cripple a deal. But the odds are considered slim that they could muster enough support to overrule an Obama veto.

Veto threat holds now – it will pass

Friedman 7-1415 Dan Friedman joined the Washington bureau of the Daily News in December 2012. He covers Congress, the White House and the New York delegation. Dan Friedman. 7/14/2015. "Opponents of Iran nuclear deal blast pact, Obama after agreement reached" <http://www.nydailynews.com/news/politics/opponents-iran-deal-blast-pact-obama-article-1.2291488>. 7/14/15.

WASHINGTON — Congressional opponents of diplomacy with Iran rushed Tuesday to condemn President Obama's nuclear deal with the Islamic Republic, but are unlikely to round up the votes needed to block the deal. House Speaker John Boehner (R-Ohio) vowed Tuesday to fight what he called "a bad deal that is wrong for our national security and wrong for our country." "The agreement will hand Iran billions in sanctions relief while giving it time and space to reach a break-out threshold to produce a nuclear bomb - all without cheating," Boehner said. Israeli Prime Minister Benjamin Netanyahu said "this agreement is an historic mistake for the world." But congressional Democrats mostly praised the agreement or remained silent, suggesting Republicans will be hard-pressed to find Democratic support needed to reject the agreement. Instead they will hope to make opposition a campaign issue next year. Obama said in remarks Tuesday morning that he will "veto any legislation that prevents the successful implementation of this agreement." WIN MCNAMEE/GETTY IMAGES House Speaker John Boehner (R-Ohio) vowed to fight what he called 'a bad deal that is wrong for our national security and wrong for our country.' Congressional opponents will need two-thirds of votes in both congressional chambers to overcome his veto. House Minority Leader Nancy Pelosi (D-Calif.), who weighed in in favor of the agreement, and Senate Minority Leader Harry Reid (D-Nev.) will work to ensure the Democrats don't join in veto override efforts. But it may not even come to that. Obama can probably avoid using his veto pen. With 54 Senate seats, Republicans will be hard pressed to gather 60 votes they will need to pass legislation rejecting the agreement. Within minutes of Obama's early morning remarks on the agreement, Sen. Tom Cotton (R-Ark.) a vocal critic of the talks, called the agreement "a terrible, dangerous mistake that's going to pave the path for Iran to get a nuclear weapon." Rep. Lee Zeldin (R-Long Island) a hawkish freshman said Obama "just negotiated away our sanctions that made for critical leverage to deal with so many other completely unacceptable acts."

Iran deal will likely pass, but Republicans will make it a tough fight, Obama will have to go all out to make sure it passes

Borger 7/15; JULIAN BORGER is the Guardian's diplomatic editor. He was previously a correspondent in the US, the Middle East, Eastern Europe and the Balkans; 7/15/15; "Iran nuclear deal moves to battleground of US Congress"; (<http://www.theguardian.com/world/2015/jul/14/iran-nuclear-deal-moves-to-battleground-of-us-congress>)

The battle over the Iran nuclear agreement is set to move to Washington as the Obama administration begins a three-month campaign to stop the hard-won deal being derailed by congressional Republicans. The deal – reached in a Vienna hotel early on Tuesday morning after prolonged talks between foreign ministers – binds Iran, the US, UK, France, Germany, Russia and China to a series of undertakings stretching over many years. Iran will dismantle much of its nuclear infrastructure, while the UN, US and European Union will remove a wall of sanctions built around Iran over the last nine years. Republicans and some Democratic hawks in Congress, who have long argued that there should be no nuclear programme on Iranian soil whatsoever, are determined to find ways to sabotage an agreement that they argue seeks to manage rather than prevent an Iranian nuclear programme and endangers Israel. The struggle to win over wavering Democratic votes in the Senate will pit some American allies against others. The Israeli prime minister, Binyamin Netanyahu, signalled that he would intervene assertively in the debate on Capitol Hill in an attempt to kill the deal, which will grant sanctions relief to Iran in return for its acceptance of long-lasting curbs on its nuclear programme. In that debate, Israel will be assisted by the Gulf Arab monarchies. On the other side, Britain, France and Germany – all parties to the historic agreement – will be called on to support the administration's argument, that the agreement protects the US and its friends in the region. In a statement to coincide with the announcement of the deal, known officially as the Joint Comprehensive Plan of Action (JCPOA), Barack Obama said: "I am confident that this deal will meet the national security interest of the United States and our allies. So I will veto any legislation that prevents the successful implementation of this deal." The president's Iranian counterpart, Hassan Rouhani, said a new phase had begun in Iran's relations with the rest of the world, while the foreign minister, Mohammad Javad Zarif, who led his country's delegation in Vienna, described the agreement as a "win-win" solution, but not perfect. "I believe this is a historic moment," he said. "We are reaching an agreement that is not perfect for anybody but is what we could accomplish. Today could have been the end of hope, but now we are starting a new chapter of hope." Federica Mogherini, the EU's foreign policy chief, said the agreement would "open the way to a new chapter in international relations" and show that diplomacy can overcome decades of tension. "This is a sign of hope for the entire world," she said. Netanyahu, who has faced mounting criticism at home over his handling of the diplomacy around Iran, denounced the deal even before the details had emerged. Heading a chorus of condemnation from Israeli politicians – including many members of his rightwing coalition – he said the agreement was a capitulation and a mistake of historic proportions. The hardline former foreign minister Avigdor Lieberman described it as "a total surrender to terror". Yair Lapid, head of the Yesh Atid party, said Netanyahu's campaign over Iran had been a "colossal failure". The Obama administration has a few days to present the agreement to Congress, which then has 60 days to review it. Another 22 days is set aside for an initial vote, in which the Republican majority is likely to reject the deal, and then a second vote, over which there is a presidential veto. The Republicans have to win over just a handful of Senate Democrats to ensure a congressional vote of disapproval is not blocked by a filibuster. They would have to peel off 12 Democrats or independents to override Obama's veto, an uphill task. Republicans were vociferous in denouncing the JCPOA. One of the party's presidential hopefuls, the former Arkansas governor Mike Huckabee, said: "Shame on the Obama administration for agreeing to a deal that empowers an evil Iranian regime to carry out its threat to 'wipe Israel off the map' and bring 'death to America.'" Other Republicans echoed the near-apocalyptic rhetoric

consistently used by Netanyahu in denouncing the deal. The Democratic frontrunner, Hillary Clinton, supported the deal, calling it "an important step, which puts a lid on Iran's nuclear programmes". However, the Democrat Chuck Schumer, who is likely to become the Senate minority leader, was noncommittal. He said he would "go through this agreement with a fine-tooth comb ... Supporting or opposing this agreement is not a decision to be made lightly, and I plan to carefully study the agreement before making an informed decision." Speaking in the Austrian capital, the secretary of state, John Kerry, who led the US negotiating team, said: "If Congress were to veto the deal, the United States of America would be in non-compliance with this agreement and contrary to all of the other countries in the world. I don't think that's going to happen." "I really don't believe that people would turn their backs on an agreement which has such extraordinary steps in it with respect to Iran's programme as well as access and verification," he said. The UK's foreign secretary, Philip Hammond, who was in Vienna for many of the last critical days of negotiations, said the US administration "is confident that it will carry the argument with Congress". "[The agreement] will give the international community the confidence it needs that Iran will not have the capability to go for a bomb," Hammond said. "There is an opportunity now for an opening that will allow us to understand each other better, get behind some of the mythology and hopefully create a new dynamic in the region, where Iran can play a more constructive and transparent role in regional affairs." Hammond said the UK had fought hard in the last days of the bargaining to ensure an arms embargo on Iran would remain in place for five years, with restrictions on the transfer of missile technology remaining for eight years. Those measures were essential to "reassure Iran's neighbours in the region", he said. Under the terms of the agreement, a UN security council resolution will be passed later this month, codifying the JCPOA, which would be an attachment to the resolution. The agreement, however, would not come into effect for 90 days, allowing time for domestic review processes in Washington and Tehran. Iran would then take a series of steps to reduce the scale of its nuclear programme, which would be verified by the UN nuclear watchdog, the International Atomic Energy Agency, which Hammond said had been given "excellent access provisions ... so that we can be highly confident that the obligations that Iran is entering into will be complied with".

The Iran Deal will pass barely, there will be a huge political battle, Obama will have to push the bill to pass

- **So I am split about this card. It could be used as the bill will or won't pass. It could technically be used for either side. It could also be an ! extension card.**

Abdullah 7/15; HALIMAH ABDULLHA is published by CNN. He is also published by ABC News, Google News, Market Watch, The Next Web, and The New York Times; 7/15/15; "Obama: Iran Nuke Deal Makes Our Country, World Safer"; (<http://www.nbcnews.com/news/us-news/coming-obama-takes-questions-iran-nuclear-deal-n392511>)

President Barack Obama fiercely defended the historic nuclear deal with Iran as he faced White House reporters Wednesday at a press conference. "The bottom line is this. This nuclear deal meets the national security interest of the United States and our allies," the president said. "It prevents the most serious threat, Iran obtaining a nuclear weapon, which would only make the other problems that Iran may cause even worse. That's why this deal makes our country and the world safer and more secure." Six world powers, including the United States, reached the deal on Tuesday. It aims to limit Iran's nuclear capability in exchange for lifting punishing economic sanctions. Obama has said the deal eliminates every pathway to an Iranian nuclear weapon. The president is also keenly aware that it will take work to convince U.S. lawmakers, especially those who have expressed deep skepticism, to support the agreement. "I expect the debate to be robust, as it should be," the president said on Wednesday. During the press conference, the president referred to notes and dissected point by point the type of criticism leveled at the deal since it was announced. He also said that critics of the deal have not presented a better alternative and indicated that he was ready for an engaged conversation on the matter. "I suspect this is not the last

we've heard of this debate," the president said. **The deal still faces a vote in Congress, although it is unclear whether Republicans and some Democrats who object to the deal will actually be able to override the decision — and Obama threatened Tuesday to veto any attempt to reject the accord. Republicans have said it amounts to appeasement of a dangerous regime.** Sen. Lindsey Graham of South Carolina, a presidential candidate, said on TODAY that **the deal was like throwing gasoline on a fire.** After House Democrats emerged from a briefing Wednesday morning with Vice President Joe Biden, New York Democrat Rep. Steve Israel said he is a "skeptic" of the agreement, but will take the entire 60-day review period to figure out if this deal is worth supporting. "I think the vice president made as convincing of an argument as he can make, but I think there are a lot of questions to be answered," Israel said. "I had been skeptical from the beginning of this. I am still skeptical. I read the Joint Comprehensive plan of action last night and there was nothing in it to relieve my skepticism." Israeli leadership has been more blunt in its criticism. Prime Minister Benjamin Netanyahu of Israel told Lester Holt that **Iran "has two paths to the bomb: One if they keep the deal, the other if they cheat on the deal."** **The agreement involves limiting Iran's nuclear production for 10 years and Tehran's access to nuclear fuel and equipment for 15 years in return for hundreds of millions of dollars in sanctions relief.** However, the sanctions would not be lifted until Iran proves to the International Atomic Energy Agency that it has met its obligations under the terms of the deal. **The agreement also includes the provision of a "snap back" mechanism that could lead to the reinstatement of sanctions within 65 days if Iran violates the terms of the deal, according to officials.** The head of the International Atomic Energy Agency confirmed Iran also has signed a roadmap with his organization to clarify outstanding issues. The agreement also makes no mention of the four Americans who have been held in Iran for years, a fact Obama said "nobody is content" over in fiery remarks. **Nuclear and foreign policy experts say that while the agreement isn't perfect it is the best option on the table right now. "The deal will happen,"** said David Rothkopf, a former Clinton administration official and editor of Foreign Policy Group, a collection of foreign policy publications. "**Congress can't stop it. So its critics ought to start focusing on how to make it work in the context of a broader strategy rather than simply trying to score political points."**

U: Obama Pushes 2NC

PC gets it over the finish line

Reuters, 7-19-2015, "Obama Sends Congress the Iran Nuclear Deal," Newsweek,
<http://www.newsweek.com/obama-sends-congress-iran-nuclear-deal-355293>

Obama has promised to exercise his veto if Congress rejects the deal, which curbs Iran's nuclear program while allowing an easing of economic sanctions. ¶ Try Newsweek for only \$1.25 per week ¶ Overriding it would require a two-thirds majority of both the House of Representatives and Senate, so the administration is **working to win over enough of Obama's fellow Democrats to offset strong Republican opposition.**

U: A2 “U Overwhelms”

Uq doesn't overwhelm- obama's involvement is key

Chris **Villani**, 7-19-2015, "Dem, GOP reps: Murky forecast for Iran deal in Congress," Boston Herald,

http://www.bostonherald.com/news_opinion/local_coverage/2015/07/dem_gop_reps_murky_forecast_for_iran_deal_in_congress

The future of the Iran nuclear deal in Congress is uncertain, congressmen from both sides of the aisle said on Boston Herald Radio today.¶ **“I think it’s going to be close, but it’s hard to tell,”** Massachusetts Democrat Michael Capuano said. “It looks at the moment as though most of the Republicans will be in lock-step against whatever the president supports and there are some Democrats who will have some problems with this. I think there are enough votes to support a veto, but the president has his work cut out for him.”¶ “On my side of the aisle, I think there will be strong agreement to override, the question is ‘what to the Democrats do?’” Oklahoma Republican Jim Bridenstine said. “From what I have been hearing from some Democrats, it seems they are very concerned about this.”

U: A2 “Deal Expires”

Even if the deal expires in 10 years, sanctions and other regulations will be in place which checks Iran’s nuclear capabilities

Jalabi 7/15; RAYA JALABI is a reporter and editor for *The Guardian*; 7/15/15; “Obama defends Iran nuclear deal as battle moves to Congress – live updates”;
(<http://www.theguardian.com/world/live/2015/jul/15/barack-obama-iran-nuclear-deal-congress-live-updates>)

Obama addresses what happens if the deal holds, at the end of the set 10 years. Some of the restrictions will still be in place, he says. The inspections will not go away. There’s no scenario in which the US president is not in a stronger position 15 years from now, if Iran wanted to develop a nuclear weapon down the line, he says. Even if what the critics say are true, Obama says, that at the end of 10-15 years, Iran is now in a position to develop a nuclear weapon, that they are at a breakout point, they won’t be at a more dangerous breakout point than they are now. It won’t be shorter than the one that exists today, he says.

U: A2 “Future Prez Rollback”

Future presidents won't roll back

Aaron **Mehta**, 7-18-2015, "Experts Praise Iran Deal, Despite Congressional Concerns," Defense News, <http://www.defensenews.com/story/defense/policy-budget/2015/07/18/experts-praise-iran-deal-despite-congressional-concerns/30261893/>

Acton said that if a deal goes through, it is highly unlikely that the next president will look to end it — despite widespread condemnation of the deal from the current crop of GOP hopefuls. “If this goes into effect and a future president decides to roll it back, they will be responsible for giving Iran carte blanche to do its nuclear program. End of story,” Acton said. “If Congress were to overcome the barriers in its way and override the treaty, it would likely lead to the crumbling of sanctions from the international community, said several of the experts.

IL: Deal Good/Solves Prolif 2NC

Iran deal good - prolif

Greg **Myre**, 7-14-2015, "How The Iran Nuclear Deal Could Reshape The Middle East," NPR.org, Greg Myre is the international editor of NPR.org
<http://www.npr.org/sections/parallels/2015/07/14/422536452/how-the-iran-nuclear-deal-could-reshape-the-middle-east>

Is it a good deal? President Obama and his detractors are headed for a ferocious debate on this question following the nuclear agreement announced Tuesday in Vienna between Iran and six world powers. The evidence will likely trickle in over an extended period. What's certain is that the narrow and highly technical negotiations on Iran's nuclear program will influence the much broader trajectory of the Middle East in many ways, large and small. One impact was instant: Oil prices tumbled in response to the prospect of increased Iranian oil on the world market. The nuclear deal was more than a decade in the making and bars Iran from moving toward nuclear weapons for at least another decade in exchange for relief from international sanctions that have been squeezing hard. "Every pathway to a nuclear weapon is cut off," Obama said Tuesday morning. For Obama, it's a signature diplomatic achievement that he regards as the best available option for keeping Iran out of the nuclear weapons club. Beyond that, he's hoping for an added bonus in which Iran, its international isolation eased, will be more inclined to reduce rather than inflame Middle East tensions. But the many critics, including U.S. Republicans, Israel and Saudi Arabia, say they don't trust Iran to abide by the terms. And an Iran unshackled from sanctions will have even greater resources to stir up trouble in the region, they say. Related Coverage President Obama, standing with Vice President Joe Biden, delivers a statement about the nuclear deal reached between Iran and six major world powers during an address from the White House on Tuesday. THE TWO-WAY The Latest On Iran Deal: Obama Says Deal Provides New Way Forward Israel's Prime Minister Benjamin Netanyahu issued a statement before the deal was formally announced, saying, "From the initial reports we can already conclude that this agreement is a historic mistake for the world." Intelligence Squared U.S. debate stage. INTELLIGENCE SQUARED U.S. Debate: Is Obama's Iran Deal Good for America? NPR Morning Edition host Steve Inskeep interviews President Obama on April 6 at the White House. POLITICS Transcript: President Obama's Full NPR Interview On Iran Nuclear Deal Of the many possible scenarios that could play out, there's also a middle ground between the visions offered by Obama and his critics. The nuclear deal could proceed as planned, but Iran may remain an aggressive actor that continues to be at odds with the West and many Sunni Muslim states across the Middle East. Here's a look at the key issues, as well as the wider impact it could potentially have. Iran Faces Tough Inspections: The U.S. says this is the most intrusive inspection regime ever placed on any country. The International Atomic Energy Agency will have regular access to all nuclear facilities, according to the agreement. Without an agreement, Iran could kick out or limit IAEA access, making it far more difficult, if not impossible, to keep tabs on the nuclear program. During the negotiations, Iran described the inspections in different language, calling it "managed access." One key question was over inspections at military sites. Iran has often balked at this, saying the military installations are not part of its nuclear facilities. A compromise was reached that would allow inspectors to monitor military sites, but Iran could challenge requests for access, according to The Associated Press. Iran's 'Breakout Time' Will Be

Lengthened: There's broad consensus that Iran, at present, could produce enough highly enriched uranium to build a nuclear weapon within a few months. The deal is designed to extend Iran's nuclear "breakout time" to at least a year. The thinking is this would give the U.S. and others plenty of time to respond if Iran scraps the agreement and makes a sprint toward a weapon. Iran will be required to reduce its current stockpile of enriched uranium by 98 percent, according to the White House. The remaining uranium it keeps will be at low levels, sufficient for a power plant, but nowhere near what's needed for a weapon. Iran will also have to reduce by two-thirds its centrifuges that can enrich uranium. This has not impressed critics who say Iran developed its program at secret, hidden facilities in the past and could do so again. Some say they would not be satisfied even if Iran sticks to the letter of the deal. They argue that Iran's nuclear enrichment program is now entrenched in the agreement and that, after a decade, many restrictions will begin to fall away. Sanctions Relief: Sanctions have been biting. Perhaps the most punitive measure took effect three years ago, when Europe and others stopped buying Iran's oil, its main export. Iran's oil exports have been down by roughly half, delivering a major economic blow. Iran wanted all sanctions lifted immediately. But the U.S. says inspectors must first verify that Iran has met all its obligations, and this process could take months. The U.S., the United Nations and the European Union all have their own sanctions against Iran, and each would have to act independently to lift them. Republicans in the U.S. Congress are authorized to review the agreement, but they will need a two-thirds majority to block the deal and override a veto by Obama. From Iran's perspective, the EU oil and banking sanctions are the ones that have the greatest adverse effect on their economy. Assessing the overall sanctions picture, analysts have tossed around the figure of \$100 billion in relief that could come Iran's way in the short term. The Broader Middle East: [Obama has sketched an optimistic scenario in which Iran observes the nuclear deal, which builds trust and shows Iran the benefits of cooperation in the region and with the West. One possible example: Both the U.S. and Iran are battling the self-described Islamic State in Iraq and Syria, though they insist there's no formal collaboration. If the nuclear deal goes well, it could open up the possibility for the U.S. and Iran to work together, formally or informally, for the first time since Iran's 1979 Islamic Revolution.](#) But the critics see a much more pessimistic future. Iran is emboldened by the deal, receives a badly needed influx of cash and pushes to further extend its influence in countries where it already plays a key role, including Iraq, Syria, Lebanon and Yemen. Reaching a deal was tough. Some of the hardest questions are still ahead.

Iran deal Good solves prolif

James **Conca**, 11-30-2013, "The Iranian Nuclear Deal Is A Good One," Forbes, <http://www.forbes.com/sites/jamesconca/2013/11/30/the-iranian-nuclear-deal-is-a-good-one/>, WGR 7-16-14

This Thanksgiving had an extra reason to be thankful – the new deal between Iran and six superpowers. Last week, the United States, Great Britain, France, Germany, Russia and China (the P5+1 group) reached an interim deal with Iran to stop their nuclear weapons program. Four key provisions were obtained in this deal:

1) no enrichment of U above 5% U-235, and all highly-enriched materials, some as high as 20% U-235, must be blended down to less than 5% or altered to a form not usable for weapons. 2) no additional centrifuges are to be installed or produced, and three-fourths of the centrifuges at Fordow and half of the centrifuges at Natanz will be inoperable, 3) stop all work on the heavy-water reactor at Arak, provide design details on the reactor (which could be used to produce Pu for the other type of atomic weapon) and do not develop the reprocessing facilities needed to separate Pu from used fuel, 4) full access by IAEA inspectors to all nuclear facilities, including daily visitation to Natanz and Fordow, and continuous camera surveillance of key sites. Despite all the rhetoric of horror and claims that this deal is a mistake, this deal is just what we all hoped for as the first step to resolving the Iranian nuclear weapons issue, the structure of which we've been proposing for years. It is the first step to bringing Iran into the world's nuclear community as a partner instead of an adversary, making Iran a compliant signatory of the Non-Proliferation Treaty. While this may make some of its neighbors nervous, there is no real alternative that does not involve lots of destruction and death. Old orders are falling in the Middle East. The region is in upheaval, Shia and Sunni are as far apart as ever, and Iran's theocracy, embodied by their new President Hassan Rouhani, has decided that the cost/benefit of maintaining an expensive, useless nuclear program that is still a long way from producing a reliable weapon, while being starved by a barrage of sanctions, on the heels of a global economic meltdown, has now gone into the too-much-cost-and-not-enough-benefit category. Thus, there is now an opening to change the game. This deal is not about trust, as the last point above about access addresses. No one trusts governments, even supposedly good ones. There must be unfettered access to verify that the nuclear facilities are not being used to produce weapons and that is what this deal allows, and it will be easy to determine when Iran breaks this deal (The Economist; The Guardian; Fox News). But the facilities can, and will, be used to support nuclear power, as was the original purpose of Iran's nuclear program when the United States set it up under the Shah in the 1960s, and that is the actual end point of this whole deal. Not the end of Iran's nuclear program or the destruction of their facilities, their country or their people.

Iran deal good

Christopher A. **Preble, 7-14-2015**, Christopher A. Preble is the vice president for defense and foreign policy studies at the Cato Institute. "The Pros and Cons of the Iranian Nuclear Deal," Cato Institute, <http://www.cato.org/blog/pros-cons-iranian-nuclear-deal>, WGR, 7-16-14

Earlier today in Vienna, international negotiators reached a deal with Iran over its nuclear program. **The New York Times reports that the agreement will eventually lift oil and financial sanctions, "in return for limits on Iran's nuclear production capability and fuel stockpile over the next 15 years."** The international restrictions on Iranian arms exports will remain in place for up to 5 years, and the ban on ballistic missile exports could remain for up to 8 years. In a televised statement this morning, President Obama defended his decision to engage in the negotiations "from a position of strength" and assured the American people that, **under the deal, "Iran will not be able to achieve a nuclear weapon."** His opponents are sure to challenge both assertions. **The deal**, Obama said, **"is not built on trust, it is built on verification."** Those

verification provisions appeared to have been one of the final sticking points in the negotiations. According to the Associated Press, the Iranians agreed to allow inspection of Iranian military sites, “something the country’s supreme leader, Ayatollah Ali Khamenei, had long vowed to oppose,” but such inspections are not the surprise, snap inspections that some had pushed for. **The focus now turns to the Senate, which has 60 days to review the agreement. Senators could vote to block it, but Obama has already pledged that he would veto any legislation that prohibits the deal’s implementation.** He has a reasonably strong hand to play. Even if all Senate Republicans vote to kill the deal, opponents would need at least a dozen Senate Democrats to vote with them in order to override the president. Expect the details of the nearly 100-page document to come under close scrutiny, even though many opponents don’t appear to believe that the specifics matter that much. For them, nearly any deal is a bad deal. For example, the latest entrant into the 2016 Republican presidential contest, Wisconsin Governor Scott Walker, yesterday pledged to “terminate the bad deal with Iran on Day One” – before the terms were even finalized. And he predicted that any other Republican president would do the same. Arkansas’s freshman Senator Tom Cotton has publicly stated that his object has been to blow up any deal. For Walker, Cotton, and others you don’t negotiate with a regime like Iran’s – you destroy it. But counter proliferation by means of regime change has a bad odor today, thanks chiefly to the Iraq war that, coincidentally, many of the most outspoken Iran deal opponents had a hand in pushing on the American people beginning in the late 1990s. They have learned nothing, it appears, but most Americans have: refusing to engage diplomatically with an odious regime, or waging war to separate said regime from its weapons – by removing the regime from power – is a costly proposition, and there is no guarantee that the government that emerges in its place will be better than that which came before. George W. Bush came around to this view by the middle of his second term in office: the man who in 2002 cast Iran as a charter member of the Axis of Evil – along with Iraq and North Korea – supported the P5 + 1 negotiating process that eventually led to today’s deal. So keep all this in mind in the coming weeks as the details of the Iran deal are debated in Washington and around the country. Deal opponents have an obligation to describe their preferred alternative, not merely what they are against.

Iran solves terror, Middle East war, and prevents proliferation

Jalabi 7/15; RAYA JALABI is a reporter and editor for The Guardian; 7/15/15; “Obama defends Iran nuclear deal as battle moves to Congress – live updates”; (<http://www.theguardian.com/world/live/2015/jul/15/barack-obama-iran-nuclear-deal-congress-live-updates>)

That’s it from Barack Obama’s press conference on Iran. Here’s a summary of what the US president said: Obama argued the debate over the landmark nuclear agreement was ultimately a choice between diplomacy and war. He praised the historic deal, preempted critics by saying the deal “meets the national security interests of the US and its allies”, and reminded all present that the sole priority was always to stop Iran from developing a nuclear weapon. Obama said he hoped the deal would help encourage Iran to decrease its regional involvement and terrorist activities, but he wasn’t betting on it. Obama said that Iran’s support for terrorism remained a concern, but said blocking Iran from getting a nuclear weapon was more important than blocking Iran from funding its regional proxies. Obama said he hoped Congress would evaluate the deal based on the facts, though he conceded that politics would inevitably intrude.

Iran deal good

Haaretz, 7-16-2015, "Iran deal: good or bad? Five analyses you don't want to miss,"

<http://www.haaretz.com/news/diplomacy-defense/1.666240>, Haaretz is a newspaper based out of Israel. WGR 7-16-15

Barak Ravid acknowledges various shortfalls in the agreement, but says that Prime Minister Benjamin Netanyahu is mistaken and misleading when he suggests a good agreement was even possible. At least this deal, Ravid says, will compel Iran to take steps that it would unlikely take under any other scenario. Ravid adds that a decade in the Middle East is a long time, and an Iran that is closer to the U.S. could be an Iran that's less dangerous for Israel.

Iran deal good for US

Haaretz, 7-16-2015, "Iran deal: good or bad? Five analyses you don't want to miss,"

<http://www.haaretz.com/news/diplomacy-defense/1.666240>, Haaretz is a newspaper based out of Israel. WGR 7-16-15

Peter Beinart, on the other hand, says this deal, while imperfect, achieves America's goal of peacefully preventing Iran from achieving a nuclear weapon. He says the real reason behind the drama playing out between Israel and the United States over the deal is that the two countries have conflicting vital interests: the U.S. does not want to keep Iran weak. In fact, the United States would prefer a relatively strong Iran to maintain the balance of power in the Middle East and possibly even help in the fight against Islamic State. Israel, on the other hand, has a vital interest in keeping Iran weak. What scares Jerusalem most is that the deal legitimizes Iran's regime internationally and ends sanctions, giving Tehran a lot more cash, and with it a lot more power.

Iran deal good

James M. **Acton**, 7-14-2015, "Iran Deal: Not Perfect, But Better Than Nothing," Carnegie Endowment for International Peace, <http://carnegieendowment.org/2015/07/14/iran-deal-not-perfect-but-better-than-nothing/idfg>, WGR 7-16-14

Carnegie's James Acton talked to CNBC about why Tuesday's nuclear deal with Iran is better than existing alternatives. Acton argued that the agreement has very stringent limits on Iran's

nuclear activities lasting between ten and twenty-five years, as well as some very stringent verification provisions to detect cheating.

"It's not a perfect deal, but the result I believe is better than any of the reasonably achievable alternatives at this point," Acton said.

Acton added that it would be very hard to undo the deal and that that is "a good thing."
Responding to criticisms of the deal, Acton pointed out that the Soviet Union lied and yet the United States successfully did arms control with the USSR.

"This idea that the Iran deal is somehow based on trusting Iran is simply wrong. There are stringent verification provisions associated with this deal," Acton said.

Plan stops gangbusters, slows down enrichment programs, and has many safeties to stop a country breaking of the agreement

"I would give it an A": Why nuclear experts love the Iran deal", Max Fisher 7-15, July 15, 2015, online @ <http://www.vox.com/2015/7/15/8967147/iran-nuclear-deal-jeffrey-lewis>

Jeffrey Lewis is the director of the East Asia Nonproliferation Program at the Monterey Institute of International Studies, and also runs an excellent arms control blog network and arms control podcast and has a regular arms control column in Foreign Policy.

Jeffrey Lewis was so eager to read the Iran nuclear deal that he woke up at 3:30 am California time to pore through all 150-plus pages of the text. Lewis is a nukes super nerd: He's the director of the East Asia Nonproliferation Program at the Monterey Institute of International Studies, and also runs an excellent arms control blog network and arms control podcast and has a regular arms control column in Foreign Policy. He is the person to talk to on this. 1When Lewis and I first spoke, in early 2015, he was skeptical, as a lot of arms control analysts were. He was skeptical that the US, world powers, and Iran would ever reach a nuclear deal. And he was skeptical that if they did reach a deal, it would be good enough. But when the negotiators released the "framework" in April, describing the broad strokes, Lewis came away impressed and happily surprised — but with some caveats and some unanswered questions. I called up Lewis to see what he thought of the final deal. His assessment was very positive: Asked to grade the deal, he said, "I would give it an A." Max Fisher: Talk me through what your reactions were as you were reading through the text of the deal. Jeffrey Lewis: I'm reading it and I'm bored, because it looks like exactly the fact sheet from the spring [from the framework deal] and the explanations that Obama administration officials gave privately. There were little points where I thought, "Oh, that's an interesting little detail, I'm glad they caught that." Or, "Oh, they dealt with that problem." It's exactly the deal they had in the spring. There are little things that they improved on, or that they fussed with, but it's the same. Max Fisher: Well, but there are some holes they filled in, some unresolved stuff in the framework, and I want to ask you about that later on. But first I want to ask more broadly, back in April you told me that the framework was very good if they could get it on a formal agreement and if they could resolve the open issues.

So did they do that? Jeffrey Lewis: Yes. That's exactly what I was going to tell you. The thing I was saying at the time was, "The fact sheet looks great, good luck getting that on paper." And then they did it. Max Fisher: Are you surprised? Jeffrey Lewis: Well, there was always a deal to be had here if reasonable people could make reasonable compromises. I never really count on that, but it seems like they did it. I wouldn't say I'm surprised, but I am pleased. I'm happy with it. I was talking to a colleague who is unhappy [with the deal], and it's kind of fascinating. He's unhappy because, he said, "We spent eight years, and the deal we got is not better than the deal we could have gotten eight years ago." And it's like, oh, no kidding. That's not an indictment of the deal, my friend, it's an indictment of eight years of fucking around. "SEE IT AS A REALLY STRAIGHTFORWARD MEASURE TO SLOW DOWN AN ENRICHMENT PROGRAM THAT WAS GOING GANGBUSTERS" Max Fisher: Why is this a good deal? Jeffrey Lewis: It's a good deal because it slows down their nuclear program — which they say is for civilian purposes but could be used to make a bomb, and which we think was originally intended to make a bomb. And it puts monitoring and verification measures in place that mean if they try to build a bomb, we're very likely to find out, and to do so with enough time that we have options to do something about it. There's a verifiable gap between their bomb option and an actual bomb. That's why it's a good deal. Max Fisher: So that rests on Iran looking at all of this and saying, "It's not worth even trying to cheat on the deal." Jeffrey Lewis: It's a slightly more resigned attitude. I can't get inside the supreme leader's head. He might be a guy who likes to take risks. He might be stupid, he might get bad advice. So I don't ever look at a situation where you're trying to deter someone and say, "This will work." Because you can never know that. What I try to do is ask, "Have we done all of the things that we reasonably can so that more will not help, and we can't imagine more intrusive mechanisms that are likely to be accepted?" What you want is to feel like the administration has maxed out what they could have reasonably hoped to achieve. You can't know that [Iranian Supreme Leader Ayatollah Ali Khamenei] will be deterred. But I don't know that there's any way to make him more deterred than this. "I KNOW IT MAKES THE FRENCH REALLY ANGRY WHEN THEY HEAR THIS, BUT..." Max Fisher: When we talked in April, just after the framework came out, the biggest unresolved issue was sanctions relief for Iran. It wasn't clear how the timing would work, how the sanctions would come off. So how did this work out in the final deal? Jeffrey Lewis: It looked like we thought it would look. They knew they would have to massage the Iranian demand for immediate sanctions relief, and the American demand for sanctions to be lifted conditionally, and they did it the way we thought they would do it, which is with an implementation period. The simple version is that the US can say, "Sanctions don't come off until the agreement is implemented," and Iran can say, "Sanctions come off immediately." And that satisfies the requirements of each political system. Max Fisher: The two other components that are getting a lot of discussion are "managed access" for inspectors to certain Iranian military sites, which I talked about with Aaron Stein in a separate Q&A [to be published soon]. The second is the "snapback" process for bringing back sanctions in case Iran cheats. What do you make of that? Jeffrey Lewis: The snapback thing is really clever, I had to read it a couple of times to make sure it said what I think it said. According to the deal, the way this is going to work is that sanctions will be lifted, but in a conditional fashion. If any party to the deal — and, not to spill the beans, that means the United States — is dissatisfied with Iran's compliance, then first it has to go to the joint commission [of the seven states that signed the Iran deal plus the European Union]. If they don't get satisfaction, then they go to the UN

Security Council. And they can notify them that they're not satisfied with the compliance of another party. That starts a 30-day clock ticking. The Security Council must act to resolve the concerns of the state. If the Security Council does nothing — which could include them trying to pass something and the US vetoing it — at the end of the 30 days, if there's no action from the Security Council, the sanctions are reimposed automatically.

Max Fisher: You wonder how they got Russia and China on board for this, given that the entire snapback arrangement is basically a fancy way of cutting Russia and China out of any decision on reimposing sanctions and stripping them of their Security Council veto authority on this issue. Jeffrey Lewis: This was, I suspect, satisfactory to Russia and China for two reasons. One is they seem to really care about the principle of their veto, and so even though this in practice provides an end run around their veto, it doesn't take it away from them. I think they cared about that principle more than anything else. It's the same way that they set it up so that the cowards in Congress don't have to vote on the deal if they don't want to. They can talk for 60 days, and talk about how much they hate it, and then filibuster it into action. Lotta profiles of courage on this deal. The second reason, which I do think makes sense, is that through the perspective of the Chinese and Russians — and even the Iranians — this is really a deal between the US and Iran. I know it makes the French really angry when they hear this — they played an important role, and I don't want to diminish it — but at the end of the day, if this deal collapses it's the US that would end up bombing Iran. So even though it sounds like the US can blow up the deal any time it wants and revert to sanctions, that's just how things are anyway. So it's kind of a nod to the reality that, on some level, this is really just a US-Iran deal. "THESE ARE PEOPLE WHO ARE BUILDING NUCLEAR WEAPONS — THERE ARE NO NOT-MORALLY-DUBIOUS PEOPLE INVOLVED" Max Fisher: A lot of what you wrote throughout 2014 was skeptical. Not of the idea of the Iran deal, but rather skeptical that they could make it work, that they would get there in time, that they would have all the right conditions. Jeffrey Lewis: That's right. I had no faith whatsoever that they could pull this off. Max Fisher: Now that we're here, what grade would you give it? Jeffrey Lewis: I would give it an A. Max Fisher: A solid A! Jeffrey Lewis: I mean, it's hard. There are two pieces to this. Compared to the deal we could have gotten 10 years ago, if the Bush administration hadn't had their heads up their butts? Not an A! That would have been a great deal! I remember when they had 164 centrifuges, in one cascade, and I said, "You know what, we should let them keep it in warm standby. No uranium, just gas." And people were like, "You're givin' away the store!" Max Fisher: We would kill for that now! They got cut down to 5,000 centrifuges, and it's a huge deal. Jeffrey Lewis: Exactly. And that's been the fundamental experience of this for me. Every six months, the deal we could have gotten six months before looks better. Every time we tried to hold out for a better deal, and every time we got in the position of a worse deal. So, compared to where they started, and what I thought was feasible to achieve, this team I thought did a fantastic job. If this team had been in place in 2003 or 2004 or 2005, it might have looked even better. But they inherited what they inherited, and they did a pretty decent job with it. How could I give them less than A? Max Fisher: We did a post just rounding up tweets from arms control analysts on what they're saying about the Iran deal, and it was really hard to find arms control analysts who seem to be critical of the deal on the nonproliferation merits. Maybe there are some we just missed, but it seems like the consensus was overwhelmingly positive, which was so interesting to me because it's very different from the conversation among Middle East policy analysts, which is much more divided. Why do you think that is?

Jeffrey Lewis: If you are interested in the nonproliferation piece — how to say this. As a deal, this is what deals look like. Actually, they usually don't look this good. So if you don't know that... When I read people saying, you know, "I can't believe we're making a deal with these morally dubious people," I understand why a regional security specialist might feel that way. But when you work in the arms control field, they're all morally dubious people! These are people who are building nuclear weapons — there are no not-morally-dubious people involved. So when you take that out of the equation, you end up just looking at, "Do these limits slow them down, are they verifiable, are we likely to catch them if they cheat, are we likely to have enough time to do anything?" The problem [for regional analysts] is not going to be the terms. It's not going to be how it's written. It's going to be the fact that one side or another decides they don't like the idea of it. But the deal itself can still be perfectly workable. "WHEN I SEE IRANIANS POURING OUT INTO THE STREETS WITH JOY, THAT GIVES ME A LITTLE BIT OF ANXIETY" Max Fisher: So if regional analysts look at a deal with a terrible regime and see it as morally dubious, and arms control analysts look at it and aren't bothered, is that because arms control people are just amoral monsters? Jeffrey Lewis: Maybe! But I think it's more that they're looking at it differently. Whenever I hear regional security specialists talk about the deal, it is just a bizarre conversation. Because they all talk about how either it will fundamentally alter our relationship with the Islamic Republic [of Iran], which I think is just silly, or about how it's a mistake to try to fundamentally alter our relationship with the Islamic Republic. I just don't think that the deal does any of those things. I see it as a really straightforward measure to slow down an enrichment program that was going gangbusters. So you ask, "Does it slow it down?" Yes. "Does it slow it down in a way that is verifiable?" Yes. "Does it slow it down more than bombing it would?" Yes. "Okay, good deal." That might be a different way of looking at it. But when two countries have a security situation that is so poor that one or both of them feels the need to acquire weapons, you're really just trying to keep them from killing each other. You're not hoping for a fundamental transformation. Like the reason that the Agreed Framework [the 1994 nuclear deal with North Korea] didn't work — well, it didn't work for lots of reasons, but at its core, North Koreans want to be accepted as a normal country. And that was not going to happen. We wanted them to be a non-nuclear pariah as opposed to a nuclear pariah; we did not want to accept them as a normal country. So they were always disappointed that this tiny little bit of disarmament that they engaged in didn't cause us to forget that they have labor camps and that they execute people with anti-aircraft guns. Libya's the other place where this happened [after Libya negotiated a 2003 deal with the US to give up its entire nuclear program]. Qaddafi thought this would give him a good relationship with the West. Except guess what! Max Fisher: But if you're saying that part of what Iran wants here is to not be a pariah state anymore, doesn't that mean transforming the relationship on some level beyond just nonproliferation? Jeffrey Lewis: I interpret them as being interested in sanctions relief, and that's I suppose a way in which they're becoming less of a pariah, that they can trade. So I guess in a narrow sense that's not being a pariah. But until they stop supporting [Lebanese terrorist group] Hezbollah, doing what they're doing in Syria and Iraq and Yemen, I don't think there's going to be a transformation in the relationship. If that's their hope — when I see Iranians pouring out into the streets with joy, that gives me a little bit of anxiety. They need to manage their expectations a little better than that.

US protects venerable countries and prevents escalation

Rosenberg, 7/15 (Matthew Rosenberg, national security reporter for the New York Times, 7-15-2015, "U.S. Offers to Help Israel Bolster Defenses, Yet Iran Nuclear Deal Leaves Ally Uneasy," New York Times, http://www.nytimes.com/2015/07/16/world/middleeast/us-offers-to-help-israel-bolster-defenses-yet-nuclear-deal-leaves-ally-uneasy.html?_r=0, accessed 7/16/15, SAM)

WASHINGTON — When President **Obama** called Prime Minister Benjamin Netanyahu on Tuesday to discuss the nuclear deal with Iran, the American president **offered the Israeli leader**, who had just deemed the agreement a "historic mistake," a consolation prize: **a fattening of the already generous military aid package the United States gives Israel.** The nuclear agreement, which would lift sanctions on Iran in exchange for restrictions designed to prevent it from developing a nuclear weapon, would ultimately provide a financial windfall to Israel's sworn enemy in the region, and Mr. Obama said he was prepared to hold "intensive discussions" with Mr. Netanyahu on what more could be done to bolster Israel's defenses, administration officials said. Continue reading the main story RELATED COVERAGE Mohammad Javad Zarif, center with gray hair, Iran's foreign minister, negotiated the end nuclear deal and the end of sanctions. After Iran Nuclear Deal, Foreign Business Opportunities Will Be Slow JULY 15, 2015 President Obama during a news conference at the White House on Wednesday. Obama Begins 60-Day Campaign to Win Over Iran Deal Skeptics at Home and Abroad JULY 15, 2015 Vice President Joseph R. Biden Jr. was dispatched to Capitol Hill on Wednesday to meet with the House minority leader, Nancy Pelosi, and other members of the Democratic Caucus. White House Lobbying Democrats and Independents to Support Iran Nuclear Deal JULY 15, 2015 President Obama is essentially betting that **once sanctions have been lifted, Iran's leaders will have no choice but to use much of the new money to better the lives of their citizens.** News Analysis: Obama's Iran Deal Pits His Faith in Diplomacy Against Skepticism JULY 15, 2015 Consensus Gives Security Council Momentum in Mideast, but Question Is How Much JULY 15, 2015 Naghmeh Abedini, left, the wife of a prisoner, and Sarah Hekmati, the sister of another, at a congressional hearing in June. Nuclear Pact Raises Kin's Hopes of Freedom for 3 Held in Iran JULY 15, 2015 Prime Minister Benjamin Netanyahu of Israel said on Tuesday that the accord with Iran would allow Tehran to continue Iran Deal Denounced by Netanyahu as 'Historic Mistake' JULY 14, 2015 But, as in previous talks with Mr. Obama, Mr. Netanyahu refused to engage in such talk "at this juncture," the officials said, speaking on the condition of anonymity to detail the private discussions. And on Tuesday, as administration officials fanned out to make the case for the Iran agreement, one aide suggested in a phone call to Jewish and pro-Israel groups that Mr. Netanyahu had rebuffed their overtures because he believes accepting them now would be tantamount to blessing the nuclear deal, say people involved in the call who did not want to be quoted by name in describing it. Photo Prime Minister Benjamin Netanyahu of Israel with President Obama at the White House in 2013. Credit Charles Dharapak/Associated Press The president himself has hinted that he believes the Israeli prime minister is loath to talk about any additional security assistance he may want from the United States until after Congress has had its say on the Iran deal. Lawmakers have 60 days to review the deal, which Mr. Netanyahu has urged them to reject. Mr. Netanyahu "perhaps thinks he can further influence the congressional debate, and I'm confident we're going to be able to uphold this deal and implement it without Congress preventing that," Mr. Obama said in an interview with the New York Times columnist Thomas L. Friedman on Tuesday, hours after

announcing the accord. He went on: "But after that's done, if that's what he thinks is appropriate, then I will sit down, as we have consistently throughout my administration, and then ask some very practical questions: How do we prevent Hezbollah from acquiring more sophisticated weapons? How do we build on the success of Iron Dome, which the United States worked with Israel to develop and has saved Israeli lives?" That conversation may begin as soon as next week, when the defense secretary, Ashton B. Carter, is planning to travel to Israel and meet with Israeli leaders. The Iran deal is likely to feature prominently in the discussions, defense officials said, but it remains unclear what, if anything, he might offer the Israelis. That issue is the latest chapter in the long history of tensions and mistrust between Mr. Obama and Mr. Netanyahu, who have clashed publicly and privately over the nuclear deal and whose relationship became particularly strained this year after Mr. Netanyahu arranged to address Congress to denounce the pending agreement without first notifying the White House. "The idea that somehow Israel would be compensated for this deal in the way the Gulf states would be is rejected by this prime minister as signaling that he is somehow silently acquiescing to it," said David Makovsky, a fellow at the Washington Institute for Near East Policy. "The negative optic would be, he is being bought off from his principled opposition. He sees any package now as muddying what he sees as the moral clarity of his objection." In Israel, the question was not whether the deal would be followed by a robust new military aid package from Washington, but rather when such discussions would commence and what might be on the shopping list. Isaac Herzog, the leader of the opposition in Parliament, said Tuesday night that he would soon travel to the United States "to advance a package of security measures to suit the new situation." Yuval Steinitz, the senior Israeli minister sent Wednesday morning to brief international journalists, was blunt when asked about Mr. Obama's promises: "It's wrong to use the word 'compensation' because there is no real compensation from a nuclear threat." When pressed, he said, "Of course we are ready to speak on everything — we never said no." "Our attitude is first to focus on the agreement," Mr. Steinitz said, adding that there might still be room to "fix some things." American officials said the Israelis were not interested in engaging in the kind of quid pro quo that appeared to go on when Mr. Obama invited Persian Gulf leaders to Camp David earlier this year. During that May visit, Mr. Obama offered Saudi Arabia and smaller Arab states new support to defend against potential missile strikes, maritime threats and cyberattacks from Iran. The United States has offered Israel an array of defense capabilities in recent years, some of which Israel decided against because of budget constraints. United States Defense Secretary Chuck Hagel offered V-22 Osprey aircraft and aerial refueling tankers when he visited Tel Aviv in 2013. But Israel decided that its own money and the security aid provided by America were better used on other items, said Derek Chollet, a United States assistant secretary of defense at the time. Giora Eiland, a former Israeli national security adviser, said that adding batteries, radars and missiles to the Arrow missile-defense system should be "the No. 1 priority." Focusing on such defensive capabilities would enable both sides to frame the deal not as political "compensation" but rather as a response to Israel's concerns that lifting sanctions will increase the threats against it by Iranian-backed groups like Hezbollah and Hamas, he said. Some officials suggested that one way to indirectly placate Israel involved how much security assistance the United States will offer in coming years, under a memo of understanding being renegotiated before it expires in 2018. The current agreement, which went into effect in 2009, provides for \$3 billion a year, most of which is used by Israel to buy American military hardware,

such as jets and components for missile defense. In talks that started long before the Iran nuclear deal began to take shape, Israel requested between \$4.2 billion and \$4.5 billion a year for the next 10 years, an official familiar with the talks said.

Iran Prolif Impacts (Neg)

Iran Prolif Bad – Middle East Instability

Nuclear Iran creates instability and insecurity in the Middle East

Kahl '12 (Colin H., an associate professor in the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University, where he teaches courses on international relations, international security, the geopolitics of the Middle East, American foreign policy, and civil and ethnic conflict. He is also a senior fellow at the Center for a New American Security (CNAS), a Washington, DC-based think tank. Current research projects include assessments of the geopolitical implications of Iranian nuclearization and a separate study of the evolution of U.S. counterinsurgency practices during the Iraq war. , "Iran and the Bomb

Would a Nuclear Iran Make the Middle East More Secure?" ,September/October, Foreign Affairs, <https://www.foreignaffairs.com/articles/iran/2012-07-17/iran-and-bomb>, LS)

Kenneth Waltz is probably right that a nuclear-armed Iran could be deterred from deliberately using nuclear weapons or transferring a nuclear device to terrorists ("Why Iran Should Get the Bomb," July/August 2012). But he is dead wrong that the Islamic Republic would likely become a more responsible international actor if it crossed the nuclear threshold. In making that argument, Waltz mischaracterizes Iranian motivations and badly misreads history. And despite the fact that Waltz is one of the world's most respected international relations theorists, he ignores important political science research into the effects of nuclear weapons, including recent findings that suggest that new nuclear states are often more reckless and aggressive at lower levels of conflict. RATIONAL BUT DANGEROUS Waltz correctly notes that Iran's leaders, despite their fanatical rhetoric, are fundamentally rational. Because Iran's leadership is not suicidal, it is highly unlikely that a nuclear-armed Iran would deliberately use a nuclear device or transfer one to terrorists. Yet even though the Islamic Republic is rational, it is still dangerous, and it is likely to become even more so if it develops nuclear weapons. Iran's government currently sponsors terrorist groups and supports militants throughout the Middle East, in part to demonstrate a capability to retaliate against the United States, Israel, and other states should they attack Iran or undermine its interests. If the Iranian leadership's sole concern was its own survival and it believed that a nuclear deterrent alone could give it enough protection, then as a nuclear state, it might curtail its support for proxies in order to avoid needless disputes with other nuclear powers. But Iran is not a status quo state, and its support for terrorists and militants is intended to be for more than just defense and retaliation. Such support is an offensive tool, designed to pressure and intimidate other states, indirectly expand Iran's influence, and advance its revisionist agenda, which seeks to make Iran the preeminent power in the Middle East, champion resistance to Israel and "arrogant powers" in the West, promote its brand of revolutionary Islamist ideology, and assert its leadership in the wider Islamic world. Tehran currently calibrates its support for militants and sponsorship of terrorism to minimize the risks of a direct confrontation with more powerful states. But if Iranian leaders perceived that a nuclear arsenal provided a substantially more robust deterrent against retaliation, they would likely pursue their regional goals more aggressively. Specifically, a nuclear-armed Tehran would likely provide Hezbollah and Palestinian militants with more sophisticated, longer-range, and more accurate conventional weaponry for use against Israel. In an effort to bolster the deterrent capabilities of such allies, Iran might consider giving them "dual-capable" weapons,

leaving Israel to guess whether these systems were conventional or armed with chemical, biological, or nuclear material. A nuclear-armed Iran might also give its proxies permission to use advanced weapons systems instead of keeping them in reserve, as Tehran reportedly instructed Hezbollah to do during the militant group's 2006 war with Israel. A nuclear-armed Iran, believing that it possessed a powerful deterrent and could thus commit violence abroad with near impunity, might also increase the frequency and scale of the terrorist attacks against U.S. and Israeli targets carried out by Hezbollah and the Quds Force, the covert operations wing of Iran's elite Islamic Revolutionary Guard Corps. And a bolder Iran might increase the number of Revolutionary Guard forces it deployed to Lebanon, allow its navy to engage in more frequent shows of force in the Mediterranean, and assert itself more aggressively in the Persian Gulf and the Strait of Hormuz. To further enhance its image in the eyes of domestic and regional audiences as the leader of an anti-Western resistance bloc, a nuclear-armed Iran might respond to regional crises by threatening to use all the means at its disposal to ensure the survival of the Assad regime in Syria, Hezbollah, or Palestinian groups. And Iran might be emboldened to play the spoiler in the Israeli-Palestinian peace process by encouraging large-scale militant attacks and might try to destabilize its neighbors through more coercive diplomacy and subversion in Iraq and the Gulf states. The growing influence of "principlist" hard-liners in Tehran makes those possibilities even more likely. The principlists' view of the world is shaped by their ideological belief in the inevitability of U.S. decline, Israeli defeat, and Iranian ascendance. They see the competition with the United States and Israel as a zero-sum game. If Iran obtains a nuclear weapon, the principlists will see it as a confirmation of their convictions and push the Iranian government further in the direction of risk and provocation. To be sure, a nonnuclear Iran already engages in many destabilizing activities. But equipped with nuclear weapons, Tehran would likely dial up its trouble-making and capitalize on its deterrent to limit the response options available to threatened states. THE STABILITY-INSTABILITY PARADOX "History shows that when countries acquire the bomb, they feel increasingly vulnerable and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers," Waltz argues. "This awareness discourages nuclear states from bold and aggressive action." In writing this, Waltz ignores a long history of emerging nuclear powers behaving provocatively. In 1950, for example, Soviet leader Joseph Stalin gave North Korea the green light to invade South Korea, thus beginning the Korean War. Stalin apparently assumed (incorrectly) that the United States was unlikely to respond because the Soviets had by then developed their own nuclear weapons. Waltz also claims that China became less aggressive after going nuclear in 1964. But in 1969, Mao Zedong authorized Chinese troops to attack Soviet forces on the Chinese-Soviet border. The attack was meant to warn Moscow against border provocations and to mobilize domestic Chinese support for Mao's revolution. Like Stalin before him, Mao was probably confident that China's recently acquired nuclear capabilities would limit the resulting conflict. (In the end, the border clashes produced a larger crisis than Mao had expected, raising the possibility of a Soviet nuclear strike, and China backed down.) Waltz also asserts that "India and Pakistan have both become more cautious since going nuclear." But Pakistan's development of nuclear weapons has in fact facilitated its strategy of engaging in low-intensity conflict against India, making the subcontinent more crisis-prone. As the political scientist S. Paul Kapur has shown, as Islamabad's nuclear capabilities have increased, so has the volatility of the Indian-Pakistani rivalry. Since 1998, when both India and Pakistan openly tested nuclear devices,

Islamabad has appeared more willing to back militant groups fighting in disputed Kashmir and to support groups that have conducted terrorist attacks elsewhere in India. Furthermore, in 1999, Pakistan sent conventional forces disguised as insurgents across the Line of Control in the Kargil district of Kashmir, triggering a limited war with India. This move was encouraged by the Pakistanis' belief that their nuclear deterrent placed clear limits on India's ability to retaliate with conventional weapons. Additionally, over the past decade, Pakistani-backed militants have engaged in high-profile terrorist attacks inside India itself, including the 2001 attack on the New Delhi parliament complex and the 2008 Mumbai attacks. Waltz writes that "policymakers and citizens in the Arab world, Europe, Israel, and the United States should take comfort from the fact that history has shown that where nuclear capabilities emerge, so, too, does stability." In fact, the historical record suggests that competition between a nuclear-armed Iran and its principal adversaries would likely follow the pattern known as "the stability-instability paradox," in which the supposed stability created by mutually assured destruction generates greater instability by making provocations, disputes, and conflict below the nuclear threshold seem safe. During the Cold War, for example, nuclear deterrence prevented large-scale conventional or nuclear war between the United States and the Soviet Union. At the same time, however, the superpowers experienced several direct crises and faced off in a series of bloody proxy wars in Korea, Vietnam, Afghanistan, Angola, Nicaragua, El Salvador, and elsewhere. A recent statistical analysis by the political scientist Michael Horowitz demonstrated that inexperienced nuclear powers tend to be more crisis-prone than other types of states, and research by another political scientist, Robert Rauchhaus, has found that nuclear states are more likely to engage in low-level militarized disputes with one another, even if they are less likely to engage in full-scale war. If deterrence operates the way Waltz expects it to, a nuclear-armed Iran might reduce the risk of a major conventional war among Middle Eastern states. But history suggests that Tehran's development of nuclear weapons would encourage Iranian adventurism, leading to more frequent and intense crises in the Middle East. Such crises would entail some inherent risk of a nuclear exchange resulting from a miscalculation, an accident, or an unauthorized use -- a risk that currently does not exist at all. The threat would be particularly high in the initial period after Iran joined the nuclear club. Once the superpowers reached rough nuclear parity during the Cold War, for example, the number of direct crises decreased, and the associated risks of nuclear escalation abated. But during the early years of the Cold War, the superpowers were involved in several crises, and on at least one occasion -- the 1962 Cuban missile crisis -- they came perilously close to nuclear war. Similarly, a stable deterrent relationship between Iran, on the one hand, and the United States and Israel, on the other, would likely emerge over time, but the initial crisis-prone years would be hair-raising. Although all sides would have a profound interest in not allowing events to spiral out of control, the residual risk of inadvertent escalation stemming from decades of distrust and hostility, the absence of direct lines of communication, and organizational mistakes would be nontrivial -- and the consequences of even a low-probability outcome could be devastating. A VERY REAL THREAT Because Waltz is sanguine about the effects of Iranian nuclearization, he concludes that "the United States and its allies need not take such pains to prevent the Iranians from developing a nuclear weapon." Waltz believes that the only utility of continued diplomacy is to maintain "open lines of communication," which "will make the Western countries feel better able to live with a nuclear Iran," and he argues that "the current sanctions on Iran can be dropped." Waltz is wrong. The

threat from a nuclear-armed Iran might not be as grave as some suggest, but it would make an already volatile Middle East even more conflict-prone. Preventing Iran from crossing the nuclear threshold should therefore remain a top U.S. priority. Because a preventive military attack on Iran's nuclear infrastructure could itself set off a series of unpredictable and destabilizing consequences, the best and most sustainable solution to Iran's nuclear challenge is to seek a negotiated solution through a combination of economic pressure and diplomacy. It is possible to oppose a rush to war with Iran without arguing, as Waltz does, that a nuclear-armed Iran would make the world a better place. COLIN H. KAHL is an Associate Professor at Georgetown University's Edmund A. Walsh School of Foreign Service and former Deputy Assistant Secretary of Defense for the Middle East. He is also a Senior Fellow at the Center for a New American Security and a co-author of its report Risk and Rivalry: Iran, Israel, and the Bomb, from which this response is adapted.

(**note** this article was written in response to the previous card “Nuclear Iran balances out powers in the Middle East creating stability and security” by Kenneth N. Waltz)

Iran Prolif Bad – Cascading Prolif?

Iran will need some sort of nuclear weapon to satisfy it's political needs

Waltz 12 (Senior Research Scholar at Saltzman Institute of War and Peace Studies, "Why Iran Should Get the Bomb", August 2012, <https://www.foreignaffairs.com/articles/iran/2012-06-15/why-iran-should-get-bomb>)

The crisis over Iran's nuclear program could end in three different ways. First, diplomacy coupled with serious sanctions could convince Iran to abandon its pursuit of a nuclear weapon. But this outcome is unlikely: the historical record indicates that a country bent on acquiring nuclear weapons can rarely be dissuaded from doing so. Punishing a state through economic sanctions does not inexorably derail its nuclear program. Take North Korea, which succeeded in building its weapons despite countless rounds of sanctions and UN Security Council resolutions. If Tehran determines that its security depends on possessing nuclear weapons, sanctions are unlikely to change its mind. In fact, adding still more sanctions now could make Iran feel even more vulnerable, giving it still more reason to seek the protection of the ultimate deterrent. The second possible outcome is that Iran stops short of testing a nuclear weapon but develops a breakout capability, the capacity to build and test one quite quickly. Iran would not be the first country to acquire a sophisticated nuclear program without building an actual bomb. Japan, for instance, maintains a vast civilian nuclear infrastructure. Experts believe that it could produce a nuclear weapon on short notice. Such a breakout capability might satisfy the domestic political needs of Iran's rulers by assuring hard-liners that they can enjoy all the benefits of having a bomb (such as greater security) without the downsides (such as international isolation and condemnation). The problem is that a breakout capability might not work as intended. The United States and its European allies are primarily concerned with weaponization, so they might accept a scenario in which Iran stops short of a nuclear weapon. Israel, however, has made it clear that it views a significant Iranian enrichment capacity alone as an unacceptable threat. It is possible, then, that a verifiable commitment from Iran to stop short of a weapon could appease major Western powers but leave the Israelis unsatisfied. Israel would be less intimidated by a virtual nuclear weapon than it would be by an actual one and therefore would likely continue its risky efforts at subverting Iran's nuclear program through sabotage and assassination -- which could lead Iran to conclude that a breakout capability is an insufficient deterrent, after all, and that only weaponization can provide it with the security it seeks. The third possible outcome of the standoff is that Iran continues its current course and publicly goes nuclear by testing a weapon. U.S. and Israeli officials have declared that outcome unacceptable, arguing that a nuclear Iran is a uniquely terrifying prospect, even an existential threat. Such language is typical of major powers, which have historically gotten riled up whenever another country has begun to develop a nuclear weapon of its own. Yet so far, every time another country has managed to shoulder its way into the nuclear club, the other members have always changed tack and decided to live with it. In fact, by reducing imbalances in military power, new nuclear states generally produce more regional and international stability, not less.

Iran Prolif Bad – Terrorism

Iranian proliferation increases terrorism

(Nahal Toosi- a foreign affairs correspondent at POLITICO. She joined POLITICO from The Associated Press, where she reported from and/or served as an editor in New York, Islamabad, Kabul and London. She was one of the first foreign correspondents to reach Abbottabad, Pakistan, after the killing of Osama bin Laden. Toosi worked for the Milwaukee Journal Sentinel, , 6-19-2015, "Iran still a proliferation 'concern' State Dept. says," POLITICO, <http://www.politico.com/story/2015/06/iran-proliferation-concern-state-department-report-119208.html>) Accessed July 15th 2015//PEG

Iran remains a state of nuclear “proliferation concern,” has kept up its support for terrorism in the Middle East and is trying to grow its influence in regions as far away as Latin America, the State Department said in its latest report on global terrorism. The 388-page report, released Friday, notes that the number of terrorist attacks jumped 35 percent from 2013 to 2014, and fatalities rose 81 percent. Much of that was due to terrorist activities in Iraq, Afghanistan and Nigeria. Iran, however, is of special concern in Washington because the U.S. is currently engaged in talks aimed at stopping the country’s nuclear program, which the West has long suspected is aimed at creating weapons. The U.S. designated Iran a state sponsor of terrorism in 1984, and the latest report’s section on Iran is emblematic of the dizzying nature of the alliances and enmities convulsing the Middle East today. The document notes Iran’s affiliations with Palestinian groups such as Hamas, as well as Hezbollah in Lebanon and various Shiite militias in Iraq. The Shiite militias, which have been accused of many abuses, nonetheless share the American aim of stopping the spread of the Sunni extremist Islamic State terror network, which has grabbed territory in Iraq and Syria. Iran uses its Islamic Revolutionary Guard Corps-Quds Force as its “primary mechanism” for cultivating terrorists abroad, the report says. It also discusses Iran’s support for the regime of Bashar Assad in Syria, which has led it to “provide arms, financing, training and the facilitation” of Iraqi Shiite and Afghan fighters to support Assad’s “brutal crackdown that has resulted in the deaths of at least 191,000 people in Syria.” “While its main effort focused on supporting goals in the Middle East, particularly in Syria, Iran and its proxies also continued subtle efforts at growing influence elsewhere including in Africa, Asia and, to a lesser extent, Latin America,” the report says, adding: “Iran remained unwilling to bring to justice senior [Al-Qaeda] members it continued to detain, and refused to publicly identify those senior members in its custody.” A comprehensive nuclear deal with Iran is due by June 30, although negotiators may miss the deadline. U.S. officials have stressed that although the accord could lead to a lifting of some nuclear-related international sanctions, the Iranians will still face sanctions related to their support for terrorism and abuses of human rights. Iran has long insisted its nuclear program is peaceful, and many lawmakers from both parties in Congress remain skeptical that Iran will fulfill its end of a deal. Arab allies of the U.S. also fear that once Iran gets access to billions of dollars in frozen assets, it will use that funding to foment more unrest in the Middle East.

Prolif General Impacts (Neg)

Prolif Bad – Econ

Nuclear proliferation will have a drastic effect on the economy

Reichmuth, Short, Wood, Rutz, & Schwartz 05 (Researchers at the Pacific

Northwest National Laboratory, "Economic Consequences of a Rad/NNuc Attack: Cleanup Standards Significantly Affect Cost", April 2005, http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/effects/PDFs/economic_consequences_report.pdf)

Property destruction, loss of life, and injuries sustained from a nuclear or radiological attack have significant economic consequences. The loss of productive assets can extend for long periods and generate significant economic loss. Economic impacts caused by an event need to be addressed in sequential order beginning with the detonation, atmospheric dispersion, and deposition of the fallout from the weapon. Weapon characteristics provide the boundary conditions for the response, including defining how large the response area is and what specific actions need to be taken to protect the population in the target area. These economic consequences are highly dependent on the magnitude of the weapon event and do not scale in a linear fashion. The cost to clean up or remediate the affected area will depend on the cleanup standard applied to the event and is highly sensitive to this standard. Currently, there are no cleanup standards specifically designed for Rad/Nuc terrorist events, but it is likely that the existing Environmental Protection Agency (EPA) and Nuclear Regulatory Commission (NRC) standards would apply defacto. The Department of Energy (DOE) has spent billions of dollars on superfund cleanup, under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) guidance, at former weapons production sites, and the cleanup is expected to continue through 2035. This paper offers an economic perspective on the magnitude of the consequences for a selected class of targets in the United States, with an emphasis on cost sensitivity as the cleanup standard changes. The prospect of a nuclear attack on the United States was long thought to be restricted to the domain of state actors.

Prolif Bad – Risk Magnifier

Threat of nuclear proliferation has increased

Reichmuth, Short, Wood, Rutz, & Schwartz 05 (Researchers at the Pacific

Northwest National Laboratory, "Economic Consequences of a Rad/NNuc Attack: Cleanup Standards Significantly Affect Cost", April 2005, http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/effects/PDFs/economic_consequences_report.pdf)

Following the terrorist events of September 11, 2001, and other more recent terrorist activities around the world, concerns about all types of terror attacks, including potential radiological and nuclear attacks, have been magnified. The spotlight has shifted to countermeasures that will either reduce the likelihood or reduce the consequences of a radiological or nuclear (Rad/Nuc) terrorist attack. The decision to invest in Rad/Nuc countermeasures can be viewed as a tradeoff between investment cost of the countermeasure and the consequences of the event. There are both physical consequences and economic consequences that would result from a Rad/Nuc event. Economic impacts caused by an event, and the subsequent response to the event, need to be addressed in sequential order and begin with the physical impacts of the detonation, atmospheric dispersion, and deposition of the fallout from the weapon. Physical consequences dictate the response function including the long-term cleanup and site restoration actions taken. One of the recurring themes regarding event response is that there are currently no federal standards that cover the long-term site restoration and cleanup following a radiological or improvised nuclear device (IND) terrorist attack. The cost to clean up or remediate the affected area is highly sensitive to the cleanup standard applied to the event. There are currently no cleanup standards specifically designed for Rad/Nuc terrorist events, but it is likely that the existing EPA and NRC standards would apply defacto [1]. The General Accounting Office (GAO) reports that the current EPA and NRC cleanup standards differ and these differences have implications for both the pace and ultimate cost of cleanup [2]. The Department of Energy (DOE) has spent billions of dollars on superfund cleanup at former weapons production sites and the cleanup is expected to continue through 2035 [3]. In 2003 recognizing the importance of this issue, the Department of Homeland Security (DHS) tasked an interagency working group to address the issue of Protective Action Guidelines (PAGs) for radiological dispersal devices (RDDs) and improvised nuclear device (IND) incidents. DHS anticipates a draft of that guidance to be issued in the Federal Register in June of 2005.

Prolif Bad – War

Nuclear weapons will likely lead to war

Waltz '81 (Ph.D, M.A. in political science from Columbia University, *The Spread of Nuclear Weapons: More May Better*”, 1981,
http://polsci.colorado.edu/sites/default/files/10B_Waltz.pdf

What are the principal worries? Because of the importance of controlling nuclear weapons—of keeping them firmly in the hands of reliable officials—rulers of nuclear states may become more authoritarian and ever more given to secrecy. Moreover, some potential nuclear states are not politically strong and stable enough to ensure control of the weapons and of the decision to use them. If neighbouring, hostile, unstable states are armed with nuclear weapons, each will fear attack by the other. Feelings of insecurity may lead to arms races that subordinate civil needs to military necessities. Fears are compounded by the danger of internal coups in which the control of nuclear weapons may be the main object of the struggle and the key to political power. Under these fearful circumstances to maintain governmental authority and civil order may be impossible. The legitimacy of the state and the loyalty of its citizenry may dissolve because the state is no longer thought to be capable of maintaining external security and internal order. The first fear is that states become tyrannical; the second, that they lose control. Both these fears may be realized, either in different states or, indeed, in the same state at different times. What can one say? Four things primarily. First, Possession of nuclear weapons may slow arms races down, rather than speed them up, a possibility considered later. Second, for less developed countries to build nuclear arsenals requires a long lead time. Nuclear power and nuclear weapons programmes, like population policies, require administrative and technical teams able to formulate and sustain programmes of considerable cost that pay off only in the long run. The more unstable a government, the shorter becomes the attention span of its leaders. They have to deal with today's problems and hope for the best tomorrow. In countries where political control is most difficult to maintain, governments are least likely to initiate nuclear-weapons programmes. In such states, soldiers help to maintain leaders in power or try to overthrow them. For those purposes nuclear weapons are not useful. Soldiers who have political clout, or want it, are less interested in nuclear weapons than they are in more immediately useful instruments of political control. They are not scientists and technicians. They like to command troops and squadrons. Their vested interests are in the military's traditional trappings. Third, although highly unstable states are unlikely to initiate nuclear projects, such projects, begun in stable times, may continue through periods of political turmoil and succeed in producing nuclear weapons. A nuclear state may be unstable or may become so. But what is hard to comprehend is why, in an internal struggle for power, any of the contenders should start using nuclear weapons. Who would they aim at? How would they use them as instruments for maintaining or gaining control? I see little more reason to fear that one faction or another in some less developed country will fire atomic weapons in a struggle for political power than that they will be used in a crisis of succession in the Soviet Union or China. One or another nuclear state will experience uncertainty of succession, fierce struggles for power, and instability of regime. Those who fear the worst have not shown with any plausibility how those expected events may lead to the use of nuclear weapons. Fourth, the possibility of one side in a civil war firing a nuclear warhead at its opponent's stronghold nevertheless remains. Such an act would produce a national tragedy, not an international one. This question then arises: Once the weapon is fired, what happens next? The domestic use of nuclear weapons is, of all the uses imaginable, least likely to lead to escalation and to threaten the stability of the central balance. The United States and the Soviet Union, and other countries as well, would have the strongest reasons to issue warnings and to assert control.

Prolif Bad – War

Prolif bad- intimidates other countries and escalates war conflicts

Quester 74

(George Quester, "More Nuclear Nations?: Can Proliferation Now Be Stopped?," Foreign Affairs, <https://www.foreignaffairs.com/articles/1974-10-01/more-nuclear-nations-can-proliferation-now-be-stopped>) Accessed July 15th 2015//PEG

Proliferation is indeed still bad for the world. The spread of nuclear weapons in some cases may make war more likely, because such weapons temptingly suggest preemptive strikes by the air forces of a region. And in most cases the spread of nuclear weapons will make war enormously more deadly and destructive, as entire cities become vulnerable to the strike of a single bomber. If one concluded that the Indian detonation made the further spread of nuclear weapons inevitable, this author would see that detonation as a disaster for the world. An alternative possibility will be explored here, however, that proliferation may yet be containable, even after the Indian action.

Prolif Bad – Impact Magnifier

Proliferation greatest existential threat- increased use in instable countries and terrorism

Wilson 2015

(Valerie Plame Wilson-the former CIA covert operations officer, was born on Elmendorf Air Force Base in Anchorage, Alaska in 1963. She holds a bachelor's degree from Pennsylvania State University and a master's degrees from the London School of Economics and Political Science and the College of Europe in Bruges, Belgium. Her career in the CIA included assignments in counterproliferation operations, working to ensure that enemies of the United States could not threaten America with weapons of mass destruction., 5-13-2015, "Looking Forward, Nuclear Proliferation Is Still Greatest Existential Threat We Face," Huffington Post, http://www.huffingtonpost.com/valerie-plame-wilson/nuclear-proliferation-existential-threat_b_7118460.html, Accessed 7-15-2015)//PEG

As a former covert CIA operative, specializing in counter-proliferation, I still believe that the spread of nuclear weapons and the risk of their use is the greatest existential threat we face. Twenty-six years after the end of the Cold War, the world still has more than 15,000 nuclear weapons. Whatever other issues people care about -- poverty, the environment, inequality and so many others -- if we don't get this one right, and soon, nothing else will matter. We are at a crossroads on this issue and the decisions we make over the next 10 years will set us on a course either toward the elimination of all nuclear weapons or toward expanding arsenals and proliferation. There are some disturbing trends. All of the nuclear countries are investing heavily, or planning to do so, in modernizing their forces and/or expanding their arsenals. President Obama is proposing a massive overhaul of the U.S. nuclear arsenal that the Congressional Budget Office (CBO) estimates will cost \$1 trillion over the next 30 years. Russia has already begun a major upgrade of its arsenal. China is ramping up each leg of its nuclear triad, India is close to having a full nuclear triad with the addition of a nuclear submarine to its forces, and North Korea continues to develop its nuclear capability. Perhaps most worrisome is Pakistan, which has the fastest-growing nuclear arsenal and is plagued by persistent political instability and extremist elements. In addition to developing new types of weapons, nuclear weapons countries also appear to be taking steps toward establishing the dangerous nuclear high-alert posture that the United States and Soviet Union adopted during the Cold War (and still maintain) -- shortening the decision time for launch and increasing the risk that nuclear weapons will be used in conflict, by accident or through unauthorized launch. Longstanding regional conflicts involving nuclear-armed countries remain unresolved and tensions high, including on the South Asian Peninsula, the Korean Peninsula and the Middle East. Relations between Russia and the West have spiraled dangerously downward; Russia has even threatened to use nuclear force to defend its annexation of Crimea. Meanwhile, terrorists are working to get their hands on the bomb. This danger has risen as states have failed and ungoverned zones have spread, especially in the Middle East and Africa. In the last two decades there have been dozens of incidents of nuclear explosive materials being lost or stolen. The so-called "Islamic State" group has already seized low-grade nuclear material from a facility in Mosul. These are very difficult challenges. But there are also significant factors that could provide opportunities for progress. A final agreement with Iran would verifiably prevent it from developing a nuclear bomb. It would negate a long-standing leading argument of opponents to Global Zero -- that Iran and countries like it would never agree to forgo nuclear weapons. And it provides a model --

multilateral negotiations and intrusive verification -- for pursuing global reductions in nuclear arsenals.

Iran Politics DA WSDI

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Iran deal will be completed, Obama's political capital is key to ensure congress accepts whatever terms are negotiated

Kimberly **Atkins, 7-8-2015**, Atkins: Expect a battle on the Hill after Iran deal done," Boston Herald,

http://www.bostonherald.com/news_opinion/columnists/kimberly_atkins/2015/07/atkins_expect_a_battle_on_the_hill_after_iran_deal, Accessed: 7-11-2015, /Bingham-MB

WASHINGTON — As Secretary of State John Kerry and a team of negotiators continue eleventh-hour talks in hopes of securing a nuclear pact with Iran, lawmakers on Capitol Hill are gearing up for a battle over whatever plan emerges — and the GOP-dominated Congress could have considerable influence over how the deal is implemented, even if Republicans cannot swing enough Democratic votes to shoot the pact down. “Congress can establish a ‘Team B,’ a technique that has been used in the past to monitor the implementation of this agreement so that there are outside experts with access to all the intelligence who can confirm compliance or ensure that noncompliance is detected,” said Robert Joseph, senior scholar at the National Institute for Public Policy and former George W. Bush administration State Department undersecretary. The White House has already begun an urgent behind-the-scenes campaign to sell the pact to Democratic lawmakers not only to prevent intra-party defections that could help Republicans torpedo the agreement, but also to help combat the expected firestorm of criticism from GOP presidential candidates. President Obama met with several Democratic senators last night, and Iran was on the agenda. The pact is expected to ease sanctions against the Iranian regime in exchange for limits on its nuclear program and monitoring intended to prevent the development of weapons. Critics, including Israeli officials, have said the U.S. appears likely to give too much in exchange for too little. Although negotiators have extended the deadline for reaching a deal to Friday, the timing for Kerry is more urgent. If a deal is sent to Congress for review by tomorrow, lawmakers will have 30 days to approve or reject it. If a deal is reached after that, lawmakers get a 60-day review, giving critics more time to drum up opposition, and giving GOP presidential candidates another talking point as debate season begins next month. Even if a deal is approved, lawmakers have already promised to push to continue or even ratchet up sanctions against Iran, a move White House officials have warned could derail the pact.

[Insert Link]

Deal failure causes Iran prolif and Israeli strikes

Ross, 10-16-2014

[Dennis, Foreign Affairs, How To Muddle Through With Iran,

<http://www.foreignaffairs.com/articles/142219/dennis-ross/how-to-muddle-through-with-iran> /Bingham-MB

One negotiator from the P5+1 (the five permanent members of the UN Security Council plus Germany) told me that he expects that if there is no agreement before the talks end, the Iranians will take the lid off their program and rapidly ramp up their uranium enrichment

program. Tehran would resume enriching uranium at 20 percent, increase its use of next generation centrifuges, and expand its stockpiles of enriched material. This would shrink the so-called break-out time that Iran would require to produce weapons-grade enriched uranium and potentially hide it. And that, in turn, would mean that the United States could no longer be confident that it could prevent Iran from possessing nuclear weapons.⁴¹ How would the United States respond? Its first step would almost certainly be to introduce more draconian sanctions against Tehran and mobilize international support for them. (The most important of these sanctions would be designed to greatly curtail Iran's ability to export its oil.) Notwithstanding the new sanctions, the Israeli government's temptation to launch a military strike against the Iranian nuclear program would surely grow -- not only because of the increased threat of Tehran's program, but also because the international community might be more forgiving of Israeli military action in circumstances where the Iranians appear to be rapidly accelerating their nuclear program.

Impact is extinction

John Scales Avery, Associate Professor, University of Copenhagen," COUNTERCURRENTS, 11—5—13, <http://www.countercurrents.org/avery061113.htm>

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, Israeli pressure groups in Washington continue to demand an attack on Iran. But such an attack might escalate into a global nuclear war, with catastrophic consequences. As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict. There is a danger that an attack on Iran would escalate into a large-scale war in the Middle East, entirely destabilizing a region that is already deep in problems. The unstable government of Pakistan might be overthrown, and the revolutionary Pakistani government might enter the war on the side of Iran, thus introducing nuclear weapons into the conflict. Russia and China, firm allies of Iran, might also be drawn into a general war in the Middle East. Since much of the world's oil comes from the region, such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy. In the dangerous situation that could potentially result from an attack on Iran, there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, a nuclear war would damage global agriculture to such a extent that a global famine of previously unknown proportions would result. Thus, nuclear war is the ultimate ecological catastrophe. It could destroy human civilization and much of the biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

Uniqueness – Congress

2NC UQ Wall – Will Pass

Will pass and will be a fight

Fox News, 7-12-2015, McConnell: Any Iran nuclear deal will be 'very hard sell in Congress'," <http://www.foxnews.com/politics/2015/07/12/mcconnell-any-iran-nuclear-deal-will-be-very-hard-sell-in-congress/>, Accessed: 7-12-2015, /Bingham-MB

Senate Majority Leader Mitch McConnell said Sunday that any Iran nuclear deal to which Secretary of State John Kerry agrees will be “a very hard sell in Congress.” The Kentucky Republican made his remarks on “Fox News Sunday” amid news reports that the United States and Iran are close to a provisional agreement during one-on-one talks in Vienna. “We already know (any deal) leaves Iran as a threshold nuclear state,” McConnell said. Still, **McConnell said, the deal will likely go forward** even though the Republican-led Congress should be able to get 60 votes to pass a “joint resolution of disapproval,” considering President Obama can veto the bill with just 34 Senate votes. “Democrats will likely have the same concerns,” he said. “I hope Democrats look at this objectively and say, ‘This is not good.’ ” However, McConnell acknowledged the deal, which allows Obama to ease some sanctions, will “likely be approved and passed.” Negotiations between Iran, the U.S. and five other countries to get Tehran to curb its nuclear program in exchange for sanction relief have been in the works for roughly two years. The sides reached a framework agreement in April and reconvened in Vienna about two weeks ago with hopes of reaching a final pact, which supporters say would limit Iran’s capacity to create a nuclear weapon. Iran says its nuclear program is not to develop such a weapon.

Iran deal will be approved by Congress but Obama’s political capital will be necessary to keep Senate Dems on his side.

ALEX ROGERS July 7 2015 <http://www.nationaljournal.com/congress/obama-s-iran-test-keeping-democrats-together-on-a-deal-20150707>

July 7, 2015 President Obama will have to work hard over the coming weeks to assuage skeptical Democrats that his potentially imminent, legacy-defining accord limiting Iran's ability to build a nuclear bomb meets their deep-seated concerns. While some outside observers don't expect that enough Democrats would stand with Republicans to vote against the deal and keep congressional sanctions intact, key Senate Democrats laid out before a White House meeting Tuesday night one requirement in particular—anywhere, anytime inspections—that could cause the administration trouble. The White House meeting touched on several subjects—including appropriations, the Affordable Care Act, and climate change—in addition to Iran. But it's clear the potential nuclear agreement is the most suspenseful issue this week, with the clock ticking down. Sen. Ben Cardin, the top Democrat on the Foreign Relations Committee, said that only a “very small part” of the 90-minute meeting was on Iran. Obama “indicated” that there must be all avenues of inspections, including military dimensions, Cardin said. Obama “doesn't know whether we'll get an agreement or not but [said] that he will not bring forward an agreement that does not accomplish those objectives” of preventing Iran from obtaining nuclear weapon, Cardin said. And Cardin added: “I think the president is justifiably concerned that some Americans might believe what the Supreme Leader is saying. He urged us that that should not be our source as to what's in the agreement.” Senate Democrats, meanwhile, are making their

own **priorities clear**. Inspections are "vital," said Sen. Christopher Coons, a Democratic member of the Foreign Relations Committee, which wrote the bill laying out how Congress would review the prospective accord. "That is a central point. Exactly what the mechanism is by which we have assurances that we can inspect sites reasonably quickly anywhere in the country is going to be a central piece of whether or not this is an agreement that we should sign, and whether or not this is an agreement that will enjoy broad congressional support." "There really has to be full access, anytime, to sites where there may be development or production of nuclear weapons," added Sen. Richard Blumenthal. "I think that the agreement has to be airtight, comprehensive, long-lasting, and maybe most important, verifiable." So far the administration has said little in public about whether the deal will meet that demand. But it's possible that the deal will be announced very soon. Under the law, after July 9, Congress will have 30 extra days to review the deal and act upon it. If Congress fails to act during that period, the deal will be considered approved. **Some opponents**, like Republican Sen. John McCain, **believe that the additional time could help increase scrutiny and change some members' minds**. "The longer there is to examine it, the more likely it is, in my view, for people to reject it because it's a bad deal," McCain said on Tuesday. "As George Shultz and Henry Kissinger wrote, it went from the purpose was to eliminate Iran's capacity for nuclear weapons to delaying it." Even Coons said **it is a possibility—although in his mind not a likely one—that Congress will vote against it**. "if it is a genuinely bad deal." Other senators, including Cardin, and some outside experts don't see the enhanced time frame making much of a difference. "If the substance of the deal is right (e.g. meeting the terms of the Washington Institute statement I signed), 30 vs. 60 day review doesn't matter," said Gary Samore, a former Obama official and the president of the nonprofit United Against Nuclear Iran. That letter, signed by four other former Obama advisers, said that Iran cannot "deny or delay timely access to any site anywhere in the country," a demand rebuked recently by Ayatollah Ali Khamenei, who opposes international inspection of Iran's military sites. Democratic Sen. Chris Murphy, a progressive member of the Foreign Relations committee, said Tuesday that "anytime, anywhere" inspections weren't realistic. "There aren't going to be inspections anytime, anywhere," Murphy said. "There are going to be certain military sites in which you are going to have to have credible evidence in order to get access. I think it's not fair to set up a standard by which Iran is going to give inspectors access to anything, at any time, for any reason. There has to be a meaningful process to get access to military sites if we have information that compels an inspection. But frankly, we shouldn't have unfettered access to military sites. We should only be able to get onto those sites if we have evidence there's covert nuclear activity happening there." The negotiators announced a framework agreement in the beginning of April, limiting Iran's nuclear capabilities and extending the length it would take to build a bomb from a few months to about a year in exchange for reducing sanctions and increasing inspection capabilities. No member wants to see the strength of the negotiators—including the U.S., Russia, China, France, Germany, and Britain—go to waste after 18 months of talks and over a decade of dreaming to get to this point. "The imbalance here is dramatic," said Coons. "It is the allied powers of the modern world against one isolated extremist theocracy in the Middle East. And if they get a deal, they will get over \$100 billion with which to do mischief in the region and a pathway towards being a renewed participant in the global economy. That's huge for them, and we should hold out for the best deal we can get." "I am disheartened," added Senate Foreign Relations Chairman Bob Corker on Tuesday. "It is just amazing to me that Iran, with a boot on its

neck, has ended up in this place with six important countries. From their standpoint, they've done just an incredible job of outmaneuvering. I don't know. I am sort of despondent over where we are. ... But I do want to read it and then figure out what direction to go."

It will pass, but it's a challenge, Obama will need political capital

Sandy **Fitzgerald** | **July 8** Wednesday, 08 Jul 2015 09:06 AM Republicans Face Uphill Fight in Blocking an Iran Deal Read Latest Breaking News from Newsmax.com

<http://www.newsmax.com/Newsfront/iran-nuclear-deal-gop/2015/07/08/id/653968/#ixzz3fJ6AnODi>

Republicans know they'll face an uphill fight in an effort to kill the upcoming nuclear containment deal with Iran, even with a law passed in May that allows Congress to weigh in on the agreement, **because President Barack Obama will likely be able to get the 34 votes he needs in the Senate to sustain a veto**. **"Clearly, it's going to be challenging,"** New Hampshire Republican Sen. Kelly Ayotte told Politico. And Sen. Tom Cotton, R-Ark., the only senator to vote against the Iran review bill, said on Tuesday that he opposed the measure because it gives the "illusion of oversight without oversight." Special: The Danger of Investing in Dollars Exposed — Free eBook That is, Cotton said, the review law leaves it up to Congress to gather enough votes to prevent a veto, rather than requiring the administration to attract enough votes to approve the agreement, as would be normally done with a treaty. "It didn't give Congress much power that's beyond our inherent authority," Cotton said of the May law. "If that act was not law, we could still pass legislation with a veto-proof majority to block the deal from moving forward." **Democrats**, though, **are saying that the very fact that the deal's deadline had been moved back repeatedly** — from June 30 to July 7, and now to July 10 — **means the administration is working to ensure the agreement will have some congressional support**. "One of the reasons why we're seeing this going into overtime is because Secretary (of State John) Kerry and Secretary (of Energy Ernest) Moniz have a very firm grasp on what it's going to take to have a defensible deal. And they should," New Mexico Democratic Sen. Martin Heinrich told Politico. **"If it's a solid deal, I think we will have adequate support to make sure that it stands."** The review law means Congress can choose to vote on a resolution of approval or disapproval, and Senate Majority Leader Mitch McConnell has supported having an approval vote — something not likely to make it through the Republican-controlled House and Senate — so as to give an "unmistakable signal about congressional opposition to lifting sanctions." Special: New Probiotic Fat Burner Takes GNC by Storm Cotton, meanwhile, said "there is no graver threat to national security" than a bad deal, and that Congress should use all its powers to stop a poor agreement from going through. If the deal is reached on or by Thursday, Congress gets 30 days to review it. But if the agreement talks go past that date, the resolution will have a 60-day congressional review period. **The approval or disapproval resolution will start with the Senate Foreign Relations Committee**. On Tuesday, committee Chairman Sen. Bob Corker, R-Tenn., told MSNBC's Andrea Mitchell that he is looking forward to the deal, but urged negotiators to take their time, as he remains "very, very concerned about the trend, the direction, I've said this several times, the direction of these negotiations for some time. ... on these final points, you know, any time, anywhere inspections, please, yes, take your time and at least try to get these in the best place you possibly can." Corker told Politico he has spoken privately with McConnell, and "discussed every option known to man," but still doesn't know what direction will be **taken Republicans are**

not yet conceding that 34 or more Democrats will stand with Obama. "I really think there's a better than 50-50 chance that we'll get enough 'no' votes," Sen. Lindsey Graham, R-S.C., said. "If the Arabs come out and say this is a bad deal, if AIPAC says this is a bad deal, if public opinion says we don't trust this deal, then our Democratic colleagues will hopefully come forward to say, 'We can do better."

AT: UQ overwhelms link

Obama still faces hurdles – congress has 60 days to stall – political capital is key

Ken **Thomas**, Associated Press, “McConnell: Iran deal will be ‘hard sell’ to congress,” The Rundown, July 12, **2015**.

WASHINGTON — Senate Majority Leader Mitch McConnell of Kentucky and other congressional leaders expressed doubts Sunday about a historic agreement with Iran to address that country’s nuclear program, predicting President Barack Obama could face hurdles in Congress if negotiators reach a final deal. ¶ McConnell spoke minutes after diplomats said on Sunday that negotiators at the Iran nuclear talks were expected to reach a provisional agreement to curb the country’s atomic program in return for tens of billions of dollars in sanctions relief. Secretary of State John Kerry has been leading the U.S. delegation in the talks in Vienna, which aims to impose long-term, verifiable limits on Tehran’s nuclear programs. ¶ “This is going to be a very hard sell for the administration,” McConnell said on “Fox News Sunday” when asked about the likelihood of Congress signing off on a deal. ¶ President Barack Obama has come under criticism from members of Congress and some U.S. allies in the Middle East who say the administration has conceded too much in the Iran talks. Iran has denied any nuclear weapon ambitions and said its program is meant to supply domestic energy and other peaceful purposes. ¶ The current negotiations have run more than two weeks and blown through three deadlines. Because the talks are in overtime, Congress will have 60 days to assess the deal, requiring Obama to await that review before easing sanctions agreed to in a deal. ¶ During those two months, lawmakers could try to build a veto-proof majority behind new legislation that could impose new sanctions on Iran or prevent Obama from suspending existing ones.

2NC AT PC Low

Has PC now, and enough to succeed on Iran

Jordan **Fabian**, The Hill, **7-7-2015**, Nuclear deal with Iran appears elusive,"

<http://thehill.com/homenews/administration/247156-nuclear-deal-with-iran-appears-elusive>,
Accessed: 7-10-2015, /Bingham-MB

While Obama is riding the momentum from a series of successes on the domestic front, on trade, same-sex marriage and healthcare, failure on Iran could blunt his gains. "He had secured his domestic legacy in a pretty dramatic fashion in the last two weeks. That's always been his No. 1 priority," said James Jeffrey, a distinguished fellow at the Washington Institute for Near East Policy and a former ambassador to Iraq under Obama. "He realizes his international legacy is a mess." Obama has spent a tremendous amount of political capital in pursuit of the deal — both with Democrats in Congress and the U.S.'s traditional allies in Persian Gulf states and Israel, who fear the deal could embolden Iran in its pursuit of dominance in the Middle East. Deputy national security adviser Ben Rhodes acknowledged last week the president is "taking on some sacred cows" in dealing with hostile regimes. But he said the aim of dealing with Iran is to avoid being pulled into another conflict in the Middle East while preventing it from becoming a nuclear power. Administration officials told The Wall Street Journal Monday that they hope a successful Iran deal could open the door to resolving lingering conflicts in Syria and Yemen, where Iran is involved. But Obama is coming under pressure from lawmakers in both parties not to agree to a deal at all costs. On Tuesday evening, the president met with Senate Democrats at the White House, where he was expected to sooth members of his party who are worried about the talks. Influential Democrats, including Senate Foreign Relations Committee ranking member Ben Cardin (Md.), have demanded "anytime, anywhere" inspections of Iranian nuclear facilities. But those conditions are unlikely to be met, making it tougher for the administration to prevent a veto-proof majority from voting to disapprove of a deal, if one is reached. Complicating that effort further is the fact that a deal is unlikely to be reached by Thursday, when the congressional review period doubles from 30 days to 60 days. That could allow opposition to build. Republicans were emboldened in their calls for Obama to walk away from the talks following Tuesday's extension. "The stakes are too high for this diplomatic charade to continue," Sen. Marco Rubio (R-Fla.), a 2016 presidential candidate, said in a statement. "Iranian leaders continue to walk back previous commitments, even as they actively sponsor terrorism, pursue regional domination and hold American citizens hostage." At the same time, Obama seems to understand the risks failure could pose to his legacy. "Look, 20 years from now, I'm still going to be around, God willing. If Iran has a nuclear weapon, it's my name on this," he told The Atlantic in May. Obama is closely following the talks, receiving updates from national security adviser Susan Rice and other aides multiple times daily, Earnest said. There are major risks for Iran too. The regime in Tehran desperately wants relief from international sanctions related to its nuclear program, which have crippled the country's economy. Sanctions caused its gross domestic product to shrink by 5 percent in 2013, and its economy has recovered only slightly since an interim agreement was reached that year. Despite the delay, Jeffrey believes Obama is in a strong position heading into the final stretch of the talks. He predicted the president's legacy would not be hurt if, at this point, a deal falls through because Iranian intransigence. "By taking a tough position at the talks to the point where we'll walk out or the Iranians will have to

walk out — we're basically making it clear to the Iranians that we can't be pushed around," he said. "That we are deadly serious in this process."

Uniqueness – Iran Negotiations

2NC – Yes Deal

Deal all but wrapped up now—will be agreed to soon

Michael **Crowley and Nahal Toosi, 7-12-2015**, Iran deal may be imminent," POLITICO, <http://www.politico.com/story/2015/07/reports-iran-deal-sunday-119992.html>, Accessed: 7-12-2015, /Bingham-MB

Negotiators from the United States, Iran and five other nations neared a deal Sunday on an accord that would lift some international sanctions on Iran in return for stiff curbs on its nuclear program. A provisional deal could be reached as early as Sunday with a formal announcement on Monday, according to the Associated Press, citing diplomats involved with the talks in Vienna. Story Continued Below The State Department would not confirm the reports and an Iranian official told POLITICO that a deal was not imminent. "We are working hard, but a deal tonight is simply logistically impossible," the Iranian government official said. "This is a 100 page document, after all." Other top officials sounded optimistic in their public comments Sunday. "I think we're getting to some real decisions," Secretary of State John Kerry told reporters on Sunday, without commenting more specifically on timing. "So I will say, because we have a few tough things to do, I remain hopeful. Hopeful." France's foreign minister, Laurent Fabius, sounded a similar note. "I hope, I hope, that we are finally entering the final phase of this marathon negotiation," Fabius told Reuters upon his return to Vienna from a meeting on the Greek financial crisis in Paris. Russian Foreign Minister Sergei Lavrov, who had departed Vienna, is headed back to rejoin the talks, Russia's Foreign Ministry announced on Twitter. A senior State Department official declined to confirm that an agreement could come as soon as Sunday. "We have never speculated about the timing of anything during these negotiations, and we're certainly not going to start now — especially given the fact that major issues remain to be resolved in these talks," the official said. The nuclear talks between the U.S., Britain, China, France, Russia, Germany and Iran have hit several roadblocks in recent days, including a dispute over whether the United Nations must fully lift an arms embargo on Tehran as part of any deal. A preliminary framework laying the ground for a comprehensive deal was reached in April. The current stage of negotiations was aimed at hammering out the technical details, including how and in what order sanctions might be lifted.

2NC AT Dems Will Abandon

They will wait to see what the agreement says

Karoun **Demirjian, 7/8/2015**, senate Democrats not abandoning Obama on Iran deal — for now," Washington Post, <http://www.washingtonpost.com/news/powerpost/wp/2015/07/08/senate-democrats-stand-with-obama-on-iran-deal-for-now/>, Accessed: 7-9-2015, /Bingham-MB

As Republicans herald the latest extension of Iran negotiations as a sure sign President Obama's administration is going to strike a bad deal, Senate **Democrats are stuck** between a diplomatic rock and a political hard place. But **by and large, Democrats are not abandoning the president** on the deal, **even as negotiations look like they will drag past the midnight deadline** on Thursday for closure. **Even Democrats who have expressed reservations about the process are** checking them at the party line and **urging tense restraint with, in the words of** Sen. Charles E. **Schumer** (D-N.Y.): **"I'm waiting to see the agreement."** "There are some who say already they're against it — there are some who say already they're for it. I think both are premature," said Schumer, who angled to give Congress oversight over the Iran deal despite the Obama administration's opposition. **As the No. 3 Senate Democrat** and likely leader of his caucus in 2017, **Schumer's decision will be watched carefully by other Democrats.** "We're all going to have to judge based on what the agreement is," said Sen. Bob **Menendez** (D-N.J.), the Democrat who has been most **openly critical of the process.** "I'm sure that if it's a bad agreement, I would expect Sen. Schumer to be with me and if it's a good agreement I would expect to be with him in support of the agreement."

2NC AT Passed Deadline

Just means there is 60 days to review the deal—nothing else changes

Karoun **Demirjian, 7/8/2015**, senate Democrats not abandoning Obama on Iran deal — for now," Washington Post, <http://www.washingtonpost.com/news/powerpost/wp/2015/07/08/senate-democrats-stand-with-obama-on-iran-deal-for-now/>, Accessed: 7-9-2015, /Bingham-MB

Many Senate Democrats have their own concerns about the percolating deal to rein in Iran's nuclear ambitions – if the inspections regime under a final agreement will be strong enough, if they will be able to trust the timing and phasing of sanctions relief. Many rank-and-file Democrats also say that while the White House is being fairly responsive to concerns and questions, they are primarily getting their information about the state of the negotiations from what they read in the news. Negotiators in Vienna are expected to blow past a Thursday deadline to deliver the specifics of a finished agreement to Congress, which will trigger a 60-day review period for lawmakers that would have otherwise only been entitled to 30 days. While there is substantively little else that changes at that point, Republicans have seized the moment to warn that the Obama administration is ready to give away the store in order to secure an historic deal for the president's legacy.

Congress is happy to wait for a better deal

Karoun **Demirjian, 7/8/2015**, senate Democrats not abandoning Obama on Iran deal — for now," Washington Post, <http://www.washingtonpost.com/news/powerpost/wp/2015/07/08/senate-democrats-stand-with-obama-on-iran-deal-for-now/>, Accessed: 7-9-2015, /Bingham-MB

Thus far though, the president doesn't appear to be pushing Senate Democrats any further: Obama has not started actually lobbying Democrats for their support before the deal is done, senators said. "There are open issues and they do not feel rushed to enter into an agreement that they feel is inconsistent with the framework," said Sen. Ben Cardin (D-Md.), the ranking member on the Senate Foreign Relations committee, adding with a smile: "I fully expect he'll be fully engaged if there's an agreement." "This is a highly technical deal – they're going to need some time, to get members of Congress, especially their friends, comfortable with the detailed inspection regime," said Sen. Chris Murphy (D-Conn.). As negotiations continue, it's clear that many Democrats will be watching for the outcome warily. But even those carefully reserving judgment seemed unfazed by the fact that negotiators have missed self-imposed deadlines to continue talks – even if the extensions keep coming. "If the extended talks get us to the point where we have an Iran that isn't nuclear, that's fine, extend them," said Sen. Jon Tester (D-Mont.). "The important thing is to get a deal that's going to be beneficial to the United States, to the P5+1, and will deny Iran the ability to get a nuclear weapon," said Sen. Jeanne Shaheen (D-N.H.). "And if that takes a couple more weeks, I'm willing to wait that long."

2NC AT Talks Fail – Embargo

Embargo won't derail the deal

Nahal **Toosi**, **7-9-2015**, John Kerry: 'We will not rush' on Iran deal," POLITICO,
<http://www.politico.com/story/2015/07/john-kerry-iran-deal-update-thursday-119898.html>,
Accessed: 7-10-2015, /Bingham-MB

Though it appears to have snagged the talks for now, **it's questionable whether the embargo** — as compared to issues such as intrusive inspections of Iran's military sites and its research and development of advanced centrifuges — **is a big enough issue to derail the nuclear talks.** **Negotiators could reach a compromise that allows for the possibility that the embargo could be lifted at some point in the future,** though not necessarily the day a nuclear deal is reached. A **U.N. resolution that replaces past measures** designed to punish Iran over the deal **could also be worded in a way that leaves the ban on non-atomic weapons in place.**

2NC AT Talks Fail – Redlines

Redlines won't tank a deal

Nahal **Toosi**, **7-9-2015**, John Kerry: 'We will not rush' on Iran deal," POLITICO, <http://www.politico.com/story/2015/07/john-kerry-iran-deal-update-thursday-119898.html>, Accessed: 7-10-2015, /Bingham-MB

According to multiple news reports, a senior Iranian official briefing journalists in Vienna on condition of anonymity Thursday said the U.S. and some of its negotiating allies did not seem unified on their stances and were backing off commitments made in the preliminary deal in April. "It's not like a multilateral negotiation. It's like we're doing five bilateral negotiations," the official said in the unusually stark comments, according to an account in The Guardian. "Everyone now has their own red line. There is one red line for the the US, there is one red line for the UK, there is one line for the France. One red line for Germany. They come to us and say: I'm flexible on his red line, but not on mine." Kerry offered no details as to what the stumbling blocks were. He also gave no definite timeframe for the talks. French Foreign Minister Laurent Fabius said he expected the talks to run into Friday morning. According to The Associated Press, Fabius said that as far as the status of the discussions, there are "good things, but there is still work to do."

Link

Link – Surveillance

Post USA Freedom act—any changes to government surveillance will be large fights that require massive government investment

Grant **Gross** Washington Correspondent for IDG news service, **6-5-2015**, Don't expect major changes to NSA surveillance from Congress," PCWorld, <http://www.pcworld.com/article/2932337/dont-expect-major-changes-to-nsa-surveillance-from-congress.html>, Accessed: 7-10-2015, /Bingham-MB

After the U.S. **Congress approved** what critics have called **modest limits on the National Security Agency's** collection of domestic telephone records, many **lawmakers may be reluctant to further change the government's surveillance programs**. The Senate this week passed the USA Freedom Act, which aims to end the NSA's mass collection of domestic phone records, and President Barack Obama signed the bill hours later. **After that action, expect Republican leaders in both the Senate and the House of Representatives to resist further calls for surveillance reform. That resistance is at odds with many rank-and-file lawmakers, including many House Republicans, who want to further limit NSA programs** brought to light by former agency contractor Edward Snowden. Civil liberties groups and privacy advocates also promise to push for more changes. **It may be difficult to get "broad, sweeping reform" through Congress**, but many lawmakers seem ready to push for more changes, said Adam Eisgrau, managing director of the office of government relations for the American Library Association. The ALA has charged the NSA surveillance programs violate the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable searches and seizures. "Congress is not allowed to be tired of surveillance reform unless it's prepared to say it's tired of the Fourth Amendment," Eisgrau said. "The American public will not accept that." Other **activists are less optimistic about more congressional action. "It will a long slog getting more restraints,"** J. Kirk Wiebe, a former NSA analyst and whistleblower said by email. "The length of that journey will depend on public outcry—that is the one thing that is hard to gauge." **With the USA Freedom Act, "elected officials have opted to reach for low-hanging fruit,"** said Bill Blunden, a cybersecurity researcher and surveillance critic. "The theater we've just witnessed allows decision makers to boast to their constituents about reforming mass surveillance while spies understand that what's actually transpired is hardly major change." The "actual physical mechanisms" of surveillance programs remain largely intact. Blunden added by email. **"Politicians may dither around the periphery but they are unlikely to institute fundamental changes."**

New amendments to government surveillance will cause Republican backlash

Grant **Gross** Washington Correspondent for IDG news service, **6-5-2015**, Don't expect major changes to NSA surveillance from Congress," PCWorld, <http://www.pcworld.com/article/2932337/dont-expect-major-changes-to-nsa-surveillance-from-congress.html>, Accessed: 7-10-2015, /Bingham-MB

Republican leaders opposed to more changes Supporters of new reforms will have to bypass congressional leadership, however. **Senate Republican leaders attempted to derail even the USA Freedom Act and refused to allow amendments that would require further changes at the NSA.** In the House, **Republican leaders threatened to kill the USA Freedom Act if the Judiciary**

Committee amended the bill to address other surveillance programs. Still, many House members, both Republicans and Democrats, have pushed for new surveillance limits, with lawmakers adding an amendment to end so-called backdoor government searches of domestic communications to a large appropriations bill this week. Obama's administration has threatened to veto the appropriations bill for several unrelated reasons, but several House members have pledged to push hard to prohibit the FBI and CIA from searching the content of reportedly tens of thousands of U.S. communications swept up in an NSA surveillance program targeting overseas terrorism suspects.

Link – Drone Surveillance

Debating drone surveillance sparks controversy

Pete **Kasperowicz**, The Hill, 1-4-**2014**, Sen. Paul proposes bill protecting Americans from drone surveillance," <http://thehill.com/policy/technology/232489-sen-paul-proposes-bill-protecting-americans-from-drone-surveillance>, Accessed: 7-10-2015, /Bingham-MB

While drone surveillance in the United States would undoubtedly prove controversial, the use of drones is currently a topic of international concern. Some Democrats have said the use of drones to disrupt terrorist networks is hurting America's image overseas. Additionally, the United Nations is considering an investigation into drone airstrikes inside Pakistan, which could focus on the rate of civilian casualties caused by these attacks. Congress has ordered the Federal Aviation Administration (FAA) to move toward allowing drones to fly alongside commercial aircraft in U.S. airspace by 2015. The FAA is planning a pilot program to test fly drones in six locations, but will not set the rules for what the unmanned aircraft can be used for. Law enforcement agencies and state and local governments have expressed a strong interest in unmanned aircraft, and are being courted as potential customers by the booming drone industry. There is opposition, however, from groups such as the American Civil Liberties Union (ACLU) that have raised concerns about the impact of the drones on privacy.

Expansive drones are congressionally popular

Tom **Barry**, 4-5-**2012**, Drones Flying Under the Radar," Truthout.org, <http://www.ciponline.org/research/entry/drones-flying-under-radar>, Accessed: 7-10-2015, /Bingham-MB

In the seven years that the CIA and US military have deployed killer drones, the US Congress has never once debated the new commitment to drone operations. Although the CIA and the US military now routinely direct intelligence, surveillance and reconnaissance (ISR) operations that enter foreign airspace, these interventions haven't been subject to serious Congressional review. Drone operations often proceed without any authorization or knowledge of the intervened nations. On the domestic front, local police and Homeland Security agents are also enthusiastically deploying drones for law enforcement and border security missions. At all levels, government in the United States is sidelining mounting civil rights, privacy and air safety concerns. The US Congress functions more as a booster for the drone industry than as a regulator.

Restriction drones unpopular—massive drone lobby interests

Glenn **Greenwald**, 3-30-**2013**, GLENN GREENWALD: The US Needs To Wake Up To Threat Of Domestic Drones," Business Insider, <http://www.businessinsider.com/drone-threats-strikes-us-2013-3>, Accessed: 7-10-2015, /Bingham-MB

One significant reason why this proliferation of domestic drones has become so likely is the emergence of a powerful drone lobby. I detailed some of how that lobby is functioning here, so will simply note this passage from a recent report from the ACLU of Iowa on its attempts to persuade legislators to enact statutory limits on the use of domestic drones: "Drones have their own trade group, the Association for Unmanned Aerial Systems International, which includes

some of the nation's leading aerospace companies. And Congress now has 'drone caucuses' in both the Senate and House." Howie Klein has been one of the few people focusing on the massive amounts of money from the drone industry now flowing into the coffers of key Congressional members from both parties in this "drone caucus". Suffice to say, there is an enormous profit to be made from exploiting the domestic drone market, and as usual, that factor is thus far driving the (basically nonexistent) political response to these threats.

Plan costs capital – disputes between civil liberties advocates and security hawks on drone restriction legislation

Wells **Bennett**, Sept **2014** <http://www.brookings.edu/research/reports2/2014/09/civilian-drones-and-privacy>

Remotely controlled flying robots are increasingly cheaper, and at times more capable of sustained flight, than some manned counterparts. Many can be outfitted with imaging or other recording equipment, itself increasingly more affordable and widely available nowadays. An airborne droid might take in more information over a much longer period of time than a human eye or ear; and it might also find its way to areas where other aerial platforms might not be able to go. In this way drones pose real if manageable privacy risks. And policymakers have aimed to manage them following Congress's call to broaden drones' access to the skies by late 2015. The timing raises any number of big-ticket privacy questions. Two are recurring: which arm of the government (states or feds) ought to balance a proliferating technology's benefits against its privacy costs; and which drones (government or private) will present the greatest threats to privacy. On one side of the first question are certain members of Congress and civil liberties advocates, who have called for a robust federal approach to drones and privacy.² On the other are "drone federalists": scholars³ and policymakers⁴ who generally oppose enactment of a preemptive, federal drone statute, and who would in any event keep federal regulation to a minimum or reserve it for discrete subjects only. In recent years, only states have passed legislation meant to account for America's drone experiment and its implications for privacy. In that sense, momentum isn't with the feds: the FAA, for example, pointedly refused to regulate privacy in a broad fashion (though, as explained below, it nevertheless undertook some drone privacy work later). And unlike some state houses, the U.S. Congress hasn't seriously considered or passed a bill to set general privacy standards or to regulate drones and privacy specifically.

Large businesses oppose drone restrictions; which will spark Congressional battles

The Street, June 17 <http://www.thestreet.com/video/13190214/amazon-to-urge-congress-for-fewer-restrictions-on-us-drone-use.html>

Amazon (AMZN) is set to ask Congress Wednesday for fewer restrictions on U.S. drone usage in order to get its Prime Air service off the ground. Amazon Prime Air is designed to deliver packages up to five pounds to customers in 30 minutes or less using small drones. Paul Misener, Amazon's vice president for global public policy, will appear in front of the U.S. House Committee on Oversight and Government Reform to argue against current Federal Aviation Administration rules. According to his prepared testimony, Misener explains that he disagrees with the FAA's current opinion that extending see-and-avoid principles on small drones presents

'unique safety concerns' which warrant delayed consideration. Misener plans to urge the FAA to act expeditiously, and ask that Congress provide legislative guidance and if necessary, additional legal authority.

Internal Link

2NC PC Key

PC key to passage of the Iran deal

Jordan **Fabian July 06, 2015**, 06:38 pm Obama to host Senate Dems

<http://thehill.com/blogs/blog-briefing-room/news/246998-obama-to-host-senate-dems>

President **Obama will host Senate Democrats for a meeting and reception** on Tuesday, a White House official said. The White House says **the gathering will mostly be a social occasion. But it gives the president a chance to huddle with his allies in Congress** who have a long to-do list this month, including a partisan standoff over government spending that could result in a shutdown. **The White House is also expected to lean heavily on Senate Democrats to support a nuclear agreement with Iran if one is reached this week. Republicans in Congress have said they will vote against the deal so Obama will need to limit defections from Democrats to prevent the GOP from amassing a veto-proof majority.** Obama has threatened to veto GOP spending bills because they do not lift sequestration spending caps and he is backed by Senate Democrats, who are threatening to block the proposals. But that has not stopped Republicans, who are advancing the bills and accusing Democrats of obstructionism. Congress faces a Sept. 30 deadline to fund the government, but **lawmakers only have a few weeks to resolve the dispute because they will leave Washington for a month-long recess in August.** Another top priority is highway funding, which is set to expire on July 31, and a renewal of the Export-Import Bank.

PC key to sustain a veto

Karoun **Demirjian, 7/8/2015**, senate Democrats not abandoning Obama on Iran deal — for now," Washington Post,

<http://www.washingtonpost.com/news/powerpost/wp/2015/07/08/senate-democrats-stand-with-obama-on-iran-deal-for-now/>, Accessed: 7-9-2015, /Bingham-MB

Obama made an effort to step in front of the political onslaught in a briefing **with Senate Democrats** Tuesday night, **during which he assured them that he was ready to walk away from a bad deal**, according to several senators present. **"The president was so reassuring, and I think people were very impressed with that,"** said Sen. **Barbara Boxer** (D-Calif.). **"I'm rooting for a good agreement and I've supported this,** so maybe I'm seeing it through rose-colored glasses — but I felt in the room that **people were glad the president raised it and that he went out of his way to say I'm not signing a bad agreement.**" It isn't the first time the **president has given such assurances to Democrats whose support he will need to sustain a deal.** Majorities of both the **Republican-led House and Senate are expected to vote to disapprove any deal. But if 34 senators side with Obama, it will be enough to keep Congress from overriding his veto.**

Obama will need all his current political capital to sustain veto of disapproval vote from congress which would prohibit the president from lifting sanctions

Scott **Johnson**, "Goodnight Vienna," Powerline, **7/12/15**

Presumably more details will leak as reporters start to hunt down details, but **it looks like a done deal.** **Congress will now have 60 days to review the agreement,** and lawmakers will be specifically looking for how the Obama administration managed to overcome the final issues

that held up a deal over the last two weeks: anytime/anywhere inspections including access to military sites, the IAEA's concerns over the possible military dimensions of Iran's nuclear program, and the Iranian/Russian demand that the United Nations arms embargo against Tehran be lifted. ¶ Based on how negotiations have progressed since mid-March – Iranian intransigence followed by repeated American collapses on nearly every core issue – it's unlikely that Congress will like what it finds. Mitch McConnell predicted this morning on Fox News Sunday that the deal will be “a very hard sell in Congress.” ¶ The Corker legislation allows lawmakers to introduce a resolution of disapproval, introduce a resolution of approval, or do nothing. ¶ A resolution of approval would be loaded with symbolism. It would most likely be introduced and then voted down: a rebuke by a co-equal branch of the U.S. federal government of inarguably the most important diplomatic gamble in decades. But it wouldn't have any legal force. ¶ A resolution of disapproval would carry all of the symbolism of a failed resolution of approval, but it would also prohibit the President from lifting some sanctions. The trick is that the President would have the ability to veto it, and then Congress would have to override that veto. There may be enough worried Democrats in the Senate to get to 67, but the conventional wisdom is that the White House retains sufficient political capital to prevent 290 votes in the House (there are simply too many safe seats where the general elections don't matter, and members' existence relies on not getting primaried – and the President is still the most powerful force in the Democratic party). ¶ In any case, this will be the next 60 days in Washington DC.

Obama pushing Iran deal success – political capital key

Alexander **Bolton** - **07/06/15** 07:15 PM EDT <http://thehill.com/homenews/senate/247003-dems-raise-pressure-on-obama-over-iran-nuclear-deal>

The narrative is completely owned by the White House here,” said Danielle Pletka, senior vice president for foreign and defense policy studies at the American Enterprise Institute. She says it will be difficult to assess how the deal will be interpreted on Capitol Hill because administration officials will dominate the narrative in the early days. “They've already got their people out there lobbying very aggressively and the president has an enormous amount of power in this country, frankly much more power than the Congress at this point,” she added. “He has the power to affect the fortunes of individual members of Congress.”

Obama using his political capital to corral votes on the Iran deal

Wall Street Journal, **7-8-15** <http://blogs.wsj.com/washwire/2015/07/08/obama-works-to-coral-support-from-senate-democrats-on-several-issues/>

President Barack Obama huddled with Senate Democrats Tuesday night at the White House for a social get-together that also served as an opportunity to hit the reset button after parting ways on trade legislation. With Iran nuclear negotiations nearing an end and time running short for the president's domestic to-do list, Mr. Obama turned to Democrats on the Hill for help advancing his policy objectives. The most immediate White House priorities include marshaling lawmakers' support for a possible deal to curb Iran's nuclear program, reauthorizing the U.S. Export-Import bank and passing a highway funding measure. Tuesday's meeting came two weeks after the president partnered with Republican congressional leaders to pass a fast-track trade bill amid a messy battle that divided the Democratic Party. With the approval of the trade

package, Mr. Obama notched his biggest win to date in this Republican-controlled Congress, but he clashed with many Democrats in the process. Administration officials have dismissed suggestions of any lingering hard feelings, saying that the president and Democratic lawmakers would quickly return to work on shared goals. Still, the gathering in the State Dining Room signaled a concerted outreach effort aimed at ensuring that the president has Senate Democrats in his corner on several key issues. Chief among them is a long-sought nuclear agreement with Iran. While the diplomatic process has extended into overtime and the outcome remains uncertain, any eventual deal will be vetted by Congress. White House Press Secretary Josh Earnest said lawmakers are closely following the nuclear talks, and "the administration is doing the best we can to try to be responsive to that interest and help them understand exactly where things stand." Mr. Obama is working to corral Democratic support for a potential deal as many Republicans express deep reservations about an accord with Iran and some urge the White House to suspend negotiations.

Obama has the political capital to push Iran deal now—he will use it

David Jackson, 6-28-2015, On a hot streak, Obama looks to Iran deal," USA TODAY, <http://www.usatoday.com/story/theoval/2015/06/28/obama-iran-nuclear-deal-health-care-gay-marriage-free-trade-charleston/29423255/>, Accessed: 6-29-2015, /Bingham-MB

Following perhaps the most momentous week of his tenure, President Obama looks to what could be another major event next month: The Iran nuclear deal. Obama -- coming off major victories on free trade, health care, and gay marriage, as well as a much-praised eulogy on the Charleston church killings -- has set a Tuesday deadline for completion of an Iran nuclear agreement, though there are definite signs that the deadline will slip. "Given the dates, and that we have some work to do ... the parties are planning to remain in Vienna beyond June 30 to continue working," a U.S. official told the Associated Press about the ongoing talks. The administration is putting out the word that July 9 is the "real" deadline for a deal in which the U.S. and allies would reduce sanctions on Iran if it agrees to give up the means to make nuclear weapons. The July 9 date would give Congress time to review the agreement before its August recess. Further evidence that Tuesday's deadline will slip came Sunday as Iran's foreign minister prepared to leave talks in Vienna for consultations back in Tehran. The Obama administration enters the final stages of the Iran talks following a string of remarkable victories within the past week. First, Congress cleared the way for a major free trade agreement with Asia, a deal that some thought dead in the water earlier in the month. Then the Supreme Court handed down landmark decisions on items of high importance to the Obama administration, its health care law and the right of gay marriage. The president capped the week with a moving eulogy on the Charleston church shootings, urging Americans to confront long-festering problems of gun control and racial prejudice. Now, on to Iran -- though the proposed agreement has fierce critics in Israel and the U.S. Congress who believe it will actually pave the way for Iran to secure nuclear weapons. It will be a busy few weeks. From the Associated Press: "Both sides recognize that there is leeway to extend to July 9. As part of an agreement with the U.S. Congress, lawmakers then have 30 days to review the deal before suspending congressional sanctions. But postponement beyond that would double the congressional review period to 60 days, giving both Iranian and U.S. critics more time to work on undermining an agreement. Arguing for more time to allow the U.S. to drive a harder bargain, Israeli Prime Minister Benjamin Netanyahu -- a

fierce opponent of the talks -- weighed in on Sunday against 'this bad agreement, which is becoming worse by the day.' "It is still not too late to go back and insist on demands that will genuinely deny Iran the ability to arm itself with nuclear weapons," he said."

2NC AT Winner's Win

Legislative wins don't spillover—empirics, true for Obama, too polarized— newest ev Eberly, 2013

Todd Eberly is coordinator of Public Policy Studies and assistant professor in the Department of Political Science at St. Mary's College of Maryland. His email is teeberly@smcm.edu. This article is excerpted from his book, co-authored with Steven Schier, "American Government and Popular Discontent: Stability without Success," to be published later this year by Routledge Press., 1-21-2013 http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-party-support-public-opinion/2

As Barack **Obama** prepares to be sworn in for the second time as president of the United States, he **faces the stark reality** that **little of what he hopes to accomplish** in a second term **will likely come to pass**. Mr. **Obama occupies an office** that **many assume to be all powerful, but** like so many of his recent predecessors, **the president** knows better. He **faces a political capital problem and a power trap** in the post-1960s American political system, **presidents have found** the exercise of **effective leadership** a difficult task. **To lead well, a president needs support** — or at least permission — from federal courts and Congress; steady allegiance from public opinion and fellow partisans in the electorate; backing from powerful, entrenched interest groups; and accordance with contemporary public opinion about the proper size and scope of government. This is a long list of requirements. **If presidents fail to satisfy these** requirements, **they face the prospect of inadequate political support or political capital to back their power assertions**. What was so crucial about the 1960s? We can trace so much of what defines contemporary politics to trends that emerged then. Americans' confidence in government began a precipitous decline as the tumult and tragedies of the 1960s gave way to the scandals and economic uncertainties of the 1970s. Long-standing party coalitions began to fray as the New Deal coalition, which had elected Franklin Roosevelt to four terms and made Democrats the indisputable majority party, faded into history. The election of Richard Nixon in 1968 marked the beginning of an unprecedented era of divided government. Finally, the **two parties** began **ideologically divergent** journeys that **resulted in intense polarization** in Congress, **diminishing the possibility of bipartisan compromise**. **These** changes, combined with the growing influence of money and interest groups and the steady "thickening" of the federal bureaucracy, **introduced significant challenges to presidential leadership**. Political capital can best be understood as a combination of the president's party support in Congress, public approval of his job performance, and the president's electoral victory margin. The components of political capital are central to the fate of presidencies. It is difficult to claim warrants for leadership in an era when job approval, congressional support and partisan affiliation provide less backing for a president than in times past. **In recent years, presidents' political capital has shrunk while their power assertions have grown**, making the president a volatile player in the national political system. Jimmy Carter and George H.W. Bush joined the small ranks of incumbents defeated while seeking a second term. Ronald Reagan was elected in two landslides, yet his most successful year for domestic policy was his first year in office. Bill Clinton was twice elected by a comfortable margin, but with less than majority support, and despite a strong economy during his second term, his greatest legislative successes came during his first year with the passage of a controversial but crucial budget bill, the Family and Medical Leave Act, and the North American Free Trade Agreement. George W. Bush won election in 2000 having lost the popular vote, and though his impact on national security policy after the Sept. 11 attacks was far reaching, his greatest domestic policy successes came during 2001. Ambitious plans for Social Security reform, following his narrow re-election in 2004, went nowhere. Faced with obstacles to successful leadership, recent presidents have come to rely more on their formal powers. The number of important executive orders has increased significantly since the 1960s, as have the issuance of presidential signing statements. Both are used by presidents in an attempt to shape and direct policy on their terms. Presidents have had to rely more on recess appointments as well, appointing individuals to important positions during a congressional recess (even a weekend recess) to avoid delays and obstruction often encountered in the Senate. Such power assertions typically elicit close media scrutiny and often further erode political capital. Barack Obama's election in 2008 seemed to signal a change. Mr. Obama's popular vote majority was the largest for any president since 1988, and he was the first Democrat to clear the 50 percent mark since Lyndon Johnson. The president initially enjoyed strong public approval and, with a Democratic Congress, was able to produce an impressive string of legislative accomplishments during his first year and early into his second, capped by enactment of the Patient Protection and Affordable Care Act. But with each legislative battle and success, his political capital waned. His impressive successes with Congress in 2009 and 2010 were accompanied by a shift in the public mood against him, evident in the rise of the tea party movement, the collapse in his approval rating, and the large GOP gains in the 2010 elections, which brought a return to divided government. By mid-2011, Mr. Obama's job approval had slipped well below its initial levels, and Congress was proving increasingly intransigent. In the face of declining public support and rising congressional opposition, Mr. Obama, like his predecessors, looked to the energetic use of executive power. In 2012, the president relied on executive discretion and legal ambiguity to allow homeowners to more easily refinance federally backed mortgages, to help veterans find employment and to make it easier for college graduates to consolidate federal student loan debt. He issued several executive orders effecting change in the nation's enforcement of existing immigration laws. He used an executive order to authorize the Department of Education to grant states waivers from the requirements of the No Child Left Behind Act — though the enacting legislation makes no accommodation for such waivers. Contrary to the outcry from partisan opponents, Mr. Obama's actions were hardly unprecedented or imperial. Rather, they represented a rather typical power assertion from a contemporary president. Many looked to the 2012 election as a means to break present trends. But Barack **Obama's narrow re-election** victory, coupled with the re-election of a somewhat-diminished Republican majority House and Democratic majority Senate, **hardly signals a grand resurgence of his political capital**. The president's recent issuance of multiple executive orders to deal with the issue of gun violence is further evidence of his power trap. Faced with the likelihood of legislative defeat in Congress, the president must rely on claims of unilateral power. But such claims are not without limit or cost and will likely further erode his political capital. Only by solving the problem of political capital is a president likely to avoid a power trap. **Presidents** in recent years **have been unable to prevent their political capital from eroding**. When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval. However, **short-term legislative strategies** may win policy success for a president, **but do not serve as an antidote to declining political capital** over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's

recent predecessors solved the political capital problem or avoided the power trap. It is the central political challenge confronted by modern presidents and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

And, PC finite – opportunity cost Hayward 12

[John, writer at Human Events. "DON'T BE GLAD THE BUFFETT RULE IS DEAD, BE ANGRY IT EVER EXISTED," 4/17, <http://www.humanevents.com/2012/04/17/dont-be-glad-the-buffett-rule-is-dead-be-angry-it-ever-existed/>]

Toomey makes the excellent point that Obama's class-warfare sideshow act is worse than useless, because it's wasting America's valuable time, even as the last fiscal sand runs through our hourglass. Politicians speak of "political capital" in selfish terms, as a pile of chips each party hoards on its side of the poker table, but in truth America has only a finite amount of political capital in total. When time and energy is wasted on pointless distractions, the capital expended---in the form of the public's attention, and the debates they hold among themselves---cannot easily be regained. ¶ There is an "opportunity cost" associated with the debates we aren't having, and the valid ideas we're not considering, when our time is wasted upon nonsense that is useful only to political re-election campaigns. Health care reform is the paramount example of our time, as countless real, workable market-based reforms were obscured by the flaccid bulk of ObamaCare. The Buffett Rule, like all talk of tax increases in the shadow of outrageous government spending, likewise distracts us from the real issues.

And Obama will behave as if winners don't win Burnett, 13

Bob Burnett, Founding Executive @ CiscoSystems, Berkeley writer, journalist, columnist @ huffington post, 4/5, http://www.huffingtonpost.com/bob-burnett/keystone-xl-obama_b_3020154.html

On April 3 and 4, President Obama spoke at several San Francisco fundraisers. While he didn't specifically mention the Keystone XL pipeline, the tenor of his remarks indicated that he's likely to approve the controversial project. Obama seems to be most influenced by his inherent political pragmatism. I've heard Barack Obama speak on several occasions. The first was February 19, 2007, at a San Francisco re-election fundraiser with a lengthy question and answer session. Towards the end of the event a woman asked then presidential-candidate Obama what his position was on same-sex marriage. For an instant, Obama seemed surprised; then he gathered himself and responded he was aware of strong feelings on both sides of this issue and his position was evolving. Five years later, in May of 2012, President Obama announced his support for same-sex marriage. What took Obama so long to make up his mind? No doubt he needed to clarify his own moral position -- although the Protestant denomination he was baptized into, the United Church of Christ, announced its support for same-sex marriage in 2005. But I'm sure the president carefully weighed the political consequences and, last May, thought the timing was right. Over the last six years I've realized Barack Obama has several personas. On occasion he moves us with stirring oratory; that's Reverend Obama, the rock star. Once in a while, he turns philosophical; that's Professor Obama, the student of American history. On April 3, I saw Politician Obama, the pragmatic leader of the Democratic Party. Obama has learned that, as president, he only gets a fixed amount of political capital each year and has learned to ration it. In 2007, he didn't feel it was worth stirring up controversy by supporting same-sex marriage; in 2012 he thought it was. He's a cautious pragmatist. He doesn't make snap decisions or ones that will divert his larger agenda. Intuitively, most Democrats know this about the president. At the beginning of 2012, many Democratic stalwarts were less than thrilled by the prospect of a second Obama term. While their reasons varied, there was a common theme, "Obama hasn't kept his promises to my constituency." There were lingering complaints that 2009's stimulus package should have been bigger and a communal whine, "Obama should have listened to us." Nonetheless, by the end of the Democratic convention on September 6, most Dems had come around. In part, this transformation occurred because from January to September of 2012 Dems

scrutinized Mitt Romney and were horrified by what they saw. In January some had muttered, "There's no difference between Obama and Romney," but nine months later none believed that. While many Democrats were not thrilled by Obama's first-term performance, they saw him as preferable to Romney on a wide range of issues. In 2009, Obama got a bad rap from some Dems because they believed he did not fight hard enough for the fiscal stimulus and affordable healthcare. In March of 2011, veteran Washington columnist, Elizabeth Drew, described Obama as: ... a somewhat left-of-center pragmatist, and a man who has avoided fixed positions for most of his life. Even his health care proposal -- denounced by the right as a 'government takeover' and 'socialism' -- was essentially moderate or centrist. When he cut a deal on the tax bill, announced on December 7 [2010], he pragmatically concluded that he did not have the votes to end the Bush tax cuts for the wealthiest, and in exchange for giving in on that he got significant concessions from the Republicans, such as a fairly lengthy extension of unemployment insurance and the cut in payroll taxes. Making this deal also left him time to achieve other things -- ratification of the START treaty, the repeal of don't ask, don't tell. Drew's description of the president as a "left-of-center pragmatist" resonates with my sense of him. He is a political pragmatist who, over the past five years, has learned to guard his political capital and focus it on his highest priorities. In this year's State-of-the-Union address half of the president's remarks concerned jobs and the economy. We gather here knowing that there are millions of Americans whose hard work and dedication have not yet been rewarded. Our economy is adding jobs -- but too many people still can't find full-time employment. Corporate profits have rocketed to all-time highs -- but for more than a decade, wages and incomes have barely budged. It is our generation's task, then, to reignite the true engine of America's economic growth -- a rising, thriving middle class. He also spoke passionately about the need to address global warming, "For the sake of our children and our future, we must do more to combat climate change." But it's clear that's a secondary objective. At one of the Bay Area fundraisers, President Obama observed that his big challenge is to show middle-class families that, "we are working just as hard for them as we are for an environmental agenda." Obama isn't going to block the Keystone XL pipeline because he doesn't believe that he can make the case his action will help the middle-class. He's conserving his political capital. He's being pragmatic.

2NC AT Hirsch

Hirsh agrees with the thesis of the politics DA even if he disagrees with the term “political capital”

Michael **Hirsh**, National Journal, **2/7/13**, There’s No Such Thing as Political Capital, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

Presidents are limited in what they can do by time and attention span, of course, just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn’t realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country’s mood. Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government’s attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn’t really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said.

2NC AT PC Theory Wrong

PC allocation changes votes—key to the agenda

Beckman 10 Matthew N. Beckman, Professor of Political Science @ UC-Irvine, 2010, "Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004," pg. 61-62

For cases where the president wants to lobby but has limited political capital to draw on ($0 < C < C_1$), looking back, Figure 2.11 affirms the intuitive: the president's legislative options are limited. Lacking enough capital to induce leaders to accept any sort of "deal" that is better than he could get from lobbying pivotal voters, the president and his staffers' only viable strategy is the vote-centered one. But, of course, even executing the vote-centered strategy does not yield much influence; the president simply does not have enough "juice" to substantially alter members' preferences or, in turn, the outcome. The president's prospects improve substantially, though, when he allocates even modest levels of political capital ($C < C < C_1$) to lobbying for a particular initiative. At this point - specifically, at C_1 - an agenda-centered strategy becomes viable. That is, with a medium investment of political capital, now the president has enough resources to get opposing leaders to cut a "deal" with the White House that is better than he could get from just lobbying pivotal voters. In fact, even with this rather modest infusion of political capital, C_1 to C_2 , an agenda-centered lobbying strategy allows a president to exert even more influence than would be possible with a massive investment (up to C_3) in vote-centered lobbying. And granting the president even more political capital to invest in an issue ($C_2 < C$) only adds to an agenda-centered strategy's attractiveness and effectiveness compared to the more familiar vote-centered strategy. Overall, the predicted impact of the president's agenda-centered lobbying is real, and potentially substantial, but also highly conditional. In contrast to a vote-centered strategy, which can be employed whenever a president is willing and able to invest lobbying resources in advocating an issue, the White House's agenda-centered strategy only applies with (1) a far-off status quo, and (2) a medium to large supply of political capital. Absent these prerequisites, the president's fate turns on pivotal voters and his ability to influence them via vote-centered lobbying. But often these strategic stars do align - that is, the president is flush with political capital when seeking to change a distant status quo - and when they do, an agenda-centered strategy affords presidents not just a second path for exerting influence but also a better path. Indeed, under these favorable conditions, the president gets far more policy bang for his lobbying buck from an agenda-centered strategy than a vote-centered one - without having to prevail in an all-out floor fight for pivotal voters' support.

PC key – most critical factor – sets the agenda

Light, Brookings Center for Public Service founding director, **99**

(Paul Charles, New York University Professor of Public Service, *The President's Agenda: Domestic Policy Choice from Kennedy to Clinton*, p. 25-26, Google Books, http://books.google.com/books?id=vuWJHWDgstsC&printsec=frontcover&dq=the+Presidents+Agenda&hl=en&ei=X2FATOLRFIWKlwfVLHxDQ&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCwQ6AEwAA#v=onepage&q=the%20Presidents%20Agenda&f=false, accessed 7-15-10)

In chapter 2, I will consider just how capital affects the basic parameters of the domestic agenda. Though the internal resources are important contributors to timing and size, capital remains the critical factor. That conclusion will become essential in understanding the domestic agenda. Whatever the President's personal expertise, character, or skills, capital is the most important resource. In the past, presidential scholars have focused on individual factors in discussing White House decisions, personality being the dominant factor. Yet, given low levels in presidential capital, even the most positive and most active executive could make little impact. A president can be skilled, charming, charismatic, a veritable legislative wizard, but if he does not have the basic congressional strength, his domestic agenda will be severely restricted -

capital affects both the number and the content of the President's priorities. Thus, it is capital that determines whether the President will have the opportunity to offer a detailed domestic program, whether he will be restricted to a series of limited initiatives and vetoes. Capital sets the basic parameters of the agenda, determining the size of the agenda and guiding the criteria for choice. Regardless of the President's personality, **capital is the central force behind the domestic agenda.**

PC key – Political scientists and experts agree

Beckman 10 Matthew N. Beckman, Professor of Political Science @ UC-Irvine, 2010, "Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004," pg. 50

However, many close observers of the presidential-congressional relationship have long cited prevoiting bargaining across Pennsylvania Avenue as being substantively important. For example, discussing President Eisenhower's legislative record in 1953, CQ staffers issued a caveat they have often repeated in the years since: ¶ The President's leadership often was tested beyond the glare spotlighting roll calls. . . . Negotiations off the floor and action in committee sometimes are as important as the recorded votes. (CQ Almanac 1953, 77) ¶ Many a political scientist has agreed. Charles Jones (1994), for one, wrote, "However they are interpreted, roll call votes cannot be more than they are: one form of floor action on legislation. If analysts insist on scoring the president, concentrating on this stage of lawmaking can provide no more than a partial tally" (195). And Jon Bond and Richard Fleisher (1990) note that even if they ultimately are reflected in roll-call votes, "many important decisions in Congress are made in places other than floor votes and recorded by means other than roll calls . . ." (68).

Impact

2NC – Impact Overview

Failure of the Iran deal causes multiple scenarios for global nuclear war. Global war would trigger nuclear use, Pakistan overthrow, Russia/China draw in, famine, economy collapse, and destruction of civilization, that's Avery.

Impact outweighs:

Timeframe—collapse of talk freaks out the middle east now, pushes hardliners to war, and miscalc escalates quickly

Probability—middle east is still the most likely scenario for war, instability religious tensions make threats escalate

Magnitude—Russia/China draw in, nuclear weapons use and economic collapse go global—evidence says civilization will be destroyed which is an extinction argument

Attack on Iran is the only unique middle east war threat that goes global and spirals out of control—avoids their impact defense

Trabanco 9 – Independent researcher of geopolitical and military affairs (1/13/09, José Miguel Alonso Trabanco, “The Middle Eastern Powder Keg Can Explode at anytime,”

<http://www.globalresearch.ca/index.php?context=va&aid=11762>)

In case of an Israeli and/or American attack against Iran, Ahmadinejad's government will certainly respond. A possible countermeasure would be to fire Persian ballistic missiles against Israel and maybe even against American military bases in the regions. Teheran will unquestionably resort to its proxies like Hamas or Hezbollah (or even some of its Shiite allies it has in Lebanon or Saudi Arabia) to carry out attacks against Israel, America and their allies, effectively setting in flames a large portion of the Middle East. The ultimate weapon at Iranian disposal is to block the Strait of Hormuz. If such chokepoint is indeed asphyxiated, that would dramatically increase the price of oil, this a very threatening retaliation because it will bring intense financial and economic havoc upon the West, which is already facing significant trouble in those respects. In short, the necessary conditions for a major war in the Middle East are given. Such conflict could rapidly spiral out of control and thus a relatively minor clash could quickly and dangerously escalate by engulfing the whole region and perhaps even beyond. There are many key players: the Israelis, the Palestinians, the Arabs, the Persians and their respective allies and some great powers could become involved in one way or another (America, Russia, Europe, China). Therefore, any miscalculation by any of the main protagonists can trigger something no one can stop. Taking into consideration that the stakes are too high, perhaps it is not wise to be playing with fire right in the middle of a powder keg.

Impact – Israel Lashout

Nuclear Iran = Israel freak out - That escalates to full scale war

Adamsky 2011, Dima Adamsky is an Assistant Professor at the Lauder School of Government, Diplomacy, and Strategy at the Interdisciplinary Center Herzliya and the author of *The Culture of Military Innovation*. The scenarios discussed here are speculative and do not represent the views of any official in the Israeli government, Foreign affairs, march – april 2011, lexis

The insecurity generated by a nuclear Iran might dwarf previous peaks of existential fear in Israel. A nuclear Iran would likely undermine the foundations of Israeli self-confidence by crossing two "redlines" in the Israeli strategic psyche. First, the arsenal of a single country would pose an existential threat, conjuring memories of Nazi Germany. Focusing on Iran's ultimate destructive capability rather than its intentions, Israeli strategists might therefore view a nuclear Iran apocalyptically. Second, many Israelis might come to believe that the end of Israel's nuclear monopoly has terminated the country's ultimate insurance policy, fundamentally undermining Israel's general deterrence posture. These concerns, as Eric Edelman, Andrew Krepinevich, and Evan Montgomery assert, might lead Israeli strategists to reexamine nuclear policies and adjust their current deterrence models.

Extinction

Moore 2009, Carole, author, activist, leader of Libertarians for Peace, "Israeli Nuclear Threats and Blackmail", <http://www.carolmoore.net/nuclearwar/israelithreats.html>

The phrase the "Samson Option" is used to describe Israel's strategy of massive nuclear retaliation against "enemy" nations should its existence as a Jewish state be jeopardized through military attack. Israeli leaders created the term in the mid-1960s, inspired by the Biblical figure Samson, who destroyed a Philistine temple, killing himself and thousands of Philistine enemies.[1][2] Israel refuses to admit officially that it has nuclear weapons - a policy known as "nuclear ambiguity" or "nuclear opacity." [3] This despite government officials inferring repeatedly - and occasionally admitting - the fact. And despite Israeli nuclear whistle blower Mordechai Vanunu making public smuggled photographs of nuclear weapons and production equipment in the 1980s.[4] Israel now may have as many as 400 atomic and hydrogen nuclear weapons,[5][6] as well as the ability to launch them via long range missiles, submarines and aircraft.[7] It can use them in a second strike even if its military is devastated. Originally a strategy of last resort retaliation - even if it means Israel's annihilation - it has developed into being a nuclear bullying strategy to further Israel's territorial goals through threats and blackmail. Israel has bullied not only Arab and Muslim nations, but the United States and Russia with its Samson Option threats. Mordechai Vanunu has alleged that Israel uses for purposes of blackmail its ability to "bombard any city all over the world, and not only those in Europe but also those in the United States." [8] Official policy and threats During the 1960s Israel concentrated on conventional military superiority to defend lands confiscated in the 1948 and 1967 wars - and to convince Palestinians in Israel and the occupied territories that they could not break free of it. However, in 1973's Yom Kippur War Israel was almost overwhelmed by Arab forces. Prime Minister Golda Meir authorized a nuclear alert, ordering 13 atomic bombs be prepared for missiles and aircraft. Israeli Ambassador to the U.S. Simha Dinitz threatened "very

serious conclusions" if there was not an immediate airlift of supplies.[9] This forced U.S. President Richard Nixon to make emergency airlifts of state of the art military supplies to Israel.[10][11] Fearing intervention by the Soviet Union, U.S. forces went on Defense Condition (DEFCON) III alert status[12], something which could have led to full scale nuclear war in case of misinterpretation of signals or hardware or software failures. Additionally, as Seymour Hersh documents in detail in his book *The Samson Option*, from 1973 these weapons have been used to discourage the Soviet Union - now Russia - from intervening militarily on behalf of Arab nations.[13] Obviously an Israeli nuclear attack on Russia by the United States' great ally Israel would result in Russia sending thousands of nuclear weapons towards the U.S. and the U.S. responding in kind. Not surprisingly, no nation state has attempted to attack Israel since 1973. A former Israeli official justified Israel's threats. "You Americans screwed us" in not supporting Israel in its 1956 war with Egypt. "We can still remember the smell of Auschwitz and Treblinka. Next time we'll take all of you with us." [14] General Moshe Dayan, a leading promoter of Israel's nuclear program[15], has been quoted as saying "Israel must be like a mad dog, too dangerous to bother." [16] Amos Rubin, an economic adviser to former Prime Minister Yitzhak Shamir, said "If left to its own Israel will have no choice but to fall back on a riskier defense which will endanger itself and the world at large... To enable Israel to abstain from dependence on nuclear arms calls for \$2 to 3 billion per year in U.S. aid." [17] In 1977, after a right-wing coalition under Menachen Begin took power, the Israelis began to use the Samson Option not just to deter attack but to allow Israel to "redraw the political map of the Middle East" by expanding hundreds of thousands of Israeli settlers into the West Bank and Gaza.[18] Then-Minister of Defense Ariel Sharon said things like "We are much more important than (Americans) think. We can take the middle east with us whenever we go" [19] and "Arabs may have the oil, but we have the matches." [20] He proclaimed his - and many Likud Party members' - goals of transforming Jordan into a Palestinian state and "transferring" all Palestinian refugees there.[21][22] A practice known worldwide as "ethnic cleansing." To dissuade the Soviet Union from interfering with its plans, Prime Minister Begin immediately "gave orders to target more Soviet cities" for potential nuclear attack. Its American spy Jonathan Pollard was caught stealing such nuclear targeting information from the U.S. military in 1985.[23] During the next 25 years Israel became more militarily adventurous, bombing Iraq's under-construction Osirak nuclear reactor in 1981, invading Lebanon to destroy Palestinian refugee camps in 1982 and to fight Hezbollah in 2006, massively bombing civilian targets in the West Bank Jenin refugee camp in 2002 and throughout Gaza in 2008-2009. There are conflicting reports about whether Israel went on nuclear alert and armed missiles with nuclear weapons during the 1991 Gulf War after Iraq shot conventionally armed scud missiles into it.[24][25] In 2002, while the United States was building for the 2003 invasion of Iraq, then Prime Minister Ariel Sharon threatened that if Israel was attacked "Israel will react. Is it clear?" [26] Israeli defense analyst Zeev Schiff explained: "Israel could respond with a nuclear retaliation that would eradicate Iraq as a country." It is believed President Bush gave Sharon the green-light to attack Baghdad in retaliation, including with nuclear weapons, but only if attacks came before the American military invasion.[27] **Former Israeli Foreign Minister Shimon Peres has admitted that nuclear weapons are used by Israel for "compellent purposes"** - i.e., forcing others to accept Israeli political demands.[28] In 1998 Peres was quoted as saying, "We have built a nuclear option, not in order to have a Hiroshima, but to have an Oslo," referring to imposing a settlement on the Palestinians.[29] In her book *Israel's Sacred*

Terrorism Livia Rokach documented how Israelis have used religion to justify paramilitary and state terrorism to create and maintain a Jewish State.[30] Two other Israeli retaliation strategies are the popularized phrase “Wrath of God,” the alleged Israeli assassination of those it held responsible for the 1972 killings of Israeli athletes during the Munich Olympics[31], and the “Dahiya doctrine” of destruction of civilian areas to punish Palestinians for supporting their leaders.[32] Israeli Israel Shahak wrote in 1997: "Israel clearly prepares itself to seek overtly a hegemony over the entire Middle East...without hesitating to use for the purpose all means available, including nuclear ones." [33] Zeev Schiff opined in 1998 that "Off-the-cuff Israeli nuclear threats have become a problem." [34] In 2003 David Hirst noted that “The threatening of wild, irrational violence, in response to political pressure, has been an Israeli impulse from the very earliest days” and called Israel a candidate for “the role of 'nuclear-crazy' state.” [35] Noam Chomsky said of the Samson Option “the craziness of the state is not because the people are insane. Once you pick a policy of choosing expansion over security, that's what you end up getting stuck with.” [36] Efraim Karsh calls the Samson Option the “rationality of pretended irrationality,” but warns that seeming too irrational could encourage other nations to attack Israel in their own defense. [37] Samson Option Supporters Two Israel supporters are frequently quoted for their explicit support of the Samson Option. Martin Van Creveld, a professor of military history at the Hebrew University in Jerusalem, has been quoted as saying: "Most European capitals are targets for our air force.... We have the capability to take the world down with us. And I can assure you that that will happen before Israel goes under." [38] In 2002 the Los Angeles Times, published an opinion piece by Louisiana State University professor David Perlmutter in which he wrote: "What would serve the Jew-hating world better in repayment for thousands of years of massacres but a Nuclear Winter. Or invite all those tut-tutting European statesmen and peace activists to join us in the ovens? For the first time in history, a people facing extermination while the world either cackles or looks away--unlike the Armenians, Tibetans, World War II European Jews or Rwandans--have the power to destroy the world. The ultimate justice?" [39]

Impact – Prolif Cascades

Iran proliferation = cascading regional proliferation, terrorism, economic collapse and war. Greatest threat of extinction.

MICHAEL RAMIREZ Posted 11/15/2013 06:43 PM ET <http://news.investors.com/ibd-editorials-perspective/111513-679468-if-iran-gets-bomb-others-will-want-it-too.htm>

The danger that Iran poses is not just from developing a nuclear bomb. Let's set aside for a moment the belligerent behavior of Iran and their export of terrorism, extremism and destabilization. Let's forget about their three-stage rocket development and their funding and support of terrorists around the world. Let's put aside the proxy wars they've waged on the U.S. and the West that have already killed Americans and countless others. Let's even put aside their willingness to use a nuclear weapon and the direct threat it poses to the survival of our ally, Israel. If Iran has a nuclear bomb, Saudi Arabia will have a nuclear bomb. If the Saudis have a nuclear bomb, Egypt will have a nuclear bomb. Syria may be next, then Iraq. And so on. The real danger lies in an accelerated nuclear arms race in a region awash in oil money, where extremism is valued but life is not, where all things are bought and sold, where surrogates, terrorists, extremists and their apostles of death exist without the constraints of geographical borders or national affiliation and can be paid or brainwashed to do anything without a direct link to the real planners of mischief. The nuclear arms race and the proliferation of nuclear material that will result represent the largest threat to the world today. The next time you have a terrorist attack, it will not be thousands of dead and wounded, it will be millions. And its tentacles reach much further than the area directly attacked. Consider this: some estimates put the cost of 9/11 at over \$3 trillion. If there is a nuclear attack, that area — those houses, the buildings, the businesses — will be uninhabitable for 50 years. There will be a military response. And the economic consequences alone will be catastrophic. Just think: It's taken over 12 years just to rebuild the World Trade Center.

Iran prolif causes nuclear war

Edelman et al., distinguished fellow – Center for Strategic and Budgetary Assessments, **11** (Eric S, Andrew Krepinevich, Center for Strategic and Budgetary Assessments President, Evan Braden Montgomery, Research Fellow, Center for Strategic and Budgetary Assessments, “The Dangers of a Nuclear Iran,” Foreign Affairs, January/February, ebsco, accessed 11-14-13, CMM)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia, Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and difficult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states' access to critical materials and technology. Without external

support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.¶ There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads effectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.¶ n-player competition¶ Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close

proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack OR even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

Impact – Middle East War

Deal failure cases Middle East war and Iran proliferate

Economist 4/2 (2015, "Is this a good deal?" <http://www.economist.com/news/middle-east-and-africa/21638915-better-alternatives-and-long-way-good-deal?zid=308&ah=e21d923f9b263c5548d5615da3d30f4d>)

For years Iran has lied about its nuclear plans. The Islamic Republic insists that it wants peace, but it has built secret, bomb-proof facilities for enriching uranium and, most outsiders conclude, begun work on designs for nuclear weapons. At the same time, it has spouted anti-Semitism and sponsored terrorists and militias in Lebanon and the Gaza Strip. It is fighting directly or by proxy in Syria, Iraq and now Yemen, often supporting vicious sectarian clients. And yet, despite Iran's transgressions, this week's progress towards an agreement to limit its nuclear programme is still welcome. The declaration that emerged on April 2nd, after marathon negotiations between Iran and six world powers in Lausanne, was surprisingly comprehensive. Iran will curb its programme and open it to inspection in exchange for a gradual lifting of sanctions. Speaking at the White House, President Barack Obama called it a good deal that will make the United States, its allies and the world safer. However, the details remain to be thrashed out by the end of June. The president warned that this process could still fail—and hardliners in both Tehran and Washington will do their damndest to see that it does. Failure would be a grave loss. This agreement offers the best chance of containing Iran's nuclear ambitions. And it also offers the faint promise of leading the Middle East away from the violence that has been engulfing it. Must try harder. The best reason for wanting the next three months to produce a deal is that the alternatives are so unattractive. Military action to destroy Iran's programme would have only a temporary effect. Air raids cannot annihilate know-how, but they would redouble the mullahs' determination to get hold of a weapon, further radicalise Muslims, and add to the mayhem in a part of the world that is already in flames. Then there are sanctions. Some people, such as Israel's prime minister, Binyamin Netanyahu, argue that Iran is too malign to be left with anything but a symbolic ability to enrich uranium. He recommends redoubling sanctions and holding out until Iran is forced to concede to the world's demands. But there is a contradiction here. On the one hand, Iran is so bent on destruction that it cannot be treated as a normal negotiating partner; on the other it is so pliant that more sanctions will make it give up a nuclear programme that it has defended, at great cost, for many years. Besides, waiting for Iran to make concessions does not have a good record. In 2003 the Bush administration ignored tentative Iranian signals that it was ready to talk. Since then, the mullahs have enhanced their expertise and increased their count of centrifuges from 164 to 19,000 or so. As Mr Obama argues, this second option very quickly leads back to either war or negotiations—and on worse terms. By contrast the deal that has come out of Lausanne is at least attainable. Iran will cut its capacity to enrich by two-thirds compared with today for a minimum of ten years; it will radically shrink its stockpile of enriched uranium for a minimum of 15; and it will permanently cut off the route to a bomb placed on plutonium. Iran will also submit itself to intrusive inspections throughout the nuclear supply chain. In exchange, the outside world will lift economic sanctions and agree to Iran's right to enrich uranium. That compromise contains a prize worth having. Verification makes it easier to catch Iran cheating. And if the country is indeed caught working on a bomb, sanctions would snap back into place. Most important of all, the world would also have a year to muster a response—compared with a few months today. The region burns. The harder argument is whether the gains from a nuclear deal will come at the expense of regional stability. Israel and America's Sunni allies contend that the Obama administration is going easy on Iran. Some say that this is in order to secure a deal.

Others think that the nuclear diplomacy is part of a grand plan to turn Iran into a strategic partner of America to help it manage the Middle East. That would count as an act of betrayal made all the worse by the threats that Iran habitually makes against them. The coming months may indeed deepen the hatreds that are raging from the Mediterranean to the Arabian Sea. You could imagine Iranian leaders stepping up their meddling in the region—to show, perhaps, that supping with the Great Satan has not made them soft. It is no accident that the Sunni monarchies have been turning away from America: backing an army coup against the Muslim Brotherhood in Egypt, attacking fighters in Libya without forewarning America and, rushing into Yemen to take on Iranian-funded Houthis. But before blaming this mess on Mr Obama’s nuclear diplomacy, consider two arguments. First, the catastrophe in the Middle East has its own, murderous dynamic that is quite separate from the nuclear deal. Iran has set out ruthlessly to exert control over neighbouring Iraq, to protect its links to Hizbullah in Lebanon and to shore up Bashar Assad in Syria. Deal or no deal, this meddling is driven by a desire to support fellow Shias, to exert regional influence and to keep conflagrations far away from its own borders. There is no sign that, as yet, sanctions or the talks have made much of a difference. Second, the idea that America is being treacherous does not add up. Blame Mr Obama for standing back when the uprising in Syria was still peaceful, and again when Mr Assad gassed his own people. But the time is long gone when America alone could manage the conflict devouring the Middle East. Today regional mayhem is tugging the United States every which way. In the cross-currents of a sectarian war, America is working against Iranian-backed forces in Yemen and Syria, and with them in the war against Islamic State. That is not treachery, but pragmatism born out of regional collapse. The fallout of a deal Amid the chaos, a nuclear could deal actually help--by enabling America and Iran to develop a pragmatic relationship. Overseeing an agreement would not be easy. Iran would chafe; there would be rows and disputes. But nuclear diplomacy could force America and Iran to work together after 35 years of enmity that thrust America firmly into the Sunni camp. At worst relations with Iran would remain dysfunctional; but at best America would for the first time in decades find itself in a position to mediate between Sunni and Shia. That matters, because Iran and its Sunni rivals must themselves rein in their proxies and militias so that local people can begin to put their communities back together. Such a process would get a further boost if a deal brought change within Iran. Most Iranians are young and disillusioned with their leaders. They want normal, prosperous lives. In non-stop wrangling between factions in Tehran, a deal could strengthen Hassan Rohani, who has staked his presidency on it and who is thought to favour engagement with the world. In a deal’s decade-long first phase, Iran is likely to see a new supreme leader. Nobody knows who will take over—it may even be Mr Rohani himself—but the new leader is more likely to work with the West if America and Iran are no longer riven by mutual hatred. A thaw between Iran and America is not guaranteed, obviously. The possibility of wholesale moderation within Iranian politics is even more remote. But neither does a nuclear deal depend on such things to be successful or to be worth having. On the contrary, success relies on the routine of inspections and the slow accumulation of confidence; and the deal will be measured chiefly on whether it puts a bomb out of reach. Everything else is a bonus. Some people think that any deal must be wrong because it turns Iran from an international pariah into a partner. But that world view leads inexorably toward war—and an Iranian bomb. Well-founded mistrust of Iran is a reason to be vigilant, but in the real world the most important diplomacy takes place between enemies. The exhausted negotiators in Lausanne took a valuable step this week. They must finish their work.

Impact – Obama Doctrine

Iran is litmus test for Obama engagement doctrine

Jordan **Fabian**, The Hill , “nuclear deal with iran appears elusive,” 7/7/15.

The stakes are high for Obama. Along with his bid to re-establish ties with Cuba, the Iran deal is a major test of the president’s doctrine of engaging with the U.S.’s traditional adversaries to address common interests. ¶ If the talks falter, it would wipe away an elusive legacy-defining foreign policy achievement for Obama, who has grappled with instability in the Middle East and the rise of the Islamic State in Iraq and Syria.

Impact – Syria/Yemen

Political capital is key to holding off opposition to iran deal – solves middle east conflicts including Syrian and Yemen

Jordan **Fabian**, The Hill , “nuclear deal with iran appears elusive,” 7/7/15.

Obama has spent a tremendous amount of political capital in pursuit of the deal — both with Democrats in Congress and the U.S.’s traditional allies in Persian Gulf states and Israel, who fear the deal could embolden Iran in its pursuit of dominance in the Middle East. ¶ Deputy national security adviser Ben Rhodes acknowledged last week the president is “taking on some sacred cows” in dealing with hostile regimes. ¶ But he said the aim of dealing with Iran is to avoid being pulled into another conflict in the Middle East while preventing it from becoming a nuclear power.¶ Administration officials told The Wall Street Journal Monday that they hope a successful Iran deal could open the door to resolving lingering conflicts in Syria and Yemen, where Iran is involved. ¶ But Obama is coming under pressure from lawmakers in both parties not to agree to a deal at all costs. ¶ On Tuesday evening, the president met with Senate Democrats at the White House, where he was expected to sooth members of his party who are worried about the talks.¶ Influential Democrats, including Senate Foreign Relations Committee ranking member Ben Cardin (Md.), have demanded “anytime, anywhere” inspections of Iranian nuclear facilities.

A2: Deal Causes Iran Strikes

It actually pushes them farther from their red line

Cirincione 11-25 [Joseph Cirincione is president of Ploughshares Fund, a global security foundation, and a member of Secretary of State John Kerry's International Security Advisory Board and the Council on Foreign Relations. He's also the author of "Bomb Scare: The History and Future of Nuclear Weapons." Interviewed by Ezra Klein 11-25-2013 "If you don't like negotiating with Iran what you're really saying is you want to go to war"
<http://www.washingtonpost.com/blogs/wonkblog/wp/2013/11/25/if-you-dont-like-negotiating-with-iran-what-youre-really-saying-is-you-want-to-go-to-war/>]

This addresses the major threat that Prime Minister Netanyahu warned the world about in September 2012. He went to the dais of the U.N. General Assembly and he held up a cartoon drawing of a bomb and drew a red line across the top. He warned the world that Iran would soon have enough uranium enriched to 20 percent and that they could quickly, in weeks or months, make a bomb.¶ His concerns were well-founded. Iran now has about 190 kilograms of this enriched uranium. If they got to 240 kilograms, they'd be very close to a bomb. This deal drains the uranium from Mr. Netanyahu's bomb. It drains the amount of 20 percent enriched uranium [Iran has]. It makes it much less likely Iran could break out and make a bomb. And it goes further: It stops the manufacturing of new centrifuges. It changes the inspection regime from weekly to daily. If Iran wanted to do anything suspicious, there's a high probability we'd know about it and could act instantly to stop them.¶ EK: What's the counterfactual here? Imagine this deal wasn't struck and things simply kept on trend. Where would this issue be going?¶ JC: If Iran hadn't paused, in a matter of months they would cross Israel's red line. In perhaps a year they could've constructed a crude nuclear device. In another year, they could construct a warhead to put on a missile. While we might think we had two years or so to act, Israel doesn't look at it that way. They wanted to kill the nuclear baby in the crib. So the alternative to this deal was war. We shouldn't kid ourselves. There's no sanction regime known to man that's been able to coerce a country into compliance. So if you don't like negotiating with Iran, what you're really saying is you want to go to war. We should be clear-eyed about this. We shouldn't think there's some better deal out there.

No Israel Strike now

Cirincione 11-25 [Joseph Cirincione is president of Ploughshares Fund, a global security foundation, and a member of Secretary of State John Kerry's International Security Advisory Board and the Council on Foreign Relations. He's also the author of "Bomb Scare: The History and Future of Nuclear Weapons." Interviewed by Ezra Klein 11-25-2013 "If you don't like negotiating with Iran what you're really saying is you want to go to war"
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EK: One argument that Jeffrey Goldberg makes is that another objective of this deal was stopping Israel from making any sudden moves. Now that there's a deal in place, Israel can't simply blow up the international community's negotiations and launch an attack. Do you agree?¶ JC: I think it's almost impossible for Israel to launch a military strike on Iran right now. They're isolated. The prime minister is issuing some very tough statements but as far as I can see, he's the only world leader issuing them. Even Saudi Arabia, which has serious qualms about the deal, is issuing positive statements at the start.

AT: Iran Cheats/Won't Comply

New deal has the most robust inspections ever – makes breakout so long – the risk of breakout is negligible

Jeffrey Lewis, Arms Control Wonk, Monterrey Institute Nuclear Professor, 4/2/15, A Skeptic's Guide to the Iran Nuclear Deal, foreignpolicy.com/2015/04/02/a-skeptics-guide-to-the-iran-nuclear-deal-2/

K, I admit it. I thought this framework was going to suck. Actually, it's not bad. My main concern all along was that the P5+1 countries (technically the E3/EU+3; congratulations if you know the difference) were too focused on "breakout time" — imposing arbitrary limits on Iran's centrifuge program to ensure that if Iran used its known nuclear infrastructure, it would take at least a year to build a bomb. The bigger worry about Iran's nuke program, I always thought, was unknown nuclear infrastructure, such as any hidden centrifuge sites. To my surprise, the deal — at least as it is described in the fact sheet released by the White House — manages to impose measures to guard against breakout, while also providing for a number of measures that help substantially with the problem of covert facilities. All in all, it's a pretty comprehensive framework for managing the problem. It's certainly worth lifting some sanctions, though a crucial detail is how quickly that will happen and whether sanctions can be reimposed if things go pear-shaped. But there are still reasons to be cautious. First, all we have at the moment are a White House-released fact sheet and a couple of ambiguous news conferences in Lausanne, Switzerland, and the White House Rose Garden. (Javad Zarif, Iran's foreign minister and lead negotiator, is already complaining about the White House's fact sheet.) There is, after all, a reason one writes these things down. The parties will need a few more months to work out the details of the actual agreement in order to implement the "framework" that was announced Thursday, April 2. Those negotiations will be crucial because the kind of language in the statements and fact sheet — which probably seem pretty detailed to a casual observer — doesn't provide the sort of clarity that a final agreement will need in order to work. (Ask me about long-range missiles of any kind sometime.) Second, getting a deal on paper is only the first step. The parties have agreed to do all sorts of things. This may shock you, but sometimes parties have trouble delivering on such promises. Agreements aren't self-implementing, so a major test will be how the parties deal with the inevitable challenges that human beings pose to implementing even a beautifully written final agreement. That's not a reason to reject agreements, just a caution about being realistic. Finally, please keep in mind that this deal makes it marginally less likely that Iran will build a nuclear weapon. That's great. But it doesn't solve the problem of Iran's missile program or Tehran's less-than-stabilizing role in the Middle East. Expectations for any written agreement should be modest. I wouldn't let myself get swept up in loose talk about a new relationship with Tehran. We're agreeing to not kill each other, for the moment, over this one thing. In my business, that's pretty good! Still, the details are pretty interesting. The big-ticket item for the U.S. national security community will be the "breakout" timeline. I am not going to do a calculation, but the important parameters are about 5,000 centrifuges enriching to less than 3.7 percent and a reduction in the existing stockpile of low-enriched uranium to 300 kilograms. The fact sheet claims this extends the breakout timeline from two to three months to more than a year. I don't see any reason to doubt the administration's math, but I just don't think the breakout timeline matters. So I will just step aside and let other people who are invested in this argument fight it out. The provisions against covert sites — what my friend James Acton calls "sneak-out" and what I worry about most — look very strong. The fact sheet asserts that the International Atomic Energy Agency (IAEA will have continuous access to the facilities that produce Iran's centrifuge rotors and bellows for 20 years). The agreement also provides access to Iran's uranium mines and mills, as well as a dedicated procurement channel for any goods destined for Iran's nuclear program. Iran will return to the Additional Protocol and modified Code 3.1 of the subsidiary arrangements — these are improvements to the safeguards agreement and subsidiary arrangements that Iran has with the IAEA. They are an important part of verifying any agreement. And it seems Iran has agreed to certain measures to address the so-called "possible military dimensions" of the nuclear program — all the intelligence, such as the infamous "laptop of death," that suggests Iran had a covert bomb program until 2003. Iran also agreed to limit enrichment to a single site at Natanz. Again, the details will matter here. The E3/EU+3 would be well advised to make sure the agreement includes a nice map of the Natanz facility — lest we find secret

centrifuge halls in a Natanz “annex” down the road. The advantage of limiting work to a single site is that, should the U.S. intelligence community catch Iran building a centrifuge site elsewhere (again), Tehran won’t be able to make any tendentious legal excuses. Finally, there are reasonable limits on Tehran’s program to develop new generations of centrifuges. These measures can’t guarantee that Iran doesn’t have a parallel, secret program. That’s still going to depend on the capabilities of the U.S. intelligence community. But they do force Iran to ensure that any parallel program is fully parallel, from uranium mines through centrifuge workshops to the proverbial underground mountain lair. That’s an imposition, and if secrecy breaks down at any point along that chain, the whole endeavor is compromised. The fact sheet really does assert what looks to be an impressive monitoring regime. Last but not least, the agreement seems to deal adequately with Iran’s enrichment plant at Fordow and its heavy-water reactor at Arak. Fordow — the covert enrichment site under a mountain and revealed in 2009 — will be converted into non-nuclear isotope separation. An earlier story indicated that a small number of centrifuges at Fordow would separate “stable” isotopes — “stable” here means non-radioactive. The nuclear fuel company Urenco has a side business that sells stable isotopes, so it’s not a crazy idea. It’s a little hard to tell from the fact sheet, but that seems to be what has happened. The IAEA will still have access to the site to make sure that it’s only used for non-nuclear purposes. The heavy-water reactor at Arak, meanwhile, will apparently be redesigned so that it “will not produce weapons grade plutonium.” There are real benefits to redesigning the reactor to produce less plutonium, though the fact sheet isn’t clear about the nature of the redesign. Iran also committed to ship the spent fuel from the reactor out of the country and to refrain “indefinitely” from reprocessing or reprocessing-related research. The terms “reprocessing” and “reprocessing research” are not defined, but if the goal is to make Arak no scarier than, say, the light-water reactor at Bushehr, they’ve succeeded.

Framework resolved all key issues – final agreement likely

Ariane **Tabatabai**, visiting assistant professor in the Security Studies Program at the School of Foreign Service, Georgetown, **4/2/15**, Why the framework nuclear agreement with Iran is good for both sides, thebulletin.org/why-framework-nuclear-agreement-iran-good-both-sides8152#.VR3DFYBgmcg.twitter

After months of negotiations, Iran and six world powers have finally reached a framework agreement on limiting the country’s nuclear program in exchange for sanctions relief. The deal announced on Thursday is intended as the basis for a comprehensive agreement to be worked out by the end of June. Getting to this agreement was a crucial step, as virtually all technical issues have now been addressed, but much work still remains to be done. The coming months will involve a great deal of legal and political wrangling. In the United States especially, due to anxious allies (Saudi Arabia and Israel) and some domestic opposition (especially among Republicans in Congress), negotiations will keep the White House busy. Nonetheless, this is a good agreement for both sides, as indicated by some of its key components. First, most of the public discussion about the negotiations has until now been focused on quantifiable elements, such as the number of centrifuges and amount of low-enriched uranium that Iran gets to keep, and the length of the deal’s implementation. But perhaps the most crucial aspect lies in the International Atomic Energy Agency’s (IAEA) access to Iranian facilities. In the framework deal, Tehran has said it will once again voluntarily implement the Additional Protocol to its existing IAEA safeguards agreement, granting the nuclear watchdog more inspections authority. (Iran had previously implemented the Protocol but stopped adhering to it.) This means that IAEA inspectors will be able to regularly monitor Iranian facilities and can conduct unannounced inspections as well. Inspectors will also have access to the supply chain through which Iran obtains materials for its nuclear program. Inspections will likely last for about 25 years, longer than the implementation period of the agreement itself. Second, Iran’s enrichment program will be limited. It has agreed not to build any new enrichment facilities for 15 years, and will not enrich uranium above 3.7 percent—a level suitable for commercial power plants, but too low to practically be used in a nuclear weapon—for at least that long. It is also reducing its current stockpile of 10,000 kilograms of low-enriched uranium to a small fraction of that amount. The Fordow nuclear facility will cease enriching any uranium and will be converted into a research center instead—one barred from doing research on enrichment. In fact, Iran will not keep any fissile material at Fordow for 15 years. Iran will instead make the Natanz facility the focus of all enrichment activities. There, it will use only its first-generation (IR-1) centrifuges to enrich for 10 years. The more advanced IR-2m centrifuges will be stored for that period, under IAEA monitoring. In fact, advanced centrifuge models (the IR-2, IR-4, IR-5, IR-6, and IR-8) will not be used for enrichment for 10 years. In total, Iran will reduce its current enrichment apparatus by roughly two thirds. It will have only 6,104 installed centrifuges, as opposed to the current 19,000.

All of them will be the IR-1 model. Third, Iran will implement Modified Code 3.1 of the Subsidiary Arrangements to its IAEA Safeguards Agreement, which requires it to give early notification that it is constructing new nuclear facilities. Fourth, Iran will take steps to address concerns over the Possible Military Dimensions (PMD) of its program. Fifth, Iran will redesign and rebuild the Arak heavy water reactor. The design will be agreed upon by negotiators from the six world powers, China, France, Germany, Great Britain, Russia, and the United States. The redesign will mean that the reactor will not be able to produce weapon-grade plutonium. Iran is also recommitting itself to not developing a reprocessing capability. (Reprocessing, the back end of the fuel cycle, is a vital component in developing a plutonium bomb.) The original core of the reactor will be removed and either destroyed or taken out of the country. Additionally, Iran agrees not to build a new heavy water reactor for 15 years. A number of these **steps will, in effect, be irreversible.** They will not just limit Iran's nuclear capability for 10 to 15 years, but will reshape it entirely and indefinitely. so what is Iran getting in exchange? First, it will receive sanctions relief. US and EU proliferation-related sanctions will be suspended after the IAEA verifies that the above steps have been taken. Second, all UN Security Council **resolutions** on Iran's nuclear program will be lifted simultaneously. A transparent procurement channel will be established, allowing Iran to get what it needs for civilian nuclear development while giving assurances to the world that the materials will not be diverted for non-peaceful use. Third, the **agreement "encourages" international cooperation to help Iran in research** and development. This stipulation was a sticking point over the last couple of weeks. But as Iranian Foreign Minister Javad Zarif said at the press conference announcing the deal, it will now allow countries that had been reluctant to engage with Tehran to help the country further its technological and scientific progress. In the following weeks, the agreement will doubtless receive much criticism. Many will claim that one side or the other made too many concessions. But **both sides stand to gain from the framework agreement, which should also be considered a victory** for the global nonproliferation regime. Ahead of the Nuclear Non-Proliferation Treaty Review Conference that begins in late April, where no major achievements in nonproliferation are likely to be announced, the framework agreement is a very important success. **The negotiating partners will have to meet** major political, legal, and financial **challenges** to turn the framework agreement into a final deal. For the moment, though, **it represents a promising and beneficial achievement** for all sides.

Deters acquisition, no future prolif

George **Perkovich**, Carnegie Endowment VP, **4/2/15**, The Benefits of Mutual Distrust, www.politico.com/magazine/story/2015/04/iran-nuclear-deal-116635_Page2.html#.VR3i80b6lio

If this assessment is correct, it is possible to devise an arrangement that will satisfy Iran's needs for a peaceful nuclear energy program and the international community's requirement that Iran not acquire nuclear weapons. A sound deal, in short, would have to convince Iran that the risks of cheating and the cost of non-compliance are too high. Rather than "trust but verify," as Ronald Reagan defined his approach to nuclear arms control, the logic with Iran should be "distrust, verify, and deter." The benefits Iran hopes to accrue from sanctions relief can themselves augment deterrence of cheating. To the extent that Iranian businesses and citizens welcome the economic improvements that follow, they will hold their government responsible if it acts in ways that cause sanctions to be snapped back on. While the Iranian internal security apparatus remains repressive, it is sensitive to popular discord, which can be expressed even in constrained presidential elections. For all of the imperfections of the comprehensive deal whose details must now be completed, the **compromises** that are being made to **persuade Iranian leaders to** accept it **augment their incentives to uphold it.** These **leaders distrust the United States** at least as much as the United States distrusts them. They have struggled to retain leverage in the negotiated arrangements to deter the U.S. and its partners from renegeing on our side of the bargain. The underground research and development facility at Fordow, for example, is retained as insurance against military attack. The likely phasing of disclosure of past activities with possible military dimensions is meant to bide time to see if sanctions relief will be delivered as promised. Rather than being inherently bad for the U.S., the leverage Iran retains gives their leaders reason to think the U.S. will not renege on a deal. Recent history demonstrates that Iran is deterrable. Iran began its secret quest for enrichment capability in 1985 during the war with Iraq. Saddam Hussein's forces were attacking Iranian cities with ballistic missiles armed with chemical weapons. The United States and France rebuffed Iranian efforts to mobilize the UN Security Council to make Iraq stop. Iranian leaders then began looking for a nuclear option to ensure that their country would "never again" face such a threat. Throughout the 1990s the United States and others reasonably sought to block most of Iran's nuclear

initiatives, as they also sought to verifiably eliminate all of Iraq's weapons of mass destruction. While Iranians quietly welcomed the efforts in Iraq, they noticed the Bush Administration's increasingly dire warnings that Iraq had WMDs and would use them. The invasion of Iraq in 2003 removed the perceived Iraqi threat. At the same time, intelligence exposed that Iran was secretly building facilities to enable it to enrich uranium and produce plutonium, for which there was no realistic civilian requirement. The International Atomic Energy Agency began investigating and uncovered a long list of Iranian violations of requirements to report sensitive nuclear activities. The threat of possible U.S. intervention from Iraq into Iran also loomed. At this point, according to the U.S. intelligence community, "Tehran halted its nuclear weapons program... primarily in response to increasing international scrutiny and pressure resulting from exposure of Iran's previously undeclared nuclear work." Negotiations ensued in 2003 and continued on and off until today. Since early 2014, the Joint Plan of Action that Iran implemented has essentially frozen its fuel-cycle program. Throughout, Iranian leaders have assiduously sought to preserve space for an ambitious nuclear energy program, relenting only where the terms of the Nuclear Nonproliferation Treaty clearly require and when international pressure, including economic sanctions, made it too painful to press for more. The NPT clearly proscribes acquiring nuclear weapons, but it does not define precisely which enabling activities and capabilities are forbidden. Iran's performance since 2003 suggests, but does not prove, that its interests can be served without nuclear weapons. Saudi Arabia is a leading source of Sunni resistance to Iran, in terms of ideology and funding. But as long as Saudi Arabia does not have nuclear weapons, Iran will retain a significant power advantage over it. If making and keeping a nuclear deal reduces the likelihood of a Saudi bomb, Iran will be better off. And Iran does not need nuclear weapons to fight the Islamic State and other Sunni militias in Iraq. A robust nuclear arsenal might make Iran more secure vis a vis Israel and the United States, but the problem is that getting from today's capability to a robust nuclear arsenal would risk a war with one or both. Implementing a nuclear deal – and retaining the leverage of the capabilities it allows – practically removes the threat of Israeli and American military attack. And, by relieving Iran's international isolation and earning it kudos from many countries, a nuclear deal would enhance Iran's standing for condemning Israel's own nuclear arsenal and occupation policies. The latter possibilities will not be welcome in Israel and the U.S., but this only buttresses the assessment that Iran would have an interest in upholding a nuclear deal. To reinforce this Iranian calculation, the details of a comprehensive agreement should combine deterrence and positive incentives. On the deterrence side, verification is vital. Iranian leaders should conclude that efforts to cheat will be detected with enough time to allow military interdiction before Iran could acquire nuclear weapons. The primary risk is in the domain of uranium enrichment. Here, Iran's activities must be monitored from mining of ore all the way through the enrichment process, as the U.S. fact sheet released April 2 says it will. All of Iran's facilities and activities involved in producing centrifuges must be monitored, as well as all operations of centrifuges, from research and development to larger-scale production of low-enriched uranium for reactor fuel. A satisfactory agreement also should prohibit research and development activities whose purposes are closely associated with nuclear weaponization. Even if Iran will not resolve the IAEA's ongoing questions about past activities with possible military dimensions until the later stages of an agreed arrangement, Iran should conduct no new activities of this sort. To verify this, Iran will have to agree to procedures for international inspections of any facilities reasonably suspected of conducting work related to nuclear weaponization. Such arrangements would correct a shortcoming of the 1968 NPT and serve as an important precedent to be applied to all non-nuclear-weapon states. Deterrence of cheating will be further enhanced by the process designed for relieving sanctions on Iran. In the initial years of an agreement, Iran's performance of its obligations should be reciprocated by waivers of U.S. and other sanctions, rather than the removal of the underlying legal authorities behind them. This way, if Iran fails to perform, sanctions can be "snapped-back" into place quickly by ending waivers. A final comprehensive nuclear agreement should be codified in a UN Security Council resolution, under Chapter VII, as it now appears has been agreed in Switzerland. The U.S. and other Security Council members can augment deterrence by explaining that violation of such a resolution may be punished by force. The U.S. Congress could affirm that it would support the use of force in the event Iran materially breached the agreement. None of this is to gainsay the violence Iran's protégés and its Revolutionary Guard forces perpetrate in neighboring countries. Nor is it to accept the theocratic repressiveness of Iranian politics and governance. The U.S., Israel and Iran's Arab neighbors will continue to contest Iranian assertiveness, as Iran will in reverse. Washington will continue to press for democratization and protection of human rights in Iran, just as Iran will denounce Israel's treatment of the Palestinians and Washington's complicity with it. A nuclear deal will limit the dangers of this competition by significantly reducing the risks of nuclear proliferation and war, and providing an opportunity to test whether diplomatic agreements can be maintained. If the proposed deal can be completed as now planned, at the end of its duration, near 2030, a major threat to international peace and security and the global nuclear order will have been abated. At that time, Iran will have been restored to good standing under the Nuclear Nonproliferation Treaty, bound by its now clarified terms. Iran's first-generation revolutionary leaders will have passed from the scene. Then, if new Iranian leaders somehow concluded that they wanted to try again to move towards nuclear weapons, as Prime Minister Netanyahu and others warn, they should expect an immediate and decisive international campaign to stop them.

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US-Israeli strategic cooperation is high now

Berman 7/14/15, Ilan, Vice President of the American Foreign Policy Council in Washington, DC. An expert on regional security in the Middle East, Central Asia, and the Russian Federation, he has consulted for both the U.S. Central Intelligence Agency and the U.S. Department of Defense, and provided assistance on foreign policy and national security issues to a range of governmental agencies and congressional offices. He has been called one of America's "leading experts on the Middle East and Iran" by CNN, National Review, July 14, 2015, <http://www.nationalreview.com/article/420065/former-israeli-ambassadors-memoir-condemns-obamas-foreign-policy-matthew-continetti>, CC

Amid all the negative press regarding the current, frayed state of bilateral ties, it's easy to miss what's going right in the U.S.–Israel relationship. Yet **today's strategic cooperation has plenty of bright spots**. **The most prominent** of these **is missile defense**. Last summer's two-month-long Gaza War showcased the spectacular success of the jointly developed Iron Dome system, which intercepted nearly 90 percent of the thousands of rockets shot at Israeli cities by the Hamas terrorist group. In the wake of that conflict, **cooperative missile defense has surged forward; in recent budgetary deliberations**, Congress more than doubled the funding requested by the administration for cooperative anti-missile programs undertaken by Washington and Jerusalem, to nearly \$350 million. Nor is missile defense the only area of fruitful cooperation. For example, **consultations between counterterrorism specialists from the two countries continue, animated by the threat of the Islamic State and** by a pressing need to move ahead on things like anti-tunneling technology, to help deal with **the threat of terrorist infiltration**. **Technical discussions regarding the** ongoing **need to maintain Israel's** "qualitative **military edge**" (QME) — its qualitative military superiority over its more numerous potential adversaries — **have likewise been robust (and productive)** on the Obama administration's watch. **The bilateral strategic relationship**, in other words, **is still going strong — even if the political one is not**. Which brings us back to Oren's opus. As policymakers in Washington look ahead, it's certainly useful to understand how and why the two countries grew apart over the last several years. But it's even more helpful to grasp the principles, ideas, and values that brought Washington and Jerusalem together in the first place — and then to refocus on them.

Recent commitment to enhanced intelligence cooperation is key to the relationship

Jones 15 (Keith Jones, 7-17-2015, "US seeks to placate Mideast allies angered by Iran nuclear deal," No Publication, <https://www.wsws.org/en/articles/2015/07/17/iran-j17.html>, MJW)

US President Barack **Obama is dispatching Defense Secretary** Ashton **Carter to** the Middle East to **placate Israel** and Saudi Arabia, **key US allies that are angered by Washington's recent nuclear accord with Iran.**

Under the accord, Tehran has agreed to dismantle key parts of its civil nuclear program, roll back and freeze others for 10-15 years, and submit to the most intrusive inspections regime ever devised. In return, and only after Iran completes the dismantling and rollback, the US and its European Union allies are to lift the punishing economic sanctions that have halved Iran's oil exports and denied it access to some \$150 billion of its own money—a sum equivalent to almost 30 percent of Iran's annual GDP. For years to come, the sanctions will only be suspended, however. They can be re-imposed should the US and its European Union allies deem Iran to have violated its commitments under the Joint Comprehensive Plan of Action on Iran's nuclear program reached Tuesday between Iran, the US, the four other permanent UN Security Council members, and Germany. While no specifics have been provided, Obama and his top aides have indicated that Defense Secretary Carter will offer Israel and the Saudi monarchy new weapons systems and enhanced intelligence cooperation and security guarantees. In Israel's case some or all of the new weaponry may be gifted.

Ending surveillance programs hurts US-Israeli terror cooperation

Bob, Columbia honors JD, 6-1-15 (Yonah Jeremy, Yonah Jeremy Bob is legal affairs correspondent and an international affairs commentator for the Jerusalem Post. He writes about war and international law, the International Criminal Court, Justice Minister Tzipi Livni, major terror trials in the US and Israel, landmark Israeli and US Supreme Court decisions, significant criminal trials and constitutional law. He also writes about Iran, North Korea and a range of other geopolitics and international affairs issues. He has worked for the IDF International Law Division, the Ministry of Foreign Affairs and the Ministry of Justice International Law Division. Yonah has been interviewed and provided international affairs and also legal commentary for BBC, Skynews, Voice of America, ABC Los Angeles Radio, Russia Today and a range of other tv and radio programs. Yonah also delivers foreign affairs lectures throughout the US, Canada and Israel. He is admitted as a lawyer in both the US and Israel and has practiced law for over seven years. Hailing from Baltimore in the US, Yonah graduated with honors from both Columbia University, receiving a BA, and Boston University, receiving a JD, where he focused his studies on international relations and international law. He is married with three children, The Jerusalem Post, "US NSA spy program ends, could impact Israeli anti-terror efforts," <http://www.jpost.com/Israel-News/US-NSA-spy-program-ends-could-impact-Israeli-anti-terror-efforts-404751>, A.ZHU)

Obama administration and top US intelligence officials have warned that allowing such a lapse could endanger their ability to protect the country's national security. The lapse may signal a shift in Americans' attitudes toward fighting terrorism that could indirectly hurt Israeli efforts to combat the scourge. Critics of the now defunct NSA spy program had said it had gone much too far in violating privacy rights and civil liberties, that the checks on abuse of the spying powers were ineffective and that the program had not racked up sufficient successes to justify its wide reach. Despite the drama of the program ending, virtually all American officials expect a new, more moderate, version to pass within days since it has passed initial votes in both houses of Congress and has firm support from the US president. The Freedom Act would end spy agencies' bulk collection of domestic telephone "metadata" and replace it with a more targeted system. This week's historic clashes over the issue are the culmination of two years of public debate that started with revelation of the program's existence by former National Security Agency contractor Edward Snowden. Although the Senate's 77-17 vote in favor of the compromise USA Freedom Act did not come in time to keep the program from expiring, the vote was at least a partial victory for President Barack Obama, who had pushed for the reform measure as a way to address privacy concerns while preserving a tool to protect the country from attack. The bill passed the US House on a 338-88 vote on May 13. But final Senate passage was delayed until at

least Tuesday by objections from US Senator and Republican presidential hopeful Rand Paul (R-Kentucky). The termination of aspects of the post-September 11, 2001, law known as the USA Patriot Act meant that law enforcement and security agencies lost authority for various programs. Those allowed for "roving wiretaps" aimed at terrorism suspects who use multiple disposable cellphones; permitted authorities to target "lone wolf" suspects with no connection to specific terrorist groups, and made it easier to seize personal and business records of suspects and their associates. **The new bill could directly impact Israeli national security by reducing the speed at which the NSA shares data with Israel's NSA-equivalent, IDF Military Intelligence's Unit 8200, responsible for signal intelligence. The indirect affect may even be greater, with many officials noting that Israel often follows the US on anti-terrorism policies,** and a weaker stomach for aggressive policies in the US could portend the same for Israel. Finally, Israeli officials often cite examples of post-September 11, 2001, US anti-terrorism policies in international forums to defend their policies.

Uniqueness

Iran-Specific UQ

!! Israel wants more military assistance from the US as a result of the Iran nuke deal

Williams 15 (Dan Williams, 7-17-2015, "Israel signals may ask for more US military aid over Iran deal," Reuters UK, <http://uk.reuters.com/article/2015/07/17/uk-iran-nuclear-israel-usa-idUKKCN0PR26920150717,MJW>)

Israel signalled on Friday that it would ask the United States for increased military aid to counter any threats that may arise as result of the international agreement on Iran's nuclear programme. Israel gets \$3 billion (£1.92 billion) in annual military aid from Washington under a package due to expire in 2017 and has in recent years secured hundreds of millions of dollars in additional U.S. funding for missile defence. Israel and the United States had been in talks on future grants but Israeli Prime Minister Benjamin Netanyahu suspended them in the run-up to Tuesday's agreement which curtailed Iran's nuclear projects, which he condemned as insufficient. Netanyahu plans to lobby the U.S. Congress not to approve the nuclear deal. But Defence Minister Moshe Yaalon on Friday appeared to regard congressional ratification as a foregone conclusion and described the deferral of aid discussions with Washington as an opportunity to assess the ramifications of the agreement. "We talk about the American defence aid, it is clear that the situation here has changed and must be studied," Yaalon told Israel's Channel 2 TV. Yaalon said Tehran's economic gains from a lifting of Western sanctions could boost Iranian-backed guerrillas in Lebanon and the Palestinian territories. It could also lead to an arms race with Arab states unfriendly to Israel, he said. "We will ultimately, of course, have to go and talk about the trade-offs that Israel has coming to it in order to preserve a qualitative edge," he said, referring to Israel's military superiority in the Middle East. This would not be next week, when U.S. Defense Secretary Ashton Carter visits Israel, he said. "It will be in several more months, certainly, after the (Iran) deal is approved and studied." Before Netanyahu's suspension of aid talks, the two sides were close to a new package of grants starting in 2017 and worth \$3.6 billion-\$3.7 billion, U.S. and Israeli officials said. That sum would likely rise once talks resumed, they said. In the interim, defence-related contacts between the allies have not ceased completely. Yedioth Ahronoth newspaper said Defence Ministry director-general Dan Harel was in the United States this week to assess the Obama administration's planned military aid to Gulf Arab states and its impact on the Israeli "qualitative edge". An Israeli official confirmed Harel's U.S. trip to Reuters but did not comment on Yedioth's account of what was discussed. Isaac Herzog, centre-left leader of Israel's parliamentary opposition, closed ranks with Netanyahu against the Iran nuclear deal and said he would go to Washington "to work on advancing a package of security measures befitting the new situation".

NSA involvement key to US-Israeli cooperation on deterring Iran

Wall 13 (Kim Wall is a graduate at School of International Public Affairs at Columbia University and a writer for the South China Morning Post, <http://www.lexisnexis.com/hotttopics/lnacademic/?>, EM)

America's National Security Agency helped Israel code the Stuxnet computer worm used to attack Iranian nuclear facilities several years ago, according to former NSA contractor and whistle-blower Edward Snowden. Involvement of the US and Israel in creation and deployment of the sophisticated malware has been suspected for some time. But the NSA's role has remained largely unknown. Snowden made the claim in an interview with WikiLeaks associate Jacob Appelbaum in May and published by the German weekly Der Spiegel on Sunday. "The NSA and Israel wrote Stuxnet together," Snowden said. Stuxnet came to public attention in 2010 when it was reported to have knocked out about a fifth

of the centrifuges Iran was using to enrich uranium. From the outset, computer security experts argued the worm's unprecedented level of sophistication indicated **it was a government-led cyberattack**. The New York Times chief Washington correspondent David Sanger reported the US and Israeli governments were behind Stuxnet. Drawing on his earlier reports for the Times, Sanger wrote in his 2012 book *Confront and Conceal* that Israel's Unit 8200 and the NSA took a key role in designing the worm. Snowden's claims back up Sanger's anonymous White House sources and place the NSA at the heart of the operation. In light of the new information, Washington's response to Snowden may - once again - be one of contradictions. "On one hand, they'll claim that there is nothing new to debate, but on the other hand, the US may claim that irrevocable damage has been done to national security," said Ross Anderson, professor of security engineering at Cambridge University's Computer Laboratory. Despite the Stuxnet offensive, Anderson said cyberwarfare was still unlikely to replace military force any time soon. "It takes months and years of preparations to create these viruses and they have to be crafted individually for attacking each target," he said, adding that it would take six separate programmes just to cut off the electricity in Britain. "Planes, tanks and ships, however, can be manufactured and sent to anywhere in the world."

General Relations on Brink

US-Israeli relations tense- Israeli espionage and WMD production

Stein 14 Jeff Stein is a columnist and at Newsweek. Previously, he was the SpyTalk columnist and National Security Editor for Congressional Quarterly's website, CQ Politics, from 2002–2009. He specializes in U.S. intelligence, military and foreign policy issues. In addition to his work for CQ, he has written three books and hundreds of news articles, opinion pieces and book reviews, Newsweek, August 4, 2014, <http://www.newsweek.com/israel-flagged-top-spy-threat-us-new-snowden-sa-document-262991>, CC.

Israel was singled out in 2007 as a top espionage threat against the U.S. government, including its intelligence services, in a newly published National Security Agency (NSA) document obtained by fugitive leaker Edward Snowden, according to a news report Monday. The document also identified Israel, along with North Korea, Cuba and India, as a “leading threat” to the infrastructure of U.S. financial and banking institutions. The threats were listed in the NSA’s 2007 Strategic Mission List, according to the document obtained by journalist/activist Glenn Greenwald, a founding editor of The Intercept, an online magazine that has a close relationship with Snowden, a former NSA and CIA contractor who fled the U.S. with thousands of top-secret documents last year. In this new document, Israel was identified by the NSA as a security threat in several areas, including “the threat of development of weapons of mass destruction” and “delivery methods (particularly ballistic and nuclear-capable cruise missiles).” The NSA also flagged Israel’s “WMD and missile proliferation activities” and “cruise missiles” as threats. In a section of the document headed “Foreign Intelligence, Counterintelligence; Denial & Deception Activities: Countering Foreign Intelligence Threats,” Israel was listed as a leading perpetrator of “espionage/intelligence collection operations and manipulation/influence operations...against U.S. government, military, science & technology and Intelligence Community” organs. The term “manipulation/influence operations” refers to covert attempts by Israel to sway U.S. public opinion in its favor. In this, Israel has dubious company, according to the NSA: Other leading threats were listed as China, Russia, Cuba, Iran, Pakistan, North Korea, France, Venezuela and South Korea. Israel has similar company in threats against U.S. infrastructure, according to the NSA document. Under a section headed “Mastering Cyberspace and Preventing an Attack on U.S. Critical Information Systems,” Israel, India, North Korea and Cuba are identified as “FIS [financial/banking system] threats.” Israel also appears on the list of countries believed by the NSA to be “enabling” electronic warfare “producers/proliferators.” The new document again underscores the schizoid relationship between the U.S. and Israel, which cooperate closely in military and intelligence operations but also aggressively spy on each other. A previously released Snowden document said that “one of NSA’s biggest threats is actually from friendly intelligence services, like Israel.” Another revealed that a U.S. National Intelligence Estimate ranked Israel as “the third most aggressive intelligence service against the U.S.,” behind only China and Russia. **Washington’s protective relationship toward Israel is heavily influenced by its close cooperation in intelligence operations against common Middle Eastern threats,** such as Iran, Syria, terrorist groups and the Palestinians. Citing NSA documents, Greenwald’s piece in The Intercept says, “The relationship has, on at least one occasion, entailed the covert payment of a large amount of cash to Israeli operatives.” The NSA and its British counterpart also “rely on U.S.-supported Arab regimes, including the Jordanian monarchy and even the Palestinian

Authority Security Forces, to provide vital spying services regarding Palestinian targets. “Over the last decade,” Greenwald added, “the NSA has significantly increased the surveillance assistance it provides to its Israeli counterpart, the Israeli SIGINT National Unit (ISNU; also known as Unit 8200), including data used to monitor and target Palestinians. In many cases, the NSA and ISNU work cooperatively with the British and Canadian spy agencies, the GCHQ and CSEC.”

US-Israeli relations will recover from Iran deal, based on weapons

Abunimah 7/15/15 Ali, Palestinian-American journalist who contributes regularly to such publications as The Chicago Tribune and The Los Angeles Times, he has also served as the Vice-President on the Board of Directors of the Arab American Action Network, is a fellow at the Palestine Center,[2] and is co-founder of The Electronic Intifada, Electronic Intifada, July 15, 2015, <https://electronicintifada.net/blogs/ali-abunimah/obama-buries-gaza-under-iran-nuclear-deal>, CC

In May, **Obama agreed to fork over** an additional **\$1.9 billion in US weapons to Israel** that will more than likely be used against Palestinians, and to reinforce Israel’s regime of apartheid and colonization. **Obama has made it clear that this is only a down payment.** The president told the The New York Times yesterday that despite Netanyahu’s efforts to “influence the congressional debate” against the agreement, he was confident the deal would be implemented. But Obama affirmed that **after Netanyahu is done trying to sabotage the Iran deal, the president would** “sit down” with the Israeli leader to **figure out what more the US could give him.** **The message is clear: no matter what Israel does, Obama will reward it with weapons and deeper US ties.**

Above all, there will be no pressure over the Palestinians. It would be foolish to think that the president’s successor – whether a Democrat or a Republican – will do any less. The message for those concerned about the Palestinians is to step up the pressure on Israel through all available means, notably boycott, divestment and sanctions (BDS), which Obama – like his would-be successor Hillary Clinton – has vowed to do all he can to oppose.

Link

Surveillance K2 Relations

Surveillance cooperation is key

Stein 14 Jeff Stein is a columnist and at Newsweek. Previously, he was the SpyTalk columnist and National Security Editor for Congressional Quarterly's website, CQ Politics, from 2002–2009. He specializes in U.S. intelligence, military and foreign policy issues. In addition to his work for CQ, he has written three books and hundreds of news articles, opinion pieces and book reviews, Newsweek, August 4, 2014, <http://www.newsweek.com/israel-flagged-top-spy-threat-us-new-snowdennsa-document-262991>, CC.

Washington's protective relationship toward Israel is heavily influenced by its close cooperation in intelligence operations against common Middle Eastern threats, such as Iran, Syria, terrorist groups and the Palestinians. Citing NSA documents, Greenwald's piece in The Intercept says, "The relationship has, on at least one occasion, entailed the covert payment of a large amount of cash to Israeli operatives." The NSA and its British counterpart also "rely on U.S.-supported Arab regimes, including the Jordanian monarchy and even the Palestinian Authority Security Forces, to provide vital spying services regarding Palestinian targets. "Over the last decade," Greenwald added, "the NSA has significantly increased the surveillance assistance it provides to its Israeli counterpart, the Israeli SIGINT National Unit (ISNU; also known as Unit 8200), including data used to monitor and target Palestinians. In many cases, the NSA and ISNU work cooperatively with the British and Canadian spy agencies, the GCHQ and CSEC."

US surveillance provisions are key to sustaining Israeli relations

Greenwald, American lawyer, August 4, 2014 (Glenn Greenwald, American lawyer, author, journalist, and columnist for the Guardian, "Cash, weapons and surveillance: The U.S. is a key party to every Israeli attack", The Intercept, 8/4/14, AKHB)

The U.S. government has long lavished overwhelming aid on Israel, providing cash, weapons and surveillance technology that play a crucial role in Israel's attacks on its neighbors. But top secret documents provided by NSA whistleblower Edward Snowden shed substantial new light on how the U.S. and its partners directly enable Israel's military assaults – such as the one on Gaza.

Over the last decade, the NSA has significantly increased the surveillance assistance it provides to its Israeli counterpart, the Israeli SIGINT National Unit (ISNU; also known as Unit 8200), including data used to monitor and target Palestinians. In many cases, the NSA and ISNU work cooperatively with the British and Canadian spy agencies, the GCHQ and CSEC.

The relationship has, on at least one occasion, entailed the covert payment of a large amount of cash to Israeli operatives. Beyond their own surveillance programs, the American and British surveillance agencies rely on U.S.-supported Arab regimes, including the Jordanian monarchy and even the Palestinian Authority Security Forces, to provide vital spying services regarding Palestinian targets.

The new documents underscore the indispensable, direct involvement of the U.S. government and its key allies in Israeli aggression against its neighbors. That covert support is squarely at odds with the posture of helpless detachment typically adopted by Obama officials and their supporters.

General Intel

!! NSA and Israeli Intelligence Officers working together

Black 15 (Ian Black, the Guardian's Middle East editor. In more than 25 years on the paper he has also been its European editor, diplomatic editor, foreign leader writer and Middle East correspondent, Wednesday 15 July 2015 14.00 EDT, The Guardian, "NSA document: Israeli special forces assassinated top Syrian military official", <http://www.theguardian.com/world/2015/jul/15/nsa-reveals-israeli-commandos-killed-mahmoud-suleiman-syria>)

The Intercept said that, according to three former US intelligence officers with extensive experience in the Middle East, the document's classification markings indicate that the NSA learned of the assassination through surveillance. The information in the document was labelled "SI," which means the intelligence was collected by monitoring communications signals.

It added that knowledge within the NSA about surveillance of Israeli military units is especially sensitive because the NSA has Israeli intelligence officers working jointly with its officers at NSA headquarters in Fort Meade, Maryland.

!! US-Israel security cooperation overwhelmingly one-sided in favor of Israel

Greenwald, Poitras, and Macaskill 13 (Glenn Greenwald is a journalist, constitutional lawyer, and author of four New York Times best-selling books on politics and law. Laura Poitras is a Pulitzer-winning Guardian columnist. Ewen Macaskill the defense and intelligence correspondent for the Guardian, The Guardian, September 11, 2013, "NSA shares raw intelligence including Americans' data with Israel", <http://www.theguardian.com/world/2013/sep/11/nsa-americans-personal-data-israel-documents>, CC.)

While NSA documents tout the mutually beneficial relationship of Sigint sharing, another report, marked top secret and dated September 2007, states that the relationship, while central to US strategy, has become overwhelmingly one-sided in favor of Israel.

"Balancing the Sigint exchange equally between US and Israeli needs has been a constant challenge," states the report, titled 'History of the US – Israel Sigint Relationship, Post-1992'. "In the last decade, it arguably tilted heavily in favor of Israeli security concerns. 9/11 came, and went, with NSA's only true Third Party [counter-terrorism] relationship being driven almost totally by the needs of the partner."

NSA Data

Israel perceives NSA data as key to national security

Bamford 14 (James Bamford is an American bestselling author and journalist noted for his writing about United States intelligence agencies, especially the National Security Agency (NSA). Bamford has taught at the University of California, Berkeley, as a distinguished visiting professor and has written for The New York Times Magazine, The Atlantic, Harper's, and many other publications. In 2006, he won the National Magazine Award for Reporting for his article, "The Man Who Sold The War", published in Rolling Stone, New York Times, September 16, 2014, <http://www.nytimes.com/2014/09/17/opinion/israels-nsa-scandal.html>, **CC**.)

WASHINGTON — IN Moscow this summer, while reporting a story for Wired magazine, I had the rare opportunity to hang out for three days with Edward J. Snowden. It gave me a chance to get a deeper understanding of who he is and why, as a National Security Agency contractor, he took the momentous step of leaking hundreds of thousands of classified documents. Among his most shocking discoveries, he told me, was the fact that the N.S.A. was routinely passing along the private communications of Americans to a large and very secretive Israeli military organization known as Unit 8200. This transfer of intercepts, he said, included the contents of the communications as well as metadata such as who was calling whom. Typically, when such sensitive information is transferred to another country, it would first be "minimized," meaning that names and other personally identifiable information would be removed. But when sharing with Israel, the N.S.A. evidently did not ensure that the data was modified in this way. Mr. Snowden stressed that the transfer of intercepts to Israel contained the communications — email as well as phone calls — of countless Arab- and Palestinian-Americans whose relatives in Israel and the Palestinian territories could become targets based on the communications. "I think that's amazing," he told me. "It's one of the biggest abuses we've seen."

NSA spying directly enables Israel's military capabilities – Snowden leaks prove

Greenwald, Pulitzer prize journalist, **2014** (Glenn, Glenn Greenwald is a journalist, constitutional lawyer, and author of four New York Times best-selling books on politics and law. His most recent book, No Place to Hide, is about the U.S. surveillance state and his experiences reporting on the Snowden documents around the world. Prior to his collaboration with Pierre Omidyar, Glenn's column was featured at The Guardian and Salon. He was the debut winner, along with Amy Goodman, of the Park Center I.F. Stone Award for Independent Journalism in 2008, and also received the 2010 Online Journalism Award for his investigative work on the abusive detention conditions of Chelsea Manning. For his 2013 NSA reporting, he received the George Polk award for National Security Reporting; the Gannett Foundation award for investigative journalism and the Gannett Foundation watchdog journalism award; the Esso Premio for Excellence in Investigative Reporting in Brazil (he was the first non-Brazilian to win), and the Electronic Frontier Foundation's Pioneer Award. Along with Laura Poitras, Foreign Policy magazine named him one of the top 100 Global Thinkers for 2013. The NSA reporting he led for

The Guardian was awarded the 2014 Pulitzer Prize for public service, The Intercept, "Cash, Weapons and Surveillance: the U.S. is a Key Party to Every Israeli Attack," Intercept, <https://firstlook.org/theintercept/2014/08/04/cash-weapons-surveillance/>, A.ZHU)

The U.S. government has long lavished overwhelming aid on Israel, providing cash, weapons and surveillance technology that play a crucial role in Israel's attacks on its neighbors. But top secret documents provided by NSA whistleblower Edward Snowden shed substantial new light on how **the U.S. and its partners directly enable Israel's military assaults** – such as the one on Gaza. Over the last decade, the NSA has significantly increased the surveillance assistance it provides to its Israeli counterpart, the Israeli SIGINT National Unit (ISNU; also known as Unit 8200), including data used to monitor and target Palestinians. In many cases, the NSA and ISNU work cooperatively with the British and Canadian spy agencies, the GCHQ and CSEC. The relationship has, on at least one occasion, entailed the covert payment of a large amount of cash to Israeli operatives. Beyond their own surveillance programs, the American and British surveillance agencies rely on U.S.-supported Arab regimes, including the Jordanian monarchy and even the Palestinian Authority Security Forces, to provide vital spying services regarding Palestinian targets. The new documents underscore **the indispensable, direct involvement of the U.S. government and its key allies in Israeli aggression against its neighbors.** That covert support is squarely at odds with the posture of helpless detachment typically adopted by Obama officials and their supporters. President Obama, in his press conference on Friday, said “it is heartbreaking to see what’s happening there,” referring to the weeks of civilian deaths in Gaza – “as if he’s just a bystander, watching it all unfold,” observed Brooklyn College Professor Corey Robin. Robin added: “Obama talks about Gaza as if it were a natural disaster, an uncontrollable biological event.” Each time Israel attacks Gaza and massacres its trapped civilian population – at the end of 2008, in the fall of 2012, and now again this past month – the same process repeats itself in both U.S. media and government circles: the U.S. government feeds Israel the weapons it uses and steadfastly defends its aggression both publicly and at the U.N.; the U.S. Congress unanimously enacts one resolution after the next to support and enable Israel; and then American media figures pretend that the Israeli attack has nothing to do with their country, that it’s just some sort of unfortunately intractable, distant conflict between two equally intransigent foreign parties in response to which all decent Americans helplessly throw up their hands as though they bear no responsibility. “The United States has been trying to broker peace in the Middle East for the past 20 years,” wrote the liberal commentator Kevin Drum in Mother Jones, last Tuesday. The following day, CNN reported that the Obama administration “agreed to Israel’s request to resupply it with several types of ammunition ... Among the items being bought are 120mm mortar rounds and 40mm ammunition for grenade launchers.” The new Snowden documents illustrate a crucial fact: **Israeli aggression would be impossible without the constant, lavish support and protection of the U.S. government,** which is anything but a neutral, peace-brokering party in these attacks. **And the relationship between the NSA and its partners on the one hand, and the Israeli spying agency on the other, is at the center of that enabling.**

Israel relies on NSA data for security

Greenwald, Poitras, and Macaskill 13 Glenn Greenwald is a journalist, constitutional lawyer, and author of four New York Times best-selling books on politics and law. Laura Poitras

is a Pulitzer-winning Guardian columnist. Ewen Macaskill the defense and intelligence correspondent for the Guardian, The Guardian, September 11, 2013, <http://www.theguardian.com/world/2013/sep/11/nsa-americans-personal-data-israel-documents>, CC.

Although Israel is one of America's closest allies, it is not one of the inner core of countries involved in surveillance sharing with the US - Britain, Australia, Canada and New Zealand. This group is collectively known as Five Eyes. The relationship between the US and Israel has been strained at times, both diplomatically and in terms of intelligence. In the top-secret 2013 intelligence community budget request, details of which were disclosed by the Washington Post, Israel is identified alongside Iran and China as a target for US cyberattacks. While NSA documents tout the mutually beneficial relationship of Sigint sharing, another report, marked top secret and dated September 2007, states that the relationship, while central to US strategy, has become overwhelmingly one-sided in favor of Israel. "Balancing the Sigint exchange equally between US and Israeli needs has been a constant challenge," states the report, titled 'History of the US – Israel Sigint Relationship, Post-1992'. "In the last decade, it arguably tilted heavily in favor of Israeli security concerns. 9/11 came, and went, with NSA's only true Third Party [counterterrorism] relationship being driven almost totally by the needs of the partner." In another top-secret document seen by the Guardian, dated 2008, a senior NSA official points out that Israel aggressively spies on the US. "On the one hand, the Israelis are extraordinarily good Sigint partners for us, but on the other, they target us to learn our positions on Middle East problems," the official says. "A NIE [National Intelligence Estimate] ranked them as the third most aggressive intelligence service against the US." Later in the document, the official is quoted as saying: "One of NSA's biggest threats is actually from friendly intelligence services, like Israel. There are parameters on what NSA shares with them, but the exchange is so robust, we sometimes share more than we intended." The memorandum of understanding also contains hints that there had been tensions in the intelligence-sharing relationship with Israel. At a meeting in March 2009 between the two agencies, according to the document, it was agreed that the sharing of raw data required a new framework and further training for Israeli personnel to protect US person information.

The NSA acts in Israel's

Impacts

Economy

US-Israel relationship helps the economy and supports thousands of jobs

Brilliant, executive VP and head of International Affairs for the US Chamber of Commerce, **15** (Myron Brilliant, The Hill, Congress Blog, “The Strategic Imperative of US-Israel commerce” March 3, 2015, <http://thehill.com/blogs/congress-blog/foreign-policy/234331-the-strategic-imperative-of-us-israel-commerce>)

The U.S. and Israel have long-standing trade and investment ties that serve to benefit both countries, and our close commercial bond supports game-changing innovation benefiting the global economy. Since the signing of the U.S.-Israel Free Trade Agreement 30 years ago, two-way trade has multiplied tenfold to over \$40 billion per year with shared economic benefits for both countries.

In a country as small as Israel, it is amazing that over 250 multinational companies have R&D centers there. And underscoring the importance of our relationship, two-thirds of them are U.S. companies. Intel, Microsoft, IBM, and Cisco have been in Israel for decades, and just days ago, Apple CEO Tim Cook visited Israel to inaugurate the company’s largest innovation center outside of California.

Israel is the top importer of U.S. goods in its region, despite representing a mere 2 percent of the population. There are more companies listed on the NASDAQ exchange from Israel than from any country besides the U.S. and China. And nearly half of all investment into the U.S. from the Middle East comes from Israeli companies. The commercial relationship, while often glossed over given the focus on security matters, is not only sparking new technologies but supports thousands of good jobs in both countries.

US- Israeli relations k2 preserving the economy and US global leadership

Eisenstadt and Pollock 12 (Michael, David, September 2012, report by the Washington Institute, “How the United States Benefits from Its Alliance with Israel”, <https://www.washingtoninstitute.org/uploads/Documents/pubs/StrategicReport07.pdf>, MJW)

There is bipartisan agreement that restoring the vitality and competitiveness of the U.S. economy is crucial to preserving U.S. global leadership. Technological innovation is key to achieving this goal. While Israel is a small country, it ranks among the top half-dozen countries world- wide in various indices of innovation. U.S.-Israel investment, R&D, and joint ventures create tens of thousands of jobs for American workers in informa- tion technology, medical R&D, and defense. Israel is among the top twenty international direct investors in the United States, and two-way trade between America and Israel leads a number of much larger countries, such as Spain and Saudi Arabia.

Cybersecurity

US- Israel relationship key to cybersecurity

Brillant, executive VP and head of International Affairs for the US Chamber of Commerce, **15** (Myron Brilliant, The Hill, Congress Blog, “The Strategic Imperative of US-Israel commerce” March 3, 2015, <http://thehill.com/blogs/congress-blog/foreign-policy/234331-the-strategic-imperative-of-us-israel-commerce>)

Following major cyber breaches on public and private institutions across the world, we have a better understanding of the vulnerability of our companies and governments. With more than 10 percent of global cybersecurity investment going into Israel—including from U.S. investors—and Israel’s own establishment of a new cyber hub in Beersheva, we can already see the importance of our partnership in this area.

US-Israeli relations are k2 cyber security

Eisenstadt and Pollock 12 (Michael, David, September 2012, report by the Washington Institute, “How the United States Benefits from Its Alliance with Israel”, <https://www.washingtoninstitute.org/uploads/Documents/pubs/StrategicReport07.pdf>, MJW)

Israel has emerged as a pioneer in IT, and **U.S.-Israel cybersecurity cooperation in the private sector is substantial. The architecture for many of Intel’s most successful computer chips was invented in Israel, accounting for an estimated 40 percent of the firm’s revenues. Israeli-designed algorithms and techniques are also key to securing a significant percentage of U.S. financial transactions and telecommunications.** Thus, in early 2012, Cisco paid \$5 billion to acquire the Israeli-founded firm NDS, one of the top TV-encryption companies worldwide. Israeli researchers also play a disproportionate role in many other computer-related and telecommunications inventions and applications, including instant messaging, voice-over internet protocol (VoIP), online money transfers, and data mining programs. **Official U.S.- Israel cyber cooperation is also reported to be significant, and may include offensive cyberwarfare against Iran’s nuclear program.**

Iran Nuke Prolif

US-Israeli relations necessary to prevent war with Iran

Clawson and Makovsky 12 ("Preventing an Iranian Nuclear Breakout", Strategic Report 8 9/12,

<http://www.washingtoninstitute.org/uploads/Documents/pubs/StrategicReport8.pdf>, Patrick Clawson is the director of research and head of the Iran Security Initiative at The Washington Institute and has written for *New York Times*, *Wall Street Journal*, and *Washington Post*. He has testified before Congress 20 times and been a witness in 30 federal cases concerning the Middle East. David Makovsky is the director on the Project of the Middle East Peace Project and author of the 2009 *Washington Post* bestseller *Myths, Illusions, and Peace: Finding a New Direction for America in the Middle East*)

As for Israelis who think that America has no intention of striking, they believe Washington will ultimately adopt a policy of containment, despite the public repudiation of this voiced by President Obama and repeated by other senior officials. No one can know for certain how U.S. leaders will react if a crisis arrives, since past statements may not be a good predictor of future policies in real, rather than theoretical, scenarios. Whatever the U.S. path, Washington's slower clock may eventually, and unwittingly, provide the incentive for Israel to act on its own. In assessing the debate within Israel, commentators often misinterpret the view of opponents of an Israeli strike. Those security officials (present and former) and Israeli cabinet ministers who are advising the Netanyahu government to resist striking Iran hold this view not because they oppose a strike altogether, or because they support containment of Iran as applied to the Soviet Union during the Cold War, but because they believe the responsibility of striking falls to the United States. Both schools in the Israeli debate are united on the view that Iran's declared enmity toward Israel is real, not theoretical. Even if Israeli officials could ignore the many bloodcurdling threats from Iran's leaders—which they cannot—there would still remain Iran's actions. Iran has spent more than \$5 billion—some estimate much more—funding and arming every group dedicated to killing Israeli civilians and eliminating the state of Israel, such as Hizballah, Hamas, and Palestinian Islamic Jihad. Iran has proven that it will provide the arms with which to attack Israeli civilians. Israel, for its part, will not remain indifferent to Iran's established track record of hostility. In the absence of U.S. action, the internal debate is likely to shift, over time, in the favor of those who believe that the only alternative is an Israeli strike. Another argument used by some Israelis for a preemptive strike is that Washington will be too late in concluding that Iran is about to get a bomb. These fears date to the ultimately inaccurate identification of WMD in Iraq by U.S. intelligence and the scars inflicted by this failure. In this view, the U.S. intelligence community showed skittishness in its response to the discovery in 2007 of a Syrian nuclear reactor well that had no purpose other than to build weapons. Prior to this discovery, U.S. intelligence had not found a reprocessing plant for weaponization and so was unwilling to state with confidence that Syria's objective was to obtain weapons. U.S. failure to act was a post-Iraq phenomenon: the Bush administration and the intelligence community did not want to strike because they wanted to avoid being accused of acting precipitously. Israel would argue that the price of this reluctance to attack before the reprocessing plant was found reflected a willingness to allow the reactor to go "hot" and thereby preclude any prospects of an attack beyond that point. Of course, there are differences between the Syria and Iran cases. For Israel, however, a commonality would be Israel's concern that the United States may not recognize that the final relevant point for decisionmakers is less the issue of weaponization and more the ability of the United States or Israel to intervene and halt the program.

NSA- ISNU (Israel Sigint National Unit) key to prevent Iranian and Syrian nuclear prolif

NSA 13 ("NSA Intelligence Relationship with Israel" United States. National Security Agency/ Central Security Service. Office of the Directorate. Foreign Affairs Directorate. Israel Desk. Top Secret, Information Paper. April 19, 2013: 3 pp.)

(U) Success Stories _ (TS//SI//REL TO USA, ISR) A key priority for ISNU is the Iranian nuclear development program, followed by Syrian nuclear efforts, Lebanese Hizballah plans and intentions, Palestinian terrorism, and Global Jihad. Several recent and successful joint operations between NSA and ISNU have broadened both organizations' ability to target and exploit Iranian nuclear

efforts. In addition, a robust and dynamic cryptanalytic relationship has enabled breakthroughs on high priority Iranian targets. (TS//REL TO USA, ISR) NSA and ISNU continue to initiate joint targeting of Syrian and Iranian leadership and nuclear development programs with CIA, ISNU, SOD and Mossad. This exchange has been particularly important as unrest in Syria continues, and both sides work together to identify threats to regional stability. NSA's cyber partnerships expanded beyond ISNU to include Israeli Defense Intelligence's SOD and Mossad, resulting in unprecedented access and collection breakthroughs that all sides acknowledge would not have been possible to achieve without the others.

Iran war causes WWII

Hanchett, 7-14-2015, (Ian, citing Mark Reed Levin, Mark Reed Levin (born September 21, 1957) is an American lawyer, author, and the host of American syndicated radio show The Mark Levin Show. Levin worked in the administration of President Ronald Reagan and was a chief of staff for Attorney General Edwin Meese. He is president of the Landmark Legal Foundation, has authored five books, and contributes commentary to various media outlets such as National Review Online. Levin enrolled at Temple University Ambler including summer classes and graduated with a bachelor's degree in Political Science in 1977 at age 19, summa cum laude and Phi Beta Kappa.[5] Levin won election to the Cheltenham school board in 1977 on a platform of reducing property taxes.[4] In 1980 Levin earned a juris doctor from Temple University Beasley School of Law, "Levin: Iran Deal 'Planted the Seeds' 'For World War III,' 'This Is Munich'," Breitbart, <http://www.breitbart.com/video/2015/07/14/levin-iran-deal-planted-the-seeds-for-world-war-iii-this-is-munich/>, A.ZHU)

Talk radio host and author of "Plunder and Deceit," Mark Levin declared of the Iran deal "Barack Obama has planted the seeds...for World War III" and "This is Munich" on Tuesday. Levin said, "Barack Obama has planted the seeds, in my view, for World War III. They were already there, but he's moved it along. I honestly believe that the next, massive, conflagration, war will now be in the Middle East. And I believe the Saudis are going to get nukes, and the Egyptians are going to get nukes, and others, and you can hardly blame them." He continued, "there's no effective inspection regime here. There's no effective sanctions. The Russians and the Chinese are not going to allow them in any event. Obama has sealed the fate of the next generation. ... I really believe that one day this is going to lead to a horrific war." And that the deal has "sealed the fate of the people of Iran" and "may well have" sealed Israel's fate.

!! Iran war leads to international terrorism and economic collapse

Kemp and Gay, MIT PHD, 14

(Geoffrey Kemp and John Allen Gay are coauthors of War with Iran: Political, Military, and Economic Consequences. Geoffrey Kemp is Director of Regional Security Programs at the Center for the National Interest. He served in the **White House during the first Reagan administration as Special Assistant to the President for National Security Affairs** and Senior Director for Near East and South Asian Affairs on the National Security Council Staff. Dr. Kemp received his **Ph.D. in Political Science at M.I.T. and his M.A. and B.A. degrees from Oxford University.** Gay is an

assistant editor at The National Interest, 11-24-2014, "The High Cost of War with Iran," National Interest, <http://nationalinterest.org/commentary/the-high-cost-war-iran-8265>, A.ZHU)

This will not be the only front of a war, however. Iran's leaders have threatened the West with retaliation too frequently and too publicly to simply ignore an attack. Iran has agents and allies that may commit acts of terrorism. Lebanese Hezbollah's deadly bombing of a bus full of Israeli tourists in Burgas, Bulgaria and the discovery of a similar plot in Cyprus are examples of this capability. And **assassination plots against Israeli diplomats** in India, Georgia, Thailand and Kenya, as well as the Saudi ambassador in Washington, **show Iranian willingness to commit acts of terrorism as part of its strategy.** Iran also has many small military speedboats, midget submarines and antiship missiles. It may use these to attack American vessels near its shores or to disrupt the flow of oil through the Strait of Hormuz. **An oil blockade, if successful and sustained, would send shockwaves through the global economy,** as roughly a fifth of the world's internationally traded oil passes through the strait. But Iran's leaders know that such a severe step would risk a severe response, and it is unlikely that they'd be able to effectively seal Hormuz. Thus, they are more likely to launch a sustained campaign of pinprick harassment—a missile here, a few floating mines there, spread out over hours, days and weeks. When combined with actions by Iranian operatives in neighboring countries and possibly by Iran's ballistic missile forces, this will create uncertainty for any attacker—too violent to be peace, but not fully war. **This state of affairs will put Iran on a more level footing with the United States,** and will challenge U.S. policy makers to come up with an appropriate response. A sustained entanglement may result. The economic impact of this kind of war would be negative. **Regardless of how the conflict proceeds, there would be a significant spike in oil prices;** if the war is not swift and decisive, the spike could last for weeks or months. **The impact of this should not be underestimated, especially given the fragility of the global economic recovery.** A \$10 increase in the price per barrel of oil would take a billion dollars from American consumers in about five days. War could see oil between \$150 and \$200 per barrel. High prices would harm most states, although oil exporters outside the Persian Gulf region, like Russia and Venezuela, could see a windfall. **The economic fallout would drive much of the war's negative political impact. Asian nations, which are the recipients of much Gulf oil, would be particularly unhappy.** Washington's **European allies also would be divided at best. Relations with Russia and China would suffer most.** Both states are alarmed by U.S. willingness to use force to reshape the strategic environment, and a major conflict with Iran could see the two taking steps to be an effective counterbalance. **This could include helping Iran rebuild and rearm.**

!! Iran bomb sparks worldwide proliferation, war causes them to pursue proliferate Kemp and Gay, MIT PHD, 14

Geoffrey Kemp and John Allen Gay are coauthors of *War with Iran: Political, Military, and Economic Consequences*. Geoffrey Kemp is Director of Regional Security Programs at the Center for the National Interest. He served in the **White House during the first Reagan administration as Special Assistant to the President for National Security Affairs** and Senior Director for Near

East and South Asian Affairs on the National Security Council Staff. Dr. Kemp received his **Ph.D. in Political Science at M.I.T. and his M.A. and B.A. degrees from Oxford University.** Gay is an assistant editor at The National Interest, 11-24-2014, "The High Cost of War with Iran," National Interest, <http://nationalinterest.org/commentary/the-high-cost-war-iran-8265>, A.ZHU)

The United States might not start the war. Israeli prime minister Benjamin Netanyahu has been singularly determined to bring the Iran crisis to a swift resolution. The rest of the Israeli security establishment shares many of Netanyahu's worries. If Israel strikes Iran on its own, and the United States is drawn in, the U.S.-Israeli relationship will likely suffer. Polls already show fading sympathy for Israel on the American left; an unpopular war could fuel this trend. As counterintuitive as it may seem, Iran could also start the war. Certain hardline cliques within Iran are willing to engage in provocative actions. If a terror plot like that against the Saudi ambassador to the United States were to succeed, it would likely be seen as a casus belli. Further, Iran's economic isolation is a source of tension that it could seek to alleviate by provoking instability. Needless to say, inaction has its own costs. There is not yet any indication that Iran has chosen to build a bomb, but as its nuclear program steadily advances, detecting and stopping a rush to weaponize will become more difficult. An Iran with a nuclear weapon will be better-equipped to resist the efforts of the United States and its allies in the Middle East. There will be fewer options if relations sour. Still, Iran isn't likely to give atomic weapons to terrorists or launch sudden nuclear attacks—history suggests that even the most radical regimes that get the bomb, like Mao's China, become very wary of using it. Iran's leaders may sponsor terror, but they are not out to commit national suicide by provoking nuclear retaliation against their country. Perhaps the biggest concern with an Iranian bomb is that it will end the nuclear nonproliferation regime and provoke a cascade of proliferation, not only in the Middle East but in South and East Asia, including South Korea and Japan. This would be a significant setback for the United States, which has long made nonproliferation a center of its foreign policy. The risk of a nuclear conflict would increase.

!! Iran war causes WWII, unprecedented destruction

Hussain 12

(Murtaza Hussain is a journalist and political commentator now working for First Look Media. His work focuses on human rights, foreign policy and cultural affairs. Murtaza's work has appeared in The New York Times, The Guardian, The Globe and Mail, Salon and elsewhere, 9-12-2012, "Why war with Iran would spell disaster," Al Jazeera, <http://www.aljazeera.com/indepth/opinion/2012/09/201291194236970294.html>, A.ZHU)

War with Iran would be no quick and clean affair, as many senior political and military figures have pointed out it would make the Iraq and Afghanistan wars, which cost trillions of dollars and the lives of thousands of soldiers and civilians, seem like "a cakewalk". The fact that it is becoming increasingly likely, inevitable in the eyes of many, and that it is high on the agenda of so many leading political figures warrants exploration of what such a conflict would really entail. Conflict on an unprecedented scale Not a war of weeks or months, but a "generations-long war" is how no less a figure than former Mossad chief Efraim Halevy describes the consequences of open conflict with Iran. In comparison with Iraq and Afghanistan, both countries with relatively small populations which were already in a state of relative powerlessness before they were invaded, Iran commands the eighth largest active duty military in the world, as well as highly trained special forces and guerilla organisations which operate in countries throughout the region and beyond. Retired US General John Abizaid has previously described the Iranian military as "the most powerful in the Middle East" (exempting Israel), and its highly sophisticated and battle-hardened proxies in Lebanon and Iraq have twice succeeded in defeating far stronger and better funded Western military forces. Any attack on Iran would assuredly lead to the activation of these proxies in neighbouring countries to attack American interests and would create a situation of borderless war unprecedented in any past US conflicts in the Middle East. None of this is to suggest that the United States would not "win" a war with Iran, but given the incredibly painful costs of Iraq and Afghanistan; wars fought against weak, poorly organised enemies lacking broad influence, politicians campaigning for war with Iran are leading the American people into a battle which will be guaranteed to make the past decade of fighting look tame in comparison.

!! Iran war turns US Econ

Hussain 12

(Murtaza Hussain is a journalist and political commentator now working for First Look Media. His work focuses on human rights, foreign policy and cultural affairs. Murtaza's work has appeared in The New York Times, The Guardian, The Globe and Mail, Salon and elsewhere, 9-12-2012, "Why war with Iran would spell disaster," Al Jazeera, <http://www.aljazeera.com/indepth/opinion/2012/09/201291194236970294.html>, A.ZHU)

Oil shocks and the American economy The fragile American economic recovery would be completely upended were Iran to target global energy supplies in the event of war, an act which would be both catastrophic and highly likely if US Iran hawks get their way. Not only does the country itself sit atop some of the largest oil and natural gas reserves on the planet, its close proximity to the shipping routes and oil resources of its neighbours means that in the event of war, its first response would likely be to choke off the global supply of crude; a tactic for which its military defences have in fact been specifically designed. The Strait of Hormuz, located in the

Persian Gulf is the shipping point for more than 20 per cent of the world's petroleum. Iran is known to have advanced Silkworm missile batteries buried at strategic points around the strait to make it impassable in the event of war, and has developed "swarming" naval tactics to neutralise larger, less mobile ships such as those used by the US Navy. While Iran could never win in straightforward combat, it has developed tactics of asymmetrical warfare that can effectively inflict losses on a far stronger enemy and render the strait effectively closed to naval traffic. The price of oil would immediately skyrocket, by some estimates upwards several hundred dollars a barrel, shattering the already tenuous steps the US and other Western economies are taking towards recovery. Former National Security Adviser Zbigniew Brzezinski has said a war with Iran could drag out years and would have economic consequences "devastating for the average American"; but these facts are conspicuously absent in public discussion of the war.

!! Iran War turns Middle East and South Asia wars

Hussain 12

(Murtaza Hussain is a journalist and political commentator now working for First Look Media. His work focuses on human rights, foreign policy and cultural affairs. Murtaza's work has appeared in The New York Times, The Guardian, The Globe and Mail, Salon and elsewhere, 9-12-2012, "Why war with Iran would spell disaster," Al Jazeera, <http://www.aljazeera.com/indepth/opinion/2012/09/201291194236970294.html>, A.ZHU)

Conflict across borders Finally, a war with Iran would be not be like conflicts in Iraq, Afghanistan and Libya where the fighting was constrained to the borders of the country in question. Despite widespread resentment towards the country due to the perception of it as a regionally imperialist power as well sectarian animosity towards it as Shia Muslim theocracy, Iran maintains deep links throughout the Middle East and South Asia and can count on both popular support as well as assistance from its network of armed proxies in various countries. In a report for Haaretz, Ahmed Rashid noted that an attack on Iran would likely inflame anti-American sentiment throughout the region, across both Shia and Sunni Muslim communities. Despite Iran's poor human rights record and bellicose leadership, polls have consistently shown that Iranian and Iranian-backed leaders such as Mahmoud Ahmadinejad and Hassan Nasrallah remain among the most popular figures throughout the Arab and Muslim world. This popularity comes not necessarily out of respect for Iranian ideology, but from a perception that Iran is the only assertive power in the region and is the target of aggression from the United States and its allies. In Rashid's analysis, both the Middle East and South Asia would become unsafe for American citizens and their interests for years to come; popular anger would reach a level which would render these area effectively off-limits and would cause grave and immediate danger to both American businesses and troops based in the region.

Judicial Deference DA HSS

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For NSA surveillance matters, the courts currently grant deference to the executive. Only the executive can make decisions on national security matters.

Kalanges 14 – Shaina, second-year law student at the Northern Illinois University College of Law with a Bachelor of Arts from the University of Illinois Urbana-Champaign, Assistant Editor of the Northern Illinois University Law Review, 2014 (“Modern Private Data Collection and National Security Agency Surveillance: A Comprehensive Package of Solutions Addressing Domestic Surveillance Concerns,” *Northern Illinois University Law Review* (34 N. Ill. U. L. Rev. 643) Available Online to Subscribing Institutions via Lexis-Nexis)

[*652] On the other hand, Judge Pauley from the Southern District of New York delivered an opposite ruling in *ACLU v. Clapper*, nearly ten days after Judge Leon ruled in *Klayman*. n64 Judge Pauley reasoned that the **NSA could not achieve its objective of combating future terrorist attacks if it could not conduct a sweeping collection of every telephone record**. n65 Like Judge Leon, Judge Pauley described the querying system the NSA uses on surveillance targets. n66 However, unlike Judge Leon, Judge Pauley discerned a greater purpose behind the queries and held that the system was constitutional and kept with the *Smith* precedent. n67 Judge Pauley applied *Smith* to find that the communication records were already handed over to private companies by citizens who could not expect that the information could still be considered private to the individual. n68 Judge Pauley took his analysis a step further and **bolstered a need to keep FISC matters secret by citing historical deference to the executive when it comes to matters of national security**. n69 Judge Pauley dismissed the ACLU's claim and held that the program was meant to remain classified and unchallenged and that telephony metadata collection is constitutional. n70

Also, Judge Pauley held that a mere fear of chilling of free speech does not provide standing to challenge telephony metadata collection. n71 While cellular technology evolved since *Smith*, Judge Pauley cited the *Klayman* court and maintained that metadata remains unchanged and that the information gathered only contains phone numbers, dates, and times. n72 Judge Pauley also commented on the previous issues FISC faced, explaining that the FISC followed court rules to weed out issues of noncompliance in the past. n73 The Intelligence Committees received detailed reports of those noncompliance issues, which were addressed with tighter standards on the NSA from the FISC. n74 Accordingly, the NSA director also did comprehensive evaluations of section 215 practices and established the position of the director of compliance. n75

[*653] While Judge Pauley reasoned that any issues with noncompliance were weeded out of the current surveillance process, one legislative proposal, which gained nearly eighty-five sponsors, reacts to this issue quite differently and suggests that more may be done to insure American civil liberties. n76 Additionally, Judge Leon in *Klayman* picked apart the examples of metadata collection that the government provided to demonstrate the metadata program's progress in preventing terrorist attacks. n77 The *Klayman* court discerned that any uncovered terrorists were already found with other evidence that the metadata program merely corroborated. n78 Judge Pauley, in *Clapper*, **held to the contrary and used some examples to demonstrate how section 215 surveillance stops terrorist attacks before they take place**. n79

Judge Pauley even explained that the current program would have identified and prevented 9/11 hijacker Khalid Al-Mihdhar from carrying out his attack. n80

Nonetheless, both Judge Leon and Judge Pauley agreed on one point: that the legislature constructed FISA to exclude third party surveillance targets from challenging the NSA's compliance with the statute. n81 But both judges agreed that claims challenging the constitutionality of the statute were not precluded. n82 While Smith may never be overturned, distinguishing NSA surveillance from the surveillance in Smith may open the door to new Supreme Court precedent setting or suggesting constitutional guidelines for certain domestic surveillance practices. n83

The ACLU and the Supreme Court may have the potential to shape domestic privacy expectations with the Constitution under their belt, but Judge Pauley was correct in holding that deference should be granted to the executive in dealing with matters of national security. n84 Ultimately, the executive will decide where NSA surveillance is headed. n85 The Supreme Court will have Judge Pauley's point in mind and avoid appearing to undermine executive determinations if any ruling on the constitutionality of [*654] NSA practices emerges. n86 Accordingly, since President Obama approved continued surveillance under section 702 and section 215, the greatest policy changes in NSA practices may likely be implemented through legislative action that a Supreme Court ruling would heavily influence by articulating some constitutional guidelines, furthering down the path of Keith. n87

Breaking judicial deference to the executive in matters of intelligence gathering undermines executive flexibility.

Yoo 14 — John Yoo, Emanuel Heller Professor of Law at the University of California, Berkley, Visiting Scholar at the American Enterprise Institute, J.D. from Yale University, 2014 (“NSA Spying — Will Obama Lead or Punt to Courts, Congress and Harm the Presidency?,” *American Enterprise Institute*, January 4th, Accessible Online at <http://www.foxnews.com/opinion/2014/01/07/nsa-spying-will-obama-lead-or-punt-to-courts-congress-and-harm-presidency.html>)

Under Barack Obama, the presidency's control over national security intelligence has come under a [damaging] crippling cross-fire.

From the right, in December Bush-appointed Judge Richard Leon found the National Security Agency's “Orwellian” phone records collection program to violate the Constitution.

From the left, the White House's own blue-ribbon commission recently urged the president to place an “out of control” NSA under unprecedented judicial, bureaucratic, and even private controls.

If he makes the same mistake again, Mr. Obama will follow in the footsteps of failed presidents who shrunk before similar challenges, to the long-term harm of their office.

Mr. Obama may rise up to defend the NSA from the growing chorus of critics in Congress, the media, and the antiwar wing of his own party.

He might blunt the effort to subject the NSA's national security mission to the stricter rules that govern domestic law enforcement.

He might even preserve the intelligence agency's ability to collect phone calls and email data that, by the account of two successive administrations of both parties, has stopped terrorist attacks on the United States and its allies.

But don't count on it.

Mr. Obama's first instinct is to shift national security responsibility to other branches of government — witness his past attempts to try the 9/11 plotters in civilian court in New York City, move the terrorists in Guantanamo Bay, Cuba to a domestic prison, and ask Congress decide on intervening in Syria.

If he makes the same mistake again, Mr. Obama will follow in the footsteps of failed presidents who shrunk before similar challenges, to the long-term harm of their office.

Kicking the intelligence question to Congress or the courts undermines the Oval Office by reversing the polarity of its constitutional powers.

The Framers created the presidency precisely because foreign affairs and national security pose unique challenges to a legislature, which cannot react quickly to sudden, unforeseen events.

"Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man," Alexander Hamilton explained in "Federalist 70."

Only a single president could marshal the nation's resources with the energy and vigor to effectively protect its security. "Of all the cares or concerns of government," he added in "Federalist 74," "the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand."

Presidents who have defied the Framers' design have led the nation into some of its greatest disasters, despite their great intellect or political skills.

Executive flexibility is crucial to stopping terrorism, preventing WMD proliferation, deterring rogue nations, and staying in line with multilateral alliances. This trumps constitutionality – the international scene is changing.

Li 09 – Zheyao, Candidate, Georgetown University Law Center; B.A., Political Science and History, Yale University, 2009 ("War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare," *Georgetown Journal of Law & Public Policy* (Vol. 7, No. 1, p. 373) Available Online to Subscribing Institutions via Lexis-Nexis)

IV. WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily

resulted from the introduction of nuclear weapons.¹²² The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.¹²³ At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.¹²⁴ It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modern trend toward a new phase of warfighting, the authors argued that:

In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). ¹²⁵

It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise.

B. The Framers' World vs. Today's World

The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline.¹²⁶ As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states

that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modern nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modern state] does not have a future in front of it." 128

The challenge in formulating a new theory of war powers for fourth generational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character." 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective." 131 That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war.

This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional war-marking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront.

C. The Jihadist Threat

The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not." 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does

not want differing belief systems to coexist.'" 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139

To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 Al-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise." 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict.

D. The Need for Rapid Reaction and Expanded Presidential War Power

By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme.

As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government,

necessarily (by the Framers' design) **slows down decision- making**. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute.

In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, **the existing process** of constitutional decision-making in warfare **may prove a fatal hindrance to achieving** the initiative necessary for **victory**. As a slow-acting, deliberative body, Congress does not have the ability to **adequately deal with fast-emerging** situations in **fourth-generational warfare**. Thus, **in order to combat transnational threats** such as al-Qaeda, **the executive branch must have the ability to operate by taking offensive military action** even without congressional authorization, because **only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourth generational opponents.**

2NC/1NR – Link Uniqueness

Secret State Privilege Doctrine

Courts unanimously support deference in the squo – stats – the trend will only continue

Ellington 15

Thomas C. Ellington, Associate Professor of Political Science at Wesleyan College, 2015, (Secrecy, Law and Society, Routledge, Edited by Greg Martin, Rebecca Bray, and Miiko Kumar: Faculty Members of the Department of Law at the University of Sydney, Chapter 3: Secrecy law and its problems in the United States) - AW

Judicial **deference** at its most extreme, however, **is found in the application of the state secrets privilege, under which the government withholds evidence by claiming that revealing it to a judge or opposing counsel would tend to endanger national security.** Accordingly, '[b]ecause successful invocation of the privilege involves no independent judicial review of the evidence, critics worry that it opens the door to abuse by the executive branch'. 41 Louis **Fisher provides the definitive account** of the origins of **state secrets privilege and some of the problems in its underlying doctrine.**' 42 Two things are worth noting:

1. the state secrets privilege has its origins in a case in which the government has since been shown definitely to have mischaracterised the nature of the evidence it was withholding; and
2. **the US Government has increasingly invoked the state secrets privilege in recent years as a way of shutting down civil litigation in cases involving** such subjects as extraordinary rendition and **blanket eavesdropping by the NSA.** 43

What had once been a moribund piece of judicial **doctrine has found new life under** the **Bush and Obama** administrations. Laura K. **Donohue counts more than 100 instances** in which the **Bush** administration invoked the state secrets privilege." **Despite setting a new policy that is supposed to limit the circumstances in which the state secrets privilege is invoked,** 45 the **Obama** Justice Department **continues to use this flawed doctrine extensively.** The Federation of American Scientists maintains an ongoing list of state secrets claims." 46

Courts, almost unanimously, have east their lot with national security, granting considerable deference to government assertions of the state secrets principle. **This deference to state secrets shows no signs of abating;** indeed, **the growing trend is for counts to dismiss these legal challenges pre-discovery.**⁹

Constitutionality

On issues of surveillance, the court currently cedes deference to the executive branch – constitutional authority and practical competence.

Margulies 14 – Peter, Professor of Law, Roger Williams University School of Law. B.A. 1978, Colgate University; J.D. 1981, Columbia Law School, 2014 ("Dynamic Surveillance: Evolving Procedures in Metadata and Foreign Content Collection After Snowden," *Hastings Law Journal* (66 *Hastings L.J.* 1) Available Online to Subscribing Institutions via Lexis-Nexis)

The first opinion to authorize bulk collection was a 2004 opinion by Judge Kollar-Kotelly that granted the government's application under FISA to use a pen register to collect information on the routing or addressing of e-mails, excluding the content of communications. n48 This opinion introduced a concept that would shape collection in the years to come: it coupled authority for the wide collection of information by the government with significant restrictions on the government's use of that information. Judge Kollar-Kotelly assumed that a relevance standard governed both pen registers and FISC orders under section 215. n49 Finding that the statutory language in the FISA pen register provision did not require that the government identify specific targets prior to collection, Judge Kollar-Kotelly acknowledged that the statute allowed "exceptionally broad" acquisition of e-mail records, n50 most of which would be "unrelated" to terrorism. n51 To avoid giving the government the unchecked ability to rummage through these mountains of data, Judge Kollar-Kotelly added restrictions on government analysts' access to the information collected. When structuring queries of the electronic data, Judge Kollar-Kotelly held that analysts could use only those e-mail addresses specifically linked to particular terrorist organizations. n52 No other queries - for example, addresses of celebrities or government critics - were permissible.

Supporting her analysis, Judge Kollar-Kotelly suggested that Congress intended the relevance standard in the pen register provision to broaden information gathering for national security purposes. The relevance standard replaced language that required only a "reasonable suspicion" that the communication facility subject to the pen register be [*13] used by an individual engaged in "international terrorism or clandestine intelligence activities." n53 Collecting e-mail metadata from a range of Internet service providers ("ISPs") would meet the relevance standard, the court found, accepting the government's argument. n54 Broad collection would allow the government to ferret out previously unknown e-mail addresses linked to terrorism, which "more precisely targeted forms of collection against known accounts" would exclude. n55 The court defended its deference to the government's rationale, finding that, "for reasons of both constitutional authority and practical competence, deference should be given to the fully considered judgment of the executive branch in assessing and responding to national security threats and in determining the potential significance of intelligence-related information." n56

Empirics

Judicial deference is empirically proven. The Supreme Court refused to take a major case involving NSA surveillance; instead, leaving it to the executive branch.

Richey 13 – Warren, staff writer for The Christian Science Monitor, 2013 (“Supreme Court rejects case on NSA spying on Americans' phone calls; The US Supreme Court on Monday refused to consider whether the NSA, in collecting and storing information about the phone calls of virtually every American, overstepped its authority under the law,” *The Christian Science Monitor*, Available Online at <http://www.csmonitor.com/USA/Justice/2013/1118/Supreme-Court-rejects-case-on-NSA-spying-on-Americans-phone-calls-video>)

The US Supreme Court on Monday declined to take up a potential major case examining whether the National Security Agency's bulk collection and storage of telephone metadata from virtually every American violate the limits of federal law.

The justices turned aside the case without comment. Had they agreed to take up the issue, the stage would have been set for a high-court showdown testing whether the NSA overstepped its authority under the Foreign Intelligence Surveillance Act (FISA) by collecting and storing telephone service information for every telephone call made and received in the US.

Several other cases pending in federal district courts challenge the massive collection program as an invasion of Americans' privacy.

Aside from the pending court cases, the high court's action on Monday leaves it to the political branches - Congress and the White House - to sort out whether the NSA and other US spy agencies should have the power to make bulk collections of data for later use in intelligence gathering and counter-terrorism.

Multiple court cases prove the judiciary defers to the executive on matters of intelligence gathering.

Turner 13

Robert Turner, Professor specializing in National Security Law at the University of Virginia, Former Charles H. Stockton Chair of International Law at the U.S. Naval War College, Founder and Associate Director of the Center for National Security Law, 10/21/13, (“First Principles: Are Judicial and Legislative Oversight of NSA Constitutional?”, <http://www.fed-soc.org/publications/detail/first-principles-are-judicial-and-legislative-oversight-of-nsa-constitutional>) - AW

II. Judicial Deference to the Executive

That same month, Chief Justice John Marshall—in perhaps the most famous Supreme Court decision of all times—reaffirmed that the Constitution grants the President important powers over foreign affairs that are checked neither by the Legislature nor the Judiciary:

By the constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience . . . The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, the decision of the executive is conclusive.

The application of this remark will be perceived by adverting to the act of congress for establishing the department of foreign affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the president. . . . The acts of such an officer, as an officer, can never be examinable by the courts.¹⁰

In the 1936 Curtiss-Wright case, the Supreme Court noted that the President “makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it.”¹¹

In this same landmark case, the Court noted:

The marked difference between foreign affairs and domestic affairs in this respect is recognized by both houses of Congress in the very form of their requisitions for information from the executive departments. In the case of every department except the Department of State, the resolution directs the official to furnish the information. In the case of the State Department, dealing with foreign affairs, the President is requested to furnish the information “if not incompatible with the public interest.” A statement that to furnish the information is not compatible with the public interest rarely, if ever, is questioned.¹²

Now, in candor, I believe the Court in Curtiss-Wright got the right answer for the wrong reasons. Justice Sutherland focused not upon the expressed grant of “executive power” to the President, but instead on the idea that the foreign policy power was a natural attribute of sovereignty that attached to the presidency at the time of America’s independence from Great Britain. It was not an unreasonable explanation (and Curtiss-Wright remains by far the most often cited Supreme Court foreign affairs case), but it is clear that the Framers believed they had expressly vested this power in the President through Article II, Section 1’s grant of “executive power.”

This longstanding deference to presidential discretion in foreign affairs was recognized by both the courts and Congress into the second half of the twentieth century. In the 1953 case of United States v. Reynolds, the Supreme Court discussed the executive privilege to protect national security secrets, noting that: “Judicial Experience with the privilege which protects military and state secrets has been limited in this country . . .” But the Court recognized an absolute privilege for military secrets, explaining:

In each case, the showing of necessity [of disclosure] which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake.¹³

Obviously, intelligence programs run by a Department of Defense agency (NSA) designed to intercept communications from our nation's enemies during a period of authorized war **are among the most sensitive of "military secrets."**

Four years later, Professor Edward S. Corwin, one of the nation's leading constitutional scholars of his era, wrote in his classic volume, *The President: Office and Powers*:

So far as practice and weight of opinion can settle the meaning of the Constitution, it is today established that the President alone has the power to negotiate treaties with foreign governments; that he is free to ignore any advice tendered him by the Senate as to a negotiation; and that he is final judge of what information he shall entrust to the Senate as to our relations with other governments.¹⁴

In the 1959 *Barenblatt* case, the Supreme Court recognized that there are proper limits not only on the power of Congress to control Executive discretion, but even to "inquire" into matters vested by the people in the President: "Congress . . . cannot inquire into matters which are within the exclusive province of one of the other branches of the Government. Lacking the judicial power given to the Judiciary, it cannot inquire into matters that are exclusively the concern of the Judiciary. Neither can it supplant the Executive in what exclusively belongs to the executive."¹⁵

Precedence

Actions modifying presidential war power set a precedent. The War Powers Resolution and other historical examples prove.

Paul 08 – Christopher, Senior Social Scientist at RAND, 2008 (“US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking,” *Journal of Peace Research* (Vol. 45, No. 5) Available Online to Subscribing Institutions via Jstor, p. 665-679)

There's an obvious kernel of truth to the old saying, 'Generals always fight the last war'. This article explores one of the sources of this kind of policy inertia, 'legacy chains', by examining the sequence of disputes over military deployments that led up to the United States War Powers Resolution of 1973 and its impact on the US military interventions that have followed. The War Powers Resolution was passed by a Congress attempting to re store balance to war-making powers constitutionally divided between the Congress (as the only body legally allowed to make a 'declaration of war') and the president (the commander in chief). This article traces the war powers legacy chain through the US military operations in Korea, Vietnam, the Dominican Republic, Grenada, Panama, Iraq, Haiti, and Iraq again. The exercise of war powers (and the disputes associated with them) for these military operations show how legacies are formed and institutionalized within a policy sphere; how institutionalized legacies affect subsequent policy (in sometimes unintended ways); and how subsequent policies modify, transform, or reinforce these legacies. Based on the War Powers example and other historical data, this article argues that past policy affects subsequent policy by creating institutional legacies that shape the decision space in which subsequent policy is made. These institutional legacies can be modified, transformed, and/or reinforced by subsequent policymaking and then constitute 'legacy chains'.

Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies:

Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the consequences of contemporary policies will be determined. Third, past policies impose limitations that reduce the range of policy choices available as responses to contemporary problems.

All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granted', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29).

While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution formally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal

scholars might call it **precedent**) as a link in that chain. Legacy chains can be modified, transformed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been transformed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004).

Because of the different ways in which policy legacies are institutionalized, **some legacies have unintended institutional consequences.** The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the congress. In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended consequence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended example presented later in the article).¹

They Say: “Second Circuit Ruling on Section 215 Thumps”

The Second Circuit Ruling on Section 215 was a matter of statutory ambiguity, *not* about constitutionality. On matter of constitutionality, the Second Circuit acknowledges they don’t have the expertise to make decisions that could impact national security and defers its authority.

Kerr 15 – Orin, Fred C. Stevenson Research Professor of Law, 2015 (“Second Circuit rules, mostly symbolically, that current text of Section 215 doesn’t authorize bulk surveillance,” *The Washington Post*, May 7th, Available Online at <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/second-circuit-rules-mostly-symbolically-that-current-text-of-section-215-doesnt-authorize-bulk-surveillance/>)

Edward Snowden’s biggest leak was that the Foreign Intelligence Surveillance Court had interpreted Section 215 of the Patriot Act to authorize bulk collection of everyone’s phone records. This was astonishing news, as nothing on the face of the face of the statute suggested it had that anything like that broad a reach. Legal challenges followed, on both statutory and constitutional grounds.

This morning, the Second Circuit finally handed down its opinion on one of the pending legal challenges. It’s the first appellate court ruling on the issue. Today’s decision rules that the text of Section 215 does not authorize the program as a matter of statutory law. The Second Circuit does not reach whether the NSA program violates the Fourth Amendment.

My initial reaction, on a first read, is that the Second Circuit’s decision is mostly symbolic. As regular readers know, I agree with the court’s bottom line statutory analysis that Section 215 doesn’t authorize the NSA program. But while you would normally think that a ruling on such an important question by a court as important as the Second Circuit would be a big deal, I’m not sure the Second Circuit’s opinion actually matters very much.

The main reason is that Section 215 sunsets in three weeks. The Second Circuit ruling does not enjoin the NSA program. It does not rule on the Fourth Amendment question. It mostly interprets statutory language that goes off the books in a few weeks, with the understanding that the court’s ruling won’t be implemented by the district court in that time window. So from a practical perspective, it’s mostly symbolic. With that said, the decision is a rebuke to the Foreign Intelligence Surveillance Court for the FISC’s statutory analysis that approved the bulk telephone metadata program.

Here’s a rundown of the majority opinion, with some additional thoughts of mine at the end.

1. Standing

The opinion begins by concluding that any person whose data is collected as part of the program has Article III standing to challenge the program. Article III standing to challenge the program is not limited to those whose data was queried, but rather to anyone whose data was collected. This is perhaps the most confusing part of the opinion, because the Court somewhat oddly blends together Article III and Fourth Amendment principles to create a sort of Article III

standing doctrine for challenges that include Fourth Amendment claims — even though the court then doesn't rule on the Fourth Amendment claims. Here's what the court says:

Appellants challenge the telephone metadata program as a whole, alleging injury from the very collection of their telephone metadata. And, as the district court observed, it is not disputed that the government collected telephone metadata associated with the appellants' telephone calls. The Fourth Amendment protects against unreasonable searches and seizures. Appellants contend that the collection of their metadata exceeds the scope of what is authorized by § 215 and constitutes a Fourth Amendment search. We think such collection is more appropriately challenged, at least from a standing perspective, as a seizure rather than as a search. Whether or not such claims prevail on the merits, appellants surely have standing to allege injury from the collection, and maintenance in a government database, of records relating to them. “[A] violation of the [Fourth] Amendment is fully accomplished at the time of an unreasonable governmental intrusion.” *United States v. Verdugo-Urquidez*, 494 U.S. 259, 264 (1990) (internal quotation marks omitted). If the telephone metadata program is unlawful, appellants have suffered a concrete and particularized injury fairly traceable to the challenged program and redressable by a favorable ruling.

Further, there's Article III standing because there's a kind of search at issue here, whether or not it is a “search” in the technical Fourth Amendment sense:

Finally, the government admits that, when it queries its database, its computers search all of the material stored in the database in order to identify records that match the search term. In doing so, it necessarily searches appellants' records electronically, even if such a search does not return appellants' records for close review by a human agent. There is no question that an equivalent manual review of the records, in search of connections to a suspect person or telephone, would confer standing even on the government's analysis. That the search is conducted by a machine might lessen the intrusion, but does not deprive appellants of standing to object to the collection and review of their data.

2. Preclusion

The court next rules that nothing in the text of Section 215 or FISA more generally precludes the usual rule that executive action can be challenged in court under the Administrative Procedure Act:

The government has pointed to no affirmative evidence, whether “clear and convincing” or “fairly discernible,” that suggests that Congress intended to preclude judicial review. Indeed, the government's argument from secrecy suggests that Congress did not contemplate a situation in which targets of § 215 orders would become aware of those orders on anything resembling the scale that they now have. That revelation, of course, came to pass only because of an unprecedented leak of classified information. That Congress may not have anticipated that individuals like appellants, whose communications were targeted by § 215 orders, would become aware of the orders, and thus be in a position to seek judicial review, is not evidence that Congress

affirmatively decided to revoke the right to judicial review otherwise provided by the APA in the event the orders were publicly revealed.

. . . [T]he government relies on bits and shards of inapplicable statutes, inconclusive legislative history, and inferences from silence in an effort to find an implied revocation of the APA's authorization of challenges to government actions. That is not enough to overcome the strong presumption of the general command of the APA against such implied preclusion. Congress, of course, has the ability to limit the remedies available under the APA; it has only to say so. But it has said no such thing here. We should be cautious in inferring legislative action from legislative inaction, or inferring a Congressional command from Congressional silence. At most, the evidence cited by the government suggests that Congress assumed, in light of the expectation of secrecy, that persons whose information was targeted by a § 215 order would rarely even know of such orders, and therefore that judicial review at the behest of such persons was a non-issue. But such an assumption is a far cry from an unexpressed intention to withdraw rights granted in a generally applicable, explicit statute such as the

APA.

3. The Statutory Merits

On the statutory merits, the court concludes that Section 215 doesn't support the program. As drafted and passed by Congress, Section 215 is just a grand jury subpoena authority:

In adopting § 215, Congress intended to give the government, on the approval of the FISC, broad-ranging investigative powers analogous to those traditionally used in connection with grand jury investigations into possible criminal behavior.

Bulk metadata collection just doesn't fit in the traditional powers of a grand jury subpoena authority:

The records demanded are all-encompassing; the government does not even suggest that all of the records sought, or even necessarily any of them, are relevant to any specific defined inquiry. Rather, the parties ask the Court to decide whether § 215 authorizes the "creation of a historical repository of information that bulk aggregation of the metadata allows," Appellees' Br. 32, because bulk collection to create such a repository is "necessary to the application of certain analytic techniques," Appellants' Br. 23. That is not the language in which grand jury subpoenas are traditionally discussed.

Thus, the government takes the position that the metadata collected – a vast amount of which does not contain directly "relevant" information, as the government concedes – are nevertheless "relevant" because they may allow the NSA, at some unknown time in the future, utilizing its ability to sift through the trove of irrelevant data it has collected up to that point, to identify information that is relevant. We agree with appellants that such an expansive concept of "relevance" is unprecedented and unwarranted.

The statutes to which the government points have never been interpreted to authorize anything approaching the breadth of the sweeping surveillance at issue here.

. . . The metadata concerning every telephone call made or received in the United States using the services of the recipient service provider are demanded, for an indefinite period extending into the future. The records demanded are not those of suspects under investigation, or of people or businesses that have contact with such subjects, or of people or businesses that have contact with others who are in contact with the subjects – they extend to every record that exists, and indeed to records that do not yet exist, as they impose a continuing obligation on the recipient of the subpoena to provide such records on an ongoing basis as they are created. The government can point to no grand jury subpoena that is remotely comparable to the real-time data collection undertaken under this program.

As I put the same point in my recent article, for the text of Section 215 to authorize bulk collection, “any federal prosecutor anywhere in the country could have compelled every phone company to hand over all of its telephony metadata on an ongoing basis so long as the prosecutor claimed that it was necessary to help solve a case. It is hard to imagine a federal judge allowing such a subpoena in a criminal case[.]”

Also, the Second Circuit rejects the argument that Congress knew about the program and impliedly approved it: The program wasn’t widely known in Congress and the public wasn’t aware of it.

And that brings us to the Second Circuit’s **bottom line**:

We conclude that to allow the government to collect phone records only because they may become relevant to a possible authorized investigation in the future fails even the permissive “relevance” test. Just as “the grand jury’s subpoena power is not unlimited,” *United States v. Calandra*, 414 U.S. 338, 346 (1974), § 215’s power cannot be interpreted in a way that defies any meaningful limit. Put another way, we agree with appellants that the government’s argument is “irreconcilable with the statute’s plain text.” Appellants’ Br. 26. Such a monumental shift in our approach to combating terrorism requires a clearer signal from Congress than a recycling of oft-used language long held in similar contexts to mean something far narrower. “Congress . . . does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions — it does not . . . hide elephants in mouseholes.” *Whitman v. Am. Trucking Ass’ns.*, 531 U.S. 457, 468 (2001). The language of § 215 is decidedly too ordinary for what the government would have us believe is such an extraordinary departure from any accepted understanding of the term “relevant to an authorized investigation.”

That’s correct, I think.

4. The Fourth Amendment

Having ruled for the challengers on the statutory claim, the court does not rule on the Fourth Amendment challenge. However, the court decides to “discuss” the Fourth Amendment issue anyway because the finds the issue “potentially vexing.” The court’s discussion is mostly about

the role of Congress. Congress should take “the primary role . . . in deciding, explicitly and after full debate, whether such programs are appropriate and necessary.” Further, the court would see express statutory authorization as relevant to constitutionality:

[W]hether Congress has considered and authorized a program such as this one is not irrelevant to its constitutionality. The endorsement of the Legislative Branch of government provides some degree of comfort in the face of concerns about the reasonableness of the government’s assertions of the necessity of the data collection. **Congress is better positioned than the courts to understand and balance the intricacies and competing concerns involved in protecting our national security, and to pass judgment on the value of the telephone metadata program as a counterterrorism tool.** Moreover, **the legislative process has considerable advantages in developing knowledge about the far-reaching technological advances that render today’s surveillance methods drastically different from what has existed in the past, and in understanding the consequences of a world in which individuals can barely function without involuntarily creating metadata that can reveal a great deal of information about them. A congressional judgment as to what is “reasonable” under current circumstances would carry weight – at least with us, and, we assume, with the Supreme Court as well – in assessing whether the availability of information to telephone companies, banks, internet service providers, and the like, and the ability of the government to collect and process volumes of such data that would previously have overwhelmed its capacity to make use of the information, render obsolete the third-party records doctrine or, conversely, reduce our expectations of privacy and make more intrusive techniques both expected and necessary to deal with new kinds of threats.**

As a result, Congress passes an executive supported bill – the FREEDOM Act.

Peterson and Paletta 15 – Kristina and Damian, both reporters for The Wall Street Journal, 2015 (“Congress Reins In NSA’s Spying Powers,” The Wall Street Journal, June 2nd, Available Online at <http://www.wsj.com/articles/senate-passes-house-bill-overhauling-nsa-surveillance-program-1433277227>)

WASHINGTON—A long-running congressional battle over privacy and surveillance ended Tuesday when the Senate voted to curb the collection of millions of Americans’ phone records, the first significant retrenchment of government spying powers since the 9/11 attacks.

The measure, which was signed Tuesday night by President Barack Obama, will reauthorize and reboot the provisions of the USA Patriot Act that lapsed Sunday at midnight, but it will phase out the National Security Agency’s bulk phone-records program.

The bill, passed by the Senate Tuesday in a 67-32 vote, will shift storage of the phone records to telecommunications companies over six months.

Supporters said the legislation marked a victory for civil liberties diminished by laws put in place in the wake of the September 2001 terror attacks.

“Today the American people are now safe from the federal government’s collection of their personal data,” said Sen. Mike Lee of Utah, the bill’s chief GOP proponent in the Senate.

The House approved the bill, known as the USA Freedom Act, in May.

The bill will require the NSA and Federal Bureau of Investigation to obtain phone records for most counterterror investigations and other probes on a case-by-case basis from telecommunications companies. This would end the nine-year-old practice underpinned by Section 215 of the Patriot Act, which allowed the NSA to hold the telephone records of millions of Americans, regardless of any person's background or behavior. The bulk data collection didn't include the content of the calls themselves.

The Central Intelligence Agency, the Justice Department and the White House all supported the curbs, a reflection of government officials' shifting stance on surveillance since former NSA contractor Edward Snowden's 2013 leaks about secretive data collection.

They Say: “Deference to FISA is More Likely”

The executive has jurisdiction and authority over domestic electronic intelligence gathering; data is crucial to national security issues. Furthermore, judicial deference would go to the executive, *not* the FISA courts. This framework for executive authority is most reasonable, complying with the Fourth Amendment.

Yoo 14 – John, Emanuel Heller Professor of Law at the University of California, Berkley, Visiting Scholar at the American Enterprise Institute, J.D. from Yale University, 2014 (“The Legality of the National Security Agency’s Bulk Data Surveillance Programs,” *Harv. JL & Pub. Pol’y* 37 (2014): 901, Available Online to Subscribing Institutions via HeinOnline)

The need for executive authority over electronic intelligence gathering becomes apparent when we consider the facts of the war against al Qaeda. In the hours and days after 9/11, members of the government thought that al Qaeda would try to crash other airliners or use a weapon of mass destruction in a major East Coast city, probably Washington, D.C. Combat air patrols began flying above New York and Washington. Suppose a plane was hijacked and would not respond to air traffic controllers. In order to protect the nation from attack, it would be reasonable for U.S. anti-terrorism personnel to intercept any radio or cell phone calls to or from the airliner, in order to discover the hijackers’ intentions, what was happening on the plane, and ultimately whether it would be necessary for the fighters to shoot down the plane. Or suppose the government had to put up a net to intercept all cellular phone calls in a city because it was searching for a terrorist cell which had yet to launch an attack. Under such circumstances, **FISA should not control** whether the President has the executive authority to monitor any radio or cell phone calls to or from the airliner; after all, the purpose is not to arrest and gather evidence for trial, but to prevent the nation from attack. Indeed, because the United States is in a state of war, the military can intercept the communications of the plane to see if it poses a threat, and target the enemy if necessary. This authority is not only within the President’s executive powers, but it also comports with the principle of reasonableness that guides the Fourth Amendment.

2NC/1NR – Impact

Presidential Powers High

The president's power is higher than ever. Obama has become a "matchless war-powers unilateralist" – Syria, military force against ISIS, and unilateral decisions for intervention proves.

Goldsmith 14 – Jack, professor at Harvard Law School and a member of the Hoover Institution Task Force on National Security and Law, served as Assistant Attorney General in the Office of Legal Counsel, from 2003-2004, in the George W. Bush Administration, 2014 ("Obama's Breathtaking Expansion of a President's Power To Make War," *Time*, Sept. 11, Available Online at <http://time.com/author/jack-goldsmith/>)

President **Obama hoped to repeal the Bush-era authorization declaring war on al Qaeda— instead he's expanded it without bound**

Future historians will ask why George W. Bush sought and received express congressional authorization for his wars (against al Qaeda and Iraq) and his successor did not. They will puzzle over how Barack **Obama** the prudent war-powers constitutionalist **transformed into a matchless war-powers unilateralist**. And they will wonder why he claimed to "welcome congressional support" for his new military initiative against the Islamic State but did not insist on it in order to ensure clear political and legal legitimacy for the tough battle that promised to consume his last two years in office and define his presidency.

"History has shown us time and again . . . that military action is most successful when it is authorized and supported by the Legislative branch," candidate Barack Obama told the Boston Globe in 2007. "It is always preferable to have the informed consent of Congress prior to any military action." President Obama has discarded these precepts. **His announcement that he will expand the use of military force against the Islamic State without the need for new congressional consent marks his latest adventure in unilateralism and cements an astonishing legacy of expanding presidential war powers.**

The legacy began in 2011 with the seven-month air war in Libya. President **Obama relied only on his Commander in Chief powers** when he ordered U.S. forces to join NATO allies in thousands of air strikes that killed thousands of people and effected regime change. His lawyers argued beyond precedent that the large-scale air attacks did not amount to "War" that required congressional approval. They also blew a large hole in the War Powers Resolution based on the unconvincing claim that the Libya strikes were not "hostilities" that would have required compliance with the law.

Although he backed down from his threat to invade Syria last summer, President **Obama proclaimed** then **the power to use unilateral force** for purely humanitarian ends without congressional or United Nations or NATO support. This novel theory, **which removed all practical limits on presidential humanitarian intervention, became a reality in last month's military strikes to protect civilians trapped on Mount Sinjar and in the town of Amirli.**

Yesterday's announcement of a ramped-up war against the Islamic State in Iraq and possibly Syria rests on yet another novel war powers theory. The administration has said since August that air strikes in Syria were **justified under his constitutional power alone.** But yesterday it

switched course and maintained that Congress had authorized the 2014 campaign against the Islamic State in the 2001 law that President George W. Bush sought to fight the Taliban and al Qaeda.

Executive power is strong now – Syria situation proves.

Posner 13 – Eric, a professor at the University of Chicago Law School, 2013 (“Obama Is Only Making His War Powers Mightier,” September 3, Available Online at http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/09/obama_going_to_congress_on_syria_he_s_actually_strengthening_the_war_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.

It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”

Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.

The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)

People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

Laundry List

Executive flexibility is crucial to preserving peace, stopping nuclear proliferation, preventing terrorism, and de-escalating regional hotspots.

Blomquist 10 – Robert F., Professor of Law, Valparaiso University School of Law. J.D., Cornell Law School; B.S., University of Pennsylvania, 2010 (“The Jurisprudence Of American National Security Presiprudence,” *Valparaiso University Law Review* (44 Val. U. L. Rev. 881) Available Online to Subscribing Institutions via Lexis-Nexis)

A. Strategic Considerations of Institutional Design Coupled with Form and Function

Supreme Court Justices—along with legal advocates—need to conceptualize and prioritize big theoretical matters of institutional design and form and function in the American national security tripartite constitutional system. By way of an excellent introduction to these vital issues of legal theory, the Justices should pull down from the library shelf of the sumptuous Supreme Court Library in Washington, D.C. (or more likely have a clerk do this chore) the old chestnut, *The Legal Process: Basic Problems in the Making and Application of Law* by the late Harvard University law professors Henry M. Hart and Albert M. Sacks.⁷ Among the rich insights on institutional design coupled with form and function in the American legal system that are germane to the Court’s interpretation of national security law-making and decision-making by the President are several pertinent points. First, “Hart and Sacks’ intellectual starting point was the interconnectedness of human beings, and the usefulness of law in helping us coexist peacefully together.”⁸ By implication, therefore, the Court should be mindful of the unique constitutional role played by the POTUS in preserving peace and should prevent imprudent judicial actions that would undermine American national security. Second, Hart and Sacks, continuing their broad insights of social theory, noted that legal communities establish “institutionalized[] procedures for the settlement of questions of group concern”⁹ and regularize “different procedures and personnel of different qualifications . . . appropriate for deciding different kinds of questions”¹⁰ because “every modern society differentiates among social questions, accepting one mode of decision for one kind and other modes for others—e.g., courts for ‘judicial’ decisions and legislatures for ‘legislative’ decisions”¹¹ and, extending their conceptualization, an executive for “executive” decisions.¹² Third, Professors Hart and Sacks made seminal theoretical distinctions between rules, standards, principles, and policies.¹³ While all four are part of “legal arrangements in an organized society,”¹⁴ and all four of these arrangements are potentially relevant in judicial review of presidential national security decisions, principles and policies¹⁵ are of special concern because of the sprawling, inchoate, and rapidly changing nature of national security threats and the imperative of hyper-energy in the Executive branch in responding to these threats.¹⁶

The Justices should also consult Professor Robert S. Summers’s masterful elaboration and amplification of the Hart and Sacks project on enhancing a flourishing legal system: the 2006 opus, *Form and Function in a Legal System: A General Study*.¹⁷ The most important points that Summers makes that are relevant to judicial review of American national security presiprudence are three key considerations. First, a “conception of the overall form of the whole of a functional [legal] unit is needed to serve the founding purpose of defining, specifying, and organizing the

makeup of such a unit so that it can be brought into being and can fulfill its own distinctive role”¹⁸ in synergy with other legal units to serve overarching sovereign purposes for a polity. The American constitutional system of national security law and policy should be appreciated for its **genius** in making the POTUS the national security sentinel with vast, but not unlimited, powers to protect the Nation from **hostile, potentially catastrophic, threats**. Second, “a conception of the overall form of the whole is needed for the purpose of organizing the internal unity of relations between various formal features of a functional [legal] unit and between each formal feature and the complementary components of the whole unit.”¹⁹ Thus, Supreme Court Justices should have a thick understanding of the form of national security decisionmaking conceived by the Founders to center in the POTUS; the ways the POTUS and Congress historically organized the processing of national security through institutions like the National Security Council and the House and Senate intelligence committees; and the ways the POTUS has structured national security process through such specific legal forms as Presidential Directives, National Security Decision Directives, National Security Presidential Decision Directives, Presidential Decision Directives, and National Security Policy Directives in classified, secret documents along with typically public Executive Orders.²⁰ Third, according to Summers, “a conception of the overall form of the whole functional [legal] unit is needed to organize further the mode of operation and the instrumental capacity of the [legal] unit.”²¹ So, the Supreme Court should be aware that tinkering with national security decisions of the POTUS— unless clearly necessary to counterbalance an indubitable violation of the text of the Constitution— may lead to unforeseen negative second-order consequences in the ability of the POTUS (with or without the help of Congress) to preserve, protect, and defend the Nation.²²

B. Geopolitical Strategic Considerations Bearing on Judicial Interpretation

Before the United States Supreme Court Justices form an opinion on the legality of national security decisions by the POTUS, they should immerse themselves in judicially-noticeable facts concerning what national security expert, Bruce Berkowitz, in the subtitle of his recent book, calls the “challengers, competitors, and threats to America’s future.”²³ Not that the Justices need to become experts in national security affairs,²⁴ but every Supreme Court Justice should be aware of the following five basic national security facts and conceptions before sitting in judgment on presiprudential national security determinations.

(1) “National security policy . . . is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment’s notice.”²⁵ While “[y]esterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers”²⁶, the twenty-first century reality is that “[t]hreats are also more likely to be intertwined—proliferators use the same networks as narcotraffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers.”²⁷

(2) “Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat—the Soviet Union—was brittle, most of the potential adversaries and challengers America now faces are resilient.”²⁸

(3) “The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of

a nation to control, or at least influence, the course of events."²⁹ Importantly, "[w]hen you hold As further serious preparation for engaging in the jurisprudence of American national security presiprudence in hotly contested cases and controversies that may end up on their docket, our Supreme Court Justices should understand that, as Walter Russell Mead pointed out in an important essay a few years ago,³⁵ the average American can be understood as a Jacksonian pragmatist on national security issues.³⁶ "Americans are determined to keep the world at a distance, while not isolating ourselves from it completely. If we need to take action abroad, we want to do it on our terms."³⁷ Thus, recent social science survey data paints "a picture of a country whose practical people take a practical approach to knowledge about national security. Americans do not bother with the details most of the time because, for most Americans, the details do not matter most the time."³⁸ Indeed, since the American people "do know the outlines of the big picture and what we need to worry about [in national security affairs] so we know when we need to pay greater attention and what is at stake. This is the kind of knowledge suited to a Jacksonian."³⁹

Turning to how the Supreme Court should view and interpret American presidential measures to oversee national security law and policy, our Justices should consider a number of important points. First, given the robust text, tradition, intellectual history, and evolution of the institution of the POTUS as the American national security sentinel,⁴⁰ and the unprecedented dangers to the United States national security after 9/11,⁴¹ national security presiprudence should be accorded wide latitude by the Court in the adjustment (and tradeoffs) of trading liberty and security.⁴² Second, Justices should be aware that different presidents institute changes in national security presiprudence given their unique perspective and knowledge of threats to the Nation.⁴³ Third, Justices should be restrained in second-guessing the POTUS and his subordinate national security experts concerning both the existence and duration of national security emergencies and necessary measures to rectify them. "During emergencies, the institutional advantages of the executive are enhanced";⁴⁴ moreover, "[b]ecause of the importance of secrecy, speed, and flexibility, courts, which are slow, open, and rigid, have less to contribute to the formulation of national policy than they do during normal times."⁴⁵ Fourth, Supreme Court Justices, of course, should not give the POTUS a blank check—even during times of claimed national emergency; but, how much deference to be accorded by the Court is "always a hard question" and should be a function of "the scale and type of the emergency."⁴⁶ Fifth, the Court should be extraordinarily deferential to the POTUS and his executive subordinates regarding questions of executive determinations of the international laws of war and military tactics. As cogently explained by Professors Eric Posner and Adrian Vermeule,⁴⁷ "the United States should comply with the laws of war in its battle against Al Qaeda"—and I would argue, other lawless terrorist groups like the Taliban—"only to the extent these laws are beneficial to the United States, taking into account the likely response of other states and of Al Qaeda and other terrorist organizations,"⁴⁸ as determined by the POTUS and his national security executive subordinates.

Breaking deference destroys foreign military ops – causes diplomatic failure and intelligence breakdown/Judicial adjudication fails – decentralization, lack of expertise, and protracted decision-making.

Murray 09

Kristian Murray, Judge Advocate, U.S. Army, Chief, Admin. Law, U.S. Army Central Command, Operational Command Post, Kuwait, JD from Gonzaga Law School, Spring 2009, (“NATIONAL SECURITY VEILED IN SECRECY: AN ANALYSIS OF THE STATE SECRETS PRIVILEGE IN NATIONAL SECURITY AGENCY WIRETAPPING LITIGATION”, [https://www.jagcnet.army.mil/DOCLIBS/MILITARYLAWREVIEW.NSF/0/132c6b43e1e6335d852575900049e74f/\\$FILE/Article%201%20-%20By%20MAJ%20Kristian%20W.%20Murray.pdf](https://www.jagcnet.army.mil/DOCLIBS/MILITARYLAWREVIEW.NSF/0/132c6b43e1e6335d852575900049e74f/$FILE/Article%201%20-%20By%20MAJ%20Kristian%20W.%20Murray.pdf)) - AW

2. National Security Matters Should Be Handled by the Executive

The Judiciary is not better equipped than the Executive or Congress to handle foreign policy or national security matters. The Judiciary is decentralized, has a time-consuming adjudication process, and lacks expertise in the areas of foreign policy and national security.²²⁰ Conversely, the Executive acts with a unified voice in security-related matters, has a relatively quick decision and implementation process, and possesses the requisite knowledge and expertise in national security issues. Most importantly, the Executive has a constitutional responsibility to protect the United States.²²¹

There are ninety-four district courts, nine circuit courts, and one Supreme Court.²²² Until appellate courts have adjudicated a matter, each of the district courts can have a differing opinion on a legal issue. This system works well for criminal or civil matters litigated in the respective district courts, as the courts are able to adjudicate matters relatively quickly within their jurisdictions without having to report to a higher authority. However, this decentralized system would be ineffective in adjudicating national security cases involving the invocation of the state secrets privilege. Commentators have argued that our nation’s forefathers framed the Constitution specifically to ensure that our government speaks with one voice in the context of foreign relations.²²³ Indeed, the district court’s ruling in ACLU v. NSA, enjoining the NSA from conducting further terrorist electronic surveillance, aptly demonstrates the danger of allowing courts to adjudicate foreign policy matters.²²⁴ If the state secrets privilege were eliminated, cases involving legitimate government security programs such as the terrorist surveillance program could be subject to lengthy and arbitrary litigation in multiple district courts. Without the privilege, it would be very difficult for our intelligence community to engage in secret operations. This would have profound national security ramifications as government intelligence could be subject to judicial activism.

However, assume for the sake of argument that the Executive is running a secret program that is blatantly unconstitutional and is in violation of applicable statutes, but is important to national security. Assume also that the program originates from this country with support of private corporations, but also receives technical support from other countries such as Pakistan and India. Further, the program receives unofficial support from operatives in Iran and Saudi Arabia who secretly route information originating from those countries to the American government.

If this program were to be fully exposed in a judicial forum it likely would cause major diplomatic issues, damage national security through the exposure of methods, means, and sources, and jeopardize foreign country operatives. It would also risk the possibility of private industries failing to cooperate with the government in future operations to thwart national security threats. Under these circumstances, it seems reasonable that a court would uphold the Government's assertion of the state secrets privilege.

They Say: “Surveillance Isn’t a War Power”

The executive still has constitutional authority over surveillance – Vesting Clause of Article II proves.

Lawson 08 – Gary, Professor, Boston University School of Law, 2008 (“WHAT LURKS BENEATH: NSA SURVEILLANCE AND EXECUTIVE POWER,” *Symposium: The Role of the President in the Twenty-First Century* (88 B.U. L. Rev. 375) Available Online to Subscribing Institutions via HeinOnline)

My basic contention is that the President's constitutional power⁴ stems entirely from two provisions in the Constitution: the provision in Article 1, Section 7 which gives the President the presentment and veto power⁵ and the first sentence of Article II, Section 1 which states that "[t]he executive Power shall be vested in a President of the United States of America."⁶ The second half of this statement is the eye of the storm. No one doubts that the Presentment Clause is a grant of power to the President, but the idea that the President draws power from the "Vesting Clause" of Article II rather than from the specific enumerations of presidential functions in Sections 2 and 3 of Article II - an idea that will henceforth be called "the Article II Vesting Clause thesis"⁷ - is one of the most hotly debated propositions in modern constitutional law.⁸

The debate turns out to be remarkably one-sided upon careful consideration: the Vesting Clause grants power to the President beyond a reasonable doubt. To be sure, there are plenty of reasonable doubts about the scope and character of the power granted to the President by the Article II Vesting Clause, but the proposition that the Constitution itself grants something called "[t]he executive Power"⁹ to the President is a slam dunk as a matter of textual, linguistic, intratextual, and structural analysis.

Once the Article II Vesting Clause is seen as a grant of power, the proper framework for evaluating the legality of presidentially-ordered surveillance of foreign communications becomes clear. Without the Article II Vesting Clause thesis, the case for the legality of the current surveillance program is dicey at best. With the Article II Vesting Clause thesis, the case for the legality of the program, while not unanswerable, is very strong, at least as a matter of original constitutional meaning.¹⁰ Accordingly, the Article II Vesting Clause thesis should be front and center in any discussion of the National Security Agency ("NSA") surveillance controversy for which the original meaning of the Constitution is deemed relevant.

The President’s War Powers authorize covert surveillance — history abounds with examples.

Yoo 14 — John Yoo, UC Berkeley Law Professor, former Deputy Assistant U.S. Attorney General in the Office of Legal Counsel at the Department of Justice under President GW Bush, 2014 (“Surveillance and executive power,” *Constitution Daily*, October 3rd, Available Online at <http://blog.constitutioncenter.org/2014/10/surveillance-and-executive-power/>, Accessed 06-07-2015)

As Commander-in-Chief, the President has the constitutional power and the responsibility to wage war in response to a direct attack against the United States.

In the Civil War, President Lincoln undertook several actions—raised an army, withdrew money from the treasury, launched a blockade—on his own authority in response to the Confederate attack on Fort Sumter, moves that Congress and the Supreme Court later approved.

During World War II, the Supreme Court similarly recognized that once war began, the President's authority as Commander-in-Chief and Chief Executive gave him the tools necessary to effectively wage war.

In the wake of the September 11 attacks, Congress agreed that “the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States,” which recognizes the President's authority to use force to respond to al Qaeda, and any powers necessary and proper to that end.

Even legal scholars who argue against this historical practice concede that once the United States has been attacked, the President can respond immediately with force.

The ability to collect intelligence is intrinsic to the use of military force. It is inconceivable that the Constitution would vest in the President the powers of Commander-in-Chief and Chief Executive, give him the responsibility to protect the nation from attack, but then disable him from gathering intelligence to use the military most effectively to defeat the enemy.

Every evidence of the Framers' understanding of the Constitution is that the government would have every ability to meet a foreign danger. As James Madison wrote in *The Federalist*, “security against foreign danger is one of the primitive objects of civil society.” Therefore, the “powers requisite for attaining it must be effectually confided to the federal councils.”

After World War II, the Supreme Court declared, “this grant of war power includes all that is necessary and proper for carrying these powers into execution.” Covert operations and **electronic surveillance are clearly part of this authority.**

During the writing of the Constitution, some Framers believed that the President alone should manage intelligence because only he could keep secrets.

Several Supreme Court cases have recognized that the President's role as Commander-in-Chief and the sole organ of the nation in its foreign relations must include the power to collect intelligence.

These authorities agree that intelligence rests with the President because its structure allows it to act with unity, secrecy, and speed.

Presidents have long ordered electronic surveillance without any judicial or congressional participation.

More than a year before the Pearl Harbor attacks, but with war clearly looming with the Axis powers, President Franklin Roosevelt authorized the FBI to intercept any communications, whether wholly inside the country or international, of persons “suspected of subversive activities against the Government of the United States, including suspected spies.”

FDR was concerned that “fifth columns” could wreak havoc with the war effort. “It is too late to do anything about it after sabotage, assassinations and ‘fifth column’ activities are completed,” FDR wrote in his order.

FDR ordered the surveillance even though a federal law at the time prohibited electronic surveillance without a warrant.

Presidents continued to monitor the communications of national security threats on their own authority, even in peacetime.

If Presidents in times of peace could order surveillance of spies and terrorists, executive authority is only the greater now, as hostilities continue against al Qaeda.

Even if they’re right, presidential precedent treats NSA surveillance as an Article II war power.

Levy 6 — Robert Levy, senior fellow in constitutional studies and chairman of the Board of Directors at the Cato Institute, director of the Institute for Justice, the Foundation for Government Accountability, J.D. and Ph.D. in business, former professor of law at Georgetown, 2006 (“Wartime Executive Power: Are Warrantless Wiretaps Legal?,” *The Freeman*, a publication of the Foundation for Economic Education, drawn from his testimony before the Senate Judiciary Committee, August 1st, Available Online at <http://fee.org/freeman/detail/wartime-executive-power-are-warrantless-wiretaps-legal/>, Accessed 05-29-2015)

President Bush has authorized the National Security Agency (NSA) to eavesdrop, without obtaining a warrant, on telephone calls, e-mails, and other communications between U.S. persons in the United States and persons outside the United States. For understandable reasons, the operational details of the NSA program are secret, as are the details of the executive order that authorized the program. But Attorney General Alberto Gonzales has stated that surveillance can be triggered if an executive-branch official has reasonable grounds to believe that a communication involves a person “affiliated with al-Qaeda or part of an organization or group that is supportive of al-Qaeda.”

The attorney general has declared that the President’s authority rests on the post-9/11 Authorization for Use of Military Force (AUMF) and the president’s inherent wartime powers under Article II of the U.S. Constitution, which includes authority to gather “signals intelligence” on the enemy.

My conclusions, as elaborated below, are: First, the president has some latitude under the “Executive Power” and “Commander-in-Chief” Clauses of Article II, even lacking explicit congressional approval, to authorize NSA warrantless surveillance without violating Fourth Amendment protections against “unreasonable” searches. But second, if Congress has expressly prohibited such surveillance (as it has under FISA, the Foreign Intelligence Surveillance Act), then the statute binds the president unless there are grounds to conclude that the statute does not apply. Third, in the case at hand, there are no grounds for such a conclusion—that is, neither the AUMF nor the president’s inherent powers trump the express prohibition in the FISA statute.

2NC/1NR – AT: Impact Turns

Security Outweighs

Critics of executive power fail to recognize the security benefits of an unrestrained executive branch.

Posner and Vermeule 07 – Eric A., Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago; Adrian, John H. Watson Professor of Law at Harvard University and previously Bernard D. Meltzer Professor of Law at the University of Chicago, 2007 (*Terror In The Balance Security, Liberty, And The Courts*, Published by Oxford University Press, ISBN 0-19-531025, p. 55-56)

Third, the critics of executive power in emergencies are usually unclear about their normative premises. Suppose that executive power increases during emergencies and that this results in abuses. In terms of the tradeoff thesis, however, such abuses are just a cost to be measured against the benefits of increased security, given the finding, reported above, that a constrained executive is associated with higher levels of terrorism.⁸⁰ If the gains on the security margin exceed the costs, then the expansion of executive power improves social welfare overall, and no special opprobrium should attach to the executive's behavior, although it would be nice to also prevent the abuses if possible. The critics treat executive abuses of civil liberties as something to be minimized, down to zero. But this is quixotic, and even if it were feasible, it would not be desirable. Some rate of abuse is inevitable once an executive branch is created, and an increase in abuses is inevitable when executive discretion expands during emergencies, but both shifts may be worth it; the critics fail to account for the gains side of the ledger.⁸¹ Granting the executive extensive powers during emergencies has many benefits, about which the critics are often silent.

They Say: “Bad for CMR”

The impact is non unique. Breaking deference is not the crucial internal link to CMR.

Wittkopt and McCormick 04 – Eugene, Professor emeritus of Political Science at Louisiana State; James, Professor and Chair, Department of Political Science, Iowa State University, 2004 (*The Domestic Sources of American Foreign Policy: Insights and Evidence*, Rowan and Littlefield Publishers, ISBN: 0742525627, pg. 87 – 88)

Concerns about a troublesome divide between the armed forces and the society they serve are hardly new and in fact go back to the beginning of the Republic. Writing in the 1950s, Samuel Huntington argued that the divide could best be bridged by civilian society tolerating, if not embracing, the conservative values that animate military culture. Huntington also suggested that politicians allow the armed forces a substantial degree of cultural autonomy. Countering this argument, the sociologist Morris Janowitz argued that in a democracy, military culture necessarily adapts to changes in civilian society, adjusting to the needs and dictates of its civilian masters.² The end of the Cold War and the extraordinary changes in American foreign and defense policy that resulted have revived the debate.

The contemporary heirs of Janowitz see the all volunteer military as drifting too far away from the norms of American society, thereby posing problems for civilian control. They make four principal assertions. First, the military has grown out of step ideologically with the public, showing itself to be inordinately right-wing politically, and much more religious (and fundamentalist) than America as a whole, having a strong and almost exclusive identification with the Republican Party. Second, the military has become increasingly alienated from, disgusted with, and sometimes even explicitly hostile to, civilian culture. Third, the armed forces have resisted change, particularly the integration of women and homosexuals into their ranks, and have generally proved reluctant to carry out constabulary missions. Fourth, civilian control and military effectiveness will both suffer as the military—seeking ways to operate without effective civilian oversight and alienated from the society around it—loses the respect and support of that society.

The impact is non unique and CMR is bad. (how do I tag?)

Metz 15 – Steven, journalist for the World Politics Review, 2015 (“U.S. Civil-Military Relations’ Neglected Component: Congress,” *World Politics Review*, Feb. 13th, <http://www.worldpoliticsreview.com/articles/15077/u-s-civil-military-relations-neglected-component-congress>)

Yet as Mackubin Thomas Owens points out, “Those who neglect the congressional role in American civil-military relations are missing an important element.” In many ways, this is a more complicated relationship, since it lacks the clear chain of command that defines the military’s dealings with the executive. It is particularly difficult during times of shrinking defense budgets and intense partisanship. Both of these conditions exist today, creating potentially dangerous political shoals that Congress and the military are struggling to navigate.

Shrinking defense budgets intensify competition among the military services and can tempt military leaders to seek congressional help to preserve their share of the money and save the programs they favor. But declining defense dollars can also exacerbate differences between the military and Congress over how to allocate the budget. In a time of austerity, the military emphasizes what it considers to be most important for it to perform its missions. Members of Congress are naturally concerned with the impact that the decisions of the services will have in their districts. These perspectives can clash.

At times, in order to save jobs in members' districts, Congress insists on funding equipment and programs that the military would rather do without. Today, for instance, the Army doesn't want more main battle tanks, but Congress, with the encouragement of powerful defense industries, insists on keeping the tank production line open. Congress has forced the Navy to hold on to ships it **wanted to retire** and the Air Force to do the same with some aircraft. The military favors another round of base closures, but Congress, sensitive to the job losses this would cause, opposes the idea.

At the same time, the intensely partisan climate in Washington has turned up the heat on the uneasy relationship between U.S. President Barack Obama's administration and the military. Afghanistan was the first salvo. But what pulled Congress into the fray has been America's conflict with the so-called Islamic State (IS). Reports have swirled that many of the military's top leaders are unhappy with the Obama administration's handling of the situation, particularly its resistance to the use of American ground forces. As Seth Cropsy wrote in The Wall Street Journal, "The political landscape is cleared for a contest between the president's pledge not to use combat troops and the military's professional opinion that defeating the enemy requires the use of well-trained and -equipped and disciplined forces on the ground."

Obama's opponents in Congress have used this to undercut the administration. Since the military's serving senior leaders will not openly dissent from the president's position even in congressional testimony, Republicans have brought in well-known retired officers who can be more vocal in their opposition. A few weeks ago, Congress heard testimony from retired Marine Gen. James Mattis, who was also the former commander of the U.S. Central Command; retired Navy Adm. William Fallon, who held the same job; and retired Army Gen. John Keane, a former Army vice chief of staff who helped convince then-President George W. Bush's administration to surge U.S. forces into Iraq in 2007. All three told Congress that the absence of a clear policy from the White House made success in Iraq and Syria unlikely. The intended message from Senate Republicans was that these retired flag officers reflected what the rest of the military thought but could not say.

The most serious instance of Congress trying to drive a partisan wedge between the military and the administration came when GOP Rep. Doug Lamborn told an audience: "A lot of us are talking to the generals behind the scenes, saying, 'Hey, if you disagree with the policy that the White House has given you, let's have a resignation.'" Luckily, none of the military's senior leaders heeded Lamborn's advice, but the fact that he would suggest this openly shows how caustic today's political climate is.

As Owens noted, problems in civil-military relations seldom pit civilians against the military, but most often happen when elements of the military become part of a conflict between different factions of the civilian leadership. That is what is happening today, as the military is caught in the middle of an intense struggle between the Obama administration and its congressional opponents.

The best solution would be a de-escalation of the partisan struggle and the revival of a working partnership on national security. But since that is not going to happen, at least not during the Obama administration, Congress should resist the temptation to use the military to oppose the administration's policies no matter how much it disagrees with them. If there are members of Congress encouraging senior military leaders to openly revolt against the administration, they have crossed a red line. Responsible congressional leaders should stop their less responsible colleagues. Congress also should stop forcing the military to buy things it doesn't want and maintain bases it doesn't need. Members of Congress should be deeply committed to the well-being of their districts, but there are times when the national interest must take precedence. This is the only way to avoid the shoals in the congressional component of American civil-military relations.

QDR non uniques the impact.

Schake 14 – Kori, Ph.D., fellow at Stanford University's Hoover Institution, 2014 ("THIS QDR IS A BUDGET DOCUMENT, NOT A STRATEGY DOCUMENT," *War on the Rocks*, platform for analysis, commentary, debate and multimedia content on foreign policy and national security issues through a realist lens, Available Online at <http://warontherocks.com/2014/03/this-qdr-is-a-budget-document-not-a-strategy-document/>)

Secretary Hagel claims that the fiscal year (FY) 2015 defense budget "matches our strategy to our resources...Our updated defense strategy," that is. Updated because the Chairman of the Joint Chiefs of Staff memorably said the defense strategy could not be executed if a single dollar was cut from the budget, right before Congress cut about \$50 billion of them.

The only update in this Quadrennial Defense Review from earlier strategic guidance looks to consist of narrowing the force-sizing demand to defeat a regional adversary while "imposing unacceptable costs" on another. Otherwise it's all the usual about the world becoming more volatile, global connectedness, building partner capacity, rebalancing to Asia without diminishing effort anywhere else, the need for "exceptional agility" in our forces and efficiencies in the defense effort. There's lots of talk about innovation, but little evidence of it—the QDR details forces that would be cut if sequestration goes into effect, but does not explore different ways of achieving our defense objectives.

Even this updated strategy is, by Hagel's own admission, unexecutable without \$115 billion more than the top line legislated in 2010 (separate from the \$26 billion "Opportunity, Growth, and Security Initiative" submitted as a wish list along with the budget itself). That completely negates the \$113 billion in cuts that the President's budget "imposes." So, they're actually cutting nothing. The Defense Department has had three budget cycles to bring its spending into line with the law, and—even with an \$80 billion annual slush fund of war operations—it has not complied. Hagel says "it would have been irresponsible not to request these additional resources." That twists the argument: it was irresponsible not to develop a strategy consistent with available resources. This QDR has failed in its fundamental purpose.

Perhaps the central issue this QDR should have addressed in detail is where to accept risk as resources become less plentiful: in what areas can we afford to reduce our margin of error, and where would unacceptable dangers be incurred? What missions ought we to stop doing and stop preparing for in order to ensure we are able to meet our highest priorities? Where do redundancies exist that can be eliminated to free up resources? The Department of Defense claimed that the QDR would initiate a serious debate about risk. While the press statements emphasize greater risk in carrying out the strategy, there's no actual discussion in the QDR about how risk is assessed. The QDR does say we "continue to experience gaps in training and maintenance over the near term and will have a reduced margin of error in dealing with risks of uncertainty," but does not explain how different choices might aggravate or mitigate those risks. If DOD actually wants a debate about where to accept risk—instead of simply brandishing it as a threat to budget hawks—it will need to establish a metric for evaluating risk.

Secretary Hagel claims that the QDR prioritizes America's highest security interests by focusing on three strategic pillars: defending the homeland against all threats; building security globally by projecting U.S. influence and deterring aggression; and remaining prepared to win decisively against any adversary should deterrence fail.

It is difficult to discern how these three fundamental purposes of defense activity constitute priorities—they comprise the entirety of the defense effort. What program or activity could not be justified on their bases? The purpose of priorities is to allow apportionment of resources.

And where is the politicking with Congress to gain adoption of this approach? The Hagel budget has zero probability of being adopted by either authorizers or appropriators on the Hill. By neglecting his own fundamental responsibility, which is to be the Department of Defense's interface with the political processes of governance, Secretary Hagel has set the DOD up for another year of ineffectual bleating by the service chiefs that the end is nigh. It didn't change a single vote in the past two years of sequestration and absent a serious effort, it won't change a single vote this year. Where is the private horse-trading and, if need be, public shaming, to get Senator Kelly Ayotte off her hobby horse about the A-10s? Where is the flinty insistence that continuing the galloping pace of military entitlements is creating a hollow force? Where is the orchestration of presidential involvement to raise the political stakes? That ought not be the uniformed military's job; and in any event, the Obama White House has selected service chiefs who demonstrably cannot deliver that kind of political heft. If

Congress is to be cajoled into doing the right things, it needs to be confronted politician-to-politician. That Secretary Hagel sent the third echelon and a press statement to announce this tells us that the administration is going to mail it in, which will result in attaining neither the top line it seeks nor the latitude to implement its priorities.

Hagel has failed in the essential work of gaining support for his strategy and his budget among the people with the constitutional responsibility for making it into law. This is not only bad politics, it is bad for civil-military relations because DOD's civilian leadership is already busy blaming Congress rather than getting on with the business of effectively programming the world's largest defense budget. The Obama administration is encouraging the uniformed military to attack the legislative branch for any shortfalls of funding they have no right to expect receiving.

They Say: “Fear Clouds Effective Decision-making”

The “panic thesis” is incorrect. The influence of fear and panic on decision-making during *emergencies* is no different than the influence of fear and panic on decision-making during *normal times*. Critics hold that the immediate nature of decision-making in times of crises guarantees miscalculation. *However*, the reality is that no national emergency requires an immediate reaction; the systems takes time to make complex judgments about the appropriate response.

Posner and Vermeule 07 – Eric A., Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago; Adrian, John H. Watson Professor of Law at Harvard University and previously Bernard D. Meltzer Professor of Law at the University of Chicago, 2007 (*Terror In The Balance Security, Liberty, And The Courts*, Published by Oxford University Press, ISBN 0-19-531025, p. 64-66)

Suppose now that the simple view of fear is correct and that it is an unambiguously negative influence on government decisionmaking. Critics of the deferential view argue that the supposed negative effect of fear justifies skepticism about emergency policies and, therefore, about the deferential view. The problem with this argument is that it implicitly assumes that fear has more influence on decisionmaking during emergencies than on decisionmaking during normal times. This assumption is not plausible. The panic thesis holds that citizens and officials respond to terrorism and war in the same way that an individual in the jungle responds to a tiger or snake. The national response to an emergency, because it is a standard fear response, is characterized by the same circumvention of ordinary deliberative processes: (i) the response is instinctive rather than reasoned, and thus subject to error; and (ii) the error will be biased in the direction of overreaction. While the flight reaction might have been a good evolutionary strategy on the savannah, in a complex modern society the flight response is not suitable and can only interfere with judgment. Its advantage—speed—has minimal value for social decisionmaking. No national emergency requires an immediate reaction, except by trained professionals, such as soldiers or police officers, who execute policies established earlier. Instead over days, months, or years people make complex judgments about the appropriate institutional response. And the asymmetrical nature of fear guarantees that people will, during a national emergency, overweight the threat and underweight other things that people value, such as civil liberties.

But if decisionmakers rarely act immediately, then the tiger story cannot bear the metaphoric weight that is placed on it. Indeed, the flight response has nothing to do with the political response to the bombing of Pearl Harbor or to the attacks on September 11. The people who were there—the citizens and soldiers beneath the bombs, the office workers in the World Trade Center and the Pentagon—no doubt felt fear, and most of them probably responded in the classic way. They experienced the standard physiological effects and (with the exception of trained soldiers and security officials) fled without stopping to think. It is also true that in the days and weeks after the attacks, many people felt fear, although not the sort that produces an irresistible urge to flee. But this kind of fear is not the kind in which cognition shuts down. Some

people did have more severe mental reactions and, for example, shut themselves in their houses, but these reactions were rare. The fear is probably better described as a **general anxiety** or jumpiness, an anxiety that was probably shared by government officials as well as ordinary citizens.¹⁵

While, as we have noted, there is psychological research suggesting that normal cognition partly shuts down in response to an immediate threat, we are aware of **no research** suggesting that people who feel anxious about a medium-term or long-term threat are **incapable of thinking, or thinking properly, or that they systematically overweight the threat relative to other values.** Indeed, it would be **surprising** to find research that clearly distinguished “anxious thinking” and “calm thinking,” given that anxiety is a **pervasive aspect of life.** People are anxious about their children, about their health, about their job prospects, about their vacation arrangements, about walking home at night.¹⁶ So it is **hard** to see why anxiety about more remote threats, from **terrorists or unfriendly countries with nuclear weapons, should cause** the public or elected officials to place more emphasis on security than is justified and to sacrifice civil liberties unnecessarily. Quite the contrary, a standard view is that people ignore low-probability risks and that elected officials with short time horizons ignore remote ones; on this account, **government will probably do too little to prevent terrorist threats, not too much.**

Fear generated by immediate threats, then, may cause instinctive responses that are not rational in the cognitive sense, not always desirable, and not a good basis for public policy, but it is not this kind of fear that leads to restrictions of civil liberties during wartime. The internment of Japanese Americans during World War II may have been due to **racial animus**, or to a **mistaken assessment of the risks**; it was **not the direct result of panic.** Indeed, there was a **delay of weeks** before the policy was seriously considered.¹⁷ The civil libertarians’ argument that fear produces bad policy trades on the ambiguity of the word panic, which refers both to real fear that undermines rationality and to collectively harmful outcomes that are driven by rational decisions, such as a bank panic, in which it is rational for all depositors to withdraw their funds if they believe that enough other depositors are withdrawing funds. Once we eliminate the false concern about fear, it becomes clear that the **panic thesis is indistinguishable from the argument that during an emergency people are likely to make mistakes.** But if the only concern is that during emergencies people make mistakes, there would be **no reason** to demand that the Constitution be enforced normally during emergencies. Political errors occur during emergencies and during **normal times**; once the panic thesis is rejected there is **no reason** to think that political errors occur at a higher rate during emergencies such that **judicial scrutiny should be heightened,** despite all of the disadvantages described in chapter 1.

In sum, the panic thesis envisions decisionmakers acting immediately when in fact **government policymaking moves slowly even during emergencies.** Government is organized so that general policy decisions about responses to emergencies are made in advance, and the implementation of those policies during an emergency is trusted to **security officials who have been trained to resist the impulse to panic.** The notion of fear causing an irresistible urge to flee is a bad metaphor for an undeniable truth: during an emergency, the government does not have as much time for making decisions as it usually does, and as a result will make more errors than it usually does. But these errors will be driven by ordinary cognitive limitations and not the

pressure of fear; thus, **the errors will be normally distributed.** It is as likely that the government will curtail civil liberties too little as too much.

They Say: “Executive Power Will Snowball Out of Control”

Claims of abuses in executive power are grounded in the naturalistic fallacy and the slippery slope fallacy. Furthermore, critics rely on outdated examples and fail to present a holistic analysis of executive power. *Even if they are right about executive power abuses, the judiciary is not a better alternative; a litany of historical examples prove.*

Posner and Vermeule 07 – Eric A., Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago; Adrian, John H. Watson Professor of Law at Harvard University and previously Bernard D. Meltzer Professor of Law at the University of Chicago, 2007 (*Terror In The Balance Security, Liberty, And The Courts*, Published by Oxford University Press, ISBN 0-19-531025, p. 56-57)

Concerns about increasing executive power often rest on an implicit status quo bias, or naturalistic fallacy. The assumption is that the scope or level of executive power before the emergency was optimal. But this need not be so, and there is no general reason to think it will be so; consider the finding that the 7/7 attacks in London went unprevented because the United Kingdom’s intelligence services, who knew something about the plotters, had too few resources to investigate them adequately.⁸² Emergencies may release the polity from a sclerotic equilibrium in which executive power was too feeble to meet new challenges, as we illustrate in chapter 4. One interpretation of history is that emergencies allow presidents to obtain powers that are necessary to cope with new problems. Our original constitutional structure, with a relatively weak presidency, reflects the concerns of the eighteenth century and is not well adapted to current conditions.

Finally, to the extent that the critics of executive power envision judicial review as the solution, they are whistling in the wind, especially during times of emergency. The critics envision an imperial executive, who is either backed by a sustained national majority or else has slipped the political leash, and who enjoys so much agency slack as to be heedless of the public’s preferences. In either case, it is not obvious what the critics suppose the judges will or can do about it. As we will recount in more detail in later chapters, the judges proved largely powerless to stem the tide of the New Deal, in conditions of economic emergency, or to stop Japanese internment during World War II, or to block aggressive punishment and harassment of communists during the Cold War. What is more, many of the judges had no desire to block these programs. Judges are people too and share in national political sentiments; they are also part of the political elite and will rally ’round the flag in times of emergency just as much as others do.⁸³

Critics of executive power implicitly appeal to a slippery-slope argument: once executive power is increased to meet an emergency in a manner that is necessary and reasonable, it will unavoidably expand beyond what is necessary and reasonable. As we emphasize in chapters 4 and 5, the problem with this argument is that there is no evidence for it and no mechanism that generates such a slope. The critics focus obsessively on pathological polities like Weimar, ignoring that current well-functioning liberal democracies do not present the same conditions that led to dictatorship in 1933. More recent work in comparative politics suggests that grants

of emergency powers or of decree authority to executives **do not systematically end in dictatorship.**⁸⁴

Arguing that executive power would snowball out of control oversimplifies the equation of presidential power. Critics usually fail to distinguish the effects of “presidency as an institution” and “presidency as individuals.”

Posner and Vermeule 07 – Eric A., Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago; Adrian, John H. Watson Professor of Law at Harvard University and previously Bernard D. Meltzer Professor of Law at the University of Chicago, 2007 (*Terror In The Balance Security, Liberty, And The Courts*, Published by Oxford University Press, ISBN 0-19-531025, p. 54)

First, **the executive-despotism concern supposes that executive officials desire, above all, to maximize their power.** As Daryl Levinson has emphasized, both for officials generally and for executive officials in particular, **it is hardly obvious that this is so**, at least in any systematic way.⁷⁶ Lower-level executive **officials and administrative agencies have many other possible goals** or maximands, **including the desire to enjoy leisure or to advance programmatic or ideological goals**—goals which will usually be orthogonal to the tradeoff between security and liberty and which might even include the protection of civil liberties. **The same is true for presidents: some have been power maximizers; some have not.** Moreover, **even with respect to power-maximizing presidents, critics fail to distinguish the man from the office. Presidents as individuals do not internalize** all of the **gains from expanding the power of the presidency as an institution**, because **those gains are shared with future presidents and senior executive officials.**⁷⁷ Conversely, **presidents as individuals do not fully internalize harms to the institution and may thus acquiesce in limitations on executive power for partisan or personal advantage.** The latter point may be more pronounced in emergencies than in normal times, because emergencies shorten the relevant time horizon; policymaking for the short run looms larger than in normal times. (We bracket for now the question of whether this is bad, an issue taken up in chapter 2.) Emergencies thus increase the divergence between the utility of individual officeholders and the institutional power of their offices, which extends into the remote future, beyond the horizon of the emergency.

Critics also fail to account for political motivations. Politics can incentivize the executive branch to maximize its power. However, this does *not* mean politics will *always* push a president to test the boundaries. Critics conflate increases in executive power with aggrandizement.

Posner and Vermeule 07 – Eric A., Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago; Adrian, John H. Watson Professor of Law at Harvard University and previously Bernard D. Meltzer Professor of Law at the University of Chicago, 2007 (*Terror In The Balance Security, Liberty, And The Courts*, Published by Oxford University Press, ISBN 0-19-531025, p. 54-55)

Second, **whatever the intrinsic preferences of presidents and executive officials, politics sharply constrains their opportunities for aggrandizement,**⁷⁸ especially in times of emergency. The

president is elected from a national constituency (ignoring the low probability that the Electoral College will make a difference). A first-term president who seeks reelection to a second term, or even a second-term president who seeks to leave a legacy, will try to appeal to the median voter, or at least to some politically engaged constituency that is unlikely to be extremist in either direction. If the national median or the political center favors increased executive authority during emergencies, then the president will push the bounds of his power, but if it does not, then he will not; there is no general reason to think that national politics will always push executive authority as far as possible, even during emergencies. Of course, during emergencies, the public will often favor increased executive power, and this may be fully sensible, given the executive's relative decisiveness, secrecy, centralization, and other advantages over Congress and other institutions. Note, in this connection, the important finding that political constraints on the executive are associated with increased terrorism;⁷⁹ shackling the executive has real security costs. The critics of executive power typically assume that executive power not only expands during emergencies, but expands too far. However, the critics supply no general reason to think this is so; they systematically conflate increases in executive power with "aggrandizement," a normatively loaded concept which connotes an unjustified increase. We return to this point shortly. Here, the point is just that the expansion of presidential power during emergencies may reflect nothing more than the demands of the politically effective public, rather than intrinsic opportunism.

The political constraints on the executive branch and the president are partisan as well as institutional. The president is the leader of a political party but is also beholden to it. The party constrains the president in various ways, and it is not necessarily in the interest of a single party to enhance the power of the executive during emergencies. For one thing, the president's party may not win the next presidential election; for another, his party may have many other bases of power, including Congress, the judiciary, and local institutions. Expanding the president's personal or institutional power need not be in the interests of partisan politicians who govern behind the scenes. Opposition parties, of course, have powerful incentives to criticize the expansion of presidential power during emergencies, portraying small adjustments to the legal rules as omens of a putsch. In emergencies, partisan criticism can make the political constraints on presidents even tighter than during normal times, a point we emphasize in chapter 5. Governmental decisionmaking is often more visible during emergencies than during normal times; emergency policymaking is more centralized, even within the executive branch, and more closely associated with the president; the resulting policies often present a larger target for political attack.

Judicial Precedent DA HSS

File Notes

This is a DA that links to Courts Affs that rule on the 4th Amendment. The DA is based off of the third-party doctrine (a judicial precedent from Smith v. Maryland that established that there is no reasonable expectation of privacy when you give data to a third party). This DA argues that the plan overturns the third party doctrine, the current justification for mass surveillance, and that the third party doctrine is necessary to stop child pornography and crime.

This DA is net-benefit to the SOP CP.

- Ali, Arjun, and JJ

1NC

1NC Shell — Judicial Precedent DA

[THE FIRST/NEXT OFF-CASE POSITION IS THE JUDICIAL PRECEDENT DA]

First, the third-party doctrine precedent is at a tipping point — recent cases prove

Sheehan 15 — Tim Sheehan, J.D. Candidate, Georgetown University Law Center (2015); B.F.A. from New School University (2009), 2015 (“Taking the Third-Party Doctrine Too Far: Why Cell Phone Tracking Data Deserves Fourth Amendment Protection,” *Georgetown Journal of Law and Public Policy* (13 Geo. J.L. & Pub. Pol’y 181), Available Online to Subscribing Institutions via Lexis-Nexis)

[*197] V. THE SUPREME COURT'S RENEWED FOCUS ON THE NORMATIVE ANALYSIS

This section analyzes the Supreme Court's recent decisions in *United States v. Jones* n136 and *Riley v. California*. n137 Although the Court has not directly decided whether CSLI is protected by the Fourth Amendment, Jones and Riley show that the current Court is serious about crafting constitutional rules to account for shifting societal norms, and more pointedly that a majority of the Justices appear willing to reconsider the third-party doctrine altogether. Jones is notable for the concurring opinions of Justices Sotomayor and Alito, which seriously challenged the continuing viability of the third-party doctrine and show that the Court is willing to reassess old precedents in light of new technologies. n138 Riley is significant because it shows the Court's willingness to treat evidence gleaned from cell phones as categorically different, given the wealth of information that modern cell phones reveal. n139

Second, ruling on the 4th Amendment necessarily overturns Smith and the third party doctrine — only current legal justification for mass surveillance

Donohue 15 — Laura K. Donohue, Professor of Law, Georgetown University Law Center, Director of Georgetown’s Center on National Security and the Law, and Director of the Center on Privacy and Technology, writes on U.S. Constitutional Law, American and British legal history, and national security and counterterrorist law, currently working on *The Future of Foreign Intelligence* (Oxford University Press, 2015), focusing on the Fourth Amendment and surveillance in a digital world, A.B., Dartmouth; M.A., University of Ulster, Northern Ireland; Ph.D., Cambridge University; J.D., Stanford, 2015 (“Bulk Metadata Collection: Statutory And Constitutional Considerations,” *Harvard Journal of Law & Public Policy* (37 Harv. J.L. & Pub. Pol’y 757), Available Online to Subscribing Institutions via Lexis-Nexis)

In Smith v. Maryland, the Supreme Court held that a pen register placed on a telephone line did not constitute a search within the meaning of the Fourth Amendment, because persons making phone calls do not have a reasonable expectation that the numbers they dial will remain private. n478 The key sentence from the decision centered on the customer's relationship with the telephone company: "A person has no legitimate expectation of privacy in information he voluntarily turns over to third parties." n479 It is this sentence that spawned what has come to be known as the "third party doctrine." n480

The government relies on this opinion and the resultant third-party doctrine to argue that the telephony metadata program is constitutional. In the DOJ's August 2013 White Paper, it suggests that a Section 215 order is not a search because "the Supreme Court has expressly held participants in telephone calls lack any reasonable expectation of privacy under the Fourth Amendment in the telephone numbers dialed." n481 In *ACLU v. Clapper*, the government again cited to the Court's reasoning [*867] in *Smith v. Maryland* that, even if a subscriber harbored a subjective expectation that the numbers dialed would remain private, it would not be reasonable because individuals have "no legitimate expectation of privacy in information" voluntarily turned over "to third parties." n482 The government suggested that because courts subsequently followed *Smith* to find no reasonable expectation of privacy in the sending or receipt of e-mail and Internet protocol addressing information, as well as subscriber information, "*Smith* is fatal to Plaintiffs' claim that the collection of metadata records of their communications violates the Fourth Amendment." n483

Judge Eagan similarly relied almost exclusively on *Smith v. Maryland* in her August 2013 opinion: "The production of telephone service provider metadata is squarely controlled by the U.S. Supreme Court decision in *Smith v. Maryland*." n484 She reasoned that because customers are aware that telephone service providers maintain call detail records in the normal course of business, customers assume the risk that the telephone company will provide those records to the government. n485 That information was collected in bulk was of no consequence: "[W]here one individual does not have a Fourth Amendment interest, grouping together a large number of similarly-situated individuals cannot result in a Fourth Amendment interest springing into existence ex nihilo." n486

Third, the third-party doctrine is key to investigating child pornography — IP address tracking

Kerr 10 — Orin Kerr, Professor at George Washington University Law School, JD from Harvard, M.S. from Stanford, BSE from Princeton, 2010 ("Applying The Fourth Amendment To The Internet: A General Approach," *Stanford Law Review*, Available online to subscribing institutions via Lexis-Nexis, Accessed 6-26-15)

The only Fourth Amendment fact pattern that courts reached concerning Internet investigations before 2007 considered the disclosure of basic subscriber information for Internet users. This has proved to be a recurring issue in child pornography investigations: in these cases, investigators learn that an individual has been using a specific Internet account or Internet protocol (IP) address to distribute or seek images of child pornography. Investigators then subpoena the Internet service provider (ISP) associated with that address to obtain the name and home address associated with that account, and they use that information as part of the probable cause to obtain a warrant to search the home associated with the address. n75 After a search warrant reveals contraband images and leads to charges, the defendant challenges the collection of his home address. Courts began to decide such cases in the late 1990s and have uniformly concluded that the Fourth Amendment does not protect it. n76 This conclusion did not require any intellectual heavy lifting, however: it has been long established that the Fourth Amendment doesn't apply to basic subscriber information for telephone accounts, n77 Western Union accounts, n78 and other [*1027] similar third-party accounts, and it is difficult to

articulate a reason why the name and address of an Internet account should receive a different rule.

Finally, if child-pornography elicits a strong emotional reaction from you, that's a reason to prioritize stopping it—any other system is morally indefensible

King 7 — Peter King, Professor of Philosophy at Pembroke College, Oxford, PhD from Oxford, 2007 (“No Plaything: Ethical Issues concerning Child-Pornography,” *Ethical Theory and Moral Practice*, November 30, Available online at <http://www.jstor.org/stable/40284244>, Accessed 6-29-15)

The emotional reaction to such a suggestion will surely be appalled rejection, similar to the reaction to the consumer of rape-type child-pornography. As I explained in Section 2, as an objectivist I take our emotions to be at the heart of morality; if the utilitarian really were to suppress her revulsion and apply a bloodless principle, then something would have gone badly wrong with her utilitarianism as a moral theory. Mill addresses a similar criticism in Utilitarianism:

It is often affirmed that utilitarianism renders *[people] cold and unsympathising; that it chills their moral feelings towards individuals; that it makes them regard only the dry and hard consideration of the consequences of actions, not taking into their moral estimate the qualities from which those actions emanate. (Mill 1861, chap. 2, f20)

Our emotions cannot be ignored without losing part of the heart of morality. Also at the heart of morality, though, is reason; it is essential to establish grounds for our condemnation of the consumer of the material in question - that is, to show that our emotional response has the right origin and the right relationship with our rational nature.¹² What are the available approaches here?

2NC/1NR Materials

AT: Non-Unique/Link Inevitable

The third-party doctrine is a trump card right now but modern technology challenges like the plan will test its limitations

Henderson 6 — Stephen E. Henderson, Associate Professor, Widener University School of Law. Yale Law School (J.D., 1999); University of California at Davis (B.S., 1995), 2006 (“Learning From All Fifty States: How To Apply The Fourth Amendment And Its State Analogs To Protect Third Party Information From Unreasonable Search,” *Catholic University Law Review* (55 Cath. U.L. Rev. 373), Available Online to Subscribing Institutions via Lexis-Nexis)

While this has an intuitive appeal, neither court addressed significant Supreme Court precedent to the contrary. There is no Fourth Amendment protection for garbage left for collection despite typical municipal laws forbidding inspection of that garbage. n97 There is no Fourth Amendment protection for bank records despite laws restricting their disclosure. n98 And there is no Fourth Amendment protection for open fields despite the law of criminal trespass. n99 The Supreme Court has consistently applied the third-party doctrine as a "trump" over other legal restrictions.

[*390] While their constitutional analysis is therefore inadequate, the decisions demonstrate judges are struggling to find a limitation to the third-party doctrine given its implications for modern technologies. This may be important, because presumably they (and hopefully their colleagues) will seriously consider more developed arguments for limiting the doctrine when those arguments reach their courtrooms. Any small fracture in the monolithic federal third-party doctrine is welcome, and underscores the need for commentators and litigants to articulate and advocate limitations to the doctrine like that described in later sections of this Article.

Third party precedent remains but Jones proves the Supreme Court is ready to reconsider

Ernst 14 — Colleen Maher Ernst, Law Clerk at U.S. Court of Appeals for the Eighth Circuit, former Legal Fellow, Committee on Foreign Affairs

U.S. House of Representatives, Harvard Law School (J.D.), Boston College, BA, Psychology, summa cum laude, 2015 (“Looking Back To Look Forward: Reexamining The Application Of The Third-Party Doctrine To Conveyed Papers,” *Harvard Journal of Law and Public Policy* (37 Harv. J.L. & Pub. Pol’y 329), Available Online to Subscribing Institutions via Lexis-Nexis)

[*345] VI. WHY THE COURT MUST REVISIT THE DOCTRINE

The modern third-party doctrine creates an expansive exception to the law's general insistence on warrants. Fourth Amendment scholar Orin Kerr acknowledges the rule's general infamy in the academic world: "The Third-Party doctrine is the Fourth Amendment rule scholars love to hate. It is the *Lochner* of search and seizure law, widely criticized as profoundly misguided." n103 At the time the Supreme Court decided *United States v. Miller*, courts did not share the understanding of the relationship between the property-based and expectations-based lines of protection articulated by the majority in *Jones*. Accordingly, the *Miller* Court failed to carry out

the requisite inquiry involving examination of the Court's early property-based protection for conveyed papers. As Justice Sotomayor recognized in her Jones concurrence, the third-party doctrine is "ill suited" to the modern era. n104 History reveals it is equally ill suited to the Court's call for consideration of early conceptions of Fourth Amendment protections. Under the trespass-based conception of search, the application of the third-party rule to papers and their digital equivalents demands another look. Perhaps with reexamination, the Court will finally end the reign of this modern Lochner, and the American people will be able to convey papers and digital data confident in the protections of the Fourth Amendment.

[Note to fellow debaters: Lochner refers to Lochner v. New York, one of the most controversial decisions in the Supreme Court's history, giving its name to what is known as the Lochner era. In the Lochner era, the Supreme Court issued several controversial decisions invalidating federal and state statutes that sought to regulate working conditions during the Progressive Era and the Great Depression.]

AT: No Link

Fourth Amendment rulings on the aff will set a precedent for mass surveillance

Galicki 15 — Alexander Galicki, Georgetown University Law Center, J.D. expected 2015; B.A. in International Relations from University of Southern California, 2015 (“The End Of Smith V. Maryland?: The Nsa's Bulk Telephony Metadata Program And The Fourth Amendment In The Cyber Age,” *American Criminal Law Review* (52 Am. L. Rev. 375), Available Online to Subscribing Institutions via Lexis-Nexis)

IV. CONCLUSION

It is debatable whether the NSA's bulk collection of telephony metadata is or is not desirable public policy, but whether it constitutes a "search" under the Fourth Amendment will set precedent for an expanding horizon of technology including mass drone surveillance, cell phone tracking, and Internet metadata. While the NSA program might seem insignificant in that it tracks only telephony metadata without "content," the possibility remains that technology will advance to the point where all information (visual, auditory, and olfactory) exposed in public could be collected, aggregated, and analyzed using complex algorithms over the lifetime of all American citizens. To be able to address this kind of aggregate and all-encompassing surveillance, the Court should follow its recent trend, relying particularly on a combination of Jones and Ferguson, to rule that the aggregate bulk collection of telephony metadata over time constitutes a "search" within the meaning of the Fourth Amendment.

Lower courts only uphold surveillance on Smith v. Maryland—the weakness of this precedent means the aff easily overturns it

Wyden et al. 14 — Ron Wyden, senator from Oregon since 1996, member of Senate Select Committee on Intelligence with access to classified meta-date program information, Mark Udall, Senator from Colorado from 2009 to 2015, also a member of the Senate Select Committee on Intelligence, and Martin Heinrich, senator from New Mexico, 2014 (. “BRIEF FOR AMICI CURIAE SENATOR RON WYDEN, SENATOR MARK UDALL, AND SENATOR MARTIN HEINRICH IN SUPPORT OF PLAINTIFF-APPELLANT, URGING REVERSAL OF THE DISTRICT COURT,” *Electronic Frontier Foundation*, submitted to *Smith v. Obama*, September 9th, Available online at <https://www.eff.org/document/wyden-udall-heinrich-smith-amicus>, Accessed 6-18-15)

As a close reading demonstrates, the district court's rationale for dismissing plaintiffs' Fourth Amendment claim rests on a broad reading of *Smith v. Maryland*, 442 U.S. 735 (1979) and its Ninth Circuit progeny. *Smith v. Obama*, No. 2:13-CV-257, 2014 U.S. Dist. LEXIS 76344 (D. Idaho June 3, 2014); ER1-8. Even as the district court relied on *Smith*, it correctly recognized the existence of “a looming gulf between *Smith* and this case.” *Smith*, 2014 U.S. Dist. LEXIS 76344, at *7; ER5. The *Smith* case involved the investigation of a single crime, and the collection of the phone records of a suspected robber over a two-day time period. The district court quoted the *Klayman v. Obama* opinion to underscore the danger of expanding *Smith* so far as to encompass telephone records collected in bulk over a much longer period of time: “people in 2013 have an entirely different relationship with phones than they did thirty-four years ago Records that

once would have revealed a few scattered tiles of information about a person now reveal an entire mosaic –a vibrant and constantly updating picture of the person’s life.” Smith, 2014 U.S. Dist. LEXIS 76344, at *11; ER7 (quoting Klayman v. Obama, 957 F. Supp. 2d 1, 36 (D.D.C. 2013)).

AT: Link Non-Unique — LA v. Patel

City of Los Angeles v. Patel's 4th Amendment ruling was narrow and did not address the third party doctrine

Frye 15 — Kelly Frye, Business Litigation Attorney at Robinson+Cole LLP, JD from The University of Connecticut School of Law, Alvin Pudlin Memorial Scholarship Recipient (2013), George W. Crawford Black Bar Association Priscilla Green Scholarship Award Recipient (2013), The Honorable M. Joseph Blumenfeld Award Recipient (2014), B.A. in Legal Studies from Bay Path College, 2015 ("Supreme Court declares warrantless searches of hotel registries unconstitutional," *Data Privacy + Security Insider*, June 24th, Available Online at <http://www.dataprivacyandsecurityinsider.com/2015/06/supreme-court-declares-warrantless-searches-of-hotel-registries-unconstitutional/>, Accessed 6-29-2015)

In a 5-4 decision in the case of City of Los Angeles v. Patel, the Supreme Court found that the ordinance was facially unconstitutional because it did not provide for judicial review of the reasonableness of an officer's demand to search the registry before issuing penalties for noncompliance.

The recent decision does not require warrants or subpoenas for every hotel registry inspection. Rather, it orders that these measures be in place for when they are needed, giving hotel owners the opportunity to challenge warrantless searches without facing jail time or fines.

The holding constitutes a small and very narrow victory for the Fourth Amendment rights of Los Angeles hotel owners. The decision pertains solely to the Los Angeles ordinance and does not address the constitutionality of other, similar records sweeps allowed under the Third Party Doctrine. Nor does it address the Fourth Amendment implications of the "pervasive regulation" of certain businesses—like the records legally required to be kept and provided to officers on demand by businesses like firearms dealers, pawn shops, and junkyards.

The Supreme Court did not directly confront the third party doctrine in City of Los Angeles v. Patel

Atlantic 15 — The Atlantic, 2015 ("The Supreme Court's Liberals Just Made It Easier for Hotels to Protect Your Privacy," Byline Conor Friedersdorf, June 23rd, Available Online at <http://www.theatlantic.com/politics/archive/2015/06/an-motel-sized-victory-for-privacy-at-the-supreme-court/396542/>, Accessed 6-29-2015)

As I noted last year when the Supreme Court first agreed to hear Los Angeles v. Patel, it's worth stepping back to think through the logic embraced by Los Angeles, the LAPD, a district court, a Ninth Circuit dissent, and now, four dissenting Supreme Court justices. All seem comfortable with something that wasn't addressed directly in this case: the notion that hotel and motel guests have no right to privacy in information that they voluntarily turn over to third parties, per Smith v. Maryland.

City of Los Angeles v. Patel only triggers the link with direct confrontation of the third party doctrine

Lamparello 14 — Adam Lamparello, Assistant Professor of Law at Indiana Tech Law School, Bachelor's degree from the University of Southern California, his Juris Doctorate from The Ohio State University Michael E. Moritz College of Law, and a Master of Laws from New York University School of Law, 2014 ("City of Los Angeles v. Patel: The Upcoming Supreme Court Case No One is Talking About," *Texas Journal on Civil Liberties and Rights*, Vol. 20, Available Online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2543157, Accessed 6-29-2015)

Indiscriminately collecting metadata, monitoring internet search history, or sifting through hotel guest registries can be just that—a fishing expedition. The Government's commonly articulated purpose for collecting such information—national security—is certainly valid, but it should not countenance a government dragnet that delves into the lives of millions of citizens just to find a few bad apples. The Fourth Amendment's particularity requirement exists for a reason: to prevent the "reviled 'general warrants' and 'writs of assistance' of the colonial era." 17 This is precisely why the third-party doctrine, as currently applied by the courts, is ill-suited to the digital era: it provides law enforcement with almost limitless authority to monitor our private lives, including where we travel, who we call, and what search for on Google. Indeed, the scope of the third-party doctrine in the digital age is the issue lurking underneath the surface in Patel—and it has the potential to affect privacy rights in a variety of contexts.

Even if the Supreme Court wants to sidestep the third-party doctrine in Patel, it will, at the very least, indirectly confront the issue, because the Ninth Circuit expressly stated that the doctrine was still valid law.¹⁸ Thus, if the Court's holding is narrow and confined to the hotel owner's expectation of privacy in a guest registry, one can assume that the third-party doctrine remains good law in its current form. If the Court confronts the third party doctrine directly, the Justices will have the power to strengthen privacy protections by establishing principled limits on the warrantless collection of information, such as cell phone metadata. Conversely, the Court's decision has the potential to place law enforcement's investigatory powers—and the Government's [End of p. 5] interest in national security—above privacy rights, therefore sinking the Fourth Amendment further into the sea of irrelevance.

AT: Impact Inevitable — Law Enforcement Fails

Eradicating the third-party doctrine promotes criminal activity like child pornography with exclusive third-party communication

Twomey 15 — Margaret E. Twomey, J.D. expected from University of Michigan in 2016, 2015 (“Voluntary Disclosure Of Information As A Proposed Standard For The Fourth Amendment’s Third-Party Doctrine,” *Michigan Telecommunications & Technology Law Review* (21 Mich. Telecomm. Tech. L. Rev. 401), Available Online to Subscribing Institutions via Lexis-Nexis)

When criminals avail themselves of the benefits of third-party assistance, they should not receive the same amount of privacy that criminals acting alone receive. n98 Most **law enforcement investigations are based on the two-step investigatory scheme** that has been established and developed through Fourth Amendment jurisprudence. This scheme starts with less invasive, open surveillance techniques, followed by more invasive steps that require law enforcement to make certain showings (such as the probable [*414] cause required for a search warrant). n99 **If the third-party doctrine is eradicated and criminals are able to use third parties to conduct entire criminal acts, law enforcement agencies will lose some of their most basic investigative abilities.** n100 Third parties that would have previously met in public, or could be observed leaving a subject's house, can now be e-mailed from a basement, entirely out of sight of law enforcement officers. n101 The traditional open surveillance techniques are no longer effective. Even if officers have reasons to investigate a subject further, they are hamstrung by a technologically-advanced world that puts physical surveillance out of reach and, for example, allows child pornography to be shared across the world without a subject ever leaving home.

AT: TPD Bad — Abuse

No third-party doctrine abuse — other protections check abuse

Kerr 9 — Orin Kerr, Professor at George Washington University Law School, JD from Harvard, M.S. from Stanford, BSE from Princeton, 2009 (“The Case for the Third-Party Doctrine,” *Michigan Law Review Vol. 107*, Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128, Accessed 6-28-15)

Finally, functional arguments about government power overlook the legal system’s substitutes for Fourth Amendment protection. The Fourth Amendment is not the only game in town. Common law privileges, entrapment law, the Massiah doctrine, First Amendment doctrine, and statutory privacy protections have been designed specifically to address concerns of police harassment in their use of third parties.¹⁶ These mostly nonconstitutional legal principles each regulate specific aspects of third-party practices to deter police abuses, generally forcing the police to use third parties in good faith or in a reasonable way. Critics have overlooked these substitutes, and as a result have tended to see the choice as between Fourth Amendment protection or no protection at all. Understanding how other doctrines substitute for Fourth Amendment protection reveals that this understanding is incorrect.

2NC/1NR Impacts

Child Pornography turns Privacy

Child pornography violates victims' rights to privacy and causes powerlessness

Rogers 8 — Audrey Rogers, Professor of Law at Pace Law School, BS, State University of New York at Albany, JD, St. John's University School of Law, 2008 ("Child Pornography's Forgotten Victims," *Pace Law Review* (Vol. 28), 2008, Available Online at <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1539&context=lawfaculty>, Accessed 7-2-2015)

When the pornographic images are viewed by others, the children depicted are victimized once again. The mere knowledge that images exist and are being circulated causes shame, humiliation and powerlessness.⁹ This victimization lasts forever since the pictures can resurface at any time, and this circulation has grown exponentially because of the Internet.⁴¹ As [End of p. 8] one expert explained: "The victim's knowledge of publication of the visual material increases the emotional and psychic harm suffered by the child."⁴² At a more fundamental level, child pornography victims' rights of privacy and human dignity are violated when their images are circulated and viewed by others.⁴³ The possessor thus has real victims and inflicts actual harm upon them by his conduct.

Child Pornography Expanding

Child pornography is a rapidly expanding problem — 14 million websites, 20,000 images posted each week, and a thirty-fold increase in reports

Henzey 11 — Michael J. Henzey, Assistant Commonwealth's Attorney, Office of the Commonwealth's Attorney of the City of Hampton, VA, Master of Laws (LLM) degree in Criminal Law with Honors from State University of New York at Buffalo - Law School, J.D. from The Catholic University of America, Columbus School of Law, B.A. in history from George Mason University, 2015 ("Going On The Offensive: A Comprehensive Overview Of Internet Child Pornography Distribution And Aggressive Legal Action," *Appalachian Journal of Law* (11 *Appalachian J. L.* 1), Available Online to Subscribing Institutions via Lexis-Nexis)

Child pornography n2 is among the most heinous of crimes: it is the permanent record of physical, sexual, and psychological abuse of a young, helpless human being. Its victims come from a variety of circumstances. Some are victims of child sex trafficking, but most are abused by family members or family friends. Often, they are plied with drugs and alcohol to lower their resistance. Frequently, the photographs and videos produced are used to silence the victims or to force them to submit to repeated abuse. The trauma to the victim is felt both in the near and long term. The immediate effects are bruises, cuts, and sexually transmitted infections. The long term effects include psychological problems, feelings of hopelessness and worthlessness, and drug and alcohol addiction. Society also pays a significant cost for the crime of child pornography.

Child pornography, which was nearly eliminated until the advent of the Internet in the early 1990s, has become a massive problem of global [*2] scale. There are an estimated fourteen million child pornography websites n3 with more than 20,000 images of child pornography posted each week. n4 Not only is it a "cotton industry" supported by pedophiles, but it has also developed into a profit-driven enterprise with profit estimates ranging up to twenty billion dollars annually. n5 In addition, despite increased legislative attention and greater law enforcement efforts, the volume of available child pornography continues to grow. Reports of child pornography to the National Center for Missing and Exploited Children's CyberTipline increased from 3,267 reports in 1998 to 106,119 in 2004 - more than a thirty-fold increase. n6

Sexual Abuse Impact

Child pornography contributes to child sexual abuse — it desensitizes the public to abuses while exploiting and dehumanizing children

King 7 — Peter King, Professor of Philosophy at Pembroke College, Oxford, PhD from Oxford, citing Michelle Elliott, leading child psychologist, former chair of the WHO, honorary doctorate from the University of Birmingham, 2007 ("No Plaything: Ethical Issues concerning Child-Pornography," *Ethical Theory and Moral Practice*, November 30, Available online at <http://www.jstor.org/stable/40284244>, Accessed 6-29-15)

It is certainly true that the harms done by adult-pornography to women are not precisely mirrored by the harms done by child-pornography to children. The latter material is not splashed over top-shelf magazine-covers in full view of those who would not frequent sex shops and cinemas. Or, rather, child-pornography of the first three kinds is not thus openly, publicly displayed. Matters are very different with regard to nudity-type and pin-up-type material, however. Michele Elliott, for example, offers a catalogue of sexually-oriented images of children in the mainstream media - from record covers to the Sunday Times magazine, from greetings cards to advertising posters: "Most people will never encounter hard-core child pornography. Without doubt it would disgust and horrify them [...] Child pornography is easily condemned. Yet we are now seeing daily images of children being used as sexual objects to sell products" (Elliott 1992, p.218). In other words: "Without our knowing, soft-core child pornography has crept into our everyday lives and most of us are unaware that this has happened" (loc. cit.). In this way our emotional responses are dulled; we are desensitised, and our attitudes to children are poisoned.

Elliott gives an extensive list of what is involved in this phenomenon, and what its consequences are. This sort of material, she says:

is contributing to the problem of child sexual abuse. It is condoning the use of children in inappropriate sexual contexts. It is desensitising the public and setting new standards for what is acceptable. It is strengthening the argument of paedophiles that children are asking for sex. It is exploiting and dehumanising children without their informed consent. It is glamourising children as sexual objects. It is saying to children that adults agree with the idea of them being sexualised. It is suggesting to other children that this is a desirable way to be portrayed. (Elliott 1992, p.220)

Child pornography makes child molestation more likely

King 7—Peter King, Professor of Philosophy at Pembroke College, Oxford, PhD from Oxford, citing Joel Feinberg, former Professor at Princeton, PhD from the University of Michigan, 2007 ("No Plaything: Ethical Issues concerning Child-Pornography," *Ethical Theory and Moral Practice*, November 30, Available online at <http://www.jstor.org/stable/40284244>, Accessed 6-29-15)

To this it might be objected that the person's original character traits, which led him to use pornography in the first place, are likely to be intensified, hardened, or extended by that use, or

that the material could lead to the development of attitudes or beliefs that make it more likely that he act on his desires. For example, one of Feinberg's "pornography-reading machos" might come to believe, through (repeated) exposure to pornography of a certain kind, that women actually want to be raped, or that once raped they find that they enjoy it; this might lead him to overcome whatever moral scruples had hitherto prevented him from acting out his fantasies.

When we turn back to child-pornography, it seems very likely that the person who takes pleasure in rape-type material falls into the kind of category to which Feinberg refers. We might not understand such people, but we can be sure that they would only choose to view and read such material - and could only enjoy it - if they were already morally corrupt, and beyond the power of the material to affect further. Moreover, the material itself makes no pretence that the actions it presents are anything but cruel and harm-causing, so there seems to be no room for the consumers' self-deception to be encouraged.

With regard to consensual-type and fake-type material, however, the case is very different. Here it seems likely that someone who is sexually attracted to children, but who retains moral scruples that hold him back from acting on his desires, might well view or read material that presents children as being complicit in or even actively desirous of sexual activity with adults; he might thus come to believe that his previous reluctance to act upon his desires was misplaced - that his moral scruples rested upon a mistake. That is, although he starts looking at child-pornography as a substitute for actual sexual abuse of children, the material actually makes it more likely that he will turn to such abuse. The inference drawn by others - that, although there is no (or minimal) immediate harm, there is consequent, future, or non-apparent harm - simply will not be drawn by the paedophile.

The consumption of consensual-type and fake-type material is thus more likely to have harmful affects on its consumers and their potential victims than is the consumption of rapetype material.⁶ We see, then, that the situation is more complex than might have been thought if only the effects on the subjects had been considered. While it is clearly true that rape-type child-pornography does greater harm to its subjects than do consensual-type and fake-type pornography, that moral ordering is reversed when it comes to harm caused to and through the consumers. And the number of potential victims at consequent risk from the consumers of the latter two types is very large.

General Crime Impact

Limiting the third-party doctrine allows criminals to commit crimes without entering into the public domain — that makes investigations impossible

Kerr 9 — Orin Kerr, Professor at George Washington University Law School, JD from Harvard, M.S. from Stanford, BSE from Princeton, 2009 (“The Case for the Third-Party Doctrine,” *Michigan Law Review Vol. 107*, Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128, Accessed 6-28-15)

The basic division into unregulated and regulated steps leads to a balance between privacy and security because most crimes have traditionally required suspects to carry out at least part of their crimes in spaces open to surveillance. To see why, consider a world with no advanced technology. Part of the crime will normally occur outside. If John wants to rob a person walking down the street, for example, he needs to leave his house and go out to the street. If he wants to purchase drugs, he needs to go out of his home and find a dealer who will sell them to him. If he wants to murder his coworker, he needs to go out and buy a knife; after the act, he needs to dispose of the body. In all of these traditional types of crimes, the wrongdoer has to leave his home and go out into spaces unprotected by the Fourth Amendment. The public component of most traditional crimes is critical to the traditional balance of Fourth Amendment rules. If at least part of a crime occurs in spaces unprotected by the Fourth Amendment, the police have at least some opportunity to look more closely at whether criminal activity is afoot. Because the police normally begin an investigation with only speculation that a particular person is a lawbreaker, the public portion of crimes give the police an opportunity to develop more evidence. The police will have access to the public portion of the crime free of legal regulation. If they are observing him, they will know where the suspect went and what he said in public. That information won't solve the crime in most cases: Unless an officer directly observes the crime, the publicly available evidence only provides a lead.⁸⁴ But it's a start. If the evidence is strong enough, it can support invasions of protected spaces with a warrant. And those steps help the police solve at least a moderate percentage of criminal cases. Of course, many cases won't be solved. But enough cases are solved that a significant prospect of criminal punishment exists, allowing the criminal justice system to serve its utilitarian and retributive ends. B. Third Parties and the Basic Division Third parties pose a major threat to the Fourth Amendment's basic division between unregulated and regulated steps. The reason is that third parties act as remote agents that permit wrongdoers to commit crimes entirely in private. Those committing crimes naturally try to hide them from the police; no criminal wants to get caught. If a wrongdoer can use third parties as remote agents, he can reduce his exposure to public surveillance. Instead of going out into the world and subjecting himself to exposure, a wrongdoer can bring third-party agents inside and share plans or delegate tasks to them. He can use the third-party services to commit his crimes without exposing himself to spaces open to government surveillance. Put another way, the use of third parties often has a substitution effect.⁸⁵ Without the third party, the wrongdoer would have needed to go out into public spaces where the Fourth Amendment does not regulate surveillance. But use of a third party substitutes a hidden transaction for the previously open event. What would have been public now becomes hidden. The wrongdoer no longer needs to leave his home, as the third-party agents enable him to commit the crime remotely. The crime now comes to the criminal rather than the criminal going to the crime.⁸⁶

Consider how a person might use third parties to commit crimes from the protection of his own home. A mob boss might summon his underlings to his house to give them orders. A stalker might call his victim on his home phone rather than lying in wait outside her door. A computer hacker might hack into computers thousands of miles away without leaving his bedroom. In all of these cases, individuals use third parties to carry on their crimes without exposing themselves to spaces unprotected by the Fourth Amendment. The third-party agents—the employee, the telephone, and the Internet—do the work remotely on the principal's behalf. Now we can see the importance of the third-party doctrine. Without the doctrine, criminals could use third-party agents to fully enshroud their criminal enterprises in Fourth Amendment protection. A criminal could plot and execute his entire crime from home knowing that the police could not send in undercover agents, record the fact of his phone calls, or watch any aspect of his Internet usage without first obtaining a warrant. He could use third parties to create a bubble of Fourth Amendment protection around the entirety of his criminal activity. The result would be a notable shift in the balance between privacy and security. If any observation of any part of the target's conduct violates his reasonable expectation of privacy, then the police would need a warrant to observe any aspect of his behavior. That is, they would need probable cause to believe that the evidence to be collected constitute evidence of the crime. But if the entire crime were protected by a reasonable expectation of privacy, they couldn't observe any aspect of the crime to develop that probable cause. The effect would be a Catch-22: The police would need probable cause to observe evidence of the crime, but they would need to observe evidence of the crime first to get to probable cause. In many cases, this would eliminate the use of third-party evidence in investigations altogether. By the time the police would have probable cause to believe that someone's thirdparty records are evidence of crime, they usually would already have probable cause to arrest and charge him with the crime.⁸⁷

Judicial Salaries and Court Stripping DA Michigan 7

Judicial branch salaries are increasing now

Moyer, 15 – [Bruce, is on the Federal Bar Association government relations counsel, Federal Bar Association, “Federal Judges Score a Pay Adjustment, Quietly”, January 2015, <http://www.fedbar.org/Advocacy/Washington-Watch/WW-Archives/2015/JanuaryFebruary-2015-Federal-Judges-Score-a-Pay-Adjustment-Quietly.aspx>, 7/6/15]JRO

Long-standing precedent has been overturned, Constitutional history made, and the size of federal judicial salaries enlarged over the past year—largely beneath the public radar.

All of this has come about through a series of court decisions, stretching from the U.S. Court of Federal Claims to the U.S. Supreme Court, that have permitted the federal judiciary to win a long, protracted battle over its pay that centered on the guarantee of judicial independence and the Constitution’s bar against reductions in the compensation of federal judges. Most remarkably, the outcome has been achieved in the judiciary’s own arena: the federal courtroom. There, beginning with a lawsuit in 2009 by a small group of senior-status and retired federal jurists, the federal judiciary has won a series of adjustments in its pay, as guaranteed by a 1989 law and affirmed by the Constitution.

Many members of Congress are only today waking up to the fact that federal judges have prevailed in a string of court decisions that caused their salaries to spike 14 percent from 2013 to 2014. Prior to that time, the paychecks of House members and senators were equal to those of federal district judges, although there was never a statutory link. But today the salaries of members of Congress are less. Today a federal district judge makes \$199,100, while a member of Congress earns \$174,000.

Decisive court decisions have struck down prior congressional freezes on judicial pay as illegal and restored federal judicial salaries to what they would have been absent the freezes. Those decisions have affected the pay of all 1,330 federal judgeships established under Article III of the Constitution, which includes those in the district, appeals, and international trade courts, as well as the Supreme Court. The decisions also have raised the pay of many non-Article III judges, including magistrates, and those in the tax, bankruptcy, and claims courts.

The Legal Path to Restoration of Prior Pay Adjustments

The judges’ initial winning lawsuit, *Beer v. United States*, centered on the validity of congressional actions that blocked “automatic” pay adjustments for federal judges despite a 1989 law that purported to guarantee the adjustments. (Congress, in previously blocking the judicial pay adjustments, also blocked adjustments for themselves, largely for political reasons.) The filing of the lawsuit by the six plaintiff judges in Beer in 2009 did not mark the first time that judges had challenged freezes in their pay. Over the past three decades, judges twice before in five different federal courts had challenged the denial of automatic pay adjustments. Each time they lost. Meanwhile, efforts in Congress to secure legislative relief that restored those adjustments also fell to defeat, despite repeated campaigns by the Federal Bar Association and others, along with public appeals for higher pay by Chief Justice Rehnquist and later Chief Justice Roberts.

Continued tenacity and brilliant advocacy finally brought about a different outcome in the landmark *Beer* decision. There the U.S. Court of Appeals for the Federal Circuit overturned prior law and declared the pay adjustment-blocking actions of Congress unconstitutional. In reaching that decision, the Federal Circuit overruled its decision in *Williams* in 2000, which had relied on a 1980 Supreme Court decision denying judicial pay adjustments because the congressional blocking statutes were enacted before the adjustments were to take effect. A subsequent appeal of the *Williams* decision led to the Supreme Court’s denial of review, but three justices (Breyer, Scalia, and Kennedy) filed an elaborate dissent, dissecting the 1989 statute that established the annual cost-of-living adjustments and explaining why the Compensation Clause of the Constitution was violated by Congress’s actions.

Nine years later, the rationale of the Breyer-Scalia-Kennedy dissent in Williams served as the winning blueprint for the judges' victory in Beer before an en banc panel of the Federal Circuit. (The FBA twice filed supportive amicus briefs during the Beer litigation.) Ultimately (and not surprisingly), the Supreme Court denied review in Beer, finalizing the outcome. Since then, groups of judges have successfully brought a handful of lawsuits, applying the outcome of Beer to all Article III judges as a class and, more recently, to various groups of Article I judges.

Congress empirically blocks salary increases in response to controversial decisions --- critical to judicial independence

Miller, 6 --- Associate Professor and Chair of the Department of Government and International Relations at Clark University (Summer 2006, Mark C., Case Western Reserve University, "SYMPOSIUM: JUDICIAL INDEPENDENCE AND JUDICIAL ACCOUNTABILITY: SEARCHING FOR THE RIGHT BALANCE: When Congress Attacks the Federal Courts," 56 Case W. Res. 1015, JMP)

I. Congress's Compensation Power

There have been many instances in which Congress has used various mechanisms to attack the federal courts for decisions with which a determined legislative majority has disagreed. n30 While to my knowledge Congress has not yet deliberately defied the protections inherent in the Compensation Clause, the legislative branch has used other means to attack the courts and to attempt to influence court decisions. Even though the Compensation Clause prevents Congress from reducing any judicial salaries that have already vested, n31 the clause neither requires Congress to provide any annual cost of living [*1021] adjustments for federal judges nor prevents Congress from canceling future announced judicial salary increases. n32 Thus, judicial salaries have always been a point of contention, and Congress has sometimes used judicial salaries to send a clear message to the courts. For example, in 1964, Congress increased the salaries for lower federal judges by \$ 7,500 per year but increased the salaries for Justices of the U.S. Supreme Court by only \$ 4,500 per year. As Schmidhauser and Berg explain, "The \$ 3,000 differential clearly reflected a direct Congressional reprimand to the Supreme Court. **This crude rebuff clearly stemmed from congressional dissatisfaction with several controversial decisions rendered by the Court.**" n33

Clearly, judicial salary issues have added to the tensions between the courts and Congress. Federal judges often feel that Congress does not provide adequate compensation for them. As Professor Paul M. Bator has remarked, "federal judges, as a group, complain more about their pay than any other group I have ever encountered." n34 There is probably a great deal of truth to the fact that federal judges feel that they are underpaid. In 2003, Judges Coffin and Katzmann noted that, "Since 1969, federal judicial salaries have lost twenty-four percent of their purchasing power." n35 Various congressional actions regarding annual cost of living adjustments for federal judges have not made federal judges feel better about their financial situations. For example, in 1995, 1996, 1997, and 1999, Congress blocked previously announced "automatic" cost of living increases for various governmental officials, including federal judges, that had been provided for in the Ethics Reform Act of 1989. n36 Congress was really attempting to prevent the automatic pay raises for its own members from going into effect, but the legislation blocked federal judicial pay increases as well as the pay raises for legislators. When federal judges sued to [*1022] recover their blocked "automatic" pay increases, the United States Court of Appeals for the Federal Circuit ruled that the proposed "automatic" pay raises had not vested, and thus, there was no violation of the Compensation Clause in the legislative actions. n37 Although the Supreme Court refused to grant certiorari in the case, Justice Breyer wrote a strongly worded dissent to the denial of certiorari, which Justices Scalia and Kennedy joined. n38 This concern with judicial salaries and other budgetary resources is not new, of course. Although he was speaking more broadly of his frustration with congressional budgeting practices, Chief Justice Warren stated in 1969 that, "It is next to impossible for the courts to get something from Congress." n39

In his annual year-end reports on the State of the Judiciary, Chief Justice Rehnquist often complained about Congress's approach to judicial salary issues. In his 2000 Year-End Report on the Federal Judiciary, Chief Justice Rehnquist focused most of the report on what he termed, "the most pressing issue facing the Judiciary: the need to increase judicial salaries." n40 The Chief Justice went on to say,

In order to continue to provide the nation a capable and effective judicial system we must be able to attract and retain experienced men and women of quality and diversity to perform a demanding position in the public service. The fact is that those lawyers who are qualified to serve as federal judges have opportunities to earn far more in private law practice or business than as judges. In order to continue to attract highly

qualified and diverse federal judges -- judges whom we ask and expect to remain for life -- we must provide them adequate compensation. n41

In a quite lengthy discussion of the subject, the Chief Justice also noted that judicial salary issues had been discussed in thirteen of the last nineteen end-of-year reports on the state of the judiciary. n42 In his 2002 Annual Report, the Chief Justice reiterated the same sentiment: "At the risk of beating a dead horse, I will reiterate what I have said many times over the years about the need to compensate judges fairly." n43 Judicial salary issues remain important to the Supreme Court and to all federal judges. In his first annual report, Chief Justice Roberts also raised the judicial salary issue:

A more direct threat to judicial independence is the failure to raise judges' pay. If judges' salaries are too low, judges effectively serve for a term dictated by their financial position rather than for life. Figures gathered by the Administrative Office show that judges are leaving the bench in greater numbers now than ever before.

n44

Ensuring adequate judicial salaries key to judicial independence and rule of law --- guts global model

Justice Kennedy, 2007 – Supreme Court Justice, Harvard Law School, London School of Economics, Stanford University (Justice Anthony M. Kennedy, "Testimony of Associate Justice Anthony M. Kennedy before the United States Senate Committee on the Judiciary Judicial Security and Independence", February 14, 2007, http://www.americanbar.org/content/dam/aba/migrated/poladv/priorities/judicial_pay/kennedystatement.authcheckdam.pdf)/TT

As I have tried to convey, separation of powers and checks and balances are not automatic mechanisms. They depend upon a commitment to civility, open communication, and good faith on all sides. Congress has certain functions that cannot be directed or initiated by the other branches; yet those prerogatives must be exercised in good faith if Congress is to preserve the best of our constitutional traditions. You must be diligent to protect the Constitution and to follow its letter and spirit, and, on most matters, no one, save the voters, can call you to account for the manner in which you discharge these serious responsibilities. This reflects, no doubt, the deep and abiding faith our Founders placed in you and in the citizens who send you here.

Please accept my respectful submission that, to keep good faith with our basic charter, you have the unilateral constitutional obligation to act when another branch of government needs your assistance for the proper performance of its duties. It is both necessary and proper, furthermore, that we as judges should, and indeed must, advise you if we find that a threat to the judiciary as an institution has become so serious and debilitating that urgent relief is necessary. In my view, the present Congressional compensation policy for judicial officers is one of these matters.

Judges in our federal system are committed to the idea and the reality of judicial independence. Some may think the phrase "judicial independence" a bit timeworn. Perhaps there has been some tendency to overuse the term; there may be a temptation to invoke it each time judges disagree with some commonplace legislative proposal affecting the judiciary. If true, that is unfortunate, for judicial independence is a foundation for sustaining the Rule of Law.

Judicial independence is not conferred so judges can do as they please. Judicial independence is conferred so judges can do as they must. A judiciary with permanent tenure, with a sufficient degree of separation from other branches of government, and with the undoubted obligation to resist improper influence is essential to the Rule of Law as we have come to understand that term.

Judicial independence presumes judicial excellence, and judicial excellence is in danger of erosion. So at this juncture in the history of the relationship between our two branches my conclusion is that we have no choice but to make clear to you the extent of the problem as we see it, with the hope your Committee will help put the problem into proper perspective for your own colleagues and for the nation at large.

It is my duty, then, to tell you, Mr. Chairman, that in more than three decades as a judge, I have not seen my colleagues in the judiciary so dispirited as at the present time. The blunt fact is that the past Congressional policy with respect to judicial salaries has been one of neglect. As a consequence, the nation is in danger of having a judiciary that is no longer considered one of the leading judiciaries of the world. This is particularly

discordant and disheartening, in light of the care and consideration Congress has generally given in respect to other matters of judicial resources and administration.

The current situation, in my submission, is a matter of grave systemic concern. Let me respectfully suggest that it is a matter Congress in the exercise of its own independent authority should address, in order to ensure that the essential role of the judiciary not be weakened or diminished. You are well aware of threats to the judiciary that history has deemed constitutional crises, such as the Court's self-inflicted wound in Dred Scott or the ill-conceived 1937 Court-packing proposal. These were constitutional crises in the usual sense of the term. So too, however, there can be systemic injury over time, caused by slow erosion from neglect. My concern, shared by many of my colleagues, is that we are in real danger of losing, through a gradual but steady decline, the highly qualified judiciary on which our Nation relies. Your judiciary, the Nation's judiciary, will be diminished in its stature and its capacity if there is a continued neglect of compensation needs.

Democratic transitions will fail without Supreme Court leadership

Suto 11 --- Research Associate at Tahrir Institute and J.D. [07/15/11, Ryan Suto is a Research Associate at Tahrir Institute for Middle East Policy, has degrees in degrees in law, post-conflict reconstruction, international relations and public relations from Syracuse Law, "Judicial Diplomacy: The International Impact of the Supreme Court", <http://jurist.org/dataline/2011/07/ryan-suto-judicial-diplomacy.php>]

The Court is certainly the best institution to explain to scholars, governments, lawyers and lay people alike the enduring legal values of the US, why they have been chosen and how they contribute to the development of a stable and democratic society. A return to the mentality that one of America's most important exports is its legal traditions would certainly benefit the US and stands to benefit nations building and developing their own legal traditions, and our relations with them. Furthermore, it stands to increase the influence and higher the profile of the bench. The Court already engages in the exercise of dispensing justice and interpreting the Constitution, and to deliver its opinions with an eye toward their diplomatic value would take only minimal effort and has the potential for high returns. While the Court is indeed the best body to conduct legal diplomacy, it has been falling short in doing so in recent sessions. We are at a critical moment in world history. People in the Middle East and North Africa are asserting discontent with their governments. Many nations in Africa, Asia, and Eurasia are grappling with new technologies, repressive regimes and economic despair. With the development of new countries, such as South Sudan, the formation of new governments, as is occurring in Egypt, and the development of new constitutions, as is occurring in Nepal, it is important that the US welcome and engage in legal diplomacy and informative two-way dialogue. As a nation with lasting and sustainable legal values and traditions, the Supreme Court should be at the forefront of public legal diplomacy. With each decision, the Supreme Court has the opportunity to better define, explain and defend key legal concepts. This is an opportunity that should not be wasted.

Democracy prevents global wars

Kagan '15 [Bob. Senior Fellow for Foreign Policy at Brookings. "Is Democracy in Decline? The Weight of Geopolitics" 1/25/15 <http://www.brookings.edu/research/articles/2015/01/democracy-in-decline-weight-of-geopolitics-kagan//GBS-JV>]

Diamond and others have noted how important it was that these "global democratic norms" came to be "reflected in regional and international institutions and agreements as never before."^[10] Those norms had an impact on the

internal political processes of countries, making it harder for authoritarians to weather political and economic storms and easier for democratic movements to gain legitimacy. But “norms” are transient as well. In the 1930s, the trendsetting nations were fascist dictatorships. In the 1950s and 1960s, variants of socialism were in vogue. But from the 1970s until recently, the United States and a handful of other democratic powers set the fashion trend. They pushed—some might even say imposed—democratic principles and embedded them in international institutions and agreements. Equally important was the role that the United States played in preventing backsliding away from democracy where it had barely taken root. Perhaps the most significant U.S. contribution was simply to prevent military coups against fledgling democratic governments. In a sense, the United States was interfering in what might have been a natural cycle, preventing nations that ordinarily would have been “due” for an authoritarian phase from following the usual pattern. It was not that the United States was exporting democracy everywhere. More often, it played the role of “catcher in the rye”—preventing young democracies from falling off the cliff—in places such as the Philippines, Colombia, and Panama. This helped to give the third wave unprecedented breadth and durability. Finally, there was the collapse of the Soviet Union and with it the fall of Central and Eastern Europe’s communist regimes and their replacement by democracies. What role the United States played in hastening the Soviet downfall may be in dispute, but surely it played some part, both by containing the Soviet empire militarily and by outperforming it economically and technologically. And at the heart of the struggle were the peoples of the former Warsaw Pact countries themselves. They had long yearned to achieve the liberation of their respective nations from the Soviet Union, which also meant liberation from communism. These peoples wanted to join the rest of Europe, which offered an economic and social model that was even more attractive than that of the United States. That Central and East Europeans uniformly chose democratic forms of government, however, was not simply the fruit of aspirations for freedom or comfort. It also reflected the desires of these peoples to place themselves under the U.S. security umbrella. The strategic, the economic, the political, and the ideological were thus inseparable. Those nations that wanted to be part of NATO, and later of the European Union, knew that they would stand no chance of admission without democratic credentials. These democratic transitions, which turned the third wave into a democratic tsunami, need not have occurred had the world been configured differently. That a democratic, united, and prosperous Western Europe was even there to exert a powerful magnetic pull on its eastern neighbors was due to U.S. actions after World War II.

1nc Court Stripping – Case Turn

Congressional retaliation will undercut courts --- they have no institutional protection against the backlash

Crabb, 12 --- United States District Judge, Western District of Wisconsin (2012, Barbara B., Wisconsin Law Review, "ADDRESS: ROBERT W. KASTENMEIER LECTURE: BRIDGING THE DIVIDE BETWEEN CONGRESS AND THE COURTS," 2012 Wis. L. Rev. 871)

Another thirty years passed before the judicial system had the opportunity to become self-governing. In 1922, Congress authorized the establishment of what is now the Judicial Conference of the United States, to be made up of the chief judges of each circuit court of appeals, headed by the Chief Justice, and charged with the responsibilities of holding annual meetings to make policy, report on the condition of the dockets in each circuit, and submit recommendations for improving the administration of justice. n21 In 1939, Congress established the Administrative Office of the United States Courts, subject to the control of the Chief Justice and the Judicial Conference, and gave the office financial control of the lower federal courts and primary responsibility for the administration of the federal judiciary. n22 Among other things, this meant that for the first time, the courts were not in the questionable position of having to seek funding from the most frequent litigator in their courts, the Department of Justice. n23 In 1967, Congress authorized the establishment of the Federal Judicial Center, the judiciary's educational and research arm. n24 In 1980 and again in 2002, Congress enacted legislation giving the judicial councils of each circuit new responsibilities for judicial discipline. n25

[*878] These major changes in court administration put the judicial branch on a firmer footing than it had been in the nineteenth century and gave it a larger measure of autonomy, but they did not change the basic relationship between the two branches. The judiciary remained dependent on Congress for the confirmation of new judges, the creation of new judgeships, funding for courthouses, their basic budgets, and procedural rules, just as it is today. The courts still have no independent source of funding. They have no right to be heard on congressional decisions to expand or restrict the scope of the courts' jurisdiction or to enact laws that will increase the courts' workload. In other words, when it comes to matters affecting institutional independence, the judiciary has no constitutional protection and its power is limited to persuasion. If Congress wanted to, it could retaliate against the courts by cutting the courts' funding; disestablishing individual courts; adding or taking away Justices from the Supreme Court; imposing crippling restrictions on the operations of the courts; narrowing their jurisdiction; impeaching individual judges and Justices; and refusing to confirm nominees to fill judicial vacancies.

The framers set up what could well be a recipe for disaster: giving the judiciary the last word on the law, with the inevitable controversies that authority will provoke, and then giving it no institutional protection. It is a little like giving a person a very old and very unpredictable gun for personal security. If used properly, the gun may perform its intended function, but it's just as possible that it will inflict great damage on its owner. Making the judiciary the final arbiter on the meaning of the law, with the authority to declare a law or practice unconstitutional gives it power, but a power that can be explosive and set off backlashes of varying proportions. By no means is it a power that can ward off encroachment by the other branches. When an entity has little power in a relationship, it behooves it to assess the sticking points between it and its protagonist, husband carefully what little power it possesses, employ diplomacy, look for areas in which the interests of both parties are in alignment, and seek ways to enhance what little power of persuasion it has.

This crushes judicial independence

Baum, 9 --- Professor of Poli Sci at Ohio State (Lawrence, Congress & the Presidency, "Review of "When Courts and Congress Collide: The Struggle for Control of America's Judicial System" Taylor and Francis)

Geyh's explanation of the customary independence of courts, supported by his analysis of historical developments, provides considerable insight into the limited use of congressional powers over the courts. Clearly, Congress as a body developed a kind of self-restraint, one that became more deeply rooted over time. Members of Congress who want to take strong

concrete action against the courts have had a strong burden of proof to overcome. When members who agree with what the courts have done combine with members who are reluctant to attack judicial independence, they create a formidable barrier to action.

One potential drawback to historical analysis of a current phenomenon is that it is tempting to interpret the outcome of history—in this case, customary judicial independence—as inevitable and permanent. That is especially true when the resulting state of the system is characterized in terms of equilibrium. Geyh avoids that temptation. Indeed, he thinks that the courts' independence might decline markedly as the current era of court-congressional relations continues. He ascribes that possibility largely to a growing belief that judges act on their own preferences rather than the law, a belief that weakens congressional deference to the courts.

Geyh argues that federal judges have helped to preserve their independence by acting cautiously in relation to Congress. He catalogues the array of forms that this caution takes. He recognizes that caution has been mixed with bold actions that could be expected to arouse congressional wrath, and he sees increasing judicial boldness in the current era as another potential catalyst for inroads on judicial independence. Admittedly, it is difficult to determine the extent to which judges rein themselves in with Congress in mind and even more difficult to determine the effects of such choices. But Geyh makes a good case that judicial caution has helped to protect the courts' relative autonomy.

Congress empirically blocks salary increases in response to controversial decisions --- critical to judicial independence

Miller, 6 --- Associate Professor and Chair of the Department of Government and International Relations at Clark University (Summer 2006, Mark C., Case Western Reserve University, "SYMPOSIUM: JUDICIAL INDEPENDENCE AND JUDICIAL ACCOUNTABILITY: SEARCHING FOR THE RIGHT BALANCE: When Congress Attacks the Federal Courts," 56 Case W. Res. 1015, JMP)

I. Congress's Compensation Power

There have been many instances in which Congress has used various mechanisms to attack the federal courts for decisions with which a determined legislative majority has disagreed. ⁿ³⁰ While to my knowledge Congress has not yet deliberately defied the protections inherent in the Compensation Clause, the legislative branch has used other means to attack the courts and to attempt to influence court decisions. Even though the Compensation Clause prevents Congress from reducing any judicial salaries that have already vested, ⁿ³¹ the clause neither requires Congress to provide any annual cost of living [*1021] adjustments for federal judges nor prevents Congress from canceling future announced judicial salary increases. ⁿ³² Thus, judicial salaries have always been a point of contention, and Congress has sometimes used judicial salaries to send a clear message to the courts. For example, in 1964, Congress increased the salaries for lower federal judges by \$ 7,500 per year but increased the salaries for Justices of the U.S. Supreme Court by only \$ 4,500 per year. As Schmidhauser and Berg explain, "The \$ 3,000 differential clearly reflected a direct Congressional reprimand to the Supreme Court. **This crude rebuff clearly stemmed from congressional dissatisfaction with several controversial decisions rendered by the Court.**" ⁿ³³

Clearly, judicial salary issues have added to the tensions between the courts and Congress. Federal judges often feel that Congress does not provide adequate compensation for them. As Professor Paul M. Bator has remarked, "federal judges, as a group, complain more about their pay than any other group I have ever encountered." ⁿ³⁴ There is probably a great deal of truth to the fact that federal judges feel that they are underpaid. In 2003, Judges Coffin and Katzmann noted that, "Since 1969, federal judicial salaries have lost twenty-four percent of their purchasing power." ⁿ³⁵ Various congressional actions regarding annual cost of living adjustments for federal judges have not made federal judges feel better about their financial situations. For example, in 1995, 1996, 1997, and 1999, Congress blocked previously announced "automatic" cost of living increases for various governmental officials, including federal judges, that had been provided for in the Ethics Reform Act of 1989. ⁿ³⁶ Congress was really attempting to prevent the automatic pay raises for its own members from going into effect, but the legislation blocked federal judicial pay increases as well as the pay raises for legislators. When federal judges sued to [*1022] recover their blocked "automatic" pay increases, the United States Court of Appeals for the Federal Circuit ruled that the proposed "automatic" pay raises had not vested, and thus, there was no violation of the Compensation Clause in the legislative actions. ⁿ³⁷ Although the Supreme Court refused to grant certiorari in the case, Justice Breyer wrote a strongly worded dissent to the denial

of certiorari, which Justices Scalia and Kennedy joined. n38 This concern with judicial salaries and other budgetary resources is not new, of course. Although he was speaking more broadly of his frustration with congressional budgeting practices, Chief Justice Warren stated in 1969 that, "It is next to impossible for the courts to get something from Congress." n39

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In a quite lengthy discussion of the subject, the Chief Justice also noted that judicial salary issues had been discussed in thirteen of the last nineteen end-of-year reports on the state of the judiciary. n42 In his 2002 Annual Report, the Chief Justice reiterated the same sentiment: "At the risk of beating a dead horse, I will reiterate what I have said many times over the years about the need to compensate judges fairly." n43 Judicial salary issues remain important to the Supreme Court and to all federal judges. In his first annual report, Chief Justice Roberts also raised the judicial salary issue:

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n44

Adequate judicial salaries key to judicial independence --- guts the global model

Justice Kennedy, 2007— Supreme Court Justice, Harvard Law School, London School of Economics, Stanford University (Justice Anthony M. Kennedy, "Testimony of Associate Justice Anthony M. Kennedy before the United States Senate Committee on the Judiciary Judicial Security and Independence", February 14, 2007, http://www.americanbar.org/content/dam/aba/migrated/poladv/priorities/judicial_pay/kennedystatement.authcheckdam.pdf)/TT

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other branches of government, and with the undoubted obligation to resist improper influence is essential to the Rule of Law as we have come to understand that term.

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The current situation, in my submission, is a matter of grave systemic concern. Let me respectfully suggest that it is a matter Congress in the exercise of its own independent authority should address, in order to ensure that the essential role of the judiciary not be weakened or diminished. You are well aware of threats to the judiciary that history has deemed constitutional crises, such as the Court's self-inflicted wound in Dred Scott or the ill-conceived 1937 Court-packing proposal. These were constitutional crises in the usual sense of the term. So too, however, there can be systemic injury over time, caused by slow erosion from neglect. My concern, shared by many of my colleagues, is that we are in real danger of losing, through a gradual but steady decline, the highly qualified judiciary on which our Nation relies. Your judiciary, the Nation's judiciary, will be diminished in its stature and its capacity if there is a continued neglect of compensation needs.

Uniqueness

Pay Raises Now for Federal Judges

They're getting paid now House '14

[William. Political Reporter for the National Journal. "Court Rulings Mean Judges Will Get an Extra \$1B in Pay and Benefits" *The National Journal* 9/24/14 <http://www.nationaljournal.com/congress/court-rulings-mean-judges-will-get-an-extra-1b-in-pay-and-benefits-20140924>]

More than 2,000 federal judges from Chief Justice John Roberts down will share in about \$1 billion more in salary and benefits over the next 10 years because of court rulings determining that Congress improperly withheld automatic increases dating from the 1990s, according to the Congressional Budget Office. ¶ "As a result of those decisions and corresponding administrative actions, many judges will now receive automatic salary increases, and subsequent annuity adjustments, as well as restitution for prior automatic salary increases they should have received," wrote CBO Director Douglas Elmendorf. ¶ His cost calculations were delivered in a letter on Wednesday to Senate Judiciary Committee Chairman Patrick Leahy. ¶ The letter addresses the financial impacts of successful court challenges to the congressional withholding of federal judge pay increases in 1995, 1996, 1997, 1999, 2007, and 2010. Those legal challenges were most notably carried out in *Beer v. United States* and *Barker v. United States*. ¶ Federal court judges have already started to benefit. Their salaries rose by 14 percent on Jan. 1, as the years of missing cost-of-living adjustments were added to their paychecks. The chief justice now is paid \$255,500, and associate Supreme Court justices have a \$244,400 salary. U.S. Circuit Court of Appeals judges are getting \$211,200 a year, and the annual salary of a U.S. District Court judge is \$199,100. ¶ As a cumulative result of the court decisions, writes Elmendorf, **direct federal spending will be higher by about \$1.027 billion from 2015 through 2024.** Only about \$190 million of that will be discretionary costs, subject to annual appropriations.

Pay raises now for federal judges

Gosselin, 14 (1/24/2014, Gary, Michigan Lawyers Weekly, "Federal judges get long-awaited raises," Lexis, JMP)

(January 16, 2014) All federal judges have received a long-awaited 14 percent pay raise, as years of catch-up cost-of-living adjustments were added to their paychecks, according to Bloomberg News.

The chief justice is being paid \$255,500, up from \$223,500, according to the report, with associate Supreme Court justices pulling down \$244,400 annually up from \$213,900. U.S. Circuit Court of Appeals judges are getting \$211,200 a year, up from \$184,500, and the annual salary of a U.S. District Court judge increased to \$199,100 from \$174,000.

Back in 1995 Congress canceled four cost-of-living wage increases, resulting in a class action that the judges won.

Judicial-Congress Relations Good Now

Relations between congress and the courts are increasing now – familiarity

Palazzolo, 14 – [Joe, Staff Writer for the Wall Street Journal on legal affairs, The Wall Street Journal, “Congress and the Courts Are Learning to Get Along”, 12/18/14, <http://blogs.wsj.com/law/2014/12/18/congress-and-the-courts-are-learning-to-get-along/>, 7/7/15]JRO

The legislative and judicial branches are less neighborly than they once were, but efforts are underway to rekindle a spark in the relationship. The U.S. Supreme Court hasn’t had a member with experience as an elected politician since Justice Sandra Day O’Connor, a former state senator in Arizona, retired nearly a decade ago. Likewise, only seven members of Congress, all in the House, were judges. The past couple years may have marked a low point in inter-branch relations. The partial shutdown of the government in 2013 “caused broad disruptions” to the courts, which were already smarting from budget cuts. U.S. District Judge Richard G. Kopf in Nebraska, writing on his blog during the shutdown, told Congress to “go to hell,” capturing the sentiments of more than few of his colleagues. To bridge the gulf, federal judges have been meeting with legislators under the auspices a Pew Charitable Trusts program called “Safe Spaces,” according to a recent interview posted on the website of the Administrative Office of the U.S. Courts. In the interview, Chief Judge Robert A. Katzmann of the Second U.S. Circuit Court of Appeals says **mending fences is smart from a practical perspective. “After all, the courts depend upon Congress for the appropriation of its budget.”** He goes on: We have to understand that the courts will be reviewed in terms of operations by the Congress. They will want to make sure that our funds are being used appropriately and efficiently. So, we respect congressional prerogatives. We want the Congress to respect judicial prerogatives as to the decisions of particular cases and the decisional autonomy that courts need to have. Understanding each other is essential if we are to do our work effectively. A few seconds later, he breaks the news that judges and legislators (and staff) are learning to be neighbors again. Judge Katzmann says: As part of that work to improve relations between the branches, the Pew Charitable Trusts has included us in its program on safe spaces, and what this program involves is, over the next two years, having a variety of kinds of meetings with the Hill. So we had a wonderful meeting with the House Judiciary Committee that included the chair and ranking member – Chairman Goodlatte and John Conyers — Justice Breyer, Justice Alito, other members of Congress. We had a meeting just recently with the committee staffs of the House Judiciary Committee and the Senate Judiciary Committee. We’re having a meeting this spring with senators. And so these kinds of interactions foster a familiarity, make it easier when there are issues having to do with the administration of justice for the branches to interact. A spokeswoman for the Administrative Office of the U.S. Courts declined to describe the nature of the discussions but said there are no set agendas. A spokeswoman for Pew Charitable Trusts, who also declined to reveal the content of the meetings, said, “We have been pleased to work with Judge Katzmann and others to facilitate discussion among members of Congress and the judiciary on issues of common interest.”

AT: Supreme Court Will Rule on NSA

The Supreme Court will avoid ruling on the NSA – too little data

Kerr, 14 – [Orin, is a professor of law at the George Washington University Law School., The Volokh Conspiracy, “Will the Supreme Court Review the NSA’s Telephony Metadata Program?”, 1/2/14, <http://volokh.com/2014/01/02/supreme-court-take-bulk-telephony-case-circuit-courts-dont-invalidate-program/>, 7/7/15]JRO

In the wake of the dueling opinions by Judges Leon and Pauley about the NSA’s Section 215 telephony metadata program, a lot of commentators are assuming that the issue is heading to the Supreme Court. If a federal circuit court rules that the program is unconstitutional and survives en banc review, then I agree that Supreme Court review is likely. Invalidating a major federal program will usually get the Justices’ attention. But let’s assume that the Second Circuit upholds Judge Pauley’s decision, and the DC Circuit reverses Judge Leon. Will the Supreme Court intervene if the Second and DC Circuits uphold the program? We don’t know, of course, as it all depends on what might get four votes to grant cert. It’s a discretionary call, so it’s hard to predict. At the same time, I think a lot of commentators overestimate the chances that the Supreme Court would step in. It’s certainly possible, but it’s not at all a sure thing. Here are five reasons why the Supreme Court might not review the Section 215 cases: 1) Section 215 sunsets on June 1, 2015. On that date, the statutory authority for the bulk telephony program will end. If the White House wants to continue the program beyond that date, it will have to convince Congress to expressly approve bulk collection. Alternatively, Congress might not be willing to go along, and will only be willing to approve a modified program or no program at all. Either way, the sunset of Section 215 will trigger a major Congressional debate on the desirability of bulk collection that will either reject it or accept it in modified form. A cert petition in the Section 215 cases from Judges Pauley and/or Leon would reach the Supreme Court as this debate was either ongoing or recently worked its way through the elected branches. The fresh debate over the desirability of bulk collection in Congress lessens the likelihood of the Supreme Court stepping in to the debate at that time, both because the issue may be mooted by statute and because the Court may feel that statutory regulation is preferable to constitutional regulation in this context. See *United States v. Jones*, 132 S.Ct. 945 (2012) (Alito, J. concurring) (“In circumstances involving dramatic technological change, the best solution to privacy concerns may be legislative. A legislative body is well situated to gauge changing public attitudes, to draw detailed lines, and to balance privacy and public safety in a comprehensive way.”). 2) As I have noted before, there are reasons why the circuit courts may not reach the Fourth Amendment merits in these cases. The same grounds provide reasons why there might not be a Supreme Court ruling on the merits. 3) The record of exactly what the telephony metadata program is and how it works remains quite murky. The Justices might want to wait until the litigation develops more and the facts become better known. 4) If pretty much everyone has standing to bring a lawsuit seeking to enjoin the telephony metadata program, then there’s no reason why the Supreme Court has to step in after the DC Circuit and Second Circuit rule. The Justices can wait until other circuits address the same issue, especially in light of the changing statutory picture discussed in #1 above, 5) Reviewing the telephony metadata program would require the Justices to take on a lot of complicated issues that haven’t been explored much in the lower courts. First, the Justices presumably would have to take on the mosaic theory; second, they would have to address the reasonableness of NSA non-content surveillance. Those are each huge issues, and there is very little on them among lower court decisions. Given the Justices’ preference for percolation in the lower courts, and in light of #4 above, they may want to wait until the lower courts work through them. Of course, the counter-argument is that the constitutionality of the bulk telephony program is a question of national importance, and the Supreme Court is the Supreme Court. We pay them the big bucks to step in and decide the big cases. Perhaps. But that view hinges on a notion of the Supreme Court’s role that four or more Justices may or may not share. We don’t know how eager the Justice s may be to step in, and the arguments above will give them reasons to stay out for now.

Links / Internal Links

Link --- Constitutional Rulings

Controversial constitutional rulings cause significant Congressional backlash – constitutional amendments can be passed to overturn them

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschuiz 9

In theory, when the Supreme Court or another federal court issues a constitutionally based decision, the only way for Congress to overturn that decision is through a constitutional amendment. In fact, a variety of amendments to the Constitution have been enacted mainly to overturn Supreme Court decisions, including the Eleventh Amendment, the Civil War amendments (the Thirteenth, Fourteenth, and Fifteenth), the Sixteenth Amendment, and the Twenty-Sixth Amendment. In addition, a variety of constitutional amendments designed to overturn specific Supreme Court decisions have been proposed but never ratified. For example, there have been efforts to pass constitutional amendments prohibiting abortion, prohibiting flag burning, allowing prayer in schools, and prohibiting gay marriage. To date, none of these proposed amendments have received the two-thirds vote in both houses of Congress necessary to send them to the states for ratification. Even when Congress enacts a constitutional amendment, however, the inter-institutional conversation does not end. As Comiskey has noted, "Because the courts can rule on disputes over the meaning of an amendment's terms, amendments do not always end the constitutional dialogue on the subjects they address" (2008, 207).

Some of the most persistent proposals for constitutional amendment proposals have been aimed at prohibiting burning of the American flag as a form of political protest. Votes on proposed constitutional amendments to prohibit flag burning have been taken nearly every year since the Supreme Court's decisions in *Texas v. Johnson* (1989) and *United States v. Eichman* (1990) allowing it. Almost every year since these cases were handed down, one house of Congress has gotten the necessary two-thirds vote to pass the proposed amendment, but the other house has failed to reach that threshold. Thus the proposed amendment has never been sent to the states for ratification because it has never gotten the necessary vote in both houses of Congress at the same time.

In reality, Congress can also take statutory steps to reverse the policy announced by the Court, if not the constitutional decision itself. Davidson notes that the same partisan and ideological fights that Congress engages in over a wide variety of policy issues clearly spill over into issues of constitutional interpretation. **"Partisan and ideological allegiances are as divisive as ever,"** he writes, **"and are especially salient in congressional responses to pressing constitutional questions"** (1993, 118). But one Democratic member of Congress warned that Congress should not rush to overturn constitutionally based decisions of the Supreme Court. This member said to me, "The President has said that he has an equal role in interpreting the Constitution with Congress and the Supreme Court, but that is not true. Congress and the President must follow the Supreme Court in constitutionally based cases because the job of the courts is to interpret the Constitution. We can't just ignore court rulings on the Constitution like the President has tried to do."

Of the twenty-three Supreme Court decisions studied by Robert Dahl (1957), in effect seventeen were reversed by Congress. Likewise, Joseph Ignagni and James Meernik (1994) found that in the years 1954–90 Congress had in effect reversed the policy direction in thirteen of the sixty-five decisions they studied. For example, in 1978 the Supreme Court ruled that the Fourth Amendment did not protect the offices of a newspaper from police searches if the police had a search warrant. Congress responded by passing legislation granting additional protections to newspapers (see Peretti 1999, 142). Using a different methodology, Pickerill (2004, 41) found that in almost half of the cases he studied, Congress acted to save statutes found to be unconstitutional by the courts. Pickerill argues that although at times Congress will directly confront the Court's constitutionally based decisions, "it is much more common for Congress to amend legislation in a manner that makes clear concessions to the Court's decision" (2004, 49).

Link --- First Amendment

Judicial rulings regarding the First Amendment are fraught with political resentment and fail

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschulz 10

Fights between Congress and the Supreme Court over the interpretation of the Free Exercise Clause of the First Amendment have also occurred recently. After Congress overwhelmingly enacted the Religious Freedom Restoration Act in an attempt to overturn the Supreme Court's decision limiting the free exercise of religion in Employment Division v. Smith (1990), the Supreme Court promptly struck down that statute in City of Boerne v. Archbishop Flores (1997) (see, e.g., Bragaw and Miller 2004). Congress responded by enacting the Religious Land Use and Institutionalized Persons Act of 2000, which reestablished some of the rights protected by the Religious Freedom Restoration Act (see Baum 2004, 212). In striking down the Religious Freedom Restoration Act, the Supreme Court said in the Boerne case, "Our national experience teaches that the Constitution is preserved best when each part of the government respects both the Constitution and the proper action and determinations of the other branches. When the Court has interpreted the Constitution, it has acted within the province of the Judicial Branch, which embraces the duty to say what the law is. When the political branches of the Government act against the background of a judicial interpretation of the Constitution already issued, . . . it is this Court's precedent . . . which must control" (521 U.S. 507, 535–36). Thus the Boerne decision will long be remembered for "its stunning assertion of the Court's supremacy in settling all governmental disputes" (Bragaw and Perry 2002, 21). Therefore, the U.S. Supreme Court claims to be the last word on issues of constitutional interpretation. However, many scholars doubt that Congress will refrain in the future from attempting to modify or to overrule Supreme Court decisions through statutory means (see Murphy et al. 2006, 339).

Link --- Statutory Interpretations

Unpopular statutory interpretations not only cause congressional backlash but get ignored

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschuz 8

Congress and the federal courts also have routine interactions regarding federal court decisions involving statutory interpretation. Federal courts routinely interpret the statutes enacted by Congress. As Lawrence Baum and Lori Hausegger remind us, "The largest share of the Court's work is interpretation of statutes enacted by Congress" (2004, 107). Of course, when the majority in Congress is unhappy with a judicial decision involving statutory interpretation, they can simply pass a new statute to overturn the court's decision (see, e.g., Henschen 1983). For example, in 1978 Congress enacted the Pregnancy Discrimination Act after the Supreme Court held that pregnancy was not a protected disability under the Civil Rights Act of 1964 (see Pacelle 2002, 94). The Civil Rights Restoration Act of 1991 overturned at least a dozen Supreme Court statutory-interpretation decisions regarding the ability of victims to sue for alleged race and sex discrimination. In fact, it is not uncommon for Congress to move to overturn judicial decisions involving statutory interpretation (see, e.g., Eskridge 1991a; and Baum and Hausegger 2004). R. Shep Melnick (1995, 101) believes that Congress overturns many more judicial-policy statements than Eskridge has found, in large part because many members of Congress may not even realize that they are taking action to overturn a court decision in any given piece of legislation. Mark Graber (1993) and George Lovell (2003), among others, argue that at times Congress intentionally passes statutes with ambiguous language, thus further empowering the courts by almost requiring them to interpret the ambiguous statutes. In other words, Congress punts the most controversial decisions to the courts in order to preserve a fragile coalition in the legislative branch. After the courts issue rulings involving statutory interpretation, Congress may decide to review its original ambiguous compromise. Davidson (1993) reports that Congress now pays increasing attention to the statutory-interpretation decisions of the courts. According to Davidson, "An increasingly frequent source of the lawmaking agenda is found in judicial interpretations of existing statutory language" (1993, 103). Jeb Barnes (2004b) has found that Congress pays a great deal of attention to the statutory-interpretation decisions of the federal courts. As Barnes has summarized the changing nature of the such rulings by the courts, "Put simply, today's federal judges not only serve their traditional role of resolving politically important constitutional disputes, but also pay a significant role in administering conflicts among competing agencies over the meaning of statutes and considering public challenges to regulatory procedures and decisions" (J. Barnes 2004a, 36).

Link --- National Security Ruling

Judicial involvement in national security cases threatens its prestige and authority

Chesney, 2009 – Professor at the University Of Texas School Of Law (Robert, “National Security Fact Deference”, 95 Va. L. Rev. 1361, October 2009, <http://www.virginialawreview.org/sites/virginialawreview.org/files/1361.pdf>)/TT

This leaves the matter of secrecy. Secrecy relates to the collateral consequences inquiry in the sense that failure to maintain secrecy with respect to national security information can have extralitigation consequences for government operations—as well as for individuals or even society as a whole—ranging from the innocuous to the disastrous. Without a doubt this is a significant concern. But, again, it is not clear that deference is required in order to address it. Preservation of secrecy is precisely the reason that the state secrets privilege exists, of course, and it also is the motive for the Classified Information Procedures Act, which establishes a process through which judges work with the parties to develop unclassified substitutes for evidence that must be withheld on secrecy grounds.²²²

3. Institutional Self-Preservation

Judicial involvement in national security litigation, as noted at the outset, poses unusual risks for the judiciary as an institution. Such cases are more likely than most to involve claims of special, or even exclusive, executive branch authority. They are more likely than most to involve a perception—on the part of the public, the government, or judges themselves—of unusually high stakes. They are more likely than most to be in the media spotlight and hence in view of the public in a meaningful sense. These cases are, as a result of all this, especially salient as a political matter. And therein lies the danger for the courts. Because of these elements, an inappropriate judicial intervention in national security litigation is unusually likely to generate a response from the other branches or the public at large that might harm the institutional interests of the judiciary, either by undermining its prestige and authority or perhaps even by triggering some form of concrete political response.

This concern traditionally finds expression through the political question doctrine, which in its prudential aspect functions to spare judges such risks. But just because a court determines that a case or an issue is justiciable does not mean that the institutional self-preservation concern has gone away or that a judge has lost sensitivity to it. National security fact deference provides a tempting opportunity for judges to accept the responsibility of adjudication while simultaneously reducing the degree of interbranch conflict and hence the risk of political blowback. We cannot expect judges to attribute deference decisions to this motivation, of course, but we must account for the possibility—even the likelihood—that such concerns will play some role.

Link --- NSA / Surveillance

Congress opposes any further restrictions on surveillance

Gross 6/5/15 [Grant - covers technology and telecom policy in the U.S. government for the IDG News Service, and is based in Washington, D.C. "Don't expect major changes to NSA surveillance from Congress", PC World, <http://www.pcworld.com/article/2932337/dont-expect-major-changes-to-nsa-surveillance-from-congress.html>] BSchulz 21

After the U.S. Congress approved what critics have called modest limits on the National Security Agency's collection of domestic telephone records, many lawmakers may be reluctant to further change the government's surveillance programs. The Senate this week passed the USA Freedom Act, which aims to end the NSA's mass collection of domestic phone records, and President Barack Obama signed the bill hours later. After that action, expect Republican leaders in both the Senate and the House of Representatives to resist further calls for surveillance reform. That resistance is at odds with many rank-and-file lawmakers, including many House Republicans, who want to further limit NSA programs brought to light by former agency contractor Edward Snowden. Civil liberties groups and privacy advocates also promise to push for more changes. It may be difficult to get "broad, sweeping reform" through Congress, but many lawmakers seem ready to push for more changes, said Adam Eisgrau, managing director of the office of government relations for the American Library Association. The ALA has charged the NSA surveillance programs violate the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable searches and seizures. "Congress is not allowed to be tired of surveillance reform unless it's prepared to say it's tired of the Fourth Amendment," Eisgrau said. "The American public will not accept that." Other activists are less optimistic about more congressional action. "It will a long slog getting more restraints," J. Kirk Wiebe, a former NSA analyst and whistleblower said by email. "The length of that journey will depend on public outcry—that is the one thing that is hard to gauge." With the USA Freedom Act, "elected officials have opted to reach for low-hanging fruit," said Bill Blunden, a cybersecurity researcher and surveillance critic. "The theater we've just witnessed allows decision makers to boast to their constituents about reforming mass surveillance while spies understand that what's actually transpired is hardly major change." The "actual physical mechanisms" of surveillance programs remain largely intact. Blunden added by email. "Politicians may dither around the periphery but they are unlikely to institute fundamental changes." What's in the USA Freedom Act? Some critics have blasted the USA Freedom Act as fake reform, while supporters have called it the biggest overhaul of U.S. surveillance program in decades. Many civil liberties and privacy groups have come down in the middle of those two views, calling it modest reform of the counterterrorism Patriot Act. The law aims to end the NSA's decade-plus practice of collecting U.S. telephone records in bulk, while allowing the agency to search those records in a more targeted manner. The law also moves the phone records database from the NSA to telecom carriers, and requires the U.S. Foreign Intelligence Surveillance Court (FISC) to consult with tech and privacy experts when ruling on major new data collection requests from the NSA. It also requires all significant FISC orders from the last 12 years to be released to the public. The new law limits bulk collection of U.S. telephone and business records by requiring the FBI, the agency that applies for data collection, to use a "specific selection term" when asking the surveillance court to authorize records searches. The law prohibits the FBI and NSA from using a "broad geographic region," including a city, county, state or zip code, as a search term, but it doesn't otherwise define "specific search term." That's a problem, according to critics. The surveillance court could allow, for example, "AT&T" as a specific search term and give the NSA the authority to collect all of the carrier's customer records. Such a ruling from FISC would seem to run counter to congressional intent, but this is the same court that defined all U.S. phone records as "relevant" to a counterterrorism investigation under the old version of the Patriot Act's Section 215. The USA Freedom Act also does nothing to limit the NSA's surveillance of overseas Internet traffic, including the content of emails and IP voice calls. Significantly limiting that NSA program, called Prism in 2013 Snowden leaks, will be a difficult task in Congress, with many lawmakers unconcerned about the privacy rights of people who don't vote in U.S. elections. Still, the section of the Foreign Intelligence Surveillance Act that authorizes those NSA foreign surveillance programs sunsets in 2017, and that deadline will force Congress to look at FISA, although lawmakers may wait until the last minute, as they did with the expiring sections of the Patriot Act covered in the USA Freedom Act. The House Judiciary Committee will continue its oversight of U.S. surveillance programs, and the committee will address FISA before its provisions expire, an aide to the committee said. Republican leaders opposed to more changes Supporters of new reforms will have to bypass congressional leadership, however. Senate Republican leaders attempted to derail even the USA Freedom Act and refused to allow amendments that would require further changes at the NSA. In the House, Republican leaders threatened to kill the USA Freedom Act if the Judiciary Committee amended the bill to address other surveillance programs. Still, many House members, both Republicans and Democrats, have pushed for new surveillance limits, with lawmakers adding an amendment to end so-called backdoor government searches of domestic communications to a large appropriations bill this week. Obama's administration has threatened to veto the appropriations bill for several unrelated reasons, but several House members have pledged to push hard to prohibit the FBI and CIA from searching the content of reportedly tens of thousands of U.S. communications swept up in an NSA surveillance program targeting overseas terrorism suspects. Closing that surveillance backdoor is a top priority for civil liberties groups, said Neema Singh Guliani, a legislative counsel with the American Civil Liberties Union's Washington, D.C., legislative office. "We've had this statute that masquerades as affecting only people abroad, but the reality is that it sweeps up large numbers of U.S. persons," she said. Other changes possible Advocates and lawmakers will also push for a handful of other surveillance reforms in the

coming months. The changes most likely to pass make limited changes to surveillance programs, however. While not tied to NSA surveillance, lawmakers will press for changes to the 29-year-old Electronic Communications Privacy Act (ECPA), a wiretap law that gives law enforcement agencies warrantless access to emails and other communications stored in the cloud for more than six months. A House version of ECPA reform counts more than half the body as co-sponsors. Still, tech companies and civil liberties groups have been pushing since 2010 to have those communications protected by warrants, but law enforcement agencies and some Republican lawmakers have successfully opposed the changes.

Link --- Executive Order 12333 / Surveillance

Congress would be heavily opposed to the plan - they tried to slip 12333 provisions into the Intelligence Authorization Act in attempt to prevent court intervention

Masnick 14 [Mike - he founder and CEO of Floor64 and editor of the Techdirt blog. "How Congress Secretly Just Legitimized Questionable NSA Mass Surveillance Tool", Tech Dirt, 12/12/14, <https://www.techdirt.com/articles/20141212/07421729414/how-congress-secretly-just-legitimized-questionable-nsa-mass-surveillance-tool.shtml>] BSchulz 23

We recently noted that, despite it passing overwhelmingly, Congress quietly deleted a key bit of NSA reform that would have blocked the agency from using backdoors for surveillance. But this week something even more nefarious happened, and it likely would have gone almost entirely unnoticed if Rep. Justin Amash's staffers hadn't caught the details of a new provision quietly slipped into the Intelligence Authorization Act, which effectively "legitimized" the way the NSA conducts most of its mass surveillance. For a while now, we've discussed executive order 12333, signed by President Ronald Reagan, which more or less gives the NSA unchecked authority to tap into any computer system not in the US. Over the summer, a former State Department official, John Napier Tye, basically blew the whistle on 12333 by noting that everyone focused on other NSA programs were missing the point. The NSA's surveillance is almost entirely done under this authority, which has no Congressional oversight. All those other programs we've been arguing about -- Section 215 of the Patriot Act or Section 702 of the FISA Amendments Act -- are really nothing more than ways to backfill the data the NSA has been unable to access under 12333. In other words, these other programs are the distraction. 12333 is the ballgame, and it has no Congressional oversight at all. It's just a Presidential executive order. Yet, what Amash and his staffers found is that a last minute change by the Senate Intelligence Committee to the bill effectively incorporated key parts of EO 12333 into law, allowing for "the acquisition, retention, and dissemination" of "nonpublic communications." Here's where those who slipped this bit into the law got sneaky. Recognizing that they might be called on it, they put it in with language noting that such information could only be held on to for five years -- and then claimed what they were really doing was putting a limit on data already collected: Backers of the section argue it would actually limit to five years the amount of time communications data could be kept at intelligence agencies, certain exceptions permitting. But it is generally acknowledged that such data is already rarely kept beyond five years, which Amash characterized as a trade-off that "provides a novel statutory basis for the executive branch's capture and use of Americans' private communications." "The provisions in the intel authorization appear to be an attempt by Congress to place statutory restrictions on the retention of information collected under Executive Order 12333, which is not subject to court oversight, has not been authorized by Congress, and raises serious privacy concerns," said Neema Guliani, legislative counsel with the American Civil Liberties Union. "However, these restrictions are far from adequate, contain enormous loopholes, and notably completely exclude the information of non-U.S. persons." This seems particularly nefarious. In trying to claim that they're putting a limit on this activity (that's already happening) they can claim that they're not really expanding the power of the NSA and the surveillance state. But, by putting it in law, rather than just having it in an executive order, they're effectively legitimizing the practice, and making it much harder to roll back. And they did it all quietly without any debate. That's massively troubling. Inserting such a major power into the law at the very least deserves (and should require) a full and fair public debate about the issue and whether or not it is truly needed. Doing it in secret, at the last minute, with no public acknowledgement or discussion, and then pretending it's about "limits" rather than legitimizing what's in EO 12333 is really, really nefarious. Unfortunately, even with Rep. Amash raising the alarm about it, the bill easily passed 325 to 100, without most in Congress probably having any idea about this issue and what it meant. Rep. Zoe Lofgren claimed that if Congress fully understood the provision, it almost certainly wouldn't have passed: "If this hadn't been snuck in, I doubt it would have passed," said Rep. Zoe Lofgren, a California Democrat who voted against the bill. "A lot of members were not even aware that this new provision had been inserted last-minute. Had we been given an additional day, we may have stopped it." This is the kind of crap that the intelligence community keeps pulling, and it's why there's so much that's troubling in the way they play the legislative game. Not only do they write the legislative language in sneaky ways that they can carefully interpret themselves -- they then get "friends" in Congress to quietly insert the language when no one's looking. By putting it in bills that have to pass, these things get put into the law and aren't at all easy to remove.

Link --- Drones

Congress views domestic drones as a necessity

Waterman 12 [Shaun - editor of POLITICO Pro Cybersecurity. He is an award-winning journalist who has worked for the BBC and United Press International. "Drones over U.S. get OK by Congress", Washington Times, 2/7/12, <http://www.washingtontimes.com/news/2012/feb/7/coming-to-a-sky-near-you/?page=all>] **SChuliz 24**

Look! Up in the sky! Is it a bird? Is it a plane? It's ... a drone, and it's watching you. That's what privacy advocates fear from a bill Congress passed this week to make it easier for the government to fly unmanned spy planes in U.S. airspace. The FAA Reauthorization Act, which President Obama is expected to sign, also orders the Federal Aviation Administration to develop regulations for the testing and licensing of commercial drones by 2015. Privacy advocates say the measure will lead to widespread use of drones for electronic surveillance by police agencies across the country and eventually by private companies as well. "There are serious policy questions on the horizon about privacy and surveillance, by both government agencies and commercial entities," said Steven Aftergood, who heads the Project on Government Secrecy at the Federation of American Scientists. The Electronic Frontier Foundation also is "concerned about the implications for surveillance by government agencies," said attorney Jennifer Lynch. The provision in the legislation is the fruit of "a huge push by lawmakers and the defense sector to expand the use of drones" in American airspace, she added. According to some estimates, the commercial drone market in the United States could be worth hundreds of millions of dollars once the FAA clears their use. The agency projects that 30,000 drones could be in the nation's skies by 2020. The highest-profile use of drones by the United States has been in the CIA's armed Predator-drone program, which targets al Qaeda terrorist leaders. But the vast majority of U.S. drone missions, even in war zones, are flown for surveillance. Some drones are as small as model aircraft, while others have the wingspan of a full-size jet. In Afghanistan, the U.S. use of drone surveillance has grown so rapidly that it has created a glut of video material to be analyzed. The legislation would order the FAA, before the end of the year, to expedite the process through which it authorizes the use of drones by federal, state and local police and other agencies. The FAA currently issues certificates, which can cover multiple flights by more than one aircraft in a particular area, on a case-by-case basis. The Department of Homeland Security is the only federal agency to discuss openly its use of drones in domestic airspace. U.S. Customs and Border Protection, an agency within the department, operates nine drones, variants of the CIA's feared Predator. The aircraft, which are flown remotely by a team of 80 fully qualified pilots, are used principally for border and counternarcotics surveillance under four long-term FAA certificates. Officials say they can be used on a short-term basis for a variety of other public-safety and emergency-management missions if a separate certificate is issued for that mission. "It's not all about surveillance," Mr. Aftergood said. Homeland Security has deployed drones to support disaster relief operations. Unmanned aircraft also could be useful for fighting fires or finding missing climbers or hikers, he added. The FAA has issued hundreds of certificates to police and other government agencies, and a handful to research institutions to allow them to fly drones of various kinds over the United States for particular missions. The agency said it issued 313 certificates in 2011 and 295 of them were still active at the end of the year, but the FAA refuses to disclose which agencies have the certificates and what their purposes are. The Electronic Frontier Foundation is suing the FAA to obtain records of the certifications. "We need a list so we can ask [each agency], 'What are your policies on drone use? How do you protect privacy? How do you ensure compliance with the Fourth Amendment?'" Ms. Lynch said. "Currently, the only barrier to the routine use of drones for persistent surveillance are the procedural requirements imposed by the FAA for the issuance of certificates," said Amie Stepanovich, national security counsel for the Electronic Privacy Information Center, a research center in Washington. The Department of Transportation, the parent agency of the FAA, has announced plans to streamline the certification process for government drone flights this year, she said. "We are looking at our options" to oppose that, she added. Section 332 of the new FAA legislation also orders the agency to develop a system for licensing commercial drone flights as part of the nation's air traffic control system by 2015. The agency must establish six flight ranges across the country where drones can be test-flown to determine whether they are safe for travel in congested skies. Representatives of the fast-growing unmanned aircraft systems industry say they worked hard to get the provisions into law. "It sets deadlines for the integration of [the drones] into the national airspace," said Gretchen West, executive vice president of the Association for Unmanned Vehicle Systems International, an industry group. She said drone technology is new to the FAA. The legislation, which provides several deadlines for the FAA to report progress to Congress, "will move the [drones] issue up their list of priorities," Ms. West said.

Link Magnifier --- Congress Scrutinizes Court Decisions

Court decisions are subject to extreme Congressional scrutiny – ensures backlash

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschulz 12

Pickerill has found that Congress pays a great deal of attention to constitutionally based judicial decisions, at least those from the Supreme Court. Congress may not devote much time to constitutional issues in its initial debates on legislation (Pickerill 2004, 67), but it does respond when the courts declare congressional actions to be unconstitutional. As Pickerill notes, **“Congress is highly responsive to Supreme Court decisions striking federal statutes; that is, Congress usually responds formally to the Supreme Court by repassing the statute in modified form, amending the Constitution, or taking other official action”** (2004, 7). “When it comes to constitutional issues,” he concludes, “Congress is often a reactive body” (2004, 145). Congress is certainly aware of the voice of the courts in the inter-institutional constitutional debate, although the legislative branch may not always yield to the dictates of the judicial branch.

The more routine interactions between Congress and the federal courts illustrate that the two institutions have very different perspectives and wills. At times, these regular interactions inevitably produce friction and tension between the two institutions. At times, Congress has attempted to use its institutional powers in the judicial confirmation process and in the budgetary process, among others, to help shape the direction of judicial decisions. At other times, Congress has been more direct in its attempts to guide or alter the scope of judicial decisions. Since constitutional interpretation is a continuous dialogue among the political actors in American society, these interactions between Congress and the courts will probably continue well into the future. Congress will always attempt to influence the decision making of federal judges, including the justices who sit on the U.S. Supreme Court. While this continuous conversation among the branches of government is certainly healthy, there are limits as to how far Congress should go in its attempts to influence judicial decisions. When Congress goes too far, the majority in Congress may get what they want in the short term, but at the expense of the fundamental principle of judicial independence. Independent federal courts must remain key participants in the ongoing inter-institutional constitutional conversation.

Internal --- Congressional Backlash Impacts Judicial Salaries

Controversial court decisions result in Congress stripping judicial pay

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschulz 1

Appropriations for the Courts and Judicial Salaries Another regularized interaction between Congress and the federal courts involves the annual budget process for the federal judiciary. Congress has the power of the purse, and each year Congress must appropriate funds for the operation of the federal court system. Each year, one or two justices travel across the street to testify before the Appropriations Committee of either the House or the Senate to explain the proposed budget for the federal judiciary. In a rare occurrence, in February 2007 Justice Kennedy even testified before the Senate Judiciary Committee concerning the judicial branch's request for higher salaries for federal judges (see Biskupic 2007; and Mauro 2007). Thus overall appropriations for the judicial branch have long been a source of concern and conflict between Congress and the federal courts (see, e.g., Walker and Barrow 1985; Perry 1999; and Rishkof and Perry 1995). In her study of congressional appropriations for the federal judiciary, Eugenia Toma found that from 1946 to 1977, Congress rewarded the Supreme Court with budget increases when it handed down conservative decisions and attempted to punish the Court for its liberal decisions by withholding budget increases. Toma concluded that Congress "signals its overall approval or disapproval of the Court's direction through budgetary allocations" (1991, 146). However, even Toma agrees that this control mechanism works only "at the margin" (145). Members of Congress do often threaten to use their power of the purse against the federal courts, even if those threats usually do not materialize. Thus when Majority Leader Tom DeLay bellowed, "We set up the courts. We can unset the courts. We have the power of the purse!" (qtd. in Klein 2005), or when Congressman Steve King (R-IA) expressed his frustration with the courts by declaring, "When their budget starts to dry up, we'll get their attention" (qtd. in Marcus 2005), these threats seemed to ring hollow. The fact that Congress rarely cuts the federal judiciary's budget, however, does not reduce the seriousness of these threats. It is certainly possible in the future that if Congress becomes angry enough with the Supreme Court or with the other federal courts, the judicial branch's annual budget will suffer. In addition to judicial salaries, the federal courts depend upon Congress for funds for new judgeships, for courthouses, for staff, for technology, and for a variety of other purposes. Chief Justice Warren was upset with Congress because it would not even provide the necessary funds for a library messenger for the Court (see Peretti 1999, 143). As I have written previously, "The annual appropriations process provides a clear avenue to see the different institutional perspectives of the Supreme Court and of Congress. The courts rightly see themselves as an independent third branch, and many judges seem to resent Congress's interference with their budget requests" (Miller 2004, 64). Congress, however, often views the federal courts as just one more federal agency begging for funds (see, e.g., Resnik 2000b, 1011). Judicial salary increases are not at the top of the agenda for many politicians. As one staffer to a liberal Democrat told me, "Federal judges already make more money than most of our constituents. It's hard to be sympathetic to their salary concerns." Another staffer for a liberal Democrat told me, "There's no way we are raising judicial salaries until we get a decent increase in the minimum wage first." Echoing the point that the courts are just one more federal agency begging for money, a Democratic staffer in the Senate told me, "Judges are public servants, and the courts aren't special. There are other benefits to being a judge other than the salaries." Thus judicial salaries are not high-priority items on the congressional agenda each year, although federal judges have long complained that they were severely underpaid.

Congress can use compensation and appropriation power in response to decisions it disagrees with

Miller, 6 --- Associate Professor and Chair of the Department of Government and International Relations at Clark University (Summer 2006, Mark C., Case Western Reserve University, "SYMPOSIUM: JUDICIAL INDEPENDENCE AND JUDICIAL ACCOUNTABILITY: SEARCHING FOR THE RIGHT BALANCE: When Congress Attacks the Federal Courts," 56 Case W. Res. 1015, JMP)

I would like to begin by thanking the organizers of this wonderful conference on judicial independence for inviting me to comment on the excellent paper presented by Professors Entin and Jensen. n1 This paper tells us a great deal about issues surrounding tax legislation and the Compensation Clause. It is certainly possible that Congress might attempt to attack the courts through the use of tax legislation, and the Compensation Clause is certainly one device designed to protect the courts from such attacks. Clearly, the Compensation Clause helps ensure judicial independence. I think Professors Entin and Jensen have given us a strong examination of the intersection of tax law and the Compensation Clause. Nevertheless, I would like to broaden the discussion to cover various ways in which Congress can attack the federal courts when the legislative branch is unhappy with the decisions of the judicial branch. Specifically, Congress can use its compensation power, appropriation power, and impeachment power to demonstrate Congress's disapproval of a judicial decision.

Congressional backlash empirically blocks judicial salary increases

Talmadge, 99 --- Justice on the Washington Supreme Court (Winter 1999, Philip A., Seattle University Law Review, "Understanding the Limits of Power: Judicial Restraint in General Jurisdiction Court Systems," 22 Seattle Univ. L. R. 695)

The doctrine of judicial restraint has been encrusted in recent years with considerable ideological cant of both the left and the right. n17 The ideological discussion highlights particular political issues of the day. Many conservatives decry judicial activism with respect to the courts' role in racial desegregation in America or [*702] reproductive rights issues. n18 Liberals complain today of judicial activism in property and economic issues. n19 But this doctrine need not be the captive of the left or the right. The doctrine itself has become "political" largely because it is not susceptible to rigorous and predictable definition.

That the courts are not entirely trusted by the partisan branches of government to announce constitutional principles is illustrated by recent Washington legislation. In 1997, a bill was introduced in the Washington State House of Representatives with thirty-three sponsors. The bill challenged the doctrine of judicial review: "The doctrine of judicial review that the courts have the sole and final say in interpreting the Constitution on behalf of all three branches of government has been subject to serious analysis and criticism by scholars, jurists, and others for almost two hundred years." n20 The legislation's apparent intent was to undercut the finality and authority of judicial review of constitutional questions by permitting the legislature to disagree with a judicial interpretation of the Washington Constitution and to submit the issue to the voters in a statewide referendum. n21

[*703] The sense that the courts are too powerful sometimes conflicts with direction to judges from the partisan branches to state their views more publicly. In 1997, twenty-two sponsors introduced in the Washington State House of Representatives a measure urging the Supreme Court to amend Canon 7 of the Code of Judicial Conduct to afford judges and judicial candidates the right to "speak freely and without fear of governmental retaliation, on issues that are not then before the court." n22

The United States Congress has also raised serious questions about judicial performance through a different methodology. The United States Senate's recent glacial pace in confirming nominees to judicial vacancies increases judicial workloads and instills trepidation in the minds of the nominees. n23 In recent legislation, n24 Congress [*704] sought to restrain "judicial activism" by denying judges cost-of-living salary adjustments and limiting federal court jurisdiction. Various versions of the legislation would deny federal courts the power to release federal prisoners because of bad prison conditions and establish special procedures to hear challenges to state initiative measures.

In summary, these issues illustrate the need for the courts continually to revisit and review the core constitutional functions of the judiciary. n25 Within the constitutional sphere, however, the courts should be active and the other branches of government constrained not to act unconstitutionally. The judiciary cannot "restrain" itself from declaring the enactments of legislative bodies violative of constitutional norms. The courts must vigorously protect individuals, particularly minorities, from majoritarian tyranny. But this protective role does not allow the courts to "constitutionalize" every controversy. Judicial self-restraint lends support to the legitimacy of judicial independence.

In our system of separation of powers, achievement of the necessary balance between a judiciary vigorous within its constitutional sphere and independent of the partisan branches of government, and a judiciary restrained in its inclination to right every wrong, is no easy task. That necessary balance is, however, the essence of ordered liberty in the American constitutional system. Likewise, the other branches of government must regard the authority and independence of the judiciary by respecting judicial review, properly funding the courts, and avoiding the imposition of nonjudicial duties or ever-escalating caseloads. The fulfillment of separation of powers is found in the principles of restraint employed in the federal and state court systems.

Congress uses the judicial budget to exert political influence over the Supreme Court—threatens judicial independence

Toma, 91 – Professor of Public Policy at the Martin School of Public Policy and Administration, PhD Economics (Eugenia Froedge, “Congressional Influence and the Supreme Court: The Budget as a Signaling Device”, The Journal of Legal Studies, January 1991, <http://www.jstor.org/stable/724457>)/TT

Taken together, the results of the empirical tests and the anecdotal evidence suggest that Congress uses the budget as a device to signal its approval or disapproval to the Court. The answer as to whether the Court responds to the budgetary signals by altering its decisions in the direction desired by Congress was not addressed through an examination of specific case decisions. Instead, I tested only whether the budget was a determinant of the overall liberal/conservative rating of Court decisions. The budget was significant in all tests. The results are supportive of the thesis developed in this article. While the selection process for judges and the lifetime tenure on the bench can insulate the Court from political pressures to a large degree, the budget appears to be a mechanism which, at the margin, allows Congress to exert political influence over Supreme Court decision making.

[omit chart]

IV. CONCLUDING COMMENTS

This article has empirically examined the relationship between budget allocations by Congress and Supreme Court decision making. The findings suggest that the relationship between Congress and the Supreme Court resembles-in kind if not in degree-that between Congress and other agencies in a very important way. Congress signals its overall approval or disapproval of the Court's direction through budgetary allocations.

Richard Epstein suggests that there is an optimal amount of independence for the Supreme Court.²³ From a constitutional perspective, complete independence of any single branch of government grants a greater than optimal amount of discretion to that branch. Epstein argues that a fixed term of tenure on the bench, therefore, may be preferable to the current life tenure, for it would reduce the power of the Court. The retention of budgetary authority by Congress over the Court represents another means by which some accountability of the Court remains intact. As long as the Congress controls the purse strings, members of the Supreme Court will not be totally autonomous agents.

Internal --- Congressional Backlash => Cuts to Judicial Budget

Congress cuts judicial budget in response to politically unpopular decisions

Cross and Nelson, 2001 – JD Harvard, BA University of Kansas, Professor of Business Law and Law at the University of Texas; Assistant Professor of Political Science at the Pennsylvania State University (Frank and Blake, "STRATEGIC INSTITUTIONAL EFFECTS ON SUPREME COURT DECISIONMAKING", 95 Nw. U. L. Rev. 1437 2000-2001, hein online)//TT

Congressional resource controls are not limited to salary adjustments and expenses. The judiciary has considerable concern about its caseload and docket control.¹⁹⁹ When Congress in the 1980s considered the Civil Justice Reform Act, legislation that would affect judicial control over civil case processing, the judiciary lobbied hard and effectively to ward off this intrusion of their authority.²⁰⁰ Congress may pressure the judiciary by refusing to authorize new judgeships or confirm new judges, or even by threatening the reduction of judgeships.²⁰¹ Such measures increase the caseload per judge and make the position a less enjoyable one.

Judicial resource concerns are periodically quite evident. In 1989, a press conference at the Supreme Court was held to express concern for judicial salaries, described as "the most serious threat to the future of the judiciary and its continued operation.²⁰² Judicial lobbying is readily observed by casual review of *The Third Branch*, the official journal of the federal courts, published monthly by the Administrative Office of the U.S. Courts.^{2°} i Judith Resnik suggests that the federal judiciary has recently become something like an agency, not a co-equal branch, due to its dependency on Congress for resources.²⁰⁴

There is empirical evidence that Congress pays attention to Supreme Court decisions and punishes undesirable decisions with budget cuts, and that the Justices respond with decisions more amenable to congressional policy goals. Eugenia Toma hypothesized that the relationship between Congress and the Supreme Court was a contractual one in which budgetary favors are linked to politically acceptable decisions.²⁰⁵ She empirically analyzed the Court's budget and its decisions. The greater the ideological distance between a term's decisions and the congressional average of the relevant House and Senate committees, the less money was appropriated for the Court's budget.²⁰⁶ She also found that the Court responded to these signals and modified its decisions accordingly.²⁰⁷ The effect was not an enormous one and not entirely consistent over the years,²⁰⁸ but it was clearly present, enough to meet rigorous standards of statistical significance.²⁰⁹ Congress may achieve indirectly through appropriations what it cannot do directly.²¹⁰

Congress will backlash by limiting salary increases or cutting other necessary funding for courts

Cross and Nelson, 2001 – JD Harvard, BA University of Kansas, Professor of Business Law and Law at the University of Texas; Assistant Professor of Political Science at the Pennsylvania State University (Frank and Blake, "STRATEGIC INSTITUTIONAL EFFECTS ON SUPREME COURT DECISIONMAKING", 95 Nw. U. L. Rev. 1437 2000-2001, hein online)//TT

c. Resource Punishment.-Perhaps the most salient constraint on courts involves congressional control over their resources. **Judicial salaries are generally protected from being cut by Congress, but a displeased Congress may withhold salary increases or other resources.**¹⁸² There are few, if any, constraints on congressional control of funding for judicial support staff, courthouses, and other necessary resources of the Third Branch. Congress does not automatically defer to the Court's budget requests, nor does it automatically grant the Court some increase in resources to account for inflation or growing caseloads. Between 1946 and 1988, the real budget for the Court increased at an average of 3.2% per year, but annual changes in the budget have varied from a negative 9.8% to a positive 13.7%.¹⁸³ Plainly, Congress has both the power and inclination to manipulate appropriations to the courts.'⁸⁴

One might naively presume that federal judges are above caring about matters so mundane as money, but this is not the case. Justices frequently go to Congress pleading for more resources and even more pay.⁸⁵ More indirectly, the judiciary has gone to Congress to reduce their caseload, seeking an expansion in the number of judges and a reduction in federal cases.¹⁸⁶ They express a concern for coming years about "how to pay the rent."¹⁸⁷ The "federal judiciary as an entity now worries about federal judges' salaries, their cost of living increases, pensions, travel budgets, sharing courtrooms (as compared to having a courtroom of one's own), building and maintenance, ' staff and employment - " policies, and the nature of .., 88 federal judges' assignments, that is, jurisdictional grants."¹⁸⁸

There is a history of congressional resource punishment. The legislature "communicated its displeasure with the liberal Warren Court in 1964 by increasing the annual salary of federal judges by \$7,500 while providing the [Supreme Court] justices with only a \$4,500 increase."⁸⁹ Earl Warren lamented his poor relations with Congress, noting that on one occasion, a Court request for a library messenger was struck from its budget.⁹⁰ Congress may withhold a cost-of-living pay increase for judges, thus functionally reducing their salaries.¹⁹¹ Judges have sought to resist congressional efforts to limit their salaries, but there are limits to their ability to resist.¹⁹²

Resource punishment goes far beyond salaries, as the federal courts are dependent upon financing an increasingly vast infrastructure. The salary protection provided by the Constitution "does not begin to meet the demands for staff, space and equipment now common within the 'federal court system.'"⁹³ Congress has resisted some judicial requests for resources. Senator Grassley has taken a green eyeshade view of court expenses.¹⁹⁴ Other legislators have also exercised increasingly tough oversight on judicial expenditures.¹⁹⁵ This legislative "power to determine judges' salaries and judicial budgetary appropriations assists it in controlling judicial behavior."⁹⁶ Whatever the congressional motivation behind such oversight, federal judges have shown concern.¹⁹⁷ In response to this congressional pressure, the judiciary appears "ready to placate and to mollify."¹⁹⁸

Judicial decisions affect Congress' budget allocation

Toma, 91 – Professor of Public Policy at the Martin School of Public Policy and Administration, PhD Economics (Eugenia Froedge, "Congressional Influence and the Supreme Court: The Budget as a Signaling Device", The Journal of Legal Studies, January 1991, <http://www.jstor.org/stable/724457>)/TT

According to the thesis of Section II, the more closely the Court's decisions correspond to the desires of Congress, the larger the budget appropriation Congress will grant. For empirical purposes, the smaller the difference in the ratings between the Court decisions and the Congressional votes on a liberal-conservative scale, the higher the Supreme Court's budget should be. Similarly, the higher the budget, the smaller the resulting difference between the ratings of the Court and Congress, if the budget affects Court decisions. Alternatively, if the Court acts in a way that is independent of political influences, the budget should not affect the ratings difference.

Internal --- Congressional Backlash Destroys Judicial Legitimacy

Congressional backlash will crush judicial legitimacy --- even an unsuccessful attack will gut judicial review

Martin, 1 --- Prof of Political Science at Washington University

(Andrew D., Statutory Battles and Constitutional Wars: Congress and the Supreme Court)

But the large policy payoff in the constitutional cases. What does the ability of the President and Congress to attack through overrides or other means constitutional court decisions imply in terms of the cost of the justices bear? If an attack succeeds and the court does not back down, it effectively removes the court from the policy game and may seriously or, even irrevocably harm its reputation, credibility, and legitimacy. Indeed, such an attack would effectively remove the court from policy making, thus incurring an infinite cost. With no constitutional prescription for judicial review, this power is vulnerable, and would be severely damaged if congress and the president were effective in attack on the Court. But **even if the attack is unsuccessful,** the integrity of the court may be damaged, for the assault may compromise its ability to make future constitutional decisions and, thus, more long-lasting policy. One does not have to peer as far back as scott v. sandford to find examples; Bush v. Gore (2000, U.S.) may provide one. To be sure, the new President and Congress did not attack the decision, but other members of government did of course, unsuccessfully at least in terms of the ruling's impact. Yet, there seems little doubt that the critics (not to mention the decision itself) caused some major damage to the reputation of the court, the effects of which the justices may feel in the not-so-distant future.

Internal --- Budget Cuts Undermine Judicial Independence

Sufficient funding key to ensure independent judiciary

Judge Harlington, 2001 - Professor at the Washington University in Saint Louis – School of Law (Wood, "JUDGES' FORUM NO. 2: "Real Judges", New York University School of Law, 2001, ProQuest)//TT

Judges have always been at some personal risk from disgruntled litigants and antigovernment

groups. n17 For example, an ordinary looking

[*265] letter was delivered to me one February at the office, but its contents were not ordinary. It was a very mean and vicious threat about what would soon happen to me. The sender from the Chicago area got so enthusiastic about sending me his "valentine" that he forgot and conveniently put his name and return address on the envelope. Since we are now in a war with terrorists, **the risks are much greater for**

everyone. Congress has the responsibility to look after the welfare of the judiciary because the **judiciary cannot financially care for itself. The judicial structure must be kept healthy and safe,** especially in times of national crises, **or the terrorist will have achieved some part of their goal.**

Federal judges who meet certain age and service requirements and voluntarily choose to become "senior judges" are constitutionally entitled, without further judicial service, to receive full salary for the rest of their lives. That additional salary, however, has already been earned. It is like a pension that most others in nonpublic pursuits earn during their productive years. Judges, as a result, need not be motivated out of concerns for an uncertain

financial future. That future has been provided for, but **today many senior federal judges keep on working without any additional compensation out of a sense of duty. Senior judges could fully retire, as do many in private business, and just go home to a rocking chair and "smell the roses."** That rocking chair **would likely be a much safer place these days than any federal building.**

Because of the contributions by working senior judges who have not retired, many judicial emergencies are avoided, our judicial system is kept in operation, and the federal government is saved great additional expense. Currently, senior judges handle twenty percent of the federal caseload. **Even with the help of the working senior judges, the active judges in some areas need additional help to take care of the continually increasing caseload.** In the past three decades, **judges of the United States courts of appeals have seen a nearly two hundred percent increase in their average caseloads, and a federal district judge's average caseload has increased by over fifty five percent.** n18

[*266] **In addition to adequate salaries, the independent judiciary must have adequate resources to function. The judiciary needs funding for offices, staff, training, and equipment.** A reasonably impressive courtroom is not a waste of money as appropriate surroundings contribute to the dignity of the law and the respect for those who administer it.

But this emphasis on salary does not mean that salary is the only reward for judicial service. **Being judges and rendering impartial and competent judicial service ordinarily brings with it some public prestige and confidence in the system, as well as personal satisfaction** to the judges for service rendered for their country. **The prestige, public confidence, and judicial independence were inherited from judicial predecessors, but that inheritance must be continually earned and protected. That judicial inheritance must be passed on unblemished to our successor judges of tomorrow.**

Congress uses appropriation process to undermine judicial independence

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, "Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary." University of Virginia Press, 2009, proquest] Bschulz 2

Concerns over the annual appropriations process led Chief Justice Roberts to also argue that the independence of the courts was under attack. He wrote in his 2005 annual report that "in recent years, the budget for the federal judiciary and the ever-lengthening appropriations process have taken a toll on the operation of the courts." He went on to complain about the overly high rents that the judicial branch pays to the federal General Services Administration for courthouses and other office space. **He continued,** "Escalating rents combined with **across-the-board cuts imposed** during fiscal years 2004 and 2005 **resulted in a reduction of approximately 1,500 judicial branch employees** as of mid-December 2005 when compared to October 2003" (2006).

Congress may also be able to use its taxing power against federal judges, although that seems unlikely (see, e.g., Entin and Jensen 2006). The legislature can use its power of the purse in other ways to make life more difficult for federal judges, such as refusing to give them adequate courthouses, technology, or staff. Some members of Congress have used the appropriations process to attempt to force the Supreme Court and other federal courts to allow cameras in their courtrooms (see, e.g., Biskupic 2007; and Mauro 2007). One federal judge told me that Congress may require federal district court judges to share courtrooms, which he interpreted as an attack on the professionalism of the judiciary. Judge Harry T. Edwards, of the U.S. Court of Appeals for the District of Columbia Circuit, agrees: “In the process of deciding to allocate funds, Congress and the President can sometimes turn courthouse funding into a political football” (2006, 233). When it comes to the annual appropriations process, it seems that Congress often does not consider significant the fact that the courts are a coequal third branch. As a former chair of the House Appropriations subcommittee with jurisdiction over the budget for the judicial branch explained, “The courts do not have many advocates in Congress. They do not have a constituency. Congress continues to pass more and more laws that require the courts to assume jurisdiction of more cases and add to their workload. Congress is eager to authorize more judges, but when it comes to paying for them, the members of Congress do not think that is a very high priority” (N. Smith 1996, 177). In fact, the courts are often at a disadvantage when it comes to funding because there is little that they or federal judges can do for the reelection-minded legislators. Certainly, as John Walker and Deborah Barrow note, “judges cannot exchange their decisions for favorable congressional treatment without destroying the very foundations of the judiciary’s independence and authority” (1985, 44). Or as Chief Justice Warren noted, it is difficult for the courts to lobby Congress, because “we can’t trade anything with the Committees” (qtd. in Walker and Barrow 1985, 44). None of the liberal congresspersons or liberal congressional staff whom I interviewed would admit that they or their bosses would support cutting the budgets of the courts in retaliation for conservative judicial decisions. As one Democratic staffer told me, “Liberals don’t want to hurt judges because we are fighting for increased access to the federal judiciary. Increased access to the federal courts always serves the interests of justice.” With the courts lacking a clear constituency, it becomes far too easy for Congress to treat the courts as just one more federal entity begging for money from the legislative purse.

Internal --- Judicial Salary Key to Independence

Salary concern is the most pressing issue facing the judiciary --- key to its independence. Our 1nc Miller evidence quoted Chief Justice Rehnquist.

Salaries are the most important internal link to judicial independence

Schwartz, 12 --- Symposia Editor, Cardozo Law Review (Karissa M., Cardozo Law Review de novo, "ARTICLE: SOUND THE ALARM: THE CONSTITUTIONAL CRISIS OF JUDICIAL COMPENSATION," 2012 Cardozo L. Rev. De Novo 101, JMP)

When legal scholars refer to a "constitutional crisis," they speak about a substantive legal showdown between branches of the government, such as President Roosevelt's "court packing" plan, n1 the presidential subpoena issued by Congress during the Watergate era, n2 or the election recount in Bush v. Gore. n3 Chief Justice Roberts has recently sounded the alarm about an ongoing constitutional crisis that threatens the viability of the judicial branch of government. n4 This constitutional crisis undermining the strength and independence of the federal judiciary is the failure to raise judicial pay. n5

Over the years, federal judicial salaries have stagnated, while [*102] inflation has risen. n6 Since 1993, judicial pay has fallen 10.8% behind inflation while the pay of most other federal workers has increased by 18.5%. n7 Consequently, judicial pay has declined substantially and, in doing so, has impacted the makeup of the judiciary. n8 The inadequate levels of judicial pay not only threaten the judiciary's composition but also the quality of justice in the United States. n9

Critics argue that there is no need to increase judicial salaries, since judicial salaries are already higher than those of other occupations. n10 Former Chief Justice Rehnquist answered this critique by identifying the disparity in judicial compensation as compared to the [*103] rest of the legal profession. n11 In addition, Chief Justice Roberts has noted that a federal judge is aware he is making financial sacrifices to serve the nation; however, there comes a point when those sacrifices become an undue financial burden. n12 The national cost to minimize the financial burden on judges is minimal compared to the intangible cost of minimizing American justice. n13 Thus, in order to maintain a judicial system made up of diverse and competent individuals, we must adequately compensate our judiciary lest we lose the most qualified individuals to higher paying occupations. n14

Fair compensation is key to maintaining judicial independence

American College of Trial Lawyers, 2007 ("JUDICIAL COMPENSATION: OUR FEDERAL JUDGES MUST BE FAIRLY PAID", Board of Regents, March 2007, http://www.americanbar.org/content/dam/aba/migrated/poladv/priorities/judicial_pay/actlpospaper.authcheckdam.pdf)/TT

An independent judiciary is critical to our society; and fair compensation is essential to maintaining that independence.

Of all the grievances detailed in the Declaration of Independence, none was more galling than the lack of independence imposed by King George on Colonial judges:

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

Declaration of Independence, July 4, 1776. English judges were assured life tenure during their "good behavior" by the Act of Settlement of 1700, but their Colonial counterparts served at the pleasure of the King. Their salaries were subject to his whims. Judges beholden to the King, not surprisingly, often ruled as he pleased, no matter how unfairly. The framers of our post-Revolution government needed to ensure an independent judiciary.

In 1780, nearly a decade before the U.S. Constitution was ratified, John Adams drafted a Declaration of Rights for the Massachusetts State Constitution, which declared:

It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit.

The concept of judicial independence – that judges should decide cases, faithful to the law, without “fear or favor” and free from political or external pressures – remains one of the fundamental cornerstones of our political and legal system. As Alexander Hamilton explained, once the independence of judges is destroyed, “the Constitution is gone, it is a dead letter; it is a paper which the breath of faction in a moment may dissipate.”³

Fair compensation is critical to maintain that independence. In the Federalist Papers, Hamilton explained the importance of fair compensation: “[I]n the general course of human nature, a power over a man’s subsistence amounts to a power over his will.” Federalist Papers No. 79. Thus, the U.S. Constitution contains two critical provisions to defend and preserve judicial independence for federal judges: (1) life tenure and (2) a prohibition against diminution of compensation.

Inflation is not unique to modern times. The drafters of the Constitution were aware of the problem, and they took steps to solve it. Explaining that “next to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support,” Hamilton, in Federalist Paper No. 79, observed:

It would readily be understood that the fluctuations in the value of money and in the state of society rendered a fixed rate of compensation in the Constitution inadmissible. What might be extravagant today might in half a century become penurious and inadequate. It was therefore necessary to leave it to the discretion of the legislature to vary its provisions in conformity to the variations in circumstances, yet under such restrictions as to put it out of the power of that body to change the condition of the individual for the worse. A man may then be sure of the ground upon which he stands, and can never be deterred from his duty by the apprehension of being placed in a less eligible situation.

A case can be made that the Constitution requires a raise in judicial compensation to ameliorate the diminution which has occurred over time as the result of inflation.⁴ When the Constitution was adopted, the Founding Fathers provided that the President was entitled to compensation which can be neither increased nor decreased during the term of office, while judges were guaranteed there would be no diminution of compensation; there was no ban on increases in judicial compensation, because it was contemplated that there might have to be increases. Hamilton explained:

It will be observed that a difference has been made by the Convention between the compensation of the President and of the judges. That of the former can neither be increased nor diminished; that of the latter can only not be diminished. This probably arose from the difference in the duration of the respective offices. As the President is to be elected for no more than four years, it can rarely happen that an adequate salary, fixed at the commencement of that period, will not continue to be such to its end. But with regard to the judges, who, if they behave properly, will be secured in their places for life, it may well happen, especially in the early stages of the government, that a stipend, which would be very sufficient at their first appointment, would become too small in the progress of their service.

The prohibition against diminution of judicial salaries was not simply to protect judges; it was designed to protect the institution of an independent judiciary and thereby to protect all of us. Society at large is the primary beneficiary of a fairly compensated bench:

[T]he primary purpose of the prohibition against diminution was not to benefit the judges, but, like the clause in respect of tenure, to attract good and competent men to the bench and to promote that independence of action and judgment which is essential to the maintenance of the guaranties, limitations and pervading principles of the Constitution and to the administration of justice without respect to persons and with equal concern for the poor and the rich.

Salary declines will erode the integrity of the federal judiciary

Denton, 9 --- Associate, Latham & Watkins LLP. B.A., Rutgers University; J.D., Brooklyn Law School (Fall 2009, Blake, Drexel Law Review, “THE FEDERAL JUDICIAL SALARY CRISIS,” 2 Drexel L. Rev. 152, JMP)

[*152] The federal judiciary is revered in the legal world and stands as a testament to the virtues of our system of justice. As with any institution, its reputation is a function of the professionalism, intelligence, and hard work of its past and current members. Nominees for federal judgeships go through a rigorous vetting process, n1 which to date has yielded an exceptionally qualified judiciary. Unfortunately, Congress has not treated federal judges with the dignity that they deserve when it comes to salary

considerations. Judicial pay has not increased commensurate with that of other federal employees, nor kept up with inflation. n2

The Framers sought to insulate the federal judiciary from political influence by granting federal judges the constitutional guarantees of lifetime tenure "during good Behaviour" and, through the Compensation Clause, "Compensation, which shall not be diminished during their Continuance in Office." n3 Although Congress has not actually decreased the pay of federal judges, which would be an obvious violation of the Compensation Clause, it has accomplished the functional equivalent of a salary cut by failing to increase federal judges' wages; instead, standing idly by as the quality of life one can lead on a judicial salary declines.

This Article argues that Congress, in its treatment of judicial pay, has violated the spirit and possibly even the letter of the Constitution. Admittedly, this argument may be purely academic [*153] because the forum for such a debate would be federal court. n4 Federal judges might be reluctant to find Congress's actions unconstitutional, due to the perceived impropriety of granting themselves a de facto pay raise. Thus, the bulk of this Article focuses on the practical and more immediate effect of the growing inadequacy of judicial salaries. I contend that the steady erosion of judges' "real salaries," i.e. their salaries once we account for changes in the cost-of-living due to inflation, n5 will impact the composition of the federal judiciary in three ways: (1) there will be less diversity on the federal bench; (2) more judges will retire once they have attained the requisite age and service requirements; and (3) fewer top legal professionals will seek federal judgeships. Therefore, if Congress does not act quickly to improve judicial pay, the integrity of the federal judiciary is at risk.

Inadequate pay is causing high quality district judges to leave and discouraging others from becoming judges --- undermines the judiciary

Kennedy, 7 --- Supreme Court Justice (2/14/2007, Anthony M., "Testimony of Associate Justice Anthony M. Kennedy before the United States Senate Committee on the Judiciary; Judicial Security and Independence," http://www.judiciary.senate.gov/hearings/testimony.cfm?id=e655f9e2809e5476862f735da1200c37&wit_id=e655f9e2809e5476862f735da1200c37-1-1, JMP)

It is disquieting to hear from judges whose real compensation has fallen behind. Judges do not expect to become wealthy when they are appointed to the federal bench; they do expect, however, that Congress will protect the integrity of their position and provide a salary commensurate with the duties the office requires. For the judiciary to maintain its high level of expertise and qualifications, Congress needs to restore judicial pay to its historic position vis-à-vis average wages and the wages of the professional and academic community.

A failure to do so would mean that we will be unable to attract district judges who come from the most respected and prestigious segments of the practicing bar. One of the distinguishing marks of the Anglo-American legal tradition is that many of our judges are drawn from the highest ranks of the private bar. This is not the case in many other countries, where young law school graduates join the judicial civil service immediately after they complete their legal educations. Our tradition has been to rely upon a judiciary with substantial experience and demonstrated excellence. Private litigants depend on our judges to process complex legal matters with the skill, insight, and efficiency that come only with years of experience at the highest levels of the profession.

There are two present dangers to our maintaining a judiciary of the highest quality and competence: First, some of the most talented attorneys can no longer be persuaded to come to the bench; second, some of our most talented and experienced judges are electing to leave it.

In just the past year, two of the finest federal district judges in California have left for higher-paying jobs elsewhere, one in academia and the other in the state judiciary. The loss of these fine jurists is not an isolated phenomenon. Since January 1, 2006, ten Article III judges have resigned or retired from the federal bench. It is our understanding that seven of these judges sought other employment. In 2005, nine Article III judges resigned or retired from the bench, which was the largest departure from the federal bench in any one year. Four of those nine judges joined JAMS, a California-based arbitration/mediation service, where they have the potential to earn the equivalent of a district judge's salary in a matter of months. My sense is that this may be just the beginning of a large-scale departure of the finest judges in the federal judiciary. It would be troubling if the best judges were available only to those who could afford private arbitration.

The income of private-sector lawyers has risen to levels that make it unlikely Congress could use earnings of a senior member of the bar as a benchmark for judicial salaries in anything approaching a one-to-one ratio. It has not been our tradition, furthermore, that highly accomplished, private attorneys go to the bench with the expectation of equivalent earnings. Still, outside earning figures are relevant, particularly if we look at earnings for entry-level attorneys, senior associates, and junior and mid-level partners. These persisting differentials create an atmosphere in which it is difficult to attract eminent attorneys to the bench and to convince experienced judges to remain. Something is wrong when a judge's law clerk, just one or two years out of law school, has a salary greater than that of the judge or justice he or she served the year before. These continuing gross disparities are of undoubted relevance. They are a material factor for the attorney who declines a judicial career or the judge who feels forced to leave it behind. The disparities pose a threat to the strength and integrity of the judicial branch.

The intangible rewards of civic service are a valid consideration in fixing salary levels, but here, too, we are at a disadvantage in recruiting and retaining our best judges. As my colleague Justice Breyer says to me, it is one thing to lose a judge to a partnership in a New York law firm but quite another to lose him or her to a non-profit position with rich intangible rewards plus superior financial incentives. The relevant benchmark here is law school compensation. At major law schools salaries not just of the deans but also of the senior professors are substantially above the salaries of federal district judges. So if a highly qualified attorney wants to serve by teaching young people, the salary differential is itself an incentive to leave. The intangible rewards of judicial service, while of undoubted relevance, do not overcome the present earnings disparity.

For judges to use federal judicial service as a mere stepping-stone to re-entry into the private sector and law firm practice is inconsistent with our judicial tradition. It could **undermine faith in the impartiality of our judiciary** if the public believes judges are using the federal bench as an opportunity to embellish their resumes for more lucrative opportunities later in their professional careers.

Judicial salaries are a key factor in ensuring judicial independence and attracting qualified candidates

Judge Harlington, 2001 - Professor at the Washington University in Saint Louis – School of Law (Wood, "JUDGES' FORUM NO. 2: "Real Judges", New York University School of Law, 2001, ProQuest)//TT

Not only is a reasonable judicial salary fair treatment of judges for their work, but it is also **an important factor in judicial independence**. A well paid judge is less susceptible to deserting the bench for the more lucrative private practice or, in the very rarest of circumstances, succumbing to the temptation to do judicial favors for a fee. Judges who have accepted bribes may not only be subject to impeachment as judges, but also find themselves as defendants in front of the bench of another judge and possibly on their way to the penitentiary. n15 Reasonable judicial salaries also serve another very important purpose because fair compensation helps attract the most qualified lawyers to the bench. If serving as a judge were to mean a financial sacrifice impacting prospective judges and their families, only the rich would become federal judges. That should not be. In 2001, Congress did not forget the Third Branch entirely and gave the judges a cost of living increase, not a pay raise, for which the judges are grateful.^{ul} However, since 1993, the judges have received only four of nine annual cost of living adjustments. n16

Judicial salaries are key to judicial independence

Entin, 2011 – Associate Dean for Academic Affairs; David L. Brennan Professor of Law and Professor of Political Science (Jonathan L., "GETTING WHAT YOU PAY FOR: JUDICIAL COMPENSATION AND JUDICIAL INDEPENDENCE", Utah Law Review, 2011, [//TT">http://epubs.utah.edu/index.php/ulr/article/viewFile/542/403">//TT](http://epubs.utah.edu/index.php/ulr/article/viewFile/542/403)

One vital way of assuring judicial independence is to guarantee that judges need not fear that their salaries will be reduced if they render unpopular or controversial decisions. The United States Constitution seeks to do this by providing that all federal judges "shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."¹ As the Supreme Court explained in perhaps the leading case on the Compensation Clause, "[a] Judiciary free from control by the Executive and the Legislature is essential if there is a right to have claims decided by judges who are free from potential domination by other branches of government."²

The Compensation Clause does not forbid increases in judicial pay; rather it prohibits only reductions in judges' salaries. This aspect of the clause undoubtedly reflects the notion that the prospect of a pay cut poses a

greater threat to judicial independence than does a pay raise.³ While the prospect of a salary increase also could influence a judge's rulings,⁴ the framers debated at length the propriety of allowing for increasing judicial pay before deciding to omit any reference to that matter from the Compensation Clause.⁵

The apparent simplicity of the language of the federal Compensation Clause and its state counterparts conceals several troublesome issues. ⁶ Part II of this Article will address when a judicial salary becomes vested and thus no longer susceptible to reduction. Part III considers whether taxation of judicial salaries can amount to an unconstitutional diminution in compensation. Part IV focuses on the extent to which withholding cost-of-living increases impermissibly reduces judicial pay. Even in situations that do not violate the Compensation Clause, questions about how much to pay judges, as well as how often and by what process judicial salaries should be increased, present potentially significant policy issues. Part V considers some of those questions, and suggests that the case for raising judges' pay should not rest exclusively or even primarily on the financial aspects of judicial service.'

The number of judges have declined as a result of low salaries

Justice Kennedy, 2007— Supreme Court Justice, Harvard Law School, London School of Economics, Stanford University (Justice Anthony M. Kennedy, "Testimony of Associate Justice Anthony M. Kennedy before the United States Senate Committee on the Judiciary Judicial Security and Independence", February 14, 2007, http://www.americanbar.org/content/dam/aba/migrated/poladv/priorities/judicial_pay/kennedystatement.authcheckdam.pdf)/TT

The commitment and dedication of our judges have allowed us to maintain a well-functioning system despite a marked increase in workload. In 1975, when I began service on the Court of Appeals for the Ninth Circuit, there were approximately 17,000 appellate cases filed. By 2005, that number had quadrupled to nearly 70,000 cases. The increase in the number of judges has not kept up. In 1975 each three-judge panel heard approximately 500 cases per year; by 2001, the number had risen to over 1,200. Without the dedicated service of our senior judges, who are not obligated to share a full workload but do so anyway, our court dockets could be dangerously congested. It is essential to the integrity of the Article III system that our senior judges remain committed to serving after active duty and that those now beginning their judicial tenure do so with the expectation that it will be a lifelong commitment.

Despite the increase in workload, the real compensation of federal judges has diminished substantially over the years. Between 1969 and 2006, the real pay of district judges declined by about 25 percent. In the same period, the real pay of the average American worker increased by eighteen percent. The resulting disparity is a forty-three percent disadvantage to the district judges. If judges' salaries had kept pace with the increase in the wages of the average American worker during this time period, the district judge salary would be \$261,000. That salary is large compared to the average wages of citizens, but it is still far less than the salary a highly qualified individual in private practice or academia would give up to become a judge.

Since 1993, when the Ethics Reform Act's Employment Cost Index pay adjustment provision ceased operating as Congress intended, the real pay of judges has fallen even faster. Inflation caused a loss of real pay of over twelve percentage points, while the real pay of most federal employees has outpaced inflation by twenty-five percentage points.

Former Federal Reserve Chairman Paul Volcker has advocated raising the salary of federal district judges to remedy this decades-long period of neglect. His proposal would at least restore the judiciary to the position it once had. My concern is that any lesser increase would be counterproductive because it would indicate a Congressional policy to discount the role the federal court system has as an equal and coordinate branch of a constitutional system that must always be committed to excellence.

Internal --- Congress Strips the Court

The congress will backlash against unpopular decisions and strip the court of jurisdiction

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschulz 3

Historically, court stripping has often been threatened, for example by labor supporters and other progressives during the conservative activist era of the Supreme Court from the 1890s to the mid-1930s (see Ross 1994). Today, it is the conservatives who are acting to strip the federal courts of jurisdiction over a variety of types of cases. While their actions are controversial, some conservatives, such as former attorney general Edwin Meese, have clearly stated their preference that Congress strip the courts of jurisdiction under many circumstances. These conservatives often feel that too many federal judges take a liberal activist approach to judicial decision making and that court-stripping legislation is one clear way to reign in a judiciary in which federal judges improperly "legislate from the bench." In other words, these conservatives feel that the courts should reflect the will of the majority, and they perceive liberal judicial activism as counter-majoritarian. For example, overstating the historical record a bit Meese said, "Congress has in the past withdrawn jurisdiction from the lower federal courts when it became dissatisfied with their performance or concluded that state courts were the better forum for certain types of cases" (Meese and Dehart 1997, 181– 82). In September 2004 the Senate Republican Policy Committee distributed a report entitled Restoring Popular Control of the Constitution: The Case for Jurisdiction-Stripping Legislation. The report states that "the American people must have a remedy when they believe that federal courts have overreached and interpreted the Constitution in ways that are fundamentally at odds with the people's common constitutional understandings and expectations" (Kyl 2004, 1). Thus court stripping is a method for changing the direction of federal judicial decisions and altering the independent voice of the courts in the inter-institutional constitutional dialogue.

Congress will strip the courts of jurisdiction because of controversy – empirics prove

Brandenburg 09 [Bert - Executive Director, Justice at Stake Campaign. Justice at Stake (JAS) is a nonpartisan national partnership working to keep courts fair, impartial, and independent. "OURTS UNDER PRESSURE: THE GROWING THREAT TO IMPARTIAL JUSTICE", 59 Syracuse L. Rev. 371 (2008-2009)] Bschulz 6

The second recent threat to impartial justice was a surge in efforts to strip jurisdiction from federal courts, often in retaliation for rulings in highprofile cases. It was not the first such round of attacks. After the Supreme Court's 1954 Brown v. Board of Education decision, angry lawmakers sought to block federal courts from ruling on public education laws.²⁴ During the 1960s and 1970s, issues like the draft, Miranda warnings, busing, school prayer, and abortion sparked efforts to cut the courts' power to review challenges to federal laws. ²⁵ The latest cycle of assaults began in 1996, a presidential election year that saw three major court-stripping laws and a political assault on a sitting judge. ²⁶ In the wake of the Oklahoma City bombing, Congress passed an anti-terrorism bill that dramatically restricted federal judicial review for death row inmates and for many immigrants facing deportation. ²⁷ The Illegal Immigration Reform and Immigrant Responsibility Act eliminated or severely restricted the ability of immigrants to seek a federal court review as they seek asylum from persecution or fight deportation efforts. ²⁸ The Prison Litigation Reform Act drastically diminished the ability of prisoners to get a day in court to object to abusive prison conditions, and weakened the authority of federal judges to craft remedies when those conditions actually break the law. ²⁹ The efforts quickened after the 2002 elections. The 2003 "Feeney Amendment" sharply limited the ability of federal judges to issue sentences below federal guidelines.³⁰ In 2004, the House of Representatives passed a measure to strip federal courts of jurisdiction to rule on challenges to the Pledge of Allegiance. ³¹ The House also passed the "Marriage Protection Act," which singled out one law (the Defense of Marriage Act) for special treatment, exempting it from any review by the federal courts.³² Another measure passed in 2005 gave the Secretary of Homeland Security unilateral power to waive any law on the books that might interfere with the building of border fences-including civil-rights and minimum-wage protections, and even criminal laws.³³ The recent surge in culture-war attacks on the courts culminated in the effort to rig the Terri Schiavo case. Congressional efforts to send a family dispute into federal court were so politically transparent that they generated a national backlash.³⁴ Other measures fell short, but showed the surge in anti-court sentiment. Proposed marriage amendments to the Constitution sought to take powers from state judges to rule on family law issues they have handled for centuries. ³⁵ The "Constitution Restoration Act" would have denied federal courts the power to hear any suit involving a governmental official's "acknowledgment of God as the sovereign source

of law, liberty, or government." 36 For good measure, any judge caught exceeding his or her jurisdiction could have been impeached.³⁷ A separate House measure would have allowed Congress to reverse any Supreme Court decision that struck down a law on constitutional grounds.³⁸

Congress can undercut the Court in a number of ways when it disagrees with decisions

Miller, 6 --- Associate Professor and Chair of the Department of Government and International Relations at Clark University (Summer 2006, Mark C., Case Western Reserve University, "SYMPOSIUM: JUDICIAL INDEPENDENCE AND JUDICIAL ACCOUNTABILITY: SEARCHING FOR THE RIGHT BALANCE: When Congress Attacks the Federal Courts," 56 Case W. Res. 1015))

IV. Conclusion

There are of course other examples of ways that a determined majority in Congress can attack the independence of the federal judiciary. It is beyond the scope of this paper to discuss in detail some of the other mechanisms that could be used by Congress to attack the federal courts. For example, this paper has discussed neither court packing plans such as those advocated by President Franklin Roosevelt,ⁿ⁸⁰ nor various plans to prevent federal courts from hearing certain types of cases, commonly referred to as court-stripping proposals.ⁿ⁸¹ Other actions that Congress could take include proposals to divide up the Ninth Circuit U.S. Court of Appeals in response to the particular ideological path taken by that court.ⁿ⁸² Certainly, a determined majority in Congress can find other innovative avenues for attacking the courts.

It is clear that the federal courts and Congress have radically different institutional cultures and wills. These different institutional wills and institutional perspectives mean that the two branches usually do not understand the other's decision-making process very well. For the sake of the rule of law, we need to know more about the interactions and relationships between these two governmental bodies. The Entin and Jensen paper takes an important step closer to reaching that level of knowledge.

Congress can meddle with courts in a number of ways after offending opinions

Geyh, 03 --- Professor of Law at Indiana (Winter/Spring 2003, Charles G., Indiana Law Journal, "Judicial Independence, Judicial Accountability, and the Role of Constitutional Norms in Congressional Regulation of the Courts," 78 Ind. L.J. 153))

There is a multitude of ways that a motivated Congress could conceivably get the Supreme Court's attention. I have already alluded to some: it could impeach and remove justices who issue offending opinions, or it could defy unacceptable decisions, exclude troublesome categories of cases from the Supreme Court's appellate jurisdiction, pursue constitutional amendments limiting judicial review, or manipulate judicial appointments so as to avoid the confirmation of judges who would perpetuate a narrow view of congressional power. In addition, it could hold the judiciary's budget hostage, or (with the aid of a cooperative President) enlarge the size of the Supreme Court to ensure a sympathetic majority.

With the possible exception of manipulating the appointments process, the foregoing suggestions are likely to elicit an "oh, come now" response. But why? One [*157] explanation is that such proposals are thought to violate the independence of the judiciary as guaranteed by Article III of the U.S. Constitution; another is that, regardless of their constitutionality, these proposals are unacceptable because they undermine the spirit of interbranch comity that the political branches seek to preserve. And yet, according to oft-cited lore, the political branches have exploited these devices for judicial control throughout our history, and with rare exception, the judiciary has acquiesced:ⁿ¹⁶ at the turn of the Nineteenth century, Congress packed and unpacked the lower courts for partisan ends in the "Midnight Judges" affair, and impeached judges for their strident, pro-Federalist sympathies; a generation later, Georgia defied the Supreme Court altogether, and President Andrew Jackson declared that he had the constitutional authority to do likewise; during Reconstruction, a radical Republican Congress stripped the Court of jurisdiction to undo an important piece of Reconstruction legislation, and, the story goes, packed and unpacked the Supreme Court for political purposes. During the populist and progressive period, proposals to curb or eliminate judicial review and end life tenure abounded, culminating in a successful effort by Franklin Delano Roosevelt to intimidate the Supreme Court into changing its pattern of decisionmaking by proposing to pack the Court with New Deal sympathizers. And a generation later, Richard

Nixon campaigned to end Warren Court liberalism in the wake of calls to impeach Earl Warren and William O. Douglas, and did so by replacing retiring justices with avowedly more conservative successors.

A2: Congress Can't Reduce Salary

Congress can prevent judicial pay increases – this crushes judicial independence

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschulz 7

While Congress is constitutionally barred from reducing the salaries of federal judges, an angry Congress can refuse to grant them salary increases. In 1964, for example, Congress increased the salaries for lower federal judges by \$7,500 per year but increased those for Supreme Court justices by only \$4,500 per year, a clear indication that Congress was unhappy with several Court decisions (see Schmidhauser and Berg 1972, 9). During the fight between FDR and the Supreme Court over the constitutionality of the New Deal, Congress did the reverse by enacting financial incentives for early retirement for the justices, hoping to encourage some retirements from the Court so that Roosevelt could appoint justices more favorable to his views (see Murphy et al. 2006, 337).

Today judicial salaries remain a key point of contention between Congress and the federal courts. Seth Stern noted that "salaries [for federal judges] are far lower than what fresh-faced law school grads can make at big corporate firms" (2002). Chief Justice Roberts said in his 2006 Year-End Report that keeping judicial salaries well below those of many law professors today is a "constitutional crisis" and a potential threat to judicial independence (2007, 1). In his appearance before the Senate Judiciary Committee in February 2007, Justice Kennedy echoed this theme: "The Committee knows that judges throughout the United States are increasingly concerned about the persisting low salary levels Congress authorizes for judicial service. Members of the federal judiciary consider the problem so acute that it has become a threat to judicial independence" (U.S. Senate 2007). In his 2007 Year-End Report Chief Justice Roberts again raised the concern of inadequate judicial salaries, noting that many federal judges received lower salaries than some first-year lawyers at the largest firms in major U.S. cities, where many of the federal judges serve. The chief justice also praised congressional efforts to increase judicial salaries, including action by the House Judiciary Committee in late 2007 to give federal judges cost-of-living adjustments that had been denied to them since 1989. The Senate Judiciary Committee passed similar legislation in February 2008. In his 2007 Year-End Report Roberts declared, "I am resolved to continue Chief Justice Rehnquist's twenty-year pursuit of equitable salaries for federal judges" (2008, 6).

The main problem for federal judges is that since 1989, annual cost-of-living increases for federal judges have been linked to congressional salary increases. When Congress votes to raise its own pay, it often hides behind the fact that federal judges will also enjoy the salary increase. When members of Congress refused to vote themselves annual cost-of-living increases (usually during election years), these increases were automatically denied to federal judges. Members of Congress also are hesitant to allow other federal employees, including federal judges, to earn higher salaries than they do. In December 2007 The Third Branch, a newsletter published by the Administrative Office of the Federal Courts, carried an interview with Congressman Howard Berman (D-CA), the then chair of the House Judiciary Committee's Subcommittee on Courts, the Internet, and Intellectual Property, the subcommittee in which legislation to decouple judicial salaries from congressional salaries originated. When asked about the opposition of some members of Congress to the legislation, Congressman Berman responded, "Some of my colleagues believe that linking the salaries of federal judges to our own salaries will somehow make it politically more palatable for Members of Congress to approve cost-of-living adjustments for themselves. The evidence simply does not bear this out" (Berman 2007, 1).

AT: Aff Doesn't Overturn Statute

Even reviewing and interpreting statute can cause Congressional backlash

Crabb, 12 --- United States District Judge, Western District of Wisconsin (2012, Barbara B., Wisconsin Law Review, "ADDRESS: ROBERT W. KASTENMEIER LECTURE: BRIDGING THE DIVIDE BETWEEN CONGRESS AND THE COURTS," 2012 Wis. L. Rev. 871, JMP)

Even when a judge upholds a statute, she may frustrate the will of Congress unknowingly by reading the statute in a way Congress never intended. It may be that Congress did not make its intention clear or the statute contains a drafting error or the judge simply makes a mistake. It is true, of course, that not every legislator feels a personal affront when a statute is ruled unconstitutional or when it is misread. Some were not in office when it was passed; others opposed its passage and are glad to see it overturned; others voted for it only because they anticipated it would not survive judicial review. Nevertheless, the fact that judges have this responsibility and exercise it is a source of irritation to members of Congress.

AT: Congress Can't Strip

Congress has authority to strip courts

Yoo, 7 --- Professor of Law at UC Berkeley (Fall 2007, Jesse Choper and John Yoo, California Law Review, "Wartime Process: A Dialogue on Congressional Power to Remove Issues from the Federal Courts," 95 Calif. L. Rev. 1243, JMP)

Yoo: Whether Congress has the authority to remove federal jurisdiction over a class of federal question cases is a difficult issue, but it seems to me that the balance of authorities is in favor of the power. Congress has traditionally been understood by most, n36 but not all, n37 commentators to hold the power to decide whether to implement Article III's jurisdictional grants to the federal courts. This power comes from several sources. First, Article III, Section 2's enumeration of the cases and controversies to which the federal judicial power extends has not generally been thought to be self-executing. n38 Second, Congress has the power to decide whether to create the inferior courts at all, and this power has been thought to imply the authority to define what cases will be heard by those courts. n39 These powers allow Congress to remove whole categories of cases from the jurisdiction of both the lower federal courts and the Supreme Court.

Neither Article I nor Article III appears to place any substantive limitation on how Congress chooses to use these powers. In the past, the Court has accepted the removal of jurisdiction when Congress obviously sought to stop the Court from reaching substantive outcomes with which [*1254] Congress disagreed. The clearest example of this is Ex Parte McCordle, in which the Court upheld Congress's elimination of an 1867 Act's grant of appellate jurisdiction to the Supreme Court in federal habeas claims. n40 Reacting to Ex Parte Milligan, n41 decided the year before McCordle, Congress stripped the Court of jurisdiction because it feared that the Court would use the case to pass on the constitutionality of military occupation of the Southern States during Reconstruction. Congress even went so far as to act after the Court had heard oral argument but before it had issued a judgment. n42 Nonetheless, in McCordle the Court upheld the law and dismissed the case, saying that it lost jurisdiction the moment Congress passed the stripping law and had no authority to declare the law invalid. In Lauf v. E.G. Shinner, the Norris-La Guardia Act removed jurisdiction from the federal courts to issue injunctions in labor dispute cases, again because Congress disagreed with the course of previous judicial decisions. n43

AT: Congress Won't Strip

Congressional inaction is not inevitable --- it is a product of judicial restraint that the plan breaks. That's the 1nc Baum ev.

Past isn't relevant --- congressional backlashes against the court could be successful in the current partisan environment

IU News Room, 6 (4/6/2006, Indiana University News Room, "Congressional control over the courts? History says no, but it could happen," <http://newsinfo.iu.edu/news-archive/3254.html>, JMP)

BLOOMINGTON, Ind. -- Despite regular confrontations with the courts throughout American history, Congress has rarely used its powers to control the federal judiciary. But that tradition may be changing, according to an Indiana University Bloomington law professor.

An intensifying partisan divide over the future of America's judicial system, which threatens to undermine public confidence in our courts and the rule of law, is jeopardizing the longstanding balance between the courts and Congress, argues Charles Geyh in his debut book, *When Courts and Congress Collide: The Struggle for Control of America's Judicial System* (University of Michigan Press, 2006).

History has shown that congressional proposals to control the decisions judges make by impeaching them, taking away their jurisdiction, holding their budgets hostage or "un-making" their courts rarely succeed, said Geyh, a professor of law and Charles L. Whistler faculty fellow at the IU School of Law-Bloomington.

Yet he believes that the recent round of attacks on courts -- from Congress, pundits and evangelical conservatives -- has increased the possibility that current **proposals to control the federal judiciary might actually succeed.**

"There's this confluence of events -- you might call it a perfect storm of factors -- where you have a deeply polarized public, an evangelical right sharpening the divide over moral issues that ultimately the courts will have to decide, and a new way of looking at judges as being controlled by their political preferences," Geyh said. "In this environment, it may prove extremely difficult to preserve a system where we give judges breathing room and latitude to decide cases without **legislative interference.**"

While Congress has long been willing to influence judicial decision-making indirectly by blocking the appointments of ideologically unacceptable nominees, it has, with rare exceptions, resisted employing more direct methods of control. So why hasn't Congress made good on its threats to strip federal judges of their autonomy? Geyh believes the answer lies in a custom of respect for the judiciary's independence that Congress has honored for two centuries. This custom is grounded in the belief that judges will usually decide cases based on the facts and the law and seek immunity from political and other pressures that could corrupt their impartial judgment, he said.

More recently, though, scholars and policy makers have challenged that belief and argued that "independent" judges routinely disregard the law and decide cases in light of their personal politics. This ongoing campaign against "judicial activism" and "legislating from the bench" has eroded public confidence in the courts, Geyh said. Along with an escalating battle between the nation's political parties for control of judicial appointments, it has created a potentially destabilizing environment that threatens to jeopardize the "dynamic equilibrium" between Congress and the courts.

"If you already believe that judges aren't following the law and are guided by their political preferences, then why even have independent judges?" Geyh asks. **"Why not just control them?"**

AT: Congress Doesn't Care

Congress does react to controversial decisions and disregard of congressional directives

Crabb, 12 --- United States District Judge, Western District of Wisconsin (2012, Barbara B., Wisconsin Law Review, "ADDRESS: ROBERT W. KASTENMEIER LECTURE: BRIDGING THE DIVIDE BETWEEN CONGRESS AND THE COURTS," 2012 Wis. L. Rev. 871, JMP)

The divides between and among the branches are a given in our system. The congressional-executive divide is a continuing struggle for supremacy, fueled by the constant pull of partisan politics, ideology, lobbyists, the media, financial influence, and the unrelenting focus on the next election. The judicial-legislative divide is marked by legislative indifference, broken intermittently by periods of anger provoked by controversial judicial decisions or the perception that judges are disregarding congressional directives. Partisan politics are at play in the relationship, particularly when Congress confirms, or refuses to confirm, judicial nominees and when it establishes, or refuses to establish, new judgeships, but these fights are essentially between Congress and the executive branch. The judiciary is the battlefield, not the army.

The fact is that "few in Congress know much about or pay attention to the third branch of government," as Congressman Kastenmeier observed in 1988. n1 He continued: "in some respect, the judiciary for the Congress is ... sort of tolerated by benign neglect." n2 Columnist Andrew Cohen made essentially the same point in a March 18, 2012, article on TheAtlantic.com, lamenting the slow pace of Senate confirmation of judicial nominees and the lack of understanding among some legislators of what federal judges do. n3 He noted in particular the legislative failure to appreciate the importance of judges to job creation "to the extent [that judges] bring certainty and finality to legal disputes" and to "the financial uncertainty that pending litigation brings." n4

This lack of understanding is unfortunate, but not surprising. Senators and representatives are inundated with matters of importance to attend to. The old days in which long-serving legislators developed knowledge and experience in particular areas have largely faded away; legislators do not serve as long as they used to, even when they are not subject to term limits. The legislative week is shorter, because more members keep their homes in their districts, and the constant pressure [*873] to raise reelection funds means less time for learning about legislation and providing oversight. Increasing partisanship makes it harder for legislators to agree on even routine matters. (And, to be fair, judges do not know all that much about the nuts and bolts of legislating.)

AT: Courts Will Block

Courts can't check congressional backlash

Crabb, 12 --- United States District Judge, Western District of Wisconsin (2012, Barbara B., Wisconsin Law Review, "ADDRESS: ROBERT W. KASTENMEIER LECTURE: BRIDGING THE DIVIDE BETWEEN CONGRESS AND THE COURTS," 2012 Wis. L. Rev. 871, JMP)

When Congress responds to perceived problems, in the courts or elsewhere, by proposing legislation that the courts find threatening to their independence, there is little the courts can do. If the legislation is a true threat to decisional independence, the courts may be obliged by the Constitution to strike down the legislation.

When the legislation is a threat only to institutional independence and therefore not prohibited by the Constitution, the courts must fall back on persuasion, diplomacy, and compromise.

The Civil Justice Reform Act provides an example. The Act raised questions about judicial independence when it was proposed in 1990 for the purpose of reducing the cost of litigation. n37 To judges, the bill was overly intrusive: it attempted to prescribe exactly how courts should handle civil cases; when they should hold pretrial conferences; who should hold them (judges only; never magistrates); and how quickly judges were to get cases to trial. n38 In addition, it required analyses of caseloads and semiannual reporting of motions under advisement and cases that had been pending for more than three years. n39

Impacts

No Solvency --- Congress Ignores Court

Congress just ignores court decisions

Miller 09 [Mark - Professor of Political Science, Adjunct Professor of History, Director of Law and Society Program, at Clark University, 'Constitutionalism and Democracy : View of the Courts from the Hill : Interactions Between Congress and the Federal Judiciary.' University of Virginia Press, 2009, proquest] Bschulz 11

Of course, when the Supreme Court issues a constitutionally based decision, there is no guarantee that Congress will actually follow the ruling. At times, **Congress just ignores constitutional decisions from the courts.** For example, in Immigration and Naturalization Service v. Chadha (1983) the Supreme Court ruled that Congress could not constitutionally use a one-house veto to overrule decisions by federal agencies. The response from Congress has been to continue to enact such legislative vetoes, and a variety of presidents have signed them into law. Thus Congress has effectively ignored the Court's decision in Chadha (see Fisher and Adler 2007, 222–24). **It is difficult for the Supreme Court to be an active participant in the inter-institutional constitutional dialogue when the other branches simply ignore the Court's pronouncements.**

No Solvency --- Congress Overrides Court

Congress regularly overrides Supreme Court decisions that overturn federal law

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A third trend identified by this paper is the increased number of successful overrides to Court decisions nullifying federal law. In most instances when federal law was nullified, bills were proposed to modify the decision. In 29.3 percent of cases invalidating federal law, during the Rehnquist Court, Congress successfully overrode the Court decision. The rate of overrides found in this study is significantly higher than the rate found in a previous study of constitutional-interpretation-overrides. This rate of overrides is also significantly higher than what has been found in studies focused on statutory overrides. Obviously, the low override rates found in studies focusing on statutory interpretation decisions fail to reflect the commonality of constitutional-interpretation-overrides. This may indicate—despite commonly held beliefs—that it is actually easier for Congress to override a decision based on constitutional interpretation than it is a decisions based on statutory interpretation. This frequency of overrides also directly challenges the belief that the Court has the final word in interpreting the Constitution. Further these results negate the notion that Congress’s only option after the Court nullifies federal law is amending the Constitution, clearly Congress can and does simply pass statues to modify constitution-interpretation-decisions. The above information clearly indicates that interactions between the Court and Congress do not end with judicial review. It also indicates that theories of Court-Congress relations that do not account for constitutional-interpretation-overrides are incomplete.

It is important to note that the high rate of nullifications of federal law, and the high rate of congressional overrides, both observed during the Rehnquist Court, do not necessarily reflect hostility between the two branches. In some instances the Court struck down acts of Congress by inviting a congressional override. This clearly supports theories that the justices do not always seek to avoid being overridden. Override invitations suggest it is too simplistic to conclude that Court action nullifying federal law, or congressional attempts to override, automatically indicate strained relations between the branches.

At the same time it is also important to note that not all congressional overrides are based on invitations. This means that Supreme Court judges sometimes fail to avoid uninvited overrides. If the justices are acting strategically to avoid overrides, as rational choice scholars suggest, they often miscalculate. The interactions between the Rehnquist Court and Congress also highlighted a process involving multiply rounds of constitutional interpretation. As the process in the Metropolitan Washington Airports Act and Boerne showed, interactions between Congress and the Court continued after the first instance of judicial review. Current rational choice models fail to diagram this level of complexity, oversimplifying the interactions of the two branches.

Turns Case --- SOP / Modeling

Turns SOP and guts judicial model

Schwartz, 12 --- Symposia Editor, Cardozo Law Review (Karissa M., Cardozo Law Review de novo, "ARTICLE: SOUND THE ALARM: THE CONSTITUTIONAL CRISIS OF JUDICIAL COMPENSATION," 2012 Cardozo L. Rev. De Novo 101, JMP)

CONCLUSION

The country's first constitutional crisis, Marbury v. Madison, n197 resulted in the doctrine of judicial review and established the independence of the judicial branch. Marbury v. Madison created a vigorous judiciary, which has served the United States well for more than two hundred years. Since that decision, judges have weighed in on major questions of constitutional rights that have shaped American society. Judges have contributed to the growth and prosperity of this nation and are entitled to be compensated fairly for the work they do. n198 No other branch can take on the role of the judiciary, as it goes expressly against the constitutionally mandated separation of powers doctrine.

Thus, Congress must adhere to the Constitution and take the necessary steps to fairly compensate the federal judicial branch. If Congress fails to make adjustments to the current compensation structure, America will lose the diverse and independent judiciary that has created the highest standard of jurisprudence in this nation, if not the world.

Turns Case --- Decision Won't Be Implemented

Court stripping has been the recent norm in war power cases --- guts solvency

Alexander, 7 --- Professor of Law at Stanford (Fall 2007, Janet Cooper, California Law Review, "Jurisdiction-Stripping in a Time of Terror," 95 Calif. L. Rev. 1193, JMP)

Introduction

Although the question of congressional power to limit the jurisdiction of the federal courts is a centerpiece of the federal courts canon, there are few decided cases that grapple squarely with the constitutional issues involved in jurisdiction-stripping. n1 For the past fifty years or so, jurisdiction-stripping bills have been introduced on a host of politically controversial issues n2 including racial discrimination, free speech and association, the rights of criminal defendants, state legislative apportionment, abortion, school prayer, gay marriage, n3 and environmental preservation. n4 In the end, however, Congress usually backs off; very few such bills have been enacted. n5 And while the Supreme Court has repeatedly [*1194] said that "substantial constitutional questions" would be raised if judicial review of constitutional claims were unavailable, n6 the Court has almost always managed to resolve challenges to jurisdiction-stripping statutes on non-constitutional grounds-most recently in June 2006. n7 Both Congress and the Court have avoided confrontation. n8

But now the Executive Branch seems determined to force the constitutional issue. After the Supreme Court rendered decisions requiring procedural safeguards for detainees in the war on terrorism, n9 and with more cases pending that raised additional claims, n10 the Administration elected to press its vision of exclusive and unfettered presidential power and its effort to make Guantanamo Bay a law-free zone where the Constitution does not operate. When the Supreme Court held in *Rasul v. Bush* that the Guantanamo detainees had a right to file habeas petitions challenging their detention and stated in a footnote that their petitions "unquestionably" described violations of the Constitution, n11 Congress passed the Detainee Treatment Act of 2005 (DTA) n12 withdrawing federal jurisdiction over habeas petitions by Guantanamo detainees. n13 Senators who opposed [*1195] eliminating habeas jurisdiction noted that *Hamdan v. Rumsfeld*, a habeas petition challenging the constitutionality of military commission trials of detainees, was then pending before the Supreme Court, n14 and explicitly likened the situation to that of *Ex parte McCordle*. n15

The Administration's handling of the detainees received another blow when the Court held in *Hamdan* that the DTA's jurisdiction-stripping provisions were inapplicable to pending cases and invalidated the military commissions because they violated the Uniform Code of Military Justice (UCMJ) and the Geneva Conventions. n16 Rather than complying with the decision, or seeking Congressional authorization of appropriate procedures as the Court strongly hinted, however, the Administration secured the passage of the Military Commissions Act of 2006 (MCA). n17 Although the MCA was presented as a compromise bill it in fact was a virtually complete victory for the President, a congressional endorsement (albeit over strong opposition in the Senate) of his broad claims of presidential power in the war on terrorism.

The statute expands the definition of enemy combatant far beyond the Supreme Court's narrow definition in *Hamdi*. Whereas *Hamdi* defined "enemy combatant" as one who was "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in [*1196] an armed conflict against the United States there," n18 the MCA expands the definition to include those who have "purposefully and materially supported hostilities" against the United States or its allies. n19

Hamdi did not authorize detention of anyone who did not actually engage in armed conflict against U.S. or allied troops in Afghanistan. The MCA, however, permits the President to treat persons captured far from any battlefield, who have not participated in any violent activity, as enemy combatants. Indeed, the Government's lawyers have taken the position in court that a "little old lady in Switzerland who writes checks to what she thinks is a charity that helps orphans in Afghanistan but ... really is a front to finance al-Qaeda activities" can be classified as an enemy combatant. n20

The MCA also makes all noncitizens who are declared to be enemy combatants subject to trial by military commission rather than the courts, n21 including even lawful permanent residents located within the United States. The provisions denying habeas review apply to all proceedings "relating to" such military commission prosecutions. n22 Additionally, the MCA authorizes the use of military commission procedures that fall short of the requirements of the Geneva Conventions, contrary to the holding of *Hamdan*; purports to give the President the power to interpret the meaning and application of the Conventions; n23 attempts to legislatively define the commissions and the MCA's amendments to the War Crimes Act into compliance with the Conventions; n24 declares that the Conventions may not [*1197] be judicially enforced by any individual, including citizens, n25 despite *Hamdan's* holding to the contrary; and prohibits the courts from using foreign sources of law in cases interpreting the War Crimes Act. n26 In addition to its express provisions, the MCA strengthens the President's assertion of legal authority in his actions toward the detainees by placing them into the highest category of deference under *Youngstown*, n27 when the President exercises his Article II powers with the express authorization of Congress exercising its Article I powers.

The MCA attempts to insulate all of these innovations from constitutional scrutiny by eliminating the possibility of judicial review. While the DTA denied habeas only for noncitizens detained at Guantanamo by the Department of Defense, the MCA purports to deny habeas (and "any other action" seeking judicial review) for any alien, regardless of geographical location, who has been "determined by the United States to have been properly detained as an

enemy combatant or is awaiting such determination." n28 The MCA thus strips habeas protection from lawful resident aliens detained within the United States as well as detainees at Guantanamo and other locations outside the United States.

The further effect of the jurisdiction-stripping provisions of the DTA and the MCA is to eliminate any means of enforcing Rasul and Hamdan - which is to say, to render those decisions nullities if the government does not wish to comply with them.

Nothing in the DTA or MCA requires a speedy determination of enemy combatant status, or any determination at all, and no review is possible within the military or court systems until a [*1198] final decision is made by a Combatant Status Review Tribunal (CSRT) or a military commission. It would now be possible for the administration simply not to conduct status determinations, and the affected detainees would have no way to obtain any relief. In fact, the statutes attempt to make the provisions of the Geneva Conventions, the War Crimes Act, and the substantive restrictions of the Detainee Treatment Act unenforceable as well by expressly eliminating jurisdiction for any judicial review of the conditions of confinement, including interrogation through torture or cruel, inhumane and degrading treatment n29 and forced transfer of detainees to other countries for interrogation and imprisonment. n30 Unlike the DTA, which explicitly applied only to noncitizens in the custody of the Defense Department at Guantanamo Bay, the MCA's jurisdiction-stripping provisions apply to all noncitizens who are determined to be enemy combatants. n31 The provision barring claims based on the Geneva Conventions applies to all persons, including citizens and persons who are not in custody. n32

As one supporter of the legislation put it:

Congress and the president ... told the courts, in effect, to get out of the war on terror ... It is the first time since the New Deal that Congress had so completely divested the courts of power over a category of cases. It is also the first time since the Civil War that Congress saw fit to narrow the court's habeas powers in wartime because it disagreed with its decisions. The law ... directly reverses

Hamdan ... n33

2nc Rule of Law Impact

Rule of law solves war—multiple triggers

Feldman '8 [Noah Feldman, a contributing writer for the magazine, is a law professor at Harvard University and an adjunct senior fellow at the Council on Foreign Relations, "When Judges Make Foreign Policy", NEW YORK TIMES, 9—25—08, www.nytimes.com/2008/09/28/magazine/28law-t.html]

Looking at today's problem through the lens of our great constitutional experiment, it emerges that there is no single, enduring answer to which way the Constitution should be oriented, inward or outward. The truth is that we have had an inward- and outward-looking Constitution by turns, depending on the needs of the country and of the world. Neither the text of the Constitution, nor the history of its interpretation, nor the deep values embedded in it justify one answer rather than the other. In the face of such ambiguity, the right question is not simply in what direction does our Constitution look, but where do we need the Constitution to look right now? Answering this requires the Supreme Court to think in terms not only of principle but also of policy: to weigh national and international interests; and to exercise fine judgment about how our Constitution functions and is perceived at home and abroad. The conservative and liberal approaches to legitimacy and the rule of law need to be supplemented with a healthy dose of real-world pragmatism. In effect, the fact that the Constitution affects our relations with the world requires the justices to have a foreign policy of their own. On the surface, it seems as if such inevitably political judgments are not the proper province of the court. If assessments of the state of the world are called for, shouldn't the court defer to the decisions of the elected president and Congress? Aren't judgments about the direction of our country the exclusive preserve of the political branches? Indeed, the **Supreme Court** does need to be limited to its proper role. But when it comes to our **engagement with the world**, that role **involves taking a stand, not stepping aside**. The reason for this is straightforward: the court is in charge of interpreting the Constitution, and the Constitution plays a major role in shaping our engagement with the rest of the world. The court therefore has no choice about whether to involve itself in the question of which direction the Constitution will face; it is now unavoidably involved. Even choosing to defer to the other branches of government amounts to a substantive stand on the question. That said, **when the court exercises its own independent political judgment, it still does so in a distinctively legal way**. For one thing, the court can act only through deciding the cases that happen to come before it, and the court is limited to using the facts and circumstances of those cases to shape a broader constitutional vision. The court also speaks in the idiom of law — which is to say, of regular rules that apply to everyone across the board. It cannot declare, for instance, that only this or that detainee has rights. It must hold that the same rights extend to every detainee who is similarly situated. **This, too, is an effective constraint on the way the court exercises its policy judgment**. Indeed, it is this very regularity that gives its decisions legitimacy as the product of judicial logic and reasoning. Why We Need More Law, More Than Ever So what do we need the Constitution to do for us now? The answer, I think, is that the Constitution must be read to help us remember that while the war on terror continues, we are also still in the midst of a period of rapid globalization. An enduring lesson of the Bush years is the extreme difficulty and cost of doing things by ourselves. **We need to build and rebuild alliances — and law has historically been one of our best tools** for doing so. In our present precarious situation, **it would be a terrible mistake to abandon our historic position of leadership in the global spread of the rule of law. Our leadership matters** for reasons both universal and national. Seen from the perspective of the world, **the fragmentation of power** after the cold war **creates new dangers** of disorder that need to be mitigated by the sense of regularity and predictability **that only the rule of law can provide. Terrorists need to be deterred. Failed states need to be brought under the umbrella of international organizations so they can govern themselves. And economic interdependence demands coordination, so that the collapse of one does not become the collapse of all**. From a national perspective, our interest is less in the inherent value of advancing individual rights than in claiming that our allies are obligated to help us by virtue of legal commitments they have made. The Bush administration's lawyers often insisted that law was a tool of the weak, and that therefore as a strong nation we had no need to engage it. But this notion of "lawfare" as a threat to the United States is based on a misunderstanding of the very essence of how law operates. **Law** comes into being and is sustained not because the weak demand it but because it is a tool of the powerful — as it has been for the United States since World War II at least. The reason those with power prefer law to brute force is that it **regularizes and legitimates the exercise of authority. It is easier and cheaper to get the compliance of weaker people or states by promising them rules and a fair hearing than by threatening them constantly with force**. After all, if those wielding power really objected to the rule of law, they could abolish it, the way dictators and juntas have often done the world over.

Collapse of rule of law causes nuclear war [gender paraphrased].

Charles S. **Rhyne**, Founder and Senior Partner of Rhyne & Rhyne law firm. "Law Day Speech for Voice of America." May 1, 19**58**. American Bar Association. <http://www.abanet.org/publiced/lawday/rhyne58.html>

In these days of soul-searching and re-evaluation and inventorying of basic concepts and principles brought on by the expansion of man's vision to the new frontiers and horizons of outer space, we want the people of the world to know that we in America have an unshakable belief in the most essential ingredient of our way of life—the rule of law. The law we honor is the basis and foundation of our nation's freedom and the freedom for the individual which exists here. And to Americans our freedom is more important than our very lives. The rule of law has been the bulwark of our democracy. It has afforded protection to the weak, the oppressed, the minorities, the unpopular; it has made it possible to achieve responsiveness of the government to the will of people. It stands as the very antithesis of Communism and dictatorship. When we talk about "justice" under our rule of law, the absence of such justice behind the Iron Curtain is apparent to all. When we talk about "freedom" for the individual, Hungary is recalled to the minds of all men. And when we talk about peace under law—peace without the bloodbath of war—we are appealing to the foremost desire of all peoples everywhere. The tremendous yearning of all peoples for peace can only be answered by the use of law to replace weapons in resolving international disputes. We in our country sincerely believe that [hu]mankind's best hope for preventing the tragic consequences of nuclear-satellite-missile warfare is to persuade the nations of the entire world to submit all disputes to tribunals of justice for all adjudication under the rule of law. We lawyers of America would like to join lawyers from every nation in the world in fashioning an international code of law so appealing that sentiment will compel its general acceptance. Man's relation to man is the most neglected field of study, exploration and development in the world community. It is also the most critical. The most important basic fact of our generation is that the rapid advance of knowledge in science and technology has forced increased international relationships in a shrunken and indivisible world. Men must either live together in peace or in modern war we will surely die together. History teaches that the rule of law has enabled [hu]mankind to live together peacefully within nations and it is clear that this same rule of law offers our best hope as a mechanism to achieve and maintain peace between nations. The lawyer is the technician in man's relationship to man. There exists a worldwide challenge to our profession to develop law to replace weapons before the dreadful holocaust of nuclear war overtake our people.

U.S. Judiciary Modeled

Emerging democracies model the US and need a strong judiciary

The Center for Justice and Accountability et al, 04 (3/1/2004, Amici Curiae in support of petitioners in Al Odah et al. v USA, "Brief of the Center for Justice and Accountability, the International League for Human Rights, and Individual Advocates for the Independence of the Judiciary in Emerging Democracies," http://www.jenner.com/files/tbl_s69NewsDocumentOrder/FileUpload500/82/AmiciCuriae_Center_for_Justice_Int_League_Human_Rights_Adv_For_Indep_Judiciary2.PDF)/Jmoney

Many of the newly independent governments that have proliferated over the past five decades have adopted these ideals. They have emerged from a variety of less-than-free contexts, including the end of European colonial rule in the 1950's and 1960's, the end of the Cold War and the breakup of the former Soviet Union in the late 1980's and 1990's, the disintegration of Yugoslavia, and the continuing turmoil in parts of Africa, Latin America and southern Asia. Some countries have successfully transitioned to stable and democratic forms of government that protect individual freedoms and human rights by means of judicial review by a strong and independent judiciary. Others have suffered the rise of tyrannical and oppressive rulers who consolidated their hold on power in part by diminishing or abolishing the role of the judiciary. And still others hang in the balance, struggling against the onslaught of tyrants to establish stable, democratic governments.

In their attempts to shed their tyrannical pasts and to ensure the protection of individual rights, emerging democracies have consistently looked to the United States and its Constitution in fashioning frameworks that safeguard the independence of their judiciaries. See Ran Hirschl, The Political Origins of Judicial Empowerment through Constitutionalization: Lessons from Four Constitutional Revolutions, 25 Law & Soc. Inquiry 91, 92 (2000) (stating that of the "[m]any countries . . . [that] have engaged in fundamental constitutional reform over the past three decades," nearly all adopted "a bill of rights and establishe[d] some form of active judicial review").¹⁹ Establishing judicial review by a strong and independent judiciary is a critical step in stabilizing and protecting these new democracies. See Christopher M. Larkins, Judicial Independence and Democratization: A Theoretical and Conceptual Analysis, 44 Am. J. Comp. L. 605-06 (1996) (describing the judicial branch as having "a uniquely important role" in transitional countries, not only to "mediate conflicts between political actors but also [to] prevent the arbitrary exercise of government power"; see also Daniel C. Prefontaine and Joanne Lee, The Rule of Law and the Independence of the Judiciary, International Centre for Criminal Law Reform and Criminal Justice Policy (1998) ("There is increasing acknowledgment that an independent judiciary is the key to upholding the rule of law in a free society Most countries in transition from dictatorships and/or statist economies recognize the need to create a more stable system of governance, based on the rule of law."), available at <http://www.icclr.law.ubc.ca/Publications/Reports/RuleofLaw.pdf> (last visited Jan. 8, 2004). Although the precise form of government differs among countries, "they ultimately constitute variations within, not from, the American model of constitutionalism . . . [a] specific set of fundamental rights and liberties has the status of supreme law, is entrenched against amendment or repeal . . . and is enforced by an independent court" Stephen Gardbaum, The New Commonwealth Model of Constitutionalism, 49 Am. J. Comp. L. 707, 718 (2001).

This phenomenon became most notable worldwide after World War II when certain countries, such as Germany, Italy, and Japan, embraced independent judiciaries following their bitter experiences under totalitarian regimes. See id. at 714- 15; see also United States v. Then, 56 F.3d 464, 469 (2d Cir. 1995) (Calabresi, J., concurring) ("Since World War II, many countries have adopted forms of judicial review, which — though different from ours in many particulars — unmistakably draw their origin and inspiration from American constitutional theory and practice. See generally Mauro Cappelletti, The Judicial Process in Comparative Perspective (Oxford: Clarendon Press, 1989)."). It is a trend that continues to this day.²⁰

The US Supreme Court has international influence.

Narasimhan, 08 (Angela, Doctoral Candidate in Syracuse University's Political Science Department. "DOMESTIC COURTS, GLOBAL CHANGES: INTERNATIONAL INFLUENCES ON THE POST-COLD WAR SUPREME COURT." March 18, 2008. http://jpm.syr.edu/wp-content/uploads/2012/04/15_a.pdf)/CB

This summer, five of the nine current Supreme Court justices spent time overseas teaching law and attending international legal conferences. Although these same individuals continue to clash over the place of foreign law in their decision making – the travelers included both Justice Antonin Scalia, who vehemently opposes its consideration in Supreme Court decision making, and a vocal supporter, Justice Anthony Kennedy – their willingness to travel and interact with the global legal community was not seen as out of the ordinary. Perhaps this is because, as members of the most prominent national judiciary in the world, such interaction is considered a natural part of these justices' job. Indeed, the greater context in which the Court operates has changed in recent decades. Since the end of the Cold War, the American legal system has gained visibility abroad through the United States' involvement in constitution drafting and judicial reform. Although this involvement was originally a minor part of American foreign aid and concentrated primarily on the new democracies of Europe and the former Soviet Union, it has become a primary focus of U.S. democracy assistance across the globe in the past decade as attention has turned to the importance of securing the rule of law in transitional countries (Carothers 2005). As a result, the prominence of our national judicial system has grown and members of foreign and international courts have become more familiar with and likely to consider its decisions (Slaughter 1998). Scholars have also linked the universalization of and widespread international convergence on human rights' protections in recent decades to the active exportation and influence of the U.S. Bill of Rights (Kelemen and Sibbitt 2004).

On a global scale, a rise in both formal and informal interaction between the national judiciaries of the world has also been noted. The development of an active international community of judges and legal professionals has been part of what some scholars call judicial globalization (Slaughter 2005), a process in which national courts have become increasingly likely to communicate and consider each others' decisions (Slaughter 1997). Transnational legal activism and the involvement of non-domestic actors in domestic legal issues and cases has also become prevalent (Keck and Sikkink 1998). However, when considering the increasingly global network of legal norms and actors, the United States' role is generally considered to be limited to that of an exporter, not an importer.

Judicial Independence Key to Democracy

Judicial independence guarantees democratic stability --- interpret the constitution, protect minority rights, and maintain rule of law

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(July 2011, Douglas Gibler and Kirk Randazzo, "Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding", JSTOR)//Yak

The difficulties of establishing judicial independence have led some to argue that courts only reflect elite interests. Tsebelis (2002), for example, argues that courts almost never constitute a separate veto player within a polity. Judicial-selection procedures in most countries

practically guarantee that courts will fail to provide new constraints on the policymaking

process. Only when other political actors take extreme positions or when a new issue, not related to judicial selection, comes before the court can

the judiciary pose an effective veto. This is why judicial independence does not necessarily lead to higher rates of judicial annulment (Burbank, Friedman, and Goldberg 2002). This is also why institutionalization of the courts matters as newly independent courts will tend to reflect executive and/or legislative policy preferences on most issues (Epstein, Knight, and Shvetsova 2001). Nevertheless, the attention other political actors devote to

the courts suggests that judicial institutions can matter. Yeltsin was concerned enough with the Russian

constitutional court to dismiss it entirely, as was Argentina's military regime in 1976 and its

democratic regime in 1983. These rulers understand that even courts lacking judicial independence can

provide increased legitimacy for the dominant position of other political actors (Larkins 1998).

The weak version of judicial independence argues a selection effect. Courts matter by providing

constraints on the crafting of legislation. Stone Sweet (2000, see also Shapiro and Stone 1994), for example, notes that

parliaments in Europe increasingly alter their behavior to conform to court rulings, sometimes

by asking the judiciary for input before passing law. Because judicial influence places limits on the

preferences of parliamentary actors, parliaments often govern as the courts desire so that law reflects judicial interests even in the absence of judicial intervention. Difficulties arise in testing this argument since scholars must deduce prior preferences from what is likely to be strategic political

behavior. What is clear, however, is that judicial preferences affect the content of legislation even if no

annulments are observed.

The stronger version of judicial independence argues that courts can play a central role in guaranteeing democratic

stability. The judiciary is responsible for interpreting the constitution, for protecting minority

rights, and often with securing other procedures associated with liberal government (Larkins 1996).

More generally, courts are responsible for maintaining the rule of law (O'Connor 2003, 2008), and this guarantee

serves as the last step to ward ensuring the establishment of consolidated democracy (Linz and Stepan

1996). Absent judicial protection, citizens lose their ability to monitor and check the ruling regime

with speech, press, and public demonstration. Consequently, the judiciary ensures that political

leaders do not act in complete disregard for statutory and constitutional law.

Judicial independence allows a strong middle class to prevent autocratic reversions

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(July 2011, Douglas Gibler and Kirk Randazzo, "Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding", JSTOR)//Yak

One of the strongest predictors of democratic survival seems to be wealth (Lipset 1959,75). Przeworski and

various coauthors (Przeworski et al. 1996; Przeworski and Limongi 1997; Przeworski et al. 2000) argue that wealth provides the

antidote to all types of antidemocratic reversions. According to their research, democratic transitions occur for myriad reasons that are often unrelated to economic development. Nevertheless, high levels of state wealth (usually measured by GDP) provide strong societal protections against reversions from democracy. A strong middle class makes autocratic repression more difficult (Moore 1966; Reuschemeyer, Stephens, and Stephens 1992), and more generally, an increase in the number of powerful actors within society is more likely to bring about a competitive, democratic equilibrium (Olson 1992). Though the role of wealth in establishing democracy has been questioned (Boix 2002; Boix and Stokes 2003; Epstein et al. 2006), no one seems to doubt that wealth prevents reversions from democracy.

The mechanisms by which wealth maintains democratic stability leave room only for instrumental influence from an independent judiciary. For example, the ability of Lipset's (1959) middle class or Moore's (1966) bourgeoisie to demand political power would also presuppose a judiciary that guarantees property and other individual rights. In this case, power within society rests with these new interests, not an institution. Thus, any political leverage the court has becomes completely endogenous to public support, and absent public support, an independent judiciary becomes meaningless. Empirically, this logic suggests a spurious relationship as controls for wealth will render the effects of independent judiciaries statistically insignificant in any study involving a representative sample of cases. This argument provides a baseline hypothesis with which to test the effects of judicial independence.

Judicial independence prevents concentration of power in the executive during economic crisis

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Military crises are often associated with rejections of democratic principles (Desch 1996; Gibler 2012; Thompson 1996). Though the causal mechanisms are not completely uniform across theories, the majority of these second-image-reversed arguments assume that conflict changes the distribution of power within the state (Rasler and Thompson 2004). The modal path toward reversions to authoritarianism follows several well-documented responses to external threat. First, the executive seeks increased political power to efficiently deal with potential threats (Rasler 1986). This move is backed by a public that seeks security and defense of national pride (Mansfield and Snyder 2003). Increased nationalism and increased power for the executive mean that dissent will be quashed as an intolerant majority moves against the opposition (Gurr 1998). Institution ally, a strong military is created to deal with the threat, and this military becomes a significant force within society (Lasswell 1997). Finally, power is institutionalized within an executive that now has a strong military to enforce its position within the polity (Gibler 2010).

Building on the connection between wealth and democratic survival, many scholars have argued that economic crises can also lead to increased concentrations of power within the executive. O'Donnell's (1973) work provided one of the first of these arguments. Concentrating on Brazil and Argentina, O'Donnell argued that the wealth initially created by import substitution industrialization did not translate initially into strong regimes capable of withstanding economic downturns. When economic crises crippled the governments, powerful elite interests established authoritarian regimes to facilitate the painful economic measures necessary for the protection of property and economic recovery (see also Crowther 1986; Im 1987). Meanwhile, Gasiorowski (1995) provides substantial empirical support for the argument that democratic breakdown follows economic recessions (see Kaufman 1976; Skidmore 1977; Wallerstein 1980).

The economic crisis model has also been incorporated into the foreign policy literature by the diversionary use of force theory. According to this theory, during difficult economic times, leaders may provoke low-level conflicts to distract the public from failures in leadership. Successful involvement in foreign conflicts then creates a rally effect that salvages their electoral future (DeRouen 2000). Although the model has received only modest empirical support when predicting the use of force internationally (Gelpi 1997; Levy 1989; and more recently, Oneal and Tir 2006), each theory explicitly assumes at least a partial breakdown of democracy during economic crises as the executive seeks increased political power. Note, too, the implicit assumption that public support follows the use of force; this is consistent with the external threat argument above.

Role of Judiciary

Both crisis models outlined above rely on a common mechanism that leads to democratic reversion: crisis affects the domestic bargaining power of various actors, this advantages the executive vis-a-vis other domestic actors, and eventually, power is concentrated in the executive as democratic principles are eroded. The causal mechanism in both scenarios relies on the opportunity given the executive by each type of crisis, as this opportunity, when coupled with popular backing, allows the executive to supersede the constitution in favor of expediency.

An independent judiciary can affect this process in two ways. First, established judiciaries are likely to deter executives from using the crisis as an opportunity to gain power. An executive during crisis will likely not risk additional political decisions that question their authority. While this weak form of judicial independence creates few judicial annulments, the court does buttress the political power of other societal and governmental interests against executive incursions. The strong form of judicial independence manifests when the executive is overtly checked with annulments as the court favors minority rights and participatory democracy. In either case, the executive is constrained by the court and democracy maintains. Both forms of judicial independence lead to our central hypothesis:

H1: Established independent judiciaries decrease the likelihood of regime reversions toward authoritarian governmental systems.

In Hypothesis 2, we modify slightly the argument regarding the effects of an independent judiciary by including a time restriction. As the literature suggests, only established independent judiciaries are likely to have an ability to counter executive or legislative influences. Since most studies view new judiciaries as reflections of elite interests, we are agnostic about the effects of new courts:

H2: New independent judiciaries will have no effect on the likelihood of regime reversions toward authoritarian governmental systems.

Courts need independence to preserve legitimacy and prevent authoritarianism

Gibler and Randazzo, 11 --- *Associate Professor of Political Science, University of Alabama, AND **Associate Professor of Political Science, University of South Carolina.

(July 2011, Douglas Gibler and Kirk Randazzo, "Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding", JSTOR)//Yak

Should judiciaries succeed in creating broad popular support and establish their independence, the court can serve as a powerful political force within the regime. This explains why autocratic regimes often preempt the threat of court-led embarrassments and restrict the judiciary's ability to hear unfriendly cases. Although courts under authoritarian regimes tend to consist of impartial judges, courts in autocracies also tend to possess narrow legal authority (Larkins 1998). For example, the Franco regime in Spain had a separate court to handle politically sensitive cases (Toharia 1974).

Judiciaries that lack political independence have strong incentives to protect the interests in power and exercise whatever authority they have only at the margins. Dependent courts therefore regularly seek cases over which ruling elites have little concern in order to distance

their branch from the executive, or justices will make rulings to curry favor with those likely to gain power (Helmke 2002). Either way, to maintain the legitimacy of the court, justices must pay attention to the prevailing economic conditions within the state, the concentration of executive power, the identity of litigants, and the constitutional ramifications of their decisions before ruling against elite interests (Bumin, Randazzo, and Walker 2009; Gibson, Caldeira, and Baird 1998; Herron and Randazzo 2003). Assumed, then, is a highly strategic court that develops its legitimacy and independence over time.

Judicial independence key to stabilization during democratic transition

OFFICE OF DEMOCRACY AND GOVERNANCE 02 (January 2002, Office of Democracy and Governance; Bureau for Democracy, Conflict, and Humanitarian Assistance; U.S. Agency for International Development. "GUIDANCE FOR PROMOTING JUDICIAL INDEPENDENCE AND IMPARTIALITY," http://pdf.usaid.gov/pdf_docs/PNACM007.pdf) WM

<B. The Importance of Judicial Independence and Impartiality Judicial independence is important for precisely the reasons that the judiciary itself is important. If a judiciary cannot be relied upon to decide cases impartially, according to the law, and not based on external pressures and influences, its role is distorted and public confidence in government is undermined. In democratic, market-based societies, independent and impartial judiciaries contribute to the equitable and stable balance of power within the government. They protect individual rights and preserve the security of person and property. They resolve commercial disputes in a predictable and transparent fashion that encourages fair competition and economic growth. They are key to countering public and private corruption, reducing political manipulation, and increasing public confidence in the integrity of government. Even in stable democracies, the influence of the judiciary has increased enormously over the past several decades. Legislation protecting social and economic rights has expanded in many countries, and with it the court's role in protecting those rights. The judiciary has growing responsibility for resolving increasingly complex national and international commercial disputes. As criminal activity has also become more complex and international and a critical problem for expanding urban populations, judges play a key role in protecting the security of citizens and nations. Judiciaries in countries making the transition to democratic governance and market economies face an even greater burden. Many of these judiciaries must change fairly dramatically from being an extension of executive branch, elite, or military domination of the country to their new role as fair and independent institutions. At the same time, the demands on and expectations of these judiciaries are often high, as views about citizens' rights, the role of the executive branch, and market mechanisms are rapidly evolving. **The judiciary often finds itself a focal point as political and economic forces struggle to define the shape of the society.** These judiciaries also face the serious crime problems that frequently accompany transitions, as well as enormous issues of corruption, both that carried over from old regimes, as well as corruption newly minted under changing conditions.>

Strong Judiciary Checks Authoritarianism

Strong judiciary key to check authoritarianism

Kalb 13 [Summer, 2013; Johanna Kalb is an Associate Professor of Law, Loyola University New Orleans College of Law, "The Judicial Role in New Democracies: A Strategic Account of Comparative Citation", 38 Yale J. Int'l L. 423]

The role of the judiciary in transitional regimes has received increasing attention in the last few decades based largely on two historical developments. First, **constitutionalism and judicial review have become increasingly pervasive attributes** of late twentieth-century political transitions, **which has increased the predominance of the judicial role in most new democratic regimes.** Second, **a growing number of countries that once held democratic elections** **have regressed into authoritarian or semi-**

authoritarian rule or have simply failed to move beyond the thin electoral definition of democracy. In this historical context, scholars have turned their focus to the role that courts can play in helping to consolidate or solidify the post-election transition to a democratic order. A. Diagonal Accountability According to Juan J. Linz and Alfred Stepan, democratic consolidation is complete when a government comes to power that is the direct result of a free and popular vote, when this government de facto has the authority to generate new policies, and [*431] when the executive, legislative, and judicial power generated by the new democracy does not have to share power with other bodies de jure. As is now widely acknowledged, **the project of democratic consolidation is inhibited by accountability failures in**

political institutions. In other words, **democracy stalls** or collapses **because institutional weaknesses undermine the processes by which governmental actors are held responsible for performing their appropriate functions. Courts can aid** in democratic consolidation **by** **reinforcing constitutional**

structures of accountability across a number of different planes. First, **a credible and autonomous judiciary may serve as an important mechanism of horizontal accountability.** "In institutionalized democracies, **accountability runs ... horizontally across a network of relatively autonomous powers** (i.e. other institutions) **that can call into question, and eventually punish, improper ways of discharging the**

responsibility of a given official." n42 **Given the primacy of judicial review** in most new regimes, **courts are well positioned to ensure that other governmental actors are subject to the constraints of the law.**

An effective judiciary may thus be a key institutional actor in preventing the reconsolidation of power in the executive that has characterized so many nations in transition. n43 **Courts also play a role in vertical**

accountability, which can be understood to **characterize the relationship between the citizenry and the national government.** In introducing this concept, Guillermo O'Donnell focuses on the methods by which nonstate actors in media and civil society can continue to hold state actors to account through regular election, social mobilization, and media oversight. n44 **An effective judiciary can protect and enable these processes of vertical accountability** **by ensuring**

governmental respect for the individual rights that underlie them - for example, **by ensuring access to the voting booth and protecting freedom of speech and association.** [*432] While O'Donnell's vertical axis ended with the national government, in the democracies of the last fifty years, the notion of vertical accountability arguably extends further to characterize the relationship between the domestic population, the national government, and the international community, which includes international courts, the governments of other nations, and international NGOs. Most **recent democratic transitions were in fact driven by pressures from both internal and external constituencies**, sometimes in concert. n45 For

example, **"few would question the central role played by occupation forces in fostering democratic government** in Germany and Japan after World War II," while "the American security umbrella played a similar facilitating function for democracy in South Korea, and Taiwan." n46 In recent decades, international sanctions have helped to force internal political change (perhaps most notably in South Africa), while "the export of election monitoring technologies such as parallel vote tabulation and exit polls played a crucial role in bringing down Augusto Pinochet in Chile in 1988, unseating Slobodan Milošević in Serbia in 2000, and sparking the Orange Revolution in 2004." n47 In each of these cases, donor funding has helped to generate and preserve a global web of civil society groups, which has helped to inspire and operationalize the indispensable efforts of domestic advocates during transitions. n48 Moreover, even long after the formal

democratic transition has occurred, new governments, particularly in the economically underdeveloped countries of the Global South, continue to confront pressures from the international community to maintain systems of democratic governance, to protect and promote human rights, and to facilitate economic integration. Thus, **governmental actions during the transitional period and beyond are under increased levels of scrutiny from both vertical and horizontal audiences**, which can mobilize each other in support of accountability at the national level. **The judiciary can also play a role in mediating these relationships by protecting the domestic rights that enable these transnational connections** - by protecting access to the Internet and to international travel, for example. **The ongoing activity along both of the axes creates the opportunity for the judiciary to engage in what we may describe as "diagonal accountability."** n49 In modern [*433] regimes in transition, the judiciary must be responsive to activities on both the vertical and horizontal axes. The challenge is in satisfying these different audiences that are sometimes in harmony and sometimes in conflict. **The courts**, given their responsibility for preserving the possible channels of horizontal and vertical accountability, **are uniquely positioned to manage this overlap** and can mobilize one axis "diagonally" in support of promoting accountability along the other. **Courts may draw on international support "vertically" to protect against encroachment from the other branches "horizontally"** - for example, by reaching out to influential international institutions to put pressure on the president to comply with judicial orders limiting executive authority. Alternatively, **courts may be well positioned to safeguard the authority of other domestic institutions along the horizontal axis by acting as a site of resistance against coercive international pressures** - for example, **by striking down as unconstitutional domestically unpopular legislation forced on the elected branches by international actors.**

Democracy => Global Peace

Strong democracy maintains global peace – the best research proves

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Drawing from the empirical literature, this paper identifies two underlying pathways through which state governance systems help to build peace. These are: State capacity. If states lack the ability to execute their policy goals or to maintain security and public order in the face of potentially violent groups, armed conflict is more likely. State capacity refers to two significant aspects: security capacity and social capacity. Security capacity includes the ability to control territory and resist armed incursion from other states and nonstate actors. Social capacity includes the ability to provide social services and public goods. Institutional quality. Research suggests that not all governance systems are equally effective or capable of supporting peace. Governance systems are seen as more credible and legitimate, and are better at supporting peace, when they are characterized by inclusiveness, representativeness, transparency, and accountability. In particular, systems allowing citizens to voice concerns, participate politically, and hold elected leaders accountable are more stable and better able to avoid armed conflict. Both dimensions—state capacity and quality—are crucial to the prevention of armed conflict and are the focus of part one of this paper. Part two of the paper focuses on democracy as the most common way of structuring state government to allow for inclusive systems while maintaining state capacity. The two parts summarize important research findings on the features of governance that are most strongly associated with prospects for peace. Our analysis, based on an extensive review of empirical literature, seeks to identify the specific dimensions of governance that are most strongly associated with peace. We show evidence of a direct link between peace and a state's capacity to both exert control over its territory and provide a full range of social services through effective governance institutions. We apply a governance framework to examine three major factors associated with the outbreak of war—border disputes, ethnic conflict, and dependence on commodity exports—and emphasize the importance of inclusive and representative governance structures for the prevention of armed conflict.

Democratic Backsliding => War

Democratic backsliding causes great power war

Gat 11, Professor at Tel Aviv University, Ezer Weizman Professor of National Security at Tel Aviv University, Azar 2011, "The Changing Character of War," in The Changing Character of War, ed. Hew Strachan and Sibylle Scheipers, p. 30-32

Since 1945, **the decline of major great power war has deepened** further. Nuclear weapons have concentrated the minds of all concerned wonderfully, but no less important have been the institutionalization of free trade and the closely related process of rapid and sustained economic growth throughout the capitalist world. The communist bloc did not participate in the system of free trade, but at least initially it too experienced substantial growth, and, unlike Germany and Japan, it was always sufficiently large and rich in natural resources to maintain an autarky of sorts. With the Soviet collapse and with the integration of the former communist powers into the global capitalist economy, the prospect of a major war within the developed world seems to have become very remote indeed. This is one of the main sources for the feeling that war has been transformed: its geopolitical centre of gravity has shifted radically. The modernized, economically developed parts of the world constitute a 'zone of peace'. **War now seems to be confined to the less-developed parts of the globe, the world's 'zone of war', where countries that have so far failed to embrace modernization and its pacifying spin-off effects continue to be engaged in wars** among themselves, as well as with developed countries.¶ While the trend is very real, **one wonders if the near disappearance of armed conflict within the developed world is likely to remain as stark as it has been since the collapse of communism. The post-Cold War moment may turn out to be a fleeting one. The probability of major wars within the developed world remains low**—because of the factors already mentioned: increasing wealth, economic openness and interdependence, and nuclear deterrence. **But the deep sense of change prevailing since 1989 has been based on the far more radical notion that the triumph of capitalism also spelled the irresistible ultimate victory of democracy;** and that in an affluent and democratic world, major conflict no longer needs to be feared or seriously prepared for. **This notion, however, is fast eroding with the return of capitalist non-democratic great powers that have been absent from the international system since 1945.** Above all, there is the formerly communist and fast industrializing authoritarian-capitalist **China**, whose massive growth **represents the greatest change in the global balance of power. Russia, too, is retreating from its postcommunist liberalism and assuming an increasingly authoritarian character.**¶ **Authoritarian capitalism may be more viable than people tend to assume.** 8 The communist great powers failed even though they were potentially larger than the democracies, because their economic systems failed them. By contrast, the **capitalist authoritarian/totalitarian powers during the first half of the twentieth century, Germany and Japan**, particularly the former, **were as efficient economically as, and if anything more successful militarily than, their democratic counterparts.** They were defeated in war mainly because they were too small and ultimately succumbed to the exceptional continental size of the United States (in alliance with the communist Soviet Union during the Second World War). However, the **new non-democratic powers are both large and capitalist. China** in particular **is the largest player in the international system in terms of population and is showing spectacular economic growth** that within a generation or two is likely to make it a true non-democratic superpower.¶ Although **the return of capitalist non-democratic great powers** does not necessarily imply open conflict or war, it **might indicate that the democratic hegemony since the Soviet Union's collapse could be short-lived and that a universal 'democratic peace' may still be far off.** The new capitalist authoritarian powers are deeply integrated into the world economy. They partake of the development-open-trade-capitalist cause of peace, but not of the liberal democratic cause. Thus, it is crucially important that any protectionist turn in the system is avoided so as to prevent a grab for markets and raw materials such as that which followed the disastrous slide into imperial protectionism and conflict during the first part of the twentieth century. Of course, the openness of the world economy does not depend exclusively on the democracies. In time, China itself might become more protectionist, as it grows wealthier, its labour costs rise, and its current competitive edge diminishes.¶ With the possible exception of the sore Taiwan problem, China is likely to be less restless and revisionist than the territorially confined Germany and Japan were. Russia, which is still reeling from having lost an empire, may be more problematic. However, **as China grows in power, it is likely to become more assertive, flex its muscles, and behave like a superpower**, even if it does not become

particularly aggressive. The **democratic and non-democratic powers may coexist more or less peacefully**, albeit warily, side by side, armed because of mutual fear and suspicion, as a result of the so-called 'security dilemma', and against worst-case scenarios. **But there is also the prospect of more antagonistic relations, accentuated ideological rivalry, potential and actual conflict, intensified arms races**, and even new cold wars, with spheres of influence and opposing coalitions. Although great power relations will probably vary from those that prevailed during any of the great twentieth-century conflicts, as conditions are never quite the same, they may vary less than seemed likely only a short while ago.

Democracy Solves Middle East War

Democratic stability prevents outbreak of Middle Eastern war – the threat is under-estimated

Cordesman 13, Anthony H. Cordesman holds the Arleigh A. Burke Chair in Strategy at CSIS, Iraq: The New Strategic Pivot in the Middle East, <http://csis.org/publication/iraq-new-strategic-pivot-middle-east>

It is hard to determine why Iraq receives so little U.S. attention as it drifts towards sectarian conflict, civil war, and alignment with Iran. Tensions in Iraq have been rising for well over a year, and the UN warned on June 1, 2013 that “1,045 Iraqis were killed and another 2,397 were wounded in acts of terrorism and acts of violence in May. The number of civilians killed was 963 (including 181 civilian police), and the number of civilians injured was 2,191 (including 359 civilian police). A further 82 members of the Iraqi Security Forces were killed and 206 were injured.”

This neglect may be a matter of war fatigue; the result of a conflict the United States “won” at a tactical level but seems to have lost at a strategic level. It may be the result of the fact the civil war in Syria is more intensive, produces more human suffering, and is more open to the media. The end result, however, is that that the United States is just beginning to see how much of a strategic pivot Iraq has become.

The strategic map of the region is changing and Iraq’s role in that change is critical. It used to be possible to largely separate the Gulf and the Levant. One set of tensions focused on the Arab-Israel conflict versus tensions focused on the Gulf. Iraq stood between them. It sometimes became a crisis on its own but always acted as a strategic buffer between two major subregions in the Middle East.

However, it has become clear over the last year that the upheavals in the Islamic and Arab world have become a clash within a civilization rather than a clash between civilizations. The Sunni vs. Alewite civil war in Syria is increasingly interacting with the Sunni versus Shi’ite tensions in the Gulf that are edging Iraq back towards civil war. They also interact with the Sunni-Shi’ite, Maronite, and other confessional struggles in Lebanon.

The “Kurdish problem” now spreads from Syria to Iraq to Turkey to Iran. The question of Arab identity versus Sunni or Shi’ite sectarian identity divides Iraq from the Arab Gulf states and pushes it towards Iran. Instead of terrorism we have counterinsurgency, instability, and religious and ethnic conflict.

For all the current attention to Syria, Iraq is the larger and more important state. Iraq is a nation of 31.9 million and Syria is a nation of 22.5 million. Iraq has the larger economy: Iraq has a GDP of \$155.4 billion, and Syria had a GDP of \$107.6 billion in 2011, the last year for which there are useful data. Most important, Iraq is a critical petroleum state and Syria is a cypher. Iraq has some 143 billion barrels worth of oil reserves (9 percent of world reserves) and Syria has 2.5 billion (0.2 percent). Iraq has 126.7 has trillioncubic meters of gas, and Syria has 10.1. Iraq has a major impact on the overall security of the Gulf, and some 20 percent of the world oil and LNG exports go through the Gulf.

This does not mean the conflict in Syria is not tragic or that it is not important. But from a practical strategic viewpoint, Iraq divided Iran from the Arab Gulf states. Iraqi-Iranian tensions acted as a strategic buffer between Iran and the rest of the Middle East for half a century between the 1950s and 2003. Today, Iraq has a Shi’ite government with close links to Iran and is a military vacuum. Iraq’s Shi’ite leaders treat its Sunnis and Kurds more as a threat than as countrymen. Its Arab neighbors treat Iraq’s regime

more as a threat than an ally, and the growing Sunni-Shi'ite tension in the rest of the region make things steadily worse in Iraq and drive it towards Iran.

If Iraq moves towards active civil war, its Shi'ites will be driven further towards Iran and Syria.

If Assad survives and the Arab Gulf states continue to isolate Iraq, the largely token U.S. presence in Iraq is likely to become irrelevant and Iraq is likely to become part of a "Shi'ite" axis going from Lebanon to Iran. If Assad falls, and U.S. and Gulf Arab tensions with Iran continue to rise, Iran seems likely to do everything it can to replace its ties to Syria with influence in Iraq.

If Iraq moves towards active civil war, its Shi'ites will be driven further towards Iran and Syria. If Assad survives and the Arab Gulf states continue to isolate Iraq, the largely token U.S. presence in Iraq is likely to become irrelevant and Iraq is likely to become part of a "Shi'ite" axis going from Lebanon to Iran. If Assad falls, and U.S. and Gulf Arab tensions with Iran continue to rise, Iran seems likely to do everything it can to replace its ties to Syria with influence in Iraq.

Arab and Turkish pressure on Iraq seems more likely to push Iraq towards Iran than away from it. If Iraq becomes caught up in sectarian and ethnic civil war, this will push its Shi'ite majority towards Iran, push its Kurds toward separatism, and push the Arab states around Iraq to do even more to support Sunni factions in Lebanon, Syria, and Iraq while suppressing their own Shi'ites.

The United States has limited cards to play. The U.S.-Iraqi Strategic Framework Agreement exists on paper, but it did not survive the Iraqi political power struggles that came as the United States left. The U.S. military presence has been reduced to a small U.S. office of military cooperation at the U.S. Embassy in Baghdad and it is steadily shrinking. The cumbersome U.S. arms transfer process has already pushed Iraq to buy arms from Russia and other suppliers. The U.S. State Department's efforts to replace the military police training program collapsed before they really began. The United States is a marginal player in the Iraqi economy and economic development, and its only aid efforts are funded through money from past years. The State Department did not make an aid request for Iraq for FY2014.

However, it is far from clear that Prime Minister Nouri al-Maliki or most of the Shi'ite ruling elite really want alignment with Iran or that anyone in Iraq wants civil war. A revitalized U.S. office of military cooperation and timely U.S. arms transfer might give the United States more leverage, and U.S. efforts to persuade Arab Gulf states that it is far better to try to work with Iraq than isolate it might have a major impact. Limited and well-focused U.S. economic and governance aid might improve leverage in a country that may have major oil export earnings but whose economy needs aid in reform more than money and today has the per capita income of a poverty state, ranking only 162 in the world.

Making Iraq a major strategic focus in dealing with Turkey and our Arab friends and allies might avoid creating a strategic bridge between Iran and the Gulf states. It might limit the growing linkages between the tensions and conflicts in the Gulf and those in the Levant, and help secure Jordan, Lebanon, and Egypt. It would not be a major expense to give the State Department's country team in Baghdad all of the aid resources it needs to move Iraq towards economic reform and a stable military.

Even limited success in damping down internal conflict in Iraq and helping Iraq keep a distance from Iran might save the United States far more, even in the short run, than substituting strategic neglect for strategic patience. It also might help prevent Iraq from becoming a far worse civil conflict than now exists in Syria, **fueling the religious war** between Sunnis and Shi'ites, **which can turn** a clash within a civilization **into a serious war and spill over into terrorism in the West**.

Judicial Independence Solves Terrorism

Independent judiciaries establish government credibility—that's key to prevent terrorism.

Findley and Young 11 (Michael, assistant prof of polisci at Brigham Young University with a research emphasis in terrorism and development. Joseph, Associate Professor at American University with a joint appointment in the School of Public Affairs and the School of International Service. "Terrorism, Democracy, and Credible Commitments," International Studies Quarterly. Vol. 55 No. 2, spring 2011. Wiley Online Library.)/CB

Political institutions are an important part of an explanation of terrorism precisely because different institutions provide distinct strategic incentives for groups to pursue policy change. Both democracies and nondemocracies could have higher or lower levels of terrorism depending on how well their institutional arrangements make government commitments credible. We consider a specific institutional arrangement, whether a state has an independent judiciary, and hypothesize that independent judiciaries make government commitments more credible, thereby providing less incentive for groups to use terrorism. Without independent judiciaries, executives cannot credibly restrain themselves from future violations of rights. Thus, groups seeking to make extreme demands through a formal political process must assess whether the executive will resort to force. An independent judiciary offers some assurances about future government behavior in this situation.[¶] We examine this credible commitment hypothesis using a new data set of all domestic and transnational terrorist events in 149 countries from 1970 to 1997 (LaFree and Dugan 2007).² The results indicate that independent judiciaries decrease the likelihood of terrorism, offering support for the credible commitment hypothesis. We also find that variation in terrorism exists both within and across regime type, although on average democracies have higher levels of terrorism than autocracies. In addition to standard statistical tests and robustness checks, we use matching methods and demonstrate that our results are not dependent on any one model specification (Rosenbaum and Rubin 1983; Ho, Imai, King, and Stuart 2007).

Credibility established by independent judiciaries reduces violence and terrorism.

Findley and Young 11 (Michael, assistant prof of polisci at Brigham Young University with a research emphasis in terrorism and development. Joseph, Associate Professor at American University with a joint appointment in the School of Public Affairs and the School of International Service. "Terrorism, Democracy, and Credible Commitments," International Studies Quarterly. Vol. 55 No. 2, spring 2011. Wiley Online Library.)/CB

Like dissident groups, states are not always homogeneous actors. Different actors could vie for policy control within the state, the main divisions being the branches of government. In many circumstances, the executive branch is dominant. In other cases, a legislative branch could be the primary state actor. In cases where the judicial branch exercises a credible check on executive power, we contend that the outcome of the interactions between the state and the dissident group will be less violent.⁷ The separation of powers could thus alter the incentive structure that shapes the actions of both states and extremist groups.[¶] North, Summerhill, and Weingast (2000:27) indicate that "establishing credible commitments requires the creation of political institutions that alter the incentives of political officials so that it becomes in their interest to protect relevant citizen rights." A credible commitment to limited government makes terrorism and other violent dissent less beneficial in comparison with formal, nonviolent political participation. Nonviolent interaction with the state is also less costly, as the regime not only tolerates, but honors, political participation through formal mechanisms. In particular, it offers a wider range of choices—not simply violence—for political contention (Tilly 2003). Importantly, for a commitment to be credible, a limit on government power needs to be self-enforcing (Weingast 1995). Institutions that credibly restrain the executive branch of government are most important, because the executive branch typically has the ability to control the means of

coercion. Terrorism, therefore, is less likely in states that credibly commit to honoring the formal political process and respecting citizen rights than in states that cannot make such commitments.[¶] Although most of the conflict bargaining literature highlights the need for credible commitments to avoid or end wars (Fearon 1995; Walter 2002; Powell 2006), precisely which institutions make commitments more credible is not well understood.⁸ A number of political institutions could facilitate credible commitments, and we now turn to a discussion of one important institution — independent judiciaries.

Independent judiciaries establish governmental credibility that breeds state engagement instead of terrorism.

Findley and Young 11 (Michael, assistant prof of polisci at Brigham Young University with a research emphasis in terrorism and development. Joseph, Associate Professor at American University with a joint appointment in the School of Public Affairs and the School of International Service. “Terrorism, Democracy, and Credible Commitments,” *International Studies Quarterly*. Vol. 55 No. 2, spring 2011. Wiley Online Library.)//C

States that create independent judiciaries provide a limit on the power of the executive, the most likely agent of government violence (North and Weingast 1996; Smith 2008). As Staton and Reenock (2010:117) assert, rights enforced by “effective, independent judiciaries are designed to ensure that state promises to forgo financial predation and to respect the physical integrity of its subjects are perceived credible.” In their study of seventeenth-century England, North and Weingast (1989:819) find that “the creation of a politically independent judiciary greatly expanded the government’s ability credibly to promise to honor its agreements, that is, to bond itself. By limiting the ability of the government to renege on its agreements, the courts played a central role in assuring a commitment to secure rights.”^{11¶} Independent judiciaries can constrain the actions of the executive and provide confidence to citizens to invest, contract with other citizens, and negotiate with the state. As Feld and Voigt (2003:498) argue, there are three general cases in which an independent judicial branch has importance for societal interactions: “in cases of conflict between citizens... in cases of conflict between government and the citizens... in cases of conflict between various government branches.” The second case, conflict between the state and citizens, is important for understanding a citizen’s resort to terrorist violence. Davenport (1996), for example, finds that states with independent judiciaries repress their citizens less than states without this institution. Because states are constraining their use of violence and credibly limiting their power, citizens may be as well.¶ If individuals with extreme preferences feel that they cannot pursue their policy goals and/or grievances in a formal institutional setting because the government might later crack down on them, they will turn to noninstitutional participation. Because of the extreme nature of their preferences, violence is more likely than it may be for moderates. Moderates have less reason to be concerned about a future government response, because the nature of their claims is less consequential to the government. Because independent judiciaries can limit the power of the executive and credibly restrain state violence, thereby reducing the need for dissident violence, we offer the following hypothesis:

Judicial Independence Solves Disease

Independent judiciaries are key to fighting global disease spread

Greco 5 (Michael S., President – American Bar Association, Miami Daily Business Review, 52.42, 12-5, Factiva)

What makes the rule of law so important that it attracted such a distinguished community?
First, because the rule of law is so central to everything the legal community stands for, both in the United States and around the world. And second, **because we increasingly find that our nation's top international priorities-defeating terrorism, corruption and even the spread of deadly diseases-are being** **undone at the ground level by poor governance and lawlessness**. As Rice eloquently told the

gathering, "In a world where threats pass even through the most fortified boundaries, **weak** and poorly governed **states enable disease to spread undetected**, and corruption to multiply unchecked, and **hateful ideologies to grow** more **violent and more vengeful.**" **The only real antidote to these global threats is** governments, in all corners of the world, that operate with just, transparent and **consistent legal systems that are enforced by fair and independent judiciaries.** These issues are not just the province of distant foreign governments. Building the rule of law must begin at home. Recent revelations in our own country-that the CIA has maintained secret prisons for foreign detainees-underscore the urgent need for an independent, nonpartisan commission to investigate our treatment of such prisoners.

Extinction

Torrey and Yolken 5 E. Fuller and Robert H, Directors Stanley Medical Research Institute, 2005, Beasts of the Earth: Animals, Humans and Disease, pp. 5-6

The outcome of this marriage, however, is not as clearly defined as it was once thought to be. **For many years, it was believed that microbes and human slowly learn to live with each other as microbes evolve toward a benign coexistence** with their hosts. Thus, the bacterium that causes syphilis was thought to be extremely virulent when it initially spread among humans in the sixteenth century, then to have slowly become less virulent over the following three centuries. This reassuring view of microbial history has recently been challenged by Paul Ewald and others, who have questioned whether microbes do necessarily evolve toward long-term accommodation with their hosts. Under certain circumstances, Ewald argues, "**Natural selection may...favor the evolution of extreme harmfulness** if the exploitation that damages the host [i.e. disease] enhances the ability of the harmful variant to compete with a more benign pathogen." **The outcome of such a "marriage" may thus be the murder of one spouse by the other.** In eschatological terms, this view argues that **a microbe such as HIV or SARS virus may be truly capable of eradicating the human race.**

Judicial Independence Solves Economy

Judiciary independence key to economic growth—boosts investment, property rights, and regulates commerce.

Sievert 14 (Jacqueline, assistant professor of Political Sciences and Public affairs at Western Carolina University. “Courts and Conflict: Examining the Causal Mechanisms of Independent Judiciaries and Domestic Conflict” May 5, 2014. http://visionsinmethodology.org/wp-content/uploads/2013/11/Sievert_VIM2014.pdf)/CB

One of the most common answers to why autocrats create and use courts has been to create and ensure the protection of property rights to regulate commerce and attract investment. As Weingast (1995) wisely notes, any state strong enough to ensure property rights is strong enough to intrude on them. Therefore, governments must be able to credibly commit to the protection of property rights, and one way to do this has been the establishment of courts. “By establishing a neutral institution to monitor and punish violations of property rights, the state can make credible its promise to keep its hands off (Root and May, 2008). Similarly, Mustafa argues when writing about judicialization in Egypt,

“the consolidation of unbridled power resulted in a severe case of capital flight depriving the economy of a tremendous amount of Egyptian and foreign private investment... Judicial institutions were rehabilitated in an effort to attract investment, to provide the regime with new tools to monitor and discipline the state’s own bureaucratic machinery, and to shape a new legitimizing ideology around the “rule of law”” (Moustafa, 2008).

Establishing and adhering to the rule of law was not just an Egyptian strategy, but one adopted by Singapore as well. Then Prime Minister Lee Kuan Yew cited rule of law as the foundation of the impressive economic growth Singapore experienced after independence from Malaysia. This was echoed by the then-Chief Justice of Singapore,

“Singapore is a nation which is based wholly on the Rule of Law. It is clear and practical laws and the effective observance and enforcement of these laws which provide the foundation for our economic and social development. It is the certainty which an environment based on the Rule of Law guarantees which gives our people, as well as many [multinational corporations] and other foreign investors, the confidence to invest in our physical, industrial as well as social infrastructure” (Silverstein, 2008).

It is not just Singaporean elites who laud the rule of law as the key to economic growth and property rights. The 2013-2014 Global Competitiveness Report from the World Economic Forum ranks Singapore first for the efficiency of legal framework in settling disputes, transparency of government policymaking, and public trust in politicians. Singapore also ranks second in the world for the protection of property rights, for intellectual property protections, and for strength of investor protection (World Economic Forum, 2013-2014). Clearly international investors and monitoring groups, as well as Singaporean citizens view the courts, property protections, and the regulatory environment favorably as well.

Judicial independence spurs economic growth—government credibility protects property rights.

Voigt and Guttman 13 (Stefan, director of Economics and Law at Hamburg University. Jerg, post-doc at Hamburg University’s Graduate School of Economics and Law. “Turning cheap talk into economic growth: On the relationship between property rights and judicial independence,” Journal of Comparative Economics. Vol. 41 No. 1. Science Direct.)/CB

The argument to be developed in this paper is that promising private property rights is not sufficient to induce economic development. Rather, governments need to find means to make such promises credible. Over the last couple of years, various devices that could serve this function have been analyzed both theoretically and empirically. Among them are the number of veto players (Henisz, 2000; Tsebelis, 2002), the degree of checks and balances (Beck et al., 2001), but also joining international organizations (Levy and Spiller, 1994; a recent empirical test is Dreher and Voigt, 2011). Previous studies find that promises work only in conjunction with one or more of these means to increase the credibility of promises. This has been shown with regard to the promise of an independent central bank for bringing about monetary stability (Keefer and Stasavage, 2003; Hayo and Voigt, 2008). Here, we argue that a factually independent judiciary increases the credibility of government promises, including the promise to enforce property rights.

Feld and Voigt (2003, 2006) show that JI is conducive to economic growth. JI is a procedural attribute that asks whether judges who decide according to the law have to expect any negative consequences (such as being moved to other courts, being paid less or even fired). It is, at least on logical grounds, completely unrelated to the content of legislation, a substantive attribute. We hypothesize that the growth effect of a high degree of JI should be more pronounced if the substantive attributes are also growth-friendly. In other words, if countries promise secure property rights and have been factually implementing their promises for a while, then increased growth of per capita income is predicted to be observable.

Judicial Independence Solves Internal Conflict

Judicial independence reduces internal conflict of authoritarian states—regimes are more likely to engage with a credible government.

Sievert 14. (Jacqueline, assistant professor of Political Sciences and Public affairs at Western Carolina University. "Courts and Conflict: Examining the Causal Mechanisms of Independent Judiciaries and Domestic Conflict" May 5, 2014. http://visionsinmethodology.org/wp-content/uploads/2013/11/Sievert_VIM2014.pdf)/CB

This project seeks to unpack the relationship between independent judiciaries and authoritarian regimes, and present a unified theory that explains when autocrats have incentives to create and empower independent courts and when they have incentives to restrict the ability of the courts to overturn their most preferred policies. This work builds on existing literature on judicial institutions in authoritarian regimes and argues that in addition to the benefits of legitimacy and protected property rights autocrats can learn how resolved aggrieved groups are in society by allowing some independent judicial decision making.

To develop this argument I analyze a game-theoretic model in which a government, some aggrieved group, and a court all interact. The results show that leaders of authoritarian regimes can use independent courts to learn how resolved aggrieved groups are, and in turn this information allows the regime to offer policy concessions that satisfy the groups demands, alleviating the group's threat to mobilize against the regime. To learn how resolved groups are, they need to file suits against the regime, and in order to do so they must believe the court hearing their case will be at least nominally independent. That is, they need to believe their case will get a fair hearing in front of the court, as such the court needs to rule against the regime at least some of the time. The macro-implications of the theoretical model are then modeled empirically using observational data.

Independent judiciaries reduce internal conflict and human rights violations by decreasing executive overreach.

Sievert 14 (Jacqueline, assistant professor of Political Sciences and Public affairs at Western Carolina University. "Courts and Conflict: Examining the Causal Mechanisms of Independent Judiciaries and Domestic Conflict" May 5, 2014. http://visionsinmethodology.org/wp-content/uploads/2013/11/Sievert_VIM2014.pdf)/CB

According to the theoretical model by adopting at least a partially independent court a regime can reduce its likelihood of experiencing civil conflict with an aggrieved group by offering policy concessions to satisfy the group's demands. Therefore, what we can expect to observe is few states with independent courts experiencing civil conflict.

In addition to being informed by the theoretical model this expectation is supported by various studies regarding judicial independence and dissent, protests and human rights protections. Increased protections of human rights and respect for physical integrity rights are found to be positively associated with empowered judiciaries (Keith, 2002; Keith, Tate and Poe, 2009; Powell and Staton, 2009) and constraints on the executive (Bueno de Mesquita et al., 2005; Davenport, 2007). Additionally literature on international law and respect for human rights finds that international human rights treaties can create mobilization opportunities for citizens and that these laws matter most where domestic groups "have the motive and the means to demand the protection of their rights", most likely in court (Simmons, 2009). Interestingly Conrad and Ritter (2013) find that international human rights treaties have a small, but positive and effect on rights protections when they are secure in office. They find that secure leaders who are obligated under international human rights treaties will repress less when facing mobilized challenges to their rule in order to avoid potential court costs (Conrad and Ritter, 2013).

Money Laundering DA SDI

Money Laundering being successfully checked now Schectman 15

(a reporter for Risk & Compliance Journal and previously wrote for CIO Journal, Joel, "U.S. Official Says Money Launderers Have Been Hamstrung", The Wall Street Journal, Jun 12, 2015, <http://blogs.wsj.com/riskandcompliance/2015/06/12/u-s-official-says-money-launderers-have-been-hamstrung/>, GCM)

The U.S. Treasury Department says its efforts to squeeze money launderers and terrorists out of the U.S. financial system are working. Two Treasury Department assessments, released Friday, found that new bank requirements, sanctions and a heightened culture of compliance had effectively pushed illegal activity to the fringes of the financial system. Drug dealers and terrorists are now often forced to rely on costly and inefficient ways of moving money, such as shipments of hard cash, a senior Treasury official said on a conference call with reporters. The Treasury assessment—the first in more than a decade—uncovered no new or emerging methods used by criminals or terrorists, the official said. "[Money launderers] have been constrained in their existing methods," which include conspiring with employees at banks and using unregistered foreign money transmitters, said the official, who the Treasury Department requested not be named. Despite these successes, money launderers continue to use shell companies to hide the purpose of transactions. One of the agency reports points out that under state laws, businessmen can register corporate entities under an attorney's name without revealing the true owners. These corporate entities are sometimes used to covertly move illicit funds, and skirt anti-money laundering rules, the report said. The Treasury Department is pushing for legislation that would make sure beneficial ownership is recorded, the official said.

Mass data collection helps stop money laundering and drug trafficking Heath 15

(An investigative reporter at USA TODAY, writing primarily about law and criminal justice- His work includes award-winning series on misconduct by federal prosecutors and air pollution outside schools. He has a law degree from Georgetown University, Brad, "US secretly tracked billions of calls for decades", USA Today, April 8, 2015, <http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/>, ASN)

The DEA began assembling a data-gathering program in the 1980s as the government searched for new ways to battle Colombian drug cartels. Neither informants nor undercover agents had been enough to crack the cartels' infrastructure. So the agency's intelligence arm turned its attention to the groups' communication networks. Calling records – often called "toll records" – offered one way to do that. Toll records are comparable to what appears on a phone bill – the numbers a person dialed, the date and time of the call, its duration and how it was paid for. By then, DEA agents had decades of experience gathering toll records of people they suspected were linked to drug trafficking, albeit one person at a time. In the late 1980s and early 1990s, officials said the agency had little way to make sense of the data their agents accumulated and almost no ability to use them to ferret out new cartel connections. Some agents used legal pads. "We were drowning in toll records," a former intelligence official said. The DEA asked the Pentagon for help. The military responded with a pair of supercomputers and intelligence analysts who had experience tracking the communication patterns of Soviet military units. "What they discovered was that the incident of a communication was perhaps as important as the content of a communication," a former Justice Department official said. The military installed the supercomputers on the fifth floor of the DEA's headquarters, across from a shopping mall in Arlington, Va. The system they built ultimately allowed the drug agency to stitch together huge collections of data to map trafficking and money laundering networks both overseas and within the USA. It allowed agents to link the call records its agents gathered domestically with calling data the DEA and intelligence agencies had acquired outside the USA. (In some cases, officials said the DEA paid employees of foreign telecom firms for copies of call logs and subscriber lists.) And it eventually allowed agents to cross-reference all of that against investigative reports from the DEA, FBI and Customs Service. The result "produced major international investigations that allowed us to take some big people." Constantine said, though he said he could not identify particular cases. In 1989, President George H.W. Bush proposed in his first prime-time address using "sophisticated intelligence-gathering and Defense Department technology" to disrupt drug trafficking.

Three years later, when violent crime rates were at record highs, the drug agency intensified its intelligence push, launching a "kingpin strategy" to attack drug cartels by going after their finances, leadership and communication. In 1992, in the last months of Bush's administration, Attorney General William Barr and his chief criminal prosecutor, Robert Mueller, gave the DEA permission to collect a much larger set of phone data to feed into that intelligence operation. Instead of simply asking phone companies for records about calls made by people suspected of drug crimes, the Justice Department began ordering telephone companies to turn over lists of all phone calls from the USA to countries where the government determined drug traffickers operated, current and former officials said. Barr and Mueller declined to comment, as did Barr's deputy, George Terwilliger III, though Terwilliger said, "It has been apparent for a long time in both the law enforcement and intelligence worlds that there is a tremendous value and need to collect certain metadata to support legitimate investigations." The data collection was known within the agency as USTO (a play on the fact that it tracked calls from the U.S. to other countries). The DEA obtained those records using administrative subpoenas that allow the agency to collect records "relevant or material to" federal drug investigations. Officials acknowledged it was an expansive interpretation of that authority but one that was not likely to be challenged because unlike search warrants, DEA subpoenas do not require a judge's approval. "We knew we were stretching the definition," a former official involved in the process said. Officials said a few telephone companies were reluctant to provide so much information, but none challenged the subpoenas in court. Those that hesitated received letters from the Justice Department urging them to comply. After Sprint executives expressed reservations in 1998, for example, Warren, the head of the department's drug section, responded with a letter telling the company that "the initiative has been determined to be legally appropriate" and that turning over the call data was "appropriate and required by law." The letter said the data would be used by authorities "to focus scarce investigative resources by means of sophisticated

pattern and link analysis." The letter did not name other telecom firms providing records to the DEA but did tell executives that "the arrangement with Sprint being sought by the DEA is by no means unique to Sprint" and that "major service providers have been eager to support and assist law enforcement within appropriate bounds." Former officials said the operation included records from AT&T and other telecom companies. A spokesman for AT&T declined to comment. Sprint spokeswoman Stephanie Vinge Walsh said only that "we do comply with all state and federal laws regarding law enforcement subpoenas." Agents said that when the data collection began, they sought to limit its use mainly to drug investigations and turned away requests for access from the FBI and the NSA. They allowed searches of the data in terrorism cases, including the bombing of a federal building in Oklahoma City that killed 168 people in 1995, helping to rule out theories linking the attack to foreign terrorists. They allowed even broader use after Sept. 11, 2001. The DEA's public disclosure of its program in January came in the case of a man charged with violating U.S. export restrictions by trying to send electrical equipment to Iran. At first, officials said the DEA gathered records only of calls to a handful of countries, focusing on Colombian drug cartels and their supply lines. Its reach grew quickly, and by the late 1990s, the DEA was logging "a massive number of calls," said a former intelligence official who supervised the program. Former officials said they could not recall the complete list of countries included in USTO, and the coverage changed over time. The Justice Department and DEA added countries to the list if officials could establish that they were home to outfits that produced or trafficked drugs or were involved in money laundering or other drug-related crimes. The Justice Department warned when it disclosed the program in January that the list of countries should remain secret "to protect against any disruption to prospective law enforcement cooperation." At its peak, the operation gathered data on calls to 116 countries, an official involved in reviewing the list said. Two other officials said they did not recall the precise number of countries, but it was more than 100. That gave the collection a considerable sweep; the U.S. government recognizes a total of 195 countries. At one time or another, officials said, the data collection covered most of the countries in Central and South America and the Caribbean, as well as others in western Africa, Europe and Asia. It included Afghanistan, Pakistan, Iran, Italy, Mexico and Canada. The DEA often — though not always — notified foreign governments it was collecting call records, in part to make sure its agents would not be expelled if the program was discovered. In some cases, the DEA provided some of that information to foreign law enforcement agencies to help them build their own investigations, officials said. The DEA did not have a real-time connection to phone companies' data; instead, the companies regularly provided copies of their call logs, first on computer disks and later over a private network. Agents who used the system said the numbers they saw were seldom more than a few days old. The database did not include callers' names or other identifying data. Officials said agents often were able to identify individuals associated with telephone numbers flagged by the analysis, either by cross-referencing them against other databases or by sending follow-up requests to the phone companies. To keep the program secret, the DEA sought not to use the information as evidence in criminal prosecutions or in its justification for warrants or other searches. Instead, its Special Operations Division passed the data to field agents as tips to help them find new targets or focus existing investigations, a process approved by Justice Department lawyers. Many of those tips were classified because the DEA phone searches drew on other intelligence data. That practice sparked a furor when the Reuters news agency reported in 2013 that the DEA trained agents to conceal the sources of those tips from judges and defense lawyers. Reuters said the tips were based on wiretaps, foreign intelligence and a DEA database of telephone calls gathered through routine subpoenas and search warrants. As a result, "the government short-circuited any debate about the legality and wisdom of putting the call records of millions of innocent people in the hands of the DEA," American Civil Liberties Union lawyer Patrick Toomey said.

Money Laundering erodes political and social systems affecting stability, diminishes economic growth, and hurts basic individual liberties

Crime and Misconduct Commission 05

(The Crime and Corruption Commission (CCC) is a statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. Its functions and powers are set out in the Crime and Corruption Act 2001, "Background intelligence brief Money laundering," Crime and Corruption Commission, July 2005, <http://www.ccc.qld.gov.au/research-and-publications/publications/crime/money-laundering.pdf>, GCM)

There are many reasons why money laundering is harmful in society. Some examples are listed below. It makes crime pay. Money laundering allows drug traffickers, smugglers and other criminals to accumulate economic power and expand their operations. This has the potential to erode the political and social systems of a country, and could affect stability and the general rule of law (Alweendo 2005). This in turn drives up the cost of law enforcement and the spin-off costs of health care in the treatment of problems such as drug addiction. It has the potential to undermine the financial community because of the sheer magnitude of the sums involved. Money laundering on a grand scale has the potential to change the demand for cash, make interest rates and exchange rates more volatile, and cause high inflation rates for a country. Laundering diminishes economic development because it undermines legitimate business, competition and government tax revenue, and therefore indirectly harms honest taxpayers and reduces legitimate job opportunities. Money laundering Perceived ease of entry to a country attracts an undesirable element across its borders, degrading quality of life and raising concerns

about national security (Solicitor General Canada 1998). The crimes perpetrated by these undesirable elements erode basic individual liberties by threatening rights to life and entitlements to own property. There are great incentives, therefore, for governments and private enterprise to work together to combat money laundering locally and globally.

Economic decline risks extinction

Auslin & Lachman, 2009, The Global Economy Unravels, Forbes, [Resident Scholar – American Enterprise Institute; Resident Fellow – American Enterprise Institute, Michael; Desmond], March 6, p. <http://www.aei.org/article/100187>

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos followed hard on economic collapse.** The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. **A sustained downturn poses grave and possibly immediate threats to Chinese internal stability.** The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then **wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely.** Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. **Europe as a whole will face dangerously increasing tensions** between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. **A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries.** Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. **The result may be a series of small explosions that coalesce into a big bang.**

Uniqueness

Frontline

AML in the squo prevents money laundering

Sareena M. Sawhney 4/25/14 (CONSEQUENCES OF HAVING A POOR ANTI-MONEY LAUNDERING PROGRAM, Sareena M. Sawhney, MBA, CFE, CAMS, MAFF, is a Director in the Litigation and Corporate Financial Advisory Services Group at Marks Paneth LLP, <http://www.markspaneth.com/publications/consequences-of-having-a-poor-anti-money-laundering-program>, ZV)

Section 352 of the Patriot Act requires all financial institutions to establish AML programs inclusive of the following: Establish internal policies, procedures, and controls to prevent money laundering; Designate a money laundering compliance officer; Establish an ongoing training program for awareness of money laundering; Establish an independent audit function to test the programs. Section 326 of the Patriot Act expands on the Bank Secrecy Act by requiring financial institutions to implement Customer Identification Programs (“CIPs”). The CIPs are to be incorporated into financial institutions’ money laundering programs and should verify and maintain records of any individual seeking to open an account. The Patriot Act also prohibits foreign shell banks from maintaining correspondent accounts at any US financial institution. “Shell banks” lack a physical presence^[4] in any country. It is strongly encouraged that the US institutions verify all the information provided by the foreign institution at least every two years. Additionally, financial institutions are required to establish due diligence policies, procedures and controls that are designed to detect money laundering through private and correspondent bank accounts^[5] held by non-US citizens. Brokers and dealers in securities must file with FinCEN (Financial Crimes Enforcement Network) a report of any suspicious activity that involves funds or assets of at least \$5,000, and the broker-dealer knows, suspects or has reason to suspect that the transaction involves illegal activity, evades regulations under the Bank Secrecy Act or has no business or lawful purpose in which a particular customer would expect to engage in.

There is no guaranteed way to stop money laundering. – but constant vigilance is key.

Chianuri 6/23/15,

(Certified Anti-Money Laundering Specialist (CAMS) from the Association of Certified Anti-Money Laundering Specialists (ACAMS), Valerie, “Treasury Department Publishes National Money Laundering Risk Assessment and National Terrorist Financing Risk Assessment”, Davis Wright Tremaine LLP, 6/23/15, <http://www.jdsupra.com/legalnews/treasury-department-publishes-national-92243/>, GCM)

The Department acknowledged that there is no “silver bullet” to combating money laundering and terrorist financing in its press release accompanying the NMLRA and the NTFRA and stresses that institutions should not use these assessments as sole sources of information for developing their compliance efforts. The responsibility for development of comprehensive compliance programs resides squarely with the institutions which should remain constantly vigilant to the new money laundering methods developed by criminals.

Extentions

1/3 of FBI's criminal referrals were money laundering

Megan Wallin 6-24-15 ("NSA can still see you", Megan Wallin is a young writer with a background in the social sciences, <http://baltimorepostexaminer.com/nsa-can-still-see-you/2015/06/24>, ZV)

Between 2003 and 2005, government records show that 143, 074 letters were issued by FBI agents approving their ability to obtain secure information from individuals. Of the 53 actual criminal referrals resulting, 17 were for money laundering, 17 for illegal immigration charges, 19 involved cases of fraud, and not a single one was turned in for suspected terrorism. That's right. According to UCLA's analysis of the records, titled "Surveillance Under the Patriot Act," fewer than five years after the 9/11 attacks, the findings produced no progress toward seeking out terrorists

Links

Link – Generics

Electronic surveillance prevents crimes with different methods.

Solove 4, Daniel J. Solove, *Reconstructing Electronic Surveillance Law*, 72 *Geo. Wash. L. Rev.* 1264 (2004).

http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2088&context=faculty_publications, TK

Electronic surveillance is one of the central tools of modern law enforcement. **It can aid significantly in the investigations of crimes**, for it allows the government to watch and listen to people during their unguarded moments, when they may speak about their criminal activity. **Video cameras may capture criminals in the act and aid in their identification and arrest. Surveillance can also assist in preventing crimes because it enables the government to learn about criminal activity that is afoot and to halt it before it happens.** Few would argue that these are not significant benefits. Surveillance can also prevent crime in another way. In 1791, Jeremy Bentham imagined a new architectural design for **a prison** which he **called the Panopticon**.¹⁷ As Michel Foucault describes it: [A]t the periphery, an annular building; at the centre, a tower; this tower is pierced with wide windows that open onto the inner side of the ring; the peripheric building is divided into cells, each of which extends the whole width of the building . . . All that is needed, then, is to place a supervisor in a central tower and to shut up in each cell a madman, a patient, a condemned man, a worker or a schoolboy. By the effect of backlighting, one can observe from the tower, standing out precisely against the light, the small captive shadows in the cells of the periphery. They are like so many cages, so many small theatres, in which each actor is alone, perfectly individualized and constantly visible.¹⁸ The Panopticon **achieves obedience and discipline by having all prisoners believe they could be watched at any moment. Their fear of being watched inhibits transgression. Surveillance can thus prevent crime by making people decide not to engage in it at all.** More generally, surveillance is good because it is a highly effective tool for maintaining social order. **We want to foster a society where people are secure from theft, vandalism, assault, murder, rape, and terrorism.** We thus desire social control, and surveillance can help achieve that end.

Link – CCTV

CCTV use is increasing and is able to monitor more areas

Kille and Maimino 14

(Director at the Harvard Kennedy School – seven year assistant editor at the Boston Phoenix – managing editor at the San Francisco Bay Guardian – research on environment, energy, sustainability, transportation and urbanism, Leighton and Martin, “The effect of CCTV on public safety: Research roundup”, Shorenstein Center on Media, Politics and Public Policy, February 11, 2014, <http://journalistsresource.org/studies/government/criminal-justice/surveillance-cameras-and-crime>, ASN)

Millions of closed-circuit television (CCTV) cameras are installed in streets and businesses throughout the world with the stated goal of reducing crime and increasing public safety. The United Kingdom is one of the most enthusiastic proponents, with an estimated 1.9 million cameras in 2011 — one for every 32 U.K. residents — and the number continues to rise. Chicago reportedly has at least 15,000 cameras installed in one of the largest U.S. networks — which has prompted civil liberties groups to express strong concerns — while in New York, cameras are increasingly found both on public transit as well as in businesses and even high-end residences. The 9/11 attacks led many municipalities to start installing CCTV systems, but sometimes what’s put in place goes beyond the original mandate: For example, Oakland, Calif., took \$7 million of federal money intended for safeguarding its port and is using it to create a citywide surveillance system instead. According to industry estimates, the global video surveillance market is expected to grow from \$11.5 billion in 2008 to \$37.7 billion in 2015. A 2013 New York Times/CBS poll found that 78% of respondents supported the use of surveillance cameras in public places, and authorities tend to point to spectacular successes — for example, crucial images cameras provided of the Boston Marathon bombing suspects or the identification of those responsible for the 2005 London attacks. Still, concerns remain about systems’ potential to violate personal privacy as well as their overall cost-effectiveness. A 2013 Chicago Tribune opinion piece quoted a city spokesman as saying that surveillance cameras helped solve 4,500 crimes over four years, but the writer notes that more than a million are estimated to have taken place over that time period — meaning that the cameras’ contribution was 0.05% at best. CCTV cameras also have the potential of creating unintended effects, good and bad. The “halo effect” refers to the potential for greater security in areas outside the view of cameras; this could be offset by the “displacement effect,” which pushes antisocial activity to other parts of the city. Cameras could also promote a false sense of security and lead citizens to take fewer precautions, or they could also cause more crimes to be reported, and thus lead to a perceived increase in crime. And as with the 2013 revelations of widespread data collection by the U.S. National Security Administration, the indiscriminate gathering of information on law-abiding citizens, however well-intentioned, has the potential for misuse. The Washington Post reported in February 2014 that new aerial video surveillance technologies are being deployed that can monitor virtually everything in an area the size of a small city. A 2010 document from the European Forum for Urban Security, “Charter for a Democratic Use of Video-Surveillance,” provides a useful overview of the issues at stake as well as a set of principles and tools to ensure that citizens’ rights are respected with CCTV systems. These include: Necessity: The use of camera systems must be justified empirically, ideally by an independent authority. Objectives and intended outcomes must be defined. Proportionality: CCTV equipment must be appropriate for the problem it is intended to address. Technology should “respond to the established objectives, without going further.” Data should be protected and the length of time it is retained be clearly defined. Transparency: Citizens should know what the objectives of a CCTV system are, what its installation and operational costs are, the areas being surveyed, and what the results are. Reports should occur regularly so citizens can make informed decisions. Accountability: Those in charge of public CCTV systems should be clearly identified and accountable to the public, whether the systems are run by the government or private firms. Independent oversight: An external body should be charged with ensuring that systems respect the public’s rights and are achieving their stated objectives. Ideally citizens would have a voice in the oversight process.

Link – DEA

Curtailing surveillance crushes DEA crime prevention.

Wing, 14

Nick Wing, Senior Viral Editor at The Huffington Post., 10/24/14("The DEA Once Turned A 14-Year-Old Into A Drug Kingpin. Welcome To The War On Drugs",

The Huffington Post, October 24th, 2014,

http://www.huffingtonpost.com/2014/10/24/dea-war-on-drugs_n_6030920.html, Accessed: July 13th, 2015, DSF)

The DEA has been spying on U.S. citizens with a surveillance program more expansive than the NSA's.

Just months after Edward Snowden unmasked the National Security Agency's massive domestic spying program, The New York Times broke news of the Hemisphere Project, which pairs experts from telecommunications giant AT&T with federal and local anti-drug officials, including DEA agents. It gives law enforcement officials access to "every call that passes through an AT&T switch -- not just those made by AT&T customers -- and includes calls dating back 26 years," according to the Times report. That's around 4 billion call records every day, each logged with information on the location of callers. The official government slideshow describing the program suggested it had been helpful in tracking drug dealers who frequently change phones, or use disposable "burner" phones.

The White House attempted to allay privacy concerns about the Hemisphere Project last year, noting that AT&T stores the collected data, unlike in the NSA's program, in which data is turned over to the government. Federal officials can quickly access the records, however, often within an hour of a subpoena.

Mass data collection helps stop money laundering and drug trafficking

Heath 15

(An investigative reporter at USA TODAY, writing primarily about law and criminal justice- His work includes award-winning series on misconduct by federal prosecutors and air pollution outside schools. He has a law degree from Georgetown University, Brad, "US secretly tracked billions of calls for decades", USA Today, April 8, 2015, <http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/>, ASN)

The DEA began assembling a data-gathering program in the 1980s as the government searched for new ways to battle Colombian drug cartels. Neither informants nor undercover agents had been enough to crack the cartels' infrastructure. So the agency's intelligence arm turned its attention to the groups' communication networks. Calling records – often called "toll records" – offered one way to do that. Toll records are comparable to what appears on a phone bill – the numbers a person dialed, the date and time of the call, its duration and how it was paid for. By then, DEA agents had decades of experience gathering toll records of people they suspected were linked to drug trafficking, albeit one person at a time. In the late 1980s and early 1990s, officials said the agency had little way to make sense of the data their agents accumulated and almost no ability to use them to ferret out new cartel connections. Some agents used legal pads. "We were drowning in toll records," a former intelligence official said. The DEA asked the Pentagon for help. The military responded with a pair of supercomputers and intelligence analysts who had experience tracking the communication patterns of Soviet military units. "What they discovered was that the incident of a communication was perhaps as important as the content of a communication," a former Justice Department official said. The military installed the supercomputers on the fifth

floor of the DEA's headquarters, across from a shopping mall in Arlington, Va. The system they built ultimately allowed the drug agency to stitch together huge collections of data to map trafficking and money laundering networks both overseas and within the USA. It allowed agents to link the call records its agents gathered domestically with calling data the DEA and intelligence agencies had acquired outside the USA. (In some cases, officials said the DEA paid employees of foreign telecom firms for copies of call logs and subscriber lists.) And it eventually allowed agents to cross-reference all of that against investigative reports from the DEA, FBI and Customs Service. The result "produced major international investigations that allowed us to take some big people," Constantine said, though he said he could not identify particular cases. In 1989, President George H.W. Bush proposed in his first prime-time address using "sophisticated intelligence-gathering and Defense Department technology" to disrupt drug trafficking. Three years later, when violent crime rates were at record highs, the drug agency intensified its intelligence push, launching a "kingpin strategy" to attack drug cartels by going after their finances, leadership and communication. In 1992, in the last months of Bush's administration, Attorney General William Barr and his chief criminal prosecutor, Robert Mueller, gave the DEA permission to collect a much larger set of phone data to feed into that intelligence operation. Instead of simply asking phone companies for records about calls made by people suspected of drug crimes, the Justice Department began ordering telephone companies to turn over lists of all phone calls from the USA to countries where the government determined drug traffickers operated, current and former officials said. Barr and Mueller declined to comment, as did Barr's deputy, George Terwilliger III, though Terwilliger said, "It has been apparent for a long time in both the law enforcement and intelligence worlds that there is a tremendous value and need to collect certain metadata to support legitimate investigations." The data collection was known within the agency as USTO (a play on the fact that it tracked calls from the U.S. to other countries). The DEA obtained those records using administrative subpoenas that allow the agency to collect records "relevant or material to" federal drug investigations. Officials acknowledged it was an expansive interpretation of that authority but one that was not likely to be challenged because unlike search warrants, DEA subpoenas do not require a judge's approval. "We knew we were stretching the definition," a former official involved in the process said. Officials said a few telephone companies were reluctant to provide so much information, but none challenged the subpoenas in court. Those that hesitated received letters from the Justice Department urging them to comply. After Sprint executives expressed reservations in 1998, for example, Warren, the head of the department's drug section, responded with a letter telling the company that "the initiative has been determined to be legally appropriate" and that turning over the call data was "appropriate and required by law." The letter said the data would be used by authorities "to focus scarce investigative resources by means of sophisticated pattern and link analysis." The letter did not name other telecom firms providing records to the DEA but did tell executives that "the arrangement with Sprint being sought by the DEA is by no means unique to Sprint" and that "major service providers have been eager to support and assist law enforcement within appropriate bounds." Former officials said the operation included records from AT&T and other telecom companies. A spokesman for AT&T declined to comment. Sprint spokeswoman Stephanie Vinge Walsh said only that "we do comply with all state and federal laws regarding law enforcement subpoenas." Agents said that when the data collection began, they sought to limit its use mainly to drug investigations and turned away requests for access from the FBI and the NSA. They allowed searches of the data in terrorism cases, including the bombing of a federal building in Oklahoma City that killed 168 people in 1995, helping to rule out theories linking the attack to foreign terrorists. They allowed even broader use after Sept. 11, 2001. The DEA's public disclosure of its program in January came in the case of a man charged with violating U.S. export restrictions by trying to send electrical equipment to Iran. At first, officials said the DEA gathered records only of calls to a handful of countries, focusing on Colombian drug cartels and their supply lines. Its reach grew quickly, and by the late 1990s, the DEA was logging "a massive number of calls," said a former intelligence official who supervised the program. Former officials said they could not recall the complete list of countries included in USTO, and the coverage changed over time. The Justice Department and DEA added countries to the list if officials could establish that they were home to outfits that produced or trafficked drugs or were involved in money laundering or other drug-related crimes. The Justice Department warned when it disclosed the program in January that the list of countries should remain secret "to protect against any disruption to prospective law enforcement cooperation." At its peak, the operation gathered data on calls to 116 countries, an official involved in reviewing the list said. Two other officials said they did not recall the precise number of countries, but it was more than 100. That gave the collection a considerable sweep; the U.S. government recognizes a total of 195 countries. At one time or another, officials said, the data collection covered most of the countries in Central and South America and the Caribbean, as well as others in western Africa, Europe and Asia. It included Afghanistan, Pakistan, Iran,

Italy, Mexico and Canada. The DEA often — though not always — notified foreign governments it was collecting call records, in part to make sure its agents would not be expelled if the program was discovered. In some cases, the DEA provided some of that information to foreign law enforcement agencies to help them build their own investigations, officials said. The DEA did not have a real-time connection to phone companies' data; instead, the companies regularly provided copies of their call logs, first on computer disks and later over a private network. Agents who used the system said the numbers they saw were seldom more than a few days old. The database did not include callers' names or other identifying data. Officials said agents often were able to identify individuals associated with telephone numbers flagged by the analysis, either by cross-referencing them against other databases or by sending follow-up requests to the phone companies. To keep the program secret, the DEA sought not to use the information as evidence in criminal prosecutions or in its justification for warrants or other searches. Instead, its Special Operations Division passed the data to field agents as tips to help them find new targets or focus existing investigations, a process approved by Justice Department lawyers. Many of those tips were classified because the DEA phone searches drew on other intelligence data. That practice sparked a furor when the Reuters news agency reported in 2013 that the DEA trained agents to conceal the sources of those tips from judges and defense lawyers. Reuters said the tips were based on wiretaps, foreign intelligence and a DEA database of telephone calls gathered through routine subpoenas and search warrants. As a result, "the government short-circuited any debate about the legality and wisdom of putting the call records of millions of innocent people in the hands of the DEA," American Civil Liberties Union lawyer Patrick Toomey said.

DEA using wiretaps and pen registers to catch international drug cartels

Kenny 11, Michael Kenny, August 15, 2011, From Pablo to Osama: Counter-terrorism Lessons from the War on Drugs, Survival: Global Politics and Strategy, <http://dx.doi.org/10.1080/00396338.2003.9688585>, TK

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The Colombian cocaine 'cartels'³ can be traced back to the 1970s, when numerous entrepreneurs sought to exploit the demand for cocaine in US illegal drug markets by transporting small quantities of the drug from Ecuador, Bolivia and Peru to Colombia, where it underwent further refinement in makeshift laboratories before final shipment northwards. Over time and through repeated exchange, numerous entrepreneurs developed far-flung transportation and distribution networks capable of coordinating several multi-tonne cocaine shipments a year. These 'wheel networks' contained a core group that coordinated activities among functionally specific nodes, including cocaine base suppliers, processing labs, transportation rings and distribution groups that delivered cocaine to independent retailers and funnelled the profits to network leaders and investors.⁴ While core groups were generally based in Colombia, support nodes were located in different countries, giving these networks a transnational dimension. To reduce their exposure to law-enforcement penetration, participants in cross-border transportation or wholesale distribution activities were often compartmentalised into small working groups or 'cells' that maintained close communication with core groups and followed elaborate procedures for delivering large amounts of drugs to independent wholesalers and conducting other hazardous activities. The core groups directed the transnational enterprise, providing security and resolving disputes and securing resources from independent investors. They also gathered intelligence about government drug enforcement efforts and served as the communications hub for the network, coordinating transactions among peripheral nodes. If something went wrong, informal relations of vertical accountability ensured that peripheral nodes answered to the core, protecting kingpins and investors from theft and other risks. Decision-making authority generally flowed out and downwards from the core, beginning with one or more kingpins that directed the transnational enterprise. Below them were 'managers' responsible for line functions, such as transportation and wholesale distribution. Beneath managers were cell workers that carried out much of the daily work of the enterprise. Kingpins or their day-to-day administrators sought to maintain control over their operations through frequent communication with overseas managers, often mediated through brokers that provided an additional layer of insulation from law enforcement. The predominantly vertical direction of command authority — proceeding from the hub of the core group along spokes to the most peripheral operatives — and its multiple vectors made the cartels 'wheel networks'. By the mid-1980s, US and Colombian officials were fully attuned to the danger represented by a handful of wheel networks, particularly the notorious

Medellín and Cali enterprises. **With US assistance, Colombian drug enforcers launched several crackdowns** against the leaders of these transnational enterprises between 1984 and 1988, **destroying processing labs, seizing cocaine shipments and arresting** (and occasionally extraditing) **lower and middle-level traffickers**. However, core-group kingpins were not greatly affected by these short-lived offensives, as their elaborate security arrangements allowed them to continue their illicit activities relatively unimpeded. Throughout the 1980s, police officials discovered numerous multi-tonne cocaine shipments in the US, indicating the growing capacity of Colombian trafficking networks. Yet even the largest of these seizures failed to put a significant dent in drug availability. While the estimated average price of cocaine at the 'dealer' level dropped from \$191 per gram in 1981 to \$65 per gram in 1989, during the same period the estimated purity of cocaine at the same transaction level rose from 60% to 80%. **The US Drug Enforcement Administration (DEA)'s response, in 1992, was the kingpin strategy. Leveraging the DEA's investigative and intelligence strengths, this initiative involved the aggressive use of electronic surveillance technologies, including wiretaps, pen registers and trap-and-trace devices.** A kingpin was defined as the leader of an international trafficking enterprise who directs the production, transportation, and distribution of large quantities of cocaine or heroin, as well as the organisation's financial operations. By 'neutralising' kingpins and dismantling their criminal infrastructures, the DEA hoped that it would be able to 'significantly reduce the availability of drugs in the United States'.⁵ Principal targets of the kingpin strategy were the leaders of the Colombian cocaine cartels. The initial list included Pablo Escobar, José Santacruz Londoño, Gilberto and Miguel Rodríguez Orejuela, Helmer Buitrago Herrera, and Iván and Jairo Urdinola Grajales. **In close cooperation with the Colombian National Police (CNP), the DEA sought to disable** their **trafficking networks by attacking their communications, transportation and finance systems.** After just a year and a half of operation, **the DEA reported that kingpin investigations had led to the seizure of \$210 million in drug proceeds, the confiscation of 144 aircraft and 91 boats, trucks and cars, and the arrest of over 713 'significant' traffickers.**⁶ In Colombia, elite drug enforcement units destroyed hundreds of cocaine processing labs, seized thousands of kilograms of cocaine base and cocaine hydrochloride, eradicated hundreds of thousands of hectares of coca leaf plantings, and **arrested hundreds of traffickers.** Remarkably, by 1996 all of the original kingpins were either dead or in jail, and their trafficking networks severely disrupted. Notwithstanding reports that some entrepreneurs continued to manage scaled-down smuggling operations from behind bars, a number of government officials crowed that the days of the cocaine cartels were over. Some went even further. Following the arrest of Gilberto Rodríguez-Orejuela, Colombian prosecutor general Alfonso Valdivieso exulted that 'narco-trafficking is in the way of disappearing from Colombia'.⁷ **In a war marked by considerable frustration for lawenforcement agencies, the state appeared to have earned a major victory.**

Link – Drug crime

USFG surveillance k2 stop the worst of drug crime. - empirics

US Courts, 12

US Courts, 12/31/2012 (“Wiretap Report 2012”, This report covers intercepts concluded between January 1, 2012, and December 31, 2012, and provides supplementary information on arrests and convictions resulting from intercepts concluded in prior years, [uscourts.gov](http://www.uscourts.gov), December 31, 2012,

<http://www.uscourts.gov/statistics-reports/wiretap-report-2012>, Accessed: July 13th, 2015, DSF)

Drug offenses were the most prevalent type of criminal offenses investigated using wiretaps. Table 3 indicates that 87 percent of all applications for intercepts (2,967 wiretaps) in 2012 cited illegal drugs as the most serious offense under investigation. Homicide, the second-most frequently cited crime, was specified as the most serious offense in more than 3 percent of applications. Racketeering, the third-most frequently cited crime, was specified in less than 3 percent of applications. Many applications for court orders revealed that multiple criminal offenses were under investigation, but Table 3 includes only the most serious criminal offense listed on an application.

In 2012, installed wiretaps were in operation for an average of 39 days, 3 days below the average in 2011. The federal wiretap with the most intercepts occurred in the Western District of Missouri, where a narcotics investigation involving cellular telephones resulted in the interception of 34,261 messages over 60 days. The second-highest number of intercepts stemmed from a cellular telephone wiretap for a narcotics investigation in the District of Maine. This wiretap, active for 55 days, resulted in a total of 32,578 interceptions, **including 18,500 incriminating interceptions.**

Federal wire taps increasingly k2 quell big drug crime

US Courts, 12

US Courts, 12/31/2012 (“Wiretap Report 2012”, This report covers intercepts concluded between January 1, 2012, and December 31, 2012, and provides supplementary information on arrests and convictions resulting from intercepts concluded in prior years, [uscourts.gov](http://www.uscourts.gov), December 31, 2012,

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Data on individuals arrested and convicted as a result of interceptions reported as terminated are presented in Table 6. As of December 31, 2012, a total of 3,743 persons had been arrested (up 6 percent from 2011), and 455 persons had been convicted (down 2 percent from 2011).

Federal wiretaps were responsible for **34 percent of the arrests and 25 percent of the convictions** arising from wiretaps for this period. The Central District of California reported the largest number of arrests (139) for a federal jurisdiction, and the Western District of Texas reported the most convictions (27). The Central District of California also reported the most arrests for an individual federal wiretap in 2012; a wiretap used in a murder investigation in that district resulted in the arrest of 52 individuals and 4 convictions.

Link – Face Recognition

Face Recognition Key to solve crime

Ng, 6

Rudy Ng, University of California, Hastings College of the Law, J.D. Candidate, 2006; San Francisco State University, M.S. in Biochemistry, 2001; University of California, Berkeley, B.A. in Biochemistry, 1996. I would like to thank my family and friends for their loving support and encouragement, especially Queenie Mak for editing this Note and for keeping me sane throughout this adventure called law school., Spring 2006, copyright Hastings College of Law, <http://www.lexisnexis.com.proxy2.cl.msu.edu/hottopics/Inacademic/>, Accessed: July 20th, 2015, DSF)

The concept of identifying people via their unique biometric identifiers is not a new idea. It has long been recognized that a person's fingerprint is a unique way to identify that person. n1 However, some more recent advances in technology have called into question the constitutionality of these new forms of biometric [*426] identification. n2 After the September 11, 2001, terrorist attacks, one of our primary concerns has been ensuring for our homeland security. n3 New, more rigorous forms of biometric screening have been proposed and implemented in some instances. n4 For example, San Francisco International Airport has installed hand geometry identification stations for employees in some secure areas. n5 Before being allowed to proceed into restricted areas, employees must place their hand on a biometric reader, which scans their hand and compares it to images stored in a database. n6

Another area of concern is tracking known or suspected criminals. A proposed method to achieve this is to use face recognition technology which can quickly scan an individual's facial geometry from a surveillance video and attempt to match that person's face to a database of millions of known or suspected criminals. n7 The science fiction movie Minority Report illustrated the use of iris scanners not only to provide positive identification of individuals who had been apprehended by the police, but also to identify ordinary citizens walking down the street in order to project personalized advertisements to them. n8 The future may not be as far away as we think. Foreign and domestic banks have experimented with the use of fingerprint and iris scanning technologies in ATMs. n9 In addition, police in London, England have been using face recognition technology as part of their Citywatch program aimed at reducing crime in the community. n10 The question is how far we are willing to take this technology, especially in regards to tracking known or suspected criminals.

[*427] In United States v. Kincade, n11 the Ninth Circuit upheld the constitutionality of the DNA Analysis Backlog Elimination Act of 2000, which required certain convicted felons to submit blood samples from which authorities could obtain their DNA profile. n12 Convicted felons' DNA profiles are kept in a DNA data bank to either provide evidence against or exonerate them if they were ever suspected of another crime. n13 This ruling by the Ninth Circuit could potentially pave the way to requiring convicted felons to submit to the collection of other types of biometric identification data, such as iris or face recognition scans. As with current DNA databases, iris and face recognition data would then be stored in databases and shared with authorities throughout the nation. n14 Tracking suspected criminals could be as easy as

matching an image of their face from a surveillance video at their local shopping mall to an image in the face recognition database. n15 How far are we willing to invade the privacy rights of individuals in the name of security?

These concerns are not restricted to convicted felons. While there are statutes in all fifty states which require certain convicted felons to submit DNA samples so law enforcement can maintain their DNA profile, n16 these DNA data banks are being supplemented with DNA profiles from people who have been arrested but have not been convicted of crimes. n17 If people not convicted of any crimes are being included in DNA data banks, then is this opening the door for the collection of other types of biometric data, such as face or iris recognition data, from people who are merely suspected of committing a crime? Is this the beginning of the slippery slope that may lead us to a world where a person suspected of committing a crime has to seek out an unscrupulous back-alley physician to perform an eye transplant surgery in order to maintain his or her freedom and privacy, as in the movie *Minority Report*? Clearly there are other concerns besides keeping our streets safer by making it easier for law enforcement personnel to identify recidivist activities.

[*428] Part II of this note is an overview of biometric recognition technology, especially iris scanning and face recognition technology. Part III provides an analysis of individual privacy rights under the Fourth Amendment in relation to biometric technology, the compulsory DNA sampling of convicted felons, and DNA databases, especially in light of recent Federal Court of Appeals decisions and recently passed legislation. Part IV presents legislative considerations for the collection of less invasive biometric data that is easier to collect and monitor passively, such as facial recognition data. Finally, Part V provides a summary of the discussion.

Biometrics are highly important in crime-stopping activities. – Finger prints and facial recognition

Ng, 6

Rudy Ng, University of California, Hastings College of the Law, J.D. Candidate, 2006; San Francisco State University, M.S. in Biochemistry, 2001; University of California, Berkeley, B.A. in Biochemistry, 1996. I would like to thank my family and friends for their loving support and encouragement, especially Queenie Mak for editing this Note and for keeping me sane throughout this adventure called law school., Spring 2006, copyright Hastings College of Law, <http://www.lexisnexis.com.proxy2.cl.msu.edu/hottopics/Inacademic/>, Accessed: July 20th, 2015, DSF)

A. Biometrics

Biometrics refers to the automated methods of identifying a person based on their unique physical characteristics. n18 In a typical application, an individual's physical traits are scanned by a machine and then a comparison is made to a database containing previously stored information about that individual. n19 This process is used to positively identify the individual and is referred to as verification, or one-to-one matching. n20 For example, one-to-one matching could be used at a security checkpoint before allowing individuals access to restricted

areas of a building. n21 Biometric scanning can also be used to identify a person by comparing their biometric data to all of the records that have been stored in the database. n22 This process is referred to as identification, or one-to-many matching. n23 For example, one-to-many matching **could be used to identify an unknown person by trying to match their biometric data to the data of known individuals saved in a database.** n24

B. Fingerprints

Historically, fingerprints have been the most common and widely accepted form of biometric identification. n25 Fingerprint identification has been used by law enforcement since the early twentieth century. n26 Fingerprint identification initially required the fingerprint examiner to go through the tedious process of manually comparing ink fingerprints fixed onto fingerprint cards. n27 This process was very time consuming and could often take months to complete. n28 However, the fingerprint identification process has been computerized and automated. n29 The Federal Bureau of Investigation (FBI) now uses the Integrated Automated Fingerprint Identification System (IAFIS). n30 IAFIS contains the fingerprints and corresponding criminal history information for more than 47 million subjects, making it the largest biometric database in the world. n31 The process of matching fingerprints, which used to take months to complete, can now be performed in a few hours. n32 For example, the FBI can identify an unknown person who left a latent fingerprint at a crime scene by comparing the crime scene fingerprint to the IAFIS database. n33

Fingerprint identification involves comparing an individual's unique ridge formations or patterns found on the fingertips. n34 These fingertip patterns include ridge formations called whorls, arches and loops. n35 Fingerprint identification relies on the empirically validated assumptions that no two persons have the exact same arrangement of ridge patterns on their fingertips, and that an individual's fingerprints remain unchanged throughout their life. n36

[*430] An advantage of fingerprint identification is that it is widely accepted by the public and law enforcement as an accurate and repeatable means for identifying individuals. n37 In addition, finger scanning technology is a quick, non-invasive method of gathering biometric data. n38 A disadvantage of finger imaging is that dirt, oils or cuts on a person's finger can lead to errors in the results. n39

Link – FBI

**FBI drones are key to solve a swath of crime
Cratty, 13**

Carol Cratty, CNN Senior Producer, 6/19/15 (“FBI uses drones in U.S., says Mueller”, CNN, June 19th 2015, <http://security.blogs.cnn.com/2013/06/19/fbi-uses-drones-in-u-s-says-mueller/>, Accessed: July 13th, 2015, DSF)

FBI Director Robert Mueller **acknowledged the law enforcement agency uses drone aircraft in the United States for surveillance** in certain difficult cases.

Mueller told the Senate Judiciary Committee on Wednesday that drones are used by the FBI in a "very, very minimal way and very seldom."

He did not say how many unmanned surveillance vehicles (UAVs) the FBI has or how often they have been used.

But a law enforcement official told CNN the FBI has used them a little more than a dozen times but did not say when that started. The official said drones are useful in hostage and barricade situations because they operate more quietly and are less visible than traditional aircraft such as helicopters.

The **FBI said it used a UAV earlier this year to monitor the situation where a boy was held hostage in a bunker in Alabama.**

Bureau spokesman Paul Bresson said **their use allows "us to learn critical information that otherwise would be difficult to obtain without introducing serious risk to law enforcement personnel."**

Link – Mass Data

Mass data collection helps stop money laundering and drug trafficking

Heath 15

(An investigative reporter at USA TODAY, writing primarily about law and criminal justice- His work includes award-winning series on misconduct by federal prosecutors and air pollution outside schools. He has a law degree from Georgetown University, Brad, "US secretly tracked billions of calls for decades", USA Today, April 8, 2015, <http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/>, ASN)

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Link – NSA Metadata

NSA metadata used to help other domestic crime fighting agencies.

McGovern, 14

Ray McGovern, works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. He was an Army officer and CIA analyst for a total of 30 years and is now on the Steering Group of Veteran Intelligence Professionals for Sanity (VIPS), 6/2/14 (“How NSA Can Secretly Aid Criminal Cases”, Consortium News, June 12, 2014, <https://consortiumnews.com/2014/06/12/how-nsa-can-secretly-aid-criminal-cases/>, Accessed: July 19, 2015, DSF)

Though the NSA says its mass surveillance of Americans targets only “terrorists,” the spying may turn up evidence of other illegal acts that can get passed on to law enforcement which hides the secret source through a ruse called “parallel construction,” writes ex-CIA analyst Ray McGovern.

Rarely do you get a chance to ask a just-retired FBI director whether he had “any legal qualms” about what, in football, is called “illegal procedure,” but at the Justice Department is called “parallel construction.”

Government wordsmiths have given us this pleasant euphemism to describe the use of the National Security Agency’s illegal eavesdropping on Americans as an investigative tool to pass on tips to law enforcement agencies which then hide the source of the original suspicion and “construct” a case using “parallel” evidence to prosecute the likes of you and me.

For those interested in “quaint” things like the protections that used to be afforded us by the Fourth and Fifth Amendments to the Constitution, information about this “parallel construction” has been in the public domain, including the “mainstream media,” for at least a year or so.

So, I welcomed the chance to expose this artful practice to still more people with cameras rolling at a large conference on “Ethos & Profession of Intelligence” at Georgetown University on Wednesday, during the Q & A after former FBI Director Robert Mueller spoke.

Mueller ducked my question regarding whether he had any “legal qualms” about this “parallel construction” arrangement. He launched into a discursive reply in which he described the various “authorities” enjoyed by the FBI (and the CIA), which left the clear impression not only that he was without qualms but that he considered the practice of concealing the provenance of illegally acquired tip-off information somehow within those professed “authorities.”

Bottom line? Beware, those of you who think you have “nothing to hide” when the NSA scoops up your personal information. You may think that the targets of these searches are just potential “terrorists.” But the FBI, Internal Revenue Service, Drug Enforcement Administration and countless other law enforcement bodies are dipping their cursors into the huge pool of mass surveillance.

And, chances are that if some of your scooped-up data gets shared with law enforcement and the Feds conclude that you've violated some law, you'll never become aware of how they got onto you in the first place. They'll just find some "parallel" evidence to nail you.

After all, it's altogether likely for a great majority of us that some dirt can be retrieved with the NSA's voluminous files an inviting starting point. AT&T, for example, apparently has kept metadata about its customers, as well as all other traffic going through its switches, for the past 27 years.

For those who are Caesar's-wife pure and whose loved ones also approach perfection, "constructing" a prosecutable case may be more of a challenge. But relax not. If for some reason the government decides to get you – if you've popped up as somehow an obstacle to "national security" – it is not impossible. Even in recent decades, critics of government policies have ended up facing dredged-up, if not trumped-up, criminal charges over some past indiscretion or misdeed.

Learning Curve

It has been my good fortune this year to sponge up data and wisdom – in equal measure – from NSA alumni like Bill Binney, Kirk Wiebe, Tom Drake, and Ed Loomis, who in early January authored "NSA Insiders Reveal What Went Wrong."

More recently (on May 31), Bill and I took part in a panel discussion in New York, so this freshly sponged-up learning still dwelled in my frontal lobe when I was interviewed by RT on June 5, the anniversary of the first-published disclosure from Edward Snowden.

When asked how "ordinary people" in the U.S. were being affected by the disclosures about bulk collection, I passed along what I had recently learned from Bill and other whistleblowers regarding how law enforcement is masking illegal surveillance to the severe detriment of defendants' constitutional rights.

Former FBI Division Counsel in Minneapolis Coleen Rowley – who, with Jesselyn Radack, Tom Drake and me, visited Snowden in Russia last October – told me of two legal doctrines established many decades ago: the "exclusionary rule" and the rule regarding the "fruit of the poisonous tree."

These were designed to force over-zealous law enforcement officers to adhere to the Constitution by having judges throw out cases derived from improperly obtained evidence. To evade this rule, law enforcement officials who have been on the receiving end of NSA's wiretap data must conceal what tipped off an investigation.

After the Tip-Off

Among the revelations over the past year was DEA's definition of "parallel construction" as "the use of normal [read legal] investigative techniques to re-create the information received by DEA's Special Ops Division" from NSA or other sources that can't be acknowledged. Some of these sources may be confidential informants whose identities need protecting, but the NSA's massive database has become a very inviting place to trawl for valuable leads.

As Reuters reported last August, “A secretive U.S. Drug Enforcement Administration unit is funneling information from intelligence intercepts, wiretaps, informants and a massive database of telephone records to authorities across the nation to help them launch criminal investigations of Americans.”

“Although these cases rarely involve national security issues, documents reviewed by Reuters show that law enforcement agents have been directed to conceal how such investigations truly begin – not only from defense lawyers but also sometimes from prosecutors and judges.

“The undated documents show that federal agents are trained to ‘recreate’ the investigative trail to effectively cover up where the information originated, a practice that some experts say violates a defendant’s Constitutional right to a fair trial. If defendants don’t know how an investigation began, they cannot know to ask to review potential sources of exculpatory evidence – information that could reveal entrapment, mistakes or biased witnesses.”

So, in this way, the NSA’s warrantless surveillance can result in illegal law enforcement. And the FBI, the DEA and other organs of the deep state have become quite good at it, thank you very much.

Here’s how it works: NSA’s domestic surveillance – though supposedly restricted to detecting terrorism – gets wind of some potentially illegal activity unrelated to terrorism. So, NSA passes the information on to the relevant law enforcement agency. It could be a vehicle transporting illegal drugs or a transfer of suspicious funds or pretty much anything.

This evidence then sparks an investigation, but the original information can’t be used legally because it was acquired illegally for “national security” purposes. After the tip, “parallel” law enforcement techniques are introduced to collect other evidence and arrest and charge the suspects/defendants.

The arrest is made to appear the splendid result of traditional detective techniques. However, if the court learns of the initial shenanigans, the defendant may be released because her/his constitutional rights were violated.

To avoid that possibility, the government simply perjures itself during the court discovery process by concealing the key role played by the NSA database, exculpatory evidence that could weaken or destroy the government’s case.

Last week a journalist asked me why I thought Congress’ initial outrage – seemingly genuine in some quarters – over bulk collection of citizens’ metadata had pretty much dissipated in just a few months. What started out as a strong bill upholding Fourth Amendment principles ended up much weakened with only a few significant restraints remaining against NSA’s flaunting of the Constitution?

Let me be politically incorrect and mention the possibility of blackmail or at least the fear among some politicians that the NSA has collected information on their personal activities that could be transformed into a devastating scandal if leaked at the right moment.

Do not blanch before the likelihood that the NSA has the book on each and every member of Congress, including extramarital affairs and political deal-making. We know that NSA has collected such information on foreign diplomats, including at the United Nations in New York, to influence votes on the Iraq War and other issues important to U.S. “national security.”

We also know how the late FBI Director J. Edgar Hoover used much more rudimentary technology a half century ago to develop dossiers on the personal indiscretions of political and ideological opponents. It makes sense that people with access to the NSA’s modern surveillance tools would be sorely tempted to put these new toys to use in support of their own priorities.

I happened to be with a highly accomplished attorney – one not involved in security law – when we saw TV reporting that the Solicitor General of the United States had misled the U.S. Supreme Court. My lawyer friend kept shaking his head, with his mouth agape: “Now THAT is not supposed to happen” is all he could muster.

Other than the Supreme Court justices themselves, the Solicitor General is among the most influential members of the legal community. Indeed, the Solicitor General has been called the “tenth justice” as a result of the relationship of mutual trust that tends to develop between the justices and the Solicitor General.

Thus, while it is sad, it is hardly surprising that no one took Solicitor General Donald Verrilli Jr. to the woodshed. There are seldom penalties in Washington for playing fast and loose with the truth.

Verrilli, sworn in as Solicitor General three years ago, assured the Court in the “Clapper v. Amnesty International USA” case that defendants would be informed of evidence coming from NSA. The Department of Justice had reviewed his draft testimony and did not tell Verrilli that this was not the truth.

In the case, a majority of the Supreme Court justices decided to wait until a criminal defendant was actually convicted with the admitted use of NSA evidence before ruling on whether this violates the Fourth Amendment and the requirement of court warrants based on “probable cause” before police searches can be conducted.

The result of the Supreme Court’s decision was that the challenge to the constitutionality of NSA’s mass collection was abruptly stopped, and the mass surveillance continued. But Verrilli subsequently found out that his assurances had been false, and there ensued an argument with the Department of Justice, which opposed revealing use of NSA sources in any court.

Verrilli apparently prevailed partially, with the government subsequently notifying a few defendants in ongoing terrorism cases that NSA sources were used.

Separation of Powers?

We cannot escape some pretty dismal conclusions here. Not only have the Executive and Legislative branches been corrupted by establishing, funding, hiding and promoting unconstitutional surveillance programs for over 12 years, but the Judicial branch has been corrupted, too.

The discovery process in criminal cases is now stacked in favor of the government through its devious means for hiding unconstitutional surveillance and using it in ways beyond the narrow declared purpose of thwarting terrorism.

Moreover, federal courts at the district, appeals and Supreme Court levels have allowed the government to evade legal accountability by insisting that plaintiffs must be able to prove what often is not provable, that they were surveilled through highly secretive NSA means. And, if the plaintiffs make too much progress, the government can always get a lawsuit thrown out by invoking “state secrets.”

The Separation of Powers designed by the Constitution’s Framers to prevent excessive accumulation of power by one of the branches has stopped functioning amid the modern concept of “permanent war” and the unwillingness of all but a few hearty souls to challenge the invocation of “national security.” Plus, the corporate-owned U.S. media, with very few exceptions, is fully complicit.

Thus, a massive, intrusive power now looms over every one of us – and especially those few brave individuals with inside knowledge who might be inclined to inform the rest of us about the threat. Whistleblowers, like Chelsea Manning and Edward Snowden, face decades in prison for divulging important secrets to the American people. And so the legal rot continues.

The concept of a “United Stasi of America,” coined by Pentagon Papers whistleblower Daniel Ellsberg a year ago, has been given real meaning by the unconstitutional behavior and dereliction of duty on the part of both the George W. Bush and Obama administrations.

Just days after the first published disclosure from Snowden, Ellsberg underscored that the NSA, FBI and CIA now have surveillance capabilities that East Germany’s Stasi secret police could scarcely have imagined.

What, We Worry?

Last June, Mathew Schofield of McClatchy conducted an interesting interview of Wolfgang Schmidt, a former lieutenant colonel in the Stasi, in Berlin. With the Snowden revelations beginning to tumble out into the media, Schofield described Schmidt as he pondered the sheer magnitude of domestic spying in the United States.

Schmidt: “You know, for us, this would have been a dream come true.”

Schofield continues: “In those days, his department was limited to tapping 40 phones at a time, he recalled. Decide to spy on a new victim and an old one had to be dropped, because of a lack of equipment. He finds breathtaking the idea that the U.S. government receives daily reports on the cellphone usage of millions of Americans and can monitor the Internet traffic of millions more.”

“So much information, on so many people,” says Schmidt who, at that point, volunteers a stern warning for Schofield and the rest of us:

“It is the height of naiveté to think that, once collected, this information won’t be used. This is the nature of secret government organizations. The only way to protect the people’s privacy is not to allow the government to collect their information in the first place.” [emphasis added]

(For those who missed it, “The Lives of Others,” a 2006 film, offers a chilling depiction of the Stasi, a far more capable incarnation of which may soon be coming to your home or neighborhood with assistance of “parallel construction.”)

Take note, those of you who may still feel fearless, those of you with “nothing to hide.”

NSA metadata key to solve domestic crime

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Stewart M. Powell, writer for Connecticut Post, 8/4/13 (“NSA handing over non-terror intelligence”, CT Post, Updated 9:37 pm, Sunday, August 4, 2013, <http://www.ctpost.com/local/article/NSA-handing-over-non-terror-intelligence-4706227.php>, Accessed: July 19th, 2015, DSF)

WASHINGTON -- The National Security Agency is handing the Justice Department information, derived from its secret electronic eavesdropping programs, about suspected criminal activity unrelated to terrorism. This little-known byproduct of counterterrorism surveillance continues amid controversy over the NSA's wide-ranging collection of domestic communications intelligence, including Americans' telephone calling records and Internet use. It is unclear whether the referrals have been built upon the content of telephone calls and emails. Administration officials have previously assured Congress that NSA surveillance focuses on so-called metadata and in the main does not delve into the content of individual calls or email messages. Also, some in the legal community question the constitutionality of criminal prosecutions stemming from intelligence-agency eavesdropping. Current and former federal officials say the NSA limits non-terrorism referrals to serious criminal activity inadvertently detected during domestic and foreign surveillance. The NSA referrals apparently have included cases of suspected human trafficking, sexual abuse and overseas bribery by U.S.-based corporations or foreign corporate rivals that violate the Foreign Corrupt Practices Act. "We can't task the collection of information for those purposes, and the Department of Justice can't ask us to collect evidence of that kind of a crime," said Robert Litt, general counsel for the Office of the Director of National Intelligence. "If the intelligence agency uncovers evidence of any crime ranging from sexual abuse to FCPA, they tend to turn that information over to the Department of Justice," Litt told an audience at the Brookings Institution recently. "But the Department of Justice cannot task the intelligence community to do that." Litt declined to discuss NSA referrals to the Justice Department when asked about the practice by Hearst Newspapers after a Senate Judiciary Committee hearing last week. The super-secret NSA surveillance disclosed by fugitive leaker Edward Snowden has already sparked a public outcry and congressional hearings, and threatened congressional intervention to limit the programs. Litt's acknowledgement that the NSA is handing off intelligence to federal prosecutors could further stoke controversy and calls for action on Capitol Hill. "If the information from surveillance or wiretaps is used by the NSA

inconsistently with the warrant or other permission from the FISA court, certainly there would be a violation of law," said Sen. Richard Blumenthal, D-Conn., a former U.S. attorney and state attorney general. "Unfortunately we have no access to the FISA court opinions or orders that may authorize this activity because they're largely secret. This presents yet another clear and powerful reason that we need more transparency in the FISA court." Sen. John Cornyn, R-Texas, a former Texas Supreme Court judge and state attorney general, said, "There's certainly room to improve the process and to reassure the American people that their privacy rights are being protected while at the same time making sure that we have the tools in place to keep us safe." After intelligence-based information is referred to the FBI, the domestic law enforcement agency would have to prove probable cause to a federal judge to obtain a warrant to conduct electronic surveillance or a physical search as part of any domestic criminal investigation. But some lawyers, particularly in the criminal defense community, see that process as constitutionally flawed. "The NSA intercepts, whether they are mail covers, metadata or what have you, are in essence general warrants," said Harold Haddon, a prominent criminal defense attorney from Denver. Using information from those warrants as the basis for a criminal prosecution "is a bright-line Fourth Amendment violation," Haddon said, referring to the constitutional protection against unreasonable search and seizure.

NSA data mining can help stop cybercrime

Micheals, 2013, Michaels is a military writer for USA TODAY and has covered wars around the world. He is a former Marine infantry officer and author of the book "A Chance in Hell: The men who triumphed over Iraq's deadliest city and turned the tide of war.", Jim, NSA data mining can help stop cybercrime, analysts say, 4:50 p.m. EDT June 6, 2013, <http://www.usatoday.com/story/news/politics/2013/06/06/nsa-data-mining-cyber-crime-data/2397165/>, js

The huge volume of telephone records turned over to the U.S. government could help investigators identify and deter a range of terrorist acts, including cyberattacks, analysts say. "Once you have this big chunk of data and you have it forever... you can do all sorts of analytics with it using other data sources," said Joseph DeMarco, former head of the cybercrime unit in the U.S. attorney's office in New York City. "A data set like this is the gift that keeps on giving," said DeMarco, a partner at the law firm DeVore & DeMarco. The government obtained an order from the Foreign Intelligence Surveillance Court ordering a Verizon subsidiary to turn over phone records to the National Security Agency. The records do not include the content of phone calls and the order does not authorize eavesdropping. Still, the information can be helpful to investigators looking for patterns, linking people and networks. Also, phone numbers can be attached to computers, allowing hackers to get into networks through telephone lines. The data can also be viewed against other databases that help investigators see patterns and links among people and networks. "All the data is critical," said Robert Rodriguez, a cybersecurity expert and former Secret Service agent. The government considers many cyberattacks to be acts of terror, DeMarco said. "The definition of terrorism includes cyberterrorism," he said. The court order also raises questions about the relationship between the government and industry at a time when so much critical infrastructure, such as power grids and banking, is in the hands of industry and may be vulnerable to cyberattack. In the Verizon case, the NSA got a court order to get the phone records. But to combat cyberattacks, the government has been struggling with ways to compel more cooperation between government and industry. President Obama issued an executive order this year aimed at encouraging the sharing of information, such as reports of attacks on industry and threat information. The White House has said that legislation is also needed to develop a strong defense against cyberattacks. A key provision lawmakers are considering would include civil protections so that private companies could not be held liable for turning information over to the government. A similar provision was included in the 2008 reauthorization of the Foreign Intelligence Surveillance Act, the 1978 law that created the court that approved the NSA's Verizon request.

Link – PATRIOT ACT and Money laundering

Anti-Money laundering tech helps mass surveillance - Means there is a clear tradeoff with the plan

DeWeese 3

(a candidate for the Ohio Legislature, served as editor of two newspapers, and has owned several businesses, led the only privately-funded election-observation team to the Panamanian elections, invited to Cambridge University to debate the issue of the United Nations before the Cambridge Union, serves as Founder and President of the American Policy Center and editor of The DeWeese Report, Tom, "Total surveillance equals total tyranny", American Policy Center, August 25, 2003, <http://americanpolicy.org/2003/08/25/total-surveillance-equals-total-tyranny/>, ASN)

In the name of fighting terrorism a new kind of government is being implemented in Washington, D.C. We are witnessing the birth of a powerful multi-billion dollar surveillance lobby consisting of an army of special interest groups, Washington lawyers, lobbyists, and high-tech firms with wares to sell. The personal rights of American citizens, protected until now by the Bill of Rights, are the farthest thing from their minds as they seek to fill their pockets while enabling government to monitor and control our lives to a degree unheard of prior to September 11, 2001. This army seeks riches as it pushes for laws and regulations to spy on and control the lives of law-abiding Americans. The Government Electronics and Information Technology Association (GEIA) reports that there are more than 100 federal entities involved in forging the largest conglomeration of government-private contractor interests since the creation of the Pentagon. GEIA represents hundreds of corporate members seeking to cash in on the Homeland Security-citizen-surveillance-spending spree. GEIA told the news media that the "needed technologies include those providing digital surveillance, data mining, advanced encryption, smart cards, sensors and early warning and profiling tools." In September 2002, dozens of major high tech companies formed the "Homeland Security Industries Association". A key objective of the association is to win a piece of the action for the creation of national ID cards for travelers. The November 25 edition of Business Week reported that the SAS Institute is among many corporations scrambling to launch a whole new line of anti-money laundering software designed to help insurance companies, investment banks and brokerage firms spy on their clients' financial activities on behalf of the government in compliance with the Patriot Act. According to Bert Ely, the head of a consulting company for financial institutions, the new anti-money laundering provisions of the Patriot Act will do nothing to stop the financing of international terrorists. At best, he says, the new provisions will actually provide evil doers with a road map to avoid detection. What the new Patriot Act provisions are really about, says Ely, is to have the United States fall into line with an international campaign being waged by the Organization for Economic Cooperation and Development and the Financial Action Task Force against countries that serve as tax havens. The newly enacted regulations are being applied in the name of fighting terrorism, but are really about a different agenda. In mid-September 2002, the U.S. Department of Commerce and the Office of Homeland Security held an exposition in Washington. Medium and small firms from across the nation were invited in to showcase the very latest in citizen surveillance wares. This tradeshow and others like it have attracted hundreds of corporations who've shown their high-tech products to top government planners responsible for creating and implementing new restrictions on privacy in the name of "national security." PoliticalMoneyline says that 444 groups and individuals have registered as lobbyists to deal with "terror" and "security" issues. IBM has opened a "Government Solutions Center" in Vienna, Virginia. The high-tech Unisys Corporation has established a similar exhibition for inspection by federal surveillance planners, called the "Homeland Security Center for Excellence." Both corporations are racing to cash in on billions of dollars for facial recognition systems at airports, and in anticipation of "trusted traveler" cards, a high-tech ID tied to extensive background checks and biometric identification. In February 2003, it was discovered that the Department of Justice was drafting legislation to radically expand the reach of the federal government into the lives of every American citizen. The official title of the document is the "Domestic Security Enhancement Act of 2003. It's been given the nickname, Patriot 2. The bill has not yet been introduced in Congress and only a very few key government leaders including Vice President Cheney and House Speaker Dennis Hastert have reviewed it. It is suspected by many that the delay in officially offering the bill to Congress is a direct result of public attacks on the bill by privacy advocates, but it is feared that the Justice Department would get very bold in rushing it through should another terrorist attack occur. Here are just a few of the more frightening provisions of Patriot 2. By definition in the bill, almost any American citizen can arbitrarily be designated a terrorist.

Section 101 of this act will give the executive branch the power to declare any American a “foreign power” and therefore not a citizen. Those designated will be exempt from the protections of the Constitution. Keep in mind that the Patriot Act was passed by Congress, sight unseen, in the middle of an Anthrax scare. Every member of Congress was warned that if they failed to pass it then the next terrorist attack would be on their hands. That’s why the Patriot Act allows for wiretaps without warrants. And it’s why all the other surveillance a-go-go is in full swing. In the name of fighting terrorism, our government has gained the ability to see our every movement, inspect every transaction, and walk into our homes without our knowing it. For those of you who feel protected; who feel the government is just doing its job to defeat terrorism, I’m very sad to tell you that our government is not being honest with us. Terrorism is the excuse, not the motivation, for the massive drive toward Big Brother. We are not being protected. We are being wrapped in a cocoon of tyranny. All of the signs are there. Consider the power which we have now granted to the federal government twenty years down the road, driven by more technological developments that we can’t even pretend to foresee. Imagine the America that you are allowing the government to create for your children. What will their lives be like? Will they know freedom or oppression? We are making those decisions for our children today. The only way to make sure that government doesn’t abuse its power is to not grant it in the first place.

PATRIOT ACT is Key to effective counter-money laundering operations. White Paper on the USA PATRIOT ACT, 14

White Paper on the USA PATRIOT ACT, 2014 (“The USA PATRIOT ACT”, Lexis Nexis, August 2014, <https://cert-www.lexisnexis.com/risk/intl/en/regulations/USA-Patriot-Act.pdf>, Accessed: July 20th, 2015, DSF)

Money laundering is defined as the transfer of cash and valuables that are the product of and / or intended for the facilitation and execution of a crime. **The Act strengthens federal efforts against money laundering in the areas of regulations, criminal sanctions and forfeiture.** The Act broadens the Secretary of the Treasury’s authority to regulate the activities of the institutions that function within the United States financial system. This is especially true in reference to foreign entities. The Act provides the position to promote the following regulations:

- Securities brokers, commodity merchants, dealers, pool operators and advisors must file (SARs) suspicious activity reports
- Businesses are required to report cash transactions that involve sums that are greater than \$10,000 to the IRS in addition to filing a SAR
- Additional “special measures” and “due diligence” requirements to combat foreign money laundering
- Financial institutions are prohibited from maintaining a correspondent account for foreign shell banks
- Financial institutions are prohibited from permitting their customers to hide their financial activities by leveraging the institutions concentration account processes

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- Introducing new customer identification (CIP) standards in addition to recordkeeping, as well as recommending effective processes to verify the identity of foreign customers
- Exhorting financial institutions as well as law enforcement in sharing information concerning suspected terrorist activity and money laundering
- Instituting the requirement that financial institutions maintain anti-money laundering programs, compliance personnel, employee training programs, internal policies, procedures and controls as well as an independent audit feature

The Act introduced a series of new money laundering crimes and amendments, in addition to increasing the penalties for previous offenses. Among these it:

- Prohibits laundering (in the United States) the proceeds from foreign crimes and or political corruption
- Prohibits laundering the proceeds for supporting terrorist organizations as well as for cybercrimes
- Increases the penalty for counterfeiting
- Sought to override a Supreme Court decision indicating that the confiscation of over \$300,000 (for attempting to leave the country without reporting the funds to customs) was an unconstitutionally exorbitant fine
- Allows for the authority to prosecute fraud committed overseas involving U.S.-based credit cards
- Promotes the prosecution of money laundering in the location where the offense occurred

The Act created two types of forfeitures in addition to modifying several confiscations-related procedures. The

Act allows the confiscation of an individual's or entity's property who either plans in or participates in an act of international or domestic terrorism. The Act also allows for the confiscation of property that is derived from or used to facilitate international or domestic terrorism. Under the constitution's due process, double jeopardy and the ex post facto clauses, the scope of these provisions may be limited. From a procedural perspective the Act:

- Provides mechanisms to extend jurisdiction in cases concerning forfeiture proceedings over individuals and entities
- Provides for property confiscation in the United States for a broader range of crimes committed in violation of foreign law
- Allows the United States enforcement of foreign forfeiture orders
- Permits the seizure of foreign correspondent accounts that are held in United States financial institutions for foreign banks who in turn hold forfeitable assets overseas

- Denies corporate entities the right to contest a confiscation if their principal shareholder is a fugitive

Link – Pen Register/Trap and Trace

Pen register super useful in fighting crime

POV, 12

Point Of View, 1/1/12 (“Obtaining Electronic Communications and Records”, ALAMEDA COUNTY DISTRICT ATTORNEY’S OFFICE, January 1st, 2012, http://le.alcoda.org/publications/point_of_view/files/ELECTRONIC_RECORDSx.pdf, Accessed: July 21st, 2015, DSF)

Every day, virtually every criminal in the U.S. (at least those who aren’t incarcerated) will use a phone, send or receive email, surf the internet, or all four. So it is not surprising that many of the records pertaining to these communications can help investigators solve crimes and assist prosecutors in obtaining convictions. Among other things, they may reveal the identities of the suspect’s accomplices, establish the dates and times of their contacts, and prove the suspect’s whereabouts when a crime occurred. As the California Supreme Court observed, “[A] record of telephone calls provides a virtual current biography.”² In fact, electronic communication records now permit officers to follow a suspect by obtaining realtime reports of the locations of the cell phone towers that are receiving signals from his phone.

The question, then, is what are the legal requirements for obtaining these records? Unfortunately, the answer is not crystal clear. And the reason is the same as the reason that officers are having trouble figuring out the rules for obtaining copies of the communications themselves (which was the subject of the previous article). Simply put, both subjects are regulated by a federal law that was badly written and poorly organized, and which has not kept pace with changes in technology.

Another consequence of this uncertainty is that **overcautious service providers sometimes demand legal process beyond that required by the law.** As a result, officers who have complied with all the legal requirements will sometimes be told by the provider that it’s not enough. And **this can result in delays that seriously impair investigations.**

For example, homicide investigators in Hayward obtained a search warrant for a murder victim’s AT&T records and voicemail. They needed this information because they had virtually no leads in the case and they thought it would help if they knew the identities of the people who recently spoke with the victim. But AT&T refused to turn over the records or tapes unless the officers obtained a wiretap order. We challenged this in court, and won. But the incident cost time and money, and it needlessly delayed the investigation.

Nevertheless, it is possible to make sense of this area of the law, and that is the purpose of this article. But before we begin, there are four things that should be noted. First, there is a significant difference between communications (or “content”) and records, although a summary will suffice here because we discussed this issue at length in the accompanying article. A communication is the message that was sent or received, while a record consists of information that is ancillary or incidental to its transmission, such as information about the subscriber, the phone numbers and email addresses of the senders and recipients of messages, and exactly when those messages were made or received.³

Second, the rules for obtaining copies of electronic communication records are set forth in the federal Electronic Communications Privacy Act (ECPA). In particular, the section known as the Stored Communications Act (SCA) covers the acquisition of subscriber and transaction records, while data pertaining to pen registers and connection traps are covered in a separate chapter which also (arguably) covers the means by which officers can obtain cell tower location records.⁵

DEA using wiretaps and pen registers to catch international drug cartels

Kenny 11, Michael Kenny, August 15, 2011, From Pablo to Osama: Counter-terrorism Lessons from the War on Drugs, Survival: Global Politics and Strategy, <http://dx.doi.org/10.1080/00396338.2003.9688585>, TK

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The Colombian cocaine 'cartels'³ can be traced back to the 1970s, when numerous entrepreneurs sought to exploit the demand for cocaine in US illegal drug markets by transporting small quantities of the drug from Ecuador, Bolivia and Peru to Colombia, where it underwent further refinement in makeshift laboratories before final shipment northwards. Over time and through repeated exchange, numerous entrepreneurs developed far-flung transportation and distribution networks capable of coordinating several multi-tonne cocaine shipments a year. These 'wheel networks' contained a core group that coordinated activities among functionally specific nodes, including cocaine base suppliers, processing labs, transportation rings and distribution groups that delivered cocaine to independent retailers and funnelled the profits to network leaders and investors.⁴ While core groups were generally based in Colombia, support nodes were located in different countries, giving these networks a transnational dimension. To reduce their exposure to law-enforcement penetration, participants in cross-border transportation or wholesale distribution activities were often compartmentalised into small working groups or 'cells' that maintained close communication with core groups and followed elaborate procedures for delivering large amounts of drugs to independent wholesalers and conducting other hazardous activities. The core groups directed the transnational enterprise, providing security and resolving disputes and securing resources from independent investors. They also gathered intelligence about government drug enforcement efforts and served as the communications hub for the network, coordinating transactions among peripheral nodes. If something went wrong, informal relations of vertical accountability ensured that peripheral nodes answered to the core, protecting kingpins and investors from theft and other risks. Decision-making authority generally flowed out and downwards from the core, beginning with one or more kingpins that directed the transnational enterprise. Below them were 'managers' responsible for line functions, such as transportation and wholesale distribution. Beneath managers were cell workers that carried out much of the daily work of the enterprise. Kingpins or their day-to-day administrators sought to maintain control over their operations through frequent communication with overseas managers, often mediated through brokers that provided an additional layer of insulation from law enforcement. The predominantly vertical direction of command authority – proceeding from the hub of the core group along spokes to the most peripheral operatives – and its multiple vectors made the cartels 'wheel networks'. By the mid-1980s, US and Colombian officials were fully attuned to the danger represented by a handful of wheel networks, particularly the notorious Medellín and Cali enterprises. **With US assistance, Colombian drug enforcers launched several crackdowns** against the leaders of these transnational enterprises between 1984 and 1988, **destroying processing labs, seizing cocaine shipments and arresting** (and occasionally extraditing) **lower and middle-level traffickers**. However, core-group kingpins were not greatly affected by these short-lived offensives, as their elaborate security arrangements allowed them to continue their illicit activities relatively unimpeded. Throughout the 1980s, police officials discovered numerous multi-tonne cocaine shipments in the US, indicating the growing capacity of Colombian trafficking networks. Yet even the largest of these seizures failed to put a significant dent in drug availability. While the estimated average price of cocaine at the 'dealer' level dropped from \$191 per gram in 1981 to \$65 per gram in 1989, during the same period the estimated purity of cocaine at the same transaction level rose from 60% to 80%. The US Drug Enforcement Administration (DEA)'s response, in 1992, was the kingpin strategy. Leveraging the DEA's investigative and intelligence

strengths, this initiative involved the aggressive use of electronic surveillance technologies, including wiretaps, pen registers and trap-and-trace devices. A kingpin was defined as the leader of an international trafficking enterprise who directs the production, transportation, and distribution of large quantities of cocaine or heroin, as well as the organisation's financial operations. By 'neutralising' kingpins and dismantling their criminal infrastructures, the DEA hoped that it would be able to 'significantly reduce the availability of drugs in the United States'.⁵ Principal targets of the kingpin strategy were the leaders of the Colombian cocaine cartels. The initial list included Pablo Escobar, José Santacruz Londoño, Gilberto and Miguel Rodríguez Orejuela, Helmer Buitrago Herrera, and Iván and Jairo Urdinola Grajales. **In close cooperation with the Colombian National Police (CNP), the DEA sought to disable their trafficking networks by attacking their communications, transportation and finance systems.** After just a year and a half of operation, **the DEA reported that kingpin investigations had led to the seizure of \$210 million in drug proceeds, the confiscation of 144 aircraft and 91 boats, trucks and cars, and the arrest of over 713 'significant' traffickers.**⁶ In Colombia, elite drug enforcement units destroyed hundreds of cocaine processing labs, seized thousands of kilograms of cocaine base and cocaine hydrochloride, eradicated hundreds of thousands of hectares of coca leaf plantings, and **arrested hundreds of traffickers.** Remarkably, by 1996 all of the original kingpins were either dead or in jail, and their trafficking networks severely disrupted. Notwithstanding reports that some entrepreneurs continued to manage scaled-down smuggling operations from behind bars, a number of government officials crowed that the days of the cocaine cartels were over. Some went even further. Following the arrest of Gilberto Rodríguez-Orejuela, Colombian prosecutor general Alfonso Valdivieso exulted that 'narco-trafficking is in the way of disappearing from Colombia'.⁷ **In a war marked by considerable frustration for lawenforcement agencies, the state appeared to have earned a major victory.**

Link – Police Body Cameras

Federal push for police body cameras helps with solving crimes such as domestic violence because of the better evidence

Shepherd 14

(Reporter for Centralmaine – Covers Maine’s 2nd Congressional district – News and Politics reporter for the Kennebec Journal, Michael, “Police Body Cameras Already Catching on in Central Maine”, Centralmaine.com, December 7, 2014, <http://www.centralmaine.com/2014/12/07/police-body-cameras-already-catching-on-in-central-maine/>, ASN)

Gove’s department is one of the scattershot cities and towns in central Maine that began using chest-worn cameras department-wide well before a recent national push for police to adopt them. Three years ago, Gardiner Police Chief James Toman said his department started using body cameras during traffic stops, crime scene visits and most other interactions with the public. Now the department has seven of them. They cost \$700 to \$800 per unit, cheap compared to the in-car units that Gardiner hasn’t had and would have had to pay thousands to install. Toman said officers have embraced the body cameras, which help them write reports, document cases and guard against citizen complaints. “I think it’s one of the best things we’ve purchased, actually,” the chief said. Other area departments using them include those in Wilton, Farmington, Richmond and Monmouth. They bought them in the last few years as a more portable and cheaper alternative to dashboard cameras, which are more common. Meanwhile, larger Maine police agencies — including the Maine State Police and departments in Portland, Bangor, Lewiston and Augusta — haven’t bought body cameras. Those departments say they would consider using body cameras, but they cited cost as a main prohibitive factor. Departments nationwide, though, will get help with that if President Barack Obama gets his way. Last week, he asked Congress to spend \$263 million over three years to give police cameras, training and other resources in an effort to increase public confidence in law enforcement. Of that, the federal government would use \$75 million to help buy 50,000 body cameras for police through a program that would match state and local funding. The proposal was a response to recent events in Ferguson, Mo., where racial divides were highlighted after Michael Brown, an unarmed black 18-year-old suspected of robbery, was shot and killed by white police officer Darren Wilson after a scuffle in August. Brown’s death sparked protests in the St. Louis suburb and nationwide, prompting further debate about police use of riot gear, tear gas and armored vehicles to tamp down demonstrations. After a grand jury decided in November not to charge Wilson in Brown’s death, protesters took to the streets again. Brown’s family has said they would work “to ensure that every police officer working the streets in this country wears a body camera,” but Obama’s proposal wouldn’t get close to that: 50,000 cameras would cover less than a tenth of the nation’s police officers, estimated at just under 700,000 people. In Maine and across the nation, cameras in police cruisers are common, but not quite standard: In 2003, the U.S. Department of Justice said 72 percent of state police and highway patrol cars had cameras, up from 11 percent in 2000. The Maine State Police installed cruiser cameras in 1995, but like most agencies nationwide, they don’t use body cameras. A Justice Department survey of a sampling of police agencies in July 2013 found that 75 percent of those departments didn’t use them. But calls for them have grown louder of late, with New York City, Chicago and Philadelphia rolling out pilot programs. In some places, police unions have opposed mandatory expansion of body camera use, but there’s little opposition to the concept among police in Maine. The American Civil Liberties Union, which generally opposes many government surveillance programs, supports the concept of body cameras as long as individual privacy is protected. Robert Schwartz, executive director of the Maine Chiefs of Police Association, said he didn’t oppose the idea, but departments must set clear expectations for officers before using them. “There’s a lot of things to be discussed before you just put a camera on,” he said. With body cameras, the onus is typically on the officer to turn them on. In Gardiner, Toman has issued a written policy on body camera footage, which says officers must switch their cameras on when exiting their cruiser ahead of interactions. It can be switched off only after interactions. The policy says that videos must be kept for at least three months in Gardiner, but if there’s an arrest, they are maintained indefinitely and handed to prosecutors as evidence. Rachel Healy, a spokeswoman for the ACLU of Maine, praised Gardiner’s policy overall, especially the part that makes officers leave cameras on throughout interactions. She said she would liked to have seen certain allowances made for recording inside homes and disclosing the fact that officers often are recording, but she said Gardiner is well ahead of most agencies. “In the end, when these ultimately will be routine and technology advances, these problems will work themselves out,” Healy said. Gardiner is ahead of Wilton, whose department is more casual about using the cameras. Police Chief Heidi Wilcox said

there's no written policy for her officers, who follow "best-use" practices when using body cameras. The Waterville Police Department doesn't provide body cameras to its police, but Officer Damon Lefferts bought one for his own use last year. He told the Morning Sentinel that it once helped him get evidence in a domestic violence case. However, Police Chief Joseph Massey said last week that he'll ask Lefferts to stop using it until the department can develop protocols and determine how they would respond to public-access requests for his footage. Kennebec County District Attorney Maeghan Maloney said "the best evidence we have in a case is often from a body camera," saying that footage of victim interviews has led to convictions in domestic violence cases. That worked in the case of David L. Dixon. Last year, he admitted to Gardiner police Sgt. Todd Pilsbury that he had choked and "tried to kill" a woman. Pilsbury was wearing a body camera. Dixon eventually was found guilty and sentenced to six months in jail. The footage, which the department provided to the Kennebec Journal for review, also showed an interview with the victim, who had visible red marks around her neck.

Link – Stored Communications Act

SCA is super useful in fighting crime – Courts Say POV, 12

Point Of View, 1/1/12 (“Obtaining Electronic Communications and Records”, ALAMEDA COUNTY DISTRICT ATTORNEY’S OFFICE, January 1st, 2012, http://le.alcoda.org/publications/point_of_view/files/ELECTRONIC_RECORDSx.pdf, Accessed: July 21st, 2015, DSF)

Every day, virtually every criminal in the U.S. (at least those who aren’t incarcerated) will use a phone, send or receive email, surf the internet, or all four. So it is not surprising that many of the records pertaining to these communications can help investigators solve crimes and assist prosecutors in obtaining convictions. Among other things, they may reveal the identities of the suspect’s accomplices, establish the dates and times of their contacts, and prove the suspect’s whereabouts when a crime occurred. As the California Supreme Court observed, “[A] record of telephone calls provides a virtual current biography.”² In fact, electronic communication records now permit officers to follow a suspect by obtaining realtime reports of the locations of the cell phone towers that are receiving signals from his phone.

The question, then, is what are the legal requirements for obtaining these records? Unfortunately, the answer is not crystal clear. And the reason is the same as the reason that officers are having trouble figuring out the rules for obtaining copies of the communications themselves (which was the subject of the previous article). Simply put, both subjects are regulated by a federal law that was badly written and poorly organized, and which has not kept pace with changes in technology.

Another consequence of this uncertainty is that **overcautious service providers sometimes demand legal process beyond that required by the law.** As a result, officers who have complied with all the legal requirements will sometimes be told by the provider that it’s not enough. And **this can result in delays that seriously impair investigations.**

For example, homicide investigators in Hayward obtained a search warrant for a murder victim’s AT&T records and voicemail. They needed this information because they had virtually no leads in the case and they thought it would help if they knew the identities of the people who recently spoke with the victim. But AT&T refused to turn over the records or tapes unless the officers obtained a wiretap order. We challenged this in court, and won. But the incident cost time and money, and it needlessly delayed the investigation.

Nevertheless, it is possible to make sense of this area of the law, and that is the purpose of this article. But before we begin, there are four things that should be noted. First, there is a significant difference between communications (or “content”) and records, although a summary will suffice here because we discussed this issue at length in the accompanying article. A communication is the message that was sent or received, while a record consists of information that is ancillary or incidental to its transmission, such as information about the subscriber, the phone numbers and email addresses of the senders and recipients of messages, and exactly when those messages were made or received.³

Second, the rules for obtaining copies of elec- tronic communication records are set forth in the federal Electronic Communications Privacy Act (ECPA). In particular, the section known as the Stored Communications Act (SCA) covers the acquisition of subscriber and transaction records, while data pertaining to pen registers and connec- tion traps are covered in a separate chapter which also (arguably) covers the means by which officers can obtain cell tower location records.⁵

Link – Wiretapping (Generic)

Wiretapping is key to check organized crime

Wade, 15

Christian M. Wade, State house reporter, 1/9/15 (“Essex County DA Blodgett calls for updated wiretap law”, Salem News, January 1st, 2015, http://www.salemnews.com/news/local_news/essex-county-da-blodgett-calls-for-updated-wiretap-law/article_ebfc081-27a7-54e0-b768-d45f0d2598f5.html, Accessed: July 13th 2015, DSF)

BOSTON — Law enforcement officials are planning another push to update the state’s antiquated wiretapping laws to include cell phones, as part of a broader effort to target drug gangs and human traffickers.

Such a measure would also expand the definition of organized crime beyond traditional mafia activity and allow police to ask judges for wiretaps on narcotics and human trafficking networks.

“One of the biggest instruments in criminal activity these days is the cell phone,” said Essex County District Attorney Jonathan Blodgett. “The drug cabals and the human traffickers — they’re all doing it with their cell phones.”

Blodgett, who heads the Massachusetts District Attorneys Association, said the group will seek a lawmaker to sponsor a measure broadening wiretap authority to include cases involving homicides, firearms and drug distribution, even if not part of organized crime.

Link – Wiretapping (Money Laundering)

Wiretaps and other forms of surveillance help curb Money Laundering

Auten 13 (Matthew R. Auten is a J.D. Candidate, Pace University School of Law (2013); B.A., McGill University (2002) - 2013- "Money Spending or Money Laundering: The Fine Line between Legal and Illegal Financial Transactions" - <http://www.lexisnexis.com.proxy2.cl.msu.edu/hottopics/lnacademic/>)

To determine whether sufficient evidence to support a conviction for money laundering has been produced by the prosecution, the most clear-cut cases rely on probative statements made by the defendant.

http://www.lexisnexis.com.proxy2.cl.msu.edu/lnacui2api/frame.do?tokenKey=rsh-20.976477.4087765907&target=results_DocumentContent&returnToKey=20_T22355215367&parent=docview&rand=1437401604139&reloadEntirePage=true - n37 Direct

evidence of this kind is often obtained through wiretaps, or through the testimony of co-conspirators. However, more often than not, the prosecution relies on circumstantial evidence--often with the interpretive help of an expert witness--to make their case that a dual-purpose transaction should be characterized as money laundering. In some instances, circumstantial evidence may provide a clear inference that a particular dual-purpose transaction, or series of transactions, should be characterized as money laundering, because the intent to conceal is clear. ⁿ⁴¹

Increase of wiretapping has resulted in more arrests of drug cartels

McCombs 14, Brady McCombs Arizona Daily Star, 12-14-2010, "Wiretap use expands in fight against drug lords," Arizona Daily Star, http://tucson.com/news/local/crime/wiretap-use-expands-in-fight-against-drug-lords/article_0d98c151-27b8-5cb5-888f-436c60487c12.htm, TK

Prosecutors had plenty of evidence against two members of the Dominguez drug smuggling organization, but it was a recording of the defendants arranging a cocaine deal that nailed the conviction. "Tell him to get me the job, the other kind, the Guero," said Ricardo Varela, using the slang term for cocaine in an exchange with Maria Isabel Dominguez. "I'm going to tell him," she said. "I need one or two there," Varela said. "I'll go over and buy it from him." The conversation was one of hundreds recorded in the summer of 2004 in a wiretap investigation by the Counter Narcotics Alliance that led to the 2008 conviction of Varela and 35 others from the organization. Dominguez pleaded guilty before trial. Though expensive and time-consuming, wiretap investigations are on the rise in Arizona and across the nation because they help investigators catch high-ranking targets and because, most importantly, the live recordings pack a punch in the courtroom that can't be matched by regular testimony. "You see the lights come on and the jury realizing, 'Holy moly, these guys were going to keep doing this until they got stopped,'" said Richard Wintory, who now heads the Arizona Attorney General's border crime enforcement team but was the prosecutor in the Dominguez case as a deputy Pima County attorney. That wiretap was one of only 29 in Arizona in 2004. Since then, the number of wiretaps authorized by judges has nearly doubled to 55 in 2009, records from the Office of United States Courts show. This year's total is expected to match or exceed last year's. Nationally, wiretaps have doubled since 2000 and are up one third in the last five years. "Wiretaps are devastatingly effective for law enforcement," said Tucson defense attorney Walter Nash, who is considered one of the foremost experts on litigating against them. "Nobody will dispute that. It gives them real-time evidence that can be the ball game." In Arizona, three-fourths are used to investigate drug cases and all tap into cell phones. Critics of wiretapping say law-enforcement agencies seem to be rushing to use them when traditional law-enforcement tactics would suffice. That should worry everyone, defense attorney Nash said, considering it's so intrusive. "I don't break any laws but - I don't know about you - I would be mighty uncomfortable knowing somebody is listening to my conversation," Nash said. Real wiretap investigations don't resemble the ones you see in the movies - they are expensive, time-consuming and strenuous. "It's not at all like the movies, where you see these knuckleheads in a van with headphones on and cheeseburgers being eaten," Wintory said. "There is so much involved in these investigations." The work begins long before investigators ever listen to a phone conversation. To get permission from a judge, they must show: • That the person they want to investigate is committing or about to commit a serious crime. • That he or she is using phones to commit the crime, which requires showing a pattern of phones being used repeatedly by suspected criminals. • That authorities have exhausted traditional methods and cannot further the investigation without a

wiretap. Police often come to Wintory's office wide-eyed about potential wiretap cases only to leave frowning when they realize they haven't used all the traditional methods, which include surveillance, record checks, trash pickups and informants or undercover officers. This high standard is why the American Civil Liberties Union isn't concerned about the increase in wiretaps, said the organization's legislative counsel, Chris Calabrese. Once a wiretap application is sent to a judge, it's hardly ever rejected. Only two applications have been denied since 2000, compared with 17,278 approved, show records from the Office of United States Courts. Critics call this proof that getting wiretaps is no more than a rubber-stamp process, but Wintory said hundreds of wiretap applications never reach a judge; they fizzle in internal reviews by committees that meticulously inspect them, he said. Once a judge approves a wiretap, suppressing the evidence it gathers is difficult, time-consuming and expensive for a defense attorney. For instance, Nash has to contract investigators to prove the agency could have used tactics it said it couldn't, such as surveillance. Deciphering codes Once a wiretap has been approved, the long hours begin. "It's not just somebody flipping a switch somewhere and listening in a room," said Glenn McCormick, deputy criminal chief in charge of the U.S. Attorney Office's organized crime and drug enforcement task force section. Monitors, usually Spanish speakers, listen to phone conversations, trying to make sense of what amounts to code language. Agents go to locations mentioned in the calls to watch houses or talk with people discreetly to connect the dots between what they are hearing and what is actually happening. **Stops are made, people are arrested and what do you know, they find 20 pounds of meth in the car and the phone conversation was talking about, 'You taking those 20 windows?' 'Yeah, we've got those 20 windows,'**" McCormick said. Each wiretap authorization is good for 30 days, with extensions available for 30 additional days at a time.

Investigators sometimes get approvals to tap new phones they discover during an investigation. **In 2009 in Arizona, wiretap cases lasted an average of 71 days. Agents made an average of 145 intercepts per day. Arizona wiretap cases cost an average of \$203,800 in 2009, including four cases that exceeded \$800,000. A federal drug investigation that began in May 2008 and led to the arrest of 169 people cost \$821,067.** A state case out of Maricopa County that began in October 2008 and hasn't yielded any arrests cost \$978,720. The manpower - paying people to listen, translate and transcribe the conversations and agents to conduct surveillance and make stops - accounted for 87 percent of the costs in Arizona cases in 2009. Agencies are able to do more of them because they have more staff and funds. The U.S. Attorney's Office in Arizona has added 42 assistant U.S. attorneys since 2006, bringing the total to 152. State agencies tap into federal grants for border security and forfeiture money. **Drug cartels are well aware of the increase in wiretaps and try to thwart them by frequently changing cell phone numbers,** said Anthony Coulson, a recently retired assistant special agent in charge of the Drug Enforcement Administration's Tucson office. For a while, cartels would only use a phone up to 20 times, knowing the Department of Justice required investigators to show the use of a phone number 21 times in applications for wiretaps, Coulson said. That requirement has since changed. **Drug smuggling organizations also try to use other means of communication or cut down on phone calls, but cell phones are vital to their operations,** Coulson said. "There is no other way to do it," he said. "You can't do it through telepathy." No independent monitoring During a wiretap investigation, agents are to make reasonable attempts not to listen to conversations unrelated to the criminal activity being investigated. That doesn't always happen, defense attorney Nash said. Sometimes authorities listen in on privileged conversations between a lawyer and client, or to irrelevant banter such as two teenagers chatting, he said. But Wintory says officers get so many warnings about the law that they've missed out on key conversations when an overly careful officer switched off a recording because he thought he wasn't allowed to listen in. **The wiretap model "is the most scrupulously respectful process of civil liberties that has ever been created" Wintory said. Wiretaps are an important tool in the difficult fight against powerful drug-trafficking organizations,** he said: "They give us the opportunity to reach out through those phone lines, jerk them up by the nape of their necks and drag them back to Tucson to face justice."

DEA using wiretaps and pen registers to catch international drug cartels

Kenny 11, Michael Kenny, August 15, 2011, From Pablo to Osama: Counter-terrorism Lessons from the War on Drugs, Survival: Global Politics and Strategy, <http://dx.doi.org/10.1080/00396338.2003.9688585>, TK

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Throughout the 1980s, police officials discovered numerous multi-tonne cocaine shipments in the US, indicating the growing capacity of Colombian trafficking networks. Yet even the largest of these seizures failed to put a significant dent in drug availability. While the estimated average price of cocaine at the 'dealer' level dropped from \$191 per gram in 1981 to \$65 per gram in 1989, during the same period the estimated purity of cocaine at the same transaction level rose from 60% to 80%. **The US Drug Enforcement Administration (DEA)'s response, in 1992, was the kingpin strategy. 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Notwithstanding reports that some entrepreneurs continued to manage scaled-down smuggling operations from behind bars, a number of government officials crowed that the days of the cocaine cartels were over. Some went even further. Following the arrest of Gilberto Rodríguez-Orejuela, Colombian prosecutor general Alfonso Valdívieso exulted that 'narco-trafficking is in the way of disappearing from Colombia'.⁷ **In a war marked by considerable frustration for lawenforcement agencies, the state appeared to have earned a major victory.**

Impact

Crime Bad (Deontology)

Crime is psychologically destructive – Wolff, 5

Jonathan Wolff, Dean of Arts and Humanities and Professor of Philosophy, University College London, 2005 (“What’s So Bad About Crime?”, Bentham Lecture UCL, November 30th, 2005, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CDUQFjADahUKewj17Pt6ezGAhVHig0KHZTLcrg&url=http%3A%2F%2Fwww.homepages.ucl.ac.uk%2F~uctyjow%2FWBC.doc&ei=3YuuVaX1H8eUNpSXq8AL&usg=AFQjCNFuT2F_VHWzdADYp7oxpDA2IKh1AQ&sig2=68O_yxrVLih1gd74Hc2oPQ, Accessed: July 21st, 2015, DSF)

All of this, though, rings rather hollow, and perhaps does more to discredit particular economic indicators rather than show that crime is a good thing, after all. However I raise the question ‘what’s so bad about crime?’ not from the standpoint of an economist, but from the standpoint of moral and political philosophy. Asking this question, and thereby placing crime in a broader context, may help with two tasks; not only understanding what is so bad about crime, but understanding what is so bad about anything at all. That is to say, any philosophical account of human well-being will have to be able to give an account of what it is about crime which gives rise to so much misery. Hence crime is an important testing ground for philosophical theory.

To understand what it is for a human life to go well or badly we need some sort of theoretical approach. One standard answer is that a good life is one filled with happiness or satisfaction; a different answer is that a good life is one that is well-resourced, in terms of income and wealth, allowing a good standard of living. The two accounts are, of course, related insofar as resources can buy happiness, but it is well-known that the correlation is imperfect. A life can be intolerable even though well-resourced, and happy though poorly resourced, at least by normal standards, for a whole range of reasons.

According to the first theory presumably what is wrong with crime is that it makes people unhappy in some way. There is, no doubt, a great deal of truth in this. One has only to think of the misery, to the point of despondency, in which a mugging or burglary can leave people. A convicted housebreaker told me that he went straight after his parents were burgled and he saw at first hand for the first time, how devastating this was for them, even though they hardly lost anything. He said that he had no idea that breaking into people’s houses could have such an effect, and it shocked him to find out what he must have been doing to people. Perhaps this was because he formerly had implicitly held the second view of well-being; that a good-life is a well-resourced one, or, more likely that there is a strong correlation between possession of goods and happiness. So if you steal from the rich, as he had been doing, or from the adequately insured, this should not affect their well-being in any serious way. Yet the experience of this burglar’s parents convinced him, I suppose, that this view was wrong.

The happiness view seems closer to the truth, yet it also seems in some way superficial. What it doesn’t tell us is why crime makes people so unhappy. My own experience of having to deal with a minor burglary is that, objectively, it is comparable to having to put together some badly

made self-assembly furniture with some missing pieces, while at the same time querying a utility bill and investigating the mis-location of a recorded delivery parcel. Very nasty, but, in itself, no worse than a visit from the Quality Assurance Agency. A mugging, in its purely physical aspects, is about at the same level as a mid-scale sporting injury. A character in Ian McEwan's *Saturday*, expecting to receive a beating in the street, has a flash forward to the months of convalescence and recovery that would follow. This would be to take a purely 'objective' aspect of crime. Yet these objective aspects hardly seem to capture what we worry about, as McEwan's novel brilliantly illustrates. There is something about being a victim of crime which goes much deeper than this. Hence fear of crime is not, or at least not always, for example, fear of the average expected objective effects of crime.

Jeremy Bentham, as so often, clarifies the issue:

The great point is, to clear the country of those crimes, each instance of which is sufficient to awaken and keep alive, in every breast within a certain circle, the fear of boundless injury to person or property, as well as of destruction to life itself – in comparison of this wide-spreading – this almost universally extending mischief – this fear of boundless injury – the sum of the mischiefs resulting in each instance from losses and other injuries actually sustained would be found relatively inconsiderable. Jeremy Bentham *Panopticon Versus New South Wales* (p. 244)

Money Laundering BAD – Laundry List of Reasons

Money Laundering erodes political and social systems affecting stability, diminishes economic growth, and hurts basic individual liberties

Crime and Misconduct Commission 05

(The Crime and Corruption Commission (CCC) is a statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. Its functions and powers are set out in the Crime and Corruption Act 2001, “Background intelligence brief Money laundering,” Crime and Corruption Commission, July 2005, <http://www.ccc.qld.gov.au/research-and-publications/publications/crime/money-laundering.pdf>, GCM)

There are many reasons why money laundering is harmful in society. Some examples are listed below. It makes crime pay. Money laundering allows drug traffickers, smugglers and other criminals to accumulate economic power and expand their operations. This has the potential to erode the political and social systems of a country, and could affect stability and the general rule of law (Alweendo 2005). This in turn drives up the cost of law enforcement and the spin-off costs of health care in the treatment of problems such as drug addiction. It has the potential to undermine the financial community because of the sheer magnitude of the sums involved. Money laundering on a grand scale has the potential to change the demand for cash, make interest rates and exchange rates more volatile, and cause high inflation rates for a country. Laundering diminishes economic development because it undermines legitimate business, competition and government tax revenue, and therefore indirectly harms honest taxpayers and reduces legitimate job opportunities. Money laundering Perceived ease of entry to a country attracts an undesirable element across its borders, degrading quality of life and raising concerns about national security (Solicitor General Canada 1998). The crimes perpetrated by these undesirable elements erode basic individual liberties by threatening rights to life and entitlements to own property. There are great incentives, therefore, for governments and private enterprise to work together to combat money laundering locally and globally.

Money Laundering - Turns Democracy

Money Laundering damages the integrity of the entire society, and undermines democracy.

FATF 15 (Financial Action Task Force - The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. – “How does Money laundering Affect Business?” - <http://www.fatf-gafi.org/pages/faq/moneylaundering/>- KR)

The integrity of the banking and financial services marketplace depends heavily on the perception that it functions within a framework of high legal, professional and ethical standards. A reputation for integrity is the one of the most valuable assets of a financial institution. If funds from criminal activity can be easily processed through a particular institution – either because its employees or directors have been bribed or because the institution turns a blind eye to the criminal nature of such funds – the institution could be drawn into active complicity with criminals and become part of the criminal network itself. Evidence of such complicity will have a damaging effect on the attitudes of other financial intermediaries and of regulatory authorities, as well as ordinary customers. As for the potential negative macroeconomic consequences of unchecked money laundering, one can cite inexplicable changes in money demand, prudential risks to bank soundness, contamination effects on legal financial transactions, and increased volatility of international capital flows and exchange rates due to unanticipated cross-border asset transfers. Also, as it rewards corruption and crime, successful money laundering damages the integrity of the entire society and undermines democracy and the rule of the law.

Money Laundering – Developing Countries

Money Laundering damages developing countries internally

World Bank 03 (World Bank is a vital source of financial and technical assistance to developing countries around the world, World Bank, “The Adverse Implications for Developing Countries,” 3/30/3, <http://www1.worldbank.org/finance/assets/images/02-chap02-f.qxd.pdf>) RR

Criminal enterprises and terrorist financing operations succeed largely to the extent that they are able to sanitize and conceal their proceeds by moving them through national and international financial systems. The absence of, or a lax or corrupt, anti-money laundering regime in a particular country permits criminals and those who finance terrorism financing to operate, using their financial gains to expand their criminal pursuits and fostering illegal activities such as corruption, drug trafficking, illicit trafficking and exploitation of human beings, arms trafficking, smuggling, and terrorism. While money laundering and the financing of terrorism can occur in any country, they have particularly significant economic and social consequences for developing countries, because those markets tend to be small and, therefore, more susceptible to disruption from criminal or terrorist influences. Money laundering and terrorist financing also have significant economic and social consequences for countries with fragile financial systems because they too are susceptible to disruption from such influences. The economy, society, and ultimately the security of countries used as money-laundering platforms are all imperiled. Money laundering helps make criminal activities profitable. Thus, to the extent that a country is viewed as a haven for money laundering, it is likely to attract criminals and promote corruption. If money laundering is prevalent in a country, it generates more crime and corruption. It also enhances the use of bribery in critical gateways, such as: lawyers and accountants, the legislature, police authorities, the courts. A reputation as a money laundering or terrorist financing haven, alone, could cause significant adverse consequences for development in a country. Foreign financial institutions may decide to limit their transactions with institutions from money laundering havens; subject these transactions to extra scrutiny, making them more expensive; or terminate correspondent or lending relationships altogether. Even legitimate businesses and enterprises from money laundering havens may suffer from reduced access to world markets or access at a higher cost due to extra scrutiny of their ownership, organization and control systems.

Money Laundering impedes growth of countries and shows criminals that money laundering pays off leading to more fraud and corporate embezzling **Layton 06**

(Julia Layton holds a B.A. in English literature from Duke University and a M.F.A. in creative writing from the University of Miami, Julia Layton, “How Money Laundering Works,” HowStuffWorks.com, June 01, 2006, <http://money.howstuffworks.com/money-laundering5.htm>, GCM)

Depending on which international agency you ask, criminals launder anywhere between \$500 billion and \$1 trillion worldwide every year. The global effect is staggering in social, economic and security terms. On the socio-cultural end of the spectrum, successfully laundering money means that criminal activity actually does pay off. This success encourages criminals to continue

their illicit schemes because they get to spend the profit with no repercussions. This means more fraud, more corporate embezzling (which means more workers losing their pensions when the corporation collapses), more drugs on the streets, more drug-related crime, law-enforcement resources stretched beyond their means and a general loss of morale on the part of legitimate business people who don't break the law and don't make nearly the profits that the criminals do. The economic effects are on a broader scale. Developing countries often bear the brunt of modern money laundering because the governments are still in the process of establishing regulations for their newly privatized financial sectors. This makes them a prime target. In the 1990s, numerous banks in the developing Baltic states ended up with huge, widely rumored deposits of dirty money. Bank patrons proceeded to withdraw their own clean money for fear of losing it if the banks came under investigation and lost their insurance. The banks collapsed as a result. Other major issues facing the world's economies include errors in economic policy resulting from artificially inflated financial sectors. Massive influxes of dirty cash into particular areas of the economy that are desirable to money launderers create false demand, and officials act on this new demand by adjusting economic policy. When the laundering process reaches a certain point or if law-enforcement officials start to show interest, all of that money that will suddenly disappear without any predictable economic cause, and that financial sector falls apart. Some problems on a more local scale relate to taxation and small-business competition. Laundered money is usually untaxed, meaning the rest of us ultimately have to make up the loss in tax revenue. Also, legitimate small businesses can't compete with money-laundering front businesses that can afford to sell a product for cheaper because their primary purpose is to clean money, not turn a profit. They have so much cash coming in that they might even sell a product or service below cost. The majority of global investigations focus on two prime money-laundering industries: Drug trafficking and terrorist organizations. The effect of successfully cleaning drug money is clear: More drugs, more crime, more violence. The connection between money laundering and terrorism may be a bit more complex, but it plays a crucial role in the sustainability of terrorist organizations. Most people who financially support terrorist organizations do not simply write a personal check and hand it over to a member of the terrorist group. They send the money in roundabout ways that allow them to fund terrorism while maintaining anonymity. And on the other end, terrorists do not use credit cards and checks to purchase the weapons, plane tickets and civilian assistance they need to carry out a plot. They launder the money so authorities can't trace it back to them and foil their planned attack. Interrupting the laundering process can cut off funding and resources to terrorist groups.

Money Laundering - Econ

Money Laundering hurts the economy severely- list of reasons

FIU 15 (The Financial Intelligence Unit is assigned to conduct research on the causes and consequences of money laundering and terrorist financing through participation in projects, FIU, "Consequences of Money Laundering," 7/20/15, http://www.fiumauritius.org/index.php?option=com_content&view=article&id=1&Itemid=2&lang=en) **RR**

Money laundering impairs the development of the legitimate private sector through the supply of products priced below production cost, making it therefore difficult for legitimate activities to compete. Criminals may also turn enterprises, which were initially productive into sterile ones to launder their funds leading ultimately to a decrease in the overall productivity of the economy. Furthermore, the laundering of money can also cause unpredictable changes in money demand as well as great volatility in international capital flows and exchange rates. While the financial sector is an essential constituent in the financing of the legitimate economy, it can be a low-cost vehicle for criminals wishing to launder their funds. Consequently, the flows of large sums of laundered funds poured in or out of financial institutions might undermine the stability of financial markets. In addition, money laundering may damage the reputation of financial institutions involved in the scheming resulting to a loss in trust and goodwill with stakeholders. In worst-case scenarios, money laundering may also result in bank failures and financial crises. Money laundering also reduces tax revenue as it becomes difficult for the government to collect revenue from related transactions, which frequently take place in the underground economy. The socio-economic effects of money laundering are various because as dirty money generated from criminal activities are laundered into legitimate funds; they are used to expand existing criminal operations and finance new ones. Further to that money laundering may lead to the transfer of economic power from the market, the government and the citizens to criminals, abetting therefore crimes and corruption.

Money Laundering is devastating to the private sector, and can destabilize the economy.

FIU 13 (FIU is the financial intelligence unit, it has published numerous works regarding issues and risks in the finance world-"Consequences of money Laundering"- http://www.fiumauritius.org/index.php?option=com_content&view=article&id=18%3Amoney-laundering&catid=3&lang=en&limitstart=3-KR)

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finance new ones. Further to that money laundering may lead to the transfer of economic power from the market, the government and the citizens to criminals, abetting therefore crimes and corruption.

Money Laundering has terrible consequences for Econ growth

Pahuja 09 (Rajana Pahuja is an investment banker, who has interest in Macroeconomic events MBA, Asian Institute of Management – “Effects of Money Laundering on economy” - <http://fe-notes.blogspot.com/2009/10/effects-of-money-laundering-on-economy.html> - KR)

1. Direct Effects: Money laundering distorts the investments and depresses the productivity. Diverting resources to less-productive activity, and by facilitating domestic corruption and crime, which in turn depress economic growth. For developing countries, the diversion of such scarce resources to less productive domestic assets or luxury imports is a serious detriment to economic growth. 2. Effect on Corporate competitiveness and Taxation: Money laundering has a bearing on taxation and small business competition. Laundered money is usually untaxed, meaning that the rest of the people ultimately have to make up the loss in tax revenue. Furthermore, legitimate small businesses cannot compete with money laundering-front businesses that can afford to sell a product cheaply because their primary purpose is to clean money, not turn profit. 3. Effect on Interest and Exchange Rates: Money Laundering has adverse consequences on the interest rates and the exchange rate volatility particularly in developing nations and dollarized nations. It complicates the government effort to manage the economic policies. It affects the income distribution, contaminated the legal transactions, and has potential to destabilize the economy by inefficient movements, which reduces the GDP growth. 4. Effect on Foreign Investment: Although developing economies cannot afford to be too selective about the sources of capital they attract, but postponing action is dangerous. There is a damping effect on foreign direct investment when a country's commercial and financial sectors are perceived to be subject to the control and influence of organized crime. For business friendly environment these impedances have to be weeded out.

Impacts of Money Laundering on Cost of Capital

Pahuja 09 (Rajana Pahuja is an investment banker, who has interest in Macroeconomic events MBA, Asian Institute of Management – “Effects of Money Laundering on economy” - <http://fe-notes.blogspot.com/2009/10/effects-of-money-laundering-on-economy.html> - KR)

When Money Laundering takes place, the capital is reduced due to which the supply curve of capital moves towards the left. In this case due to the scarcity of the capital (credit crunch even when the central bank is infusing cash in the financial system) available the cost of capital increases. As can be seen from the various money-laundering mechanism typologies reports, money laundered through channels other than financial institutions is often placed in what are known as "sterile" investments, or investments that do not generate additional productivity for the broader economy.

Impacts of Money Laundering on Financial Sector

Pahuja 09 (Rajana Pahuja is an investment banker, who has interest in Macroeconomic events MBA, Asian Institute of Management – “Effects of Money Laundering on economy” - <http://fe-notes.blogspot.com/2009/10/effects-of-money-laundering-on-economy.html> - KR)

Since financial institutions are critical to economic growth, reputation and confidence plays an important part in the developing countries. 1. Customer Confidence: Reputation and integrity are valuable assets of

a financial institution and the perceived risk to depositors and investors from institutional fraud and corruption is an obstacle to such trust. When customers are defrauded by the corrupt individuals within the institutions it causes loss of business for the financial institutions. Prudential risks to bank soundness, contamination effects on legal financial transactions, and increased volatility of international capital flows and exchange rates due to unanticipated cross-border asset transfers. 2. Dampening of Entrepreneurial environment: Strong financial systems are incubators of entrepreneurial growth. For developing nations, technological change is often associated with the investment and new machinery. To adopt the more productive technologies from advanced nations requires entrepreneurship. At the most fundamental level, innovation and technology thrive when property rights are clear and taxes and other drains on profits (such as corruption) are low and predictable. 3. Investment: The nations in which crime and corruption are prevalent, investors are reluctant to invest and obtain the ownership. 4. Money Laundering erodes financial institutions themselves due to vulnerability to corruption by criminal elements seeking to gain further influence over their money-laundering channels.

Money laundering damages the financial sectors/institutions that are key to economic growth

Bartlett 2002 (Prior to joining Dewey & LeBoeuf LLP, Mr. Bartlett advised on the economic aspects of national security issues and served on the U.S. Secretary of State's Policy Planning Staff, Brent L., THE NEGATIVE EFFECTS OF MONEY LAUNDERING ON ECONOMIC DEVELOPMENT, May 2002, <http://mcta.org.au/wp-content/uploads/2014/06/the-negative-effects-of-money-laundering-on-economy.pdf>, JS)

The negative economic effects of money laundering on economic development are difficult to quantify, yet it is clear that such activity damages the financial-sector institutions that are critical to economic growth, reduces productivity in the economy's real sector by diverting resources and encouraging crime and corruption, which slow economic growth, and can distort the economy's external sector—international trade and capital flows—to the detriment of long-term economic development. Developing countries' strategies to establish offshore financial centers (OFCs) as vehicles for economic development are also impaired by significant money-laundering activity through OFC channels. Effective anti-money-laundering policies, on the other hand, reinforce a variety of other good-governance policies that help sustain economic development, particularly through the strengthening of the financial sector. A broad range of recent economic analyses points to the conclusion that strong developing-country financial institutions—such as banks, nonbank financial institutions (NBFIs), and equity markets—are critical to economic growth. Such institutions allow for the concentration of capital resources from domestic savings—and perhaps even funds from abroad—and the efficient allocation of such resources to investment projects that generate sustained economic development. Money laundering impairs the development of these important financial institutions for two reasons. First, money laundering erodes financial institutions themselves. Within these institutions, there is often a correlation between money laundering and fraudulent activities undertaken by employees. At higher volumes of money-laundering activity, entire financial institutions in developing countries are vulnerable to corruption by criminal elements seeking to gain further influence over their money-laundering channels. Second, particularly in developing countries, customer trust is fundamental to the growth of sound financial institutions, and the perceived risk to depositors and investors from institutional fraud and corruption is an obstacle to such trust.

Money laundering is serious harm-2 reasons

Levi, 2002 (David M. Rubenstein Senior Fellow for Energy and the Environment and Director of the Maurice R. Greenberg Center for Geoeconomic Studies, Micheal, "Money laundering and its regulation", ANNALS, AAPSS, July 2002, <http://ann.sagepub.com/content/582/1/181.full.pdf> JS)

Laundering can be considered important for three reasons: 1. It facilitates crime by capacitating crime groups and networks to self-finance, diversify, and grow. 2. It can have a corrosive impact on financial institutions and other parties.

However, there is an element of paradox here. For centuries, onshore and offshore bankers have been tolerantly laundering proceeds of many crimes and from many countries without obvious harm to them or to their economies. Criminal (as opposed to moral) corruption of bankers and trust/company formation agents in some jurisdictions has been made necessary as a consequence of the criminalization of laundering and of regulations intended to stop willful blindness. Given those regulations, laundering can be harmful to the financial system of laundering countries and creates serious reputational risk irrespective of the impacts on domestic crime there. In the Third World (including the former Soviet Union), the issues are more complex. Their economies vitally need investment capital, and if launderers provided venture capital without eliminating indigenous people from this function (economically and/or physically), then this might not be harmful. However, in practice, criminal funds can be used to create a license to operate piratically in a hollow state rather than for productive purposes, and criminally owned banks created to launder funds can also be used to defraud the public (though to do so will terminate their usefulness as laundering vehicles since normally they will close down as a result). 3. A third measure of harm is the extent of laundering, though this depends on which crimes are included and on harm to legitimate capital; unfortunately, there is no consensus on what this is. Figures of \$300 billion to \$500 billion for international flows are banded around and become "facts by repetition," but there is very little evidence to justify them (van Duyne 1998; van Duyne and de Miranda 1999). For an FATF exercise that ended in fundamental disagreement, Walker (1999) heroically attempted to construct money flows into all-crime and drug laundering guesstimation exercises, while Reuter (2000) made a sophisticated attempt to construct global expenditure on drugs as the sum of national estimates; outside the United States, national expenditure data are deeply unreliable, and even in the United States, the range is a broad \$40 billion to \$100 billion. Moreover, money laundered in year 1 may have to be relaunched in year 2, when it may have to be invested. Finally, criminal business costs (including protection and salaries to terrorist or crime gang members) and lifestyle expenditures—both high in multilayered drug business—have to be subtracted from the crime proceeds data before we reach the laundering figures, which are anyway dependent on the savings ratios of offenders. (Part of the business costs take the form of income for others and flow directly into the GNP.)

Money laundering enables crime and corruption, leading to economic decline

Bartlett 2002 (Prior to joining Dewey & LeBoeuf LLP, Mr. Bartlett advised on the economic aspects of national security issues and served on the U.S. Secretary of State's Policy Planning Staff, Brent L., THE NEGATIVE EFFECTS OF MONEY LAUNDERING ON ECONOMIC DEVELOPMENT, May 2002, <http://mcta.org.au/wp-content/uploads/2014/06/the-negative-effects-of-money-laundering-on-economy.pdf>, JS)

Money laundering also facilitates crime and corruption within developing economies, which is antithetical to sustainable economic growth. Just as an efficient financial sector is a key "input" to other productive processes in a developing economy— such as manufacturing—an efficient money-laundering channel is a key "input" to crime because the financial proceeds from crime are less valuable to the criminal (in a sense, an "unfinished product") than are laundered funds. The less expensive the money-laundering "input" to crime is as a result of lax anti-money-laundering policies, the more "productive" (active) the criminal element will be, just as in any industry or business. As numerous studies have demonstrated from statistical and anecdotal evidence, substantial crime and corruption act as a brake on economic development, while other studies have shown that anti-money-laundering policies can deter such activity.

ATA's

AT London center of money laundering

Lammy will stop the money laundering going on in London.

Hanning and Connett 15

(James and David, July 4, <http://www.independent.co.uk/news/uk/crime/london-is-now-the-global-moneylaundering-centre-for-the-drug-trade-says-crime-expert-10366262.html>, "London is now the global money-laundering centre for the drug trade, says crime expert", twm)

Labour MP David Lammy, who met Mr Saviano last week, said the UK needed to take "very seriously" his claims about its financial services' role in the international drugs trade. Mr Lammy, who is seeking to become Mayor of London in 2016, said: "We are rightly proud of our financial services industry in this country, but we cannot afford to be complacent. "I am particularly concerned that London's inflated property prices are fuelled by dirty money and I will do everything in my power as mayor to ensure that money laundering and tax evasion are rooted out by the authorities."

Nationalized Internet DA

Explanation of the Disad

There is a global fight going on about who should control the internet. The United States has been a strong supporter of a totally free and open internet that has no government involvement or control. Other countries, led by China and Russia, think that the government should be able to control the internet.

The U.S. is losing the fight globally now because no one trusts us. They think our government just uses access to the internet to spy on people and secretly control it. So, other countries are making moves to nationalize their internets. The plan improves US credibility – and allows us to stop other countries from nationalizing the internet.

What does “control of the internet” mean? The Chinese government has a block on certain websites. The Russian government wants to own the cables and networks that provide access to the internet. The Brazilian government wants to own the hard drives and servers where things are stored. Essentially, they want to treat the internet like it is electricity or water – regulated heavily by the government. The U.S. prefers that it be totally unregulated and free.

The disad argues that Nationalizing the Internet is good. Government control prevents cyber attacks from happening and allows each country to control their own systems. So, a person in China couldn't attack the U.S. system without the U.S. knowing who was responsible because of strict government controls – and vice versa – no one in the US could hack into a Russian system.

So, to break the disad down into jargon –

Uniqueness – governments controlling the internet is coming now.

Link – decreasing domestic surveillance improves US credibility – allows us to stop government control.

Impact – government control stops cyber attacks. Cyber attacks bad.

How does nationalized internet solve cyberterror?

If the Russian government controls the access point for all internet access in the country then it is able to monitor and control that internet access. It would be harder, if not impossible, for a single hacker or group of hackers to attack a website, power plant, financial institution, or other

group from outside of Russia since it would be detectable. The current system is an open free for all that makes it more difficult to control who is looking into what anywhere in the world.

Isn't a free and open internet a good thing?

Probably. But, the disad says the opposite. The internet is probably going to remain free and open for information. The disad assumes that a level of government control would make it more secure.

Glossary

Balkanize – to separate into groups or categories. In this instance, it refers to breaking the internet up into country-by-country sections. It is a common phrase used to describe the breaking up of something. It is a historical reference to the Balkans region of the world. Several countries were broken up from the larger Soviet Union. It is usually used by people to refer to breaking the internet up into groups. Each country would control their own internet services and access.

Cyber – A prefix used to describe anything that happens online. Usually reserved for aggression online. A Cyber crime would be a crime that is done online. Cyber Gambling would be gambling done online. If you read it, it is talking about the internets.

Cyberterror – committing an act of terror online. Any attack on a government website, an attempt to gain access to a power plant, or to just generally be violent and destructive is considered cyberterror. The phrase is very broad as the Department of Defense says they experience 60,000 or more cyberterror attempts a day. That obviously would have to include everyone just trying to get onto the websites of the DOD.

Cyberwar – use of an attack on someone's internet access or services during a time of war. Estonia is usually the example. During an invasion, Russia hacked into the Estonians internets and shut them down. This act is often called cyberwar. There are also instances of people saying "cyberwar" to reference fighting and hacking that is going on between countries.

DOD – Department of Defense – the cabinet of the United States that is in charge of the military branches and answers to the President. Referenced in a few cards.

ICANN – the group that is in charge of maintain all domain names on the internet. Established by the U.S., ICANN is a not-for-profit public-benefit corporation with participants from all over the world dedicated to keeping the Internet secure, stable and interoperable

<https://www.icann.org/>

ITU - International Telecommunication Union – the United Nations specialized agency for information and communication technologies. It is the group that would be given control over the internet internationally – <http://www.itu.int/en/Pages/default.aspx>

Multi-stakeholder – the ICANN and US supported model for the internet. Every group can control and contribute to the internet without government interference. The idea is that Internet governance should mimic the structure of the Internet itself- borderless and open to all

Nationalize – when the government takes over something it is nationalized. Health care literature will often reference ‘nationalizing health care.’ This disad will use it to discuss the internet. When the government regulates, controls, and is in charge of something it is said to be nationalized.

Partitioned – separated into parts. When a room is partitioned it is divided into parts. If the internet were nationalized it would be partitioned between countries.

Negative

1nc & Overview

1nc

Nationalization of the internet is coming now

Wall Street Journal 6-27-14

[Steve Rosenbush, The Morning Download: Nationalization of Internet Continues as Germany Hangs Up on Verizon, <http://blogs.wsj.com/cio/2014/06/27/the-morning-download-nationalization-of-internet-continues-as-germany-hangs-up-on-verizon/>]

Good morning. The nationalization of the Internet continues apace. The German government said on Thursday it would end a contract with Verizon Communications Inc. because of concerns that the U.S. National Security Agency had access to customer data maintained by U.S. telecommunications firms, the WSJ's Anton Troianovski reports. Verizon has provided Internet access and other telecom services to government agencies in Germany. Those contracts will be transferred to Deutsche Telekom AG by 2015, the Interior Ministry said.

As the WSJ reports, the move underscores the continuing political headaches for U.S. technology businesses operating abroad, more than a year after former National Security Agency contractor Edward Snowden started revealing the reach of America's electronic surveillance programs and the alleged cooperation with some U.S. firms.

CIOs are on the front lines of the dilemma. To the extent that more businesses are pressured to aid in government surveillance, CIOs should at the very least have a say in how those efforts will work. While those decisions will be made at the CEO and board level, the CIO can help frame the issues by engaging directly with a company's senior leadership. Their perspective is critical in an area where technology, business and global politics converge.

Fears of NSA surveillance is the driving force for nationalizing – only the aff restores US credibility to prevent it

Kehl et al 14

[Danielle Kehl et al, July 2014. Policy Analyst at New America's Open Technology Institute (OTI); Kevin Bankston is the Policy Director at OTI; Robyn Greene is a Policy Counsel at OTI; and Robert Morgus is a Research Associate at OTI. "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity," http://oti.newamerica.net/sites/newamerica.net/files/policydocs/Surveillance_Costs_Final.pdf]

Although there were questions from the beginning about whether the United States would hold itself to the same high standards domestically that it holds others to internationally, 178 the American government has successfully built up a policy and programming agenda in the past

few years based on promoting an open Internet. 179 These efforts include raising concerns over Internet repression in bilateral dialogues with countries such as Vietnam and China, 180 supporting initiatives including the Freedom Online Coalition, and providing over \$120 million in funding for “groups working to advance Internet freedom – supporting counter-censorship and secure communications technology, digital safety training, and policy and research programs for people facing Internet repression.” 181 However, the legitimacy of these efforts has been thrown into question since the NSA disclosures began. “Trust has been the principal casualty in this unfortunate affair,” wrote Ben FitzGerald and Richard Butler in December 2013. “The American public, our nation’s allies, leading businesses and Internet users around the world are losing faith in the U.S. government’s role as the leading proponent of a free, open and integrated global Internet.” 182

Prior to the NSA revelations, the United States was already facing an increasingly challenging political climate as it promoted the Internet Freedom agenda in global Internet governance conversations. At the 2012 World Conference on International Telecommunications (WCIT), the U.S. and diverse group of other countries refused to sign the updated International Telecommunications Regulations based on concerns that the document pushed for greater governmental control of the Internet and would ultimately harm Internet Freedom. 183 Many observers noted that the split hardened the division between two opposing camps in the Internet governance debate: proponents of a status quo multistakeholder Internet governance model, like the United States, who argued that the existing system was the best way to preserve key online freedoms, and those seeking to disrupt or challenge that multistakeholder model for a variety of political and economic reasons, including governments like Russia and China pushing for greater national sovereignty over the Internet. 184 Many of the proposals for more governmental control over the network could be understood as attempts by authoritarian countries to more effectively monitor and censor their citizens, which allowed the U.S. to reasonably maintain some moral high ground as its delegates walked out of the treaty conference. 185 Although few stakeholders seemed particularly pleased by the outcome of the WCIT, reports indicate that by the middle of 2013 the tone had shifted in a more collaborative and positive direction following the meetings of the 2013 World Telecommunications/ICT Policy Forum (WTPF) and the World Summit on Information Society + 10 (WSIS+10) review. 186

However, the Internet governance conversation took a dramatic turn after the Snowden disclosures. The annual meeting of the Freedom Online Coalition occurred in Tunis in June 2013, just a few weeks after the initial leaks. Unsurprisingly, surveillance dominated the conference even though the agenda covered a wide range of topics from Internet access and affordability to cybersecurity. 187 Throughout the two-day event, representatives from civil society used the platform to confront and criticize governments about their monitoring practices. 188 NSA surveillance would continue to be the focus of international convenings on Internet Freedom and Internet governance for months to come, making civil society representatives and foreign governments far less willing to embrace the United States’ Internet Freedom agenda or to accept its defense of the multistakeholder model of Internet governance as anything other than self-serving. “One can come up with all kinds of excuses for why US surveillance is not hypocrisy. For example, one might argue that US policies are more benevolent than those of many other regimes... And one might recognize that in several cases, some branches of

government don't know what other branches are doing... and therefore US policy is not so much hypocritical as it is inadvertently contradictory," wrote Eli Dourado, a researcher from the Mercatus Center at George Mason University in August 2013. "But the fact is that the NSA is galvanizing opposition to America's internet freedom agenda." 189 The scandal revived proposals from both Russia and Brazil for global management of technical standards and domain names, whether through the ITU or other avenues. Even developing countries, many of whom have traditionally aligned with the U.S. and prioritize access and affordability as top issues, "don't want US assistance because they assume the equipment comes with a backdoor for the NSA. They are walking straight into the arms of Russia, China, and the ITU." 190

Consequently, NSA surveillance has shifted the dynamics of the Internet governance debate in a potentially destabilizing manner. The Snowden revelations "have also been well-received by those who seek to discredit existing approaches to Internet governance," wrote the Center for Democracy & Technology's Matthew Shears. "There has been a long-running antipathy among a number of stakeholders to the United States government's perceived control of the Internet and the dominance of US Internet companies. There has also been a long-running antipathy, particularly among some governments, to the distributed and open management of the Internet." 191 Shears points out that evidence of the NSA's wide-ranging capabilities has fueled general concerns about the current Internet governance system, bolstering the arguments of those calling for a new government-centric governance order. At the UN Human Rights Council in September 2013, the representative from Pakistan—speaking on behalf of Cuba, Venezuela, Zimbabwe, Uganda, Ecuador, Russia, Indonesia, Bolivia, Iran, and China—explicitly linked the revelations about surveillance programs to the need for reforming Internet governance processes and institutions to give governments a larger role. 192 Surveillance issues continued to dominate the conversation at the 2013 Internet Governance Forum in Bali as well, where "debates on child protection, education and infrastructure were overshadowed by widespread concerns from delegates who said the public's trust in the internet was being undermined by reports of US and British government surveillance." 193

Further complicating these conversations is the fact that several of the institutions that govern the technical functions of the Internet are either tied to the American government or are located in the United States. Internet governance scholar Milton Mueller has described how the reaction to the NSA disclosures has become entangled in an already contentious Internet governance landscape. Mueller argues that, in addition to revealing the scale and scope of state surveillance and the preeminent role of the United States and its partners, the NSA disclosures may push other states toward a more nationally partitioned Internet and "threaten... in a very fundamental way the claim that the US had a special status as neutral steward of Internet governance." 194 These concerns were publicly voiced in October 2013 by the heads of a number of key organizations, including the President of the Internet Corporation for Assigned Names and Numbers (ICANN) and the chair of the Internet Engineering Task Force (IETF), in the Montevideo Statement on the Future of Internet Cooperation. Their statement expressed "strong concern over the undermining of the trust and confidence of Internet users globally due to recent revelations of pervasive monitoring and surveillance" and "called for accelerating the globalization of ICANN and Internet Assigned Numbers Authority (IANA) functions, towards an environment in which all stakeholders, including 22 all governments, participate on an equal

footing.” 195 In particular, the process of internationalizing ICANN—which has had a contractual relationship with the Commerce Department’s National Telecommunications and Information Association (NTIA) since 1998—has progressed in recent months. 196

Cyber threats are real and happening – government control is key to prevent attacks that could crush the international system

Renda, Senior Research Fellow, Centre for European Policy Studies, 2013

[Andrea Renda, Cybersecurity and Internet Governance, May 3, 2013, http://www.cfr.org/councilofcouncils/global_memos/p32414]

Cybersecurity is now a leading concern for major economies. Reports indicate that hackers can target the U.S. Department of Justice or Iranian nuclear facilities just as easily as they can mine credit card data. Threats have risen as the Internet has become a critical infrastructure for the global economy, with thousands of operations migrating onto it. For example, the innocuous practice of bring-your-own-device to work presents mounting dangers due to malware attacks--software intended to corrupt computers.

Between April and December 2012, the types of threats detected on the Google Android platform increased by more than thirty times from 11,000 to 350,000, and are expected to reach one million in 2003, according to security company Trend Micro (See Figure 1).

Put simply, as the global economy relies more on the Internet, the latter becomes increasingly insidious. There is no doubt that the Internet is efficient. But it now needs a more concerted global effort to preserve its best aspects and guard against abuses.

The rise of the digital cold war

Cyber threats and cyberattacks also reveal an escalating digital cold war. For years the United States government has claimed that cyberattacks are mainly state-sponsored, initiated predominantly by China, Iran, and Russia. The penetration of the U.S. Internet technology market by corporations such as Huawei, subsidized by the Chinese government, has led to more fears that sensitive information is vulnerable. After an explicit exchange of views between President Barack Obama and President Xi Jinping in February 2013, the United States passed a new spending law that included a cyber espionage review process limiting U.S. government procurement of Chinese hardware.

U.S. suspicions intensified when Mandiant, a private information security firm, released a report detailing cyber espionage by a covert Chinese military unit against 100 U.S. companies and organizations. In March 2013, the U.S. government announced the creation of thirteen new teams of computer experts capable to retaliate if the United States were hit by a major attack.

On the other hand, Chinese experts claim to be the primary target of state-sponsored attacks, largely originating from the United States. But in reality the situation is more complex. Table 1 shows that cyberattacks in March 2013 were most frequently launched from Russia and Germany, followed by Taiwan and the United States.

What is happening to the Internet?

Created as a decentralized network, the Internet has been a difficult place for policymakers seeking to enforce the laws of the real world. Distributed Denial of Service (DDoS) attacks—consisting of virus infected systems (Botnet) targeting a single website leading to a Denial of Service for the end user—became a harsh reality by 2000, when companies such as Amazon, eBay, and Yahoo! had been affected. These costs stem from the direct financial damage caused by loss of revenue during an attack, disaster recovery costs associated with restoring a company's services, a loss of customers following an attack, and compensation payments to customers in the event of a violation of their service level agreements.

As the Internet permeates everyday life, the stakes are becoming even higher. In a few years, society could delegate every aspect of life to information technology imagine driverless cars, machine-to-machine communications, and other trends that will lead to the interconnection of buildings to trains, and dishwashers to smartphones. This could open up these societies to previously unimaginable disruptive cyber events. What is as concerning is that in cyberspace, attacks seem to have a structural lead over defense capabilities: it can be prohibitively difficult to foresee where, how, and when attackers will strike.

Confronted with this challenge, the global community faces a dilemma. The neutrality of the Internet has proven to be a formidable ally of democracy, but the cost of protecting users' freedom is skyrocketing. Critical services, such as e-commerce or e-health, might never develop if users are not able to operate in a more secure environment. Moreover, some governments simply do not like ideas to circulate freely.

Besides the "giant cage" built by China to insulate its Internet users, countries like Pakistan have created national firewalls to monitor and filter the flow of information on the network. And even the Obama administration, which has most recently championed Internet freedom initiatives abroad, is said to be cooperating with private telecoms operators on Internet surveillance, and Congress is discussing a new law imposing information sharing between companies and government on end-user behavior, which violates user privacy.

The question becomes more urgent every day: Should the Internet remain an end-to-end, neutral environment, or should we sacrifice Internet freedom on the altar of enhanced security? The answer requires a brief explanation of how the Internet is governed, and what might change.

The end of the Web as we know it?

Since its early days, the Internet has been largely unregulated by public authorities, becoming a matter for private self-regulation by engineers and experts, who for years have taken major decisions through unstructured procedures. No doubt, this has worked in the past. But as cyberspace started to expand, the stakes began to rise.

Informal bodies such as the Internet Corporation for Assigned Names and Numbers (ICANN)—a private, U.S.-based multi-stakeholder association that rules on domain names and other major aspects of the Internet have been increasingly put under the spotlight. Recent ICANN rulings have exacerbated the debate over the need for more government involvement in Internet governance, either through a dedicated United Nations agency or through the International Telecommunications Union (ITU), an existing UN body that ensures international communication and facilitates deployment of telecom infrastructure. But many experts fear that if a multi-stakeholder model is abandoned, the World Wide Web would cease to exist as we know it.

Last year's World Conference on International Telecommunications, held in Dubai, hosted a heated debate on the future of cyberspace. Every stakeholder was looking for a different outcome. The ITU looked to expand its authority over the Internet; European telecoms operators wanted to secure more revenues by changing the rules for exchanging information between networks; China, Russia, and India wanted stronger government control over the Internet; the United States and Europe stood to protect the multi-stakeholder model of ICANN; and a group of smaller countries sought to have Internet access declared a human right.

When a new treaty was finally put to vote, unsurprisingly, as many as fifty-five countries (including the United States and many EU member states) decided not to sign. Since then, the question on how the Internet will be governed remains unresolved.

Cyber attacks between states results in great power war

GABLE 10 Adjunct Professor of Public International Law, Drexel University Earle Mack School of Law [Kelly A. Gable, *Cyber-Apocalypse Now: Securing the Internet Against Cyberterrorism and Using Universal Jurisdiction as a Deterrent*, *Vanderbilt Journal of Transnational Law*, January, 2010, 43 *Vand. J. Transnat'l L.* 57]

Spoofing attacks are concentrated on impersonating a particular user or computer, usually in order to launch other types of attacks. n122 Spoofing is often committed in connection with password sniffing; after obtaining a user's log-in and password, the spoofer will log in to the computer and masquerade as the legitimate user. The cyberterrorist typically does not stop there, instead using that computer as a bridge to another, hopping in this fashion from computer to computer. This process, called "looping," effectively conceals the spoofer's identity, especially because he or she may have jumped back and forth across various national boundaries. n123

Even more disturbing is the possibility of misleading entire governments into believing that another, potentially hostile government is attempting to infiltrate its networks. Imagine that a cyberterrorist perpetrates an attack on the network maintained by the U.S. Treasury and steals millions of dollars, transferring the money to his own account to be used for funding further terrorist activities. n124 He has used the spoofing technique, however, which causes the U.S. government to believe the Russian government to be behind the attack and to accuse them of

the attack. The Russian government denies the accusation and is insulted at the seemingly unprovoked hostility. Tensions between the governments escalate and boil over, potentially resulting in war. Though this may be only a hypothetical example, it is frighteningly plausible. In fact, it may have been used in the attacks on U.S. and South Korean websites - the South Korean government initially was so certain that North Korea was behind the attack that it publicly accused the North Korean government, despite already tense relations. ⁿ¹²⁵ Similarly, in the 2007 attack on Estonia, Estonian authorities were so certain that the Russian government was behind the attack that they not only publicly accused them but requested military assistance from NATO in responding to the attack. ⁿ¹²⁶ It was later determined that Russia was not behind the attack and that at least some of the attackers were located in Brazil and Vietnam. ⁿ¹²⁷

Impact Overview

Government control prevents cyber attacks – allows them to create bottlenecks and detection devices that prevent attacks from occurring. And cyber attacks between states risk global nuclear wars – our evidence cites the U.S. and Russia as likely to be attacked and escalate.

A successful attack would take milliseconds, couldn't be stopped, and escalates.

WALL 11 Senior Associate with Alston & Bird LLP; former senior legal advisor for U.S. Special Operations Command Central [Andru E. Wall, Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal]

Cyberwarfare differs from other forms of warfare in that the skills or tools necessary to collect intelligence in cyberspace are often the same skills or tools required to conduct cyber attack. Furthermore, the time lag between collecting information and the need to act upon that information may be compressed to milliseconds. Unlike the traditional warfighting construct where intelligence officers collect and analyze information before passing that information on to military officers who take direct action, cyber attack may require nearly simultaneous collection, analysis, and action. The same government hacker may identify an enemy computer network, [*122] determine its strategic import, and degrade its capabilities all in a matter of seconds.

This is precisely why President Obama put the same man in charge of cyber intelligence activities and military cyber operations. This is also the reason Congress evidenced considerable apprehension and asked many questions about authorities and oversight. After all, congressional oversight retains its antiquated, stovepiped organizational structure and presumes a strict separation between intelligence activities and military operations even when no such separation is legally required.

Cyber apocalypse will happen if the structure of the internet isn't made safer

Gable, Adjunct Professor of Public International Law, Drexel University Earle Mack School of Law, 2010

[Kelly A. Gable, Cyber-Apocalypse Now: Securing the Internet Against Cyberterrorism and Using Universal Jurisdiction as a Deterrent, VANDERBILT JOURNAL OF TRANSNATIONAL LAW, Vol. 43:57]

VI. CONCLUSION

Cyberterrorism poses perhaps the greatest threat to national and international security since the creation of weapons of mass destruction. As states and their economies become increasingly intertwined, largely due to the Internet and the international financial system of global trade, the effects of a cyberterrorist attack will be greater. Similarly, as cyberterrorists gain experience in disrupting national governments and shutting down critical infrastructure, their attacks likely will become increasingly successful. Although states, private industry, and international organizations have made significant efforts to increase international cooperation, much more needs to be done. In taking action, however, it must be understood that, due to the fundamental weakness of the structure of the Internet, those additional efforts will not completely prevent cyberterrorism. As a result, further efforts at international cooperation and international standards must be part of a layered approach to cyberterrorism that also includes deterrence. As a result of the realities inherent to cyberspace, the most feasible way to deter cyberterrorism is through the international law principle of universal jurisdiction. This is not to say that territorial jurisdiction (or nationality, passive personality, or protective jurisdiction) could not be used to prosecute cyberterrorists, should there be sufficient information and state willingness to exercise other forms of jurisdiction. It is merely to say that universal jurisdiction is likely to be the most feasible manner of prosecution and, therefore, deterrence. A layered approach of mitigation and deterrence can reduce the threat of cyberterrorism substantially. Unless and until states are willing to exercise universal jurisdiction over cyberterrorist acts as part of that layered approach, however, it is only a matter of time before cyberterrorists are able to unleash a cyber-apocalypse.

Cyber war causes extinction.

Rothkopf 11 (David, Visiting Scholar at Carnegie, "Where Fukushima meets Stuxnet: The growing threat of cyber war", 3/17/11, http://rothkopf.foreignpolicy.com/posts/2011/03/17/where_fukushima_meets_stuxnet_the_growing_threat_of_cyber_war)

The Japanese nuclear crisis, though still unfolding, may, in a way, already be yesterday's news. For a peek at tomorrow's, review the testimony of General Keith Alexander, head of U.S. Cyber Command. Testifying before Congress this week and seeking support to pump up his agency budget, the general argued that all future conflicts would involve cyber warfare tactics and that the U.S. was ill-equipped to defend itself against them.

Alexander said, "We are finding that we do not have the capacity to do everything we need to accomplish. To put it bluntly, we are very thin, and a crisis would quickly stress our cyber forces. ... This is not a hypothetical danger."

The way to look at this story is to link in your mind the Stuxnet revelations about the reportedly U.S. and Israeli-led cyber attacks on the Iranian nuclear enrichment facility at Natanz and the calamities at the Fukushima power facilities over the past week. While seemingly unconnected,

the stories together speak to the before and after of what cyber conflict may look like. Enemies will be able to target one another's critical infrastructure as was done by the U.S. and Israeli team (likely working with British and German assistance) targeting the Iranian program and burrowing into their operating systems, they will seek to produce malfunctions that bring economies to their knees, put societies in the dark, or undercut national defenses.

Those infrastructures might well be nuclear power systems and the results could be akin to what we are seeing in Japan. (Although one power company executive yesterday joked to me that many plants in the U.S. would be safe because the technology they use is so old that software hardly plays any role in it at all. This hints at a bit of a blessing and a curse in the fractured U.S. power system: it's decentralized which makes it hard to target overall but security is left to many power companies that lack the sophistication or resources to anticipate, prepare for or manage the growing threats.)

Importantly, not only does the apparent success of the Stuxnet worm demonstrate that such approaches are now in play but it may just be the tip of the iceberg. I remember over a decade ago speaking to one of the top U.S. cyber defenders who noted that even during the late 90s banks were losing millions and millions every year to cyber theft -- only they didn't want to report it because they felt it would spook customers. (Yes.) Recently, we have seen significant market glitches worldwide that could easily have been caused by interventions rather than just malfunctions. A couple years back I participated in a scenario at Davos in which just such a manipulation of market data was simulated and the conclusion was it wouldn't take much to undermine confidence in the markets and perhaps even force traders to move to paper trading or other venues until it was restored. It wouldn't even have to be a real cyber intrusion -- just the perception that one might have happened.

What makes the nuclear threat so unsettling to many is that it is invisible. It shares this with the cyber threat. But the cyber attacks have other dimensions that suggest that General Alexander is not just trying to beef up his agency's bank accounts with his description of how future warfare will always involve a cyber component. Not only are they invisible but it is hard to detect who has launched them, so hard, in fact, that one can imagine future tense international relationships in which opposing sides were constantly, quietly, engaging in an undeclared but damaging "non-war," something cooler than a Cold War because it is stripped of rhetoric and cloaked in deniability, but which might be much more damaging. While there is still ongoing debate about the exact definition of cyber warfare there is a growing consensus that the threats posed by both state-sponsored and non-state actors to power grids, telecom systems, water supplies, transport systems and computer networks are reaching critical levels. This is the deeply unsettling situation effectively framed by General Alexander in his testimony and rather than having been obscured by this week's news it should only have been amplified by it.

Uniqueness

Nationalization Rising

Nationalization is the trend

Blankenhorn, business journalist & Seeking Alpha Contributor, 2015

[Dana Blankenhorn, The Big Threat To Google Is Nationalizing The Internet,
<http://seekingalpha.com/article/3072296-the-big-threat-to-google-is-nationalizing-the-internet>]

Every national government has no-go zones, and Google goes there as part of its basic mission.

As national governments clamp down on, or seek to control the resource, they go against Google.

It's an age of Information War, and Google is in the crosshairs.

The biggest trend of the last five years, whether we're talking about business, politics, or society, has been the nationalization of the Internet.

The Internet was designed as an international medium. It was designed to be open and free. But nearly every national government has no-go zones, things they don't want covered, debated, or even discussed. Being a journalist has never been so hazardous for this reason - information is now a weapon.

Fight Coming

Fight over internet control coming and real

Goldstein, Writer for the Atlantic, 2014

[Gordon M. Goldstein, The End of the Internet?,
<http://www.theatlantic.com/magazine/archive/2014/07/the-end-of-the-internet/372301/>]

The World Wide Web celebrated its 25th birthday recently. Today the global network serves almost 3 billion people, and hundreds of thousands more join each day. If the Internet were a country, its economy would be among the five largest in the world.

In 2011, according to the World Economic Forum, growth in the digital economy created 6 million new jobs. The McKinsey Global Institute estimates that transborder online traffic grew 18-fold between 2005 and 2012 and that the global flow of goods, services, and investments—which reached \$26 trillion in 2012—could more than triple by 2025. Facebook has launched a major initiative, in partnership with tech giants including Samsung and Qualcomm, dedicated to making the Internet available to the approximately two-thirds of the world's population not yet connected. Cisco forecasts that between 2013 and 2022, the so-called Internet of Things will generate \$14.4 trillion in value for global enterprises.

Yet all of this growth and increasing connectedness, which can seem both effortless and unstoppable, is now creating enormous friction, as yet largely invisible to the average surfer. It might not remain that way for much longer. Fierce and rising geopolitical conflict over control of the global network threatens to create a balkanized system—what some technorati, including Google's executive chairman, Eric Schmidt, have called "the splinternet." "I'm the most optimistic person I know on almost every topic," the Internet entrepreneur Marc Andreessen recently said in a public interview, and "I'm incredibly concerned." Andreessen said it is an "open question" whether the Internet five years from now "will still work the way that it does today."

Now is key – Need Credibility

Firm US commitment to Internet freedom at Busan vital to curb global regulations that will cause Internet fragmentation

McDowell, Chair-FCC, 13

[2/15, “Commissioner McDowell Congressional Testimony,”

<http://www.fcc.gov/document/commissioner-mcdowell-congressional-testimony>]

Thank you Chairman Upton, Ranking Member Waxman, Chairman Royce, Ranking Member Engel, Chairman Walden, Ranking Member Eshoo, Chairman Poe, Ranking Member Sherman, Chairman Smith and Ranking Member Bass. It is an honor to be before you during this rare joint hearing. Thank you for inviting me. It is a privilege to testify before such a rare meeting of three subcommittees and beside such a distinguished group on this panel. Ladies and gentlemen, the Internet is under assault. As a result, freedom, prosperity and the potential to improve the human condition across the globe are at risk. Any questions regarding these assertions are now settled. Last year’s allegations that these claims are exaggerated no longer have credibility. In my testimony today, I will make five fundamental points: 1) Proponents of multilateral intergovernmental control of the Internet are patient and persistent incrementalists who will never relent until their ends are achieved; 2) The recently concluded World Conference on International Telecommunications (“WCIT”) ended the era of an international consensus to keep intergovernmental hands off of the Internet in dramatic fashion, thus radically twisting the one-way ratchet of even more government regulation in this space; 3) Those who cherish Internet freedom must immediately redouble their efforts to prevent further expansions of government control of the Internet as the pivotal 2014 Plenipotentiary meeting of the International Telecommunication Union (“ITU”)1 quickly draws nearer; 4) Merely saying “no” to any changes is – quite obviously – a losing proposition; therefore we should work to offer alternate proposals such as improving the longstanding and highly successful, non-governmental, multi-stakeholder model of Internet governance to include those who may feel disenfranchised; and 5) Last year’s bipartisan and unanimous Congressional resolutions clearly opposing expansions of international powers over the Internet reverberated throughout the world and had a positive and constructive effect. I. Proponents of multilateral intergovernmental control of the Internet are patient and persistent incrementalists who will never relent until their ends are achieved. First, it is important to note that as far back as 2003 during the U.N.’s Summit on the Information Society (“WSIS”), the U.S. found itself in the lonely position of fending off efforts by other countries to exert U.N. and other multilateral control over the Internet. In both 2003 and 2005, due to the highly effective leadership of my friend Ambassador David Gross – and his stellar team at the Department of State – champions of Internet freedom were able to avert this crisis by enhancing the private sector multi-stakeholder governance model through the creation of entities such as the Internet Governance Forum (“IGF”) where all stakeholders, including governments, could meet to resolve challenges. Solutions should be found through consensus rather than regulation, as had always been the case with the Internet’s affairs since it was

opened up for public use in the early 1990's.² Nonetheless, countries such as China, Russia, Iran, Saudi Arabia and scores of their allies never gave up their regulatory quest. They continued to push the ITU, and the U.N. itself, to regulate both the operations, economics and content of the Net. Some proposals were obvious and specific while others were insidious and initially appeared innocuous or insignificant. Many defenders of Internet freedom did not take these proposals seriously at first, even though some plans explicitly called for:

- Changing basic definitions contained in treaty text so the ITU would have unrestricted jurisdiction over the Internet;³
- Allowing foreign phone companies to charge global content and application providers internationally mandated fees (ultimately to be paid by all Internet consumers) with the goal of generating revenue for foreign government treasuries;⁴
- Subjecting cyber security and data privacy to international control, including the creation of an international "registry" of Internet addresses that could track every Internet-connected device in the world;⁵
- Imposing unprecedented economic regulations of rates, terms and conditions for currently unregulated Internet traffic swapping agreements known as "peering;"⁶
- Establishing ITU dominion over important non-profit, private sector, multistakeholder functions, such as administering domain names like the .org and .com Web addresses of the world;⁷
- Subsuming into the ITU the functions of multi-stakeholder Internet engineering groups that set technical standards to allow the Net to work;⁸
- Centralizing under international regulation Internet content under the guise of controlling "congestion," or other false pretexts; and many more.⁹

Despite these repeated efforts, the unanimously adopted 1988 treaty text that helped insulate the Internet from international regulation, and make it the greatest deregulatory success story of all time, remained in place. Starting in 2006, however, the ITU's member states (including the U.S.) laid the groundwork for convening the WCIT.¹⁰ The purpose of the WCIT was to renegotiate the 1988 treaty. As such, it became the perfect opportunity for proponents of expanded regulation to extend the ITU's reach into the Internet's affairs. In fact, in 2011, then-Russian Prime Minister Vladimir Putin summed it up best when he declared that his goal, and that of his allies, was to establish "international control over the Internet" through the ITU.¹¹ Last month in Dubai, Mr. Putin largely achieved his goal. II. December's WCIT ended the era of international consensus to keep intergovernmental hands off of the Internet in dramatic fashion. Before the WCIT, ITU leadership made three key promises: 1) No votes would be taken at the WCIT; 2) A new treaty would be adopted only through "unanimous consensus;" and 3) Any new treaty would not touch the Internet.¹² All three promises were resoundingly broken.¹³ As a result of an 89-55 vote, the ITU now has unprecedented authority over the economics and content of key aspects of the Internet.¹⁴ Although the U.S. was ultimately joined by 54 other countries in opposition to the new treaty language, that figure is misleading. Many countries, including otherwise close allies in Europe, were willing to vote to ensnare the Internet in the tangle of intergovernmental control until Iran complicated the picture with an unacceptable amendment. In short, the U.S. experienced a rude awakening regarding the stark reality of the situation: when push comes to shove, even countries that purport to cherish Internet freedom are willing to surrender. Our experience in Dubai is a chilling foreshadow of how international Internet regulatory policy could expand at an accelerating pace. Specifically, the explicit terms of the new treaty language give the ITU policing powers over "SPAM," and attempt to legitimize under international law foreign government inspections of the content of Internet communications to assess whether they should be censored by governments under flimsy pretexts such as network congestion.¹⁵

The bottom line is, countries have given the ITU jurisdiction over the Internet's operations and content. Many more were close to joining them. More broadly, pro-regulation forces succeeded in upending decades of consensus on the meaning of crucial treaty definitions that were universally understood to insulate Internet service providers, as well as Internet content and application providers, from intergovernmental control by changing the treaty's definitions.¹⁶ Many of the same countries, as well as the ITU itself,¹⁷ brazenly argued that the old treaty text from 1988 gave the ITU broad jurisdiction over the Internet.¹⁸ If these regulatory expansionists are willing to conjure ITU authority where clearly none existed, their control-hungry imaginations will see no limits to the ITU's authority over the Internet's affairs under the new treaty language. Their appetite for regulatory expansionism is insatiable as they envision the omniscience of regulators able to replace the billions of daily decisions that allow the Internet to blossom and transform the human condition like no other technology in human history. At the same time, worldwide consumer demand is driving technological convergence. As a result, companies such as Verizon, Google, AT&T, Amazon, Microsoft, Netflix, and many more in the U.S. and in other countries, are building across borders thousands of miles of fiber optics to connect sophisticated routers that bring voice, video and data services more quickly to consumers tucked into every corner of the globe. From an engineering perspective, the technical architecture and service offerings of these companies look the same. Despite this wonderful convergence, an international movement is growing to foist 19th Century regulations designed for railroads, telegraphs and vanishing analog voice phone monopolies onto new market players that are much different from the monoliths of yore. To be blunt, these dynamic new wonders of the early 21st Century are inches away from being smothered by innovation-crushing old rules designed for a different time. The practical effect of expanded rules would be to politicize engineering and business decisions inside sclerotic intergovernmental bureaucracies. If this trend continues, Internet growth would be most severely impaired in the developing world. But even here, as brilliant and daring technologists work to transform the world, they could be forced to seek bureaucratic permission to innovate and invest. In sum, the dramatic encroachments on Internet freedom secured in Dubai will serve as a stepping stone to more international regulation of the Internet in the very near future. The result will be devastating even if the United States does not ratify these toxic new treaties. We must waste no time fighting to prevent further governmental expansion into the Internet's affairs at the upcoming ITU Plenipotentiary in 2014. Time is of the essence. While we debate what to do next, Internet freedom's foes around the globe are working hard to exploit a treaty negotiation that dwarfs the importance of the WCIT by orders of magnitude. In 2014, the ITU will conduct what is literally a constitutional convention, called a "plenipotentiary" meeting, which will define the ITU's mission for years to come. Its constitution will be rewritten and a new Secretary General will be elected. This scenario poses both a threat and an opportunity for Internet freedom. The outcome of this massive treaty negotiation is uncertain, but the momentum favors those pushing for more Internet regulation. More immediately, the World Telecommunications Policy/ICT Forum ("WTPF"), which convenes in Geneva this May, will focus squarely on Internet governance and will shape the 2014 Plenipotentiary. Accordingly, the highest levels of the U.S. Government must make this cause a top priority and recruit allies in civil society, the private sector and diplomatic circles around the world. The effort should start with the President immediately making appointments to fill crucial vacancies in our diplomatic ranks. The recent

departures of my distinguished friend, Ambassador Phil Verveer, his legendary deputy Dick Beard, as well as WCIT Ambassador Terry Kramer, have left a hole in the United States' ability to advocate for a constructive – rather than destructive – Plenipot. America and Internet freedom's allies simply cannot dither again. If we do, we will fail, and global freedom and prosperity will suffer. We should work to offer constructive alternative proposals, such as improving the highly successful multi-stakeholder model of Internet governance to include those who feel disenfranchised. As I warned a year ago, merely saying “no” to any changes to the multi-stakeholder Internet governance model has recently proven to be a losing proposition.¹⁹ Ambassador Gross can speak to this approach far better than can I, but using the creation of the IGF as a model, we should immediately engage with all countries to encourage a dialogue among all interested parties, including governments, civil society, the private sector, non-profits and the ITU, to broaden the multi-stakeholder umbrella to provide those who feel disenfranchised from the current structure with a meaningful role in shaping the evolution of the Internet. Primarily due to economic and logistical reasons, many developing world countries are not able to play a role in the multi-stakeholder process. This is unacceptable and should change immediately. Developing nations stand to gain the most from unfettered Internet connectivity, and they will be injured the most by centralized multilateral control of its operations and content. V. Last year's bipartisan and unanimous Congressional resolutions clearly opposing expansions of international powers over the Internet reverberated around the world and had a positive and constructive effect, but Congress must do more. In my nearly seven years of service on the FCC, I have been amazed by how closely every government and communications provider on the globe studies the latest developments in American communications policy. In fact, we can be confident that this hearing is streaming live in some countries, and is being blocked by government censors in others. Every detail of our actions is scrutinized. It is truly humbling to learn that even my statements have been read in Thailand and Taiwan, as well as translated into Polish and Italian. And when Congress speaks, especially when it speaks with one loud and clear voice, as it did last year with the unanimous and bipartisan resolutions concerning the WCIT, an uncountable number of global policymakers pause to think. Time and again, I have been told by international legislators, ministers, regulators and business leaders that last year's resolutions had a positive effect on the outcome of the WCIT. Although Internet freedom suffered as a result of the WCIT, many even more corrosive proposals did not become international law in part due to your actions.²⁰ IV. Conclusion. And so, I ask you in the strongest terms possible, to take action and take action now. Two years hence, let us not look back at this moment and lament how we did not do enough. We have but one chance. Let us tell the world that we will be resolute and stand strong for Internet freedom. All nations should join us. Thank you for having me appear before you today. I look forward to your questions.

Links

Fear → Nationalization

Fear of U.S. surveillance directly causes Internet nationalization.

WSJ, 6/27/2014. Steve Rosenbush, Editor. "The Morning Download: Nationalization of Internet Continues as Germany Hangs Up on Verizon," Wall Street Journal, <http://blogs.wsj.com/cio/2014/06/27/the-morning-download-nationalization-of-internet-continues-as-germany-hangs-up-on-verizon/>.

Good morning. The nationalization of the Internet continues apace. The German government said on Thursday it would end a contract with Verizon Communications Inc. because of concerns that the U.S. National Security Agency had access to customer data maintained by U.S. telecommunications firms, the WSJ's Anton Troianovski reports. Verizon has provided Internet access and other telecom services to government agencies in Germany. Those contracts will be transferred to Deutsche Telekom AG by 2015, the Interior Ministry said.

As the WSJ reports, the move underscores the continuing political headaches for U.S. technology businesses operating abroad, more than a year after former National Security Agency contractor Edward Snowden started revealing the reach of America's electronic surveillance programs and the alleged cooperation with some U.S. firms.

Hurts Credibility

It's specifically wrecked our global negotiating position on Internet freedom.

Adam Bender, 7/23/2013. "Has PRISM surveillance undermined Internet freedom advocates?"

Computer World,

http://www.computerworld.com.au/article/521619/has_prism_surveillance_undermined_internet_freedom_advocates_/.

The US surveillance program PRISM has severely threatened the continued freedom of Internet advocates, according to Internet Society (ISOC) regional bureau director for Asia-Pacific, Rajnesh Singh.

Recent reports have revealed the NSA, under a program called PRISM, is collecting metadata about US phone calls, which includes information about a call—including time, duration and location—but not the content of the call itself. Also, the NSA is collecting data on Internet traffic from major Internet companies including Google and Microsoft.

"What's happened with PRISM and the fallout we've seen is probably the greatest threat we have seen to the Internet in recent times," Singh said at an ISOC-AU event last night in Sydney.

Singh, who said he was speaking for himself and not necessarily ISOC as a whole, claimed that the spying program has undermined the positions of Internet advocates in the United States, United Kingdom, Canada and Australia, which historically have been "bastions of Internet freedom".

"What's happened with PRISM is these four or five countries are suddenly the enemy within," he said. "The argument [for Internet freedom] doesn't hold water any more and that's really made work difficult for us."

At last year's World Conference on International Telecommunications (WCIT) treaty talks, countries including Russia, China and Iran made proposals to regulate Internet content that could have had "very bad implications for the Internet going forward", Singh said.

Many of the proposals were defeated through talks leading up to the treaty, he said. "But what happened of course was that the countries at the forefront were Australia, US, UK [and] Canada."

After news about PRISM broke, a delegate from another country who had supported the four countries in walking out on the treaty told Singh that they now regretted the decision.

According to Singh, the delegate said, "My government is sorry that we didn't sign the [WCIT treaty] because now we realise what the real agenda was for the US and Australia and the UK and Canada. It wasn't to protect the Internet; it was to protect their own surveillance interests."

Undermines our leverage for international negotiations --- countries turning to Russia and China.

Megan Gates, 7/29/2014. "NSA's Actions Threaten U.S. Economy and Internet Security, New Report Suggests," Security Management, <http://www.securitymanagement.com/news/nsas-actions-threaten-us-economy-and-internet-security-new-report-suggests-0013601>.

The report's authors also suggested that the NSA disclosures have "undermined American credibility" when it comes to the Internet Freedom Agenda. In 2010, the United States began promoting a policy of an open and free Internet, but the recent disclosures about the NSA have "led many to question the legitimacy of these efforts in the past year."

"Concrete evidence of U.S. surveillance hardened the positions of authoritarian governments pushing for greater national control over the Internet and revived proposals from both Russia and Brazil for multilateral management of technical standards and domain names, whether through the International Telecommunications Union (ITU) or other avenues," according to the report. Many developing nations are now declining to work with the United States and are instead embracing assistance from Russia, China, and the ITU when it comes to Internet availability and control for their citizens.

Seriously harmed our leverage in international debates.

Danielle Kehl et al, July 2014. Policy Analyst at New America's Open Technology Institute (OTI); Kevin Bankston is the Policy Director at OTI; Robyn Greene is a Policy Counsel at OTI; and Robert Morgus is a Research Associate at OTI. "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity," http://oti.newamerica.net/sites/newamerica.net/files/policydocs/Surveillance_Costs_Final.pdf.

Mandatory data localization proposals are just one of a number of ways that foreign governments have reacted to NSA surveillance in a manner that threatens U.S. foreign policy interests, particularly with regard to Internet Freedom. There has been a quiet tension between how the U.S. approaches freedom of expression online in its foreign policy and its domestic laws ever since Secretary of State Hillary Clinton effectively launched the Internet Freedom agenda in January 2010. 170 But the NSA disclosures shined a bright spotlight on the contradiction: the U.S. government promotes free expression abroad and aims to prevent repressive governments from monitoring and censoring their citizens while simultaneously supporting domestic laws that authorize surveillance and bulk data collection. As cybersecurity expert and Internet governance scholar Ron Deibert wrote a few days after the first revelations: "There are unintended consequences of the NSA scandal that will undermine U.S. foreign policy interests – in particular, the 'Internet Freedom' agenda espoused by the U.S. State Department and its allies." 171 Deibert accurately predicted that the news would trigger reactions from both

policymakers and ordinary citizens abroad, who would begin to question their dependence on American technologies and the hidden motivations behind the United States' promotion of Internet Freedom. In some countries, the scandal would be used as an excuse to revive dormant debates about dropping American companies from official contracts, score political points at the expense of the United States, and even justify local monitoring and surveillance. Deibert's speculation has so far proven quite prescient. As we will describe in this section, the ongoing revelations have done significant damage to the credibility of the U.S. Internet Freedom agenda and further jeopardized the United States' position in the global Internet governance debates.

Surveillance Hurts Local Efforts

NSA surveillance also crushed the leverage of international civil society groups - -- prevents them from lobbying their governments for open Internet.

Danielle Kehl et al, July 2014. Policy Analyst at New America's Open Technology Institute (OTI); Kevin Bankston is the Policy Director at OTI; Robyn Greene is a Policy Counsel at OTI; and Robert Morgus is a Research Associate at OTI. "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity,"
http://oti.newamerica.net/sites/newamerica.net/files/policydocs/Surveillance_Costs_Final.pdf.

The effects of the NSA disclosures on the Internet Freedom agenda go beyond the realm of Internet governance. The loss of the United States as a model on Internet Freedom issues has made it harder for local civil society groups around the world—including the groups that the State Department's Internet Freedom programs typically support —to advocate for Internet Freedom within their own governments. The Committee to Protect Journalists, for example, reports that in Pakistan, "where freedom of expression is largely perceived as a Western notion, the Snowden revelations have had a damaging effect. The deeply polarized narrative has become starker as the corridors of power push back on attempts to curb government surveillance." For some of these groups, in fact, even the appearance of collaboration with or support from the U.S. government can diminish credibility, making it harder for them to achieve local goals that align with U.S. foreign policy interests. The gap in trust is particularly significant for individuals and organizations that receive funding from the U.S. government for free expression activities or circumvention tools. Technology supported by or exported from the United States is, in some cases, inherently suspect due to the revelations about the NSA's surveillance dragnet and the agency's attempts to covertly influence product development. Moreover, revelations of what the NSA has been doing in the past decade are eroding the moral high ground that the United States has often relied upon when putting public pressure on authoritarian countries like China, Russia, and Iran to change their behavior. In 2014, Reporters Without Borders added the United States to its "Enemies of the Internet" list for the first time, explicitly linking the inclusion to NSA surveillance. "The main player in [the United States'] vast surveillance operation is the highly secretive National Security Agency (NSA) which, in the light of Snowden's revelations, has come to symbolize the abuses by the world's intelligence agencies," noted the 2014 report. The damaged perception of the United States as a leader on Internet Freedom and its diminished ability to legitimately criticize other countries for censorship and surveillance opens the door for foreign leaders to justify—and even expand—their own efforts. For example, the Egyptian government recently announced plans to monitor social media for potential terrorist activity, prompting backlash from a number of advocates for free expression and privacy. When a spokesman for the Egyptian Interior Ministry, Abdel Fatah Uthman, appeared on television to explain the policy, one justification that he offered in response to privacy concerns was that "the US listens in to phone calls, and supervises anyone who could threaten its national security." This type of rhetoric makes it difficult for the U.S. to effectively criticize such a policy. Similarly, India's comparatively mild

response to allegations of NSA surveillance have been seen by some critics “as a reflection of India’s own aspirations in the world of surveillance,” a further indication that U.S. spying may now make it easier for foreign governments to quietly defend their own behavior. ²¹² It is even more difficult for the United States to credibly indict Chinese hackers for breaking into U.S. government and commercial targets without fear of retribution in light of the NSA revelations. ²¹³ These challenges reflect an overall decline in U.S. soft power on free expression issues.

Reversible

It is reversible

Gelb, 10

(Prof-Business & Economic-UH, "Getting Digital Statecraft Right," Foreign Affairs, 7/28, <http://www.foreignaffairs.com/articles/66502/betsy-gelb-and-emmanuel-yujuico/getting-digital-statecraft-right>)

All these cases share the same fallacy -- that U.S.-directed methods can spur development in other nations. But U.S. policies seeking to extend freedom through technology can be successful -- if the United States refrains from acting in ways that seem less than sincere, and if it adopts a gradual, rather than transformative, approach. U.S. protests against censorship would seem more convincing if it were not for its own policies restricting Internet freedom. Consider, for example, the United States' questionable prohibition of cross-border trade in Internet gambling. In 2004, the World Trade Organization ruled in favor of Antigua and Barbuda against the United States when the United States banned online gambling services emanating from the twin-island nation. The United States appealed the case and lost, but in the meantime, Antigua's online gambling industry was virtually destroyed. The United States still has not yet satisfactorily resolved this ruling and should do so by conforming to it.

NSA Link

Pressure to nationalize is coming & real – NSA fears are driving it

Goldstein, Writer for the Atlantic, 2014

[Gordon M. Goldstein, The End of the Internet?,
<http://www.theatlantic.com/magazine/archive/2014/07/the-end-of-the-internet/372301/>]

If the long history of international commerce tells us anything, it is this: free trade is neither a natural nor an inevitable condition. Typically, trade has flourished when a single, dominant country has provided the security and will to sustain it. In the absence of a strong liberal ethos, promoted and enforced by a global leader, states seem drawn, as if by some spell, toward a variety of machinations (tariffs, quotas, arcane product requirements) that provide immediate advantages to a few domestic companies or industries—and that lead to collective immiseration over time.

The U.S. has played a special role in the development of the Internet. The Department of Defense fostered ARPANET, the precursor to the Internet. As the network evolved, American companies were quick to exploit its growth, gaining a first-mover advantage that has in many cases grown into global dominance. A vast proportion of the world's Web traffic passes through American servers.

Laura DeNardis, a scholar of Internet governance at American University, argues that the Internet's character is inherently commercial and private today. "The Internet is a collection of independent systems," she writes, "operated by mostly private companies," including large telecommunications providers like AT&T and giant content companies such as Google and Facebook. All of these players make the Internet function through private economic agreements governing the transmission of data among their respective networks. While the U.S. government plays a role—the world's central repository for domain names, for instance, is a private nonprofit organization created at the United States' urging in 1998, and operating under a contract administered by the Department of Commerce—it has applied a light touch. And why wouldn't it? The Web's growth has been broadly congenial to American interests, and a large boon to the American economy.

That brings us to Edward Snowden and the U.S. National Security Agency. Snowden's disclosures of the NSA's surveillance of international Web traffic have provoked worldwide outrage and a growing counterreaction. Brazil and the European Union recently announced plans to lay a \$185 million undersea fiber-optic communications cable between them to thwart U.S. surveillance. In February, German Chancellor Angela Merkel called for the European Union to create its own regional Internet, walled off from the United States. "We'll talk to France about how we can maintain a high level of data protection," Merkel said. "Above all, we'll talk about European providers that offer security for our citizens, so that one shouldn't have to send e-mails and other information across the Atlantic."

Merkel's exploration of a closed, pan-European cloud-computing network is simply the latest example of what the analyst Daniel Castro of the Information Technology and Innovation Foundation calls "data nationalism," a phenomenon gathering momentum whereby countries require that certain types of information be stored on servers within a state's physical borders. The nations that have already implemented a patchwork of data-localization requirements range from Australia, France, South Korea, and India to Indonesia, Kazakhstan, Malaysia, and Vietnam, according to Anupam Chander and Uyen P. Le, two legal scholars at the University of California at Davis. "Anxieties over surveillance ... are justifying governmental measures that break apart the World Wide Web," they wrote in a recent white paper. As a result, "the era of a global Internet may be passing."

Security concerns have catalyzed data-nationalization efforts, yet Castro, Chander, and Le all question the benefits, arguing that the security of data depends not on their location but on the sophistication of the defenses built around them. Another motive appears to be in play: the Web's fragmentation would enable local Internet businesses in France or Malaysia to carve out roles for themselves, at the expense of globally dominant companies, based disproportionately in the United States. Castro estimates that the U.S. cloud-computing industry alone could lose \$22 billion to \$35 billion in revenue by 2016.

The Snowden affair has brought to a boil geopolitical tensions that were already simmering. Autocracies, of course, have long regulated the flow of Internet data, with China being the most famous example. But today such states are being joined by countries across Asia, the Middle East, and Europe in calling for dramatic changes in the way the Web operates, even beyond the question of where data are stored.

NSA fears spur internet balkanization efforts – fear the U.S.

Ray, Security Analyst at 21CT, 2014

[Tim ray, The Balkanization of the Internet, <http://www.21ct.com/blog/the-revolution-will-not-be-tweeted-the-balkanization-of-the-internet-part-2/>]

NSA SURVEILLANCE STIRS THE POT (AND PROVIDES COVER)

While countries are struggling with their own versions of this scenario and with how to spin this frightening picture of the new Balkanized Internet, they were handed a great gift: Edward Snowden's tales of NSA's global surveillance operations.

Suddenly, there's a common enemy: America. Globally adventurous, the Americans (it seems) are also watching everyone they can, sometimes without permission. Snowden's revelations alone will not be enough to force through the kinds of national controls we're talking about, but they are a great start, a unifying force.

Sound farfetched? Maybe. Are there other answers? Perhaps. Brazil is moving forward with nationalizing its email services as well as plans to store all data within the country's borders. The idea there is the same as the example above: take essential services in-country in order to prevent the U.S. from spying on them and (as a side effect) control them too. These proposals seem to be receiving some popular support; many see it as akin to nationalizing their oil, or another resource. Taking local control of formerly global services is the beginning of Balkanization for countries that choose that path.

Surveillance Fears

Surveillance fears drive nationalized internets

NPR 10 – 16 – 13

[Are We Moving To A World With More Online Surveillance?,
<http://www.npr.org/sections/parallels/2013/10/16/232181204/are-we-moving-to-a-world-with-more-online-surveillance>]

Suspicion Of American Surveillance

But McLaughlin sees that record now in jeopardy.

"We've kind of blown it," he says. "The global fear and suspicion about American surveillance is pushing countries to centralize their [Internet] infrastructures and get the U.S. out of the picture. Ultimately, I think that will have negative consequences for free speech as well as for protection of privacy."

Some of the countries pushing for more international control over the Internet were never all that supportive of Internet freedom, like Russia and China. But they've now been joined by countries like Brazil, whose president, Dilma Rousseff, was furious when she read reports that she was herself an NSA target.

Speaking at the United Nations last month, Rousseff called for a new "multilateral framework" for Internet governance and new measures "to ensure the effective protection of data that travel through the Web."

At home, Rousseff has suggested that Brazil partially disconnect from U.S.-based parts of the Internet and take steps to keep Brazilians' online data stored in Brazil, supposedly out of the NSA's reach.

But Schneier says such moves would lead to "increased Balkanization" of the Internet.

PRISM link

PRISM revelations crushed our credibility on Internet freedom. We're perceived like the CCP even if our Internet is actually still relatively free.

Abraham Riesman, 6/7/2013. Journalist and documentary filmmaker living in Manhattan.

"Renowned Rights Watchdog to Downgrade United States in Freedom Rankings," Slate, Future Tense,

http://www.slate.com/blogs/future_tense/2013/06/07/prism_hurts_us_internet_freedom_rankings_freedom_house_to_downgrade_america.html.

If you thought the astounding (and ongoing) revelations about the NSA's PRISM regime were going to hurt America's reputation, it appears you were right. Freedom House just made it official.

In an exclusive statement to Future Tense, the internationally renowned rights watchdog said it's going to downgrade the U.S. in its annual Internet freedom rankings.

"The revelation of this program will weaken the United States' score on the survey," the organization told me in an email.

The project director for Freedom House's Freedom on the Net initiative, Sanja Tatic Kelly, elaborated further in another email (emphasis added):

"[S]ome of the recent revelations were already known to the internet freedom community, albeit perhaps not the full scope of them. Consequently, the United States already has a pretty poor rating on our methodology when it comes to surveillance issues. However, with this week's revelations, as well as the recently uncovered surveillance of AP journalists, that rating is going to drop even further."

Kelly went on to emphasize that, compared with other countries around the world, the U.S. "does still have pretty well functioning political institutions and free press." However, she added that PRISM poses "unique" challenges to freedom. In her words:

"What makes the situation in the U.S. unique, however, is that our government is more technologically sophisticated than most others and many major internet companies are based in the United States, allowing the government to conduct surveillance of much greater magnitude."

The official Freedom House statement made a point of saying America's online freedom ranking probably won't plummet, noting, "the effect will likely be fairly modest, as the current score takes into consideration what was already known about the government's extensive electronic surveillance activities."

As of September, Freedom House listed the United States as the second-most "free" country in terms of Internet freedoms (within a 47-country sample), outranked only by Estonia. The

rankings were based on three general criteria: “Obstacles to Access” (e.g. keeping citizens from being able to access computers or specific applications), “Limits on Content” (e.g. blocking, censoring, or altering online content), and “Violations of User Rights” (e.g. surveillance or jailing of online dissidents). The PRISM revelations have nothing to do with the first two criteria, but definitely deal a huge blow on the third.

The Obama administration is already being compared to the Chinese Communist Party—arguably the world’s most infamous limiter of online freedoms. No doubt, PRISM makes the U.S. government (as well as the government of the U.K., which seems to have been in on the action) look like an opponent of the open Web, snooping through files and communications. But as massive as this digital espionage effort is, can we really call the U.S. an “Enemy of the Internet,” to use the terminology of Reporters Without Borders?

Not exactly—but PRISM does to an extent resemble the surveillance programs of Internet enemies like China, Russia, and Saudi Arabia. What’s new here is that we can even mention America in the same sentence as those countries now, when it comes to online freedom—something that was almost unthinkable just a few days ago.

For some perspective, let’s take a look at how the U.S. government now stacks up against some of the world’s best-known online oppressors (Note: in an attempt to avoid too many apples-and-oranges comparisons, I’ve tried to focus mostly on countries with high Internet penetration and a substantial middle class):

China: One big similarity here: the relationship between the central government and private companies. Chinese netizens live in the shadow of restrictions that are collectively referred to as the “Great Firewall of China.” As of 2010, a law has been in place that requires all telecom operators and Internet service providers to take orders from the government during investigations about the leaking of state secrets. PRISM appears to have functioned largely via some level of cooperation from major online firms like Microsoft, Google, Facebook, and Apple (though many of them have issued official denials of involvement). If you’re online in China, unless you use a VPN or some other kind of workaround, there is an extremely high chance that you’re being tracked. If PRISM is as widespread as is alleged, that could very easily be true here, too.

Of course, China’s online repression is far more extreme than America’s on almost every other count (if we jailed bloggers here like the CCP does there, Glenn Greenwald would be serving hard time, not getting on the front page of theGuardian). And the U.S. doesn’t appear to have been looking for anything beyond national-security information, as opposed to touchy political speech. But the combination of a huge Internet user base and cooperation between corporations and the government to spy on that user base—well, that seems a little too familiar now.

Russia: It’s actually possible that Russian netizens are under less surveillance than we are here in the United States. Despite its best efforts, the Russian government doesn’t appear to have any coherent infrastructure for massive surveillance. ISPs are required to install software that allows the police to monitor Internet traffic, but there have been no reported uses of the software. Government technology to find and flag “extremist” sites has been faulty and remains

unimplemented. Legislation passed in 2007 gave the government permission to intercept online data without a warrant, but actual use of that law has largely been absent in major population centers like Moscow and St. Petersburg.

That doesn't mean Russia doesn't attack online freedoms, of course. Bloggers are regularly intimidated, the state demands that ISPs provide user data for dissidents, and so on. But what's interesting to see here is that the U.S. appears to have a surveillance system that is so streamlined and efficient as to be the stuff of dreams for the Putin regime.

Iran: Luckily, PRISM doesn't get anywhere near the aggressive attacks on user rights that Iranian netizens face. That said, Iran has a relatively high Internet usership for the Middle East—users just can't surf freely. The mullahs make no secret of their contempt for free speech, enforcing laws against any material opposing state interests or Islam. Surveillance is widespread, too: The regime reportedly keeps connection speeds deliberately low, so as to make it easier to monitor and filter content. Indeed, Iran is in the process of completing a so-called "clean Internet"—a self-contained, state-controlled intranet that will be used as an alternative to the Internet. We're still a far way off from anything like that.

Bahrain: The U.S. doesn't go nearly as far as this tumultuous monarchy, but it has a similar philosophy of keeping its fingers in as many online pies as possible. Bahrain's Internet usership is possibly the highest of any Arab state, but virtually no user is safe from the government's watchful eye. As Reporters Without Borders puts it, "The royal family is represented in all areas of Internet management and has sophisticated tools at its disposal for spying on its subjects." Not only that, but the government makes no secret of its iron fist: It regularly hacks dissidents' Twitter and Facebook accounts, demands online passwords during interrogations, and uses malware to trawl every corner of the Bahraini Web. America is nowhere near that, thank goodness.

South Korea: User liberties are severely curtailed in this otherwise pretty liberal democracy, but not through a PRISM-like surveillance regime. Instead, the government in Seoul keeps tabs on netizens through what's known as Resident Registration Numbers. They're serial numbers assigned to every citizen born in Korea, and users are required to use them while using almost all online services. They're not spied upon, per se, but if someone does something Seoul doesn't like, he or she can face arrests, raids, or other unpleasantness. (See the case of Park Jung-geun, indicted for retweeting the official North Korean Twitter account.) We don't have anything resembling RNNs in the U.S.

North Korea: Even the most paranoid civil libertarian can take some comfort in knowing we're light years away from the Hermit Kingdom. We may be under watch, but at least we have the Internet, instead of a weird national intranet filled with sanitized information and happy-birthday messages.

So the U.S. is still one of the freer places to be an Internet user. But we're apparently much closer to these authoritarian states than many of us had imagined—and the scary thing is, we're really good at what we do. Our days as a respected beacon of near-total online liberty are probably at an end.

Impacts

Cyber Terror Likely

Cyberwar likely & will be huge – civilians are fair ground

KESAN & HAYES 12 * Professor, H. Ross & Helen Workman Research Scholar, and Director of the Program in Intellectual Property & Technology Law, University of Illinois College of Law. ** Research Fellow, University of Illinois College of Law [Jay P. Kesan* and Carol M. Hayes**, MITIGATIVE COUNTERSTRIKING: SELF-DEFENSE AND DETERRENCE IN CYBERSPACE, Spring, 2012, Harvard Journal of Law & Technology, 25 Harv. J. Law & Tec 415]

Many academics and political figures have weighed in on the potential for cyberwarfare. Nikolai Kuryanovich, a Russian politician, wrote in 2006 he expects that in the near future many conflicts will take place in cyberspace instead of traditional war environments. n171 [*443] Some commentators have asserted that cyberspace provides potential asymmetric advantages, which may be utilized by less powerful nations to exploit the reliance of the United States on information infrastructure. n172 Specifically, China recognizes the value of cyberwarfare, n173 and its military includes "information warfare units." n174 Meanwhile, Russia has a cyberwarfare doctrine that views cyberattacks as force multipliers, and North Korea's Unit 121 focuses solely on cyberwarfare. n175 Many suspect that the Russian government conducted the cyberattacks against Estonia, Georgia, and Kyrgyzstan, though the Russian government's involvement has not been proven. n176 Estimates suggest there are currently 140 nations that either have or are developing cyberwarfare capabilities. n177

It is fair to say that preparations are underway to make cyberwarfare a viable alternative to physical warfare, and that policymakers are recognizing the applicability of the laws of war to the cyber context. n178 The effects of these changes on the private sector cannot be ignored. The line between the government and the private sector on cyberwar matters is blurred. Dycus notes that the federal government has at times delegated to private companies the task of operating cyber technology for the purpose of collecting and analyzing intelligence. n179 Because of the degree to which the private sector is involved with cyber infrastructure, many commentators have observed that the private sector will likely be heavily implicated by future cyberwars. n180

[*444] This overlap between civilian and military roles may prove problematic. Some commentators express concerns that cyberwarfare may erode the distinction between combatants and noncombatants under international law, which currently protects noncombatants. n181 The degree to which conventional war doctrine applies to cyberwar is not yet clear. Some commentators argue that because of this uncertainty, aggressive countries may have carte blanche to launch cyberattacks against civilian targets in a manner that would be impermissible under the laws of kinetic war. n182 Given the importance of civilian targets in the cyberwar context, Brenner and Clarke suggest using a form of conscription to create a Cyberwar National Guard consisting of technologically savvy citizens to better protect CNI. n183 Indeed,

one of the focuses of any national cybersecurity program should be on protecting CNI -- the topic to which we now turn.

Cyber Terror Kills the Economy

Cyber threat could collapse the financial system

Holmes, former assistant secretary of state & distinguished fellow at the Heritage Foundation, 2013

[Kim R. Holmes, Washington Times, April 17, 2013, <http://www.washingtontimes.com/news/2013/apr/17/holmes-staying-one-step-ahead-of-cyberattacks/>]

The threats to America's cybersecurity are serious and growing. They range from private hackers of individuals to state-sponsored cyberattacks on companies and government agencies and networks. Cyberthreats endanger the entire American financial and security system, including the flow of money in banks and the electrical grid. The federal government already has experienced at least 65 cybersecurity breaches and failures.

Collapses US economic growth – major attack on infrastructure

OPDERBECK 12 Professor of Law, Seton Hall University Law School [David W. Opderbeck, Cybersecurity and Executive Power, Washington University Law Review, 89 Wash. U. L. Rev. 795]

In fact, cyberspace was in many ways the front line of the Egyptian revolution. Although Mubarak apparently lacked the support among the Egyptian military for sustained attacks on civilians, he waged a desperate last-gasp battle to shut down access to the Internet so that organizers could not effectively communicate with each other, the public, or the outside world.
n5

Could a similar battle over cyberspace be waged in developed democracies, such as the United States? Policymakers in the West are justifiably concerned about cyberattacks, cyberterrorism, and the possibility of cyberwar. The raging question is whether a democratic state governed by constitutional principles and committed to free speech and private property rights can promote cybersecurity without destroying the Internet's unique capacity to foster civil liberties.

Cyberspace is as vulnerable as it is vital. The threat is real. President Obama recently declared that "cyber threat is one of the most serious economic and national security challenges we face as a nation" and that "America's economic prosperity in the 21st century will depend on cybersecurity." n6 Cybersecurity has been described as "a major national security problem for

the United States." n7 Private and public cyber-infrastructure in the United States falls under nearly constant attack, often from shadowy sources connected to terrorist groups, organized crime syndicates, or foreign governments. n8 These attacks bear the potential to disrupt not only e-mail and other online communications networks, but also the national energy grid, military-defense ground and satellite facilities, transportation systems, financial markets, and other essential [*798] facilities. n9 In short, a substantial cyberattack could take down the nation's entire security and economic infrastructure. n10

U.S. policymakers are justifiably concerned by this threat. Existing U.S. law is not equipped to handle the problem. The United States currently relies on a patchwork of laws and regulations designed primarily to address the "computer crime" of a decade ago, as well as controversial antiterrorism legislation passed after the September 11 attacks, and some general (and equally controversial) principles of executive power in times of emergency.

Nationalization Avoids Attacks

Russia wants control for national security purposes – avoids attacks

Moscow Times 10 – 23 – 14

[Alexey Eremenko, Russia Wants State Control of Root Internet Infrastructure, <http://www.themoscowtimes.com/news/article/russia-wants-state-control-of-root-internet-infrastructure/509989.html>]

Russia has mounted an effort in recent weeks to bring the root infrastructure of the Internet under control of state-affiliated bureaucracies, both internationally and at home.

The global push is likely to fizzle out, industry experts said — but at home, the plan has every chance of succeeding.

Backers of the Kremlin line say bigger state control of the Internet is mandatory for national security, hinting that the U.S. could disconnect Russia from the Web.

But critics say that Russia, which already censors the Internet, simply wants to expand its means of political censorship.

"Russia wants state control of the global network ... instead of public control," said Artem Kozlyuk, a freedom of information activist with Rublacklist.net, an independent Internet freedom watchdog.

The latest wave-generating proposal came from Russian Communications and Mass Media Minister Nikolai Nikiforov, who urged the launch of a reform at the United Nations to give control of the Internet to national governments.

The move would prevent deliberate disconnections of national segments of the Internet, Nikiforov said earlier this week in South Korea at a session of the International Telecommunications Union, a UN body.

He identified the United States as a possible threat to other nations' Internet access, according to a transcript on the ministry's website.

Government Domain

Nikiforov's proposal comes hot on the heels of the Kremlin's attempt to take over the domestic system of domain name assignment, currently overseen by the non-profit organization Coordination Center for TLD RU.

The government wants the Coordination Center's job transferred to a state agency, several prominent media outlets, including business daily Vedomosti, said last month.

The issue was discussed at the now-famous Security Council meeting of Oct. 1, when top Russian officials reportedly gathered to discuss the possibility of Russia's disconnection from the Internet.

Nikiforov said last month that it was only contingency planning in case Russia's Western opponents pull the plug, possibly as further sanctions for Moscow's annexation of Ukraine's Crimean Peninsula in March.

However, Kozlyuk of Rublacklist.net said that so far, most cases of a country going off the grid were the work of domestic governments trying to suppress dissent, such as — most famously — Egypt in 2011 during the Arab Spring.

The proposal for a takeover of the Coordination Center has been stalled, but the government could follow through with it at any time simply by pushing the group to amend its charter to recognize state superiority, said Ilya Massukh, head of the state-affiliated Information Democracy Foundation.

ICANN vs. Autocrats

The key role in managing the global Internet is currently played by the Internet Corporation for Assigned Names and Numbers (ICANN), which oversees domain name assignment throughout the world.

ICANN is a California-based non-profit organization that operates under an agreement with the U.S. Department of Commerce.

The U.S. role in Internet policing has caused much grumbling in recent years as the Internet has spread across the globe, and prompted calls to move to a so-called "multi-stakeholder governance model" that would give other players a greater say in managing the World Wide Web.

Russia had previously staged a campaign to give root control of the Internet to the UN at an earlier International Telecommunications Union conference in Dubai in 2012.

Its proposal gathered a handful of backers at the time — mostly authoritarian countries such as China, Iran, Sudan and Saudi Arabia — but was torpedoed by Western powers.

But this time, China withdrew its support, which makes Nikiforov's initiative even less likely to succeed, said Karen Kazaryan, chief analyst for the lobby group the Russian Association of Electronic Communications.

"China has a working censorship system, and it is not going to antagonize the world, and the other backers don't have enough geopolitical clout to push it through," Kazaryan said by telephone Wednesday.

Kozlyuk of Rublacklist.net claimed that Russia was courting European Parliament members for lobbying support. The claim could not be independently verified.

RuNet Regulated

President Vladimir Putin famously pledged to leave the Internet alone at a meeting with industry representatives at his ascension to the Kremlin in 2000.

Free from state intervention, the Russian segment of the Internet — the RuNet — blossomed, now counting 58 million daily users in Russia, according to the state-run Public Opinion Foundation, and spawning highly successful companies such as Yandex and Mail.ru.

But things began to change in late 2011, when Russian netizens, many of them educated young urbanites, became the driving force of record anti-Putin protests.

Since then, the government has been so busy imposing new regulations that it is now routinely accused of building the "Great Russian Firewall" of censorship.

The state now has the power to blacklist websites without court order for a variety of reasons, including political ones.

Separate legislation ramps up state control over popular blogs and online news aggregators, making it easier to shut down any of them.

And another Kremlin-penned law under review in the State Duma would oblige most organizations handling the personal data of Russians — including the likes of Facebook, Twitter and Booking.com — to store them solely on Russia-based servers, easily accessible to secret services.

Bureaucrats and Utopias

Russia is not unique in its push to give control of the Internet to traditional bureaucratic structures, said Massukh, a former deputy communications minister.

The Internet is finally big enough for governments to take it seriously and consider possible online threats to national security, such as disruption of domestic banking systems, Massukh said.

He compared the push for state control of national segments of the Internet to the introduction of country calling codes, each of which is unique and sovereign to a specific country.

Gov't Control Prevents Attacks

Government control over the internet key to prevent and mitigate cyber disasters

Baldor, AP writer, 09

[Lolita C. Baldor, How much government control in cybercrisis?,
http://www.nbcnews.com/id/33038143/ns/technology_and_science-security/t/how-much-government-control-cybercrisis/#.VWXbAvlViko]

There's no kill switch for the Internet, no secret on-off button in an Oval Office drawer.

Yet when a Senate committee was exploring ways to secure computer networks, a provision to give the president the power to shut down Internet traffic to compromised Web sites in an emergency set off alarms.

Corporate leaders and privacy advocates quickly objected, saying the government must not seize control of the Internet.

Lawmakers dropped it, but the debate rages on. How much control should federal authorities have over the Web in a crisis? How much should be left to the private sector? It does own and operate at least 80 percent of the Internet and argues it can do a better job.

"We need to prepare for that digital disaster," said Melissa Hathaway, the former White House cybersecurity adviser. "We need a system to identify, isolate and respond to cyberattacks at the speed of light."

So far at least 18 bills have been introduced as Congress works carefully to give federal authorities the power to protect the country in the event of a massive cyberattack. Lawmakers do not want to violate personal and corporate privacy or squelching innovation. All involved acknowledge it isn't going to be easy.

For most people, the Internet is a public haven for free thought and enterprise. Over time it has become the electronic control panel for much of the world's critical infrastructure. Computer networks today hold government secrets, military weapons specifications, sensitive corporate data, and vast amounts of personal information.

Millions of times a day, hackers, cybercriminals and mercenaries working for governments and private entities are scanning those networks, looking to defraud, disrupt or even destroy.

Just eight years ago, the government ordered planes from the sky in the hours after the Sept. 11 terrorist attacks.

Could or should the president have the same power over the Internet in a digital disaster?

If hackers take over a nuclear plant's control system, should the president order the computer networks shut down? If there's a terrorist attack, should the government knock users off other computer networks to ensure that critical systems stay online? And should the government be able to dictate who companies can hire and what they must do to secure the networks that affect Americans' daily life.

Nuclear

1NC

The US nuclear energy sector is weak, but export reforms revitalize it

NEI, 12, National Energy Institute, Winter 2012, "US Nuclear Export Rules Hurt Global Competitiveness", <http://www.nei.org/News-Media/News/News-Archives/us-nuclear-export-rules-hurt-global-competitiveness>

Nuclear Winter 2012—Fifty years ago, the United States was the global leader in nuclear technology and services, the first country to harness atoms for peace, and the first to profit from it internationally. Today, U.S. dominance of the global nuclear power market has eroded as suppliers from other countries compete aggressively against American exporters. U.S. suppliers confront competitors that benefit from various forms of state promotion and also must contend with a U.S. government that has not adapted to new commercial realities. The potential is tremendous—\$500 billion to \$740 billion in international orders over the next decade, representing tens of thousands of potential American jobs, according to the U.S. Department of Commerce. With America suffering a large trade deficit, nuclear goods and services represent a market worth aggressive action. However, antiquated U.S. government approaches to nuclear exports are challenging U.S. competitiveness in the nuclear energy market. New federal support is needed if the United States wants to reclaim dominance in commercial nuclear goods and services—and create the jobs that go with them. "The U.S. used to be a monopoly supplier of nuclear materials and technology back in the '50s and '60s," said Fred McGoldrick, former director of the Office of Nonproliferation and Export Policy at the State Department. "That position has eroded to the point where we're a minor player compared to other countries." America continues to lead the world in technology innovation and know-how. So what are the issues? And where is the trade? Effective coordination among the many government agencies involved in nuclear exports would provide a boost to U.S. suppliers. "Multiple U.S. agencies are engaged with countries abroad that are developing nuclear power, from early assistance to export controls to trade finance and more," said Ted Jones, director for supplier international relations at NEI. The challenge is to create a framework that allows commercial nuclear trade to grow while ensuring against the proliferation of nuclear materials. "To compete in such a situation, an ongoing dialogue between U.S. suppliers and government needs to be conducted and U.S. trade promotion must be coordinated at the highest levels," Jones said. Licensing U.S. Exports Jurisdiction for commercial nuclear export controls is divided among the Departments of Energy and Commerce and the Nuclear Regulatory Commission and has not been comprehensively updated to coordinate among the agencies or to reflect economic and technological changes over the decades. The State Department also is involved in international nuclear commerce. It negotiates and implements so-called "123 agreements" that allow for nuclear goods and services to be traded with a foreign country. The federal agencies often have different, conflicting priorities, leading to a lack of clarity for exporters and longer processing times for export licenses. "The U.S. nuclear export regime is the most complex and restrictive in the world and the least efficient," said Jones. "Furthermore, it is poorly focused on items and technologies that pose little or no proliferation concern. By trying to protect too much, we risk diminishing the focus on sensitive technologies and handicapping U.S. exports."

Allows the US to challenge Russia in the nuclear sphere

Jack Spencer, 6/9, Vice President of the Institute for Economic Freedom and Opportunity at The Heritage Foundation, “Ex-Im Is Not the Key to Nuclear Industry’s Competitiveness”,
<http://dailysignal.com/2015/06/09/ex-im-is-not-the-key-to-nuclear-industrys-competitiveness/>

In the final days before the charter of the Export-Import Bank (Ex-Im) is set to expire, supporters of its export subsidies are claiming that Congress must reauthorize and expand Ex-Im if the U.S. commercial nuclear industry is to succeed internationally. We should take the concerns of the nuclear industry seriously—but not accept Ex-Im as a solution. Those who advocate for Ex-Im as a necessity for the U.S. nuclear industry’s success argue: Without Ex-Im, the U.S. nuclear industry cannot compete with aggressive Russian expansion in nuclear energy exports, which is heavily financed by the Russian government. As the argument goes, Russian financing not only threatens the U.S. nuclear industry’s ability to compete, but it fosters the region’s overdependence on Russia for energy. The response to Russia’s strategy is not to reciprocate with a similar, albeit milder, policy that encourages cronyism and puts taxpayers on the hook for corporate interests. The right approach is for the U.S. government to streamline export regulations with nations with whom we have entered into nuclear agreements and for nuclear companies to compete by offering superior products and services. Subsidies only undercut the industry’s competitive strength. American companies already have a distinct advantage over the Russian nuclear industry in the same regions Ex-Im supporters claim particular concern. European nations are willing to pay for secure access to energy resources, and the European Union has launched a strategic initiative to diversify the energy options of member nations.

Nuclear energy is the lynchpin of Russia’s economy

Andrei Frolov, 14, PhD degrees in physics from Alberta University, June 26, 2014, “Nuclear energy is still important for Russia”,
http://in.rbth.com/opinion/2014/06/26/nuclear_energy_is_still_important_for_russia_36237.html

The third reason for developing its nuclear resources is the growing prospects for the export of nuclear technologies. Russia’s nuclear energy sector is becoming a major world exporter of nuclear power units. Russian nuclear power units operate in countries ranging from China and India to Turkey and Slovakia. There are currently five Russian power units being built abroad, with 13 more under contract to be built in the next several years. Discussions are in progress for at least 10 more units. In addition to exporting reactor technology, under these contracts Russia agrees to provide fuel, components, spare parts and services such as maintenance and spent fuel recycling for the duration of the reactor’s life, which could be as much as 60 years. The value of these services to Russia’s economy is far greater than the sale of the reactor itself. Another important reason for the continued development of Russia’s nuclear sector is the country’s security. The existence of a strong civilian nuclear energy sector ensures effective operations of its nuclear weapons complex. In addition, civilian orders keep the sector’s dual-purpose enterprises busy. Russia lags behind in renewable energy 'game' For example, it is now clear that the Rosatom-funded program for the construction of a floating nuclear power station, which was heavily criticized in its early stages, has allowed Russia to retain its ship reactor

technology, which was later used to expand the nuclear icebreaker fleet. This fleet, in turn, is becoming ever more important for the global shipping industry as more goods are shipped through the Northern Sea Route. Nuclear power is important for Russia's continued economic development for reasons far beyond maintaining military readiness. Keeping up with the latest technologies in the sector keeps thousands of highly qualified Russian scientists employed.

Russian Economic decline cause nuclear war

Sheldon Filger, 9, Author and founder of www.GlobalEconomicCrisis.com, June 10, 2009, "Russian Economy Faces Disastrous Free Fall Contraction", http://www.huffingtonpost.com/sheldon-filger/russian-economy-faces-dis_b_201147.html

In Russia, historically, economic health and political stability are intertwined to a degree that is rarely encountered in other major industrialized economies. It was the economic stagnation of the former Soviet Union that led to its political downfall. Similarly, Medvedev and Putin, both intimately acquainted with their nation's history, are unquestionably alarmed at the prospect that Russia's economic crisis will endanger the nation's political stability, achieved at great cost after years of chaos following the demise of the Soviet Union. Already, strikes and protests are occurring among rank and file workers facing unemployment or non-payment of their salaries. Recent polling demonstrates that the once supreme popularity ratings of Putin and Medvedev are eroding rapidly. Beyond the political elites are the financial oligarchs, who have been forced to deleverage, even unloading their yachts and executive jets in a desperate attempt to raise cash. Should the Russian economy deteriorate to the point where economic collapse is not out of the question, the impact will go far beyond the obvious accelerant such an outcome would be for the Global Economic Crisis. There is a geopolitical dimension that is even more relevant than the economic context. Despite its economic vulnerabilities and perceived decline from superpower status, Russia remains one of only two nations on earth with a nuclear arsenal of sufficient scope and capability to destroy the world as we know it. For that reason, it is not only President Medvedev and Prime Minister Putin who will be lying awake at nights over the prospect that a national economic crisis can transform itself into a virulent and destabilizing social and political upheaval. It just may be possible that U.S. President Barack Obama's national security team has already briefed him about the consequences of a major economic meltdown in Russia for the peace of the world. After all, the most recent national intelligence estimates put out by the U.S. intelligence community have already concluded that the Global Economic Crisis represents the greatest national security threat to the United States, due to its facilitating political instability in the world.

Offshore

Explanation

The Disad

Companies that rely on data and IT services are afraid of US technology. No one trusts the NSA and fear that surveillance is guaranteed if they are working in or using U.S. technology. That means that foreign companies are growing in 2 ways –

- A. Offshoring IT services – moving technology away from US companies to companies in Germany, Brazil, etc are allowing those companies to grow.

- B. Foreign Companies abandoning the US – they don't want to deal with the fears – so instead of using US companies and services, they are redrawing back home.

The plan reverses those trends by signaling a weakening of domestic surveillance. Allows US companies to take advantage and steal the market share back.

The impact is growth in the global economy – offshoring is good for several reasons –

-job creation in places that need jobs. Jobs are good.

-higher wage growth in foreign countries – which is lagging behind. By creating good jobs in places that need them, the economy grows.

-contained inflation – because growth isn't in just one economy dealing with one currency – companies are shielded from harm done to a single currency like the dollar.

-expanded trade – doing business across borders boosts interdependence and overall trade – which is good for growth.

AND – all of that is based on several economic studies done by Behravesch – a Chief Economist for Global Insight.

Economic growth is good because it makes the world safer by making people trade more, be happy, and fight less. For an in depth look at that – please read the Royal evidence in the 1nc.

The affirmative

I have written a sample 2ac. Feel free to add more analytical arguments, change the order, etc. This isn't a rule of what must be read. Instead, it is just a suggestion of the arguments an affirmative can make. Please read through them.

Glossary of Terms

Economic Interdependence – when two countries trade with one another they are said to be “economically interdependent.” Or, they depend on each other for their economics to work. We depend on them and they depend on us. This is a common phrase in talking about trade and the reason good economies are less likely to fight the people they are dependent on. In the simplest of terms, you are unlikely to shoot your farmer.

GDP – Gross Domestic Product – the total economy of the United States. It is a shorthand way of referencing the economy in its entirety.

Impact – a debate jargon phrase. The “boom” or result of the argument. The impact is the ‘final outcome’ of the disad or advantage. What happens? Or Why is it bad? Is usually answered with the Impact.

IT – Information technology – broadly used to describe all things related to the internet and communication. The technology surrounding it and the people who work are often referenced as IT people, companies, and jobs.

Link – a debate jargon phrase. The connection between the action of the plan and the impact. What is the result of the plan? That is called a ‘link argument.’ Anything that is a result that ultimately results in a big ‘impact’ is called a link.

Meta-Data – the practice of the NSA of storing a bunch of data on a bunch of people to make it searchable later. So, for example, storing everyone in the US’s emails and texts in one central spot is often classified as meta-data. This is distinct from surveillance done on a particular person or for a particular crime.

NSA –The National Security Agency. They are in charge of the majority of security related surveillance that is done by the government.

Offshoring – also called ‘outsourcing.’ Placing a company or parts of a company that were in the U.S. in a foreign country. If, for example, Ford Motor company closes down a plant in Detroit and opens up a plant in Mexico that does the exact same thing, it is said that they have ‘offshored’ that job [yes, even if it didn’t cross a shore]. Generally this is viewed as a negative,

but this disad, and several recent studies, have shown that there are positives to outsourcing or offshoring IT jobs.

Snowden – The man who was contracted by the NSA that later revealed what he was doing. Revealed that the government was doing a lot more spying on US citizens than was previously assumed to be true.

Trade Deficit – When one country buys a lot of stuff from another country, but that other country doesn't buy very much. So, for example, if the US buys 10 trillion dollars worth of products from China, but China only buys 1 trillion dollars worth of products from the U.S. then it would be said that we have a 9 trillion dollar trade deficit. Trade deficits are almost always bad according to economists.

Uniqueness – debate jargon. The state of the world right now, that the plan changes as a result of the link. So, for the purposes of this disad, the arguments would be that the U.S. economy is good, and that businesses are moving offshore. The link changes the world.

Negative

1nc & Overview

1nc

Uniqueness and Link - Fears of 'domestic surveillance' are driving companies to abandon US technology companies and services for foreign competitors – foreign groups are also fighting to attract business based on fears of the NSA.

WALL STREET JOURNAL 9 – 27 – 13 [NSA Internet Spying Sparks Race to Create Offshore Havens for Data Privacy,

<http://www.wsj.com/articles/SB10001424052702303983904579096082938662594>]

Google Inc., Facebook Inc. and other American technology companies were put on the defensive when Edward Snowden's allegations about U.S.-government surveillance of Internet traffic emerged this spring.

Outside the U.S., some companies and politicians saw an opportunity.

Three of Germany's largest email providers, including partly state-owned Deutsche Telekom AG, teamed up to offer a new service, Email Made in Germany. The companies promise that by encrypting email through German servers and hewing to the country's strict privacy laws, U.S. authorities won't easily be able to pry inside. More than a hundred thousand Germans have flocked to the service since it was rolled out in August.

Politicians outside the U.S. are pushing new data-privacy rules in the wake of Edward Snowden's revelations.

"We can say that we protect the email inbox according to German law," says Jorg Fries-Lammers, a spokesman for one of the German companies, 1&1 Internet AG. "It's definitely a unique selling point."

The U.S. National Security Agency has acknowledged collecting email data about Americans through phone and Internet companies. Silicon Valley companies have said that they don't give the government unfettered access to user data but that they are barred from disclosing details.

Fueled by the controversy, countries are seeking to use data-privacy laws as a competitive advantage—a way to boost domestic companies that long have sought an edge over Google, Microsoft Corp. and other U.S. tech giants.

"Countries are competing to be the Cayman Islands of data privacy," says Daniel Castro, a senior analyst at the Information Technology and Innovation Foundation, a nonpartisan Washington, D.C., think tank that receives funding from the tech industry.

Impact - The IT 'offshoring' revival is key to economic growth and avoiding inflationary fears.

Raimondi, Global Insight IT/Telecom Advisory Service, 2005

[Mike Raimondi, IT Outsourcing and the U.S. Economy,
<http://www.ihsglobalinsight.com/MultiClientStudy/MultiClientStudyDetail846.htm>]

A new study by Global Insight concluded that IT outsourcing, while displacing some IT workers, actually benefits the U.S. economy and increases the number of U.S. jobs.

According to the 2005 study, *The Impact of Offshore IT Software and Services Outsourcing on the U.S. Economy and the IT Industry*, the U.S. economy has much to gain from global sourcing and an environment of free trade, open markets and robust competition. Benefits include job creation, higher real wages, higher real GDP growth, contained inflation and expanded exports resulting in increased economic activity.

The Study was commissioned by The Information Technology Association of America (ITAA), the leading trade association for the IT industry, and led by Global Insight's chief economist Dr. Nariman Behravesh.

Major Findings include:

Worldwide sourcing of IT services and software increases total employment in the United States. This activity generated an additional 257,042 net new U.S. jobs in 2005; by 2010, net new jobs will total 337,625;

Workers enjoy higher real wages. Global sourcing adds to the take-home pay of the average U.S. worker. With inflation kept low and productivity high, worldwide sourcing will increase real hourly wages in the U.S. by \$0.06 in 2005, climbing to \$0.12 in 2010;

The cost savings and use of offshore resources lower inflation, increase productivity, and lower interest rates. This boosts spending and increases economic activity;

Worldwide sourcing contributes significantly to real U.S. Gross Domestic Product, adding \$68.7 billion in 2005. By 2010, the real GDP will be \$147.4 billion higher than it would be in an environment in which offshore IT software and services outsourcing does not occur;

Spending for global sourcing of computer software and services will grow at a compound annual rate of 20 percent, from approximately \$15.2 billion in 2005 to \$38.2 billion in 2010. Total spending on software and services will also continue to increase in the U.S. During the same time period, total cost savings from worldwide sourcing of computer software and services will grow from \$8.7 billion to \$20.4 billion, much of which will be reinvested in the U.S.;

Demand for U.S. exports increases due to global sourcing. Countries can buy more because they can sell more; the U.S. has more to sell through increased investment in new products and services, better productivity and lower inflation. Global sourcing contributed \$5.1 billion to U.S. exports in 2005, growing to \$9.7 billion by 2010;

The U.S. continues to run a large and robust trade surplus in IT services with the rest of the world;

Study Details:

Global Economic Growth prevents great power wars

Royal 10 — Jedidiah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, M.Phil. Candidate at the University of New South Wales, 2010 ("Economic Integration, Economic Signalling and the Problem of Economic Crises," *Economics of War and Peace: Economic, Legal and Political Perspectives*, Edited by Ben Goldsmith and Jurgen Brauer, Published by Emerald Group Publishing, ISBN 0857240048, p. 213-215)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow.

First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999).

Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown.

Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult [end page 213] to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.⁴

Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write,

The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89)

Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions.

Furthermore, crises generally reduce the popularity of a sitting government. "Diversionsary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering

(2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.

In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.⁵ This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. [end page 214] Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

Impact Overview

Economic decline causes war, 3 reasons—

First is Power transition—economic shocks are associated with the rise and fall of powers which is statistically accompanied by bloody transitions due to miscalculation.

Second is Interdependence—economic decline prompts countries to rely on conquest for resources rather than trade.

Third is Diversionary theory—governments have a greater incentive to fabricate external military threats to distract the population from poor economic performance—this “rally around the flag” effect is statistically proven

—that’s Royal.

Economic wars go nuclear and global.

Kemp 10—Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace [Geoffrey Kemp, 2010, *The East Moves West: India, China, and Asia’s Growing Presence in the Middle East*, p. 233-4]

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

Growth is necessary to prevent rising power wars—it eliminates war-fighting incentives.

Gartzke 11—Erik Gartzke is an associate professor of political science at the University of California, San Diego. Gartzke holds a Ph.D. in political science from the University of Iowa and a B.A. in history from the University of San Francisco. [February 9, 2011, “Security in an Insecure World,” Cato Unbound, <http://www.cato-unbound.org/2011/02/09/erik-gartzke/security-in-an-insecure-world/>]

Almost as informative as the decline in warfare has been where this decline is occurring. Traditionally, nations were constrained by opportunity. Most nations did not fight most others because they could not physically do so. Powerful nations, in contrast, tended to fight more often, and particularly to fight with other powerful states. Modern “zones of peace” are dominated by powerful, militarily capable countries. These countries could fight each other, but are not inclined to do so. At the same time, weaker developing nations that continue to exercise force in traditional ways are incapable of projecting power against the developed world, with the exception of unconventional methods, such as terrorism.

The world is thus divided between those who could use force but prefer not to (at least not against each other) and those who would be willing to fight but lack the material means to fight far from home. Warfare in the modern world has thus become an activity involving weak (usually neighboring) nations, with intervention by powerful (geographically distant) states in a policing capacity. So, the riddle of peace boils down to why capable nations are not fighting each other. There are several explanations, as Mack has pointed out.

The easiest, and I think the best, explanation has to do with an absence of motive. Modern states find little incentive to bicker over tangible property, since armies are expensive and the goods that can be looted are no longer of considerable value. Ironically, this is exactly the explanation that Norman Angell famously supplied before the World Wars. Yet, today the evidence is abundant that the most prosperous, capable nations prefer to buy rather than take. Decolonization, for example, divested European powers of territories that were increasingly expensive to administer and which contained tangible assets of limited value.

Of comparable importance is the move to substantial consensus among powerful nations about how international affairs should be conducted. The great rivalries of the twentieth century were ideological rather than territorial. These have been substantially resolved, as Francis Fukuyama has pointed out. The fact that remaining differences are moderate, while the benefits of acting in concert are large (due to economic interdependence in particular) means that nations prefer to deliberate rather than fight. Differences remain, but for the most part the capable countries of the world have been in consensus, while the disgruntled developing world is incapable of acting on respective nations’ dissatisfaction.

While this version of events explains the partial peace bestowed on the developed world, it also poses challenges in terms of the future. The rising nations of Asia in particular have not been equal beneficiaries in the world political system. These nations have benefited from economic integration, and this has proved sufficient in the past to pacify them. The question for the future is whether the benefits of tangible resources through markets are sufficient to compensate the

rising powers for their lack of influence in the policy sphere. The danger is that established powers may be slow to accommodate or give way to the demands of rising powers from Asia and elsewhere, leading to divisions over the intangible domain of policy and politics. Optimists argue that at the same time that these nations are rising in power, their domestic situations are evolving in a way that makes their interests more similar to the West. Consumerism, democracy, and a market orientation all help to draw the rising powers in as fellow travelers in an expanding zone of peace among the developed nations. Pessimists argue instead that capabilities among the rising powers are growing faster than their affinity for western values, or even that fundamental differences exist among the interests of first- and second-wave powers that cannot be bridged by the presence of market mechanisms or McDonald's restaurants.

If the peace observed among western, developed nations is to prove durable, it must be because warfare proves futile as nations transition to prosperity. Whether this will happen depends on the rate of change in interests and capabilities, a difficult thing to judge. We must hope that the optimistic view is correct, that what ended war in Europe can be exported globally. Prosperity has made war expensive, while the fruits of conflict, both in terms of tangible and intangible spoils have declined in value. These forces are not guaranteed to prevail indefinitely. Already, research on robotic warfare promises to lower the cost of conquest. If in addition, fundamental differences among capable communities arise, then warfare over ideology or policy can also be resurrected. We must all hope that the consolidating forces of prosperity prevail, that war becomes a durable anachronism.

Uniqueness

US economy Good

US economy is doing fine

New York Times 4 – 29 – 15

[Nelson D. Schwartz, U.S. Economy Grew at 0.2% Rate in First Quarter,
http://www.nytimes.com/2015/04/30/business/gdp-q1-united-states-economy.html?_r=0]

Still, even with the disappointing start to the year, most experts expect growth to rebound later in 2015, much as it did last year.

“We believe weakness was grossly exaggerated, and there will be significant catch-up in Q2, but, of course, that remains to be seen,” said Jim O’Sullivan, chief United States economist at High Frequency Economics in Valhalla, N.Y.

One part of the economy that had been expected to help, the public sector, actually hurt overall growth last quarter. State and local government expenditures fell at the steepest rate since the first quarter of 2012.

That the economy expanded at all last quarter was mostly because of outlays by consumers, although they spent at a significantly slower rate than in the second half of last year.

Consumer spending, which makes up roughly two-thirds of gross domestic product, rose 1.9 percent. That was well below the 4.4 percent gain in the fourth quarter of 2014, and was a sign that shoppers remained cautious, despite the big drop in energy prices.

Economists had expected a weak showing before the report. The consensus view called for a 1 percent growth rate in January, February and March, well below the 2.2 percent rate in the final three months of 2014.

This is the first of three estimates of economic growth the Commerce Department will release, and the number could be revised sharply upward or downward. The next estimate will come out on May 29.

Like Mr. O’Sullivan, Mr. Anderson said he was looking for growth to pick up in the current quarter, predicting a gain of slightly more than 2 percent for the spring, with the rate of expansion rising to just under 3 percent in the second half of 2015. “We’re not throwing in the towel for 2015,” he said.

He said that he expected consumers, with more money in their bank accounts from lower oil prices and an improving job market, to spend more aggressively later in the year.

Retail activity has been surprisingly weak recently given the drop in gasoline prices since last summer, he said. Consumers are most likely using the windfall to pay down credit card debt or add to savings. If spending does pick up, so will overall economic growth.

Guy Berger, United States economist at RBS, also expects a rebound in economic activity this year, but he cautioned that some of the headwinds evident last quarter would not immediately abate.

The drop in energy-related spending will eventually level out, he said, but it will take some time. Similarly, even though the port problems in California and elsewhere have been resolved, the dollar remains strong compared with currencies like the euro, and no relief for exporters is in sight.

“The dollar has strengthened so much that it could restrain the magnitude of the rebound,” Mr. Berger said.

Recent Decisions not enough

Domestic tech groups are losing business now – recent decisions haven't gone far enough – people fear the NSA and don't trust U.S. products

Johnson, senior writer for NBC News, 5 – 11 – 15

[M. Alex Johnson, Tech Giants Unite Behind Measure to Limit NSA Surveillance, <http://www.nbcnews.com/news/us-news/tech-giants-unite-behind-measure-limit-nsa-surveillance-n357431>]

Lobbying and trade groups representing most of the biggest tech companies in the world — including Facebook, Apple, Google and Microsoft — joined forces Monday to urge Congress to rein in the National Security Agency's collection of personal data.

Less than a week after a federal court declared the NSA's bulk collection of telephone records to be illegal — and three weeks before a controversial part of the post-Sept. 11 USA Patriot Act is set to expire — the seven groups released a joint letter arguing that "trust has declined measurably among both U.S. citizens and citizens of our foreign allies" since Edward Snowden began leaking details of the U.S. data collection two years ago.

As the biggest handlers of electronic personal data, Facebook, Google and other big tech companies have a crucial stake in efforts to reform the NSA and deliberations over whether to reauthorize Section 215 of the Patriot Act. That's the section that had been used to bolster the NSA's bulk collection of phone data, and it's scheduled to expire on June 1 unless Congress intervenes.

A panel of the 2nd U.S. Circuit Court of Appeals found last week that Congress hadn't actually given the NSA approval to indiscriminately collect the records of all telephone calls by millions of Americans not suspected of any crime. The court ruling has become a critical element of debate over whether to reauthorize the controversial provision.

The tech groups — whose members also include Yahoo, Amazon, eBay, Twitter, AOL, IBM, Intel, Samsung and Visa, among many others — specifically called on Congress to pass a separate bill called the USA FREEDOM Act. It would ban bulk collection of data without a court order, free companies from having to store such data indefinitely and bring the workings of the secret Foreign Intelligence Surveillance Court into greater public view.

"As a result of increasing concern about the level of access the U.S. government has to user-generated data held by technology companies, many domestic and foreign users have turned to foreign technology providers while, simultaneously, foreign jurisdictions have implemented reactionary policies that threaten the fabric of the borderless internet," the groups said.

"Meaningful surveillance reform is vital to rebuilding the essential element of trust not only in the technology sector but also in the U.S. government."

The White House endorsed the bill last week, but some civil liberties groups have opposed it for not, in their view, going far enough. The American Civil Liberties Union has neither endorsed nor opposed the measure, but Jameel Jaffer, director of the ACLU's Center for Democracy, wrote last week that "the vague language in the bill's key provisions will provide a new lease on life to surveillance programs that haven't yet been — and may never be — disclosed to the public."

Links

NSA → Offshoring

Companies & countries offshoring due to NSA fears

DNS 13 Online Technology Blog [DNS Made Easy, NSA Fallout Continues: U.S. Companies Seeking “Offshore Havens” for Data Privacy, Silicon Valley Anticipates Billions In Lost Revenue, <http://www.dnsmadeeasy.com/nsa-fallout-continues-u-s-companies-seeking-offshore-havens-for-data-privacy-silicon-valley-anticipates-billions-in-lost-revenue/>]

As a result of NSA’s snooping, U.S. companies are seeking refuge overseas to protect their data. And U.S. companies aren’t the only ones who are now feeling suspicious about privacy issues on the internet. Numerous governments are turning away from the IT community in the U.S., and it turns out that Silicon Valley is not immune to the fallout from revelations about widespread surveillance by the NSA. In fact, the Valley is bracing itself for losses in the range of \$35 billion in annual revenue. Why such a big loss? Companies are seeking storage of their data elsewhere.

Indeed, damaging information about NSA’s tactics is spurring an IT renaissance in several countries. For instance, Brazil wants data about its own citizens stored there. So, the government is pushing a bill, once languishing most likely in some dead-end queue, to create servers to store data, ensuring that it won’t be looked at by NSA eyes. European leaders are asking for a “Euro cloud.” This Euro cloud would allow Europeans to share data with one another, but it would stop there – those outside of Europe would not be able to access the information. Google and Yahoo Inc. might be in for an ugly surprise, too. Apparently, India is moving forward with a measure that would prohibit government employees to use the mail services of these two companies. It is unclear whether or not they have already moved forward with this ban.

Despite these measures, it is unlikely that data will be protected from snoopers, because other countries are eager to catch up to Washington’s spying capabilities. So such measures are most likely futile, as it is probably inevitable that surveillance systems, if not already in place, will be built or improved upon outside of the United States.

What’s the reality? So-called private data on the internet is not really protected, and outfits, such as the NSA, will always have access to so-called protected information. That said, citizens as well as companies are unnerved by the revelations about spying that Snowden, the former NSA contractor and whistle blower, brought to light this past summer.

Fears spur offshoring

Domestic surveillance fears motivate offshoring of tech

BEDNAR 1 – 3 – 15 Red Orbit Staff Writer [Chuck Bednar, Storing data offshore won't protect it from NSA, expert says, <http://www.redorbit.com/news/technology/1113307187/storing-data-offshore-would-not-make-it-safe-from-nsa-expert-says-010315/>]

Ever since Edward Snowden first blew the lid off the US National Security Agency's data collection practices, Americans have been looking for a way to keep their information safe from prying eyes in the federal government.

Some tech companies, including Google, have explored the possibility of using floating data centers to move servers offshore. However, in a new article penned for TechCrunch, former Obama administration director of privacy and civil liberties and Brown University fellow Tim Edgar says that simply moving data centers offshore will not protect them from the NSA.

"The natural reaction of many citizens, companies and governments is to try to get their data out of the United States and out of the hands of American companies," Edgar wrote, calling the idea "a seductive one, even for Americans."

"This offshoring of data to avoid surveillance is not just an idle notion," he continued. "As a privacy lawyer with experience in the intelligence community and the Obama White House, technology companies have asked me how they might pursue such a strategy. It turns out that shifting user data abroad or into the hands of foreign companies is a very poor way to combat American surveillance."

While the NSA's top brass have "stated quite openly their desire to collect everything American law permits," Edgar explained that regulations governing what they do depends upon where they are collecting information. The Foreign Intelligence Surveillance Act (FISA), places stricter guidelines on data collected from domestic servers than from those located overseas, he noted.

Surveillance Spurs Foreign Advertisements

Advertising based on NSA fears

WALL STREET JOURNAL 9 – 27 – 13 [NSA Internet Spying Sparks Race to Create Offshore Havens for Data Privacy,

<http://www.wsj.com/articles/SB10001424052702303983904579096082938662594>]

It could be tough for U.S. companies to undo any damage, particularly when the extent of NSA activities is secret and other nations have been critical of the U.S. On Tuesday, Brazilian President Dilma Rousseff in a United Nations address assailed U.S. snooping on her country. Last week she canceled a planned visit to Washington.

European Commission Vice President Neelie Kroes, who supervises the European Union's digital portfolio, has been encouraging the bloc's companies to tout their privacy creds. "Privacy is not only a fundamental right," she said in Estonia this summer. "It can also be a competitive advantage."

For small German companies competing against big ones—like online-security company Symantec Corp. and Amazon.com Inc., which provides corporate cloud services—the NSA surveillance program "is a present from heaven," says Oliver Dehning, chief executive of antispameuropeGmbH, which builds spam-protection software. "It's kind of an opportunity to strike back and protect our home market."

He turned the Snowden leaks into a marketing campaign, tweeting about the news and speaking at industry conferences about how Germans can protect themselves from spying.

Symantec and Amazon declined to comment for this article.

Reversible

Only weakening NSA reverses the trend

ALLISON 12 – 17 – 13 Investigative Reporter – Sunlight Foundation [Bill Allison, Obama calls for tech support, <https://sunlightfoundation.com/blog/2013/12/17/obama-calls-for-tech-support/>]

The NSA paid some of the tech companies to separate the user data of foreigners from U.S. citizens. It might have been a penny-wise-but-pound-foolish decision to accept the NSA's cash: Bloomberg News reported last month that the potential lost sales to foreign customers outraged at the breach of their privacy could cost U.S. companies \$35 billion through 2016.

Short of shutting down the NSA, there may be little Obama can do to restore the tarnished overseas reputations of America's tech tattlers, but the president can offer plenty in consolation prizes. That \$35 billion in losses is just a rounding error when it comes to the taxpayer money that the tech giants stand to benefit from. The companies represented at Tuesday's meeting all have other issues before the federal government. Apple and Google have billions in "stateless" - that is, tax free -- profits socked away offshore, while AT&T needs government approval of its acquisition of low cost cellphone provider Leap Wireless. Even Etsy (\$3,500 in contributions to Obama), the sales platform for artisans and cottage industrialists, is seeking a small business exemption for its merchants should Congress require online retailers to collect state sales taxes from their customers.

Meanwhile, Facebook and other firms have won bipartisan support after lobbying Congress for legislation that would allow them to inform users how many requests for customer data they receive from the NSA and how many accounts are effected. Obama opposes the bill.

In addition to the fallout from Snowden's revelations, the companies will discuss how the government hires tech and IT companies and the ongoing problems with implementation of the Affordable Care Act.

Answer to – Offshoring is only about Economics

Not just economics

DOERKEN 05 retired CEO of DHL, interview with USA Today [Sandy Huffaker & Uwe Doerken, 'Offshoring ... benefits the consumer',
http://usatoday30.usatoday.com/tech/techinvestor/industry/2005-01-16-dhl-advice_x.htm]

Q: Is offshoring strictly about cheap labor, or are there other reasons to move jobs abroad?

A: There is a lot more to it than cutting cost. Economic skills tend to build in tightly packed geographic clusters. For example, a large portion of the world's diamonds are cut in some cities in India and around the Belgian city of Antwerp. It makes sense to source where there is an ample supply of those skills and honed to be up to date. That's another reason outsourcing brings to the world more choice of products and services at affordable prices.

Economics alone don't explain offshoring decisions

Business Insider 2011

[Here's The TRUE Reason US Companies Offshore Jobs, 1/25/11,
<http://www.businessinsider.com/heres-the-true-reason-us-companies-offshore-jobs-2011-1>]

Survey respondents are broadening the range of factors that influence their selection of an offshore site to include the location of the best service provider and the quality of infrastructure. In spite of placing a high priority on cost savings and labor arbitrage, the survey finds average achieved cost savings offshore have declined at many companies.

For example, IT services and software development have experienced consistent declines over the past five years, while average achieved savings have increased for administrative and innovative functions such as research and development and sales/marketing.

According to the researchers, survey participants have lower expectations than previous respondents for average cost savings in several offshoring functions. Contact center, IT and software development have seen the largest declines among all offshoring functions as companies new to offshoring discover a number of hidden costs involved, including expenses for training, staff recruitment and retention, and government and vendor relations.

“The potential for cost reduction alone is no longer enough to justify moving operations,” said Ton Heijmen, senior advisor to The Conference Board. “One survey respondent noted it has taken his company several years to discover the impact of labor arbitrage disappears in fewer

than three years. Companies are now shifting from cost-driven offshoring to a multidimensional value proposition in creating a global footprint.”

As companies expand offshoring activities by increasing scale or by offshoring more diverse and complex functions, most firms see a decline in the overall efficiency. This may be partially attributed to a loss of managerial control as offshoring operations are expanded, requiring companies to improve coordination and management of their global sourcing.

Impacts

Economy – Boosts Company Growth

Offshoring good for company growth – solve reasons offshoring might be bad

BALASUBRAMANIVAN 04 general manager at Wipro Technologies, a global IT services provider [S.M. Balasubramaniyan, Offshoring's positives outweigh its negatives, <http://www.networkworld.com/article/2323783/software/offshoring-s-positives-outweigh-its-negatives.html>]

Organizations all over the world are under constant pressure to provide value to their customers and meet the challenges of competition. In globalized free economies, this is truer today than ever. The primary factor that directly or indirectly contributes toward a company's business success is the cost of production and operation.

Among the many initiatives that have succeeded in reducing the cost of producing goods and services is the outsourcing/offshoring model. This model has taken many forms and its characteristics have been refined over a period of time.

Before enumerating the benefits of offshoring, it must be acknowledged that its success does not come without pain, mainly in the form of job cuts and the phasing out of low-earning products and services. However, organizations that take a well-planned and articulated approach to offshoring succeed in managing this situation better than ones that rush in without due consideration.

Offshoring happens through two means: outsourced offshoring through vendor partners, or in-house offshoring. In the former, the work is performed at the offshore partner's premises, using the partner's resources. In the latter, a U.S. company establishes its own global centers in other countries.

Perhaps the greatest benefit of offshoring is the cost advantage it produces, which directly affects the company's bottom line. In tight fiscal situations, any savings in operating costs will contribute toward the company's sustenance and growth. Companies in recession segments sustain themselves and grow through innovation. Lower operating costs means they have more money to invest in innovation, resulting in a stabilized domestic workforce.

In the service sectors, the cost saving from offshoring enables companies to create new service lines, many of which had been deferred for want of investment. New services increase customer satisfaction and become new revenue streams, as well as growth paths for companies.

The geographic nature of offshoring brings its own advantages. It helps the company expand its reach, thereby helping the company grow. This growth mitigates any negative effects of offshoring.

Offshoring also helps a company be closer to its global customers, thereby providing appropriate offerings to its regional market and ensuring speedier problem resolution. Developers and support personnel in the relevant geographies have a better understanding of customers' needs, regulatory compliances and regional preferences, and can better implement the product or provide the service.

Economy - Creates Jobs

IT outsourcing good for the US economy

Miller, chief information officer at Ziff Brothers investments, 04

[Michael J. Miller, The Benefits of Offshore Outsourcing 4/28/14, Offshoring is lowering costs and actually creating jobs by fostering a more efficient economy. Also: IT jobs are changing, and Adobe's CEO speaks his mind, <http://www.pcmag.com/article2/0,2817,1573729,00.asp>]

As more companies transfer programming and call-center jobs offshore, the topic of offshore outsourcing is raging throughout the information technology industry. I understand the frustration of workers whose jobs have moved and of customers who fail to get their technical-support questions answered. But the backlash may be overblown. One of the latest studies indicates that the trend may actually be creating more jobs. At least that's the conclusion of a recent study by Global Insight, sponsored by the Information Technology Association of America (ITAA).

Given our global economy, the globalization of the IT industry is inevitable. Most big IT companies do much of their business overseas and naturally want to have some of their employees in those markets. Lower wages in some countries are also a huge incentive to move operations, especially since high-speed communication removes many of the barriers to dealing with U.S.-based colleagues and customers.

I think that some of the criticism of offshore outsourcing is misplaced. According to the Global Insight study, from 1998 through 2003 offshore IT software and services spending increased from \$2.5 billion to \$10 billion; the figure could reach \$31 billion by 2008. It also estimates that as of 2003 nearly 104,000 IT software and services jobs were displaced. The same study says that 372,000 IT jobs have been lost in this country since 2000, accounting for about 10 percent of the total number of such jobs in the U.S. The main reasons for the loss: the dot-com bust, the recession, and the growth in productivity.

Interestingly, Global Insight says that rather than reducing the number of jobs in the U.S., offshoring is lowering costs for everyone and actually creating jobs, thanks to a more efficient economy. It says that about 194,000 new jobs—both IT and non-IT—were created in 2003 thanks to offshore IT outsourcing, and by 2008 the number will reach over 589,000.

According to a study by Gartner, fewer than 5 percent of U.S. IT jobs have moved offshore. But analysts predict that by 2010 25 percent will be in developing countries. They urge companies to proceed carefully, as such moves could result in the loss of future talent, intellectual assets, and organizational performance.

Poverty Impact Module

Growth solves poverty—it is the essential foundation.

Ben-Ami 11 — Daniel Ben-Ami, journalist and author, regular contributor to spiked, has been published in the American, the Australian, Economist.com, Financial Times, the Guardian, the Independent, Novo (Germany), Ode (American and Dutch editions), Prospect, Shanghai Daily, the Sunday Telegraph, the Sunday Times, and Voltaire (Sweden), 2011 (“Growth is good,” Ode, June, Available Online at <http://www.odemagazine.com/doc/print/75/growth-is-good>, Accessed 08-16-2011)

We should never forget that economic progress has already improved our lives beyond recognition. The fact that many problems remain is an argument for more growth, not less. Restraining growth means accepting that many millions, even billions, of people will continue to live in dire poverty. Accelerating growth, in contrast, is an essential foundation for overcoming the remaining challenges facing humanity.

Poverty is the equivalent of an ongoing nuclear war and is the root cause of all violence

Gilligan 96 – Professor of Psychiatry at the Harvard Medical School and Director of the Center for the Study of Violence (James, “Violence: Our Deadly Epidemic and Its Causes”, p. 195-96)

Comparing this frequency of deaths from structural violence to the frequency of those caused by major military and political violence, such as World War II (an estimated 49 million military and civilian deaths including those caused by genocide- or about eight million per year, 1939-1945), the Indonesian massacre of 1965-66 (perhaps 575,000 deaths), the Vietnam war (possibly two million, 1954-73) and even a hypothetical nuclear exchange between the US and USSR (232 million) it was clear that even war cannot begin to compare with structural violence, which continues year after year. In other words, every fifteen years, on the average, as many people die because of relative poverty as would be killed in a nuclear war that caused 232 million deaths; and every single year, two to three times as many people die from poverty throughout the world as were killed by the Nazi genocide of the Jews over a six year period. This is, in effect, the equivalent of an ongoing, unending, in fact accelerating, thermonuclear war, or genocide, perpetuated on the weak and poor every year of every decade, throughout the world. Structural violence is also the main cause of behavioral violence on a socially and epidemiologically significant scale (from homicide and suicide to war and genocide). The question as to which of the two forms of violence-structural or behavioral- is more important, dangerous, or lethal is moot, for they are inextricably related to each other, as cause to effect.

Growth Solves poverty

Alternatives to growth are morally repugnant—condemn billions to poverty.

Ben-Ami 11 — Daniel Ben-Ami, journalist and author, regular contributor to spiked, has been published in the American, the Australian, Economist.com, Financial Times, the Guardian, the Independent, Novo (Germany), Ode (American and Dutch editions), Prospect, Shanghai Daily, the Sunday Telegraph, the Sunday Times, and Voltaire (Sweden), 2011 (“Growth is good,” Ode, June, Available Online at <http://www.odemagazine.com/doc/print/75/growth-is-good>, Accessed 08-16-2011)

This still leaves the ultimate argument used against economic growth: climate change. The orthodox view is that we need to modify our behavior and make sacrifices to save the planet. We should avoid leaving electronic devices on standby, not take hot baths or perhaps any baths at all, and avoid using plastic bags when possible. Not only is such an approach undesirable, it is also the worst possible response to climate change. It is undesirable because it means accepting what is essentially a form of rationing in the West. Even worse, it means ruling out the possibility of full-scale development of the developing world. It literally means telling billions of people they cannot have access to air travel, cars, computers, modern medicine and much else that we in the West take for granted. Depriving billions of people of products so common for us in the West is morally repugnant.

Growth is key to economic mobility and tolerance.

Friedman 5 — Benjamin M. Friedman, William Joseph Maier Professor of Political Economy at Harvard University, former Chair of the Department of Economics at Harvard University, holds a Ph.D. in Economics from Harvard University, 2005 (“Rising Incomes, Individual Attitudes, and the Politics of Social Change,” The Moral Consequences of Economic Growth, Published by Knopf Publishing Group, ISBN 0679448918, p. 86)

Economic growth itself, however, whether steady or irregular, crucially affects people’s attitudes toward matters including equal opportunity and economic mobility. Because fear of moving down the economic scale is more compelling than the opportunity to move up, the prospect of mobility is naturally threatening. But in a stagnant economy, where one person’s gain is necessarily someone else’s loss, people who get ahead are perceived not only as doing so at other people’s expense but as directly disadvantaging others. As a result, the people who strongly support expanding opportunities in a stagnant economy are mostly either those who have little to lose because they are starting off near the bottom of the economic and social ladder, or those who think that their particular circumstances make them especially likely to benefit from specific new developments. Neither group is likely to be the dominant force in any society. Usually people at the bottom have both economic and political influence that is disproportionately weak compared to their numbers, and most new developments bring likely losers as well as likely winners. Stagnant economies, therefore, do not breed support for economic mobility, or for openness of opportunity more generally.

Answers to – “IT not that much of the Economy”

Tech offshoring good for the US economy

ITAA 05 Information Technology Association of America

[Executive Summary: The Comprehensive Impact of Offshore Software and IT Services Outsourcing on the U.S. Economy and the IT Industry,
<http://www.ihsglobalinsight.com/publicDownload/genericContent/103105execsum.pdf>]

Given the benefits that are expected to accompany offshore ITO spending by businesses in the United States, it would be unwise to enact protectionist legislation or regulations as a result of political pressures being created by this economic transition. Creating a "digital fortress" is not the answer. At the same time, however, government and industry should be responsive to the needs of displaced IT workers, as well as to the need to continue encouraging the next generation of workers to enter the IT field. To retain preeminence in global markets and respond to the growing needs for IT professionals in the United States despite the use of offshore resources for some IT activities, businesses, government, schools, and workers must recognize the competitive realities of global markets and respond to the challenges by improving competitive performance. The central issue surrounding the impact of offshore ITO is whether displaced software and IT services workers in the U.S. will remain unemployed or underemployed. Some workers might not be able to afford the cost of training or certification programs to upgrade their skills. Others might be close enough to "retirement age" that finding suitable employment becomes difficult. In software and IT services—both the industry and occupations across all industries—the pace of change is more rapid than that seen in most manufacturing sectors. Thus, skill obsolescence is a threat many displaced domestic software and IT services workers face and their dislocation could become more "permanent" than "temporary." Access to retraining programs or the funds with which to re-orient one's skills are necessary to maintain or expand the current stock of human capital. The industry implications due to offshore ITO also need to be considered. Incentives should be provided to encourage continued investment in research and development (R&D) in the United States. New software and IT services products and capabilities will continue to yield labor productivity enhancements for the foreseeable future. This affects not only the IT industry, but it also affects all industries and businesses that implement IT systems to leverage their employees' time and effort. To stay on the cutting edge of technology and its practical applications throughout business, a healthy level of R&D must be maintained domestically. Overall, adopting a free-trade posture toward offshore ITO will yield benefits to the U.S. economy. Aggressively implementing policies to retrain displaced workers and to encourage continued R&D investment could increase the benefits to the U.S. economy over the next few years.

Politics Cuba

Shell---Cuba Good

Cuban normalization will pass with an ambassador confirmed – PC key

-Will pass warrants: general momentum (which outweighs everything), public support, and previous progress

-Yes push – demands of Congress and press conferences

-Obama's PC is high – Supreme Court victories on the ACA and same-sex marriage + SC speech

Milbank 7/5 {Dana, politics columnist based at The Washington Post and MSNBC, former senior editor of The New Republic, B.A. cum laude in political science (Yale), "Obama spending his windfall of political capital on Cuba," Herald Net, 2015, <http://www.heraldnet.com/article/20150705/OPINION04/150709675#THUR>}

"This," President Obama said in the Rose Garden on Wednesday as he announced the restoration of diplomatic relations with Cuba, "is what change looks like." This echo of his 2008 campaign theme was self-congratulatory but deserved, coming at a time of unexpected hope late in his presidency. In the space of just over a week, Obama's tired tenure came back to life. He bested congressional Democrats and got trade legislation on his desk. The Supreme Court upheld the signature achievement of his presidency — Obamacare — and thereby cemented his legacy. The high court also made same-sex marriage legal across the land following a tidal change in public opinion that Obama's own conversion accelerated. Had the court's decisions not dominated the nation's attention, Obama's eulogy Friday for those slain in a South Carolina church, and his extraordinary rendition of "Amazing Grace," would have itself been one of the most powerful moments of his presidency. It is little surprise, then, that this lame duck's job approval rating hit a respectable 50 percent this week for the first time in two years in a CNN poll, and his disapproval rating dropped to 47. The good tidings of the past week have been arguably more luck than achievement for Obama, but he deserves credit for his effort to use the momentum of his victories to revive what had been a moribund presidency. When you earn political capital, as George W. Bush liked to say, you spend it. This is why it was shrewd of the surging Obama to demand new action from Congress on Cuba. "Americans and Cubans alike are ready to move forward; I believe it's time for Congress to do the same," he said, renewing his call to lift the travel and trade embargo. "Yes, there are those who want to turn back the clock and double down on a policy of isolation, but it's long past time for us to realize that this approach doesn't work. It hasn't worked for 50 years. ... So I'd ask Congress to listen to the Cuban people, listen to the American people, listen to the words of a proud Cuban American, [former Bush commerce secretary] Carlos Gutierrez, who recently came out against the policy of the past." Fifteen minutes later, Obama lifted off from the South Lawn in Marine One on his way to Nashville, where he tried to use the momentum generated by the Supreme Court Obamacare victory to spread the program to states where Republican governors have resisted. "What I'm hoping is that with the Supreme Court case now behind us, what we can do is ... now focus on how we can make it even better," he said, adding, "My hope is that on a bipartisan basis, in places like Tennessee but all across the country, we can now focus on ... what have we learned? What's working? What's not working?" He said that "because of politics, not all states have

taken advantage of the options that are out there. Our hope is, is that more of them do.” He urged people to “think about this in a practical American way instead of a partisan, political way.” This probably won't happen, but it's refreshing to see Obama, too often passive, regaining vigor as he approaches the final 18 months of his presidency. The energy had, at least for the moment, returned to the White House, where no fewer than six network correspondents were doing live stand-ups before Obama's appearance Wednesday morning. There was a spring in the president's step, if not a swagger, as he emerged from the Oval Office trailed by Vice President Biden. Republican presidential candidates were nearly unanimous in denouncing the plan to open a U.S. embassy in Havana. But Obama, squinting in the sunlight as he read from his teleprompters, welcomed the fight. “The progress that we mark today is yet another demonstration that we don't have to be imprisoned by the past,” he said. Quoting a Cuban-American's view that “you can't hold the future of Cuba hostage to what happened in the past,” Obama added, “That's what this is about: a choice between the future and the past.” Obama turned to go back inside, ignoring the question shouted by Bloomberg's Margaret Talev: “How will you get an ambassador confirmed?” That will indeed be tricky. But momentum is everything in politics — and for the moment, Obama has it again.

[Insert link – domestic surveillance reform is unpopular]

Full diplomatic ties key to normalized relations – vital to improved regional stability and counter-narcotics – status quo doesn't solve and Obama has exhausted his available actions

Bowman 7/1 {Michael, syndicated senate correspondent, “Global Chatter Greets US-Cuba Announcement,” VOA, 2015, <http://www.voanews.com/content/global-chatter-greets-us-cuba-restoration-of-diplomatic-ties/2845227.html#THUR>}

The restoration of full diplomatic relations between the United States and Cuba sparked overwhelmingly positive reactions around the world, except in the United States, where opinions diverged widely. A spokesman for U.N. Secretary-General Ban Ki-moon said he “welcomes the announcement today that Cuba and the United States will reopen embassies in Havana and Washington, D.C.” “The restoration of diplomatic ties is an important step on the path toward the normalization of relations. The secretary-general hopes that this historic step will benefit the peoples of both countries,” the spokesman added. For decades, Switzerland has served as a go-between for Washington and Havana, housing the U.S. Interest Section in the Cuban capital. In a statement, the Swiss government said: “Switzerland strongly believes that the reopening of the two embassies and the normalization process will overall be beneficial for the two states and contribute to security, stability and prosperity in the region. Switzerland views the normalization of relations between Cuba and the U.S. as very positive – not only for these two countries but for the whole region and for world stability.” ‘Incentivizing a police state’ By contrast, reactions are decidedly mixed in Washington and across the United States. The Speaker of the House of Representatives, Republican John Boehner, said in a statement, “The Obama administration is handing the Castros a lifetime dream of legitimacy without getting a thing for the Cuban people being oppressed by this brutal communist dictatorship.” Echoing the criticism, Democratic Senator Robert Menendez, the son of parents who

immigrated to the U.S. from Cuba, said: "Our demands for freedoms and liberty on the island will continue to be ignored, and we are incentivizing a police state to uphold a policy of brutality. A policy of the United States giving and the Castro brothers freely taking is not in our national interest and not a responsible approach when dealing with repressive rulers that deny freedoms to [their] people. An already one-sided deal that benefits the Cuban regime is becoming all the more lopsided." 'New era of possibility' House Democratic Leader Nancy Pelosi disagreed. "Reopening embassies lays the foundation for a new, more productive relationship with Cuba that can support and advance key American priorities, including human rights, counter-narcotics cooperation, business opportunities for American companies, migration, family unification, and cultural- and faith-based exchanges," she said. "President Obama's bold leadership has opened a new era of possibility in U.S.-Cuban relations." That sentiment was echoed by Democratic Senator Patrick Leahy.

Improved efforts key to prevent cartels and Hezbollah attacks with WMDs

Pavlich '11 (Katie, award-winning journalist, B.A. in broadcast journalism (University of Arizona)), This article quotes Douglas Farah (Senior Fellow at the International Assessment and Strategy Center, B.A. in Latin American Studies from Kansas) and Patrick Meehan (US representative on the Homeland Security Committee), "A Growing Terror Threat: Hezbollah in Latin America," TownHall Magazine, 7/8, http://townhall.com/columnists/katiepavlich/2011/07/08/a_growing_terror_threat_hezbollah_in_latin_america/page/full)

When Americans think of terrorist activity, we think of Yemen, Pakistan, Palestine and other places in the Middle East, but we overlook the rapidly increasing terrorism threat coming from Hezbollah operations taking place in Latin America. "This is a very important issue we pay too little attention to," Senior Fellow for the International Assessment and Strategy Center Douglas Farah told lawmakers on Capitol Hill yesterday during a counterterrorism hearing. According to testimony given on Capitol Hill yesterday, Hezbollah, the most extensive terrorist organization in the world, is operating along the U.S.-Mexico border and has vast influence in Latin America. Hezbollah is anti-American and anti-Israeli, and the United States has been concerned about the group since the 1980s. Before 9/11, Hezbollah, not Al Qaeda, was responsible for the majority of U.S. terrorism deaths, including the 1983 bombings of U.S. Marine barracks and U.S. embassy in Beirut, in addition to a series of attacks in the '80s. Hezbollah is also Israeli embassy in Buenos Aires. In 1994 they bombed the Jewish community center in the same responsible for countless attacks on Israel. In 1992, Hezbollah, with help from Iran, bombed the South American city. Those are just a handful of examples that don't even account for the thousands of rockets Hezbollah has launched into Israel throughout the years. "Hezbollah makes Al Qaeda look like a minor league team," Chairman of the Subcommittee on Counterterrorism and Intelligence Rep. Patrick Meehan (R-Pa.) said. Hezbollah was created by Iran and has close ties to Syria. The group is also backed by Venezuelan Dictator Hugo Chavez, who has a cozy relationship with Iran. "Hezbollah, backed by Iran and Venezuela, is a determined enemy of the United States that has made substantial progress in Latin America," Ambassador and American Enterprise Institute visiting fellow Roger Noriega said during the hearing, adding that he believes there will be an

attack on U.S. personnel if nothing is done soon to counter Hezbollah in Latin America. Hezbollah is the most prevalent terrorist organization in the world. The group operates in over 40 countries and on 5 continents, including operations in at least 15 U.S. cities and four major Canadian cities. In South America specifically, the group operates in the region where Argentina, Brazil and Paraguay meet. Brazil is used as a major terrorism hub and cocaine is exchanged for weapons in Colombia. "Hezbollah remains the premium terrorist organization in the world," Farah said in testimony. Hezbollah is a very sophisticated terrorist group, with activity beyond criminal. Intelligence shows the group started pushing its terrorism initiative into South America a decade ago but upped its efforts in 2005, a new approach that is a threat to the United States. Testimony showed Hezbollah is strategically positioning itself in order to possibly launch a response to an Iranian attack either from the U.S. or Israel on their nuclear program. Intelligence cited during the hearing also shows the group is interested in obtaining weapons of mass destruction, which should be taken seriously since the group has published entire books about how to build and use WMDs and terrorist operations are justified by Hezbollah's belief in Islam's ongoing struggle with the West through violent jihad. Hezbollah has also been supplying explosives training to Mexican drug cartels operating along the U.S.-Mexico border, and tunnels used in the area are near replicas of weapons-smuggling tunnels built by Hezbollah and used in Lebanon. Since 2006, violence in Mexico has rapidly escalated and cartels have become more ruthless. In addition, Mexican cartels are serving as source of financing and easy entrance for the organization into the United States.

Nuclear terrorist attack causes escalation – risks extinction directly and via retaliation

Hellman 8 (Dr. Martin E., professor emeritus of electrical engineering at Stanford University, The Bent, Spring 2008, <http://www.nuclearrisk.org/paper.pdf>)

The threat of nuclear terrorism looms much larger in the public's mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: "A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever." [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, "We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% A nuclear terrorism attack is a low-probability event, but we can't live in a world where it's anything but extremely low-probability." [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the "probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years," with 79 percent of the respondents believing "it more likely to be carried out by terrorists" than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of

nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce whichever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). This article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full-scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society's almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important.

The Cost of World War III The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.³ This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II's fatalities were double or triple that number—chaos prevented a more precise determination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapolation of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Congress, General Douglas MacArthur, stated, "Global war has become a Frankenstein to destroy both sides. ... If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide." Former Secretary of Defense Robert McNamara expressed a similar view: "If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed" [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn⁴ echoed those concerns when they quoted President Reagan's belief that nuclear weapons were "totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization." [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: "The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) ... a change in targeting could kill somewhere between 20 million and 30 million additional people on each side These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care ... millions of people might starve or freeze during the following winter, but it is not possible to estimate how many. ... further millions ... might eventually die of latent radiation effects." [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that assumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire storms could usher in a nuclear winter that might erase homo sapiens from the

face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engineering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

*****UNIQUENESS**

Will Pass---2NC Wall

Will pass but uniqueness doesn't overwhelm the link – appropriations committee proves momentum, vote count, lack of political means to block, Republicans coming around

Hattem 7/7 {Julian, B.A. in Anthropology (The University of Chicago), national affairs correspondent for The Hill, "Senators Back off Plan to Block Cuban Embassy," 2015, <http://thehill.com/policy/national-security/247094-senate-bill-backs-off-plan-to-block-cuban-embassy#THUR>}

Senate Republicans appear unlikely to use the funding process to block President Obama's plan to open a U.S. Embassy in Cuba this month, despite initial vows to prevent the landmark policy change. A \$49 billion funding bill for the State Department and foreign operations that passed through a Senate Appropriations subcommittee was silent on the plan. Efforts to amend it to block the embassy appear politically impossible, subcommittee Chairman Lindsey Graham (R-S.C.) acknowledged, though he opposes the new embassy as much as ever. "On the Senate side, I'm not so sure we have all Republicans where I'm at in terms of not establishing an embassy," Graham, who is running for president, told reporters after the brief subcommittee markup. "I don't know if the votes are there on our side, quite frankly." Despite the heated opposition to Obama's plans from Graham and other prominent Republicans such as Sen. Marco Rubio (Fla.), another presidential hopeful, many conservatives have been more receptive of the change in posture. Sens. Jeff Flake (R-Ariz.), White House candidate Sen. Rand Paul (R-Ky.) and others have welcomed the thaw in U.S.-Cuban relations. The GOP opposition appeared to be in trouble last week when the White House announced it planned to open the embassy in Cuba. The Cuban government said a U.S. Embassy in Havana and Cuban Embassy in Washington would both open their doors on July 20. Still, Graham's crusade is not necessarily dead. He is going to seek to add an amendment when the bill reaches the full committee later this week, he told reporters, though it is unclear whether he has the support for it to stick. "The one thing I've anticipated all my career is make sure I've got the votes," he said. "So I'm going to offer it tomorrow and whether or not we vote on it will be dependent on how the vote count goes." Unlike the Senate, House legislation to fund the State Department would block the creation of the embassy, which could be a stumbling block for the administration. A new ambassador to Cuba would also need to be confirmed by the Senate, which could be another hurdle. "It's just a matter of where the votes are at, and the House has good language, which I support," Graham said. "So this thing is not over yet."

Will pass – assumes barriers like property rights

Tucker 7/14 {Will, researcher at The Center for Responsive Politics, "Property Claims Loom as Issue in U.S.-Cuba Normalization," 2015, <http://www.opensecrets.org/news/2015/07/property-claims-loom-as-issue-in-u-s-cuba-normalization/#THUR>}

Cuba will soon get an American ambassador and a full U.S. embassy in Havana for the first time in more than half a century. But on the path to normalized relations, there's a \$7 billion potential roadblock. And large U.S. corporations with big lobbying operations aren't taking the lead on this one — individual Americans are. A group of 10 American families has hired a law firm in Alexandria, Va., to take aim at the issue of property claims in Cuba, of which there are about 6,000 certified by the U.S. government with a total value of between \$7 and \$8 billion, including interest. When Cuban revolutionaries seized assets owned by foreigners after the country's 1959 revolution, the U.S. was the largest foreign investor on the island. Many Americans with Cuban assets made claims on their lost property, which then ballooned in value with interest and have been passed down through families. Before June 2015, the Alexandria firm Poblete & Tomargo had just two clients with property claims in Cuba. One is a former American ambassador to Denmark who's a frequent donor to political campaigns; the other is a family in Omaha, Neb. Then came the Obama administration's overtures to Cuba in December. The firm has added eight more clients this year, riding the surge of renewed popular interest. Each of Poblete & Tomargo's clients will pay the firm less than \$5,000, according to Jason Poblete, one of the firm's principals and a former aide to Rep. Bill Thomas (R-Calif.) and the House Oversight Committee. The goal for each: get a check from Cuba that sets right the expropriation from many years ago. Before the revolution, Poblete said, "There was a positive relationship between the Cuban and American people...[W]hen the break happened in 1959, it was kind of a shock to all these people. And eventually they had to pack up and leave." Assets owned by large U.S. corporations were seized, too. One of the companies that had to decamp from the country was Exxon, now Exxon Mobil. The company lost \$71 million as Cuba seized its Havana refinery. Office Depot owns a \$256 million claim through corporate mergers. But "the overwhelming majority of claims are not corporate or large claims," Poblete said. And in fact, the large companies don't seem to be pressing on the issue of property claims. When it comes to Cuba lobbying, most large U.S. corporations and trade associations have focused on easing the embargo. Exxon has never disclosed lobbying on the issue of Cuba at all. A lobbyist for Officemax, later acquired by Office Depot, did work on "foreign relations with Cuba as it relates to company interests involving electric utility" — referring to the company's property claim, which involved an electric company — but did so for just one year, 2003. Overall, interest in — and lobbying on — Cuba has soared since Obama's December announcement. In the first quarter of 2014, there were 15 companies or other clients lobbying on anything Cuba-related. A year later, that number had more than tripled to 51. Some of the entities that newly hired lobbyists on Cuba issues this year include the American Society of Travel Agents, the City of Key West, Corning Inc., the commissioner's office of Major League Baseball and Halliburton. But restitution for property taken "was an issue nobody was paying attention to," Poblete said. "The property issue should have been close to the front of the discussion, and it hasn't been." Thanks to the new agreement between the two countries to restore diplomatic relations, the Obama administration is ready to start a discussion about the claims, according to a State Department official. "We have proposed to the Cubans starting such discussions," the official said. But Poblete believes that Cuba will almost certainly try to get the U.S. to shrink the \$7-8 billion figure calculated by including interest owed on the claims. The impoverished island country will likely argue that it deserves a discount for the hardship it experienced at the hands of the U.S., due to the embargo. Ahead of that debate, Poblete wants to educate Congress and the State

Department. "Let me be frank with you, a lot of folks on the Hill had no idea this even existed," he said. "We're trying to change that." Two of Poblete's & Tamargo's clients spoke at a House Foreign Affairs Committee hearing on June 18. If getting Cuba to cut a check for their property was the witnesses' main goal, it didn't show. For the most part, their testimony veered into the emotional. "I would love to reclaim ownership of grandmother's house. It's truly a family legacy and has great sentimental value to us. I don't know how realistic that is," Amy Rosoff, one of Poblete's clients, said at the hearing. Her family lost a 17-room Spanish Colonial house in Havana to the Cuban takeover, according to the Associated Press. "My father and grandmother had their homes, businesses, property and investments stolen from them. There's no way to quantify it...their lives were redefined without their consent." Congress passed the Helms-Burton Act in 1996, in which it laid out its desire for the U.S. to make progress on resolving claims like Rosoff's before normalizing relations. The U.S. and Cuba haven't yet done so, but "the [State] Department is committed to pursuing a resolution," the State official said.

Will pass – insider perspective

Hoskinson 6/27 {Charles, politics columnist and former senior editor for Politico and Congressional Quarterly, M.A. in Mass Communications (University of South Florida), "Senators Hope Congress Will Support Cuba Opening," Washington Examiner, 2015, <http://www.washingtonexaminer.com/senators-hope-congress-will-support-cuba-opening/article/2567184#THUR>}

A delegation of U.S. senators visiting Cuba on Saturday said they hope Congress would support President Obama's opening toward the Communist-run island, Reuters reported. The two Democrats, Sens. Patrick Leahy of Vermont and Ben Cardin of Maryland, and one Republican, Dean Heller of Nevada, spoke at a news conference after meeting First Vice President Miguel Diaz-Canel and Foreign Minister Bruno Rodriguez. "We think that can be achieved this year and we can make additional progress next year," Cardin said. "We're optimistic this path that President Obama and President (Raul) Castro started will be continued."

Will Pass---A2: McConnell Statements

McConnell is wrong and just posturing – bipartisan support for reform

Dennis 7/13 {Steven, syndicated White House correspondent and politics columnist, B.S. in journalism (University of Maryland), “White House on Cuba: Ambassador? We Don’t Need No Stinkin’ Ambassador,” Roll Call – POTUS Operandi, 2015, <http://blogs.rollcall.com/white-house/cuba-policy-will-go-ahead-without-ambassador/?dcz=#THUR>}

Senate Majority Leader Mitch McConnell’s statement on Fox News Sunday that it’s unlikely the Senate will confirm any nominee as ambassador to Cuba doesn’t sit well at the White House. “I think that that’s the kind of reflexive opposition to you know, anything that the president proposes, that is a hallmark — has been a hallmark of at least this Republican Congress,” White House Press Secretary Josh Earnest said Monday about the Kentucky Republican’s remark. “The irony here is there actually is some bipartisan support for the Cuba policy that the president announced at the end of last year.” Earnest said the administration would press ahead anyway.

Will Pass---A2: Public Sentiment

Public opinion arguments go neg – New pro-normalization PAC proves

Schwartz 7/14 {Felicia, syndicated politics correspondent for The Wall Street Journal/CNN/NewsCred, B.A. in History and Geography (Dartmouth), "Pro-Normalization PAC Raising Funds to Back Obama's Cuba Initiative," Wall Street Journal – Washington Wire, 2015, <http://blogs.wsj.com/washwire/2015/07/14/pro-normalization-pac-raising-funds-to-back-obamas-cuba-initiative/#THUR>}

A political action committee launched in May to support normalizing U.S. relations with Cuba raised more than \$178,000 in the past two months, a sign of public support for closer ties between the two countries, the group's director said. The group, New Cuba PAC, views itself as a counterweight to the pro-embargo U.S.-Cuba Democracy PAC, which launched in 2004. The director of that group, Mauricio Claver-Carone, said Monday the group had raised more than \$200,000 this year. In 2014, it raised more than \$300,000 and since its founding has raised over \$4 million, according to the group's filings with the Federal Election Commission. The sums announced this week aren't that big in the world of political fundraising – the largest PACs raise tens of millions of dollars each year – but are an indication of the surge of interest in Cuba since President Barack Obama's announcement last December that he would move to normalize relations with the former Cold War foe. "This is something that's been missing for a long time," James Williams, director of the pro-normalization New Cuba PAC said. "When we approached it the hard liner, pro-embargo side was incredibly skeptical and with this filing it shows they were wrong. People who care about this issue put their money where their mouth is."

*****THUMPERS**

A2: Thumpers---Top Shelf

Issues don't trade off until it's at the finish line

Drum, 10 (Kevin, Political Blogger, Mother Jones, <http://motherjones.com/kevin-drum/2010/03/immigration-coming-back-burner>)

Not to pick on Ezra or anything, but this attitude betrays a surprisingly common misconception about political issues in general. The fact is that political dogs never bark until an issue becomes an active one. Opposition to Social Security privatization was pretty mild until 2005, when George Bush turned it into an active issue. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because we often take a look at polls and think they tell us what the public thinks about something. But for the most part, they don't.¹ That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.

A2: Thumpers---Iran

Iran won't cost capital – GOP likely won't oppose it

Sargent 7/15 {Greg, syndicated politics correspondent, "Morning Plum: Do Republicans Really Want to Block the Iran Deal in Congress? The Washington Post, 2014, <http://www.washingtonpost.com/blogs/plum-line/wp/2015/07/15/morning-plum-do-republicans-really-want-to-block-the-iran-deal-in-congress/#THUR>}

But here's the question: Once all the procedural smoke clears, do Republicans really want an endgame in which they succeeded in blocking the deal? Do they actually want to scuttle it? Perhaps many of them genuinely do want that. But here's a prediction: as this battle develops, some Republicans may privately conclude that it would be better for them politically if they fail to stop it. The Iran debate may come to resemble the one over the anti-Obamacare lawsuit that also recently fell short. Congressional Republicans and GOP presidential candidates are predicting dire consequences if the Iran deal goes forward. But what's missing from the discussion is that if Congress does somehow block the deal, that could precipitate a whole different set of consequences. Former Obama administration official Dennis Ross spells out those consequences this way: Opponents need to explain what happens if the rest of the world accepts this deal, Iran says it is ready to implement it — and Congress blocks it. Will the European Union, which explicitly commits in the agreement to lift sanctions once Iran has fulfilled its main nuclear responsibilities, not do so because Congress says no? Can sanctions really be sustained in these circumstances, particularly if the Iranians don't increase their enrichment and say they will observe the deal? Could we be faced with a world in which the sanctions regime collapses, Iran gets its windfall and is only two months from breakout, and there is little on-ground visibility into its program? Some Congressional Republicans are also quietly mulling another possibility: What if our allies blame them for tanking the deal they support? The New York Times points out that GOP repudiation of the deal "was a blow not only to Mr. Obama but also to conservative leaders the party usually backs, Prime Minister David Cameron of Britain and Chancellor Angela Merkel of Germany." And note this telling moment from GOP Senator Bob Corker: "In the next couple of months, the international community is going to be focused on Congress. I got that," Mr. Corker said in an interview. "I understand the position we're in." To be clear, it would be folly to predict with certainty how the politics of this will play out. Many Democrats may well decide it's hard for them to back the deal. And Republicans may be able to use procedural votes to inflict some damage on them. But even so, Republicans could also conclude that their best outcome is to inflict that damage in the short term while also failing to block the deal in the end. Just as Republicans realized that "winning" the lawsuit against Obamacare could force them to own the consequences of their "victory," and increase pressure them to specify concrete alternative courses of action, they may conclude it's a good thing that the Congressional oversight mechanism negotiated by Senator Corker (which they supported, by the way) makes it so hard for them to "win" by scuttling the Iran deal.

Even if we're wrong – No thumper – Senate republicans are key to Cuba and Dems are key to Iran

Allen 7/14 {Jonathan, former Washington bureau chief for Bloomberg News, "Obama's Iran deal is Making Democrats in Congress Very Nervous," Vox, 2015, <http://www.vox.com/2015/7/14/8963101/obama-iran-deal-democrats#THUR>}

The Iran nuclear deal may be good policy — and a legacy builder for President Barack Obama — but it also creates a tougher political environment for Democrats running for president and Congress in 2016. "Overall, this is a deal that will probably come at a price on the campaign trail," said Princeton University political science professor Julian Zelizer, who has written about the short-term political pain of past treaties. "Republicans will play to the fears among voters, including Democrats, that this is too risky." The best proof of the thorny politics: Obama already has vowed to veto planned legislation blocking the deal. That means he will rely on just one-third of either the House or Senate voting with him to save it. He needs a majority of Democrats but only a minority of either chamber. That paradigm — Republicans uniformly opposed and Democrats divided — will make the agreement a tougher sell to the broader public than if it had bipartisan majority support or even full backing from Obama's Democrats. "The easier vote for most of us will be no," said one House Democrat who is inclined to back the president. Members don't tend to lose their seats for voting against the president when his position ends up winning, the lawmaker explained. On the other side, it's easy for Republican candidates to be against Obama and his foreign policy — it plays well with their base — and they were vocal in their criticism of the deal even before they'd had a chance to read all the details. Wisconsin Gov. Scott Walker flicked at how the GOP will go after Democrats on the deal. "President Obama has abandoned the bipartisan principles that have guided our nonproliferation policy and kept the world safe from nuclear danger for decades," Walker said in a statement. "Instead of making the world safer, this deal will likely lead to a nuclear arms race in the world's most dangerous region." The larger issue here is that in the waning light of his presidency, Obama is increasingly making policy in areas that divide Democrats — from trade to the Iran deal — and they are concerned that his political incentives no longer match theirs. They know that Obama, who refers to the last two years of his presidency as the "fourth quarter," is running a two-minute drill to secure as much of his legacy as possible before he leaves office. And those goals may not always serve their political futures. Why this is so difficult for Democrats From the White House's perspective — and that of many Democrats — the deal with Iran is far preferable to leaving in place a sanctions regime that doesn't actually stop Tehran from developing a nuclear weapon or going to war with Iran. Under the pact, Iran would give up its nuclear weapons program in exchange for the lifting of certain economic sanctions, which would make it less of a nuclear threat and more stable. The key is whether the inspections and enforcement provisions of the deal can be implemented effectively and whether Iran's loss of nuclear capability is verifiable. And therein lies the rub for Democrats on the ballot in 2016. The deal won't be consecrated for months. Republicans charge that it's not airtight — that Obama is putting his faith in the trustworthiness of the Iranian regime. The truth is that the next election is too soon to judge whether Iran is complying with its end of the bargain, which leaves Democrats open to Republican attacks that the deal is a disaster. It will be hard for Democratic candidates to prove

a negative. One House Democrat who is generally supportive of the president — and open to the deal — expressed hope Tuesday that the Senate would sustain an Obama veto of legislation blocking the deal so that House Democrats wouldn't have to vote on it at all. It's easier for Obama to round up 34 senators than 146 House Democrats, the lawmaker argued — even though conventional wisdom holds that the opposite is true. Obama's interests and those of fellow Democrats are diverging in the "fourth quarter" There was a time, earlier in his administration, when fellow Democrats would have walked the plank for Obama without letting their political concerns slow them down. Those days are over. "It is not unusual as a president comes to the last months of his administration, particularly if it's his second term, that members of his party become a little less willing to follow the president's lead," former Sen. Bob Graham, a Florida Democrat and onetime chairman of the Senate Intelligence Committee, said. Obama's incentives are necessarily different from those of his Democratic allies in Congress. While he's focused on policy and legacy, they are focused on policy and winning reelection. Increasingly, Obama has used tools that don't require full Democratic support to implement policy — such as executive actions and the Iran deal. Still, Democrats know they will be held accountable for his actions, particularly if they can't show that they opposed him on a specific issue. Jim Manley, a former aide to the late Sen. Ted Kennedy and Minority Leader Harry Reid, said the dynamics of a congressional disapproval vote — which would set up the veto and the one-third threshold necessary to sustain it — give the president an advantage. "I think in the end, the president will have enough Democrats with him to sustain a veto," Manley said. "For many Democrats, the politics of this are so tricky they will be forced to vote against their president."

No Obama push – Uncle Biden has this one

Walsh 7/15 {Deirdre, Senior Congressional producer, B.A. in Political Science/Communications (Boston College), winner of the Joan Barone Award for excellence in Washington-based Congressional or political reporting, "WH Dispatches Joe Biden to Lock down Iran Deal on Capitol Hill," CNN – Politics, 2015, <http://www.cnn.com/2015/07/15/politics/iran-deal-white-house-democrats-congress/#THUR>}

A day after the Iran deal was unveiled, the Obama administration's sales job began in earnest. Vice President Joe Biden traveled to Capitol Hill to convince House Democrats to support the deal, while a small group of senators were invited to the White House to get their questions answered directly from officials who sat across from the Iranians at the negotiating table. Lawmakers said Biden was candid about the strengths and weaknesses of the compromise deal. One described his behind closed doors pitch. "I'm going to put aside my notes and talk to you from my heart because I've been in this business for 45 years," Biden said in his opening comments, according to Rep. Bill Pascrell, D-New Jersey, who attended the session. "I'm not going to BS you. I'm going to tell you exactly what I think," the vice president reportedly said. Since Republicans in the House and Senate are firmly against the Iran nuclear deal -- announced by President Barack Obama on Tuesday -- the administration is cranking up its campaign to sway concerned Democrats to back the agreement. Under legislation that allows Congress to review the agreement, the White House needs to secure enough votes from members of his own party to sustain the President's promised veto on an resolution of disapproval -- 145 in the House and

34 in the Senate. After the session with Biden, several House Democrats stressed that while the process is just beginning, right now the administration likely has the votes to sustain the President's veto on a resolution to block the deal. "I'm confident they will like it when they understand it all," the vice president told reporters on his way into the session, beginning what will be a two month campaign culminating in a vote, expected in September. Democrats, both for and against the deal, praised Biden's presentation. "Joe Biden was as good as I've seen him," Rep. John Larson, D-Connecticut, told CNN. "I thought he did an excellent job." Texas Democratic Rep. Henry Cuellar said Biden is a "master of detail" and helped clarify some concerns he had about the verification provisions in the deal, but he still planned to carefully study it and said he was undecided. Pascrell also cited the verification issue as a potential sticking point but said he is leaning 'yes' on the agreement. "On our side of the aisle there is concern and skepticism shared by a number of members but an openness to be persuaded if the facts take them that way," Rep. Gerry Connolly of Virginia said. "I think (Biden) made some real progress on behalf of the administration today." But Democratic Rep. Steve Israel of New York, a former member of Democratic leadership, told reporters he wasn't sold yet. "For me, I still have some very significant questions with respect to lifting of the embargo on conventional arms. And missiles. The (International Atomic Energy Agency) verification process for me is not any time anywhere, I think there are some very significant delays built into that," Israel said. Larson noted that both Biden's presentation, along with Hillary Clinton's a day earlier, who he said spoke favorably about the deal, helped lay the groundwork for most Democrats to back the White House.

*****LINKS**

Link Turns Case---Economy

Partisan spats tank the economy – consumer and investor confidence

Harwood 11 {John, Chief Washington Correspondent for CNBC, featured in the New York Times, Wall Street Journal, and Washington Post, Nieman Fellow at Harvard University, “Partisan Fighting Carries Risks at Election Time,” The New York Times: The Caucus, 9/4, <http://thecaucus.blogs.nytimes.com/2011/09/04/hostility-among-voters-as-politics-hurt-economy/#THUR>}

That is because over the summer, the ideological battles and partisan maneuvers woven into the fabric of the capital began to exert their own damaging effect on the economy, analysts from Washington to Wall Street have concluded. Typically, economic conditions frame the political debate. But in the fight over raising the federal debt limit, the political debate also influenced economic conditions — and not for the better. Last week’s unemployment report showing no job growth in August provided new evidence that the simultaneous erosion of confidence in the economy and in the government has harmed prospects for American workers and businesses. Thus in the post-Labor Day chapter of divided government, both parties are playing with this politically combustible material: the hostility of voters who see them as not merely failing to solve economic problems but, in fact, actively compounding them. The immediate legislative question is whether rising anxiety can drive Republicans and Democrats toward consensus solutions. So far, there is scant evidence of that happening, as the squabble over scheduling the president’s address to Congress made clear. White House advisers say Mr. Obama, exasperated with Republicans’ refusal to cooperate, is preparing to use his speech on Thursday to fight for an ambitious job-creation proposal costing hundreds of billions of dollars. But Republicans, ridiculing the idea of another stimulus, show limited interest in bargaining — even on tax-cut ideas they previously backed. Both of those calculations now involve heightened risks as the 2012 elections approach. The president is in the most conspicuous jeopardy. But Congressional Republicans are heading into these new skirmishes with their careers on the line, too. Eroding Confidence What makes political attitudes so economically consequential now is the role that consumer and business confidence plays in determining whether the stalled recovery kicks into gear — or slips back into recession. Since the 2008 financial crisis, Americans shaken by job losses, stagnant wages and falling home values have been borrowing less and spending less. The Federal Reserve Bank of New York calculated this year that this “deleveraging” has siphoned \$480 billion annually from the cash flow of American consumers. No one expects that lost spending to return. But the more pessimistic consumers feel, the less likely it is that businesses will see profit in hiring new workers and investing in additional production with the cash now filling their coffers. Research by the Republican pollster Bill McInturff and his Democratic counterpart Peter Hart for the financial television network CNBC showed that confidence was weak even before the final negotiations over the debt ceiling last month. By June, just 29 percent of Americans expected their wages to rise in the next year; 50 percent called it a bad time to invest in the stock market; and 30 percent expected their home values to decrease soon, compared with just 15 percent who expected an increase. Since then, Mr. McInturff said, the infighting in Washington has eroded consumer confidence further than

economic conditions themselves might have warranted. Mr. Hart reached the same conclusion in separate research for Citibank that showed Americans with diminishing expectations for recovery even as their assessment of current conditions remained unchanged since January.

Link Turns Case---Heg

Heightened political polarization makes us look dysfunctional – crushes primacy and eviscerates allies' trust

Collinson 13 {Stephen, syndicated White House correspondent, "World Worries Despite Temporary Truce in Polarized US," AlterNet, 10/20, <http://www.alternet.org/progressive-wire/world-worries-despite-temporary-truce-polarized-us#THUR>}

The world got a close-up look at US democracy during Washington's debt default showdown, and was traumatized by what it saw. Foreign commentators branded America "befuddled," and mocked its "dysfunctional" political system while French newspaper Le Monde bemoaned a "piteous spectacle" over a just avoided US debt default. The bad news for America's worried friends is that new stalemates over budgets and borrowing are looming early next year. Foreign angst over the spectacle -- which saw the far right Republican Tea Party faction try to hold President Barack Obama to ransom -- is understandable. The globalized economy has world powers chained to America's fate: a US debt default could have caused mayhem across the planet. Obama warned the showdown diminished US standing and "encouraged our enemies, it's emboldened our competitors and depressed our friends." The two week impasse was sparked when House Republicans tried to make a hike in US borrowing authority conditional on Obama gutting his signature health care law. Foreigners struggled to understand how an insurgent minority was able to hold US democracy hostage. Outsiders have often grumbled that a political system of checks and balances designed 230 years ago is too lumbering for an age where billions of dollars can flee a nation in a second and nimble developing nations challenge US primacy.

Link Turns Case---Signal

Link alone turns the entire case's signal

Norris, 11 (John Norris is the Executive Director of the Sustainable Security and Peacebuilding Initiative. 3/18,

http://www.americanprogress.org/issues/2011/03/rising_to_the_occasion.html)

The question is: What do our leaders need to do—to the degree that we can influence events—to help guide the region down the path to democracy and stability instead of chaos? First and foremost, we need to channel the late Republican Sen. Arthur Vandenberg of Ohio, who argued that politics should stop at the water's edge. In other words, we need to dial down the partisan sniping here at home. The president and Congress need to work together. If we get it wrong in the Middle East, both parties and the American people will reap that ill reward for years to come. Accordingly, the administration should pull in members of Congress, former national security officials of both parties, and other foreign policy experts on a regular basis. These should not be briefings but discussions about how best to navigate the incredibly tricky path before us. The administration needs to be less insular in its decision making and members of Congress need to avoid the cheap thrill of feeding the 24-hour news machine pithy tweets and a steady diet of second guesses. Indeed, it is truly astounding that we may be lurching toward a government shutdown in the middle of the most important events on the international stage in decades. Members of both parties need to understand full well that the American public will view our politicians as spoiled 12-year-olds if they shutter the government at this moment. Is partisan gridlock really the message we want to broadcast to protesters across the Middle East as they risk their lives fighting for the same freedoms we already enjoy? Second, our strategy needs to be clearly communicated to the public. It is encouraging that President Barack Obama is taking to the airwaves tonight to explain our military involvement in Libya and our stakes across the region. The president needs to be communicator in chief during this period and he needs to speak honestly of the risks and rewards as we move forward. At all costs, the administration needs to avoid the trap of thinking that its strategy is too complex to be understood by the general public. If you can't explain your strategy, it probably isn't a good one. By the same token, pundits should stop the ridiculous clamoring for a clearly identified endgame for every move the president makes. We are seeing an entire region in upheaval. We have seen protests in 21 countries with a population of more than 425 million people stretching across 4,800 miles. Things will be messy and uncertain for some time. Finally, and perhaps most dauntingly, the United States needs to manage its relationships with several longstanding Middle East allies while not betraying democratic aspirations in these countries. Nations such as Yemen, Bahrain, and Saudi Arabia have long been key partners in the region but we cannot let that mute our criticisms of what are highly autocratic systems. The administration realized that reform had gained powerful momentum in both Tunisia and Egypt and that it would be counterproductive to be seen as defending antidemocratic regimes. The strategic stakes are even higher in a country like Saudi Arabia. But we need to keep the heat on some of our friends to rule far more democratically even when it produces discomfort for all involved. The Middle East has been hurtled through a period of incredible change during the last three months.

Millions of people have marched in the face of armed opposition to speak out and demand their rights. There can be no better time for the United States to demonstrate its own maturity as a democracy by speaking clearly, listening to a diversity of voices, cooling the partisan rhetoric, and understanding that such historic moments are few and far between.

*****INTERNAL LINKS**

Obama Pushing

Huge Obama push for normalization of relations

Crabtree 7/2 {Susan, syndicated politics correspondent for The Hill/Congressional Quarterly/Roll Call, B.S. in broadcast journalism (University of Southern California), "Obama ready to fight over U.S. ambassador to Cuba," The Washington Examiner, 2015, <http://www.washingtonexaminer.com/obama-ready-to-fight-over-u.s.-ambassador-to-cuba/article/2567500#THUR>}

President Obama appears ready and even eager for a fight over naming the first ambassador to Cuba in over 50 years, a move that would no doubt further poison his relations with Senate Republicans right after a thaw with the passage of two key trade bills. After announcing the opening of embassies in Havana and Washington, the White House signaled Wednesday that it intends to nominate an ambassador and wouldn't mind a very public — and undoubtedly intense — debate over the issue. White House spokesman Josh Earnest said the administration has yet to lay out a timeline for an announcement of an ambassadorial nomination but left the impression that Obama intended to move forward with one. "I'm confident that [the Senate] would be a venue for robust debate about how the policy changes that the president announced back in December aren't just clearly in the best interests of the American people, they're clearly in the best interests of the Cuban people as well," he told reporters Wednesday traveling with the president on a trip on Air Force One.

Massive Obama effort on Cuba

Beatty 7/1 {Andrew, politics correspondent for AFP/Reuters/Economist, B.A. in philosophy (Queen's University Belfast), "U.S., Cuba Agree to Restore Ties, Embassies to Reopen," Digital Journal, 2015, <http://www.digitaljournal.com/news/world/us-proposes-us-cuba-reopen-embassies-as-of-july-20-havana/article/437226#THUR>}

The United States and Cuba on Wednesday agreed a historic deal to re-establish full diplomatic relations, severed 54 years ago in the heat of the Cold War. Presidents Barack Obama and Raul Castro exchanged letters agreeing to unfreeze ties on July 20, when embassies in Washington and Havana can be reopened. Obama hailed the deal as a "historic step forward" that would end a failed and archaic US policy of isolating the still Communist-ruled island. Obama -- who was born the year the US embassy was closed in 1961 -- called on domestic critics to stop "clinging to a policy that was not working." He pressed the Republican-controlled Congress to end a throttling US trade embargo set up in 1962. "It's long past time for us to realize that this approach doesn't work," he said in a White House Rose Garden address. "It hasn't worked for 50 years. It shuts America out of Cuba's future and it only makes life worse for the Cuban people."

Yes push – actions towards Congress and six months of empirics prove

MercoPress 7/3 {MercoPress – South Atlantic News Agency, "Republicans Anticipate They Will Not Approve A Us Ambassador to Cuba," 2015,

<http://en.mercopress.com/2015/07/03/republicans-anticipate-they-will-not-approve-a-us-ambassador-to-cuba#THUR>

Though Obama has not nominated an ambassador for Cuba yet, the current top U.S. diplomat there, Jeffrey DeLaurentis, was expected to be considered for the post. Labeling the moment “a choice between the future and the past,” Obama on Wednesday revealed the latest steps in a half-year of rapid-fire improvements in relations between two nations that lie 90 miles apart but have spent nearly six decades separated by light years diplomatically and economically. Obama also asked Congress to lift the economic and travel embargoes that the U.S. has used for decades to try forcing Cuba's leaders toward democracy. Obama has partly eased those restrictions on his own, but even before McConnell's comments Thursday, longtime opposition from many Republicans and some Democrats had made it unlikely that lawmakers will fully revoke the bans quickly.

PC High

Obama is killing it – PC high given court rulings

Feffer 7/13 {John, co-director of Foreign Policy in Focus at the Institute for Policy Studies, fellow at the Open Society Foundations, former professor at Sungkonghoe University, “Obama's Recent Victories: How and Why?” Huffington Post – Politics, 2015, http://www.huffingtonpost.com/john-feffer/obamas-recent-victories-h_b_7786006.html#THUR}

It would have been difficult, after the 2014 elections, to imagine that President Barack Obama could achieve much of anything in his last two years in office. After all, the opposition Republican Party had taken control of both houses of Congress in the midterm elections in 2014. The Supreme Court, led by the right-leaning Chief Justice John Roberts, maintained a narrow conservative majority. And the president's approval rating had dropped below 50 percent -- in and of itself not so surprising for a president in his second term but a significant obstacle for a leader hoping to marshal public support for his agenda. And yet here we are, only a few months after the new Congress took up residence on Capitol Hill, with a suddenly resurgent president. Just in the last few weeks, President Obama has been scoring a surprising number of domestic and foreign policy victories. His critics are cowed. The president reached a 50 percent public approval rating for the first time since May 2013. In recent weeks, the Supreme Court gave the president a clear victory on the Affordable Care Act, a piece of legislation on which the Republican Party has loudly declared war. Whatever the flaws of "Obamacare," the extension of health care benefits to millions of the uninsured will go down as a signature legacy of the Obama administration. The administration was slow to get behind same-sex marriage (and it was Vice President Joe Biden who first endorsed the movement back in May 2012). But eventually, the president acknowledged that his position on the issue had "evolved," and threw his support behind this important expansion of human rights. "We have made our union a little more perfect," the president said after the Supreme Court extended the right to same-sex marriage to all 50 states.

PC high – Laundry list of non-legislative victories and approval rating spike proves

Cannon 7/5 {Carl M, Washington Bureau Chief of RealClearPolitics, past recipient of the Gerald R. Ford Journalism Prize for Distinguished Reporting and the Aldo Beckman Award, former fellow-in-residence at Harvard University's Institute of Politics, “How Obama Can Build on His Winning Streak,” 2015, http://www.realclearpolitics.com/articles/2015/07/05/how_obama_can_build_on_his_winning_streak_127225.html#THUR}

With apologies to Judith Viorst, the nearly two weeks leading up to the July 4 weekend might be called President Obama’s wonderful, remarkable, not at all bad, very good fortnight. It started in Congress on Wednesday, June 24, when enough Democrats joined Republican proponents to

give the president sweeping “fast-track” authority to negotiate pacts with America’s Pacific Basin trading partners. The next day, just across the street from the Capitol, the Supreme Court dispensed with the last serious constitutional challenge to Obamacare. The day after that, the court affirmed the administration’s legal position in a 5-4 decision establishing gay marriage as the law of the land. When the marriage decision was announced, the president was in Charleston, S.C., at Emanuel A.M.E. Church where he gave an impassioned eulogy for nine murdered African-American parishioners before leading the congregation in a rendition of “Amazing Grace,” which he began a cappella. It was an extraordinary scene, and reminded millions of Americans of the Barack Obama they voted for in 2008. Although one snarky former White House aide issued a snide tweet criticizing South Carolina Gov. Nikki Haley for previously supporting the Confederate flag, Obama himself sat beside Haley in church and praised her from the pulpit for her leadership on the issue. Obama returned home Friday night to see the White House bathed—per his orders—in the rainbow colors of the gay pride movement. Asked days later about his winning streak at an East Room press conference, Obama merely acknowledged his “gratifying” week, but mentioned other blessed weeks in his life, including the one in which he’d married Michelle—and the times when his daughters were born. Obama also playfully mentioned scoring 27 points in a high school basketball game, although he may have been poking fun at himself. Or not. But there was no denying his string of successes. The American people noticed. Obama’s job approval rating in CNN’s poll topped 50 percent for the first time in a while. So why didn’t he spike the ball and do an end-zone dance? Several reasons, it seems to me.

PC Key

Obama's push is working but needs to continue – isolates public support and curries favor

Feffer 7/13 {John, co-director of Foreign Policy in Focus at the Institute for Policy Studies, fellow at the Open Society Foundations, former professor at Sungkonghoe University, "Obama's Recent Victories: How and Why?" Huffington Post – Politics, 2015, http://www.huffingtonpost.com/john-feffer/obamas-recent-victories-h_b_7786006.html#THUR}

There's also the rapprochement with Cuba, which the Obama administration has accelerated over the last few months. The two countries have just announced the exchange of embassies -- the first time in more than 50 years. Ferries will soon be running between the two countries. U.S. tourists have already begun to pour into Cuba. Still, numerous obstacles remain, including the economic embargo that Republicans in Congress insist on keeping in place. These opponents are beginning to sound like they're stuck in the 20th century. Obama once spoke of "purple America." In his speech at the Democratic convention in 2004, he dismissed the notion that the United States could be neatly sliced and diced into "red states" (conservatives) and "blue states" (liberals). Coming into office in 2008, he imagined that he could revive bipartisanship and build an enduring consensus for his political, economic and foreign policies. That has been his signal failure as a politician. He was unable to enlist the support of his political opponents. Most of his domestic programs -- such as health care -- received almost no support from the Republican Party. And he has pursued his more diplomatic foreign policy despite the often overwhelmingly hostile opposition of the Republican Party (not to mention quite a few hawkish Democrats as well). In this way, the president has learned an important lesson. He can win on these key issues when U.S. public opinion goes his way. Polls have shown that the American public supports Obamacare, gay marriage and rapprochement with Iran and Cuba. The president has been able to score these late victories not by working with the opposition but by isolating it. Ordinarily, the discrepancy between public opinion and the platform of the majority party in Congress should force a shift in the political landscape. To win in the next presidential election in 2016, the Republican Party might be expected to move to the center to appeal to independents and more hawkish Democrats. But the Republican Party candidates for presidents are by and large more conservative than even the most recent choices (Mitt Romney in 2012, John McCain in 2008). President Obama is not a radical. He generally situates himself in the political center, espouses a rhetorically impressive but rather narrow pragmatism and has mostly avoided economic populism. He has curried favor with the Pentagon, with Wall Street, with pharmaceutical companies. It is a sign of how far to the right America drifted during the George W. Bush era (and, indeed, during the preceding Clinton years) that Obama's centrist agenda has elicited such a strong reaction from his opponents both inside and outside Congress. It is also a sign of Obama's centrism that most of the Democratic candidates for president are running to his left, particularly on economic issues. What begins as heresy often very quickly becomes conventional wisdom. Such is the path that gay marriage, national health care and rapprochement with Cuba have taken. But Obama has succeeded only because public opinion is behind him on these

issues. The candidates who hope to replace him should take note. The next American president could win on a number of issues that provoke the ire of conservatives, but have broad public appeal: seriously addressing climate change, reining in military spending, enacting immigration reform, stabilizing Social Security and securing a living wage for workers nationwide. But why wait until 2016? Obama might even get the ball rolling on these issues in the next two years. After all, he's on a roll himself.

Obama PC key – spurs discussions, allows debate against the opponents, rallies lawmakers, finds common ground between rivals, and manages fundamental issues – it's especially important for Corker, who is key

Carney 7/3 {Jordain, B.A. in Journalism, English and Political Science with a Minor in Legal Studies (University of Arkansas at Fayetteville), syndicated politics reporter, "Obama Heads for Showdown over Cuba Embassy," The Hill, 2015, <http://thehill.com/blogs/floor-action/senate/246817-obama-heads-for-showdown-over-cuba-embassy#THUR>}

President Obama is heading for a showdown with Congress after announcing plans to reopen the U.S. embassy in Cuba. The administration's move is part of a months-long discussion between the two countries to normalize relations that could hand Obama a needed foreign policy win, but only if he can get lawmakers on board. But that could be an impossible task. While the administration can reopen the embassy without Congress signing off, they'll need lawmakers to help approve an ambassador, fund the embassy, and lift a decades-old embargo. Congressional Republicans, and some Democrats, are already plotting to block the administration's efforts, suggesting that Obama is going easy on a dictatorial regime. Sen. Tom Cotton (R-Ark.) called the decision to reopen the embassy the latest example of Obama's "appeasement of dictators." The Arkansas Republican is planning to work with his Senate colleagues to block funding for an embassy and vote against a potential ambassador "until there is real, fundamental change that gives hope to the oppressed people of Cuba." He could find an ally across the aisle in Sen. Robert Menendez (D-N.J.), who has been a vocal critic of Obama's policy. The Cuban-American senator said Obama's decision "is not in our national interest." "An already one-sided deal that benefits the Cuban regime is becoming all the more lopsided," he added. "The message is democracy and human rights take a back seat to a legacy initiative." Across the Capitol, Republican leadership also opposes Obama's Cuba moves, with House Speaker John Boehner (R-Ohio) saying that "relations with the Castro regime should not be revisited, let alone normalized, until Cubans enjoy freedom – and not one second sooner." The congressional opposition is hardly new. House lawmakers agreed in a 247-176 vote last month to keep the current restrictions on Americans wanting to travel to Cuba in place, effectively blocking rules issued earlier this year to make traveling easier." The House is also using its spending bills to try to torpedo Obama's efforts. A bill to fund the State Department would prohibit funds from being used to build a new embassy. The administration has requested approximately \$6 million to improve its current building there and convert it to a working embassy. Despite the congressional backlash, administration officials are adamant that it would be a mistake for lawmakers to block Obama's efforts, and suggest they could find common ground. A senior State Department official said that a decision by lawmakers to fight the

president's policy would be counterproductive. "It would be a shame if Congress impeded implementation of some of the very things that we think they – we all agree we want to do, such as better outreach to the Cuban people all over the island or additional," the official said. "These are the kinds of things that we can do as we move forward in this relationship with a more robust embassy. And I would assume that most on the Hill agree those are a good thing to do." White House press secretary Josh Earnest told reporters that while he hasn't "done any whip counts, but I do think that there is, at minimum, strong support in the United States Congress... for lifting the embargo on Cuba." And the administration isn't without allies across the aisle as it prepares to sell lawmakers. Sen. Jeff Flake (R-Ariz.) has said "it's long past time" to change the country's policy on Cuba. Meanwhile, Sen. Dean Heller (R-Nev.) called Obama's announcement "a step in the right direction," but added that "fundamental issues must be addressed by its government before our two nations can establish the bilateral relationship they are capable of achieving." Sen. Bob Corker (R-Tenn.), the chairman of the Foreign Relations Committee, offered a more measured response, saying that he will "continue to carefully evaluate the most appropriate way forward for the U.S.-Cuba relationship." The Tennessee Republican suggested late last year that the Cuban embargo hasn't been effective, but said in a statement provided to The Hill that "we still have yet to see any significant actions by the Castro regime that will benefit the United States or enhance freedoms and circumstances for the Cuban people." As Foreign Relations Chairman, Corker has wide sway over whether or not a nominee to be the U.S. ambassador to Cuba gets a confirmation hearing or a vote. The administration could also have an unlikely ally in Sen. Rand Paul (R-Ky.) who has been silent on Cuba since Obama's announcement. The 2016 presidential candidate got in a Twitter skirmish late last year with Sen. Marco Rubio, who is also running for president, over the Florida Republican's support for the embargo. At one point, Paul tweeted, "The United States trades and engages with other communist nations, such as China and Vietnam. So @marcorubio why not Cuba?"

*****IMPACTS**

Top Level---A2: Status Quo Solves

Status quo lacks normalized relations – Congressional action key

Goodman citing Lee 7/9 {Amy, award-winning syndicated politics columnist, B.S. in anthropology (Radcliffe College), Barbara Lee is a U.S. Representative (California), “Next Steps on Cuba: Rep. Lee Pushes for End to Embargo and US Travel Restrictions” Truth Out, 2015, <http://www.truth-out.org/news/item/31798-next-steps-on-cuba-rep-lee-pushes-for-end-to-embargo-and-us-travel-restrictions#THUR>}

Secondly, just in terms of normal trade relations, to be able to do business. Currently, under the recent executive orders and prior executive orders, there are some industries that can do business in Cuba. For instance, we can sell medicine and agricultural products to Cuba. But normal trade relations just don't exist. There's an embargo. And so, we have to pass legislation that would lift the sanctions and lift the embargo against Cuba, so that we can engage in normal financial and trade transactions. And let me just say, Amy, once that is done, there have been enough businesses, the Chamber of Commerces, all—many economic organizations have shown that we would create economic growth in this country, as well as create jobs in America, if in fact we had normal trade relations with Cuba. And so, there are two bills—there's a bill that would actually do just that, that Congressman Charlie Rangel is leading on, and I'm a co-sponsor of that. And so, I hope the people listening to this interview would call their members of Congress and tell them to—tell their members to sign on as co-sponsors, and let's get these bills passed so that we can have just normal trade and diplomatic relations between the United States and Cuba. It's to the benefit of the Cuban people and the American people.

Terror---A2: No IL---Cartels Key

Cartels key – safe haven and force-multiplier

Bartell 12 (et al; Dawn L. Bartell, Norwich University, Masters of Diplomacy, School of Graduate Studies – “Hezbollah and Al Shabaab in Mexico and the Terrorist Threat to the United States” – Global Security Studies, Fall 2012, Volume 3, Issue 4 – <http://globalsecuritystudies.com/Bartell%20Hezbollah%20and%20Al%20Shabaab%20in%20Mexico.pdf>)

Hezbollah and Al Shabaab have been discovered to have a footprint in Mexico, are receiving Mexican language and cultural assimilation training, have been discovered to have a relationship of convenience with the Mexican drug cartels, and have been smuggling their operatives into the United States to raise money and to recruit members to their cause. With raising tensions between the U.S. and Iran, Iran has stated that it currently has the ability to reach out and target the U.S. on U.S. soil. Since it is unlikely Iran will send military troops to the U.S. and lacks the capacity to strike the U.S. with an intercontinental ballistic missile, with Hezbollah residing in Mexico Iran could use Hezbollah as a proxy to strike targets within the United States. With Al Shabaab aligning itself with al Qaeda, residing in Mexico, and successfully smuggling operatives into the U.S. This provides a force multiplier and an established strategic cell structure for al Qaeda to reside near and within the U.S. and target the U.S. on U.S. soil. Therefore, Hezbollah and Al Shabaab residing in Mexico pose a direct terrorist threat to the United States. There is a growing terrorist security threat to the United States because Hezbollah and Al Shabaab have established a footprint in Mexico and have been successful in using Mexico as a safe haven and as a transit area to smuggle weapons and terrorist operatives into the United States. There are several reasons why Hezbollah staging itself in Mexico presents a direct threat to the United States. First, Iran is Hezbollah’s number one sponsor state, which presents a threat to the United States because Iran has been known to use Hezbollah as a proxy entity to strike targets of interest for Iran. Second, Hezbollah’s anti-Israeli goals make the United States and its interests a legitimate target in Hezbollah’s opinion since the United States is a supporter of the state of Israel. Third, Hezbollah’s relationship with Mexico’s drug cartels presents a threat to the United States because the drug cartels are a force multiplier for Hezbollah. The Mexican drug cartels have facilitated the acquisition of weapons and weapon components and the smuggling of weapons, weapon components, and Hezbollah operatives into the United States. These smuggling operations place Hezbollah terrorists and the resources they need to carry out terrorist operations within the borders of the United States. And fourth, the potential of Hezbollah establishing itself in Mexico gives Hezbollah safe haven within close proximity to the United States. This makes it easier for Hezbollah to plan and stage terrorist operations against the United States.

Cartels crucial to Hezbollah strikes on US.

Bartell 12 (et al; Dawn L. Bartell, Norwich University, Masters of Diplomacy, School of Graduate Studies – “Hezbollah and Al Shabaab in Mexico and the Terrorist Threat to the United States” – Global Security Studies, Fall 2012, Volume 3, Issue 4 –

<http://globalsecuritystudies.com/Bartell%20Hezbollah%20and%20Al%20Shabaab%20in%20Mexico.pdf>)

Furthering Hezbollah's success as an international terrorist group in North America is Hezbollah's efforts to establish a relationship with Mexico's drug cartels. "Michael Braun, a former chief of operations at the Drug Enforcement Agency, said Hezbollah had developed relationships with the powerful Mexican drug cartels to move their agenda forward" (New Mexico Department of Homeland Security and Emergency Management, 2012). Hezbollah, in establishing this relationship with Mexican drug cartels, has set itself up to take advantage of the well-established criminal transportation and smuggling routes between Mexico and the United States. Sheriff Sigifredo Gonzalez summed it up this way: "I dare to say that at any given time, daytime or nighttime, one can get on a boat and traverse back and forth between Texas and Mexico and not get caught. If smugglers can bring in tons of marijuana and cocaine at one time and can smuggle 20 to 30 persons at one time, one can just imagine how easy it would be to bring in 2 to 3 terrorists or their weapons of mass destruction across the river and not be detected. Chances of apprehension are very slim." (McCaul, 2006) The danger in this is it increases the ability of Hezbollah to plan, set up, and conduct terrorist operations from Mexico against targets in the United States.

Hezbollah-Cartel ties vital to strikes against the US

Pounds 14 Keith Pounds is president and CEO of Countercon – a Counterterrorism consulting company that provides consultations, inspections and training to companies and private groups. He previously served as a medic with the U.S. Navy and with the Marines. He holds an MBA with a concentration in organizational psychology. "Our Greatest Terrorism Threat is not The Middle East" – Prepper Journal – June 3rd – <http://www.theprepperjournal.com/2014/06/03/greatest-terrorism-threat-middle-east/>

As source put it, "terrorist attacks are much greater threats to hemispheric security than are conflicts between (nations)... terrorism is alive and well in the Americas and operating in different guises. Ungoverned spaces, porous borders, weak institutions, uncooperative regimes, and widespread corruption compound the problem." MEXICO By the 2000s, drug violence in Mexico included the assassinations of several police officials and even the head of Mexico City's police department. It is no secret that both drugs and violence originating in Mexico have already spilled into the U.S. Growing evidence shows that Hezbollah has a very close relationship with Mexican drug cartels, including benefitting from their smuggling routes into the U.S. On October 10, 2001, a group of ten terrorists belonging to a Lebanese Hezbollah cell were intercepted in Mexico City on their way to carry out a dual-pronged attack to assassinate (then) Mexican President Vicente Fox and attack the Mexican Senate. Reports are that they made their way to Mexico by way of the TBA. In 2007, Mohsen Rabbani – who masterminded Hezbollah's attacks in Argentina in the 1990s – assisted in the failed plot to bomb New York's JFK airport. In April 2009, Jamal Yousef – a former member of the Syrian military and senior agent of Hezbollah – was arrested in New York accused of acquiring U.S. arms stolen from U.S.

forces in Iraq. The charges were that he was engaged in dealings with FARC to exchange the arms for drugs which would be carried into the U.S. by Mexican drug smugglers. It was later discovered that Yousef had a cache of some 100 M-16 rifles, 100 AR-15 rifles, 2,500 grenades, C4 explosives, rocket-propelled grenades, and anti-tank weaponry, stored in Mexico. It was also discovered that Hezbollah in Mexico had been conducting explosives training for members of Mexican drug cartels. In July 2010, Moussa Ali Hamden – a naturalized American citizen and known Hezbollah operative – was arrested in Mexico and indicted for passport fraud, counterfeiting, and financing weapons smuggling between the U.S. and Syria, including plans to smuggle 1,200 America-manufactured Colt M4 rifles to the Middle East. A report in 2010 noted that, Al “Jamal” Basie – a Mexican national of Lebanese descent – was arrested in Tijuana. Interestingly, the source was a Kuwaiti news report, but both Mexican and U.S. officials would not confirm the report. In 2011, Iran attempted to hire what it thought was a Mexican drug trafficker to assassinate the Saudi Arabian ambassador in Washington, D.C. The would-be assassin turned out to be a U.S. undercover agent. In September 2012, Raffic Labboun – a Lebanese naturalized U.S. citizen who attended the University of California, received a degree in Mathematics and was considered to be the San Francisco Bay Area Hezbollah leader – was arrested in Mexico for committing some \$102,000 in bank fraud. Multiple open source accounts show the growing use of Improvised Explosives Devices (IEDs) among Mexican drug cartels, which they had not previously used to any significant degree. This new IED tactic among Mexican cartels is directly credited to the interaction between Hezbollah and Mexican drug cartels as Hezbollah is well known for its perfection in the use of IEDs. Hezbollah members have actively recruited Mexican nationals to set up Latin American networks to attack Israeli and American interests and Hezbollah operatives have already been placed in the drug smuggling corridors on the U.S./Mexican border. INTO THE UNITED STATES Cigarettes “are the most profitable of the smuggled goods in the TBA” and “account for 20% of the world’s cigarette market.” Smuggling routes from Ciudad del Este reach “north to the U.S.’s East Coast and Indian reservations in the American southwest” and across the Atlantic to Europe. South America’s drug networks – very substantially involving Hezbollah – have expanded into Venezuela, Colombia, Guatemala, Panama, Costa Rica and Mexico, and Hezbollah’s wing of drug smuggling has partnered with Mexican drug cartels using Mexican smuggling routes into the U.S. While perhaps not inherently Hezbollah-related, in 2006 two Trinidad and Tobago citizens were jailed in Canada for being involved in acts of terrorism. Both subjects were believed to belong to the Pakistani-based terrorist group Jamaat ul-Fuqra – the parent organization of Muslims of America (which has a compound in York, S.C. and some 22 other sites across the U.S.). In one investigation in the Carolinas that began in 2009, Nasser Alquza – from the Central Mosque in Charleston, linked to the Muslim Brotherhood – was found to have links to cigarette smuggling, buying cigarettes below market price then selling them in other states to avoid paying taxes. Along with ten others – including members from Charlotte, N.C. – he paid \$7.5 million to an undercover government agent for almost 7,000 boxes of cigarettes, which would have sold for over \$15 million. The group used legitimate businesses to hide the money. In 2011, Mohammed Yousef Hammoud – dispatched by Hezbollah to Charlotte when he was 21 years old, and lived in the U.S. by way of three sham marriages – was sentenced to 30 years for providing material support to Hezbollah, as well as conspiracy, cigarette smuggling, money laundering and immigration fraud. Lastly, law enforcement officials are reporting an increase in Hezbollah-

sympathetic tattoos among prison inmates in the southwestern U.S. CONCLUSIONS The prominence of drug activity and violence in Mexico and the TBA has occurred simultaneously with the increased infiltration of Hezbollah in Latin America. Hezbollah, FARC and Mexican drug cartels have formed tripartite partnerships to send drugs north into the U.S. in exchange for weapons – some of which are sent to the Middle East. As a result, Hezbollah has access to Mexican drug smuggling routes into the U.S. and both Mexican and South American drug cartels have acquired expertise in Hezbollah bomb making applications and deployment. The ramification, of course, is that Hezbollah – and its parent Iran – is poised to insert Mexican drug runners and its own operatives into the U.S. with car bomb and IED expertise. This occurs as Inspire magazine – Al Qaeda in the Arabian Peninsula’s English-language magazine targeted specifically at U.S. audiences – has very recently called on “Lone Wolf” attackers and small groups in the U.S. to independently construct their own bombs and attack targets in the U.S. Equally important is that the Muslim extremist/Latin American drug cartel relationships allow Iran a direct avenue of approach to U.S. targets, should it feel the need to use them.

Terror---A2: No IL---Cuba C/N Fails

Cuba-U.S. cooperation solves massive terror threats

Lee 9 {Rens, Ph.D. (Stanford), president of Global Advisory Services, "Cuba, Drugs, and U.S.-Cuban Relations," April, Foreign Policy Research Institute, <http://www.fpri.org/articles/2009/04/cuba-drugs-and-us-cuban-relations#THUR>}

Now on the foreign policy front: looking back in time, narcotics-trafficking was a focal point of conflict in U.S.-Cuban relations for most of the pre-1990 years, except for a brief period during the Carter administration. The focus gradually shifted to cooperation in the 1990s, as the Cuban leadership ostensibly severed connections to the international drug trade. Cooperation and information-sharing between the two countries have netted a few high profile seizures, arrests, and extraditions, but all of this has occurred rather episodically, without an umbrella agreement on counter-narcotics cooperation, (although Cuba has concluded such agreements with many other countries inside and outside the hemisphere). Such an agreed framework could set the stage for a more substantive level of engagement on drugs. For example, we could train and equip Cuban Border Guards and Interior Ministry operatives, we could conduct joint naval patrols with Cuba in the western Caribbean, we could coordinate investigation of regional trafficking networks and suspicious financial transactions through Cuban banks and commercial entities, and we could station DEA and FBI contingents in the U.S. Interests Section in Havana. We could also negotiate a ship-rider agreement with the Cuban authorities, and possibly even the right to pursue drug-laden vessels and aircraft seeking safe haven in Cuban territory. How far Havana and Washington would be willing to proceed in these directions is unclear, since the political barriers on both sides are formidable. Yet the prospects for more productive collaboration against the hemispheric drug threat seem a lot more promising today than in the past. In any event, failure to exploit Cuba's law enforcement and intelligence assets to good advantage leaves a major gap in U.S. defenses against drug trafficking through the Caribbean. Interdiction successes in Mexico seem likely to augment this flow down the road, a further reason to closely monitor trafficking trends in a Caribbean country only 90 miles from U.S. shores. The drug threat from Cuba seems destined to increase as the Castro regime's revolutionary order loses its hold and appeal, as the island's economic ties with the outside world continue to expand, and as criminally-inclined Cuban nationals seek alliances with South American and Mexican drug kingpins. Such an outcome is hardly in the best interests of the United States and other countries in the hemisphere.

Terror---A2: No IL---No Cuba/US Cooperation

Cuba says yes – allows crucial cooperation

Lee 9 {Rens, Ph.D. (Stanford), president of Global Advisory Services, “Cuba, Drugs, and U.S.-Cuban Relations,” April, Foreign Policy Research Institute, <http://www.fpri.org/articles/2009/04/cuba-drugs-and-us-cuban-relations#THUR>}

The United States and Cuba have a strong mutual interest in closing off trafficking routes in the western Caribbean and in preventing attempts by Mexican and South American cocaine mafias to set up shop in Cuba proper. Yet they have not entered into a formal agreement to fight drugs – even though Havana maintains such agreements with at least 32 other countries – and what cooperation exists occurs episodically, on a case-by-case basis. Washington and Havana need to engage more fully on the issue, deploying intelligence and interdiction assets to disrupt smuggling networks through and around Cuba. Washington hitherto has shied away from a deeper relationship, fearing that it would lead to a political opening and confer a measure of legitimacy on the Castro regime. Yet current strategic realities in the region and Havana's own willingness to engage in such a relationship, as well as impending leadership changes in Cuba, argue for rethinking these concerns, even in the absence of formal diplomatic ties.

Terror---A2: No Attacks---General

Unchecked cartels cause nuclear terror against the US – means AND motives

AI 11 [Analysis Intelligence, “Iron Triangle of Terror: Iran, Hezbollah and Los Zetas,” 12/19, <http://analysisintelligence.com/intelligence-analysis/iron-triangle-of-terror-iran-hezbollah-and-los-zetas/>]

Some sources have said that the strengthening relationship between Iran and Venezuela has increased Hezbollah’s influence in the region. Both leaders are staunchly anti-American, and it is reasonable to think that they would pursue activities that would undermine US interests. Roger Noreiga, the same official that warned of an attack by Hezbollah, indicates that Venezuela, “has allowed Iran to mine uranium” and that Venezuela’s Margarita Island has eclipsed the infamous TBA as the principal safe haven and center of Hezbollah operations in the Americas”. This is particularly disturbing as Iran is suspected of pursuing a nuclear weapon while simultaneously funding Hezbollah close to the US border. Therefore, there major concerns that if Iran obtains a nuclear weapon it might share the weapon with Hezbollah. There are two major Hezbollah networks operating in the Americas under the direction of the Iranian Quds Force. The first is the Nassereddine network, operated by a former Lebanese citizen that became a Venezuelan and is now the second-ranking diplomatic official to Syria. He currently resides on Margarita Island and runs money laundering operations for the group. The other network is purportedly run by Hojjat al-Eslam Mohsen Rabbani, a cultural attaché from Iran who is involved in various recruitment activities and frequently travels under false papers in Latin America. The two networks together make up the majority of Hezbollah’s activity in the Americas. Now back to the cartels. Why is the link between Hezbollah and Los Zetas so important? The main concern is that if Hezbollah and Los Zetas are cooperating on drugs (which they are to the tune of hundreds of millions), then why would they not cooperate on weapons? Hezbollah and other extremists may be willing to export their knowledge of IEDs to the cartels. The relationship between Hezbollah and Los Zetas appears to have already expanded beyond drugs. In October 2011, the US authorities revealed that there was an attempt made by Iran to assassinate the Saudi ambassador on US soil.

Yes nuclear terror – means and motives

Neeley 13 (Meggaen, research intern for the Project on Nuclear Issues at Heritage, “Doubting Deterrence of Nuclear Terrorism,” March 21, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism>)

The risk that terrorists will set off a nuclear weapon on U.S. soil is disconcertingly high. While a terrorist organization may experience difficulty constructing nuclear weapons facilities, there is significant concern that terrorists can obtain a nuclear weapon or nuclear materials. The fear that an actor could steal a nuclear weapon or fissile material and transport it to the United States has long-existed. It takes a great amount of time and resources (including territory) to construct centrifuges and reactors to build a nuclear weapon from scratch. Relatively easily-transportable nuclear weapons, however, present one opportunity to terrorists. For example,

exercises similar to the recent Russian movement of nuclear weapons from munitions depots to storage sites may prove attractive targets. Loose nuclear materials pose a second opportunity. Terrorists could use them to create a crude nuclear weapon similar to the gun-type design of Little Boy. Its simplicity – two subcritical masses of highly-enriched uranium – may make it attractive to terrorists. While such a weapon might not produce the immediate destruction seen at Hiroshima, the radioactive fall-out and psychological effects would still be damaging. These two opportunities for terrorists differ from concerns about a “dirty bomb,” which mixes radioactive material with conventional explosives. According to Gary Ackerman of the National Consortium for the Study of Terrorism and Responses to Terrorism, the number of terrorist organizations that would detonate a nuclear weapon is probably small. Few terrorist organizations have the ideology that would motivate nuclear weapons acquisition. Before we breathe a sigh of relief, we should recognize that this only increases the “signal-to-noise ratio”: many terrorists might claim to want to detonate a nuclear weapon, but the United States must find and prevent the small number of groups that actually would. Transportable nuclear weapons and loose fissile materials grant opportunities to terrorists with nuclear pursuits. How should the United States seek to undercut the efforts of the select few with a nuclear intent?

Terror---A2: No Attacks---Yes Material

Nuclear fuel is vulnerable to theft – even if high grade is hard to steal low grade material can easily be manipulated

Bunn 6(Matthew, Senior research associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard University's John F Kennedy School of Government, "Terrorist Nuclear Weapon Construction: How Difficult?" September, <http://www.jstor.org.proxy1.cl.msu.edu/stable/pdfplus/25097844.pdf?acceptTC=true>)

Stockpiles adequately from theft (Bunn 2006 [this volume]). Terrorists might attempt to steal such items themselves or to purchase them from others who have done so. Unfortunately, world stockpiles of separated plutonium and HEU now amount to more than twenty-three hundred tons (Albright and Kramer 2005) enough for more than two hundred thousand nuclear bombs and these materials exist in hundreds of buildings in more than forty countries, under security arrangements ranging from excellent to appalling (Bunn 2002). The International Atomic Energy Agency (IAEA; 2005) has documented eighteen cases of seizure of stolen plutonium or HEU that have been confirmed by the states concerned; the obvious question is how many more thefts have not been detected. The form of material most useful for constructing a nuclear bomb is pure HEU or plutonium metal. A terrorist group relying on stolen nuclear material, however, might well find that what it acquires is in a different form. Nuclear material in oxide form (as is commonly used in the nuclear industry) can be used directly in nuclear explosives without conversion to metal, but much larger quantities are required. Alternatively, chemical processes for converting either plutonium oxide or uranium oxide to metal have been widely published and are not unduly complex. Nevertheless, such conversion would be an additional hurdle for terrorists to clear. Another quite plausible form in which terrorists might acquire nuclear material is in the form of research reactor fuel containing HEU. The U.S. Department of Energy has compiled data indicating that 128 research reactors or associated facilities worldwide hold twenty kilograms or more of HEU (U.S. Congress 2004, 28). Unlike the massive fuel assemblies used in most power reactors (which usually contain only LEU), research reactor fuels are typically found in fuel elements that are small and easy to handle often less than a meter long, several centimeters across, and weighing a few kilograms. While many types of research reactor fuel exist (including, in some cases, weapon-grade HEU metal), a common fuel is a mixture of uranium and aluminum, with aluminum cladding. To separate the uranium from the aluminum, such fuel could be cut into pieces, dissolved in acid, and the uranium separated from the resulting solution by well-known processes. Converting the chemical forms of uranium that would be recovered by these means to metal would also involve straightforward processes, all of which are published in the open literature and require only modest commercially available equipment. Hence, while the need for such processing would require an additional set of expertise and equipment, it would probably not pose an insurmountable challenge to terrorist groups. It is worth noting that the chemistry involved in converting opium poppies to heroin an industry with which al Qaeda reportedly has substantial connections is probably roughly as complex as the chemistry required to separate uranium from research reactor fuel, and because of the toxicity of airborne heroin, primitive glove boxes of the

kind that might be used to handle nuclear material are sometimes used in the illegal narcotics industry as well. Even "spent" research reactor fuel poses a serious proliferation threat; irradiated research reactor fuels usually remain very highly enriched, and most are not radioactive enough to prevent them from being stolen and processed for bomb material (Bunn and Wier 2004, 37). This stands in stark contrast to spent fuel from nuclear power reactors; while such fuel contains some plutonium, the massive, intensely radioactive fuel assemblies would be extremely difficult to steal and process to recover plutonium. Spent power reactor fuel poses more of a sabotage than theft threat.

Materials are easy – theft or purchase

Montgomery 9 (Brad, research fellow at the Center for Strategic and Budgetary Assessments, "Nuclear Terrorism Assessing the Threat, Developing a Response")

Finally, there is the possibility that a group could purchase fissile material on the black market or steal it from a military or civilian facility and then use that material to construct an improvised nuclear device. In recent years, analysts have increasingly come to view this scenario as the most plausible route for terrorists seeking nuclear weapons, for two main reasons. First, large stockpiles of fissile material can be found throughout the world in military as well as civilian facilities, some of which are inadequately monitored and protected. Second, building a crude nuclear device once a sufficient amount of this material has been obtained, although not an easy task, is certainly within the realm of possibility. Here, the principal challenge for terrorists would involve the tradeoff between the quantity of fissile material required for a weapon and the type of weapon that could be built. That is to say, while a gun-type nuclear weapon would be relatively easy to build, it requires a significant amount of highly enriched uranium; conversely, far less uranium or a very small amount of plutonium would be needed to fuel an implosion weapon, but building this device would prove extremely difficult. Nevertheless, this threat remains particularly salient.

Terror---A2: No Attacks---Yes Means

Threat is high. Nuclear terrorists have multiple means and will detonate in the U.S.

Wilson 10 (Valeria Plame, Fellow – Santa Fe Institute and Former Covert CIA Operative Specializing in Nuclear Terrorism, “Nuclear Terrorism Is Most Urgent Threat”, CNN, 4-8, <http://www.cnn.com/2010/OPINION/04/08/plame.wilson.nuclear.danger/index.html>)

But I did not lose my belief that the danger of nuclear terrorism was the most urgent threat we face. Nor did I lose my passion for working, albeit in a new way, to address that threat. I am working on this issue now as part of the international Global Zero movement, in which political, military and faith leaders, experts and activists strive for the worldwide elimination of all nuclear weapons. We know that terrorist groups have been trying to buy, build or steal a bomb. In the past two decades, there have been at least 25 instances of nuclear explosive materials being lost or stolen. There is enough highly enriched uranium, or HEU, in the world today to build more than 100,000 bombs. Terrorists looking to buy or steal HEU could look to the approximately 40 countries with nuclear weapons materials. And then there are rogue individuals out there who are running black markets selling nuclear materials and technology. Pakistan's Dr. A. Q. Khan did it for years before my group at the CIA brought him down in December 2003 after catching him red-handed selling a full-scale nuclear bomb to Moammar Gadhafi's regime in Libya. If terrorists manage to get their hands on enough HEU, they could smuggle it into a target city, build a bomb and explode it. A hundred pounds of highly enriched uranium could fit in a shoebox, and 100,000 shipping containers come into the United States every day.

There's a massive threat – litany of vulnerabilities, expert testimony, constant theft

Dahl 13 (Fredrik, Reuters, covers mainly nuclear-related issues, including Iran's dispute with the West over its atomic plans. I previously worked in Tehran, Iran, between 2007-2010, and have also been posted to Belgrade, Sarajevo, London, Brussels, Helsinki and Stockholm during two decades with Reuters, 7/1/2013, "Governments warn about nuclear terrorism threat", www.reuters.com/article/2013/07/01/us-nuclear-security-idUSBRE96010E20130701)

More action is needed to prevent militants acquiring plutonium or highly-enriched uranium that could be used in bombs, governments agreed at a meeting on nuclear security in Vienna on Monday, without deciding on any concrete steps. A declaration adopted by more than 120 states at the meeting said "substantial progress" had been made in recent years to improve nuclear security globally, but it was not enough. Analysts say radical groups could theoretically build a crude but deadly nuclear bomb if they had the money, technical knowledge and materials needed. Ministers remained "concerned about the threat of nuclear and radiological terrorism ... More needs to be done to further strengthen nuclear security worldwide", the statement said. The document "encouraged" states to take various measures such as minimizing the use of highly-enriched uranium, but some diplomats said they would have preferred firmer

commitments. Many countries regard nuclear security as a sensitive political issue that should be handled primarily by national authorities. This was reflected in the statement's language. Still, Yukiya Amano, director general of the International Atomic Energy Agency (IAEA), which hosted the conference, said the agreement was "very robust" and represented a major step forward. RADICAL GROUPS' "NUCLEAR AMBITIONS" Amano earlier warned the IAEA-hosted conference against a "false sense of security" over the danger of nuclear terrorism. Holding up a small lead container that was used to try to traffic highly enriched uranium in Moldova two years ago, the U.N. nuclear chief said it showed a "worrying level of knowledge on the part of the smugglers". "This case ended well," he said, referring to the fact that the material was seized and arrests were made. But he added: "We cannot be sure if such cases are just the tip of the iceberg." Obtaining weapons-grade fissile material - highly enriched uranium or plutonium - poses the biggest challenge for militant groups, so it must be kept secure both at civilian and military facilities, experts say. An apple-sized amount of plutonium in a nuclear device and detonated in a highly populated area could instantly kill or wound hundreds of thousands of people, according to the Nuclear Security Governance Experts Group (NSGEG) lobby group. But experts say a so-called "dirty bomb" is a more likely threat than a nuclear bomb. In a dirty bomb, conventional explosives are used to disperse radiation from a radioactive source, which can be found in hospitals or other places that are generally not very well protected. More than a hundred incidents of thefts and other unauthorized activities involving nuclear and radioactive material are reported to the IAEA every year, Amano said. "Some material goes missing and is never found," he said. U.S. Energy Secretary Ernest Moniz said al Qaeda was still likely to be trying to obtain nuclear material for a weapon. "Despite the strides we have made in dismantling core al Qaeda we should expect its adherents ... to continue trying to achieve their nuclear ambitions," he said.

Terror---A2: No Attacks---Yes Motive

Threat's high --- attacks coming

Defence Journal 12 (Ashfaq Ahmed and Saima Kausar, Defence Journal, 9/30, lexis)

International community is aware of the terrorists' intentions to acquire nuclear material. We are thus living with the modern day nightmare of the possibility of nuclear terrorism. Among non- state actors Al Qaeda is considered to be the most aspirant organization which has used resources and made foiled attempts to acquire nuclear weapon/material and use it. Analysts fears that hostile states namely Iran and North Korea would provide nuclear material to terrorists to use it against their enemies. Despite the fact international community realized the threat of nuclear terrorism in 1990s, IAEA has registered 800 cases, since end of the Cold War to 2010, wherein radioactive material was either missing or it was taken into possession by smugglers. As all roads of terrorist activities are linked with Pakistan, this country can face serious problems if terrorists succeeds in their attempts. Several terrorist organizations and non-state actors across the globe have expressed their resolve to acquire Chemical, Biological, Radiological and Nuclear (CBRN) material. Among these terrorists organizations Al Qaeda has made multiple attempts and expressed its determination to obtain nuclear material. Prosecution witness Jamal Ahmad Al Fadl quit Al Qaeda in 1996 and assisted Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI). Fadl while recording his statement in court claimed that in late 1993 or early 1994 Al Qaeda made an attempt to acquire uranium worth \$ 1.5 million. Amount was paid to former Sudanese president Saleh Mobruk. In post 9/11 era many feared that terrorists would acquire WMD and use it against their enemies and enemy allies. In 1998 Al Qaeda Chief Osama bin Laden declared, "it is his duty to obtain WMD." Al Qaeda senior leadership in pre 9/11 era pursued strategy to acquire nuclear and biological weapons. Non-state actors particularly Bin Laden and his followers pursued first use policy and to use these weapons after getting their hold on these weapons against their enemies or their allies anywhere in the world. Bin Laden initiated his fight against US believing it a holy war between Muslims and Christen-Jews Crusaders, to change the status quo in international system. He thought once the status quo is changed overall conditions would be conducive for the organizations to overthrow the apostate regimes/governments in Islamic states and Islamic Caliphate would be restored. In order to inflict massive harm to its enemies Al Qaeda's strategy is focused on acquiring "strategic weapons." "Documents seized in Afghan training camps in late 2001 also indicate a rudimentary understanding of nuclear fission devices." Khalid Sheikh Muhammad, mastermind of 9/11 attacks, was interviewed by Al Jazeera in, 2002. Al Qaeda leader stated that "Al Qaeda initially planned to include a nuclear plant in its 2001 attack sites, intensified concern about aircraft crashes." Acquisition of poisonous material had remained of little interest for Al Qaeda. Al Qaeda operatives were experimenting on "crude chemical agents" before 9/11 in its training camps in Afghanistan. However, their use was left on the individuals outside Al Qaeda core leadership command. Abu Khabab planned small scale chemical and biological activity, in 2002 and 2003 Abu Masab al Zarqawi planned attacks using ricin and cyanide in Europe and Bahrain based terror group also devised a plan to carryout attack using crude cyanide gas device in New York City subway. Al Qaeda top leadership was kept uniformed

of these attacks. Later, Al Zawahiri comes to know about New York subway planned attack he cancelled it "for something better." After reading the preceding paragraphs it is understood that unlike state actors, who are determined to acquire nuclear weapons to boost their security and deter enemies, terrorists also have three routes to get hold on these weapons. First acquire WMD. Second, develop nuclear device or dirty bomb. Thirdly, terrorist can carry-out attack on nuclear programme sites/complexes. Cont.... According to IAEA, 433 power plants and 240 operational nuclear research reactors are operating internationally. Despite the fact that measures are taken to deny the right of terrorists/non state actors to acquire nuclear material, fissile material is produced in great quantity - around the globe both for military purposes and civilian needs. Such material is dispersed at various sites worldwide. It is more difficult to maintain strict control over fissile material than over nuclear weapons. States posed with security threats are attempting to develop clandestine nuclear weapons programme in violation of the Non Proliferation Treaty (NPT). Iran is suspected by the US that it is violating the clauses of the NPT and developing nuclear programme for military purposes. Proliferators want to get nuclear weapons in order to employ them to deter their enemies both potential and declared rather than use it. However, presence of huge stockpile of nuclear fissile material, spread of nuclear weapons and existing nuclear arsenals have created fear that terrorists may either acquire or construct a nuclear device. Legacy of the risk of nuclear attack will persist as long as fissile material exists.

Tons of terrorist motivations – we only have to win one

Ackerman 6 (Gary, Research Director, National Consortium for the Study of Terrorism and Responses to Terrorism, Motivations for Engaging in Nuclear Terrorism)

Motives for Using Nuclear Weapons The following list examines possible terrorist motivations that reflect strategic, operational and tactical incentives for using nuclear weapons (i.e., where nuclear weapons are used as a means to an end) as well as more esoteric motives where the use of nuclear weapons is an end in itself.⁷ Mass Casualties. The most obvious reason for terrorists to seek nuclear weapons is for the purpose of inflicting massive casualties upon their perceived enemies.⁸ Indeed, while conventional (and even most unconventional) weapons will suffice to kill thousands or perhaps even tens of thousands of people, for perpetrators who seek to cause the maximum possible immediate carnage (on the order of hundreds of thousands or millions of fatalities) the most viable means is to utilize the kinetic and thermal effects of a nuclear blast.⁹ Much of the concern surrounding terrorism involving WMD stems from the belief that there is a growing number of non-state actors prepared to inflict catastrophic violence.¹⁰ The majority of terrorist attacks, however, are carried out for a multiplicity of motives, so one should not assume that the desire to inflict mass casualties is necessarily the sole, or even predominant, motive for resorting to a nuclear option.¹¹ Inordinate Psychological Impact. It is a truism that one of the core elements of terrorism is the terror it evokes. For a terrorist group seeking to traumatize a targeted society and generate public and official disorientation, nuclear weapons must hold a particular allure, for there can be few images that are guaranteed to leave as indelible a mark on the collective psyche of the targeted country as that of a mushroom cloud over one of its major cities.¹² Anthony Cordesman asserts that it is not even necessary for a

nuclear weapon to have catastrophic physical effects for it to have far-ranging psychological and political impact.¹³ Prestige. Historically, nuclear weapons have remained under the exclusive purview of nation-states, with one of the key motivations for state acquisition being the status which nuclear weapons are believed to bestow upon their possessors. How much more appealing then might the possession of nuclear weapons seem for non-state groups, many of whom seek international legitimization? To the extent that terrorists believe that nuclear weapons could enable them to attain quasi-state standing or redress military imbalances vis-à-vis their purported enemies, the possession of such weapons, but not necessarily their use, becomes an attractive proposition. It is even conceivable that a terrorist group might pursue nuclear weapons in the hope of deterring, blackmailing or coercing a particular state or group of states. Thomas Schelling explores the prestige and deterrence aspects for non-state terrorists.¹⁴ Incentives for Innovation and Escalation. In a milieu in which terrorist groups may have to compete with rival groups for “market share” of media attention and constituency support, terrorist decision makers may feel compelled to exceed the destruction wrought by previous attacks. For a discussion of why terrorists seek mass-casualty events that “out-do” previous attacks, see Post.¹⁵ The asymptote of such escalatory pressures, especially in the wake of such attacks as those of September 11, may be the detonation of a nuclear weapon on enemy territory, which would guarantee unrivalled attention upon the terrorists and their cause. While most terrorist supporters and sympathizers would be appalled by such horrific actions, there are certain subsets of disaffected populations that could condone the use of nuclear weapons against a hated enemy, for example, brutalized communities motivated by revenge. Mass Destruction and Area Denial. In certain cases, terrorists may desire not only mass casualties, but also to physically destroy the infrastructure of their enemies and deny them the use or functioning of vital areas, tasks to which nuclear weapons, which have both immediately destructive blast effects and persistent radiological contamination effects, are well suited. Ideology. The worldview of a terrorist group or individual demarcates allies and enemies and forms the basis for deciding between legitimate and illegitimate targets and tactics.¹⁶ As such it is likely to be one of the most important factors in any decision to resort to the use of nuclear weapons. It is often asserted that the use of a weapon as destructive and reviled as nuclear weapons would alienate the supporters and perceived constituency of any terrorist group motivated primarily by a nationalist or secular political ideology,¹⁷ and therefore that such groups would mostly refrain from using nuclear weapons. Whatever the accuracy of this assertion, a corollary is widely accepted by terrorism experts, i.e., that groups motivated by religion, which are focused on cosmic as opposed to mortal concerns, are far more willing to engage in attacks involving mass casualties and hence would be more prone to use nuclear weapons or other means of mass destruction.¹⁸ As one analyst observed, “to the extent that violent extremist groups are absolutely convinced that they are doing God’s bidding, virtually any action that they decide to undertake can be justified, no matter how heinous, since the ‘divine’ ends are thought to justify the means.”¹⁹ The resurgence in religiously-inspired terrorism in recent decades could imply that there is now a greater possibility of terrorists seeking to use weapons of mass destruction.²⁰ The situation, however, is more complex. First, not all religious terrorists are equally likely to pursue mass destruction—many religiously motivated terrorist organizations have political components, represent constituencies that are well-defined geographically (and thus are subject to retribution), or depend for financial or

logistical support on parties whose views may not be quite as radical as their own. Moreover, it is the theological and cultural content of the particular strand of religious belief that is argued to be of greatest significance,²¹ rather than the mere fact that a group has a religious bent. It has been asserted that the ideologies most conducive to the pursuit of catastrophic violence are those that simultaneously reflect an apocalyptic millenarian character, in which an irremediably corrupt world must be purged to make way for a utopian future, and emphasize the capacity for purification from sins through sacrificial acts of violence.²² Such ideologies are often, though not exclusively, found amongst unorthodox religious cults, such as Aum Shinrikyo, the Covenant, the Sword, and the Arm of the Lord, and R.I.S.E.²³ One can conceive of an affinity between the “the relentless impulse toward world-rejecting purification”²⁴ displayed by such groups and the levels of “cathartic” destruction only achievable using nuclear weapons. Moreover, Jessica Stern has suggested that religious terrorists might embrace weapons of mass destruction, including nuclear weapons, as a means of “emulat[ing] God”²⁵. One must bear in mind, however, that possessing an ideology with a religious character may at most be a contributing factor to any desire to engage in nuclear terrorism, and is certainly not determinative, an assertion which has been validated empirically for CBRN weapons en toto.

Atomic Fetishism. A terrorist group whose ideology or key decision makers display a peculiar fascination for things nuclear or radiological might be more likely to consider pursuing a nuclear weapons capability. It is not hard to imagine that a group whose ideology is based for instance, upon a nuclear holocaust motif, or whose leader is obsessed with the science-fiction genre, could be drawn towards nuclear weapons as their preferred instruments of destruction. The archetype amongst known terrorist groups is Aum Shinrikyo, whose leader, Shoko Asahara, behaved almost fetishistically towards several types of unconventional weapons, including the nuclear variety.

Revenge and Other “Expressive” Motives. It is believed that individuals from heavily brutalized and traumatized communities (such as those who fall victim to genocide) might be capable of unrestrained levels of violence in the pursuit of revenge against their perceived persecutors,²⁷ and thus might consider a retributive act as devastating as a nuclear detonation. Other expressive motives might also come into play, for example, an extreme form of defensive aggression wherein a group perceives its own imminent destruction (or that of those it purports to represent) and thus resorts to the most violent measures imaginable as a “swan song”.²⁸ In addition to the possible set of instrumental, ideological or psychological motives already described, opportunity and organizational dynamics may influence indirectly a terrorist group’s pursuit of a nuclear capability. Turning first to opportunity, a terrorist group manifesting one or more of the above-described motives may be propelled to consider the nuclear option more seriously by happenstance. For example, governmental collapse in a nuclear weapons state could provide increased scope for the terrorists’ procurement of intact nuclear weapons and thus might precipitate for the first time the consideration of using a nuclear device. Looking next at organizational dynamics, groups exhibiting certain structural characteristics might be more likely to engage in acts of violence as extreme as nuclear terrorism. Some of these allegedly pernicious traits include: control by megalomaniacal or sadistic, but nonetheless charismatic and authoritarian leaders; isolation from their broader society, with little display of concern for outgroups; an intentional focus on recruiting technical or scientifically skilled members; a record of innovation and excessive risk-taking; and the possession of sufficient resources, whether financial, human or logistical, to enable long-term research and development into multiple

advanced weapons systems.²⁹ While none of the above motives will necessarily lead to a decision to use nuclear weapons, the existence of such a broad array of potential motives provides a prima facie theoretical case that the most extreme and violent of terrorists might find the destructive power of nuclear weapons strategically, tactically, or emotionally advantageous. Any group possessing several of the abovementioned attributes deserves close scrutiny in this regard. Moreover, many (though not all) of the motives listed could also be realized by lower-scale attacks, including using radioactive dispersal devices (RDDs) or attacking nuclear facilities. For instance, RDDs would likely result in a disproportionate psychological impact and area denial, but would not satisfy terrorists seeking mass fatalities.

Terror---A2: No Attacks---Yes Transportation

Once terrorist have nuclear material they could easily make a bomb and bring it into the US

Bunn 6(Matthew, Senior research associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard University s John F Kennedy School of Government, "Terrorist Nuclear Weapon Construction: How Difficult?" September, <http://www.jstor.org.proxy1.cl.msu.edu/stable/pdfplus/25097844.pdf?acceptTC=true>)

An implosion-type bomb does not, however, require as extreme a level of sophistication as is sometimes imagined. Today, with the knowledge that it can be done and substantial unclassified literature on the underlying physics, materials properties, and explosives (explosive lenses and other shaped explosive charges are now in wide use for conventional military and even commercial applications), the challenge, though still significant, would be less than during the Manhattan Project. Plastic explosives, for example, could readily be molded into the required shapes. And as long as a substantial degree of compression is achieved, the timing of the explosive detonations and the resulting shape of the inward-traveling shock wave do not have to be absolutely perfect. A crude gun- or implosion-type weapon would be heavy perhaps in the range of a ton but not as heavy as even the first generation of military weapons, which required cases that enabled them to be dropped as gravity bombs (Mark et al. 1987). Such a bomb could easily be carried in a van or truck. Conceivably, the pieces of a bomb could even be put together at the target as the bomb for the Trinity test was in which case the nuclear-explosive materials and other components would be delivered separately. The number of possible pathways for smuggling a nuclear bomb or its ingredients into the United States is immense, and intelligent adversaries will choose whichever route remains undefended. All border controls can realistically hope to do is to make the easiest pathways more difficult, forcing terrorists to use riskier smuggling routes, increasing the chance of their interdiction. There is, in short, a very real possibility that a technically sophisticated terrorist group, given sufficient effort, could make a crude implosion-type bomb particularly if they got knowledgeable help, as al Qaeda has been attempting to do (Bunn, Wier, and Friedman 2005). While HEU poses a greater danger than plutonium, because of its potential use in a simpler gun type bomb, it seems likely that a significant fraction of the small segment of terrorist groups that would have the technical sophistication and determination to both acquire substantial amounts of nuclear material and make a gun-type bomb would also be able to acquire the capabilities needed to make a crude implosion bomb meaning that theft of separated plutonium would also pose a terrible danger.

Terror---A2: No Attacks---Trick***

Even if they win no nuclear terrorism, conventional attack triggers our retaliation impacts

Hoffman 1(Bruce, director of RANDs Washington Office, "Section V: Proliferation, Terrorism, Humanitarian Interventions," RAND, http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1306z1/MR1306.1.sec5.pdf)

In any event, the most likely range of terrorist threats will not include the ruthless use of some exotic weapon on a scale of mass destruction, toward which U.S. response efforts are currently focused, but the calculated terrorist use of some chemical, biological, nuclear, or radiological (CBNR) weapon to achieve far-reaching psychological effects. A limited terrorist attack involving not a weapon of mass destruction (WMD) per se, but an unconventional CBNR weapon employed on a deliberately small scale—either alone or as part of a series of smaller incidents occurring either simultaneously or sequentially in a given location—could also have disproportionately enormous consequences, generating unprecedented fear and alarm, and thus serving the terrorists' purpose just as well as a larger weapon or more ambitious attack with massive casualties could have. Hence, the most salient terrorist threat involving an unconventional weapon may likely not involve or even attempt the destruction of an entire city or some similar worst-case scenario, but the far more deliberate and delicately planned use of a CBNR agent for more discreet purposes.

Terror---A2: No Impact/Retaliation

Yes retaliation – causes nuclear war

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, "After a Terrorist Nuclear Attack: Envisaging Catalytic Effects," *Studies in Conflict & Terrorism*, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be "spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important ... some indication of where the nuclear material came from."⁴¹ Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion

would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abettors of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the "Chechen insurgents' ... long-standing interest in all things nuclear."⁴² American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither "for us or against us") might it also suspect that they secretly were in cahoots with the group,

increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia's use of nuclear weapons, including outside Russia's traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase "how dare they tell us what to do" immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

A successful nuclear terrorist attack results in massive proliferation and global nuclear war

Frank 13 (Forrest, research associate at Naval War College, "NUCLEAR TERRORISM AND THE ESCALATION OF INTERNATIONAL CONFLICT," May 9, www.usnwc.edu/2Fgetattachment%2F9508e128-a340-4760-8666-5192428cdb15%2FNuclear-Terrorism-and-the-Escalation-of-Internatio.aspx&ei=2b4gUuKbKerW2wWjiYDQCQ&usg=AFQjCNHSIZzsN_iiB7TT_75p0JG0xEMm6g&sig2=aZR2saw8qArkTWMD5Nwm1g&bvm=bv.51495398,d.b2l)

The use of military force in response to nuclear terrorism by the victim state cannot be overlooked. Military force could be deployed against the same wide variety of states noted above. The range of military actions that could be undertaken could vary greatly from minimum efforts to close the border between the victim state and its neighbors to more drastic actions.

These actions might include some or all of the following: interdiction of terrorist infiltration routes; attacks on terrorist base camps; embargo or blockade of states aiding terrorists or permitting terrorists to operate from their territories; attacks on the civilian population of other states roughly equaling the destruction caused by a nuclear terrorist act; destruction of other states' nuclear facilities; or even a full-scale invasion and occupation of other states in reprisal for nuclear terrorism. It is clear that acts undertaken by the victim state toward other states would have profound effects on international order. The military actions described above would be sufficient to unleash a major war, depending on the states directly involved and the strength of their respective alliance systems. Incidents of nuclear terrorism involving materials nominally under international safeguards would automatically raise very serious questions about the reliability of International Atomic Energy Agency (IAEA) safeguards on nuclear materials. IAEA inspection of national nuclear materials accounts, the primary safeguard against diversion of nuclear materials, that fail to detect the diversion of nuclear materials subsequently thought to have been used in the commission of a nuclear terrorist act may raise very grave questions about the entire safeguards system. Such questions once raised would be very hard to quiet, hence weakening the IAEA's ability to perform its critical function of verifying the Nuclear Nonproliferation Treaty.²⁹ Nuclear terrorism may also raise a number of problems relating to the obligations assumed by the nuclear weapon states in their adherence to the Nuclear Nonproliferation Treaty- Security Council Resolution 255, (19 June 1968).³⁰ The nuclear weapon states might find themselves in a position of direct confrontation with one another because of demands on the part of the government of the state attacked by nuclear terrorists for assistance. Furthermore, use of nuclear terrorism by a group claiming the status of a state, i.e., a liberation movement, might cause major political problems in relations among the nuclear weapon states, as well as between the nuclear weapon states and nonnuclear weapon states. Successful nuclear terrorism might also give rise to more general security states would become concerned about nuclear terrorism and might undertake actions that could easily be misinterpreted by other, potential adversaries. Successful nuclear terrorism in one part of the world might be an invitation to terrorists in other parts of the world to use nuclear explosive devices, radiological weapons, or attacks on nuclear facilities as an effective, spectacular means of achieving political and economic objectives. Government leaders might conceivably be faced with a new set of dominoes-nuclear facilities, sources of radioactive materials, or sources of fissionable materials. In surveying the political consequences of nuclear terrorism, it becomes clear that nuclear terrorism creates problems which, in turn, may be more destructive over the long term than the act of nuclear terrorism itself. Initiation of hostilities between two or more states as the result of a catalytic nuclear terrorist act ought to be an outcome over which great efforts would be expended in an effort to avoid it. Unfortunately, little attention has been paid to the problem of limiting the escalation of conflict arising from nuclear terrorism. We now turn to some possible steps that might be taken unilaterally, bilaterally, or multilaterally by nations of the world to avoid the "worst case" outcome of a nuclear terrorism incident.

AIDS---2NC Module

Normalized Cuban relations key to solve AIDS spread

Gibson 7/9 {Drew, case manager and social worker at the Northern Kentucky Independent District Health Department, former Research Assistant at the Office of National Drug Control Policy, Master of Social Work + Management & Community Organizing (University of Maryland Baltimore), "Doing More with Less: Cuba's Lessons on HIV Treatment and Prevention," The Body, 2015, <http://www.thebody.com/content/76088/doing-more-with-less-cubas-lessons-on-hiv-treatmen.html#THUR>}

Standing in the Rose Garden earlier this month, President Obama announced to the assembled press, the American people and the world that the U.S. would be opening its embassy in Havana for the first time in more than half a century. "The progress that we mark today is yet another demonstration that we don't have to be imprisoned by the past. When something isn't working, we can and will change," the President remarked. By and large, the American public agrees with President Obama's assessment of the situation, with 63% of the country openly in favor of re-establishing diplomatic relations with our Southern neighbor. For many of the 51% of Cuban Americans who are in favor of the normalization of relations with Cuba, support for opening the pathways of diplomacy and trade are rooted in their desire to reunify with family and rekindle relationships that have lain dormant for decades. For non-Cuban Americans, the opening of the U.S. embassy in Havana not only means the end of 54 years of failed isolationist policy, but also signals resurrected economic and travel opportunities in what was once the premier American tourist destination in the Caribbean. However, potential resource exchanges between the two nations extend to ideas as well as goods and services, and in the realm of intellectual capital there are few Cuban imports as valuable as public health policy. At the same time that President Obama was announcing Washington's diplomatic rapprochement with Havana, news outlets were reporting that Cuba had become the first country in the world to end mother-to-child transmission of HIV. In point of fact, the Cubans didn't eradicate mother-to-child HIV transmission as there were two babies born with the virus in 2013, but since the current preventative measures available for perinatal infection aren't foolproof, two is tantamount to zero from a public health standpoint. This is a huge breakthrough for preventative HIV practices across the globe, as it provides other nations with hope that they too can eliminate mother-to-child transmission of HIV. On the other hand, Cuban success in HIV prevention is old news. With an adult HIV prevalence rate of just 0.2%, Cuba has the lowest rate of HIV infection among Caribbean nations and has historically had one of the most comprehensive -- if controversial -- HIV/AIDS prevention programs in the world. In the early 1980s, at a time when President Ronald Reagan was refusing to publicly acknowledge the existence of AIDS and his press secretary was addressing the epidemic with derision and laughter, Cuba had already begun preparations for stopping the spread of the virus. In 1983, after seeing the virus explode in nations around it -- more than two years before the country's first documented case of the virus -- the Cuban government destroyed all foreign-derived blood products and set up a national AIDS commission. Such proactive actions have been characteristic of the Cuban response to the AIDS epidemic, especially in its early years. But Cuba's determined approach also opened up the

nation to allegations that it was abusing the human rights of its citizens, and garnered rebuke from the international community. Beginning in 1986, Cuba set up a network of sanatoria across the country for a state-mandated quarantine of HIV-positive citizens. For seven years, the HIV-positive population of Cuba was held at these 14 sanatoria, where they received medical care and were kept apart from the general population. Hearing this might conjure up images of oppressive, poorly maintained hospitals, but the sanatoria have been described by the World Health Organization (WHO) as "like suburban communities on several acres of land with modern one- and two-story apartment duplexes ... surrounded by lush vegetation and a small garden." While housed in these sanatoria, patients were treated by family physicians and monitored by public health officials seeking to learn more about the natural history of the epidemic. The medical monitoring of patients was paired with other measures, such as following up with and testing the sexual partners of HIV-positive persons; and the mandatory testing of certain groups, including blood donors, pregnant women and adults with sexually transmitted infections. Cuba has also placed a large emphasis on education, implementing a compulsory six-week "Living With HIV" program for all newly diagnosed Cubans, and providing children with sex education beginning in the fifth grade. Since the end of 1993, when residency at sanatoria became optional, the Cuban government has worked to integrate HIV-positive citizens back into the community through a host of measures ranging from inpatient job training programs to anti-discrimination laws that not only prohibit employers from firing people for being HIV positive, but also require them to pay salaries to HIV-positive employees taking part in educational programs or living in a sanatorium. It is easy for Americans who place the rights of the individual above those of the collective to look at the Cuban response to HIV and criticize the lack of autonomy Cuba has allowed its HIV-positive citizens. But to focus on this policy limitation and disregard Cuban successes would be to throw the baby out with the bathwater. The fact that the U.S. has nearly the same life expectancy and WHO health system ranking as Cuba when it has nearly an 8-to-1 advantage in GDP per capita should tell us that there are aspects of Cuba's approach to HIV and public health that we should be adopting. In 2011 in the U.S., only 37% of people living with HIV had been prescribed antiretroviral medications, while Cuba was one of only 12 nations to achieve universal access to antiretroviral treatment (defined by WHO as at least 80% of people eligible). I don't know about you, but I'm having a pretty hard time seeing the human rights violation in that.

AIDS causes extinction

Clark 95 (William R., Professor Emeritus and Chair of Immunology – UCLA, *At War Within: The Double-Edged Sword of Immunity*, p. 171-173)

But what if there is no breakthrough? It is estimated that at the present rate of increase 100 million—2 percent—of the world's inhabitants could be infected with HIV by the year 2000. What if we are left to our natural biological selves to deal with this modern plague, with not help from science or medicine? Is there a chance we will ultimately develop a natural resistance to HIV not dependent on the immune system, or on external drugs or vaccines? Theoretically, if HIV began seriously decimating the human population, this could happen. But the cost could be very high indeed. At present, HIV transmission from one individual to another can take place

only under highly restrictive conditions, mostly based on the direct mixing of bodily fluids. But what if a strain of HIV suddenly emerged that could transmit between individuals through the air? An HIV carrier who sneezed on an elevator could infect the next dozen people or so people getting on. In the course of a common cold, with all of the attendants coughing and sneezing, he or she might infect a hundred or thousand people. That is exactly how colds themselves are spread. Given the long period of time before the individuals infected would know they are HIV-positive, transmission could move outward to infect thousands more. This scenario is the worst possible nightmare with respect to AIDS, but unhappily it is not entirely beyond the realm of the possible. Under such conditions, individuals with, say spontaneous mutations in their CD4 molecules that deprived gp120 of a binding site could come to have a selective advantage. The same would be true of any other human mutation that interfered with HIV reproduction. Perhaps this is not an idle speculation. Evolutionists have focused in recent years on something called punctuated equilibrium. The greatest evolutionary changes seem not to, occur slowly, through the accumulation of minor mutations over time, but very rapidly, usually in response to some catastrophic environmental alternation. The extremely rapid replacement of dinosaurs by later forms of vertebrates, for example, appears to have occurred in the aftermath of a meteor reaching the earth's surface some sixty-five million years ago, at the end of the Cretaceous Period. In evolutionary terms, this all happened in the blink of an eye. It takes little imagination to picture the consequences wreaked by such enormous devastation in the biosphere. More than half the animal life forms existing on earth at the time—including most large land animals—are thought to have disappeared. Life-forms with characteristics that gave them even a small survival advantage at all came to dominance in a very short order in this new world. These changes took place over such a short period in geological time that there is virtually no fossil record of the enormous range early and intermediate mammalian life forms that emerged. Similarly, if the human population were reduced to a very small number by HIV, it is entirely possible that the earth could see another example of punctuated equilibrium. Humans could either be extinguished altogether from the earth, or a few individuals with chance mutations somehow protecting them from infection by HIV could reproduce and ultimately give rise to a new strain of Homo Sapiens. Whatever genetic changes that allowed them to evade infection by HIV would dominate the new strain completely. Even if HIV subsequently disappeared from the face of the earth, these changes would likely remain indefinitely as a sort of genetic fossil record of the HIV experience.

AIDS---A2: Impact Inevitable

AIDs spread reversible

Singer 2 [Peter W. Singer, director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at the Brookings Institution (not the bioethicist/philosopher Peter Singer), Spring 2002, "AIDS and International Security," *Survival*, Vol. 44, No.1 p. 145-158]

Prospects and Challenges This article represents an important endeavor in establishing the security dimensions of a nontraditional threat. Its finding is that the relationship between the disease of AIDS and increased threats of instability and war is a complex dynamic, but a very real one. If the present trend of infection continues, the disease will directly kill at a rate that is almost unimaginable. The disease, however, also threatens those even not at direct risk of infection. Its unique clustering in certain core social institutions threatens to set in motion a series of events with wider political implications. Militaries will crumble, states will fall, wars will be more deadly, more frequent, and harder to contain, and all because of a little virus that targets the human immune system. The prospects are dark, but not yet hopeless. The key phrase in the above assessment is "if the present trend of infection continues." AIDS is indeed a security threat and should be treated as such, with the incumbent high level attention and resources necessary to defend against it. A number of states, such as Senegal, Thailand, and Uganda have acted to reverse their rates of infection, illustrating that with a programmatic approach, success in battling AIDS is possible. That said, nearly every country has denied or minimized the threat of AIDS over the last decade.⁵⁵ This cannot continue if there is any hope of containing the disease and its wider implications. Successfully thwarting the disease's further spread requires a clarified and cohesive response. This extends from local states to global bodies.

AIDS---A2: No Extinction---General

Failure to control the spread of AIDS triggers mutations that cause extinction

Ehrlich's 90 (Paul and Anne, Professors of Population Studies – Stanford University, The Population Explosion, p. 147-148)

Whether or not AIDS can be contained will depend primarily on how rapidly the spread of HIV can be slowed through public education and other measures, on when and if the medical community can find satisfactory preventatives or treatments, and to a large extent on luck. The virus has already shown itself to be highly mutable, and laboratory strains resistant to the one drug, AZT, that seems to slow its lethal course have already been reported." A virus that infects many millions of novel hosts, in this case people, might evolve new transmission characteristics. To do so, however, would almost certainly involve changes in its lethality. If, for instance, the virus became more common in the blood (permitting insects to transmit it readily), the very process would almost certainly make it more lethal. Unlike the current version of AIDS, which can take ten years or more to kill its victims, the new strain might cause death in days or weeks. Infected individuals then would have less time to spread the virus to others, and there would be strong selection in favor of less lethal strains (as happened in the case of myxomatosis). What this would mean epidemiologically is not clear, but it could temporarily increase the transmission rate and reduce life expectancy of infected persons until the system once again equilibrated. If the ability of the AIDS virus to grow in the cells of the skin or the membranes of the mouth, the lungs, or the intestines were increased, the virus might be spread by casual contact or through eating contaminated food. But it is likely, as Temin points out, that acquiring those abilities would so change the virus that it no longer efficiently infected the kinds of cells it now does and so would no longer cause AIDS. In effect it would produce an entirely different disease. We hope Temin is correct but another Nobel laureate, Joshua Lederberg, is worried that a relatively minor mutation could lead to the virus infecting a type of white blood cell commonly present in the lungs. If so, it might be transmissible through coughs.

AIDS causes extinction

Tom Kerns 99, professor of philosophy, "AIDS and Apocalypics for Questioning Millennium Madness, <http://bioethicscourse.info/aidsite/lec-millemad.html>

The worst threat to humankind AIDS is "the number one health problem on this planet." (C. Everett Koop, former US Surgeon General) "AIDS is the single greatest threat to well-being facing the world's population today." (Marc Lappé) AIDS is "a messenger of apocalyptic change," as it is spread through "one of the most biologically urgent of human behaviors." - Dr June Osborn (former member of the US Presidential Commission on HIV/AIDS, & professor in U Mich SPH) Economic costs are high "Although it is less than a decade since the virus that causes AIDS was discovered, it has become increasingly evident that this pandemic will have profound economic and social implications for both developed and developing countries. The importance of health as an input to the economic development and growth of a country is well established - a healthier population is more productive and has an

increased capacity for learning. The adverse impacts of the HIV/AIDS pandemic will undermine improvements in health status and, in turn, reduce the potential for economic growth. AIDS is distinct from other diseases, and its impact can be expected to be quite severe.... Its most critical feature, distinguishing AIDS from other life-threatening and fatal illnesses, such as diarrhea (among children in developing countries) or cancer (among the elderly in developed countries), is that it selectively affects adults in their sexually most active ages, which coincide with their prime productive and reproductive years." - in AIDS in the World, 1992, p 195 (Jill Armstrong is an economist in the Eastern Africa Dept of the World Bank, Washington, DC. Eduard Bos is a demographer in the Population, Health, and Nutrition Division of the World Bank's Population and Human Resources Department.) E. "Whatever else AIDS is, it's not just another disease." (Dr June Osborne, former member of the US Presidential Commission on HIV/AIDS) Features that make AIDS unique: * High morbidity & mortality * Lifelong infectiousness * lengthy asymptomatic stage * highly mutable virus Joshua Lederberg considers the possibility of HIV "learning the tricks of airborne transmission:" "We know that HIV is still evolving. Its global spread has meant there is far more HIV on earth today than ever before in history. What are the odds of its learning the tricks of airborne transmission? The short answer is "No one can be sure." ... [A]s time passes, and HIV seems settled in a certain groove, that is momentary reassurance in itself. However, given its other ugly attributes, it is hard to imagine a worse threat to humanity than an airborne variant of AIDS. No rule of nature contradicts such a possibility; the proliferation of AIDS cases with secondary pneumonia [and TB] multiplies the odds of such a mutant, as an analog to the emergence of pneumonic plague." * effective modes of transmission * destroys the immune system * viral reservoir expanding Dr Barry D Schoub, Director of the National Institute of Virology at the University of Witwatersrand in Johannesburg, sums up thus: "[T]he ability of the virus to cause a slow, progressive and permanent infection with permanent infectivity makes it a unique cause of epidemic disease. Thus, with no recovery, no loss of infectivity, no development of either individual or herd immunity, there is no known biological mechanism which can stop the continuing expansion of the disease unless an effective vaccine were to come about, and at present there is no feasible design for such an effective vaccine. The progressive increase in the pool of HIV can, in theory, only lead to an exponential increase in the number of individuals who will become infected until eventually the majority of the sexually active population will be infected unless interventions are at least moderately successful."

AIDS---A2: No Extinction---Yes Mutations

AIDs mutations now

Times of India 15 [2-16, <http://timesofindia.indiatimes.com/home/science/New-aggressive-form-of-HIV-accelerates-AIDS/articleshow/46257776.cms>]

A new aggressive form of HIV can progress to AIDS in just three years - so rapidly that patients may not even realize they were infected, scientists say. Engaging in unprotected sex with multiple partners increases the risk of contracting multiple strains of HIV. Once inside a host, these strains can recombine into a new variant of the virus, researchers said. One such recombinant variant observed in patients in Cuba appears to be much more aggressive than other known forms of HIV, researchers said. Before it can enter human cells, HIV must first anchor itself to them. The virus does this via anchor points, or co-receptors, which are proteins on the cell membrane. In a normal infection, the virus first uses the anchor point CCR5. In many patients, after a number of healthy years, the virus then switches to the anchor point CXCR4. This co-receptor switch coincides with a faster progression to AIDS. Researchers at KU Leuven's Laboratory for Clinical and Epidemiological Virology in Belgium have described a recombinant form of HIV observed in patients in Cuba that makes this transition much faster. The virus targets the anchor point CXCR4 early after infection, shortening drastically the healthy phase and triggering rapid progression to AIDS. The transition from anchor point CCR5 to CXCR4 is normally very difficult. Researchers suspect that the rapid transition observed in this HIV recombinant occurs as a result of combining fragments from different HIV subtypes.

Mutations inevitable

Frieden 14 (Thomas R. – Director of the U.S. Centers for Disease Control and Prevention; Administrator of the Agency for Toxic Substances and Disease Registry; previously New York City health commissioner – “Why Global Health Security Is Imperative,” 2-13-14, <http://www.theatlantic.com/health/archive/2014/02/why-global-health-security-is-imperative/283765/>)

These threats come from three directions. Emerging diseases don't just happen in the movies. Every day the CDC starts a new investigation; on average we turn up one new disease-causing organism every year. In 2011 we found three. As I write, the second wave of the deadly H7N9 avian flu is hitting China. We've been lucky that this strain hasn't, yet, learned to pass easily from person to person. New diseases are inevitable, but new epidemics aren't.¶ Drug-resistant infections are the second and perhaps most pernicious threat we face. Already the nightmare bacteria called CRE (carbapenem-resistant enterobacteriaceae), resistant to most or all antibiotics, have gone from a single patient in one state in the U.S. to at least 47 states and thousands of patients. Extensively drug-resistant tuberculosis bacteria are another example of why the end of the antibiotic era is already close for some infections. When I was in charge of tuberculosis control in New York City in the early 1990s, I cared for a man with extensively drug-resistant tuberculosis. It took two years, surgery, extended periods of intravenous antibiotics,

and more than \$100,000 to cure him. A few years later, I helped his village in India set up a treatment program that would have prevented his resistant infection for less than \$10.¶

AIDS---A2: No Extinction---Trick***

AIDs sparks conflict and magnifies impacts

Singer 2 [Peter W. Singer, director of the 21st Century Defense Initiative and a senior fellow in Foreign Policy at the Brookings Institution (not the bioethicist/philosopher Peter Singer), Spring 2002, "AIDS and International Security," *Survival*, Vol. 44, No.1 p. 145-158]

A recurring theme at all these meetings was the growing danger presented by the epidemic, not just in terms of direct victims of the disease itself, but to international security. Speaking at the UN Security Council session, James Wolfensohn, head of the World Bank, stated, 'Many of us used to think of AIDS as a health issue. We were wrong ... nothing we have seen is a greater challenge to the peace and stability of African societies than the epidemic of AIDS ... we face a major development crisis, and more than that, a security crisis'.² Indeed, a significant continuity between Clinton and Bush administration worldviews is the perception of a link between AIDS and increased instability and war. Following a CIA report on how the disease increased the prospects of 'revolutionary wars, ethnic wars, genocide, and disruptive regime transitions', the Clinton administration declared HIV/AIDS a 'national security threat' in 2000. The administration was initially accused of pandering to certain activist groups, but by the time of his confirmation hearings in 2001, the new Secretary of State Colin Powell was also declaring the disease a 'national security problem'.³ Similarly, US Under-Secretary of State Paul Dobriansky stated that 'HIV/AIDS is a threat to security and global stability, plain and simple'.⁴ The looming security implications of AIDS, particularly within Africa, are now a baseline assumption. However, the mechanisms by which 'AIDS has changed the landscape of war' are barely understood.⁵ This essay seeks to explain those mechanisms. AIDS not only threatens to heighten the risks of war, but also multiplies its impact. The disease will hollow out military capabilities, as well as state capacities in general, weakening both to the point of failure and collapse. Moreover, at these times of increased vulnerability, the disease also creates new pools of militant recruits, who portend even greater violence, as well jeopardising certain pillars of international stability. In isolation, this increased risk of war around the globe is bad enough, but there are also certain types of cross-fertilisation between the disease and conflict, intensifying the threat. The ultimate dynamic of warfare and AIDS is that their combination makes both more likely and more devastating.

Economy---2NC Module

Revitalized relations key to Cuban economic growth – further congressional policy key

Gutierrez 6/23 {Carlos M, Chair of Albright Stonebridge Group, former President and Chief Executive Officer of Kellogg, former U.S. Secretary of Commerce, Visiting scholar at Miami University's Institute for Cuban and Cuban American Studies, "A Republican Case for Obama's Cuba Policy," New York Times, <http://www.nytimes.com/2015/06/23/opinion/a-republican-case-for-obamas-cuba-policy.html#THUR>}

Like many fellow Republicans and Cuban-Americans, I was critical when President Obama announced in December 2014 that his administration would begin to normalize ties between the United States and Cuba. After years of hostility and failed attempts at détente, I wondered: Did the Cuban government really want better ties with America, or was this simply another chess move in a tired game? After all, Mr. Obama is not the first president to try to change the relationship with Cuba — Mr. Castro's revolution has outlived 10 American administrations. Today, I am cautiously optimistic for the first time in 56 years. I see a glimmer of hope that, with Cuba allowing even a small amount of entrepreneurship and many American companies excited about entering a new market, we can actually help the Cuban people. My 30-year career at the Kellogg Company taught me that, at its best, business can have a transformational and uplifting impact on communities and whole societies. It is because of that belief that I have always been proud to call myself a Republican. As secretary of commerce in the administration of George W. Bush, I was a voice for American business abroad and saw firsthand that our private sector could be the best ambassador for American values, such as the power of free enterprise to raise living standards and the importance of being free to work where one chooses. I believe that it is now time for Republicans and the wider American business community to stop fixating on the past and embrace a new approach to Cuba. It has now been six months since Mr. Obama's policy shift was announced. Both governments have confirmed plans to open embassies, and negotiations have covered a variety of issues, including the extradition of American fugitives who fled to Cuba. Almost every week a new congressional delegation lands in Havana. From a government-to-government perspective, there has not been so much communication between the United States and Cuba in 50 years. I never expected negotiations to get this far. On the business side, scores of Americans have begun to travel to Cuba under expanded licenses. American credit card companies have been authorized to handle transactions in Cuba. Some of the most innovative companies in the world, like Airbnb and Netflix, have begun to offer their services in Cuba. The New York Cosmos soccer team has played exhibition matches on the island, and the National Basketball Association has sponsored a workshop in Havana. Some presidential candidates, including the Cuban-American senators Marco Rubio and Ted Cruz, have argued that Mr. Obama has conceded too much. The truth is that the changes so far have been incremental and this will be a long and gradual process. Contrary to popular belief, President Obama's executive actions do not allow for free and open commerce with Cuba, nor do they open the doors for Americans to visit the island as tourists; the Helms-Burton Act of 1996 codified the embargo that prohibits most American companies from undertaking

transactions with Cuba, and travel remains restricted. Rather, the reforms have allowed some American companies and individuals to engage in limited additional activities in Cuba. Perhaps most critical among these activities has been granting Americans the right to support a new generation of Cuban-born entrepreneurs and Cuban-run small businesses. This move is a logical response to a change allowed by the Castro regime in recent years. These small-business owners and their employees will need tools, supplies, building materials and training in accounting, logistics and other areas. The new reforms allow American citizens and businesses to address such needs, and I am hopeful the Cuban government will allow its citizens to take full advantage of their assistance. Cubans yearn not only for these interactions but also for a time when they can enjoy opportunities to chart their own course in life without having to leave their home, as I did 55 years ago. There are those who will always wish for the past, whether it is pre-Castro Cuba or the days before the current rapprochement. Some of my fellow Cuban-Americans insist that continuing to squeeze Cuba economically will help the Cuban people because it will lead to democracy. I wonder if the Cubans who have to stand in line for the most basic necessities for hours in the hot Havana sun feel that this approach is helpful to them. America must look to the future instead — and pursue this opportunity to assist Cubans in building a new economy. There is a lot of work to do, and progress will be slow. However, the business community and my fellow Cuban-Americans and Republicans should not ignore the possibilities ahead. The Cuban people need and deserve our help.

Cuban economic collapse and instability coming now – that creams global hotspot management and escalates GLOBAL conflict in Africa, Central Asia, Iran, Taiwan, and Korea

Gorrell 5 – Tim Gorrell, Lieutenant Colonel in the United States Army, “CUBA: THE NEXT UNANTICIPATED ANTICIPATED STRATEGIC CRISIS?” US Army War College Research Project, 3-18, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA433074>)

**The gigantic shrunk section compares various policies towards Cuba – don’t bother reading it, the conclusion is neg (as the “Conclusion and Recommendation” section underlined explains)

Regardless of the succession, under the current U.S. policy, Cuba’s problems of a post Castro transformation only worsen. In addition to Cubans on the island, there will be those in exile who will return claiming authority. And there are remnants of the dissident community within Cuba who will attempt to exercise similar authority. A power vacuum or absence of order will create the conditions for instability and civil war. Whether Raul or another successor from within the current government can hold power is debatable. However, that individual will nonetheless extend the current policies for an indefinite period, which will only compound the Cuban situation. When Cuba finally collapses anarchy is a strong possibility if the U.S. maintains the “wait and see” approach. The U.S. then must deal with an unstable country 90 miles off its coast. In the midst of this chaos, thousands will flee the island. During the Mariel boatlift in 1980 125,000 fled the island.²⁶ Many were criminals; this time the number could be several hundred thousand fleeing to the U.S., creating a refugee crisis. Equally important, by adhering to a negative containment policy, the U.S. may be creating its next series of transnational criminal problems. Cuba is along the axis of the drug-trafficking flow into the U.S. from Columbia. The

Castro government as a matter of policy does not support the drug trade. In fact, Cuba's actions have shown that its stance on drugs is more than hollow rhetoric as indicated by its increasing seizure of drugs – 7.5 tons in 1995, 8.8 tons in 1999, and 13 tons in 2000.²⁷ While there may be individuals within the government and outside who engage in drug trafficking and a percentage of drugs entering the U.S. may pass through Cuba, the Cuban government is not the path of least resistance for the flow of drugs. If there were no Cuban restraints, the flow of drugs to the U.S. could be greatly facilitated by a Cuba base of operation and accelerate considerably. In the midst of an unstable Cuba, the opportunity for radical fundamentalist groups to operate in the region increases. If these groups can export terrorist activity from Cuba to the U.S. or throughout the hemisphere then the war against this extremism gets more complicated. Such activity could increase direct attacks and disrupt the economies, threatening the stability of the fragile democracies that are budding throughout the region. In light of a failed state in the region, the U.S. may be forced to deploy military forces to Cuba, creating the conditions for another insurgency. The ramifications of this action could very well fuel greater anti-American sentiment throughout the Americas. A proactive policy now can mitigate these potential future problems. U.S. domestic political support is also turning against the current negative policy. The Cuban American population in the U.S. totals 1,241,685 or 3.5% of the population.²⁸ Most of these exiles reside in Florida; their influence has been a factor in determining the margin of victory in the past two presidential elections. But this election strategy may be flawed, because recent polls of Cuban Americans reflect a decline for President Bush based on his policy crackdown. There is a clear softening in the Cuban-American community with regard to sanctions. Younger Cuban Americans do not necessarily subscribe to the hard-line approach. These changes signal an opportunity for a new approach to U.S.-Cuban relations. (Table 1) The time has come to look realistically at the Cuban issue. Castro will rule until he dies. The only issue is what happens then? The U.S. can little afford to be distracted by a failed state 90 miles off its coast. The administration, given the present state of world affairs, does not have the luxury or the resources to pursue the traditional American model of crisis management. The President and other government and military leaders have warned that the GWOT will be long and protracted. These warnings were sounded when the administration did not anticipate operations in Iraq consuming so many military, diplomatic and economic resources. There is justifiable concern that Africa and the Caucasus region are potential hot spots for terrorist activity, so these areas should be secure. North Korea will continue to be an unpredictable crisis in waiting. We also cannot ignore China. What if China resorts to aggression to resolve the Taiwan situation? Will the U.S. go to war over Taiwan? Additionally, Iran could conceivably be the next target for U.S. pre-emptive action. These are known and potential situations that could easily require all or many of the elements of national power to resolve. In view of such global issues, can the U.S. afford to sustain the status quo and simply let the Cuban situation play out? The U.S. is at a crossroads: should the policies of the past 40 years remain in effect with vigor? Or should the U.S. pursue a new approach to Cuba in an effort to facilitate a manageable transition to post-Castro Cuba? ANALYSIS OF POLICY ALTERNATIVES The U.S. can pursue three policy alternatives in dealing with Cuba: SUSTAIN THE CURRENT POLICY AND FULLY ENFORCE THE ECONOMIC EMBARGO The crux of the argument for this policy is that sanctions and other restrictions will exert tremendous pressure on the Castro regime, in hope that the regime will fall prior to Castro's death. There is little indication that this policy will succeed. The U.S. is

virtually the only country pursuing a policy to isolate Cuba. In the 1990s Castro was able to develop new trade and markets. While Cuba is not a prosperous country, it has nonetheless managed to endure. The loss of Soviet subsidies, which amounted to 25% of Cuba's national income, and the loss of the Eastern European bloc as trading partners, which amounted to 75% of Cuba's import/export trade, left Castro with no alternative but to implement economic changes both internally and externally.³⁰ These initiatives have stimulated steady, but modest, economic growth. Today in Cuba, 160,000 people (or 4% of the workforce) are self-employed.³¹ These entrepreneurial endeavors include small restaurants, taxi drivers, repairmen, and other service industries. If the present course of sanctions continues, the gains of these small reforms will be suppressed leading to significant deprivation for the people involved. Also, Cuba trades with over 100 countries worldwide, so while trade with the U.S. would certainly improve Cuba's economic well-being, it is debatable whether the lack of U.S. trade is bringing the regime to its knees. The point is that sanctions are not hurting Castro, but are hurting the Cuban population. Restricting trade and travel hurts the small businesses, the tourist industry and others whose livelihood depends on a service economy. It also degrades the quality of life of those Cubans whose financial support comes from family members in the U.S. Strategists who subscribe to current policy argue that these limitations/hardships will eventually promote an uprising among the populace to overthrow Castro. There is no substantial evidence that this will occur and much that argues against it. While Castro will not live forever, he has outlasted over 45 years of such U.S. policy. He is 78 years old and his father lived to be 80 under significantly less desirable conditions.³² If the present policy course is to wait Castro out this could potentially take another 5-10 years. The wait equates to 5-10 years of despair for the Cuban people, further decay of the country's infrastructure and more dire conditions that would make democratic reform all the more difficult and costly when Castro actually expires. Pursuing the present steady state policy will further alienate the Cuban people at home and abroad. The U.S. often has a myopic vision in regard to other cultures. In the case of Cuba, by focusing only on Castro and ignoring the Cuban peoples' culture and traditions, U.S. policy makers are blinded and have failed to see a future Cuba. **RETAIN SANCTIONS AGAINST CUBA, BUT ENFORCE THEM IN VARYING DEGREES DEPENDING ON THE POLITICAL CLIMATE AND THE CUBAN REGIME'S CONDUCT IN REGARD TO AMERICAN INTERESTS** Throughout the past 15 years, the U.S. has experimented with a variable enforcement option. During the Clinton administration, restrictions were occasionally eased. For example, in March 1998, President Clinton announced: 1) the resumption of licensing for direct humanitarian charter flights to Cuba; 2) the resumption of cash remittances up to \$300 per quarter for the support of close relatives in Cuba; 3) the development of licensing procedures to streamline and expedite licenses for the commercial sale of medicines and medical supplies and equipment; and 4) a decision to work on a bipartisan basis with Congress on the transfer of food to the Cuban people.³³ In January 1999, President Clinton ordered additional measures to assist the Cuban people, which included further easement of cash remittances, expansion of direct passenger charter flights to Cuba, reestablishment of direct mail service, authorization for the commercial sale of food to independent entities in Cuba, and an expansion of people-to-people exchanges (i.e. scientist, students, athletes, etc.)³⁴ This policy ended when the new administration failed to see any reciprocal progress from Castro. Fragmenting the policy process may do more harm than good. It does too little too late and causes hard feelings among Cubans and American businesses. The

carrot-stick diplomatic approach will not make Castro yield. Such policy breeds inconsistency as it can vary from administration to administration, as it has between the Clinton and Bush administrations. The rules constantly change and thus have a ripple effect on American businesses and the quality of life of Americans, Cuban-Americans and native Cubans. Cuban trade has already declined to a trickle since the Bush administration sought to further squeeze the Castro government. Prior to the Bush administration's trade crack down, 2004 was emerging as a record year for U.S. imports to Cuba. By the end of December 2004 U.S. suppliers and shippers were projected to have earned some \$450 million, a 20% increase over 2003 sales.³⁵ Imposing restrictions, as the Bush administration did in June 2004, perplexed American businesses with unpredicted problems. These businesses make adjustments, as do Cuban-American citizens, then must abruptly alter their business strategies because of a Congressional vote or an Executive order. This political tug-of-war does not move the U.S. any closer to realizing its security objectives. On the Cuban American front there is eroding support for this U.S. policy position. In the 2000 presidential election, President Bush won 81% of south Florida's Cuban-American vote. A recent poll by the William C. Veleasquez Institute-Miramir Global indicates that his support today has fallen to 66%.³⁶ This decline signals a negative response to policy that limits travel, restricts the amount of goods people can bring to their relatives, and places limitations on sending money to family in Cuba. Cuban-Americans believe that this only hurts their poor relatives in Cuba. According to Jose Basulto, head of Brothers to the Rescue, and Ramon Raul Sanchez, head of the anti-Castro Democracy Movement, the U.S. government is using the Cuban people to harass Castro.³⁷ Applying policy in a give-and-take manner, accomplishes little to facilitate the fall of Castro. The Cuban people enjoy brief periods of limited benefits, only to have these benefits withdrawn should the President or members of Congress wish to take another jab at Castro. American civilian businesses are also negatively affected. LIFT ALL SANCTIONS AND PURSUE NORMAL DIPLOMATIC RELATIONS WITH CUBA Normalcy is the only policy that the U.S. has not attempted. The present policy misses the security implications, alienates allies and others worldwide, harms U.S. businesses, and is losing support domestically. First, the U.S. must reassess the threat posed by Cuba. There is, in fact, virtually no security threat. Further, policies that were applicable in the past, when there was a threat, should not be applied to the current environment. The U.S. Cuban policy is perplexing because it appears to conflict with the ends, ways and means that the National Security Strategy is applied in other regions of the world. The U.S. has normalized relations with Vietnam and Libya and has certainly opted for an open dialogue with Communist China. Likewise, there is abundant evidence that a new policy toward Cuba could very well achieve the ends that 43 years of embargo have failed to accomplish. Secondly, Cuba currently trades and has diplomatic ties with much of the world. The goal of U.S. sanctions is to isolate the Cuban regime; however, they have only slowed, not deterred economic growth. On 4 November 2003 the United Nations voted, for the 12th straight year, 173 to 3 (with 4 abstentions) against the four-decade U.S. embargo against Cuba.³⁸ Voting with the U.S. were Israel and the Marshall Islands. The U.S.' staunchest allies, the 15 members of the European Union, along with Japan, Australia and New Zealand, all object to the "extra-territorial" effect of U.S. legislation that they feel violates their sovereignty. ³⁹ There are two schools of thought regarding trade and democracy. The first is that economic growth will promote democracy. The other questions this notion and argues that democracy must come first.⁴⁰ There is strong opinion, however, that in Cuba's case economic engagement will bring

about the desired results. Certainly many Cuban-Americans and perhaps some others in the world would not agree with this course of action. However, there is evidence that a significant number of people both within the U.S. and abroad favor a policy change. In 1992 a pastoral letter from Cuba's Bishops stated that the US embargo "directly affects the people who suffer the consequences in hunger and illness. If what is intended by this approach is to destabilize the government by using hunger and want to pressure civic society to revolt, then the strategy is also cruel."⁴¹ The third consideration is U.S. business. Under the current rules, U.S. businesses are permitted to sell agricultural produce to Cuba.⁴² Today 27 firms from 12 U.S. states are doing business with Cuba, making Cuba 22nd among U.S. agricultural markets.⁴³ These business activities are greatly influenced by Cuban-Americans and members of Congress. The economic power of the U.S. can be our most powerful weapon. The possibilities of economic engagement offer a myriad of branches and sequels that could promote a rapport between the American people and the Cubans. The aggressive pursuit of these endeavors would go far in ensuring an orderly transition to a post-Castro Cuba. It is an erroneous assumption to believe that Castro's demise will miraculously trigger reform and all the problems of the last 40 years will vanish. A visionary policy, albeit constrained within the parameters of the Castro regime, will go far in setting agreeable social-economic conditions in Cuba both now and in the future. Finally, public opinion in the U.S. favors a new policy direction. A 1997 Miami Herald poll found that a majority of Cubans under the age of 45 supported "establishing a national dialogue with Cuba," whereas for the most part their elders opposed such dialogue.⁴⁴ Former President Jimmy Carter, writing in the Washington Post after his May 2002 visit to Cuba, reported that he found an unexpected degree of economic freedom. Carter went on to say that if Americans could have maximum contact with Cuban, then Cubans would clearly see the advantages of a truly democratic society and thus be encouraged to bring about orderly changes in their society. ⁴⁵ Castro himself appears willing to consider greater reform. In 1998 he permitted Pope John Paul II to visit Cuba; Cubans are permitted to own property; he has opened trade; and in 2002 he broadcast former President Jimmy Carter's address at the University of Havana.⁴⁶ Additionally, he indicated that the Cuban government would return any of the Guantanamo detainees in the unlikely event that they would escape.⁴⁷

CONCLUSION AND RECOMMENDATION U.S. policy makers need to confront the real Cuba of today in order to build a "free" Cuba of tomorrow that is capable of taking its place in the world community as a responsible, democratic nation. Given the history of the past 100 years, and particularly our Castro centric policy, the U.S. needs to make a bold change toward Cuba. The U.S. has pursued a hard-line approach toward the Castro regime for over 40 years. While this policy was easily justified during the Cold War era and, to a certain degree, during the 1990s, it fails to address the present U.S. national security concerns. The globalization trends of the 21st century are irreversible, Fidel Castro is in the twilight of his life, and a new generation of Cuban-Americans is supportive of new strategies that will ease the transition to a post-Castro Cuba while buttressing economic and social opportunities in the near term. Furthermore, there is a new dimension that U.S. policy strategists must take into account in deciding the course of U.S.- Cuba relations – the GWOT. World-wide asymmetrical threats to U.S. interests, coupled with the Iraqi occupation and the potential for any one of the present hot spots (i.e. Iran, North Korea, Taiwan, etc.) to ignite, should prompt strategic leaders to work harder to mitigate a potential Caribbean crises. The prudent action would then be to develop

strategies that can defuse or neutralize these situations before they require the U.S. to divert resources from protecting its interests in the GWOT.

Economy---A2: No IL---Econ K2 Stability

Decline causes trafficking, smuggling, and instability

Evans 5 – Sara Evans, Research Associate at the Council on Hemispheric Affairs, “Callousness Redefined: How EU and US Economic Policies Spell a Bitter End for the Caribbean Sugar Industry”, SpecterZine, 6-27, <http://www.spectrezine.org/LatinAmerica/sugar.htm>

Caribbean nations have been heavily dependent on sugar exports since colonial times, and the commodity remains the backbone of many regional economies. An August 17, 2004 article featured in the Caribbean and Central America Report revealed that annual revenue from sugar exports totalled \$121 million for Guyana alone, \$70 million for Jamaica and \$34 million for Belize. In an interview with COHA, the Second Secretary of the Embassy of Guyana, Forbes July, stated that sugar is the country's chief export and that the sugar industry is Guyana's largest employer. In addition, according to a Caribbean Media Corporation interview of Guyana's foreign trade minister Clement Rohee, sugar accounts for 17 percent of Guyana's GDP. Sugar cane is the top agricultural export for both Jamaica and Belize. Washington's role in the evolution of the Caribbean sugar industry has historically been to discourage area exports to the US. The 1983 Caribbean Basin Initiative (CBI), which instituted a program of US tariff relief on many Caribbean products that remains in force today, resulted in increased US-Caribbean trade mainly as a result of the virtual elimination of US imposts on products from the region. Meanwhile, tariffs averaging 20 percent were maintained on US imports to the islands. Today such tariffs have fallen to approximately ten percent, according to WTO figures. Sugar was both excluded from duty-free treatment and restricted by quotas as Washington attempted to maintain its longstanding protection of domestic sugar cane and beet farmers. As a result, Caribbean sugar exports to the U.S. declined by 75 percent from 1981 to 1987, according to the Library of Congress. This trend was intensified by a decrease in the US's sugar quota prior to 1986. In fact, Caribbean exports as a whole declined by 24 percent from 1983 to 1985. However, the CBI mechanisms have contributed to a limited diversification of Caribbean exports, achieving some progress in attaining their primary goal of increasing stability among the CARICOM countries. At the same time, these initiatives originally were in large part aimed at counteracting the political influence of Cuba through strengthening the region's economic ties to Washington. The 1997 US-Caribbean Summit in Barbados facilitated trade dialogue and produced the Bridgetown Declaration of Principles, which asserted that there is an "inextricable link between trade, economic development, security and prosperity in our societies." Economic prosperity is essential to maintaining even minimal levels of law and order in Caribbean countries, as financial hardship is a main contributing factor to an increase in crimes like drug trafficking and gun running. It is crucial that the U.S. should manifest its concern for the support of sugar as an all-important staple crop for many Caribbean economies in order to preserve stability in the region.

Decline makes instability inevitable

Grant 5 – Cedric Grant, Professor of International and Caribbean Affairs at Clark Atlanta University, “U.S.-Caribbean Relations”, Institute for Policy Studies, 10-12, http://www.ips-dc.org/us-caribbean_relations/

But security issues do not follow a one-way street. Caribbean countries also have security concerns about relations with the United States. Caricom, for example, has voiced its concerns about gun smuggling from the U.S. and about the U.S. deportation of criminals of Caribbean origin back to the region. More fundamentally, Caribbean states contend that the security and stability problems in the region are rooted in economic development and thus cannot effectively be addressed in isolation from strategies to improve economic conditions. Accordingly, the Bridgetown Accord, the statement produced by the 1997 summit, “recognise[d] the inextricable links between trade, economic development, security and prosperity in [these] societies.”

Economy---A2: No War---Africa

Africa war escalates and goes nuclear

Lancaster 00

(Carol, Associate Professor and Director of the Master's of Science in Foreign Service Program – Georgetown University, “Redesigning Foreign Aid”, Foreign Affairs, September / October, Lexis)

THE MOST BASIC CHALLENGE facing the United States today is helping to preserve peace. The end of the Cold War eliminated a potential threat to American security, but it did not eliminate conflict. In 1998 alone there were 27 significant conflicts in the world, 25 of which involved violence within states. Nine of those intrastate conflicts were in sub-Saharan Africa, where poor governance has aggravated ethnic and social tensions. The ongoing war in the Democratic Republic of the Congo has been particularly nightmarish, combining intrastate and interstate conflict with another troubling element: military intervention driven by the commercial motives of several neighboring states. Such motives could fuel future conflicts in other weak states with valuable resources. Meanwhile, a number of other wars -- in Colombia, the former Yugoslavia, Cambodia, Angola, Sudan, Rwanda, and Burundi -- have reflected historic enmities or poorly resolved hostilities of the past. Intrastate conflicts are likely to continue in weakly integrated, poorly governed states, destroying lives and property, creating large numbers of refugees and displaced persons, and threatening regional security. The two interstate clashes in 1998 -- between India and Pakistan and Eritrea and Ethiopia -- involved disputes over land and other natural resources. Such contests show no sign of disappearing. Indeed, with the spread of weapons of mass destruction, these wars could prove more dangerous than ever.

Economy---A2: No War---Central Asia

Central Asian war causes global nuclear war

Blank 99 (Steven, Professor of Research – Strategic Studies Institute, US Army War College, Oil and Geopolitics in the Caspian Region)

Past experience suggests Moscow will even threaten a Third World War if there is Turkish intervention in the Transcaucasus and the 1997 Russo-Armenian Treaty of Friendship, Cooperation, and Mutual Assistance and the 1994 Turkish-Azerbaijani Treaty of Friendship and Cooperation suggest just such a possibility. Conceivably, the two larger states could then be dragged in to rescue their allies from defeat. The Russo-Armenian treaty is a virtual bilateral military alliance against Baku, in that it reaffirms Russia's lasting military presence in Armenia, commits Armenia not to join NATO, and could justify further fighting in Nagorno-Karabakh or further military pressure against Azerbaijan that will impede energy exploration and marketing. It also reconfirms Russia's determination to resist an expanded U.S. presence and remain the exclusive regional hegemon. Thus, many structural conditions for conventional war or protracted ethnic conflict where third parties intervene now exist in the Transcaucasus. Many Third World conflicts generated by local structural factors have great potential for unintended escalation. Big powers often fear obliged to rescue their proxies and protégés. One or another big power may fail to grasp the stakes for the other side since interests here are not as clear as in Europe. Hence, commitments involving the use of nuclear weapons or perhaps even conventional war to prevent defeat of a client are not well established or clear as in Europe. For instance, in 1993 Turkish noises about intervening in the Karabakh War on behalf of Azerbaijan induced Russian leaders to threaten a nuclear war in such a case. This confirms the observations of Jim Hoagland, the international correspondent of the Washington Post, that "future wars involving Europe and America as allies will be fought either over resources in chaotic Third World locations or in ethnic upheavals on the southern fringe of Europe and Russia." Unfortunately, many such causes for conflict prevail across the Transcaspians. Precisely because Turkey is a NATO ally but probably could not prevail in a long war against Russia, or if it could conceivably trigger a potential nuclear blow (not a small possibility given the erratic nature of Russia's declared nuclear strategies), the danger of major war is higher here than almost anywhere else in the CIS or the so-called arc of crisis from the Balkans to China.

Economy---A2: No War---East Asia

East Asia escalates---no checks

Adams 14 – Shar Adams, Reporter at the Epoch Times, “Asian Cold War: Escalating Conflict in North-East Asia Bigger Threat Than War on Terror”, Epoch Times, 10-13, <http://m.theepochtimes.com/n3/1014683-asian-cold-war-escalating-conflict-in-north-east-asia-bigger-threat-than-war-on-terror/>

The world may be focused on the “war on terror”, but the arms build up in North-East Asia poses a far greater threat to global stability, says Professor Desmond Ball, a senior defence and security expert at the Australian National University (ANU). A former head of ANU’s Strategic & Defence Studies Centre, Professor Ball is no lightweight when it comes to security concerns. It is Professor Ball’s expertise in command and control systems, particularly in relation to nuclear war, that underlies his concerns about North-East Asia. “North-East Asia has now become the most disturbing part of the globe,” Prof Ball told Epoch Times in an exclusive interview. China, Japan and South Korea – countries that are “economic engines of the global economy” – are embroiled in an arms race of unprecedented proportions, punctuated by “very dangerous military activities”, he says. Unlike the arms race seen during the Cold War, however, there are no mechanisms in place to constrain the military escalation in Asia. “Indeed, the escalation dynamic could move very rapidly and strongly to large scale conflict, including nuclear conflict,” said Prof Ball. “It is happening as we watch.” Arms Race Military spending in Asia has grown steadily over the last decade. According to a 2013 Stockholm International Peace Research Institute report, China is now the world’s second largest military spender behind the United States, spending an estimated \$188 billion in 2013. Japan and South Korea are also among the world’s top 10 military spenders. When North Korea and Taiwan are included, North-East Asian countries constitute around 85 per cent of military spending in Asia. But what is more disturbing, Prof Ball says, is the motivation for the acquisitions. “The primary reason now for the acquisitions, whether they are air warfare destroyers, missiles or defense submarines, is simply to match what the other [countries] are getting,” he said. While he believes it is likely that Japan would have embarked on military modernisation, he says it is China’s military provocation of countries across Asia that is fuelling the build-up. Since China lay claim to all of the South China Sea, it has escalated territorial disputes with Vietnam, the Philippines and Malaysia. What started with skirmishes between locals and Chinese fishing boats or navy vessels has now become territorial grabs – island building on contested rocky outcrops. In a sign of things to come, the South China Morning Post reported in June: “China is looking to expand its biggest installation in the Spratly Islands into a fully formed artificial island, complete with airstrip and sea port, to better project its military strength in the South China Sea.” According to Filipino media, the artificial island falls within the Philippines’ 200-mile Exclusive Economic Zone. Prof Ball says China’s behaviour in the South China Sea is provocative, but “in the scale of what we are talking about, that is nothing” compared with conflicts in North-East Asia, where China and Japan are contesting claims over the Tokyo-controlled Senkaku Islands (claimed as the Diaoyu by China). Of the Senkakus conflict, Prof Ball says: “We are talking about actual footsteps towards nuclear war – submarines and missiles.” Screen Shot 2014-10-13 at 4.50.48 pm Chinese

and Japanese activity in the Senkakus region has escalated to the point where sometimes there are “at least 40 aircraft jostling” over the contested area, he said. Alarm bells were set off near the Senkakus in January last year when a Chinese military vessel trained its fire-control radar on a Japanese naval destroyer. The incident spurred the Japanese Defense Ministry to go public about that event and reveal another incident from a few days prior, when a Chinese frigate directed fire-control radar at a Japanese military helicopter. Fire-control radars are not like surveillance or early warning radars – they have one purpose and that is to lock onto a target in order to fire a missile. “Someone does that to us, we fire back,” Prof Ball said. Counter Measures Needed Prof Ball is recognised for encouraging openness and transparency, and for his advocacy of multilateral institutions. He has been called one of the region’s “most energetic and activist leaders in establishing forums for security dialogue and measures for building confidence”. In his experience visiting China over the years, however, Prof Ball says gaining open dialogue and transparency with Chinese military leaders is difficult. He recounted a private meeting with a Chinese admiral shortly after the fire-control radar incident. Prof Ball had seen direct evidence of the encounter – “tapes of the radar frequencies, the pulse rates and the pulse repetition frequencies” – and wanted to know what had happened on the Chinese side and why it took place. “In a private meeting, I asked the admiral why ... and he denied it to my face,” Prof Ball said. The Chinese admiral would not even concede that an incident had happened. “I don’t see the point of this sort of dialogue,” he added. With so many players in the region and few barriers against conflict escalation, the North-East Asian nuclear arms race is now far more complex and dangerous than the Cold War, he says. In the Cold War, there were mechanisms at each level of potential confrontation, including a direct hotline between the US and Soviet leaders. “Once things get serious here, [there is] nothing to slow things down. On the contrary, you have all the incentives to go first,” he said. As a key ally to Japan and South Korea, the United States would ultimately be involved in any escalated conflict and could play a decisive role in the region. While Prof Ball believes it is too late for arms control mechanisms, he says it is critical that Washington ensures policy development and informed debate.

Senate, Hidalgo said.

EX-IM Bank

1nc Shell

Uniqueness and Internal Link – the Export-Import Bank will likely be reauthorized now, but Obama’s capital is vital

Rothkopf 6/11/15 (David, CEO/Editor @ Foreign Policy, "Are We About to See the High-Water Mark of Obama's Foreign Policy?" <https://foreignpolicy.com/2015/06/11/high-water-mark-of-obama-foreign-policy-trade-promotion-authority/>)

The result has been old-fashioned horse-trading and a refreshingly intensive effort by the White House to use the president’s power, prestige, and persuasive capabilities to eke out the votes they needed to win the day. Friday’s vote will be close. But with “fast-track” TPA assuring that there will be only an up or down vote on the ultimate TPP deal that is struck, the way will be clear for U.S. negotiators to hammer out the final details of the agreement with the Japanese and others who have open issues. The senior economic official cited above also said that with the TPA in place he expects the TPP deal itself to be done and approved “very quickly ... hopefully this summer.” The senior economic official cited above also said that with the TPA in place he expects the TPP deal itself to be done and approved “very quickly ... hopefully this summer.” The president has made passage of the deal, which he argues will both promote export-driven job creation and send a message to China — not a party to TPP — that it will have to rise up and meet international trade standards or risk getting left behind economically. The positive impact on both fronts is probably somewhat overstated by the White House, but that’s always the case in such campaigns for a new deal. Nevertheless, the deal strengthens economic ties with some of the world’s most dynamic economies, removes key barriers to exports, and represents the most important progress on global trade since the Uruguay Round and NAFTA in the early 1990s. (It should be noted that, like both of those deals, the process that led to the deal began in administrations preceding those that will ultimately get to close and celebrate them. Therefore, Bush administration U.S. Trade Representative (USTR) Susan Schwab deserves as much credit on this deal as current Obama USTR Michael Froman. Both have been among the most effective to occupy the trade rep’s office.) Speaking of which, first-class personnel are a key to the international economic team’s success. As noted here before, I was once a senior Commerce Department official who had the privilege to work with a great commerce secretary, the late Ron Brown. I have known every commerce secretary in my adult lifetime. And I can say without fear of contradiction that Penny Pritzker is among the smartest, most energetic, and capable people ever to hold the job. Her team is already making plans to follow up the approval of TPP with a series of trips to signatory countries to ensure U.S. companies can take advantage of the opportunities the deal presents. Another victory on this front to likely come this summer (and be even harder won) will be the reauthorization of the United States Eximbank. Whether that reauthorization occurs before or after the June 30 due date is still uncertain given the vagaries associated, resulting from the absolutely bizarre politics that have turned what should have been an automatic reauthorization into one of the most ridiculous displays of Congressional malpractice we have ever seen. And this Congress has given us a lot of instances to choose from. While slam-dunks have gotten a bad name in Washington ever since George Tenet abused the term in the days before the Iraq War, the reauthorization of the U.S. Export-Import Bank (or Exim) should have been one of them. The bank is led by another of the Obama team’s standouts, Fred Hochberg. Hochberg has overseen a vast expansion of its lending, major

pushes to extend its reach and support to small- and medium-sized enterprises, measures to ensure more lending on green projects, and active support for creating U.S. jobs through leveling the playing field against the super-aggressive tactics of other governments in the export financing space. Deals and lending have achieved all-time highs under his tenure and unlike most parts of the government, this one is actually profitable, returning over \$1 billion to U.S. government coffers. That's right, to shut down the bank, Congress would actually have to come up with new revenue to make up for that which the bank regularly produces. Think about that. Despite the fact that Exim is a profitable agency that creates much-needed jobs, supports businesses of every size from coast to coast, and also ensures fairer global competition, some in Congress have targeted the agency and tried to shut it down. Why? Because to some, it represents "corporate welfare." (Meaning that it is seen as a subsidy to big companies that don't need the help.) But not only does it finance many deals that couldn't get commercial financing and many for smaller businesses, it also ensures that U.S. companies don't lose out when other governments subsidize financing to their own companies. (Which virtually every other developed economy in the world and many smaller ones do.) Would the world be better off if every export-import financing agency were shut down? Sure. And when that happens we should revisit this discussion. Until then the idea of shutting down Exim is ridiculous — unilateral disarmament at precisely the wrong time penalizes an agency doing the best work it has ever done. And that's why, in the end, the bank will be reauthorized; and that will rightly be considered another victory. But there are still other promising developments in areas outside the national security mess that has commanded most of the attention directed toward Obama's foreign policy. One thing Exim does is help support some of the administration's worthy development efforts like Power Africa, programs that can help the neediest economies in the world grow and have the kind of steady economic growth that is the best defense against instability and extremism. That work has been led in this administration by an extremely effective partnership between the U.S. Agency for International Development (USAID) and the White House. Until recently, USAID has been led by Raj Shah, one of the most creative and impressive senior officials to enter the U.S. government in many years. Shah not only effectively managed the agency that plays such a key role in post-conflict reconstruction, stabilization, and development, but he also actively explored the use of new technologies and approaches in ways that triggered a much-needed rethink about how to make the most of the (too little) the United States spends in this area. Now that Shah has departed the government, President Obama has nominated Gayle Smith for the job. He could not have made a better choice. Smith, who worked with Shah as the quarterback of White House efforts on these issues, is someone who had devoted her life to development issues whether as a journalist, in the NGO community, or during productive stints in the Clinton and Obama White Houses. (She is the co-founder of the Modernizing Foreign Assistance Network and served on a bipartisan Congressional commission on foreign aid.) I know Smith well, having worked with her in the past, and while she is not someone you want to bump heads with, she is the best kind of public servant, one who deeply believes in the mission and knows how to get things done. Her confirmation would also be a significant win for the White House.

Link - insert specific link

Impact – Reauthorization is key to US economic leadership globally – that solves global war

Jones 15 (James, served as national security adviser to President Barack Obama, supreme allied commander Europe, and commandant of the U.S. Marine Corps, 5/19, "Keep the Export-Import bank: Column," <http://webcache.googleusercontent.com/search?q=cache:p4aLZda8-CwJ:www.usatoday.com/story/opinion/2015/05/19/export-import-bank-charter-trad-column/27540639/+&cd=1&hl=en&ct=clnk&gl=us>)

Over two centuries ago John Adams observed that "facts are stubborn things." Whether they are resilient enough to prevail over ideological passions is being sorely tested in the current congressional debate whether to reauthorize the U.S. Export-Import Bank (Ex-Im), whose charter is set to expire on June 30. Despite the opposition's extreme rhetoric, the basic facts remain. Fact: America's prosperity and strength depends upon vigorous trade and market access abroad. Fact: 95% of the world's customers live outside our national borders, where massive middle classes with huge purchasing power are emerging. Fact: America must compete fiercely in these markets with other countries for sales, for investments, to develop supply chains, and to gain greater geopolitical influence. Fact: Export credit — the kind provided by the Ex-Im bank — remains a critical component of America's competitiveness toolkit. Since its founding during America's effort to emerge from the Great Depression, the Ex-Im bank has supported American jobs by financing our exports when credit is not commercially available or when U.S. companies face undue competition in foreign markets from competitors provided financing by their governments. It levels the playing field for American businesses so they can compete in foreign markets against foreign competitors. Many opponents of reauthorization base their arguments on a world that doesn't exist, where markets are untrammelled by state-supported export finance. The reality is that throughout the world approximately 60 export credit agencies are jockeying to offer enticing financing terms with a view to winning more and more sales for the companies domiciled in their respective nations, often at our expense. China, Europe, Russia and even Canada have expanded their state-backed export support even as Congress continues to deliberate on the future of Ex-Im. One of China's multiple export credit arms has authorized more financing in the last two years than Ex-Im has since its founding eight decades ago. Even some nations that are party to the OECD Arrangement on Officially Supported Export Credits that sets export financing limitations and guidelines for OECD member countries including the United States, often lend outside the framework, further disadvantaging American companies and our nation. Last year alone, Ex-Im backed U.S. exports valued at approximately \$27.5 billion and supported 164,000 export-related U.S. jobs. Using the accounting method required by law, Ex-Im has sent to the Treasury \$7 billion more than it has received in appropriations since 1990. Ex-Im's record of strengthening U.S. exports and competitiveness while generating revenue for the U.S. treasury explain its long history of bipartisan support from Republican and Democratic presidents and the U.S. Congress. It would be a bit naïve to suppose that foreign governments would suddenly about-face and dam their tidal waves of export credits if Congress were to shutter Ex-Im's doors. Competitors would welcome the United States unilaterally disarming and ending its export finance program. It would mean more business for their companies and a stronger geopolitical hand around the world for them. The reality is that if the United States leaves the field on export financing we place more at U.S. business abroad and jobs at home at

risk; we would undermine American influence and economic leadership at a time when it's needed more than ever. As a former NATO commander, service chief and national security adviser, I have witnessed firsthand the geostrategic importance of American economic engagement. Where the U.S. private sector is not present, America's interests and values suffer. The result is a less stable and secure world. After serving over 40 years in uniform, I have a trained aversion to whatever threatens our nation. The willful undermining of our national economic competitiveness counts among them. I would agree that a world without state-funded export credits is one to which we should aspire. However, unilaterally disarming by closing Ex-Im is not the answer. It would destroy the U.S. Treasury's leverage in negotiating reductions to state-backed export finance that would be observed by all — creating the level playing field we should all seek. As Americans, we hope and trust that despite the fractiousness of our political system, we can still overcome gridlock to do what's best for our nation. The stubborn fact is that reauthorizing the Ex-Im bank is good for America. It will help sell more American products abroad, support American jobs, expand U.S. global influence and do so without adding to our fiscal deficit. Whether slogans prove more stubborn than facts remains to be seen. For our country's sake, let's hope that John Adams was right and that the facts and our national interest prevail.

*****Insert specific impact scenario (great power war or Russia) if so desired**

Will Pass – 2nc

Ex-Im Bank reauthorization will pass

Johnsson 6/15/15 (Julie, Bloomberg, "Boeing CEO Is 'Confident' Ex-Im Bank Will Survive Funding Vote," <http://www.bloomberg.com/news/articles/2015-06-15/boeing-ceo-is-confident-ex-im-bank-will-survive-funding-vote>)

Boeing Co. Chief Executive Officer Jim McNerney said he's "confident" the U.S. Export-Import bank will survive conservative lawmakers' campaign to cut off funding at the end of the month. The odds for the bank, whose credits support aircraft sales for the largest U.S. exporter, appear better after two-thirds of the U.S. Senate signaled support for the export credit agency in a procedural vote last week, McNerney said. "That is a huge expression of interest in sustaining the viability of this bank," McNerney told Bloomberg TV in an interview at the Paris Air Show. "There's some gymnastics that have to happen to get that attached to another bill and voted on in both the Senate and House. That's my source of confidence that it's going to happen." Boeing benefits because the bank provides backstop financing of its aircraft to overseas customers, helping them make purchases, valuable support when credit is squeezed during a global financial crisis. Republicans, who control both houses of Congress, are divided on the bank's future. Democrats and Republicans from both chambers say there is enough support for the bank to reauthorize it. They just haven't figured out a way to get it to the floor before June 30.

Ex-Im Bank reauthorization will pass – Senate test vote proves strong support

Rogers 6/11/15 (Alex, National Journal, "Senate Democrats Are Confident They Can Save the Export-Import Bank," <http://www.nationaljournal.com/congress/senate-democrats-are-confident-they-can-save-the-export-import-bank-20150611>)

June 11, 2015 Senate Democrats and a substantial number of Republicans believe they can save an obscure, 81 year-old U.S. government bank, despite almost united opposition from GOP leadership in both chambers of Congress, after a key test vote Wednesday showed that they have near-filibuster proof support. One such advocate, Washington Democratic Sen. Maria Cantwell, pledged that it's not a question of if Congress will reauthorize the Export-Import Bank, but when. "It will get done," she said in a news conference Thursday. "Someday."

Will be reauthorized – insiders are confident

Cook 6/12/15 (David, Staff @ Christian Science Monitor, "Ex-Im Bank chief is 'confident' Congress will renew bank's charter," http://www.csmonitor.com/USA/Politics/monitor_breakfast/2015/0612/Ex-Im-Bank-chief-is-confident-Congress-will-renew-bank-s-charter)

WASHINGTON — US Export-Import Bank chairman and president Fred Hochberg says he is confident Congress will vote to renew the bank's charter before it expires June 30, despite opposition from conservative Republicans. "I am still confident that we are going to get reauthorized," Mr. Hochberg told a Monitor-hosted breakfast for reporters. The bank guarantees loans for US companies that sell products overseas. "The fact that we create jobs, we send money to the Treasury, and 90 percent of our customers are small business are compelling arguments," he said. Last year the bank returned \$675 million in profits. "We need

more trade agreements,” Hochberg said, referring to President Obama’s battle to win congressional approval of fast-track negotiating powers called trade promotion authority (TPA) and of a massive Trans-Pacific Partnership (TPP) trade agreement with a dozen Pacific Rim countries. But the bank’s chief executive said he thought Ex-Im would be reauthorized regardless of the outcome of those other trade battles.

A2 Not Top Priority/Thumpers

Obama spending capital on Ex-Im Bank reauthorization

Grunwald June 15 (Michael, Politico, Interviewing Ex-Im Bank CEO Fred Hochburg, "'Frankly, we're going to be reauthorized'," June, <http://www.politico.com/agenda/story/2015/06/frankly-were-going-to-be-reauthorized-000064>)

MG: You're starting to hear some conservatives saying they think they can kill this just by not bringing it up for a vote. How worried are you? — FH: Well, Speaker Boehner has made it very clear that the House has to take a vote in some fashion, and not just let it lapse on us. Mitch McConnell, the Senate Leader, also said there's going to be a vote in June. And President Obama has been very clear. Now, we've got only 30 days, but let's be clear, that's the President of the United States, the Speaker of the House and the majority leader of the Senate. MG: The Ex-Im has become a political football. I think a lot of people kind of know they're fighting about it in Washington, but don't know what it is. What is the Ex-Im? What do you do all day? FH: We start a lot of conversations saying we're not XM the radio station! We've been around for over 80 years. We're an export credit agency, one of about 70 around the world. All the developed countries of the world have them. And developing countries have them. So we exist to support US jobs, as do the others in their countries. And when there's a financial crisis—we just came through the worst crisis since the depression—we can fill in a gap in the financial markets when they're retreating or pulling back. So that's what we do, and as a result last year we supported 164,000 jobs.

Will be authorized and top administration priority BUT it's a fight

Altman 6/14/15 (Alex, Reporter @ TIME, "This Agency May Have Already Been Killed by the 2016 Campaign," <http://time.com/3919097/ex-im-bank-2016-campaign/>)

The chairman of the U.S. Export-Import Bank has spent a lot of time on Capitol Hill lately fighting to save his embattled institution. The bank, whose charter lapses June 30, has been the target of a coordinated campaign orchestrated by conservatives who call it a form of crony capitalism. Which means chairman Fred Hochberg has been shuttling between meetings with influential lawmakers, pleading with top House Republicans like Majority Leader Kevin McCarthy and Financial Services Chairman Jeb Hensarling to keep the credit export agency alive. "I'm still confident that we are going to get reauthorized," Hochberg told reporters Friday at a breakfast hosted by the Christian Science Monitor. But he acknowledged the possibility that it wouldn't happen before the deadline, which would force supporters to find a way to revive the multi-billion dollar institution later on. "We've got some headwinds," Hochberg conceded. "There is no plan B."

A2 Dem Unity Low Now

Dem unity high now – ESPECIALLY in support of Ex-Im Bank reauthorization

Grunwald June 15 (Michael, Politico, Interviewing Ex-Im Bank CEO Fred Hochburg, "'Frankly, we're going to be reauthorized'," June, <http://www.politico.com/agenda/story/2015/06/frankly-were-going-to-be-reauthorized-000064>)

MG: How about on the left? There have been a lot of complaints that you've backed coal projects in the past, doing business with dictators who don't like us so much. FH: Frankly, on the Democratic side of the House, we have over 190 co-sponsors, the entire congressional delegation is with us. In the Senate, we had 78 senators vote for us in 2012, and 330 in the House. In both cases, we had every single Democrat vote for the Ex-Im bank extension last time. MG: Why do you think suddenly this became a thing? What made suddenly Ex-Im became this sexy political topic?

Capital Key – 2nc

Capital key to winning reauthorization

Paletta 14 (Damian covers economic policy for The Wall Street Journal's Washington bureau. "Export-Import Bank 101" Jun 24, 2014 <http://blogs.wsj.com/washwire/2014/06/24/export-import-bank-101/>)

Q: Who are the people worth watching as this unfolds?¶ A: Start with incoming House Majority Leader Kevin McCarthy (R., Calif.). He lit some business leaders' hair on fire when he proclaimed this weekend that he wanted the bank to go out of business.¶ He voted to support the agency in 2012, and his pivot helps the conservative wing of the party gain momentum to shut the place down. Another key figure is Speaker of the House John Boehner (R., Ohio). A lot of business leaders who support the bank believe he's their best shot for a Hail Mary pass as October approaches. The roles of President Barack Obama and Senate Majority Leader Harry Reid (D., Nev.) will also be pivotal. Will they really expend political capital to fight for this agency?

Capital key to winning support for reauthorization

Madhani 1/13/12 (Aamer, USA Today, "Export-Import Bank reauthorization delayed," <http://www.usatoday.com/news/washington/story/2012-01-11/export-import-bank-republicans-airlines/52523426/1>)

WASHINGTON - U.S. exporters and major airline carriers are fighting over reauthorization of a federal trade bank that plays a key role in President Obama's jobs plan, according to industry insiders and congressional records. House Republican leaders, pushed by the major U.S. airlines, delayed a long-term reauthorization of the Export-Import Bank and a decision on whether to increase the bank's lending cap to \$135 billion from the current limit of \$100 billion before lawmakers headed home last month. The bank, which guarantees loans from U.S. banks to foreign businesses that then buy U.S.-made products, approved \$32.7 billion in loans last year but is quickly edging toward hitting its cap. The bank, which was founded in 1934 and returns a modest amount of revenue to the Treasury, has been praised by Obama as a vital tool to his goal of doubling U.S. exports by 2015. Officials from top exporting companies — including Boeing's James McNerney and General Electric's Jeffrey Immelt — warned House leaders in a letter last month that failure to increase the lending cap could lead to the loss of thousands of U.S. jobs. "The bank's work is at risk of grinding to a halt," said John Murphy, vice president of international affairs at the U.S. Chamber of Commerce, adding that the bank is on track to max out in April or May. Airlines for America (AFA), the trade association that represents the leading U.S. air carriers, insists that Congress make fundamental changes to how the bank operates as part of any increase in the lending cap. The group argues that the bank finances loans to foreign carriers at favorable terms unavailable to domestic carriers, putting U.S. airlines at a competitive disadvantage. Steve Lott, a spokesman for AFA, said the group wants Congress to make any increase in the bank's loan ceiling contingent on increasing transparency of aircraft financing transactions and a prohibition on loan guarantees for foreign airlines with investment grade credit ratings that would allow them to secure financing without the bank's help. "We're pro-Boeing; we're in support of the president's initiative to double exports ... but we're concerned with any market distortion that creates an unlevelled playing field," Lott said. In the past decade, the bank has provided more than \$52 billion in loan guarantees to buy Boeing aircraft, Airlines

for America says. Foreign airlines took delivery of 792 wide-body aircraft, compared with 189 for U.S. airlines, AFA says. AFA also recently sued to stop the bank from delivering \$1.3 billion in loan guarantees to Air India to buy Boeing aircraft. A federal judge in Washington is expected to rule today on a request to block the guarantees while he considers the legal challenge. Boeing's backers say that such rule changes would help foreign competitors, such as Airbus, the European aircraft manufacturer. "Our argument is that if you undermine the credibility and competitiveness of Ex-Im, you're not going to help the American carriers, you're going to help Airbus," said John Hardy, president of a Coalition for Employment through Exports, which counts Boeing as a member. The Obama administration supports expanding the cap. Last month, the president touted the bank for playing a critical role in a multibillion-dollar deal for Indonesia's Lion Air to buy 230 Boeing jets. And earlier this week at a White House conference on "insourcing" American jobs, the White House hailed a \$636 million direct loan from the Ex-Im Bank to finance the sale by Siemens Energy of gas and steam turbines to be installed in Saudi Arabia. The Siemens project will support 825 jobs in North Carolina. Reauthorizing the bank and expanding its lending cap is an administration priority, and "we will continue to work closely with Congress to get this done," White House spokeswoman Amy Brundage said. Both sides have put up big lobbying efforts to make their case to Congress.

Dem Unity Key – 2nc

Dem unity key to Ex-Im Bank reauthorization

Levy 6/11/15 (Gabrielle, US News and World Report, "Export-Import Bank Heading Toward Closure," <http://www.usnews.com/news/articles/2015/06/11/us-export-import-bank-heading-toward-closure>)

More than 80 years after it was founded in the midst of the Great Depression, the U.S. Export-Import Bank could be nearing its end. And it could come down to partisan politics. The charter authorizing the credit agency, which is charged with accepting credit risk to help spur the sale of American-made goods abroad, expires at the end of June. While for most of its history, the bank was so uncontroversial that its charter was renewed without so much as a recorded vote, a growing outcry from conservatives in the past few years has imperiled it. While most Democrats and many rank-and-file Republicans support reauthorization, opposition from the conservative wing of the GOP has become loud enough that Republican leadership is wary of bringing it up for a vote. Supporters say the bank, which primarily guarantees loans taken by U.S. businesses to sell products overseas, is hugely important to small- and medium-size businesses and is an engine for job creation and opening new markets overseas. In the 2014 fiscal year that ended in October, the bank provided \$20.5 billion in credit assistance. It did so at no cost to the taxpayer, and actually returned \$675 million to the U.S. Treasury from interest and fees. If the bank were to close, a large corporation like Boeing would have to take on more of its own risk, but not stop exporting planes. But smaller companies often rely on the bank to make loans to foreign buyers for their products, and could see significant hits to their sales and profits. "The [Export-Import Bank] supported \$27.5 billion in economic activity the last year alone," House Democratic Whip Steny Hoyer, D-Md., told reporters Tuesday. "1.3 million jobs are attributable to exports." But critics complain that the credit agency "picks winners and losers," a charge based on the overwhelming majority of the bank's loan guarantees – 87 percent – that go to just three companies: Boeing, Caterpillar and General Electric, earning it the nickname "Bank of Boeing" around Washington. And some of the losers, critics say, are small businesses that don't get the same treatment as the large companies. House Financial Services Committee Chairman Jeb Hensarling, R-Texas, has led the charge against renewal, arguing that the bank represents the worst of government cronyism. He has refused to move the charter renewal legislation through his committee, and on Tuesday, his Senate counterpart, Banking Committee Chairman Richard Shelby, R-Ala., said he would do the same. "If there's not going to be reform, we ought to let it die," Shelby told reporters. "I believe that if at the end of the day it expires, we really won't miss it." Those reforms, gathered into a bill sponsored by Rep. Stephen Fincher, R-Tenn., would extend the bank for five years, limit the bank's president to two four-year terms, increase financial disclosures for employees and contractors, and reverse guidelines opposed by the coal industry that block financing to foreign power plants that don't adopt green technology. U.S. Export-Import Bank Chairman and President Fred Hochberg pauses while speaking during the agency's annual conference on April 4, 2013, in Washington. Backers of reauthorization, including the U.S. Chamber of Commerce, say failing to renew the bank's charter would immediately leave businesses hanging. Sen. Maria Cantwell, D-Wash., whose state is home to Boeing, has spearheaded the push to renew the Ex-Im charter. "The Export-Import Bank in the state of Washington has helped generate \$102 billion in exports and helped over 230 exporters

in our state," she said at a roundtable supporting reauthorization. "The idea that we would let a tool of the American economy, which literally helps us grow our businesses, expire – when it actually generates money for our economy and costs us nothing – is something very hard for most people to believe." Boeing itself may have undercut arguments to reauthorize the bank last week when it announced it would use its internal financing arm to support foreign buyers in the event the Export-Import Bank goes away, which opponents could point to as proof the bank is unnecessary. "We do provide some customer financing, and if there's a short-term shutdown of Ex-Im, we will work with customers who are scheduled for deliveries to ensure they get the financing they need, even if we have to provide it ourselves," Tim Neale, a Boeing spokesman, told the Wall Street Journal. In the House, Majority Leader Kevin McCarthy, R-Calif., and Whip Steve Scalise, R-La., have both come out in opposition to the reauthorization, while Speaker John Boehner has refused to weigh in on either side. "He's in a very difficult position," says Dan Holler, the communications director for Heritage Action for America, which has pushed hard against reauthorization of Export-Import. "All the Republican presidential candidates have flipped around ... is the speaker willing to lead congressional Republicans in the wrong direction on this issue?" But Republican opposition, at least among the mainstream, is new, supporters like to point out. They quote the likes of Presidents George W. Bush, Ronald Reagan, Gerald Ford and Dwight Eisenhower as in favor of the bank. Hoyer on Tuesday said a unified Democratic caucus and about 60 Republicans who have publicly pledged their support for the bank would give the charter reauthorization enough support to pass.

Ex-Im Bank Key to Econ Heg – 2nc

Ex-Im Bank reauthorization is vital to US economic supremacy

Thompson 6/12/15 (Loren, Business and National Security contributor @ Forbes, "Crazy Crusade To Kill Ex-Im Bank Hurts America, Helps China,"

<http://www.forbes.com/sites/lorenthompson/2015/06/12/crazy-crusade-to-kill-ex-im-bank-hurts-america-helps-china/>)

With last year's non-petroleum trade deficit ranked as the worst ever recorded after adjusting for inflation, you'd think Congress would be moving decisively to help U.S. exporters. Well, guess again. Right-wing Republicans are actually trying to kill off the Export-Import Bank ("Ex-Im"), which would make America the only major trading nation in the world without an export credit agency. If that ill-conceived campaign succeeds, it will accelerate China's rise as a global economic power and hasten America's decline. When Ex-Im critics cite their bill of particulars for why abolishing America's only export credit agency makes sense, you get the feeling they've never heard of China. China is the biggest reason for America's yawning trade gap, and its use of state funds to push exports around the globe dwarfs anything Ex-Im is doing. At the moment, Ex-Im has a loan portfolio worth about \$110 billion. Over the last two years alone, China has passed out \$670 billion in loans and other financial assistance to its exporters. And unlike Ex-Im programs, Beijing's export assistance often takes the form of subsidies. Ex-Im is required by law to be self-sustaining, so it has to charge fees whenever it provides a loan guarantee or any other type of financial assistance. In fact, it generates a profit for taxpayers by charging foreign buyers for what amounts to insurance that their deals will be consummated. China's export credit agencies (it has several) supposedly are required to be self-sustaining too under World Trade Organization rules, but their operations are as opaque as everything else in official China. So it shouldn't come as a surprise that Beijing has provided export assistance to one favored telecom company — Huawei — greater in value than Ex-Im's entire loan portfolio. Huawei now routinely beats U.S. rivals for telecom contracts in places like Brazil, even though it is rumored to have used proprietary technology developed by those rivals in its own offerings. This is standard operating procedure for Chinese exporters in the developing world, where they typically show up with inferior products but irresistible financing courtesy of the Beijing government. Over the long haul, China's push to replace U.S. companies in foreign markets may prove more injurious to American power and prosperity than the huge gap in bilateral trade of goods between the two countries (the U.S. deficit in China trade was \$343 billion last year — nearly a billion dollars per day). An intelligence assessment produced early in the Obama Administration warned that the transfer in wealth from West to East currently under way is without precedent in modern history. But the distracted, divided U.S. political system is ill-equipped to cope with the challenge China's mercantilist trade policies present. The absurd effort to abolish Ex-Im Bank is emblematic of how intellectually unprepared some lawmakers are to respond to America's waning economic influence. The complaints of Ex-Im critics about "crony capitalism" and "corporate welfare" sound more like the rants of left-wing liberals in the pre-Reagan era than the reasoning of people who understand current economic realities. The critics contend that if Ex-Im disappeared, private lenders would fill the resulting vacuum — even though private lenders keep saying they can't or won't. Private lenders often don't like the risk profile of countries seeking export assistance, or they don't like to do business with small companies (who

account for 90% of Ex-Im transactions). Besides, it is usually commercial lenders who bring Ex-Im into transactions in the first place, because they want the kind of protections available to lenders who finance the exports of other countries. In fact, they're willing to pay a fee for that protection, and Ex-Im has proven it can provide assistance that levels the playing field without incurring significant risk. The default rate on its loans currently stands at less than one fifth of one-percent; Wells Fargo wishes its loan portfolio looked that good. No private lender has ever complained about competition from Ex-Im, because its services are crucial to making deals work. So when Ex-Im's authority to extend credit lapses at the end of this month, there probably will be a quiet celebration in Beijing that some lawmakers in America are so misguided. Washington is the only capital in the world where a debate is going on about whether an export credit agency is needed. The debate in Beijing, and Seoul, and New Delhi, is about how much more money should be spent on export financing, not whether to do it. The good news is that there are majorities in both chambers of Congress ready to reauthorize the Export-Import Bank; the bad news is that critics are working hard to prevent a floor vote that would permit the triumph of common sense over mindless ideology.

Shutting down Ex-Im Bank decks US economic leadership globally

Financial Times 15 ("America's wobbly economic leadership," 4/23, <http://webcache.googleusercontent.com/search?q=cache:YC4FnOa5or0J:www.ft.com/cms/s/0/35af0bbe-e8f5-11e4-87fe-00144feab7de.html+&cd=2&hl=en&ct=clnk&gl=us#axzz3cwW37Mtv>)

The underlying theme of last week's IMF/World Bank spring meetings was rising angst over retreating US leadership. The gathering took place shortly after America's closest allies, led by Britain, spurned a plea from Washington to boycott the China-led Asian Infrastructure Investment Bank. More than 50 countries have signed up. Now the US is in danger of inflicting more damage on itself by shutting down its Export-Import Bank. The bank's authorisation expires at the end of June and with it tens of billions of dollars in guarantees for US exporters. Detractors see the bank as a symbol of "crony capitalism" because of its support for companies such as Boeing. They badly misjudge what it does. It gives US companies a modicum of comfort against better subsidised competitors. Closing Exim would be the economic equivalent of unilateral disarmament in a world bristling with nuclear weapons. Capitol Hill's latest brinkmanship is ill-timed. In the past two years, Chinese development banks have lent \$670bn in subsidised credit to help domestic companies win bids all over the world. This exceeds the combined value of all Exim guarantees since it was set up in the 1930s Depression. Never before has Congress balked at its reauthorisation. Tea Party Republicans say Exim distorts market outcomes at the taxpayer's expense. In fact, it provides credit support where none exists. No private sector bank will finance 15-year emerging market projects. Other non-US official credit guarantee agencies will readily step into the breach. Exim also turns a small profit for the US taxpayer by charging user fees and maintaining a low default rate. Yet its critics seem impervious to the facts. Much like the scaremongering about the impact of vaccines on infants, Exim has become a victim of talk radio mythology. If anything, now would be a good time to expand its balance sheet. The world needs trillions of dollars in infrastructure finance, only a fraction of which will be provided by unsecured private lenders. That is why so many countries have rushed to join the AIIB and why the World Bank and the Asian Development Bank have welcomed the new arrival. There is more than enough demand to go around. The concern is

that the AIIB will not adhere to best practices. At a time when the US is reluctant to fulfil its obligations to Bretton Woods institutions, let alone join any new ones, US companies will find it tough to win a slice of the pie in Asia and elsewhere. Exim's standards are among the best in the world. It serves as a check on the crony capitalism practised by China and others. Closing it would sound another US retreat. The concern is that Congress is too polarised to reverse the trend. Most Republicans disdain global bodies and most Democrats revile trade deals. Congress continues to block the 2010 US-led reforms of the International Monetary Fund. That is one reason China is setting up its own institutions. There are signs Capitol Hill may be preparing to pass the fast track negotiating authority the Obama administration needs to wrap up trade deals in the Pacific and the Atlantic. That would be welcome. But Barack Obama will first need to take on sceptics in his own party. Hillary Clinton, his likely successor, has questioned the merits of another trade deal. Jeb Bush, her likely opponent, said he would close Exim. There was a time when US gridlock imposed a price on others. Now others are imposing a price on the US. The world is no longer waiting on Washington's prevarications.

Ex-Im Bank key to US economic leadership – ensures small US companies get the financing necessary to access growth markets

Snell 3/22/12 (Kelsey, National Journal, "Export-Import Bank on the Firing Line," lexis)

Yet the bank does serve one crucial purpose that no other organization can fulfill: It helps to deny China a hold on the world's developing markets. Ex-Im's top export targets include Brazil, Colombia, India, Indonesia, Mexico, Nigeria, South Africa, Turkey, and Vietnam. Today, none of those countries ranks among the top 10 markets for U.S. exports, but the Export-Import Bank devoted 40 percent of its loans to them. It funded 34 percent of all U.S. exports to Colombia in the months before the United States approved a free-trade agreement with that country. In an interview, Hochberg said that the bank focuses on pumping aid and attention to places with the hottest economic activity. The bank can also help American companies beat competitors that don't follow the same trade rules. In 2011, for instance, it stepped into a bidding war for a Pakistani locomotive contract between General Electric and a company in China, which does not abide by the rules against below-market pricing set by the Organization for Economic Cooperation and Development. Ex-Im ponied up \$477 million to discount the American trains, putting them on the same playing field as the Chinese ones. The deal required an OECD waiver that only Ex-Im or some other U.S. government entity could get. And although huge corporations won't quit their global businesses, smaller companies might face real trouble without Ex-Im. The bank can be crucial to getting new trade started for cash-strapped small businesses. It is often the only lender for companies that want to make deals where Wall Street-style financing doesn't exist growth markets, such as the booming metropolises in South Asia, that aren't considered safe or aren't members of the World Trade Organization. These are the spots where China is setting up shop. Hochberg and Commerce Undersecretary Francisco Sanchez tell National Journal that helping small companies to do business in small countries is part of an overall strategy. Those contracts can mean a foothold for American businesses. If the future of the U.S. economy depends on exports and the future of America's strategic advantage is in extending its economic might, then Congress will need to ensure that the American companies that truly need help get it.

Ex-Im Bank Key – Russia Specific

Ex-Im Bank likely to be reauthorized now - key to outcompeting Russia

Henry 6/2/15 (Devin, The Hill, "GOP Rep expects Ex-Im Bank to pass the House this month," <http://thehill.com/policy/energy-environment/243739-gop-rep-expects-ex-im-bank-to-pass-the-house-this-month>)

A leading Republican said Tuesday he expects the House to pass a bill reauthorizing the Export-Import Bank before it expires at the end of the month. Rep. Adam Kinzinger (R-Ill.), a deputy whip, said he thinks the Senate will take up the issue first and attach it to a broader, must-pass bill that most House Republicans will eventually vote for, teaming up with Democrats to reauthorize the program. "You're going to have a contingent of the folks on the far-right that don't want it," Kinzinger said at an event hosted by The Hill and sponsored by the Nuclear Energy Institute (NEI). "But I think if it comes to a vote on the floor, you're going to have a majority of Republicans, and I think you'll have, obviously a majority of Democrats. I think the numbers are there in the House." The politics of Ex-Im are sticky in the House, where Speaker John Boehner (R-Ohio) supports reauthorizing the program, but Majority Leader Kevin McCarthy (R-Calif.) and a handful of key committee chairmen oppose it. Tea Party groups have said the bank, which provides government-backed loans to companies so they can sell their products overseas, only benefits big corporations, giving them an unfair leg-up in their markets. McCarthy did not include an Ex-Im reauthorization measure on the House's June schedule, raising the possibility Congress might miss its end-of-the-month deadline to keep the program going. "One of my concerns about how Washington, D.C. works is we kind of wait until we're in an emergency scenario," Kinzinger said. "Everybody knows this is an issue that has to be addressed, but nobody wants to be the one to address it." Kinzinger was speaking at an event on nuclear power in the United States. The nuclear industry is one of many industries that have pushed Congress to reauthorize the program. Kinzinger pitched the bank as a national security issue, giving American companies the ability to sell their products in overseas markets that might otherwise partner with countries like Russia.

Econ Heg Impacts – 1nc Great Power War

US economic strength prevents great power war

Colby and Lettow 14 (Elbridge and Paul, Robert M. Gates fellow @ Center for a New American Security + senior director for strategic planning on the U.S. National Security Council staff from 2007 to 2009, 7/3, “Have We Hit Peak America?,”

http://www.foreignpolicy.com/articles/2014/07/03/have_we_hit_peak_america)

In other words, a greater number of Americans are worried about diminishing U.S. influence today than in the face of feared Soviet technological superiority in the late 1950s, the Vietnam quagmire of the late 1960s, the 1973 oil embargo, the apparent resurgence of Soviet power around the 1979 invasion of Afghanistan, and the economic concerns that plagued the late 1980s—the five waves of so-called declinist anxiety that political scientist Samuel Huntington famously identified. Many analysts have attributed Americans’ current anxiety to the aftershock of waging two long wars in Iraq and Afghanistan. But the polls actually reflect something deeper and more potent—a legitimate, increasingly tactile uncertainty in the minds of the American people created by changes in the world and in America’s competitive position, which they feel far more immediately than do the participants in Washington policy debates. Average Americans do not experience the world through the lens of great-power rivalry or U.S. leadership abroad, but rather through that of an increasingly competitive globalized labor market, stagnating income growth among the middle class, and deep and unresolved worries about their children’s future. A recent cnn poll, for instance, found that Americans think by a 2-to-1 margin that their children’s lives will be worse than their own. They are questioning the promise of growth and expanding opportunity—the very substance of the American dream. This anxiety is real and justified, and it lies behind much of the public’s support for withdrawing from the world, for retrenchment. Yet American leadership and engagement remain essential. The United States cannot hide from the world. Rather, it must compete. And if it competes well, it can restore not only its economic health, but also its strength for the long haul. That resilience will preserve Americans’ ability to determine their fate and the nation’s ability to lead in the way its interests require. Unfortunately, absent from current discussions about U.S. foreign policy has been a hardheaded assessment of what it will actually take to rejuvenate and compete. Policymakers and experts have not yet taken a clear-eyed look at the data and objectively analyzed the fundamental shifts under way globally and what they mean for America’s competitive position. Nor have they debated the steps necessary to sustain U.S. power over the long term. THE WORLD’S ECONOMIC CENTER OF GRAVITY The larger a country’s GDP, the greater its pull on the world’s economic center of gravity. So when the Industrial Revolution spurred massive growth in the United States, the center moved west, eventually out over the Atlantic Ocean. Today, it is moving back toward Asia. Many foreign-policy experts seem to believe that retaining American primacy is largely a matter of will—of how America chooses to exert its power abroad. Even President Obama, more often accused of being a prophet of decline than a booster of America’s future, recently asserted that the United States “has rarely been stronger relative to the rest of the world.” The question, he continued, is “not whether America will lead, but how we will lead.” But will is unavailing without strength. If the United States wants the international system to continue to reflect its interests and values—a system, for example, in which the global commons are protected, trade is broad-based and extensive,

and armed conflicts among great nations are curtailed—it needs to sustain not just resolve, but relative power. That, in turn, will require acknowledging the uncomfortable truth that global power and wealth are shifting at an unprecedented pace, with profound implications. Moreover, many of the challenges America faces are exacerbated by vulnerabilities that are largely self-created, chief among them fiscal policy. Much more quickly and comprehensively than is understood, those vulnerabilities are reducing America's freedom of action and its ability to influence others. Preserving America's international position will require it to restore its economic vitality and make policy choices now that pay dividends for decades to come. America has to prioritize and to act. Fortunately, the United States still enjoys greater freedom to determine its future than any other major power, in part because many of its problems are within its ability to address. But this process of renewal must begin with analyzing America's competitive position and understanding the gravity of the situation Americans face. FOR THE FIRST TIME IN 200 YEARS, MOST GROWTH IS OCCURRING IN THE DEVELOPING WORLD, and the speed with which that shift—a function of globalization—has occurred is hard to fathom. Whereas in 1990 just 14 percent of cross-border flows of goods, services, and finances originated in emerging economies, today nearly 40 percent do. As recently as 2000, the gdp of China was one-tenth that of the United States; just 14 years later, the two economies are equal (at least in terms of purchasing power parity). This shift reorders what was, in some sense, a historical anomaly: the transatlantic dominance of the past 150 years. As illustrated by the map below, it wasn't until the Industrial Revolution took hold in the 19th century that the world's "economic center of gravity" decisively moved toward Europe and the United States, which have since been the primary engines of growth. Today, however, the economic center of gravity is headed back toward Asia, and it is doing so with unique historical speed. This trend will persist even though emerging economies are hitting roadblocks to growth, such as pervasive corruption in India and demographic challenges and serious distortions in the banking system in China. For instance, according to the asset-management firm BlackRock and the Organization for Economic Cooperation and Development (oecd), consumption in emerging markets has already eclipsed that in the United States, and spending by the middle classes in Asia-Pacific nations is on track to exceed middle-class spending in North America by a factor of nearly six by 2030. U.S. wealth is not shrinking in absolute terms—and it continues to benefit from economic globalization—but the United States and its allies are losing might compared with potential rivals. Although Europe and Japan have been responsible for much of the developed world's lost relative economic power, the U.S. economy has also slowed from its traditional rates of expansion over the past several decades. Worsening productivity growth has played a particularly large role in the U.S. slowdown, dropping to around 0.5 percent annually, which the Financial Times has referred to as a "productivity crisis." A range of factors are responsible, including a decline in the skill level of the American workforce and a drop in resources allocated to research and development. U.S. REVENUE VS. SPENDING By 2043, federal spending on entitlements and net interest payments will exceed federal revenues, meaning funds for any discretionary programs will be borrowed. Overall, the U.S. economy has become less competitive. The McKinsey Global Institute, for instance, has measured the relative attractiveness of the United States across a range of metrics, such as national spending on research and development and foreign direct investment as a percentage of gdp. It found that U.S. business attractiveness relative to that of competitors fell across 14 of 20 key metrics from 2000 to 2010—and improved in none. And according to the

Harvard Business Review, U.S. exports' global market share dropped across the board from 1999 to 2009 and suffered particularly sharp falls in cutting-edge fields such as aerospace. This shift in economic growth toward the developing world is going to have strategic consequences. Military power ultimately derives from wealth. It is often noted that the United States spends more on defense than the next 10 countries combined. But growth in military spending correlates with gdp growth, so as other economies grow, those countries will likely spend more on defense, reducing the relative military power of the United States. Already, trends in global defense spending show a rapid and marked shift from the United States and its allies toward emerging economies, especially China. In 2011, the United States and its partners accounted for approximately 80 percent of the military spending by the 15 countries with the largest defense budgets. But, according to a McKinsey study, that share could fall significantly over the next eight years—perhaps to as low as 55 percent. The resulting deterioration in American military superiority has already begun, as the countries benefiting most rapidly from globalization are using their newfound wealth to build military capacity, especially in high-tech weaponry. As Robert Work and Shawn Brimley of the Center for a New American Security wrote this year: “[T]he dominance enjoyed by the United States in the late 1990s/early 2000s in the areas of high-end sensors, guided weaponry, battle networking, space and cyberspace systems, and stealth technology has started to erode. Moreover, this erosion is now occurring at an accelerated rate.” (Work has since been confirmed as deputy secretary of defense.)

Econ Heg Impacts – Great Power War

Perception of decline triggers lashout and global war

James 14 (Harold, Professor of history at Princeton University's Woodrow Wilson School who specializes in European economic history, 7/2/14, "Debate: Is 2014, like 1914, a prelude to world war?" <http://www.theglobeandmail.com/globe-debate/read-and-vote-is-2014-like-1914-a-prelude-to-world-war/article19325504/>)

As we get closer to the centenary of Gavrilo Princip's act of terrorism in Sarajevo, there is an ever more vivid fear: it could happen again. The approach of the hundredth anniversary of 1914 has put a spotlight on the fragility of the world's political and economic security systems. At the beginning of 2013, Luxembourg's Prime Minister Jean-Claude Juncker was widely ridiculed for evoking the shades of 1913. By now he is looking like a prophet. By 2014, as the security situation in the South China Sea deteriorated, Japanese Prime Minister Shinzo Abe cast China as the equivalent to Kaiser Wilhelm's Germany; and the fighting in Ukraine and in Iraq is a sharp reminder of the dangers of escalation. Lessons of 1914 are about more than simply the dangers of national and sectarian animosities. The main story of today as then is the precariousness of financial globalization, and the consequences that political leaders draw from it. In the influential view of Norman Angell in his 1910 book *The Great Illusion*, the interdependency of the increasingly complex global economy made war impossible. But a quite opposite conclusion was possible and equally plausible – and proved to be the case. Given the extent of fragility, a clever twist to the control levers might make war easily winnable by the economic hegemon. In the wake of an epochal financial crisis that almost brought a complete global collapse, in 1907, several countries started to think of finance as primarily an instrument of raw power, one that could and should be turned to national advantage. The 1907 panic emanated from the United States but affected the rest of the world and demonstrated the fragility of the whole international financial order. The aftermath of the 1907 crash drove the then hegemonic power – Great Britain - to reflect on how it could use its financial power. Between 1905 and 1908, the British Admiralty evolved the broad outlines of a plan for financial and economic warfare that would wreck the financial system of its major European rival, Germany, and destroy its fighting capacity. Britain used its extensive networks to gather information about opponents. London banks financed most of the world's trade. Lloyds provided insurance for the shipping not just of Britain, but of the world. Financial networks provided the information that allowed the British government to find the sensitive strategic vulnerabilities of the opposing alliance. What pre-1914 Britain did anticipated the private-public partnership that today links technology giants such as Google, Apple or Verizon to U.S. intelligence gathering. Since last year, the Edward Snowden leaks about the NSA have shed a light on the way that global networks are used as a source of intelligence and power. For Britain's rivals, the financial panic of 1907 showed the necessity of mobilizing financial powers themselves. The United States realized that it needed a central bank analogous to the Bank of England. American financiers thought that New York needed to develop its own commercial trading system that could handle bills of exchange in the same way as the London market. Some of the dynamics of the pre-1914 financial world are now re-emerging. Then an economically declining power, Britain, wanted to use finance as a weapon against its larger and faster growing competitors, Germany and the United States. Now America is in turn obsessed by being overtaken by China – according to some calculations, set to become

the world's largest economy in 2014. In the aftermath of the 2008 financial crisis, financial institutions appear both as dangerous weapons of mass destruction, but also as potential instruments for the application of national power. In managing the 2008 crisis, the dependence of foreign banks on U.S. dollar funding constituted a major weakness, and required the provision of large swap lines by the Federal Reserve. The United States provided that support to some countries, but not others, on the basis of an explicitly political logic, as Eswar Prasad demonstrates in his new book on the "Dollar Trap." Geo-politics is intruding into banking practice elsewhere. Before the Ukraine crisis, Russian banks were trying to acquire assets in Central and Eastern Europe. European and U.S. banks are playing a much reduced role in Asian trade finance. Chinese banks are being pushed to expand their role in global commerce. After the financial crisis, China started to build up the renminbi as a major international currency. Russia and China have just proposed to create a new credit rating agency to avoid what they regard as the political bias of the existing (American-based) agencies. The next stage in this logic is to think about how financial power can be directed to national advantage in the case of a diplomatic tussle. Sanctions are a routine (and not terribly successful) part of the pressure applied to rogue states such as Iran and North Korea. But financial pressure can be much more powerfully applied to countries that are deeply embedded in the world economy. The test is in the Western imposition of sanctions after the Russian annexation of Crimea. President Vladimir Putin's calculation in response is that the European Union and the United States cannot possibly be serious about the financial war. It would turn into a boomerang: Russia would be less affected than the more developed and complex financial markets of Europe and America. The threat of systemic disruption generates a new sort of uncertainty, one that mirrors the decisive feature of the crisis of the summer of 1914. At that time, no one could really know whether clashes would escalate or not. That feature contrasts remarkably with almost the entirety of the Cold War, especially since the 1960s, when the strategic doctrine of Mutually Assured Destruction left no doubt that any superpower conflict would inevitably escalate. The idea of network disruption relies on the ability to achieve advantage by surprise, and to win at no or low cost. But it is inevitably a gamble, and raises prospect that others might, but also might not be able to, mount the same sort of operation. Just as in 1914, there is an enhanced temptation to roll the dice, even though the game may be fatal.

Decline of relative economic power triggers great power war and undermines the international order

Khalilzad 11 (Zalmay, former consultant @ RAND and US Ambassador to the UN, 'The Economy and National Security,' 2/8, <http://www.nationalreview.com/node/259024/print>)

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of

escalation. The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions. As rival powers rise, Asia in particular is likely to emerge as a zone of great-power competition. Beijing's economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China's strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China's expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression. Given the risks, the United States must focus on restoring its economic and fiscal condition while checking and managing the rise of potential adversarial regional powers such as China. While we face significant challenges, the U.S. economy still accounts for over 20 percent of the world's GDP. American institutions — particularly those providing enforceable rule of law — set it apart from all the rising powers. Social cohesion underwrites political stability. U.S. demographic trends are healthier than those of any other developed country. A culture of innovation, excellent institutions of higher education, and a vital sector of small and medium-sized enterprises propel the U.S. economy in ways difficult to quantify. Historically, Americans have responded pragmatically, and sometimes through trial and error, to work our way through the kind of crisis that we face today. The policy question is how to enhance economic growth and employment while cutting discretionary spending in the near term and curbing the growth of entitlement spending in the out years. Republican members of Congress have outlined a plan. Several think tanks and commissions, including President Obama's debt commission, have done so as well. Some consensus exists on measures to pare back the recent increases in domestic spending, restrain future growth in defense spending, and reform the tax code (by reducing tax expenditures while lowering individual and corporate rates). These are promising options. The key remaining question is whether the president and leaders of both parties on Capitol Hill have the will to act and the skill to fashion bipartisan solutions. Whether we take the needed actions is a choice, however difficult it might be. It is clearly within our capacity to put our economy on a better trajectory. In garnering political support for cutbacks, the president and members of Congress should point not only to the domestic consequences of inaction — but also to the geopolitical implications. As the United States gets its economic and fiscal house in order, it should take steps to prevent a flare-up in Asia. The United States can do so by signaling that its domestic challenges will not impede its intentions to check Chinese expansionism. This can be done in cost-efficient ways. While China's economic rise enables its military modernization and international assertiveness, it also frightens rival powers. The Obama administration has wisely

moved to strengthen relations with allies and potential partners in the region but more can be done. Some Chinese policies encourage other parties to join with the United States, and the U.S. should not let these opportunities pass. China's military assertiveness should enable security cooperation with countries on China's periphery — particularly Japan, India, and Vietnam — in ways that complicate Beijing's strategic calculus. China's mercantilist policies and currency manipulation — which harm developing states both in East Asia and elsewhere — should be used to fashion a coalition in favor of a more balanced trade system. Since Beijing's over-the-top reaction to the awarding of the Nobel Peace Prize to a Chinese democracy activist alienated European leaders, highlighting human-rights questions would not only draw supporters from nearby countries but also embolden reformers within China. Since the end of the Cold War, a stable economic and financial condition at home has enabled America to have an expansive role in the world. Today we can no longer take this for granted. Unless we get our economic house in order, there is a risk that domestic stagnation in combination with the rise of rival powers will undermine our ability to deal with growing international problems. Regional hegemony in Asia could seize the moment, leading the world toward a new, dangerous era of multi-polarity.

Econ Heg Impacts – Data Confirms

Competitiveness ensures conflict prevention and suppression – data confirms

Hubbard 10 (Jesse, Program Assistant at Open Society Foundations Washington, District Of Columbia International Affairs Previous National Democratic Institute (NDI), National Defense University, Office of Congressman Jim Himes Education PPE at University of Oxford, “Hegemonic Stability Theory: An Empirical Analysis,” <http://isrj.wordpress.com/2010/05/28/hegemonic-stability-theory/>)

Regression analysis of this data shows that Pearson’s r -value is $-.836$. In the case of American hegemony, economic strength is a better predictor of violent conflict than even overall national power, which had an r -value of $-.819$. The data is also well within the realm of statistical significance, with a p -value of $.0014$. While the data for British hegemony was not as striking, the same overall pattern holds true in both cases. During both periods of hegemony, hegemonic strength was negatively related with violent conflict, and yet use of force by the hegemon was positively correlated with violent conflict in both cases. Finally, in both cases, economic power was more closely associated with conflict levels than military power. Statistical analysis created a more complicated picture of the hegemon’s role in fostering stability than initially anticipated.

VI. Conclusions and Implications for Theory and Policy To elucidate some answers regarding the complexities my analysis unearthed, I turned first to the existing theoretical literature on hegemonic stability theory. The existing literature provides some potential frameworks for understanding these results. Since economic strength proved to be of such crucial importance, reexamining the literature that focuses on hegemonic stability theory’s economic implications was the logical first step. As explained above, the literature on hegemonic stability theory can be broadly divided into two camps – that which focuses on the international economic system, and that which focuses on armed conflict and instability. This research falls squarely into the second camp, but insights from the first camp are still of relevance. Even Kindleberger’s early work on this question is of relevance. Kindleberger posited that the economic instability between the First and Second World Wars could be attributed to the lack of an economic hegemon (Kindleberger 1973). But economic instability obviously has spillover effects into the international political arena. Keynes, writing after WWI, warned in his seminal tract *The Economic Consequences of the Peace* that Germany’s economic humiliation could have a radicalizing effect on the nation’s political culture (Keynes 1919). Given later events, his warning seems prescient. In the years since the Second World War, however, the European continent has not relapsed into armed conflict. What was different after the second global conflagration? Crucially, the United States was in a far more powerful position than Britain was after WWI. As the tables above show, Britain’s economic strength after the First World War was about 13% of the total in strength in the international system. In contrast, the United States possessed about 53% of relative economic power in the international system in the years immediately following WWII. The U.S. helped rebuild Europe’s economic strength with billions of dollars in investment through the Marshall Plan, assistance that was never available to the defeated powers after the First World War (Kindleberger 1973). The interwar years were also marked by a series of debilitating trade wars that likely worsened the Great Depression (*Ibid.*). In contrast, when Britain was more powerful, it was able to facilitate greater free trade, and after World War II, the United States played a leading role in creating institutions like the GATT that had an

essential role in facilitating global trade (Organski 1958). The possibility that economic stability is an important factor in the overall security environment should not be discounted, especially given the results of my statistical analysis. Another theory that could provide insight into the patterns observed in this research is that of preponderance of power. Gilpin theorized that when a state has the preponderance of power in the international system, rivals are more likely to resolve their disagreements without resorting to armed conflict (Gilpin 1983). The logic behind this claim is simple – it makes more sense to challenge a weaker hegemon than a stronger one. This simple yet powerful theory can help explain the puzzlingly strong positive correlation between military conflicts engaged in by the hegemon and conflict overall. It is not necessarily that military involvement by the hegemon instigates further conflict in the international system. Rather, this military involvement could be a function of the hegemon's weaker position, which is the true cause of the higher levels of conflict in the international system. Additionally, it is important to note that military power is, in the long run, dependent on economic strength. Thus, it is possible that as hegemons lose relative economic power, other nations are tempted to challenge them even if their short-term military capabilities are still strong. This would help explain some of the variation found between the economic and military data. The results of this analysis are of clear importance beyond the realm of theory. As the debate rages over the role of the United States in the world, hegemonic stability theory has some useful insights to bring to the table. What this research makes clear is that a strong hegemon can exert a positive influence on stability in the international system. However, this should not give policymakers a justification to engage in conflict or escalate military budgets purely for the sake of international stability. If anything, this research points to the central importance of economic influence in fostering international stability. To misconstrue these findings to justify anything else would be a grave error indeed. Hegemons may play a stabilizing role in the international system, but this role is complicated. It is economic strength, not military dominance that is the true test of hegemony. A weak state with a strong military is a paper tiger – it may appear fearsome, but it is vulnerable to even a short blast of wind.

Economic strength prevents great power conflict — relative growth is KEY

Goldstein 7 (Avery, David M. Knott Professor of Global Politics and International Relations @ University of Pennsylvania, Associate Director of the Christopher H. Browne Center for International Politics, Senior Fellow at the Foreign Policy Research Institute, holds a Ph.D. from the University of California-Berkeley, "Power transitions, institutions, and China's rise in East Asia: Theoretical expectations and evidence," *Journal of Strategic Studies*, Volume 30, Number 4-5, August-October, p. 647-648)

Two closely related, though distinct, theoretical arguments focus explicitly on the consequences for international politics of a shift in power between a dominant state and a rising power. In *War and Change in World Politics*, Robert Gilpin suggested that peace prevails when a dominant state's capabilities enable it to 'govern' an international order that it has shaped. Over time, however, as economic and technological diffusion proceeds during eras of peace and development, other states are empowered. Moreover, the burdens of international governance drain and distract the reigning hegemon, and challengers eventually emerge who seek to rewrite the rules of governance. As the power advantage of the erstwhile hegemon ebbs, it may become desperate enough to resort to the ultima ratio of international politics, force, to

forestall the increasingly urgent demands of a rising challenger. Or as the power of the challenger rises, it may be tempted to press its case with threats to use force. It is the rise and fall of the great powers that creates the circumstances under which major wars, what Gilpin labels 'hegemonic wars', break out.¹³ Gilpin's argument logically encourages pessimism about the implications of a rising China. It leads to the expectation that international trade, investment, and technology transfer will result in a steady diffusion of American economic power, benefiting the rapidly developing states of the world, including China. As the US simultaneously scurries to put out the many brushfires that threaten its far-flung global interests (i.e., the classic problem of overextension), it will be unable to devote sufficient resources to maintain or restore its former advantage over emerging competitors like China. While the erosion of the once clear American advantage plays itself out, the US will find it ever more difficult to preserve the order in Asia that it created during its era of preponderance. The expectation is an increase in the likelihood for the use of force – either by a Chinese challenger able to field a stronger military in support of its demands for greater influence over international arrangements in Asia, or by a besieged American hegemon desperate to head off further decline. Among the trends that alarm [end page 647] those who would look at Asia through the lens of Gilpin's theory are China's expanding share of world trade and wealth (much of it resulting from the gains made possible by the international economic order a dominant US established); its acquisition of technology in key sectors that have both civilian and military applications (e.g., information, communications, and electronics linked with the 'revolution in military affairs'); and an expanding military burden for the US (as it copes with the challenges of its global war on terrorism and especially its struggle in Iraq) that limits the resources it can devote to preserving its interests in East Asia.¹⁴ Although similar to Gilpin's work insofar as it emphasizes the importance of shifts in the capabilities of a dominant state and a rising challenger, the power-transition theory A. F. K. Organski and Jacek Kugler present in *The War Ledger* focuses more closely on the allegedly dangerous phenomenon of 'crossover' – the point at which a dissatisfied challenger is about to overtake the established leading state.¹⁵ In such cases, when the power gap narrows, the dominant state becomes increasingly desperate to forestall, and the challenger becomes increasingly determined to realize the transition to a new international order whose contours it will define.

Competitiveness is vital to prevent great power conflict

Baru 9 (Sanjaya, Visiting Professor @ Lee Kuan Yew School of Public Policy and Institute of South Asian Studies (Singapore), "Year of the power shift?," Seminar, #593, January, http://www.india-seminar.com/2009/593/593_sanjaya_baru.htm)

There is no doubt that economics alone will not determine the balance of global power, but there is no doubt either that economics has come to matter for more. The management of the economy, and of the treasury, has been a vital aspect of statecraft from time immemorial. Kautilya's *Arthashastra* says, 'From the strength of the treasury the army is born. ...men without wealth do not attain their objectives even after hundreds of trials... Only through wealth can material gains be acquired, as elephants (wild) can be captured only by elephants (tamed)... A state with depleted resources, even if acquired, becomes only a liability.'⁴ Hence, economic policies and performance do have strategic consequences.⁵ In the modern era, the idea that strong economic performance is the foundation of power was argued most persuasively by

historian Paul Kennedy. 'Victory (in war),' Kennedy claimed, 'has repeatedly gone to the side with more flourishing productive base.'⁶ Drawing attention to the interrelationships between economic wealth, technological innovation, and the ability of states to efficiently mobilize economic and technological resources for power projection and national defence, Kennedy argued that nations that were able to better combine military and economic strength scored over others. 'The fact remains,' Kennedy argued, 'that all of the major shifts in the world's military-power balance have followed alterations in the productive balances; and further, that the rising and falling of the various empires and states in the international system has been confirmed by the outcomes of the major Great Power wars, where victory has always gone to the side with the greatest material resources.'⁷ In Kennedy's view the geopolitical consequences of an economic crisis or even decline would be transmitted through a nation's inability to find adequate financial resources to simultaneously sustain economic growth and military power – the classic 'guns vs butter' dilemma.

Econ Heg Impacts – Turns Every Impact

Perceived declines in relative economic weakness spark nuclear war AND complicate every global impact

Lieberthal and O'Hanlon 12 (Kenneth and Michael, Senior Fellows in Foreign Policy @ Brookings, "The Real National Security Threat: America's Debt," <http://www.brookings.edu/research/opinions/2012/07/10-economy-foreign-policy-lieberthal-ohanlon>)

Lastly, American economic weakness undercuts U.S. leadership abroad. Other countries sense our weakness and wonder about our purported decline. If this perception becomes more widespread, and the case that we are in decline becomes more persuasive, countries will begin to take actions that reflect their skepticism about America's future. Allies and friends will doubt our commitment and may pursue nuclear weapons for their own security, for example; adversaries will sense opportunity and be less restrained in throwing around their weight in their own neighborhoods. The crucial Persian Gulf and Western Pacific regions will likely become less stable. Major war will become more likely. When running for president last time, Obama eloquently articulated big foreign policy visions: healing America's breach with the Muslim world, controlling global climate change, dramatically curbing global poverty through development aid, moving toward a world free of nuclear weapons. These were, and remain, worthy if elusive goals. However, for Obama or his successor, there is now a much more urgent big-picture issue: restoring U.S. economic strength. Nothing else is really possible if that fundamental prerequisite to effective foreign policy is not reestablished.

Failure to affirmatively defend US relative economic power undermines our ability to solve climate change and other global, existential risks

Posen 9 (Adam, deputy director and senior fellow @ Peterson Institute for International Economics, "Economic leadership beyond the crisis," http://clients.squareeye.com/uploads/foresight/documents/PN%20USA_FINAL_LR_1.pdf)

If this assessment is correct, the policy challenge is to deal with relative US economic decline, but not outright hostility to the US model or displacement of the current international economic system. That is reassuring, for it leaves us in the realm of normal economic diplomacy, perhaps to be pursued more multilaterally and less high-handedly than the US has done over the past 20 years. It also suggests that adjustment of current international economic institutions is all that is required, rather than desperately defending economic globalisation itself. For all of that reassurance, however, the need to get buy-in from the rising new players to the current system is more pressing on the economic front than it ever has been before. Due to the crisis, the ability of the US and the other advanced industrial democracies to put up money and markets for rewards and side-payments to those new players is also more limited than it has been in the past, and will remain so for at least the next few years. The need for the US to avoid excessive domestic self-absorption is a real concern as well, given the combination of foreign policy fatigue from the Bush foreign policy agenda and economic insecurity from the financial crisis. Managing the post-crisis global economy Thus, the US faces a challenging but not truly threatening global economic situation as a result of the crisis and longer-term financial trends.

Failure to act affirmatively to manage the situation, however, bears two significant and related risks: first, that China and perhaps some other rising economic powers will opportunistically divert countries in US-oriented integrated relationships to their economic sphere(s); second, that a leadership vacuum will arise in international financial affairs and in multilateral trade efforts, which will over time erode support for a globally integrated economy. Both of these risks if realised would diminish US foreign policy influence, make the economic system less resilient in response to future shocks (to every country's detriment), reduce economic growth and thus the rate of reduction in global poverty, and conflict with other foreign policy goals like controlling climate change or managing migration and demographic shifts. If the US is to rise to the challenge, it should concentrate on the following priority measures.

US economic strength is key to managing all global problems – it's the lure and the whip of 21st century international affairs

Gelb 10 (Leslie, President Emeritus of the Council on Foreign Relations, "GDP Now Matters More than Force," Foreign Affairs, p. ebscohost)

No matter the decline in U.S. power, most nations do not doubt that the United States is the indispensable leader in solving major international problems. This problem-solving capacity creates opportunities for U.S. leadership in everything from trade talks to military-conflict resolution to international agreements on global warming. Only Washington can help the nations bordering the South China Sea forge a formula for sharing the region's resources. Only Washington has a chance of pushing the Israelis and the Palestinians toward peace. Only Washington can bargain to increase the low value of a Chinese currency exchange rate that disadvantages almost every nation's trade with China. But it is clear to Americans and non-Americans alike that Washington lacks the power to solve or manage difficult problems alone; the indispensable leader must work with indispensable partners. To attract the necessary partners, Washington must do the very thing that habitually afflicts U.S. leaders with political hives: compromise. This does not mean multilateralism for its own sake, nor does it mean abandoning vital national interests. The Obama administration has been criticized for softening UN economic sanctions against Iran in order to please China and Russia. Had the United States not compromised, however, it would have faced vetoes and enacted no new sanctions at all. U.S. presidents are often in a strong position to bargain while preserving essential U.S. interests, but they have to do a better job of selling such unavoidable compromises to the U.S. public. U.S. policymakers must also be patient. The weakest of nations today can resist and delay. Pressing prematurely for decisions--an unfortunate hallmark of U.S. style--results in failure, the prime enemy of power. Success breeds power, and failure breeds weakness. Even when various domestic constituencies shout for quick action, Washington's leaders must learn to buy time in order to allow for U.S. power--and the power of U.S.-led coalitions--to take effect abroad. Patience is especially valuable in the economic arena, where there are far more players than in the military and diplomatic realms. To corral all these players takes time. Military power can work quickly, like a storm; economic power grabs slowly, like the tide. It needs time to erode the shoreline, but it surely does nibble away. To be sure, U.S. presidents need to preserve the United States' core role as the world's military and diplomatic balancer--for its own sake; and because it strengthens U.S. interests in economic transactions. But economics has to be the main driver for current policy, as nations calculate power more in terms of GDP than military

might. U.S. GDP will be the lure and the whip in the international affairs of the twenty-first century. U.S. interests abroad cannot be adequately protected or advanced without an economic reawakening at home. U.S. leaders forever swear their allegiance to making the tough choices to restore the U.S. economy. But they never deliver. Equally often, they appear to grasp the need for a new foreign policy for the age of economic power. But that, too, they fail to deliver. President Barack Obama, in particular, has often struck just the right themes, only to let them fizzle in the din. In the meantime, Americans of nearly every political stripe are waiting and wondering whether their leaders are prepared to let the nation that saved the world in the twentieth century sink into history in the twenty-first.

Loss of US economic leadership turns EVERY hotspot

Freidberg 8 (Aaron, Professor of Politics and International Relations – Princeton University's Woodrow Wilson School, "The Dangers of a Diminished America", Wall Street Journal, 10-21, http://online.wsj.com/article/SB122455074012352571.html?mod=googlenews_wsj)

With the global financial system in serious trouble, is America's geostrategic dominance likely to diminish? If so, what would that mean? One immediate implication of the crisis that began on Wall Street and spread across the world is that the primary instruments of U.S. foreign policy will be cramped. The next president will face an entirely new and adverse fiscal position. Estimates of this year's federal budget deficit already show that it has jumped \$237 billion from last year, to \$407 billion. With families and businesses hurting, there will be calls for various and expensive domestic relief programs. In the face of this onrushing river of red ink, both Barack Obama and John McCain have been reluctant to lay out what portions of their programmatic wish list they might defer or delete. Only Joe Biden has suggested a possible reduction -- foreign aid. This would be one of the few popular cuts, but in budgetary terms it is a mere grain of sand. Still, Sen. Biden's comment hints at where **we may be headed: toward** a major reduction in America's world role, and perhaps even a new era of **financially-induced isolationism**. Pressures to cut defense spending, and to dodge the cost of waging two wars, already intense before this crisis, are likely to mount. Despite the success of the surge, the war in Iraq remains deeply unpopular. Precipitous withdrawal -- attractive to a sizable swath of the electorate before the financial implosion -- might well become even more popular with annual war bills running in the hundreds of billions. Protectionist sentiments are sure to grow stronger as jobs disappear in the coming slowdown. Even before our current woes, calls to save jobs by restricting imports had begun to gather support among many Democrats and some Republicans. In a prolonged recession, gale-force winds of protectionism will blow. Then **there are** the dolorous **consequences** of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. **Iran and North Korea are continuing** on their **bellicose paths**, while **Pakistan and Afghanistan are progressing** smartly down the road **to chaos**. **Russia's** new **militancy and China's** seemingly relentless **rise** also **give cause for concern**. **If America** now **tries to pull back** from the world stage, **it will leave a dangerous power vacuum**. The **stabilizing effects**

of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures. As for our democratic friends, the present crisis comes when many European nations are struggling to deal with decades of anemic growth, sclerotic governance and an impending demographic crisis. Despite its past dynamism, Japan faces similar challenges. India is still in the early stages of its emergence as a world economic and geopolitical power. What does this all mean? There is no substitute for America on the world stage. The choice we have before us is between the potentially disastrous effects of disengagement and the stiff price tag of continued American leadership.

Econ Heg Impacts – 1nc Russia Aggression

Economic weakness undercuts the global perception of US resolve - encourages Russian aggression

Kudlow 14 (Larry, former economist @ US Treasury under President Reagan and Editor @ National Review, "Obama is Crushing the Reagan Link, and Putin Knows It," 7/18, <http://www.nationalreview.com/node/383149/print>)

Across his remarkably successful presidency, Ronald Reagan repeatedly made the link between the U.S. economy and U.S. international security and defense. He consistently argued that weakness at home leads to weakness abroad. Reagan was aiming at the dismal Carter years. But he understood for all times that economic strength at home sends a powerful signal for international security overseas. When Reagan went to Reykjavik to meet with Gorbachev, he believed the resurgent American economy would hammer the nails on the coffin of Soviet communism. And he explained to Gorbachev that if the Soviets didn't come to the negotiating table with nuclear weapons, the U.S. would out-produce them on nukes and with technological superiority. Similarly, Reagan would not give up his vision for strategic missile defense. And in both cases — building nukes and SDI — Reagan knew the American economy had the resources capable of achieving these goals, while the sinking Soviet economy couldn't match us. In the end, the Soviet system imploded in one of the greatest reversals in world history. Freedom won. Communism lost. Now, circumstances are somewhat different today. But the horrible Malaysia Airlines crash in Ukraine highlights some worrisome facts about American-Russian relations. Mitt Romney was right. Russia is our biggest threat. We know that the Malaysian plane was brought down by a ground-to-air missile fired from Russian-made SA-11 weapons run by pro-Russian Ukrainian rebel terrorists. We also know that Russia is fighting a proxy war with the U.S. in Ukraine, and that Russian special forces are leading the terrorist movement in Ukraine. We can add to this the proxy war fought by Russia in the Middle East, with its main ally Iran, and the fact that Russia is engaging in state-sponsored terrorism. Whether President Obama understands all this, I don't know. His policies have been alternatively passive (Libya, Egypt), incoherent (Russian reset), and feckless (Syria). But the fact that the current U.S. economic recovery is the slowest in post-WWII history — spanning 70 years — is surely a key factor in Vladimir Putin's adventurism. This brings us back to Reagan's link. Putin may recognize that Russia's economy is a thin deck of cards. But he surely doesn't fear the weak American economic position. Ditto for the broken economic dictatorships in North Korea, Iran, and Venezuela, and the rising economic dictatorship in China. They don't fear us. In fact, America's economic weakness is so worrying, one suspects our friends are losing respect for us too. Whether in Europe, Asia, Latin America, or Israel, our allies know that America has been the backstop for freedom. If not us, who? But can they say that now? As I testified this week before the congressional Joint Economic Committee, at 2.1 percent average real growth, the U.S. is lagging far behind the 4.1 percent average recovery pace of the post-war business cycles. The Reagan recovery averaged 5 percent annual growth at the same point as the Obama recovery. Obama's stock market from the depth of the meltdown does beat Reagan's market and the post-war average for equities. But here's a very worrisome trend. Over the entire post-war period, average yearly growth has been 3.2 percent. And in the 1980s and '90s, growth was 3.7 percent. Since 2001, however, under Republican and Democratic presidents and congresses, as

the dollar lost over a third of its value growth has dropped to only 1.8 percent annually. Something has clearly gone very wrong.

Continued Russian aggression triggers global nuclear war – deterrence is key

Fisher 9/3/14 (Max, Political Analyst @ Vox, "Obama's Russia paradox: Why he just threatened WWII in order to prevent it," <http://www.vox.com/2014/9/3/6101507/obama-just-committed-the-us-to-war-against-russia-if-it-invades>)

President Obama gave a speech on Wednesday, in a city most Americans have never heard of, committing the United States to possible war against Russia. He said that the North Atlantic Treaty Organization, a Western military alliance better known as NATO, would fight to defend eastern European members like Estonia against any foreign aggression. In other words, if Russian President Vladimir Putin invades Estonia or Latvia as he invaded Ukraine, then Putin would trigger war with the US and most of Europe. Obama's speech from the Estonian capital of Tallinn, though just a speech, may well be America's most important and aggressive step yet against Russia for its invasion of Ukraine. While the speech will do nothing for Ukraine, it is meant to stop Russia from invading, or perhaps from sponsoring rebellions in, other European countries — so long as those European countries are part of NATO, as most are. "We'll be here for Estonia. We will be here for Latvia. We will be here for Lithuania," President Obama said from the capital of Estonia, one of the three Baltic states that were once part of the Soviet Union but now are members of NATO. "You lost your independence once before. With NATO, you will never lose it again." Obama was making a promise, and a very public one meant to reverberate not just in European capitals but in Moscow as well: If Russia invades any member of NATO, even these small Baltic states on the alliance's far periphery, then it will be at war with all of them — including the United States. "The defense of Tallinn and Riga and Vilnius is just as important as the defense of Berlin and Paris and London," Obama said. To be really clear: that defense means war with Russia, which has the world's second-largest military and second-largest nuclear arsenal, a prospect so dangerous that even during the angriest moments of the Cold War, the world managed to avoid it. The idea, though, is not that Obama wants to go to war with Russia, it's that he wants to avoid war with Russia — this is also why the US and Europe are not intervening militarily in Ukraine to push back the Russian tanks — but that avoiding war with Russia means deterring Russian President Vladimir Putin from invading these Baltic states in the first place by scaring him off. The risk of such an invasion, by the way, is real: these countries are about one-quarter ethnic Russian, and Ukraine's own Russian minority which was Putin's excuse for invading Crimea in March. Putin also clearly sees former Soviet states as fair game; he has invaded Ukraine and Georgia, both marked in red on the above map. So the Baltic states are rightly terrified that they are next. Here is Obama's dilemma, and Europe's: They want to prove to Putin that they will definitely defend Estonia and Latvia and other eastern European NATO members as if they were American or British or German soil, so that Putin will not invade those countries as he did in Ukraine. But the entire world, including Putin, is suspicious as to whether or not this threat is a bluff. And the worst possible thing that could happen, the thing that could legitimately lead to World War Three and global nuclear war, is for Putin to call Obama's bluff, invade Estonia, and have Obama's bluff turn out to not be a bluff.

Econ Heg Impacts - Russian Aggression

Russian aggression causes nuclear war AND collapses collective security

Blank 9 (Dr. Stephen, Research Professor of National Security Affairs at the Strategic Studies Institute of the U.S. Army War College, March 2009, "Russia And Arms Control: Are There Opportunities For The Obama Administration?"

<http://www.strategicstudiesinstitute.army.mil/pdffiles/pub908.pdf>)

Proliferators or nuclear states like China and Russia can then deter regional or intercontinental attacks either by denial or by threat of retaliation.¹⁶⁸ Given a multipolar world structure with little ideological rivalry among major powers, it is unlikely that they will go to war with each other. Rather, like Russia, they will strive for exclusive hegemony in their own "sphere of influence" and use nuclear instruments towards that end. However, wars may well break out between major powers and weaker "peripheral" states or between peripheral and semiperipheral states given their lack of domestic legitimacy, the absence of the means of crisis prevention, the visible absence of crisis management mechanisms, and their strategic calculation that asymmetric wars might give them the victory or respite they need.¹⁶⁹ Simultaneously,[¶] The states of periphery and semiperiphery have far more opportunities for political maneuvering. Since war remains a political option, these states may find it convenient to exercise their military power as a means for achieving political objectives. Thus international crises may increase in number. This has two important implications for the use of WMD. First, they may be used deliberately to offer a decisive victory (or in Russia's case, to achieve "intra-war escalation control"—author¹⁷⁰) to the striker, or for defensive purposes when imbalances in military capabilities are significant; and second, crises increase the possibilities of inadvertent or accidental wars involving WMD.¹⁷¹¶ Obviously nuclear proliferators or states that are expanding their nuclear arsenals like Russia can exercise a great influence upon world politics if they chose to defy the prevailing consensus and use their weapons not as defensive weapons, as has been commonly thought, but as offensive weapons to threaten other states and deter nuclear powers. Their decision to go either for cooperative security and strengthened international military-political norms of action, or for individual national "egotism" will critically affect world politics. For, as Roberts observes,[¶] But if they drift away from those efforts [to bring about more cooperative security], the consequences could be profound. At the very least, the effective functioning of inherited mechanisms of world order, such as the special responsibility of the "great powers" in the management of the interstate system, especially problems of armed aggression, under the aegis of collective security, could be significantly impaired. Armed with the ability to defeat an intervention, or impose substantial costs in blood or money on an intervening force or the populaces of the nations marshaling that force, the newly empowered tier could bring an end to collective security operations, undermine the credibility of alliance commitments by the great powers, [undermine guarantees of extended deterrence by them to threatened nations and states] extend alliances of their own, and perhaps make wars of aggression on their neighbors or their own people.¹⁷²

Extinction

Muller 00 (Dr. Harold, Director of the Peace Research Institute-Frankfurt and Professor of International Relations at Goethe University Compliance Politics: A Critical Analysis of Multilateral Arms Control Treaty Enforcement <http://cns.miis.edu/npr/pdfs/72muell.pdf>)

In this author's view,³ at least four distinct missions continue to make arms control, disarmament, and non-proliferation agreements useful, even indispensable parts of a stable and reliable world security structure: • As long as the risk of great power rivalry and competition exists—and it exists today—constructing barriers against a degeneration of this competition into major violence remains a pivotal task of global security policy. Things may be more complicated than during the bipolar age since asymmetries loom larger and more than one pair of competing major powers may exist. With overlapping rivalries among these powers, arms races are likely to be interconnected, and the stability of any one pair of rivals might be affected negatively by developments in other dyads. Because of this greater risk of instability, the increased political complexity of the post-bipolar world calls for more rather than less arms control. For these competitive relationships, stability or stabilization remains a key goal, and effectively verified agreements can contribute much to establish such stability. • Arms control also has a role to play in securing regional stability. At the regional level, arms control agreements can create balances of forces that reassure regional powers that their basic security is certain, and help build confidence in the basically non-aggressive policies of neighbors. Over time, a web of interlocking agreements may even create enough of a sense of security and confidence to overcome past confrontations and enable transitions towards more cooperative relationships. At the global level, arms limitation or prohibition agreements, notably in the field of weapons of mass destruction, are needed to ban existential dangers for global stability, ecological safety, and maybe the very survival of human life on earth. In an age of increasing interdependence and ensuing complex networks that support the satisfaction of basic needs, international cooperation is needed to secure the smooth working of these networks. Arms control can create underlying conditions of security and stability that reduce distrust and enable countries to commit themselves to far-reaching cooperation in other sectors without perceiving undesirable risks to their national security. Global agreements also affect regional balances and help, if successful, to reduce the chances that regional conflicts will escalate. Under opportune circumstances, the normative frameworks that they enshrine may engender a feeling of community and shared security interests that help reduce the general level of conflict and assist in ushering in new relations of global cooperation. • Finally, one aspect that is rarely discussed in the arms control context is arms control among friends and partners. It takes the innocent form of military cooperation; joint staffs, commands, and units; common procurement planning; and broad and far-reaching transparency. While these relations serve at the surface to enhance a country's military capability by linking it with others, they are conducive as well to creating a sense of irreversibility in current friendly relations, by making unthinkable a return to previous, possibly more conflictual times. European defense cooperation is a case in point.¹ Whatever the particular mission of a specific agreement, it will serve these worthwhile purposes only if it is implemented appropriately and, if not, means are available to ensure compliance.⁵ In other words, the enduring value of arms control rests very much on the ability to assure compliance.⁵ Despite the reasons given above for the continuing utility of arms control, the skeptics may still have the last word if agreements are made empty shells by repeated breaches and a lack of effective enforcement.

Russian aggression sets a precedent globally – sparks SCS conflict

Wash Post 8/28/14 ("The West must make Mr. Putin pay for his aggression," http://www.washingtonpost.com/opinions/the-west-must-make-mr-putin-pay-for-his-aggression/2014/08/28/0eaa39a0-2eea-11e4-994d-202962a9150c_story.html)

IF ANY international norm can still be called uncontroversial, it is the stricture against cross-border aggression by one sovereign state against another. Certainly any failure to enforce it in one place invites violations elsewhere. That is why Vladimir Putin's decision to send Russian forces openly into Ukraine in the past 48 hours is a watershed, not a mere "continuation of what's been taking place for months," as President Obama understated the case Thursday. If Mr. Putin does not pay a high price for this naked, if still cynically denied, attack on his neighbors, the precedent could sow instability far and wide — from the Baltic Sea, ringed by small, free states with large Russian minorities, to the South China Sea, dotted with islands that China covets but other countries claim. The reasons for Mr. Putin's escalation, after months of destabilizing Ukraine through more covert means, may be only guessed. Ukraine's military has made gains against Russian-instigated "separatists" in two key cities, Luhansk and Donetsk, and Mr. Putin may have felt that he could not abandon them without incurring political risk in Moscow. The Russian army's move on Novoazovsk, well to the south of these contested areas, relieved the pressure on them — and perhaps foreshadows seizing a land corridor to Crimea, which Mr. Putin absorbed through force and chicanery six months ago but has struggled to resupply by air and sea since. Mr. Putin's strategic goal could be even grander: the takeover of southeastern Ukraine, which he calls "New Russia," and its incorporation into his ballyhooed Eurasian Union. What is evident is that Mr. Putin cares little for diplomatic "off-ramps," as the West calls the various face-saving solutions it has dangled since Mr. Putin first began his squeeze on Crimea, and to which Mr. Obama alluded yet again Thursday. To the contrary: Sending his own regulars to seize Ukrainian territory suggests that he would rather risk further conflict with the West than see his minions go down to defeat in Donetsk, Luhansk and elsewhere. There may be some in Washington who conclude from this that Mr. Putin's interest in Ukraine will always be greater than that of the United States, so pressure or sanctions can't work — and might even be counterproductive, given the need for Russian cooperation on other matters such as Iran's nuclear program. If the issue were only Russia's neighborhood, we would still disagree, vehemently, but we would understand the logic. But given the global repercussions of this struggle, the United States and its allies cannot afford to let Mr. Putin break the rules. It is time to hit Russia with the full brunt of financial sanctions, to supply Ukraine with the arms and intelligence it needs to defend its territorial integrity (which Russia itself once pledged to respect), to halt all military sales to Russia by Western nations — and to bolster the neglected North Atlantic Treaty Organization. Mr. Obama made little effort Thursday to explain or defend the "broader principle" that he said is at stake in Europe. Nations around the world that rely on U.S. leadership and its commitment to the rule of law can only hope that he brings more passion to the cause at what deserves to be a historic NATO summit in Wales next week.

Extinction AND most probable scenario for war

Mead 10 (Walter Russell, Senior Fellow @ the Council on Foreign Relations, 11-9, "Obama in Asia", <http://blogs.the-american-interest.com/wrm/2010/11/09/obama-in-asia/>)

The decision to go to Asia is one that all thinking Americans can and should support regardless of either party or ideological affiliation. East and South Asia are the places where the 21st century, for better or for worse, will most likely be shaped; economic growth, environmental progress, the destiny of democracy and success against terror are all at stake here. American objectives in this region are clear. While convincing China that its best interests are not served by a rash, Kaiser Wilhelm-like dash for supremacy in the region, the US does not want either to isolate or contain China. We want a strong, rich, open and free China in an Asia that is also strong, rich, open and free. Our destiny is inextricably linked with Asia's; Asian success will make America stronger, richer and more secure. Asia's failures will reverberate over here, threatening our prosperity, our security and perhaps even our survival. The world's two most mutually hostile nuclear states, India and Pakistan, are in Asia. The two states most likely to threaten others with nukes, North Korea and aspiring rogue nuclear power Iran, are there. The two superpowers with a billion plus people are in Asia as well. This is where the world's fastest growing economies are. It is where the worst environmental problems exist. It is the home of the world's largest democracy, the world's most populous Islamic country (Indonesia — which is also among the most democratic and pluralistic of Islamic countries), and the world's most rapidly rising non-democratic power as well. Asia holds more oil resources than any other continent; the world's most important and most threatened trade routes lie off its shores. East Asia, South Asia, Central Asia (where American and NATO forces are fighting the Taliban) and West Asia (home among others to Saudi Arabia, Israel, Turkey and Iraq) are the theaters in the world today that most directly engage America's vital interests and where our armed forces are most directly involved. The world's most explosive territorial disputes are in Asia as well, with islands (and the surrounding mineral and fishery resources) bitterly disputed between countries like Russia, the two Koreas, Japan, China (both from Beijing and Taipei), and Vietnam. From the streets of Jerusalem to the beaches of Taiwan the world's most intractable political problems are found on the Asian landmass and its surrounding seas. Whether you view the world in terms of geopolitical security, environmental sustainability, economic growth or the march of democracy, Asia is at the center of your concerns. That is the overwhelming reality of world politics today, and that reality is what President Obama's trip is intended to address.

US/Russia War Outweighs – 2nc

US/Russia nuclear war outweighs – only existential risk

Bostrom 2 (Nick, Professor of Philosophy and Global Studies at Yale, "Existential Risks: Analyzing Human Extinction Scenarios and Related Hazards," 38, www.transhumanist.com/volume9/risks.html)

A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal. There was a real worry among those best acquainted with the information available at the time that a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization. Russia and the US retain large nuclear arsenals that could be used in a future confrontation, either accidentally or deliberately. There is also a risk that other states may one day build up large nuclear arsenals. Note however that a smaller nuclear exchange, between India and Pakistan for instance, is not an existential risk, since it would not destroy or thwart humankind's potential permanently.

US-Russia nuclear war risks extinction

Starr 14 (Steven, Senior Scientist for Physicians for Social Responsibility and Director of the Clinical Laboratory Science Program @ University of Missouri, "Ukraine + NATO = Nuclear War," Truthout, Tuesday, 11 March 2014 13:03 pg. <http://tinyurl.com/ohgfk5p>)

Furthermore, US/NATO naval forces should not be deployed in the Black Sea, where they would be in close proximity to Russian naval forces. In the event of a war in which Russian forces were actively engaged, the presence of US forces nearby would create a significant chance for a mistake in which US or Russian forces would fire upon each other. Supersonic fighters traveling at more than 1,000 mph can easily overfly national boundaries or "hostile" military forces. If NATO and Russian forces to come into direct military conflict, then the possibility of nuclear conflict increases exponentially. NATO cannot send in its 25,000 man Response Force and expect to defeat 150,000 Russian troops (or more) in a fight at the Russian border. In a NATO-Russian conventional conflict, in which Russian forces were prevailing, NATO would have the choice of withdrawing, calling for a ceasefire, or using its nuclear weapons against Russian forces. NATO has at least a couple hundred US B61 nuclear weapons forward deployed in Belgium, Germany, Italy, the Netherlands, and Turkey. The B61 is a "variable yield" weapon; the two models currently forward-based in Europe, the B61-3 and B61-4 both can be set to have an explosive yield of 300 tons of TNT (0.3 kilotons). In other words, the B61 is designed to be "useable" nuclear weapon, beginning with a "small" detonation that is roughly 20-30 times larger than our largest conventional weapon. However, the B61-4 can also be set to have an explosive power as much as 50,000 tons of TNT (50 kilotons), and the B61-3 as much as 170,000 tons of TNT (170 kilotons) – which is 70% greater than many of the strategic nuclear warheads carried by US nuclear subs. Even if NATO could manage to use its conventional forces to defeat Russian conventional forces, Russia would *not* allow such a defeat upon its very border. Russia would certainly use nuclear weapons to stop NATO. Russia has for some time adopted the policy of "nuclear de-escalation": "In order to maintain a credible nuclear deterrence effect under the conditions of a regional war, Russia believes it should not rely on strategic nuclear

forces, or on them only, but must maintain a range of options for the limited or selective use of nuclear weapons in order to be able to inflict a precisely set level of damage to the enemy sufficient to convince him to terminate military confrontation by exposing him to the danger of further nuclear escalation . . . When introducing the concept of "nuclear de-escalation" in the late 1990s, the Russian defence establishment was obsessed with the possibility of a Kosovo-type US/NATO intervention in the war ("armed conflict") in Chechnya, which resumed in 1999. It did not exclude the possibility that, in the event of such a case, Russia would be forced to resort to nuclear weapons." In a NATO-Russian conflict, in which Russia introduced nuclear weapons, NATO would be fully capable of responding in a tit-for-tat fashion. This would be the same pattern as was seen in the NATO war games of the Cold War. Once the nuclear "firebreak" is crossed, once nuclear weapons are introduced into a military conflict in which *both sides have nuclear weapons*, there would likely be an almost inevitable escalation of conflict, a progressive use of nuclear weapons by both sides, with progressively larger targets being taken out. Peer-reviewed scientific studies predict that a war fought with hundreds or thousands of US and Russian strategic nuclear weapons would ignite nuclear firestorms over tens of thousands of square miles. These mass fires would produce between 50 million to 150 million tons of smoke, which would quickly rise above cloud level in to the stratosphere, where winds would carry it around the Earth. In a matter of weeks or months, a global stratospheric smoke layer would form, which would block up to 70% of warming sunlight, quickly producing Ice Age weather conditions in the Northern Hemisphere. The scientists predict that temperatures in the central US and Eurasia would fall below freezing every day for about three years. The smoke, the darkness, and extreme cold weather would last for ten years or longer, eliminating growing seasons, making it impossible to grow food. Most people and animals would perish from nuclear famine. Nuclear war is suicide for the human race.

OR Bostrum

Yes Russian Aggression – 2nc

Your impact D doesn't apply - Thune says Russian aggression is a LEGITIMATE threat now AND Fisher says that continued aggression risks US-Russia MISCALC that escalates to global nuclear war

AND Russian aggression increasing now – firm signals of US deterrence are vital

Taylor and Ybarra 10/23/14 (Guy and Maggie, Wash Times, "U.S., allies scramble jets almost daily to repel Russian incursions,"

<http://www.washingtontimes.com/news/2014/oct/23/vladimir-putin-emboldened-by-weak-us-response-to-r/print/>)

Russian military provocations have increased so much over the seven months since Moscow annexed Crimea from Ukraine that Washington and its allies are scrambling defense assets on a nearly daily basis in response to air, sea and land incursions by Vladimir Putin's forces. Not only is Moscow continuing to foment unrest in Eastern Ukraine, U.S. officials and regional security experts say Russian fighter jets are testing U.S. reaction times over Alaska and Japan's ability to scramble planes over its northern islands — all while haunting Sweden's navy and antagonizing Estonia's tiny national security force. The White House months ago leveled economic sanctions on several Russian businesses and political players, and recent weeks have seen President Obama intensify his rhetoric toward Moscow. But many in Washington's national security community say the response is simply not firm enough and that, as a result, Mr. Putin actually feels emboldened to push the envelope — Cold War-style. "What's going on is a radical escalation of aggressive Russian muscle flexing and posturing designed to demonstrate that Russia is no longer a defeated power of the Cold War era," says Ariel Cohen, who heads the Center for Energy, National Resources and Geopolitics at the Institute for the Analysis of Global Security in Washington. "The more we retreat, the more we are encouraging Russia to behave in a more aggressive way," Mr. Cohen said. "We need to be engaging more deeply with our Central Asian allies, but instead we are in the process of abandoning turf to Russia, and it's wrong — it's against our interests geopolitically to let Russia feel that they all of a sudden have won all the turf without firing a shot."

Russian aggression increasing now – on the brink of a new Cold War

Taylor and Ybarra 10/23/14 (Guy and Maggie, Wash Times, "U.S., allies scramble jets almost daily to repel Russian incursions,"

<http://www.washingtontimes.com/news/2014/oct/23/vladimir-putin-emboldened-by-weak-us-response-to-r/print/>)

But Mr. Putin has appeared undeterred. NATO officials confirmed this week that the Russian air force flew an Ilyushin-20 spy plane into Estonian airspace Tuesday, triggering a swift reaction from NATO fighter jets patrolling the area. The incursion came just days after Sweden made international headlines by scrambling a fleet of naval vessels to search for a suspected submarine sighted about 30 miles off the coast of Stockholm in the Baltic Sea. Swedish authorities avoided pinning the incident directly on Russia, and Moscow denied involvement. But regional analysts like Mr. Cohen say they'd be surprised if the sub was not Russian. The

development, the analysts say, fits within a growing list of similar Russian actions, including some directly challenging U.S. territory. The North American Aerospace Defense Command scrambled jets to scare off two Russian strategic bombers that suddenly appeared to conduct practice runs in airspace just 65 miles off Alaska in June. A similar incident occurred in September, with U.S. and Canadian fighters scrambling to deter six Russian aircraft, including two nuclear bombers, two fighter jets and two refueling tankers, according to news reports. Around the same time, Russian ground forces were making the unprecedented move of arresting an Estonian security official at gunpoint near the Baltic nation's border with Russia. The official is reportedly now in Moscow facing espionage charges. More worrisome are reports that Japan has had to scramble fighter jets to ward off Russian bombers and spy planes twice as often as usual over the past six months. Japanese government figures released this week show flights dispatched to meet Russian aircraft in the latest six months soared to 324 from 136 over the preceding six months, according to a report by Reuters. Steve Ganyard, the president of Avascent International, a global security consulting firm in Washington, says Russia's moves reflect Mr. Putin's desire to bring about a new era of cat and mouse-style games that were "prevalent in the Cold War." Tuesday's Estonia incursion, for instance, was "quite deliberate," said Mr. Ganyard, a former Marine Corps fighter pilot who has also held past posts at the Pentagon and State Department. Mr. Putin is engaged in a ploy to garner international recognition as a way to reassure Russian citizens that their nation remains a formidable military power, he said. "Military has its own appeal to nationalism, and that is what helps him keep [his] power and keep his approval ratings so high," he said. "Putin knows how to play domestic politics," Mr. Ganyard added. "Right now, one of his platforms is to return Russia to its glory, and part of that means its military glory" by bolstering the "myth of the Red Army saving the motherland." In February, Mr. Putin's defense minister, Sergei Shoigu, made headlines by claiming the Russian military was engaged in talks with Algeria, Cyprus, Nicaragua, Venezuela, Cuba, Seychelles, Vietnam and Singapore — and that the Russian navy was seeking permission to use ports in Latin America and Asia. Such claims are in keeping with "a Russian narrative of a more assertive and powerful country," said William Pomeranz, a national security analyst at the Wilson International Center for Scholars and Russian law professor at Georgetown University. Mr. Pomeranz said that while the past decade saw Mr. Putin build a reputation as a "relatively conservative international player," the Ukraine crisis has pushed the Russian president into a kind of "corner," creating internal pressure on him to make a show of force to the world. The crisis began in early 2014 when, in the aftermath of a revolution that forced former Ukrainian President Viktor Yanukovich to flee the country, pro-Russian forces took control of the Crimean Peninsula. The takeover caused an uproar in Ukraine, and Mr. Putin responded by sending thousands of military troops to the Russian border with the nation. Mr. Pomeranz said the massing of troops and the "rubbing up" against U.S. and NATO airspace by Moscow are designed to show the Russian military has advanced since its last major international feud — with nearby Georgia in 2008.

A2 Can't Deter Russia

US-led pressure key to containing Russia and offsetting its rising power

Herman 10/7/14 (Arthur, Senior Fellow @ Hudson Institution, "Fighting Obamapolitik," <http://www.hudson.org/research/10693-fighting-obamapolitik>)

A second major step would be to downgrade Russia's influence in the world and, correspondingly, restore ours to its former strength. Putin has used the pretense of Russia's great-power status to win popularity at home — he has never ridden so high in domestic opinion polls as he does now — and to humiliate the United States in Iran, Syria, and Ukraine. In response, the United States should stop regarding Russia as a superpower and instead conduct foreign policy in ways that take advantage of its declining military capability, its shrinking population, and its crumbling economy (whose growth now depends on commodity prices). Reducing the international position of Russia and its authoritarian allies would neatly match the steps discussed above to strengthen U.S. allies. In the absence of any policy from President Obama, Congress should again take the lead.

Continued Russian aggression risks miscalc and war – US-led signals are key to deterring Putin

Ignatius 14 (David, an associate editor and columnist for the Washington Post, former Adjunct Lecturer at the Kennedy School of Government at Harvard University and currently Senior Fellow to the Future of Diplomacy Program, co-hosts PostGlobal, an online discussion of international issues at Washingtonpost.com, with Fareed Zakaria, "David Ignatius: Putin's error in Ukraine is the kind that leads to catastrophe,"

http://www.washingtonpost.com/opinions/david-ignatius-putins-error-in-ukraine-is-the-kind-that-leads-to-catastrophe/2014/03/02/d376603e-a249-11e3-a5fa-55f0c77bf39c_story.html)

The Russian leader's nostalgia for the past was on display at the Sochi Olympics. As David Remnick wrote last week in the New Yorker, Putin regards the fall of the Soviet Union as a "tragic error," and the Olympics celebrated his vision that a strong Russia is back. That attitude led Putin to what Secretary of State John Kerry described on Sunday as a "brazen act of aggression" and a "violation of international obligations." Kerry called on Putin to "undo this act of invasion." The Russian leader would save himself immense grief by following Kerry's advice, but that seems unlikely. His mistake in Sevastopol may lead to others elsewhere, though hopefully Putin will avoid reckless actions. But the more Putin seeks to assert Russia's strength, he will actually underline its weakness. Perhaps inevitably, given Washington's political monomania, the big subject over the weekend wasn't Putin's criminal attack on Crimea but whether Obama had encouraged it by being insufficiently muscular. There are many valid criticisms to be made of Obama's foreign policy, especially in Syria, but the notion that Putin's attack is somehow the United States' fault is perverse. For two months the Obama administration has been prodding the European Union to take the Ukraine crisis more seriously. I'm told that U.S. reporting showed that Putin was impatient with Ukraine's pro-Russian president, Viktor Yanukovich, and wanted him to crack down even harder on the protesters in Kiev's Maidan Square. Putin's distaste for Yanukovich has been obvious since he fled the capital a week ago. What Putin misunderstands most is that the center of gravity for the former Soviet

Union has shifted west. Former Soviet satellites such as Poland and the Czech Republic are prosperous members of the E.U. The nations that made up what was once Yugoslavia have survived their bloody breakup, and most have emerged as strong democracies. Ukraine was set to join this movement toward the European Union last November when Yanukovich suddenly suspended trade and financial talks with the E.U. and accepted what amounted to a \$15 billion bribe from Putin to stay in Russia's camp. To the tens of thousands of courageous Ukrainians who braved the cold and police brutality to protest, Yanukovich's submission to Moscow looked like an attempt to reverse history. The opportunity for Putin is almost precisely opposite his atavistic vision of restoration. It is only by moving west, toward Europe, that Russia itself can reverse its demographic and political trap. Year by year, the Russian political system becomes more of a corrupt Oriental despotism — with Moscow closer to Almaty than Berlin. The alternative is for Ukraine to pull Russia with it toward the West. As former national security adviser Zbigniew Brzezinski explained in a 2008 book, "If Ukraine moves to the West, first to the EU and eventually to NATO, the probability that Russia will move toward Europe is far greater. . . . Russians will eventually say, 'Our future will be safest, our control over the Far East territories most assured . . . if there is a kind of Atlantic community that stretches from Lisbon to Vladivostok.' " Putin's Russia may well make more mistakes: We may see a cascading chain of error that brings Russian troops deeper into Ukraine and sets the stage for civil war. Those are the kind of miscalculations that lead to catastrophic consequences, and Obama would be wise to seek to deter Russian aggression without specifying too clearly what the U.S. ladder of escalation might be. But Americans and Europeans should agree that this is a story about Putin's violation of the international order. I'd be happy if we could interrupt Russia's mistakes, but so far Putin insists on doing the wrong thing.

A2 Econ Heg Not Deter Russia

US economic strength key to deterring Russian aggression – failure sets a destabilizing precedent globally

Bilotti 14 (Michael, Contributor @ Fordham Political Review, "Halting Russia Begins With Economics," <http://fordhampoliticalreview.org/halting-russia-begins-with-economics/>)

Russian President Vladimir Putin's recent use of force in the Crimean Peninsula has pushed the West into a huddle to determine how best to show Russia that it will not tolerate this reckless land-grab. Analysts around the world have noticed a warmer relationship emerging between the United States and Europe as policymakers from both regions ensure they are not alone in pushing for a punishment for Russia. President Obama's relations with Europe have been strained in recent years due to his "pivot" to Asia and the NSA spying scandals, however the most recent series of events expose one the main reasons close ties between Europe and the US are needed. Putin convinced the now-ousted Ukrainian President Viktor Yanukovich to back out of an economic deal with the West in preference for one with Russia. This crisis began with the economy and should be handled with the economy. The US and the EU should begin looking into cooperative economic means to both bolster their own economies so as to look healthier relative to a corrupt Russian system and assist other Eastern European nations that might be affected by Russian intervention. The West has three main ways of doing this: push for energy independence in Eastern Europe by developing long-term strategies to wane natural gas needs off Russia; continue with the development and passage of the Transatlantic Trade and Investment Partnership (TTIP); and join in unison to subject biting sanctions on the Russian economy. If the West wants to put up a front to Russian aggression, it should be one of economic, rather than military, might. The European Union imports upwards of 35% of its natural gas from Russia, a statistic that weighs heavily over the heads of European policymakers. The situation is even more dire for countries in Eastern Europe (see figure 1 below). With some countries importing 100% of their natural gas needs from Russia, any price change could send their respective economies into turbulence with the only way to quell such volatility coming from Mr. Putin. Already, Russia has spiked the price of natural gas to Ukraine by 44%; other countries remain just as vulnerable to these fluctuations. The United States is in an extraordinary position regarding its ability to assist with the natural gas needs of Eastern Europe. The US produces more natural gas than any other country and its production has increased 20% between 2007 and 2011. Unfortunately, there is only one port in the United States built to transform natural gas into the liquid form for transport; however, there are nine more specially fitted ports set for construction and even more should receive swift investment. The ports would take a few more years before we see any significant changes in export levels but, if we want to change the exposure of Eastern European energy sources to Russian interference, then we must plan for the long-term. Many Americans against developing natural gas ports might argue that domestic prices will increase as we enter the global gas market. Natural gas producers can continue to offer competitive domestic prices by planning ahead with the expectation for increased exports in the next few years. If the government wanted to assist, it could open new lands up to natural gas exploration. To further bolster Western unification, the United States and the European Union should move forward with the TTIP. This agreement would lift the US and EU GDPs by \$124 billion and \$165 billion, respectively. This partnership

creates would show those in Eastern Europe interested in close ties to Russia that the West offers standards of living and wealth unlike any other nation in the world. The partnership would also make any collective sanctions all the more painful for Russian diplomats and oligarchs. The TTIP would combine the two largest economies in the world in the name of democracy, business, and diplomatic cooperation. The European Union and the United States already rely on each other militarily through NATO, making it only logical that the support should continue on the economic side of the relationship through the TTIP. One of the most immediate issues that need to be addressed that of financial assistance for Ukraine and Eastern Europe. Over the past few weeks, the United States, the International Monetary Fund, and other European nations have provided large financial aid packages to the Ukrainian government. Both the House and the Senate passed a \$1 billion aid bill that would provide loan guarantees as well as institute sanctions on a list of Russians closest to Putin. The IMF has pledged upwards of \$18 billion in a single aid package while also freeing up funds for another \$9 billion to be provided over the next two years, including large contributions from the UK and Japan. The West has been impressive in jumping to aid Ukraine, but unfortunately more must be done. The packages from the US and the IMF would total \$28 billion over the next two years, 20% short of the target the Ukrainian finance ministry believes would be needed to avoid default. Elsewhere in Eastern Europe, the IMF should be looking to deliver aid in other forms of loan guarantees that would reduce pressure to form economic partnerships with Russia. Until a substantive peace agreement has been negotiated, we should not underestimate the lengths Putin will go to in order to reestablish Russia's power, therefore we must financially protect our most vulnerable allies in the east. When Crimea fell into Russian hands on March 18th, the West was outraged at the most credible threat to world security since the end of the Cold War. The precedent Russia set by performing this illegal land-grab under the guise of protecting ethnic Russians is extraordinarily dangerous. If the West fails to protect its allies and show developing nations that it will not tolerate such activities, states could very easily begin aggressive behavior towards each other. The ramifications resulting from the failure of the West to substantively answer Russia's antagonism would be far-reaching and severely destabilizing. It is for this reason that the West should produce a unified economic front to show the world that it stands with its principles of a free economy, self-governance, and international cooperation.

Ex-Im Bank Key to Satellites – 2nc

Ex-Im Bank reauthorization key to future satellite projects

Communications Daily 3/26/12 ("Fight Over Ex-Im Bank Threatens Future Satellite Financing," lexis)

An ongoing standoff in Congress over reauthorizing the U.S. Export-Import Bank puts at risk an entity that has been increasingly important for satellite projects, say industry executives. The bank, which provides loan and loan guarantees for U.S.-made exports, is facing the expiration of its congressional authorization and possibly reaching the loan exposure limits of its charter, said Phil Cogan, vice president-communications. The bank has never lost its authorization and it remains unclear exactly what would happen if it did, he said. The bank, an independent agency that provided \$1.3 billion in satellite financing in 2011, is operating on an extension of its authorization. The 5-year reauthorization, passed by Congress in 2006, ended Dec. 31 and the most recent extension of the authorization is up May 31, Cogan said. Overall, the bank provided some \$33 billion in financing in 2011, he said. It has helped fund other telecom projects, including cell and radio services, though satellite has been the largest recipient within the telecom industry, he said. The bank has been especially important in recent years for big-ticket exports, such as planes, said a satellite industry lawyer. The inherent complexities of gaining financing approval through the bank often makes the process only worthwhile for larger projects, he said. Ex-Im agreed last year to provide \$700 million in financing for Inmarsat's purchase of its Ka-band constellation, Global Xpress, from Boeing.

Sats Key to Econ/Heg

That tanks the global economy and undermines US global hegemony

Dolman 6 (Everett C., Associate Professor of Comparative Military Studies at the U.S. Air Force's School of Advanced Air and Space Studies, "A Debate About Weapons in Space: For U.S. Military Transformation and Weapons in Space" SAIS Review vol. XXVI no. 1, Winter-Spring)

No nation relies on space more than the United States—none is even close—and its reliance grows daily. A widespread loss of space capabilities would prove disastrous for American military security and civilian welfare. America's economy would collapse, bringing the rest of the world down with it. Its military would be obliged to hunker down in a defensive crouch while it prepared to withdraw from dozens of then- untenable foreign deployments. To prevent such disasters from occurring, the United States military—in particular the United States Air Force—is charged with protect- ing space capabilities from harm and ensuring reliable space operations for the foreseeable future. As a martial organization, the Air Force naturally looks to military means to achieve these desired ends. And so it should.

Sats Solve Terrorism

US satellite supremacy key to winning the war on terrorism

Ruppersberger 11 (C.A. Dutch, Worldwide Threats Hearing Opening Statement American politician, has been a Democratic member of the United States House of Representatives since 2003, representing the 2nd District of Maryland. He was born in Baltimore, Maryland, was educated at University of Maryland and the University of Baltimore, and was a lawyer and member of the Baltimore City Council before entering the House.

<http://intelligence.house.gov/sites/intelligence.house.gov/files/documents/RMOpeningWorldwideThreatsHearing.pdf>

The last issue I would like to discuss is space. We have some of the best satellite systems. America is the most powerful country in the world, in part, because we control the skies. Satellites are important because they keep us safe. We use satellites and their images to track suspected terrorists around the world and stop future attacks. Satellites allow us to monitor important global developments and provide real-time data to our troops on the ground in Iraq and Afghanistan. When our troops climb a hill on the battlefield, they know what is on the other side of that hill because of our technology. We can find that needle in the haystack because we have the best satellites in the world. You may have heard the President of the United States mention our "Sputnik moment". Well, he stole my line. I have been talking about this for years. More than 50 years ago, the Soviet Union rocked our world by launching Sputnik into space. Just 12 years later, America answered the challenge and landed a man on the moon. The space industry was born. America made a massive investment in research and development, employed the best and brightest scientists, mathematicians and engineers, and put unprecedented emphasis on science education. America made worldwide headlines and just about every kid on Earth wanted to be Neil Armstrong. Today, America's dominance in space is fragile.

Sats Key to Environment/Solve Warming

Satellite developments key to effective global environmental monitoring

Pace 9 (House Science and Technology Subcommittee on Space and Aeronautics Hearing; Keeping the Space Environment Safe for Civil and Commercial Users; Testimony by Scott Pace, Director, Space Policy Institute, George Washington University Congressional Documents and Publications April 28, 2009 lexis)

Space activities contribute to the long-term well being of society through improved scientific understanding in every field of knowledge, most notably with respect to the global environment. The design, development, and operation of space systems constitute major technical and managerial challenges in systems engineering and thus help strengthen the engineering capacities of participating nations. China and India are but the latest examples of nations that see the value of space to their further development. Most immediately, space systems such as satellite communications, environmental monitoring, and global navigation satellite systems are crucial to the productivity of many types of national and international infrastructures such as air, sea, and highway transportation, oil and gas pipelines, financial networks, and global communications. Information services enabled by the unique capabilities and global reach of space systems are crucial to the functioning of the global economy. In a time of global economic crisis, the United States and other space-faring nations need to cooperate more closely to protect space systems from intentional or unintentional interference. The space environment today is a very different from what it was in 1957 when the first satellite was launched, or 1972 when the international convention on liability for damage caused by space objects was signed. In the past two years, a Chinese anti-satellite test and communications satellite collision have added thousands of orbital debris to the local space environment, much of which will be in orbit for many years to come. Today, the Joint Space Operations Center is tracking over 19,000 man-made objects and that number is growing. The space environment is not safe - it might be fairly characterized as an environment in which everything is trying to kill you and your spacecraft. It can however be made sustainable in that the vital functions we use space for today can be reliably maintained for generations to come.

Improving satellite capabilities are a necessary condition for solving climate change – accurate data, demonstration of climate leadership

Lewis et al., 2010 (James A., Director and Senior Fellow, Technology and Public Policy Program – CSIS, Sarah O. Ladislaw, Senior Fellow, Energy and National Security Program – CSIS, Denise E. Zheng, Congressional Staffer - Salary Data, “Earth Observation for Climate Change,” June, http://csis.org/files/publication/100608_Lewis_EarthObservation_WEB.pdf)

Climate change will have pervasive and unavoidable effects on economic and national security. Managing these consequences and mitigating them when possible are new and difficult tasks for governments. Progress in mitigating and adapting to climate change will require the world’s countries to agree to coordinate their actions. Reaching such agreement will be no easy task. That said, climate change offers a unique opportunity for the United States to engage other nations in pursuing common interests and addressing future challenges. Not only is the United States well positioned to lead on this issue because of its significant space and scientific

capacity, it also faces global expectations that it should shoulder the leadership burden for climate change. A commitment to building the space and information infrastructure needed to manage climate change could demonstrate the U.S. leadership, based on competence and advancing the global good, that the world respects and admires. Operationalization is the next step for dealing with climate change—to make the data and knowledge generation by satellites and science easier to use in policymaking. Operationalization requires a new approach. Climate change has largely been an issue of science. The existing vehicles for international cooperation and data sharing are aimed at the scientific community. Effective global management of climate requires a new approach with three integrated elements—space, networks, and collaboration. Our belief is that a concerted effort to analyze and share data from the many national efforts could significantly advance our understanding of the risks and causes of climate change, better measure the effects of mitigation policies, and guide planning on how to adapt to changes in the environment. Achieving such a concerted effort will require coordination must occur on several different levels if it is to have a meaningful effect. The first—the collection and measurement of relevant data—depends largely on satellites. Without the proper data, it would be very difficult to develop and aggregate a global picture of climate change and its nature and pace. It would be difficult to measure the effects of mitigation efforts, determine when or whether policies are effective, or predict when and how climate effects will affect local communities. The second level is to expand the analysis and sharing of information. In some ways, we are only in the early stages of developing a global enterprise for assessing climate change. Much of the research and analysis conducted thus far has been focused on understanding the nature and pace of climate change, forecasting future changes in Earth’s natural systems based on changes in different variables, and substantiating theories about how human efforts to reduce the effects of climate change might actually have some effect. More work is needed in each area to improve our understanding and update it as the natural environment continues to change. Finally, data must move from the scientific community to the policy community—to governments and policymakers—if data are to guide change. While the UN’s Intergovernmental Panel on Climate Change tailored analysis to meet policymakers’ needs in the hopes of reaching a global consensus for action, the challenge today is to extend and strengthen connections between the science and policy communities. A coordinated multinational effort to better inform the policy process can change this. Our belief is that a concerted effort to analyze and share data from the many national efforts could significantly advance our understanding of the risks and causes of climate change, better measure the effects of mitigation, and guide planning on adapting to changes in the environment. To this end, our recommendations follow: The U.S. approach to climate change policy needs to inform decisionmakers and planners in both government and the private sector by providing understandable metrics and analyses of the effectiveness of, and compliance with, mitigation programs and adaptation plans. The customers for this should include federal agencies, state and local governments, private sector users, and other nations. To better serve the national interest, the United States should increase its Earth observation capabilities—especially space-based sensors for carbon monitoring—to improve our ability to understand the carbon cycle and to inform any future international agreement. This means that until these capabilities are adequate for monitoring climate change, investment in Earth observation satellites should take precedence over other space programs. Increased spending on earth

observation satellites specifically designed for climate change should be maintained until the current capability shortfall is eliminated.

New Link Work

Surveillance Splits Dems

Ending metadata surveillance splits the Dems

Greenwald 13 (Glenn, investigative reporter @ The Guardian, "Democratic establishment unmasked: prime defenders of NSA bulk spying" 7/25, <http://www.theguardian.com/commentisfree/2013/jul/25/democratic-establishment-nsa>)

Even more notable than the Obama White House's defense of the NSA's bulk domestic spying was the behavior of the House Democratic leadership. Not only did they all vote against defunding the NSA bulk domestic spying program - that includes liberal icon House Democratic leader Nancy Pelosi, who voted to protect the NSA's program - but Pelosi's deputy, Steny Hoyer, whipped against the bill by channeling the warped language and mentality of Dick Cheney. This is the language the Democratic leadership circulated when telling their members to reject Amash/Conyers: "2) Amash/Conyers/Mulvaney/Polis/Massie Amendment – Bars the NSA and other agencies from using Section 215 of the Patriot Act (as codified by Section 501 of FISA) to collect records, including telephone call records, that pertain to persons who may be in communication with terrorist groups but are not already subject to an investigation under Section 215." Remember when Democrats used to object so earnestly when Dick Cheney would scream "The Terrorists!" every time someone tried to rein in the National Security State just a bit and so modestly protect basic civil liberties? How well they have learned: now, a bill to ban the government from collecting the telephone records of all Americans, while expressly allowing it to collect the records of anyone for whom there is evidence of wrongdoing, is - in the language of the House Democratic Leadership - a bill to Protect The Terrorists. None of this should be surprising. Remember: this is the same Nancy Pelosi who spent years during the Bush administration pretending to be a vehement opponent of the illegal Bush NSA warrantless eavesdropping program after it was revealed by the New York Times, even though (just as was true of the Bush torture program) she was secretly briefed on it many years earlier when it was first implemented. At the end of June, we published the top secret draft report by the Inspector General's office of the NSA that was required to provide a comprehensive history of the NSA warrantless eavesdropping program secretly ordered by Bush in late 2001. That report included this passage: "Within the first 30 days of the Program, over 190 people were cleared into the Program. This number included Senators Robert Graham and Richard Shelby, Congresswoman Nancy Pelosi, President George W. Bush, Vice President Richard Cheney, Counsel to the Vice President David Addington, and Presidential Assistant I. Lewis 'Scooter' Libby." So the history of Democratic leaders such as Nancy Pelosi isn't one of opposition to mass NSA spying when Bush was in office, only to change positions now that Obama is. The history is of pretend opposition - of deceiving their supporters by feigning opposition - while actually supporting it.

Metadata surveillance fights split the Democrats

Associated Press 14 ("NSA Surveillance Debate Exposes Divisions In Democratic, Republican Parties," http://www.huffingtonpost.com/2014/02/18/nsa-surveillance-debate_n_4807707.html)

WASHINGTON (AP) — While some leading Democrats are reluctant to condemn the dragnet surveillance of Americans' phone records, the Republican Party has begun to embrace a libertarian shift opposing the spy agency's broad powers. But the lines are not drawn in the

traditional way. The Republican National Committee and civil libertarians like Kentucky Sen. Rand Paul have joined liberals like Massachusetts Sen. Elizabeth Warren on one side of the debate — a striking departure from the aggressive national security policies that have defined the Republican Party for generations. On the other side, defending surveillance programs created under the Bush administration and continued under President Barack Obama, are Florida Republican Sen. Marco Rubio, Democratic former Secretary of State Hillary Rodham Clinton, and the House and Senate leadership of both parties. As a result, the debate about whether to continue the National Security Agency's sweeping surveillance tactics has highlighted intraparty divisions that could transform the politics of national security. The split in each party could have practical and political consequences ahead of the 2014 midterm elections. There are already signs that the debate is seeping into the next presidential contest. Speaking Tuesday to New Hampshire voters, Rep. Darrell Issa, R-Calif., cited the spy agency's surveillance methods as another example of broad overreach in what he called Obama's "imperial presidency." Issa called for reforms that would ensure American people are represented during secret court proceedings that decide the scope of the NSA surveillance. Obama has called for more oversight, too, and Issa stopped short of endorsing the plan to eliminate the bulk collection program. Congress may address government surveillance this spring in one of its last major moves before members head home to focus on the November elections. But if Congress punts the surveillance debate to next year, it would resurface just as the presidential primary campaigns are beginning. The bulk collection of Americans' phone records was authorized under Section 215 of the USA Patriot Act. Details of the program were secret until June when a former NSA systems analyst, Edward Snowden, leaked classified documents that spelled out the scope of the government's activities. The bulk collection provision in the law is set to expire June 1, 2015, unless Congress acts to renew it. More than a decade after the 9/11 terrorist attacks, Americans have become less willing to support invasive surveillance tactics in the name of national security. Recent polls show a sharp decline in public support for the NSA programs. The Obama administration justifies continuing the surveillance program, in part, by pointing to Congress' continued approval and support. In an effort to win back public trust, Obama has called for some changes that would provide more privacy protections and transparency but not end the program. Clinton, the overwhelming Democratic favorite should she seek the presidency, has been virtually silent on the NSA debate for months. Last fall she called for a "full, comprehensive discussion" about the practices but also defended the surveillance. "From my own experience, the information-gathering and analyzing has proven very important and useful in a number of instances," she said. A Clinton spokesman declined to offer further comment last week. Paul, a prospective Republican presidential hopeful and tea party favorite, contrasted Clinton's position with his own aggressive opposition to Bush-era intelligence programs, as polls suggest that a growing majority of Republicans — tea party supporters in particular — are deeply skeptical of the federal government. "I think in 2016 if you had a more libertarian-leaning Republican, and you had someone like Hillary Clinton, I think you could actually completely transform where people think they are and what party people think they have allegiance for," Paul said at a recent Washington conference. Last week, he filed a lawsuit against Obama and others in the administration over the so-called 215 program. The Republican National Committee in January approved a resolution "to immediately take action to halt current unconstitutional surveillance programs and provide a full public accounting of the

NSA's data collection programs." There was an immediate backlash from Bush-era Republican intelligence officials who described the resolution in a letter to RNC Chairman Reince Priebus as a dangerous "recipe for partisan oblivion." Other Republicans also pushed back against the intraparty shift. Rubio said this week that "we need to be careful about weakening" the nation's surveillance capabilities. Rubio said Americans' privacy expectations and rights need to be protected. "But we also need an effective surveillance capability," he told the Tampa Bay Times. "Every other country in the world, certainly those that are hostile to our interests, has robust intelligence programs." There was an unexpectedly close vote in the Republican-controlled House last July on a measure that would have ended the bulk collection of phone records. The amendment failed, but it was the first chance for lawmakers to take a stand on the secret surveillance program since the Snowden leaks. A Pew Research Center poll found last month found that Republicans, fueled by tea party supporters, now disapprove of the program by 56 percent to 37 percent. Democrats are almost evenly split on the program — 46 percent approve and 48 disapprove. Facing increasingly vocal activists at home, nine Republicans who didn't vote or voted against the amendment last year have signed onto bipartisan legislation that would end the bulk collection surveillance program. Lawmakers are expected to get another chance to weigh in this spring when Republican House leaders plan to allow a vote on an amendment to a Defense Department bill that would curtail some of the NSA's surveillance authority. If approved, the measure would give GOP members political cover with their party's most aggressive NSA critics. In the Democratic Party, progressive members are more likely to be aligned with tea party Republicans than Clinton and Obama on the issue. Warren, a liberal favorite, said that while Obama's proposed reforms were "a significant step forward," they didn't go far enough. She is among more than a dozen Democratic and three Republican senators who support legislation that would end the 215 program. "Congress must go further to protect the right to privacy, to end the NSA's dragnet surveillance of ordinary Americans, to make the intelligence community more transparent and accountable," Warren said in a statement to The Associated Press. The intraparty divisions are clear on both sides, but at least one Republican strategist sees a silver lining.

Surveillance reform splits the Dems - USA Freedom Act proves

Fleitz 15 (Fred, "senior vice president for policy and programs for the Center for Security Policy," 5/11, <http://www.nationalreview.com/article/418207/nsa-data-collection-necessary-or-unconstitutional-fred-fleitz>,

Congress also has struggled with NSA reform. Last May, the House passed the 2014 USA Freedom Act, which would put significant restrictions on the 215 program, including a mandate that metadata be retained by the phone companies, not the NSA. Although I viewed this as a bad bill, I endorsed it in a June 23, 2014, National Review article because I believed that, regardless of the merits and capabilities of the metadata program, it has been so damaged by fear-mongering attacks by the press and some politicians that it could not continue in its current form. Unfortunately, the House version of the USA Freedom Act was made substantially worse by Patrick Leahy, then-chairman of the Senate Judiciary Committee, who added restrictions that would effectively kill the metadata program and interfere with the operation of the Foreign Intelligence Surveillance Court. Because of Leahy's changes to the House version of the 2014 USA Freedom Act, it did not garner a filibuster-proof majority last November, and the Senate

failed to pass it. The top members of the Senate Intelligence Committee – then-chairman Feinstein and Saxby Chambliss — said Leahy’s bill went too far. Former CIA director Michael Hayden and former attorney general Michael Mukasey condemned the bill in a November 17, 2014, Wall Street Journal op-ed titled “NSA Reform That Only ISIS Could Love.” The challenge for Congress now is to pass legislation to extend the metadata program before it expires at the end of this month. Members of Congress and staff have been working over the past three months to devise a 2015 version of the USA Freedom Act. On April 30, the House Judiciary Committee approved this bill by a vote of 25 to 2. An identical version has been sponsored in the Senate by Senators Leahy and Lee. The House’s 2015 USA Freedom Act is slightly better than the 2014 Senate version. The metadata program would continue, although the data would be held by phone companies. NSA searches of metadata databases would be narrowed. The bill also would create a panel of experts to advise the Foreign Intelligence Surveillance Court on privacy, civil liberties, and technological matters. Significant FISC decisions would be declassified. The bill includes concessions to the House Intelligence Committee, such as allowing the NSA authority to conduct surveillance for 72 hours without obtaining a warrant on foreign targets who enter the United States, and to monitor domestic targets on whom it has a probable-cause warrant when they travel overseas. The NSA will also be allowed to use the Patriot Act to collect data domestically in an emergency. The Left and privacy groups are split over the 2015 version of the USA Freedom Act. Some have endorsed it, because they believe that it is the best they can get and that it will open the door to greater reform down the road. These groups are pressuring Congress to remove the concessions made to the House Intelligence Committee. Several of these groups have stepped up their efforts to amend the bill in the light of the May 7 New York Court of Appeals decision. Others on the left, such as the ACLU and the New York Times, do not support the 2015 USA Freedom Act, since they would prefer that the electronic-surveillance provisions of the Patriot Act be allowed to expire.

A2 Courts = Obama Avoids Blame

Liberal rulings cause massive backlash to the democrats and Obama's agenda – gets blamed due to Kagan and Sotomayor

Mirengoff 10 (Paul, attorney in Washington, D.C. A.B., Dartmouth College J.D., Stanford Law School, June 23 The Federalist Society Online Debate Series, <http://www.fed-soc.org/debates/dbtid.41/default.asp>)

The other thing I found interesting was the degree to which Democrats used the hearings to attack the "Roberts Court." I don't recall either party going this much on the offensive in this respect during the last three sets of hearings. What explains this development? My view is that liberal Democratic politicians (and members of their base) think they lost the argument during the last three confirmation battles. John Roberts and Samuel Alito "played" well, and Sonia Sotomayor sounded like a conservative. The resulting frustration probably induced the Democrats to be more aggressive in general and, in particular, to try to discredit Roberts and Alito by claiming they are not the jurists they appeared to be when they made such a good impression on the public. I'm pretty sure the strategy didn't work. First, as I said, these hearings seem not to have attracted much attention. Second, Senate Democrats are unpopular right now, so their attacks on members of a more popular institution are not likely to resonate. Third, those who watched until the bitter end saw Ed Whelan, Robert Alt and others persuasively counter the alleged examples of "judicial activism" by the Roberts Court relied upon by the Democrats -- e.g., the Ledbetter case, which the Democrats continue grossly to mischaracterize. There's a chance that the Democrats' latest partisan innovation will come back to haunt them. Justice Sotomayor and soon-to-be Justice Kagan are on record having articulated a traditional, fairly minimalist view of the role of judges. If a liberal majority were to emerge -- or even if the liberals prevail in a few high profile cases -- the charge of "deceptive testimony" could be turned against them. And if Barack Obama is still president at that time, he likely will receive some of the blame.

Democrats get the blame for liberal rulings like the plan

Tucker 95 (D.F.B., associate professor of political science at the University of Melbourne, The Rehnquist Court and Civil Rights, p. 40-41)

The point I have been illustrating is that the backlash generated by an activist Supreme Court is likely to influence the political process of other political actors; indeed, that it is likely to provide an enormous advantage to those politicians who are unscrupulous enough to oppose the Court. We see this in recent presidential contests in the United States for the strategies adopted by the major political parties when conducting election campaigns have been shaped by an on-going debate about liberal values, partly provoked by the activities of the Supreme Court.¶ This phenomenon has been very significant in the South because the Supreme Court was involved as a key institution when the federal government brought segregation to an end. But the Warren-Burger Court's role as an unwitting agent provocateur for the Republicans, encouraging conservative communities to shift political allegiance away from the Democrats by presenting as a symbol of unpopular liberal principles, has not been confined to the issue of racial justice. The Supreme Court expanded the liberal agenda enormously by bringing down unpopular and

controversial rulings relating to police powers, separation of Church and State, speech, and privacy. In a series of decisions, that stretch the legal imagination and ingenuity even of their defenders, it recognized a number of new rights that protected stigmatized groups that had little or no community support (for example, criminals, prisoners, atheists, pornographers, drug users); even more controversially, it acted aggressively to withdraw protection from traditionally protected communities (such as poorly educated rural whites and the religious communities) by refusing to uphold claims to state autonomy (made in the name of the federal agreement originally embodied in the Constitution). The Supreme Court justices acted in the name of liberal values and conditions of the federal division of powers that were widely recognized and accepted.¶ These interventions had the effect of placing progressive leaders in the Democratic Party in a very vulnerable position. Although they knew that they were unable to secure public support for the rights and liberties that the Court had decided to recognize, they felt obligated to defend the agenda the Court had foisted upon them. This was partly because of their own personal values. (How can someone who strongly believes that liberal ideals are worthy easily enter into a campaign to discredit the Court's imposition of those very values?)

Obama gets the electoral blame for liberal Court rulings

Loftin 10 (Britton, Political Strategist and Director of a Legislative & Government Affairs firm, "Is Obama To Blame for Decline in Supreme Court Approval Ratings," <http://webcache.googleusercontent.com/search?q=cache:CwTZ3gilzFQJ:politic365.com/2010/10/12/is-obama-to-blame-for-decline-in-supreme-court-approval-ratings/+&cd=10&hl=en&ct=clnk&gl=us>)

Although the 2010 percentage is low compared to the previous year, the approval ratings for 2007 and 2008 are near the current rate. Could it be that President Obama's declining approval ratings over the past year have resulted in guilt by association for the Supreme Court? Instead, is it possible that the Supreme Court's recent 5-4 decision to reverse a position it took in 2003 to uphold government restrictions on political expenditures by corporations has been perceived negatively in the public eye?¶ The Supreme Court had great public approval ratings in 2009, perhaps, in part, evidenced by the outpouring of support it received for then-appointee Justice Sonya Sotomayor. At the time, fervent support for a Latino woman to be appointed to the Court seemed to generate positive feelings about its general performance. During President Obama's 2010 appointment of now Justice Elena Kagan, however, the Court's job approval numbers declined, even in spite of overwhelming support by the Democratic base.¶ The President's first Supreme Court appointment was a sign of transition from the previous Republican era to a new Democratic administration. Further, America was engaged through wide media coverage of both of the President's Supreme Court nominations.¶ Sotomayor marked the first appointment of a Latino to the nation's highest court. And as Democratic excitement fueled President Obama's nomination, the Court's approval ratings remained high, according to Gallup, which polled American approval ratings at 53% satisfied versus 33% dissatisfied.¶ So what's changed? President Obama has now made two lifetime appointments to the Supreme Court, and yet, the Democratic leaning presence has yet to politically balance the bench. Ironically though, the view of most people polled by Gallup is that the bench has become more liberal. Thus, the Court's overall approval ratings have declined. It's also interesting to note that as President Obama's approval ratings declined throughout 2010, so too did overall satisfaction with the job

performance of the Supreme Court.¶ In the 2010-2011 Supreme Court Session, the cases coming before the justices involve emotion driven topics: undocumented immigrant rights, information privacy, and free speech, all issues that are sure to engage the American electorate.¶ Back in 2009, the Court's approval ratings were bolstered by an energized Democratic base consisting primarily of African Americans, Latinos and young people. Now, given a marked shift toward more conservative ideology in the wake of continued economic recession and unemployment, it seems that satisfaction with the Supreme Court is based less on actual job performance than it is on the perception that the Court has become too liberal under Obama's watch.

A2 Courts Not Perceived

Courts aren't insulated from politics—controversial, significant Court rulings generate national political controversy

Champagne 6 (Anthony, Professor of Political Science, University of Texas, Dallas, 39 Loy. L.A. L. Rev. 839, lexis)

Attacks on the judiciary are nothing new in the sense that judges have always been subject to criticism in American politics. n80 In another sense, however, a new development is emerging in the current criticisms of the judiciary. During the Roosevelt era, and for many years afterwards, most of the heated battles in American politics were over economic issues and foreign policy questions such as involvement in the Korean and Vietnam Wars. n81 Courts limited their involvement in these debates and, for the most part, deferred to the political branches. n82 However, courts steadily increased their involvement with controversial issues beginning with civil liberties [*849] questions during the Warren Court era and continuing with social issues such as abortion, the free exercise of religion, women's rights, and gay rights. n83 Resolution of these issues was in the judiciary, rather than the political process. n84¶ Ultimately, the involvement of the judiciary did have political consequences. Over a period of several decades, social con-servatives who viewed many of these court decisions as reflecting immoral or inappropriate values, reacted with a sense of moral urgency. n85 At the same time, people with less traditional or more secular values strongly supported these same decisions. n86 As the previously discussed data demonstrates, these two groups' competing views of judicial decisions materialized in the increasingly divergent views of the Democratic and Republican parties. The gulf between the perspectives of Democrats and Republicans regarding court decisions with significant social ramifications guaranteed that the courts, judges, and their decisions would become part of the national political debate.¶ It does not appear that the political controversy over the courts will diminish any time soon. The era of "umbrella" political parties where each party had numerous members reflecting a variety of views is gone. Today's parties increasingly reflect sharply divergent views. n87 This development, of course, explains the lack of cooperation and the proliferation of partisanship in Washington. There is no evidence that this pattern will change in the near future. Nor is it likely that the courts can now remove themselves from the political thicket. How, for example, could the courts avoid controversy over such questions as abortion? A reaffirmation of Roe v. Wade n88 would lead to intense criticism of the Court by Roe's opponents. Yet, to overturn the decision would lead to a similar response from Roe's supporters. What we now have, for good or ill, is a new era for the American judiciary - an era when battles over control of the judiciary and criticism of the bench reflect the underlying division in the country over its social values.¶ Long ago, Justice Felix Frankfurter warned against the Court entering the "political thicket" when commenting on the issue of reapportionment of legislatures. n89 The battle over the judiciary today with respect to social issues demonstrates that once the courts enter the "political thicket", it is impossible for them to escape. Yet, courts have survived political controversies in the past, even when, like the thicket of reapportionment, they pose longstanding and seemingly unsolvable problems. There is no reason to believe that the thicket of social issues will be any different. [*851]

There's only risk of the link—negative public reactions to Supreme Court decisions are more intense and longer-lasting than positive public reactions

Friedman 5 (Barry, Prof of Law @ NYU, 84 Tex. L. Rev. 257, lexis)

Although the Court's degree of freedom of movement around public opinion may not be certain, positive scholars are fairly confident that one major determinant is information. The dynamics here are complex, but some generalities may be possible . Both negative and positive reactions to the Court influence public opinion, but negative reactions seem to be more intense and have a shorter half-life . n395 Perhaps it is for this reason that the less people hear about the Court, the better for it. n396 As time passes, people develop a store of good feelings about the Supreme Court, reflected in the Court's relatively strong performance in public mood indicators. n397 Commentators who have studied public opinion and the Court regularly advise it to keep a low profile. n398

Politics Iran -MSDI

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1NC Shell

PC key to block attempts to derail the Iran deal; key to the future of negotiations

Jordain Carney June 25, 2015, 07:01 pm Iran hardliners push sanctions ahead of nuke talks deadline

<http://thehill.com/blogs/floor-action/senate/246225-iran-hard-lines-push-sanctions-ahead-of-nyke-talks-deadline>

Sens. Mark Kirk (R-Ill.) and Bob Menendez (D-N.J.) are pushing a 10-year extension for an Iran sanctions bill days ahead of a deadline to finalize a long-term deal on the country's nuclear program. ¶ The two senators, who have been at the forefront of a push to increase sanctions against the Iranian government, want to extend the Iran Sanctions Act, currently set to expire at the end of next year, through 2026. ¶ ¶ The move comes as officials from the United States, Iran and five other countries face a June 30 deadline to lock down a final agreement that would limit Iran's nuclear program in exchange for sanctions relief. ¶ ¶ The legislation is the latest sign of increasing skepticism from lawmakers, particularly Republicans, who are lining up against a potential deal ahead of the deadline. ¶ ¶ The sanctions legislation targets Iran's nuclear and missile programs, as well as human rights violations and support for terrorism. The administration has argued that Iran's backing of terrorist groups or human rights abuses should be separate from the ongoing nuclear talks. ¶ ¶ Thursday's legislation is the second time the senators have pushed the measure. They also tried to get it in the National Defense Authorization Act. Including the Iran sanctions proposal would have complicated an already tricky path to passage for the annual policy bill that faces a veto threat from the White House. ¶ ¶ Menendez suggested the administration should back the legislation if it is serious about its pledge to snap back sanctions if Iran violates a final deal. ¶ ¶ "If a deal is reached with Iran, it is critical that should Iran violate the terms of an agreement, severe penalties will follow and a forceful snapback of sanctions will occur," the New Jersey Democrat said. "It stands to reason that if negotiators are serious about snapback, then they should support the immediate extension of the Iran Sanctions Act to ensure there is no question for Iran about the consequences of non-compliance." ¶ ¶ Kirk added the administration must support the legislation if it "is serious about maintaining terrorism sanctions against Iran no matter what." ¶ ¶ The proposal also requires the Obama administration to tell Congress whether any money received through sanctions relief has gone toward supporting terrorism, creating nuclear weapons or missiles, or into the personal bank accounts of Iranian officials. ¶ ¶ Supporters of an agreement have pushed back against the Kirk-Menendez effort, with the National Iranian American Council arguing the measure would "short-circuit Congressional consideration of sanctions relief in a final nuclear agreement and risk complicating ongoing nuclear negotiations with Iran and derailing negotiations as they reach their endgame."

Plan cost capital – FAA drone regulations are controversial

Troy Rule, Nov 19 2014 <http://www.latimes.com/opinion/op-ed/la-oe-rule-drone-regulation-faa-20141120-story.html>

This new ruling is particularly troubling because the FAA still hasn't found a federal regulatory scheme capable of effectively integrating drones into the nation's airspace. A June audit report revealed that the agency was "significantly behind schedule" in meeting congressionally imposed deadlines for its development of civilian drone regulations. Frustrated at the FAA's snail-like pace, companies such as Amazon and Google have begun exporting their drone research activities to other countries. Small drones are not built for lengthy interstate flights at altitudes where conventional airplanes fly, so why should a federal agency be the chief regulator of these devices? Rather than seeking to expand its regulatory jurisdiction all the way down to the ground, the FAA should advocate for itself a more limited role in a collaborative federal, state and local regulatory scheme tailored to the unique attributes of drone technologies

The alternative to the deal is Middle East conflict and Iranian nukes

Economist 4/2 (2015, "Is this a good deal?" <http://www.economist.com/news/middle-east-and-africa/21638915-better-alternativesand-long-way-good-deal?zid=308&ah=e21d923f9b263c5548d5615da3d30f4d>)

FOR years Iran has lied about its nuclear plans. The Islamic Republic insists that it wants peace, but it has built secret, bomb-proof facilities for enriching uranium and, most outsiders conclude, begun work on designs for nuclear weapons. At the same time, it has spouted anti-Semitism and sponsored terrorists and militias in Lebanon and the Gaza Strip. It is fighting directly or by proxy in Syria, Iraq and now Yemen, often supporting vicious sectarian clients. And yet, despite Iran's transgressions, this week's progress towards an agreement to limit its nuclear programme is still welcome. The declaration that emerged on April 2nd, after marathon negotiations between Iran and six world powers in Lausanne, was surprisingly comprehensive. Iran will curb its programme and open it to inspection in exchange for a gradual lifting of sanctions. Speaking at the White House, President Barack Obama called it a good deal that will make the United States, its allies and the world safer. However, the details remain to be thrashed out by the end of June. The president warned that this process could still fail—and hardliners in both Tehran and Washington will do their damndest to see that it does. Failure would be a grave loss. This agreement offers the best chance of containing Iran's nuclear ambitions. And it also offers the faint promise of leading the Middle East away from the violence that has been engulfing it. Must try harder The best reason for wanting the next three months to produce a deal is that the alternatives are so unattractive. Military action to destroy Iran's programme would have only a temporary effect. Air raids cannot annihilate know-how, but they would redouble the mullahs' determination to get hold of a weapon, further radicalise Muslims, and add to the mayhem in a part of the world that is already in flames. Then there are sanctions. Some people, such as Israel's prime minister, Binyamin Netanyahu, argue that Iran is too malign to be left with anything but a symbolic ability to enrich uranium. He recommends redoubling sanctions and holding out until Iran is forced to concede to the world's demands. But there is a contradiction here. On the one hand, Iran is so bent on destruction that it cannot be treated as a normal negotiating partner; on the other it is so pliant that more sanctions will make it give up a nuclear programme that it has defended, at great cost, for many years. Besides, waiting for Iran to make concessions does not have a good record. In 2003 the Bush administration ignored tentative Iranian signals that it was ready to talk. Since then, the mullahs have enhanced their expertise and increased their count of centrifuges from 164 to 19,000 or so. As Mr Obama

argues, this second option very quickly leads back to either war or negotiations—and on worse terms. By contrast the deal that has come out of Lausanne is at least attainable. Iran will cut its capacity to enrich by two-thirds compared with today for a minimum of ten years; it will radically shrink its stockpile of enriched uranium for a minimum of 15; and it will permanently cut off the route to a bomb placed on plutonium. Iran will also submit itself to intrusive inspections throughout the nuclear supply chain. In exchange, the outside world will lift economic sanctions and agree to Iran's right to enrich uranium. That compromise contains a prize worth having. Verification makes it easier to catch Iran cheating. And if the country is indeed caught working on a bomb, sanctions would snap back into place. Most important of all, the world would also have a year to muster a response—compared with a few months today.

The harder argument is whether the gains from a nuclear deal will come at the expense of regional stability. Israel and America's Sunni allies contend that the Obama administration is going easy on Iran. Some say that this is in order to secure a deal. Others think that the nuclear diplomacy is part of a grand plan to turn Iran into a strategic partner of America to help it manage the Middle East. That would count as an act of betrayal made all the worse by the threats that Iran habitually makes against them. The coming months may indeed deepen the hatreds that are raging from the Mediterranean to the Arabian Sea. You could imagine Iranian leaders stepping up their meddling in the region—to show, perhaps, that supping with the Great Satan has not made them soft. It is no accident that the Sunni monarchies have been turning away from America: backing an army coup against the Muslim Brotherhood in Egypt, attacking fighters in Libya without forewarning America and, rushing into Yemen to take on Iranian-funded Houthis. But before blaming this mess on Mr Obama's nuclear diplomacy, consider two arguments. First, the catastrophe in the Middle East has its own, murderous dynamic that is quite separate from the nuclear deal. Iran has set out ruthlessly to exert control over neighbouring Iraq, to protect its links to Hizbullah in Lebanon and to shore up Bashar Assad in Syria. Deal or no deal, this meddling is driven by a desire to support fellow Shias, to exert regional influence and to keep conflagrations far away from its own borders. There is no sign that, as yet, sanctions or the talks have made much of a difference. Second, the idea that America is being treacherous does not add up. Blame Mr Obama for standing back when the uprising in Syria was still peaceful, and again when Mr Assad gassed his own people. But **the time is long gone when America alone could manage the conflict devouring the Middle East.** Today regional mayhem is tugging the United States every which way. In the cross-currents of a sectarian war, America is working against Iranian-backed forces in Yemen and Syria, and with them in the war against Islamic State. That is not treachery, but pragmatism born out regional collapse. The fallout of a deal Amid the chaos, **a nuclear deal could actually help—by enabling America and Iran to develop a pragmatic relationship.** Overseeing an agreement would not be easy. Iran would chafe; there would be rows and disputes. But nuclear diplomacy could force America and Iran to work together after 35 years of enmity that thrust America firmly into the Sunni camp. At worst relations with Iran would remain dysfunctional; but at best **America would for the first time in decades find itself in a position to mediate between Sunni and Shia.** That matters, because Iran and its Sunni rivals must themselves rein in their proxies and militias so that local people can begin to put their communities back together. **Such a process would get a further boost if a deal brought change within Iran.** Most Iranians are young and disillusioned with their leaders. They want normal, prosperous lives. In non-stop wrangling between factions

in Tehran, a deal could strengthen Hassan Rohani, who has staked his presidency on it and who is thought to favour engagement with the world. In a deal's decade-long first phase, Iran is likely to see a new supreme leader. Nobody knows who will take over—it may even be Mr Rohani himself—but the new leader is more likely to work with the West if America and Iran are no longer riven by mutual hatred. A thaw between Iran and America is not guaranteed, obviously. The possibility of wholesale moderation within Iranian politics is even more remote. But neither does a nuclear deal depend on such things to be successful or to be worth having. On the contrary, success relies on the routine of inspections and the slow accumulation of confidence; and the deal will be measured chiefly on whether it puts a bomb out of reach. Everything else is a bonus. Some people think that any deal must be wrong because it turns Iran from an international pariah into a partner. But that world view leads inexorably toward war—and an Iranian bomb. Well-founded mistrust of Iran is a reason to be vigilant, but in the real world the most important diplomacy takes place between enemies. The exhausted negotiators in Lausanne took a valuable step this week. They must finish their work.

Impact is nuclear war

Hobson, professor of physics at University of Arkansas, 3/31/2015

(Art, "Commentary: Absent agreement, Iran, U.S., Israel on path to war,"

<http://www.nwaonline.com/news/2015/mar/31/commentary-absent-agreement-iran-u-s-is/?opinion>)

One of history's greatest tragedies was the nuclear bomb dropped on Hiroshima, Japan, in August 1945, a calamity compounded three days later by a second bomb exploded over Nagasaki. It was, like most tragedy, made virtually inevitable by foregoing blunders: revengeful treatment of Germany following World War I, U.S. failure to join World War II when it began in 1939, thoughtless responses to Japanese aggression in Asia during the 1930s, and the Japanese attack on Pearl Harbor in 1941. Since 1945, nuclear weapons have remained humankind's greatest single immediate threat.

If we don't want to repeat the mistakes that led to Hiroshima, we had better treat the Iranian nuclear question rationally, realistically, and without childish bravado. U.S. Sen. Tom Cotton's recent letter to Iran, and Prime Minister Netanyahu's recent speech to Congress, were not serious. Netanyahu argued that a nuclear agreement with Iran would be a bad deal and should be rejected. Cotton suggested to Iran that a future U.S. president could revoke the agreement.

None of the agreement's opponents appear to have thought through the consequences of following their leads. Iran, having no further reason for restraint and every incentive for aggression, will move quickly toward a bomb; Israel will urge action to prevent a bomb and will pressure the U.S. to join it in threatening Iran; and we could easily be drawn into war -- a blunder that would dwarf even our foolish adventure into Iraq beginning in 2003.

The realistic fact is that, absent an agreement, the United States, Iran and Israel are on the road to war, possibly a nuclear war

UQ / PC key

Iran deal key to peaceful curbs on Iran's nuclear program, Obama pc necessary for complete final compromise.

KRISTINA PETERSON and CAROL E. LEE ¶ June 26, 2015 8:16 p.m. ET ¶ 53 COMMENTS

<http://www.wsj.com/articles/congress-is-shaping-up-as-a-tough-sell-on-iran-deal-1435363781> ¶

WASHINGTON—President Barack Obama, who narrowly eked out congressional approval of his trade agenda this week, again faces a skeptical Congress as his administration attempts to reach a final agreement to curb Iran's nuclear program. ¶ Lawmakers are expressing concerns over lingering unresolved issues, such as how much access inspectors will have to Iran's facilities, as negotiators approach a month's end deadline for a final agreement. ¶ Mr. Obama is primarily focused on trying to gain as much congressional support for a deal as he can, since lawmakers last month passed legislation enabling them to review and vote on any final agreement. However, the administration would be able to implement its deal so long as a veto-proof majority in Congress isn't opposed to it. ¶ Both Democrats and Republicans said this week their support for a deal would hinge on how negotiators resolve remaining sticking points, particularly how international inspectors will be able to verify Iran's compliance with any new requirements. ¶ "There needs to be immediate access anywhere so that if the Iranians cheat, we can detect it," said Rep. Eliot Engel of New York, the top Democrat on the House Foreign Affairs Committee. "If that's not going to be the case—as we hear some rumors—then that's problematic for me." ¶ Earlier this week, Iran's Supreme Leader Ayatollah Ali Khamenei appeared to back away from commitments his negotiators made in April to restrain parts of Iran's nuclear program and to allow international inspections of the country's military sites. He also opposed Western demands that international sanctions be removed in stages, rather than all at once after a deal is reached. ¶ The cleric's words triggered alarm on Capitol Hill, though U.S. and European officials said they believed Mr. Khamenei's comments were intended to extract more concessions from the Obama administration and its negotiating partners. ¶ House Speaker John Boehner (R., Ohio) sharply criticized the White House. "The president has handed Iran concession after concession," Mr. Boehner said Thursday. "Giving Iran more flexibility will not lead to a good deal. It will only lead to more concessions for a regime that has no intention of giving up its desire for a nuclear weapon." ¶ Sen. Lindsey Graham (R., S.C.) said on the Senate floor Thursday that the U.S. should halt its negotiations until Iran agrees to a gradual lifting of sanctions and unfettered inspections at Iranian military sites, including an accounting of past activity. ¶ Reflecting a congressional desire to make sure the U.S. can apply pressure on Iran if it reneges on any deal, Sens. Mark Kirk (R., Ill.) and Bob Menendez (D., N.J.) introduced legislation Thursday extending for 10 more years sanctions on Iran set to expire next year. ¶ "If a deal is reached with Iran, it is critical that should Iran violate the terms of an agreement, severe penalties will follow and a forceful snapback of sanctions will occur," Mr. Menendez said in a statement. "For me, the trend lines of the Iran talks are deeply worrying." ¶ The White House has been regularly briefing lawmakers about the talks with Iran and five other world powers, and some on Capitol Hill said they were comfortable with their progress and wary of what the alternatives would be. ¶ "I've been very supportive of the direction the White House has been going," said Rep. Jan Schakowsky of Illinois, a Democrat. "Let's give diplomacy a chance." ¶ But many lawmakers noted the administration's outreach on Iran had ebbed recently, as the battle

over Mr. Obama's trade agenda dominated Capitol Hill. ¶ "This has been a real near-death experience with trade, and it finally looks like we're going to survive, and then we'll turn our attention to the next crisis," said Rep. Gerry Connolly (D., Va.), who said his primary concern is the strength of the inspections regime. ¶ At a security conference in Washington Friday, Deputy Secretary of State Antony Blinkensaid a deal with Iran would include "exceptional constraints" on Iran's nuclear program as well as intrusive transparency measures and inspections. ¶ The White House is anticipating lawmakers will ramp up criticism in coming days and has sought to try to minimize the political firestorm. But White House spokesman Eric Schultz disputed on Friday the notion that administration officials had scaled back updates to Congress because of the focus on passing trade legislation. officials have stressed in recent days that any lawmaker with questions about the talks would receive a briefing from an administration official. This week, Treasury officials briefed lawmakers on Capitol Hill on Iranian sanctions, and some House Democrats met with administration officials at the White House on Thursday, according to a lawmaker present at the meeting. ¶ "I don't know that there's any sort of regular meeting schedule that's been established, but I know it is not at all uncommon for members of Congress who are interested in this issue to get a phone call from somebody at the State Department or somebody in the intelligence community, or even somebody at the White House to give them an update on where things stand," White House press secretary Josh Earnest said Thursday. ¶ The legislation enacted last month prevents Mr. Obama from waiving sanctions for 30 days while they review a final deal and potentially vote to disapprove it. If lawmakers reject a deal, Mr. Obama would then narrowly focus on stopping an override of his veto authority. ¶ Senior administration officials say they expect the June 30 deadline to slip a few days, as did the March 31 deadline for a framework. Privately, administration officials don't rule out a longer extension, but Mr. Earnest said this week that "at this point, we're not planning any sort of longer-term extension."

PC key to hold off additional sanctions and pressure on Iran

Ari Yashar First Publish: 6/26/2015, 10:56 AM

<http://www.israelnationalnews.com/News/News.aspx/197312#.VY8UPPIVhBc>

In a bipartisan move Senators Mark Kirk (R-IL) and Robert Menendez (D-NJ) on Thursday revived legislation that has long been stalled by US President Barack Obama's administration, and which seeks to impose and extend sanctions on Iran for over ten more years. ¶ Iran has been demanding that sanctions against it be lifted immediately with the signing of a nuclear deal ahead of a June 30 deadline for talks, but the Washington Free Beacon reports Friday that the Obama administration has been fighting Congress's attempts to impose new sanctions and is even lobbying legislators to block the moves. ¶ In their effort Thursday, Mendendez and Kirk submitted a bill to renew the Iran Sanctions Act of 1996 which is due to expire next year. The move would harm Iran's ability to fund its nuclear program as well as global terrorism through groups such as Hezbollah and Hamas. ¶ It would allow stringent sanctions to "snap back" the minute Iran is caught breaching any nuclear agreement, and would require the Obama administration to file reports to Congress revealing whether the billions of dollars in sanctions relief already given to Iran have been used for terrorism, the country's nuclear and missile

programs, human rights violations, or went to the pockets of senior Iranian officials.¶ "Congress passed the Iran Sanctions Act of 1996 to drain Iran's financial support for Hezbollah, Hamas, and terrorist threats to the United States and Israel and block funds for building nuclear weapons and ballistic missiles," Kirk told the Washington Free Beacon.¶

PC key to sustaining the Iran deal and preventing veto override.

Richard Baehr 6-28 http://www.israelhayom.com/site/newsletter_opinion.php?id=12999

After a veto by the president, the numbers become more difficult for opponents. Opponents of the agreement will need to get to 67 votes in the Senate and 290 in the House, in each case 2/3 of members, to override the veto. In the Senate, this means 13 Democrats would have to join 54 Republicans (assuming they all vote to override the veto), or over one quarter of the Democratic members. In the House, the opponents would need to add at least 43 Democrats to the 247 Republicans (assuming they all vote to override the veto) or a bit less than one fourth. It is likely that the biggest obstacle that will be faced by opponents of the agreement will be in the House and not the Senate. Just before the Corker-Menendez bill was passed, the White House ended its opposition to it, which made the bill easier to pass, but also signaled that the administration was confident it could beat back opponents of the bill when the votes on the deal came before Congress. Supporters of the White House, better described as Obama loyalists who will follow his lead on pretty much everything, provided a signal of their own strength just as the Corker-Menendez legislation was passed. A letter sent around by Illinois Congresswoman Jan Schakowsky, one of the most left-wing members of the House and an ardent supporter of J Street, contained signatures of 146 Democratic voting members of the House applauding the administration's preliminary agreement with Iran and endorsing diplomacy going forward (meaning no new sanctions, no military action, and of course, whatever concessions the White House feels are necessary to bring a final deal home). The 146 number for signatures on the letter is significant. If 146 Democrats in the House in the end refused to vote to override a presidential veto of a rejection of the deal by the House and Senate, then opponents would be left short of the 2/3 vote of House members they need. There are 188 Democrats in the House, and this would leave 42 Democrats in the House who could vote to override a veto, which combined with 247 Republicans, would get opponents to 289, one vote short of the 290, or 2/3 level needed for an override. It is highly likely that the Schakowsky letter was designed to signal that the group in Congress that always has Obama's back will do so again -- Israel and our other former allies in the region be damned. Of course, this is not to say that the 42 Democrats who did not sign can all be counted on to be certain votes for a veto override of a president of their own party. Most of the votes by these Democrats will need to be secured by lobbying efforts (which the American Israel Public Affairs Committee, among others, now seems to be preparing to do). A review of the 146 names on the Schakowsky letter suggests a few of them could be picked off by opponents, especially those who are vulnerable in the 2016 election cycle, or are located in districts that are not dominated by Democrats. But most are either minority group members, and very loyal to the president, or from far-left districts where there is no real pressure from constituents to fight the president on the Iran deal. In many cases among Democrats in these districts, there is a fair amount of hostility to Israel and its supporters.

Obama will need to hold off increasing pressure for sanctions

Jennifer Rubin June 26 Iran sanctions back on the table

<http://www.washingtonpost.com/blogs/right-turn/wp/2015/06/26/iran-sanctions-back-on-the-table/>

In a joint statement Sens. Mark Kirk (R-Ill.) and Robert Menendez (D-N.J.) announced a bill to extend existing Iran sanctions (the Iran Sanctions Act of 1996) due to expire in 2016.¶ In extensive comments Menendez explained the need for the legislation and rebuked the administration's parade of concessions to Iran. "If a deal is reached with Iran, it is critical that should Iran violate the terms of an agreement, severe penalties will follow and a forceful snapback of sanctions will occur," he said. "For me, the trend lines of the Iran talks are deeply worrying, our red lines have turned into green lights, leaving snapback as one of the few tools available to demand Iranian compliance with an agreement. The Iran Sanctions Act, which authorizes a majority of the sanctions in place on Iran, expires next year. Absent renewal we would be unilaterally lifting sanctions on Iran and hence unilaterally disarming." He continued, "It stands to reason that if negotiators are serious about snapback, then they should support the immediate extension of the Iran Sanctions Act to ensure there is no question for Iran about the consequences of non-compliance."¶ In addition, the bill would require the administration to report to Congress on the extent to which sanctions relief facilitated the ability of Iran to support terrorism and the Syrian regime, contribute to nuclear bomb and missile proliferation as well as human rights violations, and/or enrich any senior Iranian official's finances. As Menendez said, because "Iran is the foremost sponsor of regional terrorism, any sanctions relief must be monitored closely, and this legislation ensures that regular reports will be provided to Congress to confirm that Iranian-backed terrorist organizations like Hamas, Hezbollah or the murderous Assad regime in Syria aren't the beneficiaries of newly accessed Iranian funds." (One wonders why we would do a nuclear deal with them at all, but that's a separate argument.) He deemed this a "clarifying action" and urged his colleagues to move ahead with legislation.¶¶ This measure is separate and about from new sanctions legislation, the Nuclear Weapons Free Iran Act of 2015, which passed 18-4 in the Senate Banking Committee in January. After that vote, 12 Democrats pledged to vote for the bill on the floor, but only after the March 30 deadline for a framework agreement. The framework has proved illusory as the Iranians publicly disputed agreement had been reached on key parts and criticism has erupted over concessions to Iran. The deadline for a final deal is Tuesday, meaning the new sanctions bill is likely to come back in play in the event a deal is not reached by the time Congress returns from its 4th of July recess on July 7.¶ The 2015 Kirk-Menendez bill would ramp up and enhance sanctions, according to a summary of the bill, to "close loopholes in existing petroleum sanctions, enhance sanctions on Iran's oil trade and financial transactions, and impose further sanctions on Iran's senior government officials, family members and other individuals for weapons of mass destruction proliferation, terrorism sponsorship and other illicit activities, and on Iran's shipbuilding, automotive, construction, engineering and mining sectors."¶ And then today Menendez sent a letter to Secretary of State John Kerry denouncing the possibility of more concessions: "Ayatollah Khamenei made a speech on Iranian state television in which he stated that 'All financial and economic sanctions imposed by the U.N. Security Council, the U.S. Congress or the U.S. government should be lifted immediately when we sign a nuclear agreement,' that 'inspection of our military sites is out of the question and is one of our red lines,' and that

freezing Iranian research and development “for a long time, like 10 or 12 years, is not acceptable. Only days before, the Iranian parliament voted to ban access to military sites, documents and scientists as part of any future deal with the P5+1 countries.” He told Kerry, “These demands are unacceptable – they presuppose that the government of Iran will act in good faith, when it has shown itself in the past to be an untrustworthy negotiating partner. If Iranian negotiators intend to adhere to the provisions demanded by Ayatollah Khamenei and Iran’s parliament, I urge you to suspend the current negotiations with Iran.” He added, “A deal that allows sanctions to be lifted before Iran’s government meets their obligations, without intrusive inspections to safeguard against a continued covert nuclear program, and that leaves Iran as a threshold nuclear state, is a bad deal that threatens the national security of America and our allies, and must be rejected.”

PC key

Obama PC key to closing Iran deal

Press TV, 6-27 <http://www.presstv.ir/Detail/2015/06/27/417778/Iran-Vienna-Zarif-Kerry-P51>

Bagherzadeh: I would think that both sides want this to close as rapidly as possible. I was thinking that Mr. Obama has had two very good news items this past few days, he wants to add this additional one as part of his success in foreign policy, probably the biggest success story of his presidency.

He wants this, his team want this, and I would think that they want to make sure that this closes as soon as possible before the US Congress starts drifting towards more sanctions or additional new laws against this case.

Obama focused on gaining Congressional support for Iran deal

JAY SOLOMON and LAURENCE NORMAN June 27, 2015 12:05 p.m. ET

<http://www.wsj.com/articles/iran-nuclear-talks-under-way-in-vienna-1435420911>

Mr. Obama is primarily focused on trying to gain as much congressional support for a deal as he can, since lawmakers last month passed legislation enabling them to review and vote on any final agreement. However, the administration would be able to implement its deal so long as a veto-proof majority in Congress isn't opposed to it. If no deal is completed by July 9, Congress would get an extra month to review the agreement before the U.S. could suspend any sanctions.

With the diplomacy is moving slowly, there are growing expectations that talks will drift past the June 30 deadline, although western officials have said a major extension of the negotiations is out of the question.

PC High

Obama is on a pc high – best week of his presidency

Brad Knickerbocker, Staff writer JUNE 27, 2015

<http://www.csmonitor.com/USA/Politics/2015/0627/Obama-s-best-week-likely-to-advance-his-legacy-video>

Years from now, as he thinks back over his presidency, Barack Obama is likely to remember this as one of his best weeks. Maybe the best week. ¶ A trade bill passed in a Republican-led Congress. ¶ Massively important Supreme Court decisions on the Affordable Care Act and same-sex marriage. A healing eulogy for slain black church members, toward the end of which – astonishingly, to many of the thousands who listened at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, and the millions who watched on live TV or later on YouTube – the president led those assembled in the singing of “Amazing Grace.” ¶ Much of Obama’s presidency has been a grind, during which he’s been criticized from both political directions. ¶ The right never liked him in the first place, and as Senate Majority Leader Mitch McConnell famously said during Obama’s first term, Republicans’ main priority was – not cooperating to fix a damaged economy the new president had inherited from a Republican administration – but working to see that Obama was not reelected. The left – enamored by Sen. Elizabeth Warren and other liberals – thought he hewed too much to the political center. The tea party (especially its racist element), the powerful National Rifle Association, “birthers,” and others mocked and reviled him. ¶ But by Friday night, at least, the impression – or at least the imagery – had changed as the White House was bathed in rainbow lighting, a celebration of Obama’s recent political wins as well as the US Supreme Court’s legalizing same-sex marriage for all Americans no matter where they lived.

New series of victories boosting Obama’s influence now

Carrie Dann, 6-27 <http://www.nbcnews.com/politics/white-house/obama-america-week-history-books-n382841>

Two weeks ago, after Democrats in the House appeared to have stopped the trade deal President Barack Obama has been pushing for months, it looked like the president was rapidly moving toward lame-duck status, with even his own party ignoring his wishes. ¶ Many expected the Supreme Court to gut his signature health care law. ¶ This week — not so much. ¶ Instead, the president won a series of huge victories that not only will boost him in the short term, but help cement his legacy as the driver of a series of changes that pushed the country in a more liberal direction. ¶ The Supreme Court ruled Obama's way in three landmark cases.

Obama pushing Iran deal

Obama shifting focus to Iran deal

David Jackson, 6-28 <http://www.usatoday.com/story/theoval/2015/06/28/obama-iran-nuclear-deal-health-care-gay-marriage-free-trade-charleston/29423255/>

Following perhaps the most momentous week of his tenure, President Obama looks to what could be another major event next month: The Iran nuclear deal. Obama -- coming off major victories on free trade, health care, and gay marriage, as well as a much-praised eulogy on the Charleston church killings -- has set a Tuesday deadline for completion of an Iran nuclear agreement, though there are definite signs that the deadline will slip. "Given the dates, and that we have some work to do ... the parties are planning to remain in Vienna beyond June 30 to continue working," a U.S. official told the Associated Press about the ongoing talks. The administration is putting out the word that July 9 is the "real" deadline for a deal in which the U.S. and allies would reduce sanctions on Iran if it agrees to give up the means to make nuclear weapons. The July 9 date would give Congress time to review the agreement before its August recess. Further evidence that Tuesday's deadline will slip came Sunday as Iran's foreign minister prepared to leave talks in Vienna for consultations back in Tehran. The Obama administration enters the final stages of the Iran talks following a string of remarkable victories within the past week. First, Congress cleared the way for a major free trade agreement with Asia, a deal that some thought dead in the water earlier in the month. Then the Supreme Court handed down landmark decisions on items of high importance to the Obama administration, its health care law and the right of gay marriage. The president capped the week with a moving eulogy on the Charleston church shootings, urging Americans to confront long-festered problems of gun control and racial prejudice. Now, on to Iran -- though the proposed agreement has fierce critics in Israel and the U.S. Congress who believe it will actually pave the way for Iran to secure nuclear weapons. It will be a busy few weeks.

A2: PC Theory False

Political capital theory is true – newest data proves that presidents have significant legislative influence

Beckman 10 – Professor of Political Science

(Matthew N. Beckman, Professor of Political Science @ UC-Irvine, 2010, “Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004,” pg. 2-3)

Developing presidential coalition building as a generalizable class of strategies is itself instructive, a way of bringing clarity to presidential– congressional dynamics that have previously appeared idiosyncratic, if not irrational. However, the study’s biggest payoff comes not from identifying presidents’ legislative strategies but rather from discerning their substantive effects. In realizing how presidents target congressional processes upstream (how bills get to the floor, if they do) to influence downstream policy outcomes (what passes or does not), we see that standard tests of presidential influence have missed most of it. Using original data and new analyses that account for the interrelationship between pre-voting and voting stages of the legislative process, I find that presidents’ legislative influence is real, often substantial, and, to date, greatly underestimated.

Political capital theory is true – modern presidents have unique capabilities – it’s finite

Beckmann and Kumar 11

(Matt, Professor of Political Science, and Vimal, How presidents push, when presidents win: A model of positive presidential power in US lawmaking, Journal of Theoretical Politics 2011 23: 3)

Fortunately for contemporary presidents, today’s White House affords its occupants an unrivaled supply of persuasive carrots and sticks. Beyond the office’s unique visibility and prestige, among both citizens and their representatives in Congress, presidents may also sway lawmakers by using their discretion in budgeting and/or rulemaking, unique fundraising and campaigning capacity, control over executive and judicial nominations, veto power, or numerous other options under the chief executive’s control. Plainly, when it comes to the arm-twisting, brow-beating, and horse-trading that so often characterizes legislative battles, modern presidents are uniquely well equipped for the fight. In the following we employ the omnibus concept of ‘presidential political capital’ to capture this conception of presidents’ positive power as persuasive bargaining. 1 Specifically, we define presidents’ political capital as the class of tactics White House officials employ to induce changes in lawmakers’ behavior. 2 Importantly, this conception of presidents’ positive power as persuasive bargaining not only meshes with previous scholarship on lobbying (see, e.g., Austen-Smith and Wright (1994), Groseclose and Snyder (1996), Krehbiel (1998: ch. 7), and Snyder (1991)), but also presidential practice. 3 For example, Goodwin recounts how President Lyndon Johnson routinely allocated ‘rewards’ to ‘cooperative’ members: The rewards themselves (and the withholding of rewards) . . . might be something as unobtrusive as receiving an invitation to join the President in a walk around the White House grounds, knowing that pictures of the event would be sent to hometown newspapers . . . [or something as pointed as] public works projects, military bases, educational

research grants, poverty projects, appointments of local men to national commissions, the granting of pardons, and more. (Goodwin, 1991: 237) Of course, presidential political capital is a scarce commodity with a floating value. Even a favorably situated president enjoys only a finite supply of political capital; he can only promise or pressure so much. What is more, this capital ebbs and flows as realities and/or perceptions change. So, similarly to Edwards (1989), we believe presidents' bargaining resources cannot fundamentally alter legislators' predispositions, but rather operate 'at the margins' of US lawmaking, however important those margins may be (see also Bond and Fleisher (1990), Peterson (1990), Kingdon (1989), Jones (1994), and Rudalevige (2002)). Indeed, our aim is to explicate those margins and show how presidents may systematically influence them.

Even if pundits exaggerate the president's influence, it still is salient

Beckman 10 – Professor of Political Science

(Matthew N. Beckman, Professor of Political Science @ UC-Irvine, 2010, "Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004," pg. 17)

Even though Washington correspondents surely overestimate a sitting president's potential sway in Congress, more than a kernel of truth remains. Modern presidents do enjoy tremendous persuasive assets: unmatched public visibility; unequaled professional staff, unrivaled historical prestige, unparalleled fundraising capacity. And buttressing these persuasive power sources are others, including a president's considerable discretion over federal appointments, bureaucratic rules, legislative vetoes, and presidential trinkets.⁹ So even with their limitations duly noted, presidents clearly still enjoy an impressive bounty in the grist of political persuasion - one they can (and do) draw on to help build winning coalitions on Capitol Hill.

A2 Winners win

Winners don't win – productivity and agenda success are INVERSELY related in polarized environments

Masket 12/19/14 (Seth, Assoc Prof of PoliSci @ University of Denver, "Unpopularity and Productivity are Related" <http://www.mischiefsoffaction.com/>)

But **policy accomplishments don't really help a president much in terms of popularity**. LBJ wasn't popular because he signed Medicare or the Civil Rights Act. **It works the other way around; he was able to pass those in part because he was popular** in 1964-65, thanks to a very strong economy and public goodwill in the wake of the Kennedy assassination. Notably, all his Great Society legislation didn't help him out once the public got annoyed by the Vietnam War; his party lost many seats in 1966 and he chose to resign rather than face the voters' wrath in 1968.¶ **Beyond that, to the extent productivity and popularity may be related today, they may run in the opposite direction**. In a polarized political environment, **a president's achievements are likely to generate as least as many enemies as friends**. Take health care reform, Obama's signature accomplishment. No Democrat could credibly run for president in 2008 (or for many years before that) without health care reform being a top priority. That was the nature of the Democratic coalition for decades. Conversely, the Republican coalition had been organized for decades around preventing Democrats from enacting health care reform. Obama's efforts were bound to produce substantial pushback, just as Clinton's did twenty years ago. The passage of health care reform indeed exacerbated Democratic congressional losses in 2010, and may well have handed Republicans the House of Representatives.¶ This doesn't mean that it was wrong for Democrats to pass health care reform or for Obama to do any of the things he's recently done. It just means that **actually being productive will engender resistance**. Obama is unpopular at least in part **because he's been effective**.

Not true for Obama

Klein 10/10/14 (Ezra, former political columnist @ Wash Post, "Obama ditched a key campaign promise. And it saved his presidency.," <http://www.vox.com/2014/10/10/6953889/paul-krugman-obama-historic-success>)

Obama spent his first two years keeping many of his policy promises by sacrificing his central political promise. That wasn't how it felt to the administration at the time. They **thought that success would build momentum; that change would beget change**. **Obama talked of the "muscle memory" Congress would rediscover as it passed big bills; he hoped that achievements would replenish his political capital rather than drain it**.¶ **In this, the Obama administration was wrong, and perhaps naive**. They **overestimated their ability to convert the raw exercise of political power into more political power**. It was a mistake, but not a very postpartisan one. And, as a theory, it was the one they needed to build their legacy — a legacy, at this point, that even their early critics admire.

A2 Winners win

Eberly 13 - assistant professor in the Department of Political Science at St. Mary's College of Maryland

Todd, "The presidential power trap," Baltimore Sun, 1/21/13, Lexis

Only by solving the problem of political capital is a president likely to avoid a power trap. Presidents in recent years from have been unable to prevent their political capital eroding. When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval.¶ However, short-term legislative strategies may win policy success for a president but do not serve as an antidote to declining political capital over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's recent predecessors solved the political capital problem or avoided the power trap. It is the central political challenge confronted by modern presidents and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

Sequencing – unpopular policies ruin the agenda– Obama's entire first term proves

Hirsh, 2/7 --- Chief correspondent (2/7/2013, Michael, "There's No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong," <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>)

.¶ THE REAL LIMITS ON POWER¶ Presidents are limited in what they can do by time and attention span, of course, just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn't realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country's mood.¶ Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government's attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn't really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said.

Deal possible

Agreement possible – all major players are optimistic despite issues.

JAY SOLOMON and LAURENCE NORMAN June 27, 2015 12:05 p.m. ET

<http://www.wsj.com/articles/iran-nuclear-talks-under-way-in-vienna-1435420911>

VIENNA—The U.S., Iran and world powers began what is expected to be a final round of nuclear talks on Saturday in Austria's capital, with diplomats voicing optimism that a landmark agreement could be reached while recognizing serious issues still needed to be resolved.¶ The negotiating parties have cited a June 30 deadline for completing more than 18 months of diplomacy that is aimed at curbing Iran's nuclear capabilities in exchange for a lifting of economic sanctions.¶ But senior officials involved in the Vienna talks said on Saturday they anticipated the diplomatic process would likely need to be extended beyond next Tuesday, due to the complexity of issues involved in the negotiations.¶ U.S. Secretary of State John Kerry met with his Iranian counterpart, Javad Zarif, for 90 minutes Saturday morning, and the two diplomats held a second negotiating session in the afternoon of about an hour. French Foreign Minister Laurent Fabius also arrived in Vienna on Saturday and was scheduled to meet Mr. Kerry in the evening.¶ "I think that everybody would like to see an agreement, but we have to work through some difficult issues," Mr. Zarif said at the start of his meeting with the U.S. Secretary of State.¶ Mr. Kerry said: "We're determined to do everything we can in order to be able to make this important milestone, but that depends on a lot of things and we're going to work on them."¶ The chief American diplomat arrived in Vienna on crutches after breaking his leg in a biking accident earlier this month in Switzerland. He was joined on the U.S. side by Energy Secretary Ernest Moniz and Undersecretary of State Wendy Sherman.¶ The agreement is meant to block any smooth Iranian path to nuclear weapons by committing Tehran to tight inspections and concrete measures to wind back Iran's nuclear program for 10-15 years. In exchange, tight international sanctions on Iran's finance, energy and commercial sectors will be phased out over time. The Vienna talks build on a framework accord reached between Iran and six world powers in Lausanne on April 2.

Iran will allow access to its facilities and verification will be possible

Anastasia Levchenko Diehard' on Access to Non-Nuclear Facilities 6-27 Read more:

<http://sputniknews.com/politics/20150627/1023929444.html#ixzz3eljux21y>

Iran is likely to allow conventional access to its military facilities under the Additional Protocol with the International Atomic Energy Agency (IAEA), the director for nonproliferation policy at the nonpartisan Arms Control Association told Sputnik Saturday.¶ VIENNA (Sputnik), — Supreme Leader of Iran Ayatollah Ali Khamenei said last that international inspections of the country's military sites should be shunned, which appeared to contradict a framework agreement between Tehran and international mediators reached in April.¶ ¶ On Sunday, the Iranian parliament approved a draft legislation banning such inspections as part of the nuclear deal.¶ ¶ "I think it is important to look closely at what the supreme leader said: he said there should be no unconventional access to military sites. I think that access under the Additional Protocol is

very conventional. Many countries around the world have the Additional Protocol in place, and the IAEA has access to military sites in other countries," Kelsey Davenport told Sputnik. ¶ ¶ Tehran and the P5+1 group of world powers — Russia, the United States, China, France, Britain and Germany — have to agree on a final comprehensive deal that will secure the peaceful nature of Iran's nuclear program until Tuesday's deadline. ¶ ¶ French Foreign Minister Laurent Fabius arrives at Palais Coburg where closed-door nuclear talks with Iran take place in Vienna, Austria, Saturday, June 27, 2015 ¶ Under April's framework deal, Tehran agreed to implement the Additional Protocol with the IAEA, which would provide the watchdog with more access to Iran's nuclear sites. ¶ The so-called Additional Protocol to Tehran's agreement with the International Atomic Energy Agency (IAEA) provides for the best compromise in terms of international inspection of Iran's nuclear sites, the representative for the Arms Control Association advocacy group said. ¶ ¶ "I think that is a good compromise, no country would allow card-blanc access to their military sites or anywhere anytime inspections, like some critics of the deal are calling for," Kelsey Davenport said. ¶ ¶ She added that the cooperation between Iran and the IAEA was crucial and would help clear past concerns. ¶ ¶ "Resolving these concerns helps strengthen the non-proliferation regime at large," Davenport said.

Sanction concerns won't hold back deal – framework already exists to handle these overhyped concerns

Trita Parsi Finessing the Iran-Sanction Issue June 28, 2015

<https://consortiumnews.com/2015/06/28/finessing-the-iran-sanction-issue/>

Contrary to public posturing on the timing and pace of sanctions relief, a framework for handling this critical matter of the nuclear deal has been resolved, according to Iranian sources. Iranian officials have on numerous occasions insisted that sanctions relief must come immediately upon the signing of an agreement. This has been at direct odds with the position of the U.S. government and its allies, who insist that relief only can come after Iran has taken numerous steps limiting its nuclear activities. Iran's Supreme Leader Ali Khamenei sitting next to President Hassan Rouhani and addressing the cabinet. Iran's Supreme Leader Ali Khamenei sitting next to President Hassan Rouhani and addressing the cabinet. As oftentimes is the case in diplomacy, the solution was found in a combination of a play with words and practical measures. This is exactly what the diplomats did to reconcile the Iranian insistence on front-loaded sanctions relief and the Western position of relief being provided only after the International Atomic Energy Agency has verified Iranian steps to curtail its nuclear program. According to Iranian sources, the agreement is divided into three phases. The initial phase – called "adoption of agreement" – takes place as the two sides agree on a final deal. This phase will kick in over the next few days – if a deal is reached. The next phase – the operationalization of the agreement – will begin once the domestic political processes of various parties have conclusively approved the agreement. This phase has been added primarily as a result of the U.S. Congress passing the Corker bill, in which the American legislature gave itself the right to review and vote on the nuclear deal. The timing of the second phase is directly related to the duration of the Congressional review process. If the two sides come to an agreement prior to July 10, the review process is set at 30 calendar days, in addition to 22 calendar days for Congress to pass a

resolution to accept or reject the deal and for the President to use his veto, if need be. If the two sides fail to reach a deal by July 10, the Congressional review process increases to 60 calendar days. While other states in the negotiations may also initiate some form of internal review and approval process, none of them are expected to take as long as the Congressional review. As such, the U.S. Congress has significantly delayed the implementation of a presumptive deal. **Once the deal has survived the Congressional review** – whether through a resolution of affirmation or the failure to pass a resolution of rejection – **the Iranians will begin implementing the first steps of their commitments. This is phase III.**

New environment of optimism in US-Iran relations – deal will happen.

Associated Press Saturday - June 27, 2015 Effort under way to beat Tuesday deadline for nuclear agreement <http://triblive.com/usworld/world/8644791-74/nuclear-agreement-iran#axzz3eJTnX2AH>

VIENNA — **The top American and Iranian diplomats faced each other** across a square table in a 19th century Viennese palace, the room austere decorated **and the atmosphere calm as they started the final push for a generation-defining nuclear agreement** Saturday. ¶ Against a Tuesday deadline for a deal, their declarations of optimism and pledges of diligence sounded routine. ¶ Two years into high-pressure gatherings, **a sense of predictability has emerged in the negotiations** between Secretary of State John Kerry and Iranian Foreign Minister Mohammad Javad Zarif. ¶ **Neither is letting the pressure show even as they and other global powers are at the cusp of an agreement that could redefine security in the Middle East and beyond for decades to come.** ¶ A short while ago, a snapshot alone of the two enemies engaged in discussions on nuclear and other matters would have been a bombshell felt in capitals around the world. **Now it's hard to imagine the tentative U.S.-Iranian rapprochement ending anytime soon.** ¶ It's become the new normal.

Major players hopeful for deal that will overcome all the differences.

Irish Times, 6-27 <http://www.irishtimes.com/news/world/middle-east/john-kerry-hopeful-of-successful-outcome-to-iran-talks-1.2265518>

Senior US and Iranian officials said hard work was still needed as they met in Vienna on **Saturday** for what could be their final negotiations to bridge significant differences on an agreement to curb Iran's nuclear programme. ¶ With a self-imposed deadline approaching on Tuesday, **both sides emphasised that major obstacles remained** to finalising a deal under which Iran would cut back its nuclear programme in exchange for relief from economic sanctions. ¶ "We have a lot of hard work to do. We have some very tough issues," US Secretary of State John Kerry said, according to a state department draft transcript. ¶ I agree. Maybe not on the issues. But on the fact that we need to work really hard in order to be able to make progress and move forward," Iranian foreign minister Mohammad Javad Zarif was cited as saying in the transcript. ¶ **Nonetheless, Mr Kerry also said he was "hopeful" of a successful outcome.** His meeting with Mr

Zarif ended after 90 minutes.¶ The main differences are on the pace and timing of sanctions relief for Iran in return for its steps to restrain its nuclear programme and on the nature of monitoring mechanisms to ensure Tehran does not cheat on any agreement.

Agreement possible – focus necessary for compromise

Martin Matishak - 06/27/15 10:12 AM EDT <http://thehill.com/policy/defense/246365-kerry-very-tough-issues-to-face-as-clock-ticks-on-iran-deal>

Secretary of State John Kerry said “very tough issues” remain as international negotiators hold what could be their final round of talks to get a deal over Iran’s nuclear program.¶ Speaking to reporters in Vienna on Saturday, Kerry said both sides are “hopeful” to reach an agreement.¶ “We have a lot of hard work to do. We have some very tough issues, and I think we all look forward to getting down to the final effort here to see whether or not a deal is possible,” Kerry said. ¶ “I think that everybody would like to see an agreement, but we have to work through some difficult issues,” he added.¶ Kerry’s Iranian counterpart, Foreign Minister Mohammad Javad Zarif, struck a similar note.¶ “I agree maybe not on the issues, but on the fact that we need to work really hard in order to be able to make progress and move forward,” he said.¶ “We’re determined to do everything we can in order to be able to make this important milestone, but that depends on a lot of things and we’re going to work on them,” according to Zarif.¶ Iran and Western powers have given themselves until Tuesday to strike a bargain that would curb Tehran’s nuclear effort in exchange for sanctions relief.¶ Last month, the president signed into law a bill that gives Congress 30 days to disapprove any final deal, during which he could not lift congressional sanctions on Iran. If Congress votes to reject the deal, the administration would have 12 days to veto the resolution of disapproval. Congress would then have 10 extra days to try to override the veto.¶ Several GOP senators have voiced strong opposition to any potential long-term deal in recent weeks.¶ Senate Foreign Relations Committee chairman Bob Corker (R-Tenn.) recently sent letter to President Obama, calling the reported concessions that the administration has made to Iran as part of the talks “breathtaking.”¶ On Thursday, Sens. Robert Menendez (D-N.J.) and Mark Kirk (R-Ill.) introduced legislation that would extend an Iran sanctions bill, currently set to expire next year, through 2026.

Deal solves prolifer

Deal best chance to resolve proliferation – experts agree

REBECCA SHIMONI STOIL June 27, 2015, 4:01 am <http://www.timesofisrael.com/top-us-official-hails-unprecedented-possibility-of-reaching-iran-deal/>

Deputy Secretary of State Antony Blinken heralded the “unprecedented inspections” currently underway in Iran under the interim nuclear agreement, and challenged opponents of a nuclear deal to come up with a better alternative to any comprehensive agreement reached by the P5+1 member states during a Friday afternoon keynote speech. ¶ We have negotiated, of course, an interim agreement with Iran that froze and in some places rolled back its nuclear program with unprecedented inspections, with the possibility of a comprehensive solution now before us,” Blinken told the audience at the Center for New American Security’s annual conference. ¶ Blinken, who served as the administration’s point man for Iran talks before a number of Congressional hearings, gave a broad overview of the US’s positions and challenges worldwide, ranging from the world’s growing refugee population to the administration’s efforts to pivot foreign policy towards east Asia. ¶ Less than a week before the deadline to reach a comprehensive agreement, Blinken also sought to calm concerns regarding key aspects of the impending deal. ¶ Blinken reiterated administration assertions that “the deal we’re working towards will close each of Iran’s four pathways toward fissile material” – the uranium enrichment at Natanz and Fordo, the plutonium plant at Arak, and any covert path that Tehran could pursue toward acquiring fissile material. ¶ Arguing that “many [concerns about the deal] are based much more on myth than on fact,” Blinken said that the US demands that a deal “must include monitoring and intrusive transparency measures.” ¶ He dismissed warnings that the deal contains a sunset clause – that Iran will be free to pursue a full-scale industrial uranium enrichment program after a decade of intense monitoring. ¶ “The deal will not expire,” he said, reiterating a point he made in early June during the annual meeting of the American Jewish Committee. “There will not be a so-called sunset.” Blinken cited as proof the fact that even after the most stringent terms of a deal expire, Iran will still be required to meet the obligations of the NPT and other anti-proliferation regimes. ¶ The deal, he said, would allow for transparency, and the US will only agree to a deal that guarantees the International Atomic Energy Agency access to relevant sites. ¶ Blinken also delivered warnings against the idea that the US should walk away from a “bad deal” and leave in its stead the interim terms of the Joint Plan of Action. The idea was floated as recently as during a Thursday Senate hearing as a halfway point between signing on to a comprehensive deal and withdrawing completely from talks. ¶ Blinken said that if that happened, the Joint Plan of Action would “sunset immediately,” allowing Iran to “speed towards an industrial-scale program with tens of thousands of centrifuges with no inspections and no visibility into its program.” ¶ “Just like the Joint Plan of Action, any agreement will be subject to legitimate scrutiny,” Blinken assured the audience. “We will not agree to any deal that will not withstand that scrutiny.” At the same time, he challenged critics of the agreement with an obligation to propose a better alternative. ¶ “It is a fantasy to believe that Iran will simply capitulate to our demands if we just ratchet up the sanctions,” Blinken warned. He reiterated administration cautions that if the US followed the path suggested by Senators Robert Menendez and Mark Kirk in threatening Iran with additional sanctions should talks fail, America’s international partners in the sanctions regime would blame America for the talks’

failure. ¶ “The United States – not Iran – could be isolated and the sanctions regime could collapse,” he suggested.

Flietz is about old agreements – this has the most robust inspections ever – makes breakout so long – the risk of breakout is negligible

Jeffrey Lewis, Arms Control Wonk, Monterey Institute Nuclear Professor, 4/2/15, A Skeptic's Guide to the Iran Nuclear Deal, foreignpolicy.com/2015/04/02/a-skeptics-guide-to-the-iran-nuclear-deal-2/

K, I admit it. I thought this framework was going to suck. Actually, it's not bad. My main concern all along was that the P5+1 countries (technically the E3/EU+3; congratulations if you know the difference) were too focused on “breakout time” — imposing arbitrary limits on Iran's centrifuge program to ensure that if Iran used its known nuclear infrastructure, it would take at least a year to build a bomb. The bigger worry about Iran's nuke program, I always thought, was unknown nuclear infrastructure, such as any hidden centrifuge sites. To my surprise, the deal — at least as it is described in the fact sheet released by the White House — manages to impose measures to guard against breakout, while also providing for a number of measures that help substantially with the problem of covert facilities. All in all, it's a pretty comprehensive framework for managing the problem. It's certainly worth lifting some sanctions, though a crucial detail is how quickly that will happen and whether sanctions can be reimposed if things go pear-shaped. But there are still reasons to be cautious. First, all we have at the moment area White House-released fact sheet and a couple of ambiguous news conferences in Lausanne, Switzerland, and the White House Rose Garden. (Javad Zarif, Iran's foreign minister and lead negotiator, is already complaining about the White House's fact sheet.) There is, after all, a reason one writes these things down. The parties will need a few more months to work out the details of the actual agreement in order to implement the “framework” that was announced Thursday, April 2. Those negotiations will be crucial because the kind of language in the statements and fact sheet — which probably seem pretty detailed to a casual observer — doesn't provide the sort of clarity that a final agreement will need in order to work. (Ask me about long-range missiles of any kind sometime.) Second, getting a deal on paper is only the first step. The parties have agreed to do all sorts of things. This may shock you, but sometimes parties have trouble delivering on such promises. Agreements aren't self-implementing, so a major test will be how the parties deal with the inevitable challenges that human beings pose to implementing even a beautifully written final agreement. That's not a reason to reject agreements, just a caution about being realistic. Finally, please keep in mind that this deal makes it marginally less likely that Iran will build a nuclear weapon. That's great. But it doesn't solve the problem of Iran's missile program or Tehran's less-than-stabilizing role in the Middle East. Expectations for any written agreement should be modest. I wouldn't let myself get swept up in loose talk about a new relationship with Tehran. We're agreeing to not kill each other, for the moment, over this one thing. In my business, that's pretty good! Still, the details are pretty interesting. The big-ticket item for the U.S. national security community will be the “breakout” timeline. I am not going to do a calculation, but the important parameters are about 5,000 centrifuges enriching to less than 3.7 percent and a reduction in the existing stockpile of low-

enriched uranium to 300 kilograms. The fact sheet claims this extends the breakout timeline from two to three months to more than a year. I don't see any reason to doubt the administration's math, but I just don't think the breakout timeline matters. So I will just step aside and let other people who are invested in this argument fight it out. The provisions against covert sites — what my friend James Acton calls “sneak-out” and what I worry about most — look very strong. The fact sheet asserts that the International Atomic Energy Agency (IAEA) will have continuous access to the facilities that produce Iran's centrifuge rotors and bellows for 20 years. The agreement also provides access to Iran's uranium mines and mills, as well as a dedicated procurement channel for any goods destined for Iran's nuclear program. Iran will return to the Additional Protocol and modified Code 3.1 of the subsidiary arrangements — these are improvements to the safeguards agreement and subsidiary arrangements that Iran has with the IAEA. They are an important part of verifying any agreement. And it seems Iran has agreed to certain measures to address the so-called “possible military dimensions” of the nuclear program — all the intelligence, such as the infamous “laptop of death,” that suggests Iran had a covert bomb program until 2003. Iran also agreed to limit enrichment to a single site at Natanz. Again, the details will matter here. The E3/EU+3 would be well advised to make sure the agreement includes a nice map of the Natanz facility — lest we find secret centrifuge halls in a Natanz “annex” down the road. The advantage of limiting work to a single site is that, should the U.S. intelligence community catch Iran building a centrifuge site elsewhere (again), Tehran won't be able to make any tendentious legal excuses. Finally, there are reasonable limits on Tehran's program to develop new generations of centrifuges. These measures can't guarantee that Iran doesn't have a parallel, secret program. That's still going to depend on the capabilities of the U.S. intelligence community. But they do force Iran to ensure that any parallel program is fully parallel, from uranium mines through centrifuge workshops to the proverbial underground mountain lair. That's an imposition, and if secrecy breaks down at any point along that chain, the whole endeavor is compromised. The fact sheet really does assert what looks to be an impressive monitoring regime. Last but not least, the agreement seems to deal adequately with Iran's enrichment plant at Fordow and its heavy-water reactor at Arak. Fordow — the covert enrichment site under a mountain and revealed in 2009 — will be converted into non-nuclear isotope separation. An earlier story indicated that a small number of centrifuges at Fordow would separate “stable” isotopes — “stable” here means non-radioactive. The nuclear fuel company Urenco has a side business that sells stable isotopes, so it's not a crazy idea. It's a little hard to tell from the fact sheet, but that seems to be what has happened. The IAEA will still have access to the site to make sure that it's only used for non-nuclear purposes. The heavy-water reactor at Arak, meanwhile, will apparently be redesigned so that it “will not produce weapons grade plutonium.” There are real benefits to redesigning the reactor to produce less plutonium, though the fact sheet isn't clear about the nature of the redesign. Iran also committed to ship the spent fuel from the reactor out of the country and to refrain “indefinitely” from reprocessing or reprocessing-related research. The terms “reprocessing” and “reprocessing research” are not defined, but if the goal is to make Arak no scarier than, say, the light-water reactor at Bushehr, they've succeeded.

Very easy to snap back in sanctions – solves all their arguments

Fred Kaplan, Slate, 4/2/15, The Deal of a Lifetime,
www.slate.com/articles/news_and_politics/war_stories/2015/04/iranian_nuclear_deal_is_a_breakthrough_why_the_agreement_is_the_best_option.single.html

The Iranian nuclear deal reached in Switzerland on Thursday is a significant breakthrough. Uncertainties remain, inherently so, as it's merely a "political framework" for a formal deal to be completed and signed by June 30. But **this framework turns out to be far more detailed, quantitative, and restrictive than anyone had expected.** It might not lead to a deal as good as the outline suggests; it might not lead to a deal at all. But anyone who denounces this framework—anyone who argues that we should pull out of the talks, impose more sanctions, or bomb Iran because it's better to have no deal than to have this one—is not a serious person or is pursuing a parochial agenda. If this deal is fully implemented, Iran will be unable to build a nuclear bomb by enriching uranium or by reprocessing plutonium for at least 10 years. Some of the restrictions imposed by this deal would last 15 years. The international inspections of certain aspects of Iran's nuclear program would stay in place for 25 years. As for the economic sanctions against Iran, they would be lifted not upon the deal's signing, as the Iranians initially demanded, but only after the inspectors have verified that Iran has fulfilled all of its commitments in the deal. These commitments include reducing the number of Iran's installed centrifuges by two-thirds (from about 19,000 to 6,104, with only 5,060 allowed to enrich uranium); reducing its stockpile of enriched uranium by 97 percent (from 10,000 kilograms to 300 kilograms); to remove all advanced centrifuges (those that can enrich uranium at a much faster rate) and to place them in internationally monitored storage; to destroy the core of the Arak heavy-water reactor (which could produce a plutonium bomb), ship all its spent fuel out of the country, and forgo additional reprocessing; among other things. If the Iranians honor these terms, they will not be able to build a bomb for at least a decade, maybe longer. Still, there are two questions that a final deal would have to answer concretely. First, it's not clear when the sanctions would be lifted. An official summary of the framework states, at one point, "Iran will receive sanctions relief, if it verifiably abides by its commitments." Elsewhere, it says that all U.N. Security Council resolutions on Iran nuclear issues "will be lifted simultaneous with the completion, by Iran, of nuclear-related actions addressing all key concerns." But this leaves open the question of timing. Some of these "commitments" are to be carried out through the duration of the deal, yet certainly there's no suggestion that the sanctions will remain in place for a decade. Are the relevant commitments those that involve the reduction or dismantlement of nuclear equipment? If so, will the sanctions be lifted in phases or all at once when the cuts and shutdowns are complete? The framework also states that **sanctions can be "snapped back" into place if, at any point, Iran violates** any part of the deal. But as everyone knows, it's much harder to reimpose sanctions than it is to lift them, especially at the U.N. Security Council, where Russia and China (which signed on to the sanctions reluctantly and want to see them lifted as soon as possible) have veto power. So everything else about this deal has to be solid. (However, it's worth noting, the framework states that sanctions relating to Iran's ballistic missiles, violations of human rights, and support of terrorism will still be in place. So if the nuclear sanctions do need to be "snapped back," they could be piled on top of these sanctions; a mechanism for freezing funds would still exist.) Second, **the deal would have to let international inspectors not**

only monitor Iranian nuclear facilities continuously, but also to look inside any other “suspect” facilities—in other words, facilities not on the official list that the inspectors have reason to believe might be harboring prohibited activity. Verification has been the most nettlesome aspect of all arms control accords throughout history, for two reasons. First, no deal can be absolutely verifiable; this is why accords usually set a standard of “adequately verifiable” (a bit of a finesse, but there’s no honest alternative). Second, even in the most trusted relations (and relations with Iran are far from that), there is a fine line between authorized inspection and disingenuous espionage—which is to say that Iran (or any other military power) might have understandable, even legitimate reasons for wanting to keep foreigners out of certain areas. So why should the P5+1 nations—the five permanent members of the U.N. Security Council (the United States, Great Britain, France, Russia, and China) plus Germany—pursue this deal, despite the uncertainties? The main reason is that it is a profoundly good deal; there has never been a nuclear deal, with any country, that is so comprehensively restrictive. Israeli Prime Minister Benjamin Netanyahu urged the U.S. Congress to demand “a better deal,” but his definition of such a deal—one that bans uranium enrichment, dismantles all its facilities, and insists on a drastic change in Iran’s foreign policy—is unattainable, and, more to the point, he knows it.

Deal spurs stability and resolves Middle East proliferation and conflict.

Erin Poll, NIAC, June 10 Iran Deal Can Help Disentangle Regional Conflicts

<http://www.niacouncil.org/iran-deal-can-help-disentangle-regional-conflicts/>

One of the biggest concerns from the West is that a nuclear deal with Iran could “spark a proliferation cascade in the region,” Fitzpatrick noted, starting with Saudi Arabia. However, if Saudi Arabia does choose to seek nuclear weapons, he said, it will find it very difficult to procure the technology. Pakistan, the most likely supplier, “has no strategic interest in sharing weapons technology with the Saudis” as they would not want to be sanctioned for transferring nuclear technology. In fact, Fitzpatrick noted, a nuclear deal may convince the Saudi king of the need for rapprochement with Iran, as proxy conflicts become more costly and oil prices drop. King Salman told Obama that he was optimistic that the Iran deal would “reinforce the stability and security of the region and the world.” Fitzpatrick insisted that, contrary to popular assumptions, without restrictions on Iran’s nuclear program, Saudi Arabia would feel compelled to attain nuclear capabilities to counter Iran’s own. ¶ “For the last 20 years, the United States and Iran have done everything they could to either contain Iran or, in the case of the Iranians, undermine the United States in the region, and they have spent a tremendous amount of resources and political capital to do so,” according to Parsi. Easing the tensions between the US and Iran, will allow the US to invest more resources elsewhere. Additionally, the US will be able to have a more honest discussion with the Saudis if it has a counterbalance in Iran. These steps will facilitate the US’s plan to reorient itself towards East Asia, Fitzpatrick concluded.

Iran deal best chance, need to get it done -- experts

Fisher 4/2 -- content director @ Vox (Max, 2015, "This is an astonishingly good Iran deal," <http://www.vox.com/2015/4/2/8337347/iran-deal-good>)

When Aaron Stein was studying nuclear non-proliferation at Middlebury University's Monterey graduate program, the students would sometimes construct what they thought would be the best possible nuclear inspection and monitoring regimes. Years later, Stein is now a Middle East and nuclear proliferation expert with the Royal United Services Institute. And he says that the Iran nuclear framework agreement, announced on Thursday, look an awful lot like those ideal hypotheticals he'd put together in grad school. "When I was doing my non-proliferation training at Monterey, this is the type of inspection regime that we would dream up in our heads," he said. "We would hope that this would be the way to actually verify all enrichment programs, but thought that would never be feasible." "If these are the parameters by which the [final agreement] will be signed, then this is an excellent deal," Stein concluded. The framework nuclear deal establishes only the very basics; negotiators will continue to meet to try to turn them into a complete, detailed agreement by the end of June. Still, the terms in the framework, unveiled to the world after a series of late- and all-night sessions, are remarkably detailed, and almost astoundingly favorable to the United States. Like many observers, I doubted in recent months that Iran and world powers would ever reach this stage; the setbacks and delays had simply been too many. Now, here we are, and the terms are far better than expected. There are a number of details left to be worked out, including one very big unresolved issue that could potentially sink everything. This is not over. But if this framework does indeed become a full nuclear deal in July, it would be a huge success and a great deal. Iran gives up the bulk of its nuclear program in these terms. The framework deal requires Iran to surrender some crucial components of its nuclear program, in part or even in whole. Here are the highlights: Iran will give up about 14,000 of its 20,000 centrifuges. Iran will give up all but its most rudimentary, outdated centrifuges: its first-generation IR-1s, knock-offs of 1970s European models, are all it gets to keep. It will not be allowed to build or develop newer models. Iran will give up 97 percent of its enriched uranium: it will hold on to only 300 kilograms of its 10,000 kilogram stockpile in its current form. Iran will destroy or export the core of its plutonium plant at Arak, and replace it with a new core that cannot produce weapons-grade plutonium. It will ship out all spent nuclear fuel. Iran would simply not have much of its nuclear program left after all this. A shorthand that people sometimes use to evaluate the size of Iran's nuclear program is its "breakout time." If Supreme Leader Ayatollah Ali Khamenei woke up tomorrow morning and decided to kick out all of the inspectors and set his entire nuclear program toward building a nuclear warhead — to "break out" to a bomb — right now it would take him two or three months. Under the terms of the framework, his program would be so much smaller that it would take him an entire year to build a single nuclear warhead. These terms are not abject surrender. Iran is allowed to keep a small nuclear program, and it won some concessions of its own. For example, what little uranium enrichment is allowed will be done at Iran's facility at Natanz — a hardened, reinforced-concrete structure that was once used for covert enrichment and that the US had hoped to close. Iran will also be allowed to do some research at another hardened facility the US had wanted to close, at Fordow, though the research is restricted and will be barred from using fissile material. These are not big concessions, and they matter mostly for their symbolic value, but it's something. Still, when you look at many of the specifics laid out in the framework, the hard numbers and timetables and the detailed proscriptions, those all tend to be quite favorable to the United States. The core issue that the framework really nails. Even though the agreement is only a framework, the summary released on Thursday goes into

striking detail on an issue that was always going to be among the most crucial: inspections. Whatever number of centrifuges Iran has or doesn't have, whatever amount of uranium it's allowed to keep or forced to give up, none of it matters unless inspectors have enough authority to hold Tehran to its end of the deal — and to convince the Iranians that they could never get away with cheating. To say that the US got favorable terms here would be quite an understatement; the Iranians, when it comes to inspections, practically gave away the farm. "I would give it an A," Stein said of the framework. When I asked why: "Because of **the inspections and transparency.**" There are two reasons that inspections are so important. The first is that **super-stringent inspections are a deterrent:** if the **Iranians** know that any deviation is going to be quickly caught, they **have** much less incentive to try to cheat, and much more **incentive to uphold their side of the deal.** The second is that, if Iran were to try to build a nuclear weapon now, it likely wouldn't use the material that's already known to the world and being monitored. Rather, the Iranians would secretly manufacture some off-the-books centrifuges, secretly mine some off-the-books uranium, and squirrel it all away to a new, secret underground facility somewhere. That would be the only way for Iran to build up enough of an arsenal such that, by the time the world found out, it would be too late to do anything about it. Really **robust inspections** would be the best way to stop that from happening. They would **prevent Iran from sneaking off centrifuges or siphoning away uranium** that could be used to build an off-the-grid nuclear weapons program, without the world finding out. The inspections issue has not gotten much political attention. When I spoke to Jeffrey Lewis, the director of the East Asia Nonproliferation Program at Middlebury's Monterey Institute of International Studies, on Tuesday before the framework was announced, he seemed worried that negotiators would not focus on it much. Rather, overwhelming political focus in Washington and Tehran on issues like Iran's number of allowed centrifuges seemed likely to push inspections from the top priorities. Lewis suggested that a top item on his wish-list would be inspections so robust that inspectors don't just get to visit enrichment sites like Natanz and Fordow, but also centrifuge factories. That, he said, "would be a big achievement." Sure enough, come Thursday, Lewis got his wish, and then some: centrifuge factory inspections is one of the terms in the framework, and it's pretty robust. For the next 20 years, inspectors would have "continuous surveillance at Iran's centrifuge rotors and bellows production and storage facilities." "I was shocked to read that they got them to agree to let us walk around their centrifuge production facilities. That's amazing," Stein said. It's not just centrifuge factories. **Inspectors will have access to all parts of Iran's nuclear supply chain,** including its uranium mines and the mills where it processes uranium ore. Inspectors will also not just monitor but be required to pre-approve all sales to Iran of nuclear-related equipment. This provision also applies to something called "dual-use" materials, which means any equipment that could be used toward a nuclear program. "The inspections and transparency on the rotors, and the bellows, and the uranium mines is more than I ever thought would be in this agreement," Stein added. Other favorable items buried in the terms Stein pointed out two details in the framework that I'd missed, both of which appeared to be pretty significant concessions by the Iranians. First, **Iran** has finally **agreed to comply by** a rule known as **Modified Code 3.1** of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement, shorthand as Modified Code 3.1. It says that Iran has to notify inspectors immediately on its decision to build any new facility where it plans to do nuclear work — long before construction starts. Iran in the past has either rejected this rule or stated

that it would only notify inspectors a few months before introducing nuclear material at a facility — a "cover your ass" move in case the world caught them building a new nuclear site. Tehran's promise to comply may signal that it intends to stop building such covert facilities.

Second, Stein reads the framework as including Iran's ballistic missile program — something that critics of the deal warned would be left out. Indeed, even many supporters of the negotiations have said that it would be unlikely that American negotiators could get the deal to cover ballistic missiles or other conventional weapons programs; it would simply be asking for too much in one agreement. "It looks like they were able to expand the scope beyond just nuclear issues," Stein said. He pointed to a line in the section that explains that the UN Security Council would replace its old resolutions imposing sanctions on the nuclear program with a new resolution that incorporated the finalized deal. The line reads, "Important restrictions on conventional arms and ballistic missiles, as well as provisions that allow for related cargo inspections and asset freezes, will also be incorporated by this new resolution." "The way I read that is that they address the ballistic missile issue, that that will remain in the new UN Security Council resolution," Stein said. "So you're going to keep the restrictions on ballistic missiles that are already present." The giant gaping hole in the framework terms still, this is just a framework deal on the basic terms; it covers a lot, but not everything. And there is one really important topic that is referenced only vaguely: how and when the world will lift its economic sanctions on Iran. This has been a major sticking point throughout negotiations. Iran demands that all sanctions be lifted right away; their country needs a functioning economy, they say, and if they're complying with all of the restrictions as of day-one then they shouldn't have to endure crippling sanctions on day-two. But the US and others worry, with good reason, that if they lift all sanctions immediately then Iran will have far less incentive to follow through on its commitments, as it would be very difficult to re-impose those sanctions. And Iran has cheated on such agreements before. This is a really difficult issue; each side has to trust, to some degree, that the other side will uphold its end of the deal. And someone has to go first. After decades of enmity, that's hard. The terms in the framework do not come near solving this issue. Iran and the world powers, apparently failing to find a solution, have largely punted. "I read the fact sheet as confirming that they are still far apart on scheduling sanctions relief," Lewis said in an email. "Still a very large devil — a Great Satan if you will — in the details." What the terms do say is that the US, Europe, and UN Security Council will remove their sanctions after Iran fulfills its end of the deal. But it is still very unclear how exactly that gets determined, when that happens, or whether it means the sanctions are lifted all at once, or over time. The terms do suggest that the IAEA will have "teeth," as Stein put it, in punishing Iran if they conclude that the Iranians are not upholding their commitments. And if Iran breaks its end of the bargain, the sanctions will in theory "snap back." Russia, though, opposes putting any sort of automatic enforcement mechanism into UN Security Council sanctions. So it's not clear if "snap back" means that sanctions will automatically trigger back into place (unlikely) or if the US would have to try to corral the necessary votes to bring them back manually (very difficult). This was always perhaps the hardest issue. It remains the hardest issue. That the negotiators could not find anything more detailed to say is concerning. This, so far, is about the best we could ask for "Really, it's a very strong framework," Jeffrey Lewis said when I asked him what he thought. "As a framework it's very good," tweeted Mark Fitzpatrick, the director of the Non-Proliferation and Disarmament Program at the International Institute for Strategic Studies. He added, "A sharp critic of Iran and

skeptic of the talks told me after the announcement that it seemed to be heavily tilted in favour of the West." The Arms Control Association issued a statement saying that the "historic" agreement "promises to lead to one of the most consequential and far-reaching nuclear nonproliferation achievements in recent decades." Everyone is very careful to note that this is a provisional framework. It could fall apart before it becomes a full, final deal. The negotiators, between now and the end-of-June deadline, could get bogged down in details like sanctions relief. It will be hard and it could fail. But we do have something substantial and important in this framework. The terms in the agreement are just about the best that we could hope for — even better, in some ways, than many had thought possible. The concessions from Iran are painful and many; the concessions by the US minor and few; the details surprisingly robust. President Obama is framing the deal, somewhat defensively, as the best alternative to war. Indeed it is that. But it is also the start of what could become a substantial and long-term curb to Iran's nuclear program, a major step toward reducing the hostility between Iran and the West, and thus a potentially transformative change for the region.

Deters acquisition, no future prolif

George Perkovich, Carnegie Endowment VP, 4/2/15, The Benefits of Mutual Distrust, www.politico.com/magazine/story/2015/04/iran-nuclear-deal-116635_Page2.html#.VR3i80b6lio

If this assessment is correct, it is possible to devise an arrangement that will satisfy Iran's needs for a peaceful nuclear energy program and the international community's requirement that Iran not acquire nuclear weapons. A sound deal, in short, would have to convince Iran that the risks of cheating and the cost of non-compliance are too high. Rather than "trust but verify," as Ronald Reagan defined his approach to nuclear arms control, the logic with Iran should be "distrust, verify, and deter." The benefits Iran hopes to accrue from sanctions relief can themselves augment deterrence of cheating. To the extent that Iranian businesses and citizens welcome the economic improvements that follow, they will hold their government responsible if it acts in ways that cause sanctions to be snapped back on. While the Iranian internal security apparatus remains repressive, it is sensitive to popular discord, which can be expressed even in constrained presidential elections. For all of the imperfections of the comprehensive deal whose details must now be completed, the compromises that are being made to persuade Iranian leaders to accept it augment their incentives to uphold it. These leaders distrust the United States at least as much as the United States distrusts them. They have struggled to retain leverage in the negotiated arrangements to deter the U.S. and its partners from renegeing on our side of the bargain. The underground research and development facility at Fordow, for example, is retained as insurance against military attack. The likely phasing of disclosure of past activities with possible military dimensions is meant to bide time to see if sanctions relief will be delivered as promised. Rather than being inherently bad for the U.S., the leverage Iran retains gives their leaders reason to think the U.S. will not renege on a deal. Recent history demonstrates that Iran is deterrable. Iran began its secret quest for enrichment capability in 1985 during the war with Iraq. Saddam Hussein's forces were attacking Iranian cities with ballistic missiles armed with

chemical weapons. The United States and France rebuffed Iranian efforts to mobilize the UN Security Council to make Iraq stop. Iranian leaders then began looking for a nuclear option to ensure that their country would “never again” face such a threat. Throughout the 1990s the United States and others reasonably sought to block most of Iran’s nuclear initiatives, as they also sought to verifiably eliminate all of Iraq’s weapons of mass destruction. While Iranians quietly welcomed the efforts in Iraq, they noticed the Bush Administration’s increasingly dire warnings that Iraq had WMDs and would use them. The invasion of Iraq in 2003 removed the perceived Iraqi threat. At the same time, intelligence exposed that Iran was secretly building facilities to enable it to enrich uranium and produce plutonium, for which there was no realistic civilian requirement. The International Atomic Energy Agency began investigating and uncovered a long list of Iranian violations of requirements to report sensitive nuclear activities. The threat of possible U.S. intervention from Iraq into Iran also loomed. At this point, according to the U.S. intelligence community, “Tehran halted its nuclear weapons program... primarily in response to increasing international scrutiny and pressure resulting from exposure of Iran’s previously undeclared nuclear work.” Negotiations ensued in 2003 and continued on and off until today. Since early 2014, the Joint Plan of Action that Iran implemented has essentially frozen its fuel-cycle program. Throughout, Iranian leaders have assiduously sought to preserve space for an ambitious nuclear energy program, relenting only where the terms of the Nuclear Nonproliferation Treaty clearly require and when international pressure, including economic sanctions, made it too painful to press for more. The NPT clearly proscribes acquiring nuclear weapons, but it does not define precisely which enabling activities and capabilities are forbidden. Iran’s performance since 2003 suggests, but does not prove, that its interests can be served without nuclear weapons. Saudi Arabia is a leading source of Sunni resistance to Iran, in terms of ideology and funding. But as long as Saudi Arabia does not have nuclear weapons, Iran will retain a significant power advantage over it. If making and keeping a nuclear deal reduces the likelihood of a Saudi bomb, Iran will be better off. And Iran does not need nuclear weapons to fight the Islamic State and other Sunni militias in Iraq. A robust nuclear arsenal might make Iran more secure vis a vis Israel and the United States, but the problem is that getting from today’s capability to a robust nuclear arsenal would risk a war with one or both. Implementing a nuclear deal – and retaining the leverage of the capabilities it allows – practically removes the threat of Israeli and American military attack. And, by relieving Iran’s international isolation and earning it kudos from many countries, a nuclear deal would enhance Iran’s standing for condemning Israel’s own nuclear arsenal and occupation policies. The latter possibilities will not be welcome in Israel and the U.S., but this only buttresses the assessment that Iran would have an interest in upholding a nuclear deal. To reinforce this Iranian calculation, the details of a comprehensive agreement should combine deterrence and positive incentives. On the deterrence side, verification is vital. Iranian leaders should conclude that efforts to cheat will be detected with enough time to allow military interdiction before Iran could acquire nuclear weapons. The primary risk is in the domain of uranium enrichment. Here, Iran’s activities must be monitored from mining of ore all the way through the enrichment process, as the U.S. fact sheet released April 2 says it will. All of Iran’s facilities and activities involved in producing centrifuges must be monitored, as well as all operations of centrifuges, from research and development to larger-scale production of low-enriched uranium for reactor fuel. A satisfactory agreement also should prohibit research and development activities whose purposes are closely

associated with nuclear weaponization. Even if Iran will not resolve the IAEA's ongoing questions about past activities with possible military dimensions until the later stages of an agreed arrangement, Iran should conduct no new activities of this sort. To verify this, Iran will have to agree to procedures for international inspections of any facilities reasonably suspected of conducting work related to nuclear weaponization. Such arrangements would correct a shortcoming of the 1968 NPT and serve as an important precedent to be applied to all non-nuclear-weapon states. Deterrence of cheating will be further enhanced by the process designed for relieving sanctions on Iran. In the initial years of an agreement, Iran's performance of its obligations should be reciprocated by waivers of U.S. and other sanctions, rather than the removal of the underlying legal authorities behind them. This way, if Iran fails to perform, sanctions can be "snapped-back" into place quickly by ending waivers. A final comprehensive nuclear agreement should be codified in a UN Security Council resolution, under Chapter VII, as it now appears has been agreed in Switzerland. The U.S. and other Security Council members can augment deterrence by explaining that violation of such a resolution may be punished by force. The U.S. Congress could affirm that it would support the use of force in the event Iran materially breached the agreement. None of this is to gainsay the violence Iran's protégés and its Revolutionary Guard forces perpetrate in neighboring countries. Nor is it to accept the theocratic repressiveness of Iranian politics and governance. The U.S., Israel and Iran's Arab neighbors will continue to contest Iranian assertiveness, as Iran will in reverse. Washington will continue to press for democratization and protection of human rights in Iran, just as Iran will denounce Israel's treatment of the Palestinians and Washington's complicity with it. A nuclear deal will limit the dangers of this competition by significantly reducing the risks of nuclear proliferation and war, and providing an opportunity to test whether diplomatic agreements can be maintained. If the proposed deal can be completed as now planned, at the end of its duration, near 2030, a major threat to international peace and security and the global nuclear order will have been abated. At that time, Iran will have been restored to good standing under the Nuclear Nonproliferation Treaty, bound by its now clarified terms. Iran's first-generation revolutionary leaders will have passed from the scene. Then, if new Iranian leaders somehow concluded that they wanted to try again to move towards nuclear weapons, as Prime Minister Netanyahu and others warn, they should expect an immediate and decisive international campaign to stop them.

Deal is best chance to resolve prolif – provisions solve most counter args

Lewis 4/2 -- director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies (Jeffrey, "A Skeptic's Guide to the Iran Nuclear Deal," http://foreignpolicy.com/2015/04/02/a-skeptics-guide-to-the-iran-nuclear-deal-2/?utm_content=bufferca754&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)

OK, I admit it. I thought this framework was going to suck. Actually, it's not bad. My main concern all along was that the P5+1 countries (technically the E3/EU+3; congratulations if you know the difference) were too focused on "breakout time" — imposing arbitrary limits on Iran's

centrifuge program to ensure that if Iran used its known nuclear infrastructure, it would take at least a year to build a bomb. The bigger worry about Iran's nuke program, I always thought, was unknown nuclear infrastructure, such as any hidden centrifuge sites. To my surprise, **the deal** — at least as it is described in the fact sheet released by the White House — **manages to impose measures** to guard **against breakout, while** also **providing** for a number of **measures that help** substantially **with** the problem of **covert facilities**. All in all, **it's a pretty comprehensive framework for managing the problem**. It's certainly worth lifting some sanctions, though a crucial detail is how quickly that will happen and whether sanctions can be reimposed if things go pear-shaped. But there are still reasons to be cautious. First, all we have at the moment area White House-released fact sheet and a couple of ambiguous news conferences in Lausanne, Switzerland, and the White House Rose Garden. (Javad Zarif, Iran's foreign minister and lead negotiator, is already complaining about the White House's fact sheet.) There is, after all, a reason one writes these things down. The parties will need a few more months to work out the details of the actual agreement in order to implement the "framework" that was announced Thursday, April 2. Those negotiations will be crucial because the kind of language in the statements and fact sheet — which probably seem pretty detailed to a casual observer — doesn't provide the sort of clarity that a final agreement will need in order to work. (Ask me about long-range missiles of any kind sometime.) Second, **getting a deal on paper is** only **the first step**. The parties have agreed to do all sorts of things. This may shock you, but sometimes parties have trouble delivering on such promises. Agreements aren't self-implementing, so a major test will be how the parties deal with the inevitable challenges that human beings pose to implementing even a beautifully written final agreement. **That's not a reason to reject agreements, just a caution about being realistic**. Finally, please keep in mind that this deal makes it marginally less likely that Iran will build a nuclear weapon. That's great. But it doesn't solve the problem of Iran's missile program or Tehran's less-than-stabilizing role in the Middle East. Expectations for any written agreement should be modest. I wouldn't let myself get swept up in loose talk about a new relationship with Tehran. We're agreeing to not kill each other, for the moment, over this one thing. In my business, that's pretty good! Still, the details are pretty interesting. The big-ticket item for the U.S. national security community will be the "breakout" timeline. I am not going to do a calculation, but the important parameters are about 5,000 centrifuges enriching to less than 3.7 percent and a reduction in the existing stockpile of low-enriched uranium to 300 kilograms. The fact sheet claims this extends the breakout timeline from two to three months to more than a year. I don't see any reason to doubt the administration's math, but I just don't think the breakout timeline matters. So I will just step aside and let other people who are invested in this argument fight it out. The **provisions against covert sites** — what my friend James Acton calls "sneak-out" and what I worry about most — **look very strong**. The fact sheet asserts that the International Atomic Energy Agency (IAEA) **will have continuous access to the facilities that produce Iran's centrifuge rotors and bellows** for 20 years. The **agreement** also **provides access to Iran's uranium mines and mills**, as well as a dedicated procurement channel for any goods destined for Iran's nuclear program. **Iran will return to the Additional Protocol** and modified Code 3.1 of the subsidiary arrangements — these are improvements to the safeguards agreement and subsidiary arrangements that Iran has with the IAEA. They are an important part of verifying any agreement. And it seems **Iran has agreed to** certain **measures to address** the so-called "possible **military dimensions**" of the nuclear

program — all the intelligence, such as the infamous “laptop of death,” that suggests Iran had a covert bomb program until 2003. Iran also agreed to limit enrichment to a single site at Natanz. Again, the details will matter here. The E3/EU+3 would be well advised to make sure the agreement includes a nice map of the Natanz facility — lest we find secret centrifuge halls in a Natanz “annex” down the road. The advantage of limiting work to a single site is that, should the U.S. intelligence community catch Iran building a centrifuge site elsewhere (again), **Tehran won't be able to make any tendentious legal excuses.** Finally, there are reasonable limits on Tehran's program to develop new generations of centrifuges. These measures can't guarantee that Iran doesn't have a parallel, secret program. That's still going to depend on the capabilities of the U.S. intelligence community. But they do force Iran to ensure that any parallel program is fully parallel, from uranium mines through centrifuge workshops to the proverbial underground mountain lair. That's an imposition, and if secrecy breaks down at any point along that chain, the whole endeavor is compromised. The fact sheet really does assert what looks to be an impressive monitoring regime. Last but not least, the agreement seems to deal adequately with Iran's enrichment plant at Fordow and its heavy-water reactor at Arak. Fordow — the covert enrichment site under a mountain and revealed in 2009 — will be converted into non-nuclear isotope separation. An earlier story indicated that a small number of centrifuges at Fordow would separate “stable” isotopes — “stable” here means non-radioactive. The nuclear fuel company Urenco has a side business that sells stable isotopes, so it's not a crazy idea. It's a little hard to tell from the fact sheet, but that seems to be what has happened. The IAEA will still have access to the site to make sure that it's only used for non-nuclear purposes. The heavy-water reactor at Arak, meanwhile, will apparently be redesigned so that it “will not produce weapons grade plutonium.” There are real benefits to redesigning the reactor to produce less plutonium, though the fact sheet isn't clear about the nature of the redesign. Iran also committed to ship the spent fuel from the reactor out of the country and to refrain “indefinitely” from reprocessing or reprocessing-related research. The terms “reprocessing” and “reprocessing research” are not defined, but if the goal is to make Arak no scarier than, say, the light-water reactor at Bushehr, they've succeeded. What Iran gets out of all this, of course, is sanctions relief. The fact sheet is vague about which U.S., EU, and U.N. sanctions will be removed by tying relief to certain “key” steps or the resolution of “key” concerns. The fact sheet also makes use of the term “snap back” to indicate that sanctions could be reimposed. Snap back? I'd like to know what sort of elastic we're dealing with here. This seems to still be an area of disagreement. Almost immediately, Zarif tweeted, “The solutions are good for all, as they stand. There is no need to spin using ‘fact sheets’ so early on.” Then Zarif followed with two more tweets indicating that sanctions relief would be immediate, even though the fact sheet says no such thing. This suggests to me that the two sides are still apart on the fundamental question of how quickly sanctions will get lifted. It seems there remains a devil — a Great Satan, even — in the details to be worked out. At the same time, **Zarif expressed his commitment to start drafting the agreement.** The **negotiators** clearly still have a lot of work ahead of them. But the purpose of a “framework” agreement is to establish that both the P5+1 and the Iranians are close enough to spend the next months hammering out the details. They **will spend the next few months trying to fashion the framework into a proper international agreement** that can be printed on nice paper and signed by the negotiators. I suspect the conditions for sanctions relief will prove to be

the most difficult aspect of these talks. Time will tell if they can succeed, but **the initial descriptions are** far more **promising** than I expected.

No spillover prolif

Edward-Isaac Doveve, Politico, 3/31/15, The price of Barack Obama's Iran muddle, www.politico.com/story/2015/03/barack-obamas-iran-muddle-116561.html

President Barack Obama needs a win in the Middle East. Instead, he's getting a muddle. International negotiators in Switzerland ran up against their deadline for the Iran nuclear talks — and then kept on running, insisting that there's enough reason to believe that maybe they'll get far enough on Wednesday, or maybe a couple of days after that. How many, they won't say. What happens if that's not enough, no one seems to fully know. Obama's been talking about getting an Iran deal since he first ran for president in 2008 and taking heat for it from the beginning. In year seven of his presidency, it has emerged as a key lingering piece of the transformational foreign policy he wants as his legacy and become central to dealings across a region where every week brings a new crumbling country, each with a new kaleidoscope of shifting alliances to deal with. Obama's decision to back down from the threat of strikes on Syria in 2013 is still seen as revealing Obama's unwillingness to fight by many of the same regional leaders who fear he's willing to give away too much to get an agreement now. **An Iran deal**, in the White House's view, simultaneously has no direct connection to the rest of the trouble in the Middle East and **is inextricably tied to everything the administration is facing. That includes a fractured relationship with the Israeli prime minister** who, along with the Saudis, is strongly opposed to the Iran talks; the United States and **Saudi Arabia backing the rebels in Syria while Iran backs Bashar Assad**; the Houthis in **Yemen against Al Qaeda** while the Saudis attack; all while Americans and Iranians align to fight off Islamic State in Iraq. **"If a deal happens**, even in overtime, **that is a meaningful contribution to Middle East security. Period.** There is uncertainty about Iran's long-term trajectory and its interests in places like Yemen, Syria and Iraq. The region as a whole is concerned about Iran, and rightfully so. But like it or not, Iran gets a vote in what happens," said former State Department spokesman P.J. Crowley. **"The negotiations have established a credible channel** for the U.S. and Iran **to manage** areas of **overlapping** interests and areas of **conflicting** interests."

Iran says yes and it solves prolif- most qualified experts agree- Iranian hardliners are in check

Robins-Early 4/2 (Nick Robins-Early, Interviewing Ariane Tabatabai, an assistant professor at Georgetown University and frequent writer on Iran's nuclear program, "Is The Iran Nuclear Framework Agreement A Good Deal?", http://www.huffingtonpost.com/2015/04/02/iran-nuclear-deal_n_6996244.html, April 2, 2015)

After months of exhausting negotiations, the five permanent members of the United Nations Security Council plus Germany agreed on Thursday to a framework deal with Iran that would limit its nuclear program in exchange for sanctions relief. The controversial deal had been the subject of international debate. Proponents of the negotiations declared the talks a rare opportunity to bolster nuclear non-proliferation and take Western powers off a course that would end in conflict with Iran. Critics of the deal, which include Israel's Prime Minister Benjamin Netanyahu and United States Republicans, were vocal that a bad deal would merely appease Iran while doing nothing to stop it from an end goal of nuclear armament. The WorldPost spoke with nuclear proliferation expert Ariane Tabatabai, an assistant professor of security studies at Georgetown University and a columnist for the Bulletin of Atomic Nuclear Sciences, for her take on the agreement. What is your general assessment of the framework deal? I think it's a really good deal for both sides. Both sides get what they've been pursuing this entire time, which for the P5 +1 means it will scale back Iran's enrichment program considerably — essentially by two-thirds. It also gives assurance Iran is not going to be building any new facilities for enrichment, and it's going to mean that the Arak heavy water reactor is going to be rebuilt to produce less plutonium. I think it's a really good deal for both sides. Iran is not going to build any more heavy water reactors for the next 15 years. It's not going to be doing any reprocessing, which means that plutonium wouldn't be usable for a nuclear weapon. One of the sites that the arms control community has been worried about is going to be converted and used for research purposes; no enrichment will be done there. That's at Fordo? That's Fordo, yes. Then in terms of monitoring, which is a very big part of this, there's going to be a lot more monitoring by the International Atomic Energy Agency (IAEA). All of this should give a breakout time of about one year, which would allow the international community to detect Iran trying to get a bomb. In exchange, Iran gets proliferation-related sanction relief, which it has been wanting, and it will get some assistance from the international community for research and development. Both sides are gaining a lot of what they've been wanting to gain, and both sides have made concessions. In my mind it's a very good deal for both sides. What potential spoilers are there that could derail a final deal being signed? The biggest spoiler here in Washington is Congress. I'm expecting any second now they will come out and say this is a terrible agreement and the world has given Iran a nuclear weapon. Certainly people in the region -- the Saudis, the Israelis -- will support those claims. The biggest spoiler here in Washington is Congress. My biggest concern in the next three months as the negotiating parties move forward is going to be how to make sure that critics don't interfere with the process, and don't derail it altogether. How might Iranian hardliners respond to the agreement? Iranian hardliners have been fairly quiet in the past few months. The reason behind this is that the Supreme Leader has been coming out periodically with resonating endorsements of the negotiations and the negotiating team, and has framed the entire effort in terms of national security. So the hardliners have lost a bit of ground, but that's possible in the context of Iranian politics where the Supreme Leader can come out and back a process. I think the hardliners might come out with some criticism in the next few months, but I don't think anything substantial enough to derail the process from the Iranian side. Is the IAEA a strong enough institution to successfully act as a monitor of this deal? Yes, but the problem is going to be financing. This is a really resource-intensive project. This is two decades of monitoring a number of facilities, and it's going to need a number of people and equipment. It's going to be a resource-intensive process, but that's something that

world powers are signing up for, as they'll need to. In terms of the capacity, though, I have no doubts the IAEA will be able to uphold its part in the process.

Diplomacy is comparatively more likely to avoid war even if imperfect

Johns, 1/22/15 - Johns serves on the Council for a Livable World Advisory Board and is a former deputy assistant defense secretary (John, "Avoid new sanctions now and keep Iran's nuclear program in check" The Hill, <http://thehill.com/blogs/congress-blog/homeland-security/230271-avoid-new-sanctions-now-and-keep-irans-nuclear-program>)

While the politics, slogans and sound bites usually rule the day in Washington, the president reminded Congress that he doesn't have to run for office again. Instead, his diplomatic efforts with six world powers and Iran are in pursuit of a historic opportunity to increase our national and global security without yet another war. In spite of steady diplomatic progress to deny Iran a nuclear weapon, some hardliners in Congress are seeking to scuttle any deal. Indeed, Republicans—and a few Democrats—have said they wish to pass a new sanctions bill in the coming weeks while the talks are ongoing – a risky move that experts say will most likely derail this delicate diplomatic process.

From the facts on the ground perspective, considerable progress has been made over the past year in rolling back Iran's nuclear program. To begin with, the interim agreement froze the program in place. Since then, Iran's nuclear stockpile has been sharply reduced. Iran has agreed to an internationally monitored cap on the enrichment of uranium. Nuclear sites that were previously off-limits are now subject to international inspections and the frequency of inspections have been increased overall.

The diplomatic record has similarly demonstrated results. In addition to the historic interim agreement, in September 2013, presidents Obama and Rouhani had the first direct conversation between US and Iranian heads of state in 35 years. And for almost an entire year, the US and its allies have remained united with Russia and China in pursuing a diplomatic outcome while enforcing strict economic sanctions on Iran – despite the fact that these countries often have differing perspectives and international agendas.

The bottom line is that Iran is significantly further away from a nuclear weapon today than it was one year ago. What's more, these results reflect a surprising turnaround from the preceding decade in which Iran's capabilities grew steadily while the major powers were divided on how to respond.

Granted, the election of Rouhani has made an enormous difference. His predecessor Mahmoud Ahmadinejad staked his political career on confrontation with the West, but Ahmadinejad's policies brought nothing but ruin to the Iranian economy. In response, Rouhani ran on a platform committed to improving relations with the West and won in a landslide.

Though these are all very positive developments, we still have a long way to go. Decades of hostility and mistrust won't change overnight. We'd be fools not to proceed with great caution and make sure that every aspect of any agreement is fully verifiable.

However, those who want to torpedo the critical progress that has been made are using tough talk that simply doesn't line up with the facts.

To begin with, there are those who are demanding another round of sanctions despite the fact that neither our allies, nor our own negotiating team, nor the Russians or Chinese, support such a move.

Indeed, another round of sanctions would most likely split the international coalition that has been critical to success and principally benefit the Iranian hardliners who are most vocally opposed to Rouhani's overtures to the West. Even more fancifully, some have argued that the US should be prepared to "force" China and Russia to support further sanctions. This may sound tough, but it is utterly implausible.

Even more unrealistic are those agitating for military strikes. Serious national security professionals understand that only a negotiated outcome is realistic. Michael Hayden, the former CIA director and NSA chief, noted that in the Bush administration, "The consensus was that [attacking Iran] would guarantee that which we are trying to prevent — an Iran that will spare nothing to build a nuclear weapon."

As the president said last night, "There are no guarantees that negotiations will succeed, and I keep all options on the table to prevent a nuclear Iran. But new sanctions passed by this Congress, at this moment in time, will all but guarantee that diplomacy fails—alienating America from its allies; and ensuring that Iran starts up its nuclear program again."

We must prevent Iran from obtaining nuclear weapons. The best chance at doing so is to support the president's challenging, but necessary, diplomatic talks that continue to make steady progress and yield verifiable results.

Having started negotiations, the United States should finish them. Reaching a deal will not only restrain the Iranian nuclear program, but could help restrain others in the future. As frustrating as it is, Congress is going to have to summon the patience to let diplomacy work. Applying additional sanctions may feel cathartic for congressmen like Sen. Rubio, but only a deal can end the Iranian nuclear program.

Negotiated solution key to solve Iran proliferation

Joel Rubin 10-24 Iran's diplomatic thaw with the West

http://thejewishchronicle.net/view/full_story/23914219/article-Iran-s-diplomatic-thaw-with-the-West--?instance=secondary_stories_right_column

Now that Iran has made a clear decision to engage seriously in diplomatic negotiations with the West over its nuclear program, its intentions should be tested. Members of Congress should be open to seizing this opportunity by making strategic decisions on sanctions policy. The economic sanctions against Iran that are in place have damaged the Iranian economy. A credible military threat — with more than 40,000 American troops in the Persian Gulf — stands on alert. International inspectors are closely monitoring Iran's every nuclear move. Iran has not yet made a decision to build a bomb, does not have enough medium-enriched uranium to convert to weapons grade material for one bomb and has neither a workable nuclear warhead nor a means to deliver it at long ranges. If Iran were to make a dash for a bomb, the U.S. intelligence

community estimates that it would take roughly one to two years to do so. Congress, with its power to authorize sanctions relief, plays a crucial role in deciding whether a deal will be achieved. This gives Congress the opportunity to be a partner in what could potentially be a stunning success in advancing our country's security interests without firing a shot. Consider the alternative: If the administration negotiates a deal that Congress blocks, then Congress becomes a spoiler and Iran will most likely continue to accelerate its nuclear program. Then lawmakers would be left with a stark choice: either acquiesce to an unconstrained Iranian nuclear program and a potential Iranian bomb or endorse the use of force to attempt to stop it. Most military experts rate the odds of a successful bombing campaign low and worry that failed strikes would push Iran to get the bomb outright. Iran and the United States need a political solution to this conflict. Now is the time to test the Iranians at the negotiating table, not push them away.

Deal stops prolif and iran strike

Stephens, 11/14/13 – columnist for the Financial Times (Phillip, Financial Times, “The four big truths that are shaping the Iran talks” <http://www.ft.com/intl/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html#axzz2kkvx15JT>)

The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.

The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.

Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.

The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy.

It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions.

By the same token, bombing Iran's nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it.

You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.

The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage.

The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

Seen from this vantage point – and in spite of the inconclusive outcome – Geneva can be counted a modest success. Iran and the US broke the habit of more than 30 years and sat down to talk to each other. Know your enemy is a first rule of diplomacy – and of intelligence. John Kerry has his detractors but, unlike his predecessor Hillary Clinton, the US secretary of state understands that serious diplomacy demands a willingness to take risks.

The Geneva talks illuminated the shape of an interim agreement. Iran will not surrender the right it asserts to uranium enrichment, but will lower the level of enrichment from 20 per cent to 3 or 4 per cent. It will suspend work on its heavy water reactor in Arak – a potential source of plutonium – negotiate about the disposal of some of its existing stocks of enriched uranium, and accept intrusive international inspections. A debate between the six powers about the strength and credibility of such pledges is inevitable, as is an argument with Tehran about the speed and scope of a run down of sanctions.

2NC / 1NR Impact Overview

Iran prolif = Extinction

Toon, chair – Department of Atmospheric and Oceanic Sciences – Colorado University, 4/19/7

(Owen B, climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf)

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

Most probable

James A. Russell, Senior Lecturer, National Security Affairs, Naval Postgraduate School, '9 (Spring) "Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East" IFRI, Proliferation Papers, #26, http://www.ifri.org/downloads/PP26_Russell_2009.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran's response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

Escalates - global nuclear war – proximity of players and regional conditions make it the worst war

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, '11

(Eric S, "The Dangers of a Nuclear Iran," Foreign Affairs, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia, Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—

the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and difficult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states' access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.¶ There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen CSS-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the CSS-2s, which are not accurate enough to deliver conventional warheads effectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the NPT since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that

acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.¶ n-player competition¶ Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents' forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarine-based nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to "launch on warning" of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

Impact Ext - Iran proliferation = nuclear war

War with Iran risks nuclear world war III.

Reuveny 10 - Professor of political economy @ Indiana University [Dr. Rafael Reuveny (PhD in Economics and Political Science from the University of Indiana), "Guest Opinion: Unilateral strike on Iran could trigger world depression," McClatchy Newspaper, Aug 9, 2010, pg. http://www.indiana.edu/~spea/news/speaking_out/reuveny_on_unilateral_strike_Iran.shtml

BLOOMINGTON, Ind. -- A unilateral Israeli **strike on Iran's** nuclear facilities **would** likely have dire consequences, **including a regional war, global economic collapse and a major power clash.**

For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force.

Such an outcome is extremely unlikely since the locations of some of Iran's nuclear facilities are not fully known and known facilities are buried deep underground.

All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces.

Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond.

A regional war

Unlike Iraq, whose nuclear program Israel destroyed in 1981, **Iran has a second-strike capability comprised of** a coalition of Iranian, **Syrian, Lebanese, Hezbollah, Hamas, and**, perhaps, **Turkish forces.** Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war.

During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon's shipment of weapons and planes. Today, Israel's numerical inferiority is greater, and it faces more determined and better-equipped opponents.

Despite Israel's touted defense systems, Iranian **coalition** missiles, armed forces, and terrorist **attacks would** likely wreak havoc on its enemy, **leading to a prolonged tit-for-tat.**

In the absence of massive U.S. assistance, Israel's military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973.

An Israeli nuclear attack would likely destroy most of Iran's capabilities, but a crippled Iran and its **coalition could still attack** neighboring **oil facilities, unleash global terrorism,** plant mines in the Persian Gulf **and impair** maritime **trade** in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern **oil shipments would** likely **slow to a trickle** as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. **Iran** and Venezuela **would** likely **stop selling oil to the United States and Europe.**

The **world economy would** head into a **tailspin**; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. **Russia, China, Venezuela,** and maybe **Brazil and Turkey** — all of which essentially support Iran — could be tempted to **form an alliance and** openly **challenge the U.S.**

hegemony.

Replaying Nixon's nightmare

Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama's response would likely put U.S. forces on nuclear alert, replaying Nixon's nightmarish scenario.

Iran proliferation = cascading regional proliferation, terrorism, economic collapse and war. Greatest threat of extinction.

MICHAEL RAMIREZ Posted 11/15/2013 06:43 PM ET <http://news.investors.com/ibd-editorials-perspective/111513-679468-if-iran-gets-bomb-others-will-want-it-too.htm>

The danger that Iran poses is not just from developing a nuclear bomb. Let's set aside for a moment the belligerent behavior of Iran and their export of terrorism, extremism and destabilization. Let's forget about their three-stage rocket development and their funding and support of terrorists around the world. Let's put aside the proxy wars they've waged on the U.S. and the West that have already killed Americans and countless others. Let's even put aside their willingness to use a nuclear weapon and the direct threat it poses to the survival of our ally, Israel. If Iran has a nuclear bomb, Saudi Arabia will have a nuclear bomb. If the Saudis have a nuclear bomb, Egypt will have a nuclear bomb. Syria may be next, then Iraq. And so on. The real danger lies in an accelerated nuclear arms race in a region awash in oil money, where extremism is valued but life is not, where all things are bought and sold, where surrogates, terrorists, extremists and their apostles of death exist without the constraints of geographical borders or national affiliation and can be paid or brainwashed to do anything without a direct link to the real planners of mischief. The nuclear arms race and the proliferation of nuclear material that will result represent the largest threat to the world today. The next time you have a terrorist attack, it will not be thousands of dead and wounded, it will be millions. And its tentacles reach much further than the area directly attacked. Consider this: some estimates put the cost of 9/11 at over \$3 trillion. If there is a nuclear attack, that area — those houses, the buildings, the businesses — will be uninhabitable for 50 years. There will be a military response. And the economic consequences alone will be catastrophic. Just think: It's taken over 12 years just to rebuild the World Trade Center.

Accesses every impact

Avery, 13 --- Associate Professor, University of Copenhagen (11/6/2013, John Scales Avery, "An Attack On Iran Could Escalate Into Global Nuclear War," <http://www.countercurrents.org/avery061113.htm>)

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, Israeli pressure groups in Washington continue to demand an attack on Iran. But such an attack might escalate into a global nuclear war, with catastrophic consequences. As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict.

There is a danger that an attack on Iran would escalate into a large-scale war in the Middle East, entirely destabilizing a region that is already deep in problems. The unstable government of Pakistan might be overthrown, and the revolutionary Pakistani government might enter the war on the side of Iran, thus introducing nuclear weapons into the conflict. Russia and China, firm allies of Iran, might also be drawn into a general war in the Middle East. Since much of the world's oil comes from the region, such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy. In the dangerous situation that could potentially result from an attack on Iran, there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, a nuclear war would damage global agriculture to such a extent that a global famine of previously unknown proportions would result. Thus, nuclear war is the ultimate ecological catastrophe. It could destroy human civilization and much of the biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

Nuke war

Stevens 13 (Philip Stevens, associate editor and chief political commentator for the Financial Times, Nov 14 2013, "The four big truths that are shaping the Iran talks," <http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html>)

The who-said-what game about last weekend's talks in Geneva has become a distraction. The six-power negotiations with Tehran to curb Iran's nuclear programme may yet succeed or fail. But wrangling between the US and France on the terms of an acceptable deal should not allow the trees to obscure the forest. The organising facts shaping the negotiations have not changed.¶ The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.¶ The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.¶ Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.¶ The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy.¶ It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions.¶ By the

same token, bombing Iran's nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it. ¶ You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking. ¶ The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage. ¶ The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

New rapid Middle East proliferation is the most likely scenario for escalation

Horowitz 2009, Michael, Department of Political Science at the University of Pennsylvania, "The Spread of Nuclear Weapons and International Conflict", Journal of Conflict Resolution, Vol. 53, No. 2, April

Learning as states gain ... preferences of the adopter.

Learning as states gain experience with nuclear weapons is complicated. While to some extent, nuclear acquisition might provide information about resolve or capabilities, it also generates uncertainty about the way an actual conflict would go—given the new risk of nuclear escalation—and uncertainty about relative capabilities. Rapid proliferation may especially heighten uncertainty given the potential for reasonable states to disagree at times about the quality of the capabilities each possesses.² What follows is an attempt to describe the implications of inexperience and incomplete information on the behavior of nuclear states and their potential opponents over time. Since it is impossible to detail all possible lines of argumentation and possible responses, the following discussion is necessarily incomplete. This is a first step. The acquisition of nuclear weapons increases the confidence of adopters in their ability to impose costs in the case of a conflict and the expectations of likely costs if war occurs by potential opponents. The key questions are whether nuclear states learn over time about how to leverage nuclear weapons and the implications of that learning, along with whether actions by nuclear states, over time, convey information that leads to changes in the expectations of their behavior—shifts in uncertainty—on the part of potential adversaries. Learning to Leverage? When a new state acquires nuclear weapons, how does it influence the way the state behaves and how might that change over time? Although nuclear acquisition might be orthogonal to a particular dispute, it might be related to a particular security challenge, might signal revisionist aims with regard to an enduring dispute, or might signal the desire to reinforce the status quo. This section focuses on how acquiring nuclear weapons influences both the new nuclear state and potential adversaries. In theory, systemwide perceptions of nuclear danger could allow new nuclear states to partially skip the early Cold War learning process concerning the risks of nuclear war and enter a proliferated world more cognizant of nuclear brinkmanship and bargaining than their predecessors. However, each new nuclear state has to

resolve its own particular civil–military issues surrounding operational control and plan its national strategy in light of its new capabilities. Empirical research by Sagan (1993), Feaver (1992), and Blair (1993) suggests that viewing the behavior of other states does not create the necessary tacit knowledge; there is no substitute for experience when it comes to handling a nuclear arsenal, even if experience itself cannot totally prevent accidents. Sagan contends that civil–military instability in many likely new proliferators and pressures generated by the requirements to handle the responsibility of dealing with nuclear weapons will skew decision-making toward more offensive strategies (Sagan 1995). The questions surrounding Pakistan’s nuclear command and control suggest there is no magic bullet when it comes to new nuclear powers’ making control and delegation decisions (Bowen and Wolvén 1999). Sagan and others focus on inexperience on the part of new nuclear states as a key behavioral driver. Inexperienced operators and the bureaucratic desire to “justify” the costs spent developing nuclear weapons, combined with organizational biases that may favor escalation to avoid decapitation—the “use it or lose it” mind-set—may cause new nuclear states to adopt riskier launch postures, such as launch on warning, or at least be perceived that way by other states (Blair 1993; Feaver 1992; Sagan 1995).³ Acquiring nuclear weapons could alter state preferences and make states more likely to escalate disputes once they start, given their new capabilities.⁴ But their general lack of experience at leveraging their nuclear arsenal and effectively communicating nuclear threats could mean new nuclear states will be more likely to select adversaries poorly and to find themselves in disputes with resolved adversaries that will reciprocate militarized challenges. The “nuclear experience” logic also suggests that more experienced nuclear states should gain knowledge over time from nuclearized interactions that helps leaders effectively identify the situations in which their nuclear arsenals are likely to make a difference. Experienced nuclear states learn to select into cases in which their comparative advantage, nuclear weapons, is more likely to be effective, increasing the probability that an adversary will not reciprocate. Coming from a slightly different perspective, uncertainty about the consequences of proliferation on the balance of power and the behavior of new nuclear states on the part of their potential adversaries could also shape behavior in similar ways (Schelling 1966; Blainey 1988). While a stable and credible nuclear arsenal communicates clear information about the likely costs of conflict, in the short term, nuclear proliferation is likely to increase uncertainty about the trajectory of a war, the balance of power, and the preferences of the adopter.

Iran war escalates

White, July/August 2011 (Jeffrey—defense fellow at the Washington Institute for Near East Policy, What Would War With Iran Look Like, National Interest, p. <http://www.the-american-interest.com/article-bd.cfm?piece=982>)

A U.S.-Iranian war would probably not be fought by the United States and Iran alone. Each would have partners or allies, both willing and not-so-willing. Pre-conflict commitments, longstanding relationships, the course of operations and other factors would place the United States and Iran at the center of more or less structured coalitions of the marginally willing. A Western coalition could consist of the United States and most of its traditional allies (but very

likely not Turkey, based on the evolution of Turkish politics) in addition to some Persian Gulf states, Jordan and perhaps Egypt, depending on where its revolution takes it. Much would depend on whether U.S. leaders could persuade others to go along, which would mean convincing them that U.S. forces could shield them from Iranian and Iranian-proxy retaliation, or at least substantially weaken its effects. Coalition warfare would present a number of challenges to the U.S. government. Overall, it would lend legitimacy to the action, but it would also constrict U.S. freedom of action, perhaps by limiting the scope and intensity of military operations. There would thus be tension between the desire for a small coalition of the capable for operational and security purposes and a broader coalition that would include marginally useful allies to maximize legitimacy. The U.S. administration would probably not welcome Israeli participation. But if Israel were directly attacked by Iran or its allies, Washington would find it difficult to keep Israel out—as it did during the 1991 Gulf War. That would complicate the U.S. ability to manage its coalition, although it would not necessarily break it apart. Iranian diplomacy and information operations would seek to exploit Israeli participation to the fullest. **Iran would have its own coalition. Hizballah** in particular **could** act at Iran's behest both by **attacking Israel** directly and by using its asymmetric and irregular warfare capabilities **to expand the conflict** and complicate the maintenance of the U.S. **coalition**. The escalation of the Hizballah-Israel conflict could draw in Syria and Hamas; **Hamas** in particular **could feel compelled to respond** to an Iranian request for assistance. Some or all of these satellite actors might choose to leave Iran to its fate, especially if initial U.S. strikes seemed devastating to the point of decisive. But **their involvement would spread the conflict to the entire eastern Mediterranean** and perhaps beyond, complicating both U.S. military operations and coalition diplomacy.

Continued Iran proliferates risks preemption and massive nuclear war

Brookes 9/24/04 (Peter, Senior Fellow for the Heritage Foundation, An Iran-Israeli War?)

To many nations, especially **Israel**, **it seems only a matter of time before Iran breaks out** as a nuclear power, ratcheting up tension across the Middle East. An **Israel-Iran showdown** over Tehran's outlaw nuclear-weapons program now **seems increasingly imminent**. Last week, for example, Israel charged that Iran was merely "buying time" and will never abandon plans to develop nuclear weapons. It called for the U.N. Security Council "to put an end to this nightmare." Addressing reporters at the U.N., Israeli Foreign Minister Silvan **Shalom kept all options on the table** by avoiding answering whether Israel would take military action against Iran if it continued to pursue nuclear weapons. Also last week, the administration informed Congress that it was selling Israel 5,000 precision-guided "smart bombs," including 500 satellite-guided, one-ton JDAM "bunker busters" of Baghdad fame. (JDAMs are capable of penetrating six feet of concrete.) In response to the arms sale, **Iran warned Israel against attacking its nuclear facilities**, saying **it would react "most severely"** to any Israeli military action against Iran. Then, over the weekend, Iran pointedly announced that its Shahab-3 ballistic missile was now operational. The missile can reach Israel, and Iran has 25 to 100 of them. Defense Minister Ali Shamkhani crowed that Iran was now

"ready to confront all regional [read: Israeli] and extra-regional [read: American] threats." OK, so you say, a little chest-beating isn't the same as the beating of war drums. True. But bear in mind, Israel takes the threat of nuclear weapons in its neighborhood quite seriously. Just ask Saddam Hussein. In 1981, Israeli fighters conducted a low-level, 700-mile, daylight raid through Saudi Arabian and Jordanian air space into Iraq. In a minute and a half, the fighters laid waste to the French-supplied Osiraq nuclear reactor - the centerpiece of Iraq's burgeoning nuclear-weapons program. So what would happen if Israel decided to conduct a pre-emptive surgical strike on Iran's nuclear facilities? Some say that an Israeli attack on a Muslim country would set the Middle East ablaze in an anti-Jewish frenzy. Possible, but not likely. Sure, all Muslim governments would vociferously condemn the Israeli strike. But most would breathe a quiet sigh of relief. No one in the Middle East (except maybe Syria) wants to see fundamentalist, hegemonic Iran go nuclear. This is especially true for Iran's cross-Gulf rival, Saudi Arabia. No Arab country would strike back at Israel, but Iran's Lebanese terrorist proxy, Hezbollah, would almost certainly target Israeli (and perhaps U.S.) interests in the region. Iran itself could decide to retaliate on Israeli cities with missile strikes. And while Israel has a limited missile defense system, missiles raining in on Tel Aviv, a city of 3 million, could be devastating. But Israel could threaten to respond to Iranian strikes on Israeli civilian targets with nuclear weapons.

Impact Ext – Israel Module

Nuclear Iran = Israel freak out - That escalates to full scale war

Adamsky 2011, Dima Adamsky is an Assistant Professor at the Lauder School of Government, Diplomacy, and Strategy at the Interdisciplinary Center Herzliya and the author of *The Culture of Military Innovation*. The scenarios discussed here are speculative and do not represent the views of any official in the Israeli government, Foreign affairs, march – april 2011, lexis

The insecurity generated by a nuclear Iran might dwarf previous peaks of existential fear in Israel. A nuclear Iran would likely undermine the foundations of Israeli self-confidence by crossing two "redlines" in the Israeli strategic psyche. First, the arsenal of a single country would pose an existential threat, conjuring memories of Nazi Germany. Focusing on Iran's ultimate destructive capability rather than its intentions, Israeli strategists might therefore view a nuclear Iran apocalyptically. Second, many Israelis might come to believe that the end of Israel's nuclear monopoly has terminated the country's ultimate insurance policy, fundamentally undermining Israel's general deterrence posture. These concerns, as Eric Edelman, Andrew Krepinevich, and Evan Montgomery assert, might lead Israeli strategists to reexamine nuclear policies and adjust their current deterrence models.

Extinction

Moore 2009, Carole, author, activist, leader of Libertarians for Peace, "Israeli Nuclear Threats and Blackmail", <http://www.carolmoore.net/nuclearwar/israelithreats.html>

The phrase the "Samson Option" is used to describe Israel's strategy of massive nuclear retaliation against "enemy" nations should its existence as a Jewish state be jeopardized through military attack. Israeli leaders created the term in the mid-1960s, inspired by the Biblical figure Samson, who destroyed a Philistine temple, killing himself and thousands of Philistine enemies.[1][2] Israel refuses to admit officially that it has nuclear weapons - a policy known as "nuclear ambiguity" or "nuclear opacity." [3] This despite government officials inferring repeatedly - and occasionally admitting - the fact. And despite Israeli nuclear whistle blower Mordechai Vanunu making public smuggled photographs of nuclear weapons and production equipment in the 1980s.[4] Israel now may have as many as 400 atomic and hydrogen nuclear weapons,[5][6] as well as the ability to launch them via long range missiles, submarines and aircraft.[7] It can use them in a second strike even if its military is devastated. Originally a strategy of last resort retaliation - even if it means Israel's annihilation - it has developed into being a nuclear bullying strategy to further Israel's territorial goals through threats and blackmail. Israel has bullied not only Arab and Muslim nations, but the United States and Russia with its Samson Option threats. Mordechai Vanunu has alleged that Israel uses for purposes of blackmail its ability to "bombard any city all over the world, and not only those in Europe but also those in the United States." [8] Official policy and threats During the 1960s Israel

concentrated on conventional military superiority to defend lands confiscated in the 1948 and 1967 wars - and to convince Palestinians in Israel and the occupied territories that they could not break free of it. However, in 1973's Yom Kippur War Israel was almost overwhelmed by Arab forces. Prime Minister Golda Meir authorized a nuclear alert, ordering 13 atomic bombs be prepared for missiles and aircraft. Israeli Ambassador to the U.S. Simha Dinitz threatened "very serious conclusions" if there was not an immediate airlift of supplies.[9] This forced U.S. President Richard Nixon to make emergency airlifts of state of the art military supplies to Israel.[10][11] Fearing intervention by the Soviet Union, U.S. forces went on Defense Condition (DEFCON) III alert status[12], something which could have led to full scale nuclear war in case of misinterpretation of signals or hardware or software failures. Additionally, as Seymour Hersh documents in detail in his book *The Samson Option*, from 1973 these weapons have been used to discourage the Soviet Union - now Russia - from intervening militarily on behalf of Arab nations.[13] Obviously an Israeli nuclear attack on Russia by the United States' great ally Israel would result in Russia sending thousands of nuclear weapons towards the U.S. and the U.S. responding in kind. Not surprisingly, no nation state has attempted to attack Israel since 1973. A former Israeli official justified Israel's threats. "You Americans screwed us" in not supporting Israel in its 1956 war with Egypt. "We can still remember the smell of Auschwitz and Treblinka. Next time we'll take all of you with us." [14] General Moshe Dayan, a leading promoter of Israel's nuclear program[15], has been quoted as saying "Israel must be like a mad dog, too dangerous to bother." [16] Amos Rubin, an economic adviser to former Prime Minister Yitzhak Shamir, said "If left to its own Israel will have no choice but to fall back on a riskier defense which will endanger itself and the world at large... To enable Israel to abstain from dependence on nuclear arms calls for \$2 to 3 billion per year in U.S. aid." [17] In 1977, after a right-wing coalition under Menachen Begin took power, the Israelis began to use the Samson Option not just to deter attack but to allow Israel to "redraw the political map of the Middle East" by expanding hundreds of thousands of Israeli settlers into the West Bank and Gaza.[18] Then-Minister of Defense Ariel Sharon said things like "We are much more important than (Americans) think. We can take the middle east with us whenever we go" [19] and "Arabs may have the oil, but we have the matches." [20] He proclaimed his - and many Likud Party members' - goals of transforming Jordan into a Palestinian state and "transferring" all Palestinian refugees there.[21][22] A practice known worldwide as "ethnic cleansing." To dissuade the Soviet Union from interfering with its plans, Prime Minister Begin immediately "gave orders to target more Soviet cities" for potential nuclear attack. Its American spy Jonathan Pollard was caught stealing such nuclear targeting information from the U.S. military in 1985.[23] During the next 25 years Israel became more militarily adventurous, bombing Iraq's under-construction Osirak nuclear reactor in 1981, invading Lebanon to destroy Palestinian refugee camps in 1982 and to fight Hezbollah in 2006, massively bombing civilian targets in the West Bank Jenin refugee camp in 2002 and throughout Gaza in 2008-2009. There are conflicting reports about whether Israel went on nuclear alert and armed missiles with nuclear weapons during the 1991 Gulf War after Iraq shot conventionally armed scud missiles into it.[24][25] In 2002, while the United States was building for the 2003 invasion of Iraq, then Prime Minister Ariel Sharon threatened that if Israel was attacked "Israel will react. Is it clear?" [26] Israeli defense analyst Zeev Schiff explained: "Israel could respond with a nuclear retaliation that would eradicate Iraq as a country." It is believed President Bush gave Sharon the green-light to attack Baghdad in retaliation, including with nuclear weapons,

but only if attacks came before the American military invasion.[27] Former Israeli Foreign Minister Shimon Peres has admitted that nuclear weapons are used by Israel for “compellent purposes” - i.e., forcing others to accept Israeli political demands.[28] In 1998 Peres was quoted as saying, “We have built a nuclear option, not in order to have a Hiroshima, but to have an Oslo,” referring to imposing a settlement on the Palestinians.[29] In her book *Israel’s Sacred Terrorism* Livia Rokach documented how Israelis have used religion to justify paramilitary and state terrorism to create and maintain a Jewish State.[30] Two other Israeli retaliation strategies are the popularized phrase “Wrath of God,” the alleged Israeli assassination of those it held responsible for the 1972 killings of Israeli athletes during the Munich Olympics[31], and the “Dahiya doctrine” of destruction of civilian areas to punish Palestinians for supporting their leaders.[32] Israeli Israel Shahak wrote in 1997: “Israel clearly prepares itself to seek overtly a hegemony over the entire Middle East...without hesitating to use for the purpose all means available, including nuclear ones.”[33] Zeev Schiff opined in 1998 that “Off-the-cuff Israeli nuclear threats have become a problem.”[34] In 2003 David Hirst noted that “The threatening of wild, irrational violence, in response to political pressure, has been an Israeli impulse from the very earliest days” and called Israel a candidate for “the role of 'nuclear-crazy' state.”[35] Noam Chomsky said of the Samson Option “the craziness of the state is not because the people are insane. Once you pick a policy of choosing expansion over security, that's what you end up getting stuck with.”[36] Efraim Karsh calls the Samson Option the “rationality of pretended irrationality,” but warns that seeming too irrational could encourage other nations to attack Israel in their own defense.[37] Samson Option Supporters Two Israel supporters are frequently quoted for their explicit support of the Samson Option. Martin Van Creveld, a professor of military history at the Hebrew University in Jerusalem, has been quoted as saying: “Most European capitals are targets for our air force....We have the capability to take the world down with us. And I can assure you that that will happen before Israel goes under.”[38] In 2002 the Los Angeles Times, published an opinion piece by Louisiana State University professor David Perlmutter in which he wrote: “What would serve the Jew-hating world better in repayment for thousands of years of massacres but a Nuclear Winter. Or invite all those tut-tutting European statesmen and peace activists to join us in the ovens? For the first time in history, a people facing extermination while the world either cackles or looks away--unlike the Armenians, Tibetans, World War II European Jews or Rwandans--have the power to destroy the world. The ultimate justice?”[39]

A2: Deal Causes Iran Strikes

It actually pushes them farther from their red line

Cirincione 11-25 [Joseph Cirincione is president of Ploughshares Fund, a global security foundation, and a member of Secretary of State John Kerry's International Security Advisory Board and the Council on Foreign Relations. He's also the author of "Bomb Scare: The History and Future of Nuclear Weapons." Interviewed by Ezra Klein 11-25-2013 "“If you don't like negotiating with Iran what you're really saying is you want to go to war”"
<http://www.washingtonpost.com/blogs/wonkblog/wp/2013/11/25/if-you-dont-like-negotiating-with-iran-what-youre-really-saying-is-you-want-to-go-to-war/>]

This addresses the major threat that Prime Minister Netanyahu warned the world about in September 2012. He went to the dais of the U.N. General Assembly and he held up a cartoon drawing of a bomb and drew a red line across the top. He warned the world that Iran would soon have enough uranium enriched to 20 percent and that they could quickly, in weeks or months, make a bomb.¶ His concerns were well-founded. Iran now has about 190 kilograms of this enriched uranium. If they got to 240 kilograms, they'd be very close to a bomb. This deal drains the uranium from Mr. Netanyahu's bomb. It drains the amount of 20 percent enriched uranium [Iran has]. It makes it much less likely Iran could break out and make a bomb. And it goes further: It stops the manufacturing of new centrifuges. It changes the inspection regime from weekly to daily. If Iran wanted to do anything suspicious, there's a high probability we'd know about it and could act instantly to stop them.¶ EK: What's the counterfactual here? Imagine this deal wasn't struck and things simply kept on trend. Where would this issue be going?¶ JC: If Iran hadn't paused, in a matter of months they would cross Israel's red line. In perhaps a year they could've constructed a crude nuclear device. In another year, they could construct a warhead to put on a missile. While we might think we had two years or so to act, Israel doesn't look at it that way. They wanted to kill the nuclear baby in the crib. So the alternative to this deal was war. We shouldn't kid ourselves. There's no sanction regime known to man that's been able to coerce a country into compliance. So if you don't like negotiating with Iran, what you're really saying is you want to go to war. We should be clear-eyed about this. We shouldn't think there's some better deal out there.

No Israel Strike now

Cirincione 11-25 [Joseph Cirincione is president of Ploughshares Fund, a global security foundation, and a member of Secretary of State John Kerry's International Security Advisory Board and the Council on Foreign Relations. He's also the author of "Bomb Scare: The History and Future of Nuclear Weapons." Interviewed by Ezra Klein 11-25-2013 "“If you don't like negotiating with Iran what you're really saying is you want to go to war”"
<http://www.washingtonpost.com/blogs/wonkblog/wp/2013/11/25/if-you-dont-like-negotiating-with-iran-what-youre-really-saying-is-you-want-to-go-to-war/>]

EK: One argument that Jeffrey Goldberg makes is that another objective of this deal was stopping Israel from making any sudden moves. Now that there's a deal in place, Israel can't simply blow up the international community's negotiations and launch an attack. Do you

agree?¶ JC: I think it's almost impossible for Israel to launch a military strike on Iran right now. They're isolated. The prime minister is issuing some very tough statements but as far as I can see, he's the only world leader issuing them. Even Saudi Arabia, which has serious qualms about the deal, is issuing positive statements at the start.

Sanctions kill deal

Sanctions legislaton destroy negotiations- causes Iran prolif and war

Kahl 12-31 [Colin Kahl is an associate professor in the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University, where he teaches courses on international relations, international security, the geopolitics of the Middle East, American foreign policy, and civil and ethnic conflict. He is also a senior fellow at the Center for a New American Security (CNAS), a Washington, DC-based think tank. 12-31-2013 "The Danger of New Iran Sanctions" National Interest <http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651?page=1>]

The legislation defies a request by the Obama administration and ten Senate committee chairs to stand down on sanctions while negotiations continue. It also flies in the face of an unclassified intelligence assessment that new sanctions "would undermine the prospects for a successful comprehensive nuclear agreement with Iran." Proponents of the bill note that the proposed sanctions would only come into force if Iran violates the Geneva agreement or fails to move toward a final deal, and would not kick in for months. But the White House warns that enshrining new economic threats in law now runs counter to the spirit of the Geneva pledge of no new sanctions during negotiations, and risks empowering Iranian forces hoping to scuttle nuclear talks. The legislation also defines congressionally acceptable parameters for a final deal that Iran experts almost universally believe are unachievable, namely the requirement that Iran completely dismantle its uranium enrichment program. For these reasons, the administration believes the bill represents a poison pill that could kill diplomacy, making a nuclear-armed Iran or war more likely. Sanctions hawks disagree, arguing that the legislation will enable, not thwart, diplomatic progress. "Current sanctions brought Iran to the negotiating table," Senator Robert Menendez, the bill's leading champion, contends, "and a credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table."¶ But this logic badly misreads the historical effect of sanctions on Iranian behavior and under-appreciates the role played by Iran's fractious domestic politics. A careful look at Iranian actions over the past decade suggests that economic pressure has sometimes been effective, but only when it aligns with particular Iranian political dynamics and policy preferences. And once domestic Iranian politics are factored in, the lesson for today's sanctions debate is clear: the threat of additional sanctions, at this critical juncture, could derail negotiations toward a peaceful solution.

New sanctions prevent deal success. Failure will spur prolif and war with Iran.

Beauchamp, 11/6/14 --- B.A.s in Philosophy and Political Science from Brown University and an M.Sc in International Relations from the London School of Economics, former editor of TP Ideas and a reporter for ThinkProgress.org. He previously contributed to Andrew Sullivan's The Dish at Newsweek/Daily Beast, and has also written for Foreign Policy and Tablet magazines, now writes for Vox (Zack, "How the new GOP majority could destroy Obama's nuclear deal with Iran," <http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress>, JMP)

There is one foreign policy issue on which the GOP's takeover of the Senate could have huge ramifications, and beyond just the US: **Republicans are likely to try to torpedo** President Obama's ongoing efforts to reach **a nuclear deal** with Iran. And they just might pull it off.

November 24 is the latest deadline for a final agreement between the United States and Iran over the latter's nuclear program. That'll likely be extended, but it's a reminder that the negotiations could soon come to a head. Throughout his presidency, **Obama has prioritized these negotiations**; he likely doesn't want to leave office without having made a deal.

But **if Congress doesn't like the deal**, or just wants to see Obama lose, **it has the power to torpedo it** by imposing new sanctions on Iran. Previously, Senate Majority Leader Harry Reid used procedural powers to stop this from happening and save the nuclear talks. But Senate Majority Leader Mitch **McConnell** may not be so kind, and he **may have the votes** to destroy an Iran deal. If he tries, **we could see** one of **the** most important legislative **fight**s of **Obama's presidency**.

Why Congress can bully Obama on Iran sanctions

At their most basic level, the international negotiations over Iran's nuclear program (they include several other nations, but the US is the biggest player) are a tit-for-tat deal. If Iran agrees to place a series of verifiable limits on its nuclear development, then the United States and the world will relax their painful economic and diplomatic sanctions on Tehran.

"The regime of economic sanctions against Iran is arguably the most complex the United States and the international community have ever imposed on a rogue state," the Congressional Research Service's Dianne Rennack writes. To underscore the point, Rennack's four-page report is accompanied by a list of every US sanction on Iran that goes on for 23 full pages.

The US's sanctions are a joint Congressional-executive production. Congress puts strict limits on Iran's ability to export oil and do business with American companies, but it gives the president the power to waive sanctions if he thinks it's in the American national interest. "In the collection of laws that are the statutory basis for the U.S. economic sanctions regime on Iran," Rennack writes, "the President retains, in varying degrees, the authority to tighten and relax restrictions."

The key point here is that Congress gave Obama that power — which means they can take it back. "You could see a bill in place that makes it harder for the administration to suspend sanctions," Ken Sofer, the Associate Director for National Security and International Policy at the Center for American Progress (where I worked for a little under two years, though not with Sofer directly), says. "You could also see a bill that says the president can't agree to a deal unless it includes the following things or [a bill] forcing a congressional vote on any deal."

Imposing **new sanctions** on Iran wouldn't just stifle Obama's ability to remove existing sanctions, it **would undermine** Obama's **authority to negotiate** with Iran at all, **sending the message to Tehran that Obama** is not worth dealing with because he **can't control** his own **foreign policy**.

So **if Obama wants** to make **a deal** with Iran, **he needs Congress to play ball**. But it's not clear that Mitch McConnell's Senate wants to.

Congress could easily use its authority to kill an Iran deal

To understand why the new Senate is such a big deal for congressional action on sanctions, we have to jump back a year.

In November 2013, the Obama administration struck an interim deal with Iran called the Joint Plan of Action (JPOA). As part of the JPOA, the US agreed to limited, temporary sanctions relief in exchange for Iran limiting nuclear program components like uranium production.

Congressional Republicans, by and large, hate the JPOA deal. Arguing that the deal didn't place sufficiently serious limits on Iran's nuclear growth, the House passed new sanctions on Iran in December. (There is also a line of argument, though often less explicit, that the Iranian government cannot be trusted with any deal at all, and that US policy should focus on coercing Iran into submission or unseating the Iranian government entirely.) Senate Republicans, joined by more hawkish Democrats, had the votes to pass a similar bill. But in February, Senate Majority leader Harry Reid killed new Iran sanctions, using the Majority Leader's power to block consideration of the sanctions legislation to prevent a vote.

McConnell blasted Reid's move. "There is no excuse for muzzling the Congress on an issue of this importance to our own national security," he said. So now that McConnell holds the majority leader's gavel, it will remove that procedural roadblock that stood between Obama and new Iran sanctions.

To be clear, it's far from guaranteed that Obama will be able to reach a deal with Iran at all; negotiations could fall apart long before they reach the point of congressional involvement. But if he does reach a deal, and Congress doesn't like the terms, then they'll be able to kill it by passing new sanctions legislation, or preventing Obama from temporarily waiving the ones on the books.

And make no mistake — imposing new sanctions or limiting Obama's authority to waive the current ones would kill any deal. If Iran can't expect Obama to follow through on his promises to relax sanctions, it has zero incentive to limit its nuclear program. "If Congress adopts sanctions," Iranian Foreign Minister Javad Zarif told Time last December, "the entire deal is dead."

Moreover, it could fracture the international movement to sanction Iran. The United States is far from Iran's biggest trading partner, so it depends on international cooperation in order to ensure the sanctions bite. If it looks like the US won't abide by the terms of a deal, the broad-based international sanctions regime could collapse. Europe, particularly, might decide that going along with the sanctions is no longer worthwhile.

"Our ability to coerce Iran is largely based on whether or not the international community thinks that we are the ones that are being constructive and [Iranians] are the ones that being obstructive," Sofer says. "If they don't believe that, then the international sanctions regime falls apart."

This could be one of the biggest fights of Obama's last term

It's true that Obama could veto any Congressional efforts to blow up an Iran deal with sanctions. But a two-thirds vote could override any veto — and, according to Sofer, an override is entirely within the realm of possibility.

"There are plenty of Democrats that will probably side with Republicans if they try to push a harder line on Iran," Sofer says. For a variety of reasons, including deep skepticism of Iran's intentions and strong Democratic support for Israel, whose government opposes the negotiations, Congressional Democrats are not as open to making a deal with Iran as Obama is. Many will likely defect to the GOP side out of principle.

The real fight, Sofer says, will be among the Democrats — those who are willing to take the administration's side in theory, but don't necessarily think a deal with Iran is legislative priority number one, and maybe don't want to open themselves up to the political risk. These Democrats "can make it harder: you can filibuster, if you're Obama you can veto — you can make it impossible for a full bill to be passed out of Congress on Iran," Sofer says. But it'd be a really tough battle, one that would consume a lot of energy and lobbying effort that Democrats might prefer to spend pushing on other issues.

"I'm not really sure they're going to be willing to take on a fight about an Iran sanctions bill," Sofer concludes. "I'm not really sure that the Democrats who support [a deal] are really fully behind it enough that they'll be willing to give up leverage on, you know, unemployment insurance or immigration status — these bigger issues for most Democrats."

So if the new Republican Senate prioritizes destroying an Iran deal, Obama will have to fight very hard to keep it — without necessarily being able to count on his own party for support. And the stakes are enormous: if Iran's nuclear program isn't stopped peacefully, then the most likely outcomes are either Iran going nuclear, or war with Iran.

The administration believes a deal with Iran is their only way to avoid this horrible choice. That's why it's been one of the administration's top priorities since day one. It's also why this could become one of the biggest legislative fights of Obama's last two years.

A2 Won't meet the deadline

Tuesday's deadline is soft – real deadline is July 9

Jonah Shepp 6-27 In Vienna, Kerry Looks to Bring Iran Deal Home

http://www.slate.com/blogs/the_slatest/2015/06/27/kerry_in_vienna_for_final_iran_nuke_talks.html

Also, Tuesday's deadline for a comprehensive deal is softer than it looks. The parties have extended their deadlines before without the process collapsing, after all. As diplomats in Vienna explained to Reuters, the real deadline is July 9, because any deal made after that date will be subject to 60 days of review by the US Congress, rather than 30:

Negotiators involved in the talks fear that such a lengthy delay, which would also hold up the cancellation of United Nations nuclear-related sanctions by the U.N. Security Council, would be too long and would create the opportunity for any deal agreed in Vienna to unravel.

A2 Former advisor letter

Letter from former advisors not meant as argument to scuttle deal

JOHN HUDSON JUNE 25, 2015 No, Obama's Former Advisors Aren't Trashing the Iran Deal

- 6:07 PM <http://foreignpolicy.com/2015/06/25/ex-obama-adviser-defends-letter-drawing-red-lines-on-iran-deal/>

The White House insists that the five demands outlined by the group match the priorities that U.S. negotiators are seeking in Vienna. Yet **media coverage of the letter has led many to believe that Obama's former advisors have lost trust in the president's negotiating team. Two signers of the letter say that's patently false.** ¶ "That's not at all what the statement was about," said Einhorn, a nonproliferation expert and a co-signer of the letter. ¶ "The key thing is not that there were some former Obama officials raising questions," he added. "The key thing is you have this diverse group coming together on a set of reasonable and achievable recommendations." ¶ Unlike a recently circulated set of demands by the American Israel Public Affairs Committee, **Einhorn noted that the letter he signed doesn't include so-called "poison pills"** that Iran would never conceivably agree to. ¶ The bipartisan group demands that international monitors have "timely and effective access" to any military or nonmilitary sites needed to verify Iran's compliance with the nuclear deal being negotiated by Tehran and six world powers. It also calls for strict limits on the research and development of advanced centrifuges, the ability to quickly reimpose sanctions if Iran violates the terms of a deal, and gradual, not immediate, economic sanctions relief for Tehran. ¶ Included in those demands is a preamble noting that "[m]ost of us would have preferred a stronger agreement," suggesting growing discontent with the handling of the talks by Obama administration alumni. But another signer of the letter, speaking on condition of anonymity, said that's not the case. He said **the letter meant to bring Democrats and Republicans together around a simple set of "achievable goals" to demonstrate a bipartisan path to a deal.** "If the deal is a good one, the administration will benefit from the support of this bipartisan group," he said. "If the deal is not a good one, the administration will have to contend with the group. **But the president has made clear that he will only do a good deal, and I take him at his word.**" When asked about the letter, a State Department spokeswoman did not view it as an indictment of the ongoing negotiations, which face a June 30 deadline.

Turns Case: US Hegemony

Nuclear Iran kills U.S. hegemony – emboldens enemies and weakens alliances

Takeyh and Lindsay, 10

[James M. Lindsay, Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair, Ray Takeyh, Senior Fellow for Middle Eastern Studies “After Iran Gets the Bomb Containment and Its Complications,” March/April 2010, http://www.cfr.org/publication/22182/after_iran_gets_the_bomb.html]

The dangers of Iran's entry into the nuclear club are well known: emboldened by this development, Tehran might multiply its attempts at subverting its neighbors and encouraging terrorism against the United States and Israel; the risk of both conventional and nuclear war in the Middle East would escalate; more states in the region might also want to become nuclear powers; the geopolitical balance in the Middle East would be reordered; and broader efforts to stop the spread of nuclear weapons would be undermined. The advent of a nuclear Iran—even one that is satisfied with having only the materials and infrastructure necessary to assemble a bomb on short notice rather than a nuclear arsenal—would be seen as a major diplomatic defeat for the United States. Friends and foes would openly question the U.S. government's power and resolve to shape events in the Middle East. Friends would respond by distancing themselves from Washington; foes would challenge U.S. policies more aggressively.

Such a scenario can be avoided, however. Even if Washington fails to prevent Iran from going nuclear, it can contain and mitigate the consequences of Iran's nuclear defiance. It should make clear to Tehran that acquiring the bomb will not produce the benefits it anticipates but isolate and weaken the regime. Washington will need to lay down clear "redlines" defining what it considers to be unacceptable behavior—and be willing to use military force if Tehran crosses them. It will also need to reassure its friends and allies in the Middle East that it remains firmly committed to preserving the balance of power in the region.

Containing a nuclear Iran would not be easy. It would require considerable diplomatic skill and political will on the part of the United States. And it could fail. A nuclear Iran may choose to flex its muscles and test U.S. resolve. Even under the best circumstances, the opaque nature of decision-making in Tehran could complicate Washington's efforts to deter it. Thus, it would be far preferable if Iran stopped—or were stopped—before it became a nuclear power. Current efforts to limit Iran's nuclear program must be pursued with vigor. Economic pressure on Tehran must be maintained. Military options to prevent Iran from going nuclear must not be taken off the table.

Turns the case – wrecks US hegemony because it means we can't exercise international leverage to negotiate with anyone and have no credibility on the international stage

Elwar, 9/19/2012 (Eliot, Op-Ed: The U.S. war against Iran could shift the balance of power, Digital Journal, p. <http://digitaljournal.com/article/333174>)

From The News: The head of Iran's powerful Revolutionary Guards warned about retaliation against the Gulf's strategic Strait of Hormuz, US bases in the Mideast, and Israel if his country is attacked. According to many analysts, **Iran will attack the US** and Israel **when the war begins**. The center of gravity will be the Strait of Hormuz. Iran will attempt to close this area to bring the global economy to its knees. The world economy will collapse rapidly if Iran is successful. **Iran may have** been supplied with Russian **SUNBURN** anti-ship cruise **missiles**. **These** missiles **can sink any aircraft carrier**. **The US Navy has no defense** against these missiles. Russia probably supplied Iran with these missiles to inflict severe damage on the US Navy when the war begins. From RENSE.COM: Tehran has an unknown number of advanced Russian designed SS-N-22 SUNBURN missiles. When the Iranian Defense Minister Ali Shamkhani visited Moscow in late 2001 he requested a SUNBURN missile test firing, which the Russians arranged. Ali Shamkhani was so impressed with this advanced weapon system that he placed an order for an undisclosed number of the SUNBURN missiles. The SUNBURN can deliver a 200-kiloton nuclear payload (a 750-pound conventional warhead) within a range of 161.0000 km, more than twice the EXOCET missile's range. The SUNBURN combines a Mach 2.1 speed with a flight pattern that hugs the deck and includes "violent end maneuvers" to elude enemy defenses. The SUNBURN missile was specifically designed to defeat the US Aegis radar defense system. Should a US Navy Phalanx point defense somehow manage to detect an incoming SUNBURN missile, the system has only seconds to calculate a fire solution, which is not enough time to take out the intruding missile. While the US Phalanx defense employs a six-barreled gun that fires 3,000 depleted-uranium rounds a minute, the gun must have precise coordinates to destroy any attacking intruder. From RENSE.COM: The SUNBURN's combined supersonic speed and payload size produce tremendous kinetic energy on impact, with devastating consequences for ship and crew. A single one of these missiles can sink a large warship, but costs considerably less than a fighter jet. Although the Navy has been phasing out the older Phalanx defense system, its replacement, known as the Rolling Action Missile (RAM) has never been tested against the weapon it seems destined to one day face in combat. The US Navy's only plausible defense against a robust weapon like the SUNBURN missile is to detect the enemy's approach well ahead of time, with its destroyers, submarines, or fighter-bombers, and defeat them long before they can get in range and launch their deadly cargo. From HAARETZ: Former U.S. ambassador to Israel Martin Indyk recently stated that he thinks the U.S. will go to war with Iran over its nuclear program in 2013. Speaking during a panel on the CBS program Face the Nation, Indyk said, 'I'm afraid that 2013 is going to be a year where we're going to have a military confrontation with Iran.' The former ambassador stated that 'Iran doesn't have a nuclear weapon,' but added that there's not a lot of time left until it does. Regarding the recent friction between U.S. President Barack Obama and Israel's Prime Minister Benjamin Netanyahu over 'red lines' on Iran, Indyk doesn't think 'the difference between Netanyahu and Obama on this is that great, in terms of the president's commitment not to allow Iran to acquire nuclear weapons.' He added, however, that Netanyahu's insistence

on public 'red lines' was unreasonable. Analysis **A US war against Iran comes at the wrong time** in American history. The US economy is collapsing, while food prices increase. Obama is turning against Israel, which has been America's only real friend in the Mideast. **While America will survive** this war, **it will emerge damaged** from this Mideast conflict. **This war could begin the end of America's supremacy** as a superpower nation **and facilitate the rise of China** as the new superpower in Asia.

Iran nuclearization kills U.S. hegemony and credibility EVEN IF their impact d is true

Darembaum 2011

Jaime, Hudson Institute Senior Fellow and directs the Center for Latin American Studies, Iran Dangerous Now, Imagine It Nuclear,
http://www.hudson.org/index.cfm?fuseaction=publication_details&id=8439

What would it mean if such a regime went nuclear? Let's **assume**, for the sake of argument, that a nuclear-armed **Iran would never use its atomic weapons or give them to terrorists. Even under that optimistic scenario, Tehran's acquisition of nukes would make the world an infinitely more dangerous place.** For one thing, **it would surely spark a wave of proliferation throughout the Greater Middle East, with the likes of Turkey, Egypt, and Saudi Arabia** - all Sunni-majority Muslim countries - going nuclear to counter the threat posed by Shiite Persian Iran. For another, **it would gravely weaken the credibility of U.S. security guarantees.** After all, Washington has repeatedly said that the Islamic Republic will not be permitted to get nukes. If Tehran demonstrated that these warnings were utterly hollow, **rival governments and rogue regimes would conclude that America is a paper tiger.** Once Tehran obtained nuclear weapons, it would have the ultimate trump card, the ultimate protection against outside attack. Feeling secure behind their nuclear shield, the Iranians would almost certainly increase their support for global terrorism and anti-American dictatorships. **They would no longer have to fear a U.S. or Israeli military strike.** Much like nuclear-armed North Korea today, Iran would be able to flout international law with virtual impunity. If America sought to curb Iranian misbehavior through economic sanctions, Tehran might well respond by flexing its muscles in the Strait of Hormuz. As political scientist Caitlin Talmadge explained in a 2008 analysis, "Iranian closure of the Strait of Hormuz tops the list of global energy security nightmares. Roughly 90 percent of all Persian Gulf oil leaves the region on tankers that must pass through this narrow waterway opposite the Iranian coast, and land pipelines do not provide sufficient alternative export routes. Extended closure of the strait would remove roughly a quarter of the world's oil from the market, causing a supply shock of the type not seen since the glory days of OPEC." Think about that: **The world's leading state sponsor of terrorism has the ability to paralyze the global economy, and, if not stopped, it may soon have nuclear weapons.** As a nuclear-armed Iran steadily expanded its international terror network, the Western Hemisphere would likely witness a significant jump in terrorist activity. Tehran has established a strategic alliance with Venezuelan leader Hugo

Chávez, and it has also developed warm relations with Chávez acolytes in Bolivia, Ecuador, and Nicaragua while pursuing new arrangements with Argentina as an additional beachhead in Latin America. Three years ago, the U.S. Treasury Department accused the Venezuelan government of "employing and providing safe harbor to Hezbollah facilitators and fundraisers." More recently, in July 2011, Peru's former military chief of staff, Gen. Francisco Contreras, told the Jerusalem Post that "Iranian organizations" are aiding and cooperating with other terrorist groups in South America. According to Israeli intelligence, the Islamic Republic has been getting uranium from both Venezuela and Bolivia. Remember: Tehran has engaged in this provocative behavior without nuclear weapons. Imagine how much more aggressive the Iranian dictatorship might be after crossing the nuclear Rubicon. It is an ideologically driven theocracy intent on spreading a radical Islamist revolution across the globe. As the Saudi plot demonstrates, no amount of conciliatory Western diplomacy can change the fundamental nature of a regime that is defined by anti-Western hatred and religious fanaticism.

Turns Case: Credibility

Iran prolif jacks US cred

Bolton, senior fellow – AEI, 4/15/'11

(John, <http://www.aei.org/article/103463>)

Inside Iran, we now have confirmation—thanks to disclosures this month by an Iranian opposition group, which have been confirmed by Iranian officials—that the regime has the capability to mass-produce critical components for centrifuges used to enrich uranium to weapons-grade levels. That news proves again the inefficacy of U.N. Security Council resolutions and sanctions against a determined adversary.

Thus Iran's weapons program proceeds full steam ahead, which only emphasizes to would-be proliferators that persistence pays. Moammar Gadhafi surrendered his nuclear weapons program in 2003-04 because he feared becoming the next Saddam Hussein, but he is now undoubtedly cursing his timidity. Had he made seven years of progress toward deliverable nuclear weapons, there would surely be no NATO bombing of his military today.

An Iranian nuclear capability would undoubtedly cause Saudi Arabia, Egypt, Turkey and perhaps others to seek their own deliverable nuclear weapons. We would therefore see a region substantially more in Iran's thrall and far more unstable and dangerous for Washington and its allies.

Moreover, America's failure to stop Iran's nuclear ambitions—which is certainly how it would be perceived worldwide—would be a substantial blow to U.S. influence in general. Terrorists and their state sponsors would see Iran's unchallenged role as terrorism's leading state sponsor and central banker, and would wonder what they have to lose.

Independently, the imposition of sanctions will destroy relationships with key allies and credibilty

Yochi Dreazen and John Hudson Friday, November 15, 2013 Obama Admin: More Iran Sanctions Will Fracture Anti-Nuke Alliance

http://thecable.foreignpolicy.com/posts/2013/11/15/obama_admin_more_iran_sanctions_will_fracture_anti_nuke_alliance

The Obama administration has spent weeks asking Congress to hold off on imposing new sanctions to avoid giving Tehran a reason to walk away from the current nuclear talks. On Friday, the administration rolled out a new rationale. They warned that the measures could harm Washington's relationships with its key foreign allies as well. The White House's

willingness to unfreeze billions of dollars in Iranian money in exchange for Iranian concessions on its nuclear program has sparked skepticism -- and in some cases outright anger -- on Capitol Hill. The White House has launched a full-on lobbying blitz to reassure wavering lawmakers, and the efforts began paying off Friday as key senators who had either raised skepticism about the wisdom of holding off new sanctions or kept silent came out in support of the administration position. Sen. John McCain, a leading Iran hawk, told the BBC that he's skeptical of talks with Iran but willing to give the administration a "couple of months" before supporting additional sanctions. Sen. Dianne Feinstein (D-CA), meanwhile, said she strongly opposed putting additional punitive measures in place against Tehran amid the delicate diplomatic negotiations. "The purpose of sanctions was to bring Iran to the negotiating table, and they have succeeded in doing so," she said. "Tacking new sanctions onto the defense authorization bill or any other legislation would not lead to a better deal. It would lead to no deal at all."

Turns case: Terrorism

Nuclear Iran leads to terrorist attacks and kills heg – increased leverage and risk of nuclear transfer

Brookes, 7

[Peter, Senior Fellow, National Security Affairs and Chung Ju-Yung Fellow for Policy Studies at the Heritage Foundation, April 2, 2007

Iran emboldened: Tehran seeks to dominate Middle East politics,”

<http://www.heritage.org/Research/Commentary/2007/04/Iran-emboldened-Tehran-seeks-to-dominate-Middle-East-politics>]

According to the U.S. State Department, **Iran continues to be the world's most active state sponsor of terrorism**. At the request of senior Iranian leadership, Iran's Ministry of Intelligence and Security (MOIS) and Islamic Revolutionary Guard Corps (IRGC) support Palestinian terrorist groups such as Hamas, Palestinian Islamic Jihad, the al Aqsa Martyrs Brigade and the Popular Front for the Liberation of Palestine-General Command with funding, training and weapons. Hezbollah - a Lebanese Shiite terrorist group - is a particular favorite. In fact, Iran established Hezbollah to parry Israel's 1982 invasion of Lebanon. Tehran may fund Hezbollah to the tune of \$100 million per year. Last summer, Tehran's military support for Hezbollah was evident. Iran likely gave Hezbollah the green light to ambush an Israeli patrol and kidnap soldiers, which ultimately kicked off the monthlong conflict. In the ensuing days, Hezbollah indiscriminately fired as many as 10,000 Iran-supplied rockets and missiles into Israel. In addition, many were stunned when a C-802 cruise missile struck an Israeli naval vessel off the coast of Lebanon. While the shooter was never identified, the Chinese C-802 is in Iran's inventory. It could have been fired by either Hezbollah or the IRGC. Today, **Hezbollah, with Iranian and Syrian support, is threatening to topple Lebanon's democratically elected government** unless it is given additional cabinet seats - potentially giving it veto power over Beirut's decisions. **Iran would love to add Lebanon to Syria as a client state** in its effort to form an arc of Iranian influence across the region. **Iran has made** a number of not-so-veiled **threats that it would deploy its** irregular forces and **terrorist allies against the U.S.** and American interests, if necessary. This is likely not an idle threat. American blood is already on the hands of Iran and its terrorist proxies as a result of the 1983 Beirut Marine barracks attack and the 1996 Khobar Towers bombing in Saudi Arabia, and in Iraq today. It is almost without question that Tehran sees its ability to hold U.S. interests at risk across the globe - including in the U.S. - as leverage against American military action over its nuclear program or meddling in Iraq. Perhaps the most frightening scenario is that **Iran might transfer weapons of mass destruction capability to a terrorist ally**. While this is risky behavior, it is a possibility. Iran could transfer nuclear capability to a Hezbollah-dominated government in Lebanon, or a Hamas-led Palestinian Authority, significantly increasing the threat to Israeli security. Osama **bin Laden has not been shy about his desire for WMD or al-Qaida's readiness to use them**. The insurgency's recent use of chlorine gas in Iraq is evidence of a terrorist group's willingness to employ WMD.

() Strikes end Muslim cooperation in the War on Terror

Larrabee '6

[Stephen, - Corporate Chair in European Security @ RAND 3-9 "Defusing the Iranian Crisis" <http://www.rand.org/commentary/030906OCR.html//MGW-JV>]. Moreover, the political costs would be very high. A military strike would unleash a wave of nationalism and unite the Iranian population behind the current regime, ending any prospect of internal change in the near future and ensuring decades of enmity from the Iranian middle class and youth, who are largely opposed to the current regime. It would also provoke outrage in the Muslim world, probably making any attempt to obtain the support of moderate Muslims in the war on terror impossible.

That's the key internal link to victory

AFP '5 [Agence France Presse. "Trust and Confidence of Muslims "Crucial" in Fight Against Terror" 2005. Lexis/MGW-JV]. The United States must use its "soft power" to gain the trust and confidence of Muslims worldwide if it is to prevail over terrorism", Singapore Prime Minister Lee Hsien Loong said Friday. Opening an international security conference, Lee said one reason why many moderate Muslims are reluctant to condemn and disown religious extremists was the "wide gap that separates the US from the Muslim world". He said the large-scale US assistance to Indonesia, the world's biggest Muslim nation, in the aftermath of the December 26 tsunami disaster had not completely erased the resentment many Muslims feel toward the United States. "The sources of this Muslim anger are historical and complex, but they have been accentuated in recent years by Muslim perceptions of American unilateralism and hostility to the faith," Lee told the audience, which included US Defense Secretary Donald Rumsfeld. Lee cited a survey that found that in 2000 three quarters of Indonesians said they were "attracted" to the United States but that by 2003 the number had fallen to just 15 percent. Lee said US help to bring relief assistance to the tsunami victims in Indonesia had touched the hearts of many Indonesians. "But this singular event has not eliminated the antipathy that many Muslims still feel towards the US," he said. He cited demonstrations worldwide, including in Jakarta and Kuala Lumpur, following a report by the US magazine Newsweek that US interrogators at the Guantanamo Bay detention centre had flushed a copy of the Koran down the toilet. Newsweek later withdrew the report, saying they could not confirm the story with their source. "The US needs to make more use of its 'soft power' to win over international opinion, correct misperceptions and build trust and credibility, especially in the Muslim world," Lee said. "In the long term this is vital if the US is to prevail over terrorism, and to maintain its position of global leadership."

Turns Case: Structural violence

War turns structural violence

Folk, 78 Professor of Religious and Peace Studies at Bethany College, 78 [Jerry, "Peace Educations – Peace Studies : Towards an Integrated Approach," Peace & Change, volume V, number 1, Spring, p. 58]

Those **proponents** of the positive peace approach **who reject** out of hand the work of researchers and educators coming to the field from the perspective of **negative peace** too easily **forget that the prevention of a nuclear confrontation** of global dimensions **is the prerequisite for all other** peace research, education, and **action**. Unless such a confrontation can be avoided there will be no world left in which to build positive peace. Moreover, **the blanket condemnation of** all such **negative peace oriented** research, education or **action as a** reactionary **attempt to support** and reinforce **the status quo is doctrinaire**. Conflict theory and resolution, disarmament studies, studies of the international system and of international organizations, and integration studies are in themselves neutral. They do not intrinsically support either the status quo or revolutionary efforts to change or overthrow it. Rather they offer a body of knowledge which can be used for either purpose or for some purpose in between. **It is much more logical for those who understand peace as positive** peace **to integrate this knowledge into their own framework** and to utilize it in achieving their own purposes. A balanced peace studies program should therefore offer the student exposure to the questions and concerns which occupy those who view the field essentially from the point of view of negative peace.

Turns case: Environment

Any nuclear war causes turns climate

Choi, writer for LiveScience, reprinted in Yahoo! News, 3/29/2014

(Charles Q., "Small' Nuclear War Could Trigger Catastrophic Cooling,"

<http://news.yahoo.com/small-nuclear-war-could-trigger-catastrophic-cooling-181056235.html>)

To see what effects such a **regional nuclear conflict** might have on climate, scientists modeled a war between India and Pakistan involving 100 Hiroshima-level bombs, each packing the equivalent of 15,000 tons of TNT — just **a small fraction of the world's** current **nuclear arsenal**. They simulated interactions within and between the atmosphere, ocean, land and sea ice components of the Earth's climate system.

Scientists found the effects of such a war **could be catastrophic**.

"Most people would be surprised to know that even **a very small regional nuclear war on the other side of the planet could disrupt global climate** for at least a decade **and wipe out the ozone layer** for a decade," study lead author Michael Mills, an atmospheric scientist at the **National Center for Atmospheric Research** in Colorado, **told** Live Science.

The researchers predicted the resulting **firestorms would kick up** about 5.5 million tons (5 million metric tons) of **black carbon** high into the atmosphere. This ash would absorb incoming solar heat, cooling the surface below.

Nuke War = Extinction

1.) Nuclear war causes extinction

a. George M Woodwell, PhD From Duke, Director of the Ecosystems center at the Marine Biological Laboratory at Woods Hole Mass. , Nuclear Winter, Deterrence, and the Prevention of Nuclear War, Edited by Sederberg, 1986 p. 20

The primary concern, I suppose, is the direct effects on people. Many of the same uncertainties that apply to the induction of climatic changes apply as well to inferences about human mortality. The size and characters of the war are important: Are cities the targets? The analyses from previous studies range widely up to the recent WHO analysis that suggests a total mortality of 1.1 billion for a 10,000 MT war. No estimates in this study dealt with the effects of a climatic crisis. Systematic efforts at estimating the additional mortality due to dark and prolonged cold in the weeks following such a war are beyond the limits of this discussion and, when developed, any estimates will prove as tenuous as virtually all other assumptions concerning the effects of a hypothetical war. Survivors of the immediate effects of the weapons will emerge into a radioactive environment that is likely to be perpetually dark and frozen with 10-20C or more of frost. On first analysis it would seem difficult to exaggerate the difficulties of accumulating the resources required for survival under those conditions. All supplies of fresh water would be frozen. Plants and animals, left unprotected, would be frozen and dead. Agriculture would be paralyzed transportation, normal communications of all types, sources of fuel, power supplies, and the normal machinery of government, including normal conventions established in law or in manners will have been destroyed or suspended: under those circumstances mere survival will be a major challenge and it is well within the realm of probability that few or none would survive in areas as large as continents, possibly in the northern hemisphere itself.

b. We don't need to win escalation -- five nuclear weapons destroy the planet

The Guardian, July 14, 1993

But we understand, or ought to understand, some things better now that the East-West confrontation is no more, and our knowledge of ecology and the fragility of planetary systems has advanced. One is that the nuclear war fighting scenarios were not just optimistic but totally ludicrous. We now know or ought to know – and that “we” includes Arabs, Iranians, South Asians, Chinese, and Koreans as well as Westerners that one nuclear weapon discharging might be enough to push an entire region, say a vulnerable region like the Middle East, into an irreversible ecological, economic, and political decline. Two or three could thrust the world into a long term crisis, compounded by the degradation of other dangerous facilities including nuclear power stations. Five or 10 could wreck the planet.

c. Even if some people survive, civilization will collapse, causing extinction

Nick Bostrom 2002 Prof of Philosophy at Yale university

<http://www.nickbostrom.com/existential/risks.html> - last updated April 15, 2k2

The US and Russia still have huge stockpiles of nuclear weapons. But would an all-out nuclear war really exterminate humankind? Note that: (i) For there to be an existential risk it suffices that we can't be sure that it wouldn't. (ii) The climatic effects of a large nuclear war are not well known (there is the possibility of a nuclear winter). (iii) Future arms races between other nations cannot be ruled out and these could lead to even greater arsenals than those present at the height of the Cold War. The world's supply of plutonium has been increasing steadily to about two thousand tons, some ten times as much as remains tied up in warheads ([9], p. 26). (iv) **Even if some humans survive the short-term effects of a nuclear war, it could lead to the collapse of civilization. A human race living under stone-age conditions may or may not be more resilient to extinction than other animal species.**

2.) Nuclear war will escalate -- high alert guarantees

DR Alan Phillips Oct. 2000. <http://www.peace.ca/nuclearwinterrevisitedhtm>

With thousands of rocket-launched weapons at launch-on-warning", any day there could be an all-out nuclear war by accident. The fact that there are only half as many nuclear bombs as there were in the 80's makes no significant difference. Deaths from world-wide starvation after the war would be several times the number from direct effects of the bombs, and the surviving fraction of the human race might then diminish and vanish after a few generations of hunger and disease, in a radioactive environment.

Nuclear war will escalate -- Russian Dead Hand

Pavel Feigenhauer, chief defense correspondent of Segodnya Moscow times 11-26-98

Russia also has a fully operational "dead hand" nuclear command machine. Using special communication rockets launched high into space, this "dead hand" can issue computer-produced attack orders to Russian nuclear submarines, bombers and surviving silo missiles if special sensors detect shock waves from nuclear explosions on Russian territory and all Russian commanding generals have been killed or are unavailable because all conventional command-and-control communication lines have been destroyed by surprise enemy attack. As one top Russian general at the time in charge of Russia's nuclear arsenal once told me: 'You and I could be sitting drinking vodka, Pavel. while this 'dead hand' machine fights a nuclear world war on ~s own.' If all these technical gadgets and Joint operational nuclear staffs already exist, why does Sergeyev need yet another? To economize? But, there is no talk of disbanding the general staff itself, for it is considered a sacred cow, the backbone of Russia's military machine. So Sergeyev's new united command will simply overlap existing joint operational departments, creating additional discord, If the strategic forces of the navy, the air force and SRF are merged, then Russian nuclear strategic and attack submarines will receive operational orders from different masters.

Links – Drones Aff

Drone regulations are controversial; new emerging tech issues, economic, and privacy concerns lead to mixed opinions. Plan costs capital.

HENRY C. JACKSON Posted: 05/17/2013 Congress Gets Mixed Advice On Drone Regulations
http://www.huffingtonpost.com/2013/05/17/congress-drone-regulations_n_3294098.html

WASHINGTON — The growing use of unmanned surveillance "eyes in the sky" aircraft raises a thicket of privacy concerns, but Congress is getting mixed advice on what, if anything, to do about it. A future with domestic drones may be inevitable. While civilian drone use is currently limited to government agencies and some public universities, a law passed by Congress last year requires the Federal Aviation Administration to allow widespread drone flights in the U.S. by 2015. According to FAA estimates, as many as 7,500 civilian drones could be in use within five years. "Technology is great – as long as it's used the right and proper way," Rep. Jason Chaffetz, R-Utah, said at a House Judiciary subcommittee hearing Friday on the issues surrounding drones – which can be as small as a bird and as large as a plane. Congress isn't alone in seeking to address the issues: Since January, drone-related legislation has been introduced in more than 30 states, largely in response to privacy concerns. Rep. James Sensenbrenner, R-Wis., said it was important for new standards to address the privacy issues associated with use of drones. With Rep. Zoe Lofgren, D-Calif., and Rep. Ted Poe, R-Texas, he is sponsoring legislation that would codify due process protections for Americans in cases involving drones and make flying armed drones in the U.S. sky illegal. "Every advancement in crime fighting technology, from wiretaps to DNA, has resulted in courts carving out the Constitutional limits within which the police operate," Sensenbrenner said. The subcommittee heard from experts who were divided on what actions Congress should take to address the new technology. But the four witnesses all agreed that drones raised new, often unprecedented questions about domestic surveillance. "Current law has yet to catch up to this new technology," said Chris Calabrese, legislative counsel for the American Civil Liberties Union. Calabrese said he supported immediate regulation of the drone industry and said his biggest concern was the overuse of drones by police and government officials for surveillance. But Calabrese said he doesn't want to hinder the growth of drones with the power to do good, including helping find missing persons, assisting firefighters and addressing other emergencies. Tracey Maclin, a professor with the Boston University School of Law, said the issues raised by drones haven't been addressed by courts before because the technology goes beyond what humans had been capable of through aerial surveillance. Past court rulings, "were premised on naked-eye observations – simple visual observations from a public place," he said. Rep. Cedric Richmond, D-La., said he wanted to know when drone technology will advance to the point where Congress will have to act on the issue. He said he was concerned about the effect on privacy. "At what point do you think it's going to get to a point where we have to say what a reasonable expectation of privacy is?" Richmond said. Republicans expressed similar concerns. "It seems to me that Congress needs to set the standard, rather than wait and let the courts set the standard," Poe said. Some experts urged caution. Gregory McNeal, an associate law professor at Pepperdine University, said writing laws to cover drones will be difficult because the technology continues to improve and Congress could think it's addressing key issues, only to have new ones emerge.

Plan is controversial – few restrictions viewed as important to keep us safe

Fox News, 2013 Post 9/11 terror fighting legislation under attack Published June 12, 2013FoxNews.com

<http://www.foxnews.com/politics/2013/06/12/post-11-terror-fighting-legislation-under-attack/>

Around the same time, Rep. Edward Markey introduced the Drone Aircraft Privacy and Transparency Act of 2013, which prohibits many domestic uses of drones. The topic was also on the mind of Texas Sen. Ted Cruz who introduced legislation that would prohibit the use of drones to kill U.S. citizens living inside the country. In May, Maine Sen. Angus King Jr., introduced the Targeted Strike Oversight Reform Act of 2013. The act would require an independent analysis of the consideration of the use of targeted lethal force against a particular U.S. person knowingly engaged in acts of international terrorism against the U.S. Despite the congressional push to reign in the programs, there are some who maintain they are important to keep the country safe and must be kept in place.

Plan costs capital – regulating drone use is a political minefield because of constitutional rights issues and federalism concerns

Margot E. Kaminski Executive Director of the Information Society Project, Research Scholar, and Lecturer in Law at Yale Law School Drone Federalism: Civilian Drones and the Things They Carry * May 2013 California Law Review,

<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1007&context=clrcircuit>

Regulating law enforcement drone use poses few countervailing dangers from legislating thoughtlessly or in haste; such legislation would implicate Fourth Amendment rights rather than First Amendment rights, so the worst case scenario is that such legislation might eventually be found by courts not to protect enough privacy.¹⁵ The more interesting and difficult privacy puzzle arises from drone use by private—not public—actors. Regulating civilian drone use will be treacherous, as such regulation potentially threatens First Amendment rights. Because of that threat, civilian drone regulation may get overturned, as courts sort out the scope of those First Amendment rights. Regulating civilian drone use on the federal level thus risks being unconstitutional or, barring that, unstable

Plan costs capital – disputes between civil liberties advocates and security hawks on drone restriction legislation

Wells Bennett, Sept 2014 <http://www.brookings.edu/research/reports2/2014/09/civilian-drones-and-privacy>

Remotely controlled flying robots are increasingly cheaper, and at times more capable of sustained flight, than some manned counterparts. Many can be outfitted with imaging or other recording equipment, itself increasingly more affordable and widely available nowadays. An airborne droid might take in more information over a much longer period of time than a human eye or ear; and it might also find its way to areas where other aerial platforms might not be able

to go. In this way drones pose real if manageable privacy risks. And policymakers have aimed to manage them following Congress's call to broaden drones' access to the skies by late 2015. The timing raises any number of big-ticket privacy questions. Two are recurring: which arm of the government (states or feds) ought to balance a proliferating technology's benefits against its privacy costs; and which drones (government or private) will present the greatest threats to privacy. On one side of the first question are certain members of Congress and civil liberties advocates, who have called for a robust federal approach to drones and privacy.² On the other are "drone federalists": scholars³ and policymakers⁴ who generally oppose enactment of a preemptive, federal drone statute, and who would in any event keep federal regulation to a minimum or reserve it for discrete subjects only. In recent years, only states have passed legislation meant to account for America's drone experiment and its implications for privacy. In that sense, momentum isn't with the feds: the FAA, for example, pointedly refused to regulate privacy in a broad fashion (though, as explained below, it nevertheless undertook some drone privacy work later). And unlike some state houses, the U.S. Congress hasn't seriously considered or passed a bill to set general privacy standards or to regulate drones and privacy specifically.

Plan cost capital – FAA drone regulations are controversial

Troy Rule, Nov 19 2014 <http://www.latimes.com/opinion/op-ed/la-oe-rule-drone-regulation-faa-20141120-story.html>

This new ruling is particularly troubling because the FAA still hasn't found a federal regulatory scheme capable of effectively integrating drones into the nation's airspace. A June audit report revealed that the agency was "significantly behind schedule" in meeting congressionally imposed deadlines for its development of civilian drone regulations. Frustrated at the FAA's snail-like pace, companies such as Amazon and Google have begun exporting their drone research activities to other countries. Small drones are not built for lengthy interstate flights at altitudes where conventional airplanes fly, so why should a federal agency be the chief regulator of these devices? Rather than seeking to expand its regulatory jurisdiction all the way down to the ground, the FAA should advocate for itself a more limited role in a collaborative federal, state and local regulatory scheme tailored to the unique attributes of drone technologies.

Large businesses oppose drone restrictions; which will spark Congressional battles

The Street, June 17 <http://www.thestreet.com/video/13190214/amazon-to-urge-congress-for-fewer-restrictions-on-us-drone-use.html>

Amazon (AMZN) is set to ask Congress Wednesday for fewer restrictions on U.S. drone usage in order to get its Prime Air service off the ground. Amazon Prime Air is designed to deliver packages up to five pounds to customers in 30 minutes or less using small drones. Paul Misener, Amazon's vice president for global public policy, will appear in front of the U.S. House Committee on Oversight and Government Reform to argue against current Federal Aviation Administration rules. According to his prepared testimony, Misener explains that he disagrees with the FAA's current opinion that extending see-and-avoid principles on small drones presents 'unique safety concerns' which warrant delayed consideration. Misener plans to urge the FAA to

act expeditiously, and ask that Congress provide legislative guidance and if necessary, additional legal authority.

Courts Link to Politics

Congress reacts to judicial decisions and cost political capital

Canon and Johnson- Professors of political science, 1999 p. 116-117

(Bradley Canon- professor of political science at the University of Kentucky and Charles Johnson- dept. head of political science at Texas A&M, judicial policies: implementation and impact)

More than any other public agency, Congress tends to be the focal point for public reaction to judicial policies. As a political body, Congress cannot ignore any sizable or prominent group of constituents. Some groups become especially agitated when they are unhappy with some judicial decision or doctrine, and they make their dissatisfaction known to members of Congress. If the pressure is great enough and is not counterbalanced by pressure from groups that support the judicial policy, Congress will, if feasible, take action. At the very least, numerous members of Congress will score political points by showing righteous indignation on behalf of the disaffected groups. Clashes between Congress and the courts are virtually as old as the two branches. Marbury v. Madison (1803) was a political finesse of a hostile Congress by the Supreme Court. Constitutional crises have been provoked by such decisions as Dred Scott (Scott v Sandford, 1857) and several anti-New Deal decisions in the 1930s. Strained relationships just short of crises have developed from numerous other decisions. Of course, not all differences between the courts and Congress are emotionally charged. Many of the differences arise over mundane issues such as pension or admiralty law. Either way, almost every year, Congress reacts to judicial decisions.

Implementation of court decisions ensures political involvement and influence.

Charles A. Johnson and Bradley C. Canon (professors political science @ Texas A&M and Univ. Kentucky) 1999 Judicial Policies: Implementation and Impact, p. 24

President Andrew Jackson, unhappy with a Supreme Court decision, is said to have retorted: "John Marshall has made his decision, now let him enforce it." His remark reminds us of a central fact of American democracy: judicial policies do not implement themselves. In virtually all instances, courts that formulate policies must rely on other courts or on nonjudicial actors to translate those policies into action. Inevitably, just as making judicial policies is a political process, so too is the implementation of the policies - the issues are essentially politics, and the actors are subject to political pressures.

President takes the blame for any decision made by a Federal Government branch***

Richard Ellis (Prof. politics @ Willamette Univ.) 1994 Presidential Lightning Rods, p. 2

An American president, Laski maintains, cannot deflect blame onto subordinates. A president's position as head of the executive branch, Laski insists, "makes him a target to be attacked by every person or interest at all critical of his purposes. He is there in all cases, to be blamed; and there is no one, in any real sense, who can help to bear the burden of the blame." In contrast to England, where we blame an anonymous entity 'the Government' if things go wrong, in the United States it is the president who is blamed. A decision of the Supreme Court is regarded as adverse to his policy; a defeat in Congress is a blow to his prestige; the mid-term congressional elections affect his policy, for good or ill. No one thinks of them in terms of their effect upon his cabinet.

Judicial decisions are subject to political pressures – fiating legal translation guarantees a link.

Charles A. Johnson and Bradley C. Canon (professors political science @ Texas A&M and Univ. Kentucky) 1999 Judicial Policies: Implementation and Impact, p. 3-4

Political actors and institutions who follow through on these decisions make the judicial policy. Certainly, the judges who enforced desegregation in southern school districts or busing decisions anywhere were subject to political pressures from a variety of sources. Similar pressures affected school board decisions regarding the role of religion in schools. Even presidential politics may become intertwined with judicial policies, as did Richard Nixon's 1968 "law and order" presidential campaign criticizing the Supreme Court's criminal justice decisions or the explosive issue of abortion in the 1980 presidential election. Like the Congress, the Supreme Court and lower courts must rely on others to translate policy into action. And like the processes of formulating legislative, executive, and judicial policies, the process of translating those decisions into action is often a political one subject to a variety of pressures from a variety of political actors in the system.

President embodies the government – all credit and blame will center on the president.

Bruce Miroff (prof. political science @ SUNY-Albany) 2000 Presidency and the Political System, ed. M. Nelson, p. 304

Spectacle has also been fostered by the president's rise to primacy in the American political system. A political order originally centered on institutions has given way, especially in the public mind, to a political order that centers on the person of the president. Theodore Lowi wrote, "Since the president has become the embodiment of government, it seems perfectly normal for millions upon millions of Americans to concentrate their hopes and fears directly and personally upon him."

Every significant Supreme Court action is perceived – court decisions are a part of a larger battle for political influence.

David M. O'Brien (prof. law @ Univ. Virginia) 2000 Storm Center: The Supreme Court in American Politics, p. xiii

The Supreme Court, Justice Oliver Wendell Holmes observed, is a "storm centre" of political controversy. The Court stands as a temple of law - an arbitrator of political disputes, an authoritative organ of law, and an expression of the American ideal of "a government of laws, not of men." But it remains a fundamentally political institution. Behind the marble fide, the justices compete for influence; the Court itself is locked in a larger struggle for power in society. This book is about the political struggles among the justices and between the Court and rival political forces in the country.

District court links – decisions cost Obama capital

District court links to politics

Ungar 1/25 (Rick Ungar, contributing writer for Forbes, “Court Slaps Down Obama On NLRB Appointments-Decision Could Invalidate Hundreds Of Labor Decision,”

<http://www.forbes.com/sites/rickungar/2013/01/25/court-slaps-down-obama-on-nlr-appointments-decision-could-invalidate-hundreds-of-labor-decisions/>)

The Washington DC Court of Appeals has dealt the Obama administration an embarrassing blow by ruling that the President’s appointment of three members to the National Labor Relations Board was an unconstitutional exercise of presidential power.¶ The matter stems back to January 4, 2012, when President Obama appointed the new NLRB members—along with the appointment of Richard Cordray to head up the Consumer Financial Protection Bureau—while the Senate was away on its Christmas holiday. In making the appointments, the administration took the position that the Senate was in recess—thereby making it proper for the President to exercise his right to make recess appointments that are not subject to Senate confirmation.¶ However, the Court agreed with the argument put forth by a Washington state family owned business seeking to invalidate an NLRB ruling that went against the company. The company argued that, as the Senate was not technically in recess at the time of the appointments, the board had not been legally constituted and that a quorum did not exist. As such, any decision the board reached would be invalid.¶ Here’s how it all went down—¶ Senate Republicans had been working for months to deny Obama the ability to make the three appointments to the NLRB, effectively shutting down the board which Republicans believe favors labor in the disagreements that come before the panel.¶ Knowing the President would take advantage of any Senate recess to appoint his choices to the board through his constitutional power to make recess appointments—thereby putting the NLRB back into action—Republican members of the Senate sought to technically keep the doors open by gaveling sessions in and out every few days, even though there were no senators around and no business was being transacted. By keeping the Senate in “pro forma” session, the result would be to block Obama’s opportunity to make any recess appointments.¶ The President took the view that any effort to ‘technically’ keep the Senate in session was superseded by the fact that the Senate was, in reality, in recess.¶ The three judge Court of Appeals panel, all appointed by Republican presidents, disagreed with the President, holding that “Either the Senate is in session, or it is in the recess. If it has broken for three days within an ongoing session, it is not in ‘the Recess.’”¶ The court additionally held that the president could only fill vacancies with the recess appointment procedure if the openings arise when the Senate is in an official recess, which the court defined as the once-a-year break between sessions of Congress.¶ While the Administration has promised to appeal the decision to the United States Supreme Court, should the ruling be upheld, all decisions reached by the labor board since January, 2012 would be held to be invalid, creating a serious mess for the administration. Additionally, with only one remaining member of the National Labor Relations Board duly appointed and confirmed, the panel’s work would come to a complete halt pending appointment of new board members—appointments that are sure to test the new Senate filibuster rules put into effect this week.¶ Needless to say, Senate Republicans are ecstatic as demonstrated by GOP Minority Leader Mitch McConnell who said in a statement, “The D.C. Circuit Court today reaffirmed that the Constitution is not an

inconvenience but the law of the land.” Additional Republican Senators have demanded that the Obama appointees on the NLRB resign at once, thus putting the board out of business.

Politics Iran -Michigan

1nc Iran Scenario

Obama is walking a fine line now to build support for Iran deal — Dems are on the fence and PC is key

Lillis 7/19, staff writer at The Hill, (Mike, 7/19/15, Iran deal tests Dems' loyalty to Obama, The Hill, <http://thehill.com/policy/international/248371-iran-nuclear-deal-tests-democrat-loyalty-to-obama>)//kap

President Obama's nuclear agreement with Iran is the latest test of the Democrats' loyalty toward their ally in the White House.

Off a contentious trade debate that highlighted Democratic divisions and infuriated Obama's liberal base, even the Democrats most critical of the Iran deal are walking a fine line.

Sen. Bob Menendez (D-N.J.), for instance, has emerged as the leading Democratic critic in the upper chamber, warning that the agreement "legitimizes" Iran's nuclear program and sets the stage for Iran to reap billions of dollars in financial relief it could use to bolster its stock of conventional weapons.

But Menendez has stopped short of saying he'll join Republicans in a vote to disapprove the deal, saying he wants first to examine the agreement more closely, both on the Foreign Relations panel and in briefings with administration officials.

"It's premature for some people to say they're definitely against it and for others to say they're definitely for it," he said. "Let's have the vetting."

The issue is tough for Democrats because it represents Obama's top foreign policy goal in his second term, but is strongly opposed by Israel's government.

The Republicans' near-unanimous objections have further complicated the politics — in that even Democrats wary of the deal might not want a role in helping the GOP kill it.

Rep. Brad Sherman (Calif.) is concerned that the deal sets the stage for Iran to have nuclear weapons capabilities a decade from now, but hasn't signed on to the Republicans' disapproval push.

He says he'd surely vote against a motion of approval if it were to hit the floor, but he remains undecided on the more likely consideration of both a disapproval measure and a vote to override Obama's promised veto of that disapproval.

"It's different," Sherman said.

"A motion of approval would, I think, morally bind this country to accept this deal not only short-term but long-term, and long-term it becomes unenforceable," he explained. "A resolution of disapproval, if it overrides a veto — and those are two separate votes — would create a short-term crisis in our policy toward Iran, with the executive branch pushing in one direction, the congressional branch pushing in the other direction, Europe going in a third

direction, and [it] might deprive us of the short-term benefits of the agreement — the stockpiles and the centrifuge mothballing.”

Republicans are not so indecisive. They wasted no time slamming the agreement with warnings that it will launch a Middle Eastern nuclear arms race while threatening the security of the United States and its allies, particularly Israel.

On Friday, House Republicans introduced their disapproval resolution, backed by more than 170 GOP lawmakers, which is expected to get a vote in September.

“This agreement fails on every level to ensure Iran never acquires a nuclear weapons capability,” Rep. Peter Roskam (R-Ill.), the head of the House Republican Israel Caucus and lead sponsor of the resolution, said in a statement. “The unprecedented outpouring of support for this resolution proves that Congress will not rubber-stamp a deal that severely threatens the United States and our allies by paving Iran’s path to a bomb.”

Still, the reluctance of the Democratic critics to endorse the resolution highlights the tough road ahead for the GOP.

In the Senate, Majority Leader Mitch McConnell (R-Ky.) will need Democratic backers to reach the 60 votes required to defeat a filibuster. And while the House Republicans are expected to pass the disapproval measure through the lower chamber, they’ll face a steep climb winning over the Democratic votes needed to override Obama’s promised veto.

Liberal Democrats, who make up a majority of the Caucus, are already lining up in favor of the agreement. And House Minority Leader Nancy Pelosi (D-Calif.) threw her considerable influence behind the deal Thursday, when she delivered her enthusiastic stamp of approval.

“[It’s] a good product — not only better than the status quo, not only the best possible option, but a strong, effective ... proposal for keeping the peace and stopping the proliferation of weapons of mass destruction,” she said.

Pelosi said she’s “not exactly lobbying” her troops behind the deal, but “made it very clear to them my own standing on this issue and why I think this is a good agreement.”

Rep. Steve Israel (N.Y.), yet another Democrat who’s voicing strong reservations with the deal but hasn’t committed a vote either way, said it’s “too early to say” if Obama would have the Democratic support to sustain a veto of the GOP’s disapproval measure.

“My sense is, based on my conversations with my colleagues on both sides of the aisle, it’s going to be very close in both the House and the Senate,” he told CNN Wednesday. “I believe in both chambers it’s going to come right on the cusp.”

Obama has shown signs that he’s taken a lesson from the trade debate — when many Democrats felt excluded — and is leaving nothing to chance. He sent Vice President Biden to Capitol Hill twice this week to meet privately with House and Senate Democrats to explain the deal and address lawmaker concerns.

There are early signals that the strategy is paying dividends.

“You make friends before you need them. I think the administration is doing it very wisely,” Rep. Bill Pascrell (D-N.J.) said after meeting with Biden. “I disagreed with them on trade. On this, I think they're heading in the right direction.”

Biden, for one, expressed confidence that the accord will survive the congressional gauntlet.

“I think we're going to be OK,” he said as he left the House meeting.

*****Insert appropriate link and internal link story*****

Obama’s political capital is key to sell Congress on the deal and prevent a veto override --- critical to U.S. global leadership

Leverett, 7/13/15 --- professor of International Affairs at Penn State, served for over a decade in the U.S. government as a senior analyst at the CIA, Middle East specialist for the State Department, and as senior director for Middle East affairs at the National Security Council (Larry, “With Historic Iran Nuclear Deal Expected, Can President Obama Sell It to Congress and the Public?” http://www.democracynow.org/2015/7/13/as_historic_iran_nuclear_deal_nears, JMP)

AMY GOODMAN: Speaking on Fox News Sunday, Senate Majority Leader Mitch McConnell suggested the Obama administration will have a difficult time convincing Congress to approve a deal with Iran.

MAJORITY LEADER MITCH McCONNELL: Well, look, we already know that it’s going to leave Iran as a threshold nuclear state. We know that. It appears as if the administration’s approach to this was to reach whatever agreement the Iranians are willing to enter into. So I think it’s going to be a very hard sell, if it’s completed, in Congress.

AMY GOODMAN: The Republican majority is expected to vote against the deal and to try to convince at least 12 Democrats to join their ranks in an attempt to defeat a presidential veto. Flynt Leverett, explain what has to happen in the United States for the U.S. to approve this. What is the voting that will take place?

FLYNT LEVERETT: Yes. Both houses of Congress will have 60 days to review the agreement once it’s finalized. I think it is quite possible, if not likely, that a simple majority of members in each house will vote a so-called resolution of disapproval in regard to the agreement. At that point, President Obama has said that he would veto those resolutions of disapproval. And at this point, the White House seems pretty confident that they have the votes, at least in the Senate, and perhaps in the House, as well, to sustain President Obama’s veto. So, they are confident that if you can get to an agreement here in Vienna, that it will ultimately get through the congressional review process and will go into effect.

But obviously, during the next—you know, the 60 days following a conclusion of an agreement, the Israelis, the Saudis, their friends and allies in the American political system, others who don’t want to see this agreement go forward are going to be working very hard, trying to turn public

opinion against the deal and trying to build congressional support to maximize the vote against the deal.

Public opinion polls would show that Americans are open to supporting this deal, but one of the things I really worry about is that President Obama himself has not really made the strategic case for why doing this deal and for why building a different kind of relationship with Iran is so strongly in America's interest. He either talks about this as a kind of narrow arms control agreement, but Iran is still this very bad actor, or he talks about it in terms of it being an opportunity for Iran to rejoin the international community, as he puts it. This is not the way to sell this deal to Americans. Americans understand that what the United States has been doing in the Middle East for the last decade and a half has actually been profoundly against American interests. It's also been very damaging to Middle Easterners. But it has been profoundly damaging to America's position in this critical part of the world and globally. President Obama has a chance here to begin to turn that around and put U.S. policy toward the Middle East on a more different and more productive trajectory, but he is going to have to make the strategic case—

AMY GOODMAN: Flynt Leverett, we're going to have to—

FLYNT LEVERETT: —spend the political capital necessary to make the strategic case.

AMY GOODMAN: We're going to have to leave it there, but we'll continue to follow this, of course.

Lack of credibility prevents effective multilateralism and causes global hotspot escalation

Coes 11, Visiting Fellow at Harvard University's John F. Kennedy School of Government, degree from Columbia University, received the prestigious Bennett Cerf Memorial Prize (Ben, "The disease of a weak president", The Daily Caller, 9-30-11, <http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/>)

The disease of a weak president usually begins with the Achilles' heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike. In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn't bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces. But Obama's weakness could — in other places — have implications far, far worse than anything that might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons. If you can

only worry about preventing one foreign policy disaster, worry about this one. Here are a few unsettling facts to think about: First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over. Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, it will happen, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device. Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India's natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world. In my book, *Coup D'Etat*, I consider this tinderbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d'état. I wish it was that simple. The more complicated and difficult truth is that we, as Americans, must take sides. We must be willing to be unpopular in certain places. Most important, we must be ready and willing to threaten our military might on behalf of our allies. And our allies are Israel and India. There are many threats out there — Islamic radicalism, Chinese technology espionage, global debt and half a dozen other things that smarter people than me are no doubt worrying about. But the single greatest threat to America is none of these. The single greatest threat facing America and our allies is a weak U.S. president. It doesn't have to be this way. President Obama could — if he chose — develop a backbone and lead. Alternatively, America could elect a new president. It has to be one or the other. The status quo is simply not an option.

Uniqueness

2NC Uniqueness

Default negative --- our evidence assumes the likely endgame and shifting political momentum

Drew 7/17/15 – regular contributor to The New York Review (Elizabeth, The Iran Deal Goes to Washington, NYR Daily, <http://www.nybooks.com/blogs/nyrblog/2015/jul/17/congress-iran-deal-goes-to-washington/>)/JJ

The first thing to know about all the noise being made in Washington over the nuclear deal with Iran is that there's a lot of play-acting going on. A number of politicians, particularly Democrats, are striking positions to get them past this early period; several significant Democratic Senators simply aren't yet ready to say they're for the deal, though many of them are expected to be. The real question isn't where they are now but where they'll end up. Therefore some statements shouldn't be taken literally. When Ben Cardin of Maryland, the ranking Democrat on the Senate Foreign Relations Committee, said recently that he had questions about the coming deal, some journalists and other observers interpreted this as a sign of trouble; but his statement simply reflected political prudence. To be taken seriously on such a weighty issue, a politician needs to be seen as having carefully considered his or her position.

This may be where the Republicans are making a mistake. Lindsey Graham was caught out by reporters on Tuesday when he condemned the deal and then, in response to their challenges, admitted that he hadn't read the more than one-hundred-page agreement, nor did he know what was in it. House Speaker John Boehner also immediately denounced the deal. Boehner's tack, which others also employ, is to charge that the agreement isn't as tough on Iran as what the president said he would seek. Wisconsin Governor Scott Walker, who officially entered the 2016 presidential race the day before the Iran deal was formally announced, said that it should be abrogated by the next president on day one—which would free Iran to pursue a nuclear weapon and create an unholy mess with our allies. The Republicans' rush to judgment undermines their position.

In fact, knowledgeable analysts say that the final deal fulfills what was outlined in the interim framework agreement announced in April. Jim Walsh, a security and nuclear policy expert at MIT, describes it as "the most intrusive multilateral agreement in nuclear history." According to Walsh, the deal's inclusion of a "snapback" provision—the rapid restoration of sanctions if Iran is caught cheating—is "unprecedented."

Yet I can find no one on the side of the deal who thinks that it will have majority support in either chamber, which means that the president will veto what Congress sends him. Therefore, beneath all the rhetoric, the realists here are looking for one thing: whether there will be enough votes in the Senate or the House—one-third plus one of the members—to uphold that veto. (A veto can be overridden by a two-thirds vote in both chambers.) It's believed that there's a sufficient number of House Democrats who will vote to sustain it. But it's assumed that Senate Majority Leader Mitch McConnell and Boehner will arrange for the Senate to vote before the House does and the deal's supporters fear that if there's a strong vote against it in the Senate the votes in the House to sustain a veto might crumble. A strategist for the pro-deal side told

me, “A number of those House votes on our side are squishy.” So what happens in the Senate is the crucial question.

With a few possible exceptions, the Senate Republicans are being written off as against the deal. But it cannot be assumed that Democrats will feel obliged to vote in favor of what could be the president’s crowning achievement: in 2014 many of them showed themselves capable of keeping their distance from him in an effort to save their own skin. If they think the deal with Iran will make them vulnerable in the next election, they might well vote against it. Their ultimate decision could be no more worldly than that.

I asked a couple of well-informed vote-counters if they thought the president had the thirty-four Senate votes needed to block an override. They both agreed that they’re not yet there, but they expect to be by September. Supporters would of course like to end up with more than thirty-four votes so that it doesn’t look like they exhaustedly dragged a beat-up deal across the finish line.

The two figures to whom the most attention is being paid are Bob Corker, the Republican chairman of the Senate Foreign Relations Committee, and Chuck Schumer, odds on the next Democratic leader in the Senate. Schumer has a history of taking a pro-Israeli government point of view, and his going against the administration on the Iran deal would probably present it with an uphill climb. Corker is in a difficult position: a Tennessean with finely chiseled features, he seemingly wants to play the part of the responsible statesman, following in the footsteps of, say, Richard Lugar, the former Republican Senator from Indiana who was an influential leader on foreign policy. But Corker is consigned to working within a party that is now far more conservative and partisan—and unforgiving of apostates—than it was in Lugar’s day. Some observers believe that Corker might not come out flatly for or against the deal, but might propose some legislative wording or maneuver that would make him not seem a knee-jerk partisan. It’s quite possible that both Corker and Schumer will leave their ultimate positions on the deal unknown for some time.

When great issues are before Congress and the country, public opinion can take big swings. This is why August could be a critical month for the Iran agreement. Because the negotiators didn’t finish before July 9, and because of its month-long recess, Congress has sixty days (instead of thirty) to decide on the deal. With Congress gone and the President usually on vacation for some of the time, August is supposedly a slow news period, which leaves ample room for coverage of local uprisings against members, which can then become contagious. The Clintons’ health care plan took a battering in August of 1994; the Tea Party revolt against President Obama’s health care plan boiled up in August of 2010, and while the plan survived, so did the Tea Party as a force.

To the extent that one can tell at this point, the political winds have been blowing, if softly and unseen, in the direction of those who support an agreement. The mood and tone on Capitol Hill have changed considerably from last winter, when backers of the nuclear negotiations had to mount a major fight to keep Congress from passing a new sanctions bill that would have sunk them. Then the talks went on so long—twenty-two months—that we got used to the spectacle of senior US officials sitting across the table from high-level Iranians. Or the two countries’ respective foreign ministers taking a walk together. This was a long way from George W. Bush’s

putting Iran in the “axis of evil.” But the deal’s supporters are aware that opinion could swing back in the other direction.

As the negotiations went on, one of the opponents’ tactics was to say that Obama (or Kerry) “wants a deal too badly.” This got to the point where some talk show hosts and Republican pols described Obama as “desperate” for a deal. The Republicans are very good at the art of repetition: taking a talking point and saying it over and over and over again until it starts to pass as a fact. They’ve done so well with this that this spring my dentist told me in the strictest secrecy, off the record and all that, that his friend, a neocon Congressman, told him that Kerry wanted a deal too badly.

Obama only has a thin margin for error --- he is spending PC and avoiding any new surprises to ensure passage

French 7/16/15 – Congress reporter for POLITICO (Lauren, Nancy Pelosi voices ‘strong support’ for Iran deal, Politico, <http://www.politico.com/story/2015/07/iran-deal-nancy-pelosi-supports-120224.html>)/JJ

House Democratic leaders are increasingly confident they have the votes necessary to sustain any presidential veto of GOP-backed legislation that would effectively scuttle the Iran nuclear deal.

Despite some lingering skepticism in parts of the caucus, leadership sources pointed to the 152 Democrats already on the record supporting the earlier framework of the nuclear deal as evidence that House Democrats will likely do their part to keep President Barack Obama’s landmark nonproliferation deal alive.

House Minority Leader Nancy Pelosi, who wields significant influence in the caucus, on Thursday announced her “strong support” for the deal.

“A nuclear Iran is unacceptable to the United States, to the world and, in particular, to Israel,” the California Democrat said. The deal is “intensifying our vigilance over every aspect of the entire Iranian nuclear program.”

Keeping House Democrats on board could end up being the easiest sales pitch White House has to make when it comes to Iran.

Congressional Republicans are denouncing the deal — which would stop the growth of Iran’s nuclear facilities while lifting a series of sanctions — as inadequate. Republicans are planning to move ahead with disapproval legislation after a 60-day review period — a measure Obama has already pledged to veto as it would essentially stop the accord from going forward.

That means Obama would need Democrats in both chambers to sustain his veto — or the agreement dies. In the Senate, the White House can lose no more than 12 Democrats from the 46-member caucus.

The numbers in the House are harder to pin down exactly. Despite the support of high-profile members like Pelosi and Illinois Rep. Jan Schakowsky, the margins would be close — mostly because Democrats hold so few seats.

So the White House is doing its best to avoid any surprises this fall, when the disapproval resolution is expected to start moving. Obama has already started aggressively lobbying members — a process that started before the nuclear agreement was even publicly announced.

Obama and Pelosi spoke by phone Monday night and other top Obama administration officials called Democrats who have been active on Iran shortly after the final accord was made public.

The early effort paid off with Pelosi. The California Democrat announced Thursday her “strong support” for the deal — and said she would personally lobby her fellow House Democrats to back it. She’ll join an established pro-deal whip operation in the House that’s run by Schakowsky and Reps. Lloyd Doggett of Texas and David Price of North Carolina.

Schakowsky was among a group of nearly 15 Democratic lawmakers invited to the White House on Thursday for an early morning briefing on the deal. The Jewish lawmakers questioned administration officials about how much money Iran would have access to after sanctions were lifted, the timetables for inspections of Iranian nuclear sites and the details of an arms embargo.

“People felt that the administration was more than willing to spend whatever time is necessary to provide the assurances to the members and they understand that the Jewish members have a particular concern, which is a concern about the security of Israel,” Schakowsky said. “There were reassurances made there too. I think in general the feeling was that not only was that session satisfactory but there is a willingness of the administration to work with us to answer the concerns.”

Obama likely has the votes to sustain a veto – the next two months are uncertain and PC is critical

Bolton 7/19 – The Hill (Alexander, “Dems worry Iran deal may wilt in dog days of August”, The Hill, 7/19/15, <http://thehill.com/homenews/senate/248420-dems-worry-iran-deal-may-wilt-in-dog-days-of-august>, accessed 7/19/15)//RZ

Democratic lawmakers are holding back their support for President Obama’s controversial nuclear deal with Iran, knowing the political dynamic surrounding it could change dramatically in the coming months.

Political firestorms tend to erupt during the long, hot days of August, when lawmakers meet face-to-face with constituents in town-hall meetings that can quickly grow contentious.

Pro-Israel and other political advocacy groups know this and plan to spend tens of millions of dollars over the next two months to build a firestorm of opposition to the deal they believe preserves Iran’s ability to build a nuclear weapon.

A few Democrats, such as Sen. Dianne Feinstein (D-Calif.), have already said they'll vote for the deal when it comes to the Senate floor in September, but others are reserving judgment, knowing the politics of the issue could change dramatically.

"I want to first sit in my little chair in my house, take the agreement, the codicils, the annexes and read them and ponder them and study them. Then I intend to start talking to people and experts, but the first step is to do that," said Sen. Charles Schumer (D-N.Y.), a pivotal swing vote.

Twenty-eight Senate Democrats have not made clear their decisions, according to a whip list compiled by The Hill. Five Democrats have announced their support and 13 are leaning yes.

A senior Democratic aide said memories of recent August recesses turned bad still sting.

"There was ObamaCare in 2009 and the border surge in 2014," the aide said.

Democrats were stunned by the intensity of anger and opposition in response to healthcare negotiations leading up to the passage of the Affordable Care Act when they returned to their home states in August of 2009.

The issue of border security exploded into a political crisis last August when a surge of unaccompanied minors from Honduras, Guatemala and El Salvador dominated the news for weeks.

"I have two fears right now: the sixty-day window, which gives opponents plenty of time to crank up their opposition, and the issue of the lifting of the Iran arms embargo," said Jim Manley, a strategist and former senior aide to Senate Democratic Leader Harry Reid (D-Nev.).

"As someone who had a front-row seat in 2009 when I saw how quickly the Tea Party activists managed to turn debate on ObamaCare on its head, I'm very concerned about something similar happening this time around," he added.

Pro-Israel groups led by the American Israel Public Affairs Committee (AIPAC) plan to spend millions of dollars on a nationwide lobbying campaign.

Citizens for a Nuclear Free Iran, a new group backed by AIPAC, launched a multi-million-dollar nationwide campaign Friday to oppose the nuclear deal.

"We think Democrats should be concerned because the deal increases the chances of war, will spur a nuclear arms race and rewards an Iran with a horrific human rights record," spokesman Patrick Dorton told The Hill.

Opponents will argue the deal does not achieve "anytime, anywhere" inspection, fails to specify to what extent Iran must disclose past work on nuclear weapons and allows it to continue developing intercontinental ballistic missiles.

The battle for influence will focus on a group of about 15 Senate Democrats whom Republicans need to reach the 67-vote threshold to override a veto of a disapproval resolution.

"How's the verification going to work? How can we be assured that Iran sticks to what they've agreed to? How are the sanctions going to snap back into place if they don't?" asked Sen. Jeanne Shaheen (D-N.H.).

Senior congressional aides say there are enough votes this month to sustain President Obama's expected veto of a resolution overturning the deal, but warn the environment could change over the next two months.

"The fact that there's a vote in September makes me worry. If the votes were held now, we'd be fine," a Senate Democratic leadership aide told The Hill on Tuesday.

Democrats, however, say they are more prepared for the lobbying assault than they were six years ago when the vitriolic backlash against ObamaCare caught them flatfooted.

"I think that the opponents are motivated and well-funded and have a lot of passionate supporters to do grassroots type of lobbying. I think supporters of the deal are expecting that and prepared unlike ObamaCare summer, which took a lot of people by surprise," said a Senate Democratic aide.

The Senate Foreign Relations Committee will hold its first hearing on the accord July 23, when Secretary of State John Kerry, Energy Secretary Ernest Moniz and Treasury Secretary Jack Lew are scheduled to testify.

Sen. Ben Cardin (Md.), the senior Democrat on the panel, expects it to hold at least three public hearings over the next three weeks before the recess.

The administration has deployed an intense lobbying campaign led by Vice President Joe Biden in hopes of locking down votes before lawmakers leave town.

"I'm sure the administration is going to be applying pressure for people to support it early to build political momentum," said another Senate Democratic aide.

Deal will pass—rare era of bipartisanship in foreign policy ensures cooperation over passage

Nossel 7/16, executive director of the Pen American Center and a former deputy assistant secretary of state for international organizations at the U.S. State Department, (Suzanne, 7/16/15, The Do-Something Congress, The Hill, <https://foreignpolicy.com/2015/07/16/the-do-something-congress-iran-deal-bipartisanship-obama-republicans/>)/kap

In the hours after President Barack Obama announced that the long-running negotiations over Iran's nuclear program had finally reached an agreement, the Republican attacks landed fast and heavy. Sen. Lindsey Graham (R-S.C.) told Bloomberg that the deal is "akin to declaring war on Sunni Arabs and Israel." Republican presidential hopeful Gov. Scott Walker of Wisconsin said it "will be remembered as one of America's worst diplomatic failures." Jeb Bush lambasted it as "dangerous, deeply flawed, and short-sighted." And Sen. Tom Cotton, (R-Ark.) attacked it on MSNBC's Morning Joe as "a terrible, dangerous mistake" and promised, "The American people are going to repudiate this deal, and I believe Congress will kill the deal."

The hard-fought agreement, which Congress now has 60 days to review and vote on, seems poised to be a death battle in the long-running war between President Obama and his Republican nemeses over the direction of U.S. foreign policy.

Despite a sharp-elbowed China, a flailing counterterrorism strategy, and a Middle East in meltdown, one of the most potent challenges to Obama's foreign policy has originated right in Washington. Pervasive, entrenched, and ideologically grounded partisan polarization has stymied the projection of U.S. power around the world, delayed and thwarted critical decisions, weakened international alliances, and undercut the deterrent effect of U.S. military might. The abandonment of the ideal of a bipartisan foreign policy, the defeat and retirement of centrist Republicans, and the escalation of gamesmanship in the 24-hour online news cycle have diminished the will to compromise and led many policymakers to prioritize political point-scoring at the expense of American global leadership.

Only this time, despite the bombast and chagrin, there's reason to believe that things may play out differently, and that after the early rhetoric clears, Republicans and Democrats will join forces to pass the deal by a comfortable margin.

The last few months have witnessed a tentative, barely perceptible pattern of uncharacteristic compromise across the aisle on a series of high-profile issues of international concern. The granting of Trade Promotion Authority in June, the swift approval of this year's \$612 billion National Defense Authorization Act by a veto-proof majority in the U.S. Senate, passage of the USA Freedom Act mandating reforms to dragnet surveillance, and legislation governing congressional review of a potential nuclear deal with Iran all represent bipartisan breakthroughs on high-profile, contentious issues where common ground was previously elusive. The biggest test of whether the emerging bipartisanship can hold will come in the next 60 days as Congress reviews the president's nuclear agreement, the most controversial foreign-policy initiative of his presidency.

Rather than reflecting a philosophical shift on either side, the surprising emergence of solid bipartisan majorities on a series of contested issues reflect a calculation that is quietly taking hold and may persist through the presidential election on Nov. 8, 2016. Neither Democrats nor Republicans know who will control the White House and Congress 18 months hence. After six and a half years of obstructing the president, Republicans now need to prepare for the possibility that they may be in the Oval Office come January 2017. Overlaying their own personal viewpoints and constituency concerns, Democratic lawmakers face a three-fold imperative: vindicating President Obama's tenure as a success, enabling Hillary Clinton (or any other Democratic heir), and imposing checks on a potential President Bush, Walker, or Trump.

While some Democrats may trust President Obama not to misuse terabyte upon terabyte of Americans' metadata, for example, the prospect of putting that information in the hands of a Walker administration feels different. While the period ahead will be one of pitched partisanship on hot and crowded campaign buses, it may also open a window for bipartisan cooperation in Washington motivated by policymakers seeking to safeguard their interests amid an uncertain election outcome.

Few disagree with the idea of a bipartisan foreign policy in theory. The godfather of bipartisanship in international affairs, former Sen. Arthur Vandenberg (R-Mich.), famously intoned that "we must stop politics at the water's edge," so that "America speaks with maximum authority against those who would divide and conquer us and the free world." While continuing to champion robust debate, Vandenberg sidelined his own staunch isolationism to

join President Harry Truman in thwarting the rise of a remilitarized Germany and Japan, enacting the Marshall Plan, and creating NATO — some of the most enduring foreign-policy accomplishments of the 20th century.

Vandenberg's vision proved enduring but also elusive. While commentators often harken back to bipartisan unity in facing down the Soviet Union under Reagan, rolling back Saddam Hussein in the first Gulf War, stopping the Bosnian genocide, or waging war in Afghanistan after 9/11, the historical record reveals that considerable divisions and a strong doses of partisan invective accompanied all those efforts. Moreover, the flow of such examples has slowed to a trickle in recent years, and the consequences of the drought have been visible and damaging. The successive debt ceiling, government shutdown, and sequestration battles during the Obama administration distracted the White House from foreign-policy matters, spooked global markets, and bred worldwide doubts about whether the United States was capable of governing itself, never mind leading the rest of the world.

More recent examples of partisanship undermining policy interests are many. The recriminations over the attack of the American diplomatic compound in Benghazi in 2012 have demonstrated that, rather than inspiring fortitude, terrorist attacks can now sow domestic divisions. Obama's failed attempt to muster congressional support to defend his red line and punish Syrian President Bashar al-Assad's use of chemical weapons with airstrikes in the summer of 2013 marked a low for U.S. credibility in the Middle East. Two years later, Republican commentators tend to blame Obama's failure to go through with the strikes for almost every bad thing that has befallen the region since. Five years of congressional dithering over reforms negotiated by the Obama administration for the International Monetary Fund led China to circumvent the fund, uniting regional neighbors and key American allies in a new Asian Infrastructure Investment Bank that excludes the United States.

The Senate's own historians have judged the congressional leadership's direct dealings with foreign leaders and public repudiation of the president's foreign policy unprecedented. The Senate's own historians have judged the congressional leadership's direct dealings with foreign leaders and public repudiation of the president's foreign policy unprecedented. House Speaker John Boehner's invitation to Israeli Prime Minister Benjamin Netanyahu to appear before a joint session of Congress in March to assail a potential nuclear deal with Iran put the world on notice that the White House might not be able to deliver American support for a deal. Days later, 47 Republican senators signed an open letter to Iranian leaders proclaiming that they were unlikely to honor any agreement signed by Obama after the end of his term.

And then, tenuously, the tenor shifted. Not knowing who will win the next election, Washington is now operating under a political equivalent of the "veil of ignorance" that philosopher John Rawls first described in his 1971 book, *A Theory of Justice*. Rawls posited that the fairest way to set up rules in a society would be through debate in which participants would not know where they would be situated in a future system governed by the rules they were establishing. For example, if a society was to set precepts governing slavery, those deliberating the terms would do so without knowing whether they would end up slaves or masters in the order they created. Rawls's notion was that regulations established from behind such a veil of ignorance about rule-makers' own individual future roles and status would be fairer than those set by stakeholders

aiming to preserve positions and prerogatives that they know they will enjoy by virtue of their station.

The uncertain outcome of the 2016 election has cast a natural veil of ignorance over the Washington policymaking process: Lawmakers and executive branch officials don't know who will be implementing (or trying to reverse) the decisions they make. As Rawls's predicted, that uncertainty incentivizes a more balanced and, dare I say, enlightened approach to decision-making as policymakers strive to protect their interests under a range of scenarios.

Obama Pushing

Obama is all in to get the Iran deal passed

Carney 7/18, staff writer at The Hill, (Jordain, 7/18/15, Obama's five big arguments on Iran deal, The Hill, [//kap">http://thehill.com/homenews/administration/248387-obamas-five-big-arguments-on-iran-deal\)//kap](http://thehill.com/homenews/administration/248387-obamas-five-big-arguments-on-iran-deal)

The Iran nuclear agreement is complete, but the debate over the deal has just begun.

The White House has launched an aggressive lobbying campaign to sell the accord at home and abroad, where it faces deep skepticism from lawmakers and traditional U.S. allies.

Obama is looking to build enough support in Congress to sustain a veto of any resolution disapproving of the deal.

And he is seeking to reassure Israel and Arab states, who worry the agreement will embolden their top regional rival, Iran.

Obama's in a full-court press now – solves veto-override

AFP 7/16/15 – Agence France-Presse (White House courts Congress on Iran, Democrats skeptical, Global Post, [//JJ">http://www.globalpost.com/article/6617438/2015/07/16/white-house-courts-congress-iran-democrats-skeptical\)//JJ](http://www.globalpost.com/article/6617438/2015/07/16/white-house-courts-congress-iran-democrats-skeptical)

The White House dispatched Vice President Joe Biden to Congress for a second straight day Thursday in a bid to soothe skepticism about the historic nuclear deal with Iran, but Democrats remained wary.

The veteran former senator sought to assuage concerns expressed by some of his onetime colleagues with detailed explanations about the international inspections regime and other controversial elements of the accord.

"He made a good case. He did not launch into a major defense (of the deal), instead he answered questions," Senator Tim Kaine said after Biden met with Democrats on the Senate Foreign Relations Committee.

"He allayed some concerns," Kaine added, while declining to say whether he was committed to supporting the pact.

A day earlier Biden met with Democrats in the House of Representatives on a similar mission.

Republican House Speaker John Boehner reiterated his concerns about the agreement Thursday.

"Given everything I've seen so far, this is a bad deal. It paves the way for a nuclear Iran," he said.

"We're going to fight a bad deal that's wrong for our national security and wrong for the country."

The accord sees Iran's nuclear program curtailed in exchange for an easing of crippling economic sanctions.

Congress has 60 days to review the agreement, and can vote to approve or reject it.

Under legislation passed in May, President Barack Obama is barred from lifting congressional sanctions on Iran during the review period, unless Congress approves the deal during that time.

Many Republicans, including several running for president in 2016, have already expressed opposition to it.

Democrats, while admittedly unsure, are urging colleagues to study the agreement and consider experts' testimony before passing judgment.

Should Congress pass a resolution of disapproval, Obama would veto it.

Two-thirds of lawmakers would be needed to override a presidential veto, and top House Democrat Nancy Pelosi expressed confidence Thursday that her caucus would prevent such an override.

"I'm very optimistic about our ability to support the president," she said.

Another phase in Obama's full-court press begins next week, when Secretary of State John Kerry, who was instrumental in striking this week's agreement with America's historic foe, testifies in the first of several congressional hearings on Iran.

Energy Secretary Ernest Moniz and Treasury Secretary Jack Lew will also testify.

AT: UN Move Blocks Passage

No impact to UN move – it's consistent

Everett and French 7/16/15 – congressional reporters for POLITICO (Burgess and Lauren, Congress balks at Obama's UN move on Iran deal, POLITICO, [//JJ">http://www.politico.com/story/2015/07/congress-responds-to-obamas-un-move-on-iran-deal-120257.html?hp=b1_l2">//JJ](http://www.politico.com/story/2015/07/congress-responds-to-obamas-un-move-on-iran-deal-120257.html?hp=b1_l2)

Meanwhile, Sen. Ted Cruz of Texas, a conservative aspirant for the GOP presidential nomination, announced his intent to delay all State Department nominees and legislation to authorize the agency until Obama tells Cruz that he will block a UN vote.

"It seems your administration intended all along to circumvent this domestic review," Cruz wrote in a letter to the president. "That Samantha Power has already introduced a draft resolution to the Security Council portrays an offensive level of disrespect for the American people and their elected representatives in Congress."

It's unclear how widespread the ramifications of the administration's submission to the U.N. will be. But it doesn't appear to be doing the administration any favors with Cardin, a key swing Democrat that the administration is likely to need on its side, or Corker, the undecided chairman who will lead an aggressive hearing schedule over the next two weeks.

But the popular congressional review law crafted by Cardin and Corker includes no provisions that punish the administration for submitting the deal to the United Nations before Congress votes, leading Republicans like House Majority Leader Kevin McCarthy of California to accuse Obama of violating the "spirit" of the law rather than the law itself.

Other lawmakers shrugged off the dispute. Senate Majority Whip John Cornyn (R-Texas) called it "immaterial" to lawmakers' role in deciding whether or not to lift congressional sanctions, and Sen. Tim Kaine (D-Va.) said it was wholly consistent with the long-debated nuclear review law that states the UN and administration can lift "sanctions that Congress didn't have anything to do with."

"You could certainly argue with the tactic, but it was very plain," Kaine said.

AT: Uniqueness Overwhelms the Link/ AT: Pelosi = Passage

*****note when prepping file --- a version of this card is also in the 2nc uniqueness block**

Obama's margin for error is thin—only aggressive lobbying will ensure passage

French 7/16/15 – Congress reporter for POLITICO (Lauren, Nancy Pelosi voices 'strong support' for Iran deal, Politico, <http://www.politico.com/story/2015/07/iran-deal-nancy-pelosi-supports-120224.html>)/JJ

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AT: Thumpers --- Top Level

Nothing thumps—our 1NC Lillis evidence indicates that the Iran deal is Obama’s top priority and that he is pushing it over all other issues.

Iran deal is top of the docket

Byrnes and Kamisar 7/15, staff writer at The Hill, (Jesse and Ben, 7/15/15, Obama defends Iran deal, The Hill, [//kap](http://thehill.com/homenews/administration/248028-obama-defends-iran-deal)

President Obama on Wednesday sought to defend his administration’s nuclear deal with Iran, suggesting it was a historic opportunity that the United States should not pass up.

“It prevents the most serious threat — Iran obtaining a nuclear weapon, which would only make the other problems Iran may cause even worse,” Obama said during a press conference.

“If we don’t choose wisely, I believe future generations will judge us harshly for letting this moment slip away,” Obama said in brief opening remarks.

Obama outlined a litany of arguments for adopting the deal, saying it cuts off Iran’s pathways to a bomb, provides “unprecedented, around-the-clock” international inspections to known sites and the entire supply chain and deters the threat of a nuclear Iran.

Negotiators working for the past two years reached an accord early Tuesday providing sanctions relief for Iran in exchange for a rollback of its nuclear program.

The deal expands the breakout time for Iran to obtain enough material to build a nuclear weapon to one year by reducing the amount of centrifuges and uranium Iran can have, limiting the reactors it can build and adding further restrictions and inspection protocols.

But critics have blasted many parts of the accord, including the intensity of inspections, saying that Iran could have up to 24 days before inspectors are allowed access to undeclared sites.

Obama hit those concerns, pushing back on the idea that the 24-day window is insufficient. He noted that the international community could vote to overrule Iran if it tries to restrict access to undeclared sites, even without the support of Russia or China, countries that have been sympathetic to Iran in the past.

“The nature of nuclear programs and facilities is such — this is something you do not hide in a closet. This is not something that you put on a dolly and wheel off somewhere,” Obama said.

“We don’t need Russia or China in order for us to get that override,” he said. “If they continue to object, we’re in a position to snap back sanctions.”

The deal with Iran, a top priority for Obama in his second term, is being met with deep skepticism from members of Congress and others in the Middle East, particularly Israel.

A significant number of lawmakers have argued that anything short of a complete dismantling of Iran's nuclear program is a failure and question terms that lift arms and ballistic missile embargoes after five and eight years, respectively. That would allow Iran to possess those weapons, despite its stated hostility to Israel, as well as its support for terrorism and other destabilizing forces in the region.

Obama countered that international law has a "number of mechanisms" to prevent illicit arms shipments by Iran and that it will be easier to check Iran's "nefarious" actions if it doesn't have a bomb.

He said he told negotiators they should press for a longer extension of the arms embargo and of ballistic missile prohibitions given concerns Iran can't be trusted. "And we got that," he said.

Congress will have 60 days to review the deal and an additional 12 days to vote on it as part of a law passed earlier this year as a compromise between Congress and the White House.

If Congress can overcome the president's veto, he won't be able to lift all of the country's sanctions against Iran, which could jeopardize the deal. But if Congress fails to scuttle the deal, either through a "no" vote or a decision not to hold a vote, Obama is authorized to move forward and abide by the terms.

AT: Cuba Thumper

Restoration of embassies and relations ensures that Cuba is not a loss anyway

BBC 7/20, the public-service broadcaster of the United Kingdom, headquartered at Broadcasting House in London, (7/20/15, Cuban flag flies in Washington as relations restored, BBC, <http://www.bbc.com/news/world-latin-america-33590417>)/kap

Just after midnight local time, the diplomatic missions of each country became full embassies.

The Cuban flag was raised on Monday at the newly opened embassy in Washington.

"Nothing is more futile than trying to live in the past," said US Secretary of State John Kerry.

"We're taking a historic and long overdue step in the right direction."

Despite the historic shift, both sides admit to lingering difficulties.

There were still "issues that we don't see eye to eye on", a US state department spokesman said.

A flag will not be raised at the American Embassy in Havana until Mr Kerry pays a visit there on 14 August.

Bruno Rodriguez, Cuba's minister of foreign affairs, called for a removal of the 53-year-old US trade embargo and for the US to return Guantanamo Bay to Cuba.

"I will welcome Mr Kerry in a few weeks and continue talks," Mr Rodriguez said.

Outside of the embassy, crowds of people cheered as the Cuban national anthem played and three Cuban soldiers stood at attention while the flag was raised.

Protesters dotted the crowd, and one was removed from the area by police.

Mr Obama's efforts to engage Cuba were partly held back by the country's imprisonment of US Agency for International Development contractor Alan Gross, who was jailed for espionage charges. Secret negotiations led to Mr Gross's release last year.

Restrictions on Americans wanting to travel to Cuba remain in place, as does the wider US trade embargo banning most American companies from doing business in Cuba.

Cuba says the embargo - which it calls a blockade - is hugely damaging to its economy.

President Raul Castro has urged President Barack Obama to lift it, calling it the main stumbling block towards normalisations. But the US Congress would have to vote on the issue.

The two presidents announced the move towards diplomatic ties in December last year.

Conrad Tribble, deputy chief of mission for the US in Havana, tweeted: "Just made the first phone call to State Dept Ops Center from United States Embassy Havana ever. It didn't exist in Jan 1961."

He then shared the US Cuban embassy's new Twitter account, which already has more than 5,000 followers.

Link/ Internal Link

PC key

Political capital solves a veto-override

Lee et al 7/15/15 – The Wall Street Journal (Carol, Colleen Nelson, Kristina Peterson, Obama Girds for Battle With Congress on Iran Deal, Wall Street Journal, <http://www.wsj.com/articles/obama-girds-for-battle-with-congress-on-iran-deal-1437005023>)//JJ

WASHINGTON—President Barack Obama delivered an unusually animated and sometimes combative defense of the Iran nuclear deal the day after it was reached, girding for a complicated political challenge likely to force him to use his veto to save his crowning foreign-policy achievement.

Lawmakers have 60 days to review the agreement and an option to vote on approving or disapproving it, with opposition to the deal widespread among Republicans who control both houses of Congress. If they vote it down, the deal's survival will hinge on Mr. Obama's ability to secure enough support from his own Democratic Party to prevent a two-thirds majority in each chamber from overriding his promised veto.

Opponents of the deal ramped up their criticism and organization against it on Wednesday.

Mr. Obama, in a 67-minute news conference at the White House, accused opponents—from Israeli leader Benjamin Netanyahu to Republican lawmakers—of pushing political talking points to simply discredit the accord as a bad deal.

“For all the objections of Prime Minister Netanyahu or, for that matter, some of the Republican leadership that’s already spoken, none of them have presented to me or the American people a better alternative,” Mr. Obama said.

“Either the issue of Iran obtaining a nuclear weapon is resolved diplomatically through a negotiation or it’s resolved through force, through war,” he added. “Those are the options.”

The president's aggressive defense of the deal drew quick pushback from Republicans in Congress, where the criticism has largely been twofold: that the agreement won't stop Iran from acquiring a nuclear weapon and that it doesn't address broader concerns about Tehran's behavior in the region. Rep. Lee Zeldin (R., N.Y.) disputed the president's assertion that this is a choice between the accord or war.

“Here's an alternative other than war: A better deal,” Mr. Zeldin said. “For the security of America and the stability of the Middle East, we must pursue a better direction immediately.”

Sen. Marco Rubio, a Florida Republican and 2016 presidential candidate, started an online petition opposing the deal, and the powerful pro-Israel lobby Aipac is calling on lawmakers to vote against it. At the same time, J Street, a liberal pro-Israel group, said Wednesday it will launch a multimillion-dollar effort, including ads in print and broadcast media, to lobby lawmakers to support the deal.

The agreement reached Tuesday in Vienna puts strict limits on Iran's nuclear program for the next decade that are designed to keep Tehran from being at least 12 months away from amassing enough nuclear fuel for a bomb. In exchange, the U.S., the European Union and the United Nations will lift economic sanctions on Iran.

Mr. Obama said he is "not betting on the Republican Party rallying around this agreement," and Vice President Joe Biden met with Democrats on Capitol Hill. Mr. Biden told Democratic lawmakers he was initially skeptical of the deal but is now convinced the agreement, while not perfect, is worth supporting, according to participants.

But even some Democrats expressed concerns about the deal, particularly on the inspections provisions and the decision to lift United Nations embargoes on arms and ballistic missile sales to Iran.

"For most members, including myself, it comes down to verification," said Rep. Ron Kind of Wisconsin, chairman of the New Democrat Coalition, a group of centrist House Democrats. "It comes down to access to the sites, making sure they're not impeded in any way, that we've got unlimited access to where we need to go to make sure Iran is living up to their agreement."

The White House's effort to preserve the deal depends on cohesion among Democrats in the House and persuading wavering Democratic senators to stick with the president. That is because it became clear in the hours after the agreement's unveiling that few, if any, Republicans were likely to support it.

For Mr. Obama, the next best option would be for Democrats to block the Republican-controlled Congress from passing a resolution of disapproval. Such a resolution would likely prompt the agreement's collapse if Congress could override a veto from Mr. Obama.

The debate will apply particular pressure to Democrats with large Jewish constituencies and those who were early advocates of Congress getting the right to review and vote on any final deal. They include Sen. Charles Schumer, a Democrat from New York who is expected to succeed Sen. Harry Reid of Nevada as the Democratic leader, and others both on and off the Foreign Relations Committee.

Holding the line in the House will be a tough task, where legislation can pass on a majority vote. Mr. Obama has better prospects in the Senate, where Republicans hold 54 of the 100 seats and most bills need 60 votes to clear procedural hurdles.

Democrats said they were weighing the risks of spurning a deal painstakingly reached against embracing an agreement with an outcome that is ultimately unclear.

"The risk of voting for it is that if the Iranians cheat and somehow achieve a path to a bomb in spite of the agreement, then you look like you signed on to something that wasn't effective," said Sen. Angus King (I., Maine). Conversely, the risk of rejecting the deal is that it scuttles the international agreement, unraveling the sanctions and leaving Iran's nuclear ambitions unchecked, he said. "There are risks in both directions."

If both chambers were to pass a resolution disapproving the deal, Mr. Obama has said he would veto it. Democratic lawmakers and aides said they thought there would be enough support to sustain the president's veto. It takes a two-thirds majority in each chamber to override a veto.

The president's overarching message was for lawmakers to study and judge the deal on its merits.

"My hope is that everyone in Congress also evaluates this agreement based on the facts—not on politics, not on posturing, not on the fact this is a deal I bring to Congress as opposed to a Republican president," Mr. Obama said.

Some lawmakers called on their colleagues to take a thorough look at the deal before rushing to judgment.

"To denounce an agreement or a deal before the ink is even dry strikes me as an abdication of our responsibility," said Mr. King, a member of the Senate Armed Services and Intelligence committees.

GOP irrelevant – Obama's political capital is key to the necessary democrats on board

Everett 7/15/15 – congressional reporter for Politico (Burgess, White House woos Republicans on Iran, Politico, <http://www.politico.com/story/2015/07/white-house-woos-republicans-on-iran-120181.html>)/JJ

There's ample reason for the White House to engage in the hearing schedule before lawmakers head home for the August recess and begin hearing from constituents. Though President Barack Obama needs a group of centrist House and Senate Democrats to side with him to prevent Congress from blocking the agreement, there is a small number of Republicans who insist they're undecided and open to persuasion by top administration officials.

Congressional Democrats and Obama himself doubt that any Republicans will vote for the deal; their list of potential targets in the Senate is probably limited to the seven Republicans who didn't sign a controversial letter to Iranian leadership in March, criticizing a potential agreement. But the political value of picking up even a single GOP supporter and making the support for the deal "bipartisan" would be enormous for an administration used to partisan wins on health care — and partisan losses on matters like gun control and the minimum wage.

Moderate Republican Sen. Susan Collins said she has questions about lifting the arms embargo and the inspections regime, but she also indicated she could conceivably come around. But first, she's recommending the administration organize a briefing where senators can ask questions until they have no more.

"I have not reached a final decision because I think it's premature to do so prior to the administration giving us a thorough briefing," the senator from Maine said in an interview. "I've told them it should be next week."

Another undecided Republican is Sen. Jeff Flake of Arizona, who said a series of June briefings made him more confident of the international community's ability to monitor Iran's adherence to a deal. But he isn't there yet.

"We've got to do due diligence. I've supported the negotiations, I've always said I would support a good deal and I'm trying to decide if it is," Flake said. "It has to be judged not against the ideal but against the alternative. I'm not rejecting it out of hand, but I approach it skeptically like Chairman Corker."

Corker, Flake and Collins said that the hearing process will be paramount to their ultimate decision whether to support an Iran deal during a resolution of approval or disapproval vote in September. But as Capitol Hill prepares to kick off a 60-day review period ending with a vote on either a resolution of approval or disapproval in September, the White House outreach effort is already underway.

On Wednesday, Vice President Joe Biden met with the House Democratic Caucus for 70 minutes on the deal. Collins has spoken with two Cabinet-level officials and a top official at the White House. Corker has privately discussed the agreement with White House chief of staff Denis McDonough and planned to speak with Moniz, who was heavily involved in negotiations, on Wednesday evening.

Sen. Ron Johnson (R-Wis.), a member of Corker's committee who has been critical of the talks, received a call from U.S. Ambassador to the United Nations Samantha Power shortly after the deal was announced.

Not all senators have received high-level attention. McCain, who called the agreement a "bad deal," said he'd received a phone call from an official at the National Security Council but hadn't returned it.

"I think they had some undersecretary of something call my staff," said Senate Majority Whip John Cornyn (R-Texas), struggling to conjure a name.

Meanwhile, six Democratic senators were invited to the White House on Wednesday night to talk shop.

Though the administration will make some effort woo Republicans, when it comes down to cobbling together enough senators to protect the president from a veto-proof majority in opposition to the deal, it's clear where the White House's money is.

"I'm sure they are spending all their time on what they would perceive to be moderate Democrats," Corker said.

Obama's political capital is key to Iran

Toronto Star 7/14/15 – renowned Canadian newspaper (Obama warns skeptical Congress not to stand in way of landmark Iran nuclear deal, The Hamilton Spectator, Lexis)//JJ

WASHINGTON President Barack Obama heralded a historic nuclear agreement with Iran Tuesday as an opportunity for the longtime foes to move in a "new direction," while sharply warning the U.S. Congress that it would be irresponsible to block the accord.

"No deal means a greater chance of more war in the Middle East," Obama said in early morning remarks from the White House.

Obama, accompanied by Vice-President Joe Biden, spoke shortly after negotiators in Vienna announced the landmark deal aimed at curbing Iran's nuclear program for more than a decade in exchange for billions of dollars in international sanctions relief. The president said the agreement, hammered out through nearly two years of negotiations, would cut off all of Iran's pathways to a bomb and give the international community unprecedented access to the country's nuclear facilities.

"This deal is not built on trust," Obama said. "It is built on verification."

For Obama, the accord marks the fulfillment of one of his top foreign policy goals and will be cast by the White House as a validation of the president's focus on seeking resolutions through diplomacy. The president staked enormous political capital on the diplomatic pursuit with Iran, deeply straining relations with Israel and sparking outrage from some congressional lawmakers.

It will likely be well after Obama has left the White House before it is known whether the deal succeeds in preventing Iran from building a bomb. Critics say Iran cannot be trusted even with the lower levels of nuclear technology it will be allowed to retain under the terms of the agreement.

With the deal between the world powers now finalized, Congress has 60 days to assess the accord and decide whether to pursue legislation imposing new sanctions on Iran or prevent Obama from suspending existing ones. Obama called congressional leaders Monday night to alert them that a deal was at hand.

In his remarks Tuesday, the president renewed his vow to veto any such legislation and urged lawmakers to consider the repercussions of their actions. He painted a grim scenario in which the rest of the world struck its own nuclear deals with Iran, leaving the U.S. isolated. And without the limitations and verifications included in the deal announced Tuesday, Obama said he or a future U.S. president would be more likely to face a decision about using U.S. military action to prevent Iran from building a bomb.

In addition to his calls with congressional lawmakers, administration officials said Obama was likely to speak Tuesday with Israeli Prime Minister Benjamin Netanyahu, Saudi Arabia's King Salman, and European leaders.

Obama acknowledged Tuesday that the U.S. and Iran remain at odds over many issues, including Tehran's support for terrorism in the Middle East and its detention of several American citizens. Still, he suggested a breakthrough on the nuclear issue could pave the way for a broader shift in relations between the U.S. and Iran.

"This deal offers an opportunity to move in a new direction," Obama said. "We should seize it."

Political capital is key – there's an administration full-court press

Pecquet 7/19/15 – congressional reporter for Al Monitor (Julian, Kerry begins Iran deal sales push on Capitol Hill, Congressional Pulse, Al Monitor, <http://www.al-monitor.com/pulse/originals/2015/07/iran-nuclear-congress-kerry-zarif-putin-unsc.html>)//JJ

US Secretary of State John Kerry begins the sales push of his life this week as he tries to stop Congress from wrecking what supporters hail as his crowning diplomatic achievement.

America's top diplomat is expected to defend the Iran deal before both the House and Senate foreign affairs panels, although neither hearing has been publicly notified yet. Expect him to be flanked by Treasury Secretary Jack Lew and Energy Secretary Ernest Moniz, who has emerged as one of the most trusted administration sources on Capitol Hill, to provide the details.

Wendy Sherman, the undersecretary of state for political affairs who was a key player in the negotiations, will also be back on Capitol Hill selling the deal as soon as July 20, according to the State Department's daily schedule. The appearances are part of a full-court press by the administration that includes personal lobbying on Capitol Hill by Vice President Joe Biden and an upcoming visit to Israel and Saudi Arabia by Defense Secretary Ash Carter.

The administration has its work cut out as it tries to prevent the House and Senate from assembling a veto-proof majority over the next 60 days for legislation that would bar the White House from lifting statutory sanctions on Iran and potentially kill the deal before it even goes into effect. Already, more than 170 House members have signed on to a resolution of disapproval from the co-chairman of the House Republican Israel Caucus, Rep. Peter Roskam, R-Ill., while the pro-Israel lobby American Israel Public Affairs Committee is now officially urging lawmakers to reject the deal.

Impacts

Proliferation Impact

Deal's key to the overall credibility of the entire nonprolif regime

Jeffrey M. Kaplow 15, Fellow with the University of California's Institute on Global Conflict and Cooperation and a Ph.D. candidate in political science at the University of California, San Diego, 2015, "The Days After a Deal with Iran: Implications for the Nuclear Nonproliferation Regime," http://www.rand.org/content/dam/rand/pubs/perspectives/PE100/PE135/RAND_PE135.pdf

A nuclear **agreement** with Iran would represent a success for the nonproliferation regime in several ways. Most fundamentally, a deal **offers** at least the prospect of a sustainable **resolution of the Iranian nuclear issue**. **It is hard to overstate the importance of this result for the regime as a whole**. The **Iran** nuclear case has been the central preoccupation of U.S. nonproliferation policy—and that of multilateral bodies such as the IAEA Board of Governors—for more than a decade. The unyielding emphasis on Iran has been central to U.S. efforts to mobilize broad support, first for a finding of noncompliance with the NPT, and later for robust international sanctions. But this strategy **has sidelined** discussion of **other important nonproliferation issues, including** efforts to bolster **nuclear security**, promote universal adherence to the Additional Protocol, **and find a solution to** the loophole of **NPT withdrawal**. And it has complicated relations with some states, particularly those that have been active in the Non-Aligned Movement, as the United States exerted pressure on them to support its votes on Iran in the IAEA and the United Nations.⁴ **A deal with Iran could** thus lead to a welcome turning of the page in U.S. nonproliferation efforts. Of course, a deal does not make the Iran nuclear issue go away, but it may help to put it on a more stable and sustainable footing. If Iran's nuclear program is no longer seen as a crisis, it may **allow the United States and like-minded states to act more strategically on other** important **nonproliferation issues**.[¶] A nuclear **agreement** with Iran also **would increase the credibility of the regime as a whole**. A deal **sends an important message** to the international community: **The nonproliferation regime** may be messy, but it **works**. Some in the nonproliferation community have spent the last several years sounding the alarm about the decline of the regime.⁵ These analysts argue that the continued pursuit of nuclear weapons by state parties to the NPT makes others more likely to violate the regime in the future. Behind this argument is the idea that **dwindling confidence in the ability of the nonproliferation regime to constrain state behavior threatens to undermine** states' **collective commitment** to forswear nuclear weapons—the fundamental agreement underlying the NPT. If a country sees others cheating and getting away with it, that country may feel less secure and thus more likely to cheat as well. By limiting Iranian nuclear ambitions, then, a deal has the potential to eliminate—or at least make less salient—a prominent example of a country that appears to be cheating and getting away with it.[¶] This effect is amplified because there are other states in the region that have felt threatened by an unconstrained Iranian nuclear effort.⁶ A deal will not completely reassure Iran's neighbors, given that their concerns over Iran run much deeper than its nuclear program and even the best deal cannot eliminate the possibility of future noncompliance, but it is possible that a nuclear agreement will calm regional nerves somewhat. If Saudi Arabia, the United Arab Emirates (UAE), and others in the region come to see a diminished threat from Iran as a consequence of a deal, **this** potentially **affects the strength of the regime as a whole**.⁷ The international community may perceive Iran's neighbors as less likely to pursue their own nuclear

weapons programs or adopt nuclear hedging strategies, which makes other countries less likely to consider weapons themselves, and so on.⁸ The ripple effects of this signal extend well beyond Iran's neighbors, to reach potential proliferants globally.

Credible regime prevents global nuclear escalation involving every major power

The Economist 3-7, "The new nuclear age," 2015,

<http://www.economist.com/news/leaders/21645729-quarter-century-after-end-cold-war-world-faces-growing-threat-nuclear>

A quarter of a century after the end of the cold war, the world faces a growing threat of nuclear conflict. Within the next few weeks, after years of stalling and evasion, Iran may at last agree to curb its nuclear programme. In exchange for relief from sanctions it will accept, in principle, that it should allow intrusive inspections and limit how much uranium will cascade through its centrifuges. After 2025 Iran will gradually be allowed to expand its efforts. It insists these are peaceful, but the world is convinced they are designed to produce a nuclear weapon. In a barnstorming speech to America's Congress on March 3rd, Binyamin Netanyahu, Israel's prime minister, fulminated against the prospect of such a deal (see article). Because it is temporary and leaves much of the Iranian programme intact, he said, it merely "paves Iran's path to the bomb". Determined and malevolent, a nuclear Iran would put the world under the shadow of nuclear war. Mr Netanyahu is wrong about the deal. It is the best on offer and much better than no deal at all, which would lead to stalemate, cheating and, eventually, the dash to the very bomb he fears. But he is right to worry about nuclear war—and not just because of Iran. Twenty-five years after the Soviet collapse, the world is entering a new nuclear age. Nuclear strategy has become a cockpit of rogue regimes and regional foes jostling with the five original nuclear-weapons powers (America, Britain, France, China and Russia), whose own dealings are infected by suspicion and rivalry. Thanks in part to Mr Netanyahu's efforts, Iran commands worldwide attention. Unfortunately, the rest of the nuclear-weapons agenda is bedevilled by complacency and neglect. The fallout from Prague After the end of the cold war the world clutched at the idea that nuclear annihilation was off the table. When Barack Obama, speaking in Prague in 2009, backed the aim to rid the world of nuclear weapons, he was treated not as a peacenik but as a statesman. Today his ambition seems a fantasy. Although the world continues to comfort itself with the thought that mutually assured destruction is unlikely, the risk that somebody somewhere will use a nuclear weapon is growing apace. Every nuclear power is spending lavishly to upgrade its atomic arsenal (see article). Russia's defence budget has grown by over 50% since 2007, and fully a third of it is devoted to nuclear weapons: twice the share of, say, France. China, long a nuclear minnow, is adding to its stocks and investing heavily in submarines and mobile missile batteries. Pakistan is amassing dozens of battlefield nukes to make up for its inferiority to India in conventional forces. North Korea is thought to be capable of adding a warhead a year to its stock of around ten, and is working on missiles that can strike the west coast of the United States. Even the Nobel peace laureate in the White House has asked Congress for almost \$350 billion to undertake a decade-long programme of modernisation of America's arsenal. New actors with more versatile weapons have turned nuclear doctrine into guesswork. Even during the cold war, despite all that game theory and brainpower, the Soviet Union and America frequently misread what the other was up to. India and Pakistan, with little experience and less contact, have virtually nothing to guide them in a

crisis but mistrust and paranoia. If weapons proliferate in the Middle East, as Iran and then Saudi Arabia and possibly Egypt join Israel in the ranks of nuclear powers, each will have to manage a bewildering four-dimensional stand-off. ¶ Worst of all is the instability. During much of the cold war the two superpowers, anxious to avoid Armageddon, were willing to tolerate the status quo. Today the ground is shifting under everyone's feet. ¶ Some countries want nuclear weapons to prop up a tottering state. Pakistan insists its weapons are safe, but the outside world cannot shake the fear that they may fall into the hands of Islamist terrorists, or even religious zealots within its own armed forces. When history catches up with North Korea's Kim dynasty, as sooner or later it must, nobody knows what will happen to its nukes—whether they might be inherited, sold, eliminated or, in a last futile gesture, detonated. ¶ Others want nuclear weapons not to freeze the status quo, but to change it. Russia has started to wield nuclear threats as an offensive weapon in its strategy of intimidation. Its military exercises routinely stage dummy nuclear attacks on such capitals as Warsaw and Stockholm. Mr Putin's speeches contain veiled nuclear threats. Dmitry Kiselev, one of the Kremlin's mouthpieces, has declared with relish that Russian nuclear forces could turn America into "radioactive ash". ¶ Just rhetoric, you may say. But the murder of Boris Nemtsov, an opposition leader, on the Kremlin's doorstep on February 27th was only the latest sign that Mr Putin's Russia is heading into the geopolitical badlands (see article). Resentful, nationalistic and violent, it wants to rewrite the Western norms that underpin the status quo. First in Georgia and now in Ukraine, Russia has shown it will escalate to extremes to assert its hold over its neighbours and convince the West that intervention is pointless. Even if Mr Putin is bluffing about nuclear weapons (and there is no reason to think he is), any nationalist leader who comes after him could be even more dangerous. ¶ Towards midnight ¶ China poses a more distant threat, but an unignorable one. Although Sino-American relations hardly look like the cold war, China seems destined to challenge the United States for supremacy in large parts of Asia; its military spending is growing by 10% or more a year. Nuclear expansion is designed to give China a chance to retaliate using a "second strike", should America attempt to destroy its arsenal. Yet the two barely talk about nuclear contingencies—and a crisis over, say, Taiwan could escalate alarmingly. In addition Japan, seeing China's conventional military strength, may feel it can no longer rely on America for protection. If so, Japan and South Korea could go for the bomb—creating, with North Korea, another petrifying regional stand-off. ¶ What to do? The most urgent need is to revitalise nuclear diplomacy. One priority is to defend the nuclear Non-Proliferation Treaty, which slows the spread of weapons by reassuring countries that their neighbours are not developing nukes. It was essential that Iran stayed in the treaty (unlike North Korea, which left). The danger is that, like Iran, signatories will see enrichment and reprocessing as preparation for a bomb of their own—leading their neighbours to enrich in turn. That calls for a collective effort to discourage enrichment and reprocessing, and for America to shore up its allies' confidence. ¶ You don't have to like the other side to get things done. Arms control became a vital part of Soviet-American relations. So it could between China and America, and between America and Putin's Russia. Foes such as India and Pakistan can foster stability simply by talking. The worst time to get to know your adversary is during a stand-off. ¶ In 1960 Albert Wohlstetter, an American nuclear strategist, wrote that, "We must contemplate some extremely unpleasant possibilities, just because we want to avoid them." So too today, the essential first step in confronting the growing nuclear threat is to stare it full in the face.

--- XT: Rejection Collapse Deal

Deal makes it impossible for Iran to covertly engage in nuclear activity

Devaney 7/19, staff writer at The Hill, (Tim, 7/19/15, Obama aide: 'Virtually impossible' for Iran to hide nuclear activity, The Hill, <http://thehill.com/policy/international/248444-energy-secretary-virtually-impossible-for-iran-to-hide-nuclear-activity>)/kap

One of the Obama administration's top negotiators is defending the controversial Iranian nuclear agreement from critics who say it does not go far enough to protect the West.

Under the agreement, it will be “virtually impossible” for Iran to cover up nuclear activity, Energy Secretary Ernest Moniz says.

“We are better off forever in terms of Iranian nuclear activity under this agreement than we would be without it,” Moniz told “Fox News Sunday.”

Moniz made the rounds on the Sunday morning political talk shows.

Critics have suggested the nuclear agreement gives Iran too much leeway to secretly build a weapon. One of the chief concerns is that investigators could be forced to wait 24 days before inspecting covert sites suspected of nuclear activity. Some fear this will give Iran enough time to hide any traces of such activity.

“You wouldn’t tell a drug dealers, give them a 24-day notice,” Israeli Prime Minister Benjamin Netanyahu, one of the deal’s biggest critics, said. “They’d just flush the drugs down the toilet.”

But Moniz said three weeks is a “reasonable” amount of time to inspect for nuclear activity.

Flushing things down the toilet “is not so simple with nuclear materials,” he told ABC’s “This Week.” “We are very confident in our ability to detect the vestiges of any nuclear work beyond 24 days.”

Eventually, inspectors would collect environmental samples.

“When environmental samples are taken and nuclear activity has taken place, it is virtually impossible to clean up that place,” Moniz said on “Fox News Sunday.” You can paint the floors, you can do what you want. We feel very confident that we would find evidence of nuclear activity.”

The key for western negotiators was “getting a defined timeframe” so Iran couldn’t hold inspectors out for more than 24 days, Moniz said on CBS’s “Face the Nation.”

“The part of the agreement that is absolutely critical is the one that prevents them from having a weapon,” Moniz told CNN’s “State of the Union.”

“There’s a lot more you need for a nuclear explosive and if you look at the agreement you will see an indefinite commitment to not pursuing four major activities needed for a weapon,” he added on Fox.

Moniz said the Obama administration is simply trying to clean up a mess left by the Bush administration.

"The issue of Iran having a nuclear program was already established in the previous administration," Moniz said. "Clearly, what we have done is we have dramatically limited and constrained the program."

The deal solves Iranian nuclear buildup—sanctions were ineffective

Hensch 7/15, staff writer at The Hill, (Mark, 7/15/15, Energy secretary: Sanctions weren't stopping Iran, The Hill, [//kap">http://thehill.com/blogs/blog-briefing-room/news/247969-energy-secretary-sanctions-werent-stopping-iran\)//kap](http://thehill.com/blogs/blog-briefing-room/news/247969-energy-secretary-sanctions-werent-stopping-iran)

Secretary of Energy Ernest Moniz said on Wednesday that economic sanctions were not preventing Iran's nuclear arms research.

The Iran deal negotiator added that placing greater restrictions on Iran's atomic energy capabilities better prevents its acquisition of nuclear weapons instead.

"First of all, we all know that sanctions were effective in bringing Iran to the table," Moniz said on CNN's "New Day."

"It did not stop them from pursuing a nuclear weapons program quite aggressively," he added.

The Obama administration announced a landmark deal on Tuesday restricting Iran's nuclear capabilities in exchange for economic sanctions relief.

Moniz argued on Wednesday that the agreement's details will keep Tehran in check for years to come.

"This is a long-term deal that has various phases," he said.

"There are extremely serious constraints on what Iran can do in a nuclear capacity," Moniz said.

"Make no mistake about it – this agreement has stronger restrictions on Iran than would be in place without it," he added.

Moniz also rebuked criticisms that the sanctions relief Iran is receiving would help its military and terrorism sponsorship.

"It was clear from the beginning these were negotiations about the nuclear issue," he said of international talks started 20 months ago.

"Our deal is not based on an assumption about how they will spend these funds," Moniz said of money Iran received from the lifting of sanctions.

"Clearly, we all hope this could lead to different behavior," he added.

Moniz additionally said that Secretary of State John Kerry had repeatedly sought the release of four Americans currently languishing in Iranian custody.

“Secretary of Kerry never failed to raise the issue of the Americans unjustly held in Iran,” he said. “These issues – a whole range of them – were there.”

Instability Impact

Iran deal is key to de-escalate tensions in the Middle East

Toosi and Nather 4/6/15 - Nahal Toosi is a foreign affairs correspondent at POLITICO. She joined POLITICO from The Associated Press, where she reported from and/or served as an editor in New York, Islamabad, Kabul and London. She was one of the first foreign correspondents to reach Abbottabad, Pakistan, after the killing of Osama bin Laden. David Nather is an experienced congressional journalist and author, with two books on the new health care law. (Nahal and David, "The Iran deal's cheerleaders Outside groups applaud agreement after briefings by White House", Politico, April 6, 2015, <http://www.politico.com/story/2015/04/iran-nuclear-experts-endorse-iran-deal-116697.html//DM>)

The White House is getting a cheering section going for the Iran deal — thanks to a ramped-up series of briefings to allies who can make the case from the outside. Diplomats, scientists and other activists began making their own arguments Monday for the preliminary nuclear deal reached last week, releasing statements that praised the agreement and urged lawmakers to give negotiators a chance to pursue a comprehensive accord. Story Continued Below The words of support came as President Barack Obama and his aides are trying to sell the framework deal to members of Congress, especially senators from both parties who have said they want to have some oversight of the agreement. Activists in favor of the deal say they're hoping congressional leaders will hold off on legislation that they fear could scuttle future talks. White House aides say they're reaching out to allies and experts to explain the deal — not to tell them what to say, but to make sure they're fully informed about the agreement. "I think it's fair to say we are engaging all manner of outside experts and groups so that they understand the deal and our view of different legislation, and they make their own determinations about how to be heard," said one White House official. King Salman is shown. | Getty In one statement, a group of 30 U.S. specialists on nuclear security endorsed the framework as a "vitaly important step forward" that will "strengthen U.S. security and that of our partners in the region." "We urge policymakers in key capitals to support the deal and the steps necessary to ensure timely implementation and rigorous compliance with the agreement," wrote the signatories, who included Robert Einhorn, a former State Department official and past negotiator on the Iran talks and former U.S. Ambassador to the U.N. Thomas R. Pickering. Pickering and Einhorn also were among 50 former diplomats, defense officials and political leaders who signed a separate statement which, in more cautious language, urged Congress to stay patient and "to take no action that would impede further progress or undermine the American negotiators' efforts." The statement was released by The Iran Project, an independent organization that tries to improve U.S.-Iran ties. Rushed action by Congress could derail negotiations, "creating the perception that the U.S. is responsible for the collapse of the agreement; unraveling international cooperation on sanctions; and triggering the unfreezing of Iran's nuclear program and the rapid ramping up of Iranian nuclear capacity," declares the statement, which listed former Secretary of State Madeleine Albright and former GOP Sen. Richard Lugar, a foreign policy mentor to Obama when he was a senator, among its signers. "Such a situation could enhance the possibility of war." Benjamin Netanyahu is pictured. | AP Photo Daryl Kimball, executive director of the Arms Control Association, said "there is loose coordination going on

between organizations and experts who support the framework deal.” But he and others insisted they are not taking marching orders from the West Wing. “They don’t give us talking points. They do convey key messages,” said Jamal Abdi of the National Iranian American Council. Even with the low-pressure sales pitch, the White House engagement with such groups has intensified since the deal was announced Thursday. “There has been a pretty good amount of outreach in the last few days,” said one member of an outside group that has participated in the briefings. “There’s a big difference between inviting one person from each organization to the White House ... [and] going out and actually saying, ‘I want to brief everyone on your team. When’s the best time for you?’” The administration hasn’t tried to give these groups talking points, the person said, and there haven’t been any big secrets that have been revealed at the briefings, but they’ve served their purpose by getting the groups interested in speaking out. “It’s less about asking us to do anything and more that the discussion around the table turns to, ‘We need to really hammer home on this point.’”

Energy Secretary Dr. Ernest Moniz, right, accompanied by White House Press secretary Josh Earnest, speaks to the media during the daily briefing in the Brady Press Briefing Room of the White House in Washington, Monday, April 6, 2015. President Barack Obama is casting the Iran talks as part of a broader foreign policy doctrine that sees American power as a safeguard that gives him the ability to take calculated risks. (AP Photo/Pablo Martinez Monsivais)

The Obama administration kept up its own public sales efforts on Monday, with Energy Secretary Ernest Moniz giving a detailed presentation during the daily briefing at the White House and Deputy National Security Adviser Ben Rhodes making a round of TV appearances, from CNN to Israeli TV. Meanwhile, the advocacy group Win Without War posted a collection of endorsements from a wide variety of groups – including The Atlantic Council, the Ploughshares Fund, the National Security Network, the Center for a New American Security, and the United Methodist Church’s General Board of Church and Society. It also urged supporters to “Call Congress and Seal the Deal.” The group posted the Capitol switchboard telephone number and provided a script for would-be callers that describes the agreement as “the best way to cut off Iran’s pathways to a nuclear weapon.” It also suggests that they say they oppose a bill by Sens. Bob Corker and Bob Menendez that would require congressional approval for the deal. Also on Monday, NIAC, the Arab American Institute and J Street, a left-leaning Jewish organization, released a statement arguing that the preliminary deal “may provide an important first step towards deescalating regional tensions and pave the way for resolving the many conflicts that still persist.” And Samuel R. Berger, a former national security adviser to President Bill Clinton, wrote an opinion piece for POLITICO Magazine that dismissed the idea that there’s a stronger deal to be had: “There is no second bite at this apple. This is a good deal. We should not be distracted by talk of a better one.”

US Secretary of State John Kerry, centre watches on a tablet as the US President Barack Obama addresses the US, at the Swiss Federal Institute of Technology, or Ecole Polytechnique Federale De Lausanne, in Lausanne, Switzerland, Thursday, April 2, 2015, after Iran nuclear program talks finished with extended sessions. The United States, Iran and five other world powers on Thursday announced an understanding outlining limits on Iran's nuclear program so it cannot lead to atomic weapons, directing negotiators toward achieving a comprehensive agreement within three months. (AP Photo/Brendan Smialowski, Pool)

The framework has received heavy criticism from Israeli Prime Minister Benjamin Netanyahu, who views Iran as a mortal threat to his country and says the deal does not do enough to prevent Tehran from developing a nuclear weapon.

Organizations such as the American Israel Public Affairs Committee have blasted the framework agreement. According to media reports, Israeli officials have been circulating a list of questions aimed at U.S.-led negotiators involved in the talks with Iran. The queries reportedly include "What message does it send when it gives such far-reaching concessions to a regime that for years has defied [U.N. Security Council] resolutions?" and "Will the deal not encourage nuclear proliferation in the Middle East?" Kate Gould, a lobbyist with the Friends Committee on National Legislation, a Quaker organization, said she's been hearing more interest from faith-based groups who want to get involved in the wake of the announcement last week. She said the primary focus now was on preventing the Corker legislation from coming to a vote. "I'm sure there's going to be a much bigger push coming up," she said.

Impact is nuclear war

Hobson, professor of physics at University of Arkansas, 3/31/2015

(Art, "Commentary: Absent agreement, Iran, U.S., Israel on path to war,"

<http://www.nwaonline.com/news/2015/mar/31/commentary-absent-agreement-iran-u-s-is/?opinion>)

One of history's greatest tragedies was the nuclear bomb dropped on Hiroshima, Japan, in August 1945, a calamity compounded three days later by a second bomb exploded over Nagasaki. It was, like most tragedy, made virtually inevitable by foregoing blunders: revengeful treatment of Germany following World War I, U.S. failure to join World War II when it began in 1939, thoughtless responses to Japanese aggression in Asia during the 1930s, and the Japanese attack on Pearl Harbor in 1941. Since 1945, nuclear weapons have remained humankind's greatest single immediate threat.

If we don't want to repeat the mistakes that led to Hiroshima, we had better treat the Iranian nuclear question rationally, realistically, and without childish bravado. U.S. Sen. Tom Cotton's recent letter to Iran, and Prime Minister Netanyahu's recent speech to Congress, were not serious. Netanyahu argued that a nuclear agreement with Iran would be a bad deal and should be rejected. Cotton suggested to Iran that a future U.S. president could revoke the agreement.

None of the agreement's opponents appear to have thought through the consequences of following their leads. Iran, having no further reason for restraint and every incentive for aggression, will move quickly toward a bomb; Israel will urge action to prevent a bomb and will pressure the U.S. to join it in threatening Iran; and we could easily be drawn into war -- a blunder that would dwarf even our foolish adventure into Iraq beginning in 2003.

The realistic fact is that, absent an agreement, the United States, Iran and Israel are on the road to war, possibly a nuclear war.

Turns case – Terrorism

Iran deal solves middle-Eastern warfare, spreads democracy, and eliminates ISIS and radicalism in the middle east

Parsi 6/30/15 - Trita Parsi is the founder and current president of the National Iranian American Council, author of Treacherous Alliance and A Single Roll of the Dice. (Trita, "Iran's nuclear talks: Five reasons why a deal would be good for the U.S.", CNN, June 30, 2015, <http://www.cnn.com/2015/06/30/opinions/iran-nuclear-talks-parsi//DM>)

(CNN)The criticism of the pending nuclear deal between Iran and world powers is intensifying. Opponents of the deal will spend millions of dollars on ads pushing the U.S. public and Congress to kill the deal in the next few days. But while a fortune already has been spent on nit-picking the ongoing talks, virtually nothing has been invested in developing an alternative, viable solution to limit Iran's nuclear activities. The reality is that the opponents of the deal don't have a solution, they only have criticism. And for many, the real value of the nuclear deal has been lost amid the barrage of condemnation surrounding the talks. Americans doubt talks will prevent Iranian nuclear weapon It's worthwhile to remind ourselves why this deal is so important -- and why it would be a strategic mistake of Iraq War proportions to let this opportunity slip out of our hands. Preventing the bomb ... The two first objectives the deal would achieve are paramount: firstly, it will prevent an Iranian nuclear bomb; secondly, it will prevent a disastrous war with Iran. The limitations and inspections regime the deal would impose on the Iranian nuclear program will make it virtually impossible for Tehran to build a bomb. Were it to choose to go down that path, it would get caught almost instantaneously thanks to the new high-tech inspection instruments that will be installed at Iranian nuclear facilities. In addition, if evidence arises that Iran has begun nuclear activities at undeclared sites, then Iran will be obliged to provide access to those sites as well. No other option comes even close to this deal when it comes to closing off all of Iran's paths to a bomb. Military action in particular is far inferior -- and far more risky. ... And a disastrous war Moreover, the deal will prevent a war with Iran -- particularly important given that the absence of a solution to the nuclear standoff has caused the U.S. and Iran to gravitate towards a military confrontation. If the talks fail -- or are undermined -- Iran's nuclear program would unshackle, enabling Tehran to inch closer to a weapons option. That in turn, would increase the risk of an Israeli or American attack on Iranian targets, even though bombing the country's nuclear facilities would at best only slow the program a few years. The Iranians would hit back and soon enough, and the U.S. would be embroiled in yet another war in the Middle East with no end in sight. No wonder the Iran deal has broad support among the U.S. public. Unleashing Iran's moderates Third, the deal will help unleash Iran's vibrant, young (the median age is 28!) and moderate society, which is continuously pushing Iran in a democratic direction. The deal enjoys solid support among the Iranian public as well as among Iranian civil society leaders, partly because they believe the deal "would enable political and cultural reforms." America benefits if the democratic aspirations of the Iranian people are increasingly met, because a more democratic Iran is a more moderate Iran. What's the deal with the Iran nuclear negotiations? This is particularly important at a time when the violent winds of religious radicalism are ravaging the Middle East and beyond. America

is in desperate need of an injection of political moderation in the region. An Iran that moves towards democracy could provide that. A boost in the fight against ISIS Fourth, ISIS and other jihadist groups threaten both Iran and the U.S. Yet coordination and collaboration between the two against these violent terrorist organizations has been minimal because neither side has the political ability to expand coordination until the nuclear dispute has been settled first. A well-placed Iranian source told me recently that in a post-deal environment, Iran is ready to put in 40,000-60,000 ground troops to eliminate ISIS over the next three years. Ideally, the U.S. would provide air support, he explained. The source made clear the commitment would not be a quid pro quo to get a nuclear deal. Iran nuclear talks: 'Security of the world is at stake' If true, this would be the first commitment of ground troops by any state in the region to take on ISIS. But even short of this, Iran has already provided more support in the fight against ISIS than any of America's actual allies. There is near-consensus that airstrikes alone will not defeat ISIS. Ground troops are needed, but who will provide them? The American public is certainly not in the mood for putting more troops on the ground in Iraq. The Iraqi army has proven desperately inadequate. The nuclear deal may help square this circle. Deal gives America more options Last but not least, the nuclear deal can help provide America with more options in the region in the sense that it reduces America's reliance on authoritarian Arab states such as Saudi Arabia -- which, despite being a key U.S. ally, has played a central role in spreading Islamic radicalism and jihadism. As Jeremy Shapiro and Richard Sokolsky recently pointed out, the Iran deal is not about getting into bed with Tehran. But it can be used to get out of bed with the Saudis. And with that, America's hands will be freer to truly deal with and defeat the threat of Islamic radicalism fomented by the Salafists in the Saudi kingdom. U.S., allies and Iran plan to miss June 30th nuclear talks deadline Former Chairman of the Joint Chiefs of Staff Admiral Mike Mullen put it best: "We need to re-examine all of the relationships we enjoy in the region, relationships primarily with Sunni-dominated nations. Detente with Iran might better balance our efforts across the sectarian divide." In the coming weeks, emotions will run high in the debate over the Iran deal. It will be critical to distinguish between the minutia and the truly essential. At historic moments like this, it is the bigger picture that counts.

Turns Case – Democracy

Iran deal paves the way for democratization

Hashemi 6/28/15 - PhD, University of Toronto MA, Norman Paterson School of International Affairs, Carleton University BA (Honors), University of Western Ontario. (Nader, "HOW A NUCLEAR DEAL HELPS DEMOCRACY IN IRAN", The Cairo Review of Global Affairs, June 18, 2015, <http://www.aucegypt.edu/GAPP/Cairoreview/Pages/articleDetails.aspx?aid=835//DM>)

Most of the debate in the West on the Iran nuclear deal has focused on questions related to Western security interests in the Middle East. Will a deal ultimately prevent Iran from obtaining a nuclear weapon? Will it significantly inhibit a nuclear arms race in the region? How will Israel and the Gulf Cooperation Countries be affected, and to what extent will Iran be able to expand its regional influence after the lifting of sanctions? Almost ignored in this discussion, however, are the effects that a nuclear accord might have on internal Iranian politics and society. Specifically, how might a final nuclear agreement between Iran and the West influence the prospects for democracy and democratization within the Islamic Republic? June 2009 is a key reference point in the struggle for democracy within Iran. Fearing a return of the reformists to power, the Iranian regime falsified the presidential election results that would have removed Mahmoud Ahmadinejad from the presidency. As a result, a nonviolent mini-revolt known as the Green Movement demanded a vote recount, greater political transparency, and more broadly the democratization of Iran. Protests rocked the country for six months before they were violently suppressed. According to the Commander of the Islamic Revolutionary Guard Corps, the Green Movement posed a greater threat to the internal stability of the Islamic Republic than the eight-year Iran-Iraq war. As a result of this event, Iran's post-revolutionary social contract lay in tatters. Until this point, Iran's clerical leaders were able to carefully manage public demands for political change and factional rivalry via an electoral process that though never "free" was perceived to be "fair," in the sense that the integrity of the ballot box was guaranteed. After the stolen election of 2009 and the ensuing crackdown, this consensus no longer existed. The base of support of the Islamic Republic narrowed considerably as a deep crisis of political legitimacy set in. Six years have passed, however, since this critical moment in Iran's post-revolutionary history. While the legacy of the Green Movement continues to haunt the Islamic Republic, in recent years a set of political developments, at the international, regional, and domestic levels, have coalesced to limit the prospects for political change and to bolster authoritarianism in Iran. Collectively, these developments have closed the door for democratization in the short term. If the social and political conditions that produced them were to change, however, these doors to democratization could be reopened. At the international level, Iran's dispute with the Permanent Member of the United Nations Security Council and Germany (P5+1) has negatively affected the prospects for democracy in several ways. The broad sanctions placed on Iran have had a greater impact on ordinary Iranians than they have had on the regime. In particular, civil society and the middle class, which forms the core support base for the democratic opposition, have borne the brunt of Iran's collapsing economy. Rather than focus on political organizing, a focus on simple survival has taken priority. It is precisely for this reason that some of the most vociferous defenders of a nuclear deal with the West are Iranian civil society and human rights activists. Secondly, Iran's ruling oligarchy has successfully deployed a nationalist narrative to

justify its nuclear policy internally. Tensions with the West are portrayed through the long history of foreign intervention in Iran. Iranians have been told by their rulers that once again Western powers are bullying Iran, threatening to bomb them, and applying a double standard in attempting to dictate Iran's internal energy policy. These arguments have resonated across the ideological spectrum. Today many secular Iranians who wouldn't ordinarily support the Islamic Republic, make an exception when comes the nuclear impasse with the West for reasons of national pride. Thus, by casting itself as the defender of national sovereignty, Iran's leadership has benefited from the nuclear standoff with the West. In the aftermath of a nuclear agreement, the manipulation of this issue to boost the regime's legitimacy will be a far more difficult task. This point has been indirectly acknowledged by the editor of Shargh, a leading reformist newspaper, who has noted that if "there's less tension internationally, there'll be more stability internally," implying that a nuclear deal would help create better social conditions for democratization. A set of regional events has also indirectly bolstered authoritarianism in Iran. The post-Arab Spring regional chaos, marked by sectarianism, the rise of the Islamic State in Iraq and Syria, the spread of salafi-jihadism, and the collapse of Libya, Syria, Iraq, and now Yemen, have scared Iranians away from demanding political change. As one Iranian blogger has noted "people now think twice about taking action to change the system because they know change might result in a disaster." These regional events have reinforced a preexisting Iranian disdain for violence and revolutionary change. Iranian political culture has been deeply scarred by the upheavals of the 1979 revolution, the bloody Iran-Iraq war and the post-September 11 chaos that engulfed neighboring Iraq and Afghanistan in the aftermath of the American occupations. Prominent reformist journalist and Green Movement supporter Saeed Leylaz, who was sentenced to prison after the 2009 events, aptly summarizes how recent regional chaos has reduced demands for political change. Reflecting the new temper among Iranian democrats, he now takes the position that "if we want to emphasize our own points of view over those of our competitors within the system, the result will be another Syria." All of this has shaped domestic Iranian politics in negative ways for democratization. In 2015, several trends are now discernible. The first trend is unrelenting state repression. The crackdown that followed Green Movement protests has been ongoing and arguably the level of suppression is greater today that it was in 2009. The hardline-controlled Iranian judiciary continues to hand out heavy sentences to civil society activists, censorship and executions are at record levels, and women and minorities are subject to ongoing harassment, marginalization, and discrimination. In a recent press conference that coincided with the second anniversary of his election, President Rowhani admitted that since coming to power there has been "little opening" for advancing his campaign promise to increase social and political freedoms. He blamed right wing "pressure groups" for this, while reminding his supporters to be patient because "changes cannot take place overnight." The second trend pertains to the ongoing and deepening crisis of legitimacy facing the Islamic Republic. This is the Iranian regime's Achilles Heel. While foreign crises help direct attention away from it, this dominant feature of Iranian politics fundamentally shapes state-society relations today. Evidence of this legitimation crisis is abundant. For example, in February, the Iranian judiciary suddenly banned Iranian media from publishing comments by or images of former reformist President Mohammad Khatami. Why a two-time president, who occupied the second highest office in the country for eight years, suddenly posed a threat to political order is a revealing question. Part of the answer lies in the fact that as a reformist

politician and Green Movement supporter, Khatami remains a popular and influential figure. With parliamentary elections scheduled for 2016, Iran's clerical elite are starting to panic. There is great fear that the control of the parliament could be lost to reformist parties. In fact, Ali Saeedi, Supreme Leader Ali Khamenei's special representative to the Iranian Revolutionary Guard Corps, openly acknowledged this fear in a recent speech. Likewise, the head of the powerful Guardian Council, Ahmad Jannati, went a step further and announced that when it comes the ideological screening of candidates for parliament "those who have a (ideological) background that is unknown and after investigation this still remains unclear, the Guardian Council does not have the right to approve them." In other words, there is an assumption that every Iranian citizen is guilty (of regime disloyalty) until proven innocent. At the level of society, there is irrefutable evidence of Iranians displaying behaviors and pursuing lifestyles that explicitly reject that values and norms of the Islamic Republic. Widespread secularization exists, especially among young people and among the sizeable urban and middle classes. This is most visible in terms of avoiding the key Islamic rituals of prayer and fasting. The Ministry of Health recently announced that 150 alcohol treatment centers would be opening in Iran in response to a growing societal epidemic. This is noteworthy because the Islamic Republic officially bans the production, sale and consumption of alcohol. After the 1979 revolution, there was a major attempt to construct a new Iranian Muslim citizen that rejected Western and secular values. The colossal failure of this project is hard to miss. Even the supreme leader has publicly acknowledged that the Islamic Republic faces a crisis of legitimacy. During the last presidential election, fearing a low voter turnout, he appealed to Iranians to turn up at the ballot box including those who "for whatever reason [do] not support the regime of the Islamic Republic." He instead appealed to their sense of (secular) nationalism arguing that a high voter turnout would send a strong message to Iran's enemies. In a more recent speech on the anniversary of the death of Ayatollah Khomeini, the supreme leader expressed a fear of liberal values penetrating Iran. He specifically chastised those who were distorting Khomeini's legacy by claiming he was "liberal-minded, which under no conditions existed in his political, intellectual and cultural behavior." A nuclear deal could help put Iran back on the road to democratization. One of the most controversial aspects of the tentative agreement is the sunset clause. This is the provision that states that for fifteen years Iran will have a limited nuclear program under strict international inspection but after this time period, these restrictions will be lifted. Western critics have pointed to this clause to argue that this "paves Iran's path to the bomb"—all the country has to do is wait out the clock. Ignored in this debate, however, is that in the coming fifteen years, the Islamic Republic will face increasing challenges from within society that will affect its future political stability and possibly its political trajectory. The biggest challenge will be the likely death of the supreme leader, who turns 76 in July. Given the enormous power his office wields and the fact there is no senior cleric with sufficient political and religious authority that can replace him, the inevitable departure of Ali Khamenei will produce an enormous internal crisis for Islamic Republic. When this will happen and how it might play out is unknown, but Khamenei's passing will create a unique crisis of governance that democratic forces will be able to exploit. Thus, over the medium term, Iran's democratic prospects seem brighter. Not only is there a long tradition of democratic activism stretching back to over one hundred years, but the preconditions for democracy that social scientists generally agree upon, already exist in Iran. To wit: high levels of socio-economic modernization (literacy, mass communications, and a

modern economy), a suitable class structure (the existence of a sizeable middle class), and a proper political culture (norms, habits, and values that are democracy-enhancing). Equally important are the demographic numbers that are favorable to democratization. Specifically, young people now constitute the majority of Iran's population. They are highly educated, globally connected, politically secular and deeply alienated from Islamist rule, and what's more, they desire substantive gradual, non-violent political change.

Turns case – Heg

Turns case---tanks US foreign policy influence writ large

Bruno, 15 [Alessandro Bruno, Will Iran and the West get a Nowruz Nuclear Deal?, March 22, 2015, <http://www.geopoliticalmonitor.com/will-iran-and-the-west-get-a-nowruz-nuclear-deal/>]

Both Rouhani and Obama are at a crossroads and both are having to gamble in a challenge unlike any other in the past few decades. The challenge is as much a part of the negotiation process itself as in dealing with the many domestic and regional obstacles. Prime Minister Benjamin Netanyahu delivered a dramatic speech to convince a Republican and almost treasonous Congress, considering the affront on President Obama's authority, to prevent in any way an American understanding with the Iranians. In short, the head of a foreign government, just days ahead of an election at home – which he would win – has launched a new challenge to the American president on his home turf. Such an unprecedented event has proven to be very disruptive in relations between Washington and Tel Aviv. It may backfire on Netanyahu, who will now start his fourth term as prime minister with a decidedly unfriendly White House, which has nothing to lose. President Obama may well be tempted to secure an agreement with Iran even faster than before, conceding Iran what it wants most, which is an immediate halt to the sanctions.

Rouhani cannot sign anything without a clear commitment on this point. Such is the mandate he has from Supreme Leader Ali Khamenei, the regime hardliners, the Revolutionary Guards or Pasdaran, the conservative clergy but also, and more importantly, all moderate forces as well, especially those that led the 'green' revolt of 2009. Moderates and pragmatists agree on this point. The Iranian regime, while religious in inspiration, is also highly nationalistic, which is what has kept Iranians remarkably united in the face of severe hardships from war to embargo. No Iranian, whether he identifies with Khamenei or the greens or the left wing Tudeh, would accept a humiliating arrangement. For his part, President **Obama has staked his political and historical legacy on a deal** with Iran; **it is too late for him to withdraw without losing face and credibility** – **which would be very damaging to the United States and its ability to influence international events far beyond the Middle East from Bogota to Beijing.** Iran has much to lose as it is engaged addressing problems in Iraq and Syria, and in Iran itself it is balancing the internal economic situation with oil prices continuing to fall and world reserves increasing.

Turns Case – US-European Relations

The deal boosts US-European relations despite Israel's anger

Fabian 7/14, staff writer at The Hill, (Jordan, 7/14/15, Obama discusses Iran nuke deal with Netanyahu, Obama discusses Iran nuke deal with Netanyahu, The Hill, [//kap">http://thehill.com/homenews/administration/247852-obama-discusses-iran-nuke-deal-with-netanyahu\)//kap](http://thehill.com/homenews/administration/247852-obama-discusses-iran-nuke-deal-with-netanyahu)

President Obama on Tuesday phoned Israeli Prime Minister Benjamin Netanyahu to discuss the nuclear agreement with Iran.

Obama told Netanyahu that the deal “will verifiably prevent Iran from obtaining a nuclear weapon while ensuring the peaceful nature of Iran’s nuclear program going forward,” according to a White House statement.

He argued the deal would benefit Israel’s security by cutting of Teheran’s path to a nuclear bomb, but said the agreement “will not diminish our concerns regarding Iran's support for terrorism and threats toward Israel.”

The deal places limits on Teheran’s nuclear program for at least a decade in exchange for lifting billions of dollars worth of international sanctions.

Netanyahu has been one of Obama’s staunchest critics for brokering an agreement to curb Iran’s nuclear program.

On Thursday, the Israeli leader called the agreement “a historic mistake for the entire world.”

“In every area that was supposed to prevent Iran from gaining the capacity to arm itself with nuclear weapons, far-reaching concessions were made,” he added. “In addition, Iran will receive hundreds of billions of dollars which it can use as a means to fuel its terror machine, its aggression and its expansionism in the Middle East and around the world.”

Speaking in the East Room of the White House earlier Tuesday, Obama addressed concerns long held by Netanyahu and others in Israel.

He said he shares Israel’s concerns about Iran’s threats against the Jewish state and its sponsorship of groups, such as Hamas and Hezbollah, which have launched attacks against Israel.

“But that is precisely why we are taking this step -- because an Iran armed with a nuclear weapon would be far more destabilizing and far more dangerous to our friends and to the world,” Obama said.

Obama also phoned European heads of state involved in brokering the nuclear agreement with Iran.

Obama made separate calls to British Prime Minister David Cameron, French President Francois Hollande, German Chancellor Angela Merkel, and European foreign policy chief Federica Mogherini soon after the deal was finalized on Tuesday morning.

The leaders praised the deal as a “historic solution that will verifiably prevent Iran from obtaining a nuclear weapon by cutting off all of the potential pathways to a bomb while ensuring the peaceful nature of Iran’s nuclear program going forward,” the White House said in a statement.

The leaders pledged to maintain close coordination as the deal is implemented.

In addition to the European powers, the U.S. was joined in the negotiations by Russia and China. The White House has not yet said if Obama has spoken to Russian President Vladimir Putin or Chinese President Xi Jinping.

Deal is popular among European nations

Devaney 7/19, staff writer at The Hill, (Tim, 7/19/15, British PM: Threat of nuclear-armed Iran now off the table, The Hill, [//kap">http://thehill.com/policy/international/248452-british-pm-threat-of-nuclear-armed-iran-now-off-the-table">//kap](http://thehill.com/policy/international/248452-british-pm-threat-of-nuclear-armed-iran-now-off-the-table)

British Prime Minister David Cameron defended the Iranian nuclear agreement on Sunday as the “toughest” deal within reach and assured the public that western nations are safer now because of it.

“The threat of a nuclear-armed Iran that is now off the table, and that’s a success,” Cameron told NBC’s “Meet the Press.”

“Of course, there will be those who complain about details of the deal,” added Cameron, whose nation took part in the negotiations with Iran. “But fundamentally, this is the toughest set of proposals put in place, and verifications put in place, and inspections put in place that I think we’ve seen in any of these negotiations.”

Critics have suggested the agreement lets Iran off the hook and makes it easier for Tehran to develop a nuclear weapon.

But Cameron disputed these claims.

“This deal says it’s never acceptable for Iran to have a nuclear weapon,” Cameron said.

“It’s so much better than the alternative,” he added. “If there wasn’t a deal, I think we would face an Iran with a nuclear weapon. That would have given a terrible choice to the west of allow that to happen or taking military action.

AT: US not key to deal

U.S. compliance is key to overall effectiveness of the deal – backing out would prompt Iran to respond in kind.

CBS 7/17 ("Iran deal set to become international law", 7/17/2015, CBS news, <http://www.cbsnews.com/news/un-security-council-vote-iran-nuclear-deal-resolution-us-congress-objections/>, accessed 7/19/15)//RZ

With all five veto-wielding permanent members of the Security Council involved in the marathon Iran negotiations, the resolution's adoption Monday was almost certain.

The resolution implements an intricate deal that places restrictions on Iran's nuclear program while allowing relief from sanctions that the country's leaders say have hurt its economy.

Monday's vote will come despite calls from some U.S. lawmakers to delay Security Council approval until Congress reviews the deal.

CBS News foreign affairs analyst Pamela Falk says the resolution will make the Iran nuclear deal international law, but will delay its official implementation for 90 days, to allow for the U.S. Congress' consideration.

Falk explained that while Congress cannot block the implementation of the deal, if the legislative body votes against it and has enough votes to override a promised veto from President Obama, it is not clear what would happen next.

A U.S. official told CBS News that American law doesn't "trump" U.N. resolutions, but if Congress were to vote against the measure -- and garner enough votes to override a presidential veto -- lawmakers could stop U.S. sanctions being lifted, which could prompt Iran to declare the U.S. as non-compliant with the terms of the deal and to back out.

If U.S. lawmakers were to decide after Monday's vote that they wanted changes to the terms of the agreement, it would essentially be too late, because it would require the Security Council to propose a new resolution -- and there would likely be little appetite for such deliberations among the other negotiating partners.

The chairman of the Senate's foreign relations committee, Bob Corker, on Thursday wrote a letter to President Obama saying, "We urge you to postpone the vote at the United Nations until after Congress considers this agreement."

But the chief U.S. negotiator in the Iran talks, Wendy Sherman, rejected that idea Thursday.

She told reporters: "It would have been a little difficult when all of the (countries negotiating with Iran) wanted to go to the United Nations to get an endorsement of this, since it is a product of the United Nations process, for us to say, 'Well, excuse me, the world, you should wait for the United States Congress.'"

Sherman said the council resolution allows the "time and space" for a congressional review before the measure actually takes effect.

AT: Next President Rescinds Deal

Next prez can't rescind it – this card is awesome

Pace 7/18/15 – AP White House Correspondent (Julie, Scuttling Iran deal might not be easy for next president, Seattle PI, <http://www.seattlepi.com/news/texas/article/Scuttling-Iran-deal-might-not-be-easy-for-next-6392212.php>)//JJ

Unhappy with President Barack Obama's nuclear deal with Iran? Republicans running for the White House are vowing to rescind the agreement, some on their first day in office.

But it may not be that easy.

If Iran lives up to its obligations, a new president could face big obstacles in turning that campaign promise into U.S. policy. Among them: resistance from longtime American allies, an unraveling of the carefully crafted international sanctions, and damage to U.S. standing with the rest of the world, according to foreign policy experts.

"The president does not have infinite ability to get other countries to go along with them," said Jon Alterman, director of the Middle East program at the Center for Strategic and International Studies. "One of the consequences is the United States would be increasingly isolated at a time when Iran is increasingly integrated with the rest of the world."

Both Obama and Republicans know firsthand the difficulties of dismantling major policies, a task that only gets harder the longer a policy has been in place.

After more than six years in office, Obama has failed to achieve his promise to shutter the Guantanamo Bay prison, despite signing an executive order authorizing its closure on his first day in office. And more than five years after Obama's health care overhaul became law, Republicans have been unable to find a legal or legislative means for repealing the sweeping measure.

While some elements of the nuclear accord don't go into effect immediately, the centerpiece of the agreement is expected to be implemented quickly. If Iran curbs its nuclear program as promised, it will receive billions of dollars in relief from international sanctions.

To Republican presidential candidates, rolling back that quid pro quo would be a top priority if they were to win the White House.

Wisconsin Gov. Scott Walker says he would "terminate the bad deal with Iran on day one" and work to persuade allies to reinstate economic sanctions lifted under the deal. Former Texas Gov. Rick Perry concurred, saying one of his first actions in office would be to "invalidate the president's Iran agreement."

Jeb Bush, the former Florida governor, said that while he would consult with allies about the deal on his first day in office, he was inclined to "move toward the abrogation of it." Florida Sen. Marco Rubio told The Associated Press he would withdraw from a deal even if allies objected.

The next president has no legal obligation to implement the nuclear agreement, which is a political document, not a binding treaty.

But if there's no sign Iran is cheating, it's unlikely the European allies, who spent nearly two years negotiating alongside the U.S., would be compelled to walk away and reinstate sanctions. And it's nearly impossible to imagine Russia and China, which partnered with the U.S, Britain, France and Germany in the talks, following a GOP president's lead.

"Shattering something like this with the British and the French and the Germans — that has consequences," said Ilan Goldenberg, a senior fellow at the Center for a New American Security and former Obama State Department official. "A new president isn't going to want to lead off like that."

To be sure, a U.S. president with a friendly Congress could unilaterally reinstate American sanctions on Iran. But the economic impact would be far less if other countries didn't follow Washington's lead.

Beyond Europe's interests, the White House says U.S. partners in Asia, including Japan and South Korea, will also likely have boosted their financial ties and oil purchases with Iran by the time a new president takes office in January 2017.

AT: Iran Circumvents the Deal

Deal will successfully prevent Iran from building nukes—this evidence assumes every scenario for attempted circumvention

Acton 7/16, staff writer at Foreign Policy, (James, 7/16/15, Iran Ain't Gonna Sneak Out Under This Deal, Foreign Policy, <https://foreignpolicy.com/2015/07/16/iran-aint-gonna-sneak-out-under-this-deal-verification-inspections/>)//kap

About a decade ago, I started my nuclear policy career at a small British NGO that focuses on verification. My career choice turned out to be a mixed blessing for my social life. Saying that I worked on nuclear weapons was a great icebreaker at parties, but the ensuing conversations would go downhill rapidly after I mentioned the “V” word. For reasons inexplicable to me back then, my fellow partygoers just weren’t that interested in finding out how to determine whether states are abiding by their nuclear treaty commitments.

Over the next few months, I expect to have many conversations with officials, analysts, journalists about the Joint Comprehensive Plan of Action — better known as the JCPOA or the Iran deal. These conversations will be quite different from those at London parties 10 years ago; today, all my interlocutors will profess a deep and profound belief in the importance of verification. But, when I start to dig into the details of how the International Atomic Energy Agency will assess Iranian compliance, I’ll see that glazed look again ...

Nonetheless, where verification is concerned, the details do matter, and we really should be debating the finer points of the Iran deal’s verification provisions. (See: Annex I, Sections L, M, N, O, P, Q, and R — yes, it’s that detailed.) In assessing whether these arrangements are “good enough,” the best place to start is with the following question: If Iran decided to cheat, how would it go about doing so?

Iran’s leadership would have three options, and in deciding between them, it would presumably choose the pathway that maximized its chances of success.

First, Iran could overtly renounce all its nonproliferation commitments, chuck out international inspectors, and build the bomb loudly and proudly. The Nuclear Non-Proliferation Treaty contains a clause that allows states to withdraw under “extraordinary” circumstances, and even though the JCPOA doesn’t have any such provision, there can be no certainty that Iran won’t abrogate it anyway. No verification system can prevent this scenario, but what almost certainly can deter it is the threat of American weaponry hitting Iran before Ayatollah Ali Khamenei can say, “Death to.”

The second, more likely scenario would be for Iran to use its declared nuclear materials and facilities for bomb-building: the much-discussed “breakout scenario.” Many of the Iran deal’s limits are intended to make breakout much more time-consuming than it would currently be — and that’s a good thing. Ultimately, however, breakout still isn’t all that likely. Declared facilities are subject to International Atomic Energy Agency (IAEA) monitoring. As a result, Iran understands it would almost certainly be caught quickly if it attempted breakout.

Iran's third option would be to build a secret parallel nuclear program dedicated to military purposes — sneak-out. Detecting small clandestine enrichment plants is difficult, and Tehran might view sneak-out as its most attractive option. Indeed, Iran has tried to sneak out before. Repeatedly. It failed to declare three out of the four facilities in which it has enriched uranium (the Kalaye Electric Company, the Fordow Fuel Enrichment Plant near Qom, and the Pilot Fuel Enrichment Plant at Natanz) in accordance with IAEA rules.

“Anytime, anywhere” access is often advocated as the solution to detecting secret facilities — in fact, U.S. Secretary of Energy Ernest Moniz, an MIT physicist and one of the U.S. negotiators, said back in April that the United States expected it. The Iran deal doesn't provide for it, however, as critics, including Sen. Tom Cotton, have noted (rather gleefully, at that).

So, what access provisions does the deal contain?

It does allow the IAEA to go anywhere — including military sites — if there is evidence of undeclared facilities hosting nuclear activities. But, if Iran declined to grant access, a complicated dispute-resolution negotiation process would ensue under which Iran would have to negotiate first with the IAEA and then with the Joint Commission created to oversee implementation of the deal. This process could take up to 24 days. (On day 25, if Iran still refused access, it would be in noncompliance with the agreement, and sanctions could be reintroduced.)

Fortunately for the JCPOA, the refrain of an “anytime, anywhere” access may make for a great sound bite, but its utility is overstated by Cotton and other critics of the agreement. An access delay — even one of 24 days — wouldn't make any material difference to the IAEA's ability to detect undeclared nuclear activities.

When IAEA inspectors search for undeclared nuclear activities, they look for tiny traces of nuclear material on surfaces. Fortunately for them, nuclear material lingers. And, modern detection technology is so amazingly effective that minuscule traces of nuclear material can be detected years after nuclear activities took place. Countries have tried to sanitize facilities completely to remove every last trace of nuclear material. Iran did so at the Kalaye Electric Company after its secret nuclear program was revealed in 2002. Syria tried the same thing in 2007 after Israel bombed its plutonium-production reactor at al-Kibar. In both cases, the IAEA still managed to detect nuclear material. Those findings were critical to persuading the organization's governing body to make a formal finding of noncompliance against both Iran and Syria.

Perhaps Iran has learned from its past mistakes and could do a better job of cleaning up nuclear material in the future and keeping its program secret. But, what's clear is that perfect cleanup — if it were possible — would take many months. After just 24 days, the IAEA would have little difficulty detecting the residue from undeclared nuclear activities.

So, here's the bottom line: The Iran deal doesn't provide for anytime, anywhere access, but it does facilitate timely access anywhere — and that's what needed for effective verification.

But wait, as they say on QVC, there's more!

Not only is anytime, anywhere access not necessary, but it's also not sufficient. In other words, its inclusion might have placated (a few) critics, but it would not be enough, by itself, for effective verification. After all, it would be physically impossible for the IAEA to inspect every building where Iran could conceivably be hiding clandestine nuclear activities.

What the IAEA actually needs is some preliminary evidence about where a secret nuclear facility might be lurking. The much-discussed but little-understood Additional Protocol was developed precisely for that purpose, and the JCPOA obliges Iran to accept it, first voluntarily and subsequently on a legally binding basis. But, the JCPOA goes beyond the Additional Protocol in two innovative and important ways.

First, IAEA monitoring will be extended to declared yellowcake (the precursor material to the feedstock for enrichment) and to declared centrifuge components. This measure will deter Iran from diverting this material and equipment to a secret program. Iran could, of course, try to acquire yellowcake or centrifuge components secretly instead — but doing so would create more opportunities for detection.

Second, the deal also creates a “Procurement Working Group” to oversee the import of all equipment and material that either is used or could be used for nuclear purposes. The intelligence communities of the United States and its friends spend considerable resources monitoring Iranian imports. If they discover that Iran has obtained any items that should have been declared but weren't, they will have acquired clear evidence of secret nuclear activities in Iran. They could hand this evidence to the IAEA, which could conduct inspections to investigate further.

All in all, therefore, the JCPOA provides for some impressive verification provisions to guard against sneak-out. That said, no one should be under any illusions. Detecting small, undeclared centrifuge plants is difficult, and there is no guarantee of success. But, perfection is not the right metric against which to assess a nonproliferation agreement. The real question is whether sneak-out is more likely with a deal or without one. And here the answer is clear: Sneak-out would be much more likely without a deal, because the IAEA's powers to detect clandestine facilities would be much more limited.

I realize, of course, that all this talk of timely access, yellowcake monitoring, and procurement working groups isn't exactly headline-grabbing (though, fortunately, since I'm now happily married, I have ceased trying to use them in chat-up lines). But, ultimately, it's complex technical considerations that determine whether the JCPOA's verification regime will prove effective. And, in the final analysis, the JCPOA does significantly enhance the ability of the IAEA to guard against sneak-out, the most likely pathway for Iran to acquire the Bomb. That's not the only metric for assessing the deal — but it is a bloody important one.

AT: Deal bad – Prolif

Deal doesn't lead to proliferation – no incentive, NPT, 123 agreement, and the US nuclear umbrella

Indyk 6/11/15 - executive vice-president of the Brookings Institution in Washington D.C., and a former US ambassador to Israel. (Martin, "Why deal with Iran could be good for the Middle East", Khaleej Times, June 11, 2015, http://www.khaleejtimes.com/kt-article-display-1.asp?xfile=data/opinion/2015/June/opinion_June20.xml§ion=opinion//DM)

In the coming months, Congress is likely to have to make a choice: either endorse an agreement that removes sanctions but should ensure a nuclear weapons-free Iran for at least ten-to-fifteen years; or reject the agreement, which would leave Iran three months from a nuclear weapon under eroding sanctions. In making that choice, Congress will need to take into account that the Iranian nuclear deal will have profound ripple effects across the troubled Middle East region. The nuclear agreement was never intended to deal with the likely consequences of the sanctions relief—namely a monetary windfall for the government in Tehran. There is every reason to believe that at least some of this windfall will enhance the capacity of problematic Iranian forces such as the Iranian Revolutionary Guard Corps (IRGC) and problematic proxies like Hezbollah, the Assad regime and Shia militias in Iraq. But the possible regional implications of the deal are not sufficiently negative to justify opposing it. Indeed, given the turmoil now engulfing the Middle East, ensuring a nuclear weapons-free Iran for at least a decade—and tight monitoring of its nuclear programme for much longer than that—will help remove a primary source of tension and may foster greater cohesion in dealing with the other sources of conflict and instability there. In the end, the agreement buys a breathing space of at least 10 years. That's worth having as long as the inspection, monitoring and snap-back provisions are credible and the time is used effectively to contain and roll-back Iran's nefarious hegemonic ambitions. Moreover, whatever its other negative implications, the deal is not likely to trigger a nuclear arms race. It is unlikely that Saudi Arabia will actually embark on building an enrichment capability with its requirements for a significant scientific establishment. For 30 years, while Iran developed its ambitious nuclear programme unconstrained, its Saudi arch-rival did not feel any need to do the same. Why would it do so now when serious constraints will be placed on Iran's nuclear programme? Egypt and Jordan are certainly talking about starting nuclear programmes, but they are both signatories to the Non-Proliferation Treaty. All three Arab states would have to submit to the same intrusive inspections that Iran has accepted if they are to get the nuclear cooperation they will need. The UAE has signed a 123 agreement, in which it commits never to acquire enrichment capacity. And Turkey, as a Nato ally, already enjoys the cover of an American nuclear umbrella under Article 5 of the Treaty.

Reject their evidence – its hyperbolic media garbage

Cirincione 7/6/15 - President of the Ploughshares Fund, a public grant-making foundation focused on nuclear weapons policy and conflict resolution. (Joseph, "Overwhelming Expert Consensus Favors Agreement with Iran", Payvand, July 6, 2015, <http://www.payvand.com/news/15/jul/1034.html//DM>)

Media Blind Spot The media rarely portrays this expert consensus in the coverage of the Iran negotiations. This is not to say that the nuclear policy experts are uniform in their views. There are nuances and shades of agreement. And several genuine non-proliferation experts have strong, principled disagreements with the proposed Iran deal. Some outright oppose it. They, however, represent a minority faction in the field. The overwhelming majority of experts favor the deal. The media portrayal of expert opinion is driven partially by the custom to “balance” expert views in stories, so that pro and con are evenly represented—even if this gives a false depiction of the overall expert opinion. It is also driven by the desire to make news. Conflict grabs attention; agreement is boring. “If it bleeds, it leads” guides not just the local nightly news but often the front page of The New York Times. Some reporters, for instance, used a recent letter from a bipartisan group of experts to generate headlines that former top officials of the Obama administration were condemning the Iran deal. This, even though several of these former officials, including Bob Einhorn, Gary Samore, and Gen. James Cartwright, had already signed letters in support of the agreement. Einhorn felt compelled to write a rebuttal of this media misrepresentation, explaining that the signers, including several former Republican security officials such as Bush national security advisor Stephen Hadley, were not challenging the administration’s negotiating positions or asking them to adopt new and more demanding postures. Rather, he wrote, The significance of the statement is that this diverse, bipartisan group was able to come together on a number of reasonable and achievable recommendations for concluding an agreement that would serve U.S. interests and the interests of U.S. friends in the Middle East. Unlike some recommendations made by other groups and individuals, these contained no “poison pills” designed to complicate or even sabotage the negotiations.

Their claims are highly politicized – the groups who want to kill the deal are exceptionally well funded and relentless

Cirincione 7/6/15 - President of the Ploughshares Fund, a public grant-making foundation focused on nuclear weapons policy and conflict resolution. (Joseph, “Overwhelming Expert Consensus Favors Agreement with Iran”, Payvand, July 6, 2015, <http://www.payvand.com/news/15/jul/1034.html//DM>)

Aggressive Tactics from Deal Foes

The mistaken impression of where the experts stand also stems from the aggressive tactics of the opposition forces. Though light on nuclear policy experts, the groups working to kill a deal with Iran are exceptionally well funded, heavily staffed, and relentless in their bombardment of the media and the Congress with “fact sheets,” reports, letters, visits, and tweets. As several Senate staffers told me recently, “We feel under siege.” With a few exceptions, pro-deal experts are, to put it politely, more restrained in offering their opinion. Nor do liberals have the massive propaganda machine that conservatives enjoy. The distorted impression that nuclear policy experts are evenly divided or that most are critical of the deal also stems from the imbalance of witnesses on congressional panels. It is difficult to find an expert in favor of the Iran agreement on any witness list in the Republican-controlled Congress. In the past 18 months, Congress has staged 21 public hearings on the Iran agreement, calling 41 witnesses. Of these, four have been witnesses from the administration while 36 came from non-governmental organizations. Of the

outside witnesses, an overwhelming 28 were clear critics of the Iran agreement and only 7 could be called supportive. That is a ratio of four to one, critics to supporters. Moreover, several of the most critical witnesses testified multiple times, appearing in three, four, or even six different hearings. None of the supportive non-government witnesses testified more than once. This totals an astonishing 45 appearances from deal critics versus seven appearances from deal supporters outside the government. When a supportive witness is allowed to testify, he or she is usually outnumbered two to one at the witness table. They invariably speak last and are asked only a few questions. These hearings generate considerable media coverage, and the organizations involved often trumpet their testimonies in press releases, email blasts, and social media. Any reporter covering such hearings is left with a stacked deck of negative testimony, buttressed by the torrents of criticism that pour forth from the members themselves. These show hearings do not serve the congressional interest. During the more than nine years that I served on congressional staff, we always sought to present members with a healthy debate. This made for a more informed and more interesting hearing. But these staged Iran productions have likely left members with the view that the large majority of experts are skeptical of an agreement or oppose it outright. This could not be further from the truth.

Iran deal cuts off Iran's pathway to a bomb

Kimball 6/25/15 - Executive Director Arms Control Association Washington. (Daryl, "Benefits of a Nuclear Deal With Iran", The New York Times, June 26, 2015, <http://www.nytimes.com/2015/06/27/opinion/benefits-of-a-nuclear-deal-with-iran.html//DM>)

Alan J. Kuperman makes a number of flawed assumptions in asserting that the Iran nuclear deal would extend Iran's "breakout time" by only one month. A wide range of scientific experts, along with the technical teams of the Western governments, agree that a deal would increase the time it would take Iran to amass enough bomb-grade uranium for one bomb from the current two to three months to at least 12 months. The agreement will require Iran to disconnect and remove some 14,000 centrifuges and put them under the seal of the International Atomic Energy Agency. Only 5,060 first-generation machines would be allowed to enrich uranium to low levels. Mr. Kuperman assumes that Iran could immediately reassemble, reinstall and recalibrate the excess centrifuges — but it would take many months, if not years, to achieve such a feat. And inspectors would detect any such activity within days. Mr. Kuperman also assumes that the agreement would allow Iran to keep large amounts of its uranium stockpile in solid form. But under the agreement, Iran must verifiably reduce its current stockpile of 8,700 kilograms of low-enriched uranium gas to no more than 300 kilograms, in any form. The Iran deal should be judged based on the facts. And the facts are clear: This deal would verifiably cut off Iran's pathways to a bomb.

Politics Iran Supplement -MSDI

New 1NC UQ

Iran deal will be approved by Congress but Obama's political capital will be necessary to keep Senate Dems on his side.

ALEX ROGERS July 7 2015 <http://www.nationaljournal.com/congress/obama-s-iran-test-keeping-democrats-together-on-a-deal-20150707>

July 7, 2015 President Obama will have to work hard over the coming weeks to assuage skeptical Democrats that his potentially imminent, legacy-defining accord limiting Iran's ability to build a nuclear bomb meets their deep-seated concerns. While some outside observers don't expect that enough Democrats would stand with Republicans to vote against the deal and keep congressional sanctions intact, key Senate Democrats laid out before a White House meeting Tuesday night one requirement in particular—anywhere, anytime inspections—that could cause the administration trouble. The White House meeting touched on several subjects—including appropriations, the Affordable Care Act, and climate change—in addition to Iran. But it's clear the potential nuclear agreement is the most suspenseful issue this week, with the clock ticking down. Sen. Ben Cardin, the top Democrat on the Foreign Relations Committee, said that only a "very small part" of the 90-minute meeting was on Iran. Obama "indicated" that there must be all avenues of inspections, including military dimensions, Cardin said. Obama "doesn't know whether we'll get an agreement or not but [said] that he will not bring forward an agreement that does not accomplish those objectives" of preventing Iran from obtaining nuclear weapon, Cardin said. And Cardin added: "I think the president is justifiably concerned that some Americans might believe what the Supreme Leader is saying. He urged us that that should not be our source as to what's in the agreement." Senate Democrats, meanwhile, are making their own priorities clear. Inspections are "vital," said Sen. Christopher Coons, a Democratic member of the Foreign Relations Committee, which wrote the bill laying out how Congress would review the prospective accord. "That is a central point. Exactly what the mechanism is by which we have assurances that we can inspect sites reasonably quickly anywhere in the country is going to be a central piece of whether or not this is an agreement that we should sign, and whether or not this is an agreement that will enjoy broad congressional support." "There really has to be full access, anytime, to sites where there may be development or production of nuclear weapons," added Sen. Richard Blumenthal. "I think that the agreement has to be airtight, comprehensive, long-lasting, and maybe most important, verifiable." So far the administration has said little in public about whether the deal will meet that demand. But it's possible that the deal will be announced very soon. Under the law, after July 9, Congress will have 30 extra days to review the deal and act upon it. If Congress fails to act during that period, the deal will be considered approved. Some opponents, like Republican Sen. John McCain, believe that the additional time could help increase scrutiny and change some members' minds. "The longer there is to examine it, the more likely it is, in my view, for people to reject it because it's a bad deal," McCain said on Tuesday. "As George Shultz and Henry Kissinger wrote, it went from the purpose was to eliminate Iran's capacity for nuclear weapons to delaying it." Even Coons said it is a possibility—although in his mind not a likely one—that Congress will vote against it, "if it is a genuinely bad deal." Other senators, including Cardin, and some outside experts don't see the enhanced time frame making much of a difference. "If the substance of the deal is right (e.g. meeting the terms of the Washington Institute statement I signed), 30 vs. 60 day review doesn't matter," said Gary

Samore, a former Obama official and the president of the nonprofit United Against Nuclear Iran. That letter, signed by four other former Obama advisers, said that Iran cannot "deny or delay timely access to any site anywhere in the country," a demand rebuked recently by Ayatollah Ali Khamenei, who opposes international inspection of Iran's military sites. Democratic Sen. Chris Murphy, a progressive member of the Foreign Relations committee, said Tuesday that "anytime, anywhere" inspections weren't realistic. "There aren't going to be inspections anytime, anywhere," Murphy said. "There are going to be certain military sites in which you are going to have to have credible evidence in order to get access. I think it's not fair to set up a standard by which Iran is going to give inspectors access to anything, at any time, for any reason. There has to be a meaningful process to get access to military sites if we have information that compels an inspection. But frankly, we shouldn't have unfettered access to military sites. We should only be able to get onto those sites if we have evidence there's covert nuclear activity happening there." The negotiators announced a framework agreement in the beginning of April, limiting Iran's nuclear capabilities and extending the length it would take to build a bomb from a few months to about a year in exchange for reducing sanctions and increasing inspection capabilities. No member wants to see the strength of the negotiators—including the U.S., Russia, China, France, Germany, and Britain—go to waste after 18 months of talks and over a decade of dreaming to get to this point. "The imbalance here is dramatic," said Coons. "It is the allied powers of the modern world against one isolated extremist theocracy in the Middle East. And if they get a deal, they will get over \$100 billion with which to do mischief in the region and a pathway towards being a renewed participant in the global economy. That's huge for them, and we should hold out for the best deal we can get." "I am disheartened," added Senate Foreign Relations Chairman Bob Corker on Tuesday. "It is just amazing to me that Iran, with a boot on its neck, has ended up in this place with six important countries. From their standpoint, they've done just an incredible job of outmaneuvering. I don't know. I am sort of despondent over where we are. ... But I do want to read it and then figure out what direction to go."

Uniqueness

Iran deal coming; Congress will not secure enough votes to override a veto but its close- Obama's political capital is necessary for deal success.

Simon Carswell, July 7 2015 <http://www.irishtimes.com/news/world/us/obama-faces-cynical-congress-if-iran-deal-is-concluded-1.2275510>

The conclusion of a nuclear agreement with Iran, should it happen, will mark only the start of negotiations at home for the White House as it has begun the offensive to sell the deal to a cynical Congress. Negotiations between Iran and the US-led group of six international powers are approaching a critical moment in Vienna ahead of a self-imposed deadline of today for a final agreement to be reached. US secretary of state John Kerry voiced concern on Sunday, saying the negotiations "could go either way". The Americans must maintain the strict monitoring of Tehran's nuclear programme set out in the framework deal to ensure Iran uses the development of nuclear power only for energy purposes and not to build a bomb. The Iranians are pushing for an expedited lifting of economic sanctions. Opposition The precariousness of the talks and today's deadline have fanned opposition at home with Republicans voicing stronger warnings. And not even all Democrats are happy about the talks. If a deal is concluded today, Congress has 30 days to review it. If an agreement is not reached by Thursday, Congress would have 60 days to consider it. Republican senator Bob Corker, chairman of the Senate foreign relations committee, raised concerns with Mr Kerry on Saturday about the rush to conclude an agreement, fearing the administration might be too keen to agree a legacy-defining deal. "Right now, we have the issues of : are we going to have anytime-anywhere inspections, will we know what their past military dimensions were?" Corker told CBS programme Face The Nation. "I urged him [Kerry] to please take their time, try to make sure these remaining red lines that haven't been crossed do not get crossed and, qualitatively, they don't make it worse." Even if Republicans and some Democrats object to a deal, Congress will struggle to secure enough votes to override a presidential veto. "It is very easy to attack a deal that doesn't yet exist; people who oppose the deal or diplomacy per se are out there controlling the narrative," said James Acton, co-director of the nuclear policy programme at the Carnegie Endowment for International Peace. "Once there is a deal that can be defended it is easier for the administration to make the case, and I think the public does not want another war in the Middle East and is in favour of doing any deal." The talks have been tricky. The Iranians are said to have agreed to cooperate with an investigation into whether they have secretly tried to develop weapons in the past, but are refusing to allow inspectors to examine all nuclear facilities, including military sites.

Obama will likely be able to get the votes he needs to preserve the Iran deal – but it's a challenge. He will need political capital.

Sandy Fitzgerald | July 8 Wednesday, 08 Jul 2015 09:06 AM Republicans Face Uphill Fight in Blocking an Iran Deal Read Latest Breaking News from Newsmax.com
<http://www.newsmax.com/Newsfront/iran-nuclear-deal-gop/2015/07/08/id/653968/#ixzz3fJ6AnODi>

Republicans know they'll face an uphill fight in an effort to kill the upcoming nuclear containment deal with Iran, even with a law passed in May that allows Congress to weigh in on the agreement, because President Barack Obama will likely be able to get the 34 votes he needs in the Senate to sustain a veto. "Clearly, it's going to be challenging," New Hampshire Republican Sen. Kelly Ayotte told Politico. And Sen. Tom Cotton, R-Ark., the only senator to vote against the Iran review bill, said on Tuesday that he opposed the measure because it gives the "illusion of oversight without oversight." Special: The Danger of Investing in Dollars Exposed — Free eBook That is, Cotton said, the review law leaves it up to Congress to gather enough votes to prevent a veto, rather than requiring the administration to attract enough votes to approve the agreement, as would be normally done with a treaty. "It didn't give Congress much power that's beyond our inherent authority," Cotton said of the May law. "If that act was not law, we could still pass legislation with a veto-proof majority to block the deal from moving forward." Democrats, though, are saying that the very fact that the deal's deadline had been moved back repeatedly — from June 30 to July 7, and now to July 10 — means the administration is working to ensure the agreement will have some congressional support. "One of the reasons why we're seeing this going into overtime is because Secretary (of State John) Kerry and Secretary (of Energy Ernest) Moniz have a very firm grasp on what it's going to take to have a defensible deal. And they should," New Mexico Democratic Sen. Martin Heinrich told Politico. "If it's a solid deal, I think we will have adequate support to make sure that it stands." The review law means Congress can choose to vote on a resolution of approval or disapproval, and Senate Majority Leader Mitch McConnell has supported having an approval vote — something not likely to make it through the Republican-controlled House and Senate — so as to give an "unmistakable signal about congressional opposition to lifting sanctions." Special: New Probiotic Fat Burner Takes GNC by Storm Cotton, meanwhile, said "there is no graver threat to national security" than a bad deal, and that Congress should use all its powers to stop a poor agreement from going through. If the deal is reached on or by Thursday, Congress gets 30 days to review it. But if the agreement talks go past that date, the resolution will have a 60-day congressional review period. The approval or disapproval resolution will start with the Senate Foreign Relations Committee. On Tuesday, committee Chairman Sen. Bob Corker, R-Tenn., told MSNBC's Andrea Mitchell that he is looking forward to the deal, but urged negotiators to take their time, as he remains "very, very concerned about the trend, the direction, I've said this several times, the direction of these negotiations for some time. ... on these final points, you know, any time, anywhere inspections, please, yes, take your time and at least try to get these in the best place you possibly can." Corker told Politico he has spoken privately with McConnell, and "discussed every option known to man," but still doesn't know what direction will be taken Republicans are not yet conceding that 34 or more Democrats will stand with Obama. "I really think there's a better than 50-50 chance that we'll get enough 'no' votes," Sen. Lindsey Graham, R-S.C., said. "If the Arabs come out and say this is a bad deal, if AIPAC says this is a bad deal, if public opinion says we don't trust this deal, then our Democratic colleagues will hopefully come forward to say, 'We can do better.'

Obama is using all of his political capital to hold off criticism over the Iran deal; it will be a battle but he should be able to hold off opposition

YNet News, Published: 07.07.15, 23:55 / Israel Obama playing poker against a hostile Congress
Opinion<http://www.ynetnews.com/articles/0,7340,L-4677264,00.html>

Now Obama is playing the poker game of his presidential life: Not just against Iran, but mainly against a hostile Congress which has raised the volume of outcries and criticism over the agreement taking shape with Iran. The negotiations in Vienna are ongoing, and it's still unclear whether an agreement will indeed be achieved by the deadline, Thursday, but the Iranians are hoping it will happen. The Islamic Republic is living on the last drops of cash, and friends of mine there say that everyone is glued to the news websites, waiting for an announcement about an agreement in order to begin the celebrations. There is not a single house in Iran which has not been affected by the sanctions, and the leadership knows that in order to silence the masses it must reach an agreement which will lead to the sanctions' removal. The American administration also has an interest in reaching an agreement this week: The law states that if the agreement is submitted to the Congress by July 9, it will have 30 days to review its clauses. If the agreement is submitted after July 9, it will have 60 days. In other words, more time for digging in between the different sections, asking questions, raising objections and foot-dragging. That's why Iran wants to hurry up too: It knows that while the Congress reviews the agreement, the sanctions won't be lifted. Meanwhile in Vienna, US Secretary of State John Kerry and Iranian Foreign Minister Mohammad Zarif start the morning with a joint breakfast, off the record, to discuss life. That's the new normalization between the United States and Iran. It still doesn't mean that an agreement will be reached this week, but if it is reached – Obama will have to bring his poker secrets into the internal political field in order to deal with a theatrical Congress during an election year. The Republicans are preparing the show of a lifetime for him. They are convinced that their voters want them to hit Obama hard. Iran is just the trigger. So far, Obama's political rivals have claimed that he is a weak, naïve and spineless leader. Now they plan to launch a campaign against him – that he is selling out the American foreign policy, that he is lending a hand to an agreement which is dangerous to national security. This time it won't be easy for them, because his standing among the public has grown stronger following a series of impressive achievements: His health revolution became a solid and legal fact after being ratified by the Supreme Court, and that same Supreme Court voted in favor of same-sex marriage, an issue supported and promoted by Obama. Now, with high approval ratings, Obama is determined to reach an agreement with Iran in order to establish his heritage in the foreign relations area as well, after normalizing America's ties with Cuba. He seeks to be remembered in history as the president who stopped Iran's nuclearization, and according to his perception, that can only be achieved through an agreement. The republicans are also preparing for the battle of their lives. Election year has begun and the party's 14 candidates will compete over who can find harsher and more blatant words to reject the agreement with Iran and present it as an American surrender. The Republicans are sharpening their knives, Obama is preparing his cards, and after he wins, it's not at all certain that he will treat them to whiskey. His advisors like to mention that the president doesn't drink with just anyone.

Obama's political capital is likely to be able to hold off a veto override now; requires political capital.

The Hill, 14 Senate Democrats to watch on Iran nuclear bargain 7-6-15

<http://thehill.com/homenews/senate/246779-14-senate-democrats-to-watch-on-iran-nuclear-deal>

If President Obama can secure a final nuclear deal with Iran next week, attention will immediately turn to Congress — which can vote to disapprove of the agreement. The White House conceded to legislation earlier this year that gives Congress the power to review any deal with Iran. Lawmakers will have 30 days to carry it out if an agreement is sent to Capitol Hill by July 9. If it's later, the review timeframe will double. Obama agreed to the review under pressure from Democrats, who have been torn during the Iran talks between the White House and Israel, which strongly opposes the negotiations. A measure disapproving the deal could torpedo the pact, but would have to overcome a certain veto from the White House. That's unlikely — particularly in the House, where Republicans are likely to have a harder time winning the two-thirds majority needed to override Obama. In the Senate, the vote could be close. And Democratic opposition to the deal would be politically troublesome for the White House.

Obama using all of his political capital to control compromises on the Iran deal

Bloomberg, Jul 7, 2015 4:42 PM CDT Obama Convenes Senate Democrats to Plot Strategy, Discuss Iran <http://www.bloomberg.com/politics/articles/2015-07-07/obama-convenes-senate-democrats-to-plot-strategy-discuss-iran>

President Barack Obama is convening a group of Senate Democrats at the White House on Tuesday to discuss the Iranian nuclear negotiations and plot out a strategy for advancing his second-term agenda. Obama is looking to the Democrats, whose support he corralled earlier this year to win compromises on congressional review for any Iran deal and a trade bill, to back him if an agreement to curb Iran's nuclear program is reached. Negotiators in Vienna extended their deadline to July 10, after which Congress will have as many as 60 days to review -- and potentially reject -- an Iran agreement. Obama will take questions from the senators on the potential deal during the evening meeting, White House Press Secretary Josh Earnest told reporters Tuesday. Reauthorizing the Export-Import bank and passing a highway-funding measure are also on the agenda, he said. "I wouldn't be surprised if the status of the ongoing Iran negotiations is something that comes up in the context of that meeting," Earnest said. "The administration is doing the best we can to try to be responsive to that interest and help them understand exactly where things stand." The deadline for negotiations over Iran's nuclear program was pushed back a second time Tuesday as diplomats extended the talks to try to resolve differences over a United Nations arms embargo and sanctions. The original deadline was June 30. Congressional Review A bill passed by Congress and signed by Obama in May gives lawmakers 30 days to review and vote on the deal, a time period that doubles if the agreement is not completed by July 9. A number of Senate Democrats joined with Republicans to write the bill, initially over the objections of the White House. As Democrats and Republicans threatened to create a veto-proof majority that could upend a nuclear deal, the White House reversed course, working with lawmakers to craft a bill more palatable to Obama. If diplomats from the U.S. and five other world powers are able to reach an agreement this week in Vienna, the White

House's next lobbying campaign will be to persuade Congress to endorse the deal. Obama will also seek the Democrats' support on other issues he wants to address before Congress takes its August recess.

Congress will need to review a completed Iran deal and it could go either way; PC key

Niels Lesniewski Posted at 4:19 p.m. on July 5, 2015 Congress Could Face Rush to Review Iran Nuclear Deal <http://blogs.rollcall.com/wgdb/congress-could-face-rush-to-review-iran-nuclear-deal/?dcz=>

If everything goes according to Secretary of State John Kerry's timeline, Congress will face a rush to review and respond to a nuclear deal with Iran before leaving town again for August recess. Kerry said Sunday that while there are significant issues still to be resolved and it could go in either direction, the goal was to get a deal by Tuesday, which would be within the window that provides for 30 days of review and potential disapproval by lawmakers on Capitol Hill. "If there's absolute intransigence, if there's an unwillingness to move on the things that are important, President Obama has always said we'll be prepared to walk away," Kerry told reporters in Vienna. "It's not what anybody wants. We want to get an agreement, but I've said from the moment I became involved in this we want a good agreement, only a good agreement." Kerry's remarks came shortly after Republican senators took to the airwaves Sunday morning back in the United States to discourage the Obama administration from signing off on a bad agreement. Sen. Tom Cotton, R-Ark., for instance, only sounded more skeptical after watching the latest message from Iranian Foreign Minister Mohammad Javad Zarif expressed optimism about an agreement. "This is not like Russell Wilson and the Seattle Seahawks trying to reach a contract that makes everyone happy. Iran should have faced a simple choice: they dismantle their nuclear program entirely or they face economic devastation and military destruction of their nuclear facilities," Cotton said on ABC's "This Week." Earlier this year, Cotton led what came to be a highly contentious open letter from 47 GOP senators to Iranian leadership about the role of Congress in the nuclear talks. "I see hope because I see [the] emergence of reason over illusion. I sense that my negotiating partners have recognized that coercion and pressure never lead to lasting solutions, but to more conflict and further hostility," Zarif said on July 4. Foreign Relations Chairman Bob Corker told CQ Roll Call before the July Fourth recess that he has been leading his committee through a series of hearings and closed briefings so that members are ready to go if an agreement is reached between the P5+1 negotiating countries and Iran. The Tennessee Republican wanted to have his committee up to speed ahead of time, knowing that under the terms of the review legislation he developed with Sen. Benjamin L. Cardin, D-Md., there would be just 30 days for review if an agreement is reached by Thursday. "Right now we have issues of are we going to have anytime, anywhere inspections, will we know what their past military dimensions were. It's very important — every person who has come in to testify has talked about the importance of that. Will the IAEA ever be required to declare that Iran over time has a civil program and not a military program?" Corker said Sunday. "It's been going on a negative trend for some time." Speaking on the CBS program "Face the Nation," Corker emphasized that Congress was not behind the push to get an

agreement reached this week. Corker also said he spoke with Kerry on July 4. "It's amazing to me that as we come to the end of this deal, the biggest issue of concern to these countries right now is that Congress would only have 30 days, not 60 days, to review the deal," Corker said. As for Zarif's contention that "coercion and pressure" wouldn't bring a desirable outcome, Cotton said the military option should remain on the table at this point. "It's not the first choice. It's never the preferred choice, but military force does have to remain an option if our diplomacy is going to be credible," Cotton said. "We (have) unique capabilities and we can destroy Iran's nuclear facilities and their command-and-control facilities, and all of our allies in the region wish we would take a more forceful position and keep that military option on the table because it would result in a better deal."

PC key

PC key to passage of the Iran deal

Jordan Fabian July 06, 2015, 06:38 pm Obama to host Senate Dems

<http://thehill.com/blogs/blog-briefing-room/news/246998-obama-to-host-senate-dems>

President Obama will host Senate Democrats for a meeting and reception on Tuesday, a White House official said. The White House says the gathering will mostly be a social occasion. But it gives the president a chance to huddle with his allies in Congress who have a long to-do list this month, including a partisan standoff over government spending that could result in a shutdown. The White House is also expected to lean heavily on Senate Democrats to support a nuclear agreement with Iran if one is reached this week. Republicans in Congress have said they will vote against the deal so Obama will need to limit defections from Democrats to prevent the GOP from amassing a veto-proof majority. Obama has threatened to veto GOP spending bills because they do not lift sequestration spending caps and he is backed by Senate Democrats, who are threatening to block the proposals. But that has not stopped Republicans, who are advancing the bills and accusing Democrats of obstructionism. Congress faces a Sept. 30 deadline to fund the government, but lawmakers only have a few weeks to resolve the dispute because they will leave Washington for a month-long recess in August. Another top priority is highway funding, which is set to expire on July 31, and a renewal of the Export-Import Bank.

Obama pushing Iran deal success – political capital key

Alexander Bolton - 07/06/15 07:15 PM EDT <http://thehill.com/homenews/senate/247003-dems-raise-pressure-on-obama-over-iran-nuclear-deal>

The narrative is completely owned by the White House here," said Danielle Pletka, senior vice president for foreign and defense policy studies at the American Enterprise Institute. She says it will be difficult to assess how the deal will be interpreted on Capitol Hill because administration officials will dominate the narrative in the early days. "They've already got their people out there lobbying very aggressively and the president has an enormous amount of power in this country, frankly much more power than the Congress at this point," she added. "He has the power to affect the fortunes of individual members of Congress."

Obama using his political capital to corral votes on the Iran deal

Wall Street Journal, 7-8-15 <http://blogs.wsj.com/washwire/2015/07/08/obama-works-to-coral-support-from-senate-democrats-on-several-issues/>

President Barack Obama huddled with Senate Democrats Tuesday night at the White House for a social get-together that also served as an opportunity to hit the reset button after parting ways on trade legislation. With Iran nuclear negotiations nearing an end and time running short for the president's domestic to-do list, Mr. Obama turned to Democrats on the Hill for help advancing his policy objectives. The most immediate White House priorities include marshaling lawmakers' support for a possible deal to curb Iran's nuclear program, reauthorizing the U.S. Export-Import bank and passing a highway funding measure. Tuesday's meeting came two

weeks after the president partnered with Republican congressional leaders to pass a fast-track trade bill amid a messy battle that divided the Democratic Party. With the approval of the trade package, Mr. Obama notched his biggest win to date in this Republican-controlled Congress, but he clashed with many Democrats in the process. Administration officials have dismissed suggestions of any lingering hard feelings, saying that the president and Democratic lawmakers would quickly return to work on shared goals. Still, the gathering in the State Dining Room signaled a concerted outreach effort aimed at ensuring that the president has Senate Democrats in his corner on several key issues. Chief among them is a long-sought nuclear agreement with Iran. While the diplomatic process has extended into overtime and the outcome remains uncertain, any eventual deal will be vetted by Congress. White House Press Secretary Josh Earnest said lawmakers are closely following the nuclear talks, and “the administration is doing the best we can to try to be responsive to that interest and help them understand exactly where things stand.” Mr. Obama is working to corral Democratic support for a potential deal as many Republicans express deep reservations about an accord with Iran and some urge the White House to suspend negotiations.

Obama using political capital to assuage concerns about the Iran deal.

SARAH WHEATON 7/7/15 9:35 PM EDT Updated 7/7/15 11:42 PM EDT

<http://www.politico.com/story/2015/07/obama-serves-up-cocktails-and-reassurances-at-white-house-119830.html>

President Barack Obama sought to reassure Senate Democrats that he won't accept a bad deal with Iran during something of a working cocktail party at the White House on Tuesday evening. Over drinks and hors d'oeuvres in the State Dining Room, Obama discussed a range of Democratic priorities with his Senate colleagues, including an upcoming fight over spending bills, climate change and the latest court victory for Obamacare. The invitation came just weeks after a hard-fought legislative battle over trade policy that frayed relations between the president and his congressional allies. On a day when yet another self-imposed deadline slipped away from nuclear negotiators meeting with Iranian officials in Vienna, the president urged his party to ignore the naysayers. “He took us back to what the framework was when the initial agreement was announced in Lausanne,” said Sen. Chris Coons (D-Del.) as he prepared to board a bus parked in front of the White House's Northwest gate with other senators headed back to the Capitol. “He said, ‘Don't get nervous, don't get concerned about statements by the supreme leader, about statements in the press. I am not going to sign a deal where we can't assure that we've blocked all pathways to a bomb for Iran.’ I found that very reassuring.” While Obama “covered every hot topic there was,” said Sen. Chris Murphy (D-Conn.), when it came to Iran, “he wanted to make it clear to us that if it's a bad deal, there's no deal.” The Obama administration, especially Secretary of State John Kerry, has worked in recent days to dismiss suggestions that desperation will prompt the president to sign a deal — any deal — for the sake of a legacy. Officials shrugged off a July 7 deadline and are now downplaying the significance of July 9, even though that date has concrete consequences: Congress will have 60 days instead of just 30 to consider the pact if it doesn't receive it by midnight Thursday. But Sen. Ben Cardin of Maryland, the ranking Democrat on the Foreign Relations Committee, said the president seemed “not at all” concerned about the implications of giving Congress more time to scrutinize the deal. Cardin characterized the meeting as “somewhat social, somewhat businesslike.” Most

senators arrived just before 6 p.m. and stayed for about two hours, but a handful trickled out early, including Sens. Elizabeth Warren (D-Mass.) and Cory Booker (D-N.J.).

Obama is clearing schedule to focus on the Iran deal now; pc key. Obama is all in.

Steven Dennis Posted at 4:01 p.m. on July 6 Obama Clears Schedule for Iran Deal

<http://blogs.rollcall.com/white-house/obama-clears-schedule-iran-deal/?dcz=>

President Barack Obama's schedule this week has been largely cleared in hopes that negotiators will reach an Iran deal. Press Secretary Josh Earnest acknowledged that the president's schedule was freed up, given the potential of news "from Vienna" — where negotiators are racing to beat the clock on yet another deadline. Typically, Obama will schedule a trip or two or three — but this week is just slated to hold meetings at the White House. The latest talks have already blown a June 30 deadline, with negotiators setting up a new deadline of July 7 and also talk that the administration wants to wrap up work by Thursday to avoid a 60-day review period in Congress, which would potentially cause the whole issue to linger into September. That caused a bit of humor at today's briefing, when Earnest was asked how firm the June 30 deadline was. "July 7," he corrected the reporter, with a smile on his face. Earnest declined to say that was a drop-dead deadline, deferring to negotiators. The test would be whether negotiators felt Iran was ultimately willing to make the decisions they need to make to assure the world that they will never develop a nuclear weapon.

Deal possible

Experts are optimistic about an Iran deal

Sara Rajabova 7-7-15 <http://www.azernews.az/analysis/85130.html>

As the world powers and Iran seem to be very close to clinch a final deal, experts voice hope for the successful completion of the nuclear negotiations. Alex Vatanka, an expert on Iran and senior fellow of the Jamestown Foundation believes that both the Iranians and Barack Obama's administration have invested huge political capital in these negotiations. "I don't think either side will sign a "bad" deal but it is hard for me to see these talks break down. Some kind of a deal will be reached. The question is will it be sustainable after the Obama administration leaves office. This is the big question," Vatanka told AzerNews. Currently, the world powers and Iran continue marathon nuclear talks in the Austrian capital of Vienna into the extended July 7 deadline. After a long negotiations process, "serious differences" still exist between Iran and the P5+1 countries. Some experts are therefore skeptical over the successful resolution of the negotiations. The sides themselves also keep the option of returning home empty-handed in mind.

Deal likely – short extension will get it done.

Tasnim News Agency, July 8 <http://www.tasnimnews.com/english/Home/Single/793853>

The possibility of nuclear deal between Iran and (Group) 5+1 has increased," chairman of the Iranian parliament's national security and foreign policy commission told Tasnim. "If Americans are sincere in their claim about reaching a nuclear agreement with Iran, they should put aside excessive demands and respect the Iranian nation's rights," Boroujerdi added. Given another extension of the Vienna nuclear talks until Friday, the lawmaker said the parties seem to be more determined to clinch a deal.

Veto override kills deal

US vote against the deal and veto override will kill the Iran deal.

Mehr News Agency, 7-7-15 <http://en.mehrnews.com/news/108463/US-Congress-unlikely-to-override-Obama-s-veto-over-Iran-> US Congress unlikely to override Obama's veto over Iran deal

If the US Congress revokes the deal, what will be the future of deal? Congress is likely to vote against the deal, but Obama is likely to veto a Congressional disapproval. If opponents of the deal in Congress do not succeed in putting together the two-thirds majority needed to override the veto, the deal would go ahead as negotiated. If opponents of the deal did put together a two-thirds majority to override the veto, the United States would then not be able to participate in the deal, and it would be very difficult to avoid having the deal collapse.

Politics Iran Supplement –Michigan

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Iran will pass now – Obama’s political capital solves veto-override

Fabian 7/24/15 – The Hill (Jordan, Obama confident Iran deal will survive Congress, The Hill, [//JJ](http://thehill.com/homenews/administration/249072-obama-confident-iran-deal-will-survive-congress))

President Obama on Thursday expressed confidence he will be able to prevent Congress from sinking the Iran nuclear agreement.

“In Congress, I’m confident that we’re going to be able to make sure that the deal sticks,” Obama said in an interview with the BBC.

The White House has launched an aggressive lobbying blitz to ward off congressional opposition to the Iran nuclear deal. The agreement would lift economic sanctions on Iran in exchange for curbs on its nuclear program.

Criticism on the Republican side has grown in recent days, making it increasingly likely the GOP-controlled Congress will vote to oppose the deal. The White House has been determined to unify Democrats around the agreement, and perhaps win over some on the GOP side, in order to sustain an Obama veto.

Obama sought to rebut an argument against the deal from Republicans, and some Democrats, that Iran will use billions of dollars from sanctions relief to boost funding to terrorist organizations across the Middle East.

The president conceded that lifting sanctions will “probably” result in more funding for Iran’s military but said economic penalties did not stop Iran from funneling money to groups such as Hamas and Hezbollah in the past.

“Does the [Iran Revolutionary Guard Corps] or the Quds Force have more resources? Probably, as the economy in Iran improves,” Obama said. “But the challenge that we’ve had, when it comes to Hezbollah, for example, aiming rockets into Israel is not a shortage of resources.”

The president added that “Iran has shown itself to be willing, even in the midst of real hardship, to fund what they consider to be strategy priorities.”

Obama said the U.S. has sent a “clear” message to Iran, which has funded proxy wars in countries such as Yemen and Syria, that the U.S. is not afraid to step in with military force.

“We are settling the Iran deal, but we still have a big account that we’re going to have to work,” he said. “Hopefully some of it diplomatically, if necessary some of it militarily.”

Obama voiced confidence that Iran would pump a major portion of its frozen assets back into its economy, which has been crippled by international sanctions related to its nuclear program.

“A large portion of those funds are going to have to be used for them to rebuild their economy,” he said. “That was the mandate that elected [President Hassan] Rouhani. And the supreme leader is feeling pressure there.”

That argument has not convinced critics of the agreement in Congress. Some lawmakers, led by Sen. Bob Menendez (D-N.J.) are threatening to reauthorize expiring sanctions on Iran, even as lawmakers continue to review the terms of the deal.

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2nc – will pass/pc key

Obama's spending massive amounts of pc to prevent override – their ev assumes the initial vote

Baehr 7/26/15 – chief political correspondent of American Thinker (Richard, The battle for Congress, Israel Hayom, [//JJ">http://www.israelhayom.com/site/newsletter_opinion.php?id=13305\)//JJ](http://www.israelhayom.com/site/newsletter_opinion.php?id=13305)

The 60-day clock for congressional consideration of the Iran deal, otherwise known as the Joint Comprehensive Plan of Action has barely begun to run, and the White House and its allies are already in full sell-and-destroy mode. As details of the agreement are revealed, including side agreements, the total collapse of our side's negotiating position in the last few weeks of the talks has become more apparent. This should be an easy deal to reject on the merits. The promise of "anytime, anywhere" inspections turned into 24-day advanced notice inspections. It was just rhetoric, claimed White House adviser Ben Rhodes. We never meant it. Inspections at the Parchin facility, where it is generally assumed military research and testing took place connected with Iran's nuclear program, will now consist of the International Atomic Energy Agency examining samples provided by the Iranians. The so-called snap-back sanctions to deal with Iranian violations of the agreement will require a vote by five of eight voting members, consisting of the P5+1, the EU and Iran, to certify noncompliance by Iran of the agreement, and the reinstatement of sanctions. Given the desperation demonstrated by the P5+1 to get the deal done, and the early schedules of commercial visits by European leaders and companies to stake their claims to Iran, the chances that the Europeans or the United States (at least one where Barack Obama or Hillary Clinton is president) will vote to unravel their "diplomatic achievement" and commercial deals, and restore international sanctions is zero. Relief on sanctions on ballistic missiles and conventional arms sales were never even discussed until the last week of the talks, and these sanctions will now expire in a few years. This last late concession is easy to explain -- Iran asked for it. When the Iranians understood there was no chance of America taking military action and zero chance of America walking away from the negotiations whatever their demands, it certainly made sense for the Iranians to demand more goodies before the deal was finally inked. For all we know, the reported shouting match between John Kerry and his Iranian counterpart in the final days was all for show (or hear). If there has been a poorer performance in international diplomacy in American history than Kerry's, it is hard to find, though the Nobel Committee's Neville Chamberlain peace prize may still be awaiting. The sell side by the administration is easy to see and probably necessary given the piñata-like quality of the deal. The president and his team have been reduced to arguing that all avenues to an Iranian bomb have been closed off for some time, and that the alternative is war if Congress rejects the deal. However, the war option is a fiction with this president, and the path to a bomb, if Iran chooses to break out, may be just a few months longer than it was before a deal was signed. So too, in an act of utter contempt of Congress, the president rushed to the U.N. Security Council to get the deal endorsed before Congress considered the agreement, angering even some Democrats in Congress, who do not see themselves as mere Obama puppets. The president and vice president have been meeting with Democrats in the

House and Senate to do the early lobbying before the American Israel Public Affairs Committee and other groups get to members. The testimony by administration defenders of the deal in the Foreign Affairs committees of Congress has been pitched almost exclusively to Democrats, under the assumption that Republicans in both the House and Senate are set to vote no with few if any deal supporters. The president has made his regular tour of duty on "The Daily Show with Jon Stewart" to attack opponents of the deal as in the thrall of lobbyists and special interests (meaning of course rich Jews and AIPAC). The president brought along 17 House Democrats (and one Republican) for his Air Force One trip to Kenya. The president has had his sit-down with the self-styled éminence grise of the establishment, Tom Friedman, to provide the talking points for Friedman to write his predictable column outlining pros and cons of the deal but winding up of course with an endorsement. Far uglier is the transparent attempt to portray opponents of the agreement as racist. A column in The Washington Post by Colbert King does exactly that, suggesting that pretty much all opposition to Obama on the Iran agreement and on anything else is due to his race, and that blacks have figured this out and now despise Israeli Prime Minister Benjamin Netanyahu for daring to challenge the White House yet again. The article basically calls on Jewish opponents of the deal to back off if they want to preserve harmonious relations with African-Americans. The exact same strategy played out before Netanyahu's address to a joint session of Congress, when Obama met with the Congressional Black Caucus and African-American congressmen, having received their talking points, then argued that Netanyahu was being disrespectful for showing up to speak at the invitation of House Speaker John Boehner. A large number of the roughly 60 Democrats who boycotted Netanyahu's talk were African-American. One might argue that when a quarter of the Democratic Party's members in Congress boycott a speech by the elected leader of an ally of the United States on an issue critical to that country's survival, that the boycott action is what is really disrespectful, and in fact unheard of in American history. But you might get called a racist for saying that. Predictably, House Minority Leader Nancy Pelosi declared herself very comfortable with the Iran agreement, and unlike with the health care bill she helped steward to the finish line, claimed to have read it. Skeptics abound, since her declaration of support seemed to be ready to go immediately upon the deal's announcement. While not a great thinker or analyst, Pelosi's role is more straightforward -- whip her members into shape to insure the agreement is not derailed in Congress. Other House Democrats were on board even before the deal was signed, with Illinois horror, Congresswoman Jan Schakowsky, assisting her convicted felon husband as he plotted media strategy to support the agreement with a collection of far-left groups who naturally like a deal that is good for Iran and dangerous for Israel. The focus of so much of the administration's effort so far on Democrats in the House is telling about the state of play in Congress at the moment. While the administration is still in a strong position, the deal is so visibly problematic that many members are uncomfortable with details of the agreement. There are potentially two stages to the vote in Congress. Republicans control 247 of the 435 House seats, and a simple majority is all that is required to take action in the House. On an initial consideration of the deal, even if some House Republicans break with the party, the deal is certain to be rejected. In the initial consideration in the Senate, 60 votes are needed to bring the resolution to the floor, meaning that at least six Democrats would have to join 54 Republicans (assuming they all stay in line) to bring a vote on the deal, where it would then be voted down. With the exception of New Jersey Senator Robert Menendez, who seems

certain to vote no, other Democratic Senate members, who would seem to be naturals to oppose the deal, such as New York Senator Chuck Schumer (who always claims to be the protector of Jews and Israel in Congress) have so far not committed either way. A large rally in New York City this week aimed a lot of its fire at Schumer for his indecisiveness. Opponents of the deal want a lot more from Schumer than announcing that he weighed and balanced everything and decided to vote no. They want him to lobby another 15 or so Senate members who may be on the fence on the deal -- to show some spine and leadership. A simple no vote by Schumer with no lobbying effort on his part might be the cautious path he chooses. He is in line to be the top Democrat in the Senate beginning in 2017 with Nevada Senator Harry Reid retiring, and as an ambitious careerist, would not want to be the one blamed for the defeat of the president's deal. That might lead to a challenger for the party leadership spot and a ceiling on Schumer's ambitions. The fact that the administration is concentrating its efforts on House Democrats suggests that they are anticipating an initial defeat for the agreement in both the House and Senate. That resolution of rejection would of course be vetoed by Obama, requiring opponents to then muster a two-thirds majority in both houses of Congress to override the veto. Assuming all Republicans stick together, that means 43 House Democrats and 13 Democratic senators would need to vote with Republicans. The president would of course prefer that the opponents of the deal are beaten back the first time Congress votes, which means that no more than five Democratic senators can vote with Republicans on the cloture bill to bring the vote to the Senate floor. The focus on the House means the White House may expect to lose the initial vote in both houses of Congress, and is already working to defeat the override vote, not the initial vote, and has chosen the easier branch of Congress to win -- since House Democrats are more partisan and left-leaning than those in the Senate. California Democratic Congressman Brad Sherman suggested that quite a few House Democrats may oppose the deal initially, but be more cautious of voting to override a presidential veto, which puts them at war with the president. Since the Republican House majority insures defeat for the deal the first time through, voting no on the initial consideration is a free ride for Democrats in the House. Sherman is one of 18 Jewish House Democrats, and only three are certain at this point to side with the White House -- Schakowsky, Steve Cohen of Tennessee and Jon Yarmuth of Kentucky. If opponents are to have any chance to successfully override a veto, the Jewish Democrats in both the House and Senate will be a key component of the coalition. With AIPAC taking on a rare public fight with a president, this will be a test for them as well as the White House. We will see whether party loyalty always trumps support for any issue or cause.

Default negative --- our evidence assumes the likely endgame and shifting political momentum

Drew 7/17/15 – regular contributor to The New York Review (Elizabeth, The Iran Deal Goes to Washington, NYR Daily, <http://www.nybooks.com/blogs/nyrblog/2015/jul/17/congress-iran-deal-goes-to-washington/>)/JJ

The first thing to know about all the noise being made in Washington over the nuclear deal with Iran is that there's a lot of play-acting going on. A number of politicians, particularly Democrats, are striking positions to get them past this early period; several significant Democratic Senators

simply aren't yet ready to say they're for the deal, though many of them are expected to be. The real question isn't where they are now but where they'll end up. Therefore some statements shouldn't be taken literally. When Ben Cardin of Maryland, the ranking Democrat on the Senate Foreign Relations Committee, said recently that he had questions about the coming deal, some journalists and other observers interpreted this as a sign of trouble; but his statement simply reflected political prudence. To be taken seriously on such a weighty issue, a politician needs to be seen as having carefully considered his or her position.

This may be where the Republicans are making a mistake. Lindsey Graham was caught out by reporters on Tuesday when he condemned the deal and then, in response to their challenges, admitted that he hadn't read the more than one-hundred-page agreement, nor did he know what was in it. House Speaker John Boehner also immediately denounced the deal. Boehner's tack, which others also employ, is to charge that the agreement isn't as tough on Iran as what the president said he would seek. Wisconsin Governor Scott Walker, who officially entered the 2016 presidential race the day before the Iran deal was formally announced, said that it should be abrogated by the next president on day one—which would free Iran to pursue a nuclear weapon and create an unholy mess with our allies. The Republicans' rush to judgment undermines their position.

In fact, knowledgeable analysts say that the final deal fulfills what was outlined in the interim framework agreement announced in April. Jim Walsh, a security and nuclear policy expert at MIT, describes it as "the most intrusive multilateral agreement in nuclear history." According to Walsh, the deal's inclusion of a "snapback" provision—the rapid restoration of sanctions if Iran is caught cheating—is "unprecedented."

Yet I can find no one on the side of the deal who thinks that it will have majority support in either chamber, which means that the president will veto what Congress sends him. Therefore, beneath all the rhetoric, the realists here are looking for one thing: whether there will be enough votes in the Senate or the House—one-third plus one of the members—to uphold that veto. (A veto can be overridden by a two-thirds vote in both chambers.) It's believed that there's a sufficient number of House Democrats who will vote to sustain it. But it's assumed that Senate Majority Leader Mitch McConnell and Boehner will arrange for the Senate to vote before the House does and the deal's supporters fear that if there's a strong vote against it in the Senate the votes in the House to sustain a veto might crumble. A strategist for the pro-deal side told me, "A number of those House votes on our side are squishy." So what happens in the Senate is the crucial question.

With a few possible exceptions, the Senate Republicans are being written off as against the deal. But it cannot be assumed that Democrats will feel obliged to vote in favor of what could be the president's crowning achievement: in 2014 many of them showed themselves capable of keeping their distance from him in an effort to save their own skin. If they think the deal with Iran will make them vulnerable in the next election, they might well vote against it. Their ultimate decision could be no more worldly than that.

I asked a couple of well-informed vote-counters if they thought the president had the thirty-four Senate votes needed to block an override. They both agreed that they're not yet there, but they expect to be by September. Supporters would of course like to end up with more than thirty-

four votes so that it doesn't look like they exhaustedly dragged a beat-up deal across the finish line.

The two figures to whom the most attention is being paid are Bob Corker, the Republican chairman of the Senate Foreign Relations Committee, and Chuck Schumer, odds on the next Democratic leader in the Senate. Schumer has a history of taking a pro-Israeli government point of view, and his going against the administration on the Iran deal would probably present it with an uphill climb. Corker is in a difficult position: a Tennessean with finely chiseled features, he seemingly wants to play the part of the responsible statesman, following in the footsteps of, say, Richard Lugar, the former Republican Senator from Indiana who was an influential leader on foreign policy. But Corker is consigned to working within a party that is now far more conservative and partisan—and unforgiving of apostates—than it was in Lugar's day. Some observers believe that Corker might not come out flatly for or against the deal, but might propose some legislative wording or maneuver that would make him not seem a knee-jerk partisan. It's quite possible that both Corker and Schumer will leave their ultimate positions on the deal unknown for some time.

When great issues are before Congress and the country, public opinion can take big swings. This is why August could be a critical month for the Iran agreement. Because the negotiators didn't finish before July 9, and because of its month-long recess, Congress has sixty days (instead of thirty) to decide on the deal. With Congress gone and the President usually on vacation for some of the time, August is supposedly a slow news period, which leaves ample room for coverage of local uprisings against members, which can then become contagious. The Clintons' health care plan took a battering in August of 1994; the Tea Party revolt against President Obama's health care plan boiled up in August of 2010, and while the plan survived, so did the Tea Party as a force.

To the extent that one can tell at this point, the political winds have been blowing, if softly and unseen, in the direction of those who support an agreement. The mood and tone on Capitol Hill have changed considerably from last winter, when backers of the nuclear negotiations had to mount a major fight to keep Congress from passing a new sanctions bill that would have sunk them. Then the talks went on so long—twenty-two months—that we got used to the spectacle of senior US officials sitting across the table from high-level Iranians. Or the two countries' respective foreign ministers taking a walk together. This was a long way from George W. Bush's putting Iran in the "axis of evil." But the deal's supporters are aware that opinion could swing back in the other direction.

As the negotiations went on, one of the opponents' tactics was to say that Obama (or Kerry) "wants a deal too badly." This got to the point where some talk show hosts and Republican pols described Obama as "desperate" for a deal. The Republicans are very good at the art of repetition: taking a talking point and saying it over and over and over again until it starts to pass as a fact. They've done so well with this that this spring my dentist told me in the strictest secrecy, off the record and all that, that his friend, a neocon Congressman, told him that Kerry wanted a deal too badly.

Dems will likely stay in line now --- Political capital solves veto override and ensures the Iran deal

Hattem 7/25/15 – congressional reporter for The Hill (Julian, Will Obama's Iran firewall hold?, The Hill, [**http://thehill.com/policy/national-security/249173-will-obamas-iran-firewall-hold](http://thehill.com/policy/national-security/249173-will-obamas-iran-firewall-hold))/JJ

President Obama is counting on House Democrats to be his last line of defense against congressional opponents of the nuclear deal with Iran. Many key players remain undecided, however, and some lawmakers are speculating that as much as half the House Democratic Caucus might be willing to buck the White House. “If [Republicans] bring before us a resolution that says ‘We hereby approve the deal,’ I think that as many as half the Democrats would vote against it,” Rep. Brad Sherman (D-Calif.), a critic of the Iran deal, said this week. Facing unified Republican opposition to the deal, the White House is working hard to get House Democrats on board. Top officials from Obama on down have been meeting personally with Democratic lawmakers in recent days, with the president even bringing some of them into the Situation Room to go over classified details. At some point in September, Congress is expected to vote on the Iran deal. A vote against the pact would prevent Obama from lifting congressional sanctions on Iran, potentially blowing up the agreement. Should a resolution against the deal pass, Obama would almost certainly veto it, setting up a final showdown in Congress. If Republicans were to override Obama in the Senate — no small task, since it would likely require at least 13 Democratic votes — the fight could come down to House Democrats. Assuming House Republicans vote in a unified bloc, Democrats could afford to lose no more than 43 members to sustain an Obama veto. But corralling 145 lawmakers to back the president on Iran won’t be easy, given the likelihood of divisive vote that many lawmakers say will be among the most consequential of their careers. “I’ve got 60 days,” Rep. Eliot Engel (N.Y.) — the top Democrat on the House Foreign Affairs Committee — said on his way out of a closed-door briefing on Capitol Hill this week, when asked about whether he backs the deal. “I’m listening, learning and reading, and I have time to make a decision.” After a Thursday morning meeting with Obama in the White House Situation Room, Rep. Adam Schiff (Calif.) — the top Democrat on the Intelligence Committee and another key undecided vote — told MSNBC that Obama is “well into the weeds on this issue” and appears intent on making the case to Democrats. “He really, I think, feels very positive about this deal and was ready to make the case to us,” Schiff said. “He’s quite unequivocal about where he thinks the merits of the agreement are.” The crucial role of the House Democrats in the Iran debate was apparent last week, when Vice President Biden trekked to Capitol Hill to meet with them mere hours after the deal was struck. Biden gave a detailed briefing on the diplomatic accord, which aims to limit Iran’s ability to obtain a nuclear bomb in exchange for the reduction of global sanctions on its oil and financial sectors. This week, Democrats appeared to be the main target of a closed-door briefing for the full House with Secretary of State John Kerry, Energy Secretary Ernest Moniz and Treasury Secretary Jack Lew. Kerry and Moniz followed up the next day with a closed-door meeting for Democrats only. The sales job has even gone international. Obama is halfway through a six-day trip to Africa. At various points during the transcontinental journey, no fewer than 17 House Democrats will join him on Air Force One — a prime opportunity for him to talk up the Iran accord face-to-face. It’s clear that many lawmakers have deep reservations about the deal. During the closed-door

briefing with Kerry and Moniz on Thursday, Democrats brought up concerns that “after 15 years, Iran will be a nuclear threshold power,” Engel said. “In many ways this doesn’t prevent Iran from becoming a nuclear power... it just postpones it,” he added. “That’s my major concern.” Sherman said Democrats inclined to vote against the Iran deal might choose not to override a veto, if it comes to that. “I could even see Democrats voting differently on passage of a resolution of disapproval and on overriding a veto of that,” Sherman said. “Because the first vote would be a symbolic vote — ‘do we approve of the deal?’ — the second vote really puts Congress at war with the president.” Rep. Jan Schakowsky (D-Ill.), a supporter of the deal, brushed off speculation that many Democrats would break rank. “I feel very optimistic that we can sustain a veto,” she said. “I say that as someone who has talked to a lot of members and collecting names.” “I feel optimistic that we will have enough.”

Iran will pass – Obama is selling the deal and Democrats are incrementally lining up behind him.

ABC 7/26 (ABC Associated Press, “Democratic Senator Leaning Toward Supporting Iran Deal”, 7/26/15, <http://abcnews.go.com/Politics/wireStory/democratic-senator-leaning-support-iran-deal-32696324>, accessed 7/26/15)//RZ

Democratic Sen. Joe Manchin of West Virginia said Sunday he is leaning toward supporting the Iranian nuclear deal because the alternative would be war.

Manchin is the latest Democrat to speak favorably of the agreement. Members of his party have started lining up to support the pact as the Obama administration works to sell it to lawmakers. Secretary of State John Kerry argued the case last week on Capitol Hill.

"I'm leaning very strongly towards that because of the options that I have," Manchin said on CBS' "Face the Nation." "The only other option is go to war, and I'm not ready to send our people into harm's way again until people in that part of the world want to clean up their own mess."

Manchin said he has spoken to leaders in four of the five countries that negotiated the Iran nuclear deal, and he said if Congress rejects it, the U.S. will be on its own and faced with going to war against Iran.

"And they all believe that this is a pathway that they should be taking; it's one they support," he said. "If we pull out, we pull out by ourselves. So I'm looking at all of the information I have to make a decision by September."

Republican critics told Kerry last week they think the U.S. failed to insist on enough restraints on Iran's nuclear program before agreeing to lift economic sanctions.

Congress has 60 days to review the agreement, which lifts economic sanctions if Iran curbs its nuclear program's capacity. The deal will take effect unless Congress blocks it, which GOP leaders who control the House and Senate hope to do.

Obama has promised to veto any effort to block the deal from taking effect, and the administration is looking for enough votes to keep Republicans from overriding a veto.

The White House is confident they can overcome the opposition's tactics and sustain the veto.

Toosi 7/22 – Foreign Affairs Correspondent Politico (Nahal, “Iran deal opponents steal tactic from Obamacare fight”, Politico, 7/22/15, <http://www.politico.com/story/2015/07/iran-deal-opponents-tactic-obamacare-fight-120486.html>, accessed 7/23/15)//RZ

The Obama administration could have dodged the potential town hall drama by reaching the deal with Iran before July 10, which would have given Congress only 30 days to review it — avoiding the recess period. White House officials are confident they will get the support they need to sustain a veto if it comes to that, but they are girding for a potentially bruising August as interest groups wage a war for public opinion over the deal, one expected to cost millions in advertising, petition drives, call-in campaigns and other efforts.

As far as town halls go, “certainly this is something we knew would be in the offing,” a senior administration official said. “That’s part of the reason we’re doing our own aggressive outreach.”

The administration has been in touch with women’s groups, peace activists, Jewish leaders and other constituencies it believes can help make its case for the deal to Congress, the official said, adding, “We’re doing this certainly in the hope and, frankly, the expectation that they will make their views on this vocal.”

The deal’s supporters say they’ve been anticipating the challenge posed by town halls and similar events, so they, too, are rallying their members to show up. The FCNL has even launched a web page that tracks lawmakers’ town hall schedules.

2nc – at: pelosi/others push

*****note --- this ev is also in the 2nc PC key block too**

Obama's political capital is a crucial variable to ensure passage

French and Bresnahan 7/27/15 – congressional reporters for Politico (Lauren and John, House Democrats Whip for Iran Deal, Politico, <http://www.politico.com/story/2015/07/house-democrats-whip-iran-deal-120642.html>)/JJ

Three days before world leaders formally unveiled an interim deal in early 2014 to slow the growth of Iran's nuclear program, two House Democrats quietly met to start discussing how they could sell a final accord — if it ever came to fruition — to a skeptical Congress.

It was Jan. 9, 2014, and Texas Rep. Lloyd Doggett and North Carolina Rep. David Price knew that without a sustained campaign from allies in Congress, it would be tough for President Barack Obama to persuade lawmakers to support the agreement over the strong objections of pro-Israel groups like the American Israel Public Affairs Committee.

“We knew we really needed to get a message going that was strongly in favor of diplomacy,” Doggett said. “And now we are in the position to go back to folks and ask what areas they have questions about. The only alternative is war.”

The deal faces a make-or-break vote this September, when Republicans will move forward with legislation to scuttle the agreement. The GOP is trying to build a veto-proof majority, and both sides, along with Obama himself, are lobbying hard for every vote, with Doggett, Price and about a half-dozen other Democrats quarterbacking the effort to keep Obama's legacy-defining diplomatic achievement afloat in the House

Since that early meeting, their campaign has developed into a more organized and formal whip operation. Instead of meeting in Price or Doggett's offices or on the House floor, the campaign to sway House Democrats to support the controversial Iran nuclear deal is now housed in the Capitol offices of Minority Leader Nancy Pelosi.

Price and Doggett have marshaled a broad array of support in the caucus, from moderates like themselves to liberals in the whip team — all the way up to Pelosi herself, who announced her strong support for the accord shortly after it was announced on July 14.

“A nuclear Iran is unacceptable to the United States, to the world and, in particular, to Israel,” the California Democrat said then.

Pelosi joins an interesting collection of advocates. Doggett and Price are far more moderate than the whip operation's other leaders. Other deal backers, such as Reps. Barbara Lee of California, Jan Schakowsky of Illinois, Peter Welch of Vermont and Keith Ellison of Minnesota, are some of Congress' most liberal members.

Buoyed by personal lobbying from Obama, members and Democratic staff say they already have the votes necessary to sustain a veto from Obama if Republicans, as expected, advance legislation to disapprove of the agreement. Obama would need close to 145 Democrats to back the deal if that happens, and senior aides have pointed to the 152 Democrats who signed an early 2015 Price-Doggett-Schakowsky letter supporting the framework of the agreement as evidence they can back the president.

But with anti-deal groups like AIPAC pouring \$20 million to \$40 million into TV advertisements blasting the deal, Democratic lawmakers said in interviews they weren't taking any chances. Shortly after Obama announced during a 7 a.m. White House news conference that negotiators in Vienna had sealed a deal, the half-dozen lead supporters in Congress touched base about re-engaging Democrats who had signed onto the letter sent earlier this year.

"We're having regular meetings and trying to find out what [lawmakers'] concerns are. Most of the members right now are going through the due diligence phase, so part of the whip operation is basically finding out what's on their mind and how can we get the information to you that you need to come to a conclusion," Welch said. "There has been a coordinated approach with the White House, and it's created a real infrastructure of common effort as we come down to the crunch."

He said Obama's chief of staff, Denis McDonough, is the group's main point of contact with the White House.

Over the August recess, there is talk of holding conference calls with members who are still weighing whether to support the deal. Those calls would connect deal experts or the lead negotiators of the accord — Secretary of State John Kerry and Energy Secretary Ernest Moniz — with any members who still have outstanding questions.

The whips are also working with pro-deal groups like J Street — a liberal pro-Israel organization — to help counter the money and energy AIPAC and anti-agreement groups are aiming at swing districts. J Street is planning to spend far less money — just over \$1 million — than AIPAC, but Schakowsky said grass-roots support could counterbalance the cash disparity.

Since the deal was announced, Pelosi has taken the reins on outreach to members — an effort the other pro-deal leaders described as critically important to bringing members on board. Meanwhile, Kerry gave a closed-door presentation to House Democrats on Thursday, and more briefings are expected from Obama administration officials before lawmakers leave on their five-week August recess on Thursday.

State Department official Wendy Sherman — who led negotiations with Tehran for the U.S. — will brief the Democratic and Republican leadership teams on Wednesday. That classified meeting will include the committee chairs and ranking members of the House's national security committees.

The whips are also working members over with a blunt political message: Come out in support now and save yourself from a painful August.

“We’re getting a lot of positive responses where it’s clear that people want to be supportive, especially as they focus on the question of what’s the alternative,” Welch said. “People are taking it quite seriously. This is an extremely momentous decision that the Congress is going to make.”

Any on-the-fence Democrat should expect AIPAC and its coalition of pro-Israel groups to use the August break to their advantage. Beyond the television and Internet ads, the group will capitalize on its national network of allies to apply consistent pressure on lawmakers to vote against the nuclear agreement.

But Schakowsky is arguing that anti-deal groups will ignore members who’ve gone on the record in support and will focus their efforts on trying to sway undecided lawmakers. Still, besides the whip team, few members have come out strongly in support of the deal.

“My sense is that our members are really working to get to yes. I feel more optimistic every day that we’ll have enough votes to override the veto if that is necessary,” the Illinois Democrat said. “We’re encouraging members who have made a decision to put out a statement. We are encouraging members to decide early to in some ways spare themselves a very aggressive summer.”

Obama’s personal outreach may be helping as well. A group of freshmen members who met with the president during a 90-minute briefing last week in the Situation Room said he is more engaged with the grueling work of lobbying than they’ve ever seen him. It’s clear that the president, the lawmakers said, deeply understands the details of the accord and is making the argument that this is the best deal for the U.S.

The president also warned the freshman lawmakers he met with last week — none of whom have committed to supporting the deal — that the White House would be closely watching their votes and no Democrat would get a pass for voting against it.

2nc – at: un vote

UN vote is irrelevant

Krepon and Campbell 7/20/15 – Co-founder of the Stimson Center AND **intern at the Stimson Center (Michael and Melanie, UN Vote Doesn't Usurp Congress on Iran, National Interest, <http://www.nationalinterest.org/feature/un-vote-doesnt-usurp-congress-iran-13374>)/JJ

The United Nations Security Council votes on Monday [July 17] on the Iranian nuclear limitation agreement. The timing of this resolution—well before the Congress votes up or down in mid-September— has been met with a wave of indignation on Capitol Hill.

Some Democrats have joined Republicans in expressing their displeasure, charging an “end run” of the Congress, disregard for its oversight role, and a violation of U.S. sovereignty. Chairman Bob Corker (R-TN) of the Foreign Relations Committee called the move “highly problematic” and “an affront to the American people.” Ranking Minority Member Ben Cardin (D-MD) told reporters that “I think it is somewhat presumptuous to take it to the UN for a vote before the Congressional review is over.”

In actuality, the Obama administration is following in the footsteps of the George H.W. Bush and George W. Bush administrations. Both went to the United Nations seeking support for military action against Saddam Hussein before going to the U.S. Congress. If this sequence is appropriate for making war, it should also be appropriate for avoiding war.

A supportive vote on the Iran deal on Monday is a foregone conclusion. The five veto-wielding, permanent members of the UN Security Council were all parties to the Iran negotiations, and all support the results. Later this fall, it's likely that there will be a vote in the UN General Assembly on this deal, which will also be approved overwhelmingly. Indeed, there may be only one negative vote, cast by the state of Israel.

These UN votes do not prejudice or violate in any way the Congress's role in considering the merits and weaknesses of the Iran agreement. Implementation of this deal will only follow the process of Congressional review negotiated between Senate Foreign Relations Committee Chairman Corker and Ranking Minority Member Cardin with the White House.

If the Congress votes, after due deliberation, to oppose the terms of this agreement, President Barack Obama has promised to veto a resolution of disapproval. Congress will then have the opportunity to override this veto. Failing this, implementation will begin, as laid out in the complex terms of the Joint Comprehensive Plan of Action agreed upon by the United States, Iran, France, Germany, Great Britain, Russia and China.

There are strong precedents for going to the United Nations before going to the Congress. Following Saddam Hussein's invasion of Kuwait on August 2, 1990, President George H.W. Bush deployed troops to Saudi Arabia to clarify that Saddam's actions would not stand. By November of that year, the Bush administration went to the U.N. Security Council to sanction military action against Iraq. On November 29, 1990, Security Council Resolution 678 was passed, which authorized the use of “all necessary means” to evict Iraq from Kuwait. Only then did President Bush ask for the Congress's support for military action. His request was made on January 8,

1991—a full month after the U.N. resolution was passed. Congress granted authorization on January 14. The United States commenced military action two days later.

President George W. Bush followed the same sequencing prior to the 2003 Iraq war. His administration first went to the UN in September, 2002 to seek authorization for the use of force against Iraq. The U.N. passed Security Council Resolution 1441, which gave Iraq one final opportunity to comply with its disarmament obligations before it would face “serious consequences.” This UN Security Council resolution was passed a full month before Congress authorized the Iraq War Resolution on October 16, 2002.

The Obama administration’s sequencing is no different from those of the George H.W. Bush administration and the George W. Bush administration. What’s different is that this UN resolution seeks to prevent a state in the Middle East from acquiring nuclear weapons by peaceful means.

2nc – at: saudis block

Saudis are on board –

Burns 7/23/15 – Associated Press (Robert, Carter Says Saudis Welcoming Iran Deal with Reservations, Military.com, <http://www.military.com/daily-news/2015/07/23/carter-says-saudis-welcoming-iran-deal-with-reservations.html>)/JJ

U.S. Defense Secretary Ash Carter says Saudi King Salman is welcoming the Iran nuclear deal but expressing reservations about how effectively it will be enforced.

Carter met with the king as well as his defense minister Wednesday in the Saudi Red Sea city of Jeddah.

Carter told reporters afterward that the king expressed reservations about how well Iranian compliance with the nuclear deal can be verified. And he expressed concern about the mechanism for reinstating international economic sanctions in the event that Iran is found to have violated the deal.

Carter said the U.S. shares those same concerns.

Saudi Arabia sees Iran as its chief regional foe and is worried about growing Iranian influence in Yemen and elsewhere in the Persian Gulf region. JIDDAH, Saudi Arabia — Saudi Arabia's King Salman and his defense minister support the Iran nuclear deal but have doubts about how effectively the historic agreement will be enforced, U.S. Defense Secretary Ash Carter said Wednesday.

The Saudis appear to have reconciled themselves to the Iran deal, judging from Carter's comments.

Carter spoke to reporters after meeting in Jiddah with the king and Defense Minister Mohammad bin Salman Al Saud.

"They both — the king and the minister of defense — reiterated their support" for the deal, Carter said. "The only reservations we discussed were ones that we clearly share, namely that we attend to verification of the agreement as it's implemented," and the use of a "snap-back" mechanism for quickly re-imposing sanctions on Iran if the Islamic Republic cheats on any part of the agreement to limit its nuclear program to peaceful pursuits.

"Those are the same issues that we know will arise" as the deal is implemented, Carter said.

Some experts say reinstating sanctions would be more difficult than the term "snap back" implies.

2nc – at: side deals

No side-deals – just hype and pc solves

Fabian and Wong 7/26/15 – congressional reporters for The Hill (Jordan and Kristina, White House launches Iran side deals counterattack, The Hill, [//JJ">http://thehill.com/policy/international/249171-white-house-launches-counterattack-against-iran-side-deal-attacks\)//JJ](http://thehill.com/policy/international/249171-white-house-launches-counterattack-against-iran-side-deal-attacks)

The Obama administration is launching a fierce counterattack against Republican arguments that so-called “side deals” between Iran and international nuclear inspectors represent a good reason to oppose the Iranian nuclear deal.

Republicans have seized upon bilateral agreements between Iran and the International Atomic Energy Agency (IAEA) to turn public opinion against the deal.

They hope that if the public rejects the agreement, it will be harder for Democrats to back the administration on votes to unwind the deal that are expected in September.

Republicans would need two-thirds majorities in the House and Senate to overcome an expected veto by President Obama.

Highlighting agreements involving Iran’s past military-related nuclear activity are meant to undercut the Obama administration’s argument that the nuclear pact built on verification, not trust of Iran.

Republicans also are using the fact that the documents are being kept secret to accuse the administration of withholding information.

As the “side deals” argument gained traction in GOP circles, administration officials stepped up their effort to fight back.

“I know there has been a suggestion by some Republicans that there are some agreements that were cut off to the side,” press secretary Josh Earnest said Wednesday. “The fact is, this is a critical part of the agreement.”

The White House also took to Twitter to rebut GOP claims.

“There’s no ‘secret’ or ‘side’ deal with Iran. Congress has everything we have on the #IranDeal” read one tweet on @TheIranDeal account, set up by the White House to sell the agreement to the public.

“Lots of misperceptions re the #IranDeal,” National Security Adviser Susan Rice tweeted. “This is a good deal that should be judged on its merits, not distortions.”

Administration officials say the Iran-IAEA agreements aren’t side deals, but standard practice in crafting arms-control pacts.

Yet the administration’s initial response to the GOP arguments was muddled.

While State Department spokesman John Kirby on Wednesday said there were no “side deals” and that the IAEA arrangements were normal, Rice described the arrangement as an agreement between Iran and the IAEA.

She hastened to add that the deals were not secret, that the administration knew their contents and were “satisfied” with them. She also pledged administration officials would hold classified briefings for lawmakers on the details.

2nc – at: uq overwhelms link

Obama's margin for error is thin—only aggressive lobbying will ensure passage

French 7/16/15 – Congress reporter for POLITICO (Lauren, Nancy Pelosi voices 'strong support' for Iran deal, Politico, <http://www.politico.com/story/2015/07/iran-deal-nancy-pelosi-supports-120224.html>)/JJ

House Democratic leaders are increasingly confident they have the votes necessary to sustain any presidential veto of GOP-backed legislation that would effectively scuttle the Iran nuclear deal.

Despite some lingering skepticism in parts of the caucus, leadership sources pointed to the 152 Democrats already on the record supporting the earlier framework of the nuclear deal as evidence that House Democrats will likely do their part to keep President Barack Obama's landmark nonproliferation deal alive.

House Minority Leader Nancy Pelosi, who wields significant influence in the caucus, on Thursday announced her "strong support" for the deal.

"A nuclear Iran is unacceptable to the United States, to the world and, in particular, to Israel," the California Democrat said. The deal is "intensifying our vigilance over every aspect of the entire Iranian nuclear program."

Keeping House Democrats on board could end up being the easiest sales pitch White House has to make when it comes to Iran.

Congressional Republicans are denouncing the deal — which would stop the growth of Iran's nuclear facilities while lifting a series of sanctions — as inadequate. Republicans are planning to move ahead with disapproval legislation after a 60-day review period — a measure Obama has already pledged to veto as it would essentially stop the accord from going forward.

That means Obama would need Democrats in both chambers to sustain his veto — or the agreement dies. In the Senate, the White House can lose no more than 12 Democrats from the 46-member caucus.

The numbers in the House are harder to pin down exactly. Despite the support of high-profile members like Pelosi and Illinois Rep. Jan Schakowsky, the margins would be close — mostly because Democrats hold so few seats.

So the White House is doing its best to avoid any surprises this fall, when the disapproval resolution is expected to start moving. Obama has already started aggressively lobbying members — a process that started before the nuclear agreement was even publicly announced.

Obama and Pelosi spoke by phone Monday night and other top Obama administration officials called Democrats who have been active on Iran shortly after the final accord was made public.

The early effort paid off with Pelosi. The California Democrat announced Thursday her "strong support" for the deal — and said she would personally lobby her fellow House Democrats to

back it. She'll join an established pro-deal whip operation in the House that's run by Schakowsky and Reps. Lloyd Doggett of Texas and David Price of North Carolina.

Schakowsky was among a group of nearly 15 Democratic lawmakers invited to the White House on Thursday for an early morning briefing on the deal. The Jewish lawmakers questioned administration officials about how much money Iran would have access to after sanctions were lifted, the timetables for inspections of Iranian nuclear sites and the details of an arms embargo.

"People felt that the administration was more than willing to spend whatever time is necessary to provide the assurances to the members and they understand that the Jewish members have a particular concern, which is a concern about the security of Israel," Schakowsky said. "There were reassurances made there too. I think in general the feeling was that not only was that session satisfactory but there is a willingness of the administration to work with us to answer the concerns."

2nc – at: thumpers --- top level

Iran is the top-priority – that’s 1NC Fabian – our ev assumes the thumpers and prices them in with Obama’s current political capital

Iran deal is top of the docket

Byrnes and Kamisar 7/15, staff writer at The Hill, (Jesse and Ben, 7/15/15, Obama defends Iran deal, The Hill, <http://thehill.com/homenews/administration/248028-obama-defends-iran-deal>)//kap

President Obama on Wednesday sought to defend his administration’s nuclear deal with Iran, suggesting it was a historic opportunity that the United States should not pass up.

“It prevents the most serious threat — Iran obtaining a nuclear weapon, which would only make the other problems Iran may cause even worse,” Obama said during a press conference.

“If we don’t choose wisely, I believe future generations will judge us harshly for letting this moment slip away,” Obama said in brief opening remarks.

Obama outlined a litany of arguments for adopting the deal, saying it cuts off Iran’s pathways to a bomb, provides “unprecedented, around-the-clock” international inspections to known sites and the entire supply chain and deters the threat of a nuclear Iran.

Negotiators working for the past two years reached an accord early Tuesday providing sanctions relief for Iran in exchange for a rollback of its nuclear program.

The deal expands the breakout time for Iran to obtain enough material to build a nuclear weapon to one year by reducing the amount of centrifuges and uranium Iran can have, limiting the reactors it can build and adding further restrictions and inspection protocols.

But critics have blasted many parts of the accord, including the intensity of inspections, saying that Iran could have up to 24 days before inspectors are allowed access to undeclared sites.

Obama hit those concerns, pushing back on the idea that the 24-day window is insufficient. He noted that the international community could vote to overrule Iran if it tries to restrict access to undeclared sites, even without the support of Russia or China, countries that have been sympathetic to Iran in the past.

“The nature of nuclear programs and facilities is such — this is something you do not hide in a closet. This is not something that you put on a dolly and wheel off somewhere,” Obama said.

“We don’t need Russia or China in order for us to get that override,” he said. “If they continue to object, we’re in a position to snap back sanctions.”

The deal with Iran, a top priority for Obama in his second term, is being met with deep skepticism from members of Congress and others in the Middle East, particularly Israel.

A significant number of lawmakers have argued that anything short of a complete dismantling of Iran's nuclear program is a failure and question terms that lift arms and ballistic missile embargoes after five and eight years, respectively. That would allow Iran to possess those weapons, despite its stated hostility to Israel, as well as its support for terrorism and other destabilizing forces in the region.

Obama countered that international law has a "number of mechanisms" to prevent illicit arms shipments by Iran and that it will be easier to check Iran's "nefarious" actions if it doesn't have a bomb.

He said he told negotiators they should press for a longer extension of the arms embargo and of ballistic missile prohibitions given concerns Iran can't be trusted. "And we got that," he said.

Congress will have 60 days to review the deal and an additional 12 days to vote on it as part of a law passed earlier this year as a compromise between Congress and the White House.

If Congress can overcome the president's veto, he won't be able to lift all of the country's sanctions against Iran, which could jeopardize the deal. But if Congress fails to scuttle the deal, either through a "no" vote or a decision not to hold a vote, Obama is authorized to move forward and abide by the terms.

2nc – at: ex-im thumper

Ex-Im is bipartisan

VOA 7/22/15 – Voice of America News (VOA, Obama to Pressure Congress on Ex-Im Bank, <http://www.voanews.com/content/obama-to-pressure-congress-on-ex-im-bank/2872957.html>)/JJ

President Barack Obama will meet with a group of 10 business owners at the White House Wednesday as he pushes Congress to reauthorize the charter for a government agency that assists American companies who sell their goods in foreign markets.

The charter for the Export-Import Bank expired on June 30 after the Republican House of Representatives went on a planned recess without holding a vote on the issue. The bank has strong bipartisan support on Capitol Hill, but a group of staunch conservative Republicans has criticized the agency as a form of "corporate welfare" that only helps a few large corporations that do not need government assistance.

The White House says the business owners who will meet with the president have worked with the Ex-Im Bank in the past "to expand their exports and sustain and create jobs." Supporters have also noted that rival nations such as China and Germany have similar agencies assisting their companies sell exports on the global market.

"The Export-Import Bank is a critical tool in the bipartisan trade agenda that helps U.S. businesses succeed in global markets and grow their exports. Ex-Im equips companies with financing they need to go toe-to-toe with foreign rivals, resulting in more exports and more well-paying jobs in cities and towns here in America, rather than overseas," a White House official said.

There is growing support in the Senate to attach a measure to restore the Ex-Im Bank's charter on a bill that would provide funding for the federal Highway Trust Fund, which must be approved by July 31.

Support in both chambers

Wolfgang, your author, 7/22/15 – White House reporter for the Washington Times (Ben, Obama pushes for Ex-Im Bank renewal, chides lagging Congress, Washington Times, <http://www.washingtontimes.com/news/2015/jul/22/obama-pushes-ex-im-bank-renewal-chides-congress/?page=all>)/JJ

"Reauthorizing Ex-Im has wide, bipartisan support in both chambers, and it's time for Speaker Boehner and Leader McConnell to listen to their colleagues and the American people and hold a vote on a reauthorization bill. Our businesses and our economy cannot afford to have Congress delay any longer," said Sen. Chris Coons, Delaware Democrat.

****links**

2nc Spillover Ev ***

Obama must continue spending PC and avoid any new surprises to ensure passage

French 7/16/15 – Congress reporter for POLITICO (Lauren, Nancy Pelosi voices ‘strong support’ for Iran deal, Politico, <http://www.politico.com/story/2015/07/iran-deal-nancy-pelosi-supports-120224.html>)//JJ

House Democratic leaders are increasingly confident they have the votes necessary to sustain any presidential veto of GOP-backed legislation that would effectively scuttle the Iran nuclear deal.

Despite some lingering skepticism in parts of the caucus, leadership sources pointed to the 152 Democrats already on the record supporting the earlier framework of the nuclear deal as evidence that House Democrats will likely do their part to keep President Barack Obama’s landmark nonproliferation deal alive.

House Minority Leader Nancy Pelosi, who wields significant influence in the caucus, on Thursday announced her “strong support” for the deal.

“A nuclear Iran is unacceptable to the United States, to the world and, in particular, to Israel,” the California Democrat said. The deal is “intensifying our vigilance over every aspect of the entire Iranian nuclear program.”

Keeping House Democrats on board could end up being the easiest sales pitch White House has to make when it comes to Iran.

Congressional Republicans are denouncing the deal — which would stop the growth of Iran’s nuclear facilities while lifting a series of sanctions — as inadequate. Republicans are planning to move ahead with disapproval legislation after a 60-day review period — a measure Obama has already pledged to veto as it would essentially stop the accord from going forward.

That means Obama would need Democrats in both chambers to sustain his veto — or the agreement dies. In the Senate, the White House can lose no more than 12 Democrats from the 46-member caucus.

The numbers in the House are harder to pin down exactly. Despite the support of high-profile members like Pelosi and Illinois Rep. Jan Schakowsky, the margins would be close — mostly because Democrats hold so few seats.

So the White House is doing its best to avoid any surprises this fall, when the disapproval resolution is expected to start moving. Obama has already started aggressively lobbying members — a process that started before the nuclear agreement was even publicly announced.

Obama and Pelosi spoke by phone Monday night and other top Obama administration officials called Democrats who have been active on Iran shortly after the final accord was made public.

The early effort paid off with Pelosi. The California Democrat announced Thursday her “strong support” for the deal — and said she would personally lobby her fellow House Democrats to back it. She’ll join an established pro-deal whip operation in the House that’s run by Schakowsky and Reps. Lloyd Doggett of Texas and David Price of North Carolina.

Schakowsky was among a group of nearly 15 Democratic lawmakers invited to the White House on Thursday for an early morning briefing on the deal. The Jewish lawmakers questioned administration officials about how much money Iran would have access to after sanctions were lifted, the timetables for inspections of Iranian nuclear sites and the details of an arms embargo.

“People felt that the administration was more than willing to spend whatever time is necessary to provide the assurances to the members and they understand that the Jewish members have a particular concern, which is a concern about the security of Israel,” Schakowsky said. “There were reassurances made there too. I think in general the feeling was that not only was that session satisfactory but there is a willingness of the administration to work with us to answer the concerns.”

--gridlock – generic

Reform causes gridlock – congress fights over the extent of surveillance curtailment.

Guliani 15 (Neema Singh, ACLU Legislative Counsel, “What’s Next for Surveillance Reform After the U.S.A Freedom Act”, American Civil Liberties Union, 6/3/15, <https://www.aclu.org/blog/washington-markup/whats-next-surveillance-reform-after-usa-freedom-act>, accessed 7/27/15)//RZ

By a 67-32 margin Tuesday, Congress passed the USA Freedom Act — a significant milestone in our efforts to rein in NSA surveillance. The bill marks the first time since passage of the Foreign Intelligence Surveillance Act in 1978 that Congress has taken steps to restrict — rather than expand — the government’s surveillance authority.

To be clear, the bill that passed yesterday is not as strong as we wanted. It is markedly weaker than the original version of the USA Freedom Act that the ACLU first supported in 2013, which itself left many serious surveillance abuses untouched. And while the ACLU was neutral on the version of USA Freedom that ultimately passed, we were a vocal critic of its shortcomings and supported a sunset of the provisions in an effort to advance more comprehensive reform.

Notwithstanding this, however, it is very clear that the USA Freedom Act is a historic step forward.

On the road to its passage, pro-reform advocates beat back efforts led by Senate Majority Leader Mitch McConnell (R-Ky.) to simply extend expiring Patriot Act provisions. A week before the scheduled expiration, he failed to garner enough support for even a one-day extension. Opposition came from many within his own party, with senator after senator taking the floor in support of reforming surveillance laws.

When gridlock resulted in a temporary sunset of the provisions, a majority of the Senate again refused to accede to efforts to water down the USA Freedom Act or extend the provisions.

cybersecurity – unpopular

Cybersecurity reform causes a fight – tech firms and certain senators oppose.

Risen 6/10 (Tom Risen, technology and business reporter for U.S. News and World Report, "Martin O'Malley Backs Controversial Cybersecurity Bill", 6/10/15, Martin O'Malley Backs Controversial Cybersecurity Bill, accessed 7/27/15)//RZ

The White House backs the cybersecurity legislation, which passed the House in April, but it also wants changes made in the Senate. Along with calling for amendments to limit the collection and sharing of unnecessary consumer data, the administration said giving companies too much legal protection for failing to protect consumer privacy or to act on hacker threat data "may weaken cybersecurity writ large." Senate Majority Leader Mitch McConnell, R-Ky., announced on Wednesday that he wants to expedite passage of the Senate version of the bill, called the Cybersecurity Information Sharing Act, by attaching it to the National Defense Authorization Act now on the Senate floor.

Cybersecurity professionals, however, remain convinced both pieces of legislation could damage privacy rights and endanger networks by sharing unnecessary information.

Sen. Rand Paul, R-Ky., and Sen. Bernie Sanders, I-Vt., who are both presidential candidates, reportedly oppose the Senate bill because of the similar concerns about privacy, U.S. News has learned. O'Malley noted these concerns in his op-ed when he talked about his support for the Protecting Cyber Networks Act.

"After making changes to protect consumer data and ensure the appropriate level of legal protection for companies, Congress should pass this legislation," O'Malley said in the op-ed. "We need to ensure that privacy issues are directly and adequately addressed in order to build the trust necessary for businesses and other organizations to work with the government on the safeguards we need to protect both."

House Approves Controversial Cybersecurity Bill

McConnell's move to attach cybersecurity legislation to a must-pass defense funding bill would damage the process to address privacy concerns, the Center for Democracy & Technology said in a blog post on Wednesday. The advocacy group warned that the Senate cybersecurity bill could enable the expansion of government surveillance and would not address the conduct of the National Security Agency and other agencies. The advocacy group wants the bill to discourage government conduct that could damage cybersecurity, including the stockpiling of "zero day" vulnerabilities in consumer software that could allow intelligence agencies to monitor or hack networks.

"This move would almost certainly stifle necessary debate on the privacy and civil liberties problems in the bill and thwart amendments that Senators have been crafting to address those problems," the blog post said.

A group of engineers from firms including Twitter and Cisco on April 16 sent a letter opposing the bill to House and Senate lawmakers, adding that security professionals already share threat data while complying with federal law.

"We do not need new legal authorities to share information that helps us protect systems from future attacks," the letter reads.

cybersecurity – gridlock

Cyber security bills ensure gridlock.

O'Malley 6/9 (Martin O'Malley, former governor of Maryland, "The U.S. Government – And The Next President – Needs To Take Cybersecurity Seriously", Foreign Policy, 6/9/15, <http://foreignpolicy.com/2015/06/09/the-u-s-government-and-the-next-president-needs-to-take-cybersecurity-seriously/>, accessed 7/27/15)//RZ

Last week, we learned of a massive cyberattack on U.S. government data. Likely emanating from China, the attack has compromised the personal information of 4 million current and former federal employees. This security breach might be the most significant yet to take place in our country, but it won't be the last. It signals the urgent need to advance a new agenda to improve our nation's cybersecurity.

In the face of increasingly dangerous cyberattacks, it is imperative that we overcome gridlock in Washington. The Protecting Cyber Networks Act, a bill that seeks to improve public-private information sharing to reduce cyberthreats, has stalled in the Senate. After making changes to protect consumer data and ensure the appropriate level of legal protection for companies, Congress should pass this legislation.

prisons – unpopular

Prison reform costs tons of PC – Democrats are afraid of the ‘soft on crime’ label and reform is in opposition to long-held beliefs.

Dagan and Teles 12 (David Dagan, Steven M. Teles, associate professor of political science at John Hopkins University, “The Conservative War on Prisons”, Washington Monthly, November/December 2012, http://www.washingtonmonthly.com/magazine/novemberdecember_2012/features/the_conservative_war_on_prison041104.php?page=all, accessed 7/26/15)//RZ

Such second thoughts are creating the first significant opening in years for a criminal justice overhaul. Neither Republicans nor Democrats can reform the system alone given the continuing fear of being tarred with the “soft on crime” label, said Gene Guerrero, a policy analyst at the Washington office of George Soros’s Open Society Foundations. It can only happen, he said, “if there is real leadership from both sides and if the reforms are developed and move forward on a bipartisan basis.”

Still, it’s conservatives who bring the most muscle to the job. A handful of liberal organizations have valiantly kept alive the argument for reform even through the dark days of the 1980s and ’90s—places like the American Civil Liberties Union, Open Society Foundations, and the Public Welfare Foundation. By and large, however, it is conservative institutions who now pay the most attention to criminal justice, Guerrero said. In rare cases, Democratic politicians have proved willing to take up the cause, as when Michigan Governor Jennifer Granholm directed an overhaul of that state’s parole system during her first term— though her second-term push for broader reform legislation fizzled (see Luke Mogelson, “Prison Break,” Washington Monthly, November/December 2010). But most Democrats are still terrified of appearing timid before voters and are therefore loath to lead the way. At best, they can be persuaded to go along if the right gives them cover.

The right’s belated awakening to America’s incarceration crisis may seem little more than an obvious extension of libertarian and socially conservative philosophies. But logic rarely determines how movements put together their various ideological commitments. Making and changing positions is tough, entrepreneurial political work, especially when long-held, electorally successful ideas are being called into question.

Democrats fight prison reform.

NYPPost 15 (NY Post Editorial Board, “Obama is facing the prison facts”, 7/11/15, <http://nypost.com/2015/07/11/obama-is-facing-the-prison-facts/>, accessed 7/26/15)//RZ

Because the size of the prison population is indeed a national scandal — but while there are changes to be made in the prisons and the courts, the necessary work goes much, much further.

Obama knows this — but it’s his own party, and the special interests who control it, that stand in the way of seeing that fewer Americans wind up primed for prison.

Yes, it's mainly Republicans who resist sentencing reform. But that's been changing, big time.

Just last month, the president remarked, "We've seen some really interesting leadership from some unlikely Republican legislators very sincerely concerned about making progress." That's why there's bipartisan legislation for him to get -behind.

It's a live topic in the GOP presidential race, too — a top issue for Sen. Rand Paul and others.

And Texas ex-Gov. Rick Perry, in his first big policy speech last week, noted, "Nobody gets Texans confused as being soft on crime. I believe in consequences for criminal behavior. But I also believe in second chances and human redemption."

drones – obama pushes

Obama pushes – supports drone reforms

CNN 15, leading news source on issues both domestic and international, (5/18/15, President Obama to restrict grenade launchers, military equipment from local police, <http://fox59.com/2015/05/18/president-obama-to-restrict-grenade-launchers-military-equipment-from-local-police/>)//kap

WASHINGTON (CNN – May 18, 2015) — The Obama administration on Monday moved to prohibit federal agencies from providing local cops with certain kinds of military equipment such as grenade launchers, high-caliber weapons and bayonets, in the wake of controversy over a “militarized” police response to unrest last summer in Ferguson, Missouri.

The new prohibitions are part of an executive order President Barack Obama issued for federal agencies to review the types of equipment they provide to local and state police.

Obama traveled Monday to Camden, N.J., to highlight crime reduction and community policing tactics that the administration hopes can be a model around the country. A spate of officer-involved shootings and the deaths of African-Americans in confrontations with police has made policing an issue the administration is forced to grapple with.

“We’ve seen how militarized gear can sometimes give people a feeling like there’s an occupying force as opposed to a force that’s part of the community that’s protecting them and serving them,” Obama said in Camden Monday. “It can alienate and intimidate local residents and send the wrong message.”

Agencies including the Defense, Justice, and Homeland Security departments help provide equipment to local police.

The banned list includes: tank-like armored vehicles that move on tracks, certain types of camouflage uniforms, bayonets, firearms and ammunition of .50 caliber or higher, grenade launchers, and weaponized aircraft.

The presidential order established a “controlled equipment” list, with tightened requirements before federal agencies can transfer equipment to local cops. These include riot control equipments and drones. Federal agencies will also require local police to provide more data so the government can better track equipment.

ice – obama pushes

Obama pushes for ICE reforms—the plan aligns perfectly with his ideology

Key 15, staff writer at Breitbart, (Pam, OBAMA: ICE AGENTS WILL HAVE 'A PROBLEM' IF THEY DON'T FOLLOW MY ORDERS, <http://www.breitbart.com/video/2015/02/25/obama-ice-agents-will-have-a-problem-if-they-dont-follow-my-orders/>)//kap

Wednesday on MSNBC's "Town Hall with the President," President Barack Obama said of ICE agents who do not follow his administration's stated deportation guidelines of only deporting felons, not families, "They've got a problem."

The president said, "But what I can tell you is that, until we pass a law through Congress, the executive actions that we take are not going to be permanent, they're temporary. We're now implementing a new prioritization. There are going to be some jurisdictions, and if there are individual ICE officials, or border patrol, who aren't paying attention to our new directives, they'll be answerable to the department of Homeland Security, because he's been very clear about what our priorities should be. And I've been very clear about what our priorities should be. And the — I don't know what the particular circumstances here are. But what I can tell you is, people who have signed up, for example, under my executive action in DACA, there are 700,000, 800,000 people who signed up. They haven't had problems. It's worked. So we know how to make this work. "

"Right now we've got a judge who is blocking it in working. And in the interim, until we can actually process all these applications, then what we're going to do is do what we can in terms of making sure that we're prioritizing it properly. The challenge is still going to be that not only do we have to win this legal fight, which we are appealing very aggressively, but ultimately we're still going to have to pass a law through congress. The bottom line is, Jose, that I'm using all of the legal power vested in me in order to solve this problem. And, you know, one of the things about living in a democracy is that we have separation of powers, we have Congress, we have the judicial branch. And, you know, right now, we've got some disagreements with some members of Congress, and some members of the judiciary in terms of what should be done. But what I'm confident about is ultimately this is going to get done. And the reason it's going to get done is it's the right thing to do. And it is who we are as a people.

The bottom line is that if somebody's working for ICE, and there's a policy, and they don't follow the policy, there are going to be consequences to it. So I can't speak to a specific problem. What I can talk about is what's true in the government generally. In the U.S. military when you get an order, you're expected to follow it. It doesn't mean that everybody follows the order. If they don't, they've got a problem. And the same is going to be true with respect to the policies that we're putting forward."

Obama supports measures like the plan

Harris 15, staff writer at The Latin Post, (Julia, 5/31/15, Immigration Reform News: What's Next for Obama Administration After Immigration Setback as Gov. Jeb Bush Defends His Immigration

Stance, <http://www.latinpost.com/articles/56681/20150531/immigration-reform-news-whats-next-for-obama-administration-after-immigration-setback-as-gov-jeb-bush-defends-his-immigration-stance.htm>//kap

May was the month that at least 4 million immigrants were to start receiving permission to legally stay and work under U.S. President Barack Obama's latest executive actions to limit deportations, but it isn't going to happen anytime soon. Twenty-six states sued to block Obama's plans, leaving immigrants in limbo and their stay in the U.S. just as uncertain as it has ever been.

To make matters worse, after a setback by the U.S. Fifth Circuit Court of Appeals to not remove a temporary injunction on the president's 2014 immigration executive actions, the Department of Justice (DOJ) spokesman Patrick Rodenbush said the DOJ will not seek a U.S. Supreme Court emergency appeal.

Instead, the Justice Department will put into effect the expanded Deferred Action for Childhood Arrivals (DACA) guidelines and new Deferred Action for Parental Accountability (DAPA) program, which Rodenbush said was the best way for the DOJ to help the estimated 4.9 million undocumented immigrants.

He also said the DOJ will focus on the current appeal process based "on the merits of the preliminary injunction itself," and that the 5th Circuit is expected to hear the argument the week of July 6.

Basically, the administration's plan seems to boil down to "do the best we can" under the circumstances, given the lengthy process any appeal, Supreme Court or otherwise, will take.

Expanded DAPA and DACA guidelines would provide millions of undocumented immigrants a renewable three-year stay in the U.S. pending requirements outlined by the U.S. Department of Homeland Security (DHS).

Another issue is the DHS practice of immigrant family detention. Since the summer of 2014, DHS has increased its detention practices due to an influx of undocumented immigrants. The alleged prison-like confines of the detention centers prompted 136 House of Representatives Democrats to send the DHS Secretary Jeh Johnson a letter about the issue.

"Prisons are no place for families. We must end the practice of locking up innocent mothers and their children. It does not align with our country's values, and it is downright immoral," said the Fair Immigration Reform Movement spokesperson Kica Matos.

The DHS claims its detention policies deter future migration of undocumented immigrants.

The administration deported about 360,000 immigrants in fiscal 2014, reports The New York Times. Though the number of deportations is lower this year, immigrant communities' worry that minor run-ins with law enforcement will continue tearing families apart.

The administration is taking preventative measures. Obama has proposed a new enforcement effort, the Priority Enforcement Program (PEP), which focuses on dangerous immigration

violators. He also said during an interview in December with Univision News anchor Jorge Ramos, "We have to go and train ICE workers, so that they are responding in a different way."

Meanwhile, a potential Republican presidential candidate is taking up the immigration fight. On Sunday, former Gov. Jeb Bush, R-Fla., said on CBS's "Face The Nation" that though his pro-immigration stance goes against the Republican Party grain, he is not backing down.

Bush said that immigrants need a pathway to obtain legalized status.

"People need to get a provisional work permit, pay taxes, learn English, don't commit crimes, don't receive federal government assistance and earn legal status," he said.

Regarding Obama's executive amnesty, Bush said he believes the Supreme Court will overturn it.

"I think it's unconstitutional. I've written a book about this. Simple fact is he doesn't have the authority to do what he did."

Bush claims that Obama's motivation for the executive amnesty was to "create a wedge for democrats to win elections."

immigration – obama pushes

Obama loves the plan – he pushes

Sherfinski 15, staff writer at The Washington Times, (David, 2/24/15, Obama on immigration: 'Will fight any attempt to turn back the progress we've made', The Washington Times, <http://www.washingtontimes.com/news/2015/feb/24/obama-immigration-will-fight-any-attempt-turn-back/>)//kap

In a new opinion piece, President Obama said he's confident his recent executive actions on immigration will be upheld despite a setback in the courts and reiterated his call for Congress to act on the issue.

Mr. Obama wrote in The Hill, a Capitol Hill newspaper, that resources the Department of Homeland Security dedicates to the southern border are at an all-time high, apprehensions at the border are at an all-time low, and the number of illegal immigrants living in the country has stopped increasing for the first time in decades.

He defended his 2012 deportation amnesty to so-called "Dreamers" — illegal immigrants brought to the country as children — and last year's actions that would allow millions more to apply for and obtain temporary legal status and work permits as "common-sense steps" that are legal, good for the country, and ones that follow similar steps taken by past presidents of both parties.

He said he disagreed with Judge Andrew S. Hanen's recent ruling in a "partisan" lawsuit in Texas that halted his most recent deportation amnesty, that his administration will fight the ruling "with every tool at our disposal" and that he's confident his actions will ultimately be upheld. The administration formally appealed and requested a stay of the ruling Monday.

He clarified that while the decision prevents the administration from accepting new requests under his actions announced last year, it does not impact the 2012 Deferred Action For Childhood Arrivals (DACA) program for Dreamers, and people eligible for that program can still submit an initial or renewal request.

He went on to say he's confident the steps he's taken will be implemented, but that they're no substitute for congressional action, taking a shot at Capitol Hill Republicans in making his point.

"It was my hope that a new, Republican-led Congress would seek to govern responsibly by supporting commonsense solutions to one of our country's greatest challenges, just like President Bush and Sen. John McCain tried to nearly a decade ago," he wrote. "Instead, we've seen a series of votes to deport Dreamers, young people who are American in every way except on paper. We've even heard irresponsible threats to shut down the Department of Homeland Security, the very agency tasked with securing our borders and keeping Americans safe in a time of new threats, for no reason other than partisan disagreement over my actions."

Facing an end-of-week deadline, Senate Majority Leader Mitch McConnell, Kentucky Republican, announced a standalone bill late Monday that would block the latest amnesty but leave intact

the 2012 DACA program, paving the way for the GOP to pass a short-term bill to fund the Homeland Security Department.

“It’s time to end the era of manufactured crises, put politics aside and focus on doing what’s best for America,” Mr. Obama wrote. “So while I will fight any attempt to turn back the progress we’ve made or break up families across our country, I welcome the opportunity to work with anyone who wants to build on the improvements we’ve put in place, and fix our broken immigration system once and for all.”

tsa – obama pushes

He pushes – loves TSA reforms

Kimery 15, Editor-in-Chief of Homeland Security Today, (Anthony, 1/5/15, TSA Reform Bill Signed into Law by Obama, <http://inhomelandsecurity.com/tsa-reform-bill-signed-into-law-by-obama/>)/kap

President Barack Obama signed into law the Transportation Security Acquisition Reform Act (HR 2719).

Introduced by Rep. Richard Hudson (R-NC), chairman of the House Transportation Security Subcommittee in July 2013, HR 2719 was approved unanimously by the House in December of that year. Following introduction of companion legislation by Sen. Kelly Ayotte (R-NH) and unanimous Senate passage, the legislation as amended unanimously passed the House.

“As chairman, I set out to increase transparency and accountability at TSA while keeping travelers safe and saving our tax dollars,” Hudson said in a statement. “This law is an important step that will root out the waste at TSA and increase safety by ensuring that the most effective, cost-efficient security tools are implemented. Despite Washington’s gridlock, the bipartisan support of this law shows that Republicans and Democrats can work together to solve problems.”

The Transportation Security Acquisition Reform Act introduces greater transparency and accountability for the Transportation Security Administration (TSA) spending decisions through a series of commonsense reforms.

Specifically, it requires TSA to:

Develop and share with the public a strategic 5-year technology investment plan;

Share key information with Congress on technology acquisitions, including cost overruns, delays, or technical failures within 30 days of identifying the problem;

Establish principles for managing equipment in inventory to eliminate expensive storage of unusable or outdated technologies, and

Report on its goals for contracting with small businesses.

The legislation stated that, “TSA has not consistently implemented Department of Homeland Security policies and government best practices for acquisition and procurement; TSA has only recently developed a multiyear technology investment plan, and has underutilized innovation opportunities within the private sector, including from small businesses; and has faced challenges in meeting key performance requirements for several major acquisitions and procurements, resulting in reduced security effectiveness and wasted expenditures.”

tsa – losers lose – fights plan

Obama trusts the TSA and supports its actions—Obama is stagnant on reform efforts

Fabian 6/2, staff writer at The Hill, (Jordan, 6/2/15, Obama confident in the TSA despite failure to detect explosives, The Hill, <http://thehill.com/policy/transportation/243769-obama-confident-in-tsa-despite-failure-to-detect-explosives>)//kap

President Obama has confidence in the Transportation Security Administration (TSA) despite the ease with which undercover agents were able to smuggle explosives into airports, the White House said Tuesday.

“The president does continue to have confidence that the officers of the TSA do very important work that continues to protect the American people,” press secretary Josh Earnest said.

A report released Monday found TSA employees failed to find fake explosives, weapons and other prohibited items in 95 percent of internal tests. The undercover agents successfully evaded security in 67 of 70 tests at major airports.

The report prompted Department of Homeland Security Secretary Jeh Johnson to remove the agency’s acting director, Melvin Carraway, who had led the TSA since the beginning of the year.

Earnest said the report raised "specific concerns" about security procedures, but said he expects the agency to adopt its recommendations on retraining employees and retesting screening equipment.

He added that the U.S. has a "multi-layered" security approach that protects travelers.

“The American public should feel confident traveling in airports across the country.”

The White House spokesman chastised senators for acting too slowly on the nomination of Coast Guard Vice Adm. Peter Neffenger as TSA director. He said the upper chamber has held just one hearing on his nomination since Obama picked him in April.

“We would have more confidence if we could have a more permanent, Senate-confirmed director on the job,” Earnest said.

“We would like to see Congress act more quickly to confirm him.”

Lawmakers have criticized Obama for not selecting a permanent leader for the agency more quickly. Longtime TSA director John Pistole announced he would retire in October, and the White House waited more than six months to nominate Neffenger.

Senate Majority Leader Mitch McConnell's (R-Ky.) office blamed Obama for the delayed selection of Neffenger and said the nominee has not yet responded to some written inquiries from members of the Commerce Committee.

"I understand the White House is raising some concerns about the lack of a confirmed TSA administrator. But folks, the White House is the cause of the delay," McConnell spokesman Don Stewart said in an email

Obama still supports the TSA despite recent studies—he remains complacent in a push for reform

Laing 6/3, staff writer at The Hill, (Keith, 6/3/15, TSA's competence in doubt, The Hill, [//kap">http://thehill.com/policy/transportation/243846-tsas-competence-in-doubt\)//kap](http://thehill.com/policy/transportation/243846-tsas-competence-in-doubt)

The competence of the Transportation Security Administration is being called into question after agents failed to find fake explosives and weapons in more than 60 tests at the nation's largest airports.

Acting TSA Administrator Melvin Carraway was removed from office on Tuesday, less than 24 hours after the report's findings went public, and lawmakers are demanding a broader overhaul of the agency before it's too late.

Sen. Dan Coats (R-Ind.) said the results of the undercover TSA probe were "shocking," and called for "immediate action."

"This has got to be a top-to-bottom effort looking at the trainers, how we hire them, how we train them, how they perform their jobs, looking at the equipment that's supposed to detect a lot of this stuff," Coats said on Fox News.

The TSA is coming under scrutiny, after the Homeland Security Department's inspector general (IG) documented a series of undercover stings in which agents tried to pass through security with prohibited items.

The undercover agents made it through security in nearly all the tests — 67 of 70 — including one instance where a TSA screener failed to find a fake bomb, even after the undercover agent set off a magnetometer. The screener reportedly let the agent through with the fake bomb taped to his back, having missed it during a pat-down.

The leaders of the Senate Commerce Committee expressed alarm over the findings, warning they could encourage groups like the Islamic State in Iraq and Syria (ISIS) to attempt an attack.

"Terrorist groups like ISIS take notice when TSA fails to intercept 67 out of 70 attempts by undercover investigators to penetrate airport checkpoints with simulated weapons and explosives," Sens. John Thune (R-S.D.) and Bill Nelson (D-Fla.) said in a statement.

"We expect the department to address the results of recent security tests, and what changes it will make to fill security gaps and create a culture of accountability."

The White House sought to contain the damage and reassure airline passengers it is safe to fly.

Press secretary Josh Earnest said President Obama still has confidence in the TSA, which was created to prevent the security breaches that allowed al Qaeda to take down four American airliners on Sept. 11, 2001.

“The American public should feel confident traveling in airports across the country,” he said.

Earnest said the report raised “specific concerns” about security procedures, and he expects the agency to adopt recommendations on retraining employees and retesting screening equipment.

He also sought to cast blame on the Senate, arguing lawmakers had acted too slowly on the nomination of Coast Guard Vice Adm. Peter Neffenger to be TSA director.

“We would like to see Congress act more quickly to confirm him and allow him to get on the job,” Earnest said, noting that the upper chamber had held just one hearing on Neffenger’s nomination since Obama picked him in April.

Republicans rejected any connection, noting that the president took six months to nominate a new TSA director. They also said Neffenger has not yet responded to some written inquiries from members of the Commerce Committee, which is vetting his nomination.

“I understand the White House is raising some concerns about the lack of a confirmed TSA administrator. But folks, the White House is the cause of the delay,” Don Stewart, spokesman for Senate Majority Leader Mitch McConnell (R-Ky.), said in an email.

zerodays – losers lose – fight plan

Obama will fight to maintain zero days as long as the NSA needs them

Zetter 14, an award-winning, senior staff reporter at Wired covering cybercrime, privacy, and security, writing a book about Stuxnet, a digital weapon that was designed to sabotage Iran's nuclear program, (Kim, 4/15/14, Obama: NSA Must Reveal Bugs Like Heartbleed, Unless They Help the NSA, Wired, <http://www.wired.com/2014/04/obama-zero-day/>)/kap

AFTER YEARS OF studied silence on the government's secret and controversial use of security vulnerabilities, the White House has finally acknowledged that the NSA and other agencies exploit some of the software holes they uncover, rather than disclose them to vendors to be fixed.

The acknowledgement comes in a news report indicating that President Obama decided in January that from now on any time the NSA discovers a major flaw in software, it must disclose the vulnerability to vendors and others so that it can be patched, according to the New York Times.

But Obama included a major loophole in his decision, which falls far short of recommendations made by a presidential review board last December: According to Obama, any flaws that have "a clear national security or law enforcement" use can be kept secret and exploited.

This, of course, gives the government wide latitude to remain silent on critical flaws like the recent Heartbleed vulnerability if the NSA, FBI, or other government agencies can justify their exploitation.

A so-called zero-day vulnerability is one that's unknown to the software vendor and for which no patch therefore exists. The U.S. has long wielded zero-day exploits for espionage and sabotage purposes, but has never publicly stated its policy on their use. Stuxnet, a digital weapon used by the U.S. and Israel to attack Iran's uranium enrichment program, used five zero-day exploits to spread.

Last December, the President's Review Group on Intelligence and Communications Technologies declared that only in rare instances should the U.S. government authorize the use of zero-day exploits for "high priority intelligence collection." The review board, which was convened in response to reports of widespread NSA surveillance revealed in the Edward Snowden documents, also said that decisions about the use of zero-day attacks should only be made "following senior, interagency review involving all appropriate departments."

"In almost all instances, for widely used code, it is in the national interest to eliminate software vulnerabilities rather than to use them for US intelligence collection," the review board wrote in its lengthy report (.pdf). "Eliminating the vulnerabilities — 'patching' them — strengthens the security of US Government, critical infrastructure, and other computer systems."

When the government does decide to use a zero-day hole for national security purposes, they noted, that decision should have an expiration date.

“We recommend that, when an urgent and significant national security priority can be addressed by the use of a Zero Day, an agency of the US Government may be authorized to use temporarily a Zero Day instead of immediately fixing the underlying vulnerability,” they wrote. “Before approving use of the Zero Day rather than patching a vulnerability, there should be a senior-level, interagency approval process that employs a risk management approach.”

But Obama appeared to ignore these recommendations when the report was released. A month later, when he announced a list of reforms based on the review board’s report, the issue of zero days went unaddressed.

Last week, however, after the Heartbleed vulnerability was exposed, and questions arose about whether the NSA had known about the vulnerability and kept silent about it, the White House and NSA emphatically denied that the spy agency had known about the flaw or exploited it before this year.

Following a now-disputed report from Bloomberg that the NSA had been exploiting the Heartbleed flaw for two years, the Office of the Director of National Intelligence issued a statement denying that the NSA had known about the vulnerability before it was publicly disclosed.

“If the Federal government, including the intelligence community, had discovered this vulnerability prior to last week, it would have been disclosed to the community responsible for OpenSSL,” the statement said.

Intelligence authorities also revealed that in response to the presidential review board’s recommendations in December, the White House had recently reviewed and “reinvigorated an interagency process for deciding when to share” information about zero day vulnerabilities with vendors and others so that the security holes could be patched.

“When Federal agencies discover a new vulnerability in commercial and open source software ... it is in the national interest to responsibly disclose the vulnerability rather than to hold it for an investigative or intelligence purpose,” the statement said.

The government process for deciding on whether or not to use a zero-day exploit is called the Vulnerabilities Equities Process, and the statement said that unless there is “a clear national security or law enforcement need,” the equities process is now “biased toward responsibly disclosing such vulnerabilities.”

This implies, of course, that the bias was aimed in favor of something else until now.

“If this is a change in policy, it kind of explicitly confirms that beforehand that was not the policy,” says Jason Healey, director of the Cyber Statecraft Initiative at the Atlantic Council and a former officer in the Air Force’s cyber division.

The government’s use of zero-day exploits has exploded over the last decade, feeding a lucrative market for defense contractors and others who uncover critical flaws in the software used in cell phones, computers, routers, and industrial control systems and sell information about these vulnerabilities to the government.

But the government's use of zero days for exploitation purposes has long contradicted Obama's stated policy claims that the security of the internet is a high priority for his administration.

The NSA's offense-oriented operations in the digital realm would also seem to directly oppose the agency's own mission in the defensive realm. While the NSA's Tailored Access Operations division is busy using zero days to hack into systems, the spy agency's Information Assurance Directorate is supposed to secure military and national security systems, which are vulnerable to the same kinds of attacks the NSA conducts against foreign systems. The NSA is also supposed to assist the DHS in helping to secure critical infrastructures in the private sector, a duty that is compromised if the NSA is keeping silent about vulnerabilities in industrial control systems and other critical systems in order to exploit them.

The government has used its equities process to analyze its use of zero-day exploits for the better part of a decade. That process is patterned after the approach used by the military and intelligence community in times of war to decide when information gleaned through intelligence should be exploited for military gain or kept secret to preserve intelligence capabilities.

The equities process for zero days has until now largely been focused on critical infrastructure systems — for example, the industrial control systems that manage power plants, water systems, electric grids — with the aim of giving government agencies the opportunity to state when disclosing a vulnerability to the vendor might interfere with their own ability to exploit the vulnerability. When vulnerabilities have been found in more general computing systems that could have an impact on U.S. military and other critical government systems, sources say the government has engaged in a form of limited disclosure — working on ways to mitigate the risk to critical government systems while still keeping the vulnerability secret so that it can be exploited in enemy systems.

****internal link**

2nc – pc key

Obama's political capital is a crucial variable to ensure passage

French and Bresnahan 7/27/15 – congressional reporters for Politico (Lauren and John, House Democrats Whip for Iran Deal, Politico, <http://www.politico.com/story/2015/07/house-democrats-whip-iran-deal-120642.html>)/JJ

Three days before world leaders formally unveiled an interim deal in early 2014 to slow the growth of Iran's nuclear program, two House Democrats quietly met to start discussing how they could sell a final accord — if it ever came to fruition — to a skeptical Congress.

It was Jan. 9, 2014, and Texas Rep. Lloyd Doggett and North Carolina Rep. David Price knew that without a sustained campaign from allies in Congress, it would be tough for President Barack Obama to persuade lawmakers to support the agreement over the strong objections of pro-Israel groups like the American Israel Public Affairs Committee.

“We knew we really needed to get a message going that was strongly in favor of diplomacy,” Doggett said. “And now we are in the position to go back to folks and ask what areas they have questions about. The only alternative is war.”

The deal faces a make-or-break vote this September, when Republicans will move forward with legislation to scuttle the agreement. The GOP is trying to build a veto-proof majority, and both sides, along with Obama himself, are lobbying hard for every vote, with Doggett, Price and about a half-dozen other Democrats quarterbacking the effort to keep Obama's legacy-defining diplomatic achievement afloat in the House

Since that early meeting, their campaign has developed into a more organized and formal whip operation. Instead of meeting in Price or Doggett's offices or on the House floor, the campaign to sway House Democrats to support the controversial Iran nuclear deal is now housed in the Capitol offices of Minority Leader Nancy Pelosi.

Price and Doggett have marshaled a broad array of support in the caucus, from moderates like themselves to liberals in the whip team — all the way up to Pelosi herself, who announced her strong support for the accord shortly after it was announced on July 14.

“A nuclear Iran is unacceptable to the United States, to the world and, in particular, to Israel,” the California Democrat said then.

Pelosi joins an interesting collection of advocates. Doggett and Price are far more moderate than the whip operation's other leaders. Other deal backers, such as Reps. Barbara Lee of California, Jan Schakowsky of Illinois, Peter Welch of Vermont and Keith Ellison of Minnesota, are some of Congress' most liberal members.

Buoyed by personal lobbying from Obama, members and Democratic staff say they already have the votes necessary to sustain a veto from Obama if Republicans, as expected, advance legislation to disapprove of the agreement. Obama would need close to 145 Democrats to back the deal if that happens, and senior aides have pointed to the 152 Democrats who signed an

early 2015 Price-Doggett-Schakowsky letter supporting the framework of the agreement as evidence they can back the president.

But with anti-deal groups like AIPAC pouring \$20 million to \$40 million into TV advertisements blasting the deal, Democratic lawmakers said in interviews they weren't taking any chances. Shortly after Obama announced during a 7 a.m. White House news conference that negotiators in Vienna had sealed a deal, the half-dozen lead supporters in Congress touched base about re-engaging Democrats who had signed onto the letter sent earlier this year.

"We're having regular meetings and trying to find out what [lawmakers'] concerns are. Most of the members right now are going through the due diligence phase, so part of the whip operation is basically finding out what's on their mind and how can we get the information to you that you need to come to a conclusion," Welch said. "There has been a coordinated approach with the White House, and it's created a real infrastructure of common effort as we come down to the crunch."

He said Obama's chief of staff, Denis McDonough, is the group's main point of contact with the White House.

Over the August recess, there is talk of holding conference calls with members who are still weighing whether to support the deal. Those calls would connect deal experts or the lead negotiators of the accord — Secretary of State John Kerry and Energy Secretary Ernest Moniz — with any members who still have outstanding questions.

The whips are also working with pro-deal groups like J Street — a liberal pro-Israel organization — to help counter the money and energy AIPAC and anti-agreement groups are aiming at swing districts. J Street is planning to spend far less money — just over \$1 million — than AIPAC, but Schakowsky said grass-roots support could counterbalance the cash disparity.

Since the deal was announced, Pelosi has taken the reins on outreach to members — an effort the other pro-deal leaders described as critically important to bringing members on board. Meanwhile, Kerry gave a closed-door presentation to House Democrats on Thursday, and more briefings are expected from Obama administration officials before lawmakers leave on their five-week August recess on Thursday.

State Department official Wendy Sherman — who led negotiations with Tehran for the U.S. — will brief the Democratic and Republican leadership teams on Wednesday. That classified meeting will include the committee chairs and ranking members of the House's national security committees.

The whips are also working members over with a blunt political message: Come out in support now and save yourself from a painful August.

"We're getting a lot of positive responses where it's clear that people want to be supportive, especially as they focus on the question of what's the alternative," Welch said. "People are taking it quite seriously. This is an extremely momentous decision that the Congress is going to make."

Any on-the-fence Democrat should expect AIPAC and its coalition of pro-Israel groups to use the August break to their advantage. Beyond the television and Internet ads, the group will capitalize on its national network of allies to apply consistent pressure on lawmakers to vote against the nuclear agreement.

But Schakowsky is arguing that anti-deal groups will ignore members who've gone on the record in support and will focus their efforts on trying to sway undecided lawmakers. Still, besides the whip team, few members have come out strongly in support of the deal.

"My sense is that our members are really working to get to yes. I feel more optimistic every day that we'll have enough votes to override the veto if that is necessary," the Illinois Democrat said. "We're encouraging members who have made a decision to put out a statement. We are encouraging members to decide early to in some ways spare themselves a very aggressive summer."

Obama's personal outreach may be helping as well. A group of freshmen members who met with the president during a 90-minute briefing last week in the Situation Room said he is more engaged with the grueling work of lobbying than they've ever seen him. It's clear that the president, the lawmakers said, deeply understands the details of the accord and is making the argument that this is the best deal for the U.S.

The president also warned the freshman lawmakers he met with last week — none of whom have committed to supporting the deal — that the White House would be closely watching their votes and no Democrat would get a pass for voting against it.

PC is key – it's all on Obama

Carney 7/22 – The Hill (Jordain, "Senate GOP launches preemptive strike against Iran pitch", The Hill, 7/22/15, <http://thehill.com/blogs/floor-action/senate/248807-senate-gop-launches-preemptive-strike-against-iran-pitch>, accessed 7/23/15)//RZ

Senate Republicans took a preemptive strike Wednesday against the Iran nuclear deal, as top administration officials prepare to storm the Capitol to sell the agreement.

Senate Majority Leader Mitch McConnell (R-Ky.) said that the Obama administration has the "burden of proof" to convince lawmakers and the American people that they should support the deal.

"The onus is on the administration to explain why a deal like this is a good one for our country," he added.

McConnell and a handful of other Senate Republicans lined up the floor Wednesday to voice their concerns about the agreement.

The comments come as Secretary of State John Kerry, Treasury Secretary Jacob Lew and Energy Secretary Ernest Moniz are expected to meet with lawmakers on Wednesday, as well as testify before the Foreign Relations Committee on Thursday.

Obama is personally lobbying and that is key

Hattem 7/27/15 – congressional reporter for The Hill (Julian, Dem poll finds broad support for Iran deal, The Hill, <http://thehill.com/policy/national-security/249244-poll-commissioned-by-dems-finds-broad-support-for-iran-deal>)//JJ

The poll was commissioned by Americans United for Change, a liberal organization.

It comes in the beginning stages of a heated lobbying blitz on Capitol Hill, where Democrats will be split between their allegiances to the White House and skepticism from critics of the deal, such as Israel.

In September, Congress will vote to block the deal, and Democrats will need to serve as a buffer against Republican opposition, which appears united. The White House has launched an aggressive campaign to sway on-the-fence Democrats, which has included personal outreach from President Obama on down.

The poll released on Monday found that 54 percent of voters support the deal, and 38 percent oppose it. However, 75 percent of Democrats say they back the deal, according to the PPP, while 54 percent of Republicans oppose it.

Among Democrats, 79 percent of voters say that a lawmaker's vote in support of the deal would not make them any less likely to support them in the future.

The survey polled 730 registered voters last week and has a margin of error of 3.6 percent.

Political capital is key to democratic support – support is increasing now

Ballhaus 7/23/15 – political and campaign finance reporter for the WSJ (Rebecca, Capital Journal Daybreak: Uptick in Support for Iran Deal, More, Washington Wire, The Wall Street Journal, <http://blogs.wsj.com/washwire/2015/07/23/capital-journal-uptick-in-democratic-support-for-iran-deal-what-attendees-at-private-clinton-events-got-for-their-money-why-iowans-like-donald-trump-congress-eyes-oil-sales-for-highway-funding/#1>)//JJ

UPTICK IN DEMOCRATIC SUPPORT FOR IRAN DEAL: The White House's efforts to sell Congress on its nuclear accord with Iran produced a small uptick in support from the administration's allies this week, though many of the Democrats key to the deal's future remained on the fence. One week after six global powers reached an agreement with Iran imposing strict limits on its nuclear program in exchange for sanctions relief, a trickle of Democratic support began to emerge for the pact in a counterweight to widespread GOP opposition.

Sen. Dick Durbin of Illinois, a member of Democratic leadership, gave the first Senate floor speech backing the accord Tuesday evening. On Wednesday, Sen. Chris Murphy (D., Conn.) advocated for a diplomatic solution in a speech at the Carnegie Endowment for International Peace, though he stopped short of saying he would vote for the deal. The nascent Democratic support came from lawmakers considered likely to back the administration's diplomatic efforts. The White House has yet to win over bellwethers in the debate, most notably Sen. Charles

Schumer of New York, who is poised to become the next Senate Democratic leader. Until recently, most Democrats had remained neutral, saying they needed time to review the details. Republicans meanwhile, immediately criticized the deal, saying it wouldn't prevent Iran from building a nuclear weapon, among other concerns. Kristina Peterson and Carol E. Lee report.

Plus: For months, Saudi Arabia and Israel have both criticized the Obama administration's nuclear talks with Iran. Now that a deal has been reached, however, the U.S. is portraying the Saudis as more accepting of the agreement.

PC key – deciding factor for undecided votes

Zengerle and Ali 7/23/15 – Reuters (Patricia and Idrees, Obama administration takes Iran nuclear deal fight public, Reuters, uk.reuters.com/article/2015/07/23/uk-iran-nuclear-congress-idUKKCN0PX0CB20150723//JJ)

U.S. lawmakers skeptical about the nuclear deal with Iran promised to press senior Obama administration officials to make more information about it public at a Senate hearing on Thursday as Congress begins its two-month review of the agreement.

Secretary of State John Kerry, Treasury Secretary Jack Lew and Energy Secretary Ernest Moniz will testify before the Senate Foreign Relations Committee, the first such public appearance by the cabinet officials since the deal was announced on July 14.

They briefed the entire Senate and House of Representatives in separate closed-door sessions on Wednesday, and administration officials have held a series of private telephone conversations and meetings with lawmakers.

Among other issues, lawmakers said they wanted more information about the timing of sanctions relief and ability to "snap back" sanctions if Iran cheats, clarity on the timing of inspections and more answers about how much money would go to Iran.

"We have leverage, but in nine months, they'll have their cash and all the sanctions will be relieved. People will be in there signing contracts, and then the leverage sort of shifts to them," said Senator Bob Corker, the Republican chairman of the Foreign Relations Committee.

Corker has said he is skeptical about the agreement, but would wait until he knows more before deciding whether to vote against the deal.

Ben Cardin, the top Democrat on the panel, said the closed-door briefing had been useful but questions remained. "There are many areas of concern that we want to get clarified," he said.

Cardin is one of many Democrats who have not yet decided how they would vote on the deal.

Under a bill President Barack Obama signed into law in May, Congress has until Sept. 17 to approve or reject the agreement, in which Iran agreed to rein in its nuclear program in exchange for sanctions relief.

With many Republicans lining up to oppose it, Obama needs to convince as many of his fellow Democrats as possible to back the deal. If a disapproval resolution passes Congress and survives

a veto, Obama would be unable to waive most of the U.S. sanctions imposed on Iran, which could cripple the nuclear pact.

Obama's pc works on Iran – key to passage

Siddiqui 7/22/15 – political reporter for Guardian, former congressional reporter for the Huffington Post (Sabrina, Obama team attempts to persuade US lawmakers to endorse Iran nuclear deal, The Guardian, <http://www.theguardian.com/world/2015/jul/23/obama-team-attempts-to-persuade-us-lawmakers-to-endorse-iran-nuclear-deal>)/JJ

Barack Obama's administration has taken its Iran sales pitch to Capitol Hill, where secretary of state John Kerry, energy secretary Ernest Moniz and treasury secretary Jack Lew sought to persuade skeptical US lawmakers that a nuclear accord agreed to by Tehran and six world powers was the best possible outcome after nearly two years of negotiations.

But there was little indication on Wednesday that the classified briefings had led to any immediate breakthroughs, with most Republicans remaining steadfast in their opposition to the deal and Democrats yet to make up their minds.

Lawmakers who attended the meetings continued to express concerns over the implementation of the agreement – chief among them whether or not Iran would be compliant with its terms – even as they described a projection of absolute confidence on the part of the Obama administration during the discussions.

“Obviously the administration folks are very adamant about what a great deal it is. They're putting on a heavy sales job as one would expect,” Texas representative Mac Thornberry, the Republican who chairs the House armed services committee, told reporters upon leaving one of the briefings. “I think it's fair to say there is bipartisan skepticism about whether Iran will meet its commitments under this deal, about whether the administration will hold them to it, and about what happens with all of Iran's other activities that concern us so much.”

Kerry, Moniz and Lew first briefed the House of Representatives and held a similar meeting with members of the Senate. Both sessions took place behind closed doors. The three cabinet members are also scheduled to testify at a hearing before the Senate foreign relations committee on Thursday, as the White House seeks to make its case for the US Congress to approve the deal.

Maryland Senator Ben Cardin, the top Democrat on the Senate foreign relations committee, said Wednesday's briefings were “extremely helpful” for lawmakers to gain more understanding of what was agreed to in Vienna last week. He also cautioned against making sweeping assumptions about the fate of the deal in Congress this early in the process.

“Today is day three of a 60-day review period,” Cardin said. “Each day we're learning more and we'll use the time we need in order to make the right decision.”

Under an agreement reached in May, Congress has 60 days to review the 159-page agreement. After that point both the House and Senate will vote on a resolution that records either their

approval or disapproval of the deal – although a two-thirds majority is needed in both chambers to override a presidential veto.

Obama has already pledged to veto any efforts to scuttle the deal and warned of grave consequences if the US does not hold up its end of the bargain. Support from Democrats will be critical for the president to maintain his veto power, with Republicans controlling both chambers of Congress and almost uniformly against the deal from the outset.

Representative Jim Himes, a Democrat from Connecticut and member of the House permanent select committee on intelligence, said the three secretaries “gave a very, very strong defense of the deal” and asked critics to look beyond simply analyzing the deal within and of itself.

“In other words, you can always dream of a better deal. But look at where we were when Iran was a nuclear threshold state before this negotiation began, and consider where the deal puts you in contrast to where we were,” Himes said after the House meeting.

Although Himes said he was still in the process of weighing the deal, he appeared to side with the administration’s rationale and put the onus on skeptics to justify their opposition.

“From my standpoint, the burden of proof given what I’ve learned so far, is on the opponents to explain why this is really a bad deal relative to where we were and why this is a bad deal relative to where we will be if the United States unilaterally walks away from it,” he said.

During the briefings, lawmakers asked wide-ranging questions of the cabinet officials, according to those in attendance. Among the issues raised were the lifting of an arms embargo, Iran’s funding of terrorism and detainment of US hostages, and whether it could be adequately verified that Iran is meeting its obligations.

Under the parameters of the deal, Iranians must eliminate 98% of their uranium stockpile and remove two-thirds of their uranium enriching centrifuges. That process, including verification of Iran’s compliance by the International Atomic Energy Agency, is expected to take six to nine months.

Kerry has repeatedly emphasized that the nuclear agreement is based on a robust verification process.

“Nothing in this agreement, nothing at all, is based on trust,” Kerry said on Sunday during an appearance on NBC’s Meet the Press. “The entire agreement is based on verification, accountability and steps we can take to respond to any violation by Iran.”

A number of Democrats on Wednesday pointed to those assurances as key to winning over their support.

“My lingering questions are really just about making sure that the inspections are as rigorous as the administration purports them to be,” Senator Chris Murphy, a Democrat from Connecticut, told reporters. “If the reality matches up with the administration’s claims, then I’ll be a supporter of the deal.”

Murphy, who also sits on the foreign relations committee, added that he expects to reach a decision in the coming weeks.

His colleague Richard Blumenthal, also a Democrat from Connecticut, shared a similar benchmark.

“My criteria for this agreement were that it be comprehensive, airtight, enduring and maybe most important, verifiable, because I think enforceability is absolutely key,” Blumenthal said. “Those criteria continue to be uppermost in my mind. I need to be sure that they have been met.”

Polling has reflected a skepticism on the part of the American people that the deal can be enforced. One poll found that while a slim majority –56% – supports the agreement, an even larger majority of 64% don’t trust Iran to abide by it. Another survey found that among the 79% of Americans who have heard about the deal, just 38% approve while 48% disapprove.

The Obama administration remains confident that history is on its side – a point they underscored, in no uncertain terms, to members of Congress on Wednesday.

“They were matter of fact, very, very sure,” Representative Brad Sherman, a Democrat from California, said. “They weren’t there to say they think they won the game 5 to 4. They were there to say they had done a spectacular job.”

2nc – political momentum key (for losers-lose link)

Obama's political current momentum is allowing him to kneecap congress

Lowry 7/24/15 – writer for the King Features Syndicate (Rich, Obama kneecaps Congress on Iran agreement, Sentinel Source, http://www.sentinelsource.com/opinion/columnists/guest/obama-kneecaps-congress-on-iran-agreement/article_7c9ed5cc-e9a0-516a-b496-d80fdba3cf3c.html)/JJ

If only President Barack Obama were as hard-nosed and clever in undermining our adversaries as he is in kneecapping the U.S. Congress, the country's strategic position might be transformed.

The Iran deal went to the United Nations Security Council for approval Monday, months before Congress will vote on it, and got unanimous approval. The U.N. vote doesn't bind Congress, but it boxes it in and minimizes it — with malice aforethought.

Republicans and Democrats in Congress issued sharply worded statements about getting preempted by Turtle Bay, although the vast international machinery that has been set in motion won't be deflected by a few sharp words from people under the misapprehension that they occupy a coequal branch of the American government. What are congressional hearings and the U.S. domestic political debate compared with the "international community"?

Shortly after the U.N. vote, President Obama urged Congress to get with the program: "There is broad international consensus around this issue," he said, adding that his "assumption is that Congress will pay attention to that broad-based consensus." In other words, follow the lead of the United Nations on a matter of utmost importance to the national interest of the United States.

Secretary of State John Kerry issued his own warning over the weekend about the dangers of going our own way: "If Congress says 'no' to this deal, then there will be no restraints on Iran. There will be no sanctions left. Our friends in this effort will desert us."

And who's responsible for that? The Obama administration cut a deal eviscerating the international sanctions regime and got it blessed by the U.N., then turns around and tells Congress it has no alternative but to assent because there will be no meaningful sanctions regime left regardless.

The agreement is written to favor business with Iran. It grandfathers in all commercial deals cut after the initial lifting of the sanctions, even in the unlikely event they are reimposed. Plus, Iran isn't going to give back its windfall of tens of billions of dollars handed to it under the agreement.

Kerry over the weekend seemed offended by the notion that Congress should get to vote before everyone else locks the Iran agreement into place: "It is presumptuous of some people to say that France, Russia, China, Germany, Britain ought to do what the Congress tells them to do." This is admirably internationalist, but Kerry is supposed to be the secretary of state of the United States, not a representative of the interests and prerogatives of its allies and adversaries.

The New York Times reports that during the negotiations, Kerry actually pushed to delay a U.N. vote until Congress reviewed the deal. How sporting of him. It must have been vestigial loyalty to the Congress he served in for several decades. Predictably, the Iranians balked (they're not fools), and so did the Russians and the Europeans. Equally predictably, Kerry resorted to his solution to most every knotty negotiating problem — he caved.

Amazingly enough, the agreement with Iran doesn't mention the U.S. Congress or its review of the deal, but specifically cites the Iranian Parliament and its role in approving the so-called additional protocol of the nuclear nonproliferation treaty. At least someone is willing to stick up for Iran's (wholly fraudulent) legislative branch.

It is President Obama's curse that he doesn't have a legislature as compliant as that of Iran's supreme leader. The president clearly disdains Congress as a body that harbors several hundred Republicans and that can only complicate his grand legacy-defining initiatives. He didn't want Congress to have a say at all over the Iran deal, but accepted the Corker bill that requires a near-impossible two-thirds vote to block it.

The administration's message to opponents is that even that supermajority would be too little, too late. Submission is the only option.

****impacts**

2nc – deal solves nukes

Deal solves Iran nuclearization – this answers all of their warrants

Mehta 7/18/15 – senior Pentagon correspondent for Defense News, citing Jeffrey Lewis, director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies, and James Acton, co-director of the Nuclear Policy Program and senior associate at the Carnegie Endowment (Aaron, Experts Praise Iran Deal, Despite Congressional Concerns, Defense News, <http://www.defensenews.com/story/defense/policy-budget/2015/07/18/experts-praise-iran-deal-despite-congressional-concerns/30261893/>)/JJ

Substantively, a general consensus quickly emerged following the July 14 unveiling of the agreement that the deal is as close to a best-case situation as reality would allow. Jeffrey Lewis, director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies, believes “the deal is excellent compared to where we are today.” “It puts a gap between [Iran’s] ability to build a bomb and actually doing it, and the gap is big enough for us to do something about it if we detect them moving toward a bomb,” Lewis said. “At the highest macro level, I think that’s fantastic.” As to critics who say a better deal should have been reached, Kingston Reif, director for disarmament and threat reduction policy at the Arms Control Association, puts it in simple terms: “A perfect deal was not attainable. “Overall, it’s a very strong and good deal, but it wasn’t negotiations that resulted in a score of 100-0 for the US,” Reif said. “That’s not how international negotiations go.” Added James Acton, co-director of the Nuclear Policy Program and senior associate at the Carnegie Endowment: “You can’t compare this to a perfect deal, which was never attainable.” Speaking July 15, Obama called the agreement “the most vigorous inspection and verification regime by far that has ever been negotiated,” something Reif agreed with fully. “The monitoring and verification regime in this deal is the most comprehensive and intrusive regime that has ever been negotiated,” Reif said. “But there is no country which would grant [total open access to all its territory], and there has never been a settlement where that has happened.” Jon Wolfsthal, senior director for arms control and nonproliferation at the US National Security Council, echoed the president by insisting that the treaty is “a very good deal that not only met, but exceeded” parameters laid out in the interim Lausanne accord from November 2013. “Limitations imposed through this agreement are for the long term. There is no sunset clause here. Limitations are permanent and we have the ability to enforce them,” he told a July 15 gathering of the Atlantic Council in Washington. An overriding concern with any Iranian nuclear deal, identified by all interviewed for this story, is the possibility of them starting up a covert nuclear program, one which inspectors possibly could miss. In theory, Tehran could keep inspectors focused on the known nuclear sites while developing weapons elsewhere. And under the treaty, Iran can deny access to inspectors of any non-negotiated site for up to 24 days, raising concerns from some that an Iranian nuclear program could be moved frequently and kept underground. If Iran refuses to allow inspectors to look at a site after 24 days, the US and its partners can reinstate the sanctions being lifted. Given past Iranian behavior and attempts to conceal key aspects of its nuclear program, Wolfsthal said US negotiators and other world powers crafted the agreement on the assumption that Tehran would try to cheat. “Our expectation is that Iran will implement the agreement, but the verification mechanism is structured to assume otherwise,” Wolfsthal

said. Obama hit back at the idea that the Iranians could develop and produce nuclear weapons without inspectors being aware of the issue, noting that inspectors will be keeping a close eye on the potential streams of nuclear material and have 24/7 access to known sites. “The nature of nuclear programs and facilities is such, this is not something you hide in a closet. This is not something you put on a dolly and kind of wheel off somewhere,” Obama said. “And, by the way, if we identify an undeclared site that we’re suspicious about, we’re going to be keeping eyes on it.” Wolfsthal noted that compared with previous agreements with North Korea, Iraq and the Moscow Treaty of 2002, which numbered a handful of pages, the treaty is meticulously detailed and annexed. “We assume they will try to cheat. But this agreement is more than 100 pages long; it’s like no nonproliferation agreement that’s ever been signed. It will prevent them from cheating.” Acton agreed the document is crafted to address such concerns, noting that “it is impossible” to hide evidence of a nuclear program within that 24-day time period. “If Iran wants a secret program, they have to procure yellow cake and centrifuge components,” Acton said. “It now can’t do that from existing facilities because they will be monitored. So then it will have to build more facilities or acquire it on the black market — creating opportunities for detection.” Joe Cirincione, president of the Washington-based Plowshares Fund, added Iran has very little, if any, room for error to hide a secret attempt at a nuclear program. “The claims about the inspection regime are particularly ridiculous to anyone who knows anything about inspecting nuclear programs. If Iran were to flush the evidence down the toilet, they’d have a radioactive toilet. And if they were to rip out the toilet, they’d have a radioactive hole in the ground. They simply won’t be able to cheat,” he said. “There is no silver bullet,” to preventing a secret Iranian program, Acton noted. “There is nothing else that could be included in this agreement that solves the problem. What it does contain is a series of provisions that significantly mitigate the chance.” In other words, while a black program may be hypothetical, it is logistically very, very difficult. And Iran was never going to allow inspectors 24/7 access to its entire territory, so the system put in place here helps create roadblocks to a secret program being spun up, Reif said. According to Wolfsthal, Washington aims to expand the funding, technological expertise and personnel it contributes to the IAEA to ensure “24/7 monitoring. “We’re providing satellite coverage, live camera feeds, radio identification, tamper seals. ... We will know whatever goes on in those facilities,” he said. Barbara Slavin, senior fellow of the Atlantic Council’s South Asia Center and host of the July 15 event, noted that Iran has abided by previous commitments put forth in the interim agreement and believes the public focus of its people will help keep the agreement on track. “This is a nation that, despite the rhetoric of its leaders, is influenced by its public.” Slavin, who has made repeated visits to Tehran, added the Iranian people aspire to turn a new page with regard to their place in the world. Congressional Challenge Ahead? Cirincione said the debate surrounding the deal needs to be broken down into three parts. “On its nuclear merits, the expert community is overwhelmingly in favor of this deal. There is not a serious debate on whether it blocks Iran from the bomb; it does,” he said.

Deal makes it impossible for Iran to covertly engage in nuclear activity

Devaney 7/19, staff writer at The Hill, (Tim, 7/19/15, Obama aide: 'Virtually impossible' for Iran to hide nuclear activity, The Hill, [//kap">http://thehill.com/policy/international/248444-energy-secretary-virtually-impossible-for-iran-to-hide-nuclear-activity\)//kap](http://thehill.com/policy/international/248444-energy-secretary-virtually-impossible-for-iran-to-hide-nuclear-activity)

One of the Obama administration's top negotiators is defending the controversial Iranian nuclear agreement from critics who say it does not go far enough to protect the West.

Under the agreement, it will be "virtually impossible" for Iran to cover up nuclear activity, Energy Secretary Ernest Moniz says.

"We are better off forever in terms of Iranian nuclear activity under this agreement than we would be without it," Moniz told "Fox News Sunday."

Moniz made the rounds on the Sunday morning political talk shows.

Critics have suggested the nuclear agreement gives Iran too much leeway to secretly build a weapon. One of the chief concerns is that investigators could be forced to wait 24 days before inspecting covert sites suspected of nuclear activity. Some fear this will give Iran enough time to hide any traces of such activity.

"You wouldn't tell a drug dealers, give them a 24-day notice," Israeli Prime Minister Benjamin Netanyahu, one of the deal's biggest critics, said. "They'd just flush the drugs down the toilet."

But Moniz said three weeks is a "reasonable" amount of time to inspect for nuclear activity.

Flushing things down the toilet "is not so simple with nuclear materials," he told ABC's "This Week." "We are very confident in our ability to detect the vestiges of any nuclear work beyond 24 days."

Eventually, inspectors would collect environmental samples.

"When environmental samples are taken and nuclear activity has taken place, it is virtually impossible to clean up that place," Moniz said on "Fox News Sunday." "You can paint the floors, you can do what you want. We feel very confident that we would find evidence of nuclear activity."

The key for western negotiators was "getting a defined timeframe" so Iran couldn't hold inspectors out for more than 24 days, Moniz said on CBS's "Face the Nation."

"The part of the agreement that is absolutely critical is the one that prevents them from having a weapon," Moniz told CNN's "State of the Union."

"There's a lot more you need for a nuclear explosive and if you look at the agreement you will see an indefinite commitment to not pursuing four major activities needed for a weapon," he added on Fox.

Moniz said the Obama administration is simply trying to clean up a mess left by the Bush administration.

"The issue of Iran having a nuclear program was already established in the previous administration," Moniz said. "Clearly, what we have done is we have dramatically limited and constrained the program."

2nc – laundry list

Deal failure triggers Middle East arms race, Israel strikes, and collapses the NPT – global nuclear war

Stevens 13 – associate editor and chief political commentator for the Financial Times (Philip, The four big truths that are shaping the Iran talks, the Financial Times, 11/14/13
<http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html>)/JJ

The who-said-what game about last weekend's talks in Geneva has become a distraction. The six-power negotiations with Tehran to curb Iran's nuclear programme may yet succeed or fail. But wrangling between the US and France on the terms of an acceptable deal should not allow the trees to obscure the forest. The organising facts shaping the negotiations have not changed. The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence. The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world. Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it. The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy. It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions. By the same token, bombing Iran's nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it. You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking. The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage. The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is

nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

2nc – prolifer

Deal's key to the overall credibility of the entire nonprolif regime

Jeffrey M. Kaplow 15, Fellow with the University of California's Institute on Global Conflict and Cooperation and a Ph.D. candidate in political science at the University of California, San Diego, 2015, "The Days After a Deal with Iran: Implications for the Nuclear Nonproliferation Regime," http://www.rand.org/content/dam/rand/pubs/perspectives/PE100/PE135/RAND_PE135.pdf

A nuclear **agreement** with Iran would represent a success for the nonproliferation regime in several ways. Most fundamentally, a deal **offers** at least the prospect of a sustainable **resolution of the Iranian nuclear issue**. **It is hard to overstate the importance of this result for the regime as a whole**. The **Iran** nuclear case has been the central preoccupation of U.S. nonproliferation policy—and that of multilateral bodies such as the IAEA Board of Governors—for more than a decade. The unyielding emphasis on Iran has been central to U.S. efforts to mobilize broad support, first for a finding of noncompliance with the NPT, and later for robust international sanctions. But this strategy **has sidelined** discussion of **other important nonproliferation issues, including** efforts to bolster **nuclear security**, promote universal adherence to the Additional Protocol, **and find a solution to** the loophole of **NPT withdrawal**. And it has complicated relations with some states, particularly those that have been active in the Non-Aligned Movement, as the United States exerted pressure on them to support its votes on Iran in the IAEA and the United Nations.⁴ **A deal with Iran could** thus lead to a welcome turning of the page in U.S. nonproliferation efforts. Of course, a deal does not make the Iran nuclear issue go away, but it may help to put it on a more stable and sustainable footing. If Iran's nuclear program is no longer seen as a crisis, it may **allow the United States and like-minded states to act more strategically on other** important **nonproliferation issues**.[¶] A nuclear **agreement** with Iran also **would increase the credibility of the regime as a whole**. A deal sends an important message to the international community: **The nonproliferation regime** may be messy, but it **works**. Some in the nonproliferation community have spent the last several years sounding the alarm about the decline of the regime.⁵ These analysts argue that the continued pursuit of nuclear weapons by state parties to the NPT makes others more likely to violate the regime in the future. Behind this argument is the idea that **dwindling confidence in the ability of the nonproliferation regime to constrain state behavior threatens to undermine** states' **collective commitment** to forswear nuclear weapons—the fundamental agreement underlying the NPT. If a country sees others cheating and getting away with it, that country may feel less secure and thus more likely to cheat as well. By limiting Iranian nuclear ambitions, then, a deal has the potential to eliminate—or at least make less salient—a prominent example of a country that appears to be cheating and getting away with it.[¶] This effect is amplified because there are other states in the region that have felt threatened by an unconstrained Iranian nuclear effort.⁶ A deal will not completely reassure Iran's neighbors, given that their concerns over Iran run much deeper than its nuclear program and even the best deal cannot eliminate the possibility of future noncompliance, but it is possible that a nuclear agreement will calm regional nerves somewhat. If Saudi Arabia, the United Arab Emirates (UAE), and others in the region come to see a diminished threat from Iran as a consequence of a deal, **this** potentially **affects the strength of the regime as a whole**.⁷ The international community may perceive Iran's neighbors as less likely to pursue their own nuclear

weapons programs or adopt nuclear hedging strategies, which makes other countries less likely to consider weapons themselves, and so on.⁸ The ripple effects of this signal extend well beyond Iran's neighbors, to reach potential proliferants globally.

Credible regime prevents global nuclear escalation involving every major power

The Economist 3-7, "The new nuclear age," 2015,

<http://www.economist.com/news/leaders/21645729-quarter-century-after-end-cold-war-world-faces-growing-threat-nuclear>

A quarter of a century after the end of the cold war, the world faces a growing threat of nuclear conflict. Within the next few weeks, after years of stalling and evasion, Iran may at last agree to curb its nuclear programme. In exchange for relief from sanctions it will accept, in principle, that it should allow intrusive inspections and limit how much uranium will cascade through its centrifuges. After 2025 Iran will gradually be allowed to expand its efforts. It insists these are peaceful, but the world is convinced they are designed to produce a nuclear weapon. In a barnstorming speech to America's Congress on March 3rd, Binyamin Netanyahu, Israel's prime minister, fulminated against the prospect of such a deal (see article). Because it is temporary and leaves much of the Iranian programme intact, he said, it merely "paves Iran's path to the bomb". Determined and malevolent, a nuclear Iran would put the world under the shadow of nuclear war. Mr Netanyahu is wrong about the deal. It is the best on offer and much better than no deal at all, which would lead to stalemate, cheating and, eventually, the dash to the very bomb he fears. But he is right to worry about nuclear war—and not just because of Iran. Twenty-five years after the Soviet collapse, the world is entering a new nuclear age. Nuclear strategy has become a cockpit of rogue regimes and regional foes jostling with the five original nuclear-weapons powers (America, Britain, France, China and Russia), whose own dealings are infected by suspicion and rivalry. Thanks in part to Mr Netanyahu's efforts, Iran commands worldwide attention. Unfortunately, the rest of the nuclear-weapons agenda is bedevilled by complacency and neglect. The fallout from Prague After the end of the cold war the world clutched at the idea that nuclear annihilation was off the table. When Barack Obama, speaking in Prague in 2009, backed the aim to rid the world of nuclear weapons, he was treated not as a peacenik but as a statesman. Today his ambition seems a fantasy. Although the world continues to comfort itself with the thought that mutually assured destruction is unlikely, the risk that somebody somewhere will use a nuclear weapon is growing apace. Every nuclear power is spending lavishly to upgrade its atomic arsenal (see article). Russia's defence budget has grown by over 50% since 2007, and fully a third of it is devoted to nuclear weapons: twice the share of, say, France. China, long a nuclear minnow, is adding to its stocks and investing heavily in submarines and mobile missile batteries. Pakistan is amassing dozens of battlefield nukes to make up for its inferiority to India in conventional forces. North Korea is thought to be capable of adding a warhead a year to its stock of around ten, and is working on missiles that can strike the west coast of the United States. Even the Nobel peace laureate in the White House has asked Congress for almost \$350 billion to undertake a decade-long programme of modernisation of America's arsenal. New actors with more versatile weapons have turned nuclear doctrine into guesswork. Even during the cold war, despite all that game theory and brainpower, the Soviet Union and America frequently misread what the other was up to. India and Pakistan, with little experience and less contact, have virtually nothing to guide them in a

crisis but mistrust and paranoia. If weapons proliferate in the Middle East, as Iran and then Saudi Arabia and possibly Egypt join Israel in the ranks of nuclear powers, each will have to manage a bewildering four-dimensional stand-off. ¶ Worst of all is the instability. During much of the cold war the two superpowers, anxious to avoid Armageddon, were willing to tolerate the status quo. Today the ground is shifting under everyone's feet. ¶ Some countries want nuclear weapons to prop up a tottering state. Pakistan insists its weapons are safe, but the outside world cannot shake the fear that they may fall into the hands of Islamist terrorists, or even religious zealots within its own armed forces. When history catches up with North Korea's Kim dynasty, as sooner or later it must, nobody knows what will happen to its nukes—whether they might be inherited, sold, eliminated or, in a last futile gesture, detonated. ¶ Others want nuclear weapons not to freeze the status quo, but to change it. Russia has started to wield nuclear threats as an offensive weapon in its strategy of intimidation. Its military exercises routinely stage dummy nuclear attacks on such capitals as Warsaw and Stockholm. Mr Putin's speeches contain veiled nuclear threats. Dmitry Kiselev, one of the Kremlin's mouthpieces, has declared with relish that Russian nuclear forces could turn America into "radioactive ash". ¶ Just rhetoric, you may say. But the murder of Boris Nemtsov, an opposition leader, on the Kremlin's doorstep on February 27th was only the latest sign that Mr Putin's Russia is heading into the geopolitical badlands (see article). Resentful, nationalistic and violent, it wants to rewrite the Western norms that underpin the status quo. First in Georgia and now in Ukraine, Russia has shown it will escalate to extremes to assert its hold over its neighbours and convince the West that intervention is pointless. Even if Mr Putin is bluffing about nuclear weapons (and there is no reason to think he is), any nationalist leader who comes after him could be even more dangerous. ¶ Towards midnight ¶ China poses a more distant threat, but an unignorable one. Although Sino-American relations hardly look like the cold war, China seems destined to challenge the United States for supremacy in large parts of Asia; its military spending is growing by 10% or more a year. Nuclear expansion is designed to give China a chance to retaliate using a "second strike", should America attempt to destroy its arsenal. Yet the two barely talk about nuclear contingencies—and a crisis over, say, Taiwan could escalate alarmingly. In addition Japan, seeing China's conventional military strength, may feel it can no longer rely on America for protection. If so, Japan and South Korea could go for the bomb—creating, with North Korea, another petrifying regional stand-off. ¶ What to do? The most urgent need is to revitalise nuclear diplomacy. One priority is to defend the nuclear Non-Proliferation Treaty, which slows the spread of weapons by reassuring countries that their neighbours are not developing nukes. It was essential that Iran stayed in the treaty (unlike North Korea, which left). The danger is that, like Iran, signatories will see enrichment and reprocessing as preparation for a bomb of their own—leading their neighbours to enrich in turn. That calls for a collective effort to discourage enrichment and reprocessing, and for America to shore up its allies' confidence. ¶ You don't have to like the other side to get things done. Arms control became a vital part of Soviet-American relations. So it could between China and America, and between America and Putin's Russia. Foes such as India and Pakistan can foster stability simply by talking. The worst time to get to know your adversary is during a stand-off. ¶ In 1960 Albert Wohlstetter, an American nuclear strategist, wrote that, "We must contemplate some extremely unpleasant possibilities, just because we want to avoid them." So too today, the essential first step in confronting the growing nuclear threat is to stare it full in the face.

2nc – heg

Deal is critical to U.S. global leadership

Leverett, 7/13/15 --- professor of International Affairs at Penn State, served for over a decade in the U.S. government as a senior analyst at the CIA, Middle East specialist for the State Department, and as senior director for Middle East affairs at the National Security Council (Larry, “With Historic Iran Nuclear Deal Expected, Can President Obama Sell It to Congress and the Public?” http://www.democracynow.org/2015/7/13/as_historic_iran_nuclear_deal_nears, JMP)

AMY GOODMAN: Speaking on Fox News Sunday, Senate Majority Leader Mitch McConnell suggested the Obama administration will have a difficult time convincing Congress to approve a deal with Iran.

MAJORITY LEADER MITCH McCONNELL: Well, look, we already know that it’s going to leave Iran as a threshold nuclear state. We know that. It appears as if the administration’s approach to this was to reach whatever agreement the Iranians are willing to enter into. So I think it’s going to be a very hard sell, if it’s completed, in Congress.

AMY GOODMAN: The Republican majority is expected to vote against the deal and to try to convince at least 12 Democrats to join their ranks in an attempt to defeat a presidential veto. Flynt Leverett, explain what has to happen in the United States for the U.S. to approve this. What is the voting that will take place?

FLYNT LEVERETT: Yes. Both houses of Congress will have 60 days to review the agreement once it’s finalized. I think it is quite possible, if not likely, that a simple majority of members in each house will vote a so-called resolution of disapproval in regard to the agreement. At that point, President Obama has said that he would veto those resolutions of disapproval. And at this point, the White House seems pretty confident that they have the votes, at least in the Senate, and perhaps in the House, as well, to sustain President Obama’s veto. So, they are confident that if you can get to an agreement here in Vienna, that it will ultimately get through the congressional review process and will go into effect.

But obviously, during the next—you know, the 60 days following a conclusion of an agreement, the Israelis, the Saudis, their friends and allies in the American political system, others who don’t want to see this agreement go forward are going to be working very hard, trying to turn public opinion against the deal and trying to build congressional support to maximize the vote against the deal.

Public opinion polls would show that Americans are open to supporting this deal, but one of the things I really worry about is that President Obama himself has not really made the strategic case for why doing this deal and for why building a different kind of relationship with Iran is so strongly in America’s interest. He either talks about this as a kind of narrow arms control agreement, but Iran is still this very bad actor, or he talks about it in terms of it being an opportunity for Iran to rejoin the international community, as he puts it. This is not the way to sell this deal to Americans. Americans understand that what the United States has been doing in

the Middle East for the last decade and a half has actually been profoundly against American interests. It's also been very damaging to Middle Easterners. But it has been profoundly damaging to America's position in this critical part of the world and globally. President Obama has a chance here to begin to turn that around and put U.S. policy toward the Middle East on a more different and more productive trajectory, but he is going to have to make the strategic case—

AMY GOODMAN: Flynt Leverett, we're going to have to—

FLYNT LEVERETT: —spend the political capital necessary to make the strategic case.

AMY GOODMAN: We're going to have to leave it there, but we'll continue to follow this, of course.

The Iran deal is key to U.S. legitimacy

Dabashi 7/22 – Hagop Kevorkian Professor of Iranian Studies and Comparative Literature at Columbia University (Hamid, "The Iran nuclear deal and the Obama Doctrine", Aljazeera, 7/22/15, <http://www.aljazeera.com/indepth/opinion/2015/07/iran-nuclear-deal-obama-doctrine-150721104156981.html>, accessed 7/23/15)//RZ

Obama further qualifies his doctrine: "We are powerful enough to be able to test these propositions without putting ourselves at risk [...] Iran's defence budget is \$30bn. Our defence budget is closer to \$600bn. Iran understands that they cannot fight us [...] You asked about an Obama Doctrine. The doctrine is: We will engage, but we preserve all our capabilities."

Making of a proxy empire

What to his Republican opponents and neo-con detractors appears as appeasement and disengagement is actually a much smarter form of imperialism that works like a ringmaster in a circus, or perhaps a chess player would be a better metaphor, where the master player knows both the power and the weakness, the kneejerk reactions and hidden desires, of all his players and by making one smart move allows for the rest to adjust their positions and moves according to their whims, which serve the chess master's design.

Obama allows the Saudis to do their thing in Yemen, and Iranians to do what they desire in Iraq and Syria, and other Arab Gulf states to pursue their fears and anxieties in Syria, and if the world expects him to make a move on Syria he looks at Turkey and wonders why President Recep Tayyip Erdogan does not do it. This is imperialism by proxy, not by direct hard power intervention, which he uses or refrains from using judiciously.

It is in this context, that the Iran nuclear accord - if it goes smoothly through the treacherous spin of the US Congress and their conservative counterparts in Iran, will be the crowing achievement of this Obama Doctrine, the articulation of a new mode of "smart power" that seeks to manipulate the existing propensities of power politics in the region without overcommitting US military force on the ground, with the full assurance that the threat of power is far more effective than the delivery of power.

[What Obama does] is imperialism by proxy, not by direct hard power intervention, which he uses or refrains from using judiciously.

From 'soft power' to 'smart power'

In exchange for returning Iranian frozen assets and easing off the regime of sanctions against them, Obama is employing and implicating Iran into the geopolitics of the region. This is Harvard University professor Joseph Nye's notion of "smart power" par excellence, the combination of hard and soft power that enables domination and legitimacy.

According to its authors, "Smart power is neither hard nor soft - it is the skilful combination of both. Smart power means developing an integrated strategy, resource base, and tool kit to achieve American objectives" - and presidential candidate Hillary Clinton is already on board with the idea.

Obama is just a cleverer version of Bush, and chances are that Hillary Clinton will do as Obama does - and the domain of this smart power, Obama Doctrine, is far beyond Iran and its nuclear programme.

The Iranian natural gas flowing towards Europe will considerably diminish their reliance on Russian supply, and turn the Iran deal into leverage against Russia in Ukraine and elsewhere!

But among the intention of the author of any doctrine, and the text of that doctrine, and the way it is read and reversed by others, there will always be a vicious hermeneutic triangle.

Turns case---tanks US foreign policy influence writ large

Bruno, 15 [Alessandro Bruno, Will Iran and the West get a Nowruz Nuclear Deal?, March 22, 2015, <http://www.geopoliticalmonitor.com/will-iran-and-the-west-get-a-nowruz-nuclear-deal/>]

Both Rouhani and Obama are at a crossroads and both are having to gamble in a challenge unlike any other in the past few decades. The challenge is as much a part of the negotiation process itself as in dealing with the many domestic and regional obstacles. Prime Minister Benjamin Netanyahu delivered a dramatic speech to convince a Republican and almost treasonous Congress, considering the affront on President Obama's authority, to prevent in any way an American understanding with the Iranians. In short, the head of a foreign government, just days ahead of an election at home – which he would win – has launched a new challenge to the American president on his home turf. Such an unprecedented event has proven to be very disruptive in relations between Washington and Tel Aviv. It may backfire on Netanyahu, who will now start his fourth term as prime minister with a decidedly unfriendly White House, which has nothing to lose. President Obama may well be tempted to secure an agreement with Iran even faster than before, conceding Iran what it wants most, which is an immediate halt to the sanctions.

Rouhani cannot sign anything without a clear commitment on this point. Such is the mandate he has from Supreme Leader Ali Khamenei, the regime hardliners, the Revolutionary Guards or Pasdaran, the conservative clergy but also, and more importantly, all moderate forces as well, especially those that led the 'green' revolt of 2009. Moderates and pragmatists agree on this

point. The Iranian regime, while religious in inspiration, is also highly nationalistic, which is what has kept Iranians remarkably united in the face of severe hardships from war to embargo. No Iranian, whether he identifies with Khamenei or the greens or the left wing Tudeh, would accept a humiliating arrangement. For his part, President Obama has staked his political and historical legacy on a deal with Iran; it is too late for him to withdraw without losing face and credibility – which would be very damaging to the United States and its ability to influence international events far beyond the Middle East from Bogota to Beijing. Iran has much to lose as it is engaged addressing problems in Iraq and Syria, and in Iran itself it is balancing the internal economic situation with oil prices continuing to fall and world reserves increasing.

2nc – democracy

Iran deal paves the way for democratization

Hashemi 6/28/15 - PhD, University of Toronto MA, Norman Paterson School of International Affairs, Carleton University BA (Honors), University of Western Ontario. (Nader, "HOW A NUCLEAR DEAL HELPS DEMOCRACY IN IRAN", The Cairo Review of Global Affairs, June 18, 2015, <http://www.aucegypt.edu/GAPP/Cairoreview/Pages/articleDetails.aspx?aid=835//DM>)

Most of the debate in the West on the Iran nuclear deal has focused on questions related to Western security interests in the Middle East. Will a deal ultimately prevent Iran from obtaining a nuclear weapon? Will it significantly inhibit a nuclear arms race in the region? How will Israel and the Gulf Cooperation Countries be affected, and to what extent will Iran be able to expand its regional influence after the lifting of sanctions? Almost ignored in this discussion, however, are the effects that a nuclear accord might have on internal Iranian politics and society. Specifically, how might a final nuclear agreement between Iran and the West influence the prospects for democracy and democratization within the Islamic Republic? June 2009 is a key reference point in the struggle for democracy within Iran. Fearing a return of the reformists to power, the Iranian regime falsified the presidential election results that would have removed Mahmoud Ahmadinejad from the presidency. As a result, a nonviolent mini-revolt known as the Green Movement demanded a vote recount, greater political transparency, and more broadly the democratization of Iran. Protests rocked the country for six months before they were violently suppressed. According the Commander of the Islamic Revolutionary Guard Corps, the Green Movement posed a greater threat to the internal stability of the Islamic Republic than the eight-year Iran-Iraq war. As a result of this event, Iran's post-revolutionary social contract lay in tatters. Until this point, Iran's clerical leaders were able to carefully manage public demands for political change and factional rivalry via an electoral process that though never "free" was perceived to be "fair," in the sense that the integrity of the ballot box was guaranteed. After the stolen election of 2009 and the ensuing crackdown, this consensus no longer existed. The base of support of the Islamic Republic narrowed considerably as a deep crisis of political legitimacy set in. Six years have passed, however, since this critical moment in Iran's post-revolutionary history. While the legacy of the Green Movement continues to haunt the Islamic Republic, in recent years a set of political developments, at the international, regional, and domestic levels, have coalesced to limit the prospects for political change and to bolster authoritarianism in Iran. Collectively, these developments have closed the door for democratization in the short term. If the social and political conditions that produced them were to change, however, these doors to democratization could be reopened. At the international level, Iran's dispute with the Permanent Member of the United Nations Security Council and Germany (P5+1) has negatively affected the prospects for democracy in several ways. The broad sanctions placed on Iran have had a greater impact on ordinary Iranians than they have had on the regime. In particular, civil society and the middle class, which forms the core support base for the democratic opposition, have borne the brunt of Iran's collapsing economy. Rather than focus on political organizing, a focus on simple survival has taken priority. It is precisely for this reason that some of the most vociferous defenders of a nuclear deal with the West are Iranian civil society and human rights activists. Secondly, Iran's ruling oligarchy has successfully deployed a nationalist narrative to

justify its nuclear policy internally. Tensions with the West are portrayed through the long history of foreign intervention in Iran. Iranians have been told by their rulers that once again Western powers are bullying Iran, threatening to bomb them, and applying a double standard in attempting to dictate Iran's internal energy policy. These arguments have resonated across the ideological spectrum. Today many secular Iranians who wouldn't ordinarily support the Islamic Republic, make an exception when comes the nuclear impasse with the West for reasons of national pride. Thus, by casting itself as the defender of national sovereignty, Iran's leadership has benefited from the nuclear standoff with the West. In the aftermath of a nuclear agreement, the manipulation of this issue to boost the regime's legitimacy will be a far more difficult task. This point has been indirectly acknowledged by the editor of Shargh, a leading reformist newspaper, who has noted that if "there's less tension internationally, there'll be more stability internally," implying that a nuclear deal would help create better social conditions for democratization. A set of regional events has also indirectly bolstered authoritarianism in Iran. The post-Arab Spring regional chaos, marked by sectarianism, the rise of the Islamic State in Iraq and Syria, the spread of salafi-jihadism, and the collapse of Libya, Syria, Iraq, and now Yemen, have scared Iranians away from demanding political change. As one Iranian blogger has noted "people now think twice about taking action to change the system because they know change might result in a disaster." These regional events have reinforced a preexisting Iranian disdain for violence and revolutionary change. Iranian political culture has been deeply scarred by the upheavals of the 1979 revolution, the bloody Iran-Iraq war and the post-September 11 chaos that engulfed neighboring Iraq and Afghanistan in the aftermath of the American occupations. Prominent reformist journalist and Green Movement supporter Saeed Leylaz, who was sentenced to prison after the 2009 events, aptly summarizes how recent regional chaos has reduced demands for political change. Reflecting the new temper among Iranian democrats, he now takes the position that "if we want to emphasize our own points of view over those of our competitors within the system, the result will be another Syria." All of this has shaped domestic Iranian politics in negative ways for democratization. In 2015, several trends are now discernible. The first trend is unrelenting state repression. The crackdown that followed Green Movement protests has been ongoing and arguably the level of suppression is greater today than it was in 2009. The hardline-controlled Iranian judiciary continues to hand out heavy sentences to civil society activists, censorship and executions are at record levels, and women and minorities are subject to ongoing harassment, marginalization, and discrimination. In a recent press conference that coincided with the second anniversary of his election, President Rowhani admitted that since coming to power there has been "little opening" for advancing his campaign promise to increase social and political freedoms. He blamed right wing "pressure groups" for this, while reminding his supporters to be patient because "changes cannot take place overnight." The second trend pertains to the ongoing and deepening crisis of legitimacy facing the Islamic Republic. This is the Iranian regime's Achilles Heel. While foreign crises help direct attention away from it, this dominant feature of Iranian politics fundamentally shapes state-society relations today. Evidence of this legitimation crisis is abundant. For example, in February, the Iranian judiciary suddenly banned Iranian media from publishing comments by or images of former reformist President Mohammad Khatami. Why a two-time president, who occupied the second highest office in the country for eight years, suddenly posed a threat to political order is a revealing question. Part of the answer lies in the fact that as a reformist

politician and Green Movement supporter, Khatami remains a popular and influential figure. With parliamentary elections scheduled for 2016, Iran's clerical elite are starting to panic. There is great fear that the control of the parliament could be lost to reformist parties. In fact, Ali Saeedi, Supreme Leader Ali Khamenei's special representative to the Iranian Revolutionary Guard Corps, openly acknowledged this fear in a recent speech. Likewise, the head of the powerful Guardian Council, Ahmad Jannati, went a step further and announced that when it comes the ideological screening of candidates for parliament "those who have a (ideological) background that is unknown and after investigation this still remains unclear, the Guardian Council does not have the right to approve them." In other words, there is an assumption that every Iranian citizen is guilty (of regime disloyalty) until proven innocent. At the level of society, there is irrefutable evidence of Iranians displaying behaviors and pursuing lifestyles that explicitly reject that values and norms of the Islamic Republic. Widespread secularization exists, especially among young people and among the sizeable urban and middle classes. This is most visible in terms of avoiding the key Islamic rituals of prayer and fasting. The Ministry of Health recently announced that 150 alcohol treatment centers would be opening in Iran in response to a growing societal epidemic. This is noteworthy because the Islamic Republic officially bans the production, sale and consumption of alcohol. After the 1979 revolution, there was a major attempt to construct a new Iranian Muslim citizen that rejected Western and secular values. The colossal failure of this project is hard to miss. Even the supreme leader has publicly acknowledged that the Islamic Republic faces a crisis of legitimacy. During the last presidential election, fearing a low voter turnout, he appealed to Iranians to turn up at the ballot box including those who "for whatever reason [do] not support the regime of the Islamic Republic." He instead appealed to their sense of (secular) nationalism arguing that a high voter turnout would send a strong message to Iran's enemies. In a more recent speech on the anniversary of the death of Ayatollah Khomeini, the supreme leader expressed a fear of liberal values penetrating Iran. He specifically chastised those who were distorting Khomeini's legacy by claiming he was "liberal-minded, which under no conditions existed in his political, intellectual and cultural behavior." A nuclear deal could help put Iran back on the road to democratization. One of the most controversial aspects of the tentative agreement is the sunset clause. This is the provision that states that for fifteen years Iran will have a limited nuclear program under strict international inspection but after this time period, these restrictions will be lifted. Western critics have pointed to this clause to argue that this "paves Iran's path to the bomb"—all the country has to do is wait out the clock. Ignored in this debate, however, is that in the coming fifteen years, the Islamic Republic will face increasing challenges from within society that will affect its future political stability and possibly its political trajectory. The biggest challenge will be the likely death of the supreme leader, who turns 76 in July. Given the enormous power his office wields and the fact there is no senior cleric with sufficient political and religious authority that can replace him, the inevitable departure of Ali Khamenei will produce an enormous internal crisis for Islamic Republic. When this will happen and how it might play out is unknown, but Khamenei's passing will create a unique crisis of governance that democratic forces will be able to exploit. Thus, over the medium term, Iran's democratic prospects seem brighter. Not only is there a long tradition of democratic activism stretching back to over one hundred years, but the preconditions for democracy that social scientists generally agree upon, already exist in Iran. To wit: high levels of socio-economic modernization (literacy, mass communications, and a

modern economy), a suitable class structure (the existence of a sizeable middle class), and a proper political culture (norms, habits, and values that are democracy-enhancing). Equally important are the demographic numbers that are favorable to democratization. Specifically, young people now constitute the majority of Iran's population. They are highly educated, globally connected, politically secular and deeply alienated from Islamist rule, and what's more, they desire substantive gradual, non-violent political change.

2nc – eu rels

The deal boosts US-European relations despite Israel's anger

Fabian 7/14, staff writer at The Hill, (Jordan, 7/14/15, Obama discusses Iran nuke deal with Netanyahu, Obama discusses Iran nuke deal with Netanyahu, The Hill, [//kap">http://thehill.com/homenews/administration/247852-obama-discusses-iran-nuke-deal-with-netanyahu\)//kap](http://thehill.com/homenews/administration/247852-obama-discusses-iran-nuke-deal-with-netanyahu)

President Obama on Tuesday phoned Israeli Prime Minister Benjamin Netanyahu to discuss the nuclear agreement with Iran.

Obama told Netanyahu that the deal “will verifiably prevent Iran from obtaining a nuclear weapon while ensuring the peaceful nature of Iran’s nuclear program going forward,” according to a White House statement.

He argued the deal would benefit Israel’s security by cutting of Teheran’s path to a nuclear bomb, but said the agreement “will not diminish our concerns regarding Iran's support for terrorism and threats toward Israel.”

The deal places limits on Teheran’s nuclear program for at least a decade in exchange for lifting billions of dollars worth of international sanctions.

Netanyahu has been one of Obama’s staunchest critics for brokering an agreement to curb Iran’s nuclear program.

On Thursday, the Israeli leader called the agreement “a historic mistake for the entire world.”

“In every area that was supposed to prevent Iran from gaining the capacity to arm itself with nuclear weapons, far-reaching concessions were made,” he added. “In addition, Iran will receive hundreds of billions of dollars which it can use as a means to fuel its terror machine, its aggression and its expansionism in the Middle East and around the world.”

Speaking in the East Room of the White House earlier Tuesday, Obama addressed concerns long held by Netanyahu and others in Israel.

He said he shares Israel’s concerns about Iran’s threats against the Jewish state and its sponsorship of groups, such as Hamas and Hezbollah, which have launched attacks against Israel.

“But that is precisely why we are taking this step -- because an Iran armed with a nuclear weapon would be far more destabilizing and far more dangerous to our friends and to the world,” Obama said.

Obama also phoned European heads of state involved in brokering the nuclear agreement with Iran.

Obama made separate calls to British Prime Minister David Cameron, French President Francois Hollande, German Chancellor Angela Merkel, and European foreign policy chief Federica Mogherini soon after the deal was finalized on Tuesday morning.

The leaders praised the deal as a “historic solution that will verifiably prevent Iran from obtaining a nuclear weapon by cutting off all of the potential pathways to a bomb while ensuring the peaceful nature of Iran’s nuclear program going forward,” the White House said in a statement.

The leaders pledged to maintain close coordination as the deal is implemented.

In addition to the European powers, the U.S. was joined in the negotiations by Russia and China. The White House has not yet said if Obama has spoken to Russian President Vladimir Putin or Chinese President Xi Jinping.

2nc – terrorism

Deal solves terrorism

Parsi 6/30/15 - Trita Parsi is the founder and current president of the National Iranian American Council, author of Treacherous Alliance and A Single Roll of the Dice. (Trita, "Iran's nuclear talks: Five reasons why a deal would be good for the U.S.", CNN, June 30, 2015, <http://www.cnn.com/2015/06/30/opinions/iran-nuclear-talks-parsi//DM>)

(CNN)The criticism of the pending nuclear deal between Iran and world powers is intensifying. Opponents of the deal will spend millions of dollars on ads pushing the U.S. public and Congress to kill the deal in the next few days. But while a fortune already has been spent on nit-picking the ongoing talks, virtually nothing has been invested in developing an alternative, viable solution to limit Iran's nuclear activities. The reality is that the opponents of the deal don't have a solution, they only have criticism. And for many, the real value of the nuclear deal has been lost amid the barrage of condemnation surrounding the talks. Americans doubt talks will prevent Iranian nuclear weapon It's worthwhile to remind ourselves why this deal is so important -- and why it would be a strategic mistake of Iraq War proportions to let this opportunity slip out of our hands. Preventing the bomb ... The two first objectives the deal would achieve are paramount: firstly, it will prevent an Iranian nuclear bomb; secondly, it will prevent a disastrous war with Iran. The limitations and inspections regime the deal would impose on the Iranian nuclear program will make it virtually impossible for Tehran to build a bomb. Were it to choose to go down that path, it would get caught almost instantaneously thanks to the new high-tech inspection instruments that will be installed at Iranian nuclear facilities. In addition, if evidence arises that Iran has begun nuclear activities at undeclared sites, then Iran will be obliged to provide access to those sites as well. No other option comes even close to this deal when it comes to closing off all of Iran's paths to a bomb. Military action in particular is far inferior -- and far more risky. ... And a disastrous war Moreover, the deal will prevent a war with Iran -- particularly important given that the absence of a solution to the nuclear standoff has caused the U.S. and Iran to gravitate towards a military confrontation. If the talks fail -- or are undermined -- Iran's nuclear program would unshackle, enabling Tehran to inch closer to a weapons option. That in turn, would increase the risk of an Israeli or American attack on Iranian targets, even though bombing the country's nuclear facilities would at best only slow the program a few years. The Iranians would hit back and soon enough, and the U.S. would be embroiled in yet another war in the Middle East with no end in sight. No wonder the Iran deal has broad support among the U.S. public. Unleashing Iran's moderates Third, the deal will help unleash Iran's vibrant, young (the median age is 28!) and moderate society, which is continuously pushing Iran in a democratic direction. The deal enjoys solid support among the Iranian public as well as among Iranian civil society leaders, partly because they believe the deal "would enable political and cultural reforms." America benefits if the democratic aspirations of the Iranian people are increasingly met, because a more democratic Iran is a more moderate Iran. What's the deal with the Iran nuclear negotiations? This is particularly important at a time when the violent winds of religious radicalism are ravaging the Middle East and beyond. America is in desperate need of an injection of political moderation in the region. An Iran that moves towards democracy could provide that. A boost in the fight against ISIS Fourth, ISIS and other

jihadist groups threaten both Iran and the U.S. Yet coordination and collaboration between the two against these violent terrorist organizations has been minimal because neither side has the political ability to expand coordination until the nuclear dispute has been settled first. A well-placed Iranian source told me recently that in a post-deal environment, Iran is ready to put in 40,000-60,000 ground troops to eliminate ISIS over the next three years. Ideally, the U.S. would provide air support, he explained. The source made clear the commitment would not be a quid pro quo to get a nuclear deal. Iran nuclear talks: 'Security of the world is at stake' If true, this would be the first commitment of ground troops by any state in the region to take on ISIS. But even short of this, Iran has already provided more support in the fight against ISIS than any of America's actual allies. There is near-consensus that airstrikes alone will not defeat ISIS. Ground troops are needed, but who will provide them? The American public is certainly not in the mood for putting more troops on the ground in Iraq. The Iraqi army has proven desperately inadequate. The nuclear deal may help square this circle. Deal gives America more options Last but not least, the nuclear deal can help provide America with more options in the region in the sense that it reduces America's reliance on authoritarian Arab states such as Saudi Arabia -- which, despite being a key U.S. ally, has played a central role in spreading Islamic radicalism and jihadism. As Jeremy Shapiro and Richard Sokolsky recently pointed out, the Iran deal is not about getting into bed with Tehran. But it can be used to get out of bed with the Saudis. And with that, America's hands will be freer to truly deal with and defeat the threat of Islamic radicalism fomented by the Salafists in the Saudi kingdom. U.S., allies and Iran plan to miss June 30th nuclear talks deadline Former Chairman of the Joint Chiefs of Staff Admiral Mike Mullen put it best: "We need to re-examine all of the relationships we enjoy in the region, relationships primarily with Sunni-dominated nations. Detente with Iran might better balance our efforts across the sectarian divide." In the coming weeks, emotions will run high in the debate over the Iran deal. It will be critical to distinguish between the minutia and the truly essential. At historic moments like this, it is the bigger picture that counts.

--at: next prez rescinds

Next prez can't rescind it – this card is awesome

Pace 7/18/15 – AP White House Correspondent (Julie, Scuttling Iran deal might not be easy for next president, Seattle PI, [//JJ">http://www.seattlepi.com/news/texas/article/Scuttling-Iran-deal-might-not-be-easy-for-next-6392212.php">//JJ](http://www.seattlepi.com/news/texas/article/Scuttling-Iran-deal-might-not-be-easy-for-next-6392212.php)

Unhappy with President Barack Obama's nuclear deal with Iran? Republicans running for the White House are vowing to rescind the agreement, some on their first day in office.

But it may not be that easy.

If Iran lives up to its obligations, a new president could face big obstacles in turning that campaign promise into U.S. policy. Among them: resistance from longtime American allies, an unraveling of the carefully crafted international sanctions, and damage to U.S. standing with the rest of the world, according to foreign policy experts.

"The president does not have infinite ability to get other countries to go along with them," said Jon Alterman, director of the Middle East program at the Center for Strategic and International Studies. "One of the consequences is the United States would be increasingly isolated at a time when Iran is increasingly integrated with the rest of the world."

Both Obama and Republicans know firsthand the difficulties of dismantling major policies, a task that only gets harder the longer a policy has been in place.

After more than six years in office, Obama has failed to achieve his promise to shutter the Guantanamo Bay prison, despite signing an executive order authorizing its closure on his first day in office. And more than five years after Obama's health care overhaul became law, Republicans have been unable to find a legal or legislative means for repealing the sweeping measure.

While some elements of the nuclear accord don't go into effect immediately, the centerpiece of the agreement is expected to be implemented quickly. If Iran curbs its nuclear program as promised, it will receive billions of dollars in relief from international sanctions.

To Republican presidential candidates, rolling back that quid pro quo would be a top priority if they were to win the White House.

Wisconsin Gov. Scott Walker says he would "terminate the bad deal with Iran on day one" and work to persuade allies to reinstate economic sanctions lifted under the deal. Former Texas Gov. Rick Perry concurred, saying one of his first actions in office would be to "invalidate the president's Iran agreement."

Jeb Bush, the former Florida governor, said that while he would consult with allies about the deal on his first day in office, he was inclined to "move toward the abrogation of it." Florida Sen. Marco Rubio told The Associated Press he would withdraw from a deal even if allies objected.

The next president has no legal obligation to implement the nuclear agreement, which is a political document, not a binding treaty.

But if there's no sign Iran is cheating, it's unlikely the European allies, who spent nearly two years negotiating alongside the U.S., would be compelled to walk away and reinstate sanctions. And it's nearly impossible to imagine Russia and China, which partnered with the U.S, Britain, France and Germany in the talks, following a GOP president's lead.

"Shattering something like this with the British and the French and the Germans — that has consequences," said Ilan Goldenberg, a senior fellow at the Center for a New American Security and former Obama State Department official. "A new president isn't going to want to lead off like that."

To be sure, a U.S. president with a friendly Congress could unilaterally reinstate American sanctions on Iran. But the economic impact would be far less if other countries didn't follow Washington's lead.

Beyond Europe's interests, the White House says U.S. partners in Asia, including Japan and South Korea, will also likely have boosted their financial ties and oil purchases with Iran by the time a new president takes office in January 2017.

Republican president won't roll back the deal – no incentive and it's just a campaigning ploy.

Siddiqui 7/21 – political reporter for Guardian (Sabrina, "Why Republican promises to scrap Iran nuclear deal may not be met", The Guardian Washington, 7/21/15, <http://www.theguardian.com/world/2015/jul/21/iran-nuclear-deal-why-republican-promises-scrap-may-not-be-met>, accessed 7/23/15)//RZ

How much international support there would be if the US walked away from the deal and called for the restoration of sanctions would be a critical factor in any new administration's assessment of how to proceed, said Robert Einhorn, a senior fellow at the Brookings Institution who served on the US delegation to the Iran nuclear negotiations from 2009 to 2013.

"If the assessment was that no one would follow the US in striking the sanctions, that would be a factor arguing against walking away ... If Iran is complying with the deal and is not making trouble in the region, then the administration may well find it may not have support," he said. "On the other hand, if Iran is dragging its feet and compliance problems have arisen, that would make it much easier for a new president to walk away from the deal."

Einhorn also expressed doubts that a Republican president, for all of the bluster among the current crop of candidates, would actually turn his back on an agreement if it appeared to be working.

"Whatever candidates may say today, his administration will take a look at the situation prevailing at the time. It won't rely exclusively on what was said a year and a half earlier," he said.

Bush has conceded as much in recent days, pointing out in what was seen as a thinly veiled shot at Walker that a day-one promise to rescind US support for the deal would be impractical.

“One thing that I won’t do is just say, as a candidate: ‘I’m going to tear up the agreement on the first day.’ That’s great, that sounds great but maybe you ought to check in with your allies first, maybe you ought to appoint a secretary of state, maybe secretary of defence, you might want to have your team in place, before you take an act like that,” Bush told reporters after a town hall in Carson City, Nevada, on Friday.

He later expanded upon those comments amid criticism from some on the right that he was weakening his position, reiterating his belief that the deal must be revoked – but again taking a more nuanced approach that acknowledged the role that must be played by US allies in order for a new round of sanctions to be impactful.

“As president I would begin immediately to responsibly get us out of this deal, with a comprehensive strategy that is responsive to the conditions at the time and confronts Iran’s continued pursuit of a nuclear weapons capability, its support for terrorism and instability, its ballistic missile proliferation, and its horrific human rights record,” Bush said in a statement to the Weekly Standard.

“Such a strategy will require a new national security team that is committed to rebuilding our defences and restoring our alliances, starting with our relationship with Israel. It will require sustained diplomatic efforts to put significant financial, diplomatic, and military pressure on Iran to change its behavior. And because of the massive sanctions relief provided by this terrible deal, the impact of unilateral US sanctions will be limited and it will be important to work with our allies to reimpose multilateral sanctions and pressure.”

Rubio took an opposing view during an interview with CNN on Sunday when asked what he would do as president if allies refused to go along with the US.

“Our foreign policy as a nation is not subject to what China wants to do or Russia wants to do or the EU wants to do or anybody wants to do,” he said. “We have our own foreign policy. It needs to be in the national security interests of the United States.”

But in charting its own course of action, irrespective of whether Iran was complying with the deal or not, the US might only be inflicting harm upon itself.

“The US would be in a situation where it would presumably then say we’d reimpose sanctions which would only hurt, for the most part, US businesses, which would then turn on whichever administration,” said George Perkovich, vice-president for studies at the Carnegie Endowment for International Peace.

Pushback from the business community, which traditionally favours Republicans, would be especially salient. Perkovich, an expert on Iran who focuses on nuclear strategy and nonproliferation, added that the US acting alone to dismantle the deal would also do little to change Iran’s behaviour if they’re already complying with the agreement and not beholden to similar threats from other supporters of the agreement.

If anything, he said, it could backfire and energise moves by other countries to become less dependent on the US financial system.

“The only thing that it could accomplish is to make Republican primary voters feel better that their candidates are expressing their fears and passions,” Perkovich said. “One of these people might get elected ... the question will be, do they feel like they’re obligated to do something just because they said it at this moment.”

Polling at this particular moment finds that a slim majority of Americans, at 56%, supports the Iran deal but remains sceptical that it will succeed.

Views differ sharply when broken down by party affiliation, offering further rationale for Republican candidates blasting the agreement - just four in 10 Republicans support it, while 54% are opposed. Democrats, on the other hand, support the deal by a 69 to 25% margin.

Obama, for his part, projected confidence last week that history was on his side as far as how the deal would ultimately be viewed – as would efforts to squander it.

“If we don’t choose wisely, I believe future generations will judge us harshly for letting this moment slip away,” he said.

--at: u.s. not key

U.S. compliance is key to overall effectiveness of the deal – backing out would prompt Iran to respond in kind.

CBS 7/17 ("Iran deal set to become international law", 7/17/2015, CBS news, <http://www.cbsnews.com/news/un-security-council-vote-iran-nuclear-deal-resolution-us-congress-objections/>, accessed 7/19/15)//RZ

With all five veto-wielding permanent members of the Security Council involved in the marathon Iran negotiations, the resolution's adoption Monday was almost certain.

The resolution implements an intricate deal that places restrictions on Iran's nuclear program while allowing relief from sanctions that the country's leaders say have hurt its economy.

Monday's vote will come despite calls from some U.S. lawmakers to delay Security Council approval until Congress reviews the deal.

CBS News foreign affairs analyst Pamela Falk says the resolution will make the Iran nuclear deal international law, but will delay its official implementation for 90 days, to allow for the U.S. Congress' consideration.

Falk explained that while Congress cannot block the implementation of the deal, if the legislative body votes against it and has enough votes to override a promised veto from President Obama, it is not clear what would happen next.

A U.S. official told CBS News that American law doesn't "trump" U.N. resolutions, but if Congress were to vote against the measure -- and garner enough votes to override a presidential veto -- lawmakers could stop U.S. sanctions being lifted, which could prompt Iran to declare the U.S. as non-compliant with the terms of the deal and to back out.

If U.S. lawmakers were to decide after Monday's vote that they wanted changes to the terms of the agreement, it would essentially be too late, because it would require the Security Council to propose a new resolution -- and there would likely be little appetite for such deliberations among the other negotiating partners.

The chairman of the Senate's foreign relations committee, Bob Corker, on Thursday wrote a letter to President Obama saying, "We urge you to postpone the vote at the United Nations until after Congress considers this agreement."

But the chief U.S. negotiator in the Iran talks, Wendy Sherman, rejected that idea Thursday.

She told reporters: "It would have been a little difficult when all of the (countries negotiating with Iran) wanted to go to the United Nations to get an endorsement of this, since it is a product of the United Nations process, for us to say, 'Well, excuse me, the world, you should wait for the United States Congress.'"

Sherman said the council resolution allows the "time and space" for a congressional review before the measure actually takes effect.

2nc – at: deal bad

Only a risk the deal is net-better – Iran already has the ability that their turn relies on

Zengerle and Spetalnick 7/23/15 – political reporters for Reuters (Patricia and Matt, Kerry: critics of Iran deal spinning 'fantasy,' urges approval, Reuters, [//JJ](http://www.reuters.com/article/2015/07/23/us-iran-nuclear-congress-idUSKCN0PX0D920150723)

U.S. Secretary of State John Kerry on Thursday mounted a furious counterattack against critics of the Iran nuclear deal, telling skeptical lawmakers it would be fantasy to think the United States could simply "bomb away" Tehran's atomic know-how.

Testifying before Congress for the first time since world powers reached the landmark accord with Iran last week, America's top diplomat was confronted head-on by Republican accusations that Iranian negotiators had "fleeced" and "bamboozled" him.

The vitriolic exchanges on Capitol Hill reflected a hardening of positions as Congress opened a 60-day review of the deal considered crucial to its fate.

Iranian hardliners are also trying to undermine the pact, and U.S. ally Israel has condemned it as a dire security threat.

Kerry insisted that critics of the deal, which curbs Iran's nuclear program in return for sanctions relief, are pushing an unrealistic alternative that he dismissed as a "sort of unicorn arrangement involving Iran's complete capitulation."

"The fact is that Iran now has extensive experience with nuclear fuel cycle technology," Kerry told the Senate Foreign Relations Committee. "We can't bomb that knowledge away. Nor can we sanction that knowledge away."

Kerry said that if Congress rejects the agreement reached in Vienna, "the result will be the United States of America walking away from every one of the restrictions we have achieved and a great big green light for Iran to double the pace of its uranium enrichment."

"We will have squandered the best chance we have to solve this problem through peaceful means," he said.

The United States, Russia, China, Britain, France, Germany and the European Union signed the deal with Iran. Washington suspects Tehran of having worked in the past to build nuclear weapons but Iran says its program is peaceful.

Reject their evidence – its hyperbolic media garbage

Cirincione 7/6/15 - President of the Ploughshares Fund, a public grant-making foundation focused on nuclear weapons policy and conflict resolution. (Joseph, "Overwhelming Expert

Consensus Favors Agreement with Iran”, Payvand, July 6, 2015,
<http://www.payvand.com/news/15/jul/1034.html//DM>)

Media Blind Spot The media rarely portrays this expert consensus in the coverage of the Iran negotiations. This is not to say that the nuclear policy experts are uniform in their views. There are nuances and shades of agreement. And several genuine non-proliferation experts have strong, principled disagreements with the proposed Iran deal. Some outright oppose it. They, however, represent a minority faction in the field. The overwhelming majority of experts favor the deal. The media portrayal of expert opinion is driven partially by the custom to “balance” expert views in stories, so that pro and con are evenly represented—even if this gives a false depiction of the overall expert opinion. It is also driven by the desire to make news. Conflict grabs attention; agreement is boring. “If it bleeds, it leads” guides not just the local nightly news but often the front page of The New York Times. Some reporters, for instance, used a recent letter from a bipartisan group of experts to generate headlines that former top officials of the Obama administration were condemning the Iran deal. This, even though several of these former officials, including Bob Einhorn, Gary Samore, and Gen. James Cartwright, had already signed letters in support of the agreement. Einhorn felt compelled to write a rebuttal of this media misrepresentation, explaining that the signers, including several former Republican security officials such as Bush national security advisor Stephen Hadley, were not challenging the administration’s negotiating positions or asking them to adopt new and more demanding postures. Rather, he wrote, The significance of the statement is that this diverse, bipartisan group was able to come together on a number of reasonable and achievable recommendations for concluding an agreement that would serve U.S. interests and the interests of U.S. friends in the Middle East. Unlike some recommendations made by other groups and individuals, these contained no “poison pills” designed to complicate or even sabotage the negotiations.

Try-or-die for the deal – veto-override is the worst case scenario

Dennis 7/17/15 – White House correspondent for Roll Call (Steven, Iran Gets Everything for Free if Congress Overrides Deal, White House Says, Roll Call, <http://blogs.rollcall.com/white-house/white-house-iran-deal-congress-united-nations//JJ>)

White House Press Secretary Josh Earnest warned Iran would get what it wants even if Congress overrides the Iran nuclear deal.

“Iran will get all of the benefits of this deal without having to give up anything,” Earnest said Friday.

He predicted the international economic sanctions would collapse and Iran would get the economic benefits it has sought anyway — and noted that even if American sanctions stay in place Iran has far more at stake economically with sanctions from other countries around the world.

“The problem is Iran is going to get all that money and the United States doesn’t get anything for it,” he said, predicting Iran would get sanctions relief from the international community even

if they don't reduce their stockpile, centrifuges or all-but-dismantle their plutonium-producing reactor.

A vote to kill the deal is a "vote to allow Iran to get off scot-free and to get all the sanctions relief."

--at: prolif

Deal doesn't lead to proliferation – no incentive, NPT, 123 agreement, and the US nuclear umbrella

Indyk 6/11/15 - executive vice-president of the Brookings Institution in Washington D.C., and a former US ambassador to Israel. (Martin, "Why deal with Iran could be good for the Middle East", Khaleej Times, June 11, 2015, http://www.khaleejtimes.com/kt-article-display-1.asp?xfile=data/opinion/2015/June/opinion_June20.xml§ion=opinion//DM)

In the coming months, Congress is likely to have to make a choice: either endorse an agreement that removes sanctions but should ensure a nuclear weapons-free Iran for at least ten-to-fifteen years; or reject the agreement, which would leave Iran three months from a nuclear weapon under eroding sanctions. In making that choice, Congress will need to take into account that the Iranian nuclear deal will have profound ripple effects across the troubled Middle East region. The nuclear agreement was never intended to deal with the likely consequences of the sanctions relief—namely a monetary windfall for the government in Tehran. There is every reason to believe that at least some of this windfall will enhance the capacity of problematic Iranian forces such as the Iranian Revolutionary Guard Corps (IRGC) and problematic proxies like Hezbollah, the Assad regime and Shia militias in Iraq. But the possible regional implications of the deal are not sufficiently negative to justify opposing it. Indeed, given the turmoil now engulfing the Middle East, ensuring a nuclear weapons-free Iran for at least a decade—and tight monitoring of its nuclear programme for much longer than that—will help remove a primary source of tension and may foster greater cohesion in dealing with the other sources of conflict and instability there. In the end, the agreement buys a breathing space of at least 10 years. That's worth having as long as the inspection, monitoring and snap-back provisions are credible and the time is used effectively to contain and roll-back Iran's nefarious hegemonic ambitions. Moreover, whatever its other negative implications, the deal is not likely to trigger a nuclear arms race. It is unlikely that Saudi Arabia will actually embark on building an enrichment capability with its requirements for a significant scientific establishment. For 30 years, while Iran developed its ambitious nuclear programme unconstrained, its Saudi arch-rival did not feel any need to do the same. Why would it do so now when serious constraints will be placed on Iran's nuclear programme? Egypt and Jordan are certainly talking about starting nuclear programmes, but they are both signatories to the Non-Proliferation Treaty. All three Arab states would have to submit to the same intrusive inspections that Iran has accepted if they are to get the nuclear cooperation they will need. The UAE has signed a 123 agreement, in which it commits never to acquire enrichment capacity. And Turkey, as a Nato ally, already enjoys the cover of an American nuclear umbrella under Article 5 of the Treaty.

Iran deal cuts off Iran's pathway to a bomb

Kimball 6/25/15 - Executive Director Arms Control Association Washington. (Daryl, "Benefits of a Nuclear Deal With Iran", The New York Times, June 26, 2015, <http://www.nytimes.com/2015/06/27/opinion/benefits-of-a-nuclear-deal-with-iran.html//DM>)

Alan J. Kuperman makes a number of flawed assumptions in asserting that the Iran nuclear deal would extend Iran's "breakout time" by only one month. A wide range of scientific experts,

along with the technical teams of the Western governments, agree that a deal would increase the time it would take Iran to amass enough bomb-grade uranium for one bomb from the current two to three months to at least 12 months. The agreement will require Iran to disconnect and remove some 14,000 centrifuges and put them under the seal of the International Atomic Energy Agency. Only 5,060 first-generation machines would be allowed to enrich uranium to low levels. Mr. Kuperman assumes that Iran could immediately reassemble, reinstall and recalibrate the excess centrifuges — but it would take many months, if not years, to achieve such a feat. And inspectors would detect any such activity within days. Mr. Kuperman also assumes that the agreement would allow Iran to keep large amounts of its uranium stockpile in solid form. But under the agreement, Iran must verifiably reduce its current stockpile of 8,700 kilograms of low-enriched uranium gas to no more than 300 kilograms, in any form. The Iran deal should be judged based on the facts. And the facts are clear: This deal would verifiably cut off Iran's pathways to a bomb.

--at: middle east instability

Deal solves Middle East instability – zero risk of offense

Feffer 7/19/15 – author and currently co-director of Foreign Policy in Focus at the Institute for Policy Studies (John, Iran agreement: Is Obama Channeling Nixon?, The Corner, <http://www.thecorner.eu/world-economy/obama-channeling-nixon/47044/>)//JJ

One of the greatest moments of US diplomacy in the 20th century was President Richard Nixon's opening to China. It was a surprise, a breathtaking opportunity and a true game-changer.

It was also one of the strangest political matches of all time. A president who had established his political bona fides as an anti-communist crusader shocked everyone by establishing relations with a communist state led by one of the world's most ruthless politicians (in a century densely populated by such tyrants). China in the early 1970s was still in the thrall of the Cultural Revolution, and the increasingly senescent Mao Zedong was a most unlikely partner for Nixon's diplomatic effort.

But Nixon's secretary of state, Henry Kissinger, displayed an often-appalling pragmatism. He didn't care if Mao was chin deep in the blood of his own victims (tens of millions from the Great Leap Forward through the Cultural Revolution). The secretary of state wanted to use China as a chess piece to maneuver the Soviet Union into a corner. Playing Moscow and Beijing off one another was Kissinger's gambit to control the board and ultimately checkmate his communist opponents.

Throughout its history, the United States has frequently made alliances of convenience in order to achieve larger goals. During World War II, it partnered with Joseph Stalin against Adolf Hitler. In Chile, it collaborated with Augusto Pinochet against Salvador Allende. And from Franklin D. Roosevelt on, it allied with the House of Saud against the prospect of prohibitive oil prices. Communism, military dictatorship, theocracy—the United States cooperated with these very different systems in order to pursue its own ends.

The recent nuclear agreement with Iran, the culmination of months of laborious negotiation, could represent this century's equivalent of Nixon's détente with China. Of course, US President Barack Obama and Iranian President Hassan Rouhani are by no means the odd bedfellows that Mao and Nixon represented. They are both centrists disposed to compromise. The deal they've pushed for has been the culmination of visible negotiations, not the kind of secret back-channel conversations that Kissinger favored. And perhaps most importantly, the Iran deal rather narrowly focuses on nuclear non-proliferation.

But the accord with Iran has the potential to be a game-changer that alters the geopolitical chessboard. For that to happen, however, deal supporters still have to overcome domestic opposition (particularly in the US). Then the more visionary leaders in Iran, the United States and Europe have to use the agreement as the foundation stone of an entirely new set of relationships that can alter the political landscape of the Middle East and beyond.

What's the Deal with the Deal?

In the agreement signed this week between Iran and the P5+1 (the permanent five of the UN Security Council plus Germany), Iran has agreed to freeze its nuclear program in exchange for the lifting of economic sanctions. Iran will render its plutonium program—the heavy water reactor at Arak—inoperable, and it will maintain a moratorium on building new heavy water reactors for 15 years. Also for that period, it will ship out all spent fuel.

In terms of the uranium path to a bomb, Iran has agreed to dismantle two-thirds of its centrifuges and will reduce the amount of its stockpiled enriched uranium by 98%. In this way, Iran will not have enough material to build a single nuclear weapon. The “break out time”—the time necessary to build such a weapon—will be expanded from several months to one year.

Iran will receive sanctions relief only after it has begun to comply with the agreement. If Iran fails to comply, the sanctions will “snap back.” The only sanctions lifted will be the ones connected to Iran’s nuclear activities.

The International Atomic Energy Agency (IAEA) will monitor the agreement, and it will even have access to military sites such as the Parchin complex. The monitoring will be 24/7. Iran has also agreed to deliver information related to the “possible military dimensions” of its program going back in time.

The agreement is truly comprehensive, at least in regard to nuclear matters, and it should satisfy the skeptics. But, of course, many skeptics are not interested in the details of the agreement. Most of them, like Senator Lindsey Graham, denounced the deal without even reading it.

The Noisy Ideologues

Iranian politics is well-stocked with noisy ideologues who advocate for perpetual war against the West. Even Ayatollah Ali Khamenei recently talked about the importance of continuing to struggle against the “arrogance” of the United States, deal or no deal. However, given that Khamenei must have supported the negotiations and the deal—he is the supreme leader, after all—his rhetoric was more likely a sop thrown to the hard-liners.

Meanwhile, the more concerted opposition to rapprochement is in the US, where a noisy clique of well-funded pundits and politicians inveigh against the inherent evil of Iran. They will not tolerate anything that resembles what Republican hard-liners routinely label “appeasement.” As Senator Tom Cotton put it, “Iran is an anti-American, terrorism-sponsoring outlaw regime.”

Opposition to the negotiations with Iran has generally fallen into two categories. The much smaller group consists of those who, like physicist David Albright, are reluctant to call themselves critics and genuinely worry whether the agreement will work (will the inspection protocols be sufficient, will the “break-out time” be meaningfully expanded and so on).

The much larger group of opponents simply doesn’t want to negotiate with Iran at all. They are categorically opposed to the country’s system (much as the anti-communist critics of Nixon’s détente with China were categorically opposed to the Chinese system).

For this second group, there can be no better agreement until and unless Iran capitulates entirely, which could happen only if an entirely different set of leaders took over in Tehran (monarchists, for instance, or the quasi-terrorists of Mujahideen-e Khalq). But there is little

chance of this happening in Iran, just as there was no likelihood that a group of closet democrats could have seized power in Beijing in the 1970s.

Of course, there are factions in Iran today just as there were factions within the Chinese Communist Party in Mao's later years. But these different political groupings were not (in China) and are not (in Iran) interested in revolutionary system change. No viable political force in Iran, for instance, challenges the sovereign right of the country to pursue a civilian nuclear program or, for that matter, the position of the ayatollahs as supreme rulers. Big surprise: How many legitimate political forces in the United States advocate for the abrogation of the constitution, the abolition of capitalism or the unilateral dissolution of the entire nuclear arsenal?

The dream of "regime change" and the dream of a "perfect agreement" are really the same dreams, and they are both illusory. American politicians need a refresher course on the meaning of diplomacy (hint: it involves compromise) and on world systems (key takeaway: there's a variety of different types of states and the world is not converging on the American political model). Only compared to the infantile know-nothingism of Tom Cotton, the Republican presidential hopefuls and their deep-pocketed supporters does the Machiavellian cunning Kissinger displayed with China begin to look like something approximating wisdom.

The Quiet Pragmatists

In place of the Soviet communism of the 1970s, the US faces a resurgent Sunni radicalism in the Middle East. This radicalism ranges from the relatively benign Salafism of Qatar and the considerably less benign Salafism of Saudi Arabia to the more anti-Western manifestations of the al-Nusra Front, al-Qaeda and the Islamic State.

Obama can be just as ruthlessly pragmatic as Kissinger (just look at Washington's policy toward Egypt and the Sisi regime). His overall chess strategy, however, is to reduce the influence of Sunni radicalism. Much as Beijing was a rival version of communism, Iran offers a rival version of Islam. Put simply, the US needs Iran's help to checkmate the Islamic State and its ilk. China was ushered back into the international community as part of the campaign to isolate the Soviet Union. So, too, will opening the door for Iran strengthen the hands of a Shiite counterforce.

Critics of Iran worry about a resurgence of Shiite radicalism under the auspices of Iran's Revolutionary Guard, Hezbollah and the Badr Brigades in Iraq. But as Iran acquires more of a stake in the international community, the likelihood of its continuing to play a destabilizing role in the region will diminish. One signal that this process has already begun is the restraining role Tehran tried to play in discouraging the Houthis from seizing power in Yemen.

Another scenario is more probable. The states of the region, regardless of their confessional leanings, will team up against non-state actors, including the Islamic State, its pretensions to sovereignty notwithstanding. If you believe that Iran working together with both Israel and Saudi Arabia sounds highly improbable, think again.

The US opening to China initially enraged Japan and South Korea because they didn't know about the secret talks. The event has gone down in history as the "Nixon shock" in Japan (coupled with the later announcement that the US was going off the gold standard). In South Korea, strongman Park Chung Hee groused that "the United States has long been trying to reach

a rapprochement with Red China, but China has not changed.” Park’s timing was off. China would change—after the opening.

But once they overcame their anger at being excluded from the talks, Japan and South Korea saw the enormous benefits that came from political and economic ties to China. Normalization of relations between Beijing and both Tokyo and Seoul eventually helped to make Northeast Asia an economic powerhouse in the world.

Israel and the Gulf monarchies, like South Korea and Japan, have been aghast at Washington’s high-stakes diplomacy. But they too could eventually see the advantages of the new regional order—but only if a parallel process of pragmatic evolution takes place in all the countries concerned. Iran has been moving in that direction since the election of Rouhani. Israeli Prime Minister Binyamin Netanyahu remains the chief obstacle to a sane politics in Israel, but he may well prove the biggest loser, politically, if the Iran deal succeeds. The Gulf monarchies, Saudi Arabia chief among them, must also embark on a long-delayed process of political liberalization that will provide more voice for domestic Shiite oppositions.

For the Middle East to prosper, it must somehow transcend the current sectarian conflicts. It must overcome the Sunni-Shiite split much as East Asia managed to overcome the communist-capitalist divide (with China, though not yet with North Korea). This is not to say that the Sunnis will lie down with the Shiites like the lion and the lamb. But they have to work out a functional modus operandi that translates confessional discord into a more benign political and economic competition.

With the Iran deal, we have stepped away from the precipice of war. But it’s only a few steps. And plenty of voices in Congress continue recklessly to urge “full steam ahead.” To put the precipice truly behind us, we have to push the Iran deal through Congress. And then the hard work really begins of turning a narrow nuclear agreement into the game-changer that the Middle East so desperately needs.

If it could happen at the hands of Nixon and Mao over 40 years ago, surely it can happen again with more sensible leaders in charge of the process.

--at: funds terror/ME heg

Iran won't direct wealth toward regional domination – Rouhani is more invested in domestic stability.

Barnes 7/21 – Bonner Means Baker Research Fellow at Rice University's Baker Institute for Public Policy (Joe, "Getting Real About the Iran Deal", The Hill, 7/21/15, <http://thehill.com/blogs/pundits-blog/international/248597-getting-real-about-the-iran-deal>, accessed 7/23/15)//RZ

Moreover, the idea that Iran will use increased revenues to dominate the Persian Gulf is, to put it mildly, farfetched.

First, much of the money generated by sanctions relief will surely go for domestic purposes. Iranian President Hassan Rouhani has staked his political reputation on economic growth. Unless sanctions relief brings real benefits to average Iranians, he may face a sharp political backlash. In addition, at least some of the additional revenue will be spent in placating those — like elements of the Revolutionary Guard — who are opposed to closer ties to the West.

Second, Iran's strategic situation is far less advantageous than many suggest. It is no Persian Empire reborn, poised to exert rule over the Persian Gulf and Levant. It is, rather, a relatively weak power that spends far less on its military than do its Sunni rivals (notably Saudi Arabia) to the south, possesses a modest capacity for force protection and faces, in the United States, a potential adversary that would crush it were Tehran foolhardy enough to offer a conventional challenge.

This is not to say we should be sanguine about Iranian foreign policy in the Middle East. As noted, Iranian interests run counter to U.S. ones in places like Lebanon and, to a lesser extent, Syria. Iran — the most populous country in the Persian Gulf, proudly nationalistic and keen to play a more salient international role — remains a potential source of instability in a region of long-term U.S. strategic interest. In terms of human rights, Tehran's policies are unsavory, even odious, though no worse, it should be noted, than any number of U.S. allies in the Middle East.

Nonetheless, we should not let exaggerated worries about Iran's regional ambitions or real (if often selective) revulsion at Tehran's domestic policies blind us to the advantages of the Iranian nuclear deal. For all its imperfections, the agreement makes it far more difficult for Iran to acquire nuclear weapons. This aligns both with our specific concerns about a nuclear Iran and our broader nonproliferation policies in the Middle East and elsewhere.

The United States is not in a position to solve "the Iran problem." As our experience in Iraq reminds us, even invasion and occupation cannot do that. Washington can, however, manage our relations with Iran in ways that, on balance, advance our interests. The Iranian nuclear deal reflects this reality. It has the potential of diminishing one major area of dispute between Tehran and Washington. Perhaps the agreement will lead to a less contentious overall relationship. Let us hope so. But even if the nuclear deal doesn't lead to more normal bilateral relations, it still deserves support on its own narrow but important merits. The Iran nuclear agreement isn't perfect. But neither is the world.

--at: Hezbollah

Hezbollah inevitable or deal solves

JTA 7/25/15 – political writer for Haaretz (Obama: Iran will fund Hezbollah with or without sanctions, Haaretz, <http://www.haaretz.com/news/diplomacy-defense/1.667699>)/JJ

U.S. President Barack Obama said that Iran is determined to finance the Hezbollah even under sanctions.

Obama was asked in a BBC interview posted Friday about critics of the Iran nuclear deal who said that the regime will accelerate its troublemaking in the region once sanctions free up \$100-150 billion.

“The challenge that we’ve had, when it comes to Hezbollah, for example, aiming rockets into Israel, is not a shortage of resources,” Obama said in the interview about the possibility that funds made available to Tehran because of the deal would go to Iran’s proxies, including Hezbollah.

Israeli Prime Minister Benjamin Netanyahu has predicted a ramping up of Iran-backed hostilities as a result of the sanctions relief for nuclear restrictions deal reached July 14 between Iran and six major powers led by the United States.

“Iran has shown itself to be willing, even in the midst of real hardship, to fund what they consider to be strategy priorities,” Obama said. “The challenge is us making sure that we’ve got the interdiction capacity, the intelligence, that we are building a much stronger defense against some of these proxy wars and asymmetric efforts. And we’ve sent a clear message to the Iranians. We are settling the Iran deal, but we still have a big account that we’re going to have to work. Hopefully some of it diplomatically, if necessary some of it militarily.”

Politics -Samford

Iran Politics Shell

A) Republicans currently lack the votes to override Obama's Iran deal.

Eli Lake, (staff writer) COLUMBIA DAILY HERALD, Apr. 27, 2015. Retrieved Apr. 29, 2015 from <http://columbiadailyherald.com/opinion/columns/boehner-says-congress-cannot-override-veto-iran-deal>

The top-ranking Republican in Congress privately acknowledged this weekend that his party doesn't have enough votes to overcome a veto of any resolution disapproving the nuclear-weapons deal President Barack Obama hopes to reach with Iran. Speaking at an off-the-record event Saturday at the Republican Jewish Coalition's meeting in Las Vegas, House Speaker John Boehner told the audience that he didn't expect that more than two-thirds of Congress would vote to overturn a veto from Obama if Congress voted against a nuclear deal, according to four people who were inside the room for the private talk.

B) The plan drains political capital (insert specific OR)...

Bipartisan support exists for domestic surveillance in Congress.

John Sides, (Associate Professor in the Department of Political Science at George Washington University) June 6, 2013. Retrieved Apr. 29, 2015 from <http://themonkeycage.org/2013/06/06/could-there-finally-be-a-backlash-against-domestic-surveillance/>

Congress is complicit too. And so my guess is that members of Congress will not rush to demand that the NSA stand down. Certainly that was Rand Paul's experience after his filibuster against drones. (Remember that?) Undoubtedly, there is concerted opposition among civil libertarians to much of our "national security state," and much concern among journalists about the investigations of the AP and Rosen. And I don't mean to suggest that there is no reason for concern. (This is not a post about the merits or demerits of the government's actions.) But the presence of a fairly sturdy bipartisan elite consensus on domestic surveillance—whether it is motivated by partisanship (Republicans defended Bush, Democrats defend Obama) or by a sincere belief in the value of the policy—makes it hard to imagine that revelations about the NSA-Verizon agreement will lead to dramatic changes in policy.

C) Obama's political capital is critical to keeping Congress from over-riding his Iran policy.

Michael A. Memoli, (staff writer) LOS ANGELES TIMES, Mar. 11, 2015. Retrieved Apr. 29, 2015 from <http://www.latimes.com/world/middleeast/la-fg-obama-republicans-iran-20150311-story.html#page=1>

The White House has had to expend significant political capital to keep Democrats in line, the Republican aide noted, and may be nearing the limits of Obama's ability to do so on Iran. White House Press Secretary Josh Earnest said the president has always envisioned a role for Congress and consulted extensively with members on the negotiations. But "to essentially throw sand in the gears," he added, was not "the role that our Founding Fathers envisioned for Congress to play when it comes to foreign policy." Inadvertently, the GOP's willingness to cross boundaries has helped keep Democrats backing the president. On Tuesday, Senate Democrats echoed party leaders' comments harshly criticizing Republicans' recent actions. "All these events of the last few weeks suggest the possibility, a sad possibility, of a Senate that will elevate partisan political division over careful and constructive deliberation even on the most critical security issues that affect the security of our country and the world," Sen. Tim Kaine (D-Va.) said on the Senate floor. The aggressive Republican moves on foreign policy have, however, provided a convenient rallying point for party leaders as their new congressional majorities have repeatedly stumbled in attempts to advance a domestic agenda. The next question before them is when — and whether — lawmakers should vote to approve a deal with Iran. Senate Foreign Relations Committee Chairman Bob Corker (R-Tenn.), who is sponsoring the legislation requiring congressional ratification of any Iran deal, is working to secure the 67 votes he would need to override a presidential veto. The bill would require Obama to submit any comprehensive agreement to Congress for a possible vote of approval or disapproval within 60 days. The president would be barred from waiving or suspending sanctions during that time.

D) Congressional support is key to a successful nuclear deal with Iran.

Zach Beauchamp, (B.A.s in Philosophy and Political Science from Brown University) Nov. 6, 2014. Retrieved Apr. 29, 2015 from <http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress>

The key point here is that Congress gave Obama that power — which means they can take it back. "You could see a bill in place that makes it harder for the administration to suspend sanctions," Ken Sofer, the Associate Director for National Security and International Policy at the Center for American Progress (where I worked for a little under two years, though not with Sofer directly), says. "You could also see a bill that says the president can't agree to a deal unless it includes the following things or [a bill] forcing a congressional vote on any deal." Imposing new sanctions on Iran wouldn't just stifle Obama's ability to remove existing sanctions, it would undermine Obama's authority to negotiate with Iran at all, sending the message to Tehran that Obama is not worth dealing with because he can't control his own foreign policy. So if Obama wants to make a deal with Iran, he needs Congress to play ball.

E) A failed deal with Iran triggers a war with Iran:

Zach Beauchamp, (B.A.s in Philosophy and Political Science from Brown University) Nov. 6, 2014. Retrieved Apr. 29, 2015 from <http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress>

"I'm not really sure they're going to be willing to take on a fight about an Iran sanctions bill," Sofer concludes. "I'm not really sure that the Democrats who support [a deal] are really fully behind it enough that they'll be willing to give up leverage on, you know, unemployment insurance or immigration status — these bigger issues for most Democrats." So if the new Republican Senate prioritizes destroying an Iran deal, Obama will have to fight very hard to keep it — without necessarily being able to count on his own party for support. And the stakes are enormous: if Iran's nuclear program isn't stopped peacefully, then the most likely outcomes are either Iran going nuclear, or war with Iran. The administration believes a deal with Iran is their only way to avoid this horrible choice. That's why it's been one of the administration's top priorities since day one. It's also why this could become one of the biggest legislative fights of Obama's last two years.

F) A war with Iran will go nuclear.

Philip Stevens (associate editor and chief political commentator for the Financial Times), FINANCIAL TIMES, Nov. 14, 2013, Retrieved Apr. 29, 2015 from <http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html>

The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.

Uniqueness (No Sanctions on Iran Now)

(-- Sanctions on Iran won't pass now:

NIV ELIS, (staff writer), Feb. 9, 2015. Retrieved Apr. 30, 2015 from <http://www.jpost.com/Israel-Elections/Lapid-PMs-US-row-hurts-ability-to-influence-Iran-deal-391486>

Israel would be in a better position to improve the impending nuclear deal between Tehran and the West if Prime Minister Benjamin Netanyahu had not harmed relations with the US, Yesh Atid leader Yair Lapid told The Jerusalem Post on Wednesday. "If things were as they used to be in the relationship between Israel and the United States, we would be able to make some impact and change this deal for the better of Israel," Lapid said in an interview for the Jerusalem Post Election Arena, available in full on JPost.com. Ties between the prime minister and US President Barack Obama, which have never been warm, hit a nadir when Netanyahu accepted an invitation from House Speaker John Boehner, a Republican, to address a joint session of Congress on the Iran issue. The White House was not consulted, and the speech was seen as a move to undermine the negotiations. Asked how Israel should handle the prospect of a nuclear agreement, Lapid said, "You should do it quietly, not poking the United States president in the chest." Because of the speech, an Iran sanctions bill sponsored by Sens. Bob Menendez (D-New Jersey) and Mark Kirk (R-Illinois) lost bipartisan support. The administration and its European partners had warned that passage of such a bill would collapse negotiations altogether. Yet Lapid threw his support behind the now-defunct sanctions bill, saying that it was "everything we hoped for," because it put "extra sanctions on Iran in the right moment." "If not for this speech, the Kirk-Menendez bill would have been served to the Congress, and even if it was vetoed by the president, I think Israel with AIPAC would have been able, along with our friends on the Hill, to even overthrow a veto, getting two-thirds of the votes," Lapid said.

No veto proof majority now--

Saeed Kamali Dehghan, 2/3/2015 (staff writer, "Iran could halt nuclear agreement with west if US imposes further sanctions," <http://www.theguardian.com/world/iran-blog/2015/feb/03/iran-could-halt-nuclear-agreement-over-us-sanctions>, Accessed 2/19/2015, rwg)

In Washington, a bipartisan bill co-authored by senator Robert Menendez, a Democrat, and senator Mark Kirk, a Republican, seeks further sanctions on Iran if the ongoing negotiations fail to reach a comprehensive agreement by the end of June. The Kirk-Menendez bill will authorize new sanctions only in the event of talks collapsing. Obama made clear in his State of the Union address last month that he will veto the bill if it passes Congress because, he said, it will only jeopardise the chance to end the nuclear stalemate with Tehran through diplomacy. Advertisement "New sanctions passed by this Congress, at this moment in time, will all but guarantee that diplomacy fails – alienating America from its allies, making it harder to maintain sanctions, and ensuring that Iran starts up its nuclear programme again," he said. "It doesn't make sense. And that's why I will veto any new sanctions bill that threatens to undo this progress." Since Obama's warning, a number of Democrats, who are supporting the bill, have said they will wait until at least the end of March before voting in favour of the proposed legislation. Without the help of the Democrats, the bill will fail to gather a veto-proof majority.

Iran's top priority but Obama's political capital holds off override now

Everett, 1/21/15 (Burgess, "Democratic Iran hawks hesitate on overriding Obama; Obama's overtures to Senate Democrats complicate matters for Republicans working on sanctions bills," http://www.politico.com/story/2015/01/iran-senate-democrats-barack-obama-114467.html?hp=r1_4, JMP)

Republicans are eager to rumble with the White House over sanctions on Iran, but they may have trouble getting President Barack Obama's Democratic critics to go along. A day after Obama vowed to veto any bill that could jeopardize nuclear talks with Tehran, Republicans were working on two pieces of legislation that could move in conjunction with Israeli Prime Minister Benjamin Netanyahu's address to Congress on Feb. 11. But it quickly became clear that Republicans have a problem: Senate Democrats who might not like Obama's policies on Iran but may not be ready to override their president, especially after the forceful arguments he made in the State of the Union. In interviews Wednesday, several Democrats who had supported a previous version of Iran legislation sponsored by Sen. Mark Kirk (R-Ill.) said they are reconsidering their positions. Meanwhile, a previous version of an Iran bill offered by Sen. Bob Corker (R-Tenn.) did not have any Democratic co-sponsors. Last week, at the Senate Democratic retreat in Baltimore, Obama forcefully made a case against further Iran legislation. He did the same thing Tuesday night in front of millions of Americans, saying he would veto any sanctions legislation because it would "all but guarantee that diplomacy fails." Obama's words appear to be sinking in. "I'm considering very seriously the very cogent points that he's made in favor of delaying any congressional action," said Sen. Richard Blumenthal (D-Conn.). "I'm talking to colleagues on both sides of the aisle. And I think they are thinking, and rethinking, their positions in light of the points that the president and his team are making to us." Asked if he's spoken directly to Obama about Iran, Blumenthal said: "The president and his staff are in touch with all of us." Sen. Mark Warner (D-Va.) said he is actively weighing the president's position against Warner's own belief that Congress needs to keep pressure on Iran. Even the hawkish Sen. Robert Menendez (D-N.J.), who said Wednesday that the administration's comments sound "like talking points straight from Tehran," was noncommittal on whether he would again co-sponsor Iranian sanctions legislation that he once led. "I have no idea yet," Menendez said. The issue, said Sen. Chuck Schumer of New York, is one of timing. While Democrats and Republicans alike want to be tough on Iran, the president's party is more open to giving Obama some breathing room. "There's overwhelming support to toughen up the sanctions," said Schumer, a member of Democratic leadership who co-sponsored sanctions legislation last year. "The question is when. At times in the past the president asked for a little time, until March. That's something people are looking at." Kirk's bill would impose new sanctions if diplomatic talks fall apart or Iran violates an interim deal. Corker's would allow Congress an up-or-down vote to reject or approve any final deal between the U.S. and its allies and Iran. Sources familiar with the process in both chambers said Republicans have made no final decision on which bill will provide the base for the legislation. Another option is merging versions of the two bills, though Corker doubted that would happen. The House is also working on new sanctions legislation. A decision is expected in the near future, with a vote perhaps as early as February, given the support Iran legislation enjoys from Senate Majority Leader Mitch McConnell (R-Ky.) and House Speaker John Boehner (R-Ohio). On the GOP bill to approve the Keystone XL oil pipeline, Obama swiftly came out with a veto threat because it was clear not enough Democrats in Congress would vote to override him. That's not the case for Iran: Sixty senators publicly supported sanctions legislation in the last Congress, but it was widely believed that more Democrats would have voted for the bill if it had come to the floor. Senate Minority Whip Dick Durbin (D-Ill.) said the vote would be a nail-biter if it were held today. But he expects enough Democrats to have Obama's back to reject an override, whether on tightening sanctions or requiring congressional

approval for a nuclear deal. "If I had to be pushed, I'd guess there's at least 34 that would say: 'This is premature, we should wait,'" Durbin said in an interview. "If there's anything that we would do that would jeopardize the negotiations, I think many Democrats would oppose it." Republicans think Democrats are bluffing and will be unable to oppose hardline legislation on Iran, whatever form it takes. But they acknowledge that **it's a tricky calculus to get to 67 votes when the president is leaning so hard on Democrats to hold the line**, which might require legislation quite different from what's been proposed so far. "At some point, we're going to get to the magic 67 and be able to override this veto," said Senate Majority Whip John Cornyn (R-Texas). "We're in the process of figuring out what that would look like to command the broadest possible support in the Senate. And then we'll have that debate with the president." Of course, the **GOP may have further problems getting to 67 thanks to** defections from Sens. Rand **Paul** (R-Ky.) and Jeff **Flake** (R-Ariz.), who have stayed away from new sanctions legislation. "While negotiations are going on, I worry that we will fracture our coalition," Flake said of Western nations that have coordinated on Iran negotiations and sanctions. "I want to keep that coalition together." Secretary of State John **Kerry aims to have a framework for a deal by March, so the race is on in the Senate** to beat him to the punch. The Banking Committee postponed its vote on the Kirk bill this week but will move swiftly next week with a hearing Tuesday, a classified briefing from the administration on Jan. 28 **and a committee vote Jan. 29**, Chairman Richard Shelby (R-Ala.) said. **Corker is also ramping up** activity — he held a hearing on Iran on Wednesday and is moving toward developing a new draft bill.

(--) Democrats are backing down—bill won't pass over Obama's veto now:

Fox News, 1/27/2015 ("Senate Dems back down on Iran, say won't support sanctions bill yet," <http://www.foxnews.com/politics/2015/01/27/senate-dems-back-down-on-iran-say-wont-support-sanctions-bill-yet/>, Accessed 2/19/2015, rwg)

A group of Senate Democrats on Tuesday eased off their push for new Iran sanctions, potentially taking the wind out of the bipartisan effort to muscle through the legislation in the face of a President Obama veto threat. In a reversal, Sen. Bob Menendez, D-N.J., announced at a Senate committee hearing that he and his Democratic colleagues had written to Obama telling him they would hold off on supporting legislation that he helped write. The bill was co-authored by Republican Illinois Sen. Mark Kirk.

Not enough Democrats to override an Obama veto now:

Fox News, 1/27/2015 ("Senate Dems back down on Iran, say won't support sanctions bill yet," <http://www.foxnews.com/politics/2015/01/27/senate-dems-back-down-on-iran-say-wont-support-sanctions-bill-yet/>, Accessed 2/19/2015, rwg)

The pushback from Menendez and his colleagues could stall the legislation. The Senate banking committee, which held Tuesday's hearing, is still set to consider and vote on the bill on Thursday. Asked for comment on Menendez' announcement, an aide to Kirk said only that the bill would be introduced "shortly" and has "broad bipartisan support." **But if enough Democrats peel off, it could deprive the 54-seat Republican majority of the 60 votes needed to pass the legislation. At the least, supporters likely would not have the two-thirds majority needed to override a presidential veto.** The change-up could, for now, end up averting -- or delaying -- a

looming veto showdown between Congress and Obama. In his State of the Union address, Obama bluntly threatened to veto any bill that could disrupt nuclear talks.

Sanctions won't pass now because of Obama's lobbying—you should evaluate uniqueness through the lens of political capital:

Burgess Everett, 1/27/2015 (staff writer, "Dems give Obama 2 months to reach Iran deal," <http://www.politico.com/story/2015/01/iran-nuclear-deal-sanctions-bob-menendez-114632.html>, Accessed 1/30/2015, rwg)

President Barack Obama's exhaustive lobbying effort with Capitol Hill Democrats is paying off: The party is giving him major breathing room to finish nuclear negotiations with Iran. Senate Democrats, led by Iran hawk Robert Menendez of New Jersey, said Tuesday that they will give Obama two months to reach a deal on the country's nuclear program before they vote for new sanctions. At the same time, House progressives are urging their colleagues to hold off on moving any legislation that would tighten economic penalties on Iran. Menendez led a group of at least 10 Senate Democrats who told the president in a letter Tuesday morning that they will not support final passage of a sanctions bill until March 24. That will allow the U.S. and other Western powers time to reach a framework for a deal scaling down Iran's nuclear program. Obama has said he will veto a sanctions bill if it comes to his desk while negotiators race to reach a deal, arguing that even the conditional sanctions bill being led by Sen. Mark Kirk (R-Ill.) would disrupt the fragile talks.

Iran sanctions bill won't pass now—Obama opposition is key:

Kara Rowland, 1/29/2015 (staff writer, "Senate panel approves Iran sanctions bill, Dems prepare to hit pause," <http://www.foxnews.com/politics/2015/01/29/senate-panel-poised-to-vote-on-iran-sanctions-bill-as-dems-prepare-to-hit-pause/>, Accessed 1/30/2015, rwg)

The Senate banking committee advanced the bill on an 18-4 vote, with six Democrats voting for it. The legislation would impose additional sanctions on Iran if international negotiators fail to reach a deal on the country's nuclear program by June 30. Sponsors of the Nuclear Weapon Free Iran Act of 2015 have argued the measure is necessary to keep pressure on Tehran as well as ensure that Congress has a say on any final agreement. "The president and other officials have said that Congress should not interfere, that a deal is close, that the situation is delicate, and that an attempt to legislate any additional sanctions may give Iran an excuse to walk away from the negotiating table," committee Chairman Richard Shelby said at a Tuesday hearing. "It has been my experience that if a party is negotiating in good faith and with the intent to reach an agreement, they will seek common ground, not an excuse to walk away." Senators on both sides of the aisle share the Alabama Republican's sentiment -- seven Democrats are cosponsoring the legislation. But a decision by Democratic supporters to yield to White House pressure leaves the bill short of the votes needed to pass the full chamber for now. Democrats have said they'll withhold support until after March 24, the deadline by which negotiators hope to have a political framework agreement in place. After that, Democrats plan to reassess whether the sanctions bill is needed.

(--) Obama winning the fight—he's using political capital to convince the Democrats not to vote for the bill:

Jonathan Tobin, 1/27/2015 (staff writer, "Is Obama Winning the Fight Against More Iran Sanctions?" <https://www.commentarymagazine.com/2015/01/27/obama-winning-fight-iran-sanctions/>, Accessed 2/1/2015, rwg)

Yesterday, **backers of increased sanctions on Iran** scored an important victory when Senator Chuck Schumer, the third-ranking Democrat in the Senate pledged that he would back the bill being circulated by Republican Mark Kirk. The bill, which would effectively shut down Iran's oil trade if the current nuclear negotiations fail, already has enough votes to pass in the Senate as well as in the House of Representatives. But it needs significant Democratic support in order to override President Obama's threatened veto of the legislation. But, as Politico reports, **the full-court press against the bill being carried out by the White House is having an impact on the Democratic caucus**, even among those who backed the same bill last year. Though the GOP's gain of nine seats last November should have improved the chances of success, **it appears that pressure from Obama is causing even some stalwart friends of Israel to drop out or to express reluctance to vote against the administration. If this trend continues, the president may get the blank congressional check he needs to pursue a policy of détente with Tehran** that will effectively allow it to become a threshold nuclear power.

Support for sanctions is weakening now

Ben-Ami, 1/23/15 --- president and founder of J Street, which advocates for a two-state resolution to the Israeli-Palestinian conflict (Jeremy, "Iranian sanctions support weakening," <http://chicago.suntimes.com/other-views/7/71/316331/iranian-sanctions-support-weakening>, JMP)

This week's surprise announcement that Israeli Prime Minister Benjamin **Netanyahu will visit Washington** to address a joint session of Congress has been framed as yet another showdown between the current Israeli government and the White House, in particular, over their dueling strategies on how to prevent a nuclear-armed Iran. But **when the prime minister arrives** in the United States, **he will encounter a broad public consensus that supports the diplomatic approach advanced by the U.S. administration** as the best means to keep Iran from acquiring nuclear weapons, and opposes legislating new sanctions while negotiations are ongoing. Indeed, **within 24 hours of President Obama's State of the Union address, it became clear that there is far less support for new sanctions than** some observers perhaps **expected**. In his speech, the President rightly touted the positive effect of the November 2013 interim agreement with Iran, which rolled back some of the most concerning aspects of Iran's nuclear program, and noted that world powers now have a chance to negotiate a final agreement that would ensure that Iran does not acquire nuclear weapons. But he warned that he would not hesitate to veto any new sanctions bill, which would "all but guarantee that diplomacy fails — alienating America from its allies; and ensuring that Iran starts up its nuclear program again." In a matter of hours, the President's sentiments were echoed by former Secretary of State Hillary Clinton, who called new sanctions "a very serious, strategic error," and by top Congressional Democrats like Minority Leader Nancy Pelosi and Senator Barbara Boxer. And in the Washington Post, the

foreign affairs chiefs of the European Union, the United Kingdom, Germany and France wrote together that “rather than strengthening our negotiating position, new sanctions legislation at this point would set us back.” Reports even emerged on Wednesday night that officials from the Israeli intelligence agency Mossad may have gotten involved, informing the White House and Members of Congress that new sanctions would cause the Iran talks to collapse. **The strong case against new sanctions appears to be making a difference** on Capitol Hill, **where a crop of alternative bills is now emerging with more bipartisan support.** That the sanctions bills are **struggling to get off the ground is significant.** Not long ago, when Iran still refused to negotiate, sanctions legislation regularly passed the Senate with overwhelming bipartisan support. But today, **more and more** lawmakers **understand that these negotiations have changed the equation.** While there may come a time in the future when more sanctions become necessary — if talks fail, or if Iran violates a final deal — moving forward with legislation at this time would be dangerous and counterproductive to our interests. It would also give the staunchest Iranian hardliners exactly what they want. Just as these negotiations have challenged our own politics, Deputy Secretary of State Tony Blinken testified this week that “Iran is not immune to politics, either.” Current Iran sanctions succeeded in bringing Iran to the negotiating table, delaying the possibility of military confrontation and creating an opening for a diplomatic resolution of this crisis. This has pitted moderates who support a deal, like Iranian President Hassan Rouhani, against more conservative rivals who are looking for any excuse to kill the talks. How this political struggle plays out may very well depend on the clear choices facing Congressional lawmakers in the coming weeks. As President Obama and others have argued, **we don’t yet know whether these negotiations with Iran will produce a deal. But we do know what will happen if they fail:** Iranian **hardliners will grow stronger,** Iran will resume and even expand its most concerning nuclear activities, and **the Middle East will inch closer to a war** that would put Israel and other allies in jeopardy. That risk alone makes this diplomacy worth it, and makes efforts to sabotage it with new sanctions all the more irresponsible.

Democrats are increasingly reluctant to rebuke Obama:

Burgess Everett and Manu Raju, 1/22/2015 (staff writers, “Republicans stuck between two paths on Iran,” <http://www.politico.com/story/2015/01/republicans-iran-114521.html>, Accessed 1/30/2015, rwg)

Republicans are clashing over the best strategy for confronting President Barack Obama over his attempts to strike a nuclear deal with Iran, as GOP leaders try to build enough Democratic support to override a threatened veto. **Adding to the murkiness is a heightened Democratic reluctance to rebuke their president** and mixed messages from the Israelis about what exactly they want Congress to do on Iran.

Democrats aren’t on board with sanctions yet:

Burgess Everett and Manu Raju, 1/22/2015 (staff writers, “Republicans stuck between two paths on Iran,” <http://www.politico.com/story/2015/01/republicans-iran-114521.html>, Accessed 1/30/2015, rwg)

While Republicans sort out exactly what to do, Democrats are sitting back and mulling Obama’s veto threat. Though Kirk said Sen. Richard Blumenthal (D-Conn.) is prepared to co-sponsor his sanctions bill, Blumenthal’s office said that’s not yet decided. And a Democratic source watching

the Iran negotiations closely said no other Democrats are yet committed to backing the sanctions bill, although Kirk's office is working to match seven expected GOP supporters on Monday with an equal number of Democrats. It's going to be a tough task. To the president's party, timing is everything. The administration has set a March deadline for having a framework of a deal with Iran, and Obama's veto threat has Democrats reluctant to defy an emboldened president. On Thursday, White House chief of staff Denis McDonough made clear that the White House opposes both GOP approaches on Iran. "Rather than apply additional sanctions now or to have Congress try in some kind of unprecedented way [to] insert itself as the decider on this deal, we think that we ought to be given the space to make this deal permanent," McDonough told POLITICO's Mike Allen. That means that whatever passes Congress is likely to run into a veto and require 67 votes in the Senate to override Obama. Democrats are struggling to compute how either GOP proposal gets there. Each bill is likely to have its own group of Democratic detractors — and if the two bills are combined, it might push the vast majority of Democrats to vote it down.

No override now, but continued PC is key

Wong, 1/15/15 (Kristina, "Expert: Obama to veto new Iran sanctions,"

<http://thehill.com/policy/defense/229718-expert-obama-near-certain-to-veto-new-iran-sanctions>, JMP)

"If the Congress passes a new sanctions bill that the administration considers damaging to prospects for negotiations, President Obama is very likely to veto it," wrote Robert Einhorn, former State Department adviser for nonproliferation and arms control, in the National Interest on Wednesday.

"Senior administration officials would then go into overdrive in finding the 34 Senate votes necessary to sustain the veto," wrote Einhorn, a senior fellow at the Brookings Institution.

Einhorn predicted that some Democrats will vote to override the veto, but it is "likely that the administration will have the votes to sustain the veto and prevent legislation potentially damaging to the negotiations from being enacted."

"While the Republican-controlled Congress will undoubtedly give the administration a tough time, it is likely that President Obama will be able, without legislative interference, to continue negotiating an agreement that he believes is in the U.S. interest," Einhorn wrote.

Sens. Robert Menendez (D-N.J.) and Mark Kirk (R-Ill.) are preparing to introduce a new bill that would impose sanctions on Iran if it walks away from international negotiations to limit its nuclear program, or if it violates any agreement reached by a June 30 deadline.

The senators completed the proposed legislation this week, and plan to introduce the bill before a deal is reached, Bloomberg reported. The Obama administration opposes the bill, and any legislation that could scuttle a deal with Iran to prevent its development of a nuclear weapon.

House members overwhelmingly passed an earlier version of the bill in 2013, but a bill in the Senate was held up by then-Majority Leader Harry Reid (D-Nev.), out of deference to the White House.

The president pledged in his 2014 State of the Union address to veto any Iran sanctions bill that Congress sent to him.

New Majority Leader Mitch McConnell (R-Ky.) has promised to bring the legislation, which has the backing of a majority of senators, for a vote this year.

Earlier this week, the **White House reiterated its "strong opposition** to additional sanctions legislation that could derail the negotiations and isolate the United States from our international coalition."

Obama can swing key senators. This ev is the best to analyze vote counts.

Diamond, 1/9/15 (Jeremy, "New Congress, new nuclear showdown over Iran,"

<http://www.cnn.com/2015/01/09/politics/iran-sanctions-fight-republican-congress/>, JMP)

Washington (CNN) Iranian and American negotiators preparing to square off in Geneva next week over Iran's nuclear ambitions will also be eying another showdown brewing in Washington.

One year after a Republican-led coalition in the Senate came up just short of a deal, GOP lawmakers are poised to wield their new power in the Senate to push a bill authorizing additional sanctions against Iran. But the new 54-member **majority doesn't guarantee that Republicans can muster the 67** votes they need **to override** a presidential veto, **and the fight is already underway for the** votes that could fill the **gap**.

With fewer than two months until diplomats' March 1 framework agreement deadline, and **expecting the White House to start knocking on swing senators' doors, supporters know the clock is ticking to pass a sanctions** bill they say will ratchet up pressure on Iran. **But** for opponents of additional sanctions, the ticking is more like a time bomb as **a sanctions bill will torpedo negotiations and set the U.S. on a path to war** with Iran, they claim.

For Sen. Mark Kirk, the Republican half of the Kirk-Menendez sanctions bill he has pushed for the last three years, the sooner a sanctions bill hits the Senate floor, the better -- both politically and policy-wise.

"If the Senate was allowed to vote tomorrow, I would be able to get two-thirds," Kirk said Sunday in a phone interview. "Now is the time to put pressure on Iran especially with oil prices so low. We are uniquely advantaged at this time to shut down this nuclear program."

Sen. Lindsey Graham (R-South Carolina), another major proponent of the legislation, told CNN last month the Kirk-Menendez bill "will come up for a vote in January," a pledge he made the same day to Israeli Prime Minister Benjamin Netanyahu in a meeting in Jerusalem.

Kirk said he backed that timing but insisted that it depends on Senate Majority Leader Mitch McConnell. A McConnell spokesman called the legislation "a priority," but said there isn't yet a schedule for a sanctions bill.

Republicans have been clamoring for additional sanctions on Iran, but with control of Congress in their hands, Republican lawmakers will also have to own the consequences of sanctions legislation -- which the President, State Department and Iranian officials have warned could derail negotiations.

"We have long believed that Congress should not consider any new sanctions while negotiations are underway, in order to give our negotiators the time and space they need to fully test the current diplomatic opportunity. New sanctions threaten the diplomatic process currently underway," a senior administration official told CNN.

The Kirk-Menendez bill that died in the Senate last year would reimpose sanctions on Iran if Obama couldn't certify that Iran doesn't finance terror groups that have attacked Americans and would keep Iran from maintaining low-level nuclear enrichment in a final deal, just a few terms that are much stricter than the current framework for negotiations between Iran and the P5+1 world powers.

Those congressional provisions are "poison pills," according to Dylan Williams, head of government affairs at J Street, a group that bills itself as pro-Israel. It lobbied heavily on the issue last year and is ramping up for another forceful push.

"All of these things are poison pills, far from the clean sanctions, just-if-things-go-wrong idea," Williams said. "We know that many if not most of the people pushing for legislation don't want diplomacy to work."

J Street challenges the Israel lobby from within

Kirk has already been working with Sen. Bob Menendez, of New Jersey, his Democratic partner on the bill, to rework some of its language -- changes that could potentially draw more Democratic support. The pair are still working on final language for the bill, which drew 59 cosponsors last year, though Kirk said he is working to stave off as many changes as possible -- "The more changes, the worse," he said.

The Illinois Republican expects a high-profile challenge from the White House and its allies, but he will be getting his own backup from some Capitol Hill heavyweights: the American-Israel Public Affairs Committee, or AIPAC, which typically spends more than \$2.5 million a year on lobbying, according to the Center for Responsive Politics.

"I think they're pretty damned strong. This would be the No. 1 thing for them," Kirk said of AIPAC.

Intense lobbying from AIPAC could help the sanctions supporters win back the four Democrats who joined 13 others in cosponsoring the sanctions bill last year, but later backtracked their support.

Sens. Kirsten Gillibrand of New York, Joe Manchin of West Virginia, Richard Blumenthal of Connecticut and Chris Coons of Delaware rejected the idea of moving forward amid negotiations after the White House and allies made its push on Capitol Hill to keep the measure from a floor vote.

"I did not sign it with the intention that it would ever be voted upon or used upon while we were negotiating," Manchin said on MSNBC after Obama talked about Iran in his State of the Union address. "I signed it because I wanted to make sure the president had a hammer if he needed it and showed them how determined we were to do it and use it if we had to."

After talks failed to materialize into an agreement by the November 2014 deadline, some Democrats have started to lose patience with the stop-and-stall pace of negotiations with Iran and are facing pressure from groups like AIPAC to support a sanctions bill, though the White House insists the negotiations have yielded tangible results: rolling back Iran's nuclear program during negotiations.

But even if Kirk, Menendez and their allies can pressure those four Democrats into signing on, they will need to pull three more Senate Democrats who didn't cosponsor the bill last year to secure the 15 Democrats needed to override a presidential veto.

And they won't just be targeted by AIPAC. A coalition of dove organizations is already putting the gears in motion for what they expect to be the toughest battle yet on this issue, and while they're clear-eyed about the uphill climb they face, they dismiss the overconfident stride of pro-sanctions leaders.

These groups will look to paint any new sanctions as a step onto the warpath with Iran and show wary Democrats that they have the grassroots backing to stave off attacks from groups like AIPAC.

Clinton defends Obama on Iran talks

More than 400 faith leaders and activists traveled to D.C. in late November to lobby Congress against the sanctions in a day of action organized by the Friends Committee on National Legislation, a Quaker-founded organization, and the group plans to drive its 50,000 supporters to flood Congress with calls and letters in the weeks ahead.

"The real trick that we have to do is really to make that opposition -- both in the public and that opposition on the Hill -- to really make it become public and to amplify those voices," said Kate Gould, the group's lead lobbyist on the issue. "Because right now you hear from, it's Lindsey Graham and (Marco) Rubio, who are very confident in their prognosis and have made it sound like it's inevitable that these sanctions will pass with a veto-proof majority."

To accomplish that, FCNL has worked with other groups like J Street and about 70 other groups in an expanding coalition opposing the sanctions in an effort to paint the debate not as a benchmark for support for Israel, but rather what Gould calls a "wider, anti-war issue" that resonates with a war-weary public.

Their ev is just a reason Obama must remain strong to lobby Congress

Wong, 1/19/15 (Kristina, "Iran fight tests Obama's clout,"

<http://thehill.com/policy/defense/229998-iran-fight-tests-obamas-clout>, JMP)

Supporters of Iran sanctions legislation are betting they can secure the 67 Senate votes needed to override a veto from President Obama.

Sens. Robert Menendez (D-N.J.) and Mark Kirk (R-Ill.) are moving quickly to bring their bill to the floor, defying warnings from administration officials who say the legislation could blow up the negotiations with Iran over its nuclear program.

"We have a fighting chance of getting strong, overwhelming support as we have in the past," a senior congressional aide said Monday.

The Senate Banking, Housing and Urban Affairs Committee is planning to debate and vote on the sanctions bill Thursday. While it's not clear when the bill could come up for a floor vote, senators say Majority Leader Mitch McConnell (R-Ky.) wants to act on it "very quickly."

White House officials vehemently oppose the legislation, fearing it could sink the chances of reaching a long-term deal to dismantle Iran's nuclear program.

Proponents of the sanctions bill have taken issue with the White House's arguments, noting that the punishments would only take effect if Iran walked away from the talks or violated the terms of a deal.

The White House might have to exert heavy pressure on Senate Democrats when the Iran bill hits the Senate floor.

If all 54 Senate Republicans voted for the sanctions bill, they would need only 13 Democrats to secure a veto-proof majority. Twelve Democrats, including Menendez, co-sponsored an earlier version of the legislation and still serve in the Senate.

The legislative fight has stoked tensions between Obama and Menendez, the ranking member of the Foreign Relations Committee, who was angered by the president's move last year to ease travel and trade restrictions on Cuba.

The two men had a "forceful" exchange during a Senate Democratic retreat Friday, with Obama reportedly urging senators against actions for short-term political gain, according to The New York Times. Menendez reportedly stood up and said he took "personal offense."

Supporters of the sanctions bill stopped short of predicting victory but said they are moving forward with a veto-proof majority in mind.

"We're going for a law. ... We've had longstanding bipartisan engagement on this issue," the aide said, pointing to four previous instances when Congress has passed sanctions legislation with more than enough votes to overcome a veto.

Both sides of the debate agree it will be a close fight, with all eyes on the Democrats who are likely to break with the White House.

Sen. Bob Casey Jr. (D-Pa.) an original co-sponsor of sanctions legislation, told Bloomberg last week he supports “moving forward” on the bill before the June 30 deadline for finishing the talks.

Casey and three other Democratic co-sponsors of the original bill recently sounded a hawkish tone on Iran sanctions, voicing concerns that the regime has been violating the sanctions already in place.

“As we continue our diplomatic efforts, it is vitally important that existing U.S. sanctions continue to be strictly enforced,” wrote Casey and Sens. Charles Schumer (D-N.Y.), Richard Blumenthal (D-Conn.) and Kirsten Gillibrand (D-N.Y.) in a Jan. 2 letter to Treasury Secretary Jack Lew.

Schumer, a strong backer of the Menendez-Kirk bill and strong supporter of Israel, has previously whipped votes for the sanctions bill.

Sen. Ben Cardin (D-Md.), another original co-sponsor, said Sunday he also supports imposing sanctions but was vague on what timing he would prefer.

The senior congressional aide said proponents are not taking any Democratic votes for granted, regardless of whether a senator has backed sanctions legislation in the past.

“The votes are what count at the end of the day. And, unlike last year, it’s a certainty that senators will vote on Iran soon,” the aide said.

It isn’t certain that the sanctions bill would get unanimous support from Republicans.

Sen. Lindsey Graham (R-S.C.) said Sunday on NBC’s “Meet the Press” he would agree to table the bill if Obama agrees to let Congress approve or disapprove of any deal.

Obama will win battle over Iran sanctions and prevent veto override

Nakashima, 1/21/15 --- national security reporter for The Washington Post (Ellen, “Administration and lawmakers clash over Iran policy,”

http://www.washingtonpost.com/world/national-security/administration-and-lawmakers-clash-over-iran-policy/2015/01/21/e8be448a-a1a2-11e4-9f89-561284a573f8_story.html, JMP)

The determination of a group of bipartisan lawmakers to pass measures they believe will raise pressure on Iran escalates a high-stakes battle with the Obama administration. The White House has warned that new sanctions will scuttle hopes of reaching an agreement with Iran and unravel an international coalition enforcing existing sanctions.

But members of Congress, including Obama’s nominal Democratic allies on foreign policy, expressed no willingness on Wednesday to cede the issue of how to best deal with Iran in the run-up to the July deadline for the talks.

Sen. Bob Corker (R-Tenn.), chairman of the Foreign Relations Committee, wants the administration to submit any final deal to Congress for approval. Other key lawmakers want legislation that would impose a series of escalating penalties should the talks fail. Still others suggested a nonbinding resolution stating Congress's intent to impose crippling sanctions if negotiations fail. Whatever the approach, members from both sides of the aisle are insisting on a role in shaping the outcome of the talks, pushing back against the administration's appeal to give diplomacy room to work.

"Over the past 18 months, we have been moving closer to their [the Iranians'] positions on all key elements," said Sen. Robert Menendez, the ranking Democrat on the Foreign Relations Committee, at a testy three-hour hearing. "The more I hear from the administration in its quotes, the more it sounds like talking points that come straight out of Iran."

Administration officials insisted that further sanctions or other pressure would only risk undermining the diplomatic effort by the world powers. "I know the intent is to further increase pressure on Iran and, in so doing, strengthen the hand of our negotiators," Deputy Secretary of State Antony J. Blinken said. But, he said, the administration believes that additional sanctions are unnecessary at this time and "risk unraveling" the current sanctions regime. "Iran is well aware that the sword of Damocles hangs over its head," he said. "It needs no new sanctions."

Menendez has drafted legislation with Republican Sen. Mark Kirk of Illinois, who sits on the Banking Committee, that would not impose sanctions for the duration of the talks. But if the negotiations fail, the bill would reimpose sanctions lifted in the interim and escalate them in a series of steps.

The **high emotions** on display during the hearing **suggest** that **both sides are girding for an all-out effort** on the issue. As the hearing proceeded, on the other side of the Capitol, aides to House Speaker John A. Boehner (R-Ohio) announced that he is inviting Israel Prime Minister Benjamin Netanyahu to address a joint session of Congress on Feb. 11 on the threats posed by Iran and radical Islam. Netanyahu has been skeptical of the talks and has taken the position that any agreement should not leave Iran as a "nuclear threshold" country, one that could move to acquire nuclear weapons quickly.

"Clearly, there's a majority in Congress in support of additional sanctions," said Robert Einhorn, a senior fellow at the Brookings Institution and a former member of the U.S. team negotiating with Iran. "But whether they have the 67 votes to override a veto is another story. **The administration will go all out to gain** the necessary **34 votes** to sustain a veto."

Even Corker admits

Zengerle, 1/15/15 (Patricia, "Despite White House Warnings, Congress Will Push Ahead With Iran Sanctions," http://www.huffingtonpost.com/2015/01/14/iran-sanctions_n_6474642.html, JMP)

WASHINGTON, Jan 14 (Reuters) - Republican and Democratic U.S. lawmakers will press ahead with a plan for more sanctions on Iran, the chairman of the Senate Foreign Relations Committee said on Wednesday, despite White House warnings that they risked derailing nuclear talks.

Lawmakers, who say they fear Obama administration negotiators may not take a hard enough line with Tehran, are also at work on a separate bill to have Congress approve any final agreement on Iran's nuclear program, Senator Bob Corker, the chairman, told Reuters in an interview.

"There's continual efforts to try to figure out a way for Congress to play a role to strengthen whatever final deal may occur," the Tennessee Republican senator said.

Republican Senator Mark Kirk and Democratic Senator Robert Menendez are finalizing a bill for tougher sanctions on Iran if there is no final nuclear deal by June 30.

The Senate Banking Committee is due to hold a hearing on Iran sanctions on Tuesday, said Corker, a member also of that panel.

Kirk and Menendez introduced a sanctions bill in December 2013, but it did not come up for a vote in the Senate, then controlled by President Barack Obama's fellow Democrats, who lost control of the chamber because of big losses in November elections.

The White House has insisted passage of a sanctions bill now - even one that would impose new restrictions only if there is no deal by the deadline - could prompt Iran to back out of the nuclear talks with six world powers.

Although Republicans now hold a 54-46 seat majority in the Senate, Corker said he did not know if there would be enough votes - 67 - needed in the Senate to override an Obama veto of any Iran legislation.

UQ: Republicans Will Push Sanctions Now

(--) Republicans will push sanctions now—sanctions threaten the entire deal:

Trita Parsi, & Tyler Cullis, 2/13/2015 (staff writers, “How Congress Can Learn to Stop Scuttling and Love the Iran Nuke Talks,” <http://foreignpolicy.com/2015/02/13/how-congress-can-learn-to-stop-scuttling-and-love-the-iran-nuke-talks/>, Accessed 2/19/2015, rwg)

Now that President Barack Obama has promised to veto any legislation that imposes new sanctions on Iran, a clash between the White House and Congress seems inevitable. Republican congressional leaders have vowed to push ahead with new sanctions, despite the potential costs to the international effort to assure that Iran’s nuclear program is exclusively peaceful. Those opposed to diplomacy with Iran have even upped the ante, inviting Israeli Prime Minister Benjamin Netanyahu to address a joint session of Congress on March 3, where he will inevitably denounce Obama’s diplomacy with Iran. The dispute between the White House and the hard-line factions on Capitol Hill seems intractable — and may even derail efforts at reaching an agreement in the ongoing talks with Iran completely. It doesn’t have to be this way. There is a solution that can satisfy both the White House and Congress and serve broader U.S. interests. It may sound crazy, but Congress could actually take a bold move that would allow it to get everything that Congress members claim to want in the negotiations, while actually helping to move along, rather than just scuttle, the talks. Two major sets of hurdles remain in the talks with Iran: one concerning the size and scope of the country’s future enrichment capacity, the other the pace at which U.S. and other international sanctions are lifted. To get the Iranians to move on the first hurdle, Washington needs to take action to address the second. The greatest problem facing the talks with Iran is a lack of confidence and good faith. The Iranians have insisted repeatedly that the United States remove its most major sanctions at the front end of any nuclear deal, citing the fickle nature of Congress and the uncertainty that the next administration will honor the agreement. Understandably, Washington has rejected this demand, believing that sanctions preserve U.S. leverage throughout the duration of a nuclear deal and thus should only be removed gradually and in tandem with Iran fulfilling its nuclear-related obligations. Bridging this gap by offering more sanctions relief or threatening more sanctions may be futile. The problem is not that Tehran doubts Washington’s commitment to imposing more sanctions. The problem is, instead, that the Iranians doubt Obama’s ability to follow through on the promise of sanctions relief already on the table due to the tensions between the White House and Congress that are clearly visible from Tehran. The problem is, instead, that the Iranians doubt Obama’s ability to follow through on the promise of sanctions relief already on the table due to the tensions between the White House and Congress that are clearly visible from Tehran. The less confidence the Iranians have that the American side can uphold its end of an agreement, the more likely the Iranians will hold back from making the key compromises necessary to seal a deal and resolve the decade-old nuclear dispute. Only increasing the credibility of the sanctions relief already offered can actually bridge this gap.

(--) Congress will push for sanctions on Iran:

Jennifer Rubin, 2/10/2015 (staff writer, “The Iran deadline is not a deadline,” <http://www.washingtonpost.com/blogs/right-turn/wp/2015/02/10/the-iran-deadline-is-not-a-deadline/>, Accessed 2/19/2015, rwg)

There seems to be no limit to the administration's "flexibility," that is, no bottom line on any significant issue. "There has always been a fear that these talks would go on endlessly while Iran continues its march to a nuclear weapon," a source at a pro-Israel group remarked. "But Congress is getting increasingly impatient and prepared to act on new sanctions if this deadline is not observed." We would hope so.

UQ: Deal Now

Negotiations are succeeding—Iran’s nuclear capability is decreasing because of negotiations:

Daniel Larison, 1/29/2015 (staff writer, “Cotton’s Dishonest Attack on Diplomacy with Iran,” <http://www.theamericanconservative.com/larison/cottons-dishonest-attack-on-diplomacy-with-iran/>, Accessed 1/30/2015, rwg)

Iran may not be peaceful, but it is a regime that desires its own preservation and acts accordingly. It is as rational an actor as any other authoritarian state with which the U.S. has had dealings over the decades. To assert that it is not a rational actor requires us to ignore over three decades of self-interested behavior by this regime. Cotton portrays the negotiations with Iran as an “endless series of concessions,” which is either misinformed or dishonest. Since Cotton is not a stupid or poorly-informed person, I have to assume it is the latter. **The U.S. has conceded almost nothing in these talks.** Acknowledging that Iran can continue limited enrichment gives away very little, since Iran has been able to operate without any limitations for a decade before the interim agreement was negotiated. In return for agreeing to minimal Iranian enrichment, **Iran’s nuclear program has been significantly constrained and Iran is now farther away from the ability to build a nuclear weapon than it was a year and a half ago. The U.S. has gained far more from the interim agreement so far than Iran has, and Iran has given up far more than the U.S.** and the other members of the P5+1 have. Cotton’s presentation of this advantageous arrangement as “appeasement” is so thoroughly misleading that it discredits everything else he has to say. His insistence on “complete nuclear disarmament” of Iran (i.e., the abolition of Iran’s nuclear program) is totally unrealistic, and if it became U.S. policy it would commit our government to wage a new and costly war.

Even if there is no final deal—continuing to talk is necessary to prevent war:

Jeremy Diamond, 1/26/2015 (staff writer, “Why the Iran sanctions fight is a big deal,” <http://www.cnn.com/2015/01/26/politics/iran-sanctions-negotiations-explainer/>, Accessed 1/30/2015, rwg)

If talks fall apart, the U.S. and the international community would lose the access it's gained to monitor most of Iran's nuclear facilities and Iran would no longer be constrained to a uranium enrichment threshold, as it has under the terms of the current negotiations. That's why many argue that even if negotiations don't result in a deal, the status quo is better than the alternative. Failed talks would send Iran's nuclear program underground, so to speak, and sound alarm bells in Israel, the U.S. and other Western countries. Israel has already made clear it's willing to do anything it takes to prevent Iran from obtaining a nuclear weapon and promised to act unilaterally if necessary. Obama has insisted the U.S. would not be on an "immediate war footing" if negotiations fail, but he and other U.S. leaders have said nuclear Iran isn't an option. And Saudi Arabia and its Gulf neighbors also won't stand idly by if their top geopolitical foe works to attain a nuclear bomb.

(--) Talks reaching a make or break point now:

David Ignatius, 2/9/2015 (“Proceed with caution on Iran diplomacy,” <http://www.washingtonpost.com/opinions/proceed-with-caution-on-iran->

diplomacy/2015/02/09/35a601e4-b0a7-11e4-854b-a38d13486ba1_story.html, Accessed 2/19/2015, rwg)

The likelihood that the Iran negotiations are reaching a make-or-break point was reinforced by President Obama on Monday when he told reporters: “I don’t see a further extension being useful” if the Iranians don’t agree by late March to a framework that shows the world “that they’re not pursuing a nuclear weapon.” The seeming impasse raises an unpleasant but essential question: What should the United States and Iran do if the talks fail? My answer would be that, at least initially, both sides would be wise to do nothing. It’s like a labor negotiation where both parties conclude that it’s in their interest to keep working by the old rules even after a contract has expired.

Diplomacy with Iran better than an unchecked Iranian nuclear weapon:

Edward-Isaac Dove and Burgess Everett, 2/10/2015 (staff writers, “Impatience grows on Iran,” <http://www.politico.com/story/2015/02/iran-nuclear-deal-115073.html>, Accessed 2/19/2015, rwg)

Many observers believe Obama has staked too much on completing a diplomatic opening to Iran — a country once seen as a member of the “axis of evil” — to back out of the talks now. Reaching a deal that dismantled Iran’s nukes and brought it out of its international isolation could become a key piece of his presidential legacy just as President Nixon restored diplomatic relations with communist China. Moreover, since Iran has frozen its program as talks continue, further delays may be seen as preferable to letting Iran return to pursuing a nuclear bomb unchecked.

Diplomacy is working now—most dangerous parts of Iran’s program have been resolved:

Ali Vaez, 1/28/2015 (staff writer, “Why new Iran sanctions bid has split Washington,” <http://america.aljazeera.com/articles/2015/1/28/why-new-iran-sanctions-bid-has-split-washington.html>, Accessed 2/19/2015, rwg)

The Joint Plan of Action (JPOA, the interim deal reached in November 2013) has already resulted in a verifiable scaling back of Iran’s nuclear activities: It has diluted and oxidized Iran’s entire stockpile of 20 percent enriched uranium and frozen the most worrisome aspects of Tehran’s nuclear program. U.N. nuclear inspectors, on the ground around the clock, have provided monthly certification that Iran has fulfilled its commitments. Some Iranian leaders have warned that new sanctions could end the JPOA, restoring the dynamic of sanctions escalating in tandem with increases in Iran’s nuclear capability.

Diplomacy is comparatively more likely to avoid war even if imperfect

Johns, 1/22/15 - Johns serves on the Council for a Livable World Advisory Board and is a former deputy assistant defense secretary (John, “Avoid new sanctions now and keep Iran’s nuclear program in check” The Hill, <http://thehill.com/blogs/congress-blog/homeland-security/230271-avoid-new-sanctions-now-and-keep-irans-nuclear-program>)

While the politics, slogans and sound bites usually rule the day in Washington, the president reminded Congress that he doesn’t have to run for office again. Instead, his diplomatic efforts

with six world powers and Iran are in pursuit of a historic opportunity to increase our national and global security without yet another war. In spite of steady diplomatic progress to deny Iran a nuclear weapon, some hardliners in Congress are seeking to scuttle any deal. Indeed, Republicans—and a few Democrats—have said they wish to pass a new sanctions bill in the coming weeks while the talks are ongoing – a risky move that experts say will most likely derail this delicate diplomatic process. From the facts on the ground perspective, considerable progress has been made over the past year in rolling back Iran’s nuclear program. To begin with, the interim agreement froze the program in place. Since then, Iran’s nuclear stockpile has been sharply reduced. Iran has agreed to an internationally monitored cap on the enrichment of uranium. Nuclear sites that were previously off-limits are now subject to international inspections and the frequency of inspections have been increased overall. The diplomatic record has similarly demonstrated results. In addition to the historic interim agreement, in September 2013, presidents Obama and Rouhani had the first direct conversation between US and Iranian heads of state in 35 years. And for almost an entire year, the US and its allies have remained united with Russia and China in pursuing a diplomatic outcome while enforcing strict economic sanctions on Iran – despite the fact that these countries often have differing perspectives and international agendas. The bottom line is that Iran is significantly further away from a nuclear weapon today than it was one year ago. What’s more, these results reflect a surprising turnabout from the preceding decade in which Iran’s capabilities grew steadily while the major powers were divided on how to respond. Granted, the election of Rouhani has made an enormous difference. His predecessor Mahmoud Ahmadinejad staked his political career on confrontation with the West, but Ahmadinejad’s policies brought nothing but ruin to the Iranian economy. In response, Rouhani ran on a platform committed to improving relations with the West and won in a landslide. Though these are all very positive developments, we still have a long way to go. Decades of hostility and mistrust won’t change overnight. We’d be fools not to proceed with great caution and make sure that every aspect of any agreement is fully verifiable. However, those who want to torpedo the critical progress that has been made are using tough talk that simply doesn’t line up with the facts. To begin with, there are those who are demanding another round of sanctions despite the fact that neither our allies, nor our own negotiating team, nor the Russians or Chinese, support such a move. Indeed, another round of sanctions would most likely split the international coalition that has been critical to success and principally benefit the Iranian hardliners who are most vocally opposed to Rouhani’s overtures to the West. Even more fancifully, some have argued that the US should be prepared to “force” China and Russia to support further sanctions. This may sound tough, but it is utterly implausible. Even more unrealistic are those agitating for military strikes. Serious national security professionals understand that only a negotiated outcome is realistic. Michael Hayden, the former CIA director and NSA chief, noted that in the Bush administration, “The consensus was that [attacking Iran] would guarantee that which we are trying to prevent — an Iran that will spare nothing to build a nuclear weapon.” As the president said last night, “There are no guarantees that negotiations will succeed, and I keep all options on the table to prevent a nuclear Iran. But new sanctions passed by this Congress, at this moment in time, will all but guarantee that diplomacy fails—alienating America from its allies; and ensuring that Iran starts up its nuclear program again.” We must prevent Iran from obtaining nuclear weapons. The best chance at doing so is to support the president’s challenging, but necessary, diplomatic talks that

continue to make steady progress and yield verifiable results. Having started negotiations, the United States should finish them. Reaching a deal will not only restrain the Iranian nuclear program, but could help restrain others in the future. As frustrating as it is, Congress is going to have to summon the patience to let diplomacy work. Applying additional sanctions may feel cathartic for congressmen like Sen. Rubio, but only a deal can end the Iranian nuclear program.

UQ: AT: UQ overwhelms link/no veto proof majority

Uniqueness doesn't overwhelm the link: there is a chance of a veto-proof majority:

Jeremy Diamond, 1/26/2015 (staff writer, "Why the Iran sanctions fight is a big deal," <http://www.cnn.com/2015/01/26/politics/iran-sanctions-negotiations-explainer/>, Accessed 1/30/2015, rwg)

What's different now? **The November midterm election changed the dynamics** -- Republicans snagged the Senate majority and **Iran sanctions were suddenly back on the table, handing advocates a pretty easy path to 60 votes and even a chance of reaching a veto-proof majority.**

Possibility for a veto-proof majority exists:

Nation, 1/13/2015 ("Don't Let Congress Kill Negotiations with Iran," <http://www.thenation.com/blog/194793/dont-let-congress-kill-negotiations-iran>, Accessed 1/30/2015, rwg)

Around this time last year, after thousands of people contacted Congress, Senator Harry Reid decided not to bring a similar bill up for a vote. But **with the Republicans in power and with the possibility that enough Democrats could join them to form a veto-proof majority,** it is even more crucial that we speak up now.

Links

Links: Surveillance General

(--) Bipartisan support for NSA surveillance:

1064. John Sides, (Associate Professor in the Department of Political Science at George Washington University) June 10, 2013, Accessed Apr. 29, 2015 from <http://themonkeycage.org/2013/06/10/partisanship-in-everything-views-of-the-nsas-domestic-surveillance/>

The shifting views of Democrats and Republicans between 2006 and 2013 is reminiscent of many other trends noted on this blog—such as in views of Ben Bernanke. But there's one way in which these results show how there isn't partisanship in everything. Note that in the 2013 poll, there are only muted partisan differences in views of the NSA's surveillance program. As I noted last week, there is bipartisan support for this program at the elite level, and unsurprisingly the public reflects this consensus.

(--) Fears of terrorism mean efforts to reform domestic spying operations will face political resistance.

Jay Symopoulos, (staff writer), Apr. 1, 2015. Retrieved Apr. 29, 2015 from <http://thefreethoughtproject.com/patriot-act-killer-congress-surveillance-state-repeal-act/>

A similar bill was introduced in 2013 but didn't garner any traction as typical militarist talking heads in Congress feigned fear over reforming the nation's domestic spying operations claiming it would endanger U.S. national security.

Many strong senators will defend government spying programs:

Medha Chandorkar, (staff writer), June 8, 2013. Retrieved Apr. 29, 2015 from <http://mic.com/articles/47023/nsa-prism-program-obama-spying-scandal-elicits-bipartisan-voices-pro-and-con>

Several senators are defending the administration. Both Democrats and Republicans on the Senate Committee on Intelligence have stated that the monitoring is entirely legal, legitimized by legislation like the PATRIOT Act and institutions like the Foreign Intelligence Surveillance Court. Senator Dianne Feinstein (D-Calif.) explained that Congress receives regular briefings on the seven-year-long program, implying that it was successful at uncovering terrorist plots. Fellow committee member Senator Chambliss (R-Ga.) added that the program is used to gather information “only on bad guys.” Even Senator Lindsey Graham (R-S.C.) proudly flaunted his status as a Verizon customer, stating that he was “glad” such work was being done to protect U.S. national security.

Government spying receives bipartisan support:

Medha Chandorkar, (staff writer), June 8, 2013. Retrieved Apr. 29, 2015 from <http://mic.com/articles/47023/nsa-prism-program-obama-spying-scandal-elicits-bipartisan-voices-pro-and-con>

Well, first of all, the spying itself is a bipartisan effort. The White House's main response to these allegations thus far has been to remind the American people (and perhaps Congress itself) that the Hill is just as complicit in these activities as the president. As Senator Feinstein noted, Congress has had full knowledge of this spying, and so far, it has done absolutely nothing to stop it. Regardless of whether or not they find it ethical, by defending it as a public virtue, congressional representatives are saving their own hides just as much as the administration's.

Congress is unconcerned about the harms to civil liberties from domestic surveillance:

John Sides, (Associate Professor in the Department of Political Science at George Washington University) June 6, 2013. Retrieved Apr. 29, 2015 from <http://themonkeycage.org/2013/06/06/could-there-finally-be-a-backlash-against-domestic-surveillance/>

What would create more of a public anxiety would be a concerted pushback from Congress against the NSA, and especially a bipartisan pushback. As I wrote regarding drone attacks, real public concern about civil liberties is most likely to arise when elected leaders express concern. But instead of a bipartisan pushback, I am seeing more evidence of a bipartisan shrug. Diane Feinstein and Saxby Chambliss—hardly peas in a pod—lead the Senate Intelligence Committee, and they're pretty sanguine: The leaders of the Senate Intelligence Committee said Thursday that there's nothing unusual about a reported program allowing the National Security Agency to obtain Verizon phone records...The story goes on to cite Jeff Merkley, who does express concern. But note that he seems to be asking only for more information about FISA court opinions, not arguing that the program is obviously problematic on its face. Even John Boehner, someone who rarely passes up the chance to take on the president, had remarkably little to say as well. (Ellipsis in original).

Links: Bulk Collection of Phone Data

(--) **The Senate supports bulk collection of phone data:**

NBC NEWS, Nov. 18, 2014. Retrieved Apr. 29, 2015 from <http://www.nbcnews.com/tech/security/bill-overhaul-nsa-surveillance-dies-senate-n251321>

The U.S. Senate has blocked a bill to end bulk collection of American phone records by the National Security Agency. The measure was President Barack Obama's signature proposal to rein in domestic surveillance. Tuesday's vote was largely along party lines, with most Democrats supporting the bill and most Republicans voting to kill it. The Republican-controlled House had previously passed a version of the bill. The revelation that the spying agency had been collecting and storing domestic phone records since shortly after the terrorist attacks of Sept. 11, 2001, was among the most significant by Edward Snowden, a former agency network administrator who last year leaked secret NSA documents to journalists. Several prominent tech companies, including Google, Microsoft, Facebook and Apple, had lobbied the Senate to pass the legislation, which sponsors named the U.S.A. Freedom Act.

Links: AT: Snowden controversy creates a backlash

(--) **Snowden controversy will not create a backlash against surveillance:**

John Sides, (Associate Professor in the Department of Political Science at George Washington University) June 6, 2013. Retrieved Apr. 29, 2015 from <http://themonkeycage.org/2013/06/06/could-there-finally-be-a-backlash-against-domestic-surveillance/>

There has been a lot of conversation about Glenn Greenwald's story showing that National Security Agency is regularly collecting information about millions of phone calls from Verizon. Marc Ambinder provides some useful background here. So is this news—perhaps combined with the government's investigations of the Associated Press and Fox's James Rosen—enough to spark a broader backlash against the government's domestic surveillance? I am skeptical, for two reasons. For one, most Americans do not express much anxiety about domestic surveillance. In a recent article (gated), political scientists Samuel J. Best, Brian S. Krueger, and Shanna Pearson-Merkowitz reported the results of a 2007 survey in which they explicitly asked whether Americans were anxious, worried, or scared about “the government monitoring the activities of people like you.” Only about 30% of Americans said that they were “somewhat” or “very” anxious, worried, or scared. Best and colleagues note that this is more than some commentators and scholars have suggested. The question, though, is whether it is “enough” to engender a backlash. I have not seen comparable questions asked in more recent surveys, but my guess is that there is not a great deal more anxiety.

Links: FISA

Bipartisan support for a strong FISA role:

Jeffrey Brand, (Dean, Center for Law and Global Justice, San Francisco School of Law), HARVARD NATIONAL SECURITY JOURNAL, 2015, 20.

By 2008, the perfect storm roiled to a peak when, with overwhelming bipartisan support, Congress passed the FISA Amendments Act (FAA), 79 which eliminated many of the specificity requirements needed to obtain a warrant under the FISA regime in its initial incarnation. Moreover, the FAA for the first time defined an “international wire communication” to include communications where an “end point is in the United States,” thereby subjecting U.S. citizens to its reach. The amendment led the Congressional Research Service to conclude that FISA now “provides a mechanism for the domestic acquisition without a court order, of communications that persons in the United States, including citizens, would be a party to. Prior to the enactment of Section 702, such acquisitions would require a court order in all but emergency situations.

Links: Democrats

Democrats in favor of government spying:

Jared Metzker, (staff writer), July 27, 2013. Retrieved Apr. 29, 2015 from <http://original.antiwar.com/jared-metzker/2013/07/26/poll-shows-voter-bi-partisan-split-mirrors-house-vote-on-nsa/>

Party allegiances apparently mean little in the U.S. when it comes to the debate over domestic government surveillance. A study released this morning by the Pew Research Center, a major U.S. polling agency, revealed that 57 percent of Democrats approve of government spying, along with 44 percent of Republicans.

Links: Electronic Privacy Act

The electronic privacy act amendments will be a politically tough fight:

Joe Wolverton, (J.D.), NEW AMERICAN, Apr. 27, 2013. Retrieved Apr. 29, 2015 from <http://www.thenewamerican.com/usnews/congress/item/15231-senate-committee-passes-bill-restricting-wireless-e-mail-searches>

Updating the Electronic Communications Privacy Act is an essential step to protect Americans' Fourth Amendment rights. Chairman Leahy led the original effort to pass ECPA back in 1986, and I am very happy to join with him here to provide these essential updates. For centuries, Americans sent some of their most personal correspondence to each other through the U.S. Postal Service. It is well settled that government agencies should not have warrantless access to such private correspondence. Modern technology has evolved to the point where third party storage and "cloud computing" are now the norm. Many people use Google, Yahoo, and other remote services to host and coordinate electronic communications. Due to the conflicts of older legislation and modern technology, private email correspondence over 180 days old is not afforded full Fourth Amendment protection. Today, we finally move to change that. Advocates of the purpose of the legislation recognized the progress made by the Senate Judiciary Committee in restoring the right of people to be free from unwarranted searches and seizures of even their electronic communication. "For the first time since the creation of the World Wide Web, Congress has made it clear that all private communications online require a search warrant based on probable cause," said ACLU attorney Christopher Calabrese, as quoted in the Guardian (UK). "This important step forward would mean that police are held to the same standard whether they search someone's house or their inbox." On its website, the ACLU praised the support of groups from across the political spectrum. After the vote, messages of support poured in from libertarians, consumer groups, privacy advocates, civil rights organizations, groups such as the Americans for Tax Reform and the Heritage Foundation, librarians, tech policy groups, media trade groups, Internet industry organizations, and more. Such a robust coalition of "strange bedfellows" is rare in Washington, and it was this diversity that convinced the powerful Senate Judiciary Committee that the time had come for an update. Of course, there were those lawmakers who pushed to maintain the status quo and preserve the power currently given to law enforcement and intelligence agencies to skirt around the Constitution. As reported by the Guardian: Senator Chuck Grassley (R-Iowa) said that his fellow senators were setting aside the concerns of law enforcement officials. "Instead it seems a growing distrust of government is driving a significant amount of public opinion these days," he said. Grassley claimed the email debate was part of a wider concern among the public about government accountability, gun rights and civil liberties. Grassley said Congress would be "abdicating our responsibilities" if it did not take into consideration the concerns of regulators and law enforcement.

The Electronic Communications Privacy Act will be a tough fight:

Dominic Rushe, (staff writer) THE GUARDIAN, Apr. 25, 2013. Retrieved Apr. 29, 2015 from <http://www.theguardian.com/world/2013/apr/25/senate-committee-ecpa-email-search>

A bipartisan committee voted on Thursday to advance a bill to clamp down on warrantless government searches of email and other private electronic information. The bill seeks to modify the 1986 Electronic Communications Privacy Act (ECPA) and require government and law enforcement agencies to get a judge's approval in most cases in order to access electronic communications. A vote is now expected next month, but while the bill has cross-party support law officials, regulators and some senators are pushing for amendments to weaken its impact.

Links: Surveillance on the Web

Senator Grassley will oppose measures to decrease surveillance on the web:

Dominic Rushe, (staff writer) THE GUARDIAN, Apr. 25, 2013. Retrieved Apr. 29, 2015 from <http://www.theguardian.com/world/2013/apr/25/senate-committee-ecpa-email-search>

"For the first time since the creation of the World Wide Web, Congress has made it clear that all private communications online require a search warrant based on probable cause," said Christopher Calabrese, legislative counsel at the American Civil Liberties Union's Washington legislative office. "This important step forward would mean that police are held to the same standard whether they search someone's house or their inbox." Senator Chuck Grassley said that his fellow senators were setting aside the concerns of law enforcement officials. "Instead it seems a growing distrust of government is driving a significant amount of public opinion these days," he said. Grassley claimed the email debate was part of a wider concern among the public about government accountability, gun rights and civil liberties. Grassley said Congress would be "abdicating our responsibilities" if it did not take into consideration the concerns of regulators and law enforcement.

Grassley is a uniquely powerful Senator:

Sarah Mimms, (staff writer) NATIONAL JOURNAL, Jan. 21, 2015. Retrieved Apr. 29, 2015 from <http://www.nationaljournal.com/congress/grassley-lynch-hearing-will-be-gop-forum-to-hit-obama-on-immigration-20150121>

Grassley's chairmanship of the powerful Judiciary Committee could give him an additional spotlight, and potentially additional scrutiny, as he prepares for reelection in 2016. Luckily for Grassley, his state just elected conservative Sen. Joni Ernst, and the senior senator is low on the totem pole of Democratic targets this cycle, with purple-state Republicans in Illinois, New Hampshire, Pennsylvania, and Wisconsin providing much richer targets. But, Grassley said, that hasn't stopped Democrats from tracking him for "two or three years" now.

Links: Spying on Muslims

(--) Demonizing Muslims is still a political winner:

Dima Ansari, (staff writer) July 30, 2014. Retrieved Apr. 29, 2015 from http://www.upi.com/Top_News/US/2014/07/30/Survey-shows-partisan-divide-in-attitudes-toward-Arabs-Muslims/3881406669473/

"For a part of the American electorate demonizing Muslims and Arabs is still a political winner," said Matthew Duss, a policy analyst at the Center for American Progress, a liberal-leaning think tank.

(--) Media exaggerations feed negative stereotypes of Muslims:

Dima Ansari, (staff writer) July 30, 2014. Retrieved Apr. 29, 2015 from http://www.upi.com/Top_News/US/2014/07/30/Survey-shows-partisan-divide-in-attitudes-toward-Arabs-Muslims/3881406669473/

Experts at the institute event agreed the media play a role in conflating one-dimensional perceptions of Arabs and Muslims -- and that is where most Americans derive their views. "The story plays out [as] be afraid of these people, they're dark, they're dangerous, and that, then has a component back here in terms of how it filters back to the public," Duss said.

(--) Spying on Muslims generates no political backlash:

Ben Smith, (staff writer) June 6, 2013. Retrieved Apr. 29, 2015 from <http://www.buzzfeed.com/bensmith/how-americans-got-used-to-surveillance#.ai9xWrGEK>

Last March, after the 9/11 moment had passed, the Associated Press turned up a different domestic spying program: The New York Police Department had been infiltrating the homes, businesses, and communities of New Yorkers of Muslim descent without, it appeared, any specific cause. The NYPD denials, and subsequent leaked documents, made the story worse. And the New York story, too, sank like a stone, even in one of America's most liberal cities: There was little public pressure on Mayor Michael Bloomberg to roll back the secret program. Even a Pulitzer Prize for his critics didn't dislodge Police Commissioner Ray Kelly from his place as one of the city's most popular leaders, now the subject of a last minute draft effort for mayor. You could make the case that these two episodes, in Washington and New York, showed two things: First, the government can spy on Muslim citizens — or any specific person or group it says is associated with terrorism — without fear of broader public disapproval. Second, the government felt it had reason to fear a public backlash over spying indiscriminately on the broad public, even in the course of looking for terrorists.

(--) It would be politically difficult to ban surveillance of Muslims:

Ben Smith, (staff writer) June 6, 2013. Retrieved Apr. 29, 2015 from <http://www.buzzfeed.com/bensmith/how-americans-got-used-to-surveillance#.ai9xWrGEK>

This moment is, most of all, a test of that aphorism politicians will quote to almost any end, the one that begins (at least in one version) "First they came for the Communists, and I said nothing." The tolerance of widespread surveillance of Muslims helped build a government apparatus, and the legal underpinnings of it, are now used much more widely than many Americans are comfortable with. The political path to rolling it back isn't clear.

Links: Republicans

Even modest reforms to spying will be opposed by Republicans:

Matt Sledge, (staff writer), HUFFINGTON POST, Mar. 13, 2015. Retrieved Apr. 29, 2015 from http://www.huffingtonpost.com/2015/03/13/patriot-act-nsa_n_6839850.html

Some reform groups opposed legislation sponsored by Sen. Patrick Leahy (D-Vt.) last year on the grounds that it would not have limited non-telephone spy programs. But Senate Republicans filibustered even that bill's more modest reforms in November, setting a probable ceiling for changes in this Congress.

Links: Ending Warrantless Searches

(--) Political opposition exists to ending warrantless searches:

Matt Sledge, (staff writer), HUFFINGTON POST, Mar. 13, 2015. Retrieved Apr. 29, 2015 from http://www.huffingtonpost.com/2015/03/13/patriot-act-nsa_n_6839850.html

Last year Massie and Lofgren co-sponsored an amendment that would have ended warrantless searches of the content of Americans' communications with foreign NSA targets. The measure passed the House, surprising even Massie, but failed to make it through a House-Senate conference committee.

Links: Immigration

(--) Conservatives strongly support immigration surveillance measures:

Seth Freed Wessler, (staff writer), Jan. 28, 2013. Retrieved Apr. 29, 2015 from <http://www.colorlines.com/articles/senate-takes-first-step-immigration-bi-partisan-plan>

To accommodate conservatives who have long demanded increased border security before agreeing to a path to citizenship, the framework states clearly that the process to gain permanent immigration status will begin only "[o]nce the enforcement measures have been completed." Those measures include new security on the border in the form of drones and surveillance and additional border guards sent to the areas between border crossing checkpoints. "

Drone surveillance is popular in Congress:

Lucas Eaves, (staff writer), June 12, 2013. Retrieved Apr. 29, 2015 from <http://ivn.us/2013/06/12/immigration-reform-will-mean-more-border-drones/>

Despite growing discontent among American citizens over not only the use of drones abroad, but on American soil, Congress is extremely likely to go forward with plans to increase drone surveillance. Many Republicans will not accept an immigration reform bill without more border security and considering the Obama administration's position on the use of drones, they are unlikely to be challenged on that issue.

Congress strongly favors immigration enforcement:

FOX NEWS LATINO, Jan. 7, 2013. Retrieved Apr. 29, 2015 from <http://latino.foxnews.com/latino/politics/2013/01/07/obama-administration-spent-18-billion-on-immigration-enforcement-last-year/>

"Today, immigration enforcement can be seen as the federal government's highest criminal law enforcement priority, judged on the basis of budget allocations, enforcement actions and case volumes," MPI Senior Fellow Doris Meissner, a co-author of the report, said in a statement released with the report Monday. Proponents of more lenient immigration policies assailed the heavy emphasis on enforcement. "Congress has been a one-trick pony: enforcement first and enforcement only," said Frank Sharry, head of America's Voice, which advocates for an immigration reform that would include a path to legalization for undocumented immigrants. "But we can't enforce our way to a sensible, modernized immigration system."

Republicans favor border security:

FOX NEWS LATINO, Jan. 7, 2013. Retrieved Apr. 29, 2015 from <http://latino.foxnews.com/latino/politics/2013/01/07/obama-administration-spent-18-billion-on-immigration-enforcement-last-year/>

Republican lawmakers have widely criticized the policy changes, routinely describing them as "backdoor amnesty." Many of those same lawmakers have said the border needs to be secured before reform can be taken up.

Links: Drone Surveillance

Drone surveillance is incredibly popular in Congress:

THE PIONEER LOG, Feb. 16, 2012. Retrieved Apr. 29, 2015 from <http://piolog.squarespace.com/opinion/2012/2/16/the-future-is-now-the-drone-surveillance-over-the-us-is-rapi.html>

This week, Congress passed a bill that went largely unnoticed, but which signifies a fundamental change in the nature of American privacy. The bill demands increased research and development in the domestic unmanned aircraft sector, which is at present virtually non-existent. The bill has led many industry regulators to predict that as many as 30,000 surveillance drones will share civilian airspace by 2020 after they begin taking to the air in 2015. These drones are to be unarmed and are intended to be primarily at the disposal of local, state, and federal law enforcement agencies, although private companies will be able to get permits to launch their own. When one considers the implications, it becomes more and more baffling that the bill passed so easily through the House and Senate and is expected to be approved by the President in short order.

Links: Secure Data Act

NEWS CENTRAL, Feb. 9, 2015. Retrieved Apr. 29, 2015 from <http://newscentral.exsees.com/item/e4242b9644b988c62172a7974962e5d0-c0ea497f23d5a0e1870a2c2a08206218>

Previous bills have passed Congress seeking to limit the power and authority of agencies like the National Security Agency. However, the final products were severely watered down versions of the initial legislation. Even extensively supported bills such as the previous Secure Data Act failed to get anywhere in both chambers of Congress.

Links: Repealing the Patriot Act

Repealing the Patriot Act is a political non-starter:

Jay Symopoulos, (staff writer), Apr. 1, 2015. Retrieved Apr. 29, 2015 from <http://thefreethoughtproject.com/patriot-act-killer-congress-surveillance-state-repeal-act/>

The bill would completely repeal the Patriot Act, the sweeping national security law passed in the days after Sept. 11, 2001, as well as the 2008 FISA Amendments Act, another spying law that the NSA has used to justify collecting vast swaths of people's communications through the Internet. It would also reform the secretive court that oversees the nation's spying powers, prevent the government from forcing tech companies to create "backdoors" into their devices and create additional protections for whistleblowers. The bill is looked at by congressional watchers as a non-starter, as there are far too many congressional leaders on both sides of the aisle in Congress that have strong interests in the Military/Intelligence Industrial Complex.

A2 “Winners Win”

Winners-win empirically false for Obama

Klein, 10/10/14 (Ezra, “Obama ditched a key campaign promise. And it saved his presidency,” <http://www.vox.com/2014/10/10/6953889/paul-krugman-obama-historic-success, JMP>)

Hate Obama or love him, on this, Krugman is clearly correct. **Obama has passed more major legislation** than perhaps any president since Lyndon Johnson — and, at least as of yet, there's no Vietnam War to mar his legacy. The history of the Obama administration will be hard to write, as so many of its chapters will demand their own books (indeed, some, like the stimulus, have already gotten them). Most crucially, Obamacare itself looks headed for success — and that, plus preventing the financial crisis from turning into another Great Depression, is a legacy in itself. That said, Obama's greatest successes — and his most serious failures — lie in the dense mass of his first two years. This is the time, in Krugman's telling, before Obama grokked the nature of the Republican opposition and “began dealing with it realistically.” I think the story there is more complicated — and more interesting. From 2009 to 2010, Obama, while seeking the post-partisan presidency he wanted, established the brutally partisan presidency he got. Virtually **every achievement** Krugman recounts — the health-care law, the Dodd-Frank financial reforms, the financial rescue, the stimulus bill — passed in these first two years when Democrats held huge majorities in congress. And every item on the list **passed over screaming** Republican **opposition**. The first two years of the Obama administration are the story of Obama being haunted by his promises of a postpartisan presidency, and choosing, again and again, to pass bills at the cost of worsening partisanship. The irony of Obama's presidency As Reid Cherlin, a former Obama administration staffer, put it, “[T]hey have managed over six years to accomplish much of what Obama promised to do, even if accomplishing it helped speed the process of partisan breakdown.” The engine of Obama's political rise, going all the way back to his 2004 keynote at the Democratic National Convention, was that the conflictual nature of politics was the product of the people who knew no politics other than conflict. The central irony of Obama's presidency is he proved himself wrong. Obama promised to reform the health-care system and regulate the financial sector by fixing American politics. Instead, he did it by breaking American politics further. The candidate who ran for office promising to heal Washington's divisions became the most divisive president since the advent of polling: [graph omitted] It's not just partisanship. Obama ran as the scourge of special interests. “We can't keep playing the same Washington game with the same Washington players and expect a different result,” he said. “Because it's a game that ordinary Americans are losing. It's a game where lobbyists write check after check and Exxon turns record profits, while you pay the price at the pump, and our planet is put at risk.” Lobbyists still write their checks in Obama's Washington. The health-reform bill got done by cutting side deals with pharmaceutical companies and insurers. Dodd-Frank got done by cutting side deals with auto dealers and mutual funds. The Obama administration has put no political capital behind major campaign-finance reforms or, really, any other ideas that would fundamentally change how Washington works. It's the same old Washington game with the same old Washington players — but Obama, when he had his big congressional majorities, managed to secure a different result. **Obama** spent his first two years keeping many of his policy promises by sacrificing his central political promise. That wasn't how it felt to the administration at the time. They **thought** that **success would build momentum**; that

change would beget change. Obama talked of the "muscle memory" Congress would rediscover as it passed big bills; he hoped that achievements would replenish his political capital rather than drain it. In this, the Obama administration was wrong, and perhaps naive. They overestimated their ability to convert the raw exercise of political power into more political power. It was a mistake, but not a very postpartisan one. And, as a theory, it was the one they needed to build their legacy — a legacy, at this point, that even their early critics admire.

(--) Obama believes the link

Robert Kuttner, senior fellow, Demos, "Obama Has Amassed Enormous Political Capital, But He Doesn't Know What to Do with It," *Alternet*, 4—28—09,
www.alternet.org/economy/138641/obama_has_amassed_enormous_political_capital,_but_he_doesn%27t_know_what_to_do_with_it/

We got a small taste of what a more radical break might feel like when Obama briefly signaled with the release of Bush's torture memos that he might be open to further investigation of the Bush's torture policy, but then backtracked and quickly asked the Democratic leadership to shut the idea down. Evidently, Obama's political self wrestled with his constitutional conscience, and won. Civil libertarians felt a huge letdown, but protest was surprisingly muted. Thus the most important obstacle for seizing the moment to achieve enduring change: Barack Obama's conception of what it means to promote national unity. Obama repeatedly declared during the campaign that he would govern as a consensus builder. He wasn't lying. However, there are two ways of achieving consensus. One is to split the difference with your political enemies and the forces obstructing reform. The other is to use presidential leadership to transform the political center and alter the political dynamics. In his first hundred days, Obama has done a little of both, but he defaults to the politics of accommodation.

(--) Winners win is wrong -- Obama votes neg

Jackie Calmes, *NYTimes*, 11/12/12, In Debt Talks, Obama Is Ready to Go Beyond Beltway, mobile.nytimes.com/2012/11/12/us/politics/legacy-at-stake-obama-plans-broader-push-for-budget-deal.xml

That story line, stoked by Republicans but shared by some Democrats, holds that Mr. Obama is too passive and deferential to Congress, a legislative naïf who does little to nurture personal relationships with potential allies - in short, not a particularly strong leader. Even as voters re-elected Mr. Obama, those who said in surveys afterward that strong leadership was the most important quality for a president overwhelmingly chose Mr. Romney.¶ George C. Edwards III, a leading scholar of the presidency at Texas A & M University who is currently teaching at Oxford University, dismissed such criticisms as shallow and generally wrong. Yet Mr. Edwards, whose book on Mr. Obama's presidency is titled "Overreach," said, "He didn't understand the limits of what he could do."¶ "They thought they could continuously create opportunities and they would succeed, and then there would be more success and more success, and we'd build this

advancing-tide theory of legislation," Mr. Edwards said. "And that was very naïve, very silly. Well, they've learned a lot, I think." ¶ "Effective leaders," he added, "exploit opportunities rather than create them." ¶ The budget showdown is an opportunity. But like many, it holds risks as well as potential rewards. ¶ "This election is the second chance to be what he promised in 2008, and that is to break the gridlock in Washington," said Kenneth M. Duberstein, a Reagan White House chief of staff, who voted for Mr. Obama in 2008 and later expressed disappointment. "But it seems like this is a replay of 2009 and 2010, when he had huge majorities in the House and Senate, rather than recognizing that 'we've got to figure out ways to work together and it's not just what I want.'" ¶ For now, at least, Republican lawmakers say they may be open to raising the tax bill for some earners. "We can increase revenue without increasing the tax rates on anybody in this country," said Representative Tom Price, Republican of Georgia and a leader of House conservatives, on "Fox News Sunday." "We can lower the rates, broaden the base, close the loopholes." ¶ The challenge for Mr. Obama is to use his postelection leverage to persuade Republicans - or to help Speaker John A. Boehner persuade Republicans - that a tax compromise is in their party's political interest since most Americans favor compromise and higher taxes on the wealthy to reduce annual deficits. ¶ Some of the business leaders the president will meet with on Wednesday are members of the new Fix the Debt coalition, which has raised about \$40 million to urge lawmakers and their constituents to support a plan that combines spending cuts with new revenue. That session will follow Mr. Obama's meeting with labor leaders on Tuesday. ¶ His first trip outside Washington to engage the public will come after Thanksgiving, since Mr. Obama is scheduled to leave next weekend on a diplomatic trip to Asia. Travel plans are still sketchy, partly because his December calendar is full of the traditional holiday parties. ¶ Democrats said the White House's strategy of focusing both inside and outside of Washington was smart. "You want to avoid getting sucked into the Beltway inside-baseball games," said Joel Johnson, a former adviser in the Clinton White House and the Senate. "You can still work toward solutions, but make sure you get out of Washington while you are doing that." ¶ The president must use his leverage soon, some Democrats added, because it could quickly wane as Republicans look to the 2014 midterm elections, when the opposition typically takes seats from the president's party in Congress.

(--) History's on our side—past wins by Obama drained his capital:

Todd Eberly, 1/21/2013 ("The presidential power trap,"

[http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-](http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-party-support-public-opinion/2)

[20130121_1_political-system-party-support-public-opinion/2](http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-party-support-public-opinion/2), Accessed 1/24/2013, rwg)

Barack Obama's election in 2008 seemed to signal a change. Mr. Obama's popular vote majority was the largest for any president since 1988, and he was the first Democrat to clear the 50 percent mark since Lyndon Johnson. The president initially enjoyed strong public approval and, with a Democratic Congress, was able to produce an impressive string of legislative accomplishments during his first year and early into his second, capped by enactment of the Patient Protection and Affordable Care Act. But with each legislative battle and success, his political capital waned. His impressive successes with Congress in 2009 and 2010 were accompanied by a shift in the public mood against him, evident in the rise of the tea party movement, the collapse in his approval rating, and the large GOP gains in the 2010 elections, which brought a return to divided government.

(-- Declines in political capital outweigh the effect of winning:

Marissa Silber, 2007 (Political Science PhD Student @ Univ. of Florida and Interim professor of political science @ Samford University, "WHAT MAKES A PRESIDENT QUACK?" Accessed at http://74.125.155.132/scholar?q=cache:bbkJmVQ3SJMJ:scholar.google.com/+%22political+capital%22+%22finite%22+resources+president&hl=en&as_sdt=80000000)

Important to the discussion of political capital is whether or not it can be replenished over a term. If a President expends political capital on his agenda, can it be replaced? Light suggests that "capital declines over time – public approval consistently falls: midterm losses occur" (31). Capital can be rebuilt, but only to a limited extent. The decline of capital makes it difficult to access information, recruit more expertise and maintain energy. If a lame duck President can be defined by a loss of political capital, this paper helps determine if such capital can be replenished or if a lame duck can accomplish little. Before determining this, a definition of a lame duck President must be developed.

(-- Health care empirically denies: Obama got a win, but it didn't help him pass anything through Congress.

(-- Any bump in political capital from wins is slight and fleeting—we'll win the link outweighs:

Mark Blumenthal, 1/6/2011 (staff writer, "Obama Gets Modest Lame-Duck Poll Bump" http://www.huffingtonpost.com/2011/01/06/obama-lame-duck-poll-bump-real-but-modest_n_805469.html)

Did President Obama get a bump in the polls after the successes of the congressional lame-duck session? While only a handful of pollsters have updated their job-approval numbers since the holidays, those who have seem to be showing movement in Obama's favor, though the change is slight and may be fleeting.

(-- Backlash when Obama tries to regain capital

Goldberg 10(Jonah, Syndicated Journalist, February 26, "A Hidden Cost of the Health-Care Summit", [http://www.nationalreview.com/corner/195494/hidden-cost-health-care-summit/jonah-goldberg\)jn](http://www.nationalreview.com/corner/195494/hidden-cost-health-care-summit/jonah-goldberg)jn)

It seems that I wasn't alone in finding Obama increasingly un-charming as the event unfolded yesterday. Even Dana Milbank notes that Obama ultimately came across as a bit of a condescending, well, jerk. Here's Michael Gerson: "President Obama, as usual, was fluent, professorial and occasionally prickly. Some are impressed by the president's informed, academic manner. Others (myself included) find an annoying condescension in Obama's never-ending seminar." Obama's habit of deciding what is a serious point and what are mere "talking points," started out seeming like an attempt at fairness but ultimately revealed itself to be one of the more grating aspects of his personality and his philosophy (It's worth noting that many points become talking points because they are such good points!). After awhile, it seemed Obama deemed many talking points to be illegitimate simply because they were inconvenient to his argument. This is not news to certain people who have greater immunity to his charms. Obama has a very thin skin when it comes to disagreement. He has a Fox News obsession. At campaign-style events, Obama has insisted that he doesn't want to "hear any talk" from the people who "created this mess" or some such. Remember his call for a "new declaration of independence not just in our nation, but in our own lives — from ideology and small thinking, prejudice and bigotry."

Translation: Ideological objections to what I want to do are akin to bigotry and stupidity. I think one of the great explanations for the mess the Obama administration is in — the whole cowbell dynamic — is that he, his advisers, and many of his fans in the press cannot fully grasp or appreciate the fact that he is not as charming to everyone else as he is to them (or himself). Hence, they think that the more he talks, the more persuasive he will be. Every president faces a similar problem which is why, until Obama, every White House tried to economize the deployment of the president's political capital. **The Obama White House strategy is almost the rhetorical version of its Keynesianism, the more you spend, the bigger the payoff. The hidden cost of this strategy is that the more he talks the more pronounced or noticeable this tendency becomes for the average American. Eventually, it could come to define him.** Presidents — all presidents — get caricatured eventually because certain **traits become more identifiable over time.** That's one reason why parodies of presidents on Saturday Night Live get more convincing and funnier at the end of their terms — everyone can recognize the traits and habits by then. **The more instances where Obama grabs all of the attention while acting like an arrogant college professor — particularly as memories of Bush fade — the more opportunities the White House creates where people can say, "Hey, I finally figured out what bugs me about this guy."** Not long after that, it becomes a journalistic convention, a staple of late-night jokes and basis of SNL parodies.

(--) GOP blocks bills- no spillover

Gvosdev 10(Nikolas, World Politics Review Columnist, November 19, "The Realist Prism: Hard Realities, Hard Choices for Obama", <http://www.worldpoliticsreview.com/articles/7096/the-realist-prism-hard-realities-hard-choices-for-obama>)jn

It is very likely that come the end of November, after a busy month traveling to Asia and Europe, President Barack Obama will have emerged with few decisive victories to burnish his image after the "shellacking" he took in the midterm elections. Instead, Obama and his team will have to adjust to some hard realities. Though the new Congress will not be seated until January 2011, we are already seeing changes in the political climate in Washington that will test the administration's ability to show, both to Americans and to other governments, that the executive branch is still in the driver's seat when it comes to setting U.S. foreign-policy priorities. As Dimitri Trenin observed in charting the likely demise of the New START treaty, "Partisanship in Washington has reached a new level, infecting not just longstanding domestic policy disputes, but also foreign policy and national security issues." There will be no Vanderbergian moment for the president over the next two years. Josh Rogin quotes an anonymous Republican Capitol Hill staffer as declaring, "You are going to see more aggressiveness to push an agenda and not to defer to the administration." **Even in areas where we can expect some agreement between congressional Republicans and the White House, such as passing the free trade agreement for Colombia, the GOP will do everything in its power to prevent Obama from claiming any sort of success for his administration. ...**

(--) Wins don't generate capital

Nicholas and Hook 10(Peter and Janet, Tribune Washington Bureau, July 30, "Obama the Velcro president", <http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730>)jn

Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. **In less than two years, Obama has become ensnared in blame.** Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public. But Obama remains the colossus of his administration — to a point where trouble anywhere in the world is often his to solve. The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape. **What's not sticking to Obama is a legislative track record that his recent predecessors might envy.**

Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting. Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll. "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?'" said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations." Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration. Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants. Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole. "I can't suck it up with a straw," he said. But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish.

(--) Victories build opposition

Purdum 10 (Todd, Award winning journalist for the NYT, Vanity Fair Columnist, December 20, "Obama Is Suffering Because of His Achievements, Not Despite Them", <http://www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html>)jn

With this weekend's decisive Senate repeal of the military's "Don't Ask, Don't Tell" policy for gay service members, can anyone seriously doubt Barack Obama's patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money's predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation's health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair. So why isn't his political standing higher? Precisely because of the raft of legislative victories he's achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn't "done" anything but because he's done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama's opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public.

(--) Misspending political capital undermines capital:

RYAN 9. [1-18 -- Selwyn Professor of Social Science at the Sir Arthur Lewis Institute of Social and Economic Studies, University of West Indies. Ph.D. in Political Science from Cornell, http://www.trinidadexpress.com/index.pl/article_opinion?id=161426968]

Like many, I expect much from Obama, who for the time being, is my political beast of burden with whom every other politician in the world is unfavourably compared. As a political scientist, I however know that given the structure of American and world politics, it would be difficult for him to deliver half of what he has promised, let alone all of it. Reality will force him to make

many "u" turns and detours which may well land him in quick sand. Obama will, however, begin his stint with a vast accumulation of political capital, perhaps more than that held by any other modern leader. Seventy-eight per cent of Americans polled believe that his inauguration is one of the most historic the country will witness. Political capital is, however, a lumpy and fast diminishing asset in today's world of instant communication, which once mispent, is rarely ever renewable. The world is full of political leaders like George Bush and Tony Blair who had visions, promised a lot, and probably meant well, but who did not know how to husband the political capital with which they were provided as they assumed office. They squandered it as quickly as they emptied the contents of the public vaults. Many will be watching to see how Obama manages his assets and liabilities register. Watching with hope would be the white young lady who waved a placard in Obama's face inscribed with the plaintive words, "I Trust You." Despite the general optimism about Obama's ability to deliver, many groups have already begun to complain about being betrayed. Gays, union leaders, and women have been loud in their complaints about being by-passed or overlooked. Some radical blacks have also complained about being disrespected. Where and when is Joshua going to lead them to the promised land, they ask? When is he going to pull the troops out of Iraq? Civil rights groups also expect Obama to dis-establish Guantanamo as soon as he takes office to signal the formal break with Dick Cheney and Bush. They also want him to discontinue the policy which allows intelligence analysts to spy on American citizens without official authorisation. In fact, Obama startled supporters when he signalled that he might do an about-turn and continue this particular policy. We note that Bush is signalling Obama that keeping America safe from terrorists should be his top priority item and that he, Bush, had no regrets about violating the constitutional rights of Americans if he had to do so to keep them safe. Cheney has also said that he would do it again if he had to. The safety of the republic is after all the highest law. Other groups-sub-prime home owners, workers in the automobile sector, and the poor and unemployed generally all expect Obama to work miracles on their behalf, which of course he cannot do. Given the problems of the economy which has not yet bottomed out, some promises have to be deferred beyond the first term. Groups, however, expect that the promise made to them during the campaign must be kept. Part of the problem is that almost every significant social or ethnic group believes that it was instrumental in Obama's victory. White women felt that they took Obama over the line, as did blacks generally, Jews, Hispanics, Asians, rich white men, gays, and young college kids, to mention a few of those whose inputs were readily recognisable. Obama also has a vast constituency in almost every country in the world, all of whom expect him to save the globe and the planet. Clearly, he is the proverbial "Black Knight on a White Horse." One of the "realities" that Obama has to face is that American politics is not a winner-take-all system. It is pluralistic vertically and horizontally, and getting anything done politically, even when the President and the Congress are controlled by the same party, requires groups to negotiate, bargain and engage in serious horse trading. No one takes orders from the President who can only use moral or political suasion and promises of future support for policies or projects. The system was in fact deliberately engineered to prevent overbearing majorities from conspiring to tyrannise minorities. The system is not only institutionally diverse and plural, but socially and geographically so. As James Madison put it in Federalist No 10, one of the foundation documents of republicanism in America, basic institutions check other basic institutions, classes and interests check other classes and interests, and regions do the same. All are grounded in

their own power bases which they use to fend off challengers. The coalitions change from issue to issue, and there is no such thing as party discipline which translated, means you do what the leader say you do. Although Obama is fully aware of the political limitations of the office which he holds, he is fully aware of the vast stock of political capital which he currently has in the bank and he evidently plans to enlarge it by drawing from the stock held by other groups, dead and alive. He is clearly drawing heavily from the caparisoned cloaks of Lincoln and Roosevelt. Obama seems to believe that by playing the all-inclusive, bipartisan, non-ideological card, he can get most of his programmes through the Congress without having to spend capital by using vetoes, threats of veto, or appeals to his 15 million strong constituency in cyberspace (the latent "Obama Party").

(--) WINNERS WIN NOT TRUE FOR OBAMA.

GALSTON 10. [William, Senior Fellow, Governance Studies, Brookings, "President Barack Obama's First Two Years: Policy Accomplishments, Political Difficulties" Brookings Institute -- Nov 4]

Second, the administration believed that success would breed success—that the momentum from one legislative victory would spill over into the next. The reverse was closer to the truth: with each difficult vote, it became harder to persuade Democrats from swing districts and states to cast the next one. In the event, House members who feared that they would pay a heavy price if they supported cap-and-trade legislation turned out to have a better grasp of political fundamentals than did administration strategists.

(--) WINNERS DON'T WIN ON CONTROVERSIAL ISSUES – THE HILL IS TOO POLARIZED.

MANN 10. [Thomas, Senior Fellow, Governance Studies, "American Politics on the Eve of the Midterm Elections" Brookings Institute -- November]

That perception of failure has been magnified by the highly contentious process by which Obama's initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system, with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place. Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President's agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

(--) WINNERS LOSE FOR OBAMA – LOSES THE SPIN GAME.

BAKER 10. [Peter, foreign policy reporter, author of Kremlin Rising: Vladimir Putin and Russian Counter-Revolution, "Education of a President" New York Times]

But it is possible to win the inside game and lose the outside game. In their darkest moments, White House aides wonder aloud whether it is even possible for a modern president to succeed, no matter how many bills he signs. Everything seems to conspire against the idea: an implacable opposition with little if any real interest in collaboration, a news media saturated with triviality

and conflict, a culture that demands solutions yesterday, a societal cynicism that holds leadership in low regard. Some White House aides who were ready to carve a new spot on Mount Rushmore for their boss two years ago privately concede now that he cannot be another Abraham Lincoln after all. In this environment, they have increasingly concluded, it may be that every modern president is going to be, at best, average. "We're all a lot more cynical now," one aide told me. The easy answer is to blame the Republicans, and White House aides do that with exuberance. But they are also looking at their own misjudgments, the hubris that led them to think they really could defy the laws of politics. "It's not that we believed our own press or press releases, but there was definitely a sense at the beginning that we could really change Washington," another White House official told me. " 'Arrogance' isn't the right word, but we were overconfident." The biggest miscalculation in the minds of most Obama advisers was the assumption that he could bridge a polarized capital and forge genuinely bipartisan coalitions. While Republican leaders resolved to stand against Obama, his early efforts to woo the opposition also struck many as halfhearted. "If anybody thought the Republicans were just going to roll over, we were just terribly mistaken," former Senator Tom Daschle, a mentor and an outside adviser to Obama, told me. "I'm not sure anybody really thought that, but I think we kind of hoped the Republicans would go away. And obviously they didn't do that." Senator Dick Durbin, the No. 2 Democrat in the upper chamber and Obama's ally from Illinois, said the Republicans were to blame for the absence of bipartisanship. "I think his fate was sealed," Durbin said. "Once the Republicans decided they would close ranks to defeat him, that just made it extremely difficult and dragged it out for a longer period of time. The American people have a limited attention span. Once you convince them there's a problem, they want a solution." Gov. Ed Rendell of Pennsylvania, though, is among the Democrats who grade Obama harshly for not being more nimble in the face of opposition. "B-plus, A-minus on substantive accomplishments," he told me, "and a D-plus or C-minus on communication." The health care legislation is "an incredible achievement" and the stimulus program was "absolutely, unqualifiedly, enormously successful," in Rendell's judgment, yet Obama allowed them to be tarnished by critics. "They lost the communications battle on both major initiatives, and they lost it early," said Rendell, an ardent Hillary Clinton backer who later became an Obama supporter. "We didn't use the president in either stimulus or health care until we had lost the spin battle."

(--) STATISTICALLY -- WINS DON'T INFLUENCE FUTURE LEGISLATION.

Bond & Fleisher 96 [Jon R. and Richard. professor in Political Science - Texas A&M and Professor in Political Science. Fordham "The President in Legislation" p.223]

Presidency-centered variables, however, provide an even weaker explanation of presidential success. We found little support for the thesis that the weakness of legislative parties increases the importance of presidential skill or popularity for determining presidential success on roll call votes. Our analysis reveals that presidents reputed to be highly skilled do not win consistently more often than should be expected given the conditions they faced. Similarly, presidents reputed to be unskilled do not win significantly less often than expected. The analysis of presidential popularity reveals that the president's standing in the polls has only a marginal impact on the probability of success or failure.

(--) Contentious debate ensures plan is not perceived as a victory

Mann, Brookings Governance Studies senior fellow, 10

[Thomas, Brookings, November, "American Politics on the Eve of the Midterm Elections", http://www.brookings.edu/articles/2010/11_midterm_elections_mann.aspx, accessed 6-20-11]

The well-documented successes of the financial stabilisation and stimulus initiatives are invisible to a public reacting to the here and now, not to the counterfactual of how much worse it might have been. The painfully slow recovery from the global financial crisis and Great Recession have led most Americans to believe these programmes have failed and as a consequence they judge the President and Congress harshly. HIGHLY POLARISED That perception of failure has been magnified by the highly contentious process by which Obama's initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system, with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place. Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President's agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

(--) Political capital is finite – a win on one issue doesn't spill over

Gangale, 2005 San Francisco State political science lecturer, 5

(Thomas, poli sci lecturer @ SF State, 1/23/5, "To Amend or Not to Amend", <http://pweb.jps.net/~gangale/opsa/ps2/ToAmendOrNotToAmend.htm>) JPG

Abolishing the Electoral College is somewhat of a progressive issue in that it is based on the principle of "one person, one vote." However, more than anything it is a "large states vs. small states" issue, and that is why it is a perennial loser. The reality is that there are many more Idahos and Nebraskas than there are Californias and New Yorks, and since a small state has as many votes in the US Senate as a large state, any proposal to do away with the Electoral College cannot hope to win the required two-thirds majority. It is destined to defeat. Even worse, the issue pits progressive states large and small against each other, weakening progressive solidarity. If you fight someone tooth-and-nail on one issue, it's hard to muster any more than lukewarm support on another issue on which you agree. Political capital is like ammunition: use too much of it up in an unwise action, and you have to wait to be resupplied. Meanwhile, your forces may be in disarray and vulnerable to a counterstrike. Abolishing the Electoral College isn't the only constitutional amendment that's being bandied about this year. There's also talk of an amendment to ban gay marriage.

(--) Turn: Jamming through liberal agenda items will undermine Obama politically:

Frank Burke, 1/3/11 (staff, American Thinker, " The Lamest Duck of All ",
http://www.americanthinker.com/2011/01/the_lamest_duck_of_all.html)

Anyone doubting that the area inside the Washington, D.C. Beltway combines the more surreal elements of the Emerald City of Oz and Wonderland's rabbit hole need only to listen to the pundits -- including some conservatives -- discussing the lame-duck Congress's successes and Obama's move to the center. For those of us outside the Charmed Circle, the situation appears quite different. In reality, there is nothing new here. The lame-duck Congress was the same body that advanced the agenda responsible for the most significant political defeat in modern times. Like petulant adolescents, angered at the public's rejection of their superior wisdom, they proceeded to vote against the voters. The fact that the Reid/Pelosi nexus chose to steamroll an uncommonly large number of liberal agenda items within a short time should come as no surprise. Rather than a measure of accomplishment, the quantity was clearly a sign of desperation, as were the compromises reached on the extension of the Bush tax cuts and the fund for 9/11 responders. What seems to have been lost in all the excitement is an appreciation of the likely long-term effects of the initiatives in question. If one thing has remained constant throughout the Obama administration, it is the ascendancy of emotionalism over reason and the concomitant failure to anticipate the end results of actions. Examples of this began virtually on the first day with the executive order to close the facility at Guantánamo Bay. Without any plan, it was not long before reality set in. Two years later, it has been realized that it will not be possible to close Guantánamo or to offload the terrorists to other countries. Closely related to this was the decision to try Khalid Sheikh Mohammed and others in New York. Once the consequences were realized, the situation devolved into an embarrassing stalemate. The stimulus package, with its complement of shovel-ready jobs, failed to create new opportunities, and what's more, a large proportion of it remains unused. With little planning as to how or where to spend the money to create the most jobs, the public saw billions in funding go to earmarks and frivolous projects. Of all the singular negative accomplishments of the first two years, none surpasses ObamaCare. Written and assembled by disparate special interest groups within the Democratic Party, the program has proven to be everything its detractors said -- overly expensive, unworkable, and destructive to the health care system. The fact that leading Democrat supporters, including select corporations and unions, have petitioned for and received exemptions indicates the lack of thought that went into this badly cobbled mess. Other initiatives including Cash for Clunkers and the seizure of the automotive industry likewise contributed to the Republican victories of 2010. A closer examination of the items enacted in the lame duck session and their likely long-term results show a far different picture from the ones visualized by the pundits and Obama himself. Some examples: The preservation of the Bush tax cuts for two years, and the extension of unemployment insurance for thirteen months. Even if recovery results in a better employment picture, it is probable that there will still be a significant percentage of unemployed thirteen months from now. At that time, with a Republican-dominated House, it is very unlikely that there will be yet another extension of unemployment insurance. Hopefully, the Republicans will be able to link any benefits to retraining. Also, given this package, the Bush tax cuts will be set to expire shortly after the 2012

election. Obama has promised his liberal base that he will not countenance any further extension of "tax cuts for the wealthy." In that circumstance, he will be faced with the possibility of championing a massive tax increase on the public as he attempts to be reelected. The repeal of Don't Ask, Don't Tell. Justification for the repeal of DADT was supposedly a Pentagon study, despite the finding that military people on the front lines were not in favor of it. What was likewise ignored was the results of another joint U.S. and British study regarding sexual practices among Afghan natives. This study indicates that in Afghan society, where women are largely out of bounds except through marriage, homosexuality and pedophilia have become rampant among Afghan security forces. This has resulted in a great deal of discomfort on the part of American and British troops. Again, with no plan, we are left without a definition of what openly gay means. Will gay service members be identified in some way, and will their names be made public? How will this impact their situation in those Muslim countries where homosexuality can be punished by death? Once again, an emotional cause has resulted in an unplanned situation that could prove most dangerous to gay service personnel. The 9/11 responders bill. Hailed as a great victory, this bill was enacted with a dollar figure roughly fifty percent less than the originally requested amount. While few would question that those who suffered injury as a result of rescue or cleanup efforts should be compensated, other inquiries have gone unanswered -- especially by Chuck Schumer and Kirstin Gillibrand, the senators largely responsible for pushing the measure. What about those who have already received aid from other sources? Further, how was the dollar number arrived at? Would it not have made more sense to establish a lesser figure that could be replenished as needed? Are the individuals affected with health problems going to be placed in a special program, or will they be served by ObamaCare? The New START (Strategic Arms Reduction Treaty). The administration's actions have done more than Vladimir Putin to strengthen the hand of the old Soviet Union. Virtually nothing was done when Georgia was invaded. Then, the administration was cowed into abandoning our plans for a missile defense system that would cover our allies in Poland and the Czech Republic. Now we have a treaty that severely limits our capability to provide a missile defense shield for ourselves and our allies. We are assured that despite the wording in the preamble, the administration still reserves the right to construct missile defense systems. The Russians disagree. Where is the plan? There has been no adequate explanation. Clearly, the desperation of the Obama administration does not signal any real move "to the center." **What was done for political expediency and to acquire attractive press coverage will likely be undermined with subsequent subterfuge,** much as the ObamaCare death panels and Cap and Trade have resurfaced through cabinet-level regulations. **As time passes** and the reality of unprogrammed implementation sets in, **the emotional overdrive that propelled so many of the lame-duck initiatives will devolve into anger, disappointment, lawsuits, and further declines in popularity.**

(--) Wins only build long-term capital

Purdum 10, Columnist for Vanity Fair, (Todd, "Obama Is Suffering Because of His Achievements, Not Despite Them," 12-20 www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html)

With this weekend's decisive Senate repeal of the military's "Don't Ask, Don't Tell" policy for gay service members, can anyone seriously doubt Barack Obama's patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money's predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation's health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair. So why isn't his political standing higher? Precisely because of the raft of legislative victories he's achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn't "done" anything but because he's done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama's opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public. But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don't need and don't deserve them. That broke one of the president's signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning. Moreover, as The Washington Post's conservative columnist Charles Krauthammer bitterly noted, Obama's agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the "swindle of the year," and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not. Obama knows better than most people that politics is the art of the possible (it's no accident that he became the first black president after less than a single term in the Senate), and an endless

cycle of **two steps forward, one step back**. So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. The **short-term results are** often **messy and confusing**. Just months ago, gay rights advocates were distraught because Obama wasn't pressing harder to repeal "Don't Ask, Don't Tell." Now he is apparently paying a price for his victory because some Republican Senators who'd promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. There is a price for everything in politics, and Obama knows that, too.

(--) Health care proves

Dan Lashof, 2010 director, Climate Center, NRDC, "Coulda, Shoulda, Woulda: Lessons from Senate Climate Fail," Natural Resources Defense Council, 7—28—10, http://switchboard.nrdc.org/blogs/dlashof/coulda_shoulda_woulda_lessons.html

Lesson 2: Political capital is not necessarily a renewable resource. Perhaps the most fateful decision the Obama administration made early on was to move healthcare reform before energy and climate legislation. I'm sure this seemed like a good idea at the time. Healthcare reform was popular, was seen as an issue that the public cared about on a personal level, and was expected to unite Democrats from all regions. White House officials and Congressional leaders reassured environmentalists with their theory that success breeds success. A quick victory on healthcare reform would renew Obama's political capital, some of which had to be spent early on to push the economic stimulus bill through Congress with no Republican help. Healthcare reform was eventually enacted, but only after an exhausting battle that eroded public support, drained political capital and created the Tea Party movement. Public support for healthcare reform is slowly rebounding as some of the early benefits kick in and people realize that the forecasted Armageddon is not happening. But this is occurring too slowly to rebuild Obama's political capital in time to help push climate legislation across the finish line.

Links: AT: Done by Executive Agency/Not Obama

(--) The President takes blame for actions they personally did not take—it is assumed the president is responsible for virtually everything:

Dennis M. Simon, 2007* (Professor of Political Science @ SMU, “Public Expectations of the President,” faculty.smu.edu/dsimon/AMPres07Up/SimonExpectations.doc *based on the URL and the fact that no footnote is after 2007, we believe this is the accurate date of this article –RG)

The Consequences of Performance-Based Expectations. Broadly speaking, there are three types of consequences associated with these expectations. First, performance-based expectations help us understand fluctuations in public support for presidents, both within and across administrations. Essentially, **presidents are held accountable for a broad range of events and conditions in the real world** (Gronke and Newman 2003). **As economic manager, presidents are expected to insure prosperity and are held accountable for the state of the economy; as foreign policy leaders, presidents are expected to maintain peace and national security;** as domestic policy initiators, **presidents are expected to be innovators who formulate an agenda and effectively act to secure its passage and implementation** (Ostrom and Simon, 1985; Edwards, 1983). In addition to the image-based expectation of honesty, **presidents are also expected to maintain integrity or probity within their administrations** (Newman 2003; 2002).

(--) More evidence, the President gets blame for everything:

Dennis M. Simon, 2007* (Professor of Political Science @ SMU, “Public Expectations of the President,” faculty.smu.edu/dsimon/AMPres07Up/SimonExpectations.doc *based on the URL and the fact that no footnote is after 2007, we believe this is the accurate date of this article –RG)

In effect, performance-based expectations establish a basic rule of the game – **presidents are blamed for bad outcomes. Recessions, prolonged military conflict, scandals and other adverse events exact a toll on the president’s approval rating, his future effectiveness,** and the electoral fortunes of his party (e.g., Jacobson 2004, 151-206; Simon, Ostrom, and Marra 1991). Herein lays the trap of the textbook presidency. In the face of adverse outcomes and events in the real world, **these expectations lead to a conclusion that a president did not exercise his authority and power in a competent manner** (Peffley 1989). **Seldom is the question raised as to whether presidents have, in fact, sufficient power and authority to meet these expectations.** One prominent example is the expectation of prosperity that flows from the president’s role of economic manager. A realistic view of the office would emphasize that presidential influence over fiscal policy is restricted by the power of the purse granted to congress and that, on matters of monetary policy, the Federal Reserve Board is a regulatory agency independent of the executive branch. In fact, recent case studies demonstrate that the Federal Reserve Board is more likely to influence presidential economic policy than vice versa (Woodward 2000; 1994).

(--) The president will get the blame for executive agency actions—people overestimate the actual governmental responsibility of the president:

Michael A. Fitts, 1996 (Professor of Law, University of Pennsylvania Law School). University of Pennsylvania Law Review. January 1996, 144 U. Pa. L. Rev. 827, "THE PARADOX OF POWER IN THE MODERN STATE: WHY A UNITARY, CENTRALIZED PRESIDENCY MAY NOT EXHIBIT EFFECTIVE OR LEGITIMATE LEADERSHIP"

This Article takes issue with some important elements of this analysis. I argue that the structural changes that appear to enhance the power of the president under public choice approaches and unitary executive principles can, at the same time, actually undermine the president's reputation, his ability to resolve conflicts, and ultimately, his political strength. As a result, formal attempts to strengthen the presidency may have "diminishing marginal returns" and perhaps even negative effects, at least in some contexts. The reasons are complicated but straightforward: the individuality, centrality, and visibility of the "personal unitary presidency," which is seen as an advantage in terms of collective choice and public debate, can be a disadvantage when it comes to conflict resolution and public assessment. By using the term "mediating conflict," I refer to the way in which a political leader or institution overcomes the social and political costs of resolving distributional and symbolic disputes. Due to his singularity and enhanced visibility, a unitary, centralized president may be less able to mediate many of these conflicts. At the same time, he[sic/she] may be politically evaluated more often under personal (rather than institutional) criteria and subjected to an overassessment of government responsibility and error. This combination of effects can undermine not only the popularity and perceived competence - what I will call "legitimacy" - of the person who holds the office, but indirectly, the president's political influence as well. What the institution of the presidency seems to gain in strategic power from its centralization in a single visible individual, it may lose, at least in some contexts, as a result of the normative political standards applied to individuals.

(--) PRESIDENCY IS THE FOCAL POINT OF POLITICS – PRESIDENT GETS THE CREDIT OR THE BLAME, DESERVED OR NOT

Rosati 4. [Jerel A., University of South Carolina Government and International Studies professor THE POLITICS OF UNITED STATES FOREIGN POLICY, 2004, p. 80]

Given the popular image of presidential power, presidents receive credit when things are perceived as going well and are blamed when things go badly. Unfortunately, American politics and the policy process are incredibly complex and beyond considerable presidential control. With so many complex issues and problems to address – the debt problem, the economy, energy, welfare, education, the environment, foreign policy – this is a very demanding time to be president. As long as presidential promises and public expectations remain high, the president's job becomes virtually an impossible task. Should success occur, given the lack of presidential power, it is probably not by the president's own design. Nonetheless, the president – the person perceived to be the leader of the country – will be rewarded in terms of public prestige, greater power, and reelection (for him or his successor). However, if the president is perceived as unsuccessful – a failure – this results not only in a weakened president but one the

public wants replaced, creating the opportunity to challenge an incumbent president or his heir as presidential nominee.

(--) Obama is the Velcro president – gets the blame for everything:

Nicholas and Hook 10. (Peter and Janet, Staff Writers – LA Times, “Obama the Velcro president”, LA Times, 7-30, <http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3>)

If Ronald Reagan was the classic Teflon president, Barack Obama is made of Velcro. Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become ensnared in blame. Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public. But Obama remains the colossus of his administration — to a point where trouble anywhere in the world is often his to solve. The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape. What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting. Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll. "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations." Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration. Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants. Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole. "I can't suck it up with a straw," he said. But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish. Clinching the Democratic nomination two years ago, Obama described the moment as an epic breakthrough when "we began to provide care for the sick and good jobs to the jobless" and "when the rise of the oceans began to slow and our planet began to heal." Those towering goals remain a long way off. And most people would have preferred to see Obama focus more narrowly on the "good jobs" part of the promise. A recent Gallup poll showed that 53% of the population rated unemployment and the economy as the nation's most important problem. By contrast, only 7% cited healthcare — a single-minded focus of the White House for a full year. At every turn, Obama makes the argument that he has improved lives in concrete ways. Without the steps he took, he says, the economy would be in worse shape and more people

would be out of work. There's evidence to support that. Two economists, Mark Zandi and Alan Blinder, reported recently that without the stimulus and other measures, gross domestic product would be about 6.5% lower. Yet, Americans aren't apt to cheer when something bad doesn't materialize. Unemployment has been rising — from 7.7% when Obama took office, to 9.5%. Last month, more than 2 million homes in the U.S. were in various stages of foreclosure — up from 1.7 million when Obama was sworn in. "Folks just aren't in a mood to hand out gold stars when unemployment is hovering around 10%," said Paul Begala, a Democratic pundit. **Insulating the president** from bad news **has proved impossible**. Other White Houses have tried doing so with more success. Reagan's Cabinet officials often took the blame, shielding the boss. But the Obama administration is about one man. **Obama is the White House's chief spokes[sic person]man, policy pitchman, fundraiser and negotiator. No Cabinet secretary has emerged as an adequate surrogate**. Treasury Secretary Timothy F. Geithner is seen as a tepid public speaker; Energy Secretary Steven Chu is prone to long, wonky digressions and has rarely gone before the cameras during an oil spill crisis that he is working to end. So, more falls to Obama, reinforcing the Velcro effect: **Everything sticks to him**. He has opined on virtually everything in the hundreds of public statements he has made: nuclear arms treaties, basketball star LeBron James' career plans; Chelsea Clinton's wedding. Few audiences are off-limits. On Wednesday, he taped a spot on ABC's "The View," drawing a rebuke from Democratic Pennsylvania Gov. Edward G. Rendell, who deemed the appearance unworthy of the presidency during tough times. "Stylistically he creates some of those problems," Eddie Mahe, a Republican political strategist, said in an interview. "His favorite pronoun is 'I.' **When you position yourself as being all things to all people**, the ultimate controller and decision maker with the capacity to fix anything, **you set yourself up to be blamed** when it doesn't get fixed or things happen." A new White House strategy is to forgo talk of big policy changes that are easy to ridicule. Instead, aides want to market policies as more digestible pieces. So, rather than tout the healthcare package as a whole, advisors will talk about smaller parts that may be more appealing and understandable — such as barring insurers from denying coverage based on preexisting conditions. But at this stage, **it may be late in the game to downsize** either **the president** or his agenda. Sen. Richard J. Durbin (D-Ill.) said: "The man came in promising change. He has a higher profile than some presidents because of his youth, his race and the way he came to the White House with the message he brought in. **It's naive to believe he can step back and have some Cabinet secretary be the face** of the oil spill. The buck stops with his office."

**(--)
OBAMA WILL GET THE BLAME FOR ALL POLICIES PASSED – THE HILL IS TOO POLARIZED FOR ANY BLAME DEFLECTION.**

Politico 9. [2-13-09 -- <http://www.politico.com/news/stories/0209/18827.html>]

The Washington climate, which led to a party-line vote on the stimulus, has big political implications: It means that Obama will have sole ownership -- whether that means credit or blame -- for all the massive changes in government he envisions over the coming year.

**(--)
PRESIDENTS ARE THE FOCAL POINT OF POLITICS – THEY GET THE CREDIT/BLAME.**

CNN, 2002 Late Edition with Wolf Blitzer 4/28/02

Bruce Morton, Cnn Correspondent: **Networks will often air whatever the president says, even if he's praising the Easter Bunny.** Blitzer: Competing for face time on the cable news networks. Stay with us. Blitzer: Welcome back. Time now for Bruce Morton's essay on the struggle for balanced coverage on the cable networks. Morton: The Democrats have written the three cable news networks -- CNN, Fox and MSNBC -- complaining that the Bush administration gets much more coverage than elected Democrats. They cite CNN, which they say, from January 1 through March 21, aired 157 live events involving the Bush administration, and 7 involving elected Democrats. Fox and MS, they say, did much the same thing. The coverage gap is certainly real, for several reasons. First, since September 11, the U.S. has been at war in Afghanistan, so the president has been an active commander in chief. And covering the war, networks will often air whatever the president says, even if he's praising the Easter Bunny. Plus, the White House press secretary's briefing, the Pentagon's, maybe the State Department's. Why not? It's easy, it's cheap, the cameras are pooled, and in war time, the briefings may make major news. You never know. But **there's a reason for the coverage gap that's older than Mr. Bush's administration. In war or peace, the president is a commanding figure** -- one man to whose politics and character and, nowadays, sex life, endless attention is paid. **Congress is 535 people. What it does is complicated, compromises on budget items done in private, and lacks the drama** of the White House. There's a primetime TV show about a president. None about the Congress. If a small newspaper has one reporter in Washington, he'll cover two things, the local congressional delegation and, on big occasions, the White House. So the complaining Democrats have a point, **but it's worth remembering that coverage of a president, while always intense, isn't always positive. You could ask the Clintons. 9 Presidents will always get more coverage than Congresses. They're sexier. But it won't always be coverage they like.**

Links: Executive Orders

Executive Orders are perceived as bypassing Congress and create great political controversy:

Marybeth P. Ulrich, July 2004, U.S. Army War College Guide to National Security Policy and Strategy, Presidential Leadership and National Security Policymaking

Executive orders have mainly been used in three areas: to combat various forms of discrimination against citizens, to increase White House control over the executive branch, and to maintain secrets. **When Congress perceives that executive orders are taken to bypass Congress on controversial issues, they may elicit great political controversy and be a source of conflict between the two branches. Even the prospect of an executive order being issued can erupt in major political controversy as was the case with President Clinton's proposal to lift the ban on gays serving in the military.**

There was no question that the president had the legitimate authority to issue such an order as Truman had done to integrate the armed forces in 1948, but **the political backlash was so strong in 1993 that Clinton abandoned the idea in order to salvage his domestic agenda before Congress.**

(--) Unpopular XOs have political consequences and spark massive congressional and public backlash:

Risen 2004 [Clay, Managing editor of Democracy: A Journal of Ideas, M.A. from the University of Chicago "The Power of the Pen: The Not-So-Secret Weapon of Congress-wary Presidents" The American Prospect, July 16, http://www.prospect.org/cs/articles?article=the_power_of_the_pen]

The most effective check on executive orders has proven to be political. **When it comes to executive orders, "The president is much more clearly responsible,"** says Dellinger, who was heavily involved in crafting orders under Clinton. "Not only is there no involvement from Congress, but **the president has to personally sign the order."** Clinton's **Grand Staircase-Escalante National Monument executive order** may have helped him win votes, but it also **set off a massive congressional and public backlash.** Right-wing Internet sites bristled with comments about "dictatorial powers," and Republicans warned of an end to civil liberties as we know them. "President Clinton is running roughshod over our Constitution," said then-House Majority Leader Dick Armey. Indeed, **an unpopular executive order can have immediate--and lasting--political consequences.** In 2001, for example, **Bush proposed raising the acceptable number of parts per billion of arsenic in drinking water.** It was a bone he was trying to toss to the mining industry, and it would have overturned Clinton's order lowering the levels. But **the overwhelmingly negative public reaction forced Bush to quickly withdraw his proposal--and it painted him indelibly as an anti-environmental president.**

(--) Executive orders turn the President into a lightning rod

Cooper 97 [Phillip, Professor of Poli Sci @ University of Vermont, Administration and Society, Lexis]

Interestingly enough, **the effort to avoid opposition from Congress or agencies can have the effect of turning the White House itself into a lightning rod. When an administrative agency takes action under its statutory authority and responsibility, its opponents generally focus their conflicts as limited disputes aimed at the agency involved. Where the White House employs an executive order, for example, to shift critical elements of decision**

making from the agencies to the executive office of the president, **the nature of conflict changes and** the focus shifts to 1600 Pennsylvania Avenue or at least to the executive office buildings. The saga of the OIRA battle with Congress under regulatory review orders and the murky status of the Quayle Commission working in concert with OIRA provides a dramatic case in point. The nature and focus of conflict is in some measure affected by the fact that executive orders take administrative action outside the normal rules of administrative law. And although there are tensions in that field of law, the fact is that it has been carefully developed over time with the intention of accommodating the needs of administration and the demands for accountability by agencies filled with unelected administrators who make important decisions having the force of law in the form of rules and administrative adjudications. On one hand, administrative law requires open, orderly, and participative decision processes, but it also creates significant presumptions in favor of administrative agencies. The courts provide legal support in the form of favorable decisions as well as assisting agencies in enforcement through orders enforcing subpoena and other investigative authority while also ordering compliance with agency decisions once the investigations and decision processes are complete. Administrative law also provides a vehicle for integrating administrative decisions having the force of law with the larger body of law and policy. **The use of executive orders to confound or circumvent normal administrative law is counterproductive and ultimately dysfunctional.**

Links: Flip Flops

(-- Flip-flops kill the agenda - it's the most destructive political label in America

Rainey, 8 (6/25/08 (James, Staff @ LA Times, "ON THE MEDIA: Candidates Show Lack of Leadership on Iraq," Daily Herald, http://www.heraldextra.com/component/option,com_contentwire/task/view/id,61544/Itemid,53/)

The Iraq experts I interviewed agreed that **one of the most problematic barriers to a real debate is -- as author and journalist George Packer said -- a culture that has "made flip-flopper the most feared label in American politics."** They could point to another politician, fact averse but stalwart, who took too long to adapt once it became clear Iraq was going sideways. "It seems **in America you are stuck with the position you adopted, even when events change, in order to claim absolute consistency,**" Packer said. "That can't be good."

(-- Flip-flops are politically devastating

The Dallas Morning News, 1 (4/16/2001 (lexis))

A high number of **flip-flops can bleed a president dry,** they added, especially one who campaigned for a "responsibility era" in contrast to the scandal-ridden Clinton era. **"His stock-in-trade more than anything else is, 'This is a guy who keeps his commitments, even when it's painful,' "** said Norman **Ornstein, a resident scholar at the American Enterprise Institute.**

Democrats said the coal companies applied pressure to Bush, forcing a decision they say ignores the threat of global warming. In mocking Bush's prior campaign pledge, many cited the chemical formula for carbon dioxide, CO₂. "The president and his team have really made a 180-degree turn on their position here, suggesting now that CO₂ is somehow A-OK," said Sen. Joe Lieberman, D-Conn., who ran against Bush as the Democratic candidate for vice president. Sen. Hillary Rodham Clinton, D-N.Y., wife of Bush's predecessor, called it "a promise made and a promise broken." "In less than eight weeks in office, President Bush has gone from CO₂ to 'see you later,' " Hillary Clinton said. During a campaign speech in Saginaw, Mich., on Sept. 29, Bush outlined a clean air strategy targeting four pollutants. "With the help of Congress, environmental groups and industry, we will require all power plants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury, and carbon dioxide within a reasonable period of time," Bush said. And since his inauguration, Bush's Environmental Protection Agency chief, Christie Whitman, has publicly backed the carbon dioxide restrictions. But late Tuesday, he sent a letter to Republican senators saying he was still committed to new emission standards on the first three items. "I do not believe, however, that the government should impose on power plants mandatory emissions reductions for carbon dioxide, which is not a 'pollutant' under the Clean Air Act," Bush wrote. Critics said broken promises are especially troublesome for Bush, who promised a more straightforward approach than his predecessor. During an Oct. 26 speech titled "Responsible Leadership," Bush told supporters in Pittsburgh that "in a responsibility era, government should trust the people." "And in a responsibility era, people should also be able to trust their government," Bush said. Ornstein said it may be hard for Bush to make those kind of comments in the future. "Now his opponents are going to jump up and say, 'Oh yeah?' " Ornstein said. "This is going to be used against him." White House aides said they believe most voters will understand the circumstances behind the decision. They cited

a recent Energy Department study saying that capping carbon dioxide emissions would escalate the shift from coal to natural gas for electricity generation, thus boosting prices. "It's better to protect the consumer and avoid worsening the energy crisis," White House spokesman Ari Fleischer said. If Bush has any doubt how much damage a broken promise can do, he needs only to ask his father, President George Bush, who hurt himself by reversing his nationally televised "read my lips, no new taxes" pledge. The younger Bush's carbon dioxide pledge came in an energy policy speech, and most of the attention at the time was devoted to his proposal to drill for oil in an Alaska wildlife refuge. Thomas E. Patterson, a professor of government and the press at the Harvard University's John F. Kennedy School of Government, said the damage done to Bush depends on what happens in the future. He likened broken campaign promises to "razor cuts." "If you only have a few of them, they really can get lost in everything else that's going on," Patterson said. "It's the accumulation of these razor cuts that starts the real bleeding."

(--) FLIP FLOPS KILL THE AGENDA.

Fitts 96 (Michael A., University of Pennsylvania Law Review, January, Lexis)

Centralized and visible power, however, becomes a double-edged sword, once one explores the different ways in which unitariness and visibility can undermine an institution's informal influence, especially its ability to mediate conflict and appear competent. In this context, the visibility and centralization of the presidency can have mixed effects. As a single visible actor in an increasingly complex world, the unitary president can be prone to an overassessment of responsibility and error. He also may be exposed to a normative standard of personal assessment that may conflict with his institutional duties. At the same time, the modern president often does not have at his disposal those bureaucratic institutions that can help mediate or deflect many conflicts. Unlike members of Congress or the agencies, he often must be clear about the tradeoffs he makes. Furthermore, a president who will be held personally accountable for government policy cannot pursue or hold inconsistent positions and values over a long period of time without suffering political repercussions. In short, the centralization and individualization of the presidency can be a source of its power, as its chief proponents and critics accurately have suggested, as well as its political illegitimacy and ultimate weakness.

Links: Focus Links

OBAMA'S AGENDA IS FINITE – FOCUS IS KEY – PLAN DERAILS THE AGENDA.

CSMonitor 9. [March 12 – lexis]

The Obama administration itself has not hidden the fact that it sees a limited window to enact its agenda, almost like a game of "beat the clock." As long as Obama's job approval ratings are comfortably high - currently in the 60s in major polls - he has the political capital to address the pent-up demand for change that is inevitable when the opposition party takes over from an unpopular previous administration. But, there's only so much a White House and Congress can accomplish, given the deliberative nature of the process, and even members of Obama's own party are raising warning flags about the magnitude of the new president's agenda.

PRESIDENTIAL FOCUS IS KEY TO GETTING THE AGENDA – PLAN IS A SURPRISE DERAILING THE AGENDA

GOMES 8. [11-10 Jim, columnist, "A climate plan in peril?" Boston Globe -- http://www.boston.com/lifestyle/green/articles/2008/11/10/a_climate_plan_in_peril/]

A budget out of balance and a populace more worried about the economic present than our atmospheric future does not bode well for global warming emerging as a top-tier issue in the early days of the new administration. An agenda crowded with critical items - an economy in recession, wars in Iraq and Afghanistan, the continuing mortgage meltdown, healthcare - awaits our newly elected leaders. There are only so many priorities that an administration and Congress can focus on, and they will need to make choices on how to use their initial honeymoon period and their finite supply of political capital.

PRESIDENTIAL FOCUS KEY AGENDA – PLAN TRADES OFF.

ANDRES 00. [Gary, president for legislative affairs in the Bush Administration, Presidential Studies Quarterly, September -- lexis]

The constraint of "time" is another trade-off the White House must manage. Members of Congress regularly criticize the White House for only being able to focus on one single issue at a time, a trait common to the White House legislative office that routinely works this way during major legislative battles, focusing its attention to winning a key vote on the House or Senate floor, and disposing of it before moving on to another project. Congress, with its diverse committee system and decentralized power structure, processes a variety of issues simultaneously. A typical legislative day might find two or three key issues on the floor, leadership meetings about the agenda for the following week, and a half a dozen critical markups in committees. Given all the issues Congress can present to the president and the limited number of hours in a day or week, it is critical how the White House prioritizes. The

White House must decide which issues to get involved with and which to ignore or delegate to others within the administration. The resolution of these choices and the trade-offs ultimately shape the White House-congressional agenda.

Focus key to passing the president's agenda.

EDWARDS AND BARRETT 00. [George & Andrew, distinguished professor of political science @ A&M, assistant lecturer/PhD Candidate in political science @ A&M, Polarized Politics: Congress and the President in a Partisan Era, ed Bond and Fleisher p 110]

In addition, the White House wants to ensure that its proposals compete favorably with other proposals on the agenda. If presidents cannot focus Congress's attention on their priority programs, the programs will get lost in the complex and overloaded legislative process. Moreover, presidents and their staff have the time and energy to lobby effectively for only a few bills at a time, and the president's political capital is inevitably limited. As a result, presidents wish to focus on advancing their own initiatives rather than opposing or modifying the proposals of others. Thus, the White House not only wants its initiatives to be on the congressional agenda but also prefers to have fewer congressional initiatives with which it must deal.

Internal Links

IL's: Political Capital Key

(--) Extend our Beauchamp evidence—Obama's political capital is key to staving off Democratic support for the bill.

(--) Obama's political capital is key to block passage of the bill—Democrats are key:

Daniel Pipes, 2/12/2015 (president of the Middle East Forum, "Why the (toothless) Iran sanctions bill matters," <http://www.washingtontimes.com/news/2015/feb/12/daniel-pipes-why-toothless-iran-sanctions-bill-mat/>, Accessed 2/19/2015, rwg)

Nearly all the 54 Republican U.S. Senators will vote in favor of the Kirk-Menendez bill requiring sanctions on Iran if the P5+1 negotiations fail. President Obama has promised to veto it. Now, the Senate is gearing up for a high-drama vote; will Democrats provide the 13 to 15 votes needed for a veto-proof majority? Lost in the shuffle is a little-noticed section of the bill that, if passed, guts it. The "Draft of Nuclear Weapon Free Iran Act of 2015," posted on the website of Sen. Mark Kirk (Republican of Illinois) contains a "Waiver of Sanctions." Designed to win the support of skittish Democrats, it also undermines the bill's goal of forcing Obama's hand in the negotiations. Section 208 bears quotation in full: The President may waive the application of any sanction pursuant to a provision of or amendment made by this title for a 30-day period, and may renew the waiver for additional 30-day periods, if the President, before the waiver or renewal, as the case may be – (1) certifies to the appropriate congressional committees that – (A) the waiver or renewal, as the case may be, is in the national security interest of the United States; (B) the waiver or renewal, as the case may be, is necessary to and likely to result in achieving a long-term comprehensive solution with Iran; and (C) Iran is not making further progress on its nuclear weapons program and is in compliance with all interim agreements with respect to that program; and (2) submits to the appropriate congressional committees a comprehensive report on the status of the negotiations toward a long-term comprehensive solution that includes an assessment of the likelihood of reaching that solution and the time frame anticipated for achieving that solution. What's the point, one might ask, of the pro-sanctions side struggling so hard to attain a veto-proof majority when Obama can negate its provisions at will? Indeed, he has already made statements along the very lines the bill requires, notably in his State of the Union (SOTU) address in January, when he (falsely) claimed that "for the first time in a decade, we've halted the progress of its nuclear program and reduced its stockpile of nuclear material." On the other side, why does the White House expend so much political capital stopping this bill when it could let it pass and then kill it by invoking the waiver?

(--) Obama will prevent Congress from tanking the deal but sustained capital is key

Stephen Collinson, Journalist, "Will Congress kill an Iran nuclear deal?" 11-12-14, CNN, <http://www.cnn.com/2014/11/12/politics/iran-congress/>

Veto Obama would be sure veto any legislation that could threaten the agreement. But Republicans could draw on skeptical Democrats to get closer to a veto proof majority of 67 Senate votes. An official with a prominent pro-Israel policy group in Washington added: "It is not a question of doing the math. The precise change is in the leader's office. That now enables

sanctions legislation to move forward." But other sources doubt that if it really came to it, there would be enough Democrats to challenge the president's veto and risk being accused of trashing a deal the rest of the world has embraced. But they admit the numbers are tightening. Jim Walsh, a research associate at Massachusetts Institute of Technology (MIT), who is an expert on Iranian nuclear diplomacy, predicted a fierce political battle. "There will definitely be a fight. It will be a hard fight, but I think it will be a fight that the president can win because the consequences of failure are high," he said. The White House has already won one skirmish over Iran. Last year, critics sought to derail an interim nuclear deal, but failed largely because Democratic Senate Majority leader Harry Reid blocked sanctions bills. Republican Senate Obama will not have that safety net in the new Republican Senate which convenes in January and backers of an agreement fear even the threat of tougher action. Dylan Williams, director of Government Affairs for J Street, a left-leaning pro-Israel group said new sanctions would "guarantee" a fracturing of the international coalition against Iran. Even if opponents fail to overcome a veto, Congress could still stir up the kind of trouble that could embolden hardline opponents of President Hassan Rouhani who argue Washington can never be trusted to stick to its commitments. And a deal could not survive as "temporary" forever -- eventually Congress would have to act. "It is clear there is a significant problem," said Trita Parsi, founder of the National Iranian American Council, which advocates dialogue between Washington and Tehran. "At the end of the day, the president needs to lift sanctions through Congress in order to make a deal possible." The politics on Iran are getting trickier for Obama by the day. Republicans are outraged at reports last week that he wrote to Iran's Supreme Leader Ali Khamenei, days before the Ayatollah issued a barrage of tweets slamming the "barbaric, wolflike and infanticidal regime" in Israel. Meanwhile, a report by the UN's nuclear watchdog body last week suggested Tehran may have violated an interim nuclear deal by feeding natural uranium gas into one of its centrifuges. Iran was also accused of blocking existing inspections to its nuclear plants. Political hardball The White House has already shown it is ready to play political hardball over Iran, warning last year that anyone who opposes the deal is effectively backing a march to war with Iran. Obama is also at odds over Iran with Israeli Prime minister Benjamin Netanyahu, who views the prospect of an Iranian bomb as an existential threat to the Jewish state. Netanyahu warned in a video address to Jewish Federations leaders on Tuesday that it was obvious Iran wanted to remove sanctions and it should be "equally obvious" that it is not prepared to dismantle its nuclear program in return. The White House argues Israel's demand for a complete dismantling of Iran's nuclear infrastructure is impractical. Instead, it wants the deal between the permanent five members of the UN Security Council, Germany and Iran to lengthen the period of time it would take Tehran to dash towards a bomb. "We will not let Iran get a nuclear weapon. Period. We mean it," Vice President Joe Biden said in Washington Monday as negotiators from Iran, the US and Europe toiled in Oman to bridge gaps on a deal ahead of a final round of talks in Vienna next week. Several key players could determine how the row over an Iran deal plays out on Capitol Hill. Incoming Senate Foreign Relations Committee Chairman Bob Corker, R-Tennessee, has voiced skepticism about Obama's Iran diplomacy but has been more pragmatic than other critics on sanctions.

(--) Other issues will trade-off with Obama's ability to persuade Democrats on Iran.

Zach Beauchamp, (B.A.s in Philosophy and Political Science from Brown University) Nov. 6, 2014. Retrieved Apr. 29, 2015 from <http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress>

This could be one of the biggest fights of Obama's last term. It's true that Obama could veto any Congressional efforts to blow up an Iran deal with sanctions. But a two-thirds vote could override any veto — and, according to Sofer, an override is entirely within the realm of possibility. "There are plenty of Democrats that will probably side with Republicans if they try to push a harder line on Iran," Sofer says. For a variety of reasons, including deep skepticism of Iran's intentions and strong Democratic support for Israel, whose government opposes the negotiations, Congressional Democrats are not as open to making a deal with Iran as Obama is. Many will likely defect to the GOP side out of principle. The real fight, Sofer says, will be among the Democrats — those who are willing to take the administration's side in theory, but don't necessarily think a deal with Iran is legislative priority number one, and maybe don't want to open themselves up to the political risk. These Democrats "can make it harder: you can filibuster, if you're Obama you can veto — you can make it impossible for a full bill to be passed out of Congress on Iran," Sofer says. But it'd be a really tough battle, one that would consume a lot of energy and lobbying effort that Democrats might prefer to spend pushing on other issues.

Presidential weakness allows Congress to impose veto proof majority on sanctions:

Lawrence J. Haas, 12/16/2014 (senior fellow at the American Foreign Policy Council, "The Last Line of Defense," <http://www.usnews.com/opinion/blogs/world-report/2014/12/16/congress-is-last-line-of-defense-against-obamas-bad-iran-nuclear-deal>, Accessed 1/2/2015, rwg)

In the weeks to come, look for Congress to seriously consider imposing a strict deadline for the talks, establishing "sanctions-in-waiting" that would take effect if talks collapse, limiting Obama's authority to lift sanctions, and forcing the administration to bring a final deal to Congress for approval. In an environment of presidential weakness and congressional skepticism, Obama may even be hard-pressed to prevent Congress from adopting such legislation with veto-proof majorities in both chambers.

Obama is aggressively lobbying against sanctions:

Kara Rowland, 1/29/2015 (staff writer, "Senate panel approves Iran sanctions bill, Dems prepare to hit pause," <http://www.foxnews.com/politics/2015/01/29/senate-panel-poised-to-vote-on-iran-sanctions-bill-as-dems-prepare-to-hit-pause/>, Accessed 1/30/2015, rwg)

Sens. Bob Menendez, D-N.J., and Chuck Schumer, D-N.Y., both of whom signed onto the letter, voted for the sanctions bill in committee Thursday so the measure would be on the floor and ready for consideration if talks fail. The administration, which has aggressively lobbied against even conditional sanctions, says the threat alone of further action is enough to keep Iran at the table.

(--) It requires political capital to stave off Congress – otherwise the deal collapses

Winsor, 10/2/14 (Ben, "A Coalition Is Working Furiously Behind The Scenes To Support Obama's Iran Talks," <http://www.businessinsider.com/rag-tag-iran-coalition-backing-diplomacy-2014-10>, JMP)

Since November 2013, the Obama administration has engaged with Iran in tense, drawn-out nuclear negotiations which optimists hope could bring an end to decades of hostility and mistrust. Throughout it all, Congress has threatened to play the spoiler, with a tough sanctions bill passing the House and looming in the Senate which would almost certainly scuttle the fragile talks over the Iranian nuclear program. Now, as the deadline for the end of the talks approaches, a coalition of legislators, advocacy groups, and White House officials are working to hold Congress back from the brink of thwarting what they see as a historic window of opportunity. They're fighting against legislators and conservative groups like The Heritage Foundation and The Free Enterprise Institute who are pushing for the US to take a hawkish stance. Legislators, led by Minnesota Congressman Keith Ellison, have been maneuvering quietly behind the scenes in Congress to keep the talks alive. At the same time, officials from the White House have been leaning heavily on Senate Democrats to refrain from bringing a sanctions bill to the floor. On the outside, a diverse range of pro-diplomacy groups, led by organisations like the National Iranian American Council (NIAC) and the liberal Jewish organization J Street, have found a common cause and rallied together to lobby for restraint. Even the Quakers are energized. "This is a do-or-die moment, either we succeed, or we go in a much more negative direction," said NIAC co-founder Trita Parsi at the group's annual conference last weekend. Parsi sees the negotiations as a historic moment during a narrow window of opportunity. Presidents on both sides have sunk significant time and energy into the talks and Parsi believes the current leadership in both countries is more likely to make a deal than those who came before — or might come after. "The next president, whatever political party they're in, is not going to spend precious political capital battling Congress... [Obama] is the guy," Parsi said. Supporters fear that failure of the talks could trigger increased sanctions, the rise of hardliners in Iran, and relations spiraling toward military confrontation.

(--) Obama convincing congress to hold off on sanctions

Klapper & Lee, 12/5/14 (Bradley & Matthew, "In selling job to Congress, US officials list nuclear concessions they say Iran has made,"

<http://www.usnews.com/news/politics/articles/2014/12/05/us-officials-list-irans-concessions-in-nuke-talks>, JMP)

WASHINGTON (AP) — The Obama administration is telling members of Congress it has won significant concessions from Iran for extending nuclear talks, including promises by the Islamic republic to allow snap inspections of its facilities and to neutralize much of its remaining uranium stockpile. Those terms are included in a document that U.S. officials say represents the terms for a seven-month extension in nuclear negotiations between world powers and Iran, agreed to when the last deadline of Nov. 24 passed without an accord. A copy was obtained by The Associated Press. The authenticity of the document was confirmed by three U.S. officials and congressional aides familiar with closed-doors discussions in recent days that have included top U.S. nuclear negotiator Wendy Sherman and Jake Sullivan, formerly Vice President Joe Biden's national security adviser. The officials have been presenting the Iranian concessions to lawmakers in the hopes of convincing them to support the extension and hold off on new economic sanctions that could derail the diplomatic effort. There is no proof Tehran has agreed to or will follow through on the steps outlined, and negotiators representing world powers and Iran offered few specifics on their progress when they agreed to extend negotiations until July.

No signed agreement emerged from that understanding, but administration officials say Iran accepted important limits on its nuclear program in the discussions last month. The officials weren't authorized to speak publicly on the sensitive negotiations and insisted on anonymity. The U.S. says Iran will further limit its development of new technology for enriching uranium that could be used for energy generation, as Tehran says is its objective, or for use in a nuclear warhead, which Washington and its international partners fear may be Iran's ultimate intent. It also seems to patch up what critics of last year's interim nuclear agreement described as loopholes on Iran's research and development of advanced centrifuges. For one centrifuge model Iran has been working on, the U.S. says Tehran won't be able to pursue the industrial-scale operation needed for any "breakout" effort toward producing enough material for a nuclear weapon. For other models in the pipeline, Iran won't be permitted to feed the centrifuges with uranium gas or begin testing on a cascade level, which are needed steps in their development. Iran also has agreed to turn 35 kilograms of higher-enriched uranium oxide stocks into fuel, making it unusable in the event Iran tries to secretly reach nuclear weapons capacity. That amounts for almost half of Iran's remaining stockpile of material that could in theory be converted into a form that is close to weapons-grade uranium. In addition, the administration says Iran will grant international inspectors expanded access to its centrifuge production facilities, allowing the U.N. nuclear agency to double the amount of visits it makes to sites and to undertake unannounced or "snap" inspections. The monitoring aims to deter Iran from producing centrifuges for any covert facility. Lastly, Iran will refrain from any other forms of enrichment, including through the use of laser technology. Last year's agreement halted Iran's progress on its gas centrifuge program, but U.S. officials feared the Iranians could experiment with other technology designed to do the same thing. Iran has attempted laser enrichment in the past, the U.S. believes, but now has committed to refrain from exploring it any further. It's unclear how Congress is receiving the message. Many **lawmakers are decrying the stalemate** in negotiations and what they perceive as wide concessions by the U.S. and its partners for few steps by Iran to dismantle its nuclear program. **Several** Democrats and Republicans in the Senate **are threatening new sanctions** designed to pressure Iran into caving in the nuclear talks. The House voted overwhelmingly for new sanctions 17 months ago. However, President Barack **Obama has threatened to veto any new sanctions legislation** while American diplomats continue their push for an accord that would set multiyear limits on Iran's nuclear progress in exchange for an easing of the international sanctions that have crippled the Iranian economy. Senate **hawks are still trying to build a veto-proof majority of 67 votes** with Republicans set to assume the majority next month.

(--) PC Key

Goldsmith 10/21/14 (Jack, Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws, "Some Implications of President Obama's Plans to Sidestep Congress on Iranian Sanctions," <http://www.lawfareblog.com/2014/10/some-implications-of-president-obamas-plans-to-sidestep-congress-on-iranian-sanctions/>)

There are many different statutory sanctions against Iran, and **Congress's most recent word** – from 2012 – **tightens and narrows the President's authority to waive the sanctions**. Without

getting into the details, it nonetheless appears that the President can waive most if not all sanctions against Iran for the remaining two years of his term if he is willing to make the requisite findings. **If he does so**, what are the implications for any nuclear deal with Iran? Answer: **The deal will be tenuous**. The fact that the President does not think he can get Congress on board for any deal with Iran signals to Iran that any deal would be with the President alone, and would last only as long as his waiver authority – i.e. two more years. The deal could last longer, as it did with the last major unilateral presidential deal with Iran, the 1981 Algiers Accords that effectuated the release of the hostages. In the transition between the Carter and Reagan administrations in January 1981 some in Congress and the press questioned whether President Reagan should honor the deal that Carter struck with Iran through Algerian intermediaries. President Reagan did honor it, of course, and the courts upheld his and Carter's actions. But the situation with Iran today is different than 1981. Among other differences, (1) Congress appears more skeptical of this deal-to-be than it did of the deal in 1981, (2) President Reagan and Congress faced powerful financial incentives to stand by the deal struck by President Carter (namely, the ability of American firms to recover property expropriated by Iran) that are not present in the current negotiation, and (3) Congress's consent is probably necessary to make any deal now with Iran work over the medium term in a way that it was not necessary to make the deal work in 1981. The bottom line, then, is that **any deal struck by President Obama with Iran will probably appear to the Iranians to be**, at best, **short-term and tenuous**. And so **we can probably expect**, at best, **only a short-term and tenuous commitment from Iran in return**. Here we can see the underappreciated benefits that accrue when the President succeeds in winning congressional approval for a foreign policy deal (whether it is a treaty, a congressional-executive agreement, or something short of those things). **To win such approval the President must expend political capital and convince** the American people and its representatives about the value of the deal. The expenditure of presidential capital signals the importance of the deal to the President. **If he succeeds in winning approval from Congress, that approval credibly conveys that the nation**, as opposed to a particular president, **is behind the deal**. **The negotiating partner thus receives** meaningful information about the depth of the United States' (as opposed to the President's) commitment, which makes possible (but does not guarantee) **a deeper and more meaningful commitment** by the negotiating partner. Vladimir Putin understood this when he rejected President Bush's handshake deal on nuclear weapons reduction and insisted instead on ratification of what became the Treaty of Moscow, which significantly cut U.S. and American nuclear weapons arsenals.

(--) Iran negotiations will succeed now – Obama's PC is key to prevent Congress from derailing them.

Hassibi, Non-Resident Fellow with the Nuclear Security Working Group and a doctoral candidate with the Research Group in International Politics at the University of Antwerp, 10-20-14 (Navid, "On Iran: Congress, Please Step Aside," <http://nationalinterest.org/feature/iran-congress-please-step-aside-11497?page=show>, accessed 10-20-14, CMM)

While Secretary of State John **Kerry**, Foreign Minister Mohammad Javad **Zarif** and High Representative Catherine **Ashton** gathered last week **to kick-start** a new round of **negotiations** between the so-called P5+1 and Iran in efforts to meet a looming November 24 deadline to reach a comprehensive nuclear agreement, **one** particular **actor has been** implicitly **threatening**

to sabotage the entire process—the U.S. Congress. Considering Congress’s dismal approval ratings, and polls indicating that a large majority of Americans favor making a nuclear deal with Iran, Congress is hardly representing the majority of the American people on the issue of a nuclear deal with Iran and is towing a tough line seemingly intent on derailing any prospective breakthrough on the nuclear issue. Earlier this month, over 350 members of the U.S. House of Representatives signed and sent a letter to Secretary Kerry expressing concern over Iran’s missed deadline for the International Atomic Energy Agency’s (IAEA) investigation into prior possible military dimensions (PMD) to Iran’s nuclear program. Essentially, the letter asserts that information on PMD is necessary to assess Iran’s current and future nuclear activity, which, as duly noted by Paul Pillar in the National Interest, is an assertion that lacks logic and is an issue likely being pursued by congressional opponents of a nuclear agreement, precisely because it will be a “deal killer”. This is but the most recent example of some lawmakers on Capitol Hill trying to derail a nuclear agreement with Iran. Some legislators have suggested terms for the comprehensive agreement with which Iran would find impossible to agree, such as the complete dismantlement of its uranium-enrichment program. Indeed, both chambers of Congress have repeatedly moved to undermine the negotiating process with tough Netanyahu-like rhetoric since negotiations with Iran under the Rouhani era began over a year ago. The Obama administration has thus far been successful at pushing back against congressional derailment efforts. The White House successfully thwarted congressional efforts earlier this year at enacting additional sanctions that would have been in contrary to the terms of the interim Joint Plan of Action (JPOA) signed last November. However, it seems that some in Congress have resumed their pursuit of additional measures against Iran. This past summer, Senate Republicans Bob Corker, Lindsey Graham, John McCain and Marco Rubio introduced the Iran Nuclear Negotiations Act of 2014 that would require the White House to submit any agreement for Senate review. Also this summer, Senators Marco Rubio and Mark Kirk tabled the Iran Human Rights Accountability Act of 2014 into the Senate, which would impose additional sanctions on Iran, among other things. The Obama administration is thus far relying on Senate Democrats to block attempts by the Republicans to act on Iran. To satisfy the inclination toward sanctions by some lawmakers and other opponents of a nuclear deal, the administration has adopted additional restrictive measures within existing sanctions legislation; an act that is not within the spirit of the JPOA but well within its legal framework. Unfortunately for supporters of a nuclear deal, Capitol Hill’s role in the entire process is critical, particularly as it relates to sanctions relief. Since the mid-1990s, Congress has legislated seven acts targeting Iran’s energy, financial and trade sectors. Many of these sanctions can be temporarily waived by the president for a period of 180 days to a year, depending on the statute. The president cannot remove sanctions passed by Congress through an executive order. The repeal or amendment of the congressionally enacted sanction must follow the same legislative process all bills must undergo to be passed and signed into law. While sanctions relief within a mutually agreed timeline will surely be part of a comprehensive agreement, should the president fail to convince Congress to repeal legislated sanctions against Iran, the president will likely rely on the semi-annual renewal of waivers. Although this might not be attractive to Iranian negotiators due to uncertainties surrounding future U.S. presidents and their willingness to waive sanctions, the United States can provide assurances that it will honor its commitment to provide sanctions relief by including such language in a United Nations Security Council resolution codifying the terms of the

comprehensive agreement, mandating the United States, the other members of the P5+1 and UN members at large not to adopt sanctions against Iran, so long as Tehran remains compliant, with validation from the IAEA, with the terms of the comprehensive agreement. This will provide future U.S. presidents the legal impetus and authority to continue providing waivers to legislated sanctions or risk violating international law and face possible legal recourse. Of course, Congress can pass a bill barring the president from providing waivers and override the presidential veto that would likely follow with two-thirds majority of each house, but such a scenario is uncommon and has not occurred since President George W. Bush's final two years in office. To be safe, the president will need the help of Congress if a comprehensive agreement is reached to repeal sanctions. In this regard, Democrats must retain a majority in the Senate to continue blocking derailment efforts by Iran hawks. The White House can also opt to negotiate with a hostile Republican leadership, although this would seem unlikely given indications suggesting the president's lack of appetite in doing so. Alternatively, President Obama can lambast legislators much like he did last fall/winter when lawmakers tried to pass additional sanctions after the JPOA was signed. The Obama administration significantly lobbied Congress by sending delegations led by Vice President Joe Biden and Secretary Kerry, and also invited committee staffers and legislators to the White House for special briefings. This was done in concert with public statements by the president and others in the administration who opposed further sanctions. To be sure, the upcoming midterm elections could be telling in how the Obama administration chooses to engage Congress on Iran, particularly if Republicans win a majority in the Senate. Nevertheless, a historic opportunity exists for the United States, the other members of the P5+1 and Iran to peacefully resolve the long-standing nuclear dispute, potentially opening the door to cooperation on other regional issues and a new era of relations with Iran. To this end, Congress must work to be part of the solution, not the problem.

(--) Obama is holding off a Congressional vote – that's key to sustaining negotiations

SANGER, NYT, 10-19-14 (David, "Obama Sees an Iran Deal That Could Avoid Congress," <http://www.nytimes.com/2014/10/20/us/fear-of-ebola-closes-schools-and-shapes-politics.html?rref=politics&module=ArrowsNav&contentCollection=Politics&action=swipe®ion=FixedRight&pgtype=article>, accessed 10-20-14, CMM)

No one knows if the Obama administration will manage in the next five weeks to strike what many in the White House consider the most important foreign policy deal of his presidency: an accord with Iran that would forestall its ability to make a nuclear weapon. But the White House has made one significant decision: If agreement is reached, President Obama will do everything in his power to avoid letting Congress vote on it. Even while negotiators argue over the number of centrifuges Iran would be allowed to spin and where inspectors could roam, the Iranians have signaled that they would accept, at least temporarily, a "suspension" of the stringent sanctions that have drastically cut their oil revenues and terminated their banking relationships with the West, according to American and Iranian officials. The Treasury Department, in a detailed study it declined to make public, has concluded Mr. Obama has the authority to suspend the vast majority of those sanctions without seeking a vote by Congress, officials say. But Mr. Obama cannot permanently terminate those sanctions. Only Congress can take that step. And even if Democrats held on to the Senate next month, Mr. Obama's advisers have concluded they would

probably lose such a vote. “We wouldn’t seek congressional legislation in any comprehensive agreement for years,” one senior official said. White House officials say Congress should not be surprised by this plan. They point to testimony earlier this year when top negotiators argued that the best way to assure that Iran complies with its obligations is a step-by-step suspension of sanctions — with the implicit understanding that the president could turn them back on as fast as he turned them off. “We have been clear that initially there would be suspension of any of the U.S. and international sanctions regime, and that the lifting of sanctions will only come when the I.A.E.A. verifies that Iran has met serious and substantive benchmarks,” Bernadette Meehan, the spokeswoman for the National Security Council, said Friday, referring to the International Atomic Energy Agency. “We must be confident that Iran’s compliance is real and sustainable over a period of time.” But many members of Congress see the plan as an effort by the administration to freeze them out, a view shared by some Israeli officials who see a congressional vote as the best way to constrain the kind of deal that Mr. Obama might strike. Ms. Meehan says there “is a role for Congress in our Iran policy,” but members of Congress want a role larger than consultation and advice. An agreement between Iran and the countries it is negotiating with — the United States, Britain, France, Germany, Russia and China — would not be a formal treaty, and thus would not require a two-thirds vote of the Senate. The chairman of the Senate Foreign Relations Committee, Senator Robert Menendez, the New Jersey Democrat, said over the weekend that, “If a potential deal does not substantially and effectively dismantle Iran’s illicit nuclear weapons program, I expect Congress will respond. An agreement cannot allow Iran to be a threshold nuclear state.” He has sponsored legislation to tighten sanctions if no agreement is reached by Nov. 24. A leading Republican critic of the negotiations, Senator Mark S. Kirk of Illinois, added, “Congress will not permit the president to unilaterally unravel Iran sanctions that passed the Senate in a 99 to 0 vote,” a reference to the vote in 2010 that imposed what have become the toughest set of sanctions. Such declarations have the Obama administration concerned. And they are a reminder that for a deal to be struck with Iran, Mr. Obama must navigate not one negotiation, but three. The first is between Mr. Obama’s negotiators and the team led by Mohammad Javad Zarif, the savvy Iranian foreign minister. The second is between Mr. Zarif and forces in Tehran that see no advantage in striking a deal, led by many in the Iranian Revolutionary Guard Corps and many of the mullahs. The critical player in that effort is Ayatollah Ali Khamenei, who has reissued specific benchmarks for an accord, including Iran’s eventual expansion of its uranium enrichment program by nearly tenfold. And the third is between Mr. Obama and Congress. Mr. Zarif, in an interview last summer, said that Mr. Obama “has a harder job” convincing Congress than he will have selling a deal in Tehran. That may be bluster, but it may not be entirely wrong. Many of the details of the negotiations remain cloaked. The lead negotiator, Wendy Sherman, the under secretary of state for political affairs and a leading candidate to become the State Department’s No. 2 official next month, struck a deal with congressional leaders that enables her to avoid public testimony when the negotiations are underway. Instead, she conducts classified briefings for the key congressional committees. But it is clear that along with the fate of Iran’s biggest nuclear sites — Natanz and Fordow, where uranium fuel is enriched, and a heavy-water reactor at Arak that many fear will be able to produce weapons-grade plutonium — the negotiations have focused intently on how sanctions would be suspended. To the Americans, the sanctions are their greatest leverage. For many ordinary Iranians, they are what this negotiation is all about: a chance to boost the

economy, reconnect with the world and end Iran's status as a pariah state. For that reason, many think Mr. Obama's best option is to keep the negotiations going if a deal is not reached by the deadline, a possibility both Iranian and Russian officials have floated. "Between now and 2017 Obama's goal is to avert an Iranian bomb and avert bombing Iran," said Karim Sadjadpour of the Carnegie Endowment for International Peace. "If Congress feels obliged to pass additional sanctions, the best way to do it would be to create a deterrent — basically to say if you recommence activities Iran has halted, here are new sanctions." But Mr. Obama is feeling pressure as well. Some cracks are appearing in the sanctions regime. In the spring, the administration was alarmed to see a spike in Chinese purchases of Iranian oil, seeming to undercut the sanctions. More recently the figures have declined again. Nonetheless they are the subject of behind-the-scenes talks between American and Chinese officials. And the Iranians want far more than a suspension of American-led sanctions: They are also pressing for an end to United Nations Security Council resolutions that bar "dual use" exports that have civilian uses but also could be used in nuclear and missile programs; those resolutions give the United States and its allies a legal basis for demanding inspections of shipments to Iran that could be part of a covert program.

(--) Obama will successful hold off sanctions and a vote on the deal now

WSJ, 10-14-14 ("Obama, Congress and Iran; The White House denies the Senate a say on a Tehran arms deal.," proquest, accessed 10-19-14, CMM)

Lost in the chaos of the Middle East is that the United States and Iran are fast approaching next month's deadline to strike a deal on Tehran's nuclear program. This has been teed up for years as the crown jewel of President Obama's foreign-policy legacy. On current course, it's more likely to end up as another setback to U.S. security. President Obama's insistence on consulting largely with himself on the world's most complex issues is well known. Most troublesome for the outcome with Iran is his rejection of needed support from Congress. The Administration is currently leaning on Democrats in the Senate to block an attempt by Republicans to give Congress a say on any Iran accord. In late July, Bob Corker, Lindsey Graham, Marco Rubio and John McCain--the GOP's strongest voices on foreign policy--introduced the "Iran Nuclear Negotiations Act of 2014." The bill compels the Administration to submit any agreement for Senate review within three days of completion. If Iran walks away from the table without a deal, the sanctions waived last November would be immediately reimposed. The bill also puts in place a quick mechanism to reimpose sanctions in case Iran cheats on a deal. Both provisions are sensible safeguards. Unlike previous sanctions legislation, this effort has failed to get a single Democratic co-sponsor. New Jersey Sen. Robert Menendez, the otherwise hawkish Chairman of the Foreign Relations Committee, has refused to mark up the bill. Democratic skeptics on Iran say they're holding their political powder to look closely at a final agreement. But by then the White House will be turning up the heat on Democrats to support what Mr. Obama will portray as his signature diplomatic achievement. In his first Inaugural address, President Obama extended a hand to Tehran's mullahs, and the interim nuclear deal struck last November was the first concrete step toward that goal. Iran froze work on advanced centrifuges, and the U.S. and European Union rolled back some economic sanctions. The two sides were supposed to strike a final agreement by July but extended talks to Nov. 24. Throughout the negotiations, however, the Obama Administration has gone out of its way to weaken the U.S. negotiating

hand. Earlier this year, the White House twisted arms in the Senate to abandon a bipartisan bill, co-sponsored by 60 of the chamber's 100 legislators, that put in place stronger sanctions against Iran in case those talks failed. Despite Mr. Obama's opposition, the Senate had led the push to hit Iran's economy harder, forcing the regime to the table. Noting Iran's opposition to this year's sanctions bill, Administration officials said they wanted to send a goodwill gesture to Tehran. As the summer deadline extension showed, the Iranians offered nothing in return.

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Obama's lobbying is key to turn the tide against the bill:**

Dmitriy Shapiro, 2/11/2014 ("Behind-the-scenes dealings may undermine Iran sanctions effort," <http://www.jns.org/latest-articles/2014/2/11/behind-the-scenes-dealings-may-undermine-iran-sanctions-effort#.UwZhXM51DJU>, Accessed 2/21/2014, rwg)

As it stands right now, legislative action on the matter is in the Senate in the form of the Mendendez-Kirk bill, S. 1881. Last month, the Obama administration began lobbying the bipartisan bill's Democratic sponsor, efforts which appear to have successfully turned the tide in the White House's favor.

**(--)
Pressure from the White House is key to getting members of Congress to back off the measure:**

Elad Benari, 2/7/2014 (staff writer, "AIPAC Backs Down from Support of New Iran Sanctions,"

<http://www.israelnationalnews.com/News/News.aspx/177217#.UwZhFM51DJU>, Accessed 2/21/2014, rwg)

The new sanctions bill has been gaining momentum in Congress in recent weeks. 59 of the 100 senators, including 16 of Obama's fellow Democrats, signed on as co-sponsors to it. The bill would impose new restrictions on Iran if talks on a permanent deal falter. Reid, however, has repeatedly declined to say when it might be voted on.¶ The Huffington Post noted that AIPAC's latest statement shows that it has completely reversed course on the issue. For months, the group had been lobbying lawmakers hard to push the Iran sanctions bill, even launching an attack on one of its biggest allies, Rep. Debbie Wasserman Schultz (D-Fla.), for not supporting it.¶ Only in recent weeks has AIPAC begun backing off in the face of resistance from the White House and key Democratic lawmakers, including Reid, the report noted.

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Obama pressure is key to preventing sanctions against Iran:**

Arshin Adib-Moghaddam, 2/19/2014 (Chair of the Centre for Iranian Studies at the London Middle East Institute, "Renewed Iranian-American Relations Stabilize World Politics," <http://www.payvand.com/news/14/feb/1129.html>, Accessed 2/20/2014, rwg)

Q: Iran and the P5+1 group have reached an agreement on the date for starting the implementation of the Joint Plan of Action, and the plan entered into force as of January 20, 2014. Following this development, the US Congress has stopped efforts aimed to escalate unilateral sanctions against Iran. What goal did the new Congress bill for the escalation of sanctions against Iran was pursuing and what developments have forced its proponents to withdraw from their previous position? Do you think that the US senators will finally give the go-

ahead to the imposition of new sanctions against Iran?¶ A: When it comes to contentious international issues such as Iran or Palestine for that matter, an influential section of the US Congress does not act in independence of Israeli interests. That must be the starting point of the analysis. While there is no inevitability about that dependency, i.e. the US Congress does not automatically yield to the demands of pro-Israeli lobbying organizations, the linkages are salient enough to have an impact on US foreign policies. In the case of Iran, AIPAC and other lobbying groups have been at the forefront of an aggressive campaign to escalate sanctions against Iran and it is well known that they have access to enough congressmen to influence the foreign policy of the government. In this sense they are a part of a “deep state within the US state” which does not necessarily act in accordance with US national interest, but the interest of Israel. This is my disagreement with the Chomskyan analysis of the relationship between Israel and the United States. Chomsky sees Israel as the Trojan Horse of US strategic interests in West Asia and North Africa. For me Israel is a liability to those preferences, a hurdle rather than a facilitator. The Obama administration has to balance the various poles of America’s power structures and so far it has done an excellent job in that regard. The fact that congress has been disciplined is down to his administration and their supporters who made a decisive and persuasive case for diplomacy. This is an important departure from previous administrations. A moment of rare political audacity.

**(--)
Pressure from Obama is key to keeping Democrats from jumping on board the Iran sanctions legislation:**

DONNA CASSATA, 1/21/2014 (staff writer, “Dems signal willingness to wait on Iran sanctions,” http://www.denverpost.com/breakingnews/ci_24957275/senate-dems-divided-over-new-iran-sanctions, Accessed 1/22/2014, rwg)

WASHINGTON—Under pressure from the Obama administration, Senate Democrats who favor a new batch of sanctions on Iran signaled a willingness to hold off on levying penalties to give diplomatic negotiations a chance. Majority Leader Harry Reid, D-Nev., made clear that a vote on a package of penalties pushed by Sens. Bob Menendez, D-N.J., and Mark Kirk, R-Ill., wouldn't occur anytime soon despite a call for a vote from Republican leader Mitch McConnell and a daunting number of backers for the legislation—59. "We're going to wait and see how this plays out," Reid told reporters on Tuesday. Obama has argued that a new round of penalties would derail sensitive talks with Tehran, and Reid ensured no Senate votes late last year during debate on a defense policy bill. The administration has faced a tougher task trying to persuade the growing number of more than a dozen Democrats who have signed onto the Menendez-Kirk legislation.

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Political capital will be key to Obama easing sanctions on Iran:**

Michael Martinez, 9/20/2013 (staff writer, “Iran's president begins 'charm offensive,' but will Obama buy it?” <http://www.cnn.com/2013/09/20/world/us-iran-relations/>, Accessed 10/16/2013, rwg)

To keep hard-liners at bay, Rouhani now must deliver something -- namely, economic relief as Iran strains under global sanctions -- or his critics will prevail as they did against Obama in 2009

when his own venture on U.S.-Iran diplomacy foundered, one analyst said.¶ "Now the roles are reversed: Rouhani needs to strike a deal quickly," said Trita Parsi, president of the National Iranian American Council who's authored "A Single Roll of the Dice: Obama's Diplomacy with Iran."¶ Next week's U.N. General Assembly meeting "could be quite decisive," Parsi said.¶ "That's going to be the moment where the two sides have to invest the political capital needed. Otherwise it will go nowhere. It's going to be costly politically to strike a deal. There's going to be critics on both sides," Parsi said. "There is a need for a huge dose of political will to be injected into the process."¶ But Elliott Abrams, a senior fellow at the Council on Foreign Relations, said Obama shouldn't meet with Rouhani during the U.N. gathering, though shaking hands in a corridor would be appropriate.

(--) Current efforts to stall the bill in the Senate have been successful:

Ali Gharib, 12/18/2013 (a Foreign Policy blog, "Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill,"
http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sanctions, Accessed 1/22/2014, rwg)

Critics of imposing new sanctions fear that the bill will violate either the spirit or the letter of the Joint Plan of Action signed in Geneva. The interim deal allows some flexibility, mandating that "the U.S. administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions." Administration officials have mounted a so-far successful effort to stall new sanctions in the Senate. (The House overwhelmingly passed new sanctions in the summer.) Previous rumors of a bill in the Senate were said to contain a six-month delay that would prevent the legislation from taking effect while talks continued, but this iteration of the legislation doesn't contain that kind of fail-safe. Asked this month by Time what would happen if a bill, even with a delay, passed Congress, Iran's Foreign Minister Javad Zarif said, "The entire deal is dead."

(--) Obama needs to mollify the Democrats to get them to support easing of Iran sanctions:

Warner, 11/14/13 – chief foreign affairs correspondent for PBS (Margaret, "As negotiators ready for Iran talks, Obama asks Congress not to step up pressure" PBS News Hour,

http://www.pbs.org/newshour/bb/world/july-dec13/iran_11-14.html, Accessed 1/22/2014, rwg)

Margaret, behind the scenes, it seem like what is the president is trying to do, as he was with health care today, is mollify the Democrats. MARGARET WARNER: That is one of his main problems, Gwen. There's strong sentiment on the Hill to step up pressure on Iran during these talks. And it's coming not just from Republicans, but from some leading Democrats, like Foreign Affairs Committee Chairman Bob Menendez. The two scenarios are, they would either impose new sanctions, or, as Senator Bob Corker, Republican, wants to do, strip the president of his

ability to waive even existing sanctions under existing law. The administration says, if that happens, President Obama will have nothing left to deal on Geneva next week. His negotiators won't, because even the modest easing they're proposing, that they proposed last week, say, unblocking some funds that is Iranian money held in foreign accounts, he can't do if his hands are tied on the waivers. So that's why you saw a full-court press this week, Vice President Biden, Secretary Kerry up on the Hill in private briefings.

Internals: Congressional Support Key

Congressional support is key to any deal with Iran.

Zach Beauchamp, (B.A.s in Philosophy and Political Science from Brown University) Nov. 6, 2014. Retrieved Apr. 29, 2015 from <http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress>

But if he does reach a deal, and Congress doesn't like the terms, then they'll be able to kill it by passing new sanctions legislation, or preventing Obama from temporarily waiving the ones on the books. And make no mistake — imposing new sanctions or limiting Obama's authority to waive the current ones would kill any deal. If Iran can't expect Obama to follow through on his promises to relax sanctions, it has zero incentive to limit its nuclear program. "If Congress adopts sanctions," Iranian Foreign Minister Javad Zarif told Time last December, "the entire deal is dead."

(--) US failure to abide by the deal collapses international support and the ability to coerce Iran.

Zach Beauchamp, (B.A.s in Philosophy and Political Science from Brown University) Nov. 6, 2014. Retrieved Apr. 29, 2015 from <http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress>

Moreover, it could fracture the international movement to sanction Iran. The United States is far from Iran's biggest trading partner, so it depends on international cooperation in order to ensure the sanctions bite. If it looks like the US won't abide by the terms of a deal, the broad-based international sanctions regime could collapse. Europe, particularly, might decide that going along with the sanctions is no longer worthwhile. "Our ability to coerce Iran is largely based on whether or not the international community thinks that we are the ones that are being constructive and [Iranians] are the ones that being obstructive," Sofer says. "If they don't believe that, then the international sanctions regime falls apart."

Internals: Democrats are Key

Democrats are key:

Kristina Wong, 1/29/2015 (staff writer, "Iran sanctions bill passes Senate panel"
<http://thehill.com/policy/defense/231130-iran-sanctions-bill-passes-senate-panel>, Accessed 1/30/2015, rwg)

"Congress should have the collective patience to wait until the end of June to see whether our negotiators can resolve the nuclear issue with Iran through diplomacy," Brown said. "Once that is determined, Congress and the president will unquestionably join hands in applying greater pressure," he added. The passage of the bill in committee, however, is a sign that Democrats are running out of patience. With 54 Republicans in the Senate, Democratic support of the bill is necessary to reach a veto-proof majority of 67 votes.

Democrats are key to the legislation:

Kara Rowland, 1/29/2015 (staff writer, "Senate panel approves Iran sanctions bill, Dems prepare to hit pause," <http://www.foxnews.com/politics/2015/01/29/senate-panel-poised-to-vote-on-iran-sanctions-bill-as-dems-prepare-to-hit-pause/>, Accessed 1/30/2015, rwg)

"Should Iran refuse a reasonable deal or cheat on its current commitments under the [agreement], the Senate and House could impose additional measures in a matter of hours. The administration would strongly support such action," Tony Blinken, deputy secretary of state, told senators Tuesday. "Iran is well aware that an even sharper sword of Damocles hangs over its head. It needs no further motivation." The move by Democrats like Menendez to hit the pause button is more than a symbolic victory for the administration; contentious legislation requires 60 votes to pass the full Senate, meaning that Republicans would need to keep their own caucus of 54 together and pick up six Democrats to advance the measure. An additional seven Democrats would be needed to override a threatened presidential veto.

Internals: AT: Hirsh/Political Capital Doesn't Exist

(--) Hirsh doesn't say political capital doesn't exist just that it's complex—prefer the specificity of our scenario:

Michael Hirsh, 2/7/2013 (staff writer, "There's No Such Thing as Political Capital,"

<http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>, Accessed 2/22/2013, rwg)

The point is not that "political capital" is a meaningless term. Often it is a synonym for "mandate" or "momentum" in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn't, he has a better claim on the country's mood and direction. Many pundits still defend political capital as a useful metaphor at least. "It's an unquantifiable but meaningful concept," says Norman Ornstein of the American Enterprise Institute. "You can't really look at a president and say he's got 37 ounces of political capital. But the fact is, it's a concept that matters, if you have popularity and some momentum on your side."¶ The real problem is that the idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. "Presidents usually over-estimate it," says George Edwards, a presidential scholar at Texas A&M University. "The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980." For that reason, political capital is a concept that misleads far more than it enlightens. It is distortionary. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history.¶ Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger.

(--) Political capital and winning depend on picking the right issues—we'll prove they picked the wrong issues & immigration reform is the right one:

Michael Hirsh, 2/7/2013 (staff writer, "There's No Such Thing as Political Capital,"

<http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>, Accessed 2/22/2013, rwg)

And then there are the presidents who get the politics, and the issues, wrong. It was the last president before Obama who was just starting a second term, George W. Bush, who really revived the claim of political capital, which he was very fond of wielding. Then Bush promptly

demonstrated that he didn't fully understand the concept either.¶ At his first news conference after his 2004 victory, a confident-sounding Bush declared, "I earned capital in the campaign, political capital, and now I intend to spend it. That's my style." The 43rd president threw all of his political capital at an overriding passion: the partial privatization of Social Security. He mounted a full-bore public-relations campaign that included town-hall meetings across the country.¶ Bush failed utterly, of course. But the problem was not that he didn't have enough political capital. Yes, he may have overestimated his standing. Bush's margin over John Kerry was thin—helped along by a bumbling Kerry campaign that was almost the mirror image of Romney's gaffe-filled failure this time—but that was not the real mistake. The problem was that whatever credibility or stature Bush thought he had earned as a newly reelected president did nothing to make Social Security privatization a better idea in most people's eyes. Voters didn't trust the plan, and four years later, at the end of Bush's term, the stock-market collapse bore out the public's skepticism. Privatization just didn't have any momentum behind it, no matter who was pushing it or how much capital Bush spent to sell it.¶ The mistake that Bush made with Social Security, says John Sides, an associate professor of political science at George Washington University and a well-followed political blogger, "was that just because he won an election, he thought he had a green light. But there was no sense of any kind of public urgency on Social Security reform. It's like he went into the garage where various Republican policy ideas were hanging up and picked one. I don't think Obama's going to make that mistake.... Bush decided he wanted to push a rock up a hill. He didn't understand how steep the hill was. I think Obama has more momentum on his side because of the Republican Party's concerns about the Latino vote and the shooting at Newtown." Obama may also get his way on the debt ceiling, not because of his reelection, Sides says, "but because Republicans are beginning to doubt whether taking a hard line on fiscal policy is a good idea," as the party suffers in the polls.

**(--)
Ideology doesn't outweigh – presidential success dictates votes—prefer our evidence, it's peer reviewed and more qualified:**

Lebo, Associate Professor, Stony Brook University, 2010 (Matthew J. Lebo, Associate Professor, Department of Political Science, Stony Brook University, and Andrew O'Geen, PhD Candidate, Department of Political Science, Stony Brook University, Journal of Politics, "The President's Role in the Partisan Congressional Arena" forthcoming, google)

Keeping this centrality in mind, we use established theories of congressional parties to model the president's role as an actor within the constraints of the partisan environment of Congress. We also find a role for the president's approval level, a variable of some controversy in the presidential success literature. Further, we are interested in both the causes and consequences of success. We develop a theory that views the president's record as a key component of the party politics that are so important to both the passage of legislation and the electoral outcomes that follow. Specifically, theories of partisan politics in Congress argue that cross-pressured legislators will side with their parties in order to enhance the collective reputation of their party (Cox and McCubbins 1993, 2005), but no empirical research has answered the question: "of what are collective reputations made?" We demonstrate that it is the success of the president – not parties in Congress – that predicts rewards and punishments to parties in Congress. This allows us to neatly fit the president into existing theories of party competition in

Congress while our analyses on presidential success enable us to fit existing theories of party politics into the literature on the presidency.

(--) Capital determines agenda above all else

Light 99 – Senior Fellow at the Center for Public Service (Paul, *the President's Agenda*, p. 34)

In chapter 2, I will consider just how capital affects the basic parameters of the domestic agenda. Though the internal resources are important contributors to timing and size, capital remains the critical factor. That conclusion will become essential in understanding the domestic agenda. **Whatever the President's personal expertise**, character, or skills, **capital is the most important resource**. In the past, presidential scholars have focused on individual factors in discussing White House decisions, personality being the dominant factor. Yet, given low levels in presidential capital, **even the most positive and most active executive could make little impact**. A president can be skilled, charming, charismatic, a veritable legislative wizard, but **if he does not have the basic congressional strength, his domestic agenda will be severely restricted – capital affects both the number and the content of the President's priorities**. Thus, **it is capital that determines whether the President will have the opportunity to offer a detailed domestic program**, whether he will be restricted to a series of limited initiatives and vetoes. Capital sets the basic parameters of the agenda, determining the size of the agenda and guiding the criteria for choice. Regardless of the President's personality, **capital is the central force behind the domestic agenda**.

Internal Links: Popularity key to political capital

(--) Obama's popularity will give him political influence in his second term:

Andrew Dugan, 1/11/2013 (staff writer, "U.S. Presidents Typically Less Popular in Second Term," <http://www.gallup.com/poll/159809/presidents-typically-less-popular-second-term.aspx>, Accessed 1/24/2013, rwg)

Obama is now slightly more popular than he typically was through most of his first term; consequently, he may have a heightened amount of influence as he begins to pursue his next-term agenda. New presidential terms are difficult -- regardless of the size of the re-election victory -- as Obama himself admitted recently when he cautioned he was "more than familiar with all the literature about presidential overreach in second terms." Yet, setbacks and opprobrium need not permanently derail a president, as Reagan's and Clinton's presidencies show.

(--) Popularity key to political capital:

Arturo Lopez-Levy, 11/24/2012 (staff writer, "The Latin American Gorilla," <http://www.theepochtimes.com/n2/opinion/the-latin-american-gorilla-318169.html>, Accessed 1/23/2013, rwg)

The popularity of a re-elected president tends to increase in the first year of the second term, providing Obama with more political capital. Additionally, the next discussion of immigration reform will occur in the context of modest Democratic gains in both Houses of Congress, and a Republican Party that has been criticized for obstructionism, bias, and a resistance to compromise.

(--) Public opinion is key to the president's political capital

Barrett and Eshbaugh-Soha, '7

(Andrew W. & Matthew, March, Political Research Quarterly, Vol. 60, No. 1, "Presidential Success on the Substance of Legislation", University of North Texas, pp. 100-112, Stable URL: <http://www.jstor.org/stable/4623810>, Accessed: 7-15-10)

Public attitudes also should influence the president's bargaining position. Despite evidence to the contrary (Bond and Fleisher 1990; Collier and Sullivan 1995), presidents, White House staff, and legislators believe that public approval is important to the president's success in Congress (Edwards 1997; Neustadt 1960; Rivers and Rose 1985). Theoretically, public support will improve the president's bargaining position as members of Congress will not want to risk alienating their constituents by opposing a popular president's policy preferences. Therefore, we hypothesize that the higher his level of approval, the more a final statute will reflect the president's policy preferences.

(--) Public opinion polls influence presidential agenda

Sparrow, '8 (Bartholomew H., University of Texas at Austin government professor, "Who Speaks for the People? The President, the Press, and Public Opinion in the United States", 10-13-8, Presidential Studies Quarterly, Volume 38, Issue 4, Pages 578-592, Wiley InterScience, accessed 7-8-9)

Public opinion serves as a metric of presidential leadership with respect to presidential approval ratings. Presidents and their advisors use public opinion not as an absolute guide, but rather for tactical purposes, and instrumentally, for reaching particular political ends (Jacobs and Shapiro 2000). In general, political analysts conceive of public opinion as a channel or guide for policy makers, boundaries beyond which they cannot go but which also offer leeway in terms of the exact path policy makers take. Public opinion serves as a "permissive limit" for policy makers (Almond 1950; Key 1961; Sobel 2001).

(--) Popularity is key to congressional leverage

Spitzer 93 [Robert, professor of political science at the University of New York State, President and Congress, pg 65]

Three observations about the relationship between Presidents and the people warrant mention here. First, the link between the President's public standing and the President's influence in Congress is indisputably important but also more complex than the above examples suggest. When the President's standing is high, members of Congress are likely to interpret this positive support as either direct or indirect evidence of a popular mandate for the President. Fearing a popular backlash, Congress is less likely to buck presidential preferences under these conditions. Moreover, some members of Congress accept as a matter of principle that Presidents with a popular mandate are entitled, by virtue of that mandate to have their programs enacted. Continued public approval is a sign of success (or, to be more precise, perceived success); declining public approval signals an ebbing mandate.

(--) Public key to agenda – frustrations affect Congress

George 10 (Bill George - professor of management practice at Harvard Business School – 1/26, Business Week "An Agenda Disrupted: Obama After Year One"
http://www.businessweek.com/managing/content/jan2010/ca20100126_350258.htm ty)

Most pressing of all for Obama's second-year agenda is the deepening jobs crisis. Twenty-five million Americans—17.3% of the workforce—lack full-time jobs. While the massive stimulus bill saved some jobs, it did virtually nothing to create new ones. This November, absent a major jobs revival, voters' frustrations are likely to be directed at the party in power, further weakening the President's ability to lead an increasingly dysfunctional Congress. At the outset of his second year, Obama faces a choice. Obama the Politician would fan the flames of populist anger to solidify his base. Obama the Leader would follow in the footsteps of President Clinton—who also faced failed health-care reform—and pivot to the political center to address the nation's most pressing problems, starting with job creation. For the sake of our nation's health, let's hope that Obama the Leader will prevail in the year ahead.

Impacts

Impact Overview

Disad outweighs and turns the case:

- A) **Time-Frame** the negotiations with Iran are going on **RIGHT NOW**—the plan risks scuttling them by enacting new sanctions on Iran.
- B) **Magnitude:** Our Stevens evidence indicates several scenarios for nuclear war in the Middle East.
- C) **Probability: Middle East war uniquely likely to escalate—outweighs other escalation risks:**

James Russell 2009 (James, Senior Lecturer in the Department of National Security Affairs – Naval Postgraduate School, “Strategic Stability Reconsidered: Prosepects for Nuclear War and Escalation in the Middle East,” ifri.org/downloads/PP26_Russell_2009.pdf)

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. **These systemic weaknesses** in the coercive bargaining framework **all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework.** Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. **Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome,** which would be an unprecedented disaster for the peoples of the region, **with substantial risk for the entire world.**

Impacts: AT: Impact Defense

(--) Their impact defense is uniqueness for our disad --- failure to reach a deal will radically alter the status quo and spur instability across the Middle East

Garrett, Rohde & Wright, 12/28/14 (Major Garrett – host, David Rohde – investigative reporter for Reuters, Robin Wright – Fellow at Woodrow Wilson Center, “Face the Nation Transcripts December 28, 2014: Sullenberger, Bratton, Giuliani, Klain, Hillenbrand,” <http://www.cbsnews.com/news/face-the-nation-transcripts-december-28-2014-sullenberger-bratton-giuliani-klain-hillenbrand/>, JMP)

GARRETT: Iran is a significant player in all of our geopolitical conversations. It is against ISIS, though we don't acknowledge it. They're there. We're also working on a nuclear arms agreement. What are the prospects for that? And how do you think Iran will factor into all of the foreign policy conversation in the new year? WRIGHT: For first time in 35 years, Iran and the United States are on the same page at the same time. And I think both countries really do want a deal, the question has always been whether the conservative ayatollahs in Iran could buy in to a deal with the United States. I think it is possible. Is it probable? It's hard to tell. But it is clear that the United States and Iran also share a lot of interests in the Middle East today, particularly in Iraq where they both are concerned about the spread of ISIS, and in broader way the disintegration of the borders defined a century ago. Will the Middle East implode? It's not just the threat of ISIS, it's the threat that the conflict will have rippling repercussion across the Middle East, affect everything from demographics of the country to the price of oil and affect whole region for not just years to come but decades to come. GARRETT: David, sthe sense at the White House is if there is no agreement but there's a continuation of the status quo that is not a bad deal. How do you view it? ROHDE: There's a big question mark about it. And the question is, really, how is congress going to view it and how will Israel view it? There are critical elections coming up in Israel. And if the Israelis start lobbying against extending this deal, the sort of status quo, that is going to be a problem. If there's new sanction enacted by the U.S. congress that sort of makes it harder for the Iranians to compromise. They don't want to lose face in all of this. This is a huge issue for the Obama administration in 2015 if they can get this Iran deal or not. If they fail it's a very dangerous situation. Iran has helped push rebels there to take large parts of Yemen. That's unstable. They have got very large influence in Lebanon. And, you know, I talked to senior State Department official and they said, you know, Iranians are positioned to create havoc in many places including for U.S. forces in Iraq. So, watch this spring whether this deal happens or not. It's a huge issue for the administration.

Impacts: Escalation

(--) Uncontrollable escalation – draws-in every superpower, specifically US, Russia, and China – only scenario that rises to the level of extinction

Reuveni, 10 – professor in the School of Public and Environmental Affairs at Indiana University (Rafael, “Unilateral strike could trigger World War III, global depression” Gazette Xtra, 8/7, - See more at: <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.ec4zqu8o.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond. Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. After years of futilely fighting Palestinian irregular armies, Israel has lost some of its perceived superiority—bolstering its enemies’ resolve. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. From there, things could deteriorate as they did in the 1930s. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey—all of which essentially support Iran—could be tempted to form an alliance and openly challenge the U.S. hegemony. Russia and China might rearm their injured Iranian protege overnight, just

as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama's response would likely put U.S. forces on nuclear alert, replaying Nixon's nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran's response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force. While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

(--) **Iran war escalates**

Jeffrey White, defense fellow, Washington Institute for Near East Policy, "What Would War with Iran Look Like," AMERICAN INTEREST, July/August 2011, <http://www.the-american-interest.com/article-bd.cfm?piece=982>

A U.S.-Iranian war would probably not be fought by the United States and Iran alone. Each would have partners or allies, both willing and not-so-willing. Pre-conflict commitments, longstanding relationships, the course of operations and other factors would place the United States and Iran at the center of more or less structured coalitions of the marginally willing. A Western coalition could consist of the United States and most of its traditional allies (but very likely not Turkey, based on the evolution of Turkish politics) in addition to some Persian Gulf states, Jordan and perhaps Egypt, depending on where its revolution takes it. Much would depend on whether U.S. leaders could persuade others to go along, which would mean convincing them that U.S. forces could shield them from Iranian and Iranian-proxy retaliation, or at least substantially weaken its effects. Coalition warfare would present a number of challenges to the U.S. government. Overall, it would lend legitimacy to the action, but it would also constrict U.S. freedom of action, perhaps by limiting the scope and intensity of military operations. There would thus be tension between the desire for a small coalition of the capable for operational and security purposes and a broader coalition that would include marginally useful allies to maximize legitimacy. The U.S. administration would probably not welcome Israeli participation. But if Israel were directly attacked by Iran or its allies, Washington would find it difficult to keep Israel out—as it did during the 1991 Gulf War. That would complicate the U.S. ability to manage its coalition, although it would not necessarily break it apart. Iranian diplomacy and information operations would seek to exploit Israeli participation to the fullest. Iran would have its own coalition. Hizballah in particular could act at Iran's behest both by attacking Israel directly and by using its asymmetric and irregular warfare capabilities to expand the conflict and complicate the maintenance of the U.S. coalition. The escalation of the Hizballah-Israel conflict could draw in Syria and Hamas; Hamas in particular could feel compelled to respond to an Iranian request for assistance. Some or all of these satellite actors might choose to leave Iran to its fate, especially if initial U.S. strikes seemed devastating to the point of decisive. But their involvement would spread the conflict to the entire eastern Mediterranean and perhaps beyond, complicating both U.S. military operations and coalition diplomacy.

(--) **Escalates, extinction**

Mahdi Nazemroaya, Research Associate, Centre for Research on Globalization, "The Next World War: The 'Great Game' and The Threat of Nuclear War," Global Research, 1—10—11, <http://www.globalresearch.ca/the-next-world-war-the-great-game-and-the-threat-of-nuclear-war/22169?print=1>

Any **attack on Iran will** be a joint operation between Israel, the U.S., and NATO. Such an attack **will escalate into a major war**. The U.S. could attack Iran, but can not win a conventional war. General Yuri Baluyevsky, the former chief of the Russian Armed Forces General Staff and Russian deputy defence minister, even publicly came forward in 2007 to warn that an attack on Iran would be a global disaster and unwinnable for the Pentagon. [97]¶ Such a **war** against Iran and its allies in the Middle East **would lead to** the **use of nuclear weapons** against Iran as the only means to defeat it. Even Saddam Hussein, who during his day once commanded the most powerful Arab state and military force, was aware of this. In July 25, 1990, in a meeting with April C. Glaspie, the U.S. ambassador in Baghdad, Saddam Hussein stated: "But you know you [meaning the U.S.] are not the ones who protected your friends during the war with Iran. I assure you, had the Iranians overrun the region, the American troops would not have stopped them, except by the use of nuclear weapons." [98]¶ The diabolically unthinkable is no longer a taboo: the use of nuclear weapons once again against another country by the U.S. military. This will be a violation of the NPT and international law. Any nuclear attack on Iran will have major, long-term environmental impacts. A nuclear attack on Iran will also contaminate far-reaching areas that will go far beyond Iran to places such as Europe, Turkey, the Arabian Peninsula, Central Asia, Pakistan, and India.¶ Within the **NATO alliance** and amongst U.S. **allies a consensus has been** underway **to legitimize** and normalize **the idea of using nuclear weapons**. This consensus aims at paving the way for a nuclear strike against Iran and/or other countries in the future. This groundwork also includes the normalization of Israeli nukes.¶ Towards the end of 2006, Robert Gates stated that Israel has nuclear weapons, which was soon followed by a conveniently-timed slip of the tongue by Ehud Olmert stating that Tel Aviv possessed nuclear weapons. [99] Within this framework, Fumio Kyuma, a former Japanese defence minister, during a speech at Reitaku University in 2007 that followed the statements of Gates and Olmert, tried to publicly legitimize the dropping of atom bombs by the U.S. on Japanese civilians. [100] Because of the massive public outrage in Japanese society, Kyuma was forced to resign his post as defence minister. [101]¶ **The Uncertain Road Ahead: Armageddon at Our Doorstep? The March into the Unknown Horizon...**¶ According to the Christian Science Monitor, Beijing is a barometre on whether Iran will be attacked and it seems unlikely by the acceleration in trade between China and Iran. [102] Still **a major war in the Middle East** and an even more dangerous global war with the use of nuclear weapons **should not be ruled out**. The globe is facing a state of worldwide military escalation. **What is looming** in front of humanity **is the possibility of** an all-out nuclear war and the **extinction** of most life on this planet as we know it.

Impacts: Sanctions Legislation = War

New sanctions tank the talks and risk war:

Burgess Everett, 1/27/2015 (staff writer, "Dems give Obama 2 months to reach Iran deal," <http://www.politico.com/story/2015/01/iran-nuclear-deal-sanctions-bob-menendez-114632.html>, Accessed 1/30/2015, rwg)

Separately, House Democrats are also pushing their colleagues not to enact Iran sanctions. Reps. Keith Ellison of Minnesota, Raúl Grijalva of Arizona and Barbara Lee of California sent a letter Tuesday to the chairmen and ranking members of the Senate Banking Committee and the House Foreign Affairs Committee, arguing that new sanctions would derail the talks. "Enacting new sanctions legislation now undermines the efforts of the P5+1 and is contrary to a peaceful solution," the lawmakers wrote in a letter obtained by POLITICO. "Given the sensitive timing, Congressional action should reflect support for a negotiated settlement over the Iranian nuclear dispute rather than pushing legislation that could take us off the negotiating track and escalate towards war."

Failure of Iran deal is war with Iran:

Lawrence Wilkerson, 2/18/2015 (adjunct professor of government and public policy at the College of William and Mary, "Op-Ed: Iran vote: Some in Congress aim to kill diplomacy," http://www.richmond.com/opinion/their-opinion/guest-columnists/article_ee8b5615-1e9f-5cbf-bd26-2a2c11528a6e.html, Accessed 2/19/2015, rwg)

And if Congress votes down the final Iran deal, what's Plan B? With diplomacy dead, all that's left on the table is the most unattractive option in dealing with the Iranian nuclear issue: military action. Make no mistake: The same people who got us into war with Iraq have been calling for war with Iran for years. Graham himself declared the negotiations "over" more than two years ago, and in 2013, the senator from my home state of South Carolina pushed an authorization for the use of military force against Iran. I know what Graham wants: war.

Sanctions cause war:

Joseph Triscari, 1/30/2015 ("Menendez push for more sanctions on Iran undermines Obama's goal," http://www.nj.com/opinion/index.ssf/2015/01/letter_menendez_push_for_more_sanctions_on_iran_un.html, Accessed 1/30/2015, rwg)

I am upset with Sen. Bob Menendez's (D-N.J.) insistence to proceed with a bill imposing more sanctions on Iran in the midst of ongoing negotiations ("Menendez challenges Obama on Iran sanctions," Jan. 21). That would do more to strengthen the position of Iranian conservatives opposed to the current discussions than to any "moderates" trying to move Iran toward a negotiated settlement. Moreover, his actions provide political cover to the new Republican majority in Congress, which is only too happy to embrace "bipartisanship" as a bludgeon to beat back any and all of the president's foreign policy initiatives. Taken in tandem with Rep. John Boehner's invitation to Israeli Prime Minister Benjamin Netanyahu to address both chambers of Congress, it is clear this is an orchestrated Republican attempt to scuttle the Iranian negotiations. Is the alternative then to plunge into another war in the Middle East at the cost of

American lives and treasure with the predictable result of creating more anti-American extremists?

Sanctions necessary to prevent war in the Middle East:

Nation, 1/13/2015 (“Don't Let Congress Kill Negotiations with Iran,” <http://www.thenation.com/blog/194793/dont-let-congress-kill-negotiations-iran>, Accessed 1/30/2015, rwg)

The US, our allies, and Iran are once again at the negotiating table working out a comprehensive agreement that could prevent a nuclear-armed Iran and help avert a disastrous war of choice in the Middle East. But while they work, hawks in the Senate are threatening to introduce new sanctions that could sabotage these crucial negotiations.

A) New sanctions blow up the negotiations with Iran:

David McCabe, 12/2/2014 (staff writer, “Rice: New sanctions would 'blow up' Iran nuclear talks,” <http://thehill.com/policy/international/225759-rice-new-sanctions-would-blow-up-iran-talks>, Accessed 1/2/2015, rwg)

Placing additional sanctions on Iran would “blow up” negotiations over the country’s nuclear program, national security adviser Susan Rice said Tuesday. “The P5+1 would fracture, the international community would blame the United States rather than Iran for the collapse of the negotiations, and the Iranians would conclude that there’s little point in pursuing this process at the negotiating table,” Rice said at a conference hosted by The Wall Street Journal.

B) Deal Failure = War with Iran

Ben Windsor, “A Coalition Is Working Furiously Behind the Scenes to Support Obama’s Iran Talks,” BUSINESS INSIDER 10—2—14, <http://www.businessinsider.com/rag-tag-iran-coalition-backing-diplomacy-2014-10>, Accessed 1/2/2015, rwg)

Since November 2013, the Obama administration has engaged with Iran in tense, drawn-out nuclear negotiations which optimists hope could bring an end to decades of hostility and mistrust. Throughout it all, Congress has threatened to play the spoiler, with a tough sanctions bill passing the House and looming in the Senate which would almost certainly scuttle the fragile talks over the Iranian nuclear program. Now, as the deadline for the end of the talks approaches, a coalition of legislators, advocacy groups, and White House officials are working to hold Congress back from the brink of thwarting what they see as a historic window of opportunity. They're fighting against legislators and conservative groups like The Heritage Foundation and The Free Enterprise Institute who are pushing for the US to take a hawkish stance. Legislators, led by Minnesota Congressman Keith Ellison, have been maneuvering quietly behind the scenes in Congress to keep the talks alive. At the same time, officials from the White House have been leaning heavily on Senate Democrats to refrain from bringing a sanctions bill to the floor. On the outside, a diverse range of pro-diplomacy groups, led by organisations like the National Iranian American Council (NIAC) and the liberal Jewish organization J Street, have found a common cause and rallied together to lobby for restraint. Even the Quakers are

energized. “This is a do-or-die moment, either we succeed, or we go in a much more negative direction,” said NIAC co-founder Trita Parsi at the group’s annual conference last weekend. Parsi sees the negotiations as a historic moment during a narrow window of opportunity. Presidents on both sides have sunk significant time and energy into the talks and Parsi believes the current leadership in both countries is more likely to make a deal than those who came before — or might come after. “The next president, whatever political party they’re in, is not going to spend precious political capital battling Congress... [Obama] is the guy,” Parsi said. Supporters fear that failure of the talks could trigger increased sanctions, the rise of hardliners in Iran, and relations spiraling toward military confrontation.

C) Extinction

John Scales Avery, Associate Professor, University of Copenhagen,” COUNTERCURRENTS, 11—5—13, <http://www.countercurrents.org/avery061113.htm>

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, Israeli pressure groups in Washington continue to demand an attack on Iran. But such an attack might escalate into a global nuclear war, with catastrophic consequences. As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict. There is a danger that an attack on Iran would escalate into a large-scale war in the Middle East, entirely destabilizing a region that is already deep in problems. The unstable government of Pakistan might be overthrown, and the revolutionary Pakistani government might enter the war on the side of Iran, thus introducing nuclear weapons into the conflict. Russia and China, firm allies of Iran, might also be drawn into a general war in the Middle East. Since much of the world's oil comes from the region, such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy. In the dangerous situation that could potentially result from an attack on Iran, there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, a nuclear war would damage global agriculture to such a extent that a global famine of previously unknown proportions would result. Thus, nuclear war is the ultimate ecological catastrophe. It could destroy human civilization and much of the biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

(--) Collapse of talks leads to war between Iran and Israel:

Julian Borger, 12/31/2014 (staff writer, “A nuclear deal with Iran would mean a less volatile world,” <http://www.theguardian.com/commentisfree/2014/dec/31/nuclear-deal-iran-cuba-proliferation>, Accessed 1/2/2015, rwg)

These gaps remain substantial, but none of the parties involved can walk away from the table. A collapse of talks would lead to a slide back to the edge of conflict between Iran and Israel; the latter has vowed to launch military strikes rather than allow the former to build a bomb. It could

also trigger a wave of proliferation across the region and beyond as other countries hedge their bets.

(-- New sanctions bill closes the window for negotiations:

Julian Borger, 1/1/2015 ("The year ended on unexpected high note for diplomacy," <http://www.dawn.com/news/1154458/the-year-ended-on-unexpected-high-note-for-diplomacy>, Accessed 1/2/2015, rwg)

In the end, neither side blinked. Unable to agree or walk away, they gave themselves a seven-month extension. However, delay will strengthen hard-line opposition to compromise, particularly in Washington, where a Republican-dominated Congress will convene on Jan 6. That provides a hard political deadline. A new sanctions bill could kill the negotiations, and a diplomatic window will close, perhaps for many years.

(-- The sanctions legislation will spiral into a Middle East war:

Jon Perr, 12/24/2013 (B.A. in Political Science from Rutgers University, "Senate sanctions bill could let Israel take U.S. to war against Iran," <http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#>, Accessed 1/22/2014, rwg)

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran. On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates: If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence. Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July: "If nothing changes in Iran, come September, October, I will present a

resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb." Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come." But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway. Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza. That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback? Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

(--) Capital now is key to keep congress at bay and to prevent war

Michael Crowley and Burgess Everett, Journalists, "Republicans seek to thwart deal", 11-12-14, POLITICO, <http://www.politico.com/story/2014/11/how-republicans-plan-to-thwart-obamas-iran-talks-112805.html>

Two weeks before a crucial diplomatic deadline, newly victorious Republicans in Congress are plotting to derail one of Barack Obama's few remaining chances for a second-term policy legacy: a nuclear deal with Iran. The Obama administration's interim agreement with Tehran expires on Nov. 24. But Senate Republicans don't plan to wait until they take power in January to rattle the nuclear talks. On Thursday, a day after returning to Washington, they will seek a vote on legislation requiring that Congress approve any deal. Democrats, who still control the Senate, are likely to quash the move. But it's an early illustration of Republican plans to confound the

president's nuclear diplomacy, which the GOP sees as dangerously weak toward Tehran's anti-American Islamic regime. "The Hill has a lot of power to make things miserable for the president," said Mark Dubowitz, executive director of the Foundation for the Defense of Democracies and a critic of the nuclear talks who consults closely with Congress on Iran legislation. The White House has spent months beating back congressional action on Iran, including toughened sanctions on the longtime U.S. foe, which is presumed to be pursuing a nuclear weapon. New pressure on the Iranians could drive them from the negotiating table, say Obama officials — and lead the United States to war. Though some Democrats support such measures — a proposal threatening stiffer sanctions won 60 Senate co-sponsors in the last Congress, including 15 Democrats — Senate Majority Leader Harry Reid has kept them bottled up. "That situation will be different in the new Congress," said a Republican aide, noting that the incoming Senate leader, Mitch McConnell, won't comply with White House pleas the way Reid did. The role Republicans play will depend on the course of the ongoing nuclear talks. An interim deal struck in Geneva last November by the U.S. and five other world powers — Russia, China, France, Great Britain and Germany — expires on Nov. 24. That deal froze the progress of Iran's nuclear program in return for limited sanctions relief. Over the weekend, Secretary of State John Kerry and other U.S. officials met with Iranian officials in Oman. Their goal is to strike a long-term deal lifting sanctions in return for restrictions that would prevent Tehran from easily building an atomic bomb. But the Oman session seemed to achieve little; a planned press conference with the participants was canceled. "As best I can tell, [there was] no progress," said Gary Samore, a former Obama White House aide who handled the Iranian nuclear portfolio and is now president of United Against a Nuclear Iran. Obama officials say it's still possible that a long-term deal will be reached by Nov. 24. But Samore and other experts expect the interim deal, which was already extended once in July, will be extended again into 2015. Either way, a Republican Congress will have its say come January. "I want to start [the Iran] discussion Thursday, and hopefully we'll bring the bill up," said Republican Sen. Lindsey Graham of South Carolina. "But in the event we do not, I hope Sen. McConnell will make sanctions and the [Iran Nuclear Negotiations Act] must-dos in the new Congress." Introduced in July, the Iran Nuclear Negotiations Act would require an up-or-down vote by Congress on any final agreement with Iran. Many Republicans expect any deal to make too many concessions to Iran, and agree with Israeli Prime Minister Benjamin Netanyahu that the Iranians should be barred from maintaining a uranium enrichment program — something Tehran almost certainly will not agree to. A no vote wouldn't actually void an Iran pact, however, because a nuclear deal wouldn't constitute a formal treaty and therefore would not require Senate ratification. But if the Senate were to vote against a nuclear agreement, the legislation would re-impose any sanctions suspended by such a deal. If such a move were to survive a presidential veto, it would effectively kill an agreement with Iran. If the interim nuclear deal is extended with few or no new concessions by Iran, sources say Republicans are likely to take up legislation similar to a Senate bill sponsored last year by Foreign Relations Committee Chairman Robert Menendez and Sen. Mark Kirk, the one that drew 60 co-sponsors. That bill threatened new sanctions should Iran violate the interim agreement, or if it abandons the negotiations. "If it's just a simple extension with a couple of bells and whistles, like they did [in July], I expect Congress to move forward with a new bill similar to Menendez-Kirk," said Dubowitz. "For the administration to actually get an extension without that they would have to come back with a partial deal — but a meaningful partial deal."

Republicans say they have other ways to complicate Obama's deal making with Tehran, including by denying funding to offices that would implement any deal with the Iranians. Even before last week's Republican electoral sweep, **tensions were growing between the White House and the Hill over Iran** policy. Members of both parties have long complained that Obama officials, who regularly brief Hill leaders privately about the Iran talks, have provided them with only limited and opaque information about the talks. Last week's revelation by The Wall Street Journal that Obama recently sent a secret letter to Iran's Supreme Leader, Ayatollah Ali Khamenei, left many members fuming. The friction also spiked after The New York Times reported in mid-October that Obama officials were designing an Iran deal that would rely heavily on executive authority to suspend many of the U.S.-imposed sanctions that have stunted Iran's economy. Administration officials say the president has that power, although only Congress can permanently lift sanctions it has passed. A State Department spokeswoman called the premise of the Times story "wrong." But a Democratic staffer who has been briefed by senior officials called the idea "very real." And senior Republicans already concerned that Obama would cut a soft deal with Iran are determined not to be sidelined. A senior administration official argued that Secretary of State John Kerry would not cut a deal with Iran that couldn't be defended against critics, noting that any comprehensive agreement would also require the approval of America's negotiating partners. As the administration has in the past, the official also again raised the idea that opponents of a deal with Iran were in effect choosing a path of dangerous confrontation. "You're going to vote no — what's that a vote for? So you think we should go to war?"

(--) Bill kills the talks and drags the US into war with Iran:

SHELDON RICHMAN, 12/29/2013 (staff writer, "Congress Must Not Cede Its War Power to Israel," <http://www.counterpunch.org/2013/12/27/congress-must-not-cede-its-war-power-to-israel/>, Accessed 1/22/2014, rwg)

The bill, whose other principal sponsors are Sen. Robert Menendez (D-NJ) and Sen. Mark Kirk (R-IL), has a total of 26 Senate cosponsors. If it passes when the Senate reconvenes in January, it could provoke a historic conflict between Congress and President Obama, whose administration is engaged in negotiations with Iran at this time. Aside from declaring that the U.S. government should assist Israel if it attacks Iran, **the bill would also impose new economic sanctions on the Iranian people**. Obama has asked the Senate not to impose additional sanctions while his administration and five other governments are negotiating with Iran on a permanent settlement of the nuclear issue. A six-month interim agreement is now in force, one provision of which prohibits new sanctions on Iran. "The [Menendez-Schumer-Kirk] bill allows Obama to waive the new sanctions during the current talks by certifying every 30 days that Iran is complying with the Geneva deal and negotiating in good faith on a final agreement," Ali Gharib writes at Foreign Policy magazine. That would effectively give Congress the power to undermine negotiations. As Iran's foreign minister, Javad Zarif, told Time magazine, **if Congress imposes new sanctions, even if they are delayed for six months, "The entire deal is dead. We do not like to negotiate under duress."** Clearly, **the bill is designed to destroy the talks with Iran**, which is bending over backward to demonstrate that its nuclear program has no military aims. Netanyahu and Israel's American supporters in and out of Congress loathe the prospect of an American-Iranian rapprochement after 34 years of U.S.-Israeli covert and proxy war against Iran, whose 1979

Islamic revolution followed a quarter-century of brutality at the hands of a U.S.-backed monarch. The Israeli government, AIPAC, and the Republicans and Democrats who do their bidding in Congress are on record opposing any agreement that would leave intact Iran's ability to enrich uranium, even at low levels for peaceful civilian purposes. But insisting that Iran cease all enrichment of uranium is equivalent to obliterating any chance of a peaceful settlement with Iran and making war more likely. That's what this bill is all about. **Americans should refuse to let Congress give Israel the power to drag the United States into war.** American and Israeli intelligence agencies say repeatedly that Iran has no nuclear-weapons program. Though Iran champions the Palestinians, who live under Israeli occupation, it has not threatened Israel, which, remember, is itself a nuclear power. But even if Iran were a threat to Israel, that would not warrant letting any foreign government dictate when we go to war.

(--) New sanctions risk a war:

David W. Kearns, 1/19/2014 (Assistant Professor, St. John's University, "The Folly of New Iran Sanctions," http://www.huffingtonpost.com/david-w-kearn/the-folly-of-new-iran-san_b_4619522.html, Accessed 1/22/2014, rwg)

The current sanctions bill in the Senate is not about providing President Obama and Secretary Kerry with greater leverage in the negotiations. The Iranian delegation has made clear that it views any such sanctions as an indication of bad faith that will wreck the process and undo any progress made to this point. With the interim agreement set to go into effect next week, this is clearly not the time for the Senate to usurp the authority of the commander-in-chief and his chief diplomat. Taking their respective rationales at face value, the Democratic members of the Senate supporting the sanctions legislation may have good intentions to provide a stronger "bad cop" to Secretary Kerry's "good cop" in Geneva. This is short-sighted. **New sanctions will not only play into the narrative of hard-liners in Iran who don't want agreement, it will also isolate the United States from its negotiating partners and likely cripple the cohesive united front that has seemingly emerged throughout the talks.** In doing so, it is most likely to fulfill the wishes of hardliners in Israel and the United States that simply don't want an agreement and refuse to take any "yes" for an answer. However, **with a failure of negotiations, military conflict is much more likely.**

(--) Successful negotiations are needed to stop a new war in the Middle East:

David W. Kearns, 1/19/2014 (Assistant Professor, St. John's University, "The Folly of New Iran Sanctions," http://www.huffingtonpost.com/david-w-kearn/the-folly-of-new-iran-san_b_4619522.html, Accessed 1/22/2014, rwg)

Nonetheless, this debate has effectively been made moot by official U.S. and Israeli policies. The clear commitment of the Obama administration to thwart Tehran from acquiring a nuclear weapon has been in place for some time. Containment is not an option, and **military force will ostensibly be used to prevent an Iranian nuclear weapon from becoming operational. Despite this commitment, the Israeli government has consistently expressed its willingness to act alone to stop an Iranian bomb even without U.S. support.** While hardliners in Tel Aviv and Washington may not agree, these are both credible threats that the regime in Tehran must take seriously.

Thus, the situation confronting Iran and the world is either the peaceful negotiated solution to the nuclear question, or the high likelihood of another destructive, costly war in a region already torn apart by conflict.

(-- New sanctions bill would lead to war with Iran:

Nathan Guttman, 1/21/2014 (staff writer, "Debbie Wasserman Schultz Squeezed Hard as Iran Sanctions Fight Heats Up," <http://forward.com/articles/191261/debbie-wasserman-schultz-squeezed-hard-as-iran-san/>, Accessed 1/22/2014, rwg)

Iran has threatened to walk out of the current talks if the Senate bill passes. And the administration, which sees the bill's language as contrary to its own negotiating goals, has used the harshest of terms to describe the damage the bill could cause. Its passage, said White House Jay Carney could lead to "a march to war" as the only alternative to collapsed talks.

(-- New legislation gives Israel a green light to start a war against Iran:

Jon Perr, 12/24/2013 (B.A. in Political Science from Rutgers University, "Senate sanctions bill could let Israel take U.S. to war against Iran," <http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#>, Accessed 1/22/2014, rwg)

At the heart of the clash between Congressional hawks and President Obama is a disagreement over the so-called "red line" for Tehran. In the United States and in Israel alike, Obama has said the United States will not allow Iran to obtain an actual nuclear weapon. But most of his Republican foes and some of his Democratic allies have sided with Bibi Netanyahu in demanding Iran never possess a "nuclear weapons capability." That bottom line on Iranian nuclear know-how wouldn't just scuttle the interim deal and ongoing negotiations with Tehran, as the Obama administration and 10 Democratic Senate committee chairmen have warned. By the standard, an American war with Iran would be almost a foregone conclusion. And if Chuck Schumer, Bob Menendez, John McCain, Lindsey Graham and over 30 other Senators get their way, Israel may well have a green light to start it.

(-- New sanctions scuttle the deal and lead to war:

William Davnie, 1/5/2014 (staff writer, "Iran sanctions bill threatens progress; pressure is on Franken, Klobuchar," <http://www.startribune.com/opinion/commentaries/238660021.html>, Accessed 1/22/2014, rwg)

The historic Geneva deal to limit Iran's nuclear program is scheduled to go into effect later this month. Once it does, the world will be farther away from a devastating war and a nuclear-armed Iran. As U.S. Rep. Betty McCollum, D-Minn., rightly pointed out, "this initial deal is a triumph for engagement and tough diplomacy." However, the U.S. Senate could reverse that progress through a vote on new sanctions as early as this week, putting the United States and Iran on a collision course toward war.

(-- Sanctions legislation leads to a new Middle East conflict:

Robert Merry, 12/31/2013 (staff writer, "MERRY: Obama may buck the Israel lobby on Iran,"

<http://www.washingtontimes.com/news/2013/dec/31/merry-obama-may-buck-the-israel-lobby-on-iran/>, Accessed 1/22/2014, rwg)

That's what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama's delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America's war-making decision in matters involving Iran, which further increases the prospects for war. It's not even an argument about whether the United States should come to Israel's aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

(--) The bill commits the US to support Israel in attacking Iran:

Robert Merry, 12/31/2013 (staff writer, "MERRY: Obama may buck the Israel lobby on Iran,"

<http://www.washingtontimes.com/news/2013/dec/31/merry-obama-may-buck-the-israel-lobby-on-iran/>, Accessed 1/22/2014, rwg)

Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its "legitimate self-defense" and acknowledging "the law of the United States and the constitutional responsibility of Congress to authorize the use of military force," but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, "an appalling new low in the Israeli government's grip on the U.S. Congress." While noting the language would seem to be nonbinding, Mr. Sullivan adds that "it's basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away."

(--) New sanctions bill causes war with Iran:

Ben Armbruster, 1/6/2014 (staff writer, "Security Experts Ask Senators To Pull Back Iran Sanctions Bill," <http://thinkprogress.org/security/2014/01/06/3122551/crocker-experts-senate-iran-sanctions-bill/>, Accessed 1/22/2014, rwg)

A group of national security experts and American foreign policy luminaries sent a letter on Monday to the primary co-sponsors of an Iran sanctions bill asking them to reconsider the measure, saying it jeopardizes the ongoing negotiations with Tehran over its nuclear program and could bring the United States closer to war with Iran. After various avenues to put forth Iran sanctions measures recently failed, Sens. Robert Menendez (D-NJ) and Mark Kirk (R-IL) introduced the stand-alone bill late last month. Nearly 50 senators — mostly Republicans — have signed on as co-sponsors, but the chairs of 10 Senate committees recently wrote to Senate Majority Harry Reid (D-NV) slamming the bill and asking him not to move forward with it. The White House has said it will veto the bill if it passes. In the letter sent to Menendez and Kirk on Monday, the group of experts — which includes former U.S. Ambassador to Iraq and Afghanistan Ryan Crocker, former U.S. Ambassador to Israel and Egypt Daniel Kurtzer, William H. Luers, the former Ambassador to Venezuela and Czechoslovakia, and Jessica Tuchman Mathews,

the President of the Carnegie Endowment for International Peace — say their bill “will threaten the prospects for success in the current negotiations and thus present us and our friends with a stark choice — military action or living with a nuclear Iran.” Crocker et al note that attacking Iran would not prevent it from developing nuclear weapons and would most likely give the Iranians the justification to decide to seek them — “the very thing the U.S. hopes to prevent,” they write.

(--) Sanctions bill moves the US closer to war:

Timothy Gardner, 1/6/2014 (staff writer, “Iran sanctions bill opposed by Obama gains Senate backers,” <http://www.reuters.com/article/2014/01/06/us-usa-sanctions-iran-idUSBREA0516E20140106>, Accessed 1/22/2014, rwg)

A bipartisan group of nine senior foreign policy experts urged Menendez and Kirk not to pass the new sanctions, saying the penalties could potentially move the United States closer to war. Ryan Crocker, a former ambassador to Iraq and Afghanistan, and Thomas Pickering, former Ambassador to Israel, India and the United Nations, were among signers of a letter to the senators that said a sanctions bill, even if it took effect in six months, would call into question Washington's good faith and possibly isolate the United States among the countries holding talks with Iran. The bill gives the administration up to a year to pursue a diplomatic track, which backers say would not violate terms of the interim deal. On oil exports, the new bill seeks to cut sales at least 30 percent within a year and to zero within two years, if Iran breaks the deal or a comprehensive deal is not reached. Since 2012, U.S. and European sanctions have cut Iran's oil sales by more than 1 million barrels per day, costing the country billions of dollars a month and driving up inflation.

(--) Success of the Geneva accord takes war against Iran off the table:

Ryan Costello, 12/19/2013 (Policy Fellow with the National Iranian American Council, “To Boost Leverage with Iran, Give Obama a Sanctions Kill Switch,” <http://nationalinterest.org/commentary/boost-leverage-iran-give-obama-sanctions-kill-switch-9591>, Accessed 1/22/2014, rwg)

The initial nuclear agreement with Iran represents a historic break in the cycle of escalation between our two countries. If it leads to a comprehensive deal, we could permanently take war and an Iranian nuclear weapon off the table. There's only one catch: the agreement requires that we abstain from imposing new sanctions on Iran, and many in Congress are still working to pass new sanctions.

(--) Geneva accord stops the march to war:

SEN. CARL LEVIN and SEN. BARBARA BOXER, 12/18/2013 (“Now's No Time for New Iran,” <http://www.politico.com/magazine/story/2013/12/nows-no-time-for-new-iran-sanctions-101303.html>, Accessed 1/22/2014, rwg)

And this agreement offers hope of something greater. It offers the chance to end our confrontation with Iran peacefully—instead of a status quo that offers no alternative to ending Iran's march toward a nuclear weapon short of military action. The past few months have made clear that the Iranian people want to change their country's anti-Western outlook and to end its

pariah status. So we have an obligation to test the willingness of Iran's leaders to give up the possibility of acquiring a nuclear weapon. And if they fail that test, everything is still on the table.

(--) Failure of negotiations causes a war with Iran:

Paul McGeough, 1/5/2014 (staff writer, "US, Iranian hardliners work to give war a chance," <http://www.smh.com.au/comment/us-iranian-hardliners-work-to-give-war-a-chance-20140104-30amw.html>, Accessed 1/23/2014, rwg)

Hence there's a conclusion being drawn in some quarters that the Senate push is calculated to make agreement impossible. And, because the senators are opposed to a nuclear Iran, the only conclusion to be drawn is that they want to force President Barack Obama's hand on the military option. There was no surprise then that this "tit" by the American senators was met with a "tat" from their Iranian counterparts - hardliners who oppose the interim deal and anything that looks like concessions by Iran to the international community. So they have drafted their own legislation to be debated in the Iranian parliament, calling for any new sanctions to be met by an escalation in Iran's uranium enrichment to a near bomb-grade level of 60 per cent. In both countries, we have influential rejectionists who rely on each other to make their worst prognostications believable. Neither side is interested in a diplomatic solution. Citing the respective attitudes to Israel, Bill Keller portrays this self-serving dynamic in his blog for The New York Times: "To the Iranian hard core, Israel is a nuclear-armed interloper and America's conjoined infidel twin; to their American counterparts, Israel's values and interests are inextricable from our own and Benjamin Netanyahu is a more trustworthy defender of our security than Barack Obama." Keller draws a dismal, scary conclusion: "A failure of negotiations would delight both of them - American hawks because Israel could get on with the business of bombing; Iranian hawks because there's nothing like an attack by the infidels to unify a fractious public behind an authoritarian regime."

Impacts: AT: Bill is Watered Down

Even a watered down sanctions bill tanks the talks:

Jeremy Diamond, 1/26/2015 (staff writer, "Why the Iran sanctions fight is a big deal," <http://www.cnn.com/2015/01/26/politics/iran-sanctions-negotiations-explainer/>, Accessed 1/30/2015, rwg)

Senate staffers and their bosses have stripped away the most divisive provisions, though stronger language could always get added to the new, watered-down bill as it winds its way through the legislative process. But even in its current form, Obama is urging Congress to stand down. Negotiators argue any measure from Congress would threaten to unravel the fragile international coalition they believe is the world's best shot at peacefully ending Iran's nuclear program. The Iranians could feel like threatened or bullied by sanctions legislation, prompting them to ditch the negotiating table. And then, they can blame the U.S. Congress for undoing a potential deal -- a blame game many countries would buy.

Impacts: Sanctions Kill Deal

New sanctions against Iran kills the talks:

Saeed Kamali Dehghan, 2/3/2015 (staff writer, "Iran could halt nuclear agreement with west if US imposes further sanctions," <http://www.theguardian.com/world/iran-blog/2015/feb/03/iran-could-halt-nuclear-agreement-over-us-sanctions>, Accessed 2/19/2015, rwg)

Iran's parliament is considering a bill requiring the government led by Hassan Rouhani, the president, to halt implementation of the interim nuclear agreement with the west if the US imposes further sanctions. The bill is a retaliatory plan designed by hardline Iranian MPs in case US Congress passes its proposed legislation for fresh sanctions against Tehran, which Barack Obama has promised to veto. Parliamentarians in Iran voted overwhelmingly on Tuesday in favour of a motion to fast-track examining the bill, which aims "to protect the nuclear rights and achievements of Iranian people". It was not clear when exactly they will vote on the bill itself. Under the Iranian proposal, if the US Congress approves new sanctions, the Iranian government will immediately be obliged to stop implementing the November 2013 nuclear agreement, known as the Joint Plan of Action. Under such a circumstance, Rouhani's government will also have to step up the country's enrichment programme and continue with the development of the heavy water reactor at Arak, which are both subject to limits under the existing interim deal. Legislatures in both countries are trying to set their own conditions as diplomats continue talks.

New sanctions ratchet up the hardliners and kill the deal:

Ali Vaez, 1/28/2015 (staff writer, "Why new Iran sanctions bid has split Washington," <http://america.aljazeera.com/articles/2015/1/28/why-new-iran-sanctions-bid-has-split-washington.html>, Accessed 2/19/2015, rwg)

Bolster Iran's hard-liners? New sanctions imposed by Washington at this stage will be seized upon by a substantial faction of the Iranian leadership that mistrusts Western intentions and opposes any concessions on the nuclear issue. If such measures are passed over the objections of the White House, they will exacerbate Iranian doubts in Obama's ability to deliver on sanctions relief that would be part of a final nuclear deal. And just as backers of new sanctions measures say their goal is to boost U.S. leverage in talks with Iran, many in Tehran believe that expanding its nuclear work creates leverage for Iran. In a prospective retaliatory move, 205 members of Iran's parliament are preparing legislation that would authorize the government to dramatically ratchet up uranium-enrichment levels in the event of new U.S. sanctions.

(-- New sanctions kill a deal:

Paul Richter, 12/6/2014 (staff writer, "New Iran sanctions? Congress may hold off," http://seattletimes.com/html/nationworld/2025183129_congresssanctionsxml.html, Accessed 1/2/2015, rwg)

It had been widely expected that if the negotiations failed to yield a deal by the deadline, Congress would step in with new sanctions on the theory that the penalties could force the Islamic Republic to give ground. But experts and administration officials have argued that such a

step could drive Iran away from the negotiating table, or convince many nations that the United States, not Iran, is to blame if the talks fail. That could undermine the current sanctions by encouraging oil-purchasing nations to increase purchases of Iranian petroleum.

(--) Lack of sanctions legislation necessary for talks to continue:

Iran Focus, 1/2/2015 ("Veto-Proof Sanctions on Iran,"

http://www.iranfocus.com/en/index.php?option=com_content&view=article&id=29988:veto-proof-sanctions-on-ira&catid=34&Itemid=128, Accessed 1/2/2015, rwg)

There is support for increasing sanctions on Iran in the new Republican-controlled US Congress to override veto threats by President Obama according to news reports. The Obama administration and other global powers are in negotiation with Tehran to convince the regime to give up its nuclear program. All the while, the White House has tried to make sure no law is passed in the US Congress for more sanctions so talks can continue unhindered.

(--) New sanctions undermines international unity:

Justin Sink, 11/24/2014 (staff writer, "White House: New sanctions on Iran would be

'counterproductive'" <http://thehill.com/policy/international/225205-wh-new-iran-sanctions-would-be-counterproductive>, Accessed 1/2/2015, rwg)

Additional sanctions recommended by lawmakers frustrated by the second consecutive delay in nuclear talks with Iran would be "counterproductive," the White House insisted Monday. "The concern that we have is that layering on additional sanctions could leave some of our partners with the impression that this sanctions regime is more punitive in nature than anything else, and that could cause some cracks in that international coordination to appear," White House press secretary Josh Earnest said. "And that would therefore undermine the point of the sanctions regime in the first place." Earnest added that allies would believe that the U.S. was simply "more interested in punishing" Iran than striking a deal, and that the administration could lose "buy-in" on the talks with additional penalties.

Impacts: Iran Prolif Module

A) Geneva agreement rolls back Iran's nuclear program:

Shemuel Meir, 12/22/2013 (associate researcher at the Jaffee Center, "An important year for Iran nuclear talks: What Israel got wrong,"

<http://972mag.com/the-nuclear-deal-with-iran-what-really-happened-in-geneva/84149/>, Accessed 1/22/2014, rwg)

The nuclear agreement with Iran, known as the "Joint Plan of Action," which was signed in Geneva on November 24 between Iran and the superpowers is a great American diplomatic achievement with positive implications for Israel's security. The agreement limits Iran's capability to enrich uranium and begins to "roll back" those elements of Iran's nuclear program that possess dangerous military potential. This is an agreement that has moved Iran off the nuclear weapons path and imposed on it strict and intrusive supervision. But that's not the picture that was presented to the Israeli public.

B) Iranian prolif risks a Middle East nuclear war—deterrence will break down:

Phillip Stephens, 11/14/13 – columnist for the Financial Times (Phillip, Financial Times, "The four big truths that are shaping the Iran talks" <http://www.ft.com/intl/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html#axzz2kkvx15JT>

The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.

(--) Sanctions bill just makes Iranian prolif more likely:

BRADLEY KLAPPER, 1/9/2014 (staff writer, "Obama, Congress Locked in Iran Sanctions Dispute," <http://abcnews.go.com/Politics/wireStory/obama-congress-locked-iran-sanctions-dispute-21471744?singlePage=true>, Accessed 1/22/2014, rwg)

UNREALISTIC GOALS: The sanctions bill in Congress insists Iran halt all uranium enrichment, a demand long ceded by U.S., European and other negotiators. In Geneva, world powers implicitly recognized Iran's ability to enrich at levels below what is needed to produce weapons-grade material. By making the complete end to enrichment a requirement for any final deal, the administration fears Congress is setting the bar so high that diplomacy cannot succeed. That would make two worrying scenarios more likely: Iran acquiring nuclear weapons or the U.S. being forced to resort to military action.

(--) Sanctions bill makes Iranian proliferate more likely:

Colin H. Kahl, 12/31/2013 (former NDT finalist, associate professor in Georgetown University's Edmund A. Walsh School of Foreign Service, "The Danger of New Iran Sanctions,"

<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>, Accessed 1/22/2014, rwg)

The legislation defies a request by the Obama administration and ten Senate committee chairs to stand down on sanctions while negotiations continue. It also flies in the face of an unclassified intelligence assessment that new sanctions "would undermine the prospects for a successful comprehensive nuclear agreement with Iran." Proponents of the bill note that the proposed sanctions would only come into force if Iran violates the Geneva agreement or fails to move toward a final deal, and would not kick in for months. But the White House warns that enshrining new economic threats in law now runs counter to the spirit of the Geneva pledge of no new sanctions during negotiations, and risks empowering Iranian forces hoping to scuttle nuclear talks. The legislation also defines congressionally acceptable parameters for a final deal that Iran experts almost universally believe are unachievable, namely the requirement that Iran completely dismantle its uranium enrichment program. For these reasons, the administration believes the bill represents a poison pill that could kill diplomacy, making a nuclear-armed Iran or war more likely.

(--) New sanctions only accelerate Iranian proliferation:

Colin H. Kahl, 12/31/2013 (former NDT finalist, associate professor in Georgetown University's Edmund A. Walsh School of Foreign Service, "The Danger of New Iran Sanctions,"

<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>, Accessed 1/22/2014, rwg)

The Senate bill could also lead to provocative Iranian counter-reactions at an extraordinarily delicate moment for diplomacy. Indeed, nearly one hundred hardline Iranian parliamentarians have already drafted legislation that would mandate escalating enrichment to the nearly-bomb-grade 60 percent level if more U.S. sanctions are imposed. Given thirty-five years of distrust between Tehran and Washington, it would not take much perceived bad faith by either party to reverse the modicum of confidence built at Geneva. It is difficult to imagine negotiations surviving such a tit-for-tat retaliatory cycle.

(--) Sanctions relief key to getting Iran to give up the bomb:

Laicie Heeley, 6/3/2013 (Center for Arms Control and Nonproliferation, "Are Sanctions on Iran Working?" http://armscontrolcenter.org/assets/pdfs/REPORT_-_Are_Sanctions_On_Iran_Working_-_June_3.pdf, Accessed 10/16/2013, rwg)

However, Iran has not halted its nuclear development: Iran has not yet acceded to the desired limits on its nuclear program – it has continued to enrich uranium to levels close to weapons-grade, and it has proceeded with the upgrading and expansion of nuclear facilities. This continued progress suggests that sanctions alone are unlikely to convince Iran to

change course ¶ : robust negotiations in which incentives (including sanctions relief) ¶ are offered to Iran will be necessary to ¶ persuad ¶ e Iran to comply with international ¶ demands.

(--) New Congressional sanctions would devastate diplomacy with Iran:

Mark Landler, 10/11/2013 (staff writer, "On Iran Talks, Congress Could Play 'Bad Cop'" <http://www.nytimes.com/2013/10/11/world/middleeast/on-iran-talks-congress-could-play-bad-cop.html>, Accessed 10/16/2013, rwg)

WASHINGTON — When Iranian diplomats sit down in Geneva next Tuesday with the United States and five other world powers for a new round of talks about Iran's nuclear program, Congress will not have a seat at the table. But that does not mean it will not have a voice. ¶ With a tough, new Iran sanctions bill teed up in the Senate, following the overwhelming passage of similar legislation by the House in July, lawmakers are poised to do one of two things: They could tighten the screws on Iran's leaders in a way that helps produce a nuclear deal. Or they could foul up delicate diplomacy at a crucial moment. ¶ The Senate banking committee, under pressure from Secretary of State John Kerry, agreed to put a brief pause on its bill to avoid spoiling the first bargaining session in Geneva. But the committee's chairman, Senator Tim Johnson, Democrat of South Dakota, has told the Obama administration he plans to move forward with the bill in coming weeks. ¶ That sets up the prospect of Congress voting for draconian new sanctions against Iran just as the West is forming a judgment about whether Iran's new president, Hassan Rouhani, is serious about reaching an agreement that would ease concerns about Iran's nuclear ambitions enough for the United States to lift existing sanctions. ¶ "We know the sanctions are starting to take a toll on the regime," said Senator Mark S. Kirk, an Illinois Republican and Iran hawk, who has sponsored bills to cut off Iran's access to international financing. "This is the moment to ratchet up the pressure, not dial it back." ¶ It is not the first time that Congress has played the heavy in the diplomatic dance between the United States and Iran. On several occasions in recent years, it has passed legislation — sometimes over the objections of the White House — that has forced President Obama to be tougher than he might otherwise have been on the Iranian government. ¶ This time, though, Capitol Hill's influence looks to be more important, and less predictable. ¶ Although Mr. Rouhani was elected with a mandate to negotiate relief from sanctions, there is a deep latent hostility to diplomacy among hard-liners in Iran. Some Iran watchers worry that if Congress were to pass new sanctions prematurely, it could provoke a conservative backlash in Tehran that would doom the new leader's efforts. ¶ "These negotiations are going to be tremendously complex," said Cliff Kupchan, an Iran expert at the Eurasia Group, a risk consulting firm. "The ultimate train wreck would result from Congress moving forward on this sanctions bill before diplomacy has a chance to produce results."

(--) Loosening sanctions on Iran key to ending its drive for nuclear weapons:

Rachel Maddow, 9/20/2013 (tv journalist, "When crises become opportunities," <http://www.msnbc.com/rachel-maddow-show/when-crises-become-opportunities?lite=>, Accessed 10/16/2013, rwg)

Meanwhile, Iranian President Hasan Rouhani has a new op-ed in the Washington Post arguing that the United States and the rest of the world “must work together to end the unhealthy rivalries and interferences that fuel violence and drive us apart” through a policy of “constructive engagement.”¶ The New York Times added that Iranian leaders, “seizing on perceived flexibility in a private letter from President Obama, have decided to gamble on forging a swift agreement over their nuclear program with the goal of ending crippling sanctions.”¶ David Sanger summarized the bigger picture nicely.¶ Only two weeks after Washington and the nation were debating a unilateral military strike on Syria that was also intended as a forceful warning to Iran about its nuclear program, President Obama finds himself at the opening stages of two unexpected diplomatic initiatives with America’s biggest adversaries in the Middle East, each fraught with opportunity and danger.¶ Without much warning, diplomacy is suddenly alive again after a decade of debilitating war in the region. After years of increasing tension with Iran, there is talk of finding a way for it to maintain a face-saving capacity to produce a very limited amount of nuclear fuel while allaying fears in the United States and Israel that it could race for a bomb.¶ The surprising progress has come so suddenly that a senior American diplomat described this week’s developments as “head spinning.”

(--) Iran will scale back nuclear activities to achieve sanctions relief:

Louis Charbonneau, 10/16/2013 (“U.S. says talks intense, serious after Iran hints at atomic concessions,” <http://www.reuters.com/article/2013/10/16/us-iran-nuclear-idUSBRE99F0G820131016>, Accessed 10/16/2013, rwg)

(Reuters) - The United States described two days of nuclear negotiations with Iran as the most serious and candid to date after Western diplomats said Tehran hinted it was ready to scale back sensitive atomic activities to secure urgent sanctions relief.

(--) Sanctions wind down can build trust with Iran:

REUTERS, 10/16/2013 (“Hawkish US Congress holds key to easing Iran sanctions,” <http://www.jpost.com/Iranian-Threat/News/Hawkish-US-Congress-holds-key-to-easing-Iran-sanctions-328831>, Accessed 10/16/2013, rwg)

The sanctions Washington would likely wind down first are morsels such as easing restrictions on medical supplies, travel and the sale of spare airplane parts and service for US-built aircraft in Iran.¶ “Many of these are low impact, they are not going to turn Iran's economy around,” said Greg Theilmann, a fellow at the Arms Control Association, and a former top intelligence official at the State Department.¶ “But it's important to at least know there are a number of things that can be done to show US bona fides if the Iranians show that they are willing to take significant steps in the direction of what the US and other parties say they have to do,” he said.

(--) Iran is seeking sanctions relief in negotiations now:

MICHAEL R. GORDON, 10/16/2013 (staff writer, “Iran Talks Called Substantive; More Discussions Scheduled,” <http://www.nytimes.com/2013/10/17/world/middleeast/iran-nuclear-talks.html>, Accessed 10/16/2013, rwg)

Another major issue for the next round is how fast to ease economic sanctions that have battered the Iranian economy. Mr. Zarif emphasized that he hoped the West would take a “balanced” approach, an apparent allusion to Iranian demands for a quick easing of tough sanctions. In contrast, American officials have said they want to maintain major sanctions until all of the United States’ top demands are met. ¶ Striking a balance between Iran’s demand for relief and the United States’ desire to constrain the Iranian program will not be easy. Given advances in Iran’s nuclear program, some experts say, it is no longer sufficient for Iran to agree to a moratorium on the enrichment of uranium to 20 percent for some sanctions to be eased — a step Iran’s Fars News Agency reported Tehran was willing to take for six months. Rather, they say, limitations should also be imposed on the number of centrifuge machines Iran can possess and Iran should stop work on a plant that would produce plutonium, which also can be used in a weapon. ¶ “I do think that there is some convergence this round on the idea of having near-term, interim measures in place while negotiations go forward on the details of a comprehensive deal,” said Robert Einhorn, a senior fellow at the Brookings Institution who has served at the State Department as a senior adviser on proliferation issues. ¶ “A key challenge will be to reach agreement on an interim measure that balances the P5-plus-1 desire to halt advances in Iran’s nuclear program with Iran’s desire for early sanctions relief,” he added. Despite the many obstacles, American officials highlighted the positive tone of the meeting just ended, saying that the United States team had offered friendly advice to Mr. Zarif about how to deal with the back pain that plagued him this week.

Impacts: Iran Prolif Bad

(-- Iranian prolif risks a prolif snowball and nuclear war:

Eric S. Edelman, 2011 (Distinguished Fellow at the Center for Strategic and Budgetary Assessments, "The dangers of NATO a nuclear Iran: the limits of containment," Foreign Affairs, Jan-Feb. 2011, Accessed via General Onefile, 10/16/2013, rwg)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia, Turkey, and the United Arab Emirates--all signatories to the Nuclear Nonproliferation Treaty (NPT)--have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The NPT does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium--the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability.¶ Developing nuclear weapons remains a slow, expensive, and difficult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states' access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.¶ There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen CSS-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the CSS-2s, which are not accurate enough to deliver conventional warheads effectively.¶ There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear

weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own.¶ Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the NPT since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India.¶ The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.¶ N-PLAYER COMPETITION¶ Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.-Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack.¶ More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents' forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarine-based nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to "launch on warning" of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also

delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And **this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.**

(--) Iranian proliferators won't be peaceful—it risks an Iranian-Israeli nuclear war:

Eric S. Edelman, 2011 (Distinguished Fellow at the Center for Strategic and Budgetary Assessments, "The dangers of NATO a nuclear Iran: the limits of containment," Foreign Affairs, Jan-Feb. 2011, Accessed via General Onefile, 10/16/2013, rwg)

What to do about Iran's nuclear program is one of the most vexing foreign policy challenges confronting the Obama administration. This debate is increasingly characterized both by growing pessimism about whether the international community's diplomatic efforts and economic sanctions can prevent Iran from acquiring nuclear weapons and by guarded optimism that the consequences a nuclear-armed Iran are manageable. **Writing in these pages last spring, James Lindsay and Ray Takeyh, both of the Council on Foreign Relations, maintained that the United States could contain Iran even if it developed a nuclear arsenal** by establishing clear "redlines" that Tehran would not be allowed to cross without risking some type of retaliation. For example, if Iran used its nuclear weapons, transferred them to a third party, invaded its neighbors, or increased its support for terrorist groups such as Hamas and Hezbollah, the United States would be compelled to respond, although the measures it chose to adopt would not be specified in advance. This argument reflects the public position of many senior U.S. and European officials, as well as a number of prominent academics and defense intellectuals.¶ **Yet this view is far too sanguine. Above all, it rests on the questionable assumptions that possessing nuclear weapons induces caution and restraint, that other nations in the Middle East would balance against Iran rather than bandwagon with it, that a nuclear-armed Iran would respect new redlines even though a conventionally armed Iran has failed to comply with similar warnings, and that further proliferation in the region could be avoided. It seems more likely that Iran would become increasingly aggressive once it acquired a nuclear capability, that the United States' allies in the Middle East would feel greatly threatened and so would increasingly accommodate Tehran, that the United States' ability to promote and defend its interests in the region would be diminished, and that further nuclear proliferation, with all the dangers that entails, would occur. The greatest concern in the near term would be that an unstable Iranian-Israeli nuclear contest could emerge, with a significant risk that either side would launch a first strike on the other despite the enormous risks and costs involved.** Over the longer term, Saudi Arabia and other states in the Middle East might pursue their own nuclear capabilities, raising the possibility of a highly unstable regional nuclear arms race.

(--) Iranian prolifer risks a Middle Eastern nuclear war:

Eric S. Edelman, 2011 (Distinguished Fellow at the Center for Strategic and Budgetary Assessments, "The dangers of NATO a nuclear Iran: the limits of containment," Foreign Affairs, Jan-Feb. 2011, Accessed via General Onefile, 10/16/2013, rwg)

Given Israel's status as an assumed but undeclared nuclear weapons state, **the most immediate consequence of Iran's crossing the nuclear threshold would be the emergence of an unstable bipolar nuclear competition in the Middle East.** Given Israel's enormous quantitative and **qualitative advantage in nuclear weapons**--its arsenal is estimated to consist of anywhere from 100 to more than 200 warheads, possibly including thermonuclear weapons--Tehran might fear a disarming preventive or preemptive strike. During a crisis, then, **the Iranian leadership might face a "use them or lose them" dilemma with respect to its nuclear weapons and resolve it by attacking first.** ¶ **For their part, Israeli leaders might also be willing to strike first,** despite the enormous risks. Israel's small size means that even a few nuclear detonations on its soil would be devastating; Iran's former president Ali Akbar Hashemi Rafsanjani was exaggerating only slightly when he claimed that "even one nuclear bomb inside Israel will destroy everything." Iran's nuclear arsenal is likely to be small at first and perhaps vulnerable to a preventive attack. Moreover, even if current and future Israeli missile defenses could not stop a full-scale premeditated attack by ballistic missiles, they might be effective against any retaliation Iran might launch if it were hit first. And the willingness to execute a preventive or preemptive strike when confronting a serious threat is a deeply ingrained element of Israel's strategic culture, as Israel demonstrated in its attacks against Egypt in 1956 and 1967, against Iraq's nuclear program in 1981, and against a suspected Syrian nuclear site in 2007. On the one occasion that Israel absorbed the first blow, in 1973, it came perilously close to defeat. In short, the early stages of an Iranian-Israeli nuclear competition would be unstable.

(--) Iranian prolifer risks a cascade of Middle East proliferation:

Eric S. Edelman, 2011 (Distinguished Fellow at the Center for Strategic and Budgetary Assessments, "The dangers of NATO a nuclear Iran: the limits of containment," Foreign Affairs, Jan-Feb. 2011, Accessed via General Onefile, 10/16/2013, rwg)

Even if Iran and Israel managed to avoid a direct conflict, Iran's nuclear weapons would remain a persistent source of instability in the Middle East. Tehran would almost certainly attempt to expand the size of its arsenal to enhance the survivability of its nuclear weapons. To that end, it would have a strong incentive to adopt the North Korean model of proliferation: negotiating with the international community while continuing to expand its stockpile. Tehran could also deflect international pressure to disarm by offering to relinquish its arsenal if Israel did so as well, exploiting the desire of U.S. President Barack Obama and other Western leaders to make progress toward a world without nuclear weapons. As Iran's arsenal became larger and its fear of retaliation declined, however, it might be increasingly willing to engage in more subtle but still dangerous forms of aggression, including heightened support for terrorist groups or coercive diplomacy. ¶ **Meanwhile, if Iran acquires nuclear weapons, Israel might face internal**

and external pressures to abandon its posture of nuclear opacity, that is, its policy of refusing to confirm or deny that it has nuclear weapons. Internal pressure would come from those who believe that declaring Israel's arsenal is necessary to deter an attack by Iran. External pressure would come from those who view an Israeli declaration as the first step toward regional nuclear disarmament. But if Israel did abandon its policy of nuclear opacity, cooperation between Israel and its Arab neighbors would be far more difficult, and a containment strategy against Iran would thus be more challenging to implement. Such a disclosure might also encourage other states in the region to pursue their own nuclear weapons programs. Although most of Israel's neighbors have been willing to accept its undeclared nuclear weapons program so far, the combination of a nuclear-armed Iran and an openly nuclear-armed Israel could alter their calculations--due to a heightened sense of threat, a desire for prestige, domestic pressure, or all three.

(--) Prolif risks extinction:

Taylor '02 (Stuart Jr., Senior Writer with the National Journal and contributing editor at Newsweek, Legal Times, September 16, L/N)

< The truth is, no matter what we do about Iraq, if we don't stop proliferation another five or ten potentially unstable nations may go nuclear before long, making it ever more likely that one or more bombs will be set off on our soil by terrorists or terrorist governments. Even an airtight missile defense will be useless against a nuke hidden in a truck, a shipping container, or a boat.

Unless we get serious about stopping proliferation, we are headed for "a world filled with nuclear-weapons states where every crisis threatens to go nuclear," where "the survival of civilization truly is in question from day to day," and where "it would be impossible to keep these weapons out of the hands of terrorists, religious cults, and criminal organizations," So writes Ambassador Thomas Graham Jr., a moderate Republican who served as a career arms-controller under six presidents and led the successful Clinton administration effort to extend the Nuclear Nonproliferation Treaty.

(--) Iranian prolif will cause Saudi prolif—this causes a cascade of proliferation:

Eric S. Edelman, 2011 (Distinguished Fellow at the Center for Strategic and Budgetary Assessments, "The dangers of NATO a nuclear Iran: the limits of containment," Foreign Affairs, Jan-Feb. 2011, Accessed via General Onefile, 10/16/2013, rwg)

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to

accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen CSS-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the CSS-2s, which are not accurate enough to deliver conventional warheads effectively.¶ There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own.¶ Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the NPT since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India.¶ The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.

Impacts: AT: Iran will be deterred

A nuclear Iran can't be deterred:

Eric S. Edelman, 2011 (Distinguished Fellow at the Center for Strategic and Budgetary Assessments, "The dangers of NATO a nuclear Iran: the limits of containment," Foreign Affairs, Jan-Feb. 2011, Accessed via General Onefile, 10/16/2013, rwg)

If Iran did acquire nuclear weapons, would a containment strategy preserve stability in the Middle East? Some analysts, including Lindsay and Takeyh, argue that although Iran can be aggressive at times, it also regulates its behavior to avoid provoking retaliation. Since the regime is sensitive to costs, the logic goes, it recognizes the dangers of escalation; hence, containment would work. Other analysts argue that Iran's antagonism toward the United States and Israel is so strong and so central to its leaders' legitimacy that Tehran will become more hostile once it has a nuclear arsenal, regardless of the consequences.¶ The truth probably lies somewhere in between. Tehran may not be irrationally aggressive, but its leadership structure and decision-making are opaque. Its rhetoric toward the United States, Israel, and the Arab nations is often inflammatory. And its hostile behavior--including its support for proxies such as Hezbollah, its efforts to subvert its neighbors, and its provocative naval maneuvers in the Persian Gulf--could easily trigger a crisis. In short, it is unclear how a nuclear-armed Iran would weigh the costs, benefits, and risks of brinkmanship and escalation and therefore how easily it could be deterred from attacking the United States' interests or partners in the Middle East.

(--) Extended deterrence vs. Iran will fail:

Eric S. Edelman, 2011 (Distinguished Fellow at the Center for Strategic and Budgetary Assessments, "The dangers of NATO a nuclear Iran: the limits of containment," Foreign Affairs, Jan-Feb. 2011, Accessed via General Onefile, 10/16/2013, rwg)

In sum, any U.S. effort to implement an extended deterrence regime in the Middle East in order to contain a nuclear Iran and stem proliferation in the region would face very serious challenges. Given the magnitude of those challenges, the United States must redouble its efforts to prevent Iran from acquiring nuclear weapons while also taking steps that will bolster its credibility if containment becomes necessary because Iran has acquired nuclear weapons.

Impacts: AT: Have to Be Able to Threaten Force

(--) Deal with Iran doesn't take the use of force off the table:

Laicie Heeley, 2/20/2014 (staff writer, "Progress With Iran as Negotiations Continue in Vienna," <http://www.truth-out.org/opinion/item/21966-progress-with-iran-as-negotiations-continue-in-vienna>, Accessed 2/21/2014, rwg)

While there is some room to negotiate, a final agreement will seek to ensure that any scenario in which Iran should choose to reverse its path would allow the international community sufficient time for action, including military force. Former US nuclear negotiator Robert Einhorn suggested in October that a final deal must "sufficiently limit" Iran's ability "to suddenly abandon constraints, kick out inspectors, disable monitoring equipment and use existing enrichment facilities to produce enough weapons-grade uranium for one or more nuclear weapons - and to do these things before the international community can take effective action to stop them."

Impacts: AT: Sanctions Can Be Waived

(--) Waivers won't solve:

Trita Parsi, 2/18/2014 (President of the National Iranian American Council, "US-Iran deal: Compromise is key," <http://www.aljazeera.com/indepth/opinion/2014/02/us-iran-deal-compromise-key-201421845935181913.html>, Accessed 2/21/2014, rwg)

Going forward, Obama will face severe difficulties offering relief on key sanctions such as those on oil and banking, since these are controlled by Congress. ¶ Obama can temporarily waive Congressional sanctions, but the utility of waivers is questionable due to the proportionality principle established in the Istanbul talks in the spring of 2012. ¶ Reversible Western concessions, the Istanbul talks established, will have to be exchanged for reversible Iranian measures and vice versa. To extract irreversible concessions, similarly irreversible measures have to be offered. ¶ Sanctions waivers are fundamentally reversible. They usually last only six months and have to be actively renewed by the president - including by whoever occupies the White House after 2016.

(--) Waiver isn't enough to get Iran on board:

Trita Parsi, 2/18/2014 (President of the National Iranian American Council, "US-Iran deal: Compromise is key," <http://www.aljazeera.com/indepth/opinion/2014/02/us-iran-deal-compromise-key-201421845935181913.html>, Accessed 2/21/2014, rwg)

Moreover, for the deal to be sellable in Iran, economic relief must be real and come early. International companies are unlikely to return to the Iranian market simply based on sanctions being temporarily waived. They will, as they do elsewhere, demand stability. Consequently, waivers won't be enough. Iran's economy won't get the boost that would justify the nuclear compromises demanded of Iran. In short, neither the Iranian elite nor the public will go for it, Iran's negotiators will argue.

(--) Even passing the bill destroys diplomacy with Iran:

William Davnie, 1/5/2014 (staff writer, "Iran sanctions bill threatens progress; pressure is on Franken, Klobuchar," <http://www.startribune.com/opinion/commentaries/238660021.html>, Accessed 1/22/2014, rwg)

However, in an open rebuke of the White House, the intelligence community and the 10 Senate committee chairs who cautioned against new sanctions, Sens. Robert Menendez, D-N.J.; Chuck Schumer, D-N.Y., and Mark Kirk, R-Ill., have introduced a bill (S. 1881) to impose new oil and financial sanctions on Iran. Supporters of this measure stress that new sanctions would take effect only if Iran violates the Geneva agreement or fails to move toward a final deal at the end of the six-month negotiation period. And some dismiss this congressional threat as toothless, given President Obama's vow to veto any sanctions legislation. But simply passing these sanctions would dangerously escalate tensions with Iran. U.S. Rep. Keith Ellison, D-Minn., put it

best: “New sanctions stand to kill any hope for diplomacy.” Already, anti-Geneva-deal counterparts in Iran’s parliament have responded with their own provocation, introducing legislation to require Iran to enrich near weapons grade if the United States imposes new sanctions. Like the Senate sanctions bill, the Iranian parliament’s legislation would have a delayed trigger. Like the Senate bill, the mere introduction of this reckless legislation isn’t a violation of the letter of the Geneva agreement per se. But both bills risk restarting the vicious cycle of confrontation that has defined the U.S.-Iran relationship for decades.

(--) Even though the sanctions are suspended, they kill diplomacy:

BRADLEY KLAPPER, 1/9/2014 (staff writer, “Obama, Congress Locked in Iran Sanctions Dispute,” <http://abcnews.go.com/Politics/wireStory/obama-congress-locked-iran-sanctions-dispute-21471744?singlePage=true>, Accessed 1/22/2014, rwg)

BAD FAITH: As part of the interim deal, the U.S. promised Iran no new nuclear-related economic penalties for six months. A new round of sanctions, even though conditionally suspended, may stop short of breaking the agreement but could push Iran to quit negotiations — or issue its own threats of future action. Neither response serves U.S. national interests, administration officials say. America’s international partners, who’ve invested years trying to resolve the crisis peacefully, could also blame Washington and question U.S. laws against investing in Iran. New sanctions, Secretary of State John Kerry told Congress last month, “could lead our international partners to think that we’re not an honest broker.”

(--) Even though the sanctions don’t go into effect immediately, sanctions risk a war:

Ryan Costello, 12/19/2013 (Policy Fellow with the National Iranian American Council, “To Boost Leverage with Iran, Give Obama a Sanctions Kill Switch,” <http://nationalinterest.org/commentary/boost-leverage-iran-give-obama-sanctions-kill-switch-9591>, Accessed 1/22/2014, rwg)

This stance puts Menendez and others in open opposition to the president and our nation’s negotiators. As the White House has made clear, if Congress passes new sanctions—even if they include waivers to delay implementation—both Iran and the international community would see the United States as violating the terms and faith of the agreement. After the deal collapses, Iran would once again have an unconstrained nuclear program, we would lose our unprecedented inspections regime, and the U.S. and Iran would be back on a pathway to war.

(--) New bill limits Obama’s ability to waive the sanctions:

Ali Gharib, 12/18/2013 (a Foreign Policy blog, “Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill,” http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sanctions, Accessed 1/22/2014, rwg)

In accordance with goals laid out frequently by hard-liners in Congress and the influential lobbying group the American Israel Public Affairs Committee, the bill sets tough conditions for a final deal, should one be reached with Iranian negotiators. Among those conditions is a

provision that only allows Obama to waive new sanctions, even after a final deal has been struck, if that deal bars Iran from enriching any new uranium whatsoever. The bill states Obama may not waive sanctions unless the United States and its allies "reached a final and verifiable agreement or arrangement with Iran that will ... dismantle Iran's illicit nuclear infrastructure, including enrichment and reprocessing capabilities and facilities." (Congress could also block Obama's waivers by passing a "joint resolution of disapproval" against a final deal.)

(-- Flexibility from Obama is key to ending the nuclear standoff with Iran:

Rachel Maddow, 9/20/2013 (tv journalist, "When crises become opportunities," <http://www.msnbc.com/rachel-maddow-show/when-crises-become-opportunities?lite=>, Accessed 10/16/2013, rwg)

There are some awfully significant – and promising – parallels here with the U.S. standoff with Iran. Obama has been clear that he wants Iran to give up its rogue uranium-enrichment program and submit to the kind of rigorous inspections that would guarantee that its nuclear program is peaceful. He's also been clear that the United States is using severe economic sanctions to coerce Tehran to cooperate and that it would use military force if necessary. The implicit (and sometimes explicit) message to Iran has been: If you abandon your enrichment program, we'll make it worth your while by easing off. ¶ Here's where the parallel with Syria is really important: Iranian leaders distrust the United States deeply and fear that Obama would betray them by not holding up his end of the bargain. That's been a major hurdle to any U.S.-Iran nuclear deal. But seeing Assad's deal with Obama work out (so far) sends the message to Iran that it can trust the United States. It also sends the message that making concessions to the United States can pay off. Iran's supreme leader has been talking a lot lately about flexibility and diplomacy toward the West. So it's an ideal moment for Obama to be demonstrating flexibility and diplomacy toward the Middle East.

(-- Waivers risk a Congressional backlash:

REUTERS, 10/16/2013 ("Hawkish US Congress holds key to easing Iran sanctions," <http://www.jpost.com/Iranian-Threat/News/Hawkish-US-Congress-holds-key-to-easing-Iran-sanctions-328831>, Accessed 10/16/2013, rwg)

But even waivers could risk a backlash from Congress, at a time when Obama already has his hands full with fiscal fights with Republicans that have brought the United States to the brink of a debt default. ¶ Pressuring Iran is one of the rare issues both Democrats and Republicans agree upon and powerful pro-Israel lobbying groups hold great sway among lawmakers from both parties who worry Obama will give up too much in the current nuclear talks.

Impacts: AT: Iran Will Cheat

(--) Iran isn't cheating now

Peter Bader, 12/19/2014 (staff writer, "Iran honors nuclear deal with powers, IAEA report shows," <http://www.reuters.com/article/2014/12/19/us-iran-nuclear-iaea-idUSKBN0JX1GM20141219>, Accessed 1/2/2015, rwg)

(Reuters) - Iran has continued to meet commitments under an interim nuclear agreement with six world powers, a confidential U.N. agency report showed, though Tehran temporarily halted conversion work that makes higher-grade uranium less suitable for bombs. The monthly update by the International Atomic Energy Agency (IAEA), seen by Reuters, said Iran was not enriching uranium above a fissile concentration of 5 percent, far below the 90 percent level needed for atomic arms. It also said Iran had not made "any further advances" to its activities at two enrichment facilities and an unfinished heavy water reactor.

(--) Accusations of cheating are false:

Muhammad Sahimi, 12/24/2014 (Professor of Chemical Engineering & Materials Science and the NIOC Chair in Petroleum Engineering at the University of Southern California, "US Iran Hawks Try to Sabotage Nuclear Deal," <http://nationalinterest.org/feature/us-iran-hawks-try-sabotage-nuclear-deal-11920>, Accessed 1/2/2015, rwg)

Dubowitz also states a discredited story. Specifically, he refers to "cheating" by Iran after the November 2013 Geneva Accord was signed. What is the alleged cheating about? The IAEA had reported that Iran "had 'intermittently' been feeding natural uranium gas into a single so-called IR-5 centrifuge at a research facility." IR-5 is a more advanced version of Iran's currently operating centrifuges. David Albright, head of the Institute for Science and International Security in Washington, had interpreted it as "cheating" by Iran. The reality is that the Geneva Accord and its Joint Plan of Action permit Iran to continue its research on more advanced centrifuges. Iran's obligation, which it has lived by, is not installing such centrifuges. After this was pointed out, Albright retreated, declaring that the test was in violation of the "spirit" of the Accord. Who is moving whose goalposts, again?

(--) Iran isn't cheating on the deal:

Jon Greenberg, 12/31/2014 (staff writer, "Stephen Hayes: Iran cheated on the interim nuclear deal," <http://www.politifact.com/punditfact/statements/2014/dec/31/stephen-hayes/hayes-iran-cheated-interim-nuclear-deal/>, Accessed 1/2/2015, rwg)

We decided to check whether Iran was caught cheating on the interim agreement. Hayes told us he had two violations in mind. The one most tightly tied to Iran's nuclear program had to do with Iran's work with a new model of centrifuge. Centrifuges are key to enriching uranium and enriched uranium is key to making a bomb. The other violation had to do with Iran selling more oil than it is allowed. In our research, we found a third possible violation involving Iran buying parts for its heavy water reactor in Arak. What we discovered is that while Iran isn't squeaky clean, no point is definitively in violation of the interim agreement. Importantly, the International Atomic Energy Agency has reported no violations with the Joint Plan of Action.

(--) Iran isn't cheating on the interim agreement:

Jon Greenberg, 12/31/2014 (staff writer, "Stephen Hayes: Iran cheated on the interim nuclear deal," <http://www.politifact.com/punditfact/statements/2014/dec/31/stephen-hayes/hayes-iran-cheated-interim-nuclear-deal/>, Accessed 1/2/2015, rwg)

Adam Mount, a nuclear security fellow at the Council on Foreign Relations, said as far as anyone can tell, the interim agreement has achieved what it set out to do. "There is no publicly available evidence that Iran has violated the terms of the Joint Plan of Action," Mount said. "Progress on the Iranian nuclear program is frozen and in some of the most important areas, it has been rolled back."

(--) Iran isn't cheating on the nuclear deal:

Jon Greenberg, 12/31/2014 (staff writer, "Stephen Hayes: Iran cheated on the interim nuclear deal," <http://www.politifact.com/punditfact/statements/2014/dec/31/stephen-hayes/hayes-iran-cheated-interim-nuclear-deal/>, Accessed 1/2/2015, rwg)

Hayes said Iran had been caught cheating on the interim deal to rein in Iran's nuclear program, called the Joint Plan of Action. First, the International Atomic Energy Agency has reported no violations with the Joint Plan of Action. That said, there are some actions by Iran that certainly cut near the boundaries of the terms of the agreement. Iran has worked with a new kind of centrifuge that, while perhaps not a formal violation, does seem to contradict the United States' understanding of the deal, an expert told us. When confronted on the matter, Iran stopped its work. Also, there is some question about the amount of oil Iran is exporting. But an expert said we just don't have enough information to determine whether that constitutes a violation of the agreement or not. Hayes said we caught Iran cheating. You can say some allege that, and you can say there's some evidence that might suggest that. But we found no hand in the cookie jar. As such, we rate this claim Mostly False.

(--) Interim agreement includes rigid inspection requirements:

SEN. CARL LEVIN and SEN. BARBARA BOXER, 12/18/2013 ("Now's No Time for New Iran",

<http://www.politico.com/magazine/story/2013/12/nows-no-time-for-new-iran-sanctions-101303.html>, Accessed 1/22/2014, rwg)

The interim agreement includes inspection requirements unprecedented in their scope and stringency. For the first time, the deal gives international inspectors broad, intrusive and frequent access to Iran's nuclear facilities. For this reason alone—the ability to monitor Iran's nuclear program more closely than ever before—this initial agreement is a clear improvement over the status quo. And it doesn't just allow us to keep a closer eye on the Iranian nuclear program. For the first time, it halts, and to an extent rolls back, that program.

(--) Verification solves

Meir, 12/22/13 - Shemuel Meir is a former IDF analyst in the Strategic Planning Department and associate researcher at the Jaffee Center for Strategic Studies at Tel Aviv University ("An important year for Iran nuclear talks: What Israel got wrong" <http://972mag.com/the-nuclear-deal-with-iran-what-really-happened-in-geneva/84149/>)

In his answer to General Yadin, President Obama explained that theoretically, Iran could have “the breakout capability.” But in practical terms, the strict limitations on its low-level enrichment program and the intrusive IAEA monitoring provide a good guarantee that Iran would not have a “breakout capability.” According to the agreement, Iran will be placed under a “unique and unprecedented” verification and monitoring mechanism. Already in the first stage, IAEA monitors will be given access on a daily basis to the centrifuge sites, to the facilities for the production and storage of centrifuges (that until today were “off limits” to the IAEA). In this way, Iran undertakes already in the first stage some elements of the “Additional Protocol” (based on the lessons learned from Saddam Hussein’s clandestine program) which permits intrusive snap inspections at short notice, including at undeclared suspected sites which will prevent the possibility of secret stockpiling of fissile material for a bomb going unperceived by the inspectors. This will prevent the possibility of a clandestine route to nuclear weapons. It is worth remembering that to date, Iran is the most monitored country in the world – inspectors are permanently and continually in place in Iran, video cameras broadcast directly to the IAEA headquarters in Vienna. The US intelligence effort through satellites recall operations over Soviet territory during the Cold War. The satellite coverage is more than photography and includes the collection and interpretation of activities on the basis of samples of material released into the atmosphere. In addition, there is the NSA tracking of signals. In the nuclear context, tight monitoring is the best confidence-building measure. The second point explicitly emphasized by President Obama in his speech at the Saban Forum was that the North Korean model was not applicable to Iran and that there is no room for comparison between the two cases. President Obama emphasized the fact (based on intelligence material) that when the U.S. entered into negotiations with North Korea – the latter already had fissile material for nuclear weapons. North Korea had never been a full member of the NPT. It entered the treaty in an irregular and late manner, withdrew in 2003 and carried out its first nuclear explosion in 2006. The huge difference between Iran and North Korea can be found on the declarative level: North Korea according to its constitution is “a state armed with nuclear weapons” while Iran is an NPT country which, in the Geneva Agreement, has reaffirmed that it will not develop nuclear weapons. President Obama thus put an end to the North Korea spin. At Saban Forum, President Obama tried to signal (with admirable tact) to Israeli leaders that the prevalent concept according to which “there is nothing new in Iran” should be reexamined. That the importance of the political change in Iran should not be underestimated. President Rouhani’s sweeping electoral victory reflects a change of direction in Iran. An understanding of the global reality of the NPT regime (no to nuclear weapons, yes to civil nuclear programs) and the reality of the new Iran – these explain what happened in Geneva. The explanation is not to be found in an imagined US. naiveté. President Shimon Peres, who recently said in public that Iran is not an enemy state, seems to share President Obama’s assessment.

Impacts: Sanctions Bad/Diplomacy Works

Impacts: AT: Sanctions Good

(--) Sanctions didn't bring Iran to the negotiating table:

Muhammad Sahimi, 12/24/2014 (Professor of Chemical Engineering & Materials Science and the NIOC Chair in Petroleum Engineering at the University of Southern California, "US Iran Hawks Try to Sabotage Nuclear Deal," <http://nationalinterest.org/feature/us-iran-hawks-try-sabotage-nuclear-deal-11920>, Accessed 1/2/2015, rwg)

We see this unfortunate dynamic in an article this month by Mark Dubowitz, Executive Director of the Foundation for Defense of Democracies, published in the National Interest. Dubowitz's main premise is that it was the economic sanctions imposed by the United States and its allies that brought Iran to the negotiation table, and only more economic sanctions will induce it to surrender. The premise is false. While the sanctions did play a role, they were not the most important reason, or even one of the primary ones. Iran is negotiating because that is what it has wanted—contrary to Dubowitz's assertion that "Iran does not appear to be ready to compromise."

(--) We'll control uniqueness on the sanctions debate: Negotiations are working now—Iran is taking concrete steps to roll back its nuclear program:

Anita Kumar, 1/21/2014 (staff writer, "Iran sanctions eased; uranium work curbed,"

http://www.dispatch.com/content/stories/national_world/2014/01/21/iran-sanctions-eased-uranium-work-curbed.html, Accessed 1/22/2014, rwg)

WASHINGTON — Iran has started suspending some of its uranium enrichment as part of a deal between Tehran and world powers to rein in the nation's nuclear program in return for the lifting of some economic sanctions, an international watchdog says. Negotiators for the nations said they will begin working on a longer-term, more-comprehensive agreement. "These actions represent the first time in nearly a decade that Iran has verifiably enacted measures to halt progress on its nuclear program and roll it back in key respects," White House spokesman Jay Carney said in a statement. "Taken together, these concrete actions represent an important step forward."

(--) New sanctions UNDERMINE, not enhance US negotiating posture:

Ben Armbruster, 1/6/2014 (staff writer, "Security Experts Ask Senators To Pull Back Iran Sanctions Bill," <http://thinkprogress.org/security/2014/01/06/3122551/crocker-experts-senate-iran-sanctions-bill/>, Accessed 1/22/2014, rwg)

The letter's signatories share that concern and address the argument that lawmakers often make when pushing more sanctions now: the threat of harsh penalties will strengthen the U.S.'s negotiating position. "To the contrary," the letter says, "Iranian leaders are more likely to see such Congressional action as a violation of the spirit and perhaps the letter of the Joint Plan of Action of November 24, 2013, and to harden rather than soften their negotiating position." They note that Iranian parliamentarians have already introduced a measure to enrich nearly weapons-grade uranium in response to the Menendez-Kirk bill. "This kind of tit-for-tat spiral threatens to undermine any possibility of curtailing Iran's nuclear program," they write. "Should the U.S. Congress decide it must unilaterally seek to add even more burdens now on this

complicated and critical process, it is unlikely that the goals of our negotiations can be achieved," they write, warning that "our other negotiating partners (UK, France, Germany, Russia, and China) would be displeased and would conclude that the US is no longer proceeding in good faith in accord with the Joint Plan of Action. This bill could lead to an unraveling of the sanctions regime that the U.S. and its partners have so patiently built."

**(--)
The status quo is the best of both worlds—maintains the stick of sanctions while not empowering the hardliners in Iran:**

BRADLEY KLAPPER, 1/9/2014 (staff writer, "Obama, Congress Locked in Iran Sanctions Dispute," <http://abcnews.go.com/Politics/wireStory/obama-congress-locked-iran-sanctions-dispute-21471744?singlePage=true>, Accessed 1/22/2014, rwg)

TIMING: The Obama administration says the point of sanctions was to pressure Iran into negotiating limits on its nuclear program. Now that Iran is doing that, U.S. officials say fresh sanctions are pointless and perhaps counterproductive as the world tests Iran. Congress, they warn, is providing ammunition to Iranian hardliners who want to undermine Rouhani's more moderate approach. Billions of dollars in U.S. sanctions remain in force already. And if Iran cheats or diplomacy fails, more sanctions could always come then. "There is no need for new sanctions legislation, not yet," Obama said at his year-end news conference.

(--) Their sanctions good literature mis-reads the current political situation in Iran:

Colin H. Kahl, 12/31/2013 (former NDT finalist, associate professor in Georgetown University's Edmund A. Walsh School of Foreign Service, "The Danger of New Iran Sanctions,"

<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>, Accessed 1/22/2014, rwg)

Sanctions hawks disagree, arguing that the legislation will enable, not thwart, diplomatic progress. "Current sanctions brought Iran to the negotiating table," Senator Robert Menendez, the bill's leading champion, contends, "and a credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table." But this logic badly misreads the historical effect of sanctions on Iranian behavior and under-appreciates the role played by Iran's fractious domestic politics. A careful look at Iranian actions over the past decade suggests that economic pressure has sometimes been effective, but only when it aligns with particular Iranian political dynamics and policy preferences. And once domestic Iranian politics are factored in, the lesson for today's sanctions debate is clear: the threat of additional sanctions, at this critical juncture, could derail negotiations toward a peaceful solution. In the fall of 2003, under Iran's reformist president Mohammad Khatami and his lead nuclear negotiator, national-security adviser Hassan Rouhani, the so-called E-3 (Britain, France, and Germany) persuaded Tehran to voluntarily suspend its uranium enrichment activities. Iran also agreed to implement the Nuclear Non-Proliferation Treaty Additional Protocol, allowing International Atomic Energy Agency (IAEA) inspectors more expansive access to Iranian nuclear facilities. According to the 2007 U.S. National Intelligence Estimate and a November 2011 IAEA report, the Iranian regime previously halted its organized effort to design a nuclear warhead. François Nicoullaud, the French ambassador to Iran during this period, suggested that Rouhani may have played a key role in convincing Supreme Leader Ayatollah Ali Khamenei to order the halt to Iran's weaponization work.

(--) New sanctions won't cause Iran to capitulate:

Alireza Nader, 1/23/2014 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Why New Sanctions on Iran Won't Work," <http://nationalinterest.org/commentary/why-new-sanctions-iran-wont-work-9753>, Accessed 1/22/2014, rwg)

Supporters of more sanctions may assume that Iran is on its knees, and that only a bit more tightening of the screws could lead Khamenei and company to cry "uncle." And perhaps the Iranian regime would then agree to dismantle its entire program, the prosanctions crowd reasons. Some may also assume that added sanctions will change Iran's behavior – including its support of terrorist groups like Hezbollah – in tandem with resolving the nuclear issue. But while the Iranian regime is under great pressure, it is nowhere near collapse. Oil exports may be down and inflation up, but the economic system in Iran still functions, albeit poorly. And it was not just sanctions that damaged Iran's economy; former president Mahmoud Ahmadinejad's inept management was also to blame.

(-- More pressure/more concessions linkage is false:

Colin H. Kahl, 12/31/2013 (former NDT finalist, associate professor in Georgetown University's Edmund A. Walsh School of Foreign Service, "The Danger of New Iran Sanctions,"

<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>, Accessed 1/22/2014, rwg)

Iran's behavior over the last decade clearly shows that there is no inevitable or linear causal relationship between applying "more pressure" and obtaining "more concessions," as many sanctions advocates claim. Sometimes, as was the case in the 2003-2005 period, the threat of sanctions motivated nuclear compromise; but at other times (2006 to mid-2013), the actual imposition of sanctions appeared to have the opposite effect. There is little doubt that the economic deprivations produced by crippling sanctions—worsened by profound mismanagement under Ahmadinejad—compounded popular dissatisfaction with the regime and played a role in Rouhani's recent election. And sanctions certainly influenced the Iranian regime's apparent willingness to move toward nuclear accommodation in Geneva. But there is also little doubt that had Jalili become president, as some Western analysts predicted, Tehran's nuclear intransigence would have continued despite the same level of economic hardship. History thus suggests that external economic pressure matters, but the balance of domestic political forces in Iran matters at least as much—and it is the interaction between the two that matters most of all. The Islamic Republic's authoritarian political system is not nearly as static or monolithic as many casual observers assume. Rather, it is an arena for contestation between competing political actors and interests—and the winners of these battles can have considerable influence over the ultimate course Iran takes. To be sure, Supreme Leader Khamenei is the most powerful actor in the Iranian government, and he is the ultimate decider on the nuclear issue. But he is not omnipotent or unmovable. More often than not, Khamenei stays above the political fray, waiting to weigh in on controversial decisions until he has assessed the domestic power balance and the direction the political winds are blowing.

(-- Evidence Filter: Their evidence is from neo-conservative hacks—trust the factual view of the Geneva accord:

Shemuel Meir, 12/22/2013 (associate researcher at the Jaffee Center, "An important year for Iran nuclear talks: What Israel got wrong,"

<http://972mag.com/the-nuclear-deal-with-iran-what-really-happened-in-geneva/84149/>, Accessed 1/22/2014, rwg)

The Prime Minister's Office (PMO) and the security establishment dictated the tone of the public discourse that followed. From the PMO's overreaction ("a bad deal") and the majority of editorial columns appearing in Israeli newspapers, it appeared that Iran would not even for a moment stop its race to a nuclear bomb, and that Israel has been abandoned. All the spins and the incorrect interpretations have obscured the facts of what really happened in Geneva. The Israeli discourse has seen an overwhelming use of metaphors – "Munich 1938" "existential threat", "the centrifuges keep spinning," "it is all tactics and Iran is dragging its feet" – rather than facts and the media has taken to using headlines from the field of nuclear strategy and technology unaccompanied by accurate explanations or contexts.

(-- New sanctions jeopardize any final deal with Iran:

Ben Armbruster, 1/6/2014 (staff writer, "Security Experts Ask Senators To Pull Back Iran Sanctions Bill," <http://thinkprogress.org/security/2014/01/06/3122551/crocker-experts-senate-iran-sanctions-bill/>, Accessed 1/22/2014, rwg)

The interim agreement reached between Iran, the U.S. and its international partners in Geneva last November significantly reined in Iran's nuclear program in exchange for modest sanctions relief (most polls show that Americans support this first step deal). But Obama administration officials and Iran experts believe that passing new sanctions on Iran now — even those with a delayed trigger as the Menendez-Kirk bill mandates — would violate the terms of Geneva's Joint Plan of Action, thus jeopardizing any final deal with Iran.

(-- Sanctions relief key to solving Iranian proliferation—sanctions alone are ineffective:

Laicie Heeley, 6/3/2013 (Center for Arms Control and Nonproliferation, "Are Sanctions on Iran Working?" http://armscontrolcenter.org/assets/pdfs/REPORT_-_Are_Sanctions_On_Iran_Working_-_June_3.pdf, Accessed 10/16/2013, rwg)

Iran has continued to defy international demands, but has exhibited some openness to a negotiated compromise that includes sanctions relief. Iran has not yet halted its nuclear program or agreed to a compromise, but there are some indications that it is becoming more open to doing so. Iranian officials have signaled that they could be willing to halt the most problematic parts of their nuclear development, but have emphasized that they require sanctions relief in exchange. For sanctions to be effective in bringing about this compromise, the path to sanctions relief must be much clearer, and the West must be willing to lift sanctions step by step. The sanctions on Iran are a complex, overlapping set of measures that will be difficult to lift in the timely, sequential way that a compromise would require. To date, a clear path forward for how sanctions will be lifted in exchange for certain concessions by Iran apparently has not been put forth. The complexity and inflexibility of the existing set of sanctions makes it difficult to credibly use the promise of sanctions relief as a bargaining tool when negotiating with Iran.

(--) Sanctions only empower the hardliners in Iran:

Laicie Heeley, 6/3/2013 (Center for Arms Control and Nonproliferation, "Are Sanctions on Iran Working?" http://armscontrolcenter.org/assets/pdfs/REPORT_-_Are_Sanctions_On_Iran_Working_-_June_3.pdf, Accessed 10/16/2013, rwg)

However, sanctions have had important unintended consequences, including empowering the existing regime, while weakening more moderate, pro-Western Iranians who could be allies of the United States in the future. Paradoxically, economic woes have allowed the government to take greater control over the economy, and to use patronage, favors, and other methods to shield regime allies from the pain of sanctions. On the other hand, those hit hardest by the sanctions seem to be precisely those who otherwise would support a more moderate government in Iran, and who look favorably on the U.S. Reducing the economic and political power that such groups wield is not in the U.S.' long-term interests as it looks to eventually pursue a normalized relationship with Iran.

(--) Iran shields itself from the effects of sanctions:

Laicie Heeley, 6/3/2013 (Center for Arms Control and Nonproliferation, "Are Sanctions on Iran Working?" http://armscontrolcenter.org/assets/pdfs/REPORT_-_Are_Sanctions_On_Iran_Working_-_June_3.pdf, Accessed 10/16/2013, rwg)

However, state controls allow the government to minimize sanctions' impact: To manage the fallout from rising prices, the state has implemented currency controls that shield its main political base from the effect of sanctions. The Iranian government has created a separate exchange rate for basic goods, in effect blunting the impact of the devalued rial for the lower classes, who are a key support base (see also "Political Impact," below)

(--) Iran sidesteps effective sanctions:

Laicie Heeley, 6/3/2013 (Center for Arms Control and Nonproliferation, "Are Sanctions on Iran Working?" http://armscontrolcenter.org/assets/pdfs/REPORT_-_Are_Sanctions_On_Iran_Working_-_June_3.pdf, Accessed 10/16/2013, rwg)

Sidestepping sanctions through third parties: Iran has been able to make up for some of its losses in oil revenue by selling through middlemen, using a paperless ('hawala') payment system, and relying on smuggling networks. 11 Other methods of "sidestepping" include blending various fuels to disguise the origin, and refocusing on fuel oil and other commodities to make up for decreased revenues from crude oil. 12 Over the years, Iran has used Dubai as a middleman through which to obtain American consumer goods, and has refocused on trade with Asia to adapt to sanctions.

(--) Current sanctions policy is ineffective against Iran:

Laicie Heeley, 6/3/2013 (Center for Arms Control and Nonproliferation, "Are Sanctions on Iran Working?" http://armscontrolcenter.org/assets/pdfs/REPORT_-_Are_Sanctions_On_Iran_Working_-_June_3.pdf, Accessed 10/16/2013, rwg)

There are two main reasons that an increased emphasis on sanctions could be impeding a negotiated solution. First, existing sanctions overlap with one another in complex ways, which means it will be difficult to start rolling them back, even if Iran does start to make the desired concessions. As a result, Iranians have started to doubt whether negotiating will result in the meaningful sanctions relief they want. 22 Second, and more importantly in the long term, many sanctions have been imposed on Iran for actions unrelated to nuclear proliferation, such as support for terrorist groups and human rights abuses. 23 This means that making concessions on its nuclear program is unlikely to help Iran get the full relief from sanctions it seeks. From Iran's perspective, there may be no useful alternative to waiting out the sanctions and continuing its nuclear development to increase its bargaining power. For sanctions to serve as a true tool of leverage, sanctioning nations need to be able to credibly promise that they will lift sanctions if they get what they want, which is a key weakness of current Iran policy. According to the International Crisis Group, under the current "Spider Web" of sanctions, the international community has given up the "nimbleness" it needs to make sanctions an effective tool at the negotiating table. 2

Impacts: Sanctions Undercut Diplomacy

(--) New sanctions undercut diplomacy:

DONNA CASSATA, 1/21/2014 (staff writer, "Dems signal willingness to wait on Iran sanctions," http://www.denverpost.com/breakingnews/ci_24957275/senate-dems-divided-over-new-iran-sanctions, Accessed 1/22/2014, rwg)

"I'm a strong supporter of the current sanctions and I'm very willing to vote for additional sanctions if negotiations falter, but right now we're in the midst of the first serious discussion with them in a very long time about ending their quest for nuclear weapons," Sen. Tim Kaine, D-Va., who chairs the Foreign Relations subcommittee on the Middle East. Sen. Bill Nelson, D-Fla., said Secretary of State John Kerry has told Congress that new sanctions would undercut the negotiations and added, "I believe the secretary of state." Not all Republicans are on board. Sen. Rand Paul, R-Ky., said he is still looking at the legislation.

(--) New sanctions would derail negotiations with Iran:

Jim Lobe, 12/27/2013 (staff writer, "Iran sanctions bill: Big test of Israel lobby power," <http://www.arabamericannews.com/news/index.php?mod=article&cat=World&article=8046>, Accessed 1/22/2014, rwg)

WASHINGTON - This week's introduction by a bipartisan group of 26 senators of a new sanctions bill against Iran could result in the biggest test of the political clout of the Israel lobby here in decades. The White House, which says the bill could well derail ongoing negotiations between Iran and the U.S. and five other powers over Tehran's nuclear program and destroy the international coalition behind the existing sanctions regime, has already warned that it will veto the bill if it passes Congress in its present form.

(--) New sanctions will sabotage existing negotiations:

Robert Merry, 12/31/2013 (staff writer, "MERRY: Obama may buck the Israel lobby on Iran,"

<http://www.washingtontimes.com/news/2013/dec/31/merry-obama-may-buck-the-israel-lobby-on-iran/>, Accessed 1/22/2014, rwg)

It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama's delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran's nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement.

(--) Sanctions bill will kill the deal:

Timothy Gardner, 1/6/2014 (staff writer, "Iran sanctions bill opposed by Obama gains Senate backers," <http://www.reuters.com/article/2014/01/06/us-usa-sanctions-iran-idUSBREA0516E20140106>, Accessed 1/22/2014, rwg)

The Obama administration has insisted the bill would damage delicate talks being held between Iran and world powers over the nuclear program, which Tehran says is for peaceful purposes. Iranian Foreign Minister Mohammad Zarif has said a new sanctions law would kill the interim agreement.

(--) Sanctions bill kills the Geneva deal:

Bob Egelko, 12/26/2013 (staff writer, "Feinstein, Boxer side with Obama in Iran sanctions dispute," <http://blog.sfgate.com/nov05election/2013/12/26/feinstein-boxer-side-with-obama-in-iran--dispute/>, Accessed 1/22/2014, rwg)

The bill would impose additional economic sanctions if Iran either fails to comply with the terms of the six-month agreement or, more significantly, refuses to dismantle its entire uranium enrichment program within a year. Another provision would require the United States to provide economic and military support if Israel was "compelled to take military action in legitimate self-defense" against what the bill describes as Iran's nuclear weapons program. The bipartisan measure has 26 cosponsors, led by Senate Foreign Relations Committee Chairman Robert Menedez, D-N.J., and Sen. Mark Kirk, R-Ill. Another cosponsor is the Senate's third-ranking Democrat, Chuck Schumer of New York. "A credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table," Menendez said in a statement. But Rouhani said the legislation, if passed, would be a deal-breaker, and Obama has promised to veto it if it reaches his desk. Last week, 10 Senate Democratic committee chairs sent a letter to Majority Leader Harry Reid, D-Nev., urging him to keep the bill from coming to a vote. The signers included Feinstein, chairwoman of the Intelligence Committee, Boxer, head of Environment and Public Works, and Sen. Tim Johnson of South Dakota, whose Banking Committee would normally hear the bill. The letter cited a recent U.S. intelligence assessment that concluded new sanctions "would undermine the prospects for a successful comprehensive nuclear agreement with Iran."

(--) New sanctions collapse negotiations

Gharib, 12/18/13 (Ali, The Cable – a Foreign Policy blog, "Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill" http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti)

Critics of imposing new sanctions fear that the bill will violate either the spirit or the letter of the Joint Plan of Action signed in Geneva. The interim deal allows some flexibility, mandating that "the U.S. administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions." Administration officials have mounted a so-far successful effort to stall new sanctions in the Senate. (The House overwhelmingly passed new sanctions in the summer.) Previous rumors of a bill in the Senate were said to contain a six-month delay that would prevent the legislation from taking effect while talks continued, but this iteration of the legislation doesn't contain that kind of fail-safe. Asked this month by Time what would happen if a bill, even with a delay, passed Congress, Iran's Foreign Minister Javad Zarif said, "The entire deal is dead."

"The law as written comes close to violating the letter [of the Geneva agreement] since the sanctions go into effect immediately unless the administration immediately waives them," said Colin Kahl, who stepped down in 2011* as the Pentagon's top Mideast policy official. "There is no question the legislation violates the spirit of the Geneva agreement and it would

undoubtedly be seen by the Iranians that way, giving ammunition to hard-liners and other spoilers looking to derail further progress."

Though a fact-sheet circulating with the new bill says it "does not violate the Joint Plan of Action," critics allege it would mark a defeat for the administration and the broader push for a diplomatic solution to the Iran crisis.

"It would kill the talks, invalidate the interim deal to freeze Iran's nuclear program, and pledge U.S. military and economic support for an Israel-led war on Iran," said Jamal Abdi, the policy director for the Washington-based National Iranian American Council, a group that supports diplomatic efforts to head off the Iranian nuclear crisis. "There is no better way to cut Iranian moderates down, empower hardliners who want to kill the talks, and ensure that this standoff ends with war instead of a deal."

The bill would in effect set up a direct confrontation with the White House, which is negotiating a final deal with Tehran that would allow for continued Iranian enrichment capabilities. According to the agreement, the comprehensive deal would "involve a mutually defined enrichment program" with strict curbs. In a forum this month at the Brookings Institution, Obama dismissed the possibility that Tehran would agree to a deal that eliminated Iran's entire nuclear program or its domestic enrichment capabilities.

"If we could create an option in which Iran eliminated every single nut and bolt of their nuclear program, and foreswore the possibility of ever having a nuclear program, and, for that matter, got rid of all its military capabilities, I would take it," Obama said. "That particular option is not available." Asked again about not allowing any Iranian enrichment, Obama quipped, to laughter from the audience, "One can envision an ideal world in which Iran said, 'We'll destroy every element and facility and you name it, it's all gone.' I can envision a world in which Congress passed every one of my bills that I put forward. I mean, there are a lot of things that I can envision that would be wonderful."

Alireza Nader, an Iran analyst at the RAND Corporation, agreed dismantling Iran's entire nuclear program would be "pretty unrealistic." He added such an aim would be moving "backward": "The Geneva agreement basically states that if Iran is more transparent regarding its nuclear program and intentions, then it can be met with sanctions relief. That's the goal: transparency."

Nader said that diplomacy required flexibility from both sides, something the legislation doesn't seem to contain. "When you have these kinds of bills, it shows that there are those in the U.S. who don't want to be flexible," he said.

(--) New sanctions would kill the deal and risk an Israeli war against Iran:

Ali Gharib, 12/18/2013 (a Foreign Policy blog, "Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill,"

<http://thecable.foreignpolicy.com/posts/2013/12/18/>

exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti, Accessed 1/22/2014, rwg)

Though a fact-sheet circulating with the new bill says it "does not violate the Joint Plan of Action," critics allege it would mark a defeat for the administration and the broader push for a diplomatic solution to the Iran crisis. "It would kill the talks, invalidate the interim deal to freeze Iran's nuclear program, and pledge U.S. military and economic support for an Israel-led war on Iran," said Jamal Abdi, the policy director for the Washington-based National Iranian American Council, a group that supports diplomatic efforts to head off the Iranian nuclear crisis. "There is no better way to cut Iranian moderates down, empower hardliners who want to kill the talks, and ensure that this standoff ends with war instead of a deal." The bill would in effect set up a direct confrontation with the White House, which is negotiating a final deal with Tehran that would allow for continued Iranian enrichment capabilities. According to the agreement, the comprehensive deal would "involve a mutually defined enrichment program" with strict curbs. In a forum this month at the Brookings Institution, Obama dismissed the possibility that Tehran would agree to a deal that eliminated Iran's entire nuclear program or its domestic enrichment capabilities.

Impacts: Sanctions Empower Hardliners

(--) New sanctions legislation collapses Iranian hardline support for the deal— collapsing the agreement:

Robert Merry, 12/31/2013 (staff writer, “MERRY: Obama may buck the Israel lobby on Iran,”

<http://www.washingtontimes.com/news/2013/dec/31/merry-obama-may-buck-the-israel-lobby-on-iran/>, Accessed 1/22/2014, rwg)

However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control.

(--) New sanctions will undermine Rouhani:

Ben Armbruster, 2/18/2014 (staff writer, “Bipartisan Expert Group Says New Iran Sanctions Will Undermine Diplomacy,”

<http://thinkprogress.org/world/2014/02/18/3300741/iran-project-sanctions-diplomacy/#>, Accessed 2/21/2014, rwg)

Many, like Sen. Patrick Murphy (D-CT), have argued that placing new sanctions on Iran will undermine relative moderate Iranian President Hassan Rouhani, who supports a diplomatic approach with the U.S. The Iran Project agrees. “It is very difficult to imagine that the sanctions bill would do anything but undermine Rouhani, as he attempts to steer Iran on a different path. This is an assessment shared not only by Iran experts, and Iranian expats who have opposed the regime, but also by Israeli military intelligence, which has concluded that Rouhani may represent a fundamental shift in Iranian politics.”¶ “[I]t is difficult to escape the conclusion that a new sanctions bill would increase the probability of war, even if it does not guarantee such an outcome,” the report says.

(--) New sanctions only empower the hardliners against Rouhani:

Colin H. Kahl, 12/31/2013 (former NDT finalist, associate professor in Georgetown University’s Edmund A. Walsh School of Foreign Service, “The Danger of New Iran Sanctions,”

<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>, Accessed 1/22/2014, rwg)

What does all this mean for the current debate in the Senate over new Iran sanctions? It means that any member of Congress truly committed to a diplomatic outcome should recognize America’s acute interest to ensuring that Iranian moderates maintain their fragile momentum within Iran’s political system. The Revolutionary Guard and other hardliners are already fighting

a rearguard action against the Geneva agreement, with a war of words breaking out in recent weeks between Zarif and the Guards' top commander, Major General Mohammad Jafari, over the course of Iran's nuclear and foreign policy. These same forces would undoubtedly seize on Congressional legislation threatening new sanctions and demanding de facto nuclear surrender as the latest example of American perfidy, using it to rebut Rouhani's claim that an accommodation with the West that protects core Iranian interests is possible. Hardliners have consistently argued that Iranian compromise is just a prelude to greater U.S. pressure. Khamenei suspects this too. Threatening new sanctions in the immediate aftermath of the first meaningful Iranian concessions in a decade, as the proposed Senate legislation does, risks validating that view.

(-- New sanctions only undermine Rohani:

Alireza Nader, 1/23/2014 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Why New Sanctions on Iran Won't Work," <http://nationalinterest.org/commentary/why-new-sanctions-iran-wont-work-9753>, Accessed 1/22/2014, rwg)

The U.S. Senate is considering new sanctions against Iran, despite the Geneva agreement between Tehran and the P5+1 (United States, UK, France, Russia, China, and Germany) that started on Jan. 20. For the first time in a decade, Iran has agreed to freeze its nuclear program, and take important steps to constrain its ability to create nuclear weapons, such as eliminating or converting its stockpile of 20 percent enriched uranium. The new sanctions bill under consideration by the U.S. Senate, which calls for a deal that will "dismantle Iran's illicit nuclear program," appears to have strong support. Indeed, the measure's backers believe sanctions brought the Iranian negotiators to the table and produced the current U.S. success in Geneva. This is only partially correct. Sanctions did play a role in facilitating the Geneva agreement, but the election of Hassan Rouhani as Iran's president was also a key factor. And as Rouhani seeks to resolve Iran's nuclear confrontation with the world, new sanctions can only upset the delicate balance he is seeking to establish and maintain at home.

(-- Imposition of new sanctions undermines Rouhani's approach to Khamenei:

Alireza Nader, 1/23/2014 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Why New Sanctions on Iran Won't Work," <http://nationalinterest.org/commentary/why-new-sanctions-iran-wont-work-9753>, Accessed 1/22/2014, rwg)

Rouhani's diplomatic track has earned the support of more powerful figures such as Supreme Leader Ayatollah Ali Khamenei because it has the potential to produce positive results for the regime, especially the lifting of sanctions. But the imposition of sanctions after the Geneva deal only demonstrates to Khamenei, and also possibly Rouhani, that Iranian concessions will be met with more pressure. It is then logical for the Iranian regime to become less flexible, especially if there is no release valve for this new pressure.

(--) Key Iranian political figures support the current deal:

Jason Rezaian, 1/20/2014 (staff writer, "U.S., Europe lift some Iran sanctions under nuclear deal," http://www.washingtonpost.com/world/middle_east/iran-says-it-has-halted-most-sensitive-uranium-enrichment-program/2014/01/20/6c078bd6-81d7-11e3-a273-6ffd9cf9f4ba_story.html, Accessed 1/22/2014, rwg)

Despite the intensified conservative backlash, the agreement is supported by many key Iranian political figures, as well as many ordinary Iranians who hope that an easing of sanctions will ease economic woes that have reached deep into the Iranian middle class.

(--) Sanctions embolden hardliners and kill the deal:

SEN. CARL LEVIN and SEN. BARBARA BOXER, 12/18/2013 ("Now's No Time for New Iran ,"

<http://www.politico.com/magazine/story/2013/12/nows-no-time-for-new-iran-sanctions-101303.html>, Accessed 1/22/2014, rwg)

Media reports have suggested that Congress intends to pass legislation soon that would impose additional sanctions on Iran. That would run the risk of derailing efforts toward a peaceful resolution, and risk the unity we have achieved with the world community that has been so crucial to our progress to date. Fortunately, many in Congress, us included, believe that we must test this window of opportunity, to see whether Iran's new President Hassan Rouhani can deliver on the promise of a comprehensive solution that closes Iran's path to a nuclear weapon. As staunch supporters of Israel, we understand the dire risk to our Israeli allies should Iran cross the nuclear threshold. If Iran does not follow through on this opening or if in the end the regime is not willing to rejoin the community of nations, then we should impose even more crippling sanctions, and make clear that all potential options, including the use of military force, remain available. But we shouldn't pass legislation now that would endanger negotiations that most people and countries want to succeed. Such congressional action now could bolster the efforts of Iran's militants to kill the deal.

(--) New sanctions only empower the hardliners & risk war:

Alireza Nader, 11/5/2013 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Pause on additional Iran sanctions crucial to negotiations," <http://thehill.com/opinion/op-ed/189371-pause-on-additional-iran-sanctions-crucial-to-negotiations>, Accessed 1/22/2014, rwg)

Rouhani's election and, more importantly, Iran's dire economic condition are the reasons for Tehran's new approach. Some have taken this to mean that more sanctions are needed. However, just because Tehran is seeking to ease the pressure brought on by the sanctions that exist today does not mean that it will yield to new sanctions tomorrow. Rouhani has a limited mandate to solve the nuclear crisis and lift sanctions. However, more radical elements of the Iranian political system, marginalized for now, are waiting for him to fail. They believe that the American government is either duplicitous or will be unable to deliver a deal. New sanctions would confirm their view and further their goals of ending negotiations and sidelining Rouhani. New sanctions passed before a true test of Iran's intentions could result in a bleak future: a risky

and costly war with Iran with no guarantee of success, or the acceptance of an increasingly embittered, isolated, repressive and nuclear capable Islamic Republic.

(--) Rouhani has a window of opportunity against hard-line adversaries now:

Michael Martinez, 9/20/2013 (staff writer, "Iran's president begins 'charm offensive,' but will Obama buy it?" <http://www.cnn.com/2013/09/20/world/us-iran-relations/>, Accessed 10/16/2013, rwg)

Earnest did acknowledge how Rouhani now enjoys a window of opportunity against his hard-line adversaries at home, but Iran must "demonstrate their seriousness of purpose" and show "their nuclear program is for exclusively peaceful means."

Impacts: Can Trust Rouhani

(--) Rouhani is a pragmatist and will back down:

Dalia Dassa Kaye, 12/18/2014 (director of the Center for Middle East Public Policy and a senior political scientist at the nonprofit, nonpartisan RAND Corporation, "Back to the Basics," <http://www.usnews.com/opinion/blogs/world-report/2014/12/18/an-iran-nuclear-deal-is-still-possible-and-heres-why>, Accessed 1/2/2015, rwg)

1) Why did the Iranians come to the table? The Iranians didn't come to the negotiating table because they are anxious to give up the possibility of becoming a nuclear power. In fact, polling shows the majority of Iranians support Iran's right to nuclear energy and large numbers support an effort to obtain nuclear weapons. But **what's changed is that a new Iranian leadership came to power with the election of President Hassan Rouhani in June 2013, and they think Iran is paying too high a price for its nuclear program.** Rouhani is certainly no moderate – unabated repression continues since the brutal crackdown of the opposition Green movement in 2009. But **Rouhani and his key advisers appear to be pragmatic. They understand that the economic sanctions Iran has endured because of its nuclear pursuits threaten the stability of the Islamic Republic itself.**

(--) Rouhani has the backing of Khamenei on the nuclear negotiations:

Dalia Dassa Kaye, 12/18/2014 (director of the Center for Middle East Public Policy and a senior political scientist at the nonprofit, nonpartisan RAND Corporation, "Back to the Basics," <http://www.usnews.com/opinion/blogs/world-report/2014/12/18/an-iran-nuclear-deal-is-still-possible-and-heres-why>, Accessed 1/2/2015, rwg)

Rouhani is not the ultimate decision-maker in Iran; that honor goes to the country's supreme leader, Ayatollah Ali Khamenei. But it appears **Rouhani has had the backing of the supreme leader in the nuclear negotiations. And like Rouhani, Khamenei is almost certainly concerned about the domestic pressures building in Iran, especially from the country's majority youth population.** Iran's leaders may be failing their people in a variety of ways, but **one skill they have perfected is survival, and a nuclear deal is now looking like a good way to bolster support at home by offering the hope of economic relief.**

(--) Rouhani's victory represents sweeping change in Iran:

Shemuel Meir, 12/22/2013 (associate researcher at the Jaffee Center, "An important year for Iran nuclear talks: What Israel got wrong,"

<http://972mag.com/the-nuclear-deal-with-iran-what-really-happened-in-geneva/84149/>, Accessed 1/22/2014, rwg)

At Saban Forum, President Obama tried to signal (with admirable tact) to Israeli leaders that the prevalent concept according to which “there is nothing new in Iran” should be reexamined. That the importance of the political change in Iran should not be underestimated. President Rouhani’s sweeping electoral victory reflects a change of direction in Iran. An understanding of the global reality of the NPT regime (no to nuclear weapons, yes to civil nuclear programs) and the reality of the new Iran – these explain what happened in Geneva. The explanation is not to be found in an imagined US. naiveté. President Shimon Peres, who recently said in public that Iran is not an enemy state, seems to share President Obama’s assessment.

(--) Rouhani is trustworthy:

Mark Leonard, 10/15/2013 (staff writer, “On Iran, Obama’s bigger challenge is with his allies,” <http://blogs.reuters.com/mark-leonard/2013/10/15/on-iran-obamas-bigger-challenge-is-with-his-allies/>, Accessed 10/16/2013, rwg)

Rouhani’s stated goals seem straightforward: reversing the crippling sanctions in Iran to improve the economic situation and elevating his country’s international standing. Javier Solana — Europe’s former top diplomat who opened nuclear talks with Rouhani when Rouhani was Iran’s chief nuclear negotiator — told me that Rouhani “is a rational person who you can do business with.” Since coming to power, Rouhani has taken steps to change the mood. He appointed the intelligent and western-friendly Mohammad Javad Zarif to the foreign ministry, wresting control of the nuclear dossier from the country’s Supreme National Security Council and handing it to Zarif’s foreign ministry. Most intriguingly, he appointed Ali Shamkhani, an Iranian war hero of Arab origin, to be head of the Security Council.

(--) The best gamble is to believe Rouhani:

David Rohde, 9/19/2013 (staff writer, “Iran’s offer is genuine — and fleeting,” <http://www.reuters.com/article/2013/09/19/us-irans-offer-idUSBRE98I18B20130919>, Accessed 10/16/2013, rwg)

The best bet is to gamble that Rouhani is what he says — a moderate trying to outflank his country’s conservatives. Not rewarding the bold public steps he has taken will undermine Rouhani’s fleeting authority in Iran.¶ If there is a lesson from Afghanistan and Iraq, it is that U.S. military force allows nationalists to blame foreigners for trying to change their nation. Conservatives in Iran will use an American military action to bolster their own standing and discredit moderates.¶ In the long-term, it is far more effective to have an Iranian moderate battle an Iranian hardliner than an American soldier. In the end, it is Iranians who will discredit their nation’s theocracy, not foreigners.

Impacts: AT: Khamenei, not Rouhani, is in charge

(--) Iran's leadership will let Rouhani roll back the nuclear program:

Colin H. Kahl, 12/31/2013 (former NDT finalist, associate professor in Georgetown University's Edmund A. Walsh School of Foreign Service, "The Danger of New Iran Sanctions,"

<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>, Accessed 1/22/2014, rwg)

In this clash of perspectives, Khamenei appears closer to the hardliners' camp. But Khamenei is also concerned about the legitimacy and survival of the system as a whole, which was badly damaged by the rigged 2009 elections and the mishandling of foreign and economic policy during Ahmadinejad's tenure. Rouhani's sweeping election victory thus mattered not only because of the new president's own preferences, but because the election itself signaled to Khamenei that some policy shift was required in order to maintain domestic legitimacy. Anxious to shore up the system, Khamenei appears willing to give Rouhani a chance to resolve the nuclear impasse, but only so long as the president and his negotiating team do not cross the leader's red lines, especially as it relates to defending Iran's asserted right to enrichment. If Rouhani can maintain sufficient elite consensus, Khamenei may ultimately agree to meaningfully roll back Iran's program as an act of "heroic flexibility" to relieve the economic pressure created by sanctions. But he will not support total capitulation. Given the significant financial investment—estimated to be at least \$100 billion—and political capital the regime has expended to master uranium enrichment, the supreme leader will not agree to completely dismantle Iran's program as many in Congress demand. Indeed, Khamenei probably fears such a humiliation more than he fears economic collapse or targeted military strikes against his nuclear facilities. If Khamenei senses Rouhani and Zarif are headed in that direction, he will likely pull the rug out from under continued negotiations, regardless of U.S. threats to escalate the pressure further. And cognizant of this fact, Iranian hardliners will seize on any sign that Rouhani is being suckered by the West to try to sway the leader's decision.

Impacts: Deal Solves

(--) First steps toward comprehensive deal are happening now:

Paul Richter, 1/20/2014 (staff writer, "Iran halts part of uranium enrichment efforts; West loosens sanctions," <http://www.latimes.com/world/la-fg-iran-nuclear-20140121,0,1256493.story>, Accessed 1/22/2014, rwg)

TEHRAN — Iran suspended part of its uranium enrichment efforts Monday and the U.S. and European Union began loosening some economic sanctions, the first concrete steps toward a comprehensive deal to end the long confrontation over Tehran's nuclear ambitions.

(--) Deal allows the opportunity to reach a diplomatic solution over Iran sanctions:

Paul Richter, 1/20/2014 (staff writer, "Iran halts part of uranium enrichment efforts; West loosens sanctions," <http://www.latimes.com/world/la-fg-iran-nuclear-20140121,0,1256493.story>, Accessed 1/22/2014, rwg)

U.S. officials hailed the start of the deal, saying it offered an opportunity to reach a diplomatic solution to the long impasse with Iran over the nuclear program. At the same time, they stressed that the administration was approaching the upcoming negotiations on a long-term deal with "eyes open." Critics, including Israel, say Iran is using the talks to buy time and loosen international sanctions.

Impacts: Sanctions Kill Unity

(--) New sanctions destroy unity against Iran:

Ben Armbruster, 1/6/2014 (staff writer, "Security Experts Ask Senators To Pull Back Iran Sanctions Bill," <http://thinkprogress.org/security/2014/01/06/3122551/crocker-experts-senate-iran-sanctions-bill/>, Accessed 1/22/2014, rwg)

The White House has been lobbying Congress against passing new sanctions. Secretary of State John Kerry told a House Panel last month that it would be "gratuitous in the context of this situation." "If we appear to be going off on our own tangent and do whatever we want we will potentially lose their support for the sanctions themselves because we don't just enforce them by ourselves, we need their help," Kerry said, referring the U.K, France, China, Russia and Germany. "I don't want to threaten the unity that we currently have with respect to this approach particularly when it doesn't cost us a thing to go through this process knowing that we could put sanctions in place additionally in a week and we would be there with you seeking to do it. I don't want to give the Iranians public excuse to flout the agreement."

(--) New round of sanctions will undermine international unity against Iran:

Ken Thomas, 10/17/2013 (staff writer, "Defying Obama, Senators urge tougher Iran sanctions," <http://www.timesofisrael.com/defying-obama-senators-urge-tougher-iran-sanctions/>, Accessed 10/16/2013, rwg)

And the Obama administration is worried countries may ignore sanctions they deem excessive, undercutting international unity against Iran. Officials also have expressed concern that moving too quickly with additional sanctions packages also could undermine Rouhani with hardliners in his own country and not give him adequate chance to prove his seriousness in the nuclear talks.

Impacts: AT: North Korea Proves Softline Fails

(--) Iran situation is radically distinct from North Korea:

Shemuel Meir, 12/22/2013 (associate researcher at the Jaffee Center, "An important year for Iran nuclear talks: What Israel got wrong,"

<http://972mag.com/the-nuclear-deal-with-iran-what-really-happened-in-geneva/84149/>, Accessed 1/22/2014, rwg)

The second point explicitly emphasized by President Obama in his speech at the Saban Forum was that the North Korean model was not applicable to Iran and that there is no room for comparison between the two cases. President Obama emphasized the fact (based on intelligence material) that when the U.S. entered into negotiations with North Korea – the latter already had fissile material for nuclear weapons. North Korea had never been a full member of the NPT. It entered the treaty in an irregular and late manner, withdrew in 2003 and carried out its first nuclear explosion in 2006. The huge difference between Iran and North Korea can be found on the declarative level: North Korea according to its constitution is "a state armed with nuclear weapons" while Iran is an NPT country which, in the Geneva Agreement, has reaffirmed that it will not develop nuclear weapons. President Obama thus put an end to the North Korea spin

Impacts: AT: Terrorism Turn/Sanctions Stop Iran Support of Terrorists

(--) Iran won't abandon Hezbollah even under new sanctions pressure:

Alireza Nader, 1/23/2014 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Why New Sanctions on Iran Won't Work," <http://nationalinterest.org/commentary/why-new-sanctions-iran-wont-work-9753>, Accessed 1/22/2014, rwg)

But Khamenei is not likely to grant Iranians more freedom because he feels economic pressure. And he is not going to abandon Hezbollah, which is a pillar of Iranian power in the Middle East. For the regime, political liberalization and abandoning Hezbollah are just as bad as more sanctions, if not worse. Positive change in Iran will take time, and that change will flow from the Iranian people, and perhaps some of their leaders. Endlessly punishing the regime without a workable strategy may make for good politics at home, but it is not likely to achieve America's long-term objectives.

(--) Geneva offers a better chance to solve the terrorism issue than new sanctions:

Alireza Nader, 1/23/2014 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Why New Sanctions on Iran Won't Work," <http://nationalinterest.org/commentary/why-new-sanctions-iran-wont-work-9753>, Accessed 1/22/2014, rwg)

Geneva provides a good framework to resolve the Iranian nuclear challenge. And it will buy the United States time to address Iran's human-rights abuses and its support for terrorism. But these objectives are best addressed one at a time. Sanctions may have had an important effect on negotiations, but it is U.S. diplomacy that will ultimately win the day.

Impacts: Turn Case Modules

Impacts: Cartels

Continued sanctions spur Hezbollah-cartel cooperation—bigger internal link

Trumpet 13—official website of the Philadelphia Trumpet news magazine (“Sanctions on Iran Bringing Terror Closer to the U.S.”,

<http://www.thetrumpet.com/article/10246.19.0.0/sanctions-on-iran-bringing-terror-closer-to-the-us, dml>)

Curtailed funding from embargoed Iran to its terrorist proxies may be causing Hezbollah to partner with Mexican drug cartels to raise funds for potential attacks in the United States.

The economic sanctions that have been slapped on Iran for its nuclear weapons program have caused Tehran to cut back its funding to Hezbollah, according to the Israeli military. U.S. officials say Hezbollah operatives in Mexico are enhancing their cooperation with murderous drug cartels, like Los Zetas, in the northern districts bordering the U.S. in order to minimize dependency on Iranian funding.

In an article titled “Hezbollah’s Cocaine Jihad,” Ynetnews writes:

Western intelligence agencies have been able to gather ample evidence suggesting that the drug cartels in Mexico—which are the de facto rulers of the northern districts bordering the U.S.—are in cahoots with Islamic terror organizations, which are eager to execute attacks against American, Israeli, Jewish and western targets; but most of all, the Islamic terror groups are eager to make money, so they can fund their nefarious aspirations.

Hezbollah is helping the cartels in weapons and explosives production. The terror entity is also training drug lords to build elaborate tunnels under the U.S.-Mexico border, much akin to the maze of tunnels running under the Gaza-Egypt border. These tunnels would be mutually beneficial to both syndicates. The cartels would use them to smuggle humans, drugs and weapons, and Hezbollah would use them for its own terrorist activities in the United States. In 2009, the Department of Homeland Security caught wind of an al Qaeda recruiter’s boasts of the ease with which these tunnels could be used to bring terror to the U.S. on a scale that would “make 9/11 look like peanuts.”

Impacts: Economy

(-- Deal key to the global economy:

Dr. Nasser H. Saidi, 1/3/2014 (advisor to central banks, "Why Détente With Iran Is a Historic Game Changer," http://www.huffingtonpost.com/dr-nasser-h-saidi/us-detente-with-iran-game-changer_b_4476864.html, Accessed 1/22/2014, rwg)

A \$1.3 trillion investment opportunity in Iraq and Iran As a result of more than two decades of sanctions, Iran has not had access to modern technology and investment, and achieved lower overall levels of investment. With détente Iran will need to catch up and raise investment by up to 15 percent to 20 percent of GDP (or about US\$60 to US\$80 billion) for at least 10 years. Hence, as a conservative estimate, Iran will be opening investment opportunities of some \$600 to \$800 billion over the coming decade ranging from core infrastructure, agriculture, oil and gas, industry and housing among other. Next door, Iraq's reconstruction will require investment of the order of \$700 billion. Détente with Iran and resulting stabilization in Iraq would mean infrastructure and reconstruction expenditures of some \$1.3 trillion, a major boon and boost to the region's economies and for the global economy.

(-- Nuclear Iran destroys the world economy:

Jewish Voice, 2/18/2015 ("Sen. Schumer to Vote for New Iran Sanctions if No Agreement Signed by March 24th,"

http://jewishvoicenyc.com/index.php?option=com_content&view=article&id=10162:sen-schumer-to-vote-for-new-iran-sanctions-if-no-agreement-signed-by-march-24th&catid=110:national&Itemid=293, Accessed 2/19/2015, rwg)

He added, "A nuclear Iran could send weapons to Saudi oil fields, destroying them and sending the world economy into chaos, and could poison our atmosphere. A nuclear Iran would further destabilize an already-volatile region, and fuel more aggressive support of Iranian-backed terror organizations. To those who say Iran is not going to use a weapon, I say: if there is only a 10 percent chance Iran uses a nuclear weapon, it is vital we prevent it."

(-- War against Iran devastates the world economy:

Jon Perr, 12/24/2013 (B.A. in Political Science from Rutgers University, "Senate sanctions bill could let Israel take U.S. to war against Iran," <http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#>, Accessed 1/22/2014, rwg)

The Pentagon's 2012 war-gaming in a simulation called "Internal Look" served to reinforce for U.S. military officials "the unpredictable and uncontrollable nature of a strike by Israel, and a counterstrike by Iran." As for the impact on the global economy, in November, the Federation of American Scientists estimated that a U.S. campaign of air strikes would cost \$700 billion; a full-scale invasion could have a total impact of \$1.7 trillion.

(-- Middle East war derails economy:

David Rohde, 9/19/2013 (staff writer, "Iran's offer is genuine — and fleeting," <http://www.reuters.com/article/2013/09/19/us-irans-offer-idUSBRE98I18B20130919>, Accessed 10/16/2013, rwg)

For both Obama and Rouhani, the stakes are enormous. They face an increasingly chaotic Middle East. The war in Syria is metastasizing into a regional Sunni-Shia clash. Western sanctions have left Iran's economy's in ruins. And a Middle East conflagration could derail a tepid American economic recovery.

Impacts: EU Relations

(--) Nuclear deal with Iran bolsters US-EU relations:

Raf Sanchez, 12/29/2014 (staff writer,

<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/11316496/Barack-Obama-Iran-could-be-a-successful-regional-power-if-it-agrees-to-a-nuclear-deal.html>, Accessed 1/2/2015, rwg)

A breakthrough that eventually leads to restored relations between the US and Iran would be generally welcomed in Europe. Britain announced in June that it was re-opening its embassy in Tehran.

Impacts: Hegemony

(--) New sanctions crush US hegemony & lead to a war with Iran:

David W. Kearns, 1/19/2014 (Assistant Professor, St. John's University, "The Folly of New Iran Sanctions," http://www.huffingtonpost.com/david-w-kearn/the-folly-of-new-iran-san_b_4619522.html, Accessed 1/22/2014, rwg)

While the momentum seems to have stalled, the movement in the United States Senate this week to pass a bill raising new sanctions on Iran threatened to undermine the negotiations for a long-term, comprehensive solution to the nuclear issue, just as the interim agreement negotiated in Geneva is planned to go into effect. What was particularly unusual was the bipartisan nature of the support for a bill. Led by Senate Foreign Relations Committee Chairman Robert Menendez (D-NJ), as many as sixteen Democratic Senators had cosponsored the bill, moving it close to a 60-vote "filibuster proof" margin, which (after likely passage in the House) would force a veto by President Obama. The timing of the legislation is curious because of the delicate nature of the negotiations and the ongoing diplomacy between the United States and its partners and Iran. Hardliners on all sides are skeptical of any deals, but unlike past negotiations, the stakes this time seem much higher. Well-meaning intentions aside, any legislation that precipitates an Iranian walkout and a collapse of the negotiations will likely be viewed by friends and adversaries alike as a major failure by the United States. However, unlike past instances, the probability of war has significantly increased.

(--) New sanctions turn credibility & hegemony:

Alireza Nader, 11/5/2013 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Pause on additional Iran sanctions crucial to negotiations," <http://thehill.com/opinion/op-ed/189371-pause-on-additional-iran-sanctions-crucial-to-negotiations>, Accessed 1/22/2014, rwg)

New sanctions under consideration by Congress could lead to a weakening of the overall U.S. position. First, Rouhani could lose his mandate to continue negotiations. Second, Iran could begin to undermine the international coalition that has created the harshest peacetime sanctions in history. Rouhani, weakened at home but still respected abroad, could persuade major Iranian oil buyers such as China, India, Japan and even European that Iran attempted to negotiate in good faith but was rebuffed by the United States. Third, Iran could successfully cause a split between the group. China and Russia might believe that Congress wants regime change in Iran instead of a diplomatic solution. Germany, which has close business ties with Iran, could become unhappy about its economic sacrifices. And even the U.K. and France could begin to doubt U.S. intentions. Congress deserves credit for pressuring the Iranian regime, but it should pause the march toward new sanctions to give the negotiations a chance. Current sanctions against Iran are effective, and new sanctions can always be imposed if Iran does not budge. A smart approach toward Iran does not only entail creating pressure but using it correctly, and for the right goals.

(--) New sanctions only undermine US credibility:

Alireza Nader, 1/23/2014 (senior international policy analyst at the nonprofit, nonpartisan RAND Corporation, "Why New Sanctions on Iran Won't Work," <http://nationalinterest.org/commentary/why-new-sanctions-iran-wont-work-9753>, Accessed 1/22/2014, rwg)

The imposition of new sanctions will only make the job of American negotiators more difficult, and perhaps even damage U.S. credibility among the other P5+1 members. The United States, and not Iran, could be viewed as the more intransigent party, winning Tehran more sympathy from Russia and China, which are both itching for sanctions to end. The rest of the world is watching the nuclear drama carefully, and not only the actions of Iran, but also those of the world's remaining superpower. China and Russia signed on to sanctions in order to resolve the nuclear issue peacefully. They do not like the idea of sanctions being used to influence the foreign policies of "rogue" states opposed to U.S. ambitions and to punish authoritarian regimes similar to their own. Iran and Russia are on the same side in Syria, and may become even closer now that Rouhani is president (Ahmadinejad was too openly critical of Moscow). New U.S. sanctions could actually bolster Iran's standing among other world powers such as Russia. After all, Rouhani can claim, with justification, that he engaged the United States in good faith, but was only met with more punishment. Iran may then have an easier time convincing other countries that the time has come to loosen the sanctions regime.

(--) Iran nuclearization kills U.S. hegemony and credibility

Daremlum 2011

Jaime, Hudson Institute Senior Fellow and directs the Center for Latin American Studies, Iran Dangerous Now, Imagine It Nuclear, http://www.hudson.org/index.cfm?fuseaction=publication_details&id=8439

What would it mean if such a regime went nuclear? Let's assume, for the sake of argument, that a nuclear-armed Iran would never use its atomic weapons or give them to terrorists. Even under that optimistic scenario, Tehran's acquisition of nukes would make the world an infinitely more dangerous place. For one thing, it would surely spark a wave of proliferation throughout the Greater Middle East, with the likes of Turkey, Egypt, and Saudi Arabia - all Sunni-majority Muslim countries - going nuclear to counter the threat posed by Shiite Persian Iran. For another, it would gravely weaken the credibility of U.S. security guarantees. After all, Washington has repeatedly said that the Islamic Republic will not be permitted to get nukes. If Tehran demonstrated that these warnings were utterly hollow, rival governments and rogue regimes would conclude that America is a paper tiger. Once Tehran obtained nuclear weapons, it would have the ultimate trump card, the ultimate protection against outside attack. Feeling secure behind their nuclear shield, the Iranians would almost certainly increase their support for global terrorism and anti-American dictatorships. They would no longer have to fear a U.S. or Israeli military strike. Much like nuclear-armed North Korea today, Iran would be able to flout international law with virtual impunity. If America sought to curb Iranian misbehavior through economic sanctions, Tehran might well respond by flexing its muscles in the Strait of Hormuz. As political scientist Caitlin Talmadge explained in a 2008 analysis, "Iranian closure of the Strait of Hormuz tops the list of global energy security nightmares. Roughly 90 percent of all Persian Gulf

oil leaves the region on tankers that must pass through this narrow waterway opposite the Iranian coast, and land pipelines do not provide sufficient alternative export routes. Extended closure of the strait would remove roughly a quarter of the world's oil from the market, causing a supply shock of the type not seen since the glory days of OPEC." Think about that: **The world's leading state sponsor of terrorism has the ability to paralyze the global economy, and, if not stopped, it may soon have nuclear weapons.** As a nuclear-armed Iran steadily expanded its international terror network, the Western Hemisphere would likely witness a significant jump in terrorist activity. Tehran has established a strategic alliance with Venezuelan leader Hugo Chávez, and it has also developed warm relations with Chávez acolytes in Bolivia, Ecuador, and Nicaragua while pursuing new arrangements with Argentina as an additional beachhead in Latin America. Three years ago, the U.S. Treasury Department accused the Venezuelan government of "employing and providing safe harbor to Hezbollah facilitators and fundraisers." More recently, in July 2011, Peru's former military chief of staff, Gen. Francisco Contreras, told the Jerusalem Post that "Iranian organizations" are aiding and cooperating with other terrorist groups in South America. According to Israeli intelligence, the Islamic Republic has been getting uranium from both Venezuela and Bolivia. Remember: Tehran has engaged in this provocative behavior without nuclear weapons. Imagine how much more aggressive the Iranian dictatorship might be after crossing the nuclear Rubicon. It is an ideologically driven theocracy intent on spreading a radical Islamist revolution across the globe. As the Saudi plot demonstrates, no amount of conciliatory Western diplomacy can change the fundamental nature of a regime that is defined by anti-Western hatred and religious fanaticism.

Impacts: Laundry List of Countries

(--) Deal key to stabilize Iraq, Afghanistan, Pakistan, and Syria

Dr. Nasser H. Saidi, 1/3/2014 (advisor to central banks, "Why Détente With Iran Is a Historic Game Changer," http://www.huffingtonpost.com/dr-nasser-h-saidi/us-detente-with-iran-game-changer_b_4476864.html, Accessed 1/22/2014, rwg)

We are at a potential cusp, a transformational moment in the Gulf and the Middle East where détente with Iran could radically change the geopolitics and economics of the region. The opportunity should not be missed. Iran was headline news last month after the P5+1 (shorthand for U.S.) reached a deal whereby Iran agreed to curb some of its nuclear activities in return for a promised USD 7 billion in sanctions relief. In a deal agreed for a six-month timeframe and reflecting the current balance of power between the negotiating parties, Iran agreed to halt enrichment of uranium above 5 percent purity, neutralize its stockpile of uranium enriched to near 20 percent purity, stop building its stockpile of 3.5 percent enriched uranium, forswear "next generation centrifuges," shut down its plutonium reactor and allow extensive new inspections of its nuclear facilities. Concessions Iran "won" included suspension of international sanctions on Iran's exports of oil, gold and cars, which could yield USD 1.5 billion in revenue, unfreezing USD 4.2 billion in revenue from oil sales and releasing tuition-assistance payments from the Iranian government to Iranian students enrolled abroad. Following the announcement, Iran's official missions hogged the limelight as did the GCC Summit's leaders applauding Iran's "new direction," though its communiqué also voiced concern over Iran's plans to build more nuclear power plants on the Gulf, saying these "threaten the environmental system and water security." The issue is not the nuclear dossier but Iran's geo-strategic role. The current focus of negotiations is on Iran's nuclear capability and sanctions. It will take time and confidence-building measures to overcome suspicion, mistrust and three decades of deep freeze in relations. On both sides, hardliners and losers from détente (notably Israel and Saudi) will actively attempt to derail negotiations. However, the opportunity and overture offered by the election of Hassan Rouhani should not be missed. A new path must be chosen. The ultimate purpose and objective lies not in the nuclear dossier but in defining Iran's future geo-strategic role in the Gulf, Middle East and South East Asia. It is about Iran's active participation in healing long-standing open wounds, including the cancer of the Israeli-Palestinian impasse. Only a Pax Americana-Irania can lead to a stabilization of Iraq, Afghanistan and Pakistan, and prevent Syria from turning into a failed state with destabilizing spillovers into neighboring countries, notably weak Lebanon and Jordan. The Iran détente stakes are high. A large dividend from détente would result from reduced military expenditures, of "swords into plowshares" across the Middle East. In 2012, the Middle East countries spent more than USD 132 billion in military spending, the highest percentage of GDP in the world (with Saudi leading at 8.9 percent of GDP, Oman 8.4 percent and Israel 6.2 percent). Freeing up economically sterile military expenditure and re-orienting spending for investment in human capital, infrastructure, R&D, economic and social development projects and regional public goods would lead to much-needed job creation, increase productivity growth and raise real incomes for the young generations of a region that has witnessed too much violence, wars, death and destruction. A new path must be chosen.

Impacts: Middle East War

A) Détente with Iran solves Middle East conflict:

Dr. Nasser H. Saidi, 1/3/2014 (advisor to central banks, "Why Détente With Iran Is a Historic Game Changer," http://www.huffingtonpost.com/dr-nasser-h-saidi/us-detente-with-iran-game-changer_b_4476864.html, Accessed 1/22/2014, rwg)

A GCC6+1 is needed: A new path and a new vision **Détente with Iran would be a game changer leading to a deep transformation of the geo-strategic, political and economic geography of the Gulf and the Middle East. The stakes are high.** The GCC countries -- in this case led by the UAE -- should seize the opportunity to reap the economic and financial benefits from the opening of trade, investment, development and reconstruction opportunities. The creation of a "GCC6+1" framework could create an official platform for dialogue, consultation and open negotiations on a wide set of issues including security, economic and financial relations. **With the appropriate vision, the Gulf could become a zone of peace, stability and prosperity where the peoples of the region could fructify their vast human, energy, natural and financial resources. The alternative is increased militarization, tension and mistrust and growing risk of conflict.** It is clear which option is beneficial for our region.

B) Middle East war risks extinction

James Russell 2009 (James, Senior Lecturer in the Department of National Security Affairs – Naval Postgraduate School, "Strategic Stability Reconsidered: Prosepects for Nuclear War and Escalation in the Middle East," ifri.org/downloads/PP26_Russell_2009.pdf)

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran's response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. **These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework.** Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. **Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.**

(-- Failed diplomacy in Iran causes a Middle East war:

Mark Leonard, 10/15/2013 (staff writer, "On Iran, Obama's bigger challenge is with his allies," <http://blogs.reuters.com/mark-leonard/2013/10/15/on-iran-obamas-bigger-challenge-is-with-his-allies/>, Accessed 10/16/2013, rwg)

With the possibility of bilateral meetings between the U.S. and Iran in Geneva, and supported by the U.S.-Russian deal on chemical weapons in Syria, there is a tantalizing prospect that the Iranian regime could become a partner to the U.S., rather than a rival.¶ It is too early to know if Iranian President Hassan Rouhani is able to deliver, but as diplomats gather in Geneva for U.N. talks, it is not hard to see why President Obama would invest so much hope in a deal. A former Democratic congressman who knows Obama well explained to me that, like healthcare on the domestic front, it would be a bold, game-changing initiative. And, like healthcare, an alliance with Iran eluded President Bill Clinton.¶ Obama recognizes that there is the danger of a full-blown regional sectarian conflict in the Middle East. If diplomacy fails with Iran, Obama could find himself remembered as the president who took the United States into two new Middle East Wars — in Iran and Syria — rather than the one who ended two wars in Afghanistan and Iraq.

(-- Iran's nuclear ambitions risk a Middle East war:

Louis Charbonneau, 10/16/2013 ("U.S. says talks intense, serious after Iran hints at atomic concessions," <http://www.reuters.com/article/2013/10/16/us-iran-nuclear-idUSBRE99F0G820131016>, Accessed 10/16/2013, rwg)

The joint statement, read out by European Union foreign policy chief Catherine Ashton, said Iran's Foreign Minister Mohammad Javad Zarif "presented an outline of a plan as a proposed basis for negotiation" and the talks were "substantive and forward looking," without elaborating.¶ Zarif, who is also Iran's chief negotiator, said Tehran looked to a new era in diplomatic relations after a decade of tension, in which concerns about the Islamic state's nuclear ambitions fuelled fears of a new war in the Middle East.

(-- American-Iranian rivalry is fueling instability in the Middle East:

David Rohde, 9/19/2013 (staff writer, "Iran's offer is genuine — and fleeting," <http://www.reuters.com/article/2013/09/19/us-irans-offer-idUSBRE98118B20130919>, Accessed 10/16/2013, rwg)

Despite the risks, however, now is the time for Obama and Rouhani to launch the first direct negotiations between Iran and the United States since the 1979 Iranian hostage crisis. From Iran's pursuit of nuclear weapons to the conflict in Syria, the American-Iranian rivalry is helping fuel instability in the region.

Impacts: Oil Prices

(--) Deal decreases world oil prices:

Dr. Nasser H. Saidi, 1/3/2014 (advisor to central banks, “Why Détente With Iran Is a Historic Game Changer,” http://www.huffingtonpost.com/dr-nasser-h-saidi/us-detente-with-iran-game-changer_b_4476864.html, Accessed 1/22/2014, rwg)

Détente with Iran means lower oil prices Globally, détente with Iran would mean a lowering of tensions and risk of disruption of oil supplies through the Straits of Hormuz -- substantially cutting the \$10-\$15 risk premium built into world oil prices -- and would also result in increased oil exports from Iraq and Iran, putting further downward pressure on oil prices. Lower oil prices would contribute positively to the nascent global economic recovery, though the Gulf oil exporters would suffer from a fall in oil export and budget revenues. Similarly, access to international banking and capital markets would be restored for Iran and the sovereign risk premium would decline for all countries, lowering the cost of capital and finance. There would be two other important medium and longer-term implications. One, OPEC governance, strategy and role would need to change to accommodate growing oil production from Iran and Iraq and pressure from shale oil. Two, détente would allow the build-up of pipelines and energy infrastructure from China, Kazakhstan to Iran, Afghanistan to Pakistan and India. Given its geography, Iran would be the lynchpin linking the oil rich Gulf with Asia and China along the 'New Silk Road'.

Impacts: Proliferation

Failure of the deal leads to widespread prolif:

David Ignatius, 2/9/2015 ("Proceed with caution on Iran diplomacy," http://www.washingtonpost.com/opinions/proceed-with-caution-on-iran-diplomacy/2015/02/09/35a601e4-b0a7-11e4-854b-a38d13486ba1_story.html, Accessed 2/19/2015, rwg)

What would a collapse of the talks mean for a Middle East that is already wildly unstable? Iranians seem convinced that, with the rise of the terrorist Islamic State, the United States needs Iran's help in Iraq. But the counterargument could also be made: Iran has chaos on its borders; a rupture in the talks would leave it fighting multiple enemies, with no reliable allies. Iran must also reckon with the dangerous prospect that Saudi Arabia, Egypt and perhaps Turkey would begin their own bomb-making programs, in a post-negotiation world.

(-- New sanctions risk Iran prolif:

William Davnie, 1/5/2014 (staff writer, "Iran sanctions bill threatens progress; pressure is on Franken, Klobuchar," <http://www.startribune.com/opinion/commentaries/238660021.html>, Accessed 1/22/2014, rwg)

For the first time in a decade, the Geneva deal presses pause on Iran's nuclear program, and presses the rewind button on some of the most urgent proliferation concerns. In exchange, the United States has committed to pause the expansion of its sanctions regime, and in fact rewind it slightly with limited sanctions relief. Imposing new sanctions now would be just as clear a violation of the Geneva agreement as it would be for Iran to expand its nuclear program. That's why the Obama administration has committed to vetoing any such measures and has warned that torpedoing the talks underway could put our country on a march toward war. A recent, unclassified intelligence assessment concurred with the White House's caution, asserting that new sanctions "would undermine the prospects for a successful comprehensive nuclear agreement with Iran."

(-- Iranian prolif leads to a prolif cascade in the Middle East:

David W. Kern, 1/19/2014 (Assistant Professor, St. John's University, "The Folly of New Iran Sanctions," http://www.huffingtonpost.com/david-w-kearn/the-folly-of-new-iran-san_b_4619522.html, Accessed 1/22/2014, rwg)

More pessimistic observers disagree and take much less comfort in the history of proliferation. The historical record, including the evidence of risky crisis-initiation behavior between the two Superpowers paints a less sanguine picture. More importantly, looking at the modern Middle East, an Iranian bomb would potentially transform regional security dynamics. Given the region's geography and its particular vulnerability to nuclear attack, Israel (an undeclared nuclear power) would be on high-alert for any Iranian move. Other actors like Saudi Arabia may seek to acquire their own nuclear deterrent, leading to further proliferation within a region which is already flush with radical terrorist organizations operating across various troubled

states. It seems implausible that Tehran's leaders could ever believe that the delivery of a nuclear weapon on Israeli soil by Hezbollah, rather than missile would somehow go unattributed or unpunished, but the introduction of an Iranian nuclear weapons program into a region that is already so tumultuous conjures particularly grim scenarios.

**(--)
Deal with Iran stops proliferation:**

Trend News Agency, 1/2/2015 ("A nuclear deal with Iran would mean a less volatile world: UK daily," <http://en.trend.az/iran/nuclearp/2349445.html>, Accessed 1/2/2015, rwg)

A report in Wednesday's issue of The Guardian newspaper has urged the Obama Administration to strike a deal with Iran over its nuclear program, saying that a nuclear deal with Iran would mean a less volatile world, IRNA reported. "There will be no greater diplomatic prize in 2015 than a comprehensive nuclear deal with Iran. In its global significance, it would dwarf the US detente with Cuba, and not just because there are seven times more Iranians than Cubans. This deal will not be about cash machines in the Caribbean, but about nuclear proliferation in the most volatile region on Earth," comments Julian Borger in his opinion column.

Impacts: Syria Module

A) Successful Iranian diplomacy solves the Syria crisis:

Mark Leonard, 10/15/2013 (staff writer, "On Iran, Obama's bigger challenge is with his allies," <http://blogs.reuters.com/mark-leonard/2013/10/15/on-iran-obamas-bigger-challenge-is-with-his-allies/>, Accessed 10/16/2013, rwg)

In talks this week, Zarif called for a road map for a nuclear deal within a year by tying confidence measures on the nuclear program to a progressive lifting of sanctions and diplomatic hostilities. He has hinted at a willingness to restrict the amount of highly-enriched uranium in Iran and other measures to reassure the world that Iran will not be able to develop nuclear weapons. If there is progress in the talks, it would open the possibility for a normalization of the relationship between Iran and the U.S. and move toward a political solution on Syria.

B) Conflict in Syria escalates to a major regional war – draws in the US and Russia

Peter Goodspeed, 2011 National Post, 12/14/2011, "Peter Goodspeed: Power shifts push Mideast closer to war," <http://fullcomment.nationalpost.com/2011/12/14/peter-goodspeed-middle-east-on-the-brink-of-war/>

As Syrian dictator Bashar al-Assad clings to power with the quiet backing of regional powers Iran and Russia, the Middle East may be sliding slowly into war. Squeezed between the rebellions of a bloody Arab Spring and growing fears of a possible military response to Iran's growing nuclear threat, the region is becoming increasingly unstable. "I would be very surprised if it turned into a Russian-American war, but this could be a Mid-East war: Hezbollah, Hamas, Iran, Syria, Israel all having at each other," said Jack Granatstein, military historian and senior research fellow at the Canadian Defence and Foreign Affairs Institute. Ramazan Gözen, an international relations expert at Abant İzzet Baysal University wrote this week in the Turkish newspaper Zaman, "A process of steadily sharpening polarization is being experienced ... [and] it does not bode well.... In short, the polarization over Syria and Iran can turn into an uncontrollable conflict between the polarized countries and their supporters." Related Syrian government like 'dead men walking': U.S. State Department Thirteen killed as Syrian rebels clash with Assad forces Syrian death toll climbs past 5,000 as protests give way to insurgency Iran ready to begin nuclear work deep inside underground mountain bunker: sources Russia and the United States are bracing for a naval confrontation, unprecedented since the Cold War, in the eastern Mediterranean, just off the coast of Syria. Iran, worried over a possible pre-emptive strike against its nuclear facilities, has threatened to attack NATO's new missile defence shield in Turkey if it is attacked by either Israel or the United States. It has also said it will soon stage a navy drill to practise closing the Strait of Hormuz, through which 40% of the world's oil travels. . Turkey's Foreign Minister, Ahmet Davutoglu, has raised the possibility of a Turkish military incursion into Syria to create safety zones for refugees, if Mr. Assad doesn't stop killing civilians. Syria responded last weekend by staging a massive live-fire military exercise, near the north-central desert town of Palmyra, that, according to Syrian state TV, was designed to test "the capabilities and readiness of missile systems to respond to any possible aggression." On Tuesday, under the headline "U.S. troops surround Syria on the eve of invasion?" the online Russian news channel RT.com reported U.S. troops withdrawn from Iraq are secretly being transferred to northern Jordan and taking up positions opposite Syrian tank formations along the border. There have been reports NATO forces in Turkey may be training Syrian dissidents, while also helping prepare Turkish troops for any possible military intervention. The headquarters of NATO's air command for southern Europe has been located in Izmir Air Base, 320 kilometres southwest of Istanbul, since 2004. Turkey, the only Muslim member of NATO, hosts up to 24 major NATO bases on its territory and went to the brink of war with Syria as recently as 1998 in a dispute over Syria's support for Kurdish terrorist attacks inside Turkey. As tensions have increased between the two countries, with Turkey cutting trade and imposing financial sanctions, Syria has infuriated Turkey by re-establishing relations with the separatist Kurdistan Workers' Party (PKK). But it is Russia, Syria's main arms supplier and old Cold War ally, that has raised the stakes of any possible military confrontation. Along with China, the Russians have repeatedly blocked UN Security Council action against Syria and sought to protect Mr. Assad's regime from the type of UN

resolution that allowed NATO troops to intervene in Libya and help depose dictator Muammar Gaddafi. Recently, Russian diplomats met with Syrian opposition leaders in an unsuccessful attempt to persuade them to hold peace talks with the Syrian government. Russia has also tried to convince Mr. Assad to accept an Arab League plan to allow international observers into Syria. On Tuesday, just as UN officials accused Syria of killing more than 5,000 people in the last nine months, Russia's Foreign Minister, Sergei Lavrov, angrily accused the West of taking an "immoral" stance on Syria by punishing Mr. Assad, while refusing "to raise the pressure on the armed extremist flank of the [Syrian] opposition." Mr. Lavrov insisted Syrian dissidents are using a "Libyan scenario" as a template for regime change and are deliberately trying to provoke a humanitarian crisis in the hopes of triggering foreign intervention. Russia has had strong ties with Syria since Soviet times, and supplies Damascus with most of its weapons. Syria is also Russia's sole conduit for influence in the Middle East and provides Moscow with the only port its navy can use in the Mediterranean. The port Tartus is rapidly becoming a focal point for a potential conflict. Russia sent three guided missile frigates, reportedly loaded with anti-aircraft and anti-ship missiles for Syria, there in late November. In an echo of the Cold War, the Russian ships were briefly shadowed by the U.S. Navy's nuclear aircraft carrier USS George H.W. Bush and its naval strike force. Now, the U.S. Sixth Fleet is said to be cruising off the Syrian coast, awaiting the arrival of Russia's only aircraft carrier, the Admiral Kuznetsov, which is scheduled to arrive in Tartus with a strike force of its own next week. The flagship of the Russian fleet, accompanied by several destroyers, will rendezvous with the three Russian frigates and elements of Russia's Black Sea fleet for exercises off the coast of Syria. This unexpected show of Russian naval power, the most demonstrative since the fall of the Soviet Union, may be designed to reassure Syria of Moscow's continued support. But it could also complicate any possible foreign intervention in Syria and serves as a warning to the United States and NATO that they won't be able to duplicate the no-fly zone they established over Libya. The arrival of the Russian navy off the coast of Syria may also be intended to reassure Iran of Moscow's continued interest, just as it fears a possible attack by Israel or the United States. "The fight in Syria today is two contests in one," said Michael Doran of Washington's Brookings Institute. "It is a struggle between Syrians over the nature of their government and society, but it is also a regional rivalry between Iran and its adversaries."

C) US-Russia conflict in the Middle East goes nuclear

LaRouche 12-9-2011 (Lyndon LaRouche, political activist & economist, author of multiple books on economics & politics, Norman Bailey, formerly with the National Security Council, described LaRouche's staff as one of the best private intelligence services in the world, 12-9-11, "Why Obama has to go: to risk thermonuclear war is clinically insane," Executive Intelligence Review, <http://www.larouchepub.com/eiw/public/2011/eirv38n48-20111209/index.html>)

"What's happened is, the U.S. forces in the Eastern Mediterranean, and in the Persian Gulf region, especially naval forces, in particular, are positioned for launching a thermonuclear war. The name of the game, of course, is what we're going to do to Syria, what we're going to Iran, but if you look at the forces in the area, that makes no sense. Then you look at other aspects of it, and you know that now the Russians are in on the thing, in defending Syria, in particular, against this atrocity, and you realize that we're on the edge of actually going to thermonuclear war. "What happened was, of course, and I don't know how much, or how well this is known, but our leading general officers, advisors, and so forth, who advise us on our security, have opposed any action by Obama of this type. So therefore, that is, in that degree, tied up. But, what's hanging out there, is, at any moment, a war could start. "Now, this war will be a war with thermonuclear weapons. That's the fact. The idea that this is only Syria and Iran is nonsense. What we have positioned in the Gulf area, and in the Eastern Mediterranean, is the capability for thermonuclear war, and nothing else. Our allies, including the British, do not have the depth of weapons capability for doing something like this. Only the United States, and only the thermonuclear warfare capability of the United States, could actually conduct such a war. It would be a war against the entirety of Asia, and other places."

Nuclear deal with Iran helps moderate Syria:

Dalia Dassa Kaye, 12/18/2014 (director of the Center for Middle East Public Policy and a senior political scientist at the nonprofit, nonpartisan RAND Corporation, "Back to the Basics," <http://www.usnews.com/opinion/blogs/world-report/2014/12/18/an-iran-nuclear-deal-is-still-possible-and-heres-why>, Accessed 1/2/2015, rwg)

The administration has tried hard to "delink" the nuclear issue from other serious problems. American officials have long been concerned that Iran has a hand in just about every crisis in the Middle East, especially in Syria and Iraq. Consequently, it will undoubtedly be easier to engage Iran over other regional issues if the United States is not in a continuing standoff over the nuclear issue. Consider, for instance, Iran's support of Syrian President Bashar Assad. There may not be any state with more leverage over Assad than Iran, so any resolution of that bloody conflict might require some cooperation with Iran, whether the United States likes it or not.

Iran Impacts--War

(--) Iran-US relations are a conflict dampener- prevent global wars

Adib-Moghaddam 14 – London Middle East Institute Centre for Iranian Studies chair

[Arshin, MPhil and PhD, Reader in Comparative Politics and International Relations at SOAS, University of London, interviewed by Firouzeh Mirrazavi, " Renewed Iranian-American Relations Stabilize World Politics – Interview," Eurasia Review, 2-16-14, www.eurasiareview.com/16022014-renewed-iranian-american-relations-stabilize-world-politics-interview/, accessed 2-19-14]

I am in no doubt that renewed Iranian-American relations will have a stabilizing effect on world politics in general. The two countries have merging interests and ultimately they are actors that can deliver. One of the reasons why the foreign policy of both countries was not effective in the different strategic theatres that you have mentioned is exactly because there was no dialogue to align them where necessary. This region needs peace and stability. The human suffering of the last decades is unbearable. The threat of al-Qaeda continues to be real and urgent. Iran and the United States must sit on the same table in order to deliberate about how to bring about a security architecture that will outlaw, once and for all, the use of force in the region. It is central that this is not pursued in exclusion of other regional actors. Iran and the United States will continue to disagree on a range of issues, certainly Palestine, Hezbollah, Bahrain etc., but I do not see any reason why these differences could not be negotiated within a diplomatic context. Certainly, they are not more serious than the differences that the United States has with China.

(--) Collapse of talks leads to Middle East war & proliferation:

Trend News Agency, 1/2/2015 ("A nuclear deal with Iran would mean a less volatile world: UK daily," <http://en.trend.az/iran/nuclearp/2349445.html>, Accessed 1/2/2015, rwg)

According to Julian Borger, these gaps remain substantial, but none of the parties involved can walk away from the table. "A collapse of talks would lead to a slide back to the edge of conflict between Iran and Israel; the latter has vowed to launch military strikes rather than allow the former to build a bomb. It could also trigger a wave of proliferation across the region and beyond as other countries hedge their bets."

Iran Impacts: Prolif

(--) Iran deal and relaxation of sanctions is key to prevent global proliferation and instability leading to nuclear conflict.

Philip Stephens, journalist, "The Four Big Truths that Are Shaping the Iran Talks," FINANCIAL TIMES, 11—14—13, <http://www.ft.com/intl/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html>, accessed 9-2-14.

The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence. The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world. Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it. The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy. It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions. By the same token, bombing Iran's nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it. You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking. The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage. The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options. Seen from this vantage point – and in spite of the inconclusive outcome – Geneva can be counted a modest success. Iran and the US broke the habit of more than 30 years and sat down to talk to each other. Know your enemy is a first rule of diplomacy – and of intelligence. John Kerry has his detractors but, unlike his predecessor Hillary Clinton, the US secretary of state understands that serious diplomacy

demands a willingness to take risks. The Geneva talks illuminated the shape of an interim agreement. Iran will not surrender the right it asserts to uranium enrichment, but will lower the level of enrichment from 20 per cent to 3 or 4 per cent. It will suspend work on its heavy water reactor in Arak – a potential source of plutonium – negotiate about the disposal of some of its existing stocks of enriched uranium, and accept intrusive international inspections. A debate between the six powers about the strength and credibility of such pledges is inevitable, as is an argument with Tehran about the speed and scope of a run down of sanctions.

(--) Iran proliferates = war in the Middle East:

Dalia Dassa Kaye, 12/18/2014 (director of the Center for Middle East Public Policy and a senior political scientist at the nonprofit, nonpartisan RAND Corporation, "Back to the Basics," <http://www.usnews.com/opinion/blogs/world-report/2014/12/18/an-iran-nuclear-deal-is-still-possible-and-heres-why>, Accessed 1/2/2015, rwg)

Successive U.S. administrations – Republican and Democratic – have worried about Iran's nuclear ambitions and the possibility that an Iranian bomb could spark a regional arms race and increase the possibility of war in an already volatile region. But the Obama administration has been particularly vocal in putting the prevention of an Iranian bomb by negotiations at the top of its foreign policy priorities. A deal with Iran that would disable it from converting nuclear energy into a weapons program would be a major victory for President Barack Obama.

Iran Impacts: Structural Violence

(--) **Sanctions are structural violence**

Muhammad Sahimi, Professor, University of Southern California and Eskandar Sadeghi-Boroujerdi, former researcher, Oxford Research Group, "The Unfolding Human Catastrophe in Iran," ALJAZEERA, 10—28—12, <http://www.aljazeera.com/indepth/opinion/2012/10/20121023101710641121.html>

Apart from the vague and shifting red lines which continue to afflict the thick fog of Western national security rhetoric vis-a-vis Iran, not a single word was uttered by either men about the plight and suffering of the Iranian people who have had no role in the decisions made by the Islamic Republic's leaders. But, the fact is that the sanctions, exacerbated by government incompetence, have the potential to give rise to a major human catastrophe. The lack of sensitivity to the plight of ordinary Iranians was - at least on the President's part - surprising, because when his administration together with the European Union began imposing sanctions on Iran, they promised the world that the sanctions will be "smart" and "targeted". The world was promised that the sanctions will not hurt millions of ordinary Iranians who go about their daily lives and, in fact, oppose many of their government's policies. But, the sanctions are now in full force, and are hurting the same people who we were told were not meant to be their target, in what is yet another case of "collateral damage" inflicted by Western policy towards Iran, and its disenfranchised people who have lost control over their destiny at both home and abroad. In fact, there are very strong indications that a human catastrophe could emerge whose scale poses as much a threat as an outright military attack. The supposedly "smart" and "targeted" sanctions have been increasingly expanded to all areas, even if they are not part of the official sphere of sanctions. This is intentional, even if Western leaders tell us otherwise. To avoid criticisms of the type that they were confronted with after they imposed all-encompassing sanctions on Iraq in the 1990s, the US and its EU allies have imposed sanctions on Iran's Central Bank and practically all other Iranian banks that are involved in commercial transactions with the outside world. Since these banks open lines of credit for imports, and provide financial guarantees for commerce with the outside world, it has become very difficult, if not impossible, to import vital goods and products into the country, even those that absolutely have nothing to do with the military, or oil, or the nuclear programme. In effect, this is the type of sanctions imposed on Iraq, but in a supposedly more "humanitarian" way. An area that has been hit very hard is the pharmaceutical sector. Although Iran produces a large part of the medicines and drugs that its population needs, based on the generic versions of brand-named pharmaceuticals, it is still unable to produce the most advanced drugs that have come to the market over the past 10 to 15 years that deal with a variety of serious illnesses, simply because their generic versions are not yet available. As a result, Iran must still import a significant amount of drugs every year to address the needs of the Iranian people when dealing with such illnesses as leukaemia, AIDS, and others. But, the sanctions imposed on Iran's banks and financial institutions have effectively prevented Iran from importing the necessary drugs and the associated chemicals. At the same time, as Iran's oil exports continue to decrease due to the sanctions strain on the country's resources, it becomes increasingly difficult to pay for the expensive imported drugs, even if a

way can be found for importing them. As a pharmacist in Tehran said, "The warehouses for pharmaceuticals are empty because we cannot import what we need due to the sanctions, and even if we could, we do not have the resources to pay for them due to the sanctions." As a result, **the shortage of drugs has all the makings of a human catastrophe**. According to recent estimates as many as 6 **million** patients **are** currently being **affected** by the impact of sanctions on the import and manufacture of medications inside Iran. This has prompted many of Iran's healthcare professionals to raise their voices, and begin protesting the impending danger they're witnessing before their eyes. The board of directors of the Iranian Haemophilia Society recently informed the World Federation of Haemophilia (IFH) that the lives of tens of thousands of children are being endangered by the lack of proper drugs as a consequence of international economic sanctions imposed on Iran. According to the letter that the Society's board sent to the IFH, while the export of drugs to Iran has not been banned, the sanctions imposed on the Central Bank of Iran and the country's other financial institutions have severely disrupted the purchase and transfer of medicines. Describing itself as a non-political organisation that has been active for 45 years, the Society condemned [FA] the "inhumane and immoral" US and EU sanctions and appealed to international organisations for help. Some statistics are very telling. Tens of thousands of Iranian boys and young men are haemophilic and need certain drugs that must be imported. Many of them may need surgery for a variety of reasons, but in the absence of proper drugs for their haemophilia illness, the surgeries cannot be performed, because the bleeding could not be stopped. Several credible reports from Iran indicate that surgeries for all haemophilic patients have been cancelled, and at least a few have already died. There are about 37,000 Iranians with MS, a debilitating disease that can be controlled only with advanced medications; otherwise, the patients will die. In fact, three members of one of our extended families in Iran are afflicted with multiple sclerosis. Furthermore, given that even under the best medical conditions 40,000 Iranians lose their lives to cancer every year, and that it has been predicted by many medical experts that Iran will have a "cancer tsunami" by 2015 as every year 70,000 to 80,000 new cases of cancer are identified in Iran, the gravity of the situation becomes even more perilous. Fatemeh Hashemi, head of Iran's Charity Foundation for Special Diseases, which cares for the needs of patients with life-threatening diseases, including a variety of cancers in adult patients as well as children, heart diseases, lung problems, multiple sclerosis (MS), and thalassemia, recently wrote a letter to United Nations' Secretary-General Ban Ki-moon. The Foundation has been a highly successful nonpolitical organisation that, in addition to Iran, has also served many people in Iraq and Afghanistan, and whose work has been recognised by the UN. In her letter Hashemi said that she leads an organisation "with 6 million patients and, hence, in contact with 30 per cent of Iran's total population". Emphasising the non-political nature of her organisation and her letter, Hashemi added: "Although drugs have not been sanctioned, due to the impossibility of paying for the imported drugs through the banking system, the heavy shadow of the sanctions is felt in the health sector. Not only has importing drugs been disrupted, importing the raw chemicals [for the drugs that Iran does produce] has also been disrupted... As a human activist, I call on humanity's conscience to pay attention to the fact that, despite the claims by those that have imposed the sanctions, **their pressure is having its destructive effect on the life and health of the people**." Hence, the supposedly "smart" and "targeted" sanctions that were not going to hurt the ordinary Iranians have been inflicting significant damage on the Iranian people. The net result is that shortage of drugs for

patients with serious and life-threatening illnesses is becoming chronic in Iran, and is reaching hazardous levels. Meanwhile, recent reports indicate that two large plants that produce drugs for a variety of illnesses have also been closed. The reason is that it has become essentially impossible to import the chemical compounds used in the production of the drugs, due to the sanctions imposed on Iran's financial institutions that deal with the outside world. The world must recognise that in certain respects **the path taken by the United States and its allies is eerily similar to what was done to Iraq in the 1990s**. The United Nation's UNICEF estimated that the sanctions imposed on Iraq **caused the death of up to 500,000 Iraqi children**. Given that Iran's population is three times that of Iraq, **if the sanctions imposed on Iran last several years - as they did with Iraq - the number of dead resulting from them could be larger than that of Iraq**. Moreover, given that Iran still imports a significant amount of wheat, rice and other food products, if the sanctions drag on, not only could hundreds of thousands of Iranians die due to shortage of drugs and medical goods, the **shortage of food could also become very significant**. It should also be noted, if only in passing, that sanctions did not change the policy of Saddam Hussein's regime. Thus, after causing the death of hundreds of thousands of Iraqi children, those who had been jockeying for war with Iraq all along argued that the sanctions had failed, and "regime change" was the only alternative. As we now know Iraq did not have weapons of mass destruction, nor was it trying to produce them. Iran also does not have nuclear weapons yet, but Western policy has the power to change the Iranian leadership's calculus and make it seem like the only viable option remaining with the power to guarantee regime survival. In sum, comprehensive sanctions not only killed thousands in Iraq, but they eventually laid the path to war. One key difference in the case of Iran is of course that one of its few lifelines to the outside world is still China, which depends on Iranian energy to abet its ongoing economic expansion, hardly a commendable development for those supporting human rights and entertaining hopes of democratisation in the Islamic Republic. The sanctions have arguably failed to meaningfully shift the stance of Iran's Revolutionary Guards and the Supreme Leader Ayatollah Ali Khamenei, who most recently emphasised that the Islamic Republic is prepared to negotiate and has in fact never left the negotiating table, but will not be cowed into submission. So, if, for instance, Iran is expected to forgo 19.75 per cent uranium enrichment and close the underground Fordow enrichment facility, two of the P5+1's key demands at the Baghdad and Moscow talks, there must be some form of quid pro quo. Without one, there is no incentive for Iran to cooperate in an atmosphere already severely afflicted by a longstanding deficit of trust. There have been rumblings and rumours of possible sanctions relief after the US presidential election but nothing tangible as of yet. There are many voices within Iran that have called on the leadership to find a compromise with the West. The US and its allies can make such voices stronger and louder if they offer to lift some of the sanctions, or at least have exceptions that allow Iran's financial system to be involved in the import of vital goods and products with no military or nuclear applications, such as drugs and food stuffs. It may be useless to preach to the Obama administration about the human, moral, and ethical toll of its policy toward Iran, given that the President has in many respects perpetuated the destructive Middle East policy of George W Bush, which in Iran's case has been even tougher and more damaging to the livelihood of the Iranian people. But, **the emerging catastrophe will be an ethical and moral problem for the West for decades to come, a catastrophe** that is being created simply because Western governments appear to blindly pursue crippling sanctions against Iran as an end in themselves, as opposed to

a means by which to further the diplomatic process. Given the tragic history of the US intervention in Iran in the past, it is be prudent to rethink the consequences of such blind sanctions, and their effect on the thinking of the Iranian people about the US - a largely pro-US population in one of the most turbulent areas in the world that has been known for its hostility towards the United States and its perceived negative impact in much of the region.

******* Answers to: Theory Arguments Against
Politics*******

AT: Non-Intrinsic: Pass the Plan and Do your scenario

Intrinsicness is illegitimate and a voting issue:

- 1) Decimates disad ground: allows them to just wish away the impact to any disad.**
- 2) Makes the AFF not topical: The intrinsicness answer is not topical, proves the resolution alone is inadequate to solve and is a reason to vote negative.**
- 3) Beggars the question of political capital—political capital is an intrinsic resource of Obama: if we prove the plan trades off with that, it is an intrinsic disad.**
- 4) Makes the AFF a moving target: NEG needs a fixed target to shoot at in order to promote clash and in-depth education**
- 5) Politics is core negative disad ground—mentioned in the topic paper and literature is AFF biased—NEG needs the politics disad to offset.**
- 6) Debating politics is educational—teaches us about how government functions and about relevant pieces of legislation of the day—their argument wishes politics disads away.**

AT: "Say No"

- 1) Counter-interpretation: Judge should act as an independent agent assessing whether or not the plan should be done. Judge shouldn't operate as an individual member of Congress—if the plan would drain away from Obama's ability to pass other legislation, it is a bad idea.**
- 2) Argument makes zero sense: Politicians consider political consequences of actions—an individual representative could vote no BECAUSE of the political consequences of the plan.**
- 3) Process can't be distinguished from substance: Whether the plan is a good idea in part depends on whether or not it is the right time to do the plan.**
- 4) Politics is core negative disad ground—mentioned in the topic paper and literature is AFF biased—NEG needs the politics disad to offset.**
- 5) Debating politics is educational—teaches us about how government functions and about relevant pieces of legislation of the day—they wish the disad away.**

AT: Plan is Bottom of the Docket

This is self-serving and a voting issue:

- 1) Counter-interpretation: the plan should happen at the nearest available opportunity—which means moving it to the top of the docket.**
- 2) Alternative interpretation allows for delays around any disad: they can delay until the economy recovers, we pull out of Iraq, etc. destroys negative disad ground.**
- 3) Their interpretation destroys uniqueness debates: delaying off into the future means we can't debate issues in their current context.**
- 4) We aren't being absurd: we aren't saying the plan has to happen Sunday night or in the middle of a break—we're saying the plan has to happen in the current political context so we can debate it.**
- 5) Bottom of the docket means the plan will be pushed off forever—their inherency evidence says the plan is unlikely to happen and will be de-prioritized—vote negative on presumption.**
- 6) Not reciprocal: only destroys negative disad ground.**

Presidential Powers Addendum

UQ – Pres Powers Low

Pres Powers low – Obama is restricting his own authority – ISIS proves

Peter Baker 2/11 (“Obama’s Dual View of War Powers Seeks Limits and Leeway”, 2/11/15, <http://www.nytimes.com/2015/02/12/us/obama-war-authorization-congress.html>)

In seeking authorization for his six-month-old military campaign against the Islamic State terrorist group, President Obama on Wednesday did something that few if any of his predecessors have done: He asked Congress to restrict the ability of the commander in chief to wage war against an overseas enemy. The proposed legislation Mr. Obama sent to Capitol Hill would impose a three-year limit on American action that has been conducted largely from the air and, while allowing Special Operations commandos and other limited missions, would rule out sustained, large-scale ground combat. It would also finally repeal the expansive 2002 congressional measure that authorized President George W. Bush’s war in Iraq. But even as Mr. Obama proposed some handcuffs on his power, he left behind the key to those shackles should he or his successor decide they are too confining. While his draft resolution would rescind the 2002 authority, it would leave in place a separate measure passed by Congress in 2001 authorizing the president to conduct a global war against Al Qaeda and its affiliates. With the still the law of the land, Mr. Obama and the next president would retain wide latitude to order military operations in the name of fighting terrorism.

UQ – Pres Powers High

Presidential Powers high now – JCPOA

Larry Klayman 7/31 (American public interest lawyer and former Justice Department attorney, “GOP in Congress abandon Constitution for Iran 'treaty'”, 7/31/15, <http://www.wnd.com/2015/07/gop-in-congress-abandon-constitution-for-iran-treaty/>)
Now, it is true that our Congress worried that Obama would not submit his JCPOA to Congress for any consideration at all. He would just say it isn't a treaty. So Republicans sold their birthright and my and your constitutional rights for a slimy “pot of stew.” If official Washington studied the Constitution, they might have passed a law defining the word “treaty” pursuant to the “necessary and proper” clause. A law defining Obama's agreement as a treaty requiring ratification would have addressed their supposed concerns. Or they could have claimed after the fact that a non-treaty agreement has no effect and challenge it as meaningless. Is Obama's JCPOA with Iran a treaty? It is widely believed that the president can enter into non-treaty agreements. But nothing in the Constitution says that. If an agreement is binding upon the United States, then it has to be ratified as a treaty. Testimony in the Senate Foreign Relations Committee, July 30, 2015, by legal expert Juan Zarate and others clarified that the JCPOA purports to actually restrict, restrain and limit the exercise of national powers with regard to Iran. Because it purports to be binding on our country, it is a treaty requiring ratification to have effect. (See video at C-SPAN's website.) As bad as the issues are, the fact that our public officials care so little for the procedures and substance of our Constitution is alarming. Obama's JCPOA “treaty” with Iran will wreak “catastrophic havoc” across the Middle East, even according to Prince Bandar bin Sultan, Saudi Arabia's ambassador to the United States for nearly 25 years, in an Arabic-language op-ed, as the Washington Post reported. But congressional Republicans' disregard for our Constitution will in the end be seen for what it is: a traitorous and unconstitutional sellout of my rights and those of all Americans for their cynical political ends. The end result could be a Second Holocaust affecting not just the Middle East, but also the entire world, this one at the hands of Obama's radical Muslim brothers in Tehran, who are now poised to use nuclear weapons for blackmail and to grow by force a worldwide Islamic caliphate.

Pres Powers high now – Obama new economic policy overstretches authority and decks the economy

Eric Peterson 7/15 (policy analyst for Americans for Prosperity, “Obama works overtime on executive overreach”, 7/15/15, <http://thehill.com/blogs/congress-blog/the-administration/247928-obama-works-overtime-on-executive-overreach>)
President Obama famously vowed last year to use his “pen and phone” to push his divisive and controversial agenda forward, declaring his intention to unilaterally sidestep Congress and pushing the limits of executive authority. And in recent months, the President has made good on his threat, issuing edicts affecting everything from energy policy, health care and even labor rules. Last week, Obama took out his pen once again, ordering an increase in the threshold for overtime pay – once again without consulting lawmakers or seeking the approval of Congress. Under the president's sweeping proposal, all salaried workers earning under \$50,400 would be eligible for overtime pay if they work more than 40 hours a week. While Obama has predictably touted his proposal as a way to ensure “fair pay,” workers and the small businesses that employ them will be among the most negatively impacted. While backers of Obama's proposal suggest

his executive action will result in pay increases for 5 million workers, his own Labor Department (the agency charged with implementing the new rules) estimates that only about one-fifth that number will see any tangible benefit – and even that could be an overestimate. Moreover, mandating higher overtime pay carries with it serious economic risks. The most likely response by employers to Obama’s order, as seen in a recent study examining the effects of 2004 regulatory changes in overtime pay, are pay cuts. Since many employers are in no position to simply absorb the costs of these artificially-mandated higher wages, they will be forced to consider more draconian options to comply – such as scaling back compensation levels, or simply closing up shop. In lower paying jobs, employers may simply slash hours instead of reducing wages -- leaving less in the pockets of those who can least afford pay cuts. Even Obama’s own Department of Labor projects reduced wages and hours as the most likely outcome. In short, the potential result of Obama’s latest overreach will be cutbacks in employee schedules, greater pressure on struggling small businesses, and shrinking paychecks for some of America’s most vulnerable workers. Another looming question surrounding the controversial order is if Obama will exempt the White House and Congress from this expensive mandate. It’s well known around Washington that recent graduates and often unpaid interns make significant contributions to the day-to-day operations of the West Wing and Capitol Hill.

Recent bills prove Obama thwarting Congress- executive authority high now

Timothy Cama 7/10 (“Obama to announce three new national monuments Friday”, 7/10/15, <http://thehill.com/policy/energy-environment/247478-obama-to-create-3-new-protected-areas>)

Congressional Republicans have repeatedly accused Obama of thwarting Congress and local communities in creating national monuments. The House has voted multiple times to restrict Obama’s authority under the Antiquities Act and require congressional votes for most monuments. Most recently, the House voted on Wednesday to adopt an amendment sponsored by Rep. Crescent Hardy (R-Nev.) to add certain transparency and local input requirements for monument designations. It was attached to the spending bill for the Interior Department and Environmental Protection Agency, which Republican leaders decided to shelve Thursday.

Obama has too much power now – regulations skirt legislative processes

Christinia Crippes 8/1 (political journalist at Waterloo Cedar Falls Courier, “Paul tells crowd he wants to lessen power of presidency”, August 1st, 2015, http://muscatinejournal.com/news/local/paul-tells-crowd-he-wants-to-lessen-power-of-presidency/article_7688d45d-d3fe-5e22-95fc-a246840ae5ba.html)

“I’ve told people if I am elected president -- or I guess, better yet, when I am elected president -- I will do something extraordinary, I won’t try to grab up more power, I will try to give power back to the people and to the states, respectively,” Paul said during a 25-minute speech to a crowd of more than 50 people at the Sullivan Brothers Convention Center.

He said the worst thing Democratic President Barack Obama has done during his tenure is to further the collapse of the separation of powers, pointing in particular to the administration putting in place regulations that have not gone through the legislative process.

Paul also spent time discussing the issue that he says disqualifies Democratic presidential candidate and front-runner Hillary Clinton from succeeding Obama, the terrorist attacks in Benghazi, Libya that killed four Americans in 2012.

“Look, by not providing adequate security, by not defending our embassies, it should forever preclude you from holding higher office,” he said he told Clinton at a hearing on Benghazi.

No I/L to Pres Powers

No Impact to presidential powers – empirics prove every single president has used to same powers

James Gawron 7/28 (Electrical Engineering first at RPI, “The Case Against Obama: Why John Yoo is Wrong”, July 28th 2015, <https://ricochet.com/the-case-against-obama-why-john-yoo-is-wrong/>)

Today, conservatives disagree with President Obama’s use of these constitutional reservoirs of power to reach for the mirage of a rapprochement with Iran. But those same powers have served presidents from Lincoln, who invoked broad executive power to fight the Civil War and free the slaves, to FDR, who brought the nation into the war against the Axis powers, to Truman and Reagan, who, respectively, oversaw the Cold War at its beginning and toward its end. The next president will need those powers again when he or she quickly turns policy toward Iran in the opposite direction. In the next weeks, conservatives will have ample opportunity to persuade the American people against the Iran deal on its merits. Presidential candidates will explain the steps they will take to undo the damage that Obama has inflicted on our national security. But they will make a serious mistake if they seek the short-term political end of defeating the Iran deal by crippling the Presidency’s long-term powers to defend the nation.

Link

XO

Executive Orders rely on vague interpretations of the Constitution and different statutes - justifies increased presidential powers.

Powell '14 - Senior Fellow at the Cato Institute, (Jim, January 30, 2014, "How President Obama Could Be Swept Away With His Executive Orders That Defy Congress And The Courts", Forbes, <http://www.forbes.com/sites/jimpowell/2014/01/30/how-president-obama-could-be-swept-away-with-his-executive-orders-that-defy-congress-and-the-courts/>)

Apparently President Obama has become convinced that he can make magic with that pen he keeps talking about, the one he plans to use for signing executive orders to revive his beleaguered presidency. Executive orders are irresistible, because a president doesn't have to propose anything, debate the issues, endure hearings or solicit votes. An executive order can be issued in a few minutes — behind closed doors and away from bright lights.

Paul Begala, who was an advisor to President Bill Clinton, reportedly remarked, "Stroke of the pen, law of the land, kinda cool."

What about the Constitution? It describes presidential power broadly. There isn't anything in the Constitution that authorizes an executive order or limits what a president can do with it. Executive orders arise from "implied constitutional and statutory authority," the Congressional Research Service reported. "If issued under a valid claim of authority and published in the Federal Register, executive orders may have the force and effect of law."

Many executive orders are in a twilight zone of dubious constitutional legitimacy if not open defiance of the Constitution, especially when they amount to lawmaking without congressional approval.

Presidents have made extravagant claims with their executive orders, as Harry Truman did when he issued executive order 10340 that directed the Secretary of Commerce to stop a steelworkers strike by seizing privately-owned steel mills. Truman insisted that a prolonged strike would impair the government's ability to fight his undeclared "police action" in Korea. Truman's Solicitor General Philip B. Perlman declared that Article II, Section 2 of the Constitution "constitutes a grant of all the executive powers of which the Government is capable."

The case came before the Supreme Court as *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). Justice Robert Jackson — like Truman, a Democrat — was incredulous at the administration's position. He said, "The example of such unlimited executive power that must have most impressed the forefathers was the prerogative exercised by King George III. The description of its evils in the Declaration of Independence leads me to doubt that they were creating their new Executive in his image. Continental European examples were no more appealing. And, if we seek instruction from our own times, we can match it only from the executive powers in those governments we disparagingly describe as totalitarian. I cannot accept the view that the clause is a grant in bulk of all conceivable executive power."

Justice Hugo Black, another Democrat, wrote the majority opinion invalidating the seizures. Black explained that an executive order (1) "must stem either from an act of Congress or from the Constitution itself" and (2) an executive order is on dubious ground if it's "incompatible with the express or implied will of Congress."

There have been thousands of executive orders, so it's hard for government to keep track of them all, and it has been even harder for ordinary citizens. Until the early 20th century, executive orders were generally undocumented. They were addressed to a particular government agency which had the only copy. Nobody seemed to know how many executive

orders there were. As late as the 1930s, there was an account, published in the New York Times, claiming that “there are no readily available means of ascertaining the true texts and history of the thousand or more executive orders issued since March 4, 1933.”

In 1974, the Senate Committee on National Emergencies and Delegated Emergency Powers was surprised to discover that “Since March 9, 1933, the United States has been in a state of declared national emergency. There are now in effect four presidentially-proclaimed states of national emergency. In addition to the national emergency declared by President Roosevelt [during the Great Depression], there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970 and August 15, 1971.”

The committee report continued, “These proclamations give force to 470 provisions of Federal law, delegating to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners...The President may seize property, organize and control the means of production, seize commodities, assign military forces abroad, institute martial law, seize and control all transportation and communication, regulate the operation of private enterprise, restrict travel, and in a plethora of particular ways, control the lives of all Americans.”

President Obama’s admirers like to talk about the wonderful things can be done with executive orders, but the historical record has been mixed. Some have been fine, while many have backfired badly.

Presidents use XO’s to expand executive responsibilities.

Mayer ’99 - Associate professor of political science at the University of Wisconsin-Madison, (Kenneth R., May, 1999, “Executive Order and Presidential Power,” <http://users.polisci.wisc.edu/kmayer/Professional/Executive%20Orders%20and%20Presidential%20Power.pdf>)

Executive orders are important to presidents, and their use reflects much more than simple administrative routines or random noise. Presidents use them to make substantive policy, exercise emergency powers, strengthen their control over executive branch agencies and administrative processes, emphasize important symbolic stances, and maintain their electoral and governing coalitions. Their use varies in predictable ways in accordance with substantive changes in political context.

The president’s power to make policy through executive orders has grown along with, and has reinforced, the expansion of executive branch responsibilities. Some of this authority has been delegated to the president by Congress, but presidents have also simply assumed unilateral policymaking powers, especially in national security and foreign policy matters (Koh 1990; Fisher 1995). The expansion of the executive branch and the institutionalization of the presidency has provided the president with increased power over policy implementation and administrative procedures. One proponent of this “Administrative Presidency” thesis is Moe (1985, 1993, 1995; see also Nathan 1983; Durant 1992), who argues that presidents have a substantial reservoir of authority that allows them to make many substantive decisions on their own. Even within the narrower confines of their executive authority, presidents can make significant policy choices. “They can organize and direct the presidency as they see fit, create public agencies, reorganize them, move them around, coordinate them, impose rules on their behavior, put their own people in top positions, and otherwise place their structural stamp on the executive branch” (Moe 1993, 366).

Courts

Courts defer to the executive - confidence and resources increase presidential powers.

Waxman '09 - law professor at Columbia University, Senior fellow for Law and Foreign Policy at the Council on Foreign Relations, (Matthew C., "Can Courts Be 'Trusted' in National Security Crises?", Foundation for Law, Justice and Society, <http://www.fljs.org/sites/www.fljs.org/files/publications/Waxman.pdf>)/HH

Scholars such as Bruce Ackerman and Geoffrey Stone have observed that judges, like the other government branches and the public, are susceptible to public panic, and are cautious about taking decisions that might undermine security. Rather than serving as guardians of liberty during emergencies and wartime, courts are likely to show too much deference to the political branches, at least until the moment of maximum perceived peril passes (Ackerman 2006: 60–63; Stone 2004: 542–57).

As noted above, courts have on occasion rejected emergency executive assertions, but this is more the exception than the norm. Historically, courts have tolerated significant executive liberty infringements during wartime or emergencies, especially when expanded powers are sanctioned by Congress.

During the post-World War I 'Red Scare', the Supreme Court upheld criminal convictions against individuals spreading anti-draft leaflets. '[W]hen a nation is at war', wrote Justice Oliver Wendell Holmes, 'many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right' (Schenck v. United States 1919). During World War II, the Supreme Court upheld curfew and internment orders against individuals of Japanese descent (Hirabayashi v. United States 1943; Korematsu v. United States 1944). It is often only after the moment of perceived danger passes that courts roll back expansive executive powers.

Some of the same structural features of courts that arguably weaken their ability to assess security threats and measures also weaken their ability to enforce limits on emergency powers. Courts' jurisdiction even to consider the merits of such legal issues is generally limited to specific 'cases and controversies' brought by parties who can allege a concrete harm at the time their lawsuit is adjudicated. Decentralized courts operated by generalist judges are slow to acquire the expertise, and therefore confidence, to challenge executive assertions. Lacking their own investigatory powers, they rely heavily on government submissions in evaluating claims of necessity.

Perhaps as a result of these limitations, courts often incline toward enforcing institutional constraints on executive emergency actions, rather than ruling them out altogether (Issacharoff and Pildes 2004). That is, they look to whether Congress has authorized or consented to executive programmes. Such institutional requirements sometimes serve as a brake on arrogation of state powers, but sometimes it merely reinforces them, when politics favour aggressive government crackdown, perhaps against minority or dissident groups, precisely the moments that civil libertarians believe court intervention is most necessary.

Impact

PP Bad – Economy

Obama economic policy hurts the middle class-key to the economy

Roth 1/20 (Diana Furchtgott-Roth, former chief economist of the U.S. Department of Labor, directs Economics21 at the Manhattan Institute, “How Obama’s Tax Hikes Actually Hurt the Middle Class”, <http://www.thefiscaltimes.com/2015/01/20/How-Obama-s-Tax-Hikes-Actually-Hurt-Middle-Class>, 1/20/15, 8/1/15, MEM)

Higher capital gains taxes would reduce economic activity, especially financing for private companies, innovators, and small firms getting off the ground. Taxes on U.S. investment would be higher compared with taxes abroad, so some investment capital is likely to move offshore. There are good reasons for taxing capital gains and dividends at lower rates than earned income. First, dividend income has been taxed before at the corporate level. The statutory federal corporate tax rate is 35 percent, although effective tax rates vary by firm, depending on the amount of plant and equipment purchased, among other factors. The tax is taken out of gains distributed to shareholders. If a company pays dividends out of net income, then a 35 percent corporate tax rate plus a 28 percent individual tax rate on dividends adds up to a total federal tax rate on dividends of 53 percent—and state and local taxes can add an additional 13 percent, as is the case in California. Second, capital gains have a lower tax rate to encourage the risk taking involved in investment. Investors supply the financial capital essential for investments that spur innovation, improve productivity, and expand capacity. It is beneficial for the government to encourage this risk taking and tax the proceeds of capital at a lower rate. Returns from capital are not the same as getting a weekly paycheck, where the amount is predictable and will not vanish if the market tanks. Finally, a portion of capital gains comes from inflation, because many people hold on to capital for years before selling it. Rather than calculating the inflationary gains from each stock, Congress taxes those gains at a lower rate. Higher taxes on capital gains are likely to result in fewer realizations—in other words, fewer sales of capital assets—and less investment in capital. Historically, increases in capital gains taxes have been associated with declines in revenues from capital gains, and vice versa, because those who hold capital can choose when to time their gains.

PP Bad – Climate Change

Obama bipolar approach to climate change prevents any effective change

Cousins 7/13 (Farron Cousins, bachelor's degree in Political Science from the University of West Florida, the executive editor of The Trial Lawyer magazine, the world's number one source for accurate, became a member of American MENSA, fact based information regarding global warming misinformation campaigns, "Obama's Bipolar Approach To Energy And Climate Change", <http://www.desmogblog.com/2015/06/13/obama-s-bipolar-approach-energy-and-climate-change>, 7/13/5, 8/1/15, MEM)

But seven years later, President Obama's stance on offshore drilling has clearly changed. Rather than worrying about the immediate economic impacts, and certainly without considering the environmental impacts, President Obama has proposed opening up previously off-limits areas of the Atlantic coast for oil drilling; he has increased the number of offshore oil drilling operations in the Gulf of Mexico (after he presided over the single largest environmental disaster ever to take place in the Gulf); and he's even allowed the fracking industry to operate in near secrecy in the Gulf of Mexico. It seems like every action the president has taken to combat climate change has been met by an equal attempt to appease the dirty energy industry. And this is all occurring at the same time that the President has ramped up his tough talk about the need to combat climate change in order to protect future generations of Americans. Unfortunately for Obama's legacy, climate change is not an issue that can be addressed in a way that makes every side happy. You cannot give handouts to the dirty energy industry while trying to combat climate change, so you're going to make some folks unhappy. That's the job of the president — to put the needs of the people over the profits of private corporations. But in this case, like in so many other areas, President Obama is so afraid of a fight that he is willing to let the planet burn because he can't make up his mind on which side he actually wants to take.

Executive powers suck at climate change- 8 reasons

Adler 2/15 (Ben Adler, Columbia Journalism Review covers environmental policy and politics for Grist, with a focus on climate change, energy, and cities, Wesleyan University, "8 ways Obama sucks on climate", <http://grist.org/climate-energy/8-ways-obama-sucks-on-climate/>, 2/15/15, 8/1/15, MEM)

But many of the administration's moves, including a string of recent actions by federal agencies under Obama's control, show this conventional wisdom to be false. Here are the president's top eight climate failings, many of them from just the three months since the midterm elections: 1. Opening more federal land and water to offshore oil and gas drilling. The Obama administration just keeps handing out leases to drain fossil fuels from our public lands and waters. Three weeks ago, the Bureau of Ocean Management announced plans to open up a previously off-limits portion of the mid-Atlantic coast to oil and gas exploration, along with parts of the Arctic Ocean and the Gulf of Mexico. The White House frequently brags about how oil and gas extraction, on both public and private lands, has risen under Obama. The number of operating oil and gas rigs in the U.S. rose 18 percent from January 2009 to April 2014, the White House proudly noted last year, and in 2013, the "Bureau of Land Management (BLM) held 30 separate oil and gas lease sales, offering 5.7 million acres for lease by industry, the most in a decade." 2. Selling off public coal deposits at a loss. During his time in office, Obama has sold a staggering 2.2 billion tons of coal from publicly owned land, according to a report put out last year by Greenpeace. That coal

will lead to 3.9 billion metric tons of carbon pollution — more than a year of emissions from the entire European Union. And the BLM isn't even charging market rate for the leases, let alone factoring in climate costs. The coal leases have only brought in \$2.3 billion in revenue, while the CO2 pollution from burning all that coal will cause societal damages ranging from \$52 billion to \$530 billion, according to the government's own figures on the social cost of carbon. Obama is not required to shower fossil fuel industries with this charity. "He could order the secretary of interior to stop leasing, that's something we're advocating Obama should do," says Marissa Knodel, climate campaigner at Friends of the Earth. "That would be the kind of bold, true climate leadership that we need." 3. Promoting fracking Obama touts natural gas as a cleaner bridge fuel to get us from coal to renewables. That's problematic for a number of reasons. One of them is that the current natural gas boom is made possible by the rampant deployment of fracking technology, which has adverse environmental and health impacts on neighboring communities, due to the release of volatile organic compounds into the air, along with gas and mysterious chemicals from fracking fluids into water sources. Natural gas companies point to the dearth of data linking fracking to water pollution or long-term health effects — a problem which has not been helped by EPA abandoning at least three studies of fracking's effect on drinking water. Meanwhile, the administration promised to make rules governing fracking on federal land that would set the highest possible environmental standards and provide a good example for states and voluntary industry efforts. But, after the oil and gas industry whined about the initial proposed rules, Interior released the a weakened revised proposal in 2013. As The Hill reported, "concessions to the oil-and-gas industry ... include allowing drillers to use an existing, industry-favored database called 'FracFocus' to meet the rules' chemical disclosure requirements — a tool that critics call too weak." Green groups and congressional climate hawks like Sen. Ed Markey (D-Mass.) criticized the proposal as ineffectual. Letting frackers pollute their neighbors' air and water is just another way of subsidizing fossil fuel production. We're currently awaiting the soon-to-be-finalized rule. 4. Allowing more gas and oil exports Supposedly, Obama's "all-of-the-above" energy policy exists to serve up cheap energy to U.S. consumers. But the administration has been willing to loosen export restrictions so that it can instead serve foreign consumers — at a higher cost to the climate. Last year, the admin streamlined the process for approving export terminals for liquefied natural gas, even though LNG has a much larger carbon footprint than regular natural gas due to the energy needed to freeze, ship, and regassify it. Communities in coastal areas where terminals are proposed also worry about threats to aquatic life and the potential for terrorist attacks. The Cove Point terminal proposal in Maryland, for example, was approved last year over strong objections from environmentalists. The White House is now working with Sen. John Hoeven (R-N.D.) on a bill to expedite LNG terminal approval. The administration is also chipping away at the long-standing ban on exporting crude oil. In December, the Department of Commerce approved a series of industry requests to export a specific type of light oil, and last year the U.S. allowed more than twice as much crude oil to be exported to Canada as in 2013. Energy Secretary Ernest Moniz has suggested that it's time to reexamine the oil export ban altogether. Allowing more exports of oil and gas encourages American companies to drill more. 5. Proposing weak rules on methane leaks Last month, the EPA proposed for the first time ever to regulate methane leaks from oil and gas operations — a great idea, as such leaks account for roughly 3 percent of U.S. greenhouse gas emissions. But it turns out those rules won't be nearly as far-reaching as they could and should be, as they would apply only to new wells and pipelines, leaving thousands of existing sources of leakage untouched. One study last year projected that nearly 90 percent of methane emissions from the oil and gas sector in 2018 would come from sources that were already operating in 2011 — and all of those sources could just keep on leaking under the EPA's

proposal. That's why most of the leading environmental groups strongly criticized the plan.

6. Regulating coal ash like banana peels In December, the Obama administration squandered an excellent opportunity to clean up one of the dirtiest aspects of coal burning, and to make coal-power producers pay more of the true cost of doing business, thereby making wind and solar more cost-competitive. The EPA was tasked with developing rules for disposal of coal ash, a byproduct of coal burning that's laden with toxic heavy metals such as arsenic and lead. Over 100 million tons of this crap are produced in the U.S. every year, and often it's simply dumped into a hole in the ground, sometimes right next to a water source, as power plants are often next to rivers. Green groups want EPA to label coal ash as hazardous waste, in order to subject it to more rigorous disposal regulations. Instead, in the rule that was finalized in December, EPA is treating coal ash as "solid waste," which has lighter requirements. By going easy on coal plants' conventional pollution, the administration makes it easier for coal plants to spew climate pollution too.

7. Going soft on ozone pollution Perhaps no issue better illustrates the Obama administration's worst impulses as industry toadies than the saga of the ozone standards. Ground-level ozone — the bad kind of ozone, better known as smog — is created by chemical byproducts of industrial processes, like nitrogen oxide from fossil fuel combustion. It causes respiratory ailments such as asthma and can lead to premature death. The George W. Bush administration failed to tighten smog rules to the level recommended by EPA scientists, as you might expect — but then in Obama's first term, his administration did the same thing, for fear of angering big business ahead of the 2012 election. Last year the EPA reviewed the rules again. The current allowable level of ozone in the air is 75 parts per million, and the EPA's scientific advisory committee recommended lowering that to 60 to 70 ppm, while health and environmental advocates say it should be set at 60. The EPA is proposing 65 to 70, and when the rules are finalized, they're likely to be at the high end of that range — an improvement, but still kind of wussy. Again, this would mean going easy on fossil fuel interests, letting them continue to impose the costs of their pollution on society.

8. Counting chopped-down trees as "clean energy" The EPA is threatening to incentivize burning down our forests for energy. In implementing the Clean Power Plan to reduce CO2 emissions from power plants, it will matter enormously how the EPA calculates the CO2 emissions from different energy sources — and there are troubling signs on that front. As Politico's Michael Grunwald recently reported, "A November 19 EPA policy memo suggests that the administration intends to treat electricity produced from most forest and farm products as carbon-free." The E.U. made this same mistake, incorrectly assuming that burning trees for energy is carbon-neutral. Now, as a result, American forests are being chopped down to provide "renewable" energy to Europe. The rationale is that if you plant a new tree to replace the felled one, you do not lose a carbon sink, but the science is not that simple, plus the whole process of drying and shipping wood pellets creates carbon emissions. As The Huffington Post's Kate Sheppard reports, a group of climate scientists, engineers, and ecologists just sent a letter to EPA Administrator Gina McCarthy arguing that using biomass for energy would increase emissions. It's not yet clear whether the EPA will treat biomass as carbon neutral, but it is clear that environmentalists cannot assume the Obama administration will implement even its most important rules with the best available science. Time after time, the Obama administration encourages fossil fuel exploitation, no matter the cost to taxpayers in terms of the Treasury or the climate. And when it comes to regulating polluters, the results are too often soft rules that fall short of environmentalists' hopes, or no rules at all. Even the most moderate of green organizations have criticized some of Obama's recent moves.

PP Bad - War

The expansion of presidential war powers has the been the legal framework that caused foreign policy fiascos like the interventions in Vietnam, Iraq, Panama, and Libya

McClain 10' "Daniel, "The imperial presidency and interventionism,"

http://epublications.marquette.edu/cgi/viewcontent.cgi?article=1000&context=jablonowski_award, undergraduate at Marquette university this paper won the award for best historical research paper of an undergraduate at Marquette"

Schlesinger says of the Cold War-era presidency, "The imperial presidency was essentially the creation of foreign policy. A combination of doctrines and emotions – belief in permanent and universal crisis, fear of communism, faith in the duty and right of the United States to intervene swiftly in every part of the world – had brought about an unprecedented centralization of decisions over war and peace in the presidency."²⁵ This essay has briefly chronicled the development of the imperial presidency and its supremacy in the conduct of American foreign relations, but the discussion does not end there. While the rhetoric of the Cold 22 Mills, Nicolaus, "Leaving Iraq," *Dissent*, Spring 2009, 16. 23 Irons, Peter, *War Powers* (New York: Henry Hold & Co.), 218. 24 Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 208. 25 Schlesinger, Arthur, *The Imperial Presidency* (Boston: Houghton Mifflin), 208. McClain 15 War and the War on Terror have justified in the name of democracy our country's various exercises in interventionism in places such as Korea, Vietnam, Panama, and Iraq, these foreign escapades have actually often been conducted in the pursuit of less idealized interests such as geopolitical and economic concerns. A history of the imperial presidency and its foreign policy is most useful for exposing the flaws and abuses inherent in the centralization of power over war and peace in the hands of the president. Such a history will show that the U.S. Congress, instead of actively asserting its Constitutional prerogatives, has been largely submissive in allowing the presidency to appropriate increased war powers.²⁶ The current status and future of the imperial presidency are unclear. President George W. Bush and his administration continued to operate within its framework in the War on Terror and in the invasion of Iraq. With Bush's departure from office, and the removal from power of the final generation of Cold War leadership that persisted in the Bush administration, there is hope that the Cold War-era imperialist presidency will give way to a presidential style more appropriate to the increasingly multilateral and shrinking world. Thus far, President Barack Obama's foreign policy seems to be geared, at least in its rhetoric and diplomatic overtures, towards turning away from the United States' arbitrary, interventionist past. However, it is a certainty that both the people and politicians of the United States still perceive our nation as the world's foremost superpower and share a nationalist desire to see America promote her interests and values on the global stage, making an abandonment of the imperial presidency and its costly interventionism much harder to accomplish. When will America decide to rid herself of the burden of empire?

PP Bad- Precedent

A unilateral president is a threat to democracy it is not about the individual policies but what they could justify

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When James Madison shaped a new constitutional system for the United States, he and his fellow framers had one overriding fear: tyranny. They wanted to divide power between three branches and create lines of separation that prevented the concentration of power in any single branch. The framers based their ideas on an understanding of human nature – and human weakness. They tried to create a system in which ambition would check ambition. However, they knew that citizens can be distracted or deceived into giving up their very freedom. Madison warned future generations that "if Tyranny and Oppression come to this land, it will be in the guise of fighting a foreign enemy." The framers knew how effective fear can be to induce citizens to give up their liberties. Recent years have proven them once again prophetic in their warnings. To this day, many Americans misunderstand the separation of powers as simply a division of authority between three branches of government. In fact, it was intended as a protection not of institutional but of individual rights, by preventing any branch from assuming enough power to become tyrannical. No branch is supposed to have enough power to govern alone. Once power becomes concentrated in the hands of a president, citizens are left only with the assurance that such unchecked power will be used wisely – a Faustian bargain the framers repeatedly warned us never to accept. Benjamin Franklin said it best when he warned that "they who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." Despite these warnings, many people have embraced largely unchecked presidential powers under the assurance that the rising security state will keep them safe. The shift of power to the presidency certainly did not start with President Barack Obama. To the contrary, this trend has been gaining ground for decades. But it has accelerated under Obama, who has succeeded to a degree that would have made Richard Nixon blush. Indeed, Obama may be the president Nixon always wanted to be. I do not believe that Obama is (or wants to be) a tyrant. However, his unilateral actions are redrawing the lines of separation in our system in a way that I believe could prove destabilizing and even dangerous in the future. While the "imperial presidency" has been discussed as a danger in our country since its founding, it is a term most associated with Nixon. Presidents such as Andrew Jackson and Franklin Delano Roosevelt showed similar tendencies. Often, war is cited as the reason for extraconstitutional action, such as Abraham Lincoln's suspension of habeas corpus. "Imperial presidency" is not a term that reflects an actual royal ambition or the suspension of term limits. Rather, it refers to a model of the presidency that allows for a wide array of unilateral actions and largely unchecked powers. What is fascinating is that Nixon was largely unsuccessful in accomplishing this dream of a presidency with robust and largely unlimited powers. Indeed, many of the unchecked powers claimed by Nixon became the basis for articles in his impeachment and led to his resignation on Aug. 9, 1974. Four decades ago, Nixon was halted in his determined effort to create an imperial presidency with unilateral powers and privileges. But in 2013, Obama wields those very same powers openly and without serious opposition. -Surveillance. Nixon's use of warrantless

surveillance was cited as one of his greatest abuses and led to the creation of the special Foreign Intelligence Surveillance Court. Obama, however, has expanded warrantless surveillance programs to a degree that dwarfs anything Nixon imagined, including initiating a program that captured communications of virtually every U.S. citizen. -War. Nixon's impeachment included the charge that he evaded Congress' sole authority to declare war by invading Cambodia. Obama went even further in the Libyan war, declaring that he alone defines what is a "war" for the purposes of triggering the constitutional provisions on declarations of Congress. That position effectively converts the entire provision in Article I, Section 8 of the Constitution ("Congress shall have power to ... declare War") into a discretionary power of the president. -Kill lists. Nixon ordered a burglary to find evidence to use against Daniel Ellsberg, who leaked the Pentagon Papers, and was accused of a secret plot to have the White House "plumbers" "incapacitate" him in a physical attack. People were outraged. Yet Obama has asserted the right to kill any U.S. citizen without a charge, let alone conviction, based on his sole authority. Internal documents state that he has a right to kill a citizen even when he lacks "clear evidence (of) a specific attack" being planned. -Reporters/whistle-blowers. Nixon was known for his attacks on whistleblowers, using the Espionage Act of 1917 to bring a rare criminal case against Ellsberg. He was vilified for this abuse of the law, but Obama has brought twice as many such prosecutions as all prior presidents combined. Nixon was accused of putting a few reporters under surveillance. The Obama administration has admitted to putting Associated Press reporters, as well as a Fox reporter, under surveillance. -Obstruction of Congress. Nixon was cited for various efforts to obstruct or mislead congressional investigators. The Obama administration has repeatedly refused to give evidence sought by oversight committees in a variety of scandals. In one case, Congress voted to move forward with criminal contempt charges against Attorney General Eric Holder, which Holder's own Justice Department blocked. In another case, Director of National Intelligence James Clapper lied before Congress on the surveillance programs, and later said that he offered the least untruthful statement he could think of. The Obama administration, however, refuses to investigate Clapper for perjury, let alone fire him. Recently, the administration was accused of searching Senate computers in an investigation of the CIA and trying to intimidate congressional investigators. These examples are simply those connected with the growing internal security state. Other characteristics of an imperial presidency are equally evident, particularly in the repeated circumvention of Congress in ordering unilateral changes to federal law or suspending federal laws. While many hail Obama for not taking "no" for an answer from Congress in areas such as health care and immigration reform, they may rue the day another president uses the same powers to negate environmental or anti-discrimination laws. It has long been said that one of the scariest statements is, "Trust us, we're from the government." The deep American distrust for such a claim was shared by the framers, who rejected a government based on assurances of the best intentions. Madison famously warned, "If men were angels, no government would be necessary." In other words, we have a government that refuses to accept promises of good behavior or motivations from politicians. Time and time again, Obama has returned to the theme that there is nothing to worry about in surveillance or wars or even the killing of citizens because he promises to use the powers wisely. The administration has been particularly adept in creating internal "committees" to suggest some form of due process before citizens are vaporized or other unchecked powers are used by the president. Since the president creates these committees and appoints their members out of his own authority, he can simply ignore their recommendations. It is little more than the promise of best intentions – the very promise the framers warned us never to accept from our government. In the end, we have accepted the lure of personality over principle in allowing the expansion of these powers. Obama will not be our last president, but these powers are unlikely

to be voluntarily surrendered by his successors. There is a radical change occurring in our system, and we may be at a critical constitutional tipping point in the establishment of an imperial presidency in the coming years. The danger of this concentration of authority is made more acute by the failure of federal courts to perform their vital function in confining the branches to their constitutional spaces. Federal courts in the past few decades have maintained an increasing position of avoidance in separation-of-powers cases, leaving it to the political branches to fight over turf. Courts now routinely block litigants, including members of Congress, from even being heard on constitutional violations. Years ago, I represented Democratic and Republican members (both conservative and liberal) challenging the Libyan war. They were denied even a hearing. Congress has proved equally passive, if not inert. Democrats have remained silent in the face of policies that challenge core values of privacy and war, as did Republicans under George W. Bush. That interbranch tension envisioned by Madison has gradually dissipated. Individual ambition of politicians has replaced institutional ambition, leaving many to curry favor with the White House as legislative powers are drained away by an increasingly powerful president. As that power increases, there is more pressure on politicians to yield in new areas. This downward spiral may have reached its ultimate expression this year. Framers such as Madison would have been mortified by the scene from the most recent State of the Union address. Obama appeared before a joint session of Congress (and members of the Supreme Court) to announce that he intended to go it alone in achieving his policy goals, refusing to yield to the actions of Congress. One would have expected an outcry, or at least stony silence, from a branch that was being told it would be circumvented. Instead, there was rapturous applause that bordered on a collective expression of institutional self-loathing. Obama has made it clear that he simply will not take “no” for an answer. When Congress recently refused to pass the DREAM Act to change immigration laws to protect potentially millions of deportable individuals, he simply ordered the very same measures on his own authority. The same unilateral measures were ordered in health care, drug enforcement, online gambling and other areas. The failure of Congress to consent to executive demands was followed by the same measures being ordered on the basis of Obama’s inherent authority. Under this approach, Congress is being reduced to an almost decorative element in governance – free to approve but not to block presidential demands. While Congress clearly retains powers, its members are increasingly finding that discretionary funds and powers blunt efforts to change government programs. Even Congress’ power of the purse has become discretionary with the president. When Congress resisted demands of the president on health care, Obama simply shifted \$454 million in funds from the purpose mandated by Congress to his own purpose. When he decided not to consult with Congress on the Libyan war, he simply spent roughly a billion dollars on a war neither declared nor funded by Congress. Such circumvention – and the new presidential powers – create a perfect storm within the Madisonian system. It raises the very prospect the framers thought they blocked through the separation of powers: a president who can effectively rule alone. We often refer to ourselves as the “land of the free,” as if that status were self-evident. We rarely ask ourselves what those freedoms are and how they have been abridged. Our self-image can border on self-delusion when we take stock of the status of many rights. We have learned of a massive surveillance program in which every citizen has had telephonic and email data captured by the government. Every citizen has been warned that the president may kill them on his own authority without a charge, let alone a conviction. We have a secret court that approves thousands of secret searches every year and a federal court system that increasingly allows the use of secret evidence. We have a new Obama-era law, the National Defense Authorization Act, that allows for the indefinite detention of people by the government and, while exempted from mandatory detention, allows for such detention of citizens. We still

have a detention center at Guantanamo Bay, established by George W. Bush, just over our border to avoid the jurisdiction of U.S. courts. It allows the president to choose who gets a real trial, who gets a legally dubious military tribunal, or who gets no trial at all. While seeking to close the facility, Obama has continued to assert the right to send people to military tribunals on his sole authority – thereby stripping them of core legal protections. While the erosion of freedoms in the United States has occurred with nary a whimper of regret in this country, it has not gone unnoticed abroad. The United States is now widely viewed as a hypocrite on the subject of human rights and civil liberties. This year, our nation fell to 46th in the world on press freedoms (behind the former Soviet republics of Lithuania and Latvia as well as Romania, Poland, Czechoslovakia, Ghana, South Africa and El Salvador), according to a recent study by Reporters Without Borders. Another study this year counts the United States as an “enemy of Internet freedom” with countries such as Iran, China and North Korea. When the full mosaic of new governmental powers is considered, and the full array of rights curtailed in the United States, we are left with a disturbing question of self-identity. We more often seem to define ourselves by what we are not than by what we are. In the summer of 1787, a telling moment occurred after a crowd gathered around Independence Hall to learn what type of government had been created for the new nation. When Benjamin Franklin walked out of the Constitutional Convention, Elizabeth Powel could wait no longer. Franklin was one of the best known of the framers working on the new U.S. Constitution. Powel ran up to Franklin and asked, “Well, Doctor, what have we got, a republic or a monarchy?” Franklin turned to her and said what are perhaps the most chilling words uttered by any framer: “A republic, Madam, if you can keep it.” It may be that it is not the presidency that has changed. We have changed. As a nation, we seem to have grown almost bored with rights like privacy and due process. We have been passive and pedestrian in watching the rise of an uber-presidency. We no longer view ourselves as directing our government, but as merely bystanders watching matters outside our control. Worse yet, we seem to have lost not just our identity but even our interest in governance. It was a republic when Franklin was stopped by Powel. I am not sure that most citizens today would even have stopped him to ask. “Democracy ... soon wastes, exhausts and murders itself,” John Adams once said. “There was never a democracy yet that did not commit suicide.” What is truly sad is that if one of the greatest republics in history did die, it is not clear if anyone would even notice its passing. - See more at: <http://www.legion.org/magazine/222394/question-power-imperial-presidency#sthash.tBrc1dwq.dpuf>

An increase of Prez powers is bad, even if the policies being done now are good the increase in power means the next president could easily change them

Hacker et al' 13 “ Jacob, and oona Hathaway, “Deware an unchecked president”, <http://articles.latimes.com/2013/dec/08/opinion/la-oe-hacker-presidential-power-20131208>, Jacob S. Hacker is a professor of political science and director of the Institution for Social and Policy Studies at Yale. Oona A. Hathaway is a professor of law and director of the Center for Global Legal Challenges at Yale Law School.”

In the face of congressional gridlock, President Obama has started taking more and more matters into his own hands. In recent months, he has announced new gun control measures, put in place limited immigration reform and made fixes to the Affordable Care Act — all without Congress. Many liberals who once worried about presidential overreach have applauded his robust use of presidential power. Yet the president's increasing unilateralism shouldn't be cause for celebration. Bypassing Congress means bypassing democratic checks. It also means giving up on government's ability to effectively address serious long-term challenges. The solution to a

dysfunctional Congress isn't an unchecked executive; it's a Congress that actually works. A first step in that direction was taken recently with the banning of filibusters for executive branch nominees and federal judges below the Supreme Court. YEAR IN REVIEW: Washington's 5 biggest 'fails' of 2013 The filibuster is not part of our nation's constitutional design. To the contrary, the framers rejected supermajority requirements except in limited circumstances, such as impeaching the president and ratifying treaties. Alexander Hamilton wrote in Federalist No. 22 that if "a pertinacious minority can control the opinion of a majority," there would be "tedious delays; continual negotiation and intrigue; contemptible compromises of the public good." As a result, the government would often be "kept in a state of inaction." Sound familiar? However, the framers certainly wouldn't have approved of the president responding to this "state of inaction" by simply going around Congress and exercising unilateral powers. When President George W. Bush was in office, Democrats criticized his go-it-alone approach — his insistence, for example, that he could launch military attacks without Congress' blessing, or unilaterally tighten restrictions on the use of stem cells in federally funded research. But the last five years have shown that many on the left are willing to turn a blind eye to unchecked executive action when a Democrat is in the White House. YEAR IN REVIEW: Highs and lows from Obama's roller-coaster year It's no mystery why. Congress has proved a graveyard for serious action on almost every issue. Obama, a professor of constitutional law who once criticized executive unilateralism, has acted alone mainly because it's the only way he can get anything done. But while Democrats have the presidency now, they won't hold it forever. In the meantime, they're feeding a beast that will be extremely difficult to control in the future. And the policy achievements could prove ephemeral. Anything Obama can achieve alone, a successor can potentially undo. Worse, the Democratic embrace of unilateralism feeds the cycle of dysfunction. It strips responsibility from Congress, removing whatever is left of the incentive for compromise. And some things near and dear to the hearts of Democrats, such as improving our anemic economy, simply can't be achieved through executive fiat. Republicans should also want to fix the status quo. The political branch where they're strongest is increasingly weak, and things are only going to get worse. After all, even if filibuster reform applies only to judicial and presidential nominees, it will substantially increase the power of the man in the Oval Office they love to hate. He will find it much easier to fill vacancies in the executive branch and federal courts with appointees who will carry out and legally protect executive initiatives. That's bad for Republicans and the republic. So what can be done? First, end the filibuster for good — for everything. As we just saw, the majority of the Senate has the power to do this. Yes, the filibuster gives every senator enhanced power to grind government to a halt. But that very same power makes each senator part of an institution that is growing more unpopular and irrelevant by the day. Second, fix the broken budget process. The federal government should run on last year's budget if Congress can't agree on a new one. That would end the opportunities for endless hostage-taking and prevent costly shutdowns. (And while we're at it, it is well past time to eliminate the redundant debt-ceiling vote, which has caused so much havoc.) Third, bring transparency to lobbying and campaign donations, and pursue efforts to reduce candidates' reliance on big donors and powerful lobbyists. Congress won't be truly accountable to the people until the pull of narrow, wealthy interest groups and intense party activists is weakened. The hard part, of course, isn't coming up with sensible reforms in these areas (and we've merely hinted at an agenda). It's getting Congress to put them in place. No one should expect a short or easy struggle. But maybe the only thing the parties can agree on is that the president should not be governing the country alone. If so, there's a chance filibuster reform could be just the start.

Obama's executive actions are distinct for 3 reasons, he can alter his own legislation, prevent legislative action, and the surveillance state

Pollak 13' "Joel, three ways Obama's executive orders are the worst of any president, <http://www.breitbart.com/big-government/2014/02/04/ruth-marcus-obama-executive-order/>, Joel Barry Pollak is an American political commentator and author. As of 2012, he is the editor-in-chief and in-house counsel for Breitbart.com."

Ruth Marcus of the Washington Post is the latest to defend President Barack Obama's use—past, present, and future—of executive orders to circumvent Congress. She argues that his "push-the-envelope moves" are "within the bounds of the modern presidency." Marcus is not alone here: others have pointed out that Obama has used fewer executive orders than his predecessors, forgetting that constitutionality is what matters, not quantity. Complaints about executive orders, Marcus suggests, are just "politics dressed up in constitutional clothing, to be put on and off depending on which party holds the White House." I can say with confidence, as someone who never voted for George W. Bush and resented his expansion of the executive, that Obama is in another league entirely. There are three basic ways in which Obama's behavior exceeds that of any his predecessors. The first is that Obama is using executive orders and actions to alter his own legislation. It's one thing to claim that you are forced to act because Congress will not. It's quite another thing to re-write the law after Congress has done what you asked—and after you have offered, time and time again, to entertain formal amendments to the legislation. Obama has simply invoked executive authority to cover up his own errors. That's unprecedented. The second way in which Obama's abuse of executive power is different is that he has done it to prevent the legislature from acting. It is now widely acknowledged that the president issued his "Dream Act by fiat" in 2012 not just because Congress wouldn't pass his version of immigration reform, but to outflank Sen. Marco Rubio (R-FL)80% , who was preparing his own version, embarrassing Obama among Latino voters. Such pettiness is rare. The third way in which Obama's behavior is unusual is that he commands sweeping executive power on some issues while arguing, on other issues, that he has no power to act. The president's recent speech about the NSA surveillance programs is a prime example of such self-contradiction. There is no constitutional doctrine behind the president's executive orders, actions, and omissions: there is just pure, cynical political expediency. A final note. Marcus, like other apologists for President Obama's power grabs, compares his actions to those of President Abraham Lincoln when he issued the Emancipation Proclamation. It is an absurd comparison, one chosen to flatter Obama's failing pseudo-heroic image. If anything, Obama's executive excesses tend to make us less free. He is not governing in the tradition of Lincoln, but that of Woodrow Wilson—and doing far worse.

Presidential Powers -MSDI

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Surveillance is part of presidential powers to fight wars—any interference in surveillance disrupts this power—wide presidential discretion is key

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

The present circumstances that support recognition of **the President's inherent constitutional authority to conduct the NSA activities** are considerably **stronger** than were the circumstances at issue in the earlier courts of appeals cases that recognized this power. All of the cases described above addressed inherent executive authority under **the foreign affairs power to conduct surveillance in a** peacetime context. The courts in these cases therefore had no occasion even to consider the fundamental authority of the President, **as Commander in Chief**, to gather intelligence in the context of an ongoing armed conflict in which the United States already had suffered massive civilian casualties and in which the intelligence gathering efforts at issue were specifically designed to thwart further armed attacks. Indeed, intelligence gathering **is particularly important in the current conflict, in which the enemy attacks largely through clandestine activities and** which, as Congress recognized, **"pose[s] an unusual and extraordinary threat,"** AUMF pmb. Among the President's most basic constitutional duties is the duty to protect the Nation from armed attack. **The Constitution gives him all necessary authority to fulfill that responsibility.** The courts thus have long acknowledged the President's inherent authority to take action to protect Americans abroad, see, e.g., *Durand v. Hollins*, 8 F. Cas. 111, 112 (C.C.S.D.N.Y. 1860) (No. 4186), and to protect the Nation from attack, see, e.g., *The Prize Cases*, 67 U.S. at 668. See generally *Ex parte Quirin*, 317 U.S. 1, 28 (1942) (recognizing that the President has authority under the Constitution "to direct the performance of those functions which may constitutionally be performed by the military arm of the nation in time of war," including "important incident[s] to the conduct of war," such as "the adoption of measures by the military command . . . to repel and defeat the enemy"). As the Supreme Court emphasized in the *Prize Cases*, if the Nation is invaded, the President is "bound to resist force by force"; "[h]e must determine what degree of force the crisis demands" and need not await congressional sanction to do so. *The Prize Cases*, 67 U.S. at 670; see also *Campbell v. Clinton*, 203 F.3d 19, 27 (D.C. Cir. 2000) (Silberman, J., concurring) ("[T]he *Prize Cases* . . . stand for the proposition that the President has independent authority to repel aggressive acts by third parties even without specific congressional authorization, and courts may not review the level of force selected."); *id.* at 40 (Tatel, J., concurring) ("[T]he President, as commander in chief, **possesses emergency authority to use military force to defend the nation from attack without obtaining prior congressional approval.**"). Indeed, **"in virtue of his rank as head of the forces, [the President] has certain powers and duties with which Congress cannot interfere."** *Training of British Flying Students in the United States*, 40 Op. Att'y Gen. 58, 61 (1941) (Attorney General Robert H. Jackson) (internal quotation marks omitted). In exercising his constitutional powers, **the President has wide discretion**, consistent with the Constitution, **over the methods of gathering intelligence** about the Nation's enemies in a time of armed conflict.

Presidential discretion is key to resolve modern threats

ALBERTO R. GONZALES 2014 Alberto R. Gonzales was the 80th United States Attorney General, appointed in February 2005 by President George W. Bush, becoming the highest-ranking Hispanic-American in Executive Branch government to date. “ADVISING THE PRESIDENT: THE GROWING SCOPE OF EXECUTIVE POWER TO PROTECT AMERICA”, (http://www.harvard-jlpp.com/wp-content/uploads/2015/05/Gonzales_Final.pdf)//EG

Much of the debate over the exercise of executive power in the national security context arises in those circumstances where the President arguably has neither express constitutional nor express congressional authority. In these situations, presidents have relied upon an inherent or implied authority under the Constitution, emanating from their Commander in Chief power to protect and defend America.¹²⁷ As the Supreme Court has recognized, the President is considered the “sole organ” of the United States in foreign affairs.¹²⁸ The Court held in *United States v. Curtiss-Wright Export Corp.* that the President is uniquely positioned to act decisively and quickly in the field of international relations and especially in times of war, given the delicate nature of intelligence and negotiations with foreign sovereigns.¹²⁹ Although the Constitution says relatively little about the national security powers of the executive, I am unaware of any serious widespread disagreement that the President has some inherent authority. However, there is serious disagreement as to the scope of that authority.¹³⁰ Unfortunately, the courts have been inconsistent in the development and application of a framework to help resolve the question.¹³¹ From my study of history, the default position throughout American history appears to be that the President has inherent power do what he needs to do to protect our country, subject to examination after the fact by Congress, the media, historians, and the American people. The President’s inherent authority to take action appears to be even more widely accepted when such action is against non-citizens outside the boundaries of the United States. Given the growing magnitude of today’s threats, I believe this default position will remain true as we move into the future.

Presidential power is key to solve rogue states, and turns every case impact

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The President’s power to threaten force is almost certainly at least as broad as his power to use it. One way to think about it is that the power to threaten force is a lesser-included element of presidential war powers; the power to threaten to use force is simply a secondary question, the answer to which is bounded by the primary issue of the scope of presidential power to actually use it. If one interprets the President’s defensive war powers very broadly, to include dealing with aggression against not only U.S. territories but also its distant interests and allies,⁴⁹ then it is easy to conclude that the President can also therefore take steps that stop short of actual armed intervention to deter or prevent such aggression. If, however, one interprets the President’s powers narrowly—for example, to include only limited unilateral authority to repel attacks against U.S. territory⁵⁰—then one might extend objections to excessive presidential power to include the President’s unilateral threats of armed intervention. Since the turn of the twenty-first century, major U.S. security challenges have included non-state terrorist threats,

the proliferation of nuclear and other weapons of mass destruction (WMD), and rapidly changing power balances in East Asia, and the United States has accordingly been reorienting but retaining its strategic reliance on threatened force. The Bush Administration's "preemption doctrine" was premised on the idea that some dangerous actors—including terrorist organizations and some states seeking WMD arsenals—are undeterrable, so the United States might have to strike them first rather than waiting to be struck.¹⁰⁹ On one hand, this was a move away from reliance on threatened force: "The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit" a reactive posture.¹¹⁰ Yet the very enunciation of such a policy—that "[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively"¹¹¹—was intended to persuade those adversaries and their supporters to alter their policies that the United States regarded as destabilizing and threatening. Although the Obama Administration pulled back from this rhetoric and placed greater emphasis on international institutions, it has continued to rely on threatened force as a key pillar of its strategy with regard to deterring adversaries (such as aggressive Iranian moves), intervening in humanitarian crises (as in Libya), and reassuring allies.¹¹² With regard to East Asia, for example, the credible threat of U.S. military force is a significant element of U.S. strategy for deterring Chinese and North Korean aggression as well as reassuring other Asian powers of U.S. protection, to avert a destabilizing arms race.¹¹³ In justifying possible military force against Syria in response to its government's use of chemical weapons, President Obama emphasized the credible threat of U.S. military action as necessary to dissuade states and terrorist organizations from acquiring or using WMD.¹¹⁴

Rogue states cause nuclear war

Colonel Scott A. Enold, 2-4-2009, United States Air Force, USAWC CLASS OF 2009, Colonel Stephen Weiler Department of Command, Leadership, and Management, This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree, The U.S. Army War College, Accessed online via google, /Bingham-MB

Where nuclear proliferation is concerned, there are significant issues that surround rogue states. After the collapse of the Berlin Wall and the disintegration of the Soviet Union, there was an emergence of rogue states. As the Soviet Union crumbled, their ability to police the countries under their control diminished as well. With the demise of the Soviet Union, came the demise of a "watch dog" type nation that kept the proliferation activities of the countries under its control. This simultaneously kept terrorist organizations at bay as well, albeit through extreme state measures. As a result, the global terrorist threat increased.¹⁶ Since the fall of the Soviet Union the bipolar balance of power has shifted to a multipolar balance, the international security environment has undergone a profound transformation. The Evil Empire of the Reagan years disappeared. However, with that disappearance came the uncertainty and danger of weapons of mass destruction proliferation.¹⁷ Rogue states are actively pursuing nuclear weapon capabilities and other weapons of mass destruction. Weapons of mass destruction are considered to be weapons designed to kill large numbers of people with the intent of making a violent statement. They are also known as weapons of indiscriminate destruction, weapons of mass disruption, and weapons of catastrophic effect. It is important for a potential enemy to understand that if a nuclear weapon or any weapon of mass destruction is employed, the end

result may be of no benefit to their cause.¹⁸ Rogue states are linked to sponsoring terrorist and other criminal activities. Rogue states present a diplomatic challenge to the world and particularly of the United States. Generally speaking, they are ruled by authoritarian or totalitarian regimes that severely restrict what those in the West would regard as basic human freedoms and rights. They are generally hostile to the West and its allies like Japan and South Korea in the East, and are often accused of sponsoring terrorism or of seeking to acquire or develop weapons of mass destruction.¹⁹ 7 In a world that is dominated by balance of power, diplomacy and politics, the rogue states are determined to obtain weapons of mass destruction (up to and including nuclear capabilities).²⁰ Their reasons for this pursuit include, but are not limited to, possession of weapons that could counter a potential attack from the United States and to justify leadership's legitimacy and recognition among the country's populous.²¹ For the United States, this determination to pursue nuclear weapon technology represents a great threat. Rogue states are not bound by either international law or rational behavior. Therefore, there is a strong likelihood that rogue states might use weapons of mass destruction against any member of the international community, especially against the United States. However, a significant planning and preparation effort would need to occur in order to execute such an event.²² As this situation continues and rogue states continue to develop a network for proliferation, the world security environment has become more dynamic and more complex. United States safety and homeland security are more questionable. Global safety and security is more questionable now than during the Cold War era. ²³

Uniqueness

UQ – Pres Powers High Now

There is unprecedented executive surveillance authority now

Dustin Volz, 12-11-2014, staff correspondent for National Journal covering tech policy. His work has previously appeared in The Washington Post, The Center for Public Integrity, and The Arizona Republic, "Congress Quietly Bolsters NSA Spying in Intelligence Bill," nationaljournal, <http://www.nationaljournal.com/tech/congress-quietly-bolsters-nsa-spying-in-intelligence-bill-20141211>, Accessed: 7-2-2015, /Bingham-MB

December 11, 2014 Congress this week quietly passed a bill that may give unprecedented legal authority to the government's warrantless surveillance powers, despite a last-minute effort by Rep. Justin Amash to kill the bill. Amash staged an aggressive eleventh-hour rally Wednesday night to block passage of the Intelligence Authorization Act, which will fund intelligence agencies for the next fiscal year. The Michigan Republican sounded alarms over recently amended language in the package that he said will for the first time give congressional backing to a controversial Reagan-era decree granting broad surveillance authority to the president. The 47-page intelligence bill was headed toward a voice vote when Amash rose to the House floor to ask for a roll call. Despite his efforts—which included a "Dear Colleague" letter sent to all members of the House urging a no vote—the bill passed 325-100, with 55 Democrats and 45 Republicans opposing. The provision in question is "one of the most egregious sections of law I've encountered during my time as a representative," Amash wrote on his Facebook page. The tea-party libertarian, who teamed up with Rep. John Conyers last year in an almost-successful bid to defund the National Security Agency in the wake of the Snowden revelations, warned that the provision "grants the executive branch virtually unlimited access to the communications of every American." The measure already passed the Senate by unanimous consent on Tuesday, and it is now on its way to the White House, where President Obama is expected to sign it. The objections from Amash and others arose from language in the bill's Section 309, which includes a phrase to allow for "the acquisition, retention, and dissemination" of U.S. phone and Internet data. That passage, they warn, will give unprecedented statutory authority to allow for the surveillance of private communications that currently exists only under a decades-old presidential decree, known as Executive Order 12333. "If this hadn't been snuck in, I doubt it would have passed," said Rep. Zoe Lofgren, a California Democrat who voted against the bill. "A lot of members were not even aware that this new provision had been inserted last-minute. Had we been given an additional day, we may have stopped it."

None of the NSA reforms impact this authorization

**Note this card is talking about Obama's proposed reforms in summer 2014, these were the reforms that were implemented in the USA freedom act 2015

Dustin Volz, 12-11-2014, staff correspondent for National Journal covering tech policy. His work has previously appeared in The Washington Post, The Center for Public Integrity, and The Arizona Republic, "Congress Quietly Bolsters NSA Spying in Intelligence Bill," nationaljournal, <http://www.nationaljournal.com/tech/congress-quietly-bolsters-nsa-spying-in-intelligence-bill-20141211>, Accessed: 7-2-2015, /Bingham-MB

Lofgren, however, noted that the language was "the exact opposite of what the House passed this summer." She was referring to an amendment she championed that would have required the NSA to obtain a warrant before reading Americans' private messages that were collected through a program intended to target foreigners. "Congress is authorizing something very questionable constitutionally," Lofgren added. A tech-industry lobbyist added: "The language is broad, and depending on how it is implemented, does little to help restore the public's lack of trust in U.S. government surveillance programs." Backers of the section argue it would actually limit to five years the amount of time communications data could be kept at intelligence agencies, certain exceptions permitting. But it is generally acknowledged that such data is already rarely kept beyond five years, which Amash characterized as a trade-off that "provides a novel statutory basis for the executive branch's capture and use of Americans' private communications." "The provisions in the intel authorization appear to be an attempt by Congress to place statutory restrictions on the retention of information collected under Executive Order 12333, which is not subject to court oversight, has not been authorized by Congress, and raises serious privacy concerns," said Neema Guliani, legislative counsel with the American Civil Liberties Union. "However, these restrictions are far from adequate, contain enormous loopholes, and notably completely exclude the information of non-U.S. persons." Executive Order 12333 is not as widely known as the controversial Section 215 of the USA Patriot Act—which allows for the mass collection of domestic phone metadata. Like Section 702 of the Foreign Intelligence Surveillance Act, 12333 is intended to target foreign surveillance, although an unknown amount of U.S. data is "incidentally" tracked, particularly for citizens living overseas or those that communicate with foreigners. But the order, which was issued by President Reagan in 1981 and twice amended by President George W. Bush, earned a burst of attention this summer when former State Department official John Napier Tye wrote extensively about it in the Washington Post. "Executive Order 12333 contains nothing to prevent the NSA from collecting and storing all such communication—content as well as metadata— provided that such collection occurs outside the United States in the course of a lawful foreign intelligence investigation," Tye wrote. "No warrant or court approval is required, and such collection never need be reported to Congress. None of the reforms that Obama announced earlier this year will affect such collection."

UQ – Flex Now

2001 AUMF still gives the president broad flex for NSA activities

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

The AUMF places the President at the zenith of his powers in authorizing the NSA activities. Under the tripartite framework set forth by Justice Jackson in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635-38 (1952) (Jackson, J., concurring), Presidential authority is analyzed to determine whether the President is acting in accordance with congressional authorization (category I), whether he acts in the absence of a grant or denial of authority by Congress (category II), or whether he uses his own authority under the Constitution to take actions incompatible with congressional measures (category III). Because of the broad authorization provided in the AUMF, the President's action here falls within category I of Justice Jackson's framework. Accordingly, the President's power in authorizing the NSA activities is at its height because he acted "pursuant to an express or implied authorization of Congress," and his power "includes all that he possesses in his own right plus all that Congress can delegate." *Id.* at 635.

UQ – AT: USA Freedom Act

NSA was balanced—ensures counter terror flexibility still

Michael D. Shear, 6-3-2015, In Pushing for Revised Surveillance Program, Obama Strikes His Own Balance," New York Times, <http://www.nytimes.com/2015/06/04/us/winning-surveillance-limits-obama-makes-program-own.html>, Accessed: 6-8-2015, /Bingham-MB

"He weighs the balance every day," she said. The compromise on collections of telephone records may end up being too restrictive for the president's counterterrorism professionals, as some Republicans predict. Or, as others vehemently insisted in congressional debate during the past week, it may leave in place too much surveillance that can intrude on the lives of innocent Americans. Either way, Mr. Obama's signature on the law late Tuesday night ensures that he will deliver to the next president a method of hunting for terrorist threats despite widespread privacy concerns that emerged after Edward J. Snowden, a former N.S.A. contractor, revealed the existence of the telephone program. "He owned it in 2009," said Michael V. Hayden, a former N.S.A. director under President George W. Bush, who oversaw the surveillance programs for years. "He just didn't want anyone to know he owned it." Jameel Jaffer, the deputy legal director of the American Civil Liberties Union, called the USA Freedom Act "a step forward in some respects," but "a very small step forward." He said his organization would continue to demand that the president and Congress scale back other government surveillance programs. "Obama has been presented with this choice: Are you going to defend these programs or are you going to change them?" Mr. Jaffer said. "Thus far, we haven't seen a lot of evidence that the president is willing to spend political capital changing those programs." In the case of the telephone program, Mr. Obama's preferred compromise was originally the brainchild of his N.S.A. officials, who embraced it as a way to satisfy the public's privacy concerns without losing the agency's ability to conduct surveillance more broadly. In the lead-up to last week's congressional showdown, Mr. Obama and his national security team insisted that broad surveillance powers were vital to tracking terrorist threats, while admitting that the new approach to data collection would not harm that effort. White House officials said Mr. Obama was comfortable that history would show that he struck the right balance. "To the extent that we're talking about the president's legacy, I would suspect that that would be a logical conclusion from some historians," said Josh Earnest, the president's press secretary. Mr. Earnest said the compromise addressed anxiety about privacy but still gave the government access to needed records.

NSA is a win for Obama—they were the reforms that he wants

Michael D. Shear, 6-3-2015, In Pushing for Revised Surveillance Program, Obama Strikes His Own Balance," New York Times, <http://www.nytimes.com/2015/06/04/us/winning-surveillance-limits-obama-makes-program-own.html>, Accessed: 6-8-2015, /Bingham-MB

Now, **after successfully badgering Congress into reauthorizing the program**, with new safeguards the president says will protect privacy, **Mr. Obama has left little question that he owns it**. The new surveillance program created by the USA Freedom Act will end more than a decade of bulk collection of telephone records by the National Security Agency. But it will make records already held by telephone companies available for broad searches by government officials with a court order. **"The reforms** that have now been enacted **are exactly the reforms the president called**

for over a year and a half ago,” said Lisa Monaco, the president’s top counterterrorism adviser. She called the bill the product of a “robust public debate” and said the White House was “gratified that the Senate finally passed it.”

Links

Link – Expansive Surveillance Power

Expansive Presidential Powers is necessary to respond to modern threats— expansive surveillance is part of the authority to use all necessary and proper force

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

On September 14, 2001, in its first legislative response to the attacks of September 11th, Congress gave its express approval to the President's military campaign against al Qaeda and, in the process, confirmed the well-accepted understanding of the President's Article II powers. See AUMF § 2(a).³ In the preamble to the AUMF, Congress stated that "the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States," AUMF pmb., and thereby acknowledged the President's inherent constitutional authority to defend the United States. This clause "constitutes an extraordinarily sweeping recognition of independent presidential constitutional power to employ the war power to combat terrorism." Michael Stokes Paulsen, *Youngstown Goes to War*, 19 Const. Comment. 215, 252 (2002). This striking recognition of presidential authority cannot be discounted as the product of excitement in the immediate aftermath of September 11th, for the same terms were repeated by Congress more than a year later in the Authorization for Use of Military Force Against Iraq Resolution of 2002. Pub. L. No. 107-243, pmb., 116 Stat. 1498, 1500 (Oct. 16, 2002) ("[T]he President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States . . ."). In the context of the conflict with al Qaeda and related terrorist organizations, therefore, Congress has acknowledged a broad executive authority to "deter and prevent" further attacks against the United States. The AUMF passed by Congress on September 14, 2001, does not lend itself to a narrow reading. Its expansive language authorizes the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001." AUMF § 2(a) (emphases added). In the field of foreign affairs, and particularly that of war powers and national security, congressional enactments are to be broadly construed where they indicate support for authority long asserted and exercised by the Executive Branch. See, e.g., *Haig v. Agee*, 453 U.S. 280, 293-303 (1981); *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543-45 (1950); cf. *Loving v. United States*, 517 U.S. 748, 772 (1996) (noting that the usual "limitations on delegation [of congressional powers] do not apply" to authorizations linked to the Commander in Chief power); *Dames & Moore v. Regan*, 453 U.S. 654, 678-82 (1981) (even where there is no express statutory authorization for executive action, legislation in related field may be construed to indicate congressional acquiescence in that action). Although Congress's war powers under Article I, Section 8 of the Constitution empower Congress to legislate regarding the raising, regulation, and material support of the Armed Forces and related matters, rather than the prosecution of military campaigns, the AUMF indicates Congress's endorsement of the President's use of his constitutional war powers. This authorization transforms the struggle against al Qaeda and related terrorist organizations from what Justice Jackson called "a

zone of twilight,” in which the President and the Congress may have concurrent powers whose “distribution is uncertain,” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (1952) (Jackson, J., concurring), into a situation in which the President’s authority is at its maximum because “it includes all that he possesses in his own right plus all that Congress can delegate,” *id.* at 635. With regard to these fundamental tools of warfare—and, as demonstrated below, warrantless electronic surveillance against the declared enemy is one such tool—the AUMF places the President’s authority at its zenith under *Youngstown*. It is also clear that the AUMF confirms and supports the President’s use of those traditional incidents of military force against the enemy, wherever they may be—on United States soil or abroad. The nature of the September 11th attacks—launched on United States soil by foreign agents secreted in the United States—necessitates such authority, and the text of the AUMF confirms it. The operative terms of the AUMF state that the President is authorized to use force “in order to prevent any future acts of international terrorism against the United States,” *id.*, an objective which, given the recent attacks within the Nation’s borders and the continuing use of air defense throughout the country at the time Congress acted, undoubtedly 11 contemplated the possibility of military action within the United States. The preamble, moreover, recites that the United States should exercise its rights “to protect United States citizens both at home and abroad.” *Id.* pmb1. (emphasis added). To take action against those linked to the September 11th attacks involves taking action against individuals within the United States. The United States had been attacked on its own soil—not by aircraft launched from carriers several hundred miles away, but by enemy agents who had resided in the United States for months. A crucial responsibility of the President—charged by the AUMF and the Constitution—was and is to identify and attack those enemies, especially if they were in the United States, ready to strike against the Nation. The text of the AUMF demonstrates in an additional way that Congress authorized the President to conduct warrantless electronic surveillance against the enemy. The terms of the AUMF not only authorized the President to “use all necessary and appropriate force” against those responsible for the September 11th attacks; it also authorized the President to “determine[]” the persons or groups responsible for those attacks and to take all actions necessary to prevent further attacks. AUMF § 2(a) (“the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11th, 2001, or harbored such organizations or persons”) (emphasis added). Of vital importance to the use of force against the enemy is locating the enemy and identifying its plans of attack. And of vital importance to identifying the enemy and detecting possible future plots was the authority to intercept communications to or from the United States of persons with links to al Qaeda or related terrorist organizations. Given that the agents who carried out the initial attacks resided in the United States and had successfully blended into American society and disguised their identities and intentions until they were ready to strike, the necessity of using the most effective intelligence gathering tools against such an enemy, including electronic surveillance, was patent. Indeed, Congress recognized that the enemy in this conflict poses an “unusual and extraordinary threat.” AUMF pmb1.

Link – FISA

Interpreting FISA to give the president broad flexibility is critical to warfighting

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

The President's exercise of his constitutional authority to conduct warrantless wartime electronic surveillance of the enemy, as confirmed and supplemented by statute in the AUMF, is fully consistent with the requirements of the Foreign Intelligence Surveillance Act ("FISA").⁵ FISA is a critically important tool in the War on Terror. The United States makes full use of the authorities available under FISA to gather foreign intelligence information, including authorities to intercept communications, conduct physical searches, and install and use pen registers and trap and trace devices. While FISA establishes certain procedures that must be followed for these authorities to be used (procedures that usually involve applying for and obtaining an order from a special court), FISA also expressly contemplates that a later legislative enactment could authorize electronic surveillance outside the procedures set forth in FISA itself. The AUMF constitutes precisely such an enactment. To the extent there is any ambiguity on this point, the canon of constitutional avoidance requires that such ambiguity be resolved in favor of the President's authority to conduct the communications intelligence activities he has described. Finally, if FISA could not be read to allow the President to authorize the NSA activities during the current congressionally authorized armed conflict with al Qaeda, FISA would be unconstitutional as applied in this narrow context.

Link – NSA Surveillance

NSA surveillance is part of presidential authority, sole commander and chief power is critical to flexibility

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

As **the President** has explained, since shortly after the attacks of September 11, 2001, he has **authorized the National Security Agency (“NSA”) to intercept international communications** into and out of the United States of persons linked to al Qaeda or related terrorist organizations. The purpose of these intercepts is to establish an early warning system to detect and prevent another catastrophic terrorist attack on the United States. This paper addresses, in an unclassified form, the legal basis for the NSA activities described by the President (“NSA activities”). SUMMARY On September 11, 2001, the al Qaeda terrorist network launched the deadliest foreign attack on American soil in history. Al Qaeda’s leadership repeatedly has pledged to attack the United States again at a time of its choosing, and these terrorist organizations continue to pose a grave threat to the United States. In response to the September 11th attacks and the continuing threat, the President, with broad congressional approval, has acted to protect the Nation from another terrorist attack. In the immediate aftermath of September 11th, the President promised that “[w]e will direct every resource at our command—every means of diplomacy, every tool of intelligence, every tool of law enforcement, every financial influence, and every weapon of war—to the destruction of and to the defeat of the global terrorist network.” President Bush Address to a Joint Session of Congress (Sept. 20, 2001). **The NSA activities are an indispensable aspect of this defense of the Nation.** By targeting the international communications into and out of the United States of persons reasonably believed to be linked to al Qaeda, these activities provide the United States with an early warning system **to help avert the next attack.** For the following reasons, the NSA activities are lawful and consistent with civil liberties. **The NSA activities are supported by the President’s well-recognized inherent constitutional authority as Commander in Chief and sole organ for the Nation in foreign affairs to conduct warrantless surveillance of enemy forces for intelligence purposes to detect and disrupt armed attacks on the United States. The President has the chief responsibility under the Constitution to protect America from attack, and the Constitution gives the President the authority necessary to fulfill that solemn responsibility.** The President has made clear that **he will exercise all authority available to him,** consistent with the Constitution, to protect the people of the United States.

Link – Surveillance

Warrantless surveillance is a fundamental presidential power and tool for warfighting

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

WARRANTLESS ELECTRONIC SURVEILLANCE AIMED AT INTERCEPTING ENEMY COMMUNICATIONS HAS LONG BEEN RECOGNIZED AS A FUNDAMENTAL INCIDENT OF THE USE OF MILITARY FORCE The history of warfare—including the consistent practice of Presidents since the earliest days of the Republic—demonstrates that **warrantless intelligence surveillance against the enemy is a fundamental incident of the use of military force, and** this history **confirms the statutory authority provided by the AUMF. Electronic surveillance is a fundamental tool of war** that must be included in any natural reading of the AUMF’s authorization to use “all necessary and appropriate force.” As one author has explained: **It is essential** in warfare for a belligerent **to be as fully informed as possible about the enemy**—his strength, his weaknesses, measures taken by him and measures contemplated by him. **This applies** not only to military matters, but . . . **anything which bears** on and is material to **his ability to wage** the **war** in which he is engaged. The laws of war recognize and sanction this aspect of warfare. Morris Greenspan, *The Modern Law of Land Warfare* 325 (1959) (emphases added); see also Memorandum for Members of the House Permanent Select Comm. on Intel., from Jeffrey H. Smith, Re: Legal Authorities Regarding Warrantless Surveillance of U.S. Persons 6 (Jan. 3, 2006) (“Certainly, the collection of intelligence is understood to be necessary to the execution of the war.”). Similarly, article 24 of the Hague Regulations of 1907 expressly states that “the employment of measures necessary for obtaining information about the enemy and the country [is] considered permissible.” See also L. Oppenheim, *International Law* vol. II § 159 (7th ed. 1952) (“War cannot be waged without all kinds of information, about the forces and the intentions of the enemy To obtain the necessary information, it has always been considered lawful to employ spies”); Joseph R. Baker & Henry G. Crocker, *The Laws of Land Warfare* 197 (1919) (“Every belligerent has a right . . . to discover the signals of the enemy and . . . to seek to procure information regarding the enemy through the aid of secret agents.”); cf. J.M. Spaight, *War Rights on Land* 205 (1911) (“[E]very nation employs spies; were a nation so quixotic as to refrain from doing so, it might as well sheathe its sword for ever. . . . Spies . . . are indispensably necessary to a general; and, other things being equal, that commander will be victorious who has the best secret service.”) (internal quotation marks omitted). In accordance with these well-established principles, the Supreme Court has consistently recognized the President’s authority to conduct intelligence activities. See, e.g., *Totten v. United States*, 92 U.S. 105, 106 (1876) (recognizing President’s authority to hire spies); *Tenet v. Doe*, 544 U.S. 1 (2005) (reaffirming *Totten* and counseling against judicial interference with such matters); see also *Chicago & S. Air Lines v. Waterman S.S. Corp.*, 333 U.S. 103, 111 (1948) (“The President, both as Commander-in-Chief and as the Nation’s organ for foreign affairs, has available intelligence services whose reports neither are not and ought not to be published to the world.”); *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 320 (1936) (The President “has his confidential sources of

information. He has his agents in the form of diplomatic, 14 consular, and other officials.”). Chief Justice John Marshall even described the gathering of intelligence as a military duty. See *Tatum v. Laird*, 444 F.2d 947, 952-53 (D.C. Cir. 1971) (“As Chief Justice John Marshall said of Washington, ‘A general must be governed by his intelligence and must regulate his measures by his information. It is his duty to obtain correct information’”) (quoting Foreword, U.S. Army Basic Field Manual, Vol. X, circa 1938), rev’d on other grounds, 408 U.S. 1 (1972). The United States, furthermore, has a long history of wartime surveillance—a history that can be traced to George Washington, who “was a master of military espionage” and “made frequent and effective use of secret intelligence in the second half of the eighteenth century.” Rhodri Jeffreys-Jones, *Cloak and Dollar: A History of American Secret Intelligence* 11 (2002); see generally *id.* at 11-23 (recounting Washington’s use of intelligence); see also *Haig v. Agee*, 471 U.S. 159, 172 n.16 (1981) (quoting General Washington’s letter to an agent embarking upon an intelligence mission in 1777: “The necessity of procuring good intelligence, is apparent and need not be further urged.”). As President in 1790, Washington obtained from Congress a “secret fund” to deal with foreign dangers and to be spent at his discretion. Jeffreys-Jones, *supra*, at 22. The fund, which remained in use until the creation of the Central Intelligence Agency in the mid-twentieth century and gained “longstanding acceptance within our constitutional structure,” *Halperin v. CIA*, 629 F.2d 144, 158-59 (D.C. Cir. 1980), was used “for all purposes to which a secret service fund should or could be applied for the public benefit,” including “for persons sent publicly and secretly to search for important information, political or commercial,” *id.* at 159 (quoting Statement of Senator John Forsyth, Cong. Debates 295 (Feb. 25, 1831)). See also *Totten*, 92 U.S. at 107 (refusing to examine payments from this fund lest the publicity make a “secret service” “impossible”). The interception of communications, in particular, has long been accepted as a fundamental method for conducting wartime surveillance. See, e.g., Greenspan, *supra*, at 326 (accepted and customary means for gathering intelligence “include air reconnaissance and photography; ground reconnaissance; observation of enemy positions; interception of enemy messages, wireless and other; examination of captured documents; . . . and interrogation of prisoners and civilian inhabitants”) (emphasis added). Indeed, since its independence, the United States has intercepted communications for wartime intelligence purposes and, if necessary, has done so within its own borders. During the Revolutionary War, for example, George Washington received and used to his advantage reports from American intelligence agents on British military strength, British strategic intentions, and British estimates of American strength. See Jeffreys-Jones, *supra*, at 13. One source of Washington’s intelligence was intercepted British mail. See Central Intelligence Agency, *Intelligence in the War of Independence* 31, 32 (1997). In fact, Washington himself proposed that one of his Generals “contrive a means of opening [British letters] without breaking the seals, take copies of the contents, and then let them go on.” *Id.* at 32 (“From that point on, Washington was privy to British intelligence pouches between New York and Canada.”); see generally Final Report of the Select Committee to Study Governmental Operations with respect to Intelligence Activities (the “Church Committee”), S. Rep. No. 94-755, at Book VI, 9-17 (Apr. 23, 1976) (describing Washington’s intelligence activities). 15 More specifically, warrantless electronic surveillance of wartime communications has been conducted in the United States since electronic communications have existed, i.e., since at least the Civil War, when “[t]elegraph wiretapping was common, and an important intelligence source for both sides.” G.J.A. O’Toole, *The*

Encyclopedia of American Intelligence and Espionage 498 (1988). Confederate General J.E.B. Stuart even “had his own personal wiretapper travel along with him in the field” to intercept military telegraphic communications. Samuel Dash, et al., *The Eavesdroppers* 23 (1971); see also O’Toole, *supra*, at 121, 385-88, 496- 98 (discussing Civil War surveillance methods such as wiretaps, reconnaissance balloons, semaphore interception, and cryptanalysis). Similarly, there was extensive use of electronic surveillance during the Spanish-American War. See Bruce W. Bidwell, *History of the Military Intelligence Division, Department of the Army General Staff: 1775-1941*, at 62 (1986). When an American expeditionary force crossed into northern Mexico to confront the forces of Pancho Villa in 1916, the Army “frequently intercepted messages of the regime in Mexico City or the forces contesting its rule.” David Alvarez, *Secret Messages* 6-7 (2000). Shortly after Congress declared war on Germany in World War I, President Wilson (citing only his constitutional powers and the joint resolution declaring war) ordered the censorship of messages sent outside the United States via submarine cables, telegraph, and telephone lines. See Exec. Order No. 2604 (Apr. 28, 1917). During that war, wireless telegraphy “enabled each belligerent to tap the messages of the enemy.” Bidwell, *supra*, at 165 (quoting statement of Col. W. Nicolai, former head of the Secret Service of the High Command of the German Army, in W. Nicolai, *The German Secret Service* 21 (1924)). As noted in Part I, on May 21, 1940, President Roosevelt authorized warrantless electronic surveillance of persons suspected of subversive activities, including spying, against the United States. In addition, on December 8, 1941, the day after the attack on Pearl Harbor, President Roosevelt gave the Director of the FBI “temporary powers to direct all news censorship and to control all other telecommunications traffic in and out of the United States.” Jack A. Gottschalk, “Consistent with Security”. . . . A History of American Military Press Censorship, 5 *Comm. & L.* 35, 39 (1983) (emphasis added). See Memorandum for the Secretaries of War, Navy, State, and Treasury, the Postmaster General, and the Federal Communications Commission from Franklin D. Roosevelt (Dec. 8, 1941). President Roosevelt soon supplanted that temporary regime by establishing an office for conducting such electronic surveillance in accordance with the War Powers Act of 1941. See Pub. L. No. 77-354, § 303, 55 Stat. 838, 840-41 (Dec. 18, 1941); Gottschalk, 5 *Comm. & L.* at 40. The President’s order gave the Government of the United States access to “communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country.” *Id.* See also Exec. Order No. 8985, § 1, 6 Fed. Reg. 6625, 6625 (Dec. 19, 1941). In addition, the United States systematically listened surreptitiously to electronic communications as part of the war effort. See Dash, *Eavesdroppers* at 30. During World War II, signals intelligence assisted in, among other things, the destruction of the German U-boat fleet by the Allied naval forces, see *id.* at 27, and the war against Japan, see O’Toole, *supra*, at 32, 323-24. In general, signals intelligence “helped to shorten the war by perhaps two years, reduce the loss of life, and make inevitable an eventual Allied victory.” Carl Boyd, *American Command of the Sea Through Carriers, Codes, and the Silent Service: World War II and Beyond* 27 (1995); see also Alvarez, *supra*, at 1 (“There can be little doubt that signals intelligence contributed significantly to the 16 military defeat of the Axis.”). Significantly, not only was wiretapping in World War II used “extensively by military intelligence and secret service personnel in combat areas abroad,” but also “by the FBI and secret service in this country.” Dash, *supra*, at 30. In light of the long history of prior wartime practice, the NSA activities fit squarely within the sweeping terms of the AUMF. The use of signals intelligence to identify and pinpoint the enemy is a

traditional component of wartime military operations—or, to use the terminology of Hamdi, a “fundamental and accepted . . . incident to war,” 542 U.S. at 518 (plurality opinion)—employed to defeat the enemy and to prevent enemy attacks in the United States. Here, as in other conflicts, the enemy may use public communications networks, and some of the enemy may already be in the United States. Although those factors may be present in this conflict to a greater degree than in the past, neither is novel. Certainly, both factors were well known at the time Congress enacted the AUMF. Wartime interception of international communications made by the enemy thus **should be understood**, no less than the wartime detention at issue in Hamdi, **as one of the basic methods of engaging and defeating the enemy that Congress authorized in approving “all necessary and appropriate force” that the President would need to defend the Nation.** AUMF § 2(a) (emphasis added). *** Accordingly, **the President has the authority to conduct warrantless electronic surveillance against the declared enemy of the United States** in a time of armed conflict. That authority derives from the Constitution, and is reinforced by the text and purpose of the AUMF, the nature of the threat posed by al Qaeda that Congress authorized the President to repel, and the long-established understanding that **electronic surveillance is a fundamental incident of the use of military force.** **The President’s power in authorizing the NSA activities is at its zenith** because he has acted “pursuant to an express or implied authorization of Congress.” *Youngstown*, 343 U.S. at 635 (Jackson, J., concurring).

Surveillance is a fundamental Commander in Chief power of the president to protect national security—it’s a primary responsibility of the president to make all decisions on warrantless surveillance

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

As Congress expressly recognized in the AUMF, “the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States,” AUMF pmb., especially in the context of the current conflict. Article II of the Constitution vests in the President all executive power of the United States, including the power to act as Commander in Chief of the Armed Forces, see U.S. Const. art. II, § 2, and authority over the conduct of the Nation’s foreign affairs. As the Supreme Court has explained, “[t]he President is the sole organ of the nation in its external relations, and its sole representative with 6 foreign nations.” *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319 (1936) (internal quotation marks and citations omitted). In this way, the Constitution grants the President inherent power to protect the Nation from foreign attack, see, e.g., *The Prize Cases*, 67 U.S. (2 Black) 635, 668 (1863), and to protect national security information, see, e.g., *Department of the Navy v. Egan*, 484 U.S. 518, 527 (1988). To carry out these responsibilities, the President must have authority to gather information necessary for the execution of his office. The Founders, after all, intended the federal Government to be clothed with all authority necessary to protect the Nation. See, e.g., *The Federalist No. 23*, at 147 (Alexander Hamilton) (Jacob E. Cooke ed. 1961) (explaining that the federal Government will be “cloathed with all the powers requisite to the complete execution of its trust”); *id.* No. 41, at 269 (James Madison) (“Security against foreign danger is one of the primitive objects of civil society The powers requisite

for attaining it must be effectually confided to the federal councils.”). Because of the structural advantages of the Executive Branch, the Founders also intended that the President would have the primary responsibility and necessary authority as Commander in Chief and Chief Executive to protect the Nation and to conduct the Nation’s foreign affairs. See, e.g., *The Federalist* No. 70, at 471-72 (Alexander Hamilton); see also *Johnson v. Eisentrager*, 339 U.S. 763, 788 (1950) (“this [constitutional] grant of war power includes all that is necessary and proper for carrying these powers into execution”) (citation omitted). Thus, it has been long recognized that the President has the authority to use secretive means to collect intelligence necessary for the conduct of foreign affairs and military campaigns. See, e.g., *Chicago & S. Air Lines v. Waterman S.S. Corp.*, 333 U.S. 103, 111 (1948) (“The President, both as Commander-in-Chief and as the Nation’s organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world.”); *Curtiss-Wright*, 299 U.S. at 320 (“He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials.”); *Totten v. United States*, 92 U.S. 105, 106 (1876) (President “was undoubtedly authorized during the war, as commander-in-chief . . . to employ secret agents to enter the rebel lines and obtain information respecting the strength, resources, and movements of the enemy”). In reliance on these principles, a consistent understanding has developed that the President has inherent constitutional authority to conduct warrantless searches and surveillance within the United States for foreign intelligence purposes. Wiretaps for such purposes thus have been authorized by Presidents at least since the administration of Franklin Roosevelt in 1940. See, e.g., *United States v. United States District Court*, 444 F.2d 651, 669-71 (6th Cir. 1971) (reproducing as an appendix memoranda from Presidents Roosevelt, Truman, and Johnson). In a Memorandum to Attorney General Jackson, President Roosevelt wrote on May 21, 1940: You are, therefore, authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigation agents that they are at liberty to secure information by listening devices directed to the conversation or other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies. You are requested furthermore to limit these investigations so conducted to a minimum and limit them insofar as possible to aliens. *Id.* at 670 (appendix A). President Truman approved a memorandum drafted by Attorney General Tom Clark in which the Attorney General advised that “it is as necessary as it was in 1940 to take the investigative measures” authorized by President Roosevelt to conduct electronic surveillance “in cases vitally affecting the domestic security.” *Id.* Indeed, while FISA was being debated during the Carter Administration, Attorney General Griffin Bell testified that “the current bill recognizes no inherent power of the President to conduct electronic surveillance, and I want to interpolate here to say that this does not take away the power [of] the President under the Constitution.” Foreign Intelligence Electronic Surveillance Act of 1978: Hearings on H.R. 5764, H.R. 9745, H.R. 7308, and H.R. 5632 Before the Subcomm. on Legislation of the House Comm. on Intelligence, 95th Cong., 2d Sess. 15 (1978) (emphasis added); see also *Katz v. United States*, 389 U.S. 347, 363 (1967) (White, J., concurring) (“Wiretapping to protect the security of the Nation has been authorized by successive Presidents.”); cf. Amending the Foreign Intelligence Surveillance Act: Hearings Before the House Permanent Select Comm. on Intelligence, 103d Cong. 2d Sess. 61 (1994) (statement of Deputy Attorney General Jamie S. Gorelick) (“[T]he Department of Justice believes, and the case law supports, that the President has inherent authority to conduct

warrantless physical searches for foreign intelligence purposes . . .”). The courts uniformly have approved this longstanding Executive Branch practice. Indeed, every federal appellate court to rule on the question has concluded that, even in peacetime, the President has inherent constitutional authority, consistent with the Fourth Amendment, to conduct searches for foreign intelligence purposes without securing a judicial warrant. See *In re Sealed Case*, 310 F.3d 717, 742 (Foreign Intel. Surv. Ct. of Rev. 2002) (“[A]ll the other courts to have decided the issue [have] held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President’s constitutional power.”) (emphasis added); accord, e.g., *United States v. Truong Dinh Hung*, 629 F.2d 908 (4th Cir. 1980); *United States v. Butenko*, 494 F.2d 593 (3d Cir. 1974) (en banc); *United States v. Brown*, 484 F.2d 418 (5th Cir. 1973). But cf. *Zweibon v. Mitchell*, 516 F.2d 594 (D.C. Cir. 1975) (en banc) (dictum in plurality opinion suggesting that a warrant would be required even in a foreign intelligence investigation).

Surveillance is a fundament part of the presidential war powers

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

In the Authorization for Use of Military Force enacted in the wake of September 11th, Congress confirms and supplements the President’s constitutional authority to protect the Nation, including through electronic surveillance, in the context of the current post-September 11th armed conflict with al Qaeda and its allies. The broad language of the AUMF affords the President, at a minimum, discretion to employ the traditional incidents of the use of military force. The history of the President’s use of warrantless surveillance during armed conflicts demonstrates that the NSA surveillance described by the President is a fundamental incident of the use of military force that is necessarily included in the AUMF.

Link – Surveillance 4th Gen War

Surveillance is critical to executive speed—essential to fight modern warfare

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

The President has acknowledged that, to counter this threat, he has authorized the NSA to intercept international communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations. The same day, the Attorney General elaborated and explained that in order to intercept a communication, there must be “a reasonable basis to conclude that one party to the communication is a member of al Qaeda, affiliated with al Qaeda, or a member of an organization affiliated with al Qaeda.” Press Briefing by Attorney General Alberto Gonzales and General Michael Hayden, Principal Deputy Director for National Intelligence, available at <http://www.whitehouse.gov/news/releases/2005/12/20051219-1.html> (Dec. 19, 2005) (statement of Attorney General Gonzales). The purpose of these intercepts is to establish an early warning system to detect and prevent another catastrophic terrorist attack on the United States. The President has stated that the NSA activities “ha[ve] been effective in disrupting the enemy, while safeguarding our civil liberties.” President’s Press Conference. The President has explained that the NSA activities are “critical” to the national security of the United States. Id. Confronting al Qaeda “is not simply a matter of [domestic] law enforcement”—we must defend the country against an enemy that declared war against the United States. Id. To “effectively detect enemies hiding in our midst and prevent them from striking us again . . . we must be able to act fast and to detect conversations [made by individuals linked to al Qaeda] so we can prevent new attacks.” Id. The President pointed out that “a two- minute phone conversation between somebody linked to al Qaeda here and an operative overseas could lead directly to the loss of thousands of lives.” Id. The NSA activities are intended to help “connect the dots” between potential terrorists. Id. In addition, the Nation is facing “a different era, a different war . . . people are changing phone numbers . . . and they’re moving quick[ly].” Id. As the President explained, the NSA activities “enable[] us to move faster and quicker. And that’s important. We’ve got to be fast on our feet, quick to detect and prevent.” Id. “This is an enemy that is quick and it’s lethal. And sometimes we have to move very, very quickly.” Id. FISA, by contrast, is better suited “for long-term monitoring.” Id.

Link – Tech

Presidents have power to use technology to protect citizens

Richard Henry Seamon, Hastings Constitutional Law Quarterly, Spring 2008

President George W. Bush responded to revelations that his administration conducted warrantless electronic surveillance of American citizens by stating, "As President and Commander in Chief, I have the constitutional responsibility and the constitutional authority to protect our country ... So, consistent with U.S. law and the Constitution, I authorized the interception of international communications of people with known links to Al Qaida.... President Bush attempted to defend this statement one month later by stating, "[O]ther Presidents have used the same authority I've had, to use technology to protect the American people." This latter statement is certainly accurate, though its truth is both eerie and unsettling. Most notably, the argument that authorization for the warrantless surveillance is provided directly from the constitutional powers granted to the President harkens back to President Richard M. Nixon's statement that, "It's quite obvious that there are certain inherently government activities, which, if undertaken by the sovereign in protection of the interests of the nation's security are lawful, but which if undertaken by private persons, are not."

Link – Terrorism

Presidents have played a crucial role in the war on terror

The White House, 1-12-2009, "THE BUSH RECORD," No Publication, <http://georgewbush-whitehouse.archives.gov/infocus/bushrecord/factsheets/9-11.html>

Following the attacks of September 11, 2001, **President Bush** recognized the threat posed by terrorists and **took action to protect Americans and defeat violent extremism. Because of the actions taken by President Bush, America is safer, more secure, and winning the War on Terror.** Seven years later: ***50 million people have been liberated, and two totalitarian regimes have been removed;** ***The al Qaeda network has been weakened;** ***We have not experienced another attack on American soil;** ***Our military has been transformed to meet the challenges of the 21st century;** ***We have expanded our intelligence capabilities to confront today's enemy;** and ***We have created new and essential institutions needed to wage the War on Terror, including the Department of Homeland Security and Office of the Director of National Intelligence.**

Obama is fighting the war on terror

TOM CURRY, NATIONAL AFFAIRS WRITER, NBC NEWS, Nbc Politics, June, 6, 2013, "Obama continues, extends some Bush terrorism policies ," NBC News, http://nbcpolitics.nbcnews.com/_news/2013/06/06/18804146-obama-continues-extends-some-bush-terrorism-policies?lite

President Barack Obama has continued to pursue some of the same anti-terrorism policies as the Bush administration, and, in at least one instance, expanded upon them. In the clearest example, **Obama has authorized more than 300 overseas drone strikes against suspected terrorists** as president – that's compared to an estimate of roughly 50 such strikes under President George W. Bush – even as Obama has proposed new restrictions governing the policy.

Obama is utilizing his power as commander in chief to fight terror

TOM CURRY, NATIONAL AFFAIRS WRITER, NBC NEWS, Nbc Politics, June, 6, 2013, "Obama continues, extends some Bush terrorism policies ," NBC News, http://nbcpolitics.nbcnews.com/_news/2013/06/06/18804146-obama-continues-extends-some-bush-terrorism-policies?lite

In overseas operations, both **Bush and Obama have relied on power as commander in chief** and the 2001 congressional authorization to use force. Harvard University law professor Jack Goldsmith – who served as a key Justice Department official in the Bush administration – said last year that Obama's first term began with high expectations of a break with Bush terrorism policies. But, Goldsmith said, **Obama continued many of Bush's policies,** partly because once he became president, **he was** no longer merely a critic but **now the person entirely responsible for ensuring the safety of the nation** and saw the threats differently. Goldsmith also said that as a candidate in 2008 Obama had campaigned against the Bush policies of 2003 and 2004, but those policies – such as conduct of military commissions -- had been reformed by the time Bush finished his term in January 2009. "The late Bush administration policies were dramatically different from than the early Bush administration policies and Barack Obama admitted this... in March of 2009," Goldsmith said. **The most visible continuation and expansion of Bush's strategy**

has been in his use of unmanned aerial weapons, or drones, to kill suspected terrorists in Yemen, Somalia and Pakistan. According to testimony in April before the Senate Judiciary Committee by Peter Bergen, the director of the National Security Studies Program at the New America Foundation, the CIA drone program began under Bush “with one strike in Yemen in 2002, and then a smattering of strikes in Pakistan between 2004 and 2007 before a more sustained campaign in 2008. During his two terms in office, Bush authorized a total of 48 strikes in Pakistan.” But Bergen said that upon taking office in 2009, Obama “almost immediately made drones one of his key national security tools. By mid-April 2013, he had already authorized 307 strikes in Pakistan, six times more than the number of strikes carried out during President Bush’s entire eight years in office.” During the Bush administration, Bergen said, “the drone campaign appeared to put emphasis on killing significant members of al Qaeda but under Obama, it underwent a quiet and largely unheralded shift to focus increasingly on killing Taliban foot soldiers.” On searches of telecommunications data, Obama as a candidate in 2008 disappointed some of his supporters by voting for an addition to the 1978 Foreign Intelligence Surveillance Act, which revised surveillance rules in terrorism cases and granted immunity to telecommunications companies that participated in Bush’s warrantless surveillance program. In a statement to supporters in 2008, Obama acknowledged that the legal immunity for telecom firms “potentially weakens the deterrent effect of the law and removes an important tool for the American people to demand accountability for past abuses.”

Link – Warrantless Surveillance

Warrantless surveillance is an executive power that is necessary for the ability to protect national security

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

In the specific context of the current armed conflict with al Qaeda and related terrorist organizations, Congress by statute has confirmed and supplemented the President's recognized authority under Article II of the Constitution to conduct such warrantless surveillance to prevent further catastrophic attacks on the homeland. In its first legislative response to the terrorist attacks of September 11th, Congress authorized the President to "use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks" of September 11th in order to prevent "any future acts of international terrorism against the United States." Authorization for Use of Military Force, Pub. L. No. 107-40, § 2(a), 115 Stat. 224, 224 (Sept. 18, 2001) (reported as a note to 50 U.S.C.A. § 1541) ("AUMF"). History conclusively demonstrates that warrantless communications intelligence targeted at the enemy in time of armed conflict is a traditional and fundamental incident of the use of military force authorized by the AUMF. The Supreme Court's interpretation of the AUMF in Hamdi v. Rumsfeld, 542 U.S. 507 (2004), confirms that Congress in the AUMF gave its express approval to the military conflict against al Qaeda and its allies and thereby to the President's use of all traditional and accepted incidents of force in this current military conflict—including warrantless electronic surveillance to intercept enemy communications both at home and abroad. This understanding of the AUMF demonstrates Congress's support for the President's authority to protect the Nation and, at the same time, adheres to Justice O'Connor's admonition that "a state of war is not a blank check for the President," Hamdi, 542 U.S. at 536 (plurality opinion), particularly in view of the narrow scope of the NSA activities.

Internal Links

Spills Overs

Spills over to destabilize all presidential war powers.

Heder '10

(Adam, J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, "THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER," St. Mary's Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist's oftquoted language from the landmark "political question" case, *Goldwater v. Carter*.¹²¹ In *Goldwater*, a group of senators challenged President Carter's termination, without Senate approval, of the United States' Mutual Defense Treaty with Taiwan.¹²² A plurality of the Court held,¹²³ in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question.¹²⁴ He wrote: "In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also 'must surely be controlled by political standards.'"¹²⁵ Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, **there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war.** Though Justice Powell argues in *Goldwater* that the Treaty Clause and Article VI of the Constitution "add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,"¹²⁶ the same cannot be said about Congress's legislative authority to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the *Goldwater* context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully declined **to grant Congress such powers.** And as this Article argues, granting Congress this power would be inconsistent with the general war powers structure of the Constitution. Such a reading of the Constitution **would unnecessarily empower Congress and tilt the scales heavily in its favor.** More over, **it would strip the President of his Commander in Chief authority to direct the movement of troops** at a time **when the Executive's expertise is needed.**¹²⁷ And fears that the President will grow too powerful are unfounded, given the reasons noted above.¹²⁸ In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants.¹²⁹ Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings. Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confuse the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

Spills-over to collapse prez powers

Klukowski 11 (Kenneth, Research Fellow, Liberty University School of Law; Fellow and Senior Legal Analyst, American Civil Rights Union; National-Bestselling Author. George Mason University School of Law, J.D. 2008; University of Notre Dame, B.B.A. 1998, "MAKING EXECUTIVE

VI. CONCLUSION Most controversies between Congress and the White House over information are decided more by politics than by law, and so a settlement is usually reached favoring the party with the public wind to its back. n348 Questions of law should not be decided in that fashion. Therefore, **the reach and scope of executive privilege should be settled** by the courts in such situations, **so that the President's power is not impaired** whenever the political wind is in the President's face and at his opponents' backs, or the President is inappropriately shielded when political tides flow in his favor. While the best outcome in any interbranch dispute is the political branches reaching a settlement, "such compromise may not always be available, or even desirable." n349 It is not desirable where **it sets a precedent that degrades one of the three branches of government. If one branch of government demands something to which it is not constitutionally entitled** and that the Constitution has fully vested in a coequal branch, **the vested branch should not be required to negotiate** on the question. Negotiation usually involves compromise. **This negotiation would often result in one branch needing to cede to the other, encouraging additional unconstitutional demands in the future.** Though this may perhaps be a quicker route to a resolution, **it disrupts the constitutional balance in government.** As the Supreme Court has recently explained, "convenience and efficiency are not the primary objectives--or the hallmarks--of democratic government." n350 President Reagan declared that "you aren't President; you are temporarily custodian of an institution, the Presidency. And you don't have any right to do away with any of the prerogatives of that institution, and one of those is executive privilege. And this is what was being attacked by the Congress." n351 Thus, **any White House has the obligation to fight to protect executive privilege**, and the courts should draw the line to preserve that constitutional prerogative. Likewise, there are times when it is the President who is refusing to give Congress its due under the Constitution, where Congress must assert its prerogatives for future generations. Conversely, where confidentiality is not warranted, courts must ensure public disclosure and accountability.

Even small incursions on presidential authority threaten the unitary executive

Calabresi and Yoo 2008 [Stephen G., Law Professor at Northwestern; Christopher S., professor of Law, Communication, and Computer and Information Science at the University of Pennsylvania Law School, and founding director of the Center for Technology, Innovation, and Competition, *The Unitary Executive: Presidential Power From Washington to Bush*, Yale University Press, 2008, p.9 //wyo-sc]

Second, we believe that President George W. Bush and **all future presidents should recognize the existence of a strong, internal, executive branch precedent, established over the entire history of our republic, whereby all forty-three presidents have always resisted serious incursions on the principle of the unitary executive.** For this reason, President Clinton was right **to let the independent counsel law expire** without his support in June 1999, **and** President George W. Bush was right to insist on broad removal power over the newly created **Department of Homeland Security. Future presidents should veto statutes presented to them that infringe upon the unitariness of the executive,** and they should enforce such statutes as are already on the books with the greatest circumspection.

Broad Authorization Key

Broad warfighting authorization key—limiting to specific authorizations hampers flexibility

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

The conclusion of five Justices in Hamdi that the AUMF incorporates fundamental “incidents” of the use of military force makes clear that the absence of any specific reference to signals intelligence activities in the resolution is immaterial. See Hamdi, 542 U.S. at 519 (“[I]t is of no moment that the AUMF does not use specific language of detention.”) (plurality opinion). Indeed, given the circumstances in which the AUMF was adopted, it is hardly surprising that Congress chose to speak about the President’s authority in general terms. The purpose of the AUMF was for Congress to sanction and support the military response to the devastating terrorist attacks that had occurred just three days earlier. Congress evidently thought it neither necessary nor appropriate to attempt to catalog every specific aspect of the use of the forces it was authorizing and every potential preexisting statutory limitation on the Executive Branch. Rather than engage in that difficult and impractical exercise, Congress authorized the President, in general but intentionally broad terms, to use the traditional and fundamental incidents of war and to determine how best to identify and engage the enemy in the current armed conflict.

Congress’s judgment to proceed in this manner was unassailable, for, as the Supreme Court has recognized, even in normal times involving no major national security crisis, “Congress cannot anticipate and legislate with regard to every possible action the President may find it necessary to take.” Dames & Moore, 453 U.S. at 678. Indeed, Congress often has enacted authorizations to use military force using general authorizing language that does not purport to catalogue in detail the specific powers the President may employ. The need for Congress to speak broadly in recognizing and augmenting the President’s core constitutional powers over foreign affairs and military campaigns is of course significantly heightened in times of national emergency. See *Zemel v. Rusk*, 381 U.S. 1, 17 (1965) (“[B]ecause of the changeable and explosive nature of contemporary international relations . . . Congress—in giving the Executive authority over matters of foreign affairs—must of necessity paint with a brush broader than that it customarily wields in domestic areas.”).

Congressional Support Key

The POTUS has a critical role and a constitutional responsibility to protect American citizens – And congress should support him.

Jack Spencer, Vice President, the Institute for Economic Freedom and Opportunity, 10-2-2002, "Presidential Authority in the War on Terrorism: Iraq and Beyond," Heritage Foundation, <http://www.heritage.org/research/reports/2002/10/presidential-authority-in-the-war-on-terrorism-iraq-and-beyond>

The President of the United States has no greater responsibility than protecting the American people from threats, both foreign and domestic. He is vested by the Constitution with the authority and responsibility to accomplish this essential task. In taking his oath of office, the President swears to "preserve, protect, and defend the Constitution of the United States," the Preamble of which makes providing for the "common defense" a top priority. Congress must now make its voice heard on a key issue of national security and bring to a vote support for President George W. Bush's strategy for pursuing the war on terrorism in the way that he, as commander in chief, deems necessary. As the nature of the threats to the United States changes, so must the nation's approach to its defense. To fulfill his constitutional responsibility, the President must have the flexibility to address these threats as they emerge; and, given the proliferation of weapons of mass destruction by nations hostile to America, in an increasing number of cases, this may require applying military power before the United States or its interests are struck. In situations where the evidence demonstrates overwhelmingly that behavioral trends, capability, and motives all point to imminent threat, it may be necessary for the President to attack preemptively.

Surveillance Restrictions Spill Over

Restrictions on surveillance spillover to hamper presidential warfighting

US DOJ, 1-19-2006, LEGAL AUTHORITIES SUPPORTING THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY DESCRIBED BY THE PRESIDENT, Department of Justice Briefing, <http://www.justice.gov/sites/default/files/opa/legacy/2006/02/02/whitepaperonnsalegalauthorities.pdf> /Bingham-MB

Even if there were ambiguity about whether FISA, read together with the AUMF, permits the President to authorize the NSA activities, the canon of constitutional avoidance requires reading these statutes in harmony to overcome any restrictions in FISA and Title III, at least as they might otherwise apply to the congressionally authorized armed conflict with al Qaeda. Indeed, were FISA and Title III interpreted to impede the President's ability to use the traditional tool of electronic surveillance to detect and prevent future attacks by a declared enemy that has already struck at the homeland and is engaged in ongoing operations against the United States, the constitutionality of FISA, as applied to that situation, would be called into very serious doubt. In fact, if this difficult constitutional question had to be addressed, FISA would be unconstitutional as applied to this narrow context. Importantly, the FISA Court of Review itself recognized just three years ago that the President retains constitutional authority to conduct foreign surveillance apart from the FISA framework, and the President is certainly entitled, at a minimum, to rely on that judicial interpretation of the Constitution and FISA.

Flex Key to Fight Wars

Surveillance key to flexibility in warfighting

Colonel Steven C. Williamson, 3-29-2009, Steven Metz, PhD Strategic Studies Institute, From Fourth Generation Warfare to Hybrid War, U.S. Army War College, Online via google, /Bingham-MB

Leaders, staffs, and conventional forces must be more capable of performing across the spectrum of military operations. To do so, the force needs a command and control structure that is net-centric with built-in redundancies. There must be a larger investment in intelligence, surveillance, and reconnaissance assets, particularly human intelligence capabilities. Also, the nation must be able to collect and fuse information from a wider variety of sources and establish systems to share intelligence across services, the government, and with partners. Added to these capabilities, the military, in order to address the wide variety of future threats, must develop a greater precision targeting and engagement capability while ensuring a high level of protection for its forces, supporting civilians, partners, and U.S. citizens. The force necessary to provide these capabilities must be a balanced and versatile force, not a single-mission force.⁹⁷ The military should accelerate the growth of its special operations forces and the transformation of its general purpose forces to a professional, more agile, “multi-purpose” force with flexibility and credible combat power, able to conduct conventional and irregular, and to perform partner security force assistance, reconstruction, stabilization, and peacekeeping simultaneously. This enhanced force must be capable of operating independently at increasingly lower echelons, with or without support from civilian agencies.⁹⁸

Flexibility in warfare is key to fight modern wars

Colonel Steven C. Williamson, 3-29-2009, Steven Metz, PhD Strategic Studies Institute, From Fourth Generation Warfare to Hybrid War, U.S. Army War College, Online via google, /Bingham-MB

In the late 1980s, Fourth Generation Warfare (4GW) theorists began to recognize a shift in warfare which they assumed was both in the character and nature of war. Their ideas and publications triggered a captivating dialogue on how warfare was changing. This debate helped prompt the U.S. military to recognize the change and begin its transformation. However, over the ensuing years, a number of military thinkers and strategists demonstrated that the 4GW theorists did not get it all right. They set the stage for a generation of subsequent theorists to follow with their own predictions of future warfare. Frank Hoffman entered the scene near the end of the future war debate. He compellingly argued that warfare is converging, blending into a hybrid form, wherein adversaries will use all capabilities at their disposal. The key to success in such a period of change and persistent conflict is an agile strategic approach that relies on a wide array of capabilities. Accordingly, the U.S. must review and adjust its national strategies, warfighting concepts, and force structures. The nation must be able to adaptively and effectively combine these new capabilities to prevail in the hybrid conflicts that will dominate the near to midterm.

Presidential Flexibility Best—Ensures Decisions Made for the Good of the Nation, Not the Next Election

Tushnet 2005, Mark V., Professor Tushnet, who graduated from Harvard College and Yale Law School and served as a law clerk to Justice Thurgood Marshall, specializes in constitutional law and theory, including comparative constitutional law. "Controlling Executive Power in the War on Terrorism" (2005). Georgetown Law Faculty Publications and Other Works. Paper 554. (<http://scholarship.law.georgetown.edu/facpub/554>)/EG

Defenders of the separation-of-powers mechanism make both a positive and a negative case.⁹ The positive case rests on the classic "ambition counteracting ambition" theory articulated in The Federalist Papers.¹⁰ Congress and the President stand in structural opposition to each other, with each side alert to possible "power grabs" by the other that would threaten - simultaneously - the people's liberties and the prerogatives and power of the opposing branch." In addition, the people influence the President and Congress differently, with members of the House of Representatives concerned that their constituents might turn them out of office if they fail to challenge presidential initiatives that the people believe threaten their liberties, the President having a nationwide constituency more sensitive than smaller and more parochial constituencies to national security concerns, and the Senate free to deliberate about what good policy would be without concern for short-run political disadvantage. ¹² The separation-of-powers mechanism rejects executive unilateralism, but identifies no enduring substantive limitations on what the President and Congress may do; the only limitations are those worked out in the interactions between the President and Congress. ¹³

AT: Congress Solves

Presidential powers are the only way to minimize threats posed by foreign agents and powers- congressional powers can only reduce domestic threats

Richard Henry Seaman, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 469-470

Precedent establishes that Congress has some regulatory power in this matter, but the precedent leaves the scope of that power unclear. The relevant precedent includes FISA itself, which was supported by Presidents Carter and Ford as a legitimate regulation of the President's power. Unfortunately, this legislative precedent has no direct analog in Supreme Court precedent. The Supreme Court has said that Congress can regulate electronic surveillance in the United States to investigate national security threats posed by domestic organizations. The Court has not addressed congressional regulation of surveillance of threats to national security posed by foreign agents and powers. Though not addressing that specific issue, the Court has recognized that Congress has significant power over foreign relations-power that stems from, among other places, its power over foreign commerce and certain national defense matters. On the other hand, the Court has recognized that the President, too, has significant power over foreign affairs, including matters of foreign intelligence, which exists independently of Congress's power. Precedent does not establish to what extent the President's power is not only independent but also "plenary"--meaning not reducible by Congress.

Only Presidential powers can implement a defensive attack— history shows that it minimizes threat more effectively and efficiently

Richard Henry Seaman, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 469-470

Though not providing clear guidance, history and precedent suggest that the President has congressionally irreducible power to "repel sudden attacks" on the country. In The Prize Cases, for example, the Court upheld President Lincoln's power to blockade southern ports in the days after the Confederacy's attack on union forces at Fort Sumter.⁹⁰ The Court made clear this power did not depend on legislative authorization, stating: "If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. . . . 'He must determine what degree of force the crisis demands.'" Significantly, The Prize Cases was a 5-to-4 decision, with the four dissenters concluding that, because Congress had not declared war, "the President had no power to set on foot a blockade." The Court's decision, in substance and voting alignment, implies at most a narrow power in the President to take defensive measures in response to attacks on the country-and one that may exist without "special legislative authority" but that does not necessarily exist when it contradicts legislative authority.

Press Powers Key

In times of national emergency, only presidential powers solve

Richard Henry Seaman, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 474-477

More recently, two Justices in *Hamdi v. Rumsfeld* recognized a similar, but broader, emergency power to respond to threats to national security.⁹⁴ In *Hamdi*, Justice Souter (joined by Justice Ginsburg) dissented from a decision upholding the detention of an asserted enemy combatant who is also a U.S. citizen.⁹⁵ Justice Souter concluded that an Act of Congress barred the detention.⁹⁶ He suggested, however, that the executive branch might be able to detain a citizen, even in violation of the statute, "in a moment of genuine emergency, when the Government must act with no time for deliberation." The plurality did not address this issue because it held—contrary to Justice Souter's dissent (but in basic agreement with Justice Thomas' dissent)—that the detention in that case was authorized by federal statute. The *Hamdi* dissent implies that the President's power to take action "incompatible with the expressed or implied will of Congress" (the third situation identified by Justice Jackson's *Youngstown* concurrence) may include the power to take immediate action to respond to a "genuine emergency" threatening national security. Furthermore, the *Hamdi* dissent did not limit its implication of presidential power to situations involving an actual attack. Indeed, even before *Hamdi* many commentators believed that the President's power encompasses taking defensive measures necessary to thwart imminent attacks.

President Power is the only way to respond to fast, intelligent threats

William, Marshal, Professor of Law at University of North Carolina and a writer for the Boston University Law Review, 2008, "ELEVEN REASONS WHY PRESIDENTIAL POWER INEVITABLY EXPANDS AND WHY IT MATTERS"

Presidential power also has increased because of the exigencies of decision making in the modern world. At the time of the founding, it would take weeks, if not months, for a foreign government to attack American soil. In the twenty-first century, the weapons of war take only seconds to arrive. The increased speed of warfare necessarily vests power in the institution that is able to respond the fastest – the presidency, not the Congress.⁷⁹ Consequently, the President has unparalleled ability to direct the nation's political agenda.⁸⁰ The power that comes with being the first to act, moreover, does not end when the immediate emergency is over. Decisions made in times of emergency are not easily reversed; this is particularly true in the context of armed conflict. The President's commitment of troops inevitably creates a "rally round the flag" reaction that reinforces the initial decision.⁸¹ As Vietnam and now Iraq have shown, Congress is likely to be very slow in second-guessing a President's decision that places soldiers' lives in harm's way. That Congress would use its powers (as opposed to its rhetoric) to directly confront the President by cutting off military appropriations seems fanciful.

Impacts

2NC Impact Calc

**Presidential power solves rogue state acquisition and use of nuclear weapons—
outweighs the aff**

**Timeframe—speed and flexibility are key to solve threats—they arise quickly in
modern war—that's Gonzales and Waxman**

Magnitude,—larger than any other threat

Yoo 5

John, Professor of Law, University of California at Berkeley School of Law, Failed States, Int'l Colloquium, Online

Failed states pose perhaps the most dangerous threat to both American national security and international peace and stability. Failed states have served as the incubator of international terrorist groups, such as the al Qaeda organization that attacked the United States on September 11, 2001, or as trans-shipments points for illicit drugs, human trafficking, or the proliferation of weapons of mass destruction technologies. In Somalia, Rwanda, Haiti, and the former Yugoslavia, failed states have produced the catastrophic human rights disasters. Since the end of World War II, far more lives have been lost due to internal wars than international armed conflicts, and many of the former have occurred in failed states. Military intervention in response, often led by the United States and its allies, incurs high costs in terms of money, material, and lives. Finding a comprehensive and effective solution to these challenges of terrorism, human rights violations, or poverty and lack of economic development requires some answers to the problem of failed states.

Probability—they are irrational and will pursue nukes

And, rogue nations are the greatest modern threat

John R. Bolton '03, Under Secretary for Arms Control and International Security Remarks to the Conference of the Institute for Foreign Policy Analysis and the Fletcher Schools International Security Studies Program Washington, DC December 2, 2003(<http://www.au.af.mil/au/awc/awcgate/sa99/14.pdf>)/EG

The possession of WMD by rogue states poses several risks. One risk is that they may use these weapons to coerce their neighbors. Another risk is that WMD may allow rogues to deter outside intervention. This would permit them to conduct conventional aggression against neighbors. This risk will increase if rogues achieve conventional force superiority over their neighbors. Rogue states with WMD are less likely to directly challenge U.S. forces. U.S. nuclear forces and conventional strike capabilities are overpowering. Instead, rogue states may increasingly use asymmetric strategies to challenge U.S. military power in indirect but potentially effective ways. Such strategies may attempt to find a way to prevent U.S. forces from being used at all, or at least prevent them from being used effectively.

The impact turns the case—Waxman says it accesses every major impact [insert aff specific analysis]

And, pres powers solve terrorism and prolif—that's Waxman

Terrorism triggers full scale war

Hellman '8 (Martin E. Hellman* * Martin E. Hellman is a member of the National Academy of Engineering and Professor Emeritus at Stanford University. His current project applies risk analysis to nuclear deterrence)

Nuclear proliferation and the specter of nuclear terrorism are creating additional possibilities for triggering a nuclear war. If an American (or Russian) city were devastated by an act of nuclear terrorism, the public outcry for immediate, decisive action would be even stronger than Kennedy had to deal with when the Cuban missiles first became known to the American public. While the action would likely not be directed against Russia, it might be threatening to Russia (e.g., on its borders) or one of its allies and precipitate a crisis that resulted in a full-scale nuclear war. Terrorists with an apocalyptic mindset might even attempt to catalyze a full-scale nuclear war by disguising their act to look like an attack by the U.S. or Russia.

Prolif risks massive nuclear wars

Victor Utgoff, Deputy Director, Strategy, Forces and Resources Division, Institute for Defense Analyses, SURVIVAL, Summer 2002, ASP.

In sum, widespread proliferation is likely to lead to an occasional shoot-out with nuclear weapons, and that such shoot-outs will have a substantial probability of escalating to the maximum destruction possible with the weapons at hand. Unless nuclear proliferation is stopped, we are heading toward a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing 'nuclear six-shooters' on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather on a hill to bury the bodies of dead cities or even whole nations.

Rogue Nations

Only strong president can solve rogue nations and other existential threats

John Yoo '06, 4-24-2006, "Energy in the Executive: Re-examining Presidential Power in the Midst of the War on Terrorism," Heritage Foundation,
(<http://www.heritage.org/research/reports/2006/04/energy-in-the-executive-reexamining-presidential-power-in-the-midst-of-the-war-on-terrorism>)//EG

Congressional participation does not automatically, or even consistently, produce desirable results in war decision-making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. Legislative deliberation may breed consensus in the best of cases, but it also may inhibit speed and decisiveness. In the post-Cold War era, the United States is confronting several major new threats to national security: the proliferation of WMD, the emergence of rogue nations, and the rise of international terrorism. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterwards. Take the threat posed by the al-Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than those posed by conventional armed forces. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Despite the fact that terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, weapons of mass destruction allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have to use force earlier and more often than was the norm during the time when nation-states generated the primary threats to American national security. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, the executive branch needs flexibility to act quickly, possibly in situations where congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, perhaps before WMD components have been fully assembled or before an al-Qaeda operative has left for the United States, the executive branch might also be able to engage in a more limited, more precisely targeted, use of force. Similarly, the least dangerous way to prevent rogue nations from acquiring weapons of mass destruction may depend on secret intelligence gathering and covert action rather than open military intervention. Delay for a congressional debate could render useless any time-critical intelligence or windows of opportunity.

Presidential Flexibility is critical to preserving national security solves rogue nations and terrorism

(John Yoo, Analyst, 4-24-2008, "Energy in the Executive: Re-examining Presidential Power in the Midst of the War on Terrorism," Heritage Foundation,
<http://www.heritage.org/research/reports/2006/04/energy-in-the-executive-reexamining-presidential-power-in-the-midst-of-the-war-on-terrorism>)//Colt45

Critics of these conflicts want to upend long practice by appeals to an "original understanding" of the Constitution. But the text and structure of the Constitution, as well as its application over the last two centuries, confirm that the President can begin military hostilities without the

approval of Congress. The Constitution does not establish a strict war-making process because the Framers understood that war would require the speed, decisiveness, and secrecy that only the presidency could bring. "Energy in the Executive," Alexander Hamilton argued in the Federalist Papers, "is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks."^[4] And, he continued, "the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand."^[5] Rather than imposing a fixed, step-by-step method for going to war, the Constitution allows the executive and legislative branches substantial flexibility to shape the decision-making process for engaging in military hostilities. Indeed, given rogue states' increasing ability to procure weapons of mass destruction (WMD), and the rise of al-Qaeda and international terrorism, maintaining this flexibility is critical to preserving American national security.

Credibility

Presidential powers key to preserve international credibility

Ganesh, Sitarman, 2014, Assistant Professor of Law at Vanderbilt Law School and a Senior Fellow at the Center for American Progress, "Harvard Law review forum: "Credibility and Powers"

As a justification for the use of military force, the preservation of credibility is ubiquitous in foreign policy. President Clinton thought that if the United States failed to uphold its commitments in Somalia after the Black Hawk Down incident, then "[o]ur own credibility with friends and allies would be severely damaged. Our leadership in world affairs would be undermined . . ." President Reagan argued that if the United States failed to confront guerrillas in Central America, "our credibility would collapse." Years earlier, President Truman said that defeat in Korea "would be an open invitation to new acts of aggression elsewhere."⁷ For decades during the Cold War, credibility arguments were prominent in game theory analyses of deterrence, arms control, and U.S.-Soviet relations.⁸ More recently, political scientists have turned to serious study of credibility. These studies call into question the use of credibility arguments in the context of military threats.

Terrorism

The executive branch must be allowed to combat the war on terror

Li, Zheyao, 2009 Li worked for New York City Law Department, Georgetown University Law Center, Willkie Farr & Gallagher LLP Education Georgetown University Law Center War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare (2009). Georgetown Journal of Law & Public Policy, Vol. 7, No. 1, p. 373, 2009. (Available at SSRN:<http://ssrn.com/abstract=1868346>)//EG

In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast emerging situations in Fourth-generation warfare. Thus, in order to combat transitional threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of swift-decision making and action necessary to prevail in fourth-generational conflicts against fourth-generational opponents.

War

Executive ability to counter threats are the only way to be effective against threats

Li, Zheyao, 2009 Li worked for New York City Law Department, Georgetown University Law Center, Willkie Farr & Gallagher LLP Education Georgetown University Law Center War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare (2009). Georgetown Journal of Law & Public Policy, Vol. 7, No. 1, p. 373, 2009. (Available at SSRN: <http://ssrn.com/abstract=1868346>)//EG

By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional war making scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police." 146 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourth generational opponents.

4th Gen Warfare

The Executive powers are the only way to prevent and fight attacks in fourth generation warfare

Li, Zheyao, 2009 Li worked for New York City Law Department, Georgetown University Law Center, Willkie Farr & Gallagher LLP Education Georgetown University Law Center War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare (2009). Georgetown Journal of Law & Public Policy, Vol. 7, No. 1, p. 373, 2009. (Available at SSRN:<http://ssrn.com/abstract=1868346>)//EG

While the advent of fourth-generational warfare has dramatically altered the international order, which was dominated by the Westphalian system of nation-states for over three hundred years, those nation-states have not disappeared. Indeed, it is vital to note that the nation-state is not yet a relic of the past, even as existing nation-states continue to struggle with terrorists, insurgents, and freedom fighters. Thus, a new understanding of Presidential war power, based upon the realities of fourth-generational warfare, cannot replace, but rather must co-exist with the current system of constitutional decision-making that constrains military action against other nation-states. Congress's power to declare war, and to choose not to declare war, is absolute with respect to other nation-states. In military conflicts against nation-states, if there is an absence of a congressional declaration of war or authorization of the use of force, the President can only act defensively to repel attacks. The Framers intended the slow, deliberative process by which Congress makes its decisions to be a check against executive aggression and aggrandizement. Therefore, any Presidential claim of a preclusive war power with respect to other nation-states would be inconsistent with the Constitution. On the other hand, the slow-moving, deliberative Congress has no role to play in authorizing military action against non-state actors in the fourth generation of warfare. The President must have the ability to react quickly in conducting offensive military action against these transnational enemies, both in response to terrorist attacks that have already occurred and to prevent imminent attacks. Congress's powers over the initiation of war or the seeking of peace have no role in this civilizational conflict against extremist terrorists who will not rest until they destroy the United States and who have made such intentions known. In light of the fundamental difference in the nature of the threats posed, the nature of the adversaries, and the different strategies and tactics necessary to combat them, these parallel constitutional decision-making processes in the area of war—one conforming to the Framers' conception of traditional Westphalian warfare against nation-states, and the other adapting to the realities of asymmetric warfare waged by non-state actors—are both necessary to ensure the survival and prosperity of the United States in the twenty-first century and beyond.

Presidential Powers –WSDI

1NC – War Powers DA

The power to use surveillance is part of broad presidential powers authorized now—restrictions on the means of war hinders presidential authority

Michael Stokes Paulsen February 2006, Associate Dean University of Minnesota, Presidential Powers in Time of War,

http://www.law.umn.edu/uploads/wE/aa/wEaa1g7XB6j0QyoOhoFpYw/Presidential_Powers_exchange_Paulsen_Kitrosser_Carpenter.pdf

THE KEY PROBLEM with my colleagues' extraordinarily thoughtful points about the NSA communications interception program is this: They read the Sept. 18, 2001, AUMF as if it were any old statute passed by Congress. If (as I believe), **the AUMF is in legal effect a Declaration of War**, then **arguments that** "repeals by implication are disfavored," or that "**the AUMF does not specifically mention surveillance**," or that "Congress did not have this in mind" (or, in its weakest form, that former Senator Tom Daschle was not thinking about this specific question), or that the president might have been able to obtain FISA authorization, **are almost entirely irrelevant**. **If war has been authorized, then the commander in chief power to wage war against enemy forces has been unleashed in its entirety**. That power is a fearful and formidable one, but properly so. Where war is declared or authorized, **the president** possesses the full military and executive power of the nation with respect to waging that war. The president **determines matters of military strategy and tactics**; the rules of engagement with the enemy; **the means and methods to be employed**; how resources are to be deployed; and whether, when, and under what circumstances hostilities will be terminated. **Where the commander in chief power is brought into play, it is the president's power alone**. **No statute of Congress may limit it**. As Alexander Hamilton put it in Federalist #74: "Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority." Here is the crucial point: Whatever the scope of the president's constitutional power as commander in chief in time of authorized war, no statute of Congress constitutionally may limit it. This is basic *Marbury v. Madison*: If the Constitution provides one thing, **Congress may not pass a statute altering it**. Congress has the choice whether or not to trigger the commander in chief power of the president in time of war; but if it chooses to do so, it may not control the exercise of that power **with collateral statutory restrictions**. Put simply: **When war is declared, the commander in chief chooses how to conduct it**. Nowhere is this more clear than in **the Sept. 18, 2001 AUMF**, which sweepingly **gives the president power to use "all necessary and appropriate force"** against those nations, organizations, or persons he finds to be connected to the events of Sept. 11, 2001. If the **interception of communications of persons in contact with the enemy is a legitimate part of the commander in chief's conduct of war**—and I think this almost impossible to deny—then no act of Congress may impair it. If FISA, designed as peacetime authorization **for covert surveillance** of suspected foreign agents, limits the commander in chief power in time of war, it is to that extent unconstitutional. That's the endpoint of the game, **when push comes to shove**. Professor Kitrosser's arguments about how to read FISA are excellent ones; but in the end if FISA cannot be construed in a manner consistent with the president's overarching power as commander in chief in time of war, then it

is the FISA statute that must yield, not the president's constitutional power as commander in chief. Professor Carpenter's argument that Congress's power to make "Rules for the Government and Regulation of the Land and Naval Forces" trumps the president's power as commander in chief is, I think, unsound—and dangerous. Congress's power to prescribe general rules for regulating our armed forces surely cannot be read as a power to dictate rules for how military and defensive efforts are to be conducted by the president. That would effectively read the commander in chief clause out of the Constitution! The same cannot be said the other way round: Congress's power to regulate the military still has content, as a general proposition; it is simply limited by the president's power to direct and conduct offensive and defensive operations—to command—in wartime.

Spills over to destabilize all presidential war powers.

Heder '10

(Adam, J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, "THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER," St. Mary's Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist's oftquoted language from the landmark "political question" case, *Goldwater v. Carter*.¹²¹ In *Goldwater*, a group of senators challenged President Carter's termination, without Senate approval, of the United States' Mutual Defense Treaty with Taiwan.¹²² A plurality of the Court held,¹²³ in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question.¹²⁴ He wrote: "In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also 'must surely be controlled by political standards.'"¹²⁵ Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war. Though Justice Powell argues in *Goldwater* that the Treaty Clause and Article VI of the Constitution "add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,"¹²⁶ the same cannot be said about Congress's legislative authority to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the *Goldwater* context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully declined to grant Congress such powers. And as this Article argues, granting Congress this power would be inconsistent with the general war powers structure of the Constitution. Such a reading of the Constitution would unnecessarily empower Congress and tilt the scales heavily in its favor. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time when the Executive's expertise is needed.¹²⁷ And fears that the President will grow too powerful are unfounded, given the reasons noted above.¹²⁸ In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants.¹²⁹ Declaring these issues nonjusticiable political questions

would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confuse the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

That goes nuclear

Li '9

Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, "War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare," 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.¹²² The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.¹²³ At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.¹²⁴ It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modern trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). ¹²⁵ It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the

formulation of a new theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise.

B. The Framers' World vs. Today's World

The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before—based on a clear division between government, armed forces, and the people—is on the decline.¹²⁶ As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day.¹²⁷ As seen in Part III, supra, the rise of the modern nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare—that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors—"then clearly [the modern state] does not have a future in front of it."¹²⁸ The challenge in formulating a new theory of war powers for fourth-generational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning.²⁹ To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."¹³⁰ That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war—that is, to its political objective."¹³¹ That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation.¹³ Now, to adapt the constitutional warmaking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront.

C. The Jihadist Threat

The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck.¹³³ Professor

Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not." 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist." 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers." 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 Al-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise." 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the

words of Professor Crevel, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."¹⁴⁶ Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision-making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, **in the midst of the conflict** with al-Qaeda and other international terrorist organizations, the existing process of **constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations** in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, **the executive branch must have the ability to operate** by taking offensive military action even **without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts** against fourth-generational opponents.

Impact

2NC – Impact Overview

Pres power solve nuclear conflict –that’s Li

Outweighs on timeframe and probability—4th generation warfare is quick and likely, prolif, rogue states, and non state actors can attack quickly

Magnitude—challenges to pres power signal weakness and undermine our ability to respond to nuclear conflict

Zeisberg 4

(MARIAH ZEISBERG, Research Fellow, The Political Theory Project, Department of Political Science, and#34;INTERBRANCH CONFLICT AND CONSTITUTIONAL MAINTENANCE: THE CASE OF WAR POWERSand#34; SEPTEMBER 22, 2004, KB)

The first significant argument of pro-Presidency insularists is that flexibility is a prime value in the conduct of foreign affairs, and especially war. Implicit in this argument is the recognition that the executive is functionally superior to Congress in achieving flexibility and swiftness in war operations, a recognition I share. The Constitution cannot be meant to curtail the very flexibility that may be necessary to preserve the nation; and yet, according to the insularists, any general norm which would include Congress in decision-making about going to war could only undermine that flexibility. Writing on the War Powers Act, Eugene Rostow predicts that it would, “put the Presidency in a straightjacket of a rigid code, and prevent new categories of action from emerging, in response to the necessities of a tense and unstable world.” In fact, Rostow believes, “[t]he centralization of authority in the president is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.” Pro-presidency insularists are fond of quoting Hamilton, who argued that “[o]f all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.” This need for flexibility, some insularists argue, is especially acute given modern conditions, where devastating wars can develop quickly. Today, “many foreign states have the power to attack U.S. forces - and some even the U.S. mainland - almost instantly,” and in such a world it is impracticable to require the President to seek advance authorization for hostilities. Such a requirement would simply be too risky to U.S. security. We furthermore face a nuclear age, and the system of deterrence that operates to contain that threat requires that a single person be capable of responding to nuclear attack with nuclear weapons immediately. Rostow writes, “the requirement for advance authorization would collapse the system of deterrence, making preemptive strikes by our enemies more likely.” Hence, “modern conditions” require the President to “act quickly, and often alone.” While this does not mean that Congress has no role to play in moments of crisis, it does mean that Congress should understand its role largely in terms of cooperating with the President to support his negotiations and decisions regarding relationships with foreign powers. Rostow writes, “Congress should be able to act effectively both before and after moments of crisis or potential crisis. It may join the President in seeking to deter crisis by publicly defining national policy in advance, through the sanctioning of treaties or other legislative declarations. Equally, Congress may participate formally in policymaking after

the event through legislative authorization of sustained combat, either by means of a declaration of war, or through legislative action having more limited legal and political consequences. Either of these devices, or both in combination, should be available in situations where cooperation between the two branches is indicated at many points along an arc ranging from pure diplomacy at one end to a declaration of war at the other.” In other words, for Congress to understand itself as having any justifiable role in challenging executive security determinations, especially at moments of crisis, would be to undermine the strength that the executive requires in order to protect the nation. Conflict in this domain represents political degradation. Flexibility is also a key value to support the stability of the global security order, some pro-Presidency insularists argue. International security systems require guarantees that an attack on an ally will be retaliated as quickly as possible. Given such a system, the requirement of congressional consultation “vitiates the security guarantee.” It is important to note that the US does not simply play a role in international collective security systems: it is a central player in those systems, and hence “it is necessary for the system that U.S. participation be assured and credible. But this means that in order to support collective security, the fundamental function for Congress is to support the executive in ways that send a clear message of national resolve, so unequivocal and unmistakable that international pillagers and those who advise them can have no doubts.” This value of flexibility is sometimes applied to the mechanisms for foreign policy themselves. John Yoo, for example, argues that there must be a diversity of mechanisms for going to war, including unilateral action by the President. On Yoo’s account, Congress is granted authority in foreign affairs in times of peace, the President for times of danger. Yoo interprets the understructured nature of war powers to indicate that “the Framers did not intend the Constitution to establish a single, correct method for going to war. . . [d]uring times of relative peace, Congress can use its authority over funding and the raising of the military to play a leading role in foreign policy. In times of emergency or national danger, however, the President can seize the initiative in warmaking.” A second insularist argument is that the “nature of foreign affairs” is such that this domain cannot be guided by law. Jefferson’s oft-cited quote, that “[t]he transaction of business with foreign nations is Executive altogether,” is sometimes used in support of this argument, although I do not believe Jefferson understood himself to be making this point. Robert Bork is instead the most prominent insularist arguing this position. Far from believing that the President’s use of force can be bound by law, Bork denies that law governing foreign affairs—whether domestic or international—even exists. In Bork’s own words, “[T]here are areas of life, and the international use of armed force seems to be one of them, in which the entire notion of law—law conceived as a body of legal principles declared in advance to control decisions to be made in the future—where that conception of law is out of place. The pretense that there is such a law and that it has been constantly violated, has debilitating effects upon our foreign policy . . . [t]wo examples come to mind: one is international law about the use of force, and the other is domestic law, that is, the War Powers Act. These two bodies of ‘law’ arise from different sources, but they are alike in that they are not law in any recognizable sense. They are not enforceable.” Since law in this domain simply cannot exist, the idea of a legislative body playing any role in guiding decisions here is simply senseless. Bork points us to the simple fact of the matter—that “Presidential use or support of force abroad will succeed when the public approves and fail when it disapproves. Law has little to do with the outcome.” The third important argument on behalf of insularity is that Congress already possesses all the

power it needs to contain a wayward executive. This power is wielded mainly through Congress' "power of the purse," but also through Congress' power to raise the military and commission (or de-commission) troops. It is in the course of approving Presidential requests for funding measures that Congress discusses the merits of his actions, and Congress retains the simple power to block the president's actions simply by refusing him funds or military resources. Yoo argues, "One might respond that it is unreasonable to expect Congress to use its appropriations powers to cut off troops in the field. Surely members of Congress will not take actions that might be interpreted as undermining the safety and effectiveness of the military, once committed and in the midst of hostilities. We should not mistake a failure of political will, however, for a violation of the Constitution. Congress undoubtedly possessed the power to end the Kosovo war, it simply chose not to. Affirmatively providing funding for a war, or at the very least refusing to cut off previous appropriations, represents a political determination by Congress that it will provide minimal support for a war, but that ultimately it will leave it to the President to receive the credit either for success or failure." Furthermore, it is simply a fact that the President relies upon Congress to wage the wars he wishes to pursue. As Bobbit points out, unless Congress "by statute, provides an army, transport, weapons, and materials . . . there is nothing for the President to command." Bobbit insists, though, that this does not mean that Congress can appropriately "interfere in the operation of that power" once handed over. Just as Congress, once it has established and vested the judiciary, has no authority to interfere in the operation of the judicial power, so too Congress, once it vests the President with command of a military, has no authority to interfere in how that command is used. Hence Bobbit believes that the only constitutionally legitimate way for Congress to engage in decisionmaking on the use of the sovereign war power is to remove forces from the command of the President. Bobbit continues, "[a]s a structural matter, Congress has the first and last word. It must provide forces before the President can commence hostilities, and it can remove those forces, by decommissioning them or by forbidding their use in pursuit of a particular policy at any time." Bobbit is quite explicit about the implications of his position: "Does this mean that presidents can simply ransack the current Defense Appropriations Act for available forces and that Congress then has no way to stop a president from unilaterally making war so long as one-third plus one of the members of one House sustains his veto - for the balance of the biennium? It may well mean that." The fourth argument is that the kind of challenging characteristic of interbranch deliberation would endanger the well-being of troops in the field, as **foreign nations interpret Congressional challenging to mean that we lack the will to support our soldiers**. This argument is not about the comparative advantages of the presidency as an institution, or about the meaning of law: rather, it directly challenges the value of conflict itself. In fact, as we saw in chapter two, settlement theorists and realists seem to believe that the conditions of war and insecurity are the most congenial territory for their claims about the importance of deference and settlement, precisely because **peace, stability, and the very possibility of rights-protection are all at stake** in this issue. Rostow cites Dean Acheson's comments on the Korean War: "An incredulous country and world held its breath and read the mounting casualties suffered by these gallant troops, most of them without combat experience. In the confusion of the retreat even their divisional commander, Major General William F. Dean, was captured. Congressional hearings on a resolution of approval at such a time, opening the possibility of endless criticism, would hardly be calculated to support the shaken morale of the troops or the unity that, for the

moment, prevailed at home. The harm it could do seemed to me to outweigh the little good that might ultimately accrue.”

2NC – Turns Economy

Flexibility key to solve financial crises

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 60//wyo-sc]

Finally, we mention a dynamic that further tightens the political constraints on legislatures and courts in times of crisis. Precisely because markets expected the House to pass the EESA, its initial failure to do so created a perceived "crisis of authority"⁸⁷ suggesting a risk that dysfunctional political institutions would not be able to coordinate on any economic policy at all. That second-order crisis supervened on the underlying economic crisis, but acquired force independent of it. The Senate had to scramble to undo the damage and did so in world-record time. The House quickly fell into line. In this way, measures urged by the executive to cope with a crisis of unclear magnitude acquired a kind of self-created momentum. Rejection of those measures would themselves create a political crisis that might, in turn, reduce confidence and thus trigger or exacerbate the underlying financial crisis. A similar process occurred in the debates over the AUMF and the Patriot Act, where proponents of the bills urged that their rejection would send terrorist groups a devastating signal about American political willpower and unity, thereby encouraging more attacks. These political dynamics, in short, create a self-fulfilling crisis of authority that puts legislative institutions under tremendous pressure to accede to executive demands, at least where a crisis is even plausibly alleged. Critics of executive power contend that the executive exploits its focal role during crises in order to bully and manipulate Congress, defeating Madisonian deliberation when it is most needed. On an alternative account, the legislature rationally submits to executive leadership because a crisis can be addressed only by a leader. Enemies are emboldened by institutional conflict or a divided government; financial markets are spooked by it. A government riven by internal conflict will produce policy that varies as political coalitions rise and fall. Inconsistent policies can be exploited by enemies, and they generate uncertainty at a time that financial markets are especially sensitive to agents' predictions of future government action. It is a peculiar feature of the 2008 financial crises that a damaged president could not fulfill the necessary leadership role, but that role quickly devolved to the Treasury secretary and Fed chair who, acting in tandem, did not once express disagreement publicly.

2NC – Turns Terrorism

Curtailing war powers kills American counter-terror credibility

The Straits Times 2013

[The Straits Times, June 01, 2013, No closure yet to war on terror, LexisNexis, uwyo//amp]

PRESIDENT Barack Obama has not declared American victory **in the arduous campaign against terrorism**, but **his claim that the war is ending is** clearly **premature**. Every war the United States has ever fought has, indeed, come to an end - a truism he noted in his review last week of counter-terrorism strategy. But the war on terror is far from over, even after the US has killed Osama bin Laden, and reduced his core Al-Qaeda to "a shell of its former self". Terrorism has gradually morphed and metastasized. The list of examples is long: **Jihadists have gained** or are trying to gain **an opportunistic foothold in** such **trouble spots** as **in the Arabian peninsula, Syria, Somalia and Mali**. Self-radicalised extremists have again brought the war painfully home to the West, recently killing a soldier in London and bombing the Boston marathon. **Violent attacks remain frequent in Pakistan and Afghanistan**. Terrorist recruitment continues unabated in Indonesia and other South-east Asian countries. So, Mr **Obama should not** minimise the threat or **ask Congress to severely curtail war powers** it granted the President after 9/11. Of course, it may be politic of him to consider the Americans who are "deeply ambivalent about war". After spending more than a trillion US dollars and losing 7,000 troops in Afghanistan and Iraq in the last decade, the US is obviously suffering from war fatigue if not distaste. Also, harsh interrogation methods, lengthy imprisonment of suspects and lack of due process offend American values. **The risk is that terrorists will mistake his new approach for a softening of American resolve**. Hence, **US allies and partners may have to take up** any **slack** the US leaves. Some may ask if the change has anything to do with the US being on track to regaining energy self-sufficiency with shale oil and gas and reducing dependence on Middle East crude. **Mr Obama will have to send the right signals in redefining the threat to US and global security**. However objectionable other drastic measures against terrorism have been, Mr Obama has been at his most effective in using remotely piloted drones to take out top terrorists. Any requirement to guarantee there will be no civilian casualties will prevent him from striking targets who take to hiding among non-combatants precisely for that reason. The US should not so easily forget the lesson of the Al-Qaeda threat that went almost unnoticed by the West until it was too late. One hopes Mr Obama will always be right about which wars America should avoid being drawn into. Any mistake will be costly even if his intention is to make the war on terror more efficient, affordable and acceptable.

2NC – Turns ILAW/Credibility

Executive weakness destroys credibility—causes wars everywhere

Howell '7

William, professor of political science at U-Chicago, and Jon C. Pevehouse, professor of Political Science UW-Madison, "While Dangers Gather : Congressional Checks on Presidential War Powers," 2007 ed.

SIGNALING RESOLVE To the extent that congressional discontent signals domestic irresolution to other nations, the job of resolving a foreign crisis is made all the more difficult. As Kenneth Schultz shows, an "opposition party can undermine the credibility of some challenges by publicly opposing them. Since this strategy threatens to increase the probability of resistance from the rival state, it forces the government to be more selective about making threats"—and, concomitantly, more cautious about actually using military force.¹⁴ When members of Congress openly object to a planned military operation, would-be **adversaries** of the United States may **feel emboldened, believing** that **the president lacks** the domestic **support required to see a military venture through**. Such **nations**, it stands to reason, **will be more willing to enter conflict**, and if convinced that the United States will back down once the costs of conflict are revealed, **they may fight longer and make fewer concessions**. Domestic political **strife**, as it were, **weakens the ability of presidents to bargain** effectively **with foreign states, while increasing the chances that military entanglements abroad will become protracted and unwieldy**. A large body of work within the field of international relations **supports the contention** that a nation's **ability to achieve** strategic military **objectives** in short order **depends**, in part, **on the head of state's credibility** in conveying political resolve. Indeed, a substantial game theoretic literature underscores the importance of domestic political institutions and public opinion as state leaders attempt to credibly commit to war,⁷⁵ Confronting widespread and vocal domestic opposition, the president may have a difficult time signaling his willingness to see a military campaign to its end, While congressional opposition may embolden foreign enemies, the perception on the part of allies that the president lacks support may make them wary of committing any troops at all.

Uniqueness

2NC UQ Pres Powers High

USA freedom act expanded pres powers and discretion

Patrick Eddington, 4-29-2015, Policy Analyst in Homeland Security and Civil Liberties at the Cato Institute., "The Minimalist Surveillance Reforms of USA Freedom," Just Security, <http://justsecurity.org/22553/usa-freedom-surveillance-reform-minimalism/>, Accessed: 6-25-2015, /Bingham-MB

On April 30, the House Judiciary Committee will take up a warmed-over version of last year's USA Freedom Act. The committee has offered a rather optimistic claim of the surveillance reforms the bill will accomplish if passed — an optimism I do not share (and my skepticism is buttressed by the concerns of transparency advocates and other well-informed NSA critics). Passing the USA Freedom Act in its current form would effectively represent a repeat of the Protect America Act fiasco of the previous decade — an act of Congress that made legal a previously illegal surveillance program that did exactly nothing to protect the country, while costing billions and subjecting Americans to continued mass surveillance. And the decline of a real Congressional institutional ethic for holding the executive branch accountable for its misdeeds in the intelligence arena is a major reason why this is happening. My doubts about the bill's likely effect are also based on the executive branch's well-documented penchant for playing legal word games with surveillance law — a practice key supporters of this bill have complained about loudly and often. But even if we suspend disbelief and assume the more optimistic interpretations of the legislation's effects come to pass, and that the executive branch will abide by the intent of the bill's authors, how will that reform compare with what's been revealed about the scope of NSA's activities since 9/11? The revelations about the abuses of the Patriot Act Sec. 215 metadata program are what ignited this surveillance reform debate. Yet even the current version of the USA Freedom Act would not end the executive branch's authority to collect metadata; it would (assuming the best case scenario) simply narrow the scope of such metadata collection. It's a curious course of action given the fact that Obama's own Review Group on Intelligence and Communications Technology found that the metadata program prevented zero attacks on the United States. And as the New York Times recently reported, multiple government audits of this and other post-9/11 surveillance programs found them essentially useless in the fight against foreign terrorist organizations.

USA Freedom Act reauthorized executive surveillance powers

Saudi Gazette, 6-3-2015, "President Obama signs bill curbing NSA powers into law," No Publication, <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20150604246156>, Accessed: 6-25-2015, /Bingham-MB

WASHINGTON — President Barack Obama on Tuesday signed into law landmark legislation ending the government's bulk telephone data dragnet, significantly reversing American policy by reining in the most controversial surveillance program since 9/11. The bill was given final passage earlier Tuesday by the US Senate, after being approved by the House several days earlier. The measure reauthorizes key national security programs that had lapsed early this week. "Glad the Senate finally passed the USA Freedom Act. It protects civil liberties and our national security," President Barack Obama said on Twitter shortly before he signed it. In a

separate statement earlier, Obama chided lawmakers for the “needless delay and inexcusable lapse in important national security authorities,” in the days leading up to the bill’s eventual passage. “My administration will work expeditiously to ensure our national security professionals again have the full set of vital tools they need to continue protecting the country,” the president said. The bill halts the National Security Agency’s ability to scoop up and store metadata — telephone numbers, dates and times of calls — from millions of Americans who have no connection to terrorism. It shifts responsibility for storing the data to telephone companies, allowing authorities to access the information only with a warrant from a secret counterterrorism court that identifies a specific person or group of people suspected of terror ties.

2NC UQ – AT: NSA

NSA was balanced—ensures counter terror flexibility still

Michael D. Shear, 6-3-2015, In Pushing for Revised Surveillance Program, Obama Strikes His Own Balance," New York Times, <http://www.nytimes.com/2015/06/04/us/winning-surveillance-limits-obama-makes-program-own.html>, Accessed: 6-8-2015, /Bingham-MB

"He weighs the balance every day," she said. The compromise on collections of telephone records may end up being too restrictive for the president's counterterrorism professionals, as some Republicans predict. Or, as others vehemently insisted in congressional debate during the past week, it may leave in place too much surveillance that can intrude on the lives of innocent Americans. Either way, Mr. Obama's signature on the law late Tuesday night ensures that he will deliver to the next president a method of hunting for terrorist threats despite widespread privacy concerns that emerged after Edward J. Snowden, a former N.S.A. contractor, revealed the existence of the telephone program. "He owned it in 2009," said Michael V. Hayden, a former N.S.A. director under President George W. Bush, who oversaw the surveillance programs for years. "He just didn't want anyone to know he owned it." Jameel Jaffer, the deputy legal director of the American Civil Liberties Union, called the USA Freedom Act "a step forward in some respects," but "a very small step forward." He said his organization would continue to demand that the president and Congress scale back other government surveillance programs. "Obama has been presented with this choice: Are you going to defend these programs or are you going to change them?" Mr. Jaffer said. "Thus far, we haven't seen a lot of evidence that the president is willing to spend political capital changing those programs." In the case of the telephone program, Mr. Obama's preferred compromise was originally the brainchild of his N.S.A. officials, who embraced it as a way to satisfy the public's privacy concerns without losing the agency's ability to conduct surveillance more broadly. In the lead-up to last week's congressional showdown, Mr. Obama and his national security team insisted that broad surveillance powers were vital to tracking terrorist threats, while admitting that the new approach to data collection would not harm that effort. White House officials said Mr. Obama was comfortable that history would show that he struck the right balance. "To the extent that we're talking about the president's legacy, I would suspect that that would be a logical conclusion from some historians," said Josh Earnest, the president's press secretary. Mr. Earnest said the compromise addressed anxiety about privacy but still gave the government access to needed records.

NSA is a win for Obama—they were the reforms that he wants

Michael D. Shear, 6-3-2015, In Pushing for Revised Surveillance Program, Obama Strikes His Own Balance," New York Times, <http://www.nytimes.com/2015/06/04/us/winning-surveillance-limits-obama-makes-program-own.html>, Accessed: 6-8-2015, /Bingham-MB

Now, **after successfully badgering Congress into reauthorizing the program**, with new safeguards the president says will protect privacy, **Mr. Obama has left little question that he owns it**. The new surveillance program created by the USA Freedom Act will end more than a decade of bulk collection of telephone records by the National Security Agency. But it will make records already held by telephone companies available for broad searches by government officials with a court order. **"The reforms** that have now been enacted **are exactly the reforms the president called**

for over a year and a half ago,” said Lisa Monaco, the president’s top counterterrorism adviser. She called the bill the product of a “robust public debate” and said the White House was “gratified that the Senate finally passed it.”

Link

2NC – Link Wall

Surveillance is a critical presidential power—plan cracks presidential authority

Michael Stokes Paulsen February 2006, Associate Dean University of Minnesota, Presidential Powers in Time of War,
http://www.law.umn.edu/uploads/wE/aa/wEaa1g7XB6j0QyoOhoFpYw/Presidential_Powers_exchange_Paulsen_Kitrosser_Carpenter.pdf

ONE OF THE HOTTEST issues of the day is **presidential power in time of war**—specifically the president's power **unilaterally to order the interception of overseas communications by persons in the United States** who have been in contact with al Qaeda forces and terrorists. Some of my colleagues may well disagree, but I think the issue is relatively straightforward. **The president's power as military commander in chief**, in time of constitutionally authorized war, of course includes **the power to intercept enemy communications**, including enemy communications with persons here in the United States who may be in league with the enemy, **and to follow the chain of such communications where it leads, in order to wage the war against the enemy and, of vital importance, to protect the nation against further attacks.**

Plan introduces a wars powers fights over surveillance that congress can win

Evan Selinger, Christian Science Monitor, 3-9-2015, Why domestic drones stir more debate than ones used in warfighting abroad," <http://www.csmonitor.com/World/Passcode/Passcode-Voices/2015/0309/Why-domestic-drones-stir-more-debate-than-ones-used-in-warfighting-abroad>, Accessed: 5-27-2015, /Bingham-MB

The use of drones domestically has sparked heated debate around the potential threats to both **privacy** and safety. The digital rights group Electronic Frontier Foundation warns that **drones "raise significant issues for privacy and civil liberties" since they are capable of "highly advanced surveillance."** In terms of commercial use, the Federal Aviation Administration has proposed rules to limit where drones can fly. While military drone usage abroad has been opposed by various groups, it hasn't drawn the same kind of attention stateside as the emergence of commercial drones. The US appears more interested in whether drones will be approved for package delivery than whether it's acceptable to use drones for targeted killings in Yemen. I recently spoke with John Kaag about that contradiction. Mr. Kaag is an associate professor of philosophy at the University of Massachusetts at Lowell. He recently coauthored a book called "Drone Warfare" with Sarah Kreps, an associate professor in the Department of Government at Cornell University. Edited excerpts follow. Recommended: Can you pass the written police officer exam? Selinger: **Why is the American public more concerned** about the government using drones for domestic surveillance than putting the technology to military use abroad? PHOTOS OF THE DAY Photos of Memorial Day weekend Kaag: **The first reason has to do with the legal and political origins** of the United States. US citizens know – quite rightly – that the country was set up in such a way, at least in theory, **to protect its citizens from the abuse of governmental power.** Most of us have internalized some version of the Fourth Amendment that prohibits the government from conducting searches of citizens without probable cause and requires a court to issue a warrant prior to a search commencing. **The abuse of domestic drone surveillance would violate this amendment, and so Americans are quick to get their hackles up.** Using drones in targeted killings abroad is different. There's a sense – again, an accurate one –

that the laws of war are different than the domestic laws that govern a nation. Get Monitor cybersecurity news and analysis delivered straight to your inbox. Follow Passcode That said, we should worry about Americans not caring about the targeted killing program. Lethal drone strikes are described as precise and “clean” – much cleaner than traditional forms of warfare. The public can use this reassurance to assuage its moral concerns and direct its attention to more immediate, if not more morally pressing, issues at home. If you have to decide between confronting injustice in your backyard and addressing injustices half a world away, the backyard, for better or for worse, gets cleaned up first. In this case, I think it’s for the worse. Selinger: Why has Congress pushed for more oversight on the government using drones for domestic surveillance than international military missions? Kaag: There’s a simple answer to this question. It can. **Once Congress approves** the Authorization of Use of Military Force (AUMF), an extension of the **War Powers** Resolution, **it has relatively little authority over the actions taken by the executive** in military actions abroad. Historically, most armed conflicts were initiated by a declaration of war. Not so anymore. When President Obama ordered strikes to be carried out against ISIS in fall of 2014, he cited the “authority” granted by the AUMF in 2001. But that authorization was made against Al Qaeda, not ISIS, and these two organizations are largely rivals. So, **an extension of presidential power has occurred, and Congress has little power to curtail it. At the same time, Congress has considerably more oversight over domestic matters, and members of Congress have been consistently pushed by their constituents to oversee the FBI and other government agencies to secure their constitutional rights.**

It’s a war power under the AUMF

Professor Dale Carpenter, February 2006, Professor University of Minnesota, Presidential Powers in Time of War,
http://www.law.umn.edu/uploads/wE/aa/wEaa1g7XB6j0QyoOhoFpYw/Presidential_Powers_exchange_Paulsen_Kitrosser_Carpenter.pdf

THE PRESIDENT’S POWER to authorize warrantless surveillance of communications in the United States must come, if it exists at all, from either (1) a power lawfully given him by Congress, or (2) a **power he unilaterally and irrevocably enjoys under the Constitution.** (1) FISA forbids electronic surveillance of communications in the United States unless approved by a court. By its own terms, FISA is the “exclusive means by which electronic surveillance...may be conducted.” (18 U.S.C. Sec. 2511[2][f].) It covers the field. Except as allowed under FISA, such surveillance is criminal. The statute is not ambiguous on this point, so there is no reason to invoke the constitutional avoidance canon of statutory construction to read it some other way. The Justice Department appears to concede that the NSA program is not affirmatively authorized by FISA procedures. Instead, it contends that **Congress authorized warrantless surveillance, despite FISA, in the Authorization for Use of Military (AUMF) force of Sept. 18, 2001.** It’s true that **the AUMF gives the president fairly broad power to respond with force to the terrorist attacks** of Sept. 11, 2001. (One consequence of the administration’s aggressive claims of power under the AUMF is that future Congresses may be more careful—even too careful—in future force authorizations.) But two qualifications count against the DoJ’s argument.

Independently, legislative restrictions send signal of an unsupportive public – undercuts credibility of US resolve

Howell 13 - Professor of American Politics at the University of Chicago

(William G, "Count on Congress," <http://www.foreignaffairs.com/articles/139890/william-g-howell/count-on-congress>)

The first concerns Congress' continuing relevance in military decision-making. Many analysts have long written it off. And to a certain extent, they have been right to do so. **When it comes to foreign policy generally, and military action in particular, the president enjoys extraordinary power:** power to unilaterally advance his own agenda; power with the public, which looks to him to chart foreign policy; and informational power, which allows the president to structure the terms and direction of any accompanying debate. Congress, meanwhile, can seem hamstrung and all but useless. The multiple veto points, partisan polarization, and pervasive gridlock predictably impede and distort even the most sober efforts to address real-world challenges. ¶ **Even so, in the domestic politics of war-making, it would be unwise to count Congress out.** Obama did not have to seek congressional approval for military action in retaliation for the Assad regime's recent alleged use of chemical weapons against his own people. But he did. And that was a prudent choice. ¶ The advantages of consent will mostly matter in retrospect, not in the run-up to war. That is because, if Congress approves the military action, it cannot as easily criticize its effects. Just ask Secretary of State John Kerry, who stumbled through the 2004 campaign for the presidency trying to explain why he was for the Iraq War before he was against it. In the aftermath of a military action, members of Congress can use hearings, investigations, floor debates, and media appearances to make a case that a military venture failed outright or created new problems. In extreme cases, as occurred in the latter stages of the Vietnam War, all this may lay the groundwork for **legislative action against the president.** But **even in the absence of a formal rebuke, congressional criticisms can turn the public against the president** and his party, **signal to U.S. allies and enemies a lack of resolve for continued military action, and upend congressional action on other aspects of the president's policy agenda.**

2NC – Speed Key

Flexibility is key to quick action and intel

Sulmasy, US Coast Guard Academy law faculty, 2009

(Glenn, "Anniversary Contributions: Use of Force: Executive Power: the Last Thirty Year", 30 U. Pa. J. Int'l L. 1355, lexis)

Since the attacks of 9/11, the original concerns noted by Hamilton, Jay, and Madison have been heightened. Never before in the young history of the United States has the need for an energetic executive been more vital to its national security. The need for quick action in this arena requires an executive response - particularly when fighting a shadowy enemy like al Qaeda - not the deliberative bodies opining on what and how to conduct warfare or determining how and when to respond. The threats from non-state actors, such as al Qaeda, make the need for dispatch and rapid response even greater. Jefferson's concerns about the slow and deliberative institution of Congress being prone to informational leaks are even more relevant in the twenty-first century. The advent of the twenty-four hour media only leads to an increased need for retaining enhanced levels of executive [*1362] control of foreign policy. This is particularly true in modern warfare. In the war on international terror, intelligence is vital to ongoing operations and successful prevention of attacks. Al Qaeda now has both the will and the ability to strike with the equivalent force and might of a nation's armed forces. The need to identify these individuals before they can operationalize an attack is vital. Often international terror cells consist of only a small number of individuals - making intelligence that much more difficult to obtain and even more vital than in previous conflicts. The normal movements of tanks, ships, and aircrafts that, in traditional armed conflict are indicia of a pending attack are not the case in the current "fourth generation" war. Thus, the need for intelligence becomes an even greater concern for the commanders in the field as well as the Commander-in-Chief.¶ Supporting a strong executive in foreign affairs does not necessarily mean the legislature has no role at all. In fact, their dominance in domestic affairs remains strong. Additionally, besides the traditional roles identified in the Constitution for the legislature in foreign affairs - declaring war, ratifying treaties, overseeing appointments of ambassadors, etc. - this growth of executive power now, more than ever, necessitates an enhanced, professional, and apolitical oversight of the executive. An active, aggressive oversight of foreign affairs, and warfare in particular, by the legislature is now critical. Unfortunately, the United States - particularly over the past decade - has witnessed a legislature unable to muster the political will necessary to adequately oversee, let alone check, the executive branch's growing power. Examples are abundant: lack of enforcement of the War Powers Resolution about the executive's unchecked invasions of Grenada, Panama, and Kosovo, and such assertions as the Authorization for the Use of Military Force, the USA Patriot Act, military commissions, and the updated Foreign Intelligence Surveillance Act ("FISA"). There have been numerous grand-standing complaints registered in the media and hearings over most, if not all, of these issues. However, in each case, the legislature has all but abdicated their constitutionally mandated role and allowed the judicial branch to serve as the only real check on alleged excesses of the executive branch. This deference is particularly dangerous and, in the current environment of foreign affairs and warfare, tends to unintentionally politicize the Court.¶ The Founders clearly intended the

political branches to best serve the citizenry by functioning as the dominant forces in [*1363] guiding the nation's foreign affairs. They had anticipated the political branches to struggle over who has primacy in this arena. In doing so, they had hoped neither branch would become too strong. The common theme articulated by Madison, ambition counters ambition, n17 intended foreign affairs to be a "give and take" between the executive and legislative branches. However, inaction by the legislative branch on myriad policy and legal issues surrounding the "war on terror" has forced the judiciary to fulfill the function of questioning, disagreeing, and "checking" the executive in areas such as wartime policy, detentions at Guantanamo Bay, and tactics and strategy of intelligence collection. The unique nature of the conflict against international terror creates many areas where law and policy are mixed. The actions by the Bush administration, in particular, led to outcries from many on the left about his intentions and desire to unconstitutionally increase the power of the Presidency. Yet, the Congress never firmly exercised the "check" on the executive in any formal manner whatsoever.¶ For example, many policymakers disagreed with the power given to the President within the Authorization to Use Military Force ("AUMF"). n18 Arguably, this legislation was broad in scope, and potentially granted sweeping powers to the President to wage the "war on terror." However, Congress could have amended or withdrawn significant portions of the powers it gave to the executive branch. This lack of withdrawal or amendment may have been understandable when Republicans controlled Congress, but as of November 2006, the Democrats gained control of both houses of the Congress. Still, other than arguing strongly against the President, the legislature did not necessarily or aggressively act on its concerns. Presumably this inaction was out of concern for being labeled "soft on terror" or "weak on national security" and thereby potentially suffering at the ballot box. This virtual paralysis is understandable but again, the political branches were, and remain, the truest voice of the people and provide the means to best represent the country's beliefs, interests, and national will in the arena of foreign affairs. It has been this way in the past but the more recent (certainly over the past thirty years and even more so in the past decade) intrusions of the judicial branch into what [*1364] was intended to be a "tug and pull" between the political branches can properly be labeled as an unintended consequence of the lack of any real legislative oversight of the executive branch.¶ Unfortunately, now nine unelected, life-tenured justices are deeply involved in wartime policy decision making. Examples of judicial policy involvement in foreign affairs are abundant including *Rasul v. Bush*; n19 *Hamdi v. Rumsfeld*; n20 *Hamdan v. Rumsfeld*; n21 as well as last June's *Boumediene v. Bush* n22 decision by the Supreme Court, all impacting war policy and interpretation of U. S. treaty obligations. Simply, judges should not presumptively impact warfare operations or policies nor should this become acceptable practice. Without question, over the past thirty years, this is the most dramatic change in executive power. It is not necessarily the strength of the Presidency that is the change we should be concerned about - the institutional search for enhanced power was anticipated by the Founders - but they intended for Congress to check this executive tendency whenever appropriate. Unfortunately, this simply is not occurring in twenty-first century politics. Thus, the danger does not necessarily lie with the natural desire for Presidents to increase their power. The real danger is the judicial branch being forced, or compelled, to fulfill the constitutionally mandated role of the Congress in checking the executive.¶ 4. PRESIDENT OBAMA AND EXECUTIVE POWER¶ The Bush presidency was, and continues to be, criticized for having a standing agenda of increasing the

power of the executive branch during its eight-year tenure. Numerous articles and books have been dedicated to discussing these allegations. n23 However, as argued earlier, the reality is that it is a natural bureaucratic tendency, and one of the Founders presciently anticipated, that each branch would seek greater powers whenever and wherever possible. As the world becomes increasingly interdependent, technology and armament become more sophisticated, and with [*1365] the rise of twenty-first century non-state actors, the need for strong executive power is not only preferred, but also necessary. Executive power in the current world dynamic is something, regardless of policy preference or political persuasions, that the new President must maintain in order to best fulfill his constitutional role of providing for the nation's security. This is simply part of the reality of executive power in the twenty-first century. n24

Speed is key to the strategic advantage key to solve global crises and maintain leadership

Berkowitz, RAND senior analyst, 2008

(Bruce, *Strategic Advantage: Challengers, Competitors, And Threats To America's Future*, pg 1-4)

THIS BOOK is intended to help readers better understand the national security issues facing the United States today and offer the general outline of a strategy for dealing with them. National security policy—both making it and debating it — is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice. Yesterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers. Threats are also more likely to be intertwined—proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers. Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat — the Soviet Union — was brittle, most of the potential adversaries and challengers America now faces are resilient. In at least one dimension where the Soviets were weak (economic efficiency, public morale, or leadership), the new threats are strong. They are going to be with us for a long time. As a result, we need to reconsider how we think about national security. The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events.¹ When you hold the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not. As national goals go, “keeping the strategic advantage” may not have the idealistic ring of “making the world safe for democracy” and does not sound as decisively macho as “maintaining American hegemony.” But keeping the strategic advantage is critical, because it is essential for just about everything else America hopes to achieve — promoting freedom, protecting the homeland, defending its values, preserving peace, and so on. The Changing Threat If one needs proof of this new, dynamic environment, consider the recent record. A search of the media during the past fifteen years suggests that there were at least a dozen or so events that were considered at one time or another the most pressing national security problem facing the United States — and thus the organizing concept for U.S. national security. What is most interesting is how varied and

different the issues were, and how many different sets of players they involved — and how each was replaced in turn by a different issue and a cast of characters that seemed, at least for the moment, even more pressing. They included, roughly in chronological order, • regional conflicts — like Desert Storm — involving the threat of war between conventional armies; • stabilizing “failed states” like Somalia, where government broke down in toto; • staying economically competitive with Japan; • integrating Russia into the international community after the fall of communism and controlling the nuclear weapons it inherited from the Soviet Union; • dealing with “rogue states,” unruly nations like North Korea that engage in trafficking and proliferation as a matter of national policy; • combating international crime, like the scandal involving the Bank of Credit and Commerce International, or imports of illegal drugs; • strengthening international institutions for trade as countries in Asia, Eastern Europe, and Latin America adopted market economies; • responding to ethnic conflicts and civil wars triggered by the reemergence of culture as a political force in the “clash of civilizations”; • providing relief to millions of people affected by natural catastrophes like earthquakes, tsunamis, typhoons, droughts, and the spread of HIV/AIDS and malaria; • combating terrorism driven by sectarian or religious extremism; • grassroots activism on a global scale, ranging from the campaign to ban land mines to antiglobalization hoodlums and environmentalist crazies; • border security and illegal immigration; • the worldwide ripple effects of currency fluctuations and the collapse of confidence in complex financial securities; and • for at least one fleeting moment, the safety of toys imported from China. There is some overlap in this list, and one might want to group some of the events differently or add others. The important point, however, is that when you look at these problems and how they evolved during the past fifteen years, you do not see a single lesson or organizing principle on which to base U.S. strategy. Another way to see the dynamic nature of today's national security challenges is to consider the annual threat briefing the U.S. intelligence community has given Congress during the past decade. These briefings are essentially a snapshot of what U.S. officials worry most about. If one briefing is a snapshot, then several put together back to back provide a movie, showing how views have evolved.² Figure 1 summarizes these assessments for every other year between 1996 and 2006. It shows when a particular threat first appeared, its rise and fall in the rankings, and in some cases how it fell off the chart completely. So, in 1995, when the public briefing first became a regular affair, the threat at the very top of the list was North Korea. This likely reflected the crisis that had occurred the preceding year, when Pyongyang seemed determined to develop nuclear weapons, Bill Clinton's administration seemed ready to use military action to prevent this, and the affair was defused by an agreement brokered by Jimmy Carter. Russia and China ranked high as threats in the early years, but by the end of the decade they sometimes did not even make the list. Proliferation has always been high in the listings, although the particular countries of greatest concern have varied. Terrorism made its first appearance in 1998, rose to first place after the September 11, 2001, terrorist attacks, and remains there today. The Balkans appeared and disappeared in the middle to late 1990s. A few of the entries today seem quaint and overstated. Catastrophic threats to information systems like an “electronic Pearl Harbor” and the “Y2K problem” entered the list in 1998 but disappeared after 2001. (Apparently, after people saw an airliner crash into a Manhattan skyscraper, the possible loss of their Quicken files seemed a lot less urgent.) Iraq first appeared in the briefing as a regional threat in 1997 and was still high on the list a decade later—though, of course, the Iraqi problem in the early years

(suspected weapons of mass destruction) was very different from the later one (an insurgency and internationalized civil war). All this is why the United States needs agility. It not only must be able to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources.

Internal Link – Spillover

Spills-over to collapse prez powers

Klukowski 11 (Kenneth, Research Fellow, Liberty University School of Law; Fellow and Senior Legal Analyst, American Civil Rights Union; National-Bestselling Author. George Mason University School of Law, J.D. 2008; University of Notre Dame, B.B.A. 1998, "MAKING EXECUTIVE PRIVILEGE WORK: A MULTI-FACTOR TEST IN AN AGE OF CZARS AND CONGRESSIONAL OVERSIGHT" 2011, 59 Clev. St. L. Rev. 31)

VI. CONCLUSION Most controversies between Congress and the White House over information are decided more by politics than by law, and so a settlement is usually reached favoring the party with the public wind to its back. n348 Questions of law should not be decided in that fashion. Therefore, **the reach and scope of executive privilege should be settled** by the courts in such situations, **so that the President's power is not impaired** whenever the political wind is in the President's face and at his opponents' backs, or the President is inappropriately shielded when political tides flow in his favor. While the best outcome in any interbranch dispute is the political branches reaching a settlement, "such compromise may not always be available, or even desirable." n349 It is not desirable where **it sets a precedent that degrades one of the three branches of government. If one branch of government demands something to which it is not constitutionally entitled** and that the Constitution has fully vested in a coequal branch, **the vested branch should not be required to negotiate** on the question. Negotiation usually involves compromise. **This negotiation would often result in one branch needing to cede to the other, encouraging additional unconstitutional demands in the future.** Though this may perhaps be a quicker route to a resolution, **it disrupts the constitutional balance in government.** As the Supreme Court has recently explained, "convenience and efficiency are not the primary objectives--or the hallmarks--of democratic government." n350 President Reagan declared that "you aren't President; you are temporarily custodian of an institution, the Presidency. And you don't have any right to do away with any of the prerogatives of that institution, and one of those is executive privilege. And this is what was being attacked by the Congress." n351 Thus, **any White House has the obligation to fight to protect executive privilege**, and the courts should draw the line to preserve that constitutional prerogative. Likewise, there are times when it is the President who is refusing to give Congress its due under the Constitution, where Congress must assert its prerogatives for future generations. Conversely, where confidentiality is not warranted, courts must ensure public disclosure and accountability.

Even small incursions on presidential authority threaten the unitary executive

Calabresi and Yoo 2008 [Stephen G., Law Professor at Northwestern; Christopher S., professor of Law, Communication, and Computer and Information Science at the University of Pennsylvania Law School, and founding director of the Center for Technology, Innovation, and Competition, *The Unitary Executive: Presidential Power From Washington to Bush*, Yale University Press, 2008, p.9 //wyo-sc]

Second, we believe that President George W. Bush and **all future presidents should recognize the existence of a strong, internal, executive branch precedent, established over the entire history of our republic, whereby all forty-three presidents have always resisted** serious

incursions on the principle of the unitary executive. For this reason, President Clinton was right to let the independent counsel law expire without his support in June 1999, and President George W. Bush was right to insist on broad removal power over the newly created Department of Homeland Security. Future presidents should veto statutes presented to them that infringe upon the unitariness of the executive, and they should enforce such statutes as are already on the books with the greatest circumspection.

Notes

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Uniqueness- Presidential powers high now- XOs on immigration, climate change, and minimum wage

Payne 14 (Sebastian Payne, national reporter with The Washington Post, the Post's 35th Laurence Stern fellow, "How Obama has used executive powers compared to his predecessors", <http://www.washingtonpost.com/blogs/the-fix/wp/2014/07/10/how-obama-has-used-executive-powers-compared-to-his-predecessors/>, 7/10/14, 7/6/15, MEM)

But how far-reaching have Obama's orders and actions been and how do they compare to what other presidents have done? **On immigration, the president has signed orders to halt the deportation** of those who came to the United States when they were young, those who care for children and those who haven't committed crimes. He's also started to allow some relatives of U.S. service members living here illegally to stay. There's more to come, as the president promised in January to take significant executive action on immigration and border security, but nothing has actually happened yet. **Obama has also signed far reaching orders on climate change** in November 2013 – forcing power plants to cut their emissions by 30 percent by 2030 – which will be much discussed in this year's elections. **The president has instigated 23 separate executive orders on gun control**, which have made information about mental illnesses available in background checks and expanded research into causes of gun violence. Obama has promised two new executive actions on gun control but again, there's no sign of them. Through his executive powers, Obama has slowly extended the rights for same-sex couples and **raised the minimum wage for federal workers to \$10.10**. But for all the accusations of abuse of power, **his actual uses of his executive authority so far aren't that far-reaching**: Not so much the smack of firm government, more nudging in a certain direction. George W. Bush for example managed to gut the Presidential Records Act (greatly reducing access to presidential records), limit federal funding for stem cell research and sidestep the Geneva Convention on interrogation techniques -- all through executive orders, even when he had Congress on his side. Interestingly, all of these orders were later rescinded by Obama.

Link- Legislative interference caused by the aff ensures a decrease in executive power for Obama

Gonzales and Kohl 6 [Alberto R. Gonzales was the 80th United States Attorney General, appointed in February 2005 by President George W. Bush, becoming the highest-ranking Hispanic-American in Executive Branch government to date. Herbert H. "Herb" Kohl is an American businessman and politician. He is a former United States Senator from Wisconsin and a member of the Democratic Party http://fas.org/irp/congress/2006_hr/nsasurv.html "WARTIME EXECUTIVE POWER AND THE NATIONAL SECURITY AGENCY'S SURVEILLANCE AUTHORITY"] (Vaibhav)

Attorney General Gonzales. Yes, Senator. Senator Kohl. Mr. Attorney General, if applying to the secret FISA Court is too burdensome, then would you agree to after-the-fact review by the FISA Court and by Congress of the wiretaps used specifically in this program? At least in this way we can ensure going forward that the authority will never be abused by this or any other President?

Attorney General Gonzales. Senator, obviously, we want to ensure that there are no abuses. The President has said we are happy to listen to your ideas about legislation. There is concern, however, that, of course, the legislative process may result--first of all, **of course, we believe the President already has the authority and legislation is not necessary here. But the legislative process may result in restrictions upon the President's--attempted restrictions upon the President's inherent constitutional authority. He may not be able to protect the country in the way that he believes he has the authority to do under the Constitution.** And then, finally, of course, the legislative process is one where it is pretty difficult to keep certain information confidential, again, because if you are talking about amending FISA, there are many aspects of FISA that make sense to me, they work well. Again, **you are talking about--**if you are talking about **domestic surveillance** during peacetime, I think having the kind of restrictions that are in FISA makes all the sense in the world. And so you are probably talking about a very narrowly tailored, focused amendment in FISA. And, again, I am not the expert on legislation, but we are talking potentially a very narrow- focused amendment of FISA. And I think I am concerned that that process will inform our enemies about what we are doing and how we are doing it.

Focus on too many issues spread executive powers too thin

Mayer 07 (Kenneth R. Mayer, professor Department of Political Science at Wisconsin-Madison University, author of "With the Stroke of a Pen: Executive Orders and Presidential Power", <http://pup.princeton.edu/chapters/s7095.html>, 8/7/07, 7/7/15, MEM)

Presidential Power stressed the weakness of the president's legal authority, emphasizing the difficulties **of acting unilaterally in a system of separated powers, institutional decentralization,** and **competition with other actors** with their own independent sources of power.⁸⁰ This weakness is aggravated by the gulf between what the public expects of the presidency and what occupants can deliver, and the collapse of traditional political structures--especially political parties--that once gave stability and efficacy to presidential leadership. **The perceived disintegration of one presidency after another--**Johnson (Vietnam), Nixon (Watergate), Ford (Nixon's pardon, recession), Carter (just about everything), Reagan (Iran-Contra), Bush (recession), and Clinton (impeachment)--has **led to the conclusion that "the American political system now produces failed presidencies as the norm rather than the exception."**⁸¹ The changes wrought by television and the **proliferation of interest groups, the decline in U.S. international hegemony after the cold war, the confrontational style of media coverage of the presidency, congressional assertiveness, divided government, a bloated bureaucracy, and persistent budget deficits** combine to **place the presidency "under siege," incapable of governing** except under the most extraordinary circumstances.⁸²

Executive powers high now and key to sustain Heg

Tushnet 15 (Mark Tushnet, William Nelson Cromwell Professor of Law at Harvard Law School, attended Yale Law, Yale, and Harvard Law, "The Presidential Empire", <https://www.dissentmagazine.org/article/the-presidential-empire>, Spring 2015, 7/1/15, MEM) As with the National Surveillance State, so with Presidential Administration: **presidents** ground their actions in existing statutes but they **are** also **bypassing the current Congress and relying on what past Congresses have done.** Here too some of their interpretations are quite creative, almost necessarily so in light of the fact that presidents use old statutes to deal with new

problems. “Creative”—it should also be noted—doesn’t always mean unlawful. Courts are more active in examining whether Presidential Administration is lawful than with the National Surveillance State, but here too the legal rules give the president a lot of leeway. The House, for example, has threatened to sue Obama for some of the small ACA waivers that he has enacted during his tenure, but few constitutional scholars think that the suit has any chance of success. Presidential Administration and the National Surveillance State are almost certainly here to stay because they arise from the persistent quagmire of congressional politics and our hegemonic tendencies in foreign policy. These conditions will change only in the face of new political mobilizations around these two issues. At present it seems to me unlikely that we will see popular mobilizations strong enough to destabilize the consensus around the need for the National Surveillance State. Mobilizing partisans to produce a unified government in which Presidential Administration is replaced by collaboration between the president and Congress seems somewhat more likely. What domestic policies that collaboration would yield depends, of course, on whether Democrats or Republicans are in control.

Great power war

Zhang et al., Carnegie Endowment researcher, 2011

(Yuhan, “America’s decline: A harbinger of conflict and rivalry”, 1-22, <http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/>, ldg)

*no one can challenge USA and attack us

*bandwagon so they don’t just attack USA but USA and squad

*without hegemony there will be trade blocs and regional power wars

This does not necessarily mean that the US is in systemic decline, but it encompasses a trend that appears to be negative and perhaps alarming. Although the US still possesses incomparable military prowess and its economy remains the world’s largest, the once seemingly indomitable chasm that separated America from anyone else is narrowing. Thus, the global distribution of power is shifting, and the inevitable result will be a world that is less peaceful, liberal and prosperous, burdened by a dearth of effective conflict regulation. Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear, many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. However, as the hegemony that drew these powers together withers, so will the pulling power behind the US alliance. The result will be an international order where power is more diffuse, American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid. As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America’s emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain

'rules the waves.' Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere's security to become the order-creating Leviathan shaping the international system with democracy and rule of law. Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations. However, what will happen to these advances as America's influence declines? Given that America's authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way. Public imagination and academia have anticipated that a post-hegemonic world would return to the problems of the 1930s: regional blocs, trade conflicts and strategic rivalry. Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations. For example, Europe and East Asia would each step forward to fill the vacuum left by Washington's withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy. Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973). A world without American hegemony is one where great power wars re-emerge, the liberal international system is supplanted by an authoritarian one, and trade protectionism devolves into restrictive, anti-globalisation barriers. This, at least, is one possibility we can forecast in a future that will inevitably be devoid of unrivalled US primacy.

2NC Overview

Uniqueness

2NC Uniqueness Wall

A. Specifically true with surveillance

JAMES RISEN, 08, an American journalist for The New York Times who previously worked for the Los Angeles Times

[http://topics.nytimes.com/top/reference/timestopics/people/r/james_risen/index.html?inline=nyt-per,](http://topics.nytimes.com/top/reference/timestopics/people/r/james_risen/index.html?inline=nyt-per)

When he takes office, **Mr. Obama will inherit greater power in domestic spying power than any other new president in more than 30 years**, but he may find himself in an awkward position as he weighs how to wield it. As a presidential candidate, he condemned the N.S.A. operation as illegal, and threatened to filibuster a bill that would grant the government expanded surveillance powers and provide immunity to phone companies that helped in the Bush administration's program of wiretapping without warrants. But Mr. Obama switched positions and ultimately supported the measure in the Senate, angering liberal supporters who accused him of bowing to pressure from the right. Advisers to Mr. Obama appear divided over whether he should push forcefully to investigate the operations of the wiretapping program, which was run in secret from September 2001 until December 2005. Mr. **Obama recently started receiving classified briefings on intelligence operations** from Mike McConnell, the director of national intelligence. The Obama transition team declined to say whether Mr. Obama had been briefed on the agency's eavesdropping operations. His transition team also declined requests to discuss his current views on domestic surveillance or how his administration would respond to legal challenges growing out of it. But there has been no shortage of debate among lawyers involved in the challenges to the program. "I don't think President-elect Obama embraces Dick Cheney's theory of unfettered presidential power," said Jon B. Eisenberg, a San Francisco lawyer involved in one lawsuit against the wiretapping program. "So if President-elect Obama doesn't embrace that theory, one would expect a change in the direction of how the new administration handles this litigation." But other legal and political analysts suggest that Mr. Obama, as president, may be more willing to accept the broadened presidential powers that he once condemned as a candidate, particularly since Congress has approved expanded surveillance powers for the government. In the proposal in June that Mr. Obama ultimately voted to support, **Congress set up a new surveillance framework that gave intelligence officials much broader authority to eavesdrop on international communications** without prior court approval. One of the first clues of how the Obama administration will deal with the issue of domestic surveillance may come in a court case in Alexandria, Va., where a judge has ordered the Justice Department to turn over material from the National Security Agency and other intelligence agencies on possible eavesdropping on Ali al-Timimi, an Islamic leader convicted of supporting terrorism. The Justice Department has never acknowledged that it has used intercepts from the N.S.A. program in any criminal or civil case, which could be unlawful because the wiretaps were conducted without court warrants. Mr. Timimi has claimed that he did not get a fair trial because prosecutors secretly used N.S.A. wiretaps in his case, and he also argues that the government has turned over to the court only intercepted conversations that make him look guilty, while withholding those that might prove he is innocent. **A recently unsealed transcript, citing a closed hearing, strongly suggests that the wiretaps were used in Mr. Timimi's criminal trial.**

B. Jerusalem proves

Adler 6/8 (Jonathan H. Adler, an American legal commentator and law professor at the Case Western Reserve University School of Law, “A major victory for executive power at the Supreme Court”, <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/06/08/a-major-victory-for-executive-power-at-the-supreme-court/>, 6/8/15, 7/6/15, MEM)

On Monday, in *Zivotovsky v. Kerry*, the Supreme Court held that Congress may not require the State Department to designate “Israel” as the place of birth for American citizens born in Jerusalem. It is a long-standing policy of the executive branch to simply list “Jerusalem” as the place of birth, as the United States has not officially recognized Israel’s claim over the disputed territory. Congress, however, disagreed and passed a statute attempting to trump the State Department’s position. *Zivotovsky* is a significant win for the executive branch, for reasons Jack Goldsmith explains at the LawfareBlog: It is very unusual for the Court to give the President a victory in defiance of a congressional restriction, a context that Justice Jackson described in his famous *Youngstown* concurrence as the “lowest ebb” of presidential power. And it is literally unprecedented for the Court to do so in the foreign relations context, as the Chief Justice noted in the first sentence of his dissent. This is one important feature of the case. ... as Justice Scalia noted, the reasoning in the opinion — especially its “functional considerations” in support of the exclusive recognition power — sweeps beyond the holding. ... Until today **the Executive branch** never possessed a judicial precedent that embraced its many functional arguments for presidential primacy in a decision that holds that the president can disregard a foreign affairs statute. **Now** it does **possess** such a precedent — a precedent with broad reasoning and **a good deal of pro-Executive dicta**. This precedent thus **gives executive branch lawyers much more powerful ammunition** than before in deciding whether to disregard foreign relations statutes in contexts that never reach courts for review.

C. Congress doesn’t care about illegal warfare

Cooper 15 (Ryan Cooper, a national correspondent at The Week, The Week, “Obama's war-powers farce: If you want to limit presidential power, don't start illegal wars”, <http://theweek.com/articles/539263/obamas-war-powers-farce-want-limit-presidential-power-dont-start-illegal-wars>, 3/4/15, 7/6/15, MEM)

Finally, there's the political reality. Congressional restrictions on presidential power are only as good as Congress' willingness to act when the restrictions are breached. And right now there is approximately **zero reason** to think that **Congress gives a crap about illegal war**. In response to Libya, Congress should have threatened to remove him from office. But the best it could do was offer some annoyed muttering, which lapsed into virtual silence by the time Obama turned to the Islamic State. In other words, in today's political climate, Obama is basically asking for the authority to start war against anyone who's watched an Islamic State video. Indeed, the main axis of debate is whether the proposed authority is broad enough. Except for Sen. Rand Paul, **Republicans are** basically **fine with Obama being able to make war** wherever he wants. So **until Congress starts** caring about **fulfilling its constitutional prerogatives**, lawmakers might as well save their breath when it comes to new authorizations.

D. Healthcare

Leonard 6/25 (Kimberly Leonard, a health care reporter for the News division at U.S. News, US News, “Supreme Court Upholds Obamacare Subsidies”,

<http://www.usnews.com/news/articles/2015/06/25/supreme-court-upholds-obamacare-subsidies-in-king-v-burwell>, 6/25/15, 7/6/15, MEM)

The Supreme Court on Thursday upheld one of the main tenets of President Barack Obama's health care law, ruling 6-3 that millions of Americans are entitled to keep the tax subsidies that help them afford insurance. Chief Justice John Roberts wrote the court's majority opinion and was joined by Justices Anthony Kennedy, Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan. The ruling, the second case in which the justices have decided in favor of the Affordable Care Act, preserves benefits for an estimated 6.4 million Americans and deals a crippling blow to the law's Republican opponents, who have attempted to undermine it since its passage in 2010. King v. Burwell centered on whether plaintiffs' arguments that middle- and low-income adults who purchased health insurance through the federally run Healthcare.gov marketplace were entitled to subsidies based on the language of the law that says tax credits are only to be distributed for marketplaces "established by the state." The law's architects countered that subsidies were always meant to be distributed through both channels, and that the goal of the law was to cover all Americans. The Supreme Court agreed. Acknowledging plaintiffs' contention that the language in the statute is "ambiguous," Roberts nevertheless said their interpretation of the law "would destabilize the individual insurance market in any State with a Federal Exchange, and likely create the very 'death spirals' that Congress designed the Act to avoid." "The combination of no tax credits and an ineffective coverage requirement could well push a State's individual insurance market into a death spiral," the chief justice wrote. "It is implausible that Congress meant the Act to operate in this manner. Congress made the guaranteed issue and community rating requirements applicable in every State in the Nation. But those requirements only work when combined with the coverage requirement and the tax credits. So it stands to reason that Congress meant for those provisions to apply in every State as well."

Link

2NC Link Wall

A. Theories

Collins '04 [Jason Collins, JD Candidate @ University of Connecticut School of Law, "A Republic of Emergencies: Martial Law in American Jurisprudence" Connecticut Law Review, 36 Conn. L. Rev. pg. 1432-1433] (Vaibhav)

The opinion that has had greatest influence, however, is not Black's majority opinion, but Justice Jackson's concurrence.³⁰² Jackson set forth the framework by which courts would examine the use of emergency powers in the years to come. ³⁰³ At the heart of Jackson's theory of separation of powers was relativity—that **presidential powers fluctuate depending upon their juxtaposition with those of Congress**.³⁰⁴ Jackson deduced three categories which determined the degree of the President's authority under the Constitution to implement emergency measures.³⁰⁵ The **first involved an executive action pursuant to an express or implied authorization from Congress**.³⁰⁶ Under these circumstances, **presidential power was at its height, "for it includes all that he possesses in his own right plus all that Congress can delegate."**³⁰⁷ The Court would bestow congressional executive cooperation with "the strongest of presumptions and the widest latitude of judicial interpretation."³⁰⁸ The **second situation entailed an action in which the President and Congress had concurrent authority, yet Congress was silent on the matter**.³⁰⁹ Here, the President could bring only the executive's independent powers to bear, on which the emergency measure would stand or fall.³¹⁰ The **third category addressed those presidential actions which were in direct contravention with the express or implied will of Congress**.³¹¹ Such acts represented the lowest constitutional authority of the President, subject to scrutiny by the courts.³¹² Jackson placed Truman's seizure in the third category because Congress had considered, and rejected, an amendment in the Taft-Hartley Act that would have provided for exactly that which Executive Order No. 10340 sought to accomplish.³¹³ Thus, Jackson concurred in the majority's decision without endorsing Black's rationale.

B. Empirically true with surveillance

Gonzales and Kohl 6 [Alberto R. Gonzales was the 80th United States Attorney General, appointed in February 2005 by President George W. Bush, becoming the highest-ranking Hispanic-American in Executive Branch government to date. Herbert H. "Herb" Kohl is an American businessman and politician. He is a former United States Senator from Wisconsin and a member of the Democratic Party http://fas.org/irp/congress/2006_hr/nsasurv.html "WARTIME EXECUTIVE POWER AND THE NATIONAL SECURITY AGENCY'S SURVEILLANCE AUTHORITY"] (Vaibhav)

When the **Foreign Intelligence Surveillance Act was passed, that language was stricken**. So by all customary standards of statutory interpretation, FISA, the Foreign Intelligence Surveillance Act, changed that 180 degrees, didn't it? Attorney General Gonzales. **There is no question, if you look at the legislative history and the record, that Congress intended to try to limit whatever the President's inherent authority existed**. But there is also from my review of the record a clear indication that some Members of Congress were concerned about the constitutionality of this effort.

C. Legislative interference on surveillance can decrease the executive power for Obama

Buttar 15 [Shahid Buttar is a constitutional lawyer, electronic musician, grassroots organizer and executive director of the Bill of Rights Defense Committee. Mary 26, 2015 <http://www.truth-out.org/news/item/30976-senate-starts-to-rethink-mass-surveillance-checking-executive-spying-power> Senate Moves to Check Executive Spying Power] (Vaibhav)

It's a good thing that a bipartisan measure, the Surveillance State Repeal Act (HR 1466), is poised to do exactly that. Rep. Mark Pocan (D-Wisconsin) and Rep. Thomas Massie (R-Kentucky) introduced the SSRA to force the agencies to justify the expansion of any powers from a constitutional baseline, rather than one contrived by a decade of executive lies. Congress has long abandoned its role of checking and balancing runaway executive power, but the Senate's recent vote suggests an overdue awakening. Members should heed the political wind, and embrace bipartisan calls for aggressive limits as the starting point for comprehensive surveillance reform.

D. Justices agree with this

Richard Henry Seamon 7 [Professor, University of Idaho College of Law <http://www.hastingsconlawquarterly.org/archives/V35/I3/seamon.pdf> "Domestic Surveillance for International Terrorists: Presidential Power and Fourth Amendment Limits"] (Vaibhav)

The most authoritative opinion from *Youngstown* has come to be, not the majority's opinion, but Justice Jackson's concurrence.⁷⁴ In his concurrence, Justice Jackson set out a three-part framework for analyzing the President's power.⁷⁵ The framework reflects the interdependence of the President and Congress in certain matters, including war.⁷⁶ Under the first part of the framework, the President's power is "at its maximum" when he or she acts with the express or implied authorization of Congress.⁷⁷ In this first situation, the President has "all [of the power] that he [or she] possesses in his [or her] own right plus all that Congress can delegate."⁷⁸ The second part of the framework applies when the President acts with neither congressional approval nor congressional denial of his or her authority. In this second situation, the President "can only rely upon his [or her] own independent powers."⁷⁹ The third part of the framework applies when the President takes action "incompatible with the expressed or implied will of Congress."⁸⁰ In this third situation, the President's power "is at its lowest ebb, for then he [or she] can rely only upon his [or her] own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling Congress from acting upon the subject."⁸¹

E. This is specifically true with the surveillance climate

Yoo 14, <http://blog.constitutioncenter.org/2014/10/surveillance-and-executive-power/> a Korean-American attorney, law professor, and author.

In this excerpt from a paper on the legality of the NSA's bulk collection of phone records, UC Berkeley law professor John Yoo looks at Article II and the President's power to conduct domestic surveillance. As Commander-in-Chief, the President has the constitutional power and the responsibility to wage war in response to a direct attack against the United States. In the Civil War, President Lincoln undertook several actions—raised an army, withdrew money from

the treasury, launched a blockade—on his own authority in response to the Confederate attack on Fort Sumter, moves that Congress and the Supreme Court later approved. During World War II, the Supreme Court similarly recognized that once war began, the President's authority as Commander-in-Chief and Chief Executive gave him the tools necessary to effectively wage war. In the wake of the September 11 attacks, Congress agreed that "the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States," which recognizes the President's authority to use force to respond to al Qaeda, and any powers necessary and proper to that end. Even legal scholars who argue against this historical practice concede that once the United States has been attacked, the President can respond immediately with force. The ability to collect intelligence is intrinsic to the use of military force. It is inconceivable that the Constitution would vest in the President the powers of Commander-in-Chief and Chief Executive, give him the responsibility to protect the nation from attack, but then disable him from gathering intelligence to use the military most effectively to defeat the enemy. **Every evidence of the Framers' understanding of the Constitution is that the government would have every ability to meet a foreign danger.** As James Madison wrote in *The Federalist*, "security against foreign danger is one of the primitive objects of civil society." Therefore, the "powers requisite for attaining it must be effectually confided to the federal councils." After World War II, the Supreme Court declared, **"this grant of war power includes all that is necessary and proper for carrying these powers into execution."** Covert operations and electronic surveillance are clearly part of this authority. During the writing of the Constitution, some Framers believed that the President alone should manage intelligence because only he could keep secrets. Several Supreme Court cases have recognized that the President's role as Commander-in-Chief and the sole organ of the nation in its foreign relations must include the power to collect intelligence. These authorities agree that intelligence rests with the President because its structure allows it to act with unity, secrecy, and speed. Presidents have long ordered electronic surveillance without any judicial or congressional participation. More than a year before the Pearl Harbor attacks, but with war clearly looming with the Axis powers, President Franklin Roosevelt authorized the FBI to intercept any communications, whether wholly inside the country or international, of persons "suspected of subversive activities against the Government of the United States, including suspected spies." FDR was concerned that "fifth columns" could wreak havoc with the war effort. "It is too late to do anything about it after sabotage, assassinations and 'fifth column' activities are completed," FDR wrote in his order. FDR ordered the surveillance even though a federal law at the time prohibited electronic surveillance without a warrant. Presidents continued to monitor the communications of national security threats on their own authority, even in peacetime. **If Presidents in times of peace could order surveillance of spies and terrorists, executive authority is only the greater now, as hostilities continue against al Qaeda.**

AT: Zero Sum

Executive/legislative power is zero-sum—increased executive power diminishes the power of Congress

Howell 03 (William, Asst Prof of Gov't @ Harvard, Powers without Persuasion: The Politics of Direct Presidential Action, pg 101) (Vaibhav)

We repeatedly return to a basic theme about **systems of governance defined by their separated powers**: executive power is inversely proportional to legislative strength. **Presidential power expands** at exactly **the same times when**, and precisely the same places that, **congressional power weakens**. The occurrence is hardly coincidental. Indeed, the forces operate in tandem, for it is the check each places on the other that defines the overall division of power.

Presidential/Congressional power is zero-sum

Columbus Dispatch 2/15/06 (lexis)

The Constitution empowers Congress to serve as a check on executive power. Over the years, as **presidents strengthened their powers** in matters of national security and foreign policy, legislative authority has waned.

Internal Link

2NC Brink

Focus on too many issues spread executive powers too thin

Mayer 07 (Kenneth R. Mayer, professor Department of Political Science at Wisconsin-Madison University, author of "With the Stroke of a Pen: Executive Orders and Presidential Power", <http://pup.princeton.edu/chapters/s7095.html>, 8/7/07, 7/7/15, MEM)

Presidential Power stressed the weakness of the president's legal authority, emphasizing the difficulties of acting unilaterally in a system of separated powers, institutional decentralization, and competition with other actors with their own independent sources of power.⁸⁰ This weakness is aggravated by the gulf between what the public expects of the presidency and what occupants can deliver, and the collapse of traditional political structures--especially political parties--that once gave stability and efficacy to presidential leadership. The perceived disintegration of one presidency after another--Johnson (Vietnam), Nixon (Watergate), Ford (Nixon's pardon, recession), Carter (just about everything), Reagan (Iran-Contra), Bush (recession), and Clinton (impeachment)--has led to the conclusion that "the American political system now produces failed presidencies as the norm rather than the exception."⁸¹ The changes wrought by television and the proliferation of interest groups, the decline in U.S. international hegemony after the cold war, the confrontational style of media coverage of the presidency, congressional assertiveness, divided government, a bloated bureaucracy, and persistent budget deficits combine to place the presidency "under siege," incapable of governing except under the most extraordinary circumstances.⁸²

Presidential power used on too many issues risk US credibility and presidential power- Congress fill in

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Consider, as an illustration of this difference in methodological starting point, that for the period of 1946-1975 (during which the exercise of unilateral presidential war powers had its most rapid expansion), the Congressional Research Service compilation of instances in which the United States has conducted military operations abroad to protect U.S. citizens or promote U.S. interests—often relied upon by legal scholars studying war powers—lists only twenty-three incidents.¹²⁵ For the same time period, the Blechman and Kaplan study of political uses of force (usually threats accompanied by some movement of military forces)—often relied upon by political scientists studying U.S. security strategy—includes dozens more data-points, because its authors divide up many military crises into several discrete policy decisions, because many crises were resolved with threat-backed diplomacy, and because many uses of force were preceded by overt or implicit threats of force.¹²⁶ Among the most significant incidents studied by Blechman and Kaplan but not included in the Congressional Research Service compilation are the 1958-1959 and 1961 crises over Berlin and the 1973 Middle East War, during which U.S. Presidents signaled threats of superpower war, and in the latter case signaled particularly a

willingness to resort to nuclear weapons.¹²⁷ Because the Presidents did not in the end carry out these threats, these cases lack the sort of authoritative legal justifications or reactions that accompany actual uses of force. It is therefore difficult to assess definitively how the executive branch and Congress understood the scope of the President's war powers in these cases. Historical inquiry, however, would probably show the executive branch's interpretation to be very broad, even to include full-scale war and even where the main U.S. interest at stake was the very credibility of U.S. defense commitments undergirding its grand strategy, not simply the interests specific to divided Germany and the Middle East region. One might argue that because the threatened military actions were never carried out in these cases, it is impossible to know for sure if the President would have sought congressional authorization or how Congress would have reacted to the use of force. Nonetheless, it is easy to see that in crises like these a threat by the President to use force, having put U.S. credibility on the line in addition to whatever other foreign policy stakes were at issue, would have put Congress in a bind.

Weak enforced view weakens presidential powers

Yoo 13 (John Yoo, Korean-American attorney, law professor, and author. He served as a political appointee, the Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice, UC Berkeley School of Law, "The presidency redefined – Obama weakens it where it should be strong and strengthens it where it should be weak", <https://www.law.berkeley.edu/article/the-presidency-redefined-obama-weakens-it-where-it-should-be-strong-and-strengthens-it-where-it-should-be-weak/>, 3/11/13, 7/7/15, MEM)

Choosing enemy targets and selecting weapons systems thus fall squarely in the executive's docket. Presidents have generally followed the laws of war, which require that militaries discriminate between civilians and combatants and use proportional force to achieve their missions. But now the administration has said, in a Justice Department white paper, that, for the first time in American history, White House advisers are choosing targets in war using criteria developed in the criminal-justice context: whether the enemy's due-process rights allow the use of force, whether capture is feasible, and whether an attack on the United States is imminent. Civil libertarians of the Left and the Right might find comfort in the fact that Obama and his advisers worry about terrorists' rights before they authorize a drone strike. But they should concede that none of it — despite appearing in a Justice Department paper — is required by the law. Under the traditional laws of war, members of the enemy forces are legitimate targets at any time, unless they have surrendered or can no longer fight owing to injury. It does not matter whether they are generals or privates, or whether they are continually planning attacks or pose an "imminent" threat to the United States, as required by the Obama administration. In World War II, for example, the U.S. bombed military targets in Germany and Japan far behind the front lines; the only legal question was whether the U.S. could also bomb civilian targets to stop war production or weaken the enemy's will to carry on. It does not even matter whether the enemy is American. In past wars — especially the Civil War, during which President Abraham Lincoln believed all Confederates remained U.S. citizens — some Americans have joined the enemy and have received the same treatment as their brothers-in-arms. By introducing law-enforcement concerns such as imminence, capture, and due process into military decisions, President Obama weakens his office. These criminal-justice notions not only slow down the military decision-making process, but also invite the judicialization of war. Obama's drone policy resembles the abortive September 10 terrorism policies he announced at the start of his first term. Soon after taking office, he ordered Guantanamo Bay shut down and terrorists transferred to a mainland prison. He halted military trials of terrorists and announced that al-Qaeda leaders such as Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, would be tried in federal courts in

downtown New York City. His Justice Department read Miranda warnings to captured al-Qaeda operatives, such as Umar Abdulmutallab, who tried to blow up a Northwest airliner over Detroit on Christmas Day 2009. — Transferring detainees to the courts effectively gives the judiciary the final say over terrorism policy — just as judges set the rules for police conduct. Congressional opposition, and the intrusion of the reality of the security threat, led President Obama to back away from this approach and retain much of the framework that had been established by President George W. Bush (in whose administration I served). But the president's support of legislation that would involve the courts in the question of drone strikes marks a new turn toward the mistaken idea that terrorism is just another law-enforcement matter. In his foreign policy, Obama has avoided hard decisions. The administration waited for three weeks for the United Nations to approve intervention in Libya, resulting in greater risks to Western militaries than would have existed if Qaddafi had been deposed sooner, greater death and destruction among the Libyan people, and a prolonged civil war whose unsecured weapons have spilled into neighboring countries, such as Mali. Obama eventually ordered bombing runs in Libya in support of the rebels, which he shortly downgraded to command-and-control support for European air forces, but sent no ground troops and had no hand in influencing the post-Qaddafi regime. This was anything but the "energy" that the office demands. In Syria and Iran, the administration has failed to support popular movements that could topple those nations' anti-American regimes. Even as he restricts the executive's freedom in the area where it counts most, Obama enlarges executive power in the area where it should count least. The Framers intended for issues concerning the domestic economy and society to remain under the control of the legislature, which has power to make laws, spend from the Treasury, and raise taxes, and at least one branch of which has always been directly elected by the people. The president would enter domestic lawmaking only with a limited veto power, designed to prevent Congress from running to extremes. So concerned were the Founders that Congress would bully the president that they insulated his election and pay from the legislature. But President Obama has been so eager to plunge into domestic policy that he has used the power of his office to undermine existing laws. Rather than negotiate with Congress on the matter of immigration, Obama granted executive exemptions from immigration law to a large class of illegal immigrants. Rather than seek legislative repeal of the Defense of Marriage Act, which clashed with his newfound support for gay marriage, the president ordered his Justice Department to stop defending the law in court. He gutted by executive order the work requirements of the welfare reform that President Clinton signed into law after Congress had passed it with overwhelming bipartisan support. Enforcing the drug laws has gone by the wayside, with the Justice Department declining to prosecute marijuana possession in states that have legalized weed. President Obama's unwillingness to "faithfully execute" the laws — one of the president's core responsibilities — is unprecedented in the history of the office. President Obama has also intruded upon the legislature by making recess appointments to the National Labor Relations Board and the Consumer Financial Protection Bureau while the Senate formally remained in session. He thus arrogated to himself the right to determine whether the Senate's proceedings are in fact its proceedings. Last month, the D.C. Circuit Court of Appeals recognized this power grab for what it is and nullified the appointments to the NLRB, implying that the appointment to the CFPB was unconstitutional as well. The case, Noel Canning v. NLRB, reined in a presidential power that had been traditionally exercised for 190 years — by rejecting not just Obama's unconstitutional moves, but all recess appointments that do not occur in the break between the first and second sessions of a Congress (which usually occurs between its first and second years). His successors will suffer the consequences. Conservatives may feel reluctant to criticize Obama's understanding of executive power. Modern conservative thought has depended on the

presidency to check the growth of the administrative state, and much of modern conservative jurisprudence in the area of the separation-of-powers doctrine has had a similar goal. Powerful presidents can revoke burdensome rules, fire regulators, and bring greater coherence and uniformity to the activities of the government. But such efforts to tame the beast that was unleashed by the early-20th-century progressives have yet to succeed. Conservatives would be more consistent in their quest to rein in the administrative state if they forswore the vigorous use of executive power. It may be possible to beat liberals at their own game — and in the process to repudiate their interpretation of the Founders — by seeking a sounder rights-based jurisprudence. This would require that federal judges once again consider whether they can enforce the Constitution's economic rights, restore the states as the primary regulators of daily life, and demand that the administrative state act not just rationally, but in the public's best interests. Using something as momentous as the presidency for a purpose opposite the one for which it was designed not only will be ineffective, but will also cause considerable harm. Mr. Obama is weakening his office, the Constitution, and the nation. Only future generations will know how long it took to reverse the damage.

2NC Modeling

The president's action would be converted to a global scale

Sunstein 95 [Cass Robert Sunstein is an American legal scholar, particularly in the fields of constitutional law, administrative law, environmental law, and law and behavioral economics, who was the Administrator of the White House Office of Information and Regulatory Affairs in the Obama administration.[2] For 27 years, Sunstein taught at the University of Chicago Law School.[3] Sunstein is the Robert Walmsley University Professor[4] and Felix Frankfurter Professor of Law at Harvard Law School. "An Eighteenth Century Presidency in a Twenty-First Century World" pg. 48 Lexis] (Vaibhav)

With the emergence of the United States as a world power, the **President's foreign affairs authority has become far more capacious** than was originally anticipated. For the most part this is because the powers originally conferred on the President have turned out - in light of the unanticipated position of the United States in the world - to mean much more than anyone would have thought. The constitutionally granted authorities have led to a **great deal of unilateral authority, simply because the United States is so central an actor on the world scene.** The posture of the President means a great deal even if the President acts **clearly within the scope of his constitutionally-granted power.** Indeed, mere words from the President, at a press conference or during an interview, can have enormous consequences for the international community.

The president represents American politics- loss of his/her power impacts the world

Fitts 96 [Michael Fitts served as a clerk to Third Circuit Judge Leon Higginbotham and as an attorney in the Office of Legal Counsel. He has written on questions of administrative law, presidential power and separation of powers, and has argued for improving the structure of political parties and executive-branch decision making. Fitts is a member of the Law and Political Process Study Group of the American Political Science Association. His 14-year tenure as Dean of Penn Law ended in June, when he stepped down to become President of Tulane University in New Orleans. Teaches law at UPenn after getting his degree from Yale and Harvard "The Paradox Of Power In The Modern State", University of Pennsylvania Law Review, 144 U. Pa. L. Rev. 827, Lexis] (Vaibhav)

Not surprisingly, these diverse factual conclusions often mirror contrasting normative positions on the value of a strong president. On one side, proponents of a strong president argue that a government more directly controlled by a single decisionmaker - that is, a strong unitary executive - frequently avoids many of the collective action problems endemic to legislative bodies or dispersed government organizations, such as Congress or a plural executive. Borrowing from public choice theory, these proponents conclude that the exercise of power by a centralized but politically visible and [*830] electorally accountable institution, such as the **president**, often **serves as the most effective** and democratic **form of government.** In a sense, it is a better form of "enterprise liability." Critics of presidential power, on the other side, emphasize the failures of recent presidents: their lack of accountability to many important political constituencies (both majoritarian and minoritarian); their inability to exercise effective leadership; and their apparent lack of competence, let alone expertise. 4 The succession of scandals surrounding each of the last three presidents reinforces this view. Proponents of this position ask why more power should be placed in such a discredited and potentially tyrannical

institution. Despite these different assessments of the president's appropriate role, most contributors to this debate seem to agree implicitly on one thing: vesting enhanced authority in the person of the president has increased his influence in the past and will continue to do so if additional centralizing changes are implemented. 5 This view is especially prevalent among legal academics, who generally assume that giving greater formal legal control to the president through devices such as a line-item veto or executive order 12,291, 6 [*831] will necessarily increase his ability to work his will over the bureaucracy, and the government in general. 7 Formal legal power, in other words, will ultimately translate into real policy influence. Similarly, political science scholars who study the strategic implications of political organization suggest that the political singularity of the **presidential persona is a source of immense informal political strength**. By applying insights derived from game theory, these commentators delineate the president's strategic advantages in overseeing the modern state, chiefly his influence on the public agenda, ability to establish "focal points" for political bargaining, and freedom from the costs of collective decisionmaking and action. 8 Indeed, even critics of a strong presidency recognize this [*832] centralization as an important - albeit unwelcome - source of the president's power. 9 [*833] As a result, the debates over whether the president is strong or weak, and whether his power should be increased or limited, have focused invariably on legal, structural, and political changes that would either vest or reduce personal presidential authority. On the one side, those who argue that the president is too strong tend to support expanded congressional oversight of the White House, limited use of the presidential veto, increased autonomy of the executive branch bureaucracy, and increased access for Congress and the press to government documents and deliberations under the Freedom of Information Act (FOIA), 10 Government in the Sunshine Act (GSA), 11 and Federal Advisory Committee Act (FACA). 12 On the other side, those who perceive the president as too weak usually call for a more "unitary executive." These proponents tend to support the enactment of a law authorizing a [*834] line-item veto, expansion of presidential supervisory powers over the bureaucracy through executive orders such as 12,291, 13 12,498, 14 and 12,866, 15 elimination of the independence of independent agencies, expansion of the executive privilege doctrine, and greater insulation of the president from public scrutiny under FOIA and FACA. 16 As the breadth of this list indicates, resolution of most legal issues regarding the powers of the presidency turns on whether one views the president as either too strong or too weak. 17 Both sides seem to agree, however, that increasing the centralization of power in the person of the president, both legally and politically, will significantly increase his influence. 18 [*835] This Article takes issue with some important elements of this analysis. I argue that the structural changes that appear to enhance the power of the president under public choice approaches and unitary executive principles can, at the same time, actually undermine the president's reputation, his ability to resolve conflicts, and ultimately, his political strength. As a result, formal attempts to strengthen the presidency may have "diminishing marginal returns" and perhaps even negative effects, at least in some contexts. The reasons are complicated but straightforward: the individuality, centrality, and visibility of the "personal unitary presidency," which is seen as an advantage in terms of collective choice and public debate, can be a disadvantage when it comes to conflict resolution and public assessment. By using the term "mediating conflict," I refer to the way in which a political leader or institution overcomes the social and political costs of resolving distributional and symbolic disputes. 19 Due to his singularity and enhanced visibility, [*836] a

unitary, centralized president may be less able to mediate many of these conflicts. At the same time, he may be politically evaluated more often under personal (rather than institutional) criteria and **subjected to an overassessment of government responsibility** and error. This combination of effects can undermine not only the popularity and perceived competence - what I will call "legitimacy" - of the person who holds the office, but indirectly, the president's political influence as well. What the institution of the presidency seems to gain in strategic power from its centralization in a single visible individual, it may lose, at least in some contexts, as a result of the normative political standards applied to individuals. This analysis is intended to explain a paradox in the current debate. Many commentators suggest that the presidency has become more centralized both legally and politically in recent years, as the president and his bureaucratic alter ego, the Executive Office of the President, have become more involved formally and informally in public policy decisions. 20 At the same time, some commentators, led by Theodore Lowi, have persuasively detailed the political weaknesses and perceived inadequacies of modern presidents. 21 How can these observations be reconciled? 22 Extending Lowi's analysis, I argue that while the presidency may have become a more complex and effective institution bureaucratically and legally, in many ways it has also become more individualized politically, which can undermine its political legitimacy and strength. The legal theory of the unitary executive, for which I have some sympathy, can thus be at war with itself. [*837] What are the implications of this analysis? First, legal scholars should appreciate the theoretical complexity of the problem. The debate over whether the president is too strong or too weak is in some cases a false dichotomy because the various legal and political changes serving to centralize formal and informal presidential resources may increase presidential influence in some contexts and diminish it in others. 23 Indeed, although a more central, unitary president may be stronger overall, he may nevertheless be perceived as less competent. In this sense, one important goal of this Article is to explore how the source of at least some of our frustration with the office of the presidency is the result of the structure of the position, rather than the personal "mistakes" of its inhabitants. The second purpose of this Article, though far more speculative, is policy oriented: to suggest possible legal reforms and tactical approaches modern presidents could follow. Can structural mechanisms or approaches be developed that help the chief executive, when appropriate, mediate conflict and avoid certain types of individualized scrutiny? In the past, old-style political parties often filled this role, 24 but we are unlikely to return to that era. 25 In the alternative, I offer several legal, structural, and political changes that might improve the president's ability to mediate conflict, including (paradoxically) reassessment of the line-item veto, selected cutbacks in direct presidential oversight of agencies, and the judicious creation of commissions, such as the Commission on Base Realignment and Closure, 26 which operate [*838] with less direct presidential control. Part I describes the different ways in which the modern presidency has become more centralized legally and politically, making the office more visible and politically accountable. Under the analyses developed separately in the legal literature on the unitary presidency and in the political science literature on a centralized "modern" or "plebiscitary" presidency, these developments would seem to make the presidency a more effective and democratic institution. These writings, while focusing on different substantive areas, share common theoretical perspectives on the value of increasing centralized presidential power. Despite these structural developments, the modern presidency does not seem to be a particularly strong institution.

Parts II through V offer several possible theoretical explanations, exploring, from a general perspective, the different ways in which the president's visibility and centralization may, at the same time, delegitimize politically his exercise of governmental power. Specifically, increased visibility and centralization may diminish the president's ability to mediate conflict (Part II), subject him to an instrumentally inappropriate standard of personal moral evaluation (Part III), result in an overassessment of personal presidential error (Part IV), and lead to an overassessment of the president's responsibility for government and social outcomes (Part V). Although these potential consequences are powerfully affected by cultural perceptions and vary in importance according to context, taken together they can help explain many of the difficulties faced by a more visible and centralized modern presidency. At the same time, these generic effects serve to undermine some of the common analytic assumptions underlying the legal and public choice analyses of a unitary, centralized presidency. My point is not that a modern centralized presidency is overall weaker as a result of the changes (it probably is not), but only that the relationship between greater centralized authority and overall influence can be quite mixed. Finally, in the Conclusion, this Article explores specifically how we might alleviate some of these negative consequences through both legal and political changes. In entering the legal and policy debate over the presidency, this Article reflects two rather distinct approaches. First, it focuses on the informal political consequences of legal structure, especially [*839] mediating political conflict and assessing error. Given the heightened visibility of and information about political actors, these informal consequences may be becoming more important in understanding the influence of the president. 27 Yet, as explained below, scholars writing in both the unitary president and public choice traditions often deemphasize the importance of these two informal effects. This is perhaps because public choice scholars operate under the assumption that "preferences" are given, 28 while legal academics tend to overlook the systemic impact of formal legal authority on informal political power. 29 Although I will rely in many places on public choice and legal analysis, this Article is a work of mid-level analysis. I seek to integrate the insights of the rational choice tradition with more textured claims about political psychology, information asymmetries, and American culture. [*840] Second, to understand the effects of these informal factors on the power of the presidency, this Article adopts a fairly abstract approach. References to individual presidents, which I plan to develop further in a future article, are offered primarily for illustrative purposes. This method contrasts with many political science pieces on the presidency that seek to explain the strength of the institution in terms of individual personalities or styles. These "great person" theories are rich in detail but offer no analysis that can be usefully generalized or evaluated. 30 Legal studies, on the other hand, tend to engage in a formal doctrinal analysis but ignore informal political factors or fail to incorporate them systematically into their formal analysis. 31 If one broadens the analysis of the presidency to include these informal perspectives, however, the political singularity of the president - viewed positively under public choice models of collective action and unitary president proposals - emerges as a potential source of his weakness. 32 [*841] I. The Presidency

A. The Modern Presidency What is the nature of the presidency in the modern state? Numerous political scientists and legal academics claim that our recent chief executives have inherited a "modern presidency," 33 which began to develop with Franklin Roosevelt and is structurally distinct from earlier regimes. 34 Of course, the balance of power among the president, Congress, and the agencies is exceedingly complex, since the amount of bureaucratic activity

and legislative oversight has increased greatly over the years. Nevertheless, "the resources of modern presidents [are thought by many to] dwarf those of their predecessors." 35 Commentators point to three related changes that centralize greater formal power in the institution and increase the informal political assets at the president's command. The first change, which is to some extent considered the most important and defining quality of the modern presidency, is the increased visibility of the president as an individual within the electoral process. Prior to the Roosevelt Administration, the president was viewed more as a member of both a party and a complicated and elite system of government. He was also relatively distant from the population. The modern presidents, in contrast, are elected increasingly as individuals in the primary and general elections on the basis of direct public exposure in the media. This [*842] evolution, which has occurred over a number of years, is a result of social forces, such as the decline of political parties 36 and the rise of the media, as well as legal changes, such as the ascendancy of primaries. 37 Second, once in power, modern presidents have increasingly attempted to take greater formal and informal control of the executive branch, through policy expansion of the OMB and the Executive Office of the President and increased oversight of agencies under Executive Order 12,291 38 and its successor orders. Indeed, every president since Roosevelt has attempted to centralize power in the White House to oversee the operations of the executive branch and to make its resources more responsive to his policy and political needs. 39 [*843] Finally, and relatedly, the modern presidency has become more centralized and personalized through its public media role - that is, its "rhetorical functions." 40 Given changes in the press and the White House office, the president has become far more effective in setting the agenda for public debate, sometimes even dominating the public dialogue when he chooses. 41 Economists would probably attribute the president's ability to "transmit information" to the centralized organization of the presidency - an "economy of scale" in public debate. 42 At the same time, the president can establish [*844] a "focal point" around preferred public policies. 43 This proposition can also be stated somewhat differently. As an institution embodied in a single individual, the president has a unique ability to "tell" a simple story that is quite personal and understandable to the public. As a number of legal academics have shown, stories can be a powerful mode for capturing the essence of a person's situated perspective, improving public comprehension of particular facts, and synthesizing complex events into accessible language. 44 Complex institutions, such as Congress, have difficulty [*845] assembling and transmitting information as part of a coherent whole; they represent a diversity - some would say a babble - of voices and perspectives. In contrast, presidents have the capacity to project a coherent and empathetic message, especially if it is tied to their own life stories. In this sense, the skill of the president in telling a story about policy, while sometimes a source of pointed criticism for its necessary simplicity, 45 may greatly facilitate public understanding and acceptance of policy. 46

B. The Theory of the Unitary Presidency This picture of the modern presidency is quite consistent with those parts of the legal and political science literatures exploring the advantages of presidential (as opposed to legislative) power and advocating a more unitary or centralized presidency. According to this view, 47 power and accountability in government and in the executive branch should be moved more toward the top, giving the [*846] president and his staff greater ability to make decisions themselves or to leave them, subject to oversight, in the hands of expert agency officials. In the legal literature, this position is usually associated with support for strengthening the president's

directorial powers over the agencies, unfettered presidential removal authority, and Chevron deference to agency regulations 48 reviewed by the White House. Similarly, political scientists emphasize the plebiscitarian president's growing informal influence with the agencies and the public, as well as the association between a strong president and the "national" interest. 49 To be sure, legal proponents of a strong unitary presidency usually do not outline a comprehensive policy defense of the legal position but rely more on doctrinal justifications and related policy arguments. 50 By synthesizing and integrating the interrelated legal and policy rationales in the legal and political science literatures, however, one can sketch the outlines of a common theory. This analysis suggests that the structure of a more unitary, centralized presidency should enhance the power, legitimacy, and effectiveness of the office, especially as compared to Congress, in three different but related ways. [*847] First, with respect to the administration of the executive branch, centralized power, or at least the opportunity for the exercise of centralized power, is thought to facilitate better development and coordination of national programs and policies. Because federal government programs interrelate in countless ways, a centralized figure or institution such as the president is seemingly in a good position to recognize and respond to the demands of the overall situation. 51 For similar reasons, as social and political change accelerates, the president may be well-situated to foresee and implement adaptive synoptic changes - that is, to engage in strategic planning. One of the rationales for the existence of the federal government is the national effect of its policies, which under this view can be reconciled most easily at the top. 52 To the extent that the president is successful in putting together such programs, he should receive political credit, which would redound to his political strength. 53 Second, centralized power facilitates greater political accountability by placing in one single individual the public's focus of government performance. If the public had to evaluate electorally the activities of hundreds of different officials in the executive branch, its information about the positions, actions, and effects of government behavior would be extraordinarily limited. 54 Only those most [*848] interested in a particular function would be likely to have information about its behavior or attempt to influence that behavior through election, lobbying, or litigation. This is the standard concern with New Deal agencies captured by the so-called iron triangle of Washington politics. 55 By contrast, placing overall political responsibility in one individual is thought to facilitate broader political accountability. While this oversight can have mixed effects depending on presidential performance, it has the potential for strengthening the president's political support and influence. 56 Because he is more likely to approximate the views of the median voter, 57 a unitary president is thought to enjoy a clear majoritarian mandate, as the only elected representative of all "The People." This democratic legitimacy should be, in turn, a major source of his political strength. 58 As one commentator has [*849] argued: "Every deviation from the principle of executive unitariness will necessarily undermine the national majority electoral coalition." 59 Finally, on an elite political level, the existence of a single powerful political actor serves a political coordination function. 60 A dispersed government with a decentralized political structure has a great deal of difficulty in reaching cooperative solutions on policy outcomes. Even if it does reach cooperative solutions, it has great difficulty in reaching optimal results. Today, there are simply too many groups in Washington and within the political elite to reach the necessary and optimal agreement easily. 61 A central and visible figure such as the president, who can take clear positions, can serve as a unique focal point for coordinating action. 62 With the ability to focus public attention and

minimize information costs, 63 [*850] a president can also be highly effective in overcoming narrow but powerful sources of opposition and in facilitating communication (that is, coordination and cooperation) between groups and branches. 64 In technical terms, he might be viewed as the "least cost avoider." 65 The budget confrontation between Clinton and Congress is only the most recent example of the president's strategic abilities. 66 In this regard, it is not surprising that most studies have found that the president's popularity is an important factor in his ability to effectively negotiate with Congress. 67

Executive Authority K2 International Relations

Quattelbaum 15, (<http://www.annenbergclassroom.org/speakout/what-role-does-congress-hold-in-international-affairs>, What role does Congress hold in international affairs? Student Voices staff writer at the Annenberg Classroom for student voices)

In a rare but not unprecedented move, 47 senators signed an open letter to the leadership of Iran, stating that Congress or the next president could revoke any agreement that Iran makes with the executive branch regarding the Middle Eastern nation's nuclear weapon ambitions. The letter was written because many in the Senate's Republican majority do not like the deal that President Obama is negotiating with Iran. The letter said that Obama's limited time left in office means that Congress or the next president can revoke any agreement that is reached. "It has come to our attention while observing your nuclear negotiations with our government that you may not fully understand our constitutional system," the letter said. "Anything not approved by Congress is a mere executive agreement..." The next president could revoke such an executive agreement with the stroke of a pen and future Congresses could modify the terms of the agreement at any time." The letter's author, Sen. Tom Cotton of Arkansas, has said that the negotiations for Iranian nuclear disarmament do not go far enough. He says that the president is being too soft on Iran and that complete nuclear disarmament should be the goal, with tougher sanctions and the threat of military action if Iran does not comply. Iran has been sanctioned by the United States and the United Nations for its nuclear weapons program. U.N. sanctions froze monetary assets linked to Iran's nuclear program, created an arms embargo, and forbid foreign travel for Iranians involved with the nuclear program, among other restrictions. The current negotiations would end the sanctions if Iran agrees to cease attempts to develop a nuclear weapon and gives international inspectors access to all nuclear sites. The senators' letter riled the executive branch. The president said to Vice News: "I'm embarrassed for them. For them to address a letter to the ayatollah – the supreme leader of Iran, who they claim is our mortal enemy – and their basic argument to them is: don't deal with our president, because you can't trust him to follow through on an agreement... That's close to unprecedented." Law professors and senators who did not sign the letter are not only criticizing the signers for overstepping the role and decorum of Congress, but are also saying the letter might be a criminal offense.

Executive Authority K2 International Relations

Quattelbaum 15, (<http://www.annenbergclassroom.org/speakout/what-role-does-congress-hold-in-international-affairs>, What role does Congress hold in international affairs? Student Voices staff writer at the Annenberg Classroom for student voices)

In a rare but not unprecedented move, 47 senators signed an open letter to the leadership of Iran, stating that Congress or the next president could revoke any agreement that Iran makes with the executive branch regarding the Middle Eastern nation's nuclear weapon ambitions. The letter was written because many in the Senate's Republican majority do not like the deal that President Obama is negotiating with Iran. The letter said that Obama's limited time left in office means that Congress or the next president can revoke any agreement that is reached. "It has come to our attention while observing your nuclear negotiations with our government that you may not fully understand our constitutional system," the letter said. "Anything not approved by Congress is a mere executive agreement..." The next president could revoke such an executive agreement with the stroke of a pen and future Congresses could modify the terms of the agreement at any time." The letter's author, Sen. Tom Cotton of Arkansas, has said that the negotiations for Iranian nuclear disarmament do not go far enough. He says that the president is being too soft on Iran and that complete nuclear disarmament should be the goal, with tougher sanctions and the threat of military action if Iran does not comply. Iran has been sanctioned by the United States and the United Nations for its nuclear weapons program. U.N. sanctions froze monetary assets linked to Iran's nuclear program, created an arms embargo, and forbid foreign travel for Iranians involved with the nuclear program, among other restrictions. The current negotiations would end the sanctions if Iran agrees to cease attempts to develop a nuclear weapon and gives international inspectors access to all nuclear sites. The senators' letter riled the executive branch. The president said to Vice News: "I'm embarrassed for them. For them to address a letter to the ayatollah – the supreme leader of Iran, who they claim is our mortal enemy – and their basic argument to them is: don't deal with our president, because you can't trust him to follow through on an agreement... That's close to unprecedented." Law professors and senators who did not sign the letter are not only criticizing the signers for overstepping the role and decorum of Congress, but are also saying the letter might be a criminal offense.

Impact

Executive Power K2 Surveillance

Obama key to surveillance reform- key to combat terrorism

Tushnet 15 (Mark Tushnet, William Nelson Cromwell Professor of Law at Harvard Law School, attended Yale Law, Yale, and Harvard Law, "The Presidential Empire", <https://www.dissentmagazine.org/article/the-presidential-empire>, Spring 2015, 7/1/15, MEM) Obama has been careful to retract Bush's most aggressive legal positions on presidential unilateralism and congressional power, though he has continued to implement some of Bush's surveillance policies. Obama could do this because of the second part of the surveillance state's legal framework: a group of statutes—enacted by Congress, it is worth emphasizing—that establishes the terms on which the National Surveillance State's activities, including surveillance but extending well beyond, are to be conducted. These statutes include the Foreign Intelligence Surveillance Act (1978, with later amendments), the U.S.A. Patriot Act (2001), and the Authorization for the Use of Military Force (AUMF) against Al Qaeda, the Taliban, and "associated forces" (2001). The Obama administration relied, with some reluctance, on the 2001 AUMF to justify its on-going operations in Yemen, Somalia, and, in the past year, against ISIS, on the premise that the operations' targets are either part of Al Qaeda itself, or that they are armed forces that are Al Qaeda's co-belligerents. This alone indicates how the statutory framework for the National Surveillance State is jerry-built, assembled out of statutes enacted years ago for other purposes. Notably, Obama's recently proposed AUMF for ISIS, while limited in some ways (a three-year sunset, a statement that it would not authorize the enduring presence of ground troops), does not include a repeal of the 2001 AUMF, which makes it possible for his successors to return to an interpretation that covers all radical Islamist terrorism.

Executive powers are key to stop whistleblowers

Branfman 13 (Fred Branfman, bachelor degree from the University of Chicago in political science and his master's degree in education from Harvard University, AlterNet, <http://www.alternet.org/activism/we-live-under-total-surveillance-state-america-can-we-prevent-it-evolving-full-blown-police>, 9/25/13, 7/1/15, MEM)

Genuine whistleblower protection would have two aspects. First, internal: ensuring that whistleblowers who do go through official channels have an independent body evaluate their charges, and provide them with full protection from punishment by superiors whose wrongdoing they have revealed. Second, external: The Executive Branch must end its prosecution of whistleblowers who reveal classified information to the media or public; or, in those rare instances where there is a case for actual damage having been done to "national security," the whistleblower must receive a fair trial by a jury that is given access to the information in question so that it can determine to what extent national security was harmed, and that takes into account the whistleblower's motivation.

Executive powers are key for action on surveillance

Epstein 05 (Richard Allen Epstein, James Parker Distinguished Service Professor Emeritus of Law and Senior Lecturer At The University of Chicago Law School, B.A. at Oxford University, B.A. at

Columbia College, LLB at Yale Law School, Hofsta Law review,
http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2206&context=journal_articles, winter 2005, 7/1/15, MEM)

In this Idea I seek to examine these claims, by looking at the relevant textual and historical materials from what some would call an originalist perspective. The ironies here are palpable, for this approach demonstrates, quite conclusively, that these inflated claims for executive power have no textual or historical justification. Some of **the strongest evidence** on this point **rests on** a proper **appreciation** of one element **that** both **the President and his opponents have left out** of the debate: the key role that the state militias (which have morphed into the National Guard) play in the original constitutional scheme. To set my argument in perspective, first note that **many defenders of** extensive **executive power** insist that **the President, as head of the executive branch** of government **and as the commander in chief of the armed forces**, is **entitled** on the strength of his "**inherent power**" to engage **in** these **surveillance activities**, **with or without the authorization of Congress**.³ For example, Professor Harvey Mansfield writing in the *Weekly Standard* says: One can begin from the fact that the American Constitution made the first republic with a strong executive. A strong executive is one that is not confined to executing the laws but has extra-legal powers such as commanding the military, making treaties (and carrying on foreign policy), and pardoning the convicted, not to mention a veto of legislation. To confirm the extra-legal character of the presidency, **the Constitution has** him take **an oath not to execute the laws but to execute the office of president**, which is larger.⁴ David Rivkin echoes the same theme in a more explicit form in a debate that he and I had in *National Review Online's* Opinion Duel: While there are healthy debates and disagreements about the precise interplay between congressional and presidential powers, I do not know many scholars who seriously contend that the commander-in chief clause of Article II does not vest **the president** with **enormous** substantive **powers**. For that matter, so does the Vesting Clause of Article II, which assigns all of the executive powers to the president. (I am not sure what Richard means by the commander-in-chief provision being a role, but to read it as amounting to no more than a ceremonial function is, to use a term so oft-misused in Senate judicial confirmation battles, quite out of the constitutional mainstream.) It is pretty well-settled that **the transaction of foreign and defense policy is an executive function**, that it was so at the time of the Founding, and that the Constitution assigns this power to the president, with a few exceptions, narrowly construed, granted to Congress.⁵ In dealing with these quotations, there is no doubt the defenders of the strong executive power are correct insofar as they insist that the President as the commander in chief possesses the power to defend the United States against a sudden attack. That conclusion, which answers in part Mansfield's query of "who you gonna call" was part of the original understanding of the point,⁶ and has been accepted and endorsed by modern Supreme Court decisions as well.⁷

Executive power is key for Surveillance reform- Congress involvement is refrained from executive actions

Whittington and Carpenter 03 (Keith E Whittington, the William Nelson Cromwell Professor of Politics at Princeton University and Daniel P. Carpenter, Allie S. Freed Professor of Government, Director of the Center for American Political Studies in the Faculty of Arts and Sciences, and Director of the Social Science Academic Ventures Program at the Radcliffe Institute at Harvard

University, "Perspectives on politics, pg. 506, <https://www.law.upenn.edu/live/files/1518-whittington-carpenter--executive-power-in-amer>, September 2003, MEM)

We pose another counterfactual in the form of a question: In the absence of the aggressive executive actions of the 1960s and early 1970s, would intelligence reforms and a change in congressional intelligence institutions have occurred when they did and in the same form, or would they have occurred at all? The historical narrative answers all parts of this question quite patently in the negative. Reform came only after extensive and difficult legislative investigations designed both to inform Congress of what policies were actually being pursued by the executive branch and to build political support for reform. Even amidst the exposure of past executive abuses, the president was able to keep Congress on the defensive regarding its capacity to secure the national interest in such a sensitive area.⁹⁹ In the end, Congress had to radically restructure its own oversight structure in order to institute constraints on intelligence operations and partly counter the inherent institutional advantage of executive officials. Even so, Congress refrained from involving itself in the operational details of intelligence activities, and also from specifying the broad principles that should guide and constrain executive actions in this area.

2NC Laundry List

Executive powers are key to solving laundry list

Posner 14 (Eric Posner, professor at the University of Chicago Law School, <http://www.newrepublic.com/article/116450/obama-use-executive-power-unexceptional>, 2/3/14, 7/1/15, MEM)

Meanwhile, the founders' anxieties about executive tyranny have proven erroneous. The president is kept in check by elections, the party system, the press, popular opinion, courts, a political culture that is deeply suspicious of his motives, term limits, and the sheer vastness of the bureaucracy which he can only barely control. He does not always do the right thing, of course, but presidents generally govern from the middle of the political spectrum. Obama's assertion of unilateral executive authority is just routine stuff. He follows in the footsteps of his predecessors on a path set out by Congress. And well should he. If you want a functioning government—one that protects citizens from criminals, terrorists, the climatic effects of greenhouse gas emissions, poor health, financial manias, and the like—then you want a government led by the president.

2NC Economy

Executive powers influence the economy

Lennard 14, (Obama adds economy under extraordinary executive powers, http://www.salon.com/2014/01/29/obamas_dictatorial_sotu_vow/, Assistant News Editor at Salon Media Group)

Barack Obama's State of the Union address Tuesday was, in the most literal sense, presidential. Near the speech's opening, the president vowed to act "wherever and whenever [he] can take steps without legislation to expand opportunity for more American families." His promise, while concretely entailing only modest initiatives on jobs and wages, placed Obama squarely in the pantheon of presidents who have acutely represented the conflict and contradictions inherent in the role of the U.S. executive branch. Within the codes of U.S. government, the president can be both, as I've noted before, dictator of and hostage to political process. In the realms of war-making, national security, surveillance operations and, of course, drone killings, President Obama's tenure has been marked by frightening executive overreach. As I commented in advance of this year's SOTU for Al Jazeera America, "Obama stands in a line of presidents who have grounded the extension of executive powers — over life, death, freedom and privacy — in the necessities of wartime." The interminable war on terror has, for the entire Obama presidency and the foreseeable future, given troubling but amorphous grounds for the executive branch to call on terrorism and unbounded war as a pretext to abrogate civil liberties. Obama's vow to use executive authority and skirt the legislative process on the economy is, even if only symbolically, his response to a conflict that has been so far definitive of his presidency: He has at once been an absolute sovereign, with power over life and death by drone fire, while also occupying the role of hands-tied puppet to an ideologue-filled Congress willing to push the U.S. economy into disaster. On Tuesday night Obama suggested that "wherever and whenever" possible on economic policy now, as well as the business of war, he will choose dictator over congressional hostage. While drenched in neoliberal rhetoric of "opportunity," Obama's position on bypassing legislation for economic initiatives is not unique. Indeed, his concrete proposals in regard to this are meek compared to Franklin D. Roosevelt's appeal to extraordinary executive power to push through the New Deal in 1933. A key difference, of course, is that while FDR was able to appeal to Congress to gain near limitless power to regulate U.S. economic life, no such appeal to Congress would work for our president today. The response would be as stony as House Speaker John Boehner's expression Tuesday night. Hence Obama's vowed executive action on economic matters of wages and retirement will be comparatively limited. The act, nonetheless, of promising to act "wherever and whenever" possible without legislation tells us much about what sort of sovereign we're dealing with in Obama's second term. For a president who has acted with an often opaque executive overreach in the realm of national security, a vow to use that same executive power to act on modest but sensible economic initiatives is not — in the context — horrifying. But it is significant: In response to a conflict of sovereignty that has seen Obama as at once dictator and hostage, Obama's resolution as expressed Tuesday is to lean toward the dictatorial. We might call it an alignment of policy: As with matters of civil liberty, war-mongering and privacy, Obama wants to bring economic policy increasingly under executive control too. Compared to his exercise of extraordinary powers so far, his vowed application of such power to the economy is not

remarkable. It is, as the late, great poet George Oppen wrote, “An event as ordinary/ As a President.” Oppen places the banality of a president within an “air of atrocity.” His verse is appropriately applied to this year’s SOTU: an event as ordinary as a president, taking place in an already established context of atrocity.

2NC Wars

Executive powers key to mitigate wars- Libya proves

Levine 13(David Levine, law clerk to the Hon. Michael S. Kanne of the US Court of Appeals for the Seventh Circuit, consulting and data management services to the US Department of Defense and the US Intelligence Community, an intelligence officer in the United States Air Force, Michigan Law review, "War Time: An Idea, Its History, Its Consequences.", Pg. 136, April 2013, 7/1/15, MEM)

The Obama Administration has adopted this position - that a president has inherent constitutional authority to deploy forces outside of war - and even sought to clarify it. In the Office of Legal Counsel's ("OLC") memo to President Obama on the authority to use military force in Libya, n56 the Administration acknowledged that the Declare War Clause is a "possible constitutionally-based limit on ... presidential authority to employ military force." n57 The memo reasoned that the Constitution speaks only to Congress's ability to shape engagements that are "wars," and that presidents have deployed forces in limited contexts from the earliest days of the Union. n58 Acknowledging those facts, the memo concluded that the constitutional limit on congressional power must be the conceptual line between war and not war. In locating this boundary, the memo looked to the "anticipated nature, scope, and duration" of the conflict to which President Obama was introducing forces. n59 OLC found that the "war" standard "will be satisfied only by prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period." n60 The Obama Administration's position was not out of sync with previous presidential practice - the Declare War Clause did not require congressional approval prior to executive deployment of troops. In analyzing the "nature, scope, and duration" questions, the memo looked first to the type of missions that U.S. forces would be engaged in. The air missions envisioned for the Libya operation did not pose the threat of withdrawal difficulty or escalation risk that might indicate "a greater need for approval [from Congress] at the outset." n61 The nature of the mission, then, was not similar to full "war." Similarly, the scope of the intended operation was primarily limited, at the time the memo was written, to enforcing a no-fly zone. n62 Consequently, [*1208] the operation's expected duration was not long. Thus, concluded OLC, "the use of force by the United States in Libya [did not rise] to the level of a 'war' in the constitutional sense." n63 While this conclusion may have been uncontroversial, it highlights Dudziak's concerns over the manipulation of the idea of "wartime," concerns that were heightened by the Obama Administration's War Powers Resolution analysis.

2NC Hard Power

Continuation of threats are good for executive 'boots on the ground' action- Syria proves

Barnes 13 (Fred Barnes, Executive editor of the weekly standard, "Hesitation, Delay, and Unreliability", http://www.weeklystandard.com/articles/hesitation-delay-and-unreliability_752788.html, 9/16/13, MEM)

Hayward adds: "Reagan had one important rule that Obama has already flunked: Never say 'never.' Privately Reagan was adamant that he'd never put 'boots on the ground' in Nicaragua, but publicly he'd never admit this, on the sensible ground that it was better for our enemies to be worried that we might. That **fear helped make** our limited actions more effective."¶ One could argue that **Obama** had **no choice but to** disavow the **use of ground troops**. Otherwise the resolution authorizing force would lose in Congress. But this pitfall was avoidable. **Obama believes**, correctly, **he has the authority**, as president, **to order** the bombing and **dispatch troops**. Congressional consent is optional.¶ As Allied commander in World War II, Dwight Eisenhower felt he was obliged to be upbeat. If he appeared doubtful or downbeat in public, it would be interpreted as a sign of alarm about the war's progress. War presidents have the same obligation. Yet Obama talks about how "weary of war" he and the American people are.¶ **"We've ended one war in Iraq,"** he said in his Rose Garden announcement about congressional authorization. **"We're ending another in Afghanistan.** And the American people have the good sense to know we cannot resolve the underlying conflict in Syria with our military." The message, whatever the president's intention, was: I'm tired and I can't achieve much in Syria anyway.¶ "Saying 'I am war-weary' is an appalling thing to do," says Eliot Cohen, whose book *Supreme Command* examines four successful wartime leaders (Lincoln, Clémenceau, Churchill, Ben-Gurion). "Number One has to look confident, self-assured, positive without conveying an impression of irrational optimism. Above all, he can never, ever feel sorry for himself—or, indeed, anyone else."

Executive Action needed to take military action

O'Toole 14, (Obama, Iraq and the Coming War Powers Fight With Congress, <http://www.defenseone.com/politics/2014/08/obama-facing-war-powers-choice-over-iraq/92264/>.)

The **operation in Iraq** is likely to extend beyond the 60-day limit **under** the **War Powers Resolution** that **triggers congressional approval**, meaning **Obama may need a different authority to continue the fight**. The president has used the sweeping 2001 Authorization of the Use of Military Force, or , to fight terrorist groups across the globe, but many argue it was primarily intended to authorize combat operations in Afghanistan, which officially end in December. The latest Iraq intervention represents what may be Congress's last, best opportunity to rein in the dramatic expansion of the commander-in-chief's authority to wage war that has occurred in the last 13 years. The irony is that Obama just one year ago declared he would cut back the very authority his aides are now reconsidering. He pledged to chart a new path forward when he laid out his vision for **a new comprehensive national security strategy to guide foreign policy**. "The is now nearly 12 years old," Obama said at National Defense University in May 2013. "Unless we

discipline our thinking, our definitions, our actions, we may be drawn into more wars we don't need to fight, or continue to grant presidents unbound powers more suited for traditional armed conflicts between nation states. So I look forward to engaging Congress and the American people in efforts to refine, and ultimately repeal, the 's mandate." Today, gone is the talk of curbing unbound presidential powers to wage war. As the clock ticks, and Obama extends air attacks on Islamic State fighters, administration officials argue that the commander-in-chief is operating within his authority. "We comply with the War Powers Act and informed Congress on how many people we have," Defense Secretary Chuck Hagel said on Thursday. "This is not about mission creep." But Obama's team quietly is considering whether they can use the original to shore up the president's authority to conduct the growing military operation in Iraq.

2NC Climate Change

Presidential powers key to international climate regulation- deforestation and CO2 emissions

Lederman 6/30 (Josh Lederman, White House reporter for The Associated Press, Associated Press, "2 years after spying flap, US, Brazil seek to turn the page", http://www.stltoday.com/news/brazil-aims-to-curb-deforestation-as-part-of-climate-pledge/article_1a9dbcf5-8220-5b9a-87ae-5ac02ec129ad.html, 6/30/15, 7/2/15, MEM) Aiming to move past those difficulties, **Obama and Rousseff put a spotlight on areas of growing cooperation between the U.S. and Brazil as she wrapped up her two-day visit to the White House.** The leaders touted a recent defense agreement as well as a U.S. decision Monday to begin allowing fresh beef imports from all 14 of Brazil's states — a longstanding Brazilian request. Yet the capstone of the attempt to show common cause was a joint announcement on climate change, an issue Rousseff deemed "one of the central challenges of the 21st century." **Brazil pledged to curb illegal deforestation and expand renewable energy** use as it gears up to unveil its contribution to a global climate treaty that Obama has been championing and world leaders expect to finalize this year. Although the announcement stopped short of a commitment to bring deforestation down to zero, as many environmentalists wanted, the pledge offered some of the **first signs of how Brazil intends to curb its greenhouse gas emissions as part of the treaty.** The South American nation also vowed to **restore and reforest 12 million hectares** — an area roughly the size of England — by 2030. About three-quarters of Brazil's greenhouse gas emissions come from destruction in the Amazon rainforest, which acts as a giant absorber of carbon dioxide. **Both the U.S. and Brazil announced plans to increase the share of renewable, non-hydropower electricity sources to 20 percent by 2030.** That will require tripling the amount of renewable energy on the U.S. electricity grid, while doubling it in Brazil. The White House said it was counting on gains from **Obama's controversial power plant emission rules to meet the new goal.**

Presidential powers key to curbing CO2 emissions- China proves

Davenport 6/30 (Coral Davenport, the energy and environment correspondent for National Journal, fellow with the Metcalf Institute for Marine and Environmental Reporting, The New York Times, "Global Climate Pact Gains Momentum as China, U.S. and Brazil Detail Plans", <http://www.nytimes.com/2015/07/01/world/americas/us-and-brazil-agree-on-climate-change-actions.html>, 6/30/15, 7/2/15, MEM) Christiana Figueres, the top United Nations climate change official, said, "Over the past 24 hours, we've seen a very nice example of **the diversity of countries engaging on the climate solution.**" But she added, "The sum total of these does not get us to 2 degrees." Climate policy experts pointed to the significance of China's plan is particular. The United States and China, the world's top greenhouse gas polluters, have long been viewed as **the biggest obstacles to** reaching a meaningful **global warming** deal. That changed last November when Mr. Obama and President Xi Jinping jointly announced that the United States would lower its emissions up to 28 percent from 2005 levels by 2025, while China's emissions would peak and then decline no later than 2030. In March, Mr. **Obama submitted a plan** to the United Nations **detailing how** the **United States would meet its target.** It said it would do so chiefly through enactment of Environmental Protection Agency regulations on emissions from cars, trucks and power plants.

China's plan included a broad commitment to decouple economic growth from the use of fossil fuels, and move to lower its carbon intensity, or the amount of the pollutant generated by each point of economic growth, by 60 to 65 percent from 2005 levels by 2030. It also laid out plans to develop a national cap-and-trade system, a market-based program for reducing emissions in which companies must pay for permits to pollute, and can buy and sell those permits among themselves.

Climate change will result in extinction- IPCC agrees

Snow 15 [Anthony McMichael receives funding from The National Health and Medical Research Council. He is affiliated with The Climate Institute. Colin Butler receives funding from the Australian Research Council. He is co-director of the NGO Benevolent Organisation for Development, Health and Insight. Helen Louise Berry receives funding from the National Health and Medical Research Council and the Australian Research Council. She is a member of the Australian Labor Party. March 31, 2014 <http://www.smh.com.au/environment/climate-change/climate-change-could-make-humans-extinct-warns-health-expert-20140330-35rus.html> "Climate change could make humans extinct, warns health expert"] (Vaibhav)

The Earth is warming so rapidly that unless humans can arrest the trend, we risk becoming "extinct" as a species, a leading Australian health academic has warned. Helen Berry, associate dean in the faculty of health at the University of Canberra, said while the Earth has been warmer and colder at different points in the planet's history, the rate of change has never been as fast as it is today. "What is remarkable, and alarming, is the speed of the change since the 1970s, when we started burning a lot of fossil fuels in a massive way," she said. "We can't possibly evolve to match this rate [of warming] and, unless we get control of it, it will mean our extinction eventually." Professor Berry is one of three leading academics who have contributed to the health chapter of a Intergovernmental Panel on Climate Change (IPCC) report due on Monday. She and co-authors Tony McMichael, of the Australian National University, and Colin Butler, of the University of Canberra, have outlined the health risks of rapid global warming in a companion piece for The Conversation, also published on Monday. The three warn that the adverse effects on population health and social stability have been "missing from the discussion" on climate change. "Human-driven climate change poses a great threat, unprecedented in type and scale, to wellbeing, health and perhaps even to human survival," they write. They predict that the greatest challenges will come from undernutrition and impaired child development from reduced food yields; hospitalisations and deaths due to intense heatwaves, fires and other weather-related disasters; and the spread of infectious diseases. They warn the "largest impacts" will be on poorer and vulnerable populations, winding back recent hard-won gains of social development programs. Projecting to an average global warming of 4 degrees by 2100, they say "people won't be able to cope, let alone work productively, in the hottest parts of the year". They say that action on climate change would produce "extremely large health benefits", which would greatly outweigh the costs of curbing emission growth. A leaked draft of the IPCC report notes that a warming climate would lead to fewer cold weather-related deaths but the benefits would be "greatly" outweighed by the impacts of more frequent heat extremes. Under a high emissions scenario, some land regions will experience temperatures four to seven degrees higher than pre-industrial times, the report said. While some adaptive measures are possible, limits to humans' ability to regulate heat will

affect health and potentially cut global productivity in the warmest months by 40 per cent by 2100. Body temperatures rising above 38 degrees impair physical and cognitive functions, while risks of organ damage, loss of consciousness and death increase sharply above 40.6 degrees, the draft report said. Farm crops and livestock will also struggle with thermal and water stress. Staple crops such as corn, rice, wheat and soybeans are assumed to face a temperature limit of 40-45 degrees, with temperature thresholds for key sowing stages near or below 35 degrees, the report said.

2NC Russia

Presidential leadership key to solve Russia threats and terrorism

Tushnet 15 (Mark Tushnet, William Nelson Cromwell Professor of Law at Harvard Law School, attended Yale Law, Yale, and Harvard Law, “The Presidential Empire”, <https://www.dissentmagazine.org/article/the-presidential-empire>, Spring 2015, 7/1/15, MEM) Schlesinger’s imperial president was the leader of what students of the constitutional order call the National Security State—or, in their more conspiratorial moments, the “deep state.” As Stephen Griffin’s recent book *Long Wars and the Constitution* (2013) shows, the National Security State was created during the Cold War, when a bipartisan consensus agreed that presidential leadership was essential to combat the threat to U.S. interests posed by the Soviet Union, which had its own surveillance apparatus and nuclear weapons. According to this consensus, only a U.S. national security apparatus under the president’s control could gather intelligence about security threats and develop countermeasures, all of which had to be done with a secrecy that precluded widespread congressional participation. Whistle-blowers were the functional equivalent of spies aiding the U.S.’s adversaries. Consensus over the National Security State weakened after the collapse of the Soviet Union. But by then it had acquired the kind of institutional form that is difficult to dismantle, even under the best of circumstances. The Central Intelligence Agency, National Security Agency, and the armed forces were potent political actors in Washington by the 1990s. They had many allies in Congress and the news media who still believed that the National Security State was needed to protect American interests. Then, following September 11, a new sense of existential threat emerged among the American populace. With the rise of international terrorism affecting U.S. interests, the state’s target changed. A new consensus transformed the National Security State into the National Surveillance State. Surveillance was needed to study and act against these dispersed threats, especially because many of them were non-state actors. Originally, the National Surveillance State focused on actors outside the United States. Terrorism—exemplified by actors like the Irish Republican Army, the Tamil Tigers in Sri Lanka, and a number of Palestinian groups that the State Department listed as terrorists—mostly happened abroad. But the September 11 attacks showed that the “homeland” was vulnerable as well; and so the surveillance state began to focus on a large number of people within the United States. The legal framework of the surveillance state had two parts. According to the consensus supporting it, the president has the inherent power to guard the United States against “sudden attacks,” a phrase used at the Constitutional Convention in 1787 to explain why the Constitution gave Congress the power to “declare war”—not, as the original version had it, to “make war.” President George W. Bush and his legal advisers had an extremely aggressive and liberal interpretation of this inherent power. They contended not only that the president had the authority to initiate a full-scale war without Congress’s involvement, but also that Congress cannot limit the president’s decisions. They argued that statutes that Congress might enact to regulate the president’s actions—such as limitations on torture used to gain intelligence that might thwart a sudden attack—were unconstitutional.

Extinction

Helfand and Pastore 9 [Ira Helfand, M.D., and John O. Pastore, M.D., are past presidents of Physicians for Social Responsibility. March 31, 2009, "U.S.-Russia nuclear war still a threat", http://www.projo.com/opinion/contributors/content/CT_pastoreline_03-31-09_EODSCAO_v15.bbdf23.html]

President Obama and Russian President Dimitri Medvedev are scheduled to Wednesday in London during the G-20 summit. They must not let the current economic crisis keep them from focusing on one of the greatest threats confronting humanity: the danger of nuclear war. Since the end of the Cold War, many have acted as though the danger of nuclear war has ended. It has not. There remain in the world more than **20,000 nuclear weapons**. Alarming, more than 2,000 of these weapons **in the U.S. and Russian arsenals** remain on ready-alert status, commonly known as hair-trigger alert. They **can be fired within five minutes** and reach targets in the other country 30 minutes later. Just one of these weapons can destroy a city. **A war** involving a substantial number **would cause devastation on a scale unprecedented** in human history. A study conducted by Physicians for Social Responsibility in 2002 showed that if only 500 of the Russian weapons on high alert exploded over our cities, 100 million Americans would die in the first 30 minutes. An attack of this magnitude also would destroy the entire economic, communications and transportation infrastructure on which we all depend. Those who survived the initial attack would inhabit a nightmare landscape with huge swaths of the country blanketed with radioactive fallout and epidemic diseases rampant. They would have no food, no fuel, no electricity, no medicine, and certainly no organized health care. In the following months it is likely the vast majority of the U.S. population would die. Recent studies by the eminent climatologists Toon and Robock have shown that such a war would have a huge and immediate impact on climate world wide. If all of the warheads in the U.S. and Russian strategic arsenals were drawn into the conflict, **the firestorms** they caused **would loft 180 million tons of soot and debris into the upper atmosphere — blotting out the sun. Temperatures** across the globe **would fall** an average of 18 degrees Fahrenheit to levels not seen on earth since the depth of the last ice age, 18,000 years ago. **Agriculture would stop, eco-systems would collapse,** and many **species, including perhaps our own, would become extinct.** It is common to discuss nuclear war as a low-probability event. But is this true? We know of five occasions during the last 30 years when either the U.S. or Russia believed it was under attack and prepared a counter-attack. The most recent of these near misses occurred after the end of the Cold War on Jan. 25, 1995, when the Russians mistook a U.S. weather rocket launched from Norway for a possible attack. Jan. 25, 1995, was an ordinary day with no major crisis involving the U.S. and Russia. But, unknown to almost every inhabitant on the planet, a misunderstanding led to the potential for a nuclear war. The ready alert status of nuclear weapons that existed in 1995 remains in place today.

2NC Heg

Executive powers key to US diplomacy- normalizing US/Cuba relations proves

Levy 7/2 (Arturo Lopez Levy, Lecturer and Doctoral Candidate, University of Denver, "Embassies in Havana and Washington: A Victory of Diplomacy and Democracy",

http://www.huffingtonpost.com/arturo-lopez-levy/embassies-in-havana-and-washington-a-victory-of-diplomacy-and-democracy_b_7708898.html, 7/2/15, 7/2/15, MEM)

On July 1st, the governments of the United States and Cuba announced an agreement to open diplomatic relations and embassies in Washington and Havana. This is a major watershed in the road to full normalization of relations between the two states and the two societies. This is also a major win for democracy because the steps taken by Presidents Obama and Castro gives voice to overwhelming majorities in both societies in favor of peaceful and constructive U.S.-Cuba relations.

Diplomacy is key to dismantle hostile measurements against Cuba

Levy 7/2 (Arturo Lopez Levy, Lecturer and Doctoral Candidate, University of Denver, "Embassies in Havana and Washington: A Victory of Diplomacy and Democracy",

http://www.huffingtonpost.com/arturo-lopez-levy/embassies-in-havana-and-washington-a-victory-of-diplomacy-and-democracy_b_7708898.html, 7/2/15, 7/2/15, MEM)

The time to dismantle the walls is now. President Obama exhorted Congress to follow up and listen to the well registered voices of the American and the Cuban people against an embargo that kept bilateral relations hostage to the past. He clearly targeted the travel ban when he wondered: "why should Washington stand in the way of our own people?" In the few next weeks, Secretary John Kerry, the architect of this policy change will travel to Havana. The first historic visit of a U.S. secretary of State to Cuba in more than six decades would show a more civil and constructive way to manage American differences with Cuba. The United States is simply measuring up to its commitment to universal values and human rights. As was shown the day before in the White House by Brazil president Dilma Rousseff, the Americas and the international community endorse a U.S. approach that promotes its values and interests in Cuba through engagement not coercion. As a great power in the context of asymmetric relations, the United States has the opportunity to take some important unilateral dismantlement of hostile structures because it has nothing to risk by doing so. Reciprocity is a useful legal concept for diplomacy but it is politically detrimental in asymmetric relations. Cuba cannot take the United States out of any negative list or give back a naval base in American territory. Similarly Cuba cannot expect deference in its global role as a great power because it is not in such international affairs rank. It is important to take notice of the intangible complexities of the normalization process. Cuba and the United States are countries of different size and power but both have strong nationalist pride. Diplomacy, interdependence, respect and self-restraint are key elements for a constructive solution of the almost six decades conflict between them.

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Liberal values like privacy and liberty cause widespread environmental destruction – we must explicitly downgrade these rights to allow for the emergence of a responsible eco-authoritarian regime

Matthew Humphrey, 2007, *Ecological Politics and Democratic Theory: The challenge to the deliberative ideal*, p. 16-19, mm

So much, then, for the eco-authoritarian diagnosis; liberal democracy cannot save us because its choices are motivated by the wrong reasons and even were they not, we cannot overcome the collective action problem and still retain our liberal freedoms. 'It is not technology that has single-handedly created the problems we face with regard to our natural environment, but our belief that the choices and preferences of the majority in democratic, affluent countries are and should be viewed as absolute, beyond discussion' (Westra, 1998: 3). What about the proposed solutions offered by this group of thinkers? How does their version of 'coercive politics' work? The solutions on offer can be usefully broken down into two parts: changes in values and changes in institutions. It is because in 'crisis' conditions there is insufficient time to inculcate the former that stress is placed upon the latter, but both are required for an adequate analysis of the eco-authoritarian position. There are, as one might expect, variations in terms of the values that the eco-authoritarians are seeking to promote, depending upon which thinker one is referring to and which part of their argument. It is possible to make some generalisations however; most importantly, our 'conventional' ways of thinking about, and the importance vested in, justice, democracy, and liberalism are all challenged in the eco-authoritarian literature, and in their place are offered a value or set of values that is/are taken to be more in keeping with our newly discovered obligations to the non-human world or future generations.⁶ These latter values promote a particular conception of the good, and some notion of a politics of virtue that flows from that conception, be it, for example, 'integrity' on the part of Laura Westra or the triumph of political ecology over economics for William Ophuls. We will examine this call for value change in more detail before going on to examine the changes to political institutions that the eco-authoritarians seek. One of the most important strategies of the eco-authoritarians is to historicise certain principles that they see as being predominant in modern western societies. For them, we are in danger of seeing the values of liberty, democracy, and distributional justice as eternal verities whereas we should see them as products of a specific time and place, and more importantly, as products of, or at least as dependent upon, the existence of an economy of plenty which is both historically specific and fleeting. For Ophuls the discovery of the New World in particular liberated the Old World from ecological scarcity, and 'created all the peculiar institutions and values characteristic of modern civilisation – democracy, freedom, and individualism'. However, the 'golden age' of these values is all but over and we have to return to something like a pre-modern, closed polity (Ophuls, 1977: 144, 145). In seeking to challenge what they see as widely accepted and deeply held values in contemporary societies, the eco-authoritarians seek to both promote a new set of values and recontest or downgrade existing ones on the grounds that they are harmful to the prospects of ecological survival. The

fundamental divide here is between a politics of the right and a politics of the good. Eco-authoritarians see liberalism (as a manifestation of the politics of the right) as being a transient phenomenon crucially dependent upon the temporary conditions of material abundance ushered in by the fossil fuel age. Liberalism is a function of the material conditions that make it possible and is parasitic upon unsustainable economic policies. When the tragedy of the commons strikes, then 'the concept of inalienable rights, the purely self defined pursuit of happiness, liberty as maximum freedom of action, and laissez-faire all become problematic' (Ophuls, 1977: 152). As an account of the rights embedded in liberal ideology this is itself a contestable account, but it illustrates the way in which liberal democracy is understood in this body of literature. The problem lies in the rights that are granted which allow us to live according to our self-defined values. Westra also holds that the proliferation, under conditions of liberal democracy, of individual and aggregate rights is undesirable from an environmental point of view (1998: 57). The choices we make under these conditions are not constrained by a conception of the common good, and so can be harmful to all (Westra, 1998: 155). Hardin focuses on one particular right, that of procreation – it is 'painful' to have to deny, categorically, the claim embodied in the UN Declaration on Human Rights that 'any choice and decision with regard to the size of the family must irrevocably rest with the family itself, and cannot be made by anyone else' (1968: 1246). Nonetheless it is the case that to 'couple the concept of the freedom to breed with . . . an equal right to the commons is to lock the world into a tragic course of action' (1968: 1246). So, the kinds of 'basic liberties' that would be constitutionally entrenched in, say, a Rawlsian liberal society in order to ensure people the right to choose their own form of life are seen on this view as profoundly problematic in terms of their ecological consequences. Abrogating these rights may violate the liberal conception of justice, but 'injustice is preferable to total ruin' (Ophuls, quoting Hardin, 1977: 148). Justice, anyway, is one of the political concepts for which a move away from the liberal definition is suggested as explained later in this chapter. Against the politics of the right the eco-authoritarians recommend a virtue politics based upon a conception of the common good. Against the liberal desire to allow people to choose their own values, 'wisdom' tells us that not all values are equal and that virtue matters in life (Ophuls, 1977: 237). Virtue here entails recognising the necessity of living life according to 'ecological values' and being prepared to abandon or reconfigure those values that are not conducive to the end of sustainability. Westra offers the overarching value of (ecological) 'integrity' as the embodiment of this politics of the common good. This in turn is defined in terms of ecosystem health, resilience, the optimum potential for speciation and development, and the non-constraint of non-human nature by the actions of human beings (see Westra, 1998: 7–8). Integrity 'demands' that approximately one-third of the earth's surface be left in a wild and unmanaged state. The value of integrity is taken to embody the good of all, and so is uncompromising in its prescription of infinite, non-negotiable value to life (1998: 12). Integrity serves to ground the precautionary principle, which should be mandatory in public policy.⁷ Integrity is 'more basic' than justice, and is an anti-democratic principle (1998: 9) because democratic choices are inadequate when it comes to realising the principle (1998: 222). The principle is rendered 'compatible' with the idea of right simply by being recast in terms of a right, the fundamental and trumping 'right' to integrity, which is taken to operate at both a micro (organism) and macro (species, ecosystem) level. Only such a principle can protect people from unchosen

harm, whereas democracy can inflict unchosen harms, or at least the risk of such harms, onto defeated minorities. As a manifestation of the common good it behoves all of us to live according to the principle of ecological integrity, and to the extent that we do not embrace this principle voluntarily, those in authority will have to force it upon us, rather in the fashion of the forced administration of anti-psychotic medicines. The Aristotelian 'wise man' referred to above will have the task of running a top-down regulatory regime – 'the "top-down" regulatory and public policy aspect will have to be prescribed by an interdisciplinary team of biologists, ecologists, political scientists, medical specialists and philosophers with a strong traditional moral basis' (1998: 198–9). Given our poor habits of making democratic decisions that are not underpinned by conceptions of the common good (1998: 155), of choosing leaders for the 'wrong' reasons and making decisions on the basis of uninformed preferences, we have to accept the imperative to downgrade the value of democracy and accept more authoritarian forms of public rule. This downgrading of the value of democracy is common across this literature, although at times it seems in tension with the projection of mutual coercion mutually agreed upon, which implies a democratically legitimated move towards authoritarian forms of government. So for example Ophuls suggests that certain normatively justified restrictions must be imposed upon a populace that would do something quite different (and more damaging) if left to their own devices. The problem lies in legislating the appropriate 'temperance and virtue' without 'exalting the few over the many and subjecting individuals to the unwarranted exercise of power or to excessive conformity to some dogma' (1977: 227). To return to the Schumpeterian theme one of the significant problems with democratic decision making for this group of writers stems from a belief that people vary significantly in terms of their competence to make appropriate political decisions, whereas a key assumption of democratic theory is that 'people do not differ greatly in competence' (Ophuls, 1977: 159). If they do so differ, 'effective government may require the sacrifice of political equality and majority rule.8 Indeed in certain circumstances democracy must give way to elite rule' (Ophuls, 1977: 159), such an elite being made up of the biologists, philosophers, and so on who function as the 'wise man' of Westra's account. We may have to 'respect' a plurality of positions but we do not have to accord them equal weight in the political process (Westra, 1998: 220–1, although is not entirely clear how we show 'respect' to a political position by granting it inferior status to our own beliefs). The problem with this analysis is the epistemological barrier it seems to place in the path of us ever achieving mutual agreement upon the mutual coercion that is taken to be necessary. If we could reach such agreement we would be 'democratically coercing ourselves to behave responsibly' (Ophuls, 1977: 155) and thus the authoritarian government we place over ourselves would have a degree of democratic legitimacy. There is clearly, however, a problem with the analysis here. If we are both (1) woefully attached to the 'wrong' values already and (2) drop down to a childlike level of performance in the political sphere, it is difficult to see where the political resources are that would enable us to vote down the liberties to which we are apparently so attached. It seems rather more likely that eco-authoritarianism would consist in coercion that had not been mutually agreed and would thus lack that imprimatur of democratic legitimation, which in turn leaves open the question of how the ecological 'wise man' could ever reach a position of authority, given that 'powerful economic and political interests' are taken to be in fundamental opposition to ecological values and also to 'manipulate' the preferences of

citizens (from what baseline of preferences, that is, what the counter-factual is here, is not clear). As well as downgrading the value of democracy, we must be prepared to similarly downgrade our attachment to liberties, the value of which have to be set against the politics of the common good. Indeed we must 'eliminate' hazardous and wasteful individual rights, including property and procreative rights. 'Strong' rights must be 'basic' only, and the prime instance of a basic right is that to ecological integrity. It follows from this basic right to integrity that 'respect' for 'wildness for both its services and its component life' is basic as well (Westra, 1998: 235). Limitations on rights to property, mobility, and procreation do not conflict with the ethic of (micro-) integrity because they are 'compatible' with respect for life (1998: 256). Ophuls comments that we should not fear that any concession of political rights to the community must lead to the total subjugation of the individual by an all-powerful state, as authoritarian rule can still be constitutional and limited (1977: 226).

The crunch is coming – our current pace of growth is unsustainable and will cause extinction

Rose Buchanan, 6/20/2015, writer at The Independent. Cites study from scientists at Stanford, Princeton and Berkeley

<http://www.independent.co.uk/environment/earth-is-entering-sixth-extinction-phase-with-many-species--including-our-own--labelled-the-walking-dead-10333608.html>, mm

The planet is entering a new period of extinction with top scientists warning that species all over the world are "essentially the walking dead" – including our own. The report, authored by scientists at Stanford, Princeton and Berkeley universities, found that vertebrates were vanishing at a rate 114 times faster than normal. In the damning report, published in the Science Advances journal, researchers note that the last similar event was 65 million years ago, when dinosaurs disappeared, most probably as a result of an asteroid. "We are now entering the sixth great mass extinction event," one of the authors of the paper told the BBC. Gerardo Ceballos, lead author of the research, added: "If it is allowed to continue, life would take many millions of years to recover and our species itself would likely disappear early on". The research examined historic rates of extinction for vertebrates, finding that since 1900 more than 400 vertebrates have disappeared – an extinction rate 100 times higher than in other – non-extinction – periods. "There are examples of species all over the world that are essentially the walking dead," said Stanford University professor Paul Ehrlich. He added: "We are sawing off the limb that we are sitting on." The research, which cites climate change, pollution and deforestation as causes for the rapid change, notes that a knock-on effect of the loss of entire ecosystems could be dire. As our ecosystems unravel, the Centre for Biological Diversity has noted that we could face a "snowball" effect whereby individual species extinction ultimately fuels more losses. The report, which builds on findings published by Duke University last year, does note that averting this loss is "still possible through intensified conservation effects," but that "window of opportunity is rapid closing."

The alternative is to endorse a radical, eco-authoritarian pedagogy. Only this can prevent extinction. Growth is unsustainable and is destroying the environment – our alternative motivates existing social movements to topple the political order – this isn't crazy, credible climate scientists are increasingly supporting this position.

Naomi Klein, 10/29/2013, New Statesman, (Klein is the author of "The Shock Doctrine"), "How science is telling us all to revolt," <http://www.newstatesman.com/2013/10/science-says-revolt>, mm

In December 2012, a pink-haired complex systems researcher named Brad Werner made his way through the throng of 24,000 earth and space scientists at the Fall Meeting of the American Geophysical Union, held annually in San Francisco. This year's conference had some big-name participants, from Ed Stone of Nasa's Voyager project, explaining a new milestone on the path to interstellar space, to the film-maker James Cameron, discussing his adventures in deep-sea submersibles.¶ But it was Werner's own session that was attracting much of the buzz. It was titled "Is Earth F**ked?" (full title: "Is Earth F**ked? Dynamical Futility of Global Environmental Management and Possibilities for Sustainability via Direct Action Activism").¶ Standing at the front of the conference room, the geophysicist from the University of California, San Diego walked the crowd through the advanced computer model he was using to answer that question. He talked about system boundaries, perturbations, dissipation, attractors, bifurcations and a whole bunch of other stuff largely incomprehensible to those of us uninitiated in complex systems theory. But the bottom line was clear enough: global capitalism has made the depletion of resources so rapid, convenient and barrier-free that "earth-human systems" are becoming dangerously unstable in response. When pressed by a journalist for a clear answer on the "are we f**ked" question, Werner set the jargon aside and replied, "More or less."¶ There was one dynamic in the model, however, that offered some hope. Werner termed it "resistance" – movements of "people or groups of people" who "adopt a certain set of dynamics that does not fit within the capitalist culture". According to the abstract for his presentation, this includes "environmental direct action, resistance taken from outside the dominant culture, as in protests, blockades and sabotage by indigenous peoples, workers, anarchists and other activist groups".¶ Serious scientific gatherings don't usually feature calls for mass political resistance, much less direct action and sabotage. But then again, Werner wasn't exactly calling for those things. He was merely observing that mass uprisings of people – along the lines of the abolition movement, the civil rights movement or Occupy Wall Street – represent the likeliest source of "friction" to slow down an economic machine that is careening out of control. We know that past social movements have "had tremendous influence on . . . how the dominant culture evolved", he pointed out. So it stands to reason that, "if we're thinking about the future of the earth, and the future of our coupling to the environment, we have to include resistance as part of that dynamics". And that, Werner argued, is not a matter of opinion, but "really a geophysics problem".¶ Plenty of scientists have been moved by their research findings to take action in the streets. Physicists, astronomers, medical doctors and biologists have been at the forefront of movements against nuclear weapons, nuclear power, war, chemical contamination and

creationism. And in November 2012, Nature published a commentary by the financier and environmental philanthropist Jeremy Grantham urging scientists to join this tradition and “be arrested if necessary”, because climate change “is not only the crisis of your lives – it is also the crisis of our species’ existence”.¶ Some scientists need no convincing. The godfather of modern climate science, James Hansen, is a formidable activist, having been arrested some half-dozen times for resisting mountain-top removal coal mining and tar sands pipelines (he even left his job at Nasa this year in part to have more time for campaigning). Two years ago, when I was arrested outside the White House at a mass action against the Keystone XL tar sands pipeline, one of the 166 people in cuffs that day was a glaciologist named Jason Box, a world-renowned expert on Greenland’s melting ice sheet.¶ “I couldn’t maintain my self-respect if I didn’t go,” Box said at the time, adding that “just voting doesn’t seem to be enough in this case. I need to be a citizen also.”¶ This is laudable, but what Werner is doing with his modelling is different. He isn’t saying that his research drove him to take action to stop a particular policy; he is saying that his research shows that our entire economic paradigm is a threat to ecological stability. And indeed that **challenging this economic paradigm – through mass-movement counter-pressure – is humanity’s best shot at avoiding catastrophe.**¶ That’s heavy stuff. But he’s not alone. **Werner is part of a small but increasingly influential group of scientists whose research into the destabilisation of natural systems – particularly the climate system – is leading them to similarly transformative, even revolutionary, conclusions.** And for any closet revolutionary who has ever dreamed of overthrowing the present economic order in favour of one a little less likely to cause Italian pensioners to hang themselves in their homes, this work should be of particular interest. Because **it makes the ditching of that cruel system** in favour of something new (and perhaps, with lots of work, better) no longer a matter of mere ideological preference but rather **one of species-wide existential necessity.**¶ Leading the pack of these new scientific revolutionaries is one of Britain’s top climate experts, Kevin Anderson, the deputy director of the Tyndall Centre for Climate Change Research, which has quickly established itself as one of the UK’s premier climate research institutions. Addressing everyone from the Department for International Development to Manchester City Council, Anderson has spent more than a decade patiently translating the implications of the latest climate science to politicians, economists and campaigners. In clear and understandable language, he lays out a rigorous road map for emissions reduction, one that provides a decent shot at keeping global temperature rise below 2° Celsius, a target that most governments have determined would stave off catastrophe.¶ But in recent years Anderson’s papers and slide shows have become more alarming. Under titles such as “Climate Change: Going Beyond Dangerous . . . Brutal Numbers and Tenuous Hope”, he points out that the chances of staying within anything like safe temperature levels are diminishing fast.¶ With his colleague Alice Bows, a climate mitigation expert at the Tyndall Centre, Anderson points out that we have lost so much time to political stalling and weak climate policies – all while global consumption (and emissions) ballooned – that we are now facing cuts so drastic that they challenge the fundamental logic of prioritising GDP growth above all else.¶ Anderson and Bows inform us that the often-cited long-term mitigation target – an 80 per cent emissions cut below 1990 levels by 2050 – has been selected purely for reasons of political expediency and has “no scientific basis”. That’s because climate impacts come not just from what we emit today and tomorrow, but from the cumulative emissions that build up in the atmosphere over time. And they warn that by focusing on targets three and a half decades into

the future – rather than on what we can do to cut carbon sharply and immediately – there is a serious risk that we will allow our emissions to continue to soar for years to come, thereby blowing through far too much of our 2° “carbon budget” and putting ourselves in an impossible position later in the century.¶ Which is why Anderson and Bows argue that, if the governments of developed countries are serious about hitting the agreed upon international target of keeping warming below 2° Celsius, and if reductions are to respect any kind of equity principle (basically that the countries that have been spewing carbon for the better part of two centuries need to cut before the countries where more than a billion people still don’t have electricity), then the reductions need to be a lot deeper, and they need to come a lot sooner.¶ To have even a 50/50 chance of hitting the 2° target (which, they and many others warn, already involves facing an array of hugely damaging climate impacts), the industrialised countries need to start cutting their greenhouse-gas emissions by something like 10 per cent a year – and they need to start right now. But Anderson and Bows go further, pointing out that this target cannot be met with the array of modest carbon pricing or green-tech solutions usually advocated by big green groups. These measures will certainly help, to be sure, but they are simply not enough: a 10 per cent drop in emissions, year after year, is virtually unprecedented since we started powering our economies with coal. In fact, cuts above 1 per cent per year “have historically been associated only with economic recession or upheaval”, as the economist Nicholas Stern put it in his 2006 report for the British government.¶ Even after the Soviet Union collapsed, reductions of this duration and depth did not happen (the former Soviet countries experienced average annual reductions of roughly 5 per cent over a period of ten years). They did not happen after Wall Street crashed in 2008 (wealthy countries experienced about a 7 per cent drop between 2008 and 2009, but their CO2 emissions rebounded with gusto in 2010 and emissions in China and India had continued to rise). Only in the immediate aftermath of the great market crash of 1929 did the United States, for instance, see emissions drop for several consecutive years by more than 10 per cent annually, according to historical data from the Carbon Dioxide Information Analysis Centre. But that was the worst economic crisis of modern times.¶ If we are to avoid that kind of carnage while meeting our science-based emissions targets, carbon reduction must be managed carefully through what Anderson and Bows describe as “radical and immediate de-growth strategies in the US, EU and other wealthy nations”. Which is fine, except that we happen to have an economic system that fetishises GDP growth above all else, regardless of the human or ecological consequences, and in which the neoliberal political class has utterly abdicated its responsibility to manage anything (since the market is the invisible genius to which everything must be entrusted).¶ So what Anderson and Bows are really saying is that **there is still time to avoid catastrophic warming, but not within the rules of capitalism as they are currently constructed**. Which may be the best argument we have ever had for changing those rules.¶ In a 2012 essay that appeared in the influential scientific journal *Nature Climate Change*, Anderson and Bows laid down something of a gauntlet, accusing many of their fellow scientists of failing to come clean about the kind of changes that climate change demands of humanity. On this it is worth quoting the pair at length:¶ . . . in developing emission scenarios scientists repeatedly and severely underplay the implications of their analyses. When it comes to avoiding a 2°C rise, “impossible” is translated into “difficult but doable”, whereas “urgent and radical” emerge as “challenging” – all to appease the god of economics (or, more precisely, finance). For example, to avoid exceeding the maximum rate of emission reduction dictated by economists,

“impossibly” early peaks in emissions are assumed, together with naive notions about “big” engineering and the deployment rates of low-carbon infrastructure. More disturbingly, as emissions budgets dwindle, so geoengineering is increasingly proposed to ensure that the diktat of economists remains unquestioned.¶ In other words, in order to appear reasonable within neoliberal economic circles, scientists have been dramatically soft-peddling the implications of their research. By August 2013, Anderson was willing to be even more blunt, writing that the boat had sailed on gradual change. “Perhaps at the time of the 1992 Earth Summit, or even at the turn of the millennium, 2°C levels of mitigation could have been achieved through significant evolutionary changes within the political and economic hegemony. But climate change is a cumulative issue! Now, in 2013, we in high-emitting (post-)industrial nations face a very different prospect. Our ongoing and collective carbon profligacy has squandered any opportunity for the ‘evolutionary change’ afforded by our earlier (and larger) 2°C carbon budget. Today, after two decades of bluff and lies, the remaining 2°C budget demands revolutionary change to the political and economic hegemony” (his emphasis).¶ We probably shouldn’t be surprised that some climate scientists are a little spooked by the radical implications of even their own research. Most of them were just quietly doing their work measuring ice cores, running global climate models and studying ocean acidification, only to discover, as the Australian climate expert and author Clive Hamilton puts it, that they “were unwittingly destabilising the political and social order”.¶ But there are many people who are well aware of the revolutionary nature of climate science. It’s why some of the governments that decided to chuck their climate commitments in favour of digging up more carbon have had to find ever more thuggish ways to silence and intimidate their nations’ scientists. In Britain, this strategy is becoming more overt, with Ian Boyd, the chief scientific adviser at the Department for Environment, Food and Rural Affairs, writing recently that scientists should avoid “suggesting that policies are either right or wrong” and should express their views “by working with embedded advisers (such as myself), and by being the voice of reason, rather than dissent, in the public arena”.¶ If you want to know where this leads, check out what’s happening in Canada, where I live. The Conservative government of Stephen Harper has done such an effective job of gagging scientists and shutting down critical research projects that, in July 2012, a couple thousand scientists and supporters held a mock-funeral on Parliament Hill in Ottawa, mourning “the death of evidence”. Their placards said, “No Science, No Evidence, No Truth”.¶ But the truth is getting out anyway. The fact that the business-as-usual pursuit of profits and growth is destabilising life on earth is no longer something we need to read about in scientific journals. The early signs are unfolding before our eyes. And increasing numbers of us are responding accordingly: blockading fracking activity in Balcombe; interfering with Arctic drilling preparations in Russian waters (at tremendous personal cost); taking tar sands operators to court for violating indigenous sovereignty; and countless other acts of resistance large and small. In Brad Werner’s computer model, this is the “friction” needed to slow down the forces of destabilisation; the great climate campaigner Bill McKibben calls it the “antibodies” rising up to fight the planet’s “spiking fever”.¶ It’s not a revolution, but it’s a start. And it might just buy us enough time to figure out a way to live on this planet that is distinctly less f**ked.

2NC – Impact Overview

Extinction is inevitable – the crunch is coming. All aspects of the environment are in decline – resource scarcity, biodiversity loss, climate change – due to liberalism and democracy. That’s Humphrey, Buchanan and Klein from the 1NC. This makes all of the aff’s impacts inevitable absent the alternative.

The crunch is coming and causes extinction – our evidence is based on new scientific studies

Oliver Milman, 1/16/2015, The Guardian, “Life on Earth now officially at risk, scientists say,” <http://grist.org/climate-energy/life-on-earth-now-officially-at-risk-scientists-say/>, mm

Humans are “eating away at our own life support systems” at a rate unseen in the past 10,000 years by degrading land and freshwater systems, emitting greenhouse gases, and releasing vast amounts of agricultural chemicals into the environment, new research has found.¶ Two major new studies by an international team of researchers have pinpointed the key factors that ensure a livable planet for humans, with stark results.¶ Of nine worldwide processes that underpin life on Earth, four have exceeded “safe” levels — human-driven climate change, loss of biosphere integrity, land system change, and the high level of phosphorus and nitrogen flowing into the oceans due to fertilizer use.¶ Researchers spent five years identifying these core components of a planet suitable for human life, using the long-term average state of each measure to provide a baseline for the analysis.¶ They found that the changes of the last 60 years are unprecedented in the previous 10,000 years, a period in which the world has had a relatively stable climate and human civilization has advanced significantly.¶ Carbon dioxide levels, at 395.5 parts per million, are at historic highs, while loss of biosphere integrity is resulting in species becoming extinct at a rate more than 100 times faster than the previous norm.¶ Since 1950, urban populations have increased sevenfold, primary energy use has soared by a factor of five, while the amount of fertilizer used is now eight times higher. The amount of nitrogen entering the oceans has quadrupled.¶ All of these changes are shifting Earth into a “new state” that is becoming less hospitable to human life, researchers said.¶ “These indicators have shot up since 1950 and there are no signs they are slowing down,” said professor Will Steffen of the Australian National University and the Stockholm Resilience Center. Steffen is the lead author on both of the studies.¶ “When economic systems went into overdrive, there was a massive increase in resource use and pollution. It used to be confined to local and regional areas but we’re now seeing this occurring on a global scale. These changes are down to human activity, not natural variability.”¶ Steffen said direct human influence upon the land was contributing to a loss in pollination and a disruption in the provision of nutrients and fresh water.¶ “We are clearing land, we are degrading land, we introduce feral animals and take the top predators out, we change the marine ecosystem by overfishing — it’s a death by a thousand cuts,” he said. “That direct impact upon the land is the most important factor right now, even more than climate change.”¶ There are large variations in conditions around the world, according to the research. For example, land clearing is now concentrated in tropical areas, such as Indonesia and the Amazon, with the practice reversed in parts of Europe. But the overall picture is one of

deterioration at a rapid rate.¶ “It’s fairly safe to say that we haven’t seen conditions in the past similar to ones we see today and there is strong evidence that there [are] tipping points we don’t want to cross,” Steffen said.¶ “If the Earth is going to move to a warmer state, 5-6 degrees C warmer, with no ice caps, it will do so and that won’t be good for large mammals like us. People say the world is robust and that’s true, there will be life on Earth, but the Earth won’t be robust for us.¶ “Some people say we can adapt due to technology, but that’s a belief system, it’s not based on fact. There is no convincing evidence that a large mammal, with a core body temperature of 37 degrees C, will be able to evolve that quickly. Insects can, but humans can’t and that’s a problem.”¶ Steffen said the research showed the economic system was “fundamentally flawed” as it ignored critically important life support systems.¶ “It’s clear the economic system is driving us towards an unsustainable future and people of my daughter’s generation will find it increasingly hard to survive,” he said. “History has shown that civilizations have risen, stuck to their core values and then collapsed because they didn’t change. That’s where we are today.”¶ The two studies, published in Science and Anthropocene Review, featured the work of scientists from countries including the U.S., Sweden, Germany, and India. The findings will be presented in seven seminars at the World Economic Forum in Davos, which takes place between Jan. 21 and 25.

2NC - Alt Overview

The alternative is an endorsement of a radical, eco-authoritarian pedagogy. Only this political strategy can create a governance model that allows us to survive the crunch. The Humphrey evidence says we must reject the liberal tradition and formulate a centrally planned society governed by ecologically conscious elites. The Klein evidence provides a strategy of direct action to bring about this transition. Even if the alternative does not result in immediate political action, we still solve because this space provides a unique forum to deploy our alternative – the university is the key site for training the new class of eco-authoritarian elites

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 133-34, mm

Both de la Boetie and Hoppe are primarily concerned with the preservation of freedom of the individual, this being the core value in their systems. But for us freedom is not the most fundamental value and is merely one value among others. Survival strikes us as a much more basic value. Now our proposal is that since fighters for freedom are always likely to arise, the probability of fighters for life and survival arising must be as great if not greater. This will be especially so if the opportunity is provided for such ecowarrior/philosophers to develop and be nurtured in special institutions called “real universities” or academies. **At present our leaders are primarily trained in institutions that perpetuate and legitimate our environmentally destructive system.** The conventional university trains narrow, politically correct thinkers who ultimately become the economic warriors of the system. **Our proposal is to counter this by an alternative framework for the training and complete education of a new type of person who will be wise and fit to serve and to rule.** Unlike the narrowly focused economic rationalist universities of today, **the real university will train holistic thinkers in all of the arts and sciences necessary for tough decision making that the environmental crisis confronts us with. These thinkers will be the true public intellectuals with knowledge well grounded in ecology.** Chapter 9 will describe in more detail how we might begin the process of constructing such real universities to train the ecowarriors to do battle against the enemies of life. We must accomplish this education with the dedication that Sparta used to train its warriors. As in Sparta, these natural elites will be especially trained from childhood to meet the challenging problems of our times.

And liberal democracy is unsustainable – the alternative allows for a smooth transition by reconceptualizing our political and cultural values

Bruce Jennings, May 2013, [Jennings is the Director of Bioethics and Editor of *Minding Nature* at the Center for Humans and Nature], Center for Humans & Nature, “Governance in a Post-Growth Society: An Inquiry into the Democratic Prospect,”

<http://www.humansandnature.org/governance-in-a-post-growth-society--an-inquiry-into-the-democratic-prospect-article-136.php>, mm

In addition, new developments have arisen to complicate governance enormously, such as the global mobility of capital and investment that undermines the relative power of the nation state as a meaningful policy maker and as a locus of economic leverage. Meanwhile, regional and **global ecological problems have gotten much worse** than they were in the 1970s—climate change, biodiversity loss, fresh water shortages, damage to the ocean ecosystems. Hence, **the** continuing **viability of the liberal tradition**—a proud and hard-won intellectual orientation promoting liberty, equality, and human rights for three hundred years beginning in the seventeenth century—**is in serious question**. Can we be sanguine about the possibility of genuinely coping with limits to growth while still remaining committed to these basic values, institutions, and practices?¶ Two points, however, do seem reasonably certain. First, while we do not know what form the transition to a new structure of governance will take, that **transition will be necessary and inevitable**. Consider the issue of climate change and the attempt to limit greenhouse gas (GHG) emissions. As we witness the current struggles by global democracies to respond to the pronouncements of scientists and to set meaningful limits to unsustainable economic forces and interests, these governments reveal indecision so deep seated that it amounts to a paralysis of political and moral will. The timetable of the challenges facing us and the timetable of our collective capacity to respond are tragically out of joint.¶ The second clear starting point is that whatever type and form of governance emerges, it will require normative legitimation to be sustained. Beginning in the 1970s, a number of social theorists began to maintain that **ecological constraints will create a** legitimation **crisis for liberal democracy** and that either a non-democratic authoritarian state or at least a democratic regime with new non-democratic power centers will emerge from that crisis. A future authoritarianism does not necessarily entail a military dictatorship or police state. Coercion alone, even if ethically justified, cannot sustain behavioral compliance across a large population and govern complex networks of economic activity under modern social conditions for a sustained period of time. Popular commitment and voluntary consent, not coercion, are the key to modern governance, certainly on the national level, let alone on larger scales than that. Hence **whatever effective form of governance emerges** in a future degrowth society, **a new form of social contract will be needed as its foundation**: a transformation within the political culture that will produce voluntary consent to the new forms of governance and to new reach of political authority.¶ Such commitment is brought about in one of two ways: by purchase or by persuasion; by deploying financial incentives and self-interested motivations, or by manipulating ideas, ideals, and arguments. If the growth of material consumption and affluence will not be the currency with which to buy the necessary commitment and compliance, then what form of persuasion can secure them?¶ What would **a social contract for a degrowth society** be comprised of? For one thing, it **would** be based on the recognition that advanced industrial societies had finally encountered the natural limits to their expansion, and that henceforth they would **have to make sweeping technological, political, and social adjustments** in order to bring economic activity in line with the fragile and finite carrying capacity of the planet.¶ In addition, it would have to be based on new conceptions of justice because, without the continuing promise of an ever-growing pie to hold them in abeyance, claims for substantive redistribution from the most to the least well-off will inevitably arise, calling for potentially disruptive allocation decisions and, therefore, new principles of distributive justice to legitimate them.¶ Finally, **it will have to**

involve an ongoing type of political education and cultural value transformation away from a political culture marked by unrealistic expectations and political demands about future prosperity and a growing consumerist orientation. Only thus can the preoccupation of future governance turn to something other than the successful management of material economic growth without losing normative legitimacy and social-political stability.

Rethinking the political order is a prerequisite – any action to save the environment in the current paradigm is doomed to failure – the alt is necessary and sufficient to solve

William Ophuls, 2011, *Plato's Revenge: Politics in the Age of Ecology*, p. xii-xiv, (Ophuls received a PhD in Political Science from Yale in 1973, served for eight years as a Foreign Service Officer in Washington and Tokyo, and has taught at Northwestern University), [this evidence has been modified for gendered language], mm

Some may object that a radical change in public philosophy is hardly a practical or feasible solution – as if it were somehow illegitimate to propose answers to our problems that do not accord with received ideas or that cannot be implemented by existing institutions. But if our problems have been created by a certain way of thinking, then the only real solution is to adopt a new way of thinking and not to devise clever political or economic mousetraps based on the old one. As Albert Einstein is supposed to have said, “No problem can be solved from the same level of consciousness that created it.” And once adopted, the new level of consciousness will almost automatically generate the requisite practical measures. Why is it taboo to propose political change when we complaisantly permit massive, unlegislated technological changes that have the effect of overturning the social order? The current American political system is sacrosanct. If the founders could see how the Constitution that they framed with such prudence has been subverted by their political progeny, they would be appalled. The only genuine solution to our predicament is a new political philosophy, however impractical, unfeasible, or event heretical it might seem to adherents of the old one. ¶ For some, political philosophy is irrelevant for all practical purposes because technique and finance, not poetry, how legislate for humankind. This makes our governing ideas mere resultants or rationales, not causes. But John Maynard Keynes argued to the contrary that practical men [people] of affairs are in reality the intellectual slaves of defunct scribblers. In our case, we are the slaves of Thomas Hobbes. Despite his lament at the end of book 2 of *Leviathan* that his philosophical labor was as “useless” as Plato’s *Republic*, Hobbes’s ideas, as revised and elaborated by John Locke and Adam Smith, became the template of modern life – that is, life seemingly determined by technique and finance. In other words, the economic and technocratic juggernaut driving us toward an increasingly chaotic and dismal future is but the physical manifestation of Hobbes’s mostly unacknowledged philosophy. Until we invent and implement a better one that is inspired by a vision of a more satisfying and genuinely sustainable future, nothing can change for the better. In the end, not only do ideas matter, but they may be all that matter. As Keynes said, “the world is ruled by little else.” The process is inevitably dialectical: when ideas are given concrete form, that form then affects our way of thinking. To adapt Winston Churchill’s tribute to the power of architecture, “We shape our institutions, and afterward our institutions shape us.”

2NC – Alt Solvency (Environment)

Solvency deficits are irrelevant – collapse is inevitable – the alternative is the only way to train a new class of eco-authoritarians so we can survive the crunch

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 136, mm

It is not possible to take the argument further. Today we are reluctant to add the names of any individuals who could be conscripted for our alternative “Intensive Care Management Government,” because there are obviously defects in all individuals educated in our existing institutions—including us! Nevertheless, as Darwinian evolutionists we believe imperfections can be eliminated by a process of trial and error and selection. We can rebuild the ship of civilization while it floats, slowly attempting to produce better qualified people, people who are less selfish and more altruistic than ourselves. The time frame for any sort of education-based leadership change will be many decades and of course, humanity does not have the luxury of waiting for such a time. Therefore, in our opinion, there is a considerable likelihood that some type of economic or ecological crash will occur that will lead to the collapse of our present social system. There will thus be casualties; there is no escape from the fact that a great reckoning for humankind is to come. What we propose is a form of crisis care management so that civilization does not perish; we wish to save a remnant. Of course we have not answered all the questions that naturally arise when any strategy of “how to get there” is postulated. Given that there is so little thought about what to do in such worse case scenarios, we believe that some process is better than nothing at all. Given the problems we have sketched, it is difficult to see where else one could go or what else one could do. Therefore, take our proposal as a “work in progress” research program that can be developed further.

An eco-authoritarian system can succeed – Singapore is a perfect model

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 124, mm

In the face of the environmental failures of the liberal democracies, there may be lessons to be learned from one country, Singapore, which is often called authoritarian and an “illiberal democracy.” Singapore became independent in 1965 when, like many other countries in the third world, it was poor and lacked natural resources.¹³ Today its citizens have one of the highest per capita incomes in the world without suffering the sectional and social consequences of affluence. Yet Singapore is in effect a one-party state with minimal parliamentary opposition and restrictive laws. The People’s Action Party (PAP) was elected in 1959 and has governed ever since. It has dedicated itself to economic success by value creation and full employment. It has created high standards in management, housing, health, education, transportation, and the environment. It has used the expertise of multinational corporations without succumbing to their philosophy. When the PAP is in effect the state, why

has its authoritarian rule not become corrupt and incompetent? Lee Kwan Yew was the leader of the PAP in the first decades of its rule. He was a highly intelligent technocrat who avoided the cult of personality and established a team based on intellectual and technical ability. Government is a meritocracy that renews itself from within its own ranks. Transition of leadership is managed carefully and appropriately without the vituperation and denigration so prevalent in the liberal democracies. Economic advancement has been a legitimizing factor for authoritarianism and opposition is insignificant. In the sphere of parliamentary opposition there are nominated members to represent particular interests and expertise. The PAP did not evolve into an authoritarian structure. It was created in this mold. Lee said that the PAP founders “believed that political stability was the top priority because it was a prerequisite for development and modernization. This belief accompanied a shared apprehension about the transferability of Western democracy to an Asian society and an underlying conviction that unfettered democracy contained within it certain frailties always threatening to degenerate into mob rule.”¹⁴ This viewpoint from an Asian culture reflected Plato’s conclusions from centuries before and has been justified by Lee’s outcomes. Singapore demonstrates that it is possible for a state to fashion an intellectual elite that can succeed in creating a wealthy economy for all its citizens. In doing this it does not allow the freedoms that many self-proclaimed leaders of the world’s liberal democracies enjoy. However the freedoms of democracy are increasingly eroded by leaders using the threat of terror and the imposition of law and order to bolster their own power. It is becoming debatable whether it is better to live under these deprivations or under a benign authoritarianism that provides basic human needs necessary for well-being. Let us take the argument further by asking whether a Singapore system could be developed to drive vital environmental outcomes in the interests of humanity’s future? The answer is surely yes. Governance is by a team of technocratic elites supported by educational structures described in the next chapter. An analysis of the pathetic, self-serving performance of many elected representatives of liberal democracies is a cogent argument for this option.

2NC – AT Perm

The perm can't solve - rights and autonomy are incompatible with an eco-authoritarian model – privileging these values makes environmentally responsible governance impossible

Bruce Jennings, May 2013, [Jennings is the Director of Bioethics and Editor of Minding Nature at the Center for Humans and Nature], Center for Humans & Nature, "Governance in a Post-Growth Society: An Inquiry into the Democratic Prospect,"

<http://www.humansandnature.org/governance-in-a-post-growth-society--an-inquiry-into-the-democratic-prospect-article-136.php>, mm

Ecological authoritarianism. Ecological authoritarians maintain that the successful governance in a degrowth era will require centralized, elitist, and technocratic management at least in the areas of economic and environmental policy.[9] Mindful of the internal contradictions plural democratic governance faces as it attempts to cope with problems of productivity, capital accumulation, and growth, ecological authoritarians stress the need for policy makers and planners to be insulated from democratic pressures and granted an increasing measure of autocratic authority if they are to steer the economy on an ecologically rational and efficient course. Ecological authoritarians are impressed, perhaps overly so, by the popular demand in pluralistic democratic systems for democratic rights and material affluence. They speak of democratic overload in reference to those pressures and demands: democratic overload of policy makers leads to economic overload or overshoot of the carrying capacity of ecosystems. The former has to be broken free from in order to prevent the latter.¶ Indeed, ecological authoritarians see a vicious cycle, a destructive feedback loop in this. As pluralistic democracies succeed in their aim to increase economic prosperity for the population, the democratic assertiveness of citizens for more growth and prosperity also increases. As the economic management of ever-higher levels of affluence becomes more complex, the tension between democratic politics and "scientific" planning comes to a crisis point.¶ The ecological authoritarians here make an important point. The fact that pluralistic democracy has demonstrated its inability to perform ecologically precautionary governance in a consistent or timely way is not fortuitous; it is built into the deep structure and political logic of this type of system as such. If pluralistic democratic governments follow the dictates of ecological science and planning, they will restrict growth in ways that risk losing their popular base of support. If, conversely, such governments attempt to maintain their legitimacy by bowing to short-term democratic pressures, they will not be able to take (and require the private sector to take) the steps necessary to protect the environment. Eventually economic downturn, inequality, and hardship will result from ecological degradation, and again the governments will lose their popular support and legitimacy.[10] Note, however, that the political costs of the first prong of this dilemma are more immediate than those from the second prong, so pragmatism in a pluralistic democracy counsels the first course of action. Such pragmatism is ecologically insane.

Starting Point DA – The perm maintains the same political reference point as the plan, which guts solvency for the alt and ensures extinction

Pentti Linkola, 2009, (Linkola is a Finnish environmental activist and scholar), “Can Life Prevail? A Revolutionary Approach to the Environmental Crisis,” p. 39-41, mm

I did not know how the dictionary defines the word utopia. Anyhow, Hovila uses it to indicate “a model differing from the dominating one” or – in more elaborate terms – “a model that differs from the one that happens to prevail at the time of observation.” This concept, I would argue, is both fruitless and misleading. The words utopia and utopian are useful when used to describe reveries that are only dreamt of: things impossible, deceptive, unrealistic or which lead to ruin. For a long time it has been clear that of all known societies and economies, the most genuinely utopian are those that have been adopted at present, as they are founded on the logical impossibility of continuous economic growth. ¶ When, in an articles entitled “Utopian Politics are Dangerous,” Hovila describes the model societies suggested by Pentti Linkola and Eero Paloheimo as “unrealistic,” “dangerous utopias,” his line of reasoning makes no sense whatsoever. What could be more “dangerous” than the present unwavering and relentless descent into a mass grave: this society of economic growth and technology that every second is destroying the life around us? If nothing else, the programmes of Linkola, Paloheimo and Schumacher (who was also mentioned by Hovila) are examples of extreme realism, anti-idealism and anti-utopianism. Each in their own way, these programmes have specifically been devised to secure the survival of society, mankind and life: they are as far away from being “dangerous” as could be. ¶ What Hovila writes is often unbelievable: “The use of violent methods poses a concrete risk. The recent raids carried out by animal-rights extremists are an example of how ‘utopians’ may collaborate with dissenters.” In his expression of this matter Hovila even manages to lump together two completely opposite things: the subtle and altogether limited violence of animal rights activists on the one hand; the massive violence openly practiced by fur farmers and the vast, hidden violence perpetrated by economic growth on the other. ¶ Hovila deftly writes: “These models present the same problem as all utopias: unless fully implemented, they will not be implemented at all. Without a connection to the present, these programmes are simply meaningless.” It is rather grotesque that Hovila’s words should be completely disproved by his own suggestions (in this case, in favour of greener farming). For neither have his own compromising suggestions been “realized to any degree:” the complete end of agriculture and absolute triumph of industrial farming are shaping market economy. Small adjustments toward a softer direction have not been accepted any more than radical environmentalist alternatives: integrated farming or IP (Integrated Production) plays no part whatsoever in the contemporary economy. ¶ Hovila’s point about being “connected to the present” is significant. The worst mistake that anyone thinking about society can make is to envisage the prevailing system as the starting point: to begin from a tabula rasa, a clean slate, is an absolute must in order to develop any sort of programme. Human history across the world offers a wide range of societal models: the model that happens to be the prevailing one in our own society does no represent any intrinsically superior point of reference. Any binding to a given societal model paralyses the whole thinking process, as is shown by the conventionalities that Hovila – like many others – writes.

Links - General

Link – Privacy

The affirmative's conception of privacy is not value-neutral – it reinforces a materialist view of the world that allows for widespread environmental destruction

Bruce Jennings, May 2015, [Jennings is the Director of Bioethics and Editor of Minding Nature at the Center for Humans and Nature], Center for Humans & Nature, "Mine and Ours," <http://www.humansandnature.org/mine-and-ours-article-202.php?issue=26>, mm

The concept of property is fundamental to an understanding of the relationship between humans and nature. Moreover, land use, or land management and governance, is a significant factor determining the human impact on natural systems, including agriculture, biodiversity and habitat loss, deforestation, and overall climate change. Aldo Leopold made the connection between property and land use explicit: "We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect." [1] ¶ The note Leopold sounds here has been an enduring one in social philosophy. Here are three of my favorite examples. ¶ Writing in 1755, Jean-Jacques Rousseau maintained that a decisive turning point in the story leading from the state of nature to human political and social being was the invention of property, especially as it manifested itself in the enclosure of land: ¶ The first person who, having fenced off a plot of ground, took it into his head to say this is mine and found people simple enough to believe him, was the true founder of civil society. What crimes, wars, murders, what miseries and horrors would the human Race have been spared by someone who, uprooting the stakes or filling in the ditch, had shouted to his fellows: Beware of listening to this impostor; you are lost if you forget that the fruits belong to all and the Earth to no one! [2] ¶ A century later, writing shortly before his death in 1884, Karl Marx described the next step in human social evolution as involving a change in our attitude toward ownership and the land: ¶ From the standpoint of a higher socio-economic formation, the private property of particular individuals in the earth will appear just as absurd as the private property of one man in other men. Even an entire society, a nation, or all simultaneously existing societies taken together, are not the owners of the earth. They are simply its possessors, its beneficiaries, and have to bequeath it in an improved state to succeeding generations as *boni patres familias*. [3] ¶ Finally in 1944, economic historian and anthropologist Karl Polanyi traced the changes that led in the late medieval and early modern period to viewing land, human labor, and capital as commodities that could be bought and sold in an impersonal market. He regarded this way of looking at land and labor as artificial and pernicious, but recognized how historically and politically powerful this alteration of perception had been in history. It changed the ways in which the relationship between human beings and the material world was understood and the ethical rules governing it. And it fractured the way that economic production and consumption had been embedded in a larger cultural structure of meaning and norms, thereby setting the economy apart as a semi-autonomous sphere of life and activity, with rules and a logic of its own. ¶ Polanyi argued that this commodification of material life and separation of economic activity from a more seamless cultural web of meanings, despite its material benefits, was in other ways impoverishing and diminishing to humanity. He expresses

the point this way:¶ The economic function is but one of many vital functions of land. It [land] invests man's life with stability; it is the site of his habitation; it is a condition of his physical safety; it is the landscape and the seasons. We might as well imagine his being born without hands and feet as carrying on his life without land. And yet to separate land from man and organize society in such a way as to satisfy the requirements of a real-estate market was a vital part of the utopian concept of a market economy.[4]¶ At the beginning of the twenty-first century, "This is mine" increasingly looks like a bad deal. Where is Rousseau's "someone," that shadowy figure who pulls up the stakes and fills in the ditch? Where are Marx's good householders and good ancestors?¶ The answer is, everywhere. But they operate on local scales mainly, and they are only slowly gaining ground.[5]¶ They are the new commons movement that is redefining property and the management and governance of common-pool resources. It is a diverse movement, full of intellectual inspirations that are often conflicting. Recovering and re-governing the commons in a practical sense must go hand in hand with rediscovering the concept of the commons.¶ The concept, ethics, and politics of the commons are vibrant topics in many disciplines. This is especially the case in economics. A starting point for discussion in that discipline was Garrett Hardin's essay "The Tragedy of the Commons," which focused attention on the vulnerability of common-pool resources to overexploitation or neglect. This is a situation in which individuals following the logic of rational self-interest produce suboptimal collective results. Many, including Hardin himself, have drawn the lesson that privatization of the common resource is the best solution to this collective action problem. However, Elinor Ostrom's work challenged this. Rather than embracing privatization as a solution to the degradation of the commons, she found in many parts of the world that localized, culturally informed participatory management of common-pool resources results in sustainable governance. And it avoids the conventional approaches of competitive market privatization on the one hand, and of central government regulatory and legal control on the other.[6]¶ Moreover, since the concept of the commons tends to reintegrate economic activity within a broader cultural and value network as a counterpoint to the fragmentation that Polanyi decried, it has also led to lively discussions between economists and anthropologists, who find that much more is involved than rationality and efficiency, which are often the overriding concerns of economists.[7]¶ For example, a study of the aboriginal commons in Queensland, Australia, found that the land is not understood as an economic resource primarily, but as a being with its own agency of "listening, watching, nurturing, disciplining and balancing human and natural resources." [8]¶ One lesson to be drawn from these debates is that the relationship between humans and the natural world in principle has many dimensions and facets. **Commodification in a separate sphere of market exchange and merely instrumental economic use flattens the meaning of nature and perhaps removes some of the reasons for, and inhibitions against, inappropriate and ultimately self-defeating exploitation of the land.** Exactly as Leopold envisioned.¶ Property is not a thing, although we often use the word that way in common parlance. It is more accurate to say that **property is a relationship between and among objects and people.** As such it has consequences—it affects individual and group motivation and action, it determines access to and control over resources, and **it is value-laden, not value-neutral,** from both an economic and an ethical point of view. In the Western tradition, at any rate, property has been linked to the concept of rights going back to ancient Roman law. **In modern times a privatized and individuated understanding of property is predominant,** and it links property

closely with commoditization and market exchange. But **that conception** of property **is not the only possible one**. Most generally understood, property concerns access to resources, differentiating those who have free access to something from those who do not, and setting the conditions under which various individuals and groups may obtain access and a right to use. Often, the right of access and use brings corresponding duties and obligations.¶ **It is important to distinguish between private property and collective or common property**. Today the term “property” is often taken to be synonymous with private property or individual ownership, but this closes off creative possibilities, especially in connection with sustainable land use and ecological trusteeship. **Private property puts one person in control of how a resource is used; common property involves shared control and shared use**. Indeed, there are forms of property rights in which the private owner does not have complete and exclusive control over access and use of a resource. Usufruct (usus et fructus, “use and enjoyment of fruits”) arrangements cover a situation in which individuals have rights of access to property owned by someone else, as long as the property is maintained appropriately. Use and enjoyment rights to someone else’s property historically have come in many forms and varieties, but one important notion that was developed over time is the idea of estover (est opus, “it is necessary”) rights under which owners could not deny non-owning occupiers access to resources needed to sustain themselves and to perform their services on the land. Such resources could include access to grazing land, firewood, wild fruits, game, and the like. Hence it is important to note that while common property involves shared ownership and shared power to determine resource use, and thus, the normative dimensions of participatory decision making are readily apparent, even private property ownership can also be limited by normative notions, such as the appropriate maintenance and usage necessary to sustain people or ecosystems. Common-pool resources are those for which open access is difficult to restrain, either for physical or traditional cultural reasons. Neither private ownership nor state ownership always provide the best governance and trusteeship for the commons.¶ **The ontological separation of human life and well-being from natural living systems on local, regional, and planetary scales is now the ideological default setting. And so is private control of the land in the service of the personal and material interests of the owner. These presumptions**—and they are indeed presumptuous—**go hand in hand. They both must be challenged** and, in certain circumstances, rebutted. Last year, new legislation in California to limit the virtually free-for-all drilling of deep water wells and the depletion of aquifers in the face of the current severe drought in the Central Valley is a noteworthy example, but such governmental regulation of common-pool resources is only one solution. Weaving an infrastructure of more participatory common governance solutions, through the law and through building alternative institutional arrangements in civil society—mutual associations, cooperatives, sustainably oriented covenants and contracts, and the like—is an important alternative and an opportunity for the conservation movement. When one is pleading the case for the planet, commons-inspired efforts to reintegrate the property system with the fabric of other cultural and natural systems is a worthy goal and an ethical imperative.¶ Today the vision of ecological trusteeship through democratic governance is not a self-evident truth by any means. It requires hard work to make a case for its ethical justification that can persuasively garner popular support. But nature is chiming in and pressing its own case against the continued abuse of the land in the name of private property rights. In the past, the notion of estover was applied as a basis for claiming certain rights to common access and land use for people. How

about the estover claims of nature itself? To the human cultural claim, It is mine, the answering response is the natural claim, It is necessary.¶ In other words, the current psychological and economic defaults of individualistic strategic thinking must be reset to a mode of relational ethical thinking that is mindful of human interdependence, sustaining the natural commons, and promoting the social common good. From mine to ours, from “What’s in it for me?” to “What’s in it for diverse, abundant, and resilient life?”

Link – Privacy Key to Democracy

Privacy is key to democracy – continued mass surveillance will break the system

Truthout, 9/24/2013, “without privacy there can be no democracy,” <http://www.truthout.org/opinion/item/19039-without-privacy-there-can-be-no-democracy>, mm

She said, "Without the right of privacy, there is no real freedom of speech or freedom of opinion, and so there is no actual democracy."¶ This is not just true of international relations. It's also true here within the United States.¶ Back before the Kennedy administration largely put an end to it, J Edgar Hoover was infamous in political circles in Washington DC for his spying on and blackmailing of both American politicians and activists like Martin Luther King. He even sent King tapes of an extramarital affair and suggested that King should consider committing suicide.¶ That was a shameful period in American history, and most Americans think it is behind us. But the NSA, other intelligence agencies, and even local police departments have put the practice of spying on average citizens in America on steroids.¶ As Brazil's President points out, without privacy there can be no democracy.¶ Democracy requires opposing voices; it requires a certain level of reasonable political conflict. And it requires that government misdeeds be exposed. That can only be done when whistleblowers and people committing acts of journalism can do so without being spied upon.¶ Perhaps a larger problem is that well over half – some estimates run as high as 70% – of the NSA's budget has been outsourced to private corporations. These private corporations maintain an army of lobbyists in Washington DC who constantly push for more spying and, thus, more money for their clients.¶ With the privatization of intelligence operations, the normal system of checks and balances that would keep government snooping under control has broken down.

Link – Repression

Repressive political strategies like surveillance are key to ensuring an authoritarian regime can maintain power

Dan Shahar, 2015, *Environmental Values*, 24(3), "Rejecting eco-authoritarianism, again, 345-366, mm

History seems to teach us that the only reliable way to achieve true autonomy from citizens' demands is through an active and sustained commitment to suppressing would-be dissenters and to imposing policies without compromise. For both the Soviet Union and People's Republic of China, the price of political openness was the risk of instability and political upheaval when citizens came to disapprove of their leaders' actions, and there is good reason to think that this outcome was not a coincidence.⁶⁶ It is only by preventing robust civil discourse and open dissent from emerging in the first place through consistent repression that authoritarian governments have been able to retain and exercise their power with relative impunity.⁶⁷

Link – Spillover/US Key to Global Demo

Global democracy is declining now – restoring faith in the US model reverses this trend

Larry Diamond, January 2015, [prof. at Stanford], *Journal of Democracy*, 26(1), “facing up to the democratic recession,” http://cddrl.fsi.stanford.edu/sites/default/files/ld_jod_jan2015-1.pdf, mm

Perhaps the most worrisome dimension of the democratic recession has been the decline of democratic efficacy, energy, and self-confidence in the West, including the United States. There is a growing sense, both domestically and internationally, that democracy in the United States has not been functioning effectively enough to address the major challenges of governance. The diminished pace of legislation, the vanishing ability of Congress to pass a budget, and the 2013 shutdown of the federal government are only some of the indications of a political system (and a broader body politic) that appears increasingly polarized and deadlocked. As a result, both public approval of Congress and public trust in government are at historic lows. The ever-mounting cost of election campaigns, the surging role of nontransparent money in politics, and low rates of voter participation are additional signs of democratic ill health. Internationally, promoting democracy abroad scores close to the bottom of the public’s foreign-policy priorities. And the international perception is that democracy promotion has already receded as an actual priority of U.S. foreign policy. The world takes note of all this. Authoritarian state media gleefully publicize these travails of American democracy in order to discredit democracy in general and immunize authoritarian rule against U.S. pressure. Even in weak states, autocrats perceive that the pressure is now off: They can pretty much do whatever they want to censor the media, crush the opposition, and perpetuate their rule, and Europe and the United States will swallow it. Meek verbal protests may ensue, but the aid will still flow and the dictators will still be welcome at the White House and the Elysée Palace. It is hard to overstate how important the vitality and self-confidence of U.S. democracy has been to the global expansion of democracy during the third wave. While each democratizing country made its own transition, pressure and solidarity from the United States and Europe often generated a significant and even crucial enabling environment that helped to tip finely balanced situations toward democratic change, and then in some cases gradually toward democratic consolidation. If this solidarity is now greatly diminished, so will be the near-term global prospects for reviving and sustaining democratic progress. Democracy has been in a global recession for most of the last decade, and there is a growing danger that the recession could deepen and tip over into something much worse. Many more democracies could fail, not only in poor countries of marginal strategic significance, but also in big swing states such as Indonesia and Ukraine (again). There is little external recognition yet of the grim state of democracy in Turkey, and there is no guarantee that democracy will return any time soon to Thailand or Bangladesh. Apathy and inertia in Europe and the United States could significantly lower the barriers to new democratic reversals and to authoritarian entrenchments in many more states. Yet the picture is not entirely bleak. We have not seen “a third reverse wave.” Globally, average levels of freedom

have ebbed a little bit, but not calamitously. Most important, there has not been significant erosion in public support for democracy. In fact, what the Afrobarometer has consistently shown is a gap—in some African countries, a chasm—between the popular demand for democracy and the supply of it provided by the regime. This is not based just on some shallow, vague notion that democracy is a good thing. Many Africans understand the importance of political accountability, transparency, the rule of law, and restraint of power, and they would like to see their governments manifest these virtues. While the performance of democracy is failing to inspire, authoritarianism faces its own steep challenges. There is hardly a dictatorship in the world that looks stable for the long run. The only truly reliable source of regime stability is legitimacy, and the number of people in the world who believe in the intrinsic legitimacy of any form of authoritarianism is rapidly diminishing. Economic development, globalization, and the information revolution are undermining all forms of authority and empowering individuals. Values are changing, and while we should not assume any teleological path toward a global “enlightenment,” generally the movement is toward greater distrust of authority and more desire for accountability, freedom, and political choice. In the coming two decades, these trends will challenge the nature of rule in China, Vietnam, Iran, and the Arab states much more than they will in India, not to mention Europe and the United States. Already, democratization is visible on the horizon of Malaysia’s increasingly competitive electoral politics, and it will come in the next generation to Singapore as well. The key imperative in the near term is to work to reform and consolidate the democracies that have emerged during the third wave—the majority of which remain illiberal and unstable, if they remain democratic at all. With more focused, committed, and resourceful international engagement, it should be possible to help democracy sink deeper and more enduring roots in countries such as Indonesia, the Philippines, South Africa, and Ghana. It is possible and urgently important to help stabilize the new democracies in Ukraine and Tunisia (whose success could gradually generate significant diffusion effects throughout the Arab world). It might be possible to nudge Thailand and Bangladesh back toward electoral democracy, though ways must be found to temper the awful levels of party polarization in each country. With time, the electoral authoritarian project in Turkey will discredit itself in the face of mounting corruption and abuse of power, which are already growing quite serious. And the oil-based autocracies in Iran and Venezuela will face increasingly severe crises of economic performance and political legitimacy. It is vital that democrats in the established democracies not lose faith. Democrats have the better set of ideas. Democracy may be receding somewhat in practice, but it is still globally ascendant in peoples’ values and aspirations. This creates significant new opportunities for democratic growth. If the current modest recession of democracy spirals into a depression, it will be because those of us in the established democracies were our own worst enemies.

Links – Case Specific

Link – Mass Surveillance

The US is at a tipping point of an authoritarian transition – mass surveillance is key

John Suarez, 10/18/2013, Pam Am Post, “The US surveillance state and the totalitarian tipping point,” <http://panampost.com/john-suarez/2013/10/18/the-us-surveillance-state-and-the-totalitarian-tipping-point/>, mm

In the 20th century, the United States reached levels of wealth for more people than had ever been seen in human history. However, those in power whittled away at the nation’s basic freedoms, slowly and over generations. Complaints were few because material prosperity endured.¶ Today, massive and unsustainable debts are maintaining the US standard of living. **Freedom continues to be whittled away** at, but more US Americans are awakening to this hard truth, because material prosperity for many is evaporating. One area that they view with growing alarm is **the emergence of the United States of America as a surveillance state**, since, along with a militarized police force, it **is the infrastructure of totalitarianism**.+¶ This is the second in a series of reflections seeking to understand these negative trends in the United States. The first essay analyzed the role of the US Supreme Court — in particular, its decisions that undermined private property rights and forced taxpayers to cooperate with evil. I concluded with the controversial proposition that the present system in the United States is post-constitutional.+¶ For generations, US Americans believed that the first, third, fourth, and ninth amendments found in the Bill of Rights protected the privacy of citizens of the United States — that only a small number engaged in criminal conduct would be subjected to surveillance, following a court order permitting such activity by the authorities.+¶ However, the arrival of new technologies provided the state with the means to circumvent these constitutional provisions. In the state of Florida, for example, automated systems are replacing toll operators, and they either process your information via your Sun Pass or by photographing your license plate and sending you the bill. According to the pre-paid toll program privacy policy, “information concerning a SunPass account is provided only when required to comply with a subpoena or court order.”+¶ In other words, they are compiling and storing information on your whereabouts.+¶ Affirming this reality, the American Civil Liberties Union stated on July 18, 2013, that “Police around the United States are recording the license plates of passing drivers and storing the information for years with little privacy protection. The information potentially allows authorities to track the movements of everyone who drives a car.”+¶ However, the Electronic Frontier Foundation makes clear that the federal and state governments are monitoring not only US Americans’ physical movement, but also their telephone and e-mail communications.+¶ The government is mass collecting phone metadata of all US customers under the guise of the Patriot Act. Moreover, the media reports confirm that the government is collecting and analyzing the content of communications of foreigners talking to persons inside the United States, as well as collecting collecting [sic] much more, without a probable cause warrant. Finally, the media reports confirm the “upstream” collection off of the fiberoptic cables that Mr. Klein first revealed in 2006.¶ **The Edward Snowden revelations expose a national government that is systematically monitoring and recording the communications of the entire**

US American people all of the time, and beyond. From the Wall Street Journal: ¶ The National Security Agency — which possesses only limited legal authority to spy on U.S. citizens — has built a surveillance network that covers more Americans' Internet communications than officials have publicly disclosed, current and former officials say. The system has the capacity to reach roughly 75% of all U.S. Internet traffic in the hunt for foreign intelligence, including a wide array of communications by foreigners and Americans. In some cases, it retains the written content of emails sent between citizens within the U.S. and also filters domestic phone calls made with Internet technology . . . ¶ What is equally disturbing is that private companies are complicit in the behavior — when not engaging in their own monitoring of internet communications — although, to be fair, their will is not always on the side of the spying. (See the video below.) Further, even though the immense and illegal surveillance apparatus is out in the open now, we see no remorse from the instigators and the elected officials responsible. Rather, they are doubling down, and their apologists are right there with them. ¶ Unfortunately, there is no plan; there is no conspiracy. This expansion and centralization of power has continued under both Republicans and Democrats in the United States and would most likely continue under a third party. Centralized power has become an end unto itself, and as the late Czech president Vaclav Havel observed: ¶ Once the claims of central power have been placed above law and morality, once the exercise of that power is divested of public control, and once the institutional guarantees of political plurality and civil rights have been made a mockery of, or simply abolished, there is no reason to respect any other limitations. The expansion of central power does not stop at the frontier between the public and the private, but instead, arbitrarily pushes back that border until it is shamelessly intervening in areas that once were private. ¶ The United States is reaching a tipping point that leads into a totalitarian abyss and the crackdown on privacy whistleblowers is one of many ominous signs regarding where this centralization of power is heading. +

Link – Mass Surveillance (Spillover/US Key)

US mass surveillance gets modeled – that empowers authoritarianism abroad

Donahue 14 (Eileen,- visiting scholar at Stanford University's Freeman Spogli Institute for International Studies, former U.S. ambassador to the United Nations Human Rights Council “Why the NSA undermines national security”)

The U.S. model of mass surveillance will be followed by others and could unintentionally invert the democratic relationship between citizens and their governments. Under the cover of preventing terrorism, authoritarian governments may now increase surveillance of political opponents. Governments that collect and monitor digital information to intimidate or squelch political opposition and dissent can more justifiably claim they are acting with legitimacy. For human rights defenders and democracy activists worldwide, the potential consequences of the widespread use by governments of mass surveillance techniques are dark and clear.

Domestic surveillance sets a global precedent

Deibert '13 (6-12 Ronald,- professor of political science at the University of Toronto, where he is director of the Canada Centre for Global Security Studies and the Citizen Lab at the Munk School of Global Affairs “Why NSA spying scares the world”)

Many of the countries in the Southern Hemisphere are failed or fragile states; many of them are authoritarian or autocratic regimes. No doubt the elites in those regimes will use the excuse of security to adopt more stringent state controls over the Internet in their jurisdictions and support local versions of popular social media companies over which they can exact their own nationalized controls -- a trend that began prior to the NSA revelations but which now has additional rhetorical support.¶ In the age of Big Data, the revelations about NSA's intelligence-gathering programs touched many nerves. The issue of surveillance won't go away, and Americans will need to figure out the appropriate safeguards for liberty in their democracy. It's an important debate, but one that doesn't include us "foreigners" that now make up the vast majority of the Internet users. Americans would do well to consider the international implications of their domestic policies before they come home to bite them.

Link – Border Surveillance

Border surveillance is key to the expansion of a global surveillance regime and the emergence of authoritarianism

Todd Miller, 7/11/2013, Truthout, “surveillance surge on the border: how to turn the US-Mexican border into a war zone,” <http://www.truth-out.org/news/item/17513-surveillance-surge-on-the-border-how-to-turn-the-us-mexican-border-into-a-war-zone>, mm

This “border surge,” a phrase coined by Senator Chuck Schumer, is also a surveillance surge. The Senate bill provides for the hiring of almost 19,000 new Border Patrol agents, the building of 700 additional miles of walls, fences, and barriers, and an investment of billions of dollars in the latest surveillance technologies, including drones.¶ In this, the bill only continues in a post-9/11 tradition in which our southern divide has become an on-the-ground laboratory for the development of a surveillance state whose mission is already moving well beyond those borderlands. Calling this “immigration reform” is like calling the National Security Agency’s expanding global surveillance system a domestic telecommunications upgrade. It’s really all about the country that the United States is becoming -- one of the police and the policed.¶ The \$46 billion border security price tag in the immigration reform bill will simply expand on what has already been built. After all, \$100 billion was spent on border “enforcement” in the first decade after 9/11. To that must be added the annual \$18 billion budget for border and immigration enforcement, money that outpaces the combined budgets of all other federal law enforcement agencies. In fact, since Operation Blockade in the 1990s, the U.S.-Mexico border has gone through so many surges that a time when simple chain link fences separated two friendly countries is now unimaginable.¶ To witness the widespread presence of Department of Homeland Security agents on the southern border, just visit that international boundary 100 miles south of Border Security Expo. Approximately 700 miles of walls, fences, and barriers already cut off the two countries at its major urban crossings and many rural ones as well. Emplaced everywhere are cameras that can follow you -- or your body heat -- day or night. Overhead, as in Afghanistan, a Predator B drone may hover. You can’t hear its incessant buzzing only because it flies so high, nor can you see the crew in charge of flying it and analyzing your movements from possibly hundreds of miles away.¶ As you walk, perhaps you step on implanted sensors, creating a beeping noise in some distant monitoring room. Meanwhile, green-striped Border Patrol vehicles rush by constantly. On the U.S.-Mexican border, there are already more than 18,500 agents (and approximately 2,300 more on the Canadian border). In counterterrorism mode, they are paid to be suspicious of everything and everybody. Some Homeland Security vehicles sport trailers carrying All Terrain Vehicles. Some have mounted surveillance cameras, others cages to detain captured migrants. Some borderlanders like Mike Wilson of the Tucson-based Border Action Network, a member of the Tohono O’odham Nation (a Native American people and the original inhabitants of the Arizona borderlands), call the border security operatives an “occupying army.”¶ Checkpoints -- normally located 20-50 miles from the international boundary -- serve as a second layer of border enforcement. Stopped at one of them, you will be interrogated by armed agents in green, most likely with drug-sniffing dogs. If you are near the international divide, it’s hard to avoid such checkpoints where you will

be asked about your citizenship -- and much more if anything you say or do, or simply the way you look, raises suspicions. Even outside of the checkpoints, agents of the Department of Homeland Security can pull you over for any reason -- without probable cause or a warrant -- and do what is termed a "routine search." As a U.S. Border Patrol agent told journalist Margaret Regan, within a hundred miles of the international divide, "there's an asterisk on the Constitution."¶ Off-road forward operating bases offer further evidence of the battlefield atmosphere being created near the border. Such outposts became commonplace during the U.S. wars in Iraq and Afghanistan, where they were meant to house U.S. soldiers deployed into remote areas. On the border, there are high-tech yet rudimentary camps that serve the same purpose. They also signal how agents of the Department of Homeland Security are "gaining, maintaining, and expanding" into rural areas traversed by migrants and used by smugglers, though to this point never crossed by a known international terrorist.¶ These rural areas, especially in Arizona, are riddled with migrant casualties. More than 6,000 "remains" have been recovered since the mid-1990s, deaths not for the most part from bullets but from exposure. The U.S. borderlands, according to sociologist Timothy Dunn, started to become a militarized zone as early as the 1970s -- in part, in response to the Pentagon's low-intensity conflict doctrine. With Congressional immigration reform, if it passes the House of Representatives, it may very well become a full-fledged war zone.¶ Since the 1990s, the strategy of the Border Patrol has been termed "prevention by deterrence" and has been focused on concentrating agents and surveillance technologies in urban areas, once the traditional migrant routes. The idea was to funnel migrant flows into areas too dangerous and desolate to cross like the triple-degree-temperature desert in Arizona. Deadly yes; impossible to cross, no. Although unauthorized border-crossings have slowed down in recent years, tens of thousands continue to cross into the United States annually from Mexico and Central America, thanks in part to the continued havoc of the North American Free Trade Agreement, which left more than two million Mexican farmers unemployed. ¶ I met Adira, a 21-year-old from Oaxaca, Mexico, in early June. She told me a story all too common in Arizona. As she described her experience, I realized that I was talking to somebody who had probably died and been brought back to life. We were only a few blocks from the border. Homeland Security had formally deported her only days before. Still reliving the trauma of her experience, she stared down, her face colorless, as she talked.¶ I had heard the basics of her story so many times before: to avoid the militarized surveillance apparatus, she and her companions walked for at least five days through the southern Arizona desert with little -- and then no -- water or food. By the fourth day, the mountains began to talk to her, so she told me, and she suspected she was coming to the end of her young life. After she couldn't walk any more, the guide dragged her, telling her constantly: "We just have to make it to the next point."¶ When they reached a road on the American side of the border, she remembers convulsing four times (just as she remembers blood bursting spontaneously from the noses of her companions). And then she remembers no more. She woke up in a hospital. There were scars on her chest. Medics must have used a machine, she thought, to shock her back to life. She found out later that somebody had lit a fire to attract the Border Patrol. She's lucky not to be among those remains regularly found out in that desert.¶ In other words, each further tightening of the border is a death sentence passed on yet more Latin Americans. According to a statement by a group of Tucson organizations, including No More Deaths and the Coalición de Derechos Humanos, the border build-up in the immigration reform bill promises

more of the same: “Make no mistake: this bill will lead to more deaths on the border.”¶ In early March, DRS Technologies set up its integrated fixed-tower technology at the University of Arizona’s (UA) Science and Technology Park, just south of Tucson, an hour from the border, and very close to where Adira almost lost her life. The company was eager to show off the long-range surveillance technology it had been developing for borders in places like Egypt and Jordan.¶ It set up a mock operational control room to do a dog-and-pony show for the local media. Four of its IT guys then focused their cameras on an elevated railroad spur more than four miles away in the middle of the desert where two men were approaching each other to consummate a fake drug deal. One handed the other a backpack. It was all vividly watchable on DRS’s video screens. Although the odds of such a scenario actually happening ranged from slim to none, the demonstration was a reminder of just how fertile the U.S.-Mexico borderlands are for defense- and surveillance-related companies. It’s here that new generations of surveillance technology are regularly born and developed.¶ For almost a decade, the Department of Homeland Security has been attempting to build a “virtual wall” along the border -- not a physical barrier but a high-tech surveillance masterpiece, a complex web of technology, radar, unattended ground sensors, and camera systems meant to detect anyone crossing the border anywhere. The last attempt to install such an experimental system along part of the border was in 2006. Then the Department of Homeland Security awarded Boeing Corporation a multi-billion-dollar contract to develop such a “wall,” known as SBInet. That contract was abruptly cancelled in 2011, after the costly and delayed program advertised as offering “unprecedented situational awareness” misfired regularly in the rugged terrain of the Arizona borderlands. Now, companies like DRS are standing in line for the next round of potentially lucrative contracts, as Homeland Security wants “to finish the job.”¶ The UA Tech Park is one place in the southern borderlands where surveillance technology can be developed, tested, evaluated, and demonstrated. It has 18,000 linear feet of fencing surrounding its “solar zone,” a solar-technology-centric research area ideal for testing sensor systems along a future border wall. On any of the roadways in its 1,345 acres, it can set up mock border-crossings or checkpoints to test new equipment and methods. It draws on faculty and graduate students from the college of engineering. In “rapid-response teams,” they offer third-party evaluations of border control technology. Some of this same technology is also being created on the UA campus, thanks in part to millions of dollars in DHS grants.¶ Here, too, as Tech Park CEO Bruce Wright tells me, they can test new technologies “right in the field” -- that is, on the border, presumably on real people. One of the tech park’s goals, he says, is to develop the first border security industry cluster of its kind in the United States. In southern Arizona alone, they have already identified 57 companies, big and small, working on border policing technology.¶ The Tech Park’s director of community engagement Molly Gilbert says, “It’s really about development, and we want to create technology jobs in our border towns.” These are sweet words for the economically depressed communities of southern Arizona, their poverty rates usually hovering at around 20%. With projected global revenues of approximately \$20 billion in 2013 and a 5% growth rate that has withstood a worldwide recession, the global border security industry was flourishing even before the latest immigration reform proposal. Now, it is poised for a potential bonanza.¶ The key, as Wright stressed in a 2012 interview, is that the products developed for the U.S.-Mexican borderlands be marketed in the future for the U.S.-Canada border, where “defenses” are already being upgraded, for other international borders, but also for places that have little

to do with borders. These might include the perimeters of utility companies and airports, or police forces with expanding national security and immigration enforcement missions.¶ “There’s a huge market for this technology worldwide,” Wright told me then, “because borders exist everywhere. There’s the Palestinian-Israeli border, there’s the Syrian-Israeli border, there’s the German-Polish border... Take it around the world and wherever you want to go there are borders, so the technology is very adaptable and has a market worldwide.”

Link – Project Bullrun

Project Bullrun undermines the foundation of democracy – it is key to an authoritarian transition

Eben Moglen, 5/28/2014, Watching the Watchers, "Is privacy essential for democracy?"
<http://watchingthewatchers.org/news/2771/privacy-essential-democracy>, mm

When Snowden disclosed the existence of the NSA's Bullrun program we learned that NSA had lied for years to the financiers who believe themselves entitled to the truth from the government they own. The NSA had not only subverted technical standards, attempting to break the encryption that holds the global financial industry together, it had also stolen the keys to as many vaults as possible. With this disclosure the NSA forfeited respectable opinion around the world. Their reckless endangerment of those who don't accept danger from the United States government was breathtaking.¶ The empire of the United States was the empire of exported liberty. What it had to offer all around the world was liberty and freedom. After colonization, after European theft, after forms of state-created horror, it promised a world free from state oppression.¶ Last century we were prepared to sacrifice many of the world's great cities and tens of millions of human lives. We bore those costs in order to smash regimes we called "totalitarian," in which the state grew so powerful and so invasive that it no longer recognized any border of private life. We desperately fought and died against systems in which the state listened to every telephone conversation and kept a list of everybody every troublemaker knew.¶ But in the past 10 years, after the morality of freedom was withdrawn, the state has begun fastening the procedures of totalitarianism on the substance of democratic society.¶ There is no historical precedent for the proposition that the procedures of totalitarianism are compatible with the system of enlightened, individual and democratic self-governance. Such an argument would be doomed to failure. It is enough to say in opposition that omnipresent invasive listening creates fear. And that fear is the enemy of reasoned, ordered liberty.¶ It is utterly inconsistent with the American ideal to attempt to fasten procedures of totalitarianism on American constitutional self-governance. But there is an even deeper inconsistency between those ideals and the subjection of every other society on earth to mass surveillance.¶ Some of the system's servants came to understand that it was being sustained not with, but against, democratic order. They knew their vessel had come unmoored in the dark, and was sailing without a flag. When they blew the whistle, the system blew back at them. In the end -- at least so far, until tomorrow -- there was Snowden, who saw everything that happened and watched the fate of others who spoke up.¶ He understood, as Chelsea Manning also always understood, that when you wear the uniform you consent to the power. He knew his business very well. Young as he was, as he said in Hong Kong, "I've been a spy all my life." So he did what it takes great courage to do in the presence of what you believe to be radical injustice. He wasn't first, he won't be last, but he sacrificed his life as he knew it to tell us things we needed to know. Snowden committed espionage on behalf of the human race. He knew the price, he knew the reason. But as he said, only the American people could decide, by their response, whether sacrificing his life was worth it.¶ So our most important effort is to understand the message: to understand its context, purpose, and meaning, and to experience

the consequences of having received the communication.¶ Even once we have understood, it will be difficult to judge Snowden, because there is always much to say on both sides when someone is greatly right too soon.¶ In the United States, those who were "premature anti-fascists" suffered. It was right to be right only when all others were right. It was wrong to be right when only people we disagreed with held the views that we were later to adopt ourselves.¶ Snowden has been quite precise. He understands his business. He has spied on injustice for us and has told us what we require in order to do the job and get it right. And if we have a responsibility, then it is to learn, now, before somebody concludes that learning should be prohibited.¶ In considering the political meaning of Snowden's message and its consequences, we must begin by discarding for immediate purposes pretty much everything said by the presidents, the premiers, the chancellors and the senators. Public discussion by these "leaders" has provided a remarkable display of misdirection, misleading and outright lying. We need instead to focus on the thinking behind Snowden's activities. What matters most is how deeply the whole of the human race has been ensnared in this system of pervasive surveillance.¶ We begin where the leaders are determined not to end, with the question of whether any form of democratic self-government, anywhere, is consistent with the kind of massive, pervasive surveillance into which the United States government has led not only its people but the world.¶ This should not actually be a complicated inquiry.¶ For almost everyone who lived through the 20th century -- at least its middle half -- the idea that freedom was consistent with the procedures of totalitarianism was self-evidently false. Hence, as we watch responses to Snowden's revelations we see that massive invasion of privacy triggers justified anxiety among the survivors of totalitarianism about the fate of liberty. To understand why, we need to understand more closely what our conception of "privacy" really contains.¶ Our concept of "privacy" combines three things: first is secrecy, or our ability to keep the content of our messages known only to those we intend to receive them. Second is anonymity, or secrecy about who is sending and receiving messages, where the content of the messages may not be secret at all. It is very important that anonymity is an interest we can have both in our publishing and in our reading. Third is autonomy, or our ability to make our own life decisions free from any force that has violated our secrecy or our anonymity. These three -- secrecy, anonymity and autonomy -- are the principal components of a mixture we call "privacy."¶ Without secrecy, democratic self-government is impossible. Without secrecy, people may not discuss public affairs with those they choose, excluding those with whom they do not wish to converse.¶ Anonymity is necessary for the conduct of democratic politics. Not only must we be able to choose with whom we discuss politics, we must also be able to protect ourselves against retaliation for our expressions of political ideas. Autonomy is vitiated by the wholesale invasion of secrecy and privacy. Free decision-making is impossible in a society where every move is monitored, as a moment's consideration of the state of North Korea will show, as would any conversation with those who lived through 20th-century totalitarianisms, or any historical study of the daily realities of American chattel slavery before our civil war.¶ In other words, privacy is a requirement of democratic self-government. The effort to fasten the procedures of pervasive surveillance on human society is the antithesis of liberty. This is the conversation that all the "don't listen to my mobile phone!" misdirection has not been about. If it were up to national governments, the conversation would remain at this phony level forever.

Link – Section 702/PRISM

Section 702 and PRISM will bring about a quick authoritarian system if allowed to continue

Kim Dotcom, 6/13/2013, The Guardian, “PRISM: concerns over government tyranny are legitimate,” <http://www.theguardian.com/commentisfree/2013/jun/13/prism-utah-data-center-surveillance>, mm

Some proponents of Prism assert that it is an essential tool against terrorism. They claim that only data belonging to foreigners (that is, non-US residents) is retained, and that content is not reviewed as a matter of course, only algorithmically analysed for suspicious patterns. They point out that a search warrant is still required from a secret court set up under the US. The Foreign Intelligence Surveillance Act (FISA) may be spun up so that content – accumulated over years of daily internet spooling – may be extracted and analysed, laying bare a suspect’s entire virtual life.¶ Those safeguards have limited value. According to congressional reporting, the FISA court received 1,789 applications for authority to conduct electronic surveillance in 2012, but not one application was denied. We cannot debate whether the FISA court is a rubber stamp, because its proceedings are secret. Further, any assurance to US citizens that the NSA will not gather and archive their data is suspect. The “Five Eyes” alliance between the intelligence agencies of the US, Australia, Canada, New Zealand and the UK effectively permits those governments to circumvent the prohibition against gathering data on their own citizens by sharing information across the Five Eyes intelligence community. The UK for example can spy on Americans and make that information available to the US government on its massive spy cloud – one that the NSA operates and the Five Eyes share.¶ Prior to 9/11, the operative presumption in developed nations favoured privacy, but the security narrative has since reversed the presumption, eroding our privacy rights in favour of government control over our personal information. However, government is an instrument – sometimes a crude one – susceptible to abuse, as demonstrated by recent admissions that the US Internal Revenue Service has targeted specific groups based on ideology. When we empower the state, we empower those that hold sway over the state, and the state is subject to influence from a multitude of quarters.¶ I have personally been a victim of such abuses. The US government has indicted me, shut down my cloud storage company Megaupload and seized all of my assets because it claims I was complicit in copyright infringement by some of the people who used the Megaupload service. I have emphasised that I am being prosecuted not because the charges against me have some sound basis in US copyright law, but because the US justice department has been instrumentalised by certain private interests that have a financial stake in neutralising my business. That trend represents a danger not just to me, but to all of us.¶ Recent polls in the US suggest that the public is not much preoccupied with the fact that our data is being retained, so long as our own political party is in control of the government. That kind of fickle comfort is small-minded. The point we should derive from Snowden’s revelations – a point originally expressed in March 2013 by William Binney, a former senior NSA crypto-mathematician – is that the NSA’s Utah Data Center will amount to a “turnkey” system that, in the wrong hands, could transform the country into a totalitarian state virtually overnight. Every person who values personal freedom, human rights

and the rule of law must recoil against such a possibility, regardless of their political preference. Others take a more cavalier approach, such as former Google CEO Eric Schmidt in 2009: "If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place."[¶] We should heed warnings from Snowden because the prospect of an Orwellian society outweighs whatever security benefits we derive from Prism or Five Eyes. Viewed through the long lens of human history, concerns over government tyranny are always legitimate. It is those concerns that underpin the constitutions of most developed countries, and inform international principles of human rights and the rule of law. Prism and its related practices should be discontinued immediately, and the Utah Data Center should be leased to cloud storage companies with encryption capabilities.

Impacts – Democracy Bad

Democracy Bad – Environment

Democracy can't save the environment – studies prove a correlation between democratization and environmental destruction

Mark Beeson, 3/30/2010, (Department of Political Science and International Relations, University of Western Australia, Perth), "The coming of environmental authoritarianism," Environmental Politics, vol 19, no 2, https://www.academia.edu/539179/The_coming_of_environmental_authoritarianism, mm

In much of East Asia, the population may not have the luxury or capacity even to engage in these sorts of discursive practices, while the absence of effective democracy in much of the region stands as a continuing obstacle to achieving anything approximating deliberative democracy. Even more problematically in the long-run, there is no compelling evidence that democracy of any sort will necessarily promote good environmental outcomes (Neumayer 2002), or that rising living standards will inevitably deliver a sustainable environment (Dinda 2004). On the contrary, there is evidence to suggest that in the initial phases at least, 'democratisation could indirectly promote environmental degradation through its effect on national income' (Li and Reuveny 2006, p. 953). In other words, even the best of all outcomes – rising living standards and an outbreak of democracy – may have unsustainable environmental consequences that may prove to be their undoing in the longer-term. In such circumstances, ideas about possible ways of reorganising societies to lessen their impact on the natural environment may not find sufficient support to make them realisable or effective. As Lieberman (2002, p. 709) points out, 'an idea's time arrives not simply because the idea is compelling on its own terms, but because opportune political circumstances favor it'. In much of Southeast Asia and China the forces supporting environmental protection are comparatively weak and unable to overcome powerful vested interests intent on the continuing exploitation of natural resources. In short, predominantly Western concerns with 'thick cosmopolitanism' and the hope that a 'metabolistic [sic] relationship with the natural environment' might bind us to strangers (Dobson 2006, p. 177), seem bizarrely at odds with lived experience where climate change is already profoundly undermining sociability within national frameworks, let alone between them (Raleigh and Urdal 2007). The sobering reality would seem to be that '... as the human population grows and environmental damage progresses, policymakers will have less and less capacity to intervene to keep damage from producing serious social disruption, including conflict' (Homer-Dixon 1991, p. 79).

Liberalism makes an eco-extinction inevitable – only an authoritarian transition solves

Mark Beeson, 3/30/2010, (Department of Political Science and International Relations, University of Western Australia, Perth), "The coming of environmental authoritarianism," Environmental Politics, vol 19, no 2, https://www.academia.edu/539179/The_coming_of_environmental_authoritarianism, mm

While evidence about the implications of environmental degradation and even global warming are increasingly uncontroversial, their possible political consequences are more contentious. Although some of the preceding analysis is necessarily speculative and inferential, the experiences of China and Southeast Asia highlight issues of unambiguously global significance. The central question that emerges from this discussion is whether democracy can be sustained in the region – or anywhere else for that matter – given the unprecedented and unforgiving nature of the challenges we collectively face. Indeed, such is the urgency of the environmental crisis that some have argued – alarmingly persuasively – that ‘humanity will have to trade its liberty to live as it wishes in favour of a system where survival is paramount’ (Shearman and Smith 2007, p. 4). In such circumstances, forms of ‘good’ authoritarianism, in which environmentally unsustainable forms of behaviour are simply forbidden, may become not only justifiable, but essential for the survival of humanity in anything approaching a civilised form. Such ideas are difficult to accept, especially for societies steeped in traditions of liberalism, individualism, freedom of choice and personal advancement. The US is, of course, such a country, where an entire national consciousness and way of life is predicated upon liberal values – values which some consider profoundly inimical to environmental sustainability (Ophuls 1997). It is also the country that has done most to contribute to global environmental problems like climate change, but which has until now seemed incapable of addressing them politically (Stephens 2007). In China, by contrast, an authoritarian regime has arguably done more to mitigate environmental problems than any other government on earth: without the one-child policy instigated in the 1970s, it is estimated that there would already be another 400 million Chinese (Dickie 2008) and China’s environmental problems (and everyone else’s) would be that much worse. Luckily for the world’s non-Chinese population, China does not enjoy the same living standards as the US, and it is impossible to imagine that the vast majority of its citizens ever will. There are, it seems, fundamental, implacable constraints on the carrying capacity of the planet (Cohen 1995). The real tragedy about China’s development is not the failure to democratise rapidly, but that at the very moment that human beings seem to have figured out how to generate economic development on a massive scale, it is becoming apparent that it cannot be sustained, at least not by 6 billion people living Western lifestyles, and certainly not by the 9–12 billion or so that some think will mark the extent of human expansion.⁶

Liberty and democracy make environmental destruction inevitable – only a rejection of liberal political systems can solve

Brett Stevens, 2009, (writing in the Forward to Pentti Linkola’s book “Can Life Prevail? A revolutionary approach to the environmental crisis”), p. 14-15, mm

In our time, it is not only unfashionable but inconceivable to think outside the method of preserving individual autonomy. We worship ‘freedom,’ itself a negative definition focused not on what we can do but what we cannot be obligated to do. Our civilization understands itself not as a product of history and maker of future history, but as a facilitation – like a big shopping mall with a legal system – of individuals doing what pleases them, so long as they do not interrupt others doing the same and disrupt the peace. ¶ This condition has not made us happy.

While we agree that liberty, equality, fraternity and open economies are noble methods, the goal of these – having a better civilization and individual lives – has not manifested itself through those methods. By basing our ideal on freedom, we have closed ourselves off to obligations outside of ourselves, which coincidentally are the things that make us feel most alive. We are prisoners of the self, and it is no surprise we act selfishly as a result. ¶ Linkola most clearly distinguishes himself from other environmental spokesmen by thinking practically about the effect of individuals “as a group:” The consciousness of ecology has grown, but still the Average Joe only increases the load. The bustle is controlled by three words: as long as. As long as we can still travel to the other side of the globe four times a year, we will do it. As long as we can still buy a SUV, we will buy it. This is the reality.” ¶ In doing so, he has escaped the methodological ghetto. The safe methods we have been using do not achieve our goals, so we must change. Linkola saw that while every well-meaning “education” program has vanished without making change, the occasional governmental fascism like the Endangered Species Act in the USA has produced results. Either we enforce an unpopular truth on ourselves, or we wait paralyzed by our inability to transcend our methods, and let nature enforce it on us through environmental cataclysm. ¶ To avoid the selfishness of individuals, Linkola advocates an end to Third World aid and immigration, mandatory population control, and the creation of a ruthless “green police” to clean up the planet. His theories tie together deep ecology with a recognition that democratic, liberal societies cannot control themselves. He believes that the individual who connects himself to reality through struggle – and not the individual withdrawing into him – or herself – brings the greatest meaning to life.

Democracy can't solve the environment – the public can't exert enough influence to enact eco-friendly policies

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 165, mm

In this text we have listed the impediments to recognition within the liberal ¶ democracies, the inertia and self-interest in preventing political change, ¶ the self-interest of the so-called free press, and the corporate and financial ¶ interests. And to these impediments we must add the lack of understanding ¶ by the ordinary robotic worker and mechanical consumer that he or ¶ she has now become. It will require a fundamental change in society for the ¶ citizen to be able to understand the present political system, let alone the ¶ complexities of our dependence on ecological services. We doubt if any ¶ transformation of the masses is possible, at least to the extent needed for a ¶ radical democratic transformation of the present system. For example, most ¶ people have difficulty understanding the nature of the monetary system ¶ of capitalism at the basic level described here. It is difficult even for those ¶ with slightly higher IQs to grasp the diabolical logic of credit creation. Yet ¶ without such a grasp, reform of the present system is impossible. Without ¶ leadership with a will and power to act the crisis is certainly insoluble. ¶ As scientific realists, we must look elsewhere if we are to find a political ¶ answer adequate to the challenge of the environmental crisis. Democracy, ¶ like communism, is a nice idea, and it is a pity that neither works. If there ¶ was a way of saving democracy then we should save it, but it is

unlikely that there is any such way because the ordinary person or “mass man” is not made of the right heroic stuff necessary to meet the challenge of our age.

AT Petro/Liberty Impacts – Environment O/W

The environment outweighs liberty – putting liberty first ensures extinction

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 162, mm

An ecologically sustainable legal system must give ultimate priority to the preservation of the life support systems of the earth. This value must trump the values of economic interest and personal liberty. Otherwise a tragedy of the commons situation will arise. We recall that the classical tragedy of the commons¹³ is that individual economic agents operating only with principles of economic utility maximization will all pursue their exploitation of economic resource to produce the highest return, until that resource is exhausted (i.e., exterminated). The pursuit of individual self-interest results in collective environmental destruction, which ultimately threatens the life of those individuals and the entire economic system itself. Therefore the supreme legal principle, which must be enshrined in the constitutions of all nations, must be the principle of ecological sustainability and environmental protection. Roughly drafted such a principle would assert: “This nation has an overriding legal duty to protect the environment and ensure that social, political, and all economic systems and activities that impact substantially upon the environment by any agents, persons, or entities whatsoever are ecologically sustainable.” By the expression ‘ecologically sustainable’ we mean ‘X’ and in the assertion will be placed a concise drafting of the principles of sustainability. Further to that, each person and corporation has a duty of environmental protection.

Sustaining the environment outweighs protecting liberty

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 85, mm

Our position differs from Wolff and other anarchists also insofar as we reject the principle of autonomy, the foundation belief of liberalism. It is the argument of this work that liberalism has essentially overdosed on freedom and liberty. It is true that freedom and liberty are important values, but such values are by no means fundamental or ultimate values. These values are far down the list of what we believe to be core values based upon an ecological philosophy of humanity: survival and the integrity of ecological systems. Without such values, values such as freedom and autonomy make no sense at all. If one is not living, one cannot be free. Indeed liberal freedom essentially presupposes the idea of a sustainable life for otherwise the only freedom that the liberal social world would have would be to perish in a polluted environment.

AT Petro/Liberty Impacts - Freedom Unsustainable

Personal liberty is unsustainable – inevitable resource constraints

William Ophuls, 2011, *Plato's Revenge: Politics in the Age of Ecology*, p. 187-188, mm

The atomistic, liberal societies of today, along with their expansive notions of personal freedom, are an artifact of an abnormal and transitory period of abundance enabled by humanity's exploitation of found wealth – the virgin resources of the New World and the storehouses of untouched fossil fuels. With the return of ecological scarcity, individuals will not have the same latitude to go their own way – to exist apart from or even in defiance of their community, on which they will increasingly depend for livelihood. Nothing less than a resurgence of fraternity will make the return of scarcity bearable. Without some feeling of kinship that induces us to seek or at least accept a common mode of life, the response to scarcity is likely to be Hobbesian in the worst sense – a war of all against all, ending only with the imposition of order by a heavy-handed Leviathan.

AT Democratic Peace Theory

Democratic peace theory is wrong- democracies do go to war

Layne 7

Christopher, Professor @ TX A&M, American Empire: A Debate, pg. 94

Wilsonian ideology drives the American Empire because its proponents posit that the United States must use its military power to extend democracy abroad. Here, the ideology of Empire rests on assumptions that are not supported by the facts. One reason the architects of Empire champion democracy promotion is because they believe in the so-called democratic peace theory, which holds that democratic states do not fight other democracies. Or as President George W. Bush put it with his customary eloquence, "democracies don't war; democracies are peaceful."¹³⁶ The democratic peace theory is the probably the **most overhyped and undersupported "theory"** ever to be concocted by American academics. In fact, it is not a theory at all. Rather **it is a theology that suits** the conceits of Wilsonian true believers-especially the **neoconservatives** who have been **advocating American Empire** since the early 1990s. **As serious scholars have shown,** however, **the historical record does not support the** democratic peace **theory.**¹³¹ On the contrary, it shows that democracies do not act differently toward other democracies than they do toward nondemocratic states. **When** important **national interests are at stake,** **democracies** not only have threatened to use force against other democracies, but, in fact, **democracies have gone to war with other democracies.**

Democracies start more wars- statistical analysis proves

Henderson 2

Errol Henderson, Assistant Professor, Dept. of Political Science at the University of Florida, 2002, Democracy and War The End of an Illusion?, p. 146

Are Democracies More Peaceful than Nondemocracies with Respect to Interstate Wars? The results indicate that **democracies are more war-prone than non-democracies** (whether democracy is coded dichotomously or continuously) and that democracies are more likely to initiate interstate wars. **The findings are obtained from analyses that control for** a host of **political, economic, and cultural factors** that have been **implicated in the onset of interstate war,** and focus explicitly on state level factors instead of simply inferring state level processes from dyadic level observations as was done in earlier studies (e.g., Oneal and Russett, 1997; Oneal and Ray, 1997). The results imply that **democratic enlargement is more likely to increase the probability of war for states** since democracies are more likely to become involved in—and to initiate—interstate wars.

AT Authoritarianism -> War

Authoritarian states best keep the peace- one decision maker and natural aversion to casualties

Elman 97

Miriam Elman, Assistant Professor in the Department of Political Science at Arizona State University, Paths to Peace Is Democracy the Answer?, p. 495-496

NONDEMOCRATIC REGIME FEATURES HELP TO **KEEP THE PEACE**. Our cumulative findings show that nondemocracies do not necessarily apply their internal norms of political behavior to their foreign relations, and that such domestic norms do not necessarily reduce the chances for international cooperation. For example, Kacowicz (Chapter 8) notes that both **Mauritania and Peru upheld norms of conflict resolution, compromise, and mediation at the international level, though they ignored similar norms at home**. Our findings suggest that we should not assume that **nondemocracies** externalize domestic norms of conflict resolution when dealing with international actors. They frequently **initiate international negotiations and see war as an option of last resort**. Thus, aggressiveness or peacefulness cannot be readily inferred from the degree of violence in a state's domestic arena. In addition, we note that **the absence of institutional constraints on leaders can facilitate peace**. Martin Main (Chapter 9) points out that because of the absence of governmental and societal constraints on foreign policy, **Iran and Iraq were able to resolve long standing disagreements** in the 1970s. The freedom of both executives made the negotiation of a peaceful settlement easier than it might otherwise have been; **neither government feared the domestic political consequences of an unpopular agreement**. Similarly, in Chapter 11, Matthews argues that during the interwar period, **nondemocratic Turkey was able to pursue a moderate foreign policy toward Greece** because there were no institutional constraints on the leader's discretion. **Had Turkey been more democratic, it would have been more aggressive** internationally because hard-line elites would not have been excluded from the policy making process. Thus, Matthews argues that when leaders are moderate and prefer peaceful methods of international conflict resolution, nondemocracy—particularly the absence of checks on the leader's foreign policy choices—can be a force for peace instead of an obstacle. Kurt Dassel (Chapter 10) also suggests that a sizeable subset of nondemocracies will usually adopt peaceful rather than aggressive foreign policies. Dassel argues that, in authoritarian states that have unstable regimes, **if the military can use force domestically without jeopardizing its cohesiveness, it will favor repressing domestic opponents and refrain from international aggression**. Thus, Dassel points out that regimes in which there are few checks on foreign policy decision makers, and in which domestic conflicts are resolved through massive violence, may be the very states that pursue pacific foreign policies; because force can be used at home, it will not be used abroad. In short, democratic peace theorists wrongly assert that non-democracies are predisposed to aggression because of the characteristics of their governments. In this book, we suggest that only some nondemocratic states will use force abroad; treating all nondemocracies as potential aggressors is misleading.

Impacts – Environment Core

Impact – Environment O/W Everything

Environmental destruction outweighs all other impacts

Chen 2000 [Jim, Professor of Law at the U of Minnesota, Minnesota Journal of Global Trade Winter 2000, pg. 211]

The value of endangered species and the biodiversity they embody is literally . . . incalculable. What, if anything, should the law do to preserve it? There are those that invoke the story of Noahs Ark as a moral basis for biodiversity preservation. Others regard the Judeo-Christian tradition, especially the biblical stories of Creation and the Flood, as the root of the Wests deplorable environmental record. To avoid getting bogged down in an environmental exegesis of Judeo-Christian myth and legend, we should let Charles Darwin and evolutionary biology determine the imperatives of our moment in natural history. The loss of biological diversity is quite arguably the gravest problem facing humanity. If we cast the question as the contemporary phenomenon that our descendents [will] most regret, the loss of genetic and species diversity by the destruction of natural habitats is worse than even energy depletion, economic collapse, limited nuclear war, or conquest by a totalitarian government. Natural evolution may in due course renew the earth with a diversity of species approximating that of a world unspoiled by Homo sapiens in ten million years, perhaps a hundred million.

Impact – Environmental Destruction -> Extinction

Environmental destruction results in climatic change, famine, disease, nuclear war and ultimately extinction

Takacs, Instructor in Department of Earth Systems Science and Policy at California State-Monterey Bay 1996 (David, Philosophies of Paradise, Available online at www.dhushara.com/book/diversit/restor/takacs.htm, Accessed 07/13/2012, ZR)

More often, however, humans are said to benefit from such ecosystem services. Half a century ago, Aldo Leopold warned: "Recent discoveries in mineral and vitamin nutrition reveal unsuspected dependencies in the up-circuit: incredibly minute quantities of certain substances determine the value of soils to plants, of plants to animals. What of the down-circuit? What of the vanishing species, the preservation of which we now regard as an esthetic luxury. They helped build the soil; in what unsuspected ways may they be essential to its maintenance?" More recently, Jane Lubchenco feels very strongly that **people are** in fact much more **dependent on ecosystem** services that are provided by both managed and unmanaged ecosystems than is generally perceived to be the case. So I think it's sheer folly for us to act in ways that are undermining the ability of both managed and unmanaged ecosystems to provide these services that we're dependent on. And that we're doing that more and more as we pollute and destroy habitats, or alter habitats in one fashion or another. And I guess the bottom line is that we're changing the environment faster than our ability to understand the consequences of how we're changing it." Most predictions of eco-doom are predicated on this argument, and many are stated in much more dramatic terms than those Lubchenco employs. As the argument runs, a myriad of organisms, especially "little things," comprise ecosystems that provide countless services that keep the Earth's biotic and abiotic processes up and running.' According to Souls, "Many, if not all, ecological processes have thresholds below and above which they become discontinuous, chaotic, or suspended." **Biodiversity may regulate** these processes; among its many talents, biodiversity is said to create soil and maintain its fertility, control **global climate, inhibit agricultural pests, maintain atmospheric gas balances, process organic wastes, pollinate crops and flowers, and recycle nutrients.**' Confusion in this line of argumentation ties back into why the concept of biodiversity has risen to prominence. Remember that biologists have scant understanding of the roles that species or populations play in maintaining ecosystems. In interviews, Lovejoy, Falk, and Ray confessed that you can strip away many species from an ecosystem without loss of ecosystem function. Ehrlich points out that by the time a species is endangered, it has probably stopped playing an important role in keeping the system functioning anyway." Furthermore, it is not clear whether we should focus on species as functional cogs in the ecosystem wheel, or whether ecological services are emergent properties of ecosystems themselves. With the biodiversity concept, these dilemmas become nearly moot. Biodiversity embraces lists of species, lists of ecosystems, the interactions of species within ecosystems, and the processes that species may maintain or control. When arguing on behalf of bio-diversity, one need not focus on the specifics-specifically, the specifics of what we don't know. It is enough to explicate some of the functions that keep ecosystems running, or that ecosystems provide for us, and then extrapolate to the dangers associated with declining biodiversity. Peter Raven bases his thinking on Leopold's observation "To keep every cog and wheel is the first precaution of intelligent tinkering": "In every sense, in the sense of

communities that will preserve soil, promote local climate, keep the atmosphere, preserve water, and every thing else, the first rule of being able to put together communities well or have the world go on functioning well, or to keep climates as they are, or to retard disease, to produce products we want sustainably, be cause, after all, plants, algae, and photosynthetic bacteria are the only device we have to capture energy from the sun effectively-in all those senses, and in the sense that we're losing the parts so rapidly, I consider **the loss of biological diversity to be the most serious problem that we have**-far more serious than global climate change or stratospheric ozone depletion, or anything else." "Habitat destruction and conversion are eliminating species at such a frightening pace that extinction of many contemporary species and the systems they live in and support ... may lead to ecological disaster and severe alteration of the evolutionary process," Terry Erwin writes." And E. O. Wilson notes: "The question I am asked most frequently about the diversity of life: **if enough species are extinguished, will the ecosystem collapse, and will the extinction of most other species follow soon afterward?** The only answer anyone can give is: possibly. **By the time we find out,** however, **it might be too late.** One planet, one experiment." So biodiversity keeps the world running. It has value in and for itself, as well as for us. Raven, Erwin, and Wilson oblige us to think about the value of biodiversity for our own lives. The Ehrlichs' rivet-popper trope makes this same point; by eliminating rivets, we play Russian roulette with global ecology and human futures: "It is likely that destruction of the rich complex of species in the Amazon basin could trigger rapid changes in global climate patterns. Agriculture remains heavily dependent on stable climate, and human beings remain heavily dependent on food. By the end of the century the extinction of perhaps a million species in the Amazon basin could have entrained famines in which a billion human beings perished. And if our species is very unlucky, **the famines could lead to a thermonuclear war, which could extinguish civilization.**" Elsewhere, Ehrlich uses different particulars with no less drama: What then will happen if the current decimation of organic diversity continues? Crop yields will be more difficult to maintain in the face of climatic change, soil erosion, loss of dependable water supplies, decline of pollinators, and ever more serious assaults by pests. Conversion of productive land to wasteland will accelerate; deserts will continue their seemingly inexorable expansion. Air pollution will increase, and local climates will become harsher. Humanity will have to forgo many of the direct economic benefits it might have withdrawn from Earth's well stocked genetic library. It might, for example, miss out on a cure for cancer; but that will make little difference. As ecosystem services falter, mortality from respiratory and epidemic disease, natural disasters, and especially famine will lower life expectancies to the point where cancer (largely a disease of the elderly) will be unimportant. **Humanity will bring upon itself consequences depressingly similar to those expected from a nuclear winter.** Barring a nuclear conflict, it appears that **civilization will disappear some time before the end of the next century not with a bang but a whimper.**

Impact – Biodiversity Loss

Biodiversity loss risks extinction

Walsh 10 [Bryan, covers environment, energy and — when the need arises — particularly alarming diseases for TIME magazine, Wildlife: A Global Convention on Biodiversity Opens in Japan, But Can It Make a Difference? October 18, 2010

<http://ecocentric.blogs.time.com/2010/10/18/wildlife-a-global-convention-on-biodiversity-opens-in-japan-but-can-it-make-a-difference/#ixzz131wU6CSp>

The story of non-human life on the planet Earth over the past few decades is a simple one: loss. While there are always a few bright spots—including the recovery of threatened animals like the brown pelican, thanks to the quietly revolutionary Endangered Species Act—on a planetary scale biodiversity is steadily marching backwards, with extinctions rising and habitat destroyed. Species as diverse as the tiger—less than 3,500 live in the wild today—to tiny frogs could be gone forever if the trends keep heading downwards. In a bitterly ironic twist, back in 2002 the United Nations declared that 2010 would be the international year of biodiversity, and countries agreed to "achieve a significant reduction of the current rate of biodiversity loss at the global, regional and national level," as part of the UN Convention on Biological Diversity (CBD). At this paper in Science shows (download a PDF here), however, the world has utterly failed to reduce the rate of biodiversity loss, and by just about every measurement, things are getting worse all the time. (Read the Global Biodiversity Outlook if you really want to be depressed.) With that cheery backdrop, representatives from nearly 200 nations are meeting in the Japanese city of Nagoya—home to Toyota and not a whole lot else—for the 10th summit of the CBD, where they will set new goals for reducing species loss and slowing habitat destruction. At the very least, they should know how critical the biodiversity challenge is—as Japanese Environment Minister Ryo Matsumoto said in an opening speech: All life on Earth exists thanks to the benefits from biodiversity in the forms of fertile soil, clear water and clean air. We are now close to a 'tipping point' - that is, we are about to reach a threshold beyond which biodiversity loss will become irreversible, and may cross that threshold in the next 10 years if we do not make proactive efforts for conserving biodiversity. Ahmed Djoghlaif, the executive secretary of the CBD, struck an even darker note, reminding diplomats that they were on a clock—and time was running out: Let's have the courage to look in the eyes of our children and admit that we have failed, individually and collectively, to fulfil the Johannesburg promise made by 110 heads of state to substantially reduce the rate of loss of biodiversity by 2010. Let us look in the eyes of our children and admit that we continue to lose biodiversity at an unprecedented rate, thus mortgaging their future. But what will actually come out of the Nagoya summit, which will continue until Oct. 29? Most likely there will be another agreement—a new protocol—outlining various global strategies on sustaining biodiversity and goals on slowing the rate of species loss. (You can download a PDF of the discussion draft document that will be picked over at Nagoya.) It won't be hard for governments to agree on general ambitions for reducing biodiversity loss—who's against saving pandas?—but the negotiations will be much trickier on the question of who will actually pay for a more biodiverse planet? And much as we've seen in international climate change negotiations, the essential divide is between the developed and developing nations—and neither side seems ready to bend. The reality is that much of the world's biodiversity—the most fantastic species and the most complete forests—is found in the poorer, less developed parts of the world. That's in part because the world's poor have been, well, too poor to develop the land around them in the way rich nations have. (There was once a beautiful, undeveloped island off the East Coast of the U.S., with wetlands and abundant forests. It was called Mannahatta. It's a little different now.) As a result, the rural poor—especially in tropical nations—are directly dependent on healthy wildlife and plants in a way that inhabitants of developed nations aren't. So on one hand that makes the poor directly vulnerable when species are lost and forests are chopped down—which often results in migration to thronging urban areas. But on the other, poverty often drives the rural poor to slash-and-burn forests for agriculture, or hunt endangered species to sell for bush meat. Conservation and development have to go hand in hand. That hasn't always been the mantra of the conservation movement—as Rebecca Tuhus-

Dubrow writes in Slate, conservation projects in the past sometimes displaced the human inhabitants over a reserve or park, privileging nature over people. But that's changed in recent decades—environmental groups like Conservation International or the Nature Conservancy now spend as much of their time working on development as they do in protecting nature. "Save the people, save the wildlife"—that's the new mantra. The missing ingredient is money—and that's what will be up for debate at Nagoya. As climate change has risen on the international agenda, funding for biodiversity has lagged—the 33 member nations of the Organization for Economic Co-operation and Development (OECD) donated \$8.5 billion for climate change mitigation projects in 2008, but just \$3 billion annually for biodiversity. One way to change that could be through "payment for ecosystem services." A biodiverse landscape, intact forests, clean water and air—all of these ebbing qualities of a healthy world are vital for our economies as well. (The Economics of Ecosystems and Biodiversity, a UN-funded study, estimates that nature degradation costs the world \$2 trillion to \$5 trillion a year, with the poorest nations bearing the brunt of the loss.) Rich countries could pay more biodiverse developing nations to keep nature running—allowing poorer countries to capitalize on their natural resources without slashing and burning. Will that work? I'm skeptical—the experience of climate change negotiations have shown that the nations of the world are great at high ideals and fuzzy goals, but not so hot at actually dividing up the pie in a more sustainable fashion. That doesn't mean there aren't smaller solutions—like Costa Rica's just-announced debt-for-nature deal—but a big bang from Japan this month doesn't seem too likely. The problem is as simple as it is unsolvable, at least so far—there's no clear path to national development so far that doesn't take from the natural world. That worked for rich nations, but we're rapidly running out of planet, as a report last week from the World Wildlife Fund showed. And there's something greater at stake as well, as the naturalist E.O. Wilson once put it: The one process now going on that will take millions of years to correct is the loss of genetic and species diversity by the destruction of natural habitats—this is the folly our descendants are least likely to forgive us. We're losing nature. And that loss really is forever.

Impact – Warming

Global warming is real, anthropogenic, and causes extinction

Deibel '7 (Terry L. Deibel, professor of IR at National War College, 2007, Foreign Affairs Strategy, Conclusion: American Foreign

Finally, there is one major existential threat to American security (as well as prosperity) of a nonviolent nature, which, though far in the future, demands urgent action. It is the threat of global warming to the stability of the climate upon which all earthly life depends. Scientists worldwide have been observing the gathering of this threat for three decades now, and what was once a mere possibility has passed through probability to near certainty. Indeed not one of more than 900 articles on climate change published in refereed scientific journals from 1993 to 2003 doubted that anthropogenic warming is occurring. "In legitimate scientific circles," writes Elizabeth Kolbert, "it is virtually impossible to find evidence of disagreement over the fundamentals of global warming." Evidence from a vast international scientific monitoring effort accumulates almost weekly, as this sample of newspaper reports shows: an international panel predicts "brutal droughts, floods and violent storms across the planet over the next century"; climate change could "literally alter ocean currents, wipe away huge portions of Alpine Snowcaps and aid the spread of cholera and malaria"; "glaciers in the Antarctic and in Greenland are melting much faster than expected, and...worldwide, plants are blooming several days earlier than a decade ago"; "rising sea temperatures have been accompanied by a significant global increase in the most destructive hurricanes"; "NASA scientists have concluded from direct temperature measurements that 2005 was the hottest year on record, with 1998 a close second"; "Earth's warming climate is estimated to contribute to more than 150,000 deaths and 5 million illnesses each year" as disease spreads; "widespread bleaching from Texas to Trinidad...killed broad swaths of corals" due to a 2-degree rise in sea temperatures. "The world is slowly disintegrating," concluded Inuit hunter Noah Metuq, who lives 30 miles from the Arctic Circle. "They call it climate change...but we just call it breaking up." From the founding of the first cities some 6,000 years ago until the beginning of the industrial revolution, carbon dioxide levels in the atmosphere remained relatively constant at about 280 parts per million (ppm). At present they are accelerating toward 400 ppm, and by 2050 they will reach 500 ppm, about double pre-industrial levels. Unfortunately, atmospheric CO₂ lasts about a century, so there is no way immediately to reduce levels, only to slow their increase, we are thus in for significant global warming; the only debate is how much and how serious the effects will be. As the newspaper stories quoted above show, we are already experiencing the effects of 1-2 degree warming in more violent storms, spread of disease, mass die offs of plants and animals, species extinction, and threatened inundation of low-lying countries like the Pacific nation of Kiribati and the Netherlands at a warming of 5 degrees or less the Greenland and West Antarctic ice sheets could disintegrate, leading to a sea level of rise of 20 feet that would cover North Carolina's outer banks, swamp the southern third of Florida, and inundate Manhattan up to the middle of Greenwich Village. Another catastrophic effect would be the collapse of the Atlantic thermohaline circulation that keeps the winter weather in Europe far warmer than its latitude would otherwise allow. Economist William Cline once estimated the damage to the United States alone from moderate levels of warming at 1-6 percent of GDP annually; severe warming could cost 13-26 percent of GDP. But the most frightening scenario is runaway greenhouse warming, based on positive feedback from the buildup of water vapor in the atmosphere that is both caused by and causes hotter surface temperatures. Past ice age transitions, associated with only 5-10 degree changes in average global temperatures, took place in just decades, even though no one was then pouring ever-increasing amounts of carbon into the atmosphere. Faced with this specter, the best one can conclude is that "humankind's continuing enhancement of the natural greenhouse effect is akin to playing Russian roulette with the earth's climate and humanity's life support system. At worst, says physics professor Marty Hoffert of New York University, "we're just going to burn everything up; we're going to heat the atmosphere to the

temperature it was in the Cretaceous when there were crocodiles at the poles, and then everything will collapse.” During the Cold War, astronomer Carl Sagan popularized a theory of nuclear winter to describe how a thermonuclear war between the United States and the Soviet Union would not only destroy both countries but possibly end life on this planet. Global warming is the post-Cold War era’s equivalent of nuclear winter at least as serious and considerably better supported scientifically. Over the long run it puts dangers from terrorism and traditional military challenges to shame. It is a threat not only to the security and prosperity to the United States, but potentially to the continued existence of life on this planet.

Crunch UQ

Crunch UQ – Collapse Coming (Global Industrial Collapse/Transition)

Global collapse is inevitable – only our alternative allows for us to survive the crunch

William Ophuls, 2012, "Immoderate Greatness: Why Civilizations Fail," 66-69, mm

It will not have escaped the reader's attention that the signs and symptoms of impending collapse roughly sketched above are pervasive. Ecological problems, exponential pressures, thermodynamic losses, risky complexity, moral decay, and human incapacity are evident everywhere, differing only in extent and degree among the various regions and societies that make up modern industrial civilization. ¶ Moreover, all these societies are now interconnected in a vast and complex world system far beyond anyone's ken or control. We therefore confront a potential worldwide collapse, as a cascade of failure brings down a global order that is now approximately 250 years old (i.e., close to what Glubb deems to be the natural lifespan of a civilization). Having built up a "stupendous fabric" far beyond anything that Gibbon could have conceived, the implosion to come seems destined to be equally stupendous. ¶ Before civilization became universal, the consequences of decline and fall may have been catastrophic for a particular society and for many or even most of its inhabitants, but they were not fatal to civilization itself. There were always others to keep the flame alive. Or a lurking horde of barbarians poised to bring fresh blood to a tired and moribund society. But now that a highly interdependent, global, industrial civilization extends its monopoly to the ends of the earth, there are no others to pick up the baton, nor any barbarian reservoirs to replenish its élan. "Collapse, if and when it comes again, will this time be global," says Tainter. ¶ It will also be uniquely devastating. Given the enormous growth of populations and the extent of ecological devastation and social dislocation caused by industrialization – as well as the degree to which the methods and materials of traditional agriculture have been abandoned in the rush to ramp up yields by converting fossil fuel into food – a gradual and gentle transition to a viable agrarian civilization capable of supporting large numbers of people and a reasonable level of complexity is extremely unlikely. In fact, says Tainter, the collapse of today's highly developed societies "would almost certainly entail vast disruptions and overwhelming loss of life, not [to] mention a significantly lower standard of living for the survivors." Wright's metaphor perfectly captures our plight: "As we climbed the ladder of progress, we kicked out the rungs below," leaving ourselves with no non-catastrophic way back to a less complex mode of existence. ¶ At this point, even a return to a hunting and gathering would be challenging. Apart from a few bands of isolated Tupi-Guarani in the Amazon, almost all of the remaining, scattered tribal peoples have lost the territory, knowledge, and traditions that would enable them to survive if industrial civilization were to collapse. ¶ What is to be done? First, we must recognize that the deep structural problems elucidated above have no feasible solutions. Like Glubb, but for different reasons, Tainter does not believe that today's societies can escape the dynamic that eventuates in collapse. A military-industrial arms race among the sub-units of the existing global civilization "rives increased complexity and resource consumption regardless of costs, human or ecological." ¶ Hence, second, the task is not to forestall a foreordained collapse but, rather, to

salvage as much as possible from it, lest the fall precipitate a dark age in which the arts and adornments of civilization are partially or completely lost. ¶ To this end, just as prudent mariners carry lifeboats and practice abandoning ship, a global civilization in its terminal phase would be well advised to prepare arks, storehouses, and banks designed to preserve the persons, tools, and materials with which to retain or reconstitute some semblance of civilized life post-collapse. ¶ This appeal to prudence will not be readily accepted. For the hubris of every civilization is that it is, like the Titanic, unsinkable. Hence the motivation to plan for shipwreck is lacking. In addition, the civilization's contradictions and difficulties are seen not as symptoms of impending collapse, but, rather, as problems to be solved by better policies and personnel. In other words, the populace does not yet understand that the civilization has reached an impasse. As Tainter notes, "It takes protracted hardship to convince people that the world to which they have been accustomed has changed irrevocably." ¶ Moreover, although collapse may be foreordained, its course and timing are largely unpredictable. Collapse could happen suddenly or gradually, sooner or later, so why act now? To make matters worse, preparing for this uncertain future requires present sacrifice – that is, the diversion of resources from both current consumption and from the task of coping with today's problems – at a time when those very same resources are becoming scarcer and more expensive. In short, denial, evasion, and procrastination are all but inevitable. ¶ Thus if preparations for collapse are made at all, they are likely to be too little and too late. Modern civilization is therefore bound for a worse fate than the Titanic. When it sinks, the lifeboats, if any, will be ill provisioned, and no one will come to its rescue. Humanity will undoubtedly survive. Civilization as we know it will not. ¶ Although it would be intellectually dishonest of me to suggest any other outcome – a tragic denouement followed by a lengthy time of troubles – I can envision an alternative to civilization as it is currently conceived and constituted. This alternative, which could not be imposed but would have to emerge slowly and organically, should allow humanity to thrive in reasonable numbers on a limited planet for millennia to come. But it would require a fundamental change in the ethos of civilization – to wit, the deliberate renunciation of greatness in favor of simplicity, frugality, and fraternity. For the pursuit of greatness is always a manifestation of hubris, and hubris is always punished by nemesis. Whether human beings are capable of such sagacity and self-restraint is a question only the future can answer.

Crunch UQ – Collapse Coming (Consumption)

The crunch is coming – overconsumption causes extinction – only the transition solves

Karl Tate, 3/19/2014, Live Science, “study: civilization doomed by overconsumption, wealth inequality,” <http://www.livescience.com/44204-study-civilization-doomed-by-overconsumption-wealth-inequality-infographic.html>, mm

A NASA-funded study looked at factors that cause a civilization to collapse. In the past 5,000 years, many advanced societies have collapsed, resulting in hundreds of years of decline and regression. Basing their model on how predators and prey interact, the scientists concluded that societies that collapsed had two factors in common: overconsumption of natural resources and economic stratification.¶ The so-called "balance of nature" works like this: As a prey population grows, the predators that feed on them thrive as well. But once the predators become too numerous and overconsume the prey, famine results. The predator population declines as well (a “collapse”).¶ The study looked at three scenarios: Egalitarian, Equitable and Unequal. In an Egalitarian society that has no elite class, an equilibrium can be reached where the commoner population increases to the maximum carrying capacity of the planet.¶ However, if the population overconsumes its resources, a collapse results from which there is no recovery. Resources, wealth and population all go to zero.¶ The Equitable society divides the population into “workers” and “nonworkers.” This society can reach equilibrium with slow growth and fairly distributed salaries.¶ In the Unequal scenario, the population collapses after an apparent equilibrium when the elite population starts to take off, peaking around year 775. By year 900, everything has collapsed, and nature makes a recovery.

Ecological limits make the crunch inevitable – absent the alternative to a different societal model, extinction is inevitable

William Ophuls, 2012, "Immoderate Greatness: Why Civilizations Fail," 9-11, mm

As a process, civilization resembles a long-running economic bubble. Civilizations convert found (or conquered) ecological wealth into economic goods and population growth. As the bubble expands, a spirit of “irrational exuberance” reigns. Few take thought for the morrow or consider that they are borrowing from posterity. Finally, however, resources are either effectively exhausted or no longer repay the effort needed to exploit them. As massive demand collides with dwindling supply, the ecological “credit” that has fueled expansion and created a large population accustomed to living high off the hog is choked off. The civilization begins to implode, in either a slow and measured decline or a more rapid and chaotic collapse. As civilizations encounter emerging limits, they will of course make every effort to innovate their way around them. However, as we shall see later, these efforts themselves have costs that gradually accumulate. Thus the civilization’s “indebtedness” compounds. Unfortunately, the benefits accrue immediately, but the debts come due only later, so the momentum of

development continues. However, at some point, “service” on the accumulated debt begins to preclude new investment, as more and more energy has to be expended simply running in place. Stealing resources from others is not a permanent solution, because conquest, too, has serious costs: “imperial overstretch” has spelled the downfall of many empires. Even peaceful trade provides no escape from biophysical limits. To get resources from others, you must normally give something valuable in return – either resources themselves, or goods and services that depend ultimately on resources. In short, on a finite planet you cannot grow forever or violate the laws of physics. If you use renewable resources faster than they can regenerate, they will dwindle and ultimately disappear; if you produce wastes faster than they can be rendered harmless, they will poison you; and if you use nonrenewable resources to fuel current consumption, they will eventually run out. Of course, the ultimate limits are rarely reached, because diminishing returns on ecological exploitation and extraction set in well before then. Technology and good management can forestall the day of ecological reckoning, but not indefinitely. ¶ To make matters worse, it is not resources in general that matter, for natural processes are governed by a basic ecological principle called “the law of the minimum.” Thus the factor in least supply is controlling. For example, to grow cereals takes soil, seeds, fertilizer, and water as well as labor. Not only must all of these factors of production be present for there to be a crop, but they must be present in the right quality or proportion. Thin soils or poor seeds will stunt crop growth even if all the other factors are present in abundance. Thus some resources are more critical for civilization than others. The most critical of all is water, without which life simply cannot be sustained. But as civilizations develop, they tend to overuse and misuse their water supplies, with consequences that can be serious. For example, salinization due to inappropriate irrigation plagued many ancient civilizations (and continues to be a problem today). Civilizations also damage watersheds by cutting down the forests that moderate climate, promote rainfall, and store water. In addition, the law of the minimum have a corollary: consuming to the limit when times are flush leaves a civilization exposed to peril if resources decline in quality or quantity. For example, because rainfall varies from year to year, water supply inevitably fluctuates. This means that past levels of agricultural production may not always be achievable, threatening the civilization with hunger or even famine. To restate the corollary in prescriptive form, consistently pressing ecological limits is risky to the point of being suicidal. Unfortunately, civilization does just that: as a system, its basic mode is overshoot and collapse. That is, it tends to continue developing well beyond the point of ecological sense (as well as economic sense in many cases, although that is another story). In doing so, it degrades or exhausts ecological resources that are critical for its long-term survival. What ecologists call the “carrying capacity” is eroded. When the inevitable day of reckoning arrives, the civilization therefore experiences decline or even collapse until it comes into balance with the remaining, impoverished resource base.

Crunch UQ – Crunch Coming (Entropy)

Entropy makes the crunch inevitable – only a transition to society with restricted rights and freedom solves

William Ophuls, 2012, "Immoderate Greatness: Why Civilizations Fail," p. 29, mm

Civilization is trapped in a thermodynamic vicious circle from which escape is well nigh impossible. The greater a civilization becomes, the more the citizens produce and consume – but the more they produce and consume, the larger the increase in entropy. The longer economic development continues, the more depletion, decay, degradation, and disorder accumulate in the system as a whole, even if it brings a host of short-term benefits. Depending on a variety of factors – the quantity and quality of available resources, the degree of technological and managerial skill, and so forth – the process can continue for some time but not indefinitely. At some point, just as in the ecological realm, a civilization exhausts its thermodynamic “credit” and begins to implode. ¶ The only way out would be radically to transform civilization so that the human economy resembled the natural economy. Nature is highly efficient in thermodynamic terms. The steady flow of solar energy is not simply consumed but is instead used to build up a rich and diverse capital stock. To put it more technically, nature internalizes thermodynamic costs, using the same matter and energy over and over to wring a maximum of life out of a minimum of energy. ¶ Although it might be theoretically possible for the human economy to mimic the natural economy, it would involve a radical transformation of civilization as we know it. Societies would have to be far more intricately and closely coupled – just as in natural ecosystems. And individuals would have to tolerate strong checks on human will and desire – that is, powerful negative feedback, just as in natural ecosystems. But even if such a hive-like existence were somehow acceptable, one would have to question whether human beings have the managerial capacity to sustain it. Let us, therefore, turn to the fourth biophysical limit that confronts civilization: the challenge of complexity.

Crunch UQ – Laws of Thermodynamics

Growth and consumption and unsustainable – the laws of thermodynamics prove

William Ophuls, 2011, *Plato's Revenge: Politics in the Age of Ecology*, p. x-xi, (Ophuls received a PhD in Political Science from Yale in 1973, served for eight years as a Foreign Service Officer in Washington and Tokyo, and has taught at Northwestern University), [this evidence has been edited for gendered language], mm

This failure to grasp that the root of the disease is not defective public policies but a defective public philosophy motivated me to resume the discussion in 1997 with *Requiem for Modern Politics*. In that work, I argued that the modern political paradigm – that is, the body of political concepts and beliefs inherited from Thomas Hobbes and his successors – was bound for self-destruction even before the emergence of ecological scarcity. That paradigm is no longer intellectually tenable or practically viable because any polity that abandons virtue and rejects community necessarily becomes the author of its own demise. The tendencies toward moral decay, social breakdown, economic excess, and administrative despotism that are evident everywhere in the so-called developed world testify to the need for a new public philosophy – on political as well as ecological grounds. This book attempts to sketch the basic outline of such a philosophy – a natural law theory of politics grounded in ecology, physics, and psychology. In doing so, I make explicit the basic principles of ecological polity that were implicit in my previous work and add new material to make the theory more robust. I start from the radical premise that “sustainability” as usually understood is an oxymoron. Industrial man [people] has used the found wealth of the New World and the stocks of fossil hydrocarbons to create an antiecological Titanic. Making the deck chairs recyclable, feeding the boilers with biofuels, installing hybrid winches and windlasses, and every other effort to “green” the Titanic will ultimately fail. In the end, the ship is doomed by the laws of thermodynamics and by implacable biological and geological limits that are already beginning to bite. We shall soon be obliged to trade in the Titanic for a schooner – in other words, a postindustrial future that, however technologically sophisticated, resembles the preindustrial past in many important respects. This book attempts to envision the politics of that smaller, simpler, humbler vessel.

Crunch UQ – Transition Key

The crunch is coming – we are entering a sixth mass extinction – only the transition can solve

Dovey 6/23/15

Dana Dovey, writer for Medical daily cites study from scientists at Stanford, Princeton and Berkeley

<http://www.medicaldaily.com/end-world-6th-mass-extinction-earths-history-has-begun-and-humans-may-not-survive-339480>

Extinction is a natural part of life. With each passing century species enter and fade from existence, but **mass extinctions are few and far between**. To date, Earth has seen only five, with the last one taking out the dinosaurs about 65 million years ago. However, **according to a recent study completed by an international team of biologists, we are currently in the midst of a sixth mass extinction**, and humans may be one of the first species to die off. Stories on pollution, habitat destruction, and the impending “end of days” are nothing new. What marks this collaborative paper apart from the countless number of doomsday predictions is that it is based on accurate and hard-to-dispute scientific data. Using fossil records, the team compared natural extinction rates, which are also known as background extinction rates, to current extinction rates, and came up with some disturbing figures. Results showed that even with conservative estimates, species today are disappearing up to 100 times faster than the normal rate between mass extinctions. “We emphasize that our calculations very likely underestimate the severity of the extinction crisis, because our aim was to place a realistic lower bound on humanity’s impact on biodiversity,” the researchers wrote. According to Dr. Paul Ehrlich, a researcher involved in the study, “[The study] shows without any significant doubt that we are now entering the sixth great mass extinction event.” What’s A Mass Extinction? The mass extinction of the dinosaurs, scientifically known as the Cretaceous-Tertiary (or K-T) extinction, is the best known of all mass extinctions, but it is only one of five extinction events believed to have occurred on Earth. Mass extinctions are defined as periods where abnormal or above average numbers of species completely die out. For example, BBC reports that in the Permian mass extinction, which occurred an estimated 248 million years ago, about 96 percent of all of Earth’s species died out. The International Union for Conservation of Nature, which maintains an authoritative list of threatened and extinct species, estimates the current specter of extinction could wipe out 41 percent of amphibian species, 26 percent of all mammals, and 13 percent of birds. **It takes the Earth millions of years to recover from mass extinctions**. In the press release, senior author Geraldo Ceballos said, “Our species itself would likely disappear early on.” In a video clip, Ehrlich explains that this is because of our dependence on the “natural services” that other species provide. Examples of this include the pollination of crops and climate control. “We are not likely to lose the honey bee as a species but we are already losing it in lots of places where its important, say for pollinating your almond orchards,” Ehrlich said. Past extinctions were brought about by a number of uncontrollable factors, such as climate change, sea level shifts, and possibly a large, catastrophic asteroid impact. What marks this current descent into extinction

as different is not only that it's believed to be completely man-made but also that it might be avoidable if we take action against it now. The team writes that deforestation for farming and settlement, the introduction of invasive species, carbon emissions, and our introducing toxins to the environment are permanently and irreversibly destroying ecosystems. Despite the grim news, it may still be a bit early to start building a doomsday bunker. Through intensified conservation efforts, we may still be able to preserve the Earth's ecosystem. But the "window of opportunity is rapidly closing," the researchers said. "Avoiding a true sixth mass extinction will require rapid, greatly intensified efforts to conserve already threatened species, and to alleviate pressures on their populations — notably habitat loss, over-exploitation for economic gain, and climate change," they wrote.

Crunch UQ – AT Growth Sustainable (Technology)

Tech doesn't make growth sustainable – entropy and the Jevons Paradox

William Ophuls, 2012, "Immoderate Greatness: Why Civilizations Fail," 25-26, mm

In addition, technological improvements actually increase thermodynamic costs. Take the substitution of the automobile for the horse. To make a horse requires a modest investment in pasture, water, and fodder for the two to three years it takes from conception until the horse can work. But to make a car requires not only many direct inputs – steel, copper, fuel, water, chemicals, and so forth – but also many indirect ones such as a factory and labor force as well as the matter and energy needed to sustain them. To use a technical term, the “embodied energy” in the car is many times that in the horse. In addition, the thermodynamic cost of operating the car is far greater. A horse needs only a modicum of hay, water and oats procured locally without too much difficulty. But the auto requires oil wells, refineries, tankers, gasoline stations, mechanics’ shops, and so on – that is, a myriad of direct inputs that are difficult and expensive to procure, as well as a host of indirect costs. So the substitution of auto for the horse may have brought many advantages, but at a heavy thermodynamic price. ¶ Even the technological leap represented by the computer is no different. Its partisans may believe that it will be the instrument of humanity’s final liberation from the tyranny of nature, but a quick glance at the enormous quantity of embodied energy in each computer and in the systems that support it, plus the major energy requirements needed to operate networks, testify otherwise. The idea that technology will allow us to do ever more with ever less is a delusion. The more humanity resorts to technology, the more it expedites entropy (and generates other problems that we shall take up in the next chapter). It is vital to understand that technology is not a source of energy. That is, it is not a fuel in its own right, only a means for putting fuel to work or for transforming one energy resource into another. Thus, for example, coal can be converted into gasoline – but at a high thermodynamic price, because much of the potential energy in the coal is lost in the process. Or technology can make the conversion of energy more efficient – but, as we have seen, only up to a point. (Moreover, gains in efficiency tend to be nullified by increases in demand, a phenomenon known as Jevons Paradox). Similarly, technology can make new energy resources available – but only by expanding energy to find and exploit them. So technology does not make energy out of thin air. On the contrary, technology is always ultimately dependent on the supply of energy. If the quantity or quality of energy resources dwindles, the power of technology declines along with them.

Authoritarianism UQ

Auth. UQ – Transition Now

Global authoritarianism is increasing now – halting the spread of liberal ideals like privacy is key to sustaining the containment of democracy

Christopher Walker, 6/13/2014, (Walker is an executive director of the International Forum for Democratic Studies at the National Endowment for Democracy), The Washington Post, “Authoritarian regimes are changing how the world defines democracy,” http://www.washingtonpost.com/opinions/christopher-walker-authoritarian-regimes-are-changing-how-the-world-defines-democracy/2014/06/12/d1328e3a-f0ee-11e3-bf76-447a5df6411f_story.html, mm

In 1947, George Kennan’s “X-Article” argued for a policy of containment to combat the spread of Soviet influence. That policy would become the basic strategy of the United States throughout the Cold War.¶ More than six decades later, in an underappreciated twist, today’s leading authoritarian regimes are turning “containment” on its head, using massive resources and coordinated political efforts to chip away at the rules-based institutions that have served as the glue for the post-Cold War liberal order, while checking the reform ambitions of aspiring democracies and reshaping the way the world thinks about democracy.¶ Call it the “democracy containment” doctrine.¶ Russia’s destabilization of Ukraine, where Moscow has annexed Crimea and provoked a debilitating separatist rebellion in the eastern part of that country, has dominated the news recently. But this action should be seen for what it is: a Kremlin containment effort to prevent Ukrainians from achieving a democratically accountable government that would threaten Russia’s corrupt authoritarian system. The Ukraine example is just one small part of a vast containment ambition led by the regimes in Moscow, Beijing, Riyadh and Tehran, which may disagree on many things but share an interest in limiting the spread of democracy.¶ The strategy has evolved in three key areas. The first concerns institutions. Seeing regional and international rules-based bodies as a threat to regime interests, authoritarians have focused their efforts on hobbling key institutions’ democracy and human rights mechanisms.¶ Russia, in cooperation with other authoritarian regimes in Eurasia, has undermined the human rights dimensions of the Council of Europe and the Organisation for Security and Cooperation in Europe, especially the latter’s election-monitoring and media-freedom functions. Venezuela plays a similarly harmful role with regard to the Organization of American States.¶ Within the United Nations, an “authoritarian fraternity” led by Security Council members China and Russia routinely blocks democracy-friendly measures on a range of issues. Iran, along with China and Russia, is pursuing greater control of the Internet in intergovernmental bodies worldwide.¶ As the authoritarians whittle away at democratic standards, they have created their own clubs, such as the Shanghai Cooperation Organization (SCO) and the Eurasian Customs Union, that mimic their liberal counterparts but whose aim is to institutionalize authoritarian norms.¶ Through a treaty arrangement with SCO members, China has challenged the norm against refoulement — the return of persecuted individuals to the hands of their persecutors — by using a designation of “terrorist” as the basis for repatriation. China has persuaded non-SCO countries such as Cambodia and Malaysia to cooperate with this new standard. More broadly, authoritarian regimes work with each other to monitor activists

and oppositionists and block their movement, for instance through international “watchlists” and “blacklists” that are generated within the context of the SCO and the Gulf Cooperation Council.¶ The second sphere relates to the containment of both young democracies and middle-performing countries with reform ambitions whose democratic success would pose a threat to authoritarian regimes.¶ In addition to Ukraine, Russia pursues a disruptive policy toward democratic hopefuls Georgia and Moldova. The Baltic states, although NATO and European Union members, nevertheless are targets of Kremlin-backed political efforts and media campaigns that aim to raise doubts about the integrity of their young democracies.¶ China is taking measures to slowly squeeze the democracy out of Hong Kong. Saudi Arabia’s political and security commitment to Bahrain’s government has served to contain its smaller neighbor’s democracy movement.¶ The third sphere of containment is in the realm of ideas.¶ These regimes may not be ideological in the Cold War sense, but they understand the importance of ideas, which explains a good deal about why they work so hard to try to prevent the emergence of alternative ones within their own systems. With time, they have fine-tuned arguments that share the goal of creating an anti-American, anti-democracy narrative.¶ This matters because the best-resourced regimes — especially China and Russia — have built formidable traditional and new media outlets that enable them to project such messages into the global marketplace. This prowess is especially apparent in the developing world, where a new battle of ideas is underway. China has an enormous media presence in sub-Saharan Africa and has rapidly gained a foothold there. Its multibillion-dollar international CCTV has programs in Arabic, French, Russian and Spanish, and the state news agency Xinhua is expanding worldwide. Russia’s RT, in addition to its virulently anti-Western English programming, broadcasts its jaundiced view of the world around the clock in Spanish and Arabic.¶ While the authoritarians claim that their massive international broadcasting ventures are needed to offer an unfiltered view of their countries, it is telling that these state-led media conglomerates devote so much of their programming to assailing the West and the idea of democracy.¶ We can infer from this that the emerging authoritarian doctrine reflects the need for leaders in Moscow, Beijing and elsewhere to contain what they fear and do not possess: democratic accountability and legitimacy.¶ Given the stakes for the liberal order, the democratic world will need to develop a serious “long game” sooner rather than later to respond to the growing challenge presented by the migration of the authoritarians’ illiberal norms beyond their borders.

Global authoritarianism is increasing now

Larry Luxner, 4/22/2015, Atlantic Council, “Authoritarianism stages a comeback,”

<http://www.atlanticcouncil.org/blogs/new-atlanticist/authoritarianism-stages-a-comeback, mm>

From Azerbaijan’s Ilham Aliyev to Zimbabwe’s Robert Mugabe, dictators seem to be gaining the upper hand these days—outsmarting the most determined pro-democracy activists with a clever mix of 21st-century technology and old-fashioned repression.¶ Why this is happening, and what we can do about it, is the subject of an insightful new book that covers the A-to-Z of dictatorship around the globe: *Is Authoritarianism Staging a Comeback?*¶ The answer is a resounding yes, according to half a dozen scholars who gathered April 21 at the Atlantic Council to discuss the book and its implications. The panel included the volume’s two editors, Mathew

Burrows and Maria J. Stephan, who together lead the Atlantic Council's Future of Authoritarianism project. ¶ "The success rate of civil disobedience has declined to a rate not seen since the 1950s. It's worrisome," said Stephan, a Senior Policy Fellow at the United States Institute of Peace (USIP). "There's an element of authoritarian resilience around the world."

Global authoritarianism is consolidating now – but the transition could be derailed by a democratic resurgence

Democracy Digest, 7/3/2014, "Are the authoritarians winning?"
<http://demdigest.net/blog/authoritarians-winning/>, mm

"For the first time since the end of the cold war, the advance of democratic constitutionalism has stopped," the Harvard Kennedy School's Michael Ignatieff asserts: ¶ In the 1930s travelers returned from Mussolini's Italy, Stalin's Russia, and Hitler's Germany praising the hearty sense of common purpose they saw there, compared to which their own democracies seemed weak, inefficient, and pusillanimous. ¶ Democracies today are in the middle of a similar period of envy and despondency. Authoritarian competitors are aglow with arrogant confidence. In the 1930s, Westerners went to Russia to admire Stalin's Moscow subway stations; today they go to China to take the bullet train from Beijing to Shanghai, and just as in the 1930s, they return wondering why autocracies can build high-speed railroad lines seemingly overnight, while democracies can take forty years to decide they cannot even begin. The Francis Fukuyama moment—when in 1989 Westerners were told that liberal democracy was the final form toward which all political striving was directed—now looks like a quaint artifact of a vanished unipolar moment. ¶ "The conflict between authoritarianism and democracy is not a new cold war, we are told, because the new authoritarians lack an expansionary ideology like communism," he writes for the New York Review of Books. "This is not true. Communism may be over as an economic system, but as a model of state domination it is very much alive in the People's Republic of China and in Putin's police state," he notes: ¶ Nor does this new authoritarianism lack an economic strategy. Its goal is a familiar form of modernization that secures the benefits of global integration without sacrificing political and ideological control over its populations. Its economic model is price-fixing state capitalism and its legal system is rule by (often corrupt) fiat in place of the rule of law. Its ethics rejects moral universalism in favor of a claim that the Chinese and Russian civilizations are self-contained moral worlds. Persecution of gays, therefore, is not some passing excess, but is intrinsic to their vision of themselves as bulwarks against Western individualism. ¶ Russia's and China's strategic visions may draw on different historical experiences, but the messages they take from their histories are similar. Both dwell on the humiliations they have received at the hands of the West. Both explicitly refuse to accept liberal democracy as a model. Both insist that their twentieth-century experience of revolution and civil war necessitates centralized rule with an iron fist. ¶ The Chinese and Russian variants of authoritarian modernization draw upon different resources, and they remain geostrategic competitors, one rising, the other trying to halt its decline, but both see good reasons to align their interests for the medium term. This commonality of interest is striking—they vote together on the Security Council, persecute their own dissidents, and jointly stick up for exterminatory dictatorship in Syria. In their shared resentment toward the American world order, they have spoken as one

since the day the Americans bombed the Chinese embassy in Belgrade in 1999.¶ “The new authoritarians offer the elites of Africa and Eurasia an alternate route to modern development: growth without democracy and progress without freedom,” notes Ignatieff. “This is the siren song some African, Latin American, and Asian political elites, especially the kleptocrats, want to hear.”¶ U.S. no longer vanguard of democracy¶ President Obama’s recent address at West Point suggests that he is listening to a new doctrine of restraint, he writes, one which “captures a sense, among conservatives and progressives alike, that America no longer has the power to shape the international order as it once did. In particular, it no longer can imagine itself as the vanguard democracy of an advancing global order of democracies.”¶ The Economist’s John Micklethwait and Adrian Wooldridge urge Western democrats to learn from their authoritarian competitors, says Ignatieff:¶ The fact that Singapore and Shanghai are better governed than Detroit or Los Angeles is hardly news. The issue is whether authoritarian governance is sustainable in the face of demands by the middle class to be treated like citizens, and whether such governance is capable of dealing with radical shocks like a long-term economic slowdown of the kind currently predicted for China.¶ The authoritarian archipelago is arrogant but it is brittle: it must control everything, or soon it controls nothing. The saving grace of democracy is its adaptability. It depends for its vitality on discontent. Discontent leads to peaceful regime change, and as regimes change, free societies can discard failed alternatives.

Auth. UQ – Crunch Makes it Inevitable

The crunch makes a transition to authoritarianism inevitable

Mark Beeson, 3/30/2010, (Department of Political Science and International Relations, University of Western Australia, Perth), "The coming of environmental authoritarianism," *Environmental Politics*, vol 19, no 2, https://www.academia.edu/539179/The_coming_of_environmental_authoritarianism, mm

The environment has become the defining public policy issue of the era. Not only will political responses to environmental challenges determine the health of the planet, but continuing environmental degradation may also affect political systems. This interaction is likely to be especially acute in parts of the world where environmental problems are most pressing and the state's ability to respond to such challenges is weakest. One possible consequence of environmental degradation is the development or consolidation of authoritarian rule as political elites come to privilege regime maintenance and internal stability over political liberalisation. Even efforts to mitigate the impact of, or respond to, environmental change may involve a decrease in individual liberty as governments seek to transform environmentally destructive behaviour. As a result, 'environmental authoritarianism' may become an increasingly common response to the destructive impacts of climate change in an age of diminished expectations. Long before the recent global economic crisis inflicted such a blow on Anglo-American forms of economic organisation, it was apparent that there were other models of economic development and other modes of political organisation that had admirers around the world. The rise of illiberal forms of capitalism and an apparent 'democratic recession' serve as a powerful reminders that there was nothing inevitable about the triumph of 'Western' political and economic practices or values (Zakaria 2003, Diamond 2008). Nowhere has the potential importance of authoritarian, state-led capitalist development been more evident than in East Asia.¹ An examination of East Asia's development and the concomitant environmental problems it generates highlights a number of broad-ranging trends that have widespread relevance.

Alt

Environment Solvency – Democracy Fails/Eco-Authoritarianism

Good

Democratic choice theory ensures environmental destruction – only eco-authoritarianism solves

Matthew Humprey, 2007, Ecological Politics and Democratic Theory: The challenge to the deliberative ideal, p. 12-13, mm

The second set of background assumptions concerned the motivational aspects of human behavior and the problems of co-ordinating collective responses to collective problems. The understanding of the motivations and execution of human actions were based upon the rational actor model in its Schumpeterian mode. For Schumpeter, people have a much clearer understanding of their own personal, short-term interests than they do of their interests in respect of political questions, which frequently relate to policy choices filtered through complex social and economic problems and long-term time horizons. There are good reasons for this; we have sufficient control over the circumstances of our daily lives such that our actions can make a genuine difference to our welfare. If we know we can get the same model car cheaper at one showroom rather than another, or we understand that an item of electrical equipment is still under guarantee and can be exchanged for something new, this is important information. When it comes to the world of democratic politics, however, the understanding of the average citizens, says Schumpeter, drops to that of a 'primitive,' who fails to understand complex processes of cause and effect (1943: 262). Who can say whether a drop in interest rates two years ago caused inflation today? Or whether a rise in the value of the national currency in the past led to increased unemployment now? It is not merely that these complex causal processes are difficult to understand, it is also that the average citizen has no incentive to try and understand them, which would involve a great deal of effort for little reward (the reward of a better informed vote, for example, which would have no more effect on the outcome of an election than an uninformed vote. Inefficacy does not reward information gathering). The implication of this argument is that when citizens do come to take political action within a democracy, they will be motivated by a narrow conception of their interests, and will possess only a very rough understanding of how to promote them through the ballot box. This certainly appears to be the assumption of the eco-authoritarians, who have no faith in the ability of citizens to act democratically with regard to a more (ecologically) enlightened sense of their self-interest. Citizens cannot be expected to vote for new laws that would curtail their existing freedoms in the name of long-term environmental sustainability. Nor can they be expected to modify their individual behavior through appeals to an environmental ethic; and even if they did that, it would be counter-productive for them in the long run, at least for certain important behaviors (as explained in the following paragraphs).

Environment Solvency – China Proves

Eco-authoritarianism solves – China proves

Thomas Friedman, 9/8/2009, New York Times, “Our One-Party Democracy,”
http://www.nytimes.com/2009/09/09/opinion/09friedman.html?_r=0, mm

Watching both the health care and climate/energy debates in Congress, it is hard not to draw the following conclusion: There is only one thing worse than one-party autocracy, and that is one-party democracy, which is what we have in America today.¶ One-party autocracy certainly has its drawbacks. But when it is led by a reasonably enlightened group of people, as China is today, it can also have great advantages. That one party can just impose the politically difficult but critically important policies needed to move a society forward in the 21st century. It is not an accident that China is committed to overtaking us in electric cars, solar power, energy efficiency, batteries, nuclear power and wind power. China’s leaders understand that in a world of exploding populations and rising emerging-market middle classes, demand for clean power and energy efficiency is going to soar. Beijing wants to make sure that it owns that industry and is ordering the policies to do that, including boosting gasoline prices, from the top down.

Alt – AT Elites Won't be Benevolent/Won't Last

1NC Humphrey evidence says this version of authoritarianism will not be abusive – the alternative ensures a class of virtuous elites committed to ecological integrity rise to the top – that prevents abuses of power

Eco-authoritarianism will be benevolent and durable – a political class already exists and the Roman Catholic Church provides an appropriate model

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 134-35, mm

Government in the future will be based upon (or incorporate, depending on the level of breakdown of civilization) a supreme office of the biosphere. The office will comprise specially trained philosopher/ecologists. These guardians will either rule themselves or advise an authoritarian government of policies based upon their ecological training and philosophical sensitivities. These guardians will be specially trained for this task. In the meantime can we move forward? There are those unsullied by the search for power and influence and with ability, who already serve humanity with meager financial reward in the professions, in science and medicine, in the entrepreneurial social services, and, yes, in the religious orders, but they are not prepared to join the political rabble. And even if they were, the present political cabal would not move over for them. The emergence of the World Social Forum may offer some lessons in networking individuals with common goals, the seed of an international organization for environmental equity and sustainability. This would not be inward looking and self-serving like various Zionist organizations or the Yale Skull and Bones, but might be universal like a reformed Roman Catholic Church. Come back St. Francis! Authoritarian leadership exists in the Roman Catholic Church where power and greed are successfully suppressed to deliver spiritual succor to the believers and nourishment for the poor. Lessons can be learned from the modus operandi of this Church. In its service to humanity it publicly abhors the destructiveness of both totalitarianism and capitalism, and its views might allow it to be the chrysalis of care for the earth through directions to its flock. As Pope John Paul II stated: The ecological crisis is a moral issue . . . respect for life and for the dignity of the human person extends also to the rest of creation . . . Humanity has disappointed God's expectations. Man, especially in our time, has without hesitation devastated wooded plains and valleys, polluted waters, disfigured the earth's habitat, made the air unbreathable, disturbed the hydrological and atmospheric systems, turned luxuriant areas into deserts and undertaken unrestrained industrialization . . . We must therefore encourage and support the ecological conversion which in recent years has made humanity more sensitive to the catastrophe to which it has been heading.³⁶ A recurrent theme in this text is the need for a new religious basis to modern life to give substance and meaning to people's existence as an alternative to consumerism and materialism. A "green pope" who actively pursued the philosophical words of Pope John Paul II quoted above would make a substantial contribution to the saving of civilization. But there is another important contribution that Catholicism offers to our argument. The Roman Catholic Church is one of the longest surviving Western institutions. It is much older than the common law, democracy, the English language, and Western science.

The Church has seen the collapse of one civilization (the Roman), has existed through a dark age, and survived wars, revolutions, and plagues. As a social institution it is truly remarkable and offers to all of us a lesson in how to set up an organization for long-term survival. What is important for our argument is that the Roman Catholic Church, unlike the fragmented Protestant churches, has a rigid authoritarian structure and a strict hierarchy of rule. If the Roman Catholic Church had been run as a democratic institution, as the Protestant churches have been to some degree, it is highly doubtful whether the Roman Catholic Church would have survived. We do not see in the Church an exact model to replicate for an alternative authoritarian model of government, as it obviously would be a dangerous gamble to have one person as a "political pope" or world emperor. Nevertheless the survival of the Church as an authoritarian structure does indicate that authoritarian systems, if set up correctly, can be long lasting and stable.

Alt – AT Authoritarianism Bad

1NC Humphrey evidence says this version of authoritarianism will not be abusive – the alternative ensures a class of virtuous elites committed to ecological integrity rise to the top – that prevents abuses of power

Historical failures of authoritarianism do not disprove the alternative – eco-authoritarianism learns from past failures to avoid repeating them

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 124, mm

In proposing that liberal democracies will be replaced by authoritarian structures, we differ somewhat from a select group of environmentalist writers who have also rejected a liberal democratic solution to the environmental crisis.¹² In general, such writers have felt that only centrally commanded economies can meet the challenge of dealing with the environmental crisis. We do not join that camp. We recognize that command economies committed to militarism and industrialization can be just as destructive, if not more so than liberal democracies. The former Soviet Union is not our idea of paradise on earth. Planned economies, where there is an attempt by a body of elite planners to coordinate all aspects of an economy, is a recipe for disaster because there is simply too much information, chaotic nonlinear effects, and unpredictable events to permit accurate planning. However we believe that many aspects of the economy must be firmly regulated. This position is a long way away from a planned economy. We have no lingering belief that communism could or will save humanity, but we hold that when civilization-threatening changes occur, liberal democratic solutions are the first things to go. The rule of law is abandoned, and the rule of the strong dominates. We are not indicating that we like this; we are maintaining as a matter of real politick that this is what occurs historically and is likely to occur again. Nor are we supporting a form of authoritarianism as witnessed in Nazi Germany where one Fuhrer makes fundamental decisions about life and death for society. Such forms of authoritarianism typically lead to social disaster when the leader, following the weaknesses of human will, succumbs to corruption or madness. Our form of authoritarianism looks to the leadership of an entire stratum of society rather than one individual or even part, and there is a better chance that corruption and madness of the Hitler and Stalin levels can be weeded out. But there is no guarantee; human life is uncertain and down the track, human life promises to be desperate.

Alt – AT Human Nature

Historical evidence proves authoritarianism is more in line with human nature than liberalism

David Shearman and Joseph Wayne Smith, 2007, *The Climate Change Challenge and the Failure of Democracy*, p. 130, mm

The hypothesis that a steady state economy will characterize the new order follows from the limits to growth thesis defended in this book. If a growth economy is not sustainable, then the economy must be either a steady state nongrowth economy or one that is constantly decreasing and degenerating. A degenerating economy eventually leads to economic collapse that is nonsustainable. By elimination, a sustainable economy must be a steady state economy. A future society is likely to be stratified and nonegalitarian because history shows that this is the way societies in the past have been. The hypothesis defended in this book is that liberalism and its values, as well as democracy, are just moments in human history. It is likely that the human brain is hardwired for authoritarianism, for dominance, and submission (chapter 5). This is a reasonable scientific hypothesis that better fits the available historical evidence than the hypothesis of liberal egalitarianism.

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Eco-Authoritarianism Module

Uniqueness—Crunch Now

The crunch is coming now – peak oil puts us on the brink

Turner and Alexander 14 - Turner is principal research fellow at the University of Melbourne's Melbourne Sustainable Society Institute and Alexander is Melbourne based journalist [Graham Turner and Cathy Alexander, "Limits to Growth was right. New research shows we're nearing collapse", 9-1-14, Accessed: 7-12-15, <http://www.theguardian.com/commentisfree/2014/sep/02/limits-to-growth-was-right-new-research-shows-were-nearing-collapse>] hk

As pollution mounts and industrial input into agriculture falls, food production per capita falls. Health and education services are cut back, and that combines to bring about a rise in the death rate from about 2020. Global population begins to fall from about 2030, by about half a billion people per decade. Living conditions fall to levels similar to the early 1900s. It's essentially resource constraints that bring about global collapse in the book. However, Limits to Growth does factor in the fallout from increasing pollution, including climate change. The book warned carbon dioxide emissions would have a "climatological effect" via "warming the atmosphere". As the graphs show, the University of Melbourne research has not found proof of collapse as of 2010 (although growth has already stalled in some areas). But in Limits to Growth those effects only start to bite around 2015-2030. The first stages of decline may already have started. The Global Financial Crisis of 2007-08 and ongoing economic malaise may be a harbinger of the fallout from resource constraints. The pursuit of material wealth contributed to unsustainable levels of debt, with suddenly higher prices for food and oil contributing to defaults - and the GFC. The issue of peak oil is critical. Many independent researchers conclude that "easy" conventional oil production has already peaked. Even the conservative International Energy Agency has warned about peak oil. Peak oil could be the catalyst for global collapse. Some see new fossil fuel sources like shale oil, tar sands and coal seam gas as saviours, but the issue is how fast these resources can be extracted, for how long, and at what cost. If they soak up too much capital to extract the fallout would be widespread. Our research does not indicate that collapse of the world economy, environment and population is a certainty. Nor do we claim the future will unfold exactly as the MIT researchers predicted back in 1972. Wars could break out; so could genuine global environmental leadership. Either could dramatically affect the trajectory. But our findings should sound an alarm bell. It seems unlikely that the quest for ever-increasing growth can continue unchecked to 2100 without causing serious negative effects – and those effects might come sooner than we think. It may be too late to convince the world's politicians and wealthy elites to chart a different course. So to the rest of us, maybe it's time to think about how we protect ourselves as we head into an uncertain future.

Peak oil put us on the brink now – heading for the crunch

Gupta 2-2 - Gupta contributes to outlets including Al Jazeera America, Vice, The Progressive, The Guardian, and In These Times [Arun Gupta, "Why the Crash in Oil Prices Should Bury "Peak Oil" Once and for All", 2-2-15, Accessed 7-12-15, <http://www.counterpunch.org/2015/02/02/why-the-crash-in-oil-prices-should-bury-peak-oil-once-and-for-all/>] hk

Fervent peak oilers are neo-Malthusians, believing the relentless growth of population and society on their own will outstrip natural resources. While Malthus's ideas were discredited on scientific, historical, and economic grounds in the 19th century, they live on in peak oil, peak water, peak minerals, peak soil, peak food and peak everything. From a scientific perspective, peak oil posits geology as determining oil supplies. Of course oil is a finite and non-renewable resource, but the last decade of spiraling oil prices was caused by Middle East wars, Wall Street commodities speculation, and ecological disasters like Hurricane Katrina, not by natural limits. It's the socio-economic system that determines how much oil, along with every other commodity, is produced, distributed, and consumed. Grasping why peak oil and its variants are flawed offers a deeper understanding of the global energy order, the politics of climate change, and capitalism itself. Even the term peak oil is problematic, obscuring how the energy industry works. We may imagine oil as gushing out of a steel derrick in a barren desert, but energy companies are after any form of hydrocarbons that can be profitably refined. Cars on a highway could be powered by fuel derived from tar sands, natural-gas or its condensates, shale oil, biofuels, heavy oil, or coal-to-liquid. One scenario by the U.S. Energy Information Administration estimates such non-conventional sources could account for more than one-third of all oil produced by 2030. Then there is the concept of a peak. Even though Hubbert was off by only one year—domestic production peaked in 1971—production looks nothing like his bell curve over time. It rose after each seventies shock, went into a twenty-year funk after the mid-eighties crash, and in the last five years it has soared to near its 1971 peak. The inherent flaw of peak oil is that it naturalizes capitalism. Energy reserves are determined by price, investment and technology. The current oil boom, driven by innovations in fracking and drilling, tar-sands production, low-cost investment capital and persistently high oil prices, have smashed Hubbert's theory to bits like brittle shale. The inaccuracy of peak oil hasn't stopped prominent figures like Paul Krugman and George Monbiot from flirting with the concept. Monbiot admitted his error in 2012, correctly noting the problem is not too little oil, but too much: "There is enough oil in the ground to deep-fry the lot of us, and no obvious means to prevail upon governments and industry to leave it in the ground." On the left, Michael Klare has pushed versions of peak oil in books like *Resource Wars* and *The Race for What's Left*. In 2005 Klare declared that "the world is headed for a severe and prolonged energy crunch in the not-too-distant future." In 2008 Klare wrote that "the current energy crisis is almost certain to be long-lasting." In 2012 he asserted that "oil prices are destined to remain high for a long time to come."

The crunch is coming now- there is a moral imperative is to restrain capitalism from endless environmental destruction

Romm 14 (Sep. 16, 2014. Joe Romm is a fellow at American Progress and is the founding editor of Climate Progress. He also holds a Ph. D in physics from MIT. He has won numerous awards and was the acting assistant secretary of energy for energy efficiency and renewable energy in the late 1990s. "This Changes Everything: Naomi Klein Is Right, Unchecked Capitalism Will Destroy Civilization" ThinkProgress.org.

<http://thinkprogress.org/climate/2014/09/16/3567322/this-changes-everything-naomi-klein-capitalism-climate/> //HS)

Best-selling progressive journalist Naomi Klein has an important new book out, "This Changes Everything: Capitalism Vs. The Climate." The author of "No Logo" and "The Shock Doctrine" now

“tackles the most profound threat humanity has ever faced: the war our economic model is waging against life on earth,” as the book jacket aptly puts it. In diagnosing the unprecedented existential threat humanity faces thanks to our myopia and unbridled greed, Klein has three essential points to make: Because we have ignored the increasingly urgent warnings and pleas for action from climate scientists for a quarter century (!) now, the incremental or evolutionary paths to avert catastrophic global warming that we might have been able to take in the past are closed to us. Humanity faces a stark choice as a result: The end of civilization as we know it or the end of capitalism as we know it. Choosing “unregulated capitalism” over human civilization would be a “morally monstrous” choice — and so the winning message for the climate movement is a moral one. KleinBookAs an aside, readers may remember that I don’t always agree with Klein on either substance or messaging. And obviously I have quibbles with her book — in particular I am skeptical of some elements of her proposed “cure” (and how she frames them) as I’ll discuss in a later post. But in fairness to Klein, our 25-year dawdling has made the diagnosis (and prognosis) unimaginably graver and thus made all cures look politically implausible, as the pessimistic, do-little “eco-modernists” keep pointing out far too gleefully. To anyone who thinks attacking unchecked capitalism is not a winning message (when done correctly), I’d urge you to read the advice of Frank Luntz, the GOP’s top messaging guru, on the subject: “don’t say capitalism” because Americans “think capitalism is immoral.” The great value in the book lies in Klein’s understanding and elaboration of the three essential points above. Indeed I’m not certain any other book has so clearly spelled out these points. And yet these three points are, arguably, the most important ones for climate hawks, for the (misnamed) “intelligentsia” — indeed, for all homo sapiens — to understand at a deep level, since they clarify the choices we now face in the actions we must now take. Let’s look at them in turn. 1. Time’s Up Anyone would expect a far worse diagnosis and far more limited/radical treatment options from your doctor if — for a quarter century — you kept ignoring her increasingly strong recommendations to change your diet as you kept gaining weight and your prediabetes finally became full-blown Type 2 diabetes. So nobody can profess shock that our situation is much worse and our options for preserving a livable world are far more limited after ignoring thousands of the world’s leading climate “doctors” for more than two decades. Klein quotes leading climatologist Michael Mann: “There is a huge procrastination penalty when it comes to emitting carbon into the atmosphere”: the longer we wait the more it builds up, the more dramatically we must change to reduce the risk of catastrophic warming. She quotes climate expert Kevin Anderson that we might have been able to avert catastrophe (stabilize near 2°C or 3.6°F total warming) using “significant evolutionary” strategies if we had acted at the time of the 1992 Earth Summit or perhaps even if we had acted around the year 2000, but now only “revolutionary” strategies will work. Klein’s 566-page book does not have a great deal of science in it. It is clearly for those who accept climate science. I might have preferred a little more detail on why allowing 4°C (7°F) warming — let alone why the 6°C (11°F) warming we are currently headed toward — is not a rational or moral option. That said, a lot of other people have laid out that science in great detail. Indeed if it weren’t for the massive denial campaign, the gross miscoverage/undercoverage of climate change by the media, and the blinkered obsession with deck-chair-rearranging by opinion makers, one would say the perilous nature of our situation is mind-numbingly obvious: International Energy Agency (2011): World on Pace for 11°F Warming, “Even School Children Know This Will Have Catastrophic Implications for All of Us” Shocking

World Bank Climate Report (2012): “A 4°C [7°F] World Can, And Must, Be Avoided” To Avert “Devastating” Impacts Landmark Report (2014) Warns Time Is Running Out To Save U.S. From Climate Catastrophe Climate action delayed is climate action denied. Literally. 2. Laissez Not Fair As you’d expect with the subtitle, “Capitalism Vs. The Climate,” the book focuses on a critique of modern capitalism, which Klein generally refers to as “deregulated capitalism.” Klein isn’t calling for an end to capitalism, just an end to the rapacious, self-destructive version it has evolved into. Klein also takes on deregulated capitalism’s close relatives and accomplices, such as globalization, materialism, hyper-consumerism, and the conservative theory of (non)governance. Indeed she explains that the opening chapters will show: ... the real reason we are failing to rise to climate movement is because the action required directly challenge our reigning economic paradigm (deregulated capitalism combined with public austerity), the stories on which Western cultures are founded (that we stand apart from nature and can outsmart limits), as well as many of the activities that form our identities and define our communities (shopping, living virtually, shopping some more). These are Klein’s *bête noires* and areas of expertise. I’m not going to summarize her arguments here in part because reading her thoughts on these subjects is probably the primary reason for buying the book. I can’t do them justice and also it would be hard to avoid quibbling with her history in the areas where we slightly disagree. What matters most is Klein’s core argument that unchecked capitalism will lead to catastrophe. This is an argument I also make (albeit in a different way). In 2009, I detailed how humanity constructed the grandest of Ponzi schemes, whereby current generations have figured out how to live off the wealth of future generations. New York Times columnist Tom Friedman quoted me: “We created a way of raising standards of living that we can’t possibly pass on to our children,” said Joe Romm, a physicist and climate expert who writes the indispensable blog climateprogress.org. We have been getting rich by depleting all our natural stocks — water, hydrocarbons, forests, rivers, fish and arable land — and not by generating renewable flows. “You can get this burst of wealth that we have created from this rapacious behavior,” added Romm. “But it has to collapse, unless adults stand up and say, ‘This is a Ponzi scheme. We have not generated real wealth, and we are destroying a livable climate ...’ Real wealth is something you can pass on in a way that others can enjoy.” Unchecked capitalism is a Ponzi scheme that must collapse. 3. The moral of our story Klein argues that the successful social movements were won not on economic grounds, but on moral ones. As Salon put it last year, “Once third-rail issues transform into moral imperatives, impossibilities sometimes surrender to new realities.” Klein concludes that while it’s important to make economic arguments that immediate climate action is far more cost-effective than inaction followed by attempts at adaptation: But we will not win the battle for a stable climate by trying to beat the bean counters at their own game.... We will win by asserting that such calculations are morally monstrous, they imply there is an acceptable price for allowing entire countries to disappear, for leaving untold millions to die on harsh land, for depriving today’s children of their right to live in a world teeming with the wonders and beauty of creation. The crucial nature of the moral argument is one that many are starting to make. The immorality of inaction is a point we simply cannot make too often.

Uq

<http://www.ecointernet.org/2015/03/22/green-liberty-antidote-authoritarian-corporatism-global-ecological-collapse/>

Humanity has so massively overshoot planetary ecological boundaries, that already there is an impact upon jobs and consumption; and as a result of diminishing expectations, neo-fascism is rising. It is likely humanity's cumulative huge demands upon ecosystems, which we seek to prolong at all costs for a huge population base, will collapse the entire biosphere as societies and economies crash. To avoid such a fate we must have fewer children, end fossil fuels, and restore natural ecosystems. Green Liberty – a political re-alignment of progressives, greens and libertarians who value ecology, justice, equity, and small governments and corporations – is the only pathway within existing sovereignty to achieve global ecological sustainability.

Humanity's inability to stop destroying nature can only lead to profound human suffering as all known life's one shared biosphere collapses, falling into nothingness, but not before we undergo an authoritarian corporatist hell on Earth. – Dr. Glen Barry

Ecological science has known for some time, and I have written and spoken at length, how Earth's biosphere is collapsing and dying as global ecosystems and atmosphere are overwhelmed by human growth. How and over what time frame biosphere collapse will play out is less known though certain aspects are becoming increasingly apparent as environmental decline progresses. Lack of easily exploitable natural ecosystems to destroy in order to access resources to feed industrial growth has led to a downturn in jobs to fuel highly consumptive lifestyles, and the concurrent rise of political demagoguery and resurgence of authoritarian corporatism (of many types, under many names) to exploit the situation.

Uniqueness—Ecoauthoritarianism/Counterplan Solvency

Environmental surveillance now

Kuh 15 – Professor of Law, Maurice A. Deane School of Law at Hofstra University [Katrina Kuh, “ENVIRONMENTAL PRIVACY”, 2015, Accessed: 7-26-15, epubs.utah.edu/index.php/ulr/article/download/1319/1045] hk

Environmental regulators also frequently obtain information through environmental surveillance.⁹⁰ U.S. Army Corps of Engineers (“Corps”) regulations implementing the CWA, for example, advocate surveillance by the Corps to “detect unauthorized activities requiring permits” and encourage district engineers to “consider developing joint surveillance procedures with Federal, state, or local agencies.”⁹¹ Courts have upheld administrative searches aimed at ascertaining whether a property contains a jurisdictional wetland.⁹² Unlike interrogation, however, environmental surveillance generates significant legal scrutiny.⁹³ This Section provides an overview of environmental surveillance and its legal treatment under the Fourth Amendment both to offer a general overview of how existing environmental statutes balance implementation and privacy and to provide background for a close analysis of environmental surveillance in the specific context of the enforcement of fish and game laws (the hunter enforcement cases). Most environmental statutes grant regulators the authority to conduct administrative searches.⁹⁴ Statutes granting this authority include inter alia core environmental statutes such as the CWA; ⁹⁵ Resource Conservation and Recovery Act (RCRA); ⁹⁶ Clean Air Act (CAA); ⁹⁷ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); ⁹⁸ Toxic Substances Control Act (TSCA); ⁹⁹ and Endangered Species Act (ESA).¹⁰⁰ Generally speaking, the Fourth Amendment has been interpreted to require a warrant for an administrative search involving a private individual¹⁰¹ or commercial entity.¹⁰² There are, however, a number of caveats and exceptions. Those caveats and exceptions of particular relevance in the environmental context are discussed in greater detail below. Under the “open fields” doctrine, the Supreme Court holds that there is no expectation of privacy, and thus no Fourth Amendment protection, for “activities conducted out of doors in fields, except in the area immediately surrounding the home.”¹⁰³ It is not unusual for environmental administrative searches to involve inspections of outdoor areas and numerous cases have upheld warrantless administrative searches by environmental regulators under the open fields doctrine.¹⁰⁴ The Supreme Court, for example, has held that warrantless entry by a state environmental official on commercial premises for purposes of observing the quality of smoke emitted from a facility did not violate the Fourth Amendment as it fell within the open fields exception.¹⁰⁵ The Court further held that the EPA did not conduct a search for purposes of the Fourth Amendment when it took aerial photographs of an industrial plant complex as part of a site inspection under the Clean Air Act.¹⁰⁶ Notably, however, the court found it important that the entity observed was a commercial entity and not a private residence.¹⁰⁷

Environmental Authoritarianism is effective in the status quo – the aff reverses that

Zhu et al 15 – An Associate Professor at Renmin University of China Law School, Ph.D. in Law, Secretary-General of Environment and Resources Law Research Association, Beijing Law Society [Xiao Zhu, “Regional restrictions on environmental impact assessment approval in China: the legitimacy of environmental authoritarianism,” *Journal of Cleaner Production*, pp. 106, January 9, 2015, Wiley]

4.2. Environmental effectiveness Legitimacy of EIARTR can be enhanced when these measures are Environmentally effective. While it is impossible to execute a sound and causal environmental effectiveness analysis of the EIA restriction measures, anecdotal evidence – based on interviews, media reports and (in) formal documents up till now – does point to several (indirect) environmental effects of these measures. Six arguments for environmental effectiveness of EIARTR will be assessed here. First, EIARTR has forced local leaders to attach importance to environmental protection and has changed their behavior with respect to implementation of environmental measures. EIARTR has touched on the core interest of these local leaders (that is: economic development in their region) and this has enhanced priority given to environmental targets and standards. This measure often also came with changed power balances between the different local governmental agencies, often in favor of environmental protection bureaus. For instance, after EIA approval was restricted by Sichuan provincial EPB in 2006, Luzhou municipal government established an environmental targets-based assessment system to hold administrative and party leaders responsible for not meeting environmental targets (Luzhou EPB document no. 177, 2006). This enhanced the power of the local EPB vis- a-vis their economic counterparts. According to Pan Yue, the then deputy director- general of SEPA, “the three-month EIARTR in 2007 achieved much more than any previous enforcement campaign of EIA. It not only solved some serious environmental problems left over by history, but also forced local governments to change the track of development and accelerated the industrial transformation towards sustainable development”.¹³ Second, in the regions affected by EIA restriction the capacity of local environmental (or rather: EIA) law enforcement staff was strengthened and enhanced, and the environmental budget of the local EPB was increased (both for staff and monitoring equipment). For instance, in the case of Luzhou the municipal government immediately approved the additional employment of 4 EPB staff and planned to appoint an additional 10 staff members to enhance environmental investigation and supervision, which did materialize. At the same time, budgets for both operation and equipment were increased (Luzhou EPB document no. 177, 2006). Third, EIARTR did temporarily stop industrial investment in polluting industries and projects, but it is unclear what the longer term environmental effects have been. After lifting the restrictions industrial investment and output often increased more than before, but it is unclear whether this industrial output was of a different, less polluting, nature. For instance, the EIA restrictions in Luzhou lasted for two months (26 December 2006 to 26 February 2007), and came together with a major set-back in industrial investments, and even a small set back in industrial output growth during these months. But during the two months after that period, industrial investment was higher than before the restrictions, as was industrial output growth.¹⁴ However, it is not

possible to relate these changes in industrial investment and output causally to changes in environmental performance. Fourth, some environmental targets were achieved to a certain extent through applying EIARTR, especially when the EIA restriction aimed at major environmental accidents in the region. For instance, MEP imposed the EIA restriction to Huzhou municipality in 2011 following a major lead pollution accident. MEP required Zhejiang provincial EPB to ensure that Huzhou government investigated and punished the responsible enterprises and scrutinized all enterprises involved in heavy metals. Enterprises that did not have an EIA or did not implement the EIA adequately had to stop operations. And the most severe environmental pollution problems with most complaints had to be addressed before the set deadline and the responsible persons had to be punished (MEP document no.584, 2011). In MEP's notice to Zhejiang provincial EPB on lifting the restriction, MEP argued that based on the on-site investigations and checks by both of them, MEP trusted that Huzhou had met the required conditions for lifting the restriction. Hence, this would indeed point at a significant environmental improvement and an effective instrument to obtain such improvements (MEP document no. 1267, 2011). Fifth, one could also imagine that frequent application of EIARTR may result in a preventive effect towards local and provincial governments. The possibility of being targeted for EIA restrictions in their jurisdiction might lead local leaders to take action to prevent a condition where EIA restriction could be enforced upon them. It is rather difficult to prove such a preventive effect and no such indications have been found yet. A sound legal basis of these measures, implementation of transparency, apply a longer time period and more experience with EIARTR makes such preventive behavior of local environmental authorities more likely. Finally, up till now application and thus environmental effectiveness of such EIA restriction measures obviously has been limited. There exist numerous situations in China where ambient environmental standards or total emissions in a region have been exceeded, but where EIA restrictions were not applied. A most notable and well-known case would be Beijing air pollution by for instance power companies and Beijing ambient air quality. For political reasons it is highly unlikely that EIA restrictions will be easily applied in such a situation/region, which severely limits the environmental effectiveness of the measure.

Common law solves enviro laws

Kuh 15 – Professor of Law, Maurice A. Deane School of Law at Hofstra University [Katrina Kuh, “ENVIRONMENTAL PRIVACY”, 2015, Accessed: 7-26-15, epubs.utah.edu/index.php/ulr/article/download/1319/1045] hk

Common law nuisance has, of course, evolved into a diverse panoply of environmental laws that require significant information for their implementation, thereby intersecting with interests in privacy.⁷¹ The discussion that follows identifies some of the ways that environmental laws demand information, the privacy issues that this can raise, and the accommodation struck between the regulatory need for information and privacy interests. The present survey is not complete—it does not claim to represent a categorical review of all environmental laws from all jurisdictions—but employs representative examples to illustrate some of the common privacy issues that arise with respect to the collection and use of information in support of environmental regulations that are most relevant to thinking about privacy in the context of

environmentally significant individual behaviors. At the outset, it is useful to distinguish between an environmental regulator requesting the submission of information (interrogation) (for example, requiring the submission of information to obtain a permit) and a regulator taking information, usually in the context of enforcement (surveillance) (for example, conducting searches or inspections to enforce an environmental statute).⁷² Examples drawn from the context of environmentally significant individual behaviors could include, with respect to interrogation, requirements that individuals reveal to regulators the content of their vehicle's tailpipe emissions by undergoing an emissions check⁷³ and, with respect to surveillance, a regulator's inspection of an individual's private property to ascertain the presence of a jurisdictional wetland under the CWA. ⁷⁴ This Section proceeds by providing an overview of the legal treatment of interrogation and then focuses on the legal treatment of environmental surveillance—specifically on the application of the Fourth Amendment to surveillance conducted in support of environmental statutes.

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Link—Effective Authoritarianism

Surveillance is key to effective authoritarianism – government monitoring requires expansive data collection – the plan undoes this regime

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Under an authoritarian regime, the populace must be managed. Tools and techniques that have proven effective in managing raw materials, manufactured goods and animals, can be applied to humans too. A unique identifier for each person, and its general use by government agencies and other organisations which conduct transactions with people, are highly desirable tools for efficient social administration. Public administration systems must be designed to exercise control over people, in all of their various roles. There may be scope for at least some semblance of choice by individuals, but employees need to operate within a corporate culture, consumer demand needs to be statistically predictable, and citizens' freedom of choice needs to be constrained, lest unworkable parliaments eventuate, with too many splinter parties, independents and conscience votes. It is only logical that an authoritarian society should recognise the benefits of a unary executive branch, in which the boundaries between agencies are porous. In this way, data can flow freely (such that transaction data and client histories can be cross-verified, and changes of address and status cross-notified), and systems can be tightly integrated and efficient (and hence misdemeanours by people in one arena, such as traffic fines, can be readily punished through another, such as denial of a marriage licence, permission to move apartments, or approval for travel). Authoritarian IT-based systems use a centralised architecture. Elements may be physically dispersed, however, to achieve efficiency in data transmission, and to provide resilience against localised threats such as natural disasters and sabotage by dissidents. The general shape of such systems is that provided by cyberneticians: a cascade of control loops, culminating in a master-controller. In authoritarian regimes, information privacy and data security play important roles. These have little to do with the protection of people, however, but rather serve to protect the integrity of data, and of the system, and to legitimate the repressive system through the provision of nominal rights for data subjects. For discussions of the authoritarian application of technology in general, see Ellul (1964) and Packard (1964), and of IT in particular, see Rule (1974), Weizenbaum (1976), Kling (1978), Rule et al. (1980), Burnham (1983), OTA (1986), Laudon (1986), Clarke (1988), Davies (1992) and Ronfeldt (1992, pp.277-287). 4. Instances of Authoritarian Application of I.T. The reader is by now (hopefully) annoyed by the extent to which the foregoing description has been a caricature, hyperbole, a 'straw man' designed to be easily criticised. However there are manifold instances of just these features in IT-based public administration systems, both those in operation and being conceived, in countries throughout the world. In North America, whose use of IT has been well ahead of that in most other countries, a 'national data center' was

proposed as early as 1966. Elements of it have emerged, such as the widespread use of the Social Security Number (SSN) as a unique identifier, proposals for a health id card, and the all-but uncontrolled use of computer matching and profiling. Some protagonists in the current debates surrounding the national information infrastructure (NII) are seeking a network consistent with authoritarian control; for example, by insisting on use only of those cryptographic techniques which are 'crackable' by national security agencies. Australia has followed the North American tendency. It flirted with a national identification scheme in the late 1980s (Greenleaf & Nolan 1986, Clarke 1987, Graham 1990). When that was overwhelmingly rejected by the populace, senior executives in public sector agencies 'went underground'. They have variously gained Parliamentary support for, and smuggled through, a series of measures whose cumulative impact is in some ways already more emphatic than the 'Australia Card' would have been (Clarke 1992). The cultures of many Asian nations are well-suited to authoritarian regimes. There are elements of high-social-efficiency applications of IT in such nations as Singapore. Busy Asian countries have shown especial interest in vehicle monitoring systems. Thailand and the Phillipines appear eager to act as laboratories for United States corporations developing identification and surveillance technologies. Under China's strongly authoritarian political system, it is unlikely that IT will be applied in any way other than to bolster existing relationships between its citizens and the State. In Western Europe, Scandinavian countries lead the way with their social welfare systems and the heavy dependence of their citizens on the State. Denmark's citizen register is a model for authoritarian regimes everywhere, and a looming export success. Other countries are keenly adopting proposals to use IT to constrain the populace, by such means as identification cards (variously for football fans, patients, and the public in general), and the integration of data systems between government agencies, and between countries within and beyond the European Community. In Central and Eastern Europe, there was an expectation that democratic, free enterprise systems would arise to replace the authoritarianism of the collapsed communist regimes. In practice, few of those countries have ever known freedom of choice, and genuine democracy (as distinct from variants of authoritarianism referred to in local lexicons as 'democracy') is not on the agenda of many of these countries. Their focus is on economic growth, rationalist solutions to economic and social problems, and centralism. IT is seen as a tool of authoritarianism, not of democracy; of centralised power, not of a pluralist body politic; and of control, not of freedom. It can come as no surprise that public administration systems are being conceived in these ways. Applications of all kinds are developed by well-trained and self-confident engineers, using unequivocally rationalist techniques. System design comprises the expression of relevant parts of the present and near-future world in a formal model which has the important characteristic of being 'mappable' onto a machine. The application's users and 'usees' (i.e. the people affected by it) are treated as objects to be modelled, not as stakeholders with interests in the process and its outcomes. Human language is treated as though it were an (imprecise) formalism, rather than a means of interaction among people. The designers fail to notice that their formalisms cannot reflect the complexities, ambiguities and dynamism inherent in social systems, and the negotiation and accommodation processes which take place among humans and social groups (Clarke 1992b, Ciborra 1992, Agre 1994, Gronlund 1994). Hence the problems highlighted in this paper are to a considerable degree inherent in the techniques

currently used to develop IT applications generally. Nonetheless, their greatest impact on people's freedom is by way of public administration systems.

Link—High Risk Populations

Surveilling humans is key

Keusch et al 9 - Professor of Medicine and International Health [Gerald T Keusch, "Sustaining Global Surveillance And Response To Emerging Zoonotic Diseases", 2009, Accessed 7-28-15, ProQuest] MC

Second, in countries where disease surveillance in animal populations is absent or weak, ministries of health, agriculture, and natural resources should collaborate as broadly as necessary to develop, enhance, and implement disease surveillance and response systems in human populations that are at high risk for zoonotic disease infection. For example, surveillance is needed in the following high-risk human populations:

- Occupational groups that are at high risk for infection with zoonotic diseases. Such workers include livestock, dairy, and poultry workers; live-animal market workers; veterinarians and animal health technicians; hunters of bushmeat and other wildlife; food preparers (and restaurant workers handling food prepared from bushmeat and exotic animals); slaughterhouse workers; and laboratory scientists and technicians working with animals;
- Healthcare workers who could spread zoonotic diseases to the general public;
- Household and village members who keep live animals within their living quarters or come in close contact with animals in village settings; and
- People engaging in high-risk behaviors known to increase risk of exposure to zoonotic diseases. Such high-risk behaviors include close contact with wildlife and exotic animals; preparing and consuming bushmeat; culturally traditional animal husbandry practices and livestock production systems; failure to use personal protection equipment; failure to follow recommended hand-washing practices.

Link—Integrated Systems Key

Integrated, comprehensive systems are key – the aff takes one link out of the chain

Keusch et al 9 - Professor of Medicine and International Health [Gerald T Keusch, "Sustaining Global Surveillance And Response To Emerging Zoonotic Diseases", 2009, Accessed 7-28-15, ProQuest] MC

Fourth, ministries of health, agriculture, and natural resources will need to develop and formalize a system wherein surveillance information from these different human and animal populations will be integrated and synthesized for analysis. These ministries will also need to develop and formalize effective communication and reporting systems to ensure real-time reporting of linked surveillance data from human and animal populations nationally and internationally to those responsible for planning and instituting prevention, protection, and response interventions. The Danish Zoonosis Centre could be a model of an effectively integrated national program for zoonoses (see Box 8-1). Finally, science-based nongovernmental organizations (NGOs) have a critical role to play in national and global efforts to develop an integrated surveillance system. In many cases these organizations have extremely wide geographic reach, with offices and trained staff based in countries with the highest risk for new zoonoses. They have often developed the most effective and closest relationships and collaborations with local communities. NGOs have the capacity to act nimbly to rapidly refocus resources on outbreaks during crises, and they are usually not encumbered by geopolitical constraints. Science-based NGOs—such as Wildlife Conservation Society, Wildlife Trust, The Consortium for Conservation Medicine, and EnviroVet—have launched programs specifically targeted at many of this committee's recommendations and should be actively involved in future efforts to address them. While the focus of this committee is primarily scientific, it recognizes that advocacy groups can also provide an important push for integrated surveillance by urging relevant policy changes involving food production, wildlife conservation, poverty-alleviation, and global health.

Impact—Environment

Environmental collapse approaching a tipping point – causes extinction

Common Dreams 12 - Independent, non-profit organization [“Earth Facing Imminent Environmental 'Tipping Point': Report”, June 07, 2012, Accessed 7-28-15, <http://www.commondreams.org/news/2012/06/07/earth-facing-imminent-environmental-tipping-point-report>] hk

Humankind is facing an imminent threat of extinction, according to new research released on Wednesday by the science journal Nature. The report Approaching a state shift in Earth's biosphere reveals that our planet's biosphere is steadily approaching a 'tipping point', meaning all ecosystems are nearing sudden and irreversible change that will not be conducive to human life. The authors describe what they see as a fast paced 'state shift' once the tipping point is reached, which contrasts with the mainstream view that environmental change will take centuries. "It's a question of whether it is going to be manageable change or abrupt change. And we have reason to believe the change may be abrupt and surprising," said co-researcher Arne Mooers, a professor of biodiversity at Simon Fraser University in Canada's British Columbia. "The data suggests that there will be a reduction in biodiversity and severe impacts on much of what we depend on to sustain our quality of life, including, for example, fisheries, agriculture, forest products and clean water. This could happen within just a few generations," stated lead author Anthony Barnosky, a professor of integrative biology at the University of California in Berkeley. "My colleagues who study climate-induced changes through the Earth's history are more than pretty worried," he said in a press release. "In fact, some are terrified," said co-researcher Arne Mooers, a professor of biodiversity at Simon Fraser University in Canada's British Columbia. The report, written by 22 scientists from three continents ahead of this year's Rio+20 summit, claims that the 'state shift' is likely; however, humans may have a small window to curb over-consumption, over-population growth and environmental destruction, with drastic efforts to change the way we live on planet earth through international cooperation. Climate change, population growth and environmental destruction could cause a collapse of the ecosystem just a few generations from now, scientists warned on Wednesday in the journal Nature. The paper by 22 top researchers said a "tipping point" by which the biosphere goes into swift and irreversible change, with potentially cataclysmic impacts for humans, could occur as early as this century. [...] The Nature paper, written by biologists, ecologists, geologists and palaeontologists from three continents, compared the biological impact of past episodes of global change with what is happening today. The factors in today's equation include a world population that is set to rise from seven billion to around 9.3 billion by mid-century and global warming that will outstrip the UN target of two degrees Celsius (3.6 degrees Fahrenheit). The team determined that once 50-90 percent of small-scale ecosystems become altered, the entire eco-web tips over into a new state, characterised especially by species extinctions. Once the shift happens, it cannot be reversed. To support today's population, about 43 percent of Earth's ice-free land surface is being used for farming or habitation, according to the study. On current trends, the 50 percent mark will be reached by 2025, a point the scientists said is worryingly close to the tipping point. If that happened, collapse would entail a shocking disruption for the world's food supply, with bread-basket regions curtailed in their ability to grow corn, wheat, rice, fodder and other essential crops. "It really will be a new world, biologically, at that point," said lead author

Anthony Barnosky, a professor of integrative biology at the University of California in Berkeley. Or, as Canadian co-author Arne Mooers, at Simon Fraser University in British Columbia, puts it: "Once the shift occurs, they'll be no going back." A shift or tipping point is "speculation at this point," Mooers told Postmedia News. "But it's one of those things where you say: 'Hey, maybe we better find out,' because if it's true, it's pretty serious." [...] The climate is warming so fast that the "mean global temperature by 2070 (or possibly a few decades earlier) will be higher than it has been since the human species evolved," they say. And to support the current population of seven billion people, about 43 per cent of Earth's land surface has been converted to agricultural or urban use. The population is expected to hit nine billion by 2045 and they say current trends suggest that half Earth's land surface will be altered by humans by 2025. That's "disturbingly close" to a potential global tipping point, Barnosky says in a release issued with the report. The study says tipping points tend to occur when 50 to 90 per cent of smaller ecosystems have been disrupted. "I think that if we want to avoid the most unpleasant surprises, we want to stay away from that 50 per cent mark," Barnosky says. The "ultimate effects" of a state shift are unknown, but the researchers suggest it could have severe impact on the world's fisheries, agriculture, forests and water resources. And they warn that "widespread social unrest, economic instability and loss of human life could result."

Impact—Peak Oil

Peak oil destabilization causes extinction

Mórrigan 10 – A principal research associate of Global Climate Change, Human Security & Democracy and a member of its Global Academic Council [Tariel Mórrigan, “PEAK ENERGY, CLIMATE CHANGE, AND THE COLLAPSE OF GLOBAL CIVILIZATION”, October 2010, Accessed 7-28-15, http://www.global.ucsb.edu/climateproject/publications/pdf/Morrigan_2010_Energy_CC4.pdf] hk

While reduced GHG emissions may help to mitigate climate change, peak oil may interfere with global efforts to further mitigate and adapt to climate change. It is possible that climate negotiations may be abandoned or at least marginalized for a long time (if not permanently) as the crisis of peak oil and economic shock and awe overwhelms the stability and security of every nation. It will likely require a concerted and transcendent effort on the part of any remaining international climate negotiators, their governments, and the public to pursue a meaningful international climate policy – much less a binding international climate treaty. Two main arguments against pursuing an international climate policy will likely be made: (1) the peak oil shock and the associated collapse of societies and the global economy will be a more pressing issue; and (2) climate change will no longer be a concern since most oil demand will have been destroyed which will cause GHG emissions to decline sharply. The international community and climate negotiators urgently need to review and reconsider the science and data regarding climate change and energy supplies. If this reassessment and discourse does not occur, not only will the international climate negotiations be ineffective, if it is not entirely destined to failure, human security and the stability of all societies may be gravely threatened by future climate changes. Peak energy resources, peak phosphorus, dwindling mineral and natural resources, the passing of thresholds for dangerous climate change, a human-driven global mass extinction event, peak economy, possible peak food production, and peak globalization – this convergence of events all at the same time will surely create multiple systemic crises throughout the world, which will undoubtedly lead to a collapse of the current paradigm and the emergence of a new world order. The best and the worse of humanity will express itself in these coming times after peak oil. While civil unrest, revolutions, coups, conflicts and wars will likely occur as an indirect result of peak oil, the overall global outcome could either be relatively peaceful and benevolent or catastrophic. The international and local communities can come together and cooperate to create a benevolent and sustainable new world order, or they can drive the world to further humanitarian and environmental catastrophe. Currently, economies worldwide are unraveling as the global economic system can no longer support itself without cheap and abundant energy resources. The world is beginning a rapid and volatile transition: currency and trade wars; deteriorating wars in the Middle East and elsewhere; countless regional and intranational conflicts and coups; rapidly shifting and volatile geopolitics; the mobilization of extremist movements; the decline of the West and East; exponential population and economic growth; soaring food prices; increasing natural resource scarcity; energy shortages; accelerating rates of extinction; and accelerating environmental degradation and climate change. At this point, even a global nuclear war might be possible, if either or both state and non-state actors escalate multiple crises into bitter conflict. This current transition of economic decline that was triggered

by the oil price shock starting in 2007 and culminating in the summer of 2008 will likely accelerate and become more volatile once oil prices exceed \$80 – \$90 per barrel for an extended time. Assuming BAU, oil prices are projected to reach \$100 – \$108 per barrel by 2020 and \$115 – \$133 per barrel by 2030 (in real 2008 dollars). Demand destruction for oil may be somewhere above \$80 per barrel and below \$141 per barrel. So, it is likely that very few will be able to pay afford to produce or purchase oil in the near future. This will likely occur once global production enters terminal decline and major supply shortfalls occur in the near-term. At this point, the global economy and world order will pass the edge of the cliff into collapse without a transcendent effort by the international community to cooperate and manage the collapse as harmoniously and securely as possible. With global civilization approaching the proverbial cliff's edge, there is little time left to prepare for peak oil and the collapse of global civilization. The new world order that will emerge will be largely determined by local and international governance responses. Peak oil will surely destabilize the world as confusion and collapse ensue. Climate change will further challenge societies' abilities to adapt and prosper. Nevertheless, the human species has the unprecedented opportunity from this unprecedented crisis to radically change the world for the betterment of all humanity. The world also has the opportunity and capacity to turn this opportunity into a catastrophe of apocalyptic proportions. One way or another, the ending of the Age of Oil is the beginning of very uncertain times.

Impact—Opop—War

Overpopulation sparks global conflict and escalating war.

Steve Thomas, a member of Global Population Concerns. Global Population Concerns, November 1994, "Overpopulation and Violence, 6/27/07. <http://perc.ca/PEN/1994-11/s-thomas.html>

The world's population is increasing at a rate of over 1.5 million people a week—95 million people a year—equivalent to a country the size of Mexico. Population is the key to the matrix of environmental degradation, scarcity of resources and political disorder. It is the most easily controlled factor and therefore should be the highest priority on any agenda.

Overpopulation results in a scarcity of water, a scarcity of arable land, deforestation and depletion of fish stocks in the oceans. Because of population pressures, especially in the third world, the environment is being continually despoiled. There are limits to the resources needed to satisfy basic human needs: food, shelter, education and health care. Poverty, ignorance, fear and hunger exacerbate ethnic conflict and political instability. The inevitable result is violence, civil war and inter-state strife. Anwar Sadat of Egypt and King Hussein of Jordan both stated that the only reason they would go to war would be over water. Both countries have high birthrates and a pressing need for water. Syria and Iraq both rely on water from the Euphrates. This river originates in Turkey and its flow is now being altered by the Turkish southeast Anatolia project. This will have serious consequences for the region. India and Bangladesh both have increasing population pressures on their shared river, the Ganges. China with 23% of the earth's people has only 8% of the world's water. But as much of a tinderbox is the paucity of arable land on our precious planet. This is the root cause of many explosive situations around the world. Some recent examples are Haiti, Central America and Rwanda. As land is subdivided because of inheritance, farmers are no longer able to support themselves on family farms and so migrate to the cities. The scarcity of land is often a conflagration point for ethnic and tribal warfare. Moreover, landowners in certain countries are under pressure to share ownership of the land with the tenants who traditionally farmed for them. As good land gets scarcer, the common crop and grazing land owned by the whole village is disappearing, leaving more destitution. Inequity and poverty breed violence. Another factor festers. In countries such as Haiti and Somalia the depletion of forests leads to soil erosion and lack of fuel for cooking fires. Internecine strife and tribal warfare results when agrarian people are forced to move and they encroach on others' land. In the African Sahel and West Africa deforestation causes erosion, crop failure and famine. There are vast migrations of indigents, destabilizing neighbouring countries and sparking civil wars. Finally (and this example hits home to Canadians), because of overfishing, climactic changes and technological innovation in fishing methods, fish stocks are fast declining in many areas of the world. Two notable examples are the Philippines and Canada's Grand Banks. As we know in Canada, shortages of fish result in a change of lifestyle for many, much international bickering and more significantly the occasional use of gunboats to further national interests. A shortage of fish cannot help but displace a large number of gainfully employed families who have fished the seas for generations. Bitterness, economic despair and frustration follow, increasing international tensions. Shortages of this valuable foodstuff only serve to increase pressure for other sources of food in a world of already increasing

demand. We now see finite limits to the vast bounty of the ocean. These finite resources of water, land, forests and fish are being consumed at an alarming rate by an ever-increasing population. The most cost-effective method of dealing with this environmental deterioration and diminution of scarce resources is to ease the population growth in developing countries. Some suggest that the level of population in the world today is not sustainable at the high levels of consumption. We may be faced with apocalyptic images of starving and emaciated people killing each other in anarchic chaos that could well reach our own borders. Even today millions of people are on the move, struggling to avoid war, famine, plagues and other catastrophes in their homelands.

Left unchecked overpopulation will cause extinction.

John Cairns, Jr., Department of Biology at VA Polytechnic Institute and State University, April 30, 2004, "You and Earth's resources," 6/27/07, <http://www.int-res.com/articles/esep/2004/E45.pdf>, MM

The twenty-first century represents a defining moment for humankind. This globally dangerous period of human history has two major threats: (1) overshooting global carrying capacity for humans and (2) major damage to Earth's ecological life support system as well as natural capital and the ecosystem services it provides. Should humankind fail to replace unsustainable practices with sustainable practices before the middle of the twenty-first century, the irresponsibility and lack of concern for posterity will probably result in global catastrophe. Humankind must repudiate some beliefs and alter its attitude towards technology and exponential economic growth.

Impact –Opop—Terror

Continued overpopulation will make terrorism inevitable.

Jared Diamond, Professor of Geology at UCLA. (Staff) 2005. "Disaster in the wings," Manchester Guardian Weekly. Lexis.

Countries that are environmentally stressed, overpopulated, or both, become at risk of getting politically stressed and of their governments collapsing. When people are desperate, undernourished and without hope, they blame their governments, which they see as responsible for or unable to solve their problems. They try to emigrate at any cost. They fight each other over land. They kill each other. They start civil wars. They figure that they have nothing to lose, so they become terrorists, or they support or tolerate terrorism. The results of these transparent connections are far-reaching and devastating. There are genocides, such as those that exploded in Bangladesh, Burundi, Indonesia and Rwanda; civil wars or revolutions, as in most of the countries on the lists; calls for the dispatch of troops, as to Afghanistan, Haiti, Indonesia, Iraq, the Philippines, Rwanda, the Solomon Islands and Somalia; the collapse of central government, as has already happened in Somalia and the Solomons; and overwhelming poverty, as in all these countries.

Impact—Opop—Warming

Overpopulation is the most important factor contributing to global warming.

Tulsa World (Oklahoma), 12/11/06. "Overpopulation a key factor in global carbon dioxide."

"Overpopulation does contribute to greenhouse gas emission but not due to breathing -- it's the more people we have, the more cars we have, and the more energy we need to heat and cool homes and the more trees we cut down to build homes. It is overpopulation that is the root problem of all problems," said Hobson. "Overpopulation does contribute to the problem, but not because of all the extra breathing. If we only had half as many people, we would be emitting only half as much carbon. Everybody concerned with global warming is also concerned with overpopulation. They are eager to level it off somewhere below the 12 billion that it could become -- that's about twice what it is today -- and keep it under 8 billion. "Greenhouse gas emission is proportional to the number of people, but not because of breathing. It's because of technology -- vehicles (25 percent) and power plants (50 percent). But you could say that overpopulation is 100 percent responsible because if there were no people, there would be no global warming, and if there were half as many people, there would be half the global warming.

Impact—Wolves

EPA using drones to monitor the environment now

Watson 12 (Paul Joseph, editor and writer for Prison Planet “YES, THE EPA IS USING SPY DRONES TO MONITOR FARMS”, June 22nd, <http://www.infowars.com/yes-the-epa-is-using-spy-drones-to-monitor-farms/>)CDD

In other words, the EPA has since at least 2009 developed the capability to use unmanned drones to monitor man-made pollution and spy on farms and ranches for the purpose of land management. In addition, a separate 2005 EPA report details how the agency planned to use “Unmanned Aerial Vehicles (UAV), in a multi-stage approach to meet EPA information needs.” Not only has the EPA developed its own spy drones for the task of monitoring the environment, it has also given grants to other organizations for the same purpose. A 2008 progress report found on the EPA website describes a a four-year grant to Syracuse University. One “major outcome” of the project is listed as the, “Successful development and testing of an unmanned aerial vehicle for urban airshed monitoring to measure pollutant levels above buildings.” So yes, despite what you read in the Washington Post and the rest of the establishment media echo chamber, the EPA is using drones to spy on land use and monitor pollution. The EPA is using unmanned aerial vehicles to conduct surveillance of ranches and farms and has been doing so for years.

The American grey wolf population is on the brink now- Being taken off of federal protection radically reduced their population

Predator defense 14 (An organization dedicated to the defense of predators, “Coming Soon: A World without Wolves?”, Spring, <http://www.predatordefense.org/wolves.htm>)CDD

Wolves were rescued from the brink of extinction over 35 years ago when they gained federal protection under the Endangered Species Act. Today the American wolf is again in grave danger. Since President Obama removed the gray wolf from the endangered species list in April 2011 and turned management of these majestic animals over to state wildlife agencies, over 3,600 wolves have been senselessly slaughtered by sport hunters and trappers alone in Idaho, Montana, Wyoming, Minnesota, Wisconsin and Michigan (see sport kill totals in sidebar at right). 1,141 of these wolves were killed during the 2012-13 season alone. This "kill tally" does not include the scores of wolves slaughtered by federal and state predator control programs. The situation is now dire, as the U.S. Fish and Wildlife Service intends to remove protections for wolves across nearly the entire country. This will be disastrous for gray wolf recovery.

Grey wolves were re-added to federal protection, but can't catch poachers

Predator defense 14 (An organization dedicated to the defense of predators, “Coming Soon: A World without Wolves?”, Dec 19th, <http://www.predatordefense.org/wolves.htm>)CDD

A real gift of life arrived in a legal package for wolves in the Great Lakes states where a coalition of humane organizations triumphed in a lawsuit to stop the killing of wolves in Michigan,

Minnesota and Wisconsin. The judge found the 2012 federal delisting of wolves to be "arbitrary and capricious" in those states and reinstated federal protection for them under the Endangered Species Act. We hope this ruling remains intact to allow the packs in those states to reestablish themselves and recover from the senseless assault waged by hunters, trappers and ranchers facilitated under the states' management agencies.

Wolf poaching is driving them to extinction

Wolf world 14 (A wolf conservation organization, "WOLF HUNTING", <http://www.wolfworlds.com/wolf-hunting/>)CDD

Due to the drastically low numbers of wolves, it is illegal in most areas to hunt them. Some populations such as those in Montana are now high enough again that limited hunting of them is allowed. There is still a great deal of illegal hunting that goes on behind the scenes though. For many hunters the thrill of finding a wolf in Alaska or Canada is something that they are very interested in doing. They can spend days or weeks in the wilderness trying to track them down. With limited numbers it has become increasingly hard to find them to hunt. Yet for many that is part of the fun of trying to make it happen. Some of them also hire guides in these areas that know where to find the wolves.

Surveillance Drones key to catching poachers

Hausheer 12 (Justine, writer for the national Audubon society "High-flying Surveillance Drones Protect Wildlife from Poachers", June 26th, <https://www.audubon.org/news/high-flying-surveillance-drones-protect-wildlife-poachers>)CDD

Conservationists working to protect endangered species may soon have a new weapon in their arsenal—one borrowed from the military. Scientists working with the World Wildlife Fund (WWF) have created conservation drones—unmanned aerial vehicles that can monitor remote areas for poaching and other illegal activities. On June 12 two drones were tested in Nepal's Chitwan National Park, home to the endangered Bengal tiger and Indian rhinoceros. Attending the event were representatives from the Nepalese government, army, National Parks department, and WWF Nepal. The drones are equipped with GPS and a camera, allowing them to collect photographs and videos that can help conservationists keep an eye on wildlife in remote locations. Only six and a half feet wide, the drones are powered by rechargeable batteries and fly a pre-programmed route. The drones were designed by Serge Wich, a biologist at the University of Zurich, and Lian Pin Koh, an ecologist at the Swiss Federal Institute of Technology in Zurich. Wich and Koh have already used drones to survey for orangutans in Indonesia and chimpanzees in Tanzania. In addition to species-specific searches, they're also useful for general habitat monitoring or forest assessment. Although many endangered animals like rhinos and tigers are protected in national parks, borders do little to dissuade determined poachers, who often kill the animals within park boundaries. In 2000 there were an estimated 544 rhinos in Chitwan National Park, but by 2008 poaching had lowered that number to an estimated 408 rhinos. Drones will add an extra level of protection. "We hope these drones will be useful in detecting poachers as they enter the parks," said Wich to the BBC. "If they see poachers in the area, they can send out a team to catch them."

Wolf biodiversity loss leads to extinction

Yule et al. 13 (Jeffrey V., professor of Environmental studies at Dixie state University, Robert J. Fournier, Patrick L. Hindmarsh, professor of biology at Louisiana Tech University, "Biodiversity, Extinction, and Humanity's Future: The Ecological and Evolutionary Consequences of Human Population and Resource Use", April 2nd, Humanities 2013, 2nd issue)CDD

Ecologists recognize that the particulars of the relationship between biodiversity and community resilience in the face of disturbance (a broad range of phenomena including anything from drought, fire, and volcanic eruption to species introductions or removals) depend on context [16,17]. Sometimes disturbed communities return relatively readily to pre-disturbance conditions; sometimes they do not. However, accepting as a general truism that biodiversity is an ecological stabilizer is sensible—roughly equivalent to viewing seatbelt use as a good idea: although seatbelts increase the risk of injury in a small minority of car accidents, their use overwhelmingly reduces risk. As humans continue to modify natural environments, we may be reducing their ability to return to pre-disturbance conditions. The concern is not merely academic. **Communities provide the ecosystem services on which both human and nonhuman life depends**, including the cycling of carbon dioxide and oxygen by photosynthetic organisms, nitrogen fixation and the filtration of water by microbes, and pollination by insects. **If disturbances alter communities** to the extent that they can no longer provide these crucial services, **extinctions (including, possibly, our own) become more likely**. In ecology as in science in general, absolutes are rare. Science deals mainly in probabilities, in large part because it attempts to address the universe's abundant uncertainties. Species-rich, diverse communities characterized by large numbers of multi-species interactions are not immune to being pushed from one relatively stable state characterized by particular species and interactions to other, quite different states in which formerly abundant species are entirely or nearly entirely absent. Nonetheless, in speciose communities, the removal of any single species is less likely to result in radical change. That said, there are no guarantees that the removal of even a single species from a biodiverse community will not have significant, completely unforeseen consequences. Indirect interactions can be unexpectedly important to community structure and, historically, have been difficult to observe until some form of disturbance (especially the introduction or elimination of a species) occurs. Experiments have revealed how the presence of predators can increase the diversity of prey species in communities, as when predators of a superior competitor among prey species will allow inferior competing prey species to persist [18]. **Predators can have even more dramatic effects on communities**. The presence or absence of sea otters determines whether inshore areas are characterized by diverse kelp forest communities or an alternative stable state of species poor urchin barrens [19]. In the latter case, the absence of otters leaves urchin populations unchecked to overgraze kelp forests, eliminating a habitat feature that supports a wide range of species across a variety of age classes. Aldo Leopold observed that when trying to determine how a device works by tinkering with it, the first rule of doing the job intelligently is to save all the parts [20]. The extinctions that humans have caused certainly represent a significant problem, but there is an additional difficulty with human investigations of and impacts on ecological and evolutionary processes. Often, our tinkering is unintentional and, as a result, recklessly ignores the necessity of caution. Following the logic inherited from Newtonian physics, humans expect single actions to have single effects. Desiring more game species, for instance, **humans typically hunt** predators (in North America, for instance,

extirpating wolves so as to be able to have more deer or elk for themselves). Yet removing or adding predators has far reaching effects. Wolf removal has led to prey overpopulation, plant over browsing, and erosion [21]. After wolves were removed from Yellowstone National Park, the K of elk increased. This allowed for a shift in elk feeding patterns that left fewer trees alongside rivers, thus leaving less food for beaver and, consequently, fewer beaver dams and less wetland [22,23]. Such a situation represents, in microcosm, the inherent risk of allowing for the erosion of species diversity. In addition to providing habitat for a wide variety of species, wetlands serve as natural water purification systems. Although the Yellowstone region might not need that particular ecosystem service as much as other parts of the world, freshwater resources and wetlands are threatened globally, and the same logic of reduced biodiversity equating to reduced ecosystem services applies. Humans take actions without considering that when tugging on single threads, they unavoidably affect adjacent areas of the tapestry. While human population and per capita resource use remain high, so does the probability of ongoing biodiversity loss. At the very least, in the future people will have an even more skewed perspective than we do about what constitutes a diverse community. In that regard, future generations will be even more ignorant than we are. Of course, we also experience that shifting baseline perspective on biodiversity and population sizes, failing to recognize how much is missing from the world because we are unaware of what past generations saw [11]. But the consequences of diminished biodiversity might be more profound for humans than that. If the disturbance of communities and ecosystems results in species losses that reduce the availability of ecosystem services, human K and, sooner or later, human N will be reduced.

XT Drones Key

Drones are key to nighttime surveillance

Shapiro 13 (Jenna, editorial intern for TakePart, "Rhino Poaching to be Stopped by Surveillance From the Sky", 1/8, <http://www.takepart.com/article/2013/01/08/rhinos-woes-fight-rise-poaching-conservationists-turn-drones>)CDD

The Ol Pejeta Conservancy, a 90,000-acre park that's home to four of the seven remaining wild Northern White Rhinoceroses, has partnered with Unmanned Innovation to develop an aerial ranger to help protect the treasured creatures from being rhino poaching victims. **The drone will fly over the park**—covering about 50 miles of land per hour and a half flight—**and livestream HD video feed to park rangers.** Each rhino will also be outfitted with radio frequency ID tags. These unique tags will allow the drone to locate each animal using GPS technology. **Knowing a drone is guarding the park should act as a big deterrent to potential poachers.** Richard Ruggiero, Chief of the U.S. Fish and Wildlife Service's Africa Program, told TakePart he believes the drone will be a boon to conservation efforts: **"[drones] are relatively inexpensive, have a long flight duration and can carry cameras that can help with surveillance."** Ruggiero stressed that **the drone will be especially helpful at nighttime, when most rhino poaching occurs.** **"At night you have trouble monitoring** [the animals] **but a drone is able to use thermal imaging,** while flying very quietly, to identify the rhinos and identify poachers." While **there are countless benefits to using drones to stop** rhino **poaching,** Ruggiero does not think human guards will be abandoned altogether: "It's not realistic to say it will be all drones. It's going to be a hybrid system."

XT Keystone Species

Wolves are a keystone species- They're crucial to biodiversity

Munscher 13 (Eric, Ecologist / Herpetologist at SWCA Environmental Consultants, "Understanding the Role of Keystone Species in Their Ecosystems", 7/7, <http://www.swca.com/index.php/media/newsdetail/understanding-the-role-of-keystone-species-in-their-ecosystems/>)CDD

A keystone species is one that plays a unique and crucial role in the way an ecosystem functions. It has a disproportionately large effect on its environment relative to its abundance. There are two hallmarks of a keystone species. First, the presence of a keystone species is crucial in maintaining the integrity of its ecosystem through species diversity and organization. Second, these species are relatively more important in structuring their ecosystem when compared to most other species of equal biomass found within their community. Like the keystone at the top of a masonry arch that keeps a whole structure from collapsing, a keystone species can be the central supporting element that allows its ecosystem to function as we know it. The loss of these species often can result in trophic level collapse. Given their perceived importance, some ecologists have suggested that management of individual keystone species should be the focus for managing the entire community. In this article we discuss two examples that showcase the importance of keystone species to their ecosystems and the species communities within those ecosystems. A Cascading Effect Wolf Once abundant throughout the Western United States, the gray wolf (*Canis lupus*) was almost driven to extinction by human persecution. As wolves disappeared from the Yellowstone National Park ecosystem in the early 1900s, the resident elk population significantly increased. This resulted in overgrazing by elk of numerous plant species and the local extirpation of some of the park's flora. This loss had a negative effect on other organisms dependent on these plant species for survival. For example, heavy browsing pressure prevented tree seedlings from reaching maturity. Over time, the natural attrition of large trees along creeks and rivers decreased stream bank stability, canopy cover, and therefore shade. As a result, water temperatures increased, which in turn reduced the abundance of some fish species within the park. Not only did the loss of the gray wolf affect the number of elk in the park, it had a cascading effect on the entire ecosystem. The gray wolf was listed as endangered in 1967 under a precursor to the Endangered Species Act (ESA), the Endangered Species Preservation Act of 1966. The Yellowstone population recovered following the release of 66 gray wolves from Canada in 1995-1996. As the population thrived, predation decreased elk numbers, resulting in decreased browsing pressure. This in turn allowed the vegetation to change through natural succession, and the ecosystem is returning to its pre-wolf eradication structure. The recovery of the gray wolf in Yellowstone demonstrates how crucial keystone species are to maintaining the integrity of their ecosystems. Most importantly, the preservation and restoration of keystone species is essential for maintaining and/or reestablishing the historic structure and function of the ecosystems they inhabit.

Impact—Bio Terror

Independently, environmental surveillance can prevent bioterror

Shulman et al 12 - Central Virology Laboratory, Public Health Services, Israel Ministry of Health Sheba Medical Center and Dept. of Epidemiology and Preventive Medicine, School of Public Health, Sackler Faculty of Medicine [Shulman LM, Manor Y, Sofer D, Mendelson E, "Bioterrorism and Surveillance for Infectious Diseases - Lessons from Poliovirus and Enteric Virus Surveillance", February 18, 2012, Accessed 7-28-15, <http://www.omicsonline.org/bioterrorism-and-surveillance-for-infectious-diseases-lessons-from-poliovirus-and-enteric-virus-surveillance-2157-2526.S4-004.php?aid=4691#a1>] hk

These VDPV studies illustrate four additional principles and some limitations of environmental surveillance [1] that can be applied toward bio-defense. (1) Environmental surveillance is sensitive enough to detect virus excreted by one or a very small number of individuals in very large populations. (2) A negative finding does not mean the absence of the virus since the sensitivity is at the limits of detection. Most virus positive sewage samples contained one or at most a few poliovirus isolates, whereas it is estimated that 10⁷ viruses are excreted per gram of feces [1]. Intermittency may also reflect the finding that poliovirus was isolated in most but not every stool sample collected from an identified, persistently infected individual [25]. (3) When enough surveillance sites are re-sampled for sufficiently long intervals it may even be possible to follow movements of the infected individual within large populations. This is illustrated by the shift from Jerusalem to Tel Aviv of the source of the second event (blue boxes in Table 1), and the shift within Tel Aviv of the source of the first event, i.e. the two times when progeny from the first event (pink boxes in Table 1) were isolated from the site on the Kav B branch, rather than along the Ayalon branch. And (4) The ability of environmental surveillance to determine the pattern of excretion within a region, specifically whether one individual or more than one is infected and when there is more than one, whether they live or at least excrete in different regions of the city. This is most clearly illustrated by the isolation of two unrelated VDPVs in the same sample (blue and pink box Table 1) from Reading site on March 14th 2001 and the exclusive finding of isolates related to only one at simultaneously sampled upstream sites along the Ayalon trunk line. For reference, the Reading site is located downstream of the Ayalon and Kav B trunk lines from which most epidemiological event one and two VDPV2s were previously isolated, respectively.

Impact—Disease

Environmental surveillance k2 prevent disease spread

Manor et al 14 – Contributors to the EuroSurveillance [Manor Y, Shulman LM, Kaliner E, Hindiyeh M, Ram D, Sofer D, Moran-Gilad J, Lev B, Grotto I, Gamzu R, Mendelson E “INTENSIFIED ENVIRONMENTAL SURVEILLANCE SUPPORTING THE RESPONSE TO WILD POLIOVIRUS TYPE 1 SILENT CIRCULATION IN ISRAEL, 2013” Volume 19, Issue 7, 20 February 2014, Accessed 7-28-15, <http://www.eurosurveillance.org/ViewArticle.aspx?ArticleId=20708>] hk

Over the years, the environmental surveillance programme has detected several introductions of WPV into Gaza and Israel, but subsequent circulation in the local community occurred only once in Gaza in 1994–45 [7-9]. In addition, it has detected two lineages of highly diverged type 2 VDPV in the Tel Aviv sewage system, excreted by single individuals [9-11], demonstrating the high sensitivity of environmental surveillance for monitoring large populations. Laboratory methods for sample treatment and poliovirus isolation, including the plaque formation approach, are also a major factor in the sensitivity of the environmental surveillance, as reviewed by Hovi et al. [3]. Plaque formation allows a rough estimation of the virus circulation intensity since the number of viral plaque-forming units (PFU) present in the original sewage sample can be deduced based on spiking experiments [8]. In December 2012, WPV1-SOAS was detected in sewage collected from Cairo, Egypt [11], where systematic environmental surveillance for poliovirus has been in place since 2000. A large immunisation campaign initiated as a response led to the disappearance of the virus from the sewage and, by implication, from the population at large [12]. In April 2013, a surge in the number of plaques recovered on L20B cells from a sewage sample collected in Rahat and Beer Sheva, two major cities in southern Israel, occurred. Identification of the plaques as WPV1 suggested an importation and possible circulation of WPV1 in the region [13]. These alarming findings prompted an urgent assessment and response by the Public Health Services of the Ministry of Health. Notably, intensification of environmental surveillance for poliovirus played a key role in monitoring the spread of the virus. Here we describe the modification and enhancement of the environmental sampling and laboratory methods used in order to meet the increased demand for processing of sewage samples and generation of surveillance data that will inform public health response and incident management.

A2 Eco Authoritarianism Fails

Ecotechnic dictatorship solves

Karlin 10 – Studied at U.C. Berkley and specializes in researching and writing about global trends in resource depletion, climate change and technological growth [Anatoly Karlin, “Ecotechnic Dictatorship is Our Last Hope of Averting Collapse”, 1-31-10, <http://akarlin.com/2010/01/ecotechnic-dictatorship/>] hk

A) Reinforcing Resilience. Technocratic central planning using the latest tools of operations research and networking to minimize waste while maximizing real living standards. The legitimacy of the state is not based on creating prosperity or opportunity, so it will be ideologically resilient in the face of the economic decline that is necessary to reduce physical throughput to levels consistent with a retreat to global sustainability. Resources will be funneled into 1) intensive, targeted research in computer science, cybernetics, sustainable energy generation and food production, geoengineering, systems dynamics, and cliodynamics, 2) the provision of social goods such as education, preventative healthcare services, high culture, and social support to the indigent, and 3) internal security and military forces necessary to defend the fledgling ecotechnic republic from hostile forces within and without. The ecotechnic dictatorship is a democratic society. The state will make strategic decisions by balancing their decisions between opinion polls and expert panels – much like modern China’s experiment with “deliberative dictatorship”. Since corruption and economic sabotage will be immensely harmful in a world suffering from resource shortages, it will have to be stamped out without mercy. One workable method is to institute a system of universal 2-way sousveillance to detect corruption and free-riders; since this mechanism is “horizontal”, in contrast to the “vertical” nature of traditional surveillance, it will reinforce ecotechnic democracy. The people will be able to observe trials and electronically vote on criminals’ punishments. How to maintain enthusiasm and prevent the ideological ossification of the regime’s elites? Through a dedication to meritocracy and the power of modern electronic technology to enforce transparency. Promotions will be based on technical competence and devotion to the cause as judged by one’s peers; greater power will gain one greater material perks and privileges. One might object, how is this different from the current System that needs to be overthrown? Realistically, some level of hierarchy is necessary and inevitable. Once society acquires a certain level of size and technological development (like our own), it needs a corresponding level of socio-political complexity to sustain itself, and that in turn requires a hierarchy. You need people at the top to set certain the limits and restrictions by which the world is to be dragged back from overshoot. Unless we return to primitivism (impossible with the size of today’s populations) or manage to achieve a technological singularity (then we’ll talk about it), all hierarchy cannot be abolished without a large fall in carrying capacity. That said, under the ecotechnic dictatorship, there will be nothing on the scale of the awning inequality chasms of today. Furthermore, thanks to the power of modern networking technologies, power can be distributed horizontally to an unprecedented degree. The ecotechnic elites will be subject to greater scrutiny than those below them. Though this all sounds restrictive of individual freedom, even dystopian, it is nonetheless a valid and probably morally superior alternative to anarchy, collapse, and dieoff. (Nonetheless, it should be borne in mind that a reversion to authoritarianism – furthermore, a socially unjust authoritarianism – is in any case virtually guaranteed in the last throes of the

business-as-usual scenario). For we can only achieve a rapid enough sustainable retreat back to within the limits if the transition is backed by a powerful, global, and universal coercive force, or in other words, Leviathan.

Regs resolve individual behavior

Kuh 12 – Kuh is an Associate Professor of Law, Maurice A. Dean School of Law at Hofstra University [Katrina Kuh, “WHEN GOVERNMENT INTRUDES: REGULATING INDIVIDUAL BEHAVIORS THAT HARM THE ENVIRONMENT” VOLUME 61; Number 6, March 2012, Accessed 7-25-15, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1529&context=dlj>] hk

Emerging environmental problems and technologies, coupled with the maturation of regulatory regimes governing most industrial sources of pollution, reveal with new clarity the harms that individual behaviors and lifestyles inflict on the environment. Individual behaviors and lifestyles lie at the core of both the climate-change problem and its potential solutions.³ Individuals directly pollute a range of environmental media in significant volumes; indeed, individual sources are responsible for approximately “a third of the chemicals that form low-level ozone or smog,” and “[h]ouseholds discharge as much mercury to wastewater as do all large industrial facilities combined.”⁴ Increasingly sophisticated detection and mapping methods document resource depletion and the unsustainability of present Western lifestyles and consumption.⁵ In the memorable words of one scholar, “Actions that may not have previously appeared to be worthy of regulation have been found to cause significant adverse impacts cumulatively, over time, and in context—heading us toward a certain death by a thousand cuts.”⁶ But existing federal environmental laws focus on controlling the impacts of resource extraction—pollution generated by industrial sources during, for example, the manufacturing or production of a good—and the disposal of waste. These laws rarely address individual behaviors or apply directly to private individuals.⁷ And, in the few instances in which federal environmental laws do directly impose controls on individuals—for example, by introducing limits on the use of private property to protect wetlands or endangered species⁸ —enforcement has often been both controversial and halting.⁹ Using law to change how individuals impact the environment through their behaviors and lifestyles thus requires a reorientation of environmental law and policy and also perhaps a balancing of government prerogatives with individual liberty.

A2 Democracy Solves

Bottom up sustainability is stupid

<http://www.eurozine.com/articles/2011-07-11-bluhdorn-en.html>

Yet, for all their undeniable achievements, techno-managerial policy approaches have so far been unable to bring about anything like the profound structural transformations that are required if internationalised consumer society is ever to become sustainable. After the fiasco of international climate politics in Copenhagen, after international investment banks were declared too big to fail, and after the oil disaster in the Gulf of Mexico, it is clear how unambiguously priorities are set. There is little evidence that this will change in any substantial way in the foreseeable future.

True to the tradition of the emancipatory social movements, critics of established approaches have been calling for a bottom-up renewal of climate and environmental policy. Claus Leggewie and Harald Welzer, for example, posit that "Only when [...] members of the political community are spoken to as active architects of their society, can changes in lifestyle and options for action be realized." [7] The remodelling of industrial society "will only function", they suggest "if it is posed as a project with which members of society identify. [...] Then it will become a generator of identity rather than a problem of implementation ". The dysfunctional politics of the elites can be corrected only through "'more democracy', in other words innovative forms of direct participation." Similarly, Clive Hamilton asserts that "the climate crisis is upon us because democracy has been corrupted". [8] The "passivity of the public", he believes, has bred a political class "who stand for little other than self-advancement". [9] Accordingly, he sees "reclaiming democracy for the citizenry" as the only way to mitigate the effects of climate change and to "ensure that the wealthy and powerful cannot protect their own interests at the expense of the rest". In a manner truly reminiscent of political ecology at the time of the nuclear arms race he urges: "We must democratise survivability" [10] and adopt "a new radicalism [...] that refuses to be drawn into short-term electoral trade-offs and aims to shift the ground of politics itself". [11] And in the same vein, Daniel Hausknost insists: "Given the state's inability to initiate radical change, it is down to civil society to mobilise political and social imagination and make genuine alternatives to the current trajectory conceivable and tangible". [12] For him, too, "the refusal to participate in ecological governance-processes", would be a first decisive step towards "de-legitimizing the liberal state's politics of simulation" (ibid.) and making authentic progress towards sustainability.

Climate of change?

Social agreement about the necessity of radical ecological change may be unprecedented, yet rhetoric and reality go their separate ways. Are multilateral climate deals inherently ineffective?

Is the cap-and-trade approach being pursued at the expense of fairer alternatives? Is the declaration of commitment to sustainability an exercise in societal self-delusion? A Eurozine focal point debates the politics of global warming. Undoubtedly, the radical criticism of de-politicization and expert rule implied in these statements is perfectly justified. The rule of experts is, and has always been, the rule of vested interests, and no structural change to the established order of unsustainability is ever to be expected from those who confine themselves to stimulating ever new cycles of techno-managerial innovation, economic growth and mass consumption. There is also every reason to be concerned about the global elites' determination to buy their way out of the crisis and maintain their lifestyles of unsustainability, whatever the costs for the vulnerable and excluded. And thirdly, the demand for a new radicalism that re-opens a debate on the very principles of liberal consumer capitalism is also fully justified: rising to the challenge of the climate and sustainability crisis does indeed necessitate "thinking about a third industrial revolution in less instrumental terms than the first and the second. Climate change means cultural change – and hence a change in political culture." [13]

Yet assertions that the empowerment of civil society will trigger such a revolution, that more democracy will promote more sustainability, and that at the grass roots of consumer societies an "alternative hedonism" [14] that might provide the basis for the democratic transition towards sustainability is already emerging, seem idealistic. Alternative niche-cultures certainly exist, and the recent revitalisation of citizen protests in a number of European countries – most notably perhaps the revitalised anti-nuclear movement in Germany – is a beacon of hope. But how much confidence should we have that empowering the democratic citizenry will really move contemporary society closer towards sustainability? What are participatory-democratic approaches able to achieve exactly? More broadly, how are the conditions of contemporary modernity reconfiguring democracy?

Democracy can't solve sustainability because there's always a race for compromise

Doubts about the feasibility of democratic solutions to the sustainability crisis have commonly been fended off with warnings that those who raise them are probably sympathetic to authoritarian approaches. Yet this logic disregards two important points. First, in addition to the participatory-democratic and the expertocratic-authoritarian solutions to the sustainability crisis, there is also the option of non-solution, i.e. a sustained politics of unsustainability [15] that seeks to extend the status quo and manage its unpleasant implications for as long as possible. Second, democracy – depending on its particular form – can be just as much part of the problem as part of the solution. There is evidence to suggest that under the particular conditions of modern consumer society, democracy may indeed be assuming a shape that is geared more towards stabilizing than radically changing the unsustainable status quo.

Doubts about the capacity of democracy to deal with environmental problems are, of course, not entirely new. It has often been pointed out, for example, that democracy is anthropocentric and has only limited potential to represent that which has no political voice. Notably, electoral

democracy has a strong fixation on the present, in other words it prioritizes the interests of today and is structurally inclined to discount those of future generations. Moreover democracy encourages compromise, although compromise solutions are often ecologically ineffective. Democratic procedures are time- and resource-consuming and therefore inappropriate wherever fast and decisive action is necessary. Democracy is, at least in modern differentiated societies, highly individualistic and therefore ill-suited to determining, let alone implementing, something like a Rousseauian *volonté g n rale* or public good. Instead, democracy aligns politics with the electoral majority, even though the preferences of the majority – witness, for example, the addiction to car- or air-travel – are rarely sensible in terms of sustainability. Democratic systems are hard pushed to generate majorities for policies that burden citizens with costs or restrictions mainly for the benefit of people in faraway parts of the world and for something as abstract as the global climate. And, perhaps most importantly, democracy is always emancipatory, in other words it always centres on the enhancement of rights and (material) living conditions. It is not really suited to restricting the rights or material conditions affecting the majority – unless, as with the rule that red traffic lights must be observed, the benefits are immediately tangible.

All these concerns have articulated by eco-political sceptics of democracy for a long time. They have taken authors like Paul Ehrlich, Robert Heilbroner or Herbert Gruhl, into eco-authoritarian terrain. In 1975 Wolfgang Harich considered a "strong, rigorous allocation state", an "ascetic distributive state", as the only way out of the looming environmental crisis.[16] William Ophuls believed that the crisis "may require the sacrifice of equality and majority rule" and that "democracy must give way to elite rule".[17] Hans Jonas mused about "a well-intentioned, well-informed tyranny" as the most promising solution.[18] But such elitist perspectives have always triggered profound and very justified scepticism, and since the 1970s emancipatory social movements have forcefully insisted that effective environmental policies can only be developed bottom-up and require broad democratic legitimation.

Dem govts are powerless

Throughout the 1980s and 1990s, the ongoing process of modernisation reinforced emancipatory claims for individual freedom, self-determination and self-fulfilment, but also deepened doubts about whether democracy is suitable as a political tool for restructuring contemporary societies towards sustainability. Relevant developments have included:

The rapid increase of societal subsystems – most notably the economy, science and the media – as well as individual lifeworlds and network, beyond the boundaries of the nation-state, hence increasingly eluding the control of national democratic politics.

- The increasing abstraction and complexity of environmental issues (e.g. climate change, energy security, the environmental footprint of specific products). The most important risks cannot be directly perceived by citizens but are measured, framed and communicated by scientific experts. Invariably, this implies the disempowerment of the democratic sovereign.

- The acceleration of change and the flexibilization of social norms, reinforcing a fixation on the present. In both private life and public policy, thinking beyond the crises of the day and taking decisions for an entirely unpredictable future becomes increasingly difficult.

- Finally, the extension of the ecological footprint of modern consumer societies far beyond their national territory (and their respective present), invalidating the democratic principle of congruence between the authors of political decisions and those affected by them. Effectively, national democratic structures have turned into a means of legitimizing the externalization of ecological and social costs.

These developments, which are inherent to the ongoing process of modernization and hardly controllable, progressively undermine the ability of democracy to devise and implement appropriate strategies against the sustainability crisis. No wonder that suspicions about the eco-political failure of liberal democracy re-emerged in the late 1990s. Contrary to the democratic optimism of social movements and Green Parties, some, for example Laura Westra,[19] have seen democracy increasingly to be part of the problem. More recently, David Shearman and Joseph Wayne Smith have concluded that the underlying cause of the sustainability crisis is not the capitalist growth economy but, ultimately, liberal democracy itself.[20] Anthony Giddens, in his *Politics of Climate Change*, regards the commitment of social movements and the Green parties to participatory democracy as eco-politically ineffective.[21] Echoing Westra's call for a "global regulatory authority" to pursue top-down policy implementation, Giddens advocates an "active interventionist state" as the all-important eco-political actor. He explicitly calls for the de-politicization of climate policy and insists that centralised planning and an "ensuring state" are the best strategies for making sure that politicians do not only set well-sounding targets, but can actually guarantee policy delivery.

A2 Individual Changes Key

Aff doesn't solve

Anarchy doesn't solve – no method – we resolve this

Karlin 10 – Studied at U.C. Berkley and specializes in researching and writing about global trends in resource depletion, climate change and technological growth [Anatoly Karlin, “Ecotechnic Dictatorship is Our Last Hope of Averting Collapse”, 1-31-10, <http://akarlin.com/2010/01/ecotechnic-dictatorship/>] hk

The fundamental predicament (not problem) of most biological life-forms is their tendency to overshoot the carrying capacity of their environment. One of the most powerful theories for the rise of the state was its capacity to raise the carrying capacity of the land, which postponed overshoot and collapse, and in general made state-centered societies far more powerful than the hunter-gatherer tribes that they displaced. Now let's turn to today's reality. If all states were to magically vanish right now, so would the administrative and coercive tools to sustain global industrialism. Soon afterwards, the underlying carrying capacity-enhancing infrastructure such as the global oil industry, fertilizer production, cybernetics, etc, would depreciate into irrelevance from lack of maintenance. Anarchy will reign and the global population will plummet back down to the few millions of people that primitive technology and band-like social organization could support. You may dismiss or despise the hand of the state that feeds you, but you will likely sing a different tune when it withers away into your anarchic paradise.

Individuals aren't key - ><

Karlin 10 – Studied at U.C. Berkley and specializes in researching and writing about global trends in resource depletion, climate change and technological growth [Anatoly Karlin, “Ecotechnic Dictatorship is Our Last Hope of Averting Collapse”, 1-31-10, <http://akarlin.com/2010/01/ecotechnic-dictatorship/>] hk

2) Why Individual and Community Retreats are no Real Solution. Another strand of the anarchist delusion is that since collapse is unavoidable, it is best to retreat from the System while you can, pay off your debts, cut the ties that bind, etc. But quite apart from the implicit resignation to the inevitability of the untimely deaths of billions of people, it cannot be stressed enough that any collapse today will be global (see Tainter above), and the chaotic fluxes it produces will be so violent than any community, no matter how prepared or resilient, could be casually swept away by the tidal waves it would generate. I do not deny that it pays to get personally and psychologically prepared for collapse, but this must be part and parcel of a multi-pronged political effort to avert collapse if possible, and dampen its severity should avoidance prove impossible. The idea that you can hole up in a doomstead and survive against the imminent zombie hordes is particularly inane (read the War Nerd's entertaining essay *Apocalypse Never* to find out why). Finally, defeatist notions of the inevitability of collapse – such as those advanced by Dmitry Orlov, who is strongly opposed to all forms of political activism – are in many ways as counter-productive as the mindless business-as-usual mentality of modern society. The

traditional American focus on individualism and self-reliance only worked in the age of abundance which characterized their entire history (the US GDP has been higher at the end of every decade than at the beginning since its founding). This era is at end and will never return. This will be a major shock for Americans, more so than for most people whose memories of cyclical and Malthusian dynamics are more recent, but they will all have to get used to it.

A2 Green Parties Solve

AT: Green Parties solve—empirically denied

These developments, which are inherent to the ongoing process of modernization and hardly controllable, progressively undermine the ability of democracy to devise and implement appropriate strategies against the sustainability crisis. No wonder that suspicions about the eco-political failure of liberal democracy re-emerged in the late 1990s. Contrary to the democratic optimism of social movements and Green Parties, some, for example Laura Westra,[19] have seen democracy increasingly to be part of the problem. More recently, David Shearman and Joseph Wayne Smith have concluded that the underlying cause of the sustainability crisis is not the capitalist growth economy but, ultimately, liberal democracy itself.[20] Anthony Giddens, in his *Politics of Climate Change*, regards the commitment of social movements and the Green parties to participatory democracy as eco-politically ineffective.[21] Echoing Westra's call for a "global regulatory authority" to pursue top-down policy implementation, Giddens advocates an "active interventionist state" as the all-important eco-political actor. He explicitly calls for the de-politicization of climate policy and insists that centralised planning and an "ensuring state" are the best strategies for making sure that politicians do not only set well-sounding targets, but can actually guarantee policy delivery.

A2 Surveillance Can't Solve

Surveillance is key to environmental public health and is distinct from surveys—preventive and informs research priorities

Thacker et al 96 (Stephen B, Epidemiology Program Office, Centers for Disease Control and Prevention, Donna F. Stroup, PhD, MSc, R. Gibson Parrish, MD, Henry A. Anderson, MD, May 1996, "Surveillance in environmental public health: issues, systems, and sources", American Journal of Public Health, Vol. 86, Issue 5, pp. 633-638, Accessed 7/13/15)//LD

Public health surveillance has been defined as the ongoing systematic collection, analysis, and interpretation of data on specific health events affecting a population, closely integrated with the timely dissemination of these data to those responsible for prevention and control.¹ While this definition focuses on health outcomes (e.g., diseases, disabilities, or injuries), surveillance of hazards (or risk factors) and exposures is also critical to environmental public health practice (Figure 1). Hazard surveillance is the "assessment of the occurrence of, distribution of, and the secular trends in levels of hazards (toxic chemical agents, physical agents, biomechanical stressors, as well as biological agents) responsible for disease and injury."² Exposure surveillance is the monitoring of individual members of the population for the presence of an environmental agent or its clinically inapparent (e.g., subclinical or preclinical) effects. Three of the functions of a surveillance system are critical to its usefulness for environmental public health.¹ First, the system must enable measurement of specific hazards (e.g., air pollutants), exposures (e.g., blood lead), or health outcomes (e.g., asthma). Second, it must produce an ongoing data record; although one-time surveys or sporadic epidemiologic studies are valuable to public health, they are distinct from surveillance activities. Third, it must produce timely and representative data that can be used in planning, implementing, and evaluating public health activities. The uses of surveillance data can be categorized according to timeliness. For detecting epidemics, unusual clusters of specific birth defects (by use of automated triggers defined by sentinel health events) signal instances in which public health officials should respond immediately.³ In addition, such a system may enable detection of newly emerging conditions⁴ (e.g., toxic shock syndrome and the eosinophilia-myalgia syndrome). Detection of changes in health practice could be signaled by an increase in the use of over-the-counter medications for asthma. Changes in antibiotic-resistance patterns may lead physicians to change their prescription practices or researchers to alter their priorities. Data from the Environmental Protection Agency, the US Bureau of the Census, and the National Health Interview Survey can be used to relate risk of illness among defined populations (e.g., asthma in children) to air quality.⁵ In the United States, decisions affecting public health policy and allocation of resources usually are made yearly in conjunction with government budgets. Timely annual data summaries would provide immediate estimates of the magnitude of a health problem, thus assisting policymakers to modify priorities and plan intervention programs.⁶ These same data would be useful to those assessing control activities and would help researchers establish priorities in applied epidemiology and laboratory research. In addition, reviewing surveillance data annually can facilitate the testing of hypotheses related to prevention and intervention efforts (e.g., ocular injuries associated with fireworks).⁷ As intervention programs are evaluated and priorities are set, policymakers must evaluate the effects of the programs on populations (e.g., protective measures to reduce the threat of lead toxicity in workplaces⁸).

Metadata is key to response time and preventing disproportionate public alarm that misguides health policy

Thacker et al 96 (Stephen B, Epidemiology Program Office, Centers for Disease Control and Prevention, Donna F. Stroup, PhD, MSc, R. Gibson Parrish, MD, Henry A. Anderson, MD, May 1996, "Surveillance in environmental public health: issues, systems, and sources", American Journal of Public Health, Vol. 86, Issue 5, pp. 633-638, Accessed 7/13/15)//LD

Second, data collected for other purposes may not be sufficient for environmental public health surveillance.¹⁵ For example, data from vital records or disability claims rarely contain sufficient information to meet a case definition for a condition caused by an environmental exposure. Other limitations of such data sources may include lack of timeliness of data collection or data availability, incomplete data on outcomes, nonrepresentativeness of the population, and problems with data quality¹⁶ (Table 1). Third, although all public health decisions are made in a social context, in environmental public health, public alarm is quite common and may often be out of proportion to the hazard itself.¹⁷ Thus, sentiment rather than science may influence environmental public health policy disproportionately.

Internet Module

Link— General

Government surveillance has controlled how people behave on the internet

Sass 3-23 - Sass is a Reporter of Media Daily News and Social Graf at MediaPost [Erik Sass, "One In Three Americans Changed Online Behavior Because Of Surveillance", 3-23-15, Accessed 7-13-15, <http://www.mediapost.com/publications/article/246194/one-in-three-americans-changed-online-behavior-bec.html>] hk

The revelations of widespread government surveillance by NSA contractor Edward Snowden may have dominated public discussion, but they didn't have much impact on how Americans actually use digital technology. That's the conclusion of a new Pew study based on a survey of 475 U.S. adults, polled about their use of technologies including mobile devices, social media, and email, among other channels. There is no question that most Americans have heard about government surveillance in the wake of Snowden's leak of secret documents: 87% of respondents said they have heard "a lot" or "a little" about the surveillance, and only 6% said they have heard "nothing at all," about them (the elusive "living under a rock" demo). However, just 39% said they are concerned about monitoring of search engines, 38% said the same for email, 37% were concerned about monitoring of cell phones, and 31% were worried about monitoring of social media apps. Similarly, just 34% of Americans who said they were aware of the surveillance reports have taken any steps to shield themselves from surveillance by the government, including 17% (of the group who were aware of surveillance) who have changed their privacy settings on social media; 15% who said they use social media less often; 15% who have avoided using certain apps, and 13% who have uninstalled apps; 14% who said they speak more in person instead of communicating online or by phone; and 13% who avoid using certain terms in online communications. In addition, 18% have changed the way they use email, 17% changed their use of search engines, and 13% have changed the way they use text messages. Not surprisingly, people who said they knew "a lot" about the government surveillance (31%) and younger adults under age 50 were more likely to have changed at least on of these behaviors (40% versus 27%).

New Pew study concludes there are changed behaviors after the Snowden revelation

Rainie and Madden 3-16 - Rainie is the director of internet, science and technology research at the Pew Research Center and Madden is a contributor to the Pew Research Center [Lee Rainie and Mary Madden, "Americans' Privacy Strategies Post-Snowden", 3-16-15, <http://www.pewinternet.org/2015/03/16/americans-privacy-strategies-post-snowden/>] hk

It has been nearly two years since the first disclosures of government surveillance programs by former National Security Agency contractor Edward Snowden and Americans are still coming to terms with how they feel about the programs and how to live in light of them. The documents leaked by Snowden revealed an array of activities in dozens of intelligence programs that collected data from large American technology companies, as well as the bulk collection of phone "metadata" from telecommunications companies that officials say are important to protecting national security. The metadata includes information about who phone users call, when they call, and for how long. The documents further detail the collection of Web traffic

around the globe, and efforts to break the security of mobile phones and Web infrastructure. A new survey by the Pew Research Center asked American adults what they think of the programs, the way they are run and monitored, and whether they have altered their communication habits and online activities since learning about the details of the surveillance. The notable findings in this survey fall into two broad categories: 1) the ways people have personally responded in light of their awareness of the government surveillance programs and 2) their views about the way the programs are run and the people who should be targeted by government surveillance. Some people have changed their behaviors in response to surveillance. Overall, nearly nine-in-ten respondents say they have heard at least a bit about the government surveillance programs to monitor phone use and internet use. Some 31% say they have heard a lot about the government surveillance programs and another 56% say they had heard a little. Just 6% suggested that they have heard “nothing at all” about the programs. The 87% of those who had heard at least something about the programs were asked follow-up questions about their own behaviors and privacy strategies: 34% of those who are aware of the surveillance programs (30% of all adults) have taken at least one step to hide or shield their information from the government. For instance, 17% changed their privacy settings on social media; 15% use social media less often; 15% have avoided certain apps and 13% have uninstalled apps; 14% say they speak more in person instead of communicating online or on the phone; and 13% have avoided using certain terms in online communications. Those most likely to have taken these steps include adults who have heard “a lot” about the surveillance programs and those who say they have become less confident in recent months that the programs are in the public interest. Younger adults under the age of 50 are more likely than those ages 50 and older to have changed at least one of these behaviors (40% vs. 27%). There are no notable differences by political partisanship when it comes to these behavior changes.

Direct correlation between surveillance and online behaviors

Marthews and Tucker 4-29 – Marthews is part of the National Chair at Restore the Fourth and Tucker is a Professor of Marketing at MIT Sloan and part of the National Bureau of Economic Research [Alex Marthews and Catherine Tucker, “Government Surveillance and Internet Search Behavior”, 4-29-15, Accessed 7-13-15, <https://www.sebastianwendt.de/wp-content/uploads/2015/06/Government-Surveillance-and-Internet-Search-Behavior.pdf>] hk

Table 4 presents our initial results. The first three columns focus on a specification where we use a binary indicator to mark whether a search term was considered to be above average in terms of its likelihood to lead to trouble with the government or trouble with a friend. Column (1) presents the results for all countries.¹³ The results suggest that search terms rated as having an above-average likelihood of getting the searcher in trouble with the government, fell two index points relative to an average index of 13 points. Search terms rated as having an above-average likelihood of getting the searcher in trouble with a friend fell by half an index point. Column (2) presents results for the US only; Column (3) presents results for the ten non-US countries in our study. We see that US-based search traffic falls by quite a large extent in the Google index for terms that are perceived as having an aboveaverage likelihood of getting you in trouble with the US government, whereas non-US traffic also falls but by a smaller magnitude. However, by

contrast, in non-US countries there is a significant fall in the volume of search terms that are perceived as having an above-average likelihood of getting the searcher in trouble with a friend. The second three columns of Table 4 present a complementary specification where, rather than using an indicator variable, we use the full scale for how likely raters perceived this search term as leading to trouble with a government or friend. The results are similar to those in the non-parametric specification in columns (1)-(3) and in subsequent regressions we use these specifications, as they use more of our available data. Overall, these results provide empirical evidence that the surveillance revelations caused a substantial chilling effect relating to users' willingness to enter search terms that raters considered would get you into trouble with the US government. We also see that outside the US there is a large and significant drop in the search terms which are more likely to get you into trouble if a friend found out you used that search term. This suggests that international users, in contrast to US users, reduced their relative number of searches for personally sensitive terms.

Surveillance allows effective forms of social control – deterrence effect

Ragnedda 11 – Ragnedda has a Ph.D. in Theory of Communication and Intercultural Studies at the University of Sassari [Massimo Ragnedda, "Social control and surveillance in the society of consumers", 1-21-11, Accessed 7-13-15, http://www.academia.edu/673071/Social_control_and_surveillance_in_the_society_of_consumers] hk

The new digitalized surveillance allowed a new form of social control that tries to direct and influence the behavior of people. Indeed reconstructing the past and the present by using this information the new controller can, in some way, address and influence future behaviour. For the sake of clarity, since always the governance entails control and its aims is to steer and direct individuals, encouraging them to embrace particular behaviours. As Haggerty suggested 'while governance inevitably involves efforts to persuade, entice, coerce or cajole subjects to modify their behaviour in a particular direction the targets of governance are understood to be a locus of freedom, although this freedom is inevitably bounded by various constraints' (Haggerty, 2006: 40). All the forms of punishment were always future-oriented, because they involved forms of specific deterrence that sought to stop an individual offender from committing comparable acts again in the future, or a form of general deterrence that sought to deter others from doing so. Thus, in some way, both 'previous' and 'contemporary' forms of social control are future-oriented. They differ in the assumption on the strategies and forms of knowledge that can be used to govern future behaviour. Above all, and this is the main difference today, different agents are using different strategies and forms of knowledge to govern future behaviour for different reasons and purposes. The particularity of the society of consumers (Bauman, 2005) is that private corporations, what here I call the economic elite, are trying to steer and direct individuals using private surveillance and them media's empire and cultural industry. More strongly: if it is normal and inevitable that governance 'efforts to persuade, entice, coerce or cajole subjects to modify their behaviour in a particular directions', it is not normal that to do it is not a democratic and public institution but the economic elite: in other words, a private organization. Furthermore the market and the economic elite try to control directly the citizens/consumers, reconstructing the 'biographies of consumption' through the combination of transactional and personal data (Evans, 1998).

Surveillance methods prevent decisions – deterrence method

Ragnedda 11 – Ragnedda has a Ph.D. in Theory of Communication and Intercultural Studies at the University of Sassari [Massimo Ragnedda, “Social control and surveillance in the society of consumers”, 1-21-11, Accessed 7-13-15, http://www.academia.edu/673071/Social_control_and_surveillance_in_the_society_of_consumers] hk

It should be specified that surveillance is neither good nor bad. The particular governmental ambitions are a consumer-oriented society, based on the ICT as a medium of exchange and a tool for social control. The role of ICT within infrastructures of surveillance and control cannot be understated. Not only fidelity card shopping or intelligent transportation systems connect purchasing patterns to customer databases, but also biometric technologies and, above all, Internet are used for monitoring and collection of personal and identifiable information about millions of users/citizens/customers. In an analysis of Giddens’ work (1987), Webster (2006) portrays the use of surveillance tools to capture transactional information, information which ‘contributes towards and individuated portrait of that person’s spending habits, clothing and food tastes, even preferred shopping locations’ (225). The new technologies of surveillance may not always prevent the actions but tend to prevent the decisions. One can argue that the surveillance systems are ineffective at preventing violent crimes. This sometimes is true; however this does not imply that they are without effects on human behaviour.

Public paranoia

Fisher and Timberg 13 – Fisher is a senior editor for the Washington Post and Timberg is a national technology reporter for The Post [Marc Fisher and Craig Timberg, “Americans uneasy about surveillance but often use snooping tools, Post poll finds” 12-21-13, Accessed 7-13-15, https://www.washingtonpost.com/world/national-security/americans-uneasy-about-surveillance-but-often-use-snooping-tools-post-poll-finds/2013/12/21/ca15e990-67f9-11e3-ae56-22de072140a2_story.html] hk

This year, in the months since former National Security Agency contractor Edward Snowden leaked secret documents detailing U.S. surveillance programs, it has become clear that there are not yet widely accepted norms about who may watch whom and when and where tracking is justified. The Post’s poll found that Americans’ attitudes about surveillance are anything but consistent, whether the sample is the entire nation or a single, conflicted person. Nearly seven in 10 Americans are concerned about how much personal information government agencies and private companies collect, the poll found. But among parents 40 or older — the group most likely to have teenagers — 70 percent said they monitor the Web sites their children visit. Many also review their kids’ texts, e-mails and social-media use. A small number of Americans also report tracking the movements of their spouses or using video feeds to monitor elderly parents.

Social control modifies the way people behave

Ragnedda 11 – Ragnedda has a Ph.D. in Theory of Communication and Intercultural Studies at the University of Sassari [Massimo Ragnedda, “Social control and surveillance in the society of consumers”, 1-21-11, Accessed 7-13-15,

http://www.academia.edu/673071/Social_control_and_surveillance_in_the_society_of_consumers] hk

Social control also means the ability to push individuals to adapt themselves to the expectations of the group. The mass media has the ability, at various levels, to condition and influence the perception of their expectations and, consequently, their expectations. Indeed, if an individual or customer perceives that its group of reference expects from him a determined behaviour he or she will stretch to adapt to this in order to avoid the pain of deviance and exclusion from the group. It does not matter what the group actually expects, but what the individual believes that the group expects. It does not count therefore what 'reality' is, but its representation, its simulacrum. The mass media seems to move in this field: influencing expectations and perceptions and thus acting like a formidable instrument of social control. Although mass media plays a key role in this, it is not enough to guarantee the homogeneity and the coherence in a post-modern society. Indeed in our society, where all the classic institutions that were deputies to 'social control' are in crisis (family, school, religious institutions and soon), it is also a new form of surveillance that is both intrusive and invisible, more invasive but perceived as normal. The mass media plays a crucial role in creating the conditions for surveillance that are perceived as being natural and unavoidable in spreading and reinforcing the neo-liberal values, influencing the citizen-consumers' behaviour.

Behavioral targeting resolves undesirable behavior – allows a system to determine economic viability of consumers

Surveillance Society 13 – [The Surveillance Society, " Behavioral Targeting and the surveillance society", 12-9-13, Accessed 7-13-15, <http://thesurveillancesociety.weebly.com/blog/behavioral-targeting-and-the-surveillance-society>] hk

Surveillance is a key component to Panopticism in that it all revolves around the watcher and those being watched. Foucault describes it as "a machine for dissociating the see/being seen dyad: in the peripheric ring, one is totally seen, without ever seeing; in the central tower, one sees everything without ever being seen". The prisoners in the cells are perpetually exposed to the gaze of the guards in the tower, yet since they cannot themselves see into the tower, they are never certain whether or not they are being watched. Sociologist James Lyon defines surveillance as "the focused, systematic, and routine attention to personal details for purposes of influence, management, protection, or direction" (Richards). Internet ad servers have become a mirror of the Panopticon in their utilization of surveillance technologies for information gathering and aggregation. In regard to Bentham's Panopticon, the objective is to assess an individual's likelihood for undesirable behavior, and to monitor, categorize, and rank so as to curb such behavior. In a broader perspective, the Panopticon was seen as a new and more effective way of "organizing social institutions to ensure a more orderly society by producing disciplined and predictable citizens. With Internet ad servers, the goal is to provide marketers with the personal information necessary to determine if an individual constitutes an economically viable consumer" (Panopticon.com). The advanced customer profiling system offered by third-party ad servers hikes the sufficiency and potency of advertisers' efforts, downsizing the unpredictability faced by producers hyping their goods and services into the marketplace. While many consumers deem behavioral targeting's process of data mining a

breeching of privacy, there are many benefits produced as well. For years psychologists (and marketers/advertisers alike) have argued that the most efficient way to predict future behavior is looking at past behavior. So if researchers/ marketers could get a glimpse into a user's online behavior, they would be more likely to accurately assess your needs and interests. Thus, the beauty of behavioral targeting being that the lack of guesswork allows consumers to be offered advertisements that are relevant and more likely to find desirable. Another research study done by Forrester revealed that "behavioral targeting improves the process of generating traffic and achieving conversions because it customizes the customer experience and allows firms to maintain consistency across all customer touch points. For example, if a customer visits a travel website and indicates an interest in upcoming Mediterranean vacation packages, a firm could incorporate this data into targeted emails or even promotional texting campaigns" (Benefits). By collecting information, companies can provide the best user experience and improve conversion rates.

Link—NSA Surveillance

NSA Surveillance creates a direct placebo effect on consumers – action and reaction theory shapes their behaviors

Rosenbush 13 - Rosenbush is Editor of The Wall Street Journal's CIO Journal, which reports on the strategic use of technology in business [Steven Rosenbush, "Surveillance Has 'Placebo Effect' on Consumer Behavior", 6-10-13, Accessed 7-13-15, <http://blogs.wsj.com/cio/2013/06/10/surveillance-has-placebo-effect-on-consumer-behavior/>]
hk

If nothing else, the current focus on National Security Agency mechanisms for Internet surveillance drives home the awareness that online activity is being collected and analyzed by a wide range of parties. And while most U.S. consumers seem to have a rather sanguine view of that surveillance from a privacy perspective, it nonetheless may be shaping their behavior in subtle ways. Observation is seldom—if ever – a neutral act. "If a person knows they are being observed, it can impact any decision that they make," Forrester Research Inc. analyst Sucharita Mulpuru told CIO Journal. "You can send passive-aggressive messages to the observer. You can send explicit messages to the observer. You can choose to change your behavior. It absolutely has an effect," she said. It's no surprise that people are most likely to change their online behavior if they feel that observation carries risk of a negative consequence. They will avoid certain Web sites at work, if they know visiting them puts them at risk of being disciplined or fired — or just looking foolish. But they also might shift their behavior in conscious or unconscious ways just to communicate a message to an observer. For example, Ms. Mulpuru said that she lives in Charlotte and tends to book as many flights as possible from the local hub of US Airways, which is merging with American Airlines. "I want them to increase their number of flights from Charlotte and stay here," she explains. Companies need to be aware of how their observation of the market shapes the market itself, although that is not an easy thing to do; the impact doesn't play out in obvious ways, according to Ms. Mulpuru. "You would have to be a really good data analyst" to detect and understand such an impact, she said. But that doesn't mean that companies shouldn't try to understand how consumer awareness of being tracked may be shaping behavior more and more, according to Ms. Mulpuru. "It's like the placebo effect," she said. "You have to control for it."

Link- Panopticon

Panopticon model solves – 1970 software model proves

Dryden 14 – contributor to the Model View Culture [Ashe Dryden, “Social Networking as Peer Surveillance”, 10-8-14, Accessed 7-13-15, <https://modelviewculture.com/pieces/social-networking-as-peer-surveillance>] hk

In the late 18th century, the philosopher and social theorist Jeremy Bentham designed the Panopticon, a building that allowed a watchman to observe every occupant from one vantage point. This led occupants to act as if they were being observed at all times, regardless of whether a watchman was in the tower or observing them; the mere potential of constant surveillance altered occupant behavior. Foucault discussed his social theory of Panopticism in *Discipline & Punish: The Birth of the Prison*, noting that the occupants of the Panopticon are “the object of information, never a subject in communication,” and that He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection. In the 1970s, a piece of software called DIALOG was designed to replicate the Panopticon effect and tested at a large pharmaceutical company as part of a psychology experiment. The software allowed workers to not only report the work they were doing, but to socialize with peers. When users realized the software was allowing management to monitor them continuously, many stopped using it. Others decided to continue, “raising the question of whether remaining users modified their behavior under the threat of surveillance, as prisoners in Bentham’s Panopticon would, or whether they believed that the benefits offered by the system outweighed the possibility of punishment.” Social networks operate in much the same way. Thanks to open APIs and the limited technical talent needed to use them, the ability to monitor someone’s every activity can be easily automated and analyzed for patterns. A few weeks worth of data can give you an idea of when someone leaves for work, what coffee shop they stop at in the morning, and even what route they drive to get home. Using additional data – something as simple as a selfie – it’d be easy for a relative stranger to “recognize” you on the street.

A panopticon type of surveillance deters bad behaviors

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The reaction to the National Security Agency (NSA)’s secret online spying program, PRISM, has been polarized between seething outrage and some variant on “what did you expect?” Some have gone so far as to say this program helps open the door to fascism, while others have downplayed it as in line with the way that we already let corporations get ahold of our personal

data. That second reaction illustrates precisely why this program is so troubling. The more we accept perpetual government and corporate surveillance as the norm, the more we change our actions and behavior to fit that expectation — subtly but inexorably corrupting the liberal ideal that each person should be free to live life as they choose without fear of anyone else interfering with it. Put differently, George Orwell isn't who you should be reading to understand the dangers inherent to the NSA's dragnet. You'd be better off turning to famous French social theorist Michel Foucault. The basic concern with the PRISM program is that it is undoubtedly collecting information on significant numbers of Americans, in secret, who may not have any real connection to the case the Agency is pursuing. PRISM sifts through tech giants' databases to cull information about suspected national security threats. However, since it uses a 51 percent confidence threshold for determining whether a target is foreign, and likely extends to individuals that are "two degrees of separation" from the original target, the chances are extraordinarily high that this program is spying on a significant number of Americans. A citizenry that's constantly on guard for secret, unaccountable surveillance is one that's constantly being remade along the lines the state would prefer. Foucault illustrated this point by reference to a hypothetical prison called the Panopticon. Designed by utilitarian philosopher Jeremy Bentham, the Panopticon is a prison where all cells can be seen from a central tower shielded such that the guards can see out but the prisoners can't see in. The prisoners in the Panopticon could thus never know whether they were being surveilled, meaning that they have to, if they want to avoid running the risk of severe punishment, assume that they were being watched at all times. Thus, the Panopticon functioned as an effective tool of social control even when it wasn't being staffed by a single guard. In his famous *Discipline and Punish*, Foucault argues that we live in a world where the state exercises power in the same fashion as the Panopticon's guards. Foucault called it "disciplinary power;" the basic idea is that the omnipresent fear of being watched by the state or judged according to prevailing social norms caused people to adjust the way they acted and even thought without ever actually punished. People had become "self-regulating" agents, people who "voluntarily" changed who they were to fit social and political expectations without any need for actual coercion. Online privacy advocates have long worried that government surveillance programs could end up disciplining internet users in precisely this fashion. In 1997, the FBI began using something called Project Carnivore, an online surveillance data tool designed to mimic traditional wiretaps, but for email. However, because online information is not like a phone number in several basic senses, Carnivore ended up capturing far more information than it was intended to. It also had virtually no oversight outside of the FBI. As the Electronic Frontier Foundation told Congress in 2000, "Systems like Carnivore have the potential to turn into mass surveillance systems that will harm our free and open society...Once individuals realize that they have a lowered expectation of privacy on the Net, they may not visit particular web sites that they may otherwise have visited." Writing in 2004, a group of scholars drew a straight line from this analysis to Foucault's theory of disciplinary power. "Resembling the ever-present powers of the central watchtower in a prison modeled after the Panopticon," they wrote "the very fact that the FBI has the potential to monitor communications on a website may lead Internet users to believe that they are constantly being watched." We know now that this hypothetical fear about Carnivore has become a reality, courtesy of the NSA. The more people come to see mass online surveillance as a norm, rather than something used only on specific subjects of investigation, the more they'll tailor their online habits to it. Since people

understandably don't want the government looking at their private information, that'll mean the internet will over time slowly become less of a place for vibrant self-expression. That should trouble anyone who believes that the best society is one in which people are most free to be themselves in whatever way they find most meaningful. In essence, that should trouble anyone committed to the basic liberal project. Foucault's point wasn't that disciplinary power was intrinsically bad; the idea that, for example, pedophiles might be deterred from accessing child pornography for fear of state surveillance of child porn sites shouldn't bother anyone. Rather, Foucault warned, disciplinary power was dangerous — used in certain fashions, it could be subtly corrosive of exactly the sorts of freedoms of expression and self-identity that liberal democracies purportedly protected absolutely. The NSA program, especially as its breadth becomes clear, is exactly the sort of overreach his work should warn us against.

Panopticon surveillance effectively changes human behavior – China proves

Schneier 13 - Schneier is a contributing writer for The Atlantic and the chief technology officer of the computer-security firm Co3 Systems [Bruce Schneier, "Why the NSA's Defense of Mass Data Collection Makes No Sense", 10-21-13, Accessed 7-13-15, <http://www.theatlantic.com/politics/archive/2013/10/why-the-nsas-defense-of-mass-data-collection-makes-no-sense/280715/>] hk

This sort of surveillance isn't new. We even have a word for it: It's the Panopticon. The Panopticon was a prison design created by 18th-century philosopher Jeremy Bentham, and has been a metaphor for a surveillance state ever since. The basic idea is that prisoners live under the constant threat of surveillance. It's not that they are watched all the time—it's that they never know when they're being watched. It's the basis of Orwell's 1984 dystopia: Winston Smith never knew if he was being watched, but always knew it was a possibility. It's why online surveillance works so well in China to deter behavior; no one knows if and when it will detect their actions online. Panopticon-like surveillance—intermittent, but always possible—changes human behavior. It makes us more compliant, less individual. It reduces liberty and freedom. Philosopher Michael P. Lynch recently wrote about how it dehumanizes us: "when we lose the very capacity to have privileged access to our psychological information—the capacity for self-knowledge, so to speak, we literally lose our selves To the extent we risk the loss of privacy we risk, in a very real sense, the loss of our very status as subjective, autonomous persons." George Dyson recently wrote that a system that "is granted (or assumes) the absolute power to protect itself against dangerous ideas will of necessity also be defensive against original and creative thoughts." That's what living in a Panopticon gets you.

Link- Polls

Polls prove-Americans are increasingly hesitant about online behaviors

Cobb 14-Stephen, Senior Security Researcher at ESET North America, internally cites Harris Poll (“New Harris poll shows NSA revelations impact online shopping, banking, and more”, WeLiveSecurity, <http://www.welivesecurity.com/2014/04/02/harris-poll-nsa-revelations-impact-online-shopping-banking/>) HC

Online banking and shopping in America are being negatively impacted by ongoing revelations about the National Security Agency’s digital surveillance activities. That is the clear implication of a recent ESET-commissioned Harris poll which asked more than 2,000 U.S. adults ages 18 and older whether or not, given the news about the NSA’s activities, they have changed their approach to online activity. Almost half of respondents (47%) said that they have changed their online behavior and think more carefully about where they go, what they say, and what they do online. Harris-NSA-poll-banking

When it comes to specific Internet activities, such as email or online banking, this change in behavior translates into a worrying trend for the online economy: over one quarter of respondents (26%) said that, based on what they have learned about secret government surveillance, they are now doing less banking online and less online shopping. This shift in behavior is not good news for companies that rely on sustained or increased use of the Internet for their business model. Online commerce shrinkage? After 20 years of seemingly limitless expansion of Internet commerce, these poll numbers may come as something of a shock to online firms, but they were not a complete surprise to ESET researchers. Last fall we detected early signs of this phenomenon when we conducted a smaller survey of “post-Snowden” attitudes. Some respondents reported reduced online shopping and banking behavior (14% and 19% respectively). At that time it was reasonable to speculate that such changes in behavior might be a temporary blip, but our latest findings suggest otherwise. And the reasons are not hard to find: continued revelations from the Snowden documents and a lack of convincing reassurances from government about privacy protections. The news for online stores and financial services does not get any better when you dig deeper into the numbers. The economically important 18-34 age group are more likely to say they are doing less shopping online (33% compared to an overall 26%). Online retailers who rely more on female shoppers should note that 29% of women surveyed said they have reduced how much they shop online (compared to 23% of men and 26% overall). When it comes to banking online 29% of folks in that 18-34 age bracket had cut back, as had 30% of those aged 65 and older. Harris-nsa-impact-on-email

Clearly, these findings will be of concern to the retail and financial services sectors, but the news is also bad for just about any sector of the American economy where replacing physical contact with electronic communication is part of the business model. Just under one-quarter of respondents (24%) said that, based on what they have learned about secret government surveillance, they are less inclined to use email. Important economic sectors ranging from healthcare to education and government are looking at expanded use of electronic communications as a way to cut costs and improve service levels. Those objectives could be harder to attain if a significant percentage of the public is less inclined to use those channels. We observed a higher than average contraction in email use in the 18-34 age group (32%) and in households where annual household income is under \$50,000. Ongoing impact of privacy intrusions

As a recent New York Times article titled “Revelations of N.S.A. Spying Cost U.S. Tech

Companies” observed: “It is impossible to see now the full economic ramifications of the spying disclosures.” However, I think that when you look at this new survey and our previous research it is clear that changes in online behavior have already taken place, changes with broad economic ramifications. Whether or not we have seen the full extent of the public’s reaction to state-sponsored mass surveillance is hard to predict, but based on this survey and the one we did last year, I would say that, if the NSA revelations continue—and I am sure they will—and if government reassurances fail to impress the public, then it is possible that the trends in behavior we are seeing right now will continue. For example, I do not see many people finding reassurance in President Obama’s recently announced plan to transfer the storage of millions of telephone records from the government to private phone companies. As we will document in our next installment of survey findings, data gathering by companies is even more of a privacy concern for some Americans than government surveillance. And in case anyone is tempted to think that this is a narrow issue of concern only to news junkies and security geeks, let me be clear: according to this latest survey, 85% of adult Americans are now at least somewhat familiar with the news about secret government surveillance of private citizens’ phone calls, emails, online activity, and so on. As to what should be done about this situation and its effects on commerce, privacy, and online behavior, I will have more findings to share in my next blog post, along with suggested strategies for companies who may be impacted.

Increased surveillance decreases immoral behavior-studies prove

Gonzalez 11-Robbie, senior science editor at iO9, internally cites study published in *Evolutionary Psychology* from Pierrick Bourrat, research associate from University of Sydney, PhD in biology from University of Sydney, Ryan McKay, researcher in psychology at University of London, PhD from Macquarie University, former clinical neuropsychologist and Nicolas Baumard, co-leader of the Evolution and Social Cognition Group at the Department of Cognitive Science of the Ecole Normale Supérieure and post-doctoral fellow at University of Pennsylvania (6/17, “People under surveillance are more likely to condemn "bad behavior" in others”, iO9 <http://io9.com/5813160/people-under-surveillance-are-more-likely-to-condemn-bad-behavior-in-others>) HC

Social scientists have long known that people manage their reputations by modifying their behavior in public. But new research out of Australia now shows that this tendency to "act appropriately" extends beyond our actions and into our moral judgments. When people believe they are being watched, they become more judgmental of others' behavior. Especially if they believe others are acting outside social norms or morals. Will our surveillance societies create a generation of moralists? People have recognized the power of a perceived gaze for hundreds, if not thousands of years; in the 18th century, English social theorist Jeremy Bentham designed the Panopticon, a prison compound designed to allow a single guard to observe all the prisoners without the prisoners being able to discern if they are being watched; the 20th century saw the introduction of CCTV, a surveillance technology that many claim has "imprisoned" even innocent civilians in a modern day version of the panopticon; and let's not even get into the behavior-modifying implications of an all-seeing god. On the scientific front, many empirical studies have demonstrated that people tend to be more generous and cooperative when they know that they are being observed by others. Until now, however, studies like the ones linked to above have neglected to address the effect of perceived observation on moral judgments. Now,

Pierrick Bourrat from the University of Sydney – together with colleagues Nicolas Baumard from the University of Pennsylvania and Ryan McKay from the University of London – has shown that people are more likely to condemn the "bad" behavior of others if they sense that they are being observed. That sense – the feeling that one is being watched – is triggered by researchers using something called "surveillance cues." Perhaps the most interesting thing about Bourrat's study is just how subtle his chosen surveillance cues are. Bourrat describes the testing methods of the study: [We] presented students at the Campus Universitaire de Jussieu in Paris with stories of two moral transgressions, keeping the money found in a lost wallet and faking a résumé. For some participants, the scenarios were accompanied by an image of a pair of eyes, for others the scenarios were accompanied by an image of flowers. Those given the version with the eyes rated the actions as less morally acceptable than those who saw the flowers. Above are the two pictures used in the study. Amazingly, the median "moral acceptability" score for each vignette was significantly lower for people who were exposed to surveillance cues (the picture of the eyes). Bourrat explains this effect via two possibilities. The first is that the surveillance cues "actually affected [the participants'] perception of moral violations, perhaps by activating their awareness of internalized moral norms." The second is that an image of a pair of eyes "matches the input conditions for evolved mental mechanisms that detect when one's behavior is observed." What is interesting about Bourrat's second explanation is that this evolved reputation-maintenance mechanism may be activated subconsciously. This raises important questions about our susceptibility to manipulation by an entity capable of toying with the part of our brain that is inaccessible to the conscious mind, but nevertheless affects behavior and emotions.

Link- Cameras

Cameras reverse the bystander effect

Jaffe 12 - Jaffe is a senior associate editor at CityLab [Eric Jaffe, "Surveillance Cameras Could Make Us Better People", 6-25-12, Accessed: 7-13-15, <http://www.citylab.com/design/2012/06/could-surveillance-cameras-make-us-better-samaritans/2363/>] hk

Exhibit A for the "cities are mean" thesis is the 1964 murder of Kitty Genovese in Queens. Two weeks after the killing, The New York Times ran a story called "Thirty-Eight Who Saw Murder Didn't Call the Police," suggesting that dozens of witnesses did nothing to stop the gruesome event. Subsequent analysis cast serious doubt on the Times report, but the story remains a parable for the cruel indifference of urban life. In 1968, inspired by the Genovese murder, psychologists John Darley and Bibb Latané studied bystander behavior in the laboratory [PDF]. Test subjects who thought they were alone were more likely to respond to someone having a seizure than when they were in a group. The "bystander effect," as it's now known, has since become one of the most established ideas in modern social psychology. The underlying factor of the bystander effect isn't necessarily a callous lack of concern for other human beings. (Unless, of course, you're George, Elaine, Jerry, or Kramer watching a fat guy get robbed.) Instead it emerges, in large part, from the decreased sense of personal responsibility that comes with being part of a big crowd. If that sense of accountability could be increased, then the effect might disappear even if the crowd remained. Using this logic as guide, a Dutch research team says it's found a way to reverse the bystander effect. In an upcoming issue of the Journal of Experimental Social Psychology, Marco van Bommel of VU University Amsterdam and colleagues report that victim assistance increases among a large group of bystanders when a person's self-awareness and accountability are stimulated, say, through the presence of a camera documenting their behavior. Van Bommel et al write: People help less when there are bystanders present, but when they become public self-aware (by our camera manipulation), the presence of other bystanders leads them to increase helping behavior. ... This indicates that the feeling of public self-awareness, as created by the presence of a camera, was sufficient for participants to change their behavior in accord with a pattern that signifies reputation concerns. To observe their theory in action the researchers invented a fake online forum for people with severe emotional distress. They brought people into a laboratory and had them read five messages posted to the forum. The messages described troubling personal stories, from someone contemplating suicide to someone going through a very bad break-up. The researchers recorded which test subjects responded to the messages, and which didn't. While studying the interactions in this forum, Van Bommel and colleagues found plenty of evidence for the classic bystander effect. In one test situation, people responded to the distressed messages at a lower rate when they thought there were 30 other people online in the forum — essentially bystanders — than when there were only a couple. But the researchers were able to flip this effect by making test subjects more self-aware. In another test situation, forum participants saw their name in red on the screen among the 30 or so other forum participants, whose names were in black. That was enough to make them feel as if they stood out in the crowd, and the bystander effect was reversed: these subjects responded to crisis messages more than those who were in the forum without many bystanders. A follow-up study with a video camera

confirmed the influence of self-awareness on bystander behavior. This time, instead of seeing a name in red, test subjects thought they were being watched by a webcam as they navigated the forum. Even this mere feeling of accountability led subjects in a big group to respond to distress messages more often than those without many bystanders. The researchers consider their tests "among the first to repeatedly demonstrate a reversal of the bystander effect." But what's happening here isn't some magnanimous injection of altruism. If that were the case, then every test subject whose self-awareness increased should have shown more victim assistance. Instead those in the big group of bystanders helped out much more than people who read the distress messages alone. What's happening, Van Bommel and company suggest, is that people whose self-awareness is aroused in big groups fear they'll be held accountable for their behavior by the other bystanders. As a result they alter their response to account for what others might think. In short, when our reputation is on the line, the cost of inaction increases enough to get us involved.

Link- Empirics

One-third of adults guard internet behavior post-Snowden-even if the actions aren't large, it still proves a behavioral shift

Dave 15-Paresh, reporter for LA Times, internally citing Pew Research Center survey (3/16, "Snowden leaks lead Americans to scale back online activity, survey finds", LA Times, <http://www.latimes.com/business/technology/la-fi-tn-snowden-behavior-pew-20150316-story.html>) HC

In the nearly two years since Edward Snowden leaked secrets about U.S. government online surveillance, about a third of U.S. adults have taken steps to guard their Internet behavior more closely, according to a new survey. But few have adopted the strongest measures to protect their privacy. The Pew Research Center survey found that 87% of U.S. adults queried had heard about the Snowden leaks, and 34% of them subsequently took at least one action to shield their privacy. Some adjusted social media settings or put off social media altogether. Apps and search engines have been avoided. Others have tried to talk in person instead of through chat apps or the phone. The biggest change noted was with passwords — 25% have adopted stronger ones. Email was also a big pivot point, with 18% of adults aware of the U.S. surveillance efforts saying they have changed their email usage at least somewhat. Those U.S. citizens most concerned about surveillance were the most likely to change behavior, which might seem obvious. Still, no more than 10% of those aware of U.S. surveillance turned to powerful measures such as do-not-track, encryption and anonymity software. Tools like Tor, PGP and proxy servers can add to privacy and security, but often are cumbersome to install and use. While 54% of those surveyed said it is OK for the government to monitor communications of foreign citizens, just 40% said it was acceptable for the government to track communications of U.S. citizens. Additionally, a notable share of Americans have taken specific technical steps to assert some control over their privacy and security, though most of them have done just simple things. For instance, 25% of those who are aware of the surveillance programs are using more complex passwords.

Link- Metadata

Specificity of the purpose doesn't matter-data proves Americans view surrendering data as a violation of their privacy

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The data support the bifurcation of the Internet privacy concern construct, one related to concerns about information finding and the other related to concerns about information abuse. The relationships between each of these constructs and the other variables in the model were quite similar, in terms of direction and strength. In comparing the coefficients for privacy concerns about information abuse to privacy concerns about information finding, there is no more than a .05 spread between the standardized, statistically significant, coefficients. The consistently similar relationships for each of these privacy constructs suggests that individuals do not significantly differentiate between privacy concerns based on the potential threat of information abuse and simple information discovery. This is an interesting finding that deserves further scholarly exploration. One possible interpretation of the lack of differentiation may be that individuals believe that so long as information can be found on the Internet, the potential for abuse is not far removed. To the extent that this interpretation may be true, it surely reflects a negative assessment about the availability of personal information to be found on the Internet. The results of our empirical study are consistent with the notion that government initiatives to improve security influence Internet use. The statistically significant relationship between perceived need for government surveillance and willingness to disclose personal information suggests that users perceive security initiatives as important and, arguably, tolerable. At the same time, government intrusion concerns do not directly influence willingness to provide personal information. However, government intrusion concerns are positively related to privacy concerns which, in turn, are negatively related to the willingness to provide personal information over the Internet. Thus, privacy concerns play an important role in understanding how users assess the relationship between government initiatives and Internet use. The negative relationship between perceived need for surveillance and government intrusion concerns further suggests that if government security-related initiatives were to be perceived as intrusive, the justification for such initiatives would decline. This would erode public support for government security initiatives and may, in turn, undermine government efforts to increase protection for the public.

Even if intent is positive, still proves a negative relationship between the government and disclosing information

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These results are important and interesting for a number of reasons. The empirical support for the important role of privacy in e-commerce is consistent with other studies which show that privacy concerns inhibit online transactions (Culnan and Armstrong, 1999, Harris Interactive, 2003a, Harris Interactive, 2003b, Dinev and Hart, 2003 and Dinev and Hart, 2004). The direction of these findings also reinforces the notion that disclosing how personal information is gathered and processed through online transactions is important to Internet users. The findings regarding perceived need for government surveillance and government intrusion concerns suggest that the respondents of our survey were of two minds regarding government initiatives. The perceived need for government surveillance was positively related to willingness to disclose personal information and negatively related to Internet privacy concerns. On the other hand, government intrusion concerns were positively related to the Internet privacy concerns but did not affect willingness to disclose personal information. And, we found a negative relationship between perceived need for government surveillance and government intrusion concerns. A close examination of the items used to measure these two constructs shows that they are similar except for their orientation. The need for surveillance items were proactive statements addressing actions needed to be taken by the government. The intrusion concerns were statements about how actions would affect the respondents. Are the respondents saying: do what needs to be done to ensure security but we do not approve of what these actions will do to us or while security initiatives might be good for the country and e-commerce, they are not good me? There is an important nuance in these different interpretations. The first interpretation would indicate that the respondents are uncertain about how to view the need for security initiatives. They are necessary but they have negative consequences and the resolution of this tension is not clear. The second interpretation would indicate that the respondents acknowledge the need for security initiatives and that there will be negative consequences regarding privacy. The tension is not resolvable and therefore they will modify their behavior. It is not clear to us whether we can claim the accuracy of one of these interpretations over the other based on the data we have analyzed. However, the possibility of either begs for further study, especially because commercial surveys capture similar nuances Harris Interactive, 2001, Harris Interactive, 2002, Harris Interactive, 2003a and Harris Interactive, 2003b. They consistently indicate that, in spite of a relatively small decline in public support since 9/11, there is a broad consensus in favor of giving law enforcement increasing powers. At the same time, however, Harris surveys indicated that the public is anxious that certain initiatives pose threats to individual privacy – their primary message was Proceed – but with great care Harris Interactive, 2001, Harris Interactive, 2002, Harris Interactive, 2003a and Harris Interactive, 2003b. The consistently mixed results of opinion polls about public attitudes toward surveillance since September 11, 2001, are in accordance with our findings. A recent poll about U.S. public support of the warrantless wiretapping program (Nagourney and Elder, 2006) provided particularly strong support for our results and interpretations of continuing mixed

attitudes of the American public. According to the survey results, American citizens were willing to support a surveillance program if they believed it was intended to protect them. They however overwhelmingly opposed the same kind of surveillance if it was aimed at ordinary Americans. Thus, the majority of Americans approved of eavesdropping without prior court approval in order to reduce the threat of terrorism. When the same question was asked, but stripped of any mention of terrorism, the majority of the respondents said they disapproved.

Link- Finance

Surveillance causes behavior change-people are less inclined to act immorally-studies prove especially in financial contexts

Lohr 13-Steve, tech reporter for NYT, internally cites study conducted by Lamar Pierce, an associate professor at the Olin Business School at Washington University in St. Louis; Daniel Snow, an associate professor at the Marriott School at Brigham Young University; and Andrew McAfee, a research scientist at the Sloan School of Management at the Massachusetts Institute of Technology(8/26/, "How Surveillance Changes Behavior: A Restaurant Workers Case Study", New York Times, <http://bits.blogs.nytimes.com/2013/08/26/how-surveillance-changes-behavior-a-restaurant-workers-case-study/>) HC

The paper, "Cleaning House: The Impact of Information Technology Monitoring on Employee Theft and Productivity," is the work of three academics: Lamar Pierce, an associate professor at the Olin Business School at Washington University in St. Louis; Daniel Snow, an associate professor at the Marriott School at Brigham Young University; and Andrew McAfee, a research scientist at the Sloan School of Management at the Massachusetts Institute of Technology. The researchers measured the impact of software that monitors employee-level theft and sales transactions, before and after the technology was installed, at 392 restaurants in 39 states. The restaurants were in five "casual dining" chains. The paper does not name the five, but it cites examples of the casual dining category including Applebee's, Chili's and Olive Garden. Employee theft and fraud is a big problem, estimated at up to \$200 billion a year across the economy. In the restaurant industry, analysts estimate the losses from employee theft at 1 percent of revenue. That does not seem like a lot, but restaurant profit margins are slender, typically 2 to 5 percent. So cutting down on theft can be an important contributor to a restaurant's financial health. Most of the restaurant industry pays its servers low wages and they depend on tips. Employee turnover is high. In that environment, a certain amount of theft has long been regarded as a normal part of the business. Unethical behavior runs the gamut. There is even a how-to book on the subject, published in 2004, "How To Burn Down the House: The Infamous Waiter and Bartender's Scam Bible by Two Bourbon Street Waiters." A simple example is a bartender's not charging for a round of drinks, and urging the customers to "take care of me" — with a large tip. Other tactics are more elaborate. But monitoring software is now available to track all transactions and detect suspicious patterns. In the new study, the tracking software was NCR's Restaurant Guard product, and NCR provided the data. The software is intentionally set so that a restaurant manager gets only an electronic theft alert in cases that seem to clearly be misconduct. Otherwise, a manager might be mired in time-consuming detective work instead of running the restaurant. The savings from the theft alerts themselves were modest, \$108 a week per restaurant. However, after installing the monitoring software, the revenue per restaurant increased by an average of \$2,982 a week, or about 7 percent. The impact, the researchers say, came not from firing workers engaged in theft, but mostly from their changed behavior. Knowing they were being monitored, the servers not only pulled back on any unethical practices, but also channeled their efforts into, say, prompting customers to have that dessert or a second beer, raising revenue for the restaurant and tips for themselves. "The same people who are stealing from you can be set up to succeed," said Mr. Pierce of Washington University. In the research, the data sets were sizable. For example, there were more than

630,000 transactions by servers tracked and collected each week over the course of the project. But more significant, the researchers say, is what the data analysis might contribute to fields of study like social psychology and behavioral economics — and the business discipline of human resources management. In human resources, much emphasis is placed on employee selection: if you pick the right people, they will do the right thing. Instead, this research suggests that the surveillance effect on employee behavior is striking. “What’s surprising is the weird effectiveness of the intervention, once the monitoring technology is in place,” said Mr. McAfee of M.I.T. Not surprisingly, NCR is delighted by the results. “It validates the customer data we’ve seen,” said Jeff Hindman, a vice president at NCR. “But this is done by outside experts with the academic standards and statistical rigor they bring to the analysis.”

Impact—Sex Trafficking—Nuke Terror

Government online monitoring is key to stop trafficking

Latonero 11 (Mark, research director and deputy managing director at the Annenberg Center on Communication Leadership & Policy and a research assistant professor at the University of Southern California, “Future Action for Trafficking Online”, <http://technologyandtrafficking.usc.edu/report/future-action-for-trafficking-online/>)CDD

Human trafficking via online technologies can be addressed by a variety of actors, including those in government, the private sector, NGOs, service providers, and academia. This section explores possibilities for future action with a focus on cross-sector partnerships.¹ Government Ambassador Luis CdeBaca recently testified, “As important as innovations and partnerships with civil societies are, it remains a core governmental responsibility to fight against modern slavery.”² The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 called for a study specifically focused on the relationship between the Internet and sex trafficking. Section 237(c), on “Reports and Studies,” states: “subject to availability of appropriations, the head of the National Institute of Justice shall conduct ... a comprehensive study to examine the use of Internet-based businesses and services by criminal actors in the sex industry, and to disseminate best practices for investigation and prosecution of trafficking and prostitution offenses involving the Internet.”³ However, according to the National Institute of Justice, funds were not appropriated for the study.⁴ Research studies can inform future policy and action and lead to innovative technologies, which law enforcement and government officials can use in anti-trafficking efforts. Government officials can play an essential role in the response to trafficking online by allocating resources for further research related to sex and labor trafficking in domestic and international contexts. Enforcement efforts in this space are especially dependent on specialization and expertise that can keep pace with the rapidly changing technologies that can be used to facilitate or combat trafficking. To promote the development of this expertise, additional actions for government officials include: Establishing national-level taskforces on trafficking online and supporting existing regional taskforces with information and capabilities to address trafficking online. Enabling federal and local agencies to develop the technological capabilities to monitor trafficking online and to share information among organizations. Informing national taskforces and government officials about issues related to technology and trafficking and providing training and skills on how best to use these technologies are inter-related endeavors. Federal and local officials could also work toward coordinating databases and developing platforms for information sharing on trafficking cases. Private-sector expertise could assist these government efforts. As Yury Fedotov, executive director of UNODC, notes, “When it comes to fighting crime there has to be a partnership between the public and the private sectors. Crime prevention and victim protection cannot be achieved by governments or criminal justice systems alone; we need Internet service providers, civil society, the media, educational institutions and the public on board.”⁵

Human trafficking is critical support for terrorism--- key to facilitate terrorist travel and alliances

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Select cases show that supporters and facilitators have actually used human trafficking to support terrorist efforts. Three Pakistani citizens—who were tried in a U.S. court—pleaded guilty to provide material support to the Tehrik-e-Taliban in Pakistan (TTP), a designated foreign terrorist organization (FTO) often referred to as the “Pakistani Taliban.”⁶² The three men ... admitted that between January 3, 2011 and March 10, 2011 they conspired to provide material support to the TTP in the form of false documentation and identification, knowing that the TTP engages in terrorist activity and terrorism. ^δ According to court documents ... [they] conducted a human smuggling operation in Quito, Ecuador that attempted to smuggle an individual they believed to be a member of the TTP from Pakistan into the United States.⁶³ According to Assistant Attorney General for National Security Lisa Monaco, the case “underscores the threat posed by human smuggling networks that facilitate terrorist travel.”⁶⁴ A similar case was reported in Europe in late 2011, when a Helsinki man supporting the Somali Islamist al-Shabaab movement was arrested by Finland’s National Bureau of Investigation for participating in aggravated human trafficking with a terrorist intent. The lead investigator stated that “plans were under preparation for taking people abroad without their knowledge of the real purpose of their travel. There is reason to believe that they would have been taken to a training camp.”⁶⁵ This case is reportedly the country’s first-ever terrorism case, showing the expansion and pervasiveness of the nexus.^δ In 2011, the European Police Office (Europol) reported a growing connection between human trafficking and terrorism. Its European Union (EU) Terrorism Situation and Trend Report summarized member states’ intelligence and analysis that the Kurdistan Workers’ Party (PKK) and the Liberation Tigers of Tamil Elam (LTTE) were actively involved in human trafficking. The Canadian government further reported that LTTE entered the human cargo business when its arms smuggling profits dried up after the war in Sri Lanka ended.⁶⁶ In August 2011, the Criminal Investigation Department of Sri Lanka arrested a leading member of the LTTE named “Uganda Bala.” The human trafficker had been transiting between Malaysia, Singapore, India, Thailand, and several other countries, earning millions of rupees for LTTE by sending people to European countries via illegal means.⁶⁷ These reports not only highlight the linkages between human trafficking and terrorism, but they also show the resiliency and adaptability of these criminal nexus organizations.^δ Human traffickers and terrorists benefit from disruptions in an increasingly globalized world characterized by enclaves that provide space for illicit activities.⁶⁸ These spaces can be juridical, social, virtual, or territorial, and may be the result of the vacuum in power left by weak or failing states.⁶⁹ Like other forms of organized crime, human trafficking is pervasive, and there is hardly a location in the world that is not affected, whether as an origin, transit, or recipient country.⁷⁰ As a result, the opportunity for linkages and alliances between human trafficking and terrorist groups is great and widespread. The following case studies provide a sampling of this growing phenomenon.

Nuclear terror causes accidental US/Russia nuclear war---extinction

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War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years,¹ potentially leading to collapse of modern civilization worldwide and even the extinction of humanity.² Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches.⁴) ¶ Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, though numerous measures were also taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counterattack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides' development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack.⁵ ¶ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced.⁶ However, it has also been argued that inadvertent nuclear war between the United States and Russia has continued to present a substantial risk.⁷ While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack.⁸ ¶ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time.⁹ Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb,¹⁰ especially if such an event occurs during a crisis between the

United States and Russia.¹¹ A variety of nuclear terrorism scenarios are possible.¹² Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States.¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security.¹⁴ It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.-Russian crisis conditions,¹⁵ with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.-Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks.¹⁶

XT – Patriarchy IMP

Sex trafficking reifies the politics of patriarchy which makes extinction inevitable and turns the case

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[Karen and Duane, *Feminism and Peace: Seeing Connections*, Hypatia, Vol. 9, No. 2, Spring, p4-20]

Operationalized, the evidence of patriarchy as a dysfunctional system is found in the behaviors to which it gives rise, (c), and the unmanageability (d), which results. For example, in the United States, current estimates are that one out of every three or four women will be raped by someone she knows; globally, rape, sexual harassment, spouse-beating, and sado-masochistic pornography are examples of behaviors practiced, sanctioned, or tolerated within patriarchy. In the realm of environmentally destructive behaviors, strip-mining, factory farming, and pollution of the air, water, and soil are instances of behaviors maintained and sanctioned within patriarchy. They, too, rest on the faulty belief that is okay to “rape the earth,” that it is “man’s God-given right” to have dominion (that is, domination) over the earth, that nature has only instrumental value, that environmental destruction is the acceptable price we pay for “progress.” And the presumption of warism, that war is a natural, righteous, and ordinary way to impose dominion on a people or nation, goes hand in hand with patriarchy and leads to dysfunctional behaviors of nations and ultimately to international unmanageability. Much of the current “unmanageability” of contemporary life in patriarchal societies, is then viewed as a consequence of a patriarchal preoccupation with activities, events, and experiences that reflect historically male-gender-identified beliefs, values, attitudes, and assumptions. Included among these real-life consequences are precisely those concerns with nuclear proliferation, war, environmental destruction, and violence towards women, which many feminist see as the logical outgrowth of patriarchal thinking. In fact, it is often only through observing these dysfunctional behaviors—the symptoms of dysfunctionality—that one can truly see that and how patriarchy serves to maintain and perpetuate them. When patriarchy is understood as a dysfunctional system, this “unmanageability” can be seen for what it is—as a predictable and thus logical consequence of patriarchy. The theme that global environmental crisis, war, and violence generally are predictable and logical consequences of sexism and patriarchal culture is pervasive in ecofeminist literature. Ecofeminist Charlene Spretnak, for instance, argues that “a militarism and warfare are continual features of a patriarchal society because they reflect and instill patriarchal values and fulfill needs of such a system. Acknowledging the context of patriarchal conceptualizations that feed militarism is the first step toward reducing their impact and preserving the earth”. Stated in terms of the foregoing model of patriarchy as a dysfunctional social system, the claim by Spretnak and other feminists take on a clearer meaning: Patriarchal conceptual frameworks legitimate impaired thinking (about women, national and regional conflict, the environment) which is manifested in behaviors which, if continued, will make life on earth difficult, if not impossible. It is a stark message, but it is plausible. Its plausibility lies in understanding the conceptual roots of various women-nature-peace connections in regional, national and global contexts.

XT—Moral Obligation

We have a moral obligation to fight human trafficking

Pryce '6 Deborah Pryce. (US Representative). May 8, 2006. "Combatting Modern Day Slavery."

<http://www.humanevents.com/article.php?id=14618> Accessed 7/5/13

We have a moral obligation to fight this evil. Trafficking in human beings is an assault on our most cherished beliefs, that every human being has freedom and dignity and worth. A nation that stands for the freedom and dignity of every human being cannot tolerate the exploitation of the innocent on its own soil. This needs to be a national priority, because it is a global outrage. In 2005, I led a congressional delegation to Italy, Greece, Albania and Moldova to meet with trafficking victims and government officials and discuss ways to end this crime and protect its victims. During this trip, and later during hearings I held as chairman of a House financial services subcommittee, I heard testimony on the economic and financial implications of human trafficking, as well as the heartrending stories of trafficking victims. Their stories of rape, torture and routine brutality are simply beyond description. Congress passed, and the President signed, the Trafficking Victims Protection Reauthorization Act. This legislation strengthens the original Trafficking Victims Protection Act to keep the U.S. at the forefront of the global war on this modern-day slavery. Included in the \$360-million package is an expansion of the Operation Innocence Lost program, a nationwide initiative that aggressively pursues sex traffickers and child prostitution rings. Over the last two years, the program has rescued more than 200 child victims and helped uncover the Toledo sex trafficking ring. Congress has also recently taken steps to target demand for sex trafficking. Provisions of the Trafficking Victims Protection Act that I authored along with Rep. Carolyn Maloney (D.-N.Y.) will provide state and local law enforcement with new tools to target demand and investigate and prosecute sex trafficking, fund a national conference on best practices for reducing demand for sex trafficking and fund a review of the incidence of sex trafficking in the U.S., to provide us with a more accurate picture of the scope of this problem. Our law enforcement strategy must be wedded to a vigorous partnership between government agencies and private and religious organizations on the front lines of this struggle. For years these groups have helped rescue and support trafficking victims and raise awareness about the fight against human trafficking. Human trafficking is a heinous crime, a betrayal of one of the most basic obligations of morality -- the obligation to defend the innocent. The presence of this scourge in our midst cannot and will not be tolerated. But those who would so debase themselves and the human family by buying and selling women and children are beyond mere reproach. They will not respond to outrage, but to action.

Impact—Online Illegal Transactions-

Surveillance capabilities deters illicit online commercial transactions

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The role of new technologies in facilitating law enforcement has, if anything, been growing. Even as new information technologies enable crossborder crime, these technological advances also greatly increase tracking and surveillance capacities (well beyond traditional wiretapping, which itself was a crucial technological development for state authorities).⁵⁶ Technology has also dramatically lowered the costs and increased the intensity and frequency of trans-governmental law enforcement networks, allowing state actors to interact with their foreign counterparts more rapidly and frequently.⁵⁷ In short, many of the same technological transformations that facilitate the globalization of crime also facilitate the globalization of crime control. And new technologies will continue to enhance the ability of states to police the cross-border flow of people, cargo, money, and information. For example, the "virtual borders" increasingly promoted by U.S. law enforcement strategists are essentially electronic borders.⁵⁸ The digitization of border controls has ranged from the use of more-expansive and -sophisticated databases for "data mining" and computer tracking systems to the creation of more tamper resistant travel documents and "smart" IDs with biometric identifiers (such as digital fingerprints and facial and retinal scans). Some illicit uses of new technologies such as electronic banking leave digital fingerprints that state authorities can detect and trace.⁵⁹ This is one reason why the use of informal banking mechanisms (such as hawalas) are often preferred over the formal banking system, and why concerns about digital eavesdropping can make transnational law evaders wary of using cell phones and other forms of electronic communication. Similarly, illicit online commercial transactions are often constrained by the need to use credit cards, which leave a record. This is partly the reason that so many illicit activities on the Internet—whether the circulation of pirated music or child pornography—involve a barter exchange economy based on file sharing rather than financial transactions.

Direct correlation between illicit trade and conflict

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Illicit global trade has also been increasingly blamed for fueling armed conflicts, and vice versa. Indeed, links between the illicit global economy and conflict are considered a defining attribute

of so-called new wars.⁸⁵ The economic incentives and opportunities presented by illicit trade are also an important part of the “greed and grievance” debate in the literature on contemporary civil wars.⁸⁶ Prominent cases include drug production and trafficking (Colombia and Afghanistan), export of “conflict diamonds” (West Africa), and embargo busting, theft, and diversion of humanitarian aid (the Balkans), among others. New transportation and communication technologies also clearly facilitate longdistance diaspora mobilization and funding of conflicts, as evident in the Balkans and elsewhere.⁸⁷ Illicit trade and conflict are clearly connected in many cases and in many ways, and international interventions of various sorts (such as delivering humanitarian aid, deploying peacekeepers, and imposing economic sanctions and arms embargoes) can unintentionally exacerbate this connection.⁸⁸ But this connection is too easily overstated and oversimplified. Take the case of the illicit drug trade, which is increasingly depicted as closely connected to armed conflict.⁸⁹ There is nothing automatic and predetermined about this connection, which is made readily apparent by the fact that many drug-producing and transit areas are not war zones, and similarly, that many war zones are not drug-producing and transit areas. And in one particularly prominent case, Mexico (a major heroin, marijuana, and methamphetamine producer and the main transshipment point for U.S.-bound cocaine), the country’s large drug trade and small and isolated insurgencies have been strikingly disconnected. Similarly, Bolivia has long been a major coca producer (the raw material used for cocaine) and has gone through many bouts of political instability—but so far without turning to armed conflict. In Colombia, the drug trade has been a key factor in extending the armed conflict, providing a major source of financing for both leftist guerillas and right-wing paramilitaries, but it should also be remembered that the conflict long predates the rise of the Colombia drug trade.⁹⁰ It should also be emphasized that despite the “new wars” label, the connection between illicit trade and conflict is not a post-Cold War invention. It goes back not just decades but centuries. One need only look to the early American historical experience: much to the dismay of the British imperial authorities, illicit trade kept French forces clandestinely supplied by American colonial merchants during the Seven Years’ War, and transatlantic smuggling kept George Washington’s Continental Army supplied during the American War of Independence.⁹¹ Much to the delight of the British, American colonial merchants illicitly traded with the enemy and helped keep English forces supplied during the War of 1812, and confederate cotton smuggling helped keep English mills supplied during the American Civil War.⁹² Then, as now, it was often difficult to clearly differentiate between greed and grievance. But there is certainly no evidence to suggest that today’s insurgents are more profit-driven than some of their American predecessors: one need only examine the large and lucrative privateering business (which the British defined as piracy) during the American Revolution to realize how much economic motives can be a decisive contributor to a rebel political cause.⁹³

Illicit globalization causes conflict

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Illicit Global Economy: The Dark Side of Globalization", 5-18-10, Accessed 7-25-15, <http://webpace.pugetsound.edu/facultypages/bdillman/382Readings/Reading1.pdf>] hk

According to the standard story of illicit globalization, as criminal enterprise has gone global, so too has the violence associated with it. This violence comes in two forms: first, violence as an inherent attribute of illicit business transactions; and second, illicit business as an economic motivator and/or enabler of contemporary internal wars—what some observers have called “new wars.”⁷⁹ Regarding the first claim, illicit market transactions tend to have more potential for violence than licit market transactions, given that the market actors do not have recourse to the law to enforce contracts or to protect or punish depredations by other participants or outsiders. Lacking the protections of the law, illicit market actors must rely on informal forms of control to resolve their disputes, punish those who impede their livelihood, and deter those who might otherwise interfere. Violence is one such form, a time-honored form of self-help. Nevertheless, actors in the illicit global economy are defined more by stealth than by violence.⁸⁰ Part of the reason that violence and illicit markets are so closely linked in conventional accounts is that episodes of violence draw the most attention and provoke the most concern. Thus, the analysis is distorted by selection bias. Such selection bias privileges the most-violent sectors of the illicit economy—most notably the illicit drug trade, though even drug markets are less violent than is commonly perceived.⁸¹ Moreover, within the drug trade, there is a privileging of attention to hard drugs such as cocaine and heroin (relatively high levels of violence) over soft drugs such as marijuana (relatively lower levels of violence). And within the trade in hard drugs, there is selection bias that favors attention to the most-violent places and actors. Contrast Colombia (relatively high levels of violence) to Bolivia (relatively much lower levels of violence)—both countries that are deeply enmeshed in the coca/cocaine trade, yet Colombia receives far more attention.

Democracy

Tech advances and the internet advance capitalism while undermining freedom and democracy

Robert McChesney 13, University of Illinois communication professor, writer of Digital disconnect, March 14, 2013, phys.org, <http://phys.org/news/2013-03-capitalism-democracy-compatible-internet-author.html>, AB)

Two decades into the digital age, the Internet is now "enmeshed in the fabric of nearly every aspect of life," says University of Illinois communication professor Robert McChesney. In ongoing debates about its influence and future, there are, he says, celebrants and skeptics. But there's an "elephant in the room" that's getting little attention, McChesney says in a new book. That elephant is capitalism, and its growing dominance of the Internet is threatening everything from privacy to democracy. Both the celebrants and skeptics "take capitalism for granted as part of the background scenery" and disregard the political economy, McChesney writes in "Digital Disconnect: How Capitalism is Turning the Internet Against Democracy," published this month by The New Press. "When capitalism is mentioned, it is usually as the 'free market,' which is taken as a benevolent given, almost a synonym for democracy," McChesney writes. Yet "really existing capitalism" doesn't fit with the free-market "catechism" or with democracy, he writes; "the crisis of our times is that capitalism undermines democracy." The Internet has been transformed from the noncommercial and public space that many dreamed of in its earlier days to one that "has been commercialized, copyrighted, patented, privatized, data-inspected, and monopolized," McChesney writes. As part of that process, advertising has been transformed online in a way that eliminates previous notions of privacy, and the government has surveillance powers that were once unimaginable. Large telecommunication and entertainment corporations that once appeared to be vulnerable, because of the Internet, have prospered through their influence in a "corrupt" policymaking process. The Internet giants that have risen over the last two decades are not the progressive force some think them to be, and have prospered as the result of monopoly privileges, exploited labor, and government policies and subsidies, he says. McChesney has written extensively in the past about the politics and economics of the media, the decline of journalism, and corporate influence in the government's media policymaking. He also is a co-founder of Free Press, a media reform organization. This book comes now, McChesney writes, because he sees the Internet as having crystallized to a significant degree. "We are in a position, in some respects for the first time, to make sense of the Internet experience and highlight the cutting-edge issues it poses for society," he writes. We also are in a better position to understand what decisions can be made that might determine the future of the Internet and its influence in shaping the society, he says in the book. Among his prescriptions: broadband availability to all for free as a basic right, strict regulation of advertising and a sharp reduction or elimination of the tax write-off of advertising as a business expense, heavy regulation of digital "natural monopolies" or conversion of them to nonprofit services, large public investments in journalism, net neutrality, strict privacy regulations that make online activities as private as correspondence in the mail, and strong legal barriers against militarization of the Internet and use of it for warrantless surveillance. Yet while outlining these and other reforms related to the broader communications environment, McChesney pessimistically writes that none of them have a chance of enactment given the power of wealth

and corporations in the policymaking process. Movements for democratic reform and revolution will therefore be required, he writes, and he believes those movements are emerging. "At the center of political debate will be economics: What sort of economy can best promote democratic values and structures and self-governance while nurturing the environment? And at the center of everything will be the Internet. The democratization of the Internet is integrally related to the democratization of the political economy. They rise and fall together."

Internet Freedom

Internet freedom creates a radical form of democracy which fractures ecological regimes and makes environmental destruction inevitable

Aigrain 14 - Aigrain is one of the founders of La Quadrature du Net, a non-profit association that defends rights and freedoms of citizens in the digital sphere and acts at both National and European level. He is also one of the founders of the INTERDEMOS group of political solidarity with Greece. He has authored several books on the potential of the commons and sharing for cultural, social and political empowerment and human development [Phillipe Aigrain, "Can the bottom-up actions of citizens regenerate democracy in Europe? ", 6-27-14, Accessed 7-13-15, <http://www.eutopiamagazine.eu/en/philippe-aigrain/issue/can-bottom-actions-citizens-regenerate-democracy-europe>] hk

The democratic crisis The fact that citizens of democratic regimes criticise the failure of those regimes to reach their stated objectives, and even doubt their ability to do so at all is part of democracy itself. That's no excuse for ignoring the depth of today's global crisis of democracies, and the particular intensity of this crisis in Europe. Despite democratic processes such as elections and parliamentary votes, there is a widespread feeling that our societies are governed by a small group of people among whom economic, media, and political interests are used for their own wealth and benefit. Even though the digital revolution has made it possible for more and more activities to take place without monetary transactions, most political thinking is dominated by a narrow economism. Non-market production and exchanges are at best ignored, in most cases considered as temporary market failures to be overcome or eradicated by various means. Production and distribution models have been installed that fail to spread the benefits of technological progress among all, that is to share both work and free time. Many people are pressured to accept low-paid menial jobs or stigmatised for receiving benefits and appearing to be unemployable, albeit in non-existent jobs. Though real professional achievements are more and more on a group basis, stressful managerial environments based on individual performance indicators are widely imposed. The organisation of cities, commerce, work or media takes freely usable time and turns it over to consumer-driven activities instead of creative and social ones. The urgency of ecological reform is stubbornly ignored in order to protect unsustainable industrial and consumption models and short-term profit. Several more or less consistent lines of analysis have been proposed to find ways to overcome this democratic crisis. The first concentrates on the oligarchic evolution of our ruling classes – the increase in inequalities and the way in which the interests of a new group of the hyper-rich are serviced. The second describes our societies as post-democratic, and pays more attention to institutional processes and the role of managerial techniques in the destruction of the social and democratic fabric. A third line emphasises the dual role of the digital revolution, strengthening on the one hand the ability of large organisations to arrange production in ways that weaken collective resistance, and to control and keep watch on societies; and on the other hand the development of new abilities in individuals and groups to develop critical thinking, to coordinate, innovate and put in place concrete alternatives. Thinkers who adopt the third line of analysis are more optimistic about the possibility of the regeneration of democracy, even though they acknowledge that the challenges it is facing are great. The response of citizens to the democratic crisis Marking a new relationship between citizens and politics are activism and advocacy for internet freedoms and

rights in the digital sphere; the much more widespread use of internet-mediated political action in the Iranian, Syrian, Spanish and Turkish uprisings; and the commons movement in Italy and more generally in Europe. These differ profoundly from the anti-globalization movements of the end of the twentieth century and from the single issue movements led for instance by NGOs in the environmental, social or gender domain. This difference can be summed up by looking at three interrelated aspects: decentralisation, a new relationship between the individual and the collective, and a combination between political struggles and the direct construction of alternative ways of producing and sharing. The new movements are rooted in the personal expression of individuals, but they are by no means individualist in the neo-liberal sense. They aim to develop communities based on friendship, shared interests, practices or neighbourhoods, and whose products are under commons statute. They may include trade, but only as one activity means among many others. They are characterised by the participation of individuals in several communities or activities. This involvement might take the form of participation in activities rather than formal membership or affiliation. Each community relies heavily on computer networks and digital media for expression and coordination, and for the activities themselves (be it software, internet activism, digital culture, or local exchange systems). The achievements of these movements are impressive, well beyond the limits normally faced by pressure groups, according to Colin Crouch. He stresses the fact that single issue NGOs gain local victories by putting 'their' issues on the agenda, but fail to achieve real change by overcoming the obstacles a post-democratic world faces. In contrast, the new social movements appear much more powerful and attractive, with their combined aims of radical political reform and the building of a better daily life. Not only do they score victories such as the rejection of the ACTA treaty in the European Parliament or the outcome of the referendums on water management in Italy; they also build new technology such as free software or open design, and they create new participatory processes with new mechanisms such as zero-interest loans between individuals, and participatory financing based on donations. More generally, they regenerate the autonomous production and exchange of goods, services, culture, and knowledge. However, they also face obstacles that result from the dilemma of how to position themselves in relation to the centralised political and economic power. Limits to the democratic regeneration and new paths

The economic and social constraints which we can see embodied in existing policies are the first obstacle for movements that try to revisit options for the development of our societies. These constraints might be the domination of finance in the overall economic system, the domination of older media and advertising in representations of what is desirable, the inertia of production and consumption models, the town planning and social organisation of cities and the resulting constraints on time for most individuals, etc. These obstacles have been identified in Stefano Bartolini's *Manifesto per la felicità* or Juliet Schor's *Plenitude*, in which they advocated public policies and changes in individual behaviour to overcome these difficulties. Despite the looming ecological crisis, and the devastating social cost of maintaining the status quo, the changes needed for a new system appear out of reach to many. The attractiveness of refocussing our societies on knowledge and cultural sharing, on collaboration rather than war-like economic competition, on information-based rather than energy-based activities, on quality rather than cost appeals to those who are already engaged in such related practices. However, too many still think they have more to lose than to gain in making such a change, even though their social situation, their self-esteem, the sense of meaningfulness of their life deteriorates.

Such obstacles could be overcome in time, as more and more people drop out of the dominating economic and social system to various degrees and experience the benefits of the new practices. However, such a gradual scenario is made unlikely by the attitude of the present post-democratic leaders. They describe any attempt at radical reform arising from the new social movements, and the related criticism addressed at their policies, as yet another form of populist demagoguery. Rather than trying to create new coalitions with these movements (the post-occupation movements in Spain, the *beni comuni* movements in Italy, the internet freedom and knowledge sharing movements in many European countries, the relocalisation movements in agriculture and production, etc.), they stigmatise them and create a more hostile regulatory framework for them. It seems that they would rather face real populist xenophobia in the hope that it will convince people to keep supporting them rather than opening the door to radical reform. These external constraints must not hide the fact that the grassroots 'reboot' of society also faces internal obstacles, and in particular the difficulty of participants in agreeing a core reform platform. They reuse or develop interesting collective deliberation tools, from the sign-based practices in the *Acampada* or *Occupy Wall Street* movements, to internet-based decision-making tools such as *Liquid feedback*. However, these approaches have proven inefficient when it comes to developing new ideas. In Spain, a mixed approach has appeared that seems more promising. The 15 May 2011 movement was made possible by earlier work on designing a policy platform. Its later development included an interesting interaction with proponents of radical reform policies in the intellectual sphere. Networks such as *Partido X* made extensive use of digital technology to develop their proposals and submit them to comments by a wider public. The policy which resulted fed the programme of *Podemos* and some other movements which obtained significant success in the European Parliamentary elections of May 2014. Overall, the jury is still out. Will the stubborn application of economic status quo policies leave no other possible change open than the development of regressive xenophobic and authoritarian regimes? Or will a sufficient number of humanist and progressive policy makers understand that their duty is to empower those who have already tried to build another future?

Warming/Consumption

Surveillance key to battling overconsumption---monitoring of homes

Cakici 13 (Baki, postdoctoral researcher at Goldsmiths, University of London, Department of Sociology, PhD from Stockholm University, Department of Computer and Systems Sciences, 2013, "Sustainability through surveillance: ICT discourses in design documents", *Surveillance and Society* 11(1/2), pp. 177-189, Accessed 7/13/15)//LD

A highly vibrant intersection of sustainability and ICT is called the smart home. While it seemingly refers to an isolated housing unit, it is physically connected to infrastructures as much as any other urban structure, and its information networks reach even further into central servers that collect data at the street, district, city, and nation level. In the smart home, a wide variety of surveillance systems gather sensor and usage data from the surroundings. The gathered data are used by system designers, managers, other technological systems as well as the inhabitants themselves to interpret the activities within the home and to manipulate the home environment. In this description, the home is smart because it is populated by sensor systems. However, it is also a home, because it is populated by the inhabitants. While they go about their daily lives, the sensor systems continually record the interior temperature, water and electricity consumption, and the movements within the home. These measurements are gathered to create representations of the inhabitants' behaviour over time using central databases and statistical methods for analysis. The data, collected from many smart homes simultaneously, are used to reconfigure the image of a standard home: how much energy is consumed, how much movement occurs in it, how many humans live together, etc. The data collection is made invisible, but certain results are communicated back to the inhabitants in the form of logs, graphs, and bills. In the smart home and its surroundings, sustainability is linked to ICT through surveillance. Following David Lyon's definition, surveillance takes the form of routine attention to personal details with the intention to sort and classify (Lyon 2007: 14). Personal data are collected not only to make systems more efficient, but also to provide ways of creating categories, comparing different individuals, and sorting individuals into groups. The consequence of bringing ICT into the smart home resembles that of any other surveillance system anywhere else; it generates and expresses power (2007: 23). I refer here to the Foucauldian notion of power: it is immanent in all relations, inherently productive, and possible to resist, or rather, constitutes resistance (Foucault 1976: 92-96). The power expressed by surveillance links sustainability and ICT by making possible the formulation of knowledge about a population of smart home inhabitants. In the smart home domain, it appears as categories, groupings, and classifications. These can collectively be seen as normalisations: In a sense, the power of normalization imposes homogeneity; but it individualizes by making it possible to measure gaps, to determine levels, to fix specialities and to render the differences useful by fitting them one to another. (Foucault 1975: 184) As Foucault describes the process, the creation of averages also provides a way of combining differences. The 'inhabitant' category is constructed by measuring the differences in consumption and linking them using statistical methods to produce a whole. In the case of energy consumption, those that consume less and those that consume more (themselves categories constructed through surveillance), can be connected to form a single category under the label 'smart home inhabitants'. With such a construction, the differences of the category are made useful in the quest for sustainability. For

example, by regularly monitoring the events in and around the home, it becomes possible to translate traces of everyday life into values such as 'avoiding excessive consumption' that the inhabitants are encouraged to recognise and support in their lives. Categories and classifications are imbued with values, because they make some things visible while concealing others (Bowker and Star 2000). Donaldson and Wood (2004) have emphasised the importance of categories by defining surveillance itself as a process of translating worldviews, denoting systems of categorisation, into materialities. Categories embedded into ICT have also been understood as attempts to control and discipline those who use the systems (Suchman 1994a), although as with any other expression of power, they can also be contested and resisted. In the case of the smart home, surveillance systems categorise and classify traces of consumption behaviour. However, the categories themselves have to be created somewhere. In this paper, I examine acts of category creation in design documents.

Surveillance solves warming---ICT enables reduction in CO2 emissions

Cakici 13 (Baki, postdoctoral researcher at Goldsmiths, University of London, Department of Sociology, PhD from Stockholm University, Department of Computer and Systems Sciences, 2013, "Sustainability through surveillance: ICT discourses in design documents", *Surveillance and Society* 11(1/2), pp. 177-189, Accessed 7/13/15)//LD

*ICT = information and communication technology

The three projects share the common goal to design and develop ICT to accomplish sustainability goals. These goals are defined under four headings in the SRS report: climate change, ecological sustainability, economic sustainability, and social sustainability (SRS 2011: 5). The HGI report only refers to the concept of sustainability in the abstract, favouring the terms 'energy efficiency' and 'reduction in energy consumption' instead (HGI 2011: 9). The FINSENY report motivates its focus through its understanding of the users, where the 'generic home dwellers' are willing to accept optimising technologies if the services are kept at the same level, and a few who are 'energy conscious' and thus more likely to be proactive (FINSENY 2011: 20). I return to the definition of the user in the next section. In all three reports, similar future urban environments are described as being rendered more environmentally sustainable by introducing ICT. Many of the technologies rely on the wealth of sensors proposed for inclusion in smart homes. The properties of the inhabitants of these homes are made visible by the wide-spread use of surveillance systems in the form of sensor networks. Additionally, in the SRS report, the phrase 'the ease of doing the right thing' appears in several sections, denoting a specific right thing, a way of behaving sustainably with the help of ICT. Regarding the evaluation of a population and the ordering of individuals through ICT, the HGI report cites the European Union directive 2006/32/EC in its introduction, which states that member states should ensure that energy distributors make available 'comparisons with an average normalised benchmarked user of energy in the same user category' (European Parliament 2006: 72). In accordance with the directive, the use case 'Visualization of historical data' proposes to allow the customers to 'compare their own energy consumption with other similar customer/communities types' (HGI

2011: 27). These comparisons are motivated in the 'business rationale' section of the HGI report: Environmental degradation and global warming are among the major challenges facing society. . . The most pressing challenge is to reduce the rate of increase of greenhouse gases in the atmosphere and ultimately to decrease the absolute level of these gases. . . ICT technologies can help reduce energy consumption and manage scarce resources, improve efficiency and contribute to cutting carbon emissions. . . Smart Metering, Smart Buildings and Smart Grids, are among the most important ICT-enabled solutions with the highest potential to reduce CO2 emissions. (HGI 2011: 15) The HGI report constructs a particular society in which all inhabitants of the smart homes are compelled to act to counter environmental degradation through the use of technological solutions. By framing the reduction in the rate of increase of greenhouse gases as the most pressing challenge, and proposing management and efficiency as potential solutions, the report links ICT to environmental sustainability. In the three reports I have analysed, energy is conceptualised primarily as a commodity to be bought and sold. The HGI report states that 'instead of measuring energy use at the end of each billing period, smart meters provide this information at much shorter intervals' and '[e]nergy companies will also be able to innovate and offer their customers new types of tariffs that will allow customers to take advantage of cheaper deals at off-peak times' (2011: 15). In the FINSENY report, the consumer is defined as having 'signed a contract with the electricity provider to access electricity' (FINSENY 2011: 23), and that 'for many customers, monitoring energy consumption is in fact monitoring the bill' (2011: 21). In these proposals, sustainability is interpreted as something that can be achieved in the future and only through change. Since the ability to sell energy, and hence the structure of the participating organisations, is conserved, the partner that is designated as being compatible with change is users. After locating the potential of change in the users, ICT solutions are proposed to utilise that potential and to effect change. Viewed from this perspective, the status quo is preserved for the organisations that provide the energy, and the home dwellers become individually responsible for creating sustainable lifestyles with the help of ICT.

Surveillance key to eco-authoritarianism---urban planning

Krupar and Al 12 (Shiloh, Assistant Professor in the Culture and Politics Program at Georgetown University's School of Foreign Service, Ph.D. in cultural geography from the University of California at Berkeley, M.A. in East Asian studies from Stanford University, Stefan, Director of the Urban Design Programme at the University of Hong Kong, M.Sc. in Architecture from Delft University of Technology, an M.Arch. from the Bartlett UCL, Ph.D. in City and Regional Planning from UC Berkeley, 2012, "The SAGE Handbook of Architectural Theory", Chapter 14, "Notes on the Society of the Spectacle", Accessed 7/13/15)//LD

Authoritarian capitalist countries also promote themselves as sustainable and eco-friendly, following the lead of eco-cities such as Curitiba, Brazil, where urban planners have continually displaced democratic decision-making and political debate with fast-tracked remediations of the built environment (Lubow 2007). Beijing's 'Green Olympics' aimed to create an eco-city of control and surveillance, entrenching what some critics refer to as "ecological authoritarianism" (Reiss 2007). Fear and greenwashing are complementary. Green developments not only utilize surveillance cameras, biometric technologies, and other security devices but also function as promotional, cost-efficient 'overlay environments' for military bases, detention facilities, and other carceral landscapes. In fact, some of the most innovative 'eco-friendly atmosfear' is

produced in the field of incarceration, i.e., the much-touted 'sustainable prison' and Omni View's zero- blind-spot panopticon prison design.

Democracy Promotion DA vs. Internet Credibility

Boosting U.S. internet freedom credibility signals a strategic shift towards democracy promotion in Obama's foreign policy---that destroys U.S. relations with authoritarian powers---it's unique because Obama downplays internet freedom and democracy now

Theodore Kahn 10, PhD candidate in International Relations @SAISHopkins, Summer-Fall 2010, "Internet Freedom and the Challenge of a Principled Foreign Policy," SAIS Review of International Affairs, Vol. 30, No. 2

In his article Internet Freedom: Historic Roots and the Road Forward, State Department innovation advisor Alec Ross offers a compelling vision of a U.S. foreign policy grounded in the principles of freedom and individual rights. In his vision, a proactive State Department would monitor and report violations of Internet freedom by foreign governments and actively counter their efforts by spreading the technology and skills needed to circumvent censorship. Behind the scenes, U.S. officials would engage in diplomacy to encourage Internet repressors to change their ways. Such a policy could have a powerful impact on the state of democracy and human rights around the world. Unfortunately, the Obama administration does not seem especially interested in pursuing it.

The Internet freedom agenda Ross outlines falls under the rubric of democracy promotion. As the article points out, democracy promotion—the idea that the United States should encourage the development of plural, democratic governments abroad—has a long history in U.S. foreign policy. While most presidents and top diplomats have embraced the principle in their rhetoric, U.S. support for democracy has a mixed record in practice. The Bush years provide a case in point. The administration couched many of its aggressive foreign policy actions—most notably the invasion of Iraq—in the language of democracy promotion. This association with the foreign policy milieu of the Bush years, and the Iraq War in particular, has seriously damaged democracy promotion's reputation in Washington. Indeed, many of its day-to-day practitioners in the development field avoid using the term, preferring the more technocratic "democracy assistance."

Undoubtedly aware of this sentiment, President Obama has not made democracy promotion a foreign policy priority of his administration. There have been encouraging words, such as his speech in Cairo last June where Obama expressed his "commitment to governments that reflect the will of the people," but few actions to reflect that commitment.¹ Instead, the administration has embraced a variety of authoritarian regimes for strategic reasons. We have continued our close ties with Arab autocrats such as Hosni Mubarak, who has ruled Egypt for three decades, and the Saudi royal family; Obama has embraced Russian President Dmitri Medvedev, even as the Putin protégé and his mentor increasingly monopolize political power and abet a disturbing crackdown on civil society; and most glaringly, the [End Page 17] administration has studiously avoided provoking China's leadership on issues surrounding rights and political freedoms. The anecdote in Alec Ross' piece neatly makes the point: Obama's tepid endorsement of "openness" was promptly censored by the Chinese, with no objection on the part of the U.S. administration.

Of course, **the reasoning** behind these policy choices **is** straightforward. In each of the instances mentioned above, **the United States maintains a strategic relationship with the government** in question that the administration deems **more valuable than promoting** human rights or civil **liberties** in those countries. In the case of Egypt, for example, President Mubarak has been a willing partner in U.S. security initiatives in the region. The United States has been loath to risk jeopardizing that cooperation by pushing Mubarak to expand political freedoms—a process that could, of course, bring about his replacement by a less friendly government. But it is unclear whether the assumptions underlying this strategic calculus are correct. During his second term, President Bush did make a push for political openness in the Middle East; Mubarak responded at the time with unprecedented reforms but quickly backtracked after an Islamist group did well in elections. The Bush administration did not press the issue, but the point remains that the United States has the leverage to prod our allies on issues such as human rights and political freedoms while maintaining a cooperative, strategic relationship. Indeed, Egypt watchers have pointed out that security relations with the United States remained strong throughout this period.²

Obama's prioritizing cooperative relations with great powers over emphasizing democracy---the plan flips that strategy---causes great power conflict

Jakub Grygiel 11, Senior Fellow at the Center for European Policy Analysis and the George H.W. Bush Associate Professor of International Relations at Johns Hopkins-SAIS, October 3, 2011, "Great Powers and Democracy Promotion," online:
http://www.cepa.org/ced/view.aspx?record_id=319

Over the past few months, spurred by the popular uprisings in the Middle East and North Africa, U.S. President Barack Obama has seemingly realigned himself with **a stronger pro-democracy stance**. He indicated as much in his May speech at Westminster Hall in the UK, when he said that the United States stands "squarely on the side of those who long to be free." The challenge is that such support **is likely to lead to more tense relations with authoritarian Great Powers, contradicting** in many cases **this Administration's desire to engage** or reset relations with **them**.

Whether consciously or not, the **Obama** Administration recognizes this tension. The President's insistence that he would pursue a different foreign policy from that of his predecessor has in practice meant that Washington **is seeking better relations with Great Powers** (as exemplified by the reset with Russia) **and is pushing less vigorously to challenge oppressive regimes** abroad (remember the "Green" revolution in Iran?). The atmospherics in some cases (Russia in particular) have improved, in part precisely because Washington chose to ignore blatant violations of human rights in those countries. **The choice was between** polite and pleasant **relations with non-democratic great powers or a clearer pro-democracy posture. One cannot have both,** and in his opening gambit **Obama chose the former**.

Now that the President is, at least tepidly and rhetorically, supporting democratization efforts in the Middle East and Belarus, is his Administration ready for less cordial relations with rival Great Powers, from Russia, Iran and China?

The Causes of Our Naiveté

The belief that support for democracy does not preclude good relations with rival authoritarian great powers is deeply ingrained in our intellectual and bureaucratic genetic code. Recent history is partly to blame for the tendency to underestimate the linkage of Great Power competition with democratization. The 1989 “spring of nations” in Central and Eastern Europe succeeded at least in part because one Great Power, the Soviet Union, retreated from the chessboard, effectively ending a decades-long struggle for control and influence in Europe. It was the outcome of this clash — the defeat and collapse of Soviet power — that preceded and thus enabled the restoration of democracy in Eastern and Central Europe.

Moreover, many academics and policy wonks argue that democracy is a win-win game on the international scene. Democracy, the argument goes, brings strategic benefits not just to the people of the state in question, but also to neighboring powers because it is a source of political stability and an engine of economic growth. Hence, a Great Power conflict over a democratizing state is a misunderstanding and an aberration that should and can be avoided through negotiation; it is simply natural to share the goal of democratization.

Finally, the intellectual and policy communities that deal with democratization and those that deal with Great Power competition tend to function in separate realms. Academically, students of democracy promotion usually focus on the internal dynamics of the nascent democracy, whereas those preoccupied with geostrategic and security issues pay more attention to the foreign policies of the states in question. Similarly, the way the U.S. government is organized favors seeing democratization in terms of development and negotiations (USAID and the State Department) and Great Power competition in terms of conflict (the Department of Defense). This is certainly a simplification, but I doubt many at USAID would think of their actions in terms of a Great Power game.

Alas, reality is different. Democratization does not occur in a vacuum, but in the shadow of Great Power competition.

The Opponents of Democratization

A quick look at the world map makes apparent that in many of the regions where the United States and its allies are promoting democracy, other powers are vying for influence by either undermining our efforts or by trying to hijack the outcome. In Eastern Europe, along a belt stretching from Belarus to Moldova and then farther south to the Caucasus, Russia has been carefully watching U.S. and EU calls for democratization. In Ukraine, the so called “Orange revolution” of a few years back, greeted in Europe as a step toward a stronger democracy, was seen by Moscow as a loss of influence that needed to be thwarted and rolled back.

In Africa and Asia, China is striking deals with all types of autocratic regimes, regardless of their human rights record, with the purpose of expanding its commercial and strategic reach. Promoting democracy in countries like Burma or Sudan would put Chinese investments at risk — or at least that is how Beijing is likely to perceive it.

Finally, in the world’s most volatile region — the Middle East and North Africa — the processes of democratization that may emerge in the wake of the Arab Spring will likely be regarded with suspicion and trepidation by many of the powers with regional interests there. American,

European and Israeli political leaders will fear Iranian meddling and the ascendance of pro-Tehran groups or individuals in some of these states — a repeat of the Gaza scenario. Iran, on the other side, may fear the exact opposite, and a Western push to strengthen liberal democratic parties in the region will only exacerbate tensions with Tehran. The outcome is one of competing interests between the two powers — or rather, between Iran and the West, led by the United States — and it will have a significant impact on the timid democratization efforts of the countries in the region.

Whether we want it to or not, **democratization cannot be separated from Great Power competition**. In order to be successful in promoting the establishment of democratic states, we need to factor in the likely active opposition of other powers, such as Russia, China and Iran.

Indeed, **if we are to support democratization efforts, we must be prepared for a heightened competition with non-democratic Great Powers**. For such powers, the establishment of truly democratic states in their neighborhood represents a risky development as it would jeopardize their ability to exercise influence. It could encourage their own populations to seek greater freedoms; and it would directly challenge the ideological foundation of their regimes.

Cooperative relations with rising great powers require the U.S. to tolerate non-democracies---Western norm-promotion shreds global coop

Charles Kupchan 11, professor of international affairs at Georgetown University and Whitney Shepardson Senior Fellow at the Council on Foreign Relations, June 2011, “The false promise of unipolarity: constraints on the exercise of American power,” Cambridge Review of International Affairs, Vol. 24, No. 2, p. 165-173

These examples aside, Brooks and Wohlforth also fail to address another important pathway through which norms and rules constrain the exercise of US power. They focus exclusively on the costs to the United States of its own failure to comply with the institutions and rules that Washington took the lead in crafting after the close of World War II. But in the aftermath of the global financial crisis that began in 2008 and **amid the ongoing ascent of China, India, Brazil, and other rising states, change in ordering norms may well be driven by the preferences and policies of emerging powers, not by those of the United States**. Moreover, the impressive economic performance and political staying power of regimes that practice non-democratic brands of capitalism—such as China, Russia, and Saudi Arabia—call into question the durability of the normative order erected during America’s watch. Well before emerging powers catch up with America’s material resources, **they will be challenging the normative commitment to open markets and liberal democracy that has defined the Western order**.

The substantive gap between the norms of the Western order and those that inform the domestic and foreign policies of rising powers has not gone unnoticed (Kupchan and Mount 2009). Nonetheless, many **scholars have offered an illusory response: that the United States and its democratic allies should dedicate the twilight hours of their primacy to universalizing Western norms**. According to G John Ikenberry (2008, 37, 25), ‘the United States’ global position may be weakening, but the international system the United States leads can remain the dominant order of the twenty-first century’. The West should ‘sink the roots of this order as

deeply as possible' to ensure that the world continues to play by its rules even as its material preponderance wanes. Such confidence in the universality of the Western order is, however, based on wishful thinking about the likely trajectory of ascending powers, which throughout history have sought to adjust the prevailing order in ways that advantage their own interests. Presuming that rising states will readily embrace Western norms is not only unrealistic, but also dangerous, promising to alienate emerging powers that will be pivotal to global stability in the years ahead (Gat 2007).

Brooks and Wohlforth do not address this issue—presumably because they believe that US preponderance is so durable that they need not concern themselves with the normative orientations of rising powers. But facts on the ground suggest otherwise. China is, as of 2010, the world's second largest economy, holds massive amounts of US debt, and is strengthening its economic and strategic presence in many quarters of the globe; the G-8 has given way to the G-20; the prime minister of democratic India has called for 'new global "rules of the game"' and the 'reform and revitalization' of international institutions (Mahubane 2008, 235); the International Monetary Fund and the World Bank have increased the voting weight of developing countries; and the United Nations Security Council is coming under growing pressure to enlarge the voices of emerging powers. All of these developments come at the expense of the influence and normative preferences of the United States and its Western allies. By the numbers, Brooks and Wohlforth are correct that unipolarity persists. But rising powers are already challenging the pecking order and guiding norms of the international system. If the next international system is to be characterized by norm-governed order rather than competitive anarchy, the West will have to make room for the competing visions of rising powers. A new order will have to be based on great-power consensus and toleration of political diversity rather than the normative hegemony of the West.

Extinction

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We live in a time of great strategic fluidity. Borders are shifting. Lines of control are blurring. Long-established spheres of influence are fading away. Some states are decaying and dissolving as others germinate and take root. The global economic order is precarious. New economic and geopolitical fault lines are emerging.

The great powers of North and South America are barely on speaking terms. Europe is again riven by geopolitical antagonisms. Ukraine should be a prosperous, independent borderland between the European Union and Russia. It has instead become a cockpit of strategic contention. The United States and Russia have relapsed into hostility. The post-Ottoman borders of West Asia and North Africa are being erased. Neither Europeans, nor Russians, nor Americans can now protect or direct their longstanding clients in the Middle East. Brazil, China,

and India are peacefully competing for the favor of Africa. But, in the Indo-Pacific, China and Japan are at daggers drawn and striving to ostracize each other. Sino-American relations seem to be following US-Russian relations into mutual exasperation and intransigence.

No one surveying this scene could disagree that the world would benefit from recrafting the relationships between its great powers. As President Xi Jinping has proposed, new types of relations might enable the great powers to manage their interactions to the common advantage while lowering the risk of armed conflict. This is, after all, the nuclear age. A war could end in the annihilation of all who take part in it. Short of that, unbridled animosity and contention between great powers and their allies and friends have high opportunity costs and foster the tensions inherent in military posturing, arms races, instability, and impoverishment.

Capitalism Module

Uniqueness—Regulated Cap

Capitalism now allows regulations/surveillance to protect market failures

Ofer Raban 12, Associate Professor of Law, Elmer Sahlstrom Senior Fellow, University of Oregon., 2012, "Capitalism, Liberalism, and the Right to Privacy", http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2069647, AB)

First, modern capitalism recognizes the legitimacy of regulations aimed at correcting “market failures”—those instances where the unregulated operation of the free market produces economic inefficiencies. To give one obvious example, sometimes a free market will produce a monopoly—an economic actor having little or no competition which can then single-handedly control output and prices.⁴ In such cases, the state may legitimately intervene so as to bring about the competition that failed to emerge on its own accord, and that is essential for economic efficiency. The forced breakup of AT&T’s telephone monopoly in the 1970s was no doubt an extreme form of government intervention in the economic sphere, but a perfectly legitimate one. The alleged causes of market failures are numerous and include, among other things, information costs and positive or negative externalities (that is, the beneficial or detrimental effects of economic transactions on third parties). Thus, when economic actors cannot be compensated for their products or services by the beneficiaries of positive externalities (for example, the car-driving beneficiaries of a railroad system that reduces pollution and traffic), or conversely, when actors are not forced to internalize costs to third parties (say, the costs of pollution), undersupply or overuse may ensue. In such instances the government may intervene so as to correct these distortions through subsidies or penalties, or even by assuming the role of an owner and distributor of goods and services (as in “public goods” and “common resource goods”—things like clean water or highways).⁵ Although economists often disagree as to what is or is not a market failure, the validity of the concept as a basis for government regulation is, for the most part, beyond dispute.⁶ Capitalism has come to recognize that a free economy is not always self-correcting and that the invisible hand of the market may sometimes itself need a guiding hand. Unlike the creation and enforcement of a free economic sphere and the remedying of market failures, both of which are justified on the ground that they promote economic efficiency, the last category of legitimate state intervention has different concerns. It involves instances where the value of economic efficiency yields to more important purposes or values, including moral values. Examples include limitations on the number of working hours, minimum wage laws, prohibition on usurious interest rates, taxation and transfer payments, and the prohibition on trade in human organs or in children for adoption.⁷ All these may arguably reduce economic efficiency, but even so are accepted for the sake of other, noneconomic ends. Put differently, nonintervention has its limits because the importance of economic efficiency does. In short, state interventions in the economy need to be justified as (1) maintaining a free economic sphere where individuals can make free economic choices; (2) addressing market failures; or (3) serving moral, political, or social purposes that take priority (in specific contexts) over economic efficiency. In the absence of any such justification, capitalism dictates a default position of governmental noninterference in the economy.

Uniqueness—Populist Movements

Populist movements supercharge—authoritarianism coming now

Weeks 14 - Weeks is Professor Emeritus, School of Oriental & African Studies, University of London [John Weeks, "A rising authoritarian wave", 2-3-14, Accessed 7-25-15, <https://www.opendemocracy.net/can-europe-make-it/john-weeks/rising-authoritarian-wave>]
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The de-regulation of financial capital threatens to bring us back to capitalist authoritarianism that flourished in the 1920s and 1930s. But this time it gathers strength with no strong popular movement in the United States or any European country to challenge it. As the one hundredth anniversary of the beginning of World War I approaches, one may encounter some rather strained attempts to compare the current global balance of forces to that in Europe in 1914. I recently visited several countries in south east Asia and a different comparison struck me, the similarities between now and the 1930s, weak democracies and strong dictatorships. This comparison "jumped off the page" after a week in Bangkok, followed by several days in Hanoi - a journey from a country with weak and faltering formal democratic institutions to an apparently stable one with an authoritarian regime (bordering on a country with a considerably more brutal dictatorship, China). In *The Age of Extremes*, Eric Hobsbawm argued that the conflict between capitalism and communism determined the course of the twentieth century. This confrontation of socio-economic ideologies without doubt dominated European and global history, especially after 1945. But another, inter-related confrontation that determined the course of the century was authoritarianism versus democracy. The capitalism-communism conflict seems but a moment of history for people in their forties and younger. However, the danger of a rising authoritarian wave is as imminent in the twenty-first century as it was in the twentieth. In most countries of Europe in the 1930s the contest between authoritarian and democratic visions of society dominated the political struggle. The exceptions were Italy where the fascists had already established an extreme version of authoritarian rule, and Britain where a rigid class structure gave stability to superficially democratic institutions. By the middle of the decade, capitalist authoritarian regimes were clearly on the rise in Germany and much of central and eastern Europe (e.g., Hungary and Poland), as well as Portugal, with Spain soon to join the anti-democratic camp. Indeed, in very few of the industrialised countries in the late 1930s did democracy seem the stronger trend. Among the large countries only in the United States was there an unambiguous shift towards strengthening popular participation. Ironically enough it was during the presidency of patrician Franklin D Roosevelt that trade unions asserted themselves as a major political force (which would not survive much past mid-century). Now, well into the twenty-first century it is even more difficult to find a major country with vigorous and democratic institutions, certainly not in the United States nor in Europe. In the United States the confrontation between a well-funded right wing Republican Party and the middle-of-the road Democrat Party dominates politics, one doctrinaire and aggressive, the other muddled and vacillating. The anti-democratic trend is demonstrated by passage of laws restricting the right to vote in Republican controlled states, linked to the racist xenophobia of the Tea Party. In the White House sits a Democrat apparently unconcerned by a massively intrusive national security complex. In Europe anti-democratic trends are if anything stronger. Britain probably has the most extensive video surveillance network in Europe (see recent articles in the Guardian), as

well as legal restrictions on the right of assembly, designed to reduce public protests (as we find in Spain). In addition, the Conservative-dominated coalition government's brutal attack on poor households receiving social support in effect legalises civil rights violations. Surveillance, attacks on the poor and the government fanning fears of immigrants combine to make a potent anti-democratic package. On the continent pre-existing authoritarian tendencies enjoyed a quantum leap under the EU-wide austerity regime fostered by the German government under the cover of the European Commission. The unelected governments in Greece (2011-12) and Italy (2011-13) represent the most obvious and shocking examples of the authoritarian trend. Much more serious in the long term is the EU fiscal compact (officially named the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union). This treaty, which came into effect at the beginning of 2013, severely limits the authority of national parliaments to set fiscal policy. The treaty and additional measures demanded by the German government remove fiscal policy from public control (with monetary policy in the hands of the European Central Bank and beyond national accountability). This process in which major decisions are taken away from the electorate fundamentally undermines public faith in the democratic process. The rise of neo-fascist groups with an extra-parliamentary agenda, such as the New Dawn in Greece, comes as no surprise. Almost exactly a year ago, Peer Steinbrueck, then the German Social Democratic Party's candidate for chancellor, spoke at the German embassy in London. In his speech he proposed that the European Commission should have the power to veto national budgets if they exceed the guidelines of the fiscal pack. I suggested during questions that such a veto would violate the principle that the governed should be able to hold their governments accountable. He replied that fiscal stability required countries to surrender some of their sovereignty. In other words, the goal of "fiscal stability" requires the citizens of Europe to surrender their basic democratic right to hold a government responsible for its economic policies. The authoritarian trend in the United States and Europe is obvious. What is its source in these countries? In the 1920s and 1930s the rise of authoritarian regimes followed the widespread public perception that unregulated capitalism resulted in spectacular disasters. These disasters included the most catastrophic war in human history, soon followed by the most devastating economic crisis the world had ever known. Many on both the left and the right judged "bourgeois democracy" as degenerate and dysfunctional. In Russia the rejection of capitalism took the form of an attempt to create a governance system in the interests of the working class and peasantry. The hope for popular democracy quickly collapsed as the putative workers' state transformed into thinly disguised authoritarian rule. Far worse, in Italy and Germany the discrediting of liberal capitalism led to unabashed dictatorships that made no pretence of their authoritarian nature. The business elites constructed these fascist regimes to maintain the rule of capital in the face of powerful labour movements. The regimes proved appallingly successful not only in crushing the labour movement but in rolling back the principles of the Enlightenment. Destruction of these savage regimes required a war even more catastrophic than the 1914-18 conflict. The current authoritarian tide in European and the United States also comes from the business elites, but is in this case driven by the ideology of neoliberalism not fascism (see "Democracy against Neo-liberalism: Paradoxes, Limitations, Transcendence," by Alfredo Saad Filho and Alison J Ayers, forthcoming in *Critical Sociology*). Neoliberalism pretentiously claims to be the guarantor of freedom – "free markets, free men" was the title of Milton Friedman's infamous London lecture to adoring businessmen in 1974. Reality is quite the contrary. The neoliberal

inspired market deregulation over the last 30 years has been the destroyer of freedom. The most obvious mechanism by which this destruction occurs is the weakening of the power of trade unions and other popular organisations. Parallel to that weakening has been the rise and consolidation of the power of the financial capital to control the media, political debate and elections themselves.

Link- General

No surveillance means unregulated capitalism which is a bad thing

Billy Connolly 2, market analysis, bafta award winner, "The American model of unregulated capitalism - anything goes", 7/1/2, <http://www.scotsman.com/news/the-american-model-of-unregulated-capitalism-anything-goes-1-610889>, AB)

There is method in this madness. The CEOs of corporations are today's merchant princes. The world is their oyster. They have fabulous salaries with massive share options. If share prices are artificially inflated, they can unload them on the market and become overnight billionaires. There is no restraint, no surveillance. This is the American model of unregulated market capitalism. Anything goes. Decent human society is incompatible with unrestrained freedom to do what you want. If we were free to kill one another, social life would become impossible. A civilised existence has to be protected. We need institutions to keep the peace and protect citizens from abuse. In the latter part of the 20th century, this was accepted in the West - with one exception. Economics. In that field, the argument was reversed. Deregulate. Free trade. Free markets. No mention of restraint. Life is damnable without restraint. The greedy have to be restrained along with bullies and rapists and psychopaths, if the rest of us are to survive. Proper regulations make life more free for the good and more difficult for the bad. The same standards must apply in the economic life of humanity. There is a mistaken assumption that global capitalism is homogenous. It isn't. Economies are modified by the political culture of nations. The emergence of European capitalism broadly coincided with the breakthrough of liberal democracy. Social reform was in the air. Towards the end of the 19th century and the first half of the 20th, socialism made an impact not through revolution but by reforms within the existing system. As Europe moved to the left after the Second World War, socialists and social democrats in government enshrined in law the postwar consensus of the mixed economy, social welfare, social justice and neo-Keynsianism. This consensus also embraced the parties of European conservatism. American capitalism had a different culture. Red in tooth and claw with a kind of frontiersman or cowboy culture. The conflict between American labour and the bosses was bloody and vicious. The Pinkerton detective agency, so beloved of Western movies, was actually an armed strike-breaking organisation. Workers on strike, in self defence, armed themselves. Industrial struggles were replete with murders, assassinations, broken heads and hearts. Organised crime infiltrated key labour unions and laundered its money on Wall Street. The Kennedy family link with the Mafia was no one-off. Socialism never had a mass influence in the US, though there were social democratic elements in Roosevelt's New Deal. In the latter part of the 20th century, the dominant ideological economic faction in America was the Chicago School led by Milton Friedman, a fundamentalist free marketeer. He was Thatcher and Clinton's economic guru. During the years in opposition, Tony Blair and Gordon Brown spent a lot of time in the States sitting at the feet of the Clintonites and became fully paid up advocates of unbridled free market capitalism. It is this model, endorsed by Britain's two governing parties, that is threatening to undermine American capitalism.

Link—Economic Surveillance

Economic surveillance protects regulated capitalism – otherwise global economics and trade collapse which causes war and disease spread

John Kojiro Yasuda and Christopher Ansell 14, Center for the Study of Contemporary China, University of Pennsylvania, Philadelphia, PA, USA, and Department of Political Science, University of California, Berkeley, CA, USA, “Regulatory capitalism and its discontents: Bilateral interdependence and the adaptability of regulatory styles”, *Regulation & Governance* (2014), <http://www.sas.upenn.edu/~jyasuda/pdf/reggovprelim.pdf>, AB)

We highlight different degrees of adaptability for regulatory styles among major players in the global food trade. A regulatory style can predict how a country is likely to respond to regulatory gaps in risk management and based on this we can determine whether countries will be in conflict or not. Moreover, the inability to adapt can have effects on the restoration of trade and the institutionalization of regulatory relations. In a global trading system, the ability to adapt becomes paramount. As new risks emerge, nations must constantly adjust their regulatory approaches. Countries that are well positioned to change and adapt their systems to the needs of trading partners are likely to function more effectively. China, with its export tailored regulatory style may be better equipped to function in this dynamic environment. However, adaptability writ large will not prevent regulatory gaps from emerging; it is also important to consider how a country can adapt to the specific needs of its trading partner. Europe’s “harmonization” style, for example, may be less effective in addressing risks with its less developed trading partners. With their more uncompromising regulatory styles, Japan and the US could face increasing regulatory conflict. As regulatory capitalism is diffused, countries will still need to work out their differences bilaterally. Bilateral relationships may be particularly important where global trade is partially, but not completely, harmonized through international standards. For example, the US Federal Aviation Administration (FAA) has relied extensively on bilateral arrangements to ensure the safety of aircraft or aircraft parts destined for use in the US. In this case, international standards specify only minimum requirements. The FAA typically uses bilateral agreements to certify that foreign production processes or designs are either equivalent to or match FAA standards (Bermann 1992–1993). Even where multilateral regulation is primary, it may often be complemented by bilateral regulatory cooperation, particularly where the incentives to successfully manage joint interdependence are strong. Recent US-Mexico regulatory cooperation, for example, includes work on a range of topics, including food safety, transportation, health, nanotechnology, and offshore oil and gas development (Executive Office of the President 2012). Does this framework also aid our understanding of other areas of consumer product safety? While further empirical analysis is necessary, we believe we can make a prima facie case that it does. Significant trade in pharmaceuticals, for example, may be less developed than food trade (Moss 2010–2011), but regulatory challenges in the sphere of drug safety are similar to those for food safety. Importing countries have raised serious concerns about the safety of drugs produced by two emerging pharmaceutical exporters, China and India (Bate & Porter 2009; Brhilikova et al. 2007; Riviere & Buckley 2012). For pharmaceuticals, as for food, exporters and importers are guided by prevailing regulatory styles in their regulatory behavior. Both countries have created special export regimes for pharmaceuticals (China has introduced special export licensing). Their regulatory styles are likely to have important

consequences for the types of interactions that will arise between trading partners (Yue & Yue 2010). Under regulatory capitalism, bilateral relations still play a key role. As monitoring and surveillance mechanisms are stretched thin, pathogens, illegal additives, and counterfeit products can easily penetrate global supply chains. In an era of accelerated global trade, a deeper understanding of the adaptability of bilateral regulators and their distinctive regulatory styles is essential to ensure transnational consumer product safety.

Link- Right to Privacy

Giving a right to privacy lets corporations gain further control over the market

Anup Shah 2, editor of Global Issues, degree in computer science, "The Rise of Corporations", December 05, 2002, , <http://www.globalissues.org/article/234/the-rise-of-corporations> ,AB) Only humans were "endowed by their creator with certain inalienable rights" and those human rights included the right to free speech, the right to privacy, the right to silence in the face of accusation, and the right to live free of discrimination or slavery. While to this day unions, churches, governments, and small unincorporated businesses do not have "human rights" (but only privileges humans give them), corporations alone have moved into the category with humans as claiming rights instead of just privileges. Politics In many states, it was a felony for corporations to give money to politicians, political parties, or try to influence elections: "They can't vote, so what are they doing involved in politics?!" Corporations claimed the human right of free speech, expanded that to mean the unlimited right to put corporate money into politics, and have thus taken control of our major political parties and politicians Business States and local communities had laws to protect and nurture entrepreneurs and local businesses, and to keep out companies that had been convicted of crimes. Multi-state corporations claimed such laws were "discrimination" under the 14th Amendment (passed to free the slaves) and got such laws struck down; local communities can no longer stop a predatory corporation. War Government, elected by and for "We, The People," made decisions about how armies would be equipped and, based on the will of the general populace, if and when we would go to war. Prior to WWII there were no permanent military manufacturing companies of significant size. Military contractors grew to enormous size as a result of WWII and a permanent arms industry came into being, what Dwight Eisenhower called "the military/industrial complex." It now lobbies government to buy its products and use them in wars around the world. Regulation Corporations had to submit to the scrutiny of the representatives of "We, The People," our elected government. Corporations have claimed 4th Amendment human right to privacy and used it to keep out OSHA, EPA, and to hide crimes. Purpose Corporations were chartered for a single purpose, had to also serve the public good, and had fixed/limited life spans. Corporations lobbied states to change corporate charter laws to eliminate "public good" provisions from charters, to allow multiple purposes, and to exist forever. Ownership Just as human persons couldn't own other persons, corporations couldn't own the stock of other corporations (mergers and acquisitions were banned). Corporations claim the human right to economic activity free of regulatory restraint, and the still-banned-for-humans right to own others of their own kind.

Internal- Corporate Capitalism

Limiting corporate power solves human rights and the environment- a centralized movement is key

Shiva 15 (Apr. 9, 2015. Dr. Vandana Shiva is a physicist who has spent her life striving for the protection of biodiversity. She has published two books covering the subject. "Limiting Corporate Power and Cultivating Interdependence: A Strategic Plan for the Environment" Tikkun. <http://www.tikkun.org/nextgen/limiting-corporate-power-and-cultivating-interdependence-a-strategic-plan-for-the-environment> //HS)

In the current era, corporate power translates into abuses of the environment and violations of every human right, including basic human rights, worker rights, and the rights of women. As a result, limiting corporate power must be a central concern for those who seek a strategy to save the environment. Illustration of hillside losing trees. Deforestation by Amy Bell. Credit: Amy Bell. Environmentalists need to insist that businesses create or allow for mechanisms to hold them accountable to society. Corporate accountability is precisely the opposite of what is happening today in the political arena, where the allies of corporations in the government are trying to take these corporations one step beyond the reach of democratic accountability. Overcoming Fragmentation In addition to fighting for limits on corporate power, it's important for environmentalists today to focus on overcoming the divisions within the environmental movement, as well as the separations between environmental, economic justice, and social justice movements. At present, even when some campaigns become successful, they don't go all the way because they lack the integration with other struggles that's required to effect sweeping changes. In the earlier days of the environmental movement, back when new environmental agencies, laws, and regulations were being created and it was easier to enforce compliance with these regulations, it seemed fine for an environmental activist to specialize on an issue such as water, air, or endangered species. That kind of specialization of social change works in a period of stability and democratic accountability. But when the state has been hijacked, as it has been in the current moment, then the power needed to bring change has to be an amplified power. And that amplified power won't come from a movement fragmented into separate silos of specialization—it will come from the integration of various environmentally sensitive projects into one movement or one big organization that helps people develop clarity about the interconnectedness of all the environmental and economic issues.

Sustainable capitalism hinges on government regulations

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That, then, is the traditional justification for government regulation of business and market: only government can address the many serious problems caused by laissez-faire capitalism. Even if government rules decrease somewhat corporate growth and profits, they promote important things that Americans care about – like better health care, safer workplaces, a cleaner environment, and more economic security. But this rationale leaves out an important – and

more intriguing – reason why government “interference” in the economy is desirable. The fact is that many government actions that hurt businesses in the short run are actually good for business in the long run. Most regulations, for instance, are not only good for the American people, they are also ultimately good for business as well. This point may not seem obvious at first. But I will argue that the central pillars of the modern democratic state – the regulations and social programs that conservatives and business interests often oppose so vehemently – actually work in important ways to the benefit of the business community and capitalism itself. What business thinks is bad for it economically can be very beneficial, and even essential, for it politically. How can this possibly be true? To see, we need only ask ourselves a simple question: What would happen to market capitalism without all of these regulations and social programs? Fortunately, we don’t have to try to speculate about the answer to this question; we merely need to go back to the first several decades of the twentieth century. This was the time before big government – before extensive regulations and expensive social programs – an era that anti-government conservatives consider a golden age. But what they forget is that at that time, around the world and even in this country, growing numbers of people were becoming very discontent with capitalism. They were also becoming increasingly interested in alternatives such as socialism, communism, and anarchism. The communist revolution in Russia prompted a wave of attempted socialist uprisings or threats of uprisings throughout much of Europe after World War I. Rosa Luxemburg led one uprising in Germany, and the communists actually overthrew the government in Bavaria and briefly established a soviet state. Another short-lived communist government was established by revolutionaries in Hungary in 1919. The success in Russia also inspired a host of anti-capitalist movements and incidents in other countries: there was a wave of factory occupations in Italy, a wide-spread series of strikes in Britain, and a general strike in Winnipeg, Canada. Later, in the 1930s, in the Spanish Civil War, anarchists and communists fought side by side for control of the country. Many people today wonder how anyone could have become such a radical, anti-capitalist revolutionary. But they are forgetting the horrendous conditions that many people were living under in unregulated capitalist economies – the grinding poverty, the enormous economic inequality, the lack of adequate health care for most people, the absence of old-age pensions, the widespread unemployment, the unchecked and abusive power of monopolies, the environmental squalor of the cities, the dangerous and often lethal working conditions, the inevitable and hugely destructive economic depressions. It was these unaddressed problems of capitalism that led to the creation of communism and communist revolutions. Some people were so upset and disgusted with the widespread injustices and suffering caused by of laissez-faire capitalism that they were willing to take up arms and risk their lives to throw out the entire system and to start over with new and untried economic systems. The extreme problems of capitalism drove them to those political extremes. The United States was not immune to these problems or this kind of political and social unrest. In 1912, Eugene Debs, the Socialist Party presidential candidate, offered a radical critique of capitalism and won the support of nearly a million voters. Some unions, like the Industrial Workers of the World, wanted to replace capitalism with worker-controlled production. The IWW was instrumental in organizing the Seattle General Strike of 1919 where 60,000 workers went out on strike and paralyzed the city for a week. The influence of the Socialist Party and the IWW only abated when federal and state authorities jailed their leaders, deported many of them, harassed their members, shut down their newspapers, and denied them use of the mail.

The 1930s and the Great Depression, however, saw a resurgence of interest in anti-capitalist ideas and movements. Political unrest was growing. There were food riots, widespread labor violence, street protests, and increasing political instability. In this atmosphere, communist and socialist parties experienced growing support and began to exert more influence in unions as well. In addition, socialist and communist groups became very popular on college campuses. To students, they seemed to be the only organizations that could explain the causes of the Depression and who offered alternatives to a malfunctioning capitalist system. Into this highly volatile and precarious political situation stepped Franklin Delano Roosevelt and his New Deal programs. Anti-market conservatives have reviled Roosevelt ever since as a "socialist" who betrayed capitalism; but in reality, his government programs actually saved capitalism by stabilizing the economy and developing programs to alleviate the suffering it was causing – all of which had the effect of undermining political unrest. Examining the deeper political implications of New Deal, the political scientist Edward Greenberg concluded in his book *Capitalism and the American Political Ideal* that Roosevelt's efforts can best be seen as ultimately aiding the cause of business and conservatives: [T]he New Deal is best understood as a series of attempts to save a faltering and depressed capitalist system by further regulating and rationalizing the economy, by bringing important elements of the labor movement into the established political life, and by staving off social disruption and revolution through expansion of the welfare role of government. ... the New Deal represents, paradoxically, a conservative expansion of government activities. While it is traditional to define any expansion of government activities as "liberal," I would argue that since this expansion was directed toward preserving and cementing the position of capital and maintaining the social class system, it must, in the end, be judged "conservative."¹³ Ironically, then, free-market conservatives and business leaders who worked so hard against Roosevelt and his policies were actually working against their own long-term interests. They failed to see that capitalism actually needs some "socialism" to make it less destructive and more palatable to most people. Today, the corporate community and anti-government conservatives fail to see this point as well. They fail to understand that government policies that protect consumers, make workplaces safe, provide economic security, eliminate poverty in old age, provide health care to the poor, and prevent and repair environmental damage are what "humanize" capitalism and make it tolerable to people. In this way, businesses are a lot like sulky teenagers. They resent their parents' rules – such as no drinking and driving, no unsafe sex, no experimentation with hard drugs – which they simply see as constraints on their freedom and their fun. They refuse to see that these rules are for their own good, their own long-term health and welfare. Similarly, businesses and free-market conservatives have been unable to appreciate how government efforts to humanize capitalism have been for their own good. Instead, they have resented and opposed virtually every effort to make capitalism less harsh – from the 40-hour week and the abolition of child labor to Social Security and Medicare. They should see the costs they pay for these policies as a premium on a vital form of political insurance. Government regulatory policies and social programs are crucial in undermining popular discontent about the problems of a free-market economy and serve to co-opt potential anti-capitalist and anti-business political movements. These "liberal" reforms provide and sustain the social and political peace on which profitable business activity ultimately depends. Even Ben Bernanke, chairman of the Federal Reserve, understands how essential government safety net programs are to maintaining public support for our market system. He

has warned of the "painful dislocations" associated with capitalism and has stated that if "we did not place some limits on the downside risks to individuals affected by economic change, the public at large might become less willing to accept the dynamism that is so essential to economic progress." There is one final ironic twist to all of this. Modern government's achievements in reining in abuses of corporate power and humanizing capitalism have actually backfired on those who champion an active role for government in society. These successes have fostered an illusion that a market economy is relatively harmless. Few people remain alive who actually experienced the severe problems of the "bad old days" of capitalism before the New Deal. Today, many think we are living in a natural "free market" system, but in reality it has been extensively tamed by myriad government policies. It is as if we lived in a world where all we knew about wild animals is what we learned by going to the circus, and thus came to believe that bears and elephants were naturally gentle creatures. Frustratingly, then, it has been the government's triumphs in addressing the many problems inherently caused by a free-market economy that has allowed conservatives to argue that markets are naturally benign and largely problem free – and so we do not really need much government.¹⁴ Beyond the Myths of Government and Markets In the end, anti-government conservatives get it wrong about both markets and government. In their zeal to justify shrinking the state, they intentionally misrepresent both of these institutions and how they interact. The market is not God and the government is not the Devil. Despite their enormous advantages, markets are not benign and self-regulating. They create numerous social, economic, and political problems that only government can correct. Government is also not the sworn enemy of business and capitalism. Conservatives can only promote this misleading caricature of government by deliberately ignoring the myriad ways that government aids business and makes a market economy possible. Anti-government conservatives are constantly warning that government is primarily a threat to business and the economy – that unless we reduce it, it will "kill the goose that lays the golden eggs." But as we've seen, this is far from the truth. The modern state is more like the farmer who feeds and waters the goose, builds the facility that houses it, inoculates it from disease, clips its wings so it can't fly away, protects it from predators, cleans up its excrement, and tames it so it won't bite people. If we appreciate those golden eggs, we should also appreciate the efforts of the farmer who helps make the egg production process possible. Similarly, those who celebrate the achievements of business and a market economy should also acknowledge and celebrate the role government has had in those accomplishments. This would be the fair thing to do; but of course it would not fit into anti-government conservative orthodoxy. The basic lesson is this: we Americans need to realize that our economy has thrived not in spite of government, but in many ways because of government. The American economy that so many people admire is not the mythical free market that operates without government interference. Our version of a market economy is highly constructed, regulated, subsidized, and humanized by government laws and policies. And we are all better off for it. Even if it were possible to create a world of free markets that were left entirely alone by government, none of us would want to live there.

Impact—Econ

Unregulated capitalism causes inevitable collapse

Joseph E Stiglitz 11, professor at Columbia University, a Nobel laureate in Economics, and author of several books, “The evils of unregulated capitalism”, 10 Jul 2011, <http://www.aljazeera.com/indepth/opinion/2011/07/20117714241429793.html>, AB)

Just a few years ago, a powerful ideology - the belief in free and unfettered markets - brought the world to the brink of ruin. Even in its hey-day, from the early 1980s until 2007, US-style deregulated capitalism brought greater material well-being only to the very richest in the richest country of the world. Indeed, over the course of this ideology's 30-year ascendance, most Americans saw their incomes decline or stagnate year after year. Moreover, output growth in the United States was not economically sustainable. With so much of US national income going to so few, growth could continue only through consumption financed by a mounting pile of debt. I was among those who hoped that, somehow, the financial crisis would teach Americans (and others) a lesson about the need for greater equality, stronger regulation, and a better balance between the market and government. Alas, that has not been the case. On the contrary, a resurgence of right-wing economics, driven, as always, by ideology and special interests, once again threatens the global economy - or at least the economies of Europe and America, where these ideas continue to flourish. In the US, this right-wing resurgence, whose adherents evidently seek to repeal the basic laws of mathematics and economics, is threatening to force a default on the national debt. If Congress mandates expenditures that exceed revenues, there will be a deficit, and that deficit has to be financed. Rather than carefully balancing the benefits of each government expenditure program with the costs of raising taxes to finance those benefits, the right seeks to use a sledgehammer - not allowing the national debt to increase forces expenditures to be limited to taxes. This leaves open the question of which expenditures get priority - and if expenditures to pay interest on the national debt do not, a default is inevitable. Moreover, to cut back expenditures now, in the midst of an ongoing crisis brought on by free-market ideology, would inevitably simply prolong the downturn. A decade ago, in the midst of an economic boom, the US faced a surplus so large that it threatened to eliminate the national debt. So what happened? Unaffordable tax cuts and wars, a major recession, and soaring health-care costs - fueled in part by the commitment of George W Bush's administration to giving drug companies free rein in setting prices, even with government money at stake - quickly transformed a huge surplus into record peacetime deficits. The remedies to the US deficit follow immediately from this diagnosis: put America back to work by stimulating the economy; end the mindless wars; rein in military and drug costs; and raise taxes, at least on the very rich. But the right will have none of this, and instead is pushing for even more tax cuts for corporations and the wealthy, together with expenditure cuts in investments and social protection that put the future of the US economy in peril and that shred what remains of the social contract. Meanwhile, the US financial sector has been lobbying hard to free itself of regulations, so that it can return to its previous, disastrously carefree, ways. But matters are little better in Europe. As Greece and others face crises, the medicine du jour is simply timeworn austerity packages and privatisation, which will merely leave the countries that embrace them poorer and more vulnerable. This medicine failed in East Asia, Latin America, and elsewhere, and it will fail in Europe this time around, too. Indeed, it has already failed in Ireland, Latvia, and

Greece. There is an alternative: an economic-growth strategy supported by the European Union and the International Monetary Fund. Growth would restore confidence that Greece could repay its debts, causing interest rates to fall and leaving more fiscal room for further growth-enhancing investments. Growth itself increases tax revenues and reduces the need for social expenditures, such as unemployment benefits. And the confidence that this engenders leads to still further growth. Regrettably, the financial markets and right-wing economists have gotten the problem exactly backwards: they believe that austerity produces confidence, and that confidence will produce growth. But austerity undermines growth, worsening the government's fiscal position, or at least yielding less improvement than austerity's advocates promise. On both counts, confidence is undermined, and a downward spiral is set in motion. Do we really need another costly experiment with ideas that have failed repeatedly? We shouldn't, but increasingly it appears that we will have to endure another one nonetheless. A failure of either Europe or the US to return to robust growth would be bad for the global economy. A failure in both would be disastrous - even if the major emerging-market countries have attained self-sustaining growth. Unfortunately, unless wiser heads prevail, that is the way the world is heading.

Regulated/Surveilled capitalism solve sustainable democracy and growth

John Braithwaite 5, Distinguished Professor and Founder of RegNet (the Regulatory Institutions Network) at the Australian National University Distinguished Professor and Founder of RegNet (the Regulatory Institutions Network) at the Australian National University, October 2005, "NEOLIBERALISM OR REGULATORY CAPITALISM", RegNet Occasional Paper No 5, https://www.anu.edu.au/fellows/jbraithwaite/_documents/Articles/Neoliberalism_Regulatory_2005.pdf, AB)

Those who believe we are in an era of neoliberalism - where this means hollowing out of the state, privatization and deregulation - are mistaken. The transitions since feudal structures of governance fell to incipient capitalist institutions have been from a Police Economy, to an Unregulable 19th Century Liberal Economy (that oscillated between laissez faire, dismantling the decentralized Police Economy and laying the bricks and mortar of an initially weak urban administrative state), to the Provider State Economy, to Regulatory Capitalism. Across all of these transitions, markets in fits and starts have tended to become progressively more vigorous, as has investment in the regulation of market externalities. Not only have markets, states, and state regulation become more formidable, so has non-state regulation by civil society, business, business associations, professions and international organizations. Separations of powers within polities have become more variegated, with more 34 private-public hybridity. This means political science conceived narrowly as a discipline specialized in the study of public governance to the exclusion of corporate governance, NGO governance and the governance of transnational networks makes less sense than it once did. If we have entered an era of Regulatory Capitalism, regulation may be, in contrast, a fruitful topic around which to build intellectual communities and social science theory.

In seeing the separations among the periods posited in this essay, it is also important to grasp the posited continuities. Both markets and the state become stronger, enlarged in scope and transaction density, at every stage. The amount of governance in the world also continuously

grows, because non-state forms of governance by firms, industry associations, NGOs and global institutions grow alongside growth in state governance capability. Elements of 18th century police are retained in the creation of 19th century para-military police and other specialized regulators. Post-1980 Regulatory Capitalism learns from and builds upon the weaknesses (and the strengths) of 19th and early 20th century regulation – from 21st century private security corporations learning from Peel’s Met and the KGB, to state shipping regulators and the International Maritime Organization learning from regulatory technologies crafted in Lloyd’s Coffee Shop. While many problems solved by state provision prior to 1980 are thence solved by privatisation into contested, regulated markets, most of the state provision of the era of the Provider State persists under Regulatory Capitalism. Even some re-nationalization of poorly conceived privatisation has begun.

While less welfare is state administered today and more is provided through contracted out, contested, regulated markets for welfare provision, state spending on welfare has not fallen. The rumours of the death of Keynes, and of Hayek’s immortality, at the End of History were both exaggerated. Keynesian demand management is more complicated in the global economy, but remains a central preoccupation of Regulatory Capitalism. Hayek’s insistence that central states lack sufficient local knowledge to plan investment underpins both the attraction of markets in regulatory capitalism and the attraction to devolved regulatory technologies that harness local knowledge (Shearing & Wood 2003). A fair criticism of this essay would be that its attack on the analytic value of neoliberalism as a package of privatisation, deregulation and rolling back the state assails a straw (wo)man. Milton Friedman agrees that privatisation is and should be combined with at least some kinds of regulation. No one implements the more radical prescriptions of the old Chicago School for abolishing antitrust. Those who point to the hollowing out of the state today mostly do so in a governance frame that notes its capacity to get things done through proliferating interdependencies, or in a Foucauldian frame that notes capacities to “govern at a distance” (Rose & Miller 1992). Across all points of the political spectrum, there now seems as much concern about state failure as market failure, and about their interdependence. Perhaps that suggests there is some consensus around what Levi-Faur labels Regulatory Capitalism. Yet we have seen it is very limited. It follows that interesting agendas are Levi Faur’s (2006) of documenting and comparatively dissecting the Varieties of Regulatory Capitalism, the Hall and Soskice (2001), Stiglitz (2002), Sachs (2005) and Rodrik (2005) agendas of diagnosing the institutional mixes that make capitalism buzz and collapse in the context of specific states, the Dorf and Sabel (1998) agenda of evidence-based “democratic experimentalism”, the Campbell Collaboration and behavioural economics agendas for real policy experiments on the impacts of regulatory interventions (www.campbellcollaboration.org). A contribution of this chapter has been to suggest that regulation, particularly antitrust and securitisation of national debt, enabled the growth of both provider and regulatory states. Regulation did this through pushing the spread of large corporations that made Chandler’s (1977, 1990) three-pronged investment. The corporatisation of the world increased the efficacy of tax enforcement, funding provider and regulatory state growth. The corporatisation of the world drove a globalisation in which transnational networks, industry associations, professions, international organizations, NGOs, NGO/retailer hybrids like the Forest Stewardship Council, and most importantly corporations themselves (especially, but not limited to, stock exchanges, ratings agencies, the Big Four

accounting firms, multinationals that specialize in doing states' regulation for them like Société Général de Surveillance,¹⁸ and large corporates that regulate small upstream and downstream firms in the same industry) became important national, regional and global regulators. This was a very different capitalism and a very different world of governance than existed in the early 20th century industrial capitalism of family firms. Hence the power of Levi-Faur's conceptualisation of Regulatory Capitalism. While states are "decentred" under Regulatory Capitalism, the wealth capitalism generates means that states have more capacity both to provide and to regulate than ever before.

Impact—Enviro

Extinction inevitable thanks to unregulated capitalism

Thom Hartmann 6/22, The Daily Take Team, The Thom Hartmann Program, American radio host, author, former psychotherapist, entrepreneur, and progressive political commentator, "Unregulated Capitalism Is Destroying the Planet", 6/22/15, truthout, <http://www.truthout.org/opinion/item/31515-unregulated-capitalism-is-destroying-the-planet#>, AB)

We are in the middle of the first great mass extinction since the end of the age of the dinosaurs. That's the conclusion of a shocking new study published Friday in a journal called *Science Advances*. The study, which was conducted by a group of scientists from some of the United States' leading universities, found that over the past century-plus, vertebrate species have gone extinct at a rate almost 114 times faster than average. See more news and opinion from Thom Hartmann at Truthout here. That's right - not one, not two, not 50, but 114 times faster than average! The study also found that as many 477 different vertebrate species have disappeared since 1900, a mind-boggling statistic because it usually takes between 800 to 10,000 years for that many species to disappear. In terms of the bigger picture, we really haven't seen this kind of planet-wide holocaust since an asteroid wiped out *Tyrannosaurus rex* and friends over 65 million years ago. And that isn't a coincidence. The scientists behind the vertebrate study say their data reveal an "exceptionally rapid loss of biodiversity during the last few centuries, indicating that a sixth mass extinction is already under way." So that raises the question: if a sixth mass extinction is under way - what's causing it? The answer, it turns out, is easy - arrogance, greed and the belief that we as a species can continue to exploit natural resources without any regard for the effect that such behavior has on the world around us. One of the most important points the Pope makes in his new encyclical on the environment is that the source of our current ecological crisis is actually an ideology, the ideology of unregulated capitalism. "The idea of infinite or unlimited growth," he writes, "which proves so attractive to economists, financiers and experts in technology... is based on the lie that there is an infinite supply of the Earth's goods, and this leads to the planet being squeezed dry at every limit." As the Pope goes on to explain, we have now turned unregulated capitalism into the new God, and as result, we now see the Earth as something to dominate as opposed to something we hold in trust as part of the great chain of being. This is really the story of Western civilization as a whole, but things have gotten a lot worse since the Reagan revolution and the "greed is good" era of the 1980s. Before Reagan came to town, we were actually having a conversation about how to moderate our culture's tendency towards greed and exploitation. The EPA was created, and so was Earth Day. And thanks to people like Rachel Carson, we actually took the time to think about how the hunger for profit was hurting our planet and our health. But ever since the "Reagan Revolution," we've become addicted to the pursuit of "growth." Instead of thinking about how to become better stewards of the Earth, we now worry about how to make markets more "efficient" - the environment be damned. Unregulated capitalism, also known as Reaganomics, is our new religion, and we're just as fundamentalist about it as the Taliban are about Islam. And that's a really important point. Going forward, we're going to have to make some important policy choices if we want to stop most life on Earth from vanishing forever - including, perhaps, us. We're going to have to better manage natural resources, abandon fossil fuels and decentralize our energy system. But we also need a revolution in terms of the way we

think. As the Pope said, "We need to reject a magical conception of the market, which would suggest that the problems can be solved simply by an increase in the profits of companies or individuals." For too much of our history, but especially since the 1980s, we in the Western world have seen the planet as something to be exploited for profit. We're now addicted to an extremist ideology that is literally killing us. So if we want to save the planet, the environment and probably the human race, we're going to have to let our belief in unregulated capitalism go extinct.

Rights Malthus K -Michigan

THE HAMMER

YOU MUST REJECT EVERY INSTANCE OF TYRANNY

Petro '74 [Professor of Law @ Wake Forest University. University of Toledo Law Review Spring 1974, page. 480]

However, one may still insist, echoing Ernest Hemingway—"I believe in only one thing: liberty". And it is always well to bear in mind David Hume's observation: "It is seldom that liberty of any kind is lost all at once." Thus, it is unacceptable to say that the invasion of one aspect of freedom is of no import because there have been invasions of so many other aspects. That road leads to chaos, tyranny, despotism and the end of all human aspiration. Ask Solzhenistyn. Ask Milovan Djilas. In sum, if one believes in freedom as a supreme value and the proper ordering principle for any society aiming to maximize spiritual and material welfare, then every invasion of freedom must be emphatically identified and resisted with undying spirit.

Top Shelf

How to win on Aff

The only card you'll ever need.

Global warming is a liberal lie - they're all commies

McFarlane 6/19

(Bonnie McFarlane, 6/19/15, [Totally serious standup comedian], "Global warming is totally a lie liberals tell to distract us from their commie agendas," The Guardian, www.theguardian.com/environment/commentisfree/2015/jun/19/global-warming-lie-liberals-tell-distract-us, MX)

Everybody is talking about global warming. Clearly, it's got a great publicist. My guess is it's the same one that Amy Schumer uses. However, unlike Schumer – whom I have on good authority is real – Global Warming is a big fat lie. Now, before you spit out your fair trade coffee and start yelling about carbon emissions, let me assure you that this is not a conclusion that came easily to me. I thought about it a lot. Just this morning I was in the shower for a good two hours debating the pros and cons of dating someone with a giant global footprint. Once the water went cold and I dried myself off with a hair dryer, I knew I had my answer. This so-called "environmental Armageddon" is a fictitious construction cooked up by the left so we'll spend all our time (or at least a half hour a week) changing out our light bulbs and flattening cardboard and completely overlooking their pinko/commie/socialist agendas. I'm on to you, liberals! You're trying to be heroes to humanity. You want everyone to pat you on the back and say, "Oh, look who saved the planet!" Well, I have news for you. The planet doesn't need saving. After all, it's been around for almost 2,000 years. It was fine before you got here, and it'll be fine after the apocalypse destroys most of humankind for the sins of homosexuality and shellfish consumption. God hates Shrimp Scampi, but He doesn't seem to have a problem with littering. (Leviticus 10:10) I wish people would stop incessantly asking, "Don't we care what kind of planet we're going to leave our children?" First of all, I'm pretty sure any child psychologist would agree that leaving a whole planet to a kid is an appalling idea. I wouldn't dream of spoiling my daughter with an entire planet. You don't have to give your kids the world; just spend some time with them once in a while. That's what they really want. That, and a Mercedes SUV for their sweet 16. I wish scientists would stop blaming us humans for causing global warming. This is patently false, since global warming is not real! If the fact that we've just experienced the coldest spring on record isn't enough to sway you, I've got other anecdotal evidence that should be plenty convincing. For example: my sister went to Greenland and never saw any polar bears stranded on tiny ice floes. In fact, my sister didn't see any live polar bears at all, so there. But the most telling sign that global warming is not an actual threat is this: the Republican presidential candidates aren't trying to scare us with the prospect that we're all doomed to die from toxic air and scorching temperatures. And Republican presidential candidates love scaring the public. It's their passion. If they could put a gun to each of our heads individually and say, "Vote for me or else you die", I think they would. That's why, despite the numerous scientific claims and all those hockey-stick graphs showing the sharp rise in temperatures, I don't think there's any truth to this whole global warming thing. At the very least, the declarations are exaggerated and we have nothing to worry about for at least a decade.

1NC

1NC Shell

A. The ecological crunch is coming---overwhelming scientific evidence proves an impending environmental crisis risks extinction

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia, The Climate Change Challenge and the Failure of Democracy, Pages 4-6, MX)

This impending crisis caused by the accelerating damage to the natural environment on which humans depend for their survival. This is not to deny that there are other means that may bring catastrophe upon the earth. John Gray for example⁵ argues that destructive war is inevitable as nations become locked into the struggle for diminishing resources. Indeed, Gray believes that war is caused by the same instinctual behavior that we discuss in relation to environmental destruction. Gray regards population increases, environmental degradation, and misuse of technology as part of the inevitability of war. War may be inevitable but it is unpredictable in time and place, whereas environmental degradation is relentless and has progressively received increasing scientific evidence. Humanity has a record of doomsayers, most invariably wrong, which has brought a justifiable immunity to their utterances. Warnings were present in The Tales of Ovid and in the Old and New Testaments of the Bible, and in more recent times some of the predictions from Thomas Malthus and from the Club of Rome in 1972, together with the "population bomb" of Paul Ehrlich, have not eventuated. The frequent apocalyptic predictions from the environmental movement are unpopular and have been vigorously attacked. So it must be asked, what is different about the present warnings? As one example, when Sir David King, chief scientist of the UK government, states that "in my view, climate change is the most severe problem that we are facing today, more serious than the threat of terrorism,"⁶ how is this and other recent statements different from previous discredited prognostications? Firstly, they are based on the most detailed and compelling science produced with the same scientific rigor that has seen humans travel to the moon and create worldwide communication systems. Secondly, this science embraces a range of disciplines of ecology, epidemiology, climatology, marine and fresh water science, agricultural science, and many more, all of which agree on the nature and severity of the problems. Thirdly, there is virtual unanimity of thousands of scientists on the grave nature of these problems. Only a handful of skeptics remain. During the past decade many distinguished scientists, including numerous Nobel Laureates, have warned that humanity has perhaps one or two generations to act to avoid global ecological catastrophe. As but one example of this multidimensional problem, the Intergovernmental Panel on Climate Change (IPCC) has warned that global warming caused by fossil fuel consumption may be accelerating.⁷ Yet climate change is but one of a host of interrelated environmental problems that threaten humanity. The authors have seen the veils fall from the eyes of many scientists when they examine all the scientific literature. They become advocates for a fundamental change in society. The frequent proud statements on economic growth by treasurers and chancellors of the exchequer instill in many scientists an immediate sense of danger, for humanity has moved one step closer to doom. Science underpins the success of our

technological and comfortable society. Who are the thousands of scientists who issue the warnings we choose to ignore? In 1992 the Royal Society of London and the U.S. National Academy of Sciences issued a joint statement, Population Growth, Resource Consumption and a Sustainable World,⁸ pointing out that the environmental changes affecting the planet may irreversibly damage the earth's capacity to maintain life and that humanity's own efforts to achieve satisfactory living conditions were threatened by environmental deterioration. Since 1992 many more statements by world scientific organizations have been issued.⁹ These substantiated that most environmental systems are suffering from critical stress and that the developed countries are the main culprits. It was necessary to make a transition to economies that provide increased human welfare and less consumption of energy and materials. It seems inconceivable that the consensus view of all these scientists could be wrong. There have been numerous international conferences of governments, industry groups, and environmental groups to discuss the problems and develop strategy, yet widespread deterioration of the environment accelerates. What is the evidence? The Guide to World Resources, 2000–2001: People and Ecosystems, The Fraying Web of Life¹⁰ was a joint report of the United Nations Development Program, the United Nations Environment Program, the World Bank, and the World Resources Institute. The state of the world's agricultural, coastal forest, freshwater, and grassland ecosystems were analyzed using 23 criteria such as food production, water quantity, and biodiversity. Eighteen of the criteria were decreasing, and one had increased (fiber production, because of the destruction of forests). The report card on the remaining four criteria was mixed or there was insufficient data to make a judgment. In 2005, The Millennium Ecosystem Assessment Synthesis Report by 1,360 scientific experts from 95 countries was released.¹¹ It stated that approximately 60 percent of the ecosystem services that support life on earth—such as fresh water, fisheries, and the regulation of air, water, and climate—are being degraded or used unsustainably. As a result the Millennium Goals agreed to by the UN in 2000 for addressing poverty and hunger will not be met and human well-being will be seriously affected.

B. This means a transition to environmental authoritarianism's coming now---solves extinction

Beeson 10 (Mark, Professor of International Politics at Murdoch University in Perth, Western Australia, Environmental politics, Environmental Politics, 15(5): 750–767., Volume 19, issue 2)//ADS

The environment has become the defining public policy issue of the era. Not only will political responses to environmental challenges determine the health of the planet, but continuing environmental degradation may also affect political systems. This interaction is likely to be especially acute in parts of the world where environmental problems are most pressing and the state's ability to respond to such challenges is weakest. One possible consequence of environmental degradation is the development or consolidation of authoritarian rule as political elites come to privilege regime maintenance and internal stability over political liberalisation. Even efforts to mitigate the impact of, or respond to, environmental change may involve a decrease in individual liberty as governments seek to transform environmentally destructive

behaviour. As a result, 'environmental authoritarianism' may become an increasingly common response to the destructive impacts of climate change in an age of diminished expectations.

C. The transition is only possible in a world with limited rights – the 1AC is founded on a philosophy of abundance that is incompatible with environmental survival

Humphrey 7

(Mathew Humphrey 7, Reader in Political Philosophy at the University of Nottingham, UK, 2007, *Ecological Politics and Democratic Theory: The Challenge to the Deliberative Ideal*, p. 20-21//um-ef)

If these changes are necessary - the downgrading, curtailment and reconceptualisation of democracy, liberties, and justice, as well as the raising to primacy of integrity and ecological virtue - how are the necessary changes to come about? Value change represents the best 'long-term' hope but the ecological crisis is not a 'long-term' problem. These changes have to be introduced quickly and before there has been time to inculcate value shifts in the population. The downgrading of rights and liberties has to be achieved through policy and institutional change, even while the question of a long-term change of values is also addressed. For both these tasks what is required is political leadership and the institution of the state. The immediate problem lies in the collective action problem that arises in respect of the looming ecological constraints on economic activity and the potential collapse of the global commons. The end of the 'golden age' of material abundance, as we slide back down the other side of 'Hubbert's pimple' will bring about intense competition for scarce resources. To understand politics under these circumstances, we have to turn back to Hobbes and Burke, the political philosophers who conceptualised life under conditions of scarcity, and also to Plato, commended for his healthy mistrust of democracy. For Ophuls a crucial element of political philosophy is the definition of reality itself; political philosophy carries within it an ontological component which sets out the foundations of political possibility. The contemporary West he sees as defined by the 'philosophers of the great frontier' Locke, Smith, and Marx. These are the political philosophers of abundance. For Locke the proviso of always leaving 'as much and as good' for others in appropriation could always be met even when there was no unappropriated land left, as the productivity of the land put to useful work would always create better opportunities for those coming later. Smith's 'invisible hand' thesis was also dependent upon the assumption that the material goods would always be available for individual to accomplish their own economic plans. For Marx the 'higher phase' of communist society arrives 'after the productive forces have... increased with the all-round development of the individual', and all the springs of co-operative wealth flow more abundantly' (Marx, 1970: 19). For Ophuls these are all the political philosophies of abundance. Ecological crisis, however, returns us to the Hobbesian struggle of all against all (Heilbroner, 1974: 89). With ecological scarcity we return to the classical problems of political theory that 400 years of abnormal abundance has shielded us from (Ophuls, 1977: 164). Both liberalism and socialism represent the politics of this 'abnormal abundance' and with the demise of this period we return to the eternal problems of politics. Hobbes, then, is seen as the political philosopher of ecological scarcity *avant la lettre*. 'Hardin's "logic of the commons" is

simply a special version of the general political dynamic of Hobbes' "state of nature" (Ophuls, 1977; 148). Competition over scarce resources leads to conflict, even when all those involved realise that they would be collectively better off if they could co-operate, 'to bring about the tragedy of the commons it is not necessary that men be bad, only that they not be actively good' (Ophuls, 1977: 149). It is this Hobbesian struggle that may impose 'intolerable strains on the representative political apparatus that has been historically associated with capitalist societies' (Heilbroner, 1974: 89). Coercion is seen as the solution (and it is hoped, although as we have seen not for terribly good reasons, that this coercion can be agreed democratically), and the appropriate agent of this solution is the state. The transition from abundance to scarcity will have to be centralised and expert-controlled, and it is unlikely that 'a steady state polity could be democratic' (Ophuls, 1977: 162). As we shall see in the following paragraphs, this faith in the ability of the state to institute centralised controls that would be obeyed by its citizens is one of the areas that has attracted fierce criticism from contemporary green political theorists.

2NC Turns the Case

Only top-down, centralized imposition of constraints on freedom can guarantee planetary survival---their ethic will inevitably fail to improve ecological outcomes---an accelerating crisis makes authoritarianism inevitable, and the worse the environment gets, the worse the constraints on freedom will be

Humphrey 7

(Mathew Humphrey 7, Reader in Political Philosophy at the University of Nottingham, UK, 2007, Ecological Politics and Democratic Theory: The Challenge to the Deliberative Ideal, p. 14-15)

In terms of the first of these points, that our democratic choices reflect a narrow understanding of our immediate interests and not an enlightened view of our long-term welfare, the case is made by Ophuls. He claims that we are now 'so committed to most of the things that cause or support the evils' with which he is concerned that 'we are almost paralysed; nearly all the constructive actions that could be taken at present... are so painful to so many people in so many ways that they are indeed totally unrealistic, and neither politicians nor citizens would tolerate them' (Ophuls, 1977: 224).⁴ Environmentally friendly policies can be justifiably imposed upon a population that 'would do something quite different if it was merely left to its own immediate desires and devices' (Ophuls, 1977: 227): currently left to these devices, the American people 'have so far evinced little willingness to make even minor sacrifices... for the sake of environmental goals' (Ophuls, 1977: 197). Laura Westra makes a similar argument in relation to the collapse of Canadian cod fisheries, which is taken to illustrate a wider point that we cannot hope to 'manage' nature when powerful economic and political interests are supported by 'uneducated democratic preferences and values' (Westra, 1998: 95). More generally reducing our 'ecological footprint' means 'individual and aggregate restraints the like of which have not been seen in most of the northwestern world. For this reason, it is doubtful that persons will freely embrace the choices that would severely curtail their usual freedoms and rights... even in the interests of long-term health and self-preservation.'" (Westra, 1998: 198). Thus we will require a 'top-down' regulatory regime to take on 'the role of the "wise man" of Aristotelian doctrine as well as 'bottom-up' shifts in values (Westra, 1998: 199). Ophuls also believes that in certain circumstances (of which ecological crisis is an example) 'democracy must give way to elite rule' (1977: 159) as critical decisions have to be made by competent people. The classic statement of the collective action problem in relation to environmental phenomena was that of Hardin (1968). The 'tragedy' here refers to the "remorseless working of things' towards an 'inevitable destiny' (Hardin, 1968: 1244, quoting A. N. Whitehead). Thus even if we are aware of where our long-term, enlightened interests do lie, the preferred outcome is beyond our ability to reach in an uncoerced manner. This is the n-person prisoners' dilemma, a well established analytical tool in the social analysis of collectively suboptimal outcomes. A brief example could be given in terms of an unregulated fishery. The owner of trawler can be fully aware that there is collective over-extraction from the fishing grounds he uses, and so the question arises of whether he should self-regulate his own catch. If he fishes to his maximum capacity, his gain is a catch fractionally depleted from what it would be if the fisheries were fully

stocked. If the 'full catch' is 1, then this catch is $1 - \epsilon$, where ϵ is the difference between the full stock catch and the depleted stock catch divided by the number of fishing vessels. If the trawlerman regulates his own catch, then he loses the entire amount that he feels each boat needs to surrender, and furthermore he has no reason to suppose that other fishermen would behave in a similar fashion, in fact he will expect them to benefit by catching the fish that he abjures. In the language of game theory he would be a 'sucker', and the rational course of action is to continue taking the maximum catch, despite the predictable conclusion that this course of action, when taken by all fishermen making the same rational calculation, will lead to the collapse of the fishery. Individual rationality leads to severely suboptimal outcomes. Under these circumstances an appeal to conscience is useless, as it merely places the recipient of the appeal in a 'double-bind'. The open appeal is 'behave as a responsible citizen, or you will be condemned. But there is also a covert appeal in the opposite direction; 'If you do behave as we ask, we will secretly condemn you for a simpleton who can be shamed into standing aside while the rest of us exploit the commons' (Hardin, 1968: 246). Thus the appeal creates the imperative both to behave responsibly and to avoid being a sucker. In terms of democracy, what this entails is that, in general, **we have to be prepared to accept coercion** in order to overcome the collective action problem.⁵ The **Leviathan** of the state is the institution that **has the political power required to solve this** conundrum. 'Mutual coercion, mutually agreed on' is Hardin's famous solution to the tragedy of the commons. Revisiting the 'tragedy' argument in 1998, Hardin held that '[i]ts message is, I think, still true today. Individualism is cherished because it produces freedom, but the gift is conditional: **The more population exceeds the carrying capacity** of the environment, **the more freedoms must be given up**' (Hardin, 1998: 682). On this view coercion is an integral part of politics: the state coerces when it taxes, or when it prevents us from robbing banks. Coercion has, however, become 'a dirty word for most liberals now' (Hardin, 1968: 1246) but this does not have to be the case as long as this coercion comes about as a result of the democratic will. This however, requires overcoming the problems raised by the likes of Ophuls and Westra, that is, it is dependent upon the assumption that **people can agree to coerce each other** in order to realise their long-term, 'enlightened' self-interest. **If they cannot**, and both the myopic and collective action problem ecological objections to democracy are valid, then **this coercion may not be** 'mutually agreed upon' but rather **imposed by Ophuls' ecological 'elite'** or Westra's Aristotelian 'wise man'. Under these circumstances **there seems to be no hope at all for a reconciliation of ecological imperatives and democratic decision-making: we are faced with a stark choice, democracy or ecological survival.**

2NC Authoritarianism Key/Democ Fails

Democratic societies cannot address environmental destruction – only authoritarianism solves

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 13-14, MX)

An evolutionary and therefore genetic mechanism relevant to our analysis is the need and acceptance of authoritarian social structures conferred upon us by our primate ancestors. These forces can even be seen to operate within a liberal democracy in which leaders and democratic institutions themselves gradually evolve to become more authoritarian. Freedom and individuality expressed through the market economy result in elites widening the gap between rich and poor and enriching themselves by acquisitions in developing countries under the guise of freedom and democracy. Maladaptations of society as defined by Stephen Boyden²⁶ become more common, for example the economic view that retail spending is good for society or the accumulation of vast assets by the rich that they cannot possibly use or spend in their lifetimes. The number of billionaires in the world is increasing rapidly and the majority are in the liberal democracies. As we will see in the discussion to follow, many liberal democracies are moving visibly toward authoritarianism. Governments see this as an option to protect their power, and many of their rich supporters favor it to protect their assets. It will be argued in chapter 6 that liberal democracies are inherently unstable and move slowly but surely to authoritarianism. Theorists who have seen liberal democracy as representing humanity's final political system have adopted a too narrow historical perspective, which can be corrected by adopting a biohistorical or sociobiological view of the human species. We should not be blind to the possibility that an authoritarian meritocracy might have advantages in world crisis management compared to the present democratic mediocracy. Our patient in the intensive care unit could not be managed successfully under liberal democracy. Recognizing that totalitarian states have caused as much, if not more, environmental damage as the liberal democracies, we will nevertheless argue in chapter 4 that some historical totalitarian regimes have averted some catastrophic environmental damage by dictate. We will document the personal and democratic failures that render the environmental crisis difficult to address. An altruistic, able, authoritarian leader, versed in science and personal skills, might be able to overcome them. But liberal democracy predisposes the election of the slick wielders of the political knife and then encumbers them with the burdens of economic chains and powerful self-interested corporates who cannot be denied. They fuel the growth economy that preserves their power and that of government. It is instructive to ask our democratically elected leaders: What do you see as the endpoint of this liberalized growth economy? Surely to maintain this growth to infinity is unsustainable? Yet this growth is necessary for the present economic system to survive and satisfy the perceived material needs of humanity. Our leaders cannot provide an answer to this question. To some it falls beyond their elected period, and they do not have to address it. To others there is the hope that science and technology will capture the carbon dioxide of climate

change, create hydrogen fuel from water, and feed the millions with genetically modified foods. But in general it is not an issue that democratic societies are addressing in a way that will encourage solutions

2NC

Impact

2nc top o/v

Disad outweighs and turns the case –

The 1AC precludes effective centralized responses to a worsening global environmental crisis that risks the extinction of humanity as well as the total destruction of the biosphere and countless other species---overwhelming scientific evidence confirms that we've got a short window of time to take direct, concerted actions to move society back within the margin of ecological sustainability---that's Shearman & Smith.

Authoritarianism is inevitable – it's not a question of whether or not the transition will happen but when. Any reason sooner is better means you vote negative.

And, Absent a transition the only freedom one has is the freedom to die, and you can't be free if you're dead

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 85-86, MX)

Our position differs from Wolff and other anarchists also insofar as we reject the principle of autonomy, the foundation belief of liberalism. It is the argument of this work that liberalism has essentially overdosed on freedom and liberty. It is true that freedom and liberty are important values, but such values are by no means fundamental or ultimate values. These values are far down the list of what we believe to be core values based upon an ecological philosophy of humanity: survival and the integrity of ecological systems. Without such values, values such as freedom and autonomy make no sense at all. If one is not living, one cannot be free. Indeed liberal freedom essentially presupposes the idea of a sustainable life for otherwise the only freedom that the liberal social world would have would be to perish in a polluted environment. The issue of values calls into question the Western view of the world or perhaps more specifically the viewpoint that originates from Anglo Saxon development. It is significant that the "clash of civilizations" thinking espoused by Samuel Huntington, a precursor of the neoconservatives, has generated much debate and support. Huntington's analysis involves potential conflict between "Western universalism, Muslim militancy and Chinese assertion." The divisions are based on cultural inheritance. It is a world in which enemies are essential for peoples seeking identity and where the most severe conflicts lie at the points where the major civilizations of the world dash. Hopefully this viewpoint will be superseded, for humanity no longer has time for the indulgence of irrational hates. The important clash will not be of civilizations but of values. The fault line cuts across all civilizations. It is a clash of values between the conservatives and the consumers. The latter are well described in this book. They rule the world economically, and their thinking excludes true care for the future of the world. The

conservatives at present are a powerless polyglot of scientists, environmentalists, farming and subsistence communities, and peoples of various religious faiths, including a minority of right-wing creationist who think that God wishes the world to be cared for. They recognize the environmental perils and place their banishment as the preeminent task of humanity. The fight for minds, not liberal democracy, will determine the future of the world's population. If conservative thought prevails it may unite humanity in common cause and heal the cultural fault lines. In the next two chapters we will develop further our critique of liberal democracy, arguing first that democracy is already at an end through the undermining of democratic institutions by man's inherent mentality and by global corporate capitalism. We will find that the latter has become Plato's beast and the keeper that panders to the beast has become the democratic government. This is so, regardless of the correctness of the arguments of this chapter. In chapter 7, we will look more closely at liberalism itself and detail its philosophical flaws. This will complete our multipronged philosophical and ecological dissection of liberal democracy. Having exposed what remains beneath the mummy's shrouds, it will remain to search for an alternative system and explore whether liberal democracy can be saved by radical reforms or political surgery or resurrected from the tomb of its self-destruction by divine intervention.

And, The failures of liberalism mean that the affs solutions will fail

Ophuls '97

(William Ophuls (political Science at Northwestern Requiem for Modern politics, 1997)

Thus harsh and sweeping assessment of our predicament which will be elaborated and supported in the main body of the book, is intended to promote not despair but simply a realistic understanding of the political challenge confronting humanity on the threshold of the twenty-first century. Indeed it is only by exposing the intrinsically self-destructive nature of modern politics that we can reveal the only real solution to our multitude of problems – which is to change the way of thinking that caused them. Unfortunately when most people call for solutions a different way of thinking is usually the last thing they have in mind. What they want instead is something that will not challenge their assumptions, shock their sensibilities, or violate the conventional wisdom. Much of what follows is therefore designed to make it absolutely clear that no such solution exists – that trying to solve our problems in terms of the basic principles of liberal polity is a lost cause because it is these principles that have created the problem in the first place. In this way, the necessity for a new vision of politics that directly addresses the egotism and destructiveness of the modern way of life will follow as a matter of course. In that sense, not just the Conclusions, wherein I briefly sketch the essential spirit of the new vision, but the work as a whole is the “solution” to the problems it describes: it tries to exemplify a different way of thinking.

vs Value to Life

The disad outweighs by comparative magnitude – you should prioritize a utilitarian framework:

- a. **“Domestic” entails that the aff only solves for the 300 million citizens in the United States, this is versus planetary extinction, that’s Shearman and Smith**
- b. **The magnitude question should force you to prioritize human lives – total extinction removes possibility of solutions to human rights violations in the future – even if the aff solves for dehumanization in the United States, it doesn’t solve for deaths of 6 billion worldwide**

Extinction outweighs

Bostrum 12 (Nick, Professor of Philosophy at Oxford, directs Oxford's Future of Humanity Institute and winner of the Gannon Award, Interview with Ross Andersen, correspondent at The Atlantic, 3/6, “We're Underestimating the Risk of Human Extinction”, <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/>)

Bostrom, who directs Oxford's Future of Humanity Institute, has argued over the course of several papers that human **extinction risks are** poorly understood and, worse still, **severely underestimated by society**. Some of these existential risks are fairly well known, especially the natural ones. But others are obscure or even exotic. Most worrying to Bostrom is the subset of existential risks that arise from human technology, a subset that he expects to grow in number and potency over the next century. Despite his concerns about the risks posed to humans by technological progress, Bostrom is no luddite. In fact, he is a longtime advocate of transhumanism--the effort to improve the human condition, and even human nature itself, through technological means. In the long run he sees technology as a bridge, a bridge we humans must cross with great care, in order to reach new and better modes of being. In his work, Bostrom uses the tools of philosophy and mathematics, in particular probability theory, to try and determine how we as a species might achieve this safe passage. What follows is my conversation with Bostrom about some of the most interesting and worrying existential risks that humanity might encounter in the decades and centuries to come, and about what we can do to make sure we outlast them. Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that **existential risk mitigation may** in fact **be a dominant moral priority over** the **alleviation of present suffering**. Can you explain why? Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. **A human life is a human life. If you have that** moral point of **view that**

future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.

- c. Acts to bolster civil liberties absent solutions to existing ecological rights violations create disproportionate levels of quality of life – turns the case

UNEP '14 (Division of Environmental Law and Conventions - United Nations Environment Programme environment for development - The Division of Environmental Law & Conventions (DELIC) is the lead Division charged with carrying out the functions of UNEP that involve the development and facilitation of international environmental law, governance and policy. To fulfill its mandate, DELIC's work focuses on: Leading the international community in the progressive development of environmental law Supporting States in the development and implementation of legal and policy measures that address emerging environmental challenges Facilitating harmony and inter-linkages among environmental conventions Working with MEA Secretariats to support States in implementing their treaty obligations Enhancing States' participation in regional and global environmental forum // 6-24-15 // MC)

More than 2 million annual deaths and billions of cases of diseases are attributed to pollution. All over the world, people experience the negative effects of environmental degradation ecosystems decline, including water shortage, fisheries depletion, natural disasters due to deforestation and unsafe management and disposal of toxic and dangerous wastes and products. Indigenous peoples suffer directly from the degradation of the ecosystems that they rely upon for their livelihoods. Climate change is exacerbating many of these negative effects of environmental degradation on human health and wellbeing and is also causing new ones, including an increase in extreme weather events and an increase in spread of malaria and other vector born diseases. These facts clearly show the close linkages between the environment and the enjoyment of human rights, and justify an integrated approach to environment and human rights. OVERVIEW OF LEGAL ISSUES There are three main dimensions of the interrelationship between human rights and environmental protection: The environment as a pre-requisite for the enjoyment of human rights (implying that human rights obligations of States should include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights); Certain human rights, especially access to information, participation in decision-making, and access to justice in environmental matters, as essential to good environmental decision-making (implying that human rights must be implemented in order to ensure environmental protection); and The right to a safe, healthy and ecologically-balanced environment as a human right in itself (this approach has been debated). The Stockholm Declaration, and to a lesser extent the Rio Declaration, show how the link between human rights and dignity and the environment was very prominent in the early stages of United Nations efforts to address environmental problems. That focus has to some extent faded away in the

ensuing efforts by the international community to tackle specific environmental problems, with more focus being placed on developing policy and legal instruments, both at the international and national levels, targeted at the environmental problems that were emerging, through a series of MEAs and other mechanisms. Although the foundation of developing such mechanisms laid on the considerations made at the time of the Stockholm Conference, the human rights dimension is not made explicit in most of these instruments. However, there have been several calls from different UN bodies to address the issues of human rights and environment in conjunction. The Commission on Human Rights (now transformed into the Human Rights Council) by Resolution 2005/60 requested the High Commissioner and invited UNEP, UNDP and other relevant bodies and organizations, within their respective mandates and approved work programmes and budgets: “to continue to coordinate their efforts in activities relating to human rights and the environment in poverty eradication, post-conflict environmental assessment and rehabilitation, disaster prevention, post-disaster assessment and rehabilitation, to take into consideration in their work relevant findings and recommendations of others and to avoid duplication” (paragraph 8). The UN reform process also calls for the integration of human rights in all of the organization’s work. In a series of resolutions, the former United Nations Commission on Human Rights and the United Nations Human Rights Council have drawn attention to the relationship between a safe and healthy environment and the enjoyment of human rights. Most recently, the Human Rights Council in its resolution 7/23 of March 2008 and resolution 10/4 of March 2009 focused specifically on human rights and climate change, noting that climate change-related effects have a range of direct and indirect implications for the effective enjoyment of human rights. These resolutions have raised awareness of how fundamental the environment is as a prerequisite to the enjoyment of human rights.

vs Nuclear War

Extinction from ecocide is inevitable absent a transition to eco-authoritarianism – that's Shearman-Smith and Beeson

Default to probability – democratic consumerism is systemic and slowly destroying the environment

And, There is an invisible threshold that will result in massive and unstoppable feedback loops - it's try or die

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 24-26, MX)

So far, we have discussed events that are predicted with a high degree of certainty. However science is discovering mechanisms that may result in sudden irreversible changes in the earth's environment. These are termed threshold events, whereby a further small increase in temperature triggers a major change in the earth's control mechanisms. The U.S. National Academy of Sciences supports this concept and believes that there could be an abrupt climate change. The following are a few examples of possible mechanisms. The gulf stream, flowing north in the North Atlantic Ocean, warms northern Europe and returns deep cold waters flowing south. Studies from the National Oceanographic Centre in the UK have shown that the returning current may have slowed by 30 percent since 1957.¹⁶ The northward flow is weakening due to climate-related increases in the southward flow of fresh water from melting ice. This event is depicted in the doomsday thriller *The Day After Tomorrow*. If the gulf stream reversed, Europe would have the climate of Hudson Bay, despite a warming world. There are a number of natural stores of greenhouse gases ("sinks") in the tundra, soils, and oceans. These sinks could release their gases as the temperature increases, leading to a rapidly accelerating global warming. The permafrost in the tundra of Siberia is thawing rapidly and is releasing frozen stores of the greenhouse gas methane.¹⁷ The oceans absorb 2 billion tons more carbon dioxide than they release each year, and this is about one third of all carbon dioxide produced by humanity. In future, with warming of the ocean's water, this sink may be compromised and there may be a net release of carbon dioxide into the atmosphere. However at present the Antarctic Ocean is becoming more acidic due to absorption of carbon dioxide from the atmosphere. The acidity will affect the ability of tiny crustaceans to grow their calcium carbonate shells, and an important link in the food chain may be lost.¹⁸ The forests of the world are an important carbon sink, but as the temperature rises trees become sick and become net producers rather than stores of carbon dioxide. British scientists have also discovered another feedback mechanism whereby warmer temperatures have increased microbial activity in the soil, releasing greater than expected amounts of carbon—quantities sufficient to reduce Britain's attempt to curtail greenhouse gas emissions.¹⁹ There are other mechanisms whereby global warming is being accelerated. Arctic ice is rapidly melting, being 20 percent less than normal during the summer of 2005. Dr. Mark Serreze of Colorado's National Snow and Ice Data Center, believes that a

threshold may soon be reached beyond which sea ice will not recover. A feedback process may be set in motion, accelerating the melting of ice, as there is more open blue water to absorb solar energy and less white ice to reflect sunlight back into space.²⁰ The major threat of global sea level rising comes from the glaciers of Greenland and Antarctica. Greenland's glaciers are melting into the sea at almost twice their previously observed rate in the last five years.¹ The average temperature of Greenland has risen by 3°C (5.4°F) over the last two decades and between 1996 and 2006 the amount of water lost from Greenland's ice sheet increased from 90 cubic kilometers (21.6 cubic miles) to 220 cubic kilometers (52.8 cubic miles) per year. Greenland's ice sheet covers 1.7 million square kilometers (0.66 million square miles) with ice of up to 3 kilometers thick (1.86 miles), and if completely melted it would raise global sea levels by around 7 meters (7.65 yards). The evidence that we are moving into an accelerated phase of global warming is supported by data showing that 9 of the 10 warmest years since 1860 have occurred since 1990 and 19 since 1981, and annual increases in the concentration of carbon dioxide in the atmosphere are accelerating as shown by data from the U.S. Government's National Oceanic and Atmospheric Administration. These measurements are sufficient for scientists to be increasingly concerned that damage to carbon sinks and other mechanisms described above may be playing a part. James Lovelock is a scientist, respected internationally for his pioneering work on biological feedback systems. He introduced the Gaia concept of the living earth acting like a single organism by using feedback mechanisms to maintain stability of temperature and climate over long periods of time. In 2006, in his book *The Revenge of Gaia*, he argued that global warming will be amplified by the simultaneous malfunction of several feedback systems due to human activities and it is already too late to stop catastrophic warming.²² One such mechanism is that of global dimming, whereby aerosols in the atmosphere produced by global industry are shielding the earth from part of the sun's radiation. With a severe industrial downturn, a sudden leap in global temperatures will be expected. Various events are likely to precipitate economic downturn, such as the likely oil shortage are discussed later in this chapter.

Rights vs. Enviro

This vastly outweighs the case---preserving existence by definition has to come before any other value---worsening environmental crisis turns all of their impacts, but embracing eco-authoritarianism unites humanity and solves all war

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 85-86, MX)

Our position differs from Wolff and other anarchists also insofar as we reject the principle of autonomy, the foundation belief of liberalism. It is the argument of this work that liberalism has essentially overdosed on freedom and liberty. It is true that freedom and liberty are important values, but such values are by no means fundamental or ultimate values. These values are far down the list of what we believe to be core values based upon an ecological philosophy of humanity: survival and the integrity of ecological systems. Without such values, values such as freedom and autonomy make no sense at all. If one is not living, one cannot be free. Indeed liberal freedom essentially presupposes the idea of a sustainable life for otherwise the only freedom that the liberal social world would have would be to perish in a polluted environment. The issue of values calls into question the Western view of the world or perhaps more specifically the viewpoint that originates from Anglo Saxon development. It is significant that the "clash of civilizations" thinking espoused by Samuel Huntington, a precursor of the neoconservatives, has generated much debate and support. Huntington's analysis involves potential conflict between "Western universalism, Muslim militancy and Chinese assertion."18 The divisions are based on cultural inheritance. It is a world in which enemies are essential for peoples seeking identity and where the most severe conflicts lie at the points where the major civilizations of the world clash. Hopefully this viewpoint will be superseded, for humanity no longer has time for the indulgence of irrational hates. The important clash will not be of civilizations but of values. The fault line cuts across all civilizations. It is a clash of values between the conservatives and the consumers. The latter are well described in this book. They rule the world economically, and their thinking excludes true care for the future of the world. The conservatives at present are a powerless polyglot of scientists, environmentalists, farming and subsistence communities, and peoples of various religious faiths, including a minority of right-wing creationists who think that God wishes the world to be cared for. They recognize the environmental perils and place their banishment as the preeminent task of humanity. The fight for minds, not liberal democracy, will determine the future of the world's population. If conservative thought prevails it may unite humanity in common cause and heal the cultural fault lines.

Delaying the transition to authoritarianism in the hopes that people just start to “get it” on their own independently causes extinction

Charles Daniel 12, University of Leeds, Summer 2012, “To what extent is democracy detrimental to the current and future aims of environmental policy and technologies?,” POLIS Journal, Vol. 7, <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>

Is it therefore possible to conclude that democracy is indeed detrimental to the current and future aims of environmental policy and technologies? The resounding answer is ‘no’ as the alternative options proposed in the paper do not offer viable and comprehensive methods of being able to direct policy in ways that democracy is unable. What can be acknowledged though is that **as our planet becomes more over-crowded**, over-developed and over-dependent on financial instruments, **so too does the window of opportunity to secure a sustainable planet** for future generations. Tim Flannery is right in asserting that ‘our fate is in our own hands’ and whilst the need to be optimistic and to put faith in the ability of our future as stewards of the Earth is important, **one cannot ignore our inclination** as a species **to behave in a selfish manner**. Not only is it a political and cultural reality, it is also a biological one (Flannery 2010). Our instinct to survive will not go away. Unfortunately, that survival has become so contingent on the systematic exploitation of our natural world. It has, I believe, reached a point where something needs to be done. Progressive politics through raising awareness and encouraging good practices is vital for the survival of our planet. **We cannot, however, wait for people to slowly adjust their lifestyles and hope** that **environmental consciousness ‘just happens’**. I believe some level of **intervention is required**, a higher one that is currently present in our domestic and global politics. We need to accept, at some point, that **limitations on our economic and social freedoms may be necessary** in order to ensure that ‘Gaia’s’ future is secured. As I have suggested in Chapter 3, this has to be a two-tiered process. Firstly individuals have to accept limitations on their freedom. This has to be acknowledged by national governments that, in turn, would make the same sacrifice and relinquish certain aspects of their authoritative freedoms to supranational institutions. This process would require high levels of trust in global governance models that have, as such, been fairly ineffective in influencing the actions of powerful nations. However, we must not lose faith in these processes and retreat to policies of economic isolation and suspicion. James Lovelock is correct in affirming that **our planet is old and frail. It is up to those in power to ensure** that **it does not wither away**.

Liberating agency is the root cause of all their impacts and extinction --- the aff can’t solve human defects

Ophuls ’11 - former member of the U.S. Foreign Service and has taught political science at Northwestern University (Ophuls, William. “Plato's Revenge: Politics in the Age of Ecology.” 19 August 2011. P. 70-74)

The portrait of the psyche that emerges is cautionary. As much as contemporary humans would like to believe that we have transcended our evolutionary origins, **our animal nature lives on**

within us — in our genes and in our minds. Witness the architecture of the human brain, in which the cerebral cortex enfolds a mammalian limbic system wrapped around a reptilian core. Hence, said Jung, Every civilized human being, however high his conscious development, is still an archaic man at the deeper levels of his psyche. Just as the human body connects us with the mammals and displays numerous vestiges of earlier evolutionary stages going back even to the reptilian age, so the human psyche is a product of evolution which, when followed back to its origins, shows countless archaic traits. 2 In effect, Jung concludes, a “ 2,000,000-year-old man ” dwells in all of us. Even the distinctively human part of our nature associated with the cortex is irredeemably Paleolithic. 3 As a consequence, men and women are constantly agitated by primordial drives and conflicting emotions that they only partly understand and struggle to control — and that they are usually not even aware of. Much is healthy and good in human beings, but we have propensities for sickness and evil that must not be ignored. Anthropology supports this bleak assessment of the human psyche. With few exceptions, there are no harmless people, and the savage mind, whatever its virtues, is often prey to unconscious forces and raw emotions (and is therefore the author of savage behavior). A review of the anthropological literature reveals three seemingly universal tendencies of the human mind: we are prone to superstition and magical thinking, we are predisposed to paranoia, and we project our own hostility onto others. 4 In essence, says Melvin Konner, chronic fear pervades the psyche and drives human behavior. 5 Although the last word has yet to be spoken, there seems to be an emerging scientific consensus: we humans are a volatile mix of animal, primal, and civil — a tangle of emotions and drives that all but guarantees inner and outer conflicts. That human nature is partly animal nature is not entirely a bad thing. Instinct is necessary for a healthy psyche and a moral society. But for human beings to live peacefully in crowded civilizations, the more bestial and savage aspects of man’s nature have to be actively discouraged by society. Konner puts it more forcefully. Because of our fear-driven antisocial propensities, we humans are “ evil ” by nature and therefore need a “ Torah, ” or an equivalent ethical code, to forestall the war of all against all. 6 In practice, this means that mores are essential because they tip the balance between good and evil in human nature. Good ones turn fallible, passionate men and women into reasonably upright members of society, while bad ones turn them into feral menaces to society. This conclusion does not follow from theory alone; it has been empirically demonstrated. The social psychologist Stanley Milgram showed how simple it is to create little Adolf Eichmanns who obediently inflict severe pain on hapless experimental subjects. 7 In an even more frightening experiment, his colleague Philip Zimbardo contrived to convert ordinary, presumably decent students into punitive monsters. In the infamous Stanford prison experiment, student volunteers were randomly assigned to be either guards or prisoners. In a matter of days, the former turned harsh and sadistic, the latter cringing or rebellious, and the experiment had to be aborted to avert physical harm to the prisoners. 8 In effect, psychology has rediscovered what were once called “ the passions ” — the welter of conflicting and potentially dangerous impulses and emotions that lurk in every human breast and that threaten to erupt under the slightest provocation unless they are kept in check by personal character or social control. Recall the words of Burke: “ Society cannot exist unless a controlling power on will and appetite be placed somewhere. ” The choice is between self-imposed “ moral chains ” or externally imposed “ fetters. ” In his Politics, Aristotle identified the essential political challenge: For as man is the best of the animals when perfected, so he is the

worst of all when sundered from law and justice . . . [because he] is born possessing weapons for the use of wisdom and virtue, which it is possible to employ entirely for the opposite ends. Hence, when devoid of virtue man is the most unholy and savage of animals. 9 When individuals gather in crowds, the challenge increases by orders of magnitude because fear, greed, and danger are contagious. As Gustave Le Bon pointed out long ago, **crowds amplify every human defect and manifest many new ones** of their own. “ The masses, ” said Jung, “ always incline to herd psychology, hence they are easily stampeded; and to mob psychology, hence their witless brutality and hysterical emotionalism. ” 10 Nietzsche was even more scathing: “ Insanity in individuals is something rare — but in groups, parties, nations, and epochs it is the rule. ” 11 **The greatest Weapon of Mass Destruction on the planet is therefore the collective human ego.** History teaches that the human capacity for evil is virtually unlimited. Unless wisdom and virtue are deployed to counteract ego’s potential for destruction, actual destruction is inevitable as men and women forget their better nature and become unholy and savage animals. This new yet old understanding of human nature is enough by itself to demolish modern hubris. Infinite social progress is as much of a chimera as infinite material progress. The “ 2,000,000-year-old man ” is what he is and will not be improved, only tamed. Indeed, at this point in human history, the essential task is forestalling racial suicide, not pursuing social perfection. To this cautionary portrait of human nature, we must now add the limits of human cognition. As has been shown, the human perceptual apparatus is a trickster. **We are in touch not with reality but with** a kind of **shadow** play **projected onto the screen of the psyche by invisible deep structures.** We have also seen that even the finest intellects struggle to comprehend complex, self-organizing systems, for nature does not make it easy for us to know reality. But the fault does not lie in nature. The human mind was simply not created to unravel the mysteries of quantum mechanics or to comprehend the intricate dynamics of the global climate regime. It was instead cobbled together and then honed to perfection by evolution for one specific purpose — survival as hunter-gatherers on the African savannah. We are Jung’s “ 2,000,000-year-old man ” not just emotionally but also cognitively. We are hardwired to perceive in certain ways and not in others. Above all, human cognition is “ designed ” for concrete perception, so primal peoples are masters of what anthropologist Claude Lévi-Strauss called “ the sciences of the concrete. ” 12 This is by no means an inferior mode of thought. The savage is not, as we tend to think, a mere captive of strange fancies and outlandish beliefs. He is actually more of an empiricist than the physicist because he perceives his world directly and immediately whereas the latter filters nature through an elaborate intellectual apparatus made up of mathematical, theoretical, and technological lenses. So the abstraction associated with literacy, civilization, and, above all, scientific investigation is not natural but acquired — and only with great difficulty after years of schooling. Even **schooling cannot entirely eradicate the innate propensity** for concreteness in the human mind. For instance, **we daily commit the epistemological sin of reification** — **regarding abstractions or ideas, such as energy or the market, as if they were somehow as real as rocks** and trees rather than constructs that help us understand complex phenomena. Likewise, our opinions have a tendency to become “ set in concrete, ” resisting all evidence to the contrary. 13 But perhaps the most egregious instance of what Whitehead called “ the fallacy of misplaced concreteness ” is that so many otherwise sane human beings believe in the absolute, literal truth of the manifestly mythological accounts contained in various scriptures — **refusing to accept**

archeological and historical evidence to the contrary or even to entertain the possibility that these accounts could be fingers pointing at the ineffable rather than expressions of concrete truth. 14 Sadly, many, if not most, human beings are not capable of rising very far above Piaget's concrete operational stage of cognition. 15 Hence they cannot be said truly to comprehend the social and physical reality of life in complex civilizations — a life far removed from the comparatively simple and concrete existence of the hunter-gatherer, which centered on day-to-day survival amid an intimate circle of kinsmen and friends. As a corollary, the untutored human mind focuses on the present and the dramatic. The imperative of survival on the savannah made us sensitive to immediate or striking dangers — but comparatively oblivious to long-term trends, risks, and consequences, especially ones that are inconspicuous. Our attention is not grabbed by the creeping destruction of habitat, the imperceptible extinction of species, the continual accumulation of pollutants, the gradual loss of topsoil, the steady depletion of aquifers, and the like. Rather, we tend to fixate on dramatic symptoms (such as the occasional major oil spill) while ignoring the far greater long-term threat to ecosystems posed by quotidian events (such as the daily dribble of petrochemicals from a multiplicity of sources, which is far greater and much more damaging over the long term). Unfortunately, dribbles are not the stuff of melodrama and so tend not to register strongly, even when brought to our attention by the media. So it takes a crisis to thrust stealthy perils into full awareness. Unfortunately, says biologist Richard Dawkins, the human brain was simply not built to understand slow, cumulative processes like evolutionary or ecological change, which demand an acute sensitivity to the long-term consequences of small changes. 16 Since long-term observation and planning were not critical for our early survival, these mental attributes were not reinforced by evolutionary selection. Ecology and its implications are therefore poorly understood, even by the informed public. More generally, the human mind's inability to escape the clutches of the present leads to the habitual, shortsighted pursuit of current advantage to the detriment of future well-being. In addition, the survival imperative endowed us with a host of cognitive shortcuts — unconscious mental algorithms that may have been essential on the savannah but that must be consciously set aside if we humans are to live sanely in civilization. For example, the human mind tends to be quick to decide. Like any animal, we are emotionally wired for fight or flight, which means that our savage minds are also cognitively wired to jump to conclusions. When early humans spotted a tan shape lurking in the elephant grass, the minds that decided "lion" soonest had the best chance to pass their genes down to posterity. The human mind is dualistic, so it is constrained, if not compelled, to choose one pole or the other — fight or flight, black or white, right or wrong — not the middle ground. This has been experimentally demonstrated at the perceptual level: when humans look at a classical optical illusion, they see either the lady or the vase, never both at once. In other words, the human mind naturally dichotomizes, creating the common oppositions of "good" and "bad," "us" versus "them," "the" two sides "of any issue," "left" against "right" in politics, and so on. Unfortunately, as F. Scott Fitzgerald noted, it takes a first-rate intelligence to hold two opposing ideas in mind at the same time and still continue to function, so untutored minds readily affix themselves to one of the poles and oppose the other. This explains the perennial conflict between believers and infidels that has occasioned untold historical misery.

Discussing the environment in terms of human rights conflicts with the right to development- the result is ecological decline

OpenDemocracy 15 (Independent and not-for-profit, openDemocracy is a leading independent website on global current affairs. Editor in-chief is Anthony Barnett, who went to Cambridge. "Human Rights - Help Or Hindrance to Combatting Climate Change?" OpenDemocracy. Jan 09 2015. ProQuest. Web. 28 June 2015)

However, though initially appealing, articulating environmental struggles in the language of rights may not be helpful for more effectively addressing ecological concerns. The difficulty lies in the second of the barriers to cooperation noted above: the inability to imagine development alternatives. When dominant development patterns continue to demand infinite economic growth on a planet with a limited productive and adaptive capacity, the result is inevitable ecological decline. Alongside ecological degradation, current development patterns also exacerbate economic inequality between and within states, creating systemic global economic and environmental injustice. In such a context, articulating the problem in terms of achieving a balance between competing rights (the right to development and the right to a healthy environment) is unconstructive unless a substitute is found for the underlying economic system that demands limitless growth. Thus, the human rights framework may not help to reconcile globalization with its ecological limits. A more serious concern, however, is whether this framework may be part of the reason we struggle to imagine sustainable ways of life. The phenomenal growth of rights-based discourse has happened alongside ever-expanding fossil-fuel dependency, pollution and waste; modern freedoms are increasingly understood as being contingent on a resource-intensive, mass-consumption lifestyle. Today, increasing numbers of people understand themselves through a rights philosophy that privileges particular types of human entitlement and systemically devalues the non-human. Such a philosophy is the epitome of an obsessively anthropocentric worldview. It helps to propagate and entrench a particular abstraction of the 'human' that is profoundly disconnected from knowing ourselves as a species inextricably interconnected with other organic and inorganic life. In an intertwined state of being, where each entity's survival depends on its relationship with others within an ecosystem, the distinction between human and non-human is untenable; the non-human 'other' is essential for human life. Whatever we do to the other we are also doing to ourselves.

Link

2NC Link Wall

Extend Humphrey – Value changes represent a long-term solution to a short term problem – delaying the transition and gutting any chance of environmental solvency

And, Lack of moral and political restraints perpetuate ecocide

Ophuls '11 (Ophuls, William. *Plato's Revenge : Politics in the Age of Ecology*. Cambridge, MA, USA: MIT Press, 2011. ProQuest ebrary. Page 18-22 Web. 24 June 2015. He served for eight years as a Foreign Service Officer in Washington, Abidjan, and Tokyo before receiving a PhD in political science from Yale University in 1973. After teaching briefly at Northwestern University, he became an independent scholar and author. He has published three books on the ecological, social, and political challenges confronting modern industrial civilization.
<http://site.ebrary.com.proxy.lib.umich.edu/lib/umich/reader.action?docID=10496263//6-24-15//MC>)

In other words, a limited government compatible with wide personal liberty requires a virtuous people, a point well understood by the framers of the American Constitution. As John Adams said, “Our constitution was made only for a moral and religious people. It is wholly inadequate for the government of any other.”¹¹ James Madison extended this understanding to all of politics: “To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea.”¹² In the end, living legally rather than morally is not desirable on political grounds alone: a lack of virtue in the people entails a government of force, not consent. If we now turn our attention to humankind’s relation with the natural world, the case for placing moral chains on human will and appetite becomes even more compelling. When Hobbes “unleashed the passions,” he liberated men and women from imposed moral or religious strictures, but he also gave birth to what we know as economic development. Although the state no longer had the duty or even the right to inculcate or enforce private virtue, it did nevertheless have a positive role beyond mere peacekeeping—to foster “commodious living.” Freed of the obligation to promote otherworldly ends, the state would henceforth dedicate itself to the things of this world—to abetting human desire, especially the urge for material gratification. Following in Hobbes’s footsteps, John Locke and Adam Smith made this profound shift in orientation from sacred to secular explicit: the purpose of politics is to facilitate the acquisition of private property and national wealth, along with the power that they confer. But the unfortunate side effect of unleashing human will and appetite in this fashion has been the destruction of nature. Nature may not be a moral agent in the usual sense of the word—although a moral code is indeed implicit within the natural order—but it does have physical laws and limits that cannot be transgressed with impunity. Tragically, in the absence of mores that promote self-restraint and respect for nature, the exploitation of the natural world is bound to turn into overexploitation, for human wants are infinite. The long-term effect of unleashed passions therefore has been to violate nature’s laws and limits and provoke an ecological crisis. Our escalating ecological problems have become both common knowledge and a growing focus

of political concern but to very little effect. After all, our form of politics requires perpetual economic growth, so the idea of limits, much less retrenchment, is anathema. Besotted with hubris, we cherish the delusion that we can overpower nature and engineer our way out of the crisis. We are not yet ready to admit that the destruction of nature is the consequence not of policy errors that can be remedied by smarter management, better technology, and stricter regulation but rather of a catastrophic moral failure that demands a radical shift in consciousness. The antidote to political corruption and ecological degradation is therefore the same—a moral order that governs human will and appetite in the name of some higher end than continual material gratification. For this we need true laws, not merely prudent or expedient rules. But where shall we find such laws? They will not be found in revealed religions, old or new. Whatever the virtues and advantages of premodern religious politics, the concomitant evils and disadvantages were enormous, and Hobbes's philosophical revolt was both intellectually and historically justified. Perhaps they can be found in some new ideology? Again, surely not. If the history of the twentieth century has anything to teach, it is that secular ideologies are even worse than religious creeds at fomenting cruelty and violence. This leaves only one possible source for a new moral code—natural law, the law “written on the tablets of eternity.”

2NC Internals

America k2 Spillover

Collapse of liberal America will spill over to the rest of the world

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , *The Climate Change Challenge and the Failure of Democracy*, Pages 117, MX)

The end of liberal America could be sooner than we may think. General Tommy Franks, who led the U.S. military operation to liberate Iraq, says that if America is hit by a weapon of mass destruction that causes large casualties, the Constitution will be discarded and the United States will have a military form of government. In one interview he said that the result of a weapon of mass destruction hitting the United States would mean "the Western world, the free world, loses what it cherishes most, and that is freedom and liberty we've seen for a couple of hundred years in this grand experiment that we call democracy."⁴⁴ He continued that "it may be in the United States of America—that causes our population to question our own Constitution and begin to militarize our country in order to avoid a, repeat of another mass, casualty-producing event. Which in fact, then begins to unravel the fabric of our Constitution?"⁴⁵ In this context it is worth quoting the more recent remarks of the Australian cosmologist John O'Connor who has reminded us that civilizations typically collapse from within: Kenneth Clark in a famous television documentary series, *Civilization*, warned us that societies, however complex and solid they may appear, are in fact quite fragile. For example the almost total eclipse of the Greco-Roman civilization in western Europe after 600 years of predominance shows that collapse can occur when a society becomes exhausted ... when its people become so used to the rights, privileges and material prosperity endowed by their civilization that they no longer value them sufficiently to defend, maintain and build on them.⁴⁶ Similar sentiments have been expressed about the survival of America by the respected social theorist Chalmers Johnson in *The Sorrows of Empire*.⁴⁷ This is a perspective different from the one expressed in this book; Johnson sees America as a new Roman Empire, but a more enlightened one. Nevertheless the expansion of the American empire has led to the "sorrows of empire," including America becoming a debtor nation, owing more money than it is ever likely to pay back. International finance has a death grip on the throat of the American economy. Running an empire was expensive for the Romans, and it is even more expensive for the Americans. The arrogance of empire blinds leaders to basic realities: A combination of imperial over-stretching, rigid economic institutions, and an inability to reform weakens empires leaving them fatally vulnerable in the face of disastrous wars, many of which the empires themselves invited. There is no reason to think that an American empire will not go the same way and for the same reasons. However given the global reach of the American empire, the fall of America will be much like a large comet striking the ocean. The death of America will mean the death of liberal democracy."⁴⁸ Liberal democracy likewise suffers from these sorrows of empire. The system is, in short, corrosive of social capital, the cultural glue that holds society together.⁴⁹ Although theorists differ about how and to what extent this corrosion acts, it is clear that act it does. The difficulties, contradictions, and dilemmas of liberal

democracy are so great that that its demise is inevitable. What then will replace it, and what should replace it? The remainder of this book will consider these questions.

UQ

Authoritarianism Coming

2NC

Obama is shifting to Authoritarianism Now

a. Transitioning Government

Henninger 13

(Daniel, "Daniel Henninger: Obama's Creeping Authoritarianism," pg online @ <http://www.wsj.com/articles/SB10001424127887324136204578639953580480838> //um-ef)

Please don't complain later that you didn't see it coming. As always, Mr. Obama states publicly what his intentions are. He is doing that now. Toward the end of his speech last week in Jacksonville, Fla., he said: "So where I can act on my own, I'm going to act on my own. I won't wait for Congress." (Applause.) The July 24 speech at Knox College in Galesburg, Ill., has at least four references to his intent to act on his own authority, as he interprets it: "That means whatever executive authority I have to help the middle class, I'll use it." (Applause.) And: "We're going to do everything we can, wherever we can, with or without Congress." Every president since George Washington has felt frustration with the American system's impediments to change. This president is done with Congress. The political left, historically inclined by ideological belief to public policy that is imposed rather than legislated, will support Mr. Obama's expansion of authority. The rest of us should not. The U.S. has a system of checks and balances. Mr. Obama is rebalancing the system toward a national-leader model that is alien to the American tradition. To create public support for so much unilateral authority, Mr. Obama needs to lessen support for the other two branches of government—Congress and the judiciary. He is doing that. Mr. Obama and his supporters in the punditocracy are defending this escalation by arguing that Congress is "gridlocked." But don't overstate that low congressional approval rating. This is the one branch that represents the views of all Americans. It's gridlocked because voters are. Take a closer look at the Galesburg and Jacksonville speeches. Mr. Obama doesn't merely criticize Congress. He mocks it repeatedly. Washington "ignored" problems. It "made things worse." It "manufactures" crises and "phony scandals." He is persuading his audiences to set Congress aside and let him act. So too the judiciary. During his 2010 State of the Union speech, Mr. Obama denounced the Supreme Court Justices in front of him. The National Labor Relations Board has continued to issue orders despite two federal court rulings forbidding it to do so. Attorney General Eric Holder says he will use a different section of the Voting Rights Act to impose requirements on Southern states that the Supreme Court ruled illegal. Mr. Obama's repeated flouting of the judiciary and its decisions are undermining its institutional authority, as intended. The three administration nominees enabled by the Senate's filibuster deal—Richard Cordray at the Consumer Financial Protection Bureau, Thomas Perez at the Labor Department and EPA Administrator Gina McCarthy—open a vast swath of American life to executive authority on steroids. There won't be enough hours in the day for Mr. Obama to "act on my own." In a recent Journal op-ed, "Obama Suspends the Law," former federal judge Michael McConnell noted there are few means to stop a president who decides he is not obligated to execute laws as passed by Congress. So there's little reason to doubt we'll see more Obamaesque dismissals of established law, as with ObamaCare's employer mandate. Mr. Obama is pushing in a direction that has the potential for a political crisis. A principled

opposition would speak out. Barack Obama is right that he isn't running again. But the Democratic Party is. Their Republican opponents should force the party's incumbents to defend the president's creeping authoritarianism. If Democratic Senate incumbents or candidates from Louisiana, Alaska, Missouri, Arkansas, North Carolina, Montana and Iowa think voters should accede to a new American system in which a president forces laws into place as his prerogative rather than first passing them through Congress, they should be made to say so. And to be sure, the other purpose of the shafted middle-class tour is to demolish the GOP's standing with independent voters and take back the House in 2014. If that happens—and absent a more public, aggressive Republican voice it may—an unchecked, unbalanced presidential system will finally arrive.

b. Limiting rights and increasing surveillance

AllGov 12

("Obama Has Authoritarian Powers Bush Could Only Dream Of," pg online @ [//ghs-ef\)](http://www.allgov.com/news/top-stories/obama-has-authoritarian-powers-bush-could-only-dream-of?news=844386)

Barack Obama campaigned in 2008 as a civil libertarian, a former professor of Constitutional Law who promised to close the military prison at Guantánamo, Cuba, undo the unconstitutional excesses of the Bush administration's "War on Terror" and stop the relentless accumulation of power in the presidency. Yet since taking power, Obama has undone little, and has in fact been amassing additional powers to himself and the presidency. In what ways has President Obama increased his arsenal of powers? Let us list the ways:

- Obama has ordered the killing of U.S. citizens abroad whom he has deemed terrorists, without any opportunity to deny the accusation or present a defense.
- Despite promising to shut down the Bush system of trying terrorism detainees before military tribunals where their due process rights are severely limited, Obama instead signed the Military Commissions Act of 2009, essentially codifying the Bush policy.
- Obama has not only continued to use the Guantánamo prison, but also brought the underlying policy home by signing the National Defense Authorization Act of 2012, which allows the military to arrest and indefinitely detain anyone, including citizens, merely suspected of assisting terrorists. That codifies the Bush administration's treatment of Jose Padilla, a citizen arrested in 2002 and transferred from civil to military custody. It also reverses the 1878 Posse Comitatus Act's ban on the government using the military for domestic matters.
- Obama has refused to reveal how his Justice Department is interpreting the Patriot Act, despite requests from Democratic Senators and others.
- One of George W. Bush's worst civil liberties violations, using the telecom system to spy on virtually all Americans starting in 2003 (which Obama has since defended in court) also has been expanded. The National Security Agency (NSA) is now building its largest data processing center ever, which will go beyond the public Internet by also snooping into password-protected networks. The NSA is also relying on private corporations to mine data as a way to avoid the Constitutional requirement of obtaining search warrants, as the Constitution limits only government searches and seizures. The federal government continues to

require that computer makers and big Web sites provide access for domestic surveillance purposes.

Surveillance

Now

Congress enhancing the surveillance state now

Trimm '15 (Trevor, March 14th, 2015 - Trevor Timm is a Guardian US columnist and executive director of the Freedom of the Press Foundation, a non-profit that supports and defends journalism dedicated to transparency and accountability)

<http://www.theguardian.com/commentisfree/2015/mar/14/congress-wont-protect-us-from-the-surveillance-state-theyll-enhance-it> // 6-25-15 //)

The same Senator who warned the public about the NSA's mass surveillance pre-Snowden said this week that the Obama administration is still keeping more spying programs aimed at Americans secret, and it seems Congress only wants to make it worse. In a revealing interview, Ron Wyden – often the lone voice in favor of privacy rights on the Senate's powerful Intelligence Committee – told BuzzFeed's John Stanton that American citizens are being monitored by intelligence agencies in ways that still have not been made public more than a year and a half after the Snowden revelations and countless promises by the intelligence community to be more transparent. Stanton wrote: Asked if intelligence agencies have domestic surveillance programs of which the public is still unaware, Wyden said simply, "Yeah, there's plenty of stuff." Wyden's warning is not the first clue about the government's still-hidden surveillance; it's just the latest reminder that they refuse to come clean about it. For instance, when the New York Times' Charlie Savage and Mark Manzetti exposed a secret CIA program "collecting bulk records of international money transfers handled by companies like Western Union" into and out of the United States in 2013, they also reported that "several government officials said more than one other bulk collection program has yet to come to light." Since then – beyond the myriad Snowden revelations that continue to pour out – the public has learned about the Postal Service's massive database containing photographs of the front and back of every single piece of mail that is sent in the United States. There was also the Drug Enforcement Administration's mass phone surveillance program – wholly separate than the NSA's – in which "phone records were retained even if there was no evidence the callers were involved in criminal activity," according to the New York Times. And recently, the Justice Department's "national database to track in real time the movement of vehicles around the US", reported by the Wall Street Journal. That there are still programs aimed at Americans that the Obama administration is keeping secret from the public should be a front page scandal. Instead of exposing and informing these programs, however, Congress seems much more intent on giving the intelligence agencies even more power. On the same day that Wyden issued his warning, the Senate Intelligence Committee passed its latest version of CISA, a supposed "cybersecurity" bill that allows companies to hand over large swaths of personal information to the government without any court order at all – and gives the companies immunity from any privacy lawsuits that may result. Wyden called it "a surveillance bill by another name" – and was the only Senator on the Intelligence Committee member to vote against it. The committee claims they passed some privacy amendments, but we have no idea what since they did so in complete secrecy, and the announcement came after it had already passed. The public has yet to see the bill. While members of Congress attempt to pass a new way for the government – and the NSA – to get

their hands on more data of Americans, they've barely made a peep about reforming Section 215 of the Patriot Act, the controversial law that was twisted and warped to allow the NSA to collect every phone record in the United States. Soon they'll have no choice but to address it: Section 215 has to be renewed by Congress in June, or the law expires. With no progress on reforming, there will be a huge push in the coming weeks for Congress to reject Section 215 entirely – and many people believe the surveillance state might not have the votes to keep it. Congress can keep trying to avoid change, but reform is coming one way or another.

Inevitable

Liberal Democracy inevitably turns to mass surveillance – the aff is just lip service

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 109-110, MX)

This claim that liberalism is a socially destructive ideology has been made in the recent past by conservative thinkers. Malcolm Muggeridge, a Christian conservative thinker, saw liberals as possessing a death wish. Reflecting on the cultural revolution of the West in the 1960s, he saw liberals as having a tendency to grovel before any tyrant and their regime, however brutal (Pol Pot, Mao, etc.), so long as the tyrant mouthed the appropriate platitudes about the "brotherhood of man." Seeing humans as fallen and cursed by original sin, Muggeridge saw the liberal as possessed by an irrational necessity to abolish a degenerating culture and reconstruct it to conform to his or her own prejudices, revolving around the idea that human beings are fundamentally good. The notion that liberalism is grounded upon a fundamentally mistaken philosophy of human nature is also expressed by the conservative, former communist, writer James Burnham.⁶ For Burnham, liberalism is an ideology of national suicide that ultimately erodes a nation's will to survive. During the cold war French writer Jean-Francois Revel thought that communism would ultimately defeat liberal democracy.⁷ Liberal democracy may only have been an historical accident. This political system always allows internal enemies who seek to destroy the system to flourish (such as communists for Revel or environmentalists for corporate empires). Liberal democracies will self-destruct by following their own logic to extremes. The conservative intellectual Paul Gottfried has agreed that, unlike nineteenth-century liberalism, the contemporary liberal state is concerned with promoting uniformity, not individuality.⁸ For Gottfried liberalism now only pays shallow lip service to the philosophy of liberty; today the nanny state is more concerned with democratic socialization and social control. There is no real mobilization by the oppressed against the new class elites who run the state machine.⁹ Psychological weapons, with fear the most potent, are refined to maintain social control, power, and community silence. Fear allows those in power to enact sweeping counterterror legislation, spy on its citizens, kidnap, and torture in the name of their protection.¹⁰ Secrecy and deception become a normal part of liberal democracy, as was the case in totalitarian communism. The tenets of liberalism, such as justice, are cast aside in the interests of political designs. Political attacks on the judiciary became more and more open in Western democracy, reflecting liberalism's propensity to cast aside the collective good in favor of individual liberty. In a speech just after her retirement from the U.S. Supreme Court, Sandra Day O'Connor took aim at those leaders whose repeated denunciation of courts for alleged liberal bias could be contributing to a climate of bias against judges.¹¹ The leaders were political right-wingers flourishing in the free-for-all of liberalism. History tells us that attacks on the judiciary are often the forerunner of dictatorship. Thus the masses become apathetic and lose hope. if they ever had any, of self-government and are pacified by sexual bread and drug circuses, a quiet tyranny of tits, TV, and

consumer consolation. In this sense, George Orwell's 1984 has already arrived. Then the masses were pacified by Victory gin, "films football, beer and above all gambling filled up the horizon of their minds," and "there were some millions of proles for whom the lottery was the principal if not the only reason for remaining alive."¹² Gottfried's line of thought is that it was liberalism that destroyed the old monarchic order and concentrated power in the emerging modern state of Europe. At the time of the 1917 Revolution, communists in the former Soviet Union found a concentration of power ready for them to take over. Liberalism thus, ironically, laid the ground for the Soviet gulag.¹³ As discussed in chapter 6, liberal societies are far from liberal, in that the number of people killed by liberal democratic governments in the name of universal human emancipation from the time of the Enlightenment to the second Iraqi war is far greater than the number of people killed by communist regimes (thought by some authorities to be in excess of 150 million).¹⁴ Often those liberal democracies strutting their freedom and opportunity for all have transgressed the rights of others in the name of their own self-interest. The accusations of Harold Pinter ring true in his Nobel Lecture: The United States supported and in many cases engendered every right wing military dictatorship in the world after the end of the Second World War. I refer to Indonesia, Greece, Uruguay, Brazil, Paraguay, Haiti, Turkey, the Philippines, Guatemala, El Salvador and of course Chile. The horror the United States inflicted upon Chile in 1973 can never be purged and can never be forgiven. Hundreds of thousands of deaths took place throughout these countries.¹⁵

Transition

2NC MUST READ Inevitable

Environmental decline makes the transition to authoritarianism inevitable---the only question is whether it can be effective

Beeson, PhD, 10 [professor in political science and international relations]

(Mark, March, Environmental Politics Vol 19 No 2 "The coming of environmental authoritarianism" www.tandfonline.com/doi/pdf/10.1080/09644010903576918#.VY294vIViko)

The conclusions that emerge from the following discussion are necessarily impressionistic, speculative and rather dispiriting. The empirical evidence upon which such inferences depend is, by contrast, more and more compelling and unequivocal. There is little doubt that the natural environment everywhere is under profound, perhaps irredeemable stress. Parts of Southeast Asia and China are distinctive only in having already gone further than the most of the West in the extent of the degradation that has already occurred (see Jasparro and Taylor 2008). The only issue that remains in doubt is the nature of the response to this unfolding crisis. The extent of the problem, the seemingly implacable nature of the drivers of environmental decline, the limited capacity for action at the national level and the region's unimpressive record of cooperation and environmental management do not inspire confidence. Consequently, the prospects for an authoritarian response become more likely as the material base of existence becomes less capable of sustaining life, let alone the 'good life' upon which the legitimacy of democratic regimes hinges. At least equally important is the widespread realisation that the techno-managerial approaches of ecological modernisation will not be sufficient for achieving sustainability (however defined). The proponents of these approaches had once reassured policy makers and the public that a radical break with the established socio-economic order would not be required, but that sustainability can be achieved within this order, if new efficiency-technologies, market instruments, consensus-oriented strategies of stakeholder governance and even the consumer culture are wisely and strategically used. These promises resounded with the widespread commitment to consumer capitalism and liberal democracy and were, therefore, readily taken up. Yet, despite all technological innovation and resource efficiency gains, the strategies of ecological modernisation have never succeeded in stopping, let alone reversing, the over-exploitation of natural resources, the decline of bio-diversity, the advance of global warming or the increase of social inequality. They have helped to sustain the unsustainable for an extra couple of decades but, ultimately, they have only reinforced and radicalised, not suspended, the demand for policy measures which are less compatible with the principles of both liberal democracy and consumer capitalism.

Humans are biologically determined to become authoritarian

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 101-103, MX)

Why then is the authoritarian state a natural choice for humanity? It is not necessarily a choice, it happens, because, as Richard Dawkins wrote, "If you wish to build a society in which individuals cooperate generously and unselfishly towards a common good you can expect little help from biological nature." When Rousseau said that man was born free, this was far from the truth. We may not be happy with the thought, but there is much evidence to indicate that our evolutionary past dictates our instinct and behavior. On reviewing the scientific evidence to substantiate this, Robert Winston concludes that while people have no problem accepting our evolution from some form of ape, few of us accept the psychological implications. "Homo sapiens not only looks, moves and breathes like an ape, he also thinks like one. Not only do we have a Stone Age body, with many vestiges of our past, but we also have a Stone Age mind."⁴³ This mind is ruled by such basic instincts of fear and flight by which automatic physiological responses occur in threatening situations, and by the primacy of the sexual instinct to ensure survival of the species. The latter is the main determinant of our quest for power, goods, and status, and when the chips are down, is more important to us than the governance system that we use to obtain it. The modular theory of evolutionary psychology suggests that humans are born with minds that contain complex psychological mechanisms or modules so that the brain is hardwired for a wide range of behaviors and instincts that are shared by all humanity. These range from an inherent fear of snakes to an innate structure of the brain that allows us to learn language—according to the work of Chomsky.⁴⁴ The modular theory is supported by studies on patients who have injury to the brain localized by brain scanning, which shows a range of disabilities in speech and recall of words. These functions cannot be learned to any significant degree by undamaged parts of the brain. This is not an agreeable theory for humanity to accept, for it offers little hope for reform! Indeed other scientists believe that there is much plasticity in the brain that is adapted by our experience of the world around us. As with all diametrically opposed theories in science, the truth will encompass some of both theories with the modular theory preeminent. With the modular theory in mind, it is important to note that Somit and Peterson believe that our social evolution in tribal systems is framed around "dominance and submission, command and obedience."⁴⁵ Dominance is a relationship between different individuals that is usually established by threat and display. It serves the important role of preventing disputes that might lead to injury and turmoil. In evolutionary terms, violence would not be good for reproductive success. This system is seen in primates where it contributes to reproductive success, and a hierarchy is established that leads to social stability. Humanity uses dominance and submission to organize society. The reproductive intent is more hidden in the cloak of power and prestige of those who are leaders either elected or appointed. Within democracy we are always on the move towards authoritarianism. Political parties are hierarchical. Often they have cabals, each of which has its own hierarchy that selects its candidates for government. We have to have visible and directive leaders, even though we may recognize that the leader is constructed from cardboard and painted by spin-doctors and advertisers. Government, opposition and corporatism is hierarchical and cannot be challenged from within without potential injury. An exposure of misdoing or corruption by a whistle-blower is not accepted as a service to society. Instead of gratitude, there is discomfort, "outing," and unemployment. Those elected to leadership by democracy often move to authoritarianism by using the system to retain power or to wage war. In particular they consort with the rich and powerful corporations to usurp the needs of society, even to the extent of destroying other

democrat-les if they fail to satisfy the mold sought by corporatism, for example, Allendeons Chile. All these human traits are genetic barriers to the sustainability of democracy. Whatever social structure is freely created, it inherently becomes hierarchical and authoritarian. It is difficult to comprehend how a simple universal message of love and humility espoused by Christ and the disciples could be transformed into the pomp, power, and authoritarian dogma of the Roman Catholic Church. Obedience is part of this hierarchical system, and disobedience is rare. This is also an impediment to democracy. Obedience is expected within a so-called democratic party where the members are kept in line by whips, and in the workplace where questioning of roles can be insubordination. An order may be accepted when it involves personal sacrifice, and orders that are morally reprehensible such as torture, massacre, and genocide are often carried out with alacrity by individuals, formerly good family stalwarts of society. Obedience is necessary for the functioning of the killing machines, the armies trained by democracies as well as the tyrants. The scientific study of obedience using electric shocks shows that individuals have an ingrained ability to obey even when injury is conferred on others.⁴⁶ Observation of our closest primate relatives, chimpanzees, reveals a social and hierarchical structure uncannily similar to our own. Their society functions with a hierarchy based on dominance and submission. The dominant male is the leader because of strength and creation of alliances. Murder and organized violence are part of their society just as they are in ours. For example, male chimpanzees form alliances to seek revenge when a friend is killed. War parties are formed from mature males who have grown up together, and the anticipation of battle may produce sickness and vomiting through fear. These activities closely resemble the male bonding and platoon formation in human wars. This common behavior is summarized by Potts and Short as follows: "The unique and bloody common characteristic of the chimpanzee *Pan troglodytes* and *Homo sapiens* is a propensity for a close knit group of mature males to drop what they are doing, venture stealthily and deliberately into the territory of a neighboring group, seek out one or more individuals they can outnumber, and then beat the living daylights out of them. This behavior has not been found in any other animal and it has all the attributes of a war."⁴⁷ Indeed, both societies sometimes choose warfare as a strategy, even perhaps to the extent of preemptive strikes. Both societies can revel in the sight of violence, one need look no further than the television schedules. Liberal democracy provides but sheep's clothing for its selfish authoritarian genes, an unjustified bias in favor of humans. We agree that this is a fundamental problem of liberalism, but unlike these authors we will detail how liberalism is destructive in other human and social spheres. We will see that the liberal attitudes that have corrupted the concept of environmental sustainability, for this is incompatible with the growth economy, are the same ones that conflict with human values.

Even if not preferable, authoritarianism is inevitable with resource scarcity

Woods, PhD 10 [lecturer of political theory at Leeds]

(Kerri, January, *Human Rights and Environmental Sustainability*, Edward Elgar publishing, p 129-130)

Ophuls, writing in 1974, predicted 'the inevitable coming of scarcity to societies predicated on abundance', and with this, 'almost equally inevitable, will be the end of political democracy and

a drastic reduction in personal liberty' (Ophuls 1974. p. 47). Ophuls has been understood as claiming that we can either have democracy and individual freedom, or we can have sustainability, but we cannot have both. Pursuing both would lead to the destruction of the environment to the degree where scarcity caused societal breakdown and a return to authoritarianism as a matter of necessity. Taking a similarly apocalyptic tone. Hardin laments 'the tragedy of freedom in a commons*' (Hardin 2005. p. 28). The freedom he has in mind is mostly economic, and, in particular, procreative freedom. In this regard, he specifically attacks the UDHR right to found a family, which is proclaimed in Article 16.1. Writing much later. Beckerman argues that, rather than trying to predict future environmental demands and protect resources accordingly, 'our most important obligation to future generations is to bequeath to them a "decent society" in which there is respect for basic human rights' (Beckerman 2000. p. 22). The detail of the argument put forward by Ophuls and Hardin is not quite the apology for environmental authoritarianism that has sometimes been presented. Neither embraces authoritarian government as a good way to live. Rather, they both hold that an absence of individual moral responsibility makes authoritarianism necessary. Indeed. Hardin states that 'The only kind of coercion I recommend is mutual coercion, mutually agreed upon by the majority of the people affected' (Hardin 2005, p. 34). It is Hardin's and Ophuls's pessimism about the likelihood of self-motivated social change and the advent of a morally driven environmental citizenry that leads them to conclude that authoritarianism is, if not desirable, certainly inevitable. The arguments regarding democracy and citizenship discussed in the previous chapter suggest a greater degree of optimism among more contemporary green theorists.

Now

Environmental authoritarianism coming now

Beeson '10 (Mark, Beeson is a professor of Political Science and International Relations at University of Western Australia - <http://onlinelibrary.wiley.com/doi/10.1111/1467-6435.00198/epdf> // 6-24-15 // MC)

The environment has become the defining public policy issue of the era. Not only will political responses to environmental challenges determine the health of the planet, but continuing environmental degradation may also affect political systems. This interaction is likely to be especially acute in parts of the world where environmental problems are most pressing and the state's ability to respond to such challenges is weakest. One possible consequence of environmental degradation is the development or consolidation of authoritarian rule as political elites come to privilege regime maintenance and internal stability over political liberalisation. Even efforts to mitigate the impact of, correspond to, environmental change may involve a decrease in individual liberty as governments seek to transform environmentally destructive behaviour. As a result, 'environmental authoritarianism' may become an increasingly common response to the destructive impacts of climate change in an age of diminished expectations. Long before the recent global economic crisis inflicted such a blow on Anglo-American forms of economic organisation, it was apparent that there were other models of economic development and other modes of political organisation that had admirers around the world. The rise of illiberal forms of capitalism and an apparent 'democratic recession' serve as a powerful reminders that there was nothing inevitable about the triumph of 'Western' political and economic practices or values (Zakaria 2003, Diamond 2008).

Traditional western imperialism and modernization causing authoritarianism now

Beeson, PhD, 10 [professor in political science and international relations]

(Mark, March, Environmental Politics Vol 19 No 2 "The coming of environmental authoritarianism" www.tandfonline.com/doi/pdf/10.1080/09644010903576918#.VY294vIViko)

Historicising the East Asian experience is important because it highlights the path-dependent nature of some of the region's problems of governance, development and sustainability as products of the impact of European and latterly American intrusion into the region. Incorporation into extant systems of international political and economic order entailed structural changes of profound importance with enduring long-term consequences for the entire region. The introduction of Western political and economic practices to Southeast Asia transformed the existing social order, even if Western imperialism was mediated by contingent local realities (Elson 1992). Demographic change – especially population expansion and the

introduction of migrant labour – has had a major impact on both domestic politics and the natural environment in Southeast Asia (Tarling 2001). Many of these changes are not, of course, unique to the region, but features of a more generalised process of ‘modernisation’ that has supported the sort of population growth and economic development that is placing such pressure on the global environment. What is distinctive about much of East Asia is the geopolitical context this modernisation has occurred in and the concomitant patterns of political order it has encouraged at the domestic level. Despite a rhetorical preoccupation with the promotion of democracy and economic reform, the imperative of geopolitical contestation with the Soviet Union meant that the US tolerated – even encouraged – the development of authoritarian political allies in a process that helped entrench authoritarian rule in non-capitalist East Asia too (Schaller 1990, Woo-Cumings 2005). Far from ending after the Cold War, history has continued to unfold in distinctive ways that have often circumscribed political liberalism. During the 1990s, when we might have expected increased reformist pressure on the region, the general success of the ‘East Asian miracle’ and the performance legitimacy that accrued to Asian leaders militated against major political change. Even the Asian economic crisis failed to bring about wholesale political change, despite the noteworthy downfall of Suharto. Whether the democratic transition can be consolidated and entrenched even here is a moot point. On the one hand, the extent of the reform process in Indonesia is questionable (Robison and Hadiz 2004). On the other, democratic reform and ‘good governance’ have been further threatened by a deteriorating security situation and the difficulty of managing the complex strategic and political tensions associated with the ‘war on terror’ (Beeson 2004). The associated geopolitical constraints would have been difficult enough to manage for a country with a large Muslim population, but the growing threat of environmental degradation and food insecurity further intensified the political pressures on the region’s principal democratic success story (Adam 2008).

Collapse Inevitable

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Collapse of Liberalism is inevitable - physical limits

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 115-116, MX)

A number of philosophers and social theorists have seen the liberal order as being at an end. British philosopher Alasdair MacIntyre in *After Virtue*³³ sees liberalism as an intrinsically flawed philosophy, for while pretending to be a master system of morality it is really only one moral system among a competing plurality of alternatives and cannot supply an objectively true justification of its own foundations. Liberalism is seen to beg the question of its own truth by assuming the primary value of its fundamental concept: freedom. MacIntyre concludes his work by seeing liberalism as not a genuine morality at all, in the sense of providing a moral worldview compared to the heroic societies of Homeric times. Liberalism fails to provide a philosophy of life.³⁴ If one has no philosophy of life then one cannot accept the value of nature. Perhaps the sense of this loss of a heroic view of life is what has made films such as *Gladiator*, *Lord of the Rings*, and *Troy* so popular. MacIntyre sees liberalism as leading to the ultimate end of this social order, which will inevitably break down or fall apart from a kind of moral entropy. Advocating a type of communitarian survivalism, MacIntyre believes that only small state-independent Benedictine-style communities will survive the coming dark age that liberalism is creating. Writing long before MacIntyre in 1936, Lawrence Dennis³⁵ saw capitalism and communism as both doomed because of ecological scarcity, as there is a limit to economic growth. He was right about communism. With regard to capitalism, he argued that capitalism is more than just the private (i.e., nonstate) ownership of the means of production. The essence of liberalism, Dennis and others have argued, is to give greater consideration to private property rights than to human life. Thus modern liberal capitalism requires a market expanding in geometrical progression for its successful operation. The physical limits to growth dooms capitalism: "Even the harshest critics of modern capitalism have never for a moment questioned its ability to go on growing indefinitely in geometrical progression."³⁶ Of course that statement was made in America in 1936, and since that time many have asked that very question. Dennis believed that liberal capitalism would grow like a cancer, producing environmental destruction in its wake. The system will inevitably destroy itself, to be replaced by a type of steady-state authoritarianism.

Liberalism self-destructs by devouring its own moral capital

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 116-117, MX)

William Ophuls in *Ecology and the Politics of Scarcity*³⁷ is one of the few ecology writers to reject democracy and favor an authoritarian solution to the environmental crisis. In the second version of the book, the antidemocratic focus has unfortunately been revised.³⁸ Nevertheless in his most recent book, *Requiem for Modern Politics*,³⁹ he returns to the theme of the rejection of liberalism. The thesis for Ophuls on *Requiem for Modern Politics* is that modern politics is at an end because the concepts and values of the Enlightenment of individualism, liberty, and materialism are no longer viable. He states: Modern civilization, in all of its aspects and everywhere on the planet, is plunging ever deeper into a multiplicity of crises that call into question its governing principles, practices and institutions. In this "crisis of crises," there is one that has yet to receive the attention it deserves: the impending failure of liberal polity, the modern system of politics founded on the tenets of classical liberalism and the rationalistic philosophy of the Enlightenment. Liberal polity is based on intrinsically self-destructive and potentially dangerous principles. It has already failed in its collectivist form and, contrary to the view of many, is now moribund in its individualist form as well ... Thus the three main components of modern civilization—liberal polity, exploitative economy, and purposive rationality—are riddled with inner contradictions. Civilization is therefore collapsing. As a result, the latent totalitarianism of modern politics is likely to manifest itself with increasing force in the years to come. In short, without a major advance in civilization. we confront a political debacle.⁴⁰ Economic growth and development are the modern liberal state's *raison d'etre*—but these phenomena are challenged by ecological scarcity, the idea that there are limits to growth. These are not the only self-destructive tendencies in modern liberalism, Ophuls argues. Liberalism tends to moral entropy (i.e., moral decay) with individual selfishness destroying civil society: "liberal policies destroy themselves by devouring their own moral capital, the fund of fossil virtue they have inherited from the pre-modern past."⁴¹ This can be seen in various shapes and forms: the destruction of civil society by a globalized market system;⁴² education, which has become a prescription for intellectual uniformity; the decay of reason; crime; violence; and family breakdown. In short, "America exemplifies the process of growing barbarization that is pushing us towards a Hobbesian future."⁴³ For Ophuls, the liberal order has no future. Liberalism is also at an end.

Liberalism is logically inconsistent making collapse inevitable OR Political correctness is merely an attempt to ignore logical inconsistencies in liberalism

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 109-113, MX)

This claim that liberalism is a socially destructive ideology has been made in the recent past by conservative thinkers. Malcolm Muggeridge, a Christian conservative thinker, saw liberals as possessing a death wish. Reflecting on the cultural revolution of the West in the 1960s, he saw liberals as having a tendency to grovel before any tyrant and their regime, however brutal (Pol Pot, Mao, etc.), so long as the tyrant mouthed the appropriate platitudes about the "brotherhood of man." Seeing humans as fallen and cursed by original sin, Muggeridge saw the liberal as possessed by an irrational necessity to abolish a degenerating culture and reconstruct it to conform to his or her own prejudices, revolving around the idea that human beings are fundamentally good. The notion that liberalism is grounded upon a fundamentally mistaken philosophy of human nature is also expressed by the conservative, former communist, writer James Burnham.⁶ For Burnham, liberalism is an ideology of national suicide that ultimately erodes a nation's will to survive. During the cold war French writer Jean-Francois Revel thought that communism would ultimately defeat liberal democracy.⁷ Liberal democracy may only have been an historical accident. This political system always allows internal enemies who seek to destroy the system to flourish (such as communists for Revel or environmentalists for corporate empires). Liberal democracies will self-destruct by following their own logic to extremes. The conservative intellectual Paul Gottfried has agreed that, unlike nineteenth-century liberalism, the contemporary liberal state is concerned with promoting uniformity, not individuality.⁸ For Gottfried liberalism now only pays shallow lip service to the philosophy of liberty; today the nanny state is more concerned with democratic socialization and social control. There is no real mobilization by the oppressed against the new class elites who run the state machine.⁹ Psychological weapons, with fear the most potent, are refined to maintain social control, power, and community silence. Fear allows those in power to enact sweeping counterterrorism legislation, spy on its citizens, kidnap, and torture in the name of their protection.¹⁰ Secrecy and deception become a normal part of liberal democracy, as was the case in totalitarian communism. The tenets of liberalism, such as justice, are cast aside in the interests of political designs. Political attacks on the judiciary became more and more open in Western democracy, reflecting liberalism's propensity to cast aside the collective good in favor of individual liberty. In a speech just after her retirement from the U.S. Supreme Court, Sandra Day O'Connor took aim at those leaders whose repeated denunciation of courts for alleged liberal bias could be contributing to a climate of bias against judges.¹¹ The leaders were political right-wingers flourishing in the free-for-all of liberalism. History tells us that attacks on the judiciary are often the forerunner of dictatorship. Thus the masses become apathetic and lose hope. If they ever had any, of self-government and are pacified by sexual bread and drug circuses, a quiet tyranny of tits, TV, and consumer consolation. In this sense, George Orwell's 1984 has already arrived. Then the masses were pacified by Victory gin, "films football, beer and above all gambling filled up the horizon of their minds," and "there were some millions of proles for whom the lottery was the principal if not the only reason for remaining alive."¹² Gottfried's line of thought is that it was liberalism that destroyed the old monarchic order and concentrated power in the emerging modern state of Europe. At the time of the 1917 Revolution, communists in the former Soviet Union found a concentration of power ready for them to take over. Liberalism thus, ironically, laid the ground for the Soviet gulag.¹³ As discussed in chapter 6, liberal societies are far from liberal, in that the number of people killed by liberal democratic governments in the name of universal human emancipation from the time of the Enlightenment to the second Iraqi war is far

greater than the number of people killed by communist regimes (thought by some authorities to be in excess of 150 million).¹⁴ Often those liberal democracies strutting their freedom and opportunity for all have transgressed the rights of others in the name of their own self-interest. The accusations of Harold Pinter ring true in his Nobel Lecture: The United States supported and in many cases engendered every right wing military dictatorship in the world after the end of the Second World War. I refer to Indonesia, Greece, Uruguay, Brazil, Paraguay, Haiti, Turkey, the Philippines, Guatemala, El Salvador and of course Chile. The horror the United States inflicted upon Chile in 1973 can never be purged and can never be forgiven. Hundreds of thousands of deaths took place throughout these countries.¹⁵ The United States is not alone in its actions for other liberal democracies, the UK, France, and others, have behaved similarly to protect their power and economic interests. The American conservative philosopher John Kekes concludes that liberalism is inconsistent "because the realization of these liberal values would increase the evils liberals want to avoid and because the decrease of these evils depends on creating conditions contrary to the liberal values."¹⁶ A good example of this paradox is the liberal's advocacy of both antiracism and multiculturalism and also the right of free speech, a matter to be discussed. For these thinkers, liberalism, in short, saws off the branch that supports it.¹⁷ These points can be developed by briefly considering some arguments made along these lines by Paul Gottfried. Gottfried points out that liberalism, in embracing doctrines such as hard multiculturalism, has generated further internal contradictions. For example, on the face of it, the 1972 French Gayssot Law seems reasonable enough. The law forbids "provocation to discrimination, to violence, or to hatred against a person or groups of persons by reason of their origin,"¹⁸ Fair enough. Also prohibited is "public defamation of a person or group of persons by reason of their origin or belonging or non-belonging to an ethnic body, nation, race or determined religion."¹⁹ Again on the surface this seems reasonable. But although such laws have been used to put Holocaust deniers in their place, they have also been used against those criticizing various aspects of France's immigration policy. One would have thought that a liberal democratic society would encourage, not suppress scholarly examination of its basic legal institutions.²⁰ French actress Bridget Bardot's criticism of Muslim migrants' mistreatment of animals, for example, fell under the French race hate legislation. She narrowly escaped two years in prison. In Germany the use of ancient Germanic runic symbols (the same type of symbols as seen in movies such as *The Lord of the Rings*) has been banned because a small minority of neoNazi groups decorated CD albums with them. Even the use of the Irish Celtic cross, a Celtic Christian symbol, has been banned for fear that it may have racist implications. Canada has banned controversial, yet prima facie scientific texts on race and behavior, such as by Canadian psychologist J. Philippe Rushton²¹ and a critique of America's immigration program by Wayne Lutton and John Tanton.²² Yet there is no ban placed upon many American black rap songs, which often contain clearly racist and violent lyrics often expressing desires to murder white people and rape white women. Such albums often express racist sentiments towards whites, or "crackers" or "rednecks," as white people are called. It may be thought that this is an understandable revolt of an oppressed group of people against an elite group of people. Yet most of these rappers are not ghetto youth but very rich black Americans who produce their music for a largely white youth market, not for oppressed and poor black minorities who could hardly afford these expensive CDs on their welfare checks. The black rap music is the white middle class kids' revolt against their parents who pay the bills. In Australia, race hate legislation

was even used against a humane and sensible liberal journalist, Phillip Adams, for his controversial, but arguably right, condemnation of Americans for their support of the war on Iraq. Adams had said no more than an American critic such as Michael Moore had said, but an American in Australia was offended by Adamson condemnation of Americans and took him to the Human Rights and Equal Opportunity Court through a race hate complaint. We are not saying that such legislation is wrong in spirit, but it does seem to be inconsistently applied, and, as the Adamson case shows, can have some nasty and unanticipated uses. In the future it could easily be used as a weapon of oppression to silence critics on a number of issues. As we see from the above examples, it is already being used to silence critics of immigration. Although counterterrorism legislation itself has not yet been used to explicitly suppress environmental criticism by labeling environmentalists as extremists, the legal system of the modern state has adequate means of doing so. Defamation laws in common law countries such as Australia are much stricter than in the United States. Australia has a poor legal framework for defending free speech, with no constitutional protection as the United States has in its First Amendment. Defamation law arose in England as a way of protecting the reputation of noblemen from criticism and public exposure. Today defamation cases are big business, where offended parties typically seek hundreds of thousands, if not millions of dollars of damage. Corporations and business people, typically developers, have made use of "SLAPP suits" to silence environmental critics of projects. SLAPP suits are strategically planned litigation brought against protesters to silence criticism—strategic lawsuits against public participation. This strategy is to threaten action against people who often have no more assets than their house with massive damage claims unless they cease their protest and apologize. In Australia, legislation such as the Trade Practices Act of 1974 (Commonwealth), which was originally devised as a form of consumer protection to produce a climate of fair trading, has been used against various environmental protesters by certain business organizations. The idea is to show that the protesters are frustrating trade by the protest itself, and massive damages are often sought. As we have no wish for such litigation against us, and in some cases even mentioning cases in discussion has led to further litigation—the reader requiring more details will need to pursue this matter on the Internet through the use of any Internet search engine with appropriate key words. Should one turn a blind eye to such inconsistencies in the name of tolerance? Liberals do so today just as a previous generation of the Left whitewashed the horrors and genocide of the communist regimes. But it did not make such horrors go away. Liberals lack a fundamental ability to be able to face up to the internal contradictions in their own position. As Brian Appleyard in *Understanding the Present* has said with some rhetorical flourish: It is, I believe, humanly impossible to be a liberal. Society may advocate liberal tolerance and open-mindedness, but nobody practices it. In fact, this is what preserves liberal society. For a complete personal acceptance of scientific-liberalism would reduce the society to passive, bestial anarchy. There would be no reason to do anything, no decisions worth making and certainly no point in defending one position as opposed to another.²³ The liberal difficulty in facing up to uncomfortable realities is well illustrated by the debate about whether feminism and multiculturalism are compatible. Liberals support women's liberation and equality with men even though practical equality in the workplace is not delivered by them. This parroting of equality is reminiscent of *Animal Farm* and "some animals are more equal than others."²⁴ Liberals also support antiracism, nondiscriminatory immigration programs, and allowing diverse

cultures to maintain their traditions. However, fundamentalist Islam is strongly antifeminist and highly patriarchal. If in principle there is no reason for immigration restrictions based upon culture and religion, there is no reason why a nation such as France should restrict building upon its already significant Muslim population. But what if this in turn led to a cultural and ethnic change leading to a radical demographic change? This would undermine women's rights? Thus feminism and multiculturalism, products of liberalism, are mutually incompatible.²⁵ The typical liberal response to such questions is to slam the questioner with abuse, usually calling the questioner a racist or fascist. But that doesn't solve the problem. The messenger may be silenced but the question remains. Political correctness is essentially about not asking these types of uncomfortable questions. Clearly some differences are more "different" than others.

Expanding populations make ecological crisis inevitable

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia, *The Climate Change Challenge and the Failure of Democracy*, Pages 59-67, MX)

A paper in the prestigious journal *Science* in July 2005 by a group of environmental scientists representing a wide range of scientific disciplines indicates that land use practices are destroying ecosystems that are vital for global sustainability.¹ The lead author, Jonathan Foley, commented that "short of a collision with an asteroid, land use by humans is the most significant impact on the world's biosphere."² Such dire warnings were used to describe global warming in chapter 2. It is irrelevant to debate which of these two threats is the greater, for they are synergistic and related to the many consequences of economic and population growth. In this chapter we find that humanity possesses the scientific knowledge that the depletion of ecological services is a threat to survival yet their protection is not a priority for government action. Biodiversity is the variety of all life-forms: the different forms of animals, plants, and microorganisms, the genes they contain, and the ecosystems of which they form a part. An ecosystem is a community of different species and their interactions in the habitat within which they live. What are ecological services? Ecological science is the study of the ways in which all living things interact with each other and with their environment. All living things exist in this web of life with mutual interdependence for food and other resources. Humans are part of this web of life. Thus an ecological service is the provision of a resource to humanity by other species. Examples are the provision to provide food, fiber, and purified water, degradation of wastes and pollutants, recycling of nutrients, stabilization of climate, protection against flood and storm, and provision of materials for shelter, medicines, and cultural activity. Clearly, therefore, ecosystem services are an integral part of the health and well-being of humanity and need to be maintained in perpetuity.³ The remorseless damage to ecological services by the growth economy and the population explosion since industrialization is the final common pathway of, the environmental crisis. The biodiversity that provides these services is lost through deforestation and overplanting of crops, leading to loss of soil, erosion, and

desertification; overuse and pollution of rivers; urbanization, overfishing; and climate change. Pollution from mining and oil wells, pipelines, and transport is also significant. The habitat of species becomes fragmented by development and replaced by invasive species brought by trade into environments where there are no natural controls; as a consequence food production on land and in coastal waters is compromised. The overall effect of all these events is to reduce the genetic pool of a species and to isolate it into pockets that cannot interbreed. Consequently there is a rapid increase in extinctions. The importance of biodiversity is recognized in the Millennium Development Goals,⁴ which aim to fulfill the UN declaration of 2000 that stated: "We will spare no effort to free our fellow men, women and children from the abject and dehumanising conditions of extreme poverty, to which more than a billion of them are currently subjected." Goal 7 is to ensure environmental sustainability, and within this goal the role of forests is emphasized: Forests contribute to the livelihoods of many of the 1.2 billion people living in extreme poverty. They nourish the natural systems supporting the agriculture and food supplies upon which many more people depend. They account for as much as 90 percent of terrestrial biodiversity. But in most countries they are shrinking.¹ In this chapter we will place some emphasis on the ecological role of forests because this role is easily recognized by the reader, but the arguments we put forward apply equally to many other systems: rivers, soils, the oceans, wetlands, coral reefs, and many more. Ecological systems have an inherent strength and ability for repair. Forests can grow again after logging, soils can regenerate after some degree of overcropping, and rivers can recover if their depleted flows are restored. But only to a point. We will develop the argument that all these resources continue to be used to the point of stress and potential collapse by the society in which we live, and this will threaten our survival. Let us look at a simple example. An ancient forest has valuable wood for harvesting, which can be used sustainably to provide a living for craftspeople. However, it is more profitable in the short term for the owners, private or government, to chop it down, to make wood chips for paper, and then to optimize future production by converting the land to plantation timber. If the forest is retained it continues to provide ecological services. It filters rainfall to provide pure water supplies at no cost to towns and cities, it evens out the flow from rainfall to avoid flood and drought, and it provides a stable source of sequestered carbon that would be released as greenhouse gas if the forest is felled. It will maintain numerous species of trees and plants that will help provide a sustainable existence for humanity. Forests create increased rainfall and therefore stabilize climates.⁶ However, in economic terms, our value system describes a conserved forest as "locked up," implying that it cannot be used for immediate exploitation and the creation of jobs. It is a measure of the values of wealthy Western civilization that more often than not the forest will be felled. What does the collapse of an ecological system mean? Essentially the system no longer functions and is not available to provide essential roles within the web of life, some of which may be essential to humanity. For example, overcropping and failure to provide natural manures leads to a reduction of the microorganisms that constitute soil and maintain its structure. It is then susceptible to erosion by wind and flood and is lost to further cultivation. A river may die because its flow is reduced by irrigation, and saline water is returned to the river from the irrigated regions. The animal and plant life of the river then dies, thus destroying the ecological mechanisms that purify the water. The culmination of thousands of such events around the world, all of which are reducing biodiversity, is a global ecological crisis. We will argue that the basic philosophy of Western society embodied in liberal democracy

is causing this ecological crisis. But first we must substantiate the existence of the crisis. It is not sufficient to state that soil is blowing away and rivers are dying. Like the issue of climate change we have to extrapolate into the future from existing evidence. We can measure the numbers of easily visible species and show a steady decline in recent decades. The skin of frogs easily absorbs environmental pollutants, and we can regard the frog as the canary down the coal mine. Its demise is a measure of the health of the environment.¹ Of the 5,743 known species of amphibians almost one third face extinction. In 1998 the Nair Scientist¹ reported that about 12 percent of bird species faced extinction and that there has been a massive reduction in the numbers of more common species in countries with intensive agriculture. This reduction was caused mainly by a loss of habitat and the use of chemicals that kill insects. In 2001 large reductions in the numbers of British woodland birds were reported due to climate change and to loss of habitat and insects.⁹ Mostly due to encroachment on their habitat by human activities, 23 percent of the world's mammals also face extinction. Amongst these are our closest relatives, the great apes.¹⁰ It is estimated that in 2003 there were 414,000 apes in the wild. Every two days 414,000 humans are born with the requirement of land and fresh water for their survival. All apes are endangered and expected to become extinct within a few generations because their territory is being taken by humans. Science can use the health and numbers of certain species as a measure of the health of the environment or more precisely of the ecosystem in which they live. Thus the health of fresh water streams is reflected in the numbers of frogs and of woodlands by the numbers and variety of woodland birds. When the health of one particular species is monitored it is referred to as a "sentinel species." For example the slow decline of the sea otter is a key indicator of the degradation of the Californian coast, which is increasingly polluted and infested with pathogens.¹¹ The ill health or extinction of a sentinel species often indicates the presence of an environment harmful to humans. Examination of fossil records indicates that the background rate of extinctions amounts to a few species per year. Currently it is estimated that at least one thousand species are lost each year. This loss is being increased by warming, and it is estimated that by 2050 15-37 percent of all animals and plants will be threatened with extinction by greenhouse emissions continuing at their present rate.¹² In the past half billion years of vertebrate existence of life on the planet, sudden climate change, meteors, and perhaps other catastrophic events caused five great natural extinctions, in which perhaps two thirds of species disappeared. Today, scientific opinion is that we are in a sixth extinction period, and this is due to human activity. In simple terms the basic cause is illustrated by the calculations of Vaclav Smil.¹³ Six billion humans weigh 100 million tons. If we weighed all wild mammals in the world they would probably not reach 10 million tons, and the mass of all domesticated animals would out-weigh all vertebrates twentyfold. Humans and their livestock consume 40 percent of the planet's primary production of edible plants, and the other seven million species manage on the rest. In biological terms, humans have been able to exist in plague proportions by occupying the ecological space of other species and by using the earth's stores of fossil fuel.

Tragedy of the commons brings ruin to all

Consider capitalism as an organized process to ingest natural, living systems (including people) in one end, and excrete unnatural, dead garbage and waste (including wasted people) out the other. From a thermodynamic view, capitalism may be seen as the conversion of low-entropy matter into high-entropy waste and garbage. From an economic view, capitalism may be seen as the high-speed depletion of natural capital. Politics (self-organization) among human animals is product of evolution. As soon as two or more people organize, the inevitable struggle for power ensues. This power struggle follows genetic patterns of exploitation, lying, and self-deception. The triumph of capitalism and democracy could have been predicted by evolutionary theory. Capitalism extends the human genetic propensity to exploit (make the best use of something: profit) and lie (meant to give a wrong impression: advertise). Democracy is simply the freedom to exploit and lie. Self-deception keeps us from knowing what we are really up to. In his 1968 classic, "Tragedy of the Commons", [35] Garrett Hardin illustrates why communities everywhere are headed for tragedy -- it's because freedom in the "commons" [36] brings ruin to all. Visualize a pasture as a system that is open to everyone. The carrying capacity of this pasture is 10 animals. Ten herdsmen are each grazing an animal to fatten up, and the 10 animals are now consuming all the grass that the pasture can produce. Harry (one of the herdsmen) will add one more animal to the pasture if he can make a profit. Adding one more animal will mean less food for each of the present animals, but since Harry only has only 1/10 of the herd, he has to pay only 1/10 of the cost. Harry decides to exploit the commons, and the other herdsmen, so he adds an animal and takes a profit. Shrinking profit margins force the other herdsmen either to go out of business or continue the exploitation by adding more animals. This process of mutual exploitation continues until overgrazing and erosion destroy the pasture system, and all the herdsmen are driven out of business. Most importantly, Hardin illustrates the critical flaw of freedom in the commons: all participants must agree to conserve the commons, but any one can force its destruction. Although Hardin is describing exploitation by humans in an unregulated public pasture, his principle fits our entire society. Private property is inextricably part of our commons because it is part of our life support and social systems. Owners affect us all when they alter the emergent properties of our life support and social systems (alter their land) to "make a profit" -- cover land with corn or with concrete. Neighborhoods, cities and states are commons in the sense that no one is denied entry. Anyone may enter and lay claim to the common resources. One can compare profits to Hardin's "grass" when any corporation -- from anywhere in the world -- can drive down profits by competing with local businesses for customers. One can see wages as "grass" when any number of workers -- from anywhere in the world -- can enter our community and drive down wages by competing with local workers for jobs. Everywhere one looks, one sees the Tragedy of the Commons. There is no technological solution, but governments can act to limit access to the commons, at which time they are no longer commons. In the private-money-based political system we have in America, everything (including people) becomes the commons because money is political power, and all political decisions are reduced to economic ones. In other words, we have no true political system, only an economic system -- everything is for sale. Thus, America is one large commons that will be exploited until it is destroyed. OVERSHOOT It was thus becoming apparent that nature must, in the not far distant future, institute bankruptcy proceedings against industrial civilization, and perhaps against the standing crop of human flesh, just as nature had done many times to other

detritus-consuming species following their exuberant expansion in response to the savings deposits their ecosystems had accumulated before they got the opportunity to begin the drawdown... Having become a species of superdetritivores, mankind was destined not merely for succession, but for crash. -- William Catton In the language of ecology, the human scenario can be predicted in four pungent words: "drawdown", "overshoot", "crash", and "die-out". "Drawdown" is the process by which we are using up the surrounding resources faster than they can be replaced. For example, in the space of a little more than a hundred years we have used up perhaps half of all the buried remains of the Carboniferous period -- oil, gas, and coal -- that were deposited over hundreds of millions of years. Moreover, we have become totally dependent on continuing the process. One might argue about the exact date that the global human "crash" will arrive, but the outcome is certain. "Overshoot" simply means that we have exceeded the "carrying capacity"[37] of Earth: If just the present world population of 5.8 billion people were to live at current North American ecological standards (say 4.5 ha/person), a reasonable first approximation of the total productive land requirement would be 26 billion ha (assuming present technology). However, there are only just over 13 billion ha of land on Earth, of which only 8.8 billion are ecologically productive cropland, pasture, or forest (1.5 ha/person). In short, we would need an additional two planet Earths to accommodate the increased ecological load of people alive today. If the population were to stabilize at between 10 and 11 billion sometime in the next century, five additional Earths would be needed, all else being equal -- and this just to maintain the present rate of ecological decline.[38]

Links

Rights

General

The 1AC's framework for interpreting rights only furthers ecocide - only understanding our ethic of natural domination is impossible solves

Ophuls '11 (Ophuls, William. *Plato's Revenge : Politics in the Age of Ecology*. Cambridge, MA, USA: MIT Press, 2011. ProQuest ebrary. Page Web. 24 June 2015. He served for eight years as a Foreign Service Officer in Washington, Abidjan, and Tokyo before receiving a PhD in political science from Yale University in 1973. After teaching briefly at Northwestern University, he became an independent scholar and author. He has published three books on the ecological, social, and political challenges confronting modern industrial civilization.
<http://site.ebrary.com.proxy.lib.umich.edu/lib/umich/reader.action?docID=10496263> // 6-24-15 // MC)

Preserving the environment is thus the lesser part of the problem. Industrial civilization must indeed stop abusing nature and depleting resources before it follows previous civilizations in committing ecological suicide. 7 But the only real solution is to put an end to the hubris itself by dissolving the dread-driven, neurotic hostility to nature that fuels the urge for domination. Ecology is the surest cure for modern hubris. To understand ecology is to see that the goal of domination is impossible—in fact, mad—and that the crude means we have employed to this end are destroying us. To understand ecology is also to see that some of the most vaunted achievements of modern life—our extraordinary agricultural productivity, the dazzling wonders of technological medicine, and, indeed, even the affluence of the developed economies—are not at all what they seem but instead are castles built on ecological sand that cannot be sustained over the long term. In short, ecology exposes the grand illusion of modern civilization: our apparent abundance is really scarcity in disguise, and our supposed mastery of nature is ultimately a lie. 8 To put it more positively, ecology contains an intrinsic wisdom and an implied ethic that, by transforming man from an enemy into a partner of nature, will make it possible to preserve the best of civilization's achievements for many generations to come and also to attain a higher quality of civilized life. Both the wisdom and the ethic follow directly from the ecological facts of life: natural limits, balance, and interrelationship necessarily entail human humility, moderation, and connection. Like any other species, *homo sapiens* is subject to natural limits. Technology does give human beings an ability to manipulate the environment that other species mostly lack. But humanity's success in this regard is in large part illusory because it has been purchased at a high price—symbolized by the accelerated extinction of those other species, with all that this implies for our own long-term future. Technological man has neither abolished natural scarcity nor transcended natural limits. He has merely arranged matters so that the effects of his exploitation of nature are felt by others. Other species, other places, other people, other generations suffer the consequences of the intensified ecological imperialism of the modern age. The current environmental problematque testifies to the impending failure of this strategy. The limits on human action are physical, biological, and geological but also systemic. Reserving a fuller discussion of complex adaptive systems governed by a multiplicity of interacting feedback loops for the next chapter, I simply note here that the biosphere and all its subsidiary ecosystems are characterized by nonlinear dynamics that make them difficult to understand and harder to control. In fact, we cannot really know what the ultimate limits are.

To put it the other way around, just as games are constituted by the rules that regulate play, the limits themselves constitute natural systems. To be without limits is to be without structure and therefore to be entropic—chaotic, useless, or unintelligible. And limits do not oppose freedom: “Structure and freedom,” says Jeremy Campbell, “are not warring opposites but complementary forces.” 9

Liberal democracy’s provision of individual rights promotes ecocide through lack of environmental regulation

Daniel ’12 (<http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf> *add cites // 6-24-15 // MC)

The main point to take away from the case study is not to do with portraying the US as an enemy of the environment (it has, after all, provided some form of investment to the natural world’s future, with \$450 billion spent on research and development in the last ten years), it is more to do with the inescapable patterns of consumption that have become ingrained into the US political, social and cultural fabric. America’s national survival is contingent on continued economic abundance to feed a growing population. Democracy has become reliant on and indeed defined by this cycle, which is fuelled by unadulterated freedom for individuals and corporations alike. Speth is thus able to conclude that our ‘economic and political system does not work when it comes to protecting environmental resources’ (2004: 133). He believes that the amount of faith placed upon privatisation and the free market is unfounded, as they cannot be relied upon to provide the appropriate levels of environmental protection. Lack of regulation has resulted in companies consuming cheap resources and not taking into account the external implications of their actions. These ‘externalities’ are what Speth believes to be the main driver behind pollution (2004). What he means by this is that the producer’s financial costs are different from their external ones. For example, when a company burns coal, its only financial concerns are the labour it uses, capital and the outlay cost of raw materials; the price in the form of ‘dirty air’ is not their concern. Producers and consumers are not given the opportunity to see the damage of such patterns since air pollution is not literally visible to the human eye, nor is it a threat to short-term well-being (Panayotou 1998). Due to the lack of public intervention or government pressure, companies are free to act as they please as there is no downside for them in regards to financial gain if they continue to pollute the air. Imposing stringent regulation on these actions by, for example a tax on dirty air, is avoided as it is against democratic principles to over interfere with company activity and indeed there is nothing to be gained by regulators for favouring the environment (Speth 2004). This ties in with the mention of the US oil addiction in that numerous sources of wealth from within the country depend on these sources of energy and their processes. To interfere with them or attempt to reduce their powers would be to limit the economic capability of the nation and possibly hinder the standard of living of each individual therein. With the case of America and indeed other consumer-based economies, it can be concluded that too much freedom can, in certain circumstances, become a real barrier to necessary change. It can potentially create social conditions where individuals and institutions become POLIS Journal Vol. 7, Summer 2012 ISSN 2047-7651 105 too comfortable in

their habits. For liberal democracy, these habits are an over emphasis of the free-market, continual growth of industries and a fixation on GDP targets. Liberal democracy's success is contingent on these and, therefore, those in power have no choice but to abide by them, constrained by the short fixed terms they have in office. The desire for actual change has slowly been removed from politics, as governments seek to prioritise stability and to satisfy the wants of the electorate so that they will continue to stay in power for a further term. The financial crisis was a poignant example of this. It was the first time since the Great Depression that the foundations of the free market were truly shaken, allowing certain groups to question the success and stability of the economic systems we rely upon. An acceptance of certain failures and a move towards change could have provided the much-needed stimulus for environmental investment. As it is, that door has been shut as the government is forced to solve the situation with patchwork policies. Countries have localised themselves even further, reluctant to contribute to global environmental projects when their own economies are in dire need of assistance. The US congressional budget office in the wake of the financial crisis conveyed this direction in fiscal policy. In a report to the IMF, they expressed a need to make significant policy changes in order to keep the Federal Reserve in a stable position (Elmendorf 2010). Whilst it was not explicitly stated, the report suggested that the US government planned to roll back some of their international economic commitments. The UK government is equally guilty of attempting to localise their economy in favour of international commitments. David Cameron's decision to reject a EU wide treaty in order to maintain the strength of the domestic economy is just one example of policy direction that favours isolation instead of contribution (Grice 2012). Liberal democracy then, if defined in this way, can be seen as being detrimental to current and future environmental policies and investment, as it is reluctant to adjust its course, even in times of failure, favouring gradual social change that will not unsettle the electorate. It is here that I return to the suggestion that liberal democracy may not be the appropriate format to guide global society in its current period of over-development.

Privacy

Privacy key to human rights

Burow 2013 (Matthew L Candidate for JD @ New England School of Law; The Sentinel Clouds above the Nameless Crowd: Prosecuting Anonymity from Domestic Drones; 39 New Eng. J. on Crim. & Civ. Confinement 443)

Walking down the street. Driving a car. Sitting on a park bench. By themselves, these actions do not exhibit an iota of privacy. The individual has no intention to conceal their movements; no confidentiality in their purpose. The individual is in the open, enjoying a quiet day or a peaceful Sunday drive. Yet as Chief Justice Rehnquist commented, there is uneasiness if an individual suspected that these innocuous and benign movements were being recorded and scrutinized for future reference. 119 If the "uneasy" reaction to which the Chief Justice referred is not based on a sense of privacy invasion, it stems from something very close to it—a sense that one has a right to public anonymity. 120 Anonymity is the state of being unnamed. 121 The right to public anonymity is the assurance that, when in public, one is unremarked and part of the undifferentiated crowd as far as the government is concerned. 122 That right is usually surrendered only when one does or says something that merits government attention, which most often includes criminal activity. 123 But when that attention is gained by surreptitiously operated UASs that are becoming more affordable for local law enforcement agencies, 124 "it evades the ordinary checks that constrain abusive law enforcement practices ... : 'limited police resources and community hostility.'" 125 This association of public anonymity and privacy is not new. 126 Privacy expert and Columbia University Law professor Alan F. Westin points out that "anonymity [] occurs when the individual is in public places or performing public acts but still seeks, and finds, freedom from identification and surveillance." 127 Westin continued by stating that: [A person] may be riding a subway, attending a ball game, or walking the streets; he is among people and knows that he is being observed; but unless he is a well-known celebrity, he does not expect to be personally identified and held to the full rules of behavior and role that would operate if he were known to those observing him. In this state the individual is able to merge into the "situational landscape." 128 While most people would share the intuition of Chief Justice Rehnquist and professor Westin that we expect some degree of anonymity in public, there is no such right to be found in the Constitution. Therefore, with a potentially handcuffed judiciary, the protection of anonymity falls to the legislature. Based on current trends in technology and a keen interest taken by law enforcement in the advancement of UAS integration into national airspace, it is clear that drones pose a looming threat to Americans' anonymity. 129 Even when UASs are authorized for noble uses such as search and rescue missions, fighting wildfires, and assisting in dangerous tactical police operations, UASs are likely to be quickly embraced by law enforcement for more controversial purposes. 130 What follows are compelling interdisciplinary reasons why the legislature should take up the call to protect the subspecies of privacy that is anonymity. A. Philosophic: The Panopticon Harm Between 1789 and 1812, the Panopticon prison was the central obsession of the renowned English philosopher Jeremy Bentham's life. 131 The Panopticon is a circular building with cells occupying the circumference and the guard tower standing in the center. 132 By using blinds to obscure the guards located in the tower, "the keeper [is] concealed from the observation of the prisoners ... the sentiment of an invisible omnipresence." 133 The effect of such architectural brilliance is

simple: the lone fact that there might be a guard watching is enough to keep the prisoners on their best behavior. 134 As the twentieth-century French philosopher Michel Foucault observed, the major effect of the Panopticon is "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power."¹³⁵ In Bentham's vision, there is no need for prison bars, chains or heavy locks; the person who is subjected to the field of visibility of the omnipresent guard plays both roles and he becomes the subject of his own subjection. 136 For Foucault, this "panopticism" was not necessarily bad when compared to other methods of exercising control as this sort of "subtle coercion" could lead people to be more productive and efficient members of society. 137 Following Foucault's reasoning, an omnipresent UAS circling above a city may be similar to a Panopticon guard tower and an effective way of keeping the peace. The mere thought of detection may keep streets safer and potential criminals at bay. However, the impact on cherished democratic ideals may be too severe. For example, in a case regarding the constitutionally vague city ordinance that prohibited "nightwalking," Justice Douglas commented on the importance of public vitality and locomotion in America: The difficulty is that [walking and strolling] are historically part of the amenities of life as we have known them. They are not mentioned in the Constitution or in the Bill of Rights. These unwritten amenities have been in part responsible for giving our people the feeling of independence and self-confidence, the feeling of creativity. These amenities have dignified the right of dissent and have honored the right to be nonconformists and the right to defy submissiveness. They have encouraged lives of high spirits rather than hushed, suffocating silence. 138 As Justice Douglas understood, government surveillance stifles the cherished ideal of an American society that thrives on free-spiritedness in public. 39 Without the right to walk the streets in public, free from the fear of high surveillance, our American values would dissipate into that resembling a totalitarian state that attacks the idea of privacy as immoral, antisocial and part of the dissident cult of individualism. 140

Freedom

Money

Money The freedom that comes with democracy makes people focus on the trade, technology and money but not the environment

Daniel 12 (Charles Daniel is a University of Leeds Political Science graduate. "To what extent is democracy detrimental to the current and future aims of environmental policy and technologies?" Journal of Politics and International Studies. May 2012. Vol. 7. <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>)

Democracy, through the development of political capability and the spread of freedom, has cemented its position within global society as 'the most ideal form of government' available to any given nation-state. Democracy, whilst arguably impossible to define, is widely considered to be a "government by the people, where liberty, equality and fraternity are secured to the greatest possible degree and in which human capacities are developed to the utmost, by means of including free and full discussion of common problems and interests." (Pennock 1979). Implicit in this definition is the commitment to ensuring that fairness and equality trump oppression and fear. As a direct product of social development, democracy is aimed at the progression of political culture that is now recognisably being expressed through the phenomena of globalisation that is increasing speeds and volumes of trade, improving technology and opening a whole array of opportunities to all areas of the economy (Beck 2000).

General

Individual freedoms tolerate environmental destruction and make democratic countries dependent on fossil fuels

Daniel 12 (Charles Daniel is a University of Leeds Political Science graduate. "To what extent is democracy detrimental to the current and future aims of environmental policy and technologies?" *Journal of Politics and International Studies*. May 2012. Vol. 7. <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>)

This strand of democracy is seen by many scholars, most notably Francis Fukayama, as the end-point of man's political development and thus is generally recognised, by Western nation-states and global institutions alike, as the final form of human government (Fukayama 1992). Whilst deliberative democracy is concerned with the 'bottom-up' pressures the electorate forces upon government, liberal democracy has a 'top-down' political structure where influences generally arise from established centres of power in the state and, most importantly, from the world's economic and financial forces (Cox 1998). At the heart of liberal democracy lies the importance of freedom of the individual to act as he/she pleases in accordance with the various legal and moral constraints placed upon them by society. Whilst this has served to produce the best possible conditions for society to flourish, it is the belief of this essay that these social conditions have perpetuated an economic model that tolerates an unjustified amount of freedom based on deregulation and has resulted in the irreversible destruction of the natural world (Speth 2008). This process has been fuelled by the growing dominance of economic globalisation to the extent that liberal democracy is now typified by its desire to promote exponential growth as the surest means of ensuring political stability (Beck 2000). Whilst democracy is not solely focused upon economic and material conditions of society, with social issues such as the maintenance of freedom of speech given an equally important role in political processes, controversy surrounding this mode of government is centred upon the knock-on effects that its economic agenda has on the human and natural world. The most prominent of these controversies surrounds issues of consumerism and the extent to which liberal democracy has unintentionally fuelled the processes of globalisation, seen by many as the greatest threat to environmental security (Khor; 2001; Mol 2001; Speth 2004). James Speth (2004), in his work *Red Sky at Morning*, appropriately articulates this concern, citing the ten drivers of environmental deterioration that all centered upon the habit of consumption fuelled by globalisation. The most poignant of these drivers is the scale and rate of economic growth that is occurring as a result of drastic increases in global population numbers. He believes that current nation-states are not fully aware of the implications that the vast global changes are having on the environment. The root of this problem lies in the vested interests that those in power obtain from continual support towards the 'tried and tested' strengths of a neo-liberal agenda, particularly a strong support from multinational corporations and the oil industry (Speth 2004). The reliance on large companies, for our food, fuel and consumer products means that neo-liberalism can be dictated and manipulated by a handful of powerful individuals that essentially decide the direction of the economy (Shah 2011). Whilst growth in corporations has created numerous jobs and a greater

level of financial opportunity it has equally ensured that Western populations have become dependent on consumer goods and fossil fuels.

Capitalism

Rights Inherent

Individual liberties in today's neoliberal society inextricably link human rights and environmental sustainability

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https://books.google.com/books?id=6rUtFjptp3sC&pg=PA129&lpg=PA129&dq=ophuls+environment+authoritarianism&source=bl&ots=UcrwISx4XV&sig=viyslEqnH4_b3A96SasNHCCUHFQ&hl=en&sa=X&ei=jq1LLVaWpBYq_sAWju4HgBw&ved=0CCEQ6AEwAQ#v=onepage&q=ophuls%20environment%20authoritarianism&f=false // 6-25-15 // MC)

Human rights and environmental sustainability inevitably come together and impact on one another in a globalized or globalizing world. It is a necessary task for theorists of human rights and of environmental sustainability to consider the conceptual and normative issues at stake in this interaction. The globalization of human rights, we are told, has brought greater freedom everywhere. But greater economic freedom and the economic expansion attendant upon globalization has also wrought more environmental degradation. Environmental degradation has in turn, in some parts of the world, undermined human rights, and has the potential to do so globally if unsustainable practices remain unchecked. Human rights, as a global norm, have been taken up by environmental activists from a wide range of cultural and political contexts.

Globalization, then, is an important variable in the tensions and connections between human rights and environmental sustainability. Globalization has been defined in a number of ways. For some it is purely economic, for others predominantly so, for others still it is a set of intrinsically linked and equally important processes of economic, political and cultural phenomena. One prominent commentator offers this definition: Fundamentally, [globalization is] the closer integration of the countries and peoples of the world which has been made possible by the enormous reduction of costs of transportation and communication, and the breaking down of artificial barriers to the flows of goods, services, capital, knowledge, and (to a lesser extent) people across borders. (Stiglitz 2002, p.9) I am concerned here primarily with economic globalization and the implications that this has for the environment, and thus for human rights. Defining globalization principally in economic terms draws out the relationship between the globalization of the world's economy and environmental problems caused by unsustainable patterns of production and consumption, and the consequent relationship between environmental problems and issues in human rights. Economic globalization as understood here is driven or promoted by neoliberal economic policies. In some writing on globalization such policies are responsible for all the evils of the world. For instance, in a polemical article Adamantia Pollis asserts that 'globalisation . . . is underpinned by the ideology of neoliberalism, which is devoid of any normative principle of justice and humanity; it is market driven' (Pollis 2004, p.343). Though Pollis is justified in some of her concerns about the neoliberal model of economic globalization, it is misleading to suggest that neoliberalism has no normative principles of justice. To be clear, neoliberalism is understood here as an economic theory which can be most simply characterized in terms of promoting the idea that the economy should be

freed from government. Adherents of neoliberalism hold that government regulation or other interference in the market place (such as state ownership or provision of goods) should be minimized, so as to maximize efficiency. Success is measured in terms of overall increases in economic activity. Neither justice nor humanity are absent from this theory: agents should receive the fruits of their own labour, and should not be arbitrarily deprived of them by government (by way of taxation). Wealth is expected to 'trickle down' through society, thereby improving the general welfare. I do not set out to demonize neoliberalism; what I argue here is that its environmental unsustainability raises human rights issues. Links between human rights and the environment are easy to find in academic discussion, non-governmental organization (NGO) campaigns and intergovernmental initiatives concerning the environment, sustainable development and development projects more generally. A crude explanation of this interconnection might make reference to the global nature of environmental problems; the global environment is everyone's home, and while there are highly localized instances of environmental degradation, there are also global problems, such as climate change, ozone depletion, biodiversity loss and so on, solutions to which require global cooperation. Human rights are held to represent a global standard. Almost all states have, at least formally, signalled their endorsement of the Universal Declaration of Human Rights (UDHR), and so one might reasonably expect a global problem to be met with a global solution. Starting from the environment side of the equation, greens often argue that a 'clean' or 'decent' environment is an essential precondition for the realization of human rights (see, for example, Sachs 1995; Hancock 2003; Globalization, human rights and the environment 5 Picolotti 2003). Starting from the human rights side, however, there is less evidence of an unfailing commitment to environmental issues on the part of human rights activists and scholars. Prominent human rights theorists such as Jack Donnelly (2003) and Michael Freeman (2002) mention environmental issues as a contemporary concern relevant perhaps to human rights theorizing, but the purported 'indivisibility of human rights and the environment' (Picolotti 2003, p.49) is undermined somewhat, or at the very least requires explication, in view of the substantive exclusion of environmental issues from most human rights theory. One way of approaching such explication is to consider the importance of environmental sustainability for human security. If human rights are claimed in defence of human security, and that security is threatened by environmental degradation resulting from unsustainable economic practices, then there would seem to be a prima facie case for considering the environment to be a human rights issue. There is a great deal to be unpacked in this proposition; in what follows I deal with only part of it. I begin by unpacking the links between human rights and globalization (Section 1.2). In Section 1.3 I demonstrate a link between human security and the environment. Following on from that, in Section 1.4 I illustrate some of the ways in which the globalization of the economy has contributed to environmental degradation, but I postpone until Chapter 4 a substantive demonstration of the ways in which contemporary economic practices are unsustainable from an environmental point of view. In Section 1.5 I offer a brief discussion of global environmental governance and Section 1.6 concludes.

Liberties and capitalism are the root cause of environmental decline

(Jay, 2-20, Requiem, <http://www.dieoff.org/page181.htm>)

Consider capitalism as an organized process to ingest natural, living systems (including people) in one end, and excrete unnatural, dead garbage and waste (including wasted people) out the other. From a thermodynamic view, capitalism may be seen as the conversion of low-entropy matter into high-entropy waste and garbage. From an economic view, capitalism may be seen as the high-speed depletion of natural capital. Politics (self-organization) among human animals is product of evolution. As soon as two or more people organize, the inevitable struggle for power ensues. This power struggle follows genetic patterns of exploitation, lying, and self-deception. The triumph of capitalism and democracy could have been predicted by evolutionary theory. Capitalism extends the human genetic propensity to exploit (make the best use of something: profit) and lie (meant to give a wrong impression: advertise). Democracy is simply the freedom to exploit and lie. Self-deception keeps us from knowing what we are really up to. In his 1968 classic, "Tragedy of the Commons", [35] Garrett Hardin illustrates why communities everywhere are headed for tragedy -- it's because freedom in the "commons" [36] brings ruin to all. Visualize a pasture as a system that is open to everyone. The carrying capacity of this pasture is 10 animals. Ten herdsmen are each grazing an animal to fatten up, and the 10 animals are now consuming all the grass that the pasture can produce. Harry (one of the herdsmen) will add one more animal to the pasture if he can make a profit. Adding one more animal will mean less food for each of the present animals, but since Harry only has only 1/10 of the herd, he has to pay only 1/10 of the cost. Harry decides to exploit the commons, and the other herdsmen, so he adds an animal and takes a profit. Shrinking profit margins force the other herdsmen either to go out of business or continue the exploitation by adding more animals. This process of mutual exploitation continues until overgrazing and erosion destroy the pasture system, and all the herdsmen are driven out of business. Most importantly, Hardin illustrates the critical flaw of freedom in the commons: all participants must agree to conserve the commons, but any one can force its destruction. Although Hardin is describing exploitation by humans in an unregulated public pasture, his principle fits our entire society. Private property is inextricably part of our commons because it is part of our life support and social systems. Owners affect us all when they alter the emergent properties of our life support and social systems (alter their land) to "make a profit" -- cover land with corn or with concrete. Neighborhoods, cities and states are commons in the sense that no one is denied entry. Anyone may enter and lay claim to the common resources. One can compare profits to Hardin's "grass" when any corporation -- from anywhere in the world -- can drive down profits by competing with local businesses for customers. One can see wages as "grass" when any number of workers -- from anywhere in the world -- can enter our community and drive down wages by competing with local workers for jobs. Everywhere one looks, one sees the Tragedy of the Commons. There is no technological solution, but governments can act to limit access to the commons, at which time they are no longer commons. In the private-money-based political system we have in America, everything (including people) becomes the commons because money is political power, and all political decisions are reduced to economic ones. In other words, we have no true political system, only an economic system -- everything is for sale. Thus, America is one large commons that will be exploited until it is destroyed. OVERSHOOT It was thus becoming apparent that nature must, in the not far distant future, institute bankruptcy proceedings against industrial civilization, and perhaps against the standing crop of human flesh, just as nature had done many times to other

detritus-consuming species following their exuberant expansion in response to the savings deposits their ecosystems had accumulated before they got the opportunity to begin the drawdown... Having become a species of superdetritivores, mankind was destined not merely for succession, but for crash. -- William Catton In the language of ecology, the human scenario can be predicted in four pungent words: "drawdown", "overshoot", "crash", and "die-out". "Drawdown" is the process by which we are using up the surrounding resources faster than they can be replaced. For example, in the space of a little more than a hundred years we have used up perhaps half of all the buried remains of the Carboniferous period -- oil, gas, and coal -- that were deposited over hundreds of millions of years. Moreover, we have become totally dependent on continuing the process. One might argue about the exact date that the global human "crash" will arrive, but the outcome is certain. "Overshoot" simply means that we have exceeded the "carrying capacity"[37] of Earth: If just the present world population of 5.8 billion people were to live at current North American ecological standards (say 4.5 ha/person), a reasonable first approximation of the total productive land requirement would be 26 billion ha (assuming present technology). However, there are only just over 13 billion ha of land on Earth, of which only 8.8 billion are ecologically productive cropland, pasture, or forest (1.5 ha/person). In short, we would need an additional two planet Earths to accommodate the increased ecological load of people alive today. If the population were to stabilize at between 10 and 11 billion sometime in the next century, five additional Earths would be needed, all else being equal -- and this just to maintain the present rate of ecological decline.[38]

Democracy

Environment

Democracy can't solve – politicians won't much environmental reform, it's political suicide

Humphrey 7 (Mathew Humphrey is a professor at the University of Nottingham. Ecological Politics And Democratic Theory: the Challenge to the Deliberative Ideal. London: Routledge, 2007. Page 29)

Clearly, both of these conceptualisations can be, and have been challenged. One can argue against the eschatology of survivalism and suggest that, for all the environmental problems that may exist in the world, there is no looming global environmental catastrophe (Lomborg, 2001). Second, one can challenge the conception of democracy on offer here as too thin and inadequately demanding on citizens in terms of their democratic responsibilities. As we shall see both of these approaches have been developed within the sphere of environmental political thought. Nonetheless, there are clearly many environmental problems in existence today that are amenable to the kind of analysis offered by the eco- authoritarians, in particular with regard to what democracy can deliver in the way of environmental policy. Problems with pollution caused by transport are a good example here. In the United Kingdom the fastest growing set of emissions contributing to global warming emanate from the transport industry, in particular from rapidly growing road transport and aviation use. There is a close-to-scientific consensus on the existence global warming due to human activities, and broad (not universal) agreement upon the urgent need for developed and developing nations to take measures to combat this.²⁰ Global warming has some strongly irreversible consequences and appears to be an environmental problem of the sort that fits with the eco-authoritarians' representation. The production of greenhouse gas emissions represents a good example of the n-person prisoner's dilemma as modelled by the tragedy of the commons. Any one person's efforts in making a reduction of CO₂ emissions would be dwarfed by the continuing increases of the rest of the world. Furthermore, the potential for democratic institutions to deliver reductions in CO₂ emissions of the required amount is questionable, reflected in Tony Blair's comment that it would be political suicide to propose an ecologically inspired increase in the cost of flying shortly before an election. For all that green political thinkers like to think that we have 'moved on' from the anti-democratic forms of ecological politics espoused by Hardin, Ehrlich, Heilbroner, and Ophuls, their conceptualisation of environmental problems and democratic politics still has some purchase today, and we should not underestimate the difficulties in achieving the kinds of cultural value changes that we shall see green theorists are committed to. Ecocentrism, or even an environmentally enlightened anthropocentrism does not come easily, and without such a change in values democracy's ability to deliver ecologically sustainable outcomes remains in serious question.

Democracy cannot address core issues like pollution and resource depletion- authoritarianism is the only alternative

Humphrey 7 (Mathew Humphrey is a professor at the University of Nottingham. *Ecological Politics And Democratic Theory: the Challenge to the Deliberative Ideal*. London: Routledge, 2007. Page 139-140)

The first part of the book examined the ways in which ecological politics and democracy can come apart, and whilst few would now argue for an authoritarian state as a response to environmental problems, the dilemmas with which the eco- authoritarians wrestled remain with us. The management of common resources, and the danger of the unsustainable depletion of these resources, remains a thorny issue in environmental policy (Ellis, 2003). Democracy, however, remains merely a contingently bad form of political organisation for these writers and if a form of democracy can be found that addresses the depletion/population/pollution problems that they are concerned with, it would be considered a viable political system. Given, however, the Schumpeterian view of human mental capacities that underpins the eco-authoritarian view, this outcome is unlikely.

Naive

Green Democracy is based upon naïve antics

Beeson 10 (Mark, Professor of International Politics at Murdoch University in Perth, Western Australia, Environmental politics, Environmental Politics, 15(5): 750–767., Volume 19, issue 2)

Although deliberative democracy has been described as ‘the currently hegemonic approach to democracy within environmental thinking’ (Arias-Maldonado 2007, p. 245), it has little obvious relevance to the situation in East Asia. While there is much that is admirable about the central precepts of deliberative democracy (see Bohman 1998), its underlying assumptions about the circumstances in which political activity actually occur are strikingly at odds with the lived reality outside North America and Western Europe. This merits emphasis because for some writers rational, informed discourse is central to sustainable environmental management and the resolution of the competing interests that inevitably surround it (Hamilton and Wills-Toker 2006). And yet, as the very limited number of **studies that actually examine environmental politics under authoritarian rule demonstrate**, the reality is very different and **the prospects for the development of progressive politics are very limited** (Doyle and Simpson 2006). Even if we assume that political circumstances do actually allow for a politically unconstrained and informed discussion of complex issues, as Arias-Maldonado (2007, p. 248) points out, **‘the belief that citizens in a deliberative context will spontaneously acquire ecological enlightenment, and will push for greener decisions, relies too much on an optimistic, naive view of human nature, so frequently found in utopian political movements’**. In much of East Asia, the population may not have the luxury or capacity even to engage in these sorts of discursive practices, while the absence of effective democracy in much of the region stands as a continuing obstacle to achieving anything approximating deliberative democracy. Even more problematically in the long-run, there is **no compelling evidence that democracy of any sort will necessarily promote good environmental outcomes** (Neumayer 2002), **or that rising living standards will inevitably deliver a sustainable environment** (Dinda 2004). On the contrary, there is evidence to suggest that in the initial phases at least, ‘democratisation could indirectly promote environmental degradation through its effect on national income’ (Li and Reuveny 2006, p. 953). In other words, even the best of all outcomes – rising living standards and an outbreak of democracy – may have unsustainable environmental consequences that may prove to be their undoing in the longer-term. In such circumstances, ideas about possible ways of reorganising societies to lessen their impact on the natural environment may not find sufficient support to make them realisable or effective. As Lieberman (2002, p. 709) points out, ‘an idea’s time arrives not simply because the idea is compelling on its own terms, but because opportune political circumstances favor it’. In much of Southeast Asia and China the forces supporting environmental protection are comparatively weak and unable to overcome powerful vested interests intent on the continuing exploitation of natural resources.

Inevitable

Democracy fails – makes collapse inevitable

Hanson, 98

(Jay, 2-20, Requiem, <http://www.dieoff.org/page181.htm>)

What can we do to avoid the "crash"? As a society, Americans can do nothing because of at least two fundamental -- and apparently insoluble -- problems: (1) In principle, democracy (i.e., government by the common people) can not direct a country to any specific goal because democracy is "process" politics as opposed to "systems" politics: As the name implies, process politics emphasizes the adequacy and fairness of the rules governing the process of politics. If the process is fair, then, as in a trial conducted according to due process, the outcome is assumed to be just -- or at least the best the system can achieve. By contrast, systems politics is concerned primarily with desired outcomes; means are subordinated to predetermined ends.[42] (2) American democracy is not even true politics because it is based on money -- one-dollar, one-vote. What passes for politics in America is actually a subset of our economic system. In principle, it is not possible for our economic system to avoid the "crash" because its premise, the conversion of nature into commodities, is the heart and soul of our system problems. Moreover, the doctrine of continuous and unlimited economic growth is a religious concept that serves as a substitute for redistribution of wealth and true politics. It's a way for the plutocrats to maintain political superiority over the lesser classes while avoiding unpleasant political questions:[43] It is the orthodox growth men who want to avoid the distribution issue. As Wallich so bluntly put it in defending growth, "Growth is a substitute for equality of income. So long as there is growth there is hope, and that makes large income differentials tolerable" (1972). We are addicted to growth because we are addicted to large inequalities in income and wealth. What about the poor? Let them eat growth! Better yet, let them feed on the hope of eating growth in the future![44] With no true political system -- and no prospect of obtaining one -- we have no means to save ourselves. Unfortunately, several billion innocent people will die untimely deaths over the next hundred years. Individuals in small communities can protect themselves somewhat through cooperation with others (reciprocal altruism). But groups larger than a few hundred will disintegrate under competition for increasingly scarce resources: In brief, our research showed that environmental scarcities are already contributing to violent conflicts in many parts of the developing world. These conflicts are probably the early signs of an upsurge of violence in the coming decades that will be induced or aggravated by scarcity. The violence will usually be sub-national, persistent, and diffuse. Poor societies will be particularly affected since they are less able to buffer themselves from environmental scarcities and the social crises they cause. These societies are, in fact, already suffering acute hardship from shortages of water, forests, and especially fertile land.[45]

Globalization

Globalization guts all forms of climate progress – individualism and financial incentives preclude action

Jennings, 13-- Director of Bioethics at the Center for Humans and Nature

(Bruce, "Governance in a Post-Growth Society: An inquiry into the Democratic Prospect", May, Vol 6 Num 2, p. 12-13)

Before turning to the three types of ecological governance, consider further the contrasting benchmark of pluralistic interest group democracy. All of the ecological types of governance I identify have one thing in common, namely, their critique and rejection of interest group democracy. Interest group democracy is concerned with aggregation and accommodation of interests among individuals and groups in societies where religious differences, ideological diversity, social competition, and conflict are widespread. This is the political system of the Western world, certainly in the bicameral presidential system of the United States, but also in parliamentary systems, systems with proportional legislative representation rather than single-member districts, and so on. Pluralistic democracy is responsive to individual interests, concatenated or organized by the formation of various group structures that compete for the attention of popularly elected officials. Their competition in this regard consists both of the market place of ideas and the market place of campaign contributions, and other financial incentives for public officials. Unlike discursive democracy, in which the citizen role is actively and extensively participatory at multiple levels, in pluralistic democracy citizenship consists essentially in the right to vote, with a relatively small number becoming directly involved financially or personally in the process of electoral competition. Candidates and parties vie there for the support of self-interested voters, which is increasingly determined by media advertisements and exposure. Interest group democracy is a kind of negative system of governance. It is set up to form compromise among conflicting interests in that no one group bears the cost of policy. This makes a win-win type of growth scenario very attractive and deters policy makers from setting clear priorities, making trade-offs, especially sharp ones that have been called "tragic choices," such as rationing and redistributing resources (wealth and power) explicitly.⁸ It has multiple veto points in its governing process that ensure these features. It is prone to incrementalism and bias in favor of preserving the status quo. Against this backdrop, I now turn to the three modes of governance that I think are reasonable options for a degrowth transition and eventual steady state.

AT: We Transition, Solve Enviro

Best research proves communicative, deliberative forums are most likely to move collective opinion further toward the preexisting views of the majority, cause irrational decisions made to placate the loudest participants, and dehumanizing violence against out-groups

Tina Nabatchi 7, Assistant Professor of Public Administration and International Affairs and a Faculty Research Associate at the Program for the Advancement of Research on Conflict and Collaboration at Syracuse University, 2007, *Deliberative Democracy: The Effects of Participation on Political Efficacy*, p. 67-69

Social psychology research on small groups highlights several potential pitfalls of deliberation (for an extensive review of this literature, see Mendelberg, 2002). In particular, research suggests three psychological limits to participation: risky shift, the Abilene paradox, and groupthink (e.g., Cooke and Kothari, 2002: 106-109; see also Torres, 2003: 72-73). Risky shift describes the phenomenon that group discussion can lead members to make riskier decisions than they would have made as individuals. The Abilene paradox reflects the experience of groups who make decisions and take actions that contradict their wants and interests in order to alleviate the anxieties and tensions of individual members. Groupthink refers to the replacement of independent critical thinking with irrational and dehumanizing actions against out-groups. As Sunstein (2003: 82) notes, "deliberative enclaves can be breeding grounds for both the development of unjustly suppressed views and for unjustified extremism, indeed fanaticism." Research on small group deliberation supports these contentions. For example, communication has been found to enhance cooperation among individuals at the expense of that between groups (Insko, et al., 1993). When group interests are consistent with individual interests, communication can increase cooperation among groups; however, when group interests compete with individual interests, individual and in-group cooperation increase at the expense of cooperation across groups (Bornstein, 1992). Moreover, communication across groups of unequal size can make group differences more salient, and thus decrease cooperation (Bettencourt and Dorr, 1998; Miller and Davidson-Podgorny, 1987). Other research suggests that individuals who are perceived to have particular expertise in the subject under deliberation are more likely to be influential in the group's decision (Bottger, 1984; Kirchler and Davis, 1986; Ridgeway, 1981, 1987). Moreover, groups tend to use information that is already commonly shared, and focus less on distinctive information held by specific individuals that could arguably improve the outcome or decision (Gigone, and Hastie, 1993, 1997; Larson, et al, 1998; Stasser 1992, Stasser and Titus, 1985; Stasser, Taylor and Hanna, 1989; Wittenbaum, Hubbel, and Zuckerman, 1999). The sum of these effects not only limits the potential benefits of participation, but also increases the potential for unwise decisions and polarization (e.g., Hibbing and Theiss-Morse, 2002; Huntington, 1975; Sunstein, 2003). The issue of group polarization is especially relevant: Though standard, the term "group polarization" is somewhat misleading. It is not meant to suggest that group members will shift to the poles, nor does it refer to an increase in variance among groups, though this may be the ultimate result. Instead the term refers to a predictable shift within a group discussing a case or problem. As the shift occurs,

groups, and group members, move and coalesce, not toward the middle of antecedent dispositions, but toward a more extreme position in the direction indicated by those dispositions. The effect of deliberation is both to decrease variance among group members, as individual differences diminish, and also to produce convergence on a relatively more extreme point among predeliberation judgments (Sunstein, 2003: 83). Indeed, research suggests that **discussion tends to move collective opinion in the direction of the preexisting views of the majority** (Moscovici and Zavalloni, 1969; Myers and Lamm, 1976; Schkade, Sunstein, and Kahneman, 2000). Moreover, when unanimity is the decision rule, the chances of deadlock increase (Hastie, Penrod, and Pennington, 1983), as does polarization (Kaplan and Miller, 1987; Mendelberg and Karpowitz, 2000).

This is a reason the aff collapses any response to climate change---deliberative forums will be filled with conservatives screaming about ClimateGate---means only authoritarianism solves

Ward 11

(Halina Ward 11, director of The Foundation for Democracy and Sustainable Development, "The Future of Democracy in the Face of Climate Change," <http://www.fdsd.org/wordpress/wp-content/uploads/Paper-Three-futures-of-SD-and-democracy.pdf>)

Some literature on the future of democracy takes a far less dim view of the future of expertise. At the other end of the spectrum, Shearman and Wayne Smith predict that **democracy** as we know it **will fail to deliver solutions to the environmental crisis**. They argue that **elected representatives ought to be replaced by** a ruling elite of eco-philosopher kings. Their vision of the future harks back to Plato's; that "[t]here will be no end to the troubles of states, or of humanity itself, till philosophers become kings in this world". 259 Shearman and Wayne Smith's (anti-democratic) suggestion is that **"*g]overnment in the future will be based on... a supreme office of the biosphere"** 260 comprising specially trained eco-philosophers, who will either rule themselves or advise **an authoritarian government**. They describe these eco-philosophers as "people of high intellect and moral virtue who are trained in a wide number of disciplines, ecology, the sciences, and philosophy (especially ethics) for the purpose of dealing with the crisis of civilisation". 261 Shearman and Wayne Smith call for the creation of what they call a 'Real University', delivering scientific education which is immune to the influence of feelings, desires, interests, aspirations, values, economic forces and moral considerations. They highlight the Intergovernmental Panel on Climate Change as a potential forerunner. The notion of value-free scientific endeavour would seem bizarre to those of Stephen Jay Gould's school of thought, who believe that "[s]cience, since people must do it, is a socially embedded activity". 262 And the value of scientific expertise within the realm of politics might be called into question on cognitive grounds. **There is a strong basis in psychological studies** for the argument **that the voting public allow "bias, prejudice, and emotion to guide their decisions"**, rather than objective facts. 263 Roger Pielke Jr argues that four categories (highlighted in Box 5 below) express the roles that experts can play in decision-making. A healthy system of decision-making

will benefit from the presence of all four kinds of advice. In particular, Pielke argues that when extra-scientific factors play a role in influencing expert advice, they can lead to 'stealth issue advocacy'; a phenomenon which can undermine the authority and legitimacy of expert advice. Pure Scientist and Science Arbiter roles therefore make most sense when values are broadly shared and scientific uncertainty is manageable. And when there are value conflicts or science is contested, the Issue Advocate and Honest Broker of Policy Options roles are more appropriate. Pielke suggests that policy responses to climate change have neglected the complexity of the relationship between experts and decisionmakers: "better decisions will be more likely if we pay attention to the role of expertise in decision making and the different forms that it can take".

264 Looking beyond the role of expertise in national democracies, former World Bank Vice-President Jean-François Rischard calls for expertise to occupy a prominent position within future global governance. He acknowledges that international governance structures will have to evolve to accommodate those global issues which extend beyond the territorially defined boundaries of states – such as forests which exist in one country, but which generate rainfall in surrounding countries. In his book, *High Noon*, 265 Rischard envisages an important role for experts in a series of twenty 'Global Issues Networks' (GINs) designed to arrive at normative responses to the central global issues facing humanity. He sees precursors to the GIN approach in initiatives including the World Commission on Dams and the Forestry Alliance. Rischard proposes that each Global Issues Network would consist of thirty experts; ten from NGOs, business and government respectively. And whilst this idea appears to favour expertise over public representation, Rischard goes on to explain that these expert networks would be invited to "represent all of us". Here is a compromise system based on limited representation via expertise. Critics would argue that we should draw on expertise rather than be driven by it. In contrast to Shearman and Wayne Smith's or Rischard's visions of an increasingly prominent role for scientific expertise in future democracies, there is also a body of thinking which predicts a (partial, at least) shift away from elitist technocratic science towards post-normal science, as a means of helping politicians and citizens to fully engage with the ideas of climate change and sustainability. Groups such as the UK think-tank Newton's Apple, 266 or the UK government's Sciencewise Expert Resource Centre 267 recognise the gap in communication and understanding between scientific experts and democratic policy-makers. They work to bridge the gap, recognising that its existence is not only detrimental to both experts and policy-makers, but also to the public's trust in each. Blowers et al also suggest that an effort must be made to engage a wider range of stakeholders and the general public in the process of policy-making, rather than relying on technocratic positivist science as a way of informing policy. More confident relationships between science and society might result. 268 And given the current and future pressures of climate change, where "the facts are uncertain, values in dispute, stakes high and decisions urgent", 269 it is not unreasonable to anticipate that new kinds – breeds – of post-normal science might evolve to cope with this uncertainty. Blowers et al further argue that the post-normal emphasis on the 'extended peer community' 270 and the 'democratization of science' 271 make this mode of scientific reasoning a complement to deliberative democracy. As they suggest, deliberative democracy "must be inclusive and it must encourage unconstrained dialogue. Inclusiveness requires that insofar as possible all relevant viewpoints and values should be represented". 272 Deliberation may even have become what Graham Smith dubs "a new orthodoxy within contemporary democratic theory". 273 Climate change might hasten the

spread of deliberative democracy; but it could equally counteract another imperative of climate-related policy: the (often urgent) need for a decision. For deliberation has no point of closure analogous to the vote in representative democracy. The future role of deliberation might therefore come to be seen simply as a means of exposing inherent value conflicts surrounding an issue, before a decision is taken. 274 Closely linked to Ravetz's 'extended peer community' 275 is the notion of 'the wisdom of crowds'. 276 In his book of the same name, James Surowiecki shows that certain kinds of decision involving quantitative rather than qualitative judgements and formed on the basis of aggregated information submitted by collections of individuals are often better than those that could be made by any single individual, however expert. But members of crowds are all too easily influenced by the opinions of others, particularly the media. And this has significant implications for climate change and for the role of expertise in democratic decision-making on climate change. Media coverage of the 'climategate' email controversy (as to which see Paper One), for instance, has fuelled climate scepticism, as has the journalistic norm of presenting both sides of a story despite the overriding consensus regarding the severity, and anthropogenic nature, of climate change. Therefore, in the words of journalist and commentator Will Hutton, "an independent, diverse and inquiring press is also fundamental to collective wisdom". 277 For a wide, crowd-based and democratic wisdom to emerge in the future, the media drivers of public opinion and engagement in decision-making would need to evolve too.

Surveillance

Generic

Domestic Surveillance erodes civil liberties, the AFF reverses that

Wu 2006

(Edieth, Associate Dean and Professor, DOMESTIC SPYING AND WHY AMERICA SHOULD AVOID THE SLIPPERY SLOPE, Thurgood Marshall School of Law., weblaw.usc.edu/why/students/orgs/rlsj/assets/docs/Wu_Final.pdf, vol 16:1)//ADS

After the New York Times exposed the NSA's domestic spying program, the president immediately attempted to divert attention from the civil liberties issue by characterizing warrantless surveillance— i.e., surveillance for which no warrant is issued—as essential to national security and “critical to saving American lives.”⁴ But critics of the NSA program argued that “[warrantless domestic surveillance] contradicts longstanding restrictions on domestic spying and subverts constitutional guarantees against unwarranted invasions of privacy.”⁵ In the wake of the terrorist attacks, however, it seems that the unprecedented vulnerability felt by many Americans helped galvanize support for the president and made many Americans reluctant. Consequently, a meaningful, public debate about the course and direction of the war on terror is necessary.⁷ However, because political pressures may deter publicly elected officials from speaking candidly about government programs, the media and third party experts have the duty of creating and sustaining a meaningful public discourse about domestic spying.⁸ In that vein, we as jurists have the duty to analyze precarious legal issues, even if it yields conclusions which are less than palatable. Recognizing that duty, this comment addresses the debate about the legality of the president's decision to conduct warrantless surveillance on United States citizens. Part II of this comment contends that the United States government should not resort to spying on its citizens because this abuse of power will lead to the erosion of American civil liberties.

PRISM

Curtailling PRISM bolsters civil liberties

Bruer 15

(Wes, Graduate from the University of Georgia's School of Public and International Affairs, www.cnn.com/2015/03/10/politics/nsa-spying-lawsuit-aclu/, Civil liberties groups file lawsuit against NSA, March 10, 2015)//ADS

Nearly a dozen civil liberties groups have filed a lawsuit against the National Security Agency regarding the agency's "upstream" surveillance, which is alleged to include monitoring of almost all international, and many domestic, text-based communications. The suit, led by the American Civil Liberties Union, was filed on Tuesday in a Maryland District Court "challenges the suspicion less seizure and searching of internet traffic" by the NSA on U.S. soil, according to court documents. The plaintiffs argue that to do their jobs they must be able to exchange information in confidence, free from, warrantless government search which undermines the named organizations' ability to communicate with clients, victims of human rights abuses, government officials and other civil society groups. The plaintiffs also contend NSA spying violates the First and Fourth Amendments, as well as Article III of the Constitution, because the surveillance orders are "in the absence of any case or controversy." The ACLU's concern is the government's interpretation of the updated Foreign Intelligence Surveillance law, which in 2011 allowed the government to collect 250 million Internet communications under the FISA Amendment Acts. And In 2013, the director of National Intelligence reported the surveillance of almost 90,000 individuals or groups relied on a single court order. The government contends that "upstream" surveillance is covered by the 2008 surveillance law and the practice includes installing devices, with the assistance of companies such as Verizon and AT&T, onto the network of cables, switches and routers that Internet traffic flows through, known as it's "backbone." The ACLU further details the NSA's surveillance program by intercepting massive amounts of communication in transit that are then searched alongside thousands of keywords associated with targets of intelligence analysts. In addition to having weak limitations and numerous exceptions on who they can surveil, the program's pool of potential targets can encompass completely innocent individuals as the only requisite is that the person is likely to communicate "foreign intelligence information, which can include journalists, professors, attorneys or aid workers. The "upstream" surveillance differs from another spying program carried out by the NSA called "PRISM," where information is obtained directly from U.S. companies providing communications services. "Upstream" allows the government to connect surveillance devices at Internet access points, which are controlled by telecommunications providers.

Drones

Restrictions on surveillance drones bolsters civil liberties

ACLU no date (ACLU ,Advocating individual rights by litigating, legislating, and educating the public on a broad array of issues affecting individual freedom, DOMESTIC DRONES, www.aclu.org/issues/privacy-technology/surveillance-technologies/domestic-drones)//ADS

U.S. law enforcement is greatly expanding its use of surveillance drones, and private actors are also seeking to use the technology for personal and commercial use. Drones have many beneficial uses, including in search-and-rescue missions, scientific research, mapping, and more. But deployed without proper regulation, drones equipped with facial recognition software, infrared technology, and speakers capable of monitoring personal conversations would cause unprecedented invasions of our privacy rights. Interconnected drones could enable mass tracking of vehicles and people in wide areas. Tiny drones could go completely unnoticed while peering into the window of a home or place of worship. Surveillance drones have been the subject of fierce debate among both legislators and the public, giving rise to an impressive amount of state legislation—proposed and enacted—to protect individuals’ privacy. Uniform rules should be enacted to ensure that we can enjoy the benefits of this new technology without bringing us closer to a “surveillance society” in which our every move is monitored, tracked, recorded, and scrutinized by the government.

Race

Restrictions on the domestic surveillances of specific races and ethnicity bolsters civil liberties

Cyril 2015 (Malkia

Amala, under and executive director of the Center for Media Justice (CMJ) and co-founder of the Media Action Grassroots Network]; Black America's State of Surveillance; Mar 30; www.progressive.org/news/2015/03/188074/black-americas-state-surveillance)//ADS

The NSA and FBI have engaged local law enforcement agencies and electronic surveillance technologies to spy on Muslims living in the United States. According to FBI training materials uncovered by Wired in 2011, the bureau taught agents to treat “mainstream” Muslims as supporters of terrorism, to view charitable donations by Muslims as “a funding mechanism for combat,” and to view Islam itself as a “Death Star” that must be destroyed if terrorism is to be contained. From New York City to Chicago and beyond, local law enforcement agencies have expanded unlawful and covert racial and religious profiling against Muslims not suspected of any crime. There is no national security reason to profile all Muslims. At the same time, almost 450,000 migrants are in detention facilities throughout the United States, including survivors of torture, asylum seekers, families with small children, and the elderly. Undocumented migrant communities enjoy few legal protections, and are therefore subject to brutal policing practices, including illegal surveillance practices. According to the Sentencing Project, of the more than 2 million people incarcerated in the United States, more than 60 percent are racial and ethnic minorities. But by far, the widest net is cast over black communities. Black people alone represent 40 percent of those incarcerated. More black men are incarcerated than were held in slavery in 1850, on the eve of the Civil War. Lest some misinterpret that statistic as evidence of greater criminality, a 2012 study confirms that black defendants are at least 30 percent more likely to be imprisoned than whites for the same crime. This is not a broken system, it is a system working perfectly as intended, to the detriment of all. The NSA could not have spied on millions of cellphones if it were not already spying on black people, Muslims, and migrants. As surveillance technologies are increasingly adopted and integrated by law enforcement agencies today, racial disparities are being made invisible by a media environment that has failed to tell the story of surveillance in the context of structural racism.

FISA

Restriction on FISA courts bolster civil liberties

Brennan Center for Justice 2015 (Brennan Center for Justice, at New York University Law School is a nonpartisan left-leaning law and public policy institute, FISA Court Needs Reform to Protect Americans' Civil Liberties, www.brennancenter.org/press-release/new-report-fisa-court-needs-reform-protect-americans-civil-liberties, March 18, 2015)//ADS

The Foreign Intelligence Surveillance Court is no longer serving its constitutional function of providing a check on the executive branch's ability to obtain Americans' private communications, concludes a new report released today by the Brennan Center for Justice at NYU School of Law. What Went Wrong with the FISA Court finds that dramatic shifts in technology and law have changed the role of the Foreign Intelligence Surveillance Court (FISA Court) since its creation in 1978 — from reviewing government applications to collect communications in specific cases, to issuing blanket approvals of sweeping data collection programs affecting millions of Americans. These fundamental changes not only erode Americans' civil liberties, but likely violate Article III of the U.S. Constitution, which limits courts to deciding concrete disputes between parties rather than issuing opinions on abstract questions. The FISA Court's wholesale approval process also fails to satisfy standards set forth in the Fourth Amendment, which protect against warrantless searches and seizures. "Today's FISA Court does not operate like a court at all, but more like an arm of the intelligence establishment," said Elizabeth Goitein, co-author of the report and co-director of the Liberty and National Security Program at the Brennan Center for Justice. "The Constitution's vision of the judiciary does not include issuing secret orders approving mass surveillance programs. The court has veered sharply off course, and nothing less than a fundamental overhaul of surveillance oversight practices will restore it to its constitutional moorings." "Although the FISA Court is held up as a bulwark against overbroad spying, it barely fulfills that role," said Faiza Patel, co-author of the report and co-director of the Center's Liberty and National Security Program. "The court's blanket approval of programs that sweep up the personal information of millions of Americans looks nothing like a warrant or any other accepted function of a court. As Congress considers surveillance reform this year, it must look seriously at overhauling the FISA Court to restore its role as a robust protector of Americans' privacy."

Whistleblowers

Whistleblowers bolster civil liberties

Sonenstein 14

(Brian; a writer and activist with a passion for civil liberties and criminal justice reform, Civil Liberties Advocates, Organizations and Whistleblowers Tell Congress to Oppose the USA FREEDOM Act, www.rootsaction.org/news-a-views/828-civil-liberties-advocates-organizations-and-whistleblowers-tell-congress-to-oppose-the-usa-freedom-act, September 15, 2014)///ADS

Dear Members of Congress, We, the undersigned civil liberties advocates, organizations, and whistleblowers, are alarmed that Senator Leahy's recently introduced bill, the USA FREEDOM Act (S. 2685), legalizes currently illegal surveillance activities, grants immunity to corporations that collaborate to violate privacy rights, reauthorizes the PATRIOT Act for an additional 2.5 years, and fails to reform EO 12333 or Section 702, other authorities used to collect large amounts of information on Americans. For these reasons, we encourage both the House and the Senate to oppose this legislation in its current form. Governmental security agencies' zeal for collecting Americans' personal information without regard for cost, efficacy, legality, or public support necessitates that Congress act to protect the rights of residents across the United States and around the globe. Our fundamental civil rights – the human rights we hold dear – are not adequately protected by either the Senate or House versions of the USA FREEDOM Act. The reckless actions of top officials charged with ensuring national security – from lying to Congress to secretly weakening security standards to hacking the communications of our allies – has undermined global confidence that the United States can act as an ethical Internet steward. The 11th-hour gutting of the USA FREEDOM Act in the House of Representatives and the CIA's recent illegal spying on the U.S. Senate underscore just how powerful and out of control this surveillance regime has become. Time and again, these agencies have relied on aggressive manipulation of legal loopholes to thoroughly undermine safeguards and checks and balances

Backdoor

Curtailing Backdoors bolsters Human rights

Fritz 15

(Jason ;doctoral student in the Department of Justice, Law and Criminology at American University's School of Public Affairs , COUNTERTERRORISM, BACKDOORS, AND THE RISK OF "GOING DARK", warontherocks.com/2015/06/counterterrorism-backdoors-and-the-risk-of-going-dark, June 25, 2015)

The terrorist threat to the United States is evolving rapidly, especially in terms of the methods by which extremists communicate. Counterterrorism analysts and operators face a variety of technical challenges to their efforts. In Oct. 2014, Federal Bureau of Investigation (FBI) Director James Comey warned of the growing risk of "going dark," whereby intelligence and law enforcement agencies "have the legal authority to intercept and access communications and information pursuant to court order," but "lack the technical ability to do so." European Police Chief Rob Wainwright has warned that terrorists are using secure communications in their operations more frequently, a technique the Islamic State of Iraq and the Levant (ISIL) is apparently pioneering. The emergence of secure messaging applications with nearly unbreakable end-to-end encryption capabilities such as Surespot, Wickr, Telegram, Threema, and Kik highlights how rapid technological change presents a powerful challenge to security and counterterrorism agencies. Responding to such developments, the FBI has lobbied Congress to legislate the mandatory creation of "backdoors" in commercially available communications via an update to the Communications Assistance for Law Enforcement Act. The Director of the National Security Agency (NSA), Adm. Michael Rogers, suggested creating overt "front doors" to allow the U.S. government access to certain devices and software. This scheme would split between agencies the "key" necessary to decode encrypted information. British Prime Minister David Cameron, went as far as to recommend legislation outlawing end-to-end encryption in the United Kingdom unless the government had assured access to the data "in extremis." President Barack Obama declared that the absence of such backdoors is "a problem" and described the ability to lawfully intercept all forms of communication as a "capability that we have to preserve." Such proposed steps are misguided and ill-advised. Creating backdoors in commercial communications technology is not the answer. First and foremost, in an era where state, terrorist, and criminal actors constantly strive toward — and succeed in — penetrating American commercial and government networks, legislating holes in encryption is dangerous. U.S. government networks themselves are clearly insecure, as the recently identified electronic intrusion into Office of Personnel Management records, as well as historical breaches of Department of Defense systems, indicates. ISIL has even successfully hacked American military social media accounts. Unidentified criminals stole the personal information of more than 100 million Target customers in a breach that the company discovered in 2013. Requiring software companies to weaken their encryption would provide hostile cyber actors additional vectors by which to harass, rob, and spy on American citizens. Relying fail. In Sept. 2014, Apple announced that it was upgrading on legislation to keep pace with technological advancement is impractical and bound to the encryption of iOS 8 to make it technically impossible for anyone but the

device's user to unlock it. This reversed a previous policy whereby Apple would unlock devices if police issued a warrant requiring the company to do so. Apple's move avoided legal complications by making compliance with such requests impossible on a technological level. Director Comey criticized this change in Apple's policy the following month, warning that "[s]ophisticated criminals will come to count on these means of evading detection," such as storing incriminating information on encrypted devices. Through a relatively simple technical modification, Apple effectively locked the FBI out of all devices it manufactures. To expect Congress to adapt constantly to such changes is unrealistic. Mandating the weakening of commercially available encryption would not only threaten the security and privacy of Americans, it would also require the establishment of a bureaucracy dedicated to examining software code and deeming it "backdoor compliant." Such needless red tape would hamstring American technology companies.

Metadata

Curtailling metadata storage bolsters civil liberties

Marrzorati 15

(Luca; intern at Capital, Appellate court invalidates N.S.A. metadata collection program, www.capitalnewyork.com/article/city-hall/2015/05/8567565/appellate-court-invalidates-nsa-metadata-collection-program, May 7, 2015)//ADS

"The government takes the position that the metadata collected—a vast amount of which does not contain directly 'relevant' information, as the government concedes—are nevertheless 'relevant' because they may allow the NSA, at some unknown time in the future, utilizing its ability to sift through the trove of irrelevant data it has collected up to that point, to identify information that is relevant," Lynch wrote. "We agree with appellants that such an expansive concept of 'relevance' is unprecedented and unwarranted." Because the court concluded that the program was not authorized by the language of the USA PATRIOT Act, it did not take up the ACLU's constitutional challenge to the program, based on Fourth Amendment unreasonable search and seizure grounds, "The constitutional issues, however, are sufficiently daunting to remind us of the primary role that should be played by our elected representatives in deciding, explicitly and after full debate, whether such programs are appropriate and necessary," Lynch added. But Lynch denied the ACLU's request for a preliminary injunction against the program, leaving that decision to a district court. In a concurring opinion, U.S Circuit judge Robert Sack reiterated a call for the Foreign Intelligence Surveillance Court to adopt an adversary system, by which some party is arguing against the government.

Library

Curtailing Library archives bolster civil liberties

Walt 2002

(Walt; American social issues journalist and university professor of journalism, The Patriot Act and Bookstores, www.counterpunch.org/2002/07/24/the-patriot-act-and-bookstores, JULY 24, 2002)//ADS

On the first floor are more than 10,000 books on more than 1,200 running feet of shelves that create aisles only about three feet wide. On top of the shelves are stacks of 10, 15, even 20 more books. On the floor are hundreds more, stacked spine out three- or four-feet high. There are books in metal racks, drawers, and on counters. It's hard to walk through the store without bumping into a pile in the 1,000-square foot store. In the basement, in reserve, are 2,000 more books. "Sometimes I order four or five copies of a title, but often I only order one copy, but I want to have whatever my customers want," says owner Arline Johnson who founded the store in 1976 after working almost two decades as a clinical psychologist and teacher. Unlike the chain stores with magazine and newspaper racks, wide aisles, track lighting, and even a coffee shop, Friends-in-Mind has only books and some greeting cards. Also unlike the chain stores with large budgets for space and promotion to attract hundreds of customers a day, Johnson says she sees "on a real good day" maybe 25 or 30 people; often she sees fewer than a dozen. In September 1984, she saw someone she didn't want to see. A week after the Naval Institute Press shipped three copies of Tom Clancy's cold war thriller, *The Hunt for Red October*, the FBI showed up. The FBI, which apparently got the information from the publisher, "wanted to know where the books were and who purchased them," says Johnson. She says she told the two men that she couldn't remember to whom she sold two of the copies, but acknowledged she sent one copy to her cousin, who had served aboard a nuclear submarine, "and had all kinds of clearances." Johnson says she wasn't pleased about the interrogation—"and my cousin certainly wasn't happy about anyone checking on what he was reading." The FBI never returned, but occasionally residents in this rural conservative community will complain about what's in the store. She's been challenged for selling books about Karl Marx, gay rights, and even dinosaurs. Johnson says she tells the "book police" that "it's important that people learn and read about everything, whether they believe it or not." She also stocks copies of the Constitution and the Federalist Papers. Left-wing. Right-wing. Business. Labor. Anti-establishment. Everything's available in her store. "It's not the government's job to tell me or anyone what they can read," she says. But the government has decided that under the cloak of "national security" it can abridge the rights of the citizen. The base is the Foreign Intelligence Surveillance Act (FISA). Under that Act's provisions, the government may conduct covert surveillance of individuals only after seeking an order from a special government-created secret court. However, that Court, in its first two decades, granted every one of the government's more than 12,000 requests. The most recent series of intrusions upon civil liberties began in 1998 when special prosecutor Ken Starr demanded a book store to release records of what Monica Lewinsky had purchased. It was a sweeping allegation that had no reasonable basis of establishing any groundwork in Starr's attacks upon President Clinton. Since then, there have been several cases in which police,

operating with warrants issued in state courts, have demanded a bookstore's records. In state actions, individuals have the right to ask local and state courts to quash subpoenas for records. If denied, they may appeal all the way to state supreme courts. There is no such protection under FISA. Not only can't individuals and businesses be represented in that secret court, they're bound by a federal gag order prohibiting any disclosure that such an order was even issued. There is no recourse. No appeal. Then came the USA Patriot Act, drafted by the Bush administration, and fine-tuned in secret by the House and Senate leadership following the Sept. 11 terrorist attacks. The Patriot Act, which incorporates and significantly expands FISA to include American citizens, was overwhelmingly approved by the Congress, most of whom admit they read only a few paragraphs, if any at all, of the 342-page document. President Bush enthusiastically signed the bill, Oct. 26. Among its almost innumerable provisions, the Act reduces judicial oversight of telephone and internet surveillance and grants the FBI almost unlimited, and unchecked, access to business records without requiring it to show even minimal evidence of a crime. The FBI doesn't even need to give the individual time to call an attorney. Failure to immediately comply could result in that person's immediate detainment. The federal government can now require libraries to divulge who uses public computers or what books they check out, video stores to reveal what tapes customers bought or rented, even grocery and drug stores to disclose what paperbacks shoppers bought. The effect of the USA Patriot Act upon businesses that loan, rent, or sell books, videos, magazines, and music CDs is not to find and incarcerate terrorists—there are far more ways to investigate threats to the nation than to check on a terrorist's reading and listening habits—but to put a sweeping chilling effect upon Constitutional freedoms. The Act butts against the protections of the First (free speech), Fourth (unreasonable searches), Fifth (right against self-incrimination), and Sixth (due process) amendments. If the Act is not modified, book publishers will take even fewer chances on publishing works that, like *The Hunt for Red October* "might" result in the government investigation; bookstore owners may not buy as many different titles; and the people, fearing that whatever they read might be subject to Big Brother's scrutiny, may not buy controversial books or check books out of the library. Even worse, writers may not create the works that a free nation should read. How ironic it is that a President who says he wants everyone to read is the one who may be responsible for giving the people less choice in what they may read. Chris Finan, president of the American Booksellers Foundation for Free Expression, believes "we've seen some shift" in the hard-core attitudes of the government's position. He believes public opinion will eventually shift "from the panic after Sept. 11 to allow a reasonable debate of the dangers" created by the USA Patriot Act. The Act has a built-in sunset provision—several sections will expire, unless Congress renews them, on Dec. 31, 2005. Judith Krug of the American Library Association isn't as optimistic as Finan. "It's going to be used as long as they think they can get away with it," says Krug, one of the nation's leading experts in First Amendment rights and civil liberties. Krug says until the people "start challenging the Act in the federal courts, we'll be lucky if we can 'sunset' out any of it." In the meantime, Arline Johnson says she doesn't keep computer records, accept credit cards, or even have a store newsletter, all of which can compromise the Constitutional protections of her customers. "I once lived and taught in Bulgaria," says Johnson, "and I don't like totalitarian regimes." It makes no difference if it's a Balkan dictatorship or one created out of fear in a democracy. The Bush administration has put

far more fear into the American people than any terrorist could. As Benjamin Franklin once argued, a nation that gives up freedom to gain security deserves neither.

Impacts

War

Environmental Decline

Energy resource depletion will lead to world wars – our government uses more and more energy to solve economic and social problems, and that’s unsustainable

Hanson 8 (Jay Hanson. June 24, 2008. “A BASIC IDEA OF HOW OUR GOVERNMENT WORKS”
JayHanson <http://www.jayhanson.org/democratic.htm>.)

Thermodynamic laws, evolution theory, and modern genetic sciences were unknown by our Founders. Today, these laws and sciences signal the end of our form of government. The first law of thermodynamics (conservation law) states that there can be no creation of matter/energy. This means that the economy is totally dependent upon natural resources for everything. The German physicist Helmholtz and the British physicist Lord Kelvin had explained the principle by the middle of the 19th century. The second law of thermodynamics (entropy law) tells us that energy is wasted in all economic activity. In 1824, the French physicist Sadi Carnot formulated the second law’s concepts while working on “heat engines”. Lord Kelvin and the German physicist Clausius eventually formalized Carnot’s concepts as the second law of thermodynamics. Our government was designed to require more-and-more energy (endless economic growth) to solve social problems, but the thermodynamic laws described above limit the available energy. Energy “resources” must produce more energy than they consume, otherwise they are called “sinks” (this is known as the “net energy” principle). In other words, if it costs more-than-one-barrel-of-oil to “produce” one-barrel-of-oil, then that barrel will never be produced – the money price of oil is irrelevant! Thus, the net energy principle places strict limits (in the physical sense) on our government’s ability to solve social problems. Although bankers can print money, they can not print energy! Biologists have found that our genes predispose us to act in certain ways under certain environments. This explains why history repeats itself and why humans have engaged in war after war throughout history: from time-to-time an environment emerges when “inclusive fitness”[5] is served by attacking your neighbor and stealing his resources. [6] Since our government was designed to require ever-growing energy resources, but energy resources are strictly limited by thermodynamic laws, sooner-or-later our government will collapse into another orgy of world wars. It’s just a matter of time...

Biodiversity

Causes Extinction

Anthropogenic Biodiversity loss is causing the 6th mass extinction

Hayat 6/28 (Ariel Hayal, 6/28/15, [Senior Staff], "Study identifies 6th mass extinction event, lists human activity as primary cause," The Daily Californian, <http://www.dailycal.org/2015/06/28/study-identifies-6th-mass-extinction-event-lists-human-activity-as-primary-cause/>, MX)

After years of warnings from ecologists about the dangers of biodiversity loss, a new study has quantified an ongoing mass extinction event — the sixth in our planet’s history — and suggests humans are largely to blame. The paper, published June 19 in the journal *Science Advances*, takes a “conservative” approach to measuring the extent of the situation because previous estimates have been criticized for overestimating the severity of the extinction crisis. The primary researchers — from institutions such as UC Berkeley, Stanford University and the National Autonomous University of Mexico — compared current extinction rates with a normal baseline rate of two mammal extinctions per 10,000 vertebrate species per 100 years. Based on this measure, about nine vertebrate species should have disappeared from the earth since 1900. But the paper’s “conservative” extinction count stands at 477, which should have taken as many as 10,000 years to occur. Paul Ehrlich, senior fellow at the Stanford Woods Institute for the Environment and co-author of the study, notes that the species extinction rate is the highest it has been in 65 million years. “We’re essentially doing to the planet what the meteor did that took care of the dinosaurs,” he said of the data’s implications. Seth Finnegan, an assistant professor in UC Berkeley’s integrative biology department who specializes in mass extinction, said the researchers’ study contrasts with other studies that tend to estimate modern extinction rates indirectly. For example, some measure areas of destroyed habitats and then extrapolate extinction predictions based on how many species are believed to exist in those areas. “This study doesn’t take the inferential approach,” he said. “They are tallying up well-documented, well-observed extinctions of mammals.” Though extinction can occur because of a variety of environmental factors, the study emphasizes humans’ effect on the alarming rate of species loss. According to Finnegan, industrialization has “drastically accelerated humans’ impact on Earth’s ecosystems.” Co-author Anthony Barnosky, a campus professor of integrative biology, cited a high per-capita use of fossil fuels and the over-exploitation of ecosystems for economic gain as major contributing factors. “In one or two human lifetimes, we are the ones wiping out what evolution took millions of years to create,” he said. In addition to being the driving force behind the sixth mass extinction, humans will ultimately face “high moral and aesthetic costs” in as little as three lifetimes, according to Barnosky. Crucial ecosystem services, such as crop pollination and water purification, will suffer if high rates of extinction persist, the study says. Considering that it took up to millions of years for the planet to rediversify after the previously recorded mass extinctions, the study says, these consequences would be effectively permanent on human time scales.

Warming

Recent Cards

Warming is real and anthro – only acknowledging this allows for reparative action

Myers et al 3/26

[Research Assistant Professor at the Center for Climate Change Communication at George Mason University]

(Teresa A, March 26 2015, "Simple Messages Help Set the Record Straight about Scientific Agreement on Human-Caused Climate Change: The Results of Two Experiments" Plos one. journals.plos.org/plosone/article?id=10.1371/journal.pone.0120985)

The U.S. National Academies [1], the Intergovernmental Panel on Climate Change [2], the U.S. National Climate Assessment [3], and myriad other leading scientific societies around the world have concluded, with great certainty, that human-caused climate change is occurring. Moreover, a growing body of literature demonstrates that the vast majority of individual climate scientists are also convinced that human-caused climate change is happening. Several methods have been used to estimate the extent of this agreement: both surveys of climate scientists [4–6] and empirical reviews of the peer-reviewed literature [4, 7] estimate the consensus at approximately 97%, with some empirical literature reviews suggesting even higher levels of consensus [8–9]. Yet, relatively few Americans know there is widespread agreement among climate scientists that human-caused climate change is occurring. A 2013 survey showed that only 42% of American adults believe “most scientists think global warming is happening.” Moreover, only about 1 in 5 survey respondents (22%) estimated the level of agreement among climate scientists at more than 80%; the most common response was “don’t know” (28% of the sample) with smaller proportions estimating 61–80% (19%), 41–60% (20%), and even lower estimates (10%) [10]. Several explanations have been offered for why the public doesn’t know about the scientific consensus about human-caused climate change, including “false balance” in news coverage [11] and organized efforts to create an illusion of scientific disagreement [12–15]. Public belief about the level of expert agreement on scientific issues appears to be an important factor in acceptance of scientific propositions across a variety of scientific issues—including humans causing climate change, smoking causing lung cancer, and HIV causing AIDS [16]. In the context of climate change, the evidence suggests that understanding the expert consensus is a “gateway” belief, such that recognition of a high level of scientific agreement about human-caused climate change predisposes people to be more certain that climate change is happening, human-caused, serious, and solvable; in turn, these beliefs are associated with greater support for societal responses to address climate change, and behavior to encourage societal responses [17–19], (but see Kahan [20] for an alternative view). It stands to reason that members of the general public will be less convinced of—and concerned about—climate change if they are under the impression that there is considerable disagreement among climate experts about the reality of human-caused climate change.

Warming is exponentially accelerating species loss culminating in the 6th mass extinction - analysis of 131 studies proves

Zielinski 4/30

(Sarah Zielinski, 4/30/15, award-winning science writer and editor, "Climate Change Will Accelerate Earth's Sixth Mass Extinction," Smithsonian.com, <http://www.smithsonianmag.com/science-nature/climate-change-will-accelerate-earths-sixth-mass-extinction-180955138/>, MX)

Climate change is accelerating species loss on Earth, and by the end of this century, as many as one in six species could be at risk of extinction. But while these effects are being seen around the world, the threat is much higher in certain sensitive regions, according to two new comprehensive studies. The planet is experiencing a new wave of die-offs driven by factors such as habitat loss, the introduction of exotic invaders and rapid changes to our climate. Some people have called the phenomenon the sixth mass extinction, on par with the catastrophic demise of the large dinosaurs 65 million years ago. To try and combat the declines, scientists have been racing to make predictions about which species are most likely to go extinct, along with when and where it will happen, sometimes with widely varying results. "Depending on which study you look at, you can come away with a rosy or gloomy view of climate change extinctions," notes Mark Urban of the University of Connecticut. "That's because each study focuses on different species [and] regions of the world and makes different assumptions about climate change and species' responses." In one of the two new studies published today in *Science*, Urban compensated for all those differences by combining 131 previously published studies into one big prediction. If greenhouse gas emissions continue unabated, he calculates, 16 percent of species will be threatened with extinction due to climate change by the end of the century. "Perhaps most surprising is that extinction risk does not just increase with temperature rise, but accelerates, curving upward as the Earth warms," Urban says. If greenhouse gases were capped and temperatures rose a couple degrees less, then the extinction threat would be nearly halved, he found. Urban's analysis focused on major land areas (minus Antarctica) and found that the risk of die-offs was not equal around the world. South America, Australia and New Zealand will experience the most extinctions, probably because these regions have many species that are endemic and found nowhere else in the world, and they rely on habitats that are not found anywhere else. In the second study, Seth Finnegan of the University of California, Berkeley and colleagues drew from the fossil record to make predictions about modern extinction risk in the world's coastal areas. "Extinction is a process that often plays out on very long timescales—thousands of years or more. But our direct observations of modern species span, in even the best cases, only a few hundred years," notes Finnegan. "Fossils allow us to examine the entire histories of different groups, from their first appearance until their final extinction." Finnegan's group used the fossil histories of six groups of marine animals—bivalves, gastropods, sea urchins, sharks, mammals and stony corals—to determine which kinds of animals were inherently more likely to disappear, or the intrinsic risk of extinction. Similar groups of species tend to have similar patterns of extinction, Finnegan notes, which makes fossil studies such as this one possible. They team also analyzed the geographic locations where such extinctions were more likely to occur. The researchers then overlaid their map of intrinsic extinctions with data on today's human impacts and climate change to determine probable

hotspots of species loss. They found that coastal species will be especially at risk near the tropics, including the Indo-Pacific, the Caribbean and the Gulf of Mexico. “The implications of these broad-scale patterns for the future of coastal marine ecosystems will depend on how intrinsic risk and current threats interact to determine future extinction risk,” the researchers note. In some places, such as the North Atlantic, “anthropogenic impacts may dwarf intrinsic risk effects and leave a distinctly human fingerprint on future extinctions.”

Warming is an existential threat

Rampell 6/1

(Catherine Rampell, 6/1/15, [received the Weidenbaum Center Award for Evidence-Based Journalism and is a Gerald Loeb Award finalist], The threat Republicans are ignoring, La Crosse Tribune, http://lacrossetribune.com/news/opinion/catherine-rampell-the-threat-republicans-are-ignoring/article_59a51fc4-9f48-586f-a170-a249f091fa43.html, MX)

That’s because climate change is a national security issue. You can’t credibly claim to be tough on national security and terrorism while simultaneously boasting how unconcerned you are about global warming. A scientific consensus has found that climate change is real. It’s also man-made, and while it can’t be unmade, per se, it can be at least minimized. You wouldn’t know this from the GOP presidential hopefuls, for whom climate denialism — or something close enough to it to amount to the same thing — is sadly considered a prerequisite for the nomination. Ted Cruz said that people who are concerned about global warming are “the equivalent of the flat-Earthers”; Ben Carson argued climate change is fake and also “irrelevant.” Jeb Bush, Rick Santorum, Marco Rubio and Rand Paul have, at best, equivocated, saying climate change is probably real but maybe not anthropogenic. So, you know, nothing to be done. Scott Walker has largely avoided the issue, but his record on other environmental policies (including proposed cuts to recycling) isn’t encouraging. Meanwhile these same candidates — including the once-isolationist Paul — have been offering tough, if vague, platitudes about everything they would do to neutralize any security threat to the United States. But extreme weather — high temperatures, droughts, storms, floods — is politically destabilizing. It can lead to food and water shortages, mass migrations, destruction of infrastructure, disputes over refugees, pandemics. Sure, it doesn’t directly create armed conflict or militia groups, but it can generate the conditions under which these threats are more likely to emerge and thrive. Such prospects are scarier when you consider that many of the parts of the world most vulnerable to climate change are also areas with weak governance and civil unrest. Global warming is, if nothing else, a threat multiplier. Don’t take my word for it; that term “threat multiplier” comes directly from a recent Defense Department report about climate change. America’s military and intelligence branches and their scientific partners have been analyzing environmental data for decades, under both Democratic and Republican administrations. In 2004, for example, the Pentagon developed a blueprint to “imagine the unthinkable”: how a sudden change in the world’s climate might affect national security. Many military reports, task forces, advisory boards and conferences since then have looked at the consequences of more gradual warming — and warned in no uncertain terms of the severe threats it poses to the country’s strategic interests around the globe.

Warming is close to reaching a tipping point - it's now or never

Ocko 6/9

(Ilissa Ocko, 6/9/15, Climate scientist at Environmental Defense Fund, "6 Climate Triggers That Could Completely Change Our World," Yahoo News, news.yahoo.com/6-climate-triggers-could-completely-change-world-183504266.html, MX)

One of the biggest fears about climate change is that it may be triggering events that would dramatically alter Earth as we know it. Known to scientists as "tipping events," they could contribute to the mass extinction of species, dramatic sea level rise, extensive droughts and the transformation of forests into vast grasslands — among other upheavals our stressed world can ill afford. Here are the top six climate events scientists worry about today.

1. The Arctic sea ice melts The melting of the Arctic's summer ice is considered to be the single greatest threat, and some scientists think we've already passed the tipping point. As sea ice melts and the Arctic warms, dark ocean water is exposed that absorbs more sunlight, thus reinforcing the warming. The transition to an ice-free Arctic summer can occur rapidly — within decades — and this has geopolitical implications as nations compete for the newly opened space and petroleum resources. Added to all that will be the damage that would result from the disruption of an entire ecosystem.
2. Greenland becomes ice free The warming of the Arctic may also render Greenland largely ice free. While Greenland's ice loss will likely reach the point of no return within this century, the full transition will take at least a few hundred years. The impacts of the Greenland ice melt is expected to raise sea levels by up to 20 feet. Half of the 10 largest cities in the world, including New York City, and one-third of the world's 30 largest cities are already threatened by this sea-level rise. Today, those cities are home to nearly 1.8 billion people. Other vulnerable American cities include Miami, Norfolk and Boston.
3. The West Antarctic ice sheet disintegrates. On the other side of Earth, the West Antarctic ice sheet is also disintegrating. Because the bottom of this glacier is grounded below sea level, it's vulnerable to rapid breakup, thinning and retreat as warm ocean water eats away at the ice. Scientists expect the West Antarctic ice sheet to "tip" this century, and there is evidence that it already began happening in 2014. However, the entire collapse of the glacier, which would raise sea level by 16 feet, could take a few hundred years.
4. El Niño becomes a more permanent climate fixture. The oceans absorb about 90 percent of the extra heat that is being trapped in the Earth system by greenhouse gases. This could affect the ocean dynamics that control El Niño events. While there are several theories about what could happen in the future, the most likely consequence of ocean heat uptake is that El Niño, a natural climate phenomenon, could become a more permanent part of our climate system. That would cause extensive drought conditions in Southeast Asia and elsewhere, while some drought-prone areas such as California would get relief. While the transition to a world with more El Niños is expected to be gradual and take around one hundred years, the event could be triggered during this century.
5. The Amazon rainforest dies back Deforestation, a longer dry season and rising summer temperatures are threatening the amount of rainfall in the Amazon. At least half of the Amazon rainforest could turn into savannah and grassland. Once that event is triggered, the changes could happen over just a few decades. This would make it very difficult for the rainforest to reestablish itself and

would lead to a considerable loss in biodiversity. However, the reduction of the Amazon ultimately depends on what happens with El Niño, along with future land-use changes from human activities. 6. Boreal forests are cut in half Increased water and heat stress are taking a toll on the large forests in Canada, Russia and other parts of the uppermost Northern Hemisphere. So are their vulnerability to disease and fires. This could lead to a 50 percent reduction of the boreal forests — an event from which they may never be able to recover. Instead, the forest would gradually transition into open woodlands or grasslands over several decades. This would have a huge impact on the world's carbon balance because forests can absorb much more carbon than grasslands can. As the forest diminishes, the climate will be affected — as will the Earth's energy balance. However, the complex interaction between tree physiology, permafrost and fires makes the situation tricky to understand.

Warming causes extinction - Currents attempts to solve fail

O'Callaghan 6/19

(Jonathan O'Callaghan, 6/19/15, [Southeast Asia director of publishing and partnerships], "Will YOUR child witness the end of humanity? Mankind will be extinct in 100 years because of climate change, warns expert," Daily Mail, www.dailymail.co.uk/sciencetech/article-3131160/Will-child-witness-end-humanity-Mankind-extinct-100-years-climate-change-warns-expert.html, MX)

Humans will be extinct in 100 years due to overcrowding, declining resources and climate change, according to a prominent scientist. The comments were first made by Australian microbiologist Dr Frank Fenner in 2010, but engineer and science writer David Auerbach has reiterated the doom-laden warning in his latest article. He criticises the recent G7 summit for failing to deal with the problems facing the survival of humanity, such as global warming and exhausting Earth's resources. Mr Auerbach goes on to say that experts have predicted that 21st century civilisation faces a similar fate to the inhabitants of Easter Island, who went extinct when they overexploited their natural habitat. A lot of other animals will, too. It's an irreversible situation. 'I think it's too late. I try not to express that because people are trying to do something, but they keep putting it off.' At the G7 talks in Bonn in Germany earlier this month, governments failed to come up with a clear plan to cut emissions in the coming years. It emerged that countries' current pledges for greenhouse gas cuts will fail to achieve a peak in energy-related emissions by 2030. This will likely result in a temperature rise of 2.6°C by the end of the century, the International Energy Agency said. 'When the G7 called on Monday for all countries to reduce carbon emissions to zero in the next 85 years, the scientific reaction was unanimous: That's far too late,' Mr Auerbach wrote. The widely agreed goal is that global temperatures must be kept below a rise of 2°C by the end of the century. A 5°C increase, as predicted to occur by 2100 at the moment, would cause widespread flooding, famine, drought and mass extinction. 'Even the 2°C figure predicts more than a metre's rise in sea levels by 2100, enough to displace millions,' Mr Auerbach noted in his Reuters article. But he said that current targets are simply not enough to keep under this 2°C target. The US has suggested cutting emissions by up to 28 per cent by 2025 from 2005 levels, the EU 40 per cent from 1990 to 2030, and China an unspecified amount. 'Ultimately, we need a Cold War-level of investment in

research into new technologies to mitigate the coming effects of global warming,' he concluded. 'Without it, the UN's work is a nice gesture, but hardly a meaningful one.'

No Pause

There is no warming pause

Mathiesen 6/4

(Karl Mathiesen, 6/4/15, [environmental journalist; writes the Guardian's Eco Audit.], "Global warming 'pause' didn't happen, study finds," <http://www.theguardian.com/environment/2015/jun/04/global-warming-hasnt-paused-study-finds>, MX)

Global warming has not undergone a 'pause' or 'hiatus', according to US government research that undermines one of the key arguments used by sceptics to question climate science. The new study reassessed the National Oceanic and Atmospheric Administration's (Noaa) temperature record to account for changing methods of measuring the global surface temperature over the past century. The adjustments to the data were slight, but removed a flattening of the graph this century that has led climate sceptics to claim the rise in global temperatures had stopped. "There is no slowdown in warming, there is no hiatus," said lead author Dr Tom Karl, who is the director of Noaa's National Climatic Data Centre. Dr Gavin Schmidt, a climatologist and the director of Nasa's Goddard Institute for Space Studies said: "The fact that such small changes to the analysis make the difference between a hiatus or not merely underlines how fragile a concept it was in the first place." The results, published on Thursday in the journal Science, showed the rate of warming over the past 15 years (0.116C per decade) was almost exactly the same, in fact slightly higher, as the past five decades (0.113C per decade). In 2013, the UN's most comprehensive report on climate science made a tentative observation that the years since 1998 had seen a "much smaller increasing trend" than the preceding half century. The results highlighted the inadequacy of using the global mean surface temperature as the primary yardstick for climate change. Karl said: "There's been a lot of work done trying to understand the so-called hiatus and understand where is this missing heat." A series of studies have since identified a number of factors, including heat transferred into deep oceans and small volcanic eruptions, that affected the temperature at the surface of the Earth. "Those studies are all quite valid and what they suggest is had those factors not occurred the warming rate would even be greater than what we report," said Karl. Dr Peter Stott, head of climate monitoring and attribution at the UK's Met Office, said Noaa's research was "robust" and mirrored an analysis the British team is conducting on its own surface temperature record. "Their work is consistent with independent work that we've done. It's within our uncertainties. Part of the robustness and reliability of these records is that there are different groups around the world doing this work," he said. But Stott argued that the term slowdown remained valid because the past 15 years might have been still hotter were it not for natural variations. In the coming years the world is expected to move out of a period in which the gradient of warming has not slowed even though the temperature has been moderated. This means "we could have 10 or 15 years of very rapid rates of warming," he said. "Even though the observed estimate is increased, over and above that there is plenty of evidence that the rate of warming is still being depressed," he said. "The caution is around saying that that is our underlying warming rate, because the climate models are predicting substantially higher rates than that." Noaa's

historical observations were thrown out by unaccounted-for differences between the measurements taken by ships using buckets and ships using thermometers in their engine intakes, the increased use of ocean buoys and a large increase in the number of land-based monitoring stations. "Science can only progress based on as much information as we have and what you see today is the most comprehensive assessment we can do based on all the information that's been collected," said Karl. Schmidt called the new observations "state of the art" and said Nasa had been in discussions with Noaa about how to incorporate the findings into their own global temperature record. Prof Michael Mann, whose analysis of the global temperature in the 1990s revolutionised the field, said the work underlined the conclusions of his own recent research. "They've sort of just confirmed what we already knew, there is no true 'pause' or 'hiatus' in warming," he said. "To the extent that the study further drives home the fact ... that global warming continues unabated as we continue to burn fossil fuels and warm the planet, it is nonetheless a useful contribution to the literature." Bob Ward, policy and communications director at London's Grantham Research Institute, said the news that warming had been greater than previously thought should cause governments currently meeting in Bonn to act with renewed urgency and lay foundations for a strong agreement at the pivotal climate conference in Paris this December. "The myth of the global warming pause has been heavily promoted by climate change sceptics seeking to undermine the case for strong and urgent cuts in greenhouse gas emissions," said Ward.

No Pause - also awareness doesn't solve

Note: Also kind of makes the humans don't care about threats because they're too far off argument - doesn't really have an impact though

Conca 6/15

(James Conca, 6/15/15, [scientist in the field of the earth and environmental sciences for 33 years], "A Pause In Global Warming? Not Really," Forbes, www.forbes.com/sites/jamesconca/2015/06/15/a-pause-in-global-warming-not-really/, MX)

The rate of global warming during the last 15 years has been as fast as the warming seen during the last half of the 20th Century, according to new study published in Science this month by scientists from the National Oceanic and Atmospheric Administration (NOAA). The new study used the latest global surface temperature data and other improvements in the quality of the observed record. This study refutes the notion that there has been a slowdown, hiatus, or Pause, in the rate of global warming in recent years. The Pause has been a rallying cry for those not wanting to accept climate change as real. Of course, conspiracy theorists claim that NOAA purposefully tampered with the data to make sure it showed a warming trend (The Week). Because that's what scientists do. Right? The Pause was an idea from a 2013 UN report by the Intergovernmental Panel on Climate Change (IPCC) that concluded the upward global surface temperature trend from 1998 to 2012 was markedly lower than the trend from 1951 to 2012. But Thomas Karl, Director of NOAA's National Centers for Environmental Information, says, "Our new analysis suggests that the apparent hiatus may have been largely the result of limitations in

past datasets, and that the rate of warming over the first 15 years of this century has, in fact, been as fast or faster than that seen over the last half of the 20th century.” The Pause never made sense to me given the other warming data available over this time period: - the Greenland and Antarctic ice sheets lost huge ice mass - glaciers continued to shrink worldwide - Arctic sea ice and Northern Hemisphere spring snow cover continued to decrease in extent - ocean warming continued unabated Besides, the IPCC data in the 2013 report didn’t actually show much of a Pause anyway. The report actually concluded, “Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia.” This is not the report I would cite if I wanted to show global warming was a fantasy. On the other hand, NOAA scientists have made significant improvements in the calculation of trends since the release of the IPCC report, and now use a global surface temperature record that includes the most recent two years of data, 2013 and 2014, the hottest year on record. The calculations also use improved versions of both sea surface temperature and land surface air temperature datasets. A correction that accounts for the difference in data collected from buoys and ship-based data is probably the most substantial improvement in the calculations. Before 1974, the primary method for measuring sea surface temperatures was by ship. But since then, buoys, with greater accuracy, have been used in increasing numbers. Data collected from buoys are always cooler than ship-based data, and we’ve developed methods for accurately comparing these two crucial data sets. The new analysis also demonstrated that incomplete spatial coverage led to underestimates of the true global temperature change previously reported in the 2013 IPCC report. The integration of dozens of data sets, including the International Surface Temperature Initiative databank, NOAA’s Global Historical Climatology Network-Daily dataset, and forty other historical data sources, has more than doubled the number of weather stations available for analysis, especially for the Arctic, where temperatures have been increasing the most. But the results from the full data set over the last century didn’t really change much with the new analysis. Before, it was 1.17°F/century. With this new analysis, it’s 1.22°F/century, not much different. The Pause was never much of a pause. Data like this is about trends, not absolutes. These improvements in data analyses will not sit well with many people. “We’re all climate change deniers at heart,” says Oliver Burkeman of The Guardian. That’s a problem for more things than the environment. As a species, we just don’t care as much about existential threats that are not immediately obvious. We are hard-wired to care about things that are immediately important, both good and bad. It’s why we keep doing stupid things, repeating history in bad ways, giving rise to the idea that we never seem to learn. Nobel Prize-winning psychologist Daniel Kahneman states it more dolefully in terms of climate change, “No amount of psychological awareness will overcome people’s reluctance to lower their standard of living.”

Try or Die

There is an invisible threshold that will result in massive and unstoppable feedback loops - it's try or die

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 24-26, MX)

So far, we have discussed events that are predicted with a high degree of certainty. However science is discovering mechanisms that may result in sudden irreversible changes in the earth's environment. These are termed threshold events, whereby a further small increase in temperature triggers a major change in the earth's control mechanisms. The U.S. National Academy of Sciences supports this concept and believes that there could be an abrupt climate change. The following are a few examples of possible mechanisms. The gulf stream, flowing north in the North Atlantic Ocean, warms northern Europe and returns deep cold waters flowing south. Studies from the National Oceanographic Centre in the UK have shown that the returning current may have slowed by 30 percent since 1957.¹⁶ The northward flow is weakening due to climate-related increases in the southward flow of fresh water from melting ice. This event is depicted in the doomsday thriller *The Day After Tomorrow*. If the gulf stream reversed, Europe would have the climate of Hudson Bay, despite a warming world. There are a number of natural stores of greenhouse gases ("sinks") in the tundra, soils, and oceans. These sinks could release their gases as the temperature increases, leading to a rapidly accelerating global warming. The permafrost in the tundra of Siberia is thawing rapidly and is releasing frozen stores of the greenhouse gas methane.¹⁷ The oceans absorb 2 billion tons more carbon dioxide than they release each year, and this is about one third of all carbon dioxide produced by humanity. In future, with warming of the ocean's water, this sink may be compromised and there may be a net release of carbon dioxide into the atmosphere. However at present the Antarctic Ocean is becoming more acidic due to absorption of carbon dioxide from the atmosphere. The acidity will affect the ability of tiny crustaceans to grow their calcium carbonate shells, and an important link in the food chain may be lost.¹⁸ The forests of the world are an important carbon sink, but as the temperature rises trees become sick and become net producers rather than stores of carbon dioxide. British scientists have also discovered another feedback mechanism whereby warmer temperatures have increased microbial activity in the soil, releasing greater than expected amounts of carbon—quantities sufficient to reduce Britain's attempt to curtail greenhouse gas emissions.¹⁹ There are other mechanisms whereby global warming is being accelerated. Arctic ice is rapidly melting, being 20 percent less than normal during the summer of 2005. Dr. Mark Serreze of Colorado's National Snow and Ice Data Center, believes that a threshold may soon be reached beyond which sea ice will not recover. A feedback process may be set in motion, accelerating the melting of ice, as there is more open blue water to absorb solar energy and less white ice to reflect sunlight back into space.²⁰ The major threat of global

sea level rising comes from the glaciers of Greenland and Antarctica. Greenland's glaciers are melting into the sea at almost twice their previously observed rate in the last five years.' The average temperature of Greenland has risen by 3°C (5.4°F) over the last two decades and between 1996 and 2006 the amount of water lost from Greenland's ice sheet increased from 90 cubic kilometers (21.6 cubic miles) to 220 cubic kilometers (52.8 cubic miles) per year. Greenland's ice sheet covers 1.7 million square kilometers (0.66 million square miles) with ice of up to 3 kilometers thick (1.86 miles), and if completely melted it would raise global sea levels by around 7 meters (7.65 yards). The evidence that we are moving into an accelerated phase of global warming is supported by data showing that 9 of the 10 warmest years since 1860 have occurred since 1990 and 19 since 1981, and annual increases in the concentration of carbon dioxide in the atmosphere are accelerating as shown by data from the U.S. Government's National Oceanic and Atmospheric Administration. These measurements are sufficient for scientists to be increasingly concerned that damage to carbon sinks and other mechanisms described above may be playing a part. James Lovelock is a scientist, respected internationally for his pioneering work on biological feedback systems. He introduced the Gaia concept of the living earth acting like a single organism by using feedback mechanisms to maintain stability of temperature and climate over long periods of time. In 2006, in his book *The Revenge of Gaia*, he argued that global warming will be amplified by the simultaneous malfunction of several feedback systems due to human activities and it is already too late to stop catastrophic warming.²² One such mechanism is that of global dimming, whereby aerosols in the atmosphere produced by global industry are shielding the earth from part of the sun's radiation. With a severe industrial downturn, a sudden leap in global temperatures will be expected. Various events are likely to precipitate economic downturn, such as the likely oil shortage are discussed later in this chapter.

Systemic

Climate change is a systemic impact- it affects 325 million people today and leads to both death and hardship

O'Hara and Abelsohn 11 (Dennis Patrick O'Hara PhD and Alan Abelsohn. "Ethical Response to Climate Change" *Ethics and the Environment*, Vol. 16, No. 1 (Spring 2011), pp. 25-50)

In 2000, in what was considered a conservative study, excluding many of the more indirect effects of climate change on health, climate change "was estimated to have caused 150,000 deaths and 5.5 million DALYs [disability adjusted life years]" (World Health Organization [WHO] 2003, 31). The majority of these effects are being felt in developing countries, due to increasing incidence of diarrhea, malaria and malnutrition (McMichael 2004). As the effects of climate change continue to grow, the incidence of death and disease have likely increased from the levels of 2000 (Intergovernmental Panel on Climate Change, Working Group II [IPCC WGII] 2007). In fact, in a recent report by the Global Humanitarian Forum, Kofi o'hara & abelsohn ethical response to climate change 27 Annan stresses that climate change is "the greatest emerging humanitarian challenge of our times" (Global Humanitarian Forum 2009, 2). The report estimates that over 300,000 lives are lost each year due to climate change, with the annual death toll estimated to reach 500,000 by 2030, and that "climate change today seriously impacts on the lives of 325 million people" (Global Humanitarian Forum 2009, 9, 11, 13). Due to indirect effects, climate change not only threatens each person's fundamental and inalienable "right to life, liberty, and personal security" as guaranteed by the Universal Declaration of Human Rights (United Nations 1948, Article 3), it is already responsible for considerable death and enormous hardship. The factors that cause climate change, and the efforts to both mitigate and adapt to it, raise ethical issues that require ethical responses.

Economy

Climate change turns econ- efforts to mitigate climate change help the economy

O'Hara and Abelson 11 (Dennis Patrick O'Hara PhD and Alan Abelson. "Ethical Response to Climate Change" Ethics and the Environment, Vol. 16, No. 1 (Spring 2011), pp. 25-50)

Fourthly, as the Stern Report has noted, "the evidence shows that ignoring climate change will eventually damage economic growth....Tackling climate change is the pro-growth strategy for the longer term, and it can be done in a way that does not cap the aspirations for growth of rich or poor countries. The earlier effective action is taken, the less costly it will be" (Stern 2006, ii). Delaying action to reduce GHG emissions will actually be more costly to economies in developed countries both in the near and long term. The "economic harm" argument is a misguided and ill-informed prioritization of current investors' interests at the expense of the welfare of future generations. Ironically, when President H.W. Bush addressed the Rio Earth Summit on June 15, 1992, he noted that, "It's been said that we don't inherit the earth from our ancestors, we borrow it from our children" (Bush 1992). Regrettably, this insight did not inform his response to climate change.

Violence

Best studies using meta-analyses show climate change leads to widespread violence

Levy and Sidel 14 (Barry S. Levy, MD, MPH, is Adjunct Professor of Public Health at Tufts University School of Medicine, Boston and Victor W. Sidel, MD, is Distinguished University Professor of Social Medicine Emeritus at Montefiore Medical Center and Albert Einstein College of Medicine, and an Adjunct Professor of Public Health at Weill Cornell Medical College, New York. "Collective Violence Caused by Climate Change and How It Threatens Health and Human Rights." *Health and Human Rights*, Vol. 16, No. 1, Climate Justice and the Right to Health (June 2014), pp. 32-40)

Meta-analyses of numerous studies provide the strongest evidence of a causal link between climate change and violence. The most comprehensive investigation on climate change and human conflict has been a meta-analysis by Hsiang et al., which was based on 60 longitudinal studies, mostly published since early 2009. 31 They found that deviations from normal precipitation and from mild temperatures significantly increased the risk of conflict, especially in poorer populations. They estimated that each standard deviation in climate toward more rainfall or warmer temperatures (equivalent to about a 3o C rise above average in New York City temperatures) increased the frequency of intergroup conflict overall by 14%—and in some places by more than 50%. They appropriately concluded that, with rising temperatures over future decades, there could be substantial increases in conflict.³¹ Although critics have suggested that this meta-analysis suffers from selection bias and conflates climate with weather, we believe that the authors have adequately refuted critiques concerning selection bias and that their inclusion of papers that cover long time periods minimizes the concern about conflating climate with weather.^{32,33} We therefore find its results and conclusions to be compelling evidence of a causal association between climate change and violent conflict.

AT: Warming Deniers

There are two types of warming deniers - those that do so unconsciously and those that do so for money - either way, reject both

Ropeik 12

(David Ropeik [Instructor at Harvard, a consultant in risk perception and risk communication], 2012, "The Ethics of Climate Change Denial," Big Think, bigthink.com/risk-reason-and-reality/the-ethics-of-climate-change-denial-2, MX)

Here is a version of The Trolley Problem, a classic experiment in ethics. Let's say you are next to some train tracks, and down the tracks and behind a hill you see smoke and hear the rumblings of what sounds like a train headed your way. You also see five people on the tracks who will be killed if it is a train. They are unaware of the danger, and too far away to hear or see you. To save them, before you know for sure it's a train, you can throw a switch which will divert the train to another track, where a single person is standing. What's the ethical thing to do? Now let's add a twist. Let's say you're standing near the tracks with a friend, and she is sure a train is coming and wants to throw the switch. But your deeply held religious faith says you are not supposed to interfere with what God has preordained. So you argue with your friend that, despite the smoke and noise, she can't be sure it's a train and she shouldn't do anything. Still, she goes to throw the switch, and you try to stop her, even though if it is a train, five people will die! Is that ethical? Now let's make this hypothetical real, and substitute climate change for the train. One of the most extensive multi-disciplinary research efforts in human history has determined that the climate is changing in ways that will cause massive disruption of the biological systems on which all life depends. The likelihood is that this will cause massive suffering and death, but the science isn't absolutely certain. Friends see that evidence and want to act. But your deep beliefs lead you to see the evidence through different lenses, so you both deny the evidence and you try to keep your friends from acting. Is that denial of climate change ethical? Like most such dilemmas, it's not as black and white as it seems. There are two populations of climate change deniers. Most, though they wield the weapons of fact in what sounds like an intellectual battle, are actually fighting a much more profoundly emotional war. As we all do with many issues, climate change deniers are interpreting the evidence so their view will agree with the group they identify with most strongly. That strengthens their group's dominance in society, and enhances the group's acceptance of them as members in good standing, both of which are vital for survival for social animals like us who depend on the tribe for our well being. This powerful tendency to interpret the facts so our views agree with our group, known as Cultural Cognition, happens below consciousness, below purposeful choice, and beyond what most would call free will. So, like the true believer near the train tracks whose beliefs caused him to honestly see things in a different way, this sort of climate change denial is the product of powerful subconscious motivations. It is an honest result of the innate way human cognition works. Though I disagree with climate change deniers, and I am frustrated by their stubborn rejection of overwhelming evidence, this version of denialism does not seem unethical. To blame behavior as unethical requires belief that we have conscious control of our choices and actions, and the social science evidence is pretty persuasive that a lot of our

'thinking' happens beyond our conscious awareness, or our ability to control it. But now let's add another twist to the Trolley Problem. Let's say you're standing by the tracks because you're waiting for a train to deliver merchandise that will earn you hundreds of millions of dollars, but only if it arrives on time. You lose hundreds of millions if the train is late. Throwing the switch might save those five people (and kill the one) but it will delay the train and cost you a TON of money. Is it ethical to try and keep your friend from throwing the switch now? Of course not. This is selfish and immoral by any reasonable standard. Yet this is precisely the nature of the climate denial by a small group of people who have, for personal and economic reasons, consciously created doubt about climate change, lobbying and campaigning against efforts to reduce the risk or even just to adapt to its effects. These deniers are different. Their actions are a matter of will, conscious and controlled, and their motives are personal wellbeing at the expense of others, at the expense in fact of nothing less than the health of the biosphere of the planet. This staggeringly selfish behavior embodies the purest example of what any fair minded person would call unethical. Evil, even.

Human Rights

CC kills HR

Empirics show climate change contributes to a litany of impacts including collective violence, which threatens human rights for all people on Earth

Levy and Sidel 14 (Barry S. Levy, MD, MPH, is Adjunct Professor of Public Health at Tufts University School of Medicine, Boston and Victor W. Sidel, MD, is Distinguished University Professor of Social Medicine Emeritus at Montefiore Medical Center and Albert Einstein College of Medicine, and an Adjunct Professor of Public Health at Weill Cornell Medical College, New York. "Collective Violence Caused by Climate Change and How It Threatens Health and Human Rights." *Health and Human Rights*, Vol. 16, No. 1, Climate Justice and the Right to Health (June 2014), pp. 32-40)

Climate change causes or contributes to adverse environmental consequences, including global warming, extreme deviations in rainfall, sea level rise, extreme weather events, and droughts, floods, and wildfires. Climate change threatens human health and well-being by increasing the risk of heat-related disorders; respiratory and allergic disorders; vectorborne, waterborne, and foodborne infectious diseases; food insecurity and malnutrition; mental disorders; and violence, most notably, collective violence. Collective violence due to climate change threatens basic human rights, as embodied in the Universal Declaration of Human Rights (UDHR) and other international human rights instruments. For example, it threatens the rights enumerated in Article 25 of the UDHR, including the right to a standard of living adequate for health and wellbeing, including rights to food, clothing, housing, medical care, and social services, as well as the right to security.¹ In this paper, we review the evidence that climate change causes or contributes to collective violence and the threats that this violence poses to health and human rights. In addition, we discuss challenges for future research on this subject, prevention of collective violence due to climate change, and States' obligations to prevent collective violence and protect human rights that are threatened by collective violence due to climate change. Violence has long been recognized as a major public health problem.² It is defined as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."³ It includes self-inflicted, interpersonal, and collective violence. Collective violence is defined as "the instrumental use of violence by people who identify themselves as members of a group...against another group or set of individuals, in order to achieve political, economic or social objectives."⁴ It includes armed conflict, state-sponsored violence (such as genocide and torture), and organized violent crime (such as gang warfare). Collective violence causes much morbidity and mortality, damage to the healthsupporting infrastructure of society, forced migration, environmental damage, diversion of resources, and more violence.⁵ Historical studies on climate change and violence: Climate change has been associated with violence for centuries. Three studies by Zhang and colleagues provide strong evidence to support this association. Zhang et al. demonstrated that, in the Preindustrial Era (from 1500 to 1800) in the Northern Hemisphere, climate change was the major driver of armed conflict and other large-scale humanitarian crises, and that social mechanisms failed to prevent these crises.⁶ The study found

that falling ambient temperatures decreased agricultural production, which, in turn, led to war and other major social problems, including inflation, famine, and population decline.⁶ In another study, Zhang et al. found that, in preindustrial Europe, cooling of the climate between 1560 and 1660 was the ultimate cause of successive agro-ecological, socioeconomic, and demographic catastrophes.⁷ In yet another study, Zhang et al. found that the frequency of warfare in eastern China over the past millennium was significantly associated with Northern Hemisphere temperature oscillations, especially cooling phases that significantly decreased agricultural production.⁸

Turn: Climate change destroys human rights

Caney 8 (Simon Caney works in Department of Politics and International Relations, Oxford University, UK. 2008 "Human rights, climate change, and discounting" *Environmental Politics*, 17:4, 536-555)

Some affirm a very minimal set of rights and would be sceptical of extending this set to include 'environmental' rights of any kind. Others do not take such a hostile approach but do ask why we should accept a right to a safe environment. The Stern Review, for example, insists quite rightly that rights 'should be argued rather than merely asserted' (Stern 2007, p. 47). In this paper I hope to have provided such an argument. The kinds of considerations that we normally invoke to defend human rights, I maintain, entail that persons have a human right not to suffer from the ill-effects of global climate change. Climate change undermines persons' human rights to a decent standard of health, to economic necessities, and to subsistence.¹⁸ I have, moreover, argued that this right should not be discounted. Its moral importance does not diminish over time. In doing so, however, I have defended a scope-restricted view with respect to discounting. That is to say, I have defended a view which (1) holds that basic rights should not be discounted but (2) allows for the possibility that that other values might be subject to a positive pure time discount rate.

CC O/W's HR

States have a moral obligation to protect humanity from climate change-induced collective violence

Levy and Sidel 14 (Barry S. Levy, MD, MPH, is Adjunct Professor of Public Health at Tufts University School of Medicine, Boston and Victor W. Sidel, MD, is Distinguished University Professor of Social Medicine Emeritus at Montefiore Medical Center and Albert Einstein College of Medicine, and an Adjunct Professor of Public Health at Weill Cornell Medical College, New York. "Collective Violence Caused by Climate Change and How It Threatens Health and Human Rights." *Health and Human Rights*, Vol. 16, No. 1, Climate Justice and the Right to Health (June 2014), pp. 32-40)

Because of their legal and moral obligations to protect human rights, States must work to prevent collective violence and to protect human rights that are threatened by collective violence due to climate change. States have legal and moral obligations to mitigate climate change and thereby reduce the risk of its adverse consequences to health and human rights. And, as convincingly described in a recent review article by two legal scholars, they have legal and moral obligations to promote and support adaptation to climate change.⁴⁴

Authoritarianism

Reform Fails

Epistemology

Discount affirmative authors' flawed imperialist epistemology – progressive politics fail in reality

Beeson, PhD, 10 [professor in political science and international relations]

(Mark, March, Environmental Politics Vol 19 No 2 "The coming of environmental authoritarianism" www.tandfonline.com/doi/pdf/10.1080/09644010903576918#.VY294vIViko)

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One of the most noteworthy aspects of analyses of broadly conceived 'Asian development' is that it has been understood through theoretical models and concepts that were developed elsewhere, and which overwhelmingly reflect a 'Western' historical experience as a consequence (Acharya and Buzan 2007). At its most extreme and abstract, mainstream international relations (IR) theory barely reflects the Western experience, let alone that of the rest of the world. The criticisms of realism and neorealism are sufficiently well known to need little rehearsal here (see, for example, Legro and Moravcsik 1999), but it is important to emphasise how little help the universal claims, abstractions and assumptions of much Western IR theory actually provide when trying to make sense of the very different historical experience of the states in a region as diverse as East Asia. And what is true of much IR theory is even more evident in the Eurocentric preoccupations in much of the theoretical discussion about environmental issues and their possible political implications. Much theorising about the sorts of political structures, personal practices and normative values intended to conceptualise and even address environmental degradation is frequently brilliant and inspiring. It is also often incongruously at odds with the lived experiences of much of the world's population, many of whom find themselves engaged in an increasingly desperate struggle for survival. For example, Linklater (1998, p. 8) suggests that 'it is no longer utopian, at least as far as the relations between like-minded states which are exposed to high levels of transnational harm are concerned, to imagine new forms of political community and new conceptions of citizenship which bind sub-state, state and transnational authorities and their loyalties together in a post-Westphalian society'. There is little in the experience of the East Asian region to suggest that such transnational responses are likely to emerge from the present crisis. Indeed, where Asia's 'like-minded states' have shown an interest in developing transnational structures they have often been deliberately designed to reinforce the sovereignty of individual states, rather than collective action, and emerged as responses to liberalising pressures elsewhere (Beeson 2009). As Campbell (2005, p. 229) points out, 'the potential for environmental regionalism to increase national political demand for more democratic and transparent environmental policy setting also raises governmental apprehension about the indirect effects of relinquishing sovereignty to a regional institution.' Yet, whatever we may think about Asia's authoritarian regimes, we need to recognise that they have frequently been associated with a (generally successful) historical pattern of development that has prioritised the economic over the political, and that this model may continue to have appeal and potential efficacy (Beeson 2007b). The possibility that the state will, for better or worse, remain at the centre of attempts at environmental management

is recognised by some scholars (Meadowcroft 2005), but even some of the most sophisticated analyses of the state's role seem overwhelming Eurocentric, highly abstract and not terribly helpful in explaining current or likely future political and environmental outcomes in places like Southeast Asia. For example, Eckersley's (2004, p. 178) belief that there is 'the potential for a vibrant public sphere and innovative discursive procedures to lift the horizons of not only democratic opinion formation but also democratic will-formation beyond the territorially bounded community of citizens', has little obvious resonance with the history of much of Southeast Asia [emphasis in original]. The reality is that the Philippines, the country with arguably the most vibrant civil society in Southeast Asia, also has one of the most appalling environmental records (Fahn 2003, p. 117). Even in 'developed' industrial democracies with long traditions of political pluralism and arguably more effective civil societies, it has long been recognised that the exercise of effective 'green' agency is highly problematic and faces fundamental problems of mobilisation, organisation and collective action. The – perhaps understandable – suspicion of traditional politics, hierarchy and political authority has often rendered green parties politically ineffective (Goodin 1992). Even if we recognise the changes that have taken place in the social structures and even consciousness of many Western societies (Carter 2007), the reality on the ground in much of Southeast Asia and China is very different. Quotidian reality becomes especially important when we consider the potential efficacy of deliberative democracy, which some see as a way of resolving political conflicts over the environment. Although deliberative democracy has been described as 'the currently hegemonic approach to democracy within environmental thinking' (AriasMaldonado 2007, p. 245), it has little obvious relevance to the situation in East Asia. While there is much that is admirable about the central precepts of deliberative democracy (see Bohman 1998), its underlying assumptions about Environmental Politics 281 Downloaded by [] at 11:04 26 June 2015 the circumstances in which political activity actually occur are strikingly at odds with the lived reality outside North America and Western Europe. This merits emphasis because for some writers rational, informed discourse is central to sustainable environmental management and the resolution of the competing interests that inevitably surround it (Hamilton and Wills-Toker 2006). And yet, as the very limited number of studies that actually examine environmental politics under authoritarian rule demonstrate, the reality is very different and the prospects for the development of progressive politics are very limited (Doyle and Simpson 2006). Even if we assume that political circumstances do actually allow for a politically unconstrained and informed discussion of complex issues, as Arias-Maldonado (2007, p. 248) points out, 'the belief that citizens in a deliberative context will spontaneously acquire ecological enlightenment, and will push for greener decisions, relies too much on an optimistic, naive view of human nature, so frequently found in utopian political movements'.

Authoritarianism Good

Compromise Fails

Compromise fails

Blühdorn, PhD, 2011

(Ingolfur, June 12, "Ingolfur Blühdorn: The Sustainability Of Democracy"

<http://www.thenewsignificance.com/2011/07/12/ingolfur-bluhdorn-the-sustainability-of-democracy/>)

Democracy and sustainability Doubts about the feasibility of democratic solutions to the sustainability crisis have commonly been fended off with warnings that those who raise them are probably sympathetic to authoritarian approaches. Yet this logic disregards two important points. First, in addition to the participatory-democratic and the expertocratic-authoritarian solutions to the sustainability crisis, there is also the option of non-solution, i.e. a sustained politics of unsustainability[15] that seeks to extend the status quo and manage its unpleasant implications for as long as possible. Second, democracy – depending on its particular form – can be just as much part of the problem as part of the solution. There is evidence to suggest that under the particular conditions of modern consumer society, democracy may indeed be assuming a shape that is geared more towards stabilizing than radically changing the unsustainable status quo. Doubts about the capacity of democracy to deal with environmental problems are, of course, not entirely new. It has often been pointed out, for example, that democracy is anthropocentric and has only limited potential to represent that which has no political voice. Notably, electoral democracy has a strong fixation on the present, in other words it prioritizes the interests of today and is structurally inclined to discount those of future generations. Moreover democracy encourages compromise, although compromise solutions are often ecologically ineffective. Democratic procedures are time- and resource-consuming and therefore inappropriate wherever fast and decisive action is necessary. Democracy is, at least in modern differentiated societies, highly individualistic and therefore ill-suited to determining, let alone implementing, something like a Rousseauian *volonté générale* or public good. Instead, democracy aligns politics with the electoral majority, even though the preferences of the majority – witness, for example, the addiction to car- or air-travel – are rarely sensible in terms of sustainability. Democratic systems are hard pushed to generate majorities for policies that burden citizens with costs or restrictions mainly for the benefit of people in faraway parts of the world and for something as abstract as the global climate. And, perhaps most importantly, democracy is always emancipatory, in other words it always centres on the enhancement of rights and (material) living conditions. It is not really suited to restricting the rights or material conditions affecting the majority – unless, as with the rule that red traffic lights must be observed, the benefits are immediately tangible. All these concerns have articulated by eco-political sceptics of democracy for a long time. They have taken authors like Paul Ehrlich, Robert Heilbroner or Herbert Gruhl, into eco-authoritarian terrain. In 1975 Wolfgang Harich considered a "strong, rigorous allocation state", an "ascetic distributive state", as the only way out of the looming environmental crisis.[16] William Ophuls believed that the crisis "may require the sacrifice of equality and majority rule" and that "democracy must give way to elite rule".[17] Hans Jonas mused about "a well-intentioned, well-informed tyranny" as the most promising

solution.[18]But such elitist perspectives have always triggered profound and very justified scepticism, and since the 1970s emancipatory social movements have forcefully insisted that effective environmental policies can only be developed bottom-up and require broad democratic legitimation. Throughout the 1980s and 1990s, the ongoing process of modernisation reinforced emancipatory claims for individual freedom, self-determination and self-fulfilment, but also deepened doubts about whether democracy is suitable as a political tool for restructuring contemporary societies towards sustainability. Relevant developments have included: - Multiculturalism and the pluralisation of social values and individual lifestyles, raising fundamental questions about whether categorical ecological imperatives (most recently the IPCC's famous 4°C threshold) really do exist. - The functional differentiation of modern societies, implying that the democratic institutions of the state are less and less able to integrate and control societal subsystems. The new patterns of governance are increasingly undemocratic (opaque, unaaccountable), with the state only one of several actors with its sovereignty noticeably castrated. - The rapid increase of societal subsystems – most notably the economy, science and the media – as well as individual lifeworlds and network, beyond the boundaries of the nation-state, hence increasingly eluding the control of national democratic politics. - The increasing abstraction and complexity of environmental issues (e.g. climate change, energy security, the environmental footprint of specific products). The most important risks cannot be directly perceived by citizens but are measured, framed and communicated by scientific experts. Invariably, this implies the disempowerment of the democratic sovereign. - The acceleration of change and the flexibilization of social norms, reinforcing a fixation on the present. In both private life and public policy, thinking beyond the crises of the day and taking decisions for an entirely unpredictable future becomes increasingly difficult. - Finally, the extension of the ecological footprint of modern consumer societies far beyond their national territory (and their respective present), invalidating the democratic principle of congruence between the authors of political decisions and those affected by them. Effectively, national democratic structures have turned into a means of legitimizing the externalization of ecological and social costs. These developments, which are inherent to the ongoing process of modernization and hardly controllable, progressively undermine the ability of democracy to devise and implement appropriate strategies against the sustainability crisis. No wonder that suspicions about the eco-political failure of liberal democracy re-emerged in the late 1990s. Contrary to the democratic optimism of social movements and Green Parties, some, for example Laura Westra,[19] have seen democracy increasingly to be part of the problem. More recently, David Shearman and Joseph Wayne Smith have concluded that the underlying cause of the sustainability crisis is not the capitalist growth economy but, ultimately, liberal democracy itself.[20]Anthony Giddens, in his *Politics of Climate Change*, regards the commitment of social movements and the Green parties to participatory democracy as eco-politically ineffective.[21]Echoing Westra's call for a "global regulatory authority" to pursue top-down policy implementation, Giddens advocates an "active interventionist state" as the all-important eco-political actor. He explicitly calls for the de-politicization of climate policy and insists that centralised planning and an "ensuring state" are the best strategies for making sure that politicians do not only set well-sounding targets, but can actually guarantee policy delivery.

Now Key

transition now key – carrying capacity has been diminished

Hardin, no date, ecologist, (Garrett, "An Ecolate View of the Human Predicament, The Garrett Hardin

Society www.garretthardinsociety.org/articles/art_ecolate_view_human_predicament.html

-we don't endorse ableist language

That we have a higher regard for human life than we do for the life of other living things requires no apology. But the higher value placed on human life calls for no change in our previous ethical conclusion, namely, that the sanctity of the carrying capacity takes precedence over the sanctity of life. Once we accept this conclusion we discover that contemporary population/environment problems are even more terrible than we previously thought. Erik Eckholm in *Losing Ground* has painted a graphic picture of the tragedy now overtaking the people in the tropical highlands.³² The energy that they need for cooking their food they get from burning the wood of the trees around them. In addition, some highlanders make charcoal to heat little braziers in winter or to sell to outsiders, as the Kashmiri do to Indians. Modern medicine and more food have enabled highland populations to outstrip the productivity of their lands for timber. As people deforest the land the soil washes off, making reforestation all but impossible on steep slopes. Once transgressed, carrying capacity is progressively degraded. Soil lost to the highlands clogs irrigation systems in the lowlands—often of another nation—and silts up lakes behind the dams, thus diminishing their useful life. The loss of water-holding capacity in the highlands causes floods in the lowlands to peak higher and faster, destroying many more human lives and much more property. Only 10 percent of the world's population lives in the highlands, but, as Eckholm points out, the harm of their overpopulation affects 30 percent of the world's people. What can be done? Conceivably rich countries might ship oil and oil-burners to some 400 million highlanders—but how likely is such generosity now that the rich perceive the "energy shortage" as their major problem? To supply the poor with a great variety of solar heaters and cookers would require an immense diversion of capital. Moreover, do we possess the anthropological expertise to bring about the necessary change in folk-ways? As an alternate solution, people in adjacent lowlands might offer to take in some 200 million immigrants from the highlands: but the lowlanders are themselves mostly wretchedly poor—think of Bangladesh, and the Bihar in India. Again there is an anthropological question: How can one gently uproot a people and persuade them to live a different life elsewhere? Rich nations could more easily afford to take in hundreds of millions of immigrants, but in that case the problem of ethnic adjustment would be even more severe. The unrealistic character of these proposals is obvious. I think most people, untrained though they be in ecology, unconsciously weigh such proposals in an ecolate way, asking And then what? After we transport the surplus poor to other areas, or ship extra energy into their homelands, will not the present rate of population increase continue unabated? Such populations now typically increase at 3 percent per year, which means that their populations potentially increase nineteenfold per century. It is insanity to view poverty in such circumstances as a problem of shortages: it is a longage problem. And we don't know what to do about it. It is time to face the music. Discussing the human predicament in terms of

carrying capacity—a concept that originated in animal husbandry and game management—inevitably raises the suspicion that someone is about to propose treating human beings like cattle or wild animals. When a herd of animals is overpopulated we do not hesitate to liquidate the excess, that is, to kill them. Anyone who speaks of carrying capacity in connection with human population problems is suspected of following the lead of Nazi Germany or contemporary Cambodia. We must not repress this suspicion: We must bring it out into the open so that we can discuss the human predicament frankly. At the barren and heartless level of pure logic a game management solution should work for humans as it does for other animals: but the Heart won't stand for it. The Heart, too, is an ecologist, and asks And then what? The liquidation of excess lives might be sincerely proposed as a solution for a temporary crisis; unfortunately every act potentially sets a precedent. Liquidation can be both infectious and addictive. It can bring into existence a positive feedback system that is destructive both ethically and politically. It can destabilize society, bringing on a new Dark Age. The ecologist Heart knows this. But in rejecting a policy of liquidation we must not forget the fact that led us to consider it, namely, the primacy of the concept of carrying capacity in the theory of all populations, animal or human. In the human situation technology can increase the carrying capacity of the environment, but it cannot do so at an arbitrarily rapid rate, and there may be practical limits to what technology can do. Some optimists say that technology can always raise the carrying capacity of the human environment faster than the growth of human population. In some theoretical framework this may be true (for a while), but in the existing political and economic framework (which is resistant to change) it is hard to defend the thesis that the present rate of population increase is nothing to worry about. Justifiably we complain of the population-related ills of poverty, pollution, inflation, and unemployment. We should suspect that the carrying capacity of our environment has already been transgressed.

General

Authoritarianism k2 replace faulty system of pluralistic democracy and solve the environment

Jennings, 13-- Director of Bioethics at the Center for Humans and Nature

(Bruce, "Governance in a Post-Growth Society: An inquiry into the Democratic Prospect", May, Vol 6 Num 2, p. 12-13)

Ecological authoritarianism. Ecological authoritarians maintain that the successful governance in a degrowth era will require centralized, elitist, and technocratic management at least in the areas of economic and environmental policy.⁹ Mindful of the internal contradictions plural democratic governance faces as it attempts to cope with problems of productivity, capital accumulation, and growth, ecological authoritarians stress the need for policy makers and planners to be insulated from democratic pressures and granted an increasing measure of autocratic authority if they are to steer the economy on an ecologically rational and efficient course. Ecological authoritarians are impressed, perhaps overly so, by the popular demand in pluralistic democratic systems for democratic rights and material affluence. They speak of democratic overload in reference to those pressures and demands: democratic overload of policy makers leads to economic overload or overshoot of the carrying capacity of ecosystems. The former has to be broken free from in order to prevent the latter. Indeed, ecological authoritarians see a vicious cycle, a destructive feedback loop in this. As pluralistic democracies succeed in their aim to increase economic prosperity for the population, the democratic assertiveness of citizens for more growth and prosperity also increases. As the economic management of ever-higher levels of affluence becomes more complex, the tension between democratic politics and "scientific" planning comes to a crisis point. The ecological authoritarians here make an important point. The fact that pluralistic democracy has demonstrated its inability to perform ecologically precautionary governance in a consistent or timely way is not fortuitous; it is built into the deep structure and political logic of this type of system as such. If pluralistic democratic governments follow the dictates of ecological science and planning, they will restrict growth in ways that risk losing their popular base of support. If, conversely, such governments attempt to maintain their legitimacy by bowing to short-term democratic pressures, they will not be able to take (and require the private sector to take) the steps necessary to protect the environment. Eventually economic downturn, inequality, and hardship will result from ecological degradation, and again the governments will lose their popular support and legitimacy.¹⁰ Note, however, that the political costs of the first prong of this dilemma are more immediate than those from the second prong, so pragmatism in a pluralistic democracy counsels the first course of action. Such pragmatism is ecologically insane.

Asia

Asia proves environmental authoritarianism works

Beeson 10 (Mark, Professor of International Politics at Murdoch University in Perth, Western Australia, Environmental politics, Environmental Politics, 15(5): 750–767., Volume 19, issue 2)//ADS

The environment has become the defining public policy issue of the era. Not only will political responses to environmental challenges determine the health of the planet, but continuing environmental degradation may also affect political systems. This interaction is likely to be especially acute in parts of the world where environmental problems are most pressing and the state's ability to respond to such challenges is weakest. One possible consequence of environmental degradation is the development or consolidation of authoritarian rule as political elites come to privilege regime maintenance and internal stability over political liberalisation. Even efforts to mitigate the impact of, or respond to, environmental change may involve a decrease in individual liberty as governments seek to transform environmentally destructive behaviour. As a result, 'environmental authoritarianism' may become an increasingly common response to the destructive impacts of climate change in an age of diminished expectations. Long before the recent global economic crisis inflicted such a blow on Anglo-American forms of economic organisation, it was apparent that there were other models of economic development and other modes of political organisation that had admirers around the world. The rise of illiberal forms of capitalism and an apparent 'democratic recession' serve as a powerful reminder that there was nothing inevitable about the triumph of 'Western' political and economic practices or values (Zakaria 2003, Diamond 2008). Nowhere has the potential importance of authoritarian, state-led capitalist development been more evident than in East Asia.¹ An examination of East Asia's development and the concomitant environmental problems it generates highlights a number of broad-ranging trends that have widespread relevance. The point to emphasise at the outset is that the populations and governments of poorer regions of the world might have very different developmental priorities than their more affluent counterparts in Europe and North America; consequently, they may also have very different expectations about the appropriate role of government (Mahbubani 2008). The possibility that East Asia's political and economic elites might have distinctive views about politics, economics and the environment merits emphasis because such ideas are often radically at odds with much of the most influential – broadly 'Western' – scholarship about environmental politics in particular and political development more generally. Consequently, after providing a brief snapshot of development in East Asia, I highlight the incongruent nature of some of the most influential strands of western environmental and political theory. The major lesson that emerges from an examination of the developmental experience of East Asia generally is that powerful, even authoritarian states, have been central components of the region's remarkable economic expansion, and that there is consequently a pre-existing propensity toward authoritarianism that has been entrenched by the region's trajectory of economic and political development (Haggard 1990). In what follows I suggest that the increasingly severe environmental challenges faced by the region, and the possibility that resource-intensive economic development will prove unsustainable, are likely to entrench or encourage the return of authoritarian rule in many parts of the region. Not only is the emergence of an environmentally-conscious,

politically-savvy, effective civil society that can transform environmental practices obviated by uncertain economic development and inequality, but economic and environmental failure are likely to give authoritarianism increased salience in a region beset by intractable problems. As a result, the 'democratic moment' (Acharya 1999) that was expected to sweep through East Asia, if not the world, will prove difficult to sustain in the face of mounting political, economic and especially environmental challenges. I consider these challenges in the second part of this essay, where I detail some of the forces that are likely to perpetuate and profit from environmental degradation and make recourse to authoritarianism likely. Tragically, much of Southeast Asia may not only have missed the democratic moment, it may have missed its historical opportunity for widespread, sustainable development, too: just when human beings seem to have discovered what some of the prerequisites of economic development might actually look like (Collier 2007), the particular paradigm that underpinned the 'rise of the West' seems entirely unsustainable and simply unavailable to the billions of poor in Asia and elsewhere (Diamond 2005).

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China

Shift to authoritarianism now is key to avoid extinction – China proves it works

Beeson, PhD, 10 [professor in political science and international relations]

(Mark, March, Environmental Politics Vol 19 No 2 “The coming of environmental authoritarianism” www.tandfonline.com/doi/pdf/10.1080/09644010903576918#.VY294vIViko)

While evidence about the implications of environmental degradation and even global warming are increasingly uncontroversial, their possible political consequences are more contentious. Although some of the preceding analysis is necessarily speculative and inferential, the experiences of China and Southeast Asia highlight issues of unambiguously global significance. The central question that emerges from this discussion is whether democracy can be sustained in the region – or anywhere else for that matter – given the unprecedented and unforgiving nature of the challenges we collectively face. Indeed, such is the urgency of the environmental crisis that some have argued – alarmingly persuasively – that ‘humanity will have to trade its liberty to live as it wishes in favour of a system where survival is paramount’ (Shearman and Smith 2007, p. 4). In such circumstances, forms of ‘good’ authoritarianism, in which environmentally unsustainable forms of behaviour are simply forbidden, may become not only justifiable, but essential for the survival of humanity in anything approaching a civilised form. Such ideas are difficult to accept, especially for societies steeped in traditions of liberalism, individualism, freedom of choice and personal advancement. The US is, of course, such a country, where an entire national consciousness and way of life is predicated upon liberal values – values which some consider profoundly inimical to environmental sustainability (Ophuls 1997). It is also the country that has done most to contribute to global environmental problems like climate change, but which has until now seemed incapable of addressing them politically (Stephens 2007). In China, by contrast, an authoritarian regime has arguably done more to mitigate environmental problems than any other government on earth: without the one-child policy instigated in the 1970s, it is estimated that there would already be another 400 million Chinese (Dickie 2008) and China’s environmental problems (and everyone else’s) would be that much worse. Luckily for the world’s non-Chinese population, China does not enjoy the same living standards as the US, and it is impossible to imagine that the vast majority of its citizens ever will. There are, it seems, fundamental, implacable constraints on the carrying capacity of the planet (Cohen 1995). The real tragedy about China’s development is not the failure to democratise rapidly, but that at the very moment that human beings seem to have figured out how to generate economic development on a massive scale, it is becoming apparent that it cannot be sustained, at least not by 6 billion people living Western lifestyles, and certainly not by the 9–12 billion or so that some think will mark the extent of human expansion.⁶

Japan

Authoritarianism is empirically successful in Japan

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , *The Climate Change Challenge and the Failure of Democracy*, Pages 71-72, MX)

In chapter 8 we ask whether authoritarian technocratic rule, by imposing necessary solutions, could arrest the earth's ecological decline. In history there are examples of environmental decline that threatened the very nature of civilization, being reversed by determined authoritarian rule. In his analysis of societies that fail or survive, Jared Diamond³⁸ describes the reversal of destructive deforestation in Japan by determined authoritarian rulers. In the mid-seventeenth century, Japan became peaceful, prosperous, and self-sufficient after decades of civil war. The population and the economy exploded, greatly accelerating the cutting of timber used to build houses, castles, and ships, as a fuel for homes and industry, and as mulch for crops. The hereditary rulers, the shoguns, recognized the environmental consequences of erosion and the need to arrest the decline of a rapidly diminishing resource. They saw a threat to the very fabric of their civilization and promulgated a series of complex measures of reforestation in Japan over the subsequent 200 years. Elaborate systems of woodland management were introduced and policed by magistrates and armed guards. Forests became a commons system sustainably managed for the benefit of each village community by issuing separate leases for each household. Guard posts on highways inspected transported timber to ensure observation of rules, and all timber was graded and allocated for specific purposes to avoid waste. The science of silviculture was born and was facilitated by uniform institutions and methods over the entire county. All this was achieved by authoritarian rule in a peaceful society. It is tempting to contrast these events with those in some liberal democracies, for example Tasmania, where all the stakeholders in the natural forests, government, industry, and workers, have united to pillage the forests against the long-term interests of the world community. What lessons can we learn from the reforestation in Japan? As Diamond points out, these visionary actions were carried out in a society that became destructive to environments outside Japan, so it was not that Confucianism influenced them. Perhaps because there was a recognition of self-interest, for timber was recognized as being of vital importance and also because the hereditary rulers recognized the importance of protecting the needs of future rulers, their offspring. This is not to say that leaders recognizing long-term stakes do not succumb to short-term profits, this having become a hallmark of the democratic leader. But it raises the question as to whether Japan's recovery could be accomplished today under liberal democracy. Perhaps the really big decisions that are vital to the future of humanity are best imposed, and we need to look toward a form of governance that can do this. Hence our assertion that climate change will determine the future of liberal democracy. This is not to deny that bottom-up democratic management of environmental resources is unimportant in some circumstances, and Diamond cites numerous examples that have developed over time and are in use today. Interestingly they encompass microcosms of governance in small rural communities in Swiss alpine villages and in Spain and

the Philippines. the most democratic of the liberal democracies that has a meticulous system of proportional representation built into a representative democracy. This is the system in Tasmania, a state in wealthy Westernized Australia. There, it appears that the will of the people is to continue to destroy the mature forests of Tasmania for the export of woodchips. Both major political parties support this endeavor, so the destruction continues regardless of which party is in power. However, opinion polls indicate that a majority of the population wishes to preserve the forests and their viewpoint is supported by a minority Green Party. The Green Party does not gain power because other aspects of its platform do not attract votes and because the major parties use voting preferences at elections to exclude it. In terms of the future needs of the world, in Tasmania representative democracy is the means whereby environmental destruction is planned and executed against the will of the people.

Long Term Goals

Authoritarianism solves the environment better than democracy- more state control means government can prioritize long-term goals

Daniel 12 (Charles Daniel is a University of Leeds Political Science graduate. "To what extent is democracy detrimental to the current and future aims of environmental policy and technologies?" *Journal of Politics and International Studies*. May 2012. Vol. 7.

<http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>)

This is exactly what Mark Beeson suggests in his argument for the coming of environmental authoritarianism. He acknowledges the fact that individual liberty has led to 'environmentally destructive behaviour' (Beeson 2010: 276). Whilst democracy has allowed for a more open discussion on environmental issues as well as raising awareness, there has been too much trust put on ecological enlightenment through education. For Beeson, this 'relies too much on an optimistic, naïve view of human nature' (Beeson 2010: 282), the idea that an attitude of respect, through the emergence of a shared cosmopolitan rhetoric will produce environmental improvement is wide of the mark. As Beeson rightly points out, the 'sobering reality' is that as the human population continues to grow, consuming resources on an unprecedented scale, 'policy-makers will have less and less capacity to intervene to keep damage to the environment from producing serious social disruption' (Beeson 2010: 283). Liberal democracy, through the necessities dictated by a capitalist economy has built its survival on the continued exploitation of environmental resources to a point where an attempt to gain control of this practice has become almost impossible. The article, whilst not wholly advocating the Asian political model (indeed Beeson highlights the fact that China is a ruthless exploiter of its own natural environment and sets a poor example for the rest of the continent), is appropriately pessimistic towards the success of liberal democracy. It therefore seems rational to put forward soft authoritarianism as a viable alternative: for it avoids trust in the individual, taking a negative view of human nature and advocates the need for state control, particularly surrounding urgent policy issues like the environment. Whilst it is difficult to accept, it may be the case that 'good forms of authoritarianism, in which environmentally unsustainable forms of behaviour are simply forbidden, may become not only justifiable, but essential for the survival of humanity' (Beeson 2010: 289). It is all very well to put forward the theoretical arguments for the implementation of soft authoritarian rules surrounding the environment, but the practical expression of this form of government has, up until recently, been abysmal in regards to meeting targets and contributing to climate change (Day 2005). However over the last decade, the response from a number of countries, which Western critics would view as authoritarian, has been overwhelmingly positive. Such an opinion is epitomised in projects like Masdar city in the UAE or the draconian environmental-social policies of Singapore. Whilst this has mainly been due to high profit margins in renewable energy investment as well as the vast expendable capital accumulated by such nations, there is scope to suggest that such success has been due to the strengths found within soft authoritarianism. In order for a balanced assessment to be given in the paper, the second case study will be analysing the world's other 'superpower', China.

AT: Aff Answers

AT: Status Quo Solves

Authoritarianism is rising now—double bind-- if the affirmative dramatically increases rights, they derail this shift and we can't solve warming in time.

All current reforms are a drop in the ocean

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 36, MX)

It is relevant to ask whether democracies have made any effort to substantially reorient their policies to energy efficiency and renewable energy sources. In the 1980s Denmark began to develop wind energy that now provides 10 percent of its electricity, and other European democracies have developed similar programs. Sweden is to take the biggest energy step of any advanced Western economy by trying to wean itself off oil completely within 15 years—without building a new generation of nuclear power stations. The intention is to replace all fossil fuels with renewable energy before climate change destroys economies and growing oil scarcity leads to huge new price rises.¹ However these efforts are a drop in the ocean of necessary reform.

AT: Authoritarianism sucks

Not Our RIMAL

There are other versions

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 2, MX)

Let us be clear about one point from the very beginning of this text. The authors are not living fossil Marxists attempting to rehabilitate the Soviet regime. We agree that existing authoritarian societies, largely based upon Marxist doctrines, have had an appalling environmental record. We accept that there is no example of an existing authoritarian government that does not have a record of environmental abuse. We also accept that all existing authoritarian governments have a worse environmental record than all liberal democratic societies. Being "least worst" of a bad bunch is not a logically good argument for the acceptability of the "least worst" option. As a matter of rational argument, defenders of liberal democracy must be forced to do better than merely ignore the long existing problems of democracy, first noted by Plato (427-347 B.c.). We contend that there are other forms of authoritarian government beyond the failed Marxist version. We discuss a Platonic form of authoritarianism based upon the rule of scientific experts, and, as we detail in chapter 8, this hypothetical system is not based upon Marxist principles. We are critics, on ecological grounds, of the capitalist economic system and existing authoritarian systems. We argue that even the allegedly more environmentally preferable liberal democratic societies fail to provide humanity with ecologically sustainable structures. We accept that mention of authoritarian government will horrify the reader with visions of dictators who have strutted during the past century, but we remind that many have been elected under democratic systems.

AT: Stalin and Hitler

Our vision of authoritarianism allows us to weed out people like Stalin and Hitler

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 124-125, MX)

In proposing that liberal democracies will be replaced by authoritarian structures, we differ somewhat from a select group of environmentalist writers who have also rejected a liberal democratic solution to the environmental crisis.¹² In general, such writers have felt that only centrally commanded economies can meet the challenge of dealing with the environmental crisis. We do not join that camp. We recognize that command economies committed to militarism and industrialization can be just as destructive, if not more so than liberal democracies. The former Soviet Union is not our idea of paradise on earth. Planned economies, where there is an attempt by a body of elite planners to coordinate all aspects of an economy, is a recipe for disaster because there is simply too much information, chaotic nonlinear effects, and unpredictable events to permit accurate planning. However we believe that many aspects of the economy must be firmly regulated. This position is a long way away from a planned economy. We have no lingering belief that communism could or will save humanity, but we hold that when civilization-threatening changes occur, liberal democratic solutions are the first things to go. The rule of law is abandoned, and the rule of the strong dominates. We are not indicating that we like this; we are maintaining as a matter of real politick that this is what occurs historically and is likely to occur again. Nor are we supporting a form of authoritarianism as witnessed in Nazi Germany where one Fuhrer makes fundamental decisions about life and death for society. Such forms of authoritarianism typically lead to social disaster when the leader, following the weaknesses of human will, succumbs to corruption or madness. Our form of authoritarianism looks to the leadership of an entire stratum of society rather than one individual or even party. and there is a better chance that corruption and madness of the Hitler and Stalin levels can be weeded out. But there is no guarantee; human life is uncertain and down the track, human life promises to be desperate. Thus unlike other antidemocratic theorists from Plato on, we do not have an alternative political ideology that we wish to promote in the place of liberal democracy, beyond that of environmentalism. We have no vision of a set of wise liberal leaders sitting in the wings, waiting to ride onto the set just in the nick of time to save us all by democratic means. Rather we have a stark vision of liberal democracy being destroyed by its own internal contradictions, in the process being replaced by authoritarian structures. It is important therefore to ask whether there exist any state authoritarian structures that are worthy of consideration. We believe that Singapore falls into the category.

AT: Democracy Key to Environment

Authoritarianism is the only solution to solve extinction – extend Shearman and Smith – liberal consumerism results in ecocide — the Beeson evidence indicates that authoritarianism solves because of emphasis on environmental regulation – reason to prefer because

Liberal democracy's provision of individual rights promotes ecocide through lack of environmental regulation

Daniel '12 (<http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf> *add cites // 6-24-15 // MC)

The main point to take away from the case study is not to do with portraying the US as an enemy of the environment (it has, after all, provided some form of investment to the natural world's future, with \$450 billion spent on research and development in the last ten years), it is more to do with the inescapable patterns of consumption that have become ingrained into the US political, social and cultural fabric. America's national survival is contingent on continued economic abundance to feed a growing population. Democracy has become reliant on and indeed defined by this cycle, which is fuelled by unadulterated freedom for individuals and corporations alike. Speth is thus able to conclude that our 'economic and political system does not work when it comes to protecting environmental resources' (2004: 133). He believes that the amount of faith placed upon privatisation and the free market is unfounded, as they cannot be relied upon to provide the appropriate levels of environmental protection. Lack of regulation has resulted in companies consuming cheap resources and not taking into account the external implications of their actions. These 'externalities' are what Speth believes to be the main driver behind pollution (2004). What he means by this is that the producer's financial costs are different from their external ones. For example, when a company burns coal, its only financial concerns are the labour it uses, capital and the outlay cost of raw materials; the price in the form of 'dirty air' is not their concern. Producers and consumers are not given the opportunity to see the damage of such patterns since air pollution is not literally visible to the human eye, nor is it a threat to short-term well-being (Panayotou 1998). Due to the lack of public intervention or government pressure, companies are free to act as they please as there is no downside for them in regards to financial gain if they continue to pollute the air. Imposing stringent regulation on these actions by, for example a tax on dirty air, is avoided as it is against democratic principles to over interfere with company activity and indeed there is nothing to be gained by regulators for favouring the environment (Speth 2004). This ties in with the mention of the US oil addiction in that numerous sources of wealth from within the country depend on these sources of energy and their processes. To interfere with them or attempt to reduce their powers would be to limit the economic capability of the nation and possibly hinder the standard of living of each individual therein. With the case of America and indeed other consumer-based economies, it can be concluded that too much freedom can, in certain circumstances, become a real barrier to necessary change. It can potentially create social conditions where individuals and institutions become POLIS Journal Vol. 7, Summer 2012 ISSN 2047-7651 105 too comfortable in their habits. For liberal democracy, these habits are an over emphasis of the free-market, continual growth of industries and a fixation on GDP targets. Liberal democracy's success is

contingent on these and, therefore, those in power have no choice but to abide by them, constrained by the short fixed terms they have in office. The desire for actual change has slowly been removed from politics, as governments seek to prioritise stability and to satisfy the wants of the electorate so that they will continue to stay in power for a further term. The financial crisis was a poignant example of this. It was the first time since the Great Depression that the foundations of the free market were truly shaken, allowing certain groups to question the success and stability of the economic systems we rely upon. An acceptance of certain failures and a move towards change could have provided the much-needed stimulus for environmental investment. As it is, that door has been shut as the government is forced to solve the situation with patchwork policies. Countries have localised themselves even further, reluctant to contribute to global environmental projects when their own economies are in dire need of assistance. The US congressional budget office in the wake of the financial crisis conveyed this direction in fiscal policy. In a report to the IMF, they expressed a need to make significant policy changes in order to keep the Federal Reserve in a stable position (Elmendorf 2010). Whilst it was not explicitly stated, the report suggested that the US government planned to roll back some of their international economic commitments. The UK government is equally guilty of attempting to localise their economy in favour of international commitments. David Cameron's decision to reject a EU wide treaty in order to maintain the strength of the domestic economy is just one example of policy direction that favours isolation instead of contribution (Grice 2012). Liberal democracy then, if defined in this way, can be seen as being detrimental to current and future environmental policies and investment, as it is reluctant to adjust its course, even in times of failure, favouring gradual social change that will not unsettle the electorate. It is here that I return to the suggestion that liberal democracy may not be the appropriate format to guide global society in its current period of over-development.

AT: human rights k2 warming

Human rights don't solve warming, their cameron evidence indicates that civil rights groups could influence the political climate over warming – eco-authoritarianism accesses the solution better because the population can't disobey environmental regulations

AT: racist/sexist

Our argument isn't that certain groups are individualized and discriminated against – it's much like Kurt Vonnegut's "Harrison Bergeron" where everybody is equal, without the physical debilitation part

Our vision of authoritarianism allows us to weed out people who promote discrimination

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 124-125, MX)

In proposing that liberal democracies will be replaced by authoritarian structures, we differ somewhat from a select group of environmentalist writers who have also rejected a liberal democratic solution to the environmental crisis.¹² In general, such writers have felt that only centrally commanded economies can meet the challenge of dealing with the environmental crisis. We do not join that camp. We recognize that command economies committed to militarism and industrialization can be just as destructive, if not more so than liberal democracies. The former Soviet Union is not our idea of paradise on earth. Planned economies, where there is an attempt by a body of elite planners to coordinate all aspects of an economy, is a recipe for disaster because there is simply too much information, chaotic nonlinear effects, and unpredictable events to permit accurate planning. However we believe that many aspects of the economy must be firmly regulated. This position is a long way away from a planned economy. We have no lingering belief that communism could or will save humanity, but we hold that when civilization-threatening changes occur, liberal democratic solutions are the first things to go. The rule of law is abandoned, and the rule of the strong dominates. We are not indicating that we like this; we are maintaining as a matter of real politick that this is what occurs historically and is likely to occur again. Nor are we supporting a form of authoritarianism as witnessed in Nazi Germany where one Fuhrer makes fundamental decisions about life and death for society. Such forms of authoritarianism typically lead to social disaster when the leader, following the weaknesses of human will, succumbs to corruption or madness. Our form of authoritarianism looks to the leadership of an entire stratum of society rather than one individual or even party. and there is a better chance that corruption and madness of the Hitler and Stalin levels can be weeded out. But there is no guarantee; human life is uncertain and down the track, human life promises to be desperate. Thus unlike other antidemocratic theorists from Plato on, we do not have an alternative political ideology that we wish to promote in the place of liberal democracy, beyond that of environmentalism. We have no vision of a set of wise liberal leaders sitting in the wings, waiting to ride onto the set just in the nick of time to save us all by democratic means. Rather we have a stark vision of liberal democracy being destroyed by its own internal contradictions, in the process being replaced by authoritarian structures. It is important therefore to ask whether there exist any state

authoritarian structures that are worthy of consideration. We believe that Singapore falls into the category.

AT: Can't solve without China

China transitioning to eco-authoritarianism now

Gilley, 12 (Bruce, March 2012 Vo. 21, No. 2 Division of Political Science, Mark O. Hatfield School of Government, Portland State University, USA - (Ph.D. 2008, Princeton University) is an Associate Professor of Political Science. His research centers on democracy, legitimacy, climate change, and global politics, and he is a specialist on the comparative politics of China and Asia. - www.web.pdx.edu/~gilleyb/Gilley_AuthoritarianEnvironmentalism.pdf // 6-28-25 // MC)

China accounted for 25% of global carbon dioxide (CO₂) emissions in 2009, up from just 11% in 1990, making it the world's leading source of greenhouse gas emissions (which are about 80% CO₂ in China as elsewhere). By 2030, it will account for about half of global CO₂ emissions. China (along with India) is also a country where the absolute impacts of climate change will be greatest: melting Tibetan glaciers, sinking Shanghai, inundating Hong Kong, devastating south coast typhoons, an expected 5–10% decline in agricultural production, and a rapid loss of biodiversity (Lai 2009). Consistent with authoritarian environmentalism, the political response to climate change in China has been centred on the top-down, regulatory powers of the central state. A Climate Change Leadership Group was established Environmental Politics 289 within the then-State Council's Environmental Protection Commission in 1990. In 1998, a multi-agency National Coordination Committee on Climate Change was established and upgraded in 2007 into a 20-ministry National Leading Group to Address Climate Change (NLGACC) (guojia yingdui qihou bianhua lingdao xiaozu). The group is headed by the premier and headquartered in the ministerial-level National Development and Reform Commission's (NDRC) Department of Climate Change. The only outside participation comes from a scientific advisory committee, although most of its members are from government-funded or owned research institutes, especially the Energy Research Institute of the NDRC. The policy outputs in China have been rapid and comprehensive since the submission to the leadership of a national energy strategy in 2003 (Chen 2003). The report was taken up by the top leadership in 2004, leading to the promulgation of a National Climate Change Program in 2007 (National Development and Reform Commission 2007). A Renewable Energy Law was completed in 2004 after fewer than nine months of drafting (Tian 2004) and then passed into law with no amendments by the unelected national legislature in 2005. In 2009, Beijing announced a national target of reducing CO₂ emissions per unit of gross domestic product (GDP) by 40–45% by 2020 compared with 2005 levels. The 40–45% target resulted from studies conducted within the NDRC (Jiang et al. 2009) and the final decision was made by the ruling party's Politburo.¹ Following the announcement of the target, all agencies of government began issuing extensive implementing legislation, regulations, and circulars dealing with energy conservation, energy efficiency, and renewables as well as climate change mitigation. For instance, under a national 'energy savings and emissions reductions' (ESER) policy (jieneng jianpai), environmental authorities in coordination with the central bank and financial regulators began blacklisting polluting enterprises from receiving state bank loans or offering new shares (the so-called 'green credit' policy) (Wang and Chen 2010). Consideration is also being given to an 'environmental tax' on each company's pollution footprint and to a 'green export policy' to sanction polluters engaged in foreign trade (Aizawa and Yang 2010, p. 123). Power cuts to achieve energy reduction targets left 3500 households, as well as schools and hospitals, without indoor heat in one city in central China in

early 2011 as temperatures plunged to 7108C (Yan 2011). As to restrictions on liberties, a State Council circular of 2008 'required' that all drivers leave their cars at home at least one day a week; that elevators not be used to reach the first three floors of public buildings; and that public sector employees wear casual clothes to work in the summer (State Council 2008b). Local governments, meanwhile, are under pressure to impose their own rules 'so that people have no alternative but to adopt a low-carbon lifestyle' (He 2010b, p. 21). The state's population control policies have been cited as a model for future limits on individual choices related to climate change (Xinhua News Agency 2009). While policy-setting is done at the national level by the NLGACC, implementation is left to each provincial government, which in turn delegates most decision-making to lower level governments. Provincial, prefectural, county, and city governments have set up their own climate change leading groups to respond to central demands for emissions intensity cuts as well as for climate change mitigation strategies (Qi et al. 2008, National Development and Reform Commission 2009). The role of local governments is magnified by the number and scale of 'clean development mechanism' projects under which local governments and corporations sell emissions reductions to foreign buyers (National Development and Reform Commission Department of Climate Change 2010, Shin 2010). China's climate change policy is thus centred on the regulatory and coercive powers of the central state and on the developmental and political incentives of local governments.

Reform Fails

Tech

Technical policy fixes fail

Nordhaus et al 2005

-- American author, environmental policy expert, and the chairman of The Breakthrough Institute.

(Ted, Jan 14, "The Death of environmentalism: global warming politics in a post-environmental world" Grist. grist.org/politics/doe-reprint/full/)

Over the last 15 years environmental foundations and organizations have invested hundreds of millions of dollars into combating global warming. We have strikingly little to show for it. From the battles over higher fuel efficiency for cars and trucks to the attempts to reduce carbon emissions through international treaties, environmental groups repeatedly have tried and failed to win national legislation that would reduce the threat of global warming. As a result, people in the environmental movement today find themselves politically less powerful than we were one and a half decades ago. Yet in lengthy conversations, the vast majority of leaders from the largest environmental organizations and foundations in the country insisted to us that we are on the right track. Nearly all of the more than two-dozen environmentalists we interviewed underscored that climate change demands that we remake the global economy in ways that will transform the lives of six billion people. All recognize that it's an undertaking of monumental size and complexity. And all acknowledged that we must reduce emissions by up to 70 percent as soon as possible. But in their public campaigns, not one of America's environmental leaders is articulating a vision of the future commensurate with the magnitude of the crisis. Instead they are promoting technical policy fixes like pollution controls and higher vehicle mileage standards — proposals that provide neither the popular inspiration nor the political alliances the community needs to deal with the problem. By failing to question their most basic assumptions about the problem and the solution, environmental leaders are like generals fighting the last war — in particular the war they fought and won for basic environmental protections more than 30 years ago. It was then that the community's political strategy became defined around using science to define the problem as "environmental" and crafting technical policy proposals as solutions. The greatest achievements to reduce global warming are today happening in Europe. Britain has agreed to cut carbon emissions by 60 percent over 50 years, Holland by 80 percent in 40 years, and Germany by 50 percent in 50 years. Russia may soon ratify Kyoto. And even China — which is seen fearfully for the amount of dirty coal it intends to burn — recently established fuel economy standards for its cars and trucks that are much tougher than ours in the US. Environmentalists are learning all the wrong lessons from Europe. We closely scrutinize the policies without giving much thought to the politics that made the policies possible. Our thesis is this: the environmental community's narrow definition of its self-interest leads to a kind of policy literalism that undermines its power. When you look at the long string of global warming defeats under Presidents Bill Clinton and George W. Bush, it is hard not to conclude that the environmental movement's approach to problems and policies hasn't worked particularly well. And yet there is nothing about the behavior of environmental groups, and nothing in our

interviews with environmental leaders, that indicates that we as a community are ready to think differently about our work. What the environmental movement needs more than anything else right now is to take a collective step back to rethink everything. We will never be able to turn things around as long as we understand our failures as essentially tactical, and make proposals that are essentially technical. In Part II we make the case for what could happen if progressives created new institutions and proposals around a big vision and a core set of values. Much of this section is aimed at showing how a more powerful movement depends on letting go of old identities, categories and assumptions, so that we can be truly open to embracing a better model. We resisted the exhortations from early reviewers of this report to say more about what we think must now be done because we believe that the most important next steps will emerge from teams, not individuals. Over the coming months we will be meeting with existing and emerging teams of practitioners and funders to develop a common vision and strategy for moving forward.

tech solutions fail

Bluhdorn, Phd, 12, [Reader in Politics/Political Sociology at the University of Bath]

(Ingolfur, December 13, Friedrich Ebert Stiftung Sustainability "Opening the discursive arena - struggling for an innovative debate" www.fes-sustainability.org/en/nachhaltigkeit-und-demokratie/democracy-and-sustainability)

At least equally important is the widespread realisation that the techno-managerial approaches of ecological modernisation will not be sufficient for achieving sustainability (however defined). The proponents of these approaches had once reassured policy makers and the public that a radical break with the established socio-economic order would not be required, but that sustainability can be achieved within this order, if new efficiency-technologies, market instruments, consensus-oriented strategies of stakeholder governance and even the consumer culture are wisely and strategically used. These promises resounded with the widespread commitment to consumer capitalism and liberal democracy and were, therefore, readily taken up. Yet, despite all technological innovation and resource efficiency gains, the strategies of ecological modernisation have never succeeded in stopping, let alone reversing, the over-exploitation of natural resources, the decline of bio-diversity, the advance of global warming or the increase of social inequality. They have helped to sustain the unsustainable for an extra couple of decades but, ultimately, they have only reinforced and radicalised, not suspended, the demand for policy measures which are less compatible with the principles of both liberal democracy and consumer capitalism.

Economic Rationalizations

Liberal Democracies will never reform because in the context of the commons their destructive nature is rational

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia, The Climate Change Challenge and the Failure of Democracy, Pages 82-83, MX)

In most cases, however, it is the will of the people, fostered by the individualism of liberal democracy, that treats the environment as a resource. It is now relevant to explain in more detail the thesis of Garrett Hardin in his seminal paper, "The Tragedy of the Commons," published in the journal *Science* in 1968.¹³ This paper exposes the defect that makes democracy unsustainable. The commons of Anglo Saxon culture was the pasture open to the cattle of all villagers. Hardin explained: As a rational being, each herdsman seeks to maximise his gain. Explicitly or implicitly, more or less consciously, he asks "What is the utility to me of adding one more animal to my herd?" This utility has one positive and one negative component. The positive component is the increment of one animal. Since the herdsman receives all the proceeds from the sale of the additional animal, the positive utility is nearly +1. The negative component is a function of the additional overgrazing created by one more animal. Since however the effects of overgrazing are shared by all herdsmen, the negative utility for any particular decision making herdsman is only a fraction of minus 1. Each herdsman concludes that it is sensible to add another animal to his herd, and another, without limit ... Therein is the tragedy, and in a world that is limited, freedom in the environmental commons brings ruin to all." The "world commons" is the stability of the resources of land, sea, air, and fresh water necessary for the health and well-being of humanity. We now have a clear vision of the "ruin to all" predicted by Hardin. It is the confluence predicted this century of the above problems, population growth, depletion of resources, and the ravages of climate change. All our problems can be placed in the context of the commons. Thus we see that it is in the interests of the individual to break the rules that might be made for the survival of all herdsmen and the resource. This individual will behave acquisitively only if he or she knows that everyone else will comply with the rules. The rules must be strong and inviolate to stop conflict between individual rationality and the common good. Even then there will have to be penalties to ensure compliance. Democracy is indicted because it is unable to defend the commons. We find that democratic states behave in the same way as individuals (e.g., European Community [EC] decisions on fishing discussed in chapter 1). Thus both individuals and states act in ways that are individually rational but environmentally destructive. A nation such as the United States may decide to continue polluting the commons with greenhouse gases to the detriment of all other states because it has immediate economic advantage. In the case of the EC it is of short-term advantage (i.e., job stability) to continue fishing despite the recognition that it is unsustainable. Unless this problem can be resolved to preserve a sustainable world there is no case for the continuation of liberal democracy or nation states. There should be one government, and our argument in chapter 8 would make this government authoritarian. There are additional cogent

reasons why the commons cannot be saved, and these will become apparent in the next chapter. They relate to the mutual dependence of liberal democracy and corporatism. Democracy has a facade of environmental laws and protection but when a corporation wants a resource invariably it will get it, laws will be changed, exceptions made, and rules bent for it is in the personal interest of governments of elected representative to keep people in jobs and collect taxes. Decade after decade the encroachments are remorseless.

Power Ceded

Power in a democratic society has already been ceded to the economic elite

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 14-15, MX)

It is possible to see the control of society firmly grasped by a brotherhood that resembles a biological ecological system. Like the soil, the forest, or the coral reef, its strength lies in mutual support and interdependence of all organisms and components. The web of power and profit embraces the market, the banks and financial institutions, regulators (national and international), the liberal democracies, the press, the media and advertising industries, and the military industrial complex. The governments espousing liberal democracy are but the compliant arms and hands of the system. They provide the human fodder from their universities. They retain power by servitude. As we will show in chapters 6 and 10, those at the top of the food chain are the corporations. They operate for profit alone, protected by law that absolves them from other responsibility. Their leaders, who live a double life of family care and principle at home, but plunder the world for gain, are the conquistadors of today. Like the Spanish noblemen, the Chief Executive Officers have become the pillars of society. The spoil is no longer gold, but black gold (oil), plantations, and water industries. They would not recognize themselves as the ecology of evil, but for the future of the world's environment that's what history may judge them as. For some, such as Clive Hamilton in *The Disappointment of Liberalism and the Quest for Inner Freedom*,²⁷ the source of our difficulties lies not in democracy itself but in its undermining by lobbyists who act for corporatism and the market. Liberal capitalism, not liberal democracy, is the real culprit. These thoughts are echoed by George Monbiot: Meaningful action on climate change has been prohibited by totalitarian capitalism. When I use this term I don't mean that the people who challenge it are rounded up and sent to break rocks in Siberia. I mean that it intrudes into every corner of our lives, governs every social relation, becomes the lens through which every issue must be seen. It is the total system which leaves no molecule of earth or air uncosted and unsold.²⁸ Surely Hamilton and Monbiot fail to understand the strength and complexity of this ecological system of evil into which democracy has descended. Democracy is but a cog in this juggernaut causing environmental degradation. Liberal capitalism and democracy have fused together. Liberal capitalism, the retrovirus, has become part of the genetic material of democracy and is directing the enterprise. It is not just an imperfection that can be corrected without dismantling this relationship. As we will demonstrate, colossal environmental problems, both existing and impending, have accelerated by the freedoms and corruption of democracy and are unlikely to be solved by this system of governance. Thus we agree with well-known critique from left-environmental writers that the primary of the environmental crisis is the existence of an ecologically unsustainable economic system, capitalism. However we go further than these critics implicating liberal democracy and democracy in general in causing this environmental crisis and specifically preventing its solution. For a variety of reasons, detailed by us, democratic

institutions are not suited to deal with Cared situations. If you needed to have major heart surgery you would not wish your operation coordinated by a democratically elected team of surgeons. With respect to liberal capitalism, in chapter 10 we come to the conclusions as John Perkins in Confessions of an Economic Hit Man.' s worked for the covert U.S. National Security Agency. He has said, "We build a global empire. We are an elite group of men and women who utilize international financial organizations to foment conditions that make meteor nations subservient to the 'corporatocracy' running our biggest corporations, our government and our banks. The subservience is financial and them government is that of the USA."30 Liberal capitalism, we will argue, is a force acting to produce an authoritarian rule by corporate elites. Although enmeshed with liberal democracy its ultimate goals are antagonistic to it, and in the long term act to undermine it. We predict that democracy, like communism, will be but a moment in human history. Its transformation into authoritarian rule is likely to be catalyzed by its failure to deliver solutions to the environmental crisis. We can speculate on the preferred form of authoritarianism and in chapter 9, "Platoons Revenge," we define the essential ingredients. We can wish for the intensive care model, but we are unlikely to be so fortunate. However, a consideration of the form of social cohesion necessary to maintain civilization in a no-growth economy is vital, for this is where we must go for survival. A new religion or perhaps spirituality to replace the market and consumerism will necessarily embrace the earth and all its sacred life. To ask where liberal democracy is leading us is not a welcome question, as the liberalism conferred by democracy is the linchpin of our culture.

Corporate influence ensures that all democratic reform will be circumvented

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 91-92, MX)

Throughout this book examples have been given showing how corporate influence on governments determines poor environmental outcomes. In the United States intense lobbying by dedicated people with ready access to government because of financial contributions to election campaigns has thwarted the implementation of new environmental laws, neutered existing laws, and sabotaged international agreements. Environmental laws are seen as surmountable by transferring manufacturing to developing countries, and national environmental regulations are denounced as hindrances to free trade by the World Trade Organization. In all countries corporatism continues to use the environment for externalities. While the public expression of social responsibility is now fashionable and is used by some corporates to emphasize branding, the fundamental philosophy remains unchanged and enshrined in law. As held by Milton Friedman, there is but one social responsibility of the corporation and this is to make as much money as possible for their shareholders.⁴ This is a moral imperative, and to choose environmental goals instead of profits is immoral. We believe that this is the rock upon which the leaking ship of democracy steered by Platoons savages will finally founder. It is important to emphasize that the environment is not the only sector of society to suffer under the corporate yoke. One cynical view of corporatism is that of Arundhati

Roy given in the Sydney Peace Prize Lecture, "Peace and the New Corporate Liberation Theology": the Lazy Managers Guide to Corporate Success, first stock your Board with senior government servants. Next stock the government with members of your Board. Add oil and stir. When no one can tell where the government ends and your company begins, collude with your government to equip and arm a cold blooded dictator in an oil rich country. Look away while he kills his own people. Simmer gently. Use the time to collect a few billion dollars in government contracts.' Indeed, most so-called Western societies are not democracies as such but plutocracies, societies ruled by the wealthy. In this context Franklin D. Roosevelt's comments in the 1930s about the emerging fascist threat is just as relevant today about the corporate actions of an unallocated economic elite who manipulate the life and destiny of humanity. The liberty of democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than that of the state itself. That, in essence, is fascism: ownership of government by an individual, by a group, or any controlling private power.⁶ When in 1934 General Butler blew the whistle on a group of businessmen conspiring to obtain the backing of the army to overthrow President Roosevelt, it became clear that not even American democracy was safe from private power. The conspirators were activated by Roosevelt's conviction that the New Deal would end the Great Depression by replacing the market's invisible hand with government benevolence. Roosevelt wrote later: "The New Deal implied that the Government itself was going to use affirmative action to bring about its avowed objectives rather than stand by and hope that the general economic laws would attain them... the American system visualized protection of the individual against the misuse of private economic power, the New Deal would insist on curbing such power."⁷ President Theodore Roosevelt also recognized the existence of this invisible government: "Behind the ostensible government sits enthroned an invisible government owing no allegiance and acknowledging no responsibility to the people. To destroy this invisible government, to befoul the unholy alliance between corrupt business and corrupt politics, is the first task of statesmanship today."⁸ The malign influence of business on governments has been documented with a legion of examples by many authors.⁹ We will dwell on this issue only insofar as it impacts the ability of liberal democracy to deliver sustainable environmental outcomes. The corporation is an institution with a structure and imperatives that direct the actions of those within it. But it is also a legal institution whose existence and capacity to operate depend upon the law. Its legally defined mandate is to pursue, relentlessly and without exception, its own self-interest regardless, of the often harmful consequences it might cause to others.¹⁰ As a result the corporation has become like a heartworm, *Dirofilaria immitis*, eating the heart out of democracy. "Profit above all else" is best illustrated by the involvement by corporations in the financing of Hitler's rise to power and his war effort, from 1939 to 1945, as researched by Antony Sutton: Wall Street financed German cartels in the mid 1920s which in turn proceeded to bring Hitler to power... the financing for Hitler and his SS street thugs came in part from affiliates or subsidiaries of US firms, including Henry Ford in 1922, payments by IG Farben and General Electric in 1933, followed by Standard Oil of New Jersey and I.T.T. subsidiary payments to Heinrich Himmler up to 1944... US multi-nationals under the control of Wall Street profited handsomely from Hitler's military construction program in the 1930s and at least till 1942... these same international bankers used political influence in the US to cover up their wartime collaboration and to do this infiltrated the US control commission for Germany." There is no excuse that those concerned did not know what they were doing. Standard Oil was

assisting the development of synthetic gasoline for the German war effort and, as a result, received written protests from of reluctance by conservation groups to criticize the environmental record of donors.¹⁷ Such funding may seem to be necessary because of meager income from the public. But why does the public fail to donate? It may well be that massive corporate funding and government assurances enable the public to think that all is well with the environment. The influence and control of Theodore Roosevelt's "invisible government" now extends throughout society.

Profit

There will be no response under a democratic system because it's just not profitable

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia, The Climate Change Challenge and the Failure of Democracy, Pages 26-29, MX)

Regardless of whether climate change is the serious problem accepted by most national governments or whether we are moving toward a catastrophic change as predicted by Lovelock will continue to be debated, there is little action to prevent it. Why not? As discussed in chapter 1 there are a number of psychological factors such as denial that prevent individual responses to potentially catastrophic events. However these responses do not account for the actions of world leaders. As researched by Beder,²³ prior to the Kyoto conference in 1997, a U.S. consortium of 20 fossil fuel organizations launched a campaign opposing the treaty on the basis that jobs would be lost and energy prices would rise. Thereafter corporations used front groups, public relations firms, and conservative think tanks to cast doubt on the science and impacts of global warming. The names of the organizations were Orwellian, "Advancement of Sound Science Coalition," "The Coalition for Vehicle Choice," "Global Climate Information Project," "The Greening Earth Society" The latter has stated that "using fossil fuels to enable our economic activity is as natural as breathing." ²⁴ Senator James Inhofe, a conservative Republican, called human-caused global warming "a hoax." He received an environmental award for his support of "rational, science-based thinking and policy-making" from the Annapolis Center for Science-Based Public Policy that receives funding from Exxon Mobil. Inhofe is chair of the Senate Environment and Public Works Committee.¹ As with any scientific consensus, there will be dissidents. It would be expected that scientific conclusions that are in effect computer forecasts based upon existing data might be open to differing interpretations. Indeed detailed scholarly critiques of the conclusions have been published." But the skeptics are a diminishing breed in the face of the mounting evidence from many scientists in many disciplines, and their task is difficult because in the industry campaign to derail Kyoto many, but not all, were well paid to travel the world to muddy the water by plying their wares in the media. Since the media sometimes try to operate on the basis of balance, they use apposing opinion even when there is only one opposing opinion to the views at a thousand scientists. This has often allowed skeptics to have more exposure to the public than their views deserved. Corporate think tanks such as the Heritage Foundation published in 1997, "The Road to Kyoto; How the Global Climate Treaty Fosters Economic Impoverishment and Endangers US Security."²⁷ The foundation predicted that Kyoto would cost as much as \$30,000 in lost income per family per year. The Competitive Enterprise Institute wrote that "the likeliest global climate change is the creation of a milder, greener, more prosperous world." This was the background to George W. Bush's succession to office in early 2001. He was an oil man who appointed oil men to his cabinet and liras heavily indebted to them for political donations. In the words of the late Robin Cook, former UK foreign secretary, "there has never been an administration with hands so dipped in Texas oil. There was

a super-tanker somewhere out on the seven seas called the Condoleezza Rice."²⁹ The name Laitis Chevron tanker was changed to "Altair Voyager" when Ms. Rice was appointed national security advisor in 2001. It was not surprising that the president's top policy was to increase the flow of petroleum from foreign suppliers to the U.S. market. Bush established the National Energy Policy Development Group (NE PDG) chaired by Vice President Dick Cheney, formerly chair and CEO of Halliburton Oil. But even before the report, Bush questioned the scientific evidence of warming and said that Kyoto was unfair and too expensive for the U.S. economy. In 2001 he responded to a memorandum from Exxon asking that Dr. Robert Watson, chair of the IPCC, be replaced, because of his opinion that greenhouse emissions must be reduced.³¹ Watson was replaced. The NE PDG did not propose any reduction in oil consumption. Instead it proposed to slow the growth in U.S. dependence on imported oil by increasing production at home by exploiting untapped reserves in wilderness areas. In effect Bush made the decision to increase his dependence on oil. This decision and the continuing corporate opposition to greenhouse reduction has dictated the government's decisions to oppose any climate change negotiations culminating four years later in the continued obstructionism to future negotiations at the climate meeting in Argentina in December 2004 and at the Montreal meeting of Kyoto parties in 2005. The Montreal meeting of 180 countries was intended to commence a new negotiation on greenhouse emissions to be implemented in 2012 when the Kyoto agreement terminates. The succeeding meeting in Nairobi in November 2006 also failed to draw a timetable for cuts in emissions. It is clear that the failure of the United States to participate and its lack of leadership is a major impediment to progress. It would be wrong to conclude that the fossil fuel industries have influenced only U.S. policy and not that of other countries. European countries have signed Kyoto and have developed alternative energy programs, but one has to look to Australia, the other nonsigner of Kyoto, to see the malign influence. There the government relied heavily on figures and advice from the Bureau of Agricultural and Resource Economics (ABARE), funded by business and fossil fuel industries.³² Places on the steering committee were offered for \$50,000 each, and those who took advantage included Mobil, Exxon, Texaco, BHP, and the Australian Aluminum Council. As happened in the United States, ABARE predicted a huge loss of jobs and income if emission-reduction targets were to be met. The Australian government has worked secretly with the fossil fuel industry to produce an energy plan that will rely on geosequestration of carbon dioxide, with neglect of alternative energy.³³ Despite the strengthening of scientific evidence that human influence is causing global warming. Determined resistance to these findings continues in the form of so-called scientific societies such as the George C. Marshall Institute in the United States and the Scientific Alliance in the UK. In 2005, the United States and Australia, the two main antagonists of the Kyoto agreement, joined with China, Japan, India, and South Korea to form the Asia-Pacific Partnership for Clean Development and Climate. This rejects mandatory targets on greenhouse gas emissions and promotes technological solutions instead. Opponents of the partnership accept that technological solutions must be sought but see dangers in relying solely on such developments. At the first meeting of the partnership in Sydney in January 2006, India's environment minister announced that India will not implement mandatory emissions reduction of greenhouse gases. Since India is a signatory to the Kyoto agreement and is likely to have to adhere to mandatory reductions after 2012, the partnership could be seen as a mechanism to destabilize Kyoto and continue with industrial activity as usual. This interpretation tends to be confirmed by the minuscule commitment over five years of \$100

million by Australia and \$345 million by the United States to technological solutions compared to the hundreds of billions invested in the war on terror. There are many other factors operating in the United States that have allowed this misguided policy to progress without significant opposition. These will be analyzed in later chapters, but they are overshadowed by the power, wealth, and influence of the fossil fuel industries as the lynchpin of Western civilization. We have chosen to analyze the issue of oil for the addiction to it, like all addictions, overwhelms rational behavior. However the points we make are equally relevant to the coal industry.

Law

Legal reform cannot be the first step

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 163, MX)

In conclusion, there needs to be major reform to the legal systems within nations and to international law if environmental damage is to be arrested. We are highly skeptical of the ability of the legal system to lead the way. Only when the larger political battle has been won or when the ecological crisis is visible to all will legal reform follow. The law is intrinsically a slow-moving, conservative beast, constructed for personal and property protection, and we cannot expect much assistance from that source. Nevertheless that is not a reason for defeatism and as environmental and human rights lawyers contrive to address these problems in the courts, we wish them well. But we are skeptical of the long-term success of these endeavors unaided by political action, and this is why our focus has been upon political and ideological change. This leads us to the question of human capacity to share the common good instead of acquiring it.

Utopia

All re-affirmations of democracy's ability to solve the ecological crisis are descriptive of utopias OR collapse is inevitable - oil shortage

Shearman Smith 07

(David Shearman & Joseph Wayne Smith, MD; Professor at University of Adelaide, August 30, PhD and solicitor of the Supreme Court of South Australia , The Climate Change Challenge and the Failure of Democracy, Pages 121-124, MX)

Environmentalists have had a love affair with democracy. Numerous texts have outlined the perils that the planet faces, only to conclude in the final chapter that all will be well with more democracy and a world parliament,¹ or with the creation of direct democratic communities, locally self-sufficient and living in harmony with their environment. These warm, cozy, and politically correct worlds would no doubt be a joy to live in, but they are far from the likely realities that we face. Before we can outline what sort of system we ought to have, we need to know what the likely end result will be of the dangers described in this book. The most pessimistic response to the "crisis of civilization," that is, the multitude of interconnected social, technological, and environmental problems that humanity faces, is human extinction. The Canadian philosopher John Leslie in his book *The End of the World* takes that view.² Leslie considers humanity to be more at threat from technological disasters such as nuclear war, the rise of intelligent robots, and asteroid collision, than from mundane threats such as water shortages, soil erosion, and climate change. His view is very much a technical logician's view of reality. It would take us into too many technical matters to rebut Leslie's view firsthand here. Generally, his critics seem to have established that, apart from four science fiction scenarios (killer robots, runaway high-tech experiments with exotic matter, the creation on earth of black holes, nanotechnology "grey goo problems, etc.), none of the scenarios sketched in his book will exterminate all human life. However these scenarios will destroy the present world as we know it and necessarily cull the present human population of over six billion.³ Consider but one of the problems that we have discussed: the end of cheap oil. Suppose that the school of thought of the oil limitationists is right. Some estimates of the date of peak oil production put this at the year 2008, others at 2012, still others somewhat later, but many experts believe that this date will be before the end of the second decade of this century. Although the oil optimists hope that rising oil prices will make other fuels competitive and that by market forces other substitutes will replace oil, this process will only occur if there really are substitutes. There are limits to all other forms of energy, such as nuclear fission and solar energy.⁴ Even if there was an oil substitute, there would need to be a replacement of the oil infrastructure—and our civilization could not exist without oil. Plastics are made from it, and there could be no computer-based society without plastics. The world's 500 million cars depend upon oil; so does agricultural food production through fertilizers and pesticides. Coal and natural gas offer only a stopgap measure, as these reserves will also deplete—at the price of perhaps making the earth uninhabitable through global warming. Coal is mined using machinery that uses oil, and the extraction of coal will become increasingly expensive.⁵ Without a replacement of the oil infrastructure, social chaos is likely. For example, the globally connected information economy depends upon an

abundant and secure supply of electricity. Without it, the security of the power grid is threatened, and with it goes the information economy. Indeed, even regular blackouts could have major economic impacts, as the August 2003 outage in the United States showed. Likewise our agricultural systems face collapse from the same dilemma. The problem of depletion is made much worse of course by the vested interest in the oil society not to seek alternatives with the same level of anxiety that one would approach a war. Even from an optimistic viewpoint, oil reserves will decline and the price of oil will soar. There is no comprehensive alternative in sight, so that even if civilization will not collapse, at least this is a matter of the gravest concern. As we have seen, there is an inertia in liberal democracies that prevents governments dealing with long-term threats. Any government that acted to curb even one use of oil by the voting citizens of a liberal democracy would be thrown out of office. If we are realistic and honest we must conclude that the inertia of liberal democracies will ensure that the problem of oil depletion is not solved before it is too late.⁶ Yet already the oil depletion problem has produced, at least in part, two wars in the Middle East and restrictions of civil liberties through laws such as the U.S.A. Patriot Act. The U.S. desire for oil reserves led the United States to support Saddam Hussein in the Iran/Iraq war and Osama bin Laden in the Afghanistan war against the Soviet Union. The United States then waged two wars in Afghanistan and in Iraq.⁷ The United States presently sends a quarter of all its exported military weapons to Saudi Arabia, a regime that is at least as oppressive as Iraq was and probably will remain so. Some have argued that the United States supports Israel in the Middle East because of the push of an extremely powerful Jewish lobby in the United States and also historically because Israel served as a bulwark against what was thought to be a Sovietization of states such as Egypt, Iraq, Syria, and Yemen. Former Malaysian Prime Minister Mahathir Mohamad in an open letter to the American Muslim community has said: "In Palestine, Israeli gunship and tanks razed villages and towns to the ground, killing innocent men, women and children." Some have argued that the U.S. support of Israeli human rights violations is one of the key issues that have made the United States a target for Islamic terrorists. Israelis argue in reply that Palestinians violate Israeli human rights through suicide bombings and terrorism and that Israelis have a right to self-defence.⁹ According to former Secretary of Defense Donald Rumsfeld, because of the 9/11 attacks the United States had embarked on a "thirty to forty year war against fundamentalist Islam."¹⁰ The CIA predicts that terrorists are likely to explode a nuclear bomb on a major U.S. city such as New York in the next 20 years. New York is thought to be the target because of its high Jewish population. Osama bin Laden in his first tape released after 9/11 stated that one of the reasons for the attacks was to punish the United States for its support of what he saw to be Israel's oppression of the Palestine people, while others see this as mere rhetoric.¹ As we stated in our last chapter a major terrorist attack on a U.S. city using a weapon of mass destruction would likely lead to martial law. Already under the U.S.A. Patriot Act a person can be arrested without probable cause and detained indefinitely without being charged. Imagine then the measures that would be put in place to save the system when the power elites are really under threat. Therefore it is reasonable to suppose that liberal democratic structures will be abandoned by the existing states in an attempt to deal with the crisis of their civilization. More authoritarian structures than exist at present will arise. This, we contend, is the most reasonable inference to make from the facts discussed in this book. We predict that these authoritarian structures will be put into place to preserve the decaying status quo, rather than to begin to forge a new

system of governance. It would constitute a radical historical discontinuity if this was not so, for throughout human history when those in power are under threat, they have always held on until the bitter end. Then, they are usually replaced by force.

Individualism

Democracy fails to combat climate change because of individualism—an entirely new political system is needed

Blühdorn, PhD, 2011

(Ingolfur, June 12, “Ingolfur Blühdorn: The Sustainability Of Democracy”

<http://www.thenewsintegrity.com/2011/07/12/ingolfur-bluhdorn-the-sustainability-of-democracy/>)

Yet, for all their undeniable achievements, techno-managerial policy approaches have so far been unable to bring about anything like the profound structural transformations that are required if internationalised consumer society is ever to become sustainable. After the fiasco of international climate politics in Copenhagen, after international investment banks were declared too big to fail, and after the oil disaster in the Gulf of Mexico, it is clear how unambiguously priorities are set. There is little evidence that this will change in any substantial way in the foreseeable future. True to the tradition of the emancipatory social movements, critics of established approaches have been calling for a bottom-up renewal of climate and environmental policy. Claus Leggewie and Harald Welzer, for example, posit that “Only when [...] members of the political community are spoken to as active architects of their society, can changes in lifestyle and options for action be realized.”[7] The remodelling of industrial society “will only function”, they suggest “if it is posed as a project with which members of society identify. [...] Then it will become a generator of identity rather than a problem of implementation “. The dysfunctional politics of the elites can be corrected only through “‘more democracy’, in other words innovative forms of direct participation.” Similarly, Clive Hamilton asserts that “the climate crisis is upon us because democracy has been corrupted”.[8]The “passivity of the public”, he believes, has bred a political class “who stand for little other than self-advancement”.[9] Accordingly, he sees “reclaiming democracy for the citizenry” as the only way to mitigate the effects of climate change and to “ensure that the wealthy and powerful cannot protect their own interests at the expense of the rest”. In a manner truly reminiscent of political ecology at the time of the nuclear arms race he urges: “We must democratise survivability”[10] and adopt “a new radicalism [...] that refuses to be drawn into short-term electoral trade-offs and aims to shift the ground of politics itself”.[11]And in the same vein, Daniel Hausknost insists: “Given the state’s inability to initiate radical change, it is down to civil society to mobilise political and social imagination and make genuine alternatives to the current trajectory conceivable and tangible”.[12] For him, too, “the refusal to participate in ecologicalgovernance-processes”, would be a first decisive step towards “de-legitimizing the liberal state’s politics of simulation” (ibid.) and making authentic progress towards sustainability. Undoubtedly, the radical criticism of de-politicization and expert rule implied in these statements is perfectly justified. The rule of experts is, and has always been, the rule of vested interests, and no structural change to the established order of unsustainability is ever to be expected from those who confine themselves to stimulating ever new cycles of techno-managerial innovation, economic growth and mass consumption. There is also every reason to be concerned about the global elites’ determination to buy their way out of the crisis and

maintain their lifestyles of unsustainability, whatever the costs for the vulnerable and excluded. And thirdly, the demand for a new radicalism that re-opens a debate on the very principles of liberal consumer capitalism is also fully justified: rising to the challenge of the climate and sustainability crisis does indeed necessitate “thinking about a third industrial revolution in less instrumental terms than the first and the second. Climate change means cultural change – and hence a change in political culture.”[13]

Democracy fails – freedom makes people pursue person goals with no regard for the environment

Daniel 12 (Charles Daniel is a University of Leeds Political Science graduate. “To what extent is democracy detrimental to the current and future aims of environmental policy and technologies?” *Journal of Politics and International Studies*. May 2012. Vol. 7. <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>)

The paper is concerned with the fact that democracy, widely recognised as the most ideal form of politics, is detrimental to the current and future aims of environmental technology and policies. It will be argued that the principles behind democracy, in particular the all importance of freedom for the people, whilst providing a suitable platform for other areas of policy, is one of the main reasons why governments are not responding to the very present dangers of environmental degradation. The paper will use America’s environmental failures as a key example. It will then be argued that ‘eco-authoritarianism’, despite the negative connotations associated with this mode of government, could potentially be the ideal system to ensure that appropriate environmental targets and necessary investment is approached with an affirmative and robust policy direction. The paper will point to China and suggest that, despite currently having an appalling environmental record, this country has the political potential to seize the initiative and re-focus its long-term environmental goals. The paper will then take into account the shortcomings of both systems and suggest that, theoretically, the best way to approach questions surrounding the environment is through strengthening systems of global governance as well as accepting the reality that, in order to attain environmental goals, we must accept limitations on our liberties.

Rights

Democracy takes too much time to implement action- too much debate because too many people have rights

Daniel 12 (Charles Daniel is a University of Leeds Political Science graduate. "To what extent is democracy detrimental to the current and future aims of environmental policy and technologies?" *Journal of Politics and International Studies*. May 2012. Vol. 7. <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>)

Deliberative democracy's chief premise, therefore, is a commitment to a positive view of human nature where individuals have a desire to be included in the process of ecological decisions. It also attaches high expectations to the cognitive capacity and moral potential of the participant to not only put forward rational and informed views surrounding environmental policy but also to engage in the process of arriving at a collective decision even if the outcome may go against the interests of the natural world. Such a positive view of human nature is always in danger of being open to a level of criticism. Deliberative democracy is marred by its utopian aims and lack of empirical evidence to suggest that involving public reason will have a positive effect on environmental goals. The aim of the 'naturalisation of green policies' into social consciousness is one that would take a vast amount of time, a factor that Tim Flannery (2010) and Lovelock (2006) rightly proclaim, we don't have. This positive outlook is equally at odds with waves of political apathy that riddle even the highest levels of political decision-making, let alone one that is perceived by the general public as not an immediate concern to their well-being. Eckersley responds to this criticism by suggesting that the only way to avoid such a problem is to constitutionally entrench eco-centric attitudes so that the natural world's 'rights' become similar to those of the individual (1992), forcing the issue to become part of everyday governing. However the moral and political implications of perceiving the natural world as akin to human life, whilst probably being highly popular with environmentalists and 'Gaia' believers, would be difficult to implement as questions would arise as to who has the legitimate voice to speak 'on behalf of Mother Nature' (Lovbrand & Khan 2010). Deliberative democracy also suggests that every member of the public should have a right to participate, regardless of his or her economic conditioning or class. As environmental concerns transcend national boundaries and are recognised as 'global issues', only decisions reached after all 6.8 billion participants had exercised their democratic right to engage in free and unconstrained deliberation could claim to be legitimate. This would of course be wholly unpractical and result in the stagnation of environmental decisions, where constant deliberation would take precedent over necessary action and investment.

Liberalism

The failures of liberalism mean that the affs solutions will fail

William Ophuls (political Science at Northwestern Requiem for Modern politics) 1997

Thus harsh and sweeping assessment of our predicament which will be elaborated and supported in the main body of the book, is intended to promote not despair but simply a realistic understanding of the political challenge confronting humanity on the threshold of the twenty-first century. Indeed it is only by exposing the intrinsically self-destructive nature of modern politics that we can reveal the only real solution to our multitude of problems – which is to change the way of thinking that caused them. Unfortunately when most people call for solutions a different way of thinking is usually the last thing they have in mind. What they want instead is something that will not challenge their assumptions, shock their sensibilities, or violate the conventional wisdom. Much of what follows is therefore designed to make it absolutely clear that no such solution exists – that trying to solve our problems in terms of the basic principles of liberal polity is a lost cause because it is these principles that have created the problem in the first place. In this way, the necessity for a new vision of politics that directly addresses the egotism and destructiveness of the modern way of life will follow as a matter of course. In that sense, not just the Conclusions, wherein I briefly sketch the essential spirit of the new vision, but the work as a whole is the “solution” to the problems it describes: it tries to exemplify a different way of thinking.

Economics

Reliance on purely economic solutions to enviro degradation fails

Lack, 2011 - MA in Environmental Politics, Phd in politics

(Martin, September 27, Lack of Environment, "Can modernisation be 'ecological'? - Part 3?
<https://lackofenvironment.wordpress.com/category/william-ophuls/>)

It has been demonstrated that dematerialisation alone cannot deal with the problem of resource depletion unless the increase in unit efficiency is greater than the increase in scale of production (i.e. something that cannot be sustainable indefinitely). Furthermore, whereas it may be possible to partially decouple environmental degradation from economic growth, pursuit of this as a sole objective is a dangerous strategy. This is because to do so is to remain ambivalent about the existence and significance of limits to growth; indeed it is to deny that growth itself may be the problem. In the final analysis, the only thing that will be sustainable is progression towards the steady-state economy proposed by Daly and others; combined with qualitative development instead of quantitative growth. Therefore, the only form of modernisation that could be ecological is one that places the intrinsic value of vital resources such as clean air and clean water – and the inherent value of a beautiful landscape – well above the instrumental value of money or precious metals.

Soft Power Core

Uniqueness

Soft Power High – Culture

US is still a soft power leader – unmatched cultural and value influence

Nye and Bremmer, 15 (OG Joseph S. Nye, Distinguished Service Professor, Harvard Kennedy School of Government at the Council on Foreign Relations, as well as a total badass, interview with Peter Zeihan and Ian Bremmer, 3-4-2015, "Charting the Next American Century", CFR, <http://www.cfr.org/united-states/charting-next-american-century/p36194#ER>, DA: 7-8-2015)

BREMMER: This kind of leads in to one big question, which we haven't talked about, and frequently doesn't get in to these conversations, which is where's the role for American values, and is there one. How much is that in this emerging world order getting undermined, in your view, and what should we think about from the American perspective in how important or not, some of the critical values that have built the American century will be going forward? NYE: This is what I think is crucial, which is the United States has a soft power through its values. Not by ramming them down other countries throats, not by invading Iraq, and trying to turn them in to a democracy, but by attracting others. And if you ask what other society in the world today has an ability to attract people, it's hard to see anybody competing with the United States. Why is it that there are 270,000 Chinese students in the United States? Why did Xi Jinping's daughter go to Harvard and graduate last year? There's still something about our society and values which does attract, and it's not like the 1930s where you had, with Hitler's Germany, a whole ideology trying to attract people to a totally different way of thinking, or Stalin's Communist way of thinking in the Cold War, trying to attract people. That doesn't exist anymore. There are lots of fragmented options like ISIS—and that's a real danger in the Middle East, I'm not denying it—but in the universal set of values, I don't know of anybody, or any country, or entity, that has as much soft power as the United States.

Soft Power High – Laundry List

US is unmatched – economic, cultural, technological, and political dominance

Bev, 12 (Jennie S. Bev, regular columnist to Forbes Indonesia, The Jakarta Post, and Strategic Review, Associate Partner of Fortune PR Indonesia and based in Northern California, 5-23-2012, "The Power of American "Soft Power"", Forbes, <http://www.forbes.com/sites/85broads/2012/05/23/the-power-of-american-soft-power/#ER>, DA: 7-7-2015)

Almost four years since the beginning of the Great Recession, signified by the implosion of the financial industry and the fall of Lehman Brothers in September 2008, the United States is recovering. In fact, some sectors have grown to new heights. Thus, a “declining USA” is no more than a myth. This myth is likely to continue for a while despite the recession officially ending in June 2009 as the high unemployment and on-going foreclosure crisis have cloaked significant economic improvements. In the last four years, declinism and declinists have been spreading paralyzing dystopian analyses. Combine this with Nouriel “Dr. Doom” Roubini’s “the perfect storm” forecast in 2013 and you probably would become even more paralyzed. Daniel Gross’ best-selling book *Better, Stronger, Faster* released in May 2012 is an exception. It is probably one of the first books that presents encouraging facts in this recovery period rather than discouraging views of America’s future. The mammoth has gotten back up, but it is always the memory of one’s fall that lingers in mind. We all remember that one fateful day when we attended the 341(a) bankruptcy hearing to meet creditors and not the thousands of days of financial stability. Just like we all remember vividly the day our loved one was buried six-feet under when he died and not the beautiful decades he shared his life with us. Failure and losing hurt, thus they are recorded for eternity in our long-term memory. It is just how our brain works, thanks to millions of years of evolution. The world was so shocked with the fall of USA, that its gradual rise hasn’t yet created a lasting mental image. Good news, American “soft power” is more powerful than any fiscal policy and political maneuver. Joseph Nye of Harvard University Kennedy School of Government says “soft power” refers to the ability to get through attraction rather than coercion or payments. By “to get” it means to receive favorable treatments based upon attractiveness of a country’s culture, ideals, and policies. For instance, inspired by TV series about medical doctors, some children in Taiwan aspire to study medicine at an American university. Infatuated by the idea of a fair trial, an Indonesian dissident aspires to become a lawyer. “Soft power” can be hardcore power. And the American brand is still the best out there. Also, thanks to low US dollar value, a record 62 million foreign tourists visited USA in 2011. In 2010, some 1.04 million immigrants applied for permanent residency, following 1.13 million in the previous year, which reflects the world’s insatiable faith in the US brand. The people of the world still believe that the USA is the place to visit, to reside, and to prosper. US brands, such as automobile giants Buick, GM, and Ford, continue to grow outside of the USA. US brands continue to influence socio-political-economic wellbeing of people of the world: Facebook, Twitter, and Youtube are vital in demonstrations and social unrests. US brands continue to serve people’s mobility and communication: Apple, Microsoft, CISCO, Oracle, and Boeing. People of the world is a market of seven-billion, and most of them have occasionally consumed black soda drinks called Coca-Cola and Pepsi.

Soft Power High – A2 China

US comparatively higher – most recent studies in key regions

Chiu 13

{Joanna, Foreign affairs correspondent, "US Beats China in Soft Power Stakes," South China Morning Post, 7/19, <http://www.scmp.com/news/china/article/1285275/africa-and-latin-america-admire-chinese-majority-dont-welcome-their#THUR>}

China has worked to strengthen its economic presence in Sub-Saharan Africa and Latin America during the past decade, but while the majority of people in both regions appreciate the influx of Chinese science and technology, most are not impressed with the spread of Chinese ideas and customs. Meanwhile, America enjoys a soft power advantage over China among Latin Americans and Africans. The appeal of US soft power is generally stronger today than it was during the final years of the Bush administration. These are the findings of the largest-scale global survey of views on China conducted by the Pew Research Centre's Global Attitudes Project. Pew focused its questions on Chinese "soft power" in six sub-Saharan African nations and seven Latin American nations from March 2 to May 1, this year, as China is now one of the largest trading partners in many African and Latin American countries. Three-quarters of respondents in Africa and Latin America admire Chinese scientific and technological advances. However, in only three of the 13 countries surveyed in Africa and Latin America do more than half think it is good that Chinese ideas and customs are spreading in their country. Andrew Small, an analyst at the German Marshall Fund of the United States, said: "China's soft power has often been oversold and the survey demonstrates that while China is widely seen as an economic partner across the developing world, this does not translate into the spread of Chinese ideas, culture, or values. Unlike America or Europe, China is still a relatively unfamiliar and distant power in Africa and Latin America, even if its economic growth and technological prowess is admired. Attitudes to Chinese business practices in Latin America illustrate the mixed economic impact that China has there too, though the real nervousness about growing Chinese power is among its neighbours rather than further afield - where its military reach is still very limited."

Chinese soft power low and swamped by alt causes

Nye 13

{Joseph, Harvard Professor, "What China and Russia Don't Get about Soft Power," FP, April, http://www.foreignpolicy.com/articles/2013/04/29/what_china_and_russia_don_t_get_about_soft_power#THUR}

When Foreign Policy first published my essay "Soft Power" in 1990, who would have expected that someday the term would be used by the likes of Hu Jintao or Vladimir Putin? Yet Hu told the Chinese Communist Party in 2007 that China needed to increase its soft power, and Putin recently urged Russian diplomats to apply soft power more extensively. Neither leader, however, seems to have understood how to accomplish his goals. Power is the ability to affect others to get the outcomes one wants, and that can be accomplished in three main ways -- by coercion, payment, or attraction. If you can add the soft power of attraction to your toolkit, you can economize on carrots and sticks. For a rising power like China whose growing economic and military might frightens its neighbors into counter-balancing coalitions, a smart strategy includes

soft power to make China look less frightening and the balancing coalitions less effective. For a declining power like Russia (or Britain before it), a residual soft power helps to cushion the fall. The soft power of a country rests primarily on three resources: its culture (in places where it is attractive to others), its political values (when it lives up to them at home and abroad), and its foreign policies (when they are seen as legitimate and having moral authority). But combining these resources is not always easy. Establishing, say, a Confucius Institute in Manila to teach Chinese culture might help produce soft power, but it is less likely to do so in a context where China has just bullied the Philippines over possession of Scarborough Reef. Similarly, Putin has told his diplomats that "the priority has been shifting to the literate use of soft power, strengthening positions of the Russian language," but as Russian scholar Sergei Karaganov noted in the aftermath of the dispute with Georgia, Russia has to use "hard power, including military force, because it lives in a much more dangerous world ... and because it has little soft power -- that is, social, cultural, political and economic attractiveness." Much of America's soft power is produced by civil society -- everything from universities and foundations to Hollywood and pop culture -- not from the government. Sometimes the United States is able to preserve a degree of soft power because of its critical and uncensored civil society even when government actions -- like the invasion of Iraq -- are otherwise undermining it. But in a smart power strategy, hard and soft reinforce each other. In his new book, *China Goes Global*, George Washington University's David Shambaugh shows how China has spent billions of dollars on a charm offensive to increase its soft power. Chinese aid programs to Africa and Latin America are not limited by the institutional or human rights concerns that constrain Western aid. The Chinese style emphasizes high-profile gestures. But for all its efforts, China has earned a limited return on its investment. Polls show that opinions of China's influence are positive in much of Africa and Latin America, but predominantly negative in the United States, Europe, as well as India, Japan and South Korea.

China soft power will not overtake US soft power in the long run

Nye 14 (Joseph Nye is a professor at Harvard and author of 'Is the American Century Over?', 3-25-2015, "The American century will survive the rise of China," Financial Times, <http://www.ft.com/cms/s/0/48c84460-d250-11e4-ae91-00144feab7de.html>)

Any effort at assessing American power in the coming decades should take into account how many earlier efforts have been wide of the mark. It is chastening to remember how wildly exaggerated US estimates of Soviet power in the 1970s and of Japanese power in the 1980s were. Today some see the Chinese as 10ft tall and proclaim this "the Chinese century". China's size and relatively rapid economic growth will bring it closer to the US in terms of its power resources in the next few decades. But this does not necessarily mean it will surpass the US in military, economic and soft power. Even if China suffers no big domestic political setback, many projections are simple linear extrapolations of growth rates that are likely to slow in the future. Moreover, economic projections are one dimensional. They ignore US military and soft power advantages, such as the desire of students around the world to attend US universities. They also overlook China's geopolitical dis-advantages in the Asian balance of power, compared with America's relations with Europe, Japan and India, which are likely to remain more favourable. It is not impossible that a challenger such as China, Europe, Russia, India or Brazil will surpass the US in the first half of this century but it is but not likely.

Soft Power High – A2 Culture/Values

American values/culture retain power despite hypocrisy – empirics prove it's effective – and hey, at least we're not China

Nye and Bremmer, 15 (Joseph S. Nye, Distinguished Service Professor, Harvard Kennedy School of Government, Council on Foreign Relations, total badass, interview with Peter Zeihan and Ian Bremmer, 3-4-2015, "Charting the Next American Century", CFR, <http://www.cfr.org/united-states/charting-next-american-century/p36194#ER>, DA: 7-8-2015)

(UNKNOWN): Dick Gerwin. I'm concerned about the use of the term "American Values." I think it goes to those folks at NSA who are excellent, who work for the country. I think it goes to the dysfunctional Congress, and its dysfunctional executive imposed by the dysfunctional Congress. I think it goes to the question of our military exercises, activities over the last several decades. I think it goes to the lack of universal health care. It's pretty hard to see how this country's going to support what I regard as, "American Values" from the 18th century, and even more recently from the Marshall Plan, and how it's going to attract others in the world. BREMMER: To hone that question, maybe, let's say... no, no, seriously. To what extent is the perception of hypocrisy of the United States on core values, whether it be a democratic election, or whether it be a free market or whether it be the support of human rights, or all the things that you just implied. To what extent does it make it much less plausible and feasible that the United States has the ability to use that piece of soft power effectively internationally? NYE: Well I think that's true, but it's not new. And if you look at—let's go back, take South Korea, which is today a vibrant and functioning democracy. If we took South Korea in the mid 1970s it was a pretty nasty dictatorship, and we were thoroughly embed with the Park regime. And so, at the point, there was enormous accusations of hypocrisy, properly, and hypocrisy undercuts your soft power. It's a great solvent of soft power. It's absolutely true, but it's not new. I mean, you could think of lots of cases, look at Chile. Look at Chile in the 1970s at what we did there. You could think of many cases where our, where what we proclaim in terms of speeches that presidents give on fourth of July, and what we've done, don't fit. There is hypocrisy. When I answered the question, and when you deal with values, you're talking about levels of abstraction and so forth, so I don't disagree with some of the concerns that Dick just raised, but when I answered the question earlier about values, it's still largely true that the United States is associated with certain values related to freedom and democracy and we don't practice them as well as we should, but if you ask people, "Would you rather have an American world, or a Chinese world?" in terms of a dominant power which is illustrating or imposing values, I think that more would probably prefer an American value. I think if you ask, "How did Korea turn out the way it did?"—it had a lot to do with, not the policies of the day, but the long run impact of our values. Now there's—over time, there were some policy changes at the edge. We did help to save Kim Dae-jung (ph) and we intervened to save him and so forth. So there are some particular cases, but more to the point is all those young Koreans who were educated in American universities and went back actually believed some of the stuff they learned. And if they'd been educated in Beijing, or Moscow, I think they would have gone back with different ideas.

Soft Power High – A2 Ferguson

Doesn't kill soft power – backlash is temporary and short-lived – and countries would hammer us anyways

Gray, 14 (Steven Gray, 8-20-2014, "Ferguson, whataboutism and American soft power", Washington Post, <http://www.washingtonpost.com/posteverything/wp/2014/08/20/ferguson-whataboutism-and-american-soft-power/#ER>, DA: 7-8-2015)

Two days ago Roger Cohen wrote the following in the New York Times: The magnetism of Silicon Valley may suggest that the United States, a young nation still, is Rome at the height of its power. American soft power is alive and well. America's capacity for reinvention, its looming self-sufficiency in energy, its good demographics and, not least, its hold on the world's imagination, all suggest vigor. Cohen goes on to fret about the waning of U.S. geopolitical power, but let's stay on the soft power side of things. The events in Ferguson, Mo., have given rise to a new wave of "whataboutism," a term coined by the Economist to describe Russia's tendency to respond to criticisms of its policies with tu quoque replies of "what about Iraq?" or "what about race relations in America?" Events in Ferguson have caused whataboutism to go global. As Robin Wright notes in the Wall Street Journal a whole bunch o' authoritarian states have seized on Ferguson to criticize the United States: The U.S. investment of billions of American dollars to promote democratic values around the world has been undermined by the racial unrest in Ferguson. "US can't tell other countries to improve their records on policing and peaceful assembly if it won't clear up its own human rights record," Amnesty International tweeted this week. Several countries that have faced severe criticism in the State Department's annual Human Rights Report are now boldly engaging in a kind of diplomatic touché-to-you in their condemnation of the U.S. Some may be expected from autocratic regimes. But the crisis in Ferguson undermines the moral high-ground that the U.S. has long claimed. Robert Mackey provides even more detail in the New York Times: While the unrest has also shocked American observers and foreign correspondents from other Western democracies — including British and German reporters who have been struck by the "sounds of battle" and endured arrest — some of the most strident criticism of the police violence in Ferguson has come from authoritarian nations where the police are often venerated and dissent is scarcely tolerated. Coverage that echoes the broadcasts from Moscow has also appeared on Iran's state-run Press TV, in reports about the use of force "to suppress protests in Ferguson," that also make no mention of how demonstrations are dispersed in Iran.... Not to be outdone, a spokesman for Egypt's foreign ministry, Badr Abdel-Atti, told the official news agency MENA on Tuesday that his country was "closely following" the protests in Ferguson. According to the state-owned Ahram Online, Egypt "called on U.S. authorities to exercise restraint and deal with the protests in accordance with U.S. and international standards." The statement came just days after the first anniversary of the massacre of hundreds of peaceful protesters by the same military-backed government. So how big if a deal is this for American foreign policy and the promotion of American democratic values? Is Ferguson yet another blow to America's waning hypocritical power? There are some reasons for real concern. It was The New Republic's indispensable Julia Ioffe who first observed the application of whataboutism to Ferguson — and she found it very sobering: Watching the riots in Ferguson, Missouri, it's hard not to wince... at our foolish idea of our country. Russian police arrested journalists at protests, not American cops. And, even if the chances are higher

that heads will roll here for something like this than in Russia, it's hard not to notice one thing: Even at the height of the race riots in Moscow, at the height of the crackdown on the opposition, even the Russian police did not use rubber bullets. And, like it or not, this is what the world is seeing, the world to which we strive to be an example. Another issue is that that Amnesty International has "sent delegates to support and observe a community in the middle of a crisis" in the United States for the first time. Given that the Ferguson PD has conducted itself in a manner that makes the Hazzard County police look like comparative beacons of professionalism, I fear that both Amnesty and the global media will continue to have plenty of fodder for further reporting. But there are three important caveats to this. The first is that this kind of tu quoque doesn't necessarily last all that long when it comes to foreign affairs. If I had told you a decade ago that the United States would be conducting airstrikes in Iraq with the approval of just about every NATO and Middle East ally, and that Germany was considering supplying arms to the Kurds in Iraq, you would have laughed pretty hard. As I have argued elsewhere, even gigantic policy clusterf**** don't dent American influence all that much. The second is that the basic feature of whataboutism is that even if Ferguson hadn't gone global — which it has — authoritarian leaders would have seized on some other flaw in the United States to hype. I mean, when Foreign Affairs produces this cover, it's easy to remember that Ferguson is just the latest blemish on a country that has plenty of political blemishes: The final and most important point is that, as bad as things have been in Ferguson over the past week, they can get better. Indeed, they were getting better at the end of last week until the Ferguson PD played the "How Can We Release Information In The Most Inflammatory Manner Possible?" game. The comparative advantage of countries that have democracy and the rule of law is their resiliency to negative political shocks like what happened in Ferguson. If the legal system does its job and adjudicates exactly what happened to Michael Brown, if the political system nudges some alterations of police tactics, and if civil society groups manage to filter out anarchists from peaceful protestors, then the political narrative will look much better six months from now.

Soft Power Low – Torture

CIA torture undercuts US credibility

Lord, 14 (Kristin Lord, President and CEO of IREX, a global education and development NGO, 12-23-2014, "Soft Power Outage", Foreign Policy, <http://foreignpolicy.com/2014/12/23/soft-power-outage/#ER>, DA: 7-7-2015)

The release of a long-awaited report by the U.S. Senate Select Committee on Intelligence on the CIA's secret detention and interrogation program dealt yet another blow to the United States' moral authority and its credibility as a defender of human rights around the globe. It also begs the question: How much damage must the United States suffer before it learns to take soft power more seriously and, finally, learn to use it more proactively? To understand the immediate damage done to U.S. influence, look no further than the commentary surrounding the report's release. According to the Washington Post, the state-run Chinese news service Xinhua editorialized that "America is neither a suitable role model nor a qualified judge on human rights issues in other countries," while a pro-government television commentator in Egypt observed, "The United States cannot demand human rights reports from other countries since this [document] proves they know nothing about human rights." The Islamic State and other extremists joined the propaganda gold rush. One tweet, quoted in a report from the SITE Intelligence Group, pointed to the audacity of the United States lecturing Muslims about brutality, adding, "Getting beheaded is 100 times more humane, more dignified than what these filthy scumbags do to Muslims." Such reactions are galling and they do real harm to U.S. credibility. But the fault lies not with those who released the report, as some critics argue, but with those who permitted and perpetrated acts of torture, those who lied about it to America's elected representatives, and those who willfully kept the president and senior members of the Bush administration in the dark. Their actions undermined not only American values, but also American influence and national security interests. In the words of a former prisoner of war, Sen. John McCain (R-Ariz.), the actions laid out in the Senate report "stained our national honor" and "did much harm and little practical good."

Soft Power Low – Values

Lack of value influence undermines US influence

Lagon, 11 (Mark P. Lagon, International Relations and Security Chair at Georgetown University's Master of Science in Foreign Service Program and adjunct senior fellow at the Council on Foreign Relations. He is the former US Ambassador-at-Large to Combat Trafficking in Persons at the US Department of State, Sept/Oct 2011, "The Value of Values: Soft Power Under Obama", World Affairs Journal, <http://www.worldaffairsjournal.org/article/value-values-soft-power-under-obama#ER>, DA: 7-7-2015)

One irony of the Obama presidency is how much it relies on hard power. The president came into office proposing a dramatic shift from George W. Bush's perceived unilateralism, and most of his predecessor's hard-edged counterterrorism tactics and massive deployments in wars abroad. Yet after three years, Obama has escalated forces in Afghanistan, embraced the widespread use of unmanned drones to kill terrorists at the risk of civilian casualties, kept Guantánamo open, and killed Osama bin Laden in Pakistan in a thoroughly unilateral fashion. What he hasn't accomplished to any great degree is what most observers assumed would be the hallmark of his approach to foreign affairs—a full assertion of the soft power that makes hard power more effective. His 2008 campaign centered on a critique of President Bush's overreliance on hard power. Obama suggested he would rehabilitate the damaged image of America created by these excesses and show that the United States was not a cowboy nation. Upon taking office, he made fresh-start statements, such as his June 2009 remarks in Cairo, and embraced political means like dialogue, respectful multilateralism, and the use of new media, suggesting that he felt the soft power to change minds, build legitimacy, and advance interests was the key element missing from the recent US approach to the world—and that he would quickly remedy that defect. Yet President Obama's conception of soft power has curiously lacked the very quality that has made it most efficacious in the past—the values dimension. This may seem odd for a leader who is seen worldwide as an icon of morality, known for the motto "the audacity of hope" and his deployment of soaring rhetoric. Yet his governance has virtually ignored the values dimension of soft power, which goes beyond the tradecraft of diplomacy and multilateral consultation to aggressively assert the ideals of freedom in practical initiatives. The excision of this values dimension renders soft power a hollow concept. The Obama presidency has regularly avoided asserting meaningful soft power, particularly in its relations with three countries—Iran, Russia, and Egypt—where it might have made a difference not only for those countries but for American interests as well. His reaction to the challenges these countries have posed to the US suggest that it is not soft power itself that Obama doubts, but America's moral standing to project it.

Soft Power Low – Foreign Policy

So Po Low – incoherent Obama foreign policy (Ukraine, SCS, Syria, Iran, Israel, Climate change), low econ, simultaneous hard power decline

Robbins 5/29

{James S, syndicated foreign affairs columnist, Senior Fellow in National Security Affairs at the American Foreign Policy Council, former special assistant in the Office of the Secretary of Defense, Ph.D. Fletcher School of Law and Diplomacy, Professor at National Defense University and Marine Corps University, "Obama's West Point Speech Exposes his Foreign-Policy Failures," Washington Examiner, 2014, <http://washingtonexaminer.com/obamas-west-point-speech-exposes-his-foreign-policy-failures/article/2549082#THUR>}

President Obama promised a powerful speech on national-security policy on Wednesday to the graduates of the United States Military Academy. Instead, the chief executive reinforced the notion that in an increasingly dangerous world, he is in over his head. Obama's principal argument was that U.S. national security must not be based solely on military power, and that America cannot go it alone in the world. But this was no grand revelation; every recent president has believed the same thing. Even George W. Bush, falsely criticized for unilateralism, assembled a larger international coalition than any Obama has put together. Sign Up for the Politics Today newsletter! At West Point this week, the president claimed he was responding to unnamed "critics who think military intervention is the only way for America to avoid looking weak." However, our real challenge is not the appearance of weakness, but the reality of fading U.S. global power and leadership. Obama said that "by most measures, America has rarely been stronger relative to the rest of the world." But what measures did he have in mind? The U.S. share of global gross domestic product is declining, as is America's share of global defense spending. The Army is cutting troops and the Navy sheds ships. Obama is unilaterally dismantling America's nuclear arsenal as other nuclear powers modernize. The intelligence community suffered the worst counterintelligence failure in history, thanks to Edward Snowden. Adversary states no longer fear the United States, and friendly states no longer trust us. And, while 15 years ago, the U.S. confidently projected an era of space dominance, we are now reduced to begging Moscow for rockets. America's adversaries understand the nature of this decline far better than the president. When "masked men occupy a building in Ukraine," Obama intoned, "it is America that the world looks to for help." But why did these Russian-backed thugs think they could get away with it in the first place? And can the people of occupied Crimea still expect Obama to come to their rescue with more than a hashtag? The president also mentioned China's aggressive moves in the South China Sea, but rather than chastising Beijing he chose to blame Congress for not acting faster on the Law of the Sea Convention. He maintains with "every fiber of [his] being" that America is an exceptional nation, but only to the extent that the U.S. conforms to the norms imposed by other countries. Obama wants the United States to focus more on soft power, but his diplomatic efforts leave much to be desired. He claimed success in ongoing negotiations regarding the Iranian nuclear program, even as Iran's supreme leader, Ayatollah Ali Khamenei, said that those who support continuing the negotiations are traitors and jihad will continue until the U.S. is destroyed. He said the United States would

increase support for rebels in Syria but skipped over the chemical weapons “red line” debacle that ruined his credibility. In his speech, Obama didn't even bother to mention the Israeli-Palestinian train wreck that has humbled both his secretaries of State. The president brought up his pet cause of global climate change, another issue on which he has failed to build international consensus. And he reiterated his intention to close the detainee facility at Guantanamo Bay, which he promised to do his first day in office. At this rate, Gitmo will close when the remaining detainees die of old age. Ironically, Obama can point to more success through using force rather than diplomacy. His most noteworthy achievements - killing Osama bin Laden and dismantling the core al Qaeda network through drone strikes - were kinetic and mostly unilateral. Few would argue that, as American global military clout declines, it makes sense to shift emphasis to other elements of national power. But Obama has yet to demonstrate that he is capable of managing a complex, multifaceted global strategy. He has no strong track record of success even by his own metrics. Maybe he should stick to drones.

Saudi Soft Power High

Saudi Arabia has tons of soft power – oil, cultural influence, and regional partnerships

Gallarotti and Al-Filali, 12 (Giulio Gallarotti, Professor of Government and Tutor in the College of Social Studies at Wesleyan University, AND Isam Yahia Al-Filali, General Director of Alryadah, a Jeddah-based consultation firm, specializing in strategic planning and different aspects of knowledge economics, "Saudi Arabia's Soft Power", *International Studies* 49(3&4) 233–261, <http://isq.sagepub.com/content/49/3-4/233.abstract#ER>, DA: 7/8/2015)

When people are asked the question what is the source of Saudi Arabia's power, who would cite factors other than oil? This equation of Saudi power exclusively with its oil wealth is mistaken. Historically, a principal and the most consistent source of Saudi power at the domestic, regional and global levels has not been revenues from oil, but the cultural power that inheres in a Kingdom that is both the capital of the Muslim and Arab worlds. This soft power accounts for as much, if not more, of Saudi influence than even oil itself. To a large extent, this power explains why Saudi Arabia has remained stout in the face of the shock waves of the Arab Spring. This soft power also accounts for much of the leverage that the Kingdom enjoys in its region and the world at large. Ultimately, of course, Saudi Arabian power is grounded in both the hard power of its oil wealth and the soft power of its cultural importance. Hence, the Kingdom is endowed with extensive smart or cosmopolitan power (that is, the synthesis of soft and hard power). Events in the Middle East and North Africa have confronted Saudi Arabia with some of its greatest challenges as a nation due to its strong ties with the countries in the region and the Saudi's special eminence among the people of those countries. The political landscape has been transformed by popular movements calling for freedom, social justice and economic opportunities. The serious economic and political turbulence that confronts the region does not promise to abate anytime soon because of relentless resistance from the old regimes and the fledgling nature of the new political orders that continue to establish themselves. Saudi Arabia, given its special place among these nations, is at the centre of this regional transformation. In the greater sphere of global relations, Saudi Arabia faces a critical and uncertain future with the limitations of an oil economy, the US re-engaging from Iraq, and the controversy over a nuclear Iran. On the domestic front, Saudi Arabia too has to continue to modernize and prosper in the face of myriad political, economic and social challenges. Never has the need for a resolute continuation of the use of its hard and soft power been more pronounced in order for Saudi Arabia to effectively confront its domestic and international challenges. But while much has been said about its hard power, far too little attention has been paid to the role of Saudi soft power. This article is an attempt to analytically balance the power ledger. It assesses the modern day international, regional and domestic challenges facing Saudi Arabia and analyzes how the nation's soft power can be employed to effectively deal with those challenges. Section I identifies the general theoretical foundations of soft power. Section II takes an inventory of Saudi Arabia's principal sources of international and domestic soft power. Section III analyzes the potential of this soft power as a means of confronting the Kingdom's most pressing challenges and problems. Section IV offers brief concluding remarks.

China Soft Power High / US Soft Power Low

Chinese soft power high and rising RELATIVE to the US – all metrics and ability to spin events

Leitch 14

{Simon, Lecturer in IR specializing in East Asian politics and Chinese cultural influence (Griffith University), Ph.D. in IR, "China's Growing Influence: The Role of its Soft Power," Alochonaa, 2/3, <http://alochonaa.com/2014/02/03/chinas-growing-influence-the-role-of-its-soft-power/#THUR>}

The rise of China has become one of the most discussed features of international politics in the 21st century, and policymakers and media pundits around the world are involved in an unending debate about the near-term and long-term significance of China's return to great power status. Analysts are captivated by China's growing military potential, its cyber-weapons, its space program, its assertive nationalism and its growing economic leverage over its neighbors and trading partners. These are all interesting issues to be sure, but an underrated element of China's rise has been its rising "soft power" assets. For most academics to have soft power means having the ability to persuade others to want what you want, or to attract them to your cause through the strength of your argument or legitimacy of your actions. Of course, bribes and threats are a form of power often used in international politics (and often used by China) but threats and bribes are sometimes clumsy weapons to use. By crafting and advertising policies in such a way as they appear legitimate to outsiders, and by cultivating a positive national image, a state can operate with fewer barriers, less resistance and less resentment. Chinese soft power has grown rapidly in recent years. Thirty years ago China's only friends in the West were those seeking to use China as a counterweight to Soviet ambitions in Asia, or those members of the radical left who were duped into believing that communism was liberation. Today the story is different. Global public opinion surveys continue to show that China is perceived fairly favorably by large swathes of the world's populace, from the Asia-Pacific to Africa and Europe. China has garnered cooperation from a diverse group of states in areas such as trade, tourism, education and infrastructure development, and Chinese statesmen are sure to be given a warm welcome in almost any foreign capital. These developments are both causes and effects of Chinese soft power. Beijing has been working on enhancing its soft power for many years and is equipped with increasingly well-oiled soft power machinery. By opening China to tourism, foreign students and journalists whilst at the same time restricting foreign access to "approved" places the PRC has been able to present its best face to the world. With a tightly controlled state media and highly disciplined and knowledgeable spokespersons, the information flow out of China is carefully monitored, filtered and disseminated with the aim of projecting a positive image of China and the ruling regime. Foreign journalists and academics who propagate negative images of China are denied access for the future, and though such Chinese policies may themselves blur the lines between hard and soft power they do, in the end, contribute enormously to soft power assets by altering how it is permissible to discuss China in international society. Whereas Western politicians and journalists seem perfectly happy to label Kim Jong-un or various Iranian leaders as dictators, the government in Beijing has acquired a measure of legitimacy unheard of for a nominally communist state. The coming of the digital age, marked by greater

computerization and the mass utilization of the internet, has had important consequences for the exercise of soft power. Although Beijing has been adept at digital censorship it is important to note how Beijing has embraced the internet and new media to promote its message. Through translated press releases and dedicated foreign language broadcasts the PRC has challenged negative interpretations of its policies, advertised the positives of China's development, reached out to foreign constituents and argued its position in international disputes. Beijing now employs professional lobbyists in foreign capitals and it has been effective in promoting its self-serving version of history (to both foreign and domestic audiences) in a way few other major states can. China paints itself as a victim of foreign aggression, and has helped perpetuate an influential discourse about China's traditional culture and foreign policy which provide a convenient justification for its lack of democratization and territorial claims alike. As China has grown more powerful and the United States has staggered under the weight of financial and political stagnation, the PRC has begun to offer itself as an alternative model of government for others to emulate, and as an alternative to the United States as a great power partner. China's veto powers in the UN and its growing importance as both market and supplier make it a valuable ally, and it is unsurprising that many states, particularly authoritarian regimes, see a partnership with China as a way of loosening the grip of liberal-democratic powers over the international system. If China wants the United States and its allies to loosen their grip on the international system, so too do many others. By presenting its foreign policy as a quest for sovereignty, non-interference, anti-hegemonism and economic development, whilst at the same time giving legitimacy to corrupt, authoritarian regimes, Beijing has made others realize that they want what Beijing wants.

China's rise huge – trades off with Western soft power – via economic strength and deception over human rights

Debono 13

{James, chief planning reporter for MaltaToday, syndicated foreign affairs columnist, "[ANALYSIS] The Rise of China's Soft Power," MaltaToday, 9/17, <http://www.maltatoday.com.mt/news/national/29948/the-rise-of-china-s-soft-power-20130917#.U5E1xvldXT9#THUR>}

"By buying companies, exploiting natural resources, building infrastructure and giving loans all over the world, China is pursuing a soft but unstoppable form of economic domination." This is the sombre picture painted by Spanish journalists Juan Pablo Cardenal and Heriberto Araujo, authors of *The Silent Chinese Conquest*. They warn that Beijing's unlimited financial resources will enable China to erode the competitive edge of Western firms, kill jobs in Europe and America and blunt criticism of human rights abuses in China. Now Malta is welcoming a state-owned Chinese company to invest a considerable sum of cash in the ailing state utility, Enemalta. Given its €800 million in debt, much of it guaranteed by the government and piling onto its enormous national debt bill, the Maltese business community has welcomed the news with open arms. The Greens claim the company, whose subsidiary is a renewable energy firm, is

looking for a foothold in the EU to undercut the solar panel market. Nationalist leader Simon Busuttil has echoed these concerns and tried to pooh-pooh Labour's embrace of privatisation. But should China's rise from the ashes of Maoist revolution into global domination preoccupy the Maltese? As analysts Kevin Yao and Alan Wheatley point out, while China's flood of keenly priced manufactured goods has hollowed out jobs in advanced and emerging nations alike, this has also helped cap inflation, making an array of consumer goods affordable for tens of millions of people for the first time. One case in point is solar panels, which became more accessible thanks to cheap Chinese labour. But it is this unfair competition which risks eroding workers' rights in Europe, thanks to the low cost alternative from China. Chinese investment has been crucial in offering emerging nations and their cash-starved economies new opportunities for growth, and a greater independence from the United States and European multinationals. To a certain extent, China has changed the rules of the game, but on the other hand the rise of its own middle class offers an opportunity for Western countries to enter the market for luxury and high-tech goods.

Even if we lose Chinese soft power is low, HUGE squo push – That momentum means US decline inevitable

Xinhua 14

{“China to Promote Cultural Soft Power,” Via China Daily, 1/1,
http://www.chinadaily.com.cn/china/2014-01/01/content_17208354.htm#THUR}

BEIJING -- President Xi Jinping has vowed to promote China's cultural soft power by disseminating modern Chinese values and showing the charm of Chinese culture to the world. Efforts are needed to build China's national image, Xi said when delivering a speech at a group study session of members of the Political Bureau of the Communist Party of China Central Committee on Monday. China should be portrayed as a civilized country featuring rich history, ethnic unity and cultural diversity, and as an oriental power with good government, developed economy, cultural prosperity, national unity and beautiful mountains and rivers, Xi said. China should also be marked as a responsible country that advocates peaceful and common development, safeguards international justice, and makes contributions to humanity, and as a socialist country which is open, amicable, promising and vibrant. At the session, Xi called for efforts to promote advanced socialist culture, deepen reform in the cultural system, and enhance people's cultural creativity, moves that he believed will raise China's overall cultural strength and competitiveness. In order to build a solid foundation for the nation's cultural soft power, China needs to deepen the reform in its cultural system, promote socialist core values and push forward the cultural industry. He stressed more publicity for modern Chinese values, or socialist values with Chinese characteristics. The publicity and interpretation of the Chinese Dream should be integrated with such values, Xi noted. The Chinese Dream means the Chinese people's recognition and pursuit of values, the building of China into a well-off society in an all-round way and the great rejuvenation of the Chinese nation, he said. The Chinese Dream also means that every Chinese will realize his own dream in fulfilling the Chinese Dream, the highest

common factor for the unity of the Chinese nation, and the sincere aspirations of the Chinese nation to contribute to the mankind's peace and development, Xi added. To show charm of the Chinese culture to the world, Xi said it was important to accommodate Chinese cultural inheritance with contemporary culture and a modern society. Mass media, groups and individuals should play their roles in displaying the charm to the world, he added. To strengthen China's soft power, the country needs to build its capacity in international communication, construct a communication system, better use the new media and increase the creativity, appeal and credibility of China's publicity, Xi said. "The stories of China should be well told, voices of China well spread, and characteristics of China well explained," the President said.

China Soft Power High – A2 Impossible BC Regime

Democracy and human rights perception irrelevant to Chinese Soft Power

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{Simon, Lecturer in IR specializing in East Asian politics and Chinese cultural influence (Griffith University), Ph.D. in IR, "China's Growing Influence: The Role of its Soft Power," Alochoanaa, 2/3, <http://alochonaa.com/2014/02/03/chinas-growing-influence-the-role-of-its-soft-power/#THUR>}

Most analyses of Chinese soft power believe that China's regime is a liability to its soft power, and insinuate that democracy is a key element of soft power. Similarly, it is often thought that Chinese soft power is undermined by Beijing's relations with dictators and human rights abusers. This is wrongheaded for a number of reasons. First, China's soft power is often directed towards undemocratic regimes or states that have greater concerns than Chinese suffrage, and it has successfully attracted them. Second, China's government appears to have built legitimacy perfectly well to international audiences irrespective of its lack of democracy or high levels of corruption. Which of the following figures was last able to meet President Obama in the Oval Office; the Dalai Lama or the President of the PRC? If that is not extending legitimacy then the concept is too vague to quibble about it further.

China Soft Power Low

Chinese soft power is nonexistent – polling data, influence isn't political, slowing growth, territorial claims, corruption, IPR concerns, social issues – best studies show

Schmitt, 14 (Gary J. Schmitt, co-director of the Marilyn Ware Center for Security Studies at AEI and the director of AEI's Program on American Citizenship, executive director of the President's Foreign Intelligence Advisory Board during President Ronald Reagan's second term, 6-19-2014, "A hard look at soft power in East Asia", AEI, <http://www.aei.org/publication/a-hard-look-at-soft-power-in-east-asia/#ER>, DA: 7-6-2015)

China. China, the other East Asian great power, is no less interested in soft power.[7] In recent years, there has been a virtual explosion of articles in Chinese journals discussing the utility of soft power. For example, in 1994, there were only a handful of pieces written on the topic; in 2008, there were more than 600. Nor was this interest only academic. Chinese President Hu Jintao made a very public pronouncement in 2007 about China's need to enhance its soft-power efforts. China's soft-power campaign has a number of elements to it. Among the most prominent is the establishment of Confucius Institutes on university and secondary-school campuses around the world. The underlying assumption behind the program is that China will become more appealing if more people come to understand the country's culture and can read and speak Chinese. Between 2004 and 2007, a new institute was opening every four days. With more than 300 institutes already, the goal is to have 1,000 operating by the decade's end. Other parts of China's program include having a relatively open door for foreign students to study in China, hosting world fairs and the Olympics, setting up English-speaking China Central Television bureaus around the world, flooding major newspapers with China Daily inserts, and, perhaps most importantly, providing a national development model, the Beijing Consensus, as an alternative to the Washington Consensus, which was put forward by American and European-created entities like the World Bank and International Monetary Fund. "Former Chinese president Hu Jintao made a very public pronouncement in 2007 about China's need to enhance its soft-power efforts." In spite of these efforts, China, too, has seen only marginal improvement in its image globally. Analyzing a variety of polling data over the past decade, American sinologist David Shambaugh concludes that "China's global image remains mixed and the majority of the world is very ambivalent about China's rise." [8] In a Pew Research Center poll released in mid-2013, for instance, China was still clearly seen in a less favorable light than the United States. [9] Only in the Middle East was that not the case. And among the major states of East Asia, the difference in favorability between the United States and China remained substantial. Why the gap between China's efforts at soft power and the results? First, although there is much to admire in Chinese civilization, this does not necessarily mean one is attracted to Chinese government or policies. [10] The fact that one might admire Greece as the birthplace of democracy and philosophy hardly means one would look to the Greek government today as a model of governance. Second, Chinese foreign aid predominantly takes the form of loans or assistance that require the recipient country to use Chinese companies and labor to carry out a specific project. The nations on the receiving end are happy to get the assistance, but they are under no illusions about Chinese intentions. As one Pew polling director noted: "[G]lobal publics believe China also wields its power in a self-interested manner. These views feed the perception

that the People's Republic has yet to become, in the words of former US diplomat and World Bank President Robert Zoellick, a 'responsible stakeholder' in the international system." [11]

Third, both inside and outside of China, there is a sense that China's continued progress depends on significant changes to its existing development model. China's economic growth appears to be slowing as it hits the middle-income trap, and it suffers from substantial problems in the areas of demographics, the environment, and social cohesion and corruption. As a result, optimism that China's leaders had discovered a unique formula for how a nation might rapidly rise, and that they continue to do so without increased liberalization, has waned considerably. Moreover, the attractiveness of "the China market" has diminished as problems with intellectual property rights, rising labor costs, and domestic protectionist measures continue to plague foreign investors. As the World Bank's China 2030 report succinctly notes, "After more than 30 years of rapid growth, China has reached another turning point in its development path when a second strategic, and no less fundamental, shift is called for." [12]

The fact that, according to several reports, a favored reading of senior Politburo members in late 2012 was Alexis de Tocqueville's *L'Ancien Régime et la Révolution*—a book that details the disaster that befell the French government as the population's "rising expectations," among other things, were not met—suggests doubts even among Chinese elite over how sustainable the Chinese model is. [13]

And, finally, China's more assertive behavior toward its neighbors—in the South China and East China Seas and along the Indian-Chinese border—and its continuing military buildup have undercut its "peaceful rise" narrative with countries in the region and with the United States. Former paramount leader Deng Xiaoping's admonition to his countrymen that China should "maintain a low profile" and "hide our capacities and bide our time" has been replaced, it seems, with the China Dream. [14]

Combined with the strategic uncertainties that arise from China's system of closed decision making, Beijing's hard power policies have created a dynamic in which its soft-power efforts have been less effective than they might otherwise have been.

Russia Soft Power Low

Russian soft power low and swamped by alt causes

Nye 13

{Joseph, Harvard Professor, "What China and Russia Don't Get about Soft Power," FP, April, http://www.foreignpolicy.com/articles/2013/04/29/what_china_and_russia_don_t_get_about_soft_power#THUR}

When Foreign Policy first published my essay "Soft Power" in 1990, who would have expected that someday the term would be used by the likes of Hu Jintao or Vladimir Putin? Yet Hu told the Chinese Communist Party in 2007 that China needed to increase its soft power, and Putin recently urged Russian diplomats to apply soft power more extensively. Neither leader, however, seems to have understood how to accomplish his goals. Power is the ability to affect others to get the outcomes one wants, and that can be accomplished in three main ways -- by coercion, payment, or attraction. If you can add the soft power of attraction to your toolkit, you can economize on carrots and sticks. For a rising power like China whose growing economic and military might frightens its neighbors into counter-balancing coalitions, a smart strategy includes soft power to make China look less frightening and the balancing coalitions less effective. For a declining power like Russia (or Britain before it), a residual soft power helps to cushion the fall. The soft power of a country rests primarily on three resources: its culture (in places where it is attractive to others), its political values (when it lives up to them at home and abroad), and its foreign policies (when they are seen as legitimate and having moral authority). But combining these resources is not always easy. Establishing, say, a Confucius Institute in Manila to teach Chinese culture might help produce soft power, but it is less likely to do so in a context where China has just bullied the Philippines over possession of Scarborough Reef. Similarly, Putin has told his diplomats that "the priority has been shifting to the literate use of soft power, strengthening positions of the Russian language," but as Russian scholar Sergei Karaganov noted in the aftermath of the dispute with Georgia, Russia has to use "hard power, including military force, because it lives in a much more dangerous world ... and because it has little soft power -- that is, social, cultural, political and economic attractiveness."

Topic Internal Links

NSA Hurts Soft Power

Public surveillance erodes soft power – undercuts diplomacy and destroys influence with key nations

Johnson, 14 (Joe Johnson, teaches strategic planning for public diplomacy at the National Foreign Affairs Training Center, consults on government communication and technology after a career in the United States Foreign Service, 1/21/2014, "Soft Power and Nosey Uncle Sam", Public Diplomacy Council, <http://www.publicdiplomacycouncil.org/commentaries/01-21-14/soft-power-and-nosey-uncle-sam#ER>, DA: 7-6-2015)

Last year's revelations about United States electronic surveillance delivered a body blow to America's soft power, with no detectable public reaction from America's diplomats. After President Obama's speech, the United States can begin a more robust dialogue on the subject – if public diplomacy leaders take action. The President's remarks last Friday at the Justice Department were directed to his fellow citizens, but they acknowledged the interest of foreigners in this subject – an element that has been missing up to now in our national debate. The propriety of U.S. signals intelligence gathering was hardly on the radar screen when I was active in PD. But now, what foreign publics and their leaders think about it matters. · In Europe at least, details about NSA collection programs as described in documents purloined and publicized by former NSA contractor Edward Snowden have eroded public trust in the U.S. as a defender of freedom. · Such a basic problem of perception makes it more difficult for U.S. diplomats to advance on a range of issues, from promoting democracy to advancing trade negotiations. · Germany's Angela Merkel, Brazil's Dilma Rousseff and others were forced to react to revelations that their phones had been tapped, personalizing and sensationalizing the issue and awakening an ever-present anti-Americanism worldwide. · The witting and unwitting involvement of American information technology firms damaged their reputations and it may be eroding their global market share. Google and its kin have been a key positive element of the United States' image and soft power, not to mention its balance of trade. · Challenges to the current governance of the Internet, conducted by the U.S.-based ICANN and founded on open access to information, spread beyond Russia and China to include nations like Brazil. This will come up at the International Telecommunications Union conference next October in Korea, where nations are already challenging U.S. control of the Internet. Trust, an anti-American narrative, and concrete national interests. This would seem to call for active involvement by public diplomacy. In the heat of Snowden's first revelations last spring and summer, public diplomacy officers had no talking points beyond defensive press guidance. The issue was too hot, and might easily leak into Washington's hyper-politicized environment.

NSA Hurts Influence/Alliances

NSA surveillance tanks hard and soft power, alliances – makes diplomacy ineffective

Quinn, 13 (Adam Quinn, Senior Lecturer in International Politics at University of Birmingham, 10-28-2013, "Obama's soft power a hard sell after NSA revelations", Conversation, <http://theconversation.com/obamas-soft-power-a-hard-sell-after-nsa-revelations-19572#ER>, DA: 7-6-2015)

For presidents, like sports team managers, the tough weeks tend to outnumber the jubilant. But even by the standards of an unforgiving job, Barack Obama could be forgiven for feeling unusually buffeted of late. Many of the blows have come on the domestic front, with the all-consuming stand off of the government shutdown segueing into frantic efforts to defend and repair the roll-out of Obamacare amid charges of fatal technological incompetence. But if he were tempted to seek solace in the autonomy of foreign policy – as modern presidents have been wont to do – there has been little consolatory triumph to be found. In August and September, he was caught in a mighty tangle over Syria, threatening military strikes over its chemical weapons use before being hamstrung first by Britain's refusal to join the charge and then by the reluctance of his own Congress. The legacy of that mess continues to work itself out in unpredictable ways, such as increasingly public tensions between the US and Saudi Arabia, hitherto one of its more solid allies. Though the eventual Russian-orchestrated deal to remove Syria's chemical weapons was a respectable one given the circumstances, the episode as a whole spoke of an America straining to translate its power into influence, or to maintain a united front among its friends. Now the rolling scandal over National Security Agency surveillance, triggered by the mass leak of secrets by Edward Snowden, has entered another phase of intensity, this time centred on Europe. Revelations that the US tapped the phone of German Chancellor Angela Merkel, operated numerous "listening posts" on European soil, and sucked up vast quantities of communications data from millions of citizens across Europe have broken in the press. Public expressions of displeasure have been forthcoming, including a European Union statement. Taken together, these vignettes of public dissention will be enough to make many ask the question: is the US losing its influence even over its allies? Is this just a tricky moment for a particular president, or harbinger of a broader trend? Global shift First, the necessary caveats: enduring alliance relationships resemble long marriages, in that the mere presence of moments of strain, or even audible arguments, cannot be taken as evidence of imminent separation. Looking back over the longer-term history of America's relations with its allies, episodes such as the Vietnam War, the "Euromissile" crisis of the 1980s, and the controversial interventions in the former Yugoslavia in the 1990s, demonstrate that sharp differences of opinion and conflicting priorities are no radical new state of affairs. And however unhappy they may be with their recent treatment, it is not obvious that countries such as Germany, France or Saudi Arabia have anywhere to go if they did decide the time had come to tout for alternative alliance partners. It is not entirely clear how European annoyance might manifest in ways that have practical importance. It is true they have it in their power to threaten progress on the Transatlantic Trade and Investment Partnership process, but it is not clear that such an action would harm the US more than Europe itself. In short, even if they are disgruntled, necessity may ultimately prove a sufficient force to help them get over it. The reason present

friction between the US and its allies carries greater weight, however, is that it arises in the context of a global shift in power away from the US and its established allies and towards new powers. The prospect of “American decline” in terms of relative international power is the focus of a great deal of debate over both substance and semantics. But the central fact is that even the part of the US’s own intelligence apparatus charged with long-term foresight regards it as established that within 20 years the world will have transitioned from the “unipolar” American dominance of the first post-Cold War decades to a world in which multiple centres of power must coexist. The centre of economic gravity has already shifted markedly towards Asia during the last decade. This certainly does not mean any single new power is about to rise to replace the US as a hegemonic force. Nor does it mean the US will be going anywhere: the scale of its existing advantages across a range of fronts – military, economic, institutional – is sufficiently great that it is assured a prominent place at the table of whatever order may come. What it does mean is that Americans must presently be engaged in thinking carefully about how best to leverage their advantages to retain the maximum possible influence into the future. If they cannot continue to be first among equals in managing the world order, they will wish at least to ensure that order is one that runs in line with their own established preferences. Soft power

Many of those who are optimistic about the ability of the US to pull off this project of declining power without declining influence place emphasis on two things: the extent to which the US has soft power due to widespread admiration for its political and cultural values, and the extent to which it has locked in influence through the extent of its existing networks of friends and allies. Even if these advantages cannot arrest America’s decline on harder metrics, if played properly they can mitigate its consequences and secure an acceptable future. Shoring up support from like-minded countries such as those of Europe ought to be the low-hanging fruit of such an effort. So the current problems do harm on both fronts. It will be difficult to maintain the allure of soft power if global opinion settles on the view that American political discord has rendered its democracy dysfunctional at home, or that its surveillance practices have given rein to the mores of a police state. And it will be harder to preserve American status through the force of its alliances if its politicians’ economic irresponsibility (for example, publicly contemplating a default on American national debt) or scandals over surveillance or drone strikes alienate their public or cause their leaders to question the extent to which they really are on the same side as the US. Obama’s day-to-day foreign policy struggles should not be simplistically taken as signs of collapsing American influence. But if the long-term plan is to carefully manage relative decline so as to preserve maximum influence, episodes such as those his country has faced since August do nothing to boost the prospects of success.

A2 Surveillance Hurts Soft Power

US soft power is high despite surveillance – it's irrelevant to overall opinion – direct polling data vis-à-vis China

Pew, 2014 (Pew Research Center, U.S., JULY 14, 2014, "Global Opposition to U.S. Surveillance and Drones, but Limited Harm to America's Image", Pew Research Center's Global Attitudes Project, <http://www.pewglobal.org/2014/07/14/global-opposition-to-u-s-surveillance-and-drones-but-limited-harm-to-americas-image/#ER>, DA: 7-10-2015)

Revelations about the scope of American electronic surveillance efforts have generated headlines around the world over the past year. And a new Pew Research Center survey finds widespread global opposition to U.S. eavesdropping and a decline in the view that the U.S. respects the personal freedoms of its people. But in most countries there is little evidence this opposition has severely harmed America's overall image. In nearly all countries polled, majorities oppose monitoring by the U.S. government of emails and phone calls of foreign leaders or their citizens. In contrast, Americans tilt toward the view that eavesdropping on foreign leaders is an acceptable practice, and they are divided over using this technique on average people in other countries. However, the majority of Americans and others around the world agree that it is acceptable to spy on suspected terrorists, and that it is unacceptable to spy on American citizens. Another high-profile aspect of America's recent national security strategy is also widely unpopular: drones. In 39 of 44 countries surveyed, majorities or pluralities oppose U.S. drone strikes targeting extremists in countries such as Pakistan, Yemen and Somalia. Moreover, opposition to drone attacks has increased in many nations since last year. Israel, Kenya and the U.S. are the only nations polled where at least half of the public supports drone strikes. Despite these misgivings about signature American policies, across 43 nations, a median of 65% express a positive opinion about the U.S. And these overall ratings for the U.S. are little changed from 2013. Moreover, President Obama is still largely popular internationally – across 44 nations, a median of 56% say they have confidence in him to do the right thing in world affairs. And, while Obama no longer has the same high levels of popularity that he enjoyed immediately after his election in 2008, there has been very little change in his appeal over the past year. The biggest declines in his ratings since last year are found in two nations where the U.S. has listened to the private phone conversations of national leaders: Germany (from 88% confident in 2013 to 71% confident now) and Brazil (69% in 2013, 52% now). Obama's favorability is also down considerably in Russia, reflecting recent tensions over the crisis in Ukraine. Only 15% of Russians currently express confidence in the American president, down from an already low 29% in 2013. U.S. favorability has also declined dramatically – just 23% of Russians say they have a favorable opinion of the U.S., less than half of the 51% registered in last year's survey. In spite of the unpopularity of U.S. spying and its use of drones, America also remains more popular globally than China, its principal rival in world affairs. A median of 49% of the publics surveyed hold a positive view of China. And the U.S. is still considered the world's top economic power, although this is less true today than it was before the Great Recession. However, looking to the future, a median of 50% of those surveyed in both 2013 and 2014, up from 41% last year, see China eventually supplanting America as the dominant world superpower. But China's rising power also generates its own anxieties, especially in its immediate neighborhood. In particular, there are strong concerns in Asia that territorial

disputes between China and its neighbors will lead to military conflict. More than seven-in-ten in the Philippines, Japan, Vietnam, South Korea and India say this is a concern. And two-thirds of Americans agree, as do 62% in China itself. These are among the major findings of a new survey by the Pew Research Center, conducted in 44 countries among 48,643 respondents from March 17 to June 5, 2014. The survey also finds that in most nations, young people are more favorable than their elders toward both the U.S. and China. The Snowden Effect Disclosures by former National Security Administration (NSA) contractor Edward Snowden about NSA spying revealed the U.S. government's vast capacity to intercept communications around the world. The Snowden revelations appear to have damaged one major element of America's global image: its reputation for protecting individual liberties. In 22 of 36 countries surveyed in both 2013 and 2014, people are significantly less likely to believe the U.S. government respects the personal freedoms of its citizens. In six nations, the decline was 20 percentage points or more. Still, the U.S. has a relatively strong reputation for respecting personal freedoms compared with the other major nations tested on the survey. A median of 58% believe the American government respects individual liberties, while 56% say this about France, 36% about China, and only 28% say it about the Russian government.¹ And while the Snowden revelations have harmed aspects of America's image, overall ratings for the U.S. remain mostly positive. Globally, the U.S. has a higher favorability rating than China. This is especially true in Europe – across the seven European Union nations surveyed, a median of 66% express a favorable opinion of the U.S., while just 39% feel this way about China. The U.S. is also considerably more popular in Latin America, while both countries receive mostly high marks in Asia and Africa. The Middle East is the clear exception. China's favorability in the region is not especially high, but is higher than that for the U.S. Anti-Americanism has been common in many Middle Eastern nations throughout the Obama presidency, as was the case during the George W. Bush era. And again this year some of the lowest ratings for the U.S. are found in the region. Only 19% of Turks and 12% of Jordanians offer a favorable opinion of the U.S., and at 10% Egypt gives the U.S. its lowest rating in the survey.

Soft Power Good (SPG)

SPG – Laundry Lists

Leveraging effective US soft power is key to prevent a laundry list of existential scenarios, including terrorism, disease, proliferation, alliances and genocide

Lagon, 11 (Mark P. Lagon, International Relations and Security Chair at Georgetown University's Master of Science in Foreign Service Program and adjunct senior fellow at the Council on Foreign Relations. He is the former US Ambassador-at-Large to Combat Trafficking in Persons at the US Department of State, Sept/Oct 2011, "The Value of Values: Soft Power Under Obama", World Affairs Journal, <http://www.worldaffairsjournal.org/article/value-values-soft-power-under-obama#ER>, DA: 7-7-2015)

Despite large economic challenges, two protracted military expeditions, and the rise of China, India, Brazil, and other new players on the international scene, the United States still has an unrivaled ability to confront terrorism, nuclear proliferation, financial instability, pandemic disease, mass atrocity, or tyranny. Although far from omnipotent, the United States is still, as former Secretary of State Madeleine Albright called it, "the indispensable nation." Soft power is crucial to sustaining and best leveraging this role as catalyst. That President Obama should have excluded it from his vision of America's foreign policy assets—particularly in the key cases of Iran, Russia, and Egypt—suggests that he feels the country has so declined, not only in real power but in the power of example, that it lacks the moral authority to project soft power. In the 1970s, many also considered the US in decline as it grappled with counterinsurgency in faraway lands, a crisis due to economic stagnation, and reliance on foreign oil. Like Obama, Henry Kissinger tried to manage decline in what he saw as a multipolar world, dressing up prescriptions for policy as descriptions of immutable reality. In the 1980s, however, soft power played a crucial part in a turnaround for US foreign policy. Applying it, President Reagan sought to transcend a nuclear balance of terror with defensive technologies, pushed allies in the Cold War (e.g., El Salvador, Chile, Taiwan, South Korea, and the Philippines) to liberalize for their own good, backed labor movements opposed to Communists in Poland and Central America, and called for the Berlin Wall to be torn down—over Foggy Bottom objections. This symbolism not only boosted the perception and the reality of US influence, but also hastened the demise of the USSR and the Warsaw Pact. For Barack Obama, this was the path not taken. Even the Arab Spring has not cured his acute allergy to soft power. His May 20, 2011, speech on the Middle East and Northern Africa came four months after the Jasmine Revolution emerged. His emphasis on 1967 borders as the basis for Israeli-Palestinian peace managed to eclipse even his broad words (vice deeds) on democracy in the Middle East. Further, those words failed to explain his deeds in continuing to support some Arab autocracies (e.g., Bahrain's, backed by Saudi forces) even as he gives tardy rhetorical support for popular forces casting aside other ones. To use soft power without hard power is to be Sweden. To use hard power without soft power is to be China. Even France, with its long commitment to realpolitik, has overtaken the United States as proponent and implementer of humanitarian intervention in Libya and Ivory Coast. When the American president has no problem with France combining hard and soft power better than the United States, something is seriously amiss.

Soft power is key to international cooperation – that solves disease, terrorism, and warming

Nye 08 (Joseph S. Nye Jr., created the theory of “soft power,” distinguished service professor and former dean of Harvard’s Kennedy School of Government, PhD in Political Science from Harvard, 3/7/08, <http://abs.sagepub.com/cgi/content/abstract/51/9/1351>)

Etzioni is correct that a successful policy of security first will require the combination of hard and soft power. Combining the two instruments so that they reinforce rather than undercut each other is crucial to success. Power is the ability to get the outcomes one wants. In the past, it was assumed that military power dominated most issues, but in today’s world, the contexts of power differ greatly on military, economic, and transnational issues. These latter problems, including everything from climate change to pandemics to transnational terrorism, pose some of the greatest challenges we face today, and yet few are susceptible to purely military solutions. The only way to grapple with these problems is through cooperation with others, and that requires smart power—a strategy that combines the soft power of attraction with the hard power of coercion. For example, American and British intelligence agencies report that our use of hard power in Iraq without sufficient attention to soft power has increased rather than reduced the number of Islamist terrorists throughout the past 5 years. The soft power of attraction will not win over the hard core terrorists but it is essential in winning the hearts and minds of mainstream Muslims, without whose support success will be impossible in the long term. Yet all the polling evidence suggests that American soft power has declined dramatically in the Muslim world. There is no simple military solution that will produce the outcomes we want. Etzioni is clear on this and highly critical of the failure to develop a smart power strategy in Iraq. One wishes, however, that he had spent a few more pages developing one for Iran.

SPG – Heg

Soft power & perception is key to effective leadership – builds alliances, checks counter-balancing, maintains domestic support

Jervis 09 (professor of international politics at Columbia University. (Robert, Unipolarity: A Structural Perspective, World Politics Volume 61, Number 1, January 2009)

To say that the system is unipolar is not to argue that the unipole can get everything it wants or that it has no need for others. American power is very great, but it is still subject to two familiar limitations: it is harder to build than to destroy, and success usually depends on others' decisions. This is particularly true of the current system because of what the U.S. wants. If Hitler had won World War II, he might have been able to maintain his system for some period of time with little cooperation from others because "all" he wanted was to establish the supremacy of the Aryan race. The U.S. wants not only to prevent the rise of a peer competitor but also to stamp out terrorism, maintain an open international economic system, spread democracy throughout the world, and establish a high degree of cooperation among countries that remain juridically equal. Even in the military arena, the U.S. cannot act completely alone. Bases and overflight rights are always needed, and support from allies, especially Great Britain, is important to validate military action in the eyes of the American public. When one matches American forces, not against those of an adversary but against the tasks at hand, they often fall short. Against terrorism, force is ineffective without excellent intelligence. Given the international nature of the threat and the difficulties of gaining information about it, international cooperation is the only route to success. The maintenance of international prosperity also requires joint efforts, even leaving aside the danger that other countries could trigger a run on the dollar by cashing in their holdings. Despite its lack of political unity, Europe is in many respects an economic unit, and one with a greater gdp than that of the U.S. Especially because of the growing Chinese economy, economic power is spread around the world much more equally than is military power, and the open economic system could easily disintegrate despite continued unipolarity. In parallel, on a whole host of problems such as aids, poverty, and international crime (even leaving aside climate change), the unipole can lead and exert pressure but cannot dictate. Joint actions may be necessary to apply sanctions to various unpleasant and recalcitrant regimes; proliferation can be stopped only if all the major states (and many minor ones) work to this end; unipolarity did not automatically enable the U.S. to maintain the coalition against Iraq after the first Gulf War; close ties within the West are needed to reduce the ability of China, Russia, and other states to play one Western country off against the others. But in comparison with the cold war era, there are fewer incentives today for allies to cooperate with the U.S. During the earlier period unity and close coordination not only permitted military efficiencies but, more importantly, gave credibility to the American nuclear umbrella that protected the allies. Serious splits were dangerous because they entailed the risk that the Soviet Union would be emboldened. This reason for avoiding squabbles disappeared along with the USSR, and the point is likely to generalize to other unipolar systems if they involve a decrease of threats that call for maintaining good relations with the superpower. This does not mean that even in this particular unipolar system the superpower is like Gulliver tied down by the Lilliputians. In some areas opposition can be self-defeating. Thus for any country to undermine American leadership of the international economy would be to put its own economy at risk,

even if the U.S. did not retaliate, and for a country to sell a large proportion of its dollar holding would be to depress the value of the dollar, thereby diminishing the worth of the country's remaining stock of this currency. Furthermore, cooperation often follows strong and essentially unilateral action. Without the war in Iraq it is not likely that we would have seen the degree of cooperation that the U.S. obtained from Europe in combating the Iranian nuclear program and from Japan and the PRC in containing North Korea. Nevertheless, many of the American goals depend on persuading others, not coercing them. Although incentives and even force are not irrelevant to spreading democracy and the free market, at bottom this requires people to embrace a set of institutions and values. Building the world that the U.S. seeks is a political, social, and even psychological task for which unilateral measures are likely to be unsuited and for which American military and economic strength can at best play a supporting role. Success requires that others share the American vision and believe that its leadership is benign.

SPG – Terrorism

Soft power is critical to eliminating terrorism – it's key to coalition building, legal institutions, and stemming recruitment

CSR, 14 (this text is a paraphrased transcript of a roundtable seminar of security experts by the CSR; these security experts include Fatma Ceren Yazgan, Deputy Director General for Security and Intelligence Affairs at the Turkish Ministry of Foreign Affairs; Heidi Meyer, Political Advisor to the Commander of NATO Allied Land Command; and David Blose, political analyst at LANDCOM. "The Role of Diplomacy and Soft Power in Combatting Terrorism: Concepts, Fighting Methods and Case Studies", Center for Strategic Research Workshop Report, http://www.coedat.nato.int/publication/workshop_reports/04-Diplomacy_Soft_Power_Report.pdf#ER, p. 5-7, date is not given but the pdf was published 9/4/2014, DA: 7/9/2015)

Mrs. Fatma Ceren Yazgan, Deputy Director General for Security and Intelligence Affairs at the Turkish Ministry of Foreign Affairs, expressed that diplomacy and the criminal justice system have key roles in combatting terrorism. The United Nations Charter and the Council of Europe agreements which set the international legal framework for combatting terrorism have been drawn up through negotiations carried out between various countries through diplomatic channels. As every country has a different set of regulations, diplomacy is the most fundamental instrument to ensure convergence between these regulations and develop a common understanding in the fight against terrorism. Mrs. Yazgan pointed out that although there is no definition for terrorism provided by the United Nations, there are decisions in this direction. She said that even though States lack confidence in each other, they tend to cooperate as they perceive threats. Such a process occurred after 2001. Turkey could not obtain sufficient support in the fight against terrorism from the international community before that date. Additionally, PKK terrorism was often considered as a matter of human rights in multilateral platforms. Although Turkey might have had past deficiencies in its legal framework for criminal justice, this does not change the fact that PKK is a terrorist organization. Turkey also adopted soft power elements as fundamental political instruments to fight against the PKK without alienating its Kurdish citizens in any way. For example expressions like "Kurdish terrorism" have never been used. She also stated that the European Union listed the PKK as a terrorist organization in 2002 as a result of the post- 2001 threat perceptions. Underlining the importance of international cooperation and experience-sharing in the fight against terrorism, Yazgan reminded that the Global Counterterrorism Forum, co-chaired by Turkey and the United States, was established with the participation of 29 countries and the European Union in 2011. The main objectives of the forum are to strengthen the fight against terrorism by sharing experiences and reinforcing the criminal justice approach. Educational and collaborative projects are planned to be carried out through the "Fund" established under the Forum. Radicalization continues to exist in Western Europe despite all countermeasures. Terrorist organizations in Syria have strengthened also taking advantage from the current economic crisis environment. Although al-Qaeda lost its power in Afghanistan, the ideology influenced by this organization has gained ground in the Middle East. In this context, Turkey will continue to share its experiences through both NATO and its individual initiatives. Organizational Structure of the United States Department of State in use of Soft Power Heidi Meyer, Political Advisor to the Commander of NATO Allied Land

Command (LANDCOM), pointed out that the U.S. Department of State has been trying to organize in the field of soft power since 2010 and taken serious decisions to that end; U.S. President Barack Obama instructed to mainly employ soft power elements instead of armed forces in the fight against terrorism, thus a document titled “the Quadrennial Diplomacy and Development Review” was produced as the first institutional step in this direction in 2010. This document draws a framework on how to shape foreign policy on soft power and aims to create a consistent capacity for civilians against terrorist threats. Accordingly, different units at the Department of State with the same purpose gathered under the so-called “J Bureau”. She expressed that the “J Bureau” has been created since threats are multifaceted today, thus strategies could be developed in a coordinated way; bilateral and multilateral diplomacy could be conducted and efforts and practices could be carried out to increase the capacity of resident partners in different regions of the world. Stating that “J Bureau” allows to create a versatile, robust and integrated fighting system, Meyer expressed that the aim is to develop cooperation between all the institutions and agencies within the state and collaborative work culture between diplomats and other government employees and to fight against terrorism in an integrated structure. She also added that efforts aimed at maintaining civil security and reducing poverty and unemployment are being exerted via USAID and similar organizations with a view to narrowing social grounds where terrorist organizations could gain footholds, taking into account that ideological and military presence of terrorist organizations is not limited to a single country. Brain Washing Activities of the Terrorist Organisations towards the Youth and Possible Measures to be Taken David Blose, political analyst at LANDCOM, stated that defining the fight against terrorism should have priority. Otherwise the instruments used in combatting terrorism cannot achieve their goals. It is necessary to have good command of the cultures of the societies providing a base for the terrorist organizations and in this way local actors can be incorporated into the efforts. Pointing out to the fact that terrorist organizations have developed their sphere of influence and activity areas at a great pace, Blose expressed that these organizations deployed in different regions of the world spread their ideology thanks to the educational programs developed especially towards the youth. Soft power instruments used by states in combatting terrorism are implemented more effectively by terrorist organizations like Al-Qaeda; schools and madrasas in countries such as Pakistan and Syria are put to use to brainwash the youngsters and these threats exist also in Saudi Arabia and Indonesia. While the process of the Arab Spring is expected to be an opportunity to promote the values such as democracy, human rights and the rule of law, terrorist organizations like Al-Qaeda expanded their bases by spreading the belief that they are protectors and securers of justice. Sabotage the educational programs of the respective states; the main activities of terrorist organizations to be emphasized and fought against, which could be seen as an iceberg, are the educational programs they provide for the children and young people in order to spread their ideology.

Soft power key to stop terrorism

Nye, 03 (Joseph S. Nye Jr., Dean of Harvard’s Kennedy School of Government, Foreign Affairs, July/August 2003)

THE WILLINGNESS of other countries to cooperate in dealing with transnational issues such as terrorism depends in part on their own self-interest, but also on the attractiveness of American positions. Soft power lies in the ability to attract and

persuade rather than coerce. It means that others want what the United States wants, and there is less need to use carrots and sticks. Hard power, the ability to coerce, grows out of a country's military and economic might. Soft power arises from the attractiveness of a country's culture, political ideals, and policies. When U.S. policies appear legitimate in the eyes of others, American soft power is enhanced. Hard power will always remain crucial in a world of nation-states guarding their independence, but soft power will become increasingly important in dealing with the transnational issues that require multilateral cooperation for their solution.

SPG – India Relations

US soft power is key to US-India relations – influence makes the partnership resilient and effective

Pande, 12 (Aparna Pande, Director, Initiative on the Future of India and South Asia, 5-17-2012, "U.S.-India: A Soft Power Tie That Binds", Hudson Institute, <http://www.hudson.org/research/8941-u-s-india-a-soft-power-tie-that-binds#ER>, DA: 7-9-2015)

While the Atlantic partnership will always remain important for the United States, it is the United States' ties with India that will be the "defining partnership" of the twenty-first century. Ties with India are the result of more than two decades of efforts by Indian and American leaders, and they will remain steady despite ups and downs because they rest on an underpinning not only of hard power but of soft power. India is one of the fastest growing economies in the world today, and American companies aim to benefit from the Indian economic boom. Bilateral trade today stands at over \$50 billion and American foreign investment in India is approximately \$16 billion. The potential for collaboration in the fields of science and technology between the U.S. and India has grown exponentially. The removal of Indian defense and space organizations from the "entity list" will help forge partnerships between companies in both countries. The security dimension of the U.S.-India partnership is equally critical with deepening military-to-military ties, counter-terrorism cooperation, defense sales and a common desire to defend the domains of cyber and outer space. American policymakers tend to view their ties with India not just in the bilateral context but in the broader global context. India and the U.S. are both status quo powers that seek inclusive security architecture not only for Asia, but beyond. During their visits to India, both President Barack Obama and Secretary Hillary Rodham Clinton have repeatedly emphasized their desire that India build deeper strategic and economic ties with its East and South East Asian neighbors. The two countries share a similar outlook with respect to Afghanistan and Pakistan. Indian discussions of the U.S.-led war in Afghanistan have helped crystallize a certain school of Indian thinking which views robust U.S. engagement in the region as conducive to Indian security. Also, while skeptical of American support for Pakistan, most Indian strategists agree that American absence from Afghanistan and Pakistan is harmful to Indian interests. While hard power is critical in international relations, it is soft power that ensures relationships between countries withstand the vagaries of politics and crises. During the Cold War, India had a hard power-based relationship with the Soviet Union. While there will always be a hard power component to India's relationship with the U.S., it is the strengthening of the soft power relationship that is critical. In a recent book titled *China's Nightmare, America's Dream: India as the Next Global Power*, a former American diplomat, William Avery, argues that like the United Kingdom, the United States and India too share the ideals of democracy, human rights, rule of law and free markets. To this we should add pluralism and an open society. That the United States seeks a long-term, people-to-people relationship is demonstrated in the way high-level visits are structured. Secretary Clinton's trips have included visits to non-governmental organizations as well as interactive media appearances. President Obama held a town hall meeting with students during his 2010 visit to India. During the 1950s and 60s, when American leaders and policymakers visited India, the focus of attention was India's first Prime Minister Jawaharlal Nehru and his cabinet colleagues; the opposition parties were rarely paid much attention. With

the rise of coalition politics during the 1990s and the importance of political parties, including those in opposition, American officials and leaders made it a point to broaden their interaction. Not only does this reflect a desire to reach out to the larger population, but it reflects an understanding of internal media dynamics. There has been an attempt to go beyond the federal government with the rise in power and importance of regional players in Indian politics. In each of her last three trips to India, Secretary Clinton has made it a point to visit a key regional capital in addition to New Delhi—Mumbai, Chennai and Kolkata. The visit to Mumbai was important not only because the city is India's financial capital, but also to express solidarity with the residents of the city who have suffered repeatedly at the hands of terrorists. The United States consulate in Chennai has the distinction of issuing the largest numbers of American visas of all the consulates in India. Both Chennai and Kolkata are important for domestic politics: the parties in power in these states are mercurial allies of the Congress party—and for foreign policy—politics in Tamil Nadu and West Bengal affects India's ties to Sri Lanka and Bangladesh. There is a similar regionalization on the American side—an increasing number of American states are building independent economic ties with their counterparts in India. A consistently favorable rating of the other country in polling data demonstrates that there is a genuine desire in both countries for better ties. According to the Gallup American Favorability Toward Countries poll, India has had a consistently high ranking—72 percent (2011) and 75 percent (2012)—which places it just below allies like Canada, Australia, the United Kingdom, France, Japan and Germany. According to Pew Global Attitudes Project 2011, the number of Indians (41 percent) and Americans (49 percent) who have a favorable view of the other country is very similar. Also, 10 percent of Indians and 14 percent of Americans have an unfavorable view of the other. The two countries seem to have come a long way from the Cold War era and the days of President Nixon. In early May 2012, Secretary Clinton went on what is most likely her last trip to India as secretary of state. In her four years as secretary, Ms. Clinton has traveled to India almost every year. The last three American presidents have also made it a point to visit India once during the course of their presidency. While there is still a long way to go, the relationship between the United States and India has the potential of becoming another Entente Cordiale, a special relationship.

Defense

A2 War – General

Soft power doesn't solve war – Ukraine and previous Russian examples prove, realism/hard power dominate foreign affairs, only civil society (not government) can leverage it, terrible track record, Obama doesn't know how to operationalize

Cecire 14

{Michael, Black Sea regional analyst and an associate scholar at the Foreign Policy Research Institute's Project on Democratic Transitions, former visiting scholar Columbia University's Harriman Institute, MPA (Penn), bachelors in cultural anthropology (VCU), "The Limits of Soft Power," 4/1, <http://nationalinterest.org/commentary/the-limits-soft-power-10163?page=2#THUR>}

The Russian invasion of Ukraine has already punctured much of the prevailing foreign-policy thinking that had become pro forma in Washington and Europe. In particular, the notion that Western unilateral disarmament can somehow be balanced or compensated for with less tangible forms of influence—soft power—has much to answer for in this ongoing crisis. By now, it is clear that Moscow's actions in Crimea strongly demonstrate the sharp limits of soft power, especially one that appears to have been decoupled from hard power, the traditional final arbiter of interstate relations. Ukraine is not merely a geopolitical setback, but a symptom of a misplaced faith in the potency of postmodern soft power as foreign policy plan A through Z. Ukraine's rapid transformation from homo Sovieticus-ruled kleptocracy to inspiring popular revolution to the latest victim of Russian imperialism has been astonishing. In the span of mere weeks, Ukraine's political cleavages have been magnified as the faultline of a tense geopolitical contest between the Euro-Atlantic community and a revanchist, increasingly militant Russia. In the Western scramble to come to terms with the new threat landscape—let alone formulating an effective, unified response—Crimea has almost certainly already been lost. Meanwhile, Russia seems poised to expand its writ into other areas of eastern Ukraine just as it aggressively probes Euro-Atlantic readiness in the Baltic, Turkey, and the Caucasus. In Washington, defense and administration officials appear resigned—if only unofficially—to Russian control over Crimea (if not eastern Ukraine) and are digging in for the long haul. How did we get here? Among the ideologues, the answer lies in the foreign policies of the current or previous administrations. On the right, President Obama's "reset" and subordination of foreign policy to domestic issues is the obvious cause. And on the left, President Bush's wars have given the Kremlin the perfect moral justification. But the reality, like many things, is hardly one sided. Partisans decrying President Obama's "weakness" appear to ignore that the administration's response to Russia's occupation of Crimea is already far more muscular than President Bush's reaction to the Russian invasion of Georgia 2008. And conversely, some of the left's bizarre use of a war they supposedly opposed to equivocate on the invasion of a sovereign state by corrupt autocracy is as self-contradictory as it is troubling. The likelier culprit is not so intimately tethered to the tribalisms of American politics, though ideology inevitably has played a role. Instead, the Western political class has become intoxicated with the notion that soft power, now the highly fashionable foreign-policy instrument of first resort, can compensate for—or in some ways replace altogether—diminished hard power. If the late 1990s was the heyday for

liberal internationalism by airpower, the late 2000s saw an analogous consensus congregate around soft power. Soft power is supposed to describe the latent factors—values, economy, culture and the like—of a state, entity or idea to persuade or attract. This contrasts with its more recognizable counterpart, hard power, which is based on the more traditional principle of coercion. There is little doubt that soft power is a real and fundamentally important phenomenon in the conduct of international relations. Contributions from scholars like Joseph Nye and Giulio Gallarotti have made a compelling case that soft power is a powerful geopolitical signifier; but what began as a keen observation had morphed into a cottage industry looking to leverage soft power into a foreign-policy panacea. In an illuminating 2011 paper published by the Strategic Studies Institute at the U.S. Army War College, University of Reading (U.K.) political scientist Colin S. Gray rightly acknowledges the merits of the soft-power thesis while articulating its practical limitations, particularly in the policy arena. “While it is sensible to seek influence abroad as cost-effectively as possible, it is only prudent to be modest in one’s expectations of the soft power to be secured by cultural influence,” cautions Gray. Indeed, soft power’s attraction and subsequent embrace by the foreign policy elite had as much to do with its usefulness as a substitute for “hard power” as its salience as an idea. But while hard and soft power can be complementary, Gray observes that soft power can in no way compensate for military power. “Sad to say,” laments Gray, “there is no convincing evidence suggesting an absence of demand for the threat and use of military force.” Sad, indeed. However, events in Ukraine have exposed the stark limits of soft power in a way that no analysis ever could. There is no small irony in the fact that Russia’s forceful military intervention into Ukraine was preceded by a grinding, if superficially velveted, tug of war between Moscow and the West over Ukraine’s integration with two competing soft-power “vehicles”—the EU and the Moscow-led Customs Union-cum-Eurasian Union. It was Yanukovich’s abandonment of Ukraine’s pledge to sign an Association Agreement with the EU—following intense Russian coercion—that protests began again in earnest. Yanukovich’s turn to brutality eventually precipitated his toppling, Russia’s military intervention, and now Crimea’s annexation. The idea of soft power as operational policy should be buried. While there is some government role in propagating and wielding soft power—public affairs, policy making, and, yes, sometimes psychological operations—the real business of soft power exists well outside of the domain of the state. In reality, the track record of operationalizing soft power has been, to date, abysmal. Russia is a case in point. Moscow repeatedly sought to revise the post-Cold War order through a variety of projects that might normally be filed as soft-power initiatives: then president Dmitry Medvedev’s repeated attempts to reorient the European security architecture; the Kremlin obsession with making the ruble an international reserve currency; the formation of the Russia-led Customs Union in 2010; and the (now likely stillborn) plans to establish the Eurasian Union. And yet, in the end, Crimea was forcibly seized by men with guns. Indeed, the truer currency of power remains the ability to coerce. Fatigue from disastrous wars in Iraq and Afghanistan elevated expectations that soft power could supplant a beleaguered and overstretched U.S. military. Why, indeed, would the U.S. opt for coercion when civilizational persuasion could do the trick? Pro-West people power in Eurasia seemed to bolster the case for operationalized soft power after the “color revolutions” in Georgia, Ukraine and Kyrgyzstan. Yet the longer-term results were unpredictable at best and disastrous at worst. Over time, it has become increasingly apparent that soft power is perhaps less an instrument to wield than a favorable wind at our backs. The crisis with Russia

has laid bare the limits of soft power as well as the continued relevance of hard power—even in “postmodern” Europe. While the Obama administration should be credited with being among the few Western governments to offer a relatively serious response to the Ukraine crisis, the White House overall still seems uncomfortable with the difficult but very real role that hard power necessarily plays in establishing and policing a U.S.-led, liberal normative order. This must change with the new circumstances established by Russian revanchism. Western values can only be propagated and upheld with the ultimate guarantee of hard power. And if the West is not prepared to enforce its values with tangible consequences, then perhaps we should abandon the pretense of a rules-based international system and cease the cruel practice of giving hope where there is none to be had. Soft power is here to stay, but its moment as a diplomatic instrument has long since gone. Because, in reality, it was never really much more than an illusion of what we wished the world to be rather than the one that exists.

A2 War / A2 Terrorism

Soft power fails – can't prevent conflict or convince hostile actors

Shah, 14 (Ritula Shah, 11-19-2014, "Is US monopoly on the use of soft power at an end?", BBC News, <http://www.bbc.com/news/world-29536648#ER>, DA: 7-8-2015)

But **the limits of soft power are** also **apparent everywhere**. If you look back across the period since the end of the Cold War, the US has actually deployed rather a lot of "hard power" around the world; two wars **in Iraq, Bosnia, Kosovo** and **Afghanistan** and the current airstrikes in **Iraq** and **Syria**, to name a few and not to mention the use of drones. In all these cases, **soft power wasn't enough to avert** a **conflict** or military intervention. Also, as Prof **Nye concedes, soft power can only work when people are receptive to the messages** it's peddling. So the movies may help to spread a US vision of what a free, democratic life might look like, but only if the people watching, recognise the importance of those values to them. **It seems unlikely** that the **violent jihadists** of Islamic State **will** be persuaded to **abandon their anti-Western vision**.

A2 Genocide/Human Rights/Misc

***Re-tag and re-highlight this card based on whatever you're trying to use it for – this ev can be used to answer Iran, North Korea, human rights abuses, genocide, proliferation, Russian expansion, and China rise

states aren't deterred from ((human rights abuse)) by soft power alone – empirics show

Holmes, 09 (Kim R. Holmes, Ph.D., Distinguished Fellow at The Heritage Foundation, assistant secretary of state under Bush, 6-1-2009, "Sustaining American Leadership with Military Power", Heritage Foundation, <http://www.heritage.org/research/reports/2009/06/sustaining-american-leadership-with-military-power#ER>, DA: 7-9-2015)

The Limits of Soft Power To witness the consequences when policymakers and politicians believe that hard and soft power are disconnected, one need look no further than Europe. The Europeans--many of whom believe that the peace that has broken out on their continent is the model for a post-sovereign world order--have become convinced that the anarchic order of the Westphalian system of nation-states can be breached through the exercise of soft power alone. In their view, bridging the often hardened differences between states and shaping their decisions requires only negotiation and common understanding. Many liberals are now pressing the U.S. government to adopt this vision, but the futility of this approach can be seen everywhere, from the failure of negotiations to deter both Iran and North Korea from their nuclear programs over the past five years--a period in which their efforts have only matured--to the lackluster response to Russia's invasion of Georgian territory. Whether it is states like Iran and North Korea that believe a nuclear weapons program is central to regime survival, or human-rights abusers like Sudan, Burma, and Zimbabwe, or rising powers like China, which continues to use its military to emphasize its sovereignty in the South China Sea, diplomacy alone has not been enough to bring about change in a direction that is favorable to America's interests. At times, America and its leaders have also been guilty of this type of strategic myopia. After applying pressure on North Korea so diligently in 2006, the Bush Administration relaxed its posture in early 2007, and North Korea concluded that it was again free to backslide on its commitments. Two years later, this weak diplomatic approach, which the Obama Administration continued even after North Korea's April 5 missile test, has only brought North Korea to believe that it can get away with more missile tests and nuclear weapons detonations. And so far, it has.

A2 Russia

US soft power fails in Russia-too much reliance on Hard Power

Seib, 09 (Director of the USC Center on Public Diplomacy, Philip Seib is a Professor of Journalism and Public Diplomacy and Professor of International Relations, "Toward a New Public Diplomacy", pg. 72-73)

American soft power has lost its influence in Russia for two principal reasons. First, since the early 1990s Russia has been neglected by the U.S. government. Second, Russia, after addressing tremendous challenges and transformations in its post-Soviet development, since 2003 has tried to diminish any U.S. impact on Russia's internal politics to avoid destabilizing effects in Russian society. Why did once mighty U.S. public diplomacy fail to influence Russia? Given that hard power dominates in U.S.-Russia relations today, can we regard American public diplomacy as a failure? Seeking reasons for the ineffectiveness of U.S. public diplomacy efforts, many researchers considered the successful U.S. soft power experience during the cold war. However, the cold war model of public diplomacy cannot be implemented today. In the bipolar world the United States had one ideological "enemy," so it aimed the mightiest informational weapon and hard power resources at one target. What about today? America needs to spread public diplomacy activities around the world, because strategically important regions are elsewhere: Iraq, Iran, Afghanistan, China, the European Union.... The list is long. This post-cold war world, "engaged in a vast remapping of the relationship of the state to images, messages, and information within its boundaries," demands new methods and principles of fulfilling state policies, including public diplomacy. Global net society made world leaders, policy makers, media, and nonofficial actors develop sophisticated strategies to create spheres of influence and markets for loyalties in the highly competitive information space. In the "global village," without information boundaries and strong ideological barriers, the implementation of effective public diplomacy is increasingly difficult. The Internet and new media have complicated public diplomacy because they require special skills to define and find target audiences in a very fragmented communication field. Further, failures in strategic communication between nations occur because of transformations in geopolitics and increasing rivalry of great powers. In a fast-changing multicivilizational world or, as the Economist said, a "neo-polar world, in which old alliances and rivalries are bumping up against each other in new ways," public diplomacy's ability to influence a target state is difficult. It makes sense to analyze U.S. public diplomacy through the prism of U.S.—Russian relations since the crucial historical point—the dissolution of the Soviet Union. The euphoria at the end the 1980s stimulated by freedom and convergence with the West has evaporated. Russia has entered a new decade that had been one of the most painful and desperate periods in its history. When Vladimir Putin called the collapse of the Soviet Union the greatest geopolitical catastrophe of the twentieth century, he did not mean he was nostalgic for the Soviet Empire, as many Westerners interpreted this statement. As Stephen F. Cohen noted, "No one in authority anywhere had ever foreseen that one of the twentieth century's two superpowers would plunge, along with its arsenals of destruction, into such catastrophic circumstances."¹¹ Ideological and economic decay after the end of the Soviet Union deprived Russia of its status and identity; people felt themselves disoriented and humiliated, many of them, including among the Russian intelligentsia, suffered from poverty. Western ideas promoted by United States and other Western public diplomats seemed elusive

for the majority of disappointed Russians, who “experienced a collective inferiority complex.”² It was the time of the next turn in the Russian mass consciousness, which shaped Russia’s skeptical attitude toward Western ideas and democracy. Instead of a wealthy Western society, the nation, recently a superpower, plunged into severe depression and ideological turmoil. Nevertheless, in 1991—1993, a majority of Russians (approximately 70 percent) held positive views about the United States.³ That was the appropriate moment for U.S. soft power to help Russia to recover from the post-Soviet fever.

A2 Democracy/Human Rights

Soft power doesn't solve human rights or democracy – many examples.

Krauthammer, Pulitzer-Prize winning syndicated columnist, 2008 (Charles, National Review, July 11, Lexis Academic)

This in foreign policy establishment circles is called "hard power." In the Bush years, hard power is terribly out of fashion, seen as a mere obsession of cowboys and neocons. Both in Europe and America, the sophisticates worship at the altar of "soft power" -- the use of diplomatic and moral resources to achieve one's ends. Europe luxuriates in soft power, nowhere more than in l'affaire Betancourt in which Europe's repeated gestures of solidarity hovered somewhere between the fatuous and the destructive. Europe had been pressing the Colombian government to negotiate for the hostages. Venezuela's Hugo Chavez offered to mediate. Of course, we know from documents captured in a daring Colombian army raid into Ecuador in March -- your standard hard-power operation duly denounced by that perfect repository of soft power, the Organization of American States -- that Chavez had been secretly funding and pulling the strings of the FARC. These negotiations would have been Chavez's opportunity to gain recognition and legitimacy for his terrorist client. Colombia's President Alvaro Uribe, a conservative and close ally of President Bush, went instead for the hard stuff. He has for years. As a result, he has brought to its knees the longest-running and once-strongest guerrilla force on the continent by means of "an intense military campaign (that) weakened the FARC, killing seasoned commanders and prompting 1,500 fighters and urban operatives to desert" (Washington Post). In the end, it was that campaign -- and its agent, the Colombian military -- that freed Betancourt. She was, however, only one of the high-minded West's many causes. Solemn condemnations have been issued from every forum of soft-power fecklessness -- the EU, the U.N., the G-8 foreign ministers -- demanding that Robert Mugabe of Zimbabwe stop butchering his opponents and step down. Before that, the cause du jour was Burma, where a vicious dictatorship allowed thousands of cyclone victims to die by denying them independently delivered foreign aid, lest it weaken the junta's grip on power. And then there is Darfur, a perennial for which myriad diplomats and foreign-policy experts have devoted uncountable hours at the finest five-star hotels to deplore the genocide and urgently urge relief. What is done to free these people? Nothing. Everyone knows it will take the hardest of hard power to remove the oppressors in Zimbabwe, Burma, Sudan, and other godforsaken places where the bad guys have the guns and use them. Indeed, as the Zimbabwean opposition leader suggested (before quickly retracting) from his hideout in the Dutch embassy -- Europe specializes in providing haven for those fleeing the evil that Europe does nothing about -- the only solution is foreign intervention.

A2 Terrorism

Can't solve terrorism – can't win the hearts and minds

Kroenig et al '9 (Matthew, assistant professor in the Department of Government at Georgetown University and a research affiliate with The Project on Managing the Atom at Harvard University, Melissa McAdam, Ph.D. student in the UC Berkeley Political Science Department, Steven Weber, Professor of political science @UC Berk, "Taking Soft Power Seriously," 39-46 AM)

The United States has also sought to apply soft power to counter ideological support for terrorism. Again, despite a concerted effort by the United States, global support for terrorist ideology shows no sign of abating and, according to some measures, may be increasing. The inability of the United States to counter ideological support for terrorism can be attributed to an environment hostile to the application of soft power. The societies to which the United States has targeted its message lack a functioning marketplace of ideas and the U.S. message is not credible to the target audience. For these reasons, the application of soft power has been an ineffective tool for countering ideological support for terrorism, despite the importance of individual attitudes as a driver of terrorist behavior. In the 2005 National Defense Strategy, the United States presented a threepronged strategy for winning the War on Terror.⁷⁷ The first two elements of the strategy, attacking terrorist networks and defending the homeland, were definitively in the realm of hard power. The third and, according to many Pentagon officials, the most important element of the strategy, however, was "countering ideological support for terrorism."⁷⁸ As part of this soft power strategy, the United States declared its intent to "Support models of moderation in the Muslim world by helping change Muslim misperceptions of the United States and the West."⁷⁹ Furthermore, the United States vowed to "delegitimize terrorism and extremists by e.g., eliminating state and private support for extremism."⁸⁰ The 2006 National Strategy for Combating Terrorism continued the theme of ideological combat stating that "from the beginning, [the War on Terror] has been both a battle of arms and a battle of ideas. Not only do we fight our terrorist enemies on the battlefield, we promote freedom and human dignity as alternatives to the terrorists' perverse vision of oppression and totalitarian rule."⁸¹ According to the strategy, "winning the War on Terror means winning the battle of ideas." The United States also singled out state sponsors of terror for its soft power campaign and declared that it desired "to make clear that all acts of terrorism are illegitimate so that terrorism will be viewed in the same light as slavery, piracy, or genocide: behavior that no respectable government can condone or support and all must oppose."⁸² These were serious statements of policy objectives. To isolate state-sponsors of terrorism, President Bush encouraged states to choose a position "either with us or against us in the fight against terror."⁸³ A special task force on "strategic communications" was set up at the Defense Science Board that argued that "the United States is engaged in a generational and global struggle about ideas." ⁸⁴ The Board concluded that, "policies will not succeed unless they are communicated to global and domestic audiences in ways that are credible and allow them to make informed, independent judgments."⁸⁵ To show the level of commitment the Bush administration made to the task of public diplomacy, President Bush appointed his trusted public relations manager, Karen Hughes, as Undersecretary of State for Public Diplomacy. ⁸⁶ Under Hughes's leadership, the State Department established regional media hubs offering U.S. spokespeople with language capabilities to speak on America's behalf in media outlets throughout the Middle East.⁸⁷ The

United States Government also increased the budget for the United States Agency for International Development (USAID), the U.S. agency responsible for dispensing foreign aid, by 60%, from 5 billion in 1998 to 8 billion in 2003.⁸⁸ The United States funded a variety of pro-American media in the Muslim world including H1 magazine, Radio Sawa, and the Al Hurra television station. ⁸⁹ Furthermore, the United States established reeducation facilities, such as the “House of Wisdom” in Iraq, to teach moderate Muslim theology to detainees captured in the War on Terror.⁹⁰ Despite this widespread effort to communicate throughout the Muslim world, the United States, to date, has largely failed in its effort to apply soft power to its advantage in the War on Terror. The War on Terror will probably be a “generational struggle,” but it is nevertheless troubling that after a sustained multi-year effort to counter ideological support for terrorism, the United States has made real progress on very few of its stated objectives. The United States has, since 9/11, avoided a major terrorist attack, and while the causes of this can be debated, it is not likely the result of a waning of terrorist ideology globally as is evidenced by the string of attacks in other parts of the world. In recent years, terrorists have carried out attacks in: Algeria, Great Britain, Israel, Iraq, Jordan, Russia, Spain, and other countries.⁹¹ Despite heavy pressure from the United States in the form of hard and soft power, states still support terrorism and Al Qaeda has even reconstituted terrorist training camps in South Asia. ⁹² Terrorist ideology continues to flourish globally with the help of the Internet.⁹³ The low public opinion of the United States in the Muslim world, often thought to be one of the factors contributing to terrorism against the United States, has not improved in recent years. In fact, a recent study found that people’s “attitudes toward U.S. foreign policy actually worsened slightly since they started listening to Radio Sawa and Al Hurra.”⁹⁴ Few observers believe that U.S. efforts to combat Al Qaeda have been effective. In a recent worldwide poll, survey respondents in 22 out of 23 countries reported that the U.S.-led war on terror has not weakened Al Qaeda.⁹⁵ The U.S. failure to use soft power effectively in the War on Terror is even more pronounced in some of the most important countries. In Egypt and Pakistan, for example, 60% and 41% of the respective publics possess either positive or mixed views of Al Qaeda.⁹⁶ According to Doug Miller, chairman of the international polling firm Globescan, “The fact that so many people in Egypt and Pakistan have mixed or even positive views of al Qaeda is yet another indicator that the US war on terror is not winning hearts and minds.”⁹⁷ Why has the United States failed in its effort to use soft power to counter ideological support for terrorism? Part of the reason is that the United States has not been able to compete in a functioning marketplace of ideas in most of the societies where a threat of jihadi terrorism exists. In the 2006 National Strategy for Combating Terrorism, the United States acknowledges that “terrorists recruit more effectively from populations whose information about the world is contaminated by falsehoods and corrupted by conspiracy theories. The distortions keep alive grievances and filter out facts that would challenge popular prejudices and self-serving propaganda.”⁹⁸ In other words, many countries of the Middle East and the broader Muslim world lack a functioning marketplace of ideas. They are disproportionately authoritarian. ⁹⁹ These governments often take measures, generally for the purposes of domestic stability, that have the effect of preventing meaningful competition in their domestic marketplace of ideas. Foreign media content containing ideas about democracy and freedom are filtered.¹⁰⁰ Domestic political opponents are prevented from expressing views that challenge the government.¹⁰¹ Radical religious groups, extremist parties, and fundamentalist madrassas are supported to shore up the legitimacy of secular

regimes.¹⁰² Domestic problems are externalized and blamed on an “imperial” United States.¹⁰³ The lack of a functioning marketplace of ideas in this region contributes to the pervasiveness of conspiracy theories in the region from private households to the highest levels of government.¹⁰⁴ Due in part to these phenomena, public opinion of U.S. foreign policy is lower in the Middle East than in any other world region.¹⁰⁵ The inability of the United States to communicate in this region is aptly described by Norman Patizz, an American media entrepreneur, who notes that “there is a media war going on [in the Muslim world] with incitement, hate broadcasting, disinformation, government censorship, self-censorship, and America is not in the race.”¹⁰⁶ Another limiting factor on the United States effort to counter ideological support for terrorism is the logic of persuasion. U.S. efforts to communicate directly with the Muslim world have been thwarted by a lack of credibility. Expert messengers are more persuasive than non-experts, but U.S. government officials are hardly qualified to discuss the intricacies of Muslim theology and the consistency, or lack thereof, of terrorism with the teachings of the Koran. U.S. strategists have recognized this and sought to adjust strategy appropriately, aiming to communicate through surrogates whenever possible.¹⁰⁷ Attempts to channel a message through third parties face a number of challenges however. The audiences that the United States targets in the Middle East generally know which media outlets receive U.S. support and, accordingly, discount the messages that they receive from those sources. In a recent study on the effectiveness of U.S. supported media in the Middle East, a Jordanian student wrote that “Radio Sawa serves US interests and helps it spread its control over the world and to serve Zionist interests.”¹⁰⁸ A student from Palestine wrote that the United States “[spreads] lies and fabricates news” through Television Al Hurra.¹⁰⁹ According to Al-Ahram Weekly, an Egyptian newspaper, Arab youth listen to Radio Sawa, but “they take the U.S. sound and discard the U.S. agenda.”¹¹⁰ The United States efforts at persuasion may have also failed because they fail to speak to the intended audience at an emotional level. Shibley Telhami has described Al Hurra as adopting a style of “detached objectivity” to its coverage of highly controversial political issues. Telhami went on to criticize the futility of a mismatched approach that aims “to be precisely dispassionate while facing a passionate audience.”¹¹¹ As difficult as it may be for the United States to accept, the United States with all of its hard and soft power is not well-equipped to persuade international audiences about the legitimacy of terrorism as a tactic. There are undoubtedly other factors that helped to discredit the U.S. message on issues of terrorism. The U.S. military intervention in Iraq and the related prisoner abuse scandal at Abu Ghraib, for example, alienated many in the broader Middle East.¹¹² But, these factors only further weakened U.S. credibility; the United States was never in a position to be a persuasive messenger on the subject of terrorism in the Muslim world. In the War on Terror, however, individual attitudes have had an important, though mixed, effect on international political outcomes. Ideas have a critical (but by no means exclusive) impact on individual decisions to join terrorist organization, but attitudes are less important determinants of the state sponsorship of terrorism. Exposure to radical ideology is an important component leading an individual to become a terrorist. While containing an undeniable ideological component, however, many of the factors that convince people to turn to terrorism are material in origin, not ideational, and, thus, cannot be addressed with soft power tools. Social science research suggests that many factors may contribute to the production of a terrorist. Few opportunities for political participation, low levels of social integration, personal loss, and foreign occupation are among

the variables that have been linked to a higher risk of terrorism. 113 The United States can combat some of these risk factors through the application or withdrawal of hard power, but few of them can be addressed through the application of soft power alone. Despite America's soft power campaign, the state sponsorship of terrorism also appears to be alive and well and driven by states' core material interests. Pakistan continues to walk the fine line of allowing terrorists to operate in the tribal regions while making occasional raids against terrorist hideouts to placate the United States.¹¹⁴ And states that can gain through the active support of terrorism as an extension of their national power, such as Iran and Syria, continue to do so.¹¹⁵ The United States has been unsuccessful, so far, in its attempt to use soft power to counter global ideological support for terror. This failure is due, at least in part, to the absence of the conditions necessary for an effective soft power strategy. Attitudes may be influential in determining the strength of the international terrorist movement, but the United States was unable to participate in debates in key regions in which terrorist ideology flourishes and a lack of credibility further hindered U.S. efforts to change attitudes on important terrorism-related issues.

Soft vs Hard Power

A2 Tradeoff

no tradeoff – hard and soft power are mutually reinforcing

Holmes, 09 (Kim R. Holmes, Ph.D., Distinguished Fellow at The Heritage Foundation, assistant secretary of state under Bush, 6-1-2009, "Sustaining American Leadership with Military Power", Heritage Foundation, <http://www.heritage.org/research/reports/2009/06/sustaining-american-leadership-with-military-power#ER>, DA: 7-9-2015)

Contrary to what many politicians and talking heads tell Americans, a false choice exists between what are often referred to as hard and soft power. A country's military resources (its hard power) and the diplomatic tools it uses to persuade others without resorting to coercion (its soft power) operate most efficiently in tandem. As Teddy Roosevelt famously observed, a nation must "speak softly" with diplomacy while also wielding a "big stick." Just as no country can be expected to provide security and pursue its interests solely through the use of military power, no country can expect to be taken seriously during high-stakes negotiations without the potential threat of military force to back up its word. The two approaches are not separate tools but mutually reinforcing mechanisms.

Hard Power k2 Soft Power

Hard power's key to soft power – provides the legitimacy to back up diplomatic commitments

Holmes, 09 (Kim R. Holmes, Ph.D., Distinguished Fellow at The Heritage Foundation, assistant secretary of state under Bush, 6-1-2009, "Sustaining American Leadership with Military Power", Heritage Foundation, <http://www.heritage.org/research/reports/2009/06/sustaining-american-leadership-with-military-power#ER>, DA: 7-9-2015)

The Importance of Sustaining Military Power The consequences of hard-power atrophy will be a direct deterioration of America's diplomatic clout. This is already on display in the western Pacific Ocean, where America's ability to hedge against the growing ambitions of a rising China is being called into question by some of our key Asian allies. Recently, Australia released a defense White Paper that is concerned primarily with the potential decline of U.S. military primacy and the implications that this decline would have for Australian security and stability in the Asia-Pacific. These developments are anything but reassuring. The ability of the United States to reassure friends, deter competitors, coerce belligerent states, and defeat enemies does not rest on the strength of our political leaders' commitment to diplomacy; it rests on the foundation of a powerful military. Only by retaining a "big stick" can the United States succeed in advancing its diplomatic priorities. Only by building a full-spectrum military force can America reassure its many friends and allies and count on their future support.

Soft Power k2 Hard Power

Soft power key to hard power

Nye, 03 (Joseph S. Nye Jr., Dean of Harvard's Kennedy School of Government, Foreign Affairs, July/August 2003)

One of Rumsfeld's "rules" is that "weakness is provocative." In this, he is correct. As Osama bin Laden observed, it is best to bet on the strong horse. The effective demonstration of military power in the second Gulf War, as in the first, might have a deterrent as well as a transformative effect in the Middle East. But the first Gulf War, which led to the Oslo peace process, was widely regarded as legitimate, whereas the legitimacy of the more recent war was contested. Unable to balance American military power, France, Germany, Russia, and China created a coalition to balance American soft power by depriving the United States of the legitimacy that might have been bestowed by a second UN resolution. Although such balancing did not avert the war in Iraq, it did significantly raise its price. When Turkish parliamentarians regarded U.S. policy as illegitimate, they refused Pentagon requests to allow the Fourth Infantry Division to enter Iraq from the north. Inadequate attention to soft power was detrimental to the hard power the United States could bring to bear in the early days of the war. Hard and soft power may sometimes conflict, but they can also reinforce each other. And when the Jacksonians mistake soft power for weakness, they do so at their own risk.

Loss of soft power erodes overall leadership

Blinken, 02 (Antony Blinken, senior fellow at CSIS and former member of the National Security Council, Washington Quarterly, Spring, 2002)

U.S. success in Afghanistan will count for little if the United States loses the global war of ideas. That has produced a growing gap between much of the world's perception of the United States and the U.S. perception of itself. If this gap persists, U.S. influence abroad will erode, and the partners the United States needs to advance its interests will stand down. The few real enemies the United States faces will find it easier both to avoid sanction and to recruit others to their cause. The United States remains powerfully attractive. Most people around the world hold a favorable view of the United States, considering it a land of opportunity and democratic ideals while admiring the country's technological and scientific achievements. Millions of the world's citizens desire to move to, become educated in, do business with, or visit the United States. When people vote with their feet, the United States wins in a landslide. Yet, the United States tends to disregard an increasingly potent mix of criticism and resentment that is diluting its attraction: anti-Americanism.

Soft power is the only way to make leadership effective

Hanna, O2 (Julia Hanna, Kennedy School Bulletin, "Going It Alone," Spring, 2002, <http://www.ksg.harvard.edu/ksgpress/bulletin/spring2002/features/alone.html>)

It's more than a matter of staying one step ahead of our enemies in a technological game of cat and mouse, he continues. "When the Pan Am flight exploded over Lockerbie, Scotland, the cause was a bomb in unaccompanied luggage. "So now the airline employees ask if we packed our bag ourselves. A Mohammed Atta would say, 'Yes, I packed my bag myself,' so we've created new security procedures. Unfortunately, each time you find a solution, someone will be looking for a chink in your armor. That dynamic is bound to continue." Military power is an essential part of the response, but an equally productive focusing point, Nye continues, would be the cultivation of what he calls "soft power," or the ability to advance one's agenda through attraction rather than coercion. "Soft power arises from our culture, values, and policies," he states. Given its proper weight, soft power can serve as a much-needed balance to our economic and military might, two examples of "hard power" that can overwhelm and alienate other countries. The thousands of international students who come to study at U.S. institutions are an example of this country's soft power. Our government's democratic values and promotion of peace and human rights influence how other countries perceive us. For better or worse, so does the latest Bruce Willis action flick. America's use of capital punishment and relatively permissive gun control laws undercut its soft power in European countries. While its intangible quality makes soft power much more difficult to use and control, observes Nye, that fact does not diminish its importance. "American pre-eminence will last well into this century, but our attitudes and policies will need to encompass a very different means of meeting challenges and achieving our goals," he says. While a strong military presence will continue to be essential to maintaining global stability, it proves less adequate when confronting issues such as global climate change, the spread of infectious diseases, and international financial stability. "We must not let the illusion of empire blind us to the increasing importance of soft power," Nye cautions. "A unilateralist approach to foreign policy fails to produce the right results, and its accompanying arrogance erodes the soft power that is often part of the solution."

Hard Power Key – A2 SoPo is the Future

Hard power is key – history shows it's the most successful tool – you should prefer empiricism because the future is nonlinear and probabilistic

Gray, 11 (Dr. Colin S. Gray, Professor of International Politics and Strategic Studies at the University of Reading, England, April 2011, "Hard Power and Soft Power: The Utility of Military Force as an Instrument of Policy in the 21st Century", Strategic Studies Institute, p. 1-2, <http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=1059#ER>, DA: 7-9-2015)

The main purpose of this analysis is to consider the relevance of military power today as well as for tomorrow. This is a subject that should give one pause before claiming a confident understanding of it. Major trends seem clear enough, but will they continue? The frequency with which history shows a liking for irony suggests that the future context for military power may be unlike that of today, in good part because the contemporary situation contains features that will be repudiated in the future in some mixture of thought, word, and deed. The course of history assuredly reveals that events must advance from what preceded them, which is why defense analysis, especially if it seeks to peer into the future, must honor chronology. But the chronology of historical narrative may obscure the traps of nonlinearity. What we know for certain about the 21st century is that we know little of detail with total assurance. Moreover, even broad trends that appear to have unstoppable momentum are not to be trusted to deliver on their obvious promise. History must be our guide, if only because nothing else is accessible. Unfortunately, the past as it is interpreted in the history written by historians provides anything but a reliable compass. Argument either by historical analogy, or at the least with illustration by historical anecdote claimed to be pertinent, is the rule, not the exception, in political discourse.⁴ This is scarcely surprising, since today is by definition both brief and unstable, while the future by definition is blank. All that is available as an evidential base for our political and strategic guidance is a past that cannot be recovered faithfully, even by those who seek honestly to do so, with the result that the past is mediated by historians. Since many facts do not speak with total clarity for themselves, they have to be interpreted by historians, amateur and professional.⁵ A factually reliable chronicle of an obviously major episode in the recent past, World War II say, or the Cold War, is easier to assemble than is a theory, or rather an explanation, which makes thoroughly persuasive sense of the subject at issue.

Solvency/Effectiveness

Soft Power Fails – Ideological Polarity

We can't use soft power – everyone has already made up their minds

Gray, 11 (Dr. Colin S. Gray, Professor of International Politics and Strategic Studies at the University of Reading, England, April 2011, "Hard Power and Soft Power: The Utility of Military Force as an Instrument of Policy in the 21st Century", Strategic Studies Institute, p. 36-39, <http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=1059#ER>, DA: 7-9-2015)

9. The domain for the policy utility of soft power typically is either structurally permissive of easy success, or is unduly resistant to such influence. The third fundamental question about soft power in need of answer can best be posed in only two words, "So what?" The combined fallacies of misnaming and over-simplification that threaten the integrity and utility of the concept of soft power are more than merely an academic itch that can be scratched into oblivion. The soft power concept is sufficiently valid intellectually that its contestable evidential base in history and thus its true fragility are easily missed. To explain its logic: soft power resides in the ability to co-opt the willing rather than to coerce or compel the reluctant; American soft power attracts non-Americans because it represents or advances values, ideas, practices, and arrangements that they judge to be in their interest, or at least to which they feel some bond of affinity. Therefore, the soft power of the American hegemon is some conflation of perceived interests with ideological association (by and large more tacit than explicit). Full-blown, the argument holds, first, that America (for example) gains useful political clout if and when foreigners who matter highly to U.S. national security share important American understandings, values, and preferences. The thesis proceeds in its second step to package this thus far commonsense proposition under the banner of "soft power"; it is now dangerously objectified, as if giving something a name causes it to exist. Next, the third and most problematic step in the argument is the logical leap that holds that American soft power, as existing reality—what it is, and its effects— can be approached and treated usefully as an instrument of national policy. This is an attractive proposition: it is unfortunate that its promise is thoroughly unreliable. The problem lies in the extensive middle region that lies between a near harmony of values and perceived interests and, at the opposite end of the spectrum, a close to complete antagonism between those values and interests. Historical evidence as well as reason suggest that the effective domain of soft power is modest. The scope and opportunity for co-option by soft power are even less. People and polities have not usually been moved far by argument, enticement, and attractiveness. There will be some attraction to, and imitation of, a great power's ideas and practical example, but this fact has little consequence for the utility of military force. Indeed, one suspects that on many occasions what might be claimed as a triumph for soft power is in reality no such thing. Societies and their political leaders may be genuinely attracted to some features of American ideology and practice, but the clinching reason for their agreement to sign on to an American position or initiative will be that the United States looks convincing as a guardian state and coalition leader. It is not difficult to identify reasons why military force seems to be less useful as a source of security than it once was. But it is less evident that soft power can fill the space thus vacated by the military and economic tools of grand strategy. Soft power should become more potent, courtesy of the electronic revolution that enables a networked global community. The ideological, political, and strategic consequences of such globalization, however, are not quite as benign as one might have

predicted. It transpires that Francis Fukuyama was wrong; the age of ideologically fueled hostility has not passed after all.⁴⁷ Also, it is not obvious that the future belongs to a distinctively Western civilization.⁴⁸ It is well not to forget that the Internet is content-blind, and it advertises, promotes, and helps enable bloody antagonism in addition to the harmony of worldview that many optimists have anticipated. It does not follow from all this that the hard power of military force retains, let alone increases, its utility as an instrument of policy. But assuredly it does follow that the historical motives behind defense preparation are not greatly diminished. Thus, there is some noteworthy disharmony between the need for hard power and its availability, beset as it increasingly is by liberal global attitudes that heavily favor restraint.

Soft Power Fails – Laundry List

Soft power is useless in practice – doesn't translate to other countries, we can't change it, and hard power is key

*Really good line: "9. Soft power tends to be either so easy to exercise that it is probably in little need of a policy push, being essentially preexistent, or too difficult to achieve because local interests, or culture, or both, deny it political traction."

Gray, 11 (Dr. Colin S. Gray, Professor of International Politics and Strategic Studies at the University of Reading, England, April 2011, "Hard Power and Soft Power: The Utility of Military Force as an Instrument of Policy in the 21st Century", Strategic Studies Institute, <http://www.strategicstudiesinstitute.army.mil/pubs/summary.cfm?q=1059#ER>, DA: 7-9-2015)
***modified for potentially objectionable language

Unfortunately, although the concept of American soft power is true gold in theory, in practice it is not so valuable. Ironically, the empirical truth behind the attractive concept is just sufficient to mislead policymakers and grand strategists. Not only do Americans want to believe that the soft power of their civilization and culture is truly potent, we are all but programmed by our enculturation to assume that the American story and its values do and should have what amounts to missionary merit that ought to be universal. American culture is so powerful a programmer that it can be difficult for Americans to empathize with, or even understand, the somewhat different values and their implications held deeply abroad. The idea is popular, even possibly authoritative, among Americans that ours is not just an "ordinary country," but instead is a country both exceptionally blessed (by divine intent) and, as a consequence, exceptionally obliged to lead Mankind [humanity]. When national exceptionalism is not merely a proposition, but is more akin to an iconic item of faith, it is difficult for usually balanced American minds to consider the potential of their soft power without rose-tinted spectacles. And the problem is that they are somewhat correct. American values, broadly speaking "the American way," to hazard a large project in reductionism, are indeed attractive beyond America's frontiers and have some utility for U.S. policy. But there are serious limitations to the worth of the concept of soft power, especially as it might be thought of as an instrument of policy. To date, the idea of soft power has not been subjected to a sufficiently critical forensic examination. In particular, the relation of the soft power of attraction and persuasion to the hard power of coercion urgently requires more rigorous examination than it has received thus far. When considered closely, the subject of soft power and its implications for the hard power of military force reveals a number of plausible working propositions that have noteworthy meaning for U.S. policy and strategy. 1. Hard military threat and use are more difficult to employ today than was the case in the past, in part because of the relatively recent growth in popular respect for universal humanitarian values. However, this greater difficulty does not mean that military force has lost its distinctive ability to secure some political decisions. The quality of justification required for the use of force has risen, which means that the policy domain for military relevance has diminished, but has by no means disappeared. 2. The political and other contexts for the use of force today do not offer authoritative guidance for the future. History is not reliably linear. To know the 2000s is not necessarily to know the 2010s. 3. The utility of military force is not a fixed metric value, either universally or for the United States. The utility of force

varies with culture and circumstance, inter alia. It is not some free-floating objective calculable truth. 4. For both good and for ill, ethical codes are adapted and applied under the pressure of more or less stressful circumstances, and tend to be significantly situational in practice. This is simply the way things are and have always been. What a state licenses or tolerates by way of military behavior effected in its name depends to a degree on how desperate and determined are its policymakers and strategists. 5. War involves warfare, which means military force, which means violence that causes damage, injury, and death. Some of the debate on military force and its control fails to come to grips with the bloody reality, chaos, and friction that is in the very nature of warfare. Worthy and important efforts to limit conduct in warfare cannot avoid accepting the inherent nastiness of the subject. War may be necessary and it should be restrained in its conduct, but withal it is by definition illiberally violent behavior. 6. By and large, soft power should not be thought of as an instrument of policy. America is what it is, and the ability of Washington to project its favored “narrative(s)” is heavily constrained. Cultural diplomacy and the like are hugely mortgaged by foreigners’ own assessments of their interests. And a notable dimension of culture is local, which means that efforts to project American ways risk fueling “blow-back.” 7. Soft power cannot sensibly be regarded as a substantial alternative to hard military power. Familiarity with the concept alone encourages the fallacy that hard and soft power have roughly equivalent weight and utility. An illusion of broad policy choice is thus fostered, when in fact effective choices are severely constrained. 8. An important inherent weakness of soft power as an instrument of policy is that it utterly depends upon the uncoerced choices of foreigners. Sometimes their preferences will be compatible with ours, but scarcely less often they will not be. Interests and cultures do differ. 9. Soft power tends to be either so easy to exercise that it is probably in little need of a policy push, being essentially preexistent, or too difficult to achieve because local interests, or culture, or both, deny it political traction. 10. Hard and soft power should be complementary, though often they are not entirely so. U.S. national style, reflecting the full array of American values as a hegemonic power, has been known to give some cultural and hence political offense abroad, even among objective allies and other friends. Whereas competent strategy enables hard military power to be all, or most of what it can be, soft power does not lend itself readily to strategic direction. 11. Provided the different natures of hard and soft power are understood—the critical distinguishing factor being coercion versus attraction—it is appropriate to regard the two kinds of power as mutual enablers. However, theirs is an unequal relationship. The greater attractiveness of soft power is more than offset in political utility by its inherent unsuitability for policy direction and control. From all the factors above, it follows that military force will long remain an essential instrument of policy. That said, popular enthusiasm in Western societies for the placing of serious restraints on the use of force can threaten the policy utility of the military. The ill consequences of America’s much-manifested difficulty in thinking and behaving strategically are augmented perilously when unwarranted faith is placed upon soft power that inherently is resistant to strategic direction. Although it is highly appropriate to be skeptical of the policy utility of soft power, such skepticism must not be interpreted as implicit advice to threaten or resort to military force with scant reference to moral standards. Not only is it right in an absolute sense, it is also expedient to seek, seize, and hold the moral high ground. There can be significant strategic advantage in moral advantage—to risk sounding cynical. Finally, it is essential to recognize that soft power tends to work well when America scarcely has need of it, but the

more challenging contexts for national security require the mailed fist, even if it is cushioned, but not concealed, by a glove of political and ethical restraint.

Soft Power Fails – Hard Power

US soft power is inevitable but fails – countries always default to hard power – empirics

Burnett, 15 (Alistair Burnett, editor of The World Tonight, a BBC News program, 1-8-2015, "China, Russia and the US Juggle Soft and Hard Power", Yale Global Online, <http://yaleglobal.yale.edu/content/china-russia-and-us-juggle-soft-and-hard-power#ER>, DA: 7-8-2015)

LONDON: This year has seen marked resurgence in the use of hard power by states in pursuit of national interests. The US return to military action in Iraq and direct intervention in Syria, Russia's annexation of Crimea and destabilization of eastern Ukraine and China's assertion of its territorial claims in the East and South China seas are just three examples of major powers turning to force and coercion to achieve strategic aims. Yet, not so long ago, talk in diplomatic, academic and journalistic circles focused on the growing importance of soft power in international relations. In recent years, governments consider how to boost soft power, investing heavily in tools like international broadcasting and cultural institutes to win friends abroad. China has spent billions expanding China Central TV's broadcasts in English and other languages and opening 450 Confucius Institutes around the world teaching Chinese language and culture. It has even invested in trying to create global pop star Jia Ruhan. Russia has expanded its international TV news station, RT. The US continues to fund international broadcasting started during the Cold War. These are all efforts to influence the views of people in other countries, winning them over to a way of thinking so they will pressure their governments – even in authoritarian states – to fall into line with new policies. The US is considered the world leader in soft and hard power, and there's no doubt American culture is attractive to many around the world – consider the numbers wanting to migrate there and who wear baseball caps, eat American-style fast food, listen to American music and watch Hollywood movies. Much of the global attractiveness of the US has little to do with its government, and photographs of anti-American protesters in the Middle East in jeans and T-shirts demonstrate how it's possible to like American culture and dislike Washington's policies. But while the US has accumulated a lot of this soft power without having to spend a cent, relying instead on the sheer attractiveness of American society, the government still takes steps to manipulate attitudes. One little publicized effort is how the Pentagon influences its on-screen image through its film liaison office which can save Hollywood producers millions in special effects by providing hardware and personnel on approved scripts. But do events of the past year suggest that in a world where the global balance of power is shifting and countries really want their own way, they turn to old-fashioned hard power? Harvard Professor Joe Nye who coined the term "soft power" argues it is not a binary choice. He developed on his original definition of power by identifying a third way states could convince others to do what they wanted – with "smart power" – basically wielding a mix of hard and soft power. Looking at how the United States, Russia and China have conducted themselves through this lens shows all three are trying – with varying levels of success – to use smart power. Before using military force in Iraq and Syria against Islamic State, the Obama administration utilized soft power to maximize impact of the use of its hard power. Washington was keen that its intervention was not seen as unilateral action by aggressive Christian states against Muslims, so it portrayed IS as an enemy of fellow

Muslims. Washington also emphasizes it intervenes in Iraq at the invitation of Baghdad and has been successful in building a coalition including leading Sunni Arab states to carry out airstrikes in Syria. So far the campaign has slowed IS down. In Ukraine, Russia's campaign to take Crimea and destabilize the eastern part of the country has been called hybrid warfare because of its mix of diplomacy, TV and social media propaganda about the threat to Russian speakers from Ukrainian nationalists, and use of irregular and disguised forces designed for ambiguity long enough to achieve Russian objectives. In the case of Crimea, annexed with little fighting, acute observers of Russian policy see this as an effective use of smart power. Stalemate in eastern Ukraine suggests it may be less effective there. Beijing's attempt to use smart power has met with mixed results. In the South China Sea, China claims waters also claimed by the Philippines, Vietnam, Malaysia, Brunei and Taiwan. It has spent recent years reassuring neighbors it's not a threat despite its growing economic and military strength. But, earlier this year, China sent an oil exploration vessel into an area Vietnam also claims leading to clashes between Chinese and Vietnamese ships. Tensions with the Philippines emerged after Chinese ships tried to block Filipino efforts to resupply a garrison of marines on a disputed atoll. The result was anti-Chinese riots in Vietnam, diplomatic protests by the Philippines, and both countries establishing closer military ties with the United States. The long-term effectiveness of the return to hard power is probably more dependent on the military and economic strength of the United States, Russia and China than their international image. Russia will probably hang on to Crimea because Ukraine is the weaker state and shows no real appetite to get it back. China's economic preponderance in the South China Sea region means its neighbors, while not rolling over, will probably meet it more than halfway in the resolving the maritime disputes. The US battle with what's now called IS really goes back to the 2003 Iraq invasion which allowed jihadis to get a foothold in the country by presenting themselves as the resistance to infidel invaders. The extremists extended their power to western Iraq and Syria after 2011 when the Syrian civil war broke out and US troops left Iraq. Ultimately, defeating IS depends on a political solution in Syria and an Iraqi government truly inclusive of Sunnis as well as Shias and Kurds. In all these cases though, soft power is being deployed in subtle ways to attract support by trying to "shape the narrative" by portraying rivals and enemies as acting outside shared global norms and values. The United States claims to defend Muslims from the Islamic extremism; Russia says it defends Russian-speakers from Ukrainian nationalists; and China describes itself as a rising, but peace-loving nation. The success of these attempts depends not just on the language and imagery used by officials, but also on whether the media and other opinion-formers adopt similar language and imagery. Wielding soft and smart power is also complicated because one country's attractiveness to another is a result of a complex interplay of what a country has to offer and how the offer is perceived. For instance, the United States has appeal in a country like Burma, because many people there want democratic elections and free speech after decades of repression, while many Pakistanis dislike the United States, regarding it as a country that doesn't respect their sovereignty while also killing many of citizens in its anti-terror operations. The increasing use of hard power is partly a result of the changing global balance as other countries take advantage of the relative decline of the United States to assert their interests. But the difficulties and uncertainties surrounding how to best wield soft power and measure its effectiveness also explain why leaders are still attracted to using familiar hard-power methods, be they airstrikes or economic sanctions.

Internal Link D – Not Govt

US soft power is inevitable and decided by culture – government policies are irrelevant

Bev, 12 (Jennie S. Bev, regular columnist to Forbes Indonesia, The Jakarta Post, and Strategic Review, Associate Partner of Fortune PR Indonesia and based in Northern California, 5-23-2012, "The Power of American "Soft Power"", Forbes, <http://www.forbes.com/sites/85broads/2012/05/23/the-power-of-american-soft-power/#ER>, DA: 7-7-2015)

Almost four years since the beginning of the Great Recession, signified by the implosion of the financial industry and the fall of Lehman Brothers in September 2008, the United States is recovering. In fact, some sectors have grown to new heights. Thus, a “declining USA” is no more than a myth. This myth is likely to continue for a while despite the recession officially ending in June 2009 as the high unemployment and on-going foreclosure crisis have cloaked significant economic improvements. In the last four years, declinism and declinists have been spreading paralyzing dystopian analyses. Combine this with Nouriel “Dr. Doom” Roubini’s “the perfect storm” forecast in 2013 and you probably would become even more paralyzed. Daniel Gross’ best-selling book *Better, Stronger, Faster* released in May 2012 is an exception. It is probably one of the first books that presents encouraging facts in this recovery period rather than discouraging views of America’s future. The mammoth has gotten back up, but it is always the memory of one’s fall that lingers in mind. We all remember that one fateful day when we attended the 341(a) bankruptcy hearing to meet creditors and not the thousands of days of financial stability. Just like we all remember vividly the day our loved one was buried six-feet under when he died and not the beautiful decades he shared his life with us. Failure and losing hurt, thus they are recorded for eternity in our long-term memory. It is just how our brain works, thanks to millions of years of evolution. The world was so shocked with the fall of USA, that its gradual rise hasn’t yet created a lasting mental image. Good news, American “soft power” is more powerful than any fiscal policy and political maneuver. Joseph Nye of Harvard University Kennedy School of Government says “soft power” refers to the ability to get through attraction rather than coercion or payments. By “to get” it means to receive favorable treatments based upon attractiveness of a country’s culture, ideals, and policies. For instance, inspired by TV series about medical doctors, some children in Taiwan aspire to study medicine at an American university. Infatuated by the idea of a fair trial, an Indonesian dissident aspires to become a lawyer. “Soft power” can be hardcore power. And the American brand is still the best out there. Also, thanks to low US dollar value, a record 62 million foreign tourists visited USA in 2011. In 2010, some 1.04 million immigrants applied for permanent residency, following 1.13 million in the previous year, which reflects the world’s insatiable faith in the US brand. The people of the world still believe that the USA is the place to visit, to reside, and to prosper. US brands, such as automobile giants Buick, GM, and Ford, continue to grow outside of the USA. US brands continue to influence socio-political-economic wellbeing of people of the world: Facebook, Twitter, and Youtube are vital in demonstrations and social unrests. US brands continue to serve people’s mobility and communication: Apple, Microsoft, CISCO, Oracle, and Boeing. People of the world is a market of seven-billion, and most of them have occasionally consumed black soda drinks called Coca-Cola and Pepsi. The US government has lost its

geopolitical epicenter, yet American brands keep the legend alive. And the shift has occurred from public power to private power, from political power to economic power, from hard power to soft power, with the end of the Cold War as the turning point.

US unrivaled – government alt causes irrelevant because SoPo NOT from them and hard power backs it up

Nye 13

{Joseph, Harvard Professor, “What China and Russia Don’t Get about Soft Power,” FP, April, http://www.foreignpolicy.com/articles/2013/04/29/what_china_and_russia_don_t_get_about_soft_power#THUR}

Much of America's soft power is produced by civil society -- everything from universities and foundations to Hollywood and pop culture -- not from the government. Sometimes the United States is able to preserve a degree of soft power because of its critical and uncensored civil society even when government actions -- like the invasion of Iraq -- are otherwise undermining it. But in a smart power strategy, hard and soft reinforce each other. In his new book, *China Goes Global*, George Washington University's David Shambaugh shows how China has spent billions of dollars on a charm offensive to increase its soft power. Chinese aid programs to Africa and Latin America are not limited by the institutional or human rights concerns that constrain Western aid. The Chinese style emphasizes high-profile gestures. But for all its efforts, China has earned a limited return on its investment. Polls show that opinions of China's influence are positive in much of Africa and Latin America, but predominantly negative in the United States, Europe, as well as India, Japan and South Korea.

A2 Soft Power Solvency

Soft power is non-governmental – attempts to increase it through policies fail and backfire

Ellwood, 14 (David Ellwood, Senior Adjunct Professor of European Studies at Johns Hopkins University School of Advanced International Studies, Bologna Center, 1-9-2014, "'Soft power' and the politics of influence", OUP Blog, <http://blog.oup.com/2014/01/soft-power-and-the-politics-of-influence/#ER>, DA: 7-8-2015)

Leaving aside its glibness and air of casuistry, the 'soft power' concept is fundamentally flawed at just the point where Nye insists on its usefulness: as a tool of foreign policy. The more states attempt consciously to project the force of example they see in their nations and its ways, the more the rest will see manipulation and propaganda. Two US analysts who commented on the prospects for British foreign policy in a new book (*Influencing Tomorrow: Future Challenges for British Foreign Policy*, 2013) were happy to say that 'the BBC may be a more effective tool of British foreign policy than the Royal Navy or the British Army'. But they also warned against the temptations and risks of leverage: 'when you reach for the tool of soft power, you find it evaporates in your hand'. In the American case in particular, the temptation seems to be to try to mobilise the charismatic nature of so many successful American inventions and people as though they are resources at the disposal of the state. But they are not; they are the values and products of that society in the most diffuse sense, and its creative industries in particular, with all their talent for absorbing and re-configuring the inventions of the world then re-launching them for a global market. Today the experts know that the sources of power in the world are multiplying, and that force is only one of them. Diffused through so many channels today, soft power is best seen as the influence of culture in all its forms. Nothing like culture adds value – and values – to power. The key cultural power is the one which most successfully defines the content, direction and pace of change for the rest, and so presents itself as the leading model of modernity in any given era. This was the challenge of America to the world in the 20th century. Now others have understood this lesson, and are trying to join the competition. Hopefully it's a contest for diversity, and not for supremacy.

We Can't Use It

Soft power fails – it's unpredictable and we can't leverage it effectively

Kalathil, O5 (Shanthi Kalathil, Georgetown University, adviser, consultant and speaker on development, democratization and the role of technology in international affairs, was previously a senior Democracy Fellow at the U.S. Agency for International Development, a non-resident Associate at Georgetown's Institute for the Study of Diplomacy, and a regular consultant for the World Bank, the Aspen Institute and others, published 2006, "Soft Power, Hard Issues", Reports of the 2005 Aspen Institute Roundtable on Public Diplomacy and the Middle East and the Forum on Communications and Society, The Aspen Institute, <https://www.aspeninstitute.org/sites/default/files/content/docs/cands/C%26SSOFTPOWER.PDF> #ER, p. 15, DA: 7/9/2015)

Recognizing that soft power rests on a variety of sources is a first step in understanding the issues surrounding public diplomacy, Nye pointed out at the Forum. If one understands that soft power—and public diplomacy as a component of it—is about attraction, then public diplomacy must involve more than broadcasting a message. For instance, Nye cautioned, public diplomacy cannot simply be about selling: "If the policy is terrible, advertising won't work," he observed. Moreover, as Nye put it, soft power can be much harder to wield than hard power, with less predictable results. The United States is not alone in trying to understand and augment its soft power. In a preceding discussion on China, many participants concurred that China has successfully boosted its soft power capabilities in recent years. It has done so not through advanced messaging techniques but through strategic engagement on key foreign policy issues of interest to its target countries. In this sense, one can understand that the scope of soft power goes far beyond the techniques and practices of public diplomacy—and has the potential to be far more influential.

A2 Smart Power

This term means nothing

Schmitt, 14 (Gary J. Schmitt, co-director of the Marilyn Ware Center for Security Studies at AEI and the director of AEI's Program on American Citizenship, executive director of the President's Foreign Intelligence Advisory Board during President Ronald Reagan's second term, 6-19-2014, "A hard look at soft power in East Asia", AEI, <http://www.aei.org/publication/a-hard-look-at-soft-power-in-east-asia/#ER>, DA: 7-6-2015)

The Problem of Definition To start, "smart power" is not an especially helpful term.[1] It is not smart, some say, to depend solely or overly on hard power. It is much wiser to match soft and hard power as appropriate to the problem at hand and do so in such a way that they reinforce each other's effectiveness. However, as much sense as this axiom superficially made, the concept itself is really just a new way of talking about what was traditionally and most broadly referred to as "grand strategy." And it is not at all clear that much is gained by avoiding the more traditional terminology. Indeed, something might be lost. Strategy immediately brings to mind the "means-ends" nexus, whereas in the case of smart power, the focus is often more about the mix of means and less about what is to be accomplished. Moreover, by calling a policymaker's mix of hard and soft power "smart," one is actually prejudging that mix as being sound. And, the truth is, one rarely knows if a strategy is smart—that is, whether it is effective in accomplishing its ends—for years to come. In short, a complex mix of hard and soft power might on its face look prudent and effective, but in the final analysis is not. "By calling a policymaker's mix of hard and soft power "smart," one is actually prejudging that mix as being sound." Although there should be some hesitancy in employing the phrase "smart power," there should probably be less when it comes to using "soft power." For one thing, it is a term of art that has had staying power and, as such, has obviously captured an element of power that analysts and policymakers find useful.

Terrorism -DDI

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Terror risk is high- maintaining current surveillance is key

Inserra, 6-8-2015

David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation, 6-8-2015, "69th Islamist Terrorist Plot: Ongoing Spike in Terrorism Should Force Congress to Finally Confront the Terrorist Threat," Heritage Foundation, <http://www.heritage.org/research/reports/2015/06/69th-islamist-terrorist-plot-ongoing-spike-in-terrorism-should-force-congress-to-finally-confront-the-terrorist-threat>

On June 2 in Boston, Usaamah Abdullah Rahim drew a knife and attacked police officers and FBI agents, who then shot and killed him. Rahim was being watched by Boston's Joint Terrorism Task Force as he had been plotting to behead police officers as part of violent jihad. A conspirator, David Wright or Dawud Sharif Abdul Khaliq, was arrested shortly thereafter for helping Rahim to plan this attack. This plot marks the 69th publicly known Islamist terrorist plot or attack against the U.S. homeland since 9/11, and is part of a recent spike in terrorist activity. The U.S. must redouble its efforts to stop terrorists before they strike, through the use of properly applied intelligence tools. The Plot According to the criminal complaint filed against Wright, Rahim had originally planned to behead an individual outside the state of Massachusetts,[1] which, according to news reports citing anonymous government officials, was Pamela Geller, the organizer of the "draw Mohammed" cartoon contest in Garland, Texas.[2] To this end, Rahim had purchased multiple knives, each over 1 foot long, from Amazon.com. The FBI was listening in on the calls between Rahim and Wright and recorded multiple conversations regarding how these weapons would be used to behead someone. Rahim then changed his plan early on the morning of June 2. He planned to go "on vacation right here in Massachusetts.... I'm just going to, ah, go after them, those boys in blue. Cause, ah, it's the easiest target." [3] Rahim and Wright had used the phrase "going on vacation" repeatedly in their conversations as a euphemism for violent jihad. During this conversation, Rahim told Wright that he planned to attack a police officer on June 2 or June 3. Wright then offered advice on preparing a will and destroying any incriminating evidence. Based on this threat, Boston police officers and FBI agents approached Rahim to question him, which prompted him to pull out one of his knives. After being told to drop his weapon, Rahim responded with "you drop yours" and moved toward the officers, who then shot and killed him. While Rahim's brother, Ibrahim, initially claimed that Rahim was shot in the back, video surveillance was shown to community leaders and civil rights groups, who have confirmed that Rahim was not shot in the back.[4] Terrorism Not Going Away This 69th Islamist plot is also the seventh in this calendar year. Details on how exactly Rahim was radicalized are still forthcoming, but according to anonymous officials, online propaganda from ISIS and other radical Islamist groups are the source.[5] That would make this attack the 58th homegrown terrorist plot and continue the recent trend of ISIS playing an

important role in radicalizing individuals in the United States. It is also the sixth plot or attack targeting law enforcement in the U.S., with a recent uptick in plots aimed at police. While the debate over the PATRIOT Act and the USA FREEDOM Act is taking a break, the terrorists are not. The result of the debate has been the reduction of U.S. intelligence and counterterrorism capabilities, meaning that the U.S. has to do even more with less when it comes to connecting the dots on terrorist plots.[6] Other legitimate intelligence tools and capabilities must be leaned on now even more. Protecting the Homeland To keep the U.S. safe, Congress must take a hard look at the U.S. counterterrorism enterprise and determine other measures that are needed to improve it. Congress should: Emphasize community outreach. Federal grant funds should be used to create robust community-outreach capabilities in higher-risk urban areas. These funds must not be used for political pork, or so broadly that they no longer target those communities at greatest risk. Such capabilities are key to building trust within these communities, and if the United States is to thwart lone-wolf terrorist attacks, it must place effective community outreach operations at the tip of the spear. Prioritize local cyber capabilities. Building cyber-investigation capabilities in the higher-risk urban areas must become a primary focus of Department of Homeland Security grants. With so much terrorism-related activity occurring on the Internet, local law enforcement must have the constitutional ability to monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working on integrating intelligence and law enforcement activities. Full integration will require overcoming inter-agency cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI. Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Clear-Eyed Vigilance The recent spike in terrorist plots and attacks should finally awaken policymakers—all Americans, for that matter—to the seriousness of the terrorist threat. Neither fearmongering nor willful blindness serves the United States. Congress must recognize and acknowledge the nature and the scope of the Islamist terrorist threat, and take the appropriate action to confront it.

Surveillance is critical to stopping terror threats

Lewis 14 [James Andrew Lewis, Director and Senior Fellow of the Technology and Public Policy Program at the CSIS, December 2014, "Underestimating Risk in the Surveillance Debate", Center for Strategic and International Studies, http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf pg 10-11 jf]

Assertions that a collection program contributes nothing because it has not singlehandedly prevented an attack reflect an ill-informed understanding of how the United States conducts collection and analysis to prevent harmful acts against itself and its allies. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success (nor is technology consistently infallible). Intelligence is a team sport. Perfect knowledge does not exist and success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. Analysts assemble this mosaic from many different sources and based on experience and intuition. Luck is still more important than anyone would like and the alternative to luck is acquiring more information. This ability to blend different sources of intelligence has improved U.S. intelligence capabilities and gives us an advantage over some opponents. Portrayals of spying in popular culture focus on a central narrative, essential for storytelling but deeply misleading. In practice, there can be many possible narratives that analysts must explore simultaneously. An analyst might decide, for example, to see if there is additional confirming information that points to which explanation deserves further investigation. Often, the contribution from collection programs comes not from what they tell us, but what they let us reject as false. In the case of the 215 program, its utility was in being able to provide information that allowed analysts to rule out some theories and suspects. This allows analysts to focus on other, more likely, scenarios. In one instance, an attack is detected and stopped before it could be executed. U.S. forces operating in Iraq discover a bomb-making factory. Biometric data found in this factory is correlated with data from other bombings to provide partial identification for several individuals who may be bomb-makers, none of whom are present in Iraq. In looking for these individuals, the United States receives information from another intelligence service that one of the bombers might be living in a neighboring Middle Eastern country. Using communications intercepts, the United States determines that the individual is working on a powerful new weapon. The United States is able to combine the communications intercept from the known bomb maker with information from other sources—battlefield data, information obtained by U.S. agents, collateral information from other nations' intelligence services—and use this to identify others in the bomber's network, understand the plans for bombing, and identify the bomber's target, a major city in the United States. This effort takes place over months and involves multiple intelligence, law enforcement, and military agencies, with more than a dozen individuals from these agencies collaborating to build up a picture of the bomb-maker and his planned attack. When the bomb-maker leaves the Middle East to carry out his attack, he is prevented from entering the United States. An analogy for how this works would be to take a 1,000-piece jigsaw puzzle, randomly select 200 pieces, and provide them to a team of analysts who, using incomplete data, must guess what the entire picture looks like. The likelihood of their success is determined by how much information they receive, how much time they have, and by experience and luck. Their guess can be tested by using a range of collection programs, including communications surveillance programs like the 215 metadata program. What is left out of this picture (and from most fictional portrayals of intelligence analysis) is the number of false leads the analysts must pursue, the number of dead ends they must walk down, and the tools they use to decide that something is a false lead or dead end. Police officers are familiar with how many leads in an investigation must be eliminated through legwork and query before

an accurate picture emerges. Most leads are wrong, and much of the work is a process of elimination that eventually focuses in on the most probable threat. If real intelligence work were a film, it would be mostly boring. Where the metadata program contributes is in eliminating possible leads and suspects. This makes the critique of the 215 program like a critique of airbags in a car—you own a car for years, the airbags never deploy, so therefore they are useless and can be removed. The weakness in this argument is that discarding airbags would increase risk. How much risk would increase and whether other considerations outweigh this increased risk are fundamental problems for assessing surveillance programs. With the Section 215 program, Americans gave up a portion of their privacy in exchange for decreased risk. Eliminating 215 collection is like subtracting a few of the random pieces of the jigsaw puzzle. It decreases the chances that the analysts will be able to deduce what is actually going on and may increase the time it takes to do this. That means there is an increase in the risk of a successful attack. How much of an increase in risk is difficult to determine.

Terrorists will use bioweapons- guarantees extinction

Cooper 13

(Joshua, 1/23/13, University of South Carolina, "Bioterrorism and the Fermi Paradox," <http://people.math.sc.edu/cooper/fermi.pdf>, 7/15/15, SM)

We may conclude that, when a civilization reaches its space-faring age, it will more or less at the same moment (1) contain many individuals who seek to cause large-scale destruction, and (2) acquire the capacity to tinker with its own genetic chemistry. This is a perfect recipe for bioterrorism, and, given the many very natural pathways for its development and the overwhelming evidence that precisely this course has been taken by humanity, it is hard to see how bioterrorism does not provide a neat, if profoundly unsettling, solution to Fermi's paradox. One might object that, if omnicidal individuals are successful in releasing highly virulent and deadly genetic malware into the wild, they are still unlikely to succeed in killing everyone. However, even if every such mass death event results only in a high (i.e., not total) kill rate and there is a large gap between each such event (so that individuals can build up the requisite scientific infrastructure again), extinction would be inevitable regardless. Some of the engineered bioweapons will be more successful than others; the inter-apocalyptic eras will vary in length; and post-apocalyptic environments may be so war-torn, disease-stricken, and impoverished of genetic variation that they may culminate in true extinction events even if the initial cataclysm 'only' results in 90% death rates, since they may cause the effective population size to dip below the so-called "minimum viable population." This author ran a Monte Carlo simulation using as (admittedly very crude and poorly informed, though arguably conservative) estimates the following Earth-like parameters: bioterrorism event mean death rate 50% and standard deviation 25% (beta distribution), initial population 10¹⁰, minimum viable population 4000, individual omnicidal act probability 10⁻⁷ per annum, and population growth rate 2% per annum. One thousand trials yielded an average post-space-age time until extinction of less than 8000 years. This is essentially instantaneous on a cosmological scale, and varying the parameters by quite a bit does nothing to make the survival period comparable with the age of the universe.

*****Neg Uniqueness*****

Yes ISIS attack

Isis is mobilizing now and ready to take action.

Randy DeSoto May 7, 2015

<http://www.westernjournalism.com/isis-claims-to-have-71-trained-soldiers-in-targeted-u-s-states/> (Randy DeSoto is a writer for Western Journalism, which consistently ranks in the top 5 most popular conservative online news outlets in the country)

Purported ISIS jihadists issued threats against the United States Tuesday, indicating the group has trained soldiers positioned throughout the country, ready to attack “any target we desire.” The online post singles out controversial blogger Pamela Geller, one of the organizers of the “Draw the Prophet” Muhammad cartoon contest in Garland, Texas, calling for her death to “heal the hearts of our brothers and disperse the ones behind her.” ISIS also claimed responsibility for the shooting, which marked the first time the terror group claimed responsibility for an attack on U.S. soil, according to the New York Daily News. “The attack by the Islamic State in America is only the beginning of our efforts to establish a wiliyah [authority or governance] in the heart of our enemy,” the ISIS post reads. As for Geller, the jihadists state: “To those who protect her: this will be your only warning of housing this woman and her circus show. Everyone who houses her events, gives her a platform to spill her filth are legitimate targets. We have been watching closely who was present at this event and the shooter of our brothers.” ISIS further claims to have known that the Muhammad cartoon contest venue would be heavily guarded, but conducted the attack to demonstrate the willingness of its followers to die for the “Sake of Allah.” The FBI and the Department of Homeland Security, in fact, issued a bulletin on April 20 indicating the event would be a likely terror target. ISIS drew its message to a close with an ominous threat: We have 71 trained soldiers in 15 different states ready at our word to attack any target we desire. Out of the 71 trained soldiers 23 have signed up for missions like Sunday, We are increasing in number bithnillah [if God wills]. Of the 15 states, 5 we will name... Virginia, Maryland, Illinois, California, and Michigan...The next six months will be interesting. Fox News reports that “the U.S. intelligence community was assessing the threat and trying to determine if the source is directly related to ISIS leadership or an opportunist such as a low-level militant seeking to further capitalize on the Garland incident.” Former Navy Seal Rob O’Neill told Fox News he believes the ISIS threat is credible, and the U.S. must be prepared. He added that the incident in Garland “is a prime example of the difference between a gun free zone and Texas. They showed up at Charlie Hebdo, and it was a massacre. If these two guys had gotten into that building it would have been Charlie Hebdo times ten. But these two guys showed up because they were offended by something protected by the First Amendment, and were quickly introduced to the Second Amendment.” Geller issued a statement regarding the ISIS posting: “This threat illustrates the savagery and barbarism of the Islamic State. They want me dead for violating Sharia blasphemy laws. What remains to be seen is whether the free world will finally wake up and stand for the freedom of speech, or instead kowtow to this evil and continue to denounce me.”

Isis threat level at military bases increasing

Starr, Barbara 5/8/15 (cnn pentagon correspondent) "ISIS activity prompts threat level increase at bases" <http://www.cnn.com/2015/05/08/politics/isis-activity-prompts-threat-level-increase-at-bases/>

On Thursday, FBI Director James Comey told reporters that there are thousands of ISIS, also known as ISIL, followers online in the U.S. "We have a general concern, obviously, that ISIL is focusing on the uniformed military and law enforcement," Comey told reporters Thursday. The order to upgrade the threat level was signed by Admiral William Gortney, head of the U.S. Northern Command, which oversees all U.S. military installations in the continental U.S. The security order affects 3,200 sites, including bases, National Guard facilities, recruiting stations and health clinics, a Pentagon official said. "We have the same concern about the potential threat posed by violent homegrown extremists," said Captain Jeff Davis, spokesman for the U.S. Northern Command, or NORTHCOM. Davis declined to specify the new security measures. But the change in threat level status could mean more checks of vehicles entering bases, and more thorough identity checks of all personnel. Davis emphasized that "this is the new normal, that we are going to have increased vigilance and force protection. We seek to be unpredictable." A U.S. military official said the order to raise the force protection level to Bravo also applies to all National Guard installations, recruiting stations, and ROTC detachments, though practically speaking, the official acknowledges it will be difficult for the ROTC detachments to do much more than security awareness. In addition, security was raised recently at Wright-Patterson Air Force Base near Dayton, Ohio, in response to a perceived threat to the base security, another U.S. military official said. The threat was never deemed credible, but it came after another security concern at a base in Delaware used by Vice President Joe Biden when he flies home. On Friday, Wright-Patterson announced that the Air Force museum, which is part of the base, was canceling a planned Friday night concert and was stopping tours that were regularly offered until further notice. The base said this was "due to elevated security measures." Since NORTHCOM was established in October 2002, the threat level has reached Bravo on four occasions: Feb. 9, 2003, amid concerns al Qaeda was planning attacks on American targets; Dec. 21, 2003, when officials were concerned about attacks during the holiday season; May 1, 2011, in the aftermath of the raid that killed Osama bin Laden; and the 10th anniversary of the Sept. 11 attacks.

ISIS will emerge as a serious threat to the US

Morell 15 , Michael Morell is the former deputy director of the CIA and has twice served as acting director. He is the author of *The Great War of Our Time: The CIA's Fight Against Terrorism — From al Qa'ida to ISIS*. May 14, 2015 Time Magazine *ISIS Is a Danger on U.S. Soil* <http://time.com/3858354/isis-is-a-danger-on-u-s-soil/>

The terrorist group poses a gathering threat. In the aftermath of the attempted terrorist attack on May 4 in Garland, Texas—for which ISIS claimed responsibility—we find ourselves again considering the question of whether or not ISIS is a real threat. The answer is yes. A very serious one. Extremists inspired by Osama bin Laden's ideology consider themselves to be at war with the U.S.; they want to attack us. It is important to never forget that—no matter how long it has been since 9/11. ISIS is just the latest manifestation of bin Laden's design. The group has grown

faster than any terrorist group we can remember, and the threat it poses to us is as wide-ranging as any we have seen. What ISIS has that al-Qaeda doesn't is a Madison Avenue level of sophisticated messaging and social media. ISIS has a multilingual propaganda arm known as al-Hayat, which uses GoPros and cameras mounted on drones to make videos that appeal to its followers. And ISIS uses just about every tool in the platform box—from Twitter to YouTube to Instagram—to great effect, attracting fighters and funding. Digital media are one of the group's most significant strengths; they have helped ISIS become an organization that poses four significant threats to the U.S. First, it is a threat to the stability of the entire Middle East. ISIS is putting the territorial integrity of both Iraq and Syria at risk. And a further collapse of either or both of these states could easily spread throughout the region, bringing with it sectarian and religious strife, humanitarian crises and the violent redrawing of borders, all in a part of the world that remains critical to U.S. national interests. ISIS now controls more territory—in Iraq and Syria—than any other terrorist group anywhere in the world. When al-Qaeda in Iraq joined the fight in Syria, the group changed its name to ISIS. ISIS added Syrians and foreign fighters to its ranks, built its supply of arms and money and gained significant battlefield experience fighting Bashar Assad's regime. Together with the security vacuum in Iraq and Nouri al-Maliki's alienation of the Sunnis, this culminated in ISIS's successful blitzkrieg across western Iraq in the spring and summer of 2014, when it seized large amounts of territory. ISIS is not the first extremist group to take and hold territory. Al-Shabab in Somalia did so a number of years ago and still holds territory there, al-Qaeda in the Islamic Maghreb did so in Mali in 2012, and al-Qaeda in Yemen did so there at roughly the same time. I fully expect extremist groups to attempt to take—and sometimes be successful in taking—territory in the years ahead. But no other group has taken so much territory so quickly as ISIS has. Second, ISIS is attracting young men and women to travel to Syria and Iraq to join its cause. At this writing, at least 20,000 foreign nationals from roughly 90 countries have gone to Syria and Iraq to join the fight. Most have joined ISIS. This flow of foreigners has outstripped the flow of such fighters into Iraq during the war there a decade ago. And there are more foreign fighters in Syria and Iraq today than there were in Afghanistan in the 1980s working to drive the Soviet Union out of that country. These foreign nationals are getting experience on the battlefield, and they are becoming increasingly radicalized to ISIS's cause. There is a particular subset of these fighters to worry about. Somewhere between 3,500 and 5,000 jihadist wannabes have traveled to Syria and Iraq from Western Europe, Canada, Australia and the U.S. They all have easy access to the U.S. homeland, which presents two major concerns: that these fighters will leave the Middle East and either conduct an attack on their own or conduct an attack at the direction of the ISIS leadership. The former has already happened in Europe. It has not happened yet in the U.S.—but it will. In spring 2014, Mehdi Nemmouche, a young Frenchman who went to fight in Syria, returned to Europe and shot three people at the Jewish Museum of Belgium in Brussels. The third threat is that ISIS is building a following among other extremist groups around the world. The allied exaltation is happening at a faster pace than al-Qaeda ever enjoyed. It has occurred in Algeria, Libya, Egypt and Afghanistan. More will follow. These groups, which are already dangerous, will become even more so. They will increasingly target ISIS's enemies (including us), and they will increasingly take on ISIS's brutality. We saw the targeting play out in early 2015 when an ISIS-associated group in Libya killed an American in an attack on a hotel in Tripoli frequented by diplomats and international businesspeople. And we saw the extreme violence

play out just a few weeks after that when another ISIS-affiliated group in Libya beheaded 21 Egyptian Coptic Christians. And fourth, perhaps most insidiously, ISIS's message is radicalizing young men and women around the globe who have never traveled to Syria or Iraq but who want to commit an attack to demonstrate their solidarity with ISIS. These are the so-called lone wolves. Even before May 4, such an ISIS-inspired attack had already occurred in the U.S.: an individual with sympathies for ISIS attacked two New York City police officers with a hatchet. Al-Qaeda has inspired such U.S. attacks—the Fort Hood shootings in late 2009 that killed 13 and the Boston Marathon bombing in spring 2013 that killed five and injured nearly 300. The attempted attack in Texas is just the latest of these. We can expect more of these kinds of attacks in the U. S. Attacks by ISIS-inspired individuals are occurring at a rapid pace around the world—roughly 10 since ISIS took control of so much territory. Two such attacks have occurred in Canada, including the October 2014 attack on the Parliament building. And another occurred in Sydney, in December 2014. Many planning such attacks—in Australia, Western Europe and the U.S.—have been arrested before they could carry out their terrorist plans. Today an ISIS-directed attack in the U. S. would be relatively unsophisticated (small-scale), but over time ISIS's capabilities will grow. This is what a long-term safe haven in Iraq and Syria would give ISIS, and it is exactly what the group is planning to do. They have announced their intentions—just like bin Laden did in the years prior to 9/11.

ISIS will attack – three reasons – its capabilities are growing, an attack would be good propaganda, and it basically hates all things America

Rogan 15 (Tom, panelist on The McLaughlin Group and holds the Tony Blankley Chair at the Steamboat Institute, "Why ISIS Will Attack America," National Review, 3-24-15, [//MJ](http://www.nationalreview.com/article/415866/why-isis-will-attack-america-tom-rogan)

There is no good in you if they are secure and happy while you have a pulsing vein. Erupt volcanoes of jihad everywhere. Light the earth with fire upon all the [apostate rulers], their soldiers and supporters. — ISIS leader Abu Bakr al-Baghdadi, November 2014. Those words weren't idle. The Islamic State (ISIS) is still advancing, across continents and cultures. It's attacking Shia Muslims in Yemen, gunning down Western tourists in Tunisia, beheading Christians in Libya, and murdering or enslaving all who do not yield in Iraq and Syria. Its black banner seen as undaunted by the international coalition against it, new recruits still flock to its service. The Islamic State's rise is, in other words, not over, and it is likely to end up involving an attack on America. Three reasons why such an attempt is inevitable: ISIS'S STRATEGY PRACTICALLY DEMANDS IT Imbued with existential hatred against the United States, the group doesn't just oppose American power, it opposes America's identity. Where the United States is a secular democracy that binds law to individual freedom, the Islamic State is a totalitarian empire determined to sweep freedom from the earth. As an ideological and physical necessity, ISIS must ultimately conquer America. Incidentally, this kind of total-war strategy explains why counterterrorism experts are rightly concerned about nuclear proliferation. The Islamic State's strategy is also energized by its desire to replace al-Qaeda as Salafi jihadism's global figurehead. While al-Qaeda in the Arabian Peninsula (AQAP) and ISIS had a short flirtation last year, ISIS has now signaled its intent to usurp al-Qaeda's power in its home territory. Attacks by ISIS last week

against Shia mosques in the Yemeni capital of Sana'a were, at least in part, designed to suck recruits, financial donors, and prestige away from AQAP. But to truly displace al-Qaeda, ISIS knows it must furnish a new 9/11. ITS CAPABILITIES ARE GROWING Today, ISIS has thousands of European citizens in its ranks. Educated at the online University of Edward Snowden, ISIS operations officers have cut back intelligence services' ability to monitor and disrupt their communications. With EU intelligence services stretched beyond breaking point, ISIS has the means and confidence to attempt attacks against the West. EU passports are powerful weapons: ISIS could attack — as al-Qaeda has repeatedly — U.S. targets around the world. AN ATTACK ON THE U.S. IS PRICELESS PROPAGANDA For transnational Salafi jihadists like al-Qaeda and ISIS, a successful blow against the U.S. allows them to claim the mantle of a global force and strengthens the narrative that they're on a holy mission. Holiness is especially important: ISIS knows that to recruit new fanatics and deter its enemies, it must offer an abiding narrative of strength and divine purpose. With the group's leaders styling themselves as Mohammed's heirs, Allah's chosen warriors on earth, attacking the infidel United States would reinforce ISIS's narrative. Of course, attacking America wouldn't actually serve the Islamic State's long-term objectives. Quite the opposite: Any atrocity would fuel a popular American resolve to crush the group with expediency. (Make no mistake, it would be crushed.) The problem, however, is that, until then, America is in the bull's eye.

Terrorism threat high

Terror threat high now—encryption and radicalization

Investor's Business Daily, 6-23-2015, "Despite Obama's Claim, Our Terror Threat Level Is High," <http://news.investors.com/ibd-editorials/062315-758709-diminishing-us-power-has-elevated-our-terror-threat-level.htm>

Homeland Security: The president repeatedly claims we're safer than ever. The chairman of the House Intelligence Committee just warned of the opposite. Apparently we have difficulty tracking U.S.-based terrorist cells. The attitude of the Obama administration toward terrorism is summed up by the National Terrorism Advisory System page on the Homeland Security website. "There are no current alerts," it reports. And "there are no expired alerts." Nearby is the question, "Was this page helpful?" The answer is no. The five post-9/11 color-coded terrorism alert levels, abandoned in 2011, were lampooned by comedians for being vague and based on hidden criteria. With the threat level never dropping below "elevated" (yellow), down to "guarded" (blue) or "low" (green), the public was ignoring it, it was said. But now, in its place, is a National Terrorism Advisory System that never issues alerts. In fact, over nearly six and a half years, President Obama has not once, under either the old or new system, issued an alert. Last August he promised "things are much less dangerous now than they were 20 years ago, 25 years ago, or 30 years ago." That contradicted his own Joint Chiefs chairman, secretary of defense, and even his then-Attorney General Eric Holder, who called potential undetectable explosives smuggled in from Syria the most frightening thing he had seen while in office. Enter House Intelligence Committee Chairman Devin Nunes, R-Calif., who told CBS' "Face the Nation" on Sunday that "we face the highest threat level we have ever faced in this country today . . . including after 9/11." Because of obstacles such as encrypted Internet chat rooms, "we are having a tough time tracking terrorist cells," according to Nunes. And "the flow of fighters" from Western nations who have been radicalized into the Islamic State, but "who have now come out" and may seek to commit terrorist attacks back home, is another reason the threat is greater than ever. Nunes noted that the FBI has "cases open in 50 states." Then there is civil war in Yemen, with the AQAP branch of al-Qaida "everywhere," according to Nunes. Last September, outlining his noncombat approach against the Islamic State, Obama cited his Yemen policy as the model. Eleven days later, Iranian-backed Houthi rebels toppled the U.S.-backed government. Obama is poised to make a nuclear deal with those same Iranians, lifting sanctions and handing Tehran tens of billions in cash to terrorize even more and gain regional dominance — all before getting nuclear weapons, which will launch an atomic arms race in the Mideast. Russia's new aggressiveness counters Obama's claims that the Cold War is ancient history. Iran, the Islamic State and other terrorists are actually, while lacking Moscow's massive nuclear arsenal, a greater threat because of the theocratic-based, self-destructive irrationality and instability underlying their motivations. The Soviets, after all, never murdered thousands of Americans on their own soil. Far less powerful Islamist fanatics did. Under the old color-coded system, today's level of alert would be "severe" (red).

Terror threat high now—Al Qaeda initiatives prove

Mail Online, 7-15-2015, "Terror alert remains high," <http://www.dailymail.co.uk/news/article-181751/Terror-alert-remains-high.html>

Britain and the US remained on terror alert today, following a call from Osama bin Laden's deputy for Muslims to attack the "missions" of the two countries. An audio tape said to have come from Ayman al-Zawahri was played on Arabic television station al-Jazeera, urging "brothers" to follow the example of the September 11 hijackers. "Consider your 19 brothers who attacked America in Washington and New York with their planes as an example," said the voice, identified as al-Zawahri by al-Jazeera, which did not say how it got the tape. "Attack the missions of the United States, the UK, Australia and Norway and their interests, companies and employees. Turn the ground beneath their feet into an inferno and kick them out of your countries," said the tape. "Know that you are not alone in this battle. Your mujahadeen brothers are following the enemies as well and are lying in wait for them." Al-Zawahri, who has not been seen since the war in Afghanistan, lashed out at Arab leaders for offering "airports and the facilities" to the Allied troops, in an apparent reference to the war on Iraq. His call to arms came as British and US embassies in the Saudi capital Riyadh remained shut amid fears they could be targeted in "imminent" terrorist attacks, and America upped its homeland terror alert status. Hijack plot foiled And details emerged of a possible al Qaida plot to hijack a civilian airliner in the Saudi town of Jeddah and crash it into a bank. According to reports, three armed Moroccans arrested in Jeddah's airport on Monday had planned the suicide hijack and hoped to crash the plane into the headquarters of Saudi's National Commercial Bank. It was not clear if they were linked to last week's triple suicide bombings of foreign residential compounds in Riyadh which killed 34, including two Britons, or similar bombings in Morocco on Friday. Security boosted Security officials warned that al Qaida appeared to be entering an "active" phase of attacks, aimed at showing it was still operational despite the so-called "war on terror". The British, German and Italian embassies in the Saudi capital Riyadh closed to the public yesterday following intelligence reports that terrorist attacks were being planned. The British consulate in Jeddah and trade office in al Khobar were also closed from yesterday. It is expected the offices will reopen on Saturday, although the situation will be kept under review. The US closed its embassy and consulates in the Middle Eastern kingdom on Tuesday, a week after the series of suicide bomb attacks in Riyadh. The Bush administration raised America's terror alert level to orange, its second highest level, amid fears that the wave of terrorist attacks in Saudi, Morocco and Israel will spread to the US.

Homegrown terrorism on the rise—74 plots discovered

Carrie Blackmore, 1-17-2015, "Number of homegrown terrorists is rising," USA TODAY, <http://www.usatoday.com/story/news/nation/2015/01/17/number-of-homegrown-terrorists-is-rising/21940159/>

CINCINNATI — We are far from knowing the outcome of the case against Christopher Cornell, the young local man accused of plotting an attack on the U.S. Capitol, but if he is convicted, he would be added to a growing list of homegrown jihadist terrorists. From Sept. 11, 2001, to January 2014, there were 74 known terrorist plots perpetrated by Americans, lawful U.S. residents or visitors largely radicalized here in the United States, according to the most recent data reported by the Congressional Research Service. Five of those plots were carried out before law enforcement was able to intervene. Fifty-three of the cases – almost 72 percent – happened after April 2009. That's a 152 percent increase over that time period – and constitutes a spike, according to the report by the service, an agency that works exclusively for the U.S. Congress,

providing policy and legal analysis to committees and members of the House and Senate. "It may be too early to tell how sustained this uptick is," the report reads. "Regardless, the apparent spike in such activity after April 2009 suggests that ideologies supporting violent jihad continue to influence some Americans – even if a tiny minority." A review of the 74 cases shows that just seven were initiated by someone working independently, a lone wolf. Forty-five of the 74 planned to attack a domestic target.

The likelihood of a lone wolf attack is growing

Zenko 5/19/15 (Micah, Council on Foreign Relations, "Is US Foreign Policy Ignoring Homegrown Terrorists?")

On February 12, National Counterterrorism Center Director Nicholas Rasmussen told the Senate Select Committee on Intelligence: ¶ "We face a much greater, more frequent, recurring threat from lone offenders and probably loose networks of individuals. Measured in terms of frequency and numbers, it is attacks from those sources that are increasingly the most noteworthy..." ¶ On February 26, during the annual worldwide threats hearing, Director of National Intelligence James Clapper warned: ¶ "Home-grown violent extremists continue to pose the most likely threat to the homeland." ¶ Last Friday, Secretary of Homeland Security Jeh Johnson stated on MSNBC: ¶ "We're in a new phase...in the global terrorist threat where, because of effective use of social media, the Internet, by ISIL, al-Qaeda, we have to be concerned about the independent actor who is here in the homeland who may strike with little or no warning..." ¶ Finally, yesterday, former CIA deputy director Michael Morell described the messaging efforts of jihadist groups generally and the self-declared Islamic State (IS) more specifically: ¶ "Their narrative is pretty powerful: The West, the United States, the modern world, is a significant threat to their religion. Their answer to that is to establish a caliphate. And they are being attacked by the U.S. and other Western nations, and by these apostate regimes in the region. Because they are being attacked they need support in two ways; people coming to fight for them, and people coming to stand up and attack coalition nations in their home." ¶ In summary, the most likely—though not most lethal—terror threats to Americans come from individuals living within the United States who are partially motivated to undertake self-directed attacks based upon their perception that the United States and the West are at war with the Muslim world.

Surveillance increasing

US surveillance is increasing to deal with new terrorist threats

Bennett 5/18/15 (Brian, Washington based reporter for the LA Times, "White House Steps Up Warning About Terrorism on US Soil")

Alarmed about the growing threat from Islamic State, the Obama administration has dramatically stepped up warnings of potential terrorist attacks on American soil after several years of relative calm. ¶ Behind the scenes, U.S. authorities have raised defenses at U.S. military bases, put local police forces on alert and increased surveillance at the nation's airports, railroads, shopping malls, energy plants and other potential targets. ¶ Driving the unease are FBI arrests of at least 30 Americans on terrorism-related charges this year in an array of "lone wolf" plots, none successful, but nearly all purportedly inspired by Islamic State propaganda or appeals. ¶ The group's leader, Abu Bakr Baghdadi, drove home the danger in a 34-minute audio recording released online Thursday. He urged Muslims everywhere to "migrate to the Islamic State or fight in his land, wherever that may be." ¶ It is pretty easy for [Islamic State] to reach out to a very large number of people using a very robust social media presence. I suspect we should see more plots going forward. ¶ - J.M. Berger, a nonresident fellow at the Brookings Institution ¶ The audio was released with translations in English, French, German, Russian and Turkish, signaling the militants' increasingly ambitious attempts to draw new recruits — and to spark violence — around the world. ¶ U.S. officials estimate the Sunni Muslim group has drawn 22,000 foreign fighters to Syria and Iraq, including about 3,700 from Western nations. About 180 Americans have gone, or tried to go. ¶ U.S. counter-terrorism officials initially viewed Islamic State as primarily a regional security threat, focused on expanding and protecting its self-proclaimed Islamist caliphate in Syria and Iraq, rather than launching attacks abroad. ¶ But the analysis has shifted sharply as gunmen inspired by the group, but not controlled or assisted by them, opened fire at the Parliament in Ottawa; at a cafe in Sydney, Australia; at a kosher grocery in Paris; and, on May 3, in Garland, Texas. ¶ In the Texas case, two would-be terrorists apparently prompted by Islamic State social media messages tried to shoot their way into a provocative contest for caricatures of the prophet Muhammad. Both gunmen were shot to death, and no one else was killed. Islamic State later claimed responsibility for the assault, the first time it has done so for an attack on U.S. soil. ¶ James B. Comey, the FBI director, warned this month that "hundreds, maybe thousands" of Americans are seeing recruitment pitches from Islamic State on Facebook, Twitter and other social media, as well as messages sent to smartphones of "disturbed people" who could be pushed to attack U.S. targets. ¶ "It's like the devil sitting on their shoulders saying, 'Kill, kill, kill,'" Comey told reporters. ¶ The United States has entered a "new phase, in my view, in the global terrorist threat," Jeh Johnson, director of Homeland Security, said Friday on MSNBC. ¶ "We have to be concerned about the independent actor, and the independent actor who is here in the homeland who may strike with little or no warning," he said. "The nature of the global terrorist threat has evolved." ¶ That poses a special challenge for U.S. intelligence and law enforcement agencies, which spent years desperately trying to penetrate and understand Al Qaeda's rigid hierarchy and top-down approach to terrorism. ¶ Now they are struggling to detect and prevent lethal attacks by individuals — such as the April 2013 bombing of the Boston Marathon by two Russian-born brothers — with little

or no outside communication or support.¶ The administration has sought to stiffen homeland defenses, and intelligence gathering, in response.

Surveillance Key

Mass surveillance has thwarted many attacks – more transparency of the programs makes attacks very likely

Nakashima 13 [Ellen Nakashima, national security reporter for The Washington Post. She focuses on issues relating to intelligence, technology and civil liberties. “Officials: Surveillance programs foiled more than 50 terrorist plots”, https://www.washingtonpost.com/world/national-security/officials-surveillance-programs-foiled-more-than-50-terrorist-plots/2013/06/18/d657cb56-d83e-11e2-9df4-895344c13c30_story.html, June 18th, 2013//Rahul]

The U.S. government’s sweeping surveillance programs have disrupted more than 50 terrorist plots in the United States and abroad, including a plan to bomb the New York Stock Exchange, senior government officials testified Tuesday. The officials, appearing before a largely friendly House committee, defended the collection of telephone and Internet data by the National Security Agency as central to protecting the United States and its allies against terrorist attacks. And they said that recent disclosures about the surveillance operations have caused serious damage. “We are now faced with a situation that, because this information has been made public, we run the risk of losing these collection capabilities,” said Robert S. Litt, general counsel of the Office of the Director of National Intelligence. “We’re not going to know for many months whether these leaks in fact have caused us to lose these capabilities, but if they do have that effect, there is no doubt that they will cause our national security to be affected.” The hearing before the House Intelligence Committee was the third congressional session examining the leaks of classified material about two top-secret surveillance programs by Edward Snowden, 29, a former NSA contractor and onetime CIA employee. Articles based on the material in The Washington Post and Britain’s Guardian newspaper have raised concerns about intrusions on civil liberties and forced the Obama administration to mount an aggressive defense of the effectiveness and privacy protections of the operations. Gen. Keith B. Alexander, the head of the NSA, told the committee that the programs had helped prevent “potential terrorist events over 50 times since 9/11.” He said at least 10 of the disrupted plots involved terrorism suspects or targets in the United States. Alexander said officials do not plan to release additional information publicly, to avoid revealing sources and methods of operation, but he said the House and Senate intelligence committees will receive classified details of the thwarted plots. Newly revealed plots In testimony last week, Alexander said the surveillance programs had helped prevent an attack on the subway system in New York City and the bombing of a Danish newspaper. Sean Joyce, deputy director of the FBI, described two additional plots Tuesday that he said were stopped through the surveillance — a plan by a Kansas City, Mo., man to bomb the New York Stock Exchange and efforts by a San Diego man to send money to terrorists in Somalia. The officials said repeatedly that the operations were authorized by Congress and subject to oversight through internal mechanisms and the Foreign Intelligence Surveillance Court, whose proceedings are secret. Alexander said that more than 90 percent of the information on the foiled plots came from a program targeting the communications of foreigners, known as PRISM. The program was authorized under Section 702 of a 2008 law that amended the Foreign Intelligence Surveillance Act (FISA). The law authorizes the NSA to collect e-mails and other Internet communications to and from foreign targets overseas who are

thought to be involved in terrorism or nuclear proliferation or who might provide critical foreign intelligence. No American in the country or abroad can be targeted without a warrant, and no person inside the United States can be targeted without a warrant. A second program collects all call records from U.S. phone companies. It is authorized under Section 215 of the USA Patriot Act. The records do not include the content of calls, location data, or a subscriber's name or address. That law, passed in 2001 and renewed twice since then, also amended FISA. Snowden, a high school dropout who worked at an NSA operations center in Hawaii for 15 months as a contractor, released highly classified information on both programs, claiming they represent government overreach. He has been in hiding since publicly acknowledging on June 9 that he leaked the material. Several lawmakers pressed for answers on how Snowden, a low-level systems administrator, could have had access to highly classified material such as a court order for phone records. "We need to seal this crack in the system," said Rep. C.A. Dutch Ruppersberger (Md.), the ranking Democrat on the intelligence panel. Alexander said he is working with intelligence officials to come up with a "two-person" rule to ensure that the agency can block unauthorized people from removing information from the system. But Alexander and the other witnesses focused more heavily on justifying the programs and arguing that they operate under legal guidelines. "As Americans, we value our privacy and our civil liberties," Alexander said. "As Americans, we also value our security and our safety. In the 12 years since the attacks on September 11th, we have lived in relative safety and security as a nation. That security is a direct result of the intelligence community's quiet efforts to better connect the dots and learn from the mistakes that permitted those attacks to occur on 9/11."

Mass surveillance key to prevent terrorist attacks—ISIS is recruiting from the US

Rory Carroll, 4-1-2015, "NSA surveillance needed to prevent Isis attack, claims former intelligence chair," Guardian, <http://www.theguardian.com/us-news/2015/apr/22/mass-surveillance-needed-isis-attack-mike-rogers>

Mass surveillance should be retained because of the prospect of Islamic State attacks within the United States, a key Republican ally of the National Security Agency has claimed. Mike Rogers, the former chairman of the House intelligence committee, said the NSA needed to preserve its wide powers in case Isis used its bases in Syria and Iraq to unleash atrocities on the US homeland. "Now you have a very real face on what the threat is," Rogers told the Guardian on Tuesday. "Somebody calling back from Syria to Minnesota, either recruiting somebody or giving the operational OK to do something. That's real and it's serious. Before it seemed all hypothetical. Now you can see it." He added: "Think about how many people are in Syria with western passports or even American passports. I want to know if they pick up the phone. If they're calling back to the States, I don't know about you, but I want to know who they're talking to and what they're talking about."

UQ- Risk of major terror attack is high; continued data surveillance is key to continue to prevent attacks

Lewis, senior fellow and program director at the Center for Strategic and International Studies, December 2014 (James, Center for Strategic and International Studies, "Underestimating Risk in

the Surveillance Debate”

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf; accessed 7/14/15 JH @ DDI)

Americans are reluctant to accept terrorism is part of their daily lives, but attacks have been planned or attempted against American targets (usually airliners or urban areas) almost every year since 9/11. Europe faces even greater risk, given the thousands of European Union citizens who will return hardened and radicalized from fighting in Syria and Iraq. The threat of attack is easy to exaggerate, but that does not mean it is nonexistent. Australia’s then-attorney general said in August 2013 that communications surveillance had stopped four “mass casualty events” since 2008. The constant planning and preparation for attack by terrorist groups is not apparent to the public. The dilemma in assessing risk is that it is discontinuous. There can be long periods with no noticeable activity, only to have the apparent calm explode. The debate over how to reform communications surveillance has discounted this risk. Communications surveillance is an essential law enforcement and intelligence tool. There is no replacement for it. Some suggestions for alternative approaches to surveillance, such as the idea that the National Security Agency (NSA) only track known or suspected terrorists, reflect wishful thinking, as it is the unknown terrorist who will inflict the greatest harm.

UQ- Empirics arguments don’t matter terrorism can happen at anytime

Lewis 14 [James Andrew Lewis, Director and Senior Fellow of the Technology and Public Policy Program at the CSIS, December 2014, "Underestimating Risk in the Surveillance Debate", Center for Strategic and International Studies, http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf pg 19-20 jf]

The phrase “terrorism” is overused, and the threat of terrorist attack is easily exaggerated, but that does not mean this threat it is nonexistent. Groups and individuals still plan to attack American citizens and the citizens of allied countries. The dilemma in assessing risk is that it is discontinuous. There can be long periods where no activity is apparent, only to have the apparent calm explode in an attack. The constant, low-level activity in planning and preparation in Western countries is not apparent to the public, nor is it easy to identify the moment that discontent turns into action.

There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.²⁴ European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.²⁵ The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.²⁶ If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences.

A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia.

Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces.

The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems, nationally and in cooperation with others, including the United States, to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new “front” for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets. 27

The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational difficulties. These attacks are the threat that mass surveillance was created to prevent. The needed reduction in public anti-terror measures without increasing the chances of successful attack is contingent upon maintaining the capability provided by communications surveillance to detect, predict, and prevent attacks. Our opponents have not given up; neither should we.

Yes nuclear capabilities

Terrorist groups have the financial and nuclear capabilities to attack the US—transporting weapons into the US is a simple task—empirics prove

Mac Slavo, 5-26-2015, "Report: Terrorist Nuke Attack May Be Carried Out Inside the United States in Next 12 Months," Infowars, <http://www.infowars.com/report-terrorist-nuke-attack-may-be-carried-out-inside-the-united-states-in-next-12-months/>

With nuclear material having been stolen on multiple occasions in Mexico, and close terrorist ties to intelligence organizations in the middle east, it appears that if an organization was committed to acquiring nuclear material they could do so. Finding the scientists to build such a weapon, whether dirty or actual, wouldn't be all that difficult. Moreover, smuggling such a device into the U.S. is possible, as evidenced by a 2011 report which confirms that at least one nuclear weapon of mass destruction was seized as it entered the United States. According to a report from Zero Hedge, such a plan may be in the works over the next twelve months, as the Islamic State claims it may be actively pursuing a nuclear weapon intended for detonation on American soil. Three weeks after the first supposed attack by Islamic State supporters in the US, in which two ISIS "soldiers" wounded a security guard before they were killed in Garland, Texas, the time has come to raise the fear stakes. In an article posted in the terrorist group's English-language online magazine Dabiq (which as can be see below seems to have gotten its design cues straight from Madison Avenue and is just missing glossy pages filled with 'scratch and sniff' perfume ads) ISIS claimed that it has enough money to buy a nuclear weapon from Pakistan and "carry out an attack inside the United States next year." In the article, the ISIS columnist said the weapon could be smuggled into the United States via its southern border with Mexico. Curiously, the author of the piece is John Cantlie, a British photojournalist who was abducted by ISIS in 2012 and has been held hostage by the organization ever since; he has appeared in several videos since his kidnapping and criticized Western powers. As the Telegraph notes, "Mr Cantlie, whose fellow journalist hostages have all either been released or beheaded, has appeared in the group's propaganda videos and written previous pieces. In his latest work, presumed to be written under pressure but in his hall-mark style combining hyperbole, metaphor and sarcasm, he says that President Obama's policies for containing Isil have demonstrably failed and increased the risk to America." Cantlie describes the following "hypothetical" scenario in Dabiq : Let me throw a hypothetical operation onto the table. The Islamic State has billions of dollars in the bank, so they call on their wilayah in Pakistan to purchase a nuclear device through weapons dealers with links to corrupt officials in the region. The weapon is then transported overland until it makes it to Libya, where the muj?hid?n move it south to Nigeria. Drug shipments from Columbia bound for Europe pass through West Africa, so moving other types of contraband from East to West is just as possible. The nuke and accompanying mujahadin arrive on the shorelines of South America and are transported through the porous borders of Central America before arriving in Mexico and up to the border with the United States. From there it's just a quick hop through a smuggling tunnel and hey presto, they're mingling with another 12 million "illegal" aliens in America with a nuclear bomb in the trunk of their car. Cantlie continues: Perhaps such a scenario is far-fetched but it's the sum of all fears for Western intelligence agencies and it's infinitely more possible today than it was just one year ago. And if not a nuke, what about a few thousand tons of ammonium nitrate

explosive? That's easy enough to make. The Islamic State make no secret of the fact they have every intention of attacking America on its home soil and they're not going to mince about with two mujahidin taking down a dozen casualties if it originates from the Caliphate. They'll be looking to do something big, something that would make any past operation look like a squirrel shoot, and the more groups that pledge allegiance the more possible it becomes to pull off something truly epic. Remember, all of this has happened in less than a year. How more dangerous will be the lines of communication and supply a year on from today? If the West completely failed to spot the emergence of the Islamic State and then the allies who so quickly pledged allegiance to it from around the world, what else of massive significance are they going to miss next?

ISIS has the ability to acquire a nuclear weapon and explosives—al Qaeda proves

Fox News, 7-16-2015, "ISIS Magazine: Terror Army Could Buy Nuclear Weapon From Pakistan," Fox News Insider, <http://insider.foxnews.com/2015/05/26/isis-magazine-terror-army-could-buy-nuclear-weapon-pakistanxc>

An article in the official magazine of ISIS claims that the terror army has the financial wherewithal to purchase a nuclear weapon, possibly from corrupt officials in Pakistan. The article in Dabiq was written last week under the name of British photojournalist John Cantlie, who's been held by ISIS for the last two years. If a nuclear weapon cannot be obtained, the article suggests ISIS look into procuring a few thousand tons of ammonium nitrate explosives. Meantime, new photos show the terror army's rapidly growing arsenal of guns, ammo and explosives, seized when Iraqi forces fled Ramadi. Brian Kilmeade discussed these troubling developments with Lt. Col. Tony Shaffer, senior fellow at the London Center for Policy Research. Shaffer said the nuclear threat from ISIS is "very real," adding that al Qaeda went down this path years ago. Shaffer said al Qaeda was only one-tenth as smart as ISIS and about one one-hundredth as well financed. He argued that if Iran obtains a nuclear weapon, it's going to cause proliferation throughout the Middle East, increasing the chance that ISIS can get a nuclear device. "They're available. Last time I checked on the black market, these things run about 400 million dollars per warhead. So, ya know, it's there," said Shaffer.

ISIS is on track to gaining nuclear capabilities—US recruits and financial resources increase probability of a nuclear attack or a dirty bomb

Joseph Cirincione, 9-30-2014, "ISIS will get nukes if allowed to consolidate: expert," NY Daily News, <http://www.nydailynews.com/news/world/isis-nukes-allowed-consolidate-expert-article-1.1958855>

The risk of a terrorist attack using nuclear or chemical weapons has just gone up. ISIS is willing to kill large numbers of innocents, and it has added three capabilities that catapult the threat beyond anything seen before: control of large, urban territories, huge amounts of cash, and a global network of recruits. British Home Secretary Theresa May warned that if ISIS consolidates its control over the land it occupies, "We will see the world's first truly terrorist state" with "the space to plot attacks against us." Its seizure of banks and oil fields gave it more than \$2 billion in assets. If ISIS could make the right connection to corrupt officials in Russia or Pakistan, the group

might be able to buy enough highly enriched uranium (about 50 pounds) and the technical help to build a crude nuclear device. Militants recruited from Europe or America could help smuggle it into their home nations. Or ISIS could try to build a “dirty bomb,” conventional explosives like dynamite laced with highly radioactive materials. The blast would not kill many directly, but it would force the evacuation of tens of square blocks contaminated with radioactive particles. The terror and economic consequences of a bomb detonated in the financial districts of London or New York would be enormous. ISIS could also try to get chemical weapons, such as deadly nerve gases or mustard gas. Fortunately, the most likely source of these terror weapons was just eliminated.

Terrorist organizations have nuclear capabilities—ISIS has access to nuclear materials and are planning an attack

Lora Moftah, 6-30-2014, "Does ISIS Have A Nuclear Weapon? Islamic State Supporter Claims Militants Have Dirty Bomb," International Business Times, <http://www.ibtimes.com/does-isis-have-nuclear-weapon-islamic-state-supporter-claims-militants-have-dirty-1731890>

Islamic State group has reportedly developed a nuclear weapon made from radioactive material stolen from an Iraqi university, according to a militant who claims insider knowledge. Hamayun Tariq, a British ISIS member now based in Syria, claimed on social media that the group obtained the uranium from Mosul University and now possesses a “dirty bomb” that it is now considering detonating in a public area. If true, this would confirm fears voiced by Iraq’s United Nations ambassador back in July following the seizure of 40 kilograms of uranium compounds from Mosul University. In a letter to U.N. Secretary-General Ban Ki-moon dated July 8, ambassador Mohamed Ali Alhakim warned that these materials “can be used in manufacturing weapons of mass destruction,” according to Reuters. “These nuclear materials, despite the limited amounts mentioned, can enable terrorist groups, with the availability of the required expertise, to use it separate or in combination with other materials in its terrorist acts,” said Alhakim.

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Mass Surv Links

Mass surveillance has thwarted many attacks – more transparency of the programs makes attacks very likely

Nakashima 13 [Ellen Nakashima, national security reporter for The Washington Post. She focuses on issues relating to intelligence, technology and civil liberties. “Officials: Surveillance programs foiled more than 50 terrorist plots”, https://www.washingtonpost.com/world/national-security/officials-surveillance-programs-foiled-more-than-50-terrorist-plots/2013/06/18/d657cb56-d83e-11e2-9df4-895344c13c30_story.html, June 18th, 2013//Rahul]

The U.S. government’s sweeping surveillance programs have disrupted more than 50 terrorist plots in the United States and abroad, including a plan to bomb the New York Stock Exchange, senior government officials testified Tuesday. The officials, appearing before a largely friendly House committee, defended the collection of telephone and Internet data by the National Security Agency as central to protecting the United States and its allies against terrorist attacks. And they said that recent disclosures about the surveillance operations have caused serious damage. “We are now faced with a situation that, because this information has been made public, we run the risk of losing these collection capabilities,” said Robert S. Litt, general counsel of the Office of the Director of National Intelligence. “We’re not going to know for many months whether these leaks in fact have caused us to lose these capabilities, but if they do have that effect, there is no doubt that they will cause our national security to be affected.” The hearing before the House Intelligence Committee was the third congressional session examining the leaks of classified material about two top-secret surveillance programs by Edward Snowden, 29, a former NSA contractor and onetime CIA employee. Articles based on the material in The Washington Post and Britain’s Guardian newspaper have raised concerns about intrusions on civil liberties and forced the Obama administration to mount an aggressive defense of the effectiveness and privacy protections of the operations. Gen. Keith B. Alexander, the head of the NSA, told the committee that the programs had helped prevent “potential terrorist events over 50 times since 9/11.” He said at least 10 of the disrupted plots involved terrorism suspects or targets in the United States. Alexander said officials do not plan to release additional information publicly, to avoid revealing sources and methods of operation, but he said the House and Senate intelligence committees will receive classified details of the thwarted plots. Newly revealed plots In testimony last week, Alexander said the surveillance programs had helped prevent an attack on the subway system in New York City and the bombing of a Danish newspaper. Sean Joyce, deputy director of the FBI, described two additional plots Tuesday that he said were stopped through the surveillance — a plan by a Kansas City, Mo., man to bomb the New York Stock Exchange and efforts by a San Diego man to send money to terrorists in Somalia. The officials said repeatedly that the operations were authorized by Congress and subject to oversight through internal mechanisms and the Foreign Intelligence Surveillance Court, whose proceedings are secret. Alexander said that more than 90 percent of the information on the foiled plots came from a program targeting the communications of foreigners, known as PRISM. The program was authorized under Section 702 of a 2008 law that amended the Foreign Intelligence Surveillance Act (FISA). The law authorizes the NSA to collect

e-mails and other Internet communications to and from foreign targets overseas who are thought to be involved in terrorism or nuclear proliferation or who might provide critical foreign intelligence. No American in the country or abroad can be targeted without a warrant, and no person inside the United States can be targeted without a warrant. A second program collects all call records from U.S. phone companies. It is authorized under Section 215 of the USA Patriot Act. The records do not include the content of calls, location data, or a subscriber's name or address. That law, passed in 2001 and renewed twice since then, also amended FISA. Snowden, a high school dropout who worked at an NSA operations center in Hawaii for 15 months as a contractor, released highly classified information on both programs, claiming they represent government overreach. He has been in hiding since publicly acknowledging on June 9 that he leaked the material. Several lawmakers pressed for answers on how Snowden, a low-level systems administrator, could have had access to highly classified material such as a court order for phone records. "We need to seal this crack in the system," said Rep. C.A. Dutch Ruppersberger (Md.), the ranking Democrat on the intelligence panel. Alexander said he is working with intelligence officials to come up with a "two-person" rule to ensure that the agency can block unauthorized people from removing information from the system. But Alexander and the other witnesses focused more heavily on justifying the programs and arguing that they operate under legal guidelines. "As Americans, we value our privacy and our civil liberties," Alexander said. "As Americans, we also value our security and our safety. In the 12 years since the attacks on September 11th, we have lived in relative safety and security as a nation. That security is a direct result of the intelligence community's quiet efforts to better connect the dots and learn from the mistakes that permitted those attacks to occur on 9/11."

Bulk surveillance is crucial to detect and act on threats – many examples prove

Hines 13 [Pierre Hines is a defense council member of the Truman National Security Project, "Here's how metadata on billions of phone calls predicts terrorist attacks" <http://qz.com/95719/heres-how-metadata-on-billions-of-phone-calls-predicts-terrorist-attacks>, June 19th, 2013//Rahul]

Yesterday, when NSA Director General Keith Alexander testified before the House Committee on Intelligence, he declared that the NSA's surveillance programs have provided "critical leads to help prevent over 50 potential terrorist events." FBI Deputy Director Sean Boyce elaborated by describing four instances when the NSA's surveillance programs have had an impact: (1) when an intercepted email from a terrorist in Pakistan led to foiling a plan to bomb of the New York subway system; (2) when NSA's programs helped prevent a plot to bomb the New York Stock Exchange; (3) when intelligence led to the arrest of a U.S. citizen who planned to bomb the Danish Newspaper office that published cartoon depictions of the Prophet Muhammad; and (4) when the NSA's programs triggered reopening the 9/11 investigation. So what are the practical applications of internet and phone records gathered from two NSA programs? And how can "metadata" actually prevent terrorist attacks? Metadata does not give the NSA and intelligence community access to the content of internet and phone communications. Instead, metadata is more like the transactional information cell phone customers would normally see on their billing statements—metadata can indicate when a call, email, or online chat began and how long the communication lasted. Section 215 of the Patriot Act provides the legal authority to obtain

“business records” from phone companies. Meanwhile, the NSA uses Section 702 of the Foreign Intelligence Surveillance Act to authorize its PRISM program. According to the figures provided by Gen. Alexander, intelligence gathered based on Section 702 authority contributed in over 90% of the 50 cases. One of the major benefits of metadata is that it provides hindsight—it gives intelligence analysts a retrospective view of a sequence of events. As Deputy Director Boyce discussed, the ability to analyze previous communications allowed the FBI to reopen the 9/11 investigation and determine who was linked to that attack. It is important to recognize that terrorist attacks are not orchestrated overnight; they take months or years to plan. Therefore, if the intelligence community only catches wind of an attack halfway into the terrorists’ planning cycle, or even after a terrorist attack has taken place, metadata might be the only source of information that captures the sequence of events leading up to an attack. Once a terrorist suspect has been identified or once an attack has taken place, intelligence analysts can use powerful software to sift through metadata to determine which numbers, IP addresses, or individuals are associated with the suspect. Moreover, phone numbers and IP addresses sometimes serve as a proxy for the general location of where the planning has taken place. This ability to narrow down the location of terrorists can help determine whether the intelligence community is dealing with a domestic or international threat. Even more useful than hindsight is a crystal ball that gives the intelligence community a look into the future. Simply knowing how many individuals are in a chat room, how many individuals have contacted a particular phone user, or how many individuals are on an email chain could serve as an indicator of how many terrorists are involved in a plot. Furthermore, knowing when a suspect communicates can help identify his patterns of behavior. For instance, metadata can help establish whether a suspect communicates sporadically or on a set pattern (e.g., making a call every Saturday at 2 p.m.). Any deviation from that pattern could indicate that the plan changed at a certain point; any phone number or email address used consistently and then not at all could indicate that a suspect has stopped communicating with an associate. Additionally, a rapid increase in communication could indicate that an attack is about to happen. Metadata can provide all of this information without ever exposing the content of a phone call or email. If the metadata reveals the suspect is engaged in terrorist activities, then obtaining a warrant would allow intelligence officials to actually monitor the content of the suspect’s communication. In Gen. Alexander’s words, “These programs have protected our country and allies . . . [t]hese programs have been approved by the administration, Congress, and the courts.” Now, Americans will have to decide whether they agree.

Surveillance is necessary and has very little negative consequences on civil liberty

Boot 13 [Max Boot, Max Boot is an American author, consultant, editorialist, lecturer, and military historian, “Stay calm and let the NSA carry on”, <http://articles.latimes.com/2013/jun/09/opinion/la-oe-boot-nsa-surveillance-20130609>, June 9th, 2015//Rahul]

After 9/11, there was a widespread expectation of many more terrorist attacks on the United States. So far that hasn't happened. We haven't escaped entirely unscathed (see Boston Marathon, bombing of), but on the whole we have been a lot safer than most security experts,

including me, expected. In light of the current controversy over the National Security Agency's monitoring of telephone calls and emails, it is worthwhile to ask: Why is that? It is certainly not due to any change of heart among our enemies. Radical Islamists still want to kill American infidels. But the vast majority of the time, they fail. The Heritage Foundation estimated last year that 50 terrorist attacks on the American homeland had been foiled since 2001. Some, admittedly, failed through sheer incompetence on the part of the would-be terrorists. For instance, Faisal Shahzad, a Pakistani American jihadist, planted a car bomb in Times Square in 2010 that started smoking before exploding, thereby alerting two New Yorkers who in turn called police, who were able to defuse it. But it would be naive to adduce all of our security success to pure serendipity. Surely more attacks would have succeeded absent the ramped-up counter-terrorism efforts undertaken by the U.S. intelligence community, the military and law enforcement. And a large element of the intelligence community's success lies in its use of special intelligence — that is, communications intercepts. The CIA is notoriously deficient in human intelligence — infiltrating spies into terrorist organizations is hard to do, especially when we have so few spooks who speak Urdu, Arabic, Persian and other relevant languages. But the NSA is the best in the world at intercepting communications. That is the most important technical advantage we have in the battle against fanatical foes who will not hesitate to sacrifice their lives to take ours. Which brings us to the current kerfuffle over two NSA monitoring programs that have been exposed by the Guardian and the Washington Post. One program apparently collects metadata on all telephone calls made in the United States. Another program provides access to all the emails, videos and other data found on the servers of major Internet firms such as Google, Apple and Microsoft. At first blush these intelligence-gathering activities raise the specter of Big Brother snooping on ordinary American citizens who might be cheating on their spouses or bad-mouthing the president. In fact, there are considerable safeguards built into both programs to ensure that doesn't happen. The phone-monitoring program does not allow the NSA to listen in on conversations without a court order. All that it can do is to collect information on the time, date and destination of phone calls. It should go without saying that it would be pretty useful to know if someone in the U.S. is calling a number in Pakistan or Yemen that is used by a terrorist organizer. As for the Internet-monitoring program, reportedly known as PRISM, it is apparently limited to "non-U.S. persons" who are abroad and thereby enjoy no constitutional protections. These are hardly rogue operations. Both programs were initiated by President George W. Bush and continued by President Obama with the full knowledge and support of Congress and continuing oversight from the federal judiciary. That's why the leaders of both the House and Senate intelligence committees, Republicans and Democrats alike, have come to the defense of these activities. It's possible that, like all government programs, these could be abused — see, for example, the IRS making life tough on tea partiers. But there is no evidence of abuse so far and plenty of evidence — in the lack of successful terrorist attacks — that these programs have been effective in disrupting terrorist plots. Granted there is something inherently creepy about Uncle Sam scooping up so much information about us. But Google, Facebook, Amazon, Twitter, Citibank and other companies know at least as much about us, because they use very similar data-mining programs to track our online movements. They gather that information in order to sell us products, and no one seems to be overly alarmed. The NSA is gathering that information to keep us safe from terrorist attackers. Yet somehow its actions have become a "scandal," to use a term now loosely being tossed around. The real

scandal here is that the Guardian and Washington Post are compromising our national security by telling our enemies about our intelligence-gathering capabilities. Their news stories reveal, for example, that only nine Internet companies share information with the NSA. This is a virtual invitation to terrorists to use other Internet outlets for searches, email, apps and all the rest. No intelligence effort can ever keep us 100% safe, but to stop or scale back the NSA's special intelligence efforts would amount to unilateral disarmament in a war against terrorism that is far from over.

Unwarranted domestic surveillance is the most significant anti-terror tool available- allows us to infiltrate terror groups and prevent weapons proliferation- has solved 53 of 54 suppressed terror attacks in recent years

Clarke et al 2013 [Report and Recommendations of the President's Review Group on Intelligence and Surveillance Technologies, "Liberty and Security in a Changing World", https://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf, Accessed 7/3/15, AX]

According to NSA, section 702 "is the most significant tool in NSA collection arsenal for the detection, identification, and disruption of terrorist threats to the US and around the world." To cite just one example, collection under section 702 "was critical to the discovery and disruption" of a planned bomb attack in 2009 against the New York City subway system and led to the arrest and conviction of Najibullah Zazi and several of his co-conspirators. According to the Department of Justice and the Office of the Director of National Intelligence in a 2012 report to Congress: Section 702 enables the Government to collect information effectively and efficiently about foreign targets overseas and in a manner that protects the privacy and civil liberties of Americans. Through rigorous oversight, the Government is able to evaluate whether changes are needed to the procedures or guidelines, and what other steps may be appropriate to safeguard the privacy of personal information. In addition, the Department of Justice provides the joint assessments and other reports to the FISC. The FISC has been actively involved in the review of section 702 collection. Together, all of these mechanisms ensure thorough and continuous oversight of section 702 activities. . . . Section 702 is vital to keeping the nation safe. It provides information about the plans and identities of terrorists allowing us to glimpse inside terrorist organizations and obtain information about how those groups function and receive support. In addition, it lets us collect information about the intentions and capabilities of weapons proliferators and other foreign adversaries who threaten the United States. In reauthorizing section 702 for an additional five years in 2012, the Senate Select Committee on Intelligence concluded: [T]he authorities provided [under section 702] have greatly increased the government's ability to collect information and act quickly against important foreign intelligence targets. The Committee has also found that [section 702] has been implemented with attention to protecting the privacy and civil liberties of US persons, and has been the subject of extensive oversight by the Executive branch, the FISC, as well as the Congress. . . . [The] failure to reauthorize [section 702] would "result in a loss of significant intelligence and impede the ability of the Intelligence Community to respond quickly to new threats and intelligence opportunities."¹⁴⁷Our own review is not inconsistent with this assessment. During the course of our analysis, NSA shared with the Review Group the details of 54 counterterrorism

investigations since 2007 that resulted in the prevention of terrorist attacks in diverse nations and the United States. In all but one of these cases, information obtained under section 702 contributed in some degree to the success of the investigation. Although it is difficult to assess precisely how many of these investigations would have turned out differently without the information learned through section 702, we are persuaded that section 702 does in fact play an important role in the nation's effort to prevent terrorist attacks across the globe.

Meta-data has stopped terror attacks

Schwartz 15 [Mattathias Schwartz, 1-26-2015, staff writer for the New Yorker and won the 2011 Livingston Award for international reporting "How to Catch a Terrorist," New Yorker, <http://www.newyorker.com/magazine/2015/01/26/whole-haystack> jf]

The N.S.A. asserts that it uses the metadata to learn whether anyone inside the U.S. is in contact with high-priority terrorism suspects, colloquially referred to as "known bad guys." Michael Hayden, the former C.I.A. and N.S.A. director, has said, "We kill people based on metadata." He then added, "But that's not what we do with this metadata," referring to Section 215.

Soon after Snowden's revelations, Alexander said that the N.S.A.'s surveillance programs have stopped "fifty-four different terrorist-related activities." Most of these were "terrorist plots." Thirteen involved the United States. Credit for foiling these plots, he continued, was partly due to the metadata program, intended to "find the terrorist that walks among us."

President Obama also quantified the benefits of the metadata program. That June, in a press conference with Angela Merkel, the German Chancellor, Obama said, "We know of at least fifty threats that have been averted because of this information." He continued, "Lives have been saved."

Even if terror is unlikely meta-data surveillance is worth it

Lake 2014 [Eli Lake, 2-17-2014, senior national-security correspondent for the Daily Beast, "Spy Chief: We Should've Told You We Track Your Calls," Daily Beast, <http://www.thedailybeast.com/articles/2014/02/17/spy-chief-we-should-ve-told-you-we-track-your-calls.html> jf]

Clapper still defends the 215 program, too. The storage of the phone records allows NSA analysts to connect phone numbers of suspected terrorists overseas to a possible network

inside the United States. Other U.S. intelligence officials say its real value is that it saves work for the FBI and the NSA in tracking down potential leads by ruling out suspicious numbers quickly.

In the interview Clapper said the 215 program was not a violation the rights of Americans. "For me it was not some massive assault on civil liberties and privacy because of what we actually do and the safeguards that are put on this," he said. "To guard against perhaps these days low probability but a very (high) impact thing if it happens." Clapper compared the 215 program to fire insurance. "I buy fire insurance ever since I retired, the wife and I bought a house out here and we buy fire insurance every year. Never had a fire. But I am not gonna quit buying my fire insurance, same kind of thing."

Meta Data is key to damage control after terrorist attacks

Lewis 14 [James Andrew Lewis, Director and Senior Fellow of the Technology and Public Policy Program at the CSIS, December 2014, "Underestimating Risk in the Surveillance Debate", Center for Strategic and International Studies, http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf pg 9 jf]

The most controversial aspect of the surveillance program involved metadata. Metadata is information describing a telephone call, such as the number from which the call was placed, the number called, and the date, time, and length of the call. The content of the phone call (e.g., the conversation) is not collected. No locational data is collected, although commentators seem confused on this point. Metadata analysis gave NSA the ability to identify individuals in the United States or individuals outside the United States who are in contact with terrorist groups.¹⁰ In 2012, NSA looked at 288 primary telephone numbers and through "call chaining" analysis reviewed 6,000 other numbers connected to these primary numbers. The 288 people had some connection to terrorism and NSA looked at the 6,000 people with whom they talked to see if they were also involved. Metadata acquired and retained under Section 215 of the Patriot Act program could only be queried when there is "reasonable articulable suspicion" that a telephone number is associated with foreign terrorist organizations. If a query merits further investigation, which requires looking at either content of the individual unmaking the call, this requires a specific, individual court order based on probable cause. If there is one constitutional requirement that was not fully observed in the metadata program authorized under the Patriot Act, it was that search requires a warrant from a court rather than an internal approval by the executive branch agency itself.¹¹ This was a significant error. The 215 program allows law enforcement and intelligence officials to determine if a terrorist event is an isolated incident or the first of a serious of attacks, and whether the attacker is a "lone wolf" or connected to a larger terrorist organization. The most important decision in the immediate aftermath of an attack is whether the incident is the first of a series. If it is the first of a series of attacks, additional steps must be taken without delay, such as closing airports and other transportation

hubs, putting police forces around the country on high alert, and mobilizing law enforcement agencies to locate and arrest the other attackers. These steps are both disruptive and expensive and knowing that they are not necessary provides immediate benefit.

Borders Links

Border surveillance is key preventing terrorism

Smarick et al. 12, (Kathleen Smarick and Gary D. LaFree of the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland. 11/12 "Border Crossings and Terrorist Attacks in the United States: Lessons for Protecting against Dangerous Entrants" START, http://www.start.umd.edu/sites/default/files/files/publications/START_BorderCrossingsTerroristAttacks.pdf CCC)

An essential step in this project was determining the frequency and dynamics of border crossings by individuals who conducted or who wanted to conduct terrorism-related activities in the United States. Towards that goal, the project built upon the existing holdings of the American Terrorism Study (ATS) in this effort. The ATS, housed at the University of Arkansas, catalogs and systematically codes information on more than 300 Federal court cases involving Federal terrorist charges since 1980 and, following a review of other possible resources, proved to be the most useful starting point for compiling open-source, quantitative data on terrorist border crossings. Since 1989, the American Terrorism Study (ATS) has received lists of court cases and associated indictees that resulted from an official FBI terrorism investigation spanning 1980 through 2004. Housed at the University of Arkansas' Terrorism Research Center in Fulbright College (TRC), the ATS now includes almost 400 cases from the FBI lists. Of these, approximately 75% of cases have complete court documentation, and almost all of those collected have been coded into the ATS database, while the ATS team continues to track new cases by collecting, reviewing, and coding new and additional court documentation. The ATS includes terrorism incidents and attacks, thwarted or planned terrorism incidents sometimes referred to as preventions, material support cases for terrorism, general terrorism conspiracies, and in some cases, immigration fraud; the common denominator among all ATS events is that the FBI investigated these events as terrorism-related incidents. During preliminary research for this project, court records from 378 terrorism cases found in the ATS dataset were reviewed for information on potential border crossing events related to terrorism cases. The documents for each court case were manually reviewed by researchers to determine whether the collected records reported that one of the defendants or accomplices in a case crossed a U.S. border at some point. Thirty-eight percent of the reviewed cases—145 cases—from 1980 through 2004 were found to either have: • direct mention of a border crossing in the court documents, or • a link to a terrorism incident that involved a known border crossing, either before or after an incident. After compiling this list of court cases for inclusion, each identified court case was then linked to a criminal incident involving terrorism charges. Initial reviews revealed a connection to a border-crossing event in a total of 58 successful terrorist attacks, 51 prevented or thwarted attacks, 26 material support cases, 33 immigration fraud incidents, and 4 general terrorism conspiracies. Additional reviews of relevant information on indictees and their activities resulted in a reduction in the number of successful terrorist attacks associated with these individuals to a total of 43. Appendix 2 provides more details on the data collection process and how a reliable collection methodology was established to create the U.S. Terrorist Border Crossing Dataset (USTBC), using the ATS as a starting point. National Consortium for the Study of Terrorism and

Responses to Terrorism A Department of Homeland Security Science and Technology Center of Excellence Border Crossings and Terrorist Attacks in the United States 12 Systematic evaluation by the research team revealed that the American Terrorism Study is a reliable and useful resource for identifying individuals associated with terrorist attacks or terrorist criminal cases (such as conspiracies) and for determining which of these individuals crossed U.S. borders in advance of or in the wake of their terrorism-related behavior. This is largely because the ATS is based on court documents, which among sources of data on terrorism are the most likely to reference relevant border crossing activity. The Global Terrorism Database, which is based primarily on media sources, can serve a supporting role in this research, but the ATS is the primary source allowing for construction of a new, relational database on U.S. Terrorist Border Crossings (USTBCs). That being said, it is important to recognize that the ATS is not a perfect data source. As noted above, its contents are limited to individuals and information related to court cases in which one or more defendant was charged with Federal terrorism charges. As such, the contents of ATS clearly represent a subset of all terrorists or attempted terrorists in the United States, as it systematically omits those who: • were never arrested or faced any charges, • were charged with offenses not directly related to terrorism, • were charged at the non-Federal level, or • were engaged in dangerous activity that does not meet the FBI's definition of a terrorism case. Throughout this project, the research team was careful to respect the limitations of this data collection and to draw conclusions that recognize that the border crossing events included in this project likely represent a non-representative subset of all border crossing attempts by terrorists or intended terrorists. Despite these limitations, though, the data that was built upon the baseline of ATS provides important insights into the nexus between border crossings and terrorism. The U.S. Terrorism Border Crossing Dataset The final versions of the codebooks used to develop the U.S. Terrorist Border Crossing (USTBC) data collection are presented in Appendix 3. Based upon knowledge gained from pilot efforts (as discussed above and in Appendix 2), the project resulted in two codebooks—one focused on dynamics of a bordercrossing event involving someone associated with a Federal terrorism court case, and another focused on the characteristics of the individuals associated with Federal charges who were involved in the bordercrossing event. Data collection for the USTBC lasted for approximately one year and was primarily conducted by research assistants at the Terrorism Research Center at the University of Arkansas.³ The resultant data that comprise the USTBC are available in Appendix 4. Table 4 provides a snapshot summary of these data, which include detailed information on the location of an attempted crossing, the timing of a crossing relative to attempted or actual terrorist activity, the origin or destination of an attempted crossing, and more. The data also include specific information on border crossers, including their citizenship status, their criminal history, and key demographics (including level of education, marital status, etc.) Appendix 5 provides descriptive statistics from the border-crossing and border-crosser data. ³ Special thanks to Kim Murray and Summer Jackson of the Terrorism Research Center for their efforts in combing through the courtcase material and assembling these data for the USTBC. National Consortium for the Study of Terrorism and Responses to Terrorism A Department of Homeland Security Science and Technology Center of Excellence Border Crossings and Terrorist Attacks in the United States 13 Border Crossings Identified in USTBC Attempts to Enter the United States Of the 221 border crossings identified in this project as involving individuals who were indicted by the U.S. government in terrorism-related cases, the

majority (129 crossings) involved an individual attempting to enter the United States, while the remainder (92 crossings) involved an individual attempting to exit the United States. Eighty-seven percent of the attempted border crossings were successful, rather than being thwarted by law enforcement or foiled by some other events or developments. Additional discussion on the nature of successful crossings versus those who were apprehended at the border is presented below. Among those attempts to enter the United States, the most frequent origin for these crossing efforts was Canada.⁴ But, as Figure 2 illustrates, such attempted entries originated from all corners of the world.

US Border Patrol proves that surveillance is key to anti-terror efforts

Stamey 14 (Barclay; DOMESTIC AERIAL SURVEILLANCE AND HOMELAND SECURITY: SHOULD AMERICANS FEAR THE EYE IN THE SKY; March 2014)

The leading national agency currently using drones to combat a wide range of domestic threats is U.S. Customs and Border Protection. With its fleet of seven MQ-1 Predators and three MQ-1 Guardians—Predators modified for marine surveillance—CBP is at the forefront of large-scale drone operations. With an annual budget exceeding \$11 billion, CBP is well equipped for protecting our national security while combating potential terrorist threats.⁵⁵ But how efficiently are those funds being used, and what is meant by effectiveness? According to Merriam-Webster, effectiveness is “producing a decided, decisive, or desired effect or result.”⁵⁶ Ultimately, that desired result is safe international borders. Accomplishing this result involves the apprehension of illegal immigrants, interdiction of illicit drugs, and prevention of terrorist infiltration, which CBP does quite well, but with respect to UAS, effectiveness must be viewed on a much broader scale. This section takes into account the size of CBP, its operational budget, and couples it with published results. According to CBP, the primary mission of drone use is “anti-terrorism by helping to identify and intercept potential terrorists and illegal cross-border activity.”⁵⁷ CBP uses its Predators and Reapers to accomplish this goal through human detection and tracking, surface asset coordination, and threat detection through IR sensors in multiple scenarios. Previously mentioned sensor suites allow the Predator to detect movement along the border, identify actual personnel numbers, and track the location of threats all while being unobserved to the individuals on the ground. With their long loiter times, Predators allow officials to monitor gaps along the border while maximizing the efforts of ground personnel in actual interdiction missions. After witnessing the functionality of actual Predator operations in Afghanistan, this author realizes the value in having high definition video sensors overhead during dangerous operations. This type of technology certainly has a place in homeland security missions, and future capabilities will provide a clear advantage to U.S. personnel in combating border security. This force multiplier mindset is one CBP has adopted and publicizes regularly to justify the success of its drone program. Long loiter times, remote area access, and flexibility during National Special Security Events are common claims.

Unmanned Aerial Vehicles fill current surveillance gap on the border

Haddal 10 (CC; Homeland Security: Unmanned Aerial Vehicles and Border Surveillance CRS Report RS21698. Washington, DC: Library of Congress, Congressional Research Service, July 8, 2010.)

One potential benefit of UAVs is that they could fill a gap in current border surveillance by improving coverage along remote sections of the U.S. borders. Electro-Optical (EO) sensors (cameras) can identify an object the size of a milk carton from an altitude of 60,000 feet.¹⁴ UAVs also can provide precise and real-time imagery to a ground control operator, who would then disseminate that information so that informed decisions regarding the deployment of border patrol agents can be made quickly. Additionally, the Predator B used along the southern border can fly for more than 30 hours without having to refuel, compared with a helicopter's average flight time of just over 2 hours. The ability of UAVs to loiter for prolonged periods of time has important operational advantages over manned aircraft. The longer flight times of UAVs means that sustained coverage over a previously exposed area may improve border security. The range of UAVs is a significant asset when compared to border agents on patrol or stationary surveillance equipment. If an illegal border entrant attempts to transit through dense woods or mountainous terrain, UAVs would have a greater chance of tracking the violator with thermal detection sensors than the stationary video equipment which is often used on the borders. It is important to note, however, that rough terrain and dense foliage can degrade the images produced by a UAV's sensory equipment and thus limit their effectiveness at the borders. Nevertheless, the extended range and endurance of UAVs may lessen the burdens on human resources at the Homeland Security: Unmanned Aerial Vehicles and Border Surveillance Congressional Research Service 4 borders. Also, UAV accidents do not risk the lives of pilots, as do the helicopters that currently patrol U.S. borders

Border security stops terrorism

Zuckerman, Bucci, Carafano, no date

(Jessica Zuckerman, Steven P. Bucci, Ph.D. Director, Douglas and Sarah Allison Center for Foreign and National Security Policy and James Jay Carafano, Ph.D. Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow, 13, 7-22-2013, "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism," Heritage Foundation, <http://www.heritage.org/research/reports/2013/07/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism> CCC)

Chiheb Esseghaier and Raed Jaser—April 2013. Chiheb Esseghaier and Raed Jaser were arrested in April 2013 for attempting to carry out an attack on a Via Railway train travelling from Canada to the U.S. The attack, authorities claimed, was supported by an al-Qaeda element in Iran, although there is currently no evidence that it was state-sponsored.[205] The exact route of the targeted train has not been identified, and Iranian authorities vehemently deny that al-Qaeda is operating within Iranian borders.

Esseghaier and Jaser have been charged in Canada with conspiracy to commit murder for the benefit of a terrorist group, participating in a terrorist group, and conspiring to interfere with

transportation facilities for the benefit of a terrorist group. Esseghaier has also been charged with participating in a terrorist group, and both men face up to life in prison.[206] The two men are awaiting trial. Chiheb Esseghaier wants to represent himself, basing his defense on the Quran instead of on the Canadian criminal code, which has caused delays in the proceedings.[207]

Continued use of border surveillance technology is crucial to the detection of and response to threats on the border

Haddal, Specialist in Immigration Policy, 8/11/10 (Chad C. Haddal, Congressional Research Service report, August 11, 2010, "Border Security: The Role of the U.S. Border Patrol" <https://www.fas.org/sgp/crs/homesecc/RL32562.pdf>, accessed 7/15/15 JH @ DDI)

Perhaps the most important technology used by the Border Patrol are the surveillance assets currently in place at the border. The program has gone through several iterations and name changes. Originally known as the Integrated Surveillance Information System (ISIS), the program's name was changed to the America's Shield Initiative (ASI) in FY2005. DHS subsequently folded ASI into the Secure Border Initiative (SBI) and renamed the program SBInet Technology (SBInet). Once it is beyond the pilot phase, SBInet will, according to DHS, develop and install "new integrated technology solutions to provide enhanced detection, tracking, response, and situational awareness capabilities."¹⁹ The other program under SBI is the SBI Tactical Infrastructure program, which, according to DHS, "develops and installs physical components designed to consistently slow, delay, and be an obstacle to illegal cross-border activity."²⁰ In the late 1990s, the Border Patrol began deploying a network of Remote Video Surveillance (RVS) systems (i.e., camera systems), underground sensors, and the Integrated Computer Assisted Detection (ICAD) database into a multi-faceted network designed to detect illegal entries in a wide range of climate conditions. This Integrated Surveillance Intelligence System (ISIS) attempted to ensure seamless coverage of the border by combining the feeds from multiple color, thermal, and infrared cameras mounted on different structures into one remote-controlled system with information generated by sensors (including seismic, magnetic, and thermal detectors). When a sensor is tripped, an alarm is sent to a central communications control room at a USBP station or sector headquarters. USBP personnel monitoring the control room screens use the ICAD system to re-position RVS cameras towards the location where the sensor alarm was tripped (although some camera positions are fixed and cannot be panned). Control room personnel then alert field agents to the intrusion and coordinate the response.

Information gathered from surveillance activities is key to any effective response to terrorist threats along the border

Fisher, U.S. Customs and Border Protection Office of Border Patrol Chief, 5/8/12 (Michael, Department of Homeland Security, "Written testimony of U.S. Customs and Border Protection Office of Border Patrol Chief Michael Fisher for a House Committee on Homeland Security, Subcommittee on Border and Maritime Security hearing titled "Measuring Border Security: U.S. Border Patrol's New Strategic Plan and the Path Forward.""

<http://www.dhs.gov/news/2012/05/08/written-testimony-us-customs-and-border-protection-house-homeland-security>; accessed 7/15/15 JH@ DDI)

Information gathered from reconnaissance, community engagement, sign-cutting and technology together provide situational awareness and intelligence and helps us to best understand and assess the threats we face along our borders. Information and intelligence will empower Border Patrol leadership and front line agents to get ahead of the threat, be predictive and proactive. Integration denotes CBP corporate planning and execution of border security operations, while leveraging partnerships with other federal, state, local, tribal, and international organizations. Integration of effort with these organizations will ensure we bring all available capabilities and tools to bear in addressing threats. Lastly, through rapid response, we will deploy capabilities efficiently and effectively to meet and mitigate the risks we confront. Put simply, rapid response means the Border Patrol and its partners can quickly and appropriately respond to changing threats. Goal 1: Secure America's Borders The 2012 Strategic Plan has two interrelated and interdependent goals. In the first goal, the Border Patrol will work with its federal, state, local, tribal, and international partners to secure America's borders using information, integration and rapid response in a risk-based manner. There are five objectives within this goal: Prevent Terrorists and Terrorist Weapons from Entering the United States Manage Risk Disrupt and Degrade Transnational Criminal Organizations (TCOs) Whole-of-Government Approach Increase Community Engagement I. Prevent Terrorists and Terrorist Weapons from Entering the United States The current risk environment is characterized by constantly evolving threats that are both complex and varying, and the Border Patrol must strategically apply intelligence to ensure that operations are focused and targeted against the greatest threats. The Border Patrol's ability to prevent and disrupt such threats is enhanced through increased information sharing and operational integration, planning, and execution with our domestic and foreign law enforcement partners. Integration with our federal, state, local, tribal, and international partners' intelligence and enforcement capabilities into the planning and execution of CBP operations is critical to our ability to secure our nation's borders.

The use of necessary surveillance technology is key to the identification and prevention of terrorist threats on the border

Office of Border Patrol, September 2004 (THE OFFICE OF BORDER PATROL AND THE OFFICE OF POLICY AND PLANNING, US CUSTOMS & BORDER PROTECTION, "National Border Patrol Strategy" http://www.au.af.mil/au/awc/awcgate/dhs/national_bp_strategy.pdf, accessed 7/15/15 JH @ DDI)

The Border Patrol currently uses a mix of agents, information, and technology to control the border. The Border Patrol's ability to establish situational awareness, monitor, detect, respond to, and identify potential terrorists, instruments of terrorism, and criminals relies heavily on interdiction and deterrence-based technology. Having the necessary technology to support the Border Patrol priority and traditional missions cannot be overstated. In the future, there must be continued assessment, development, and deployment of the appropriate mix of personnel, technology, and information to gain, maintain, and expand coverage of the border and ensure that resources are deployed in a cost-effective, efficient fashion. Technology which enhances operational awareness and effectiveness includes camera systems for day/ night/infrared work, biometric systems such as IDENT/IAFIS, processing systems like ENFORCE, sensing platforms, large-scale gamma X-rays, and aerial platforms, and other systems. Technologies requiring

modernization include wireless and tactical communications and computer processing capabilities. Coordination between Border Patrol and inspectional personnel at the ports of entry ensures the most efficient use of trained personnel and technology. In the future, the Border Patrol will take advantage of the targeting and selectivity tools made available in the Automated Commercial Environment (ACE) and the National Targeting Center. The continued testing, evaluation, acquisition, and deployment of appropriate border enforcement technologies will be pursued vigorously so that the maximum force-multiplier effect is achieved in support of both the priority and traditional missions.

Any gap in security on the border allows international terror groups to come into the United States

Wilson 15 [Reid Wilson, 2/26/15, covers national politics for the Washington Post, "Texas officials warn of immigrants with terrorist ties crossing southern border," Washington Post, <http://www.washingtonpost.com/blogs/govbeat/wp/2015/02/26/texas-officials-warn-of-immigrants-with-terrorist-ties-crossing-southern-border/> jf]

A top Texas law enforcement agency says border security organizations have apprehended several members of known Islamist terrorist organizations crossing the southern border in recent years, and while a surge of officers to the border has slowed the flow of drugs and undocumented immigrants, it's costing the state tens of millions of dollars. In a report to Texas elected officials, the state Department of Public Safety says border security agencies have arrested several Somali immigrants crossing the southern border who are known members of al-Shabab, the terrorist group that launched a deadly attack on the Westgate shopping mall in Nairobi, Kenya, and Al-Itihaad al-Islamiya, another Somalia-based group once funded by Osama bin Laden. Another undocumented immigrant arrested crossing the border was on multiple U.S. terrorism watch lists, the report says. According to the report, one member of al-Shabab, apprehended in June 2014, told authorities he had been trained for an April 2014 suicide attack in Mogadishu. He said he escaped and reported the planned attack to African Union troops, who were able to stop the attack. The FBI believed another undocumented immigrant was an al-Shabab member who helped smuggle several potentially dangerous terrorists into the U.S. Authorities also apprehended immigrants who said they were members of terrorist organizations in Sri Lanka and Bangladesh. The Department of Public Safety said the report, first published by the Houston Chronicle, was not meant for public distribution. "[T]hat report was inappropriately obtained and [the Chronicle was] not authorized to possess or post the law enforcement sensitive document," department press secretary Tom Vinger said in an e-mail. U.S. Customs and Border Protection did not respond to requests for comment. The department said it had come into contact in recent years with "special interest aliens," who come from countries with known ties to terrorists or where terrorist groups thrive. Those arrested include Afghans, Iranians, Iraqis, Syrians, Libyans and Pakistanis. In all, immigrants from 35 countries in Asia and the Middle East have been arrested over the past few years in the Rio Grande Valley. The department says there is no known intelligence that specifically links undocumented immigrants to terrorism plots, but the authors warn it's almost certain that foreign terrorist

organizations know of the porous border between the U.S. and Mexico. “It is important to note that an unsecure border is a vulnerability that can be exploited by criminals of all kinds,” Vinger said. “And it would be naive to rule out the possibility that any criminal organizations around the world, including terrorists, would not look for opportunities to take advantage of security gaps along our country’s international border.”

Maximized surveillance on the border is key to stopping terrorism

Willis et al 10 [Henry H. Willis, 2010, director of the RAND Homeland Security and Defense Center, with Joel B. Predd, Paul K. Davis and Wayne P. Brown, RAND.org,

“Measuring the Effectiveness of Border Security Between Ports-of-Entry”,
http://www.rand.org/content/dam/rand/pubs/technical_reports/2010/RAND_TR837.pdf, jf]

One of the unexpected results of our study was recognition of the importance of networked intelligence in elaborating objectives for and measuring effectiveness of border security.¹¹ This came about for many reasons. First, all of the focus missions are best understood in national terms: Border security contributes significantly to several high-level national objectives, but results depend sensitively on interactions with and the performance of other federal and local agencies, as well as economic and demographic conditions outside of DHS’s control. Second, national-level effectiveness depends not just on individual component or agency effectiveness but also on components’ ability to share information and work collaboratively, i.e., to network. This is perhaps most obvious with respect to preventing terrorism, in that individuals might enter the country who are vaguely suspicious but who cannot reasonably be arrested at the border. Responsibility for follow-up then transfers to, e.g., the Federal Bureau of Investigation (FBI). However, the FBI’s ability to follow up—either immediately or when further information emerges—might depend critically on information collected and effectively transferred by border agencies to the FBI. The word “effectively” is key because all agencies are deluged with data. The 9/11 Commission’s report dramatized the consequences of ineffectiveness: It is not that information for apprehending the perpetrators did not exist, but rather that the dots were not connected and the relevant agencies did not cooperate well (National Commission on Terrorist Attacks upon the United States, 2004). Third, national-level law enforcement also depends on the effectiveness of the justice system, including the ability to convict and punish. That, in turn, often depends on authorities being able to construct an extensive, fact-based story of criminal behavior from which, cumulatively, guilt can reasonably be inferred by a jury. Fourth, the nature and quality of information collected by border-security components, the consistency with which it is collected, and the effectiveness with which the data are both transferred to national databases and—where appropriate—highlighted in cross-agency actions, are leverage points for improved national-level effectiveness, especially in relation to terrorism- or drug-related functions. Border-security efforts sometimes will query detected travelers against data sets of

known or suspected terrorists or criminals. This is especially relevant at ports of entry, ports of egress in some modes, and in cases in which border enforcement detains an illegal crosser. In other settings, border-enforcement agencies collect as much information as possible on individuals, their conveyances, license plates, accounts, and other records of persons detained for crossing illegally but for whom no prior records exist. The same is true in the maritime regions when individuals are arrested for illegal drug smuggling or illegal migrant smuggling. The collected information can become future tactical intelligence (and used in prosecutions) if the detained person becomes involved in criminal or terrorist functions at a later date. Discussions with component agencies indicate that this is an important capability to measure. Technologically, it is even possible to tag individuals so that subsequent surveillance within the United States (or another country) is possible.¹²

Border surveillance prevents terrorist groups from attempting attacks

Willis et al 10 [Henry H. Willis, 2010, director of the RAND Homeland Security and Defense Center, with Joel B. Predd, Paul K. Davis and Wayne P. Brown, RAND.org,

“Measuring the Effectiveness of Border Security Between Ports-of-Entry”,
http://www.rand.org/content/dam/rand/pubs/technical_reports/2010/RAND_TR837.pdf, pg 19, jf]

The principal contributions that border security makes to counterterrorism relate to preventing certain kinds of terrorist attacks dependent on flows into the country of people or materials. These contributions can be illustrated by considering what opportunities exist to disrupt terrorist attacks while they are being planned and orchestrated. Through a number of planning efforts, DHS and its components have developed detailed planning scenarios of terrorist events (DHS, 2006). Each of these scenarios has been deconstructed into attack trees that are useful for considering how DHS border-security programs contribute to terrorism security efforts. In their most generic form, these attack trees specify dimensions of attack scenarios with respect to building the terrorist team, identifying a target, and acquiring a weapon (see Figure 4.1). This decomposition of attack planning provides a structure around which to consider how interdiction, deterrence, and networked intelligence contribute to preventing terrorist attacks and, thus, why it is relevant to measure these functions. DHS border-security efforts focus on interdiction of terrorist team members and weapons or weapon components when they cross U.S. borders. Examples of initiatives that are intended to enhance these capabilities include the Secure Border Initiative, the acquisition of Advanced Spectroscopic Portals for nuclear detection, the Secure Communities Initiative, and US-VISIT. In addition, it is often pointed out that, when border-security measures are perceived to be effective, terrorists groups may be

deterred from attacking in particular ways, or possibly from attacking at all. This could result from awareness of what type of surveillance is occurring or the capability of interdiction systems. In either case, deterrence refers to the judgment of terrorists that they will not be successful, leading them to choose another course of action. Finally, many border-security initiatives also contribute information to the national networked-intelligence picture. For example, the Secure Communities Initiative has implemented new capabilities to allow a single submission of fingerprints as part of the normal criminal arrest and booking process to be queried against both the FBI and DHS immigration and terrorism databases. This effort makes it easier for federal and local law enforcement to share actionable intelligence and makes it more difficult for terrorists to evade border-security efforts.

Drones Links

Domestic drones k2 solve for terrorism

Bauer 13 (Max Bauer, of ACLU of Massachusetts 9-11-2013, "Domestic Drone Surveillance Usage: Threats and Opportunities for Regulation," https://privacysos.org/domestic_drones CCC)

Unmanned aerial vehicles, commonly known as drones, are an emerging and rapidly-expanding development in domestic surveillance technology. [4] On Valentine's Day 2012, President Barack Obama signed the FAA Modernization and Reform Act of 2012, legislation authorizing the Federal Aviation Administration (FAA) to develop regulations to facilitate the growing usage of drones in domestic airspace. [5] Drones are best known for their use in military operations [6] including the use of weaponized drones for targeted killing. But drones have been used for domestic surveillance purposes for years [7] and their usage is expected to grow exponentially. [8] The FAA has issued 1,428 drone operator permits since 2007 (as of mid-February) and predicts there will be 10,000 drones deployed within the next five years. [9] A public information request by the Electronic Frontier Foundation showed that numerous universities and law enforcement agencies have been approved to use drones by the FAA. [10] Of course, the widespread use of drones for domestic surveillance raises serious privacy concerns. [11] Drones can be outfitted with high definition [12] and infrared cameras, [13] and even license plate readers. [14] Drones "present unique threats to privacy," in the words of one privacy advocate. [15] Why? They are smaller – potentially insect-sized, [16] can fly longer – perhaps soon in perpetuity, [17] and are not bound by the historical, practical check on law enforcement excesses we've had as a result of limited police resources. [18] In a seminal 1890 law review article aptly-titled *The Right to Privacy*, future Supreme Court Justice Louis Brandeis recognized that "instantaneous photographs... have invaded the secret precincts of private and domestic life...Of the desirability – indeed of the necessity – of some such protection there can, it is believed, be no doubt." [19] Brandeis and his co-author Samuel Warren were ahead of their time when they wrote that article but even they couldn't foresee anything like the domestic surveillance schemes that have arisen over a century later. *Drones Used in Massachusetts and Response to Boston Marathon Bombings*. Late in 2012, the Boston Globe reported that a SWAT team in Massachusetts had filed an application with the FAA for a drone. [20] As of April 2013, there were no police drones yet in Massachusetts but Waltham-based defense contractor Raytheon was flying many of them in testing capacities. [21] Surveillance and war contracting companies hope to expand their market from military to domestic law enforcement. [22] Following the explosion of two bombs at the 2013 Boston Marathon, parts of the city shut down as the search for a suspect continued, prompting Ron Paul to write: "This unprecedented move should frighten us as much or more than the attack itself." [23] Boston Police Commissioner Ed Davis told the public shortly afterward that he seeks more surveillance cameras (there are already hundreds) in downtown Boston. [24] And further, he said, he wants to have drone surveillance for next year's marathon. [25]

Drones K2 stop terrorism (foreign)

Byman, 13 (Daniel L. Byman, Director of research at Center for Middle East Policy, 8/2013, <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman> CCC)

The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban—top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders

Drones take out terrorist leaders (foreign)

Al-Haj, 15 (Ahmed Al-Haj, writer for the Stars & Stripes and AP the big story, 7/10/2015, <http://www.stripes.com/news/middle-east/us-drone-strike-kills-4-al-qaida-fighters-in-yemen-1.357473> CCC)

Yemeni security and military officials say a suspected U.S. drone strike killed four al-Qaida members travelling by car in the coastal city of Mukalla. The officials say the airstrike took place on Friday night in Mukalla, the capital of Yemen's sprawling eastern Hadramawt province. The explosion was heard in some parts of the city. Al-Qaida's Yemen branch, considered to be the most dangerous offshoot of the terror network, has made gains in the province and captured Mukalla earlier this year. The officials say at least five other militants were wounded in the airstrike. The officials spoke on condition of anonymity because they are not authorized to talk to reporters. Al-Qaida has profited from the turmoil that has engulfed Yemen, and U.S. drones have continued to target top al-Qaida leaders there.

Prisons Links

Current prisons k2 stopping terrorism

Kaplan 09 (Fred Kaplan 9, 5-29-2009, "There are already 355 terrorists in American prisons.," Slate Magazine, http://www.slate.com/articles/news_and_politics/war_stories/2009/05/there_are_already_355_terrorists_in_american_prisons.html CCC)

President Obama's remark that some Guantanamo detainees might be transferred to American prisons has prompted an extraordinary, and intellectually feeble, storm of protest. Former Vice President Dick Cheney kicked off the campaign when he said, during his May 21 speech at the American Enterprise Institute, that "to bring the worst terrorists inside the United States would be a cause for great danger and regret in the years to come." Sitting lawmakers—especially those from states such as Kansas and Colorado where federal prisons are based—raised the same specter and shouted the ancient cry of principled rebellion: "Not In My Back Yard!" It makes one wonder: Do any of these legislators know who's in their backyards already, with no apparent detriment to their constituents' daily lives, much less the nation's security? According to data provided by Traci L. Billingsley, spokeswoman for the U.S. Bureau of Prisons, federal facilities on American soil currently house 216 international terrorists and 139 domestic terrorists. Some of these miscreants have been locked up here since the early 1990s. None of them has escaped. At the most secure prisons, nobody has ever escaped, period. As recited in Congress and on cable-news talk shows, the fears of moving Gitmo prisoners here seem to be these: that the terrorist prisoners might escape (statistics to the contrary be damned), that they might convert their fellow inmates with jihadist propaganda, that other members of al-Qaida might infiltrate the surrounding communities (to do what—spring them?), or that their presence might sow panic in those communities. Maybe these people don't understand what life is like in these "supermax" prisons. Take ADX Florence, the supermax in Colorado—"the Alcatraz of the Rockies"—that serves as the home to Omar Abdel-Rahman, the "blind sheikh" who organized the 1993 World Trade Center bombing; Zacarias Moussaoui, one of the Sept. 11 plotters; Richard Reid, the shoe-bomber; Theodore Kaczynski, the "Unabomber"; and Terry Nichols, who helped plan the Oklahoma City bombing, to name a few. These are all truly dangerous people, but it's not as if they run into one another in the lunch line or the yard. There is no lunch line; there is no yard. Most of the prisoners are kept in solitary confinement for 23 hours a day. For one hour, they're taken to another concrete room, indoors, to exercise, by themselves. Their only windows face the sky, so they have no way of knowing even where they are within the prison. Phone calls to the outside world are banned. Finally, the prison is crammed with cameras and motion detectors. Compartments are separated by 1,400 remote-controlled steel doors; the place is surrounded by 12-foot-high razor-wire fences; the area between the wire and the walls is further secured by laser beams and attack dogs. The Bureau of Prisons operates similar facilities—also full of terrorists and murderers—in Terre Haute, Ind.; Marion, Ill.; and elsewhere. And the Defense Department operates a few dozen military prisons scattered around the country, some of which would be suitable for housing the exiles from Guantanamo.

Bullrun Links

The Bullrun program is key to decrypting internet communications and data relevant to international terrorism

Larson, Perlroth, and Shane, 9/5/13 (Jeff, Data Editor at ProPublica; Nicole, The New York Times; Scott, The New York Times; ProPublica, the organization that Snowden gave his leaks, " Revealed: The NSA's Secret Campaign to Crack, Undermine Internet Security" <http://www.propublica.org/article/the-nsas-secret-campaign-to-crack-undermine-internet-encryption>, accessed 7/14/15)

Many users assume — or have been assured by Internet companies — that their data is safe from prying eyes, including those of the government, and the N.S.A. wants to keep it that way. The agency treats its recent successes in deciphering protected information as among its most closely guarded secrets, restricted to those cleared for a highly classified program code-named Bullrun, according to the documents, provided by Edward J. Snowden, the former N.S.A. contractor. Beginning in 2000, as encryption tools were gradually blanketing the Web, the N.S.A. invested billions of dollars in a clandestine campaign to preserve its ability to eavesdrop. Having lost a public battle in the 1990s to insert its own "back door" in all encryption, it set out to accomplish the same goal by stealth. The agency, according to the documents and interviews with industry officials, deployed custom-built, superfast computers to break codes, and began collaborating with technology companies in the United States and abroad to build entry points into their products. The documents do not identify which companies have participated. The N.S.A. hacked into target computers to snare messages before they were encrypted. And the agency used its influence as the world's most experienced code maker to covertly introduce weaknesses into the encryption standards followed by hardware and software developers around the world. "For the past decade, N.S.A. has led an aggressive, multipronged effort to break widely used Internet encryption technologies," said a 2010 memo describing a briefing about N.S.A. accomplishments for employees of its British counterpart, Government Communications Headquarters, or GCHQ. "Cryptanalytic capabilities are now coming online. Vast amounts of encrypted Internet data which have up till now been discarded are now exploitable." When the British analysts, who often work side by side with N.S.A. officers, were first told about the program, another memo said, "those not already briefed were gobsmacked!" An intelligence budget document makes clear that the effort is still going strong. "We are investing in groundbreaking cryptanalytic capabilities to defeat adversarial cryptography and exploit Internet traffic," the director of national intelligence, James R. Clapper Jr., wrote in his budget request for the current year. In recent months, the documents disclosed by Mr. Snowden have described the N.S.A.'s broad reach in scooping up vast amounts of communications around the world. The encryption documents now show, in striking detail, how the agency works to ensure that it is actually able to read the information it collects. The agency's success in defeating many of the privacy protections offered by encryption does not change the rules that prohibit the deliberate targeting of Americans' e-mails or phone calls without a warrant. But it shows that the agency, which was sharply rebuked by a federal judge in 2011 for violating the rules and misleading the Foreign Intelligence Surveillance Court, cannot necessarily be restrained by privacy technology. N.S.A. rules permit the agency to store any

encrypted communication, domestic or foreign, for as long as the agency is trying to decrypt it or analyze its technical features. The N.S.A., which has specialized in code-breaking since its creation in 1952, sees that task as essential to its mission. If it cannot decipher the messages of terrorists, foreign spies and other adversaries, the United States will be at serious risk, agency officials say. Just in recent weeks, the Obama administration has called on the intelligence agencies for details of communications by Qaeda leaders about a terrorist plot and of Syrian officials' messages about the chemical weapons attack outside Damascus. If such communications can be hidden by unbreakable encryption, N.S.A. officials say, the agency cannot do its work.

PRISM links

The PRISM program is necessary to prevent terrorist attacks globally – empirics prove

Kelly, reporter for CNN, 8/1/13 – (Heather, CNN, August 1, 2013, “NSA chief: Snooping is crucial to fighting terrorism” <http://www.cnn.com/2013/07/31/tech/web/nsa-alexander-black-hat/>, accessed 7/15/15 JH @ DDI)

The National Security Agency's controversial intelligence-gathering programs have prevented 54 terrorist attacks around the world, including 13 in the United States, according to Gen. Keith Alexander, NSA director. Speaking before a capacity crowd of hackers and security experts Wednesday at the Black Hat computer-security conference, Alexander defended the NSA's embattled programs, which collect phone metadata and online communications in an effort to root out potential terrorists. The secret programs have come under fire since their existence was revealed in June by former CIA contractor Edward Snowden, who leaked details about them to several newspapers. "I promise you the truth -- what we know, what we're doing, and what I cannot tell you because we don't want to jeopardize our future defense," Alexander told the audience, which included a few hecklers who shouted profanities and accused him of lying. He then gave a partial recap, using PowerPoint slides, of how the two intelligence programs work. Alexander said the NSA can collect metadata on phone calls in the United States, including the date and time of the call, the numbers involved and the length of the conversations. He made a special point of saying the NSA does not have access to the content of citizens' calls or text messages. Alexander said the NSA's PRISM surveillance program, which probes digital activity such as e-mail, instant messaging and Web searches, focuses on foreign actors and does not apply to people in the United States. He said the phone and Internet data is necessary to "connect the dots" and identify potential terrorists before they act. Alexander attempted to reassure the audience that NSA officials are not abusing access to the databases to intrude on Americans' privacy. "The assumption is that people are out there just wheeling and dealing (users' information), and nothing could be further from the truth," he said. "We have tremendous oversight and compliance in these programs." Congress and courts make sure the programs operate within the bounds of the Foreign Intelligence Surveillance Act, and internal auditing systems are in place to prevent any abuse by employees, Alexander said. He added that only 35 analysts are authorized to run queries on the phone metadata.

Data gathered by PRISM is some of the most useful foreign intelligence gathered and is essential to prevent terror attacks

Thompson, contributor to Forbes on National Security and Business, 6/7/13 – (Loren, Forbes, June 7, 2013, “Why NSA's PRISM Program Makes Sense” <http://www.forbes.com/sites/lorenthompson/2013/06/07/why-nsas-prism-program-makes-sense/>, accessed 7/15/15 JH @ DDI)

President Obama's firm defense of the National Security Agency's "domestic" surveillance program on Friday should calm some of the more extravagant fears provoked by public disclosure of its existence. I put the word "domestic" in quotes because the effort to monitor Internet and other communications traffic isn't really about listening in on Americans, or even foreign nationals living here, but rather intercepting suspicious transmissions originating

overseas that just happen to be passing through the United States. That is an eminently sensible way of keeping up with terrorists, because it is so much easier than tapping into network conduits in other countries or under the seas (not that we don't do that). In order to grasp the logic of the NSA program, which is code-named PRISM, you have to understand how the Internet evolved. It was a purely American innovation at its inception, with most of the infrastructure concentrated in a few places like Northern Virginia. I live a few miles from where the Internet's first big East Coast access point was located in the parking garage of an office building near the intersection of Virginia's Routes 7 and 123, an area that some people refer to as Internet Alley. Because the Worldwide Web grew so haphazardly in its early days, it was common until recently for Internet traffic between two European countries to pass through my neighborhood. There were only a few major nodes in the system, and packet-switching sends messages through whatever pathway is available. The Washington Post story on PRISM today has a graphic illustrating my point about how bandwidth tends to be allocated globally. Like a modern version of ancient Rome's Appian Way, all digital roads lead to America. It isn't hard to see why Director of National Intelligence James R. Clapper could say on Thursday that "information collected under this program is among the most important and valuable foreign intelligence information we collect." No kidding: PRISM generated an average of four items per day for the President's daily intelligence briefing in 2012. The key point to recognize, though, is that this really is foreign intelligence. The architecture of the Internet enables NSA to collect it within U.S. borders, but there is no intention to spy on U.S. citizens. A few elementary algorithms used in narrowing the analysis of traffic should be sufficient to assure that the privacy of American citizens is seldom compromised. President Obama stressed in his comments today that safeguards have been put in place to prevent the scope of NSA surveillance from expanding beyond its original purpose.

FISA links

Prohibiting NSA data collection under FISA prevents extensive analysis of data, k2 prevent terrorism

Bradbury 15 (Steven. G, "BALANCING PRIVACY AND SECURITY", HARVARD JOURNAL OF LAW AND PUBLIC POLICY,

https://scholar.google.com/scholar?as_ylo=2011&q=FISA+approvals&hl=en&as_sdt=0,5)

Responding to public opposition to the NSA's telephone metadata program, Congress is currently considering legislation that would prohibit the collection of bulk metadata under FISA. In my view, such a restriction is a bad idea. Under this legislation, the NSA would be unable to collect data from multiple companies where necessary to assemble a single, efficiently searchable database.³¹ This restriction would also mean that the NSA would be prevented from collecting and storing data in bulk where doing so is the only way to preserve important business records that may be useful for a counterterrorism investigation.³² Without the ability for U.S. intelligence agencies to acquire the data in bulk under FISA, these important business records would only exist for as long as the private companies happen to retain the data for their own business purposes or as required by regulatory agencies for reasons unrelated to national security.³³ For example, telephone companies typically retain their metadata calling records for only 18 months, as specified by the Federal Communications Commission for purposes of resolving customer billing disputes.³⁴ Under its metadata program, on the other hand, the NSA was storing the data for five years, so that it could conduct more extensive historical analyses of calling connections involving suspected terrorist numbers—historical analyses that can often provide very important new leads for FBI investigations.

FISA is an archaic mechanism that doesn't allow law enforcement to respond to modern threats, Status quo allows for sufficient NSA capabilities

CFR 13 (Council on Foreign Relations, "U.S. Domestic Surveillance" CFR, <http://www.cfr.org/intelligence/us-domestic-surveillance/p9763>)

After 9/11, the Bush administration opted not to seek approval from the FISC before intercepting "international communications into and out of the United States of persons linked to al-Qaeda (PDF) or related terrorist organizations." The special secret court, set up in 1978 following previous administrations' domestic spying abuses, was designed to act as a neutral overseer in granting government agencies surveillance authorization. After the NSA program was revealed by the New York Times in late 2005, former attorney general Alberto R. Gonzales argued (PDF) that President Bush had the legal authority under the constitution and congressional statute to conduct warrantless surveillance on U.S. persons "reasonably believed to be linked to al-Qaeda." The 2001 Authorization for Use of Military Force (AUMF), without specifically mentioning wiretapping, grants the president broad authority to use all necessary

force "against those nations, organizations, or persons he determines planned, authorized, committed, or aided the [9/11] terrorist attacks." This includes, administration officials say, the powers to secretly gather domestic intelligence on al-Qaeda and associated groups.¶ The Bush administration maintained that the Foreign Intelligence Surveillance Act (FISA) was an outdated law-enforcement mechanism that was too time-consuming given the highly fluid, modern threat environment. Administration officials portrayed the NSA program as an "early warning system" (PDF) with "a military nature that requires speed and agility." Moreover, the White House stressed that the program was one not of domestic surveillance but of monitoring terrorists abroad, and publicly referred to the operation as the "Terrorist Surveillance Program." Opponents of the program referred to it as "domestic spying."¶ Under congressional pressure, Gonzales announced in January 2007 plans to disband the warrantless surveillance program and cede oversight to FISC, but questions about the legality of the program lingered in Congress and Gonzales resigned months later.¶ But Washington's vow to seek FISA approval for domestic surveillance was short-lived. In July 2007--weeks before Gonzales stepped down--intelligence officials pressed lawmakers for emergency legislation to broaden their wiretapping authority following a ruling by the court overseeing FISA that impacted the government's ability to intercept foreign communications passing through telecommunications "switches" on U.S. soil.

Backdoors Links

Without access to backdoors, law enforcement won't have the capacity to collect intelligence data because of increasingly complex encryption

AP 7/8 (Eric Tucker, "FBI, JUSTICE DEPT. TAKE ENCRYPTION CONCERNS TO CONGRESS")

Associated Press,

http://hosted.ap.org/dynamic/stories/U/US_FBI_ENCRYPTION?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2015-07-08-06-22-03

WASHINGTON (AP) -- Federal law enforcement officials warned Wednesday that data encryption is making it harder to hunt for pedophiles and terror suspects, telling senators that consumers' right to privacy is not absolute and must be weighed against public-safety interests. ¶ The testimony before the Senate Judiciary Committee marked the latest front in a high-stakes dispute between the Obama administration and some of the world's most influential tech companies, placing squarely before Congress an ongoing discussion that shows no signs of an easy resolution. Senators, too, offered divided opinions. ¶ FBI and Justice Department officials have repeatedly asserted that encryption technology built into smartphones makes it harder for them to monitor and intercept messages from criminal suspects, such as Islamic State sympathizers who communicate online and child predators who conceal pornographic images. They say it's critical that they be able to access encrypted communications during investigations, with companies maintaining the key to unlock such data. ¶ But they face fierce opposition from Silicon Valley companies who say encryption safeguards customers' privacy rights and offers protections from hackers, corporate spies and other breaches. The companies in recent months have written to the Obama administration and used public speeches to argue for the value of strong encryption. ¶ FBI Director James Comey, who has pressed his case repeatedly over the last year before think tanks and in other settings, sought Wednesday to defuse some of the tension surrounding the dispute. He told senators that he believed technology companies were fundamentally on the same page as law enforcement, adding, "I am not here to fight a war." ¶ "Encryption is a great thing. It keeps us all safe. It protects innovation," Comey said. "It protects my children. It protects my health care. It is a great thing." ¶ But he warned that criminals were using encryption to create a safe zone from law enforcement. He said that concern was especially acute at a time when the Islamic State has been recruiting sympathizers through social media and then directing them to encrypted platforms that federal agents cannot access. ¶ "Our job is to look at a haystack the size of this country for needles that are increasingly invisible to us because of end-to-end encryption," he said. ¶

TSA Links

TSA is key to protect against dangerous weapons, explosives, and innovate in security technologies.

John S. Pistole, 3-5-2012, "Counterterrorism, Risk-Based Security and TSA's Vision for the Future of Aviation Security," Transportation Security Administration, <https://www.tsa.gov/press/speeches/counterterrorism-risk-based-security-and-tsa%E2%80%99s-vision-future-aviation-security>

Remember that before September 11, 2001, there was:¶ No cohesive system in place to check passenger names against terrorist watch lists in advance of flying;¶ Only limited technologies in place for uncovering a wide array of threats to passengers or aircraft;¶ No comprehensive federal requirements to screen checked or carry-on baggage;¶ Minimal in-flight security on most flights; and,¶ From a coordination standpoint, before 9/11 there was a lack of timely intelligence-sharing, in both directions — from the federal level down to the individual airports, as well as from an individual airport up to the national level.¶ I came to TSA more than a year and a half ago, having worked the previous 26 years in a variety of positions within the FBI. That experience with a range of partners inside the law enforcement and intelligence communities helped shape my approach to solidifying TSA's place within the national counterterrorism continuum.¶ Every day, we strive to ensure our operational planning and decision making process is timely, efficient and as coordinated as possible — and critically, based on intelligence. We work to share critical information with key industry stakeholders whenever appropriate, and we are constantly communicating with our frontline officers through shift briefings held several times a day.¶ Thanks to the effective partnerships we've forged with industry stakeholders, with our airline and airport partners, and with law enforcement colleagues at every level, TSA has achieved a number of significant milestones during its first 10 years of service.¶ These include matching 100 percent of all passengers flying into, out of, and within the United States against government watch lists through the Secure Flight program.¶ It includes screening all air cargo transported on passenger planes domestically and, as you know, we work closely with our international partners every day to screen 100% of high-risk inbound cargo on passenger planes. We're also working hard with these same partners to screen 100% of all international inbound cargo on passenger planes by the end of this year.¶ And it also includes improving aviation security through innovative technology that provides advanced baggage screening for explosives.¶ Since their inception in 2005 through February 2012, we have also conducted more than 26,000 Visible Intermodal Prevention and Response or VIPR operations. We have 25 multi-modal VIPR teams working in transportation sectors across the country to prevent or disrupt potential terrorist planning activities.¶ Additionally, since 2006, TSA has completed more than 190 Baseline Assessments for Security Enhancement for transit, which provides a comprehensive assessment of security programs in critical transit systems.¶ We are seeing the benefits of how these important steps — combined with our multiple layers of security including cutting-edge technology — keep America safe every day.¶ Since our standup in 2002, we have screened nearly six billion passengers. Our front line officers have detected thousands of firearms and countless other prohibited items and we have prevented those weapons from entering the cabin of an aircraft.¶ In fact, more than 10 years after 9/11, TSA officers still detect,

on-average, between three and four firearms every day in carry-on bags at security checkpoints around the country.¶ Deploying advanced, state-of-the-art technologies continue to factor significantly into our multi-layered approach to transportation security. In particular, we continue to see the efficacy of Advanced Imaging Technology, or AIT, machines at hundreds of passenger security checkpoints around the United States.¶ From February 2011 to June 2011, the Office of the Inspector General (OIG) assessed the manner in which TSA inspects, maintains and operates backscatter units used in passenger screening.¶ The OIG found that TSA was in compliance with standards regarding radiation exposure limits and safety requirements. As a result of intensive research, analysis, and testing, TSA concludes that potential health risks from screening with backscatter X-ray security systems are minuscule.¶ While there is still no perfect technology, AIT gives our officers the best opportunity to detect both metallic and non-metallic threats including improvised explosive devices such as the device Umar Farouk Abdulmutallab attempted to detonate on Christmas Day, 2009.¶ As manufacturers continue enhancing the detection capability and strengthening the privacy features of their machines, we maintain the ability to upgrade the software used on them to stay ahead of the rapidly shifting threat landscape. Maintaining a high level of adaptability enables us to keep an important technological advantage.¶ Throughout 2011, this and other technologies helped our officers detect hundreds of prohibited, dangerous, or illegal items on passengers.¶ These “good catches” as we call them, illustrate how effective our people, process and technology are at finding concealed metallic and non-metallic items concealed on a passenger or in their bags.¶ In an ongoing effort to help educate the traveling public, we highlight many of these good catches every week in blog posts uploaded to TSA.gov. I hope some of you have seen these. They have included incidents of items concealed in shoes, to weapons hidden in a hollowed out book, to ceramic knives, to exotic snakes strapped to a passenger’s leg. As strange as some of these tales may be, they are a stark reminder that now — more than 10 years after the September 11, 2001, attacks — people are still trying to bring deadly weapons onto aircraft. And our officers are detecting numerous weapons every day and keeping them off of planes.¶ Less than one month ago in fact, over Presidents Day weekend in February, our officers detected 19 guns in carry-on bags at various checkpoints around the country. In total, 1,306 guns were detected at airport checkpoints in 2011.

Threat to national security greater than ever, TSA is key to solve

Fox News 12-17-2014, ("TSA head: Threat from terrorism worse now but US better able to combat it," <http://www.foxnews.com/politics/2014/12/17/tsa-head-threat-from-terrorism-worse-now-but-us-better-able-to-combat-it/>)

The outgoing and longest-serving head of the Transportation Security Administration says the threat from terrorism is worse now than when he took the job four years ago, but the U.S. is better positioned to combat foreign plots.¶ "The threat today is unfortunately more expansive than what it was four-and-a-half years ago," John Pistole told Fox News during an interview

before he leaves at the end of the month, concluding 31 years of government service -- including 27 at the FBI, where he rose to the rank of deputy director.¶ "With that being said, we also have better insights into who the potential bombers are," he added.¶ From Pistole's unique position at the TSA and FBI, he watched Al Qaeda's strategy evolve from the 9/11 attacks that murdered nearly 3,000 Americans, to the failed underwear bomb plot to bring down a jet on Christmas Day 2009 and the non-metallic explosive devices buried in cargo a year later.¶ Although Al Qaeda experimented in 2012 with surgically implanted bombs before apparently abandoning the idea as impractical, Pistole suggested they are now focused on devices held close or strapped to the body.¶ "That is one of things that concerns us, how well do they design, construct and then conceal," he said.¶ Pistole will become president of his alma mater, Anderson University in Anderson, Ind., this spring.¶ Fox News asked Pistole whether the threat to American aviation had diminished since August, when the U.S. launched a bombing campaign against ISIS in Syria and Iraq, and the Al Qaeda-led "Khorasan" group. ¶ Khorasan contains long-time associates of Usama bin Laden, including Sanafi al-Nasr and Muhsin al-Fadhli, as well as a handful of operatives trained by the Yemeni bomb maker Ibrahim al-Asiri, who specializes in non-metallic bombs that traditional airport screening can miss.¶ "Without going into details about what that may look like from a classified intelligence perspective, we do remain concerned that there is active plotting going on," Pistole said.¶ And with new information that the French bomb maker David Drugeon likely survived a U.S. air strike last month, Pistole added, "there is concern that there are still individuals out there who have not only the ability to do that, but also the intent to use that on a flight to Europe or the US."¶ The TSA administrator also described classified procedures that track foreign fighters, based on their travel history, before they check in at overseas airports for U.S.-bound flights.¶ "There are individuals we are concerned about and we are again looking at if they make travel reservations, then they of course receive proper scrutiny," Pistole said.¶ The continued threat from groups like Khorasan explains why procedures, implemented in July, requiring passengers to turn on their phone and computers at some airports, remain in place. As the holiday travel season begins, TSA officials say they are not expecting big changes at the checkpoints, but if there are changes, they will be driven by new and specific intelligence.¶ Pistole said the transition from a one-size-fits-all approach after 9/11 to a risk-based strategy -- driven by intelligence -- is one of the TSA workforce's accomplishments.¶ "I think that's been one of the biggest changes. ...We're more efficient. Complaints are down. Wait times are down," he said.¶ Data provided by the TSA showed that over Thanksgiving, more than 12.5 million passengers were screened, a 1.3 percent increase from 2013, with nearly 50 percent of these passengers getting expedited screening.¶ Nationwide, TSA said 99.6 percent of passengers waited in a line for less than 20 minutes.¶ Pistole was in Australia days before the hostage situation unfolded in Sydney last weekend, telling Fox it fit the profile of a classic lone wolf attack. "I am not aware of any intelligence about it as of last week, there was no talk about something like that," he said.¶ But it's not that kind of attack that keeps Pistole up at night.¶ "My greater concern, rather than just a lone wolf, is simultaneous attacks such as you saw on 9/11 ... with that being said, we also have better insights into who the potential bombers are," he said.

Financial Surveillance Links

Financial surveillance is key to stopping terrorist organizations

Atlas 15 [Terry Atlas, 2-6-2015, Senior Writer in Foreign Policy/National Security Team for Bloomberg News, "Follow the money new game plan in thwarting terrorism," Seattle Times, <http://www.seattletimes.com/news/follow-the-money-new-game-plan-in-thwarting-terrorism/>]

Economic and financial intelligence is critical to targeting and enforcing sanctions against Iran, North Korea and Russia; strangling the flow of money to terrorist organizations, drug cartels and weapons traffickers; tracking nuclear proliferation; and assessing the strength of nations such as Russia and China that are now part of the global economy. Treasury personnel in Washington, D.C. — and in Afghanistan, Pakistan and the Persian Gulf — have worked with intelligence and military colleagues to attack the finances of the Taliban, al-Qaida and other terrorist groups. The department has provided expertise and actionable intelligence to civilian and military leaders through “threat finance cells” for Afghanistan and Iraq, and worked elsewhere with the U.S. Special Operations Command. How much the intelligence mission has changed is highlighted by the move this month by David Cohen, the Treasury undersecretary for terrorism and financial intelligence to become deputy director of the Central Intelligence Agency. Cohen, 51, whose Treasury responsibilities included sanctions policy, replaces Avril Haines, a lawyer who’s now President Obama’s deputy national security adviser. It’s the first time a Treasury official has moved into such a senior CIA post. That has been noticed in the intelligence community, where the Treasury has become a recognized power, and among the specialized legal and financial community affected by the nation’s increasing use of economic coercion against adversaries. “Financial intelligence is incredibly important, and it’s much more important than it used to be,” said attorney Christopher Swift, a former Treasury official who investigated financing of terrorist groups and weapons proliferators. “Cohen’s move to CIA underscores that.” Financial intelligence has come into its own as the U.S. increasingly turns to sanctions, asset freezes and other financial actions to thwart adversaries from al-Qaida operatives to Russian President Vladimir Putin. It’s a tactic that Ian Bremmer, the president of New York-based Eurasia Group, recently called the “weaponization of finance.” The U.S. strategy is “premised on the simple reality that all of

our adversaries, to one degree or another, need money to operate, and that by cutting off their financial lifelines, we can significantly impair their ability to function,” Cohen said at a conference in London in June. Financial intelligence exposes vulnerabilities of adversaries — whether nations or individuals — who need access to the global financial system. Concealing financial flows can be harder than avoiding surveillance of emails and phone calls, which terrorists have tried to do in the aftermath of Edward Snowden’s disclosures about U.S. communications intercepts. “When people think about intelligence, they think about James Bond and running operations against the Russians or the Chinese, and that still goes on and we shouldn’t diminish the importance of it,” said Swift, an adjunct professor of national security studies at Georgetown University in Washington, D.C. “But if you’re looking at the other types of organizations in the global community that are causing problems for the United States and its allies, a lot of them are non-state actors, they’re criminal syndicates, they’re narcotics syndicates, they’re transnational terrorist syndicates, and the best way to figure out how those organizations work, who’s part of those organizations, and the best way to degrade those organizations is follow the money,” he said. The U.S. government has vastly expanded its collection and use of financial intelligence, bolstered by a series of post-9/11 laws and executive orders that have given the Treasury Department a leading role in financial intelligence and sanctions. The Treasury Department has more than 700 personnel dealing with terrorist and financial intelligence. The Treasury’s Terrorist Finance Tracking Program, which has access to the Swift international banking transaction network, participated in investigations into the 2013 Boston Marathon bombing, threats to the 2012 London Summer Olympic Games and the 2011 plot to assassinate the Saudi Arabian ambassador in D.C., which U.S. officials said originated with senior members of the Quds force of Iran’s Islamic Revolutionary Guards Corps. The Financial Crimes Enforcement Network, a part of the Treasury’s intelligence operation that regulates the financial industry to prevent money laundering and terrorist financing, receives more than a million reports a year on potentially suspect cash movements from financial institutions, Cohen said in a speech in January. FinCen’s information, combined with data from other sources, assists investigators in “connecting the dots” involving sometimes previously unknown individuals and businesses, according to the Treasury.

2NC A2 link turns

** A2 false positives (hay stack/puzzle)

False positives are wrong – meta-data eliminates scenarios and increases efficiency

Lewis 14 [James Andrew Lewis, Director and Senior Fellow of the Technology and Public Policy Program at the CSIS, December 2014, "Underestimating Risk in the Surveillance Debate", Center for Strategic and International Studies,

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf, pg 2 jf]

NSA carried out two kinds of signals intelligence programs: bulk surveillance to support counterterrorism and collection to support U.S. national security interests. The debate over surveillance unhelpfully conflated the two programs. Domestic bulk collection for counterterrorism is politically problematic, but assertions that a collection program is useless because it has not by itself prevented an attack reflect unfamiliarity with intelligence. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success. Success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. In practice, analysts must simultaneously explore many possible scenarios. A collection program contributes by not only what it reveals, but also what it lets us reject as false. The Patriot Act Section 215 domestic bulk telephony metadata program provided information that allowed analysts to rule out some scenarios and suspects. The consensus view from interviews with current and former intelligence officials is that while metadata collection is useful, it is the least useful of the collection programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215, but this would not come without an increase in risk. Restricting metadata collection will make it harder to identify attacks and increase the time it takes to do this. Spying on Allies NSA's mass surveillance programs for counterterrorism were carried out in cooperation with more than 30 countries. Unilateral U.S. collection programs focused on national security problems: nonproliferation, counterintelligence (including Russian covert influence operations in Europe), and arms sales to China. The United States failed to exercise sufficient oversight over intelligence collection, but the objectives set for NSA reflect real security problems for the United States and its allies. The notion that "friends don't spy on friends" is naive. The United States has friends that routinely spy on it and yet are strong security partners. Relations among powerful states are complex and not explained by simple bromides drawn from personal life. The most startling thing about U.S. espionage against Germany was the absence of a strategic calculation of risk and benefit. There are grounds for espionage (what other major power has a former leader on Russia's payroll?), but the benefits were outweighed by the risk to the relationship. The case for spying on Brazil is even weaker. While Brazil is often antagonistic, it poses no risk to national security. If economic intelligence on Brazil is needed, the private sector has powerful incentives and legitimate means to obtain information and usually has the best data. Risk Is Not Going Away Broad surveillance of communications is the least intrusive and most effective method for discovering terrorist and espionage activity. Many countries have expanded surveillance programs since the 9/11 attacks to detect and prevent terrorist activity, often in cooperation with other countries, including the

United States. Precise metrics on risk and effectiveness do not exist for surveillance, and we are left with conflicting opinions from intelligence officials and civil libertarians as to what makes counterterrorism successful. Given resurgent authoritarianism and continuing jihad, the new context for the surveillance debate is that the likelihood of attack is increasing. Any legislative change should be viewed through this lens.

** A2 Zero sum

Funding divided between 15+ agencies, not a funding tradeoff

Sahadi 13 (Jeanne Sahadi 13, 6-7-2013, "What the NSA costs taxpayers," CNNMoney, <http://money.cnn.com/2013/06/07/news/economy/nsa-surveillance-cost/> CCC)

As a result, it's impossible to say exactly how much money the NSA is given to conduct its surveillance efforts -- which Americans learned this week has recently included collecting phone call data and monitoring online activities. That's because the NSA, a Defense Department agency created in 1952, falls under the category of a "black" program in the federal budget, a term applied to classified efforts. The NSA is one of at least 15 intelligence agencies, and combined the total U.S. intelligence budget in 2012 was \$75 billion, said Steve Aftergood, director of the government secrecy program at the Federation of American Scientists, a nonpartisan think tank that analyzes national and international security issues. The intelligence budget includes funding for both classified and unclassified activities. Funding for classified programs has tracked the upward trend in defense spending over the past decade, according to an analysis of fiscal year 2012 Defense Department budget request by Todd Harrison of the Center for Strategic and Budgetary Assessments. Aftergood estimates about 14% of the country's total intelligence budget -- or about \$10 billion -- goes to the NSA.

** A2 Recruitment

NSA recruiting is going extremely well

Libicki et al 14 [Libicki, Martin C., 2014, "Hackers Wanted: An Examination of the Cybersecurity Labor Market," RAND, http://www.rand.org/pubs/research_reports/RR430.html jf]

The NSA is the country's largest and leading employer of cybersecurity professionals. In the face of the current stresses in the market for such professionals, officials there believe they are doing quite well—fewer than 1 percent of their positions are vacant for any significant length of time, and supervisors, queried after their new hires have been working for six months, report being very happy with the personnel they get. NSA also has a very low turnover rate (losing no more to voluntary quits than to retirements). One reason is that it pays attention to senior technical development programs to ensure that employees stay current and engaged.

Yet, to get to that point, our interview indicates that NSA must and does pay a great deal of attention to workforce issues. If not its primary focus, then it is still very high up on the list. Although only 80 people have recruitment as their full-time occupation, another 300 have recruitment as an additional duty, and another 1,500 beyond that are involved in the whole

recruitment and employment process. All told, that is a great deal of effort—suggesting, from our perspective, that the difficulties of finding enough cybersecurity professionals can be largely met if sufficient energy is devoted to the task. NSA has outreach into many universities, not simply those designated its Centers of Academic Excellence (CAE),² although it pays attention to supporting cybersecurity curricula development in the CAE schools, as noted. In some cases it has people teaching in schools to encourage potential cybersecurity professionals at the pre-college levels, particularly, for obvious reasons, in the state of Maryland.

For the most part, our interview suggests that the NSA makes rather than buys cybersecurity professionals, although its recruitment process is very sensitive to the importance of determining those qualities that predispose people to make good employees. Recruiters also look hard at schools that have a reputation for educating people that go into the military. Fully 80 percent of their hires are entry level, the vast majority of whom have bachelor's degrees. They could conceivably draw deeper by finding particularly talented junior college graduates, but the latter would have to undergo a much longer training program as a result. Furthermore, they are not inclined to look for the brilliant non-degreed hacker.³

NSA has a very intensive internal schooling system, lasting as long as three years for some. This too, would be difficult for other institutions to duplicate. NSA can take advantage not only of its size, but also of its low turnover rate. The latter means that it reaps the benefits of its investments in people rather than seeing the benefits accrue to other organizations after NSA has paid the costs of the training (not least of which is the time that such students spend off the job to be trained). Employers with more turnover may logically deem it not worthwhile investing that much to educate their employees.

In all fairness, only one organization can be the most prestigious place to work, and for this line of work (and for this size of organization), NSA is hard to beat. It consistently absorbs a third of all Scholarship for Service graduates, as shown in Figure 3.1,⁴ in part because it has the most job openings but also because it has a reputation for hiring the best hackers.

Silicon valley jobs are comparatively a much bigger challenge for NSA recruitment -- the NSA has already had to deal with recruitment issues in the past

Brumfiel, science correspondent for NPR, 3/31/15 (Geoff Brumfiel, NPR, MARCH 31, 2015, "After Snowden, The NSA Faces Recruitment Challenge", <http://www.npr.org/2015/03/31/395829446/after-snowden-the-nsa-faces-recruitment-challenge>, accessed 7/17/15 JH @ DDI)

But Ziring says there's a much bigger problem: "I was at a Dartmouth career fair a few months ago," he says, "and our table was right across from Facebook. And we are looking for some of the same things that they are." Ever since the Snowden leaks, cybersecurity has been hot in Silicon Valley. In part that's because the industry no longer trusts the government as much as it once did. Companies want to develop their own security, and they're willing to pay top dollar to get the same people the NSA is trying to recruit. Students like Swann. Last summer Microsoft

paid him \$7,000 a month to work as an intern. The company even rented him a car. "It was actually really nice," Swann says. "It was a Subaru Legacy." Ziring says the agency can't compete on money, so he tries to sell it in other ways: "You know we have good health benefits, and we're government, right? So we have a huge scope of insurance to choose from," he says.

Other neg cards

Impact – Cyber attacks bring down grid and banking system, causing economic upheaval
Jonathan Fisher, 5-19-2015, "A former CIA chief says other governments could launch crippling computer attacks on the US," Business Insider, <http://www.businessinsider.com/former-cia-chief-cyberterrorism-on-mind-2015-5>

A former Director of Counterintelligence for the CIA — Barry Royden — believes that cyber terrorism is the next big threat to America. ¶ Royden, who spent 40 years in the CIA — 35 years as an operative and 5 years as head of counterintelligence — knows what he's talking about. Though he's been retired for more than a decade, he isn't blind to what he believes is a new type of threat that has emerged in an increasingly connected world:¶ "The trouble is, it's extremely difficult, in fact, it's impossible — everyone is connected to everyone, and as long as you're connected you're vulnerable. And there are firewalls, but every firewall is potentially defeatable, so it's a nightmare in my mind. You have to think that other governments have the capability to bring down the main computer systems in this country, power grids, hospitals, or banking systems — things that could cause great economic upheaval and paralyze the country."¶ He adds:¶ "Now, if they were to do it to us and we were to do it to them, it would almost be like a nuclear standoff. They could do it but if they did it what would the cost be? Because they know we have the same capabilities and that we presumably attack their computer systems the same way and we could destroy their economy. So you hope that no one is going to do that but you're vulnerable. These days, I think the cyber world is the big threat."

Impact- Cyberattacks attacking the grid collapse global military operations and cause extinction

Andres and Breetz 11 Richard Andres, Professor of National Security Strategy at the National War College and a Senior Fellow and Energy and Environmental Security and Policy Chair in the Center for Strategic Research, Institute for National Strategic Studies, at the National Defense University, and Hanna Breetz, doctoral candidate in the Department of Political Science at The Massachusetts Institute of Technology, Small Nuclear Reactors for Military Installations: Capabilities, Costs, and Technological Implications, www.ndu.edu/press/lib/pdf/StrForum/SF-262.pdf

More recently, awareness has been growing that the grid is also vulnerable to purposive attacks. A report sponsored by the Department of Homeland Security suggests that a coordinated cyberattack on the grid could result in a third of the country losing power for a period of weeks or months.⁹ Cyberattacks on critical infrastructure are not well understood. It is not clear, for instance, whether existing terrorist groups might be able to develop the capability to conduct this type of attack. It is likely, however, that some nation-states either have or are working on developing the ability to take down the U.S. grid. In the event of a war with one of these states, it is possible, if not likely, that parts of the civilian grid would cease to function, taking with them military bases located in affected regions. Government and private organizations are currently working to secure the grid against attacks; however, it is not clear that they will be successful.

Most military bases currently have backup power that allows them to function for a period of hours or, at most, a few days on their own. If power were not restored after this amount of time, the results could be disastrous. First, military assets taken offline by the crisis would not be available to help with disaster relief. Second, during an extended blackout, global military operations could be seriously compromised; this disruption would be particularly serious if the blackout was induced during major combat operations. During the Cold War, this type of event was far less likely because the United States and Soviet Union shared the common understanding that blinding an opponent with a grid blackout could escalate to nuclear war. America's current opponents, however, may not share this fear or be deterred by this possibility.

Neg- Impacts

Cyberterrorism

Cyberterror Causes Nuke War

Cyberterrorists could break into computers and launch an attack on a nuclear state—triggers global nuclear war

Fritz 09

(Jason, May 2009, International Commission on Nuclear Non-Proliferation and Disarmament, "Hacking Nuclear Command and Control," Jason is a defense researcher, served as a cavalry officer in the US Army for 6 years, masters in IR @ Bond University, icnnd.org/documents/jason_fritz_hacking_nc2.doc, 7/15/15, SM)

In order to see how cyber terrorists could detonate a nuclear weapon it is important to identify the structures which they would be attempting to penetrate. Nuclear command and control (NC2), sometimes referred to as nuclear command and control and communications (NC3) includes the personnel, equipment, communications, facilities, organisation, procedures, and chain of command involved with maintaining a nuclear weapon capability. A Command and Control Centre is typically a secure room, bunker, or building in a government or military facility that operates as the agency's dispatch centre, surveillance monitoring centre, coordination office and alarm monitoring centre all in one. A state may have multiple command and control centres within the government and military branches which can act independently or, more commonly, be used in the event a higher node is incapable of performing its function. A minimum of eight states possess a nuclear arsenal, providing eight varying nuclear command and control structures for cyber terrorist to target. The eight states which possess nuclear weapons are, in order of acquisition, the US, Russia (former Soviet Union), the UK, France, China, India, Pakistan, and North Korea. South Africa formerly possessed nuclear weapons, but has since dismantled its arsenal. Israel is also widely believed to have nuclear weapons, but has not officially confirmed their status as a nuclear state. There are approximately 20,000 active nuclear weapons in the world. The vast majority of these belong to the US and Russia, stemming from the Cold War. Nuclear command and control has inherent weaknesses in relation to cyber warfare. The concept of mutually assured destruction means a state must have the capability to launch nuclear weapons in the event of a decapitating strike. This requires having nuclear weapons spread out in multiple locations (mobility and redundancy), so an enemy could not destroy all of their capabilities. Examples of this include land based mobile launch platforms and submarine-launched ballistic missiles (SLBM). This provides terrorists with multiple locations for attaining access to these weapons. Further, under NATO nuclear weapons sharing, the US has supplied nuclear weapons to Belgium, Germany, Italy, the Netherlands, and Turkey for storage and possible deployment. This further increases the number of access points for terrorists, allowing them to assess not only installations and procedures, but also which borders and state specific laws may be easier to circumvent. The weapons themselves may all be under the complete control of the US, but the operational plans of terrorists may include items such as reconnaissance, social engineering, and crossing borders which remain unique between states. The potential collapse of a state also presents a challenge. Following the collapse of the Soviet Union, Belarus, Kazakhstan, and Ukraine were in possession of nuclear weapons. These have since been transferred to Russia, but there was, and still is, considerable concern over the security and integrity of those weapons, especially in the face of a destabilized government and

civilian hardship. Mutually assured destruction also promotes a hair trigger launch posture and the need for launch orders to be decided on quickly. The advent of SLBMs increased this high pressure tension, as the ability of a submarine to sneak up close to a state's border before launch significantly reduced response time. These short decision times make it easier for terrorists to provoke a launch as little time, and little discussion, is given to assess a situation in full. The desire to reduce the time it takes to disseminate plans to nuclear forces may expand the use of computers in nuclear command and control, or lead to the introduction of fail-deadly and autonomous systems. This chapter is by no means comprehensive, However it sheds some light on the operations of nuclear command and control and the difficulties in defending those systems from cyber terrorism. Many of the details of nuclear command and control are classified, so the information provided below may be outdated. However it points towards a pattern, and there is no certainty these systems and procedures have been updated since entering open source knowledge. Further, terrorists do not have to restrict themselves to unclassified data, and therefore may be able to obtain up to date information. The United States The US employs a nuclear deterrence triad consisted of nuclear-capable long range bombers, SLBMs, and land based intercontinental ballistic missiles (ICBMs), as well as an arsenal of nonstrategic (tactical) nuclear weapons. US nuclear command and control covers a geographically dispersed force with the US President, as Commander in Chief, being the highest authority in the decision to make a nuclear launch. There is a hierarchy of succession in the event the President cannot perform this duty, such as if the President were killed in an attack. Additionally, once the order to launch is given, it travels down a chain of command; the President does not press the button, so to speak, nor is the President physically present at the launch location. These locations would be targets in a nuclear war, so it is imperative that the leader not be there. Additionally, multiple independent launch locations make this impossible (except for cases in which multiple missiles are tied together in a Single Integrated Operational Plan). So it is theoretically possible to subvert this control by falsifying the order at any number of locations down that chain of command. The infrastructure that supports the President in his decision to launch nuclear weapons is the Nuclear Command and Control System (NCCS). "The NCCS must support situation monitoring, tactical warning and attack assessment of missile launches, senior leader decision making, dissemination of Presidential force-direction orders, and management of geographically dispersed forces" (Critchlow 2006). Key US nuclear command centres include fixed locations, such as the National Military Command Center (NMCC) and the Raven Rock Mountain Complex (Site R), and mobile platforms, such as the E-4B National Airborne Operations Center (NAOC) and the Mobile Consolidated Command Center (MCCC). The US seeks to integrate its nuclear forces into its vision of command, control, computers, communications, intelligence, surveillance, and reconnaissance (C4ISR) hinting towards a greater reliance on computer technology in maintaining and upgrading its nuclear force, not only to combat against Cold War style nuclear war, but also against perceived emerging threats from China, Iran and North Korea. In particular the US recognises these states' potential to use nuclear weapons detonated at high altitude to create an electromagnetic pulse (EMP). The threat of EMP was known during the Cold War, and a considerable amount of attention has been paid to hardening nuclear systems (Critchlow 2006). The Minimum Essential Emergency Communications Network (MEECN) links to the ICBMs, bombers, and submarine forces. Information widely available on the internet shows the US is seeking to

upgrade the MEECN's satellite communications capability through Advanced Extremely High Frequency and the Transformational Communications Satellite programs. Cyber terrorists may use this knowledge to research these new forms, or to expose weaknesses in the old system before upgrades are completed. Early warning systems and communications are essential to assessing whether a nuclear launch has been made and communicating the orders to launch a retaliatory strike. Falsifying the data provided by either of these systems would be of prime interest to terrorists. Commands emanating from the NAOC for example, include Extremely High Frequency and Very Low Frequency/Low Frequency links, and its activation during a traditional terrorist attack, as happened on 9/11, could provide additional clues as to its vulnerabilities. Blogging communities have also revealed that the 9/11 terrorist attacks revealed insights into the US continuity of operations plan as high level officials were noted heading to specific installations (Critchlow 2006). One tool designed by the US for initiating a nuclear launch is the 'nuclear football'. It is a specially outfitted briefcase which can be used by the President to authorize a nuclear strike when away from fixed command centres. The President is accompanied by an aide carrying the nuclear football at all times. This aide, who is armed and possibly physically attached to the football, is part of a rotating crew of Presidential aides (one from each of the five service branches). The football contains a secure satellite communication link and any other material the President may need to refer to in the event of its use, sometimes referred to as the 'playbook'. The attack options provided in the football include single ICBM launches and large scale pre-determined scenarios as part of the Single Integrated Operational Plan. Before initiating a launch the President must be positively identified using a special code on a plastic card, sometimes referred to as 'the gold codes' or 'the biscuit'. The order must also be approved by a second member of the government as per the two-man rule (Pike 2006). In terms of detecting and analysing a potential attack, that is, distinguishing a missile attack from the launch of a satellite or a computer glitch, the US employs dual phenomenology. This means two different systems must be used to confirm an attack, such as radar and satellite. Terrorists trying to engage a launch by falsifying this data would need to determine which two systems were being used in coordination at the target location and spoof both systems. Attempting to falsify commands from the President would also be difficult. Even if the chain of command is identified, there are multiple checks and balances. For example, doctrine recommends that the President confer with senior commanders. The Chairman of the Joint Chiefs of Staff is the primary military advisor to the President. However, the President may choose to consult other advisors as well. Trying to identify who would be consulted in this system is difficult, and falsification may be exposed at any number of steps. The 2006 Quadrennial Defense Review emphasizes that new systems of command and control must be survivable in the event of cyber warfare attacks. On the one hand, this shows that the US is aware of the potential danger posed by computer network operations and are taking action to prevent it. On the other hand, this shows that they themselves see computer network operations as a weakness in their system. And the US continues to research new ways to integrate computer systems into their nuclear command and control, such as IP-based communications, which they admit, "has not yet been proven to provide the high degree of assurance of rapid message transmission needed for nuclear command and control" (Critchlow 2006). The US nuclear arsenal remains designed for the Cold War. This means its paramount feature is to survive a decapitating strike. In order to do so it must maintain hair-trigger posture on early warning and decision-making for approximately

one-third of its 10,000 nuclear weapons. According to Bruce G. Blair, President of the Center for Defense Information, and a former Minuteman launch officer: Warning crews in Cheyenne Mountain, Colo., are allowed only three minutes to judge whether initial attack indications from satellite and ground sensors are valid or false. Judgments of this sort are rendered daily, as a result of events as diverse as missiles being tested, or fired — for example, Russia’s firing of Scud missiles into Chechnya — peaceful satellites being lofted into space, or wildfires and solar reflections off oceans and clouds. If an incoming missile strike is anticipated, the president and his top nuclear advisors would quickly convene an emergency telephone conference to hear urgent briefings. For example, the war room commander in Omaha would brief the president on his retaliatory options and their consequences, a briefing that is limited to 30 seconds. All of the large-scale responses comprising that briefing are designed for destroying Russian targets by the thousands, and the president would have only a few minutes to pick one if he wished to ensure its effective implementation. The order would then be sent immediately to the underground and undersea launch crews, whose own mindless firing drill would last only a few minutes (Blair 2003). These rapid response times don’t leave room for error. Cyber terrorists would not need deception that could stand up over time; they would only need to be believable for the first 15 minutes or so. The amount of firepower that could be unleashed in these 15 minutes, combined with the equally swift Russian response, would be equivalent to approximately 100,000 Hiroshima bombs (Blair 2008).

Cyberterrorists could directly activate nuclear weapons—triggers nuclear war

Fritz 09

(Jason, May 2009, International Commission on Nuclear Non-Proliferation and Disarmament, “Hacking Nuclear Command and Control,” Jason is a defense researcher, served as a cavalry officer in the US Army for 6 years, masters in IR @ Bond University, icnnd.org/documents/jason_fritz_hacking_nc2.doc, 7/15/15, SM)

Direct control of launch The US uses the two-man rule to achieve a higher level of security in nuclear affairs. Under this rule two authorized personnel must be present and in agreement during critical stages of nuclear command and control. The President must jointly issue a launch order with the Secretary of Defense; Minuteman missile operators must agree that the launch order is valid; and on a submarine, both the commanding officer and executive officer must agree that the order to launch is valid. In the US, in order to execute a nuclear launch, an Emergency Action Message (EAM) is needed. This is a preformatted message that directs nuclear forces to execute a specific attack. The contents of an EAM change daily and consist of a complex code read by a human voice. Regular monitoring by shortwave listeners and videos posted to YouTube provide insight into how these work. These are issued from the NMCC, or in the event of destruction, from the designated hierarchy of command and control centres. Once a command centre has confirmed the EAM, using the two-man rule, the Permissive Action Link (PAL) codes are entered to arm the weapons and the message is sent out. These messages are sent in digital format via the secure Automatic Digital Network and then relayed to aircraft via single-sideband radio transmitters of the High Frequency Global Communications System, and, at least in the past, sent to nuclear capable submarines via Very Low Frequency (Greenemeier 2008, Hardisty 1985). The technical details of VLF submarine communication methods can be

found online, including PC-based VLF reception. Some reports have noted a Pentagon review, which showed a potential “electronic back door into the US Navy’s system for broadcasting nuclear launch orders to Trident submarines” (Peterson 2004). The investigation showed that cyber terrorists could potentially infiltrate this network and insert false orders for launch. The investigation led to “elaborate new instructions for validating launch orders” (Blair 2003). Adding further to the concern of cyber terrorists seizing control over submarine launched nuclear missiles; The Royal Navy announced in 2008 that it would be installing a Microsoft Windows operating system on its nuclear submarines (Page 2008). The choice of operating system, apparently based on Windows XP, is not as alarming as the advertising of such a system is. This may attract hackers and narrow the necessary reconnaissance to learning its details and potential exploits. It is unlikely that the operating system would play a direct role in the signal to launch, although this is far from certain. Knowledge of the operating system may lead to the insertion of malicious code, which could be used to gain accelerating privileges, tracking, valuable information, and deception that could subsequently be used to initiate a launch. Remember from Chapter 2 that the UK’s nuclear submarines have the authority to launch if they believe the central command has been destroyed. ∂ Attempts by cyber terrorists to create the illusion of a decapitating strike could also be used to engage fail-deadly systems. Open source knowledge is scarce as to whether Russia continues to operate such a system. However evidence suggests that they have in the past. Perimetr, also known as Dead Hand, was an automated system set to launch a mass scale nuclear attack in the event of a decapitation strike against Soviet leadership and military. ∂ In a crisis, military officials would send a coded message to the bunkers, switching on the dead hand. If nearby ground-level sensors detected a nuclear attack on Moscow, and if a break was detected in communications links with top military commanders, the system would send low-frequency signals over underground antennas to special rockets. Flying high over missile fields and other military sites, these rockets in turn would broadcast attack orders to missiles, bombers and, via radio relays, submarines at sea. Contrary to some Western beliefs, Dr. Blair says, many of Russia’s nuclear-armed missiles in underground silos and on mobile launchers can be fired automatically. (Broad 1993)∂ Assuming such a system is still active, cyber terrorists would need to create a crisis situation in order to activate Perimetr, and then fool it into believing a decapitating strike had taken place. While this is not an easy task, the information age makes it easier. Cyber reconnaissance could help locate the machine and learn its inner workings. This could be done by targeting the computers high of level official’s—anyone who has reportedly worked on such a project, or individuals involved in military operations at underground facilities, such as those reported to be located at Yamantau and Kosvinsky mountains in the central southern Urals (Rosenbaum 2007, Blair 2008)

Cyberterrorists could unleash a nonnuclear missile to fool detection systems and trigger a nuclear war—Black Brant proves

Fritz 09

(Jason, May 2009, International Commission on Nuclear Non-Proliferation and Disarmament, “Hacking Nuclear Command and Control,” Jason is a defense researcher, served as a cavalry officer in the US Army for 6 years, masters in IR @ Bond University, icnnd.org/documents/jason_fritz_hacking_nc2.doc, 7/15/15, SM)

Indirect Control of Launch

ð Cyber terrorists could cause incorrect information to be transmitted, received, or displayed at nuclear command and control centres, or shut down these centres' computer networks completely. In 1995, a Norwegian scientific sounding rocket was mistaken by Russian early warning systems as a nuclear missile launched from a US submarine. A radar operator used Krokus to notify a general on duty who decided to alert the highest levels. Kavkaz was implemented, all three chegets activated, and the countdown for a nuclear decision began. It took eight minutes before the missile was properly identified—a considerable amount of time considering the speed with which a nuclear response must be decided upon (Aftergood 2000). ð Creating a false signal in these early warning systems would be relatively easy using computer network operations. The real difficulty would be gaining access to these systems as they are most likely on a closed network. However, if they are transmitting wirelessly, that may provide an entry point, and information gained through the internet may reveal the details, such as passwords and software, for gaining entrance to the closed network. If access was obtained, a false alarm could be followed by something like a DDoS attack, so the operators believe an attack may be imminent, yet they can no longer verify it. This could add pressure to the decision making process, and if coordinated precisely, could appear as a first round EMP burst. Terrorist groups could also attempt to launch a non-nuclear missile, such as the one used by Norway, in an attempt to fool the system. The number of states who possess such technology is far greater than the number of states who possess nuclear weapons. Obtaining them would be considerably easier, especially when enhancing operations through computer network operations. Combining traditional terrorist methods with cyber techniques opens opportunities neither could accomplish on their own. For example, radar stations might be more vulnerable to a computer attack, while satellites are more vulnerable to jamming from a laser beam, thus together they deny dual phenomenology. Mapping communications networks through cyber reconnaissance may expose weaknesses, and automated scanning devices created by more experienced hackers can be readily found on the internet. ð Intercepting or spoofing communications is a highly complex science. These systems are designed to protect against the world's most powerful and well funded militaries. Yet, there are recurring gaffes, and the very nature of asymmetric warfare is to bypass complexities by finding simple loopholes. For example, commercially available software for voice-morphing could be used to capture voice commands within the command and control structure, cut these sound bytes into phonemes, and splice it back together in order to issue false voice commands (Andersen 2001, Chapter 16). Spoofing could also be used to escalate a volatile situation in the hopes of starting a nuclear war. "In June 1998, a group of international hackers calling themselves Milw0rm hacked the web site of India's Bhabha Atomic Research Center (BARC) and put up a spoofed web page showing a mushroom cloud and the text "If a nuclear war does start, you will be the first to scream" (Denning 1999). Hacker web-page defacements like these are often derided by critics of cyber terrorism as simply being a nuisance which causes no significant harm. However, web-page defacements are becoming more common, and they point towards alarming possibilities in subversion. During the 2007 cyber attacks against Estonia, a counterfeit letter of apology from Prime Minister Andrus Ansip was planted on his political party website (Grant 2007). This took place amid the confusion of mass DDoS attacks, real world protests, and accusations between governments. ð The 2008 terrorist attacks in Mumbai illustrate several points. First, terrorists are using computer technology to enhance their capabilities. To navigate to Mumbai by sea and

to aid in reconnaissance of targets, they used the Global Positioning System (GPS) satellite system and Google Earth (Bedi 2008, Kahn and Worth 2008). They also used mobile phone SIM cards, purchased in foreign countries, VoIP phone calls, and online money transfers (Part of 26/11 plot hatched on our soil, admits Pakistan 2009). Falsified identification and stolen credit cards may have also been aided by online capabilities. Second, a false claim of responsibility was issued through an e-mail to media outlets. Initial tracking of the IP address showed the e-mail to have been sent from a computer in Russia. It was later revealed that the e-mail was sent from Pakistan and routed through Russia (Shashthi 2008). Voice-recognition software was used to allow "dictated text to be typed in the Devnagari font" (Swami 2008). Lastly, the Mumbai attacks showed an increasing reliance on information technology by the intended victims of terrorism. This included Twitter messages, Flickr photos, a map of attack locations on Google Maps, and live text and video coverage of the attacks (Beaumont 2008). Terrorists could insert disinformation into these systems in order to enhance destruction, evade capture, or increase hostility between groups. Terrorist could even clandestinely enlist the aid of their enemy to enhance destruction. For example, at the height of a terror attack they could claim to have exclusive video footage of the attack, which requires a codec to be downloaded in order to be viewed. This codec could contain a Trojan which uses the now infected computer to silently launch DDoS attacks against their desired targets, such as communications networks. Building an infidel botnet prior to an attack could take on a wide range of symbolism, from a pdf file about anti-terrorism to an unreleased Hollywood film.

Cyber Terror- Econ/Grid

Cyberterrorism targets vulnerable power grids and has large economic impacts

NBC 13

(2/19/13, NBC, "Successful hacker attack could cripple U.S. infrastructure, experts say," http://usnews.nbcnews.com/_news/2013/02/19/17019005-successful-hacker-attack-could-cripple-us-infrastructure-experts-say?lite, 7/14/15, SM)

Kevin Mandia, the founder and chief executive of Mandiant, discusses cyber-attacks on US companies and organizations. A report tying the Chinese military to computer attacks against American interests has sent a chill through cyber-security experts, who worry that the very lifelines of the United States — its energy pipelines, its water supply, its banks — are increasingly at risk. The experts say that a successful hacker attack taking out just a part of the nation's electrical grid, or crippling financial institutions for several days, could sow panic or even lead to loss of life. "I call it cyberterrorism that makes 9/11 pale in comparison," Rep. Mike Rogers, a Michigan Republican and chair of the House Intelligence Committee, told NBC News on Tuesday. An American computer security company, Mandiant, reported with near certainty that members of a sophisticated Chinese hacking group work out of the headquarters of a unit of the Chinese army outside Shanghai. The report was first detailed in The New York Times, which said that the hacking group's focus was increasingly on companies that work with American infrastructure, including the power grid, gas lines and waterworks. The Chinese embassy in Washington told The Times that its government does not engage in computer hacking. As reported, the Chinese attacks constitute a sort of asymmetrical cyberwarfare, analysts said, because they bring the force of the Chinese government and military against private companies. "To us that's crossing a line into a class of victim that's not prepared to withstand that type of attack," Grady Summers, a Mandiant vice president, said on the MSNBC program "Andrea Mitchell Reports." The report comes as government officials and outside security experts alike are sounding ever-louder alarms about the vulnerability of the systems that make everyday life in the United States possible. A new report confirmed by U.S. intelligence officials has pinpointed a building in Shanghai where those working for the Chinese military launched cyberattacks against 141 US companies spanning 20 industries. NBC's Andrea Mitchell reports. Outgoing Defense Secretary Leon Panetta warned in October that the United States was facing a threat that amounted to "cyber Pearl Harbor" and raised the specter of intentionally derailed trains, contaminated water and widespread blackouts. "This is a pre-9/11 moment," Panetta told business executives in New York. "The attackers are plotting." RELATED: Report: Chinese army tied to widespread U.S. hacking The Times report described an attack on Telvent, a company that keeps blueprints on more than half the oil and gas pipelines in North and South America and has access to their systems. A Canadian arm of the company told customers last fall that hackers had broken in, but it immediately cut off the access so that the hackers could not take control of the pipelines themselves, The Times reported. Dale Peterson, founder and CEO of Digital Bond, a security company that specializes in infrastructure, told NBC News that these attacks, known as vendor remote access, are particularly worrisome. "If you are a bad guy and you want to attack a lot of different control systems, you want to be

able to take out a lot," he said. "The dirty little secret in these control systems is once you get through the perimeter, they have no security at all. They don't even have a four-digit pin like your ATM card."ð Carlos Barria / Reutersð Locals walks in front of 'Unit 61398', a secretive Chinese military unit, in the outskirts of Shanghai. The unit is believed to be behind a series of hacking attacks, a U.S. computer security company said.ð The 34-minute blackout at the Super Bowl earlier this month highlighted weak spots in the nation's power system. A National Research Council report declassified by the government last fall warned that a coordinated strike on the grid could devastate the country.ð That report considered blackouts lasting weeks or even months across large parts of the country, and suggested they could lead to public fear, social turmoil and a body blow to the economy.ð Vital systems do not have to be taken down for very long or across a particularly widespread area, the experts noted, to cause social disorder and to spread fear and anxiety among the population.ð Last fall, after Hurricane Sandy battered the Northeast, it took barely two days for reports of gasoline shortages to cause hours-long lines at the pumps and violent fights among drivers.ð Peterson described being in Phoenix, Ariz., during a three-day gas pipeline disruption "when people were waiting in line six hours and not going to work. You can imagine someone does these things maliciously, with a little more smarts, something that takes three months to replace."ð Similarly, hacking attacks last fall against major American banks — believed by some security experts and government officials to be the work of Iran — amounted to mostly limited frustration for customers, but foreshadowed much bigger trouble if future attacks are more sophisticated.ð What worries Dmitri Alperovitch, co-founder of the computer security company CrowdStrike, is a coordinated attack against banks that modifies, rather than destroys, financial data, making it impossible to reconcile transactions.ð "You could wreak absolute havoc on the world's financial system for years," he said. "It would be impossible to roll that back."

A cyberattack on our electrical grid will have devastating impacts—blackouts, starvation, EMP nuclear threat

Landsbaum 14

(Mark, 9/5/2014, OC Register, "Mark Landsbaum: Attack on power grid could bring dark days," <http://www.ocregister.com/articles/emp-633883-power-attack.html>, 7/15/15, SM)

It could be worse. Terrorists pose an "imminent" threat to the U.S. electrical grid, which could leave the good ol' USA looking like 19th century USA for a lot longer than three days.ð Don't take my word for it. Ask Peter Pry, former CIA officer and one-time House Armed Services Committee staffer, who served on a congressional commission investigating such eventualities.ð "There is an imminent threat from ISIS to the national electric grid and not just to a single U.S. city," Pry warns. He points to a leaked U.S. Federal Energy Regulatory Commission report in March that said a coordinated terrorist attack on just nine of the nation's 55,000 electrical power substations could cause coast-to-coast blackouts for up to 18 months.ð Consider what you'll have to worry about then. If you were uncomfortable watching looting and riots on TV last month in Ferguson, Mo., as police stood by, project such unseemly behavior nationwide. For 18 months.ð It's likely phones won't be reliable, so you won't have to watch police stand idly by. Chances are, police won't show up. Worse, your odds of needing them will be excruciatingly more likely if terrorists attack the power grid using an electromagnetic pulse (EMP) burst of

energy to knock out electronic devices.ð “The Congressional EMP Commission, on which I served, did an extensive study of this,” Pry says. “We discovered to our own revulsion that critical systems in this country are distressingly unprotected. We calculated that, based on current realities, in the first year after a full-scale EMP event, we could expect about two-thirds of the national population – 200 million Americans – to perish from starvation and disease, as well as anarchy in the streets.”ð Skeptical? Consider who is capable of engineering such measures before dismissing the likelihood.ð In his 2013 book, “A Nation Forsaken,” Michael Maloof reported that the 2008 EMP Commission considered whether a hostile nation or terrorist group could attack with a high-altitude EMP weapon and determined, “any number of adversaries possess both the ballistic missiles and nuclear weapons capabilities,” and could attack within 15 years.ð That was six years ago. “North Korea, Pakistan, India, China and Russia are all in the position to launch an EMP attack against the United States now,” Maloof wrote last year.ð Maybe you’ll rest more comfortably knowing the House intelligence authorization bill passed in May told the intelligence community to report to Congress within six months, “on the threat posed by man-made electromagnetic pulse weapons to United States interests through 2025, including threats from foreign countries and foreign nonstate actors.”ð Or, maybe that’s not so comforting. In 2004 and again in 2008, separate congressional commissions gave detailed, horrific reports on such threats. Now, Congress wants another report.ð In his book, Maloof quotes Clay Wilson of the Congressional Research Service, who said, “Several nations, including reported sponsors of terrorism, may currently have a capability to use EMP as a weapon for cyberwarfare or cyberterrorism to disrupt communications and other parts of the U.S. critical infrastructure.”ð What would an EMP attack look like? “Within an instant,” Maloof writes, “we will have no idea what’s happening all around us, because we will have no news. There will be no radio, no TV, no cell signal. No newspaper delivered.ð “Products won’t flow into the nearby Wal-Mart. The big trucks will be stuck on the interstates. Gas stations won’t be able to pump the fuel they do have. Some police officers and firefighters will show up for work, but most will stay home to protect their own families. Power lines will get knocked down in windstorms, but nobody will care. They’ll all be fried anyway. Crops will wither in the fields until scavenged – since the big picking machines will all be idled, and there will be no way to get the crop to market anyway.ð “Nothing that’s been invented in the last 50 years – based on computer chips, microelectronics or digital technology – will work. And it will get worse.”

A cyberattack would destroy our critical infrastructure which is key to national security, the economy, and public health

Chance 12

(Michael, 6/1/12, Forensic Focus, “The Role of Cyber Terrorism in the Future,” <http://articles.forensicfocus.com/2012/06/01/the-role-of-cyber-terrorism-in-the-future/>, 7/15/15, SM)

INTRODUCTIONð To understand cyberterrorism, one must first be familiar with terrorism. According to the Code of Federal Regulations terrorism is “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.” (Code of Federal Regulations Title 28 Section 0.85 Set. (2007). Government Inst.) This concept is fairly

easy to grasp and most American's have an understanding of what terrorism is. But when talking about cyberterrorism there seems to be some confusion as to its components. In February of 2002 Executive Assistant Director of the FBI Dale Watson gave testimony before congress stating that "cyberterrorism—meaning the use of cyber tools to shut down critical national infrastructures (such as energy, transportation, or government operations) for the purpose of coercing or intimidating a government or civilian population—is clearly an emerging threat." (<http://www.fbi.gov/congress/congress02/watson020602.htm>) While still a form of terrorism it is a different approach than conventional terrorism. Dorothy Denning, a well-known information security researcher, provides a more comprehensive definition: "Cyberterrorism is the convergence of terrorism and cyberspace. It is generally understood to mean unlawful attacks and threats of attack against computers, networks, and the information stored therein when done to intimidate or coerce a government or its people in furtherance of political or social objectives. Further, to qualify as cyberterrorism, an attack should result in violence against persons or property, or at least cause enough harm to generate fear. Attacks that lead to death or bodily injury, explosions, plane crashes, water contamination, or severe economic loss would be examples. Serious attacks against critical infrastructures could be acts of cyberterrorism, depending on their impact. Attacks that disrupt nonessential services or that are mainly a costly nuisance would not." (<http://www.cs.georgetown.edu/~denning/infosec/cyberterror.html>)

Richard Clarke, a counterterrorism expert and special advisor to President Bush on cyberspace security, described our vulnerability to a cyber terrorist attack as a digital Pearl Harbor. One where you would never see it coming and would have devastating effects. We can no longer turn a blind eye to these possibilities. In moving forward "it is imperative to imagine the ways terrorists could disrupt the nation's information infrastructure and the computer networks that control telecommunications, the electric grid, water supplies and air traffic."

(<http://query.nytimes.com/gst/fullpage.html?res=9804E1D7123BF934A25752C1A9679C8B63&sec=&spn=&pagewanted=1>)

METHODOLOGY

This research was conducted using open source documents that are open to the public. All documents are unclassified and openly available for viewing. References used for the analysis of the topic were found via the Internet. Examples of works cited are unclassified government documents found on government websites using search terms related to the topic. Internationally distributed newspapers were also used to support the construction of the paper. Other valid and reliable sources used in collecting data were government websites for agencies such as the Federal Bureau of Investigations. Additional research was pursued utilizing college and university websites that posted studies of similar matters. Furthermore, books written by experts were examined and relevant information was extracted to reinforce the views within this text.

In reviewing the literature it was important to disseminate that which was reputable and worthy of noting. Information that was not corroborated or from a source that was not credible was examined and excluded from use based on its merit. Data from respectable scholars and universities were studied and surveyed. Ideas were compared and contrasted and then used to support my thesis. Inquiries into this particular field produced numerous results. A logical analysis of the material was conducted and presented in this paper.

REVIEW OF THE LITERATURE

Critical Infrastructure

Critical infrastructure is defined by the USA Patriot Act as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health

or safety, or any combination of those matters.” (United State, 2001) It can be said that this infrastructure represents the backbone of the United States. Minimizing our vulnerabilities to terrorist threats is a shared responsibility that falls on federal, state, and local government as well as private industry. According to the National Strategy for the Physical Protection of Critical Infrastructure and Key Assets, we must commit to “secure(ing) the infrastructure and assets vital to our national security, governance, public health and safety, economy, and public confidence.” (United States, 2003. Pg vii). This network is made up of the institutions that our country relies on to function as a society. It is comprised of “agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemical industry and hazardous material, and postal and shipping.” (United States, 2003. Pg 6). These represent the staples of our nation and its economy. Even though they are separate entities that are self-governing they are interdependent upon one another. The relationship is complex and the disruption of one could adversely affect the other. Each sector plays a key role in our daily lives providing services that are invaluable. This infrastructure is so essential that in 1996 President Clinton devised Executive Order 13010, Critical Infrastructure Protection, which addresses “threats of electronic, radio-frequency, or computer-based attacks on the information or communications components that control critical infrastructures (“cyber threats”)

(<http://www.fas.org/irp/offdocs/eo13010.htm>)

The components of agriculture and food and water represent the most basic needs of the people of the United States. All citizens require a reliable food supply and clean drinking water. Without these necessities people would go hungry or even starve. Even something as simple as washing your hands or brushing your teeth would be impossible. Any threat to these sectors could spread panic or fear amongst the people.

AT No Cyberattack

Yes cyberattack—threat is higher than conventional terrorism because of vulnerable critical infrastructure

Hua 13

(Jian, June 13, *The Journal of Strategic Information Systems*, "The economic impact of cyber terrorism," Hua is an associate professor in the Department of Marketing, legal Studies, and Information Systems @ the School of Business and Public Administration, the University of the District of Columbia,

http://www.researchgate.net/profile/Jian_Hua3/publication/261860155_The_economic_impact_of_cyber_terrorism/links/5435603c0cf2bf1f1f29f2e0.pdf, 7/14/15, SM)

Modern economies are heavily dependent upon Information Technology (IT) based information systems for survival. Increased reliance on information systems (ISs) leads to increased vulnerabilities and risks. IS security has thus become a critical issue in the IT world (Sonnenreich et al., 2006). Investing optimally in the security of information systems can yield comparative strategic advantages (LeVeque, 2006) through trustworthiness and positive image as perceived by partners, customers and suppliers; trust is difficult for competitors to duplicate. Investing optimally implies avoiding inappropriate investment. Information systems are vulnerable and it is possible for terrorists to utilize the vulnerabilities of information systems to attack their adversaries (Jormakka and Molsa, 2005; Embar-Seddon, 2002). This has given rise to a new term, cyber terrorism. Parks and Duggan (2001) have defined cyber terrorism as an extension of traditional terrorism and a new approach adopted by terrorists to attack cyberspace. The FBI director, Robert S. Mueller, has warned that cyber terrorists will either train their own recruits or hire outsiders, with an eye toward combining physical attacks with cyber attacks. Mueller also stressed that the cyber threat cannot be fought by government alone (Nakashima, 2010). Organizations that comprise the critical infrastructure of the national economy should be aware of the potential for terrorist attack (Nickolov, 2005). Critical infrastructure refers to the essential assets which make society or a country function well and includes energy, transportation, telecommunication, water supply and waste management, agriculture and food supply, finance, public health, and essential government services. Organizations which form the critical infrastructure of a national economy must protect their information systems well. Cyber terrorists could feasibly target the information systems of critical infrastructure of countries. The threat of cyber terrorism is more dangerous than that of common IS attacks (Verton, 2003) and is becoming a major concern for most countries (Foltz, 2004). Cyber terrorists inherit not only the characteristics of terrorists, but also the characteristics of hackers. The only way to differentiate cyber terrorism from traditional hacking and other cyber crime is by ascertaining the motivation or intention of the person or group launching the attack (Embar-Seddon, 2002).

Bioterrorism

Bioterror Causes Extinction

Bioweapons are easily accessible by terrorists and lead to mass deaths

Wilson 13

(Grant, 1/17/13, University of Virginia School of Law, "MINIMIZING GLOBAL CATASTROPHIC AND EXISTENTIAL RISKS FROM EMERGING TECHNOLOGIES THROUGH INTERNATIONAL LAW," professor @ University of Virginia School of Law, <http://lib.law.virginia.edu/lawjournals/sites/lawjournals/files/3.%20Wilson%20-%20Emerging%20Technologies.pdf>, 7/15/15, SM)

ii. Risk of bioterrorism—The threat of the malicious release of bioengineered organisms (i.e., bioterrorism) poses a GCR/ER.75 Bioengineering enables a malicious actor to create an organism that is more deadly to humans, animals, or plants than anything that exists in the natural world.76 Experts contend that the barriers for a terrorist to order a DNA sequence for a highly pathogenic virus online or acquire a DNA synthesis machine online are "surmountable."77 Alternatively, bioterrorists could break into laboratories housing dangerous bioengineered organisms—like the H5N1 virus, for example—and release them. Meanwhile, third world countries with laxer standards and lower laboratory accountability are rapidly discovering and using bioengineering, which may give bioterrorists an easier pathway to obtain deadly bioengineered organisms.78 There have already been several occasions in which groups attempted to use or successfully used biological weapons. One unsophisticated example of bioterrorism occurred when an individual contaminated salads and dressing with salmonella in what apparently was an attempt to decide a local election.79 Another example occurred in 2001, when bioterrorists sent envelopes containing anthrax spores through the mail, infecting twenty-two people and killing five of them.80 While these particular acts of bioterrorism did not cause widespread death, deploying extremely deadly bioengineered organisms over a large area is a real possibility: tests by the United States in 1964 demonstrated that a single aircraft can contaminate five thousand square kilometers of land with a deadly bacterial aerosol.81 The recent engineering of an airborne H5N1 virus demonstrates society's concern over risks of bioterrorism arising from bioengineering. Before scientists could publish their results of their bioengineered airborne H5N1 virus in the widely read journals *Nature* and *Science*, the NSABB determined that the danger of releasing the sensitive information outweighed the benefits to society, advising that the findings not be published in their entirety.82 The main risk is that either a state or non-state actor could synthesize a "weaponized" version of the H5N1 virus to create a disastrous pandemic.83 There is precedent of outside groups recreating advanced bioengineering experiments, such as when many scientists immediately synthesized hepatitis C replicons upon publication of its genetic code.84 However, the NSABB's recommendation was nonbinding, and there is nothing to stop other scientists from releasing similar data in the future. Furthermore, while the NSABB merely asserts that the "blueprints" of the virus should not be printed, other biosecurity experts argue that the virus should never have been created in the first place because of risks that the viruses would escape or be stolen.85

Yes Bioterror

Terrorists using bioweapons can achieve the same mortality rates as with WMD—bioweapons are cheaper, more effective

SIU School of Medicine 14

(12/15/14, SIU School of Medicine, "Overview of Potential Agents of Biological Terrorism," <http://www.siumed.edu/medicine/id/bioterrorism.htm#threat>, 7/15/15, SM)

Biological weapons are very attractive to the terrorist because of several characteristics. Aerosols of biological agents are invisible, silent, odorless, tasteless, and are relatively easily dispersed. They are 600 - 2000 times cheaper than other weapons of mass destruction. It is estimated that the cost would be about 0.05% the cost of a conventional weapon to produce similar numbers of mass casualties per square kilometer. The production is relatively easy, using the common technology available for the production of some antibiotics, vaccines, foods, and beverages. The delivery systems such as spray devices from an airplane, boat or car are commonly available. The natural lead time provided by the organism's incubation period (3 to 7 days for most potential organisms) would allow for the terrorists' escape before any investigation starts. In addition, the use of an endemic infectious agent may cause confusion because of the inability to differentiate a biological warfare attack from a natural epidemic. For some agents potential exists for secondary or tertiary transmission by person-to-person transmission or natural vectors. The consequences of biological weapons use are many. They can rapidly produce mass effect that overwhelms services and the health care system of the communities. Most of the civilian population is susceptible to infections caused by these agents. They are associated with high morbidity and mortality rates. The resulting illness is usually difficult to diagnose and treat early, particularly in areas where the disease is rarely seen. One kilogram of anthrax powder has the capability to kill up to 100,000 people depending on the mechanism of delivery (33). The economic impact of a biological attack has been estimated to be from 478 million/100,000 persons exposed (brucellosis scenario) to 26.2 billion/100,000 persons exposed (anthrax scenario) (34). "Top Types of Bioterrorism Attacks" A bioterrorist attack may occur in 2 scenarios - overt and covert. In the past emergency responses were prepared based on overt attacks like bombings and chemical agents that cause immediate and obvious effects. However, attacks with biological agents are more likely to be covert. They pose different challenges and require emergency planning with the involvement of the public health infrastructure. The attack by a biological agent will not have an immediate impact because of the delay between exposure and onset of illness (i.e., the incubation period). Therefore, the first victims of a bioterrorism action will need to be identified by physicians or other primary health care providers. Based on the first wave of victims, public health officials will need to determine that an attack has occurred, identify the organism and prevent more casualties through prevention strategies (e.g. mass vaccination, prophylactic treatment) and infection control procedures (35). The clues to a potential bioterrorist attack include an outbreak of a rare or new disease, an outbreak of diseases in a non-endemic area, a seasonal disease during an off season time, a known pathogen with unusual resistance or unusual epidemiologic features, an unusual clinical presentation or age distribution, a genetically identical pathogen emerging rapidly in different geographical areas (36).

A bioterror attack would have catastrophic consequences—loss of \$1 trillion, mass deaths

Inglesby 14

(Tom, 2/11/14, UPMC Center for Health Security of the University of Pittsburgh medical Center, "Bioterrorism: Assessing the Threat," Tom is a director and CEO of the UPMC Center for Health Security and an Associate Professor of Medicine and Public Health at the University of Pittsburgh, <http://www.upmchealthsecurity.org/our-work/testimony/bioterrorism-assessing-the-threat>, 7/15/15, SM)

The Consequences of Biological Weaponsð The anthrax events of 2001 were shocking for the country. Letters carrying anthrax spores were sent to a number of people in different cities. Hospitals, doctors, and nurses at the time were largely unfamiliar with the disease. Elements of all three branches of government were each affected and closed at some point. Buildings had to be evacuated for prolonged periods. Cases appeared over weeks in different places. A number of people were sickened and killed. The source of the anthrax could not be identified. The communication about it from our own government was often uncertain and changing. The media coverage was constant. People were afraid of their own mail. Nothing like this had happened before in our country or any country.ð A great deal has been done to improve our ability to recognize and respond to biological weapons events since that time. I will say more about that below. But it is important for this committee to know that a future biological weapons attack on the US could look quite different from the 2001 anthrax incident - in terms of size of attack, form, and the numbers affected.ð The anthrax letters of 2001 came with a warning in them, which allowed some people to begin taking protective antibiotics and initiate evacuation. Future events are unlikely to come with warnings like that. It is more likely that the first sign of a bioterror attack will be sick people appearing in clinics and emergency rooms. And while the anthrax letters of 2001 came through the mail, future bioterrorism attacks could come in many different kinds of form. There are many means of creating aerosols. And there are clearly other means of using biological weapons against the public.ð We also need to understand that the scope of future bioweapons events could be far, far greater than what we saw in 2001. In 2009, the US National Security Council said: "The effective dissemination of a lethal biological agent within an unprotected population could place at risk the lives of hundreds of thousands of people. The unmitigated consequences of such an event could overwhelm our public health capabilities, potentially causing an untold number of deaths. The economic cost could exceed \$1 trillion for each such incident." The use of such weapons could lead to substantial loss of life and great societal disruption. Even with a small or modest-sized attack, the social and economic impact would be significant.

Agro-Terrorism

Surveillance K2 Stop Agro-Terror

Surveillance is uniquely key to discovering plots of agro terrorism and determining the most effective way to stop them.

Eli Rohn and Gil Erez, 4/12, "Fighting Agro-Terrorism in Cyberspace: A Framework for Intention Detection Using Overt Electronic Data Sources",
<http://www.iscramlive.org/ISCRAM2012/proceedings/261.pdf>

The Counter Agro Terrorism Research Center defines Agro Terrorism as "a hostile attack, towards an agricultural environment, including infrastructures and processes, in order to significantly damage national and international political interests" (CATRC 2010). It can be achieved by introducing small quantities of lethal components to every day agricultural inputs, such as water, fertilizers, seeds, sprouts, chicken or livestock feed. It is also possible to easily transmit disease agents from one sick animal to an entire flock or herd, using simple means such as rags. However, while the technicalities are quite simple, they require intention, knowledge and guidance. The last two can be easily provided anonymously, while the first one requires motivation, which can be initiated and enhanced by ideology and indoctrination, both deliverable electronically. Agro-terrorism related risks can be reduced by either means of prevention (intelligence gathering using data mining and chatter mining, for example) or means to respond to such an attack by early detection of exotic/foreign pathogenic agents, early prediction of disease dispersion patterns, implementation of biosecurity measures, and the development of future methodologies and techniques related to food defense and post-event response. Using open sources as for collecting intentions related data has a number of benefits. Obtaining the information is relatively inexpensive to obtain; it makes up the greatest volume of information accessible to collectors of such data. The activity of collecting materials from open sources is legal thus freeing collectors from risks of prosecution for espionage. Frequently, it is possible to derive sensitive information by aggregating and comparing data concerning a particular activity, individual, one or more groups or facilities. This paper concerns itself with the first means of prevention mentioned here – intentions evaluation by intelligence gathering from overt WWW sources using various techniques, such as data mining or chatter mining, analysis of the data, production of filtered memes and their dissemination to various clientele. Information seeking behavior has eight features in common, brought here with adaptation to agro- Rohn & Erez Intention Detection Using Overt Electronic Data Sources Proceedings of the 9th International ISCRAM Conference – Vancouver, Canada, April 2012 L. Rothkrantz, J. Ristvej and Z. Franco, eds. 2 terrorism: Starting activities such as the initial search for an overview of the overt resources landscape or locating key suspects in electronic communities; Chaining – following clues and links in known overt resources; Scanning primary and secondary resources; Differentiating among resources using filtering strategy; Extracting selectively from the resources filtered; Verifying the information; Monitoring the resources for relevant changes; Ending the information retrieval process (Ellis and Haugan 1997). Similarly, the United States intelligence community uses a five-step process to obtain, produce, and make deliverables available to users. The steps are: Planning and Direction, Data Acquisition, Processing and Production, and Dissemination (Federation of American Scientists 1996). The paper's sections follow the cycle described hitherto and provide an overview of the literature pertinent to each phase. PLANNING AND DIRECTION Planning and direction are done at the strategic level and the

tactical level. Strategically, intention detection efforts need to sustain or extend the organization's strategy and governance requirements whilst being transparent about benefits, costs and risks. This requires input from and coordination with key stake holders. Identification of stakeholders is by itself not a trivial task; several proven methods exist (Elias, Cavana et al. 2002; Freeman, Harrison et al. 2010). This phase also requires incorporating technologists and business management in the translation of intelligence requirements into service offerings, and the development of strategies at the tactical level to deliver these services in an effective manner. In this step specific collection capabilities are tasked, based on the type of information required, the susceptibility of the targeted activity to various types of collection activity, and the availability of collection assets. The tactical level of the planning and direction phase requires harnessing proven project management methodologies. A leading professional resource is the Project Management Book of Knowledge, also known as PMBOK (Indelicato 2009; Sanchez-Arias and Solarte-Pazos 2010). Further, intention detection efforts at the planning stage should be targeted at specific areas of agro-terror. Inflicting damage through the contamination of fertilizers, for example, requires different skills and opportunities compared to inflicting damages through sewage redirection, which is entirely different from spreading viruses that can infect large herds of livestock. Deciding on which area to focus the intention detection efforts should be based on sophisticated risk analysis techniques, offered by several researchers (Parnell, Smith et al. 2010; Fellman, Parnel et al. 2011; Merrick and Parnell 2011). The risk analysis should be reviewed periodically and revised according to changing threat. To this mix, one should add "fashion traits" among terrorists. Blowing up buildings was fashionable in the 1980's and 1990's (US Embassy bombing in Tblisi, Georgia; Khobar Towers military complex bombing; simultaneous bombing of US embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, etc.) Beheading became trendy in the beginning of the 21st century. Suffice to mention Daniel Pearl, Paul Johnson and Nick Burg as examples. The antibiotics-resistant salmonella found in Europe during the summer of 2011(The Independent 2011) along with analysis of current affairs by CATRC suggests that the next trend in Agro-Terrorism might as well be the disruption of a central hub in the food chain by agro-terror means rather than brute force.

COLLECTION The second step, collection, includes both the acquisition of information and its provisioning to organizational units that perform the processing and production. The collection process encompasses the management of various activities, including developing collection strategies that aim at optimized utilization of accessible intelligence resources. Requirements for collection of intelligence are developed to meet the needs of potential consumers. Collection activities are given specific tasks to collect information based on identified intelligence requirements. Collection operations depend on secure, rapid and reliable communications to allow for data exchange and to provide opportunities for cross-cueing of assets and tip-off exchanges between assets. Once collected, information is correlated and forwarded for processing and production. An example of a specific collection task is the ongoing monitoring of professional and scientific biomedical literature, with the aim of finding candidate viruses as potential agro-terrorism weapons. Such a surveillance mechanism serves for early warning which one can consider a preventive means. Geissler enumerated 13 traits a virus should have in order to be used as a potential weapon (Geissler 1986; Geissler and van Courtland Moon 1999). He then identified 21 viruses that meet these criteria. Hu et. al. proposed an "automated, semantic-based data mining system to identify viruses that can be

used as weapons in bio-terrorism" by mining biomedical literature (Hu, Yoo et al. 2005). A second example of a specific collection task is finding, in social networks, overlapping communities with interest in such viruses. Using an "algorithm for finding overlapping Rohn & Erez Intention Detection Using Overt Electronic Data Sources Proceedings of the 9th International ISCRAM Conference – Vancouver, Canada, April 2012 L. Rothkrantz, J. Ristvej and Z. Franco, eds. 3 communities in social networks... can be helpful in discovering groups of actors that hide their communications, possibly for malicious reasons" (Baumes, Goldberg et al. 2005). A fast algorithm for the same purpose was proposed three years later (Gregory 2008)

Agro-Terror- Econ Impact

America's agriculture industry is vulnerable to an agro-terror attack—would cost billions and exacerbate terror

Dean Olson, 2/12, "Agroterrorism: Threats to America's Economy and Food Supply," FBI, <https://leb.fbi.gov/2012/february/agroterrorism-threats-to-americas-economy-and-food-supply>

The United States enjoys a safe, plentiful, and inexpensive food supply. Americans spend only 11 percent of their income on food compared with the global average of 20 to 30 percent.¹ The nation's agricultural abundance helps drive its economic prosperity. As many as 1 of 6 jobs are linked to agriculture, a trillion-dollar industry. Agriculture-related products comprise nearly 10 percent of all U.S. exports, amounting to nearly \$68 billion in 2006.² Terrorists consider America's agriculture and food production tempting targets. They have noticed that its food supply is among the most vulnerable and least protected of all potential targets of attack. When American and allied forces overran al Qaeda sanctuaries in the caves of eastern Afghanistan in 2002, among the thousands of documents they discovered were U.S. agricultural documents and al Qaeda training manuals targeting agriculture. A subset of bioterrorism, agroterrorism is defined as "the deliberate introduction of an animal or plant disease for the purpose of generating fear, causing economic losses, or undermining social stability."³ It represents a tactic to attack the economic stability of the United States. Killing livestock and plants or contaminating food can help terrorists cause economic crises in the agriculture and food industries. Secondary goals include social unrest and loss of confidence in government. Serious Concern Agroterrorism is not new. The Assyrians poisoned enemy wells with rye ergot during the 6th century B.C. During World War I, German agents in the United States infected horses and cattle in transit across the Atlantic to France. In 1994, in The Dalles, Oregon, a religious cult intentionally contaminated 10 restaurant salad bars with salmonella, sickening more than 750 people in an attempt to influence the outcome of a local election. Since 1912, 12 documented cases have involved the substate use of pathogenic agents to infect livestock or contaminate food.⁴ Dean Olsen with Quote The agroterrorism threat emanates from four categories of perpetrators. The foremost threat is posed by transnational groups, like al Qaeda—widely believed to present the most probable threat of inflicting economic harm on the United States. The second group is comprised of economic opportunists tempted to manipulate markets. They understand that a foot and mouth disease (FMD) outbreak, for example, would have a dramatic impact on markets. By introducing the virus, they could exploit the markets for personal economic gain. The third category includes domestic terrorists who may view the introduction of FMD as a blow against the federal government. As an outlier of this category, the unbalanced individual or disgruntled employee may perpetrate an attack for a variety of idiosyncratic or narcissistic motivations. Finally, militant animal rights or environmental activists pose a threat because they consider immoral the use of animals for food. Groups, such as the Animal Liberation Front and its sister organization, the Earth Liberation Front, could view an attack on the animal food industry a positive event.⁵ Threat Environment Because it lacks the drama and spectacle of more common terrorist violence, such as bombings and murders, agroterrorism has remained a secondary consideration, and no documented attacks in the homeland have occurred since 9/11. Several recent factors may have made agroterrorism a more attractive tactic. First, the threat environment has changed dramatically. America has had recent

successes against al Qaeda's leadership. These victories have forced the group to morph in both structure and tactics. The increasingly dangerous environment it now must operate in has prevented it from mounting catastrophic terrorist attacks on the scale of 9/11. Now, al Qaeda places its emphasis on smaller, independent attacks following a "death by a thousand cuts" strategy to exhaust, overwhelm, and distract U.S. Department of Homeland Security forces. The group seeks to flood America's already information overloaded intelligence systems with myriad threats and "background noise."⁶ Agroterrorism also may serve as a way to magnify the social upheaval caused by smaller, independent attacks, like bombings. Second, Usama Bin Ladin consistently had argued that attacking the U.S. economy represented the best way to destroy America's ability to project military power abroad. Underpinning this view is al Qaeda's historical narrative that jihad against the Soviets following the invasion of Afghanistan led not only to the defeat of the Red Army but, ultimately, to the demise of the U.S.S.R.⁷ As divorced from reality as this view seems, economic harm remains one of the pillars of al Qaeda's terror strategy against the United States. In a video broadcast before the 2004 U.S. presidential elections, Usama Bin Ladin bragged that his organization "...bled Russia for 10 years until it went bankrupt and was forced to withdraw in defeat.... We are continuing in the same policy to make America bleed profusely to the point of bankruptcy...." He boasted that the 9/11 attacks had cost al Qaeda \$500,000 while inflicting a staggering \$500 billion in economic losses to America.⁸ According to Bin Ladin, "every dollar of al Qaeda defeated a million dollars [of America]...besides the loss of a huge number of jobs." Open Quotes on Blue Bar The same factors that yield inexpensive and plentiful food by promoting maximum production efficiency also make American agricultural systems inherently vulnerable. Close Quotes on Blue Bar Analysts believe that al Qaeda's evolving tactics increasingly will "focus on targets that will yield the most economic damage."⁹ Terrorist leaders realize that America's strength stems largely from its economic vitality. They pursue an overarching strategy that all attacks should focus on weakening America's economic strength, especially through protracted guerilla warfare. In their view, as the United States loses its standing in the Middle East, groups, like al Qaeda, can gain ground and remove from power regimes they view as corrupt and illegitimate.¹⁰ Terrorists know that a successful agroterrorism incident threatens America's economic welfare and its standing as a leading exporter of agricultural products to the world. A significant disruption in agricultural exports caused by such an attack would have ripple effects in the United States' and global economies. This economic disruption would occur on three levels. The first involves direct losses due to containment measures, such as stop-movement orders (SMOs) or quarantines of suspected stock. Additional costs would arise from the culling and destruction of disease-ridden livestock.¹¹ Second, indirect multiplier effects, such as compensation to farmers for destruction of agricultural commodities and losses suffered by directly and indirectly related industries, would arise.¹² And, third, international costs would result from protective trade embargoes. Less measurable consequences would include the undermining of confidence in and support of government, creation of social panic, and threat to public health on the national and global levels. Given its ease of execution and low cost to high benefit ratio, agroterrorism fits the evolving strategy of al Qaeda that focuses on inexpensive but highly disruptive attacks in lieu of monumental ones. Agroterrorism could exacerbate the social upheaval caused by random bombings. The ability to employ cheap and unsophisticated means to undermine America's economic base, combined with the added payoff to potentially overwhelm its counterterrorism

resources, makes livestock- and food-related attacks increasingly attractive.¹³ Foot and Mouth Disease Attacks directed against the cattle, swine, or poultry industries or via the food chain pose the most serious danger for latent, ongoing effects and general socioeconomic and political disruption. Experts agree that FMD presents the most ominous threat.¹⁴ Eradicated in the United States in 1929, FMD remains endemic in South America, Africa, and Asia.¹⁵ An especially contagious virus 20 times more infectious than smallpox, FMD causes painful blisters on the tongues, hooves, and teats of cloven-hoofed animals, including cattle, hogs, sheep, goats, and deer, rendering them unable to walk, give milk, eat, or drink. Although people generally cannot contract the disease, they can carry the virus in their lungs for up to 48 hours and transmit it to animals. The animal-to-animal airborne transmission range is 50 miles.¹⁶ An infected animal can shed the virus in large quantities from its upper respiratory tract via drooling, coughing, and discharging mucus. Extremely stable, FMD can survive in straw or clothing for 1 month and spread up to 100 kilometers via the wind. Because herds exist as highly crowded populations bred and reared in extremely close proximity to one another, a significant risk exists that such pathogenic agents as FMD will spread well beyond the locus of a specific outbreak before health officials become aware of a problem. An FMD outbreak could spread to as many as 25 states in as little as 5 days simply through the regulated movement of animals from farm to market.¹⁷ Open Quotes on Blue Bar ...the food production and distribution chain offers a low-tech but effective mechanism for disseminating toxins and bacteria.... Close Quotes on Blue Bar From a tactical perspective, an FMD attack holds appeal for several reasons. First, unlike biological warfare directed against humans, no issue of weaponization exists. In an FMD attack, the animals themselves serve as the primary medium for pathogenic transmission, and countries as close as those in South America offer a ready source of the virus. As one analyst described it, the virus "can be spread by simply wiping the mucus from an infected animal on a handkerchief and then transferring the virus to healthy animals by wiping their noses...by stopping on a highway in rural America and releasing the virus among curious livestock an outbreak could be initiated."¹⁸ Second, FMD is nonzoonotic, presenting no risk of accidental human infection. There exists no need for elaborate personal protective equipment or an advanced understanding of animal disease science. In a biowarfare attack targeting people, the deadly pathogen poses a threat to the perpetrators, as well as their intended victims. Preparing the pathogen so that terrorists can handle it safely yet disseminate it effectively to intended victims can prove difficult. For instance, the Aum Shinrikyo sarin gas attacks on the Tokyo subway in 1994 largely failed to kill the number of people intended due to the crude method of dissemination. Third, terrorists could introduce and subsequently disperse the virus throughout the American food production system through multiple carriers, including animals carrying and introducing it into susceptible herds; animals exposed to contraband materials, such as contaminated food, hay, feedstuffs, hides, or biologics; people wearing clothing or using equipment, including tractors and trucks, to transmit the virus to uninfected animals; and contaminated facilities, such as feed yards, sale barns, and trucks that commonly hold or transport susceptible animals.¹⁹ The same factors that yield inexpensive and plentiful food by promoting maximum production efficiency also make American agricultural systems inherently vulnerable. The highly concentrated and intensive nature of livestock production encourages the rapid spread of contagious pathogens.²⁰ Most dairies house at least 1,500 cows, with the largest facilities containing 10,000. Animals often are born on breeding farms and then

transported to another state for slaughtering and processing. Otherwise isolated and widely dispersed farms often share equipment, vehicles, and veterinary instruments. Feedlots and auctions routinely intermingle animals from a wide geographic area. On average, a pound of meat travels 1,000 miles before it reaches the consumer's table.²¹ The Food Process Chart: Seed to Plate The introduction of FMD would require the mass slaughter and disposal of infected animals. An outbreak could halt the domestic and international sale of meat and meat products for years. In this regard, in 2001, FMD in the United Kingdom affected 9,000 farms and required the destruction of more than 4,000,000 animals. Researchers believe that a similar outbreak in the United States would cost taxpayers up to \$60 billion.²² An FMD attack could result in massive herd culling, the need to destroy processed goods, and extensive decontamination efforts of production and livestock-containment facilities. Most Americans have not witnessed the intense media coverage of high-volume culling operations involving the destruction and disposal of tens of thousands of animals. Large-scale eradication and disposal of livestock likely would be especially controversial as it affects farmers and ranchers and offends the sensibilities of animal rights activists and environmental organizations.

Agricultural terrorism is easy, difficult to prevent, and can cause billions in losses for farmers and ancillary services.

Dennis L. Taylor, 9-15-2014, "Agroterrorism: A looming threat to food supply," Salinas Californian, <http://www.thecalifornian.com/story/news/local/2014/09/12/agroterrorism-looming-threat-food-supply/15541125/>

Unfortunately, many people think of Middle-East terror groups as the masterminds behind such unthinkable acts. But that is only one of many threats, said David Goldenberg, program manager and coordinator for field training at the Western Center for Food Safety and Security at the University of California, Davis. Sponsored by the Department of Homeland Security, Goldenberg is teaching a special series of classes at Hartnell College in Salinas designed for first responders, government officials and operations staff working at the scores of produce processing plants dotting the southern Salinas. Though the attacks on the World Trade Center on Sept. 11, 2001 were plotted and carried out by extremists from the Middle East, consider other historical attacks on U.S. soil. The 1995 Oklahoma City bombing killed 168 people, injured more than 680 others and caused \$652 million in damage. Then there were the shootings at Virginia Tech, Sandy Hook, Columbine, Fort Hood – the list is long and heartbreaking. All were carried out by American citizens. There is a finite amount of carnage that can be inflicted by conventional weapons, but weaponized bio-agents or toxins, particularly if introduced simultaneously at myriad locations nationwide, are open-ended in the catastrophe they would cause. Because threats can come from such a diverse cast of characters bent on disrupting the food supply or instilling fear, Goldenberg has received input from the Federal Bureau of Investigation, the Department of Homeland Security, the U.S. Food and Drug Administration and the U.S. Department of Agriculture. His courses are funded through the Rural Domestic Preparedness Consortium. "We have agroterrorism prevention efforts in place with our WMD (weapons of mass destruction) directorate," said Chris Allen, a spokesperson in FBI headquarters in Washington D.C. "The focus of these efforts is on outreach, building relationships and prevention." The directorate has many parts, including an annual agroterrorism symposium that dates began in 2006. The week-long summit gathers law enforcement with agriculture officials

who are on the front lines of preventing, detecting and investigating intentional attacks on the U.S. food supply. Under the directorate, the FBI focuses on the criminal investigation while the FDA and USDA center their attention on public health. Why Salinas could be targeted In the Salinas Valley, \$4 billion annually of lettuce, strawberries and commodity vegetables such as broccoli, spinach and cauliflower are harvested, trucked to coolers, and then trucked again to local processing plants. From there they are washed, bagged and loaded onto more trucks destined for Canada, Mexico and throughout the United States, or to commercial ports in Los Angeles, Long Beach and Oakland where they are loaded onto container ships bound for Asia. The entire process can be measured in hours, which means that if any toxin or pathogen were introduced at any point along the process, it could be on a plate at a diner in Des Moines or restaurant in Hong Kong long before anyone suspected a problem. All it would take is the combination of intent and capability – all points along the supply chain would be vulnerable to attack. Farmers live year to year on the viability of their crops. If a crop were rendered unusable, and consumers turned away from the affected product, growers easily could be ruined. And not just growers. It is estimated that the agriculture industry in the Salinas Valley supports an additional \$4 billion in ancillary services, everything from banks and tractor sales to trucking companies and fertilizer sales. That would mean an \$8 billion hit to a county with fewer than 500,000 people. Dennis Donohue, a former mayor of Salinas and a lettuce grower, acknowledges that because their livelihoods are planted outdoors, and having only limited activity at night, there is vulnerability. "There's an old saying that it's not hard to meet a grower in the daytime in the Salinas Valley, just go stand in his crop uninvited," Donohue said. "Unfortunately, farmers have to sleep." Today when a human pathogen like E. coli, listeria or salmonella contaminate a food product, often the first sign of a problem is sickness after someone, somewhere consumes the product. Both U.S. and Canadian health officials test produce and meat, but their primary task is to manage outbreaks, not prevent them. Prevention begins on the farm. The major concern of growers here is water, as a parched California lumbers through its third consecutive dry season and is trying to come to terms with a nearly unprecedented drought. More than 98 percent of California land is now considered to be in an "exceptional drought," the highest level recorded by the U.S. Drought Monitor. Still, as demonstrated by the turnout at Goldenberg's agroterrorism series, farmers are increasingly aware of the dangers from terrorism. "While it's not a high priority – water has eclipsed everything else – there is concern about contamination of well heads," said Norm Groot, executive director of the Monterey County Farm Bureau. "There are so many possible points where someone could insert something into the food chain. It's not a very difficult thing to do." Economic carnage In the aftermath of the 9/11 attacks, commerce was deeply affected. It took years for airlines to recover. Huge losses in the stock markets were sustained. Consumer confidence was shaken. History has already foreshadowed what could happen if an attack of that magnitude were leveled on agriculture. In 2006, an outbreak of Escherichia coli, commonly called E. coli, sickened 199 people and killed three. Months later, the U.S. Food and Drug Administration traced the pathogen to an Angus cattle ranch in neighboring San Benito County that had leased land to an organic spinach grower. The FDA called for bagged fresh spinach to be removed from shelves and warned people not to eat any kind of fresh spinach. California is where three-quarters of all domestically harvested spinach is grown. Farmers suffered an estimated loss of \$74 million, much of that in the Salinas Valley, which now grows more than

\$122.6 million worth of spinach annually. But it took years of aggressive marketing and the implementation of new safety systems to restore consumer confidence. Susan Pheasant, director of the Agricultural Business & Technology Institute at Hartnell College, said the courses have dual impacts – preparing individuals for both intentional and unintentional outbreaks. "The Salinas Valley has always been proactive when it comes to food safety," she said. "Whether the act is intentional or unintentional, the idea of the courses are to encourage the ag community to work not only with local first responders, but with state and federal crisis teams as well." Even pathogens that don't affect human health can wreak economic catastrophes. In 2001, England experienced its most devastating agricultural pathogen outbreak in its history, and not a single human got sick. Foot-and-mouth disease broke out on farms in Buckinghamshire and the Isle of Wigh, resulting in the worst animal slaughter in Great Britain's history – some 3.7 million cows, pigs, sheep and lambs had to be shot and cremated. Five months after the crisis, stockyards were still empty. British consumers lost faith in the industry and in their government. In the end, it cost England's agricultural industry \$16 billion – four years worth of Salinas Valley's gross crop revenue. Dairymen lost their farms and many took their own lives. "It was no different than the stock brokers who jumped off buildings in New York in the crash of 1929," Goldenberg said. Similar outbreaks of FMD have occurred in Korea, Japan and Taiwan, with horrendous economic effects that lasted years. Similar outbreaks of FMD have occurred in Korea, Japan and Taiwan, with horrendous economic effects that lasted years. Attacks on food nothing new Recorded modern-era attacks on food supplies date back to World War I when German troops introduced a glanders virus – an infectious disease that occurs primarily in horses, mules, and donkeys – into the ranks of allied troops. Before mechanized troop and supply transports, the military relied on mules and horses to carry supplies. The attack debilitated or killed the mules and effectively brought allied advances to a halt. In 1984, the word "agroterror" was not a part of anyone's vernacular. But the Rajneeshee cult living in The Dalles, Ore., carried out a near flawless attack on the town's food supply. A group of followers of Bhagwan Shree Rajneesh had hoped to incapacitate the voting population of the city so that their own candidates would win the 1984 Wasco County elections. They began spraying salad bars in 10 local restaurants with salmonella, causing the poisoning of 751 people. The incident was the first and single largest bioterrorist attack in United States history, according to Scripps-Howard News Service. It wasn't until years later that a confession uncovered the plot. Up until then, the cause was listed as unknown. Disturbing was the ease in which the cult manufactured the salmonella, Goldenberg said. Anyone with a degree in microbiology and amateur beer brewing equipment can manufacture a host of human pathogens in their bathtubs. Yet these examples are amateurish compared to what British and American troops have unearthed in Afghanistan.

Agro-terror- Food Insecurity

Agro-terrorism causes trade embargoes and spikes in food prices

Jonathan Tucker, founding director of the Chemical and Biological Weapons Nonproliferation Program, 7/11, "The Threat of Agro-Terrorism", <http://fas.org/biosecurity/education/dualuse-agriculture/1.-agroterrorism-and-foodsafety/threat-agro-terrorism.html>

Ever since the terrorist attacks of September 11, 2001, western governments have become increasingly concerned that terrorists might launch attacks against agriculture or food-processing facilities, with the aim of causing economic damage, generating fear and panic, and undermining public trust in the food supply. The deliberate introduction of a plant or animal pathogen could result in crop failures or require the slaughter of millions of infected livestock, imposing serious hardships on farmers and downstream processors. Alternatively, toxic chemicals or radioactive isotopes might be used to contaminate food and beverages. Such incidents could result in increased food prices and trade embargoes, costing billions of dollars in lost revenue.

These spikes have major impacts on food security—hunger levels increase, especially in impoverished populations and developing countries.

Stephen C. Smith, George Washington University, 2012, "Triple Threat of Unstable Food Prices," Heifer International, <http://www.heifer.org/join-the-conversation/magazine/2012/spring-2012/triple-threat-of-unstable-food-prices.html>

The scourge of hunger today is worse than it was a decade ago. In the aftermath of the first food price spike and the 2008-2009 global financial crisis, for the first time more than one billion people were significantly malnourished. Conditions improved slightly in 2010, but food prices spiked again in 2011, pushing the United Nations Food and Agriculture Organization's food price index to a record high. About 925 million are currently hungry, not far from the all-time record. A family living in poverty in a low-income country may spend almost three-quarters of their income on food. Although prices have fallen somewhat from their peak earlier in 2011, "high food prices are likely to continue and volatility may increase in coming years, making farmers, consumers and countries more vulnerable to poverty and food insecurity," according to the FAO's State of Food Insecurity in the World 2011 report. When food prices rise, so does hunger. In summer 2011, the United Nations declared a famine under way in parts of Somalia. Tens of thousands of people have died, a majority of them children, according to the U.N. Severe hunger caused by drought, conflict and inequity is now found throughout the Horn of Africa. One problem is that some local food is exported out of the famine-struck area. The reason is simple: starving people don't have sufficient means to buy food, so traders sell it elsewhere, fetching a higher price. Looking closely at the links between food prices and malnutrition can help leaders, governments and organizations lay a foundation for building sound policies and programs to end hunger. Over the previous 40 years the world has learned to grow much more food, and prices fell substantially for a time. The Green Revolution brought improved crop varieties to Asia and productivity rose, increasing output and pushing prices down. Incomes of people living in poverty rose—not nearly enough, but many were able to afford more food than before. And in some parts of the world—China most prominently—incomes grew enough that

many millions of people were able to add animal-based foods to their diet. The United Nations declared Oct. 31, 2011, the "Day of 7 Billion," a world population milestone. Within about 35 years, more than 9 billion people will need access to adequate food. Indeed, in May 2011 the U.N. raised its estimate of the peak population to 10 billion by the end of this century. But the number of people is the smaller part of the problem. The critical issue is what the people do: how much do they consume, in what ways, and what environmental damage do they cause? Without some needed adjustments, a return of the world food problem is threatening.

Extreme Poverty Graphic courtesy of Food and Agriculture Organization of the United Nations. By 2002, food prices started an unmistakable rising trend; in addition, prices became more variable and volatile; and finally, a third problem of upward spikes of food prices emerged. The Rising Food Price Trend Clearly, rising food prices harm people living in poverty. But the effects are subtle. If the price of corn rises, as it did in 2007, smallholder corn producers, who sell a little of their corn on local markets and whose incomes are slightly below the absolute poverty line, may find that this price rise increases their incomes to pull them out of absolute poverty. On the other hand, for those with too little land to be able to sell corn and who are net buyers of corn on markets, this price increase can greatly worsen their poverty. Farm laborers can find that at least a little of the higher corn prices get passed on to them in the form of higher wages, and this can more than make up for higher food prices. But the urban poor— a growing faction of people living in poverty—are nearly always hurt by food price increases. Often the evidence suggests that many of the rural poor are hurt as well, sometimes substantially. Increasing Food Price Volatility Greater volatility also makes it hard to plan for sufficient food. Smallholder farmers, many of them living in poverty yet also selling some of their harvest on the market to pay for other essentials, now face greater risks. The good news is that some years they get a pleasant surprise and find higher prices for their goods at the market. But, in other years, unexpectedly low prices can be disastrous. When they can do little more than pay for costs to farm, the family may face severe malnourishment. The New Scourge: Food Price Spikes Upward price spikes pose a third challenge for ending hunger. You can see two spikes in Figure 1. These sudden changes are about prices going up for a time, and far more than can be accounted for by any normal volatility (even while volatility is also rising). These spikes particularly harm people living in poverty who are not in the agricultural sector, such as urban dwellers and people on the margins of rural society. Although the poor often devise ingenious ways of saving even in the harshest of conditions, major food price spikes can overwhelm the ability of struggling families to cope. Rising Food Prices Graphic courtesy of Food and Agriculture Organization of the United Nations

Leading experts on food prices and their impact on people living in poverty convened at George Washington University on Sept. 30 for a daylong conference to better understand these three food price problems and consider action plans. More than 100 participants took part in the discussion. Why Is This Happening? Leading Experts Weigh In The Rising Food Price Trend Food prices are about 80 percent higher than they were in 2000, reversing a long declining trend of previous decades. Nora Lustig, a professor of Latin American Economics at Tulane University, said some of the price increases reflect longer-term forces that if left unchecked will lead to higher future food prices. These forces include diversion of food to biofuels production, increase in demand for grains through shifts to meat production due to higher incomes in China and elsewhere, a possible slowdown in the growth of output per acre of agricultural commodities, higher energy prices affecting agricultural input costs, and a decrease in available land to

convert to farming. Finally there is the negative impact of climate change on developing-country food production, with far worse effects likely ahead of us. Long-term forces cannot explain the volatility, let alone the spikes. But the spikes were exacerbated by a number of unfavorable policies that interfered with food prices, such as subsidies and mandates for biofuels. As Alain de Janvry, a professor of agricultural and resource economics at the University of California at Berkeley, pointed out, "the demand for energy is simply so big compared to the food market that it could completely overwhelm any price predictions" that do not take energy policy into account. Furthermore, there is not a large global market for food in relation to total demand. Most countries strive for food self-sufficiency, largely for national security reasons. Embargoes of food exports by such countries as Egypt, Vietnam and Russia reflect this reluctance to allow a freer global market when it comes to food. The World Bank reported in 2008 that growth in output per acre was leveling off and that prices would continue rising. In fact, prices increased far faster than even the World Bank predicted. Lustig explained that while "food is energy for human survival, food commodities have turned into industrial commodities, energy for machines." The result is less energy for people—at best, more expensive energy—when so many remain deprived of even a minimum of calories. "A majority of studies show that those who get hurt outnumber those who benefit" when food prices increase, she said.

Unstable Food Prices In the 20th century, food prices fell close to 1 percent per year. Dr. Keith Fuglie, an economist at the U.S. Department of Agriculture, said that in the early 1900s, falling shipping costs steered prices lower, with producers sending food from where it was grown cheaply and abundantly to where food prices were high. In the later decades of the 20th century, rising output per acre drove prices down. Today, that yield growth is slower, but Fuglie found we are still making gains despite smaller additions to inputs than before (especially the smaller number of workers in agriculture). This is a new and encouraging discovery. It should be putting downward pressure on food prices. Looking ahead, these forces may continue to slow the rate at which food prices increase. Findings like Fuglie's help reassure us that, while new problems complicate work toward a world free of hunger, with continued commitment the goal can still be attained. But Fuglie also found that these gains were not present in Africa, where most of the increase in population is expected. And although encouraging, his work is retrospective: It does not take into account the projected worsening of environmental stresses not only from climate change but from localized deforestation, water scarcity, falling water tables, declining soil fertility, erosion, salination and other pollutants.

Increasing Food Price Volatility As climate change increasingly plays into agricultural productivity, output will be more volatile, said Maximo Torero, an economist and division chief at International Food Policy Research Institute. Even if today's price volatility is a passing phase due to unregulated financial markets and other bad policies, volatility in some form will still be with us. So we have to take it seriously and plan to cushion people living in poverty from its harmful effects. Most of the factors pushing food prices up are also worsening the volatility of those prices, Torero said. For example, just a few countries account for the majority of exports of most staples. Government mandates to use ethanol, a corn-based biofuel, also increase volatility as well as price. And as volume in futures markets has increased, this also makes the price of food vulnerable to volatility: High volatility attracts more financial market participants, who learn that they can make money on trading, which can amplify instability. Finally, high futures market prices lead to high current market prices, a consequence of speculation. Food Prices Food Price Spikes Food price spikes are

certainly not unprecedented. Remember the major shocks of the 1970s? But food price spikes returned with a vengeance in this century and conditions threaten more. Joachim von Braun, a professor at the University of Bonn and former director general of International Food Policy Research Institute, said the new spikes are driven by three factors: Energy markets: High oil prices are not just raising the costs of fertilizer but also giving farmers in rich countries incentive to use their crops for biofuel. Financial markets: There is a clear and growing link between food market volatility and financial crises. Speculation: The "speculation effect partly depends on the 'nervousness' of the market," von Braun explained. "What is called speculation actually stabilizes prices when the market is less nervous," because it can push markets to find prices consistent with supply and demand more quickly. But speculation is destabilizing "when the market becomes nervous as a result of changes in fundamentals, policies and structures." Shifts in sentiment can result in spikes.

Food shortages will collapse global civilization and cause a laundry list of impacts.

Brown, 9—founder of both the WorldWatch Institute and the Earth Policy Institute (May 2009, Lester R., Scientific American, "Could Food Shortages Bring Down Civilization?" Ebsco)

The biggest threat to global stability is the potential for food crises in poor countries to cause government collapse. Those crises are brought on by ever worsening environmental degradation. One of the toughest things for people to do is to anticipate sudden change. Typically we project the future by extrapolating from trends in the past. Much of the time this approach works well. But sometimes it fails spectacularly, and people are simply blindsided by events such as today's economic crisis. For most of us, the idea that civilization itself could disintegrate probably seems preposterous. Who would not find it hard to think seriously about such a complete departure from what we expect of ordinary life? What evidence could make us heed a warning so dire--and how would we go about responding to it? We are so inured to a long list of highly unlikely catastrophes that we are virtually programmed to dismiss them all with a wave of the hand: Sure, our civilization might devolve into chaos--and Earth might collide with an asteroid, too! For many years I have studied global agricultural, population, environmental and economic trends and their interactions. The combined effects of those trends and the political tensions they generate point to the breakdown of governments and societies. Yet I, too, have resisted the idea that food shortages could bring down not only individual governments but also our global civilization. I can no longer ignore that risk. Our continuing failure to deal with the environmental declines that are undermining the world food economy--most important, falling water tables, eroding soils and rising temperatures--forces me to conclude that such a collapse is possible. The Problem of Failed States Even a cursory look at the vital signs of our current world order lends unwelcome support to my conclusion. And those of us in the environmental field are well into our third decade of charting trends of environmental decline without seeing any significant effort to reverse a single one. In six of the past nine years world grain production has fallen short of consumption, forcing a steady drawdown in stocks. When the 2008 harvest began, world carryover stocks of grain (the amount in the bin when the new harvest begins) were at 62 days of consumption, a near record low. In response, world grain prices in the spring and summer of last year climbed to the highest level ever. As demand for food rises faster than supplies are growing, the resulting food-price inflation puts severe stress on the governments of countries already teetering on the edge of

chaos. Unable to buy grain or grow their own, hungry people take to the streets. Indeed, even before the steep climb in grain prices in 2008, the number of failing states was expanding [see sidebar at left]. Many of their problems stem from a failure to slow the growth of their populations. But if the food situation continues to deteriorate, entire nations will break down at an ever increasing rate. We have entered a new era in geopolitics. In the 20th century the main threat to international security was superpower conflict; today it is failing states. It is not the concentration of power but its absence that puts us at risk. States fail when national governments can no longer provide personal security, food security and basic social services such as education and health care. They often lose control of part or all of their territory. When governments lose their monopoly on power, law and order begin to disintegrate. After a point, countries can become so dangerous that food relief workers are no longer safe and their programs are halted; in Somalia and Afghanistan, deteriorating conditions have already put such programs in jeopardy. Failing states are of international concern because they are a source of terrorists, drugs, weapons and refugees, threatening political stability everywhere. Somalia, number one on the 2008 list of failing states, has become a base for piracy. Iraq, number five, is a hotbed for terrorist training. Afghanistan, number seven, is the world's leading supplier of heroin. Following the massive genocide of 1994 in Rwanda, refugees from that troubled state, thousands of armed soldiers among them, helped to destabilize neighboring Democratic Republic of the Congo (number six). Our global civilization depends on a functioning network of politically healthy nation-states to control the spread of infectious disease, to manage the international monetary system, to control international terrorism and to reach scores of other common goals. If the system for controlling infectious diseases—such as polio, SARS or avian flu—breaks down, humanity will be in trouble. Once states fail, no one assumes responsibility for their debt to outside lenders. If enough states disintegrate, their fall will threaten the stability of global civilization itself.

Conflict for food will escalate to global nuclear wars—empirics prove.

FDI, Future Directions International, a Research institute providing strategic analysis of Australia's global interests citing an enormous list of experts including Chris Baker, Research Analyst, Centre for International Security Studies, University of Sydney, Lindsay Falvery, PhD in Agricultural Science and former Professor at the University of Melbourne's Institute of Land and Environment and John Noonan, Senior Lecturer, Leader, Farm Business Resilience and Safe Quality Food Programmes, School of Management, Curtin Business School, May 25th 2012, "International Conflict Triggers and Potential Conflict Points Resulting from Food and Water Insecurity," http://www.futuredirections.org.au/files/Workshop_Report_-_Intl_Conflict_Triggers_-_May_25.pdf

There is a growing appreciation that the conflicts in the next century will most likely be fought over a lack of resources. Yet, in a sense, this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food. More recently, Germany's World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food. Yet the general sense among those that attended FDI's recent workshops, was that the scale of the problem in the future could be significantly greater as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, *Small Farmers Secure Food*,

Lindsay Falvey, a participant in FDI's March 2012 workshop on the issue of food and conflict, clearly expresses the problem and why countries across the globe are starting to take note. . He writes (p.36), "...if people are hungry, especially in cities, the state is not stable – riots, violence, breakdown of law and order and migration result." "Hunger feeds anarchy." This view is also shared by Julian Cribb, who in his book, *The Coming Famine*, writes that if "large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow." He continues: "An increasingly credible scenario for World War 3 is not so much a confrontation of super powers and their allies, as a festering, self-perpetuating chain of resource conflicts." He also says: "The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources." As another workshop participant put it, people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea and the Balkans experienced such wars. Governments, especially in developed countries, are increasingly aware of this phenomenon. The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, all identify famine as a potential trigger for conflicts and possibly even nuclear war.

Econ

A terrorist attack would crush the economy

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. "The Toll of Terrorism"

<http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm>

modified for ableist language

New technology has lowered transportation costs and increased trade and capital flows across nations. But the same technology that has fostered international economic growth has also allowed terrorism to spread easily among countries whose interests are tightly interwoven. Terrorism is no longer solely a local issue. Terrorists can strike from thousands of miles away and cause vast destruction. The effects of terrorism can be terrifyingly direct. People are kidnapped or killed. Pipelines are sabotaged. Bombers strike markets, buses, and restaurants with devastating effect. But terrorism inflicts more than human casualties and material losses. It can also cause serious indirect harm to countries and economies by increasing the costs of economic transactions—for example, because of enhanced security measures to ensure the safety of employees and customers or higher insurance premiums. Terrorist attacks in Yemen on the USS Cole in 2000 and on the French tanker Limburg in 2002 seriously damaged that country's shipping industry. These attacks contributed to a 300 percent rise in insurance premiums for ships using that route and led ships to bypass Yemen entirely (Enders and Sandler, 2012). In this article we explore the economic burden of terrorism. It can take myriad forms, but we focus on three: national income losses and growth-[slowing]retarding effects, dampened foreign direct investment, and disparate effects on international trade.

Terrorism will destroy the US econ along with those of other countries

(Dan Weil, 7-16-2015, "Celente: Terrorist Attack Would Crash World Economy," Newsmax, <http://www.newsmax.com/Finance/StreetTalk/terrorist-gold-silver-HomelandSecurity/2011/07/07/id/402861>)

Another terrorist attack would create a global economic disaster, says economic and political guru Gerald Celente, director of The Trends Research Institute. The wise investment strategy in such a scenario would be to buy silver and gold while selling currencies, he tells King World News. "What will another major terror strike mean should an attack hit one of the major NATO nations?" Celente says. "The effects this time will go global. Bank holidays will be called, the U.S. and other fragile economies will crumble, gold and silver will soar, and already troubled currencies will crash. Economic martial law will be declared, promised as a temporary measure. Once in place it will remain in place." And don't expect your ATM card to be of much use. "With banks closed and economic martial law in place, restrictions will be set on the amounts, times and frequencies of withdrawals (of cash). It will be essential to have a stash of cash on hand," Celente says.

Multiple shocks on econ after terror attacks—foreign direct investment, infrastructure, trade

Sandler and Ender 10

(Todd Sandler, Professor of International Relations and Economics at the University of Southern California, Walter Enders, Bidgood Chair of Economics and Finance at the University of Alabama, July 2010, http://www.utdallas.edu/~tms063000/website/Econ_Consequences_ms.pdf)

Terrorism can impose costs on a targeted country through a number of avenues. Terrorist incidents have economic consequences by diverting foreign direct investment (FDI), destroying infrastructure, redirecting public investment funds to security, or limiting trade. If a developing country loses enough FDI, which is an important source of savings, then it may also experience reduced economic growth. Just as capital may take flight from a country plagued by a civil war (see Collier et al., 2003), a sufficiently intense terrorist campaign may greatly reduce capital inflows (Enders and Sandler, 1996). Terrorism, like civil conflicts, may cause spillover costs among neighboring countries as a terrorist campaign in a neighbor dissuades capital inflows, or a regional multiplier causes lost economic activity in the terrorism-ridden country to resonate throughout the region.¹ In some instances, terrorism may impact specific industries as 9/11 did on airlines and tourism (Drakos, 2004; Ito and Lee, 2004). Another cost is the expensive security measures that must be instituted following large attacks – e.g., the massive homeland security outlays since 9/11 (Enders and Sandler, 2006, Chapter 10). Terrorism also raises the costs of doing business in terms of higher insurance premiums, expensive security precautions, and larger salaries to at-risk employees.

Domestic terrorism deters foreign direct investment – even small attacks crush investor confidence

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. “The Toll of Terrorism”

<http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm>

Scaring off investors Increased terrorism in a particular area tends to depress the expected return on capital invested there, which shifts investment elsewhere. This reduces the stock of productive capital and the flow of productivity-enhancing technology to the affected nation. For example, from the mid-1970s through 1991, terrorist incidents reduced net foreign direct investment in Spain by 13.5 percent and in Greece by 11.9 percent (Enders and Sandler, 1996). In fact, the initial loss of productive resources as a result of terrorism may increase manyfold because potential foreign investors shift their investments to other, presumably safer, destinations. Abadie and Gardeazabal (2008) showed that a relatively small increase in the perceived risk of terrorism can cause an outsized reduction in a country’s net stock of foreign direct investment and inflict significant damage on its economy. We analyzed 78 developing economies over the period 1984–2008 (Bandyopadhyay, Sandler, and Younas, 2014) and found that on average a relatively small increase in a country’s domestic terrorist incidents per 100,000 persons sharply reduced net foreign direct investment. There was a similarly large

reduction in net investment if the terrorist incidents originated abroad or involved foreigners or foreign assets in the attacked country. We also found that greater official aid flows can substantially offset the damage to foreign direct investment—perhaps in part because the increased aid allows recipient nations to invest in more effective counterterrorism efforts. Most countries that experienced above-average domestic or transnational terrorist incidents during 1970–2011 received less foreign direct investment or foreign aid than the average among the 122 in the sample (see table). It is difficult to assess causation, but the table suggests a troubling association between terrorism and depressed aid and foreign direct investment, both of which are crucial for developing economies. It is generally believed that there are higher risks in trading with a nation afflicted by terrorism, which cause an increase in transaction costs and tend to reduce trade. For example, after the September 11 attacks on New York City and the Washington, D.C., area, the U.S. border was temporarily closed, holding up truck traffic between the United States and Canada for an extended time. Nitsch and Schumacher (2004) analyzed a sample of 200 countries over the period 1960–93 and found that when terrorism incidents in a pair of trading countries double in one year, trade between them falls by about 4 percent that same year. They also found that when one of two trading partners suffers at least one terrorist attack, it reduces trade between them to 91 percent of what it would be in the absence of terrorism. Blomberg and Hess (2006) estimated that terrorism and other internal and external conflicts retard trade as much as a 30 percent tariff. More specifically, they found that any trading partner that experienced terrorism experienced close to a 4 percent reduction in bilateral trade. But Egger and Gassebner (2015) found more modest trade effects. Terrorism had few to no short-term effects; it was significant over the medium term, which they defined as “more than one and a half years after an attack/incident.” Abstracting from the impact of transaction costs from terrorism, Bandyopadhyay and Sandler (2014b) found that terrorism may not necessarily reduce trade, because resources can be reallocated. If terrorism disproportionately harmed one productive resource (say land) relative to another (say labor), then resources would flow to the labor-intensive sector. If a country exported labor-intensive goods, such as textiles, terrorism could actually lead to increased production and exportation. In other words, although terrorism may reduce trade in a particular product because it increases transaction costs, its ultimate impact may be either to raise or reduce overall trade. These apparently contradictory empirical and theoretical findings present rich prospects for future study. Of course terrorism has repercussions beyond human and material destruction and the economic effects discussed in this article. Terrorism also influences immigration and immigration policy. The traditional gains and losses from the international movement of labor may be magnified by national security considerations rooted in a terrorism response. For example, a recent study by Bandyopadhyay and Sandler (2014a) focused on a terrorist organization based in a developing country. It showed that the immigration policy of the developed country targeted by the terrorist group can be critical to containing transnational terrorism. Transnational terrorism targeted at well-protected developed countries tends to be more skill intensive: it takes a relatively sophisticated terrorist to plan and successfully execute such an attack. Immigration policies that attract highly skilled people to developed countries can drain the pool of highly skilled terrorist recruits and may cut down on transnational terrorism.

FDI Key to the US Econ

Foreign direct investment competitiveness is vital to sustained economic recovery

Kornecki '13 [L. PhD in Economics, Prof Embry-Riddle Aeronautical University's College of Business. "Inward FDI in the United States and its policy context" Columbia FDI Profiles, 2/4/13 http://www.vcc.columbia.edu/files/vale/documents/US_IFDI_-_FINAL_-_REVISED_Feb_4_2013.pdf]

Inward foreign direct investment (IFDI) represents an integral part of the United States (U.S.) economy, with its stock growing from US\$ 83 billion in 1980 to US\$ 3.5 trillion in 2011. The United States, which had earlier been primarily a home for multinational enterprises (MNEs) rather than a host for affiliates of foreign MNEs, has become a preferred host country for FDI since the 1980s. Foreign MNEs have contributed robust flows of FDI into diverse industries of the U.S. economy, and total FDI inflows reached US\$ 227 billion in 2011, equivalent to 15% of global inflows, the single largest share of any economy. Inflows of FDI, with a peak of US\$ 314 billion in 2000 and another of US\$ 306 billion in 2008, have been an important factor contributing to sustained economic growth in the United States. The recent financial and economic crises negatively impacted FDI flows to the United States and opened a period of major uncertainty. The effectiveness of government policy responses at both the national and international levels in addressing the financial crisis and its economic consequences will play a crucial role for creating favorable conditions for a rebound in FDI inflows. Inward foreign direct investment is an essential component of the U.S. economy, contributing to production, exports and high-paying jobs for the country's workers. As the world's largest economy, the United States is well positioned to participate in the increasingly competitive international environment for FDI that has emerged as both advanced and developing economies have recognized the value of such investment. The U.S. hosts the largest stock of IFDI among the world's economies and continues to be at the top as a destination for inward FDI flows.

Retaliation

Terrorist retaliation causes nuclear war – draws in Russia and China

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” *Studies in Conflict & Terrorism*, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important ... some indication of where the nuclear material came from.”⁴¹

Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response.

Nuclear terrorism causes global nuclear escalation – national retaliation goes global

Morgan 9 (Dennis Ray, Professor of Foreign Studies at Hankuk University, "World on Fire: Two Scenarios of the Destruction of Human Civilization and Possible Extinction of the Human Race," Futures, Vol. 41, Issue 10, p683-693, ScienceDirect)

In a remarkable website on nuclear war, Carol Moore asks the question "Is Nuclear War Inevitable??" [10].⁴ In Section 1, Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they've figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian "dead hand" system, "where regional nuclear commanders would be given full powers should Moscow be destroyed," it is likely that any attack would be blamed on the United States" [10]. Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear

attack, whether from terrorists or a nation state, it would retaliate with the suicidal "Samson option" against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even "anti-Semitic" European cities [10]. In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well.

Retaliation increases terrorism—more violence, easier recruitment

John A. Nevin, *Behavior and Social Issues*, 12, 109-128 (2003). Behaviorists for Social Responsibility

Retaliation may reduce terrorism in several ways. Arresting terrorists takes them out of action and trying them within the criminal justice system legitimizes authority. Targeted killings of the leaders of terrorist organizations disrupt their operations and buy time while the terrorists regroup. Finally, large-scale attacks on terrorist groups and their supporters, coupled with mass arrests, reduce their numbers and may deter potential recruits to their cause. On the other hand, retaliation in any form may increase terrorism in several ways. It may incite terrorists to escalate the level of violence, increase their support in the population, and make it easier to recruit new members to their cause.

Retaliation is risky—multitude of escalation scenarios

Mallow 97

(Brittain P., 1997, The Industrial College of the Armed Forces, "Terror vs. Terror: Effects of Military Retaliation on Terrorism," <http://www.au.af.mil/au/awc/awcgate/icaf/97-e-12.pdf>)

Like terrorism, retaliation is a form of communication through violence. It can affect multiple audiences for many purposes: bolstering public opinion, destroying/disrupting terrorist infrastructure, and potentially deterring the choice of the terrorist tactic. Symmetry, proportionality, and discrimination in the targeting of retaliation all vary its effects on audiences. To deter terrorists and their supporters, retaliation must meet the requirements of deterrence theory: credibility, shared interest, and rationality. Examples of retaliation for terrorism indicate there are significant problems with its effectiveness as a deterrent. Its viability is diminished by the transience and fragility of credibility, the moral and legal "baggage" of retaliation itself, and the differences in values and interests between terrorists/supporters and retaliating states. Retaliation also presents substantial risks beyond its failure to deter. Force protection, dangers of escalatory violence, and risks of condemnation by the world community accompany the use of retaliation. These risks, combined with its questionable viability as a deterrent, make retaliation a difficult policy choice.

Breakdown of relations between the US and Pakistan causes conflict

Stephen Tankel, professor at American University and a nonresident fellow at the Carnegie Endowment for International Peace, A Pakistan-Based Terrorist Attack on the U.S. Homeland, August 2011

A successful terrorist attack of any proportion by a Pakistan-based group or groups would have significant domestic and foreign policy implications for the United States. Although the economic repercussions are unlikely to be as severe as those following 9/11, even a small attack could trigger a short-term dip in already shaky global markets. An attack also would reintroduce a sense of domestic vulnerability, particularly if it claims hundreds as opposed to tens of lives and/or the target is an iconic one. The origin of the attack—Pakistan—would cause a distraction from other pressing foreign policy concerns. All of these issues would be magnified by the forthcoming presidential campaign season. The immediate impact on U.S.-Pakistan relations would depend on several factors—the nature and scale of the harm committed; which group(s), if any, claimed responsibility; the immediate public response by the Pakistan civilian government and military; and the level of cooperation they subsequently offered. The number of people killed is likely to be among the largest determining factors in a response, though an attack against a political or military target that causes few casualties could also have a major impact. Any indication that individuals or entities associated with the Pakistan army or ISI had foreknowledge of the strike or had in any way aided it would have severe consequences for the bilateral relationship. Even if there were no smoking gun, the involvement of a culprit with institutional ties to the state would be incredibly deleterious, as would Pakistan's failure to cooperate with U.S. authorities in the wake of the attack. Much rests on the bilateral relationship. A complete rupture is unlikely because both sides have a lot to lose. A further deterioration in relations could seriously compromise counterterrorism and nonproliferation interests, not to mention regional diplomatic initiatives, especially in Afghanistan. Pakistan's security establishment also might enact a short-term closure of corridors through which U.S. supplies pass into Afghanistan. Were a complete rupture to occur, this could lead to an indefinite closure of these corridors, an end to Pakistani support along the Durand Line, and an increased flow of insurgents across the border. The U.S. diplomatic mission to Pakistan could shrink significantly, Pakistani counterterrorism cooperation could cease, and in a worst-case scenario the threat to American

Anti-Black Terrorism

Terrorists are destroying historically Black churches throughout the South in the wake of the mass murder in Charleston, South Carolina. This not only represents thousands of dollars in damages to the churches but also a resurfacing of decades of terror in the Jim Crow South.

Emma Green, managing editor of TheAtlantic.com, 7-1-2015, "Black Churches Are Burning Again in America," Atlantic, <http://www.theatlantic.com/national/archive/2015/07/arson-churches-north-carolina-georgia/396881/>

On Wednesday, July 1, a fire was reported at the Mount Zion African Methodist Episcopal Church in Greeleyville, South Carolina. The AP reports that an anonymous federal official said the fire did not appear to be intentionally set, but Winfred Pressley, a division operations officer at the regional Alcohol, Firearms, and Tobacco division, said that the investigation is still ongoing, as did other local investigators. Shanna Daniels, a spokesperson for the FBI, declined to comment on the case, but said that church arson "has been a hot topic over the past few days." "What's the church doing on fire?" Jeanette Dudley, the associate pastor of God's Power Church of Christ in Macon, Georgia, got a call a little after 5 a.m. on Wednesday, June 24, she told a local TV news station. Her tiny church of about a dozen members had been burned, probably beyond repair. The Bureau of Alcohol, Firearms, and Tobacco got called in, which has been the standard procedure for church fires since the late 1960s. Investigators say they've ruled out possible causes like an electrical malfunction; most likely, this was arson. The very same night, many miles away in North Carolina, another church burned: Briar Creek Road Baptist Church, which was set on fire some time around 1 a.m. Investigators have ruled it an act of arson, the AP reports; according to The Charlotte Observer, they haven't yet determined whether it might be a hate crime. Two other predominantly black churches have been the target of possible arson in the past fortnight: Glover Grove Missionary Baptist Church in Warrenton, South Carolina, which caught fire on Friday, and College Hill Seventh Day Adventist, which burned on Monday in Knoxville, Tennessee. Investigators in Knoxville told a local news station they believed it was an act of vandalism, although they aren't investigating the incident as a hate crime. (There have also been at least four other cases of fires at churches in the past fortnight. At Fruitland Presbyterian Church in Gibson County, Tennessee, and the Greater Miracle Temple Apostolic Holiness Church in Tallahassee, Florida, officials suspect the blazes were caused by lightning and electrical wires, respectively, but investigations are still ongoing. A church that is not predominantly black—College Heights Baptist Church in Elyria, Ohio—was burned on Saturday morning. The fire appears to have been started in the sanctuary, and WKYC reports that the cause is still under investigation. The town's fire and police departments did not immediately return calls for confirmation on Sunday.* And a Monday, June 29, fire at Disciples of Christ Ministries in Jackson, Mississippi, was ruled accidental.) These fires join the murder of nine people at Charleston's Emanuel African Methodist Episcopal Church as major acts of violence perpetrated against predominantly black churches in the last fortnight. Churches are burning again in the United States, and the symbolism of that is powerful. Even though many instances of arson have happened at white churches, the crime is often associated with racial violence: a highly visible attack on a core institution of the black community, often done at night, and often motivated by hate. As my colleague David Graham noted last week, the history of American church burnings dates to before the Civil War, but there was a major uptick in incidents of arson

at black churches in the middle and late 20th century. One of the most famous was the 1963 bombing of the 16th Street Baptist Church in Birmingham, Alabama, which killed four girls. Three decades later, cases of church arson rose sharply. In response, in 1995, President Bill Clinton also set up a church-arson investigative task force, and in 1996, Congress passed a law increasing the sentences for arsonists who target religious organizations, particularly for reasons of race or ethnicity. Between 1995 and 1999, Clinton's task force reported that it opened 827 investigations into burnings and bombings at houses of worship; it was later disbanded. In recent years, it's been harder to get a clear sense of the number of church fires across the country. The National Fire Protection Association reports that between 2007 and 2011, there were an average of 280 intentionally set fires at houses of worship in America each year, although a small percentage of those took place at other religious organizations, like funeral homes. One of the organization's staffers, Marty Ahrens, said that tracking church arson has become much more complicated since reporting standards changed in the late '90s. Sometimes, fires that are reported to the National Fire Incident Reporting System are considered "suspicious," but they can't be reported as arson until they're definitively ruled "intentional." Even then, it's difficult to determine what motivated an act of arson. "To know that something is motivated by hate, you either have to know who did it or they have to leave you a message in some way that makes it very obvious," she said. "There are an awful lot of [intentionally set fires] that are not hate crimes—they're run-of-the-mill kids doing stupid things." The investigations in North Carolina, Georgia, South Carolina, Florida, Ohio, and Tennessee are still ongoing, and they may end up in that broad category of fires of suspicious, but ultimately unknowable, origin that Ahrens described. But no matter why they happened, these fires are a troubling reminder of the vulnerability of our sacred institutions in the days following one of the most violent attacks on a church in recent memory. It's true that a stupid kid might stumble backward into one of the most symbolically terrifying crimes possible in the United States, but that doesn't make the terror of churches burning any less powerful.

What has the government done in response to this rise in terrorism? Nothing. Now, the aff calls to decrease domestic surveillance, making any chance of involving federal authorities to investigate who these terrorists are impossible. The burning of Black churches in the south necessitates an increase of domestic surveillance in order to prevent future horrific attacks.

Deirdre Griswold, 7-14-2015, "As Black churches burn, where are the feds?," Workers World, <http://www.workers.org/articles/2015/06/29/as-black-churches-burn-where-are-the-feds/>

As of June 29, six Black churches in the South have either been destroyed or suffered severe damage from fires since Charleston. At least three are confirmed to have been caused by arson, according to the Southern Poverty Law Center. The loss to the people of these communities comes to hundreds of thousands of dollars. Worse, the torchings are a threat of further violence to a people whose painful history at the hands of white exploiters still resonates so strongly. The first burning deemed by fire marshals to be arson destroyed the College Hills Seventh Day Adventist Church in Knoxville, Tenn., on June 22. The Knoxville fire department said the arsonist set multiple fires on the church's property. The church's van was also burned. The very next day, a fire in the sanctuary of God's Power Church of Christ in Macon, Ga., was also blamed on arson. And the day after that, a fire was deliberately set at the Briar Creek Baptist Church in Charlotte, N.C., that destroyed an education wing meant to house a summer program for children. The

gymnasium and sanctuary burned, causing an estimated \$250,000 in damage. That same week, three other Southern Black churches — in Tennessee, Florida and South Carolina — also suffered fires, although two may have had natural causes. Investigations are continuing. After what happened in Charleston, S.C., there can be little doubt that the arson fires were set by white supremacists, whose outpourings of hate in print and on the Internet call again and again for violence against people of color, using at best flimsily disguised language and at worst the vilest and most degrading terms. One might think that mass murder of the type that happened in Charleston would immediately lead to arrests of those advocating race war against Black people. We have seen many examples in recent years of elaborate sting operations set up by the FBI and local police authorities to ensnare Black militants on charges of plotting terrorist acts — which government agents had encouraged and facilitated. But just as with the murders of the three civil rights workers in 1964 — James Chaney, Andrew Goodman and Michael Schwerner — by members of the Ku Klux Klan, the authorities have not intervened to stop such attacks, even though it is logical to assume that, in this day and age of wide surveillance, they have knowledge of them.

Although before Charleston, the FBI and NSA were not doing enough to fight right-wing terrorism, after the recent increase in attacks, the focus has shifted to fight right-wing and white supremacist extremists.

Jaeah Lee, 6-17-2015, "The Rise Of Violent Right-Wing Extremism, Explained," Mother Jones, <http://www.motherjones.com/politics/2015/06/right-wing-extremism-explainer-charleston-mass-shooting-terrorism>

The federal and local governments ramped up efforts to combat domestic terrorism of all kinds in the wake of the 1995 Oklahoma City bombing that killed 168 people. A few months following the 9/11 attacks, FBI official Dale Watson testified before the Senate Intelligence Committee that "right-wing groups continue to represent a serious terrorist threat." But Johnson, German, and others assert that federal counterterrorism programs since 9/11 have focused overwhelmingly on the perceived threat from Islamic extremism. That includes the Obama administration's "countering violent extremism" strategy, which "revolves around impeding the radicalization of violent jihadists," according to a 2014 Congressional Research Service report. The attack in Charleston underscored "the failure of the federal government to keep closer tabs" on right-wing extremists, argues Gerald Horne, a historian and civil rights activist at the University of Houston. But the focus may soon increase. In February, CNN reported that DHS circulated an intelligence assessment that focused on the domestic terror threat posed by right-wing extremists. Kurzman and Schanzer also point to a handout from a training program sponsored by the Department of Justice, cautioning that the threat from antigovernment extremism "is real."

As the aff calls for a decrease in surveillance of white terrorists, justifying the murder of black people and destruction of black religious sites, they ignore the unwarranted, unjust surveillance of Black and Brown people used by local police departments to further structural racism and criminalize people of color.

Malkia Amala Cyril, 4-1-2015, "Black America's State of Surveillance," The Progressive Inc., <http://www.progressive.org/news/2015/03/188074/black-americas-state-surveillance>

Ten years ago, on Martin Luther King Jr.'s birthday, my mother, a former Black Panther, died from complications of sickle cell anemia. Weeks before she died, the FBI came knocking at our door, demanding that my mother testify in a secret trial proceeding against other former Panthers or face arrest. My mother, unable to walk, refused. The detectives told my mother as they left that they would be watching her. They didn't get to do that. My mother died just two weeks later. My mother was not the only black person to come under the watchful eye of American law enforcement for perceived and actual dissidence. Nor is dissidence always a requirement for being subject to spying. Files obtained during a break-in at an FBI office in 1971 revealed that African Americans, J. Edgar Hoover's largest target group, didn't have to be perceived as dissident to warrant surveillance. They just had to be black. As I write this, the same philosophy is driving the increasing adoption and use of surveillance technologies by local law enforcement agencies across the United States. Today, media reporting on government surveillance is laser-focused on the revelations by Edward Snowden that millions of Americans were being spied on by the NSA. Yet my mother's visit from the FBI reminds me that, from the slave pass system to laws that deputized white civilians as enforcers of Jim Crow, black people and other people of color have lived for centuries with surveillance practices aimed at maintaining a racial hierarchy. It's time for journalists to tell a new story that does not start the clock when privileged classes learn they are targets of surveillance. We need to understand that data has historically been overused to repress dissidence, monitor perceived criminality, and perpetually maintain an impoverished underclass. In an era of big data, the Internet has increased the speed and secrecy of data collection. Thanks to new surveillance technologies, law enforcement agencies are now able to collect massive amounts of indiscriminate data. Yet legal protections and policies have not caught up to this technological advance. Concerned advocates see mass surveillance as the problem and protecting privacy as the goal. Targeted surveillance is an obvious answer—it may be discriminatory, but it helps protect the privacy perceived as an earned privilege of the inherently innocent. The trouble is, targeted surveillance frequently includes the indiscriminate collection of the private data of people targeted by race but not involved in any crime. For targeted communities, there is little to no expectation of privacy from government or corporate surveillance. Instead, we are watched, either as criminals or as consumers. We do not expect policies to protect us. Instead, we've birthed a complex and coded culture—from jazz to spoken dialects—in order to navigate a world in which spying, from AT&T and Walmart to public benefits programs and beat cops on the block, is as much a part of our built environment as the streets covered in our blood. In a recent address, New York City Police Commissioner Bill Bratton made it clear: "2015 will be one of the most significant years in the history of this organization. It will be the year of technology, in which we literally will give to every member of this department technology that would've been unheard of even a few years ago." Predictive policing, also known as "Total Information Awareness," is described as using

advanced technological tools and data analysis to “preempt” crime. It utilizes trends, patterns, sequences, and affinities found in data to make determinations about when and where crimes will occur. This model is deceptive, however, because it presumes data inputs to be neutral. They aren’t. In a racially discriminatory criminal justice system, surveillance technologies reproduce injustice. Instead of reducing discrimination, predictive policing is a face of what author Michelle Alexander calls the “New Jim Crow”—a de facto system of separate and unequal application of laws, police practices, conviction rates, sentencing terms, and conditions of confinement that operate more as a system of social control by racial hierarchy than as crime prevention or punishment. In New York City, the predictive policing approach in use is “Broken Windows.” This approach to policing places an undue focus on quality of life crimes—like selling loose cigarettes, the kind of offense for which Eric Garner was choked to death. Without oversight, accountability, transparency, or rights, predictive policing is just high-tech racial profiling—indiscriminate data collection that drives discriminatory policing practices. As local law enforcement agencies increasingly adopt surveillance technologies, they use them in three primary ways: to listen in on specific conversations on and offline; to observe daily movements of individuals and groups; and to observe data trends. Police departments like Bratton’s aim to use sophisticated technologies to do all three. They will use technologies like license plate readers, which the Electronic Frontier Foundation found to be disproportionately used in communities of color and communities in the process of being gentrified. They will use facial recognition, biometric scanning software, which the FBI has now rolled out as a national system, to be adopted by local police departments for any criminal justice purpose. They intend to use body and dashboard cameras, which have been touted as an effective step toward accountability based on the results of one study, yet storage and archiving procedures, among many other issues, remain unclear. They will use Stingray cellphone interceptors. According to the ACLU, Stingray technology is an invasive cellphone surveillance device that mimics cellphone towers and sends out signals to trick cellphones in the area into transmitting their locations and identifying information. When used to track a suspect’s cellphone, they also gather information about the phones of countless bystanders who happen to be nearby. The same is true of domestic drones, which are in increasing use by U.S. law enforcement to conduct routine aerial surveillance. While drones are currently unarmed, drone manufacturers are considering arming these remote-controlled aircraft with weapons like rubber bullets, tasers, and tear gas. They will use fusion centers. Originally designed to increase interagency collaboration for the purposes of counterterrorism, these have instead become the local arm of the intelligence community. According to Electronic Frontier Foundation, there are currently seventy-eight on record. They are the clearinghouse for increasingly used “suspicious activity reports”—described as “official documentation of observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity.” These reports and other collected data are often stored in massive databases like e-Verify and Prism. As anybody who’s ever dealt with gang databases knows, it’s almost impossible to get off a federal or state database, even when the data collected is incorrect or no longer true. Predictive policing doesn’t just lead to racial and religious profiling—it relies on it. Just as stop and frisk legitimized an initial, unwarranted contact between police and people of color, almost 90 percent of whom turn out to be innocent of any crime, suspicious activities reporting and the dragnet approach of fusion centers target communities of color. One review of such reports collected in Los Angeles shows approximately

75 percent were of people of color. This is the future of policing in America, and it should terrify you as much as it terrifies me. Unfortunately, it probably doesn't, because my life is at far greater risk than the lives of white Americans, especially those reporting on the issue in the media or advocating in the halls of power. One of the most terrifying aspects of high-tech surveillance is the invisibility of those it disproportionately impacts. The NSA and FBI have engaged local law enforcement agencies and electronic surveillance technologies to spy on Muslims living in the United States. According to FBI training materials uncovered by Wired in 2011, the bureau taught agents to treat "mainstream" Muslims as supporters of terrorism, to view charitable donations by Muslims as "a funding mechanism for combat," and to view Islam itself as a "Death Star" that must be destroyed if terrorism is to be contained. From New York City to Chicago and beyond, local law enforcement agencies have expanded unlawful and covert racial and religious profiling against Muslims not suspected of any crime. There is no national security reason to profile all Muslims. At the same time, almost 450,000 migrants are in detention facilities throughout the United States, including survivors of torture, asylum seekers, families with small children, and the elderly. Undocumented migrant communities enjoy few legal protections, and are therefore subject to brutal policing practices, including illegal surveillance practices. According to the Sentencing Project, of the more than 2 million people incarcerated in the United States, more than 60 percent are racial and ethnic minorities. But by far, the widest net is cast over black communities. Black people alone represent 40 percent of those incarcerated. More black men are incarcerated than were held in slavery in 1850, on the eve of the Civil War. Lest some misinterpret that statistic as evidence of greater criminality, a 2012 study confirms that black defendants are at least 30 percent more likely to be imprisoned than whites for the same crime. This is not a broken system, it is a system working perfectly as intended, to the detriment of all. The NSA could not have spied on millions of cellphones if it were not already spying on black people, Muslims, and migrants. As surveillance technologies are increasingly adopted and integrated by law enforcement agencies today, racial disparities are being made invisible by a media environment that has failed to tell the story of surveillance in the context of structural racism. Reporters love to tell the technology story. For some, it's a sexier read. To me, freedom from repression and racism is far sexier than the newest gadget used to reinforce racial hierarchy. As civil rights protections catch up with the technological terrain, reporting needs to catch up, too. Many journalists still focus their reporting on the technological trends and not the racial hierarchies that these trends are enforcing. Martin Luther King Jr. once said, "Everything we see is a shadow cast by that which we do not see." Journalists have an obligation to tell the stories that are hidden from view. We are living in an incredible time, when migrant activists have blocked deportation buses, and a movement for black lives has emerged, and when women, queer, and trans experiences have been placed right at the center. The decentralized power of the Internet makes that possible. But the Internet also makes possible the high-tech surveillance that threatens to drive structural racism in the twenty-first century. We can help black lives matter by ensuring that technology is not used to cement a racial hierarchy that leaves too many people like me dead or in jail. Our communities need partners, not gatekeepers. Together, we can change the cultural terrain that makes killing black people routine. We can counter inequality by ensuring that both the technology and the police departments that use it are democratized. We can change the story on surveillance to raise the voices of those who have been left out. There are no voiceless people, only those that

ain't been heard yet. Let's birth a new norm in which the technological tools of the twenty-first century create equity and justice for all—so all bodies enjoy full and equal protection, and the Jim Crow surveillance state exists no more.

Anti-black terror at the hand of white supremacist groups is THE biggest threat to U.S. national security. It did not end with the Jim Crow South, but as we have seen in Charleston, is an ongoing concern.

Julia Craven, 6-24-2015, "White Supremacists More Dangerous Than Foreign Terrorists: Study," Huffington Post, http://www.huffingtonpost.com/2015/06/24/domestic-terrorism-charleston_n_7654720.html

Nine people were added to a long list of lives taken by domestic terrorism when Dylann Roof allegedly began shooting inside a historic black church in Charleston, South Carolina, on June 17. At least 48 people have been killed stateside by right-wing extremists in the 14 years since since the September 11 attacks -- almost twice as many as were killed by self-identified jihadists in that time, according to a study released Wednesday by the New America Foundation, a Washington, D.C., research center. The study found that radical anti-government groups or white supremacists were responsible for most of the terror attacks. The data counters many conventional thoughts on what terrorism is and isn't. Since Sept. 11, many Americans attribute terror attacks to Islamic extremists instead of those in the right wing. But the numbers don't back up this popular conception, said Charles Kurzman, a professor at the University of North Carolina at Chapel Hill. Kurzman is co-authoring a study with David Schanzer of Duke University, set to be published Thursday, that asks police departments to rank the three biggest threats from violent extremism in their jurisdiction. Law enforcement agencies reported they were more concerned about the activities of right-wing extremist groups than Islamic extremists in their jurisdictions (about 74 percent versus 39 percent) due to the "menacing" rhetoric used by some of these groups -- and that they were training officers to take caution when they saw signs of potentially violent individuals, Kurzman and Schanzer found. "Muslim extremism was taken seriously in many of these jurisdictions that we surveyed... but overall, they did not see as much of an issue with Muslim extremism as with right-wing extremism in their locations," Kurzman told The Huffington Post. He added that it's hard to get a definitive statistical picture of plots and acts of violent extremism since that definition tends to vary and data for incidents nationwide is hard to come by. The accused Charleston shooter is currently being investigated under domestic terrorism charges by the Department of Justice -- a move that acknowledges the long history of anti-black terrorist attacks. America's first federal anti-terrorism law, known as the Third Force Act or the Ku Klux Klan Act, which was passed by Congress in 1871, caused nine counties in South Carolina to be placed under martial law and led to thousands of arrests. The Supreme Court ruled the law unconstitutional in 1882. David Pilgrim, the founder and director of the Jim Crow Museum at Ferris State University, told HuffPost in February that the actions of foreign extremist groups are no better or worse than the historic violence against African-Americans by domestic actors. "There's nothing you're going to see today that's not going to have already occurred in the U.S.," he said. "If you think of these groups that behead now -- first of all, beheading is barbaric but it's no more or less barbaric than some of the lynchings that occurred in the U.S." Pilgrim said he found it offensive that, after Sept. 11, some Americans bemoaned that terrorism had finally breached U.S. borders. "That is ignoring and trivializing -- if

not just summarily dismissing -- all the people, especially the peoples of color in this country, who were lynched in this country; who had their homes bombed in this country; who were victims of race riots," he said evoking lynching victims who were often burned, castrated, shot, stabbed -- and in some cases beheaded. And while most officially acknowledged anti-black terrorism cases occurred during the eras of slavery, Reconstruction and Jim Crow, as recent news demonstrate, this type of terrorism is still an ongoing concern.

Turns Case

Terrorism is used as a justification for increased surveillance – empirics prove and turns case

Haggerty and Gazso 2005 (Kevin, Professor of Criminology and Sociology at the University of Alberta; Amber, Associate Professor in the Department of Sociology at York University, *The Canadian Journal of Sociology / Cahiers canadiens de sociologie*, Vol. 30, No. 2 (Spring, 2005), pp. 169-187 "Seeing beyond the Ruins: Surveillance as a Response to Terrorist Threats" JSTOR; accessed 7/17/15 JH @ DDI)

A climate of fear and anxiety helped ease the passage of such laws (Davis, 2001). However, a great deal of organizational opportunism was also at work. Many of the surveillance proposals adopted in the days after the attack were recycled from earlier legislative efforts. In previous incarnations these proposals had often been legitimated as essential for the international "war on drugs" or to address other crimes, such as money laundering. The September 11 th attacks gave the authorities a new and apparently unassailable legitimation for long-standing legislative ambitions. Before the dust had settled on Manhattan, the security establishment had mobilized to expand and intensify their surveillance capabilities, justifying existing proposals as necessary tools to fight the new war against terrorism. Ultimately, the police, military and security establishment reaped an unanticipated windfall of increased funding, new technology and loosened legislative constraints by strategically invoking fears of future attacks. There are several examples of such opportunism. Since at least 1999, when Congress initially turned down their request, the U.S. Justice Department has lobbied for the development of new "secret search" provisions. Likewise, prior to the attacks, the FBI and the National Telecommunications and Information Systems Security Committee had a lengthy shopping list of desired surveillance-related measures including legal enhancements to their wiretapping capabilities, legal constraints on the public use of cryptography, and provisions for governmental agents to compel Internet service providers to provide information on their customers (Burnham, 1997). All of these proposals were recycled and implemented after the September 11th attacks now justified as integral tools in the "war on terrorism." New provisions requiring banks to exercise "due diligence" in relation to their large depositors were originally justified by the authorities as a means to counter the "war on drugs." The opportunism of many of these efforts was inadvertently revealed by an RCMP Sergeant when, during a discussion about new official antiterrorism powers to monitor financial transactions, he noted that: "We've been asking for something like this for four years. It's really our best weapon against biker gangs" [emphasis added] (Corcan, 2001). In Canada, the Federal Privacy Commissioner was particularly alarmed by the development of what he referred to as a "Big Brother database." This amounts to a detailed computerized record of information about Canadian travelers. Although justified as a means to counter terrorism, the data will be made available to other government departments for any purpose they deem appropriate. Such provisions raise the specter of informational "fishing expeditions." Indeed, the Canadian government has already indicated that this ostensible anti-terrorist database will be used to help monitor tax evaders and catch domestic criminals. It will also be used to scrutinize an individual's travel history and destinations, in an effort to try and determine whether they might be a pedophile or money launderer (Radwanski, 2002). While these are laudable goals, they also reveal how a host of other surveillance agendas have been furthered by capitalizing on the new anti-terrorism discourse.

Lone wolf terror attacks are used to justify disproportionate increases in surveillance and military operations abroad

Lennard, Senior News Analyst for Vice News, 10/27/14 (Natasha Lennard, Brooklyn-based Senior News Analyst for Vice News, VICE News, October 27, 2014, "'Lone Wolf' Terrorist Acts Will Be Used to Justify the Surveillance State" <https://news.vice.com/article/lone-wolf-terrorist-acts-will-be-used-to-justify-the-surveillance-state>, accessed 7/17/15 JH @ DDI)

The phenomenon of individuals committing violent and murderous acts in the name of an ideology is nothing new in the US. The FBI's Operation Lone Wolf investigated white supremacists encouraging autonomous violent acts in the 1990s. Why, then, are we seeing pundits and politicians newly focus on the "lone wolf" category? There's no simple answer, but we can at the very least see that the old binary, distinguishing terror as the act of networked groups versus lone madman mass killings — a distinction that has tacitly undergirded post-9/11 conceptions of terrorism — doesn't serve the latest iteration of the war on terror. California Senator Dianne Feinstein, speaking on CNN's State of the Union on Sunday, suggested that "the Internet, as well as certain specific Muslim extremists, are really firing up this lone-wolf phenomenon." Whether intentionally or not, the Senate Intelligence Committee chair performed a lot of political work with that one comment. Crystallizing "lone wolves" as a key threat domestically helps legitimize the US's current military operation against the Islamic State in Iraq and Syria. With or without established connections, the Islamic State's far-reaching tentacles of online influence encouraging individuals worldwide cement the group as a threat to the homeland — which is always useful for politicians struggling to legally justify another protracted war. In this way, attributing attacks to homegrown "lone wolves" is more useful for current US political interests than attributing them to madness alone. The assumption that terror acts were always borne of connected networks problematically buoyed domestic counter-terror efforts that saw entire communities profiled as potential threats. Which is not to say that "lone wolf terrorist" is a flawed designation for attacks by ideologically motivated individuals. In many ways it seems apt, and any challenge is welcome to the all too basic distinction that imbues group terror with motive while dismissing individual acts as madness. The "lone wolf" straddles the ill-conceived gap between madman and terrorist node. It's an intersection all too complicated for the inept punditry of Fox News: "They are terrorist acts, to be sure," Megyn Kelly said about Canadian gunman Michael Zehaf-Bibeau, adding "but this guy was also a nutcase." Furthermore, the assumption that terror acts were always borne of connected networks problematically buoyed domestic counter-terror efforts that saw entire communities profiled as potential threats. Under the premise that terror networks ran like arteries through US Muslim communities enabled an era of profile-driven preemptive policing that has been nothing short of racist. Entire mosques in New York were designated terrorist organizations to enable police surveillance. The NSA's meta-data collections claim justifiability on the premise that terror was locatable by tracing networks of communication. The "lone wolf" phenomenon should at least prompt the questioning of the sort of profile-based counter-terror efforts that assumed terror lurked in any network of Muslims, and that the mass hoarding of communications data was vital to national security. However, the rhetoric surrounding this type of domestic threat already bodes ill for civil liberties. If the hunt for terrorist networks has been plagued by ethnic profiling and overreaching spycraft, an established threat of "lone wolf"

attacks gives a defensive imprimatur for unbounded NSA-style surveillance — anyone can wield a hatchet with ideological ire. As Chairman of the House Homeland Security Committee Michael McCaul said on This Week, finding such lone actors in advance of attacks is like "finding a needle in a haystack." And as Feinstein said the same day, "You have to be able to watch it, and you have to be able to disrupt them." As such, the era of the "lone wolf" terrorist does not only spell the end of the bunk distinction between motivated group and deranged individual. It ushers in the dawn of a new era of justification for our totalized state of surveillance and national security paranoia.

Surveillance would increase after a terrorist attack

Feaver 1/13/15

(Peter D., 1/13/15, Foreign Policy, "10 Lessons to Remember After a Terrorist Attack," Peter is a professor of political science and public policy and Bass Fellow @ Duke University, and director of the Triangle Institute for Security Studies and the Duke Program in American Grand Strategy, <http://foreignpolicy.com/2015/01/13/ten-lessons-to-remember-after-a-terrorist-attack/>, 7/16/15, SM)

In particular, it is striking how some of the things that were "obvious" in the days and weeks after 9/11, but then were gradually forgotten, have become obvious again:ð Terrorists succeed when they are abetted by intelligence failures. Or, put another way, terrorists only need to get lucky once to "succeed," whereas counterterrorism has to be lucky all the time to "succeed."ð Even robust intelligence and law enforcement may not guarantee 100 percent safety and security. By global standards — certainly by the standards of Western democracies — France has a particularly formidable counterterrorist structure. But it failed in this instance.ð When terrorists succeed in an attack, citizens demand that the government do more to protect them — even if they have already been doing a lot. And steps that would have seemed heavy handed before the attack, say aggressive surveillance of suspected terrorists or visible demonstrations of presence by the security forces, are deemed not just tolerable but necessary. Moreover, savvy political leaders will understand that one of the benefits of a stronger official response is that it is a hedge both against dangerously stronger vigilantism and also against additional pressure from some segments of the public to do more than is wise.

Terrorism leads to crackdowns

History.com, Reaction to 9/11, <http://www.history.com/topics/reaction-to-9-11>, 2010

"Today," the French newspaper Le Monde announced on September 12, 2001, "we are all Americans." People around the world agreed: The terrorist attacks of the previous day had felt like attacks on everyone, everywhere. They provoked an unprecedented expression of shock, horror, solidarity and sympathy for the victims and their families. Citizens of 78 countries died in New York, Washington, D.C., and Pennsylvania on September 11, and people around the world mourned lost friends and neighbors. They held candlelight vigils. They donated money and goods to the Red Cross and other rescue and relief organizations. Flowers piled up in front of American embassies. Cities and countries commemorated the attacks in a variety of ways: The Queen Mother sang the American national anthem at Buckingham Palace's Changing of the

Guard, while in Brazil, Rio de Janeiro put up huge billboards that showed the city's famous Christ the Redeemer statue embracing the New York City skyline. Meanwhile, statesmen and women rushed to condemn the attacks and to offer whatever aid they could to the United States. Russian president Vladimir Putin called the strikes "a blatant challenge to humanity," while German chancellor Gerhard Schroeder declared that the events were "not only attacks on the people in the United States, our friends in America, but also against the entire civilized world, against our own freedom, against our own values, values which we share with the American people." He added, "We will not let these values be destroyed." Canadian Prime Minister Jean Chretien denounced the "cowardly and depraved assault." He tightened security along the border and arranged for hundreds of grounded airplanes to land at Canadian airports. Even leaders of countries that did not tend to get along terribly well with the American government expressed their sorrow and dismay. The Cuban foreign minister offered airspace and airports to American planes. Chinese and Iranian officials sent their condolences. And the Palestinian leader Yasser Arafat, visibly dismayed, told reporters in Gaza that the attacks were "unbelievable, unbelievable, unbelievable." "We completely condemn this very dangerous attack," he said, "and I convey my condolences to the American people, to the American president and to the American administration." But public reaction was mixed. The leader of the Islamic militant group Hamas announced that "no doubt this is a result of the injustice the U.S. practices against the weak in the world." Likewise, people in many different countries believed that the attacks were a consequence of America's cultural hegemony, political meddling in the Middle East and interventionism in world affairs. The Rio billboards hadn't been up for long before someone defaced them with the slogan "The U.S. is the enemy of peace." Some, especially in Arab countries, openly celebrated the attacks. But most people, even those who believed that the United States was partially or entirely responsible for its own misfortune, still expressed sorrow and anger at the deaths of innocent people. On September 12, the 19 ambassadors of the North Atlantic Treaty Organization (NATO) declared that the attack on the United States was an attack on all of the member nations. This statement of solidarity was mostly symbolic—NATO did not authorize any specific military action—but it was still unprecedented. It was the first time that the organization had ever invoked the mutual defense section of its charter (intended to protect vulnerable European nations from Soviet invasion during the Cold War). NATO eventually sent five airplanes to help keep an eye on American airspace. Likewise, on September 12 the United Nations Security Council called on all nations to "redouble their efforts" to thwart and prosecute terrorists. Two weeks later, it passed another resolution that urged states to "suppress the financing of terrorism" and to aid in any anti-terrorism campaigns. But these declarations of support and solidarity didn't mean that other countries gave the United States a free hand to retaliate however, and against whomever, it pleased. Allies and adversaries alike urged caution, warning that an indiscriminate or disproportionate reaction could alienate Muslims around the world. In the end, almost 30 nations pledged military support to the United States, and many more offered other kinds of cooperation. Most agreed with George Bush that, after September 11, the fight against terrorism was "the world's fight."

Terrorism -DDIx

Risk of terrorism is low now because of communications surveillance

Lewis 14 (senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies)

(James Andrew, Underestimating Risk in the Surveillance Debate, http://csis.org/files/publication/141209_-Lewis_UnderestimatingRisk_Web.pdf)

There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.²⁴ European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.²⁵ The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.²⁶ If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences.

A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia.

Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces. The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems, nationally and in cooperation with others, including the United States, to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new "front" for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets.

The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational difficulties. These attacks are the threat that mass surveillance was created to prevent. The needed reduction in public anti-terror measures without increasing the chances of successful attack is contingent upon maintaining the capability provided by communications surveillance to detect, predict, and prevent attacks. Our opponents have not given up; neither should we.

The plan is wishful thinking that eliminates the ONLY and MOST POWERFUL tool that the US has against terrorism

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(James Andrew, Underestimating Risk in the Surveillance Debate, http://csis.org/files/publication/141209_-_Lewis_UnderestimatingRisk_Web.pdf)

The echoes of September 11 have faded and the fear of attack has diminished. We are reluctant to accept terrorism as a facet of our daily lives, but major attacks—roughly one a year in the last five years—are regularly planned against U.S. targets, particularly passenger aircraft and cities. America's failures in the Middle East have spawned new, aggressive terrorist groups. These groups include radicalized recruits from the West—one estimate puts the number at over 3,000—who will return home embittered and hardened by combat. Particularly in Europe, the next few years will see an influx of jihadis joining the existing population of homegrown radicals, but the United States itself remains a target.

America's size and population make it is easy to disappear into the seams of this sprawling society. Government surveillance is, with one exception and contrary to cinematic fantasy, limited and disconnected. That exception is communications surveillance, which provides the best and perhaps the only national-level solution to find and prevent attacks against Americans and their allies. Some of the suggestions for alternative approaches to surveillance, such as the recommendation that NSA only track "known or suspected terrorists," reflect both deep ignorance and wishful thinking. It is the unknown terrorist who will inflict the greatest harm. This administration could reasonably argue that everything it has done is legal and meets existing requirements for oversight, but this defense is universally perceived as legalistic hairsplitting. If the government can be faulted, it is for obsessive secrecy. The public debate over NSA's surveillance programs routinely exaggerates risks and errors, 1 but in the absence of a compelling official narrative, the space was filled with conjecture and distortion. This has not helped a crucial debate where a wrong answer could mean more bombings.

Terrorism guarantees extinction

Hellman, Stanford Engineering Prof, 8

[Martin E., emeritus prof of engineering at Stanford, Spring 2008, "Risk Analysis of Nuclear Deterrence" accessed 5-28-14, <http://www.nuclearrisk.org/paper.pdf>, hec)

The threat of nuclear terrorism looms much larger in the public's mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A **terrorist attack involving a nuclear weapon would be a catastrophe** of immense proportions: "A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever." [Bunn 2003, pages viii-ix]. **The likelihood of such** an attack **is** also **significant**. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, "We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% ... A nuclear terrorism attack is a low-probability event, but we can't live in a world where it's anything but extremely low-probability." [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the "probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years," with 79 percent of the respondents believing "it more likely to be carried out by terrorists" than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because **terrorism is one of the potential trigger mechanisms for a full-scale nuclear war**, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or

both are found to be unacceptable, then the proposed remedies would be directed to reduce whichever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). This article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full-scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society's almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cost of World War III The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.³ This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a **failure of deterrence to mean a full-scale exchange** of all nuclear weapons available to the U.S. and Russia, **an event that will be termed World War III.** Approximately 20 million people died as a result of the first World War. World War II's fatalities were double or triple that number—chaos prevented a more precise determination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapolation of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Congress, General Douglas MacArthur, stated, "Global war has become a Frankenstein to destroy both sides. ... If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide." Former Secretary of Defense Robert McNamara expressed a similar view: "If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed" [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn⁴ echoed those concerns when they quoted President Reagan's belief that nuclear weapons were "totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization." [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: "The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) ... a change in targeting could kill somewhere between 20 million and 30 million additional people on each side These calculations reflect only deaths **during the first 30 days.** Additional millions would be injured, and many would eventually die from lack of adequate medical care ... millions of people might starve or freeze during the following winter, but it is not possible to estimate how many. ... further millions ... might eventually die of latent radiation effects." [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that assumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous **nuclear explosions** and their resultant firestorms **could usher in a nuclear winter that might erase homo sapiens from the face of the earth,** much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engineering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

****Uniqueness****

Terror Threat High

Terrorist threats are high now – an attack on the US is likely and intelligence is critical

Collins 5/10/15 (Eliza, writer for Politico, "Mike McCaul Warns of Growing Us Terrorist Threat")

More people are being recruited by terrorist groups than the FBI estimates, the chairman of the House Homeland Security Committee said on Sunday.¶ FBI Director James Comey said last week that hundreds, maybe thousands of people, are being recruited on encrypted websites that the FBI can't penetrate to carry out attacks in the U.S.¶ "We have this phenomenon in the United States where they can be activated by the Internet. Really, terrorism has gone viral," Rep. Mike McCaul (R-Texas) said on "Fox News Sunday."¶ The Texas shooting was a textbook case of law enforcement intercepting a threat, McCaul said, but homegrown terrorism is nonetheless difficult to stop.¶ Late last week, the U.S. raised the threat level at all U.S. military bases.¶ "This threat is like finding a needle in the haystack sometimes - and it's going to get worse, not better," McCaul warned.

The threat is increasing – recruiting levels are high and the likelihood of a homegrown attack is huge

VOA News 5/11/15 (Homeland Security Chief: Global Terror Threat Has Entered 'New Phase')

Appearing on the Fox News Sunday broadcast from Paris, Congressman Michael McCaul, chairman of the House Homeland Security Committee, said there has been an uptick in threat streams against local police and military bases.¶ "We're seeing these on an almost daily basis. It's very concerning. I'm over here with the French counter-terrorism experts on the Charlie Hebdo case, how we can stop foreign fighters coming out of Iraq and Syria to Europe. But then, we have this phenomenon in the United States where they (terrorists) can be activated by the Internet. And, really, terrorism has gone viral," said McCaul.¶ McCaul said the potential terror threat may even be greater than the FBI has outlined. He said the United States faces two threats: one from fighters coming out of the Middle East and the other from thousands at home who will take up the call to arms when the IS group sends out an Internet message. He warned the threat will only get worse, largely because of the existence of so many failed states in the Middle East and North Africa.

The likelihood of a lone wolf attack is growing

Zenko 5/19/15 (Micah, Council on Foreign Relations, "Is US Foreign Policy Ignoring Homegrown Terrorists?")

On February 12, National Counterterrorism Center Director Nicholas Rasmussen told the Senate Select Committee on Intelligence:¶ "We face a much greater, more frequent, recurring threat from lone offenders and probably loose networks of individuals. Measured in terms of frequency and numbers, it is attacks from those sources that are increasingly the most noteworthy..."¶ On February 26, during the annual worldwide threats hearing, Director of National Intelligence James Clapper warned:¶ "Home-grown violent extremists continue to pose the most likely threat to the homeland."¶ Last Friday, Secretary of Homeland Security Jeh Johnson stated on MSNBC:¶ "We're in a new phase...in the global terrorist threat where, because of effective use of social media, the Internet, by ISIL, al-Qaeda, we have to be concerned about the independent actor who is here in the homeland who may strike with little or no warning..."¶ Finally, yesterday, former CIA deputy director Michael Morell described the messaging efforts of jihadist groups generally and the self-declared Islamic State (IS) more specifically:¶ "Their narrative is pretty powerful: The West, the United States, the modern world, is a significant threat to their religion. Their answer to that is to establish a caliphate. And they are being attacked by the U.S. and other Western

nations, and by these apostate regimes in the region. Because they are being attacked they need support in two ways; people coming to fight for them, and people coming to stand up and attack coalition nations in their home.”¶ In summary, the most likely—though not most lethal—terror threats to Americans come from individuals living within the United States who are partially motivated to undertake self-directed attacks based upon their perception that the United States and the West are at war with the Muslim world.

Intelligence Increasing

US surveillance is increasing to deal with new terrorist threats

Bennett 5/18/15 (Brian, Washington based reporter for the LA Times, "White House Steps Up Warning About Terrorism on US Soil")

Alarmed about the growing threat from Islamic State, the Obama administration has dramatically stepped up warnings of potential terrorist attacks on American soil after several years of relative calm.¶ Behind the scenes, U.S. authorities have raised defenses at U.S. military bases, put local police forces on alert and increased surveillance at the nation's airports, railroads, shopping malls, energy plants and other potential targets.¶ Driving the unease are FBI arrests of at least 30 Americans on terrorism-related charges this year in an array of "lone wolf" plots, none successful, but nearly all purportedly inspired by Islamic State propaganda or appeals.¶ The group's leader, Abu Bakr Baghdadi, drove home the danger in a 34-minute audio recording released online Thursday. He urged Muslims everywhere to "migrate to the Islamic State or fight in his land, wherever that may be."¶ It is pretty easy for [Islamic State] to reach out to a very large number of people using a very robust social media presence. I suspect we should see more plots going forward.¶ - J.M. Berger, a nonresident fellow at the Brookings Institution¶ The audio was released with translations in English, French, German, Russian and Turkish, signaling the militants' increasingly ambitious attempts to draw new recruits — and to spark violence — around the world.¶ U.S. officials estimate the Sunni Muslim group has drawn 22,000 foreign fighters to Syria and Iraq, including about 3,700 from Western nations. About 180 Americans have gone, or tried to go.¶ U.S. counter-terrorism officials initially viewed Islamic State as primarily a regional security threat, focused on expanding and protecting its self-proclaimed Islamist caliphate in Syria and Iraq, rather than launching attacks abroad.¶ But the analysis has shifted sharply as gunmen inspired by the group, but not controlled or assisted by them, opened fire at the Parliament in Ottawa; at a cafe in Sydney, Australia; at a kosher grocery in Paris; and, on May 3, in Garland, Texas.¶ In the Texas case, two would-be terrorists apparently prompted by Islamic State social media messages tried to shoot their way into a provocative contest for caricatures of the prophet Muhammad. Both gunmen were shot to death, and no one else was killed. Islamic State later claimed responsibility for the assault, the first time it has done so for an attack on U.S. soil.¶ James B. Comey, the FBI director, warned this month that "hundreds, maybe thousands" of Americans are seeing recruitment pitches from Islamic State on Facebook, Twitter and other social media, as well as messages sent to smartphones of "disturbed people" who could be pushed to attack U.S. targets.¶ "It's like the devil sitting on their shoulders saying, 'Kill, kill, kill,'" Comey told reporters.¶ The United States has entered a "new phase, in my view, in the global terrorist threat," Jeh Johnson, director of Homeland Security, said Friday on MSNBC.¶ "We have to be concerned about the independent actor, and the independent actor who is here in the homeland who may strike with little or no warning," he said. "The nature of the global terrorist threat has evolved."¶ That poses a special challenge for U.S. intelligence and law enforcement agencies, which spent years desperately trying to penetrate and understand Al Qaeda's rigid hierarchy and top-down approach to terrorism.¶ Now they are struggling to detect and prevent lethal attacks by individuals — such as the April 2013 bombing of the Boston Marathon by two Russian-born brothers — with little or no outside communication or support.¶ The administration has sought to stiffen homeland defenses, and intelligence gathering, in response.

****Links****

2NC Link Framer

Broad NSA access to US data is crucial to preventing terrorist attacks in the US – their authors vastly underestimate the probability of attack. You need to evaluate link through a very high probability of attempted attack

Lewis 14 (senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies)

(James Andrew, Underestimating Risk in the Surveillance Debate, http://csis.org/files/publication/141209_-_Lewis_UnderestimatingRisk_Web.pdf)

Americans are reluctant to accept terrorism is part of their daily lives, but attacks have been planned or attempted against American targets (usually airliners or urban areas) almost every year since 9/11. Europe faces even greater risk, given the thousands of European Union citizens who will return hardened and radicalized from fighting in Syria and Iraq. The threat of attack is easy to exaggerate, but that does not mean it is nonexistent. Australia's then-attorney general said in August 2013 that communications surveillance had stopped four "mass casualty events" since 2008. The constant planning and preparation for attack by terrorist groups is not apparent to the public. The dilemma in assessing risk is that it is discontinuous. There can be long periods with no noticeable activity, only to have the apparent calm explode. The debate over how to reform communications surveillance has discounted this risk. Communications surveillance is an essential law enforcement and intelligence tool. There is no replacement for it. Some suggestions for alternative approaches to surveillance, such as the idea that the National Security Agency (NSA) only track known or suspected terrorists, reflect wishful thinking, as it is the unknown terrorist who will inflict the greatest harm. The Evolution of Privacy Some of the unhappiness created by the Edward Snowden leaks reflects the unspoken recognition that online privacy has changed irrevocably. The precipitous decline in privacy since the Internet was commercialized is the elephant in the room we ignore in the surveillance debate. America's privacy laws are both limited in scope and out of date. Although a majority of Americans believe privacy laws are inadequate, the surveillance debate has not led to a useful discussion of privacy in the context of changed technologies and consumer preferences. Technology is more intrusive as companies pursue revenue growth by harvesting user data. Tracking online behavior is a preferred business model. On average, there are 16 hidden tracking programs on every website. The growing market for "big data" to predict consumer behavior and target advertising will further change privacy. Judging by their behavior, Internet users are willing to exchange private data for online services. A survey in a major European country found a majority of Internet users disapproved of Google out of privacy concerns, but more than 80 percent used Google as their search engine. The disconnect between consumer statements and behavior reduces the chances of legislating better protections. We have global rules for finance and air travel, and it is time to create rules for privacy, but governments alone cannot set these rules, nor can a single region impose them. Rules also need to be reciprocal. NSA bears the brunt of criticism, but its actions are far from unique. All nations conduct some kind of communications surveillance on their own populations, and many collect against foreign targets. Getting this consensus will be difficult. There is no international consensus on privacy and data protection. EU efforts to legislate for the entire world ignore broad cultural differences in attitudes toward privacy, and previous EU privacy rules likely harmed European companies' ability to innovate. Finding a balance between privacy, security, and innovation will not be easy since unconstrained collection creates serious concerns while a too restrictive approach threatens real economic harm. Espionage and Counterterrorism NSA carried out two kinds of signals intelligence programs: bulk surveillance to support counterterrorism and collection to support U.S. national security interests. The debate over surveillance unhelpfully conflated the two programs. Domestic bulk collection for counterterrorism is politically problematic, but assertions that a collection program is useless because it has not by itself prevented an attack reflect unfamiliarity with intelligence. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that

lead to dramatic, last-minute success. Success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. In practice, analysts must simultaneously explore many possible scenarios. A collection program contributes by not only what it reveals, but also what it lets us reject as false. The Patriot Act Section 215 domestic bulk telephony metadata program provided information that allowed analysts to rule out some scenarios and suspects. The consensus view from interviews with current and former intelligence officials is that while metadata collection is useful, it is the least useful of the collection programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215, but this would not come without an increase in risk. Restricting metadata collection will make it harder to identify attacks and increase the time it takes to do this. Spying on Allies NSA's mass surveillance programs for counterterrorism were carried out in cooperation with more than 30 countries. Unilateral U.S. collection programs focused on national security problems: nonproliferation, counterintelligence (including Russian covert influence operations in Europe), and arms sales to China. The United States failed to exercise sufficient oversight over intelligence collection, but the objectives set for NSA reflect real security problems for the United States and its allies. The notion that "friends don't spy on friends" is naive. The United States has friends that routinely spy on it and yet are strong security partners. Relations among powerful states are complex and not explained by simple bromides drawn from personal life. The most startling thing about U.S. espionage against Germany was the absence of a strategic calculation of risk and benefit. There are grounds for espionage (what other major power has a former leader on Russia's payroll?), but the benefits were outweighed by the risk to the relationship. The case for spying on Brazil is even weaker. While Brazil is often antagonistic, it poses no risk to national security. If economic intelligence on Brazil is needed, the private sector has powerful incentives and legitimate means to obtain information and usually has the best data. Risk Is Not Going Away Broad surveillance of communications is the least intrusive and most effective method for discovering terrorist and espionage activity. Many countries have expanded surveillance programs since the 9/11 attacks to detect and prevent terrorist activity, often in cooperation with other countries, including the United States. Precise metrics on risk and effectiveness do not exist for surveillance, and we are left with conflicting opinions from intelligence officials and civil libertarians as to what makes counterterrorism successful. Given resurgent authoritarianism and continuing jihad, the new context for the surveillance debate is that the likelihood of attack is increasing. Any legislative change should be viewed through this lens.

2NC 702 Link Ext.

NSA mass surveillance is critical – we’re drawing down in every other area of intelligence gathering which means it’s essential to preventing terrorism

Wittes 14 (Benjamin, Senior Fellow @ the Brookings Institute, April 8th 2014, "Is Al Qaeda Winning: Grading the Administration's Counter terrorism Policy, Brookings Institute)

As I said at the outset of this statement, the question of intelligence collection under Section 702 of the FAA may seem connected to the AUMF’s future in only the most distant fashion. In fact, the connection between intelligence collection authorities and the underlying regime authorizing the conflict itself is a critical one. Good intelligence is key to any armed conflict and good technical intelligence is a huge U.S. strength in the fight against Al Qaeda. Yet ironically, the more one attempts to narrow the conflict, the more important technical intelligence becomes. The fewer boots on the ground we have in Afghanistan, for example, the greater our reliance will become on technical collection. The more we rely on drone strikes, rather than large troop movements, in areas where we lack large human networks, the more we rely on technical intelligence. Particularly if one imagines staying on offense against a metastasizing Al Qaeda in the context of a withdrawal from Afghanistan and a narrowing—or a formal end—of the AUMF conflict, the burden on technical intelligence collection to keep us in the game will be huge even ignoring the many other foreign intelligence and national security interests Section 702 surveillance supports.¶ Section 702 is a complicated statute, and it is only one part of a far more complicated, larger statutory arrangement. But broadly speaking, it permits the NSA to acquire without an individualized warrant the communications of non-US persons reasonably believed to be overseas when those communications are transiting the United States or stored in the United States. Under these circumstances, the NSA can order production of such communications from telecommunications carriers and internet companies under broad programmatic orders issued by the Foreign Intelligence Surveillance Court (FISC), which reviews both targeting and minimization procedures under which the collection then takes place. Oversight is thick, both within the executive branch, and in reporting requirements to the congressional intelligence committees.¶ Make no mistake: Section 702 is a very big deal in America’s counterterrorism arsenal. It is far more important than the much debated bulk metadata program, which involves a few hundred queries a year. Section 702 collection, by contrast, is vast, a hugely significant component not only of contemporary counterterrorism but of foreign intelligence collection more generally. In 2012, the Senate Select Committee on Intelligence wrote that “[T]he authorities provided [under section 702] have greatly increased the government’s ability to collect information and act quickly against important foreign intelligence targets. . . . [The] failure to reauthorize [section 702] would ‘result in a loss of significant intelligence and impede the ability of the Intelligence Community to respond quickly to new threats and intelligence opportunities.’”[8] The President’s Review Group on Intelligence and Communications Technologies, after quoting this language, wrote that “Our own review is not inconsistent with this assessment. . . . [W]e are persuaded that section 702 does in fact play an important role in the nation’s effort to prevent terrorist attacks across the globe.”[9] The Washington Post has reported that 702 was in 2012 the single most prolific contributor to the President’s Daily Brief.[10]

Link – NSA Link Run

Surveillance works and NSA domestic programs are key

Zuckerman, Bucci and Carafano 13 (Jessica, Policy Analyst, Western Hemisphere, Heritage Foundation, Steven P., Director of the Center for Foreign and National Security Policy at the Heritage Foundation, and James Jay, PhD, Vice President for the Institute for National Security and Foreign Policy, "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism")

Strengthening the Domestic Counterterrorism Enterprise¶ Three months after the attack at the Boston Marathon, the pendulum of awareness of the terrorist threat has already begun to swing back, just as it did after 9/11. Due to the resilience of the nation and its people, for most, life has returned to business as usual. The threat of terrorism against the United States, however, remains.¶ Expecting to stop each and every threat that reaches a country's borders is unreasonable, particularly in a free society committed to individual liberty. Nevertheless, there are important steps that America's leaders can take to strengthen the U.S. domestic counterterrorism enterprise and continue to make the U.S. a harder target. Congress and the Administration should:¶ Ensure a proactive approach to preventing terrorist attacks. Despite the persistent threat of terrorism, the Obama Administration continues to focus on reactive policies and prosecuting terrorists rather than on proactive efforts to enhance intelligence tools and thwart terrorist attempts. This strategy fails to recognize the pervasive nature of the threat posed by terrorist groups such as al-Qaeda and homegrown extremism. The Administration, and the nation as a whole, should continue to keep in place a robust, enduring, and proactive counterterrorism framework in order to identify and thwart terrorist threats long before the public is in danger.¶ Maintain essential counterterrorism tools. Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorist threats. Key provisions within the act, such as the roving surveillance authority and business records provision, have proved essential for thwarting terror plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sunset provisions within the PATRIOT Act.[208] Furthermore, legitimate government surveillance programs are also a vital component of U.S. national security, and should be allowed to continue. Indeed, in testimony before the house, General Keith Alexander, the director of the National Security Agency (NSA), revealed that more than 50 incidents of potential terrorism at home and abroad were stopped by the set of NSA surveillance programs that have recently come under scrutiny. That said, the need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well.¶ Break down the silos of information. Washington should emphasize continued cooperation and information sharing among federal, state, and local law enforcement agencies to prevent terrorists from slipping through the cracks between the various jurisdictions. In particular, the FBI should make a more concerted effort to share information more broadly with state and local law enforcement. State and local law enforcement agencies are the front lines of the U.S. national security strategy. As a result, local authorities are able to recognize potential danger and identify patterns that the federal authorities may miss. They also take the lead in community outreach, which is crucial to identifying and stopping "lone wolf" actors and other homegrown extremists. Federal law enforcement, on the other hand, is not designed to fight against this kind of threat; it is built to battle cells, groups, and organizations, not individuals.¶ Streamline the domestic counterterrorism system. The domestic counterterrorism enterprise should base future improvements on the reality that governments at all levels are fiscally in crisis. Rather than add additional components to the system, law enforcement officials should streamline the domestic counterterrorism enterprise by improving current capabilities, leveraging state and local law enforcement resources and authorities, and, in some cases, reducing components where the terrorist threat is not high and the financial support is too thin or could be allocated more effectively. For example, the Department of Homeland Security should dramatically reduce the number of fusion centers, many of which exist in low-risk areas or areas where similar capabilities

exist. An easy way to reduce the number of fusion centers is to eliminate funding to those that are located outside the 31 urban areas designated as the highest risk.¶ Fully implement a strategy to counter violent extremism. Countering violent extremism is an important complementary effort to an effective counterterrorism strategy. In August 2011, the U.S. government released a strategic plan called "Empowering Local Partners to Prevent Violent Extremism in the United States." [209] The plan focuses on outlining how federal agencies can assist local officials, groups, and private organizations in preventing violent extremism. It includes strengthening law enforcement cooperation and helping communities understand how to counter extremist propaganda (particularly online). Sadly, this plan is not a true strategy. It fails to assign responsibilities and does not direct action or resource investments. More direction and leadership must be applied to transform a laundry list of good ideas into an effective program to support communities in protecting and strengthening civil society.¶ Vigilance Is Not Optional¶ In a political environment of sequestration on the one hand and privacy concerns on the other, there are those on both sides of the aisle who argue that counterterrorism spending should be cut and U.S. intelligence agencies reigned in. As the above list indicates however, the long war on terrorism is far from over. Most disturbingly, an increasing number of Islamist-inspired terrorist attacks are originating within America's borders. The rise of homegrown extremism is the next front in the fight against terrorism and should be taken seriously by the Administration.¶ While there has not been another successful attack on the homeland on the scale of 9/11, the bombings in Boston reminded the country that the threat of terrorism is real and that continued vigilance is critical to keeping America safe. Congress and the Administration must continue to upgrade and improve the counterterrorism capabilities of law enforcement and intelligence agencies as well exercise proper oversight of these capabilities. The American people are resilient, but the lesson of Boston is that the government can and should do more to prevent future terror attacks.

Accessing foreign data stored in the US is crucial to deter terrorism

The Washington Post 13 ("US Defends Surveillance Tactics in War on Terrorism")

A few months later, the NSA was monitoring the Yahoo user in Pakistan when a peculiar message arrived from a man named Najibullah Zazi, an Afghan American living in Colorado. He asked about "mixing of [flavour and ghee oil] and I do not know the amount, plz right away."¶ Soon after, on September 9, 2009, a second message arrived that echoed the code used in the British plot: "The marriage is ready," Zazi wrote.¶ The e-mails led the NSA to alert the FBI, which obtained a court order to place Zazi under more extensive surveillance. Officials learned that he had visited Pakistan in 2008, the same time as one of the British plotters.¶ In the end, the e-mails and additional surveillance foiled a plot by Zazi and two others to conduct suicide bombings in the New York subway system just days after he sent the "marriage is ready" e-mail. In recent days, US intelligence and law enforcement officials, as well as congressional officials, have pointed to the authority that allowed them to target the Yahoo account - Section 702 of the Foreign Intelligence Surveillance Act (FISA) - as a critical tool in identifying and disrupting terrorist plots in the US and abroad.¶ But some critics of NSA surveillance suggested that the collection of data under a programme called Prism was not essential to Zazi's capture because the British first obtained the critical e-mail address.¶ Still, the case study provides a rare glimpse of how the broad surveillance practices of the United States, often in concert with allies, are deployed.¶ "The 702 programme has been enormously useful in a large number of terrorist cases," said a US official who has access to classified records on NSA programmes. "It's beyond dispute that it is highly effective. It operates exactly as anyone paying attention would have expected it to operate based on floor debate and plain reading of law." Passage of Section 702 as an amendment to FISA in 2008 gave the government the authority to request information from US telecommunications companies on foreign targets located overseas without a court order for each individual case.

Link – PRISM

PRISM program is key to thwarting major terror attacks

Carafano 13 (James Jay, Vice President for Defense and Foreign Policy Studies at the Heritage Foundation, PRISM Is Essential to US Security in War Against Terrorism")¹³

If changes are made, however, they should to be made for the right reason. Leaders must never compromise our security for political expediency.¶ At least 60 Islamist-inspired terrorist plots have been aimed at the U.S. since the 9/11 attacks. The overwhelming majority have been thwarted thanks to timely, operational intelligence about the threats. Congress should not go back to a pre-/11 set of rules just to appeal to populist sentiment.¶ Congress and the White House have an obligation to protect our liberties and to safeguard our security -- in equal measure. Meeting that mission is more important than winning popularity polls.

****Impact****

Retaliation Impact

Terrorist retaliation causes nuclear war – draws in Russia and China

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important ... some indication of where the nuclear material came from.”⁴¹ Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too:

should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, **in the noise and confusion during the immediate aftermath of the terrorist nuclear attack**, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, **it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them**. In that situation, **the temptations to preempt such actions might grow**, although it must be admitted that any preemption would probably still meet with a devastating response.

Retaliation defense doesn't apply – three reasons

Brenner 10 (Michael, Professor of International Affairs at the University of Pittsburgh, "When do We Go To War in Yemen?" The National Journal, January 5, <http://security.nationaljournal.com/2010/01/when-do-we-go-to-war-in-yemen.php#1403177>)

We appear trapped in a room convinced that behind one of the walls lies the promised land - if only we could find through dint of physical effort the right access point. This is multi-layered insanity. It is we ourselves who have created this chamber of tears. For one thing, we angrily keep stoke stoking our collective fears. **Witness the hysterical reaction to the underwear bomber. This inept try is the most serious in eight years.** That should be occasion for some relief and satisfaction, despite the demonstration of our equally inept security services. **A second element is our tolerance for sloppy thinking and, consequently, the mis-guided policies** that it engenders. The Afghan escalation is the latest case in point. However one judges the merits of the course taken, the public arguments justifying it are full of holes. Obama's statements on the subject, frankly, are disdainful of public intelligence – much less that of people like us. Third, **the national discourse on terror has been irretrievably politicized in the worst sense of the term.** Posturing and electoral calculation predominate. Candor is away with the leave of our leaders. **Every public figure – elected or unelected, national or local, Republican or Democrat – jumps in as if it were 'garbage time' in a mid-season NBA game.**

Homegrown Terror Impact

A terror attack on US soil is likely – it would involve WMD's which would be catastrophic

Schleifer 5/12/15 (Theodore, "Former CIA Official: ISIS Terrorist Attack in US is Possible")

Islamic militants have the ability to direct individuals to conduct small-scale attacks in the United States and could pose an even greater threat in the future, according to the former deputy director of the Central Intelligence Agency.¶ Michael Morell, a longtime intelligence analyst who served as acting director of the agency after the resignation of David Petraeus in 2012, warned that if ISIS was allowed to take refuge in Iraq and Syria, they could orchestrate an attack in the United States. The group has claimed responsibility for a recent attack in Garland, Texas, where police killed two gunmen.¶ RELATED: Former CIA official takes aim at politicians¶ Morell told CNN's Jake Tapper on "The Lead" that it is "not far-fetched" that ISIS or other terrorist groups could gain access to weapons of mass destruction.¶ "That would be the nightmare scenario: a terrorist attack, here in the United States, here in New York, another major city, that involved either chemical, biological or other nuclear weapons," he said.

2NC Impact Comparison

Probability of attack is extremely high absent countermeasures

Kanani 11 (Rahim, Founder and Editor-in-Chief of World Affairs Commentary, "New al-Qaeda Chief Zawahiri Has Strong Nuclear Intent," Forbes, June 29, www.forbes.com/sites/rahimkanani/2011/06/29/new-al-qaeda-chief-zawahiri-has-strong-nuclear-intent/)

We should be especially worried about the threat of nuclear terrorism under Zawahiri's leadership. In a recent report titled "Islam and the Bomb: Religious Justification For and Against Nuclear Weapons", which I researched for and contributed to, lead author Rolf Mowatt-Larssen, former director of intelligence and counterintelligence at the U.S. Department of Energy, argues that al-Qaeda's WMD ambitions are stronger than ever. And that "this intent no longer feels theoretical, but operational." "I believe al-Qaeda is laying the groundwork for a large scale attack on the United States, possibly in the next year or two," continues Mowatt-Larssen in the opening of the report issued earlier this year by the Belfer Center for Science and International Affairs at Harvard Kennedy School. "The attack may or may not involve the use of WMD, but there are signs that al-Qaeda is working on an event on a larger scale than the 9/11 attack." Most will readily dismiss such claims as implausible and unlikely, and we hope they are right, but after spending months with Mowatt-Larssen, who also served as the former head of the Central Intelligence Agency's WMD and terrorism efforts, scrutinizing and cross-referencing Zawahiri's 268-page treatise published in 2008 titled "Exoneration", the analytics steered us towards something far more remarkable than expected. "As I read the text closely, in the broader context of al-Qaeda's past, my concerns grew that Zawahiri has written this treatise to play a part in the ritualistic process of preparing for an impending attack," states Mowatt-Larssen. "As Osama bin Laden's fatwa in 1998 foreshadowed the 9/11 attack, Ayman Zawahiri's fatwa in 2008 may have started the clock ticking for al-Qaeda's next large scale strike on America. If the pattern of al-Qaeda's modus operandi holds true, we are in the middle of an attack cycle." Among several important findings, Zawahiri sophisticatedly weaves identical passages, sources and religious justifications for a nuclear terrorist attack against the United States previously penned by radical Saudi cleric Nasir al Fahd. Indeed, the language used, research cited, and arguments put forth are nothing short of detailed and deliberate. Reading as both a religious duty to kill millions of Americans and a lengthy suicide note together, this piece of literature is something we must take seriously with Zawahiri now at the helm of al-Qaeda. The time may have come for al-Qaeda's new CEO to leave a legacy of his own. Concluding the author's note, Mowatt-Larssen states, "Even if this theory proves to be wrong, it is better to overestimate the enemy than to under-estimate him. Conventional wisdom holds that al-Qaeda is spent—that they are incapable of carrying out another 9/11. Leaving aside whether this view is correct, for which I harbor grave doubts, we will surely miss the signs of the next attack if we continue to overestimate our own successes, and dismiss what terrorists remain capable of accomplishing when they put their minds to it."

Turns all econ impacts

Cirincione 07 – (2007, Joseph, President of the Ploughshares Fund, former vice president for national security and international policy at the Center for American Progress in Washington, DC, former director for non-proliferation at the Carnegie Endowment for International Peace, "Bomb Scare: The History and Future of Nuclear Weapons," p. xi)

Profound societal damage would also occur. Physicist Charles Ferguson and scholar William Potter explain in a 1004 study:

Consequences stemming from a terrorist-detonated nuclear weapon in an America city would

emanate beyond the immediate tens or hundreds of thousands of fatalities and the massive property and financial damage. Americans who were not killed or injured by the explosion would live in fear that they could die from future nuclear terrorist attacks. Such fear would erode public confidence in the government and could spark the downfall of the administration in power. The tightly interconnected economies of the United States and the rest of the world could sink into a depression as a result of a crude nuclear weapon destroying the heart of a city.

This threat stems not only from the 27,000 nuclear weapons held by eight or nine nations today but also from the possibility that new nations or even terrorist groups will join this deadly club. Many therefore conclude that we must find a non-nuclear alternative to global security. Upon receiving the 2005 Nobel Peace Prize, Mohamed ElBaradei, the director general of the International Atomic Energy Agency, said, "I have no doubt that, if we hope to escape self-destruction, then nuclear weapons should have no place in our collective conscience, and no role in our security."⁷

Nuclear terrorism causes global nuclear escalation – national retaliation goes global

Morgan 9 (Dennis Ray, Professor of Foreign Studies at Hankuk University, "World on Fire: Two Scenarios of the Destruction of Human Civilization and Possible Extinction of the Human Race," Futures, Vol. 41, Issue 10, p683-693, ScienceDirect)

In a remarkable website on nuclear war, Carol Moore asks the question "Is Nuclear War Inevitable??" [10].⁴ In Section 1, Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they've figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian "dead hand" system, "where regional nuclear commanders would be given full powers should Moscow be destroyed," it is likely that any attack would be blamed on the United States" [10]. Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal "Samson option" against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even "anti-Semitic" European cities [10]. In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well.

A2: Heg OWs

A nuclear terror attack would destroy US global leadership

Michael 12 – (2012, George, PhD, Associate Professor of Counterproliferation and Deterrence Theory, USAF Counterproliferation Center, Maxwell AFB, “Strategic Nuclear Terrorism and the Risk of State Decapitation,” Defence Studies Volume 12, Issue 1, 2012, Taylor and Francis)

In his book *Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda*, John Mueller argues that even if a single nuclear device were detonated, though catastrophic, it would not portend the demise of an entire city, much less the economy of a country, a government, or a civilization. Rather, Mueller believes that America would be resilient, citing the example of Japan during World War II, which sustained an intense nationwide conventional bombing campaign along with two nuclear attacks, yet whose civil society and government survived. Conceding that a nuclear attack could devastate a locale, Mueller still dismisses the notion that it would extinguish the rest of the country – as he puts it – ‘Do farmers in Iowa cease plowing because an atomic bomb went off in an Eastern city? Do manufacturers close down their assembly lines? Do all churches, businesses, governmental structures, community groups simply evaporate?’ 105

Arguably, though, Mueller’s analysis is somewhat facile and gives short shrift to the possibility of strategic nuclear terrorism. For instance, a nuclear device planted in a certain place (near the Capitol Building in Washington DC) at a certain time (the President’s State of the Union Address) could decapitate the US government. Although there is a plan of presidential succession, it might not be carried out smoothly. Moreover, in this scenario if power were contested by different officials, would the rest of the country recognize their authority? And without a functioning government, would the state governments, which depend so much on the federal government, really be viable for very long? In time of crisis, Americans have come to assume that the federal government will take the lead. If the federal leadership were decapitated, it might not be that easy to put Humpty Dumpty together again.

Former Defense Secretary William Perry once speculated that it was more likely that a nuclear device would arrive in Washington DC or New York City by way of a truck or freighter than a missile. 106 The federal government’s planning scenario envisages a ten-kiloton nuclear device detonated in an urban area. 107 In a case study developed by the Homeland Security Council, a ten-kiloton nuclear device was detonated near the White House. The study estimated that over 150,000 injuries would be incurred with a possible 70 percent mortality rate. Furthermore, over 100,000 persons would require decontamination, which would overwhelm regional capabilities. In the aftermath, the study predicted that over 500,000 persons would attempt to evacuate the city, effectively closing both egress and ingress routes. 108

In a typical nuclear-fission weapon explosion, about half of the energy goes into the blast. About a third of the energy goes into thermal effects. The remaining energy goes into prompt and residual radiation. Much of the radiation lies in the mushroom cloud produced by the explosion. 109 In addition to the direct effects of the detonation, people would also be killed from indirect blast effects, such as the collapse of buildings and fires caused from broken gas pipes, gasoline in cars, and so on. 110 Inasmuch as terrorists would not have the capability to deliver a nuclear bomb by air, the detonation would almost certainly be at ground level thus limiting the blast radius and the resulting firestorm. 111 Nevertheless, a ground burst weapon would loft far more radioactive debris into the atmosphere resulting in greater contamination.

At ground zero, that is, the point on the earth at which the detonation occurs, a ten-kiloton blast would produce a fireball about 72 meters (236 feet) in diameter. 112 Prompt radiation would kill approximately 95 percent of the people within a diameter of 2.4 kilometers (roughly one and a half miles) within weeks. 113 A detonation of a ten-kiloton nuclear device on Pennsylvania Avenue in the area where the Robert F. Kennedy Department of Justice Building is located would largely destroy a circle area about two miles (3.2 kilometers) in diameter which would encompass

the White House, the Capitol Building, and the Supreme Court Building. 114 Many of the people unfortunate to be in the area would be killed.

During the Cold War, the US government faced the prospect of a decapitating strike. Soviet 'Yankee'-class submarines, which regularly operated 600 nautical miles from the East Coast of the United States, had the capability of destroying Washington DC, within eight to ten minutes of launching their nuclear missiles. 115 However, an attempted decapitation strike by the Soviet Union would have been an act of irrational desperation insofar as an attack on Washington would not have prevented a devastating series of retaliatory strikes from the US military. 116 To ensure second strike capability, both the United States and the Soviet Union developed plans for the continuity of command and control of nuclear weapons in the event of a decapitation strike. 117 The Continuity of Government (COG) refers to a system of procedures that would allow the government to continue operations in the event some catastrophic event. Although protocols of succession and the replacement of elected and appointed officials were included by the framers in the Constitution, the need for COG plans took on a new sense of urgency in the nuclear era. A series of national security directives dictate procedures for government agencies in the event of a crisis. In 1998, President Bill Clinton signed Presidential Directive 67, which requires federal agencies to develop plans to ensure the continuance of operations, a chain of command, and delegation of authority. The full text of the directive remains classified. 118

The 25th amendment clarifies the procedures for the transfer of power relating to the incapacitation of the president. However, under the conditions of a nuclear attack and the ensuing societal disruption, a smooth transition may not be possible. If the sitting elected president survives, then everyone should agree that he legitimately holds the reins of power. If, however, the president is dead or missing, the lines of authority are less clear as evidenced on 30 March 1981, when John F. Hinckley Jr attempted to assassinate President Ronald Reagan. Soon thereafter, Secretary of State Alexander Haig announced that he was in charge of the executive branch because Vice President George H.W. Bush was out of town and President Reagan was incapacitated while undergoing surgery for his wound. In doing so, Haig overlooked that the Speaker of the House Tip O'Neill and the President pro tempore of the Senate Strom Thurmond preceded him in the line of succession respectively.

Ensuring the continuity of the command, control, and communications of the military is vital as well. Christened as the National Command Authority (NCA), 119 the political and military leaders who are designated as members of the chain of command for US forces must be able to survive a surprise attack in order to carry out retaliatory attacks. 120 According to the Department of Defense Directive 5100.30 issued on 2 December 1971, the NCA consists only of the president and the secretary of defense or their deputized alternatives or successors. This could lead to confusion insofar as there are twin lines of succession, one for the presidency and one for the command of US military forces. 121

In order to avoid the prospect of decapitation, the US government has established plans to evacuate the NCA authorities from Washington DC to a National Airborne Operations Center aircraft and to 96 hardened command bunkers in the Federal Relocation Arc, located about 50 miles or more from the city. 122 The 'underground White House' located inside Raven Rock Mountain in Pennsylvania is the home of the Alternative National Military Command Center and is equipped to house the president and other members of the NCA. Another important relocation center –the Western Virginia Office of Controlled Conflict Operations –was established in a man-made cavern within Mount Weather located about 50 miles northwest of Washington DC, just outside Bluemont, Virginia. 123

Though commendable, these plans might not be adequate to ensure a continuity of government in the event of a surprise decapitating strike by a terrorist group. Certain trends in contemporary America could make the issue of transition particularly contentious. One worrisome development is a seeming polarization in the United States over matters such as political partisanship, national identity, and cultural issues. Since the 1990s, the American party system has been increasingly characterized by an ideological divide. This was reflected in the rift in the electoral map of the country after the 2000 and 2004 presidential elections. Generally speaking, 'red' states favor a more conservative course for the nation, while 'blue' states prefer a more liberal orientation. The political center appears to be attenuating. As the political scientist Alan Abramowitz found in his research, in 1984, 41 percent of the voters surveyed identified themselves at the midpoint of an

ideological scale. By 2005, though, the number that identified themselves at the center had dropped to 28 percent. ¹²⁴ Historically, American political culture has favored centrism and pragmatism over ideology. And though the distribution of wealth in the country is quite uneven compared to other Western democracies as measured by the Gini Index, the middle class is still the class with which most Americans overwhelmingly identify. ¹²⁵ The festering economic crisis, though, could create a greater pool of the discontented, as evidenced by the Occupy Wall Street protests in the fall of 2011. In a highly-polarized America, establishing a consensus could be challenging in the aftermath of a severe crisis.

A2: Hasn't Prevented Any Attacks

The NSA's surveillance programs are essential to thwart terror attacks – experts agree

Eakin 13 (Britian, Al Arabiya- Washington, "NSA: Secret US Surveillance helped prevent 50-plus terror attacks")

Secret surveillance programs helped prevent more than 50 potential terror attacks worldwide, including plots to target the New York Stock Exchange and the city's subway, the director of the National Security Agency testified on Tuesday.¶ Ten of the 50 potential threats were domestic, said Army General Keith B. Alexander.¶ A hearing before the House Intelligence Committee sought to calm fears among the American public that the U.S. government spies on them unconstitutionally, and repeated assurances that none of the NSA surveillance programs can target U.S. citizens at home or abroad without a court order.¶ "These programs are limited, focused and subject to rigorous oversight," Alexander said.¶ Because of that, the civil liberties and privacy of Americans are not at stake, he added.¶ However, Bruce Fein, a specialist in constitutional law, said the NSA surveillance programs are unconstitutional because there is no demonstration of individualized suspicion, as required by the Fourth Amendment.¶ "The government has a burden to show some reasonable suspicion that someone being spied on is engaged in some wrongdoing before privacy can be invaded," said Fein.¶ Nonetheless, the witnesses defended the NSA programs as legal and necessary because of the nature of the threat of terrorism.¶ "If you're looking for a needle in a haystack, you have to get the haystack first," testified Deputy Attorney General James Cole.¶ Alexander and other senior U.S. intelligence officials testified in response to details leaked by former NSA contractor Edward Snowden about how the agency gathers data.¶ The hearing reviewed NSA surveillance programs 215 and 702. Testimony said program 215 gathers data in bulk from various providers, such as Verizon, but does not look at content or names, while program 702 applies only to foreign citizens.¶ The leak has sparked a debate among the American public over what information the government should be able to collect to safeguard national security, and how it should be allowed to gather it.¶ A recent Pew poll shows that a slight majority of Americans think the NSA surveillance programs are acceptable.¶ Meanwhile, U.S. President Barack Obama's approval ratings have dropped over the past month.¶ Alexander linked the relative safety Americans have enjoyed since the 9/11 attacks directly to the NSA surveillance programs, but Fein said people's fears are being exploited.¶ "Most people are risk-averse. They're easily frightened, and told they need to surrender their liberties in order to be safe, even if it's not true," Fein said.¶ The government has not provided any evidence that these programs are effective, he added. "It's just their say-so."¶ When questioned about whether the NSA surveillance programs previously collected any other information, Alexander said what they have and have not collected remains classified and cannot be discussed.¶ However, some details about how the programs have stopped potential terror attacks would be presented as early as Wednesday to U.S. lawmakers, he said.

Surveillance is necessary to crush terror attacks –

Sulmasy 13 (Glenn, special reporter for CNN, "Why We Need Government Surveillance")

The current threat by al Qaeda and jihadists is one that requires aggressive intelligence collection and efforts. One has to look no further than the disruption of the New York City subway bombers (the one being touted by DNI Clapper) or the Boston Marathon bombers to know that the war on al Qaeda is coming home to us, to our citizens, to our students, to our streets and our subways.¶ This 21st century war is different and requires new ways and methods of gathering information. As technology has increased, so has our ability to gather valuable, often actionable, intelligence. However, the move toward "home-grown" terror will necessarily require, by accident or purposefully, collections of U.S. citizens' conversations with potential overseas persons of interest.¶ An open society, such as the United States, ironically needs to use this technology to

protect itself. This truth is naturally uncomfortable for a country with a Constitution that prevents the federal government from conducting "unreasonable searches and seizures." American historical resistance towards such activities is a bedrock of our laws, policies and police procedures.¶ But what might have been reasonable 10 years ago is not the same any longer. The constant armed struggle against the jihadists has adjusted our beliefs on what we think our government can, and must, do in order to protect its citizens.¶ However, when we hear of programs such PRISM, or the Department of Justice getting phone records of scores of citizens without any signs of suspicious activities nor indications of probable cause that they might be involved in terrorist related activities, the American demand for privacy naturally emerges to challenge such "trolling" measures or data-mining.

A2: No Nuclear Terror – Top Level

Nuclear terror is a big deal yo – most recent evidence – they're complacency

Bunn 13 – (2013, Matthew, PhD, Professor of Practice; Co-Principal Investigator, Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard, “Beyond Crises: The Unending Challenge of Controlling Nuclear Weapons and Materials,” in Nuclear Weapons Security Crises: What Does History Teach? Ed. Henry D. Sokolski. Strategic Studies Institute, U.S. Army War College, 253-278)

In short, the threats are out there. In a world that includes terrorists with global reach, effective nuclear security and accounting measures are needed wherever nuclear weapons, plutonium, or HEU exist. All countries with such stockpiles on their soil should ensure that they are at least protected against a modest group of well-armed, well-trained outsiders; a well-placed insider; and both outsiders and an insider working together, using a broad range of tactics. Countries that face more substantial adversary threats—Pakistan being an obvious example—need to provide even higher levels of protection.⁹

Unfortunately, in many countries around the world, the security measures in place today are demonstrably not sufficient to protect against the kinds of threats terrorists and thieves have already shown they can pose. For example, a U.S. team visiting a foreign site with a Category I quantity of HEU from 2005 to 2010 found that there were no fences around the perimeter, no sensors to detect intrusions, no video surveillance systems to help guards assess the cause of alarms generated by sensors, and no vehicle barriers.¹⁰ (It is a reasonable bet that this facility also did not have an on-site armed response team to protect it from armed attackers.) The U.S. team recommended that all of these basic security measures be put in place, which the country agreed to do. But when a team of congressional auditors visited in 2010-11, some of the improvements were still under way. The fact that such glaring weaknesses still existed at a site with Category I materials years after the September 11, 2001 (9/11), attacks speaks volumes about the urgent work still ahead to plug nuclear security weak points around the world. Indeed, I would argue that every country with nuclear weapons or weapons-usable nuclear materials—including the United States—has more to do to ensure that these items are effectively protected.

PUNCTUATING COMPLACENT EQUILIBRIUM: THE U.S. CASE

If political turmoil is not the most important driver of nuclear security problems, what is? In a word, complacency—the belief that nuclear terrorism is not a serious threat, and that whatever security measures are in place today are already sufficient. The history of nuclear security is a story of punctuated equilibrium, with long stretches of complacency and little change punctuated by moments when something—typically, a major incident of some kind—made it possible to move the system to a higher-security state, from which it would then begin to drift slowly into complacency again. The results of incidents and other events are mediated by the different political cultures and institutions in different countries, so that one country might react

to an incident by establishing substantial new security rules, while another might react by having participants in the system offer explanations why it could never happen again.

A2: Can't Get a Nuke

Terrorist groups can acquire nuclear weapons from Pakistan – they have the motivation and money

Pakistan Today 5/23/15 ("IS Terrorists Say They could Buy a Nuclear Weapon from Pakistan within a year")

In the latest issue of its propaganda magazine, Dabiq, the Islamic State (IS) has suggested that the terrorist group is expanding so rapidly that it will buy its first nuclear weapon from Pakistan within a year.¶ The article, which the group attributes to British hostage John Cantlie, says that the IS surpassed its roots as “the most explosive Islamic ‘group’ in the modern world” to evolve into “the most explosive Islamic movement the modern world has ever seen” in less than twelve months.¶ The British photojournalist, Cantlie, is often used in the terrorist group’s propaganda and has made appearances in several of their videos, including a YouTube series called “Lend Me Your Ears”. Cantlie has been IS’s hostage since the past two years.¶ In the piece titled “The Perfect Storm”, the militant group mentions other terrorist organisations such as Boko Haram, which recently pledged allegiance to the IS, uniting across the Middle East, Asia and Africa to create one global movement.¶ The article claims this arrangement of groups has happened at the same time as IS militants have seized “tanks, rocket launchers, missile systems, anti-aircraft systems,” from the US and Iran before turning to the subject of more extreme weapons the group is not in possession of – such as nuclear weapons.¶ “Let me throw a hypothetical operation onto the table,” the article continues. “The Islamic State has billions of dollars in the bank, so they call on their wilāyah in Pakistan to purchase a nuclear device through weapons dealers with links to corrupt officials in the region.”¶ “It’s the sum of all fears for Western intelligence agencies and it’s infinitely more possible today than it was just one year ago.”¶ “And if not a nuke, what about a few thousand tons of ammonium nitrate explosive? That’s easy enough to make.”¶ An attack launched by IS against the United States would ridicule “the attacks of the past”.¶ “They’ll (IS) be looking to do something big, something that would make any past operation look like a squirrel shoot, and the more groups that pledge allegiance the more possible it becomes to pull off something truly epic.”¶ “Remember, all of this has happened in less than a year. How more dangerous will be the lines of communication and supply a year on from today?”¶ For now, the capability of IS to obtain such a device is beyond the group at the moment.¶ However, it should be noted that the Islamic State is indeed a well-funded group having secured numerous oil fields in Syria and Iraq. Further, the group also sells artifacts stolen from heritage sites seized during its insurgency, sometimes even for six figure sums.¶ The group also extorts money.¶ The finances of IS have been estimated to be about \$2 billion, but there is no way to verify how much money it actually has access to.¶ The threats come against a mixed series of wins and losses in both countries; the group has been driven out of Tikrit in Iraq but has overrun Ramaldi and the Syrian ancient city of Palmyra.

A2: No Nuclear Terror

Nuclear threat high- dirty bombs, theft, selling, research reactors

Vladimir Z. Dvorkin 12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what_can_destroy_strategic_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives ("dirty bombs") is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of "dirty bombs" will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple "gun-type" nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist "gun-type" uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries' populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will

delegate tens of thousands of their secret services' best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow. The prediction that Samuel Huntington has made in his book "The Clash of Civilizations and the Remaking of World Order" may come true. Huntington's book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world's problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The **threat of nuclear terrorism is real**, and a successful nuclear terrorist attack would lead to a radical transformation of the global order. All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

A2: No Retaliation

Even crude devices make escalation likely

Conley 3 ACC chief of Systems Analysis Branch, 2003 Harry, "Not with Impunity Assessing US Policy for Retaliating to a Chemical or Biological Attack", 3-5, <http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html>

The number of American casualties suffered due to a WMD attack may well be the most important variable in determining the nature of the US reprisal. A key question here is how many Americans would have to be killed to prompt a massive response by the United States. The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (150–300 deaths). Although these events caused anger and a desire for retaliation among the American public, they prompted no serious call for massive or nuclear retaliation. The body count from a single biological attack could easily be one or two orders of magnitude higher than the casualties caused by these events. Using the rule of proportionality as a guide, one could justifiably debate whether the United States should use massive force in responding to an event that resulted in only a few thousand deaths. However, what if the casualty count was around 300,000? Such an unthinkable result from a single CBW incident is not beyond the realm of possibility: "According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb."⁴⁶ Would the deaths of 300,000 Americans be enough to trigger a nuclear response? In this case, proportionality does not rule out the use of nuclear weapons. Besides simply the total number of casualties, the types of casualties- predominantly military versus civilian- will also affect the nature and scope of the US reprisal action. Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as they would be if the attack were against civilians. World War II provides perhaps the best examples for the kind of event or circumstance that would have to take place to trigger a nuclear response. A CBW event that produced a shock and death toll roughly equivalent to those arising from the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation. President Harry Truman's decision to drop atomic bombs on Hiroshima and Nagasaki- based upon a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland⁴⁷- is an example of the kind of thought process that would have to occur prior to a nuclear response to a CBW event. Victor Utgoff suggests that "if nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage that had outraged American or allied publics, nuclear retaliation would be more than just a possibility, whatever promises had been made."⁴⁸

A2: Low Probability

9-11 and the black market prove – nuclear terrorism is the greatest threat in the world today

Yusuf 2K9 [MoEED, Fellow, Frederick S. Pardee Center for the Study of the Longer-Range Future Boston University, “Predicting Proliferation: The History of the Future of Nuclear Weapons” POLICY PAPER Number 11, January 2009, http://www.brookings.edu/papers/2009/~media/Files/rc/papers/2009/01_nuclear_proliferation_yusuf/01_nuclear_proliferation_yusuf.pdf]

Perhaps the most striking development in efforts to predict the role of nuclear weapons in the post-Cold War era has been the importance accorded to nuclear terrorism. While the mention of the issue remained peripheral for the most part prior to the collapse of the Soviet Union, it came into the limelight immediately after the USSR’s dissolution. Ever since, the inevitability of the spread of nuclear terrorism and that of a successful terrorist attack in the distant future were taken for granted. The period after the 9/11 attacks on the United States and the 2003 revelation of the nuclear black market fostered considerable pessimism about the menace of terrorism.¹⁹⁵ As confirmed by former State Department Official William J. Perry in a recent Congressional testimony, nuclear terrorism is widely considered to be the “greatest danger today”.

With globalization, the nuclear black market and access to information has made the potential of nuclear terrorism even greater

Yusuf 2K9 [MoEED, Fellow, Frederick S. Pardee Center for the Study of the Longer-Range Future Boston University, “Predicting Proliferation: The History of the Future of Nuclear Weapons” POLICY PAPER Number 11, January 2009, http://www.brookings.edu/papers/2009/~media/Files/rc/papers/2009/01_nuclear_proliferation_yusuf/01_nuclear_proliferation_yusuf.pdf]

Another facet introduced into the debate in the 1990s was the linkage between proliferation to non-state actors and the increased mobility of human movement and enhanced communications brought about by globalization.²⁰¹ Some experts even saw the possibility of states willingly providing terrorists with operational weapons to use against opponents.²⁰² However, the majority continued to believe that the repercussions were high enough for states not to contemplate such a move.²⁰³ A more important strand of this argument however was the concern about non-states actors benefiting from the relatively easy access to nuclear technology, not only as end users but also as suppliers of sensitive materials and technology to those seeking weapons capabilities.²⁰⁴ Interestingly, nuclear scientists were considered to pose a serious threat. Following the demise of the Soviet Union, a number of ex-Soviet nuclear scientists were left jobless and were seen as key targets for terrorists interested in gaining technological know-how.²⁰⁵ The danger of nuclear scientists divulging valuable knowledge was proven by the revelation of the A.Q. Khan-led nuclear black market.

A2: Deterrence Solves

Risks of nuclear terrorism high, deterrence won't solve

Daily Times, February 25, 2014, <http://www.dailytimes.com.pk/opinion/25-Feb-2014/preventing-nuclear-terrorism>

On October 11, 2001, exactly a month after the terrorist attacks on the World Trade Centre, President George W Bush was informed by his CIA director, George Tenet, about the presence of al Qaeda-linked terrorists in New York City with a 10-kiloton nuclear bomb. Overwhelmed by paralysing fear that terrorists could have smuggled another nuclear weapon into Washington DC as well, President Bush ordered Vice President Dick Cheney, along with several hundred federal employees from almost a dozen government agencies, to leave for some undisclosed location outside the capital where they could ensure the continuity of government in case of a nuclear explosion in Washington DC. Although, after subsequent investigations, the CIA's report turned out to be false, this incident showed that even a false alarm signalling a nuclear attack could lead to a much higher probability of disaster. A nuclear attack in downtown Washington DC has the potential to kill hundreds of thousands of people immediately and wipe the White House, the State Department and many other buildings off the face of the earth, making the 9/11 attacks a 'historical footnote'.

It is evident that the spectre of a terrorist-controlled nuclear weapon is a real threat and is global in scope. Given the potentially disastrous consequences, even a small possibility of terrorists obtaining and detonating a nuclear device justifies urgent action. The most urgent security threat to the world today is the possibility of the stealing of weapons or fissile materials by terrorists. After the collapse of the Soviet Union, hundreds of confirmed cases of successful theft of nuclear materials were reported in Russia. In 1997, General Alexander Lebed, assistant for national security affairs to Boris Yeltsin, revealed that 84 out of 132 special KGB 'suitcase nuclear weapons' were unaccounted for in Russia. There are also widespread apprehensions expressed by the international community that militants could steal Pakistan's nuclear weapons or fissile material. Unfortunately, some incidents of jihadi penetration of Pakistan's armed forces have further fuelled this perception. In 2001, US officials discovered that Osama bin Laden and his deputy, Ayman al Zawahiri, were in contact with two retired Pakistani nuclear scientists for assistance in making a small nuclear device. Later in 2003, some junior Pakistani army and air force officers colluded with al Qaeda terrorists to attempt to assassinate President Musharraf and enforce sharia in Pakistan. Notwithstanding that the dangers about the security of Pakistan's nuclear weapons might be highly exaggerated; some genuine concerns arising due to links between terrorists and government authorities must be immediately addressed. Umar Khalid Khurasani, the ameer (head) of the Mohmand Agency chapter of the Tehreek-e-Taliban Pakistan (TTP), also wants to seize nuclear weapons and overthrow the government of Pakistan. Another potential source for the theft of fissile material is more than 130 civilian research reactors worldwide operating with Highly Enriched Uranium (HEU). Most of these facilities have very modest security - in many cases, no more than a night watchman. Unlike the Cold War period, when both the US and the Soviet Union knew that a nuclear attack from either side would be met with a massive retaliatory strike, conventional deterrence does not work against the terrorist groups. In a famous 2007 Wall Street Journal article by Henry Kissinger, George Shultz, William Perry and Sam Nunn (together known as the 'four horsemen'), it was claimed that, "Most alarmingly, the likelihood that non-state terrorists will get their hands on nuclear weaponry is increasing. In today's war waged on world order by terrorists, nuclear weapons are the ultimate means of mass destruction...unless urgent new actions are taken, the US soon will be compelled to enter a new nuclear era that will be more precarious, psychologically disorienting, and economically even more costly than was the Cold War."

A2: Can't Build a Bomb

They can build a bomb

Joyner 9 (Christopher C., Professor of International Law at Georgetown University, "Nuclear Terrorism in a Globalizing World: Assessing the Threat and the Emerging Management Regime," Stanford Journal of International Law, Summer, p. 218, <http://www.thefreelibrary.com/Nuclear+terrorism+in+a+globalizing+world%3A+assessing+the+threat+and...-a0216486733>)

A further cause for alarm is the relative ease with which nuclear weapons can be produced. According to experts, production of a nuclear weapon is relatively simple once nuclear materials are obtained. (69) Indeed, the simplest design for a nuclear weapon--the gun-type design used at Hiroshima--can be made after simply referring to literature available in the public domain. (70) As noted in a report by Congress in the 1970s, in order to build a viable nuclear device one would need "modest machine-shop facilities.... The financial resources for the acquisition of necessary equipment on open markets need not exceed a fraction of a million dollars[,] ... a person capable of researching and understanding the literature in several fields and a jack-of-all trades technician," (71) in addition to the nuclear material. Considering that inexperienced graduate students have produced both simple gun-type and more complex implosion-type bombs, U.S. intelligence concluded that prior to 9/11 the capacity to make such a bomb was well within the capabilities of al-Qaeda. (72)

Terrorism -Emory

*****SHELL*****

1NC – Terrorism DA

Broad authority for mass surveillance is critical to counter-terrorism --- requiring targeted searches prevents the ability to identify networks and disrupt operations.

Richard A. Posner, 2008. Judge, United States Court of Appeals for the Seventh Circuit; Senior Lecturer in Law, The University of Chicago. "Privacy, Surveillance, and Law," 75 University of Chicago Law Review 245, http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2808&context=journal_articles.

What is most notable about the amendments, as indeed of the Terrorist Surveillance Program to which they seem addressed, is their backing away from reliance on warrants to prevent abuses of electronic surveillance. The warrant is a poorly designed means for balancing the security and liberty interests involved in counterterrorist surveillance. It is true that instead of requiring probable cause to believe that the target of an interception is a terrorist, FISA could be amended to require merely reasonable suspicion. But even that would be too restrictive from the standpoint of effective counterterrorism; effective surveillance cannot be confined to suspected terrorists when the object is to discover who may be engaged in terrorism or ancillary activities. Further attenuation of FISA's standard for obtaining a warrant might be possible without running afoul of the Fourth Amendment. Conceivably the issuance of a warrant could be authorized on the basis of a showing that while the target was probably not a terrorist, national security required making assurance doubly sure by intercepting some of his electronic communications. A model might be the criterion for issuing a search warrant to the Canadian Security Intelligence Service, where a warrant can be issued on the basis of a factually supported "belief, on reasonable grounds, that [it] ... is required to enable the Service to investigate a threat to the security of Canada." 9 Such a criterion might pass muster under the Fourth Amendment, which requires probable cause for the issuance of a warrant but does not state what it is that there must be probable cause to believe. The Supreme Court has said that there must be probable cause to believe that the search will yield contraband or evidence of crime when the search is part of a criminal investigation." The Constitution binds the government more tightly when it is exerting its powers to convict people of crimes than in other areas of government activity. A search intended not to obtain evidence of crime but to obtain information about terrorism might, as under Canadian law, require only probable cause to believe that the search would yield such information. The lower the standard for getting a warrant, however, the more porous the filter that the requirement of a warrant creates, bearing in mind the ex parte character of a warrant proceeding. If all the application need state is that an interception might yield data having value as intelligence, judges would have no basis for refusing to issue the warrant. Alternatively, reliance on warrants could invite legislation to expand the reach of the criminal laws relating to terrorism in order to make it easier to establish probable cause to believe that a search will reveal evidence of a crime. That expansion could raise issues under the First Amendment, since the natural route for expanding criminal laws

against terrorism is to criminalize extremist speech or even attendance at extremist (though peaceful) speeches and rallies, as activities that may be preparatory to or encouraging of terrorism. Warrants that satisfy FISA's standard as traditionally understood should continue to be required for all physical searches, because they are far greater intrusions on privacy than electronic interceptions, and for all electronic surveillance for which FISA's existing probable cause requirement can reasonably be satisfied (mainly cases in which the government wanted to intercept communications of a person who they had probable cause to believe was a terrorist). With these exceptions, civil libertarians' preoccupation with warrants is not only harmful to national security (and possibly to civil liberties if it induces legislation to expand the reach of the criminal law) but also anachronistic. The government's ready access to the vast databases that private and public entities compile for purposes unrelated to national security has enabled it to circumvent much of the protection of privacy that civil libertarians look to warrant requirements to secure. There are a number of possible measures, apart from requiring warrants, that Congress could adopt in order to minimize abuses of domestic surveillance. If all were adopted, the risk of such abuses would be slight. The temporary FISA amendments take tiny steps in this direction. Bolder steps would include the following: 1. Congress could create a steering committee for national security electronic surveillance, composed of the attorney general, the director of national intelligence, the secretary of homeland security, and a retired federal judge or justice appointed by the chief justice of the Supreme Court. The committee would monitor all such surveillance to assure compliance with the Constitution and federal statutes. The requirement in the temporary amendments that the attorney general and the director of national intelligence devise procedures for a new warrantless surveillance program is one of the tiny steps to which I referred." The other, and legally dubious one, is requiring submission of the procedures for approval by the Foreign Intelligence Surveillance Court; that court becomes in effect the steering committee. 2. The NSA could be required to submit to the steering committee, to departmental inspectors general, to the Privacy and Civil Liberties Oversight Board (a White House agency created by the Intelligence Reform Act), to the congressional intelligence and judiciary committees, and to an independent watchdog agency of Congress modeled on the GAO every six months a list of the names and other identifying information of all persons whose communications had been intercepted in the previous six months without a warrant, with a brief statement of why these persons had been targeted. 3. The responsible officials of the NSA could be required to certify annually to the watchdog groups that there had been no violations of the statute during the preceding year. False certification would be punishable as perjury. But lawsuits challenging the legality of the Terrorist Surveillance Program should be precluded. Such lawsuits would distract officials from their important duties to no purpose if the kind of statute that I am suggesting were enacted. The statute should sunset after five years. 4. The use of intercepted information for any purpose other than investigating threats to national security would be forbidden. Information could not be used as evidence or leads in a prosecution for ordinary crime-this to alleviate concern that wild talk bound to be picked up by electronic surveillance would lead to criminal investigations unrelated to national security. Violations of this provision would be made felonies punishable by substantial prison sentences and heavy fines. But the punishments must not be made too severe lest they cause intelligence officers to steer so far clear of possible illegality that they fail to conduct effective surveillance. The risk of abuses is not great enough to justify savage penalties

in order to deter them, because intelligence officers have no interest in assisting in the enforcement of criminal laws unrelated to national security. A neglected point is that violations of privacy and civil liberties tend to emanate from the White House and the top management level of executive branch agencies rather than from the working or middle-management levels.

5. To limit the scope of surveillance, "threats to national security" should be narrowly defined as threats involving a potential for mass deaths or catastrophic damage to property or to the economy. That would exclude, for the time being anyway, ecoterrorism, animal-rights terrorism, and other political violence that, though criminal, does not threaten catastrophic harm (yet). Congressional action is also needed to protect the phone companies that cooperated with the NSA's surveillance program from potentially immense liability for allegedly having violated federal law protecting the privacy of telephone records; a number of suits are pending. The intelligence system is enormously dependent on informal assistance from private companies in communications, banking, and other industries. At times such assistance is made a legal duty, as in the federal law requiring banks to report cash transactions of \$10,000 or more; and this is also a feature of the new amendments to FISA. Were it not for the threat of liability, which the amendments do not address, voluntary assistance would probably as in the past be all the government needed. But if voluntary assistance—even when tendered in a national emergency, as in the wake of the 9/11 terrorist attacks—places companies in legal jeopardy, such assistance will dry up. FISA needs to be amended not only to authorize more extensive domestic surveillance than its anachronistic terms permit but also to insulate from liability conduct that may have violated the Act or some other statute but that would be permitted under the amended regime. Until the temporary amendments were enacted, the type of approach that I am advocating (call it the "nonwarrant" approach) for regularizing domestic surveillance was getting little attention from Congress and the Bush Administration, possibly because the Administration wanted to retain a completely free hand and thought it could fend off the sort of restrictions that I have sketched. (It is remarkable how tepid the public reaction to the Terrorist Surveillance Program has been.) A related possibility is that the Administration's aggressive claims of presidential power prevented it from acknowledging the legitimacy of congressional controls over intelligence and hence of a legislative solution to the controversy over the program. Still another possibility was (and is) that because no one is in charge of domestic intelligence, authority over which is divided among the attorney general, the FBI director, the Department of Homeland Security, and the director of national intelligence (among others), no one is formulating a comprehensive legislative and public relations strategy for ending the controversy over the role of electronic surveillance in such intelligence. (At this writing, the only confirmed senior official in the Justice Department is the solicitor general.) And another possibility is the grip of our legalistic culture, which makes us think that the regulation of national security must be modeled on the regulation of criminal law enforcement. The temporary amendments suggest, however, that the logjam may be breaking, though one of the reasons, it appears, is that the Administration's decision to bring the Terrorist Surveillance Program under FISA resulted in a paper jam at the Foreign Intelligence Surveillance Court as the number of warrant applications soared. We should be playing to our strengths, and one of the greatest of them is technology. We may not be able to prevail against terrorism with one hand tied behind our back. Critics of surveillance argue that since our enemies know that we monitor electronic communications, they will foil us by simply ceasing to use such communications. That

is wrong. We know it is wrong because we do intercept terrorist communications. 24 But if it were true that our monitoring caused the terrorists to abandon the telephone and the internet, that would be an enormous victory for counterterrorism, as it is extremely difficult to coordinate and execute a major terrorist attack if all communications among the plotters must be face to face to avoid detection. The greater danger is that encryption and other relatively cheap and simple countermeasures will defeat our surveillance. Opponents of efforts to amend FISA point out that the Foreign Intelligence Surveillance Court has almost never turned down an application for a warrant. In 2005, for example, although more than 2,000 applications were filed, not a single one was denied in whole or in part. 5 The inference the critics wish drawn is that FISA is not inhibiting surveillance. The correct inference is that the Justice Department is too conservative in seeking warrants. The analogy is to a person who has never missed a plane in his life because he contrives always to arrive at the airport eight hours before the scheduled departure time. The effect of our legalistic culture is to cause law enforcement agencies, notably the FBI, to avoid not only violating the law but also steering so close to the wind that they might be accused, albeit groundlessly, of violating the law or of being "insensitive" to values that inform the law, even when those values have not been enacted into law.

AND --- nuclear terrorism risks extinction --- the threat of an attack is significant.

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, "Risk Analysis of Nuclear Deterrence" SPRING 2008 THE BENT OF TAU BETA PI, <http://www.nuclearrisk.org/paper.pdf>)

The threat of nuclear terrorism looms much larger in the public's mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: "A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever." [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, "We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% A nuclear terrorism attack is a low-probability event, but we can't live in a world where it's anything but extremely low-probability." [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the "probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years," with 79 percent of the respondents believing "it more likely to be carried out by terrorists" than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk

analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce whichever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). This article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full-scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society's almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cost of World War III The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.³ This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II's fatalities were double or triple that number—chaos prevented a more precise determination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapolation of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Congress, General Douglas MacArthur, stated, "Global war has become a Frankenstein to destroy both sides. ... If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide." Former Secretary of Defense Robert McNamara expressed a similar view: "If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed" [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn⁴ echoed those concerns when they quoted President Reagan's belief that nuclear weapons were "totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization." [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: "The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) ... a change in targeting could kill somewhere between 20 million and 30 million additional people on each side These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care ... millions of people might starve or freeze during the following winter, but it is not possible to estimate how many. ... further millions ... might eventually die of latent radiation effects." [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that assumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant firestorms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash

and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engineering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

*****UNIQUENESS*****

1NC – Uniqueness CP

Text:

- The United States federal government should authorize warrantless non-targeted domestic mass surveillance and provide liability protection to all phone companies that cooperate with the National Security Agency.**
- Congress should create a steering committee for national security electronic surveillance and require the NSA to submit to that committee and provide annual certification of legal compliance.**
- Congress should also forbid the use of any information from warrantless mass surveillance for anything other than investigating threats to national security.**
- Congress should narrowly define threats to national security as those involving a potential for mass deaths or catastrophic damage to property or to the economy.**

Broad authorization of mass surveillance is critical to counter-terrorism --- requiring targeted searches prevents the ability to identify networks and disrupt operations. Congressional oversight prevents abuse of the program.

Richard A. Posner, 2008. Judge, United States Court of Appeals for the Seventh Circuit; Senior Lecturer in Law, The University of Chicago. "Privacy, Surveillance, and Law," 75 University of Chicago Law Review 245, http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2808&context=journal_articles.

What is most notable about the amendments, as indeed of the Terrorist Surveillance Program to which they seem addressed, is their backing away from reliance on warrants to prevent abuses of electronic surveillance. The warrant is a poorly designed means for balancing the security and liberty interests involved in counterterrorist surveillance. It is true that instead of requiring probable cause to believe that the target of an interception is a terrorist, FISA could be amended to require merely reasonable suspicion. But even that would be too restrictive from the standpoint of effective counterterrorism; effective surveillance cannot be confined to suspected terrorists when the object is to discover who may be engaged in terrorism or ancillary activities. Further attenuation of FISA's standard for obtaining a warrant might be possible without running afoul of the Fourth Amendment. Conceivably the issuance of a warrant could be authorized on the basis of a showing that while the target was probably not a terrorist, national security required making assurance doubly sure by intercepting some of his electronic communications. A model might be the criterion for issuing a search warrant to the Canadian Security Intelligence Service, where a warrant can be issued on the basis of a factually supported

"belief, on reasonable grounds, that [it] ... is required to enable the Service to investigate a threat to the security of Canada." 9 Such a criterion might pass muster under the Fourth Amendment, which requires probable cause for the issuance of a warrant but does not state what it is that there must be probable cause to believe. The Supreme Court has said that there must be probable cause to believe that the search will yield contraband or evidence of crime when the search is part of a criminal investigation." The Constitution binds the government more tightly when it is exerting its powers to convict people of crimes than in other areas of government activity. A search intended not to obtain evidence of crime but to obtain information about terrorism might, as under Canadian law, require only probable cause to believe that the search would yield such information. The lower the standard for getting a warrant, however, the more porous the filter that the requirement of a warrant creates, bearing in mind the ex parte character of a warrant proceeding. If all the application need state is that an interception might yield data having value as intelligence, judges would have no basis for refusing to issue the warrant. Alternatively, reliance on warrants could invite legislation to expand the reach of the criminal laws relating to terrorism in order to make it easier to establish probable cause to believe that a search will reveal evidence of a crime. That expansion could raise issues under the First Amendment, since the natural route for expanding criminal laws against terrorism is to criminalize extremist speech or even attendance at extremist (though peaceful) speeches and rallies, as activities that may be preparatory to or encouraging of terrorism. Warrants that satisfy FISA's standard as traditionally understood should continue to be required for all physical searches, because they are far greater intrusions on privacy than electronic interceptions, and for all electronic surveillance for which FISA's existing probable cause requirement can reasonably be satisfied (mainly cases in which the government wanted to intercept communications of a person who they had probable cause to believe was a terrorist). With these exceptions, civil libertarians' preoccupation with warrants is not only harmful to national security (and possibly to civil liberties if it induces legislation to expand the reach of the criminal law) but also anachronistic. The government's ready access to the vast databases that private and public entities compile for purposes unrelated to national security has enabled it to circumvent much of the protection of privacy that civil libertarians look to warrant requirements to secure. There are a number of possible measures, apart from requiring warrants, that Congress could adopt in order to minimize abuses of domestic surveillance. If all were adopted, the risk of such abuses would be slight. The temporary FISA amendments take tiny steps in this direction. Bolder steps would include the following: 1. Congress could create a steering committee for national security electronic surveillance, composed of the attorney general, the director of national intelligence, the secretary of homeland security, and a retired federal judge or justice appointed by the chief justice of the Supreme Court. The committee would monitor all such surveillance to assure compliance with the Constitution and federal statutes. The requirement in the temporary amendments that the attorney general and the director of national intelligence devise procedures for a new warrantless surveillance program is one of the tiny steps to which I referred." The other, and legally dubious one, is requiring submission of the procedures for approval by the Foreign Intelligence Surveillance Court; that court becomes in effect the steering committee. 2. The NSA could be required to submit to the steering committee, to departmental inspectors general, to the Privacy and Civil Liberties Oversight Board (a White House agency created by the Intelligence Reform Act), to the

congressional intelligence and judiciary committees, and to an independent watchdog agency of Congress modeled on the GAO every six months a list of the names and other identifying information of all persons whose communications had been intercepted in the previous six months without a warrant, with a brief statement of why these persons had been targeted. 3. The responsible officials of the NSA could be required to certify annually to the watchdog groups that there had been no violations of the statute during the preceding year. False certification would be punishable as perjury. But lawsuits challenging the legality of the Terrorist Surveillance Program should be precluded. Such lawsuits would distract officials from their important duties to no purpose if the kind of statute that I am suggesting were enacted. The statute should sunset after five years. 4. The use of intercepted information for any purpose other than investigating threats to national security would be forbidden. Information could not be used as evidence or leads in a prosecution for ordinary crime-this to alleviate concern that wild talk bound to be picked up by electronic surveillance would lead to criminal investigations unrelated to national security. Violations of this provision would be made felonies punishable by substantial prison sentences and heavy fines. But the punishments must not be made too severe lest they cause intelligence officers to steer so far clear of possible illegality that they fail to conduct effective surveillance. The risk of abuses is not great enough to justify savage penalties in order to deter them, because intelligence officers have no interest in assisting in the enforcement of criminal laws unrelated to national security. A neglected point is that violations of privacy and civil liberties tend to emanate from the White House and the top management level of executive branch agencies rather than from the working or middle-management levels. 5. To limit the scope of surveillance, "threats to national security" should be narrowly defined as threats involving a potential for mass deaths or catastrophic damage to property or to the economy. That would exclude, for the time being anyway, ecoterrorism, animal-rights terrorism, and other political violence that, though criminal, does not threaten catastrophic harm (yet). Congressional action is also needed to protect the phone companies that cooperated with the NSA's surveillance program from potentially immense liability for allegedly having violated federal law protecting the privacy of telephone records; a number of suits are pending. The intelligence system is enormously dependent on informal assistance from private companies in communications, banking, and other industries. At times such assistance is made a legal duty, as in the federal law requiring banks to report cash transactions of \$10,000 or more; and this is also a feature of the new amendments to FISA. Were it not for the threat of liability, which the amendments do not address, voluntary assistance would probably as in the past be all the government needed. But if voluntary assistance-even when tendered in a national emergency, as in the wake of the 9/11 terrorist attacks- places companies in legal jeopardy, such assistance will dry up. FISA needs to be amended not only to authorize more extensive domestic surveillance than its anachronistic terms permit but also to insulate from liability conduct that may have violated the Act or some other statute but that would be permitted under the amended regime. Until the temporary amendments were enacted, the type of approach that I am advocating (call it the "nonwarrant" approach) for regularizing domestic surveillance was getting little attention from Congress and the Bush Administration, possibly because the Administration wanted to retain a completely free hand and thought it could fend off the sort of restrictions that I have sketched. (It is remarkable how tepid the public reaction to the Terrorist Surveillance Program has been.) A related possibility is that the Administration's aggressive

claims of presidential power prevented it from acknowledging the legitimacy of congressional controls over intelligence and hence of a legislative solution to the controversy over the program. Still another possibility was (and is) that because no one is in charge of domestic intelligence, authority over which is divided among the attorney general, the FBI director, the Department of Homeland Security, and the director of national intelligence (among others), no one is formulating a comprehensive legislative and public relations strategy for ending the controversy over the role of electronic surveillance in such intelligence. (At this writing, the only confirmed senior official in the Justice Department is the solicitor general.) And another possibility is the grip of our legalistic culture, which makes us think that the regulation of national security must be modeled on the regulation of criminal law enforcement. The temporary amendments suggest, however, that the logjam may be breaking, though one of the reasons, it appears, is that the Administration's decision to bring the Terrorist Surveillance Program under FISA resulted in a paper jam at the Foreign Intelligence Surveillance Court as the number of warrant applications soared. We should be playing to our strengths, and one of the greatest of them is technology. We may not be able to prevail against terrorism with one hand tied behind our back. Critics of surveillance argue that since our enemies know that we monitor electronic communications, they will foil us by simply ceasing to use such communications. That is wrong. We know it is wrong because we do intercept terrorist communications. 24 But if it were true that our monitoring caused the terrorists to abandon the telephone and the internet, that would be an enormous victory for counterterrorism, as it is extremely difficult to coordinate and execute a major terrorist attack if all communications among the plotters must be face to face to avoid detection. The greater danger is that encryption and other relatively cheap and simple countermeasures will defeat our surveillance. Opponents of efforts to amend FISA point out that the Foreign Intelligence Surveillance Court has almost never turned down an application for a warrant. In 2005, for example, although more than 2,000 applications were filed, not a single one was denied in whole or in part. 5 The inference the critics wish drawn is that FISA is not inhibiting surveillance. The correct inference is that the Justice Department is too conservative in seeking warrants. The analogy is to a person who has never missed a plane in his life because he contrives always to arrive at the airport eight hours before the scheduled departure time. The effect of our legalistic culture is to cause law enforcement agencies, notably the FBI, to avoid not only violating the law but also steering so close to the wind that they might be accused, albeit groundlessly, of violating the law or of being "insensitive" to values that inform the law, even when those values have not been enacted into law.

2NC – Uniqueness

NSA still has sufficient surveillance authority despite the PATRIOT Act expiration.

Salon, 6/1/2015. Marcy Wheeler. “Reports of the Patriot Act’s death are greatly exaggerated,” http://www.salon.com/2015/06/01/reports_of_the_patriot_acts_death_are_greatly_exaggerated/.

The PATRIOT Act-authorized phone dragnet expired last night. For the first time since 2006, the NSA won’t receive records of the phone calls you make within the United States.

But that doesn’t mean spying on Americans has stopped. The NSA still obtains records of calls — potentially all calls — you make with people overseas. It still tracks Americans’ Internet communications using metadata obtained overseas. The FBI can still access the content of any communications Americans have with foreigners targeted under PRISM without a warrant or even any evidence of wrong doing. FBI can still, and indeed does, obtain phone records of individuals in conjunction with national security investigations without any court review.

Not even the spying conducted under Section 215 — the authority that had been used to collect all of Americans’ phone records, but which is also used to collect certain kinds of Internet data — or the two other expiring provisions will stop. Because they’re tied to more focused investigations (though the Internet collection is probably not targeted at one individual), they will probably continue under a grandfather clause allowing ongoing investigations using those authorities to continue.

NSA surveillance authority is likely to be restored.

Slate, 6/1/2015. Lily Hay Newman. “NSA Bulk Data Collection Expired Last Night. What’s Different Today?” http://www.slate.com/blogs/future_tense/2015/06/01/portions_of_the_patriot_act_expired_on_may_31_what_does_that_mean.html.

Yesterday bulk collection was in effect, but are we being surveilled today? For the first time in 14 years, there’s no automatic NSA mechanism for recording who you call and when you call them. But there are still ways for the NSA to use its network abroad to get information about your international calls and online browsing. The agency can even still get the content of your international communications through PRISM. Salon’s Marcy Wheeler writes, “Reports of the Patriot Act’s death are greatly exaggerated”

The NSA still obtains records of calls—potentially all calls—you make with people overseas. It still tracks Americans’ Internet communications using metadata obtained overseas. The FBI can still access the content of any communications Americans have with foreigners targeted under

PRISM without a warrant or even any evidence of wrongdoing. The FBI can still, and indeed does, obtain phone records of individuals in conjunction with national security investigations without any court review.

In addition to the halt in bulk NSA communication surveillance, the act's expiration means that the FBI can no longer use it to get sweeping wiretap orders to track a suspect when he or she changes phones. Each new device now requires a fresh warrant. Additionally, the agency can no longer use the act to justify wiretaps of "lone wolf" terrorism suspects—individuals who don't have a known affiliation to a larger group.

As the New York Times points out, though, it seems that the NSA is keeping its existing trove of data, since the Justice Department will have grandfathered ability to continue to access files for ongoing investigations. The Times also indicates that law enforcement agencies have other workarounds to continue to get the approvals they want.

In the tension between the security need for surveillance and the desire to preserve individuals' rights to privacy, it seems like eliminating bulk surveillance would be an obvious solution. So that would make today a better day than yesterday, right? But there is strong bipartisan agreement that some surveillance is necessary to maintain safety from international bad actors. Rep. Adam Schiff, a Democrat from California, called the expiration "a lose-lose."

The Senate will probably restore the expired portions of the act this week. And Congress has been mulling alternatives, like the USA Freedom Act, which would notably mandate that phone companies, not the government itself, store bulk collections. That way, agencies would have to go through the Foreign Intelligence Surveillance Act court in order to pull individual records, instead of having full, broadly approved access.

*****LINK/INTERNAL*****

2NC – Link Extensions

Warrantless mass surveillance is critical to prevent terrorism --- casting a wide net and being able to act quickly is critical to identify networks.

John Yoo, 5/8/2015. Emanuel Heller professor of law at the University of California at Berkeley and a Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel in the U.S. Department of Justice. “Will Congress reject the dangerous NSA ruling by reauthorizing the Patriot Act?” American Enterprise Institute, <https://www.aei.org/publication/will-congress-reject-todays-dangerous-nsa-ruling-by-reauthorizing-the-patriot-act/>.

Finally, the Court displays a deep misunderstanding of the challenges of counterterrorism policy, which Congress understands far better. As Judge Richard Posner has recognized, an intelligence search “is a search for the needle in a haystack.” Rather than pursue suspects who have already committed a crime and whose identity is already known, intelligence agencies must search for clues among millions of potentially innocent connections, communications, and links. “The intelligence services,” Posner writes, “must cast a wide net with a fine mesh to catch the clues that may enable the next attack to be prevented.” Our government can detect terrorists by examining phone and e-mail communications, as well as evidence of joint travel, shared assets, common histories or families, meetings, and so on. If our intelligence agents locate a lead, they must quickly follow its many possible links to identify cells and the broader network of terrorists. A database of call data would allow a fast search for possible links in the most important place — the United States, where terrorists can inflict the most damage. Most of the calling records may well be innocent (just as most of the financial records of a suspected white-collar criminal may also be innocent), but the more complete the database, the better our intelligence agencies can pursue a lead into the U.S.

The NSA program has been empirically effective --- it has neutralized over fifty plots.

USA Today, 6/19/2013. “NSA director: Surveillance foiled 50 terror plots,” <http://www.usatoday.com/story/news/nation/2013/06/18/nsa-surveillance-secret-programs-terror-plots/2434193/>.

National Security Agency Director Keith Alexander told a House committee Tuesday that more than 50 terror threats throughout the world have been disrupted with the assistance of two secret surveillance programs that were recently disclosed by former defense contractor Edward Snowden.

More than 10 of the plots targeted the U.S. homeland, Alexander told the House Intelligence Committee, including a plot to attack the New York Stock Exchange.

"I would much rather be here today debating this," Alexander told lawmakers, referring to the programs' value, "than explaining why we were unable to prevent another 9/11" attack.

At the rare open committee hearing, Alexander and Deputy Attorney General Jim Cole told lawmakers that both surveillance operations — a domestic telephone tracking system that collects records of millions of Americans and an Internet monitoring program targeting non-citizens outside the U.S. — have been subject to rigorous oversight to guard against privacy abuses.

"This isn't some rogue operation that some guys at the NSA are operating," said Alexander, also an Army general.

Deputy FBI Director Sean Joyce described another threat Tuesday that was neutralized by the surveillance programs: Investigators used the phone tracking system to identify an operative in San Diego who was providing support to terrorists in Somalia.

Joyce also referred to two disrupted plots that were disclosed last week as having been thwarted by the surveillance operations, including a 2009 plan to bomb the New York subway system.

In that case, authorities used its Internet monitoring program to identify overseas communications involving Najibullah Zazi in Colorado, who was later convicted in connection with the subway attack plan.

"This is not a program that is off the books," Cole said, outlining the executive, legislative and judicial controls attached to both surveillance operations.

Requiring warrants undermines effective counter-terrorism searches --- the ability to identify unknown terrorists outweighs the risk of false positives.

Richard A. Posner, 2008. Judge, United States Court of Appeals for the Seventh Circuit; Senior Lecturer in Law, The University of Chicago. "Privacy, Surveillance, and Law," 75 University of Chicago Law Review 245, http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2808&context=journal_articles.

I now want to bring law into the picture. After the Supreme Court ruled in a conventional criminal case that wiretapping and, by implication, other forms of electronic surveillance were to be deemed "searches" within the meaning of the Fourth Amendment,⁶ Congress enacted Title III of the Omnibus Crime Control and Safe Streets Act of 1968.⁶ Title III created procedures for obtaining warrants for electronic surveillance that were modeled on the procedures for conventional search warrants. Ten years later—and thus long before the danger of global terrorism was recognized and electronic surveillance transformed by the digital revolution—the Foreign Intelligence Surveillance Act was enacted.⁶ It is a complicated statute, but basically it requires that interceptions in the United States of the international communications of a US

citizen, or permanent resident, or of anyone in the United States if the interception is made here, be conducted pursuant to warrants based on probable cause to believe that one of the parties to the communication is a foreign terrorist. That is the wrong approach as 9/11 has taught us and as Congress is beginning to recognize, evidenced by amendments to FISA enacted since the conference for which this paper was prepared. 8 (The amendments were to be in effect for only six months; Congress is now considering a more permanent restructuring of FISA.) FISA in its preamendment form remains usable for regulating the monitoring of communications of known terrorists, but it is useless for finding out who is a terrorist, 9 even though "the problem of defeating the enemy consists very largely of finding him." 10 Hence the importance of "collateral intercepts"-such as intercepts of communications that seem likely to yield information of intelligence value even if probable cause to believe that a party to the communication is a terrorist is lacking. It is true that surveillance not cabined by a conventional probable cause requirement produces many false positives-interceptions that prove upon investigation to have no intelligence value. But that is not a valid criticism. The cost of false positives must be balanced against that of false negatives. The failure to detect the 9/11 plot was an exceptionally costly false negative. The intelligence services have no alternative to casting a wide net with a fine mesh if they are to have reasonable prospects of obtaining the clues that will enable future terrorist attacks on the United States to be prevented."

Requiring warrants risks intelligence disclosure --- that accelerates plots.

Andrew McCarthy, 5/10/2005. Senior fellow for the Foundation for the Defense of Democracies. Federal Document Clearing House Congressional Testimony, Patriot Act Reauthorization Hearings, 5/10, lexis.

Another frequent and understandable complaint about Section 215 revolves around its so-called "gag rule," which prohibits recipients to disclose the fact of a subpoena. To be sure, the desirability of openness as a check on government over-reaching is unassailable if national security is not threatened. A public safety threat, however, requires reasonable balance between the public interest in disclosure and the reality that disclosure makes our enemies, to be blunt, more efficient at killing us. It can alert them to the fact of an investigation which may thwart our ability to identify key players and locations that threaten Americans. It may endanger the lives of informants or dry up other crucial sources of information (such as wiretaps) since, once terrorists -- or, for that matter, members of any criminal organization -- realize the government knows enough to seek certain records, their first priority often becomes attempting to determine how they have been compromised. Finally, it may trigger a planned attack. On this last score, it is again important to note that terrorists are not like other criminals. They are not in it for the money, and they are not as apt to flee and live to fight another day if they believe their cover is blown. Many of them are devoted to their missions to the point of committing suicide to accomplish them. Publicly revealing an investigation before agents have reached the point of being able to thwart an ongoing terrorist plot may serve to accelerate the terrorist plot.

Terror threats are growing at home and abroad --- continued mass surveillance is critical to detect threats and thwart plots.

Jessica Zuckerman, Steven P. Bucci, Ph.D. and James Jay Carafano, Ph.D., 7/22/2013. Policy Analyst, Western Hemisphere @ Heritage; Director, Douglas and Sarah Allison Center for Foreign and National Security Policy @ Heritage; and Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow @ Heritage. "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism," Heritage Foundation, <http://www.heritage.org/research/reports/2013/07/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism>.

Three months after the attack at the Boston Marathon, the pendulum of awareness of the terrorist threat has already begun to swing back, just as it did after 9/11. Due to the resilience of the nation and its people, for most, life has returned to business as usual. The threat of terrorism against the United States, however, remains.

Expecting to stop each and every threat that reaches a country's borders is unreasonable, particularly in a free society committed to individual liberty. Nevertheless, there are important steps that America's leaders can take to strengthen the U.S. domestic counterterrorism enterprise and continue to make the U.S. a harder target. Congress and the Administration should:

Ensure a proactive approach to preventing terrorist attacks. Despite the persistent threat of terrorism, the Obama Administration continues to focus on reactive policies and prosecuting terrorists rather than on proactive efforts to enhance intelligence tools and thwart terrorist attempts. This strategy fails to recognize the pervasive nature of the threat posed by terrorist groups such as al-Qaeda and homegrown extremism. The Administration, and the nation as a whole, should continue to keep in place a robust, enduring, and proactive counterterrorism framework in order to identify and thwart terrorist threats long before the public is in danger.

Maintain essential counterterrorism tools. Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorist threats. Key provisions within the act, such as the roving surveillance authority and business records provision, have proved essential for thwarting terror plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sunset provisions within the PATRIOT Act.[208] Furthermore, legitimate government surveillance programs are also a vital component of U.S. national security, and should be allowed to continue. Indeed, in testimony before the house, General Keith Alexander, the director of the National Security Agency (NSA), revealed that more than 50 incidents of potential terrorism at home and abroad were stopped by the set of NSA surveillance programs that have recently come under scrutiny. That said, the need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well.

Break down the silos of information. Washington should emphasize continued cooperation and information sharing among federal, state, and local law enforcement agencies to prevent terrorists from slipping through the cracks between the various jurisdictions. In particular, the FBI should make a more concerted effort to share information more broadly with state and local law enforcement. State and local law enforcement agencies are the front lines of the U.S. national security strategy. As a result, local authorities are able to recognize potential danger and identify patterns that the federal authorities may miss. They also take the lead in community outreach, which is crucial to identifying and stopping “lone wolf” actors and other homegrown extremists. Federal law enforcement, on the other hand, is not designed to fight against this kind of threat; it is built to battle cells, groups, and organizations, not individuals.

Streamline the domestic counterterrorism system. The domestic counterterrorism enterprise should base future improvements on the reality that governments at all levels are fiscally in crisis. Rather than add additional components to the system, law enforcement officials should streamline the domestic counterterrorism enterprise by improving current capabilities, leveraging state and local law enforcement resources and authorities, and, in some cases, reducing components where the terrorist threat is not high and the financial support is too thin or could be allocated more effectively. For example, the Department of Homeland Security should dramatically reduce the number of fusion centers, many of which exist in low-risk areas or areas where similar capabilities exist. An easy way to reduce the number of fusion centers is to eliminate funding to those that are located outside the 31 urban areas designated as the highest risk.

Fully implement a strategy to counter violent extremism. Countering violent extremism is an important complementary effort to an effective counterterrorism strategy. In August 2011, the U.S. government released a strategic plan called “Empowering Local Partners to Prevent Violent Extremism in the United States.”[209] The plan focuses on outlining how federal agencies can assist local officials, groups, and private organizations in preventing violent extremism. It includes strengthening law enforcement cooperation and helping communities understand how to counter extremist propaganda (particularly online). Sadly, this plan is not a true strategy. It fails to assign responsibilities and does not direct action or resource investments. More direction and leadership must be applied to transform a laundry list of good ideas into an effective program to support communities in protecting and strengthening civil society.

Vigilance Is Not Optional

In a political environment of sequestration on the one hand and privacy concerns on the other, there are those on both sides of the aisle who argue that counterterrorism spending should be cut and U.S. intelligence agencies reigned in. As the above list indicates however, the long war on terrorism is far from over. Most disturbingly, an increasing number of Islamist-inspired terrorist attacks are originating within America’s borders. The rise of homegrown extremism is the next front in the fight against terrorism and should be taken seriously by the Administration.

While there has not been another successful attack on the homeland on the scale of 9/11, the bombings in Boston reminded the country that the threat of terrorism is real and that continued vigilance is critical to keeping America safe. Congress and the Administration must continue to upgrade and improve the counterterrorism capabilities of law enforcement and intelligence

agencies as well exercise proper oversight of these capabilities. The American people are resilient, but the lesson of Boston is that the government can and should do more to prevent future terror attacks.

XT – Mass Surveillance Key

Mass surveillance is critical to find actionable intelligence.

John Yoo, 6/12/2013. Emanuel Heller professor of law at the University of California at Berkeley and a Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel in the U.S. Department of Justice. “John Yoo: NSA activities shouldn't be aired in public,” <http://www.usatoday.com/story/opinion/2013/06/12/nsa-surveillance-john-yoo-editorials-debates/2417377/>.

But fear should not provoke a rush to harm our war against al-Qaeda. Surveillance of enemy communications not only has a long history in the annals of American arms, but it is also the most effective means for gaining actionable intelligence on terrorists.

President Obama has discarded superior tools: He has stopped the interrogation of al-Qaeda leaders, and his leak-loving staff has blown the penetrations of al-Qaeda cells by intelligence agencies.

By combining telephone call records (but not the content of calls) and foreigners' e-mails abroad — neither of which is protected by the Fourth Amendment — the NSA can at least create the data necessary to quickly identify and frustrate terrorist plans.

Of course, the NSA should not receive a blank check. But it is unnecessary, and even harmful, to air its activities in public.

Al-Qaeda closely monitors our government affairs and reacts quickly. In the 1990s, for example, Osama bin Laden stopped using his personal cellphone only 48 hours after the White House leaked that it was tapped.

Instead of risking the loss of intelligence sources and methods, we should continue to follow the constitutional design. A time-tested system has promoted legislative oversight of classified activities without losing the virtues of speed and secrecy abroad. American intelligence agencies regularly disclose their most sensitive covert operations to congressional leaders, who can exercise their power of the purse to stop bad ideas.

The Framers recognized that our elected representatives would need such secrecy to protect the national security, which is why the Constitution allows for closed congressional proceedings. We should allow the system of representative democracy to decide intelligence policy, rather than sacrifice a critical advantage to satisfy the whims of those who do not understand that we are still a nation at war.

NSA surveillance of meta-data is critical --- PATRIOT Act authorities are key.

John Yoo, 5/15/2015. Emanuel Heller professor of law at the University of California at Berkeley and a Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal

Counsel in the U.S. Department of Justice. "The USA Freedom Act Would Take Us Back to the Pre-9/11 Security Status Quo," National Review, <http://www.nationalreview.com/corner/418462/usa-freedom-act-would-take-us-back-pre-911-security-status-quo-john-yoo>.

I worry that the representatives who voted to pass the USA Freedom Act in the House do not understand its full import in terms of our national security. The bill practically repeals Section 215 of the Patriot Act, but makes it appear as if those who voted for the bill advanced security in some way. The result of the legislation's enactment, however, would not be significantly different than if Section 215 were simply allowed to expire. Even before the Patriot Act, the government could get a warrant from a judge to get call metadata from a phone company. The Freedom Act requires phone companies to keep the calling records, but of course they do that already in order to bill customers. So the Freedom Act eliminates the advantages of Section 215 and practically restores the system that existed before. It is politically superficial but also substantively destructive. As we saw on 9/11, that previous system failed. The reason why is that it slowed everything down (as would the Freedom Act). If our intelligence agencies have a lead — say they capture a terrorist leader or intercept his calls — they will have to act quickly to see what other phone numbers and e-mail addresses that the leader contacted to discover the broader network. The other terrorists, of course, will be switching to other numbers and addresses as soon as they suspect that one of their number has been compromised. Taking the time to (a) prepare a request for a warrant; (b) get it approved by a judge; and then (c) search through multiple phone company databases, will give the terrorists time to hide and cover their tracks. Speed is of the greatest essence exactly when we are trying to find the links in the U.S., where the terrorists will be closest to their targets and our defenses at their weakest. If this program had been in effect before 9/11, the government could have quickly searched the databases to discover the links between the two hijackers known to the CIA to have entered the U.S. That could have quickly led the government to the rest of the hijackers (just as those calling, e-mail, and financial records allowed the FBI to reconstruct the 9/11 terror cells within a day or so after the attacks). Another problem is that having the database dispersed among the different phone companies means our government cannot be sure that it has searched thoroughly for all of the possible links. The value of these metadata searches is reduced if the database is not as complete as possible. The databases will also be in private hands, where they might easily be open to invasions of privacy and penetration by foreign intelligence services.

XT – Executive Flexibility I/L

Flexibility is key to counter-terrorism --- executive must react quickly to intel --- deliberation in Court or Congress risks leaks and undermines rapid reaction.

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

Since the attacks of 9/11, the original concerns noted by Hamilton, Jay, and Madison have been heightened. Never before in the young history of the United States has the need for an energetic executive been more vital to its national security. The need for quick action in this arena requires an executive response - particularly when fighting a shadowy enemy like al Qaeda - not the deliberative bodies opining on what and how to conduct warfare or determining how and when to respond. The threats from non-state actors, such as al Qaeda, make the need for dispatch and rapid response even greater. Jefferson's concerns about the slow and deliberative institution of Congress being prone to informational leaks are even more relevant in the twenty-first century. The advent of the twenty-four hour media only leads to an increased need for retaining enhanced levels of executive [*1362] control of foreign policy. This is particularly true in modern warfare. In the war on international terror, intelligence is vital to ongoing operations and successful prevention of attacks. Al Qaeda now has both the will and the ability to strike with the equivalent force and might of a nation's armed forces. The need to identify these individuals before they can operationalize an attack is vital. Often international terror cells consist of only a small number of individuals - making intelligence that much more difficult to obtain and even more vital than in previous conflicts. The normal movements of tanks, ships, and aircrafts that, in traditional armed conflict are indicia of a pending attack are not the case in the current "fourth generation" war. Thus, the need for intelligence becomes an even greater concern for the commanders in the field as well as the Commander-in-Chief.¶ Supporting a strong executive in foreign affairs does not necessarily mean the legislature has no role at all. In fact, their dominance in domestic affairs remains strong. Additionally, besides the traditional roles identified in the Constitution for the legislature in foreign affairs - declaring war, ratifying treaties, overseeing appointments of ambassadors, etc. - this growth of executive power now, more than ever, necessitates an enhanced, professional, and apolitical oversight of the executive. An active, aggressive oversight of foreign affairs, and warfare in particular, by the legislature is now critical. Unfortunately, the United States - particularly over the past decade - has witnessed a legislature unable to muster the political will necessary to adequately oversee, let alone check, the executive branch's growing power. Examples are abundant: lack of enforcement of the War Powers Resolution around the executive's unchecked invasions of Grenada, Panama, and Kosovo, and such assertions as the Authorization for the Use of Military Force, the USA Patriot Act, military commissions, and the updated Foreign Intelligence Surveillance Act ("FISA"). There have been numerous grand-standing complaints registered in the media and hearings over most, if not all, of these issues. However, in each case, the legislature has all but abdicated their constitutionally mandated role and allowed the judicial branch to serve as the only real check on alleged excesses of the executive branch. This

deference is particularly dangerous and, in the current environment of foreign affairs and warfare, tends to unintentionally politicize the Court.¶ The Founders clearly intended the political branches to best serve the citizenry by functioning as the dominant forces in [*1363] guiding the nation's foreign affairs. They had anticipated the political branches to struggle over who has primacy in this arena. In doing so, they had hoped neither branch would become too strong. The common theme articulated by Madison, ambition counters ambition, n17 intended foreign affairs to be a "give and take" between the executive and legislative branches. However, inaction by the legislative branch on myriad policy and legal issues surrounding the "war on terror" has forced the judiciary to fulfill the function of questioning, disagreeing, and "checking" the executive in areas such as wartime policy, detentions at Guantanamo Bay, and tactics and strategy of intelligence collection. The unique nature of the conflict against international terror creates many areas where law and policy are mixed. The actions by the Bush administration, in particular, led to outcries from many on the left about his intentions and desire to unconstitutionally increase the power of the Presidency. Yet, the Congress never firmly exercised the "check" on the executive in any formal manner whatsoever.¶ For example, many policymakers disagreed with the power given to the President within the Authorization to Use Military Force ("AUMF"). n18 Arguably, this legislation was broad in scope, and potentially granted sweeping powers to the President to wage the "war on terror." However, Congress could have amended or withdrawn significant portions of the powers it gave to the executive branch. This lack of withdrawal or amendment may have been understandable when Republicans controlled Congress, but as of November 2006, the Democrats gained control of both houses of the Congress. Still, other than arguing strongly against the President, the legislature did not necessarily or aggressively act on its concerns. Presumably this inaction was out of concern for being labeled "soft on terror" or "weak on national security" and thereby potentially suffering at the ballot box. This virtual paralysis is understandable but again, the political branches were, and remain, the truest voice of the people and provide the means to best represent the country's beliefs, interests, and national will in the arena of foreign affairs. It has been this way in the past but the more recent (certainly over the past thirty years and even more so in the past decade) intrusions of the judicial branch into what [*1364] was intended to be a "tug and pull" between the political branches can properly be labeled as an unintended consequence of the lack of any real legislative oversight of the executive branch.¶ Unfortunately, now nine unelected, life-tenured justices are deeply involved in wartime policy decision making. Examples of judicial policy involvement in foreign affairs are abundant including *Rasul v. Bush*; n19 *Hamdi v. Rumsfeld*; n20 *Hamdan v. Rumsfeld*; n21 as well as last June's *Boumediene v. Bush* n22 decision by the Supreme Court, all impacting war policy and interpretation of U. S. treaty obligations. Simply, judges should not presumptively impact warfare operations or policies nor should this become acceptable practice. Without question, over the past thirty years, this is the most dramatic change in executive power. It is not necessarily the strength of the Presidency that is the change we should be concerned about - the institutional search for enhanced power was anticipated by the Founders - but they intended for Congress to check this executive tendency whenever appropriate. Unfortunately, this simply is not occurring in twenty-first century politics. Thus, the danger does not necessarily lie with the natural desire for Presidents to increase their power. The real danger is the judicial branch being forced, or compelled, to fulfill the constitutionally mandated role of the Congress

in checking the executive.¶ 4. PRESIDENT OBAMA AND EXECUTIVE POWER¶ The Bush presidency was, and continues to be, criticized for having a standing agenda of increasing the power of the executive branch during its eight-year tenure. Numerous articles and books have been dedicated to discussing these allegations. n23 However, as argued earlier, the reality is that it is a natural bureaucratic tendency, and one of the Founders presciently anticipated, that each branch would seek greater powers whenever and wherever possible. As the world becomes increasingly interdependent, technology and armament become more sophisticated, and with [*1365] the rise of twenty-first century non-state actors, the need for strong executive power is not only preferred, but also necessary. Executive power in the current world dynamic is something, regardless of policy preference or political persuasions, that the new President must maintain in order to best fulfill his constitutional role of providing for the nation's security. This is simply part of the reality of executive power in the twenty-first century. n24

2NC – Intel Key

Intel is key to preventing WMD terrorism --- compromising secrecy risks attacks.

John Yoo, 2004. Professor of Law @ UC-Berkeley, visiting scholar @ the American Enterprise Institute, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003. "War, Responsibility, and the Age of Terrorism," UC-Berkeley Public Law and Legal Theory Research Paper Series, <http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo>.

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

Intel gathering is key to execute a divide and conquer strategy --- that's key to preventing WMD terrorism.

Kurt M. Campbell and Richard Weitz, September 2006. PhD International Relations @ Oxford, Senior Vice President, Henry A. Kissinger Chair in National Security, and Director of the International Security Program at the Center for Strategic and International Studies in Washington; and PhD Political Science @ Harvard, Senior Fellow and Associate Director of Hudson Institute's Center for Future Security Strategies. "Non-Military Strategies For Countering Islamist Terrorism: Lessons Learned From Past Counterinsurgencies," The Princeton Project Papers, <https://www.princeton.edu/~ppns/papers/counterinsurgency.pdf>.

In both counterinsurgency and counterterrorist campaigns, a divide-and-conquer strategy can have three dimensions: exploiting divisions within the adversary's camp, separating the operatives from their domestic supporters, and isolating them from their foreign sponsors. Past

insurgencies show how divisions among the guerrillas, or the people they seek to influence, can assist the counterinsurgency. In Malaya, the existence of a disaffected Chinese ethnic minority made the insurgency possible, but the fact that the majority of Malays identified the guerrillas as predominately ethnic Chinese limited their influence. In Algeria, Vietnam, and Soviet-occupied Afghanistan, however, the authorities could not persuasively depict the insurgents as an unrepresentative minority, particularly given their own dependence on non-native troops, which allowed the guerrillas to characterize the war as a “liberation” insurgency. 49 French, American, and Soviet policy makers also had very little success in exploiting divisions among the insurgent leaders. Furthermore, they proved unable to cultivate a viable “third force” of moderate nationalists that could stand up to the insurgents without extensive foreign backing – something that remains an issue in Afghanistan and Iraq today. The value of amnesty programs in weakening insurgencies is less clear. Their purpose is to encourage defections by less dedicated or otherwise dissatisfied guerrillas. If successful, their direct effect is to reduce the insurgents’ ranks; their indirect impact is to provide additional intelligence sources as well as visible signs that the counterinsurgency is succeeding. In Malaya, the British amnesty program yielded important tactical and strategic intelligence and encouraged further defections. Financial rewards proved especially fruitful. One senior communist leader’s own bodyguards murdered him so they could collect a \$200,000 reward. 50 Other surrendered enemy personnel frequently led the military or police to their former guerrilla units. 51 In the Philippines, offers of free land and basic supporting infrastructure (i.e., roads, housing, and liberal loans) induced some Huk guerrillas to surrender. Similar programs proved far less successful in Algeria or Vietnam. Although the South Vietnamese government began offering amnesty and “rehabilitation” (job training, welfare services, and resettlement assistance) to Viet Cong (VC) and North Vietnamese defectors as early as 1966, the program encountered several problems. Former Prime Minister Nguyen Ky lamented: “Often the Vietcong used the program to get medical attention, decent food, and a few weeks’ vacation from the war. Once they were rested, they re-defected to the communists and continued to fight us.” 52 Low-level VC or even fake guerillas participated for the free food, shelter, and other material benefits. Monetary awards for South Vietnamese responsible for a defection (under the “third-party inducement plan”) led to phony defectors who split the reward money with corrupt officials. 54 Defectors also encountered suspicion and other resistance when they genuinely sought to reintegrate into South Vietnamese society. The various amnesty programs introduced recently in Afghanistan also have experienced only modest success. 55 Pursuing a “divide-and-conquer” strategy in the GWOT would mean attempting to undo al Qaeda’s most important achievement – its success in combining terrorist foot-soldiers from many different ethnic groups and nationalities into a single, eclectic but cohesive movement with operations in more than sixty countries. 56 Bin Laden has managed to get antagonistic rivals – such as Egypt’s two main terrorist groups, the Egyptian Islamic Jihad and the Islamic Group – to set aside years of mutual hostility to cooperate against common enemies. 57 In the GWOT, logical fissures to exploit include divisions within al Qaeda, between al Qaeda and its affiliate terrorist groups, and between the terrorists and their active network of supporters. 58 At a minimum, U.S. policies should aim to counter al Qaeda’s strategy of subsuming all local conflicts under a war of civilizations between the Muslim world on the one hand, and the United States and its non-Muslim allies on the other. Left to themselves, local groups will give priority to local concerns. Most Islamist terrorists in Palestine,

Xinjiang, and Chechnya want to focus on their immediate enemies (Israel, China, and Russia, respectively) and will seek to avoid becoming entangled in a direct conflict with the United States unless given cause to do so. Tensions between Shiite and Sunni extremists offer another opportunity for dividing the adversary. Many Shia Muslims in Iraq have declined to join the insurgency because some Sunni Muslim terrorists – influenced by Takfiri ideology, which depicts Shia Muslims as apostates – have attacked Shias. Some Sunni terrorist groups in Pakistan also have designated Shia Muslims as explicit targets. Bin Laden’s strengthened ties with Shiite-hater Abu Musab al-Zarqawi, especially his designation of him as al Qaeda’s leader in Iraq, provided additional opportunities for the United States to cultivate Shiite support against Sunni terrorist organizations like al Qaeda. A further division within the global Islamist terrorist movement might be emerging between the Arab members of al Qaeda and its Central Asian allies. During the late 1990s, these two groups worked in harmony under the auspices of the IMU, which developed extensive connections with al Qaeda and the Taliban. In May 2001, Taliban authorities even appointed IMU military leader Juma Namangani head of a sort of Islamic foreign legion. Consisting of a variety of non-Afghan Islamic fighters, including Pakistanis, Turks, Uighurs, and Uzbeks, the brigade fought against the Afghani Northern Alliance until U.S. forces destroyed it after September 11, 2001. 59 Pakistan’s recent crackdown on the terrorist operatives who subsequently fled to North and South Waziristan has led to friction between the Arabs and Central Asians there. The two groups compete for hideouts and the affiliation of the local tribes. They also have different priorities, with the Central Asians focused on overthrowing the region’s secular governments rather than attacking Americans, which could draw the U.S. military further into their region. According to media reports, this rivalry has seen captured Chechen, Tajik, and Uzbek suspects divulging information to Pakistani intelligence about the identity and whereabouts of senior Arab members of al Qaeda – including the arrested Libyan operative, Abu Faraj al-Libbi, described as al Qaeda’s third-highest leader. 60 Another way to counter the extremists is to empower Islamic moderates. Just as Social Democrats represented one of the strongest bulwarks against Soviet-allied Communist Parties in Western Europe during the Cold War, so Islamic moderates can drain support and legitimacy from jihadi extremists. Even some otherwise radical Islamist groups could, whatever their subjective views, objectively assist the United States to counter jihadi terrorism. Some of these groups opposed al Qaeda’s 9/11 operation on the grounds that the timing was inappropriate. In particular, they maintained that the strikes should not have occurred until Muslims were more united and better prepared to resist U.S. retaliation. 61 (Bin Laden anticipated that the attacks would further such unity by rallying Muslims against the expected harsh and indiscriminate U.S. response. 62) A salient if controversial target for such a strategy might be the Hizb-ut-Tahrir (“Party of Islamic Liberation”), an international Islamic movement with as many as one hundred thousand adherents concentrated in Eurasia. Although its followers seek to replace the existing regimes in the Middle East and Central Asia with a multinational Caliphate governed by the Islamic laws and practices that existed at the time of the Prophet Muhammad, they insist that such change must occur through non-violent means and dismiss the violent tactics of IMU and al Qaeda as ineffective. Despite the Hizb-ut-Tahrir’s anti-American rhetoric and some of its adherents’ conversion to violent terrorism, the U.S. government has persistently refused to designate it a Foreign Terrorist Organization like al Qaeda. Keeping such “café Islamists” preoccupied with theocratic debates and their never-ending project of writing the perfect constitution for their

envisaged state should become an important goal. The presence of Hizb-ut-Tahrir and other nonviolent Islamic movements, notwithstanding their immoderate rhetoric, provides a non-violent means of expression for many Muslims. Its elimination would likely result in many of its adherents joining radical Islamist terrorist groups. On the other hand, the United States should continue to exert pressure on violent Islamist extremists to exacerbate differences among them – just as the firm U.S. stand against the Sino-Soviet alliance during the 1950s helped divide rather than unite them. In essence, the Soviets feared that the Chinese communists would drag them into a conflict with Washington over Taiwan. Similarly, al Qaeda’s affiliate organizations might break with the radical Islamist network to avoid the fate of the Taliban if, for example, al Qaeda operatives sought to attack a U.S. target in their geographic area of operations notwithstanding the heightened American antiterrorist response that would ensue. Exploiting such differences also could enhance U.S. deterrence against WMD attacks. 64 U.S. policies must make clear to all terrorist groups that joining al Qaeda’s violently anti-American network would result in their becoming targets of an exceptionally robust U.S. response. Intelligence Requirements Conducting an effective divide-and-conquer strategy requires excellent intelligence regarding policy disputes, ideological differences, and private vendettas between the terrorist leaders. For example, the United States needs to know more about the relationships between al Qaeda and its regional affiliates, between Osama bin Laden and Ayman al-Zawahiri, and between bin Laden and other regional leaders. 65 As the global network of radical terrorist groups continues to fragment – seen most saliently in the rise of the “lone wolf” individual inspired by, but not connected with, a specific terrorist group – intelligence analysts will find it increasingly challenging to keep abreast of the network’s evolving components, diverse goals, strategies, and tactics. 66

Complete elimination of terrorism impossible --- intel key to prevent attacks.

John Yoo, 2005. Professor of Law @ UC-Berkeley, visiting scholar @ the American Enterprise Institute, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003. “Enemy Combatants and Judicial Competence,” in *Terrorism, the Laws of War, and the Constitution*, ed. Peter Berkowitz, 83-84, http://media.hoover.org/sites/default/files/documents/0817946225_69.pdf.

Add to these concerns the important military interest, only made more acute by the unconventional nature of the war with al Qaeda, of interrogating enemy combatants for information about coming attacks. Unlike previous wars, the current enemy is a stateless network of religious extremists who do not obey the laws of war, who hide among peaceful populations, and who seek to launch surprise attacks on civilian targets with the aim of causing massive casualties. They have no armed forces to target, no territory to defend, no people to protect, and no fear of killing themselves in their attacks. The front line is not solely a traditional battlefield, and the primary means of conducting the war includes the efforts of military, law enforcement, and intelligence officers to stop attacks before they occur. Information is the primary weapon in the conflict against this new kind of enemy, and intelligence gathered from

captured operatives is perhaps the most effective means of preventing future terrorist attacks upon U.S. territory.

2NC – Deterrence/Perception I/L

Expiration of NSA authority is a massive signal of weakness --- terrorist groups are looking to exploit any vulnerability.

Daily Mail, 5/31/2015. "Head of CIA warns that US is at risk of lone wolf terror attack after NSA powers to monitor all phone calls expired – as Isis 'watch carefully' for security gaps," <http://www.dailymail.co.uk/news/article-3105089/Senate-makes-ditch-bid-extend-NSA-s-bulk-collection-phone-records-Rand-Paul-swears-block-legislation-let-Patriot-Act-expire.html>.

The head of the CIA has warned that Americans are now at risk after the Senate was unable to extend laws giving authorities special powers to fight terrorists.

Politicians in the upper house were unable to come to an agreement to extend key parts of the Patriot Act - that legalize controversial methods of surveillance by the National Security Agency (NSA) - which expired on Sunday.

Attempts were frustrated by Presidential candidate Rand Paul, who has taken a firm stance against the extension of powers allowing the mass collection of phone records, wire taps and warrants without evidence.

But the Head of the CIA John Brennan claims ordinary Americans, who expect the NSA to do their jobs, have been put at risk by 'political grandstanding and crusading for ideological causes' that fueled the debate.

Speaking on CBS show Face The Nation, he warned that the US - and Europe - is now in danger from technologically 'sophisticated' terrorists who are watching developments carefully and 'looking for the seams to operate' within.

He claimed that the authorities do not abuse the powers, extended in 2011 to help fight lone wolf terror suspects not connected to a specific group, and that without them, it's difficult for the NSA to protect America.

Mr Brennan said: 'I think terrorist elements have watched very carefully what has happened here in the United States, whether or not it's disclosures of classified information or whether it's changes in the law and policies. They are looking for the seams to operate within.

'And this is something that we can't afford to do right now, because if you look at the horrific terrorist attacks and violence that is being perpetrated around the globe, we need to keep our country safe. And our oceans are not keeping us safe the way they did a century ago.'

The Patriot Act was passed in 2001 in the wake of the 9/11 terror attacks. Now that the provisions have expired, government agents will need to subpoena phone companies for the records.

The White House previously justified collecting the records because of the Patriot Act's Section 215, which expired on Sunday.

Two other provisions, added in 2011, also expired with it. The first is a 'roving wiretap' provision which allows government agencies to keep tracking suspects as they switch devices.

The second is a 'lone wolf' clause which allows warrants to be granted without any evidence linking a suspect to a foreign power or terrorist group.

Political struggles over the NSA and its data collection have become a national issue since whistleblower Edward Snowden revealed the extent of government programs in 2013.

The senate's efforts to pass a replacement bill were frustrated by Kentucky's junior senator Rand Paul, who has spoken at length against the NSA's activities, which he has excoriated as illegal and unconstitutional.

Paul, a Republican who is running for president, came up against members of his own party, as well as the Obama administration.

With his presidential campaign waning, he has been accused of irresponsible political opportunism by opponents, by fighting a bill on ideological grounds that may put ordinary people at risk.

He was criticized by the White House Sunday night, which called the Patriot Act expiration an 'irresponsible lapse'.

While Brennan didn't mention Paul by name, he said on Face The Nation: 'Unfortunately I think there is a little too much political grandstanding and crusading for ideological causes that have really fuelled the debate on this issue.'

He added: 'These are authorities that have been used by the government to make sure that we're able to safeguard Americans. And the sad irony is that most Americans expect the government to protect them. And so although there's a lot of debate that goes on, on the Congress and the Hill on this issue, I think, when you go out to Boise or Tampa or Louisville, Americans are expecting their law enforcement and homeland security and intelligence professionals to do their work. And these authorities are important.'

Paul argued 'there must be another way' but even he agrees that the lapse in these powers are likely to be temporary as politicians work on the USA Freedom Act, which is expected to pass within the next week.

Republican Senate Majority Leader Mitch McConnell called a rare Sunday session to try to pass the replacement law, but was unable to push it through in time.

And although the replacement is set to pass this week, Paul said the expiration was 'a victory no matter how you look at it'.

In a statement, he said: 'It might be short lived, but I hope that it provides a road for a robust debate, which will strengthen our intelligence community, while also respecting our Constitution.'

He added: 'The expiration of the NSA's sweeping, all-encompassing and ineffectual powers will not relinquish functions necessary for protecting national security. The expiration will instead do what we should have done all along - rely on the Constitution for these powers.'

According to a top lawmaker, as of 8pm Sunday no NSA employee could access their enormous phone records database, which holds metadata on millions of phone conversations handed over by telecoms companies like Verizon and AT&T.

Senate Intelligence Committee chairman Richard Burr said on Sunday: 'There is no way to get any type of agreement tonight -- either an extension or passage of a bill. So at 8pm tonight, NSA employees can not query the database'.

In a statement issued Sunday night, Obama's press secretary Josh Earnest, urged action to pass the USA Freedom Act as quickly as possible.

He said: 'The Senate took an important - if late - step forward tonight. We call on the Senate to ensure this irresponsible lapse in authorities is as short-lived as possible.'

'On a matter as critical as our national security, individual Senators must put aside their partisan motivations and act swiftly. The American people deserve nothing less.'

Some lawmakers have said the lapse raises alarming questions about how US authorities can keep the homeland safe with a diminished security toolbox.

'I think it's very very unfortunate that we're in this position,' said Senator Mike Lee, a conservative Republican who supports the reform bill.

'We've known this date was coming for four years. Four years. And I think it's inexcusable that we adjourned' for a weeklong break last week without resolving the issue.

Lee, too, conceded that the reform bill would most likely pass in the coming week.

With the clock ticking, CIA chief John Brennan warned Sunday that allowing vital surveillance programs to lapse could increase terror threats, and argued that the phone metadata dragnet has not abused civil liberties and only serves to safeguard citizens.

'This is something that we can't afford to do right now,' Brennan said of allowing the counterterrorism provisions to expire.

'Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago,' he said on CBS talk show Face the Nation.

Brennan added that online threats from groups like Isis would continue to grow over the next five to ten years.

He said: 'Isis has been very sophisticated and adept at using the Internet to propagate its message and reach out to individuals. We see what is happening as far as thousands upon thousands of individuals, including many thousands from the West, that have traveled into Syria and Iraq. And a number of these individuals are traveling back.'

'And what we see, they're also using the Internet as a way to incite and encourage individuals to carry out acts of violence.

'So as the director of FBI says, you know, this use of these websites and their Internet capabilities is something of great concern. So yes, I think ISIS is a threat not just in the Middle East and South Asia and African regions but also to Europe as well as to the United States.'

Deterrence works against terrorism --- AQ expects high reliability levels for operations --- they will wait for weakness.

Gordon Woo, 2002. Dr. Gordon Woo was trained in mathematical physics at Cambridge, MIT and Harvard, and has made his career as a calculator of catastrophes. His diverse experience includes consulting for IAEA on the seismic safety of nuclear plants and for BP on offshore oil well drilling. As a catastrophist at Risk Management Solutions, he has advanced the insurance modelling of catastrophes, including designing a model for terrorism risk. "Quantitative Terrorism Risk Assessment,"

http://isc.temple.edu/economics/wkpapers/Homeland/Quantitative_Terrorism_Risk_Assessment.pdf.

The term macroterrorism has been coined to describe a spectacular act of terrorism, (which may be a multiple strike at several locations), which causes more than \$1 billion of loss, or 500 deaths. Minor (micro) terrorist acts, such as house bombing, may occur haphazardly, but not signify a change in the terrorism environment. However, this is not the case with macroterrorism. Following an act of macroterrorism, security and border controls are inevitably strengthened, and emergency government funding made available for improving protective measures. Civil liberties may be temporarily curtailed as suspects are detained without trial, and minority communities potentially supporting sleeper cells are placed under tight surveillance. Although copycat attacks may be attempted in the aftermath of a successful strike, they are likely to fail due to the heightened security. In the harsher security regime soon after a successful strike, terrorists may rationally decide to lie low, and delay any further action until security is relaxed, border controls are eased, civil liberties lawyers intervene, and public risk awareness fades: circumstances which would give a later attack a higher chance of success. There are other reasons favoring a delay. Logistically, resources may need to be replenished after a macroterror attack. Furthermore, once a terrorist's message has been delivered across the media through a spectacular macroterrorism event, (perhaps after a series of failures), a publicity reminder may not be needed for a while. The change in system state following a successful macroterrorism event implies that, rather like great earthquakes, such events do not satisfy the prerequisites of a Poisson process. Although it would require an elaborate Monte Carlo simulation to realize the temporal pattern of successful al-Qaeda macroterror attacks, the simplest representation is a two-state Markov process. In the first state, security is comparatively relaxed, and conducive to a successful macroterror attack. In the second state, security is comparatively strict, and not conducive to a successful macroterror attack. With the almost infinite payoff of paradise promised to martyrs, patience in waiting for security

weaknesses is an optimal strategy. Indeed, it is known that Osama bin Laden has expected very high reliability levels for martyrdom operations. As a didactic illustration, consider the binary situation where successful macroterror attacks only take place during the relaxed security state. If the rate of successful macroterror attacks in this first state is U , and the erosion rate of security in the second state is V , then, assuming a successful macroterror attack causes a state transition from 1 to 2, the limiting proportion of time spent in state 1 is $V/(U+V)$, and the limiting frequency of successful macroterror attacks is $UV/(U+V)$. The effect of maintaining security measures is to keep V low, and hence suppress the limiting frequency of successful macroterror attacks.

XT – Deterrence Works

Deterrence works in this context --- terrorists might not care about death, but they are risk-averse in terms of executing their plots.

Robert Anthony, May 2003. Institute for Defense Analyses. "Deterrence and the 911 Terrorists," <http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA430351>.

The 11 September 2001 attacks on the World Trade Center and the Pentagon using hijacked commercial aircraft as weapons provide a chilling example of a failure to thwart committed suicide terrorists. This paper argues that it should be possible to deter even suicide terrorists, and analyzes why our security protections failed to achieve the conditions necessary to deter the 9-11 attacks. Based on our current understanding and mathematical model of the psychology of deterrence, analysis of the 9-11 attacks shows that the terrorists were cautious and risk averse, yet we as a nation failed to challenge them at the threshold levels necessary to deter their attack. While publicly available empirical data is insufficient to support a complete analysis, both qualitative and quantitative techniques indicate wide gaps between where we were on September 10th and where we need to be to deter such terrorists.

B. BACKGROUND: DETERRENCE AND AVIATION SECURITY

One would expect that as the chances of being caught, imprisoned, killed, or humiliated increase, many terrorists would quit, put off their attack, or chose different, less protected targets. Even suicide terrorists do not want to waste their lives on a futile attack and exhibit extreme caution in all of their preparations. In addition, they probably do not wish to appear as powerless or inept, embarrass their cause, reveal larger plans, or bring shame on their families and supporters.

2NC – AT: Intel Cooperation Turn

Intelligence cooperation is robust despite NSA surveillance.

Defense One, 2/11/2015. Patrick Tucker. “‘Dramatic Improvement’ in US and European Intel Sharing Because of ISIS,” <http://www.defenseone.com/technology/2015/02/dramatic-improvement-us-and-european-intel-sharing-because-isis/105120/>.

More than ever, European countries are voluntarily providing the United States with large amounts of information about their citizens, particularly as those citizens attempt to travel, the nation’s top counterterrorism official said.

Compared to the summer of 2013, U.S.intelligence professionals have seen a “pendulum swing” in the willingness of European law enforcement to share information with the U.S. on European citizens, said Nicholas J. Rasmussen, director of the National Counterterrorism Center, or NCTC, on Wednesday.

Things have turned around since summer 2013, when NSA contractor Edward Snowden first disclosed some of the nation’s most closely kept secrets on surveillance capabilities. Rasmussen said that “the politics are difficult for some of our European partners” but tracking Islamic State fighters, or ISIS, has become a priority.

Rasmussen, before the House Committee on Homeland Security, said that European partners continue to differ from U.S. counterparts on the issue of bulk metadata collection. But European reservations about data sharing in more targeted investigations had “seen a dramatic improvement,” particularly in populating the NCTC’s database, called the Terrorist Identities Datamart Environment, or TIDE. It is one of the key person-of-interest watch lists that the U.S. and other countries use to track potential or suspected terrorists.

Intelligence cooperation is inevitable despite any political disputes over surveillance.

PBS, 10/25/2013. Ray Suarez, PBS; P.J. Crowley, former assistant secretary of state for public affairs, now a professor at George Washington University; and Philip Mudd, senior research fellow at the New America foundation, and held senior positions at the CIA, FBI and the National Security Council. “What are the diplomatic costs of the NSA surveillance revelations for the U.S.?” http://www.pbs.org/newshour/bb/government_programs-july-dec13-snowden2_10-25/

RAY SUAREZ: What impact have the revelations had on U.S. interests abroad and intelligence operations?

P.J. Crowley is a former assistant secretary of state for public affairs, now a professor at George Washington University. And Philip Mudd is a senior research fellow at the New America foundation, and held senior positions at the CIA, FBI and the National Security Council.

P.J. Crowley, these latest revelations of the surveillance of the communication of heads of state and heads of government, is that a serious breach, serious diplomatic problem for the United States now?

P.J. CROWLEY, former U.S. Assistant Secretary of State for Public Affairs: It is a serious and awkward diplomatic problem for the United States.

You know, that said, at the end of the day, interests drive relationship. Politics matters. It animates those relationships and the willingness of leaders to stand together in common cause and do whatever needs to be done to keep their respective countries safe, you know, those relationships also matter.

We have been through these stresses and strains before. We went through them with WikiLeaks. Remember that Iraq wasn't very popular during the Bush administration. So I'm confident that because the relationship between the United States and Europe is so deep, is so broad, is so meaningful, we will get through this. But it will take some time.

RAY SUAREZ: Philip Mudd, how seriously should we take the fury coming from Europe today?

PHILIP MUDD, New America Foundation: I think this is a short-term problem.

As P.J. suggested, I'm not sure it is a long-term issue. The issue here though really is not just these revelations in isolation. It is this cascade through the summer and into the fall about spying on Americans, spying on citizens in Europe, spying on foreign leaders.

This cascade is going to, I think, lead to months, maybe a little longer of tension. These political leaders have to respond. But when security services feel a threat, for example, a threat from terror cells, they will continue to cooperate, regardless of what we're seeing at the political level.

XT – Intel Cooperation High

The perceived threat of terrorism is driving greater EU collaboration on surveillance --- objections to the NSA haven't undermined cooperation.

AP, 5/20/2015. Associated Press. Lori Hinnant and Ken Dilanian. "For US allies, paradigm shift in intelligence collection,"

http://hosted2.ap.org/WVLOG/f0fb39ba210e4705b63f4a0f168573df/Article_2015-05-20-EU--Rethinking%20Intel/id-e41396bf63a04689a4daaabc3fc48651.

PARIS (AP) — Fearful of an expanding extremist threat, countries that for years have relied heavily on U.S. intelligence are quickly building up their own capabilities with new technology, new laws and — in at least one case — a searing debate on how much the American government should be allowed to spy on their own citizens.

Responding to a jihadi movement that is successfully recruiting people from around the world, France and Canada are both passing laws that would dramatically ramp up their intelligence apparatus. In France, lawmakers are on the verge of approving a bill that would let the government install "black boxes" to collect metadata from every major phone and Internet company.

Canada's measures were rushed through after a two separate attacks in October 2014 on Canadian soldiers — including one that ended when the gunman stormed Parliament and was shot to death by guards and police. France's law went into high gear after the January terror attacks on the satirical weekly Charlie Hebdo and a kosher supermarket that left 20 dead, including the gunmen.

Analysts say it's not so much a question of diminishing cooperation with the U.S. — the revelations of Edward Snowden have ultimately done little to harm relationships between allies — as a push to increase domestic capacities ill-equipped to face the rising threat of Islamic State and other jihadi groups.

"These are not people coming from the outside, these are not people who are taking plane trips, they are not people who attracted notice outside our countries. These are people who come from the heart of our society," said Alain Chouet, a former French intelligence official who recently returned from an extended trip to Canada where he debated the measures in both countries. "International cooperation in this area isn't hugely useful."

Technologically, France goes the furthest with the planned creation of a 'Made in France' mass collection of metadata that has the potential to go beyond a National Security Agency program. Where the NSA collected landline metadata for nearly every U.S. citizen but never really got into scooping up cell data, France is pushing to essentially vacuum up and analyze everything — landline, mobile and Internet metadata.

The law authorizing that NSA program is set to expire June 1, but the U.S. House of Representatives last week (if it moves Sunday) passed legislation ending the collection by the

government and only allowing the NSA to ask telephone companies for the metadata on a case-by-case basis. That bill may still face changes in the U.S. Senate.

The Canadian proposals are more measured, but would dramatically expand domestic intelligence capabilities, including disrupting terrorist on-line communications and propaganda, expanding the no-fly list and allowing agencies to share more information, according to Wesley Wark, a Canadian security and intelligence expert. Unlike the French proposals, the Canadian measures began coming under strong public opposition as time went on, including an open letter from 60 executives and a Twitter campaign that included a dire warning this month from author Margaret Atwood: "See you in the slammer, kids."

France and Canada are likely to have new laws before summer. In Germany, the debate is just starting.

The German weekly Der Spiegel reported that the Federal Intelligence Service for years monitored telecoms traffic using filters provided by the NSA because it lacked the capacity — and the legal authority — to do so itself. By 2008, German intelligence agents discovered that some of the filters — known as selectors — related to European arms companies and French authorities.

Neither the government nor the BND, as the intelligence service is known, would comment on reports that Germany has stopped sharing some Internet surveillance data from a German spy station with the NSA. The French appear unworried that their top officials may have been targeted: "We trust the German government," said France's chief spokesman, Stephane Le Foll.

But the Germans may be caught between a history of Nazi and East German regimes and the potential of hundreds of returning Islamic State fighters in their future. Germany has very strict data privacy laws that place serious restrictions on the collection of data. It has been an open secret, however, that German security services have relied on data collected by its allies, particularly the U.S., in their own fight against domestic terrorism.

"There is a lot of caution as to the role of intelligence and in a way, I think, for Germans over the decades it had always been a comforting situation to know we are doing this in cooperation with our allies. Because we had this sort of internal dimension of abuse of secret services," said Daniela Schwarzer, the Berlin-based head of the Europe Program, German Marshall Fund think tank.

"So it's a huge thing and we're just only starting this debate," she said.

Most prominently, German authorities were able to foil a plot in 2007, thanks to information from U.S. intelligence services, by radicals to attack American soldiers and civilians at facilities including the U.S. Air Force's Ramstein Air Base in Germany. In 2013, Chancellor Angela Merkel acknowledged that the security services could not have foiled the plot without "tips from American sources."

Despite German debate over the latest revelations — and French objections to some of the data collection methods revealed by NSA leaker Edward Snowden — none of the allies are actually

proposing diminishing cooperation with the NSA, just beefing up their own capacities, said John "Chris" Inglis, who retired in 2014 as the NSA deputy director.

In France, he said, he sees "the law and policy catching up to what they have already been doing."

In Germany, where many are deeply opposed to government surveillance, he noted that the German government is not forswearing cooperation with the NSA.

And Canada's role as a vital part of the "Five Eyes" intelligence-sharing program joining the U.S., Australia, Britain and New Zealand has not been called into question.

"I do not think we are seeing a trend of Europeans seeking to break away from America as much as a reaction to the increasingly global threat of domestic extremists and returning foreign fighters," said Raj De, who retired as NSA general counsel this year and is now a partner at the Mayer Brown law firm in Washington. "Europeans are having to openly confront the notion that their governments must protect their homeland independently or in continued cooperation with the U.S."

*****IMPACT*****

2NC – Lone Wolf Scenario

Expiration of NSA authority prevents our ability to detect lone wolf terrorists --- they are looking for any vulnerability.

Daily Mail, 5/31/2015. "Head of CIA warns that US is at risk of lone wolf terror attack after NSA powers to monitor all phone calls expired – as Isis 'watch carefully' for security gaps," <http://www.dailymail.co.uk/news/article-3105089/Senate-makes-ditch-bid-extend-NSA-s-bulk-collection-phone-records-Rand-Paul-swears-block-legislation-let-Patriot-Act-expire.html>.

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Attempts were frustrated by Presidential candidate Rand Paul, who has taken a firm stance against the extension of powers allowing the mass collection of phone records, wire taps and warrants without evidence.

But the Head of the CIA John Brennan claims ordinary Americans, who expect the NSA to do their jobs, have been put at risk by 'political grandstanding and crusading for ideological causes' that fueled the debate.

Speaking on CBS show Face The Nation, he warned that the US - and Europe - is now in danger from technologically 'sophisticated' terrorists who are watching developments carefully and 'looking for the seams to operate' within.

He claimed that the authorities do not abuse the powers, extended in 2011 to help fight lone wolf terror suspects not connected to a specific group, and that without them, it's difficult for the NSA to protect America.

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'And this is something that we can't afford to do right now, because if you look at the horrific terrorist attacks and violence that is being perpetrated around the globe, we need to keep our country safe. And our oceans are not keeping us safe the way they did a century ago.'

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He added: 'These are authorities that have been used by the government to make sure that we're able to safeguard Americans. And the sad irony is that most Americans expect the government to protect them. And so although there's a lot of debate that goes on, on the Congress and the Hill on this issue, I think, when you go out to Boise or Tampa or Louisville, Americans are expecting their law enforcement and homeland security and intelligence professionals to do their work. And these authorities are important.'

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Some lawmakers have said the lapse raises alarming questions about how US authorities can keep the homeland safe with a diminished security toolbox.

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Dispersion of technology enables lone wolf terrorists to access WMD.

Gary A. ACKERMAN, Director of the Special Projects Division at the National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland, AND Lauren E. PINSON, Senior Research/Project Manager at START and PhD student at Yale University, 14 ["An Army of One: Assessing CBRN Pursuit and Use by Lone Wolves and Autonomous Cells," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

The first question to answer is whence the concerns about the nexus between CBRN weapons and isolated actors come and whether these are overblown. The general threat of mass violence posed by lone wolves and small autonomous cells has been detailed in accompanying issue contributions, but the potential use of CBRN weapons by such perpetrators presents some singular features that either amplify or supplement the attributes of the more general case and so are deserving of particular attention. Chief among these is the impact of rapid technological development. Recent and emerging advances in a variety of areas, from synthetic biology³ to nanoscale engineering,⁴ have opened doors not only to new medicines and materials, but also to new possibilities for malefactors to inflict harm on others. What is most relevant in the context of lone actors and small autonomous cells is not so much the pace of new invention, but rather the commercialization and consumerization of CBRN weapons-relevant technologies. This process often entails an increase in the availability and safety of the technology, with a concurrent diminution in the cost, volume, and technical knowledge required to operate it. Thus, for example, whereas fifty years ago producing large quantities of certain chemical weapons might have been a dangerous and inefficient affair requiring a large plant, expensive equipment, and several chemical engineers, with the advent of chemical microreactors,⁵ the same processes might be accomplished far more cheaply and safely on a desktop assemblage, purchased commercially and monitored by a single chemistry graduate student.

The rapid global spread and increased user-friendliness of many technologies thus represents a potentially radical shift from the relatively small scale of harm a single individual or small autonomous group could historically cause.⁶ From the limited reach and killing power of the sword, spear, and bow, to the introduction of dynamite and eventually the use of our own infrastructures against us (as on September 11), the number of people that an individual who was unsupported by a broader political entity could kill with a single action has increased from single digits to thousands. Indeed, it has even been asserted that "over time ... as the leverage provided by technology increases, this threshold will finally reach its culmination—with the ability of one man to declare war on the world and win."⁷ Nowhere is this trend more perceptible in the current age than in the area of unconventional weapons.

These new technologies do not simply empower users on a purely technical level. Globalization and the expansion of information networks provide new opportunities for disaffected individuals in the farthest corners of the globe to become familiar with core weapon concepts and to purchase equipment—online technical courses and eBay are undoubtedly a boon to would-be purveyors of violence. Furthermore, even the most solipsistic misanthropes, people who would never be able to function socially as part of an operational terrorist group, can find radicalizing influences or legitimation for their beliefs in the maelstrom of virtual identities on the Internet.

All of this can spawn, it is feared, a more deleterious breed of lone actors, what have been referred to in some quarters as “super-empowered individuals.”⁸ Conceptually, super-empowered individuals are atomistic game-changers, i.e., they constitute a single (and often singular) individual who can shock the entire system (whether national, regional, or global) by relying only on their own resources. Their core characteristics are that they have superior intelligence, the capacity to use complex communications or technology systems, and act as an individual or a “lone-wolf.”⁹ The end result, according to the pessimists, is that if one of these individuals chooses to attack the system, “the unprecedented nature of his attack ensures that no counter-measures are in place to prevent it. And when he strikes, his attack will not only kill massive amounts of people, but also profoundly change the financial, political, and social systems that govern modern life.”¹⁰ It almost goes without saying that the same concerns attach to small autonomous cells, whose members' capabilities and resources can be combined without appreciably increasing the operational footprint presented to intelligence and law enforcement agencies seeking to detect such behavior.

With the exception of the largest truck or aircraft bombs, the most likely means by which to accomplish this level of system perturbation is through the use of CBRN agents as WMD. On the motivational side, therefore, lone actors and small autonomous cells may ironically be more likely to select CBRN weapons than more established terrorist groups—who are usually more conservative in their tactical orientation—because the extreme asymmetry of these weapons may provide the only subjectively feasible option for such actors to achieve their grandiose aims of deeply affecting the system. The inherent technical challenges presented by CBRN weapons may also make them attractive to self-assured individuals who may have a very different risk tolerance than larger, traditional terrorist organizations that might have to be concerned with a variety of constituencies, from state patrons to prospective recruits.¹¹ Many other factors beyond a “perceived potential to achieve mass casualties” might play into the decision to pursue CBRN weapons in lieu of conventional explosives,¹² including a fetishistic fascination with these weapons or the perception of direct referents in the would-be perpetrator's belief system.

Others are far more sanguine about the capabilities of lone actors (or indeed non-state actors in general) with respect to their potential for using CBRN agents to cause mass fatalities, arguing that the barriers to a successful large-scale CBRN attack remain high, even in today's networked, tech-savvy environment.¹³ Dolnik, for example, argues that even though homegrown cells are “less constrained” in motivations, more challenging plots generally have an inverse relationship with capability,¹⁴ while Michael Kenney cautions against making presumptions about the ease with which individuals can learn to produce viable weapons using only the Internet.¹⁵ However, even most of these pundits concede that low-level CBR attacks emanating from this quarter will

probably lead to political, social, and economic disruption that extends well beyond the areas immediately affected by the attack. This raises an essential point with respect to CBRN terrorism: irrespective of the harm potential of CBRN weapons or an actor's capability (or lack thereof) to successfully employ them on a catastrophic scale, these weapons invariably exert a stronger psychological impact on audiences—the essence of terrorism—than the traditional gun and bomb. This is surely not lost on those lone actors or autonomous cells who are as interested in getting noticed as in causing casualties.

Proven Capability and Intent

While legitimate debate can be had as to the level of potential threat posed by lone actors or small autonomous cells wielding CBRN weapons, possibly the best argument for engaging in a substantive examination of the issue is the most concrete one of all—that these actors have already demonstrated the motivation and capability to pursue and use CBRN weapons, in some cases even close to the point of constituting a genuine WMD threat. In the context of bioterrorism, perhaps the most cogent illustration of this is the case of Dr. Bruce Ivins, the perpetrator behind one of the most serious episodes of bioterrorism in living memory, the 2001 “anthrax letters,” which employed a highly virulent and sophisticated form of the agent and not only killed five and seriously sickened 17 people, but led to widespread disruption of the U.S. postal services and key government facilities. 16

Other historical cases of CBRN pursuit and use by lone actors and small autonomous cells highlight the need for further exploration. Among the many extant examples: 17

Thomas Lavy was caught at the Alaska-Canada border in 1993 with 130 grams of 7% pure ricin. It is unclear how Lavy obtained the ricin, what he planned to do with it, and what motivated him.

In 1996, Diane Thompson deliberately infected twelve coworkers with shigella dysenteriae type 2. Her motives were unclear.

In 1998, Larry Wayne Harris, a white supremacist, was charged with producing and stockpiling a biological agent—bacillus anthracis, the causative agent of anthrax.

In 1999, the Justice Department (an autonomous cell sympathetic to the Animal Liberation Front) mailed over 100 razor blades dipped in rat poison to individuals involved in the fur industry.

In 2000, Tsiugio Uchinshi was arrested for mailing samples of the mineral monazite with trace amounts of radioactive thorium to several Japanese government agencies to persuade authorities to look into potential uranium being smuggled to North Korea.

In 2002, Chen Zhengping put rat poison in a rival snack shop's products and killed 42 people.

In 2005, 10 letters containing a radioactive substance were mailed to major organizations in Belgium including the Royal Palace, NATO headquarters, and the U.S. embassy in Brussels. No injuries were reported.

In 2011, federal agents arrested four elderly men in Georgia who were plotting to use ricin and explosives to target federal buildings, Justice Department officials, federal judges, and Internal Revenue Service agents.

Two recent events may signal an even greater interest in CBRN by lone malefactors. First, based on one assessment of Norway's Anders Breivik's treatise, his references to CBRN weapons a) suggest that CBRN weapons could be used on a tactical level and b) reveal (to perhaps previously uninformed audiences) that even low-level CBRN weapons could achieve far-reaching impacts driven by fear. ¹⁸ Whether or not Breivik would actually have sought or been able to pursue CBRN, he has garnered a following in several (often far-right) extremist circles and his treatise might inspire other lone actors. Second, Al-Qaeda in the Arabian Peninsula (AQAP) released two issues of Inspire magazine in 2012. Articles, on the one hand, call for lone wolf jihad attacks to target non-combatant populations and, on the other, permit the use of chemical and biological weapons. The combination of such directives may very well influence the weapon selection of lone actor jihadists in Western nations. ¹⁹

XT – Lone Wolf Threat Growing

Lone wolf terrorism's growing now

Christopher HEWITT, Emeritus Professor of Sociology at the University of Maryland, Baltimore County, 14 ["Law Enforcement Tactics and Their Effectiveness in Dealing With American Terrorism: Organizations, Autonomous Cells, and Lone Wolves," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

The results of our study have some obvious implications for law enforcement practices and policies. Routine policing by local law enforcement agencies played an unexpectedly significant role in catching terrorists. Therefore it is imperative that local police forces should be given adequate resources (funding, training, and equipment) commensurate with that role.

The importance of the general public as witnesses and otherwise providing information to police is clear, but attempts to encourage even greater public cooperation—"See something, say something"—have problems. Appeals for help in locating or identifying suspects are costly in terms of manpower expended in tracking down false leads. The government and the media typically exaggerate the threat from terrorism. The changing colors published by Homeland Security showing the supposed level of terrorist threat initially increased public fears, and later led to claims that the authorities were crying wolf after so many false alarms had been publicized. The ideal should be a vigilant but not a hysterical citizenry.

One function of policing is preventive, seeking to identify potential criminal or terrorist threats. Generally informants or surveillance are used, not to catch terrorists after they have committed their crimes, but to prevent terrorist attacks from occurring in the first place. However, this raises significant civil liberties concerns. To what extent is it legitimate to gather intelligence on extremist movements and activists if they have not actually engaged in violence? Intelligence gathering by these means is even more troubling if it involves spying on members of the general public. Since 9/11, it is alleged that police departments have been guilty of placing entire Muslim communities under scrutiny without any evidence of wrongdoing. Indeed in April 2012, the Pulitzer Prize for investigative reporting was awarded to the Associated Press for a series of critical articles about the policies of the New York City Police Department's Intelligence Department. The Associated Press articles claimed that the NYPD "put American citizens under surveillance and scrutinized where they ate, prayed, and worked, not because of charges of wrongdoing but because of their ethnicity The documents describe in extraordinary detail a secret program intended to catalog life inside Muslim neighborhoods." The NYPD was accused of using "mosque crawlers" to monitor sermons, employing undercover officers and confidential informants, and of infiltrating Muslim student groups and monitoring their Internet activities. 28

A chronology of terrorist incidents and plots since 9/11 reveals the major role played by undercover agents and informants, as well as the frequency with which electronic surveillance is employed. Of 47 plots, all were carried out by lone wolves or a group of friends, and none were by members of organized groups. 29 Most plots were by Islamist extremists (53%) or right-wing

extremists (34%), with the remainder by anarchists, militant Jews, and anti-abortionists. For the 38 plots for which information is available, Table 2 shows what factors were successful in how they were uncovered.

There are some striking differences between police tactics in dealing with plots and dealing with actual incidents. Obviously since no actual attack had taken place, the absence of clues from the crime scene or witnesses is understandable. Tips from the public or routine policing are much less important, while the role of undercover agents is a major factor. An examination of several of the cases suggests that many of the plots discovered were a result of sting operations, sometimes verging on entrapment.

Overall, the difference between the earlier organized campaigns and the later lone wolf terrorism is evident. The main reason for this transition lies in the repressive powers available to modern states. Extremist groups which threaten violence become the objects of repression. Historically, the decline of the Klan, Black militants, Puerto Rican nationalists, and right-wing extremists was a result of mass arrests and police harassment. 30 Leaderless resistance emerged as a strategy among right-wing militants because of the imprisonment and prosecution of their leaders and activists. Similarly, the jihadist movement resorted to lone wolf actions after the decapitation of al Qaeda and the destruction of most of its leadership. Since both in the United States and Europe there exists large and growing numbers of both angry jihadists and White nationalists, we can expect an increase in lone-wolf terrorism in the future.

Lone wolves growing—can't decapitate an ideology

Sam Jones 14, Financial Times (FT), 14 ["Al-Qaeda: on the march," January 19, 2014, <http://www.ft.com/cms/s/2/d8662d86-8124-11e3-95aa-00144feab7de.html#slide0>]

But al-Qaeda has proved to have a Hydra-like quality. Far from withering, it has proliferated. The group and its affiliates have never controlled more land, had as many recruits in their ranks or been as well financially resourced as now.

In recent months, al-Qaeda franchises have scored successes or near-victories in an arc stretching from the Sahel in east Africa through to the Levant via the Horn of Africa, Yemen and Iraq.

In 2012, al-Qaeda forces came within hours of seizing control of Bamako, the capital of Mali. In 2013, its militants radicalised the conflict in Syria. This year has begun with fighters storming the city of Fallujah in Iraq, just 70km from Baghdad. They still control it.

Last Wednesday, the US House Intelligence committee opened an inquiry to investigate the resurgence of the group. Mike Rogers, the Republican congressman who chairs the committee, called the demise of al-Qaeda a "false narrative" and warned against complacency in Washington. He cautioned: "The defeat of an ideology requires more than just drone strikes."

Three fundamental questions are of concern to the west in its handling of the group's rebound. How resilient is the resurgence, how centralised is its structure and how much of a threat does it still pose internationally?

The hope among its opponents is that al-Qaeda's renaissance belies a still dangerous but fatally weakened foe. Many see the group as a disparate set of franchises that have fed off disenchantment caused by the Arab Spring, but which ultimately are either locally focused and pragmatic. Or they believe it will burn itself out through its own brutality, alienating local Muslim populations by persecuting them as much as waging jihad against the west and its regional allies.

They point to the situation in Syria, where jihadis fighting for the Islamic State of Iraq and al-Sham are committing atrocities against civilians, turning other Islamist groups against them.

But Isis's brutality – and the “seeds of its own destruction” narrative of al-Qaeda that is perpetuated by such actions in the west – is far from the complete picture.

Al-Qaeda is certainly disparate and no longer controlled to the same degree by a central authority. But it has proved very adaptable, and very aware of the mistakes it made in the past.

Afghanistan and Pakistan

In Afghanistan, the rout of al-Qaeda has been extensive. Intelligence analysts put the number of al-Qaeda operatives functioning in the country as low as 200, although many fear a rebound if aid to the fragile Afghan government dries up.

For now, al-Qaeda's core presence in the area – and the world – remains in Pakistan, where Ayman al-Zawahiri, the successor to Osama bin Laden, is based.

Its links in Pakistan run deep. It is telling that it took the US a decade to find the whereabouts of bin Laden, who turned out to be living in a compound in urban Abbottabad. While al-Qaeda is known to have a significant presence in the Federally Administered Tribal Areas of the country, many analysts believe its core leadership operates comfortably – or could even be based in – its most populated, metropolitan areas.

The US drone campaign explains why. “You can't just go and bomb an urban area,” says Shashank Joshi, research fellow at the Royal United Services Institute, a UK think-tank. “Al-Qaeda has adapted to our counterterrorism measures and it has become more resilient. [While] its leadership has been shattered at various points, it is clearly not any longer an organisation dependent on a small coterie of individuals for its survival.”

Syria and Iraq

It is now difficult to imagine that before the 2003 US invasion of Iraq, al-Qaeda and affiliated groups had almost no presence in the Levant. The ill-fated US occupation created both a lawless environment for radical jihadi governments to take root and fomented an ideologically potent cause for them to pursue.

Al-Qaeda's early success in Iraq under Jordanian Abu Musab al-Zarqawi was unwound from 2006, thanks to the US-funded *sahwa* (awakening) of local Sunni tribes in Iraq's Anbar province,

who revolted against al-Qaeda's excesses. It has since been resurgent. In Syria, the relentless and brutal assault on mostly peaceful Sunni protesters by Bashar al-Assad, the country's Alawite president, has provided al-Qaeda with an expansive presence in the region. In Iraq, political mismanagement on the part of President Nouri al-Maliki and the spillover from Syria have contributed to the group's renewed presence in Anbar province.

Both Jahbat Al-Nusra, led by Abu Mohammed al-Joulani, and the Islamic State of Iraq and al-Sham, led by Abu Bakr al-Baghdadi, claim affiliation to al-Qaeda in the region.

But in Syria, it is Al-Nusra – Syrian- led and more tolerant – that has the support of Mr Zawahiri, and not the more brutal Iraqi-dominated Isis, which has already alienated swaths of the indigenous Syrian population with its ruthlessness.

Yemen

The remote mountains of southern Yemen gave birth to al-Qaeda and to this day remain one of the group's most cohesive strongholds in the world. The group has found solace among the mountains and fiercely independent tribes of the south, tapping into the deep pool of resentment born of grinding poverty, anti-northern sentiment and, more recently, US drone strikes that have all too often hit innocent targets.

The Yemeni and Saudi branches of the group merged in 2009 to form al-Qaeda in the Arabian Peninsula, led by Nasir al-Wuhaishi, Osama bin Laden's former secretary and one of Mr Zawahiri's closest allies. AQAP is considered by western intelligence agencies the most dangerous branch of al-Qaeda, and it has proved resilient: a government campaign in 2012 to expel the group from Abyan and Sabwah provinces is still continuing.

AQAP has more recently adapted its method of exporting jihad by using other militant groups around the world as proxies.

"This may be the kind of relationship that we increasingly see between AQAP and other groups with the promotion of Mr Wuhaishi – loose operational guidance with seed funding and, where possible, the provision of fighters to participate in high-profile plots, especially in the fluid security environments of north Africa," says John Nugent, terrorism analyst at Control Risks, a security consultancy.

Horn of Africa

In the Horn, al-Qaeda's current largest affiliate is al-Shabaab (the Boys), the former youth movement of the Islamic Courts Union (ICU), the radical Islamist group that once controlled most of Somalia.

While it has been forced to cede huge swaths of territory in the past 18 months, it remains a well-resourced organisation, and embedded throughout Somalia.

The UN estimated it earned \$50m a year when it controlled the port of Kismayo. It has also exploited the illegal ivory trade, killing hundreds of elephants in the region, according to environmental campaigners.

As al-Shabaab has been pushed back, it has sought to export violence to the home soil of those fighting it, such as Kenya. The group orchestrated the deadly Westgate shopping mall attack in Nairobi last September, in which more than 60 people died.

The ICU itself had strong ties with al-Qaeda core, with many of its founding leaders trained in Afghanistan, but al-Shabaab has often chosen to follow its own path.

In 2010 Mr Zawahiri sought to replace al-Shabaab's leader, Ahmed Godane, but his ruling was ignored. Mr Godane swore allegiance to Mr Zawahiri again in 2012.

The Sahel and Maghreb

More than a year after staging a spectacular attack on a remote Algerian oil and gas facility, and 18 months after nearly seizing control of Mali, al-Qaeda of the Islamic Maghreb appears on the defensive. French troops have pushed back AQIM, led by Abu Musab Abdel Wadoud, a veteran of Algeria's 1990s civil war. Algeria's security forces have cornered extremist groups.

But from Mauritania to Libya, the longstanding ethnic and political grievances still fester. The abuses of the civil war that fed Algerian Islamist anger have never been resolved. The official neglect that led ethnic Tuaregs to seek an autonomous Saharan homeland has worsened.

"No one should underestimate the narrow margin that existed between AQ and their goal of seeking to take over the organs of a whole state and create a safe haven," says Stephen O'Brien, the UK prime minister's special envoy to the Sahel, referring to AQIM's near takeover of Bamako, Mali's capital, in 2012.

"What is clear is that the franchise's approach has become much more about winning over the hearts and minds of populations by the provision of basic services."

2NC – Threats Real (Domestic)

Terror threats are growing --- NSA surveillance is vital.

John R. Bolton, 4/28/2015. Formerly served as the U.S. permanent representative to the United Nations, and under secretary of state for arms control and international security. At AEI, Ambassador Bolton's area of research is U.S. foreign and national security policy. "NSA activities key to terrorism fight," American Enterprise Institute, <https://www.aei.org/publication/nsa-activities-key-to-terrorism-fight/>.

Congress is poised to decide whether to re-authorize programs run by the National Security Agency that assess patterns of domestic and international telephone calls and emails to uncover linkages with known terrorists. These NSA activities, initiated after al-Qaeda's deadly 9/11 attacks, have played a vital role in protecting America and our citizens around the world from the still-metastasizing terrorist threat.

The NSA programs do not involve listening to or reading conversations, but rather seek to detect communications networks. If patterns are found, and more detailed investigation seems warranted, then NSA or other federal authorities, consistent with the Fourth Amendment's prohibition against unreasonable searches and seizures, must obtain judicial approval for more specific investigations. Indeed, even the collection of the so-called metadata is surrounded by procedural protections to prevent spying on U.S. citizens.

Nonetheless, critics from the right and left have attacked the NSA for infringing on the legitimate expectations of privacy Americans enjoy under our Constitution. Unfortunately, many of these critics have absolutely no idea what they are talking about; they are engaging in classic McCarthyite tactics, hoping to score political points with a public justifiably worried about the abuses of power characteristic of the Obama administration. Other critics, following Vietnam-era antipathies to America's intelligence community, have never reconciled themselves to the need for robust clandestine capabilities. Still others yearn for simpler times, embodying Secretary of State Henry Stimson's famous comment that "gentlemen don't read each others' mail."

The ill-informed nature of the debate has facilitated scare-mongering, with one wild accusation about NSA's activities after another being launched before the mundane reality catches up. And there is an important asymmetry at work here as well. The critics can say whatever their imaginations conjure up, but NSA and its defenders are significantly limited in how they can respond. By definition, the programs' success rests on the secrecy fundamental to all intelligence activities. Frequently, therefore, explaining what is not happening could well reveal information about NSA's methods and capabilities that terrorists and others, in turn, could use to stymie future detection efforts.

After six years of President Obama, however, trust in government is in short supply. It is more than a little ironic that Obama finds himself defending the NSA (albeit with obvious hesitancy and discomfort), since his approach to foreign and defense issues has consistently reflected

near-total indifference, except when he has no alternative to confronting challenges to our security. Yet if harsh international realities can penetrate even Obama's White House, that alone is evidence of the seriousness of the threats America faces.

In fact, just in the year since Congress last considered the NSA programs, the global terrorist threat has dramatically increased. ISIS is carving out an entirely new state from what used to be Syria and Iraq, which no longer exist within the borders created from the former Ottoman Empire after World War I. In already-chaotic Libya, ISIS has grown rapidly, eclipsing al-Qaeda there and across the region as the largest terrorist threat. Boko Haram is expanding beyond Nigeria, declaring its own caliphate, even while pledging allegiance to ISIS. Yemen has descended into chaos, following Libya's pattern, and Iran has expanded support for the terrorist Houthi coalition. Afghanistan is likely to fall back under Taliban control if, as Obama continually reaffirms, he withdraws all American troops before the end of 2016.

This is not the time to cripple our intelligence-gathering capabilities against the rising terrorist threat. Congress should unquestionably reauthorize the NSA programs, but only for three years. That would take us into a new presidency, hopefully one that inspires more confidence, where a calmer, more sensible debate can take place.

Homegrown terrorism threat is increasing --- domestic surveillance is essential.

Jessica Zuckerman, Steven P. Bucci, Ph.D. and James Jay Carafano, Ph.D., 7/22/2013. Policy Analyst, Western Hemisphere @ Heritage; Director, Douglas and Sarah Allison Center for Foreign and National Security Policy @ Heritage; and Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow @ Heritage. "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism," Heritage Foundation, <http://www.heritage.org/research/reports/2013/07/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism>.

Three months after the attack at the Boston Marathon, the pendulum of awareness of the terrorist threat has already begun to swing back, just as it did after 9/11. Due to the resilience of the nation and its people, for most, life has returned to business as usual. The threat of terrorism against the United States, however, remains.

Expecting to stop each and every threat that reaches a country's borders is unreasonable, particularly in a free society committed to individual liberty. Nevertheless, there are important steps that America's leaders can take to strengthen the U.S. domestic counterterrorism enterprise and continue to make the U.S. a harder target. Congress and the Administration should:

Ensure a proactive approach to preventing terrorist attacks. Despite the persistent threat of terrorism, the Obama Administration continues to focus on reactive policies and prosecuting terrorists rather than on proactive efforts to enhance intelligence tools and thwart terrorist attempts. This strategy fails to recognize the pervasive nature of the threat posed by terrorist groups such as al-Qaeda and homegrown extremism. The Administration, and the nation as a

whole, should continue to keep in place a robust, enduring, and proactive counterterrorism framework in order to identify and thwart terrorist threats long before the public is in danger.

Maintain essential counterterrorism tools. Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorist threats. Key provisions within the act, such as the roving surveillance authority and business records provision, have proved essential for thwarting terror plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sun setting provisions within the PATRIOT Act.[208] Furthermore, legitimate government surveillance programs are also a vital component of U.S. national security, and should be allowed to continue. Indeed, in testimony before the house, General Keith Alexander, the director of the National Security Agency (NSA), revealed that more than 50 incidents of potential terrorism at home and abroad were stopped by the set of NSA surveillance programs that have recently come under scrutiny. That said, the need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well.

Break down the silos of information. Washington should emphasize continued cooperation and information sharing among federal, state, and local law enforcement agencies to prevent terrorists from slipping through the cracks between the various jurisdictions. In particular, the FBI should make a more concerted effort to share information more broadly with state and local law enforcement. State and local law enforcement agencies are the front lines of the U.S. national security strategy. As a result, local authorities are able to recognize potential danger and identify patterns that the federal authorities may miss. They also take the lead in community outreach, which is crucial to identifying and stopping “lone wolf” actors and other homegrown extremists. Federal law enforcement, on the other hand, is not designed to fight against this kind of threat; it is built to battle cells, groups, and organizations, not individuals.

Streamline the domestic counterterrorism system. The domestic counterterrorism enterprise should base future improvements on the reality that governments at all levels are fiscally in crisis. Rather than add additional components to the system, law enforcement officials should streamline the domestic counterterrorism enterprise by improving current capabilities, leveraging state and local law enforcement resources and authorities, and, in some cases, reducing components where the terrorist threat is not high and the financial support is too thin or could be allocated more effectively. For example, the Department of Homeland Security should dramatically reduce the number of fusion centers, many of which exist in low-risk areas or areas where similar capabilities exist. An easy way to reduce the number of fusion centers is to eliminate funding to those that are located outside the 31 urban areas designated as the highest risk.

Fully implement a strategy to counter violent extremism. Countering violent extremism is an important complementary effort to an effective counterterrorism strategy. In August 2011, the U.S. government released a strategic plan called “Empowering Local Partners to Prevent Violent Extremism in the United States.”[209] The plan focuses on outlining how federal agencies can

assist local officials, groups, and private organizations in preventing violent extremism. It includes strengthening law enforcement cooperation and helping communities understand how to counter extremist propaganda (particularly online). Sadly, this plan is not a true strategy. It fails to assign responsibilities and does not direct action or resource investments. More direction and leadership must be applied to transform a laundry list of good ideas into an effective program to support communities in protecting and strengthening civil society.

Vigilance Is Not Optional

In a political environment of sequestration on the one hand and privacy concerns on the other, there are those on both sides of the aisle who argue that counterterrorism spending should be cut and U.S. intelligence agencies reined in. As the above list indicates however, the long war on terrorism is far from over. Most disturbingly, an increasing number of Islamist-inspired terrorist attacks are originating within America's borders. The rise of homegrown extremism is the next front in the fight against terrorism and should be taken seriously by the Administration.

While there has not been another successful attack on the homeland on the scale of 9/11, the bombings in Boston reminded the country that the threat of terrorism is real and that continued vigilance is critical to keeping America safe. Congress and the Administration must continue to upgrade and improve the counterterrorism capabilities of law enforcement and intelligence agencies as well exercise proper oversight of these capabilities. The American people are resilient, but the lesson of Boston is that the government can and should do more to prevent future terror attacks.

2NC – AT: No WMD Terrorism (Lone Wolf)

Their defense doesn't assume lone wolves and dual tech

Patrick D. ELLIS, WMD/Homeland Security Analyst and Instructor at the U.S. Air Force Counterproliferation Center, Air University, 14 ["Lone Wolf Terrorism and Weapons of Mass Destruction: An Examination of Capabilities and Countermeasures," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

Today, the specters of lone wolves and autonomous cells acquiring and using chemical, biological, radiological, and nuclear (CBRN) weapons of mass destruction, whether in their traditional military forms or the more non-traditional industrial forms, seems less far-fetched. Fortunately, military CBRN agents and weapons are not normally accessible to lone wolves or autonomous cells and are often located in highly secured areas. Therefore, lone wolves and autonomous cells may be drawn to materials similar to CBRN located in less secure areas. These commonplace industrial chemicals, biological contaminants, and radioactive materials could be used to cause disruptions or mass casualties. The dual use nature of these materials and technologies enables them to be turned into weapons and delivered by nonmilitary means. Future "over-the-horizon" threats, such as the proliferation of new biotechnologies and amateur do-it-yourself capabilities, pose a risk that lone wolves could develop weapons at a time when travel, access to knowledge, and dual-use technologies, in the globalizing environment, make lone wolf terrorists more dangerous. Thus, the author explores existing countermeasures, such as laws, strategies, passive and active measures designed to stop these dangerous threats. In particular, capabilities to prevent, protect, respond, and recover from CBRN terrorist acts are examined.

Risk is high—WMD barriers are falling fast

Gary A. ACKERMAN, Director of the Special Projects Division at the National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland, AND Lauren E. PINSON, Senior Research/Project Manager at START and PhD student at Yale University, 14 ["An Army of One: Assessing CBRN Pursuit and Use by Lone Wolves and Autonomous Cells," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

Yet, even though the probability of lone actors or autonomous cells possessing the technical and operational capabilities to deploy CBRN agents on the scale of a WMD is currently low, this should not lull security agencies into a sense of complacency with respect to the future threat. After all, the philosopher David Hume⁶⁵ and others have warned us not to put too much stock in prior experience—while historical patterns can often be valuable indicators, the future is an undiscovered country variously populated by Black Swans and Wild Cards.⁶⁶ This is especially true in the current technological environment. As described in the introductory section, rapid and more importantly, accelerating technological advancement, suggests a dramatic rise in the

number of alienated adepts with the capability to twist these advances to a baleful design. The probability that the wrong individual will come into contact with the wrong technology at the wrong time might thus be trending inexorably upwards. Several individuals have already tried and at least one, Bruce Ivins, came extremely close. So, even though current empirical data does not indicate a CBRN threat of catastrophic magnitude emanating from lone actors or autonomous cells, we need to at least remain cognizant of the possibility, to our disquiet, that it might be only a matter of time before a misanthropic individual or small, nebulous group becomes superempowered and attains a WMD capability. Given the colossal difficulties in an open and free society of interdicting these insidious actors before they strike, researchers and security agencies alike should be exerting the maximum effort to monitor developments in this area and evolve their own powers of detection if they wish to forestall the threat.

2NC – Bioweapons Impact

Lone wolves will use bio-weapons—tech is accessible and will spread globally

Patrick D. ELLIS, WMD/Homeland Security Analyst and Instructor at the U.S. Air Force Counterproliferation Center, Air University, 14 [“Lone Wolf Terrorism and Weapons of Mass Destruction: An Examination of Capabilities and Countermeasures,” *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

Since the mapping of the human genome in the early 2000s, the biotechnological fields have grown dramatically. 40 A driver for this growth has been the convergence of engineering, physical sciences, and life sciences, creating a cross-pollination environment for the transfer of individual “tool sets from one science to another.” 41 This of course is of concern to military professionals who are worried that the proliferation of “biotechnology and life sciences—including the spread of expertise to create modified or novel organisms—present the prospect of new toxins, live agents, and bioregulators.” 42 With these skills, it would be possible for a small group to take the convergence in sciences and “inflict untold damage if armed with the right unconventional weapon.” 43 It is the dual nature of these dynamic technologies that could bring unforeseen horror if used improperly and “provide bad actors increased capacity to build and deploy more dangerous biological weapons.” 44 As these technologies and sciences are diffused through more than 4,070 45 biotechnology companies, security professionals should be aware that a lone wolf insider could have access to these skills, especially since these technologies and knowledge are also being diffused to larger populations. In recent years, there has emerged a community of amateur do-it-yourself biologists “dedicated to making biology an accessible pursuit for citizen scientists, amateur biologists and biological engineers.” 46 They provide the “mechanisms for amateurs to increase their knowledge and skills.” 47 However, while the majority of these do-it-yourself biologist activities remain benign, there runs a risk that lone wolves could acquire this technology to develop a weapon.

In his book *Hot Zone*, Richard Preston points out how easy it is for diseases to move globally: “A hot virus from the rain forest lives within a twenty-four hour plane ride from every city on earth. All of the earth's cities are connected by a web of airline routes. The web is a network. Once a virus hits the net, it can shoot anywhere in a day—Paris, Tokyo, New York, Los Angeles, wherever planes fly.” 48 In 2008, passengers travelled over 4,621 billion kilometers, 49 compared with over 1,500 billion kilometers in 1990, 50 and by 2028 it will rise to 12,090 billion. 51 If a lone wolf terrorist infected himself with an infectious disease, such as plague or a future DIY disease, and flew on a major airline through several major hubs, a serious pandemic could occur. Just note how the 2002–2003 outbreak of the severe acute respiratory syndrome (SARS)—starting in Hong Kong—became a global problem very quickly.

Extinction

Nathan MYHRVOLD, PhD in theoretical and mathematical physics from Princeton, former chief technology officer of Microsoft, 13 [July 2013, “Strategic Terrorism: A Call to Action,” *The*

A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV. It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.¹⁶ When I've talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate *Homo sapiens*—will be available to anybody with a solid background in biology, terrorists included. The 9/11 attacks involved at least four pilots, each of whom had sufficient education to enroll in flight schools and complete several years of training. Bin Laden had a degree in civil engineering. Mohammed Atta attended a German university, where he earned a master's degree in urban planning—not a field he likely chose for its relevance to terrorism. A future set of terrorists could just as easily be students of molecular biology who enter their studies innocently enough but later put their skills to homicidal use. Hundreds of universities in Europe and Asia have curricula sufficient to train people in the skills necessary to make a sophisticated biological weapon, and hundreds more in the United States accept students from all over the world. Thus it seems likely that sometime in the near future a small band of terrorists, or even a single misanthropic individual, will overcome our best defenses and do something truly terrible, such as fashion a bioweapon that could kill millions or even billions of people. Indeed, the creation of such weapons within the next 20 years seems to be a virtual certainty.

AT: No Impact (Bioweapons)

Bioweapons cause extinction—nuclear weapons don't.

Singer 1— Clifford Singer, Director of the Program in Arms Control, Disarmament, and International Security at the University of Illinois at Urbana—Champaign [Spring 2001, "Will Mankind Survive the Millennium?" The Bulletin of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana-Champaign, 13.1, http://www.acdis.uiuc.edu/research/S&Ps/2001-Sp/S&P_XIII/Singer.htm]

In recent years the fear of the apocalypse (or religious hope for it) has been in part a child of the Cold War, but its seeds in Western culture go back to the Black Death and earlier. Recent polls suggest that the majority in the United States that believe man would survive into the future for substantially less than a millennium was about 10 percent higher in the Cold War than afterward. However fear of annihilation of the human species through nuclear warfare was confused with the admittedly terrifying, but much different matter of destruction of a dominant civilization. The destruction of a third or more of much of the globe's population through the disruption from the direct consequences of nuclear blast and fire damage was certainly possible. There was, and still is, what is now known to be a rather small chance that dust raised by an all-out nuclear war would cause a so-called nuclear winter, substantially reducing agricultural yields especially in temperate regions for a year or more. As noted above mankind as a whole has weathered a number of mind-boggling disasters in the past fifty thousand years even if older cultures or civilizations have sometimes eventually given way to new ones in the process. Moreover the fear that radioactive fallout would make the globe uninhabitable, publicized by widely seen works such as "On the Beach," was a metaphor for the horror of nuclear war rather than reality. The epidemiological lethal results of well over a hundred atmospheric nuclear tests are barely statistically detectable except in immediate fallout plumes. The increase in radiation exposure far from the combatants in even a full scale nuclear exchange at the height of the Cold War would have been modest compared to the variations in natural background radiation doses that have readily been adapted to by a number of human populations. Nor is there any reason to believe that global warming or other insults to our physical environment resulting from currently used technologies will challenge the survival of mankind as a whole beyond what it has already handily survived through the past fifty thousand years.

There are, however, two technologies currently under development that may pose a more serious threat to human survival. The first and most immediate is biological warfare combined with genetic engineering. Smallpox is the most fearsome of natural biological warfare agents in existence. By the end of the next decade, global immunity to smallpox will likely be at a low unprecedented since the emergence of this disease in the distant past, while the opportunity for it to spread rapidly across the globe will be at an all time high. In the absence of other complications such as nuclear war near the peak of an epidemic, developed countries may respond with quarantine and vaccination to limit the damage. Otherwise mortality there may match the rate of 30 percent or more expected in unprepared developing countries. With

respect to genetic engineering using currently available knowledge and technology, the simple expedient of spreading an ample mixture of coat protein variants could render a vaccination response largely ineffective, but this would otherwise not be expected to substantially increase overall mortality rates. With development of new biological technology, however, there is a possibility that a variety of infectious agents may be engineered for combinations of greater than natural virulence and mortality, rather than just to overwhelm currently available antibiotics or vaccines. There is no a priori known upper limit to the power of this type of technology base, and thus the survival of a globally connected human family may be in question when and if this is achieved.

AT: No Tech Access (Bioweapons)

Tech access becoming easier all the time

Patrick D. ELLIS, WMD/Homeland Security Analyst and Instructor at the U.S. Air Force Counterproliferation Center, Air University, 14 ["Lone Wolf Terrorism and Weapons of Mass Destruction: An Examination of Capabilities and Countermeasures," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

A WMD in the hands of a lone wolf terrorist is a scenario we all hope will never happen. However, we live in a world where traditional WMD weapons are being proliferated and new Janus-headed technologies and systems can become weapons. The proliferation of WMD technology through legitimate as well as illegitimate programs in recent years continues to warn us of the uncertain nature of who might be able to acquire such weapons in the future. A more clear and present danger may very well be from the more accessible sources of radiation, bacteria, or other industrial chemicals that are always in our communities. Do-it-yourself biology and access to other technologies might open the doors for newer forms of violent diseases that could spread through populations. The ease of acquiring the skills and knowledge to cultivate known diseases such as plague and anthrax are as close as a small university microbiology program. Access to dual-use miniaturized laboratory technologies is not as hard to obtain as it was in the past. The future possibility of cross-pollination between bad actors such as terrorist and criminals due to "a convergence of interests and methods" 94 will become more problematic and of grave concern to security practitioners. The requirement for security professionals to continue to develop their capacity to envision future threats based on technological advancements will become key to creating future solutions to potentially destructive new weapons.

2NC – WMD Terrorism Impact – Turns Economy

Nuke terror would end the economy.

John Kenneth Galbraith, April 2000. Professor of Economics at Harvard. "Economic Aspects," from the IPPNW Nuclear Weapons Convention Monitor, <http://www.reachingcriticalwill.org/legal/nwc/mon1galb.html>.

Such is the vulnerability of the American economy that in the form we know it, it could be brought to an end by the most elementary of nuclear attacks. This could be accomplished by a tactical nuclear weapon on downtown New York. With such an attack there would, of course, be massive death and destruction. But additionally the American economy would be made non-functional. No longer in the economic world would it be known what was owned and what possessed in the banks. That knowledge would be destroyed along with the people that convey the information. The trading of securities would, of course, come to an end but, as seriously, so would the knowledge throughout the country of what is owned. Those with ownership in and income from the financial world — stocks, bonds and other financial instruments — would find a record of their possessions eliminated. It would be true for individuals and for corporations throughout the country. Ownership would come to an end; of assets possessed there would no longer be a record. Capitalism as it is known would be finished. This, to repeat, would be the result of one small nuclear weapon.

A terrorist attack would cause massive economic damage.

Raneta Mack et al, 2004. Professor of Law at Creighton University. Equal Justice in the Balance, p. 13-14.

In addition to the psychological and strategic impact of terrorism, such pervasive, continuing, and unpredictable violence (or the threat of such violence) also inflicts a severe economic wound on its victims. Although terrorists rarely have as their ultimate goal the devastation of a nation's economic infrastructure, one of the inevitable consequences of large-scale terrorist violence is economic downturn and a corresponding reassessment of economic resource allocation. In the aftermath of the September 11 attacks, the United States has endured a dramatic economic upheaval in both the business and consumer markets. Widespread economic uncertainty has resulted in a declining investment market, reduced overall spending, and massive layoffs. Moreover, to fight the escalating war on terrorism, the government has radically refocused its mission to support the counterterrorism effort, which, in turn, requires equally dramatic budgetary revamping. To cite a few examples, in February 2002 Attorney General John Ashcroft requested an additional \$2 billion to help the Department of Justice (DOJ) fight the terrorism battle. On the legislative front, Congress approved a \$15 billion emergency assistance package to help the ailing airline industry recover from the 9/11 attacks. The bailout package included immediate cash payments to compensate for the shutdown of the airlines

after the attacks and loan guarantees of \$10 billion. But arguably the most devastated sector of the economy is the insurance industry, which is expected to pay out record claims to those who lost loved ones and property as a result of the attacks. Analysts predict that these claims could reach a crippling \$50 billion. A draft report by NATO's Economics and Security Committee entitled *The Economic Consequences of 11 September and the Economic Dimension of Anti-terrorism* anticipated that "many of the losses associated with the [September 11] attacks are essentially 'one-off' costs that will not endure over the long-term. There are, however, several important exceptions. Insurance [premiums], particularly against terrorist attacks, have probably risen permanently [and] ... the costs of increased security no doubt will continue to weigh on national economies for the foreseeable future and will disproportionately hit certain sectors like airlines and insurance."

2NC – WMD Terrorism Impact – Turns Rights

A nuclear terrorist attack turns the case by crushing constitutional liberties

Robert Chesney, 1997. Law Clerk to the Hon. Lewis A. Kaplan (S.D.N.Y.); B.S., Tex. Christian Univ.; J.D., Harvard Law School. "National Insecurity: Nuclear Material Availability and the Threat of Nuclear Terrorism," 20 Loy. L.A. Int'l & Comp. L.J. 29, lexis.

The horrible truth is that the threat of nuclear terrorism is real, in light of the potential existence of a black market in fissile material. Nuclear terrorists might issue demands, but then again, they might not. Their target could be anything: a U.S. military base in a foreign land, a crowded U.S. city, or an empty stretch of desert highway. In one fell swoop, nuclear terrorists could decapitate the U.S. government or destroy its financial system. The human suffering resulting from a detonation would be beyond calculation, and in the aftermath, the remains of the nation would demand both revenge and protection. Constitutional liberties and values might never recover. When terrorists strike against societies already separated by fundamental social fault lines, such as in Northern Ireland or Israel, conventional weapons can exploit those fault lines to achieve significant gains. 1 In societies that lack such pre-existing fundamental divisions, however, conventional weapon attacks do not pose a top priority threat to national security, even though the pain and suffering inflicted can be substantial. The bedrock institutions of the United States will survive despite the destruction of federal offices; the vast majority of people will continue to support the Constitution despite the mass murder of innocent persons. The consequences of terrorists employing weapons of mass destruction, however, would be several orders of magnitude worse than a conventional weapons attack. Although this threat includes chemical and biological weapons, a nuclear weapon's devastating [*32] potential is in a class by itself. 2 Nuclear terrorism thus poses a unique danger to the United States: through its sheer power to slay, destroy, and terrorize, a nuclear weapon would give terrorists the otherwise-unavailable ability to bring the United States to its knees. Therefore, preventing terrorists from obtaining nuclear weapons should be considered an unparalleled national security priority dominating other policy considerations.

The disad turns the case – a terrorist attack will lead to a crackdown on rights and enemy construction

Lee Epstein et al, April 2005. Professor of Political Science and Law at Washington University. "The Supreme Court during crisis: How war affects only non-war cases," New York University Law Review, 80(1): 1-116, http://dash.harvard.edu/bitstream/handle/1/4214882/King_SupremeCourt.pdf?sequence=2.

When societies confront crises, they respond in different ways. Sometimes they use military force to attack their aggressors; sometimes they do not. n27 Sometimes they impose economic sanctions; sometimes they do not. n28 Sometimes they undertake diplomatic efforts;

sometimes they do not. n29 But, as many studies reveal, one response is essentially universal: In times of emergency - whether arising from wars, internal rebellions, or terrorist attacks - governments tend to suppress the rights and liberties of persons living within their borders. n30 They may respond in this way out of a desire to present [*12] a unified front to outsiders, their perception that cleavages are "dangerous," n31 or, of course, their belief that national security and military "necessity" must outweigh liberty interests if government is to be protected and preserved. n32 Whatever the reason, the United States is no exception to this rule. n33 Indeed, America's history is replete with executive and legislative attempts, during times of "urgency," to restrict the people's ability to speak, publish, and organize; to erode guarantees usually afforded to the criminally accused; or to tighten restrictions on "foreigners" or [*13] perceived "enemies." n34 The "ink had barely dried on the First Amendment," n35 as Justice Brennan once observed, when Congress passed two restrictive legislative enactments: the Sedition Act, n36 which prohibited speech critical of the United States, and the Enemy Alien Act, n37 which empowered the President to detain or deport alien enemies n38 and which the government has used during declared wars to stamp out political opponents. n39 During the Civil War, President Abraham Lincoln took steps to suppress "treacherous" behavior, most notably by suspending habeas corpus, out of the belief "that the [*14] nation must be able to protect itself in war against utterances which actually cause insubordination." n40 Prior to America's entry into World War I, President Woodrow Wilson "predicted a dire fate for civil liberties should we become involved." n41 With passage of the Espionage Act of 1917 n42 and the Sedition Act of 1918, n43 Wilson's prediction was realized - with Wilson as a prime accomplice. World War II brought yet more repressive measures, most notably executive orders limiting the movement of and providing for the internment of Japanese Americans. n44 The Korean War and the supposed "communist menace" n45 resulted in an "epidemic of witch-hunting, paranoia, and political grandstanding" directed against "reds" across the country. n46 And Vietnam was accompanied by governmental efforts to silence war protests. n47 Thus, in the United States, "the struggle between the needs of national security and political or civil liberties has been a continual one." n48 Of course, politicians would have a difficult time enacting and implementing such curtailments on rights and liberties if those measures lacked public support. n49 But that has not been the case during[*15] crises for which we have survey data. In a general sense, the data reveal that public confidence in the President, who is often the catalyst for repressive legislation, n50 soars in the face of international crises. n51 This "rally effect" n52 gave Franklin Roosevelt a twelve-point increase after the Japanese attacked Pearl Harbor, John Kennedy a thirteen-point lift during the Cuban Missile Crisis, and George H.W. Bush a fourteen-point boost when Iraq invaded Kuwait. n53 As Figure 1 shows, in the wake of September 11, 2001, George W. Bush's approval rating jumped a record-setting thirty-five points, from fifty-one percent on September 7 to eighty-six percent on September 14. [*16] [mg f:'nyu10101.eps',w28.,d17.6]

Figure 1: Percentage of Americans approving of the way George W. Bush is handling his job: The "rally effect" generated by September 11, 2001. n54 Survey data also reveal a public supportive of specific efforts on the part of political actors to curtail rights and liberties. Consider Americans' response to September 11. n55 As Table 1 shows, all but one restriction on rights designed to furnish the government with significant authority to combat terrorism - the indefinite detainment of terrorist suspects without charging them - attained the support of a substantial majority of respondents. n56

2NC – Threats Real (Al Qaeda)

Al-Qaeda is planning mass casualty attacks on the West --- continued surveillance is critical to prevent them.

Wall Street Journal, 1/8/2015. Cassell Bryan-Low. "U.K. MI5 Chief Andrew Parker Warns of Threat of al Qaeda Attack in West," <http://www.wsj.com/articles/u-k-mi5-chief-andrew-parker-warns-of-threat-of-al-qaeda-attack-in-west-1420757705>.

LONDON—The head of the U.K.'s domestic intelligence agency said Thursday that al Qaeda continued to pose an immediate threat and was planning large-scale attacks against the West.

In a rare public speech, MI5 chief Andrew Parker said "a group of core al Qaeda terrorists in Syria is planning mass casualty attacks against the West," without elaborating on how advanced such planning was. The comments underscore that the terrorist threat remains diverse despite the recent focus on Islamic State, which has gained territory in Syria and Iraq.

The comments, made at MI5's London headquarters, come on the heels of Wednesday's shooting attack in Paris, which left 12 people dead. While authorities haven't yet confirmed any possible connections of the perpetrators to terrorist organizations, intelligence officials have said that links to al Qaeda were a possibility.

In his remarks, Mr. Parker briefly addressed the Paris attack. "It is too early for us to come to judgments about the precise details or origin of the attack, but it is a terrible reminder of the intentions of those who wish us harm," Mr. Parker said.

Speaking more generally, Mr. Parker said, "we face a very serious level of threat that is complex to combat and unlikely to abate significantly for some time." He added that in recent months, authorities have prevented three U.K. terrorist plots that "would certainly" have resulted in deaths.

Mr. Parker said there had been an increase in the number of "crude but potentially deadly plots" and cited last year's attacks in Canada and Australia as examples. "Such attacks are inherently harder for intelligence agencies to detect," he said. "They are often the work of volatile individuals, motivated by terrorist propaganda rather than working as part of sophisticated networks. They often act spontaneously or after very short periods of prior training."

He focused in particular on the threat stemming from the conflict in Syria. There have been more than 20 terrorist plots outside of Syria and Iraq that were either directed or provoked by extremist groups in Syria, including those in Canada, Australia, Belgium and France, according to Mr. Parker.

Britain's security agencies in August raised the assessment of the threat from international terrorism to "severe" from "substantial," the second-highest level on its five-point scale, primarily because of the threat of Islamist militants in Syria. The change, which triggered a step-

up in security measures such as visible police patrols, reflects an assessment that an attack is highly likely but that there isn't intelligence to suggest an imminent terror strike.

The MI5 chief said some 600 extremists now had traveled from Britain to Syria and that a "significant proportion" of those had joined Islamic State, also known as ISIL.

He also talked about the stiff challenges intelligence agencies face, ranging from the difficulty in collecting intelligence in Syria, where the U.K. has no partner agency to work with to technological challenges more broadly.

As the terrorism threat is increasing, intelligence agencies are finding their ability to counter them is decreasing, he said. The reasons include the increased availability—and use—of encryption that makes it harder for intelligence agencies to intercept communications.

"Changes in the technology that people are using to communicate are making it harder for the agencies to maintain the capability to intercept the communications of terrorists," he said. "The further reduction of this capability will seriously harm our ability to investigate and disrupt such threats in the future."

Mr. Parker also waded into Britain's feud with Internet companies over how much they should help in combating terrorist activity. British authorities say they remain frustrated that U.S. Internet companies don't feel obliged to comply with U.K. warrants requesting information about users.

He said intelligence agents need to be able to access communication among terrorists if they are to do their job, which means including the assistance of companies which hold relevant data. "Currently this picture is patchy," he said.

He also defended the communications-data gathering work by intelligence agencies, which has come under criticism following the disclosure of mass-surveillance techniques by former U.S. National Security Agency contractor Edward Snowden.

"MI5 does not browse through the private lives of the population at large," he said. "We need to have powerful capabilities that enable us to range widely, with the potential to reach anyone who might threaten national security—but with our efforts always concentrated on the tiniest minority who actually present threats."

AQAP has demonstrated capacity and intent for attacks on the US --- the threat is high.

Michael Kugelman, 1/9/2015. Senior associate for South Asia at the Woodrow Wilson International Center for Scholars. "Why Al Qaeda Poses a Greater Terror Threat to the U.S. Than ISIS," Wall Street Journal, <http://blogs.wsj.com/washwire/2015/01/09/why-al-qaeda-poses-a-greater-terror-threat-to-the-u-s-than-isis/>.

Al Qaeda in the Arabian Peninsula has long posed a direct threat to the West, a threat arguably more serious than that posed by Islamic State. Yet many seem surprised by this after news reports that one of the suspects in Wednesday's attack on the Charlie Hebdo offices in Paris may have had links to AQAP.

The suspect, Said Kouachi, reportedly received training in Yemen in 2011. During that trip, he allegedly met with Anwar al-Awlaki, the U.S.-born preacher closely associated with AQAP until he was killed by a U.S. drone strike later that year.

In recent years, Washington has deemed Al Qaeda in the Arabian Peninsula the most dangerous terror threat to the West because of its global reach and technical savvy. And unlike Islamic State, AQAP has staged attacks in the West, including in the United States.

The "underwear bomber" who tried to blow up an airliner on Christmas Day 2009, the 2013 massacre at Fort Hood, and the 2010 plot to send parcel bombs to Chicago all had some connection to AQAP.

Islamic State extremists have done no such things—yet. To this point, ISIS has appeared content to terrorize Westerners in Syria and Iraq, where the group holds sway. Its core objective for now appears to be managing the territory it controls in those countries, not taking its fight to the West.

Now, many observers have good reason to fear that Westerners who go to the Middle East to fight for Islamic State could eventually return home and stage attacks.

Perhaps a more immediate fear, however, is that Al Qaeda in the Arabian Peninsula—a group that has demonstrated its intent and ability to strike in the West—will carry out its own attacks, much like the one in Paris this week.

And, unfortunately, the United States could be the next target.

Competition between AQ and ISIS increases the incentive to pull off large-scale attacks.

Bloomberg, 3/21/2015. Ian Wishart. "Al Qaeda-Islamic State Rivalry Worsens Threat, de Kerchove Says," <http://www.bloomberg.com/news/articles/2015-03-21/al-qaeda-islamic-state-rivalry-worsens-threat-de-kerchove-says>.

Competition for the "leadership of global jihad" could incite al-Qaeda to carry out a terrorist attack in Europe to prove its credibility, according to the European Union's counter-terrorism chief.

Rivalry between al-Qaeda and Islamic State, also known by the Arabic acronym Daesh, has only added to the terror threat Western policy makers grapple with, Gilles de Kerchove said at a forum in Brussels Saturday.

“The fierce competition between al-Qaeda and Daesh over the leadership of global jihad -- we may see at some stage in Europe or in some part of Africa, al-Qaeda wanting to launch an attack to show they are still relevant,” de Kerchove said.

At least one of the three gunmen who killed 17 people in attacks in Paris in January had connections to al-Qaeda in the Arabian Peninsula, the Yemen-based group that swears allegiance to Osama bin Laden’s original movement. Another declared allegiance to Islamic State in a video.

Islamic State, which controls parts of Iraq and Syria, claimed responsibility for the killing at least 22 people at a museum in Tunis on Wednesday.

2NC – AT: No Nuclear Terrorism (General)

High risk of nuke terror—there's motivation and capability

Kenneth C. Brill is a former U.S. ambassador to the I.A.E.A. Kenneth N. Luongo is president of the Partnership for Global Security. Both are members of the Fissile Material Working Group, a nonpartisan nongovernmental organization ["Nuclear Terrorism: A Clear Danger," www.nytimes.com/2012/03/16/opinion/nuclear-terrorism-a-clear-danger.html?_r=0]

Terrorists exploit gaps in security. The current global regime for protecting the nuclear materials that terrorists desire for their ultimate weapon is far from seamless. It is based largely on unaccountable, voluntary arrangements that are inconsistent across borders. Its weak links make it dangerous and inadequate to prevent nuclear terrorism.

Later this month in Seoul, the more than 50 world leaders who will gather for the second Nuclear Security Summit need to seize the opportunity to start developing an accountable regime to prevent nuclear terrorism.

There is a consensus among international leaders that the threat of nuclear terrorism is real, not a Hollywood confection. President Obama, the leaders of 46 other nations, the heads of the International Atomic Energy Agency and the United Nations, and numerous experts have called nuclear terrorism one of the most serious threats to global security and stability. It is also preventable with more aggressive action.

At least four terrorist groups, including Al Qaeda, have demonstrated interest in using a nuclear device. These groups operate in or near states with histories of questionable nuclear security practices. Terrorists do not need to steal a nuclear weapon. It is quite possible to make an improvised nuclear device from highly enriched uranium or plutonium being used for civilian purposes. And there is a black market in such material. There have been 18 confirmed thefts or loss of weapons-usable nuclear material. In 2011, the Moldovan police broke up part of a smuggling ring attempting to sell highly enriched uranium; one member is thought to remain at large with a kilogram of this material.

Their take-outs are wrong—the motivation and technical capability exist—acquisition is the only barrier

Bunn 10— Associate Professor at Harvard University's John F. Kennedy School of Government, Harvard Senior Research Associate, Managing the Atom Project [April, 2010, Matthew Bunn, "Securing the Bomb 2010," http://www.nti.org/e_research/Securing_The_Bomb_2010.pdf]

Complacency about the threat is perhaps the biggest obstacle to forging the urgent, in-depth international cooperation needed to secure nuclear stockpiles and reduce the danger of nuclear terrorism. Many policymakers around the world continue to believe that it would take a

Manhattan Project to make a nuclear bomb, that it would be almost impossible for terrorists to get the necessary nuclear material, and that the risk of terrorists getting and using a nuclear bomb is therefore vanishingly small. The experience of finding that Iraq did not have nuclear, chemical, or biological weapons in 2003 has made many justifiably skeptical of other assertions about serious threats from such weapons. Unfortunately, while no one can say precisely what the probability of nuclear terrorism is, the danger is very real. Several unfortunate facts shape the risk the world faces.

Some Terrorists are Seeking Nuclear Weapons

Most terrorist groups are focused on small-scale violence to attain local objectives. For them, the old adage that “terrorists want a lot of people watching, not a lot of people dead” holds true, and nuclear weapons are likely to be irrelevant or counterproductive for their goals. But a small set of terrorists with global ambitions and nihilistic visions clearly are eager to get and use a nuclear bomb. Osama bin Laden has called the acquisition of nuclear weapons or other weapons of mass destruction a “religious duty.”¹

For years, al Qaeda operatives have repeatedly expressed the desire to inflict a “Hiroshima” on the United States.² Al Qaeda operatives have made repeated attempts to buy nuclear material for a nuclear bomb, or to recruit nuclear expertise.

Shortly before the 9/11 attacks, for example, bin Laden and Ayman al-Zawahiri met with two senior Pakistani nuclear scientists to discuss nuclear weapons.³ Former CIA Director George Tenet reports that the two provided al Qaeda with a rough sketch of a nuclear bomb design, and that U.S. officials were so concerned about the activities of the “charity” they had established (whose board of directors also included a range of senior retired military officers, and which reportedly also offered nuclear weapons help to Libya) that President Bush directed him to fly to Pakistan and discuss the matter directly with Pakistani President Pervez Musharraf.⁴ Sultan Bashiruddin Mahmud, the more senior of the two, had long argued that Pakistan’s nuclear weapons rightfully belonged to the whole worldwide “ummah,” or Muslim community, and had advocated sharing nuclear weapons technology.⁵

After the 9/11 attacks, intelligence agencies from the United States and other countries learned that in the years leading up to the attacks, al Qaeda had a focused nuclear weapons program managed by Abdel Aziz al-Masri (aka Ali Sayyid alBakri), an Egyptian explosives expert. The program reported directly to Zawahiri, as did al Qaeda’s anthrax efforts, its other major strategic-scale weapons of mass destruction program. This program reportedly got to the point of carrying out tests of conventional explosives for use in a nuclear bomb.⁶

Al Qaeda’s nuclear efforts apparently continued after the disruptions the group faced following the overthrow of the Taliban government and the removal of al Qaeda’s Afghan sanctuary. In 2002-2003, U.S. intelligence received a “stream of reliable reporting” that the leadership of al Qaeda’s cell in Saudi Arabia was negotiating to purchase three objects they believed to be Russian “nuclear devices,” and that al Qaeda’s central leadership had approved the purchase if a Pakistani expert using his equipment confirmed that they were genuine. (The actual nature of these “devices,” if they existed, the name of the Pakistani expert, and the type of equipment he was to use to examine the devices have never been learned.)⁷ At the same time these

discussions were taking place, bin Laden arranged for a radical Saudi cleric to issue a fatwa or religious ruling authorizing the use of nuclear weapons against American civilians. 8 The cleric who issued the fatwa was the “steady companion” of the al Qaeda operative leading the negotiations over the nuclear devices. 9

Before al Qaeda, the Japanese terror cult Aum Shinrikyo also made a concerted effort to get nuclear weapons. 10 Chechen terrorists have certainly pursued the possibility of a radioactive “dirty bomb,” and there are at least suggestive indications that they also have pursued nuclear weapons—including two incidents of terrorists conducting reconnaissance at secret nuclear weapon storage sites, confirmed by Russian officials. There are at least some indications that Pakistani groups such as Lashkar-e-Taiba may also be interested—a particularly troubling possibility given the deep past connections these groups have had with Pakistani security services, their ongoing cooperation with al Qaeda, and the example of in-depth cooperation on unconventional weapons provided by al Qaeda’s work with Jemaah Islamiyah on anthrax. 11

With at least two groups going down this path in the last 15 years, and possibly more, there is no reason to expect that others will not do so in the future.

Some Terrorist Groups might be able to make Crude Nuclear Bombs

Repeated assessments by the U.S. government and other governments have concluded that it is plausible that a sophisticated terrorist group could make a crude nuclear explosive—capable of destroying the heart of a major city—if they got enough plutonium or HEU. A “gun-type” bomb made from HEU, in particular, is basically a matter of slamming two pieces of HEU together at high speed. An “implosion-type” bomb—in which precisely arranged explosives crush nuclear material to a much higher density, setting off the chain reaction—would be substantially more difficult for terrorists to accomplish, but is still plausible, particularly if they got knowledgeable help (as they have been actively attempting to do). 12

One study by the now-defunct congressional Office of Technology Assessment summarized the technical reality: “A small group of people, none of whom have ever had access to the classified literature, could possibly design and build a crude nuclear explosive device... Only modest machine-shop facilities that could be contracted for without arousing suspicion would be required.” 13 Indeed, even before the revelations from Afghanistan, U.S. intelligence concluded that “fabrication of at least a ‘crude’ nuclear device was within al-Qa’ida’s capabilities, if it could obtain fissile material.” 14

It is important to understand that making a crude, unsafe, unreliable bomb of uncertain yield that might be carried in the back of a large van is a dramatically simpler task than designing and building a safe, secure, reliable, and efficient weapon deliverable by a ballistic missile, which a state might want to incorporate into its arsenal. Terrorists are highly unlikely to ever be able to make a sophisticated and efficient weapon, a task that requires a substantial nuclear weapons enterprise— but they may well be able to make a crude one. Their task would be easier if they managed to recruit experts with experience in key aspects of a national nuclear weapons program. Nuclear weapons themselves generally have substantial security measures and would be more difficult to steal than nuclear materials. If terrorists nevertheless managed to steal an assembled nuclear weapon from a state, there is a significant risk that they might figure out how

to set it off—though this, too, would in most cases be a difficult challenge for a terrorist group. 15 Many modern U.S. and Russian nuclear weapons are equipped with sophisticated electronic locks, known in the United States as “permissive action links” or PALs, intended to make it difficult to detonate the weapon without inserting an authorized code, which terrorists might find very difficult to bypass. Some weapons, however, are either not equipped with PALs or are equipped with older versions that lack some of the highestsecurity features (such as “limited try” features that would permanently disable the weapon if the wrong code is inserted too many times or attempts are made to bypass the lock). 16 Many nuclear weapons also have safety features designed to prevent the weapon from detonating unless it had gone through its expected flight to its target—such as intense acceleration followed by unpowered flight for a ballistic missile warhead—and these would also have to be bypassed, if they were present, for terrorists to be able to make use of an assembled nuclear weapon they acquired.

If they could not figure out how to detonate a stolen weapon, terrorists might choose to remove its nuclear material and fashion a new bomb. Some modern, highly efficient designs might not contain enough material for a crude, inefficient terrorist bomb; but multistage thermonuclear weapons, with nuclear material in both the “primary” (the fission bomb that sets off the fusion reaction) and the “secondary” (where the fusion takes place) probably would provide sufficient material. In any case, terrorists in possession of a stolen nuclear weapon would be in a position to make fearsome threats, for no one would know for sure whether they could set it off.

Terrorism -Georgetown

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Domestic surveillance successfully checks terror incidents now. Prefer longitudinal studies.

Boot '13 Max Boot is a Senior Fellow in National Security Studies at the Council on Foreign Relations. In 2004, he was named by the World Affairs Councils of America as one of "the 500 most influential people in the United States in the field of foreign policy." In 2007, he won the Eric Breindel Award for Excellence in Opinion Journalism. From 1992 to 1994 he was an editor and writer at the Christian Science Monitor. Boot holds a bachelor's degree in history, with high honors, from the University of California, Berkeley and a master's degree in history from Yale University. Boot has served as an adviser to U.S. commanders in Iraq and Afghanistan. He is the published author of *Invisible Armies: An Epic History of Guerrilla Warfare from Ancient Times to the Present*. From the article: "Stay calm and let the NSA carry on" - LA Times – June 9th - <http://articles.latimes.com/2013/jun/09/opinion/la-oe-boot-nsa-surveillance-20130609>

After 9/11, there was a widespread expectation of many more terrorist attacks on the United States. So far that hasn't happened. We haven't escaped entirely unscathed (see Boston Marathon, bombing of), but on the whole we have been a lot safer than most security experts, including me, expected. In light of the current controversy over the National Security Agency's monitoring of telephone calls and emails, it is worthwhile to ask: Why is that? It is certainly not due to any change of heart among our enemies. Radical Islamists still want to kill American infidels. But the vast majority of the time, they fail. The Heritage Foundation estimated last year that 50 terrorist attacks on the American homeland had been foiled since 2001. Some, admittedly, failed through sheer incompetence on the part of the would-be terrorists. For instance, Faisal Shahzad, a Pakistani American jihadist, planted a car bomb in Times Square in 2010 that started smoking before exploding, thereby alerting two New Yorkers who in turn called police, who were able to defuse it. But it would be naive to adduce all of our security success to pure serendipity. Surely more attacks would have succeeded absent the ramped-up counter-terrorism efforts undertaken by the U.S. intelligence community, the military and law enforcement. And a large element of the intelligence community's success lies in its use of special intelligence — that is, communications intercepts. The CIA is notoriously deficient in human intelligence — infiltrating spies into terrorist organizations is hard to do, especially when we have so few spooks who speak Urdu, Arabic, Persian and other relevant languages. But the NSA is the best in the world at intercepting communications. That is the most important technical advantage we have in the battle against fanatical foes who will not hesitate to sacrifice their lives to take ours. Which brings us to the current kerfuffle over two NSA monitoring programs that have been exposed by the Guardian and the Washington Post. One program apparently collects metadata on all telephone calls made in the United States. Another program provides access to all the emails, videos and other data found on the servers of major Internet firms such as Google, Apple and Microsoft. At first blush these intelligence-gathering activities raise the specter of Big Brother snooping on ordinary American citizens who might be cheating on their spouses or bad-mouthing the president. In fact, there are considerable safeguards built into both programs to ensure that doesn't happen. The phone-monitoring program does not allow the NSA to listen in on conversations without a court order. All that it can do is to collect information on the time, date and destination of phone calls. It should go without saying that it

would be pretty useful to know if someone in the U.S. is calling a number in Pakistan or Yemen that is used by a terrorist organizer. As for the Internet-monitoring program, reportedly known as PRISM, it is apparently limited to "non-U.S. persons" who are abroad and thereby enjoy no constitutional protections. These are hardly rogue operations. Both programs were initiated by President George W. Bush and continued by President Obama with the full knowledge and support of Congress and continuing oversight from the federal judiciary. That's why the leaders of both the House and Senate intelligence committees, Republicans and Democrats alike, have come to the defense of these activities. **It's possible that, like all government programs, these could be abused** — see, for example, the IRS making life tough on tea partiers. **But there is no evidence of abuse so far and plenty of evidence** — in the lack of successful terrorist attacks — **that these programs have been effective in disrupting terrorist plots.** Granted there is something inherently creepy about Uncle Sam scooping up so much information about us. But Google, Facebook, Amazon, Twitter, Citibank and other companies know at least as much about us, because they use very similar data-mining programs to track our online movements. They gather that information in order to sell us products, and no one seems to be overly alarmed. The NSA is gathering that information to keep us safe from terrorist attackers. Yet somehow its actions have become a "scandal," to use a term now loosely being tossed around. The real scandal here is that the Guardian and Washington Post are compromising our national security by telling our enemies about our intelligence-gathering capabilities. Their news stories reveal, for example, that only nine Internet companies share information with the NSA. This is a virtual invitation to terrorists to use other Internet outlets for searches, email, apps and all the rest. No intelligence effort can ever keep us 100% safe, but **to stop or scale back the NSA's special intelligence efforts would amount to unilateral disarmament** in a war **against terrorism** that is far from over.

Curtailing surveillance boosts terror risks- that risk is serious and underestimated

Lewis '14 James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy. Before joining CSIS, he worked at the US Departments of State and Commerce as a Foreign Service officer and as a member of the Senior Executive Service. His diplomatic experience included negotiations on military basing in Asia, the Cambodia peace process, and the five-power talks on arms transfer restraint. Lewis received his Ph.D. from the University of Chicago. "Underestimating Risk in the Surveillance Debate" - CENTER FOR STRATEGIC & INTERNATIONAL STUDIES - STRATEGIC TECHNOLOGIES PROGRAM – December - <http://csis.org/publication/underestimating-risk-surveillance-debate>

Americans are reluctant to accept terrorism is part of their daily lives, but attacks have been planned or attempted against American targets (usually airliners or urban areas) **almost every year since 9/11.** Europe faces even greater risk, given the thousands of European Union citizens who will return hardened and radicalized from fighting in Syria and Iraq. **The threat of attack is easy to exaggerate, but that does not mean it is nonexistent.** Australia's then-attorney general said in August 2013 that communications surveillance had stopped four "mass casualty events" since 2008. The constant planning and preparation for attack by terrorist groups is not apparent to the public. **The dilemma in assessing risk is that it is discontinuous. There can be long periods**

with no noticeable activity, only to have the apparent calm explode. The debate over how to reform communications surveillance has discounted this risk. Communications surveillance is an essential law enforcement and intelligence tool. There is no replacement for it. Some suggestions for alternative approaches to surveillance, such as the idea that the National Security Agency (NSA) only track known or suspected terrorists, reflect wishful thinking, as it is the unknown terrorist who will inflict the greatest harm.

Strong intelligence gathering is key to discourages initiation of BW attacks.

Pittenger '14 US Rep. Robert Pittenger, chair of Congressional Task Force on Terrorism, "Bipartisan bill on NSA data collection protects both privacy and national security" - Washington Examiner, 6/9/14, http://washingtonexaminer.com/rep.-robert-pittenger-bipartisan-bill-on-nsa-data-collection-protects-both-privacy-and-national-security/article/2549456?custom_click=rss&utm_campaign=Weekly+Standard+Story+Box&utm_source=weeklystandard.com&utm_medium=referral

This February, I took that question to a meeting of European Ambassadors at the Organization for Security and Cooperation in Europe. During the conference, I asked three questions: 1. What is the current worldwide terrorist threat? 2. What is America's role in addressing and mitigating this threat? 3. What role does intelligence data collection play in this process, given the multiple platforms for attack including physical assets, cyber, chemical, biological, nuclear and the electric grid? Each ambassador acknowledged the threat was greater today than before 9/11, with al Qaeda and other extreme Islamist terrorists stronger, more sophisticated, and having a dozen or more training camps throughout the Middle East and Africa. As to the role of the United States, they felt our efforts were primary and essential for peace and security around the world. Regarding the intelligence-gathering, their consensus was, "We want privacy, but we must have your intelligence." As a European foreign minister stated to me, "Without U.S. intelligence, we are blind." We cannot yield to those loud but misguided voices who view the world as void of the deadly and destructive intentions of unrelenting terrorists. The number of terrorism-related deaths worldwide doubled between 2012 and 2013, jumping from 10,000 to 20,000 in just one year. Now is not the time to stand down. Those who embrace an altruistic worldview should remember that vigilance and strength have deterred our enemies in the past. That same commitment is required today to defeat those who seek to destroy us and our way of life. We must make careful, prudent use of all available technology to counter their sophisticated operations if we are to maintain our freedom and liberties.

Bioterror attacks cause extinction

Mhyrvold '13 Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton "Strategic Terrorism: A Call to Action," Working Draft, The Lawfare Research Paper Series Research paper NO . 2 – 2013

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made

enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow's terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.^{10, 11} Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller's variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.^{12, 13} Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I've asked this question of experts many times, and no one has yet replied that such a manipulation couldn't be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal *Nature* published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.¹⁴ Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV, which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS, which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.¹⁵ A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV. It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves:

some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create **artificial pathogens** that **could drive the human race to extinction**. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.¹⁶ When I've talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate *Homo sapiens*—will be available to anybody with a solid background in biology, terrorists included.

turns case

privacy

Terror disad turns the Aff – spikes surveillance.

Clarke '13 (et al); This is the Final Report and Recommendations of The President's Review Group on Intelligence and Communications Technologies. President Obama ordered a blue-ribbon task force to review domestic surveillance. This report releases the findings of that group. The report was headed by five experts – including Richard Alan Clarke, who is the former National Coordinator for Security, Infrastructure Protection, and Counter-terrorism for the United States. Other expert contributors include Michael Joseph Morell, who was the deputy director of the Central Intelligence Agency and served as acting director twice in 2011 and from 2012 to 2013 and Cass Robert Sunstein, who was the Administrator of the White House Office of Information and Regulatory Affairs in the Obama administration and is currently a Professor of Law at Harvard Law School. "LIBERTY AND SECURITY IN A CHANGING WORLD" – December 12th, 2013 – Easily obtained via a google search.

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=https%3A%2F2Fwww.whitehouse.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2F2013-12_12_rg_final_report.pdf&ei=Db0yVdDjKIKdNtTXgZgE&usg=AFQjCNHOS_Fo9dckL9bRarVpi4M6pq6MQ&bvm=bv.91071109,d.eXY

The **government should base its decisions on** a careful **analysis of consequences, including both benefits and costs** (to the extent feasible). In many areas of policy, public officials are increasingly insistent on the need for careful analysis of the consequences of their decisions and on the importance of relying not on intuitions and anecdotes, but on evidence and data, including benefits and costs (to the extent feasible). In the context of government regulation, President Ronald Reagan established a national commitment to careful analysis of regulations in his Executive Order 12291, issued in 1981. In 2011, President Barack Obama issued Executive Order 13563, which renewed and deepened the commitment to quantitative, evidence-based analysis, and added a number of additional requirements to improve regulatory review, directing agencies "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible" in order to achieve regulatory ends. A central component of Executive Order 13563 involves "retrospective analysis," meant to ensure not merely prospective analysis of (anticipated) costs and benefits, but also continuing efforts to explore what policies have actually achieved, or failed to achieve, in the real world. In our view, both prospective and retrospective analyses have important roles to play in the domain under discussion, though they also present distinctive challenges, above all because of limits in available knowledge and challenges in quantifying certain variables. Before they are undertaken, **surveillance decisions should depend** (to the extent feasible) **on** a careful **assessment of the anticipated consequences**, including the full range of relevant risks. Such decisions should also be subject to continuing scrutiny, including retrospective analysis, to ensure that any errors are corrected. As we have seen, there is always a possibility that acquisition of more information—whether in the US or abroad—might ultimately prove helpful. But that abstract possibility does not, by itself, provide a sufficient justification for acquiring more information. Because risk management is inevitably involved, the question is one of benefits and costs, which requires careful attention to the range of possible outcomes and also to the likelihood that they will

actually occur. To the extent feasible, such attention must be based on the available evidence. Where evidence is unavailable, public officials must acknowledge the limits of what they know. In some cases, public officials are reasonably attempting to reduce risks that are not subject to specification or quantification in advance. In such cases, experience may turn out to be the best teacher; it may show that programs are not working well, and that the benefits and costs are different from what was anticipated. Continued learning and constant scrutiny, with close reference to the consequences, is necessary to safeguard both national security and personal privacy, and to ensure proper management of the full range of risks that are involved. Finally, in constructing oversight and monitoring of intelligence agencies and particularly of surveillance, the US Government must take care to address perceptions of potential abuse, as well as any realities. To maintain and enhance the required level of public trust, especially careful oversight is advisable. For reasons that we have outlined, it is always challenging to strike the right balance between the often competing values of national security and individual liberty, but as history teaches, it is particularly difficult to reconcile these values in times of real or perceived national crisis. Human nature being what it is, there is inevitably a risk of overreaction when we act out of fear. At such moments, those charged with the responsibility for keeping our nation safe, supported by an anxious public, have too often gone beyond programs and policies that were in fact necessary and appropriate to protect the nation and taken steps that unnecessarily and sometimes dangerously jeopardized individual freedom. This phenomenon is evident throughout American history. Too often, we have overreacted in periods of national crisis and then later, with the benefit of hindsight, recognized our failures, reevaluated our judgments, and attempted to correct our policies going forward. We must learn the lessons of history. As early as 1798, Congress enacted the Sedition Act, now widely regarded as a violation of the most fundamental principles of freedom of expression. Nor is the historical verdict kind to a wide range of liberty restricting measures undertaken in other periods of great national anxiety, including the repeated suspensions of the writ of habeas corpus during the Civil War, the suppression of dissent during World War I, the internment of Japanese-Americans during World War II, the campaign to expose and harass persons suspected of “disloyalty” during the McCarthy era, and the widespread and unlawful spying on critics of the government’s policies during the Vietnam War. It is true that when the nation is at risk, or engaged in some kind of military conflict, the argument for new restrictions may seem, and even be, plausible. Serious threats may tip preexisting balances. But it is also true that in such periods, there is a temptation to ignore the fact that risks are on all sides of the equation, and to compromise liberty at the expense of security. One of our central goals in this Report is to provide secure foundations for future decisions, when public fears may heighten those dangers. With respect to surveillance in particular, the nation’s history is lengthy and elaborate, but the issues in the modern era can be traced back directly to the Vietnam War. Presidents Lyndon Johnson and Richard Nixon encouraged government intelligence agencies to investigate alleged “subversives” in the antiwar movement. The Federal Bureau of Investigation (FBI) engaged in extensive infiltration and electronic surveillance of individuals and organizations opposed to the war; the Central Intelligence Agency (CIA) monitored a broad array of antiwar organizations and activities, accumulating information on more than 300,000 people; and Army intelligence initiated its own domestic spying operation, gathering information on more than 100,000 opponents of the Vietnam War, including Members of Congress, civil rights leaders, and journalists. The

government sought not only to investigate its critics on a massive scale, but also to expose, disrupt, and neutralize their efforts to affect public opinion.

National Security interests outweigh the Aff's privacy concerns.

Branda '14

(et al; JOYCE R. BRANDA, Acting Assistant Attorney General, BRIEF FOR THE APPELLEES - Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. “Amici” means “friend of the court” and – in this context - is legal reference to the Reporters Committee – October 2nd - <https://www.eff.org/document/governments-smith-answering-brief>)

In light of the imperative national-security interests the program serves and the numerous privacy protections that the statute and the Foreign Intelligence Surveillance Court require the government to observe, the program is reasonable under the Fourth Amendment. See U.S. Const. amend. IV. That reasonableness standard requires balancing “the promotion of legitimate governmental interests against the degree to which [any search] intrudes upon an individual’s privacy.” Maryland v. King, 133 S. Ct. 1958, 1970 (2013) (citation and internal quotation marks omitted). The interest in preventing terrorist attacks by identifying and tracking terrorist operatives is a national security concern of compelling importance. See Haig v. Agee, 453 U.S. 280, 307 (1981) (“no governmental interest is more compelling” than national security); In re Directives, 551 F.3d 1004, 1012 (FISC-R 2008) (“the relevant governmental interest—the interest in national security—is of the highest order of magnitude”). The Section 215 bulk telephony metadata program enhances the government’s ability to uncover and monitor known and unknown terrorist operatives who could otherwise elude detection, and has meaningfully contributed to counterterrorism investigations. SER 20-26, ER 74-76. Any Fourth Amendment privacy interest implicated by the Section 215 program, in contrast, is minimal. The governing Foreign Intelligence Surveillance Court orders strictly limit review and analysis of the metadata, and there is no nonspeculative basis to believe that any information concerning plaintiff’s calls—or those of the vast bulk of other telephone subscribers—has been or will ever be seen by any person. See King, 133 S. Ct. at 1979-80 (finding no Fourth Amendment violation where safeguards limiting DNA analysis to identification information alone reduced any intrusion into privacy); Bd. of Educ. v. Earls, 536 U.S. 822, 833-34 (2002) (no Fourth Amendment violation where restrictions on access to drug testing results lessened intrusion on privacy); Vernonia Sch. Dist., 515 U.S. at 658 (no Fourth Amendment violation where student athletes’ urine was tested for illegal drugs and not for any medical condition); Sitz, 496 U.S. at 450-51 (no Fourth Amendment violation where safety interests served by drunk-driving checkpoints outweighed motorists’ interests in driving without being stopped). The government obtains telephony metadata in bulk to preserve the information for future analysis based on a reasonable, articulable suspicion; the information is then only accessed as part of the highly restricted querying process, which requires judicial approval.

Terrorism risk outweighs the specific privacy interest at hand

Branda '14

(et al; JOYCE R. BRANDA, Acting Assistant Attorney General, BRIEF FOR THE APPELLEES - Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. “Amici”

means “friend of the court” and – in this context - is legal reference to the Reporters Committee – October 2nd - <https://www.eff.org/document/governments-smith-answering-brief>)

There is no basis for plaintiff’s request for the extraordinary remedy of preliminary injunctive relief. The Section 215 telephony metadata program serves important national security interests, and courts are rightly sensitive to the risks of handcuffing the government’s efforts to prevent harm to the Nation. Plaintiff claims to suffer irreparable harm from this anti-terrorism program, but waited six months after filing her complaint before seeking preliminary relief. Plaintiff has at most a minimal privacy interest in having metadata about her calls removed from the Section 215 database, one that is outweighed by the public interest in maintaining the program’s important capabilities in combating the continuing terrorist threat.

Neg’s terror disad on-point outweighs privacy advantage.

Branda ‘14

(et al; JOYCE R. BRANDA, Acting Assistant Attorney General, BRIEF FOR THE APPELLEES - Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. “Amici” means “friend of the court” and – in this context - is legal reference to the Reporters Committee – October 2nd - <https://www.eff.org/document/governments-smith-answering-brief>)

The balance of equities and the public interest also tip markedly in the government’s favor. Any privacy interest plaintiff has at stake here is surely minimal, particularly given the remote likelihood that metadata pertaining to her calls would ever be reviewed by a human analyst. On the other side of the ledger, the government has a substantial interest in continuing the Section 215 program, a valuable program in the government’s antiterrorism arsenal, for reasons already explained.

Security interests of this program outweigh privacy concerns.

Branda ‘14

(et al; JOYCE R. BRANDA, Acting Assistant Attorney General, BRIEF FOR THE APPELLEES - Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. “Amici” means “friend of the court” and – in this context - is legal reference to the Reporters Committee – October 2nd - <https://www.eff.org/document/governments-smith-answering-brief>)

Even if obtaining bulk telephony metadata from the business records of telecommunications companies were a Fourth Amendment “search,” it would nevertheless be constitutionally permissible. The Fourth Amendment bars only unreasonable searches and seizures, and the Section 215 telephony-metadata program is reasonable under the standard applicable to searches that serve “special needs” of the government. See, e.g., *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 653 (1995). The national security and safety interests served by the Section 215 program are special needs of the utmost importance that go beyond ordinary law

enforcement needs. See Nat'l Treasury Emps. Union v. Von Raab, 489 U.S. 656, 674 (1989) (noting "national security" interest in deterring drug use among Customs Service employees); United States v. U.S. Dist. Court (Keith), 407 U.S. 297, 322-23 (1972); Cassidy v. Chertoff, 471 F.3d 67, 82 (2d Cir. 2006); MacWade v. Kelly, 460 F.3d 260, 270-71 (2d Cir. 2006) (citing Sitz, 496 U.S. at 444). Plaintiff agrees that **the special-needs doctrine** applies where compliance with "the warrant and probable-cause requirements" is "impracticable." Pl. Br. 29. That standard **governs here because**, as the government has shown and the Foreign Intelligence Surveillance Court has repeatedly concluded, **the Section 215 bulk telephony-metadata program provides an efficient means to identify otherwise-unknown associations** (within one or two steps of contact) with telephone numbers and other selectors **that are reasonably suspected of being used by terrorist organizations.** The bulk collection of metadata allows the government to identify connections using retrospective analysis of calls that occurred before the relevant terrorist connection became known. The Foreign Intelligence Surveillance Court orders authorizing the Section 215 bulk telephony-metadata program permit the government to retain a historical repository of up to five years' worth of telephony metadata, cutting across multiple providers, for intelligence analysis purposes that could not be accomplished as effectively, if at all, with more targeted investigative tools, such as probable-cause warrants. SER 20-26, ER 74-76. Under current law, "serving the phone companies with demands for records relating to particular terrorism suspects," Pl. Br. 34, does not allow the historical analysis conducted under the Section 215 program to occur as effectively. SER 25.

race

Terror attack spikes racial hate crimes

Akram '2

Et al - SUSAN MUSARRAT AKRAM, Professor and Supervising Attorney - Boston University International Human Rights Clinical Program. She holds a JD from The Georgetown University Law Center. Was formerly a Visiting Professor at AL-QUDS UNIVERSITY, PALESTINE SCHOOL OF LAW. Her research and publications focus on immigration, asylum, refugee and human and civil rights. "Race, Civil Rights, and Immigration Law after September 11, 2001: The Targeting of Arabs and Muslims." NYU Annual Survey of American Law 58 (2002), 295-355.
<http://www.privacysos.org/sites/all/files/akram.pdf>

Times of crisis are often accompanied by hostility toward minorities in the United States. For Arabs and Muslims, this may be even more problematic, as perpetrators of hate crimes against Arabs and Muslims frequently fail to differentiate among persons based on religion or ethnic origin, from Pakistanis, Indians, Iranians, and Japanese to Muslims, Sikhs and Christian Arabs.⁸⁹ The widespread perception in the United States is that Arabs and Muslims are identical and eager to wage a holy war against the United States.⁹⁰ In fact, according to a 1993 report, only 12% of the Muslims in the United States at that time were Arab,⁹¹ and Arab Muslims are even a minority in the Arab-American community.⁹² Although there are Muslim "extremists," the majority of Muslims are "decent, law-abiding, productive citizens."⁹³ Because of the lack of differentiation between different types of Arabs and Muslims, terrorist acts by small groups of Arabs and Muslims often have been followed by generalized hostility toward entire communities of Arabs and Muslims in the United States. For example, after Lebanese Shi'a gunmen in 1985 hijacked TWA Flight 847 to Beirut, beat an American on the plane to death, and held the remaining passengers hostage for over two weeks,⁹⁴ violent attacks against persons of Arab and Muslim origin occurred across the United States.⁹⁵ Islamic centers and Arab-American organizations were vandalized and threatened. A Houston mosque was firebombed. A bomb exploded in the American-Arab Anti-Discrimination Committee office in Boston, severely injuring two policemen. ⁹⁶ Later that same year, after terrorists hijacked the Achille Lauro cruise liner and murdered a passenger, a wave of anti-Arab violence swept the country, including the bombing of an American-Arab Anti-Discrimination Committee office that killed its regional executive director.⁹⁷

empirics prove

King, 12

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On September 15th, 2001, Balbir Singh Sodhi walked out of the Chevron station he owned in Mesa, Arizona, to arrange a flowerbed outside the store. Seconds later, a pickup truck pulled into the gas station, stopped briefly, and the driver fired several shots from a .38 handgun.

Sodhi, a Sikh immigrant from India and the father of two daughters, was shot five times and lay dead in front of his store, the victim of the first, but not the last, fatal hate crime following the terrorist attacks of September 11th. Sodhi's assailant, Frank Roque, subsequently fired on two other persons that day who appeared in his eyes to be Arab or Muslim. When apprehended, Roque stated he was "a patriot" and "stood for America all the way." Much scholarly attention has been directed towards the terrorist attacks of 9/11 in the United States, and rightly so. It's imperative that we learn what warning signs were missed and what security measures were inadequate. Yet there is also a story to be told about the aftermath, and **among the lessons we learned from 9/11 is that a backlash in the form of hate crime is likely to follow.** The murder of Balbir Sodhi was one of many hate crimes perpetrated **against Muslims and Arabs, or those who appeared to be of that faith or ethnicity,** beginning on September 11th, 2001. According to hate crime statistics provided by the FBI, there were over 1,000 hate crimes with an anti-Muslim or anti-Arab motive during the fourteen-day period beginning on September 11th.* By comparison, fewer than 300 hate crimes with this motivation were reported to the FBI between January 1st and September 10th of that year. If we focus only on anti-Islamic hate crimes (omitting anti-Arab), 60% of the hate crimes that year occurred during that two-week stretch. **The post-9/11 hate crime wave was fueled largely by the emotion of anger and the desire for retribution** that pervaded the United States, a fact that should not surprise us. **The 20th century is replete with examples of mass violence against minority groups that were ignited by terrorist attacks** or assassinations. For instance, the Kristallnacht pogrom that took the lives of many German Jews in November of 1938 followed the assassination of a German diplomat at the hands of a Jewish youth. The psychologist Brian Lickel and his colleagues refer to this tendency as **'vicarious retribution'** – a **proclivity to punish innocent third parties who in some way resemble the perpetrators of an attack** – and **this sentiment is often found in the wake of terrorist acts.** When my colleagues, Ilir Disha (University at Albany and lead author of the study) and James Cavendish (University of South Florida), and I wrote about post-9/11 hate crimes in the United States in the journal *Social Problems*, we focused on the broader lessons to be learned from the 9/11 case. Our study looked at the pre and post-9/11 hate crimes in detail, breaking down crimes by day and type to answer some fundamental questions. For instance, how long did the post-9/11 hate crime wave last? Were hate crimes more likely to be perpetrated in New York and Washington than places not directly targeted by the terrorists? Were these crimes perpetrated by organized groups? And what, if anything, might be done to stymie hate crime waves in the future? Our results suggest a few patterns. Hate crime waves following terrorist attacks are intense but short in duration. With respect to the first issue – the duration of the hate crime wave – our analysis shows that post 9/11 hate crimes took the form of a peak more than a plateau (see Figure below). The crime wave began abruptly on September 11th and reached its highpoint within 48 hours, and the subsequent decline was nearly as rapid. In short, we can expect hate crime waves following terrorist attacks by foreign groups to be immediate and intense, but ultimately short in duration. There is some evidence that hate crime levels never fully returned to pre-9/11 averages, but clearly the initial wave quickly subsided. Attacks are geographically dispersed and victimization risk is associated with target population size. We also find that hate crimes increased across the country. That Balbir Sodhi was murdered thousands of miles from the site of the attacks is not anomalous. Anti-Muslim hate crimes increased in Mesa as well as New York; in Chicago as much as in Washington. Among the few

demographic characteristics that help sort out where Arabs and Muslims were at higher risk are the size of these respective populations. Intuitively, the raw number of hate crimes was more likely in counties with larger Arab and Muslim populations, largely because of opportunity; more targets equate to more crimes. Yet if we look at the rate of hate crimes per Arab or Muslim population, our analysis suggests that individual Arabs and Muslims were at higher risk of victimization where they were small in number. Counties with large Arab populations, such as Wayne County in Michigan (largest city is Detroit) experienced more hate crimes than other large counties, but when standardizing this number by the Arab population the rate was far smaller than other counties. From the victim's perspective we might say there is safety in numbers. Evidence suggests hate crimes were rarely the work of organized hate groups. Finally, there is no evidence that a sizeable proportion of hate crime was perpetrated by organized hate groups. According to the Southern Poverty Law Center, an organization that tracks extremist groups, the number of anti-Muslim hate groups increased after the attacks of 2001, yet the FBI data and media reports of hate crimes indicate that people like Frank Roque were the more common perpetrator – angry men with a grievance, but not actively involved with an extremist organization. Two additional points are pertinent to the aftermath of mass terrorism, particularly as it relates to hate crime. First, is the post 9/11 hate crime wave unique? Or should we expect a similar backlash in other settings? In my assessment 9/11 is unique only in its magnitude. We saw a smaller but hardly negligible increase in hate crimes against Muslims following the Oklahoma City Bombing in 1995, for which responsibility was initially attributed to Islamic fundamentalists (it was soon revealed that an American, Timothy McVeigh, was responsible, and the anti-Muslim attacks ceased). As the economist Steven Machin has found in his research, attacks against Muslims also rose sharply following the bombing of the London Underground in July of 2005. A violent wave of anti-Islamic attacks also followed a deadly attack on a train in India in February of 2002. A backlash seems predictable, particularly following lethal attacks in which responsibility is attributed to a specific minority group. Finally, can anything be done to prevent hate crimes against innocent civilians if another terrorist attack occurs? My guess is there is little that local or federal governments could have done to prevent the murder of Mr. Sodhi. However, if the goal is to minimize the intensity of attacks on innocent third parties following a terrorist act, two actions are worth trying. The first is simply disseminating information to at-risk populations. Arabs and Muslims (and Sikhs as well) should take extra precautions during the week following a terrorist attack in which Islamist fundamentalists are suspects. They are clearly at a higher risk of victimization during the week or two after an attack such as 9/11 or July 7. A second action calls on leaders to confront the issue early and publicly. About a week following the 9/11 attacks President Bush gave a speech stating that the true faith of Islam was not about terrorism, and that Muslim Americans should be treated with respect. Whether this speech truly had an effect is beyond the scope of this blog (although hate crimes decreased after the speech), but setting the tone at the top is among the few weapons in the government's arsenal. Our first hope is that terrorism does not occur. But if it does, the lessons of 9/11 suggest that the potential for reactionary crime and violence is high, and we should plan accordingly.

torture

In the aftermath of a terror attack, the government uses torture to deal with the threat

Conrad et al, 14

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Terrorist attacks can have far-reaching, long-term consequences.² Successful attacks directly and indirectly harm the target state's economy (Enders and Sandler 2006), especially as attacks often occur within the context of larger, more costly civil conflicts (Findley and Young 2011). Terrorist attacks can also lead to loss of support for incumbent leaders and influence voting patterns in democracies (Berrebi and Klor 2008). These negative consequences **create strong pressures** for governments **to prevent attacks** and minimize their repercussions when they do occur, and we argue that **such pressures might lead governments to engage in higher levels of torture and physical abuse**. First, although there is popular debate about the quality of intelligence produced when detainees are questioned under physical duress,³ government officials may torture terrorist suspects to generate information about future attacks (e.g., Dershowitz 2002; Ignatieff 2004). For example, Bush administration official Mark **Thiessen** **argues that the "enhanced interrogations" of Khalid Sheik Mohammed yielded intelligence that foiled terrorist plans** to fly an aircraft into a California skyscraper: "Without enhanced interrogations, there could be a hole in the ground in Los Angeles to match the one in New York" (Thiessen 2009). Second, torture may deter future terrorist activities. Potential terrorists may be dissuaded from engaging in attacks against states that respond to terrorism with human rights violations and other forms of indiscriminate violence (Lyal 2009).⁴ We discuss each of these mechanisms in turn.⁵ Torture and Intelligence Governments often lack reliable information about terrorist groups and their activities. This is by design on the part of the terrorists themselves. Organizations that engage in transnational and domestic terrorism do so most often because they are weak, lacking the capabilities to engage in conventional military strategies, and because they lack popular support for their goals to engage in political mobilization (Crenshaw 1998; Lake 2002; Kydd and Walter 2006). Because of their relative weakness compared with the states they target, it is crucial for terrorists to keep their organization and activities clandestine, to misrepresent their capabilities and resolve (Lake 2002) and to keep secret the geographic location of their operations. Although some states have successfully negotiated with terrorists (e.g., Jones and Libicki 2008), the increased probability of bargaining failures and the higher risks of defection by terrorist actors make such negotiations fraught with difficulty, even if the state is willing to offer concessions.⁶ States therefore frequently seek to deal with terrorism by eliminating groups and their members through policing and military action. Due to the clandestine and opaque nature of terrorism and terrorist threats, a critical barrier to effective counterterrorism policy is a lack of intelligence about the

details of terrorist organizations themselves and their plans for future terrorist attacks. During the height of the Iraq War, US government sources frequently cited lack of information about terrorist groups as a key reason for the persistence of the terrorist threat. As an example of the staggering dynamism and complexity of terrorist movements in that conflict, one journalist compiled a list of 103 groups claiming responsibility for attacks on Americans and Iraqis during a 6-month period in 2005 (Filkins 2008). As authorities become better able to gather intelligence on terrorist threats, the likelihood of successful deterrence, defence, and bargaining increases. Consequently, the occurrence of terrorist attacks is lower when states have accurate information about the capabilities and intentions of terrorist organizations that facilitates better counterterrorism efforts. Because intelligence collection is necessary for preventing terrorist attacks, governments faced with terrorist threats are incentivized to use whatever intelligence gathering techniques are available to generate counterterrorism information, including the use of physical abuse and torture of suspects and detainees. State officials have long engaged in torture both to establish the credibility of witness testimony and to aid in the determination of guilt or innocence (Rejali 2007). Proponents have argued that torture of suspected terrorists and their supporters can provide actionable intelligence (Johnson and Ryan 2012), increasing the state's ability to foil future attacks, identify members and/or destroy terrorist group cells. State agents are especially likely to engage in torture when they believe that it will generate information to eliminate a potential threat (Wantchekon and Healy 1999) and/or prevent a future attack.⁷ Increased intelligence is also important if the state wishes to respond to terrorism with more targeted violence. Indiscriminate repression, which is directed at the general population rather than specifically at members of terrorist and dissident groups, is unlikely to control dissent (e.g., Kalyvas and Kocher 2007; Kocher, Pepinsky, and Kalyvas 2011), eliminate insurgency (e.g., Findley and Young 2007, Sullivan 2011), or reduce terrorist attacks (e.g., Walsh and Piazza 2010; Dugan and Chenoweth 2012). Torture offers a focused method of gathering information about dissident activities, which increases the likelihood that state violence is targeted at insurgents and terrorists rather than at the population more generally. Torture and Deterrence Second, supporters of torture frequently claim it has a deterrent effect on terrorism. Torture—more broadly and indiscriminately applied—may be used to punish individual terrorists or as part of a strategy to intimidate and deter members and supporters of the terrorist organization. Physical punishment as a means of deterrence is a centuries-old legal and philosophical concept viewed as a legitimate function of sovereign governments (e.g., Hobbes 1651; Locke 1689). Sullivan (2011:6) argues that one of the “desired results” of torture is to, “create a link between disobedient behavior and pain, thereby reinforcing legal norms by associating transgression with negative sanctions.” As with punishment for criminal offenses, individuals may refrain from participating in or supporting terrorism if authorities have a reputation for torturing suspected terrorists and sympathizers. The French Army, for instance, randomly tortured Algerian citizens during the Algerian War in the 1960s (DiMarco 2006), suggesting that torture was used as a punitive and deterrent tool to prevent additional terrorist attacks.⁸ Supporters of this tactic argue that using torture to encourage fear (Walter 1969, Wantchekon and Healy 2005) among terrorist sympathizers and within the general populace can potentially stem the future growth of terrorist organizations.

Especially true with the increased risk of terrorism

(Courtenay R. Conrad Associate Professor of Political Science at the University of California, Merced, Justin Conrad is an assistant professor in the Department of Political Science and Public Administration at the University of North Carolina at Charlotte, James, Associate Professor (with tenure), Department of Political Science, The Pennsylvania State University, "When do countries respond to terrorism with torture?", <http://www.washingtonpost.com/blogs/monkey-cage/wp/2015/01/13/understanding-when-states-rarely-respond-to-terrorism-with-torture/>, January 13, 2015, ak.)

Militaries have historically devoted most of their attention to planning for war, not counterterrorism. Torture is a practice that they can implement quickly and (seemingly) cheaply to gain intelligence about terrorist threats, making it a tempting solution to a novel policy challenge. Police and prison officials, in contrast, are less likely to view responding to transnational threats as central to their organizational missions, and thus do not respond by increasing the degree to which they torture. We assess this argument with data from the Ill-Treatment and Torture Data Collection Project, which disaggregates the agencies engaging in torture for countries around the world from 1995 through 2005. Figure 1 illustrates this relationship by depicting the predicted probability that a country's military will engage in greater degrees of torture. The likelihood of widespread, systemic torture by military forces increases sharply with the number of transnational terrorist attacks, while the chance that the military will refrain from torturing declines. We further find that this response is most likely in established democracies. At first glance, this claim is surprising because democracies are less likely to engage in abuses of human rights, are more likely to cease torturing and long-established and stable democracies are the least likely to torture. Yet most democracies engage in torture, suggesting that they see utility in the practice or at least view the costs of stopping torture as unacceptably high. The value of torture for democratic states increases during periods of foreign threat, including as that posed by transnational terrorists. Democracies have long responded to external threats by increasing repression at home. Citizens are less likely to object to the torture of suspected terrorists who are members of "out-groups," including foreign nationals, and their preferences carry greater weight in democratic regimes.

Public opinion condones detention and enhanced interrogation against Muslims

Piazza, 14

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The study, therefore, finds some evidence that the religious identity of terrorism suspects is an important factor in the American public's approval of the use of some of the new, harsh counterterrorism techniques adopted after the 9/11 terrorist attacks. The religious identity of a

terror suspect—measured in terms of stereotypical Muslim versus Anglo names and in terms of alleged membership in a radical Muslim versus domestic, right-wing terrorist organization—significantly affects respondent support for the application of harsh detention practices against suspects, such as detention without charge, without access to an attorney, and without access to civilian courts. No significant effects were found for subjecting suspects to harsh interrogation. These findings illustrate the utility of the outgroup-hate and ingroup-love theoretical model of individual reaction to perception of threat and desire to apply punitive measures to outgroup transgressors to understanding public opinion regarding a highly salient contemporary policy issue in the United States: detention of terror suspects. This same theoretical model might apply to other War on Terror policy issues such as the use of drones for security, NSA surveillance, or the creation of new counterterrorism laws or granting of new counterterror powers to law enforcement. Future studies could test whether or not public support for these is contingent on the religious identity of the targeted population. As previously stated, the purpose of surveying respondent support for both harsh interrogation and detention practices was to use the fullest possible complement of post-9/11 counterterrorism practices against terror suspects in measuring the public's attitudes. The a priori theoretical expectation was that the American public was more permissive of harsh treatment in general of Muslim-identified suspects. The hypotheses of the study, supported by existing theoretical work, are not clearly specified in terms of specific counterterrorism practices. However, there are a couple of possible explanations for the different findings for interrogation and detention in this study and some ideas that future research could investigate. First, the interrogation activities portrayed in the survey, such as waterboarding, have received significantly more media attention than have the more abstract and legalistic practices depicted in the detention questions. The subject of physical abuse of people detained for terrorism charges—brought to public attention through public debate over abuse scandals at Guantanamo Bay, Baghram Air Force Base in Afghanistan, and Abu Ghraib prison in Iraq—also was hotly debated in national politics, prompting public condemnation by national figures such as U.S. Senator John McCain, a Congressional legislative action to ban various torture practices in 2005 through the Detainee Treatment Act, and a veto of this act by President Bush. (Jansen, 2008). In contrast, there has been little contentious public debate about extraordinary detention of detainees. The result has been that the American public has access to a clearly articulated criticism of extraordinary interrogation and vivid images of the outcome of such interrogation practices on actual Muslims but little information at all about extraordinary detention. This asymmetry might condition respondent attitudes, making them discount the negative impact of detention on Muslim suspects and therefore more tolerant of such practices. Future research might directly test this by interacting measures of respondent familiarity with or exposure to news stories about interrogation versus detention practices with support for subjecting Muslim suspects to these practices. Second, most of the activities depicted in the 10 questions about interrogation of terror suspects have since 2009 been made illegal via President Obama's Executive Order requiring interrogation and treatment of terror suspects, held both abroad and within the United States, to conform to the U.S. Army Field Manual on Interrogations (White House, 2009). In contrast, the detention practices depicted in the survey remain legal, having been interpreted as legally valid by both the Bush and Obama Justice Departments (White House, 2001). This may also condition respondent attitudes, as respondents might regard

application of extraordinary interrogation, regardless of suspect identity, to be a legally questionable tactic while extraordinary detention, particularly against suspects depicted as “foreign,” is not freighted with such concerns. These are only speculations. Future research may survey respondents about their level of awareness of post-9/11 interrogation and detention techniques in order to determine why the public has different levels of toleration for these two practices. As a final discussion point, it should be noted that although the results provide evidence that both the personal religious identity and the group affiliation of the suspects are significant predictors of respondent tolerance of extreme detention, the Muslim name treatment is more frequently significant in the tests of respondent support for specific types of detention. This is a finding that could be further explored in future studies. If it were to be consistently reproduced, it might suggest that individual religious identity itself primes tolerance for harsh treatment, which would be more consistent with the identity-based theories that motivate the article.

Conclusion The finding that the American public is more tolerant of subjecting individuals suspected of terrorist activity to extreme detection if the suspects are Muslim or are claimed to be members of a Muslim extremist group—if valid—has several public policy implications, potentially identifying a loophole in popular democratic constraint of executive branch counterterrorism behavior. Counterterrorism officials may recognize that currently the public is generally hesitant about authorizing enhanced interrogation and detention techniques in the War on Terror but may bank on greater public leniency in dealing with some types of terror suspects. This opens the possibility of a nuanced and gradual erosion of standards for civil liberties and human rights standards in the United States, with less risk of the type of public backlash that a general, nondiscriminatory policy of terror suspect abuse might provoke.

Xenophobia

Attacks create unwarranted profiling of Muslim Americans.

Shamsi & Harwood 14 – Hina Shamsi, director of the ACLU's National Security Project, and Matthew Harwood, ACLU's senior writer/editor, 2014 ("How Surveillance Turns Ordinary People Into Terrorism Suspects," Mother Jones, Nov. 6th, Accessed 6/16/15, J.L.)

The SAR database is part of an ever-expanding domestic surveillance system established after 9/11 to gather intelligence on potential terrorism threats. At an abstract level, such a system may seem sensible: far better to prevent terrorism before it happens than to investigate and prosecute after a tragedy. Based on that reasoning, the government exhorts Americans to "see something, say something"—the SAR program's slogan. Indeed, just this week at a conference in New York City, FBI Director James Comey asked the public to report any suspicions they have to authorities. "When the hair on the back of your neck stands, listen to that instinct and just tell somebody," said Comey. And seeking to reassure those who do not want to get their fellow Americans in trouble based on instinct alone, the FBI director added, "We investigate in secret for a very good reason, we don't want to smear innocent people." There are any number of problems with this approach, starting with its premise. Predicting who exactly is a future threat before a person has done anything wrong is a perilous undertaking. That's especially the case if the public is encouraged to report suspicions of neighbors, colleagues, and community members based on a "hair-on-the-back-of-your-neck" threshold. Nor is it any comfort that the FBI promises to protect the innocent by investigating "suspicious" people in secret. The civil liberties and privacy implications are, in fact, truly hair-raising, particularly when the Bureau engages in abusive and discriminatory sting operations and other rights violations. At a fundamental level, suspicious activity reporting, as well as the digital and physical infrastructure of networked computer servers and fusion centers built around it, depends on what the government defines as suspicious. As it happens, this turns out to include innocuous, First Amendment-protected behavior. As a start, a little history: the Nationwide Suspicious Activity Reporting Initiative was established in 2008 as a way for federal agencies, law enforcement, and the public to report and share potential terrorism-related information. The federal government then developed a list of 16 behaviors that it considered "reasonably indicative of criminal activity associated with terrorism." Nine of those 16 behaviors, as the government acknowledges, could have nothing to do with criminal activity and are constitutionally protected, including snapping photographs, taking notes, and "observation through binoculars." Under federal regulations, the government can only collect and maintain criminal intelligence information on an individual if there is a "reasonable suspicion" that he or she is "involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity." The SAR program officially lowered that bar significantly, violating the federal government's own guidelines for maintaining a "criminal intelligence system." There's good reason for, at a minimum, using a reasonable suspicion standard. Anything less and it's garbage in, garbage out, meaning counterterrorism "intelligence" databases become anything but intelligent. When the Mundane Looks Suspicious The SAR program provides striking evidence of this. In 2013, the ACLU of Northern California obtained nearly 2,000 SARs from two state fusion centers, which collect, store, and analyze such reports, and then share those their intelligence analysts find worthwhile across what the federal government calls its Information Sharing Environment. This connects the fusion centers and

other federal agencies into an information-sharing network, or directly with the FBI. Their contents proved revealing. A number of reports were concerned with "ME"—Middle Eastern—males. One headline proclaimed, "Suspicious ME Males Buy Several Large Pallets of Water at REDACTED." Another read, "Suspicious Activities by a ME Male in Lodi, CA." And just what was so suspicious about this male? Read into the document and you discover that a sergeant at the Elk Grove Police Department had long been "concerned about a residence in his neighborhood occupied by a Middle Eastern male adult physician who is very unfriendly." And it's not just "Middle Eastern males" who provoke such suspicion. Get involved in a civil rights protest against the police and California law enforcement might report you, too. A June 2012 SAR was headlined "Demonstration Against Law Enforcement Use of Excessive Force" and reported that "a scheduled protest" by demonstrators "concerned about the use of excessive force by law enforcement officers" was about to occur. What we have here isn't just a failure to communicate genuine threat information, but the transformation of suspicion into pernicious ideological, racial, and religious profiling, often disproportionately targeting activists and American Muslims. Again, that's not surprising. Throughout our history, in times of real or perceived fear of amorphously defined threats, government suspicion focuses on those who dissent or look or act differently. Counterterrorism Accounting Law enforcement officials, including the Los Angeles Police Department's top counterterrorism officer, have themselves exhibited skepticism about suspicious activity reporting (out of concern with the possibility of overloading the system). In 2012, George Washington University's Homeland Security Policy Institute surveyed counterterrorism personnel working in fusion centers and in a report generally accepting of SARs noted that the program had "flooded fusion centers, law enforcement, and other security outfits with white noise," complicating "the intelligence process" and distorting "resource allocation and deployment decisions." In other words, it was wasting time and sending personnel off on wild goose chases. A few months later, a scathing report from the Senate subcommittee on homeland security described similar intelligence problems in state-based fusion centers. It found that Department of Homeland Security (DHS) personnel assigned to the centers "forwarded 'intelligence' of uneven quality—oftentimes shoddy, rarely timely, sometimes endangering citizens' civil liberties and Privacy Act protections... and more often than not unrelated to terrorism." Effectiveness doesn't exactly turn out to be one of the SAR program's strong suits, though the government has obscured this by citing the growing number of SARs that have triggered FBI investigations. However, according to a report from the Government Accountability Office (GAO), the FBI doesn't track whether SARs uploaded into the domestic intelligence network actually help thwart terrorism or lead to arrests or convictions. You are, of course, what you measure—in this case, not much; and yet, despite its dubious record, the SAR program is alive and kicking. According to the GAO, the number of reports in the system exploded by 750%, from 3,256 in January 2010 to 27,855 in October 2012. And being entered in such a system, as Wiley Gill found out, can prove just the beginning of your problems. Several months after his home was searched, his telephone rang. It was a Chico police officer who told Gill to shut down his Facebook page. Gill refused, responding that there was only one reason he thought the police wanted his account deleted: its references to Islam. The phone call ended ominously with the officer warning Gill that he was on a "watchlist." The officer may have been referring to yet another burgeoning secret database that the federal government calls its "consolidated terrorism watchlist." Inclusion in this database—

and on government blacklists that are generated from it—can bring more severe repercussions than unwarranted law enforcement attention. It can devastate lives.

Twenty-First-Century Blacklists

When small business owner Abe Mashal reached the ticket counter at Chicago's Midway Airport on April 20, 2010, an airline representative informed him that he was on the no-fly list and could not travel to Spokane, Washington, on business. Suddenly, the former Marine found himself surrounded by TSA agents and Chicago police. Later, FBI agents questioned him at the airport and at home about his Muslim faith and his family members. The humiliation and intimidation didn't end there. A few months later, FBI agents returned to interview Mashal, focusing again on his faith and family. Only this time they had an offer to make: if he became an FBI informant, his name would be deleted from the no-fly list and he would be paid for his services. Such manipulative quid pro quos have been made to others. Mashal refused. The meeting ended abruptly, and he wasn't able to fly for four years. As of August 2013, there were approximately 47,000 people, including 800 US citizens and legal permanent residents like Mashal, on that secretive no-fly list, all branded as "known or suspected terrorists." All were barred from flying to, from, or over the United States without ever being given a reason why. On 9/11, just 16 names had been on the predecessor "no transport" list. The resulting increase of 293,650%—perhaps more since 2013—isn't an accurate gauge of danger, especially given that names are added to the list based on vague, broad, and error-prone standards. The harm of being stigmatized as a suspected terrorist and barred from flying is further compounded when innocent people try to get their names removed from the list. In 2007, the Department of Homeland Security established the Traveler Redress Inquiry Program through which those who believe they are wrongly blacklisted can theoretically attempt to correct the government's error. But banned flyers quickly find themselves frustrated because they have to guess what evidence they must produce to refute the government's unrevealed basis for watchlisting them in the first place. Redress then becomes a grim bureaucratic wonderland. In response to queries, blacklisted people receive a letter from the DHS that gives no explanation for why they were not allowed to board a plane, no confirmation of whether they are actually on the no-fly list, and no certainty about whether they can fly in the future. In the end, the only recourse for such victims is to roll the dice by buying a ticket, going to the airport, and hoping for the best. Being unable to board a plane can have devastating consequences, as Abe Mashal can attest. He lost business opportunities and the ability to mark life's milestones with friends and family. There is hope, however. In August, four years after the ACLU filed a lawsuit on behalf of 13 people on the no-fly list, a judge ruled that the government's redress system is unconstitutional. In early October, the government notified Mashal and six others that they were no longer on the list. Six of the ACLU's clients remain unable to fly, but at least the government now has to disclose just why they have been put in that category, so that they can contest their blacklisting. Soon, others should have the same opportunity. Suspicion First, Innocence Later... Maybe The No Fly List is only the best known of the government's web of terrorism watchlists. Many more exist, derived from the same master list. Currently, there are more than one million names in the Terrorist Identities Datamart Environment, a database maintained by the National Counterterrorism Center. This classified source feeds the Terrorist Screening Database (TSDB), operated by the FBI's Terrorist Screening Center. The TSDB is an unclassified but still secret list known as the "master watchlist," containing what the government describes as "known or suspected terrorists," or KSTs. According to documents recently leaked to the Intercept, as of August 2013

that master watchlist contained 680,000 people, including 5,000 US citizens and legal permanent residents. The government can add people's names to it according to a shaky "reasonable suspicion" standard. There is, however, growing evidence that what's "reasonable" to the government may only remotely resemble what that word means in everyday usage. Information from a single source, even an uncorroborated Facebook post, can allow a government agent to watchlist an individual with virtually no outside scrutiny. Perhaps that's why 40% of those on the master watchlist have "no recognized terrorist group affiliation," according to the government's own records. Nothing encapsulates the post-9/11, Alice-in-Wonderland inversion of American notions of due process more strikingly than this "blacklist first, innocence later... maybe" mindset. The Terrorist Screening Database is then used to fill other lists. In the context of aviation, this means the no-fly list, as well as the selectee and expanded selectee lists. Transportation security agents subject travelers on the latter two lists to extra screenings, which can include prolonged and invasive interrogation and searches of laptops, phones, and other electronic devices. Around the border, there's the State Department's Consular Lookout and Support System, which it uses to flag people it thinks shouldn't get a visa, and the TECS System, which Customs and Border Protection uses to determine whether someone can enter the country. Inside the United States, no watchlist may be as consequential as the one that goes by the moniker of the Known or Appropriately Suspected Terrorist File. The names on this blacklist are shared with more than 17,000 state, local, and tribal police departments nationwide through the FBI's National Crime Information Center (NCIC). Unlike any other information disseminated through the NCIC, the KST File reflects mere suspicion of involvement with criminal activity, so law enforcement personnel across the country are given access to a database of people who have secretly been labeled terrorism suspects with little or no actual evidence, based on virtually meaningless criteria. This opens up the possibility of increased surveillance and tense encounters with the police, not to speak of outright harassment, for a large but undivulged number of people. When a police officer stops a person for a driving infraction, for instance, information about his or her KST status will pop up as soon as a driver's license is checked. According to FBI documents, police officers who get a KST hit are warned to "approach with caution" and "ask probing questions." When officers believe they're about to go face to face with a terrorist, bad things can happen. It's hardly a stretch of the imagination, particularly after a summer of police shootings of unarmed men, to suspect that an officer approaching a driver whom he believes to be a terrorist will be quicker to go for his gun. Meanwhile, the watchlisted person may never even know why his encounters with police have taken such a peculiar and menacing turn. According to the FBI's instructions, under no circumstances is a cop to tell a suspect that he or she is on a watchlist. And once someone is on this watchlist, good luck getting off it. According to the government's watchlist rulebook, even a jury can't help you. "An individual who is acquitted or against whom charges are dismissed for a crime related to terrorism," it reads, "may nevertheless meet the reasonable standard and appropriately remain on, or be nominated to, the Terrorist Watchlist." No matter the verdict, suspicion lasts forever.

American Muslims face an onslaught of hate crimes after each crisis.

Dado 14 – Natash Amer Dado, Arab American News reporter and Wayne State University graduate, 2014 (<http://newamericamedia.org/2014/09/muslim-americans-say-isis-terrorism->

may-lead-to-more-hate-crimes.php, USC Annenberg California Endowment Health Fellowships, September 10th, Accessed 9/18/2015, J.L.)

Muslim Americans Say ISIS Terrorism May Lead to More Hate Crimes Muslim Americans Say ISIS Terrorism May Lead to More Hate Crimes Story tools Comments AAAResize Print Share and Email Arab American News, News Report, Natasha Dado, Posted: Sep 10, 2014 Linda Sarsour, the executive director of the Arab American Association of New York, was a victim of a hate crime this week that wouldn't have occurred had it not been for the phenomenon of the terrorist group "Islamic State" (ISIS). Sarsour, who has become a voice for Muslim Americans nationally, discussed the incident on social media. "My deputy director and I were harassed by a bigoted drunk who hurled hateful Islamophobic and anti-Arab epithets at us on 5th Avenue in Bay Ridge [a neighborhood in Brooklyn]," Sarsour wrote in a Facebook post about the incident. "He said, 'you are cutting people's heads off, sharmoota, I'm going to cut off your head and see how you will feel, you Arab b.....'" The attacker appeared to be referencing the IS, which beheaded American journalists James Foley and Steve Sotloff. The IS claimed the men were murdered in retaliation for the United States' involvement in Iraq. Sarsour said the attacker had some sort of item or tool in his back pocket. The man ran after them and picked up a huge NYC metal garbage can and threw it at them, causing them to run into oncoming traffic. Muslim Americans still face widespread challenges fighting hate and discrimination more than a decade after 9/11, and IS terrorism seems to be creating even more misunderstanding about members of the community and their faith. Since ISIS first gained a stronghold in Mosul, Iraq in early June, Muslim American religious and community leaders have repeatedly condemned the group publically to prove it doesn't represent their faith. "The Islamic State is actually succeeding in causing damage to the image of Muslims and Islam," said Majid Shah, a Muslim American from Washington D.C. In response to IS terrorism, users on social media sites have been posting derogatory comments about Arabs and Muslims. For many Muslim Americans another attack on the United States by a group that commits acts of terrorism in the name of Islam would be detrimental and possibly increase hate crimes against the community. After 9/11 many people blamed Islam for the attacks, and took out their anger and frustration on the community. Former Vice President Dick Cheney recently predicted an attack this decade that would be far deadlier than 9/11. On Monday, King Abdullah of Saudi Arabia warned that ISIS could attack the United States within two months and Europe in one month if more action against the IS wasn't taken. Iraqi American Alia Almulla said the situation for Muslim Americans would be worse than it was after 9/11 if the IS attacked the United States. "I feel like it will be way worse than what happened with Sept. 11," she said. Almulla was a victim of a hate crime after 9/11. The incident occurred in 2007 while she was pregnant and living in Oklahoma City. She was sitting at a park with her family when people started questioning her about the headscarf she was wearing. Someone approached her and pulled off the headscarf. "Over there they are not educated at all about Islam or wearing a scarf. They have not even seen these things," she said. The attackers asked why she had the headscarf on and whether she was wearing it because she was bald and had lice. "They pulled it off to see if I really have hair or whatever," she said. Speaking to The Arab American News, one Muslim woman who did not want to be identified remembered that when the Boston bombings happened she was worried about what it would mean to her community if the perpetrators were Muslim. "When the Boston bombing happened I was praying, 'God please don't let that be a Muslim, because when an incident like that happens you

pay a price,” she said. She said that after the Boston bombing, women in parts of Massachusetts were attacked because they were wearing hijabs. S

Animosity toward Muslims and people of other nationalities

Schwartz, 11

(Allan Schwartz, LCSW, Ph.D. was in private practice for more than thirty years. He is a Licensed Clinical Social Worker in the states of Colorado (#127) and New York (#R039535). He received both his MSW (1988, Wurzweiler School of Social Work)) and Ph.D. (1976, Ferkhauf Graduate School) from Yeshiva University in New York City. Dr. Schwartz is a Certified Psychoanalyst having graduated from NPAP (National Psychological Association for Psychoanalysis) in 1992. He now lives and writes about psychotherapy in Boulder, Colorado and Southwest Florida, “Acts of Violence, Fear of The Unknown, Xenophobia”, <https://www.mentalhelp.net/blogs/acts-of-violence-fear-of-the-unknown-xenophobia/>, July 27, 2011, ak.)

Last week’s tragedy in Norway once again raises important questions about ethnic hatred and violence. Norway is known for being one of the most peaceful nations in the world. It’s people are tolerant, gentle and generous. It is for these reasons that they happily accepted and embraced immigrants into their country. It seems that this is what led to the violent bombing and shootings that caused so many deaths and shook Norwegians and other Europeans to the core. According to news reports, Anders Behring Breivik, the suspect, professes anti Muslim, pro white and pro Christian beliefs and politics. His plan was to incite similar minded people around the world to rise up and commit similar violent acts against foreigners. His professed fear was that Europe and the world were being colonized by Muslims. Why do violent acts as those based on ethnic hatred, occur? The answer has a lot to do with the term, xenophobia. We know that a phobia is a fear of something to which we have been exposed that had an aversive impact on our lives. For instance, I have known people who, after having been stuck in an elevator, cannot enter any other such conveyance because of a deep seated fear that they cannot control. Xenophobia is much the same except for the fact that the fearful response is to people who are foreign or alien. After the 9/11 attacks, some Americans become xenophobic to anyone perceived to be Arab or Muslim. Airplane passengers refused to fly with them, others demanded that Muslims be deported and a few even perpetrated violent acts upon completely innocent American Muslims and Arabs. In at least one case that was reported, someone from India was mistaken for being Muslim and was attacked almost ending his life. A unique reality of life today is that modern travel and communication has brought the world together as never before. Through the internet people communicate with each other from the most distant places possible. Internet communication comes not only through E. Mail but through internet telephone service that has made calling inexpensive. More than a telephone call, people can use Skype and other video services, to have face to face contact with one another without leaving their office or home. Several years ago, I received an E. Mail inquiry from someone in George...the former soviet state and now an independent country. I was startled when he told me that he wanted to see me about couples counseling for him and his girlfriend. The appointment was made with information about my address, etc. I was even more startled when he and his girlfriend appeared for the session. Speaking perfect English and with only the

slightest of accents, they told me about their problems. Several weeks later they flew back to Georgia. This is the paradox of today. The fact that modern technology has brought the world close together, that very close proximity has spurred fear and hatred. This fear of anyone foreign is irrational and dangerous. Yet, in a time of great anxiety about the world's economy and acts of terrorism, it's important that everyone resist the appeal of demagogues who want to prey upon our worst nightmares. It is too easy, as it always has been in troubled times, to pick a scapegoat and use them as a target for all of our frustrations. This is not healthy and can lead to dreadful consequences.

Fear

APA, no date

(The American Psychological Association is the largest scientific and professional organization representing psychology in the United States, with more than 122,500 researchers, educators, clinicians, consultants and students as its members, "Managing traumatic stress: coping with terrorism", <http://www.apa.org/helpcenter/terrorism.aspx>, ak.)

Terrorism threatens a society by instilling fear and helplessness in its citizens. It seeks to hold a society or government hostage by fear of destruction and harm. When terrorist acts occur, people generally look for ways to cope with the acute stress and trauma. Terrorism evokes a fundamental fear of helplessness. The violent actions are random, unprovoked and intentional, and often are targeted at defenseless citizens. Trying to cope with the irrational information that is beyond normal comprehension can set off a chain of psychological events culminating in feelings of fear, helplessness, vulnerability and grief. Xenophobia — fear or hatred of strangers or foreigners — can be heightened under a terrorist threat and can become a social and psychological danger. The fear generated by terrorism can be exacerbated by a population's diversity if there is distrust between groups, categories and classification of citizens.

public pressure

In the wake of domestic terror, politicians face enormous political pressures to increase torture, internment, and surveillance of suspected ethnicities

Fearon, 3

(James D. Fearon is Theodore and Frances Geballe Professor in Stanford University's School of Humanities and Sciences, Professor of Political Science, and a Senior Fellow at the Freeman-Spogli Institute for International Studies. His research focuses mainly on armed conflict and political violence. Fearon is a member of the National Academy of Sciences, the American Academy of Arts and Sciences, and a program member of the Canadian Institute for Advanced Research, "Catastrophic terrorism and civil liberties in the short and long run", <https://web.stanford.edu/group/fearon-research/cgi-bin/wordpress/wp-content/uploads/2013/10/Catastrophic-terrorism-and-civil-liberties-in-the-short-and-long-run.pdf>, October 9, 2003, ak.)

What **will** our **politicians** do? Will they judiciously consider how to construct and reform our institutions to monitor and control the application of the new government powers that will be increasingly necessary to reduce the risk of catastrophic terrorism? Or will they respond in a disconnected and frenzied fashion, **ratcheting up arbitrary and unchecked** government powers of **surveillance**, investigation, and detention **with each new attack**? I suspect **the answer will depend on** a largely unpredictable factor: **the pace and success of terrorist attacks** in the coming years. If we manage to go for five years or so without another major homeland terrorist attack, then prospects are relatively good that Congress and the country will recover some equanimity and confront the problems of legislative and judicial reform from a more long-run perspective. If and when a Democrat wins back the White House, and if the Republicans still control part or all of Congress, then the Republicans are sure to want to revisit the powers granted to or assumed by Bush since post 9/11. I would hope that the Democrats would be more willing to go along as a matter of serving their constituents' preferences. If, on the other hand, terrorists of whatever stripe "get lucky" one or more times in the near future, then we will see more of what Laura Donohue calls "the counterterrorist spiral."⁹ **After a dramatic terrorist attack, politicians face extremely strong pressures to "do something," which for reelection purposes needs to be highly visible and easily explainable to voters.** Changing laws to give greater powers to law enforcement fits the bill, and has almost always been the immediate response of democratic governments to major terrorist attacks. Donohue notes that in the case she knows best, Northern Ireland, **counterterrorist laws put on the books in reaction to big attacks** have tended to **stay on the books**. **Politicians don't want to risk being called "soft on terrorism"** in the midst of a conflict. **The result has been a ratchet effect, or spiral, to the great detriment of civil liberty.** Over the course of the last century, the United States has faced a succession of apparent domestic security threats that led to spasms of legislation and police action. In retrospect, these spasms were widely viewed as having been misguided and unconstitutional. It is instructive to consider these in thinking about the likely future course of civil liberties law in the face of catastrophic terrorism. In a hysterical response to a few package bombs, **the Palmer Raids of 1919-20** locked up thousands essentially on the presumption that they were communists or anarchists. **During World War II**, citizens and non-citizens of **Japanese** ancestry **were locked up**

as potential traitors in camps in the western deserts. After World War II, suspected association with the Communist Party was, for a time, grounds for active government persecution and FBI harassment. Most recently, after the 1996 Oklahoma City bombing and after 9/11, Congress passed a series of acts of questionable constitutionality, while the president has used executive authority to detain thousands of unnamed noncitizens who have no legal recourse or representation, both noncitizens living in the U.S. and hundreds captured in “non-war” in Afghanistan. The constitutional lawyer David Cole points to a pattern, or evolution, in these several episodes.¹⁰ In the midst of each one, the U.S. courts and judicial system acquiesced to or deliberately authorized laws that, shortly afterwards, they and many others saw as clearly unconstitutional. After the great fears had waned, the courts crafted and fleshed out new constitutional doctrines intended to prevent future abuses along the lines of the last episode. Thus, during and after World War I, U.S. laws explicitly criminalized advocating certain political views, such as communism or even opposition to the draft. In the 1917 Supreme Court opinion known for the famous line about there being no constitutional right to cry fire in a crowded theatre if there was no fire, Oliver Wendell Holmes was actually arguing (successfully) that the state could jail a person for distributing leaflets opposing the draft for “the Great War.”¹¹ Later rulings clarified that such laws were simply inconsistent with the First Amendment right of freedom of expression. Understanding these judicial precedents, in the McCarthy era the state criminalized not opinions and speech, but associations. “Are you now or have you ever been a member of the Communist party?” After the hysteria subsided, Supreme Court rulings in 1957 and 1961 asserted what should have been asserted from the start – that this was clearly unconstitutional. Cole argues that in the present episode, since Oklahoma and 9/11, government has evolved new tactics for restricting civil liberties that do not criminalize speech, and that target freedom of association only indirectly. He focuses on laws that make it a criminal act for one to provide “material support” to a “terrorist association,” even if one does not intend that the support supplied be used for terrorist purposes. The executive branch (via the State Department) decides what a “terrorist organization” is, according to no legally defined or justiciable criteria. Cole notes that since 9/11, almost every criminal “terrorism” case brought by the government has charged the defendant under the “material support” provisions.¹² Cole finds depressing this historical pattern of Fear-induced civil rights abuses, post-Fear judicial action to prevent the repetition of such abuses, and then, with the next Fear, government invention of new ways to get around the Bill of Rights. He says there is no “progress,” just the repetition of history. To the contrary, I would view it as notable progress if, over time, our political system is able to improve itself by forcing government abuse of the constitution to take ever more subtle forms. The more interesting question is whether the self-correction part of the cycle will continue to operate in the present case, with the threat of catastrophic terrorism. In the past, the Fear had to subside for self-correction to occur. But if the risk of catastrophic terrorism is a technological problem that will grow more and more pressing over time, then will the Fear ever subside enough to allow the political space necessary for our political class to come to grips with it in an intelligent way? Or will periodic major terrorists attacks produce a permanent condition akin to counterinsurgency, in which both public and politicians acquiesce to what would once have been considered massive civil rights violations by a more powerful and arbitrary state? All I can say is that I certainly hope not, and that I hope that U.S. foreign policy is revised in ways that will genuinely lower rather than possibly increase the short-run risk of more

attacks. But, unfortunately, I'm not sure if we have all that much control here. To a great extent we are hostage to the terrorists' luck, or lack thereof.

civil liberties

Even an infinitesimal risk of our disad should outweigh the aff – all of their harms assume “potential” surveillance and ignore that another domestic terror attack would decimate the civil liberties that exist now

Friedman, 13

(Thomas L. Friedman became The New York Times foreign affairs Op-Ed columnist in 1995. He joined the paper in 1981, after which he served as the Beirut bureau chief in 1982, Jerusalem bureau chief in 1984, and then in Washington as the diplomatic correspondent in 1989, and later the White House correspondent and economic correspondent. Mr. Friedman was awarded the 1983 Pulitzer Prize for international reporting (from Lebanon) and the 1988 Pulitzer Prize for international reporting (from Israel). He also won the 2002 Pulitzer Prize for commentary. Mr. Friedman is the author of “From Beirut to Jerusalem,” which won the National Book Award in 1989. He has written several other books, including “Hot, Flat and Crowded,” an international best seller. Born in Minneapolis, Mr. Friedman received a B.A. degree in Mediterranean studies from Brandeis University in 1975. In 1978 he received a master’s in modern Middle East studies from Oxford, “Blowing a Whistle”, <http://www.nytimes.com/2013/06/12/opinion/friedman-blowing-a-whistle.html>, June 12, 2013, ak.)

I’m glad I live in a country with people who are vigilant in defending civil liberties. But as I listen to the debate about the disclosure of two government programs designed to track suspected phone and e-mail contacts of terrorists, I do wonder if some of those who unequivocally defend this disclosure are behaving as if 9/11 never happened — that the only thing we have to fear is government intrusion in our lives, not the intrusion of those who gather in secret cells in Yemen, Afghanistan and Pakistan and plot how to topple our tallest buildings or bring down U.S. airliners with bombs planted inside underwear, tennis shoes or computer printers. Yes, I worry about potential government abuse of privacy from a program designed to prevent another 9/11 — abuse that, so far, does not appear to have happened. But I worry even more about another 9/11. That is, I worry about something that’s already happened once — that **was staggeringly costly** — **and** that **terrorists aspire to repeat**. I worry about that even more, not because I don’t care about civil liberties, but because what I cherish most about America is our open society, and I believe that **if there is one more 9/11 — or worse, an attack involving nuclear material — it could lead to the end of the open society as we know it**. If there were another 9/11, I fear that **99 percent of Americans would tell** their members of **Congress: “Do whatever you need to do to, privacy be damned, just make sure this does not happen again.”** That is what I fear most. That is why I’ll reluctantly, very reluctantly, trade off the government using data mining to look for suspicious patterns in phone numbers called and e-mail addresses — and then have to go to a judge to get a warrant to actually look at the content under guidelines set by Congress — to prevent a day where, out of fear, we give government a license to look at anyone, any e-mail, any phone call, anywhere, anytime. What we don’t need is to give up our freedoms just to address levels of paranoia that are, frankly, infantile. So I don’t believe that Edward Snowden, the leaker of all this secret material, is some heroic whistle-blower. No, I believe Snowden is someone who needed a whistle-blower. He needed someone to challenge him with the argument that we don’t live in a world any longer where our government can protect its citizens

from real, not imagined, threats without using big data — where we still have an edge — under constant judicial review. It's not ideal. But if one more 9/11-scale attack gets through, the cost to civil liberties will be so much greater. A hat tip to Andrew Sullivan for linking on his blog to an essay by David Simon, the creator of HBO's "The Wire." For me, it cuts right to the core of the issue. "You would think that the government was listening in to the secrets of 200 million Americans from the reaction and the hyperbole being tossed about," wrote Simon. "And you would think that rather than a legal court order, which is an inevitable consequence of legislation that we drafted and passed, something illegal had been discovered to the government's shame. Nope. ... The only thing new here, from a legal standpoint, is the scale on which the F.B.I. and N.S.A. are apparently attempting to cull anti-terrorism leads from that data. ... I know it's big and scary that the government wants a database of all phone calls. And it's scary that they're paying attention to the Internet. And it's scary that your cellphones have GPS installed. ... The question is not should the resulting data exist. It does. ... The question is more fundamental: Is government accessing the data for the legitimate public safety needs of the society, or are they accessing it in ways that abuse individual liberties and violate personal privacy — and in a manner that is unsupervised. And to that, The Guardian and those who are wailing jeremiads about this pretend-discovery of U.S. big data collection are noticeably silent. We don't know of any actual abuse." We do need to be constantly on guard for abuses. But the fact is, added Simon, that for at least the last two presidencies "this kind of data collection has been a baseline logic of an American anti-terrorism effort that is effectively asked to find the needles before they are planted into haystacks, to prevent even such modest, grass-rooted conspiracies as the Boston Marathon bombing before they occur." To be sure, secret programs, like the virtually unregulated drone attacks, can lead to real excesses that have to be checked. But here is what is also real, Simon concluded: "Those planes really did hit those buildings. And that bomb did indeed blow up at the finish line of the Boston Marathon. And we really are in a continuing, low-intensity, high-risk conflict with a diffuse, committed and ideologically motivated enemy. And, for a moment, just imagine how much bloviating would be wafting across our political spectrum if, in the wake of an incident of domestic terrorism, an American president and his administration had failed to take full advantage of the existing telephonic data to do what is possible to find those needles in the haystacks." And, I'd add, not just bloviating. Imagine how many real restrictions to our beautiful open society we would tolerate if there were another attack on the scale of 9/11. Pardon me if I blow that whistle.

More attacks create programs that encroach on civil liberties.

Khanna 13 – Derek Khanna, Yale Law Fellow & Congressional staffer for the House Republican Study Committee, 2013 ("If PRISM Is Good Policy, Why Stop With Terrorism?" The Atlantic, Jul. 4th , <http://www.theatlantic.com/politics/archive/2013/07/if-prism-is-good-policy-why-stop-with-terrorism/277531/> Accessed 6/15/15, JL)

The government's policies in the NSA's PRISM program reflect perhaps the perfect storm of public-policy conundrums. This surveillance seems to offer short-term advantages, with the real costs hidden, diffuse, unknown, and, seemingly, far in the future. What, many ask, is the real price of giving up privacy? The government has presented PRISM, and other similar surveillance

programs, as a solution to a danger and fear -- terrorism -- which is almost impossible to comprehend: Terrorism is everywhere and nowhere; the battlefield is across the globe; the threat is omnipresent. It is difficult for the average person to perceive and understand until it is splashed across television screens. Terrorism is by definition designed to "shock and awe." It is theatre of the macabre. The government has used this fear to justify unprecedented intrusions into our privacy, including monitoring who we call, our location data, and allegedly even the contents of our communication (if there is a 51 percent chance that one party to the communication is foreign). Our personal calling data, emails, letters, credit-card transaction data -- everything seems fair game. The fact that the NSA wants this much information shouldn't be surprising. The old maxim that to a hammer every problem looks like a nail is appropriate here. A spy agency specializing in "signals" intelligence is always looking for more phone calls, emails, and other signals-based data to analyze. The more data NSA receives, the more powerful it becomes. The most worrying facet of this story is the willingness of some Americans and members of Congress to so quickly disregard the Fourth Amendment and our liberty in the name of terrorism. Not so long ago, the U.S. faced arguably higher stakes, and more significant dangers, but made the opposite choices -- choices more consistent with our founding principles. Throughout the Cold War there was a real threat of apocalyptic proportions. The Soviet Union assembled and deployed more than 45,000 nuclear warheads, enough destructive power to annihilate the United States and end humanity as we know it. The U.S. government did plenty of reprehensible things during the Cold War, including trying to assassinate elected leaders, subverting democracies, and wiretapping political rivals and "subversives" such as Martin Luther King Jr. As a result of these scandals, along with Watergate, the American people responded and demanded accountability through the Church and Pike Committees of the 1970s in the House and Senate.* Will they do the same today? The most worrying facet of the PRISM story is the willingness of some Americans and members of Congress to so quickly disregard the Fourth Amendment in the name of terrorism. If the justification for PRISM and associated programs is predicated on their potential effectiveness, why shouldn't such logic be applied elsewhere? Here are several other even more effective public-policy solutions that also violate the Fourth Amendment in similar ways and are just as reprehensible. There is some dispute over whether PRISM and other reported programs are legal or Constitutional. I believe, and have argued, that third-party records should be protected under the Fourth Amendment, so that access to these records requires a warrant. This is not the perspective the courts have taken. But if we are going to use personal data obtained through PRISM for terrorism purposes in a way that violates our privacy and which I would argue violates the Fourth Amendment, why not do it for other legitimate purposes? 1. Child Pornography: Whenever the FBI receives a computer for a routine search, it searches the computer for known "hashes" of video and picture files of child pornography. This allows it to quickly and easily search every computer brought in, time permitting, for known child pornography. Of course the FBI receives many computers through warrants, but this is still a small percentage of all computers. Since the NSA seems to have access to a substantial amount of web traffic, what if it used spare capacity for "deep packet inspection" technology to identify known child-pornography pictures and videos? Software would only flag the transfer if there were a 100 percent certainty of it being the exact same file. (Since this is a hypothetical, let's assume the technology exists and can be implemented.) Laws against child pornography are partially designed to dry up the market for child exploitation. This

policy could greatly reduce child pornography, catch potential pedophiles, and reduce existing child exploitation. From a legal perspective, the courts have found that individuals have no reasonable expectation of privacy for contraband; therefore, if such a search only finds contraband then it may be on more solid legal territory. Should the government be able to use technologies like PRISM and related exposed programs to find child pornography? 2. Speed Limits: Many accidents are related to reckless driving, and speeding can make them significantly more dangerous and deadly. What if instead of enforcing speed limits by stationing police officers to patrol our streets, a relatively ineffective and costly method of enforcement, the government instead monitored the speed of all cars in real time using cellphones. If NSA data on phone location were analyzed in real time, it could potentially determine the speed of any user. All phones traveling below 20 mph would be excluded on the assumption that they're not driving. All phones traveling faster than 20 mph would be plotted to discern what road they are traveling on and what the speed limit is for that road. The government could then identify drivers who were speeding and send them tickets in the mail, text them to slow down (then ticket them for opening it while driving!), or dispatch an officer to catch them. Further data analysis could identify potential drunk driving for police investigation, based upon erratic driving patterns or when phones were at known bars for several hours before being in a vehicle. Such policies could potentially save tens of thousands of lives and increase revenues from speeding fines while reducing the costs of patrolling the road. Should the government be able to use technologies like PRISM and related exposed programs to make our roads safer? 3. Illegal Downloading: Millions of Americans have used BitTorrent or other technologies to illegally download music, movies, TV shows, and software. While torrents can be used to download non-copyrighted and copyrighted digital goods, a substantial amount (one study found 89 percent) of the traffic appears to be used for illegal downloading. NSA PRISM level surveillance could be of use in identifying which users are using BitTorrent, then identifying the users who have uploaded or downloaded the most, and identifying whether their downloads involved illegal content. (Again, let's assume the technology is available.) This information could be forwarded to the Department of Justice for prosecution (or more crafty lobbyists could get the information forwarded to a private entity like the RIAA or MPAA for lawsuits). Should the government be able to use technologies like PRISM and related exposed programs to protect copyright holders? **** If the barometer for violating the Fourth Amendment is efficacy, then why should these not also be up for discussion? The answer is clear: The Fourth Amendment was not designed for efficacy. It was designed for privacy and to defend our liberty. If that's not the case, why even stop with these examples? Most of our phones have cameras and microphones that, at least in some circumstances, can be turned on remotely that would surely provide invaluable information for intelligence and law enforcement (the FBI has used this for organized crime prosecution, remotely turning on the microphone of phones to record non phone-call conversations). Information given to the government for the NSA may be made available to other agencies such as the IRS, why wouldn't it be? We already know that it has been shared with foreign agencies (e.g., Dutch intelligence, German intelligence, and British intelligence). Even if a court were to find that PRISM data violates the Fourth Amendment, courts have traditionally held that even information that was illegally obtained can be used in court to impeach testimony -- in other words, it could plausibly be admissible to catch a tax cheat. If elected leaders were angels there would be less need for protection of our privacy. But they are

not angels. And as many of us in the technology world know, once something exists in data form it is often retained forever. In an era where data storage is cheap and getting cheaper, American citizens' information will likely be retained indefinitely (the NSA is building that capacity in a Utah facility). At some point this massive repository of information may be hacked, at some point could be available to political appointees looking for partisan gain, or it may be used for "security" reasons against "troublemakers" trying to change our society -- social change often comes through those who are perceived to be dangerous to the state. As James Madison argued in Federalist 51, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary." But men are not angels and we have experience with elected leaders that are partisan, opportunist, short-sighted and, sometimes, even corrupt. Government's natural inclination is to abuse its power, one critical reason why our Founders limited it. The danger of a surveillance state is not the obscure chance of a truly evil person abusing the system; rather, the actual threat, the real danger, is a person with good intentions who believes that their draconian actions are morally justified and prudent. It is such a leader, perhaps with the best of intentions, who can make the most heinous of mistakes with eyes wide open and belief that the ends justify the means. Those ends never justify eviscerating the Fourth Amendment. * This is not to say that the Church and Pike Committees completely dealt with abuses -- they did not -- but they were a clear step in the right direction and demanding accountability and limits to government abuse.

The aff's focus on civil liberties doesn't necessarily preclude security impacts – middle ground is best because unequivocal focus on security is unrealistic and improbable in the wake of public perception

Foreign Policy 15 (January 6th, J.M. Berger, analytical researcher and reporter on terrorism, Brookings Fellow, "Europe Cracks Down After attacks in Paris, Sydney, and Canada, Western countries are flexing counterterrorism muscles. But civil liberties, not would-be jihadis, will be the casualty," <http://foreignpolicy.com/2015/01/16/europe-cracks-down-terrorism-civil-liberties-after-paris/>) aj

In response to this escalating threat, Western countries are looking at an array of new laws and government powers to deal with the problem. In Europe and Australia, proposals to enhance counterterrorism powers are in full bloom. In the United States, similar ideas of lesser scope are quietly circulating behind the scenes, likely to emerge into public view soon enough. The proposals are varied, but they all increase the power that a government has to act against suspects, decrease the amount of evidence needed to use such power, or both. Among the laws that have been either proposed or enacted: Australia has instituted a variety of new government powers to deal with both foreign fighters and terrorism suspects, the most controversial of which are control orders allowing uncharged terrorism suspects' civil liberties to be severely curtailed and greatly expanded collection of metadata. France, in the wake of the Charlie Hebdo attack, is considering new laws that would double down on broad new authorities adopted in September that include restrictions on travel, a ban on publishing material "glorifying" terrorism, online censorship provisions, and the creation of new classes of crimes targeting so-called "lone wolves" by criminalizing a wide range of behavior. British Prime Minister David Cameron has pledged that, if re-elected, he will pursue broad new authorities for surveillance of electronic communications, potentially including bans on widely used encrypted

messaging platforms. The European Parliament is reconsidering a previously shelved proposal requiring airlines to provide information on passengers to national governments, albeit with some talk of added civil liberties protections. The Canadian government is considering vaguely defined new counterterrorism powers in the wake of consecutive lone-wolf attacks by supporters of the Islamic State in October. Other specific measures have been discussed or implemented in Germany, Portugal, Greece, Serbia, Kosovo, Cyprus, and elsewhere as other countries worry that they could become the targets of similar attacks. In many ways, this is the continuation of a debate that started on Sept. 11, 2001: What price is freedom willing to pay for security? Most Western countries have enshrined individual liberties as a fundamental principle. But they also accept that the government has a role in preventing crime and risk of harm to citizens. When a tragic, traumatic attack takes place, the balance between these concerns is disrupted. But the 9/11 paradigm of large, complicated terrorist attacks that occur only rarely is giving way to a new dynamic of smaller, simpler plots that take place frequently. The re-evaluation of priorities that took place on Sept. 12, 2001, has become a continuous process of adjustments that are often more reflexive than reflective.

Post-FREEDOM Act public poll proves that general consensus is that civil liberties should not be compromised, even in counter-terror efforts

Gass 6/10 (Nick Gass, POLITICO breaking news reporter, citing a Gallup poll, "Poll: Americans say terrorism shouldn't trump civil liberties," <http://www.politico.com/story/2015/06/poll-terrorism-civil-liberties-118812.html>) aj

Americans would appear to agree with Congress' latest efforts to limit the scope of its anti-terrorism efforts, with more than six in 10 saying that the federal government should take steps to prevent terrorism but not violate civil liberties, according to a Gallup poll released Wednesday. Among all Americans surveyed, 65 percent prioritized civil liberties over counterterrorism efforts, compared with 30 percent who said that the government should take all steps necessary to prevent acts of terror, even if that infringes on civil liberties. Gallup conducted the survey after the USA Freedom Act, which pulled back the government's ability to collect bulk communications data, was passed by Congress and signed into law by President Barack Obama. Among those identifying as liberal, 48 percent said government efforts violate civil liberties, compared with 41 percent of moderates and 38 percent of conservatives. On a partisan level, 40 percent of Democrats and leaners said those efforts run roughshod over their rights, compared with 42 percent of Republicans and leaners. The results stand in contrast to those from January 2002, just four months after the 9/11 attacks. Even then, however, Americans were at most split over how the federal government should stop future attacks. At that time, 47 percent of Americans said that government should prioritize anti-terrorism efforts, compared with 49 percent who still showed a greater concern for civil liberties. A year after 9/11, Gallup found that 56 percent felt the government should not violate civil liberties in pursuit of anti-terror efforts, and public opinion has remained mostly stable in that direction in the dozen years' since. The poll was conducted June 2-7 among 1,527 adults nationwide, featuring an overall margin of error of plus-or-minus 3 percentage points.

The public has consistently prioritized personal liberty interests over security interests – statistical analysis

Jones 15 (Jeffrey M. Jones, Hoover Institution assistant director and research fellow, published on Gallup, an American research-based consulting company known for universal public opinion polls, "Americans Still Say Liberties Should Trump Anti-Terrorism,"

<http://www.gallup.com/poll/183548/americans-say-liberties-trump-anti-terrorism.aspx>) aj

PRINCETON, N.J. -- The federal government's recent actions to limit the scope of what it can do to prevent terrorism are consistent with Americans' preference to prioritize civil liberties over anti-terrorism efforts when the two come into conflict. Sixty-five percent of Americans say the government should take steps to prevent terrorism but not violate civil liberties, while 30% think any steps to prevent terrorism are justified, even if they violate liberties. In the first few months after 9/11, Americans were more divided on the issue. The latest results are based on a June 2-7 Gallup poll, conducted after Congress passed and President Barack Obama signed into law the USA Freedom Act, designed to replace the expiring and controversial Patriot Act that was passed after the Sept. 11, 2001, terrorist attacks. These laws help define the scope of government efforts to prevent terrorist attacks against the U.S. Notably, the new law does not authorize the government to collect data on citizens' electronic communications, a secret program that was exposed by former government contractor and now U.S. exile Edward Snowden. However, the government can still obtain those records from the phone companies if it has a warrant. In January 2002, four months after the 9/11 attacks and with concerns about terrorism still high, 47% of Americans said the government should take all necessary steps to prevent terrorism, even those that violated individual civil liberties, while 49% said anti-terror efforts should stop short of violating civil liberties. A year after the attacks, in September 2002, Americans showed a greater concern for civil liberties, with 62% saying anti-terror efforts should not violate civil liberties and 33% giving anti-terror efforts the higher priority. Since then, opinion has not fundamentally changed, although the 65% who currently prioritize protecting civil liberties is down slightly from 71% in 2011.

In the short and medium run, there is no reason to create laws that compromise civil liberties – only with certainty that non-state groups have the means to attack should we create legal change

Fearon 3 (James D. Fearon, the Theodore and Francis Geballe Professor of Political Science at Stanford University, 10/9/3, "Catastrophic terrorism and civil liberties in the short and long run*", <https://web.stanford.edu/group/fearon-research/cgi-bin/wordpress/wp-content/uploads/2013/10/Catastrophic-terrorism-and-civil-liberties-in-the-short-and-long-run.pdf>) aj

In the short and medium run, it remains quite difficult for individuals or non-state groups to develop or acquire nuclear weapons, and virtually impossible to do so without the active assistance of a state. States, moreover, may have strong incentives not to let nuclear materials out of their own control. (Nonetheless, I am terrified that North Korea's leadership might sell nuclear bombs to the highest bidder, and the fact that something is not in the interest of a state

overall doesn't mean that it will be smart or competent enough to prevent it from happening.) Weapons-grade anthrax is hard to make and hard to deliver in such a way as to kill thousands (although we have seen that it may not be necessary to kill thousands to have a big negative impact on society). This appears to be true as well for a variety of other biological and chemical weapons that have been mentioned as horrible terrorist dangers. This means that in the short run there is simply no good reason to rush into changing the laws in ways that greatly compromise civil liberties. If you face a fundamentally long-run problem, it makes more sense to think about the best feasible long-run outcome and then work backwards to draw out implications for what to do now. How best to change the law and law enforcement to respond to the threat of catastrophic terrorism is a great candidate, I would argue, for analysis and recommendations by a presidential commission composed of constitutional lawyers, congressmen, and law enforcement experts empowered to make recommendations to relevant congressional committees. This would be far better than the current approach, in which, after each major terrorist attack on U.S. soil, our representatives compete with each other in proposing legal changes to "get tough" on terrorism, the effect of which has been to run roughshod over the Constitution. There is no thinking here about the long-run problem, only the frenzied passing of "position taking" bills, whose actual positive impact on preventing terrorist attacks is often dubious.

Middle ground between privacy and security key

Dragu 11 (Tiberiu Dragu, Assistant Professor in the Department of Politics at NYU, holds a PhD in Political Science from Stanford, "Is There a Trade-off between Security and Liberty? Executive Bias, Privacy Protections, and Terrorism Prevention," ARTICLE in AMERICAN POLITICAL SCIENCE REVIEW · JANUARY 2011,

http://www.researchgate.net/profile/Tiberiu_Dragu/publication/231746561_Is_There_a_Trade-off_between_Security_and_Liberty_Executive_Bias_Privacy_Protections_and_Terrorism_Prevention/links/02e7e52c84ffd738fc000000.pdf) aj

Almost everyone -citizens, policymakers, political pundits, and scholars- approaches the formulation of counterterrorism policies as a balancing act between the allegedly competing values of privacy and security (Waldron 2003). Intuitively, this would seem to be the right way to evaluate policies designed to increase national security from terrorism. In the face of a potential large-scale terrorist attack, after all, it is unthinkable that citizens would dismiss security concerns and thus forbid all government surveillance directed at potential terrorists, just as it is unthinkable that they would dismiss all privacy concerns and give the government unlimited surveillance powers. Other than in the case of these two extremes, democratic societies and their governments face inevitable tradeoffs.

"Temporary" reductions in civil liberties during times of emergency often end up being exploited by power-hungry government officials

Dragu 11 (Tiberiu Dragu, Assistant Professor in the Department of Politics at NYU, holds a PhD in Political Science from Stanford, "Is There a Trade-off between Security and Liberty? Executive Bias, Privacy Protections, and Terrorism Prevention," ARTICLE in AMERICAN POLITICAL SCIENCE REVIEW · JANUARY 2011,

http://www.researchgate.net/profile/Tiberiu_Dragu/publication/231746561_Is_There_a_Trade-off_between_Security_and_Liberty_Executive_Bias_Privacy_Protections_and_Terrorism_Prevention/links/02e7e52c84ffd738fc000000.pdf aj

The result regarding the strategic bias of the executive agencies in charge of terrorism prevention contributes to a general understanding of the relationship between government powers and civil liberties in times of emergencies (Rossiter 1948; Rehnquist 2000; Ackerman 2004; Ferejohn and Pasquino 2004; Gross and Aolain 2006; Posner and Vermule 2007; Manin 2008). The very definition of emergency powers implies that when the emergency subsides, and a serious threat no longer exists, the powers will be terminated and rights will be restored. However, the analysis shows that governmental enforcement agencies lack incentive to relinquish their newly acquired powers once the emergency diminishes. To the contrary, because they are always worse off when civil liberties are expanded, and always better off when they are reduced, agencies seek to make the emergency reductions in civil liberties permanent.

Decreasing privacy protections makes for an increased risk of terrorism

Dragu 11 (Tiberiu Dragu, Assistant Professor in the Department of Politics at NYU, holds a PhD in Political Science from Stanford, "Is There a Trade-off between Security and Liberty? Executive Bias, Privacy Protections, and Terrorism Prevention," ARTICLE in AMERICAN POLITICAL SCIENCE REVIEW · JANUARY 2011,

http://www.researchgate.net/profile/Tiberiu_Dragu/publication/231746561_Is_There_a_Trade-off_between_Security_and_Liberty_Executive_Bias_Privacy_Protections_and_Terrorism_Prevention/links/02e7e52c84ffd738fc000000.pdf aj

Reducing privacy protections, so goes the argument, has a chilling effect on terrorism-related activities. Reducing privacy protections might not deter true fanatics such as suicide bombers but it deters donors, fundraisers, facilitators, recruiters, and foot soldiers. That is, it raises the perceived costs of being associated with a terrorist group for individuals who would otherwise willingly provide various kinds of support. In turn, the terrorist support and logistical infrastructure is negatively affected: there are fewer supporters to disseminate propaganda, recruit operatives, raise money, and, if the terrorist organization wants to plan an attack, facilitate immigration, procure supplies, transfer money, forge false identities, facilitate travel, and provide safe houses. Support and logistical networks are essential for terrorist organizations to plan and execute large-scale attacks (Gunaratna 2004). Reducing the level of privacy protections thus increases the terrorist organization's costs for terrorist activities. In a liberal democracy, the tactical advantage is seemingly conceded to terrorists, who are free to exploit privacy protections, while the authorities are constrained in their efforts to prevent terrorist attacks by those very privacy protections. Consequently, the intuition behind the security rationale for reducing privacy protections seems simple. Because reducing privacy protections decreases the anti-terrorist agencies' cost of counterterrorism intelligence efforts and increases the terrorist organization's cost of terrorist activities, reducing privacy protections increases security from terrorism. However, even if we accept the premises of the security rationale, I argue that, when the anti-terrorist agency and terrorist organizations act strategically, reducing

privacy protections can lead to less security from terrorism while the anti-terrorism agency prefers reducing privacy even if such a reduction leads to less security from terrorism.

rollback

ratchet effect

With each new attack, more invasive security measures are created. Disad turns the case.

Balko 14 – Radley Balko, senior writer and investigative reporter at the Huffington Post, graduate of Indiana University, and policy analyst at the Cato Institute, 2014 (“Was the police response to the Boston bombing really appropriate?,” Washington Post, April 22nd , Available Online at <http://www.washingtonpost.com/news/the-watch/wp/2014/04/22/the-police-response-to-the-boston-marathon-bombing/> , Accessed June 17th 2015, J.L.)

The economist and historian Robert Higgs has written prolifically over the years about what he calls the “ratchet effect.” In times of crisis, governments tend to expand, usually at the expense of civil liberties. When the crisis abates, government power does, too, but never completely back to where it was before. With each subsequent crisis, government encroaches a bit more. Higgs has documented the effect through major wars, depressions and other national emergencies. But the effect may be particularly pronounced and dangerous with respect to the war on terror, because as crises go, terrorism can never completely be defeated. We’re now more than a year out from the Boston Marathon bombing of 2013. The studies, reviews, and after-action reports have been written. Politicians and other public officials have held hearings, cast blame and pontificated on the lessons they have learned. There have been calls for more monitoring of foreign travelers; better information-sharing among federal, state and local government police agencies; and the inevitable demands for more security, more surveillance and generally more government power to prevent similar attacks in the future. We instinctively put our faith in government to protect us in times of crisis, even when those crises are the result of the government’s failure to protect us. We regret it later. Shortly after the Sept. 11, 2001, attacks, Gallup polling found that 47 percent of the public was willing to sacrifice its civil liberties for security. Within two years, that figure was down to 33 percent, and by 2012, it was at 25 percent. Those figures show why it’s dangerous to pass new policies when the public is fearful and emotional, and why politicians are particularly eager to do exactly that. (See the Patriot Act.) The danger here is that the Boston response tightens the ratchet and becomes the default response to similar crises in the future. For example, we’ve already seen other examples of wanton, indiscriminate gunfire from cops during manhunts for fugitives suspected of killing cops,

Plan rollback – interest groups favored by changes preserve the status quo.

Bainbridge 13 – Stephen Bainbridge, Joseph Flom Visiting Professor of Law and Business at Harvard law School and author of The New Corporate Governance in Theory and Practice, 2013 (“The Global Ware on Terror & the Ratchet Effect,” Stephen Bainbridge’s Journal of Law, Politics, and Culture, May 27th, Available online at <http://www.professorbainbridge.com/professorbainbridgecom/2013/05/the-global-ware-on-terror-and-the-ratchet-effect.html>, accessed 6/19/15, J.L.)

Robert Higgs demonstrated that wars and other major crises typically trigger a dramatic growth in the size of government, accompanied by higher taxes, greater regulation, and loss of civil liberties. Once the crisis ends, government may shrink somewhat in size and power, but rarely back to pre-crisis levels. Just as a ratchet wrench works only in one direction, the size and scope of government tends to move in only one direction—upwards—because the interest groups that favored the changes now have an incentive to preserve the new status quo, as do the bureaucrats who gained new powers and prestige. Hence, each crisis has the effect of ratcheting up the long-term size and scope of government. There's a slew of domestic restrictions on our liberties that came into place after 9/11. The TSA's security theater apparatus at airports is just the most noticeable. As Jonathan Turley has noted: For civil libertarians, the legacy of bin Laden is most troubling because it shows how the greatest injuries from terror are often self-inflicted. Bin Laden's twisted notion of success was not the bringing down of two buildings in New York or the partial destruction of the Pentagon. It was how the response to those attacks by the United States resulted in our abandonment of core principles and values in the "war on terror." Many of the most lasting impacts of this ill-defined war were felt domestically, not internationally. Starting with George W. Bush, the 9/11 attacks were used to justify the creation of a massive counterterrorism system with growing personnel and budgets designed to find terrorists in the heartland. Laws were rewritten to prevent citizens from challenging searches and expanding surveillance of citizens. Leaders from both parties acquiesced as the Bush administration launched programs of warrantless surveillance, sweeping arrests of Muslim citizens and the creation of a torture program. What has been most chilling is that the elimination of Saddam and now bin Laden has little impact on this system, which seems to continue like a perpetual motion machine of surveillance and searches.

Disad turns the case – effective anti-terror laws now mean obstacles to reversing.

Givens 13 – Austen D. Givens, a PhD student in the Department of Political Economy at King's College London, 2013 ("The NSA Surveillance Controversy, How the Ratchet Effect can Impact Anti-Terrorism Laws," Harvard Law School National Security Journal, July 2nd, available online at <http://harvardnsj.org/2013/07/the-nsa-surveillance-controversy-how-the-ratchet-effect-can-impact-anti-terrorism-laws/>, accessed 6/19/15, J.L.)

note: short reading, long reading

The list of causes below is not meant to be exhaustive, but to show how a constellation of variables can help to cement anti-terrorism laws in place. The ratchet effect can occur because: anti-terrorism laws are effective. Anti-terrorism laws may stick simply because they work. If so, then scaling back or reversing an effective anti-terrorism law would increase a nation's vulnerability to terrorism, pulling it back toward a condition that existed before the law initially

went into effect. This goes against national security interests, so it makes sense to leave these laws on the books. The ratchet effect can occur because **anti-terrorism laws may address multiple threats**. Anti-terrorism laws may come about because of a particular terrorist group or incident. But that does not necessarily mean the laws will work only for that group, or apply only to similar types of terrorist attacks. Al-Qaeda's attack on 9/11 spurred the creation of the USA PATRIOT Act. Yet today the Act's provisions can also impede domestic terrorist organizations like the Animal Liberation Front (ALF) and Earth Liberation Front (ELF) by facilitating intelligence sharing for law enforcement purposes. The ratchet effect can occur because **it is challenging to repeal laws in democracies**. Absent "sunset" provisions, which force certain portions of a law to expire after a pre-determined amount of time, it can be difficult to repeal a law under normal circumstances—let alone when that law concerns something as serious as terrorism. It requires careful political maneuvering to reverse **an anti-terrorism law** because the law itself **may enjoy popular support**, be **seen as effective**, or be **linked to vested economic interests**. **These obstacles can promote a legal inertia that resists efforts to scale back or reverse the law**. The ratchet effect can occur because **elected officials do not want to risk repealing anti-terrorism laws**. Here is a political nightmare: for whatever reason, a legislator or government executive spearheads an effort to reverse an anti-terrorism law. The anti-terrorism law is repealed. Within a week, a terrorist attack occurs. **Being wrong about terrorism** can carry devastating political consequences for incumbents. But being specifically identified as the one who "turned off the alarm system" **is a political death sentence**. Under this scenario, even if there is no direct causal link between the law's repeal and the attack, the two are easily correlated because of their temporal proximity to each other. It makes no sense for an elected official to open herself to the possibility of this scenario without a clear, compelling reason—and, even then, scaling back an anti-terrorism law may still be too politically risky a proposition to entertain seriously. For these reasons, anti-terrorism laws can remain in effect beyond the end of the crisis that brought them into existence. The ratchet effect can occur because **there is increased public deference to government during crises**. Legal scholars and political scientists have explored the effect of terrorism on public deference to democratic governments.[10] While the specific reasons for this vary, the research overwhelmingly points toward increased trust in government authorities in the immediate wake of terrorist attacks, though this can wane over time. **Popular support can provide the political capital** necessary for legislators and executives **to quickly craft and implement anti-terrorism laws**. **Over time**, despite some slippage, **public approval** of these laws **can continue—particularly when the crisis that prompted the laws' creation continues**. The ratchet effect can occur because **anti-terrorism laws create a new security paradigm**. An aggressive anti-terrorism law can fundamentally alter societal approaches to terrorism. Surveillance may increase. Police powers can expand. Intelligence efforts may grow. Public expectations of privacy can diminish. In the aggregate, these types of changes can represent a drastic change in a government's approach to terrorism, and effectively create a "new normal" level of security. Because this "new normal" is linked to the law itself, reversing the law begins to dismantle the new security paradigm. From the public's perspective, this might be an unacceptable option because it may increase societal vulnerability to terrorism. Government agencies also risk losing resources—personnel, money, and political support—by returning to the status quo ante.

psychoanalytic

() Psychoanalytic studies confirm our rollback args. It overcomes durable fiat.

Givens '13

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Second, policymakers should beware of reflexive legislation. Terror attacks create conditions in which emotions can run high; feelings of terror, anger, sadness, confusion, and frustration are natural consequences of these circumstances. Behavioral psychology teaches us that human beings' higher-order thinking skills (e.g. logic, reasoning, analysis, reflection) are poorly integrated with baser, emotionally-rooted thinking (e.g. irrational prejudices, unreasonable fears, self-destructive desires).[11] One researcher has gone so far as to say that the amygdala—the portion of the brain that controls reactive emotion—can hijack the higher-order parts of the brain, impeding effective decision-making in crises.[12] Considering this, it is reasonable to suggest that laws passed in the immediate aftermath of terrorist attacks may be rooted more in baser, emotionally-driven thinking than in careful, analytical, higher-order thinking. In other words, they may be mostly reflexive, not reflective. This is not to say that all laws passed after terrorist attacks are emotionally-driven. Nor is it the case that all laws created in these circumstances are somehow "bad" laws. But during and after terrorist attacks, leaders' judgment of what may or may not be good law can become clouded by emotion. Similarly, terrorist attacks can drive public support for reflexive anti-terrorism legislation. And this is not an instinct that can be somehow "shut off" or "tuned out." Legislators and citizens should be aware of this potential, and must walk a fine line between meeting immediate post-crisis needs and championing laws that will remain effective for the long haul. Third, "sunset" provisions are prudent and reasonable. Given that anti-terrorism laws passed in the wake of terrorist attacks may be partly driven by emotion and that initial laws may prove difficult to undo, it is wise for government leaders to include "sunset" provisions in new anti-terrorism laws. Generally "sunset" provisions allow portions of a law to expire if not renewed by a pre-determined date. In a sense, democracies must deliver a new mandate for the law—or at least part of the law—to avoid this expiration. With "sunset" provisions in place, unwise, irrelevant, or ineffective components of a law can be allowed to wither and die when necessary. Letting these provisions lapse requires virtually no political capital from government leaders, unlike actively changing or removing a law, which can require a great deal. For elected officials, this means that letting part of an anti-terrorism law expire is relatively easy. Re-examining and pruning anti-terrorism laws in this way is a healthy practice. It can head off potential abuses of particularly aggressive anti-terrorism measures and forces a continual re-thinking of anti-terrorism laws as circumstances change over time. The recent NSA surveillance controversy highlights the relevance of the ratchet effect to broader discussions of anti-terrorism laws. The ratchet effect can affect anti-

terrorism laws generally, entrenching and expanding them over time and potentially leading to those laws being interpreted in unexpected and undesirable ways. The USA PATRIOT Act, developed in the aftermath of the 9/11 terrorist attacks, has been difficult to scale back since then, and has now been interpreted in a way that at least one of the Act's authors did not intend. This unintended interpretation of the Act led, in part, to today's NSA surveillance controversy. Scholars can benefit from future explorations of the ratchet effect, which may help illuminate further why anti-terrorism laws remain in place and how their influence can expand in unanticipated ways.

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The Disad turns the case via rollback and new civil liberty violations. Status Quo detection is key.

Clarke '13

(et al; This is the Final Report and Recommendations of The President's Review Group on Intelligence and Communications Technologies. President Obama ordered a blue-ribbon task force to review domestic surveillance. This report releases the findings of that group. The report was headed by five experts – including Richard Alan Clarke, who is the former National Coordinator for Security, Infrastructure Protection, and Counter-terrorism for the United States. Other expert contributors include Michael Joseph Morell, who was the deputy director of the Central Intelligence Agency and served as acting director twice in 2011 and from 2012 to 2013 and Cass Robert Sunstein, who was the Administrator of the White House Office of Information and Regulatory Affairs in the Obama administration and is currently a Professor of Law at Harvard Law School. "LIBERTY AND SECURITY IN A CHANGING WORLD" – December 12th, 2013 – Easily obtained via a google search.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=https%3A%2F2Fwww.whitehouse.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2F2013-12>

12_rg_final_report.pdf&ei=Db0yVdDjKIKdNtTXgZgE&usg=AFQjCNH0S_Fo9dckL9bRarVpi4M6pq6MQ&bvm=bv.91071109,d.eXY)

The September 11 attacks were a vivid demonstration of the need for detailed information about the activities of potential terrorists. This was so for several reasons. First, some information, which could have been useful, was not collected and other information, which could have helped to prevent the attacks, was not shared among departments. Second, the scale of damage that 21st-century terrorists can inflict is far greater than anything that their predecessors could have imagined. We are no longer dealing with threats from firearms and conventional explosives, but with the possibility of weapons of mass destruction, including nuclear devices and biological and chemical agents. The damage that such attacks could inflict on the nation, measured in terms of loss of life, economic and social disruption, and the consequent sacrifice of civil liberties, is extraordinary. The events of September 11 brought this home with crystal clarity. Third, 21st-century terrorists operate within a global communications network that enables them both to hide their existence from outsiders and to communicate with one another across continents at the speed of light. Effective safeguards against terrorist attacks require the technological capacity to ferret out such communications in an international communications grid. Fourth, many of the international terrorists that the United States and other nations confront today cannot realistically be deterred by the fear of punishment. The conventional means of preventing criminal conduct—the fear of capture and subsequent punishment—has relatively little role to play in combating some contemporary terrorists. Unlike the situation during the Cold War, in which the Soviet Union was deterred from launching a nuclear strike against the United States in part by its fear of a retaliatory counterattack, the terrorist enemy in the 21st-century is not a nation state against which the United States and its allies can retaliate with the same effectiveness. In such circumstances, detection in advance is

essential in any effort to “provide for the common defence.” Fifth, the threat of massive terrorist attacks involving

War Powers

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Obama has sweeping executive power now

Cruz 15 – United States Senator from Texas, served as the Solicitor General of Texas from 2003-2008 (Ted Cruz, Winter 2015, "THE OBAMA ADMINISTRATION'S UNPRECEDENTED LAWLESSNESS," Harvard Journal of Law and Public Policy, Lexis)//twontwon

IV. THE OBAMA ADMINISTRATION'S UNPRECEDENTED NONENFORCEMENT OF FEDERAL LAW Unlike the presidential actions explained above, President Obama has categorically disregarded entire domestic policy statutes without any colorable constitutional objection.²²¹ There is no basis in history for this sweeping view of executive power. Reasonable constitutional objections formed the basis for Lincoln's suspension of habeas corpus, Johnson's objections to removal restrictions, Roosevelt's objections to removal restrictions and legislative veto provisions, and refusals to abide by the War Powers Resolution. While Truman's seizure of the steel mills, Reagan's arms sales, and Bush's memorandum instructing Texas to obey the International Court of Justice may have been examples of a President disregarding federal law due to policy differences, those three instances were isolated outliers in American history and all involved foreign affairs. In contrast, President Obama has repeatedly ignored domestic policy statutes because he disagrees with them as a policy matter.²²² This nonenforcement usurps Congress's legislative power and sets a dangerous precedent that allows future Presidents to disregard the duty to take care that the laws be faithfully executed. Imagine if a future Republican President were to disregard financial regulation like Sarbanes-Oxley or DoddFrank, or campaign finance regulation like McCain-Feingold, or environmental laws, because the President disagreed with the underlying policy. Democrats would be furious, and rightfully so. Yet the following examples of President Obama's disregard of federal law establish a pattern of suspending laws based on the policy prerogatives of this Administration. A. Obamacare President Obama's strategic nonenforcement of Obamacare—his "signature legislative achievement"—is the most egregious example of this Administration's failure to take care that the laws be faithfully executed.²²³ In at least six major ways, the Obama Administration has ignored and contravened the express text of the Affordable Care Act, even though there are no colorable constitutional rationales for doing so. First, without statutory authority, the Obama Administration unilaterally delayed the health insurance requirements imposed by Obamacare. Obamacare establishes the types of plans health insurance companies can offer consumers.²²⁴ These stringent requirements led to "at least 4.7 million" health plans being cancelled as of December 2013.²²⁵ These cancellations occurred, of course, despite the President's repeated assurances that "if you like your health care plan, you keep your health care plan" after the passage of Obamacare.²²⁶ Perhaps because the President saw that the devastating effects of Obamacare's requirements were not aligning with his promises, his administration unilaterally declared that individuals could continue purchasing health care plans in 2014 even if those plans violate the express requirements of the Affordable Care Act and its regulations.²²⁷ Months later, following Obamacare's disastrous rollout, the Administration extended this delay to 2016, past the mid-term elections.²²⁸ The Act, however, was required by statute to take effect on January 1, 2014.²²⁹ To make matters worse, the President remarkably threatened to veto any legislation that codified this lawless exemption that the Administration unilaterally imposed.²³⁰ That is the opposite of taking care that the laws be faithfully executed; that is usurping Congress's legislative power while then blocking Congress from enacting the precise policy supported by the President. Second, President Obama effectively delayed Obamacare's individual mandate for two years by massively expanding existing exemptions from the individual mandate to allow anyone claiming hardship an exemption. The individual mandate is a statutory command that imposes monetary penalties on most people who fail to maintain health insurance coverage required by Obamacare.²³¹ This was "Congress's solution" to "prevent[] costshifting by those who would otherwise go without [health insurance]" and "force [] into the insurance risk pool more healthy individuals."²³² After Obamacare's failed rollout, the Administration said it would allow people to opt out of the individual mandate for two years if they simply filled out a form attesting that the Obamacare health insurance exchange plans were too expensive.²³³ Strikingly, just months earlier, the President and Senate Democrats chose to force a government shutdown instead of accepting a one-year delay of the individual mandate.²³⁴ So just like President Obama's threat to veto legislation implementing his unilateral waiver of Obamacare's health insurance requirements, here again the President and Democrats blocked legislation that would have achieved the same policy objective that the President unlawfully imposed through executive fiat. Third, the Obama Administration has decreed that Obamacare's out-of-pocket caps will not apply in 2014. Obamacare caps the amount of out-of-pocket costs that people have to spend on their own health insurance.²³⁵ So according to federal law, starting in 2014, individuals and families would have to spend no more than \$6,350 and \$12,700, respectively.²³⁶ But just like it delayed the health insurance requirements, the Obama Administration unilaterally delayed enforcement of the out-of-pocket caps—burying the announcement of the delay in one of 137 Affordable Care Act FAQs found on the Department of Labor's website.²³⁷ Fourth, this Administration ignored the plain text of Obamacare when it delayed the employer mandate—twice. Obamacare penalizes employers who employ over fifty "full-time" employees if they do not offer health care coverage that the government deems to be "affordable," and the employee consequently receives a federal subsidy to purchase an insurance plan in a state health insurance exchange.²³⁸ Yet the Obama Administration announced, in a blog post, that it would not enforce the employer mandate in 2014.²³⁹ Months later, it delayed the employer mandate for medium-sized employers until 2016.²⁴⁰ Fifth, the Administration drastically expanded the individual and employer mandates and is sending billions of dollars in subsidies to insurance companies beyond what the text of Obamacare allows by granting federal subsidies to buy health insurance in all states instead of only in those states that create health insurance exchanges. According to the statute, the employer mandate is only supposed to be assessed if at least one full-time employee is enrolled in a health insurance exchange for which a federal tax credit subsidy is available.²⁴¹ These federal subsidies are available only when an individual purchases a health plan "through an Exchange established by the State."²⁴² According to Obamacare's text, the subsidies are not available if the health plan is purchased through an exchange not established by a state, such as a federally established exchange. Consequently, no federal subsidies should be available in the 36 states that have refused to create health insurance exchanges.²⁴³ A three-judge panel of the D.C. Circuit has already affirmed this plain text reading of Obamacare.²⁴⁴ Although the Fourth Circuit refused to enforce the statutory text, that decision has been appealed to the Supreme Court, and the case will be decided this Term.²⁴⁵ If subsidies are not available in states that do not form exchanges, the individual mandate will apply to significantly fewer people in those states—because the individual mandate applies only if the annual cost of the least expensive coverage minus subsidies exceeds 8% of projected household income.²⁴⁶ But instead of following the plain text of Obamacare, the Administration is granting federal subsidies in every state, including those that have not created state health insurance exchanges.²⁴⁷ The Administration lawlessly interpreted "Exchange established by the State" to include federally established exchanges.²⁴⁸ Sixth, the Obama Administration ignored the text of Obamacare to grant subsidies to members of Congress and their congressional staff. Obamacare and other federal statutes contain explicit language requiring members and their staff to get their health insurance through exchanges without subsidies.²⁴⁹ Specifically, members and most congressional staff are required, by Obamacare, to purchase individual health plans from exchanges just like millions of Americans.²⁵⁰ But the federal subsidies for health insurance that members and staff have received in the past are only available if their plans were "group insurance policies," to quote a federal statute.²⁵¹ The ACA makes no provision for the government to continue to pay premiums on behalf of members and their congressional staff.²⁵² Yet, because that requirement is onerous, the Administration granted the request from Senate Democrat Majority Leader Harry Reid to disregard the plain language of the statute.²⁵³ According to the Administration, the individual health plans Members and staff bought through health exchanges qualify as "group" plans, enabling the Administration to give these subsidies to Members and staff unlawfully.²⁵⁴ All of these refusals to enforce the plain text of Obamacare share a crucial element in common: The President is categorically suspending statutory text without believing that the statute is unconstitutional. Rather, as President Obama's politically-appointed Assistant Secretary for Tax Policy explained,²⁵⁵ the Administration's refusal to enforce Obamacare is rooted in policy considerations of "adaptation[]" and "flexibility[]," as well as "concerns about the complexity of the requirements and the need for more time to implement them effectively."²⁵⁶ These failures to enforce Obamacare may prove beneficial to those Congress intended to regulate, and they may also prove more convenient for the administrative agencies who failed to promulgate appropriate regulations according to statutorily established timelines.²⁵⁷ The Administration has argued that prosecutorial discretion justifies the failure to enforce Obamacare. But prosecutorial discretion does not allow wholesale suspension of statutory provisions, which is precisely what this Administration has done in lawlessly implementing its signature legislative achievement. The Constitution does not recognize convenience and political expediency as reasons for executive suspension of laws. To the contrary, the Take Care Clause requires faithful enforcement of all laws—even laws the President wishes he did not have to enforce. B. Immigration Obamacare is not the only statute that President Obama has ignored on policy grounds. He has also ignored immigration law. President Obama recently announced that he would unilaterally grant amnesty to around five million illegal immigrants.²⁵⁸ This prompted Professor Turley, a noted liberal, to observe, "What the President is suggesting is tearing at the very fabric of the Constitution."²⁵⁹ In fact, years earlier, the President expressly acknowledged he had no authority to do this. In March 2011, he said, "With respect to the notion that I can just suspend deportations through

executive order, that's just not the case, because there are laws on the books that Congress has passed."²⁶⁰ Moreover, President Obama remarked that if he granted any additional amnesty, "I would be ignoring the law in a way that I think would be very difficult to defend legally."²⁶¹ The President's November 2014 amnesty did much more than just "prioritize" resources for removing illegal immigrants-it purported to affirmatively grant work authorizations for the millions of illegal immigrants covered by the edict. Prosecutorial discretion, of course, cannot justify the Administration's affirmative act to try to grant work authorizations, as prosecutorial discretion only deals with government inaction based on the individual facts and circumstances of a particular case. In anticipation of this objection, the Administration's Office of Legal Counsel (OLC) released a memo that unsuccessfully tries to justify these work authorizations on the basis that the Immigration and Nationality Act delegated the President this authority.²⁶² The memo misreads 8 U.S.C. § 1324a(h)(3) in a manner that would give the President carte blanche to grant work authorization to any alien who is in the United States illegally. Section 1324a(h)(3)-entitled "Definition of unauthorized alien"- a subsection of the federal prohibition on hiring illegal immigrants, and it defines which illegal immigrants count as "unauthorized alien[s]" who cannot be hired. It provides, in full: As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this chapter or by the Attorney General [now the Secretary of Homeland Security]. The OLC memo interprets this definitional subsection not as a mere definition, but as an independent source of power for the DHS Secretary to grant work authorizations to any class of aliens.²⁶³ Under this reading, when § 1324a(h)(3) says "unauthorized alien[s]" are those who are not "authorized to be so employed ... by the Attorney General," that subsection is implicitly giving the Administration power to grant every single alien an authorization to work. Under that reading, there is no limit on the Administration's unilateral power to grant any illegal alien-including illegal immigrants not covered by the November 2014 amnesty-work authorizations. The OLC memo's interpretation of § 1324a(h)(3) is flawed in at least two interrelated ways. First, that subsection is merely a definition of which aliens count as "unauthorized" for work, and it does not purport to grant the Administration any additional power. Second, other provisions of the Immigration and Nationality Act already delineate narrow circumstances when the Administration "may grant work authorization to aliens lacking lawful immigration status"²⁶⁴-to quote the OLC memo itself-yet those provisions would be rendered superfluous under the OLC memo's reading of § 1324a(h)(3). In short, Congress never delegated to the executive branch complete discretion to grant work authorizations to any and all illegal immigrants. Instead, Congress created specific statutory provisions that cabined the Administration's power to do so, and the OLC memo ignores these structural limits by erroneously construing a definitional subsection, § 1324a(h)(3), to grant the Administration sweeping powers. The November 2014 amnesty was not the first time the Obama Administration ignored immigration law. Congress rejected-at least ten times since 2001-the Development, Relief, and Education for Alien Minors Act (DREAM Act),²⁶⁵ which would have allowed certain illegal immigrants a path to citizenship if they arrived in the United States illegally when they were fifteen years old or younger and met other requirements.²⁶⁶ Nevertheless, in January 2011, President Obama essentially implemented the DREAM Act through executive fiat. An Obama Administration Department of Homeland Security memorandum declared that "in the absence of Comprehensive Immigration Reform, USCIS can extend benefits and/or protections to many individuals and groups by... exercising discretion with regard to ... deferred action"-that is, "an exercise of prosecutorial discretion not to pursue removal from the U.S. of a particular individual for a specific period of time."²⁶⁷ Over a year later, on June 15, 2012, DHS instituted a "deferred action" program, currently known as the Deferred Action for Childhood Arrivals program (DACA).²⁶⁸ DACA includes a list of eligibility criteria that closely tracks the failed DREAM Act's criteria including that the individual must have arrived before turning sixteen, and DACA is purportedly based on "an exercise of prosecutorial discretion."²⁶⁹ Although the DACA order couches itself in terms of prosecutorial discretion used "on an individual basis," its instructions describe a broad-ranging program that preemptively applies to a wide scope of individuals who are not yet subject to any kind of removal order.²⁷⁰ Rather than clarifying a legitimate use of a prosecutor's discretion to bring or modify charges in a particular case, the order creates a wide-ranging policy framework with instructions to affirmatively apply it to an indeterminate group of people that have yet to be identified. The Obama Administration has invoked the doctrine of prosecutorial discretion to support its various rounds of immigration amnesty, most recently in the November 2014 OLC memo.²⁷¹ But the November 2014 amnesty and DACA are far from legitimate uses of prosecutorial discretion. Simply saying the words "resource allocation," "individual basis," and "prosecutorial discretion" does not let the President wave a magic wand and make the Take Care Clause disappear. For example, DACA's criteria are general, "applying to every member of a class of perhaps 1.76 million people on the basis of a limited number of common characteristics. It requires no searching, [and no] individualized evaluation of the merits of particular applicants. All who possess the designated characteristics will qualify."²⁷² And as Justice Scalia has noted, "The husbanding of scarce enforcement resources ... can hardly be the justification for this [policy], since the considerable administrative cost of conducting as many as 1.4 million background checks, and ruling on the biennial requests for dispensation that the nonenforcement program envisions, will necessarily be deducted from immigration enforcement."²⁷³ Recall former Obama Administration official Professor Cass Sunstein's words: "[T]here is a distinction" between "setting] enforcement priorities" and "allocat[ing] resources" versus "refusing to carry out the obligations that Congress has imposed on the executive."²⁷⁴ By rejecting the DREAM Act over ten times, Congress imposed on the President the command that he had to follow existing immigration statutes instead of the amendments contained in the DREAM Act. The Administration's November 2014 amnesty and its administrative implementation of the DREAM Act through DACA are not programs where the government decides in certain facts and circumstances not to enforce immigration laws because specific offices need to allocate resources differently. The November 2014 amnesty and DACA are blanket executive decrees that the President will not enforce this law "which it disapproves."²⁷⁵ Those decrees and their implementation violate the Take Care Clause. C. Drugs The federal Controlled Substances Act assigns mandatory minimum sentences for certain drug crimes.²⁷⁶ Obama Administration Attorney General Eric Holder, nevertheless, has said the Department Of Justice "will no longer pursue mandatory minimum sentences for certain low-level, nonviolent drug offenders."²⁷⁷ That does not mean the Obama Administration will seek sentences greater than the mandatory minimums for these crimes. Rather, it means these crimes will not be prosecuted at all. Reasonable minds can disagree about whether mandatory minimum sentences are too harsh for certain drug crimes. In fact, I have cosponsored the Smarter Sentencing Act, which would reduce mandatory minimum sentences for certain low-level, nonviolent drug offenses.²⁷⁸ But that is the constitutionally permissible way to address this situation-by amending the existing statutes in Congress, rather than the President dispensing with these drug laws. While the executive's prosecutorial discretion lets it allocate enforcement resources, as explained above, this discretion does not allow categorical reprieves from federal statutes. Yet the Attorney General has announced that for an entire set of drug crimes, categorically and prospectively, the Obama Administration will not enforce duly enacted criminal laws.²⁷⁹ A proper exercise of prosecutorial discretion would allow the President to not prosecute outlier cases. But prosecutorial discretion cannot properly be used on a categorical basis, for this violates the Take Care Clause. Once again, the Obama Administration has distorted the separation of powers, usurped Congress's legislative power, and failed to take care that the laws be faithfully executed.

D. Welfare In 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act, which created the Temporary Assistance for Needy Families (TANF) program.²⁸⁰ TANF sought to discourage dependency and encourage employment by placing restrictions on welfare allocations. TANF gave states grants²⁸¹ and provided that individuals could only receive benefits for up to five years.²⁸² It also mandated that recipients engage in work within two years of receiving benefits,²⁸³ and this provision was heralded as the reason TANF succeeded.²⁸⁴ Welfare reform was a tremendous policy success, helping millions stand on their own feet and achieve the American dream. Welfare rolls were decreased by half and the poverty rate for African-American children reached its lowest point in U.S. history.²⁸⁵ The Obama Administration, in an HHS memorandum full of legalese, declared that states no longer had to follow TANF's work requirements and could dispense welfare even if recipients did not meet the TANF statutory standards.²⁸⁶ In the 1996 Act, however, Congress already provided a list of which statutory provisions the federal

government could waive.²⁸⁷ The only part of TANF that was included in that list of waivable provisions was Section 402, which dealt with reporting requirements obligating states to tell HHS that they are complying with TANF.²⁸⁸ TANF's work requirements in Section 407 were not listed as waivable. Nevertheless, the Obama Administration's HHS memorandum claims that because the federal government can waive TANF's reporting requirements in Section 402, it also has the authority to waive the substantive work requirements in Section 407.²⁸⁹ In the sixteen years since the 1996 Act was passed, no Administration had ever asserted this authority,²⁹⁰ because the statute's clear text forbids waiving TANF's work requirements. Although the Administration couches its argument as a dispute about statutory construction, this

outlandish interpretation is just another example of President Obama ignoring duly enacted congressional laws. V. CONCLUSION President **Obama's lawlessness is unprecedented in American history**. Unlike any President before, President Obama has **brazenly disregarded** duly enacted **statutes passed by Congress in a categorical, sweeping manner without raising** any constitutional **objections**. The Take Care Clause was explicitly included in the Constitution to prevent the President from wielding the suspension and dispensation powers that had been abused by English kings. Not all Presidents in our history have acted in accordance with federal law. But of the most notable examples of Presidents fighting with Congress, most of these involved legitimate constitutional arguments about whether the executive or legislature had certain powers. Lincoln's suspension of habeas corpus, Johnson's objections to removal restrictions, Roosevelt's objections to removal restrictions and legislative veto provisions, and refusals to abide by the War Powers Resolution were reasonable constitutional disputes between the branches. Foreign affairs concerns were present in the other examples—Truman's seizure of the steel mills, Reagan's arms sales, and Bush's memorandum to Texas to obey the International Court of Justice. In contrast, President Obama has pretended that various domestic policy statutes do not exist when he disagrees with them based on his own policy preferences. As a United States Senator, Barack Obama had the power to introduce legislation and be part of Congress wielding its Article I legislative power. But as President, **Obama** does not have the power to legislate. He does not have the power to refuse enforcement of laws based simply on policy concerns. His repeated **assertions of this power to suspend and dispense with duly-enacted laws** violate the Take Care Clause and represent a profound threat to our constitutional checks and balances and, ultimately, to individual liberty.

Curtailing domestic surveillance undermines the sole organ doctrine – which underpins every facet of presidential power

Wood and Webb 11 – Department of Political Science at Texas A&M University, presented to the faculty at Vanderbilt University (B Dan Wood, Clayton Webb, 10/17/11, "EXPLAINING PRESIDENTIAL SABER RATTLING," http://www.vanderbilt.edu/csdi/events/Wood_Presidential_Saber_Rattling_112111.pdf)/twon twon

The courts affirmed early on **that** as sovereign leaders, **presidents are the nation's chief foreign policy representative**. Future Supreme Court Justice John Marshall stated in 1800 when he served in the U.S. House of Representatives —The President is **the sole organ of the nation in its external relations**, and its sole representative with foreign nations.¹ (10 Annals of Congress 613) Relying on Marshall's —sole organ doctrine, Supreme Court Justice George Sutherland wrote in 1937 (United States vs. Curtiss-Wright Export Corp , 299 U.S. 319) —In this vast external realm [foreign policy], with its important, complicated, delicate and manifold problems, **the President alone has the power to speak** or listen **as a representative of the nation**.¹ **While the plenary nature** of executive authority in foreign relations **is not universally accepted (e.g., see the persuasive arguments by Fisher 2006, 2007a, 2007b, 2007c, 2007d, 2007e, 2008a, 2008b), ***FOOTNOTE BEGINS***** . 2007d. "Statement by Louis Fisher appearing before the House Committee on the Judiciary, "Constitutional **Limitations on Domestic Surveillance**." ed. L. L. o. Congress. *****FOOTNOTE ENDS*** the modern chief executive relies extensively on the —sole organ doctrine to define presidential power broadly, and it is now commonly assumed that presidents are the sole representatives of the nation** to the outside world.

Congressional war authority is ineffective – executive war powers key to combating a litany of transnational threats – combating terror, rogue states, and proliferate all require a flexible executive

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Proponents of congressional war power often argue that the executive branch is unduly prone to war. In this view, if the president and Congress have to agree on waging war, the nation will enter fewer wars and wars that do occur will arise only after sufficient deliberation. But it is far from clear that outcomes would be better if Congress alone had the power to begin wars. First, congressional deliberation does not necessarily ensure consensus. Congressional authorization may represent only a bare majority of Congress or an unwillingness to challenge the President's institutional and political strengths, regardless of the merits of the war. And even if it does represent consensus, it is no guarantee of consensus after combat begins. The Vietnam War, which was initially approved by Congress, did not meet with a consensus over the long term but instead provoked some of the most divisive politics in US history. It is also difficult to claim that congressional authorizations to use force in Iraq, either in 1991 or 2002, reflected a deep consensus over the merits of the wars there. The 1991 authorization barely survived the Senate, and the 2002 authorization received significant negative votes and has become a deeply divisive issue in national politics. It is also not clear that the absence of congressional approval has led the nation into wars it should not have waged. The experience of the Cold War, which provides the best examples of military hostilities conducted without congressional support, does not clearly come down on the side of a link between institutional deliberation and better conflict selection. Wars were fought throughout the world by the two superpowers and their proxies, such as in Korea, Vietnam, and Afghanistan, during this period. Yet the only war arguably authorized by Congress--and this point is debatable--was the Vietnam War. Aside from bitter controversy over Vietnam, there appeared to be significant bipartisan consensus on the overall strategy of containment, as well as the overarching goal of defeating the Soviet Union. The United States did not win the four-decade Cold War by declarations of war; rather, it prevailed through the steady presidential application of the strategy of containment, supported by congressional funding of the necessary military forces. On the other hand, congressional action has led to undesirable outcomes. Congress led the United States into two "bad" wars, the 1798 quasi-war with France and the War of 1812. Excessive congressional control can also prevent the United States from entering into conflicts that are in the national interest. Most would agree now that congressional isolationism before World War II harmed US interests and that the United States and the world would have been far better off if President Franklin Roosevelt could have brought the United States into the conflict much earlier. Congressional participation does not automatically or even consistently produce desirable results in war decision making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. In the post-Cold War era, the United States is confronting the growth in proliferation of WMDs, the emergence of rogue nations, and the rise of international terrorism. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterward. Take the threat posed by the Al Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than conventional ones. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Although terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, WMDs allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have

to use force earlier and more often than when nation-states generated the primary threats to US national security. **The executive branch needs the flexibility to act quickly,** possibly in situations wherein congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, the executive branch might also be able to engage in a **more limited, more precisely targeted, use of force.** Similarly, the least dangerous way to prevent rogue nations from acquiring WMDs may depend on **secret intelligence gathering and covert action** rather than open military intervention. **Delay** for a congressional debate could **render useless any time-critical intelligence or windows of opportunity.** The Constitution creates a presidency that is uniquely structured to act forcefully and independently to repel serious threats to the nation. Instead of specifying a legalistic process to begin war, the Framers wisely created a fluid political process in which legislators would use their appropriations power to control war. As the United States confronts terrorism, rogue nations, and WMD proliferation, we should look skeptically at claims that radical changes in the way we make war would solve our problems, even those stemming from poor judgment, unforeseen circumstances, and bad luck.

UQ

2nc – uniqueness

Status quo statues are structurally incapable of inhibiting the president

Pildes 12 – Sulder Family Professor of Constitutional Law @ NYU School of Law and Co-Director at the NYU Center on Law and Security (Richard H. Pildes, April 2012, “Law and the President,” 125 Harv. L. Rev. 1381, Lexis)//twontwon

The general outlines of this history are familiar. But in a bracing new book, *The Executive Unbound*, Professors Eric Posner and Adrian Vermeule want to take this story to a different quantum level. Posner and Vermeule insist not just that presidential powers have expanded dramatically in recent decades but that these powers are not effectively constrained by law. The stark reality of presidential power, as they put it, is that “law does little to constrain the modern executive” (p. 15). This is true, they assert, not just in exceptional circumstances, such as times of crisis or emergency, but in general in the modern state. This unconstrained power allegedly exists not just with respect to limited substantive arenas, such as foreign affairs or military matters, but across the board, with respect to domestic matters as well. 18 Thus, while some have long argued that *inter arma enim silent leges* (in times of war, the laws are silent), 19 Posner and Vermeule argue that the laws [*1386] are always silent, in effect, when it comes to presidential power. Finally, they contend that this proposition is not just true with respect to some sources of potential legal constraint, such as the Constitution; it is central to their argument that statutes that purport to regulate presidential conduct are also largely ineffective. As they say, “the basic aspiration of liberal legalism to constrain the executive through statutory law has largely failed” (p. 112). Thus, when Congress does impose legislative constraints, Posner and Vermeule assert, the laws are typically vague, leaving ample room for executive discretion. Statutes “have a **Potemkin quality**: they stand about in the landscape, providing an impressive facade of legal constraint on the executive, but actually blocking very little action that presidents care about” (p. 88). Those legal constraints that do exist, whether constitutional or statutory, are not aggressively enforced by courts - first, because American courts stay out of many controversies concerning presidential power, and second, because when courts do play a role, they defer substantially to executive action and interpretation (pp. 52-58). Indeed, presidents can act directly in the face of even clear law and can force other institutions, such as Congress and the courts, to try to stop them. Much of the time, these other institutions will be unable or unwilling to do so. *The Executive Unbound* thus invites a general inquiry into the relationship between law and presidential power, rather than the more traditional, narrowly focused debates about presidential power during “emergencies,” or presidential control over military and foreign affairs. 20 As a more general matter, Posner and Vermeule insist we should abandon as naive, self-deluded, and anachronistic the image and rhetoric of a President bound by law - an image they call that of “liberal legalism” or the “Madisonian framework” (p. 15). The imperial presidency, they suggest, is simply a fact: we need to become mature enough to accept it. And we should be clear about what the imperial presidency entails: presidential action that law does not meaningfully constrain. Posner and Vermeule, however, urge us not to be anxious or worried about this state of affairs. We should not obsessively fear that we live, effectively, in a constitutional dictatorship. The alternative to a legally constrained President is not a President unconstrained altogether. [*1387] Instead, Posner and Vermeule suggest that a variety of other constraints on presidential action have emerged as effective substitutes for the legal constraints that were originally envisioned in the Madisonian constitutional design or that “liberal legalist” proponents wish for today. Generally put, Posner and Vermeule call these alternative constraints “politics and public opinion” (p. 15), which are said to work effectively to cabin executive power to an appropriate extent. Much of their book is devoted to explaining in a systematic fashion how these nonlegal constraints purportedly work. Indeed, the combination that Posner and Vermeule both describe and celebrate of presidential discretion and nonlegal constraints on executive power yields a better functioning governmental system (presumably in utilitarian terms) than would a presidency seriously constrained by law. First, they argue, a President unbound can produce better outcomes than a President bound to follow preexisting legislation: laws (constitutions and statutes) are always written in a specific context in the past, but technology, the economy, international dynamics, and other circumstances that characterize the modern age are exceptionally fluid

and constantly shifting. Better to have presidents make their best judgment, all things considered, about the right action in the actual, immediate circumstances at hand than to have them be bound by laws that could not have contemplated these precise circumstances. Second, and central to Posner and Vermeule's analysis, presidents do remain constrained - not by law, but by politics and the political judgment of others. As scholars since Richard Neustadt, if not earlier, have recognized, the actual, effective powers of a President (as opposed to the formal powers of the office) are directly rooted in, and limited by, his or her ongoing credibility. 21 Presidents want the capacity to exercise their best judgment as contexts arise.

Broad executive powers are low – but war powers are uniquely protected

Benen 15 – (Steve Benen, 2/13/15, “GOP flips the script, endorses executive overreach,” <http://www.msnbc.com/rachel-maddow-show/gop-flips-the-script-endorses-executive-overreach//twemchen>)

The good news is, six months after President Obama launched a military offensive against ISIS targets in the Middle East, Congress is starting to debate the U.S. mission. The bad news is, the debate is off to a ridiculous start. President Barack Obama should be asking for more power to wage war against Islamic State extremists, some Republicans on the U.S. House Foreign Affairs committee said. [...] While Republicans have repeatedly accused Obama of executive overreach in areas such as immigration, several lawmakers at the hearing questioned why he wasn't seeking broader authority this time. You've probably heard that the GOP is outraged by the White House's proposed Authorization for the Use of Military Force (AUMF), but it's important to understand why. About a year ago, the Republican condemnation of President Obama shifted – “he doesn't lead enough” was out, “he leads too much” was in. The more Obama's policy agenda succeeded in practical terms, the more the GOP argued the president is a lawless, out-of-control tyrannical dictator, hell bent on limitless power without regard for the Constitution. This week, however, Republicans are disgusted by Obama's lack of executive overreach. GOP lawmakers are suddenly convinced [Obama] the tyrannical dictator needs even more sweeping powers to act unilaterally in matters of life and death. House Speaker John Boehner (R-Ohio), who occasionally pretends to believe his party's talking points, expressed dismay yesterday that the president's AUMF would “tie his hands even further.” Congress' top lawmaker apparently hopes for a more diminished role for Congress. This isn't so much an example of Republicans temporarily putting aside their principles for the sake of convenience. Rather, it's fresh evidence that the principles themselves have always been a mirage. Republicans think Obama must stop acting like a dictator and start working with Congress as the Constitution intended – unless we're talking about wars, in which case Obama should go ahead and circumvent Congress as much as possible. Republicans think higher deficits are an economic scourge – unless deficit financing advances conservative policy goals, in which case budget shortfalls are better left ignored. Republicans think government spending is inherently wasteful and counter-productive – unless the investments are directed at their state and/or their policy priorities, in which case government spending is great. Republicans think the big federal government shouldn't interfere with local decision making – unless the residents of the District of Columbia make a decision the right disagrees with.

2nc – uniqueness – inherent powers

Congress is barred from infringing on the president's inherent powers in the squo – only durable fiat triggers the impact

Gormley 6 – Associate Prof. of Constitutional Law at Duquesne University School of Law (Ken Gormley, 2/28/6, "U.S. SENATOR ARLEN SPECTER (R-PA) HOLDS A HEARING ON THE NSA'S SURVEILLANCE AUTHORITY," Political Transcript Wire, Lexis)//twontwon

GORMLEY: I think the confrontation is between the president's powers under the executive power clause and commander in chief clause and the Fourth Amendment. I don't think Congress can narrow the Fourth Amendment. I don't think Congress can take away the president's independent powers. I think that the Fourth Amendment does allow at least some domestic surveillance when you're talking about people the president believes are foreign terrorists. I don't doubt that will mean some injustice or some innocent people will be listened to. But the president makes all sorts of decisions in terms of targeting decisions that kill innocent people around the world, because that's the nature of war. It's unfortunate, but I don't think FISA can really play in this game when you're talking about major constitutional powers.

2nc – uniqueness – powers now

War powers soaring now

Sullivan 14 – staff writer @ The Hill (Peter Sullivan, 9/11/14, “Ex-Bush official rips Obama’s ‘breathhtaking’ expansion of war powers,” <http://thehill.com/blogs/blog-briefing-room/217405-former-bush-official-rips-obamas-breathhtaking-expansion-of-war>)/twontwon

A former Bush administration lawyer slammed President Obama on Thursday for "an astonishing legacy of expanding presidential war powers." Jack Goldsmith, an assistant attorney general under President George W. Bush, criticized Obama's declaration Wednesday night that he already has the authority to hit the Islamic State of Syria and Iraq (ISIS). "The president's gambit is, at bottom, presidential unilateralism masquerading as implausible statutory interpretation," Goldsmith wrote in Time. Obama in his speech said he would "welcome congressional support" for taking on ISIS, but administration officials say he already has the authority under a force resolution passed by Congress in the aftermath of the Sept. 11 attacks. A senior U.S. official emailed to The Guardian the reasoning that ISIS "is the true inheritor of Usama bin Laden's legacy." Goldsmith takes issue with that argument, saying it amounts to authority for endless war. "If this remarkably loose affiliation with al Qaeda brings a terrorist organization under the 2001 law, then Congress has authorized the president to use force endlessly against practically any ambitious jihadist terrorist group that fights against the United States," he wrote. Goldsmith also took issue with Obama's past actions, including airstrikes to protect members of the Yazidi sect trapped on a mountain in Iraq last month. "Although he backed down from his threat to invade Syria last summer, President Obama proclaimed then the power to use unilateral force for purely humanitarian ends without congressional or United Nations or NATO support," he writes. "This novel theory, which removed all practical limits on presidential humanitarian intervention, became a reality in last month's military strikes to protect civilians trapped on Mount Sinjar and in the town of Amiri." Goldsmith traces the theme back to 2011 strikes in Libya, as well. "His lawyers argued beyond precedent that the large-scale air attacks did not amount to 'War' that required congressional approval," he writes. "They also blew a large hole in the War Powers Resolution based on the unconvincing claim that the Libya strikes were not 'hostilities' that would have required compliance with the law."

Obama has sweeping executive power now

Cruz 15 – United States Senator from Texas, served as the Solicitor General of Texas from 2003-2008 (Ted Cruz, Winter 2015, “THE OBAMA ADMINISTRATION'S UNPRECEDENTED LAWLESSNESS,” Harvard Journal of Law and Public Policy, Lexis)/twontwon

IV. THE OBAMA ADMINISTRATION'S UNPRECEDENTED NONENFORCEMENT OF FEDERAL LAW Unlike the presidential actions explained above, President Obama has categorically disregarded entire domestic policy statutes without any colorable constitutional objection.²²¹ There is no basis in history for this sweeping view of executive power. Reasonable constitutional objections formed the basis for Lincoln's suspension of habeas corpus, Johnson's objections to removal restrictions, Roosevelt's objections to removal restrictions and legislative veto provisions, and refusals to abide by the War Powers Resolution. While Truman's seizure of the steel mills, Reagan's arms sales, and Bush's memorandum instructing Texas to obey the International Court of Justice may have been examples of a President disregarding federal law due to policy differences, those three instances were isolated outliers in American history and all involved foreign affairs. In contrast, President Obama has repeatedly ignored domestic policy statutes because he disagrees with them as a policy matter.²²² This nonenforcement usurps Congress's legislative power and sets a dangerous precedent that allows future Presidents to disregard the duty to take care that the laws be faithfully executed. Imagine if a future Republican President were to disregard financial regulation like Sarbanes-Oxley or DoddFrank, or campaign finance regulation like McCain-Feingold, or environmental laws, because the President disagreed with the underlying policy. Democrats would be furious,

and rightfully so. Yet the following examples of President Obama's disregard of federal law establish a pattern of suspending laws based on the policy prerogatives of this Administration. A. Obamacare President **Obama's strategic nonenforcement of Obamacare**

-his "signature legislative achievement"-is the most egregious example of this Administration's failure to take care that the laws be faithfully executed.²²³ In at least six major ways, the Obama Administration has ignored and contravened the express text of the Affordable Care Act, even though there are no colorable constitutional rationales for doing so. First, without statutory authority, the Obama Administration unilaterally delayed the health insurance requirements imposed by Obamacare. Obamacare establishes the types of plans health insurance companies can offer consumers.²²⁴ These stringent requirements led to "at least 4.7 million" health plans being cancelled as of December 2013.²²⁵ These cancellations occurred, of course, despite the President's repeated assurances that "if you like your health care plan, you keep your health care plan" after the passage of Obamacare.²²⁶ Perhaps because the President saw that the devastating effects of Obamacare's requirements were not aligning with his promises, his administration unilaterally declared that individuals could continue purchasing health care plans in 2014 even if those plans violate the express requirements of the Affordable Care Act and its regulations.²²⁷ Months later, following Obamacare's disastrous rollout, the Administration extended this delay to 2016, past the mid-term elections.²²⁸ The Act, however, was required by statute to take effect on January 1, 2014.²²⁹ To make matters worse, the President remarkably threatened to veto any legislation that codified this lawless exemption that the Administration unilaterally imposed.²³⁰ That is the opposite of taking care that the laws be faithfully executed; that is usurping Congress's legislative power while then blocking Congress from enacting the precise policy supported by the President. Second, President Obama effectively delayed Obamacare's individual mandate for two years by massively expanding existing exemptions from the individual mandate to allow anyone claiming hardship an exemption. The individual mandate is a statutory command that imposes monetary penalties on most people who fail to maintain health insurance coverage required by Obamacare.²³¹ This was "Congress's solution" to "prevent[] costshifting by those who would otherwise go without [health insurance]" and "force [] into the insurance risk pool more healthy individuals."²³² After Obamacare's failed rollout, the Administration said it would allow people to opt out of the individual mandate for two years if they simply filled out a form attesting that the Obamacare health insurance exchange plans were too expensive.²³³ Strikingly, just months earlier, the President and Senate Democrats chose to force a government shutdown instead of accepting a one-year delay of the individual mandate.²³⁴ So just like President Obama's threat to veto legislation implementing his unilateral waiver of Obamacare's health insurance requirements, here again the President and Democrats blocked legislation that would have achieved the same policy objective that the President unlawfully imposed through executive fiat. Third, the Obama Administration has decreed that Obamacare's out-of-pocket caps will not apply in 2014. Obamacare caps the amount of out-of-pocket costs that people have to spend on their own health insurance.²³⁵ So according to federal law, starting in 2014, individuals and families would have to spend no more than \$6,350 and \$12,700, respectively.²³⁶ But just like it delayed the health insurance requirements, the Obama Administration unilaterally delayed enforcement of the out-of-pocket caps-burying the announcement of the delay in one of 137 Affordable Care Act FAQs found on the Department of Labor's website.²³⁷ Fourth, this Administration ignored the plain text of Obamacare when it delayed the employer mandate-twice. Obamacare penalizes employers who employ over fifty "full-time" employees if they do not offer health care coverage that the government deems to be "affordable," and the employee consequently receives a federal subsidy to purchase an insurance plan in a state health insurance exchange.²³⁸ Yet the Obama Administration announced, in a blog post, that it would not enforce the employer mandate in 2014.²³⁹ Months later, it delayed the employer mandate for medium-sized employers until 2016.²⁴⁰ Fifth, the Administration drastically expanded the individual and employer mandates and is sending billions of dollars in subsidies to insurance companies beyond what the text of Obamacare allows by granting federal subsidies to buy health insurance in all states instead of only in those states that create health insurance exchanges. According to the statute, the employer mandate is only supposed to be assessed if at least one full-time employee is enrolled in a health insurance exchange for which a federal tax credit subsidy is available.²⁴¹ These federal subsidies are available only when an individual purchases a health plan "through an Exchange established by the State."²⁴² According to Obamacare's text, the subsidies are not available if the health plan is purchased through an exchange not established by a state, such as a federally established exchange. Consequently, no federal subsidies should be available in the 36 states that have refused to create health insurance exchanges.²⁴³ A three-judge panel of the D.C. Circuit has already affirmed this plain text reading of Obamacare.²⁴⁴ Although the Fourth Circuit refused to enforce the statutory text, that decision has been appealed to the Supreme Court, and the case will be decided this Term.²⁴⁵ If subsidies are not available in states that do not form exchanges, the individual mandate will apply to significantly fewer people in those states-because the individual mandate applies only if the annual cost of the least expensive coverage minus subsidies exceeds 8% of projected household income.²⁴⁶ But instead of following the plain text of Obamacare, the Administration is granting federal subsidies in every state, including those that have not created state health insurance exchanges.²⁴⁷ The Administration lawlessly interpreted "Exchange established by the State" to include federally established exchanges.²⁴⁸ Sixth, the Obama Administration ignored the text of Obamacare to grant subsidies to members of Congress and their congressional staff. Obamacare and other federal statutes contain explicit language requiring members and their staff to get their health insurance through exchanges without subsidies.²⁴⁹ Specifically, members and most congressional staff are required, by Obamacare, to purchase individual health plans from exchanges just like millions of Americans.²⁵⁰ But the federal subsidies for health insurance that members and staff have received in the past are only available if their plans were "group insurance policies," to quote a federal statute.²⁵¹ The ACA makes no provision for the government to continue to pay premiums on behalf of members and their congressional staff.²⁵² Yet, because that requirement is onerous, the Administration granted the request from Senate Democrat Majority Leader Harry Reid to disregard the plain language of the statute.²⁵³ According to the Administration, the individual health plans Members and staff bought through health exchanges qualify as "group" plans, enabling the Administration to give these subsidies to Members and staff unlawfully.²⁵⁴ All of these refusals to enforce the plain text of Obamacare share a crucial element in common: The President is categorically suspending statutory text without believing that the statute is unconstitutional. Rather, as President Obama's politically-appointed Assistant Secretary for Tax Policy explained,²⁵⁵ the Administration's refusal to enforce Obamacare is rooted in policy considerations of "adaptation]" and "flexibility]," as well as "concerns about the complexity of the requirements and the need for more time to implement them effectively."²⁵⁶ These failures to enforce Obamacare may prove beneficial to those Congress intended to regulate, and they may also prove more convenient for the administrative agencies who failed to promulgate appropriate regulations according to statutorily established timelines.²⁵⁷ The Administration has argued that prosecutorial discretion justifies the failure to enforce Obamacare. But prosecutorial discretion does not allow wholesale suspension of statutory provisions, which is precisely what this Administration has done in lawlessly implementing its signature legislative achievement. The Constitution does not recognize convenience and political expediency as reasons for executive suspension of laws. To the contrary, the Take Care Clause requires faithful enforcement of all laws-even laws the President wishes he did not have to enforce. B. Immigration Obamacare is not the only

statute that President **Obama** has ignored on policy grounds. He has **also ignored immigration law**. President Obama recently announced that he would **unilaterally grant amnesty to** around five million **illegal immigrants**.²⁵⁸ This prompted Professor Turley, a noted liberal, to observe, "What the President is suggesting is **tearing at the very fabric of the Constitution**."²⁵⁹ In fact, **years earlier, the President** expressly acknowledged he **had no authority** to do this. In March 2011, he said, "With respect to the notion that I can just suspend deportations through executive order, that's just not the case, because there are laws on the books that Congress has passed."²⁶⁰ Moreover, President Obama remarked that if he granted any additional amnesty, "I would be ignoring the law in a way that I think would be very difficult to defend legally."²⁶¹ The President's November 2014 amnesty did much more than just "prioritize" resources for removing illegal immigrants-it purported to affirmatively grant work authorizations for the millions of illegal immigrants covered by the edict. Prosecutorial discretion, of course, cannot justify the Administration's affirmative act to try to grant work authorizations, as prosecutorial discretion only deals with government inaction based on the individual facts and circumstances of a particular case. In anticipation of this objection, the Administration's Office of Legal Counsel (OLC) released a memo that unsuccessfully tries to justify these work authorizations on the basis that the Immigration and Nationality Act delegated the President this authority.²⁶² The **memo** misreads 8 U.S.C. § 1324a(h)(3) in a manner that would **give the President carte blanche to grant work authorization to any alien** who is in the United States illegally. Section 1324a(h)(3)-entitled "Definition of unauthorized alien"- a subsection of the federal prohibition on hiring illegal immigrants, and it defines which illegal immigrants count as "unauthorized alien[s]" who cannot be hired. It provides, in full: As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this chapter or by the Attorney General [now the Secretary of Homeland Security]. The OLC memo interprets this definitional subsection not as a mere definition, but as an independent source of power for the DHS Secretary to grant work authorizations to any class of aliens.²⁶³ Under this reading, when § 1324a(h)(3) says "unauthorized alien[s]" are those who are not "authorized to be so employed ... by the Attorney General," that subsection is implicitly giving the Administration power to grant every single alien an authorization to work. Under that reading, there is no limit on the Administration's unilateral power to grant any illegal alien-including illegal immigrants not covered by the November 2014 amnesty-work authorizations. The OLC memo's interpretation of § 1324a(h)(3) is flawed in at least two interrelated ways. First, that subsection is merely a definition of which aliens count as "unauthorized" for work, and it does not purport to grant the Administration any additional power. Second, other provisions of the Immigration and Nationality Act already delineate narrow circumstances when the Administration "may grant work authorization to aliens lacking lawful immigration status"²⁶⁴-to quote the

OLC memo itself-yet those provisions would be rendered superfluous under the OLC memo's reading of § 1324a(h)(3). In short,

Congress never delegated to the executive branch complete discretion to grant work authorizations to any and all illegal immigrants. Instead, Congress created specific statutory provisions that cabined the Administration's power to do so, and the OLC memo ignores these structural limits by erroneously construing a definitional subsection, § 1324a(h)(3), to grant the Administration sweeping powers. The November 2014 amnesty was not the first time the Obama Administration ignored immigration law. Congress rejected-at least ten times since 2001-the Development, Relief, and Education for Alien Minors Act (DREAM Act),²⁶⁵ which would have allowed certain illegal immigrants a path to citizenship if they arrived in the United States illegally when they were fifteen years old or younger and met other requirements.²⁶⁶ Nevertheless, in January 2011, President Obama essentially implemented the DREAM Act through executive fiat. An Obama Administration Department of Homeland Security memorandum declared that "in the absence of Comprehensive Immigration Reform, USCIS can extend benefits and/or protections to many individuals and groups by... exercising discretion with regard to ... deferred action"-that is, "an exercise of prosecutorial discretion not to pursue removal from the U.S. of a particular individual for a specific period of time."²⁶⁷ Over a year later, on June 15, 2012, DHS instituted a "deferred action" program, currently known as the Deferred Action for Childhood Arrivals program (DACA).²⁶⁸ DACA includes a list of eligibility criteria that closely tracks the failed DREAM Act's criteria including that the individual must have arrived before turning sixteen, and DACA is purportedly based on "an exercise of prosecutorial discretion."²⁶⁹ Although the DACA order couches itself in terms of prosecutorial discretion used "on an individual basis," its instructions describe a broadranging program that preemptively applies to a wide scope of individuals who are not yet subject to any kind of removal order.²⁷⁰ Rather than clarifying a legitimate use of a prosecutor's discretion to bring or modify charges in a particular case, the order creates a wide-ranging policy framework with instructions to affirmatively apply it to an indeterminate group of people that have yet to be identified. The Obama Administration has invoked the doctrine of prosecutorial discretion to support its various rounds of immigration amnesty, most recently in the November 2014 OLC memo.²⁷¹ But the November 2014 amnesty and DACA are far from legitimate uses of prosecutorial discretion. Simply saying the words "resource allocation," "individual basis," and "prosecutorial discretion" does not let the President wave a magic wand and make the Take Care Clause disappear. For example, DACA's criteria are general, "applying to every member of a class of perhaps 1.76 million people on the basis of a limited number of common characteristics. It requires no searching, [and no] individualized evaluation of the merits of particular applicants. All who possess the designated characteristics will qualify."²⁷² And as Justice Scalia has noted, "The husbanding of scarce enforcement resources ... can hardly be the justification for this [policy], since the considerable administrative cost of conducting as many as 1.4 million background checks, and ruling on the biennial requests for dispensation that the nonenforcement program envisions, will necessarily be deducted from immigration enforcement."²⁷³ Recall former Obama Administration official Professor Cass Sunstein's words: "[T]here is a distinction" between "setting] enforcement priorities" and "allocat[ing] resources" versus "refusing to carry out the obligations that Congress has imposed on the executive."²⁷⁴ By rejecting the DREAM Act over ten times, Congress imposed on the President the command that he had to follow existing immigration statutes instead of the amendments contained in the DREAM Act. The Administration's November 2014 amnesty and its administrative implementation of the DREAM Act through DACA are not programs where the government decides in certain facts and circumstances not to enforce immigration laws because specific offices need to allocate resources differently. The November 2014

amnesty and DACA are blanket executive decrees that the President will not enforce this law "which it disapproves."²⁷⁵ Those decrees and their implementation violate the Take Care Clause. C. Drugs **The federal Controlled Substances Act assigns mandatory minimum sentences** for certain drug crimes.²⁷⁶

Obama Administration Attorney General Eric **Holder**, nevertheless, has **said the Department of Justice "will no longer pursue mandatory minimum sentences** for certain low-level, nonviolent drug offenders."²⁷⁷ That does not mean the Obama Administration will seek sentences greater than the mandatory minimums for these crimes. Rather, it means these **crimes will not be prosecuted at all**. Reasonable minds can disagree about whether mandatory minimum sentences are too harsh for certain drug crimes. In fact, I have cosponsored the Smarter Sentencing Act, which would reduce mandatory minimum sentences for certain low-level, nonviolent drug offenses.²⁷⁸ But that is the constitutionally permissible way to address this situation-by amending the existing statutes in Congress, rather than the President dispensing with these drug laws. While the executive's prosecutorial discretion lets it allocate enforcement resources, as explained above, this discretion does not allow categorical reprieves from federal statutes. Yet the Attorney General has announced that for an entire set of drug crimes, categorically and prospectively, the Obama Administration will not enforce duly enacted criminal laws.²⁷⁹ A proper exercise of prosecutorial discretion would allow the President to not prosecute outlier cases. But prosecutorial discretion cannot properly be used on a categorical basis, for **this violates the Take Care Clause**. Once again, the **Obama Administration has distorted the separation of powers, usurped Congress's legislative power, and failed to take care that the laws be faithfully executed**.

D. Welfare In 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act, which created the Temporary Assistance for Needy Families (TANF) program.²⁸⁰ TANF sought to discourage dependency and encourage employment by placing restrictions on welfare allocations. TANF gave states grants²⁸¹ and provided that individuals could only receive benefits for up to five years.²⁸² It also mandated that recipients engage in work within two years of receiving benefits,²⁸³ and this provision was heralded as the reason TANF succeeded.²⁸⁴ Welfare reform was a tremendous policy success, helping millions stand on their own feet and achieve the American dream. Welfare rolls were decreased by half and the poverty rate for African-American children reached its lowest point in U.S. history.²⁸⁵ The Obama Administration, in an HHS memorandum full of legalese, declared that states no longer had to follow TANF's work requirements and could dispense welfare even if recipients did not meet the TANF statutory standards.²⁸⁶ In the 1996 Act, however, Congress already provided a list of which statutory provisions the federal government could waive.²⁸⁷ The only part of TANF that was included in that list of waivable provisions was Section 402, which dealt with reporting requirements obligating states to tell HHS that they are complying with TANF.²⁸⁸ TANF's work requirements-in Section 407-were not listed as waivable. Nevertheless, the Obama Administration's HHS memorandum claims that because the federal government can waive TANF's reporting requirements in Section 402, it also has the authority to waive the substantive work requirements in Section 407.²⁸⁹ In the sixteen years since the 1996 Act was passed, no Administration had ever asserted this authority,²⁹⁰ because the statute's clear text forbids waiving TANF's work requirements. Although the Administration couches its argument as a dispute about statutory construction, this

outlandish interpretation is just another example of President Obama ignoring duly enacted congressional laws. V. CONCLUSION President **Obama's lawlessness is unprecedented in American history**. Unlike any President before, President Obama has **brazenly disregarded** duly enacted **statutes passed by Congress in a categorical, sweeping manner without raising** any constitutional **objections**. The Take Care Clause was explicitly included in the Constitution to prevent the President from wielding the suspension and dispensation powers that had been abused by English kings. Not all Presidents in our history have acted in accordance with federal law. But of the most notable examples of Presidents fighting with Congress, most of these involved legitimate constitutional arguments about whether the executive or legislature had certain powers. Lincoln's suspension of habeas corpus, Johnson's objections to removal restrictions, Roosevelt's objections to removal restrictions and legislative veto provisions, and refusals to abide by the War Powers Resolution were reasonable constitutional disputes between the branches. Foreign affairs concerns were present in the other examples-Truman's seizure of the steel mills, Reagan's arms sales, and Bush's memorandum to Texas to obey the International Court of Justice. In contrast, President Obama has pretended that various domestic policy statutes do not exist when he disagrees with them based on his own policy preferences. As a United States Senator, Barack Obama had the power to introduce legislation and be part of Congress wielding its Article I legislative power. But as President, **Obama** does not have the power to legislate. He does not have the power to refuse enforcement of laws based simply on policy concerns. His repeated **assertions of this power to suspend and dispense with duly-enacted laws** violate the Take Care Clause and represent a profound threat to our constitutional checks and balances and, ultimately, to individual liberty.

2nc – uniqueness – at: war powers rez was cong controlled

Congress used the war powers resolution to grant authority over surveillance – limits are too ambiguous to limit the executive

SNS 6 – States News Service, citing Sen. Reid (States News Service, 1/24/6, “REVISIONIST HISTORY DOES NOT EXCUSE BREAKING LAW,” States News Service, Lexis)//twontwon

Senator Feingold: Congress owns the war power. But by this resolution, Congress loans it to the President in this emergency. In so doing, we demonstrate our respect and confidence in both our Commander in Chief and our Constitution by this resolution, Congress vouchsafes the legitimacy of a struggle that must have the continuing approval of the representatives of the people. It is the framework for a continuing consensus and communicates support to our President in this emergency. We acknowledge that this legitimate emergency permits the President to act unilaterally without turning our back on who wields the war power under the Constitution, and we trust that if he does, he will turn to Congress to legitimize his actions as appropriate. [9/14/01] Senator Snowe: This resolution, consistent with the War Powers Resolution, is precisely the right course for the Congress to take at this momentous juncture in American history. [Congressional Record, 9/14/01] NOW: Nonpartisan Report Refutes President Bush's Claim that AUMF Gives Him the Legal Authority to Conduct Warrantless Surveillance and the Former Senate Democratic Leader Contradicts the Administration A January 5, 2006 analysis by the nonpartisan Congressional Research Service found that [F]rom the foregoing analysis, it appears unlikely that a court would hold that Congress has expressly or impliedly authorized the NSA electronic surveillance operations here under discussion the Supreme Court has stated that Congress does indeed have the power to regulate domestic surveillance, and has not ruled on the extent to which Congress can act with respect to electronic surveillance to collect foreign intelligence information. Given such uncertainty, the Administration's legal justification, as presented in the summary analysis from the Office of Legislative Affairs, does not seem to be as well-grounded as the tenor of that letter suggests. [Congressional Research Service, Presidential Authority to Conduct Warrantless Electronic Surveillance to Gather Foreign Intelligence Information, 1/5/06]

2nc – uniqueness – boundaries vague now

Vague boundaries allow for executive flexibility

Wuerth 7 – Prof Law at Vanderbilt Law School (Ingrid Brunk Wuerth, 10/18/7, “INTERNATIONAL LAW AND CONSTITUTIONAL INTERPRETATION: THE COMMANDER IN CHIEF CLAUSE RECONSIDERED,” Michigan Law Review, ABI/INFORM, Lexis)//twontwon

The Commander in Chief Clause is widely understood as a particularly difficult area of constitutional interpretation.¹ Congress is vested with several powers related to the initiation and prosecution of war, and the relationship between these powers and those of the president as commander in chief remains contested. For decades, debate has centered on the president's independent power to initiate hostilities in light of Congress's power under the Declare War Clause. This issue generated both the War Powers Resolution and a massive corpus of academic writing.² Today, however, in the wake of September 11, 2001, the money question is the scope of the president's power to prosecute war. The Bush administration has relied heavily on the Commander in Chief Clause as the constitutional basis for a host of controversial actions.³ Indeed, the initial legal response to September 11 was apparently predicated on the president's unilateral wartime authority, which envisioned little role for Congress.⁴ Since then, the Supreme Court has reaffirmed a strong role for Congress in setting the scope of the president's powers and analyzed issues related to congressional authorization in great detail.⁵ But even where the Court has struck down the president's actions as inconsistent with-or beyond - such authorization, it has largely eschewed general discussions of how the president's war powers are to be distinguished from those of Congress. The June 2006 decision in *Hamdan v. Rumsfeld* is just the most recent example. And in most cases, the Supreme Court does not reach these issues at all, because it upholds the president's actions as consistent with authorization provided by Congress. As a result, it is unclear even what methodological approach the Court would use to demarcate the president's power from that of Congress. Questions about the president's war prosecution power thus remain unanswered. Current examples include whether the president is bound by the McCain Amendment governing the treatment of detainees, whether Congress could limit the president's use of cluster bombs, and whether the president could convene military commissions in emergency situations without the sanction of Congress.⁹

2nc – generic

The president has authority to conduct electronic surveillance

Haplerin and Kris 6 – Director of US Advocacy for the Open Society Institute AND Senior Vice President of Time Warner (Morton Halperin, David Kris, 3/28/06, “HEARING OF THE SENATE JUDICIARY COMMITTEE SUBJECT: NSA III: WARTIME EXECUTIVE POWERS AND THE FISA COURT CHAIRED BY: SENATOR ARLEN SPECTER (R-PA),” Federal News Service, Lexis)//twontwon

There is a second issue as to whether the president has inherent authority, as commander in chief war powers, to conduct the electronic surveillance. That, as I see it, would require knowing what the program is. It may well be that the program is within the president's inherent authority, but it seems to me that that determination has to be made in accordance with the tradition in America by a court, by a judicial review.

Congressional legislation can hamper war powers

Dempsey 6 – Policy Director at the Center for Democracy and Technology (Jim Dempsey, 7/26/06, “U.S. SENATOR ARLEN SPECTER (R-PA) HOLDS A HEARING ON FOREIGN INTELLIGENCE SURVEILLANCE ACT REFORM,” Political Transcript Wire, Lexis)//twontwon

I mean, here we are in the middle of a war against terrorism. We have a bill that has been -- a FISA statute -- that has been approved by every court that has reviewed it. Evidence from FISA surveillances has been introduced in hundreds of criminal cases and never been rejected. And here we are, proposing to cast that aside and allow the president to carry out wiretaps outside of that. What if they find a real terrorist? What if the evidence is rejected in court? It's a very risky approach to cast aside what, in my view, the Supreme Court has held is appropriate. That is, Congress has war powers; the president has war powers. Congress, in its exercise of its war powers, under the necessary and proper clause, under its authority to regulate the armed forces, can adopt legislation that limits the president's inherent power.

Link

2nc – link uniqueness/internal link

Congressional authority is zero sum with presidential – they're toeing the line now, but resolving their issues with cooperation – the plan's fiat breaks the balance

Kyl 6 – Senator from Arizona (John Kyl, 2/28/06, “HEARING OF THE SENATE JUDICIARY COMMITTEE SUBJECT: WARTIME EXECUTIVE POWER AND THE NSA'S SURVEILLANCE AUTHORITY (PART II),” The Federal News Service, Lexis)//twontwon

It seems to me that this is almost a classic case, like the war powers debate, where it is not arguable that both Congress and the executive have authority. It is to some extent competing, to some extent overlapping, and it is very difficult to sort out in the abstract. It is the classic case where the court on political questions has avoided sometimes getting involved in the debate, and where both parties -- both the executive and the president -- march right up to the brink and have backed away and resolved the issues. I mean, the president still says, I don't have to follow the War Powers Act. Congress says, yes you do. And yet we both go on about our business warily working with each other in a way that doesn't set that conflict up because we understand there are larger, more important things than necessarily having a fight that's going to try to force a court to resolve an issue where in fact the founding fathers in the Constitution does not provide a crystal clear answer for every situation.

2nc – congress precedent link

Congressional limits on surveillance spill over to justify broader congressional encroachment on national security issues – congressional deference is high now

Donohue 11 – Associate Prof of Law at Georgetown Law (Laura Donohue, Fall 2011, “SYMPOSIUM: MOVING TARGETS: ISSUES AT THE INTERSECTION OF NATIONAL SECURITY & AMERICAN CRIMINAL LAW: ARTICLE: THE LIMITS OF NATIONAL SECURITY,” 48 Am. Crim. L. Rev. 1573, Lexis)//twontwon

From the inside, such blatant opportunism may appear harmless. In light of limited bandwidth, the way to get attention is to make an issue appear larger than perhaps it really is. But the effects of these provisions are not harmless. They carry significant structural implications. As a constitutional matter, the shift to the national security discourse diminishes the role that Congress performs through its oversight function. The number of committees responsible for "national security" has rapidly proliferated to include [*1754] nearly every Senate and House committee. 1292 This means that no single committee has a complete picture of national security. Nor is any single committee held responsible, to the electorate, for such oversight. Overlapping responsibilities allow legislators to take credit for keeping the country safe, and apportion blame for any failures. For those committees given authority to oversee discreet executive actions, strong political pressures demand that the legislators not hamstring the executive branch on issues of security. 1293 Even where the executive acts outside the law, congressional oversight is limited. The National Security Agency's illegal wiretapping serves as a clear example. Despite the Bush Administration's disregard for legislative restrictions on the wiretapping of U.S. citizens, 1294 Congress retroactively legalized the Administration's actions on grounds that it involved sensitive issues. 1295 ***FOOTNOTE BEGINS*** See Charlie Savage & James Risen, Federal Judge Finds N.S.A. Wiretaps Were Illegal, N.Y. TIMES (Mar. 31, 2010), <http://www.nytimes.com/2010/04/01/us/01nsa.html> ("The 2005 disclosure of the existence of [Bush's authorization of illegal wiretapping] set off a national debate over the limits of executive power and the balance between national security and civil liberties. The arguments continued over the next three years, as Congress sought to forge a new legal framework for domestic surveillance . . . Congress overhauled the Foreign Intelligence Surveillance Act to bring federal statutes into closer alignment with what the Bush administration had been secretly doing. The legislation essentially legalized certain aspects of the program."). ***FOOTNOTE ENDS*** National security, for that matter, entails a significant amount of secrecy, such that Congress may not even be aware of what is happening. When Congress is aware of executive actions, legislators may be prevented from bringing certain information to light via classification, which is itself an executive decision. Congress's ability to act with regard to authorization, at the outset, is similarly narrow. The burden rests on those opposing national security measures to demonstrate that failing to enact such measures will not undermine the country's safety—a nearly impossible burden of proof. For those measures with a significant impact on civil rights, there may be an effort to include a sunset provision, essentially providing an expiration date. But temporary powers rarely turn out to be so limited; instead, they become a baseline on which further authorities are [*1755] built. 1296 Similar concerns accompany the legislature's ability to withstand the drive to expansion via appropriations. The judiciary, in turn, is unsuited for playing a stronger role in the area of national security. The political question doctrine, which permeates foreign affairs, becomes all the more ubiquitous with the expansion of national security and the increasingly blurred lines between the different risks faced by the country. Claims to judicial institutional incompetence, often pushed by an executive branch eager to protect its interests, find sympathetic ears in a judiciary loath to make determinations on matters involving the security of the United States. Judges, who lack bureaucratic support, resources, information, and training in the area, are reluctant to second-guess the executive branch. The state secrets doctrine further restricts private citizens' ability to gain access to the executive's actions, as exceptions to the Freedom of Information Act specifically carve out national security matters. 1297 The executive branch's continued expansion of its national security portfolio is concerning in light of the political nature of such structures. Shortly before he died in 1954, Justice Robert Jackson, having served as Attorney General during the great expansion of the FBI's purview into national security in the third epoch, wrote:

This also sets court precedent

Bradley 9 – Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School (Curtis A. Bradley, 2009 (last date cited), “Clear Statement Rules and Executive War Powers,” Harvard Journal of Law and Public Policy, Vol 33, p. 139, [//twontwon](http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty_scholarship)

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in *Youngstown*. 1

2nc – congress link

Congressional restrictions spill over and eviscerate broader war powers

Heder 10 – J.D., magna cum laude, J. Reuben Clark Law School (Adam Heder, 2010, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)/twontwon

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, *Goldwater v. Carter*.¹²¹ In *Goldwater*, a group of senators challenged President Carter’s termination, without Senate approval, of the United States’ Mutual Defense Treaty with Taiwan.¹²² A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question.¹²⁴ He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’”¹²⁵ Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war. Though Justice Powell argues in *Goldwater* that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,”¹²⁶ the same cannot be said about Congress’s legislative authority to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the *Goldwater* context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully declined to grant Congress such powers. And as this Article argues, granting Congress this power would be inconsistent with the general war powers structure of the Constitution. Such a reading of the Constitution would unnecessarily empower Congress and tilt the scales heavily in its favor. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time when the Executive’s expertise is needed.¹²⁷ And fears that the President will grow too powerful are unfounded, given the reasons noted above.¹²⁸ In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants.¹²⁹ Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings. Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confuse the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

Oversight has zero chance of working but still substantially undermines executive secrecy – decimating war powers

Posner and Vermeule 10 [Eric, professor of law at the University of Chicago AND Adrian, professor of law at Harvard, *The Executive Unbound*, p. 25-29]

Many institutional factors hamper effective legislative monitoring of executive discretion for legal compliance. Consider the following problems. Information Asymmetries Monitoring the executive requires expertise in the area being monitored. In many cases, Congress lacks the information necessary to monitor discretionary policy choices by the executive. Although the committee system has the effect, among others, of generating legislative information and expertise,¹⁸ and although Congress has a large internal staff, there are domains in which no amount of legislative expertise suffices for effective oversight. Prime among these are areas of foreign policy and national security. Here the relative lack of legislative expertise is only part of the problem; what makes it worse is that the legislature lacks the raw information that experts need to make assessments. The problem would disappear if legislators could cheaply acquire information from the president, but they cannot. One obstacle is a suite of legal doctrines protecting

executive secrecy and creating deliberative privileges— doctrines that may or may not be justified from some higher-order systemic point of view as means for producing optimal deliberation within the executive branch. Although such privileges are waivable, the executive often fears to set a bad institutional precedent. Another obstacle is the standard executive claim that Congress leaks like a sieve, so that sharing secret information with legislators will result in public disclosure. The problem becomes most acute when, as in the recent controversy over surveillance by the National Security Agency, the executive claims that the very scope or rationale of a program cannot be discussed with Congress, because to do so would violate the very secrecy that makes the program possible and beneficial. In any particular case the claim might be right or wrong; legislators have no real way to judge, and they know that the claim might be made either by a well-motivated executive or by an ill-motivated executive, albeit for very different reasons. Collective Action Problems Part of what drives executive reluctance to share information is that, even on select intelligence committees, some legislator or staffer is bound to leak and it will be difficult to pinpoint the source. Aware of the relative safety that the numbers give them, legislative leakers are all the more bold. This is an example of a larger problem, arising from the fact that there are many more legislators than top-level executive officials. Compared to the executive branch, Congress finds it more costly to coordinate and to undertake collective action (such as the detection and punishment of leakers). To be sure, the executive too is a “they,” not an “it.” Much of what presidents do is arbitrate internal conflicts among executive departments and try to aggregate competing views into coherent policy over time. As a strictly comparative matter, however, the contrast is striking: the executive can act with much greater unity, force, and dispatch than can Congress, which is chronically hampered by the need for debate and consensus among large numbers. This comparative advantage is a principal reason why Congress enacts broad delegating statutes in the first place, especially in domains touching on foreign policy and national security. In these domains, and elsewhere, the very conditions that make delegation attractive also hamper congressional monitoring of executive discretion under the delegation. There may or may not be offsetting advantages to Congress’s large numbers. Perhaps the very size and heterogeneity of Congress make it a superior deliberator, whereas the executive branch is prone to suffer from various forms of groupthink. But there are clear disadvantages to large numbers, insofar as monitoring executive discretion is at issue. From the standpoint of individual legislators, monitoring is a collective good. If rational and self-interested, each legislator will attempt to free ride on the production of this good, and monitoring will be inefficiently underproduced. More broadly, the institutional prerogatives of Congress are also a collective good. Individual legislators may or may not be interested in protecting the institution of Congress or the separation of legislative from executive power; much depends on legislators’ time horizons or discount rate, the expected longevity of a legislative career, and so forth. But it is clear that protection of legislative prerogatives will be much less emphasized in an institution composed of hundreds of legislators coming and going than if Congress were a single person. “Separation of Parties, not Powers” Congress is, among other things, a partisan institution.¹⁹ Political scientists debate whether it is principally a partisan institution, or even exclusively so. But Madison arguably did not envision partisanship in anything like its modern sense. Partisanship undermines the separation of powers during periods of unified government. When the same party controls both the executive branch and Congress, real monitoring of executive discretion rarely occurs, at any rate far less than in an ideal Madisonian system. This appears to have a marked effect in the domain of war powers and foreign affairs, where a recent study by political scientists William Howell and Jon Pevehouse shows that congressional oversight of presidential war powers differs markedly depending upon the partisan composition of Congress.²⁰ When Congress is a co-partisan of the president, oversight is minimal; when parties differ across branches, oversight is more vigorous. Partisanship can enhance monitoring during periods of divided government,²¹ but this is cold comfort for liberal legalists. From the standpoint of liberal legalism, monitoring is most necessary during periods of unified government, because Congress is most likely to enact broad delegations when the president holds similar views; and in such periods monitoring is least likely to occur. The Congress of one period may partially compensate by creating institutions to ensure bipartisan oversight in future periods— consider the statute that gives a minority of certain congressional committees power to subpoena documents from the executive²²—but these are palliatives. Under unified government, congressional leaders of the same party as the president have tremendous power to frustrate effective oversight by the minority party. The Limits of Congressional Organization Congress as a collective body has attempted, in part, to overcome these problems through internal institutional arrangements. Committees and subcommittees specialize in a portion of the policy space, such as the armed forces or homeland security, thereby relieving members of the costs of acquiring and processing information (at least if the committee itself maintains a reputation for credibility). Intelligence committees hold closed sessions and police their members to deter leaks (although the

sanctions that members of Congress can apply to one another are not as strong as the sanctions a president can apply to a leaker in the executive branch). Large staffs, both for committees and members, add expertise and monitoring capacity. And interest groups can sometimes be counted upon to sound an alarm when the executive harms their interests. Overall, however, these arrangements are not fully adequate, especially in domains of foreign policy and national security, where the scale of executive operations is orders of magnitude larger than the scale of congressional operations. Congress's whole staff, which must (with the help of interest groups) monitor all issues, runs to some 30,000 persons.²³ The executive branch has some 2 million civilian employees, in addition to almost 1.4 million in the active armed forces.²⁴ The sheer mismatch between the scale of executive operations and the congressional capacity for oversight, even aided by interest groups or by leakers within the bureaucracy, is daunting. Probably Congress is already at or near the limits of its monitoring capacity at its current size and budget.

Intelligence gathering is a crucial part of the President's warfighting capabilities – congressional checks and FISA restrictions on executive authority to surveil are unconstitutional

Paulsen 6 (Michael, Department of Justice in the Criminal Division Honors Program, and has also served as staff counsel for the Center for Law & Religious Freedom in Washington, D.C. and as an attorney-advisor in the Office of Legal Counsel. "Presidential Powers in Time of War", http://www.law.umn.edu/uploads/wE/aa/wEaa1g7XB6j0QyoOhoFpYw/Presidential_Powers_exchange_Paulsen_Kitrosser_Carpenter.pdf)//dtang

THE KEY PROBLEM with my colleagues' extraordinarily thoughtful points about the NSA communications interception program is this: They read the Sept. 18, 2001, AUMF as if it were any old statute passed by Congress. If (as I believe), the AUMF is in legal effect a Declaration of War, then arguments that "repeals by implication are disfavored," or that "the AUMF does not specifically mention surveillance," or that "Congress did not have this in mind" (or, in its weakest form, that former Senator Tom Daschle was not thinking about this specific question), or that the president might have been able to obtain FISA authorization, are almost entirely irrelevant. If war has been authorized, then the commander in chief power to wage war against enemy forces has been unleashed in its entirety. That power is a fearful and formidable one, but properly so. Where war is declared or authorized, the president possesses the full military and executive power of the nation with respect to waging that war. The president determines matters of military strategy and tactics; the rules of engagement with the enemy; the means and methods to be employed; how resources are to be deployed; and whether, when, and under what circumstances hostilities will be terminated. Where the commander in chief power is brought into play, it is the president's power alone. No statute of Congress may limit it. As Alexander Hamilton put it in Federalist #74: "Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority." Here is the crucial point: Whatever the scope of the president's constitutional power as commander in chief in time of authorized war, no statute of Congress constitutionally may limit it. This is basic Marbury v. Madison: If the Constitution provides one thing, Congress may not pass a statute altering it. Congress has the choice whether or not to trigger the commander in chief power of the president in time of war; but if it chooses to do so, it may not control the exercise of that power with collateral statutory restrictions. Put simply: When war is declared, the commander in chief chooses how to conduct it. Nowhere is this more clear than in the Sept. 18, 2001 AUMF, which sweepingly gives the president power to use "all necessary and appropriate force" against those nations, organizations, or persons he finds to be connected to the events of Sept. 11, 2001. If the interception of communications of persons in contact with the enemy is a legitimate part of the commander in chief's conduct of war—and I think this almost impossible to deny—then no act of Congress may impair it. If FISA, designed as peacetime authorization for covert surveillance of suspected foreign agents, limits

the commander in chief power in time of war, it is to that extent unconstitutional. That's the endpoint of the game, when push comes to shove. Professor Kitrosser's arguments about how to read FISA are excellent ones; but in the end if FISA cannot be construed in a manner consistent with the president's overarching power as commander in chief in time of war, then it is the FISA statute that must yield, not the president's constitutional power as commander in chief. Professor Carpenter's argument that Congress's power to make "Rules for the Government and Regulation of the Land and Naval Forces" trumps the president's power as commander in chief is, I think, unsound—and dangerous. Congress's power to prescribe general rules for regulating our armed forces surely cannot be read as a power to dictate rules for how military and defensive efforts are to be conducted by the president. That would effectively read the commander in chief clause out of the Constitution! The same cannot be said the other way round: Congress's power to regulate the military still has content, as a general proposition; it is simply limited by the president's power to direct and conduct offensive and defensive operations—to command—in wartime. The alternative is to run war operations by committee—by Congress. That was one of the grave defects of the Articles of Confederation that the framers of the Constitution (including General George Washington) sought to remedy by making "a single hand," the president, the commander in chief of the armed forces, and of the militia, when called into actual service.

Congressional oversight on the president's surveillance war powers renders fighting terrorism ineffective

Yoo 9 (John is a law professor at the University of California, Berkeley. He was an official in the Justice Department from 2001-03 and is a visiting scholar at the American Enterprise Institute. 7-16-09, Wall Street Journal, "Why We Endorsed Warrantless Wiretaps," http://online.wsj.com/article/SB124770304290648701.html#mod=rss_opinion_main)/dtang

It was instantly clear after Sept. 11, 2001, that our security agencies knew little about al Qaeda's inner workings, could not detect its operatives' entry into the country, nor predict where it might strike next. Suppose an al Qaeda cell in New York, Chicago or Los Angeles was planning a second attack using small arms, conventional explosives or even biological, chemical or nuclear weapons. Our intelligence and law enforcement agencies faced a near impossible task locating them. Now suppose the National Security Agency (NSA), which collects signals intelligence, threw up a virtual net to intercept all electronic communications leaving and entering Osama bin Laden's Afghanistan headquarters. What better way of detecting followup attacks? And what president -- of either political party -- wouldn't immediately order the NSA to start, so as to find and stop the attackers? Evidently, none of the inspectors general of the five leading national security agencies would approve. In a report issued last week, they suggested that President George W. Bush might have violated the 1978 Foreign Intelligence Surveillance Act (FISA) by ordering the interception of international communications of terrorists without a judicial warrant. The report also suggests that "other" intelligence measures -- still classified only because they are yet to be reported on the front page of the New York Times -- similarly lacked approval from other branches of government. It is absurd to think that a law like FISA should restrict live military operations against potential attacks on the United States. Congress enacted FISA during the waning days of the Cold War. As the 9/11 Commission found, FISA's wall between domestic law enforcement and foreign intelligence proved dysfunctional and contributed to our government's failure to prevent the 9/11 attacks. Under FISA, to obtain a judicial wiretapping warrant the government is supposed to show probable cause that a specified target is a foreign agent. Unlike, say, Soviet spies working under diplomatic cover, terrorists are hard to identify. Yet they are vastly more dangerous. Monitoring their likely communications channels is the best way to track and stop them. Building evidence to prove past crimes, as in the civilian criminal system, is entirely beside the point. The best way to find an al Qaeda operative is to look at all email, text and phone traffic between Afghanistan and Pakistan and the U.S. This might involve the filtering of innocent traffic, just as roadblocks and airport screenings do. In FISA, President Bush and his advisers faced an obsolete law not written with live war with an international terrorist organization in mind. It was to meet such emergency circumstances that the Founders designed the presidency. As John Locke first observed, foreign threats "are much less capable to be directed by antecedent, standing, positive laws." Legislatures are too slow and their members too numerous

to respond effectively to unforeseen situations. Only the executive can act to protect the "security and interest of the public."

2nc – generic link/igr stuff

The plan causes war powers disputes – decks IGR

Smith 7 – graduated from the Valparaiso Univ School of Law in 2006, licensed to practice in Illinois, worked for the City of Chicago Law Department in the Municipal Prosecution Division (R. Andrew Smith, Summer 2007, “SYMPOSIUM ON ELECTRONIC PRIVACY IN THE INFORMATION AGE: BREAKING THE STALEMATE: THE JUDICIARY’S CONSTITUTIONAL ROLE IN DISPUTES OVER THE WAR POWERS,” 41 Val. U.L. Rev. 1517, Lexis)//twontwon

Historically, the goal of the three-part American government structure is to separate and balance the power to govern. 1 Separation prevents any branch of the government from straying from its intended purpose and in turn, fosters democratic values as a result. 2 Ideally, this prevents one branch of government from over-exercising its power over the others. However, language in the Constitution gives little guidance on when one branch of the government may be acting outside the sphere of its authority. Constitutional ambiguities and overlapping powers result in struggles between different arms of the government. The purpose of this Article is to explore the role of the judiciary in mediating the power struggles between the legislative and executive branches of government. Justiciability restrictions, such as the political question doctrine, can make the Court's role in such disputes unclear. Recently, the disclosure of President Bush's warrantless electronic surveillance program 3 and subsequent lawsuit challenging the constitutionality of the program 4 have thrown these intra-governmental tensions into sharp relief by questioning the breadth of the executive war power 5 juxtaposed to the legislative war power. 6 In this Article, President Bush's warrantless domestic surveillance program provides a focal point for analysis of separation of powers in general and the problem of overlapping constitutional grants of authority.

Coordination and balance are essential

Shouldis 10 – instructor at the Graduate School at St. Joseph’s University in Philadelphia, the National Fire Academy, and the Emergency Management Institute, former deputy chief, Philadelphia Fire Department, former field commander, department safety officer, director of training, and hazardous materials task force leader, M.A. public safety (William Shouldis, “The Emergency Operations Center: A Vital Preparedness Tool,” Fire Engineering, 163(5), 5-1-2010, <http://www.fireengineering.com/articles/print/volume-163/issue-5/Features/the-emergency-operations-center-a-vital-preparedness-tool.html>)//twontwon

The emergency operations center (EOC) is a generic tool for coordinating on-scene operations during low-frequency and high-risk incidents. Every community, large and small, faces the likelihood of an overwhelming emergency event. Often, these incidents will lack a common operating picture and can transcend political jurisdictional boundaries. The ability of a community to acquire and allocate necessary resources hinges on being prepared. The roots of a community’s “all-hazard” preparedness program involve intergovernmental relations and a detailed planning process that includes mutual-aid assistance agreements. Emphasis must be on technical information based on an accurate assessment of risk, vulnerability, and capabilities. Resources will be scarce during a large-scale incident, and the EOC can identify and obtain additional assets that are not always available to the on-scene incident commander (IC).¶ The EOC mobilizes people and equipment to handle incidents that are outside the ability of any single agency to resolve. The purpose of the EOC is to ensure that departmental response capabilities are maintained and authoritative information is disseminated to the general public. Capturing important incident-related information at an EOC will provide senior officials with data to set strategic directions; establish priorities; allocate resources; and, under extreme circumstances, declare a disaster. These actions allow field commanders to focus on the incident objectives while the EOC handles supportive endeavors.

Extinction

Kolasky 11 – assistant director, Risk Governance and Support Division, Office of Risk Management and Analysis, U.S. Department of Homeland Security, responsibilities include analyzing risks to the nation and the methods by which those risks are analyzed (Bob Kolasky, “Integrated Risk Management at the Department of Homeland Security,” Global Association of Risk Professionals, October 2011, [//twontwon](http://www.garp.org/risk-news-and-resources/2011/october/integrated-risk-management-at-the-department-of-homeland-security.aspx?altTemplate=PrintStory))

Since the terrorist attacks of September 11, 2001, the United States has recognized how remote threats and distant trouble can pose near and present dangers to our shores. We have learned as a nation that **we must maintain a constant, capable and vigilant posture to protect ourselves against new threats and evolving hazards**. Examples of these threats and hazards include high-consequence weapons of mass destruction being employed in the United States; al Qaeda and global violent extremism; high-consequence and/or wide-scale cyber attacks, intrusions, disruptions and exploitations; pandemics, major accidents and natural hazards; illicit trafficking and related transnational crime; and smaller-scale terrorism. Each of these present a risk to the nation and our people, economy and way of life. Over the past 10 years, **we have made great strides in managing these risks through efforts to secure our nation against a large attack or disaster, to protect critical infrastructure and cyber networks, and to engage a broader range of Americans in the shared responsibility for security**. We are also a **more prepared and resilient nation, able to bounce back and rebuild stronger after a major crisis or disaster**. The U.S. Department of Homeland Security (DHS) is charged with helping to build a safe, secure, resilient place where the American way of life can thrive. That means more than preventing terrorist attacks from being carried out. It also means ensuring that the liberties of all Americans are assured, privacy is protected and the means by which we interchange with the world - through travel, lawful immigration, trade, commerce and exchange -- are secured. Ultimately, homeland security is about effectively managing risks to the nation's security. Because of this reality, the Department must rely on innovative approaches to managing risks in an enterprise manner. DHS' Risk Management Imperative DHS is the third-largest Cabinet department in the United States. It employs well over 200,000 people and has an annual budget in excess of \$40 billion. The Department has five key missions: preventing terrorism and enhancing security; securing and managing our borders; enforcing and administering our immigration laws; safeguarding and securing cyberspace; and ensuring resilience to disasters. The Department also provides essential support to national and economic security. To accomplish those missions, DHS leaders have recognized that **homeland security is fundamentally a risk management challenge**. As a Department, **we need to work collectively, in our mission areas of focus, to reduce the likelihood of bad things happening, and to minimize the consequence of those things that do occur**. Viewed from this lens, reducing risk - defined by the DHS Risk Lexicon as decreasing "the potential for an unwanted outcome, resulting from an incident, event or occurrence, as determined by its likelihood and the associated consequences - is one of the Department's principal objectives.

2nc – link – prism

Rolling back XO 12333 functionally invalidates the president's inherent constitutional authority to disrupt attacks

Maharrey 14 – Communications director for the Tenth Amendment Center (Mike Maharrey, 10/2/14, "PRESIDENT CLAIMS SPYING AUTHORITY PART OF WAR POWERS AND CONGRESS CAN'T INTERFERE,"

[//twontwon">http://www.offnow.org/president_claims_spying_authority_part_of_war_powers_and_congress_can_t_interfere">//twontwon](http://www.offnow.org/president_claims_spying_authority_part_of_war_powers_and_congress_can_t_interfere)

While NSA reform efforts tend to focus on congressional action, documents obtained by the ACLU confirm suspicions that the agency justifies much of its warrantless spying on executive orders. This raises concerns in and of itself, but becomes even more disturbing knowing that by combining executive orders with the Authorization for Use of Military Force passed after 9/11, the president claims virtually unlimited authority to spy on you, and actually contends any attempt by Congress to regulate its surveillance program is unconstitutional. ACLU obtained documents relating to Pres. Reagan's **Executive Order 12333** from the NSA, the Defense Intelligence Agency and others agencies through a Freedom of Information Act request. The ACLU says the documents prove that the presidential EO "governs most of the **NSA's spying**." According to an ACLU report by Alex Abdo, the documents make it clear that the NSA collects data from Americans "about much more than just terrorist threats," and operates with little to no oversight. "Because the executive branch issued and now implements the executive order all on its own, the programs operating under the order are subject to essentially no oversight from Congress or the courts," Abdo wrote. "We've already seen that the NSA has taken a 'collect it all' mentality even with the authorities that are overseen by Congress and the courts. If that history is any lesson, we should expect — and, indeed, we have seen glimpses of — even more out-of-control spying under EO 12333." The documents also reveal the NSA word games know as "vocabulary of misdirection — a language that allows [it] to say one thing while meaning quite another." Using redefined terms, the agency stretches its surveillance activities far beyond what directives appear to allow. For instance, the NSA does not consider data "collected" until somebody actually reads it. In other words, the NSA gathers massive amounts of private information and stores it, but then tells Americans with a straight face that it does not "collect" data without a warrant. Under both Presidents Bush and Obama, the executive branch has combined executive orders with the 2001 AUMF to claim the authority to conduct virtually unlimited information gathering without a warrant. Simply put, according to the executive branch, the commander-in-chief possess the authority to spy at will as part of his constitutional war powers, and Congress can't interfere, short of revoking the AUMF. The 1970 Foreign Intelligence Surveillance Act sets up the statutory authority for foreign intelligence gathering. Even the Department of Justice acknowledges that its restrictions limit executive power in peacetime. A 2004 memo on the STELLAR WIND program summarizes foreign intelligence gathering authority. Generally speaking, FISA provides what purports to be, according to the terms of the statute, the exclusive means for intercepting the content of communications in the United States for foreign intelligence purposes... FISA expressly makes it a felony offense for any person intentionally to conduct electronic surveillance under color of law except as provided by statute. This provision is complimented by an interlocking provision in Title III — the portion of the criminal code that provides the mechanism for obtaining wire taps for law enforcement purposes. That would seem to preclude the president, or other players in the executive branch, from unilaterally engaging in surveillance. It also indicates that Congress could place additional restrictions on the NSA through reform of FISA and other congressional acts relating to spying. But the DoJ claims war powers unleashed by the AUMF voids the exclusivity of statutory authority. In fact, the executive branch claims any restriction on the president's spy authority is unconstitutional. We conclude that in the circumstances of the current armed conflict with al Qaeda, the restrictions set out in FISA, as applied to targeted efforts to intercept the communications of the enemy in order to prevent further armed attacks on the United States, would be an unconstitutional infringement on the constitutionally assigned powers of the President. The President has inherent constitutional authority as Commander in Chief and sole organ for the nation in foreign affairs to conduct warrantless surveillance of enemy forces for intelligence purposes to detect and disrupt armed attacks on the United States. Congress does not have the power to restrict the President's exercise of this authority. This means that even in the unlikely event

Congress passes significant legislation to reform FISA and the Patriot Act to protect privacy and limit

warrantless spying, it will have little practical effect as long as the president claims virtually unlimited authority to spy on us under the AUMF. With no end in sight to the "War on Terror," this falls into the category of wishful thinking. Depending on the courts to limit presidential authority will also likely prove disappointing. Federal courts historically rubber-stamp federal powers, no matter how broadly interpreted, when exercised in the name of "national security."

2nc – surveillance spills over

Curtailing domestic surveillance undermines the sole organ doctrine – which underpins every facet of presidential power

Wood and Webb 11 – Department of Political Science at Texas A&M University, presented to the faculty at Vanderbilt University (B Dan Wood, Clayton Webb, 10/17/11, “EXPLAINING PRESIDENTIAL SABER RATTLING,”
http://www.vanderbilt.edu/csdi/events/Wood_Presidential_Saber_Rattling_112111.pdf)/twon
twon

The courts affirmed early on that as sovereign leaders, presidents are the nation’s chief foreign policy representative. Future Supreme Court Justice John Marshall stated in 1800 when he served in the U.S. House of Representatives —The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.¶ (10 Annals of Congress 613) Relying on Marshall’s —sole organ¶ doctrine, Supreme Court Justice George Sutherland wrote in 1937 (United States vs. Curtiss-Wright Export Corp , 299 U.S. 319) —In this vast external realm [foreign policy], with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation.¶ While the plenary nature of executive authority in foreign relations is not universally accepted (e.g., see the persuasive arguments by Fisher 2006, 2007a, 2007b, 2007c, 2007d, 2007e, 2008a, 2008b), ***FOOTNOTE BEGINS*** . 2007d. "Statement by Louis Fisher appearing before the House Committee on the Judiciary, "Constitutional **Limitations on Domestic Surveillance**"." ed. L. L. o. Congress. ***FOOTNOTE ENDS*** the modern chief executive relies extensively on the —sole organ¶ doctrine to define presidential power broadly, and it is now commonly assumed that presidents are the sole representatives of the nation to the outside world.

2nc – at: prez ignores courts

The prez complies with court decisions

Green 11 – Professor of Law, Temple University Beasley School of Law, John Edwin Pomfret Fellowship, Princeton University, J.D. Yale Law School (Craig Green, Summer 2011, “ENDING THE KOREMATSU ERA: AN EARLY VIEW FROM THE WAR ON TERROR CASES,” 105 Nw. U.L. Rev. 983, Lexis)//twontwon

Jackson's hard-nosed analysis may seem intellectually bracing, but it understates the real-world power of judicial precedent to **shape what is politically possible**.³⁰⁶ Although presidential speeches occasionally declare a willingness to disobey Supreme Court rulings, actual disobedience of this sort is rare and would carry grave political consequences.³⁰⁷ Even President [*1037] Bush's losses in the GWOT cases did not spur serious consideration of noncompliance despite broad support from a Republican Congress.³⁰⁸ Likewise, from the perspective of strengthening presidential power, Korematsu-era decisions emboldened President Bush in his twenty-first-century choices about Guantanamo and military commissions.³⁰⁹ Thus, the modern historical record shows that judicial precedent can both expand and restrict the political sphere of presidential action.

2nc – warrants link

Requiring warrants restricts war powers

Shane 14 – Chair in Law, Moritz College of Law, OSU (Peter Shane, 2014, “FOREWORD: THE NSA AND THE LEGAL REGIME FOR FOREIGN INTELLIGENCE SURVEILLANCE,”

[//twontwon](http://thedailyjournalist.com/wp-content/uploads/2014/01/nsa-symposium.pdf)

After the warrantless surveillance of electronic communications content was divulged in The New York Times, President Bush acknowledged in a December 17, 2005 radio address what the Administration called the Terrorist Surveillance Program.⁷² In addition, the Administration prepared two public full presentations of its legal position. The more extensive of these was a January 19, 2006 Justice Department memorandum of unattributed authorship, entitled, “Legal Authorities Supporting the Activities of the National Security Agency Described by the President.”⁷³ In this memorandum, as in an earlier letter from Assistant Attorney General William Moscella to the leadership of the House and Senate Select Committees on Intelligence,⁷⁴ the Administration’s legal stance rested to two essential propositions. The first is that warrantless electronic surveillance directed at al Qaeda and its supporters fell within the President’s inherent war powers, as confirmed by the Authorization to Use Military Force in Afghanistan, or the AUMF,⁷⁵ enacted by Congress on September 12, 2001.⁷⁶ The second was that the President has inherent constitutional power to conduct the TSP no matter what the AUMF says and, if FISA is read to preclude this particular program of foreign intelligence surveillance, then FISA is unconstitutional.⁷⁷

2nc – ambiguity link

Any resolution of ambiguity eviscerates executive flexibility – squo reforms fail – but the plan’s durable fiat ensure the plan severely restricts the executive

Mitchell 9 – Assistant Prof. Law at George Mason University School of Law (Jonathan Mitchell, Summer 2009, “ARTICLE: LEGISLATING CLEAR-STATEMENT REGIMES IN NATIONAL-SECURITY LAW,” 43 Ga. L. Rev. 1059, Lexis)//twontwon

In like manner, a future executive might claim that a generic Authorization to Use Military Force implicitly repeals Senator Specter's proposed funding restrictions under the last-in-time rule, so long as it can concoct some argument that legislators are aware (or should be aware) that warrantless surveillance of the enemy is a "fundamental incident of the use of military force." 180 Or the President might claim that annual appropriations bills for the intelligence agencies implicitly repeal the earlier-enacted funding restrictions if legislators are aware of the President's warrantless surveillance activities but fail to expressly reaffirm FISA's restrictions. Proposals that would add funding restrictions to the War Powers Resolution are similarly incapable of withstanding the executive-branch lawyers' broad theories of implied repeal. Those funding restrictions, like § 8(a)(1) of the War Powers Resolution, would be brushed aside whenever implicit congressional "authorization" might be found in later-enacted statutory language. **The challenge for these efforts to strengthen the War Powers Resolution and FISA is that any future ambiguous statute will provide rope for executive-branch lawyers to concoct congressional "authorization" for the President's actions, no matter what restrictions or interpretive instructions Congress provides in framework legislation. None of these proposed reforms will disable [*1104] the executive from using its expansive theories of constitutional avoidance and implied repeal to provide a veneer of legality for the President's actions, and minimize the prospect of future criminal sanctions and political reprisals against executive-branch employees.**

2nc – nsa/fisa link

The aff drastically limits war powers

Mitchell 9 – Assistant Prof. Law at George Mason University School of Law (Jonathan Mitchell, Summer 2009, “ARTICLE: LEGISLATING CLEAR-STATEMENT REGIMES IN NATIONAL-SECURITY LAW,” 43 Ga. L. Rev. 1059, Lexis)//twontwon

Numerous proposals to strengthen the clear-statement regimes in Congress's national-security legislation have focused on imposing more narrow clear-statement requirements or adding funding restrictions to the framework legislation. Consider, for example, Senator Specter's proposal in the 109th Congress to reform FISA. The Specter bill reiterates that FISA (along with chapters 119, 121, and 206 of title 18, United States Code) shall be "the exclusive means by which electronic surveillance may be conducted" in the United States, but adds the phrase "[n]otwithstanding any other provision of law." 168 The Specter proposal further states that no provision of law may repeal or modify FISA unless it "expressly amends or otherwise specifically cites this title." 169 Congress failed [*1101] to enact Senator Specter's proposal, but it did enact a provision in the 2008 FISA Amendments that specifies that "[o]nly an express statutory authorization for electronic surveillance" may authorize electronic surveillance outside of FISA's procedures. 170 This new statute attempts to foreclose the Bush Administration's argument that FISA's "**exclusive means**" provision was insufficiently "clear" to affect the meaning of the later-enacted AUME. 171 Congress also imposed a very narrow clear-statement requirement in the McCain Amendment to the 2005 Detainee Treatment Act, providing that its prohibition on certain forms of cruel, inhuman, or degrading treatment "shall not be superseded, except by a provision of law enacted after December 30, 2005, which specifically repeals, modifies, or supersedes the provisions of this section." 172 This clear- statement requirement is more narrow than those in the War Powers Resolution and FISA, as it entrenches the McCain Amendment against any type of implied repeal. There have also been numerous proposals to add funding restrictions to Congress's national-security legislation. Senator Specter's proposed FISA amendments, for example, provide that "no funds appropriated or otherwise made available by any Act" may be expended for electronic surveillance conducted outside of FISA and Chapters 119, 121, and 206 of Title 18 of the U.S. Code. 173 Professor John Hart Ely proposed a similar amendment to the War Powers Resolution that withholds funding from military ventures that Congress has not specifically authorized. 174 Other commentators have endorsed similar proposals. 175 But none of these proposed [*1102] reforms is likely to prevent the executive branch from continuing to infer congressional authorization from ambiguous later-enacted statutes, nor are they likely to prevent future Congresses from acquiescing to this practice. The first problem is that these new statutes and proposals fail to counter the aggressive interpretive doctrines that executive-branch lawyers use to infer congressional authorization from legislation that lacks the required clear statement. The Clinton Administration's Kosovo memo already provides a roadmap for the executive branch to evade the clear-statement rule in the 2008 FISA Amendments, which insists that "[o]nly an express statutory authorization for electronic surveillance" may authorize electronic surveillance outside of FISA's procedures. 176 The OLC Kosovo memo characterizes the express-reference requirement in § 8(a)(1) of the War Powers Resolution as an invalid attempt to "bind" future Congresses, and converts it into a standard-like "background principle" that applies only when future legislation is "entirely ambiguous" as to whether it authorizes military hostilities. 177 There is little reason to think that future executives will treat FISA's new express-language requirement any differently if they anticipate that Congress is likely to acquiesce. Executive-branch lawyers can also invoke the Clinton and Bush Administration's broad theories of implied repeal if they find language in a later-enacted statute that might be read to authorize warrantless surveillance. The more narrow clear-statement requirements in Senator Specter's proposed FISA reforms and the recently enacted McCain Amendment would fare no better. Even though they purport to entrench themselves against implied repeal, the executive branch can assert, as it did during the Kosovo and NSA surveillance controversies, that this partial entrenchment unlawfully "binds" future Congresses and proceed with its broad theories of implied repeal. The proposals to add funding restrictions to FISA and the War Powers Resolution are equally vulnerable to expansive executive [*1103] branch theories of implied repeal. Recall that the OLC Kosovo memo asserts that the 1999 Emergency Supplemental Appropriations Act implicitly repealed restrictions in the War Powers Resolution, even though the Appropriations Act never earmarked funds for military operations in Kosovo, nor specifically authorized military operations in Kosovo beyond the WPR's sixty-day window. 178 According to OLC, it was enough that some members of Congress thought that the President might continue the Kosovo hostilities beyond sixty days and that the appropriations legislation did not expressly withhold funds for that purpose. 179 In like manner, a future executive might claim that a generic Authorization to Use Military Force implicitly repeals Senator Specter's proposed funding restrictions under the last-in-time rule, so long as it can concoct some argument that legislators are aware (or should be aware) that warrantless surveillance of the enemy is a "fundamental incident of the use of military force." 180 Or the President might claim that annual appropriations bills for the intelligence agencies implicitly repeal the earlier-enacted funding

restrictions if legislators are aware of the President's warrantless surveillance activities but fail to expressly reaffirm FISA's restrictions. Proposals that would add funding restrictions to the War Powers Resolution are similarly incapable of withstanding the executive-branch lawyers' broad theories of implied repeal. Those funding restrictions, like § 8(a)(1) of the War Powers Resolution, would be brushed aside whenever implicit congressional "authorization" might be found in later-enacted statutory language. The challenge for these efforts to strengthen the War Powers Resolution and FISA is that any future ambiguous statute will provide rope for executive-branch lawyers to concoct congressional "authorization" for the President's actions, no matter what restrictions or interpretive instructions Congress provides in framework legislation. None of these proposed reforms will disable [*1104] the executive from using its expansive theories of constitutional avoidance and implied repeal to provide a veneer of legality for the President's actions, and minimize the prospect of future criminal sanctions and political reprisals against executive-branch employees.

2nc – link – surveillance

Surveillance capabilities are integral to presidential war powers – allows effective terrorism deterrence

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As Commander-in-Chief, the President has the constitutional power and the responsibility to wage war in response to a direct attack against the United States. In the Civil War, President Lincoln undertook several actions—raised an army, withdrew money from the treasury, launched a blockade—on his own authority in response to the Confederate attack on Fort Sumter, moves that Congress and the Supreme Court later approved. During World War II, the Supreme Court similarly recognized that once war began, the President’s authority as Commander-in-Chief and Chief Executive gave him the tools necessary to effectively wage war. In the wake of the September 11 attacks, Congress agreed that “the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States,” which recognizes the President’s authority to use force to respond to al Qaeda, and any powers necessary and proper to that end. Even legal scholars who argue against this historical practice concede that once the United States has been attacked, the President can respond immediately with force. John Yoo and Stewart Baker will debate Alex Abdo and Elizabeth Wydra at the National Constitution Center on October 7—reserve your tickets NOW! **The ability to collect intelligence is intrinsic to the use of military force.** It is inconceivable that the Constitution would vest in the President the powers of Commander-in-Chief and Chief Executive, give him the responsibility to protect the nation from attack, but then disable him from gathering intelligence to use the military most effectively to defeat the enemy. Every evidence of the Framers’ understanding of the Constitution is that the government would have every ability to meet a foreign danger. As James Madison wrote in *The Federalist*, “security against foreign danger is one of the primitive objects of civil society.” Therefore, the “powers requisite for attaining it must be effectually confided to the federal councils.” After World War II, the Supreme Court declared, “this grant of war power includes all that is necessary and proper for carrying these powers into execution.” Covert operations and electronic surveillance are clearly part of this authority. During the writing of the Constitution, some Framers believed that the President alone should manage intelligence because only he could keep secrets. Several Supreme Court cases have recognized that the President’s role as Commander-in-Chief and the sole organ of the nation in its foreign relations must include the power to collect intelligence. These authorities agree that intelligence rests with the President because its structure allows it to act with unity, secrecy, and speed. Presidents have long ordered electronic surveillance without any judicial or congressional participation. More than a year before the Pearl Harbor attacks, but with war clearly looming with the Axis powers, President Franklin Roosevelt authorized the FBI to intercept any communications, whether wholly inside the country or international, of persons “suspected of subversive activities against the Government of the United States, including suspected spies.” FDR was concerned that “fifth columns” could wreak havoc with the war effort. “It is too late to do anything about it after sabotage, assassinations and ‘fifth column’ activities are completed,” FDR wrote in his order. FDR ordered the surveillance even though a federal law at the time prohibited electronic surveillance without a warrant. Presidents continued to monitor the communications of national security threats on their own authority, even in peacetime. If Presidents in times of peace could order surveillance of spies and terrorists, executive authority is only the greater now, as hostilities continue against al Qaeda.

AT: Link turns

Congress doesn't enhance cred – political infighting make us look unsure

Yoo 4 - Emanuel S. Heller Professor of Law at UC-Berkeley, visiting scholar at the American Enterprise Institute, former Fulbright Distinguished Chair in Law at the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard (John, "War, Responsibility, and the Age of Terrorism," UC-Berkeley Public Law and Legal Theory Research Paper Series, November 2004, <http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo>) //AD

It is also not obvious that congressional deliberation ensures consensus. Legislative authorization might reflect ex ante consensus before military hostilities, but it also might merely represent a bare majority of Congress or an unwillingness to challenge the President's institutional and political strengths regardless of the merits of the war. It is also no guarantee of an ex post consensus after combat begins. Thus, the Vietnam War, which Ely and others admit satisfied their constitutional requirements for congressional approval, did not meet with a consensus over the long term but instead provoked some of the most divisive politics in American history. It is also difficult to claim that the congressional authorizations to use force in Iraq, of either the 1991 or 2002 varieties, reflected a deep consensus over the merits of war there. Indeed, the 1991 authorization barely survived the Senate and the 2002 one received significant negative votes and has become an increasingly divisive issue in national political and the 2004 presidential election. Congress's authorization for the use of force in Iraq in 2003 has not served as a guarantee of political consensus. ¶ Conversely, a process without congressional declarations of war does not necessarily result in less deliberation or consensus. Nor does it seem to inexorably lead to poor or unnecessary war goals. Perhaps the most important example, although many might consider it a "war," is the conflict between the United States and the Soviet Union from 1946 through 1991. War was fought throughout the world by the superpowers and their proxies during this period. Yet the only war arguably authorized by Congress – and even this is a debated point – was Vietnam. The United States waged war against Soviet proxies in Korea and Vietnam, the Soviet Union fought in Afghanistan, and the two almost came into direct conflict during the Cuban Missile Crisis. Despite the division over Vietnam, there appeared to be a significant bipartisan consensus on the overall strategy (containment) and goal (defeat of the Soviet Union, protection of Europe and Japan), and Congress consistently devoted significant resources to the creation of a standing military to achieve them. Different conflicts during this period that did not benefit from congressional authorization, such as conflicts in Korea, Grenada, Panama, and Kosovo, did not suffer from a severe lack of consensus, at least at the outset. Korea initially received the support of the nation's political leadership, and it seems that support declined only once battlefield reverses had occurred. Grenada and Panama did not seem to suffer from any serious political challenge, and while Kosovo met with some political resistance, it does not appear to have been significant.

Congressional checks don't boost resolve

Waxman 13 - Professor of Law at Columbia and Adjunct Senior Fellow for Law and Foreign Policy at CFR (Matthew, "The Constitutional Power to Threaten War," Yale Law Journal, vol. 123, 8-25-13) //AD

The credibility-enhancing effects of legislative constraints on threats are subject to dispute. Some studies question the assumptions underpinning theories of audience costs – specifically the idea that democratic leaders suffer domestic political costs to failing to make good on their threats, and therefore that their threats are especially credible^{e171} – and others question whether the empirical data

supports claims that democracies have credibility advantages in making threats.¹⁷² Other scholars dispute the likelihood that leaders will really be punished politically for backing down, especially if the threat was not explicit and unambiguous or if they have good policy reasons for doing so.¹⁷³ Additionally, even if transparency in democratic institutions allows domestic dissent from threats of force to be visible to foreign audiences, it is not clear that adversaries would interpret these mechanisms as political scientists expect in their models of strategic interaction, in light of various common problems of misperception in international relations.¹⁷⁴ These disputes are not just between competing theoretical models but also over the links between any of the models and real-world political behavior by states. At this point there remains a dearth of good historical evidence as to how foreign leaders interpret political maneuvers within Congress regarding threatened force.

Impact

4th gen warfare

Executive control of warmaking is key to combating 4th generation threats

Li 9 (Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, "War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare," 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE)//dtang

A. The Emergence of Non-State Actors Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.¹²² The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.¹²³ At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.¹²⁴ It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modern trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries).¹²⁵ It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise.

B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline.¹²⁶ As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day.¹²⁷ As seen in Part III, supra, the rise of the modern nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modern state] does not have a future in front of it."¹²⁸ The challenge in formulating a new theory of war powers for fourth-generational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning.²⁹ To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an

international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."¹³⁰ That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war—that is, to its political objective."¹³¹ That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation.¹³² Now, to adapt the constitutional warmaking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. c. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck.¹³³ Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists.¹³⁴ The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."¹³⁵ Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism.¹³⁶ The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."¹³⁷ For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers."¹³⁸ Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it.¹³⁹ To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world.¹⁴⁰ It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells.¹⁴¹ Al-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."¹⁴² Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, al-Qaeda's networked nature allowed it to absorb the damage and remain a threat.¹⁴³ This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. d. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, Constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act.¹⁴⁴ In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries."¹⁴⁵ In the words of Professor Crevel, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."¹⁴⁶ Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision-making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of

constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

Fourth gen warfare is coming and will escalate – strong exec key

Singh 10 (S.B., Dy. Commandant, CRPF Academy, “FOURTH GENERATION WARFARE”, Endeavour, Vol 1, Issue 1, p. 12-14,
https://recomposition.files.wordpress.com/2012/11/academy_journal_endeavour_vol_1.pdf
//dtang

The fourth generation warfare will be highly dispersed in nature. The battlefield would expand to include the enemy's whole society. The battlefield itself would be difficult to define or delineate. Expansion of battlefield from land to sea to air, will now go into the realms of ideologies, culture and values of the target society. Psychological manipulation will assume primacy. The lines dividing the combatants and civilians will get further blurred. In fact the combatants would not be the traditional soldiers. They may well be civilians with specific areas of expertise which will extend beyond conventional military matters. These would be applied for comprehensive disruption, degradation and destruction of enemy society. Nations are defined not only by their geographic boundaries, but because of their culture, traditions and ideological cohesiveness. The quest to target the vulnerabilities of the adversary will prompt the warriors of the next generation of warfare to destroy the very fundamentals of enemy's nationality. The target would be its society, unity, national spirit and identity. The ultimate goal would be to create such conditions that the adversary's society will cease to exist as a coherent entity. All the rules and norms of traditional war fighting will disappear, to the extent that it may be difficult to call it war. Consequently the intelligentsia will be forced to coin new terms to define such acts. Since the basic characteristic of this generation of warfare is its lack of form or boundaries, such definitions and terms will appear confusing, imprecise and inaccurate. Terrorism, militancy, insurgency, asymmetric warfare and a large number of other terms, with overlapping scopes, will come into being. Delegation of executive powers will lead to operations being undertaken by small teams or individuals operating alone, making identification and targeting difficult. Fourth generation warfare will be fought in multiple strata, in different forms and methods, seemingly without a robust command and control architecture. It will also use tactics and techniques from earlier generations of warfare. The indefinable nature of battlefield, highly dispersed, specialized teams/ individuals and defiance of all norms will lead to ostensible chaos. As the stress of earlier warfare has shifted from manpower to fire power to maneuver, it will now further shift to this “apparent chaos”. This will be the strength of the fourth generation warrior, since it will make it difficult to identify its centre of gravity and target it. The “quest for profit” will drive the proponents of fourth generation warfare also. The goals would be money, territory, power or could go beyond to amalgamation of entire societies into own cultural / religious folds or its destruction to eliminate a perceived threat to own existence. International aversion to war, economic concerns and huge losses of lives will make the prospects of waging war more and more impractical to states. Intelligent methods of war fighting like war by proxy and by stateless actors will replace wars waged by nation states. The fourth generation warfare will use technology as a tool to wage an efficient and effective war with a wide reach, while exploiting the technological dependence of the target society to create mayhem. Having analysed the drivers and likely contours of the fourth generation warfare, certain basic questions need to be answered to further clarify fourth generation warfare.

Conflict escalation

Executive authority is a conflict dampener---prevents escalation of their impacts

Royal 11 (John-Paul, Institute of World Politics, Class of 2011 Valedictorian, "War Powers and the Age of Terrorism," http://www.thepresidency.org/storage/Fellows2011/Royal-Final_Paper.pdf)//dtang

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution's system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: "Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests "over there" should be regarded just as we regard terrorism against America "over here." In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while "more than two dozen other terrorist groups are pursuing CBRN [chemical, biological, radiological, and nuclear] materials" (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The

United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States...with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

Key to winning all future conflicts

Johson 6 (Karlton, Army War College, “Temporal and Scalar Mechanics of Conflict Strategic Implications of Speed and Time on the American Way of War,” <http://www.dtic.mil/dtic/tr/fulltext/u2/a449394.pdf>)//dtang

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

Credibility

Executive weakness destroys credibility—that emboldens adversaries and risks flashpoint escalation

Howell 7 (William, professor of political science at U-Chicago, and Jon C. Pevehouse, professor of Political Science UW-Madison, “While Dangers Gather : Congressional Checks on Presidential War Powers,” 2007 ed.)

SIGNALING RESOLVE To the extent that congressional discontent signals domestic irresolution to other nations, the job of resolving a foreign crisis is made all the more difficult. As Kenneth Schultz shows, an "opposition party can undermine the credibility of some challenges by publicly opposing them. Since this strategy threatens to increase the probability of resistance from the rival state, it forces the government to be more selective about making threats"—and, concomitantly, more cautious about actually using military force.⁴ When members of Congress openly object to a planned military operation, would-be adversaries of the United States may feel emboldened, believing that the president lacks the domestic support required to see a military venture through. Such nations, it stands to reason, will be more willing to enter conflict, and if convinced that the United States will back down once the costs of conflict are revealed, they may fight longer and make fewer concessions. Domestic political strife, as it were, weakens the ability of presidents to bargain effectively with foreign states, while increasing the chances that military entanglements abroad will become protracted and unwieldy. A large body of work within the field of international relations supports the contention that a nation's ability to achieve strategic military objectives in short order depends, in part, on the head of state's credibility in conveying political resolve. Indeed, a substantial game theoretic literature underscores the importance of domestic political institutions and public opinion as state leaders attempt to credibly commit to war,⁷⁵ Confronting widespread and vocal domestic opposition, the president may have a difficult time signaling his willingness to see a military campaign to its end. While congressional opposition may embolden foreign enemies, the perception on the part of allies that the president lacks support may make them wary of committing any troops at all.

Lack of Obama credibility prevents effective multilateralism and causes global hotspot escalation

Coes 11 –Visiting Fellow at Harvard University’s John F. Kennedy School of Government, degree from Columbia University, received the prestigious Bennett Cerf Memorial Prize (Ben, “The disease of a weak president”, The Daily Caller, 9-30-11, <http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/>) //AD

The disease of a weak president usually begins with the Achilles' heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike. In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn't bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces. But Obama's weakness could — in other places — have implications far, far worse than anything that

might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons. If you can only worry about preventing one foreign policy disaster, worry about this one. Here are a few unsettling facts to think about: First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over. Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, it will happen, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device. Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India's natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world. In my book, *Coup D'Etat*, I consider this tinderbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d'état. I wish it was that simple. The more complicated and difficult truth is that we, as Americans, must take sides. We must be willing to be unpopular in certain places. Most important, we must be ready and willing to threaten our military might on behalf of our allies. And our allies are Israel and India. There are many threats out there — Islamic radicalism, Chinese technology espionage, global debt and half a dozen other things that smarter people than me are no doubt worrying about. But the single greatest threat to America is none of these. The single greatest threat facing America and our allies is a weak U.S. president. It doesn't have to be this way. President Obama could — if he chose — develop a backbone and lead. Alternatively, America could elect a new president. It has to be one or the other. The status quo is simply not an option.

Congress opposition to warfighting destroys international perception of U.S. credibility

Waxman 13 - Professor of Law at Columbia and Adjunct Senior Fellow for Law and Foreign Policy at CFR (Matthew, "The Constitutional Power to Threaten War," Yale Law Journal, vol. 123, 8-25-13) //AD

When members of Congress vocally oppose a use of force, they undermine the president's ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts— thereby raising the costs of the military campaign, decreasing the president's ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests.¹⁴⁵

Deterrence

Legality of threats alone is sufficient to deter conflict

Waxman 14 (Matthew, Professor of Law, Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations. April, “The Power to Threaten War”, Yale Law Journal, Vol. 123, No. 6, 1626 – 2133)//dtang

Existing war powers scholarship focuses overwhelmingly on the President’s power to initiate military operations abroad and the extent to which that power is constrained by Congress. It ignores the allocation of legal power to threaten military force or war, even though threats—to coerce or deter enemies and to reassure allies—are one of the most important ways in which the United States government wields its military might. This paper fills that scholarly void, and draws on recent political science and historical scholarship to construct a richer and more accurate account of the modern presidency’s powers to shape American security policy. The swelling scope of the President’s practice in wielding threatened force largely tracks the standard historical narrative of war powers shifting from Congress to the President. Indeed, adding threats of force to that story might suggest that this shift in powers of war and peace has been even more dramatic than usually supposed. This Article shows, however, that congressional influence operates more robustly—and in different ways—than usually supposed in legal debates about war powers to shape strategic decision-making. In turn, these mechanisms of congressional influence can enhance the potency of threatened force. By refocusing the debate on threatened force and its credibility requirements, this Article also calls into question many orthodoxies of the policy advantages and risks attendant to various allocations of legal war powers. Instead of proposing a policy-optimal solution, the Article concludes that the allocation of constitutional war powers is—and should be—geopolitically and strategically contingent. The actual and effective balance between presidential and congressional powers over war and peace in practice necessarily depends on shifting assumptions and policy choices about how best to secure U.S. interests against potential threats.

Framing issue – uq actually controls the link – only a risk that a decline in executive war powers kills effective deterrence – none of their ev assumes perception

Waxman 14 (Matthew, Professor of Law, Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations. April, “The Power to Threaten War”, Yale Law Journal, Vol. 123, No. 6, 1626 – 2133)//dtang

The main data set for analyzing these questions is, not surprisingly, actual wars and other hostile engagements of U.S. forces abroad. In ascertaining and describing the patterns of executive behavior and congressional responses, legal scholars look at armed conflicts and combat operations of the pas. Legal debates heat up during or following wars, especially major ones that go badly, or military combat that extends longer than expected. Proposed solutions focus on the commencement of armed hostilities—military engagement with the enemy—and what, if any, inter-branch actions must precede or accompany it. There is a major disconnect here, though, between legal scholarship on constitutional war powers—specifically, its predominant focus on actual military engagements—and the way the United States wields its military might, especially since the onset of the Cold War and extending into the twenty-first century. Oftentimes the most important policy tool derived from U.S. military power is not waging war, but threatening war or force. The power to threaten war is closely related to, but analytically distinct from, the power to make it. By “threats” in this Article, I mean communications of the will and capability to use military force that are employed as a means to induce other actors to change behavior—whether to do something or to not do something.¹² During major periods of American history, including the present one, U.S. strategy has relied heavily on perceptions of U.S. military might and willingness to use it; that is, it has relied on the manipulation of risk to deter aggression or other actions by adversaries, to coerce or compel certain actions by other states

or international actors, to reassure allies, and to pursue other political designs in the shadow of armed threats.¹³ The primary purpose to which U.S. military might has been directed since World War II has generally been to prevent wars or deter them. When war or large-scale force was actually used, it was because a prior policy or strategy had failed—for instance, threats were insufficiently credible, crises involving U.S. threats of force escalated in ways difficult to control, and so on—rather than because making war was intended as the best approach to a danger or, sometimes, even recognized as a likely result. In this regard, most of the time that U.S. military power is “used”—and often when it is most successful—it does not manifest as a war or major military engagement at all. There is a basic paradox at work here: if threats of force work, force does not have to be used. Other things being equal, the greater the credibility of the threat, the less likely it will be necessary to make good on it. Because this argument is about wars that don’t happen, though, it is difficult to develop empirical evidence to support it. Accordingly, statesmen cannot be so sure of its validity and constitutional lawyers tend to overlook it entirely. There is a close parallel in international law to this disconnect between legal discourse and security strategy. Article 2(4) of the United Nations Charter prohibits “the threat or use of force against the territorial integrity or political independence of any state.”¹⁴ However, beyond prohibiting the most blatantly aggressive threats, international legal doctrine in this area is not at all well developed,¹⁵ and the regulation of threats of force is not well theorized in international legal scholarship.¹⁶ As with the domestic law of American war powers, the threat element has mostly disappeared from discussion, even though international relations scholars recognize that threatened force is doing so much work.¹⁷ This Article is not a doctrinal argument. It is an argument about framing and method, intended to fill an analytical gap and therefore to inform understanding of the functional advantages and disadvantages of legal formulas for allocating war powers.¹⁸ Specifically, Part I of this Article contends that understanding the evolution in constitutional war powers and the merits or dangers of these developments requires both widening the data set and investigative lens to include threats of force and incorporating the insights of the past several decades of analysis by political scientists, historians, and theorists of American grand strategy. Doing so reveals aspects of the war powers story obscured by legal discourse and method focused predominantly on actual uses of force, and it alters and refines the orthodox functional arguments usually relied on by both sides—presidentialist (favoring vast unilateral executive authority to use force) and congressionalist (favoring tight legislative checks on that authority)—of the war powers debate. In game-theoretic terms, the debate between presidentialist and congressionalist legal scholars about functional advantages looks only at the final stage of a decision tree; but the President’s ability to threaten force is critically important at earlier stages in determining whether that final stage will occur at all, as well as the payoffs associated with choices.

A legal decline in war powers directly impacts the President’s ability to threaten force

Waxman 14 (Matthew, Professor of Law, Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations. April, “The Power to Threaten War”, Yale Law Journal, Vol. 123, No. 6, 1626 – 2133)//dtang

The President’s power to threaten force is almost certainly at least as broad as his power to use it.

One way to think about it is that the power to threaten force is a lesser-included element of presidential war powers; the power to threaten to use force is simply a secondary question, the answer to which is bounded by the primary issue of the scope of presidential power to actually use it. If one interprets the President’s defensive war powers very broadly, to include dealing with aggression against not only U.S. territories but also its distant interests and allies,⁴⁹ then it is easy to conclude that the President can also therefore take steps that stop short of actual armed intervention to deter or prevent such aggression. If, however, one interprets the President’s powers narrowly—for example, to include only limited unilateral authority to repel attacks against U.S. territory⁵⁰—then one might extend objections to excessive presidential power to include the President’s unilateral threats of armed intervention. Another way of looking at it is that, depending on how a particular threat is communicated, threats of war or force may fall within even quite narrow interpretations of the President’s inherent foreign relations powers to conduct diplomacy or his express Commander-in-Chief power to control U.S. military forces—or some combination of the two. A President’s verbal warning, ultimatum, or declared intention to use military force, for instance, could be justified as merely exercising his role as the “sole organ” of U.S. foreign diplomacy, conveying externally information about U.S. capabilities and intentions.⁵¹ A President’s movement of U.S. troops or warships to a crisis region or elevation of their alert level could be justified as merely exercising his day-to-day tactical control over forces under his command.⁵² Generally, nobody seriously argues that the exercise of these powers alone could so affect the likelihood of hostilities or war as to intrude on Congress’s powers over war and peace.⁵³ But we know from historical examples that such unilateral military moves, even those that are ostensibly defensive ones, can provoke wars—take, for example, President Polk’s movement of U.S. forces to the contested border with Mexico in 1846, and the resulting skirmishes that led Congress to declare war.⁵⁴

Laundry list

New restrictions collapse executive response – that causes terrorism, rogue state lashout, and rapid prolif

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The most important of the president's powers are commander-in-chief and chief executive. ¶ As Alexander Hamilton wrote in Federalist 74, "The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority." ¶ Presidents should conduct war, he wrote, because they could act with "decision, activity, secrecy, and dispatch." In perhaps his most famous words, Hamilton wrote: "Energy in the executive is a leading character in the definition of good government. . . It is essential to the protection of the community against foreign attacks." ¶ The Framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action, sometimes under pressured or even emergency circumstances, that are best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. ¶ Congress is too large and unwieldy to take the swift and decisive action required in wartime. ¶ Our Framers replaced the Articles of Confederation, which had failed in the management of foreign relations because it had no single executive, with the Constitution's single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress's loose, decentralized structure would paralyze American policy while foreign threats grow. ¶ Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure. ¶ Congress's track record when it has opposed presidential leadership has not been a happy one. ¶ Perhaps the most telling example was the Senate's rejection of the Treaty of Versailles at the end of World War I. Congress's isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed Neutrality Acts designed to keep the United States out of the conflict. ¶ President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president's foreign adventurism, the real threat to our national security may come from inaction and isolationism. ¶ Many point to the Vietnam War as an example of the faults of the "imperial presidency." Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War, and the passage of the ineffectual War Powers Resolution. Congress passed the Resolution in 1973 over President Nixon's veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. ¶ Despite the record of practice and the Constitution's institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to "declare War." But these observers read the eighteenth-century constitutional text through a modern lens by interpreting "declare War" to mean "start war." ¶ When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain – where the Framers got the idea of the declare-war power – fought numerous

major conflicts but declared war only once beforehand.¶ Our Constitution sets out specific procedures for passing laws, appointing officers, and making treaties. There are none for waging war, because the Framers expected the president and Congress to struggle over war through the national political process.¶ In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent Danger as will not admit of delay.” ¶ This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the Framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive.¶ Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. ¶ Only Congress can raise the military, which gives it the power to block, delay, or modify war plans.¶ Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. ¶ Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. ¶ If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military.¶ Congress’s check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse.¶ If Congress feels it has been misled in authorizing war, or it disagrees with the president's decisions, all it need do is cut off funds, either all at once or gradually.¶ It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action.¶ Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. ¶ Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation.¶ The Framers expected Congress's power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war.¶ Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’s funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo, or Korea, it is only because Congress has chosen not to exercise its easy check.¶ We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security.¶ In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility.¶ It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.¶ The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security.¶ Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the Framers left war to politics.¶ As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

Congressional war authority is ineffective – executive war powers key to combating a litany of transnational threats – combating terror, rogue states, and proliferate all require a flexible executive

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Proponents of congressional war power often argue that the executive branch is unduly prone to war. In this view, if the president and Congress have to agree on warring, the nation will enter fewer wars and wars that do occur will arise only after sufficient deliberation. But it is far from clear that outcomes would be better if Congress alone had the power to begin wars. First, congressional deliberation does not necessarily ensure consensus. Congressional authorization may represent only a bare majority of Congress or an unwillingness to challenge the President's institutional and political strengths, regardless of the merits of the war. And even if it does represent consensus, it is no guarantee of consensus after combat begins. The Vietnam War, which was initially approved by Congress, did not meet with a consensus over the long term but instead provoked some of the most divisive politics in US history. It is also difficult to claim that congressional authorizations to use force in Iraq, either in 1991 or 2002, reflected a deep consensus over the merits of the wars there. The 1991 authorization barely survived the Senate, and the 2002 authorization received significant negative votes and has become a deeply divisive issue in national politics. It is also not clear that the absence of congressional approval has led the nation into wars it should not have waged. The experience of the Cold War, which provides the best examples of military hostilities conducted without congressional support, does not clearly come down on the side of a link between institutional deliberation and better conflict selection. Wars were fought throughout the world by the two superpowers and their proxies, such as in Korea, Vietnam, and Afghanistan, during this period. Yet the only war arguably authorized by Congress--and this point is debatable--was the Vietnam War. Aside from bitter controversy over Vietnam, there appeared to be significant bipartisan consensus on the overall strategy of containment, as well as the overarching goal of defeating the Soviet Union. The United States did not win the four-decade Cold War by declarations of war; rather, it prevailed through the steady presidential application of the strategy of containment, supported by congressional funding of the necessary military forces. On the other hand, congressional action has led to undesirable outcomes. Congress led the United States into two "bad" wars, the 1798 quasi-war with France and the War of 1812. Excessive congressional control can also prevent the United States from entering into conflicts that are in the national interest. Most would agree now that congressional isolationism before World War II harmed US interests and that the United States and the world would have been far better off if President Franklin Roosevelt could have brought the United States into the conflict much earlier. Congressional participation does not automatically or even consistently produce desirable results in war decision making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. In the post-Cold War era, the United States is confronting the growth in proliferation of WMDs, the emergence of rogue nations, and the rise of international terrorism. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterward. Take the threat posed by the Al Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than conventional ones. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Although terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, WMDs allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have to use force earlier and more often than when nation-states generated the primary threats to US national security. The executive branch needs the flexibility to act quickly, possibly in situations wherein congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, the executive branch might also be able to engage in a more limited, more precisely targeted, use of force. Similarly, the least dangerous way to prevent rogue nations from acquiring WMDs may depend on secret intelligence gathering and covert action rather than open military intervention. Delay for a congressional debate could render useless any time-critical intelligence or windows of opportunity. The Constitution creates a presidency that is uniquely structured to act forcefully and independently to repel serious threats to the nation. Instead of specifying a legalistic process to begin war, the Framers wisely created a fluid political process in which legislators would use their appropriations power to control war. As the United States confronts terrorism, rogue

nations, and WMD proliferation, we should look skeptically at claims that radical changes in the way we make war would solve our problems, even those stemming from poor judgment, unforeseen circumstances, and bad luck.

Leadership

A weak executive is the greatest threat to US leadership - only strong presidential power will hedge against inconsistent tendencies of Congress

Mallaby 2k (Sebastian, Member of the Washington Post's Editorial Board, Foreign Affairs, January/February, lexis)

Finally, some will object that the weakness of the presidency as an institution is not the main explanation for the inadequacies of American diplomacy, even if it is a secondary one. The ad hominem school of thought argues instead that Bill Clinton and his advisers have simply been incompetent. Others make various sociological claims that isolationism or multiculturalism lies at the root of America's diplomatic troubles. All of these arguments may have merit. But the evidence cited by both camps can be better explained by the structural weakness of the presidency. Take, for example, one celebrated error: President Clinton's declaration at the start of the Kosovo war that the Serbs need not fear NATO ground troops. This announcement almost certainly cost lives by encouraging the Serbs to believe that America was not serious about stopping ethnic cleansing. The ad hominem school sees in this example proof of Clinton's incompetence; the sociological school sees in it proof of isolationist pressure, which made the option of ground troops untenable. But a third explanation, offered privately by a top architect of the Kosovo policy, is more plausible. According to this official, the president knew that pundits and Congress would criticize whichever policy he chose. Clinton therefore preemptively took ground troops off the table, aware that his critics would then urge him on to a ground war -- and also aware that these urgings would convince Belgrade that Washington's resolve would stiffen with time, rather than weaken. The president's stand against ground troops was therefore the logical, tactical move of a leader feeling vulnerable to his critics. Other failings of American diplomacy can likewise be accounted for by the advent of the nonexecutive presidency. Several commentators, notably Samuel Huntington and Garry Wills in these pages, have attacked the arrogance of America's presumption to offer moral leadership to the world. But American leaders resort to moral rhetoric largely out of weakness. They fear that their policy will be blocked unless they generate moral momentum powerful enough to overcome domestic opponents. Likewise, critics point to the hypocrisy of the United States on the world stage. America seeks U.N. endorsement when convenient but is slow to pay its U.N. dues; America practices legal abortion at home but denies funds to organizations that do the same abroad. Again, this hypocrisy has everything to do with the weak executive. the president has a favored policy but is powerless to make Congress follow it. Still other critics decry American diplomacy as a rag-bag of narrow agendas: Boeing lobbies for China trade while Cuban-Americans demand sanctions on Cuba. Here, too, presidential power is the issue. A strong presidency might see to it that America pursues its broader national interest, but a weak one cannot. This is why Clinton signed the Helms-Burton sanctions on Cuba even though he knew that these would do disproportionate harm to U.S. relations with Canada and Europe. What if America's nonexecutive presidency is indeed at the root of its diplomatic inadequacy? First, it follows that it is too optimistic to blame America's foreign policy drift on the weak character of the current president. The institution of the presidency itself is weak, and we would be unwise to assume that a President Gore or Bradley or Bush will perform much better. But it also follows that it is too pessimistic to blame America's foreign policy drift on cultural forces that nobody can change, such as isolationism or multiculturalism. We are dealing with an institutional problem, so it will take institutional reform to improve matters. America must explore ways of arresting the erosion of executive power, by streamlining the confirmation process, by reversing the Supreme Court's Clinton v. Jones decision in order to limit the executive's vulnerability to legal assault, and by avoiding legislated mandates in foreign policy. Since the republic's founding, Americans have been suspicious of concentrated power. This suspicion has now gone too far. There are worse things to fear than a powerful president -- such as a country or a world adrift. This big nation and the small world it inhabits desperately need a strong chief executive to guide them.

Multilat

Presidential power strengthens U.S. commitment to credible multilateralism

Patrick 2 (Stewart, Research Associate @ the Center on International Cooperation, NYU, Multilateralism and US Foreign Policy edited by Patrick and Forman, p. 18-19)//dtang

Still, the deflation of presidential power can complicate U.S. commitment to credible multilateralism. For one thing, it increases the chance that the executive branch will agree to assume international obligations that the legislature either opposes or has no intention of fulfilling. This predicament is likely to be most acute when different parties control the two branches, as was the case for most of the past decade. During the 1990s, Congress used the power of the purse to reduce foreign aid, cut IMF and World Bank funding, withhold UN assessments, and impose budgetary retrenchment and bureaucratic consolidation on the State Department complex. Following the 1994 elections, a prolonged interbranch struggle produced disarray in U.S. foreign policy, including the stalling of a dozen multilateral conventions. During the Cold War, the United States' foreign partners could take comfort in the bipartisan U.S. consensus on international engagement and the relative orderliness and transparency of policymaking in Washington. Changing strategic and domestic circumstances, however, have cast doubt on the credibility of U.S. commitments to multilateral institutions. To begin with, there is no domestic agreement today about the composition, scope, and ranking of U.S. national interests, the resources needed to pursue them, or the global commitments they warrant. Moreover, the first post-Cold War decade saw a marked erosion of the longstanding bipartisan internationalist consensus in Congress. Many stalwarts of constructive internationalism in both parties were replaced by colleagues preoccupied with domestic concerns or suspicious that global regimes and organizations infringe on U.S. sovereignty, thwart U.S. interests and values, or place unacceptable checks on U.S. options. Foreign policy was increasingly the subject of partisan squabbling, and ideological disagreement. In an inversion of the old adage, as Sarah Sewall observes, "partisanship seemed to grow stronger at the water's edge." The politicization of foreign affairs has been reinforced by the growing salience of "inter-mestic" issues, like trade and immigration, which blur the boundary between foreign and domestic policy and tend to divide rather than unite Americans. Within Congress, moreover, the making of foreign policy has become increasingly decentralized and atomized with the decline in party discipline and the proliferation of committees touching on foreign policy matters. This development allows individual legislators to establish independent foreign policy platforms. This activism is troubling, argues Lee Hamilton, former chair of the House Foreign (now International) Affairs Committee, because members have little incentive and are poorly organized to engage in multilateral diplomacy. It has resulted in "a bias toward unilateralism in foreign policy," making it "harder to manage alliances, institutions, and long-term policies across regions and topics in a highly interconnected and complex world."

Prolif

Ability for the executive to respond rapidly to conflict checks proliferate and regional instability

Bohnenmann 2 (Edward, Major, US Army, "Rapid, Decisive Operations: The Execution of Operational Art by a Standing Joint Task Force," <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA403628%26Location=U2%26doc=GetTRDoc.pdf>)//dtang

Modern campaigns, such as OPERATION DESERT STORM conducted by the United States and its allies; nineteenth century campaigns conducted by Napoleon in Europe; or the ancient campaigns conducted by the Romans or the Mongols have all sought to apply an asymmetrical advantage to the battlefield. The great captains have continuously struggled to find an advantage possessed by their forces and developed ways in which to leverage that advantage against an opponent. Lightning campaigns such as OPERATION DESERT STORM, were the result of the application of asymmetrical advantages such as: superior mobility, speed, intelligence, synchronization, and training of friendly forces. These advantages and superior technology shocked opponents and often led to the rapid conclusion of the conflict.⁸¹ As the United States enters the twenty-first century as the lone superpower, it must develop ways in which to harness the tremendous capabilities the joint forces bring to a confrontation and apply those joint capabilities in a manner consistent with the characteristics of operational art. The asymmetrical advantages currently enjoyed by the United States over potential adversaries must focus on placing him in a reactionary mode, while creating too many dilemmas for him to deal with at a particular time and space. September 11, 2001 significantly changed the way America views the world. With the attacks on the World Trade Centers and the Pentagon, the post-Cold War era ended violently and was replaced by an era of uncertainty. The forces of terror that had previously operated on distant shores now brought their violence home to Americans with the killing of innocent civilians within the borders of the United States. This single act of violence, along with the emergence of other regional powers and the proliferation of weapons of mass destruction has set the stage for the future operational environment; with it comes the military requirement to possess the capability to respond rapidly and decisively. With the need to respond rapidly and decisively to worldwide contingencies, the United States can no longer afford a system within the military that is essentially unprepared for action at the onset of each crisis. The ad hoc JTFs previously examined lacked the inherent capabilities demanded in modern crises, with rapidly unfolding situations, taking place in obscure areas around the world. All three of the examined JTFs lacked critical personnel needed to plan courses of action during the initial phases of the operation, causing problems during the execution phases. The one-dimensional approach to the crisis in Kosovo was reminiscent of the singular focus LANTCOM had before OPERATION URGENT FURY. Humanitarian aid operations, as well as other stability and support operations also require a command and control system in place to enable a rapid and effective response.

Quick threat proliferation makes nuclear escalation inevitable absent executive flexibility

Paul 98 (Joel, Professor, University of Connecticut School of Law, "The Geopolitical Constitution: Executive Expediency and Executive Agreements" July, 1998, 86 Calif. L. Rev. 671 **Footnote 137-139 added)//dtang

Whatever the complexity of causes that led to the Cold War - ideology, economics, power politics, Stalin's personality, Soviet intrigue, or American ineptitude - the tension of the bipolar order seemed real, immutable, and threatening to the U.S. public. ⁿ¹³⁵ The broad consensus of U.S. leadership held that the immediacy of the nuclear threat, the need for covert operations and intelligence

gathering, and the complexity of U.S. relations with both democracies and dictatorships made it impractical to engage in congressional debate and oversight of foreign policy-making. n136 The eighteenth-century Constitution did not permit a rapid response to twentieth-century foreign aggression. The reality of transcontinental ballistic missiles collapsed the real time for decision-making to a matter of minutes. Faced with the apparent choice between the risk of nuclear annihilation or amending the constitutional process for policy-making, the preference for a powerful executive was clear. n137 Early in the Cold War one skeptic of executive power, C.C. Rossiter, acknowledged that the steady increase in executive power is unquestionably a cause for worry, but so, too, is the steady increase in the magnitude and complexity of the problems the president has been called upon by the American people to solve in their behalf. They still have more to fear from the ravages of depression, rebellion, and especially atomic war than they do from whatever decisive actions may issue from the White House in an attempt to put any such future crises to rout....It is not too much to say that the destiny of this nation in the Atomic Age will rest in the [*700] capacity of the Presidency as an institution of constitutional dictatorship. n138 n137. President Truman warned that we live in an age when hostilities begin without polite exchanges of diplomatic notes. There are no longer sharp distinctions between combatants and noncombatants, between military targets and the sanctuary of civilian areas. Nor can we separate the economic facts from the problems of defense and security. [The] President, who is Comander in Chief and who represents the interests of all the people, must be able to act at all times to meet any sudden threat to the nation's security. 2 Harry S. Truman, *Memoirs: Years of Trial and Hope* 478 (1956) (commenting on the Court's decision in the Steel Seizure Case). n138. Rossiter, *supra* note 54, at 308-09. n139. President Truman warned that upon the functioning of a strong executive "depends the survival of each of us and also on that depends the survival of the free world." *The Powers of the Presidency* 114 (Robert S. Hirschfield ed., 1968). See also, e.g., Speech by John F. Kennedy delivered to the National Press Club (Jan. 14, 1960), in Hirschfield, *supra*, at 129-31; Congress, the President, and the War Powers: Hearings Before the Subcomm. on Nat'l Sec. Policy and Scientific Developments of the House Comm. on Foreign Affairs, 91st Cong. 12-13 (1970) (statement of McGeorge Bundy, President, Ford Foundation); Congressional Oversight of Executive Agreements: Hearings on S. 3475 Before the Subcomm. on Separation of Powers of the Senate Comm. of the Judiciary, 92d Cong. 237-40 (1972) (statement of Nicholas Katzenbach, Former Attorney General and Former Undersecretary of State).

SCS

Maintaining warfighting capabilities key to deter Chinese invasion of the South China Seas

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(Bonnie, Pivot to Asia: Prepare for Unintended Consequences,
http://csis.org/files/publication/120413_gf_glaser.pdf)

Under the current administration, the pendulum in U.S. policy toward China has swung from attempting to cooperate with China on global problems to pushing back against Chinese assertiveness and challenges to international laws and norms. Getting tougher with Beijing was necessary, but it has also created unintended consequences that the next administration, either a second Obama team or a Republican lineup, will have to contend with. The Obama administration's initial policy in 2009 raised fears in many Asian capitals of a G2 condominium that would make decisions over the heads of others. Those concerns were unwarranted and short lived. Beijing interpreted the U.S. approach as weakness, which, along with China's economic success and America's struggles, led to a year of Chinese hubris that manifested itself in a series of intimidating actions in China's neighborhood. Subsequent entreaties by regional states to counterbalance China increased U.S. attention to the Asia-Pacific region. Now, the U.S. Asia "pivot" has prompted Chinese anxiety about U.S. containment and heightened regional worries about intensified U.S.-China strategic competition. In the run-up to the leadership transition that will take place at China's 18th Party Congress this fall, Beijing is inwardly focused and unlikely to act on its fears. However, 2013 could see a shift in Chinese foreign policy based on the new leadership's judgment that it must respond to a U.S. strategy that seeks to prevent China's reemergence as a great power. Signs of a potential harsh reaction are already detectable. The U.S. Asia pivot has triggered an outpouring of anti-American sentiment in China that will increase pressure on China's incoming leadership to stand up to the United States. Nationalistic voices are calling for military countermeasures to the bolstering of America's military posture in the region and the new U.S. defense strategic guidelines. For example, an article published in China's Global Times, a jingoistic newspaper owned by the Communist Party mouthpiece People's Daily, called for China to strengthen its long-range strike capabilities. Deng Xiaoping's guideline to keep a low profile in the international arena, designed more than two decades ago to cope with uncertainty produced by the collapse of the Soviet bloc, is increasingly seen by China's elite and public as irrelevant and even harmful to the task of defending Chinese ever-expanding "core interests." Some voices are calling for closer alignment with Moscow and promoting the BRICS grouping (Brazil, Russia, India, and China) as a new "pole" in the international arena to strengthen the emerging powers against the West. Xi Jinping, who will assume the helm as China's new leader later this year, will be under pressure from many domestic constituencies to more forcefully defend Chinese interests in the international arena. Seeking to quickly consolidate his power and enhance the legitimacy of the Communist Party, Xi and his newly installed Politburo Standing Committee colleagues may be more willing than their predecessors to test drive a policy that is more confrontational. The U.S. response to a more muscular Chinese foreign and military policy, should it appear, will have to be carefully calibrated. Ignoring greater Chinese assertiveness would fuel the belief—already emerging in China and elsewhere—that the United States is in inexorable decline. History shows that when great powers falter, China does not hesitate to seize the opportunity to advance its interests, especially in the South China Sea. As American forces withdrew from Vietnam in the mid-1970s, the Chinese grabbed the Paracel Islands from Saigon. Similarly, when the Soviet Union withdrew from Vietnam's Cam Ranh Bay and the United States terminated its base agreement with the Philippines, China quietly occupied Mischief Reef to the dismay of Manila. Yet a hostile and overbearing U.S. response would confirm Chinese suspicions that the United States seeks to contain its rise, which could cement the emergence of a U.S.-China Cold War. In addition, it would further alarm regional states who seek at all costs to avoid having to choose between the United States and China. U.S. policy will need to combine firmness with subtlety. A strategy will need to be shaped that protects regional

stability and reassures China's neighbors, but also avoids greater U.S.- China strategic competition and the classic security dilemma, wherein each side believes that growing capabilities reflect hostile intent and responds by producing that reality. Sustained attention and commitment of sufficient resources to the Asia- Pacific region will be key to assuaging the doubts of regional friends and allies about U.S. staying power. The United States also will need to maintain the military capabilities necessary to deter Chinese aggression.

Terror

Terrorism is a threat now – presidential flexibility key to solve

Castle 15 (William S., Chief Counsel in the Office of the Senate)

President Pro Tempore for Senator Orrin G. Hatch., Harvard Journal of Law and Public Policy, 2015, “THE ARGUMENT FOR A NEW AND FLEXIBLE AUTHORIZATION FOR THE USE OF MILITARY FORCE”, http://www.harvard-jlpp.com/wp-content/uploads/2015/05/Castle_Final.pdf///dtang

With the murder of American citizens, the unraveling of opportunities provided by our service members to the people of Iraq, and the potential destabilization of the Middle East, few will argue that the terrorist organization known as the Islamic State (IS) does not pose “a clear and present danger to the national security of the United States.”¹ Accordingly, President Obama has committed his Administration to the objective of “degrade[ing] and ultimately destroy[ing]” IS.² However, this raises the central legal question that occurs whenever our forces are committed to combat: Under what legal authority can the President use military force? I agree with President Obama’s assertion that he has the constitutional authority to conduct military operations against IS. In addition to this Article II power, President Obama was appropriate in invoking the 2001 Authorization for the Use of Military Force (2001 AUMF) and the 2002 Authorization for Use of Military Force Against Iraq Resolution (2002 AUMF) as additional bases for using force against IS.⁴ Nevertheless, the President continues to insist on limiting the types of strategies and tactics that can be utilized by our forces against this new enemy.⁵ The Administration’s initial policy was to prohibit “boots on the ground” in Iraq and Syria.⁶ With the publication of the President’s AUMF proposal, this position appears to have been modified so as to prohibit “the use of the United States Armed Forces in enduring offensive ground combat operations.”⁷ Additionally, the President’s proposal would cap the new authorization at three years.⁸ The importance of maintaining legal flexibility for the possible use of additional military capabilities against IS was underscored by former Defense Secretary Robert Gates’s recent warning that “there will be boots on the ground if there is to be any hope of success in the strategy.”⁹ This point was echoed by General David Petraeus in his admonition that defeating IS will take “months and years, not days or weeks.” Accordingly, this Article argues for the adoption of a third AUMF, but for one unencumbered by the shortcomings of the President’s draft sent to Congress on February 11. Instead, Congress should enact the 113th Congress’s Senate Joint Resolution 43 (S.J. Res. 43),¹⁵ which complements but does not replace the 2001 and 2002 AUMFs. Though the President has ample war powers to confront IS without a new authorization, adoption of S.J. Res. 43 will eliminate any ambiguity as to the nation’s resolve to conduct operations against IS.¹⁶ Equally important, the adoption of either piece of legislation will preclude any politically-motivated legal restrictions regarding “time, geography, and type of forces,” which unnecessarily jeopardize the goal of eliminating IS and needlessly add to the risks faced by the U.S. Armed Forces.¹⁷ Part I of this Article describes the constitutional and statutory history of the President’s war powers and the benefits of an AUMF. Part II discusses the ambiguity caused by the Administration’s continuing policy revisions regarding the 2001 and 2002 AUMFs. Part III argues for the enactment of a third AUMF and prescribes both the structure and necessary elements of such legislation. As part of the discussion of what components should be part of the new AUMF, this article argues that S.J. Res. 43, rather than the President’s draft, meets the requirements of what provisions should be included in this third authorization.

Surveillance capabilities are integral to presidential war powers – allows effective terrorism deterrence

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As Commander-in-Chief, the President has the constitutional power and the responsibility to wage war in response to a direct attack against the United States. In the Civil War, President Lincoln undertook several actions—raised an army, withdrew money from the treasury, launched a blockade—on his own authority in response to the Confederate attack on Fort Sumter, moves that Congress and the Supreme Court later approved. During World War II, the Supreme Court similarly recognized that once war began, the President’s authority as Commander-in-Chief and Chief Executive gave him the tools necessary to effectively wage war. In the wake of the September 11 attacks, Congress agreed that the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States,¹ which recognizes the President’s authority to use

force to respond to al Qaeda, and any powers necessary and proper to that end. Even legal scholars who argue against this historical practice concede that once the United States has been attacked, the President can respond immediately with force. John Yoo and Stewart Baker will debate Alex Abdo and Elizabeth Wydra at the National Constitution Center on October 7—reserve your tickets NOW! **The ability to collect intelligence is intrinsic to the use of military force.** It is inconceivable that the Constitution would vest in the President the powers of Commander-in-Chief and Chief Executive, give him the responsibility to protect the nation from attack, **but then disable him from gathering intelligence to use the military most effectively to defeat the enemy.** Every evidence of the Framers' understanding of the Constitution is that the government would have every ability to meet a foreign danger. As James Madison wrote in *The Federalist*, "security against foreign danger is one of the primitive objects of civil society." Therefore, the "powers requisite for attaining it must be effectually confided to the federal councils." After World War II, the Supreme Court declared, "this **grant of war power includes all that is necessary and proper for carrying these powers into execution.**" **Covert operations and electronic surveillance are clearly part of this authority.** During the writing of the Constitution, some Framers believed that the President alone should manage intelligence because only he could keep secrets. Several Supreme Court cases have recognized that the President's role as Commander-in-Chief and the sole organ of the nation in its foreign relations must include the power to collect intelligence. These authorities agree that **intelligence rests with the President because its structure allows it to act with unity, secrecy, and speed. Presidents have long ordered electronic surveillance without any judicial or congressional participation.** More than a year before the Pearl Harbor attacks, but with war clearly looming with the Axis powers, President Franklin Roosevelt authorized the FBI to intercept any communications, whether wholly inside the country or international, of persons "suspected of subversive activities against the Government of the United States, including suspected spies." FDR was concerned that "fifth columns" could wreak havoc with the war effort. "It is too late to do anything about it after sabotage, assassinations and 'fifth column' activities are completed," FDR wrote in his order. FDR ordered the surveillance even though a federal law at the time prohibited electronic surveillance without a warrant. **Presidents continued to monitor the communications of national security threats on their own authority, even in peacetime.** If Presidents in times of peace could order surveillance of spies and terrorists, **executive authority is only the greater now, as hostilities continue against al Qaeda.**

ISIS generating millions from oil sales

Charles Lister, Brookings Doha Center, December 2014, *Profiling the Islamic State*, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

While more sustainable, income earned through extortion pales in comparison to the underground sale of Syrian and Iraqi oil. **Illicit oil sales are not new for IS—by 2010, the group was thought to have been "siphoning off a share of Iraq's oil wealth, opening gas stations in the north, smuggling oil and extorting money from industry contractors."**⁵⁶ **But by late August 2014, energy analysts estimated that the group was selling as much as 70,000 barrels of oil daily from Syria and Iraq (at \$26-\$35 per barrel of heavy oil and \$60 per barrel of light crude) to internal black market customers and external buyers in Iraq, Lebanon, Turkey, and Kurdistan.**⁵⁷ These calculations result in a daily income of \$1-3 million, which over 12 months amounts to \$365 million-1.1 billion.⁵⁸ The targeting of IS-linked oil facilities in Syria since late-September, however, will have significantly eroded this prospect.

ISIS raises money through kidnappings

Charles Lister, Brookings Doha Center, December 2014, *Profiling the Islamic State*, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

IS's finances have been heavily reliant on oil and gas, but other resources are also being exploited, including agriculture, cotton, water, and electricity. The group is also known to operate an efficient kidnap-for-ransom operation, with four foreign nationals—two young Italian women, a Dane, and a Japanese national—all confirmed kidnapped by IS in August 2014 alone.⁵⁹ While such hostage taking has proven a powerful weapon in recent months through the public execution of American and British nationals, it may also be in the hope of securing ransoms for other captives. Despite a French denial, unnamed NATO sources in Brussels, for example, have claimed that IS was paid \$18 million in April 2014 in exchange for four French hostages.⁶⁰

ISIS makes \$ selling antiquities

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_liste.pdf?la=en DOA: 3-1-15

Even in areas not under its complete control, IS still maintains extortion networks and protection rackets. IS units have also allegedly stolen antiques and sold them onto the black market. For example, one Iraqi intelligence official claimed the group had earned \$36 million after selling 8,000 year-old items from al-Nabk, north of Damascus, in early 2014.

ISIS financial resources enable easy expansion

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_liste.pdf?la=en DOA: 3-1-15

While IS fighters have long imposed shadow taxation (and extortion) within areas under their control or influence, more official taxation systems have begun to be introduced since the proclamation of the caliphate. For example, IS has introduced a customs tax upon the trucking business on the main highways of western Iraq. This organized taxation system targets trucks transporting food and electronics from Syria and Jordan via Iraq's al-Waleed and al-Tanif crossings. As of September 2014, rates were placed at \$300 per truck of foodstuffs and \$400 per load of electronic goods, with an occasional \$800 flat rate for trucks in general. The system itself is surprisingly professional, as Mitchell Prothero explained: "Not only does IS offer protection from bandits, but its tax collectors also provide traders with paperwork that shows they've paid IS taxes as well as counterfeit government tax receipts that truckers can show to Iraqi Army checkpoints, which allow them to pass without further payments."⁶²

In addition to shielding IS from traditional financial counterterrorism measures, such independent financial capacities have also provided a source of social leverage, whether through incentives to induce tribal loyalty or by funding food provision and fuel subsidies to encourage popular support. For example, during its offensive in Deir Ezzor in May-June 2014, IS "spread \$2 million in the area to entice tribes and leaders to permit their presence," thereby securing several strategic surrenders and pledges of allegiance.⁶³

IS's ability to present an image of wealth and success has strengthened its recruitment of new fighters locally as well as from abroad. As one moderate commander based in Aleppo, speaking

on condition of anonymity, said in June 2014, "Syrians join ISIS for money, simply because they can afford to pay salaries."⁶⁴ An Islamic Front political official, who also requested anonymity, put it similarly bluntly: "ISIS is definitely expanding—it has a lot of money and right now, Syrians are so poor. Money changes everything—people will turn to and support extremism out of desperation."⁶⁵

Terrorism -Georgia

1NC – Terrorism DA

Terrorist threats are real and rising but metadata prevents attacks

Carafano et al 15 [James Jay, Ph.D., Charles "Cully" Stimson, Steven P. Bucci, Ph.D., John Malcolm and Paul Rosenzweig, Backgrounder #3018 on National Security and Defense, Heritage Foundation May 21, 2015, Section 215 of the PATRIOT Act and Metadata Collection: Responsible Options for the Way Forward]

The threat of international terrorism is real and on the rise The United States remains in a state of armed conflict against non-state actors: al-Qaeda, the Afghan Taliban, ISIS, and associated forces. Winning this armed conflict requires a coordinated, sophisticated, and comprehensive strategy that harnesses all aspects of America's national power. For decades, over many armed conflicts, the United States has relied on and utilized the fruits of lawful signals intelligence to disrupt, degrade, detect, and ultimately defeat the enemies of the United States. Today, because of stunning advances in technology, we have the ability to search through billions of anonymous bits of telephone call data and draw connections among known and suspected foreign terrorists about whom we otherwise might never have known. Those connections and the connections made possible by other aspects of national power enable those who defend our freedoms to keep us safe.

Metadata is vital to counter-terrorism intelligence – empirically stops attacks and can't be replaced with other surveillance methods

Young 14 [Mark D., Senior Vice President and Chief Strategy Officer of National Security Partners, LLC. Previously he served as the Executive Director for the Directorate of Plans and Policy at United States Cyber Command, the Special Counsel for Defense Intelligence for the House Permanent Select Committee on Intelligence, and as a senior leader at the National Security Agency. 2014 I/S: A Journal of Law & Policy for the Information Society, 10 ISJLP 367, "NSA SURVEILLANCE: ISSUES OF SECURITY, PRIVACY AND CIVIL LIBERTY: ARTICLE: National Insecurity: The Impacts of Illegal Disclosures of Classified Information"]

Current examples of the NSA's contributions to national security are difficult to find because of the sensitivity of the agency's mission. In recent congressional testimony, however, the DNI said that SIGINT is the primary contributor to counterterrorism intelligence and that multiple empirical studies have shown that signal intelligence, provided by the NSA, is the major contributor to answering the hardest intelligence challenges faced by the U.S. ^{n33¶} Although the claims in these books are unconfirmed, publications such as Counter Strike: The Untold Story of America's Secret Campaign Against Al Qaeda by Eric Schmitt and Thom Shanker and Operation Dark Heart: Spycraft and Special Ops on the Frontlines of Afghanistan--and the Path to Victory by Lieutenant Colonel Anthony Shaffer suggest that the NSA may have prevented significant terrorist attacks and provided critical intelligence during U.S. military operations. [¶] These books, together with the claims of senior intelligence officials before Congress, strongly suggest that the NSA's efforts are the most effective shield against the acts of violence that harm U.S. and allied military members, Americans, and our national security interests. In response to apparent disclosures of NSA activities, President Obama directed the declassification of sensitive NSA collection conducted under the Foreign Intelligence Surveillance Act (FISA). In September 2013, multiple documents concerning "bulk telephony metadata" collection under Section 501 of FISA were declassified and publically released by the ODN. ⁿ³⁴ These disclosures included a Foreign Intelligence Surveillance Court finding of reasonable grounds that the call records were relevant to an authorized terrorism investigation. ⁿ³⁵ The same order required the [*376] NSA to establish "mandatory procedures strictly to control access to and use of the archived data collected pursuant to [the court's] order." ⁿ³⁶ Additionally, the order mandated that the NSA's General Counsel monitor the designation of those with access to the data and act as an approval authority for the actual queries analysts wished to make of the data. ^{n37¶} In late October 2013, the ODN released a number of additional documents related to the NSA's alleged collection programs. These documents include a 2009 NSA congressional notification describing the

failure to comply with a Foreign Intelligence Surveillance Court order, n38 and a March 2009 Internal NSA Memorandum of Understanding required for access and query privileges of data collected through the NSA's bulk telephony metadata program. n39 These documents describe the legal justifications for and technical detail about how the NSA collects and uses intelligence.¶ This information was declassified and publically released to inform the public about what data was collected and analyzed by the NSA, to balance inaccurate speculations by the media about the NSA, and to facilitate the debate about U.S. Intelligence Community operations. When examined together, the information disclosed by Snowden and the declassified information released by the ODNI present a positive picture of prudent measures for national security. If the information about programs such as PRISM, FAIRVIEW, or OAKSTAR is accurate, then it appears as if the Intelligence Community has not only adjusted well to global technical advancements in telecommunications, but also learned significant lessons from the September 11, 2001 terrorist attacks.¶ [*377] It was known in early 2001 that the NSA's effectiveness was challenged by the "multiplicity of new types of communications links, by the widespread availability of low-cost encryption systems, and by changes in the international environment in which dangerous security threats can come from small, but well organized, terrorist groups as well as hostile nation states." n40 Any challenge about the value of an intelligence program must address the importance of data quantity and quality. First, **since intelligence analysis depends on having access to relevant information, logic dictates that more data is always better.** As noted by Mark Lowenthal:¶ The issue then becomes how to extract the intelligence from the mountain of information. One answer would be to increase the number of analysts who deal with the incoming intelligence, but that raises further demands on the budget. Another possible response, even less palatable, would be to collect less. But, even then, there would be no assurance that the "wheat" remained in the smaller volume still being collected. n41¶ Thus, quantity has an intelligence quality all its own. In addition, the type of information needed by the Intelligence Community is also important. Given the priorities noted in the National Security Strategy, the importance of NSA collection and analysis as noted in congressional testimony and the ever-present threats by terrorist groups and hostile nations the American public should vigorously endorse the type of programs viewed by Snowden as oppressive. It is troubling to see the disclosure of techniques allegedly used by the NSA to obtain "cryptographic details of commercial cryptographic information security systems through industry relationships," n42 and the rampant speculation about the monitoring of the mobile phones of the heads of state from Europe.¶ **It is not only logic that leads one to believe in the value of NSA collection, but also testimony by intelligence professionals.** For example, according to the House Intelligence Committee, **NSA activities have "been integral in preventing multiple terrorist attacks, [*378] including a plot to attack [sic] the New York Stock Exchange in 2009."** n43 **The PRISM program, a program reported to provide the NSA access to information from some of the largest technology companies, provided "critical leads" to disrupt more than fifty potential terrorist events in more than twenty countries.** According to officials, the FISA authority--the congressional authorization to target communications of foreign persons who are located abroad for foreign intelligence purposes--contributed to more than ninety percent of these disruptions. n44¶ The Deputy Attorney General has noted that the FBI benefited from the NSA's Section 702 collection in the fall of 2009. Using Section 702 collection and "while monitoring the activities of [al-Qaeda] terrorists in Pakistan, the [NSA] noted contact from an individual in the U.S. that the [FBI] subsequently identified as Colorado-based Najibulla Zazi. The U.S. Intelligence Community, including the FBI and NSA, worked in concert to determine his relationship with [al-Qaeda], as well as identify any foreign or domestic terrorist links." n45¶ The FBI tracked Zazi as he traveled to New York to meet with co-conspirators, where they were planning to conduct a terrorist attack. Zazi and his co-conspirators were subsequently arrested. Zazi, upon indictment, pled guilty to conspiring to bomb the NYC subway system. Compelled collection (authorized under Foreign Intelligence Surveillance Act, FISA, Section 702) against foreign terrorists was critical to the discovery and disruption of this threat against the U.S. n46¶ Regardless of the accuracy of the information released by Snowden, the types of programs described by the material appear to directly contribute to national security; its release, regardless of its validity, will negatively impact U.S. security.¶ **Homegrown Violent Extremists n47 continue to be inspired by global jihadist propaganda and the perceived success of plots such as the November 2009 attack at Fort Hood, Texas and the March 2012 attacks by an al-Qaeda-inspired extremist in Toulouse, France.** n48 **The threat from terror groups remains constant, urgent,** and of great concern to the U.S. Intelligence Community. The revelations concerning the NSA's counterterrorism successes will motivate terror groups to reexamine how they communicate, plan, and execute these attacks.¶ Despite these publically acknowledged examples of the value of the bulk metadata program, multiple reports and a federal district court opinion have denied its efficacy. The Privacy and Civil Liberties Oversight Board n49 recommends discontinuing the program. The board noted, "an intelligence-gathering tool with significant ramifications for privacy and civil liberties cannot be regarded as justified merely because it provides some value in protecting the nation from terrorism." n50¶ A panel of advisors that included former government officials such as Richard Clarke (former National Coordinator for Security, Infrastructure Protection, and Counterterrorism), Michael J. Morell (former deputy director of the CIA), and Cass Sunstein (former head of the Office of Information and Regulatory Affairs in the Obama

[*380] White House) did not recommend the cessation of the bulk metadata program. In an unreleased report, commissioned by the president in August, the panel "went further than some of the agency's backers in Congress, who would make only cosmetic changes to it, but stopped short of calling for the program to be shut down, as its critics have urged." ⁿ⁵¹ They did, however question its value: "The [NSA] uses the telephone data to search for links between people in an effort to identify hidden associates of terrorism suspects, but the report says it 'was not essential to preventing attacks.'" ⁿ⁵² The panel's report was provided to the president three days after a federal judge determined, in a case seeking an injunction to stop the NSA program, that the Government failed to cite a "single instance in which the analysis of the NSA's bulk metadata collection actually stopped an imminent attack or otherwise aided the government in achieving any objective that was time-sensitive in nature." ⁿ⁵³ United States District Judge Richard J. Leon came to a dramatically different conclusion than United States District Judge William Pauley in similar cases dealing with the same program. ⁿ⁵⁴ In this volume, Mueller and Stewart claim that "the achievements of [the bulk metadata program] do seem to be decidedly underwhelming," despite acknowledging that in at least four cases, analysis of the metadata contributed to the arrest or locating of known terrorists or facilitators. ⁿ⁵⁵ Their analysis is flawed in the same way as is Judge Leon's and the Privacy and Civil Liberties Board. The **comments made by critics of the program appear to be motivated more by ideology** than dispassionate assessment of analytical tradecraft. The complexities, technology, and ambiguity of the modern security environment make it unlikely that any single intelligence source or program will provide a "smoking gun" on a national security threat. ⁿ⁵⁶ The Intelligence Community has sharpened its techniques since September 11, 2001 with this new reality in mind. The complexity of the international system, incomplete and inconsistent information, and the "inherent limitations of the human mind" are perennial problems for intelligence professionals. ⁿ⁵⁷ To overcome these realities, the Intelligence Community must apply a dizzying set of analytic techniques and mental discipline to review key assumptions about their operational tasks, validate the quality of the information collected and available to them, identify indicators of actualized threats, and continually strive to anticipate the thinking of those who seek to harm U.S. citizens or the security interests of the United States and our allies. This is no small task and it requires a mosaic of information, to include bulk metadata. Judge Leon at least acknowledged his unfamiliarity with the complexities of any conversation about bulk metadata collection and analysis. By staying his order to discontinue the program, he concedes that the data may be of critical importance to national security: "[I]n light of the significant national security interests at stake in this case and the novelty of the constitutional issues, I will stay my order pending appeal." ⁿ⁵⁸ Examples of the efficacy of the program are provided below, yet the public should keep in mind the unsatisfying fact that intelligence analysis is a laborious process that requires reason and passion. The author concedes that none of these examples provides an irrefutable defense of the accessing of bulk **metadata**. The program **does**, however, **provide a valuable link in the national security chain**. Although frustrating to the intelligence professionals who devote a large portion of their professional lives to the protection of the security, and civil liberties, of all U.S. citizens the debate is welcome, yet certainly not new.

Terrorism goes nuclear---high risk of theft and attacks escalate

Dvorkin 12 (Vladimir Z., Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what_can_destroy_strategic_stability.html)

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN

General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing. ¶ At the same time, **these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible.** Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, **contributing to the spread of panic and socio-economic destabilization.** ¶ Severe consequences can be **caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities.** Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that **well-trained terrorists may be able to penetrate nuclear facilities.** ¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time. ¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that **such materials can be bought on the black market. Theft of weapons-grade uranium is also possible.** Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA). ¶ **A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima.** The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences. ¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. **A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.** ¶ If a nuclear terrorist act occurs, **nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act.** We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. **Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow.** The prediction that

Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true.

Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. **The threat of**

nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical

transformation of the global order.

All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

****Uniqueness****

UQ – Yes Terror Threat

Terrorist attacks on the rise – surveillance is key to prevent the next attack

Zuckerman, Bucci and Carafano 13 (Jessica, Policy Analyst, Western Hemisphere, Heritage Foundation, Steven P., Director of the Center for Foreign and National Security Policy at the Heritage Foundation, and James Jay, PhD, Vice President for the Institute for National Security and Foreign Policy, "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism")

Strengthening the Domestic Counterterrorism Enterprise¶ Three months after the attack at the Boston Marathon, the pendulum of awareness of the terrorist threat has already begun to swing back, just as it did after 9/11. Due to the resilience of the nation and its people, for most, life has returned to business as usual. The threat of terrorism against the United States, however, remains.¶ Expecting to stop each and every threat that reaches a country's borders is unreasonable, particularly in a free society committed to individual liberty. Nevertheless, there are important steps that America's leaders can take to strengthen the U.S. domestic counterterrorism enterprise and continue to make the U.S. a harder target. Congress and the Administration should:¶ Ensure a proactive approach to preventing terrorist attacks. Despite the persistent threat of terrorism, the Obama Administration continues to focus on reactive policies and prosecuting terrorists rather than on proactive efforts to enhance intelligence tools and thwart terrorist attempts. This strategy fails to recognize the pervasive nature of the threat posed by terrorist groups such as al-Qaeda and homegrown extremism. The Administration, and the nation as a whole, should continue to keep in place a robust, enduring, and proactive counterterrorism framework in order to identify and thwart terrorist threats long before the public is in danger.¶ Maintain essential counterterrorism tools. Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorist threats. Key provisions within the act, such as the roving surveillance authority and business records provision, have proved essential for thwarting terror plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sunset provisions within the PATRIOT Act.[208] Furthermore, legitimate government surveillance programs are also a vital component of U.S. national security, and should be allowed to continue. Indeed, in testimony before the house, General Keith Alexander, the director of the National Security Agency (NSA), revealed that more than 50 incidents of potential terrorism at home and abroad were stopped by the set of NSA surveillance programs that have recently come under scrutiny. That said, the need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well.¶ Break down the silos of information. Washington should emphasize continued cooperation and information sharing among federal, state, and local law enforcement agencies to prevent terrorists from slipping through the cracks between the various jurisdictions. In particular, the FBI should make a more concerted effort to share information more broadly with state and local law enforcement. State and local law enforcement agencies are the front lines of the U.S. national security strategy. As a result, local authorities are able to recognize potential danger and identify patterns that the federal authorities may miss. They also take the lead in community outreach, which is crucial to identifying and stopping "lone wolf" actors and other homegrown extremists. Federal law enforcement, on the other hand, is not designed to fight against this kind of threat; it is built to battle cells, groups, and organizations, not individuals.¶ Streamline the domestic counterterrorism system. The domestic counterterrorism enterprise should base future improvements on the reality that governments at all levels are fiscally in crisis. Rather than add additional components to the system, law enforcement officials should streamline the domestic counterterrorism enterprise by improving current capabilities, leveraging state and local law enforcement resources and authorities, and, in some cases, reducing components where the terrorist threat is not high and the financial support is too thin or could be allocated more effectively. For example, the Department of Homeland Security should dramatically reduce the number of fusion centers, many of which exist in low-risk areas or areas where similar capabilities exist. An easy way to reduce the number of fusion centers is to eliminate funding to those that are located outside the 31 urban areas designated as the highest risk.¶ Fully implement a strategy to counter violent extremism. Countering violent extremism is an important complementary effort to an effective counterterrorism strategy. In August 2011, the U.S. government released a strategic plan called "Empowering Local Partners to Prevent Violent Extremism in the United States." [209] The plan focuses on outlining how federal agencies can assist local officials, groups, and private organizations in preventing violent extremism. It includes strengthening law enforcement cooperation and helping communities understand how to counter extremist propaganda (particularly online). Sadly, this plan is not a true

strategy. It fails to assign responsibilities and does not direct action or resource investments. More direction and leadership must be applied to transform a laundry list of good ideas into an effective program to support communities in protecting and strengthening civil society. ¶ Vigilance Is Not Optional ¶ In a political environment of sequestration on the one hand and privacy concerns on the other, there are those on both sides of the aisle who argue that counterterrorism spending should be cut and U.S. intelligence agencies reigned in. As the above list indicates however, the long war on terrorism is far from over. Most disturbingly, an increasing number of Islamist-inspired terrorist attacks are originating within America's borders. The rise of homegrown extremism is the next front in the fight against terrorism and should be taken seriously by the Administration. ¶ While there has not been another successful attack on the homeland on the scale of 9/11, the bombings in Boston reminded the country that the threat of terrorism is real and that continued vigilance is critical to keeping America safe. Congress and the Administration must continue to upgrade and improve the counterterrorism capabilities of law enforcement and intelligence agencies as well exercise proper oversight of these capabilities. The American people are resilient, but the lesson of Boston is that the government can and should do more to prevent future terror attacks.

The threat is rising --- NSA surveillance disrupts attacks

Bolton 15. [John R., Formerly served as the U.S. permanent representative to the United Nations, and under secretary of state for arms control and international security. At AEI, Ambassador Bolton's area of research is U.S. foreign and national security policy. 4/28/ "NSA activities key to terrorism fight," American Enterprise Institute, <https://www.aei.org/publication/nsa-activities-key-to-terrorism-fight/>.

Congress is poised to decide whether to re-authorize programs run by the National Security Agency that assess patterns of domestic and international telephone calls and emails to uncover linkages with known terrorists. These NSA activities, initiated after al-Qaeda's deadly 9/11 attacks, **have played a vital role** in protecting America and our citizens around the world from the still-metastasizing terrorist threat. ¶ The NSA programs do not involve listening to or reading conversations, but rather seek to detect communications networks. If patterns are found, and more detailed investigation seems warranted, then NSA or other federal authorities, consistent with the Fourth Amendment's prohibition against unreasonable searches and seizures, must obtain judicial approval for more specific investigations. Indeed, even the collection of the so-called metadata is surrounded by procedural protections to prevent spying on U.S. citizens. ¶ Nonetheless, critics from the right and left have attacked the NSA for infringing on the legitimate expectations of privacy Americans enjoy under our Constitution. Unfortunately, many of these critics have absolutely no idea what they are talking about; they are engaging in classic McCarthyite tactics, hoping to score political points with a public justifiably worried about the abuses of power characteristic of the Obama administration. Other critics, following Vietnam-era antipathies to America's intelligence community, have never reconciled themselves to the need for robust clandestine capabilities. Still others yearn for simpler times, embodying Secretary of State Henry Stimson's famous comment that "gentlemen don't read each others' mail." ¶ The ill-informed nature of the debate has facilitated scare-mongering, with one wild accusation about NSA's activities after another being launched before the mundane reality catches up. And there is an important asymmetry at work here as well. The critics can say whatever their imaginations conjure up, but NSA and its defenders are significantly limited in how they can respond. By definition, the programs' success rests on the secrecy fundamental to all intelligence activities. Frequently, therefore, explaining what is not happening could well reveal information about NSA's methods and capabilities that terrorists and others, in turn, could use to stymie future detection efforts. ¶ After six years of President Obama, however, trust in government is in short supply. It is more than a little ironic that Obama finds himself defending the NSA (albeit with obvious hesitancy and discomfort), since

his approach to foreign and defense issues has consistently reflected near-total indifference, except when he has no alternative to confronting challenges to our security. Yet if harsh international realities can penetrate even Obama's White House, that alone is evidence of the seriousness of the threats America faces.¶ In fact, just in the year since Congress last considered the NSA programs, the global terrorist threat has dramatically increased. ISIS is carving out an entirely new state from what used to be Syria and Iraq, which no longer exist within the borders created from the former Ottoman Empire after World War I. In already-chaotic Libya, ISIS has grown rapidly, eclipsing al-Qaeda there and across the region as the largest terrorist threat. Boko Haram is expanding beyond Nigeria, declaring its own caliphate, even while pledging allegiance to ISIS. Yemen has descended into chaos, following Libya's pattern, and Iran has expanded support for the terrorist Houthi coalition. Afghanistan is likely to fall back under Taliban control if, as Obama continually reaffirms, he withdraws all American troops before the end of 2016.¶ This is not the time to cripple our intelligence-gathering capabilities against the rising terrorist threat. Congress should unquestionably reauthorize the NSA programs, but only for three years. That would take us into a new presidency, hopefully one that inspires more confidence, where a calmer, more sensible debate can take place.

Terrorist threats are high now –intel is key

Collins 15 (Eliza, wirtter for Politico, 5/10, "Mike McCaul Warns of Growing Us Terrorist Threat")

More people are being recruited by terrorist groups than the FBI estimates, the chairman of the House Homeland Security Committee said on Sunday.¶ FBI Director James Comey said last week that hundreds, maybe thousands of people, are being recruited on encrypted websites that the FBI can't penetrate to carry out attacks in the U.S.¶ "We have this phenomenon in the United States where they can be activated by the Internet. Really, terrorism has gone viral," Rep. Mike McCaul (R-Texas) said on "Fox News Sunday."¶ The Texas shooting was a textbook case of law enforcement intercepting a threat, McCaul said, but homegrown terrorism is nonetheless difficult to stop.¶ Late last week, the U.S. raised the threat level at all U.S. military bases.¶ "This threat is like finding a needle in the haystack sometimes - and it's going to get worse, not better," McCaul warned.

The threat is increasing – recruiting levels

VOA News 15 (Homeland Security Chief: Global Terror Threat Has Entered 'New Phase'" 5/11)

Appearing on the Fox News Sunday broadcast from Paris, Congressman Michael McCaul, chairman of the House Homeland Security Committee, said there has been an uptick in threat streams against local police and military bases.¶ "We're seeing these on an almost daily basis. It's very concerning. I'm over here with the French counter-terrorism experts on the Charlie Hebdo case, how we can stop foreign fighters coming out of Iraq and Syria to Europe. But then, we have this phenomenon in the United States where they (terrorists) can be activated by the Internet. And, really, terrorism has gone viral," said McCaul.¶ McCaul said the potential terror threat may even be greater than the FBI has outlined. He said the United States faces two threats: one from fighters coming out of the Middle East and the other from thousands at home who will take up the call to arms when the IS group sends out an Internet message. He warned the threat will only get worse, largely because of the existence of so many failed states in the Middle East and North Africa.

Lone wolf risk is growing

Zenko 15 (Micah, 5/19, Council on Foreign Relations, "Is US Foreign Policy Ignoring Homegrown Terrorists?")

On February 12, National Counterterrorism Center Director Nicholas Rasmussen told the Senate Select Committee on Intelligence:¶ "We face a much greater, more frequent, recurring threat from lone offenders and probably loose networks of individuals. Measured in terms of frequency and numbers, it is attacks from those sources that are increasingly the most noteworthy..."¶ On February 26, during the annual worldwide threats hearing, Director of National Intelligence James Clapper warned:¶ "Home-grown violent extremists continue to pose the most likely threat to the homeland."¶ Last Friday, Secretary of Homeland Security Jeh Johnson stated on MSNBC:¶ "We're in a new phase...in the global terrorist threat where, because of effective use of social media, the Internet, by ISIL, al-Qaeda, we have to be concerned about the independent actor who is here in the homeland who may strike with little or no warning..."¶ Finally, yesterday, former CIA deputy director Michael Morell described the messaging efforts of jihadist groups generally and the self-declared Islamic State (IS) more specifically:¶ "Their narrative is pretty powerful: The West, the United States, the modern world, is a significant threat to their religion. Their answer to that is to establish a caliphate. And they are being attacked by the U.S. and other Western nations, and by these apostate regimes in the region. Because they are being attacked they need support in two ways; people coming to fight for them, and people coming to stand up and attack coalition nations in their home."¶ In summary, the most likely—though not most lethal—terror threats to Americans come from individuals living within the United States who are partially motivated to undertake self-directed attacks based upon their perception that the United States and the West are at war with the Muslim world.

Al-Qaeda planning attacks now – surveillance is key

Wall Street Journal 15. Cassell Bryan-Low. "U.K. MI5 Chief Andrew Parker Warns of Threat of al Qaeda Attack in West," <http://www.wsj.com/articles/u-k-mi5-chief-andrew-parker-warns-of-threat-of-al-qaeda-attack-in-west-1420757705>.

LONDON—The head of the U.K.'s domestic intelligence agency said Thursday that al Qaeda continued to pose an immediate threat and was planning large-scale attacks against the West.¶ In a rare public speech, MI5 chief Andrew Parker said "a group of core al Qaeda terrorists in Syria is planning mass casualty attacks against the West," without elaborating on how advanced such planning was. The comments underscore that the terrorist threat remains diverse despite the recent focus on Islamic State, which has gained territory in Syria and Iraq.¶ The comments, made at MI5's London headquarters, come on the heels of Wednesday's shooting attack in Paris, which left 12 people dead. While authorities haven't yet confirmed any possible connections of the perpetrators to terrorist organizations, intelligence officials have said that links to al Qaeda were a possibility.¶ In his remarks, Mr. Parker briefly addressed the Paris attack. "It is too early for us to come to judgments about the precise details or origin of the attack, but it is a terrible reminder of the intentions of those who wish us harm," Mr. Parker said.¶ Speaking more generally, Mr. Parker said, "we face a very serious level of threat that is complex to combat and unlikely to abate significantly for some time." He added that in recent months, authorities have prevented three U.K. terrorist plots that "would certainly" have resulted in deaths.¶ Mr. Parker said there had been an increase in the number of "crude but potentially deadly plots" and cited last year's attacks in Canada and Australia as examples. "Such attacks are inherently harder for intelligence agencies to detect," he said. "They are often the work of volatile individuals, motivated by terrorist propaganda rather than working as part of sophisticated networks. They often act spontaneously or after very short periods of prior training."¶ He focused in particular on the threat stemming from the conflict in Syria. There have been more than 20 terrorist plots outside of Syria and Iraq that were either directed or

provoked by extremist groups in Syria, including those in Canada, Australia, Belgium and France, according to Mr. Parker.¶ Britain's security agencies in August raised the assessment of the threat from international terrorism to "severe" from "substantial," the second-highest level on its five-point scale, primarily because of the threat of Islamist militants in Syria. The change, which triggered a step-up in security measures such as visible police patrols, reflects an assessment that an attack is highly likely but that there isn't intelligence to suggest an imminent terror strike.¶ The MI5 chief said some 600 extremists now had traveled from Britain to Syria and that a "significant proportion" of those had joined Islamic State, also known as ISIL.¶ He also talked about the stiff challenges intelligence agencies face, ranging from the difficulty in collecting intelligence in Syria, where the U.K. has no partner agency to work with to technological challenges more broadly.¶ As the terrorism threat is increasing, intelligence agencies are finding their ability to counter them is decreasing, he said. The reasons include the increased availability—and use—of encryption that makes it harder for intelligence agencies to intercept communications.¶ "Changes in the technology that people are using to communicate are making it harder for the agencies to maintain the capability to intercept the communications of terrorists," he said. "The further reduction of this capability will seriously harm our ability to investigate and disrupt such threats in the future."¶ Mr. Parker also waded into Britain's feud with Internet companies over how much they should help in combating terrorist activity. British authorities say they remain frustrated that U.S. Internet companies don't feel obliged to comply with U.K. warrants requesting information about users.¶ He said intelligence agents need to be able to access communication among terrorists if they are to do their job, which means including the assistance of companies which hold relevant data. "Currently this picture is patchy," he said.¶ He also defended the communications-data gathering work by intelligence agencies, which has come under criticism following the disclosure of mass-surveillance techniques by former U.S. National Security Agency contractor Edward Snowden.¶ "MI5 does not browse through the private lives of the population at large," he said. "We need to have powerful capabilities that enable us to range widely, with the potential to reach anyone who might threaten national security—but with our efforts always concentrated on the tiniest minority who actually present threats."

AT: NSA Reform Thumper

New NSA reforms allow metadata

Lake 5-20 (Eli, Bloomberg View, "Congress Falls out of Love with the Surveillance State")

There is urgency to act. The Patriot Act provision on NSA bulk metadata collection expires June 1.¶ Nunes told us the chances of just reauthorizing section 215 of the Patriot Act when an alternative bill was on the floor were slim. He said he reluctantly endorsed the slimmed-down approach to data collection: "Do you want to keep something and hope the changes can work, or risk the whole program going dark?"¶ **To be sure, the new bill still allows the FBI and NSA to search the numbers dialed and times and dates of phone calls to find the confederates of terrorists in the United States.** But no longer would the NSA be allowed to store those records. Eventually, President Obama made it known that he favors the changes as well. Nunes told us Obama met with the chairmen and ranking members of the House and Senate intelligence committees last Monday and said he supported the new legislation.

NSA still has sufficient surveillance authority

Salon, 6-1 [Marcy Wheeler. "Reports of the Patriot Act's death are greatly exaggerated," [http://www.salon.com/2015/06/01/reports_of_the_patriot_acts_death_are_greatly_exaggerated/.](http://www.salon.com/2015/06/01/reports_of_the_patriot_acts_death_are_greatly_exaggerated/)]

The PATRIOT Act-authorized phone dragnet expired last night. For the first time since 2006, the NSA won't receive records of the phone calls you make within the United States.¶ But that doesn't mean spying on Americans has stopped. The NSA still obtains records of calls — potentially all calls — you make with people overseas. It still tracks Americans' Internet communications using metadata obtained overseas. The FBI can still access the content of any communications Americans have with foreigners targeted under PRISM without a warrant or even any evidence of wrong doing. FBI can still, and indeed does, obtain phone records of individuals in conjunction with national security investigations without any court review.¶ Not even the spying conducted under Section 215 — the authority that had been used to collect all of Americans' phone records, but which is also used to collect certain kinds of Internet data — or the two other expiring provisions will stop. Because they're tied to more focused investigations (though the Internet collection is probably not targeted at one individual), they will probably continue under a grandfather clause allowing ongoing investigations using those authorities to continue.

Link

2NC Link Ext – Metadata

Metadata is an essential counter terrorism tool – key to intel and tracking

Fleitz 15 [Fred, senior vice president for policy and programs for the Center for Security Policy. He worked in national-security positions for 25 years with the CIA, the State Department, and the House Intelligence Committee, “NSA Data Collection: Necessary, or Unconstitutional?”

<http://www.nationalreview.com/article/418207/nsa-data-collection-necessary-or-unconstitutional-fred-fleitz>

While its detractors refuse to admit it, the 215 program has been a successful tool in stopping terrorist attacks. It has been strongly defended by many intelligence officials and members of Congress, including Senator Dianne Feinstein (D., Calif.), vice chairman of the Senate Intelligence Committee, who said during a January 14, 2014, Judiciary Committee hearing that this program had helped stop terrorist plots to bomb the New York City subways, the New York stock exchange, and a Danish newspaper. ¶ Former deputy CIA director Michael Morell said in a December 27, 2013, Washington Post op-ed: “Had the [metadata] program been in place more than a decade ago, it would likely have prevented 9/11. And it has the potential to prevent the next 9/11.” ¶ Although 35 of 38 court decisions have found the 215 program to be constitutional, its opponents like to quote a December 2013 opinion by D.C. District Court Judge Richard Leon, which questioned its constitutionality. Instead of shutting down the program, however, Leon stayed his decision pending a government appeal. When this appeal was heard by a D.C. Circuit Court of Appeals panel last November, the judges did not accept the challengers’ contentions that the 215 program violated the Fourth Amendment’s protection against unreasonable searches. Opponents of the 215 program are now praising a decision on May 7 by a New York Court of Appeals panel that found that the program was not authorized by the Patriot Act. However, this decision fell far short of what the ACLU was seeking in the case, since the court did not order the 215 program halted, noting that the debate in Congress could render the issue moot. The court also did not find the 215 program to be unconstitutional or a violation of privacy rights, although it said it could revisit these issues if Congress passes new legislation to reauthorize the program. Indeed, if the 215 program continues, legal challenges to it are likely to be eventually decided by the Supreme Court. Despite the continuing need for the 215 program, it is in trouble because Republicans are sharply divided on it. RELATED: Republicans and the Patriot Act Much of the opposition from both sides of the political spectrum is a result of the deluge of Snowden leaks. The release of so much information out of context led to a media frenzy and wild claims that American intelligence is illegally spying on Americans. Both intelligence officials and the White House did a poor job at defending the program, and conspiracy theories flourished. And, of course, there also is in America a venerable history of suspicion of government and government secrecy. Senator Rand Paul (R., Ky.) has said that America’s Founding Fathers would be “appalled” at the 215 program. Actually, Senator Paul is probably right, if only because the Founding Fathers lived in the era of wooden ships and simple firearms and had no notion of modern warfare and weapons of mass destruction. I suspect they would be appalled at many aspects of modern society. If Senator Lee is really worried about privacy threats, he should focus on the unregulated gathering of such data on Americans by technology companies. In an April 25 National Review article, Senator Mike Lee (R., Utah) made a similar argument when he expressed his concerns about the U.S. governments gathering data “to paint a fairly complete picture of the private lives of every person in this country.” In fact, although there is no evidence that the NSA has ever done or ever intended to do such a thing, it is being done, and on a huge scale, by Google, Facebook, other social-media sites, and data brokers. According to a March 9, 2014, 60 Minutes report, Acxiom, a data broker, claims that it has on average 1,500 pieces of information each on more than 200 million Americans. If Senator Lee is really worried about privacy threats, he should focus on the unregulated gathering of such data on Americans by technology companies. From what people have told me as I’ve traveled around the country giving talks on this topic, I know that a major factor driving Republicans to oppose the 215 program is Obama-administration policies and scandals. These abuses include the effort by the IRS to discriminate against conservative groups, and the Justice Department’s seizing the phone records and e-mails of Fox News correspondent James Rosen and his parents. Many Republicans complain that they have been repeatedly lied to by the Obama administration — about Obamacare, the 2012 attacks on the U.S. consulate in Benghazi, the Iran nuclear talks, and other issues. MORE NSA RAND PAUL’S FAUX-LIBERTARIAN OPPOSITION TO THE PATRIOT ACT WHY WE SHOULDN’T TRUST THE NSA WITH OUR METADATA WHY RAND’S SECOND FILIBUSTER FLOPPED As a result, some Republican members of Congress are loath to extend an intelligence program that they fear could be used by the Obama administration against its political enemies. Although I understand this concern, the realities are that the 215 program is subject to intense oversight and has been an effective counterterrorism tool. Abuse of this program is purely theoretical. Shutting it down because of the Obama administration’s scandals and failings makes no sense. At the other end of the political spectrum, the metadata program has been broadly opposed by the Left and by electronic-privacy advocates. However, this opposition goes beyond the metadata program: These groups are also pushing for granting privacy rights to foreign citizens on foreign soil (which President Obama tacitly supports), negotiating international treaties banning Internet spying, and

preventing the NSA from exploiting software vulnerabilities. President Obama has struggled to deal with controversy sparked by the Snowden leaks. In August 2013, he named a panel to look at reforming NSA collection, though he eventually ignored most of its recommendations, probably because they were so radical and naive. These included recommendations similar to those by the Left mentioned above, such as extending the Privacy Act of 1974 to non-U.S. persons; calling for U.S. electronic surveillance to be guided by Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights; codes of conduct between intelligence agencies on electronic surveillance against foreign citizens, and barring U.S. intelligence agencies from cracking Internet encryption methods and penetrating computer software. People who make such recommendations are oblivious to the reality that we need aggressive intelligence collection to keep our nation safe in a dangerous world. They also do not understand that adopting such standards would severely undermine or shut down many crucial intelligence-collection programs but would be completely ignored by America's enemies and adversaries. President Obama also instructed intelligence officials to defend the 215 program and work to block legislative language that would overly restrict it. This led Jeb Bush to remark last month, "I would say the best part of the Obama administration has been his continuance of the protections of the homeland using the big metadata programs, the NSA being enhanced." However, Bush may need to retract this statement. According to a House Intelligence Committee source, the White House gave up on defending the metadata program late last year in response to its supporters on the left, especially deep-pocketed Democratic contributors in Silicon Valley. Congress also has struggled with NSA reform. Last May, the House passed the 2014 USA Freedom Act, which would put significant restrictions on the 215 program, including a mandate that metadata be retained by the phone companies, not the NSA. Although I viewed this as a bad bill, I endorsed it in a June 23, 2014, National Review article because I believed that, regardless of the merits and capabilities of the metadata program, it has been so damaged by fear-mongering attacks by the press and some politicians that it could not continue in its current form. Unfortunately, the House version of the USA Freedom Act was made substantially worse by Patrick Leahy, then-chairman of the Senate Judiciary Committee, who added restrictions that would effectively kill the metadata program and interfere with the operation of the Foreign Intelligence Surveillance Court. Because of Leahy's changes to the House version of the 2014 USA Freedom Act, it did not garner a filibuster-proof majority last November, and the Senate failed to pass it. The top members of the Senate Intelligence Committee – then-chairman Feinstein and Saxby Chambliss — said Leahy's bill went too far. Former CIA director Michael Hayden and former attorney general Michael Mukasey condemned the bill in a November 17, 2014, Wall Street Journal op-ed titled "NSA Reform That Only ISIS Could Love." The challenge for Congress now is to pass legislation to extend the metadata program before it expires at the end of this month. Members of Congress and staff have been working over the past three months to devise a 2015 version of the USA Freedom Act. On April 30, the House Judiciary Committee approved this bill by a vote of 25 to 2. An identical version has been sponsored in the Senate by Senators Leahy and Lee. The House's 2015 USA Freedom Act is slightly better than the 2014 Senate version. The metadata program would continue, although the data would be held by phone companies. NSA searches of metadata databases would be narrowed. The bill also would create a panel of experts to advise the Foreign Intelligence Surveillance Court on privacy, civil liberties, and technological matters. Significant FISC decisions would be declassified. The bill includes concessions to the House Intelligence Committee, such as allowing the NSA authority to conduct surveillance for 72 hours without obtaining a warrant on foreign targets who enter the United States, and to monitor domestic targets on whom it has a probable-cause warrant when they travel overseas. The NSA will also be allowed to use the Patriot Act to collect data domestically in an emergency. The Left and privacy groups are split over the 2015 version of the USA Freedom Act. Some have endorsed it, because they believe that it is the best they can get and that it will open the door to greater reform down the road. These groups are pressuring Congress to remove the concessions made to the House Intelligence Committee. Several of these groups have stepped up their efforts to amend the bill in the light of the May 7 New York Court of Appeals decision. Others on the left, such as the ACLU and the New York Times, do not support the 2015 USA Freedom Act, since they would prefer that the electronic-surveillance provisions of the Patriot Act be allowed to expire. Senator McConnell has enlisted freshman Senator Tom Cotton (R., Ark.) to help push a clean reauthorization of the Patriot Act, which would retain the 215 program in its current form. Cotton, who now serves on the Senate Intelligence Committee and who supported the House version of the USA Freedom Act when he was a member of that body last year, has become a rising star in the Senate because of his outspoken opposition to the Obama administration's nuclear diplomacy with Iran. He reportedly is holding classified meetings with other Republican senators to explain the metadata program and to dispel the misinformation about it spread by its opponents. The shock of the Snowden leaks is fading, and the grandstanding against the NSA by Senator Paul, other libertarians, and the Left is becoming tiresome. Senators Richard Burr (R., N.C.), Jeff Sessions (R., Ala.), and Marco Rubio (R., Fla.) have also spoken out in defense of the NSA and in support of McConnell's Patriot Act bill. Rubio suggested during a May 7 floor speech that if the 215 program isn't reauthorized and there is then another terrorist attack within the United States, Congress will be under fire to explain whether the program could have helped prevent such an attack. With three GOP senators already running for president, the 215 program has become an issue in the presidential campaign. Senator Paul has criticized Rubio and Bush for supporting the program and opposes the 2015 USA Freedom Act, preferring that the Patriot Act be repealed. Senator Ted Cruz (R., Tex.) also opposes the metadata program but supports the USA Freedom Act. Senator Burr, the chairman of the Senate Intelligence Committee, has criticized Paul and Cruz for their attacks on the 215 program as weakening their standing on national defense; Burr claims that their position "tells me that they don't want to learn what bulk data collection is." Security-minded Republicans therefore must work to strengthen the House bill and fend off efforts by Democrats and libertarians to weaken it. We may hope that growing concerns about future ISIS terrorism in the United States will allow Republican congressional leaders to limit the damage to the metadata program from the House bill and move it in McConnell's direction. McConnell's bill, which I strongly support, is unlikely to pass. The Snowden leaks and anti-NSA hysteria have done too much damage to the 215 program for it to continue without substantial changes. Moreover, support for the House bill is probably too strong to allow the McConnell version to become law. ¶ Passage of the 2015 USA Freedom Act is far from an ideal outcome, since this bill would

needlessly undermine an effective counterterrorism tool that is needed to protect our country. But this may be only a short-term setback for American national security: Already the shock of the Snowden leaks is fading, and the grandstanding against the NSA by Senator Paul, other libertarians, and the Left is becoming tiresome. This could mean the metadata program might be revised in a few years under a new Republican president. Unfortunately, before that time comes, **there is a real danger of an ISIS terrorist attack in the United States if Congress seriously weakens the metadata program.** Congress needs to think long and hard about such an outcome as it moves ahead with legislation on this issue this month.

Metadata casts a wide net – alternatives can't fill in

Yoo 15. [John, Emanuel Heller professor of law at the University of California at Berkeley and a Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel in the U.S. Department of Justice. 5/8/20 "Will Congress reject the dangerous NSA ruling by reauthorizing the Patriot Act?" American Enterprise Institute, <https://www.aei.org/publication/will-congress-reject-todays-dangerous-nsa-ruling-by-reauthorizing-the-patriot-act/>.

Finally, the Court displays a deep misunderstanding of the challenges of counterterrorism policy, which Congress understands far better. As Judge Richard Posner has recognized, an intelligence search "is a search for the needle in a haystack." Rather than pursue suspects who have already committed a crime and whose identity is already known, intelligence agencies must search for clues among millions of potentially innocent connections, communications, and links. "The intelligence services," Posner writes, "must cast a wide net with a fine mesh to catch the clues that may enable the next attack to be prevented." Our government can detect terrorists by examining phone and e-mail communications, as well as evidence of joint travel, shared assets, common histories or families, meetings, and so on. If our intelligence agents locate a lead, they must quickly follow its many possible links to identify cells and the broader network of terrorists. A database of call data would allow a fast search for possible links in the most important place — the United States, where terrorists can inflict the most damage. Most of the calling records may well be innocent (just as most of the financial records of a suspected white-collar criminal may also be innocent), but the more complete the database, the better our intelligence agencies can pursue a lead into the U.S.

Metadata is key to tracking terrorist communication patterns – now is key

McCarthy 15 [Andrew C., policy fellow at the National Review Institute. May 23, "Why National-Security Republicans Lost the Patriot Act Debate" <http://www.nationalreview.com/article/418807/why-national-security-republicans-lost-patriot-act-debate-andrew-c-mccarthy>]

Yet the NSA program's advocates have failed to offer a compelling defense. We have fallen into the trap of arguing the case on the opposition's terms. They claim that the program has not stopped a single terrorist attack. Program advocates counter that it has, but this is not only hard to prove, it's beside the point. First, intelligence doesn't work that way: It is a mosaic drawing on several sources, and it is rare that one piece of it completes the picture. More important, the principal purpose of the program is not to thwart individual attacks but to map terror cells and uncover their support networks.

Consequently, the program could be quite valuable even if it never stopped a single terrorist attack. That is vital at a time when the jihadist threat is intensifying but gaps in our intelligence collection are widening because of wrong-headed Obama policies (e.g., the decrease in interrogations of captured terrorists and the discouragement of focus by our intelligence analysts on jihadist ideology). ¶ Advocates have also been counterproductively guarded in explaining why they need a full dataset: namely (we can infer), so they can run algorithms against it, based on known terrorist communication patterns, and thus discover latent terrorist communications. If this were better understood, most Americans would no more object to the anonymous storage of their phone number's records (which cannot be further accessed without judicial supervision) than they do to the government's possession of phone books that list their names and

addresses (which are regularly accessed with no judicial supervision). Almost all of us would like to help the government identify and stop terrorists, especially if there is no risk to ourselves in doing so. The reluctance to talk openly about intelligence methods is understandable. Whatever the government tells the public it perforce tells the terrorists. But it's not like transcontinental jihadist networks have an option to cease communicating just because they know our government is watching. What does the NSA gain by preserving the secrets of its methodology if the cost is losing the program?

AT: Targeted Surveillance Turn

Metadata is necessary and targeted searches prevent the ability to identify networks and halt terrorist activities

Posner, 8. [Richard A., Judge, United States Court of Appeals for the Seventh Circuit; Senior Lecturer in Law, The University of Chicago. "Privacy, Surveillance, and Law," 75 University of Chicago Law Review 245, http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2808&context=journal_articles.

What is most notable about the amendments, as indeed of the Terrorist Surveillance Program to which they seem addressed, is their backing away from reliance on warrants to prevent abuses of electronic surveillance. The warrant is a poorly designed means for balancing the security and liberty interests involved in counterterrorist surveillance. It is true that instead of requiring probable cause to believe that the target of an interception is a terrorist, FISA could be amended to require merely reasonable suspicion. But even that would be too restrictive from the standpoint of effective counterterrorism; effective surveillance cannot be confined to suspected terrorists when the object is to discover who may be engaged in terrorism or ancillary activities. Further attenuation of FISA's standard for obtaining a warrant might be possible without running afoul of the Fourth Amendment. Conceivably the issuance of a warrant could be authorized on the basis of a showing that while the target was probably not a terrorist, national security required making assurance doubly sure by intercepting some of his electronic communications. A model might be the criterion for issuing a search warrant to the Canadian Security Intelligence Service, where a warrant can be issued on the basis of a factually supported "belief, on reasonable grounds, that [it] ... is required to enable the Service to investigate a threat to the security of Canada." 9 Such a criterion might pass muster under the Fourth Amendment, which requires probable cause for the issuance of a warrant but does not state what it is that there must be probable cause to believe. The Supreme Court has said that there must be probable cause to believe that the search will yield contraband or evidence of crime when the search is part of a criminal investigation." The Constitution binds the government more tightly when it is exerting its powers to convict people of crimes than in other areas of government activity. A search intended not to obtain evidence of crime but to obtain information about terrorism might, as under Canadian law, require only probable cause to believe that the search would yield such information. The lower the standard for getting a warrant, however, the more porous the filter that the requirement of a warrant creates, bearing in mind the ex parte character of a warrant proceeding. If all the application need state is that an interception might yield data having value as intelligence, judges would have no basis for refusing to issue the warrant. Alternatively, reliance on warrants could invite legislation to expand the reach of the criminal laws relating to terrorism in order to make it easier to establish probable cause to believe that a search will reveal evidence of a crime. That expansion could raise issues under the First Amendment, since the natural route for expanding criminal laws against terrorism is to criminalize extremist speech or even attendance at extremist (though peaceful) speeches and rallies, as activities that may be preparatory to or encouraging of terrorism. Warrants that satisfy FISA's standard as traditionally understood should continue to be required for all physical searches, because they are far greater intrusions on privacy than electronic interceptions, and for all electronic surveillance for which FISA's existing probable cause requirement can reasonably be satisfied (mainly cases in which the government wanted to intercept communications of a person who they had probable cause to believe was a terrorist). With these exceptions, civil libertarians' preoccupation with warrants is not only harmful to national security (and possibly to civil liberties if it induces legislation to expand the reach of the criminal law) but also anachronistic. The government's ready access to the vast databases that private and public entities compile for purposes unrelated to national security has enabled it to circumvent much of the protection of privacy that civil libertarians look to warrant requirements to secure. There are a number of possible measures, apart from requiring warrants, that Congress could adopt in order to minimize abuses of domestic surveillance. If all were adopted, the risk of such abuses would be slight. The temporary FISA amendments take tiny steps in this direction. Bolder steps would include the following: 1. Congress could create a steering committee for national security electronic surveillance, composed of the attorney general, the director of national intelligence, the secretary of homeland security, and a retired federal judge or justice appointed by the chief justice of the Supreme Court. The committee would monitor all such surveillance to assure compliance with the Constitution and federal statutes. The requirement in the temporary amendments that the attorney general and the director of national intelligence devise

procedures for a new warrantless surveillance program is one of the tiny steps to which I referred." The other, and legally dubious one, is requiring submission of the procedures for approval by the Foreign Intelligence Surveillance Court; that court becomes in effect the steering committee. 2. The NSA could be required to submit to the steering committee, to departmental inspectors general, to the Privacy and Civil Liberties Oversight Board (a White House agency created by the Intelligence Reform Act), to the congressional intelligence and judiciary committees, and to an independent watchdog agency of Congress modeled on the GAO every six months a list of the names and other identifying information of all persons whose communications had been intercepted in the previous six months without a warrant, with a brief statement of why these persons had been targeted. 3. The responsible officials of the NSA could be required to certify annually to the watchdog groups that there had been no violations of the statute during the preceding year. False certification would be punishable as perjury. But lawsuits challenging the legality of the Terrorist Surveillance Program should be precluded. Such lawsuits would distract officials from their important duties to no purpose if the kind of statute that I am suggesting were enacted. The statute should sunset after five years. 4. The use of intercepted information for any purpose other than investigating threats to national security would be forbidden. Information could not be used as evidence or leads in a prosecution for ordinary crime-this to alleviate concern that wild talk bound to be picked up by electronic surveillance would lead to criminal investigations unrelated to national security. Violations of this provision would be made felonies punishable by substantial prison sentences and heavy fines. But the punishments must not be made too severe lest they cause intelligence officers to steer so far clear of possible illegality that they fail to conduct effective surveillance. The risk of abuses is not great enough to justify savage penalties in order to deter them, because intelligence officers have no interest in assisting in the enforcement of criminal laws unrelated to national security. A neglected point is that violations of privacy and civil liberties tend to emanate from the White House and the top management level of executive branch agencies rather than from the working or middle-management levels. 5. To limit the scope of surveillance, "threats to national security" should be narrowly defined as threats involving a potential for mass deaths or catastrophic damage to property or to the economy. That would exclude, for the time being anyway, ecoterrorism, animal-rights terrorism, and other political violence that, though criminal, does not threaten catastrophic harm (yet). Congressional action is also needed to protect the phone companies that cooperated with the NSA's surveillance program from potentially immense liability for allegedly having violated federal law protecting the privacy of telephone records; a number of suits are pending. The intelligence system is enormously dependent on informal assistance from private companies in communications, banking, and other industries. At times such assistance is made a legal duty, as in the federal law requiring banks to report cash transactions of \$10,000 or more; and this is also a feature of the new amendments to FISA. Were it not for the threat of liability, which the amendments do not address, voluntary assistance would probably as in the past be all the government needed. But if voluntary assistance-even when tendered in a national emergency, as in the wake of the 9/11 terrorist attacks- places companies in legal jeopardy, such assistance will dry up. FISA needs to be amended not only to authorize more extensive domestic surveillance than its anachronistic terms permit but also to insulate from liability conduct that may have violated the Act or some other statute but that would be permitted under the amended regime. Until the temporary amendments were enacted, the type of approach that I am advocating (call it the "nonwarrant" approach) for regularizing domestic surveillance was getting little attention from Congress and the Bush Administration, possibly because the Administration wanted to retain a completely free hand and thought it could fend off the sort of restrictions that I have sketched. (It is remarkable how tepid the public reaction to the Terrorist Surveillance Program has been.) A related possibility is that the Administration's aggressive claims of presidential power prevented it from acknowledging the legitimacy of congressional controls over intelligence and hence of a legislative solution to the controversy over the program. Still another possibility was (and is) that because no one is in charge of domestic intelligence, authority over which is divided among the attorney general, the FBI director, the Department of Homeland Security, and the director of national intelligence (among others), no one is formulating a comprehensive legislative and public relations strategy for ending the controversy over the role of electronic surveillance in such intelligence. (At this writing, the only confirmed senior official in the Justice Department is the solicitor general.) And another possibility is the grip of our legalistic culture, which makes us think that the regulation of national security must be modeled on the regulation of criminal law enforcement. The temporary amendments suggest, however, that the logjam may be breaking, though one of the reasons, it appears, is that the Administration's decision to bring the Terrorist Surveillance Program under FISA resulted in a paper jam at the Foreign Intelligence Surveillance Court as the number of warrant applications soared. **We should be playing to our strengths, and one of the greatest of them is technology. We may not be able to prevail against terrorism with one hand tied behind our back. Critics of surveillance argue that since our enemies know that we monitor electronic communications,**

they will foil us by simply ceasing to use such communications. That is wrong. We know it is wrong because we do intercept terrorist communications. ²⁴ But if it were true that our monitoring caused the terrorists to abandon the telephone and the internet, that would be an enormous victory for counterterrorism, as it is extremely difficult to coordinate and execute a major terrorist attack if all communications among the plotters must be face to face to avoid detection. The greater danger is that encryption and other relatively cheap and simple countermeasures will defeat our surveillance. Opponents of efforts to amend FISA point out that the Foreign Intelligence Surveillance Court has almost never turned down an application for a warrant. In 2005, for example, although more than 2,000 applications were filed, not a single one was denied in whole or in part. ⁵ The inference the critics wish drawn is that FISA is not inhibiting surveillance. The correct inference is that the Justice Department is too conservative in seeking warrants. The analogy is to a person who has never missed a plane in his life because he contrives always to arrive at the airport eight hours before the scheduled departure time. The effect of our legalistic culture is to cause law enforcement agencies, notably the FBI, to avoid not only violating the law but also steering so close to the wind that they might be accused, albeit groundlessly, of violating the law or of being "insensitive" to values that inform the law, even when those values have not been enacted into law.

No replacement for Metadata

Sessions 15 [Jeff, U.S. Senator, May 20, "Why Should Terrorists Be Harder to Investigate than Routine Criminals?" <http://www.nationalreview.com/article/418675/why-should-terrorists-be-harder-investigate-routine-criminals-jeff-sessions>]

The 9/11 attacks exposed the dangerous wall separating the intelligence and law-enforcement communities. In response, Congress developed a number of tools to eliminate those barriers so that critical information could be timely and appropriately shared to address radical Islamic terrorism. Among them was Section 215 of the USA Patriot Act. In 2006, the National Security Agency transitioned the bulk telephone-metadata acquisition program authorized under the president's Terrorist Surveillance Program to the business-records court-order authority of Section 215. Since shortly after 9/11, this program has been helping to keep Americans safe by acquiring non-content call records, i.e., telephone numbers and the date, time, and duration of a call. This program has yielded invaluable intelligence that has helped prevent attacks and uncovered terrorist plots. Nevertheless, the Obama administration has built up unnecessary barriers that sacrifice the fragile operational efficiency of the program without actually accomplishing anything in terms of data security. Meanwhile, the threat level has only increased. On the heels of an ISIS-inspired attack in Texas, the administration has greatly increased security at military bases, airports, railroads, and other potential targets. Just this year, the FBI has so far arrested at least 30 Americans for planning ISIS-inspired attacks in the U.S. FBI director James Comey recently issued this chilling warning: The siren song sits in the pockets, on the mobile phones, of the people who are followers [of ISIS] on Twitter . . . It's almost as if there's a devil sitting on the shoulder, saying "Kill! Kill! Kill! Kill!" all day long. Most people would agree it should not be more difficult to investigate a terrorist plot than check fraud. As the National Academy of Sciences noted in its recent report, Section 215 of the Patriot Act simply "allow[s] the [Foreign Intelligence Surveillance Court] to require production of documents and other tangible things determined relevant to national security investigations, much like other courts do in criminal and grand jury investigations." But unlike in the criminal context, Section 215 is subject to extraordinary oversight by the Executive and Judicial branches, as well as minimization procedures to protect Americans' civil liberties. Moreover, information acquired under Section 215 can be accessed by only a limited number of trained intelligence professionals and only after the government has demonstrated to the court that there is a reasonable, articulable suspicion that a number or identifier is associated with a specific foreign-terrorist organization. Compare this with how a local district attorney can obtain the same type of information in a routine criminal case. He issues a grand-jury subpoena for phone records, which requires only a showing that the records are relevant to an investigation. The subpoena could require the production of much more detailed information than is acquired under Section 215, such as names and addresses of the callers. Indeed, the U.S. Drug Enforcement Agency and Internal Revenue Service can obtain telephone call records and bank records with an administrative subpoena without even a prosecutor's approval, much less approval by a judge. The Supreme Court has long held this process constitutional under the Fourth Amendment because such information is already in the hands of a third-party — the phone

companies — and therefore, a customer has no reasonable expectation of privacy in that information. But legislation known as the USA Freedom Act would prevent our intelligence officers from obtaining information in this manner at all. As former federal judge and attorney general Michael Mukasey said: The bill’s imposition of the warrant requirement on the NSA would be more burdensome than what any assistant U.S. attorney must do to get metadata in a routine criminal case, which is simply to aver that the information is needed in connection with a criminal investigation — period. The bill would also eliminate entirely the database through which the NSA is able to quickly access information to “connect the dots” in order to prevent terror attacks. This is significant because, as the National Academy of Sciences explained, in contrast to domestic law enforcement . . . the world of intelligence analysis has many fewer tools available for investigation. In hostile foreign environments, personal interviews and observations and records review are much more limited. Accordingly, the role of bulk data as a way to understand the significance of past events is important, and the loss of this tool becomes more serious. Instead, the USA Freedom Act relies on a nonexistent, untested system and the hope that private companies will agree to retain records long enough for the NSA to obtain data when it may be critical to preventing an imminent attack. But as the National Academy of Sciences noted, “there is no technological magic . . . that will fully substitute for bulk collection” and service providers “have no incentive to cooperate, even if paid; indeed, their customers may object to such cooperation.” Moreover, requiring the government to obtain a court order every time it seeks to search data held by private companies would significantly delay investigations, giving terrorists a substantial operational advantage. In short, the USA Freedom Act would make it vastly more difficult for the NSA to stop a terrorist than it is to stop a tax cheat. Why make it much harder to investigate terrorists than common criminals?

2NC Link – Perception

The plan is perceived as weakness – invites attacks

Daily Mail 15. “Head of CIA warns that US is at risk of lone wolf terror attack after NSA powers to monitor all phone calls expired – as Isis ‘watch carefully’ for security gaps,” 5-31-2015, <http://www.dailymail.co.uk/news/article-3105089/Senate-makes-ditch-bid-extend-NSA-s-bulk-collection-phone-records-Rand-Paul-swears-block-legislation-let-Patriot-Act-expire.html>.

The head of the CIA has warned that Americans are now at risk after the Senate was unable to extend laws giving authorities special powers to fight terrorists. ¶ Politicians in the upper house were unable to come to an agreement to extend key parts of the Patriot Act - that legalize controversial methods of surveillance by the National Security Agency (NSA) - which expired on Sunday. ¶ Attempts were frustrated by Presidential candidate Rand Paul, who has taken a firm stance against the extension of powers allowing the mass collection of phone records, wire taps and warrants without evidence. ¶ But the Head of the CIA John Brennan claims ordinary Americans, who expect the NSA to do their jobs, have been put at risk by 'political grandstanding and crusading for ideological causes' that fueled the debate. ¶ Speaking on CBS show Face The Nation, he warned that the US - and Europe - is now in danger from technologically 'sophisticated' terrorists who are watching developments carefully and 'looking for the seams to operate' within. ¶ He claimed that the authorities do not abuse the powers, extended in 2011 to help fight lone wolf terror suspects not connected to a specific group, and that without them, it's difficult for the NSA to protect America. ¶ Mr Brennan said: 'I think terrorist elements have **watched very carefully what has happened here** in the United States, whether or not it's disclosures of classified information or **whether it's changes in the law and policies. They are looking for the seams to operate within.** ¶ 'And this is something that we can't afford to do right now, because if you look at the horrific terrorist attacks and violence that is being perpetrated around the globe, we need to keep our country safe. And our oceans are not keeping us safe the way they did a century ago.' ¶ The Patriot Act was passed in 2001 in the wake of the 9/11 terror attacks. Now that the provisions have expired, government agents will need to subpoena phone companies for the records. ¶ The White House previously justified collecting the records because of the Patriot Act's Section 215, which expired on Sunday. ¶ Two other provisions, added in 2011, also expired with it. The first is a 'roving wiretap' provision which allows government agencies to keep tracking suspects as they switch devices. ¶ The second is a 'lone wolf' clause which allows warrants to be granted without any evidence linking a suspect to a foreign power or terrorist group. ¶ Political struggles over the NSA and its data collection have become a national issue since whistleblower Edward Snowden revealed the extent of government programs in 2013. ¶ The senate's efforts to pass a replacement bill were frustrated by Kentucky's junior senator Rand Paul, who has spoken at length against the NSA's activities, which he has excoriated as illegal and unconstitutional. ¶ Paul, a Republican who is running for president, came up against members of his own party, as well as the Obama administration. ¶ With his presidential campaign waning, he has been accused of irresponsible political opportunism by opponents, by fighting a bill on ideological grounds that may put ordinary people at risk. ¶ He was criticized by the White House Sunday night, which called the Patriot Act expiration an 'irresponsible lapse'. ¶ While Brennan didn't mention Paul by name, he said on Face The Nation: 'Unfortunately I think there is a little too much political grandstanding and crusading for ideological causes that have really fuelled the debate on this issue. ¶ He added: 'These are authorities that have been used by the government to make sure that we're able to safeguard Americans. And the sad irony is that most Americans expect the government to protect them. And so although there's a lot of debate that goes on, on the Congress and the Hill on this issue, I think, when you go out to Boise or Tampa or Louisville, Americans are expecting their law enforcement and homeland security and intelligence professionals to do their work. And these authorities are important.' ¶ Paul argued 'there must be another way' but even he agrees that the lapse in these powers are likely to be temporary as politicians work on the USA Freedom Act, which is expected to pass within the next week. ¶ Republican Senate Majority Leader Mitch McConnell called a rare Sunday session to try to pass the replacement law, but was unable to push it through in time. ¶ And although the replacement is set to pass this week, Paul said the expiration was 'a victory no matter how you look at it'. ¶ In a statement, he said: 'It might be short lived, but I hope that it provides a road for a robust debate, which will strengthen our intelligence community, while also respecting our Constitution. ¶ He added: 'The expiration of the NSA's sweeping, all-encompassing and ineffectual powers will not relinquish functions necessary for protecting national security. The expiration will instead do what we should have done all along - rely on the Constitution for these powers.' ¶ According to a top lawmaker, as of 8pm Sunday no NSA employee could access their enormous phone records database, which holds metadata on millions of phone conversations handed over by telecoms companies like Verizon and AT&T. ¶ Senate Intelligence Committee chairman Richard Burr said on Sunday: 'There is no way to get any type of agreement tonight -- either an extension or

passage of a bill. So at 8pm tonight, NSA employees can not query the database'. ¶ In a statement issued Sunday night, Obama's press secretary Josh Earnest, urged action to pass the USA Freedom Act as quickly as possible. ¶ He said: 'The Senate took an important - if late - step forward tonight. We call on the Senate to ensure this irresponsible lapse in authorities is as short-lived as possible. ¶ 'On a matter as critical as our national security, individual Senators must put aside their partisan motivations and act swiftly. The American people deserve nothing less.' ¶ Some lawmakers have said the lapse raises alarming questions about how US authorities can keep the homeland safe with a diminished security toolbox. ¶ 'I think it's very very unfortunate that we're in this position,' said Senator Mike Lee, a conservative Republican who supports the reform bill. ¶ 'We've known this date was coming for four years. Four years. And I think it's inexcusable that we adjourned' for a weeklong break last week without resolving the issue. ¶ Lee, too, conceded that the reform bill would most likely pass in the coming week. ¶ With the clock ticking, CIA chief John Brennan warned Sunday that allowing vital surveillance programs to lapse could increase terror threats, and argued that the phone metadata dragnet has not abused civil liberties and only serves to safeguard citizens. ¶ 'This is something that we can't afford to do right now,' Brennan said of allowing the counterterrorism provisions to expire. ¶ 'Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago,' he said on CBS talk show Face the Nation. ¶ Brennan added that online threats from groups like Isis would continue to grow over the next five to ten years. ¶ He said: 'Isis has been very sophisticated and adept at using the Internet to propagate its message and reach out to individuals. We see what is happening as far as thousands upon thousands of individuals, including many thousands from the West, that have traveled into Syria and Iraq. And a number of these individuals are traveling back.' ¶ 'And what we see, they're also using the Internet as a way to incite and encourage individuals to carry out acts of violence. ¶ 'So as the director of FBI says, you know, this use of these websites and their Internet capabilities is something of great concern. So yes, I think ISIS is a threat not just in the Middle East and South Asia and African regions but also to Europe as well as to the United States.'

2NC Link – Courts

Judicial deference is critical to effective counter-terrorism operations – secrecy and expertise

Posner 12 (Eric A. – Kirkland & Ellis Professor, University of Chicago Law School, “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER SEPTEMBER 11: CONGRESS, THE COURTS, AND THE OFFICE OF LEGAL COUNSEL”, 1/11, Harvard Journal of Law & Public Policy, <http://www.harvard-jlpp.com/wp-content/uploads/2012/01/PosnerFinal.pdf>)

The deference thesis states that during emergencies the legislature and judiciary should defer to the executive. 8 It assumes that the executive is controlled by the President, but to the extent that the President could be bound by agents within the executive, the deference thesis also holds that those agents should follow the President’s orders, not the other way around. In normal times, the three branches of government share power. For example, if the executive believes that a new, dangerous drug has become available, but possession of the drug is not yet illegal, the executive may not act on its own to detain and prosecute those who deal and use the drug. The legislature must first enact a statute that outlaws the drug. The executive also depends on the legislature for financial appropriations and other forms of support. The executive also faces constraints from the courts. If the executive arrests drug dealers and seeks to imprison them, it must first obtain the approval of courts. The courts ensure that the executive does not go beyond the bounds of the new law, does not violate earlier-enacted laws that have not been superseded by the new law, and does not violate the Constitution. In emergencies, the executive often will contemplate actions that do not have clear legislative authority and might be constitutionally dubious. For example, after September 11, the U.S. government engaged in immigration sweeps, detained people without charges, used coercive interrogation, and engaged in warrantless wiretapping of American citizens. 9 Many, if not all, of these actions would have been considered violations of the law and the U.S. Constitution if they had been undertaken against normal criminal suspects the day before the attacks. After September 11, both the legislature and the courts gave the executive some deference. The legislature gave explicit authorities to the executive that it had initially lacked; 10 the courts did not block actions that they would have blocked during normal times. 11 But neither body was entirely passive. Congress objected to coercive interrogation and did not give the executive all the authorities that it requested. 12 After a slow start, the courts also resisted some of the assertions the executive made. There is some dispute about whether this resistance was meaningful and caused the executive to change policy or merely reacted to the same stimuli that caused the executive to moderate certain policies independently. 13 In any event, no one disputes that the courts gave the executive a nearly free pass over at least the first five to seven years of the conflict with al Qaeda. The deference thesis, then, can be strong-form or weak-form. This ambiguity has had unfortunate consequences for debates about post-September 11 legal policies. Few people believe that the courts should impose exactly the same restrictions on the executive during an emergency as during normal times. Indeed, doctrine itself instructs courts to balance the security value of a course of action and its cost to civil liberties, implying that certain actions might be legally justified to counter high-stakes threats but not to counter low-stakes threats. 14 Nor does anyone believe that the executive should be completely unconstrained. The debate is best understood in the context of the U.S. government’s post-September 11 policies. Defenders of these policies frequently invoked the deference thesis—not so much as a way of justifying any particular policy, but as a way of insisting that the executive should be given the benefit of the doubt, at least in the short term. 15 The deference thesis rests on basic intuitions about institutional competence: that the executive can act more decisively and with greater secrecy than Congress or the courts because it is a hierarchical body and commands forces that are trained and experienced in countering security threats. The other branches lack expertise. Although they may have good ideas from time to time, and are free to volunteer them, the ability of the executive to respond to security threats would be unacceptably hampered if Congress and the courts had the power to block it to any significant degree. Secrecy is an important part of the argument. Policymaking depends on information, and information during emergencies often must be kept secret. Congress and the courts are by nature and tradition open bodies; if they were to act in secret, their value would be diminished. Meanwhile, the argument continues, the fear of an out-of-control executive who would engage in abuses unless it was constrained by the other branches is exaggerated. The President has strong electoral and other political incentives to act in

the public interest (at least, in the United States). Even if the executive can conceal various “inputs” into counterterrorism policy, it cannot conceal the “output”—the existence, or not, of terrorist attacks that kill civilians. Thus, it was possible for defenders of the Bush Administration’s counterterrorism policies to express discomfort with certain policy choices, while arguing nonetheless that Congress and the courts should not try to block executive policymaking or the duration of the emergency—at least not as a matter of presumption. Critics of the Bush Administration argued that deference was not warranted—or at least not more than a limited amount of deference was warranted, although again these subtleties often were lost in the debate—for a variety of reasons. I now turn to these arguments.

Surveillance programs are state secrets – case law proves

Bazze 12 (Tom – J.D., Georgetown University Law Center, 2011, “Shutting the Courthouse Doors: Invoking the State Secrets Privilege to Thwart Judicial Review in the Age of Terror”, 2012, 23 Geo. Mason U. Civ. Rts. L.J. 29, lexis)

A. No Harm, No Judicial Review: State Secrets and the Terrorist Surveillance Wiretapping Program Revelations in late 2005 and early 2006 about the TSP - a secret terrorist surveillance wiretapping program operated by the NSA without judicial supervision, ⁿ⁶⁶ whose existence the Bush Administration later confirmed ⁿ⁶⁷ - triggered numerous lawsuits against telecommunications providers for violations of subscribers’ constitutional and statutory rights. ⁿ⁶⁸ These lawsuits were not the first legal challenges to government wiretapping, nor were they the first time the government had invoked state secrets to thwart judicial inquiry of wiretapping challenges. ⁿ⁶⁹

Rather than revisit that history, this Article instead focuses only on post-9/11 circuit court decisions to consider the extent [^{*41}] to which courts have acquiesced to government assertions of the state secrets privilege. While circuit courts have tended to recognize state secrets claims in these cases, it is significant that many of these decisions actually reversed district court decisions that had rejected the state secrets claims. Perhaps the most thorough treatment of whether the state secrets privilege precludes judicial review of the terrorist surveillance program occurred in *Hepting v. AT&T Corp.*, where the plaintiffs argued that AT&T’s alleged warrantless wiretapping of its communications violated their First and Fourth Amendment rights. ⁿ⁷⁰ The Bush Administration intervened, moving for dismissal on state secrets grounds. ⁿ⁷¹ After reviewing the purportedly secret evidence in camera, ⁿ⁷² the District Court for the Northern District of California denied the government’s motion to dismiss, ruling that discovery should commence because the state secrets claim was inapplicable in light of the government’s repeated admissions about the existence of the program. ⁿ⁷³ The district court’s thoughtful opinion offers a framework for review of state secrets claims in the war-on-terror context.

The district court’s threshold inquiry in resolving the state secrets claim was determining whether the NSA surveillance program that gave rise to the suit actually qualified as a “secret.”

ⁿ⁷⁴ Because the government had disclosed the existence of the program and AT&T admitted to assisting the government in classified matters when asked, the court concluded that state secrets did not foreclose discovery. ⁿ⁷⁵ While the state secrets privilege did not support pre-discovery dismissal of the case, the court found that there was sufficient ambiguity about the extent of AT&T’s involvement in the program, and the contents of any communication records surveyed, so as to permit AT&T to not disclose the extent of its participation in the TSP. ⁿ⁷⁶ The court [^{*42}] made clear, however, that if information about AT&T’s role in supporting the TSP became public during the course of the litigation, the government could no longer invoke state secrets to resist disclosing this information. ⁿ⁷⁷

Surveillance information is classified as a state secret – the plan must circumvent the doctrine

Bazze 12 (Tom – J.D., Georgetown University Law Center, 2011, “Shutting the Courthouse Doors: Invoking the State Secrets Privilege to Thwart Judicial Review in the Age of Terror”, 2012, 23 Geo. Mason U. Civ. Rts. L.J. 29, lexis)

The war on terror has led to an increased use of the state secrets privilege by the Executive Branch - to dismiss legal challenges to widely publicized and controversial government actions - ostensibly aimed at protecting national security from terrorist threats. ⁿ¹ Faced with complaints that allege indiscriminate and warrantless surveillance, ⁿ² tortious detention, and torture that flouts domestic and international law, ⁿ³ courts have had to reconcile impassioned appeals for private justice with the government’s unyielding

insistence on protecting national security. Courts, almost unanimously, have cast their lot with national security, granting considerable deference to government assertions of the state secrets principle. This deference to state secrets shows no signs of abating; indeed, the growing trend is for courts to dismiss these legal challenges pre-discovery, n4 even before the private litigants have had the chance to present actual, non-secret evidence to meet their burden of proof. Although many looked optimistically at President Obama's inauguration as a chance to break decisively from the Bush Administration's aggressive application of the state secrets [*30] privilege, n5 the Obama Administration has largely disappointed on the state-secrets front, asserting the privilege with just as much fervor - if not as much regularity n6 - as its predecessor. n7

Courts are normally minimalist – the aff collapses executive independence – key to counter terrorism

Keynes 10 -- Professor of Political Science at Pennsylvania State University, University of Wisconsin Ph.D. (Edward, 2010, "Undeclared War: Twilight Zone of Constitutional Power," p. 83)

While the constitutional separation of powers does not preclude judicial review of war-powers controversies or require absolute deference to congressional and presidential judgment that the political-question doctrine sometimes suggests, the separation of powers provides a broad standard for judicial intervention in the vast, complex, and uncertain realm of foreign affairs. When the courts intervene in boundary disputes in order to protect an individual's constitutional rights or society's interest in constitutional government, they should not impair the performance of legislative or executive functions that are essential to protecting national-security interests.¹²⁶ Although the courts do not owe Congress or the President absolute deference in defining the boundaries of legislative and executive power, the principle of comity suggests that the judiciary should search for formulas that least restrict each branch in the performance of its functions, i.e., formulas that maximize each department's independence. As Robert Nagel recommends, when the courts challenge the exercise of legislative or executive power, they should pause to examine the effect of their decisions on the other department's operation. In cases that involve conflicting claims of power, the courts should first determine how broadly and deeply their decisions cut into another department's functions before marching into the political thicket.¹²⁶

****Impact****

2NC Impact Framing

Causes extinction – draws in Russia through miscalc

Barrett et al. 13—PhD in Engineering and Public Policy from Carnegie Mellon University, Fellow in the RAND Stanton Nuclear Security Fellows Program, and Director of Research at Global Catastrophic Risk Institute—AND Seth Baum, PhD in Geography from Pennsylvania State University, Research Scientist at the Blue Marble Space Institute of Science, and Executive Director of Global Catastrophic Risk Institute—AND Kelly Hostetler, BS in Political Science from Columbia and Research Assistant at Global Catastrophic Risk Institute (Anthony, 24 June 2013, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” *Science & Global Security: The Technical Basis for Arms Control, Disarmament, and Nonproliferation Initiatives*, Volume 21, Issue 2, Taylor & Francis)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have **globally catastrophic effects** such as severely **reducing food production** for years, ¹ potentially **leading to collapse of modern civilization worldwide, and even the extinction of humanity.** ² Nuclear war between the United States and Russia could occur by various routes, including **accidental** or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or **unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders.** In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack. ³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches. ⁴) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides' development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack. ⁵ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced. ⁶ **However**, it also has been argued that inadvertent nuclear war between the United States and Russia has continued to present a **substantial risk.** ⁷ While the United States and Russia are not actively threatening each other with war, they have **remained ready to launch nuclear missiles** in response to indications of attack. ⁸ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. ⁹ Second, **terrorist groups** or other actors might **cause attacks** on either the United States or Russia that **resemble some kind of nuclear attack by the other nation** by actions such as **exploding a stolen or improvised nuclear bomb**, ¹⁰ especially if such an event occurs during a crisis between the United States and Russia. ¹¹ A variety of nuclear terrorism scenarios are possible. ¹² Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States. ¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. ¹⁴ It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions, ¹⁵ with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks. ¹⁶

It's the only scenario – deterrence solves all their impacts

Gable 11 (William, US Army War College, "An Era of Persistent Conflict?,"

<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA560155>)

Exceptional individuals are key contributors to the turmoil the U.S. experienced in the last decade through the present, and their objectives could portend continued conflict. While the existence of these exceptional individuals alone does not necessarily assure conflict, the ideologies they espouse are underpinned by religion adding a **nondeterrable dimension** to their struggle. The actual or **perceived preponderance** of U.S. power will not diminish the likelihood of future attacks. In fact, such attacks will only serve to enhance these organizations' status and power, fueling every aspect of their operations from recruiting to financing operations. Consequently, threats from non-state actors will continue. Depending on the potential destruction inflicted by any terrorist attack, the attacker's sanctuary, and the threat posed to the aforementioned governments, the U.S. may be compelled to fight wars similar to the war in Afghanistan. Conflict with another state is possible, though **less likely**. Although the relative decline of U.S. economic power in relation to China appears to constitute a potential —window or threat to peace, both governments are aware of the **risks** and are **working to mitigate** them. Moreover, the U.S., China, and Russia represent **detractable nuclear powers**, states dissuaded from conflict with each other due to the potential costs of a nuclear exchange. Conflict between these states appears unlikely. However, existing theory suggests **problems with nondeterrable states** that are not responsive to punishment or are willing to take risks that prompt conflict. North Korea and Iran seem to fit this description. Their efforts to develop, acquire, and possibly proliferate nuclear weapons, combined with the potential threat posed by a **non-state actor** acquiring such weapons, form conditions that indicate a strong possibility of war. In particular, Iran's nuclear program presents a potentially ominous window. Should diplomacy, sanctions, and cyber attacks fail to sidetrack Iran's nuclear program, the U.S. will be presented with an ever-narrowing window to act with force to deny Iran this capability. This could result in conflict with Iran. While false optimism is a potent and pervasive cause of war, recent experience with war and the nature of these and likely future conflicts will diminish leaders support for initiating war. Similarly, the current economic conditions and concern over the national debt will dampen leaders' enthusiasm for wars. But existing theories that discuss these factors fail to consider the impact of non-state actors. Thus, **conflict is still possible despite them**. Overall, the combination of factors seems to indicate continuing conflict with nonstate actors and potential conflict with states over development and **proliferation** of nuclear weapons. These factors identify specific circumstances where U.S. involvement in war is likely, and represent the **primary drivers** for concluding that the current era will be one **of** persistent **conflict**. The U.S. government should use all of the elements of power to focus on these factors to prevent what history and theory suggest the inevitability of war.

Turns Human Rights

Terrorism turns civil liberties and human rights

Gorman 6 (Lindsey Gorman; “The Terrorist Threat: Its Impact on American Civil Liberties and Democracy”; Atlantic International Studies Organization; Volume 3, Spring 2006; <http://atlismta.org/online-journals/0607-journal-development-challenges/the-terrorist-threat/>)

Within the international system, terrorist attacks threaten the security of their target states.

Terrorism can be defined “as the threat or use of violence to spread fear to lead to political change.”^[1] However, state responses to terrorist threats differ according to its political system. For authoritarian regimes, the responses are virtually limitless. Appropriate responses become inherently more complex for a liberal democracy that guarantees its citizens a certain level of civil and human rights. **In fact, the strategy used by terrorists “is to force the liberal government to reveal its true, authoritarian nature...through restrictions on civil liberties as would be imposed in a crisis or state of siege.”**^[2] A paradox ensues, in which a state can clamp down on civil liberties and human rights in order to defeat and capture terrorists, ending the democratic regime. Alternatively, states that do not react in this manner ensure civil liberties are protected but leave their citizens vulnerable to security threats.^[3] As Michael Ignatieff points out, “A terrorist emergency is precisely a case where allowing individual liberty – to plan, to plot, to evade detection—may threaten a vital majority interest that is national security.”^[4] This is the “catch-22” of the liberal democratic state response to terrorism.

Turns Tech Leadership

Terrorism guts tech leadership and competitiveness

Koh 7 (Winston T.H., Professor of Economics and Associate Dean – Singapore Management University, “Terrorism and its Impact on Economic Growth and Technological Innovation”, Technological Forecasting and Social Change, 74(2), February, ScienceDirect)

3. Terrorism's impact on R&D and innovation

How will the war against global terrorism affect the trajectory of R&D and the pace of innovation? In the past, wartime tends to stimulate innovation of all kinds. Military conflict engenders innovation, and is changed by it [16]. During World War II, technologies that were developed include

the radar, jet engines, radio electronics and nuclear power. As a result, World War II turned out to be a different war compared with World War I; airpower, which played a minor role in World War I, played a decisive role in winning World War II for the Allies. Spurred by the current war on terrorism, innovations in intelligence gathering and decision support, sensors, monitoring are generating greater interest. Since the 9-11 attacks, there is an increase in demand for inspection technologies to screen individuals, packages, vehicles, and containers for weapons, explosives, chemical agents, and nuclear materials. There is also demand for advanced bomb resistant waste receptacles to increase public safety as well as a variety of fully confined containment containers for safely storing, transporting, or detonating detected contraband. 3.1. New technologies in the war on terrorism Clearly, the development of the homeland security industry going forward will be shaped by the changing attitudes and perception of people towards the threat of terrorism. In the United Kingdom, a pilot scheme was announced in 2004 to launch 10,000 identity cards on a volunteer basis, incorporating biometric features. In Singapore, all passports would eventually incorporate biometric features. By scanning personal characteristics such as fingerprints and iris features onto a computer chip that can only be read by a high-tech reader, these biometric passports make it difficult to forge documents to enter a country illegally. Many countries are also spending on technology to link the land, sea and air checkpoints electronically, thereby tightening the first-line defense against the entry of terrorist elements into their homeland. Looking into the future, new technologies that allow us to generate forward-looking intelligence would be critical in the war against terrorism. The greatest value of intelligence is to anticipate terrorist actions and to translate that information into an effective response. Improvements in technology will provide us with improved computer-based data fusion capabilities, modeling and simulation to better understand possible scenarios and responses. Advanced language translation software will be developed to better track terrorist communication as a source of intelligence. Besides intelligence, detection is another area which would spur innovations in the fight against terrorism. The future of sensors lies in biomimetics—biological and chemical sensors. For instance, technologies that are being developed include those that mimic the sniffing capabilities of a dog or the heat-seeking abilities of a viper to detect concealed bombs or weapons. In addition, technologies that allow for more accurate and timely detection of viral and bacterial pathogens will drive advancements in sensors—with the ultimate goal of combining chemical and biological threat detection into a suite of sensors. Sensors of the future will be deployed by highly mobile, reliable and affordable robotics. 3.2. Competition for R&D talents and resources Between the end of World War II and the current war on terrorism, the principal focus of technological innovation was the commercial markets. For instance, in the late 1960s, computer technology was being applied to offices as well as the manufacturing shopfloor. In the 1970s, the market for handheld calculators, electronic watches and clocks was driving development in the semiconductor technology. By the 1990s, it was the Internet, the cell phone, the DVD player, the PDA, and the personal computer and other commercial and consumer items that governed developments. Besides military usage, global positioning satellite systems were sold to consumers for hunting expeditions or for mapping or keeping track of the fleet of trucks for shipping and courier

companies. While the war on terrorism may spur innovation, as was the case during the Second World War, there could be an opposite effect. There are concerns that the war on terrorism may draw talented engineers and scientists to work on terrorism-related initiatives, and draw a high proportion of the research talent away from the industrial sector to work on what are essentially non-economic projects. It

was suggested that the huge scientific effort in the 1960s to put a man on the moon during the Cold War of the 1960s was one of the contributing causes to the decline in US competitiveness in the 1970s and 1980s, relative to Japan and other European countries. Moreover, when the Cold War was in full bloom, advanced fighter planes, better radar systems, smarter tanks and artillery were all in development in addition to the race to space. The United States was beaten in launching first orbiting satellite, but they were not going to lose the race to the moon. Some commentators have argued that the civilian spin offs of the space exploration were in fact quite modest, and in any event vastly less than those that would have been generated if the people involved had been working in private industry.

Except for products aimed at the consumer electronics market—principally television—virtually all new products were produced with the military and aerospace industry customer in mind. Moreover, performing standards were set to meet the demanding requirements of these military and aerospace customers. It is feared that the current war on terrorism may result in similar effects on the United States global economy. Even if there is no crowding out effect on private sector R&D, several effects on the rate and scope of technological innovation can be discerned as attention has focused on the fight against terrorism.

Firstly, the development of some types of technologies will be stimulated, or greatly speeded up as resources are invested [17]. As we discussed earlier in this section, the obvious examples are those related to surveillance, satellite imaging, security recognition systems, interception of radio and telephone signals, disaster recovery, etc. However, there is some concern although there is some commercialization potential in the technologies that are being developed in the wake of the 9-11 attacks, the spin off effect into the civilian economy may turn out to be not as much. There will be some civilian uses for these technologies (better security systems in large office buildings, and improved satellite imaging for oil exploration, for example) but much of the new technology will be highly specialized, and in any event may be kept secret to avoid tipping off potential adversaries. 3.3. Government funding of venture capital Another interesting effect of the war on terrorism is that governments are working more closely with venture capitalists since the late 1990s. A good example of such collaboration was the establishment by the CIA of In-Q-Tel in 1999 [18]. This small US\$30 million fund operates in the Silicon Valley to co-invest with other venture partners in technologies (particularly information technologies) that have potential application to governmental projects, particularly in the area of intelligence. The fund will not be an exclusive founder of a startup but will seek to make the companies in which it is invested aware of markets for their products and technology that are parallel to their commercial applications. In other countries, such as Singapore, government recognizes the need to develop new technologies systems that respond to terrorist threats and is taking the lead to set up venture capital funding for technologies have applications to the war on terrorism. Many countries have set up similar government-funded venture funds that offer early-stage venture capital funding and introductions to capabilities that will serve to address terrorist activities. 4. The future What does the future hold?

Attacks on an even broader scale than the 9-11 attacks may occur. For instance, the risk of a nuclear device bearing explosive force of 20 000 tons of TNT denoting over Manhattan is real. Such a device would destroy everything within three

square miles (see Stern [19]). The whole Wall Street and financial district would be destroyed and hundreds of thousands of lives would be lost. It would leave most of the metropolitan area uninhabitable for years, and would reduce the country's production potential substantially, with the brunt borne by the financial industry, which represents the bulk of New York City's economy. Wall Street would be closed for a long period of time and the recovery of financial transactions would depend on the availability of back-up facilities and data duplication. There would be severe disruption to the transportation system, including the port and airports. It is not only New York that faces such a threat. Other financial centers such as London, Tokyo, and Singapore are potential targets as well. Another possible scenario is that terrorists could attempt to explode a nuclear device or release contagious viruses in a populous metropolitan area [19]. In fact, within weeks of the 9-11 attacks, lethal anthrax spores were found to have contaminated mail in the United States. There are also concerns that terrorists could use the SARS virus, avian flu virus, and even the eradicated smallpox virus for future biological terrorist acts. In light of these potential future scenarios, technology will play a far greater role in preventing future terrorist acts. On balance, the development of a number of technologies relating to surveillance and related areas will be speeded up. However, as we noted in the paper, there is also the risk that the diversion of resources to develop anti-terror technologies may slow down innovation in society as a whole, by drawing talented people from more economically productive areas, by crowding out investment dollars, and by creating a climate of intolerance that will impede innovation. That, in turn, may well play a role in reducing economic growth in the long term.

Turns Economy

Large-scale terror attack collapses the U.S. and global economies

Rogoff 4 (Kenneth, Professor of Economics and Public Policy – Harvard University, “The Cost of Living Dangerously: Can the Global Economy Absorb the Expenses of Fighting Terrorism?; Argument”, Foreign Policy, 11-1, Lexis)

As this article is being written, the threat of a horrific pre-election terrorist assault against the United States has yet to materialize. Unfortunately, the news this summer that al Qaeda operatives have painstakingly targeted major U.S. and international financial institutions only underscores the likelihood of more attacks. Politicians, economists, and ordinary citizens rightfully worry that terrorism--beyond the tragic human costs--could derail economic growth in the United States and around the world. What also worries me, however, is the potential economic impact of antiterrorism efforts. Forget the long lines at airports. The global economy has become so dependent on the free flow of goods and people across borders that even a little additional security can have a greater impact than most might think. Consider, for example, the likely consequence of enhanced security at shipping ports worldwide to monitor for biological or nuclear weapons material, a precaution many experts consider inevitable. Currently, only about 2 percent of all cargo reaching U.S. shores is subject to inspection. The July 2004 report of the U.S. 9/11 Commission noted that, until better technologies become available, authorities should improve methods of "identifying and tracking the high-risk containers, operators, and facilities that require added scrutiny." But what if such added scrutiny means that the level of cargo inspected jumps to, say, 50 percent? Today's slowest customs lines--in countries such as Japan that already use port delays as veiled forms of trade protectionism--would start to seem like express lanes, and the costs of many consumer goods would skyrocket. Worse yet, as trade in goods and the flow of people slows, so too will the breathless pace of product innovation that many individuals now take for granted. Any abatement of the competitive pressures of globalization or any reduction in the free movement of people and ideas would surely undercut growth--not to mention raise prices sharply at your local Wal-Mart. Think about what is happening already. Despite introducing relatively limited antiterrorist restrictions thus far, the United States will likely register slower economic growth in a few years due to post-9/11 visa restrictions alone. Few Americans appreciate the extent to which scientists, engineers, and businesspeople from other countries contribute to U.S. economic growth. Historically, the United States has attracted legions of enterprising foreign-born workers; today about 2.5 million foreigners with advanced degrees work in the United States, and many hold leading positions in science and industry and serve as key transnational links for the increasingly globalized U.S. economy. More than 30 percent of all Ph.D. recipients in U.S. science and mathematics programs are foreigners on student visas. In engineering, almost half of all graduates have come to the United States on foreign visas; many of them stay in the country upon completing their degrees. The U.S. economy grows in no small part by skimming the cream off the rest of the world's workforce. Unfortunately, U.S. companies today often shy away from hiring U.S.-educated foreigners. The price tag on the visa application process has soared, and companies never know if and when work permits will be approved or precisely when a new foreign employee can come on board. And yes, workers from Muslim countries are particularly hard hit, but the difficulties have worsened for everyone. Even obtaining visas to attend academic or policy conferences in the United States is now an ordeal. Little surprise that international applications to U.S. graduate programs have declined by roughly a third in the last year. Added security won't come cheap, either, and raising the necessary taxes will prove painful, especially with the United States and Europe facing the costs of aging populations and shrinking workforces. The United States estimates its 2005 homeland security budget at about \$40 billion, a sum that could easily double in a few years. But these direct costs of increased security reveal only a limited picture. Perhaps the greatest danger is that increased security will distort and accentuate government taxation and regulation. Orwellian 1984 scenarios aside, suppose governments were able to keep much closer tabs on citizens? Just like individuals, economies need a bit of privacy to function efficiently. Idiomatic government rules and regulations abound, and citizens must have ways to evade the worse of them. The reason why roughly one fifth of Italy's economy is "underground" is not just high tax rates or the Sicilian Mafia. The real explanation is more prosaic: Ordinary people need to hire painters, plumbers, and carpenters to fix their houses, or nannies to care for their children, without wasting endless hours tangled in red tape. Germany--hardly famous for its mafia--has an underground economy approaching one sixth of its national income. More severe security measures are probably necessary and inevitable, even from a narrow economic perspective. Another atrocity on the scale of September 11 would wreak havoc on energy prices, stock markets, and consumer confidence, slamming the brakes on today's global economic recovery. But just like other desirable government initiatives (such as environmental regulations or workplace safety laws), antiterrorism measures can work at far less cost when they are flexible and market-friendly. For example, just as some countries provide fast-track airport security lines to high-paying business travelers, shipper sought to be able to pay higher fees to move more quickly to the head of the customs queue. Similarly, higher fees should help accelerate visa applications. No doubt, such measures may offend some people's sense of egalitarianism, but these policies and others like them are essential. The benefits of today's interconnected market economies won't survive under a vast and inflexible command-and-control security arrangement.

Turns Court Advantages

Terror turns the Court advantage – causes judicial conservatism and deference to political branches

Epstein 5 (Lee Epstein et. al., law at Washington University, April 2005 (80 N.Y.U.L. Rev. 1, lexis)

In addition, because concerns over institutional legitimacy are constant, the Court must follow precedent established during wartime even after the crisis dissipates. If it does not, it once again may risk undermining its fundamental efficacy. That is so for several reasons, not the least of which is that members of legal and political communities base their future expectations on the belief that others will follow existing rules. Should the Court make a radical change in those rules, the communities may be unable to adapt, resulting in a decision that does not produce a (new) efficacious rule. If a sufficient number of such decisions accumulate over time, the Court will undermine its legitimacy. Hence, the norm of stare decisis can constrain the decisions of all justices, even those who do not believe they should be constrained by past decisions or who dislike extant legal principles.¹³³ From this logic, advocates of the crisis thesis assert that one of two possibilities relating to precedent established during wartime results: (a) “statist ratchets,” sometimes termed “lingering effects,”¹³⁴ or (b) “dosages.”¹³⁵ The first seems to follow from Justice Jackson’s dissent in *Korematsu*, which warns that: [o]nce a judicial opinion rationalizes [a government] order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, **the Court for all time has validated [a] principle** . . . [that] then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes.¹³⁶ In other words, once justices articulate doctrine “accommodating” the crisis, that doctrine “become[s] entrenched over time and thus normalized and made routine.”¹³⁷ Future justices will stick to it, regardless of whether a war is ongoing and regardless of whether they agree with it. This follows from the norm of stare decisis and its role in helping the Court to establish and maintain its legitimacy. Dosages too flow from the norm but take a slightly different form. The idea here—in direct contradistinction to “libertarian ratchets”—is that with every passing war or other international crisis, **the government responds with ever-increasing “dosages” necessary to fend off the threat**. Or, as Gross puts it: What might have been seen as sufficient ‘emergency’ measures in the past (judged against the ordinary situation) **may not be deemed enough for further crises as they arise**. Much like the need to gradually increase the dosage of a heavily used medication in order to experience the same level of relief, so too with respect to emergency powers . . .¹³⁸ **Given the extreme deference the Court must show to the government to retain its legitimacy, it will approve of its ever-extreme measures** and thereby generate even more extreme doctrine that future Courts must follow.

Turns Internet

Large scale terror causes sealed borders and hyper-nationalization – turns their Internet advantage

Ignatieff 4 (Michael, Professor of Human Rights – Harvard University, *The Lesser Evil: Political Ethics in an Age of Terror*, p. 153-154)

It is a commonplace of presidential and prime ministerial rhetoric to insist that their democracies cannot lose in a war on terror. My own analysis thus far has confirmed that no democracy has ever been toppled by a terrorist campaign, unless other factors, like economic collapse or military defeat, were present too. But faced with terrorism that deploys weapons of mass destruction, we cannot be as certain that the historical pattern, argued for in this book, would prevail in the future. In other words, we could lose. What would defeat look like? It would not be like invasion, conquest, or occupation, of course, but rather would entail the disintegration of our institutions and way of life. **A succession of mass casualty attacks, using weapons of mass destruction, would leave behind zones of devastation sealed off for years and a pall of mourning, anger, and fear hanging over our public and private lives.** Such attacks would destroy the existential security on which democracy depends. Recurrent attacks with weapons of mass destruction might not just kill hundreds of thousands of people. **We might find ourselves living with a national security state on permanent alert, with sealed borders, constant identity checks, and permanent detention camps for suspicious aliens** and recalcitrant citizens. **A successful attack would poison the wellsprings of trust among strangers that make the relative liberty of liberal democracy possible.** Our police forces might descend to torturing suspects in order to prevent future attacks, and our secret security forces might engage in direct assassination of perpetrators or mere suspects as well. Our military might itself use weapons of mass destruction against terrorist enemies. If our institutions were unable to stop the attacks, the state's monopoly of force might even break down, as citizens took the law into their own hands seeking to defend themselves against would-be perpetrators. Vigilantes would patrol blighted and deserted streets. This is what the face of defeat might look like. We would survive, but we would no longer recognize ourselves or our institutions. We would exist but lose our identity as free people.

Nuke Terror Causes Extinction

Nuclear terrorism causes extinction – retaliations draws in great powers

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

A Catalytic Response: Dragging in the Major Nuclear Powers

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important ... some indication of where the nuclear material came from.”⁴¹ Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist

group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abettors of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the "Chechen insurgents' ... long-standing interest in all things nuclear."⁴² American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide.

Nuclear terrorism risks extinction --- the threat of an attack is significant.

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, "Risk Analysis of Nuclear Deterrence" SPRING 2008 THE BENT OF TAU BETA PI, <http://www.nuclearrisk.org/paper.pdf>)

The threat of nuclear terrorism looms much larger in the public's mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: "A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever." [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, "We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% A nuclear terrorism attack is a low-probability event, but we can't live in a world where it's anything but extremely low-probability." [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the "probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years," with 79 percent of the respondents believing "it more likely to be carried out by terrorists" than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society's almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cost of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.³ This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II's fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapolation of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Congress, General Douglas MacArthur, stated, "Global war has become a Frankenstein to destroy both sides. ... If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide." Former Secretary of Defense Robert McNamara expressed a similar view: "If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed" [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn⁴ echoed those concerns when they quoted President Reagan's belief that nuclear weapons were "totally

irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: **“The resulting deaths would be far beyond any precedent.** Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) ... a change in targeting could kill somewhere between 20 million and 30 million additional people on each side These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care ... millions of people might starve or freeze during the following winter, but it is not possible to estimate how many. ... further millions ... might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that assumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous **nuclear explosions** and their resultant firestorms **could usher in a nuclear winter that might erase homo sapiens from the face of the earth**, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that **even a limited nuclear exchange** or one between newer nuclear-weapon states, such as India and Pakistan, **could have devastating long-lasting climatic consequences** due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engineering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that **preventing World War III is a necessity—not an option.**

Extinction---equivalent to full-scale nuclear war – prefer our ev because it cites models and experts

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

To an increasing extent, **people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals.** At the same time, **advanced technology has designed nuclear explosives of such small size they can be easily transported in a car,** small plane or boat **to the heart of a city.** We demonstrate here that **a single detonation in the 15 kiloton range can produce urban fatalities approaching one million** in some cases, **and casualties exceeding one million.** Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, **even a single surface nuclear explosion,** or an air burst in rainy conditions, **in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades** owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, **the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences.** Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and **terrorists would be most likely to strike there.** Accordingly, an organized **attack on the U.S. by a small nuclear state, or terrorists** supported by such a state, **could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict.**

Remarkably, the **estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations** (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

AT: No Nuclear Terrorism

Risk of nuclear terrorism is real and high now

Bunn 13 (Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University's Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University's Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University's Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from 1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998., 10/2/2013, "Steps to Prevent Nuclear Terrorism: Recommendations Based on the U.S.-Russia Joint Threat Assessment", http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html)

I. Introduction In 2011, Harvard's Belfer Center for Science and International Affairs and the Russian Academy of Sciences' Institute for U.S. and Canadian Studies published "The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism." The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world's two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 "U.S. - Russia Joint Threat Assessment" offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. "The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism" (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam; by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb

Nuclear terrorism is extremely probable – nuclear scientist coop and unsecure sites

Jaspal 12 (Zafar Nawaz Associate Professor at the School of Politics and International Relations, Quaid-i-Azam University, Islamabad, Pakistan 12, citing: The Fissile Material Working Group, the International Atomic Energy Agency (IAEA), the United Nations Security Council (UNSC), “Nuclear/Radiological Terrorism: Myth or Reality?”, Journal of Political Studies, Vol. 19, Issue - 1, 2012, 91:111)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dual-use nuclear technology, **ignoring nuclear terrorism threat is an imprudent policy choice.** The incapability of terrorist organizations to engineer fissile material does not eliminate completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth. Farsighted rationality obligates that one should not miscalculate transnational terrorist groups – whose behavior suggests that they have a death wish – of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs (Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18). Numerous evidences confirm that terrorist groups had aspired to acquire fissile material for their terrorist acts. Late Osama bin Laden, the founder of al Qaeda stated that acquiring nuclear weapons was a “religious duty” (Yusufzai, 1999, January 11). The IAEA also reported that “al-Qaeda was actively seeking an atomic bomb.” Jamal Ahmad al-Fadl, a dissenter of Al Qaeda, in his trial testimony had “revealed his extensive but unsuccessful efforts to acquire enriched uranium for al-Qaeda” (Allison, 2010, January: 11). On November 9, 2001, Osama bin Laden claimed that “we have chemical and nuclear weapons as a deterrent and if America used them against us we reserve the right to use them (Mir, 2001, November 10).” On May 28, 2010, Sultan Bashiruddin Mahmood, a Pakistani nuclear scientist confessed that he met Osama bin Laden. He claimed that “I met Osama bin Laden before 9/11 not to give him nuclear know-how, but to seek funds for establishing a technical college in Kabul (Syed, 2010, May 29).” He was arrested in 2003 and after extensive interrogation by American and Pakistani intelligence agencies he was released (Syed, 2010, May 29). Agreed, Mr. **Mahmood did not share nuclear know-how with Al Qaeda, but his meeting with Osama establishes the fact that the terrorist organization was in contact with nuclear scientists. Second, the terrorist group has sympathizers in the nuclear scientific bureaucracies.** It also authenticates bin Laden’s Deputy Ayman Zawahiri’s claim which he made in December 2001: “If you have \$30 million, go to the black market in the central Asia, contact any disgruntled Soviet scientist and a lot of dozens of smart briefcase bombs are available (Allison, 2010, January: 2).” The covert meetings between nuclear scientists and al Qaeda members could not be interpreted as idle threats and thereby the threat of nuclear/radiological terrorism is real. The 33Defense Secretary Robert Gates admitted in 2008 that “what keeps every senior government leader awake at night is the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear (Mueller, 2011, August 2).” Indeed, the nuclear deterrence strategy cannot deter the transnational terrorist syndicate from nuclear/radiological terrorist attacks. Daniel Whiteneck pointed out: “Evidence suggests, for example, that al Qaeda might not only use WMD simply to demonstrate the magnitude of its capability but that it might actually welcome the escalation of a strong U.S. response, especially if it included catalytic effects on governments and societies in the Muslim world. An adversary that prefers escalation regardless of the consequences cannot be deterred” (Whiteneck, 2005, Summer: 187) Since taking office, President Obama has been reiterating that “nuclear weapons represent the ‘gravest threat’ to United States and international security.” While realizing that the US could not prevent nuclear/radiological terrorist attacks singlehandedly, he launched 47th international campaign to convince the international community about the increasing threat of nuclear/ radiological terrorism. He stated on April 5, 2009: “Black market trade in nuclear secrets and nuclear materials abound. **The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one.** Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold (Remarks by President Barack Obama, 2009, April 5).” He added: “One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe” (Remarks by President Barack Obama, 2009, April 5). In July 2009, at the G-8 Summit, President Obama announced the convening of a Nuclear Security Summit in 2010 to deliberate on the mechanism to “secure nuclear materials, combat nuclear smuggling, and prevent nuclear terrorism” (Luongo, 2009, November 10). President Obama’s nuclear/radiological threat perceptions were also accentuated by the United Nations Security Council (UNSC) Resolution 1887 (2009). The UNSC expressed its

grave concern regarding 'the threat of nuclear terrorism.' It also recognized the need for all States "to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists."

The UNSC Resolution called "for universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism." (UNSC Resolution, 2009) The United States Nuclear Posture Review (NPR) document revealed on April 6, 2010 declared that "terrorism and proliferation are far greater threats to the United States and international stability." (Security of Defence, 2010, April 6: i). The United States declared that it reserved the right to "hold fully accountable" any state or group "that supports or enables terrorist efforts to obtain or use weapons of mass destruction, whether by facilitating,

financing, or providing expertise or safe haven for such efforts (Nuclear Posture Review Report, 2010, April: 12)". This declaration underscores the possibility that terrorist groups could acquire fissile material from the rogue states.

Nuclear terrorism is likely - al Qaeda is opportunistic and has WMD ambitions

Hoffman 13 (February 19, Bruce, Director of the Center for Security Studies and Director of the Security Studies Program at Georgetown, "Interview with Bruce Hoffman on today's Global Terrorism Threat" interview by Bilal Y. Saab, Arms Control and Regional Security for the Middle East, <http://www.middleeast-armscontrol.com/2013/02/19/interview-with-bruce-hoffman-on-todays-global-terrorism-threat/>)

1- Many scholars, analysts, and government officials have viewed the Al Qaeda threat to U.S. interests as waning after the killing and capture of several terrorist leaders including Al Qaeda chief Osama bin Laden. How do you assess the threat today in light of the historic changes in the Middle East? Is it the same? Worse? It is dynamic. What we have seen is the decline of Core al Qaeda, but the rise of al Qaeda-ism. In other words, even while Core al Qaeda has suffered since bin Laden's killing, its ideology and brand have clearly prospered. Today, al Qaeda's affiliates and associates are present in more places than al Qaeda was ten years ago. And, as the French intervention in Northern Mali has again shown: once al Qaeda entrenches itself, Western intervention is invariably required to remove it. In sum, the historic changes in the Middle East and North Africa of the past two years have created new opportunities for the spread of al Qaeda-ism and, potentially, the resurrection of the threat that al Qaeda poses. In this respect, no al Qaeda affiliate or associate has ever remained completely local: all have eventually become regional players and have internationalized in one respect or another—whether by recruiting Westerners (including Americans) into its ranks or aspiring to attack beyond its local and even regional confines. 2- State capacity, specifically in the domain of counterterrorism, has always been a problem in the Middle East and other under-developed regions around the world. As nonproliferation analysts, we are interested in studying the capacity of Middle Eastern states to implement various measures related to WMD counterproliferation, and particularly United Nations Security Council Resolution 1540, which calls for the prevention of the spread of WMD to non-state actors. Do you see progress in that area or have Middle Eastern states lagged even farther behind given the unrest in the region? What can the United States realistically do to bolster the capabilities of states in the region? Iran's continued development of a nuclear capability clearly shows the limits of international counterproliferation efforts in the region. As if that were not bad enough, the threat of Syria's chemical and biological weapons stockpiles falling into the hands of both radical Sunni as well as Shi'a terrorists (mainly, respectively al Qaeda and Hezbollah) is fundamentally alarming. 3- With Syria burning and Al Qaeda elements actively involved in the fight, is the threat of the terrorist organization capturing chemical weapons and other WMD material overblown or very real? Is this the closest example we have in Al Qaeda's history of the organization possibly acquiring WMD? What about any episodes of the jihadists' history in Pakistan? Yes, this is a real and extremely serious threat. Al Qaeda sees Syria generally and its unconventional weapons stockpiles in particular as offering the best chance for it to revive its waning fortunes and once again become as threatening and consequential as it appeared in the aftermath of the September 11th 2001 attacks. Indeed, I would argue that al Qaeda has pinned its faith and hopes to the demise of the Assad regime and, in turn, its acquisition of deadly weapons from that country's vast unconventional weapons arsenal. 4- There seems to be some confusion in the media about the dangers of failed states versus weak states. Which ones are worse in your judgment as far as terrorism formation and which ones are more likely to produce long-term terrorist threats? Can you please give us a brief comparison of the two with some real examples? A failed state is Somalia (or, more accurately, was Somalia). A weak state is Libya, for example, and a failing state is Syria. They all pose dangers of varying kinds and degrees. Failed states have neither the will nor the capacity to police their borders, maintain law and order internally, and fulfill even the most basic requirements of governance. They are generally incapable of receiving international assistance in support. Weak states may perhaps have the will, but not the capacity to discharge these same functions but are often amenable to international assistance and support. Failing states are the most dangerous categories because their only concern is holding onto power at whatever the cost. To survive they must by definition go rogue. Hopefully, as in Libya, the tide of history sweeps along the forces of revolution and reform, who can relatively quickly subdue the existing authorities and begin to establish a new order. Syria, with the external involvement of Iran and Hezbollah, and its stockpiles of chemical and biological weapons and vast conventional arsenal—on a scale that certainly eclipses Libya and likely surpasses Saddam's Iraq—presents perhaps the ultimate nightmare scenario. 5- Overall and in your opinion, are we witnessing a

resurgence of Al Qaeda in the Middle East and North Africa? It seems that every time we pronounce the organization dead it comes back with a vengeance. Is it more about its own capabilities or simply the result of the crisis conditions that have swept the Middle East since the Arab uprisings began? Or is it both? Yes, we are witnessing a resurgence of the al Qaeda ideology and brand across the Middle East and North Africa. It is of course limited to a small number of fanatics but that in essence is the appeal of terrorism: you don't need divisions or brigades to have an impact or arguably even to change the course of history. Rather, a handful of persons can fundamentally do so if they are sufficiently disciplined and able to perpetrate even only one or two dramatic, significant, jarring acts of violence. That is the age-old conceit of terrorists and their driving motivation. What concerns me is that the threat of terrorism seems to have increased rather than diminished in the Maghreb and Levant in particular over the past two years and appears to be growing elsewhere as well. It is nascent today—but far more serious and salient than it was even a year ago. I shudder to think to what extent it may have grown by next year. Both in answer to the second question. Al Qaeda has always been as opportunistic as it is instrumental. That is, capable of taking advantage of whatever available opportunities for intervening in local conflicts and engaging in terrorism. Across the Middle East and North Africa the movement has demonstrated its ability repeatedly to seize and exploit opportunities either to re-entrench or establish itself in a variety of long-favored or new venues, to capitalize on the instability and uncertainty in the region's countries, and create local toe-holds that it hopes to transform into regional foot-holds. Whether it will fail or be successful is the most pressing question today. How the US, the West, and regional governments react will determine the outcome.

2NC Impact – Bioterror

Bioterror causes extinction

Mhyrvold 13 (Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton “Strategic Terrorism: A Call to Action,” Working Draft, The Lawfare Research Paper Series Research paper NO . 2 – 2013)

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.^{10, 11} Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller’s variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.^{12, 13} Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I’ve asked this question of experts many times, and no one has yet replied that such a manipulation couldn’t be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.¹⁴ Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV, which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS, which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.¹⁵ A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV. It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction.

Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.¹⁶ When I've talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

Their defense doesn't assume lone wolves and dual tech

Ellis 14 [Patrick D., WMD/Homeland Security Analyst and Instructor at the U.S. Air Force Counterproliferation Center, Air University, ["Lone Wolf Terrorism and Weapons of Mass Destruction: An Examination of Capabilities and Countermeasures," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

Today, the specters of lone wolves and autonomous cells acquiring and using chemical, biological, radiological, and nuclear (CBRN) weapons of mass destruction, whether in their traditional military forms or the more non-traditional industrial forms, seems less far-fetched. Fortunately, military CBRN agents and weapons are not normally accessible to lone wolves or autonomous cells and are often located in highly secured areas. Therefore, lone wolves and autonomous cells may be drawn to materials similar to CBRN located in less secure areas. These commonplace industrial chemicals, biological contaminants, and radioactive materials could be used to cause disruptions or mass casualties. The dual use nature of these materials and technologies enables them to be turned into weapons and delivered by nonmilitary means. Future "over-the-horizon" threats, such as the proliferation of new biotechnologies and amateur do-it-yourself capabilities, pose a risk that lone wolves could develop weapons at a time when travel, access to knowledge, and dual-use technologies, in the globalizing environment, make lone wolf terrorists more dangerous. Thus, the author explores existing countermeasures, such as laws, strategies, passive and active measures designed to stop these dangerous threats. In particular, capabilities to prevent, protect, respond, and recover from CBRN terrorist acts are examined.

2NC Impact – Lone Wolf

Dispersion of technology enables lone wolf terrorists to access WMD.

Ackerman and Pinson 14 [Gary A. ,Director of the Special Projects Division at the National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland, Lauren E., Senior Research/Project Manager at START and PhD student at Yale University, “An Army of One: Assessing CBRN Pursuit and Use by Lone Wolves and Autonomous Cells,” *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

The first question to answer is whence the concerns about the nexus between CBRN weapons and isolated actors come and whether these are overblown. The general threat of mass violence posed by lone wolves and small autonomous cells has been detailed in accompanying issue contributions, but the potential use of CBRN weapons by such perpetrators presents some singular features that either amplify or supplement the attributes of the more general case and so are deserving of particular attention. Chief among these is the impact of rapid technological development. Recent and emerging advances in a variety of areas, from synthetic biology³ to nanoscale engineering,⁴ have opened doors not only to new medicines and materials, but also to new possibilities for malefactors to inflict harm on others. What is most relevant in the context of lone actors and small autonomous cells is not so much the pace of new invention, but rather the commercialization and consumerization of CBRN weapons-relevant technologies. This process often entails an increase in the availability and safety of the technology, with a concurrent diminution in the cost, volume, and technical knowledge required to operate it. Thus, for example, whereas fifty years ago producing large quantities of certain chemical weapons might have been a dangerous and inefficient affair requiring a large plant, expensive equipment, and several chemical engineers, with the advent of chemical microreactors,⁵ the same processes might be accomplished far more cheaply and safely on a desktop assemblage, purchased commercially and monitored by a single chemistry graduate student.[¶] The rapid global spread and increased user-friendliness of many technologies thus represents a potentially radical shift from the relatively small scale of harm a single individual or small autonomous group could historically cause.⁶ From the limited reach and killing power of the sword, spear, and bow, to the introduction of dynamite and eventually the use of our own infrastructures against us (as on September 11), the number of people that an individual who was unsupported by a broader political entity could kill with a single action has increased from single digits to thousands. Indeed, it has even been asserted that “over time ... as the leverage provided by technology increases, this threshold will finally reach its culmination—with the ability of one man to declare war on the world and win.”⁷ Nowhere is this trend more perceptible in the current age than in the area of unconventional weapons.[¶] These new technologies do not simply empower users on a purely technical level. Globalization and the expansion of information networks provide new opportunities for disaffected individuals in the farthest corners of the globe to become familiar with core weapon concepts and to purchase equipment—online technical courses and eBay are undoubtedly a boon to would-be purveyors of violence. Furthermore, even the most solipsistic misanthropes, people who would never be able to function socially as part of an operational terrorist group, can find radicalizing influences or legitimation for their beliefs in the maelstrom of virtual identities on the Internet.[¶] All of this can spawn, it is feared, a more deleterious breed of lone actors, what have been referred to in some quarters as “super-empowered individuals.”⁸ Conceptually, super-empowered individuals are atomistic game-changers, i.e., they constitute a single (and often singular) individual who can shock the entire system (whether national, regional, or global) by relying only on their own resources. Their core characteristics are that they have superior intelligence, the capacity to use complex communications or technology systems, and act as an individual or a “lone-wolf.”⁹ The end result, according to the pessimists, is that if one of these individuals chooses to attack the system, “the unprecedented nature of his attack ensures that

no counter-measures are in place to prevent it. And when he strikes, his attack will not only kill massive amounts of people, but also profoundly change the financial, political, and social systems that govern modern life." 10 It almost goes without saying that the same concerns attach to small autonomous cells, whose members' capabilities and resources can be combined without appreciably increasing the operational footprint presented to intelligence and law enforcement agencies seeking to detect such behavior.¶ With the exception of the largest truck or aircraft bombs, the most likely means by which to accomplish this level of system perturbation is through the use of CBRN agents as WMD. On the motivational side, therefore, lone actors and small autonomous cells may ironically be more likely to select CBRN weapons than more established terrorist groups—who are usually more conservative in their tactical orientation—because the extreme asymmetry of these weapons may provide the only subjectively feasible option for such actors to achieve their grandiose aims of deeply affecting the system. The inherent technical challenges presented by CBRN weapons may also make them attractive to self-assured individuals who may have a very different risk tolerance than larger, traditional terrorist organizations that might have to be concerned with a variety of constituencies, from state patrons to prospective recruits. 11 Many other factors beyond a "perceived potential to achieve mass casualties" might play into the decision to pursue CBRN weapons in lieu of conventional explosives, 12 including a fetishistic fascination with these weapons or the perception of direct referents in the would-be perpetrator's belief system.¶ Others are far more sanguine about the capabilities of lone actors (or indeed non-state actors in general) with respect to their potential for using CBRN agents to cause mass fatalities, arguing that the barriers to a successful large-scale CBRN attack remain high, even in today's networked, tech-savvy environment. 13 Dolnik, for example, argues that even though homegrown cells are "less constrained" in motivations, more challenging plots generally have an inverse relationship with capability, 14 while Michael Kenney cautions against making presumptions about the ease with which individuals can learn to produce viable weapons using only the Internet. 15 However, even most of these pundits concede that low-level CBR attacks emanating from this quarter will probably lead to political, social, and economic disruption that extends well beyond the areas immediately affected by the attack. This raises an essential point with respect to CBRN terrorism: irrespective of the harm potential of CBRN weapons or an actor's capability (or lack thereof) to successfully employ them on a catastrophic scale, these weapons invariably exert a stronger psychological impact on audiences—the essence of terrorism—than the traditional gun and bomb. This is surely not lost on those lone actors or autonomous cells who are as interested in getting noticed as in causing casualties.¶ Proven Capability and Intent¶ While legitimate debate can be had as to the level of potential threat posed by lone actors or small autonomous cells wielding CBRN weapons, possibly the best argument for engaging in a substantive examination of the issue is the most concrete one of all—that these actors have already demonstrated the motivation and capability to pursue and use CBRN weapons, in some cases even close to the point of constituting a genuine WMD threat. In the context of bioterrorism, perhaps the most cogent illustration of this is the case of Dr. Bruce Ivins, the perpetrator behind one of the most serious episodes of bioterrorism in living memory, the 2001 "anthrax letters," which employed a highly virulent and sophisticated form of the agent and not only killed five and seriously sickened 17 people, but led to widespread disruption of the U.S. postal services and key government facilities. 16¶ Other historical cases of CBRN pursuit and use by lone actors and small autonomous cells highlight the need for further exploration. Among the many extant examples: 17¶ Thomas Lavy was caught at the Alaska-Canada border in 1993 with 130 grams of 7% pure ricin. It is unclear how Lavy obtained the ricin, what he planned to do with it, and what motivated him.¶ In 1996, Diane Thompson deliberately infected twelve coworkers with shigella dysenteriae type 2. Her motives were unclear.¶ In 1998, Larry Wayne Harris, a white supremacist, was charged with producing and stockpiling a biological agent—bacillus anthracis, the causative agent of anthrax.¶ In 1999, the Justice Department (an autonomous cell sympathetic to the Animal Liberation Front) mailed over 100 razor blades dipped in rat poison to individuals involved in the fur industry.¶ In 2000, Tsiugio Uchinshi was arrested for mailing samples of the mineral monazite with trace amounts of radioactive thorium to several Japanese government agencies to persuade authorities to look into potential uranium being smuggled to North Korea.¶ In 2002, Chen Zhengping put rat poison in a rival snack shop's products and killed 42 people.¶ In 2005, 10 letters containing a radioactive substance were mailed to major organizations in Belgium including the Royal Palace, NATO headquarters, and the U.S. embassy in Brussels. No injuries were reported.¶ In 2011, federal agents arrested four elderly men in Georgia who were plotting to use ricin and explosives to target federal buildings, Justice Department officials, federal judges, and Internal Revenue Service agents.¶ Two recent events may signal an even greater interest in CBRN by lone malefactors. First, based on one assessment of Norway's Anders Breivik's treatise, his references to CBRN weapons a) suggest that CBRN weapons could be used on a

tactical level and b) reveal (to perhaps previously uninformed audiences) that even low-level CBRN weapons could achieve far-reaching impacts driven by fear.¹⁸ Whether or not Breivik would actually have sought or been able to pursue CBRN, he has garnered a following in several (often far-right) extremist circles and his treatise might inspire other lone actors. Second, Al-Qaeda in the Arabian Peninsula (AQAP) released two issues of Inspire magazine in 2012. Articles, on the one hand, call for lone wolf jihad attacks to target non-combatant populations and, on the other, permit the use of chemical and biological weapons. The combination of such directives may very well influence the weapon selection of lone actor jihadists in Western nations.¹⁹

Terrorism –Gonzaga

Top Shelf

1NC

An expansive PRISM program is necessary to disrupt terrorist networks—the alternative is safe havens that facilitate acquiring WMD's.

Arquilla, Stanford IR PhD, 2013

(John, "In Defense of PRISM", 6-7, <http://foreignpolicy.com/2013/06/07/in-defense-of-prism/>)

PRISM has just provided a glimpse through the looking glass. Revelations about this monitoring system suggest that living in and moving through the world, even for the most private among us, can be observed closely and for protracted periods by the cold, shy minds of the intelligence community. The reason for this sustained, widespread scrutiny is that, in the long fight against terrorist networks, this is one of the ways in which their cells can sometimes be caught while communicating, their plans disrupted, and, on occasion, their locations determined. The price of the increment of security so provided is the loss of a bit of privacy, despite best efforts of intelligence overseers to make sure that the focus is on "metadata" like the time, date, and originating and terminating points of communications — rather than on specific content. The belief, and the hope, of both the operators of the system and their supervisors — including watchdogs maintaining oversight from their perches in Congress — is that some loss of individual privacy will make for significant gains in national security. As an observer and sometime participant in efforts to ferret out the intentions and locations of the terrorists over more than a decade, I believe that the benefits of this endeavor have clearly outweighed the costs and risks. My timeframe for making this judgment goes back well before the reported start of the PRISM program seven years ago. Indeed, it was just a few months after 9/11 that Adm. John Poindexter, then at the Defense Advanced Research Projects Agency (DARPA), proposed a "total information awareness" initiative that was to use some of the methods now being reported. But TIA, as it was called, had a vaguely Orwellian cast, and Adm. Poindexter's past role in the dark dealings of the Iran-Contra affair didn't help — he had been Ronald Reagan's national security advisor when the secret arms swap caper came to light. Very soon, the "T" was changed from "Total" to "Terrorism," but the re-branding didn't help and Congress defunded the initiative. Still, parts of it lived on — with congressional oversight — under new code names like "Genoa" and "TopSail." These should be seen as some of the antecedents of PRISM, helping to hone the methods that have now become the principal "mining tools" of the big data offensive mounted against the globally dispersed cells of terrorist networks. Prior to TIA, and well before 9/11, there were other ancestors of our current big data efforts. At the National Security Agency, and in other parts of the extensive American intelligence community, search systems known by such evocative names as "Echelon" and "Semantic Forests," among others, were in use, striving relentlessly to detect patterns of communication that might open up golden seams of information from the most secret caches of the world's various malefactors. Often enough, these and other tracking tools did distinguish the pattern from the noise, and national security was well served. And in the early days of the war against al Qaeda, the enemy was still using means of communication that American intelligence had the ability to monitor — including satellite phones and such — leading to several counterterror coups and high-level captures. But the network learned quickly and adjusted, becoming far more elusive, more dispersed, its cells increasingly attuned to operating independently, its nodes and links ever less visible. It was against this shift that something like PRISM had to be mobilized to improve our ability to find the foe whose best, and only real defense against us is his capacity for concealment. Thus, the tantalizing prospect of PRISM, and of the whole "finding effort," is to deny the terrorists the virtual haven that they enjoy throughout the world's telecommunications spaces — indeed, throughout the whole of the "infosphere," which includes cyberspace. The piercing of this veil would mark a true turning point in the war on terror, for al Qaeda and other networks simply cannot function with any kind of cohesion, or at any sort of reasonable operational tempo if their communications become insecure. Cells and nodes would be ripped up, operatives killed or captured, and each loss would no doubt yield information that imperiled the network further. Even if al Qaeda resorted to the drastic measure of moving messages, training, and financial information by courier, operations would be so slowed as to cripple the organization. And even couriers can be flagged on "no fly" lists or caught boarding tramp steamers and such. So for all the furor caused by the PRISM revelations, my simple recommendation is to take a deep breath before crying out in protest. Think first about how the hider/finder dynamic in the war on terror has driven those responsible for our security

to bring to bear the big guns of big data on the problem at hand. Think also about whether a willingness to allow some incursions into our privacy might lead to an improved ability to provide for our security, and where that equilibrium point between privacy and security might be. And last, think about the world as it might be without such a sustained effort to find the hidden — to detect, track, and disrupt the terrorists. That would be a world in which they stay on their feet and fighting, and in which they remain secure enough, for long enough, to acquire true weapons of mass destruction. Those of us in the national security business, who know that networks so armed will be far harder to deter than nations ever were, believe that big data approaches like PRISM and its forebears, have been and remain essential elements in the unrelenting and increasingly urgent effort to find the hidden.

Risk of nuclear terrorism is high and growing – they have the means and motive Kroenig, Associate Professor and IR @ Georgetown, 14

(R. Davis Gibbons and Matthew Kroenig, a Nonresident Senior Fellow at the Brent Scowcroft Center on International Security at The Atlantic Council. “The Next Nuclear War,” http://www.matthewkroenig.com/Kroenig_The%20Next%20Nuclear%20War.pdf)

Since the terrorist attacks on September 11, 2001, scholars, analysts, and politicians have focused on the nexus of nuclear weapons and terrorism. In his closing statement at the 2012 Nuclear Security Summit, President Obama concluded, “We’ve agreed that nuclear terrorism is one of the most urgent and serious threats to global security.”⁸⁸ Though there has been some debate on how seriously this threat should be taken,⁸⁹ evidence indicates that terrorist organizations have both expressed a desire for nuclear weapons and made attempts to buy or seize nuclear material. Declassified documents from the United States suggest Osama bin Laden directed his associates to purchase uranium.⁹⁰ In addition, Chechnya-based separatist groups, Lashkar-e-Taiba in South Asia, and Aum Shinrikyo in Japan have also expressed the desire for nuclear weapons in the past.⁹¹ Most analysts consider it unlikely that a state would knowingly provide a terrorist group with a bomb, but it is conceivable that a group could steal one. This fear is especially acute in the case of Pakistan, where an unstable government with a growing nuclear arsenal exists in an area with many terrorist organizations. The government of Pakistan has taken steps in recent years to allay these fears, yet reason for concern remains.⁹² A second means by which a terrorist group could attain a nuclear capability is by obtaining fissile material and constructing its own crude nuclear bomb. The main challenge for terrorist organizations seeking this capability is finding sufficient fissile material. Approximately 8 kilograms of plutonium or 25 kilograms of highly enriched uranium (HEU) is necessary for a bomb. Since 9/11, the United States, Russia, the IAEA, and other partners have taken on a number of efforts to decrease the risks of terrorists accessing nuclear material. UN Security Council Resolution 1540, the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism all seek to increase global cooperation to prevent nuclear terrorism. Overall, the global stocks of HEU and plutonium are decreasing, but the sheer volume of global fissile material makes this an on-going challenge and the U.S. budget for these activities has recently been cut. Unlike nuclear-armed states, it would be relatively difficult to deter terrorists from taking action.⁹³ In other words, if efforts to keep nuclear weapons out of terrorist hands ever fail, we may witness a nuclear 9/11.

Extinction

Barrett, Carnegie Mellon Engineering and Public Policy PhD, 2013

(Anthony, "Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia," Science & Global Security: The Technical Basis for Arms Control, Disarmament, and Nonproliferation Initiatives, Volume 21, Issue 2, Taylor & Francis)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have **globally catastrophic effects** such as severely **reducing food production** for years, ¹ potentially **leading to collapse of modern civilization worldwide, and even the extinction** of humanity. ² Nuclear war between the United States and Russia could occur by various routes, including **accidental** or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack. ³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches. ⁴) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides' development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack. ⁵ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced. ⁶ However, it also has been argued that inadvertent nuclear war between the United States and Russia has continued to present a **substantial risk.** ⁷ While the United States and Russia are not actively threatening each other with war, **they have remained ready to launch nuclear missiles** in response to indications of attack. ⁸ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. ⁹ Second, **terrorist groups** or other actors might **cause attacks** on either the United States or Russia that **resemble** some kind of **nuclear attack by the other nation** by actions such as exploding a stolen or improvised nuclear bomb, ¹⁰ especially if such an event occurs during a crisis between the United States and Russia. ¹¹ A variety of nuclear terrorism scenarios are **possible.** ¹² Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States. ¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. ¹⁴ It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions, ¹⁵ with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks. ¹⁶

2NC Magnitude

Even a death toll of a 1000 would be enough to trigger massive retaliation by the US.

Conley, ACC chief of Systems Analysis Branch, 2003

(Harry, "Not with Impunity Assessing US Policy for Retaliating to a Chemical or Biological Attack", 3-5, <http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html>)

The number of American casualties suffered due to a WMD attack may well be the most important variable in determining the nature of the US reprisal. A key question here is how many Americans would have to be killed to prompt a massive response by the United States. The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (150–300 deaths). Although these events caused anger and a desire for retaliation among the American public, they prompted no serious call for massive or nuclear retaliation. The body count from a single biological attack could easily be one or two orders of magnitude higher than the casualties caused by these **events. Using the rule of proportionality as a guide, one could justifiably debate whether the United States should use massive force in responding to an event that resulted in only a few thousand deaths.** However, what if the casualty count was around 300,000? Such an unthinkable result from a single CBW incident is not beyond the realm of possibility: "According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb."⁴⁶ **Would the deaths of 300,000 Americans be enough to trigger a nuclear response? In this case, proportionality does not rule out the use of nuclear weapons. Besides simply the total number of casualties, the types of casualties- predominantly military versus civilian- will also affect the nature and scope of the US reprisal action.** Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as they would be if the attack were against civilians. World War II provides perhaps the best examples for the kind of event or circumstance that would have to take place to trigger a nuclear response. **A CBW event that produced a shock and death toll roughly equivalent to those arising from the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation.** President Harry Truman's decision to drop atomic bombs on Hiroshima and Nagasaki- based upon a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland⁴⁷- is an example of the kind of thought process that would have to occur prior to a nuclear response to a CBW event. Victor Utgoff suggests that "if **nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage that had outraged American or allied publics, nuclear retaliation would be more than just a possibility, whatever promises had been made.**"⁴⁸

Turns Case – Hegemony

Expansive NSA surveillance powers are necessary to maintain hegemony.
Van Cleave, Jack Kemp Foundation principal, 2013

(Michelle, “What It Takes: In Defense of the NSA”, World Affairs, Nov/Dec,
<http://www.worldaffairsjournal.org/article/what-it-takes-defense-nsa>)

The United States has built a global intelligence apparatus because it has global interests and global responsibilities. We have taken seriously the duties of leader of the free world, as two world wars, Korea, Vietnam, Afghanistan, Iraq, and freedom fighters in many parts of the world can attest. **None of these duties in the last sixty years could have been met without the exceptional resources of NSA.** Successive presidents and Congresses, entrusted with preserving and defending our freedom, have judged these investments to be vital to our nation’s security. They have protected the core secrets that enable collection programs to succeed, as have those in US business and industry who have been integral to their success. The unquestioned qualitative edge of US intelligence has been as essential to defending this country and preserving our freedom as have the forces we have built to arm and equip our military. But time has not stood still. China is attacking computer systems throughout the world, stealing information and implanting features to enable future control. China’s prominence in IT commercial markets means that they are in the supply chain, and their market share is growing as part of a purposeful, state-run program for strategic position. A long roll call of spies from Russia, China, Cuba, and other nations have targeted the essential secrets of US intelligence capabilities in order to be able to defeat them. And now they have the Snowdens and the WikiLeaks of the world helping them out. **Interconnected global networks of digital data have become the single most important source of intelligence warning of threats, enabling our defense at home** and the advancement of freedom abroad. To say “hands off,” as some shortsighted privacy advocates have been doing, will not preserve our liberties, it will endanger them. It should be possible for an enlightened citizenry to empower government action in that sphere without forfeiting the very rights that our government exists to secure. That challenge is, at the very least, a part of the continuing experiment that is our democracy.\

Turns Case – Economy

Terrorism collapses the global economy- multiple reasons

Rogoff, Harvard University economics and public policy professor, 2004

(Kenneth, "The Cost of Living Dangerously", Foreign Policy, 11-1, google cache)

As this article is being written, the threat of a horrific preemption terrorist assault against the United States has yet to materialize. Unfortunately, the news this summer that al Qaeda operatives have painstakingly targeted major U.S. and international financial institutions only underscores the likelihood of more attacks. Politicians, economists, and ordinary citizens rightfully worry that terrorism -- beyond the tragic human costs -- could derail economic growth in the United States and around the world. What also worries me, however, is the potential economic impact of antiterrorism efforts. Forget the long lines at airports. The global economy has become so dependent on the free flow of goods and people across borders that even a little additional security can have a greater impact than most might think. Consider, for example, the likely consequence of enhanced security at shipping ports worldwide to monitor for biological or nuclear weapons material, a precaution many experts consider inevitable. Currently, only about 2 percent of all cargo reaching U.S. shores is subject to inspection. The July 2004 report of the U.S. 9/11 Commission noted that, until better technologies become available, authorities should improve methods of "identifying and tracking the high-risk containers, operators, and facilities that require added scrutiny." But what if such added scrutiny means that the level of cargo inspected jumps to, say, 50 percent? Today's slowest customs lines -- in countries such as Japan that already use port delays as veiled forms of trade protectionism -- would start to seem like express lanes, and the costs of many consumer goods would skyrocket. Worse yet, as trade in goods and the flow of people slows, so too will the breathless pace of product innovation that many individuals now take for granted. Any abatement of the competitive pressures of globalization or any reduction in the free movement of people and ideas would surely undercut growth -- not to mention raise prices sharply at your local Wal-Mart. Think about what is happening already. Despite introducing relatively limited antiterrorist restrictions thus far, the United States will likely register slower economic growth in a few years due to post-9/11 visa restrictions alone. Few Americans appreciate the extent to which scientists, engineers, and businesspeople from other countries contribute to U.S. economic growth. Historically, the United States has attracted legions of enterprising foreign-born workers; today about 2.5 million foreigners with advanced degrees work in the United States, and many hold leading positions in science and industry and serve as key transnational links for the increasingly globalized U.S. economy. More than 30 percent of all Ph.D. recipients in U.S. science and mathematics programs are foreigners on student visas. In engineering, almost half of all graduates have come to the United States on foreign visas; many of them stay in the country upon completing their degrees. The U.S. economy grows in no small part by skimming the cream off the rest of the world's workforce. Unfortunately, U.S. companies today often shy away from hiring U.S.-educated foreigners. The price tag on the visa application process has soared, and companies never know if and when work permits will be approved or precisely when a new foreign employee can come on board. And yes, workers from Muslim countries are particularly hard hit, but the difficulties have worsened for everyone. Even obtaining visas to attend academic or policy conferences in the United States is now an ordeal. Little surprise that international applications to U.S. graduate programs have declined by roughly a third in the last year. Added security won't come cheap, either, and raising the necessary taxes will prove painful, especially with the United States and Europe facing the costs of aging populations and shrinking workforces. The United States estimates its 2005 homeland security budget at about \$40 billion, a sum that could easily double in a few years. But these direct costs of increased security reveal only a limited picture. Perhaps the greatest danger is that increased security will distort and accentuate government taxation and regulation. Orwellian 1984 scenarios aside, suppose governments were able to keep much closer tabs on citizens? Just like individuals, economies need a bit of privacy to function efficiently. Idiotic government rules and regulations abound, and citizens must have ways to evade the worse of them. The reason why roughly one fifth of Italy's economy is "underground" is not just high tax rates or the Sicilian Mafia. The real explanation is more prosaic: Ordinary people need to hire painters, plumbers, and carpenters to fix their houses, or nannies to care for their children, without wasting endless hours tangled in red tape. Germany -- hardly famous for its mafia -- has an underground economy approaching one sixth of its national income. More severe security measures are probably necessary and inevitable, even from a narrow economic perspective. Another atrocity on the scale of September 11 would wreak havoc on energy prices, stock markets, and consumer confidence, slamming the brakes on today's global economic recovery. But just like other desirable government initiatives (such as environmental regulations or workplace safety laws), antiterrorism measures can work at far less cost when they are flexible and market-friendly. For example, just as some countries provide fast-track airport security lines to high-paying business travelers, shippers ought to be able to pay higher fees to move more quickly to the head of the customs queue. Similarly, higher fees should help accelerate visa applications. No doubt, such measures may offend some people's sense of egalitarianism, but these policies and others like them are essential. The benefits of today's interconnected market economies won't survive under a vast and inflexible command-and-control security arrangement.

Links

PRISM – 2NC Wall

NSA is the foundation of all US intelligence and terrorist threats are becoming more complicated----rejecting restrictions on NSA flexibility is vital.
McLaughlin, Philip Merrill Center for Strategic Studies Distinguished Practitioner-in-Residence, 2014

(John, “NSA intelligence-gathering programs keep us safe”,

Those who advocate sharply limiting the agency’s activities ought to consider that its work is **the very foundation of U.S. intelligence.** I don’t mean to diminish the role of other intelligence agencies, and I say this as a 30-year veteran of the Central Intelligence Agency who is “CIA” through and through. But in most cases, **the NSA is the starting point for determining what holes need to be filled through other means** of intelligence-collection. **That’s because its information on foreign developments is so comprehensive and generally so reliable. It is the core of intelligence support to U.S. troops in battle. Any efforts to “rein in” the agency must allow for the possibility that change risks serious damage to U.S. security and the country’s ability to navigate in an increasingly uncertain world.** The presumption that the NSA “spies” on Americans should also be challenged. In my experience, **NSA analysts err on the side of caution before touching any data having to do with U.S. citizens.** In 2010, at the request of then-Director of National Intelligence Dennis Blair, I chaired a panel investigating the intelligence community’s failure to be aware of Umar Farouk Abdulmutallab, the “underwear bomber” who tried to blow up a commercial plane over Detroit on Dec. 25, 2009. The overall report remains classified, but I can say that **the government lost vital time because of the extraordinary care the NSA and others took in handling any data involving a “U.S. person.”** (Abdulmutallab, a Ni-ger-ian, was recruited and trained by the late Anwar al-Awlaki, a U.S. citizen based in Yemen.) Regarding outrage over the NSA’s collection of telephone calling records, or metadata, I don’t know why anyone would have greater confidence in this information being held by private companies. And given the perceived threat to privacy, it’s astonishing how little attention has been paid to the Senate commerce committee’s recent report on companies that gather personal information on hundreds of millions of Americans and sell it to marketers, often highlighting people with financial vulnerability. Some companies group the data into categories including “rural and barely making it,” “retiring on empty” and “credit crunched: city families.” The aim is often to sell financially risky products to transient consumers with low incomes, the report found. That’s a real scandal — and a universe away from the NSA’s ethical standards and congressional oversight. The NSA, of course, is not perfect. But it is less a victim of its actions — the independent commission appointed by President Obama found no illegality or abuses — than of the broad distrust of government that has taken root in the United States in recent decades. Studies by Pew and others show distrust of government around 80 percent, an all-time high. This distrust is the only logical explanation I see for fear of data being held by “the government” — and it’s not a circumstance the NSA created. **Although our society lauds, in almost “Stepford Wives”-like fashion, the merits of “transparency,” it lacks a collective, mature understanding of how intelligence works, how it integrates with foreign policy and how it contributes to the national welfare. Meanwhile, prurient interest in the details of leaked intelligence skyrockets, and people devour material that is not evidence of abuse but merely fascinating — and even more fascinating to U.S. adversaries.** So what makes sense going forward? Clearly, the widespread perception that there is at least the “potential for abuse” when the government holds information even as limited as telephone call metadata must be addressed. The recent presidential commission recommended adding a public privacy advocate to the deliberation process of courts that approve warrants — one proposal that would do no harm. But as **the administration contemplates reform, it must reject any ideas that add time and process between the moment the NSA picks up a lead overseas and the time it can cross-check records to determine whether there is a domestic dimension** to overseas plotting. As our debate continues, **the terrorist threat is not receding but transforming.** The core leadership of al-Qaeda

has been degraded and remains under pressure, but robust al-Qaeda affiliates have multiplied. With the decline of central government authority in the Middle East and North Africa in the wake of the Arab Spring and the war in Syria, terrorists have the largest havens and areas for operational planning in a decade. If anything, the atomization of the movement has made the job of intelligence more labor-intensive, more detail-oriented and more demanding. Now is not the time to give up any tool in the counterterrorism arsenal.

PRISM is key to disrupt foreign safe havens.

Dahl, Naval Postgraduate School national security affairs professor, 2013

(Erik, "Discussion Point: It's not Big Data, but Little Data, that Prevents Terrorist Attacks", 7-25, http://calhoun.nps.edu/bitstream/handle/10945/35903/Discussion%20Point_%20It%E2%80%99s%20not%20Big%20Data%2c%20but%20Little%20Data%2c%20that%20Prevents%20Terroris.pdf?sequence=1)

Research I am currently conducting for the National Consortium for the Study of Terrorism and Responses to Terrorism (START), together with my colleagues Martha Crenshaw and Margaret Wilson, can shed some light on how this NSA data may be used. We are studying unsuccessful terrorist plots, in hopes of finding out what tools and techniques are the most useful in preventing attacks. One finding supports the NSA's argument that the data they are collecting can be useful in preventing future attacks. Opponents have suggested that the NSA data might only be useful in tracking down terrorists after the fact; because those haystacks of information are not apparently being looked at in real time, they are unlikely to help prevent future attacks. But the history of terrorist plots and attacks within the United States since 9/11 shows that most plots take a long time to develop. Even terrorist actions involving only one or two people typically take months or even years to plan and attempt. This is good news, because it gives law enforcement time to discover what's going on, and it also gives the NSA time to search those haystacks it's been collecting. But another one of our findings is that the most effective tools in preventing terrorist attacks are relatively simple, old fashioned police methods, such as the use of undercover officers, informants, and tips from the public. This is especially true for domestic plots and attacks: of the 109 failed plots within the United States since 9/11, more than 75 percent were foiled at least in part because of traditional law enforcement methods, and not—from what we can gather—from NSA surveillance. Thus it is not surprising that government officials have said most of the 50 or so plots that have been foiled by the NSA monitoring programs were overseas. In other countries we can't necessarily rely on local authorities, and spying—whether conducted by the NSA or the CIA—is a critical tool for our national security. But here in the U.S., the most important terrorism prevention tool remains the country's 800,000 police officers, deputy sheriffs, and other local law enforcement officials, supported by members of the public who "see something and say something," calling authorities when something doesn't look right. These NSA programs do appear to be important for preventing terrorist attacks, and they make sense from an intelligence perspective. But their greatest value concerns threats overseas, and this is probably a good thing, because it means that if the programs are managed properly, and if our intelligence oversight mechanisms work as they should (which are admittedly big ifs), the NSA collection of big data will have relatively little impact on most Americans' lives.

Program 702 has a track record of success.

Margulies, Roger Williams law professor, 2014

(Peter, "Dynamic Surveillance: Evolving Procedures in Metadata and Foreign Content Collection After Snowden", 9-10, http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2400809)

According to the President's Review Group, which President Obama commissioned to study surveillance after the Snowden disclosures, § 702 has played a concrete role in keeping the nation safe.⁹¹ The Review Group's report asserted that § 702 was "critical" to the uncovering of the Zazi planned subway attack in New York in 2009 and led to the arrest of Zazi and his accomplices.⁹² **The § 702 program resulted in fifty-three out of fifty-four instances in obtaining information that "contributed in some degree" to a successful outcome regarding thwarted terrorist attacks in the U.S. and other countries.**⁹³ According to the Review Group, § 702 "does in fact play an important role in the nation's effort to prevent terrorist attacks across the globe." The Privacy and Civil Liberties Oversight Board (PCLOB) agreed with this assessment, concluding that collection under § 702 "significantly aids the government's efforts to prevent terrorism... combat weapons proliferation and gather foreign intelligence."⁹⁴

The plan enforces too much of a law enforcement paradigm on the NSA which is not designed to disrupt national security threats.

Yoo, Berkeley law professor, 2013

(John, "The Legality of the National Security Agency's Bulk Data Surveillance Programs", 12-1, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2369192)

The real problem with FISA, and even the Patriot Act, as they existed before the 2008 Amendments, is that they remained rooted in a law enforcement approach to electronic surveillance. They tied the government's counter-terrorism efforts to individualized suspicion. Searches and wiretaps had to target a specific individual already believed to be involved in harmful activity. **But detecting al Qaeda members who have no previous criminal record in the United States, and who are undeterred by the possibility of criminal sanctions, requires the use of more sweeping methods.** To successfully prevent attacks, the government has to devote surveillance resources where there is a reasonable chance that terrorists will appear, or communicate, even if their specific identities remain unknown. What if the government knew that there was a fifty percent chance that terrorists would use a certain communications pipeline, such as e-mails provided by a popular Pakistani ISP, but that most of the communications on that channel would not be linked to terrorism? An approach based on individualized suspicion would prevent computers from searching through that channel for the keywords or names that might suggest terrorist communications, because there are no specific al Qaeda suspects, and thus no probable cause. Rather than individualized suspicion, searching for terrorists depends on playing the probabilities, just as roadblocks or airport screenings do. The private owner of any website has detailed access to information about the individuals who visit the site that he can exploit for his own commercial purposes, such as selling lists of names to spammers, or gathering market data on individuals or groups. Is the government's effort to find violent terrorists a less legitimate use of such data? Individualized suspicion dictates the focus of law enforcement, but war demands that our armed forces defend the country with a broader perspective. Armies do not meet a "probable cause" requirement when they attack a position or fire on enemy troops or intercept enemy communications on a frequency. In the criminal justice system the purpose is to hold a specific person responsible for a discrete crime that has already happened. **It does not make sense when the purpose of intelligence is to take action, such as killing or capturing members of the enemy, to prevent**

future harm to the nation from a foreign threat. FISA should be regarded as a safe harbor that allows the fruits of an authorized search to be used for prosecution. Using FISA sacrifices speed and breadth of information in favor of individualized suspicion, but it provides a path for using evidence in a civilian criminal prosecution. If the President chooses to rely on his constitutional authority alone to conduct warrantless searches, then he should generally only use the information for military purposes. **The primary objective of the NSA program is to “detect and prevent” possible al Qaeda attacks on the United States, whether another attack like September 11; a bomb in apartment buildings, bridges, or transportation hubs such as airports; or a nuclear, biological, or chemical attack. These are not hypotheticals; they are all al Qaeda plots, some of which U.S. intelligence and law enforcement agencies have already stopped.** A President will want to use information gathered by the NSA to deploy military, intelligence, and law enforcement personnel to stop the next attack. The price to pay for speed, however, is foregoing any future criminal prosecution. If the President wants to use the NSA to engage in warrantless searches, he cannot use its fruits in an ordinary criminal prosecution. Al Qaeda has launched a variety of efforts to attack the United States, and it intends to continue them. The primary way to stop those attacks is to find and stop al Qaeda operatives, and the best way to find them is to intercept their electronic communications. Properly understood, the Constitution does not subject the government to unreasonable burdens in carrying out its highest duty of protecting the nation from attack.

Speed is vital to track intelligence leads—the threshold for a burdensome delay is low.

Yoo, Berkeley law professor, 2013

(John, “The Legality of the National Security Agency's Bulk Data Surveillance Programs”, 12-1, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2369192)

As the United States fought the Afghanistan and Iraq wars, and continues to pursue al Qaeda groups in the Middle East and Africa, it captured al Qaeda laptops, cell phones, financial documents, and the other signs of modern high-tech life. This gave intelligence officers the information on dozens or hundreds of e-mail addresses, telephones, bank and credit account numbers, and residential and office addresses used by their network. ³⁵ **To exploit this, U.S. intelligence services must follow those leads as fast as possible, before the network of al Qaeda operatives can migrate to a new leader. An e-mail lead can disappear as fast as it takes someone to open a new e-mail account.** FISA, and the law enforcement mentality it embodies, creates several problems. FISA requires “probable cause” to believe that someone is an agent of a foreign power before one can get a warrant to collect phone calls and e-mails. ³⁶ An al Qaeda leader could have a cell phone with 100 numbers in its memory, 10 of which are in the United States and thus require a warrant. Would a FISA judge have found probable cause to think the users of those 10 numbers are al Qaeda too? Probably not. Would our intelligence agencies even immediately know who was using those numbers at the time of captured al Qaeda leader’s calls? The same is true of his e-mail, as to which it will not be immediately obvious what addresses are held by U.S. residents. In our world of rapidly shifting e-mail addresses, multiple cell phone numbers, and internet communications, FISA imposes slow and cumbersome procedures on our intelligence and law enforcement officers. ³⁷ These laborious checks are based on the assumption that we remain within the criminal justice system, and looking backward at crimes in order to conduct

prosecutions, rather than within the national security system, which looks forward in order to prevent attacks on the American people. ³⁸ FISA requires a lengthy review process, in which special FBI and DOJ lawyers prepare an extensive package of facts and law to present to the FISC. ³⁹ The Attorney General must personally sign the application, and another high-ranking national security officer, such as the President's National Security Advisor or the Director of the FBI, must certify that the information sought is for foreign intelligence.⁴⁰ Creating an existing database of numbers that can be quickly searched can allow the government to take advantage of captured al Qaeda numbers abroad, before the cells within the United States break their contacts.

Internal Links

PRISM key to CT – 2NC

Collection increases efficiency

Margulies, Roger Williams law professor, 2014

(Peter, "Dynamic Surveillance: Evolving Procedures in Metadata and Foreign Content Collection After Snowden", 9-10, http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2400809)

Both bulk collection of metadata under § 215 and foreign content collection under §702 served this fiduciary goal. While the metadata program's benefits were more diffuse, it allowed the government to quickly and reliably map out the contacts of known terrorist entities and operatives.²⁸ That capability generated investigative leads, even granting critics' contention that the program did not by itself foil a specific attack.²⁹ Moreover, the program played a useful role in allocating government resources. In chaotic situations such as the aftermath of the Boston Marathon bombing, the program enabled investigators to discern early on that the Tsarnaev brothers acted without foreign help, freeing officials to concentrate on the domestic realm.³⁰ **Even critics of the metadata program have agreed that § 702 has assisted the government in obtaining information "efficiently and effectively about foreign targets overseas."**³

Broad NSA capabilities are key to respond to adaptive threats.

Gjelten, NPR correspondent, 2013

(Tom, "The Case For Surveillance: Keeping Up With Terrorist Tactics", 6-15, <http://www.npr.org/2013/06/15/191694315/high-tech-surveillance-targets-evolving-terrorist-tactics>)

Since public revelations that the National Security Agency is collecting telephone records and reviewing Internet communications in the U.S. and abroad, officials have been making the case that the programs are vital. They argue that the tactics match the new ways terrorists are planning and communicating. There was a time when America's enemies conspired face-to-face, or communicated through couriers, or by leaving messages for each other somewhere. But in the digital age, that has changed. FBI Director Robert Mueller made that point back in 2008, as Congress considered whether to amend the Foreign Intelligence Surveillance Act. "In this day and age, our ability to gain intelligence on the plans, the plots of those who wish to attack us is dependent on us obtaining information relating to cellphones, Internet, email, wire transfers, all of these areas," he said. **If all the action was in that electronic space five years ago, it's even more so today, as intelligence and security officials constantly point out.** Speaking in February, the NSA's general counsel, Rajesh De, threw out some figures on the explosive growth in communication data. "**More data crosses the Internet every second today than existed on the Internet 20 years ago.** Global mobile traffic grew 70 percent last year alone," he said. **Officials say these trends highlight the challenge facing spy agencies: With so much communication now taking place in the digital world, intelligence officers have to be able to follow that communication.** James

Bamford, the author of several books on the NSA, says spies used to focus on getting human sources inside an organization — agents who could report

on what people in the organization were saying and doing. But human sources no longer matter so much, Bamford says. Intelligence officers use new approaches because their adversaries are interacting in new ways. "During the day, they're on cellphones, or they're on email, or they're on social-networking sites. By intercepting that information, you develop patterns and look at who these people might be involved with," he says. To justify the NSA's collection of telephone records and its selective monitoring of online communication overseas, U.S. officials cite these "revolutionary" changes in the information space. John Negroponete was the director of National Intelligence when wiretapping programs were expanded during the Bush administration. He defends the NSA's new emphasis. "I'd say it's a testament to how surveillance methods have kept up with the geometric progression of these communication methods," he says. Congressional critics of the expanded surveillance operations say they're not convinced that these programs have really proved their value in fighting terrorism. They ask whether other types of intelligence gathering might be just as effective. Negroponete, who served as U.S. ambassador to Iraq, says no one method is sufficient. He recalls how in 2006, the combination of different intelligence sources led the U.S. military to the head of al-Qaida in Iraq, Abu Musab al-Zarqawi. "I believe his phone number was detected through human intelligence. Somebody gave us his phone number. Then, that phone number was monitored through signals intelligence. And then his movements were tracked by geo-spatial intelligence — drones and so forth," he says. "So it's actually the integration of these different methodologies that actually give you the best results." The expanded use of telephone and Internet surveillance is in part an adaptation to the information revolution. The NSA, the CIA and other agencies will defend these programs vigorously on that basis, despite concerns that Americans' privacy has been put at risk. But that's not the whole story: **It's also clear that the programs are popular in the spy business simply because they're convenient and efficient. They make intelligence gathering easier.**

PRISM Key to Cyber

PRISM is vital to securing internet communications to disrupt cyber terrorism and foreign espionage.

Dart, CIO and ICT director veteran, 2013

(Martin, "Doing their job: in defence of PRISM", 6-11, <http://www.abc.net.au/news/2013-06-12/dart-in-defence-of-prism/4749108>)

With all developed countries hugely dependent upon electronic communications it is unthinkable to leave these systems unmonitored and undefended, ^Writes Martin Dart. So the NSA monitors the Internet and captures email, phone calls, SMS message and... well whatever else travels over the internet. As soon as the 'news' broke civil libertarians were wailing about what an evil act this was, and wagging their fingers at the NSA as they finally had their proof that the NSA is a... well, a signals interception agency. That spies on things and collects data. Secretly. Oh come on. I can't be the only person longing for a little adult conversation about this. Surely? Don't forget that network monitoring and data gathering is what the NSA has done for over 60 years. Their mission is clearly up there on their website for all to see: Executive Order 12333 delineates the NSA role...to... Collect (including through clandestine means), process, analyze... signals intelligence information and data for foreign intelligence and counterintelligence purposes. (My emphasis - try reading just those words!) Therefore what is the NSA, this publicly professed signals intercept agency, with a published remit to conduct counterintelligence supposed to do - where do you think their field of battle should be? With all developed countries hugely dependent upon electronic communications it is unthinkable to leave these systems unmonitored and undefended. The abuse and destruction that could be unleashed by criminals and foreign intelligence services would be unprecedented and catastrophic, and to have no visibility or functional mitigations against it would be a shocking negligence. Point #1 of my pro-PRISM defence is therefore: The internet is now the most 'critical infrastructure' we have. It must be policed, inspected, and protected. As the NSA is funded precisely to do this, that's what they must do, and up until now they have done so without letting the enemy know that we had the capability to see what they were up to. And this is where you have to really stop and appreciate the next point... Point #2: You know there are dreadful people, doing and planning horrendous things on the internet right? They are 'the enemy' to all of us. The web isn't all about the Twittersverse bragging about the perfect latte or how cuddly their cat is in less than 140 characters. There really are terrorists who seek to use the internet to spread violence and propaganda. There really are organised perverts sharing images of child rape for sexual and financial gain. And there really are agents working for foreign governments who use the web to steal intellectual property or uncover our military and intelligence capabilities. Point #3: This process only works when we ('the good guys') have an unknown capability that they ('the bad guys') don't know about. If our enemies think we have a poor capability, or that our laws prevent us from looking at certain traffic or sites, then guess where they are going to hide their malware, propaganda, and stolen data?

Broad NSA authority is key to network access and the future of cyber security.
Goldsmith, Harvard law professor, 2013

(Jack, "We Need an Invasive NSA", 10-10, <http://www.newrepublic.com/article/115002/invasive-nsa-will-protect-us-cyber-attacks>)

Such cyber-intrusions threaten corporate America and the U.S. government every day. “Relentless assaults on America’s computer networks by China and other foreign governments, hackers and criminals have created an urgent need for safeguards to protect these vital systems.” the Times editorial page noted last year while supporting legislation encouraging the private sector to share cybersecurity information with the government. It cited General Keith Alexander, the director of the NSA, who had noted a 17-fold increase in cyber-intrusions on critical infrastructure from 2009 to 2011 and who described the losses in the United States from cyber-theft as “the greatest transfer of wealth in history.” **If a “catastrophic cyber-attack occurs,” the Times concluded, “Americans will be justified in asking why their lawmakers ... failed to protect them.”** The Times editorial board is quite right about the seriousness of the cyber- threat and the federal government’s responsibility to redress it. **What it does not appear to realize is the connection between the domestic NSA surveillance it detests and the governmental assistance with cybersecurity it cherishes. To keep our computer and telecommunication networks secure, the government will eventually need to monitor and collect intelligence on those networks** using techniques similar to ones the Times and many others find reprehensible when done for counterterrorism ends. The fate of domestic surveillance is today being fought around the topic of whether it is needed to stop Al Qaeda from blowing things up. But the fight tomorrow, and the more important fight, will be about whether it is necessary to protect our ways of life embedded in computer networks. **Anyone anywhere with a connection to the Internet can engage in cyber-operations within the United States. Most truly harmful cyber-operations, however, require group effort and significant skill.** The attacking group or nation must have clever hackers, significant computing power, and the sophisticated software—known as “malware”—that enables the monitoring, exfiltration, or destruction of information inside a computer. **The supply of all of these resources has been growing fast for many years—in governmental labs devoted to developing these tools and on sprawling black markets on the Internet.** Telecommunication networks are the channels through which malware typically travels, often anonymized or encrypted, and buried in the billions of communications that traverse the globe each day. The targets are the communications networks themselves as well as the computers they connect—things like the Times’ servers, the computer systems that monitor nuclear plants, classified documents on computers in the Pentagon, the nasdaq exchange, your local bank, and your social-network providers. **To keep these computers and networks secure, the government needs powerful intelligence capabilities abroad so that it can learn about planned cyber-intrusions.** It also needs to raise defenses at home. An important first step is to correct the market failures that plague cybersecurity. Through law or regulation, the government must improve incentives for individuals to use security software, for private firms to harden their defenses and share information with one another, and for Internet service providers to crack down on the botnets—networks of compromised zombie computers—that underlie many cyber-attacks. More, too, must be done to prevent insider threats like Edward Snowden’s, and to control the stealth introduction of vulnerabilities during the manufacture of computer components—vulnerabilities that can later be used as windows for cyber-attacks. And yet that’s still not enough. The U.S. government can fully monitor air, space, and sea for potential attacks from abroad. But it has limited access to the channels of cyber-attack and cyber-theft, because they are owned by private telecommunication firms, and because Congress strictly limits government access to private communications. “I can’t defend the country until I’m into all the networks,” General Alexander reportedly told senior government officials a few months ago. **For Alexander, being in the network means having government computers scan the content and metadata of Internet communications in the United States and store some of these communications for extended periods.** Such access, he thinks, will give the government a fighting chance to find the needle of known malware in the haystack of communications so that it can block or degrade the attack or exploitation. **It will also allow it to discern patterns of malicious activity in the swarm of communications, even when it doesn’t possess the malware’s signature. And it will better enable the government to trace back an attack’s trajectory so that it can discover the identity and geographical origin of the threat.**

PRISM key to Domestic Terrorism

Key to disrupt homegrown terrorism

Sulmasy, Coast Guard academy law professor, 2013

(Glenn, "Why we need government surveillance", 6-10,
<http://www.cnn.com/2013/06/10/opinion/sulmasy-nsa-snowden/>)

The current threat by al Qaeda and jihadists is one that requires aggressive intelligence collection and efforts. One has to look no further than the disruption of the New York City subway bombers (the one being touted by DNI Clapper) or the Boston Marathon bombers to know that the war on al Qaeda is coming home to us, to our citizens, to our students, to our streets and our subways.

This 21st century war is different and requires new ways and methods of gathering information. As technology has increased, so has our ability to gather valuable, often actionable, intelligence. However, **the move toward "home-grown" terror will necessarily require, by accident or purposefully, collections of U.S. citizens' conversations with potential overseas persons of interest.** An open society, such as the United States, ironically needs to use this technology to protect itself. This truth is naturally uncomfortable for a country with a Constitution that prevents the federal government from conducting "unreasonable searches and seizures." American historical resistance towards such activities is a bedrock of our laws, policies and police procedures. **But what might have been reasonable 10 years ago is not the same any longer. The constant armed struggle against the jihadists has adjusted our beliefs on what we think our government can, and must, do in order to protect its citizens.**

Speed Key

Flexibility is key to quick action and intel Sulmasy, US Coast Guard Academy law faculty, 2009

(Glenn, "Anniversary Contributions: Use of Force: Executive Power: the Last Thirty Year", 30 U. Pa. J. Int'l L. 1355, lexis)

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

Speed is key to the strategic advantage key to solve global crises and maintain leadership

Berkowitz, RAND senior analyst, 2008

(Bruce, Strategic Advantage: Challengers, Competitors, And Threats To America's Future, pg 1-4)

THIS BOOK is intended to help readers better understand the national security issues facing the United States today and offer the general outline of a strategy for dealing with them. National security policy—both making it and debating it — is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice. Yesterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers. Threats are also more likely to be intertwined—proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers. Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat — the Soviet Union — was brittle, most of the potential adversaries and challengers America now faces are resilient. In at least one dimension where the Soviets were weak (economic efficiency, public morale, or leadership), the new threats are strong. They are going to be with us for a long time. As a result, we need to reconsider how we think about national security. The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events.¹ When you hold the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not. As national goals go, “keeping the strategic advantage” may not have the idealistic ring of “making the world safe for democracy” and does not sound as decisively macho as “maintaining American hegemony.” But keeping the strategic advantage is critical, because it is essential for just about everything else America hopes to achieve — promoting freedom, protecting the homeland, defending its values, preserving peace, and so on. The Changing Threat If one needs proof of this new, dynamic environment, consider the recent record. A search of the media during the past fifteen years suggests that there were at least a dozen or so events that were considered at one time or another the most pressing national security problem facing the United States — and thus the organizing concept for U.S. national security. What is most interesting is how varied and different the issues were, and how many different sets of players they involved — and how each was replaced in turn by a different issue and a cast of characters that seemed, at least for the moment, even more pressing. They included, roughly in chronological order, • regional conflicts — like Desert Storm — involving the threat of war between conventional armies; • stabilizing “failed states” like Somalia, where government broke down in toto; • staying economically competitive with Japan; • integrating Russia into the international community after the fall of communism and controlling the nuclear weapons it inherited from the Soviet Union; • dealing with “rogue states” unruly nations like North Korea that engage in trafficking and proliferation as a matter of national policy; • combating international crime, like the scandal involving the Bank of Credit and Commerce International, or imports of illegal drugs; • strengthening international institutions for trade as countries in Asia, Eastern Europe, and Latin America adopted market economies; • responding to ethnic conflicts and civil wars triggered by the reemergence of culture as a political force in the “clash of civilizations”; • providing relief to millions of people affected by natural catastrophes like earthquakes, tsunamis, typhoons, droughts, and the spread of HIV/AIDS and malaria; • combating terrorism driven by sectarian or religious extremism; • grassroots activism on a global scale, ranging from the campaign to ban land mines to antiglobalization hoodlums and environmentalist crazies; • border security and illegal immigration; • the worldwide ripple effects of currency fluctuations and the collapse of confidence in complex financial securities; and • for at least one fleeting moment, the safety of toys imported from China. There is some overlap in this list, and one might want to group some of the events differently or add others. The important point, however, is that when you look at these problems and how they evolved during the past fifteen years, you do not see a single lesson or organizing principle on which to base U.S. strategy. Another way to see the dynamic nature of today's national security challenges is to consider the annual threat briefing the U.S. intelligence community has given Congress during the past decade. These briefings are essentially a snapshot of what U.S. officials worry most about. If one briefing is a snapshot, then several put together back to back provide a movie, showing how views have evolved.² Figure 1 summarizes these assessments for every other year between 1996 and 2006. It shows when a particular threat first appeared, its rise and fall in the rankings, and in some cases how it fell off the chart completely. So, in 1995, when the public briefing first became a regular affair, the threat at the very top of the list was North Korea. This likely reflected the crisis that had occurred the preceding year, when Pyongyang seemed determined to develop nuclear weapons, Bill Clinton's administration seemed ready to use military action to prevent this, and the affair was defused by an agreement brokered by Jimmy Carter. Russia and China ranked high as threats in the early years, but by the end of the decade they sometimes did not even make the list. Proliferation has always been high in the listings, although the particular countries of greatest concern have varied. Terrorism made its first appearance in 1998, rose to first place after the September 11, 2001, terrorist attacks, and remains there today. The Balkans appeared and disappeared in the middle to late 1990s. A few of the entries today seem quaint and overstated. Catastrophic threats to

information systems like an “electronic Pearl Harbor” and the “Y2K problem” entered the list in 1998 but disappeared after 2001. (Apparently, after people saw an airliner crash into a Manhattan skyscraper, the possible loss of their Quicken files seemed a lot less urgent.) Iraq first appeared in the briefing as a regional threat in 1997 and was still high on the list a decade later—though, of course, the Iraqi problem in the early years (suspected weapons of mass destruction) was very different from the later one (an insurgency and internationalized civil war). All this is why the United States needs agility. It not only must be able to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources.

Speed key to solve terrorism-prefer specific evidence

Li, Georgetown JD, 2009

(Zheyao, “NOTE: War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare”, Winter, 7 Geo. J.L. & Pub. Pol’y 373, lexis)

By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this “war” is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should [*399] consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. n144 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. “In order to win,” Colonel Boyd suggested, “we should operate at a faster tempo or rhythm than our adversaries.” n145 In the words of Professor Creveland, “[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police.” n146 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision-making. [*400] In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourth-generational opponents.

Impacts

AQ Threat High

AQ is alive and planning attacks on the US

Habeck, PhD, Senior Fellow with the Foreign Policy Research Institute, 12-26-14

(Mary, "The Islamic State and al-Qaeda: Possible Directions for 2015,"

<http://news.siteintelgroup.com/blog/index.php/entry/333-the-islamic-state-and-al-qaeda-possible-directions-for-2015-1>)

The entire AQ network, meanwhile, has been growing around the world. The recent assault by the al-Nusra Front on the Syrian opposition, seizure of territory in Idlib and near Damascus, spread of al-Qaeda in the Arabian Peninsula (AQAP), multiplication of AQ-linked groups (and their growing power) in Libya, as well as the creation and attacks by al-Qaeda in the Indian Subcontinent (AQIS), all suggest a group that is aggressively expanding its reach and capabilities. For AQ high command and various branches, at least four possible directions and two terrorist opportunities emerge. As with the aforementioned possibilities for IS, some of these could happen simultaneously. 1) AQ and IS merge into a new organization dominated by AQ's High Command in Afghanistan-Pakistan. 2) Al-Nusra Front, in cooperation with other groups, takes Damascus and declares an Emirate in Syria. 3) AQAP seizes control of Aden and most of southern Yemen, then launches an assault on the capital of Sana'a and the Houthis. 4) As the U.S. draws down in Afghanistan, AQ is able to reestablish a safe haven in that country. The two terrorist possibilities include the most dangerous courses of action in the near-term: 1) AQIS carries out a mass casualty attack on India. 2) **Through the "Khorasan Group," AQ manages to carry out a terrorist attack against the U.S. or Europe.**

ISIS/Al Qaeda competition increases the chances of attack

Phillips, Senior Research Fellow for Middle Eastern Affairs, 1-21-15

(James, @ The Heritage Foundation's Allison Center for Foreign Policy Studies, "ISIS vs. Al Qaeda: The good news and the bad news,"

<http://www.heritage.org/research/commentary/2015/1/isis-vs-al-qaeda-the-good-news-and-the-bad-news>)

The bottom line is that Al Qaeda and ISIS increasingly **are competing** for recruits, funding and leadership of the global Islamist revolution. The good news is that this power struggle may weaken both of them. The bad news is that their rivalry may spark a competition to see who can launch the most spectacular terrorist attacks against Western targets. Moreover, Syria has emerged as a terrorist sanctuary that potentially poses a greater threat to the United States than Afghanistan did before 9/11.

ISIS and Al Qaeda will merge if ISIS grows in strength – they’ll attack the U.S.

Mendelsohn 8/14/14 – Barak, Associate Professor of political science at Haverford College, “ISIS' Gruesome Gamble” <http://www.foreignaffairs.com/articles/141884/barak-mendelsohn/isis-gruesome-gamble>

If the United States decided to step in on behalf of its allies -- as it did -- then ISIS must have believed that it would be able to strengthen its position within the jihadi camp. ISIS could use the bombings as evidence that the United States is waging a war on Islam, and to portray itself as the defender of Muslims from “Crusader” aggression. In other words, ISIS would steal a page right out of al Qaeda’s playbook. And that puts more pressure on al Qaeda. After all, if ISIS wins vast territory in the heart of the Middle East, implements Islamic governance, and battles apostate regimes and their backers, al Qaeda will -- after refusing to do so -- have to give its full support to ISIS. Already, ISIS supporters are calling all jihadi forces to stand behind Omar al-Baghdadi, the leader of ISIS. As a result, the flow of fighters abandoning al Qaeda affiliates to join ISIS, which U.S. intelligence has already observed, is likely to increase. Moreover, leaders of al Qaeda franchises will come under greater pressure to shift allegiance from al Qaeda to ISIS.

A2: No Lashout

Chance of lash out and miscalc are high Ayson, Victoria strategic studies professor, 2010

(Robert, "After a Terrorist Nuclear Attack: Envisaging Catalytic Effects", Studies in Conflict & Terrorism, 33.7, Taylor and Francis)

Other considerations could work in the other direction, reducing the prospect of a nuclear response to nuclear terrorism. If the identity and location of the responsible terrorist group was known with some precision, the use of a nuclear weapon against it could easily exceed the maximum damage required for its destruction or incapacitation. The same objective might well be achievable by the use of conventional weapons (although perhaps not if the group had hidden itself deep underground). But these operational considerations might still miss the point: there could be a strong groundswell of public and elite opinion favoring the use of the ultimate weapon against the group that was thought to have used it in the first place. Concerns about collateral damage—especially if the terrorist group was situated in a heavily populated area—might not be especially pressing in the aftermath of a terrorist attack that had already killed tens of thousands of innocent civilians. There might also be strong pressure for nuclear retaliation simply to be visited on the country that had been so malicious (or foolish or unlucky) to have hosted and/or supported the group. Of course, the terrorist group's known leaders and operatives might well be dispersed, and it would seem especially disproportionate to use multiple nuclear weapons on multiple individual human targets in multiple countries (if of course multiple nuclear use was an option for the country making the response). But there might be situations in which rather than targeting the terrorist group itself with nuclear retaliation, with potential collateral effects for a wider population involving the slaughter of innocents, a deliberate decision might still be taken to launch an inter-state nuclear attack that might still bring with it very wide casualties and damage. If it was felt that the group was supported—and even directly assisted—in its attack by a state sponsor, the leadership, armed forces, and/or territory of that sponsor might be regarded as open to nuclear bombardment.³⁹ (This is one reason why Iran's future leaders might pause before passing any nuclear weapons they may acquire to Hezbollah.) The attacked state might decide it was more important (or practicable) to act coercively against the state sponsor rather than the terrorist group, or that double coercion could apply here if the terrorist group could be held responsible for the retaliation inflicted on its state sponsor. Most of the foregoing arguments for carefully deciding on the extent of the military response to a terrorist nuclear attack assume a fairly cool process of rational calculation where the long-term political consequences of any action are weighed up against the short-term need for something to be done. But it is not certain that the aftermath of a nuclear attack would encourage relatively cool and calm decision-making processes. It is not clear exactly how much public pressure would rise up demanding swift and dramatic action, but it might be wise to assume that this pressure would be very significant. The depth of anger could be considerable and so could a mood of vengeance. Political leaders might not even wait for this mood to emerge, but may anticipate it or be so aggrieved personally and collectively as to decide on decisive action even before the full facts were available. And it is quite likely that leaders could expect to find support for very extreme measures of response if they sought to implement them. That pressure could result in moves to lash out against terrorist groups in particular or in general—in particular against the group (or groups) thought to be responsible for the nuclear attack, or in general against any group known to have threatened the attacked country in recent times or to have been at all sympathetic with the perpetrators. Ironically, because nuclear weapons can have wide-area effects, they might in fact be employed against general areas in which the terrorists were thought to exist (such as some Pakistan–Afghanistan border areas) but where their precise locations was uncertain. Some advantages might be seen in launching a somewhat indiscriminate response to an initially indiscriminate attack (an eye for an eye). State supporters of the terrorist groups might expect a similarly wrathful response to fall on them. Of course, if the sponsor was a known possessor of nuclear weapons a difficult decision would be presented to the retaliating country, although such a situation might also encourage a disarming nuclear attack to remove from the state sponsor the opportunity to use their own nuclear weapons (although the precision required to accomplish such disarmament by force is a rare commodity). A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But

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

dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia's use of nuclear weapons, including outside Russia's traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase "how dare they tell us what to do" immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

A2: No Means

Russia has loose nuclear material that terrorists can access – prefer our evidence, it's the only card that assumes breakdown of US/Russia cooperation post Ukraine

Zolotukhina, M.A. from the Harriman Institute at Columbia University, 15

(Elizabeth, "Money Is Not Enough: The Role of Economic Incentives in Cooperative Nonproliferation Initiatives," <http://jordanrussiacycenter.org/news/money-enough-role-economic-incentives-cooperative-nonproliferation-initiatives/#.VRjLOPnF8g0>)

Undetected smuggling of Russian nuclear material likely has occurred.^[1] **Terrorists have expressed interest in and have attempted to obtain nuclear materials.**^[2] **The Russian nuclear arsenal is not uniformly secure.** Given these facts, one would have expected Moscow to have collaborated equally and consistently with U.S.-funded nonproliferation accords. Instead, **Russian cooperation with the** then-current **Cooperative Threat Reduction (CTR) initiatives had varied.**^[3] U.S.-Russian nuclear security cooperation began shortly after the 1991 collapse of the Soviet Union. **Fearing the possibility of nuclear theft**^[4] and **the chance of diversion of former Soviet direct use nuclear materials to non-state actors,** American officials originally envisioned the **Cooperative Threat Reduction (CTR) program as an emergency measure** to hedge against potential chaos resulting from the USSR's collapse.^[5] The Soviet Nuclear Threat Reduction Act of 1991 authorized a cooperative program of U.S. aid to former Soviet republics, including Russia. **The CTR program,** which **expired** in June 2013, represented one of the most successful examples of peacetime security collaboration between major military powers.^[6] After the expiration of the CTR umbrella agreement, more limited U.S.-Russian nuclear security cooperation continued under the auspices of a 2003 accord, the Framework Agreement on a Multilateral Nuclear Environmental Program in the Russian Federation (MNEPR), and a related protocol signed on June 14, 2013. On December 16, 2014 Russian officials announced, not unexpectedly, Moscow's decision to terminate a large segment of nuclear security cooperation with Washington.^[7] Moscow's varied cooperation with CTR initiatives is puzzling, as the threat of theft or diversion of select Russian nuclear assets has not abated. Instead, it has morphed. Rather than emanating largely from a lack of physical protection elements (i.e. adequate fences, radiation detectors, etc...) **the current main threats to Russian nuclear materials are determined insiders,** coupled with a questionable commitment by Moscow to ensuring sustainability and improving security culture.^[8] These **continuing lapses ease smuggling, leakage, and** possibly **could enable terrorists to divert select Russian nuclear materials.** There is also a real threat—as well as past instances—of theft, seizure, or diversion of select Russian nuclear material. **Once diverted, it would be relatively easy to construct, transport, and detonate a crude nuclear explosive device.**^[9] For a state-sponsored program, the difficulty in constructing a nuclear weapon lies first in legally acquiring the requisite nuclear material, and, later, in the miniaturization required to mount a nuclear warhead atop a guided missile. Terrorists and non-state actors are not bound by such considerations. Given the risks, it is crucial to ascertain the factor/s on which Moscow's cooperation with U.S.-Russian nonproliferation initiatives hinges.

A2: No Motive

Multiple terrorist organizations are seeking nuclear weapons now – fissile material and smuggling provides the means

Iqbal, consultant to IPRI on Policy and Strategic Response, former assistant chief of air staff, Pakistan Air Force, 14

(Khalid, “Nuclear Terrorism: Myth and Reality,” Criterion Quarterly: Vol 9 No 4, <http://www.criterion-quarterly.com/nuclear-terrorism-myth-and-reality/>)

There is a consensus among international leaders **that the threat of nuclear terrorism is real**, not a Hollywood confection. President Obama, a number of leaders of other nations, the heads of the IAEA and the United Nations, and numerous experts have called nuclear terrorism one of the most serious threats to global security and stability. At the same time, there is a silver lining too: it is preventable through proactive actions. A radiological weapon may be very appealing to terrorist groups as it is highly successful in instilling fear and panic amongst a population and would contaminate the immediate area for some period of time, disrupting attempts to repair the damage and subsequently inflicting significant economic losses. **At least four terrorist groups have demonstrated interest in using a nuclear device**. These groups operate in or near states with histories of questionable nuclear security practices. **Terrorists do not need to steal a nuclear weapon**. It is quite possible to make an improvised nuclear device from highly enriched uranium or plutonium being used for civilian purposes. **According to leaked diplomatic documents, al-Qaeda can produce radiological weapons, after sourcing nuclear material and recruiting rogue scientists to build dirty bombs**.^[xxii] **Al-Qaeda, and some North Caucasus terrorist groups had consistently stated that they seek nuclear weapons and had even tried to acquire them**^[xxiii]. Al-Qaeda has sought nuclear weapons for almost two decades by attempting to purchase stolen nuclear material and weapons and has also sought nuclear expertise on numerous occasions. Osama bin Laden had also stated that the acquisition of nuclear weapons or other weapons of mass destruction is a “religious duty.” While pressure from a wide range of counter-terrorist activity has hampered Al-Qaeda’s ability to manage such a complex project, there is no sign that it has jettisoned its goals of acquiring fissile material. **Statements made as recently as 2008 indicate that Al-Qaeda’s nuclear ambitions are still very strong**^[xxiv]. **North Caucasus terrorists had attempted to seize a nuclear submarine** armed with nuclear weapons. They have also engaged in reconnaissance activities on nuclear storage facilities and had repeatedly threatened to sabotage nuclear facilities. **These groups’ activities have also been hampered by counter-terrorism efforts; nevertheless they remain committed** to launching such a devastating attack within Russia. Likewise, the Japanese terror cult Aum Shinrikyo, which used nerve gas to attack a Tokyo subway in 1995, has also tried to acquire nuclear weapons. However, according to nuclear terrorism researchers at Harvard University’s Belfer Center for Science and International Affairs, there is no evidence that they continue to do so^[xxv]. Moreover, **there is a black market of such materials**. Nuclear weapons materials in the black market are a global concern; and **there is a lingering fear about the possible detonation of a small, crude nuclear weapon by a militant group in a major city**, with significant loss of life and property.^[xxvi] There have been 18 confirmed thefts or loss of weapons-usable nuclear material^[xxvii]. In **2011, the Moldovan police broke up part of a smuggling ring attempting to sell highly enriched uranium**.^[xxviii] Security specialist Shaun Gregory argued in an article that terrorists have attacked Pakistani nuclear facilities three times in the recent past; twice in 2007 and once in 2008^[xxix]; however this is contrary to facts; Gregory has erroneously equated attacks on air bases to attacks on nuclear facilities; no Pakistani nuclear facility civilian or military has ever come under any sort of attack. **A terrorist nuclear explosion could kill hundreds of thousands, create billions of dollars in damages and undermine the global economy**. Former UN Secretary General, Kofi Annan, had said

that an act of nuclear terrorism “would thrust tens of millions of people into dire poverty” and create “a second death toll throughout the developing world.” Surely after such an event, global leaders would produce a strong global system to ensure nuclear security. There is no reason to wait for a catastrophe to build such a system. Terrorists exploit gaps in security. The IAEA’s ITDB indicates existence of sufficient gaps. The NCI opines that: “World cannot afford to wait for the patchwork of nuclear security arrangements to fail before they are strengthened. Because we may not even know if materials that could be used in nuclear weapons are missing”^[xxx]. If terrorist groups could sufficiently damage safety systems to cause a core meltdown at a nuclear power plant, and/or sufficiently damage spent fuel pools, then such an attack could lead to widespread radioactive contamination.

Terrorism -JDI

1NC DA – Bulk/Metadata

Unique Internal Link – Domestic terrorism threat on the rise – Metadata collection is key to prevent attacks

*Generic terrorism defense doesn't apply

*Empirically Solves

*Lone Wolf Attacks

Carafano et al. 15 (James Jay, Ph.D., Charles "Cully" Stimson, Steven P. Bucci, Ph.D., John Malcolm and Paul Rosenzweig, Backgrounder #3018 on National Security and Defense, Heritage Foundation May 21, 2015, Section 215 of the PATRIOT Act and Metadata Collection: Responsible Options for the Way Forward, ME)

Any debate about America's counterterrorism capabilities must be conducted in the context of the actual terrorist threat the U.S. faces. Since 9/11, The Heritage Foundation has tracked Islamist terrorist plots and attacks, which now, after the recent shooting in Garland, Texas, total 68.[1] This figure, however, does not consider foiled plots of which the public is unaware. Recently, there has been a dramatic uptick in terrorism: The shooting in Garland is the sixth Islamist terrorist plot or attack in the past five months. Add to that number the surge of Americans seeking to support or join ISIS and al-Qaeda affiliates, and one fact becomes clear: The U.S. is facing the most concentrated period of terrorist activity in the homeland since 9/11. Of course, it is no coincidence that this spike in terrorism parallels the spread of the Islamic State and other radical groups across Syria, Iraq, and other parts of the Middle East. More than 150 American passport holders have traveled to Syria, or attempted to travel there, to join the fighting, along with more than 20,000 fighters from more than 90 countries.[2] Many of these individuals with American passports are believed to have joined ISIS or the Nusra Front, an affiliate of al-Qaeda in Syria. Both the Nusra Front and ISIS espouse an anti-Western Islamist ideology that calls for terrorist attacks against the United States. For example, in July 2012, the leader of ISIS, self-proclaimed caliph Abu Bakr Baghdadi, threatened to launch attacks against the U.S. homeland. Baghdadi warned Americans, "You will soon witness how attacks will resound in the heart of your land, because our war with you has now started." [3] Toward this end, al-Qaeda formed a unit of veteran terrorists to recruit some of the Western foreign fighters in Syria and train them to conduct terrorist attacks in their home countries. This unit, dubbed the Khorasan group by U.S. officials, is embedded in the Nusra Front and is particularly interested in recruiting fighters who hold American passports.[4] These terrorist organizations have undertaken a significant effort to reach out to individuals across the world in order to radicalize and recruit them. In recent testimony before the Senate Appropriations Committee, FBI Director James Comey stated that: The threats posed by foreign fighters, including those recruited from the U.S., traveling to join the Islamic State of Iraq and the Levant (ISIL) and from homegrown violent extremists are extremely dynamic. These threats remain the biggest priorities and challenges for the FBI, the U.S. Intelligence Community, and our foreign, state, and local partners. ISIL is relentless and ruthless in its pursuits to terrorize individuals in Syria and Iraq, including Westerners. We are concerned about the possibility of individuals in the U.S. being radicalized and recruited via the Internet and social media to join ISIL in Syria and Iraq and then return to the U.S. to commit terrorist acts. ISIL's widespread reach through the Internet and social media is most concerning as the group has proven dangerously competent at employing such tools for its nefarious strategy.[5] In the past several weeks, Director Comey has increased the intensity of his warnings, stating that "hundreds, maybe thousands" of individuals across the U.S. are being contacted by ISIS to attack the U.S. homeland.[6] Secretary of Homeland Security Jeh Johnson has echoed these warnings, saying that lone-wolf terrorists inspired by ISIS could strike at any moment."[7] The 2015 Worldwide Threat Assessment of the U.S. Intelligence Community states that: Attacks by lone actors are among the most difficult to warn about because they offer few or no signatures. If ISIL were to substantially increase the priority it places on attacking the West rather than fighting to maintain and expand territorial control, then the group's access to radicalized Westerners who have fought in Syria and Iraq would provide a pool of operatives who potentially have access to the United States and other Western countries.[8] On the same note, the Director of the National Counterterrorism Center also stated in his testimony

to the Senate Select Committee on Intelligence this February that there has been a recent “uptick in terror attacks in the West.” This increase in attacks “underscores the threat of emboldened Homegrown Violent Extremists and, how the rapid succession of these attacks may motivate some to attempt to replicate these tactics with little-to-no warning.”^[9] These statements and assessments, together with the explicit and public statements of intent by multiple terrorist groups and the recent surge in terrorist plots and attacks against the U.S. homeland, demonstrate that the threat of terrorism is on the rise. Fortunately, the U.S. has improved its ability to foil these attacks, largely due to intelligence capabilities that include but are not limited to the bulk telephone metadata program under Section 215 of the PATRIOT Act. Signals Intelligence and Section 215 For decades, the United States has relied on robust signals intelligence to gather critical information related to the enemy. During World War I, World War II, the Korean War, the Vietnam War, and the Cold War, this country has depended on the technical capabilities of our national security agencies and the Department of Defense to intercept suspected enemy communications. As technology improved, so did the capabilities of the U.S. government to intercept suspected or known enemy communications. For the most part, the communications the United States was most interested in happened overseas and were gathered without a warrant. In the 1970s, after the Supreme Court decision in *United States v. U.S. District Court* (also known as “the Keith case”)^[10] and the findings of the Senate’s so-called Church Committee, the Congress passed the Foreign Intelligence Surveillance Act of 1978 (FISA), which established a special court in Washington to review government requests for orders allowing for electronic surveillance.^[11] Pre-dating the Patriot Act, the FISA allowed the Director of the FBI to obtain orders from the Foreign Intelligence Surveillance Court (FISC) authorizing common carriers to provide the government certain business records for the purpose of foreign intelligence and international terrorism investigations. In order to obtain such an order, the government had to prove the existence of “specific and articulable facts giving reason to believe that the person to whom the records pertain [wa]s a foreign power or an agent of a foreign power.” After the horrific attacks of September 11, 2001, the United States Congress passed the USA PATRIOT Act. The PATRIOT Act gave the intelligence community and counterterrorism investigators a number of lawful tools to detect and thwart future acts of international terrorism. Among other things, Section 215 of the PATRIOT Act substantially revised the FISA to provide for the production not only of “business records,” but also of “any tangible things” and to eliminate the restrictions on the types of businesses such orders can reach. The current version of the FISA as amended by Section 215 allows the Director of the FBI to “make an application for an order requiring the production of any tangible thing...for an investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities.” Under the FISA as amended by Section 215 of the PATRIOT Act, the government—pursuant to an order from the FISC—has been collecting telephone metadata information in bulk since at least May 2006. The court orders to be produced “all call-detail records or ‘telephony metadata’ created by” United States telecommunications providers “including comprehensive communications routing information, including but not limited to” date and time of call, number called, and duration of call. Once the government has reasonable, articulable suspicion that a particular phone number is associated with a foreign terrorist organization, that seed number is searched across the government’s metadata. The search results yield phone numbers, and the metadata associated with them, which have been in contact with the seed—a step known as the first “hop.” Until recently, the National Security Agency (NSA) has been conducting three hops from the original seed number and analyzing the resulting data. The FISA as amended by Section 215 requires the Attorney General of the United States to adopt “specific minimization procedures governing the retention and dissemination by the [government] of [information] received.”^[12] Those procedures include storing the metadata in a secure network, accessing the metadata only pursuant to a FISC court order, not disseminating query results outside of the NSA except under certain circumstances, and providing proper training and technical controls to relevant NSA personnel. The 215 bulk telephony metadata program does not collect, analyze, or listen to the content of telephone calls. The original order, which was good for 90 days, has been renewed 41 times since May 2006. The information is provided on a daily basis to the NSA, where it is kept for five years. On June 5, 2013, the English newspaper *The Guardian* published a copy of the FISC order that had been leaked illegally by former government contractor Edward Snowden, exposing the telephone metadata program. That leak and subsequent leaks by Snowden that were published by *The Guardian* and *The Washington Post* set in motion a frenzy of debate and discussion, nationally and internationally, about the efficacy of and need for gathering such data, as well as its implications for the privacy interests of American citizens. Following the Snowden disclosures and after the Obama Administration established the Privacy and Civil Liberties Oversight Board (PCLOB) and the President’s Review Group, the NSA limited its inquiries to two hops and required that a FISC judge find that the reasonable articulable suspicion standard has been satisfied before a seed can be queried. Both limitations were approved by a FISC order dated February 5, 2015. The American Civil Liberties Union subsequently sued the government, arguing that Section 215 was unconstitutional and that the statute did not authorize the bulk collection of telephone metadata. On May 7, 2015, the Court of Appeals for the Second Circuit held that Section 215 did not authorize the bulk telephone metadata program and that the program exceeded the scope of what Congress had authorized. The court declined to address the constitutional issue.^[13] Section 215 expires at the end of May 2015. The Way Forward The United States is in a state of armed conflict against al-Qaeda, the Afghan

Taliban, ISIS, and associated forces. It must therefore rely on all lawful tools of national security, including but not limited to robust signals intelligence. As the 9/11 Commission Report made crystal clear, one of the key failures of the United States before the 9/11 attacks was the government's inability to "connect the dots" between known or suspected terrorists. The artificial "wall" between domestic law enforcement and U.S. intelligence agencies, enacted during the 1990s, proved to be America's Achilles' heel. Some analysts believe that had America had a Section 215-type program in place before 9/11, U.S. intelligence, along with domestic law enforcement, would have been able to connect the dots and prevent at least some of the hijackers from launching their devastating attack.^[14] In fact, according to a report by the House Permanent Select Committee on Intelligence, using the authorities under Section 215 of the PATRIOT Act and Section 702 of the FISA has contributed to thwarting 54 total international terrorist plots in 20 countries.^[15] Thirteen of those plots were directed inside the United States. As Americans, we cherish our constitutional rights, including our right to privacy. Numerous court decisions have held that data, in the hands of third-party providers, are not protected by the Fourth Amendment of the Constitution.^[16] There is a case pending before the Court of Appeals for the District of Columbia Circuit in which the issue before the court is whether Section 215 violates the Fourth Amendment; that court has not yet issued its opinion.^[17] As Section 215 expires at the end of May 2015, policymakers are faced with the following quandary: How do they protect Americans from a determined enemy while respecting this nation's healthy distrust of government surveillance? First, given the increasing nature of the threat and the unique nature of this enemy, it would be unwise to completely abandon the use of telephone metadata in helping to disrupt future terrorist plots and/or gain intelligence about known or suspected foreign terrorists. Second, Senator Mitch McConnell (R-KY) has proposed a straight extension of Section 215 to the year 2020. However, that approach does not address the Second Circuit's ruling that the statute as written does not authorize the bulk metadata collection program and would likely result in the federal district court judge who now has the case enjoining the government from continuing the program. In view of ISIS and al-Qaeda's renewed determination to strike the American homeland, there are three major policy options that Congress should consider. Policy Option No. 1. The first option would be to amend Section 215 specifically to allow the NSA to collect bulk telephone metadata and query that data pursuant to FISC court orders; codify the existing program as it has been modified by the Administration but add in cell phone data as well; and fold in the transparency, privacy, and civil liberties contained within the USA Freedom Act, discussed in detail below. Such an amendment would put the program on stronger statutory grounds and address the Second Circuit's holding. There are technical and business practice arguments in favor of this, but it would not address the concerns of many that the government was maintaining a database of telephony metadata. While this approach offers the simplest method to query and analyze the metadata, as it is housed in one place, this approach currently suffers from lack of transparency, lack of civil liberties protections, and privacy concerns. In 2014, the National Research Council appointed a committee of experts to assess "the feasibility of creating software that would allow the U.S. intelligence community more easily to conduct targeted information acquisition rather than bulk collection"^[18] as called for in Section 5(d) of Presidential Policy Directive 28. Committee members and experts included people from Oracle, Microsoft, Google, and other industry and academic experts. After a thorough review, these experts found that there is currently no technologically feasible alternative to the current metadata bulk collection platform. It is safe to assume that the commercial IT world is already working to find a way to provide the tools to do just that sort of analysis. Today, only by keeping all the data together and making appropriate inquiries of the data can the dots be connected, but in the immediate future, other options should become available. Policy Option No. 2. The chief concern among policymakers who are skeptical of government surveillance, and in particular Section 215, is that it is the government that holds the telephony metadata. Such policymakers have also noted that there are not enough privacy protections built into the existing program. One solution to the first concern would be to establish and require that a private, third-party entity house the telephony metadata, including cell phone metadata. The metadata would be collected in bulk but housed by a private third party. Court orders from the FISC would authorize select employees of the private entity, with appropriate security clearances, to query the database. Just as in policy option number one, the Congress could add transparency, civil liberties, and privacy protections to the FISC and program, as discussed below. This alternative would take time to develop and has gained little traction on either side of the debate. Policy Option No. 3. The third policy option is the House-passed USA FREEDOM Act—legislation that reauthorizes Section 215 and reforms it to end government bulk collection of telephone metadata by the NSA. Instead, the metadata resides with the telephone carriers, where the government will have access to it subject to a court order by the FISC. The USA FREEDOM Act replaces bulk collection with a program called a "Call Detail Record." Under this new program, whenever the NSA feels it has reasonable, articulable suspicion that a phone number is associated with international terrorism, it can seek an order to access information about that number from the FISC. If the FISC gives the order, the NSA will submit one or several queries to the telecom companies for historical and real-time data on the number in question. At that time, both historical and real-time data related to the suspicious number will flow into the NSA, as well as data on the two generations of numbers surrounding it (referred to as "hops"). This information will flow on a 24/7 basis for 180 days, double the amount

of time that a FISC order currently authorizes. At the end of 180 days, the NSA can seek renewal for another 180-day time period. Ending the bulk collection of telephone metadata by the government, or even housing it in a private third-party entity, may encumber the ability of the intelligence community to analyze all the data in real time across a known pool of data. Such a change will inevitably slow down investigators, but as the technology changes, this should be rectified. That said, numerous intelligence community leaders have said that while it is far from ideal, they could live with such a system, understanding that America is accepting some risk by doing so. Section 102 provides for emergency authority for the Attorney General to require emergency production of tangible things absent a court order as long as he or she informs a FISC judge and subsequently makes an application to the court within seven days after taking this action. The USA FREEDOM Act also establishes several civil liberties protections for the existing program as it relates to the telephone metadata program. Section 401 of the Act requires the presiding judges of the FISC to designate not fewer than five individuals to be eligible to serve as amicus curiae—friends of the court. Those designated shall be experts in privacy and civil liberties, intelligence collection, and communications technology and be eligible for a security clearance. The amicus curiae serve to assist the court in the consideration of any novel or significant interpretation of the law. Section 402 of the Act also mandates the Director of National Intelligence, in consultation with the Attorney General, to conduct a declassification review of each decision, order, or opinion by the FISC and, to the extent practicable, make those decisions, orders, or opinions publicly available. The USA FREEDOM Act also contains other reforms, including prohibiting bulk collection utilizing FISA pen register and the “trap and trace” procedures in Section 201. The Act is the only legislative vehicle that has passed a chamber of Congress. It is not perfect and could be improved. For example, there should be a uniform period of time for carriers to maintain the telephone metadata. Another could be designating a specific format in which the carriers must maintain the data to allow more expeditious analysis once the data is appropriately obtained. The USA FREEDOM Act strikes a balance between maintaining our national security capabilities and protecting privacy and civil liberties, and this should always be the goal. Conclusion The threat of international terrorism is real and on the rise. The United States remains in a state of armed conflict against non-state actors: al-Qaeda, the Afghan Taliban, ISIS, and associated forces. Winning this armed conflict requires a coordinated, sophisticated, and comprehensive strategy that harnesses all aspects of America’s national power. For decades, over many armed conflicts, the United States has relied on and utilized the fruits of lawful signals intelligence to disrupt, degrade, detect, and ultimately defeat the enemies of the United States. Today, because of stunning advances in technology, we have the ability to search through billions of anonymous bits of telephone call data and draw connections among known and suspected foreign terrorists about whom we otherwise might never have known. Those connections and the connections made possible by other aspects of national power enable those who defend our freedoms to keep us safe. In crafting the best policies with respect to mining telephone metadata, Congress has a solemn duty to abide by the Constitution, particularly our Fourth Amendment right to be secure in our persons, houses, papers, and effects against “unreasonable searches and seizures.” At the same time, Congress has to recognize that telephone metadata is not a subscriber’s personal property: It is owned by the telephone companies as part of their business records. Yet the data is sensitive, and American citizens expect that their phone records, even if they do not own them, are private information. Congress must find a way to balance these two interests, because allowing the capacity to query third-party telephone metadata—signals intelligence—to expire is unwise and dangerous, especially during a time of armed conflict.

Surveillance key to stop lone wolf terrorism – multiple scenarios for WMD use – generic defense doesn’t apply
Lederman chief counsel for national security and investigations of the U.S. Senate Homeland Security and Governmental Affairs Committee ’12 (Gordon, “The Threat from Within: What Is the Scope of Homegrown Terrorism?” July 1,
http://www.abajournal.com/magazine/article/the_threat_from_within_what_is_the_scope_of_homegrown_terrorism, ME)

Homegrown terrorism is a major national security threat to the United States in the 21st century because of the combination of violent extremist ideology—especially violent Islamist extremism and its suicidal terrorism—with **the Internet accelerating an individual’s radicalization and** with **the proliferation of technology enabling an individual to cause mass casualties or widespread disruption**. In other words, the scope of the insider threat to the United States in the 21st century is virtually unprecedented—there exists the potential for an individual within the United States, segregated within his or her own Internet community of sympathizers, to radicalize to violent extremism and then to utilize modern technology to kill millions of people or to hobble critical infrastructure. This insider threat requires a greater emphasis on preventing potentially catastrophic attacks before they occur. The attacks of Sept. 11, 2001, heightened America’s consciousness to the threat posed by violent Islamist extremism. “Violent Islamist extremism” refers to the ideology advocating creation of a global state that would impose the most radical version of Islamic law and the use of violence against non-Muslim military personnel and civilians and even against Muslim opponents of this ideology. To recruit adherents, violent Islamist extremism utilizes a narrative that the West, led by the United States, is at war with Islam. The process by which individuals adopt violent Islamist extremism is commonly called “radicalization.” Violent Islamist extremists demonstrated on 9/11 and in subsequent plots that they seek to kill large numbers of U.S. civilians domestically, and al-Qaida leadership has sanctioned the use and pursued the development of weapons of mass destruction. Moreover, the 9/11 attacks showed violent Islamist extremists’ willingness to commit suicide while attacking—thus making them difficult to deter. These characteristics make violent Islamist extremism the most dangerous terrorist threat to the United States. Indeed, the Obama administration has identified this threat—which it calls “violent extremism and terrorism inspired by al-Qaida and its affiliates and adherents”—as **the “pre-eminent” violent extremist threat** to the United States. The 9/11 hijackers came from outside the United States to attack. During the initial years after 9/11, the U.S. government assumed that the United States’ experience as a melting pot of immigrants pursuing the American dream was a bulwark against U.S. citizens—native and immigrant—radicalizing to violent Islamist extremism. This assumption seemed generally correct because there were only 21 cases of homegrown violent Islamist extremism—that is, terrorist attacks or plots by U.S. citizens, permanent residents or visitors radicalized largely within the United States—from Sept. 11, 2001 until April 2009. But since May 2009, there have been 32 cases of homegrown violent Islamist extremism. Two of these post-2009 cases have resulted in deaths on U.S. soil. On June 1, 2009, Carlos Bledsoe killed one service member and wounded a second at a military recruiting station in Little Rock, Ark. And on Nov. 5, 2009, 12 service members and one Department of Defense civilian were killed and 32 wounded at Fort Hood, Texas. Army-trained psychologist Major Nidal Hasan, who reportedly had radicalized to violent Islamist extremism during his military medical training, is being court-martialed for the attack. Other notable plots have included one in 2008 led by Najibullah Zazi to attack the New York City subway system and the attempt on May 1, 2010, by Faisal Shahzad to detonate a car bomb in Manhattan’s Times Square. The vast majority of these cases have not involved plans for suicide, but Zazi and his fellow plotters did plan their attack as a suicide mission and several Americans who joined the al-Shabaab terrorist group in Somalia reportedly became suicide attackers there. To be sure, these cases of homegrown violent Islamist extremism represent a tiny percentage of the estimated 6 million Muslim-Americans. Moreover, as Presidents George W. Bush and Barack Obama have stressed since 9/11, the United States is not at war with Islam but rather with adherents to an ideology that perverts it. However, this upward trend in cases is worrisome particularly when combined with the role of the Internet and the proliferation of destructive and disruptive technology. The Internet has facilitated radicalization to violent Islamist extremism and resulting terrorist activity. To be sure, the Internet has provided billions of people with access to information, and social media has played a critical role in democratic revolutions across the world. However, the Internet has also enabled radicalization, with violent Islamist extremists becoming adept at using the Internet to spread their propaganda. Violent Islamist extremists originally used password-protected forums, but they are now present on mainstream sites such as YouTube. The Internet enables individuals who are vulnerable to radicalization to find violent Islamist extremist material easily and to self-segregate and interact only with individuals who share that ideology—and in the privacy of their own homes. To be sure, homegrown violent Islamist extremist plots to date have not involved weapons of mass destruction but rather conventional explosives and firearms. Of course, firearms can cause significant casualties, such as the terrorist attack that killed 168 people in Mumbai, India, in November 2008. But the proliferation of mass destructive and disruptive technology enables even a single individual to wreak havoc domestically. For example, a single terrorist

with microbiological training and access to a laboratory with dangerous pathogens—or equipment enabling the synthesis of a new pathogen—could release a pathogen that could kill millions. In addition, an individual with cyberskills could cause extensive damage to infrastructure and even loss of life through a cyberattack, such as by interfering with “supervisory control and data acquisition” systems, which are computer systems controlling the underpinnings of modern society such as electrical power transmission, communications and airports. An individual could also gain access to radiological material—such as that held by hospitals for medical purposes—and create a “dirty bomb” that renders several city blocks or larger uninhabitable and sow panic. The vector of technological development thus continually increases the power of an individual to cause mass destruction and disruption. The result of the combination of violent extremism, especially violent Islamist extremism, the role of the Internet, and the proliferation of destructive technology is that the government must increasingly emphasize prevention of homegrown terrorism. This task is complicated by the fact that, although an overall four-stage model of radicalization to violent Islamist extremism does exist, individuals who have radicalized have not necessarily followed the model’s sequence of stages, and an analysis of homegrown terrorism cases does not reveal a profile to predict who will radicalize except that homegrown terrorists are predominantly male and approximately two-thirds are younger than 30. Immediately after the 9/11 attacks, Federal Bureau of Investigation Director Robert Mueller declared that the FBI—which had previously focused on investigating terrorism after its occurrence—now had the top priority of preventing terrorist attacks. To do so, the FBI needed to reorient itself from prosecutions after an attack to an intelligence-driven effort to detect and dismantle terrorist threats prior to an attack. For example, Mueller charged each of the 56 FBI field offices with “domain awareness,” defined as “a 360-degree understanding of all national security and criminal threats in any given city or community. It is the aggregation of intelligence, to include what we already know and what we need to know, and the development of collection plans to find the best means to answer the unknowns. With this knowledge, we can identify emerging threats, allocate resources effectively, and identify new opportunities for intelligence collection and criminal prosecution.” Director Mueller also declared that every counterterrorism lead would be pursued. However, prior to the 9/11 attacks, the FBI was not authorized to conduct investigative activity without sufficient factual predication that a crime was being or had been committed. In order for the FBI to become “intelligence-driven,” it had to develop a protocol for collecting intelligence information—meaning information concerning potential threats even if there was no factual predication of criminal activity. Without such a protocol, the FBI would have limited ability to track down counterterrorism leads that lacked predication of criminal activity or to gather information to be able to analyze the nature and trend of violent extremist threats above and beyond whatever criminal cases the FBI had ongoing. Accordingly, in 2008 Attorney General Michael Mukasey authorized and Director Mueller instituted a new FBI operational protocol permitting “assessments” when there is “no particular factual predication” that a crime has been committed and instead based on an “authorized purpose” such as “to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security, or to collect foreign intelligence.” Limited investigative tools are permitted, including reviewing publicly available information and conducting physical surveillance not otherwise requiring a warrant—as opposed to intrusive tools such as wiretaps, which require a warrant. Assessments are prohibited “based solely on the exercise of First Amendment-protected activities or on the race, ethnicity, national origin or religion of the subject.” FBI agents must use the “least intrusive” investigative mechanisms possible. As stated in Mukasey’s authorization to the FBI, “For example, assessment activities may involve proactively surfing the Internet to find publicly accessible websites and services through which recruitment by terrorist organizations and promotion of terrorist crimes is opening taking place.”

Extinction

Nathan **MYHRVOLD**, PhD in theoretical and mathematical physics from Princeton, former chief technology officer of Microsoft, **13** [July 2013, “Strategic Terrorism: A Call to Action,” The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>]

Several powerful trends have aligned to profoundly change the way that the world works. Technology now allows stateless groups to organize, recruit, and fund themselves in an unprecedented fashion. That, coupled with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be lead players on the world stage. They may act on their own, or they may act as proxies for

nation-states that wish to duck responsibility. Either way, stateless groups are forces to be reckoned with. At the same time, a different set of technology trends means that small numbers of people can obtain incredibly lethal power. Now, for the first time in human history, a small group can be as lethal as the largest superpower. Such a group could execute an attack that could kill millions of people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even to **drive the human race to extinction**. Our defense establishment was shaped over decades to address what was, for a long time, the only strategic threat our nation faced: Soviet or Chinese missiles. More recently, it has started retooling to address tactical terror attacks like those launched on the morning of 9/11, but the reform process is incomplete and inconsistent. A real defense will require rebuilding our military and intelligence capabilities from the ground up. Yet, so far, strategic terrorism has received relatively little attention in defense agencies, and the efforts that have been launched to combat this existential threat seem fragmented. History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by repeatedly attacking us or hectoring us for decades.

2NC DA – Uniqueness Wall

Number one terrorist threat to the U.S. is homegrown extremism that comes from recruitment over the Internet and social media – metadata collection is key to track domestic terrorist activity and prevent lone wolf attacks that destroy critical infrastructure – if their evidence isn't in context of homegrown extremists and data collection strike it from your flow – that's 1NC Carafano

Terrorist organizations watching policy changes closely – the aff would cause a major perceptual shift

Corcoran 5-31-15 (Kieran, “Head of CIA warns that US is at risk of lone wolf terror attack after NSA powers to monitor all phone calls expired – as Isis ‘watch carefully’ for security gaps,” <http://www.dailymail.co.uk/news/article-3105089/Senate-makes-ditch-bid-extend-NSA-s-bulk-collection-phone-records-Rand-Paul-swears-block-legislation-let-Patriot-Act-expire.html>, ME)

The head of the CIA has warned that Americans are now at risk after the Senate was unable to extend laws giving authorities special powers to fight terrorists. Politicians in the upper house were unable to come to an agreement to extend key parts of the Patriot Act - that legalize controversial methods of surveillance by the National Security Agency (NSA) - which expired on Sunday. Attempts were frustrated by Presidential candidate Rand Paul, who has taken a firm stance against the extension of powers allowing the mass collection of phone records, wire taps and warrants without evidence. But the Head of the CIA John Brennan claims ordinary Americans, who expect the NSA to do their jobs, have been put at risk by 'political grandstanding and crusading for ideological causes' that fueled the debate. Speaking on CBS show Face The Nation, he warned that the US - and Europe - is now in danger from technologically 'sophisticated' terrorists who are watching developments carefully and 'looking for the seams to operate' within. He claimed that the authorities do not abuse the powers, extended in 2011 to help fight lone wolf terror suspects not connected to a specific group, and that without them, it's difficult for the NSA to protect America. Mr Brennan said: 'I think terrorist elements have watched very carefully what has happened here in the United States, whether or not it's disclosures of classified information or whether it's changes in the law and policies. They are looking for the seams to operate within. 'And this is something that we can't afford to do right now, because if you look at the horrific terrorist attacks and violence that is being perpetrated around the globe, we need to keep our country safe. And our oceans are not keeping us safe the way they did a century ago.' The Patriot Act was passed in 2001 in the wake of the 9/11 terror attacks. Now that the provisions have expired, government agents will need to subpoena phone companies for the records. The White House previously justified collecting the records because of the Patriot Act's Section 215, which expired on Sunday. Two other provisions, added in 2011, also expired with it. The first is a 'roving wiretap' provision which allows government agencies to keep tracking suspects as they switch devices. The second is a 'lone wolf' clause which allows warrants to be granted without any evidence linking a suspect to a foreign power or terrorist group. Political struggles over the NSA and its data collection have become a national issue since whistleblower Edward Snowden revealed the extent of government programs in 2013. The senate's efforts to pass a replacement bill were frustrated by Kentucky's junior senator Rand Paul, who has spoken at length against the NSA's activities, which he has excoriated as illegal and unconstitutional. Paul, a Republican who is running for president, came up against members of his own party, as well as the Obama administration. With his presidential campaign waning, he has been accused of irresponsible political opportunism by opponents, by fighting a bill on ideological grounds that may put ordinary people at risk. He was criticized by the White House Sunday night, which called the Patriot Act expiration an 'irresponsible lapse'. While Brennan didn't mention Paul by name, he said on Face The Nation: 'Unfortunately I think there is a little too much political grandstanding and crusading for ideological causes that have really fuelled the debate on this issue. He added: 'These are authorities that have been used by the government to make sure that we're able to safeguard Americans. And the sad irony is that most

Americans expect the government to protect them. And so although there's a lot of debate that goes on, on the Congress and the Hill on this issue, I think, when you go out to Boise or Tampa or Louisville, Americans are expecting their law enforcement and homeland security and intelligence professionals to do their work. And these authorities are important.' Paul argued 'there must be another way' but even he agrees that the lapse in these powers are likely to be temporary as politicians work on the USA Freedom Act, which is expected to pass within the next week. Republican Senate Majority Leader Mitch McConnell called a rare Sunday session to try to pass the replacement law, but was unable to push it through in time. And although the replacement is set to pass this week, Paul said the expiration was 'a victory no matter how you look at it'. In a statement, he said: 'It might be short lived, but I hope that it provides a road for a robust debate, which will strengthen our intelligence community, while also respecting our Constitution. He added: 'The expiration of the NSA's sweeping, all-encompassing and ineffectual powers will not relinquish functions necessary for protecting national security. The expiration will instead do what we should have done all along - rely on the Constitution for these powers.' According to a top lawmaker, as of 8pm Sunday no NSA employee could access their enormous phone records database, which holds metadata on millions of phone conversations handed over by telecoms companies like Verizon and AT&T. Senate Intelligence Committee chairman Richard Burr said on Sunday: 'There is no way to get any type of agreement tonight -- either an extension or passage of a bill. So at 8pm tonight, NSA employees can not query the database'. In a statement issued Sunday night, Obama's press secretary Josh Earnest, urged action to pass the USA Freedom Act as quickly as possible. He said: 'The Senate took an important - if late - step forward tonight. We call on the Senate to ensure this irresponsible lapse in authorities is as short-lived as possible. 'On a matter as critical as our national security, individual Senators must put aside their partisan motivations and act swiftly. The American people deserve nothing less.' Some lawmakers have said the lapse raises alarming questions about how US authorities can keep the homeland safe with a diminished security toolbox. 'I think it's very very unfortunate that we're in this position,' said Senator Mike Lee, a conservative Republican who supports the reform bill. 'We've known this date was coming for four years. Four years. And I think it's inexcusable that we adjourned' for a weeklong break last week without resolving the issue. Lee, too, conceded that the reform bill would most likely pass in the coming week. **With the clock ticking, CIA chief John Brennan warned Sunday that allowing vital surveillance programs to lapse could increase terror threats, and argued that the phone metadata dragnet has not abused civil liberties and only serves to safeguard citizens.** 'This is something that we can't afford to do right now,' Brennan said of allowing the counterterrorism provisions to expire. 'Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago,' he said on CBS talk show Face the Nation. Brennan added that online threats from groups like Isis would continue to grow over the next five to ten years. He said: 'Isis has been very sophisticated and adept at using the Internet to propagate its message and reach out to individuals. We see what is happening as far as thousands upon thousands of individuals, including many thousands from the West, that have traveled into Syria and Iraq. And a number of these individuals are traveling back. 'And what we see, they're also using the Internet as a way to incite and encourage individuals to carry out acts of violence. 'So as the director of FBI says, you know, this use of these websites and their Internet capabilities is something of great concern. So yes, I think ISIS is a threat not just in the Middle East and South Asia and African regions but also to Europe as well as to the United States.'

The threat is rising --- NSA surveillance disrupts attacks

Bolton 15. [John R., Formerly served as the U.S. permanent representative to the United Nations, and under secretary of state for arms control and international security. At AEI, Ambassador Bolton's area of research is U.S. foreign and national security policy. 4/28/ "NSA activities key to terrorism fight," American Enterprise Institute, <https://www.aei.org/publication/nsa-activities-key-to-terrorism-fight/>.

Congress is poised to decide whether to re-authorize programs run by the National Security Agency that assess patterns of domestic and international telephone calls and emails to uncover linkages with known terrorists. These NSA activities, initiated after al-Qaeda's deadly 9/11 attacks, have played a vital role in protecting America and our citizens around the world from the still-metastasizing terrorist threat. The NSA programs do not involve listening to or reading conversations, but rather seek to detect communications networks. If patterns are found, and more detailed investigation seems warranted, then NSA or other federal authorities, consistent with the Fourth Amendment's prohibition against unreasonable searches and seizures, must obtain judicial approval for more specific investigations. Indeed, even the collection of the so-called metadata is surrounded by procedural

protections to prevent spying on U.S. citizens.¶ Nonetheless, critics from the right and left have attacked the NSA for infringing on the legitimate expectations of privacy Americans enjoy under our Constitution. Unfortunately, many of these critics have absolutely no idea what they are talking about; they are engaging in classic McCarthyite tactics, hoping to score political points with a public justifiably worried about the abuses of power characteristic of the Obama administration. Other critics, following Vietnam-era antipathies to America's intelligence community, have never reconciled themselves to the need for robust clandestine capabilities. Still others yearn for simpler times, embodying Secretary of State Henry Stimson's famous comment that "gentlemen don't read each others' mail."¶ The ill-informed nature of the debate has facilitated scare-mongering, with one wild accusation about NSA's activities after another being launched before the mundane reality catches up. And there is an important asymmetry at work here as well. The critics can say whatever their imaginations conjure up, but NSA and its defenders are significantly limited in how they can respond. By definition, the programs' success rests on the secrecy fundamental to all intelligence activities. Frequently, therefore, explaining what is not happening could well reveal information about NSA's methods and capabilities that terrorists and others, in turn, could use to stymie future detection efforts.¶ After six years of President Obama, however, trust in government is in short supply. It is more than a little ironic that Obama finds himself defending the NSA (albeit with obvious hesitancy and discomfort), since his approach to foreign and defense issues has consistently reflected near-total indifference, except when he has no alternative to confronting challenges to our security. Yet if harsh international realities can penetrate even Obama's White House, that alone is evidence of the seriousness of the threats America faces.¶ In fact, just in the year since Congress last considered the NSA programs, the global terrorist threat has dramatically increased. ISIS is carving out an entirely new state from what used to be Syria and Iraq, which no longer exist within the borders created from the former Ottoman Empire after World War I. In already-chaotic Libya, ISIS has grown rapidly, eclipsing al-Qaeda there and across the region as the largest terrorist threat. Boko Haram is expanding beyond Nigeria, declaring its own caliphate, even while pledging allegiance to ISIS. Yemen has descended into chaos, following Libya's pattern, and Iran has expanded support for the terrorist Houthi coalition. Afghanistan is likely to fall back under Taliban control if, as Obama continually reaffirms, he withdraws all American troops before the end of 2016.¶ This is not the time to cripple our intelligence-gathering capabilities against the rising terrorist threat. Congress should unquestionably reauthorize the NSA programs, but only for three years. That would take us into a new presidency, hopefully one that inspires more confidence, where a calmer, more sensible debate can take place.

Terrorist threats are high now – intel is key

Collins 15 (Eliza, wirtler for Politico, 5/10, "Mike McCaul Warns of Growing Us Terrorist Threat")

More people are being recruited by terrorist groups than the FBI estimates, the chairman of the House Homeland Security Committee said on Sunday.¶ FBI Director James Comey said last week that hundreds, maybe thousands of people, are being recruited on encrypted websites that the FBI can't penetrate to carry out attacks in the U.S.¶ "We have this phenomenon in the United States where they can be activated by the Internet. Really, terrorism has gone viral," Rep. Mike McCaul (R-Texas) said on "Fox News Sunday."¶ The Texas shooting was a textbook case of law enforcement intercepting a threat, McCaul said, but homegrown terrorism is nonetheless difficult to stop.¶ Late last week, **the U.S. raised the threat level at all U.S. military bases.**¶ "This threat is like finding a needle in the haystack sometimes - and it's going to get worse, not better," McCaul warned.

A2: No Attack Coming Now

Terrorist attacks on the rise – surveillance is key to prevent the next attack

Zuckerman, Bucci and Carafano 13 (Jessica, Policy Analyst, Western Hemisphere, Heritage Foundation, Steven P., Director of the Center for Foreign and National Security Policy at the Heritage Foundation, and James Jay, PhD, Vice President for the Institute for National Security and Foreign Policy, "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism")

Strengthening the Domestic Counterterrorism Enterprise¶ Three months after the attack at the Boston Marathon, the pendulum of awareness of the terrorist threat has already begun to swing back, just as it did after 9/11. Due to the resilience of the nation and its people, for most, life has returned to business as usual. The threat of terrorism against the United States, however, remains.¶ Expecting to stop each and every threat that reaches a country's borders is unreasonable, particularly in a free society committed to individual liberty. Nevertheless, there are important steps that America's leaders can take to strengthen the U.S. domestic counterterrorism enterprise and continue to make the U.S. a harder target. Congress and the Administration should:¶ Ensure a proactive approach to preventing terrorist attacks. Despite the persistent threat of terrorism, the Obama Administration continues to focus on reactive policies and prosecuting terrorists rather than on proactive efforts to enhance intelligence tools and thwart terrorist attempts. This strategy fails to recognize the pervasive nature of the threat posed by terrorist groups such as al-Qaeda and homegrown extremism. The Administration, and the nation as a whole, should continue to keep in place a robust, enduring, and proactive counterterrorism framework in order to identify and thwart terrorist threats long before the public is in danger.¶ Maintain essential counterterrorism tools. Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorist threats. Key provisions within the act, such as the roving surveillance authority and business records provision, have proved essential for thwarting terror plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sunset provisions within the PATRIOT Act.[208] Furthermore, legitimate government surveillance programs are also a vital component of U.S. national security, and should be allowed to continue. Indeed, in testimony before the house, General Keith Alexander, the director of the National Security Agency (NSA), revealed that more than 50 incidents of potential terrorism at home and abroad were stopped by the set of NSA surveillance programs that have recently come under scrutiny. That said, the need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well.¶ Break down the silos of information. Washington should emphasize continued cooperation and information sharing among federal, state, and local law enforcement agencies to prevent terrorists from slipping through the cracks between the various jurisdictions. In particular, the FBI should make a more concerted effort to share information more broadly with state and local law enforcement. State and local law enforcement agencies are the front lines of the U.S. national security strategy. As a result, local authorities are able to recognize potential danger and identify patterns that the federal authorities may miss. They also take the lead in community outreach, which is crucial to identifying and stopping "lone wolf" actors and other homegrown extremists. Federal law enforcement, on the other hand, is not designed to fight against this kind of threat; it is built to battle cells, groups, and organizations, not individuals.¶ Streamline the domestic counterterrorism system. The domestic counterterrorism enterprise should base future improvements on the reality that governments at all levels are fiscally in crisis. Rather than add additional components to the system, law enforcement officials should streamline the domestic counterterrorism enterprise by improving current capabilities, leveraging state and local law enforcement resources and authorities, and, in some cases, reducing components where the terrorist threat is not high and the financial support is too thin or could be allocated more effectively. For example, the Department of Homeland Security should dramatically reduce the number of fusion centers, many of which exist in low-risk areas or areas where similar capabilities exist. An easy way to reduce the number of fusion centers is to eliminate funding to those that are located outside the 31 urban areas designated as the highest risk.¶ Fully implement a strategy to counter violent extremism. Countering violent extremism is an important complementary effort to an effective counterterrorism strategy. In August 2011, the U.S. government released a strategic plan called "Empowering Local Partners to Prevent Violent Extremism in the United States." [209] The plan focuses on outlining how federal agencies can assist local officials, groups, and private organizations in preventing violent extremism. It includes strengthening law enforcement cooperation and helping communities understand how to counter extremist propaganda

(particularly online). Sadly, this plan is not a true strategy. It fails to assign responsibilities and does not direct action or resource investments. More direction and leadership must be applied to transform a laundry list of good ideas into an effective program to support communities in protecting and strengthening civil society.¶ Vigilance Is Not Optional¶ In a political environment of sequestration on the one hand and privacy concerns on the other, there are those on both sides of the aisle who argue that counterterrorism spending should be cut and U.S. intelligence agencies reigned in. As the above list indicates however, **the long war on terrorism is far from over**. Most disturbingly, **an increasing number of Islamist-inspired terrorist attacks are originating within America's borders. The rise of homegrown extremism is the next front in the fight against terrorism and should be taken seriously by the Administration.**¶ **While there has not been another successful attack on the homeland on the scale of 9/11, the bombings in Boston reminded the country that the threat of terrorism is real and that continued vigilance is critical to keeping America safe.** Congress and the Administration must continue to upgrade and improve the counterterrorism capabilities of law enforcement and intelligence agencies as well exercise proper oversight of these capabilities. The American people are resilient, but the lesson of Boston is that **the government can and should do more to prevent future terror attacks.**

The threat is increasing – recruiting levels

VOA News 15 (Homeland Security Chief: Global Terror Threat Has Entered 'New Phase'" 5/11)

Appearing on the Fox News Sunday broadcast from Paris, Congressman Michael McCaul, chairman of the House Homeland Security Committee, said there has been an uptick in threat streams against local police and military bases.¶ "We're seeing these on an almost daily basis. It's very concerning. I'm over here with the French counter-terrorism experts on the Charlie Hebdo case, how we can stop foreign fighters coming out of Iraq and Syria to Europe. But then, we have this phenomenon in the United States where they (terrorists) can be activated by the Internet. **And, really, terrorism has gone viral.**" said McCaul.¶ McCaul said the potential terror threat may even be greater than the FBI has outlined. **He said the United States faces two threats: one from fighters coming out of the Middle East and the other from thousands at home who will take up the call to arms when the IS group sends out an Internet message.** He warned **the threat will only get worse**, largely because **of the existence of so many failed states in the Middle East and North Africa.**

Lone wolf risk is growing

Zenko 15 (Micah, 5/19, Council on Foreign Relations, "Is US Foreign Policy Ignoring Homegrown Terrorists?")

On February 12, National Counterterrorism Center Director Nicholas Rasmussen told the Senate Select Committee on Intelligence:¶ **"We face a much greater, more frequent, recurring threat from lone offenders and probably loose networks of individuals. Measured in terms of frequency and numbers, it is attacks from those sources that are increasingly the most noteworthy..."**¶ On February 26, during the annual worldwide threats hearing, Director of National Intelligence James Clapper warned:¶ **"Home-grown violent extremists continue to pose the most likely threat to the homeland."**¶ Last Friday, Secretary of Homeland Security Jeh Johnson stated on MSNBC:¶ **"We're in a new phase...**in the global terrorist threat where, because of effective use of social media, the Internet, by ISIL, al-Qaeda, we have to be concerned about the independent actor who is here in the homeland who may strike with little or no warning..."¶ Finally, yesterday, former CIA deputy director Michael Morell described the messaging efforts of jihadist groups generally and the self-declared Islamic State (IS) more specifically:¶ **"Their narrative is pretty powerful: The West, the United States, the modern world, is a significant threat to their religion. Their answer to that is to establish a caliphate. And they are being attacked by the U.S. and other Western nations, and by these apostate regimes in the region. Because they are being attacked they need support in two ways; people coming to fight for them, and people coming to stand up and attack**

coalition nations in their home.”¶ In summary, the most likely—though not most lethal—terror threats to Americans come from individuals living within the United States who are partially motivated to undertake self-directed attacks based upon their perception that the United States and the West are at war with the Muslim world.

Al-Qaeda planning attacks now – surveillance is key

Wall Street Journal 15. Cassell Bryan-Low. “U.K. MI5 Chief Andrew Parker Warns of Threat of al Qaeda Attack in West,” <http://www.wsj.com/articles/u-k-mi5-chief-andrew-parker-warns-of-threat-of-al-qaeda-attack-in-west-1420757705>.

LONDON—The head of the U.K.’s domestic intelligence agency said Thursday that al Qaeda continued to pose an immediate threat and was planning large-scale attacks against the West.¶ In a rare public speech, MI5 chief Andrew Parker said “a group of core al Qaeda terrorists in Syria is planning mass casualty attacks against the West,” without elaborating on how advanced such planning was. The comments underscore that the terrorist threat remains diverse despite the recent focus on Islamic State, which has gained territory in Syria and Iraq.¶ The comments, made at MI5’s London headquarters, come on the heels of Wednesday’s shooting attack in Paris, which left 12 people dead. While authorities haven’t yet confirmed any possible connections of the perpetrators to terrorist organizations, intelligence officials have said that links to al Qaeda were a possibility.¶ In his remarks, Mr. Parker briefly addressed the Paris attack. “It is too early for us to come to judgments about the precise details or origin of the attack, but it is a terrible reminder of the intentions of those who wish us harm,” Mr. Parker said.¶ Speaking more generally, Mr. Parker said, “we face a very serious level of threat that is complex to combat and unlikely to abate significantly for some time.” He added that in recent months, authorities have prevented three U.K. terrorist plots that “would certainly” have resulted in deaths.¶ Mr. Parker said there had been an increase in the number of “crude but potentially deadly plots” and cited last year’s attacks in Canada and Australia as examples. “Such attacks are inherently harder for intelligence agencies to detect,” he said. “They are often the work of volatile individuals, motivated by terrorist propaganda rather than working as part of sophisticated networks. They often act spontaneously or after very short periods of prior training.”¶ He focused in particular on the threat stemming from the conflict in Syria. There have been more than 20 terrorist plots outside of Syria and Iraq that were either directed or provoked by extremist groups in Syria, including those in Canada, Australia, Belgium and France, according to Mr. Parker.¶ Britain’s security agencies in August raised the assessment of the threat from international terrorism to “severe” from “substantial,” the second-highest level on its five-point scale, primarily because of the threat of Islamist militants in Syria. The change, which triggered a step-up in security measures such as visible police patrols, reflects an assessment that an attack is highly likely but that there isn’t intelligence to suggest an imminent terror strike.¶ The MI5 chief said some 600 extremists now had traveled from Britain to Syria and that a “significant proportion” of those had joined Islamic State, also known as ISIL.¶ He also talked about the stiff challenges intelligence agencies face, ranging from the difficulty in collecting intelligence in Syria, where the U.K. has no partner agency to work with to technological challenges more broadly.¶ As the terrorism threat is increasing, intelligence agencies are finding their ability to counter them is decreasing, he said. The reasons include the increased availability—and use—of encryption that makes it harder for intelligence agencies to intercept communications.¶ “Changes in the technology that people are using to communicate are making it harder for the agencies to maintain the capability to intercept the communications of terrorists,” he said. “The further reduction of this capability will seriously harm our ability to investigate and disrupt such threats in the future.”¶ Mr. Parker also waded into Britain’s feud with Internet companies over how much they should help in combating terrorist activity. British authorities say they remain frustrated that U.S. Internet

companies don't feel obliged to comply with U.K. warrants requesting information about users.¶ He said intelligence agents need to be able to access communication among terrorists if they are to do their job, which means including the assistance of companies which hold relevant data. "Currently this picture is patchy," he said.¶ He also defended the communications-data gathering work by intelligence agencies, which has come under criticism following the disclosure of mass-surveillance techniques by former U.S. National Security Agency contractor Edward Snowden.¶ "MI5 does not browse through the private lives of the population at large," he said. "We need to have powerful capabilities that enable us to range widely, with the potential to reach anyone who might threaten national security—but with our efforts always concentrated on the tiniest minority who actually present threats."

A2: PATRIOT Act Expiration

NSA still has sufficient surveillance authority

Salon, 6-1 [Marcy Wheeler. “Reports of the Patriot Act’s death are greatly exaggerated,” [http://www.salon.com/2015/06/01/reports_of_the_patriot_acts_death_are_greatly_exaggerated/.](http://www.salon.com/2015/06/01/reports_of_the_patriot_acts_death_are_greatly_exaggerated/)]

The PATRIOT Act-authorized phone dragnet expired last night. For the first time since 2006, the NSA won’t receive records of the phone calls you make within the United States.¶ But that doesn’t mean spying on Americans has stopped. The NSA still obtains records of calls — potentially all calls — you make with people overseas. It still tracks Americans’ Internet communications using metadata obtained overseas. The FBI can still access the content of any communications Americans have with foreigners targeted under PRISM without a warrant or even any evidence of wrong doing. FBI can still, and indeed does, obtain phone records of individuals in conjunction with national security investigations without any court review.¶ Not even the spying conducted under Section 215 — the authority that had been used to collect all of Americans’ phone records, but which is also used to collect certain kinds of Internet data — or the two other expiring provisions will stop. Because they’re tied to more focused investigations (though the Internet collection is probably not targeted at one individual), they will probably continue under a grandfather clause allowing ongoing investigations using those authorities to continue.

NSA surveillance authority is likely to be restored.

Slate, 6/1/2015. Lily Hay Newman. “NSA Bulk Data Collection Expired Last Night. What’s Different Today?” http://www.slate.com/blogs/future_tense/2015/06/01/portions_of_the_patriot_act_expired_on_may_31_what_does_that_mean.html.

Yesterday bulk collection was in effect, but are we being surveilled today? For the first time in 14 years, there’s no automatic NSA mechanism for recording who you call and when you call them. But there are still ways for the NSA to use its network abroad to get information about your international calls and online browsing. The agency can even still get the content of your international communications through PRISM. Salon’s Marcy Wheeler writes, “Reports of the Patriot Act’s death are greatly exaggerated”

The NSA still obtains records of calls—potentially all calls—you make with people overseas. It still tracks Americans’ Internet communications using metadata obtained overseas. The FBI can still access the content of any communications Americans have with foreigners targeted under PRISM without a warrant or even any evidence of wrongdoing. The FBI can still, and indeed does, obtain phone records of individuals in conjunction with national security investigations without any court review.

In addition to the halt in bulk NSA communication surveillance, the act’s expiration means that the FBI can no longer use it to get sweeping wiretap orders to track a suspect when he or she changes phones. Each new device now requires a fresh warrant. Additionally, the agency can no longer use the act to justify wiretaps of “lone wolf” terrorism suspects—individuals who don’t have a known affiliation to a larger group.

As the New York Times points out, though, it seems that the NSA is keeping its existing trove of data, since the Justice Department will have grandfathered ability to continue to access files for ongoing investigations. The Times also indicates that law enforcement agencies have other workarounds to continue to get the approvals they want.

In the tension between the security need for surveillance and the desire to preserve individuals’ rights to privacy, it seems like eliminating bulk surveillance would be an obvious solution. So that would make today a better day than yesterday, right? But there is strong bipartisan agreement

that some surveillance is necessary to maintain safety from international bad actors.
Rep. Adam Schiff, a Democrat from California, called the expiration “a lose-lose.”

The Senate will probably restore the expired portions of the act this week. And Congress has been mulling alternatives, like the USA Freedom Act, which would notably mandate that phone companies, not the government itself, store bulk collections. That way, agencies would have to go through the Foreign Intelligence Surveillance Act court in order to pull individual records, instead of having full, broadly approved access.

New NSA reforms allow metadata

Lake 5-20 (Eli, Bloomberg View, "Congress Falls out of Love with the Surveillance State")

There is urgency to act. The Patriot Act provision on NSA bulk metadata collection expires June 1.¶ Nunes told us the chances of just reauthorizing section 215 of the Patriot Act when an alternative bill was on the floor were slim. He said he reluctantly endorsed the slimmed-down approach to data collection: "Do you want to keep something and hope the changes can work, or risk the whole program going dark?"¶ **To be sure, the new bill still allows the FBI and NSA to search the numbers dialed and times and dates of phone calls to find the confederates of terrorists in the United States.** But no longer would the NSA be allowed to store those records. Eventually, President Obama made it known that he favors the changes as well. Nunes told us Obama met with the chairmen and ranking members of the House and Senate intelligence committees last Monday and said he supported the new legislation.

A2: Lone Wolf Overwhelms

DHS attention has refocused on lone wolf now – the threat is growing

Fobbs 14 – Kevin Fobbs began writing professionally in 1975 and has been published in the "New York Times," and written for the "Detroit News," "Michigan Chronicle," "GOPUSA", "Soul Source" magazine and "Writers Digest" magazine. As the former Community Concerns columnist for 12 years with The Detroit News, "Is America ready – U.S. officials fear radicalized lone-wolf terrorist plots maybe soon!" <http://buzzpo.com/america-ready-u-s-officials-fear-radicalized-lone-wolf-terrorist-plots-maybe-soon/>

How prepared do you believe America is if ISIS or Al Qaeda terrorism crept into your neighborhood and attacked? Are you as afraid as many U.S. intelligence community officials are who fear radicalized citizens will carry out lone-wolf terrorist plots? Maybe you and your family should be. Because, according to PBS News, Obama administration officials are suggesting a far ranging list of threat assessments to America's national security. But chief among them are the lone-wolf terrorist plots because, "they don't require large conspiracies of people whose emails or phone calls can be intercepted." Unlike the September 11th 2001 terrorist attacks on America's homeland, these breed of terrorists are not only well trained but they have joined or are affiliated with ISIS; a well financed terrorist organizational network. This extremist group has established a highly efficient caliphate, or Islamic state, in eastern Syrian and northern and western Iraq; it is also the group that is responsible for the beheading of American journalist James Foley. Although Obama and his administration officials appear to be discounting the seriousness of terrorist attacks on America by lone-wolf operators to the same degree as Britain, they should. On Friday, England raised its terror threat to its second highest level from "substantial" to "severe". They have based this reaction to intelligence community information in Britain that cites that an "a foreign fighter danger that made a terrorist attack "highly likely," reported PBS News. America does not have to wonder if this type of terrorism can happen, because it did with the 2013 Boston Marathon bombings. Several people were killed and dozens of innocent citizens were injured. By apparent self-radicalized American brothers Dzhokhar and Tamerlan Tsarnaev. Then of course there was the New York Times bomb attempt in 2010 by Faisal Shahzad. Shahzad had received training and instructions while in Pakistan. Is America ready for this threat, even though the White House refuses to declare the jihadists and ISIS declared terrorist intentions real? This should definitely concern the nation because it only take approximately 90 seconds of period of violence to harm hundred if not thousands of Americans, from the alleged 200 plus citizens who have gone to fight for extremist terrorists in Iraq and Syria. The real pressing urgent matter lies in the terrorist trained Americans that return to American soil. Rutgers University professor John Cohen who recently left as Homeland Security Department's counterterrorism coordinator stressed that the officials worked very hard, "to detect Westerners who have gone to Syria, no one knows for sure whether there are those who have gone there undetected." reported PBS News. As the 9/11 terrorist attack anniversary approaches it is probably wise for all Americans to be aware of not just the possibility that a terrorist act could occur, but to report anything suspicious to law enforcement. Remember, America does not get a second chance to get it right.

Preparedness is increasing – local law enforcement are ramping up vigilance

Perez and Prokupecz 15 -- Evan Perez joined CNN as a justice reporter in 2013. In his current role, he regularly writes for CNN.com and appears across the network's programs to report on his findings. Shimon Prokupecz covers law enforcement for CNN and is based in New York City. "FBI struggling with surge in homegrown terror cases" <http://www.cnn.com/2015/05/28/politics/fbi-isis-local-law-enforcement/>

New York (CNN)The New York Police Department and other law enforcement agencies around the nation are increasing their surveillance of ISIS supporters in the U.S., in part to aid the FBI which is struggling to keep up with a surge in the number of possible terror suspects, according to law enforcement officials. The change is part of the fallout from the terrorist attack in Garland, Texas earlier this month. The FBI says two ISIS supporters attempted a gun attack on a Prophet Mohammad cartoon contest but were killed by police. One of the attackers, Elton Simpson, was already under investigation by the FBI but managed to elude surveillance to attempt the foiled attack. FBI Director James Comey told a group of police officials around the country in a secure conference call this month that the FBI needs help to keep tabs on hundreds of suspects. As a result, some police agencies are adding surveillance teams to help the FBI monitor suspects. Teams of NYPD officers trained in surveillance are now helping the FBI's surveillance teams to better keep track of suspects, law enforcement officials say. NYPD Commissioner William Bratton has said he wants to add 450 officers to the force's counterterrorism unit, partly to counter the increasing domestic threat posed by ISIS sympathizers. The same is happening with other police departments around the country. The Los Angeles Police Department's counterterrorism unit is also beefing up its surveillance squads at the request of the FBI, law enforcement officials say. Comey said at an unrelated news conference Wednesday that he has less confidence now that the FBI can keep up with the task. "It's an extraordinarily difficult challenge task to find -- that's the first challenge -- and then assess those who may be on a journey from talking to doing and to find and assess in an environment where increasingly, as the attorney general said, their communications are unavailable to us even with court orders," Comey said. "They're on encrypted platforms, so it is an incredibly difficult task that we are enlisting all of our state, local and federal

partners in and we're working on it every single day, but I can't stand here with any high confidence when I confront the world that is increasingly dark to me and tell you that I've got it all covered," he said. **"We are working very, very hard on it but it is an enormous task."**

On Saturday, **an FBI spokesman said the bureau doesn't have a shortage of resources** and the Garland attack wasn't the result of lack of surveillance personnel. If agents had any indication that Simpson was moving toward an attack, they would have done everything to stop it, the spokesman said. **The appeal for local help isn't intended to seek more surveillance, but**

more broadly to encourage local law enforcement to increase vigilance given the

heightened threat, the FBI said. The Garland attack prompted a reassessment for FBI officials. Simpson's social media and other communications with known ISIS recruiters drew the FBI's interest earlier this year. FBI agents in Phoenix began regular surveillance of Simpson, though it was not round-the-clock monitoring, according to a U.S. official. The agents watching Simpson noticed he disappeared for a few days. Investigators looked into his communications and found social media postings making reference to the Garland cartoon contest. That discovery is what prompted the FBI to send a bulletin to the joint terrorism task force that was monitoring the Garland event. The bulletin arrived about three hours before the attack. Comey told reporters this month the FBI had no idea Simpson planned to attack the event or even that he had traveled from his home in Phoenix to Texas.

A2: Losing War on Terror

We'll win the WOT – intel gathering is key

McDONOUGH 2/28/15 – Doug, Citing American spy, James Olson “**U.S. winning the war on terror**”
http://www.myplainview.com/news/article_c1881ec4-bf9b-11e4-a9b1-b342ff9491d6.html

After spending 31 years as an American spy, James Olson is blunt in his assessment. “Make no mistake, our country is at war,” he said Thursday while keynoting the annual Plainview Chamber of Commerce banquet. “It’s a war on terror, and it will be long, bloody and deadly. But America will win this war because our best young people today are stepping forward in droves.” While many of those are putting on uniforms and joining the ranks of the nation’s combat forces on the front lines, still more are going in harm’s way behind the scenes as counterintelligence operatives. “We are on the front lines in the war on terror,” Olson warns. “And we will be hit again, inside our own borders. It will be a weapon of mass destruction, and no region or sector is immune from this attack. The best way to combat this threat is through good intelligence.” Olson was in his final year as a law student at the University of Iowa on the fast track to fulfill his dream of practicing law in a rural town when he received a phone call one Friday afternoon.

We’re winning the war on terrorism now -- Continued vigilance is key

Zenko 4/8/15 – Zenko covers the U.S. national security debate and offers insight on developments in international security and conflict prevention. “CIA Director: We’re Winning the War on Terror, But It Will Never End”
<http://blogs.cfr.org/zenko/2015/04/08/cia-director-were-winning-the-war-on-terror-but-it-will-never-end/>

Last night, Director of Central Intelligence John Brennan participated in a question-and-answer session at Harvard Kennedy School’s Institute of Politics. The first thirty-seven minutes consisted of an unusually probing exchange between Brennan and Harvard professor Graham Allison (full disclosure: Graham is a former boss of mine). Most notably, between 19:07 and 29:25 in the video, Allison pressed Brennan repeatedly about whether the United States is winning the war on terrorism and why the number of al-Qaeda-affiliated groups has only increased since 9/11: “There seem to be more of them than when we started...How are we doing?” Brennan replied: If I look across the board in terms of since 9/11 at terrorist organizations, and if the United States in all of its various forms, In intelligence, military, homeland security, law enforcement, diplomacy. If we were not as engaged against the terrorists, I think we would be facing a horrendous, horrendous environment. Because they would have taken full advantage of the opportunities that they have had across the region... We have worked collectively as a government but also with our international partners very hard to try and root many of them out. Might some of these actions be stimulants to others joining their ranks? Sure, that’s a possibility. I think, though it has taken off of the battlefield a lot more terrorists, than it has put on. This statement is impossible to evaluate or measure because the U.S. government has consistently refused to state publicly which terrorist organizations are deemed combatants, and can therefore be “taken out on the battlefield.” However, relying upon the State Department’s annual Country Reports on Terrorism, the estimated strength of all al-Qaeda-affiliated groups has grown or stayed the same since President Obama came into office. Of course, non-al-Qaeda-affiliated groups have arisen since 9/11, including the self-proclaimed Islamic State, which the Central Intelligence Agency estimated last September to contain up to 31,500 fighters, and Boko Haram, which has perhaps 10,000 committed members. However, the most interesting question posed to Brennan came at the very end from a Harvard freshman who identified himself as Julian: “We’ve been fighting the war on terror since 2001. Is there an end in sight, or should we get used to this new state of existence? Brennan replied: It’s a long war, unfortunately. But it’s been a war that has been in existence for millennia, at the same time—the use of violence for political purposes against noncombatants by either a state actor or a subnational group. Terrorism has taken many forms over the years. What is more challenging now is, again, the technology that is available to terrorists, the great devastation that can be created by even a handful of folks, and also mass communication that just proliferates all of this activity and incitement and encouragement. So you have an environment now that’s very conducive to that type of propaganda and recruitment efforts, as well as the ability to get materials that are going to kill people. And so this is going to be something, I think, that we’re always going to have to be vigilant about. There is evil in the world and some people just want to kill for the sake of killing...This is something that, whether it’s from this group right now or another group, I think the ability to cause damage and violence and kill will be with us for many years to come. We just have to not kill our way out of this because that’s not going to address it. We need to stop those attacks that are in train

but we also have to address some of those underlying factors and conditions. I'm not saying that poverty causes somebody to become a terrorist, or a lack of governance, but they certainly do allow these terrorist organizations to grow and they take full advantage of those opportunities. To summarize, **the war on terrorism is working, compared to inaction or other policies. But, the American people should expect it to continue** for millennia, or as long as lethal technologies and mass communication remain available to evil people.

Current strategies prevent attacks – groups can still rebound – intel key

Pomerleau 4/24/15 – Mark, bachelor's degree in Political Science from Westfield State University. a freelance journalist in Washington covering politics and policy. "Is the US Winning the War on Terror?" <http://www.theepochtimes.com/n3/blog/is-the-us-winning-the-war-on-terror/>

The War on Terror, or described differently, the global struggle to curb violent extremism, can be boiled down to optics and rhetoric. While military operations play a small role, the larger conflict encompasses so much more. The United States has struggled both on and off the battlefield to win this conflict but victory can be, and in this case, is subjective. Successes: **The United States deposed the Taliban regime that ruled Afghanistan in the 1990s and early 2000s, that provided al-Qaeda safe-haven. The uprooting of these sanctuaries put both organizations on the run, which disrupted their long-term planning against the U.S. homeland. Drone strikes and raids have allowed the U.S. to take out several key leaders** of these terrorist entities, dealing a blow to operational planning. Documents and correspondence between Osama bin Laden and his associates unveiled in the trial of an al-Qaeda member in February that the robust aerial drone campaign expanded by the Obama administration had a profound impact in limiting the movements of terrorist groups hiding out in Pakistan. The ability of drones to loiter 24/7 combined with Special Operations Forces raids allowed the United States to gain intrusive access to and vital intelligence about the inner workings of terrorist organizations. **There has not been a successful attack on the homeland since 9/11, due in part to changes made to the intelligence community after 9/11 and counterterrorism operations. Additionally, the U.S. has made great strides in monitoring would-be domestic terror suspects and prosecuted them with the full extent of the law.**

Failures: While the U.S. was successful in degrading terrorist entities, it was unsuccessful in destroying them.

Consider the Islamic State group's predecessor organization, al-Qaeda in Iraq/Islamic State of Iraq (AQI/ISI). The group was severely weakened as a result of the Iraqi Tribal Awakening Movement when Iraqi tribes joined the U.S. surge to dispel the violent insurgents. AQI/ISI was, however, never officially destroyed and its survivors were able to regroup and rebuild. Despite the demise of several key leaders of al-Qaeda, the Taliban and associated groups, the strategy of leadership decapitation has not worked in dismantling these organizations. The Obama administration has made the mistake of thinking that "if you sort of lop off the top of the pyramid, the whole thing crumbles," Tom Joscelyn, Senior Fellow at the Foundation for Defense of Democracies told lawmakers regarding the idea of destroying these terrorist groups by taking out their leadership. Al-Qaeda is not organized that way Joscelyn stated. However, it is also entirely possible that the U.S. is simply just trying to eliminate as many terrorists as possible in a sort-of whack-a-mole campaign, which would be equally ineffective, though the president has maintained he does not wish this as counterterrorism strategy. The drone campaign has been highly criticized by human rights groups for its collateral civilian damage. This collateral damage is also being touted as a recruiting device, which incites more people to join terrorist groups so they can retaliate against the United States. By some estimates, in confirmed strikes that have taken place in Pakistan, Yemen, and Somalia, the number of civilians killed ranges from 237-308. A recent figure released by the Syrian Observatory for Human Rights, considered one of the premier sources for on-the-ground reporting in Syria's volatile civil war, 66 civilians have been killed in coalition air strikes. Though, collateral damage is expected in wars, the nature of drone strikes (e.g. zero risk to soldiers as well as controversial signature strikes that target a specific area based on behavioral patterns without knowing exactly who the targets are) obfuscates this reality. Civilians in nations where U.S. drones prominently operate have long feared succumbing to death. This reality hit home for Americans as the U.S. officially acknowledged yesterday that an American hostage and an Italian aid worker were killed in a strike that targeted a suspected militant compound. The government asserts that it was not aware the American was being held at that location. Similarly, U.S. raids by Special Operations Forces have also rendered tragic results. A U.S. raid in Yemen to rescue a U.S. hostage failed when the militants were alerted to the presence of U.S. soldiers and killed the American and a South African being held by the group, whom the U.S. did not know was present. Many of these failures boil down to intelligence and a willingness to pull the trigger. They contribute to a broader narrative of negative optics. The al-Qaeda "vanguard" movement was started by Osama bin Laden partially due to an undesired American presence in Muslim lands. Several groups have continued this narrative calling for lone wolf actors to incite violence inside western nations. The fact that the U.S. continues operations in these nations despite widespread reporting of collateral damage, that could be preventable, only feeds this narrative. The U.S. has had great success in fighting terrorism over the last 14 years, especially in the military context. While the Islamic State group is marginally losing ground on the battlefield, governments are still struggling to figure out how to curb radical messaging and recruitment online. The U.S. battlefield successes to oust the Taliban could be for naught if, as suspected, the Afghan forces will not be able to stand up on their own against a formidable Taliban insurgency that is certain to continue to fight to reestablish their Islamic Emirate. With the online propaganda success of the Islamic State group, **there has been a greater need for the non-military counterterror metrics. Many have questioned if U.S. counterterror policies (military and non-military such as controversial sting operations in American communities thought to drive non-violent individuals to commit crimes) are**

creating more terrorists than killing them. Despite the great successes, however, it is not overtly clear that the U.S. is winning the War on Terror.

2NC DA – Link Wall

Metadata is vital to counter-terrorism intelligence – empirically stops attacks and can't be replaced with other surveillance methods

Young 14 (Mark D., Senior Vice President and Chief Strategy Officer of National Security Partners, LLC. Previously he served as the Executive Director for the Directorate of Plans and Policy at United States Cyber Command, the Special Counsel for Defense Intelligence for the House Permanent Select Committee on Intelligence, and as a senior leader at the National Security Agency. 2014 I/S: A Journal of Law & Policy for the Information Society, 10 ISJLP 367, “NSA SURVEILLANCE: ISSUES OF SECURITY, PRIVACY AND CIVIL LIBERTY: ARTICLE: National Insecurity: The Impacts of Illegal Disclosures of Classified Information” ME)

Current examples of the NSA's contributions to national security are difficult to find because of the sensitivity of the agency's mission. In recent congressional testimony, however, the DNI said that SIGINT is the primary contributor to counterterrorism intelligence and that multiple empirical studies have shown that signal intelligence, provided by the NSA, is the major contributor to answering the hardest intelligence challenges faced by the U.S. n33 Although the claims in these books are unconfirmed, publications such as Counter Strike: The Untold Story of America's Secret Campaign Against Al Qaeda by Eric Schmitt and Thom Shanker and Operation Dark Heart: Spycraft and Special Ops on the Frontlines of Afghanistan--and the Path to Victory by Lieutenant Colonel Anthony Shaffer suggest that the NSA may have prevented significant terrorist attacks and provided critical intelligence during U.S. military operations. These books, together with the claims of senior intelligence officials before Congress, strongly suggest that the NSA's efforts are the most effective shield against the acts of violence that harm U.S. and allied military members, Americans, and our national security interests. In response to apparent disclosures of NSA activities, President Obama directed the declassification of sensitive NSA collection conducted under the Foreign Intelligence Surveillance Act (FISA). In September 2013, multiple documents concerning "bulk telephony metadata" collection under Section 501 of FISA were declassified and publically released by the ODNI. n34 These disclosures included a Foreign Intelligence Surveillance Court finding of reasonable grounds that the call records were relevant to an authorized terrorism investigation. n35 The same order required the [*376] NSA to establish "mandatory procedures strictly to control access to and use of the archived data collected pursuant to [the court's] order." n36 Additionally, the order mandated that the NSA's General Counsel monitor the designation of those with access to the data and act as an approval authority for the actual queries analysts wished to make of the data. n37 In late October 2013, the ODNI released a number of additional documents related to the NSA's alleged collection programs. These documents include a 2009 NSA congressional notification describing the failure to comply with a Foreign Intelligence Surveillance Court order, n38 and a March 2009 Internal NSA Memorandum of Understanding required for access and query privileges of data collected through the NSA's bulk telephony metadata program. n39 These documents describe the legal justifications for and technical detail about how the NSA collects and uses intelligence. This information was declassified and publically released to inform the public about what data was collected and analyzed by the NSA, to balance inaccurate speculations by the media about the NSA, and to facilitate the debate about U.S. Intelligence Community operations. When examined together, the information disclosed by Snowden and the declassified information released by the ODNI present a positive picture of prudent measures for national security. If the information about programs such as PRISM, FAIRVIEW, or OAKSTAR is accurate, then it appears as if the Intelligence Community has not only adjusted well to global technical advancements in telecommunications, but also learned significant lessons from the September 11, 2001 terrorist attacks. [*377] It was known in early 2001 that the NSA's effectiveness was challenged by the "multiplicity of new types of communications links, by the widespread availability of low-cost encryption systems, and by changes in the international environment in which dangerous security threats can come from small, but well organized, terrorist groups as well as hostile nation states." n40 Any challenge about the value of an intelligence program must address the importance of data quantity and quality. First, since intelligence analysis depends on having access to relevant information, logic dictates that more data is always better. As noted by Mark Lowenthal: The issue then becomes how to extract the intelligence from the mountain of information. One answer would be to increase the number of analysts who deal with the incoming intelligence, but that raises further demands on the budget. Another possible response, even less palatable, would be to collect less. But, even then, there would be no assurance that the "wheat" remained in the smaller volume still being collected. n41 Thus, quantity has an intelligence quality all its own. In addition, the type of information needed by the Intelligence Community is also

important. Given the priorities noted in the National Security Strategy, the importance of NSA collection and analysis as noted in congressional testimony and the ever-present threats by terrorist groups and hostile nations the American public should vigorously endorse the type of programs viewed by Snowden as oppressive. It is troubling to see the disclosure of techniques allegedly used by the NSA to obtain "cryptographic details of commercial cryptographic information security systems through industry relationships,"ⁿ⁴² and the rampant speculation about the monitoring of the mobile phones of the heads of state from Europe.¶ **It is not only logic that leads one to believe in the value of NSA collection, but also testimony by intelligence professionals.** For example, according to the House Intelligence Committee, NSA activities have "been **integral in preventing multiple terrorist attacks, [*378]** including a plot to attack [sic] the New York Stock Exchange in 2009."ⁿ⁴³ **The PRISM program, a program reported to provide the NSA access to information from some of the largest technology companies, provided "critical leads" to disrupt more than fifty potential terrorist events in more than twenty countries. According to officials, the FISA authority--the congressional authorization to target communications of foreign persons who are located abroad for foreign intelligence purposes--contributed to more than ninety percent of these disruptions. n44**¶ The Deputy Attorney General has noted that the FBI benefited from the NSA's Section 702 collection in the fall of 2009. Using Section 702 collection and "while monitoring the activities of [al-Qaeda] terrorists in Pakistan, the [NSA] noted contact from an individual in the U.S. that the [FBI] subsequently identified as Colorado-based Najibulla Zazi. The U.S. Intelligence Community, including the FBI and NSA, worked in concert to determine his relationship with [al-Qaeda], as well as identify any foreign or domestic terrorist links."ⁿ⁴⁵¶ The FBI tracked Zazi as he traveled to New York to meet with co-conspirators, where they were planning to conduct a terrorist attack. Zazi and his co-conspirators were subsequently arrested. Zazi, upon indictment, pled guilty to conspiring to bomb the NYC subway system. Compelled collection (authorized under Foreign Intelligence Surveillance Act, FISA, Section 702) against foreign terrorists was critical to the discovery and disruption of this threat against the U.S.ⁿ⁴⁶¶ Regardless of the accuracy of the information released by Snowden, the types of programs described by the material appear to directly contribute to national security; its release, regardless of its validity, will negatively impact U.S. security.¶ **Homegrown Violent Extremists n47** continue to be inspired by global jihadist propaganda and the perceived success of plots such as the November 2009 attack at Fort Hood, Texas and the March 2012 attacks by an al-Qaeda-inspired extremist in Toulouse, France. n48 **The threat from terror groups remains constant, urgent, and of great concern to the U.S. Intelligence Community.** The revelations concerning the NSA's counterterrorism successes will motivate terror groups to reexamine how they communicate, plan, and execute these attacks.¶ Despite these publically acknowledged examples of the value of the bulk metadata program, multiple reports and a federal district court opinion have denied its efficacy. The Privacy and Civil Liberties Oversight Boardⁿ⁴⁹ recommends discontinuing the program. The board noted, "an intelligence-gathering tool with significant ramifications for privacy and civil liberties cannot be regarded as justified merely because it provides some value in protecting the nation from terrorism."ⁿ⁵⁰¶ A panel of advisors that included former government officials such as Richard Clarke (former National Coordinator for Security, Infrastructure Protection, and Counterterrorism), Michael J. Morell (former deputy director of the CIA), and Cass Sunstein (former head of the Office of Information and Regulatory Affairs in the Obama [*380] White House) did not recommend the cessation of the bulk metadata program. In an unreleased report, commissioned by the president in August, the panel "went further than some of the agency's backers in Congress, who would make only cosmetic changes to it, but stopped short of calling for the program to be shut down, as its critics have urged."ⁿ⁵¹ They did, however question its value: "The [NSA] uses the telephone data to search for links between people in an effort to identify hidden associates of terrorism suspects, but the report says it 'was not essential to preventing attacks.'"ⁿ⁵²¶ The panel's report was provided to the president three days after a federal judge determined, in a case seeking an injunction to stop the NSA program, that the Government failed to cite a "single instance in which the analysis of the NSA's bulk metadata collection actually stopped an imminent attack or otherwise aided the government in achieving any objective that was time-sensitive in nature."ⁿ⁵³ United States District Judge Richard J. Leon came to a dramatically different conclusion than United States District Judge William Pauley in similar cases dealing with the same program. n54¶ In this volume, Mueller and Stewart claim that "the achievements of [the bulk metadata program] do seem to be decidedly underwhelming," despite acknowledging that in at least four cases, analysis of the metadata contributed to the arrest or locating of known terrorists or facilitators. n55 Their analysis is flawed in the same way as is Judge Leon's and the Privacy and Civil Liberties Board. **The comments made by critics of the program appear to be motivated more by ideology than dispassionate assessment of analytical tradecraft. The complexities, technology, and ambiguity of the modern security environment make it unlikely that any single intelligence source or program will provide a "smoking gun" on a national security threat.**ⁿ⁵⁶ The Intelligence Community has sharpened its techniques since September 11, 2001 with this new reality in

mind.¶ The complexity of the international system, incomplete and inconsistent information, and the "inherent limitations of the human mind" are perennial problems for intelligence professionals. n57 To overcome these realities, the Intelligence Community must apply a dizzying set of analytic techniques and mental discipline to review key assumptions about their operational tasks, validate the quality of the information collected and available to them, identify indicators of actualized threats, and continually strive to anticipate the thinking of those who seek to harm U.S. citizens or the security interests of the United States and our allies. This is no small task and it requires a mosaic of information, to include bulk metadata.¶ Judge Leon at least acknowledged his unfamiliarity with the complexities of any conversation about bulk metadata collection and analysis. By staying his order to discontinue the program, he concedes that the data may be of critical importance to national security: "[I]n light of the significant national security interests at stake in this case and the novelty of the constitutional issues, I will stay my order pending appeal." n58¶ Examples of the efficacy of the program are provided below, yet the public should keep in mind the unsatisfying fact that intelligence analysis is a laborious process that requires reason and passion. The author concedes that none of these examples provides an irrefutable defense of the accessing of bulk metadata. The program does, however, provide a valuable link in the national security chain. Although frustrating to the intelligence professionals who devote a large portion of their professional lives to the protection of the security, and civil liberties, of all U.S. citizens the debate is welcome, yet certainly not new.

NSA bulk collection crucial to counter-terror

McCall '15 [ALEXANDER MCCALL, Indiana Public Media, June 1, 2015, Indiana Politicians Aren't Happy About Patriot Act Expiring, <http://indianapublicmedia.org/news/indianas-senators-patriot-act-82874/>]

In the debate over the Patriot Act, which, in part, allows the National Security Agency's bulk collection of Americans' phone records and temporarily expired last night, Indiana's Senators are seeking for it to be re-instated.¶ Three provisions of the Patriot Act lapsed after a midnight deadline Sunday, at least temporarily.¶ One of those three provisions, Section 215, accommodates the NSA collection of phone records – a collection that has come under fire since former military contractor Edward Snowden revealed the collection program nearly two years ago.¶ In the days leading up to the provisions' expiration, Sen. Rand Paul, R-Ky., called that bulk collection "illegal."¶ But in a recent opinion published in Goshen News, Indiana Republican Sen. Dan Coats argued those provisions were "valuable." Coats has been part of the Republican faction pushing for the provisions' renewal.¶ "I certainly understand concerns about the possibility that this program could be used to breach personal privacy and civil liberties, which are important to all Americans and protected by the Constitution," Coats said in the piece. "But to date, there is no evidence to support accusations of abuse or unlawful spying on American citizens under this program."¶ Coats has expressed concerns about **implementing a replacement program, adding that he's worried it would make U.S. counter-terrorism efforts less effective.**¶ **"It puts Americans at risk,"** Coats said in an interview with Fox59.¶ And Sen. Coats' Democratic counterpart, Indiana Sen. Joe Donnelly, says he's on the same page.¶ "At a time when ISIS is causing so much havoc in the Middle East and at the same time trying to stir up lone wolf attacks right here in our own country, to leave the country without the ability to do surveillance even for a minute is extremely dangerous." Donnelly told Fox59.

Domestic Surveillance is key to ensure access to information in counter-terror efforts

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Gen. Keith Alexander, Keynote Address, 7-2013, Federal News Service

Washington, D.C.,

https://www.nsa.gov/public_info/_files/speeches_testimonies/transcript_of_gen_alexanders_black_hat_speech_31_july_2013.pdf

The intelligence community, according to the 9/11 commission, failed to connect the dots. What do I mean by that? What do I mean by failed to connect the dots? We had intercepts of one of the 9/11 hijackers, Mihdhar, from Yemen. We didn't know because we didn't have the tools and the capabilities to see that he was actually in California. We couldn't provide the right tip or information that connected that foreign dot to a domestic plot. The intelligence community failed to connect those dots. And now what we're doing is putting into existence these programs. But I think, in order to understand – so how do we actually use these programs? From my perspective, it's important to first understand the people at the National Security Agency, what they do and how they do it. So from my perspective, the best first thing is to step back and say, what did they do during this time period? What are they doing? And so our job is defending this country, saving lives, supporting our troops in combat. And when you think about our soldiers, sailors, airmen and Marine that were in Iraq and in Afghanistan, it is our responsibility, along with the rest of the intelligence community, to provide the information that they need to survive, to go after the enemy.

Even altering metadata policy would eviscerate counterterrorism efforts

Wiser 15 – Daniel Wiser is a staff writer for the Washington Free Beacon. “U.S. Surveillance Programs Could Expire, Despite Terror Threat” <http://freebeacon.com/national-security/u-s-surveillance-programs-could-expire-despite-terror-threat/>

The decreased authorities for counterterrorism agents would come as the FBI is reportedly scrambling to cope with a proliferation of terror suspects inspired by the Islamic State (IS). Two IS sympathizers—including one who was monitored by the FBI—were killed by police in Garland, Texas, earlier this month before they could attack a Prophet Muhammad cartoon

contest. James Comey, director of the FBI, said at a press conference on Wednesday that terror suspects are increasingly using “encrypted platforms” to evade U.S. surveillance. “I can't stand here with any high confidence when I confront the world that is increasingly dark to me and tell you that I've got it all covered,” he said. “We are working very, very hard on it but it is an enormous task.” The House-passed USA

Freedom Act—which has the backing of the Obama administration and would transfer metadata storage from the government to telephone companies—appears to have the best chance of passage before the deadline. But it is not without critics. Sen. Richard Burr (R., N.C.), chairman of the Senate Intelligence Committee, said earlier this month that the House bill provided “illusory protection” because it did not require telecommunications companies to retain data. He has since introduced a bill that would gradually shift the storage of metadata to corporations but require them to inform the government before they alter their data retention policies. Sen. Dan Coats (R., Ind.), another member of the Senate Intelligence Committee, wrote in a recent op-ed that the transfer of data to phone companies “would require an expansive regulatory system” and might be “operationally useless.” “I am deeply concerned that ending the current program would render our counterterrorism tools less agile and unreliable.

he said. The remaining capability would be less responsive, if not operationally useless.” The Patriot Act fight is likely to last right until the deadline, as proponents of the surveillance programs try to corral supporters during a congressional recess. “It's all very up in the air right now,” said one Senate aide tracking the debate.

Terrorists are paying attention to metadata collection – if it stops they'll exploit holes

Newsmax 15 – Citing CIA Chief John Brennan “CIA Chief: Ending NSA Spying Would Boost Terror Threat” <http://www.newsmax.com/Newsfront/john-brennan-patriot-act-terrorism/2015/05/31/id/647804/>

CIA chief John Brennan warned Sunday that allowing vital surveillance programs to expire could increase terror threats, as the US Senate convened for a crunch debate on whether to renew the controversial provisions. With key counterterrorism programs

set to expire at midnight Sunday, the top intelligence official made a final pitch to senators, arguing that the bulk data collection of telephone records of millions of Americans unconnected to terrorism has not abused civil liberties and only serves to safeguard citizens. This is something that we can't afford to do right now, Brennan said of allowing the expiration of counterterrorism provisions, which "sunset" at the end of May 31. "Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago," he said CBS' "Face the Nation" talk show. Brennan added that groups like Islamic State have followed the developments "very carefully" and are "looking for the seams to operate." The House has already passed a reform bill, the USA Freedom Act, that would end the telephone data dragnet by the National Security Agency and require a court order for the NSA to access specific records from the vast data base retained by telecommunications companies. If no action is taken by the Senate Sunday, authorities will be forced to shut down the bulk collection program and two other provisions, which allow roving wiretaps of terror suspects who change their mobile phone numbers and the tracking of lone-wolf suspects. Senator Rand Paul, a Republican 2016 presidential candidate adamantly opposed to reauthorizing the surveillance, is threatening to delay votes on the reform bill or an extension of the original USA Patriot Act. That would force the counterterrorism provisions to lapse until at least Wednesday. Former NSA chief Michael Hayden, who is also a former CIA director, equated such a temporary lapse as "giving up threads" in a broader protective fabric. "It may not make a difference for a while. Then again, it might," he told CNN's State of the Union. "Over the longer term, I'm willing to wager, it will indeed make a difference."

Restrictions on tools used for domestic surveillance disrupts the most important counter-terror tools.

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Jenny Jiang, Transcript: Testimony of NSA Director Gen. Keith Alexander before the House Intelligence Committee on June 18, 2013, What The Folly
<http://www.whatthefolly.com/2013/06/19/transcript-testimony-of-nsa-director-gen-keith-alexander-before-the-house-intelligence-committee-on-june-18-2013/>

The events of Sept. 11, 2001 occurred in part because of a failure on the part of our government to connect those dots. Some of those dots were in the United States. The intelligence community was not able to connect those domestic dots - phone calls between operatives in the U.S. and Al Qaeda terrorists overseas. Following the 9/11 Commission, we investigated the intelligence community's failure to detect 9/11. Congress passed the Patriot Act, Section 215 of that act, as it has been interpreted and applied, helps the government close that gap by enabling the detection of telephone contacts between terrorists overseas and operatives within the United States. As Director [Robert] Mueller emphasized last week during his testimony to the Judiciary Committee, if we have had Section 215 in place prior to 9/11, we may have known that the 9/11 hijacker - [Khalid] Mihdhar - was located in San Diego and communicating with a known Al Qaeda safe house in Yemen. In recent years, these programs, together with other intelligence, have protected the U.S. and our allies from terrorist threats across the globe, to include helping prevent a terrorist - potential terrorist events OVER. times since 9/11. We will actually bring forward to the committee tomorrow documents that the inter-agency has agreed on that in a classified setting gives every one of those cases for you to review. We'll add two more today publicly - we'll discuss - but as the Chairman noted, if we give all those out, we give all the secrets of how we're tracking down terrorists as a community and we can't do that. Too much is at risk for us and for our allies. I'll go into greater detail as we go through this testimony this morning. I believe we have achieved this security and relative safety in a way that does not compromise the privacy and civil liberties of our citizens. We would like to make three fundamental points: First, these programs are critical to the intelligence community's ability to protect our nation and our allies' security. They assist the intelligence community's efforts to connect the dots. Second, these programs are limited, focused, and subject to rigorous oversight. They have distinct purposes and oversight mechanisms. We have rigorous training programs for our analysts and their supervisors to understand their responsibilities regarding compliance. Third, the disciplined operations of these programs protect the privacy and civil liberties of the American people. We will provide important details about each of those... As we stated, these programs are immensely valuable to protecting our nation and securing the security of our allies. In recent years, the information gathered from these programs provided the U.S. government with critical leads to help prevent over 50

potential terrorist events in more than 20 countries around the world. FAA To2 contributed to over 90% of these cases. At least 10 of these events included homeland-based threats and [in] the vast majority business records, FISA reporting, contributed as well. I would also point out it's a great partnership with the Department of Homeland Security and those with a domestic nexus. But the real lead for domestic events is the Federal Bureau of Investigation. It has been our honor and privilege to work with Director Mueller and Deputy Director Joyce... So that's four cases total that we've put out publicly. What we're in the process of doing with the inter-agency is looking at over 50 cases that are classified and will remain classified that will be brought to both the intel committees of the Senate and the House - to all of you. Those 50 cases right now have been looked at by the FBI, CIA, and other partners within the community and the National Counter-Terrorism Center is validating all the points so that you know that what we've put in there is exactly right. I believe the numbers from those cases, they're something that we can publicly reveal and all publicly talk about. What we are concerned, as the Chairman said, is going into more detail on how we stop some of these cases as we are concerned it will give our adversaries a way to work around those and attack us or our allies, and that would be unacceptable. I have concerns that the intentional and irresponsible release of classified information about these programs will have a long and irreversible impact on our nation's security and on that of our allies. This is significant. I want to emphasize that the foreign intelligence programs that we're talking about is the best counter-terrorism tools that we have to go after these guys. We can't lose those capabilities. Soto wrap up, Chairman, first I'd like to just hit on when we say 7 officials, that's 7 positions at NSA, can disseminate U.S. person's data. Today, there are 10 people in those positions. One of those is our SIGINT operations officer. Every one of those have to be credentialed. Chris and I are two of those officials.

NSA surveillance prevents crucial terrorism cooperation programs

Basteiro 13

Daniel, Divided EU Responds To NSA Spying Scandal,
http://www.huffingtonpost.com/2013/10/25/eu-nsa-spying_n_4164559.html

Leaders from 28 European Union countries signed a joint statement after a meeting in Brussels on Friday to warn the United States that "a lack of trust could prejudice the necessary cooperation" required in the fight against terrorism. The statement also reminded Washington that U.S.-EU relations ought to be "based on respect and trust." The memo is the first joint statement from EU leaders in response to revelations that point to massive U.S. espionage activities in Europe. The Guardian reported Thursday that the phone numbers of 35 European leaders -- including German Chancellor Angela Merkel -- had been turned over to the National Security Agency and immediately "tasked" for monitoring. Despite sharing a common position, the EU is divided about what steps to take in response to the alleged spying, and countries are making decisions separately. Merkel announced that she will ask the U.S. for a new agreement that limits the scope of both countries' investigations and surveillance activities, The Guardian reported. French President Francois Hollande is looking for a similar arrangement. According to leading French newspaper Le Monde, Hollande said on Friday that his government has gathered "several trails" pointing to a cyberattack against the Élysée Palace -- the official residence of the president -- in May 2012. The announcement gave credibility to a report previously published by Le Monde, which pointed to the NSA as the organization responsible for the attack. The UK and Spain show more caution. The United Kingdom and Spain have distanced themselves from the German and French proposals. UK Prime Minister David Cameron has focused on Edward Snowden's leaks, which he said at a press conference in Brussels on Friday have made it "a lot more difficult to keep our countries and our people safe" from terrorists who "want to blow up our families." Mariano Rajoy, Spain's prime minister, has announced that he is summoning the U.S. ambassador in Madrid to ask him for explanations, just like Merkel did on Thursday. Nevertheless, Rajoy has not joined Germany and France's request for bilateral talks with Washington. "We have no proof of espionage against Spain," Rajoy said Friday in a press conference. The EU Parliament asks for sanctions. Beyond the national initiatives, the European Union has several tools to respond to what they consider scandalous espionage. This week, the European Parliament asked through a non-binding resolution to suspend the Terrorist Finance Tracking Program (TFTP), also known as the "Swift agreement." The program allows the U.S. access to banking data from the Swift money-transfer system in order to aid the fight against terrorism. In 2010, the EU Parliament rejected a version of the TFTP because it permitted what the parliament considered to be excessive access to data. The current version was established after additional privacy protections were added. A group of nine members of the EU Parliament will travel to Washington on Monday to gather information about

the alleged surveillance.¶ The espionage scandal could also delay or block another major treaty: the free-trade agreement between the EU and the U.S. In February, both parties announced the beginning of negotiations around the much-anticipated agreement. According to a European Commission memo, the commercial treaty could generate up to 86 billion euros for the EU and 65 billion euros for the U.S.¶ On Thursday, Martin Schulz, the European Parliament's president, asked members to stop the ongoing negotiations for the agreement. But so far, all 28 governments have declined.

Metadata is an essential counter terrorism tool – key to intel and tracking

Fleitz 15 [Fred, senior vice president for policy and programs for the Center for Security Policy. He worked in national-security positions for 25 years with the CIA, the State Department, and the House Intelligence Committee, “NSA Data Collection: Necessary, or Unconstitutional?”

<http://www.nationalreview.com/article/418207/nsa-data-collection-necessary-or-unconstitutional-fred-fleitz>]

While its detractors refuse to admit it, the 215 program has been a successful tool in stopping terrorist attacks. It has been strongly defended by many intelligence officials and members of Congress, including Senator Dianne Feinstein (D., Calif.), vice chairman of the Senate Intelligence Committee, who said during a January 14, 2014, Judiciary Committee hearing that this program had helped stop terrorist plots to bomb the New York City subways, the New York stock exchange, and a Danish newspaper.¶ Former deputy CIA director Michael Morell said in a December 27, 2013, Washington Post op-ed: “Had the [metadata] program been in place more than a decade ago, it would likely have prevented 9/11. And it has the potential to prevent the next 9/11.”¶ Although 35 of 38 court decisions have found the 215 program to be constitutional, its opponents like to quote a December 2013 opinion by D.C. District Court Judge Richard Leon, which questioned its constitutionality. Instead of shutting down the program, however, Leon stayed his decision pending a government appeal. When this appeal was heard by a D.C. Circuit Court of Appeals panel last November, the judges did not accept the challengers’ contentions that the 215 program violated the Fourth Amendment’s protection against unreasonable searches. Opponents of the 215 program are now praising a decision on May 7 by a New York Court of Appeals panel that found that the program was not authorized by the Patriot Act. However, this decision fell far short of what the ACLU was seeking in the case, since the court did not order the 215 program halted, noting that the debate in Congress could render the issue moot. The court also did not find the 215 program to be unconstitutional or a violation of privacy rights, although it said it could revisit these issues if Congress passes new legislation to reauthorize the program. Indeed, if the 215 program continues, legal challenges to it are likely to be eventually decided by the Supreme Court. Despite the continuing need for the 215 program, it is in trouble because Republicans are sharply divided on it. RELATED: Republicans and the Patriot Act Much of the opposition from both sides of the political spectrum is a result of the deluge of Snowden leaks. The release of so much information out of context led to a media frenzy and wild claims that American intelligence is illegally spying on Americans. Both intelligence officials and the White House did a poor job at defending the program, and conspiracy theories flourished. And, of course, there also is in America a venerable history of suspicion of government and government secrecy. Senator Rand Paul (R., Ky.) has said that America’s Founding Fathers would be “appalled” at the 215 program. Actually, Senator Paul is probably right, if only because the Founding Fathers lived in the era of wooden ships and simple firearms and had no notion of modern warfare and weapons of mass destruction. I suspect they would be appalled at many aspects of modern society. If Senator Lee is really worried about privacy threats, he should focus on the unregulated gathering of such data on Americans by technology companies. In an April 25 National Review article, Senator Mike Lee (R., Utah) made a similar argument when he expressed his concerns about the U.S. governments gathering data “to paint a fairly complete picture of the private lives of every person in this country.” In fact, although there is no evidence that the NSA has ever done or ever intended to do such a thing, it is being done, and on a huge scale, by Google, Facebook, other social-media sites, and data brokers. According to a March 9, 2014, 60 Minutes report, Axiom, a data broker, claims that it has on average 1,500 pieces of information each on more than 200 million Americans. If Senator Lee is really worried about privacy threats, he should focus on the unregulated gathering of such data on Americans by technology companies. From what people have told me as I’ve traveled around the country giving talks on this topic, I know that a major factor driving Republicans to oppose the 215 program is Obama-administration policies and scandals. These abuses include the effort by the IRS to discriminate against conservative groups, and the Justice Department’s seizing the phone records and e-mails of Fox News correspondent James Rosen and his parents. Many Republicans complain that they have been repeatedly lied to by the Obama administration — about Obamacare, the 2012 attacks on the U.S. consulate in Benghazi, the Iran nuclear talks, and other issues. MORE NSA RAND PAUL’S FAUX-LIBERTARIAN OPPOSITION TO THE PATRIOT ACT WHY WE SHOULDN’T TRUST THE NSA WITH OUR METADATA WHY RAND’S SECOND FILIBUSTER FLOPPED As a result, some Republican members of Congress are loath to extend an intelligence program that they fear could be used by the Obama administration against its political

enemies. Although I understand this concern, the realities are that the 215 program is subject to intense oversight and has been an effective counterterrorism tool. Abuse of this program is purely theoretical. Shutting it down because of the Obama administration's scandals and failings makes no sense. At the other end of the political spectrum, the metadata program has been broadly opposed by the Left and by electronic-privacy advocates. However, this opposition goes beyond the metadata program: These groups are also pushing for granting privacy rights to foreign citizens on foreign soil (which President Obama tacitly supports), negotiating international treaties banning Internet spying, and preventing the NSA from exploiting software vulnerabilities. President Obama has struggled to deal with controversy sparked by the Snowden leaks. In August 2013, he named a panel to look at reforming NSA collection, though he eventually ignored most of its recommendations, probably because they were so radical and naïve. These included recommendations similar to those by the Left mentioned above, such as extending the Privacy Act of 1974 to non-U.S. persons; calling for U.S. electronic surveillance to be guided by Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights; codes of conduct between intelligence agencies on electronic surveillance against foreign citizens, and barring U.S. intelligence agencies from cracking Internet encryption methods and penetrating computer software. People who make such recommendations are oblivious to the reality that we need aggressive intelligence collection to keep our nation safe in a dangerous world. They also do not understand that adopting such standards would severely undermine or shut down many crucial intelligence-collection programs but would be completely ignored by America's enemies and adversaries. President Obama also instructed intelligence officials to defend the 215 program and work to block legislative language that would overly restrict it. This led Jeb Bush to remark last month, "I would say the best part of the Obama administration has been his continuance of the protections of the homeland using the big metadata programs, the NSA being enhanced." However, Bush may need to retract this statement. According to a House Intelligence Committee source, the White House gave up on defending the metadata program late last year in response to its supporters on the left, especially deep-pocketed Democratic contributors in Silicon Valley. Congress also has struggled with NSA reform. Last May, the House passed the 2014 USA Freedom Act, which would put significant restrictions on the 215 program, including a mandate that metadata be retained by the phone companies, not the NSA. Although I viewed this as a bad bill, I endorsed it in a June 23, 2014, National Review article because I believed that, regardless of the merits and capabilities of the metadata program, it has been so damaged by fear-mongering attacks by the press and some politicians that it could not continue in its current form. Unfortunately, the House version of the USA Freedom Act was made substantially worse by Patrick Leahy, then-chairman of the Senate Judiciary Committee, who added restrictions that would effectively kill the metadata program and interfere with the operation of the Foreign Intelligence Surveillance Court. Because of Leahy's changes to the House version of the 2014 USA Freedom Act, it did not garner a filibuster-proof majority last November, and the Senate failed to pass it. The top members of the Senate Intelligence Committee – then-chairman Feinstein and Saxby Chambliss – said Leahy's bill went too far. Former CIA director Michael Hayden and former attorney general Michael Mukasey condemned the bill in a November 17, 2014, Wall Street Journal op-ed titled "NSA Reform That Only ISIS Could Love." The challenge for Congress now is to pass legislation to extend the metadata program before it expires at the end of this month. Members of Congress and staff have been working over the past three months to devise a 2015 version of the USA Freedom Act. On April 30, the House Judiciary Committee approved this bill by a vote of 25 to 2. An identical version has been sponsored in the Senate by Senators Leahy and Lee. The House's 2015 USA Freedom Act is slightly better than the 2014 Senate version. The metadata program would continue, although the data would be held by phone companies. NSA searches of metadata databases would be narrowed. The bill also would create a panel of experts to advise the Foreign Intelligence Surveillance Court on privacy, civil liberties, and technological matters. Significant FISC decisions would be declassified. The bill includes concessions to the House Intelligence Committee, such as allowing the NSA authority to conduct surveillance for 72 hours without obtaining a warrant on foreign targets who enter the United States, and to monitor domestic targets on whom it has a probable-cause warrant when they travel overseas. The NSA will also be allowed to use the Patriot Act to collect data domestically in an emergency. The Left and privacy groups are split over the 2015 version of the USA Freedom Act. Some have endorsed it, because they believe that it is the best they can get and that it will open the door to greater reform down the road. These groups are pressuring Congress to remove the concessions made to the House Intelligence Committee. Several of these groups have stepped up their efforts to amend the bill in the light of the May 7 New York Court of Appeals decision. Others on the left, such as the ACLU and the New York Times, do not support the 2015 USA Freedom Act, since they would prefer that the electronic-surveillance provisions of the Patriot Act be allowed to expire. Senator McConnell has enlisted freshman Senator Tom Cotton (R., Ark.) to help push a clean reauthorization of the Patriot Act, which would retain the 215 program in its current form. Cotton, who now serves on the Senate Intelligence Committee and who supported the House version of the USA Freedom Act when he was a member of that body last year, has become a rising star in the Senate because of his outspoken opposition to the Obama administration's nuclear diplomacy with Iran. He reportedly is holding classified meetings with other Republican senators to explain the metadata program and to dispel the misinformation about it spread by its opponents. The shock of the Snowden leaks is fading, and the grandstanding against the NSA by Senator Paul, other libertarians, and the Left is becoming tiresome. Senators Richard Burr (R., N.C.), Jeff Sessions (R., Ala.), and Marco Rubio (R., Fla.) have also spoken out in defense of the NSA and in support of McConnell's Patriot Act bill. Rubio suggested during a May 7 floor speech that if the 215 program isn't reauthorized and there is then another terrorist attack within the United States, Congress will be under fire to explain whether the program could have helped prevent such an attack. With three GOP senators already running for president, the 215 program has become an issue in the presidential campaign. Senator Paul has criticized Rubio and Bush for supporting the program and opposes the 2015 USA Freedom Act, preferring that the Patriot Act be repealed. Senator Ted Cruz (R., Tex.) also opposes the metadata program but supports the USA Freedom Act. Senator Burr, the chairman of the Senate Intelligence Committee, has criticized Paul and Cruz for their attacks on the 215 program

as weakening their standing on national defense; Burr claims that their position “tells me that they don’t want to learn what bulk data collection is.” Security-minded Republicans therefore must work to strengthen the House bill and fend off efforts by Democrats and libertarians to weaken it. We may hope that growing concerns about future ISIS terrorism in the United States will allow Republican congressional leaders to limit the damage to the metadata program from the House bill and move it in McConnell’s direction. McConnell’s bill, which I strongly support, is unlikely to pass. The Snowden leaks and anti-NSA hysteria have done too much damage to the 215 program for it to continue without substantial changes. Moreover, support for the House bill is probably too strong to allow the McConnell version to become law. ¶ Passage of the 2015 USA Freedom Act is far from an ideal outcome, since this bill would needlessly undermine an effective counterterrorism tool that is needed to protect our country. But this may be only a short-term setback for American national security: Already the shock of the Snowden leaks is fading, and the grandstanding against the NSA by Senator Paul, other libertarians, and the Left is becoming tiresome. This could mean the metadata program might be revised in a few years under a new Republican president. Unfortunately, before that time comes, **there is a real danger of an ISIS terrorist attack in the United States if Congress seriously weakens the metadata program.** Congress needs to think long and hard about such an outcome as it moves ahead with legislation on this issue this month.

Metadata casts a wide net – alternatives can’t fill in

Yoo 15. [John, Emanuel Heller professor of law at the University of California at Berkeley and a Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel in the U.S. Department of Justice. 5/8/20 “Will Congress reject the dangerous NSA ruling by reauthorizing the Patriot Act?” American Enterprise Institute, <https://www.aei.org/publication/will-congress-reject-todays-dangerous-nsa-ruling-by-reauthorizing-the-patriot-act/>.

Finally, the Court displays a deep misunderstanding of the challenges of counterterrorism policy, which Congress understands far better. As Judge Richard Posner has recognized, an intelligence search “is a search for the needle in a haystack.” Rather than pursue suspects who have already committed a crime and whose identity is already known, intelligence agencies must search for clues among millions of potentially innocent connections, communications, and links. “The intelligence services,” Posner writes, “must cast a wide net with a fine mesh to catch the clues that may enable the next attack to be prevented.” Our government can detect terrorists by examining phone and e-mail communications, as well as evidence of joint travel, shared assets, common histories or families, meetings, and so on. If our intelligence agents locate a lead, they must quickly follow its many possible links to identify cells and the broader network of terrorists. A database of call data would allow a fast search for possible links in the most important place — the United States, where terrorists can inflict the most damage. Most of the calling records may well be innocent (just as most of the financial records of a suspected white-collar criminal may also be innocent), but the more complete the database, the better our intelligence agencies can pursue a lead into the U.S.

Metadata is key to tracking terrorist communication patterns – now is key

McCarthy 15 [Andrew C., policy fellow at the National Review Institute. May 23, “Why National Security Republicans Lost the Patriot Act Debate”<http://www.nationalreview.com/article/418807/why-national-security-republicans-lost-patriot-act-debate-andrew-c-mccarthy>]

Yet the NSA program’s advocates have failed to offer a compelling defense. We have fallen into the trap of arguing the case on the opposition’s terms. They claim that the program has not stopped a single terrorist attack. Program advocates counter that it has, but this is not only hard to prove, it’s beside the point. First, intelligence doesn’t work that way: It is a mosaic drawing on several sources, and it is rare that one piece of it completes the picture. More important, the principal purpose of the program is not to thwart individual attacks but to map terror cells and uncover their support networks. Consequently, the program could be quite valuable even if it never stopped a single terrorist attack. That is vital at a time when the jihadist threat is intensifying but gaps in our intelligence collection are widening because of wrong-headed Obama policies (e.g., the

decrease in interrogations of captured terrorists and the discouragement of focus by our intelligence analysts on jihadist ideology). ¶ Advocates have also been counterproductively guarded in explaining why **they need a full dataset: namely (we can infer), so they can run algorithms against it, based on known terrorist communication patterns, and thus discover latent terrorist communications.** If this were better understood, most Americans would no more object to the anonymous storage of their phone number's records (which cannot be further accessed without judicial supervision) than they do to the government's possession of phone books that list their names and addresses (which are regularly accessed with no judicial supervision). Almost all of us would like to help the government identify and stop terrorists, especially if there is no risk to ourselves in doing so. The reluctance to talk openly about intelligence methods is understandable. Whatever the government tells the public it performe tells the terrorists. But it's not like transcontinental jihadist networks have an option to cease communicating just because they know our government is watching. What does the NSA gain by preserving the secrets of its methodology if the cost is losing the program?

A2: Targeted Surveillance Turn

Metadata is necessary and targeted searches prevent the ability to identify networks and halt terrorist activities

Posner, 8. [Richard A., Judge, United States Court of Appeals for the Seventh Circuit; Senior Lecturer in Law, The University of Chicago. "Privacy, Surveillance, and Law," 75 University of Chicago Law Review 245, http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2808&context=journal_articles.

What is most notable about the amendments, as indeed of the Terrorist Surveillance Program to which they seem addressed, is their backing away from reliance on warrants to prevent abuses of electronic surveillance. The warrant is a poorly designed means for balancing the security and liberty interests involved in counterterrorist surveillance. It is true that instead of requiring probable cause to believe that the target of an interception is a terrorist, FISA could be amended to require merely reasonable suspicion. But even that would be too restrictive from the standpoint of effective counterterrorism; effective surveillance cannot be confined to suspected terrorists when the object is to discover who may be engaged in terrorism or ancillary activities. Further attenuation of FISA's standard for obtaining a warrant might be possible without running afoul of the Fourth Amendment. Conceivably the issuance of a warrant could be authorized on the basis of a showing that while the target was probably not a terrorist, national security required making assurance doubly sure by intercepting some of his electronic communications. A model might be the criterion for issuing a search warrant to the Canadian Security Intelligence Service, where a warrant can be issued on the basis of a factually supported "belief, on reasonable grounds, that [it] ... is required to enable the Service to investigate a threat to the security of Canada." 9 Such a criterion might pass muster under the Fourth Amendment, which requires probable cause for the issuance of a warrant but does not state what it is that there must be probable cause to believe. The Supreme Court has said that there must be probable cause to believe that the search will yield contraband or evidence of crime when the search is part of a criminal investigation." The Constitution binds the government more tightly when it is exerting its powers to convict people of crimes than in other areas of government activity. A search intended not to obtain evidence of crime but to obtain information about terrorism might, as under Canadian law, require only probable cause to believe that the search would yield such information. The lower the standard for getting a warrant, however, the more porous the filter that the requirement of a warrant creates, bearing in mind the ex parte character of a warrant proceeding. If all the application need state is that an interception might yield data having value as intelligence, judges would have no basis for refusing to issue the warrant. Alternatively, reliance on warrants could invite legislation to expand the reach of the criminal laws relating to terrorism in order to make it easier to establish probable cause to believe that a search will reveal evidence of a crime. That expansion could raise issues under the First Amendment, since the natural route for expanding criminal laws against terrorism is to criminalize extremist speech or even attendance at extremist (though peaceful) speeches and rallies, as activities that may be preparatory to or encouraging of terrorism. Warrants that satisfy FISA's standard as traditionally understood should continue to be required for all physical searches, because they are far greater intrusions on privacy than electronic interceptions, and for all electronic surveillance for which FISA's existing probable cause requirement can reasonably be satisfied (mainly cases in which the government wanted to intercept communications of a person who they had probable cause to believe was a terrorist). With these exceptions, civil libertarians' preoccupation with warrants is not only harmful to national security (and possibly to civil liberties if it induces legislation to expand the reach of the criminal law) but also anachronistic. The government's ready access to the vast databases that private and public entities compile for purposes unrelated to national security has enabled it to circumvent much of the protection of privacy that civil libertarians look to warrant requirements to secure. There are a number of possible measures, apart from requiring warrants, that Congress could adopt in order to minimize abuses of domestic surveillance. If all were adopted, the risk of such abuses would be slight. The temporary FISA amendments take tiny steps in this direction. Bolder steps would include the following: 1. Congress could create a steering committee for national security electronic surveillance, composed of the attorney general, the director of national intelligence, the secretary of homeland security, and a retired federal judge or justice appointed by the chief justice of the Supreme Court. The committee would monitor all such surveillance to assure compliance with the Constitution and federal statutes. The requirement in the temporary amendments that the attorney general and the director of national intelligence devise procedures for a new warrantless surveillance program is one of the tiny steps to which I referred."

The other, and legally dubious one, is requiring submission of the procedures for approval by the Foreign Intelligence Surveillance Court; that court becomes in effect the steering committee. 2. The NSA could be required to submit to the steering committee, to departmental inspectors general, to the Privacy and Civil Liberties Oversight Board (a White House agency created by the Intelligence Reform Act), to the congressional intelligence and judiciary committees, and to an independent watchdog agency of Congress modeled on the GAO every six months a list of the names and other identifying information of all persons whose communications had been intercepted in the previous six months without a warrant, with a brief statement of why these persons had been targeted. 3. The responsible officials of the NSA could be required to certify annually to the watchdog groups that there had been no violations of the statute during the preceding year. False certification would be punishable as perjury. But lawsuits challenging the legality of the Terrorist Surveillance Program should be precluded. Such lawsuits would distract officials from their important duties to no purpose if the kind of statute that I am suggesting were enacted. The statute should sunset after five years. 4. The use of intercepted information for any purpose other than investigating threats to national security would be forbidden. Information could not be used as evidence or leads in a prosecution for ordinary crime-this to alleviate concern that wild talk bound to be picked up by electronic surveillance would lead to criminal investigations unrelated to national security. Violations of this provision would be made felonies punishable by substantial prison sentences and heavy fines. But the punishments must not be made too severe lest they cause intelligence officers to steer so far clear of possible illegality that they fail to conduct effective surveillance. The risk of abuses is not great enough to justify savage penalties in order to deter them, because intelligence officers have no interest in assisting in the enforcement of criminal laws unrelated to national security. A neglected point is that violations of privacy and civil liberties tend to emanate from the White House and the top management level of executive branch agencies rather than from the working or middle-management levels. 5. To limit the scope of surveillance, "threats to national security" should be narrowly defined as threats involving a potential for mass deaths or catastrophic damage to property or to the economy. That would exclude, for the time being anyway, ecoterrorism, animal-rights terrorism, and other political violence that, though criminal, does not threaten catastrophic harm (yet). Congressional action is also needed to protect the phone companies that cooperated with the NSA's surveillance program from potentially immense liability for allegedly having violated federal law protecting the privacy of telephone records; a number of suits are pending. The intelligence system is enormously dependent on informal assistance from private companies in communications, banking, and other industries. At times such assistance is made a legal duty, as in the federal law requiring banks to report cash transactions of \$10,000 or more; and this is also a feature of the new amendments to FISA. Were it not for the threat of liability, which the amendments do not address, voluntary assistance would probably as in the past be all the government needed. But if voluntary assistance-even when tendered in a national emergency, as in the wake of the 9/11 terrorist attacks- places companies in legal jeopardy, such assistance will dry up. FISA needs to be amended not only to authorize more extensive domestic surveillance than its anachronistic terms permit but also to insulate from liability conduct that may have violated the Act or some other statute but that would be permitted under the amended regime. Until the temporary amendments were enacted, the type of approach that I am advocating (call it the "nonwarrant" approach) for regularizing domestic surveillance was getting little attention from Congress and the Bush Administration, possibly because the Administration wanted to retain a completely free hand and thought it could fend off the sort of restrictions that I have sketched. (It is remarkable how tepid the public reaction to the Terrorist Surveillance Program has been.) A related possibility is that the Administration's aggressive claims of presidential power prevented it from acknowledging the legitimacy of congressional controls over intelligence and hence of a legislative solution to the controversy over the program. Still another possibility was (and is) that because no one is in charge of domestic intelligence, authority over which is divided among the attorney general, the FBI director, the Department of Homeland Security, and the director of national intelligence (among others), no one is formulating a comprehensive legislative and public relations strategy for ending the controversy over the role of electronic surveillance in such intelligence. (At this writing, the only confirmed senior official in the Justice Department is the solicitor general.) And another possibility is the grip of our legalistic culture, which makes us think that the regulation of national security must be modeled on the regulation of criminal law enforcement. The temporary amendments suggest, however, that the logjam may be breaking, though one of the reasons, it appears, is that the Administration's decision to bring the Terrorist Surveillance Program under FISA resulted in a paper jam at the Foreign Intelligence Surveillance Court as the number of warrant applications soared. We should be playing to our strengths, and one of the greatest of them is technology. We may not be able to prevail against terrorism with one hand tied behind our back. Critics of surveillance argue that since our enemies know that we

monitor electronic communications, they will foil us by simply ceasing to use such communications. That is wrong. We know it is wrong because we do intercept terrorist communications. ²⁴ But if it were true that our monitoring caused the terrorists to abandon the telephone and the internet, that would be an enormous victory for counterterrorism, as it is extremely difficult to coordinate and execute a major terrorist attack if all communications among the plotters must be face to face to avoid detection. The greater danger is that encryption and other relatively cheap and simple countermeasures will defeat our surveillance. Opponents of efforts to amend FISA point out that the Foreign Intelligence Surveillance Court has almost never turned down an application for a warrant. In 2005, for example, although more than 2,000 applications were filed, not a single one was denied in whole or in part. ⁵ The inference the critics wish drawn is that FISA is not inhibiting surveillance. The correct inference is that the Justice Department is too conservative in seeking warrants. The analogy is to a person who has never missed a plane in his life because he contrives always to arrive at the airport eight hours before the scheduled departure time. The effect of our legalistic culture is to cause law enforcement agencies, notably the FBI, to avoid not only violating the law but also steering so close to the wind that they might be accused, albeit groundlessly, of violating the law or of being "insensitive" to values that inform the law, even when those values have not been enacted into law.

No replacement for Metadata

Sessions 15 [Jeff, U.S. Senator, May 20, "Why Should Terrorists Be Harder to Investigate than Routine Criminals?" <http://www.nationalreview.com/article/418675/why-should-terrorists-be-harder-investigate-routine-criminals-jeff-sessions>]

The 9/11 attacks exposed the dangerous wall separating the intelligence and law-enforcement communities. In response, Congress developed a number of tools to eliminate those barriers so that critical information could be timely and appropriately shared to address radical Islamic terrorism. Among them was Section 215 of the USA Patriot Act. In 2006, the National Security Agency transitioned the bulk telephone-metadata acquisition program authorized under the president's Terrorist Surveillance Program to the business-records court-order authority of Section 215. Since shortly after 9/11, this program has been helping to keep Americans safe by acquiring non-content call records, i.e., telephone numbers and the date, time, and duration of a call. This program has yielded invaluable intelligence that has helped prevent attacks and uncovered terrorist plots. Nevertheless, the Obama administration has built up unnecessary barriers that sacrifice the fragile operational efficiency of the program without actually accomplishing anything in terms of data security. Meanwhile, the threat level has only increased. On the heels of an ISIS-inspired attack in Texas, the administration has greatly increased security at military bases, airports, railroads, and other potential targets. Just this year, the FBI has so far arrested at least 30 Americans for planning ISIS-inspired attacks in the U.S. FBI director James Comey recently issued this chilling warning: The siren song sits in the pockets, on the mobile phones, of the people who are followers [of ISIS] on Twitter . . . It's almost as if there's a devil sitting on the shoulder, saying "Kill! Kill! Kill! Kill!" all day long. Most people would agree it should not be more difficult to investigate a terrorist plot than check fraud. As the National Academy of Sciences noted in its recent report, Section 215 of the Patriot Act simply "allow[s] the [Foreign Intelligence Surveillance Court] to require production of documents and other tangible things determined relevant to national security investigations, much like other courts do in criminal and grand jury investigations." But unlike in the criminal context, Section 215 is subject to extraordinary oversight by the Executive and Judicial branches, as well as minimization procedures to protect Americans' civil liberties. Moreover, information acquired under Section 215 can be accessed by only a limited number of trained intelligence professionals and only after the government has demonstrated to the court that there is a reasonable, articulable suspicion that a number or identifier is associated with a specific foreign-terrorist organization. Compare this with how a local district attorney can obtain the same type of information in a routine criminal case. He issues a grand-jury subpoena for phone records, which requires only a showing that the records are relevant to an investigation. The subpoena could require the production of much more detailed information than is acquired under Section 215, such as names and addresses of the callers. Indeed, the U.S. Drug Enforcement Agency and Internal Revenue Service can obtain telephone call records and bank records with an administrative subpoena without even a prosecutor's approval, much less approval by a judge. The Supreme Court has long held this process constitutional under the Fourth

Amendment because such information is already in the hands of a third-party — the phone companies — and therefore, a customer has no reasonable expectation of privacy in that information. But legislation known as the USA Freedom Act would prevent our intelligence officers from obtaining information in this manner at all. As former federal judge and attorney general Michael Mukasey said: The bill's imposition of the warrant requirement on the NSA would be more burdensome than what any assistant U.S. attorney must do to get metadata in a routine criminal case, which is simply to aver that the information is needed in connection with a criminal investigation — period. The bill would also eliminate entirely the database through which the NSA is able to quickly access information to “connect the dots” in order to prevent terror attacks. This is significant because, as the National Academy of Sciences explained, in contrast to domestic law enforcement . . . the world of intelligence analysis has many fewer tools available for investigation. In hostile foreign environments, personal interviews and observations and records review are much more limited. Accordingly, the role of bulk data as a way to understand the significance of past events is important, and the loss of this tool becomes more serious. Instead, the USA Freedom Act relies on a nonexistent, untested system and the hope that private companies will agree to retain records long enough for the NSA to obtain data when it may be critical to preventing an imminent attack. But as the National Academy of Sciences noted, “there is no technological magic . . . that will fully substitute for bulk collection” and service providers “have no incentive to cooperate, even if paid; indeed, their customers may object to such cooperation.” Moreover, requiring the government to obtain a court order every time it seeks to search data held by private companies would significantly delay investigations, giving terrorists a substantial operational advantage. In short, the USA Freedom Act would make it vastly more difficult for the NSA to stop a terrorist than it is to stop a tax cheat. Why make it much harder to investigate terrorists than common criminals?

A2: Perception Turn

The plan is perceived as weakness – invites attacks

Daily Mail 15. “Head of CIA warns that US is at risk of lone wolf terror attack after NSA powers to monitor all phone calls expired – as Isis ‘watch carefully’ for security gaps,” 5-31-2015, <http://www.dailymail.co.uk/news/article-3105089/Senate-makes-ditch-bid-extend-NSA-s-bulk-collection-phone-records-Rand-Paul-swears-block-legislation-let-Patriot-Act-expire.html>.

The head of the CIA has warned that Americans are now at risk after the Senate was unable to extend laws giving authorities special powers to fight terrorists. ¶ Politicians in the upper house were unable to come to an agreement to extend key parts of the Patriot Act - that legalize controversial methods of surveillance by the National Security Agency (NSA) - which expired on Sunday. ¶ Attempts were frustrated by Presidential candidate Rand Paul, who has taken a firm stance against the extension of powers allowing the mass collection of phone records, wire taps and warrants without evidence. ¶ But the Head of the CIA John Brennan claims ordinary Americans, who expect the NSA to do their jobs, have been put at risk by 'political grandstanding and crusading for ideological causes' that fueled the debate. ¶ Speaking on CBS show Face The Nation, he warned that the US - and Europe - is now in danger from technologically 'sophisticated' terrorists who are watching developments carefully and 'looking for the seams to operate' within. ¶ He claimed that the authorities do not abuse the powers, extended in 2011 to help fight lone wolf terror suspects not connected to a specific group, and that without them, it's difficult for the NSA to protect America. ¶ Mr Brennan said: 'I think terrorist elements have watched very carefully what has happened here in the United States, whether or not it's disclosures of classified information or whether it's changes in the law and policies. They are looking for the seams to operate within.' ¶ And this is something that we can't afford to do right now, because if you look at the horrific terrorist attacks and violence that is being perpetrated around the globe, we need to keep our country safe. And our oceans are not keeping us safe the way they did a century ago.' ¶ The Patriot Act was passed in 2001 in the wake of the 9/11 terror attacks. Now that the provisions have expired, government agents will need to subpoena phone companies for the records. ¶ The White House previously justified collecting the records because of the Patriot Act's Section 215, which expired on Sunday. ¶ Two other provisions, added in 2011, also expired with it. The first is a 'roving wiretap' provision which allows government agencies to keep tracking suspects as they switch devices. ¶ The second is a 'lone wolf' clause which allows warrants to be granted without any evidence linking a suspect to a foreign power or terrorist group. ¶ Political struggles over the NSA and its data collection have become a national issue since whistleblower Edward Snowden revealed the extent of government programs in 2013. ¶ The senate's efforts to pass a replacement bill were frustrated by Kentucky's junior senator Rand Paul, who has spoken at length against the NSA's activities, which he has excoriated as illegal and unconstitutional. ¶ Paul, a Republican who is running for president, came up against members of his own party, as well as the Obama administration. ¶ With his presidential campaign waning, he has been accused of irresponsible political opportunism by opponents, by fighting a bill on ideological grounds that may put ordinary people at risk. ¶ He was criticized by the White House Sunday night, which called the Patriot Act expiration an 'irresponsible lapse'. ¶ While Brennan didn't mention Paul by name, he said on Face The Nation: 'Unfortunately I think there is a little too much political grandstanding and crusading for ideological causes that have really fuelled the debate on this issue.' ¶ He added: 'These are authorities that have been used by the government to make sure that we're able to safeguard Americans. And the sad irony is that most Americans expect the government to protect them. And so although there's a lot of debate that goes on, on the Congress and the Hill on this issue, I think, when you go out to Boise or Tampa or Louisville, Americans are expecting their law enforcement and homeland security and intelligence professionals to do their work. And these authorities are important.' ¶ Paul argued 'there must be another way' but even he agrees that the lapse in these powers are likely to be temporary as politicians work on the USA Freedom Act, which is expected to pass within the next week. ¶ Republican Senate Majority Leader Mitch McConnell called a rare Sunday session to try to pass the replacement law, but was unable to push it through in time. ¶ And although the replacement is set to pass this week, Paul said the expiration was 'a victory no matter how you look at it'. ¶ In a statement, he said: 'It might be short lived, but I hope that it provides a road for a robust debate, which will strengthen our intelligence community, while also respecting our Constitution.' ¶ He added: 'The expiration of the NSA's sweeping, all-encompassing and ineffectual powers will not relinquish functions necessary for protecting national security. The expiration will instead do what we should have done all along - rely on the Constitution for these powers.' ¶ According to a top lawmaker, as of 8pm Sunday no NSA employee could access their enormous phone records database, which holds metadata on millions of phone conversations handed over by telecoms companies like Verizon and AT&T. ¶ Senate Intelligence Committee chairman Richard Burr said on Sunday: 'There is no way to get any type of agreement tonight -- either an extension or passage of a bill. So at 8pm tonight, NSA employees can not query the database'. ¶ In a statement issued Sunday night,

Obama's press secretary Josh Earnest, urged action to pass the USA Freedom Act as quickly as possible.¶ He said: 'The Senate took an important - if late - step forward tonight. We call on the Senate to ensure this irresponsible lapse in authorities is as short-lived as possible.¶ 'On a matter as critical as our national security, individual Senators must put aside their partisan motivations and act swiftly. The American people deserve nothing less.'¶ Some lawmakers have said the lapse raises alarming questions about how US authorities can keep the homeland safe with a diminished security toolbox.¶ 'I think it's very very unfortunate that we're in this position,' said Senator Mike Lee, a conservative Republican who supports the reform bill.¶ 'We've known this date was coming for four years. Four years. And I think it's inexcusable that we adjourned' for a weeklong break last week without resolving the issue.¶ Lee, too, conceded that the reform bill would most likely pass in the coming week.¶ With the clock ticking, CIA chief John Brennan warned Sunday that allowing vital surveillance programs to lapse could increase terror threats, and argued that the phone metadata dragnet has not abused civil liberties and only serves to safeguard citizens.¶ 'This is something that we can't afford to do right now,' Brennan said of allowing the counterterrorism provisions to expire.¶ 'Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago,' he said on CBS talk show Face the Nation.¶ Brennan added that online threats from groups like Isis would continue to grow over the next five to ten years.¶ He said: 'Isis has been very sophisticated and adept at using the Internet to propagate its message and reach out to individuals. We see what is happening as far as thousands upon thousands of individuals, including many thousands from the West, that have traveled into Syria and Iraq. And a number of these individuals are traveling back.'¶ 'And what we see, they're also using the Internet as a way to incite and encourage individuals to carry out acts of violence.'¶ So as the director of FBI says, you know, this use of these websites and their Internet capabilities is something of great concern. So yes, I think ISIS is a threat not just in the Middle East and South Asia and African regions but also to Europe as well as to the United States.'

NSA programs are reasonable, legal, and key to stopping the rising terrorist threat

Bolton 4/28/15 (John R. Bolton, former U.S. permanent representative to the United Nations, "NSA activities key to terrorism fight", 4/28/15, <http://www.aei.org/publication/nsa-activities-key-to-terrorism-fight/>) -LL

Congress is poised to decide whether to re-authorize programs run by the National Security Agency that assess patterns of domestic and international telephone calls and emails to uncover linkages with known terrorists. These NSA activities, initiated after al-Qaeda's deadly 9/11 attacks, have played a vital role in protecting America and our citizens around the world from the still-metastasizing terrorist threat. The NSA programs do not involve listening to or reading conversations, but rather seek to detect communications networks. If patterns are found, and more detailed investigation seems warranted, then NSA or other federal authorities, consistent with the Fourth Amendment's prohibition against unreasonable searches and seizures, must obtain judicial approval for more specific investigations. Indeed, even the collection of the so-called metadata is surrounded by procedural protections to prevent spying on U.S. citizens. Nonetheless, critics from the right and left have attacked the NSA for infringing on the legitimate expectations of privacy Americans enjoy under our Constitution. Unfortunately, many of these critics have absolutely no idea what they are talking about; they are engaging in classic McCarthyite tactics, hoping to score political points with a public justifiably worried about the abuses of power characteristic of the Obama administration. Other critics, following Vietnam-era antipathies to America's intelligence community, have never reconciled themselves to the need for robust clandestine capabilities. Still others yearn for simpler times, embodying Secretary of State Henry Stimson's famous comment that "gentlemen don't read each others' mail." The ill-

informed nature of the debate has facilitated scare-mongering, with one wild accusation about NSA's activities after another being launched before the mundane reality catches up. And there is an important asymmetry at work here as well. The critics can say whatever their imaginations conjure up, but NSA and its defenders are significantly limited in how they can respond. By definition, the programs' success rests on the secrecy fundamental to all intelligence activities. Frequently, therefore, explaining what is not happening could well reveal information about NSA's methods and capabilities that terrorists and others, in turn, could use to stymie future detection efforts. After six years of President Obama, however, trust in government is in short supply. It is more than a little ironic that Obama finds himself defending the NSA (albeit with obvious hesitancy and discomfort), since his approach to foreign and defense issues has consistently reflected near-total indifference, except when he has no alternative to confronting challenges to our security. Yet if harsh international realities can penetrate even Obama's White House, that alone is evidence of the seriousness of the threats America faces. In fact, just in the year since Congress last considered the NSA programs, the global terrorist threat has dramatically increased. ISIS is carving out an entirely new state from what used to be Syria and Iraq, which no longer exist within the borders created from the former Ottoman Empire after World War I. In already-chaotic Libya, ISIS has grown rapidly, eclipsing al-Qaeda there and across the region as the largest terrorist threat. Boko Haram is expanding beyond Nigeria, declaring its own caliphate, even while pledging allegiance to ISIS. Yemen has descended into chaos, following Libya's pattern, and Iran has expanded support for the terrorist Houthi coalition. Afghanistan is likely to fall back under Taliban control if, as Obama continually reaffirms, he withdraws all American troops before the end of 2016. This is not the time to cripple our intelligence-gathering capabilities against the rising terrorist threat. Congress should unquestionably reauthorize the NSA programs, but only for three years. That would take us into a new presidency, hopefully one that inspires more confidence, where a calmer, more sensible debate can take place.

Aggressive anti-terrorism creates a new security paradigm – hardens the public to government intrusions – scaling back surveillance eliminates that paradigm and creates vulnerability

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The ratchet effect can occur because anti-terrorism laws create a new security paradigm. An aggressive anti-terrorism law can fundamentally alter societal approaches to terrorism. Surveillance may increase. Police powers can expand. Intelligence efforts may grow. Public expectations of privacy can diminish. In the aggregate, these types of changes can represent a drastic change in a government's approach to terrorism, and effectively create a "new normal" level of security. Because this "new normal" is linked to the law itself, reversing the law begins to dismantle the new security paradigm. From the public's perspective, this might be an unacceptable option because it may increase societal vulnerability to terrorism. Government agencies also risk losing resources—personnel, money, and political support—by returning to the status quo ante.

Violent war on terror is the only way to win – history proves non-violent strategies fail

Hanson 10 – senior fellow @ Hoover Institute

Victor, “The Tragic Truth of War” [<http://www.nationalreview.com/node/229152/print>] February 17 //mtc

Victory has usually been defined throughout the ages as forcing the enemy to accept certain political objectives. “Forcing” usually meant killing, capturing, or wounding men at arms. In today’s polite and politically correct society we seem to have forgotten that nasty but eternal truth in the confusing struggle to defeat radical Islamic terrorism. What stopped the imperial German army from absorbing France in World War I and eventually made the Kaiser abdicate was the destruction of a once magnificent army on the Western front – superb soldiers and expertise that could not easily be replaced. Saddam Hussein left Kuwait in 1991 when he realized that the U.S. military was destroying his very army. Even the North Vietnamese agreed to a peace settlement in 1973, given their past horrific losses on the ground and the promise that American air power could continue indefinitely inflicting its damage on the North. When an enemy finally gives up, it is for a combination of reasons – material losses, economic hardship, loss of territory, erosion of civilian morale, fright, mental exhaustion, internal strife. But we forget that central to a concession of defeat is often the loss of the nation’s soldiers – or even the threat of such deaths. A central theme in most of the memoirs of high-ranking officers of the Third Reich is the attrition of their best warriors. In other words, among all the multifarious reasons why Nazi Germany was defeated, perhaps the key was that hundreds of thousands of its best aviators, U-boaters, panzers, infantrymen, and officers, who swept to victory throughout 1939–41, simply perished in the fighting and were no longer around to stop the allies from doing pretty much what they wanted by 1944–45. After Stalingrad and Kursk, there were not enough good German soldiers to stop the Red Army. Even the introduction of jets could not save Hitler in 1945 – given that British and American airmen had killed thousands of Luftwaffe pilots between 1939 and 1943. After the near destruction of the Grand Army in Russia in 1812, even Napoleon’s genius could not restore his European empire. Serial and massive Communist offensives between November 1950 and April 1951 in Korea cost Red China hundreds of thousands of its crack infantry – and ensured that, for all its aggressive talk, it would never retake Seoul in 1952–53. But aren’t these cherry-picked examples from conventional wars of the past that have no relevance to the present age of limited conflict, terrorism, and insurgency where ideology reigns? Not really. We don’t quite know all the factors that contributed to the amazing success of the American “surge” in Iraq in 2007–08. Surely a number of considerations played a part: Iraqi anger at the brutish nature of al-Qaeda terrorists in their midst; increased oil prices that brought massive new revenues into the country; General Petraeus’s inspired counterinsurgency tactics that helped win over Iraqis to our side by providing them with jobs and security; much-improved American equipment; and the addition of 30,000 more American troops. But what is unspoken is also the sheer cumulative number of al-Qaeda and other Islamic terrorists that the U.S. military killed or wounded between 2003 and 2008 in firefights from Fallujah to Basra. There has never been reported an approximate figure of such enemy dead – perhaps wisely, in the post-Vietnam age of

repugnance at “body counts” and the need to create a positive media image.¶ Nevertheless, in those combat operations, **the** marines and **army** not only proved that to meet them in battle was a near death sentence, but also **killed thousands of low-level terrorists and hundreds of top-ranking operatives** who otherwise would have continued to harm Iraqi civilians and American soldiers. Is Iraq relatively quiet today because many who made it so violent are no longer around?¶ **Contemporary** conventional **wisdom** **tries to persuade us that there is no such thing as a finite** number of the **enemy**. **Instead, killing them** supposedly only incites others to step up from the shadows to take their places. Violence begets violence. It **is counterproductive**, and creates an endless succession of the enemy. Or so we are told.¶ **We may wish that were true. But military history suggests it is not** quite accurate. In fact, **there was a finite number of SS diehards and kamikaze suicide bombers** even in fanatical **Nazi Germany and imperial Japan**. **When they were attrited**, not only were their acts of terror curtailed, but it turned out that **far fewer than expected wanted to follow the dead to martyrdom**.¶ The Israeli war in Gaza is considered by the global community to be a terrible failure — even though the number of rocket attacks against Israeli border towns is way down. That reduction may be due to international pressure, diplomacy, and Israeli goodwill shipments of food and fuel to Gaza — or it may be due to the hundreds of Hamas killers and rocketeers who died, and the thousands who do not wish to follow them, despite their frequently loud rhetoric about a desire for martyrdom.¶ **Insurgencies**, of course, are complex operations, but in general even they **are not immune from eternal rules of war**. Winning hearts and minds is essential; providing security for the populace is crucial; improving the economy is critical to securing the peace. But all that said, **we cannot avoid the pesky truth that in war** — any sort of war — **killing enemy soldiers stops the violence**.¶ **For all the much-celebrated counterinsurgency tactics in Afghanistan, note that we are currently in an offensive in Helmand province to “secure the area.” That means killing the Taliban** and their supporters, and convincing others that they will meet a violent fate if they continue their opposition.¶ Perhaps the most politically incorrect and Neanderthal of all thoughts would be that the American military’s long efforts in both Afghanistan and Iraq to kill or capture radical Islamists has contributed to the general safety inside the United States. Modern dogma insists that our presence in those two Muslim countries incited otherwise non-bellicose young Muslims to suddenly prefer violence and leave Saudi Arabia, Yemen, or Egypt to flock to kill the infidel invader.¶ A more tragic view would counter that there was always a large (though largely finite) number of radical jihadists who, even before 9/11, wished to kill Americans. They went to those two theaters, fought, died, and were therefore not able to conduct as many terrorist operations as they otherwise would have, and also provided a clear example to would-be followers not to emulate their various short careers. That may explain why in global polls the popularity both of bin Laden and of the tactic of suicide bombing plummeted in the Middle Eastern street — at precisely the time America was being battered in the elite international press for the Iraq War.¶ **Even the most utopian and idealistic do not escape these tragic eternal laws of war**. **Barack Obama may think he can win over the radical Islamic world** — or at least convince the more moderate Muslim community to reject jihadism — by means such as his Cairo speech, closing Guantanamo, trying Khalid Sheikh Mohammed in New York, or having General McChrystal emphatically assure the world that killing Taliban and al-Qaeda terrorists will not secure Afghanistan.¶ Of course, such soft- and smart-power approaches have utility in a war so laden with symbolism in an age of globalized communications. **But note that Obama has upped the number of combat troops in**

Afghanistan, and he **vastly increased** the frequency of **Predator-drone assassination missions** on the Pakistani border.¶ Indeed, even as Obama damns Guantanamo and tribunals, he has massively increased the number of targeted assassinations of suspected terrorists — the rationale presumably being either that we are safer with fewer jihadists alive, or that we are warning would-be jihadists that they will end up buried amid the debris of a mud-brick compound, or that it is much easier to kill a suspected terrorist abroad than detain, question, and try a known one in the United States.¶ In any case, the president — immune from criticism from the hard Left, which is angrier about conservative presidents waterboarding known terrorists than liberal ones executing suspected ones — **has concluded that one way to win** in Afghanistan **is to kill as many terrorists and insurgents as possible**. And while the global public will praise his kinder, gentler outreach, privately he evidently thinks that we will be safer the more the U.S. marines shoot Taliban terrorists and the more Hellfire missiles blow up al-Qaeda planners.

2NC DA – Impact Wall

Homegrown terrorism kills millions of people – radical extremists will target critical infrastructure, build dirty bombs, and launch biological, chemical, and cyber attacks – radicalization makes the threshold for an individual to trigger the impact extremely low – prioritize probability over magnitude because a single lone wolf attack starts a chain reaction – that’s Lederman and Myhrvold

Critical Infrastructure solves heg, the economy, food prices, energy shocks, nuclear melt downs, and chemical industry
Sebastian 09

(Rohan,- research for the office of Virginia Senator Mark Warner CS Computer Science from UVA, 6-24 “The Federal Government’s Role in Preserving Cybersecurity for Critical Infrastructure”)

The intersection of critical infrastructure and cyberspace has presented many challenges to policymakers. Critical infrastructure includes areas like the water and food supply, telecommunications, nuclear power, transportation, banking, and energy---areas crucial to the functioning of society. Eighty percent of this critical infrastructure is owned by the private sector. The continual delegation of control of critical infrastructure to cyberspace without regard to security has posed many vulnerabilities that malicious actors could exploit. To address these vulnerabilities, policymakers can utilize three options: strengthening partnerships between the public and private sectors, installing a White House official to deal solely with cyber security issues, and encouraging collaboration between critical infrastructure operators for coordinating best practices and crisis management. In conclusion, this analysis recommends that the federal government follow a course incorporating all three options because the effects could be mutually reinforcing. A long term solution to cybersecurity must take note of the private sector’s insight to be successful; a national dialogue on the importance of cyber security needs to take its cue from the White House; in the meanwhile, proprietors of critical infrastructure should ensure that they can reduce the damage caused by disasters or attacks by establishing clear lines of communication. [End of Abstract – Start of Intro] Critical Infrastructure Government and the private sector have reaped digital networking’s benefits by using computer networks to control vital parts of critical infrastructure from cyberspace. However, remote access to critical infrastructure from cyberspace has placed these systems at risk of destruction by other countries, malicious actors, or terrorists. This analysis proposes three options that the federal government can implement: strengthening partnerships between the public and private sectors, integrating resources under a White House official, and increasing collaboration between levels of critical infrastructure. After scrutinizing these options under the criteria of political feasibility, industry acceptance, and efficacy, this analysis recommends that the federal government pursue a combination of all three policy options. Critical infrastructure includes areas such as transportation, water supplies, public health, telecommunications, energy, banking and finance, emergency and information services, nuclear facilities, food supplies, and defense and chemical industries (Moteff & Parfomak, 2004). According to the Department of Homeland Security’s National Strategy for Homeland Security, critical infrastructure consists of “assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety, or any combination thereof” (Homeland Security Council, 2007). Figure 1 illustrates the myriad of infrastructures and their interdependencies with one another. Simply put, critical infrastructures comprise the foundation for the modern economy and national security, so the federal government shares responsibility for protecting them. However, the government rests in a precarious position because the private sector owns about eighty percent of critical infrastructure (Forest, 2006, p. 78). Furthermore, about eighty percent of all American commerce occurs on privately owned telecommunications networks, primarily the Internet (Theohary, 2009, p. 20). Even the most valuable national defense systems rely on privately owned telecommunications networks (National Security Agency, 2009). As digital networking proliferates through society, builders will delegate control of more and more parts of critical infrastructure to the realm of cyberspace. In fact, every piece of software added to a system expands the “attack surface” accessible to external actors (Welander, 2009, p. 42). Therefore, cybersecurity is necessary to safeguard this infrastructure. The Need for Cybersecurity

Proprietors often control critical infrastructure from cyberspace. According to the National Security Presidential Directive 54 and Homeland Security Presidential Directive 23 issued by the George W. Bush Administration, cyberspace consists of the “interdependent network of information technology infrastructures, and includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers in critical industries” (as cited in National Cyber Security Center, 2009, p. 11). The intersection of critical infrastructure and cyberspace means that policymakers should strive to establish security while retaining a relatively open cyberspace. Several government officials have emphasized **the catastrophic effects of compromised cybersecurity**. Paul Kurtz, an advisor on President Obama’s transition team, warned of a “cyber Katrina,” **a cataclysm in which government agencies would fail to coordinate** after a cyber attack **and** would subsequently collapse (Epstein, 2009). Mike McConnell, a former director of both the National Security Agency and National Intelligence, declared that if the September 11th, 2001, hijackers had launched a focused attack on an American bank, the economic ramifications would have been of “an order of magnitude greater” than the destruction of the World Trade Center (Harris, 2008). Former cyber security advisor Richard Clarke, who served in the Clinton and Bush Administrations, asserted that the primary target for a terrorist’s cyber attack would be the economy whereas casualties and chaos would be secondary (as cited in Rollins & Wilson, 2007, p. 3). In fact, Director of National Intelligence Dennis Blair stated that **cyber attacks against financial sectors and physical infrastructure could “severely impact the national economy” and disturb energy sources like oil and electricity** for an indefinite period (Annual Threat Assessment, 2009). Beyond threatening the private sector, intruders have been specifically targeting the federal government’s information technology infrastructure. A report by the International Business Machines Corporation revealed that of the 237 million security attacks carried out in the first half of 2005, more than twenty-two percent, the highest percentage against any given group, aimed for government agencies (Fitzgerald, 2006, p. 57). Between 2008 and March 2009, the number of attacks against federal computer networks swelled about forty percent (Smith, 2009). The Department of Defense dubbed the military’s electronic information infrastructure **the American military’s “Achilles’ heel”** (Defense Science Board, 2008). Though these assorted officials would concur on the gravity of cybersecurity, they might dissent on the correct policy solution. As the White House’s Cyberspace Policy Review pointed out, cyberspace policy envelops the following: security of and operations in cyberspace,...the full range of threat reduction, vulnerability reduction, deterrence, international engagement, incident response, resiliency, and recovery policies and activities, including computer network operations, information assurance, law enforcement, diplomacy, military, and intelligence missions as they relate to the security and stability of the global information and communications infrastructure (National Cyber Security Center, 2009, p. 5). This analysis will lay out three policy options to address these issues. Strengthening Partnerships between the Public and Private Sectors Any kind of long term solution to cybersecurity threats must consider **the private sector** since it **owns about eighty percent of the nation’s critical infrastructure**. Legislators cannot expect a law ignoring the private sector’s input to succeed because business’s efforts will ultimately determine effective cybersecurity policies. Thus, the government can continue encouraging the deepening of relationships with the private sector. Advocating a redefinition of government’s relationship to the software business, General James Cartwright stated that government should treat “cyber security as a weapon system” (Rutherford, 2008). A paradigm shift to Gen. Cartwright’s mindset would be favorable for government and business because the public sector widely uses private sector products. The Department of Defense, in particular, uses “Commercial-Off-the-Shelf” products since these packages are cheaper and more innovative than a government established standard. Communication between government and the private sector would be helpful for alleviating situations involving systemic software threats. For example, the Microsoft Windows operating system runs on “ninety-five percent of personal computers worldwide,” so hackers often exploit its vulnerabilities. In 2003, the Blaster worm infected “some 400,000 host PCs” in a single day. Microsoft responded by permitting “several governments across the world to take a peek at the precious Windows source code” for input and disclosure (Taylor, 2003). Thus, government benefitted by receiving insight into the potential problems the Blaster worm posed; business benefitted by receiving the government’s assistance with this problem. A number of forums already exist to serve as models for more formal mechanisms of public-private communication. Microsoft created a Security Response Center that works with the Department of Defense to secure its products (Information Technology in the 21st Century Battlespace, 2003). Learning from Carnegie Mellon University’s public-private alliance model, the Department of Homeland Security in 2003 founded the United States-Computer Emergency Readiness Team, a group of government and industry experts compiling software vulnerabilities (Barnes, 2004, p. 327). Similarly, the Protected Critical Infrastructure Information Program in the Department of Homeland Security represents the federal government’s first ever mechanism to collect and analyze data from private companies without fear of releasing that data to the public by the Freedom of Information Act (Grubestic & Murray, 2006, p. 65). In response to the government’s creation of federal agencies like the Critical Infrastructure Assurance Office and National Infrastructure Protection Center in 1998, industry responded with the creation of the Partnership for Critical Infrastructure Security as well as the generation of Information Sharing Analysis Centers (Michel-Kerjan, 2003, p. 136). Industry agents staff these Centers, which specialize in areas like telecommunications, electricity, and finance (Michel-Kerjan, 2003, p. 136). This analysis evaluates this option under the aforementioned criteria. **Industry acceptance and political obstacles could obstruct the way to success**. Politically, the Freedom of Information Act, which could force the disclosure of details of infrastructure weaknesses to the public, may make private companies apprehensive about sharing their data with the government. Laws like the Critical Infrastructure Information Act of 2002 protect the private sector from such disclosures, but companies

may be reluctant nonetheless (Pozen, 2005, p. 678). Industry acceptance also affects this option's efficacy. There are currently federal organizations like the United States-Computer Emergency Readiness Team bridging the communication gap between the public and private sectors, but only serious attention to these programs by both parties will evoke substantive results. Companies confront a tradeoff between security and efficiency as well as transparency and customer satisfaction. Noting this trend, Clay Wilson addressed studies revealing a low rate of cybercrime incident reporting because companies fear consumer backlash from "negative publicity" (Wilson, 2009, p. 24). According to a study conducted among Fortune 1000 companies, one of the most trenchant effects of compromised cyber security is damage to reputation among consumers (Hansen, 2001, p. 1161). This option's effectiveness is directly tied to political feasibility and industry acceptance.

Dirty bombs go nuclear---high risk of theft and attacks escalate

Dvorkin 12 (Vladimir Z., Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what_can_destroy_strategic_stability.html)

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives ("dirty bombs") is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of "dirty bombs" will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple "gun-type" nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel.

according to the International Atomic Energy Agency (IAEA). **A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima.** The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. **A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.**¶ If a nuclear terrorist act occurs, **nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act.** We can imagine what would happen if they do so, **given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow.** The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. **This is especially dangerous for Russia because these fault lines run across its territory.** To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. **The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.** All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

Independently causes extinction via retaliation

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

But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that **some sort of terrorist attack**, and especially an act of nuclear terrorism, **could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more** of the **states** that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as **raising the risks of a catalytic nuclear war between the superpowers started by third parties.** These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from

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

Cyber attacks cause extinction Adhikari '09

(Richard, - leading journalist on advanced-IP issues for several major publications, including The Wall Street Journal “Civilization’s High Stakes Cyber-Struggle: Q&A With Gen. Wesley Clark (ret.)”)

The conflicts in the Middle East and Afghanistan, to name the most prominent, are taking their toll on human life and limb. However, the escalating cyberconflict among nations is far more dangerous, argues retired general Wesley Clark, who spoke with TechNewsWorld in an exclusive interview. That cyberconflict will take a far greater toll on the world, contends Clark, who last led the NATO forces to end the ethnic cleansing in Albania. There is a pressing need for new institutions to cope with the ongoing conflict, in his view. Clark is a member of the boards of several organizations. He has a degree in philosophy, politics and economics from Oxford University and a master's degree in military science from the U.S. Army's Command and General Staff College. Background: In November 2008, the Center for Strategic and International Studies, a Washington-based bipartisan think tank, presented recommendations on national security to the then-incoming Obama administration. These called for an overhaul of the existing national cybersecurity organization. Since then, the state of national cybersecurity has appeared chaotic. In August, White House cybersecurity adviser Melissa Hathaway resigned for reasons that echoed the departure in 2004 of Amit Yoran, who then held essentially the same post. In an exclusive interview earlier this year, Yoran told TechNewsWorld that national cybersecurity was still a mess. TechNewsWorld: Security experts warn that nations are preparing for a new cyberwar. Is our government doing enough to protect our national cyber-infrastructure? Or is it in the process of protecting the cyber-infrastructure? Gen. Wesley K. Clark: I think we're in the process of trying to get it protected, but unlike conventional

security considerations, where one can easily see an attack and take the appropriate response, the cyberstruggle is a daily, ongoing affair. **It's a matter of thousands of probes a day, in and out, against** systems that belong to obvious targets like the United States Department of Defense; not-so-obvious targets like **banks and energy companies; and individual consumers or taxpayers.** It's ongoing, it's undeclared, it's often unreported, and it's very much an ongoing concern at all levels -- business, commerce and individual privacy. TechNewsWorld: The national security infrastructure has repeatedly been reported to be sorely lacking. Is the government moving fast enough? Does it need to do more? Clark: It does need to do more. It's in the process of doing more, and there's a tremendous amount of public and private sector effort going into cybersecurity right now. Whether it's going to be adequate or not is not the issue. There are many approaches to this problem that are mainly based on software, but software is vulnerable. When you open up to communicate with the Web, when you bring in data and programs from another source, when you bring in applications -- all that entails huge risks. It's dealing with those risks and trying to gain the rewards of doing so that make it such a difficult proposition. Online banking was a novelty 20 years ago. Now, everything happens on the Internet. People pay their bills, they do business, they do their work with customers. People don't fax documents any more if they don't have to -- they do webinars and briefings. All of this exposes the opportunity for mischief. You don't know the source of the mischief. You don't know whether it's individuals trying to solve a difficult technical challenge on their own or if they're connected to governments, or if they're cells attached to governments -- and it's very difficult to pin down ... incoming probes to a source. TechNewsWorld: While it's generally agreed that the next war may be a cyberwar, much of our infrastructure is either hooked up to the Internet or in the process of being hooked up to the Internet. Electricity companies, for example, are agitating for the use of smart meters. That being the case, and with hackers increasing the frequency and sophistication of their attacks, does the increasing pace of hooking everything up to the Internet pose a real security threat? Clark: We're going into completely digitized medical records, which could lead to a huge invasion of privacy. It could also lead to things like blackmail and is physically dangerous because people can tamper with records of vital signs, or can alter prescriptions. There's no telling just what could be done. Companies could lose their supply chain management, lose their accounting records, lose their customer lists. Trying to rebuild this on paper when we've all been interconnected on the Internet will cause years of economic decline. **We are, as a civilization, quite vulnerable to disruption.** and this security problem doesn't just affect one nation but the whole global economic infrastructure. You can't conceive of the threats from the point of view of a traditional war. Cyber-efforts are ongoing today; we're in a cyber-struggle today. We don't know who the adversaries are in many cases, but we know what **the stakes are: continued economic vitality and, ultimately, global civilization.**

Link Toolbox

2NC Link Boosters

Be skeptical of Aff ev – the necessity of NSA secrecy creates an asymmetrical epistemological bias in the lit

Bolton 15 – John R. Bolton, a diplomat and a lawyer, has spent many years in public service. From August 2005 to December 2006, he served as the U.S. permanent representative to the United Nations. From 2001 to 2005, he was under secretary of state for arms control and international security. At AEI, Ambassador Bolton's area of research is U.S. foreign and national security policy. "NSA activities key to terrorism fight" <http://www.aei.org/publication/nsa-activities-key-to-terrorism-fight/>

Congress is poised to decide whether to re-authorize programs run by the National Security Agency that assess patterns of domestic and international telephone calls and emails to uncover linkages with known terrorists. These NSA activities, initiated after al-Qaeda's deadly 9/11 attacks, have played a vital role in protecting America and our citizens around the world from the still-metastasizing terrorist threat. The NSA programs do not involve listening to or reading conversations, but rather seek to detect communications networks. If patterns are found, and more detailed investigation seems warranted, then NSA or other federal authorities, consistent with the Fourth Amendment's prohibition against unreasonable searches and seizures, must obtain judicial approval for more specific investigations. Indeed, even the collection of the so-called metadata is surrounded by procedural protections to prevent spying on U.S. citizens. Nonetheless, critics from the right and left have attacked the NSA for infringing on the legitimate expectations of privacy Americans enjoy under our Constitution. Unfortunately, many of these critics have absolutely no idea what they are talking about; they are engaging in classic McCarthyite tactics, hoping to score political points with a public justifiably worried about the abuses of power characteristic of the Obama administration. Other critics, following Vietnam-era antipathies to America's intelligence community, have never reconciled themselves to the need for robust clandestine capabilities. Still others yearn for simpler times, embodying Secretary of State Henry Stimson's famous comment that "gentlemen don't read each others' mail." The ill-informed nature of the debate has facilitated scare-mongering, with one wild accusation about NSA's activities after another being launched before the mundane reality catches up. And there is an important asymmetry at work here as well. The critics can say whatever their imaginations conjure up, but NSA and its defenders are significantly limited in how they can respond. By definition, the programs' success rests on the secrecy fundamental to all intelligence activities. Frequently, therefore, explaining what is not happening could well reveal information about NSA's methods and capabilities that terrorists and others, in turn, could use to stymie future detection efforts. After six years of President Obama, however, trust in government is in short supply. It is more than a little ironic that Obama finds himself defending the NSA (albeit with obvious hesitancy and discomfort), since his approach to foreign and defense issues has consistently reflected near-total indifference, except when he has no alternative to confronting challenges to our security. Yet if harsh international realities can penetrate even Obama's White House, that alone is evidence of the seriousness of the threats America faces. In fact, just in the year since Congress last considered the NSA programs, the global terrorist threat has dramatically increased. ISIS is carving out an entirely new state from what used to be Syria and Iraq, which no longer exist within the borders created from the former Ottoman Empire after World War I. In already-chaotic Libya, ISIS has grown rapidly, eclipsing al-Qaeda there and across the region as the largest terrorist threat. Boko Haram is expanding beyond Nigeria, declaring its own caliphate, even while pledging allegiance to ISIS. Yemen has descended into chaos, following Libya's pattern, and Iran has expanded support for the terrorist Houthi coalition. Afghanistan is likely to fall back under Taliban control if, as Obama continually reaffirms, he withdraws all American troops before the end of 2016. This is not the time to cripple our intelligence-gathering capabilities against the rising terrorist threat. Congress should unquestionably reauthorize the NSA programs, but only for three years. That would take us into a new presidency, hopefully one that inspires more confidence, where a calmer, more sensible debate can take place.

Independently, the perception of widespread surveillance is crucial to deter effective terrorist communication --- the plan emboldens effective regrouping

Rascoff 14 [Samuel J. Rascoff, Associate Professor of Law, Faculty Director, Center on Law and Security, New York University School of Law, "COUNTERTERRORISM AND NEW DETERRENCE," 2014]

An open question - an answer to which requires more empirical data - is whether the government's prosecution of relatively amateur would-be terrorists based on stings is likely to be effective in deterring better-trained terrorists.ⁿ¹⁰⁹ But it bears remembering that the viability [*855] of the deterrence-based account of stings does not depend on who is prosecuted. The mere fact of prosecution can alter terrorists' perceptions of future success by implying a

pervasive surveillance network ⁿ¹¹⁰ **facilitated by technology.** ⁿ¹¹¹ As Alex Wilner observed of Canadian counterterrorism, the fact that the country's "**intelligence** community clearly **has the means and the tools to uncover plots expeditiously**" creates an "**overwhelming perception** ... that terrorists are unlikely to evade Canada's watchful eye." ⁿ¹¹² In sum, the meaning of a sting operation and subsequent trial must include the strategic benefits of revealing the fact of undercover surveillance as well as the normative costs implied by **widespread surveillance.** ⁿ¹¹³ This in turn illustrates the [*856] complicated relationship between transparency and secrecy entailed by new deterrence. C. Psychology and Strikes **New deterrence also enriches understanding of the role of fear and emotion in counterterrorism.** Terrorism aims at communicating vulnerability and sowing distrust; violent attacks are, in a sense, means to bring about these more intangible objectives. ⁿ¹¹⁴ (Thus, building sufficient social resiliency to withstand terrorist attacks, as new deterrence counsels, deprives terrorists of an important goal, even when an attack succeeds. ⁿ¹¹⁵) But fear ⁿ¹¹⁶ and distrust are also part of the counterterrorism repertoire. ⁿ¹¹⁷ Inevitably this fact raises serious [*857] normative issues. First is the foundational question of what it means for the state to manage terrorist risk through the potentially widespread, deliberate employment of fear. ⁿ¹¹⁸ Rich sociological and historical literature attest to the emotional costs of aggressive national security tactics. ⁿ¹¹⁹ Second is a concern about the distribution of fear and whether the government considers race and religion when employing it. ⁿ¹²⁰ My central point here, however, is not normative so much as conceptual: Whereas policymakers, lawyers, and the general public often define counterterrorism as the sum of so many violent interventions, **new deterrence reminds us that counterterrorism also operates in a psychological register. Unlike traditional deterrence,** which conveys its message through fear of being caught and punished, **new deterrence relies on a wider and subtler range of official modalities that go to the likelihood of terrorist success. For example, the government may aim to demoralize an adversary by telegraphing the state's overwhelming might.** The state might do so by "**spreading false or exaggerated rumors of the** [*858] **existence of sting operations,**" ⁿ¹²¹ **sowing a sense of distrust within a cell** by implying that one among them is on an official payroll, **or even conveying an image of officials as irrational and prone to unmeasured violence.** ⁿ¹²²

***Domestic Surveillance Generic**

Government surveillance critical to prevent terror attacks

Sulmasy, 13 --- Professor of Law and Governmental Affairs Officer at Coast Guard Academy (6/10/2013, Glenn, "Why we need government surveillance," <http://www.cnn.com/2013/06/10/opinion/sulmasy-nsa-snowden/>, JMP)

The current threat by al Qaeda and jihadists is one that requires aggressive intelligence collection and efforts. One has to look no further than the disruption of the New York City subway bombers (the one being touted by DNI Clapper) or the Boston Marathon bombers to know that the war on al Qaeda is coming home to us, to our citizens, to our students, to our streets and our subways.

This 21st century war is different and requires new ways and methods of gathering information. As technology has increased, so has our ability to gather valuable, often actionable, intelligence. However, **the move toward "home-grown" terror will necessarily require**, by accident or purposefully, **collections of U.S. citizens' conversations with potential overseas persons of interest.**

An open society, such as the **United States**, ironically needs to use this technology to protect itself. This truth is naturally uncomfortable for a country with a Constitution that prevents the federal government from conducting "unreasonable searches and seizures." American historical resistance towards such activities is a bedrock of our laws, policies and police procedures.

But what might have been reasonable 10 years ago is not the same any longer. **The constant armed struggle against the jihadists** has adjusted our beliefs on what we think our government can, and must, do in order to protect its citizens.

Domestic surveillance is key to intel gathering – allows effective executive decision-making

Bolton 13 -- John Bolton, a senior fellow at the American Enterprise Institute, served as US ambassador to the United Nations in 2005-06. "3 views on NSA reform after Snowden leaks" <http://www.csmonitor.com/Commentary/One-Minute-Debate-3-Views/2013/0926/3-views-on-NSA-reform-after-Snowden-leaks/Don-t-overreact-Anger-over-abuses-must-not-harm-NSA-capabilities-secrecy>

For years, America's enemies have yearned to cripple its foreign electronic intelligence-gathering capabilities. Now, the ongoing furor over the National Security Agency (NSA) gives them the chance. Outright falsehoods, distortions, and hysteria have unfortunately been fueled by actual abuses and mistakes. We face a general debate about whether vital electronic-surveillance programs should be substantially curtailed. We must prevent hype and anger over specific abuses from harming the NSA's actual capabilities and the secrecy needed to protect them. Intelligence exists not for its own sake but **to support executive decisionmaking** Accordingly, President Obama is principally responsible for explaining and advocating clandestine activities. This, he appallingly failed to do. Mr. Obama must act like a president, leading the defense of our embattled capabilities. The inevitable congressional proceedings must not repeat the irreparable damage that the 1970s-era congressional investigative committees caused the CIA. Deficiencies there were, but our enemies were the principal beneficiaries of the committees' destructive investigations. Most important, whatever fixes are made today must not deny America the tools to protect itself from terrorists, their state sponsors, and foreign adversaries, many of which

are developing massive cyberwarfare programs. Moreover, the largely preventable or imaginary invasions of privacy pale before security breakdowns that have allowed serious intelligence leaks. The NSA's opponents should be put on notice: If you materially restrict surveillance capabilities, you risk having American blood on your hands. Yes, stop the abuses, increase constitutional oversight, tighten NSA security, and demand accountability. But do not render America deaf and blind.

That's key – the president is the cornerstone of national security

Berman 13 -- Emily Berman, Assistant Professor, Brooklyn Law School. New York University School of Law, LL.M. 2011, J.D. 2005. "THE PARADOX OF COUNTERTERRORISM SUNSET PROVISIONS" <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4863&context=flr>

One crucial element of any discussion of counterterrorism powers goes unaddressed in the accounts of legislators and commentators who favor sunsets: the President dominates the formulation of national security and foreign affairs policy in ways that he does not in any other policy area. This domination arises from many sources, including the drastic expansion of presidential power in the post-war era, which is most highly pronounced in the national security context; the advantage that accompanies the President's position as first mover in responding to crises; the ability to act quickly and secretly; the President's role as the "sole organ" of U.S. foreign affairs; the executive's information monopoly; substantive expertise in military and security matters; and a norm of executive primacy that fosters expectations that the President will take the lead in national security.²³⁰

Domestic Surveillance is necessary to stop terror and foreign espionage – the NSA has found a happy medium between privacy and security now

Honorof 13 – Marshall "How the NSA's Spying Keeps You Safe" <http://www.tomsguide.com/us/nsa-spying-keeps-safe,review-1899.html>

The U.S. National Security Agency (NSA) may have taken some fairly extreme liberties when it comes to collecting user data, but the organization hasn't acted on a whim. Call the NSA's surveillance unethical or unconstitutional or dangerous, but it has a responsibility to protect the United States with every tool at its disposal. If you haven't been keeping up with the issue, Americans and Britons are very angry with their governments right now. Reports from The Guardian and The New York Times indicate that the NSA and its British counterpart, Government Communications Headquarters (GCHQ), have the capacity to intercept just about everything their citizens do online, from social media information to encrypted emails. While this anger is both understandable and justifiable, relatively few people have stopped to consider the other side of the coin. You can have total privacy or total national security, but you cannot have both. A modern democratic society requires a compromise between the two extremes. The most important thing to keep in mind is that there is, at present, absolutely no indication that the NSA has done anything illegal or outside the parameters of its mission statement. The NSA monitors external threats to the U.S., and, in theory, does not turn its attention to American citizens without probable cause. There is no evidence to the contrary among the documents that Edward Snowden leaked. "How do we protect our nation? How do we defend it?" asked Gen. Keith Alexander, the NSA's director, at the Black Hat 2013 security conference, held in Las Vegas in July. "[This information] is not classified to keep it from you: a good person. It's classified because sitting among you are people who wish us harm." While the thought of the NSA controlling every bit of information that the average American citizen posts online is disconcerting, Alexander maintained that a terrorist attack is even worse for a country's basic freedoms. "What we're talking about is future terrorist attacks," Alexander said, discussing a number of planned attacks that the NSA foiled over the last 10 years. "It is worth considering what would have happened in the world if those attacks – 42 of those 54 were terrorist plots – if they were successfully executed. What would that mean to our civil liberties and privacy?" James Lewis, a researcher at the Center for Strategic and International Studies, agrees. "The NSA said there were 54 cases where they were able to detect plans and stop them, and 50 of them led to arrests." Lewis told Tom's Guide. "Fifty doesn't sound like a lot compared to the number of records [the NSA collected], but would you have preferred to have 50 more Boston bombings?" Counterterrorism is not the only function of the NSA's widespread surveillance. Although it cannot report exact numbers, Lewis theorizes that the data-mining has allowed the NSA to put a stop to a number of international espionage plots. "The original intent of all these programs was to find foreign spies," he said. "They haven't talked about that, but presumably there have been some successes there, too. A lot of times when you see things and there doesn't appear to be any explanation of how we seemed to magically know about it, it might very well be espionage." As an example of how domestic surveillance can unearth

international plots, Lewis pointed to the North Korean ship stopped in Panama in August 2013. The vessel turned out to be smuggling illegal arms from Cuba. "The Panamanians just woke up one day and decided to look in their ship? I think not," Lewis said. The NSA is not the only government in the world that runs surveillance programs. In fact, if the NSA is keeping tabs on you, there's a good chance that other countries are as well. If you're lucky, they'll be Germany and Australia; if not, then Russia and China may have you under the microscope. Robert David Graham, founder and chief executive officer of Errata Security, spoke with Tom's Guide about how countries leverage surveillance data. "There are two parts to the information," he said. "Information about foreigners and information about your own citizens. The information you get about your own citizens affects political processes within your own country." He went on to explain that if you stir up negative sentiment about Germany, for example, the Germans can hoard your emails just the same as the NSA. Just like the NSA, though, they are unlikely to do anything with those emails unless you represent some kind of clear threat. "The Russians and the Chinese don't have anything to learn about how to do surveillance from us," Lewis said. He explained that the Scandinavian countries and Australia have programs that rival the NSA's as well. "It's just par for the course everywhere in the world." Lewis believes that the NSA's surveillance is much less problematic than its transparency on the issue. "[Security and privacy] have to be balanced, and the debate has largely been 'they should stop doing this,'" he said. "It's weird seeing Rand Paul and the ACLU getting together [to condemn the NSA]. If Rand Paul is for it, it's probably a bad idea." The NSA is also taking the lion's share of the blame for a problem that began at the dawn of the consumer Internet age, got worse after 9/11, and still continues to this day: Internet privacy, or more accurately, the almost total lack thereof. "There really isn't any privacy anymore, and I don't think Americans have realized that," Lewis said. Credit card companies, for example, know just about everything about you, right down to what street you've lived on every year of your life. "This was commercial ... The NSA just happens to be the poster child for this at the moment." There's one thing on which both staunch critics like Graham and fierce proponents like Lewis agree: The U.S. government must be clear and open with its citizens regarding the need for security, even when that security becomes invasive. "Total security means zero privacy. Total privacy means zero security," Graham said. "The extremes are what we have to fear ... The NSA should be monitoring people. It's just the issue of monitoring Americans without probable cause that really bothers the heck out of me." "If you have the right rules, if you have the right laws, if you have the right amount of transparency, you can feel comfortable with this," Lewis said. "Comfortable" is a very strong word, but if the choice is between invasive surveillance and the very real threats of terrorism and espionage, it's not so easy to write the NSA off entirely.

Domestic surveillance is a key link – informs troops on the ground

McLaughlin 14 -- John McLaughlin teaches at the Johns Hopkins School of Advanced International Studies. He was deputy director and acting director of the CIA from 2000 to 2004." NSA intelligence-gathering programs keep us safe
http://www.washingtonpost.com/opinions/nsa-intelligence-gathering-programs-keep-us-safe/2014/01/02/ofd51b22-7173-11e3-8b3f-b1666705ca3b_story.html

It's time we all came to our senses about the National Security Agency (NSA). If it is true, as many allege, that the United States went a little nuts in its all-out pursuit of al-Qaeda after the Sept. 11, 2001, attacks, it is equally true that we are going a little nuts again in our dogged pursuit of the post-Snowden NSA. Those who advocate sharply limiting the agency's activities ought to consider that its work is the very foundation of U.S. intelligence. I don't mean to diminish the role of other intelligence agencies, and I say this as a 30-year veteran of the Central Intelligence Agency who is "CIA" through and through. But in most cases, the NSA is the starting point for determining what holes need to be filled through other means of intelligence-collection. That's because its information on foreign developments is so comprehensive and generally so reliable. It is the core of intelligence support to U.S. troops in battle. Any efforts to "rein in" the agency must allow for the possibility that change risks serious damage to U.S. security and the country's ability to navigate in an increasingly uncertain world. The presumption that the NSA "spies" on Americans should also be challenged. In my experience, NSA analysts err on the side of caution before touching any data having to do with U.S. citizens. In 2010, at the request of then-Director of National Intelligence Dennis Blair, I chaired a panel investigating the intelligence community's failure to be aware of Umar Farouk Abdulmutallab, the "underwear bomber" who tried to blow up a commercial plane over Detroit on Dec. 25, 2009. The overall report remains classified, but I can say that the government lost vital time because of the extraordinary care the NSA and others took in handling any data involving a "U.S. person." (Abdulmutallab, a Nigerian, was recruited and trained by the late Anwar al-Awlaki, a U.S. citizen based in Yemen.) Regarding outrage over the NSA's collection of telephone calling records, or metadata, I don't know why anyone would have greater confidence in this information being held by private companies. And given the perceived threat to privacy, it's astonishing how little attention has been paid to the Senate commerce committee's recent report on companies that gather personal information on hundreds of millions of Americans and sell it to marketers, often highlighting people with financial vulnerability. Some companies group the data into categories including "rural and barely making it," "retiring on empty" and "credit crunched: city families." The aim is often to sell financially risky products to transient consumers with low incomes, the report found. That's a real scandal – and a universe away from the NSA's ethical standards and congressional oversight. The NSA, of course, is not perfect. But it is less a victim of its actions – the independent commission appointed by President Obama found no illegality or abuses – than of the broad distrust of government that has taken root

in the United States in recent decades. Studies by Pew and others show distrust of government around 80 percent, an all-time high. This distrust is the only logical explanation I see for fear of data being held by “the government” — and it’s not a circumstance the NSA created. Although our society lauds, in almost “Stepford Wives”-like fashion, the merits of “transparency,” it lacks a collective, mature understanding of how intelligence works, how it integrates with foreign policy and how it contributes to the national welfare. Meanwhile, prurient interest in the details of leaked intelligence skyrockets, and people devour material that is not evidence of abuse but merely fascinating — and even more fascinating to U.S. adversaries. So what makes sense going forward? Clearly, the widespread perception that there is at least the “potential for abuse” when the government holds information even as limited as telephone call metadata must be addressed. The recent presidential commission recommended adding a public privacy advocate to the deliberation process of courts that approve warrants — one proposal that would do no harm. But as the administration contemplates reform, it must reject any ideas that add time and process between the moment the NSA picks up a lead overseas and the time it can cross-check records to determine whether there is a domestic dimension to overseas plotting. As our debate continues, the terrorist threat is not receding but transforming. The core leadership of al-Qaeda has been degraded and remains under pressure, but robust al-Qaeda affiliates have multiplied. With the decline of central government authority in the Middle East and North Africa in the wake of the Arab Spring and the war in Syria, terrorists have the largest havens and areas for operational planning in a decade. If anything, the atomization of the movement has made the job of intelligence more labor-intensive, more detail-oriented and more demanding. Now is not the time to give up any tool in the counterterrorism arsenal.

NSA surveillance is uniquely key to the fight against terrorism

Sanger and Shanker 13 (David E. Sanger, chief Washington correspondent of The New York Times, and Thom Shanker, Pentagon correspondent for The New York Times, “NSA Director Firmly Defends Surveillance Efforts”, 10/12/13, www.nytimes.com/2013/10/13/us/nsa-director-gives-firm-and-broad-defense-of-surveillance-efforts.html) -LL

FORT MEADE, Md. — The director of the National Security Agency, Gen. Keith B. Alexander, said in an interview that to prevent terrorist attacks he saw no effective alternative to the N.S.A.’s bulk collection of telephone and other electronic metadata from Americans. But he acknowledged that his agency now faced an entirely new reality, and the possibility of Congressional restrictions, after revelations about its operations at home and abroad. While offering a detailed defense of his agency’s work, General Alexander said the broader lesson of the controversy over disclosures of secret N.S.A. surveillance missions was that he and other top officials have to be more open in explaining the agency’s role, especially as it expands its mission into cyberoffense and cyberdefense. “Given where we are and all the issues that are on the table, I do feel it’s important to have a public, transparent discussion on cyber so that the American people know what’s going on,” General Alexander said. “And in order to have that, they need to understand the truth about what’s going on.” General Alexander, a career Army intelligence officer who also serves as head of the military’s Cyber Command, has become the public face of the secret — and, to many, unwarranted — government collection of records about personal communications in the name of national security. He has given a number of speeches in recent weeks to counter a highly negative portrayal of the N.S.A.’s work, but the 90-minute interview was his most extensive personal statement on the issue to date. Speaking at the agency’s heavily guarded headquarters, General Alexander acknowledged that his agency had stumbled in responding to the revelations by Edward J. Snowden, the contractor who stole thousands of documents about the N.S.A.’s most secret programs. But General Alexander insisted that the chief problem was a public misunderstanding about what information the agency collects — and what it does not — not the programs themselves. “The way we’ve explained it to the American people,” he said, “has gotten them so riled up that nobody told them the facts of the program and the controls that go around it.” But he was firm in saying that the disclosures had allowed adversaries, whether foreign governments or terrorist organizations, to learn how to avoid detection by American intelligence and had caused “significant and irreversible damage” to national security. General Alexander said that he was extremely sensitive to the power of the software tools and electronic weapons being developed by the United States for surveillance and computer-network warfare, and that he set a very high bar for when the nation should use them for offensive purposes. “I see no reason to use offensive tools unless you’re defending the country or in a state of war, or you want to achieve some really important thing

for the good of the nation and others,” he said. Those comments were prompted by a document in the Snowden trove that said the United States conducted more than 200 offensive cyberattacks in 2011 alone. But American officials say that in reality only a handful of attacks have been carried out. They say the erroneous estimate reflected an inaccurate grouping of other electronic missions. But General Alexander would not discuss any specific cases in which the United States had used those weapons, including the best-known example: its years-long attack on Iran’s nuclear enrichment facility at Natanz. To critics of President Obama’s administration, that decision made it easier for China, Iran and other nations to justify their own use of cyberweapons. General Alexander, who became the N.S.A. director in 2005, will retire early next year. The timing of his departure was set in March when his tour was extended for a third time, according to officials, who said it had nothing to do with the surveillance controversy spawned by the leaks. The appointment of his successor is likely to be a focal point of Congressional debate over whether the huge infrastructure that was built during his tenure will remain or begin to be restricted. Senator Patrick J. Leahy, a Vermont Democrat who leads the Senate Judiciary Committee, has already drafted legislation to eliminate the N.S.A.’s ability to systematically obtain Americans’ calling records. And Representative Jim Sensenbrenner, a Wisconsin Republican and co-author of the Patriot Act, is drafting a bill that would cut back on domestic surveillance programs. General Alexander was by turns folksy and firm in the interview. But he was unapologetic about the agency’s strict culture of secrecy and unabashed in describing its importance to defending the nation. He insisted that it would have been impossible to have made public, in advance of the revelations by Mr. Snowden, the fact that the agency collected what it calls the “business records” of all telephone calls, and many other electronic communications, made in the United States. The agency is under rules preventing it from investigating that so-called haystack of data unless it has a “reasonable, articulable” justification, involving communications with terrorists abroad. he added. But he said the agency had not told its story well. As an example, he said, the agency itself killed a program in 2011 that collected the metadata of about 1 percent of all of the e-mails sent in the United States. “We terminated it,” he said. “It was not operationally relevant to what we needed.” However, until it was killed, the N.S.A. had repeatedly defended that program as vital in reports to Congress. Senior officials also said that one document in the Snowden revelations, an agreement with Israel, had been misinterpreted by those who believed that it meant the N.S.A. was sharing raw intelligence data on Americans, including the metadata on phone calls. Officials said the probability of American content in the shared data was extremely small. General Alexander said that confronting what he called the two biggest threats facing the United States – terrorism and cyberattacks – would require the application of expanded computer monitoring. In both cases, he said, he was open to much of that work being done by private industry, which he said could be more efficient than government. In fact, he said, a direct government role in filtering Internet traffic into the United States, in an effort to stop destructive attacks on Wall Street, American banks and the theft of intellectual property, would be inefficient and ineffective. “I think it leads people to the wrong conclusion, that we’re reading their e-mails and trying to listen to their phone calls,” he said. Although he acknowledged that the N.S.A. must change its dialogue with the public, General Alexander was adamant that the agency adhered to the law. “We followed the law, we follow our policies, we self-report, we identify problems, we fix them,” he said. “And I think we do a great job, and we do, I think, more to protect people’s civil liberties and privacy than they’ll ever know.”

Domestic surveillance is essential to counterterrorism – the NSA has prevented over 50 terror plots since 9/11, including 10 in the US

Savage 13 (Charlie Savage, Washington correspondent for The New York Times, “N.S.A. Chief Says Surveillance Has Stopped Dozens of Plots”, 6/18/13, <http://www.nytimes.com/2013/06/19/us/politics/nsa-chief-says-surveillance-has-stopped-dozens-of-plots.html>) -LL

WASHINGTON – Top national security officials on Tuesday promoted two newly declassified examples of what they portrayed as “potential terrorist events” disrupted by government surveillance. The cases were made public as Congress and the Obama administration stepped up a campaign to explain and defend programs unveiled by recent leaks from a former intelligence contractor. One case involved a group of men in San Diego convicted of sending money to an extremist group in Somalia. The other was presented as a nascent plan to bomb the New York Stock Exchange, although its participants were not charged with any such plot. Both were described by Sean Joyce, deputy director of the Federal Bureau of Investigation, at a rare public oversight hearing by the House Intelligence Committee. At the same hearing, Gen. Keith B. Alexander, the head of the National Security

Agency, said that American surveillance had helped prevent “potential terrorist events over 50 times since 9/11,” including at least 10 “homeland-based threats.” But he said that a vast majority of the others must remain secret. Gen. Keith B. Alexander, director of the National Security Agency, testified before the House Permanent Select Committee on Intelligence on Tuesday. “In the 12 years since the attacks on Sept. 11, we have lived in relative safety and security as a nation,” General Alexander said. “That security is a direct result of the intelligence community’s quiet efforts to better connect the dots and learn from the mistakes that permitted those attacks to occur on 9/11.” The hearing was aimed at bolstering public support for surveillance programs after leaks by Edward J. Snowden, a former N.S.A. contractor who was one of about 1,000 systems administrators who ran the agency’s networks. Its title: “How Disclosed N.S.A. Programs Protect Americans, and Why Disclosure Aids Our Adversaries.” The Republican chairman of the committee, Representative Mike Rogers of Michigan, and the top Democrat, Representative C. A. Dutch Ruppersberger of Maryland, both defended the surveillance programs revealed by Mr. Snowden and expressed anger over his leaks. “It is at times like these where our enemies within become almost as damaging as our enemies on the outside,” Mr. Rogers said. The testimony on Tuesday by General Alexander, Mr. Joyce and three other national security officials focused on two types of surveillance. One was a huge database logging all domestic American phone calls, which Mr. Snowden’s leaks brought to light. The other was the collection of the contents of certain e-mails and phone calls under the FISA Amendments Act of 2008, which allows surveillance without individualized warrants if the targets are noncitizens abroad, even if the collection takes place on domestic soil. As an example of how the domestic calling log database has been used, Mr. Joyce cited the case of several men convicted by a jury in February of raising and sending about \$8,500 to Al Shabab, a terrorist group in Somalia. The N.S.A. had flagged the calling activities of one of the men as suspicious, he said. Representative Mac Thornberry, Republican of Texas, pressed Mr. Joyce to say more, asking, “But there was some connection to suicide bombings that they were talking about, correct?” Mr. Joyce replied, “Not in the example that I’m citing right here.” Speaking of the calling log program, the deputy director of the N.S.A., John C. Inglis, said that “only 20 analysts at N.S.A. and their two managers, for a total of 22 people, are authorized to approve numbers that may be used to query this database.” The N.S.A. has said that it searched for links to fewer than 300 numbers in 2012. Sean Joyce, a deputy director of the F.B.I., testified before the House Intelligence Committee. Representative Adam B. Schiff, Democrat of California, pressed General Alexander to explain why the F.B.I. could not simply get the relevant logs of calls linked to a suspicious number without keeping a database of all domestic calls. General Alexander said he was open to discussing doing it that way, but added, “The concern is speed in crisis.” As a newly disclosed example of how the FISA Amendments Act surveillance authority has been used, Mr. Joyce described a case in which he said the authorities had discovered and disrupted a plot to bomb the New York Stock Exchange. Monitoring a terrorist in Yemen, the N.S.A. discovered that he was talking to a man named Khalid Ouazzani in Kansas City, Mo. After applying for a separate warrant for Mr. Ouazzani’s communications, they identified two additional conspirators and discovered they were “in the very initial stages” of the stock exchange bomb plot, he said. Mr. Ouazzani pleaded guilty in 2010 to sending money to Al Qaeda but was not charged with any domestic plots. Later on Tuesday, law enforcement officials said Mr. Joyce had been referring to Sabirhan Hasanoff and Wesam El-Hanafi, two Brooklyn men who pleaded guilty to providing material support to terrorism. A sentencing memorandum filed by prosecutors contends that in 2008, “at the direction of a senior terrorist leader,” Mr. Hasanoff conducted surveillance of the New York Stock Exchange and sent the leader a one-page report on it. “The report was rudimentary and of limited use” for any terrorist operation, the memo acknowledges, while nevertheless contending that Mr. Hasanoff’s willingness to conduct such surveillance bolstered the case for giving him a 20-year sentence. At the hearing, Mr. Thornberry asked Mr. Joyce whether the stock exchange attack was a “serious plot” or just “something that they kind of dreamed about.” Mr. Joyce replied, “I think the jury considered it serious, since they were all convicted.” However, Joshua L. Dratel, a lawyer for Mr. Hasanoff, called Mr. Joyce’s portrayal “astonishing” because none of the defendants was charged with the stock exchange allegation and there was no jury trial in any of the cases. Mr. Joyce also invoked two cases officials have previously linked to surveillance conducted under the FISA Amendments Act — a plot to bomb the New York City subway and the discovery that David Headley, a Chicago man, was working on a plot to bomb a Danish newspaper that published cartoon depictions of the Prophet Muhammad. Representative Jim Himes, Democrat of Connecticut, told General Alexander that he was “more troubled” by the domestic

calling log program, which he called “historically unprecedented in the extent of the data that is being collected on potentially all American citizens,” than with the gathering of foreign data. He pressed the officials to say how many attacks were stopped by it. Mr. Joyce replied that it was “an almost impossible question,” but that “I can tell you, every tool is essential and vital. And the tools, as I outlined to you, and the uses today have been valuable to stopping some of those plots.”

The PATRIOT Act is essential to counterterrorism efforts– it allows agents to use traditional tools to fight terror

Sales 14 (Nathan A. Sales, Associate Professor of Law at Syracuse University, “The Patriot Act Is a Vital Weapon in Fighting Terrorism”, 5/23/14, <http://www.nytimes.com/roomfordebate/2011/09/07/do-we-still-need-the-patriot-act/the-patriot-act-is-a-vital-weapon-in-fighting-terrorism>)

America needs the Patriot Act because it helps prevent terrorism while posing little risk to civil liberties. The law simply lets counterterrorism agents use tools that police officers have used for decades. And it contains elaborate safeguards against abuse. Consider the three provisions Congress renewed last May. 1. Congress authorized “roving wiretaps” back in 1986 -- court orders that allow police to monitor criminals even if they switch phones. The Patriot Act allows the same thing in terrorism investigations. The law levels the playing field: If a roving wiretap is good enough for Tony Soprano, it’s good enough for Mohamed Atta. The Patriot Act features strict safeguards. Agents can’t eavesdrop unless they get a judge’s permission. They must demonstrate that the suspect is a terrorist. And they must notify the judge when they go up on a new phone. 2. Grand juries in criminal cases routinely subpoena “business records” from companies like banks and retailers. The Patriot Act lets counterterrorism agents get the same documents. The law simply lets counterterrorism agents use tools that police officers have used for decades. The act’s protections are even stronger than the grand jury rules. Prosecutors issue subpoenas unilaterally, but the Patriot Act requires the F.B.I. to get a judge’s approval. Americans can’t be investigated on the basis of First Amendment activities, and special limits apply to sensitive materials like medical or library records. 3. Before 9/11, it was difficult for authorities to monitor “lone wolves” with murky ties to overseas terrorist groups. The F.B.I. suspected that Zacarias Moussaoui was a terrorist, but agents hadn’t connected him to Al Qaeda, so it wasn’t clear they could search his apartment. Congress fixed that problem. Now, agents can monitor a terrorist even if they haven’t yet found evidence he belongs to a foreign terrorist organization. Again, the Patriot Act has robust safeguards. Agents have to convince a judge to let them track a lone wolf.

Communication surveillance *crucial* in our ability to defend national security

Carafano 13 — Vice President for Defense and Foreign Policy Studies at the Heritage Foundation, PhD

(James, 8-6-2013, "PRISM is Essential to U.S. Security in War Against Terrorism," <http://www.heritage.org/research/commentary/2013/8/prism-is-essential-to-us-security-in-war-against-terrorism>, Date Accessed: 6-23-2015) //NM

"Our intelligence professionals must be able to find out who the terrorists are talking to, what they are saying, and what they're planning." said the president. "The lives of countless Americans depend on our ability to monitor these communications." He added that he would cancel his planned trip to Africa unless assured Congress would support the counterterrorism surveillance program. The president was not Barack Obama. It was George W. Bush, in 2008, pressing Congress to extend and update reforms to the Foreign Intelligence Surveillance Act (FISA). He was speaking directly to the American public, in an address broadcast live from the Oval Office. How times have changed. Back then, the President of the United States willingly led the fight for the programs he thought necessary to keep the nation safe. Now, our president sends underlings to make the case. In distancing himself from the debate over PRISM (the foreign intelligence surveillance program made famous by the world-travelling leaker Edward Snowden), President Obama followed the precedent he established in May at the National Defense University. There, he spoke disdainfully of drone strikes, the authorization to use military force against terrorists, and the detention facilities at Guantanamo Bay. All three are essential components of his counterterrorism strategy. In distancing himself from his own strategy, Obama hoped to leave the impression that he is somehow above it all. He has dealt with the Snowden case the same way. When asked while traveling in Africa if he would take a role in going after the leaker, the president replied "I shouldn't have to." The White House's above-it-all attitude sends seriously mixed messages to the American people, who are trying to figure if the government's surveillance programs are legal and appropriate. Congress has not been much better. The authority for PRISM is in FISA Section 702. Congress debated these authorities in 2007 and again when the program was reauthorized in 2008. Senate Majority Leader Harry Reid, D-Nev., surely remembers the controversy. He wrote President Bush: "There is no crisis that should lead you to cancel your trip to Africa. But whether or not you cancel your trip, Democrats stand ready to negotiate a final bill, and we remain willing to extend existing law for as short a time or as long a time as is needed to complete work on such a bill." Evidently, Reid must have felt the authorities granted under Section 702 received a full and sufficient hearing. Most current members of Congress were seated under the dome during the 2008 debates. They had every opportunity not just to read the law, but to be briefed on the program by intelligence officials before voting on the bill. For them to act shocked at the scope of the program today rings about as hollow as Obama's expressed disdain for the operations he oversees. The reality is that Congress and the administration share responsibility for these programs. If they want to change or modify them, who's stopping them? If changes are made, however, they should to be made for the right reason. Leaders must never compromise our security for political expediency. At least 60 Islamist-inspired terrorist plots have been aimed at the U.S. since the 9/11 attacks. The overwhelming majority have been thwarted thanks to timely, operational intelligence about the threats. Congress should not go back to a pre-/11 set of rules just to appeal to populist sentiment. Congress and the White House have an obligation to protect our liberties and to safeguard our security-- in equal measure. Meeting that mission is more important than winning popularity polls.

*Courts Affirmatives

Plan undermines Judicial deference – critical to effective counter-terrorism operations – secrecy and expertise

Posner 12 (Eric A. – Kirkland & Ellis Professor, University of Chicago Law School, “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER SEPTEMBER 11: CONGRESS, THE COURTS, AND THE OFFICE OF LEGAL COUNSEL”, 1/11, Harvard Journal of Law & Public Policy, <http://www.harvard-jlpp.com/wp-content/uploads/2012/01/PosnerFinal.pdf>)

The deference thesis states that during emergencies the **legislature and judiciary should defer to the executive**.⁸ It assumes that the executive is controlled by the

President, but to the extent that the President could be bound by agents within the executive, the deference thesis also holds that those agents should follow the President’s orders, not the other way around. In normal times, the three branches of government share power. For example, if the executive believes that a new, dangerous drug has become available, but possession of the drug is not yet illegal, the executive may not act on its own to detain and prosecute those who deal and use the drug. The legislature must first enact a statute that outlaws the drug. The executive also depends on the legislature for financial appropriations and other forms of support. The executive also faces constraints from the courts. If the executive arrests drug dealers and seeks to imprison them, it must first obtain the approval of courts. The courts ensure that the executive does not go beyond the bounds of the new law, does not violate earlier-enacted laws that have not been superseded by the new law, and does not violate the Constitution. In

emergencies, the executive often will contemplate actions that do not have clear legislative authority and might be constitutionally dubious. For example, after September 11, the U.S. government engaged in immigration sweeps, detained people without charges, used coercive interrogation, and engaged in warrantless wiretapping of American citizens.⁹ Many, if not all, of these actions would have been considered violations of the law and the U.S. Constitution if they had been undertaken against normal criminal suspects the day before the attacks. After September 11, both the legislature and the courts gave the executive some deference. The legislature gave explicit

authorities to the executive that it had initially lacked;¹⁰ the courts did not block actions that they would have blocked during normal times.¹¹ But neither body was entirely passive. Congress objected to coercive interrogation and did not give the executive all the authorities that it requested.¹² After a slow start, the courts also resisted some of the assertions the executive made. There is some dispute about whether this resistance was meaningful and caused the executive to change policy or merely reacted to the same stimuli that caused the executive to moderate certain policies

independently.¹³ In any event, no one disputes that the courts gave the executive a nearly free pass over at least the first five to seven years of the conflict with al Qaeda. The deference thesis, then, can be strong-form or weak-form. This ambiguity has had unfortunate consequences for debates about post-September 11 legal policies. Few people believe that the courts should impose exactly the same restrictions on the executive during an emergency as during normal times. Indeed, doctrine itself instructs courts to balance the security value of a course of action and its cost to civil liberties, implying that certain actions might be legally justified to counter high-stakes threats but not to counter low-stakes threats.¹⁴ Nor does anyone believe that the executive should be completely unconstrained. The debate is best understood in the context of the U.S. government’s post-September 11 policies. Defenders of these policies frequently invoked the deference thesis—not so much as a way of justifying any particular policy, but as a way of insisting that the executive should be given the benefit of the doubt, at least in the short term.¹⁵ The deference thesis rests on basic intuitions about institutional competence: that the executive can act more decisively and with greater secrecy than Congress or the courts because

it is a hierarchical body and commands forces that are trained and experienced in countering security threats. The other branches lack expertise. Although they may have good ideas from time to time, and are free to volunteer them, the ability of the executive to respond to security threats would be unacceptably hampered if Congress and the courts had the power to block it to any significant degree. Secrecy is an **important part** of the argument. Policymaking depends on information, and information during emergencies often must be kept secret. Congress and the courts are by nature and tradition **open bodies**; if they were to act in secret, their value would be diminished. Meanwhile, the argument continues, the fear of an out-of-control executive who would engage in abuses unless it was constrained by the other branches **is**

exaggerated. The President has strong electoral and other political incentives to act in the public interest (at least, in the United States). Even if the executive can conceal various “inputs” into counterterrorism policy, it cannot conceal the “output”—the existence, or not, of terrorist attacks that kill civilians. Thus, it was possible for defenders of the Bush Administration’s counterterrorism policies to express discomfort with certain policy choices, while arguing nonetheless that Congress and the courts should not try to block executive policymaking or the duration of the emergency—at least not as a matter of presumption. Critics of the Bush Administration argued that deference was not warranted—or at least not more than a limited amount of deference was warranted, although again these subtleties often were lost in the debate—for a variety of reasons. I now turn to these arguments.

Surveillance programs are state secrets – case law proves

Bazze 12 (Tom – J.D., Georgetown University Law Center, 2011, “Shutting the Courthouse Doors: Invoking the State Secrets Privilege to Thwart Judicial Review in the Age of Terror”, 2012, 23 Geo. Mason U. Civ. Rts. L.J. 29, lexis)

A. No Harm, No Judicial Review: State Secrets and the Terrorist Surveillance Wiretapping Program Revelations in late 2005 and early 2006 about the TSP - a secret terrorist surveillance wiretapping program operated by the NSA without judicial supervision,ⁿ⁶⁶ whose existence the Bush Administration later confirmedⁿ⁶⁷ - triggered numerous lawsuits against telecommunications providers for violations of subscribers’ constitutional and statutory rights.ⁿ⁶⁸ These lawsuits were not the first legal challenges to government wiretapping, nor were they the first time the government had invoked state secrets to thwart judicial inquiry of wiretapping challenges.ⁿ⁶⁹ Rather than revisit that history, this Article instead focuses only on post-9/11 circuit court decisions to consider the extent [*41] to which courts have acquiesced to government assertions of the state secrets privilege. While circuit courts have tended to recognize state secrets claims in these cases, it is significant that many of these decisions actually reversed district court decisions that had rejected the state secrets claims. Perhaps the most thorough treatment of whether the state secrets privilege precludes judicial review of the terrorist surveillance program occurred in *Hepting v. AT&T Corp.*, where the plaintiffs argued that AT&T’s alleged warrantless wiretapping of its communications violated their First and Fourth Amendment rights.ⁿ⁷⁰ The Bush Administration intervened, moving for dismissal on state secrets grounds.ⁿ⁷¹ After reviewing the purportedly secret evidence in camera,ⁿ⁷² the District Court for the Northern District of California denied the government’s motion to dismiss, ruling that discovery should commence because the state secrets claim was inapplicable in light of the government’s repeated admissions about the existence of the program.ⁿ⁷³ The district court’s thoughtful opinion offers a framework for review of state secrets claims in the war-on-terror context. The district court’s threshold inquiry in resolving the state secrets claim was determining whether the NSA surveillance program that gave rise to the suit actually qualified as a “secret.”ⁿ⁷⁴ Because the government had disclosed the existence of the program and AT&T admitted to assisting the government in classified matters when asked, the court concluded that state secrets did not foreclose discovery.ⁿ⁷⁵ While the state secrets privilege did not support pre-discovery dismissal of the case, the court found that there was sufficient ambiguity about the extent of AT&T’s involvement in the program, and the contents of any communication records surveyed, so as to permit AT&T to not disclose the extent of its participation in the TSP.ⁿ⁷⁶ The court [*42] made clear, however, that if information about AT&T’s role in supporting the TSP became public during the course of the litigation, the government could no longer invoke state secrets to resist disclosing this information.ⁿ⁷⁷

Surveillance information is classified as a state secret – the plan must circumvent the doctrine

Bazze 12 (Tom – J.D., Georgetown University Law Center, 2011, “Shutting the Courthouse Doors: Invoking the State Secrets Privilege to Thwart Judicial Review in the Age of Terror”, 2012, 23 Geo. Mason U. Civ. Rts. L.J. 29, lexis)

The war on terror has led to an increased use of the state secrets privilege by the Executive Branch - to dismiss legal challenges to widely publicized and controversial government actions - ostensibly aimed at protecting national security from terrorist threats.ⁿ¹ Faced with complaints that allege indiscriminate and warrantless surveillance,ⁿ² tortious detention, and torture that flouts domestic and international law,ⁿ³ courts have had to reconcile impassioned appeals for private justice with the government’s unyielding insistence on protecting national security. Courts, almost unanimously, have cast their lot with national security, granting

considerable deference to government assertions of the state secrets principle.

This deference to state secrets shows no signs of abating; indeed, the growing trend is for courts to dismiss these legal challenges pre-discovery, n4 even before the private litigants have had the chance to present actual, non-secret evidence to meet their burden of proof. Although many looked optimistically at President Obama's inauguration as a chance to break decisively from the Bush Administration's aggressive application of the state secrets [*30] privilege, n5 the Obama Administration has largely disappointed on the state-secrets front, asserting the privilege with just as much fervor - if not as much regularity n6 - as its predecessor. n7

Courts are normally minimalist – the aff collapses executive independence – key to counter terrorism

Keynes 10 -- Professor of Political Science at Pennsylvania State University, University of Wisconsin Ph.D. (Edward, 2010, "Undeclared War: Twilight Zone of Constitutional Power," p. 83)

While the constitutional separation of powers does not preclude judicial review of war-POWERS controversies or require absolute deference to congressional and presidential judgment that the political-question doctrine sometimes suggests, the separation of powers provides a broad standard for judicial intervention in the vast, complex, and uncertain realm of foreign affairs. When the courts intervene in boundary disputes in order to protect an individual's constitutional rights or society's interest in constitutional government, they should not impair the performance of legislative or executive functions that are essential to protecting national-security interests.¹²⁶ Although the courts do not owe Congress or the President absolute deference in defining the boundaries of legislative and executive power, the principle of comity suggests that the judiciary should search for formulas that least restrict each branch in the performance of its functions, i.e., formulas that maximize each department's independence. As Robert Nagel recommends, when the courts challenge the exercise of legislative or executive power, they should pause to examine the effect of their decisions on the other department's operation. In cases that involve conflicting claims of power, the courts should first determine how broadly and deeply their decisions cut into another department's functions before marching into the political thicket.¹²⁶

*Drone Surveillance Affirmatives

Warrantless use of drones is key to staving off domestic terror attacks

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(Law Enforcement, November 2014, "Drones and Aerial Surveillance: Considerations for Legislators," <http://www.brookings.edu/research/reports/2014/11/drones-and-aerial-surveillance>, Date Accessed: 6-22-2015) //NM

The looming prospect of expanded use of unmanned aerial vehicles, colloquially known as drones, has raised understandable concerns for lawmakers.^[1] Those concerns have led some to call for legislation mandating that nearly all uses of drones be prohibited unless the government has first obtained a warrant. Privacy advocates have mounted a lobbying campaign that has succeeded in convincing thirteen states to enact laws regulating the use of drones by law enforcement, with eleven of those thirteen states requiring a warrant before the government may use a drone.^[2] The campaigns mounted by privacy advocates oftentimes make a compelling case about the threat of pervasive surveillance, but the legislation is rarely tailored in such a way to prevent the harm that advocates fear. In fact, in every state where legislation was passed, the new laws are focused on the technology (drones) not the harm (pervasive surveillance). In many cases, this technology centric approach creates perverse results, allowing the use of extremely sophisticated pervasive surveillance technologies from manned aircraft, while disallowing benign uses of drones for mundane tasks like accident and crime scene documentation, or monitoring of industrial pollution and other environmental harms. The first drone-related legislation appeared in 2013 in Florida, Idaho, Montana, Oregon, North Carolina, Tennessee, Virginia, and Texas.^[3] In 2014, Wisconsin, Illinois, Indiana, Utah, and Iowa also passed laws seeking to address the use of drones by law enforcement.^[4] As of the writing of this paper, the California legislature passed a drone-related bill that was vetoed by the governor, but the bill's sponsors have vowed to revisit the issue in the next legislative session.^[5] These legislative efforts have been aimed at restricting the government's use of drone technology, while largely allowing the government to conduct identical surveillance when not using drone technology. This absurd anachronism is intentional, as privacy advocates have explicitly chosen to capitalize on the public interest and attention associated with the demonization of drone technology as a way to achieve legislative victories. These advocates are admittedly not focused on more sensible legislation that addresses harms irrespective of the technology used.^[6] Privacy advocates contend that with drones, the government will be able to engage in widespread pervasive surveillance because drones are cheaper to operate than their manned counterparts. While drones are cheaper to operate, the drones most law enforcement agencies can afford are currently far less capable than their manned counterparts (oftentimes these drones are small remote controlled helicopters or airplanes, capable of a flight time of less than one hour). The surveillance equipment that can be placed on these drones is also far less intrusive than that which can be mounted to manned aircraft. Moreover, the term "unmanned aircraft" is also misleading as there are no systems currently available to law enforcement that can conduct fully autonomous operations, all systems need an operator for part of the mission. Thus, in almost all instances drones are less capable than manned aerial surveillance platforms, and while the platform is cheaper (but less capable), the personnel costs still remain constant as an officer is required to operate the drone. Granted, there are very sophisticated systems used by the military, but even if law enforcement agencies were able to afford the highly sophisticated multi-million dollar Predator and Reaper systems like those used for surveillance on battlefields, those systems (both the aircraft and the ground control station) are more expensive than manned helicopters, require a ground crew to launch and recover the aircraft, and require both a pilot and a camera operator. In light of these facts, the legislation being pushed by privacy advocates has been explicitly directed at drone technology, not because the technology represents an actual threat to civil liberties, but because someday in the future, the technology may be intrusive.^[7] To counter the threat of surveillance, privacy advocates have focused solely on requiring warrants before the use of drones by law enforcement. Such a mandate oftentimes will result in the grounding of

drone technology in circumstances where law enforcement use of drones would be beneficial and largely non-controversial. For example, in light of the Boston Marathon bombing, police may want to fly a drone above a marathon to ensure the safety of the public. Under many bills, police would not be allowed to use a drone unless they had a warrant, premised upon probable cause to believe a crime had been or was about to be committed. This requirement exceeds current Fourth Amendment protections with regard to the reasonableness of observing activities in public places. What this means is that the police would need to put together a warrant application with sufficient facts to prove to a judge that they had probable cause. That application would need to define with particularity the place to be searched or the persons to be surveilled. All of this would be required to observe people gathered in a public place, merely because the observation was taking place from a drone, rather than from an officer on a rooftop or in a helicopter. In a circumstance like a marathon, this probable cause showing will be difficult for the police to satisfy. After all, if the police knew who in the crowd was a potential bomber, they would arrest those individuals. Rather, a marathon is the type of event where the police would want to use a drone to monitor for unknown attackers, and in the unfortunate event of an attack, use the footage to identify the perpetrators. This is precisely the type of circumstance where the use of drone could be helpful, but unfortunately it has been outlawed in many states. To make matters worse, this type of drone surveillance would pose little to no harms to privacy. A marathon is a highly public event, the event is televised, it takes place on streets where there are surveillance cameras and spectators are photographing the event. Moreover, in the states where drones have been banned (unless accompanied by a warrant), the police have not been prohibited from using any other type of surveillance equipment --- just drones. This technology centric approach has done little to protect privacy, but will certainly harm public safety, depriving law enforcement of a tool that they could use to protect people.

Drones key to combatting chemical and biological weapons

Koerner 2015 — Duke University School of Law, J.D. expected 2015

(Matthew, 3-1-2015, "Drones and the Fourth Amendment: Redefining Expectations of Privacy," <http://www.highbeam.com/doc/1G1-410904603.html>, Date Accessed: 6-22-2015) //NM

Senator Dianne Feinstein, a staunch advocate of governmental surveillance n1 and Chairman of the 113th Congress's Senate Intelligence Committee, n2 recently found herself, rather ironically, as the target of surveillance. n3 One day at her home, Senator Feinstein walked to the window to check on a protest that was taking place outside. n4 Much to her surprise, a small drone n5 hovered on the other side of the window, only inches away, spying on her. n6 The drone immediately flew away. n7 Senator Feinstein's experience is just one example of drones being used for surveillance within the United States. But her story and others like it n8 have sparked significant controversy over the use of drones for domestic surveillance, which falls within a broader debate [*1131] on privacy and governmental surveillance programs. n9 Advocates of robust federal surveillance policies champion governmental surveillance as the only way to prevent terrorist and cyber attacks against the United States. n10 President Barack Obama defended these surveillance programs as "modest encroachments on privacy" that "strike the 'right balance' between national security and civil liberties." n11 In comparison, privacy advocates envision these surveillance programs leading to a dystopian, totalitarian government watching over its citizenry - undetected but omnipresent. n12 References to George Orwell's Nineteen Eighty-Four n13 abound. n14 [*1132] Apart from the surrounding privacy-concerns debate, drones currently provide many practical benefits and their projected applications seem limitless. n15 Based on

their obvious advantage of being unmanned, drones have the capability to conduct missions previously considered too risky, dangerous, or impracticable. These applications are also provided at continuously decreasing costs and with the latest technological sophistication, such as the capability to see through physical obstructions, to detect various chemical and biological agents in the air, to recognize human faces and license plates, and to fly in strategic, coordinated formations. n16

Drone sales key to crush ISIS

Tucker and Weisgerber 2015 (Patrick and Marcus; Obama to Sell Armed Drones to More Countries; Feb 17; www.defenseone.com/technology/2015/02/obama-sell-armed-drones-more-countries/105495/; kdf)

The State Department on Tuesday announced that the United States would be expanding the sale of armed unmanned aerial vehicles, or UAVs, to carefully selected allied countries. The announcement suggests that strategic partners – especially in the Middle East – could acquire American-made armed drones before the year is out. Some of those could go toward the international campaign against the Islamic State, or ISIS. Battlefield commanders and the intelligence community are hungry for large, armed drones as they could loiter over targets for hours. The footage captured by high-powered cameras attached to these unmanned aircraft has been critical in determining the locations for airstrikes against Islamic State militants in Iraq and Syria, U.S. officials say. State Department officials maintained that every export request would meet “a strong presumption of denial,” according to Tuesday’s release, but U.S. officials will allow exports on “rare occasions’ that are justified in terms of the nonproliferation and export control factors specified in the [Missile Technology Control Regime Guidelines.]” The Missile Technology Control Regime, or MTCR, is a voluntary partnership that the United States and 33 other countries established in 1987 to curb the proliferation of weapons of mass destruction. Officials who spoke to the Washington Post said that new export applications would be approved or denied within months of receipt, clearing the way for armed drones and armed drone technology to potentially arrive in other countries by year’s end. The new policy affects drones that are capable of flying a distance of 300 kilometers and carrying a payload of 500 kilograms. Those specifications come from the MTCR but apply to drones like the Reaper, which are capable of carrying laser-guided bombs and Hellfire missiles. Exporting more drones—either armed or outfitted with laser targeting systems for smart bombs—to key allies and partners in the Middle East like Jordan would help them strike Islamic State, according to experts. “Transferring drones, particularly those that had laser designators so they could designate targets for strikes from manned fighter aircraft, to coalition partners such as Jordan participating in strikes against ISIL could be a significant advantage to them,” Paul Scharre, fellow and director of the 20YY Warfare Initiative at the Center for a New American Security, told Defense One. Earlier this year, a member of the House Armed Services Committee disclosed to the Washington Times that the Obama administration had denied a request from Jordan for unarmed Predator spy drones. But that was before Jordan stepped up its F-16-led air assault to retaliate against Islamic State for the brutal burning alive of First Lt. Moaz al-Kasasbeh, the Jordanian pilot captured by the terrorist group. “Given our mutual interests, and our strong relationship, it’s absolutely critical that we provide Jordan the support needed to defeat the Islamic State,” Rep. Duncan Hunter, R-Calif., wrote to President Obama in a Feb. 5 letter. The loosened export rules do not mean that every ally in a pinch will be fast-tracked for the most lethal drones that America produces. Ukraine is reportedly seeking unarmed drones to bolster its campaign against Russian-supported separatists. “I find it hard to imagine that this would lead to transferring large-scale armed drones to Ukraine, not to mention the fact that they would likely have difficulty operating them effectively. This might help pave the way for transferring small, tactical drones to Ukrainian forces, which wouldn’t be a game-changer, but would help them with tactical reconnaissance and would be a sensible move,” said Scharre. “The new drone export policy is unlikely to lead to the transfer of armed drones to Ukraine.” Michael Horowitz, associate professor of political science at the University of Pennsylvania, told Defense One. Horowitz and other experts argue that the policy change could allow the U.S. to regain some control if not over armed proliferation at least over how proliferation occurs. Last May, the Chinese Times reported that China would be selling their Wing Loong armed UAV, sometime called a Predator knockoff, to U.S. ally Saudi Arabia.

***PRISM/Section 702 Reform Affirmatives**

PRISM is key to effective intelligence and counter-terrorism – outweighs all other policies

Wittes Senior Fellow for Governance Studies at the Brookings Institute '14 (Benjamin, “Is Al Qaeda Winning: Grading the Administration’s Counterterrorism Policy?” April 08, <http://www.brookings.edu/research/testimony/2014/04/08-is-al-qaeda-winning-wittes>, ME)

As I said at the outset of this statement, the question of intelligence collection under Section 702 of the FAA may seem connected to the AUMF’s future in only the most distant fashion. In fact, the connection between intelligence collection authorities and the underlying regime authorizing the conflict itself is a critical one. Good intelligence is key to any armed conflict and good technical intelligence is a huge U.S. strength in the fight against Al Qaeda. Yet ironically, the more one attempts to narrow the conflict, the more important technical intelligence becomes. The fewer boots on the ground we have in Afghanistan, for example, the greater our reliance will become on technical collection. The more we rely on drone strikes, rather than large troop movements, in areas where we lack large human networks, the more we rely on technical intelligence. **Particularly if one imagines staying on offense against a metastasizing Al Qaeda in the context of a withdrawal from Afghanistan and a narrowing—or a formal end—of the AUMF conflict, the burden on technical intelligence collection to keep us in the game will be huge even ignoring the many other foreign intelligence and national security interests Section 702 surveillance supports.** Section 702 is a complicated statute, and it is only one part of a far more complicated, larger statutory arrangement. But broadly speaking, it permits the NSA to acquire without an individualized warrant the communications of non-US persons reasonably believed to be overseas when those communications are transiting the United States or stored in the United States. Under these circumstances, the NSA can order production of such communications from telecommunications carriers and internet companies under broad programmatic orders issued by the Foreign Intelligence Surveillance Court (FISC), which reviews both targeting and minimization procedures under which the collection then takes place. Oversight is thick, both within the executive branch, and in reporting requirements to the congressional intelligence committees. **Make no mistake: Section 702 is a very big deal in America’s counterterrorism arsenal. It is far more important than the much debated bulk metadata program,** which involves a few hundred queries a year. Section 702 collection, by contrast, is vast, a hugely significant component not only of contemporary counterterrorism but of foreign intelligence collection more generally. In 2012, the Senate Select Committee on Intelligence wrote that “[T]he authorities provided [under section 702] have greatly increased the government’s ability to collect information and act quickly against important foreign intelligence targets. . . . [The] failure to reauthorize [section 702] would ‘result in a loss of significant intelligence and impede the ability of the Intelligence Community to respond quickly to new threats and intelligence opportunities.’”^[8] The President’s Review Group on Intelligence and Communications Technologies, after quoting this language, wrote that “Our own review is not inconsistent with this assessment. . . . [W]e are persuaded that **section 702 does in fact play an important role in the nation’s effort to prevent terrorist attacks across the globe.**”^[9] The Washington Post has reported that **702** was in 2012 **the single most prolific contributor** to the President’s Daily Brief.^[10] Yet we have seen enormous anxiety about Section 702 collection, along with its close cousin, collection overseas against non-US person targets under Executive Order 12333. Sometimes, these anxieties have been rooted in the supposed effects of this collection on U.S. persons.^[11] Sometimes, however, the complaints have stemmed from broader concerns about infringement of privacy worldwide. Europeans have expressed shock, for example, that a U.S. spy agency would presume to collect against an allied foreign leader like German Chancellor Angela Merkel^[12]—surveillance that now seems forward-thinking and reasonable given later reports that

Merkel has been on the phone frequently during the Crimea crisis with Vladimir Putin.[13] Major news organizations have considered it front-page news that NSA has pursued intelligence targets on online gaming platforms and smartphone apps,[14] that NSA has collected contact lists in large numbers around the world,[15] even that foreign countries spy on one another, collect attorney-client communications involving U.S. lawyers along the way, and may share that material with NSA subject to U.S. law and minimization requirements.[16] Whether one considers these stories important journalism or reckless blowing of valuable surveillance activities, they both reflect and further stoke a deep concern about the scope of U.S. surveillance practices. And that concern is creating inexorable pressures for reforms we may regret in the counterterrorism space. The legal regime here is one that this body knowingly and deliberately created in an iterative set of interactions with the intelligence community and the courts. It requires no apology. Rather, it requires an active defense. And while there are certainly areas in which the regime could benefit from reform, the big risk here is that overreaction and panic in the face of exposure will lead to a burdening of the core signals intelligence capacity of the United States with legal processes designed to protect civil liberties domestically. This could happen either because reform efforts go too far or because Congress fails to reauthorize 702 and thus applies the terms of core FISA—which require an individualized warrant based on probable cause—to a wide swath of overseas collection. Broadly then, **the legislative task with respect to Section 702 is** something of the opposite of the task with respect to the AUMF. To the extent that members of this committee **continue** to believe, as I do, in **the essential integrity and value of the existing legal authorities for intelligence collection and oversight**, the task in the current political environment is to **defend that architecture—publicly and energetically—rather than to race to correct imagined deficiencies, or even real structural deficiencies** that, however real they may be, bear little relation to the outcomes that disquiet us. Conclusion To tie these threads together, then, circumstances are forcing us to revisit two of the most basic statutory engines of modern American counterterrorism. In the case of one of those engines, the AUMF, our political system is insufficiently willing to take on the project. In the case of the other, our basic intelligence authorities, we risk diving in with excessive zeal and insufficient care. In both cases, the decisions we will make over the next few months and years will **fatefully shape the future of this country's confrontation with Al Qaeda and its successor organizations**. In neither are we obviously proceeding in the right direction.

PRISM key to counterterrorism — produces most important data — any threat to security outweighs “liberties”

Thompson 13 — Chief Operating Officer of the non-profit Lexington Institute and Chief Executive Officer of Source Associates, Deputy Director of the Security Studies Program at Georgetown University, Taught at Harvard University's Kennedy School of Government, holds doctoral and masters degrees in government from Georgetown University and a bachelor of science degree in political science from Northeastern University.

(Loren Thompson, 6-7-2013, "Why NSA's PRISM Program Makes Sense," <http://www.forbes.com/sites/lorenthompson/2013/06/07/why-nsas-prism-program-makes-sense/>, Date Accessed: 6-23-2015) //NM

President Obama's firm defense of the National Security Agency's "domestic" surveillance program on Friday should calm some of the more extravagant fears provoked by public disclosure of its existence. I put the word "domestic" in quotes because the effort to monitor Internet and other communications traffic isn't really about listening in on Americans, or even foreign nationals living here, but rather intercepting suspicious transmissions originating overseas that just happen to be passing through the United States. That is an eminently sensible way of keeping up with terrorists, because it is so much easier than tapping into network conduits in other countries or under the seas (not that we don't do that). In order to grasp the logic of the NSA program, which is code-named PRISM, you have to understand how the Internet evolved. It was a purely American innovation at its inception, with most of the infrastructure concentrated in a few places like Northern Virginia. I live a few miles from where the Internet's first big East Coast access point was located in the parking garage of an office building near the intersection of Virginia's Routes 7 and 123, an area that some people refer to as Internet Alley. Because the Worldwide Web grew so haphazardly in its early days, it was

common until recently for Internet traffic between two European countries to pass through my neighborhood. There were only a few major nodes in the system, and packet-switching sends messages through whatever pathway is available. The Washington Post story on PRISM today has a graphic illustrating my point about how bandwidth tends to be allocated globally. Like a modern version of ancient Rome's Appian Way, all digital roads lead to America. It isn't hard to see why Director of National Intelligence James R. Clapper could say on Thursday that "information collected under this program is among the most important and valuable foreign intelligence information we collect." No kidding: PRISM generated an average of four items per day for the President's daily intelligence briefing in 2012. The key point to recognize, though, is that this really is foreign intelligence. The architecture of the Internet enables NSA to collect it within U.S. borders, but there is no intention to spy on U.S. citizens. A few elementary algorithms used in narrowing the analysis of traffic should be sufficient to assure that the privacy of American citizens is seldom compromised. President Obama stressed in his comments today that safeguards have been put in place to prevent the scope of NSA surveillance from expanding beyond its original purpose. I don't want to minimize the dangers to civil liberties associated with such a program. It needs to be monitored closely, which is one reason why Congress has been kept informed about its existence. However, compared with the threat posed by terrorists bent upon destroying America, PRISM presents at worst only modest danger to our liberties. Its main purpose is to protect those liberties, not subvert them.

PRISM is the most effective way to combat terror domestic *and* abroad — prefer empirics

Mattise 13 — graduate of Syracuse University with a BA in Economics and Newspaper Journalism and a Master's in Magazine, Newspaper and Online Journalism

(Nathan Mattise, 6-16-2013, "PRISM helped stop terrorism in US and 20-plus countries, NSA document argues," <http://arstechnica.com/tech-policy/2013/06/prism-helped-stop-terrorism-in-us-and-20-plus-countries-nsa-document-argues/>, Date Accessed: 6-23-2015) //NM

US intelligence officials sent Congress a new declassified document on Saturday, which the Senate Intelligence Committee then made public. Outlets such as CNN and the Associated Press received the document and revealed a number of interesting statistics related to the government's use of the NSA's controversial PRISM program. However, this document has not yet been published on the Senate Intelligence Committee's website (and does not seem to be easily obtained through basic Internet search). The new document is part of an intelligence official's effort to "show Americans the value of the program," according to the AP. The report's primary supporting stat? Intelligence officials said that information gleaned from these NSA initiatives helped prevent terrorist plots in the US and more than 20 other countries. Additionally, the release stated that phone metadata was searched for less than 300 times within the secretive database last year. The document also added details to the public's growing picture of the PRISM program. CNN reported that the NSA must delete these records after five years. The AP wrote that the NSA programs are reviewed every 90 days by a secret court authorized by the Foreign Intelligence Surveillance Act (FISA), and that the metadata records (which includes a call's time and length) can only be inspected for "suspected connections to terrorism." Despite all the public attention, the Obama Administration continues to insist that no privacy violations took place. According to White House Chief of Staff Denis McDonough (speaking Sunday on Face The Nation), the president plans to further clarify this "in the days ahead." On Friday, TechDirt also published a set of two documents described as "talking points about scooping up business records (i.e., all data on all phone calls) and on the Internet program known as PRISM." One of the talking points' main arguments is that Section 702 of the Foreign Intelligence Surveillance Act authorizes actions similar to those described above. This is despite the fact that no member of the public has ever been able to see the FISA court's ruling of the government's interpretation. Section 702 is a vital legal tool that Congress reauthorized in

December 2012, as part of the FISA Amendments Act Reauthorization Act, after extensive hearings and debate. Under Section 702, the Foreign Intelligence Surveillance Court (FISA Court) certifies foreign intelligence collection. There is no secret program involved—it is strictly authorized by a US statute.

PRISM decimates Al Qaeda's ability to conduct mass attacks

Etzioni 15 [Amitai Etzioni, Director of the Institute for Communitarian Policy Studies at George Washington University, former President of the American Sociological Association, former Professor at Harvard Business School, former Senior Adviser to the White House, “

NSA: National Security vs. Individual Rights,” *Intelligence and National Security*, Volume 30, Issue 1, 2015, pages 100-136]

One telling piece of evidence regarding the effectiveness of the electronic surveillance programs is the way they **hobbled bin Laden**. He found out that he was unable to use any modern communication device to run his terror organizations that had branches in three continents.⁵⁴ He was reduced to using the same means of communication employed 5000 years ago – a messenger, a very slow, low-volume, cumbersome, and unreliable way of communication and command; in effect, preventing bin Laden from serving as an effective commander-in-chief of Al Qaeda. Moreover, once the CIA deduced that using a messenger was the only way left for him to communicate – tracking the messenger led to bin Laden's downfall.⁵⁵ Additional evidence publicly available that the NSA programs forced terrorists to limit their communications is gleaned from reports that following the revelation that the United States intercepted the communications of Ayman al-Zawahiri, there was a sharp decline in Al Qaeda's electronic communications.⁵⁶ In short, we have seen that there continues to be a serious threat of terrorism to national security; that terrorists cannot be handled like other criminals and to counter them distinct measures are best employed; and that surveillance programs like PRISM and the phone surveillance programs make a significant contribution to curbing terrorism. In short these programs do enhance one core element of the liberal communitarian balance. The next question the article addresses is the extent they undermine the other core element.

PRISM roadblocks terrorists – guts them of the tools necessary to pull off an attack

Arquilla 2013 (John [Professor and Chair Department of Defense Analysis @ Naval postgrad school]; In Defense of PRISM; Jun 7; foreignpolicy.com/2013/06/07/in-defense-of-prism/; kdf)

Prior to TIA, and well before 9/11, there were other ancestors of our current big data efforts. At the National Security Agency, and in other parts of the extensive American intelligence community, search systems known by such evocative names as "Echelon" and "Semantic Forests," among others, were in use, striving relentlessly to detect patterns of communication that might open up golden seams of information from the most secret caches of the world's various malefactors. Often enough, these and other tracking tools did distinguish the pattern from the noise, and national security was well served. And in the early days of the war against al Qaeda, the enemy was still using means of communication that American intelligence had the ability to monitor – including satellite phones and such – leading to several counterterror coups and high-level captures. But the network learned quickly and adjusted, becoming far more elusive, more dispersed, its cells increasingly attuned to operating independently, its nodes and links ever less visible. It was against this shift that something like PRISM had to be mobilized to improve our ability to find the foe whose best, and only real defense against us is his capacity for concealment. Thus, the tantalizing prospect of PRISM, and of the whole "finding effort," is to deny the terrorists the virtual haven that

they enjoy throughout the world's telecommunications spaces — indeed, throughout the whole of the "infosphere," which includes cyberspace. The piercing of this veil would mark a true turning point in the war on terror, for al Qaeda and other networks simply cannot function with any kind of cohesion, or at any sort of reasonable operational tempo if their communications become insecure. Cells and nodes would be ripped up, operatives killed or captured, and each loss would no doubt yield information that imperiled the network further. Even if al Qaeda resorted to the drastic measure of moving messages, training, and financial information by courier, operations would be so slowed as to cripple the organization. And even couriers can be flagged on "no fly" lists or caught boarding tramp steamers and such. So for all the furor caused by the PRISM revelations, my simple recommendation is to take a deep breath before crying out in protest. Think first about how the hider/finder dynamic in the war on terror has driven those responsible for our security to bring to bear the big guns of big data on the problem at hand. Think also about whether a willingness to allow some incursions into our privacy might lead to an improved ability to provide for our security, and where that equilibrium point between privacy and security might be. And last, think about the world as it might be without such a sustained effort to find the hidden — to detect, track, and disrupt the terrorists. That would be a world in which they stay on their feet and fighting, and in which they remain secure enough, for long enough, to acquire true weapons of mass destruction. Those of us in the national security business, who know that networks so armed will be far harder to deter than nations ever were, believe that big data approaches like PRISM and its forebears, have been and remain essential elements in the unrelenting and increasingly urgent effort to find the hidden.

Section 702 has empirically led the NSA to detecting and preventing terror attacks

- Section 702 — PRISM
- Metadata good
- Prevented 50 attacks

Hines 13 — Defense council member of the Truman National Security Project

(Written By, 6-19-2013, "Here's how metadata on billions of phone calls predicts terrorist attacks," <http://qz.com/95719/heres-how-metadata-on-billions-of-phone-calls-predicts-terrorist-attacks/>, Date Accessed: 6-23-2015) //NM

Yesterday, when NSA Director General Keith Alexander testified before the House Committee on Intelligence, he declared that the NSA's surveillance programs have provided "critical leads to help prevent over 50 potential terrorist events." FBI Deputy Director Sean Boyce elaborated by describing four instances when the NSA's surveillance programs have had an impact: (1) when an intercepted email from a terrorist in Pakistan led to foiling a plan to bomb of the New York subway system; (2) when NSA's programs helped prevent a plot to bomb the New York Stock Exchange; (3) when intelligence led to the arrest of a U.S. citizen who planned to bomb the Danish Newspaper office that published cartoon depictions of the Prophet Muhammad; and (4) when the NSA's programs triggered reopening the 9/11 investigation. So what are the practical applications of internet and phone records gathered from two NSA programs? And how can "metadata" actually prevent terrorist attacks? Metadata does not give the NSA and intelligence community access to the content of internet and phone communications. Instead, metadata is more like the transactional information cell phone customers would normally see on their billing statements—metadata can indicate when a call, email, or online chat began and how long the communication lasted. Section 215 of the Patriot Act provides the legal authority to obtain "business records" from phone companies. Meanwhile, the NSA uses Section 702 of the Foreign Intelligence Surveillance Act to authorize its PRISM program. According the figures provided by Gen. Alexander, intelligence gathered based on Section

702 authority contributed in over 90% of the 50 cases. One of major benefits of metadata is that it provides hindsight—it gives intelligence analysts a retrospective view of a sequence of events. As Deputy Director Boyce discussed, the ability to analyze previous communications allowed the FBI to reopen the 9/11 investigation and determine who was linked to that attack. It is important to recognize that terrorist attacks are not orchestrated overnight; they take months or years to plan. Therefore, if the intelligence community only catches wind of an attack halfway into the terrorists' planning cycle, or even after a terrorist attack has taken place, metadata might be the only source of information that captures the sequence of events leading up to an attack. Once a terrorist suspect has been identified or once an attack has taken place, intelligence analysts can use powerful software to sift through metadata to determine which numbers, IP addresses, or individuals are associated with the suspect. Moreover, phone numbers and IP addresses sometimes serve as a proxy for the general location of where the planning has taken place. This ability to narrow down the location of terrorists can help determine whether the intelligence community is dealing with a domestic or international threat. Even more useful than hindsight is a crystal ball that gives the intelligence community a look into the future. Simply knowing how many individuals are in a chat room, how many individuals have contacted a particular phone user, or how many individuals are on an email chain could serve as an indicator of how many terrorists are involved in a plot. Furthermore, knowing when a suspect communicates can help identify his patterns of behavior. For instance, metadata can help establish whether a suspect communicates sporadically or on a set pattern (e.g., making a call every Saturday at 2 p.m.). Any deviation from that pattern could indicate that the plan changed at a certain point; any phone number or email address used consistently and then not at all could indicate that a suspect has stopped communicating with an associate. Additionally, a rapid increase in communication could indicate that an attack is about to happen. Metadata can provide all of this information without ever exposing the content of a phone call or email. If the metadata reveals the suspect is engaged in terrorist activities, then obtaining a warrant would allow intelligence officials to actually monitor the content of the suspect's communication. In Gen. Alexander's words, "These programs have protected our country and allies . . . [t]hese programs have been approved by the administration, Congress, and the courts." Now, Americans will have to decide whether they agree.

*Airport Security

Surveillance by TSA, Border and Customs agents key to security --- internal safe guards will protect civil rights

Horwitz, 14 --- covers the Justice Department and criminal justice issues nationwide for The Washington Post (12/8/2014, Sari, "Justice Dept. announces new rules to curb racial profiling by federal law enforcement,"
http://www.washingtonpost.com/world/national-security/justice-dept-to-announce-new-rules-to-curb-racial-profiling-by-federal-law-enforcement/2014/12/07/e00eca18-7e79-11e4-9f38-95a187e4c1f7_story.html)

A fact sheet on the policy said that some DHS activity is not covered by the policy because of the "unique nature of DHS's mission." "This does not mean that officers and agents are free to profile," according to the DHS fact sheet. "To the contrary, **DHS's existing policies make it categorically clear that profiling is prohibited, while articulating limited circumstances where it is permissible to rely in part on these characteristics, because of the unique nature of border and transportation security as compared to traditional law enforcement.**" President George W. Bush banned racial profiling in 2003, but the prohibition did not apply to national security investigations and covered only race — not religion, national origin, gender or sexual orientation and gender identity. Civil rights groups and Democratic lawmakers have pushed for expanded anti-profiling protections since President Obama was elected in 2008. Holder began the process to revamp the rules in 2009 and considers the new policy one of the signature accomplishments of his tenure. About six months ago, the Justice Department delivered the rules to the White House. But they applied only to the department, and White House officials wanted the polices to cover additional agencies. The rules have been delayed in part because DHS officials pushed the White House and the Justice Department to allow major exclusions for agencies such as the Transportation Security Administration, Immigration and Customs Enforcement, and Customs and Border Protection. In several high-level meetings, DHS Secretary Jeh Johnson argued that immigration and customs agents and airport screeners needed to consider a variety of factors to keep the nation safe, according to officials familiar with his personal efforts. TSA officials argued that the rules should not apply to them because the TSA is not a law enforcement agency. In its fact sheet, DHS officials said that they will review activities not directly covered by the guidance to ensure that "we are including every appropriate safeguard and civil rights protection in the execution of those important security activities, and to enhance our policies where necessary."

TSA suffers hypocritical persecution-IS actually really good-SL

Reed 8/9/-12(Ted, Transportation Journalist for over 20 years, "Surprise Gallup Poll: People Think TSA Does A Good Job",
Forbes,<http://www.forbes.com/sites/tedreed/2012/08/09/surprise-gallup-poll-people-think-tsa-does-a-good-job/>)

Surprisingly, despite all of the negative Internet commentary and Congressional complaining about the Transportation Security Administration, the majority of U.S. travelers have a positive opinion of the agency. Not only that, but people who fly, and who are exposed to TSA screening, have an even more positive opinion than people who rarely or never fly. According to a Gallup poll released Wednesday, 54% of Americans think the TSA is doing either an excellent or a good job of handling security screening at airports. Moreover, among Americans who have flown at least once in the past year, 57% have an excellent or

good opinion of the agency. As far as TSA effectiveness at preventing acts of terrorism on U.S. airplanes, 41% think the screening procedures are extremely or very effective.

Another 44% think the procedures are somewhat effective. That number varies little for people who fly somewhat regularly and people who rarely or never fly. The poll was conducted with telephone interviews July 9th through July 12. Gallup interviewed 1,014 adults living in all 50 states and the District of Columbia. Interestingly, younger Americans "have significantly more positive opinions of the TSA than those who are older," Gallup said, noting that 67% of people between 18 and 29 rate the agency as excellent or good. This may be because young people fly more frequently, or it may be because that for young people TSA screening, first implemented in 2001, has been part of their flying experience for the majority of their lives.

Criticism of the TSA seems to come primarily from two sources. One is Internet sites, where reporting standards are generally not at the same level as newspapers, where reporters are taught to consider what is told to them with skepticism and to seek responses to charges. On Wednesday, some sites were repeating charges by a man who said that his wife was admitted to the emergency room for treatment after TSA agents at Fort Lauderdale-Hollywood International Airport harassed her and subjected her to closed door screening after metal in her bra set off an alarm. The man said his wife was subject to a brutal rape three years ago and is still recovering from the psychological impact. Without denigrating the man or his wife in any way, it is possible to say that the **TSA is put into a difficult situation when such charges are posted with little or no fact checking by reporters.** As for Congress, the House Homeland Security Committee's Transportation Security Subcommittee recently convened a hearing on the topic: "Breach of Trust: Addressing Misconduct Among TSA Screeners." According to About.com, "It didn't take (committee chairman) Rep. Mike Rogers (R-Alabama) long to set the tone for the day, saying in his opening statement: "Stealing from checked luggage; accepting bribes from drug smugglers; sleeping or drinking while on duty – this kind of criminal behavior and negligence has contributed significantly to TSA's shattered public image." Now there is a poll to show that in fact, TSA does not actually have a bad public image. And here, it is worth mentioning that the public image of Congress is not so good, perhaps reflecting a tendency to be excessively critical of perceived enemies rather than to seek compromise and solve problems.

Without NSA current Procedures we're susceptible to Terrorism-SL

Herridge 12/17/-14(Catherine Catherine Herridge is an award-winning Chief Intelligence correspondent for FOX News Channel, "TSA head: Threat from terrorism worse now but US better able to combat it", FNC, "<http://www.foxnews.com/politics/2014/12/17/tsa-head-threat-from-terrorism-worse-now-but-us-better-able-to-combat-it/>)

Khorasan contains long-time associates of Usama bin Laden, including Sanafi al-Nasr and Muhsin al-Fadhli, as well as a handful of operatives trained by the Yemeni bomb maker Ibrahim al-Asiri, who specializes in non-metallic bombs that traditional airport screening can miss. "Without going into details about what that may look like from a classified intelligence perspective, we do remain concerned that there is active plotting going on," Pistole said. And with new information that the French bomb maker David Drugeon likely survived a U.S. air strike last month, Pistole added, "there is concern that there are still individuals out there who have not only the ability to do that, but also the intent to use that on a flight to Europe or the US." The TSA administrator also described classified procedures that track foreign fighters, based on their travel history, before they check in at overseas airports for U.S.-bound flights. "There are individuals we are concerned about and we are again looking at if they make travel reservations, then they of course receive proper scrutiny," Pistole said. The continued threat from groups like Khorasan explains why procedures, implemented in July, requiring passengers to turn on their phone and computers at some airports, remain in place. As the holiday travel season begins, TSA officials say they are not expecting big changes at the checkpoints, but if there are changes, they will be driven by new and specific intelligence.

TSA Prevents Terrorist Attacks- SL

Reed 10/23/-12(Ted, Transportation Journalist for over 20 years, “Remember 9/11? TSA finally gets its gloves off”, Forbes,”

<http://www.forbes.com/sites/tedreed/2012/10/23/remember-911-tsa-finally-takes-off-the-gloves-reminds-critics-of-reality/>”

The Transportation Security Administration has taken off the gloves and started to respond more aggressively to the constant barrage of criticism – as well it should. Last week, in an opinion piece in the Rockland County Times, published in a close-in New York City suburb, TSA spokeswoman Lisa Farbstein responded to a critical column by area resident Diane Dimond, a syndicated columnist, ”Perhaps the next time Diane and her family fly out of a New York-area airport to a fun vacation spot, they’ll look out the car window at the New York skyline minus the Twin Towers and remember some of the true facts about TSA and why it exists,” Farbstein wrote. Dimond “criticized the very security measures that were designed to keep passengers safe –to help ensure that there is not another 9/11 in her back yard,” said Farbstein, who answered about a dozen criticisms, point-by-point. Among them: it is inconvenient, undignified and an invasion of your privacy to be forced to remove your shoes, jackets and belts, take off your belt and take your computer from its case. TSA agents “treat all of us like we’re new arrivals at a prison camp.” The lines are too long and some agents seem to stand around doing nothing. While the criticisms are familiar, the aggressive response is new. In fact, the TSA responds to multiple daily attacks, most far less coherent than Dimond’s. Critics include travelers who make up stories; members of Congress who seek political gain and bloggers, tweeters and other self-promoters aware that the best way to be noticed and collect Internet hits is to express outrage. The outrage business, it must be said, is a growth business, thriving in the age of new media. Last week, radio talk show host Dana Loesch tweeted about an incident at the Phoenix airport. Loesch claimed she was sexually molested after a sensor showed traces of explosives on her. She was upset that the incident took place in private: she had requested a public screening. Earlier, in June, Loesch and her husband were detained by the TSA in Providence, R.I., after he allegedly underwent intrusive screenings because sensors detected traces of explosives on him. Perhaps we should conclude that TSA agents are engaged in a nationwide plot to harass the couple whenever possible. Or perhaps explosive pixie dust suddenly finds them whenever they head to the airport. Clearly, they are outliers among the 650 million people TSA screens annually. Last year, about one tenth of one percent of those filed complaints. The truth is that, for all of the complaints, most U.S. travelers have a positive opinion of the TSA. According to a Gallup poll released in August, 54% of Americans think TSA is doing either an excellent or a good job of handling airport screening. Among Americans who have flown at least once in the past year, 57% have an excellent or good opinion of the agency. In other words, the more you see them, the better you like them. Of course, TSA is not perfect. It employs 62,000 people, a few of whom have stolen from the luggage they are paid to inspect. The annual \$8.1 billion budget seems high: the same work was done for far less by private firms before Sept. 11. The firms followed federal guidelines, which sadly did not prevent box cutters on airplanes. The TSA is very visible to millions of travelers, some of whom have had a bad day by the time they get to the airport. And of course the agency is overseen by a dysfunctional Congress, whose 535 members bring a love of the limelight, vastly differing agendas and an inability to compromise. Probably the biggest problem is that, unfortunately, we really don’t know how much screening is enough and how much is too much. Eleven years later, that is something we are still learning.

***Project BULLRUN/Decryption Affirmatives**

NSA decryption is vital to counterterrorism – international consensus

Robertson 13 (Adi Robertson, tech policy correspondent for The Verge, “Intelligence chief says the US attacks encryption because the bad guys use it”, 10/4/13, <http://www.theverge.com/2013/10/4/4803646/james-clapper-justifies-tor-breaking-as-necessary-to-fight-terrorists>) -LL

Director of National Intelligence James Clapper has responded to leaks showing how the NSA tried (and largely failed) to break through Tor's encryption network. While his statement doesn't shed much new light on the situation, it encapsulates the intelligence community's general response to criticism since the first leaks were published: that the threat of terrorism or other threats to national security makes any arguably legal tactic not only ethical, but vital. Recently published news articles discuss the intelligence community's interest in tools used to facilitate anonymous online communication. The articles accurately point out that the intelligence community seeks to understand how these tools work and the kind of information being concealed. However, the articles fail to make clear that the intelligence community's interest in online anonymity services and other online communication and networking tools is based on the undeniable fact that these are the tools our adversaries use to communicate and coordinate attacks against the United States and our allies. Clapper accuses the articles' authors (unnamed, but likely journalist Glenn Greenwald and security expert Bruce Schneier) of painting an "inaccurate and misleading picture of the intelligence community. “The reality is that the men and women at the National Security Agency and across the intelligence community are abiding by the law, respecting the rights of citizens and doing everything they can to help keep our nation safe,” he says. To do this, they must “use every intelligence tool available to understand the intent of our foreign adversaries.” In the modern telecommunications era, our adversaries have the ability to hide their messages and discussions among those of innocent people around the world. They use the very same social networking sites, encryption tools and other security features that protect our daily online activities. These are promises and warnings we've heard many times, and they're all valid defenses of the overall surveillance apparatus. What they don't do, unfortunately, is address the implicit questions that Greenwald and Schneier have posed: should one wing of the US government attempt to undermine the very tools that other branches have helped create? And is it valuable to be able to keep some communications almost completely private, even if terrorists can also exercise this privacy? If the dismissive GCHQ comments of "pseudo-legitimate" Tor uses are any indication, the international intelligence community's answer may be a resounding "No."

Decryption Methods Prevent Terrorism

Peterson 6/4-15(Andrea Reporter for Washington Post, “FBI official: Companies should help us ‘prevent encryption above all else’”, Washington Post, “<http://www.washingtonpost.com/blogs/the-switch/wp/2015/06/04/fbi-official-companies-should-help-us-prevent-encryption-above-all-else/>”

The debate over encryption erupted on Capitol Hill again Wednesday, with an FBI official testifying that law enforcement's challenge is working with tech companies "to

build technological solutions to prevent encryption above all else." At first glance the comment from Michael B. Steinbach, assistant director in the FBI's Counterterrorism Division, might appear to go further than FBI Director James B. Comey. Encryption, a technology widely used to secure digital information by scrambling data so only authorized users can decode it, is "a good thing," Comey has said, even if he wants the government to have the ability get around it. [Special report: The Internet's founders saw its promise but didn't foresee users attacking one another] But Steinbach's testimony also suggests he meant that companies shouldn't put their customers' access to encryption ahead of national security concerns -- rather than saying the government's top priority should be preventing the use of the technology that secures basically everything people do online. **"Privacy, above all other things, including safety and freedom from terrorism, is not where we want to go,"** Steinbach said. He also disputed the "back door" term used by experts to describe such built-in access points. "We're not looking at going through a back door or being nefarious," he argued, saying that the agency wants to be able to access content after going through a judicial process.

Decryption is effective for counter-terrorism

Ataide 2/7/-13(Rui As a security conscious individual, I've learned to educate people on the advantages of encryption, "The Man in the Middle: Advantages of SSL Decryption", RSA "<https://blogs.rsa.com/author/rui-ataide/>")

I'm currently involved on a lot of security analytics, security response, and other defensive activities. While encryption provides a level of protection when it comes to defense, it also causes a lack of visibility when analyzing network traffic. More and more, even the "bad guys" are using encryption to cover their tracks and avoid detection. It's therefore no surprise that more and more organizations are using SSL inspection devices to monitor their traffic and infrastructure. I actually find myself recommending that they do use the technology and how to best implement it. SSL inspection devices are nothing more than a well designed man-in-the-middle attack that breaks the encryption into two separate encrypted streams. Therefore, they still provide an adequate level of protection to end-users while allowing security analysts and devices to properly monitor and alert when malicious or unwanted activity takes place. This could be something as simple as a user uploading a confidential document to his/her personal webmail account or more elaborate as someone using an SSL VPN to connect back to a host using a Dynamic DNS name service (a technique commonly used by current malware and advanced attackers).

Decryption is crucial to fighting cyberattacks

Butler 13 (J. Michael Butler, Associate Professor of Humanities at Flagler College, "Finding Hidden Threats by Decrypting SSL", November 2013, <http://www.sans.org/reading-room/whitepapers/analyst/finding-hidden-threats-decrypting-ssl-34840>)

SSL encryption is crucial to protecting data in transit during web transactions, email communications and the use of mobile apps. Data encrypted with this common method can sometimes pass uninspected through almost all the components of your security framework, both inbound and outbound. As such, SSL encryption has become a ubiquitous tool for the enemy to hide sensitive data transfers and to obfuscate their command and control communications. For example, suppose a user has succumbed to one of the many phishing emails she receives every day, has followed a bad URL link and inadvertently downloaded encrypted Zeus malware to the financial officer's computer used for ACH bank transfers. Under the cover of encryption, Zeus sends that password information and other sensitive data to an external user, making it possible for the remote attacker to capture a login session, use the transmitted password and deposit the

organization's money in an offshore account. With all commands and traffic transmitted into and out of the network via SSL, the company's security tools were blind to these activities. Now companies are accepting even more encrypted traffic as they shift toward greater use of cloud services. This means malware will find more innovative ways to take advantage of this common form of transport encryption. For example, attackers can use cloud services to bypass the firewall and synchronize malware from one computer to another, as described in an August 2013 article in "Technology Review News." ¹ With the good guys and bad guys both using encryption, making malicious traffic visible through decryption—and inspecting it—becomes essential. The decryption must be conducted in a way that doesn't interfere with legitimate network traffic, while working with other security systems for optimum accuracy and performance. Then, the traffic must be re-encrypted before sending it on to its destination to protect sensitive information that might be caught up in the packets being decrypted. This whitepaper describes the role of SSL, the role SSL decryption/inspection tools play in security, options for deploying inspection tools, and how the information generated by such inspection can be shared with other security monitoring systems.

NSA decryption Program Works

Insider Surveillance 12/30/-14("NSA Decryption: New Snowden Leak is Ancient History ",Insider surveillance"<https://insidersurveillance.com/nsa-decryption-new-snowden-leak-is-ancient-history/>")

Well-known for many months now is that the NSA views encryption as a threat to national security, and classifies five types of network communications challenges ranging from "trivial," "minor" and "moderate" on the low end to the most serious, "major" and "catastrophic." Small time stuff for NSA Decryption experts: Peer-to-Peer. Skype, still touted as a "secure" form of voice & video communication by owner Microsoft, has been an open book to NSA analysts since at least 2011. Secure Socket Layer — Not so Much. Web connections via https — with the "s" standing for secure, and using secure socket layer (SSL) for encryption, are a snap to break into. NSA routinely captures untold number of SSL handshakes, then analyzes metadata about the connections and metadata from the encryption protocols to break the keys and decrypt any traffic on the Internet via man-in-the-middle attacks. Virtual Private Networks. Long considered highly secure, and still used to connect mediation devices/routers with law enforcement end points, VPNs have for quite some time been readily opened and their contents reviewed by NSA analysts. "Major" encryption challenges deemed difficult but not impossible: Zoho and Tor. As of 2012 the NSA had problems cracking messages sent through encrypted email service providers Zoho. Monitoring users of the Tor network was also a challenge. Truecrypt. The leaked files point to Truecrypt, a program for "on the fly encryption," as a major headache for the NSA several years ago. Truecrypt was discontinued in May 2014 and developers urged site visitors to find another source for encryption. Read: The NSA figured it out. Off-the-Record (OTR). OTR is an open source protocol for encrypting instant messaging in an end-to-end encryption process. OTR once proved a formidable challenge by combining AES symmetric key algorithm, the Diffie-Hellman method of securely exchanging cryptographic keys over a public channel, and SHA-1 (secure hash algorithm) cryptographic hash function developed by the NSA itself in the mid-1990s.

Any combination of encryption modes raises the bar for network penetration. In addition, open source software is harder to attach back doors to without the public noticing. Back in 2011 – 2012, released documents showed that OTR occasionally created problems for NSA. One internal comment reads, “No decrypt available for this OTR encrypted message.” However, tech moves on. The NSA – being a significant user of encryption itself – is often directly behind new developments in the field like SHA-1. Like all honest brokers in the field, NSA likes to crack its own work, find the weak spots, fix them and move on. New and improved versions of the hash function include SHA-2 and SHA-3. Companies are following NSA’s lead. Microsoft announced in Nov 2013 its “deprecation” policy for discontinuing use of SHA-1. Google followed suit for Chrome in Sept 2014. Does this mean that the SHA-1 component of OTR is no longer a head-scratcher for NSA? Yep. What earns the moniker “catastrophic” at NSA? At the head of the list, at least in 2012, was the challenge of users combining Tor with other anonymizing services such as ZRTP, which encrypts VoIP voice and text chats on mobile phones. The “Z” stands for its author, Phil Zimmerman, and the “RTP” for Real-Time Transport Protocol.” ZRTP uses Diffie-Hellman secure key cryptography, and auto-senses for other VoIP clients that support ZRTP. It is common to open source programs such as Signal and Redphone. While Tor and ZRTP penetration may have seemed insurmountable several years, the UK’s NSA equivalent – GCHQ – has proposed methods for breaking into Tor and defeating other encryption methods.

Impact Toolbox

***Terror Talk/Defense of Scholarship**

Threats are real and our scholarship is sound – surveillance is the key tool in preventing attacks

-AT: Terror Talk- the risk of a terrorist attack is enough that we need to have discussions about particular groups
-AT: No Threats- Al Qaeda, Hamas, Hezbollah, and ISIS disagree, as they splinter they become more difficult to stop
-Surveillance Key- “The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems”

Lewis 2014 (James Andrew [senior fellow and director of the Strategic Technologies Program at CSIS]; Underestimating Risk in the Surveillance Debate; Dec; http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf; kdf)

The phrase “terrorism” is overused, and the threat of terrorist attack is easily exaggerated, but that does not mean this threat it is nonexistent. Groups and individuals still plan to attack American citizens and the citizens of allied countries. The dilemma in assessing risk is that it is discontinuous. There can be long periods where no activity is apparent, only to have the apparent calm explode in an attack. The constant, low-level activity in planning and preparation in Western countries is not apparent to the public, nor is it easy to identify the moment that discontent turns into action. There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.²⁴ European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.²⁵ The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.²⁶ If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences. A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia. Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces. The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems, nationally and in cooperation with others, including the United States, to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new “front” for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets. ²⁷ The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational

difficulties. **these attacks are the threat that mass surveillance was created to prevent.** The needed reduction in public anti-terror measures without increasing the chances of successful attack is contingent upon maintaining the capability provided by communications surveillance to detect, predict, and prevent attacks. Our opponents have not given up; neither should we.

Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. **Boyle 8**, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, "A Case Against Critical Terrorism Studies," *Critical Studies On Terrorism*, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed 'Orthodox Terrorism Studies'. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centrism, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be 'a skeptical attitude towards accepted terrorism "knowledge"'. **An implicit**

presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems. In fact, **terrorism scholars are not only well aware of these problems, but also have provided their own**

searching **critiques** of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan

2005, esp. ch. 2, 'Understanding Terrorism'). **Some of those scholars** most associated with the critique of empiricism

implied in 'Orthodox Terrorism Studies' **have also engaged in deeply critical examinations of**

the nature of sources, methods, and data in the study of terrorism. For example,

Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they

point out that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to**

address persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings

(Schmid and Jongman 1988, p. xiv). Similarly, **Silke's** (2004) **volume on the state of the field of**

terrorism research performed a similar function, highlighting the shortcomings of the field, in

particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

Terror is a real threat driven by forces the aff can't resolve---we should reform the war on terror, not surrender---any terror attack turns the entire case

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, *The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again*, vii-viii

APPLYING THAT TRADITION today is not easy. Cold war liberals developed their narrative of national greatness in the shadow of a totalitarian ♣ superpower. **Today, the United States faces** no such unified threat. Rather, it faces **a web of dangers**—from disease to environmental degradation to weapons of mass destruction—all **fueled by globalization, which leaves America increasingly vulnerable to pathologies bred in distant corners of the world.** And **at the center of this nexus sits jihadist terrorism,** a new totalitarian movement that lacks state power but harnesses the power of globalization instead. ♣ Recognizing that the United States again faces a totalitarian foe does not provide simple policy prescriptions, because today's totalitarianism takes such radically different form. But **it reminds us** of something more basic, **that liberalism does not**

find its enemies only on the right—a lesson sometimes **forgotten in the age of** George W. **Bush**. ¶ Indeed, it is because liberals so despise this president that they increasingly reject his trademark phrase, the “war on terror.” Were this just a semantic dispute, it would hardly matter; **better alternatives to war on terror abound**. But the rejection signifies something deeper: a turn away from the very idea that anti-totalitarianism should sit at the heart of the liberal project. **For too many liberals today**, George W. **Bush’s war on terror is the only one they can imagine**. This alienation may be understandable, but that does not make it any less disastrous, for it is liberalism’s principles—even more than George W. Bush’s—that jihadism threatens. **If today’s liberals cannot rouse** as much **passion for fighting a movement that flings acid at unveiled women** as they do for taking back the Senate in 2006, **they have strayed far from liberalism’s best traditions**. And **if they believe it is only George W. Bush who threatens America’s freedoms**, **they should ponder what will happen if the United States is hit with a nuclear or contagious biological attack**. **No matter who is president**, Republican or Democrat, **the reaction will make John Ashcroft look like the head of the ACLU**.

Ethical rebellion does not require rejecting all resort to lethal force---killing is conditionally justified in cases where the target is culpable for injustice. This distinction will win us the debate---ethical rebellion can allow killing, so long as we recognize that it is simultaneously necessary, but cannot be truly ethically justified. Recognizing our own conduct as ethically unjustifiable despite its necessity in preserving innocent life sets up killing as truly exceptional

Matt **Hartman 13**, MA, Philosophy, University of Chicago, 6/5/13, “The Rebel or the Militant: Universality and Political Violence,”
<http://lucian.uchicago.edu/blogs/colloquium/2013/06/05/the-rebel-or-the-militant-universality-and-political-violence/>

I begin with rebellion, Camus’ analogue to Badiou’s event. For him, rebellion means something restricted, something that respects its own limits.

The rebels who [...] wanted to construct [...] a savage immortality are terrified at the prospect of being obliged to kill in their turn. Nevertheless, if they retreat they must accept death; if they advance they must accept murder. Rebellion, cut off from its origins and cynically travestied, oscillates, on all levels, between sacrifice and murder.[24]

In other words, rebellion is characterized by a recognition that the status quo is structurally unjust and must be opposed—hence the rebel’s inability to retreat—and a simultaneous recognition that the means of opposition themselves imply a crime. [25] The ‘savage immortality’ that appears to arise from rebellion—the point where rebellion’s initial impetus appears to no longer to govern the sequence—cannot be, and yet the rebel must act. This conflict forms the paradoxical, logical structure of rebellion that creates an inherent limit upon what can be (ethically) done. As we will see, that limit is marked by murder.

Moreover, that limit is dependent upon the beginnings of the rebellion. “I rebel—therefore we exist,” says Camus (R 22). This formulation is variously suggestive, but the two most important implications for our purposes are the axiomatic claims to universality and equality. Similar to Badiou’s claim that all are ‘virtual militants’ of the event, Camus argues that a rebellion reaches for universality (by transforming the ‘I’ into a ‘We’). Its virtues must apply to all. And for this reason, it must aim at equality, as all must be equal in their ability to make the same declaration.

Rebellion is the assertion of an axiom of equality between one and all. “In assigning oppression a limit within which begins the dignity[26] common to all men, rebellion defined a primary value” (R 281). Camus’ formulation necessitates an understanding—an ethical principle—of equality that rebels must recognize. Rebellion is the very process of the assertion of this egalitarianism. We can already begin to see, then, how Camus’ axiom is an ethical principle.

But this point further implies that the claim of rebellion—a claim to act from principle, not simply to take power—must recognize universality as a claim concerning the situation. The principle now instituted refers to a governing logic, not to an individual. Again, this claim parallels Badiou’s rethinking of the State’s logic of ordering. The structure of thought, not the identity of the master, is the problem. Thus, one claims a wrong against the situation: if the slave merely takes his master’s place, there is no rebellion but a coup. The logic must change. The ‘we exist’ half of Camus’ formulation necessitates as much: if the rebellion’s axiom does not apply to all, the rebellion has no coherent ground or claim. It would be a mere simulacrum. Rebels must act towards all—they have a limit on what they can not do.

But, against Badiou, they also have a limit on what they can do. The result of the ‘universal value’ defined by the axiom/principle in Camus’ formulation is a limit placed upon rebels. This limit is murder:

[M]urder is thus a desperate exception or it is nothing. It is the limit that can be reached but once, after which one must die. The rebel [...] kills and dies so that it shall be clear that murder is impossible. He demonstrates that, in reality, he prefers the ‘We are’ to the ‘We shall be.’ [...] Beyond the farthest frontier, contradiction and nihilism begin. (R 282)

This passage contains the core of The Rebel. Camus condemns any logic that justifies murder on the grounds of a history—either because it helps bring about a desired future state or because it is part of a larger, necessary historical epoch. He denies any logic that determinatively ties ethical action to a historical context, subsuming particular situations under history.

To justify an act by history is to implicitly de-value the present. It is to imply that a present claim to justice—to the axiomatic principles of rebellion—are not to be met. It is to deny the ‘we are’ to the ‘we shall be,’ as Camus says above. The axiomatic structure of the statement ‘I rebel, therefore we exist,’ demands the present be equal to the future. If not, the very structure of politics is denied and rebellion’s logic is made incoherent. The situatedness of the rebellion—the fact that the axiom is declared now—implies that as a universal, logical claim it is definitively tied to the present. Because it is universal, the present cannot be devalued to the future, otherwise it would be a mere instrument. By not separating history into pre- and post-event with an ontologically uncontainable state between them, Camus is providing a framework to make historical change sensible even as it is ongoing.

The axiomatic aspect of rebellion’s principles conditions this thought. Camus does not claim that rebellion’s ends should exist, or that they will exist, or that it would be morally right if they existed. “Nothing justifies the assertion that these principles have existed eternally; it is of no use to declare that they will one day exist” (R 283). Rather, the axiom is a demand for equality (or justice or freedom) against the State. Because the axiom acts as an ethical principle for the rebels during the course of their rebellion, the coherence between the rebels’ actions and their axiom is the justification of their logic. Every (legitimate) rebellion has this form.

And as a result, for Camus, universality is not a matter of Badiou’s virtuality, but of actuality. Because “[rebellion’s] reasons—the mutual recognition of a common destiny and the communication of men between themselves—are always valid” at the same time they are axiomatic, Camus is demanding concrete coherence between the rebellion’s actions and its axiom (R 283). The axiomatic principles are merely actualized by their declaration. But this is possible only because Camus does not posit an axiom that is (materially, historically) transformed into an ethical principle. As a result, though Camus may have supported all of the Libyan rebels’ actions, he has built the framework to sensibly ask the ethical question of them, even though it is based in particularity.

This is because the actual universality Camus posits provides a substantial ethics: murder is the limit of rebellion and cannot be justified. “Logically,” he says, “one should reply that murder and rebellion are contradictory. If a single master should, in fact, be killed, the rebel, in a certain way, is no longer justified in using the term community of men from which he derived his justification” (R 281). The claim is drastic: to murder anyone, even the source of injustice, is unjustifiable. It denies all egalitarian maxims by denying the victim the chance to meet rebellion’s demand—and it does so because Camus’ concern is actuality: Badiou’s universality in principle holds whether acted upon or not. But Camus shows in the first three sections of *The Rebel* that rebellions that have accepted murder became incoherent.[27]

However, Camus did not forswear murder—he claimed that it was a limit that could be met exactly once. On the one hand, it is simply utopian to refuse the use of violence in politics: Assad must be

overthrown for the sake of creating a democracy. But Camus has already denied historical justification as nihilistic and incoherent. And yet inaction would implicitly accept the unjust status quo. So, then, murder is necessary but unjustifiable; the rebel “kills and dies so that it shall be clear that murder is impossible.”

Camus navigates this paradox by insisting on murder’s exceptional status. One should rebel, even by murder, but simultaneously recognize murder as contrary to one’s own principles. An act of murder, we can say, will be legitimate but not just: legitimate in battling the unjust present, but unjust itself because legitimacy cannot clear the rebel of guilt. This claim—which is the core of Camus’ argument against Robespierre and Lenin, as well as his defense of the Russian terrorist Kaliayev—asserts that history cannot enter into politics’ logic. This time, this point in history may legitimize an act, but it cannot justify that act because ethical principles are eternal. Their universality must be protected in the material actions throughout the rebellion.

For this reason, even the legitimacy of murder is conditional.^[28] First, the victim must be a cause of the present injustices—e.g., the master of the slaves or the Ba’athist dictator. The murder of innocents can only be legitimated by historicist arguments unavailable to the coherent rebel. Second, the rebel’s act must be recognized as a crime by her own standards. She must recognize her own guilt as a failure to cohere with her axiom: only this recognition ensures murder remains exceptional, protecting a practical manifestation of the rebellion’s logic. The crime of Saint-Just and Robespierre was allowing the Terror to become an institution that altered the rebellion’s logic.

***Lone Wolf Terror 2NC/1NR**

Surveillance key to stop lone wolf terrorism – multiple scenarios for WMD use

Lederman chief counsel for national security and investigations of the U.S. Senate Homeland Security and Governmental Affairs Committee '12 (Gordon, “The Threat from Within: What Is the Scope of Homegrown Terrorism?” July 1,

http://www.abajournal.com/magazine/article/the_threat_from_within_what_is_the_scope_of_homegrown_terrorism, ME)

Homegrown terrorism is a major national security threat to the United States in the 21st century because of the combination of violent extremist ideology—especially violent Islamist extremism and its suicidal terrorism—with **the Internet accelerating an individual’s radicalization and with the proliferation of technology enabling an individual to cause mass casualties or widespread disruption.** In other words, the scope of the insider threat to the United States in the 21st century is virtually unprecedented—there exists the potential for an individual within the United States, segregated within his or her own Internet community of sympathizers, to radicalize to violent extremism and then to utilize modern technology to kill millions of people or to hobble critical infrastructure. This insider threat requires a greater emphasis on preventing potentially catastrophic attacks before they occur. The attacks of Sept. 11, 2001, heightened America’s consciousness to the threat posed by violent Islamist extremism. “Violent Islamist extremism” refers to the ideology advocating creation of a global state that would impose the most radical version of Islamic law and the use of violence against non-Muslim military personnel and civilians and even against Muslim opponents of this ideology. To recruit adherents, violent Islamist extremism utilizes a narrative that the West, led by the United States, is at war with Islam. The process by which individuals adopt violent Islamist extremism is commonly called “radicalization.” Violent Islamist extremists demonstrated on 9/11 and in subsequent plots that they seek to kill large numbers of U.S. civilians domestically, and al-Qaida leadership has sanctioned the use and pursued the development of weapons of mass destruction. Moreover, the 9/11 attacks showed violent Islamist extremists’ willingness to commit suicide while attacking—thus making them difficult to deter. These characteristics make violent Islamist extremism the most dangerous terrorist threat to the United States. Indeed, the Obama administration has identified this threat—which it calls “violent extremism and terrorism inspired by al-Qaida and its affiliates and adherents”—as **the “pre-eminent” violent extremist threat** to the United States. The 9/11 hijackers came from outside the United States to attack. During the initial years after 9/11, the U.S. government assumed that the United States’ experience as a melting pot of immigrants pursuing the American dream was a bulwark against U.S. citizens—native and immigrant—radicalizing to violent Islamist extremism. This assumption seemed generally correct because there were only 21 cases of homegrown violent Islamist extremism—that is, terrorist attacks or plots by U.S. citizens, permanent residents or visitors radicalized largely within the United States—from Sept. 11, 2001 until April 2009. But since May 2009, there have been 32 cases of homegrown violent Islamist extremism. Two of these post-2009 cases have resulted in deaths on U.S. soil. On June 1, 2009, Carlos Bledsoe killed one service member and wounded a second at a military recruiting station in Little Rock, Ark. And on Nov. 5, 2009, 12 service members and one Department of Defense civilian were killed and 32 wounded at Fort Hood, Texas. Army-trained psychologist Major Nidal Hasan, who reportedly had radicalized to violent Islamist extremism during his military medical training, is being court-martialed for the attack. Other notable plots have included one in 2008 led by Najibullah Zazi to attack the New York City subway system and the attempt on May 1, 2010, by Faisal Shahzad to detonate a car bomb in Manhattan’s Times Square. The vast majority of these cases have not involved plans for suicide, but Zazi and his fellow plotters did plan their attack as a suicide mission and several Americans who joined the al-Shabaab terrorist group in Somalia reportedly became suicide attackers there. To be sure, these cases of homegrown violent Islamist extremism represent a tiny percentage of the estimated 6 million Muslim-Americans. Moreover, as Presidents George W. Bush and Barack Obama have stressed since 9/11, the United States is not at war with Islam but rather with adherents to an ideology that perverts it. However, this upward trend in cases is worrisome particularly when combined with the role of the Internet and the proliferation of destructive and disruptive technology. The Internet has facilitated radicalization to violent Islamist extremism and resulting terrorist activity.

To be sure, the Internet has provided billions of people with access to information, and social media has played a critical role in democratic revolutions across the world. However, the Internet has also enabled radicalization, with violent Islamist extremists becoming adept at using the Internet to spread their propaganda. Violent Islamist extremists originally used password-protected forums, but they are now present on mainstream sites such as YouTube. The Internet enables individuals who are vulnerable to radicalization to find violent Islamist extremist material easily and to self-segregate and interact only with individuals who share that ideology—and in the privacy of their own homes. To be sure, homegrown violent Islamist extremist plots to date have not involved weapons of mass destruction but rather conventional explosives and firearms. Of course, firearms can cause significant casualties, such as the terrorist attack that killed 168 people in Mumbai, India, in November 2008. But the proliferation of mass destructive and disruptive technology enables even a single individual to wreak havoc domestically. For example, a single terrorist with microbiological training and access to a laboratory with dangerous pathogens—or equipment enabling the synthesis of a new pathogen—could release a pathogen that could kill millions. In addition, an individual with cyberskills could cause extensive damage to infrastructure and even loss of life through a cyberattack, such as by interfering with “supervisory control and data acquisition” systems, which are computer systems controlling the underpinnings of modern society such as electrical power transmission, communications and airports. An individual could also gain access to radiological material—such as that held by hospitals for medical purposes—and create a “dirty bomb” that renders several city blocks or larger uninhabitable and sow panic. The vector of technological development thus continually increases the power of an individual to cause mass destruction and disruption. The result of the combination of violent extremism, especially violent Islamist extremism, the role of the Internet, and the proliferation of destructive technology is that the government must increasingly emphasize prevention of homegrown terrorism. This task is complicated by the fact that, although an overall four-stage model of radicalization to violent Islamist extremism does exist, individuals who have radicalized have not necessarily followed the model’s sequence of stages, and an analysis of homegrown terrorism cases does not reveal a profile to predict who will radicalize except that homegrown terrorists are predominantly male and approximately two-thirds are younger than 30. Immediately after the 9/11 attacks, Federal Bureau of Investigation Director Robert Mueller declared that the FBI—which had previously focused on investigating terrorism after its occurrence—now had the top priority of preventing terrorist attacks. To do so, the FBI needed to reorient itself from prosecutions after an attack to an intelligence-driven effort to detect and dismantle terrorist threats prior to an attack. For example, Mueller charged each of the 56 FBI field offices with “domain awareness,” defined as “a 360-degree understanding of all national security and criminal threats in any given city or community. It is the aggregation of intelligence, to include what we already know and what we need to know, and the development of collection plans to find the best means to answer the unknowns. With this knowledge, we can identify emerging threats, allocate resources effectively, and identify new opportunities for intelligence collection and criminal prosecution.” Director Mueller also declared that every counterterrorism lead would be pursued. However, prior to the 9/11 attacks, the FBI was not authorized to conduct investigative activity without sufficient factual predication that a crime was being or had been committed. In order for the FBI to become “intelligence-driven,” it had to develop a protocol for collecting intelligence information—meaning information concerning potential threats even if there was no factual predication of criminal activity. Without such a protocol, the FBI would have limited ability to track down counterterrorism leads that lacked predication of criminal activity or to gather information to be able to analyze the nature and trend of violent extremist threats above and beyond whatever criminal cases the FBI had ongoing. Accordingly, in 2008 Attorney General Michael Mukasey authorized and Director Mueller instituted a new FBI operational protocol permitting “assessments” when there is “no particular factual predication” that a crime has been committed and instead based on an “authorized purpose” such as “to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security, or to collect foreign intelligence.” Limited investigative tools are permitted, including reviewing publicly available information and conducting physical surveillance not otherwise requiring a warrant—as opposed to intrusive tools such as wiretaps, which require a warrant. Assessments are prohibited “based solely on the exercise of First Amendment-protected activities or on the race, ethnicity, national origin or religion of the subject.” FBI agents must use the “least intrusive” investigative mechanisms possible. As stated in Mukasey’s authorization to the FBI, “For example,

assessment activities may involve proactively surfing the Internet to find publicly accessible websites and services through which recruitment by terrorist organizations and promotion of terrorist crimes is opening taking place.”

Extinction

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Several powerful trends have aligned to profoundly change the way that the world works. Technology now allows stateless groups to organize, recruit, and fund themselves in an unprecedented fashion. That, coupled with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be lead players on the world stage. They may act on their own, or they may act as proxies for nation-states that wish to duck responsibility. Either way, stateless groups are forces to be reckoned with. At the same time, a different set of technology trends means that small numbers of people can obtain incredibly lethal power. Now, for the first time in human history, a small group can be as lethal as the largest superpower. Such a group could execute an attack that could kill millions of people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even to **drive the human race to extinction.** Our defense establishment was shaped over decades to address what was, for a long time, the only strategic threat our nation faced: Soviet or Chinese missiles. More recently, it has started retooling to address tactical terror attacks like those launched on the morning of 9/11, but the reform process is incomplete and inconsistent. A real defense will require rebuilding our military and intelligence capabilities from the ground up. Yet, so far, strategic terrorism has received relatively little attention in defense agencies, and the efforts that have been launched to combat this existential threat seem fragmented. History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by repeatedly attacking us or hectoring us for decades.

A2: No Lone Wolf WMDs

Lone wolves use WMDs

Gary A. **ACKERMAN**, Director of the Special Projects Division at the National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland, **AND** Lauren E. **PINSON**, Senior Research/Project Manager at START and PhD student at Yale University, **14** ["An Army of One: Assessing CBRN Pursuit and Use by Lone Wolves and Autonomous Cells," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

The first question to answer is whence the concerns about the nexus between CBRN weapons and isolated actors come and whether these are overblown. The general threat of mass violence posed by lone wolves and small autonomous cells has been detailed in accompanying issue contributions, but the potential use of CBRN weapons by such perpetrators presents some singular features that either amplify or supplement the attributes of the more general case and so are deserving of particular attention. Chief among these is the impact of rapid technological development. Recent and emerging advances in a variety of areas, from synthetic biology³ to nanoscale engineering,⁴ have opened doors not only to new medicines and materials, but also to new possibilities for malefactors to inflict harm on others. What is most relevant in the context of lone actors and small autonomous cells is not so much the pace of new invention, but rather the commercialization and consumerization of CBRN weapons-relevant technologies. This process often entails an increase in the availability and safety of the technology, with a concurrent diminution in the cost, volume, and technical knowledge required to operate it. Thus, for example, whereas fifty years ago producing large quantities of certain chemical weapons might have been a dangerous and inefficient affair requiring a large plant, expensive equipment, and several chemical engineers, with the advent of chemical microreactors,⁵ the same processes might be accomplished far more cheaply and safely on a desktop assemblage, purchased commercially and monitored by a single chemistry graduate student. The rapid global spread and increased user-friendliness of many technologies thus represents a potentially radical shift from the relatively small scale of harm a single individual or small autonomous group could historically cause.⁶ From the limited reach and killing power of the sword, spear, and bow, to the introduction of dynamite and eventually the use of our own infrastructures against us (as on September 11), the number of people that an individual who was unsupported by a broader political entity could kill with a single action has increased from single digits to thousands. Indeed, it has even been asserted that "over time ... as the leverage provided by technology increases, this threshold will finally reach its culmination—with the ability of one man to declare war on the world and win."⁷ Nowhere is this trend more perceptible in the current age than in the area of unconventional weapons. These new technologies do not simply empower users on a purely technical level. Globalization and the expansion of information networks provide new opportunities for disaffected individuals in the farthest corners of the globe to become familiar with core weapon concepts and to purchase equipment—online technical courses and eBay are undoubtedly a boon to would-be purveyors of violence. Furthermore, even the most solipsistic misanthropes, people who would never be able to function socially as part of an operational terrorist group, can find radicalizing influences or legitimation for their beliefs in the maelstrom of virtual identities on the Internet. All of this can spawn, it is feared, a more deleterious breed of lone actors, what have been referred to in some quarters as "super-empowered individuals."⁸ Conceptually, super-empowered individuals are atomistic game-changers, i.e., they constitute a single (and often singular) individual who can shock the entire system (whether national, regional, or global) by relying only on their own resources. Their core characteristics are that they have superior intelligence, the capacity to use complex communications or technology systems, and act as an individual or a "lone-wolf."⁹ The end result, according to the pessimists, is that if one of these individuals chooses to attack the system, "the unprecedented nature of his attack ensures that no counter-measures are in place to prevent it. And when he strikes, his attack will not only kill massive amounts of people, but also profoundly change the financial, political, and social

systems that govern modern life.”¹⁰ It almost goes without saying that the same concerns attach to small autonomous cells, whose members' capabilities and resources can be combined without appreciably increasing the operational footprint presented to intelligence and law enforcement agencies seeking to detect such behavior. With the exception of the largest truck or aircraft bombs, the most likely means by which to accomplish this level of system perturbation is through the use of CBRN agents as WMD. On the motivational side, therefore, lone actors and small autonomous cells may ironically be more likely to select CBRN weapons than more established terrorist groups—who are usually more conservative in their tactical orientation—because the extreme asymmetry of these weapons may provide the only subjectively feasible option for such actors to achieve their grandiose aims of deeply affecting the system. The inherent technical challenges presented by CBRN weapons may also make them attractive to self-assured individuals who may have a very different risk tolerance than larger, traditional terrorist organizations that might have to be concerned with a variety of constituencies, from state patrons to prospective recruits.¹¹ Many other factors beyond a “perceived potential to achieve mass casualties” might play into the decision to pursue CBRN weapons in lieu of conventional explosives,¹² including a fetishistic fascination with these weapons or the perception of direct referents in the would-be perpetrator's belief system. Others are far more sanguine about the capabilities of lone actors (or indeed non-state actors in general) with respect to their potential for using CBRN agents to cause mass fatalities, arguing that the barriers to a successful large-scale CBRN attack remain high, even in today's networked, tech-savvy environment.¹³ Dolnik, for example, argues that even though homegrown cells are “less constrained” in motivations, more challenging plots generally have an inverse relationship with capability,¹⁴ while Michael Kenney cautions against making presumptions about the ease with which individuals can learn to produce viable weapons using only the Internet.¹⁵ However, even most of these pundits concede that low-level CBR attacks emanating from this quarter will probably lead to political, social, and economic disruption that extends well beyond the areas immediately affected by the attack. This raises an essential point with respect to CBRN terrorism: irrespective of the harm potential of CBRN weapons or an actor's capability (or lack thereof) to successfully employ them on a catastrophic scale, these weapons invariably exert a stronger psychological impact on audiences—the essence of terrorism—than the traditional gun and bomb. This is surely not lost on those lone actors or autonomous cells who are as interested in getting noticed as in causing casualties. Proven Capability and Intent While legitimate debate can be had as to the level of potential threat posed by lone actors or small autonomous cells wielding CBRN weapons, possibly the best argument for engaging in a substantive examination of the issue is the most concrete one of all—that these actors have already demonstrated the motivation and capability to pursue and use CBRN weapons, in some cases even close to the point of constituting a genuine WMD threat. In the context of bioterrorism, perhaps the most cogent illustration of this is the case of Dr. Bruce Ivins, the perpetrator behind one of the most serious episodes of bioterrorism in living memory, the 2001 “anthrax letters,” which employed a highly virulent and sophisticated form of the agent and not only killed five and seriously sickened 17 people, but led to widespread disruption of the U.S. postal services and key government facilities.¹⁶ Other historical cases of CBRN pursuit and use by lone actors and small autonomous cells highlight the need for further exploration. Among the many extant examples: ¹⁷ Thomas Lavy was caught at the Alaska-Canada border in 1993 with 130 grams of 7% pure ricin. It is unclear how Lavy obtained the ricin, what he planned to do with it, and what motivated him. In 1996, Diane Thompson deliberately infected twelve coworkers with shigella dysenteriae type 2. Her motives were unclear. In 1998, Larry Wayne Harris, a white supremacist, was charged with producing and stockpiling a biological agent—bacillus anthracis, the causative agent of anthrax. In 1999, the Justice Department (an autonomous cell sympathetic to the Animal Liberation Front) mailed over 100 razor blades dipped in rat poison to individuals involved in the fur industry. In 2000, Tsiugio Uchinshi was arrested for mailing samples of the mineral monazite with trace amounts of radioactive thorium to several Japanese government agencies to persuade authorities to look into potential uranium being smuggled to North Korea. In 2002, Chen Zhengping put rat poison in a rival snack shop's products and killed 42 people. In 2005, 10 letters containing a radioactive substance were mailed to major organizations in Belgium including the Royal Palace, NATO headquarters, and the U.S. embassy in Brussels. No injuries were reported. In 2011, federal agents arrested four elderly men in Georgia who were plotting to use ricin and explosives to target federal buildings, Justice Department officials, federal judges, and Internal Revenue Service agents. Two recent events may signal an even greater interest in CBRN by lone malefactors. First, based on one assessment of Norway's Anders Breivik's treatise, his references to CBRN weapons a) suggest that CBRN weapons could be used on a tactical level and b) reveal (to perhaps previously uninformed audiences) that even low-level CBRN weapons could achieve far-reaching impacts driven by

fear. 18 Whether or not Breivik would actually have sought or been able to pursue CBRN, he has garnered a following in several (often far-right) extremist circles and his treatise might inspire other lone actors. Second, Al-Qaeda in the Arabian Peninsula (AQAP) released two issues of Inspire magazine in 2012. Articles, on the one hand, call for lone wolf jihad attacks to target non-combatant populations and, on the other, permit the use of chemical and biological weapons. The combination of such directives may very well influence the weapon selection of lone actor jihadists in Western nations. 19

Homegrown terrorism is the most likely scenario for an attack

Zenko 15 -- Zenko covers the U.S. national security debate and offers insight on developments in international security and conflict prevention. "Is US Foreign Policy Ignoring Homegrown Terrorists" <http://www.defenseone.com/threats/2015/05/us-foreign-policy-ignoring-homegrown-terrorists/113197/>

Senior U.S. intelligence and counterterrorism officials increasingly warn of the threat of "lone wolf" individuals attempting terror attacks within the United States. These potential perpetrators are characterized as externally motivated, but predominantly self-directed in plotting and attempting acts of politically and/or ideologically motivated violence. They need not travel to purported foreign "safe havens" to receive training or guidance, nor be in direct contact with terrorist organizations based abroad. Rather, their inspiration, in large part, appears to stem from the principles and narratives promoted by Islamist jihadist groups. On February 12, National Counterterrorism Center Director Nicholas Rasmussen told the Senate Select Committee on Intelligence: "We face a much greater, more frequent, recurring threat from lone offenders and probably loose networks of individuals. Measured in terms of frequency and numbers, it is attacks from those sources that are increasingly the most noteworthy..." On February 26, during the annual worldwide threats hearing, Director of National Intelligence James Clapper warned: "Home-grown violent extremists continue to pose the most likely threat to the homeland." Last Friday, Secretary of Homeland Security Jeh Johnson stated on MSNBC: "We're in a new phase...in the global terrorist threat where, because of effective use of social media, the Internet, by ISIL, al-Qaeda, we have to be concerned about the independent actor who is here in the homeland who may strike with little or no warning..." Finally, yesterday, former CIA deputy director Michael Morell described the messaging efforts of jihadist groups generally and the self-declared Islamic State (IS) more specifically: "Their narrative is pretty powerful: The West, the United States, the modern world, is a significant threat to their religion. Their answer to that is to establish a caliphate. And they are being attacked by the U.S. and other Western nations, and by these apostate regimes in the region. Because they are being attacked they need support in two ways; people coming to fight for them, and people coming to stand up and attack coalition nations in their home." In summary, the most likely—though not most lethal—terror threats to Americans come from individuals living within the United States who are partially motivated to undertake self-directed attacks based upon their perception that the United States and the West are at war with the Muslim world. Remarkably, these two observations have had virtually no impact on U.S. foreign policy discourse. In Washington, there is an agreed-upon, bipartisan understanding that under no circumstances will officials or politicians acknowledge, or even explore, the concept that foreign policy activities might play a role in compelling U.S. residents, who would not otherwise consider terrorism, to plot and attempt attacks. This is somewhat understandable given that there are many different backgrounds, experiences, and precursors that lead people to become violent extremists. Yet, whereas there are constant hearings and debates—even White House summits—about how to "counter violent extremism," there is rarely any consideration of which U.S. foreign policy activities might themselves be precursors to U.S. terrorism. In fact, the only foreign policy decisions that the Obama administration admits might inspire terrorism are those made by Obama's predecessor. The first is one that the White House has tried to reverse since January 2009: detaining terror suspects at Guantanamo Bay, Cuba. Most recently, at a House Armed Services Committee hearing on March 18, Secretary of Defense Ashton Carter endorsed closing the military prison because, "It still provides a rallying point for Jihadi recruiting." The other decision is the 2003 invasion of Iraq; as President Obama stated on March 17, "ISIL is a direct outgrowth of al-Qaeda in Iraq that grew out of our invasion, which is an example of unintended consequences." Of course, another unintended consequence emerged from the U.S.-led airwar in 2011 that ensured the toppling of Muammar al-Qaddafi in Libya. As a U.S. military official told The Wall Street Journal today, "ISIL now has an operational presence in Libya, and they have aspirations to make Libya their African hub. Libya is part of their terror map now." Compare this recent warning to how the State Department described Libya on the eve of the 2011 airwar: "The Libyan government continued to demonstrate a strong and active commitment to combating terrorist organizations and violent extremism through bilateral and regional counterterrorism and security cooperation, particularly on the issue of foreign fighter flow to Iraq." Now, foreign fighters are flowing from Iraq and Syria to establish a stronghold in Libya. This is clearly an unintended, though not at all unsurprising, consequence, but not one that the Obama administration will acknowledge because it happened under its watch. (See also: Are We Downplaying the Risks of Homegrown Terrorism?) More critically, what foreign policy activities are bolstering the narrative of Islamic jihadist groups today? Is it really just the 122 terror suspects still in Guantanamo? What about drone strikes, which themselves are universally hated? Or, what of the support for President Abdel Fattah el-Sisi in Egypt, whose government sentenced that country's first elected leader to death this week? Finally, is the U.S.-led airwar against IS fueling that narrative and making the likelihood of lone wolf attacks within the United States more likely? What else is the United States doing abroad that could be making Americans less safe from lone wolf terrorism at home? Why is this never asked or considered when officials and politicians discuss how the thirteen-and-a-half-year war on terrorism is progressing?

A2: No WMD Supplies

Their defense doesn't assume lone wolves and dual tech

Ellis 14 [Patrick D., WMD/Homeland Security Analyst and Instructor at the U.S. Air Force Counterproliferation Center, Air University, ["Lone Wolf Terrorism and Weapons of Mass Destruction: An Examination of Capabilities and Countermeasures," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

Today, the specters of lone wolves and autonomous cells acquiring and using chemical, biological, radiological, and nuclear (CBRN) Weapons of mass destruction, whether in their traditional military forms or the more non-traditional industrial forms, seems less far-fetched. Fortunately, military CBRN agents and weapons are not normally accessible to lone wolves or autonomous cells and are often located in highly secured areas. Therefore, lone wolves and autonomous cells may be drawn to materials similar to CBRN located in less secure areas. These commonplace industrial chemicals, biological contaminants, and radioactive materials could be used to cause disruptions or mass casualties. The dual use nature of these materials and technologies enables them to be turned into weapons and delivered by nonmilitary means. Future "over-the-horizon" threats, such as the proliferation of new biotechnologies and amateur do-it-yourself capabilities, pose a risk that lone wolves could develop weapons at a time when travel, access to knowledge, and dual-use technologies, in the globalizing environment, make lone wolf terrorists more dangerous. Thus, the author explores existing countermeasures, such as laws, strategies, passive and active measures designed to stop these dangerous threats. In particular, capabilities to prevent, protect, respond, and recover from CBRN terrorist acts are examined.

A2: No Recruitment

NSA Authority more important than ever – groups like ISIS are contacting US citizens through the Internet

Corcoran 5/31/15 (Corcoran, Kieran, [Journalist for Dailymail], “Head of CIA warns that US is at risk of lone wolf terror attack after NSA powers to monitor all phone calls expired – as Isis ‘watch carefully’ for security gaps”, <http://www.dailymail.co.uk/news/article-3105089/Senate-makes-ditch-bid-extend-NSA-s-bulk-collection-phone-records-Rand-Paul-swears-block-legislation-let-Patriot-Act-expire.html>)

The head of the CIA has warned that Americans are now at risk after the Senate was unable to extend laws giving authorities special powers to fight terrorists. Politicians in the upper house were unable to come to an agreement to extend key parts of the Patriot Act - that legalize controversial methods of surveillance by the National Security Agency (NSA) - which expired on Sunday. Attempts were frustrated by Presidential candidate Rand Paul, who has taken a firm stance against the extension of powers allowing the mass collection of phone records, wire taps and warrants without evidence. +8 Concerned: Director of Central Intelligence Agency John Brennan warns that terrorists will be watching developments in the US closely after legislation allowing special surveillance lapsed on Sunday But the Head of the CIA John Brennan claims ordinary Americans, who expect the NSA to do their jobs, have been put at risk by 'political grandstanding and crusading for ideological causes' that fueled the debate. Speaking on CBS show Face The Nation, he warned that the US - and Europe - is now in danger from technologically 'sophisticated' terrorists who are watching developments carefully and 'looking for the seams to operate' within. He claimed that the authorities do not abuse the powers, extended in 2011 to help fight lone wolf terror suspects not connected to a specific group, and that without them, it's difficult for the NSA to protect America. Mr Brennan said: 'I think terrorist elements have watched very carefully what has happened here in the United States, whether or not it's disclosures of classified information or whether it's changes in the law and policies. They are looking for the seams to operate within. RELATED ARTICLES Previous 1 Next 'I'm not giving him a pass': Obama 'Hope' poster artist said...How FIFA were nailed by last act of revenge of a dying man:...Former Maryland Governor Martin O'Malley launches White... SHARE THIS ARTICLE Share 425 shares 'And this is something that we can't afford to do right now, because if you look at the horrific terrorist attacks and violence that is being perpetrated around the globe, we need to keep our country safe. And our oceans are not keeping us safe the way they did a century ago. The Patriot Act was passed in 2001 in the wake of the 9/11 terror attacks. Now that the provisions have expired, government agents will need to subpoena phone companies for the records. The White House previously justified collecting the records because of the Patriot Act's Section 215, which expired on Sunday. Two other provisions, added in 2011, also expired with it. The first is a 'roving wiretap' provision which allows government agencies to keep tracking suspects as they switch devices. The second is a 'lone wolf' clause which allows warrants to be granted without any evidence linking a suspect to a foreign power or terrorist group. Political struggles over the NSA and its data collection have become a national issue since whistleblower Edward Snowden revealed the extent of government programs in 2013 Majority Leader Mitch

McConnell tried to cobble together a solution Sunday but came up short. The senate's efforts to pass a replacement bill were frustrated by Kentucky's junior senator Rand Paul, who has spoken at length against the NSA's activities, which he has excoriated as illegal and unconstitutional. With his presidential campaign waning, he has been accused of irresponsible political opportunism by opponents, by fighting a bill on ideological grounds that may put ordinary people at risk. He was criticized by the White House Sunday night, which called the Patriot Act expiration an 'irresponsible lapse'. While Brennan didn't mention Paul by name, he said on Face The Nation: 'Unfortunately I think there is a little too much political grandstanding and crusading for ideological causes that have really fuelled the debate on this issue. He added: **These are authorities that have been used by the government to make sure that we're able to safeguard Americans.** And the sad irony is that most Americans expect the government to protect them. And so although there's a lot of debate that goes on, on the Congress and the Hill on this issue, I think, when you go out to Boise or Tampa or Louisville, Americans are expecting their law enforcement and homeland security and intelligence professionals to do their work. And these authorities are important.' Paul argued 'there must be another way' but even he agrees that the lapse in these powers are likely to be temporary as politicians work on the USA Freedom Act, which is expected to pass within the next week. Republican Senate Majority Leader Mitch McConnell called a rare Sunday session to try to pass the replacement law, but was unable to push it through in time. And although the replacement is set to pass this week, Paul said the expiration was 'a victory no matter how you look at it'. Several provisions of the Patriot Act will expire at on June 1st, including the authority for the NSA's bulk collection of Americans' phone records. In a statement, he said: 'It might be short lived, but I hope that it provides a road for a robust debate, which will strengthen our intelligence community, while also respecting our Constitution. WHAT IS THE SENATE'S NEXT MOVE? The Patriot Act is supposed to be replaced by the USA Freedom Act, an acronym for Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection and Online Monitoring Act. It is expected to pass next week and will: Rein in powers for the mass collection of data, requiring agencies instead to apply for information on a specific entity, such as a person, account or device. Require intelligence agencies to be more transparent about what they collect, allowing technology companies to be more open about what they share. EXTEND powers offered in the lone wolf and roving wire tap provisions. It was first proposed in 2013 but is expected to pass this week. He added: 'The expiration of the NSA's sweeping, all-encompassing and ineffectual powers will not relinquish functions necessary for protecting national security. The expiration will instead do what we should have done all along - rely on the Constitution for these powers.' According to a top lawmaker, as of 8pm Sunday no NSA employee could access their enormous phone records database, which holds metadata on millions of phone conversations handed over by telecoms companies like Verizon and AT&T. Senate Intelligence Committee chairman Richard Burr said on Sunday: 'There is no way to get any type of agreement tonight -- either an extension or passage of a bill. So at 8pm tonight, NSA employees can not query the database'. In a statement issued Sunday night, Obama's press secretary Josh Earnest, urged action to pass the USA Freedom Act as quickly as possible. He said: 'The Senate took an important - if late - step forward tonight. We call on the Senate to ensure this irresponsible lapse in authorities is as short-lived as possible. 'On a matter as critical as our national security, individual Senators must put aside their partisan motivations and act swiftly. The American people deserve nothing less.' Some lawmakers have said the

lapse raises alarming questions about how US authorities can keep the homeland safe with a diminished security toolbox. +8 Shut off: Other tools that will be removed include one that allows law enforcement officials to use roving wiretaps to monitor individuals using different phones, a power that is exercised less than 100 times a year 'I think it's very very unfortunate that we're in this position,' said Senator Mike Lee, a conservative Republican who supports the reform bill. 'We've known this date was coming for four years. Four years. And I think it's inexcusable that we adjourned' for a weeklong break last week without resolving the issue. Lee, too, conceded that the reform bill would most likely pass in the coming week. With the clock ticking, CIA chief John Brennan warned Sunday that allowing vital surveillance programs to lapse could increase terror threats, and argued that the phone metadata dragnet has not abused civil liberties and only serves to safeguard citizens. 'This is something that we can't afford to do right now,' Brennan said of allowing the counterterrorism provisions to expire. Rand Paul leads opposition to NSA surveillance as deal expires +8 The NSA Threat Operations Center: Hundreds of millions of records of U.S. phone calls were collected under a provision of the Patriot Act with just only 300 'queried' in 2012 for additional information about the callers 'Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago,' he said on CBS talk show Face the Nation. Brennan added that online threats from groups like Isis would continue to grow over the next five to ten years. He said: 'Isis has been very sophisticated and adept at using the Internet to propagate its message and reach out to individuals. We see what is happening as far as thousands upon thousands of individuals, including many thousands from the West, that have traveled into Syria and Iraq. And a number of these individuals are traveling back. 'And what we see, they're also using the Internet as a way to incite and encourage individuals to carry out acts of violence. 'So as the director of FBI says, you know, this use of these websites and their Internet capabilities is something of great concern. So yes, I think ISIS is a threat not just in the Middle East and South Asia and African regions but also to Europe as well as to the United States.'

ISIS is in the US

Piccoli 15 – Sean, Ex-DHS, NSA Official: ISIS Terror Cells in US 'Probable'

<http://www.newsmax.com/Newsmax-Tv/Stewart-ABaker-United-States-cells-ISIS/2015/02/12/id/624453/>

It's safe to assume that there are people with terrorist ambitions and instructions from the Islamic State operating inside the United States today, says a former Department of Homeland Security official, agreeing with a similar claim made by the agency's current chief. While hesitating to use the phrase "sleeper cells" to describe these attackers in waiting, former DHS assistant secretary Stewart A. Baker told "MidPoint" host Ed Berliner on Newsmax TV Thursday that it is "more probable than not" that they are here, "and we certainly should be acting as though that's likely." "It is quite possible that there were foreign fighters from the United States or from other countries whose names we never got and whose travel to Syria we never flagged," said Baker, "and that those folks have come back to the United States with instructions to try to carry out an attack if that's possible." Homeland Security Secretary Jeh Johnson said as much on Sunday, telling CNN's "State of the Union" that a number of individuals living in the U.S. are in touch with the Islamic State (ISIS) and other terror groups that share "a desire to conduct an attack" against America. Johnson said the problem of homegrown or reimported terrorists is worse in Europe than in the U.S., but that on both continents, social media make it easier for an ISIS or

an al-Qaida to recruit fighters from afar or groom lone-wolf terrorists within the targeted countries. It's against that backdrop that President Barack Obama is grudgingly seeking a new congressional authorization for military force against ISIS in Iraq and Syria, said Baker. "It's obvious he would very much like not to be fighting this war," said Baker, a lawyer and former general counsel to the National Security Agency. Obama "came into office thinking he would put an end to the use of force abroad and to unilateral executive decision-making about what force could be used," said Baker, "and he's found himself actually being more Bush than Bush on that topic, taking existing authorities and stretching them far." His written request to Congress for a war authorization lasting three years is an attempt to "thread a needle," said Baker, "to say, 'Give me a lot of authority but not as much authority as you've given the president in the past,' because he is genuinely ambivalent about whether this is a good idea." He's written it in a way that authorizes ground troops, just not for very long or in any large numbers," said Baker. "He is visibly uncomfortable doing what he feels he must do, both politically and militarily, and any limits he can come up with, he's glad to embrace, especially if those limitations will mostly be felt by his successor," said Baker. Baker also discussed the new cease-fire in Ukraine agreed to by Russia, which has been hit with international sanctions for backing separatists rebels in Ukraine and annexing Ukrainian territory. German and French leaders Angela Merkel and François Hollande helped broker the truce, but Baker was doubtful that it will last any longer than Russian President Vladimir Putin wants it to. "He is playing, especially, Europe, but he's playing us as well," said Baker. "He's managed to increase the [Ukrainian] territory that is largely under the control of his Special Forces and the rebels, and now the West has more or less validated that new territory in exchange for the same promise he gave last time," when Russia signed a ceasefire agreement in September. "So whether there's a cease-fire depends entirely on whether Putin really wants one," said Baker, "and right now he may simply be saying, 'Well, in order to head off the delivery of arms to the Ukraine, I'll promise them the cease-fire and in a week I can take it back.'"

ISIS is recruiting US citizen through social media to attack the US

Sanchez 5/5/15 (Sanchez, Ray, [CNN editor and writer], "ISIS exploits Social Media to make inroads with the US",

<http://www.cnn.com/2015/06/04/us/isis-social-media-recruits/>)

Hours before his fatal encounter with anti-terrorism officers, Usaamah Rahim told an associate he was switching from plans to behead a conservative blogger to assaults on the "boys in blue." Rahim, who officials believe was radicalized by ISIS, referred to his planned act of jihad against police officers in coded language -- "going on vacation," he said, according to an FBI affidavit. The 26-year-old security guard's so-called vacation ended in a hail of bullets Tuesday. FBI and Boston police officers tailing him suspected he was about to launch an attack. An associate, David Wright, 25, was arrested and charged with obstruction. The investigation into the depth of Rahim's network and possible overseas connections comes amid concerns by counterterrorism officials about future plots from a growing number of U.S.-based ISIS sympathizers. Using social media as well as encrypted online communications beyond the reach of law enforcement surveillance, the terror organization is increasingly reaching new sympathizers and encouraging attacks such as the one foiled in Boston, officials said. "The foreign terrorist now has direct access into the United States like never before," Michael Steinbach, assistant director of the FBI's counterterrorism division, told the House Homeland Security Committee this week. At least one of the men connected to the plot to behead conservative blogger Pamela Geller and kill officers in Massachusetts was being encouraged online by people overseas connected to ISIS, two U.S. officials with knowledge of the investigation said Thursday. The officials, however, cautioned that the exact ties are difficult to know. 'Thousands of messages' Rep. Michael McCaul, R-Texas, chairman of the Homeland Security Committee, said communications with ISIS first brought Rahim to the attention of law enforcement. "He was being investigated by the Boston Joint Terrorism Task Force after communicating with and spreading ISIS propaganda online," McCaul said. An estimated 3,400 Westerners have traveled to join ISIS in its quest to establish an Islamist state in Iraq and Syria, according to counterterrorism officials. At least 200 Americans have gone or attempted to travel to Syria. But even a rough estimate of the number of sympathizers on U.S. soil is hard to discern. "There are thousands of messages being put out into the ethersphere and they're just hoping that they land on an individual who's susceptible to that type of terrorist propaganda," said John Carlin, the assistant attorney general heading the Justice

Department's national-security division. "They just need to be right once to get a terrorist attack inside the United States." ISIS has the most sophisticated propaganda machine of any terrorist organization, a global communications strategy that has stumped counterterrorism officials while making significant inroads among U.S. sympathizers. "How many of those followers are actually in the United States, in your estimate?" McCaul asked at this week's hearing. "There's hundreds, maybe thousands," Steinbach replied. "It's a challenge to get a full understanding of just how many of those passive followers are taking action." Who are the Americans linked to ISIS? 'A call to arms' Rahim was "active on social media in ways that sparked interest" from law enforcement, according to a congressional source briefed on the investigation. His online interactions with possible ISIS contacts were tantamount to what the source called a "conspiracy over the Internet." While there was an effort to motivate action by Rahim, two U.S. officials told CNN they, so far, don't believe ISIS was directly involved in planning or directing the attack. Authorities described a scenario similar to the attempted ambush last month of a Garland, Texas, event featuring controversial cartoons of the Muslim Prophet Mohammed. The two attackers were killed by an off-duty police officer; one of the men was said to have been in contact with ISIS. Geller, president of the American Freedom Defense Initiative, which includes subsidiary programs Stop Islamization of America and Stop Islamization of Nations, organized the Texas event. She was the original target of this week's plot. "The targeting of the Mohammed Art Exhibit and Contest exemplifies the call to arms approach encouraged by (ISIS) along with the power of viral messaging," Steinbach said. "In this instance, the event gained much publicity prior to it occurring and attracted negative attention that reached areas of the country -- and the world -- that it may not have without the widespread reach of the Internet." Steinbach said the targeting of U.S. military personnel by ISIS supporters was evident in the recent release of hundreds of names of U.S. military personnel. The names were posted to the Internet and quickly spread via social media. "Once they identify an individual, they'll then try to directly communicate with that individual to give them coaching and guidance on how to do an attack inside the United States," Carlin said. Opinion: How ISIS recruiters win in the West 'Lone actor attack' ISIS recruitment efforts have become more difficult to detect because of encrypted "dark space" communication, officials said. "Do we have any idea how many communications are taking place in the dark space?" McCaul asked. "No, we don't and that's the problem -- the ability to know what they're saying in these encrypted communication situations is troubling," Steinbach said. ISIS uses its social media prowess to lure more and more Americans, who are often young, sometimes disillusioned. "What they're telling them is, here's some easily available -- readily available information online that you can exploit," said John Mulligan, deputy director of the National Counterterrorism Center. "In other words, they believe that they can provide them everything that they will need to undertake some kind of lone actor attack." In January, the New York Police Department and other law enforcement agencies responded to a threat from ISIS after the re-released of a September 2014 online message and video urging followers to "rise up and kill intelligence officers, police officers, soldiers and civilians." The threat named the United States, France, Australia and Canada as targets. "What we're seeing is unprecedented," Carlin said. "It's a change in strategy."

Lone Wolf Terrorism is huge threat and will happen again-SL

Lancam 5/23/-15 (Rory, City Councilman of Brooklyn, "THE DANGERS OF LONE-WOLF TERRORISM", Times Newsweekly, http://www.timesnewsweekly.com/news/2015-05-28/Columns/THE_DANGERS_OF_LONEWOLF_TERRORISM.html)

In the years since 9/11, we have worked aggressively as a city and a country to defeat our enemies abroad and protect ourselves from future attacks. Recent tragedies, however, including the Boston Marathon bombing, show that there is a new form of terrorism that we must defend ourselves against. "Lone-wolf terrorism" occurs when an individual who is inspired by a terrorist organization, but is not a member of the organization, perpetrates an attack in their community. We saw this in Queens last year when Zale Thompson charged four police officers, striking them with a hatchet and causing serious injuries. In the months prior to the assault, Thompson had visited hundreds of websites tied to al-Qaeda, ISIS, the al-Shabaab militia and other extremist groups. Thompson researched how to commit violent acts and made posts online attacking American society. Thompson was inspired by extremist groups, but he wasn't a member of a terrorist organization. Although his actions may seem random, groups like al-Qaeda and ISIS are taking deliberate action to motivate and radicalize individuals like Thompson. Al-Qaeda pioneered this strategy in the late 2000s, when senior al-Qaeda official and U.S. citizen Anwar al-Awlaki wrote in an al-Qaeda magazine, "It is better to support the prophet by attacking those who slander him than it is to travel to land of Jihad like Iraq or Afghanistan." As Internet access has spread, and specifically with the growth of social media platforms including Reddit and Twitter, radical groups abroad have continued to try to provoke lone-wolf attacks on American soil. ISIS propagates its ideologies through these channels, reaching individuals throughout the Western world and turning them into soldiers for its cause. The group believes that these attacks, which often seem arbitrary and are more challenging to prevent, will terrorize the U.S. to an equal or greater extent than any attacks that ISIS could plan and carry out. Tragically, the group is currently succeeding in spreading its hateful message and mobilizing U.S. residents to attack their own communities. This is an incredibly dangerous approach because, as John Miller, the NYPD's head of counterterrorism, said, "If the conspiracy to commit a terrorist act is a conspiracy of one, and the planning for that is unsophisticated, doesn't require a lot pre-operational surveillance and is only happening in the mind of the offender, from an intelligence standpoint, from a prevention standpoint, that's very hard to detect." Police Commissioner Bill Bratton is on top of this evolving threat and working to stay ahead of it. But **we must ensure that he has every resource necessary to fight this dangerous and growing threat.** Commissioner Bratton has requested that 450 officers of the one thousand the Council hopes to add be assigned to the NYPD's counterterrorism unit. As the city budget moves forward, it is imperative that we ensure the appropriate funding for this is allocated. We must combat this threat before it is too late.

Lone Wolf Terrorism is real and Big enough that it is a massive problem-SL

Sanders 5/11/-15(Bol Political Columnist, "Girding for the long hall of terror", The Washington Times, <http://www.washingtontimes.com/news/2015/may/11/sol-sanders-lone-wolf-terrorists-mean-america-need/>)

Two seemingly unconnected recent events but in reality intimately connected are sure signs that the war on terrorism is being lost. Of course, we must begin with that old Chinese adage: When a fish starts rotting, it stinks first from the head. President Obama has undeclared the war on terrorism, refusing even to name the enemy.

But it takes two to tango — and the Islamic terrorists cling to their effort to inflict hurt on the United States whenever and now, alas, wherever, they can. The recent attack in Garland, Texas, revealed what the general public only had guessed: There are resident terrorists — some U.S. born, others naturalized citizens, some of Muslim descent, others converts to Islam — ready to spring into action. Whether, indeed, the Garland two were under the discipline of Daesh, the Islamic State, claimed or “lone wolves” operating on their own may be irrelevant. FBI Director James Comey confirms our worst fears: There are hundreds if not thousands of American Daesh sympathizers. The second event was the shift of Rear Adm. John Kirby, the Pentagon’s chief spokesman, to become the State Department’s voice. However unprecedented and humiliating for State’s cadre, one guesses Foreign Service officers long have cringed as a duo of political hacks made a farce of the daily briefings. There was a bitter joke making the rounds: They might just start World War III with their ineptitude. Whatever Mr. Obama’s reluctance to engage Daesh in Iraq and Syria with more than a token military force — e.g., aerial bombardment, a fraction of previous Mideast campaigns, a so-called 30-member coalition that doesn’t seem to have a central command — there is an even greater failing of intellectual engagement. An analogy with The Cold War is all too obvious. Not only did the United States and its allies rise to the Soviet military threat with the North Atlantic Treaty Organization, the most successful alliance in history. But an American cultural offensive was constant through the official U.S. Information Service and semi-official organizations such as Radio Liberty, Radio Free Europe and the Congress for Cultural Freedom. The role of the U.S. Information Service libraries, for example, while difficult to quantify, was enormous as a rallying point for factual information and propaganda to answer the onslaught of Soviet lies and their repetition by followers in the West. Nor are semi-hysterical cries of Islamophobia so different from shouts of McCarthyism, which too often excused covert members of the vast Communist conspiracy. the United States not only faces the Islamic terrorists’ military threat, but propaganda waged so successfully on the social networks that it has enlisted thousands of recruits inside and outside the Middle East. That this has been accomplished despite their flagrant display of atrocities against American and foreign innocent civilians is remarkable. Just as during the Cold War, when U.S. policymakers had to cope with Europe’s neutralism, today it faces mobilizing the bulk of Muslims to stamp out terrorism in their ranks. Nor, with a traditional Islamic concept of taqiyya — the religious lie — is there all that much difference from Western Communists who kept their beliefs and activities secret. With the Soviet implosion, American activities to sell its story of freedom and prosperity dimmed. The State Department takeover of the U.S. Information Service has been a disaster. Just as immigration problems arose in part from an earlier takeover of the Consular Service, the professional diplomat appears unable to cope with the detailed special knowledge that goes with propaganda. The time has come to resurrect an independent American propaganda agency, and to encourage the Ford and Gates foundations and others with their vast financial resources to undertake private initiatives as well. There are going to be new problems, of course. It appears unlikely that the Obama administration would endorse such an initiative, so congressional leadership must move. The old fear, that government propaganda would have a blowback effect on domestic media, is even greater today with an Internet that hardly distinguishes national borders. Still, the Internet, with the help of those who know it best, must be a principle instrument of the new campaign. An America whose popular culture penetrates every corner of the globe no matter how isolated — unfortunately sometimes with negative effect — certainly has the capacity to wage a worldwide campaign to expose Islamic terrorist horror, not least to their 1.3-billion fellow Muslims. Thinking about the problem needs to begin in congressional, academic and nonprofit circles for an early implementation in a war against Islamic terrorism that shows every sign of growing with no quick victory in sight.

Lone Wolf agents gaining ability to spread terror in America. **Riedel 13**

Bruce Riedel, Director of the Intelligence project at the Brookings institution, Lone Wolf Terrorists – No Easy Catch, 4/30/13, <http://yaleglobal.yale.edu/content/lone-wolf-terrorists-no-easy-catch>

The terrible attack on the Boston Marathon is the most vivid and violent demonstration of terrorism confronting the United States and its allies today. Instead of large, complex plots hatched by organized jihadist terror gangs abroad, the new challenge is homegrown Muslim extremists who use the internet to self-radicalize and learn how to build bombs and create chaos by studying Al Qaeda texts online. Much remains unknown about the two brothers, Tamerlan and Dzhokhar Tsarnaev, who allegedly built the bombs that exploded near the finish line of the marathon and killed three and wounded more than 200 on April 15. Experience shows that it’s dangerous to draw too many conclusions about a terror plot until the investigation is finished, but a preliminary judgment or two can be made about the Boston case. The surviving terrorist, Dzhokhar, has reportedly

told investigators that he and his brother were not part of an organized terror group like Al Qaeda or a broader conspiracy in the United States and that they decided to attack the marathon only a week or so before the event. They then decided to drive to New York City and carry out another attack in Times Square as a follow-up. The police stopped them before they got out of Boston, killing Tamerlan and capturing Dzhokhar. The two reportedly learned how to build their bombs from an internet magazine produced by Al Qaeda called Inspire, the brainchild of an American citizen of Yemeni origin, Anwar al Awlaki, killed in a 2011 drone strike in Yemen. They also listened to tapes of Awlaki's sermons on jihad, available on the internet. The older brother, Tamerlan, traveled to Russia last year, and his activities there remain largely a mystery. He may have had contact with the Chechen jihadist movement which has longstanding ties to Al Qaeda and especially its leader, Ayman al Zawahiri, who traveled there in the 1990s.

Terrorist Organizations are using lone wolves to increase their sphere of terror in America.

Riedel 13

Bruce Riedel, Director of the Intelligence project at the Brookings institution, Lone Wolf Terrorists – No Easy Catch, 4/30/13, <http://yaleglobal.yale.edu/content/lone-wolf-terrorists-no-easy-catch>

Enough is not known so far, but the plot appears to involve radicalized, angry, young Muslim men who found ideological and practical advice on the internet from Al Qaeda, but don't belong to the organization. Al Qaeda will likely adopt them as "heroes" of the global jihad. They and their evil deed fit perfectly with Al Qaeda's narrative – urging Muslims around the world to kill Americans, men, women and children since 1998 and glorifying any who do so as a "knight of the prophet," fighting holy war. In the last several years Al Qaeda has publicly urged Muslims in America and other western countries to act spontaneously like the Tsarnaev brothers. The Palestinian American Army Major Nidal Malik Hassan who killed 13 of his fellow soldiers at Fort Hood, Texas, in 2009 has since been lauded by Al Qaeda for his actions and has been listed in Inspire as a role model for others. A Pakistani American, Faisal Shahzad, who put a car bomb in Times Square in May 2010 has become an Al Qaeda knight. The French Algerian Mohammed Merah who killed seven in Toulouse, France, in 2012 has also been lauded since as a jihadist star. Hassan and Shahzad have said they were inspired by Awlaki's sermons and articles to carry out their attacks.

Terrorist organizations using new techniques to influence radicalism in America.

Zalkind, 15

Susan Zalkind, freelance reporter for Boston Magazine, and Washington Post, How ISIS's 'Attack America' Plan Is Working, 6/22/15, <http://www.thedailybeast.com/articles/2015/06/22/how-isis-s-attack-america-plan-is-working.html>

Fear and concern over ISIS-inspired terrorist attacks on U.S. soil has been turned up a notch in the last few months, thanks to ISIS's thriving social-media campaign. A State

Department report released Friday officially lists the self-proclaimed Islamic State as the world's leading terror organization, citing not only the rapid advance and particular brutality of the group but also its "adroit" use of social media and ability to inspire "lone wolf" attacks. "These attacks may presage a new era in which centralized leadership of a terrorist organization matters less, group identity is more fluid, and violent extremist narratives focus on a wider range of alleged grievances and enemies with which lone actors may identify and seek to carry out self-directed attacks," according to the report. Case in point: the shootings in Garland, Texas, and their aftermath. In the past five weeks, nine young men in Garland, Boston, and most recently New York and New Jersey, have either been arrested for allegedly attempting to carry out ISIS-inspired attacks, or killed by law enforcement in a confrontation. The attack in Garland, where two men opened fire outside a Draw Muhammad contest, was the first ISIS-inspired attack launched on U.S. soil. The shooters, Elton Simpson and Nadir Soofi, only managed to superficially injure a security guard before they were killed. The reactions on social media to the Garland attack and to the arrests of individuals in other cities offers a microcosm into how ISIS's social-media campaign is operating on a grassroots level, and how law enforcement is trying to nip the epidemic in the bud. "It's like the devil sitting on their shoulders, saying 'Kill, kill, kill.'" Though Simpson tweeted at an ISIS fighter before the attack, other than loose connections on social media and alleged confessions made to law enforcement in which they revealed their intended allegiance to ISIS, none of the individuals appear to have any formal ties to the terror group. No one other than the alleged perpetrators has been killed or seriously injured. Even so, the recent activity has served to fuel ISIS's social media campaign. "It was the lack of success that inspired people," said Karen Greenberg, the director of the Center on National Security at Fordham University, explaining why the shooting riled up so many ISIS wannabes. Simpson and Soofi's death may have motivated the young men in Boston and New York to finish the job, or at least try to, she suggests.

Lone Wolves spreading terror across the entire globe. **Krauthammer 14**

Charles Krauthammer, Columnist for the Washington Post and Journalist for the New Republic, 12/18/2014, How to fight the lone wolf,
http://www.washingtonpost.com/opinions/charles-krauthammer-how-to-fight-the-lone-wolf/2014/12/18/af58fa8c-8703-11e4-9534-f79a23c40e6c_story.html

The lone wolf is the new nightmare, dramatized and amplified this week by the hostage-taking attack in Sydney. But there are two kinds of lone wolves – the crazy and the evil – and the distinction is important. The real terrorists are rational. Maj. Nidal Hasan, the Fort Hood shooter, had been functioning as an Army doctor for years. Psychotics cannot carry that off. Hasan even had a business card listing his occupation as SoA (Soldier of Allah). He then went out and, shouting "Allahu Akbar," shot dead 13 people, 12 of them fellow soldiers. To this day, Hasan speaks coherently and proudly of the massacre. That's terrorism. Sydney's Man Haron Monis, on the other hand, was a marginal, alienated Iranian immigrant with a cauldron of psychopathologies. Described by his own former lawyer as "unhinged," Monis was increasingly paranoid. He'd been charged as accessory to the murder of his ex-wife and convicted of sending threatening letters to the families of dead Australian soldiers. His religiosity was both fanatical and confused. A Shiite recently converted to Sunni Islam, his Internet postings showed not just the zeal of the

convert but a remarkable ignorance of Islam and Islamism. He even brought the wrong Islamic banner to the attack. He had to ask the authorities to provide him with an Islamic State flag.

A2: No Lone Wolves

Lone – wolf terrorist attack coming – all surveillance resources are crucial to prevent an attack

Short 5/11 – New York post staff writer

(Aaron Short, 5-11-2015, "Lone-wolf terror attack could come at any time: Homeland Security secretary," <http://nypost.com/2015/05/11/lone-wolf-terror-attack-could-come-at-any-time-homeland-security-secretary/>, Date Accessed: 6-24-2015) //NM

A lone-wolf terrorist could attack the United States at any time, Homeland Security Secretary Jeh Johnson warned Sunday. **"We're very definitely in a new phase in the global terrorist threat, where the so-called lone wolf could strike at any moment,"** Johnson told ABC's Martha Raddatz on "This Week." "It is a new environment, but we are not discouraging Americans from doing the things they do on a daily basis." **Johnson praised the FBI for stopping more than 50 Americans who tried to join the Islamic State terror group in the past two years and alerting law enforcement agencies about ISIS's reach.** But he said one of the challenges has been rebuffing ISIS's "slick" and "effective" Internet recruitment efforts. "We need to get the message out, and that's not necessarily ... a government mission," he said. **It has to come from within the community.** It has to come from Islamic leaders, who frankly can talk the language better than the federal government can." FBI Director James Comey told reporters Thursday that **he estimated ISIS has amassed thousands of online followers inside the United States. Both agencies have been working to monitor online threats to carry out attacks within the United States, and corraling Americans who attempt to fly to Syria to join terrorists.** Federal authorities increased security conditions at military bases, according to a CNN report on Friday. Johnson said the government would increase security at federal buildings as well, and called the move "self-evident." **The announcements came after two gunmen opened fire at a Texas event honoring artists who drew the Muslim Prophet Muhammad** last Sunday.

! Turns Case – Increases Surveillance

Empirically - a terror attack leads to greater surveillance, turns the aff

Tuccille 2015 (J.D. [Managing Editor, Reason.com]; What's a terrorist attack if not an excuse for domestic spying?; Jan 14; reason.com/blog/2015/01/14/whats-a-terrorist-attack-if-not-an-excuse; kdf)

Following on last week's terrorist attacks in France, the British government has dusted off a long-sought "snooper's charter"—better known as the Data Communications Bill—to ease the power of officials to track people's private communications. "It is too soon to say for certain, but it is highly probable that communications data was used in the Paris attacks to locate the suspects and establish the links between the two attacks," Home Secretary Theresa May told Parliament. "Quite simply, if we want the police and the security services to protect the public and save lives, they need this capability. You get that? There's no evidence that the bill would have prevented the Charlie Hebdo attack, but that incident is why you should pass the bill. Prime Minister David Cameron even says that messaging services that can't be intercepted should be banned. Using the latest outrage to inject new life into old security-state legislation isn't a British specialty. When the Patriot Act was introduced in 2001, then-Senator Joseph Biden boasted, "I drafted a terrorism bill after the Oklahoma City bombing. And the bill John Ashcroft sent up was my bill." This is a game in which politicians everywhere can participate. Never mind that, as Reason's Ron Bailey pointed out in November, "there is very little evidence that the Internet is making terrorism easier to do." But pretending otherwise, and passing legislation that empowers security services, lets government officials accumulate power and give the appearance of doing something when the public is frightened. Added Bailey: As [David Benson, a political scientist at the University of Chicago] argues, exaggerating the Internet's usefulness to terrorism has "egregious costs." Some officials, for example, have been calling for a "kill switch" that would allow the government to shut down the Internet in an emergency. Noting how much Americans depend upon the Net for commerce, communication, medical care, and so forth, Benson points out that "It is difficult to imagine a terrorist attack being as costly as turning off the Internet would be." **Terrorism also gives officials an excuse to tighten censorship**—especially in jurisdictions, including many democratic countries in Europe, where the whole free speech thing has relatively shallow roots. So get ready for the ride. Driven by a need to appear proactive, and a preexisting taste for accumulating power, government officials once again exploit a murderous incident to increase their authority over us. Which escalates the ongoing cold war between people who want to be left alone, and the governments that seek to control them.

! Turns Racism

Terror attacks incite racism domestically, regardless of who attacks

Akrahm and Johnson 2002 (Susan M [Associate Clinical Prof @ Boston U School of Law] and Kevin R [Associate Dean for Academic Affairs@ UC Davis, Prof of Law and Chicana/o Studies]; RACE, CIVIL RIGHTS, AND IMMIGRATION LAW AFTER SEPTEMBER 11, 2001: THE TARGETING OF ARABS AND MUSLIMS; Nov 2; www.privacysos.org/sites/all/files/akram.pdf; kdf)

Times of crisis are often accompanied by hostility toward minorities in the United States. For Arabs and Muslims, this may be even more problematic, as perpetrators of hate crimes against Arabs and Muslims frequently fail to differentiate among persons based on religion or ethnic origin, from Pakistanis, Indians, Iranians, and Japanese to Muslims, Sikhs and Christian Arabs.⁸⁹ The widespread perception in the United States is that Arabs and Muslims are identical and eager to wage a holy war against the United States.⁹⁰ In fact, according to a 1993 report, only 12% of the Muslims in the United States at that time were Arab,⁹¹ and Arab Muslims are even a minority in the Arab-American community.⁹² Although there are Muslim “extremists,” the majority of Muslims are “decent, law-abiding, productive citizens.”⁹³ Because of the lack of differentiation between different types of Arabs and Muslims, terrorist acts by small groups of Arabs and Muslims often have been followed by generalized hostility toward entire communities of Arabs and Muslims in the United States. For example, after Lebanese Shi’a gunmen in 1985 hijacked TWA Flight 847 to Beirut, beat an American on the plane to death, and held the remaining passengers hostage for over two weeks,⁹⁴ violent attacks against persons of Arab and Muslim origin occurred across the United States.⁹⁵ Islamic centers and Arab-American organizations were vandalized and threatened. A Houston mosque was firebombed. A bomb exploded in the American-Arab Anti-Discrimination Committee office in Boston, severely injuring two policemen.⁹⁶ Later that same year, after terrorists hijacked the Achille Lauro cruise liner and murdered a passenger, a wave of anti-Arab violence swept the country, including the bombing of an American Arab Anti-Discrimination Committee office that killed its regional executive director.⁹⁷ In 1986, in apparent response to the Reagan Administration’s “war on terrorism” directed at Libya,⁹⁸ another episode of anti-Arab harassment and violence broke out. The same night of a U.S. bombing raid on Libya, the American-Arab Anti-Discrimination Committee national office in Washington received threats. Shortly thereafter, the Detroit American-Arab Anti-Discrimination Committee office, the Dearborn Arab community center, and the Detroit Arab-American newspaper received bomb threats.⁹⁹ Threats, beatings and other violent attacks on Arabs were reported across the United States.¹⁰⁰ At this time, someone broke into a Palestinian family’s home, set off a smoke bomb inside the house, and painted slogans such as “Go Back to Libya” on the walls.¹⁰¹ The Gulf War intensified anti-Arab hostility in the United States. The American-Arab Anti-Discrimination Committee reported four anti-Arab hate crimes for 1990 before the invasion of Kuwait in August.¹⁰² Between the invasion and February 1991, the Committee reported 175 incidents.¹⁰³ When U.S. intervention commenced in January 1991, Arab and Muslim businesses and community organizations were bombed, vandalized, and subjected to harassment.¹⁰⁴

! Turns Economy

Crushes the economy

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. "The Toll of Terrorism" <http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm>

modified for ableist language

New technology has lowered transportation costs and increased trade and capital flows across nations. But the same technology that has fostered international economic growth has also allowed terrorism to spread easily among countries whose interests are tightly interwoven. Terrorism is no longer solely a local issue. Terrorists can strike from thousands of miles away and cause vast destruction. The effects of terrorism can be terrifyingly direct. People are kidnapped or killed. Pipelines are sabotaged. Bombers strike markets, buses, and restaurants with devastating effect. But terrorism inflicts more than human casualties and material losses. It can also cause serious indirect harm to countries and economies by increasing the costs of economic transactions—for example, because of enhanced security measures to ensure the safety of employees and customers or higher insurance premiums. Terrorist attacks in Yemen on the USS Cole in 2000 and on the French tanker Limburg in 2002 seriously damaged that country's shipping industry. These attacks contributed to a 300 percent rise in insurance premiums for ships using that route and led ships to bypass Yemen entirely (Enders and Sandler, 2012). In this article we explore the economic burden of terrorism. It can take myriad forms, but we focus on three: national income losses and growth-[slowing]^{retarding} effects, dampened foreign direct investment, and disparate effects on international trade.

Domestic Terrorism deters FDI – even small attacks crush investor confidence

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. "The Toll of Terrorism" <http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm>

Scaring off investors Increased terrorism in a particular area tends to depress the expected return on capital invested there, which shifts investment elsewhere. This reduces the stock of productive capital and the flow of productivity-enhancing technology to the affected nation. For example, from the mid-1970s through 1991, terrorist incidents reduced net foreign direct investment in Spain by 13.5 percent and in Greece by 11.9 percent (Enders and Sandler, 1996). In fact, the initial loss of productive resources as a result of terrorism may increase manifold because potential foreign investors shift their investments to other, presumably safer, destinations. Abadie and Gardeazabal (2008) showed that a relatively small increase in the perceived risk of terrorism can cause an outsized reduction in a country's net stock of foreign direct investment and inflict significant damage on its economy. We analyzed 78 developing economies over the period 1984–2008 (Bandyopadhyay, Sandler, and Younas, 2014) and found that on average a relatively small increase in a country's domestic terrorist incidents per 100,000 persons sharply reduced net foreign direct investment. There was a similarly large reduction in net investment if the terrorist incidents originated abroad or involved foreigners or foreign assets in the attacked country. We also found that greater official aid flows can substantially offset the damage to foreign direct investment—perhaps in part because the increased aid allows recipient nations to invest in more effective counterterrorism efforts. Most countries that experienced above-average domestic or transnational terrorist incidents during 1970–2011 received less foreign direct investment or foreign aid than the average among the 122 in the sample (see table). It is difficult to assess causation, but the table suggests a troubling association between terrorism and depressed aid and foreign direct investment, both of which are crucial for developing economies. It is generally believed that there are higher risks in trading with a nation afflicted by terrorism, which cause an increase in transaction costs and tend to reduce trade. For example, after the September 11 attacks on New York City and the Washington, D.C., area, the U.S. border was temporarily closed, holding up truck traffic between the United States and Canada for an extended time. Nitsch and Schumacher (2004) analyzed a sample of 200 countries over the period 1960–93 and found that when terrorism incidents in a pair of trading countries double in one year, trade between them falls by about 4 percent that same year. They also found that when one of two trading partners suffers at least one terrorist attack, it reduces trade between them to 91 percent of what it would be in the

absence of terrorism. Blomberg and Hess (2006) estimated that terrorism and other internal and external conflicts retard trade as much as a 30 percent tariff. More specifically, they found that any trading partner that experienced terrorism experienced close to a 4 percent reduction in bilateral trade. But Egger and Gassebner (2015) found more modest trade effects. Terrorism had few to no short-term effects; it was significant over the medium term, which they defined as “more than one and a half years after an attack/incident.” Abstracting from the impact of transaction costs from terrorism, Bandyopadhyay and Sandler (2014b) found that terrorism may not necessarily reduce trade, because resources can be reallocated. If terrorism disproportionately harmed one productive resource (say land) relative to another (say labor), then resources would flow to the labor-intensive sector. If a country exported labor-intensive goods, such as textiles, terrorism could actually lead to increased production and exportation. In other words, although terrorism may reduce trade in a particular product because it increases transaction costs, its ultimate impact may be either to raise or reduce overall trade. These apparently contradictory empirical and theoretical findings present rich prospects for future study. Of course terrorism has repercussions beyond human and material destruction and the economic effects discussed in this article. Terrorism also influences immigration and immigration policy. The traditional gains and losses from the international movement of labor may be magnified by national security considerations rooted in a terrorism response. For example, a recent study by Bandyopadhyay and Sandler (2014a) focused on a terrorist organization based in a developing country. It showed that the immigration policy of the developed country targeted by the terrorist group can be critical to containing transnational terrorism. Transnational terrorism targeted at well-protected developed countries tends to be more skill intensive: it takes a relatively sophisticated terrorist to plan and successfully execute such an attack. Immigration policies that attract highly skilled people to developed countries can drain the pool of highly skilled terrorist recruits and may cut down on transnational terrorism. ■

FDI competitiveness is vital to sustained economic recovery

Kornecki '13 [L. PhD in Economics, Prof Embry-Riddle Aeronautical University's College of Business. “Inward FDI in the United States and its policy context” Columbia FDI Profiles, 2/4/13
http://www.vcc.columbia.edu/files/vale/documents/US_IFDI_-_FINAL_-_REVISED_Feb_4_2013.pdf]

Inward foreign direct investment (**IFDI**) represents **an integral part of the** United States (U.S.) **economy, with** its stock growing from US\$ 83 billion in 1980 to US\$ **3.5 trillion** in 2011. **The United States**, which had earlier been primarily a home for multinational enterprises (MNEs) rather than a host for affiliates of foreign MNEs, has become a preferred host country for FDI since the 1980s. Foreign **MNEs have contributed robust flows of FDI into diverse industries** of the U.S. economy, and total FDI inflows reached US\$ 227 billion in 2011, **equivalent to 15% of global inflows**, the single largest share of any economy. Inflows of **FDI**, with a peak of US\$ 314 billion in 2000 and another of US\$ 306 billion in 2008, **have been an important factor contributing to sustained economic growth** in the United States. The recent financial and economic crises negatively impacted FDI flows to the United States and opened a period of major uncertainty. **The effectiveness of government policy responses at both the national and international levels in addressing the financial crisis and its economic consequences will play a crucial role** for creating favorable conditions for a rebound in FDI inflows. **Inward foreign direct investment is an essential component of the U.S. economy, contributing to production, exports and high-paying jobs for the country's workers.** As the world's largest economy, **the United States is well positioned to participate in the increasingly competitive international environment for FDI** that has emerged as both advanced and developing economies have recognized the value of such investment. **The U.S. hosts the largest stock of IFDI among the world's economies and continues to be at the top as a destination for inward FDI flows.**

A2: Counter-Terror Solves Lone Wolf

United States currently not equipped to handle lone wolf terrorism

Callahan 11 (Rick Callahan, columnist for the Seattle Times, 9/11 panel: US remains vulnerable to 'lone wolf', 9/15/11, <http://www.seattletimes.com/nation-world/9-11-panel-us-remains-vulnerable-to-lone-wolf/>)

Former members of the 9/11 commission warned Thursday that despite efforts during the last decade to make American cities safer from terrorist attacks, the U.S. has failed to protect itself in at least three key areas and remains vulnerable to cyberterrorism and "lone wolf" terrorists. Committee members said the U.S. must develop better bomb detection technology, has not adequately improved radio equipment to allow police and fire departments nationwide to better communicate and has yet to develop a national identification card that could add another barrier to terrorists trying to slip into the country. Former Illinois Gov. James Thompson said he worries that terrorists from afar could hack into computers, crippling banks, businesses and key utilities while throwing the nation into disarray. "You read stories day after day about some 18-year-old Romanian hacker getting in and playing havoc with banks, public offices, so think about what some of the rogue state actors might be doing," Thompson said.

*Cyberterror 2NC/1NR

Increased restrictions on domestic surveillance causes terrorist attacks on critical infrastructure – NSA key Goldsmith 13

Jack Goldsmith, a contributing editor, teaches at Harvard Law School and is a member of the Hoover Institution Task Force on National Security and Law, 10-10-13, We Need an Invasive NSA, The New Republic, <http://www.newrepublic.com/article/115002/invasive-nsa-will-protect-us-cyber-attacks>

Ever since stories about the National Security Agency's (NSA) electronic intelligence-gathering capabilities began tumbling out last June, The New York Times has published more than a dozen editorials excoriating the "national surveillance state." It wants the NSA to end the "mass warehousing of everyone's data" and the use of "back doors" to break encrypted communications. A major element of the Times' critique is that the NSA's domestic sweeps are not justified by the terrorist threat they aim to prevent. At the end of August, in the midst of the Times' assault on the NSA, the newspaper suffered what it described as a "malicious external attack" on its domain name registrar at the hands of the Syrian Electronic Army, a group of hackers who support Syrian President Bashar Al Assad. The paper's website was down for several hours and, for some people, much longer. "In terms of the sophistication of the attack, this is a big deal," said Marc Frons, the Times' chief information officer. Ten months earlier, hackers stole the corporate passwords for every employee at the Times, accessed the computers of 53 employees, and breached the e-mail accounts of two reporters who cover China. "We brought in the FBI, and the FBI said this had all the hallmarks of hacking by the Chinese military," Frons said at the time. He also acknowledged that the hackers were in the Times system on election night in 2012 and could have "wreaked havoc" on its coverage if they wanted. Such cyber-intrusions threaten corporate America and the U.S. government every day. "Relentless assaults on America's computer networks by China and other foreign governments, hackers and criminals have created an urgent need for safeguards to protect these vital systems," the Times editorial page noted last year while supporting legislation encouraging the private sector to share cybersecurity information with the government. It cited General Keith Alexander, the director of the NSA, who had noted a 17-fold increase in cyber-intrusions on critical infrastructure from 2009 to 2011 and who described the losses in the United States from cyber-theft as "the greatest transfer of wealth in history." If a "catastrophic cyber-attack occurs," the Times concluded, "Americans will be justified in asking why their lawmakers ... failed to protect them." The Times editorial board is quite right about the seriousness of the cyber- threat and the federal government's responsibility to redress it. What it does not appear to realize is the connection between the domestic NSA surveillance it detests and the governmental assistance with cybersecurity it cherishes. To keep our computer and telecommunication networks secure, the government will eventually need to monitor and collect intelligence on those networks using techniques similar to ones the Times and many others find reprehensible when done for counterterrorism ends. The fate of domestic surveillance is today being fought around the topic of whether it is needed to stop Al Qaeda from blowing things up. But the fight tomorrow, and the more important fight, will be about whether it is necessary to protect our ways of life embedded in computer networks. Anyone anywhere with a connection to the Internet can engage in cyber-operations within the United States. Most truly harmful cyber-operations, however, require group effort and significant skill. The attacking group or nation must have clever hackers, significant computing power, and the sophisticated software—known as "malware"—that enables the monitoring, exfiltration, or destruction of information inside a computer. The supply of all of these resources has been growing fast for many years—in governmental labs devoted to developing

these tools and on sprawling black markets on the Internet.¶ Telecommunication networks are the channels through which malware typically travels, often anonymized or encrypted, and buried in the billions of communications that traverse the globe each day. The targets are the communications networks themselves as well as the computers they connect—things like the Times’ servers, the computer systems that monitor nuclear plants, classified documents on computers in the Pentagon, the nasdaq exchange, your local bank, and your social-network providers.¶ To keep these computers and networks secure, the government needs powerful intelligence capabilities abroad so that it can learn about planned cyber-intrusions. It also needs to raise defenses at home. An important first step is to correct the market failures that plague cybersecurity. Through law or regulation, the government must improve incentives for individuals to use security software, for private firms to harden their defenses and share information with one another, and for Internet service providers to crack down on the botnets—networks of compromised zombie computers—that underlie many cyber-attacks. More, too, must be done to prevent insider threats like Edward Snowden’s, and to control the stealth introduction of vulnerabilities during the manufacture of computer components—vulnerabilities that can later be used as windows for cyber-attacks.¶ And yet that’s still not enough. The U.S. government can fully monitor air, space, and sea for potential attacks from abroad. But it has limited access to the channels of cyber-attack and cyber-theft, because they are owned by private telecommunication firms, and because Congress strictly limits government access to private communications. “I can’t defend the country until I’m into all the networks,” General Alexander reportedly told senior government officials a few months ago.¶ For Alexander, being in the network means having government computers scan the content and metadata of Internet communications in the United States and store some of these communications for extended periods. Such access, he thinks, will give the government a fighting chance to find the needle of known malware in the haystack of communications so that it can block or degrade the attack or exploitation. It will also allow it to discern patterns of malicious activity in the swarm of communications, even when it doesn’t possess the malware’s signature. And it will better enable the government to trace back an attack’s trajectory so that it can discover the identity and geographical origin of the threat.¶ Alexander’s domestic cybersecurity plans look like pumped-up versions of the NSA’s counterterrorism-related homeland surveillance that has sparked so much controversy in recent months. That is why so many people in Washington think that Alexander’s vision has “virtually no chance of moving forward,” as the Times recently reported. “Whatever trust was there is now gone,” a senior intelligence official told Times.¶

Impact is heg, the economy, food prices, energy shocks, nuclear melt downs, and chemical industry

Sebastian 09

(Rohan,- research for the office of Virginia Senator Mark Warner CS Computer Science from UVA, 6-24 “The Federal Government’s Role in Preserving Cybersecurity for Critical Infrastructure”)

The intersection of critical infrastructure and cyberspace has presented many challenges to policymakers.

Critical infrastructure includes areas like the water and food supply, telecommunications, nuclear power, transportation, banking, and energy---areas crucial to the functioning of society. Eighty percent of this critical infrastructure is owned by the private sector. The continual delegation of control of critical infrastructure to cyberspace without regard to security has posed many vulnerabilities that malicious actors could exploit. To address these vulnerabilities, policymakers can utilize three options: strengthening partnerships between the public and private sectors, installing a White House official to deal solely with cyber security issues, and encouraging collaboration between critical infrastructure operators for coordinating best practices and crisis management. In conclusion, this analysis recommends that the federal government follow a course incorporating all three options because the effects could be mutually reinforcing. A long term solution to cybersecurity must take note of the private sector’s insight to be successful; a national dialogue on the importance of cyber security needs to take its cue from the White House; in the meanwhile, proprietors of critical infrastructure should ensure that they can reduce the damage caused by disasters or attacks by establishing clear lines of communication. [End of Abstract – Start of Intro] Critical Infrastructure Government and the private sector have reaped digital networking’s benefits by

using computer networks to control vital parts of critical infrastructure from cyberspace. However, remote access to critical infrastructure from cyberspace has placed these systems at risk of destruction by other countries, malicious actors, or terrorists. This analysis proposes three options that the federal government can implement: strengthening partnerships between the public and private sectors, integrating resources under a White House official, and increasing collaboration between levels of critical infrastructure. After scrutinizing these options under the criteria of political feasibility, industry acceptance, and efficacy, this analysis recommends that the federal government pursue a combination of all three policy options. Critical infrastructure includes areas such as transportation, water supplies, public health, telecommunications, energy, banking and finance, emergency and information services, nuclear facilities, food supplies, and defense and chemical industries (Moteff & Parfomak, 2004). According to the Department of Homeland Security's National Strategy for Homeland Security, critical infrastructure consists of "assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety, or any combination thereof" (Homeland Security Council, 2007). Figure 1 illustrates the myriad of infrastructures and their interdependencies with one another. Simply put, critical infrastructures comprise the foundation for the modern economy and national security, so the federal government shares responsibility for protecting them. However, the government rests in a precarious position because the private sector owns about eighty percent of critical infrastructure (Forest, 2006, p. 78). Furthermore, about eighty percent of all American commerce occurs on privately owned telecommunications networks, primarily the Internet (Theohary, 2009, p. 20). Even the most valuable national defense systems rely on privately owned telecommunications networks (National Security Agency, 2009). As digital networking proliferates through society, builders will delegate control of more and more parts of critical infrastructure to the realm of cyberspace. In fact, every piece of software added to a system expands the "attack surface" accessible to external actors (Welander, 2009, p. 42). Therefore, cybersecurity is necessary to safeguard this infrastructure. The Need for Cybersecurity Proprietors often control critical infrastructure from cyberspace. According to the National Security Presidential Directive 54 and Homeland Security Presidential Directive 23 issued by the George W. Bush Administration, cyberspace consists of the "interdependent network of information technology infrastructures, and includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers in critical industries" (as cited in National Cyber Security Center, 2009, p. 11). The intersection of critical infrastructure and cyberspace means that policymakers should strive to establish security while retaining a relatively open cyberspace. Several government officials have emphasized the catastrophic effects of compromised cybersecurity. Paul Kurtz, an advisor on President Obama's transition team, warned of a "cyber Katrina," a cataclysm in which government agencies would fail to coordinate after a cyber attack and would subsequently collapse (Epstein, 2009). Mike McConnell, a former director of both the National Security Agency and National Intelligence, declared that if the September 11th, 2001, hijackers had launched a focused attack on an American bank, the economic ramifications would have been of "an order of magnitude greater" than the destruction of the World Trade Center (Harris, 2008). Former cyber security advisor Richard Clarke, who served in the Clinton and Bush Administrations, asserted that the primary target for a terrorist's cyber attack would be the economy whereas casualties and chaos would be secondary (as cited in Rollins & Wilson, 2007, p. 3). In fact, Director of National Intelligence Dennis Blair stated that cyber attacks against financial sectors and physical infrastructure could "severely impact the national economy" and disturb energy sources like oil and electricity for an indefinite period (Annual Threat Assessment, 2009). Beyond threatening the private sector, intruders have been specifically targeting the federal government's information technology infrastructure. A report by the International Business Machines Corporation revealed that of the 237 million security attacks carried out in the first half of 2005, more than twenty-two percent, the highest percentage against any given group, aimed for government agencies (Fitzgerald, 2006, p. 57). Between 2008 and March 2009, the number of attacks against federal computer networks swelled about forty percent (Smith, 2009). The Department of Defense dubbed the military's electronic information infrastructure the American military's "Achilles' heel" (Defense Science Board, 2008). Though these assorted officials would concur on the gravity of cybersecurity, they might dissent on the correct policy solution. As the White House's Cyberspace Policy Review pointed out, cyberspace policy envelops the following: security of and operations in cyberspace,....the full range of threat reduction, vulnerability reduction, deterrence, international engagement, incident response, resiliency, and recovery policies and activities, including computer network operations, information assurance, law enforcement, diplomacy, military, and intelligence missions as they relate to the security and stability of the global information and communications infrastructure (National Cyber Security Center, 2009, p. 5). This analysis will lay out three policy options to address these issues. Strengthening Partnerships between the Public and Private Sectors Any kind of long term solution to

cybersecurity threats must consider the private sector since it owns about eighty percent of the nation's critical infrastructure. Legislators cannot expect a law ignoring the private sector's input to succeed because business's efforts will ultimately determine effective cybersecurity policies. Thus, the government can continue encouraging the deepening of relationships with the private sector. Advocating a redefinition of government's relationship to the software business, General James Cartwright stated that government should treat "cyber security as a weapon system" (Rutherford, 2008). A paradigm shift to Gen. Cartwright's mindset would be favorable for government and business because the public sector widely uses private sector products. The Department of Defense, in particular, uses "Commercial-Off-the-Shelf" products since these packages are cheaper and more innovative than a government established standard. Communication between government and the private sector would be helpful for alleviating situations involving systemic software threats. For example, the Microsoft Windows operating system runs on "ninety-five percent of personal computers worldwide," so hackers often exploit its vulnerabilities. In 2003, the Blaster worm infected "some 400,000 host PCs" in a single day. Microsoft responded by permitting "several governments across the world to take a peek at the precious Windows source code" for input and disclosure (Taylor, 2003). Thus, government benefitted by receiving insight into the potential problems the Blaster worm posed; business benefitted by receiving the government's assistance with this problem. A number of forums already exist to serve as models for more formal mechanisms of public-private communication. Microsoft created a Security Response Center that works with the Department of Defense to secure its products (Information Technology in the 21st Century Battlespace, 2003). Learning from Carnegie Mellon University's public-private alliance model, the Department of Homeland Security in 2003 founded the United States-Computer Emergency Readiness Team, a group of government and industry experts compiling software vulnerabilities (Barnes, 2004, p. 327). Similarly, the Protected Critical Infrastructure Information Program in the Department of Homeland Security represents the federal government's first ever mechanism to collect and analyze data from private companies without fear of releasing that data to the public by the Freedom of Information Act (Grubestic & Murray, 2006, p. 65). In response to the government's creation of federal agencies like the Critical Infrastructure Assurance Office and National Infrastructure Protection Center in 1998, industry responded with the creation of the Partnership for Critical Infrastructure Security as well as the generation of Information Sharing Analysis Centers (Michel-Kerjan, 2003, p. 136). Industry agents staff these Centers, which specialize in areas like telecommunications, electricity, and finance (Michel-Kerjan, 2003, p. 136). This analysis evaluates this option under the aforementioned criteria. Industry acceptance and political obstacles could obstruct the way to success. Politically, the Freedom of Information Act, which could force the disclosure of details of infrastructure weaknesses to the public, may make private companies apprehensive about sharing their data with the government. Laws like the Critical Infrastructure Information Act of 2002 protect the private sector from such disclosures, but companies may be reluctant nonetheless (Pozen, 2005, p. 678). Industry acceptance also affects this option's efficacy. There are currently federal organizations like the United States-Computer Emergency Readiness Team bridging the communication gap between the public and private sectors, but only serious attention to these programs by both parties will evoke substantive results. Companies confront a tradeoff between security and efficiency as well as transparency and customer satisfaction. Noting this trend, Clay Wilson addressed studies revealing a low rate of cybercrime incident reporting because companies fear consumer backlash from "negative publicity" (Wilson, 2009, p. 24). According to a study conducted among Fortune 1000 companies, one of the most trenchant effects of compromised cyber security is damage to 6 reputation among consumers (Hansen, 2001, p. 1161). This option's effectiveness is directly tied to political feasibility and industry acceptance.

Meltdowns independently cause extinction

Lendman 11

Research Associate of the Centre for Research on Globalization (Stephen, 03/13, "Nuclear Meltdown in Japan," <http://www.thepeoplesvoice.org/TPV3/Voices.php/2011/03/13/nuclear-meltdown-in-japan>)

Reuters said the 1995 Kobe quake caused \$100 billion in damage, up to then the most costly ever natural disaster. This time, from quake and tsunami damage alone, that figure will be dwarfed. Moreover, under a worst case core meltdown, all bets are off as the entire region and beyond will be threatened with permanent contamination, making the most affected areas unsafe to live in. On March 12, Stratfor Global Intelligence issued a "Red Alert: Nuclear Meltdown at Quake-Damaged Japanese Plant," saying: Fukushima Daiichi "nuclear power plant in Okuma, Japan, appears to have caused a reactor meltdown." Stratfor downplayed its seriousness, adding that such an event "does not necessarily mean a nuclear disaster," that already may have happened - the ultimate nightmare short of nuclear winter. According to Stratfor, "(A)s long as the reactor core, which is specifically designed to contain high levels of heat, pressure and radiation, remains intact, the melted fuel can be dealt with. If the (core's) breached but the containment facility built around (it) remains intact, the melted fuel can be...entombed within specialized concrete" as at Chernobyl in 1986. In fact, that disaster killed nearly one million people worldwide from nuclear radiation exposure. In their book titled, "Chernobyl: Consequences of the Catastrophe for People and the Environment," Alexey Yablokov, Vassily

Nesterenko and Alexey Nesterenko said: "For the past 23 years, it has been clear that there is a danger greater than nuclear weapons concealed within nuclear power. Emissions from this one reactor exceeded a hundred-fold the radioactive contamination of the bombs dropped on Hiroshima and Nagasaki." "No citizen of any country can be assured that he or she can be protected from radioactive contamination. One nuclear reactor can pollute half the globe. Chernobyl fallout covers the entire Northern Hemisphere." Stratfor explained that if Fukushima's floor cracked, "it is highly likely that the melting fuel will burn through (its) containment system and enter the ground. This has never happened before," at least not reported. If now occurring, "containment goes from being merely dangerous, time consuming and expensive to nearly impossible," making the quake, aftershocks, and tsunamis seem mild by comparison. Potentially, millions of lives will be jeopardized. Japanese officials said Fukushima's reactor container wasn't breached. Stratfor and others said it was, making the potential calamity far worse than reported. Japan's Nuclear and Industrial Safety Agency (NISA) said the explosion at Fukushima's Daiichi No. 1 facility could only have been caused by a core meltdown. In fact, 3 or more reactors are affected or at risk. Events are fluid and developing, but remain very serious. The possibility of an extreme catastrophe can't be discounted. Moreover, independent nuclear safety analyst John Large told Al Jazeera that by venting radioactive steam from the inner reactor to the outer dome, a reaction may have occurred, causing the explosion. "When I look at the size of the explosion," he said, "it is my opinion that there could be a very large leak (because) fuel continues to generate heat." Already, Fukushima way exceeds Three Mile Island that experienced a partial core meltdown in Unit 2. Finally it was brought under control, but coverup and denial concealed full details until much later. According to anti-nuclear activist Harvey Wasserman, Japan's quake fallout may cause nuclear disaster, saying: "This is a very serious situation. If the cooling system fails (apparently it has at two or more plants), the super-heated radioactive fuel rods will melt, and (if so) you could conceivably have an explosion," that, in fact, occurred. As a result, massive radiation releases may follow, impacting the entire region. "It could be, literally, an apocalyptic event."

2NC Impact Wall (ONLY READ IF 1NC IMPACT)

Devastating cyber attacks on nation's critical infrastructure coming now- destroys food supply- triggers WW3 as countries fight over remaining food supply- draws in all major powers and escalates to nuclear use. Most probably and on brink- Wilhusen study shows cyber attacks have increased by 650% in the past 5 years and we're being attacked every day.

And—

a) Food shortages lead to World War III

Calvin 98

William Calvin, theoretical neurophysiologist at the University of Washington, Atlantic Monthly, January, The Great Climate Flip-Flop, Vol 281, No. 1, 1998, p. 47-64)

The population-crash scenario is surely the most appalling. **Plummeting crop yields would cause some powerful countries to try to take over their neighbors or distant lands -- if only because their armies, unpaid and lacking food, would go marauding, both at home and across the borders. The better-organized countries would attempt to use their armies, before they fell apart entirely, to take over countries with significant remaining resources, driving out or starving their inhabitants if not using modern weapons to accomplish the same end: eliminating competitors for the remaining food. This would be a worldwide problem -- and could lead to a Third World War --**

but Europe's vulnerability is particularly easy to analyze. The last abrupt cooling, the Younger Dryas, drastically altered Europe's climate as far east as Ukraine. Present-day Europe has more than 650 million people. It has excellent soils, and largely grows its own food. It could no longer do so if it lost the extra warming from the North Atlantic.

b) Competitive chemical industry solves extinction

ICCA 2

(International Council of Chemical Associations), June 20, "SUSTAINABLE DEVELOPMENT AND THE CHEMICAL INDUSTRY," online: http://www.cefic.be/position/icca/pp_ico10.htm

The key finding of "Our Common Future", (the 1987 report of the United Nations' World Commission on Environment and Development), is that **environmental, economic and social concerns must be integrated if the world's peoples are to advance and develop without jeopardizing the natural environment on which all life depends.** Although today we cannot define the needs of future generations, **the challenge for today's leaders is to pursue policies that will leave available an array of choices for future generations to meet their own needs.** Sustainable Development will only come about if three goals - economic, environmental and society-related - can be reconciled. To determine the limits of acceptability and scope for action requires a set of conventions which society at large accepts as valid. Sustainability in economic terms means the efficient management of scarce resources as well as a prospering industry and economy. **Sustainability in the environmental sense means not placing an intolerable load on the ecosphere and maintaining the natural basis for life.** Seen from society's viewpoint, **sustainability means that human beings are the centre of concern.** In view, particularly, of the population increase worldwide, there needs to be provided as large a measure of equal opportunities, freedom, social justice and security as possible. The chemical industry views Sustainable Development as a challenge put before all parts of society. In the advances made in its own operations, its improved performance and **in the improvements**

to the human condition made through its products, the chemical industry sees cause for optimism and believes that Sustainable Development can be the intellectual framework around which the chemical industry, other industries and other sectors of society can reach consensus on how to improve living standards and the environment. The main challenges facing the world include:- * Optimizing the benefits obtained from depleting resources * Assuring against excessive strains placed on the eco-system * The dynamic growth of the world population * Remedying social and economic inequalities These are challenges on a global scale. It follows, therefore, that the attainment of Sustainable Development will call for action on the part of the people, governments, businesses and organisations around the world. The global chemical industry has realized this challenge. CONTRIBUTION OF THE CHEMICAL

INDUSTRY TO SUSTAINABLE DEVELOPMENT The chemical industry is a key industry. Its products and services are instrumental in meeting the needs of mankind. It is present in all areas of life, from food and clothing, housing, communications, transport - right through to leisure activities. In addition, it helps to solve the problems of other sectors of industry, such as the energy sector, information technologies, environmental industries and the waste disposal sector, as examples. Due to its size, the chemical industry is an important supplier to a broad range of downstream industries and is, as well, a customer of a broad range of products and services from other industries. It follows, therefore, that the chemical industry plays a major role in providing/ supporting performance improvements, research and development progress and, last but not least, employment in other industries. In itself, it is a large-scale provider of jobs and makes a significant contribution to wealth creation and, hence, to the financing of both public works and the exercise of public responsibilities. Since living standards are determined to a large degree by material considerations, it is clear that the chemical industry with its unique capabilities is in a position to make a decisive contribution to Sustainable Development.

Commitment by the world chemical industry to the concept of Sustainable Development requires words to be transposed into company-specific action programmes in order to provide a framework for all those working in the sector. Its "Responsible Care" initiative, self-monitoring systems and other voluntary programmes such as Sustainable Technology (SUSTECH), Education-Industry Partnerships, Energy Efficiency Programmes are also part of this framework. Thereby, companies are also confronted with new challenges and must act responsibly. They must take account of the consequences of their actions upon society and future generations. The global chemical industry believes that the key to improving the performance of the industry is both its commitment to achieving environmentally sound Sustainable Development and improved performance and transparency. Under the concept of "Responsible Care", chemical companies are committed, in all aspects of safety, health and protection of the environment, to seek continuous improvement in performance, to educate all staff and work with customers and communities regarding product use and overall operation. Through these efforts the industry is improving its efficiency, reducing risks to health and the environment and making better products which, in turn, help individual and industry customers.

THE CHEMICAL INDUSTRY'S LEADERSHIP IN INNOVATION The very notion of Sustainable Development will require new approaches in a number of areas. Innovation at all levels and in all fields of activity is the most effective instrument for ensuring that the economic, and environmental goals, as well as those of society, are being advanced. The chemical industry's contribution is to continue innovation of new products that meet customer needs and manufacturing processes that reduce risks to health and the environment. This contribution is based upon the knowledge and experience the industry has acquired from applying innovation not only to making, handling and use of chemical compounds, but also to reprocessing, recycling and solving environmental problems. The challenge facing the chemical industry is to maximize innovation, which can contribute to society meeting its goals for Sustainable Development. The chemical industry is firmly convinced that leadership in innovation represents the best way of attaining Sustainable Development. For the individual company, this means:- * a consistent orientation towards products, technologies and solutions which offer the greatest promise for the future * development of new integrated environmental technologies * a close cooperation with the customers of the chemical industry * adaptation to the conditions of global competition * bringing the most promising products quickly on the market * strengthening the R&D effort which requires resources which can only be financed from profitable earnings * actively contributing ideas and suggestions to the policy debates taking place in society * improving process yield (efficiency). APPROACH TO THE ECONOMIC GOAL OF SUSTAINABLE DEVELOPMENT The internationalization of the economy at large, in conjunction with a growing trend towards global competition, is becoming more and more apparent. This is being manifested by:- * an increase of imports and exports of goods as well as services * growing outward and inward flows of direct investment * an ever increasing exchange of technology transfers * globalization of monetary and financial schemes. The inter-relation of economic systems

is complex, with a variety of relationships among countries. Multi-national chemical companies apply common standards in spreading investment capital and stimulating markets around the globe, thus setting the scene for the world market. What they need, in order to play a constructive role in Sustainable Development, is, first and foremost, freedom and fairness in international trade. Trade as an engine of economic growth is essential for Sustainable Development. A climate needs to be fostered within which such growth may take place on the basis of a clear set of rules with predictable consequences, by which investors may be guided in their long-term decision-making process. This includes bringing to a halt the growing intervention by governments in industry and their ever increasing demands to raise income by taxation, thus imposing a disproportionate load on the business community. Wealth creation and profits are fundamental to Sustainable Development. They sustain economies (not just the chemical industry), and contribute, via re-investment and R&D, to new technologies and environmental improvements. Profits are needed to create flexible company structures oriented towards economic, environmental and society-related requirements. The chemical industry is a major industrial sector and an essential contributor to welfare and employment on a global scale. In order to maintain this position under the imperative of Sustainable Development, the long-term future of the industry must be rooted in a dynamic policy, whereby continual innovation and re-engineering of companies result in an increase of productivity and, thus, keeping up international competitiveness as a pre-requisite of sustainable job creation.

c) Water scarcity will be the source of all future conflicts Solomon '11

Steven, writer for the NYT, Business Week, Forbes, Esquire, Commentator for NPR's Marketplace, also author of "The Confidence Game" 1995, warning of the dangers of global financial instability, "Water: The Epic Struggle for Wealth, Power, and Civilization," p. 4 google books

Every era has been shaped by its response to the great water challenge of its time. And so it is unfolding—on an epic scale—today. An impending global crisis of freshwater scarcity is fast emerging as a defining fulcrum of world politics and human civilization. For the first time in history, modern society's unquenchable thirst, industrial technological capabilities, and sheer population growth from 6 to 9 billion is significantly outstripping the sustainable supply of fresh, clean water available from nature using current practices and technologies. Previously, man's impact on ecosystems had been localized and modest. Across heavily populated parts of the planet today, much of the rivers, lakes, and groundwater on which growing societies depend are becoming dangerously depleted by overuse and pollution. As a result, an explosive new political fault line is erupting across the global landscape of the twenty-first century between water Haves and water Have-Nots: internationally among regions and states, but just as significantly within nations among domestic interest groups that have long competed over available water resources. Simply, water is surpassing oil itself as the world's scarcest critical resource. Just as oil conflicts were central to twentieth-century history, the struggle over freshwater is set to shape a new turning point in the world order and the destiny of civilization. Humanitarian crises, epidemic disease, destabilizing violence, and corrupt, failed states are already rife in the most water-deprived regions, where 20 percent of humanity lacks access to sufficient clean freshwater for drinking and cooking and 40 percent to adequate sanitation. Those who have predicted that the wars of the twenty-first century will be fought over water have foremost in mind the water-starved, combustible Middle East, where water looms omnipresently over every conflict and peace negotiation, and where those with oil are desperately trying to postpone their day of reckoning by burning it to pump dry aquifers and desalinate seawater in order to sustain farms and modern cities in the desert. Freshwater is an Achilles' heel of fast-growing giants China and India, which both face imminent tipping points from unsustainable water practices that will determine whether they lose their ability to feed themselves and cause their industrial expansions to prematurely sputter. The buffering global impact will be especially far-reaching for the fates of water-distressed developing nations that are reliant on food imports to feed their swelling, restive populations. While the West, too, has some serious regional water shortages, its

relatively modest population pressures and generally moist, temperate environments make it an overall water power possessing significant water resource advantages. If aggressively exploited, these advantages can help relaunch its economic dynamism and world leadership.

Water wars go nuclear Weiner 90

Prof. Princeton, The Next 100 Years p.270

If we do not destroy ourselves with the A-bomb and the H-bomb, then we may destroy ourselves with the C-bomb, the Change Bomb. And **in a world as interlinked as ours, one explosion may lead to the other.** **Already in the Middle East, from North Africa to the Persian Gulf and from the Nile to the Euphrates, tensions over dwindling water supplies and rising populations are reaching what many experts describe as a flashpoint.** **A climate shift in that single battle-scarred nexus might trigger international tensions that will unleash some of the 60,000 nuclear warheads the world has stockpiled** since Trinity.

d) turns case—

Cyber attacks disrupt oil pipelines, ignite Middle East war, and trigger US/Russia retaliation- US not prepared for attack now Clarke 2-16

Richard, Faculty Affiliate, Belfer Center for Science and International Affairs, board of the Middle East Institute, "Cyber Attacks Can Spark Real Wars", Op-Ed, Wall Street Journal, Belfer Center Programs or Projects: Explorations in Cyber International Relations; Information and Communications Technology and Public Policy; Science, Technology, and Public Policy,

http://belfercenter.ksg.harvard.edu/publication/21741/cyber_attacks_can_spark_real_wars.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%253A+belfer%252Fpublications+%2528Belfer+Center+for+Science+and+International+Affairs+-+Latest+Publications%2529&utm_content=Google+Reader

For most of this year, Arab-Israeli tensions have been spilling off the streets and airwaves and onto the region's fiber optic cables. Citizen hackers on both sides have engaged in tit-for-tat raids on Israeli, Saudi and other regional computer networks. Stock exchanges, airlines, government offices and even hospitals have had their websites defaced or shut down. Credit-card numbers and personal emails have been stolen and posted on the Internet. One Israeli official has labeled the escalating cyber hostility "terrorism" and called for it to be dealt with as such. It has not been terrorism. No one has died and, so far, nothing has blown up as a result. Indeed, most of the activity has involved the use of relatively commonplace hacker tools and techniques. This ongoing cyber "hactivism" has, however, demonstrated three things that should cause nations to act. First, the ease with which the hacktivists have been able to steal data and to shut down Web pages suggests that companies (and perhaps governments) in the region have not yet taken cyber security seriously. Governments in other regions (Asia, Europe, North America) have been educating, assisting and regulating companies to improve their cyber security. There has been a notable lack of such government activity in the Middle East, and that inactivity has opened the way for citizen hackers to cause the mischief we see today. **If the hackers turn their attention to disruption and destruction, as some have threatened, they are likely to find the controls for electric power grids, oil pipelines and precious water systems inadequately secured. If a hacker causes real physical damage to critical systems in that region, it could quickly involve governments retaliating against each other with both cyber and conventional weapons.** Middle Eastern governments need to get their citizen hackers under control and better protect their own critical networks, or they will eventually be dragged into unwanted conflict. Second, the Arab-Israeli hacker exchanges have demonstrated again the lack of any effective international organization to assist in

preventing cyber crime and de-escalating tensions among nations in cyberspace. The Budapest Convention on Cyber Crime, which entered into force in July 2004 and has been ratified by more than 40 countries including the U.S., does require nations to assume responsibilities for any attacks that originate in their cyberspace. But there is still no operations center that a nation can call to get another nation to stop its citizens (or servers in its country) from causing problems. Nations, if they talk at all about these cyber attacks, do so at 19th-century speed with embassies requesting assistance either in person or through a letter. An international Cyber Risk Reduction Center could be modeled on the Nuclear Risk Reduction Center (NRRC), which I once led at the end of the Cold War. It was created in 1987 to link Washington and Moscow operation centers so the two superpowers could immediately talk with someone on the other side when there appeared to be a nuclear threat or an event that could lead to one. The success of the centers depended on the ability of the two sides to act quickly to stop their own risky activity once they learned about it from the other side. Now Washington and Moscow are beginning to explore using their NRRC channels to discuss cyber concerns, but neither side yet has the authority or capability quickly to stop malicious cyber activity originating in their own nation. Moreover, there is no international counterpart center. If, as happened last month, Saudi Arabia's stock market is again knocked offline by a cyber attack originating in Israel (or vice versa), the Saudis should be able to call an international center and seek assistance. Israel, as a member of the international center, should be able to act promptly to see the attack and shut it down. All of that should happen in a few hours. Implicit in such a system would be an "obligation to assist" other members of the international system and to identify and prosecute the culprits. Failure to assist should have consequences such as financial damages or even outside filtering of message traffic to search for attack programs. The recent hacker exchange should also remind us that just as hacking could escalate to the use of conventional force in the Middle East, the reverse is also true. Bombing Iran, for example, could unleash an Iranian government cyber attack. Israelis say they could handle that, despite the recent evidence to the contrary. Unfortunately, much of the critical infrastructure in the U.S. is still not ready for a sophisticated nation-state cyber attack either.

A2: Nuke War Outweighs

Cyber attacks from terrorist groups or rivals are bigger danger than nuclear weapons

McCleskey, 11

(3/29/2011, Clayton M., "More questions than answers on cyber security," <http://dallasmorningviewsblog.dallasnews.com/archives/2011/03/worried-that-yo.html>)

I knew the threat from cyber warfare was serious, but I didn't put it up there on the same level as a nuclear holocaust. Until today. Speaking this morning in Washington, former national security advisor Brent Scowcroft compared the cyber threat to the danger posed by nuclear weapons during the Cold War. He said, "Cyber has the same capabilities," before adding that actually, "in many ways it's more daunting." At a conference hosted by Georgetown University and the Atlantic Council, Scowcroft joined with policy makers and defense experts to debate how the U.S. can better handle security in cyberspace. Texan Congressman Mac Thornberry warned that "our laws, policies and regulations are not keeping up with the challenge" posed by cyber threats, adding, "while we fiddle, our vulnerability continues to grow." "What is the responsibility of the Department of Defense to defend the private sector?" asked Thornberry. "If we have a fleet of bombers coming to bomb the Houston ship channel, it's pretty clear," he said. But what about WikiLeaks attacking Visa and MasterCard? The answer is less clear. Least anyone in the audience failed to grasp just how big - and potentially dangerous - the Internet is, Lieutenant General Charles Croom - former director of the Defense Information Systems Agency - said: "It is the most disruptive thing for our species since European man's discovery of the Western hemisphere." Move over, Columbus. You've been replaced by Facebook. Cyber threats come in all shapes in sizes. There are full-blown attacks, mere disruptions and then your standard data nabbing. A full-on attack could be devastating. The Los Angeles Times delivers this account about how easy it was for one hacker to break-in to the system that controls LA's drinking water. The danger is very real: Terrorist groups such as Al Qaeda don't yet have the capability to mount such attacks, experts say, but potential adversaries such as China and Russia do, as do organized crime and hacker groups that could sell their services to rogue states or terrorists. U.S. officials say China already has laced the U.S. power grid and other systems with hidden malware that could be activated to devastating effect. When it comes to countries - like China - going after the American government's data, former National Security Agency and CIA director, General Michael Hayden said we shouldn't be so outraged. "Adult nations steal information from each other," he said. It's up to us to figure out how to secure our secrets. As if all that wasn't scary enough, the threat is not just that foreigners will e-attack or that homegrown computer-geeks-turned-cyber-warriors will target the American government. Hayden warned that we also have to worry about so-called "cyber patriots," American hackers that take defense policy into their own hands by launching attacks on foreign governments. The conference came up with more questions than answers. So it was fitting that Hayden wrapped up the panel discussion by calling for a national dialogue on cyber security, privacy and how the U.S. government plans to face this ever-changing challenge. The general warned, "The game is on."

Cyber conflicts cause extinction **Adhikari '09**

(Richard,- leading journalist on advanced-IP issues for several major publications, including The Wall Street Journal "Civilization's High Stakes Cyber-Struggle: Q&A With Gen. Wesley Clark (ret.)")

The conflicts in the Middle East and Afghanistan, to name the most prominent, are taking their toll on human life and limb. However, the escalating cyberconflict among nations is far more dangerous, argues retired general Wesley Clark, who spoke with TechNewsWorld in an exclusive interview. That cyberconflict will

take a far greater toll on the world, contends Clark, who last led the NATO forces to end the ethnic cleansing in Albania. There is a pressing need for new institutions to cope with the ongoing conflict, in his view. Clark is a member of the boards of several organizations. He has a degree in philosophy, politics and economics from Oxford University and a master's degree in military science from the U.S. Army's Command and General Staff College. Background: In November 2008, the Center for Strategic and International Studies, a Washington-based bipartisan think tank, presented recommendations on national security to the then-incoming Obama administration. These called for an overhaul of the existing national cybersecurity organization. Since then, the state of national cybersecurity has appeared chaotic. In August, White House cybersecurity adviser Melissa Hathaway resigned for reasons that echoed the departure in 2004 of Amit Yoran, who then held essentially the same post. In an exclusive interview earlier this year, Yoran told TechNewsWorld that national cybersecurity was still a mess. TechNewsWorld: Security experts warn that nations are preparing for a new cyberwar. Is our government doing enough to protect our national cyber-infrastructure? Or is it in the process of protecting the cyber-infrastructure? Gen. Wesley K. Clark: I think we're in the process of trying to get it protected, but unlike conventional security considerations, where one can easily see an attack and take the appropriate response, the cyberstruggle is a daily, ongoing affair. **It's a matter of thousands of probes a day, in and out, against** systems that belong to obvious targets like the United States Department of Defense; not-so-obvious targets like **banks and energy companies; and individual consumers or taxpayers.** It's ongoing, it's undeclared, it's often unreported, and it's very much an ongoing concern at all levels -- business, commerce and individual privacy. TechNewsWorld: The national security infrastructure has repeatedly been reported to be sorely lacking. Is the government moving fast enough? Does it need to do more? Clark: It does need to do more. It's in the process of doing more, and there's a tremendous amount of public and private sector effort going into cybersecurity right now. Whether it's going to be adequate or not is not the issue. There are many approaches to this problem that are mainly based on software, but software is vulnerable. When you open up to communicate with the Web, when you bring in data and programs from another source, when you bring in applications -- all that entails huge risks. It's dealing with those risks and trying to gain the rewards of doing so that make it such a difficult proposition. Online banking was a novelty 20 years ago. Now, everything happens on the Internet. People pay their bills, they do business, they do their work with customers. People don't fax documents any more if they don't have to -- they do webinars and briefings. All of this exposes the opportunity for mischief. You don't know the source of the mischief. You don't know whether it's individuals trying to solve a difficult technical challenge on their own or if they're connected to governments, or if they're cells attached to governments -- and it's very difficult to pin down ... incoming probes to a source. TechNewsWorld: While it's generally agreed that the next war may be a cyberwar, much of our infrastructure is either hooked up to the Internet or in the process of being hooked up to the Internet. Electricity companies, for example, are agitating for the use of smart meters. That being the case, and with hackers increasing the frequency and sophistication of their attacks, does the increasing pace of hooking everything up to the Internet pose a real security threat? Clark: We're going into completely digitized medical records, which could lead to a huge invasion of privacy. It could also lead to things like blackmail and is physically dangerous because people can tamper with records of vital signs, or can alter prescriptions. There's no telling just what could be done. Companies could lose their supply chain management, lose their accounting records, lose their customer lists. Trying to rebuild this on paper when we've all been interconnected on the Internet will cause years of economic decline. **We are, as a civilization, quite vulnerable to disruption,** and this security problem doesn't just affect one nation but the whole global economic infrastructure. You can't conceive of the threats from the point of view of a traditional war. Cyber-efforts are ongoing today; we're in a cyber-struggle today. We don't know who the adversaries are in many cases, but we know what **the stakes are: continued economic vitality and, ultimately, global civilization.**

A2: No Cyber Attackers

Long list of potential state-sponsored cyber-attackers – the NSA is key

Van Cleave 13 -- Michelle Van Cleave served as the head of US counterintelligence under President George W. Bush and is now a principal with the Jack Kemp Foundation. "What It Takes: In Defense of the NSA" <http://www.worldaffairsjournal.org/article/what-it-takes-defense-nsa>

The United States has built a global intelligence apparatus because it has global interests and global responsibilities. We have taken seriously the duties of leader of the free world, as two world wars, Korea, Vietnam, Afghanistan, Iraq, and freedom fighters in many parts of the world can attest. **None of these duties in the last sixty years could have been met without the exceptional resources of NSA.** Successive presidents and Congresses, entrusted with preserving and defending our freedom, have judged these investments to be vital to our nation's security. They have protected the core secrets that enable collection programs to succeed, as have those in US business and industry who have been integral to their success. **The unquestioned qualitative edge of US intelligence has been as essential to defending this country and preserving our freedom** as have the forces we have built to arm and equip our military. But time has not stood still. **China is attacking computer systems throughout the world, stealing information and implanting features to enable future control. China's prominence in IT commercial markets means that they are in the supply chain, and their market share is growing** as part of a purposeful, state-run program for strategic position. **A long roll call of spies from Russia, China, Cuba, and other nations have targeted the essential secrets of US intelligence capabilities in order to be able to defeat them.** And now they have the Snowdens and the WikiLeaks of the world helping them out. **Interconnected global networks of digital data have become the single most important source of intelligence warning of threats, enabling our defense at home and the advancement of freedom abroad. To say "hands off," as some shortsighted privacy advocates have been doing, will not preserve our liberties, it will endanger them.** It should be possible for an enlightened citizenry to empower government action in that sphere without forfeiting the very rights that our government exists to secure. That challenge is, at the very least, a part of the continuing experiment that is our democracy.

A2: No Cyber Threats

Vulnerable to cyber attack now

NY Times 12

New Interest in Hacking as Threat to Security <http://www.nytimes.com/2012/03/14/us/new-interest-in-hacking-as-threat-to-us-security.html>

The increase has prompted a new interest in cybersecurity on Capitol Hill, where lawmakers are being prodded by the Obama administration to advance legislation that could require new standards at facilities where a breach could cause significant casualties or economic damage. It is not clear whether the higher numbers were due to increased reporting amid a wave of high-profile hacking, including the arrest last week of several members of the group Anonymous, or an actual increase in attacks. James A. Lewis, a senior fellow and a specialist in computer security issues at the Center for Strategic and International Studies, a policy group in Washington, said that as hacking awareness had increased, attacks had become more common. He said that the attacks on the nation's infrastructure were particularly jarring. "Some of this is heightened awareness because everyone is babbling about it," he said of the reported rise in computer attacks. "But much of it is because the technology has improved and the hackers have gotten better and people and countries are probing around more like the Russians and Chinese have." He added: "We hit rock bottom on this in 2010. Then we hit rock bottom in 2011. And we are still at rock bottom. We were vulnerable before and now we're just more vulnerable. You can destroy physical infrastructure with a cyberattack just like you could with a bomb."

Consensus of experts agree—threat isn't exaggerated

The Hill 13

System is blinking red': Alarming rhetoric in push for cybersecurity bills, <http://thehill.com/blogs/hilicon-valley/technology/216519-alarming-rhetoric-used-in-push-for-cybersecurity-bills>

But James Lewis, the director of the Technology and Public Policy Program at the Center for Strategic and International Studies, said "**no serious analyst doubts the risk anymore**" of a cyber attack. "There are people who are naturally skeptical about anything the government says and there are the ones who are paid to be skeptical," Lewis said, but he claimed almost everyone else has accepted the seriousness of the situation. He explained that some of the most frightening evidence of the country's vulnerability is likely classified, so it can be difficult to convince the public of the risk. He said in 2007, the Homeland Security Department publicly demonstrated that terrorists could use software to cause machinery to break into pieces. Lewis estimated it would cost a terrorist group between \$100,000 and \$500,000 to acquire the technology to disrupt critical infrastructure. "I don't think it's exaggerated," he said

A2: Cyber Security Now

Cyber security on brink now- number of attacks increased by 650 percent- a serious attack will devastate the economy- recent attacks prove

Wilshusen 11

Gregory, Director Information Security Issues, 3-16, Government Accountability Office, Testimony Before the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, Committee on Homeland Security, House of Representatives, CYBERSECURITY Continued Attention Needed to Protect Our Nation's Critical Infrastructure and Federal Information Systems, Statement of Gregory C. Wilshusen

Threats to systems supporting critical infrastructure and federal information systems are evolving and growing. Government officials are concerned about attacks from individuals and groups with malicious intent, such as criminals, terrorists, and foreign nations. Federal law enforcement and **intelligence agencies have identified multiple sources of threats to our nation's critical information systems, including foreign nations engaged in espionage and information warfare, criminals, hackers, virus writers, and disgruntled employees and contractors.** **These groups and individuals have a variety of attack techniques at their disposal that can be used to determine vulnerabilities and gain entry into targeted systems.** For example, phishing involves the creation and use of fake e-mails and Web sites to deceive Internet users into disclosing their personal data and other sensitive information. **The connectivity between information systems, the Internet, and other infrastructures also creates opportunities for attackers to disrupt telecommunications, electrical power, and other critical services.** For example, in May 2008, we reported that the Tennessee Valley Authority's (TVA) corporate network contained security weaknesses that could lead to the disruption of control systems networks and devices connected to that network.⁴ We made 19 recommendations to improve the implementation of information security program activities for the control systems governing TVA's critical infrastructures and 73 recommendations to address weaknesses in information security controls. TVA concurred with the recommendations and has taken steps to implement them. **As government, private sector, and personal activities continue to move to networked operations, the threat will continue to grow.** Consistent with the evolving and growing nature of the threats to federal systems, **agencies are reporting an increasing number of security incidents.** These incidents put sensitive information at risk. Personally identifiable information about U.S. citizens has been lost, stolen, or improperly disclosed, thereby potentially exposing those individuals to loss of privacy, identity theft, and financial crimes. Agencies have experienced a wide range of incidents involving data loss or theft, computer intrusions, and privacy breaches, underscoring the need for improved security practices. Further, **reported attacks and unintentional incidents involving critical infrastructure systems demonstrate that a serious attack could be devastating.** When incidents occur, agencies are to notify the federal information security incident center—the United States Computer Emergency Readiness Team (US-CERT). **Over the past 5 years, the number of incidents reported by federal agencies to US-CERT has increased dramatically, from 5,503 incidents reported in fiscal year 2006 to about 41,776 incidents in fiscal year 2010 (a more than 650 percent increase).** The three most prevalent types of incidents and events reported to US-CERT during fiscal year 2010 were: (1) malicious code (software that infects an operating system or application), (2) improper usage (a violation of acceptable computing use policies), and (3) unauthorized access (where an individual gains logical or physical access to a system without permission). Additionally, according to Department of Homeland Security (DHS) officials, US-CERT detects incidents and events through its intrusion detection system, supplemented by agency reports, for investigation (unconfirmed incidents that are potentially malicious or anomalous activity deemed by the reporting entity to warrant further review). **Reports of cyber attacks and information security incidents against federal systems and systems supporting critical infrastructure illustrate the effect that such incidents could have on national and economic security.** • **In July 2010,** the Department of Defense (DOD) launched an investigation to identify how thousands of classified military documents (including Afghanistan and Iraq war operations, as well as field reports on Pakistan) were obtained by the group **WikiLeaks.org.** According to DOD, this investigation was related to an ongoing investigation of an Army private charged with, among

other things, transmitting national defense information to an unauthorized source. • In 2010, the Deputy Secretary of Defense stated that DOD suffered a significant compromise of its classified military computer networks in 2008. It began when a flash drive's malicious computer code, placed there by a foreign intelligence agency, uploaded itself onto a network and spread on both classified and unclassified systems.⁵ • In February 2011, media reports stated that computer hackers broke into and stole proprietary information worth millions of dollars from the networks of six U.S. and European energy companies.

A2: No Infrastructure Attacks

Terrorist Organizations Have the capability to attack our Transportation Infrastructure-SL

Jones 3/12/-14 (Greg G. Director, International security and defense policy center, “The Extremist Threat to the U.S. Homeland”, The Rand Corporation, <http://www.rand.org/pubs/testimonies/CT403z1.html>)

Whether we are one step ahead or one step behind depends, in part, on the issue. According to several documents found in Osama bin Laden’s Abbotabad residence, some senior al Qa’ida leaders were frustrated about the difficulties in smuggling operatives into the United States because of improvements in U.S. border security, intelligence collection and analysis, and data bases such as the No Fly List. However, terrorists – including al Qa’ida and its affiliates – continue to innovate. In Somalia, al Shabaab has explored the possibility of concealing bombs inside consumer electronic items, such as laptop computers, cameras, and tape recorders. And al Qa’ida in the Arabian Peninsula bomb makers continue their efforts to build improvised explosive devices using components that may not be detected by airport screeners. Perhaps most concerning, al Qa’ida is a different organization than it was a decade ago – a development that some officials have not fully appreciated. The broader Salafi-jihadist movement has become more decentralized among four tiers: (1) core al Qa’ida in Pakistan, led by Ayman al-Zawahiri; (2) formal affiliates that have sworn allegiance (or bayat) to core al Qa’ida (located in Syria, Somalia, Yemen, and North Africa); (3) a panoply of Salafi-jihadist groups that have not sworn allegiance to al Qa’ida but are committed to establishing an extremist Islamic emirate; and (4) **inspired individuals and networks. Using the state of core al Qa’ida in Pakistan as a gauge of the group’s strengths (or weaknesses) – as some have done – is increasingly anachronistic. Overall, I am concerned that the United States is one step behind in understanding the nature of the threat from a heterogeneous and decentralized movement.**

! Turns Econ/Heg

Cyber-security key to safeguard against attacks which destroys the economy and heg

Rash 2/18

(Wayne, "Cybersecurity Act Gives Feds Power to Protect Infrastructure", CMR)

The Cybersecurity Act of 2012 would give the Department of Homeland Security power to regulate the kind of company security protections government deems necessary to protect critical infrastructure -- such as power and phone companies, water and treatment plants, wireless providers and other companies based on DHS risk assessments. Details emerged during a formal hearing chaired by Sen. Joe Lieberman, I-Conn., yesterday. Lieberman began the hearing by stating that the proposed law wouldn't tell companies how to meet security requirements, that they could use any hardware or software they chose, and that **all indications were that the law would enhance security innovations. Lieberman also said that despite rumors that have been circling the Internet, there is no Internet "kill switch" in the bill that would allow the President to seize control of the Internet,** and there is nothing in the bill that touches on the balance between intellectual property and free speech. He specifically pointed out that there is nothing related to the ill-fated SOPA and PIPA bills in his legislation. See our security laws, regulations and guidelines directory for a deeper perspective. **Lieberman also said the bill was carefully crafted to protect privacy and ensure that it is aimed specifically at avoiding cyber attacks that could lead to mass casualties, damage to the economy or destruction of infrastructure** necessary for the health and safety of citizens. Lieberman's comments were echoed by Sen. Susan Collins, R-Me., who stressed lessons learned from the terrorist attacks of Sept. 11, 2001, in which much of the blame could be placed on the lack of information sharing between law enforcement and intelligence agencies. Collins said the new law has specific provisions for information sharing that would help head off a cyber-terror attack. Collins noted that the US government is already under daily attack from other nations and from terrorists. "They come from all directions," she said, noting that the urgency was underscored by intrusions that have already occurred at the Department of Defense and other agencies. Noting that cybercrime already exceeds the global drug trade in terms of dollars, she pointed out that the lack of a good cyber defense is a threat to the economic well-being of the United States. "Cyber terrorists have ability to cripple critical infrastructure," Collins said. Referring to recent attacks from China and Russia, she added the threat is being pursued by "global competitors seeking to undermine our leadership." "This bill is urgent," Collins said. "We cannot wait to act. We cannot wait until our country suffers a catastrophic attack." **The bill is a joint effort by several committees, including the Committee on Commerce, Science and Transportation,** with Chairman John D. Rockefeller, D-WV, testifying, and Sen. Dianne Feinstein, D-CA, who also testified. **The bill was introduced by the Committee on Homeland Security and Governmental Affairs Feb. 14 and is expected to be debated** by the full Senate during the next working session, which begins **at the end of February. The bill enjoyed bipartisan support** while it was being developed. However, a group of Republican senators have said they may introduce their own cybersecurity bill.

U.S. hegemonic decline results in global conflict—successors won't fill in and multiple hotspots escalate

Brzezinski 12—Professor of Foreign Policy @ Johns Hopkins

Zbigniew, After America, Foreign Policy, Jan/Dec 2012,
http://www.foreignpolicy.com/articles/2012/01/03/after_america?page=0,0

For **if America falters**, the world is unlikely to be dominated by a single preeminent successor -- not even China. International uncertainty, increased **tension among global competitors, and even outright chaos would be** far more **likely** outcomes. While a sudden, massive crisis of the American system -- for instance, another financial crisis -- would produce a fast-moving chain reaction leading to global political and economic disorder, a steady drift by America into increasingly pervasive decay or endlessly widening

warfare with Islam would be unlikely to produce, even by 2025, an effective global successor. No single power will be ready by then to exercise the role that the world, upon the fall of the Soviet Union in 1991, expected the United States to play: the leader of a new, globally cooperative world order. More probable would be a protracted phase of rather inconclusive realignments of both global and regional power, with no grand winners and many more losers, in a setting of international uncertainty and even of potentially fatal risks to global well-being. Rather than a world where dreams of democracy flourish, a Hobbesian world of enhanced national security based on varying fusions of authoritarianism, nationalism, and religion could ensue. The leaders of the world's second-rank powers, among them India, Japan, Russia, and some European countries, are already assessing the potential impact of U.S. decline on their respective national interests. The Japanese, fearful of an assertive China dominating the Asian mainland, may be thinking of closer links with Europe. Leaders in India and Japan may be considering closer political and even military cooperation in case America falters and China rises. Russia, while perhaps engaging in wishful thinking (even schadenfreude) about America's uncertain prospects, will almost certainly have its eye on the independent states of the former Soviet Union. Europe, not yet cohesive, would likely be pulled in several directions: Germany and Italy toward Russia because of commercial interests, France and insecure Central Europe in favor of a politically tighter European Union, and Britain toward manipulating a balance within the EU while preserving its special relationship with a declining United States. Others may move more rapidly to carve out their own regional spheres: Turkey in the area of the old Ottoman Empire, Brazil in the Southern Hemisphere, and so forth. None of these countries, however, will have the requisite combination of economic, financial, technological, and military power even to consider inheriting America's leading role. China, invariably mentioned as America's prospective successor, has an impressive imperial lineage and a strategic tradition of carefully calibrated patience, both of which have been critical to its overwhelmingly successful, several-thousand-year-long history. China thus prudently accepts the existing international system, even if it does not view the prevailing hierarchy as permanent. It recognizes that success depends not on the system's dramatic collapse but on its evolution toward a gradual redistribution of power. Moreover, the basic reality is that China is not yet ready to assume in full America's role in the world. Beijing's leaders themselves have repeatedly emphasized that on every important measure of development, wealth, and power, China will still be a modernizing and developing state several decades from now, significantly behind not only the United States but also Europe and Japan in the major per capita indices of modernity and national power. Accordingly, Chinese leaders have been restrained in laying any overt claims to global leadership. At some stage, however, a more assertive Chinese nationalism could arise and damage China's international interests. A swaggering, nationalistic Beijing would unintentionally mobilize a powerful regional coalition against itself. None of China's key neighbors -- India, Japan, and Russia -- is ready to acknowledge China's entitlement to America's place on the global totem pole. They might even seek support from a waning America to offset an overly assertive China. The resulting regional scramble could become intense, especially given the similar nationalistic tendencies among China's neighbors. A phase of acute international tension in Asia could ensue. Asia of the 21st century could then begin to resemble Europe of the 20th century -- violent and bloodthirsty. At the same time, the security of a number of weaker states located geographically next to major regional powers also depends on the international status quo reinforced by America's global preeminence -- and would be made significantly more vulnerable in proportion to America's decline. The states in that exposed position -- including Georgia, Taiwan, South Korea, Belarus, Ukraine, Afghanistan, Pakistan, Israel, and the greater Middle East -- are today's geopolitical equivalents of nature's most endangered species. Their fates are closely tied to the nature of the international environment left behind by a waning America, be it ordered and restrained or, much more likely, self-serving and expansionist. A faltering United States could also find its strategic partnership with Mexico in jeopardy. America's economic resilience and political stability have so far mitigated many of the challenges posed by such sensitive neighborhood issues as economic dependence, immigration, and the narcotics trade. A decline in American power, however, would likely undermine the health and good judgment of the U.S. economic and political systems. A waning United States would likely be more nationalistic, more defensive about its national identity, more paranoid about its homeland security, and less willing to sacrifice resources for the sake of others' development. The worsening of relations between a declining America and an internally troubled Mexico could even give rise to a particularly ominous phenomenon: the emergence, as a major issue in

nationalistically aroused Mexican politics, of territorial claims justified by history and ignited by cross-border incidents. Another consequence of American decline could be a corrosion of the generally cooperative management of the global commons -- shared interests such as sea lanes, space, cyberspace, and the environment, whose protection is imperative to the long-term growth of the global economy and the continuation of basic geopolitical stability. In almost every case, the potential absence of a constructive and influential U.S. role would fatally undermine the essential communality of the global commons because the superiority and ubiquity of American power creates order where there would normally be conflict. None of this will necessarily come to pass. Nor is the concern that America's decline would generate global insecurity, endanger some vulnerable states, and produce a more troubled North American neighborhood an argument for U.S. global supremacy. In fact, the strategic complexities of the world in the 21st century make such supremacy unattainable. But those dreaming today of America's collapse would probably come to regret it. And as the world after America would be increasingly complicated and chaotic, it is imperative that the United States pursue a new, timely strategic vision for its foreign policy -- or start bracing itself for a dangerous slide into global turmoil.

Heg Ext.

Cyber attack devastates US hegemony—increases costs Rustici 11-- contract Research Analyst who has worked with the National Defense University's Institute for National Security Studies

Ross, Cyberweapons: Leveling the International Playing Field Parameters. Carlisle Barracks: Autumn 2011. Vol. 41, Iss. 3; pg. 32, 11 pgs

The American global defense posture since the end of World War II has been primarily one of offshore balancer. In the most simplistic of views, the United States spent the Cold War and subsequent decades trying to preserve regional balances of power and prevent any coalition from gaining a disproportionate amount of power. This balancing has ranged from active conflict in Korea, Vietnam, and Iraq to support activities in the Middle East, Africa, and Southeast Asia. Not since World War II has America fought in a conflict or supported an interventionist foreign policy where its adversaries had the military capability to severely harm the United States. Indeed, it has not been since the Spanish-American War that the United States has fought a military with a global reach and military bases within striking distance of the continental United States. Not since the war of 1812 has the continental United States experienced an invading force. This amazing insulation from conflict is eroding quickly as technology progresses. While the United States, due largely to geography, has had the ability to act internationally with impunity, this is no longer the case. Cyber capabilities allow, for the first time in history, small states with minimal defense budgets to inflict serious harm on a vastly stronger foe at extreme ranges. To be clear, cyberweapons merely increase the cost of conflict for adversaries; these weapons are unlikely to dissuade national security policy when core national interests are at stake. With the exception of the United States and the United Kingdom, there are no countries with a demonstrated global power projection capability able to take advantage of the situation created by an effective cyberattack beyond their immediate borders. Cyberattacks on critical infrastructure thus become primarily a defensive weapon. These capabilities have the potential to provide substantial regime security at a fraction of the cost of a nuclear weapons program. While the deterrent value may be less than nuclear weapons attached to intercontinental ballistic missiles (ICBMs), a cyberattack has the potential to inflict enough damage to prevent interventionist foreign policy. The transaction cost for the United States to act as an offshore balancer or a global police force will increase dramatically. This is likely to erode the American public's tolerance to the ramifications of intervention in anything but the most extreme circumstances.

*Nuke Terror 2NC/1NR

NSA Surveillance exposes secret nuclear weapons projects and associated terrorism suspects

Cesca '14 (Bob, “NSA Inadvertently Collected Thousands of Non-Targeted Emails, Uncovered Terrorism and Nuclear Weapons Projects,” July 7, <http://thedailybanter.com/2014/07/nsa-inadvertently-collected-thousands-non-targeted-emails-uncovered-terrorism-nuclear-projects/>, ME)

Finally, while it's obvious that NSA isn't without its problems, the article revealed that **the agency's surveillance operations do, in fact, work**. Beyond the scare-headline and lede, the fifth and sixth paragraphs reported the following: **Among the most valuable contents** – which The Post will not describe in detail, to avoid interfering with ongoing operations – **are fresh revelations about a secret overseas nuclear project, double-dealing by an ostensible ally, a military calamity that befell an unfriendly power, and the identities of aggressive intruders into U.S. computer networks**. Months of tracking communications across more than 50 alias accounts, the files show, led directly to the 2011 capture in Abbottabad Of Muhammad Tahir Shahzad, a Pakistan-based bomb builder, and Umar Patek, a suspect in a 2002 terrorist bombing on the Indonesian island of Bali. At the request of CIA officials, The Post is withholding other examples that officials said would compromise ongoing operations. **This is precisely why there's an NSA: weeding out secret nuclear weapons projects, apprehending terrorism suspects and protecting U.S. computer networks from malicious hackers**. Coincidentally, we learned about the importance and flaws of NSA several days before The Post's article. The Privacy and Civil Liberties Oversight Board (PCLOB) released a report last week (pdf) on this very matter and concluded that **PRISM and FISA Section 702, “has been valuable and effective in protecting the nation's security and producing useful foreign intelligence.”** PCLOB also concluded that “...certain aspects of the program's implementation raise privacy concerns. These include the scope of the incidental collection of U.S. persons' communications and the use of queries to search the information collected under the program for the communications of specific U.S. persons.”

Terrorism goes nuclear---high risk of theft and attacks escalate

Dvorkin 12 (Vladimir Z., Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what_can_destroy_strategic_stability.html)

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing. ¶ At the same time, these efforts fall short for a number of reasons, partly because various **acts of nuclear terrorism are possible**. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of **“dirty bombs”** will not cause many immediate casualties, but it will result into long-term

radioactive contamination, contributing to the spread of **panic and socio-economic destabilization**.[¶] Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that **well-trained terrorists may be able to penetrate nuclear facilities**.[¶] Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.[¶] Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. **Theft of weapons-grade uranium is also possible.** Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).[¶] **A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima.** The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.[¶] The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. **A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to.** Authoritarian states could be expected to adopt even more restrictive measures.[¶] If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. **Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow.** The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. **This is especially dangerous for Russia because these fault lines run across its territory.** To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional

stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. **The threat of nuclear terrorism is real, and a successful**

nuclear terrorist attack would lead to a radical transformation of the global order

All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

Impact causes extinction- retaliation

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

But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important ... some indication of where the nuclear material came from.”⁴¹ Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abettors of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents’ ... long-standing interest in all things nuclear.”⁴² American pressure on that part of the

world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither "for us or against us") might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability.

A2: Deterrence Checks Retaliation

Nuclear terrorism causes US-Russia nuclear war—only scenario for extinction—deterrence doesn't check

Barrett et al 13 – Anthony has a PhD in Engineering and Public Policy from Carnegie Mellon University, is a Fellow in the RAND Stanton Nuclear Security Fellows Program, and is the Director of Research at Global Catastrophic Risk Institute. Seth Baum has a PhD in Geography from Pennsylvania State University is a Research Scientist at the Blue Marble Space Institute of Science, and is the Executive Director of Global Catastrophic Risk Institute. Kelly Hostetler has a BS in Political Science from Columbia and is a Research Assistant at the Global Catastrophic Risk Institute. (“Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia”, Science and Global Security 21(2), June 28, 2013, http://sethbaum.com/ac/2013_NuclearWar.pdf)

Note: this version of the article is a little different from the one published in the actual journal; I cut this version from the link in the cite above.

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years,¹ potentially leading to collapse of modern civilization worldwide and even the extinction of humanity.² Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches.⁴) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, though numerous measures were also taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counterattack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides' development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack.⁵ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced.⁶ However, it has also been argued that inadvertent nuclear war between the United States and Russia has continued to present a substantial risk.⁷ While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack.⁸ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time.⁹ Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb,¹⁰ especially if such an event occurs during a crisis between the United States and Russia.¹¹ A variety of nuclear terrorism scenarios are possible.¹² Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States.¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security.¹⁴

Causes extinction – draws in Russia through miscalc

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War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have **globally catastrophic effects** such as severely **reducing food production for years**,¹ potentially **leading to collapse of modern civilization** worldwide, and even **the extinction** of humanity.² Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches.⁴) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides' development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack.⁵ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced.⁶ **However**, it also has been argued that inadvertent nuclear war between the United States and Russia has continued to present a **substantial risk**.⁷ While the United States and Russia are not actively threatening each other with war, they have **remained ready to launch nuclear missiles** in response to indications of attack.⁸ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time.⁹ Second, **terrorist groups or other actors might cause attacks** on either the United States or Russia that **resemble** some kind of **nuclear attack by the other nation** by actions such as exploding a stolen or improvised nuclear bomb,¹⁰ especially if such an event occurs during a crisis between the United States and Russia.¹¹ A variety of nuclear terrorism scenarios are possible.¹² Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States.¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security.¹⁴ It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions,¹⁵ with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks.¹⁶

It's the only scenario – deterrence solves all their impacts

Gable 11 (William, US Army War College, "An Era of Persistent Conflict?,"

<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA560155>)

Exceptional individuals are key contributors to the turmoil the U.S. experienced in the last decade through the present, and their objectives could portend continued conflict. While the existence of these exceptional individuals alone does not necessarily assure conflict, the ideologies they espouse are underpinned by religion adding a **nondeterrable dimension** to their struggle. The actual or **perceived preponderance** of U.S. power will not diminish the likelihood of future attacks. In fact, such attacks will only serve to enhance these organizations' status and power, fueling every aspect of their operations from recruiting to financing operations. Consequently, threats from non-state actors will continue. Depending on the potential destruction inflicted by any terrorist attack, the attacker's sanctuary, and the threat posed to the aforementioned governments, the U.S. may be compelled to fight wars similar to the war in Afghanistan. Conflict with another state is possible, though **less likely**. Although the relative decline of U.S. economic power in relation to China appears to constitute a potential —windowl or **threat** to peace, both governments are aware of the **risks** and are **working to mitigate** them. Moreover, the U.S., China, and Russia represent **deterrable nuclear powers**, states dissuaded from conflict with each other due to the potential costs of a nuclear exchange. Conflict between these states appears unlikely. However, existing theory suggests **problems with nondeterrable states** that are not responsive to punishment or are willing to take risks that prompt conflict. North Korea and Iran seem to fit this description. Their efforts to develop, acquire, and possibly proliferate nuclear weapons, combined with the potential threat posed by a **non-state actor** acquiring such weapons, form conditions that indicate a strong possibility of war. In particular, Iran's nuclear program presents a potentially ominous window. Should diplomacy, sanctions, and cyber attacks fail to sidetrack Iran's nuclear program, the U.S. will be presented with an ever-narrowing window to act with force to deny Iran this capability. This could result in conflict with Iran. While false optimism is a potent and pervasive cause of war, recent experience with war and the nature of these and likely future conflicts will diminish leaders support for initiating war. Similarly, the current economic conditions and concern over the national debt will dampen leaders' enthusiasm for wars. But existing theories that discuss these factors fail to consider the impact of non-state actors. Thus, **conflict is still possible despite them**. Overall, the combination of factors seems to indicate continuing conflict with nonstate actors and potential conflict with states over development and **proliferation** of nuclear weapons. These factors identify specific circumstances where U.S. involvement in war is likely, and represent the **primary drivers** for concluding that the current era will be one **of** persistent **conflict**. The U.S. government should use all of the elements of power to focus on these factors to prevent what history and theory suggest the inevitability of war.

A2: Other Impacts Outweigh (LONG)

Mutually assured destruction has made war obsolete, a nuclear terror attack would break the nuclear taboo causing a massive and rapid nuclear US retaliation

Caplow, '7 (Theodore- commonwealth professor of sociology emeritus at the univ. of virginia, Forbidden Wars, University Press of America, p.97-98, ME)

Nuclear weapons, which are only useful if never used, have created a geopolitical world that looks much more dangerous than it is. With the disintegration of the Soviet Union, the threat of a nuclear war went from orange (with tinges of red) to bright green, or whatever color signifies safety, and there it remains today. But the American public, which lived quite comfortably with a plausible threat of nuclear war for forty years, now quakes at the thought of nuclear weapons in the hands of North Koreans or Iranians. **During the cold war, both superpowers deployed thousands of nuclear warheads on hair trigger alert. Washington and Moscow took for granted the unrelenting hostility between them and the real possibility of having to absorb the first strike. Each understood that the first strike might be launched by accident or with deadly purpose, with equally catastrophic results. Nothing like that looms over us today. The Russian federation is a "strategic partner" of the United States although not always a comfortable one. The nuclear rules guarantee the immunity of nuclear-armed states from hostile national forces. The nuclear taboo remains unbroken and has just now, in the summer of 2006, survived a major test as the Bush administration backed away from a plan to use nuclear blockbusters in an attack on irans nuclear installations. The five major nuclear weapon states- the U.S., Russia, Britain, France, China- have no serious quarrels among themselves. The five proliferators or would be proliferators – Israel, India, Pakistan, North Korea, Iran – show not the slightest disposition to attack any of the major nuclear-weapons states. The classic problem of abolishing international wars is nearly solved, although nobody seems to notice.** What formerly seemed to call either for a world government or for a peacekeeping federation much more powerful than the United Nations, has yielded to the nuclear rules. **For the first time in history, major geopolitical goals are being reached by international consensus with no application or threat of force. A striking example is the European Union, which has effectively abolished international war on the European Continent, the historic theater of so many wars. Another is the voluntary adherence of nearly all the world governments to the non-proliferation regime, along with the voluntary abandonment of nuclear weapons programs by Libya, South Africa, Brazil, Argentina, Ukraine, Kazakstan, and Belarus. Compliance with the limited test ban treaty has been nearly perfect, and the only resistance of the United States and a handful of other holdouts have so far prevented its more comprehensive successor from coming into effect. What all this signifies is that nuclear weapons have changed the normal relationships of sovereign states in a fundamental way. The nuclear weapons states, being militarily invulnerable, have little to gain by going to war.** Under the Nuclear Rules, they may not fight each other and **their security is not enhanced by warring with non-nuclear states. Only the United States has chosen to do so,** ostensibly, it must be remembered, **to prevent Iraq from acquiring nuclear weapons** and as of this writing, the United States government is threatening war against Iran for the same reason, although with less precipitation and more limited military resources. **If nuclear weapons could be wielded only by national governments, the present condition of the commonwealth of nations might well be celebrated as approaching the fulfillment of an age-old utopian dream, the abolition of**

international war. True, there are two kinds of international war that the nuclear rules permit: a conflict between non-nuclear states that have no nuclear guarantors and an attack on a non-nuclear state that lacks a nuclear guarantor by a nuclear state. There are only a handful of potential conflicts in the former category while the latter category contains only the United States and its axis-of-evil targets. **Of course, as the incidence of international war has declined toward extinction, the focus of fear has shifted to the possible use of nuclear weapons by terrorists** and insurgents. Indeed, the U.S. invasion of Iraq was promoted as a precautionary measure against the possible transfer of nuclear weapons to terrorists by Saddam Hussein. Never mind that the Baathists and Jihadists had very different programs or that any such transaction might have invited a nuclear reprisal against the donor. The same concern is raised, with possibly more justification with regard to North Korea. Pakistan, which has many more nuclear warheads than North Korea and with many Jihadists in official positions, is seldom mentioned in this context, but the thought is there. **It would be foolish to deny the plausibility of the nightmare scenario in which a nuclear device transferred from a proliferator to a terrorist group is used to attack an American city. That would, of course, break the nuclear taboo and it would also unleash the full fury of an American nuclear reprisal against the suspected donor.** So it may not happen. Another scenario would involve the transfer of a nuclear device to an insurgent group in Latin America or Africa. That too would break the nuclear taboo but would be less likely to provoke a nuclear response.

A Nuclear terrorist attack would be so emotionally and psychologically devastating. In an age of instant communication it would literally destroy the fabric that holds society together, This makes all makes all conflict irrational and turns deterrence theory

Bostrom, Ackerman and Potter, '8

(Nick-Director of the future of humanity institute at Oxford University, specializes in probability theory, scientific method, and risk analysis- former expert consultant for European Commission in Brussels and the CIA, Gary- research director of the national consortium for START and Director of the center for terrorism and intelligence studies, and William- Institute professor and director of the center for nonproliferation studies on numerous committees of the national academy of science, "Global Catastrophic Risks", Oxford University Press, p.430-31, ME)

Unlike the more tangible physical and economic effects of nuclear terrorism, it is almost impossible to model the possible psychological, social, and political consequences of nuclear terrorism, especially in the long term and following multiple incidents. One is therefore forced to rely on proxy data from the effects of previous cases of large-scale terrorism, a variety of natural disasters and past nuclear accidents such as the Chernobyl meltdown. The psychological, social and political effects of nuclear terrorism are likely to extend far beyond the areas affected by blast or radiation, although many of these effects are likely to be more severe closer to ground zero. **It can be expected that the initial event will induce a number of psychological symptoms in victims, responders, and onlookers. In an age of instantaneous global communication, the last category might rapidly encompass most of the planet.** The constellation of possible symptoms might include anxiety, grief, helplessness, initial denial, anger, confusion, impaired memory, sleep disturbance and withdrawal (Alexander and Klein, 2006). Based on past experience with terrorism and natural disasters, these symptoms will resolve naturally in the majority of people, with only a fraction going on to develop persistent psychiatric illness such as post-traumatic stress disorder. However, **the intangible, potentially irreversible, contaminating, invasive and doubt provoking nature**

of radiation brings with it a singular aura of dread and high levels of stress and anxiety. Indeed, this fear factor is one of the key reasons why some terrorists might select weapons emitting radiation. In addition to significant physical casualties, **a nuclear terrorism event would most likely result in substantially greater numbers of unexposed individuals seeking treatment, thereby complicating medical responses.** **In the 1987, radiological incident in Goiania, Brazil, up to 140,000 unexposed people flooded the health care system seeking treatment** (department of homeland security, 2003, p.26). Although genuine panic – in the sense of maladaptive responses such as freezing – is extremely rare (Jones, 1995), **a nuclear terrorism incident might provoke a mass exodus from cities as individuals make subjective decisions to minimize their anxiety.** **Following the three mile island nuclear accident** in the United States in 1979, 150,000 people took to the highways – **45 people evacuated for every person advised to leave** (Becker, 2003). Were nuclear terrorism to become a repeating occurrence, the question would arise regarding whether people would eventually be able to habituate to such events, much as the Israeli public currently manages to maintain a functional society despite continual terrorist attacks. While desensitization to extremely high levels of violence is possible, **multiple cases of nuclear terrorism over an extended period of time might prove to be beyond the threshold of human tolerance. Even a single incidence of nuclear terrorism could augur negative social changes.** While greater social cohesion is likely in the immediate aftermath of an attack (department of homeland security, 2003, p.38), **over time feelings of fear, anger and frustration could lead to widespread anti-social behavior, including the stigmatization of those exposed to radiation and the scapegoating of population groups associated with the perceived perpetrators of the attack. This reaction could reach the level of large-scale xenophobia and vigilantism. Repeated attacks on major cities might even lead to behaviors encouraging social reversion and the general deterioration of civil society.** For example, if many people adopt a survivalist attitude and abandon populated areas. There is, of course, also the possibility that higher mortality salience might lead to positive social effects, including more constructive approaches to problem-solving (Calhoun and Tedeschi, 1998). Yet higher morality could just as easily lead to more pathological behaviors. For instance, **during outbreaks of the black death plague in the middle ages, some groups lost all hope and descended into a self-destructive epicureanism. A nuclear terrorist attack, or series of attacks, would almost certainly alter the fabric of politics** (Becker, 2003). **The use of a nuclear weapon might trigger a backlash against current political or scientific establishments for creating and failing to prevent the threat. Such attacks might paralyze an open or free society by causing the government to adopt draconian methods** (Stern, 1999, pp.2-3), **or massively restrict movement and trade until all nuclear material can be accounted for, an effort that would take years and which could never be totally complete. The concomitant loss of faith in governing authorities might eventually culminate in** the fulfillment of John Herz's initial vision of the atomic age, resulting in **the demise of the nation-state as we know it** (1957).

The world is rapidly becoming more peaceful eliminating the possibility for power wars- mutually assured destruction ensures cooperation to avoid conflict, our knowledge is best

Goldstein, 9/10- **'11** (Joshua- professor emeritus of international relations at American University and author of the forthcoming book "winning the war on war", "Think Again: War", Foreign Affairs, ME)
So far they haven't even been close. In fact, **the last decade has seen fewer war deaths than any decade in the past 100 years, based on data compiled by**

researchers Bethany Lacina and Nils Petter Gleditsch of the Peace Research Institute Oslo. Worldwide, deaths caused directly by war-related violence in the new century have averaged about 55,000 per year, just over half of what they were in the 1990s (100,000 a year), a third of what they were during the Cold War (180,000 a year from 1950 to 1989), and a hundredth of what they were in World War II. If you factor in the growing global population, which has nearly quadrupled in the last century, the decrease is even sharper. Far from being an age of killer anarchy, **the 20 years since the Cold War ended have been an era of rapid progress toward peace.** Armed conflict has declined **in large part because armed conflict has fundamentally changed. Wars between big national armies all but disappeared along with the Cold War, taking with them the most horrific kinds of mass destruction. Today's asymmetrical guerrilla wars may be intractable and nasty, but they will never produce anything like the siege of Leningrad. The last conflict between two great powers, the Korean War, effectively ended nearly 60 years ago. The last sustained territorial war between two regular armies, Ethiopia and Eritrea, ended a decade ago. Even civil wars, though a persistent evil, are less common than in the past; there were about a quarter fewer in 2007 than in 1990. If the world feels like a more violent place than it actually is, that's because there's more information about wars -- not more wars themselves. Once-remote battles and war crimes now regularly make it onto our TV and computer screens, and in more or less real time. Cell-phone cameras have turned citizens into reporters in many war zones. Societal norms about what to make of this information have also changed. As Harvard University psychologist Steven Pinker has noted, "The decline of violent behavior has been paralleled by a decline in attitudes that tolerate or glorify violence," so that we see today's atrocities -- though mild by historical standards -- as "signs of how low our behavior can sink, not of how high our standards have risen."**

There is an almost zero probability for great power shoot out-our evidence indicts all of the negatives impact scenarios

Fettweis, '8 (Christopher J.- PoliSci Proff @ Tulan University and Former Proff of U.S. foreign policy and Grand strategy @ naval war college, "Losing Hurts Twice as Bad", W.W. Norton & Company, p.190-94, ME)
One can be fairly confident in making such an assertion in part because of what might be the single most significant yet under-reported trend in world politics: **The world is significantly more peaceful at the beginning of the twenty-first century than at any time in recorded history. Although conflict and chaos may dominate the headlines, the incidence of warfare has dropped to remarkably low levels.** A far greater percentage of the worlds people live in societies at peace than at any other time in history. **Not only is the current era markedly better in most measurable categories of international security than ever before, but it is growing more stable as time goes by. At the very least, to a growing number of experts, a major clash of arms does not seem plausible. Major war may well have become obsolete. Rather than a "clash of civilizations" a "coming anarchy," or a step "back to the future" toward multipolarity and instability, the new century may well prove to be far more peaceful than any previous one. The number and intensity of all kinds of conflict, including interstate wars, civil wars, and ethnic conflicts, declined steadily throughout the 1990s and into the new decade. This period of peace may be due to** some combination of nuclear weapons, complex economic interdependence, the spread of democracy, or , as many scholars believe, **a simple change in ideas about what is worth fighting for. These days, not much may be left.** This rather bold and perhaps counterintuitive claim may seem a bit utopian to those familiar with the long, dismal history of warfare. **Is not war an innate part of**

human nature, an outgrowth of our passions and imperfections, like murder? **Not necessarily, say many of the scholars. After all, murder is an act of the individual, often of passion rather than reason: war is a rational act of state, a symptom of the broader practices of the international system of states. War is an institution, a tradition of dispute resolution, a method countries have chosen to employ when their interests diverge.** Granted, it has been with us since the beginning of time, but as political scientists John Mueller has noted, “unlike breathing, eating or sex, war is **not something that is somehow required by the human psyche, by the human condition, or by the forces of history.**” **The eminent military historian John Keegan reports being “impressed by the evidence that mankind, wherever it has the option, is distancing itself from the institution of warfare.”** If Keegan is impressed, then maybe we should be, too. Overall, as the table below shows, international and internal conflicts have steadily declined since the end of the cold war. Despite perceptions that the current wars “on terror” and in Iraq may have created, the world is a much safer place than it was in prior generations. **There remains a human (and perhaps particularly American) tendency to replace one threat with another, to see international politics as an arena of dangerous competition, but this perception simply no longer matches the facts. The evidence is apparent on every continent.** At the beginning of 2008, the only conflict raging in the entire western hemisphere was the ongoing civil war in Colombia, but even that was far less severe than it was a decade ago. **Europe, which of course has been the most war-prone continent for most of human history, was entirely calm,** without even the threat of interstate conflict. The situations in Bosnia and Kosovo were not settled, but they were at least stable for the moment. And in contrast to 1914, **the great powers have shown no eagerness to fill Balkan power vacuums-** to the contrary, throughout the 1990’s they had to be shamed into intervention, and were on the same side when they did. The entire Pacific Rim was currently experiencing no armed conflict. Even in the Middle East, where Iraq continued to burn, a tenuous peace was holding between Arabs and Israelis, terrorism notwithstanding, and no other wars seemed imminent. **This trend was even visible in Africa** where, despite a variety of ongoing serious challenges, levels of conflict were the lowest they have ever been in the centuries of written history we have about the continent. Darfur and the Congo were the only real extended tragedies still underway; the intensity of the internal conflicts simmering in Algeria, Somalia, Senegal, and a couple of other places is in all cases lower than a decade ago. This can all change quite rapidly – Ethiopia and Eritrea might soon decide to renew their pointless fighting over uninhabitable land, for instance, or Kenya could melt down into chaos – but right now, the continent seems more stable than it has ever been. **West Africa is quiet,** at least for the moment, as is all of Southern Africa, despite the criminally negligent governance of Robert Mugabe in Zimbabwe. None of this is to suggest that these places are without problems, of course. But given the rapid increase in the world population and number of countries (the League of Nations had 63 members at its peak between the wars, while the United Nations currently has 192), one might expect a great deal more warfare than there currently is. **We also are witnessing record low levels of the secondary symptoms of insecurity, such as arms races, military rivalry, and “cold” wars.** Either we are merely experiencing another of the world’s occasional peaceful periods (and it would be by far the most remarkable such period ever), or **something about the nature of international politics has changed, and for the better. The twentieth century witnessed an unprecedented pace of evolution in all areas of human endeavor,** in science and medicine, transportation and communication, and even in religion. **In such an atmosphere, perhaps it is not difficult to imagine that attitudes toward the venerable institution of warfare may also have experienced similarly rapid evolution, to the point where its obsolescence could become plausible,** even probable, in spite of thousands of years of violent precedent. Perhaps **the burden of proof should be on those who say that our rules of governing war cannot change, and that it will someday return with a vengeance. Overall, although the idea that war is becoming obsolete is gaining ground in academic circles, it has yet to make much headway in those**

of policymaking. One need not be convinced of its wisdom, however, to believe that the United States is an extremely safe country, or at the very least that its basic existence does not depend on an active presence abroad. **No matter what happens in the far corners of the globe, it would seem, America is going to survive the coming century quite well. Even those who actively support internationalism have a hard time demonstrating that there foreign adventures are truly necessary to assume the basic security of the United States.** The benefits of activist strategies must therefore manifestly outweigh the costs, since **the United States could easily survive inaction, no matter how dire any future situation appears.**

A2: Mueller/No Terrorist Attack

It's likely

Bunn et al 13 – Matthew Bunn is a Professor of the Practice of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University's Belfer Center for Science and International Affairs. Vice Admiral Valentin Kuznetsov (retired Russian Navy) is a senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and a Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. Martin Malin is the Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. Colonel Yuri Morozov (retired Russian Armed Forces) is a professor of the Russian Academy of Military Sciences, senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, and chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. ("Steps to Prevent Nuclear Terrorism: Recommendations Based on the U.S.-Russia Joint Threat Assessment", September 2013, <http://belfercenter.ksg.harvard.edu/files/JTA%20eng%20web2.pdf>)

In 2011, Harvard's Belfer Center for Science and International Affairs and the Russian Academy of Sciences' Institute for U.S. and Canadian Studies published "The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism." The assessment **analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real.**

The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation.

Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world's two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants.

The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia.

Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation.

The 2011 "U.S. - Russia Joint Threat Assessment" offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement.

"The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism" (The 2011 report executive summary):

Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. **The risk is driven by the rise of terrorists who seek to inflict unlimited damage**, many of whom have sought justification for their plans in radical interpretations of Islam; **by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization**, which makes it easier to move people, technologies, and materials across the world.

Making a crude nuclear bomb would not be easy, but **is potentially within the capabilities of a technically sophisticated terrorist group**, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). **Terrorists could,**

however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own.

The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010.

Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group's nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use.

While there are significant gaps in coverage of the group's activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group's ability to manage large, complex projects, but has not eliminated the danger.

However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

There are materials, expertise, and motives

Jaspal 12 – Zafar is a professor of international relations at Quaid-i-Azam. (“Nuclear/Radiological Terrorism: Myth or Reality?” Journal of Political Studies, Vol. 19, Issue - 1, 2012, http://pu.edu.pk/images/journal/pols/pdf-files/Nuclear%20Radiological%20terrorism%20Jaspa_Vol_19_Issue_1_2012.pdf)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dual-use nuclear technology, ignoring nuclear terrorism threat is an imprudent policy choice. The incapability of terrorist organizations to engineer fissile material does not eliminate completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth.

Farsighted rationality obligates that one should not miscalculate transnational terrorist groups – whose behavior suggests that they have a death wish – of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs (Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18).

Numerous evidences confirm that terrorist groups had aspired to acquire fissile material for their terrorist acts. Late Osama bin Laden, the founder of al Qaeda stated that acquiring nuclear weapons was a “religious duty” (Yusufzai, 1999, January 11). The IAEA also reported that “al-Qaeda was actively seeking an atomic bomb.” Jamal Ahmad al-Fadl, a dissenter of Al Qaeda, in his trial testimony had “revealed his extensive but unsuccessful efforts to acquire enriched uranium for al-Qaeda” (Allison, 2010, January: 11). On November 9, 2001, Osama bin Laden claimed that “we have chemical and nuclear weapons as a deterrent and if America used them against us we reserve the right to use them (Mir, 2001, November 10).” On May 28, 2010, Sultan Bashiruddin Mahmood, a Pakistani nuclear scientist confessed that he met Osama bin Laden. He claimed that “I met Osama bin Laden before 9/11 not to give him nuclear know-how, but to seek funds for establishing a technical college in Kabul (Syed, 2010, May 29).” He was arrested in 2003 and after extensive interrogation by American and Pakistani intelligence agencies he was released (Syed, 2010, May 29). Agreed, Mr. Mahmood did not share nuclear know-how with Al Qaeda, but his meeting with Osama establishes the fact that the

terrorist organization was in contact with nuclear scientists. Second, the terrorist group has sympathizers in the nuclear scientific bureaucracies. It also authenticates bin Laden's Deputy Ayman Zawahiri's claim which he made in December 2001: "If you have \$30 million, go to the black market in the central Asia, contact any disgruntled Soviet scientist and a lot of dozens of smart briefcase bombs are available" (Allison, 2010, January: 2).

The covert meetings between nuclear scientists and al Qaeda members could not be interpreted as idle threats and thereby the threat of nuclear/radiological terrorism is real. The 33rd Defense Secretary Robert Gates admitted in 2008 that "what keeps every senior government leader awake at night is the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear (Mueller, 2011, August 2)." Indeed, the nuclear deterrence strategy cannot deter the transnational terrorist syndicate from nuclear/radiological terrorist attacks. Daniel Whiteneck pointed out:

"Evidence suggests, for example, that al Qaeda might not only use WMD simply to demonstrate the magnitude of its capability but that it might actually welcome the escalation of a strong U.S. response, especially if it included catalytic effects on governments and societies in the Muslim world. An adversary that prefers escalation regardless of the consequences cannot be deterred" (Whiteneck, 2005, Summer: 187)

Terrorist Attacks are homegrown and destroy Policy Infrastructure-Preventable through NSA-SL

Carafano 6/10/-15 (James Jay Ph.D., Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow, "Islamist Plots Are On The Rise; Should Our Concern Be Rising As Well?", Heritage Foundation, <http://www.heritage.org/about/staff/c/james-carafano>)

Islamist terrorists are busier than ever trying to kill us. That's a fact. Two years ago, The Heritage Foundation conducted an exhaustive review of publicly available U.S. court and federal and state government records. The researchers documented at least 60 terrorist plots related to Islamist extremism following the 9/11 attacks—all aimed at the U.S. And the pace of plotting has only quickened. There have been nine additional plots since that report came out in 2013. Seven occurred this calendar year, six since April. Plot number 69 was thwarted just a few days ago. On June 2, federal law enforcement officers killed Usaamah Abdullah in Boston. Dawud Sharif Abdul Khaliq, an alleged accomplice, was arrested later. It is suspected they intended to behead anti-Islamist activist Pamela Geller. So, **yes, Islamist terrorism in America is on the rise**. The numbers don't lie. Still, there is a ferocious debate over what they mean. No one has paid more attention to terrorist trends in the United States than **Cato Institute Senior Fellow John Mueller**. In 2011, he co-authored Terror, Security and Money: Balancing the Risks, Benefits and Costs of Homeland Security for Oxford University Press. Mueller conducted an exhaustive study of terrorism threats in relation to other risks faced by everyday Americans. He concluded Washington obsessions with combating terrorism were overblown. Other dangers killed and maimed many more citizens than terrorists. "The rise of terrorism is a hazard to human life," Mueller wrote in an updated 2014 risk assessment, "and it should be dealt with in a manner similar to that applied to other hazards—albeit with an appreciation for the fact that terrorism often evokes extraordinary fear and anxiety." Since other risks are greater he argues, counterterrorism efforts ought to be scaled back. Mueller's latest study was published right before ISIS started to make headlines gobbling up territory in Syria and Iraq and beating the drum for more attacks on the U.S. homeland. Still, Mueller would be unimpressed. After all, of the 69 post-9/11 plots, only five came to fruition. (The most recent of these came last year, when Zale Thompson attacked and injured two New York City police officers with an axe.) And, all together, they resulted in a very limited loss of life. These numbers seem to reinforce Mueller's conclusions. If Mueller provided

the right context for evaluating the domestic terrorist threat he might be right. But he is wrong. According to Mueller, the distinguishing feature of terrorism is that it sparks obsessive fear. On that score there is social science research to back him up. People-generated disasters (such as terrorist attacks and riots) evoke more anxiety and apprehension than acts of nature. But, "fear" is not what uniquely distinguishes terrorism as a human hazard. Terrorism is an act of "political" violence. Terrorists are not just trying to kill people and destroy property. They are trying to undermine the political order and civil society. Thus, they represent a fundamental threat to the system that provides security, protects liberty and promotes prosperity. Terrorism is a danger to all members of the community, not just the specific victims. As a public policy problem, it does represent an outsize concern beyond just counting the number killed. Getting beyond the body count, there are a number of reasons to be concerned about the recent up-tick. Plots are increasingly homegrown. That means they are hatched here by individuals who are self-radicalized and operating without formal ties or instructions to overseas terrorist organizations. Finding and upending these threats requires scrupulous, persistent and effective domestic intelligence and law enforcement operations. While the terrorists are here, however, their inspiration is abroad. Increasingly, radicalized individuals are found to be inspired or in dialogue with extremists entities overseas. ISIS successes in the field, its sophisticated social network activities and its ability to recruit fighters globally are all real cause for concern. What the U.S. faces now is a transnational terrorist threat more complex than the enemy that confronted America on 9/11. Terrorists are linking social networks and human webs, and that creates unprecedented opportunities to operationalize violence. Defeating this threat will require both continuing to disrupt plots here at home and defeating the overseas terrorists who inspire them. That will require an expenditure of resources far outsized to the formula suggested by Dr. Mueller's risk assessment.

Mueller is a hack

Graham **Allison 9**, Douglas Dillon Professor of Government and Director of the Belfer Center for Science and International Affairs at Harvard University's Kennedy School of Government, "A Response to Nuclear Terrorism Skeptics" Brown Journal of World Affairs, Hein Online

What drives Mueller and other skeptics to arrive at such different conclusions? They make four major claims that merit serious examination and reflection. ¶ CLAIM 1: No ONE IS SERIOUSLY MOTIVATED TO CONDUCT A NUCLEAR TERRORIST ATTACK ¶ More than a decade ago, no one could have imagined that a Japanese doomsday cult would be sufficiently motivated to disseminate sarin gas on the Tokyo subway. ^{Indeed,} at the time ^{of that attack,} the consensus among terrorism experts was that terrorists wanted an audience and sympathy-not casualties. ^{The leading American student of terrorism, Brian Jenkins, summarized the consensus judgment in 1975: "terrorists seem 34 to be more interested in having a lot of people watching, not a lot of people dead."} ¶ As intelligence officials later testified, an inability to recognize the shifting modus operandi of some terrorist groups was part of the reason why members of Aum Shinrikyo "were simply not on anybody's radar screen." ¶ This, despite the fact that the group owned a 12-acre chemical weapons factory in Tokyo, had \$1 billion in its bank account, and had a history of serious nuclear ambitions. ¶ Similarly, before the 9/11 attacks on the World Trade Center and Pentagon that extinguished 3,000 lives, few imagined that terrorists could mount an attack upon the American homeland that would kill more Americans than the Japanese attack at Pearl Harbor. ^{As Secretary Rice testified to the 9/11 Commission, "No one could have imagined them taking a plane, slamming it into the Pentagon and into the World Trade Center, using planes as a missile."} ¶ For most Americans, the idea of international terrorists mounting an attack on our homeland and killing thousands of citizens was not just unlikely, but inconceivable. But assertions about what is "imaginable" or "conceivable" are propositions about individuals' mental capacities, not about what is objectively possible. ¶ In fact, Al Qaeda's actions in the decade prior to the 9/11 attacks provided clear evidence both of intent and capability. While its 1993 attack on the World Trade Center succeeded in killing only six people, Ramzi Yousef, the key operative in this case, had planned to collapse one tower onto the second, killing 40,000. In the summer of 1996, Osama bin Laden issued a fatwa declaring war upon the United States. Two years later, Al Qaeda attacked the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing more than 200 people. In October 2000, Al Qaeda attacked the warship USS Cole. Throughout this period, Al Qaeda's leadership was running thousands of people through training camps, preparing them for mega-terrorist attacks. ¶ Notwithstanding Aum Shinrikyo's brazen attack, Al Qaeda's audacious 9/11 attack, and the recent attacks in Mumbai that killed 179 people, Mueller maintains that "terrorists groups seem to have exhibited only limited desire... they have discovered that the tremendous effort required is scarcely likely to be successful." He asserts that the evidence about Al Qaeda's nuclear intentions ranges from the "ludicrous to the merely dubious," and that those who take Al Qaeda's nuclear aspiration seriously border on "full-on fantasyland." ¶ Even scholars who would have been inclined to

agree with this point of view have revised their judgment as new facts have accumulated. In 2006, for example, Jenkins reversed the basic proposition that he had set forth three decades earlier. In his summary: "In the 1970s the bloodiest incidents caused fatalities in the tens. In the 1980s, fatalities from the worst incidents were in the hundreds; by the 1990s, attacks on this scale had become more frequent. On 9/11 there were thousands of fatalities, and there could have been far more. We now contemplate plausible scenarios in which tens of 35 thousands might die." Underlining the contrast with his own 1975 assessment, Jenkins now says: "Jihadists seem ready to murder millions, if necessary. Many of today's terrorists want a lot of people watching and a lot of people dead."²² (Emphasis added.)¶ Al Qaeda has been deadly clear about its ambitions. In 1998, Osama bin Laden declared that he considered obtaining weapons of mass destruction "a religious duty."²³ In December 2001, he urged his supporters to trump the 9/11 attacks: "America is in retreat by the grace of God Almighty...but it needs further blows."²⁴ A few months later, Al Qaeda announced its goal to "kill four million Americans."²⁵ It even managed to gain religious sanction from a radical Saudi cleric in 2003 to kill "ten million Americans" with a nuclear or biological weapon.²⁶¶ We also now know that Al Qaeda has been seriously seeking a nuclear bomb. According to the Report of the 9/11 Commission, "Al Qaeda has tried to acquire or make nuclear weapons for at least ten years... and continues to pursue its strategic goal of obtaining a nuclear capability." It further reveals "bin Laden had reportedly been heard to speak of wanting a 'Hiroshima'. The Commission provides evidence of Al Qaedas effort to recruit nuclear expertise-including evidence about the meeting between two Pakistani nuclear weapon scientists, bin Laden, and his deputy Ayman al-Zawahiri in Afghanistan to discuss nuclear weapons.²⁷ These scientists were founding members of Ummah Tamer-e-Nau (UTN), a so-called charitable agency to support projects in Afghanistan. The foundation's board included a fellow nuclear scientist knowledgeable about weapons construction, two Pakistani Air Force generals, one Army general, and an industrialist who owned Pakistan's largest foundry.²⁸¶ In his memoir, former CIA Director George Tenet offers his own conclusion that "the most senior leaders of Al Qaeda are still singularly focused on acquiring WMD" and that "the main threat is the nuclear one." In Tenet's view, Al Qaedas strategic goal is to obtain a nuclear capability. He concludes as follows: "I am convinced that this is where Osama bin Laden and his operatives desperately want to go."²⁹¶ CLAIM 2: IT IS IMPOSSIBLE FOR TERRORISTS TO ACQUIRE FISSILE MATERIAL.¶ Assuming that terrorists have the intent-could they acquire the necessary materials for a Hiroshima-model bomb? Tenet reports that after 9/11, President Bush showed President Putin his briefing on UTN. In Tenet's account of the meeting, Bush "asked Putin point blank if Russia could account for all of its material." Putin responded that he could guarantee it was secure during his watch, underlying his inability to provide assurance about events under his predecessor, Boris Yeltsin.³⁰¶ When testifying to the Senate Intelligence Committee in February 2005, Commit- 36 tee Vice-Chairman John Rockefeller (D-WV) asked CIA Director Porter Goss whether the amount of nuclear material known to be missing from Russian nuclear facilities was sufficient to construct a nuclear weapon. Goss replied, "There is sufficient material unaccounted for that it would be possible for those with know-how to construct a weapon...I can't account for some of the material so I can't make the assurance about its whereabouts."³¹¶ Mueller sidesteps these inconvenient facts to assert a contrary claim. According to his telling, over the last 10 years, there have been only 10 known thefts of highly enriched uranium (HEU), totaling less than 16 pounds, far less than required for an atomic explosion. He acknowledges, however, that "There may have been additional thefts that went undiscovered."³²¶ Yet, as Matthew Bunn testified to the Senate in April 2008, "Theft of HEU and plutonium is not a hypothetical worry, it is an ongoing reality." He notes that "nearly all of the stolen HEU and plutonium that has been seized over the years had never been missed before it was seized." The IAEA Illicit Nuclear Trafficking Database notes 1,266 incidents reported by 99 countries over the last 12 years, including 18 incidents involving HEU or plutonium trafficking, 130 research reactors around the world in 40 developing and transitional countries still hold the essential ingredient for nuclear weapons. As Bunn explains, "The world stockpiles of HEU and separated plutonium are enough to make roughly 200,000 nuclear weapons; a tiny fraction of one percent of these stockpiles going missing could cause a global catastrophe."³³¶ Consider the story of Russian citizen Oleg Khinsagov. Arrested in February 2006 in Georgia, he was carrying 100 grams of 89-percent enriched HEU as a sample and attempting to find a buyer for what he claimed were many additional kilograms. Mueller asserts that "although there is a legitimate concern that some material, particularly in Russia, may be somewhat inadequately secured, it is under lock and key, and even sleepy, drunken guards, will react with hostility (and noise) to a raiding party."³⁴¶ CLAIM 3: IT IS EXTREMELY DIFFICULT TO CONSTRUCT A NUCLEAR DEVICE THAT WORKS.¶ Rolf Mowatt-Larssen, former director of the Department of Energy's Office of Intelligence and Counterintelligence, testified that, "The 21st century will be defined first by the desire and then by the ability of non-state actors to procure or develop crude nuclear weapons."³⁵ In contrast, Mueller contends that "Making a bomb is an extraordinarily difficult task... the odds, indeed, are stacked against the terrorists, perhaps massively so."³⁷¶ Mueller argues that his conclusion follows from an analysis of 20 steps an atomic terrorist would have to accomplish in what he judges to be the most likely nuclear terrorism scenario. On the basis of this list, he claims that there is "worse than one in a 37 million" chance of success.³⁸¶ His approach, however, misunderstands probabilistic risk assessment. For example, some of the steps on the list would have to be completed before an attempt to acquire material could begin (therefore, the success rate for any of those steps during the path would, by definition, be 100 percent). Other steps are unnecessary, such as having a technically sophisticated team pre-deployed in the target country. Although he assumes that stolen materials will be missed, in none of the 18 documented cases mentioned earlier had the seized material been reported missing.³⁹¶ At U.S. weapons labs and among the U.S. intelligence community, experts who have examined this issue largely agree. John Foster, a leading American bomb maker and former director of the Lawrence Livermore National Laboratories, wrote a quarter century ago, "If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature."⁴⁰ Similarly, Theodore Taylor, the nuclear physicist who designed America's smallest and largest atomic bombs, has repeatedly stated that, given fissile material, building a bomb is "very easy". Double underline. Very Easy."⁴¹¶ Inquiring into such claims, then-Senator Joe Biden (D-DE) asked the major nuclear weapons laboratories whether they could make such a device if they had nuclear materials. All three laboratories answered affirmatively. The laboratories built a gun-type device using only components that were commercially available and without breaking a single U.S. law.¶ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, known as the Silberman-Robb Commission, reported in 2005 that the intelligence community believed Al Qaeda "probably had access to nuclear expertise and facilities and that there was a real possibility of the group developing a crude nuclear device." It went on to say that "fabrication of at least a 'crude' nuclear device was within Al Qaedas capabilities, if it could obtain fissile material."⁴³¶ Skeptics argue that terrorists cannot replicate the effort of a multi-billion dollar nuclear program of a state. This claim does not distinguish between the difficulty of producing nuclear materials for a bomb (the most difficult threshold) and the difficulty of making a bomb once the material has been acquired. The latter is much easier. In the Iraq case, for

example, the CIA noted that if Saddam Hussein had stolen or purchased nuclear materials from abroad, this would have cut the time Iraq needed to make a bomb from years to months.¹ Moreover, terrorists do not require a state-of-the-art weapon and delivery system, since for blowing up a single city a crude nuclear device would suffice.⁴

The grim reality of globalization's dark underbelly is that non-state actors are 38 increasingly capable of enacting the kind of lethal destruction heretofore the sole reserve of states.
CLAIM 4: IT IS TOO DIFFICULT TO DELIVER A NUCLEAR DEVICE TO THE UNITED STATES.⁴

⁴In the spring of 1946, J. Robert Oppenheimer was asked whether units of the atom bomb could be smuggled into New York and then detonated. He answered, "Of course it could be done, and people could destroy New York." As for how such a weapon smuggled in a crate or a suitcase might be detected, Oppenheimer opined, "with a screwdriver." He went on to explain that because the HEU in a nuclear weapon emits so few radioactive signals, a bomb disguised with readily available shielding would not be detected when inspectors opened the crates and examined the cargo.⁴¹ The nuclear weapon that terrorists would use in the first attack on the United States is far more likely to arrive in a cargo container than on the tip of a missile. In his appearance before a Senate subcommittee in March 2001, six months before 9/11, National Intelligence Officer Robert Walpole testified that "non-missile delivery means are less costly, easier to acquire, and more reliable and accurate."⁶ Citing the 1999-2003 U.S. Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore

Commission), **Mueller states that transporting an improvised nuclear device would require overcoming "Herculean challenges."**⁴ **He does not explain, however, why bringing a crude nuclear weapon into an American city would be materially different than the challenge faced by drug smugglers or human traffickers.** According to the Government Accountability Organization, an average of 275 metric tons of cocaine have arrived in Mexico each year for transshipment to the United States since 2000. Reported seizures averaged about 36 tons a year, a 13 percent success rate for the intelligence and law enforcement community. Three million illegal immigrants enter the country each year, and only one in three gets caught."

A2: Deterrence Solves Terrorism

Deterrence theory fails when dealing with terrorists- guarantees irrational response

Preston 7 (Thomas, Associate Prof. IR – Washington State U and Faculty Research Associate – Moynihan Institute of Global Affairs, “From Lambs to Lions: Future Security Relationships in a World of Biological and Nuclear Weapons”, page 170-171, ME) Unfortunately, **for nonstate actors (like terror groups, millennial cults, fanatical religious sects, etc.), these considerations are far less valid. These groups are unlikely to be worried about political legitimacy, and often see the infliction of mass casualties and destruction upon opponents as supported by either their religious or political beliefs.** As Hoffman (1998,94) warns, religions can serve as a “legitimizing force” that lowers the inhibitions a terrorist group might normally have against inflicting indiscriminate, mass casualties on an opponent. Moreover, terror groups like Al Qaeda do not have “return mailing addresses” and therefore are unlikely to be overly concerned about the threat of retaliation from victims. Unlike states, it is difficult to target nonstate actors for direct retaliation since they lack the kind of “fixed targets of high value” possessed by states (e.g., cities, monuments, industries, economic assets controlled by the ruling elites. Etc.). Although economic assets and fundraising efforts can be targeted for disruption – as the U.S. has sought to do since 9/11 – it will never be possible to eliminate half of a population and a third of an economy with the push of a button as it is for state opponents. Indeed, **since deterrence requires the ability of a victim to retaliate and inflict unacceptable levels of damage against an attacker's valued assets, the amorphous nature of nonstate actors make such deterrence efforts by states impossible. Because of these difficulties, state actors seldom (if ever) enter into deterrent security relationships with nonstate actors. Instead, they face the kind of “irrational” opponent long feared by pessimists** – one uninterested in negotiation, **unconcerned about consequences or, in many cases survival, who seeks only to inflict as much harm as possible upon the victim whenever possible.** And, unlike state opponents, who are viewed as less threatening when only their peripheral interests are at stake or they possess only rudimentary WMD capabilities, **nonstate actors can credibly threaten WMD use regardless of their level of capability and they do not have interests easily decompiled into central vs. peripheral areas. As a result, the state vs. nonstate actor security relationship is the most unstable, most prone to conflict, and least susceptible to notions of deterrence of any that exists.** As noted terrorism expert Jessica Stern observes: It is difficult to preempt or deter adversaries whose identities, motivations, and likely responses are unknown. It is also difficult to preempt or deter adversaries whose responses are not rational... for ad hoc groups seeking revenge, acts of violence are likely to be expressive rather than instrumental. They do not measure success by political changes but by horrified and hurt audiences and a humiliated target government. Ad hoc groups have little to lose and are therefore hard to deter. Religious extremists, similarly, may be actively aiming for chaos or, in some cases, for martyrdom... state sponsors, in contrast, may be possible to deter.

A2: Nuke Terror Attack Not That Bad

A nuclear terror attack would kill billions, collapse the global economy, and cause escalation

Schwartz 2015 (Benjamin [Worked at the Departments of State, Defense and Energy]; Right of Boom: The Aftermath of Nuclear Terrorism; The Overlook Press; p. 1-2; kdf)

IN AN OTHERWISE CALM AND UNEVENTFUL MORNING, A small nuclear weapon explodes in downtown Washington, DC. The device generates a yield of fifteen kilotons, roughly the same force unleashed by the bomb Little Boy over Hiroshima. The casualty count rises to over a hundred thousand, and the destruction is measured in hundreds of billions of dollars. The blast's electromagnetic pulse burns out electrical components across the metropolitan area. Radiation leaves the center of the city uninhabitable for the first time since it was declared America's capital in 1790, and the scientific community predicts that it will remain so for a decade. The stock market plunges as investors anticipate draconian customs regimes that will choke global trade. Fear of further attacks paralyzes America and much of the Western world. Hours after the explosion, a little unknown terrorist group claims responsibility. It is the first time the president, who was not in Washington at the time of the blast, and his surviving cabinet members, including the director of national intelligence, have heard of the group. After searching intelligence databases, analysts report that the group is linked to three hostile governments, all of which have issued statements condemning the attack and denying involvement. It will take weeks for the remnants of the US intelligence community to assess that one of these three governments is probably lying, but even then the US government won't have irrefutable evidence of complicity. Unlike a ballistic missile or bomb delivered by enemy land-, air-, or seacraft, the origin of what analysts will call a "container-based improvised nuclear device" is difficult to determine and impossible to prove. Nuclear forensics will ultimately provide strong evidence that the fissile material used in the device originated from the country under suspicion. Signals intelligence will record celebrations and praise of the attack by midlevel officials in that country's military and intelligence establishment. However, the intelligence reporting taken as a whole will suggest that negligence within that country's weapons industry and at its nuclear complexes is at least as plausible a scenario as a deliberate transfer by government officials to the terrorist group. Yet there is no conclusive reporting that points to either willful negligence or human error. Either way, there is no way to know if the transfer occurred through official policy, the machinations of a venal or ideologically motivated individual, or simple incompetence. There is almost nothing about the origins of the attack that the president of the United States knows for certain.

Hiroshima and Nagasaki were different nuclear incidents, in the age of mass communication one attack would destroy society

Dodgen Et A., '11 (Daniel- Phd, Office of the Assistant Secretary for Preparedness and Response, Department of Health and Human Services; "Social, Psychological, and Behavioral Responses to a Nuclear Detonation in a US City: Implications for Health Care Planning and Delivery", Vol 5-1, American Medical Association, ME)
Although the Bombings of Hiroshima and Nagasaki Were Nuclear Incidents, They Are of Limited Usefulness in Gauging What the Public Reaction Would Be to a Modern Nuclear Detonation

The only actual experience with individual and group behavior after nuclear explosions comes from the World War II bombings of Hiroshima and Nagasaki in 1945; however, there are severe limitations in applying the lessons learned from those events to contemporary times. Although there was recognition early on that **the devastation in Hiroshima was caused by a new type of weapon, it was not immediately recognized that the incident involved radiation.** Therefore, people's responses in

the early days were not affected by perceptions of the danger of radiation per se, although many people feared some sort of residual hazard. Similarly, the clinical presentations associated with acute radiation syndrome were puzzling and were initially attributed by some to be a consequence of poisoning or secondary infectious diseases.

How might things unfold if there were a nuclear detonation in a US city today?

How long would it take people to comprehend what had happened? **There would be a blinding flash of light followed by a huge explosion. Intense heat, pressure waves, and wind would herald the detonation.** However, a 10-kT nuclear groundburst may not be recognized initially as being nuclear in origin, especially by those closest to the epicenter. Moreover, the characteristic mushroom shaped cloud may not form due to urban canyon effects.²⁰ Not long after, however, **people would likely begin to speculate that a nuclear blast had occurred, and formal and informal news media around the world would begin around-the-clock coverage. As in past events such as the September 11, 2001, terror attacks, some information initially reported would be speculative or wrong, and that could contribute to public confusion. It is unclear precisely when survivors in areas near the detonation point would learn of the radiation hazard, but it would likely be within the early aftermath of the detonation.** While the electromagnetic pulse effect would probably not extend far, there is concern that the **nearby electrical grid and nearby communication equipment may be affected.** Similarly, **it is unclear how quickly emergency management personnel could begin disseminating guidance to people in specific areas to shelter in place or evacuate to minimize exposure to dangerous fallout.** Nevertheless, it would certainly not take long for neighboring communities to learn that a nuclear device had been detonated in their region. Information about how people can best protect themselves from fallout would need to be disseminated as quickly as possible.

The world has changed dramatically since 1945. **Information about radiation, including some that is inaccurate and some that can best be described as myth, is widespread. An act of terror using a nuclear device would now have manifold levels of meaning and associated fear that would significantly affect the way people and systems respond. Instant national and international communications, Web-based social media, knowledge of previous radiation incidents, and the anticipation that terrorists could detonate additional nuclear devices in other locations are just a few of the variables involved in this new calculus of behavioral response.**

A2: No Retaliation

9/11 proves, attacks invite counter-attacks

Myhrvold 2014 (Nathan P [chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft]; Strategic Terrorism: A Call to Action; cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf; kdf)

Failing nation-states—like North Korea—which possess nuclear weapons potentially pose a nuclear threat. Each new entrant to the nuclear club increases the possibility this will happen, but this problem is an old one, and one that existing diplomatic and military structures aim to manage. The newer and less understood danger arises from the increasing likelihood that stateless groups, bent on terrorism, will gain access to nuclear weapons, most likely by theft from a nation-state. Should this happen, the danger we now perceive to be coming from rogue states will pale in comparison. The ultimate response to a nuclear attack is a nuclear counterattack. Nation states have an address, and they know that we will retaliate in kind. Stateless groups are much more difficult to find which makes a nuclear counterattack virtually impossible. As a result, they can strike without fear of overwhelming retaliation, and thus they wield much more effective destructive power. Indeed, in many cases the fundamental equation of retaliation has become reversed. Terrorists often hope to provoke reprisal attacks on their own people, swaying popular opinion in their favor. The aftermath of 9/11 is a case in point. While it seems likely that Osama bin Laden and his henchmen hoped for a massive overreaction from the United States, it is unlikely his Taliban hosts anticipated the U.S. would go so far as to invade Afghanistan. Yes, al-Qaeda lost its host state and some personnel. The damage slowed the organization down but did not destroy it. Instead, the stateless al-Qaeda survived and adapted. The United States can claim some success against al-Qaeda in the years since 9/11, but it has hardly delivered a deathblow. Eventually, the world will recognize that stateless groups are more powerful than nation-states because terrorists can wield weapons and mount assaults that no nationstate would dare to attempt. So far, they have limited themselves to dramatic tactical terrorism: events such as 9/11, the butchering of Russian schoolchildren, decapitations broadcast over the internet, and bombings in major cities. Strategic objectives cannot be far behind.

Terrorism changes the psyche of policy makers and the public against rationality

Pinker, 8-7- '11 (Steven- professor of psychology at Harvard University, "Terrorism", <http://chronicle.com/article/Era-in-Ideas-Terrorism/128490/>, ME) The discrepancy between the panic generated by terrorism and the deaths generated by terrorism is no accident. **Panic is the whole point of terrorism, as the root of the word makes clear: "Terror" refers to a psychological state, not an enemy or an event. The effects of terrorism depend completely on the psychology of the audience. Terrorists are communicators, seeking publicity and attention, which they manufacture through fear.** They may want to extort a government into capitulating to a demand, to sap people's confidence in their government's ability to protect them, or to provoke repression that will turn people against their government or bring about chaos in which the terrorist faction hopes to prevail. **Cognitive psychologists such as Amos Tversky, Daniel Kahneman, Gerd Gigerenzer, and Paul Slovic have shown that the perceived danger of a risk depends on two factors: fathomability and dread. People are terrified of risks that are novel, undetectable, delayed in their effects, and poorly understood. And they are terrified about worst-case scenarios, the ones that are uncontrollable, catastrophic, involuntary, and inequitable** (that is, the people exposed to the risk are not the ones who benefit from it). **These psychologists suggest that cognitive illusions are a legacy of ancient brain circuitry that evolved to protect us against natural risks such as**

predators, poisons, storms, and especially enemies. Large-scale terrorist plots are **novel, undetectable, catastrophic, and inequitable, and thus maximize both unfathomability and dread. They give the terrorists a large psychological payoff for a small investment in damage.**

US would respond

Caplow, '7 (Theodore- commonwealth professor of sociology emeritus at the univ. of virginia, Forbidden Wars, University Press of America, p.56, ME)

There is also some question as to whether the critics of extended deterrence were correct in assuming that the response to a nuclear attack on a client state or the crossing of a tripwire would not be automatic. **Although some details are classified, it appears that during the cold war, an American second strike would have been forthcoming even if the U.S. government had been decapitated by a soviet first strike.** For many years an airplane code-named Looking glass flew random patterns above the Midwest carrying an Air Force general with the necessary communications equipment to launch a nuclear second strike if higher national authorities were put out of action. Other arrangements were in place to assure that a soviet nuclear attack on any of the third-party states under U.S. protection would evoke a virtually automatic response . **Even today,** as previously noted, **the American responses to a hostile nuclear attack,** whether **directed at the homeland** or at a Nato ally or at a tripwire, **would probably be immediate and overwhelming.**

A2: Terrorism Defense

The probability of a nuclear terror attack is at unprecedented levels – amplifies the magnitude

Schwartz 2015 (Benjamin [Worked at the Departments of State, Defense and Energy]; Right of Boom: The Aftermath of Nuclear Terrorism; The Overlook Press; p. 23-25; kdf)

Is the scenario above simply the product of an overactive imagination and a penchant for alarmism? This is a reasonable question to ask. And it is worth answering before embarking on an exploration of potential responses to nuclear terrorism. Those who assert that there is a genuine threat of nuclear terrorism should acknowledge at the outset that there are legitimate reasons for skepticism. In fact, those who have paid closest attention to the issue over the years may be most conditioned to be incredulous. They have heard public officials repeatedly issue dire warnings of impending terrorist attacks, watched and seen that no attack materializes, and then have been presented with little or no evidence to support the initial alert. It is also perfectly understandable that reasonable people question the competence and/or trustworthiness of US national security officials, particularly those responsible for nuclear issues. This is especially so in light of the second American-led invasion of Iraq—a war justified to the public largely on the basis of nonexistent nuclear weapons. Moreover, warnings of impending doom didn't originate with then vice president Dick Cheney. "I think we have to live with the expectation," remarked a Los Alamos atomic engineer in 1973, "that once every four or five years a nuclear explosion will take place and kill a lot of people." This statement is cited in John McPhee's *The Curve of Binding Energy*, which detailed concerns about the proliferation of nuclear weapons to nonstate actors over forty years ago.³ In the context of this history, accusations of Chicken Little-like behavior aren't flippant reactions. While exaggeration may mislead the credulous and offend the perceptive, neither the absence of a precedent for nuclear terrorism nor the intelligence failure regarding Saddam Hussein's WMD program change the growing threat. Many of these conditions aren't new; they have existed since the dawn of the nuclear age, and the world has been very fortunate that the danger has been effectively managed for so long. Other conditions are truly unprecedented. The world crossed from Graham Allison's "Three No's" into three Yeses with a whimper rather than a bang, but we have nevertheless entered an environment of extraordinary risk. Allison's contention that "[t]he detonation of a terrorist nuclear device in an American city is inevitable if the U.S. continues on its present course" is certainly debatable.⁴ Yet an objective assessment of the current nuclear security situation and its future trajectory leads to an unavoidable conclusion: We are more vulnerable to nuclear terrorism than at any time since the dawn of the nuclear age.

Terrorists can easily build and detonate a nuclear weapon on US soil

Preston 7

(Thomas, Associate Prof. IR – Washington State U and Faculty Research Associate – Moynihan Institute of Global Affairs, "From Lambs to Lions: Future Security Relationships in a World of Biological and Nuclear Weapons", page 172, ME)

A device need not be transportable: an easier option would be to build it in a rented garage or apartment near the center of the target city, to be set off by a timer allowing ample time for the perpetrators to get away. It would be easy to smuggle to such a destination a half dozen or so half-liter parcels of highly enriched uranium. A Hiroshima type nuclear explosive device weapons could then be manufactured rather easily, using openly available information. All the other materials necessary to complete the project could be brought in place without difficulty, presumably **without any need to use black market suppliers** (except, possibly, to purchase some conventional explosives). Even a small weapon of only one-kiloton yield could cause immense casualties in a major city if detonated by terrorists.

Based on a computer simulation of a one-kiloton explosion in Times Square, New York, during a normal work day, Matthew Mckinzie, a staff scientist at the Natural Resources Defense Council, **found over 20,000 people would be killed instantly, and that up to a quarter-mile away, all those exposed to a direct view of the fireball would receive fatal doses of radiation. Up to a quarter-million workers would be affected** by the attack to some degree, **and radioactive fallout would spread at least five to ten miles from ground zero** (Keller 2002, 57). As spiers (2000,80) observes: The potential effects of nuclear terrorism have always been formidable: **if a group with sufficient skills was able to obtain about 30 pounds of highly enriched uranium, which is easily carried in a briefcase, or a small amount of plutonium** (baseball size), **and then spent some \$200,000 acquiring readily available materials and equipment , it could build a nuclear device within a couple of months.** **Had such a nuclear device been in the mini van placed at the World Trade Center, it is estimated that “the lower part of Manhattan would have disappeared up to Gramercy Park, all of Wall Street.”** Of course, **the construction of a nuclear device by terror groups – either outside the U.S. of with components smuggles into the country - would be no simple task. But could be easily accomplished, there is little question a group like Al Qaeda would seek to use it against a target to produce a maximum level of casualties.** And, as former UN weapons inspector David Albright observes, while the technical difficulties in assembling a working weapons should not be underestimated, **it is also a mistake to overestimate the hurdles – especially is you are dealing with a well-organized terror group that has no interest in maintain a reliable, safe arsenal and is willing to take the risk its jury rigged weapon will either not achieve its full yield** (or fail to explode at all). As Albright suggests, **“as you get smarter, you realize you can get by with less... you can do it in facilities that look like barns, garages, with simple machine tools. You can do it with 10-15 people, not all PhD’s, but some engineers, technicians. Our judgment is that a gun-type device is well within the capability of a terrorist organization.**

A2: US Fighting More Wars

Wars are decreasing and when they do occur they are less violent

Goldstein, 9/10- **'11** (Joshua- professor emeritus of international relations at American University, "Think Again: War", Foreign Affairs, ME)
But **though the conflicts of the post-9/11 era may be longer than those of past generations, they are also far smaller and less lethal. America's decade of war since 2001 has killed about 6,000** U.S. service members, **compared with 58,000 in Vietnam and 300,000 in World War II.** Every life lost to war is one too many, but these deaths have to be seen in context: **Last year more Americans died from falling out of bed than in all U.S. wars combined.** And the fighting in Iraq and Afghanistan has taken place against a backdrop of base closures and personnel drawdowns elsewhere in the world. **The temporary rise in U.S. troop numbers in South Asia and the Middle East, from 18,000 to 212,000 since 2000, contrasts with the permanent withdrawal of almost 40,000 troops from Europe, 34,000 from Japan and South Korea, and 10,000 from Latin America in that period. When U.S. forces come home from the current wars -- and they will in large numbers in the near future, starting with 40,000 troops from Iraq and 33,000 from Afghanistan by 2012 -- there will be fewer U.S. troops deployed around the world than at any time since the 1930s.** President Barack Obama was telling the truth in June when he said, **"The tide of war is receding."**

A2: War is more Brutal

There are less civilian casualties now and more humanitarian responses in times of war

Goldstein, 9/10- '11 (Joshua- professor emeritus of international relations at American University, "Think Again: War", Foreign Affairs, ME)
In February 2010, a NATO airstrike hit a house in Afghanistan's Marja district, killing at least nine civilians inside. The tragedy drew condemnation and made the news, **leading the top NATO commander in the country to apologize** to Afghan President Hamid Karzai. **The response underscored just how much has changed in war.** During World War II, Allied bombers killed hundreds of thousands of civilians in Dresden and Tokyo not by accident, but as a matter of tactics; Germany, of course, murdered civilians by the millions. And **when today's civilians do end up in harm's way, more people are looking out for them. The humanitarian dollars spent per displaced person rose in real terms from \$150 in the early 1990s to \$300 in 2006. Total international humanitarian assistance has grown** from \$2 billion in 1990 **to \$6 billion in 2000 and (according to donor countries' claims) \$18 billion in 2008. For those caught in the crossfire, war has actually gotten more humane.** Yet many people insist that the situation is otherwise. For example, authoritative works on peacekeeping in civil wars (Roland Paris's award-winning *At War's End* and Michael Doyle and Nicholas Sambanis's *Making War and Building Peace*), as well as gold-standard reports on conflict from the World Bank and the Carnegie Commission on Preventing Deadly Conflict, tell us that 90 percent of today's war deaths are civilian while just 10 percent are military -- the reverse of a century ago and "a grim indicator of the transformation of armed conflict" in the late 20th century, as political scientist Kalevi Holsti put it. Grim indeed -- but, fortunately, untrue. The myth originates with the 1994 U.N. Human Development Report, which misread work that Swedish researcher Christer Ahlström had done in 1991 and accidentally conflated war fatalities in the early 20th century with the much larger number of dead, wounded, and displaced people in the late 20th century. **A more careful analysis done in 1989 by peace researcher William Eckhardt shows that the ratio of military to civilian war deaths remains about 50-50, as it has for centuries** (though it varies considerably from one war to the next). **If you are unlucky enough to be a civilian in a war zone, of course, these statistics are little comfort. But on a worldwide scale, we are making progress in helping civilians afflicted by war.**

War deaths are decreasing

Goldstein, 9/10- '11 (Joshua- professor emeritus of international relations at American University, "Think Again: War", Foreign Affairs, ME)
Recent technological changes are making war less brutal, not more so. **Armed drones now attack targets that in the past would have required an invasion with thousands of heavily armed troops, displacing huge numbers of civilians and destroying valuable property along the way. And improvements in battlefield medicine have made combat less lethal** for participants. In the U.S. Army, the chances of dying from a combat injury fell from 30 percent in World War II to 10 percent in Iraq and Afghanistan -- though this also means the United States is now seeing a higher proportion of injured veterans who need continuing support and care.

! Turns Human Rights

Terrorism turns civil liberties and human rights

Gorman 6 (Lindsey Gorman; “The Terrorist Threat: Its Impact on American Civil Liberties and Democracy”; Atlantic International Studies Organization; Volume 3, Spring 2006; <http://atlismta.org/online-journals/0607-journal-development-challenges/the-terrorist-threat/>)

Within the international system, terrorist attacks threaten the security of their target states. Terrorism can be defined “as the threat or use of violence to spread fear to lead to political change.”^[1] However, state responses to terrorist threats differ according to its political system. For authoritarian regimes, the responses are virtually limitless. Appropriate responses become inherently more complex for a liberal democracy that guarantees its citizens a certain level of civil and human rights. **In fact, the strategy used by terrorists “is to force the liberal government to reveal its true, authoritarian nature...through restrictions on civil liberties as would be imposed in a crisis or state of siege.”**^[2] A paradox ensues, in which a state can clamp down on civil liberties and human rights in order to defeat and capture terrorists, ending the democratic regime. Alternatively, states that do not react in this manner ensure civil liberties are protected but leave their citizens vulnerable to security threats.^[3] As Michael Ignatieff points out, “A terrorist emergency is precisely a case where allowing individual liberty – to plan, to plot, to evade detection—may threaten a vital majority interest that is national security.”^[4] This is the “catch-22” of the liberal democratic state response to terrorism.

! Turns Tech Leadership

Terrorism guts tech leadership and competitiveness

Koh 7 (Winston T.H., Professor of Economics and Associate Dean – Singapore Management University, “Terrorism and its Impact on Economic Growth and Technological Innovation”, *Technological Forecasting and Social Change*, 74(2), February, ScienceDirect)

3. Terrorism's impact on R&D and innovation

How will the war against global terrorism affect the trajectory of R&D and the pace of innovation? In the past, wartime tends to stimulate innovation of all kinds. **Military conflict engenders innovation**, and is changed by it [16]. During World War II, technologies that were developed include the radar, jet engines, radio electronics and nuclear power. As a result, World War II turned out to be a different war compared with World War I; airpower, which played a minor role in World War I, played a decisive role in winning World War II for the Allies. Spurred by the current war on terrorism, innovations in intelligence gathering and decision support, sensors, monitoring are generating greater interest. Since the 9-11 attacks, there is an increase in demand for inspection technologies to screen individuals, packages, vehicles, and containers for weapons, explosives, chemical agents, and nuclear materials. There is also demand for advanced bomb resistant waste receptacles to increase public safety as well as a variety of fully confined containment containers for safely storing, transporting, or detonating detected contraband. 3.1. New technologies in the war on terrorism Clearly, the development of the homeland security industry going forward will be shaped by the changing attitudes and perception of people towards the threat of terrorism. In the United Kingdom, a pilot scheme was announced in 2004 to launch 10,000 identity cards on a volunteer basis, incorporating biometric features. In Singapore, all passports would eventually incorporate biometric features. By scanning personal characteristics such as fingerprints and iris features onto a computer chip that can only be read by a high-tech reader, these biometric passports make it difficult to forge documents to enter a country illegally. Many countries are also spending on technology to link the land, sea and air checkpoints electronically, thereby tightening the first-line defense against the entry of terrorist elements into their homeland. Looking into the future, new technologies that allow us to generate forward-looking intelligence would be critical in the war against terrorism. The greatest value of intelligence is to anticipate terrorist actions and to translate that information into an effective response. Improvements in technology will provide us with improved computer-based data fusion capabilities, modeling and simulation to better understand possible scenarios and responses. Advanced language translation software will be developed to better track terrorist communication as a source of intelligence. Besides intelligence, detection is another area which would spur innovations in the fight against terrorism. The future of sensors lies in biomimetics—biological and chemical sensors. For instance, technologies that are being developed include those that mimic the sniffing capabilities of a dog or the heat-seeking abilities of a viper to detect concealed bombs or weapons. In addition, technologies that allow for more accurate and timely detection of viral and bacterial pathogens will drive advancements in sensors—with the ultimate goal of combining chemical and biological threat detection into a suite of sensors. Sensors of the future will be deployed by highly mobile, reliable and affordable robotics. 3.2. Competition for R&D talents and resources Between the end of World War II and the current war on terrorism, the principal focus of technological innovation was the commercial markets. For instance, in the late 1960s, computer technology was being applied to offices as well as the manufacturing shopfloor. In the 1970s, the market for handheld calculators, electronic watches and clocks was driving development in the semiconductor technology. By the 1990s, it was the Internet, the cell phone, the DVD player, the PDA, and the personal computer and other commercial and consumer items that governed developments. Besides military usage, global positioning satellite systems were sold to consumers for hunting expeditions or for mapping or keeping track of the fleet of trucks for shipping and courier companies. **While the war on terrorism may spur innovation**, as was the case during the Second World War, **there could be an opposite effect**. There are concerns that **the war on terrorism may draw talented engineers and scientists to work on terrorism-related initiatives, and draw a high proportion of the research talent away from the industrial sector to work on** what are essentially **non-economic projects**. It was suggested that **the huge scientific effort** in the 1960s **to put a man on the moon during the Cold War** of the 1960s **was one of the contributing causes to the decline in US competitiveness in the 1970s and 1980s**, relative to Japan and other European countries. Moreover, when the Cold War was in full bloom, advanced fighter planes, better radar systems, smarter tanks and artillery were all in development in addition to the race to space. The United States was beaten in launching first orbiting satellite, but they were not going to lose the race to the moon. Some commentators have argued that **the civilian spin offs** of the space exploration **were** in fact **quite modest**, and in any event **vastly less than** those that **would have been generated if the people involved had been working in private industry**. Except for products aimed at the consumer electronics market—principally television—virtually all new products were produced with the military and aerospace industry customer in mind. Moreover, performing standards were set to meet the demanding requirements of these military and aerospace customers. It is feared that the current war on terrorism may result in similar effects on the United States global economy. **Even if there is no crowding out effect on private sector R&D, several effects on the rate and scope of technological innovation can be discerned as attention has focused on the fight against terrorism**. Firstly, the development of some types of technologies will be stimulated, or greatly speeded up as resources are invested [17]. As we discussed earlier in this section, the obvious examples are those related to surveillance, satellite imaging, security recognition systems, interception of radio and telephone signals, disaster recovery, etc. However, there is some concern although there is some commercialization potential in the technologies that are being developed in the wake of the 9-11 attacks, the spin off effect into the civilian economy may turn out to be not as much. There will be some civilian uses for these technologies (better security systems in large office buildings, and improved satellite imaging for oil exploration, for example) but much of the new technology will be highly specialized, and in any event may be kept secret to avoid tipping off potential adversaries. 3.3. Government funding of venture capital Another interesting effect of the war on terrorism is that governments are working more closely with venture capitalists since the late 1990s. A good example of such collaboration was the establishment by the CIA of In-Q-Tel in 1999 [18]. This small US\$30 million fund operates in the Silicon Valley to co-invest with other venture partners in technologies (particularly information technologies) that have potential application to governmental projects, particularly in the area of intelligence. The fund will not be an exclusive founder of a startup but will seek to make the companies in which it is invested aware of markets for their products and technology that are parallel to their commercial applications. In other countries, such as Singapore, government recognizes the need to develop new technologies systems that respond to terrorist threats and is taking the lead to set up venture capital funding for technologies have applications to the war on terrorism. Many countries have set up similar government-funded venture funds that offer early-stage venture capital funding and introductions to capabilities that will serve to address terrorist activities. 4. The future What does the future hold? **Attacks on an even broader scale than the 9-11 attacks may occur**. For instance, the risk of **a nuclear device** bearing explosive force of 20 000 tons of TNT denoting over Manhattan is real. Such a device

would destroy everything within three square miles (see Stern [19]). The whole Wall Street and financial district would be destroyed and hundreds of thousands of lives would be lost. It would leave most of the metropolitan area uninhabitable for years, and would reduce the country's production potential substantially, with the brunt borne by the financial industry, which represents the bulk of New York City's economy. Wall Street would be closed for a long period of time and the recovery of financial transactions would depend on the availability of back-up facilities and data duplication. There would be severe disruption to the transportation system, including the port and airports. It is not only New York that faces such as threat. Other financial centers such as London, Tokyo, and Singapore are potential targets as well. Another possible scenario is that terrorists could attempt to explode a nuclear device or release contagious viruses in a populous metropolitan area [19]. In fact, within weeks of the 9-11 attacks, lethal anthrax spores were found to have contaminated mail in the United States. There are also concerns that terrorists could use the SARS virus, avian flu virus, and even the eradicated smallpox virus for future biological terrorist acts. In light of these potential future scenarios, technology will play a far greater role in preventing future terrorist acts. On balance, the development of a number of technologies relating to surveillance and related areas will be speeded up. However, as we noted in the paper, there is also the risk that the diversion of resources to develop anti-terror technologies may slow down innovation in society as a whole, by drawing talented people from more economically productive areas, by crowding out investment dollars, and by creating a climate of intolerance that will impede innovation. That, in turn, may well play a role in reducing economic growth in the long term.

! Turns Economy

Nuke Terror Would Kill Hundreds of Thousands, Collapse the Global Economy, Cause Poverty, and Intensify Conflicts in the Developing World

Kenneth C. **Brill** is a former U.S. ambassador to the I.A.E.A. **AND** Kenneth N.

Luongo is president of the Partnership for Global Security. 3/17 **2012** Both are members of the Fissile Material Working Group, a nonpartisan nongovernmental organization NYTimes.com Nuclear Terrorism: A Clear Danger, ME

A terrorist nuclear explosion could kill hundreds of thousands, create billions of dollars in damages and undermine the global economy. Former Secretary General Kofi Annan of the United Nations said that an act of nuclear terrorism “would thrust tens of millions of people into dire poverty” and create “a second death toll throughout the developing world.” Surely after such an event, global leaders would produce a strong global system to ensure nuclear security. There is no reason to wait for a catastrophe to build such a system.

Large-scale terror attack collapses the U.S. and global economies

Rogoff 4 (Kenneth, Professor of Economics and Public Policy – Harvard University, “The Cost of Living Dangerously: Can the Global Economy Absorb the Expenses of Fighting Terrorism?; Argument”, Foreign Policy, 11-1, Lexis)

As this article is being written, the threat of a horrific prelection terrorist assault against the United States has yet to materialize. Unfortunately, the news this summer that al Qaeda operatives have painstakingly targeted major U.S. and international financial institutions only underscores the likelihood of more attacks.

Politicians, economists, and ordinary citizens rightfully worry that terrorism--beyond the tragic human costs--could derail economic growth in the United States and around the

world. What also worries me, however, is the potential economic impact of antiterrorism efforts. Forget the long lines at airports. The global economy has become so dependent on the free flow of goods and people across borders that even a little additional security can have a greater impact than most might think. Consider, for example, the likely consequence of enhanced security at shipping ports worldwide to monitor for biological or nuclear weapons material, a precaution many experts consider inevitable. Currently, only about 2 percent of all cargo reaching U.S. shores is subject to inspection. The July 2004 report of the U.S. 9/11 Commission noted that, until better technologies become available, authorities should improve methods of “identifying and tracking the high-risk containers, operators, and facilities that require added scrutiny.” But what if such added scrutiny means that the level of cargo inspected jumps to, say, 50 percent? Today’s slowest customs lines--in countries such as Japan that already use port delays as veiled forms of trade protectionism--would start to seem like express lanes, and the costs of many consumer goods would skyrocket. Worse yet, as trade in goods and the flow of people slows, so too will the breathless pace of product innovation that many individuals now take for granted. Any abatement of the competitive pressures of globalization or any reduction in the free movement of people and ideas would surely undercut growth--not to mention raise prices sharply at your local Wal-Mart. Think about what is happening already. Despite introducing relatively limited antiterrorist restrictions thus far, the United States will likely register slower economic growth in a few years due to post-9/11 visa restrictions alone. Few Americans appreciate the extent to which scientists, engineers, and businesspeople from other countries contribute to U.S. economic growth. Historically, the United States has attracted legions of enterprising foreign-born workers; today about 2.5 million foreigners with advanced degrees work in the United States, and many hold leading positions in science and industry and serve as key transnational links for the increasingly globalized U.S. economy. More than 30 percent of all Ph.D. recipients in U.S. science and mathematics programs are foreigners on student visas. In engineering, almost half of all graduates have come to the United States on foreign visas; many of them stay in the country upon completing their degrees. The U.S. economy grows in no small part by skimming the cream off the rest of the world’s workforce.

Unfortunately, U.S. companies today often shy away from hiring U.S.-educated foreigners. The price tag on the visa application process has soared, and companies never know if and when work permits will be approved or precisely when a new foreign employee can come on board. And yes, workers from Muslim countries are particularly hard hit, but the difficulties have worsened for everyone. Even obtaining visas to attend academic or policy conferences in the United States is now an ordeal. Little surprise that international applications to U.S. graduate programs have declined by roughly a third in the last year. Added security won’t come cheap, either, and raising the necessary taxes will prove painful, especially with the United States and Europe facing the costs of aging populations and shrinking workforces. The United States estimates its 2005 homeland security budget at about \$40 billion, a sum that could easily double in a few years. But these direct costs of increased security reveal only a limited picture. Perhaps the greatest danger is that increased security will distort and accentuate government taxation and regulation. Orwellian 1984 scenarios aside, suppose governments were able to keep much closer tabs on citizens? Just like individuals, economies need a bit of privacy to function efficiently. Idiotic government rules and regulations abound, and citizens must have ways to evade the worse of them. The reason why roughly one fifth of Italy’s economy is “underground” is not just high tax rates or the Sicilian Mafia. The real explanation is more prosaic: Ordinary people need to hire painters, plumbers, and carpenters

to fix their houses, or nannies to care for their children, without wasting endless hours tangled in red tape. Germany--hardly famous for its mafia--has an underground economy approaching one sixth of its national income. More severe security measures are probably necessary and inevitable, even from a narrow economic perspective. Another atrocity on the scale of September 11 would wreak havoc on energy prices, stock markets, and consumer confidence, slamming the brakes on today's global economic recovery. But just like other desirable government initiatives (such as environmental regulations or workplace safety laws), antiterrorism measures can work at far less cost when they are flexible and market-friendly. For example, just as some countries provide fast-track airport security lines to high-paying business travelers, shippers should be able to pay higher fees to move more quickly to the head of the customs queue. Similarly, higher fees should help accelerate visa applications. No doubt, such measures may offend some people's sense of egalitarianism, but these policies and others like them are essential. The benefits of today's interconnected market economies won't survive under a vast and inflexible command-and-control security arrangement.

! Turns Warming

Cross-apply Ayson—nuclear and cyber terror are both internal links to miscalc with Russia—that triggers warming way faster

Robock '10 (Oman, “Nuclear Winter Revisited with a Modern Climate Model and Current Nuclear Arsenals: Still Catastrophic Consequences,” Journal of Geophysical Research, Vol. 112, no. D13107, available online at <http://www.nucleardarkness.org/warconsequences/globalwarmingversuscoolingfromnuclearwar/>, ME)

Climatic changes resulting from nuclear conflict would occur many thousands of times faster – and thus would likely be far more catastrophic – than the climatic changes predicted as a result of global warming.¹ **The rapidity of the war-induced changes, appearing in a matter of days and weeks, would allow human populations and the whole plant and animal kingdoms no time to adapt.** It is worth noting that **the same methods and climate models used to predict global warming were used in these studies to predict global cooling resulting from nuclear war. These climate models have proved highly successful in describing the cooling effects of volcanic clouds during extensive U.S. evaluations and in international intercomparisons** performed as part of the Fourth Assessment of the Intergovernmental Panel on Climate Change.² Predicted drops in average surface temperatures in the Northern Hemisphere caused by small, moderate and large nuclear conflicts are contrasted with the effects of global warming during the last century in Figure 1 and with average surface air temperatures during the last 1000 years in Figure 2. Observed Global Warming during the period 1880 through 2006 contrasted with predicted temperature drops from a range of nuclear wars. **The India-Pakistan war detonated only one half of 1% of the explosive power of the currently deployed and operational U.S. and Russian nuclear arsenals.**³ Northern Hemisphere average surface air temperatures during the last 1000 years contrasted with forecast temperature drops from a range of nuclear conflicts.⁴ **There are, of course, other important considerations which must be made when estimating the overall environmental and ecological impacts of nuclear war. These must include the release of enormous amounts of radioactive fallout, pyrotoxins (poisonous gases produced in large fires) and toxic industrial chemicals into the ecosystems. There will also be massive increases in the amount of deadly ultraviolet light which will reach the surface of the Earth as a result of ozone depletion** (no calculations on ozone depletion from a large nuclear war have been done using modern climate models, but **recent calculations predict massive depletion from nuclear conflict using only a tiny fraction of the current global nuclear arsenal**). All **these by-products of nuclear war must be taken into account when comparing the danger of nuclear conflict to other potential dangers now confronting humanity and life on Earth.**

! Turns Court Advantages

Terror turns the Court advantage – causes judicial conservatism and deference to political branches

Epstein 5 (Lee **Epstein** et. al., law at Washington University, April **2005** (80 N.Y.U.L. Rev. 1, lexis))

In addition, because concerns over institutional legitimacy are constant, the Court must follow precedent established during wartime even after the crisis dissipates. If it does not, it once again may risk undermining its fundamental efficacy. That is so for several reasons, not the least of which is that members of legal and political communities base their future expectations on the belief that others will follow existing rules. Should the Court make a radical change in those rules, the communities may be unable to adapt, resulting in a decision that does not produce a (new) efficacious rule. If a sufficient number of such decisions accumulate over time, the Court will undermine its legitimacy. Hence, the norm of stare decisis can constrain the decisions of all justices, even those who do not believe they should be constrained by past decisions or who dislike extant legal principles.¹³³ From this logic, advocates of the crisis thesis assert that one of two possibilities relating to precedent established during wartime results: (a) “statist ratchets,” sometimes termed “lingering effects,”¹³⁴ or (b) “dosages.”¹³⁵ The first seems to follow from Justice Jackson’s dissent in *Korematsu*, which warns that: [O]nce a judicial opinion rationalizes [a government] order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, **the Court for all time has validated [a] principle** . . . [that] then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes.¹³⁶ In other words, **once justices articulate doctrine “accommodating” the crisis, that doctrine “become[s] entrenched over time and thus normalized and made routine.”**¹³⁷ Future justices will stick to it, regardless of whether a war is ongoing and regardless of whether they agree with it. This follows from the norm of stare decisis and its role in helping the Court to establish and maintain its legitimacy. Dosages too flow from the norm but take a slightly different form. The idea here—in direct contradistinction to “libertarian ratchets”—is that with every passing war or other international crisis, the government responds with ever-increasing “dosages” necessary to fend off the threat. Or, as Gross puts it: What might have been seen as sufficient ‘emergency’ measures in the past (judged against the ordinary situation) may not be deemed enough for further crises as they arise. Much like the need to gradually increase the dosage of a heavily used medication in order to experience the same level of relief, so too with respect to emergency powers . . .¹³⁸ **Given the extreme deference the Court must show to the government to retain its legitimacy, it will approve of its ever-extreme measures** and thereby generate even more extreme doctrine that future Courts must follow.

! Turns Internet

Large scale terror causes sealed borders and hyper-nationalization – turns their Internet advantage

Ignatieff 4 (Michael, Professor of Human Rights – Harvard University, *The Lesser Evil: Political Ethics in an Age of Terror*, p. 153-154)

It is a commonplace of presidential and prime ministerial rhetoric to insist that their democracies cannot lose in a war on terror. My own analysis thus far has confirmed that no democracy has ever been toppled by a terrorist campaign, unless other factors, like economic collapse or military defeat, were present too. But faced with terrorism that deploys weapons of mass destruction, we cannot be as certain that the historical pattern, argued for in this book, would prevail in the future. In other words, we could lose. What would defeat look like? It would not be like invasion, conquest, or occupation, of course, but rather would entail the disintegration of our institutions and way of life. **A succession of mass casualty attacks, using weapons of mass destruction, would leave** behind zones of devastation sealed off for years and **a pall of mourning, anger, and fear hanging over** our public and private lives. Such attacks would destroy the existential security on which democracy depends. Recurrent attacks with weapons of mass destruction might not just kill hundreds of thousands of people. **We might find ourselves living with a national security state on permanent alert, with sealed borders, constant identity checks, and permanent detention camps for suspicious aliens** and recalcitrant citizens. **A successful attack would poison the wellsprings of trust among strangers that make the relative liberty of liberal democracy possible.** Our police forces might descend to torturing suspects in order to prevent future attacks, and our secret security forces might engage in direct assassination of perpetrators or mere suspects as well. Our military might itself use weapons of mass destruction against terrorist enemies. If our institutions were unable to stop the attacks, the state's monopoly of force might even break down, as citizens took the law into their own hands seeking to defend themselves against would-be perpetrators. Vigilantes would patrol blighted and deserted streets. This is what the face of defeat might look like. We would survive, but we would no longer recognize ourselves or our institutions. We would exist but lose our identity as free people.

Terrorism –MSDI

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The Syrian Civil War has Dramatically Increased The Risk of Terror Attacks Of all kinds in the U.S.

David Francis, February 25, 2015, Foreign Policy, Islamic State Threat Comes to American Shores, <http://foreignpolicy.com/2015/02/25/islamic-state-threat-comes-to-american-shores/>
DOA: 3-1-15

US. law enforcement authorities nabbed three terrorism suspects Wednesday for conspiring to travel to Syria to fight for the Islamic State and conduct attacks here at home, including a potential attempt on President Barack Obama's life and a hoped-for bomb attack at New York's Coney Island. The arrests are likely to raise concerns about the Islamic State's presence on American shores. No one claiming allegiance to the group has yet to strike in the United States but the militants running a self-proclaimed caliphate in parts of Syria and Iraq have inspired attacks in Canada, Denmark, France, and Australia. In the last year, U.S. law enforcement personnel have arrested more than 20 people for trying to travel to the Middle East to fight for the Islamic State or other terrorist groups. One suspect, Akhror Saidakhmetov, was arrested at New York's Kennedy Airport while trying to board a plane to Istanbul. A second suspect, Abdurasul Hasanovich Juraboev, traveled to Turkey last month and was picked up in Brooklyn. Abror Habibov was arrested up in Florida and stands accused of funding Saidakhmetov's attempts to travel to the Middle East. Each faces a maximum sentence of 15 years in federal prison. "The flow of foreign fighters to Syria represents an evolving threat to our country and to our allies," United States Attorney Loretta Lynch, who is also Obama's nominee as attorney general, said in a statement announcing the arrests. "As alleged in the complaint, two of the defendants in this case sought to travel to Syria to join [the Islamic State] but were also prepared to wage violent jihad here in the United States." Their arrests serve as a reminder of the international reach of the group. Saidakhmetov lives in Brooklyn but is a citizen of Kazakhstan. Juraboev and Habibov are from Uzbekistan.

Intensive Domestic Surveillance is Empirically Key to Prevent Nuclear, Chemical and Bio Terror Attacks

Yohn **Yoo**, Summer 2014, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute, Harvard Journal of Law & Public Policy, THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS, <http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Yoo1.pdf>, DOA: 1-1-15, p. 929-30

The real problem with FISA, and even the Patriot Act, as they existed before the 2008 Amendments, is that they remained rooted in a law enforcement approach to electronic surveillance. They tied the government's counterterrorism efforts to individualized suspicion. Searches and wiretaps had to target a specific individual already believed to be involved in harmful activity. But detecting al Qaeda members who have no previous criminal record in the United States, and who are undeterred by the possibility of criminal sanctions, requires the use of more sweeping methods. To prevent attacks successfully, the government

has to devote surveillance resources where there is a reasonable chance that terrorists will appear or communicate, even if their specific identities remain unknown. What if the government knew that there was a fifty percent chance that terrorists would use a certain communications pipeline, such as e-mail provided by a popular Pakistani ISP, but that most of the communications on that channel would not be linked to terrorism? An approach based on individualized suspicion would prevent computers from searching through that channel for the keywords or names that might suggest terrorist communications because there are no specific al Qaeda suspects and thus no probable cause. Searching for terrorists depends on playing the probabilities rather than individualized suspicion, just as roadblocks or airport screenings do. The private owner of any website has detailed access to information about the individuals who visit the site that he can exploit for his own commercial purposes, such as selling lists of names to spammers or gathering market data on individuals or groups. Is the government's effort to find violent terrorists a less legitimate use of such data? Individualized suspicion dictates the focus of law enforcement, but war demands that our armed forces defend the country with a broader perspective. Armies do not meet a "probable cause" requirement when they attack a position, fire on enemy troops, or intercept enemy communications. The purpose of the criminal justice system is to hold a specific person responsible for a discrete crime that has already happened. But focusing on individualized suspicion does not make sense when the purpose of intelligence is to take action, such as killing or capturing members of an enemy group, to prevent future harm to the nation from a foreign threat. FISA should be regarded as a safe harbor that allows the fruits of an authorized search to be used for prosecution. Using FISA sacrifices speed and breadth of information in favor of individualized suspicion, but it provides a path for using evidence in a civilian criminal prosecution. If the President chooses to rely on his constitutional authority alone to conduct warrantless searches, then he should generally use the information only for military purposes. The primary objective of the NSA program is to "detect and prevent" possible al Qaeda attacks on the United States, whether another attack like September 11; a bomb in apartment buildings, bridges, or transportation hubs such as airports; or a nuclear, biological, or chemical attack. These are not hypotheticals; they are all al Qaeda plots, some of which U.S. intelligence and law enforcement agencies have already stopped. A President will want to use information gathered by the NSA to deploy military, intelligence, and law enforcement personnel to stop the next attack. The price to pay for speed, however, is foregoing any future criminal prosecution. If the President wants to use the NSA to engage in warrantless searches, he cannot use its fruits in an ordinary criminal prosecution. Al Qaeda has launched a variety of efforts to attack the United States, and it intends to continue them. The primary way to stop those attacks is to find and stop al Qaeda operatives, and the best way to find them is to intercept their electronic communications. Properly understood, the Constitution does not subject the government to unreasonable burdens in carrying out its highest duty of protecting the nation from attack.

The First impact is a global nuclear exchange

Robert **Ayson 10** Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand @ The Victoria University of Wellington, July 2010, "After a Terrorist

Nuclear Attack: Envisaging Catalytic Effects," Studies in Conflict and Terrorism, Vol. 33 Issue 7)

But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be "spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important . . . some indication of where the nuclear material came from."⁴¹ Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear

aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abettors of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the "Chechen insurgents' . . . long-standing interest in all things nuclear."⁴² American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide.

Additionally, Bioterror Leads to Extinction

Nathan **Mhyrvold** 2013 "Strategic Terrorism: A Call to Action"

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2290382 Lawfare Research Paper No. 2-2013 He attended Mirman School and began college at age 14. He studied mathematics, geophysics, and space physics at UCLA. He was awarded a Hertz Foundation Fellowship for graduate study and studied at Princeton University, where he earned a master's degree in mathematical economics and completed a PhD in theoretical and mathematical physics. He also attended Santa Monica College. For one year, he held a postdoctoral fellowship at the University of Cambridge working under Stephen Hawking.

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow's terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.^{10, 11} Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to

the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller's variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.^{12, 13} Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I've asked this question of experts many times, and no one has yet replied that such a manipulation couldn't be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.¹⁴ Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV, which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS, which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and *approximately 34 million people are now living with this virus and facing a highly uncertain future.¹⁵ A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV. It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.¹⁶ When I've talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern

biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

Links

General Domestic Surveillance

Surveillance is a critical tool needed to defeat terrorism

Alan **Dershowitz**, Harvard Law School, May 5, 2014, The Atlantic, "No one opposes all surveillance; false equivalence on the NSA," <http://www.theatlantic.com/politics/archive/2014/05/false-equivalence-on-surveillance-from-alan-dershowitz/361694/> DOA: 2-22-15

Our enemies, especially those who target civilians, have one major advantage over us. They are not constrained by morality or legality. We have an advantage over them. In addition to operating under the rule of law, we have developed through hard work and extensive research technological tools that allow us to monitor and prevent their unlawful and lethal actions. Such technological tools helped us break the German and the Japanese code during the Second World War. They helped us defeat fascism. They helped us in the Cold War. And they are helping us now in the hot war against terrorists who would bomb this theater if they had the capacity to do so. You're going to hear again that there are only excuses that are being offered, that terrorism is really not a serious problem, or that American policy is as terroristic as the policy of al-Qaeda. I don't think you're going to accept that argument. We must not surrender our technological advantage.

Surveillance critical to the war on terror

Jessica **Zuckerman et al**, 2013, 60 Terrorist Plots Since 9-11: Continued Lessons in Domestic Counterterrorism, <http://www.heritage.org/research/reports/2013/07/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism> DOA: 5-24-15
Zuckerman is a Policy Analyst @ Heritage, Steven Bucci Phd, Director, Douglas and Sarah Allison Center for Foreign and National Security Policy, James Carafano, Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow

Three months after the attack at the Boston Marathon, the pendulum of awareness of the terrorist threat has already begun to swing back, just as it did after 9/11. Due to the resilience of the nation and its people, for most, life has returned to business as usual. The threat of terrorism against the United States, however, remains. Expecting to stop each and every threat that reaches a country's borders is unreasonable, particularly in a free society committed to individual liberty. Nevertheless, there are important steps that America's leaders can take to strengthen the U.S. domestic counterterrorism enterprise and continue to make the U.S. a harder target. Congress and the Administration should: Ensure a proactive approach to preventing terrorist attacks. Despite the persistent threat of terrorism, the Obama Administration continues to focus on reactive policies and prosecuting terrorists rather than on proactive efforts to enhance intelligence tools and thwart terrorist attempts. This strategy fails to recognize the pervasive nature of the threat posed by terrorist groups such as al-Qaeda and homegrown extremism. The Administration, and the nation as a whole, should continue to keep in place a robust, enduring, and proactive counterterrorism framework in order to identify and thwart terrorist threats long before the public is in

danger. Maintain essential counterterrorism tools. Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorist threats. Key provisions within the act, such as the roving surveillance authority and business records provision, have proved essential for thwarting terror plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sun setting provisions within the PATRIOT Act.[208] Furthermore, legitimate government surveillance programs are also a vital component of U.S. national security, and should be allowed to continue. Indeed, in testimony before the house, General Keith Alexander, the director of the National Security Agency (NSA), revealed that more than 50 incidents of potential terrorism at home and abroad were stopped by the set of NSA surveillance programs that have recently come under scrutiny. That said, the need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Break down the silos of information. Washington should emphasize continued cooperation and information sharing among federal, state, and local law enforcement agencies to prevent terrorists from slipping through the cracks between the various jurisdictions. In particular, the FBI should make a more concerted effort to share information more broadly with state and local law enforcement. State and local law enforcement agencies are the front lines of the U.S. national security strategy. As a result, local authorities are able to recognize potential danger and identify patterns that the federal authorities may miss. They also take the lead in community outreach, which is crucial to identifying and stopping "lone wolf" actors and other homegrown extremists. Federal law enforcement, on the other hand, is not designed to fight against this kind of threat; it is built to battle cells, groups, and organizations, not individuals.

Surveillance needed to defeat terrorism

Glenn **Sulmassy**, 2013, CNN, "Feds start building case against NSA leaker,"
<http://www.cnn.com/2013/06/10/opinion/sulmasy-nsa-snowden/> DOA: 4-1-15

The current threat by al Qaeda and jihadists is one that requires aggressive intelligence collection and efforts. One has to look no further than the disruption of the New York City subway bombers (the one being touted by DNI Clapper) or the Boston Marathon bombers to know that the war on al Qaeda is coming home to us, to our citizens, to our students, to our streets and our subways. This 21st century war is different and requires new ways and methods of gathering information. As technology has increased, so has our ability to gather valuable, often actionable, intelligence. However, the move toward "home-grown" terror will necessarily require, by accident or purposefully, collections of U.S. citizens' conversations with potential overseas persons of interest. An open society, such as the United States, ironically needs to use this technology to protect itself. This truth is naturally uncomfortable for a country with a Constitution that prevents the federal government from conducting "unreasonable searches and seizures." American historical resistance towards such activities is a bedrock of our laws, policies and police procedures. But what might have been reasonable 10 years ago is not the same any longer. The constant armed struggle against the

jihadists has adjusted our beliefs on what we think our government can, and must, do in order to protect its citizens. However, when we hear of programs such PRISM, or the Department of Justice getting phone records of scores of citizens without any signs of suspicious activities nor indications of probable cause that they might be involved in terrorist related activities, the American demand for privacy naturally emerges to challenge such "trolling" measures or data-mining. The executive branch, although particularly powerful in this arena, must ensure the Congress is kept abreast of activities such as these surveillance programs. The need for enhanced intelligence activities is a necessary part of the war on al Qaeda, but abuse can occur without ensuring the legislative branch has awareness of aggressive tactics such as these. Our Founding Fathers, aware of the need to have an energetic, vibrant executive branch in foreign affairs, still anticipated checks upon the presidency by the legislature. Working together, the two branches can ensure that both legally, and by policy, this is what the citizens desire of their government -- and that leaks such as Snowden's won't have the impact and damage that his leaks are likely to cause.

Surveillance Key

Britain **Eakin**, June 19, 20**13**, Al Arabia, "NSA: Secret Surveillance Helped Prevent 50-plus terror attacks," <http://english.alarabiya.net/en/News/world/2013/06/19/NSA-Secret-U-S-surveillance-helped-prevent-50-plus-terror-attacks.html> DOA: 4-25-15

Secret surveillance programs helped prevent more than 50 potential terror attacks worldwide, including plots to target the New York Stock Exchange and the city's subway, the director of the National Security Agency testified on Tuesday. Ten of the 50 potential threats were domestic, said Army General Keith B. Alexander. A hearing before the House Intelligence Committee sought to calm fears among the American public that the U.S. government spies on them unconstitutionally, and repeated assurances that none of the NSA surveillance programs can target U.S. citizens at home or abroad without a court order. "These programs are limited, focused and subject to rigorous oversight," Alexander said. Because of that, the civil liberties and privacy of Americans are not at stake, he added. However, Bruce Fein, a specialist in constitutional law, said the NSA surveillance programs are unconstitutional because there is no demonstration of individualized suspicion, as required by the Fourth Amendment. "The government has a burden to show some reasonable suspicion that someone being spied on is engaged in some wrongdoing before privacy can be invaded," said Fein. Nonetheless, the witnesses defended the NSA programs as legal and necessary because of the nature of the threat of terrorism. "If you're looking for a needle in a haystack, you have to get the haystack first," testified Deputy Attorney General James Cole. Alexander and other senior U.S. intelligence officials testified in response to details leaked by former NSA contractor Edward Snowden about how the agency gathers data. The hearing reviewed NSA surveillance programs 215 and 702. Testimony said program 215 gathers data in bulk from various providers, such as Verizon, but does not look at content or names, while program 702 applies only to foreign citizens. The leak has sparked a debate among the American public over what information the government should be able to collect to safeguard national security, and how it should be allowed to gather it. A recent Pew poll shows that a slight majority of Americans think the NSA surveillance programs are acceptable. Meanwhile, U.S. President Barack Obama's approval ratings have dropped over the past month. Alexander

linked the relative safety Americans have enjoyed since the 9/11 attacks directly to the NSA surveillance programs, but Fein said people's fears are being exploited. "Most people are risk-averse. They're easily frightened, and told they need to surrender their liberties in order to be safe, even if it's not true," Fein said. The government has not provided any evidence that these programs are effective, he added. "It's just their say-so." When questioned about whether the NSA surveillance programs previously collected any other information, Alexander said what they have and have not collected remains classified and cannot be discussed. However, some details about how the programs have stopped potential terror attacks would be presented as early as Wednesday to U.S. lawmakers, he said. The largely docile Congress expressed overall support for the NSA programs, with Rep. Michele Bachmann framing Snowden as a traitor. "It seems to me that the problem here is that of an individual who worked within the system, who broke laws and who chose to declassify highly sensitive classified information," Bachmann said. Alexander said they are investigating where security broke down, and how to provide better oversight for nearly 1,000 system administrators that can access classified information. The leaks were viewed across the board as a threat to national security. "These are egregious leaks... and now here we are talking about this in front of the world, so I think those leaks affect us," said Sean Joyce, deputy director of the FBI. Only one member of the House Committee, Rep. Jim Himes, said he was troubled by what he called the historically unprecedented revelations revealed in the leaks. "We know that when a capability exists, there's a potential for abuse... From time to time, it'll be abused."

Surveillance has prevented more than 50 terror plots

Kimberly Dozier, 6-18-2013, "NSA: 50 Terrorist Plots Were Foiled Thanks To Surveillance Program," Huffington Post, http://www.huffingtonpost.com/2013/06/18/nsa-surveillance_n_3460106.html

The director of the National SECURITY Agency insisted on Tuesday that the government's sweeping surveillance programs have foiled some 50 terrorist plots worldwide in a forceful defense echoed by the leaders of the House Intelligence Committee. Army Gen. Keith Alexander said the two recently disclosed PROGRAMS – one that gathers U.S. phone records and another that is designed to track the use of U.S.-based Internet servers by foreigners with possible links to terrorism – are critical in the terrorism fight. Intelligence officials have disclosed some details on two thwarted attacks, and Alexander promised additional information to the panel on thwarted attacks that the PROGRAMS helped stop. He provided few additional details. The PROGRAMS "assist the intelligence community to connect the dots," Alexander told the committee in a rare, open Capitol Hill hearing. Alexander got no disagreement from the leaders of the panel, who have been outspoken in backing the PROGRAMS since Edward Snowden, a 29-year-old former contractor with Booz Allen Hamilton, disclosed information to The Washington Post and the Guardian newspapers. Rep. Mike Rogers, R-Mich., chairman of the committee, and Rep. C.A. Dutch Ruppersberger of Maryland, the panel's top Democrat, said the programs were vital to the intelligence community and assailed Snowden's actions as criminal. "It is at times like these where our enemies within become almost as damaging as our enemies on the outside," Rogers said. Ruppersberger said the "brazen disclosures" put the United States and its allies at

risk. The general counsel for the intelligence community said the NSA cannot TARGET phone conversations between callers inside the U.S. – even if one of those callers was someone they were targeting for surveillance when outside the country. The director of national intelligence's legal chief, Robert S. Litt, said that if the NSA finds it has accidentally gathered a phone call by a target who had traveled into the U.S. without their knowledge, they have to "purge" that from their system. The same goes for an accidental collection of any conversation because of an ERROR. Litt said those incidents are then reported to the Foreign Intelligence Surveillance Court, which "pushes back" and asks how it happened, and what the NSA is doing to fix the problem so it doesn't happen again. Rogers previewed the latest public airing of the NSA controversy the morning after President Barack Obama, who is attending the G-8 summit in Ireland, vigorously defended the surveillance programs in a lengthy interview Monday, calling them transparent – even though they are authorized in secret. "It is transparent," Obama told PBS' Charlie Rose in an interview. "That's why we set up the FISA court," the president added, referring to the secret court set up by the Foreign Intelligence Surveillance Act that authorizes two recently disclosed programs: one that gathers U.S. phone records and another that is designed to track the use of U.S.-based Internet servers by foreigners with possible links to terrorism. Obama said he has named representatives to a privacy and civil liberties oversight board to help in the debate over just how far government data gathering should be allowed to go – a discussion that is complicated by the secrecy surrounding the FISA court, with hearings held at undisclosed locations and with only government lawyers present. The ORDERS that result are all highly classified. "We're going to have to find ways where the public has an assurance that there are checks and BALANCES in place ... that their phone calls aren't being listened into; their text messages aren't being monitored, their emails are not being read by some big brother somewhere," the president said. A senior administration official said Obama had asked Director of National Intelligence James Clapper to determine what more information about the two PROGRAMS could be made public, to help better explain them. The official spoke on condition of anonymity because the official was not authorized to speak publicly. Snowden accused members of Congress and administration officials Monday of exaggerating their claims about the success of the data gathering PROGRAMS, including pointing to the arrest of the would-be New York subway bomber, Najibullah Zazi, in 2009. In an online interview with The Guardian in which he posted answers to questions Monday, Snowden said that Zazi could have been caught with narrower, targeted surveillance PROGRAMS – a point Obama conceded in his interview without mentioning Snowden. "We might have caught him some other way," Obama said. "We might have disrupted it because a New York cop saw he was suspicious. Maybe he turned out to be incompetent and the bomb didn't go off. But, at the margins, we are increasing our chances of preventing a catastrophe like that through these PROGRAMS," he said. Obama repeated earlier assertions that the NSA programs were a legitimate counterterror tool and that they were completely noninvasive to people with no terror ties – something he hoped to discuss with the privacy and civil liberties board he'd formed. The senior administration official said the president would be meeting with the new privacy board in the coming days.

Video Surveillance

Video surveillance essential to defeat terrorism

St. Louis Dispatch, August 13, 2013, "The Role of Surveillance Cameras in the War on Terror," <http://www.gopusa.com/news/2013/04/22/the-role-of-surveillance-cameras-in-crime-or-terror/> DOA: 5-1-15

Mere hours after the public release of grainy surveillance camera images in the Boston Marathon bombings, law enforcement officials had pinpointed suspects in one of the nation's most horrific terrorist acts. It was a stunning and swift break in the case, one that illustrates the potency surveillance photos have for the public and police in solving crime. For Howard Richards, the images captured in Boston are validation of a three-year project in St. Louis to link 150 surveillance cameras into a single security system throughout the city's central corridor, from the riverfront to Forest Park. "Without those images, they would not have been able to solve this thing as quickly, there are no two ways about it," Richards said of the Boston case. "You can't overestimate the value of this technology." Richards is head of security at Harris-Stowe State University and chairs monthly meetings of the Central Corridor Security Group, formed about three years ago to address security issues. The group eventually brought on United for a Better St. Louis, a nonprofit organization formed in 2011 to enhance public safety efforts, to lead a fundraising campaign. The St. Louis project would form a common network out of cameras owned and operated by a host of entities, such as the city's port authority and street department, the Partnership for Downtown St. Louis, the Locust Business District and the Central West End. The security system, which organizers hope to have in place in about three months, would equip police with tablet computers and software allowing officers to look through any of the cameras on the network. With newer cameras, police would be able to zoom, pan and tilt to get a better view. "It's going to make us cutting-edge and on board with other big cities in the country," said Michael Gerdine, a chiropractor and chairman of United for a Better St. Louis. Cities such as Baltimore, Chicago, Atlanta and Dallas use the technology, and their systems have been reviewed for the St. Louis project. New York operates a "Ring of Steel" that trains an estimated 3,000 cameras in Lower Manhattan. Boston has a network of cameras throughout its city and transit system. London -- known for its ubiquitous security cameras -- has also seen how surveillance images can lead to a swift resolution to terrorism investigations. In 2005, terrorism suspects were quickly identified with such images. Weeks later, a failed group of bombers was also caught, thanks to the cameras. In Baltimore, the cameras have been a valuable tool in prosecuting crimes, and have been successful in reducing crime in trouble spots, said Baltimore police spokesman Anthony Guglielmi. "We love them. It's a really great system," Guglielmi said. Still, he said, "they are in no way designed to replace those on patrol." Research further backs up the value that surveillance cameras have in solving crime. In St. Louis, the project grew out of meetings between members of the Locust Business District and the Downtown Partnership over security concerns. Expanding and linking camera systems was proposed as a way to not only help solve crime, but prevent it. From those early discussions, the Central Corridor Security Group was formed. The group's board includes representatives of the Downtown Partnership, Grand Center Inc., St. Louis

University and Barnes-Jewish Hospital. Two St. Louis police captains are on the board. Representatives of Metro, Sigma-Aldrich and Wells Fargo also attend meetings. Maggie Campbell, president of the Partnership for Downtown St. Louis, said live monitoring of cameras has been happening downtown for about five years. "But if we can grow it and leverage it with our neighboring business districts, then we can make it work better for everyone," she said. "It's all about multiplying the eyes that are watching." No public funds are being sought in the startup of the program, and the cameras would be limited to public areas. "We all decided it would be a good idea to basically look out for each other," Richards said. But increasing cameras and the number of people allowed to monitor them concerns privacy advocates.

Surveillance cameras critical to defeat terrorism

Farhad **Manjo**, April 18, 2013, Slate, We Need More Cameras and We Need them Now," http://www.slate.com/articles/technology/technology/2013/04/boston_bomber_photos_the_marathon_bombing_shows_that_we_need_more_security.html DOA: 4-5-15

Though DesLauriers did not indicate the source of the images, the [Boston Globe](#) reported earlier that authorities were focusing on video "from surveillance cameras on the same side of Boylston Street as the explosions." If it turns out that the people in the FBI's photos are the guys who did it, they shouldn't be surprised that surveillance cameras turned out to be their undoing. Neither should you. We should see this potential break in the case as a sign of the virtues of video surveillance. More than that, we should think about how cameras could help prevent crimes, not just solve them once they've already happened. Cities under the threat of terrorist attack should install networks of cameras to monitor everything that happens at vulnerable urban installations. Yes, you don't like to be watched. Neither do I. But of all the measures we might consider to improve security in an age of terrorism, installing surveillance cameras everywhere may be the best choice. They're cheap, less intrusive than many physical security systems, and—as will hopefully be the case with the Boston bombing—they can be extremely effective at solving crimes. Surveillance cameras aren't just the bane of hardcore civil libertarians. The idea of submitting to constant monitoring feels wrong, nearly un-American, to most of us. Cameras in the sky are the ultimate manifestation of Big Brother—a way for the government to watch you all the time, everywhere. In addition to normalizing surveillance—turning every public place into a venue for criminal investigation—there's also the potential for abuse. Once a city is routinely surveilled, the government can turn every indiscretion into a criminal matter. You used to be able to speed down the street when you were in a hurry. Now, in many places around the world, a speed camera will record your behavior and send you a ticket in the mail. Combine cameras with facial-recognition technology and you've got a recipe for governmental intrusion. Did you just roll a joint or jaywalk or spray-paint a bus stop? Do you owe taxes or child support? Well, prepare to be investigated—if not hassled, fined, or arrested. These aren't trivial fears. The costs of ubiquitous surveillance are real. But these are not intractable problems. Such abuses and slippery-slope fears could be contained by regulations that circumscribe how the government can use footage obtained from security cameras. In general, we need to be thinking about ways to make cameras work for us, not reasons to abolish them. When you

weigh cameras against other security measures, they emerge as the least costly and most effective choice. In the aftermath of 9/11, we've turned most public spaces into fortresses—now, it's impossible for you to get into tall buildings, airports, many museums, concerts, and even public celebrations without being subjected to pat-downs and metal detectors. When combined with competent law enforcement, surveillance cameras are more effective, less intrusive, less psychologically draining, and much more pleasant than these alternatives. As several studies have found, a network of well-monitored cameras can help investigators solve crimes quickly, and there's even evidence that cameras can help deter and predict criminal acts, too.

Surveillance cameras necessary to counter terrorism

Charlie **Savage**, August 12, 2007, "US doles out millions for street cameras, local efforts raise privacy concerns," Boston Globe,
http://www.boston.com/news/nation/articles/2007/08/12/us_doles_out_millions_for_street_cameras/?page=full DOA: 5-1-15

The Department of Homeland Security is funneling millions of dollars to local governments nationwide for purchasing high-tech video camera networks, accelerating the rise of a "surveillance society" in which the sense of freedom that stems from being anonymous in public will be lost, privacy rights advocates warn. Since 2003, the department has handed out some \$23 billion in federal grants to local governments for equipment and training to help combat terrorism. Most of the money paid for emergency drills and upgrades to basic items, from radios to fences. But the department also has doled out millions on surveillance cameras, transforming city streets and parks into places under constant observation. The department will not say how much of its taxpayer-funded grants have gone to cameras. But a Globe search of local newspapers and congressional press releases shows that a large number of new surveillance systems, costing at least tens and probably hundreds of millions of dollars, are being simultaneously installed around the country as part of homeland security grants. In the last month, cities that have moved forward on plans for surveillance networks financed by the Homeland Security Department include St. Paul, which got a \$1.2 million grant for 60 cameras for downtown; Madison, Wis., which is buying a 32-camera network with a \$388,000 grant; and Pittsburgh, which is adding 83 cameras to its downtown with a \$2.58 million grant. Small towns are also getting their share of the federal money for surveillance to thwart crime and terrorism. Recent examples include Liberty, Kan. (population 95), which accepted a federal grant to install a \$5,000 G2 Sentinel camera in its park, and Scottsbluff, Neb. (population 14,000), where police used a \$180,000 Homeland Security Department grant to purchase four closed-circuit digital cameras and two monitors, a system originally designed for Times Square in New York City. "We certainly wouldn't have been able to purchase this system without those funds," police Captain Brian Wasson told the

Scottsbluff Star-Herald. Other large cities and small towns have also joined in since 2003. Federal money is helping New York, Baltimore, and Chicago build massive surveillance systems that may also link thousands of privately owned security cameras. Boston has installed about 500 cameras in the MBTA system, funded in part with homeland security funds. Marc Rotenberg, director of the Electronic Privacy Information Center, said Homeland Security Department is the primary driver in spreading surveillance cameras, making their adoption more attractive by offering federal money to city and state leaders. Homeland Security Department spokesman Russ Knocke said that it is difficult to say how much money has been spent on surveillance cameras because many grants awarded to states or cities contained money for cameras and other equipment. Knocke defended the funding of video networks as a valuable tool for protecting the nation. "We will encourage their use in the future," he added. But privacy rights advocates say that the technology is putting at risk something that is hard to define but is core to personal autonomy. The proliferation of cameras could mean that Americans will feel less free because legal public behavior -- attending a political rally, entering a doctor's office, or even joking with friends in a park -- will leave a permanent record, retrievable by authorities at any time. Businesses and government buildings have used closed-circuit cameras for decades, so it is nothing new to be videotaped at an ATM machine. But technology specialists say the growing surveillance networks are potentially more powerful than anything the public has experienced. Until recently, most surveillance cameras produced only grainy analog feeds and had to be stored on bulky videotape cassettes. But the new, cutting-edge cameras produce clearer, more detailed images. Moreover, because these videos are digital, they can be easily transmitted, copied, and stored indefinitely on ever-cheaper hard-drive space. In addition, police officers cannot be everywhere at once, and in the past someone had to watch a monitor, limiting how large or powerful a surveillance network could be. But technicians are developing ways to use computers to process real-time and stored digital video, including license-plate readers, face-recognition scanners, and software that detects "anomalous behavior." Although still primitive, these technologies are improving, some with help from research grants by the Homeland Security Department's Science and Technology Directorate. "Being able to collect this much data on people is going to be very powerful, and it opens people up for abuses of power," said Jennifer King, a professor at the University of California at Berkeley who studies privacy and technology. "The problem with explaining this scenario is that today it's a little futuristic. [A major loss of privacy] is a low risk today, but five years from now it will present a higher risk." As this technological capacity evolves, it will be far easier for individuals to attract police suspicion simply for acting differently and far easier for police to track that person's movement closely, including retracing their steps backwards in time. It will also create a greater risk that the officials who control the cameras could use them for personal or political gain, specialists said. The expanded use of surveillance in the name of fighting terrorism has proved controversial in

other arenas, as with the recent debate over President Bush's programs for eavesdropping on Americans' international phone calls and e-mails without a warrant. But public support for installing more surveillance cameras in public places, both as a means of fighting terrorism and other crime, appears to be strong. Last month, an ABC News/Washington Post poll found that 71 percent of Americans favored increased use of surveillance cameras, while 25 percent opposed it.

Video surveillance necessary to defeat terrorism

Steven **Simon, 2015** , adjunct senior fellow in Middle Eastern Studies at the Council on Foreign Relations and the co-author of "The Age of Sacred Terror" and "The Next Attack.", Times Square, Bombs, and Big Crowds, New York Times, http://roomfordebate.blogs.nytimes.com/2010/05/03/times-square-bombs-and-big-crowds/?_r=0#steven DOA: 5-5-15

Video surveillance would not have stopped the Times Square attack. Does this mean that it would be useless? Not necessarily. Swift and accurate analysis of video surveillance information might prevent the next attack, even if it is powerless to stop the last one. Imagery can be used to assist in the identification and location of individuals at the scene of the crime. It can also be used to track the progress of the bomb-laden vehicle from the its point of origin, or the point at which the truck was weaponized, to the place the terrorists have targeted. In combination with physical evidence acquired from the vehicle — fingerprints, hair, cloth fibers, soil, trash, forgotten personal items or a host of other bits of evidence — video surveillance can lead to the arrest of the bombers and to the unraveling of cells or networks and, if the attackers are foreign, the ratlines they exploited to enter the country. At this point, the U.S. does not have the kind of pervasive surveillance systems in place that, say, the British have deployed. In the U.K., there is about one surveillance camera for every thousand residents. It took British authorities years to reach this level of intensive surveillance. The U.S., as anyone who follows the debate over privacy loss in this country knows, is studded with cameras, but most of these are in stores to track consumption habits to facilitate marketing or deter shoplifters. They're not where they're needed, which is on the street. The two smallest jurisdictions in the U.K., very rural areas indeed, together deploy more surveillance cameras than the San Francisco police department. The U.S., of course, does not have to match Britain camera for camera. Surveillance can be enhanced in areas that are assessed to be likely targets, a category that can be inferred, at least in a general sense, from targeting patterns and what the terrorists actually have said about the desirability of attacking this or that; and they do discuss this in their literature and on their Web sites. More problematic, is the need to organize our law enforcement capabilities in ways that enable this visual information to be exploited effectively, while protecting the rapidly fading privacy available to ordinary citizens. Therein lies the real challenge.

Warrantless Surveillance

Warrant requirement for national security decisions undermines executive power needed for effective surveillance

Yohn **Yoo**, Summer 20**14**, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute, Harvard Journal of Law & Public Policy, THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS, <http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Yoo1.pdf>, DOA: 1-1-15, p. 904

This approach applies to national security activity that occurs within the United States as well as outside it. In 1972, the Supreme Court refused to subject surveillance for national security purposes to the Fourth Amendment warrant requirement. But it has extended this protection to purely domestic terrorist groups, out of concern that the government might use its powers to suppress political liberties. Lower courts, however, have found that when the government conducts a search of a foreign power or its agents, it need not meet the requirements that apply to criminal law enforcement. In a leading 1980 case, the Fourth Circuit held that "the needs of the executive are so compelling in the area of foreign intelligence, unlike the area of domestic security, that a uniform warrant requirement would . . . unduly frustrate the President in carrying out his foreign affairs responsibilities." A warrant requirement for national security searches would reduce the flexibility of the executive branch, which possesses "unparalleled expertise to make the decision whether to conduct foreign intelligence surveillance" and is "constitutionally designated as the pre-eminent authority in foreign affairs." A warrant requirement would place national security decisions in the hands of the judiciary, which "is largely inexperienced in making the delicate and complex decisions that lie behind foreign intelligence surveillance." Under this framework, Presidents conducted national security surveillance using their executive authority for decades. President Nixon's abuses, however, led Congress to enact the Foreign Intelligence Surveillance Act (FISA) in 1978. FISA replaced presidentially-ordered monitoring of national security threats with a system similar to that used by law enforcement to conduct electronic surveillance of criminal suspects, but with important differences to protect classified information. FISA requires the government to show "probable cause" that a target is "an agent of a foreign power," which includes terrorist groups. A special court of federal district judges, the Foreign Intelligence Surveillance Court (FISC), examines classified information in a closed, ex parte hearing before issuing the warrant.

Warrantless surveillance necessary to combat Al Qaeda

Yohn **Yoo**, Summer 20**14**, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute, Harvard Journal of Law & Public Policy, THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS,

<http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Yoo1.pdf>, DOA: 1-1-15, p. 903-4

It is al Qaeda's nature as a decentralized network that stresses the normal division between military and intelligence surveillance and the warrant-based approach of the criminal justice system. The Constitution vests the President with the executive power and designates him Commander-in-Chief. The Framers understood these powers to invest the executive with the duty to protect the nation from foreign attack and the right to control the conduct of military hostilities. To exercise those powers effectively, the President must have the ability to engage in electronic surveillance that gathers intelligence on the enemy. Regular military intelligence need not follow standards of probable cause for a warrant or reasonableness for a search, just as the use of force against the enemy does not have to comply with the Fourth Amendment. During war, military signals intelligence might throw out a broad net to capture all communications within a certain area or by an enemy nation. Unlike the criminal justice system, which seeks to detain criminals, protection of national security need not rest on particularized suspicion of a specific individual.

Business records

Signal Intelligence Necessary to Prevent Terrorism

Signal intelligence necessary because human intelligence on the decline

Stuart **Taylor**, April 29, 20**14**, The Big Snoop: Life, Liberty, and the Pursuit of Terrorists, <http://www.brookings.edu/research/essays/2014/the-big-snoop-print> (is an author, a freelance journalist, and a Brookings nonresident senior fellow. Taylor has covered the Supreme Court for a variety of national publications, including The New York Times, Newsweek, and National Journal, where he is also a contributing editor. His published books include Mismatch: How Affirmative Action Hurts Students It's Intended to Help, and Why Universities Won't Admit It. In addition to his work as a journalist and scholar, he is a graduate of Harvard Law School and practiced law in a D.C. firm.)

Over the five years that she has been chairman of the Intelligence Committee, Feinstein has seen more inside information on NSA activities than most of her fellow lawmakers. She is convinced that, since the FISA reforms of the seventies put safeguards and multiple layers of oversight in place, there has been no evidence of the NSA's seriously violating those strictures. She is also convinced that signals intelligence is, if anything, more indispensable than ever at a time when human intelligence—that is, information from undercover U.S. operatives operating abroad or inside hostile organizations like al Qaeda—is so hard to come by. That leads her to worry that curbs on the phone records program might increase the exposure of Americans to danger from terrorists and other enemies, perhaps including mass-casualty cyber, biological, or even nuclear attacks.

Signals intelligence necessary to combat terrorism and weapons proliferation

Report and Recommendations of the President's Review Group on Intelligence, December 20**13**, Liberty and Security in a Changing World, December 12, http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf

Protecting The Nation Against Threats to Our National Security. The ability of the United States to combat threats from state rivals, terrorists, and weapons proliferators depends on the acquisition of foreign intelligence information from a broad range of sources and through a variety of methods. In an era increasingly dominated by technological advances in communications technologies, the United States must continue to collect signals intelligence globally in order to assure the safety of our citizens at home and abroad and to help protect the safety of our friends, our allies, and the many nations with whom we have cooperative relationships.

Section 702 and Section 215 programs have prevented terror attacks

Sean M. **Joyce**, Deputy Director, Federal Bureau of Investigation (FBI), July 31, 20**13**, Hearing of the Senate Judiciary Committee Subject: "Strengthening Privacy Rights and National Security: Oversight of FISA (Foreign Intelligence Surveillance Act) Surveillance Programs"
<https://www.hsdl.org/?view&did=741931> (First joined the Department of Justice in 1979. He served for 13 years in the Criminal Division, later becoming the deputy chief of the division's public integrity section, went in private practice, sworn in as deputy attorney general on January 3rd, 2011)

SEN. FEINSTEIN: Good. Now, the NSA has produced and declassified a chart, which I'd like to make available to all members. It has the 54 total events. It includes a Section 702 authority and Section 215 authority, which essentially work together. And it shows the events disrupted based on a combination of these two programs, 13 in the homeland, 25 in Europe, five in Africa and 11 in Asia. Now, I remember I was on the Intelligence Committee before 9/11, and I remember how little information we have and the great criticism of the government because of those stovepipes, the inability to share intelligence, the inability to collect intelligence. We had no program that could've possibly caught two people in San Diego before the event took place. I support this program. I think, based on what I know, they will come after us. And I think we need to prevent an attack wherever we can from happening. That doesn't mean that we can't make some changes.

Signals intelligence from business records needed to stop WMD attacks

Stuart **Taylor**, April 29, 20**14**, The Big Snoop: Life, Liberty, and the Pursuit of Terrorists, <http://www.brookings.edu/research/essays/2014/the-big-snoop-print> (is an author, a freelance journalist, and a Brookings nonresident senior fellow. Taylor has covered the Supreme Court for a variety of national publications, including The New York Times, Newsweek, and National Journal, where he is also a contributing editor. His published books include Mismatch: How Affirmative Action Hurts Students It's Intended to Help, and Why Universities Won't Admit It. In addition to his work as a journalist and scholar, he is a graduate of Harvard Law School and practiced law in a D.C. firm.) DOA: 2-25-15

Over the five years that she has been chairman of the Intelligence Committee, Feinstein has seen more inside information on NSA activities than most of her fellow lawmakers. She is convinced that, since the FISA reforms of the seventies put safeguards and multiple layers of oversight in place, there has been no evidence of the NSA's seriously violating those strictures. She is also convinced that signals intelligence is, if anything, more indispensable than ever at a time when human intelligence—that is, information from undercover U.S. operatives operating abroad or inside hostile organizations like al Qaeda—is so hard to come by. That leads her to worry that curbs on the phone records program might increase the exposure of Americans to danger from terrorists and other enemies, perhaps including mass-casualty cyber, biological, or even nuclear attacks.

Business record 215 program has been used to stop a terror attack

Sean M. **Joyce**, Deputy Director, Federal Bureau of Investigation (FBI), July 31, 20**13**, Hearing of the Senate Judiciary Committee Subject: "Strengthening Privacy Rights and National Security: Oversight of FISA (Foreign Intelligence Surveillance Act) Surveillance Programs" <https://www.hsdl.org/?view&did=741931> (First joined the Department of Justice in 1979. He served for 13 years in the Criminal Division, later becoming the deputy chief of the division's public integrity section, went in private practice, sworn in as deputy attorney general on January 3rd, 2011)

As you mentioned another instance when we used the business record 215 program, as Chairman Leahy mentioned, Basaaly Moalin. So initially the FBI opened a case in 2003 based on a tip. We investigated that tip. We found no nexus to terrorism and closed the case. In 2007 the NSA advised us, through the business record 215 program, that a number in San Diego was in contact with an al-Shabab and east -- al-Qaida east -- al-Qaida East Africa member in Somalia. We served legal process to identify that unidentified phone number. We identified Basaaly Moalin. Through further investigation, we identified additional co-conspirators, and Moalin and three other individuals have been convicted -- and some pled guilty -- to material support to terrorism.

Business records closes holes in intelligence in order to defeat terrorism

Sean M. **Joyce**, Deputy Director, Federal Bureau of Investigation (FBI), July 31, 20**13**, Hearing of the Senate Judiciary Committee Subject: "Strengthening Privacy Rights and National Security: Oversight of FISA (Foreign Intelligence Surveillance Act) Surveillance Programs" <https://www.hsdl.org/?view&did=741931> (First joined the Department of Justice in 1979. He served for 13 years in the Criminal Division, later becoming the deputy chief of the division's public integrity section, went in private practice, sworn in as deputy attorney general on January 3rd, 2011)

SEN. GRASSLEY: OK. Mr. Joyce, one part of the balance that we have to strike, protecting privacy of Americans -- the other part, national security. Thankfully, until the Boston bombing, we had prevented large-scale terrorist attacks on American soil. I have a few questions about how valuable the role of Section 215 and 702 programs have played in predicting (sic) our national security. Two questions, and then I'll have to stop and go to our colleagues. Can you describe any specific situations where Section 215 and Section 702 authorities helped disrupt a terrorist attack or identify individuals planning to attack, the number of times? And then secondly, if you didn't have the authority to collect phone records in bulk the way that they are now under Section 215, how would you have affected those investigations? MR. JOYCE: So to your first question, Senator, as far as a specific example of when we have utilized both of these programs is the one I had first mentioned, the first al-Qaida-directed plot since 9/11, in September of 2009, when Najibullah Zazi and others conspired plot to bomb the New York subway system. We initially found out about Zazi through an NSA 702 coverage, and he was actually talking to an al-Qaida courier who was -- he was

asking for his help to perfect an explosives recipe. So but for that, we would not have known about the plot. We followed that up with legal process and then had FISA coverage on him and others as we fully investigated the plot. Business records 215 was also involved, as I had previously mentioned, where we also through legal process were submitting legal process for telephone numbers and other email addresses, other selectors. But NSA also provided another number we are unaware of of a co-conspirator, Adis Medunjanin. So that is an instance where a very serious plot to attack America on U.S. soil that we used both these programs. But I say, as Chairman Leahy mentioned, there is a difference in the utility of the programs. But what I say to you is that each and every program and tool is valuable. There were gaps prior to 9/11. And what we have collectively tried to do, the members of the committee, other members of the other oversight committees, the executive branch and the intelligence community, is we have tried to close those gaps and close those seams. And the business record 215 is one of those programs that we have closed those seams. So I respectfully say to the chairman that the utility of that specific program initially is not as valuable. I say you are right. But what I say is it plays a crucial role in closing the gaps and seams that we fought hard to gain after the 9/11 attacks.

Section 702 and Section 215 programs have prevented terror attacks

Sean M. **Joyce**, Deputy Director, Federal Bureau of Investigation (FBI), July 31, 20**13**, Hearing of the Senate Judiciary Committee Subject: "Strengthening Privacy Rights and National Security: Oversight of FISA (Foreign Intelligence Surveillance Act) Surveillance Programs" <https://www.hsdl.org/?view&did=741931> (First joined the Department of Justice in 1979. He served for 13 years in the Criminal Division, later becoming the deputy chief of the division's public integrity section, went in private practice, sworn in as deputy attorney general on January 3rd, 2011)

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Business records program has stopped many attacks

Rep. Mike **Rogers**, Miami Times (Florida), June 18, 20**13**, (Rep. Mike Rogers, R-Mich., is chairman of the House Permanent Select Committee on Intelligence,

<http://www.usatoday.com/story/opinion/2013/06/18/nsa-mike-rogers-house-intelligence-committee-editorials-debates/2436541/> , DOA: 2-24-15

The gross distortion of two vital National Security Agency [NSA] programs is dangerous and unfortunate. Neither program authorizes NSA to read e-mails or listen to phone calls of American citizens. Both are constitutional with numerous checks and balances by all three branches of government. They have been authorized and overseen by Congress and presidents of both parties. And they have produced vital intelligence, preventing dozens of terrorist attacks around the world, including plots against New York City subways and the New York Stock Exchange. The first program allows NSA to preserve a limited category of business records. It preserves only phone numbers and the date, time and duration of calls. It doesn't include any names or the content of calls. These records can only be accessed when NSA is investigating a foreign terrorist. If a foreign terrorist is found linked to an American, the tip is passed to the FBI and requires a court order before additional action can be taken. This is a critical tool for connecting the dots between foreign terrorists plotting attacks in the U.S. The second program allows the NSA to target foreigners overseas to collect certain foreign intelligence with court approval. It doesn't create a "back door" to any company's server, and doesn't authorize monitoring of U.S. citizens. No U.S. person anywhere in the world can be intentionally monitored without a specific order. Any comparison to government abuses in decades past is highly misleading. Today's programs are authorized in law, with a thorough system of oversight and checks and balances in place, and a court review not present in the past. Now each of the agencies has an inspector general and general counsels who ensure that these authorities are exercised in accordance with the law. The House and Senate each have Intelligence Committees charged with overseeing these authorities. Additionally, electronic surveillance for foreign intelligence purposes occurs with approval of the Foreign Intelligence Surveillance Court. None of these structures and protections was in place in the 1950s, '60s or '70s. These narrowly targeted programs are legal, do not invade Americans' privacy, and are essential to detecting and disrupting future terrorist attacks.

Section 215 necessary to defeat terrorism

James **Carafano**, May 21, 2015, Section 215 of the PATRIOT Act and Metadata Collection: Responsible Options for the Way Forward, Dr. Carafano is

Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow, Charles Stimson is Manager, National Security Law Program and Senior Legal Fellow, Dr. Steven Bucci is Director, Douglas and Sarah Allison Center for Foreign and National Security Policy, John Malcolm is Director, Edwin Meese III Center for Legal and Judicial Studies, and the Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow,

<http://www.heritage.org/research/reports/2015/05/section-215-of-the-patriot-act-and-metadata-collection-responsible-options-for-the-way-forward> DOA: 5-24-15

The United States is in a state of armed conflict against al-Qaeda, the Afghan Taliban, ISIS, and associated forces. It must therefore rely on all lawful tools of national security, including but not limited to robust signals intelligence. As the 9/11 Commission Report made crystal clear, one of the key failures of the United States before the 9/11 attacks was the government's inability to "connect the dots" between known or suspected terrorists. The artificial "wall"

between domestic law enforcement and U.S. intelligence agencies, enacted during the 1990s, proved to be America's Achilles' heel. Some analysts believe that had America had a Section 215-type program in place before 9/11, U.S. intelligence, along with domestic law enforcement, would have been able to connect the dots and prevent at least some of the hijackers from launching their devastating attack. In fact, according to a report by the House Permanent Select Committee on Intelligence, using the authorities under Section 215 and 702 of the PATRIOT Act has contributed to thwarting 54 total international terrorist plots in 20 countries. Thirteen of those plots were directed inside the United States.

Bulk Data

Mass records collection is needed to catch terrorists because they are not all in one place

Joshua **Kapstein**, May 16, 20**14**, "The NSA Can 'Collect it All,'" but what would it do with the data?, <http://www.thedailybeast.com/articles/2014/05/16/the-nsa-can-collect-it-all-but-what-will-it-do-with-our-data-next.html> DOA: 2-23-15

The NSA and its allies are staunch defenders of these "haystacks," even though multiple studies concluded the database containing millions of Americans' phone records played little or no role in preventing terrorist attacks. They've countered that it's foolish to assume all terrorists hang out in one isolated section of the Internet, therefore mass-collection becomes a necessary obsession to find that ever-elusive needle.

Database needs to be broad to find terrorist cells

Yohn **Yoo**, Summer 20**14**, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute, Harvard Journal of Law & Public Policy, THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS, <http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Yoo1.pdf>, DOA: 1-1-15, p. 911-12

A critic, however, might argue that billions of innocent calling records are not "relevant" to a terrorism investigation. Even if terrorist communications take place over the phone, that cannot justify the collection of all phone call records in the United States, the vast majority of which have nothing to do with the grounds for the search. The FISC rejected this argument because, to be useful, a database has to be broad enough to find terrorist calls. "Because known and unknown international terrorist operatives are using telephone communications, and because it is necessary to obtain the bulk collection of a telephone company's metadata to determine those connections between known and unknown international terrorist operatives as part of authorized investigations," the Court observed, "the production of the information sought meets the standard for relevance under Section 215." Aggregating calling records into a database, the court found, was necessary to find the terrorist communications and the links between terrorists. It may not even be possible to detect the links unless such a database is created. If a database is not comprehensive, in other words, then the government will only be able to glimpse incomplete patterns of terrorist activity, if it can glimpse any at all.

Broad-based records approaches are often used in national security cases

Yohn **Yoo**, Summer 20**14**, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute, Harvard Journal of Law & Public Policy, THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS,

<http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Yoo1.pdf>, DOA: 1-1-15, P 911-12

Relevance is a slippery concept, but it cannot require that every piece of information obtained by subpoena must contain information related to guilt. Even when grand juries subpoena the business records or communications of a criminal suspect, it is likely that the large majority of the items will not have any relationship to the crime. Nonetheless, a grand jury may subpoena all of a suspect's financial records to find those that pertain to a criminal conspiracy. A different way to view the NSA's telephone calling record program is that the "relevant" tangible "thing" is the database itself, rather than any individual calling record. Of course, the NSA program differs from a subpoena to a financial institution for the records of a known criminal suspect. The amount of data collected by the NSA program is many orders of magnitude greater, and hence the percentage of directly involved communications much smaller. Also, unlike a regular subpoena, it is important to have as large a searchable database as possible because the breadth will bring into the sharpest contrast the possible patterns of terrorist activity. On the other hand, the magnitude of harm that the government seeks to prevent exceeds by several orders that of regular crime. The magnitude of the harm should be taken into account in judging relevance as well as the unprecedented difficulties of locating al Qaeda operatives disguised within the United States.

Data mining critical to defeat terrorism

Dr. James **Carafano**, June 6, 2005, The Future of Antiterrorism Technologies, <http://www.heritage.org/research/lecture/the-future-of-anti-terrorism-technologies> DOA: 5-1-15

Data Mining and Link Analysis Technologies. We live in a world that is becoming increasingly awash in commercial and government information. The trail of the terrorist, however, is often indistinguishable from a mass of bills, license applications, visa forms, census records, and telephone lists. Traditional law enforcement investigation techniques often begin with the identification of a suspected individual, followed by the laborious process of seeking out information related to that individual. As more and more information becomes available, this task becomes more and more problematic. Technology, however, now has the potential to turn this challenge into an advantage. Rather than trying to narrow the scope of information that has to be looked at, data mining and link analysis technologies work best by exploiting larger and larger amounts of information. Data mining is a "technology for analyzing historical and current online data to support informed decision making."^[5] It involves identifying patterns and anomalies from the observation of vast datasets. The primary goals of data mining are prediction and description. Prediction involves using some variables or fields in the database to predict unknown or future values of other variables of interest, and description focuses on finding human-interpretable patterns describing the data. Description concerns increasing knowledge about a variable or dataset by finding related information. [This second characteristic of data mining- description-is often referred to as link analysis. Whereas data mining attempts to identify anomalies in vast amounts of information, link analysis technologies sift through databases to find commonalties. Link analysis is a slightly different twist on data mining. In preventing a terrorist attack, it is critical that one understands the relationships among individuals, organizations, and other entities which

could be security threats. Link analysis is the process of analyzing the data surrounding the suspect relationships to determine how they are connected-what links them together. While the technology to conduct data mining is rapidly maturing, it is currently limited by its capacity to handle non-structured formats; i.e., those that are a mix of text, image, video, and sensor information. In addition, future algorithms will also need to incorporate the knowledge of human experts into their derivation of patterns. "Breakthrough" Technologies My final two candidate technologies definitely fit into the last category of an aggressive technology acquisition program. They offer two potential breakthroughs which could significantly reshape the nature of competition between terrorism and counterterrorism. Nanotechnology. As a counterterrorism tool, nanotechnologies are in their infancies. Nanotechnology involves developing or working with materials and complete systems at the atomic, molecular, or macromolecular levels where at least one dimension falls within the range of 1-100 nanometers.[7] Working at such a small scale offers unique capabilities, such as being able to control how nanodevices interact with other systems at the atomic or molecular level. Current research areas include materials, sensors, biomedical nanostructures, electronics, optics, and fabrication. Materials which have been modified at the nanoscale can have specific properties incorporated into them. For instance, materials can have coatings that make them water-repellant or stain-resistant. According to a study by Daniel Ratner and Mark A. Ratner: Nanoscale sensors are generally designed to form a weak chemical bond to the substance of whatever is to be sensed, and then to change their properties in response (that might be a color change or a change in conductivity, fluorescence, or weight).[8] Biomedical nanostructures, by design, interact with people at the molecular level, allowing for targeted drug delivery, adhesive materials for skin grafts or bandages, etc. Nanoscale electronics can help to shrink computer circuits even further and to make them more efficient. Nanoscale optics allow once again for materials that fluoresce to be tuned at the nanoscale to change specific properties under certain conditions. Fabrication at the nanoscale offers the potential of creating devices from the atom up, as opposed to having to shrink materials down to the needed size. According to a RAND report, there are numerous future applications for nanotechnology, though most face at least some technical hurdles. They include nanofabricated computational devices like nanoscale semiconductor chips, biomolecular devices, and molecular electronics. If one includes integrated microsystems and micro-electrical-mechanical systems (MEMS) in the discussion, and one probably should, there are additional uses for nanotechnology, including smart systems-on-a-chip and micro- and nanoscale instrumentation and measurement technologies. While there are counterterrorism applications for all of the research areas, sensors are the most promising. Nanodevices offer the opportunity for fast, cheap, and accurate sensors and detectors, and markers that can be used for a wide range of forensic activities.

Metadata collection needed to cast a wide net

Yohn **Yoo**, Summer 2014, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute, Harvard Journal of Law & Public Policy, THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS, <http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Yoo1.pdf>, DOA: 1-1-15, p. 907-8

A. Phone Call Metadata Collection Like business records, phone call metadata falls within Section 215's definition of tangible items. Collection of such metadata relates to an authorized investigation to protect against international terrorism. Several investigations into al Qaeda plots remain open, as shown by the repeated indictments against bomb plotters in the last five years. The examination of records also helps protect the nation against terrorist attacks. According to the NSA, only the information contained in the billing records is collected; the content of calls is not. There can be no First Amendment violation if the content of the calls remains untouched. A critic might argue that the terms of the search are too broad because ninety-nine percent of the calls are unconnected to terrorism. But an intelligence search, as Judge Richard Posner has described it, "is a search for the needle in a haystack." Rather than focus on foreign agents who are already known, counterterrorism agencies must search for clues among millions of potentially innocent connections, communications, and links. "The intelligence services," Posner writes, "must cast a wide net with a fine mesh to catch the clues that may enable the next attack to be prevented." For this reason, the FISC approved the NSA program in 2006 and has continued to renew it since.

The wider the surveillance net, the more effective the surveillance

Report and Recommendations of the President's Review Group on Intelligence, December 2013, Liberty and Security in a Changing World, December 12, http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf
DOA: 1-1-14

When public officials acquire information, they seek to reduce risks, above all risks to national security. If the government is able to obtain access to a great deal of information, it should be in a better position to mitigate serious threats of violence. And if the goal is to reduce such threats, a wide net seems far better than a narrow one, even if the government ends up acquiring a great deal of information that it does not need or want. As technologies evolve, it is becoming increasingly feasible to cast that wide net. In the future, the feasibility of pervasive surveillance will increase dramatically. From the standpoint of risk reduction, that prospect has real advantages.

PRISM/ Section 702

Authority for PRISM is in section 702

James **Carafano**, 8-6, **13** Heritage Foundation, The Examiner (Washington, DC) August 6, 2013, PRISM is essential to U.S. security in war against terrorism (Vice President for Defense and Foreign Policy Studies at The Heritage Foundation, PRISM is Essential to US Security in the War on Terrorism, <http://www.heritage.org/research/commentary/2013/8/prism-is-essential-to-us-security-in-war-against-terrorism> DOA: 2-1-13

"Our intelligence professionals must be able to find out who the terrorists are talking to, what they are saying, and what they're planning," said the president. "The lives of countless Americans depend on our ability to monitor these communications." He added that he would cancel his planned trip to Africa unless assured Congress would support the counterterrorism surveillance program. The president was not, Barack Obama. It was George W. Bush, in 2008, pressing Congress to extend and update reforms to the Foreign Intelligence Surveillance Act (FISA). He was speaking directly to the American public, in an address broadcast live from the Oval Office. How times have changed. Back then, the President of the United States willingly led the fight for the programs he thought necessary to keep the nation safe. Now, our president sends underlings to make the case. In distancing himself from the debate over PRISM (the foreign intelligence surveillance program made famous by the world-travelling leaker, Edward Snowden), President Obama followed the precedent he established in May at the National Defense University. There, he spoke disdainfully of drone strikes, the authorization to use military force against terrorists, and the detention facilities at Guantanamo Bay. All three are essential components of his counterterrorism strategy. In distancing himself from his own strategy, Obama hoped to leave the impression that he is somehow above it all. He has dealt with the Snowden case the same way. When asked while traveling in Africa if he would take a role in going after the leaker, the president replied "I shouldn't have to." The White House's above-it-all attitude sends seriously mixed messages to the American people, who are trying to figure if the government's surveillance programs are legal and appropriate. Congress has not been much better. The authority for PRISM is in FISA Section 702. Congress debated these authorities in 2007 and again when the program was reauthorized in 2008. Senate Majority Leader Harry Reid, D-Nev., surely remembers the controversy. He wrote President Bush: "There is no crisis that should lead you to cancel your trip to Africa. But whether or not you cancel your trip, Democrats stand ready to negotiate a final bill, and we remain willing to extend existing law for as short a time or as long a time as is needed to complete work on such a bill." Evidently, Reid must have felt the authorities granted under Section 702 received a full and sufficient hearing. Most current members of Congress were seated under the dome during the 2008 debates. They had every opportunity not just to read the law, but to be briefed on the program by intelligence officials before voting on the bill. For them to act shocked at the scope of the program today rings about as hollow as Obama's expressed disdain for the operations he oversees. The reality is that Congress and the administration share responsibility for these programs. If they want to change or modify them, who's stopping them? If changes are made, however, they should to be made for the right reason. Leaders must never compromise our security for political expediency. At least 60 Islamist-

inspired terrorist plots have been aimed at the U.S. since the 9/11 attacks. The overwhelming majority have been thwarted thanks to timely, operational intelligence about the threats. Congress should not go back to a pre-/11 set of rules just to appeal to populist sentiment. Congress and the White House have an obligation to protect our liberties and to safeguard our security -- in equal measure. Meeting that mission is more important than winning popularity polls.

PRISM necessary to get to emails to counter threats

Michael **Hayden**, former director of the NSA and the CIA, May 5, 2014, "Michael Hayden's Unwitting Case Against Secret Surveillance,"
<http://www.theatlantic.com/politics/archive/2014/05/michael-haydens-unwitting-case-against-secret-surveillance/361689/> DOA: 2-19-15

Actually, you need to go back and look at the whole movie. You need to see what went on before. Because if you know what went on before you may have a different interpretation of what you think the butler is guilty of. There are three or four things that happen that NSA and all these organizations have tried to solve. Enormous volume. How do you conduct signals intelligence to keep you safe in a tsunami of global communications? Well, the answer to that is bulk collection of metadata. Another issue that's out there prominently is NSA is mucking about in those global telecommunication grids that have your emails. No one complained when NSA was doing Soviet strategic microwave rocket signals. Well, the equivalent of those Soviet microwave signals are proliferator, terrorist, narco-trafficker, money-launderer emails, coexisting with yours and mine, out there in Gmail. And if you want NSA to continue to do what it was doing, or CSEC to continue to do what it's doing, what it had been doing to keep you safe, it's got to be in the stream where your data is. There's a couple other things too. After 9/11, the enemy was inside my country. That's the 215 program, metadata. Who might be affiliated with terrorists inside the United States? And finally, when the enemy wasn't in my country his communications were. It's an accident of history, but it's a fact, most emails reside on servers in the United States. They should not deserve constitutional protection if the email's from a bad man in Pakistan communicating to a bad man in Yemen. And the Prism program is what allowed us to get those emails to keep everyone safe. There's a lot more to talk about but you're going to start clapping in about nine seconds. So I'm going to go back to the podium.

PRISM has contributed to actionable intelligence in the fight against terrorism

Stuart **Taylor**, April 29, 2014, The Big Snoop: Life, Liberty, and the Pursuit of Terrorists, <http://www.brookings.edu/research/essays/2014/the-big-snoop-print> (is an author, a freelance journalist, and a Brookings nonresident senior fellow. Taylor has covered the Supreme Court for a variety of national publications, including The New York Times, Newsweek, and National Journal, where he is also a contributing editor. His published books include Mismatch: How Affirmative Action Hurts Students It's Intended to Help, and Why

Universities Won't Admit It. In addition to his work as a journalist and scholar, he is a graduate of Harvard Law School and practiced law in a D.C. firm.)

The PRISM program poses an even trickier version of the cost/benefit question: it is easier to justify its efficacy, but because it goes after the contents of messages, not just their origin and destination, it is more intrusive on the liberties of the people whose communications it scoops up. Moreover, while PRISM is more restrictive in its formal mandate (i.e., it is targeted only at foreign bad actors), in practice it does pry "incidentally" into the Internet traffic of many law-abiding U.S. citizens. Yet there's no denying that PRISM's mining of emails and other Internet messages has produced a mother lode of useful information. An internal NSA document leaked by Snowden described the program as "the most prolific contributor to the President's Daily Brief" and the NSA's "leading source of raw material, accounting for nearly one in seven [of all the intelligence community's secret] reports." More to the point, PRISM has often contributed to the collection of actionable intelligence used in the fight against terrorism. Even Wyden, the NSA's strongest congressional critic, acknowledges as much. He and his ally on the surveillance issue, Senator Mark Udall (D-Colo.), said in a joint statement last summer that "multiple terrorist plots have been disrupted at least in part because of information obtained under Section 702."

Section 702 programs necessary to defeat terrorism

Sean M. **Joyce**, Deputy Director, Federal Bureau of Investigation (FBI), July 31, 20**13**, Hearing of the Senate Judiciary Committee Subject: "Strengthening Privacy Rights and National Security: Oversight of FISA (Foreign Intelligence Surveillance Act) Surveillance Programs"
<https://www.hsdl.org/?view&did=741931> (First joined the Department of Justice in 1979. He served for 13 years in the Criminal Division, later becoming the deputy chief of the division's public integrity section, went in private practice, sworn in as deputy attorney general on January 3rd, 2011)

SEN. GRASSLEY: OK. Mr. Joyce, one part of the balance that we have to strike, protecting privacy of Americans -- the other part, national security. Thankfully, until the Boston bombing, we had prevented large-scale terrorist attacks on American soil. I have a few questions about how valuable the role of Section 215 and 702 programs have played in predicting (sic) our national security. Two questions, and then I'll have to stop and go to our colleagues. Can you describe any specific situations where Section 215 and Section 702 authorities helped disrupt a terrorist attack or identify individuals planning to attack, the number of times? And then secondly, if you didn't have the authority to collect phone records in bulk the way that they are now under Section 215, how would you have affected those investigations? MR. JOYCE: So to your first question, Senator, as far as a specific example of when we have utilized both of these programs is the one I had first mentioned, the first al-Qaida-directed plot since 9/11, in September of 2009, when Najibullah Zazi and others conspired plot to bomb the New York subway system. We initially found out about Zazi through an NSA 702 coverage, and he was actually talking to an al-Qaida courier who was -- he was asking for his help to perfect an explosives recipe. So but for that, we would not have known about the plot. We followed that up with legal process and then had FISA coverage on him

and others as we fully investigated the plot. Business records 215 was also involved, as I had previously mentioned, where we also through legal process were submitting legal process for telephone numbers and other email addresses, other selectors. But NSA also provided another number we are unaware of of a co-conspirator, Adis Medunjanin. So that is an instance where a very serious plot to attack America on U.S. soil that we used both these programs. But I say, as Chairman Leahy mentioned, there is a difference in the utility of the programs. But what I say to you is that each and every program and tool is valuable. There were gaps prior to 9/11. And what we have collectively tried to do, the members of the committee, other members of the other oversight committees, the executive branch and the intelligence community, is we have tried to close those gaps and close those seams. And the business record 215 is one of those programs that we have closed those seams. So I respectfully say to the chairman that the utility of that specific program initially is not as valuable. I say you are right. But what I say is it plays a crucial role in closing the gaps and seams that we fought hard to gain after the 9/11 attacks.

Section 702 critical to fight terrorism

Washington Post, June 20, 2013, Reprinted in South China Morning Post, US Defends Surveillance Tactics in War on Terrorism, <http://www.scmp.com/news/world/article/1264602/us-defends-surveillance-tactics-war-terrorism> DOA: 4-1-15

In November 2008, Abid Naseer, a Pakistani student living in Manchester, England, began to e-mail a Yahoo account ultimately traced to his home country. The young man's e-mails appeared to be about four women - Nadia, Huma, Gulnaz and Fozia - and which one would make a "faithful and loving wife". British investigators later determined that the four names were code for types of explosives. And they ascertained that a final April 2009 e-mail announcing a "marriage to Nadia" between the 15th and the 20th was a signal that a terrorist attack was imminent, according to British court documents. It is unclear exactly how British intelligence linked the Pakistani e-mail address to a senior al-Qaeda operative who communicated in a kind of code to his distant allies. But the intelligence helped stop the plot in England, and the address made its way to the US National Security Agency (NSA). A few months later, the NSA was monitoring the Yahoo user in Pakistan when a peculiar message arrived from a man named Najibullah Zazi, an Afghan American living in Colorado. He asked about "mixing of [flavour and ghee oil] and I do not know the amount, plz right away." Soon after, on September 9, 2009, a second message arrived that echoed the code used in the British plot: "The marriage is ready," Zazi wrote. The e-mails led the NSA to alert the FBI, which obtained a court order to place Zazi under more extensive surveillance. Officials learned that he had visited Pakistan in 2008, the same time as one of the British plotters. In the end, the e-mails and additional surveillance foiled a plot by Zazi and two others to conduct suicide bombings in the New York subway system just days after he sent the "marriage is ready" e-mail. In recent days, US intelligence and law enforcement officials, as well as congressional officials, have pointed to the authority that allowed them to target the Yahoo account - Section 702 of the Foreign Intelligence Surveillance Act (FISA) - as a critical tool in identifying and disrupting terrorist plots in the US and abroad. But some critics of NSA

surveillance suggested that the collection of data under a programme called Prism was not essential to Zazi's capture because the British first obtained the critical e-mail address. Still, the case study provides a rare glimpse of how the broad surveillance practices of the United States, often in concert with allies, are deployed. "The 702 programme has been enormously useful in a large number of terrorist cases," said a US official who has access to classified records on NSA programmes. "It's beyond dispute that it is highly effective. It operates exactly as anyone paying attention would have expected it to operate based on floor debate and plain reading of law." Passage of Section 702 as an amendment to FISA in 2008 gave the government the authority to request information from US telecommunications companies on foreign targets located overseas without a court order for each individual case. The broad authority is reviewed and renewed annually by the FISA court, although the law does not preclude making a specific request for surveillance. "It appears the NSA did not need any of the expanded authorities conferred by Section 702 to monitor the communications at issue," said Elizabeth Goitein, co-director of the Brennan Centre for Justice's Liberty and National Security Programme. "The government easily could have met this standard if it certified that the targets were al-Qaeda terrorists in Pakistan." But US officials argue that, given the flood of leads in today's interconnected world, the system would get bogged down and they could miss plots if they had to go before the court every time they got information about potential foreign suspects. The officials said they used material from multiple sources - allies, agents, informants and other investigations - to provide rolling targeting information for the Prism program. They also said if the Yahoo address had not been included, Zazi might not have been identified just days before the attacks were set to occur. In testimony before Congress on Tuesday, senior intelligence and law enforcement officials said that recently revealed surveillance programmes have disrupted more than 50 "potential terrorist events", including at least 10 plots with a connection in the US. The Zazi case was one of four that officials used in recent days to defend the effectiveness of the surveillance programmes. One of the others was a planned attack on a Danish newspaper that involved a Pakistani American, David Headley. Sean Joyce, the deputy director of the FBI, described the other two potential attacks on Tuesday in testimony before the House Intelligence Committee. In one, Joyce said, the NSA was monitoring "a known extremist in Yemen" when it learned that the individual was in contact with a man in Kansas City, Missouri. Joyce said Khalid Ouazzani and two co-conspirators were plotting to bomb the New York Stock Exchange. Ouazzani pleaded guilty in 2010 to supporting a terrorist organisation, bank fraud and overseas money laundering. His co-conspirators also pleaded guilty to terrorism charges. In the other incident, phone records helped identify a San Diego man who was financing a terrorist group overseas, apparently al-Shabab in Somalia. "Investigating terrorism is not an exact science. It's like a mosaic," Joyce said. "We try to take these disparate pieces and bring them together to form a picture. There are many different pieces of intelligence. "We have assets. We have physical surveillance. We have electronic surveillance through a legal process, phone records through additional legal process, financial records. "Also, these programmes that we're talking about here today, they're all valuable pieces to bring that mosaic together." General Keith Alexander, head of the National Security Agency, said details of the two programmes disclosed by Snowden were not closely held within the secretive agency. Alexander said after the hearing that most of the documents accessed by Snowden, a former systems analyst on contract to the NSA, were on a web forum available to NSA employees. Others were on a site that required a special credential to access.

Alexander said investigators were studying how Snowden did that. He told lawmakers Snowden's leaks had caused "irreversible and significant damage to this nation". He also said the internet programme had helped stop 90 per cent of the 50-plus plots he cited. He said more than 10 of the plots thwarted had a link inside the US. Still, little was offered to substantiate claims that the programmes had been successful in stopping acts of terrorism that would not have been caught with narrower surveillance. In the New York subway bombing case, Barack Obama conceded the would-be bomber might have been caught with less sweeping surveillance. Committee chairman Congressman Mike Rogers said the programmes were vital to the intelligence community and blasted Snowden's actions as criminal. "It is at times like these where our enemies within become almost as damaging as our enemies on the outside," Rogers said. Officials acknowledged that intelligence collected from US phone records under a programme authorised by the USA Patriot Act is less compelling and the case for that extensive surveillance is harder to make. The NSA's ability to intercept "the contents of e-mail communications of bad guys overseas provides a more lucrative set of information" about terrorist activity than its access to phone records of millions of Americans, one US official said.

Section 702 critical to defeat terrorism

Benjamin **Wittes**, Brookings, 20**14**, Senior Fellow in Governance Studies at the Brookings Institution. I co-founded and am Editor in Chief of *Lawfare*, a website devoted to sober and serious discussion of "Hard National Security Choices." I am the author or editor of several books on subjects related to law and national security: *Detention and Denial: The Case for Candor After Guantánamo* (2011), *Law and the Long War: The Future of Justice in the Age of Terror* (2008), and *Legislating the War on Terror: An Agenda for Reform* (2009). I have written extensively both on the AUMF and on NSA collection under various provisions of the Foreign Intelligence Surveillance Act (FISA).³ The views I am expressing here are my own, April 8, Prepared Statement, Is Al Qaeda Winning the Administration's Counterterrorism Policy," <http://docs.house.gov/meetings/FA/FA18/20140408/102109/HHRG-113-FA18-Wstate-WittesB-20140408.pdf> DOA: 5-1-15

President Obama has announced that he wants to end the AUMF conflict, raising profound questions both about the plausibility and timeframe of that objective and about what legal instrument—if any—will replace the AUMF. Meanwhile, serial leaks have generated enormous political anxiety about NSA programs and persistent calls for reform in the press, in the general public, among allies, and in this body. Section 702 will sunset in 2017 absent action by Congress to renew this important collection authority.⁴ So major pillars of the legal architecture of America's conflict with Al Qaeda have been placed—in different ways and for very different reasons—on the table. This body thus cannot avoid the question of how much, if at all, it wants to alter the most fundamental architecture of the conflict. In my view, as I will lay out, the critical task facing the Congress is different with respect to these two laws. With respect to the AUMF, the Congress should legislate to clearly authorize, and establish proper oversight of, the conflict the United States is likely to continue fighting after its withdrawal from Afghanistan. With respect to Section 702, the task is simpler: to maintain the intelligence community's capacity to support both the broad national security objectives of the United States and the conflict's prosecution under whatever legal authorities may succeed the AUMF. CONTINUES

As I said at the outset of this statement, the question of intelligence collection under Section 702 of the FAA may seem connected to the AUMF's future in only the most distant fashion. In fact, the connection between intelligence collection authorities and the underlying regime authorizing the conflict itself is a critical one. Good intelligence is key to any armed conflict and good technical intelligence is a huge U.S. strength in the fight against Al Qaeda. Yet ironically, the more one attempts to narrow the conflict, the more important technical intelligence becomes. The fewer boots on the ground we have in Afghanistan, for example, the greater our reliance will become on technical collection. The more we rely on drone strikes, rather than large troop movements, in areas where we lack large human networks, the more we rely on technical intelligence. Particularly if one imagines staying on offense against a metastasizing Al Qaeda in the context of a withdrawal from Afghanistan and a narrowing—or a formal end—of the AUMF conflict, the burden on technical intelligence collection to keep us in the game will be huge even ignoring the many other foreign intelligence and national security interests Section 702 surveillance supports. Section 702 is a complicated statute, and it is only one part of a far more complicated, larger statutory arrangement. But broadly speaking, it permits the NSA to acquire without an individualized warrant the communications of non-US persons reasonably believed to be overseas when those communications are transiting the United States or stored in the United States. Under these circumstances, the NSA can order production of such communications from telecommunications carriers and internet companies under broad programmatic orders issued by the Foreign Intelligence Surveillance Court (FISC), which reviews both targeting and minimization procedures under which the collection then takes place. Oversight is thick, both within the executive branch, and in reporting requirements to the congressional intelligence committees. Make no mistake: Section 702 is a very big deal in America's counterterrorism arsenal. It is far more important than the much debated bulk metadata program, which involves a few hundred queries a year. Section 702 collection, by contrast, is vast, a hugely significant component not only of contemporary counterterrorism but of foreign intelligence collection more generally. In 2012, the Senate Select Committee on Intelligence wrote that "[T]he authorities provided [under section 702] have greatly increased the government's ability to collect information and act quickly against important foreign intelligence targets. . . . [The] failure to reauthorize [section 702] would 'result in a loss of significant intelligence and impede the ability of the Intelligence Community to respond quickly to new threats and intelligence opportunities.'"⁸ The President's Review Group on Intelligence and Communications Technologies, after quoting this language, wrote that "Our own review is not inconsistent with this assessment. . . . [W]e are persuaded that section 702 does in fact play an important role in the nation's effort to prevent terrorist attacks across the globe."⁹ The Washington Post has reported that 702 was in 2012 the single most prolific contributor to the President's Daily Brief.¹⁰ Yet we have seen enormous anxiety about Section 702 collection, along with its close cousin, collection overseas against non-US person targets under Executive Order 12333. Sometimes, these anxieties have been rooted in the supposed effects of this collection on U.S. persons.¹¹ Sometimes, however, the complaints have stemmed from broader concerns about infringement of privacy worldwide. Europeans have expressed shock, for example, that a U.S. spy agency would presume to collect against an allied foreign leader like German Chancellor Angela Merkel¹²—surveillance that now seems forward-thinking and reasonable given later reports that Merkel has been on the phone frequently during the Crimea crisis with Vladimir

Putin.¹³ Major news organizations have considered it front-page news that NSA has pursued intelligence targets on online gaming platforms and smartphone apps,¹⁴ that NSA has collected contact lists in large numbers around the world,¹⁵ even that foreign countries *spy on one another*, collect attorney-client communications involving U.S. lawyers along the way, and may share that material with NSA subject to U.S. law and minimization requirements.¹⁶ Whether one considers these stories important journalism or reckless blowing of valuable surveillance activities, they both reflect and further stoke a deep concern about the scope of U.S. surveillance practices. And that concern is creating inexorable pressures for reforms we may regret in the counterterrorism space. The legal regime here is one that this body knowingly and deliberately created in an iterative set of interactions with the intelligence community and the courts. It requires no apology. Rather, it requires an active defense. And while there are certainly areas in which the regime could benefit from reform, the big risk here is that overreaction and panic in the face of exposure will lead to a burdening of the core signals intelligence capacity of the United States with legal processes designed to protect civil liberties domestically. This could happen either because reform efforts go too far or because Congress fails to reauthorize 702 and thus applies the terms of core FISA—which require an individualized warrant based on probable cause— to a wide swath of overseas collection. Broadly then, the legislative task with respect to Section 702 is something of the opposite of the task with respect to the AUMF. To the extent that members of this committee continue to believe, as I do, in the essential integrity and value of the existing legal authorities for intelligence collection and oversight, the task in the current political environment is to defend that architecture—publicly and energetically—rather than to race to correct imagined deficiencies, or even real structural deficiencies that, however real they may be, bear little relation to the outcomes that disquiet us.

Cyber Provisions

Encryption cracking necessary to prevent terrorism

Network World, September 19, 2013, NSA wants even closer partnership with tech industry; NSA's Debora Plunkett says NSA's now is real-time automated information sharing on a large scale, <http://www.networkworld.com/news/2013/091913-nsa-tech-industry-274011.html>
DOA: 2-1-15

The National Security Agency's director of information assurance today said the "way to achieve confidence in cyberspace" is to increase collaboration between the government and the high-tech industry -- remarks that rang ironic given former NSA contractor Edward Snowden's revelations about how NSA works with industry. NSA documents leaked by Snowden showed that the NSA's goal is to build backdoors into commercial products and weaken encryption to make it easier for surveillance, allegations that the U.S. government has not even tried to refute. When asked about that today, NSA director of information assurance Debora Plunkett, who gave the keynote address at the New York Institute of Technology Cyber Security Conference here, flatly refused to discuss the topic. But her keynote address was intended to get hardware and software vendors to work in ever-closer partnership with the NSA. Cyberattacks that could take electricity grids offline and disrupt transportation systems are possible, Plunkett said in her keynote, pointing out the destructive attack that hit Saudi Aramco last year and impacted data systems there. [RELATED: Reported NSA actions raise serious questions about tech industry partnerships MORE: Black Hat: Top 20 hack-attack tools] It's a simple matter to hire hacking services to carry out attacks such as denial-of-service, she said, and the fear now is of "integrity attacks" that would destroy or alter critical data. These are all "cyber security challenges," she noted, and the government today is largely dependent on commercial hardware and software for which the NSA itself cannot "provide indemnification." NSA's needs industry's help, she said. Plunkett said "we have to have a community come together" to collaborate on security in mobility and the cloud especially. The NSA expects that the future of network security lies in "more automated cyber defense" based on "large-scale automation" that would reduce the need for manpower where there would be more real-time sharing of findings. She said there's a need for collaboration with ISPs and hardware companies to achieve all of this. "We have to build a close partnership," she said, adding, there can be "confidence in cyberspace" if "we stay the course." Plunkett is a 29-year veteran of the NSA who worked her way up through the ranks to have a hand in guiding strategic direction for the agency, which carries out surveillance to help defend the country against cyberthreats. But NSA documents recently leaked by Snowden show that the NSA views its partnership with industry in part as a way to subvert security in commercial products and services to make cyber-spying easier. This revelation casts NSA's call for industry partnership and its insistence that there can be "confidence in cyberspace" in a questionable light.

Domestic Anti-Terrorism Key

Domestic terror solvency spills over to international solvency

Michael **Massing**, Journalist, 20**01** [The American Prospect, " Home-Court Advantage: What the War on Drugs Teaches Us about the War on Terrorism, 12/3, 12: 21, <http://prospect.org/article/home-court-advantage>]

Might not the same be true with terrorism? There is no treatment analogy, of course. But if our main goal is to prevent future terrorist attacks, wouldn't it be more effective to concentrate our enforcement efforts here, in the United States, instead of operating on the hostile terrain of the Middle East? In all the talk about unleashing the CIA, it's often overlooked that the perpetrators of September 11 had been living in this country for years. In detecting and rooting out terrorists, shouldn't we tend primarily to our own backyard? The Home Team Emphasizing prevention at home would offer a number of advantages. First, it's much easier to carry out undercover work here than abroad. Agents face fewer hazards in San Diego, Trenton, and Boca Raton than they do in Beirut, Cairo, or Peshawar. And we have many more resources here. In addition to the FBI and other federal agencies, thousands of local police officers are working on terrorism in cities across the country. In the drug war, the local police have led the way in dismantling drug gangs, and they could make a similar contribution toward uprooting terrorist networks. Furthermore, when it comes to obtaining "HUMINT"--the critical "human intelligence" collected by investigative agencies--the millions of loyal American Muslims living in this country would seem a far more fruitful source than Islamic fundamentalists in the Middle East. Finally, concentrating on domestic law enforcement would avoid the types of covert actions that have proved so costly and embarrassing in the past.

Intelligence Necessary to Prevent Genocide

Intelligence necessary to prevent human trafficking and mass atrocities

Report and Recommendations of the President's Review Group on Intelligence, December 2013, Liberty and Security in a Changing World, December 12, http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf

Intelligence is designed not only to protect against threats but also to safeguard a wide range of national security and foreign policy interests, including counterintelligence, counteracting the international elements of organized crime, and preventing drug trafficking, human trafficking, and mass atrocities.

A2: Terrorists No Longer Use Email

Terrorists still communicate via email

Alastair **Stevenson** , Computer Reseller News UK, June 24, 20**14**, NSA and GCHQ mass surveillance a waste of time, says Edward Snowden

"The top spy in the US - the director of National Intelligence James Clapper - stated in a private meeting that was later reported in the press, that regardless of their fears, terrorists and criminals have to communicate. And when they do, they will always make mistakes and give us ways to find them," he said. "For example, we've all known about telephone wire taps for years now, but criminals still use them. We know about internet surveillance, but we still use email because it's critical to our lives. We have ways to monitor them."

Government Transparency

Increasing transparency increases terrorism risks because terrorists can take advantage of the information

SENATOR CHARLES **GRASSLEY** (R-IA), July 31, 20**13**, Hearing of the Senate Judiciary Committee Subject: "Strengthening Privacy Rights and National Security: Oversight of FISA (Foreign Intelligence Surveillance Act) Surveillance Programs"
<https://www.hsdl.org/?view&did=741931>

Finally, increased transparency is a worthy goal in general. And as I suggested before, whenever we can talk about these programs, I think there's less questions out there in the minds of people, and we probably created some public relations problems for us and for this program and for our national security community because maybe we haven't made enough information available. I say that understanding that we can't tell our enemies what we -- what tools we use. But if we consider any reform that may bring more transparency to the FISA process, we should keep in mind, then, that every piece of information we make available to the public will be read by a determined adversary, and that adversary has already demonstrated the capacity to kill thousands of Americans, even on our own soil.

RFID

RFID technology defeats terrorism

Gene **Kaprowski**, August 13, 20**14**, UPI, "Wireless World: RFID to Thwart Terrorism," http://www.upi.com/Science_News/2004/08/13/Wireless-World-RFID-to-thwart-terrorism/88291092413872/ DOA: 5-1-15

An associate of Osama bin Laden crawls into a container -- along with some new luxury cars -- in a shipyard in Hamburg, Germany. The goal -- shipping himself to the United States and evading the Department of Homeland Security, with its high-tech officers on the ground at major airports, armed with databases of suspects' photos. He is foiled, however, when a silent alarm is triggered, and an alert is sent to security over the airwaves, as he lifts the lid of the container in the warehouse. A wireless radio frequency identification or RFID security tag on the container sent the signal, silently, without alerting the intruder. This scenario is one the government, major shippers and transportation companies are envisioning as possible for the near future. "The security of American ports continues to be a critical issue for homeland security," Robert Jackson, an attorney with Reed Smith LLP, located in the firm's Washington, D.C., office, told United Press International. RFID technology, long touted as in-store anti-theft devices for retailers, is evolving and now is "the answer for homeland defense at our ports," Ben Quinones, a partner in the technology law practice of Pillsbury Winthrop in California's Silicon Valley, told UPI. The technology, developed by private sector research and development labs -- at companies like Avery Dennison, among others -- goes by several names, but one well-known product is called the "security strap," a spokesman for the company told UPI. Once goods are sealed inside a box, a longshoreman or another worker affixes the security strap. That enables shippers to track the cargo containers through their entire overseas trip. Tampering with the seal brings a security check. Companies like SAMSys are moving forward with second-generation RFID security technologies that may be even more effective. Sun Microsystems Inc. recently opened a test center in Dallas, giving customers a location to test an array of RFID scenarios, a spokesman told UPI. Even food and drug companies are eyeing the technology, fearful that rogues may tamper with or, worse yet, counterfeit the nation's pharmaceutical supplies. The technology also is garnering funds at government research laboratories, as scientists are anxious to improve the state of the art for RFID. Last month, the U.S. Department of Energy's Oak Ridge National Laboratory reached a development deal with Spectrum Signal Processing Inc. for a RFID platform, endorsed by the Pentagon, for an array of applications, a spokesman told UPI. RFID security technology currently comes in many forms, experts said. "Tags on containers, for rail cars, are fairly large and are active," John Parkinson, chief technologist, North American Region, with the consulting firm Capgemini in suburban Chicago, told UPI. "They contain a power source and can broadcast a signal that can be tracked by a satellite. Load the tag with a manifest of what's in the container, and you can track it as it moves along the

global supply chain." Other kinds of tags operate passively but still are good for catching stowaways, Parkinson said. "Pass the tag through a broadcast RF (radio frequency) from a reader and the tag gets enough energy to squawk out a short code so it can be used to look up what's on the pallet or in the carton," he said. "If the passive tag IDs point to data that specifies size and weight, a quick calculation and weighbridge datum tells you if the container is full and over or under weight. Stowaways or added materials would show up." Some technology companies, like RAE Systems Inc. and a wireless semiconductor maker called Ember Corp., don't think RFID tags provide enough information or security. They believe wireless sensor technology will be more effective at monitoring shipping containers. Around Christmas last year, the companies demonstrated a prototype wireless security monitoring system, designed to help carriers of cargo comply with federal regulations seeking to prevent terrorists from smuggling nuclear weapons and other weapons of mass destruction into the United States. The Department of Homeland Security last Nov. 18 declared it wanted cargo companies that ship to American ports to equip their containers to prevent terrorist threats. The prototype technology developed by RAE Systems and Ember uses embedded RF chips and networking software to wrap cargo in a virtual Web network, which can detect weapons grade materials, as well as detail when containers have been opened. "It's easier to detect potential terrorists in American ports when we know what's happening inside the container at all times," RAE Systems Chief Executive Officer Robert Chen said in a statement. More than 7 million shipping containers pass through U.S. ports each year, experts said. "The sheer volume of cargo entering our country every day makes it too easy for terrorists to smuggle dangerous cargo," Ember CEO Jeff Grammer said in a statement. The movement for wireless technology to track potential terrorist threats also is creating some consumer spin-offs, experts said. The Airport IT Trends Survey, sponsored by the airline information technology industry, reported 8 percent of responding airports already offer RFID tracking for passenger baggage. This is expected to increase to 25 percent of airports during the next two years. That could, one day, mean no more irretrievable luggage, lost forever in some cargo bin. Long-term, RFID also could speed up the process for importers to bring legitimate goods into the United States. The Department of Homeland Security has started using RFID tags to identify freight-carrying trucks as they cross the border with Canada and, by the end of the year, the technology is expected to be deployed to other land entry points into the United States. Another use is RFID cards for those people who frequently cross the border into the U.S. Congress is eyeing these technology developments, especially now that the Pentagon and Homeland Security are pushing RFID projects, and views them as replacing less-effective video surveillance methods. "RFID chips are more powerful than today's video surveillance technology," said Sen. Patrick Leahy, D-Vt., during a conference this spring at the Georgetown University Law Center. "RFIDs are more reliable, they are 100 percent automatic, and they are likely to become pervasive, because they are significantly less expensive."

RFID technology provides security against terrorism

Laura **Wiegler**, 2014, June 20, RFID Insider, "Securing Entry: RFID is Making us Safer," DOA: 5-2-15

In 2001, the database the Department of Homeland Security (DHS) uses to check visa and passport applicants held about 7 million visa records and over 2 million passport records, according to the DHS. Further, they said that, "if a visa applicant turned out to be a possible match for a terrorism-related CLASS record, the consular officer requested a Security Advisory Opinion (SAO) from the Visa Office in Washington. Such requests were sent via cables, as were the Department's responses. This multi-step cable process to communicate with posts and to coordinate with other government agencies resulted in long wait times for both the consular officers and the applicants." A simpler, more efficient way By 2005, though, those long wait times were going to change – at least in theory – as RFID was introduced to the average American passenger traveling internationally. Today, the State Department issues both passport cards and passport books that are "smart" enough to read our information, the former at a distance and the latter at close range. The U.S. employs biometrics, which can be obtained through facial recognition, fingerprints, or the scanning of irises, but apparently requirements can vary. Michael Holly, Senior Advisor for International Affairs, Passport Services in the U.S. Department of State Bureau of Consular Affairs told RFIDinsider that "We use both fingerprints and facial recognition [for visas]. We've also studied the use of iris images." He did not elaborate further, but it's widely speculated that scanning iris images is not as reliable, and thus less popular, than scanning fingerprints and recognizing faces. For passports, moreover, a digitized and readable photo is used, forgoing fingerprints on its contactless chip. Insofar as the Government's rationale behind RFID's use, Holly claims the history far precedes 9-11, a common barometer for measuring the nation's security practices. Indeed, according to the U.S. Government, RFID has been used along the nation's land borders with Canada and Mexico since 1995. While Holly didn't spell this out, the new passports have been designed to better protect the public from terrorism, even though it's arguable whether or not they are also easing hassles at airports. Toward that end, there are bells and whistles attached to modern-day passports, and depending on whether one has the "card" or the "book", the technology differs. "What we provide to a U.S. traveling citizen bearing a passport card is a protective sleeve with that document," Holly says. "But with a passport we do a number of things – these are two different technologies: proximity and vicinity." He says with a passport card "vicinity technology" is employed; and a number of things are done to protect it "from the possibility of skimming data from the chip, and eavesdropping. We use anti-attenuation tape, a skimming sleeve that blocks the possibility of someone trying to skim data from the chip if the book is closed," he says. The borders agent can thus obtain information discreetly, and in real time, according to Holly. "They're [the passport issuers] using PKI (public key infrastructure) and in association with the RFID chip we can ...confirm data that

appears on the passport's data page and [which one] can authenticate using the digital signatures," he says. Obviously, in an era when a plane can go missing for weeks or months, and two passengers can board with stolen passports, security at least worldwide is hardly foolproof. Nevertheless, Holly believes that over about the past decade, the American traveler's experience is far more secure than it was in the halcyon days of early air travel. "We use a security protocol known as the "basic access control" that requires, in order for the chip to communicate with a reader, that [the passport owner's] book must be open, that the machine- readable zone be read." He says this "zone" is two lines of OCR code at bottom of the passport page, and from which "a number of pins are derived, and then once that happens, the chip will communicate with the reader, releasing the data on the chip." In the case of passport books, the readers are at the customs booths for use upon entry to the foreign country. But in the case of cards, which he explains are commonly used when U.S. citizens travel by car from the northernmost and southernmost parts of the country, the data is read from a greater distance. (See article on toll booth RFID use.) Both [the card type and book type] are passports but the book uses RFID proximity technology, he explains. "The chip in the passport book is a microprocessor. It stores data on it. ...The passport card does not store any data. It simply points [via a recognized serial number] to a record stored in a secure database." The Netherlands-based Gemalto, a global digital security firm, has been working with the U.S. Government for several years on rolling out RFID for use on or with passports. Gemalto says on its website that in August of 2012, the Government Printing Office (GPO) awarded the company with a second consecutive five-year contract. "Gemalto first partnered with [the] GPO in 2006 following stringent evaluations to meet agency requirements," the company says on its site

Biometrics

Biometrics essential to counter terrorism

Patrick **Tucker**, February 27, 2015, Defense One, Jihadi John and the Future of the Biometrics Terror Hunt, <http://www.defenseone.com/technology/2015/02/jihadi-john-and-future-biometrics-terror-hunt/106263/> DOA: 5-7-15

On Thursday, the *Washington Post* and *BBC* publicly identified Mohammed Emwazi, a British-educated, Kuwaiti-born man in his mid 20s, as “Jihadi John,” the Islamic State frontman who executed several hostages on camera, to the world’s horror. “We will not comment on ongoing investigations and therefore are not in a position to confirm or deny the identity of this individual,” the FBI said Thursday. Denials aside, FBI director James Comey said months ago that they knew John’s identity. If the FBI has in fact identified Jihadi John, the victory was, in part, a product of the FBI’s growing collaboration with the Department of Defense — a relationship that will grow much more cozy in the coming years, in the black cherry tree dotted hills of Clarksburg, West Virginia. About four hours away from Washington D.C. sits the headquarters of the FBI’s Criminal Justice Information Services Division, or CJIS, which houses the bureau’s Biometric Center of Excellence. The center is not a place so much as a program begun in 2007 that plays a key role in making use of all the biometric data that comes into the FBI’s possession. That’s every fingerprint, every image, and every phone message that anyone sends to the FBI. “Bottom line for us ... if any of our divisions, whether it be our counterterrorism division, our criminal division, if at any time during their investigations they develop biometrics ... they submit it through our system,” Stephen L. Morris, assistant director of the CJIS, told *Defense One* at a recent conference in Washington. In terms of identifying John, he said, “I’m not going to tell you how we did it,” but added, “You have to have something to search ... you can have images with faces but if you’re not capturing it in the right way, if there’s not data in that image to make a comparison, it’s just not useful.” This, in part, is why the biometric center plays a role in bringing parties, and their biometric databases, together. The FBI’s system is called the Next Generation Identification, or NGI. It includes photos, aliases, physical characteristics and, of course, fingerprints. Today, it’s completely interoperable with the military’s Automated Biometric Identification System, or ABIS, and the Department of Homeland Security’s Automated Biometric Identification System, or IDENT. The center also works with the State Department and allied law enforcement agencies around the world. The FBI and Britain’s MI5 have been working together to identify John. Obtaining a biometric record on a suspect to match against a terrorist video of a masked jihadi is not something done easily or robotically. It requires old school investigation, either sifting through lots of hours of collected video footage and comparing that to crime videos (such as beheadings), or going out into the field to find voice samples on suspects to match against crime videos, or both. This is where the Defense Department’s extensive library of biometric signatures, gathered on the field in places like Iraq and Afghanistan, can play a role in future investigations. The department’s biometrically enabled watch list, or BEWL, houses more than 200,000 records.” I can’t speak enough about our relationship with the Department of Defense. After

9/11, our mission in life changed. It was all about national security, our partnership with DHS and DOD — to say it expanded is an understatement,” Morris said at a recent biometrics conference in Washington, D.C. “Their ABIS system was connected with our system, so they have a small group of folks who are out there [in West Virginia] in charge of their system. Having them co-locate with us has been very important.” That important relationship is about to get a lot more intimate. Later this year, the FBI is going to open a \$328 million, 360,000-square foot Biometric Technology Center next to the current CJIS campus. The Defense Department will get about 40,000 square feet in the building, which will also consolidate the FBI’s biometric workers and operations. “Anything and everything we do will be run out of that building,” said Morris. In September of last year, the FBI announced that the \$1.2 billion dollar NGI system was fully operational (it was rolled out in increments over a period of years). If it works according to plan, it will provide law enforcement with a very fast and reliable sense of exactly who they are talking to, what threat that individual may pose, and what records they’ve left — fingerprints, voiceprints, etc. — in what places. But fingerprints don’t help you catch everyone. Voice recognition played a key role in the identification of Jihadi John, according to published reports. The FBI’s biometric center site lists voice recognition as one of its key modalities, or areas of study, along with DNA and others, but fingerprints and more traditional biometric signatures make up a bulk of the records it manages.

Biometrics needed to prevent terrorism

John **Woodward**, RAND, 2002, Biometrics: Facing Up Terrorism, <http://www.rand.org/content/dam/rand/www/external/congress/terrorism/phase1/biometrics.pdf> DOA: 5-3-15

As the nation recovers from the attacks of September 11, 2001, we must rededicate our efforts to preventing any such terrorist acts in the future. While there is no easy, foolproof technical fix to counter terrorism, the use of biometric technologies might help make America a safer place. Biometrics refers to the use of a person’s physical characteristics or personal traits to identify, or verify the claimed identity, of that individual. Fingerprints, faces, voices, and handwritten signatures are all examples of characteristics that have been used to identify us in this way. Biometric based systems provide automatic, nearly instantaneous identification of a person by converting the biometric, for example a fingerprint, into digital form and then comparing it against a computerized database. This RAND Issue Paper discusses how biometric technologies could be used to impede terrorism in three critical areas: 1. Controlling access to sensitive facilities at airports, 2. Preventing identity theft and fraud in the use of travel documents, and, 3. Identifying known or suspected terrorists with a proposed counterterrorist application known as FaceCheck.

UQ

General

Surveillance Programs Now

Surveillance is first step to prevent terror

General Keith Alexander, retired after 8 years as director of the NSA, May 15, 2014, New Yorker,

<http://www.newyorker.com/online/blogs/newsdesk/2014/05/were-at-greater-risk-q-a-with-general-keith-alexander.html> DOA: 2-20-15

In January, President Obama claimed that the N.S.A. bulk-metadata program has disrupted fifty-four terrorist plots. Senator Patrick Leahy said the real number is zero. There's a big difference between fifty-four and zero. Those [fifty-four events] were plots, funding, and giving money—like the Basaaly Moalin case, where the guy is giving money to someone to go and do an attack. [Note: Moalin's case is awaiting appeal.] It's fifty-four different events like that, where two programs—the metadata program and the 702 program—had some play. I was trying to think of the best way to illustrate what the intelligence people are trying to do. You know “Wheel of Fortune”? Here's the deal: I'm going to give you a set of big, long words to put on there. Then I'm going to give you some tools to guess the words. You get to pick a vowel or a consonant—one letter. There's a hundred letters up there. You'll say, I don't have a clue. O.K., so you've used your first tool in analysis. What the intelligence analysts are doing is using those tools to build the letters, to help understand what the plot is. This is one of those tools. It's not the only tool. And, at times, it may not be the best tool. It evolved from 9/11, when we didn't have a tool that helped us connect the dots between foreign and domestic. Around 9/11, we intercepted some of [the hijackers'] calls, but we couldn't see where they came from. So guys like [Khalid al-Mihdhar, [one of the 9/11 hijackers who was living] in California—we knew he was calling people connected to Al Qaeda in Yemen. But we thought he was in the Middle East. We had no way to connect the dots. If you rewound 9/11, what you would have done is tipped the F.B.I. that a guy who is planning a terrorist attack is in San Diego. You may have found the other three groups that were with him.

We must keep all intelligence tools to fight terror

John **McLaughlin** teaches at the Johns Hopkins School of Advanced International Studies. He was deputy director and acting director of the CIA from 2000 to 2004, January 2, 2014, Washington Post, “NSA Intelligence-Gathering Programs Keep us Safe,” http://www.washingtonpost.com/opinions/nsa-intelligence-gathering-programs-keep-us-safe/2014/01/02/0fd51b22-7173-11e3-8b3f-b1666705ca3b_story.html

As our debate continues, the terrorist threat is not receding but transforming. The core leadership of al-Qaeda has been degraded and remains under pressure, but robust al-Qaeda affiliates have multiplied. With the decline of central government authority in the Middle East and North Africa in the wake of the Arab Spring and the war in Syria, terrorists have the largest havens and areas for operational planning in a decade. If anything, the atomization of the movement has made the job of intelligence more labor-intensive, more detail-oriented and more demanding. Now is not the time to give up any tool in the counterterrorism arsenal.

Intelligence gathering critical to defeat terrorism

Paul **Rosenzweig**, Heritage Senior Legal Research Fellow, 2004 ["The Patriot Act Reader," w/ Alane Kochems & James Jay Carafano, 9/20, [http://www.heritage.org/Research/HomelandDefense/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=69895](http://www.heritage.org/Research/HomelandDefense/loader.cfm?url=/commonsspot/security/getfile.cfm&PageID=69895)]

As should be clear from the outline of the scope of the problem, the suppression of terrorism will not be accomplished by military means alone. Rather, effective law enforcement and/or intelligence gathering activity are the key to avoiding new terrorist acts. Recent history supports this conclusion. In fact, police have arrested more terrorists than military operations have captured or killed. Police in more than 100 countries have arrested more than 3,000 al-Qaeda-linked suspects, while the military captured some 650 enemy combatants. Equally important, it is policing of a different form—preventative rather than reactive, since there is less value in punishing terrorists after the fact when, in some instances, they are willing to perish in the attack. The foregoing understanding of the nature of the threat from terrorism helps to explain why the traditional law enforcement paradigm needs to be modified (or, in some instances, discarded) in the context of terrorism investigations. The traditional law enforcement model is highly protective of civil liberty in preference to physical security. All lawyers have heard one or another form of the maxim that “it is better that 10 guilty go free than that one innocent be mistakenly punished.” This embodies a fundamentally moral judgment that when it comes to enforcing criminal law, American society, in effect, prefers to have many more Type II errors (false negatives) than it does Type I errors (false positives). That preference arises from two interrelated grounds. One is the historical distrust of government that, as already noted, animates many critics of the Patriot Act. But the other is, at least implicitly, a comparative valuation of the social costs attending the two types of error. We value liberty sufficiently highly that we see a great cost in any Type I error. And though we realize that Type II errors free the guilty to return to the general population, thereby imposing additional social costs on society, we have a common-sense understanding that those costs, while significant, are not so substantial that they threaten large numbers of citizens or core structural aspects of the American polity. The post-September 11th world changes this calculus in two ways. First, and most obviously, it changes the cost of the Type II errors. Whatever the cost of freeing mob boss John Gotti or sniper John Muhammad might be, they are substantially less than the potentially horrific costs of failing to stop the next al-Qaeda assault. Thus, the theoretical rights-protective construct under which our law enforcement system operates must, of necessity, be modified to meet the new reality. We simply cannot afford a rule that “better 10 terrorists go free than that one innocent be mistakenly punished.” Second, and less obviously, it changes the nature of the Type I errors that must be considered. In the traditional law enforcement paradigm, the liberty interest at stake is personal liberty—that is, freedom from the unjustified application of governmental force. We have as a model the concept of an arrest, the seizure of physical evidence, or the search of a tangible place. As we move into the Information Age, and deploy new technology to assist in tracking terrorists, that model is no longer wholly valid.

NSA surveillance has disrupted more than 50 terror plots

USA Today, JUN 07, 2013,

<http://www.usatoday.com/story/news/nation/2013/06/18/nsa-surveillance-secret-programs-terror-plots/2434193/> NSA: Surveillance foiled 50 terror plots By: Kevin Johnson, DOA: 1-1-14 Director says NYSE was among targets Section: News, Pg. 05a

National Security Agency Director Keith Alexander told a House committee Tuesday that more than 50 terror threats throughout the world have been disrupted with the assistance of two secret surveillance programs that were recently disclosed by former defense contractor Edward Snowden. More than 10 of the plots targeted the U.S. homeland, Alexander told the House Intelligence Committee, including a plan to attack the New York Stock Exchange. "I would much rather be here today debating this," Alexander said, "than explaining why we were unable to prevent another 9/11" attack. At the rare open committee hearing, Alexander and Deputy Attorney General Jim Cole told lawmakers that both surveillance operations -- a domestic telephone tracking system that collects records of millions of Americans and an Internet monitoring program targeting non-citizens outside the U.S. -- have been subject to rigorous oversight to guard against privacy abuses. "This isn't some rogue operation that some guys at the NSA are operating," Alexander said. Deputy FBI Director Sean Joyce told the committee about a threat that was neutralized by the programs: Investigators used the phone-tracking system to identify an operative in San Diego who was providing support to terrorists in Somalia. Joyce also referred to two disrupted plots that were disclosed last week as having been thwarted by the surveillance operations, including a 2009 plan to bomb the New York subway system. In that case, authorities used NSA's Internet monitoring program to identify overseas communications involving Najibullah Zazi in Colorado, who was later convicted in connection with the subway attack plan. "This is not a program that is off the books," Cole said, outlining the executive, legislative and judicial controls. In the plot against the stock exchange, Joyce said investigators identified a former New York accountant working with contacts in Yemen who were in the early stages of planning an assault. Joyce did not name the man. In court documents, however, he is identified as Sabirhan Hasanoff, 37, who pleaded guilty last year to providing support to al-Qaeda. Hasanoff was not charged in a plot against the stock exchange, but prosecutors, while arguing for a harsh prison sentence, alleged in court documents that he "cased the New York Stock Exchange" at the direction of a terror leader in Yemen. Hasanoff's attorney was not immediately available for comment. Lawmakers raised few questions about the intelligence officials' authority to conduct the operations, despite the heated national privacy debate that was prompted by Snowden's disclosures. Rep. Mike Rogers, R-Mich., the panel's chairman, said the programs were "designed" to protect Americans. Maryland Rep. Dutch Ruppersberger, the committee's ranking Democrat, said Snowden's unauthorized disclosures "put our country and allies in danger."

Surveillance critical to disrupt clandestine terrorist operations

Report and Recommendations of the President's Review Group on Intelligence, December 2013, Liberty and Security in a Changing World, December 12,

http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf
DOA: 1-1-14

In the American tradition, the word "security" has had multiple meanings. In contemporary parlance, it often refers to national security or homeland security. Thus understood, it signals the immense importance of counteracting threats that come from those who seek to do the nation and its citizens harm. One of the government's most fundamental responsibilities is to protect this form of security, broadly understood. Appropriately conducted and properly disciplined, surveillance can help to eliminate important national security risks. It has helped to save lives in the past. It will help to do so in the future. In the aftermath of the terrorist attacks of September 11, 2001, it should not be necessary to belabor this point. By their very nature, terrorist attacks tend to involve covert, decentralized actors who participate in plots that may not be easy to identify or disrupt. Surveillance can protect, and has protected, against such plots.

Any Restrictions on intel gathering increase terror risk

Ambassador L. Paul **Bremer**, National Commission on Terrorism Chair, 2000 ["New Terrorist Threats and How to Counter Them," 7/31, <http://www.heritage.org/Research/HomelandDefense/hl678.cfm>]

It is obvious that there is no substitute for good intelligence if you are going to have an effective counterterrorist policy. I have worked in and around government for 35 years now, and I have never seen a field in which intelligence is more central to good policy and intelligence is more difficult to get than in the field of terrorism. If you don't have good intelligence on terrorists, you simply don't have an effective counterterrorist policy and, most of all, you cannot prevent attacks. After all, the basic objective of counterterrorism is to stop the attacks before they happen.

Intel Key to solve terror

Fernando **Reinares**, Department of Politics and Sociology, Universidad Nacional de Education a Distancia, Madrid, War on Terrorism, ed. Alan O'Day, 2004, p. 226-7

Given the clandestine and unpredictable nature of terrorism, however, all these resources may not be effective unless they are accompanied by mechanisms for detecting and preventing future threats. Reliable intelligence is an essential tool. Experience shows that, as long as the other components function as they should, success in the state's counter-terrorism campaign is directly proportional to the emphasis placed on the gathering and analyzing of reliable information. On the contrary, when intelligence is insufficient or inadequate, the terrorist group may sense the window of opportunity they are being offered and will not hesitate to exploit this advantage by escalating its campaign of insurgent violence. In 1976, for reasons that have never been sufficiently clarified, the Italian Government decided to dismantle the special anti-terrorist units it had created only a few years earlier and ordered far-reaching reorganization of its secret services. Terrorist attacks, which until then had been diminishing in frequency, immediately began to pick up and did not ease again until the early 1980s. Not coincidentally, by that time, revamped intelligence services put under greater supervisory control of the legislative and executive branches, had begun to produce results.

Internal Terror Prevention Strong Now

Intelligence necessary to protect against WMD proliferation and terrorism

Report and Recommendations of the President's Review Group on Intelligence, December 2013, Liberty and Security in a Changing World, December 12, http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf

The national security threats facing the United States and our allies are numerous and significant, and they will remain so well into the future. These threats include international terrorism, the proliferation of weapons of mass destruction, and cyber espionage and warfare. A robust foreign intelligence collection capability is essential if we are to protect ourselves against such threats. Because our adversaries operate through the use of complex communications technologies, the National Security Agency, with its impressive capabilities and talented officers, is indispensable to keeping our country and our allies safe and secure.

Efforts to track-down and arrest terrorists are effective

Heritage Foundation, August 2011, Homeland Security 2010, [http://www.heritage.org/Events/2011/08/Terror-](http://www.heritage.org/Events/2011/08/Terror-Trends?query=Terrorism+by+the+Numbers:+Understanding+U.S.+and+Global+Trends)

[Trends?query=Terrorism+by+the+Numbers:+Understanding+U.S.+and+Global+Trends](http://www.heritage.org/Events/2011/08/Terror-Trends?query=Terrorism+by+the+Numbers:+Understanding+U.S.+and+Global+Trends)

A decade after the 9/11 terrorist attacks and after the demise of Osama bin Laden, looking back is as important as looking forward, in order to learn from the past and to examine the current and future threats facing the United States. Domestically, since the terrorist attacks of September 11, 2001, at least 40 terror plots against the U.S. have been foiled thanks to domestic and international cooperation, as well as efforts to track down terror leads in local communities. Likewise, on a global scale, from 1969 to 2009, there were a staggering 38,345 terrorist incidents around the world, with nearly 3,000 targeted at the United States alone. These numbers serve as a reminder that terrorists have not relented in their desire to harm the United States and its people – America needs to remain vigilant. Join us as our panelists discuss the nature of the terrorist threat to the United States and U.S. counterterrorism policy since 9/11.

Existing US counterterrorism efforts effective

Bergen, et al, September 2013, Jihadist Terrorism: A Threat Assessment,

[http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-](http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-A%20Threat%20Assesment_0.pdf)

[A%20Threat%20Assesment_0.pdf](http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-A%20Threat%20Assesment_0.pdf) Peter Bergen is the author of four books about al-Qaeda, three of which were New York Times best sellers. The books have been translated into 20 languages. He is the director of the National Security Program at the New America Foundation in Washington, D.C.; a fellow at Fordham University's Center on National Security; and CNN's national security analyst.

As detailed above, al-Qaeda has weakened considerably over the past few years, while U.S. defenses have been strengthened. Just consider the following changes since the 9/11 attacks:

On 9/11, there were 16 people on the “no fly” list. Now there are more than 20,000. In 2001, there were 32 Joint Terrorism Task Force “fusion centers” where multiple law enforcement agencies work together to chase down leads to build terrorism cases. Now there are 103. A decade ago, the Department of Homeland Security, National Counterterrorism Center, Transportation Security Administration, U.S. Northern Command, and U.S. Cyber Command didn’t exist. All of these new institutions currently make it much harder for terrorists to operate in the United States. Before 9/11, Special Operations Forces were rarely deployed against al-Qaeda and allied groups. Now they perform nearly a dozen operations every day in Afghanistan, as well as missions in other countries such as Yemen and Somalia. At the beginning of the 21st century, the American public didn’t comprehend the threat posed by jihadist terrorists, but that changed dramatically after 9/11. In December 2001, it was passengers who disabled Richard Reid, “the shoe bomber.” Similarly, it was fellow passengers who tackled Umar Farouk Abdulmutallab, the “underwear bomber,” eight years later. And the following year, it was a street vendor who spotted the bomb-laden SUV Faisal Shahzad had parked in Times Square. Before 9/11, the CIA and the FBI barely communicated about their respective investigations of terrorist groups. Now they work together quite closely. The U.S. intelligence budget grew dramatically after 9/11, giving the government large resources with which to improve its counterterrorism capabilities. In 2010, the United States spent more than \$80 billion on intelligence collection and other covert activities, a total more than three times what it spent in 1998.

General Terror Risk

Up now

Number of terror attacks increasing

General Clapper, Director of National Intelligence, February 26, 2015, Full Committee Hearing on "Worldwide Threats", <http://www.armed-services.senate.gov/hearings/15-02-26-worldwide-threats>

Moving onto terrorism, in 2013, just over 11,500 terrorist attacks worldwide killed approximately 22,000 people. Preliminary data for the first nine months of 2014 reflects nearly 13,000 attacks, which killed 31,000 people. When the final counting is done, 2014 will have been the most lethal year for global terrorism in the 45 years such data has been compiled.

Terror threat increasing

General Clapper, Director of National Intelligence, February 26, 2015, Full Committee Hearing on "Worldwide Threats", <http://www.armed-services.senate.gov/hearings/15-02-26-worldwide-threats>

I'm drawing this data -- ISIL conducting more attacks than any other terrorist group in the first nine months of 2014. And credit where credit's due, I'm drawing this data from the National Consortium of the Study of Terrorism and Responses to Terrorism, or START, at the University of Maryland. The recent terrorist attacks in Europe emphasized the threat posed by small numbers of extremists radicalized by the conflicts in Syria and Iraq. The global media attention and widespread support in extremist circles for these attacks probably will inspire additional extremists to conduct similar attacks. In ISIL, Al Qaida and Al Qaida in the Arabian Peninsula and most recently, Al Shabaab are calling on their supporters to conduct loan- wolf attacks against the United States and other Western countries. Of the 13 attacks in the West since last May, 12 were conducted by individual extremists. Since the conflict began, more than 20,000 Sunni foreign fighters have travelled to Syria from more than 90 countries to fight the Assad regime. Of that number, at least 13,600 have extremist ties. More than 3,400 Western fighters have gone to Syria and Iraq. Hundreds have returned home to Europe. About 180 Americans or so have been involved in various stages of travel to Syria. I should point out, this is those who've attempted to go, didn't get there, those who got there and were killed, those who got there who fought and went to another country and -- and some number have come back. A relatively small number have returned, and we've not identified any of them engaged in attack plotting. Nevertheless, the home-grown violent extremists continue to pose the most likely threat to the homeland. Loan actors or (inaudible) groups who act autonomously will -- will likely gravitate to simpler plots that don't require advanced skills, outside training or communication with others. A small but persistent number of Sunni terrorist remain intent on striking the U.S. and the West, some of whom still see commercial aviation as -- as an appealing target.

Al Qaeda UQ

General

Al-Qaeda's strength and geographic reach increasing

Dr. **Hegghammer**, 7-18, 13, Dr. Thomas Hegghammer is the Zukerman Fellow at Stanford University Center for International Security and Cooperation and a senior research fellow at the Norwegian Defense Research Establishment in Oslo, Hearing of the Terrorism, Nonproliferation and Trade Subcommittee of the House Foreign Affairs Committee Subject: "Global al-Qaida: Affiliates, Objectives and Future Challenges" <https://www.hsdl.org/?view&did=740859>

I would first point out that I think the growth of al-Qaida's affiliate in Syria and other recent developments make this hearing particularly timely and important. In reviewing al-Qaida's evolution since 1988, I'm going to make three arguments in my opening remarks. First, contrary to some interpretations of the weakness of al-Qaida today, I would respond that it is actually quite resilient. As I look at both al-Qaida as it stood, reflected in part in your map, Mr. Chairman, there has been a net expansion in the number and the geographic scope of al-Qaida affiliates and allies over the past decade, indicating that al-Qaida, at least in my view, is -- and the movement are far from defeated. I'll explain in a moment what I mean by al-Qaida. This growth, in my view, is caused by at least two factors. One is the Arab uprisings, which have weakened regimes across North Africa and the Middle East and created an opportunity for al-Qaida to -- and its allies to establish or attempt to establish a foothold or a safe haven. I would submit that the developments in Egypt are of particular concern. It is where the head of -- current head of al-Qaida is from, and it is another potential avenue for a foothold, depending on how that situation develops over the next several weeks and months. In addition, the growing sectarian struggle across the Middle East between Sunni and Shia, which has been funded by, on the Sunni side, both states and nonstate actors, has increased the resources available to militant groups, including to al-Qaida and its affiliates. So the first point is that I think there's been a slight net expansion in al-Qaida's geographic scope and its number. Second, however, this expansion has, along with the weakness of central al-Qaida in Pakistan -- recently, anyway -- has created a more diffuse and decentralized movement. And I do think this is important, because I think what we see as we look at Syria, Jabhat al-Nusra, Iraq, al-Qaida in Iraq, Somalia, Al-Shabaab, Yemen, the al-Qaida in the Arabian Peninsula, and al-Qaida in the Islamic Maghreb in North Africa, the main affiliates, they largely, as I interpret it, run their operations somewhat autonomously, though they still communicate with the core and still may take some strategic advice. And I would note that, what's interesting in the Syrian front is the attempt from the core in Pakistan to adjudicate a dispute between al-Qaida in Iraq and Jabhat al-Nusra in Syria, and then to have the affiliate in Syria essentially break away from Iraq, the al-Qaida in Iraq segment, and swear allegiance directly to the core element in Pakistan, which to me symbolizes that there is still some importance to that leadership. Now, the way I would -- if pressed, would define al-Qaida today, it would include the core in Pakistan, and I would say, even if Zawahiri were killed, there are at least three potential replacements that sit in Iran today, all of whom are quite well-esteemed and are members of what was called the

management council, and one that potentially sits in -- or that sits in Yemen. So even with the death of Zawahiri, I still think you would get a movement that would continue.

Egypt Warrant

Egyptian coup strengthened Al Qaeda

Gartenstein-Ross 14 (Daveed, Senior Fellow at the Foundation for Defense of Democracies, adjunct assistant professor in Georgetown University's security studies program, "The Arab Spring and Al-Qaeda's Resurgence," Congressional Testimony before the House Armed Services Committee, 2/4/14, <http://docs.house.gov/meetings/AS/AS00/20140204/101698/HHRG-113-AS00-Wstate-Gartenstein-RossD-20140204.pdf>)

But al-Qaeda's biggest gain last year was perhaps the July military coup that deposed Egyptian president Mohamed Morsi, and the often-brutal crackdown on protesters that followed. After the coup, jihadist groups in the Sinai went on an immediate offensive, with targets including security officers and Christians. That offensive has both extended beyond the Sinai region and continued into this year, with a series of four January 24 bombings in Greater Cairo, including an explosion at the security directorate. Egypt's coup also bolstered al-Qaeda's narrative. Many Western observers had hoped the Arab uprisings would weaken al-Qaeda by providing a democratic alternative to the region's dictators. These hopes rested on an inexorable march toward democracy that would prompt increasing numbers of citizens to participate in the new political systems. But the coup showed that democracy is reversible—perhaps particularly so if political Islamist groups are in power. Al-Qaeda emir Ayman al-Zawahiri had been saying exactly this since the revolutions began—claiming in March 2011 that Egypt's new regime, even if nominally democratic, would "preserve and maintain the old policies that fight Islam and marginalize the sharia." Though it's too early to say whether more people are gravitating toward al-Qaeda's argument as a result, Zawahiri and other leading jihadist thinkers have already claimed vindication after the coup, and we can expect more full-throated rhetoric on this point in the coming year. Al-Qaeda also continues to be a force in its traditional strongholds. For example, it has spearheaded an assassination campaign in Yemen that has, for more than two years, targeted the country's military officers. Bearing in mind the manner in which prisoner releases gave new life to jihadism in North Africa, a final concern is a series of jailbreaks in July. The most significant was a July 21 jailbreak at Iraq's notorious Abu Ghraib prison that freed about 500 prisoners from a facility boasting a high concentration of skilled jihadists. On July 28, prison riots coupled with an external attack freed 1,117 inmates from Benghazi's Kuafiya prison. And a sophisticated July 30 prison break in Pakistan, where almost 250 prisoners escaped, was claimed by the militant group Tehrik-i-Taliban Pakistan.⁴⁵ Some of the least surprising news of the year was that U.S. officials came to suspect that these incidents, all occurring around the same time, might "be part of an al Qaeda- coordinated 'Great Escape'-like plot."⁴⁶

Arab Spring Warrant

The Arab Spring strengthened Al Qaeda – three reasons

Gartenstein-Ross 14 (Daveed, Senior Fellow at the Foundation for Defense of Democracies, adjunct assistant professor in Georgetown University's security studies program, "The Arab Spring and Al-Qaeda's Resurgence," Congressional Testimony before the House Armed Services Committee, 2/4/14, <http://docs.house.gov/meetings/AS/AS00/20140204/101698/HHRG-113-AS00-Wstate-Gartenstein-RossD-20140204.pdf>)

Factors Strengthening al-Qaeda and Jihadism Three primary factors have strengthened al-Qaeda and jihadism in the Arab Spring environment, two of which fundamentally relate to the jihadist strategy previously outlined: prisoner releases, dawa opportunities, and the resurgence of jihadist-aligned charity networks. Prisoner releases. The Senate Select Committee on Intelligence report on the notorious September 2012 attack on the U.S. consulate in Benghazi notes that a number of individuals affiliated with terrorist groups were involved, including those affiliated with the Muhammad Jamal Network. Jamal himself is notable as one of many jihadist figures to have been released from Egyptian prison. This makes Jamal part of the aforementioned trend that began with the Arab Spring uprisings, in which prisons in affected countries have been emptied. In many cases, it is a good thing that prisoners have gone free: the Arab dictatorships were notorious for unjustly incarcerating and abusing their political prisoners. But jihadists were part of this wave of releases. Prisoners went free for a variety of reasons. In Libya, Qaddafi's government initially used releases as an offensive tactic early after the uprisings, setting prisoners free in rebellious areas in order to create strife.²⁸ As the rebellion continued, some prison governors decided to empty prisons they were charged with guarding, including as a means of defection.²⁹ Chaos also allowed prison escapes, and gunmen attacked prisons in order to free inmates. Regimes that experienced less chaotic transitions, including Tunisia and Egypt, were hesitant to continue imprisoning virtually anybody jailed by the old regime, including violent Islamists with blood on their hands. Moving beyond Muhammad Jamal, other prominent figures from Egypt's jihadist movement were also freed from prison. The most notorious is Muhammad al-Zawahiri, the brother of al-Qaeda's emir and a former member of Egyptian Islamic Jihad. Zawahiri played a prominent role in encouraging jihadists to join the September 2012 attack on the U.S. embassy in Cairo, and American officials told The Wall Street Journal that he has also helped Muhammad Jamal connect with his brother, the al-Qaeda chief. Other released Egyptian inmates returned to operational and media roles, including Murjan Salim, who has been directing jihadists to training camps in Libya. Figures like Jalal al-Din Abu al-Fatuh and Ahmad 'Ashush, among others, helped loosely reorganize networks through media outlets al-Bayyan and al-Faruq. Prisoner releases helped regenerate jihadist networks in the Sinai that have been able to cause a great deal of bloodshed since the country's July coup. Ansar al-Sharia in Tunisia's striking growth was also attributable to prisoner releases. AST leader Abu Iyadh al-Tunisi had been imprisoned since 2003 for involvement in terrorism abroad, but was released in the general amnesty of March 2011. In fact, prominent AST members have claimed that the organization was born during periods of imprisonment, when "communal prayer time served as a forum for discussion and refining ideas that would be put into practice on release." In Libya, many former prisoners, including some leaders of the Libyan Islamic Fighting Group, said they would forsake armed struggle and join the political process. But other released prisoners returned to jihadist violence. Mohammed al-Zahawi and Shaykh

Nasir al-Tarshani of Katibat Ansar al-Sharia in Benghazi both spent years in Qaddafi's notorious Abu Salim prison.³¹ Abu Sufyan bin Qumu, another Ansar al-Sharia leader based in Derna, was formerly imprisoned in both Guantánamo Bay and Abu Salim. Dawa opportunities. Newfound opportunities to undertake dawa allowed the spread of salafi jihadist ideology in places like Egypt and Tunisia. In Egypt, members of the salafi jihadist current such as Muhammad al-Zawahiri and Ahmad 'Ashush were able to personally advocate for the movement on television for the first time. In Tunisia, AST developed a sophisticated dawa strategy. It continues to undertake dawa even after the Tunisian government banned it, but AST youth leader Youssef Mazouz said the group now carries out "less than half the work it used to before August when it could plan events openly and post details on Facebook."³² Some of AST's dawa efforts have been rather traditional: holding dawa events at markets or universities, holding public protests, and dominating physical spaces, such as cafés, near places of worship. But AST also used innovative approaches to dawa, including provision of social services (something other militant Islamic groups like Hizballah and Hamas have also done) and its use of social media. As noted, AST's ban now impedes its ability to leverage social media. AST's social services activity has included distribution of food, clothing, and basic supplies, as well as sponsorship of convoys that provide both medical care and medicine. These efforts concentrated on areas of Tunisia that are typically neglected by the government, such as rural and impoverished areas, and AST also provided emergency humanitarian assistance in the wake of such natural disasters as flooding. AST's social services are typically accompanied by distribution of literature designed to propagate its ideology. But even at its height, AST's distribution of social services didn't reach the same areas consistently: it isn't clear any communities saw AST as a services provider week after week. This is where AST's savvy use of social media was particularly relevant. Almost immediately after it undertook humanitarian efforts, AST would post information about its latest venture, including photographs, to its Facebook page and other websites. Social media served as a force multiplier: while AST didn't provide consistent services to a single area, its social media activity illustrated a rapid pace of humanitarian assistance, and thus helped the group achieve its goal of visibility. The context in which this dawa work was undertaken is important, as the country's economy suffered and much of its revolutionary hopes had faded. AST positioned itself as a critic of the status quo and a champion of those whom the system neglected. This helped AST develop into a growing movement by the last time I did field research there, in April 2013. Whether the new Tunisian constitution will rekindle revolutionary hopes remains to be seen. Resurgence of jihadist-aligned charity networks. Prior to the 9/11 attacks, al-Qaeda received significant funding from a well-financed network of Islamist charity organizations. As a monograph produced for the 9/11 Commission noted, prior to those attacks "al-Qaeda was funded, to the tune of approximately \$30 million per year, by diversions of money from Islamic charities and the use of well-placed financial facilitators who gathered money from both witting and unwitting donors."³³ Despite the efforts made to shut down such groups, Islamist-leaning international charities and other NGOs have been reemerging as sponsors of jihadist activity. In Tunisia, the pictures, videos, and information that AST posted on its Facebook page suggest that AST received support from jihadist charity networks. In at least one case, it received medical supplies from the Kuwaiti charity RIHS (the Revival of Islamic Heritage Society). The fact that RIHS supported a jihadist-oriented group in Tunisia will come as no surprise to seasoned watchers of terrorist financing. The U.S. Treasury Department

designated RIHS in 2008 “for providing financial and material support to al-Qaeda and al-Qaeda affiliates, including Lashkar e-Tayyiba, Jemaah Islamiyah, and Al-Itihaad al-Islamiya.”³⁴ The Treasury designation also charges that RIHS provided financial support specifically for terrorist acts. And that’s not AST’s only connection to sympathetic foreign organizations. The literature it passes out at dawa events can be traced to at least three book publishing houses in Saudi Arabia: Dar al-Qassem, based in Riyadh; Dar al-Tarafan, based in Taif; and the Cooperative Office for the Call and Guidance and Education Communities, based in Dammam. It’s likely that AST, which has distributed a significant amount of these publishers’ literature, either has a direct relationship with the publishers or else a designated intermediary. The most significant theater for jihadist charities’ rebound, though, will likely be Syria. A recent comprehensive report published by the Brookings Institution notes the role of “individual donors in the Gulf,” who “encouraged the founding of armed groups, helped to shape the ideological and at times extremist agendas of rebel brigades, and contributed to the fracturing of the military opposition.”³⁵ The report singles out Kuwaiti donors and charities in particular—including the aforementioned RIHS—in part because Kuwait has had fewer controls than other Gulf countries. Further, the Syrian Islamic Front (SIF)—an umbrella group of six organizations that is considered one of the key jihadist elements within the Syrian opposition—has clearly expressed ties to Turkish and Qatari government-linked NGOs. The video proclaiming the creation of this new group in December 2012 showed SIF members providing aid to Syrian civilians with boxes and flags bearing the logos of the Turkish Humanitarian Relief Foundation (IHH). In January 2013, SIF posted a video to YouTube depicting its members picking up aid from IHH in Yayladagi, Turkey, that was to be distributed in Syria. Other boxes and flags in SIF’s December 2012 video belonged to Qatar Charity, which used to go by the name Qatar Charitable Society. Evidence submitted by the U.S. government in a criminal trial noted that in 1993 Osama bin Laden named the society as one of several charities that were used to fund al-Qaeda’s overseas operations. Other charities that in the past supported al-Qaeda and jihadist causes may also be on the rebound. For example, when the U.S. Treasury Department designated the Al Haramain Islamic Foundation (AHIF), a Saudi charity that provided significant support to al-Qaeda internationally, it noted that AHIF’s leadership “has attempted to reconstitute the operations of the organization, and parts of the organization have continued to operate.”³⁶ Further, the U.N.’s Office of the Ombudsperson overseeing sanctions of al-Qaeda-linked individuals has produced a delisting in 38 different cases as of the time of this testimony.³⁷ The delisting of al-Qaeda supporters at the United Nations could further re-energize al-Qaeda charity networks.

Arab Spring led to AQ expansion

Gartenstein-Ross 14 (Daveed, Senior Fellow at the Foundation for Defense of Democracies, adjunct assistant professor in Georgetown University’s security studies program, “The Arab Spring and Al-Qaeda’s Resurgence,” Congressional Testimony before the House Armed Services Committee, 2/4/14, <http://docs.house.gov/meetings/AS/AS00/20140204/101698/HHRG-113-AS00-Wstate-Gartenstein-RossD-20140204.pdf>)

Chairman McKeon, Ranking Member Smith, distinguished members of the committee, it is an honor to appear before you to discuss the state of al-Qaeda, its affiliates, and associated groups. My testimony will focus on how the Arab Spring environment presented new opportunities for al-Qaeda, altered its focus in discernible ways, and allowed it to experience significant geographic expansion. Not only is the expansion of al-Qaeda's recognized affiliates clear, but also a large number of new organizations have cropped up in the Middle East and North Africa that profess an allegiance to al-Qaeda's ideology, salafi jihadism, yet claim they are organizationally independent from its network. These claims cannot necessarily be taken at face value. Indeed, two central questions that analysts of jihadist militancy debate today are: 1) to what extent are these new jihadist groups connected to the al-Qaeda network, and 2) to what extent is al-Qaeda's senior leadership (AQSL) able to set priorities and strategy for its affiliates, and thus either control or influence their activities? Uncertainties surrounding both questions somewhat complicate the U.S.'s policy response. This testimony begins by examining the question of what al-Qaeda is, and what its goals are. Thereafter, it turns to the perceptions that al-Qaeda and other salafi jihadists had of the Arab Spring, and their ideas about how the movement could benefit. The testimony then calls into question the notion that al-Qaeda's senior leadership has been decimated—which, if true, means that intentions aside, the group would be unable to execute strategy in the new environment. I then turn to factors that did in fact strengthen al-Qaeda and jihadism during the Arab Spring, before giving an overview of al-Qaeda's current position. I conclude by discussing what kinds of policy responses are appropriate for the United States to adopt to address this challenge.

AQAP Warrant

AQAP is likely to attempt transnational attacks.

Clapper 12 (James, Director of National Intelligence, "Unclassified Statement for the Record on the Worldwide Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence," http://www.fas.org/irp/congress/2012_hr/013112clapper.pdf)

Despite the death in September of AQAP transnational operations chief and US person Anwar al-Aulaqi, we judge AQAP remains the node most likely to attempt transnational attacks. His death probably reduces, at least temporarily, AQAP's ability to plan transnational attacks, but many of those responsible for implementing plots, including bombmakers, financiers, and facilitators, remain and could advance plots. We assess that AQI will remain focused on overthrowing the Shia-led government in Baghdad in favor of a Sunni-led Islamic caliphate. It probably will attempt attacks primarily on local Iraqi targets, including government institutions, Iraqi Security Forces personnel, Shia civilians, and recalcitrant Sunnis, such as members of the Sons of Iraq, and will seek to re-build support among the Sunni population. In its public statements, the group also supports the goals of the global jihad, and we are watchful for indications that AQI aspires to conduct attacks in the West.

ISIS UQ

General Strong Now

ISIS strength increasing

The Malone Telegram, February 28, 2015 Saturday, Obama's reasoned request, P. 4

ISIL is a serious and growing threat, with reports that it is looking to gain footholds in even more nations in its quest to establish a caliphate. If the Middle East seems chaotic now, imagine it with ISIL ruling an oil-rich nation from which to export its violent doctrine. It must be stopped.

ISIS a threat to regional and international security

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

This impressively managed, almost obsessively bureaucratic organization has become a serious threat to regional and international security. In fundamentally challenging al-Qaeda's place as the recognized leader of transnational jihadism, it continues to attract recruits from across the globe. The scale of this threat has been demonstrated by the initiation of airstrikes by a broad international coalition in Iraq and Syria in recent months. While IS has shifted underground, it continues operations in Syria and Iraq. Moreover, its beheading of foreign hostages has presented a concerning element of leverage over the international community's ability to counter its influence.

Attacks Increasing Warrent

ISIS conducts mass casualty urban attacks

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

IS military operations can generally be divided into two categories. The first is mass casualty urban attacks, normally targeting Shia, Alawi Muslims, and other minority groups, often in civilian areas. These attacks, which have been more common in Iraq, see IS operate as a typical terrorist organization, managing small, covert, largely urban cells linked to a larger militant infrastructure capable of providing funding and equipment. These operations can continue amid favorable or unfavorable operating environments and are the key to sustaining offensive momentum against adversaries.

Military Capacity Warrent

ISIL's influence and threat in the Middle East is increasing

General Clapper, Director of National Intelligence, February 26, 2015, Full Committee Hearing on "Worldwide Threats", <http://www.armed-services.senate.gov/hearings/15-02-26-worldwide-threats> DOA: 3-1-15

Moving into the Mid East, ISIL is increasing its influence outside of Iraq and Syria, seeking to expand its self-declared caliphate into the Arabian Peninsula, North Africa and South Asia and planning terrorist attacks against Western and Shia interests. ISIL's rise represents the greatest shift in the Sunni violent extremist landscape since Al Qaida affiliates first began forming, and it is the first to assume at least some characteristics of a nation state. Spillover from the Syrian conflict is raising the prospect of instability in Lebanon, Jordan and Saudi Arabia. In Iraq, sectarian conflict in mixed Shia-Sunni areas is growing and if not blunted, will undermine progress against ISIL. Although Prime Abadi has begun to alter the etho-sectarian tone in Iraq, resistance from his Shia political allies and persistent distrust among Iraqi leaders will limit progress toward a stable, inclusive political environment. ISIL's ability to conduct large-scale offensive operations in Iraq has been degraded by coalition airstrikes, the provision of weapons and munitions by the U.S. and other allies, and stiffened defenses by the Iraqi security forces, Kurdish Peshmerga, Shia militants and tribal allies, not to mention the Iranians. However, ISIL remains, as we've seen, a formidable and brutal threat.

ISIS has a professional military organization

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

At the top, Baghdadi brings a crucial image of Islamic legitimacy, justified by his apparent Ph.D. in Islamic Studies from the Islamic University of Baghdad and his history as an imam and preacher in Samarra. Though not a graduate of al-Azhar or Dar al-Ifta' al-Masriyyah, this clerical background puts Baghdadi on a qualitatively higher religious level than Osama bin Laden or Ayman al-Zawahiri. More significant, however, is the military and intelligence experience held by many of Baghdadi's deputies, which has brought a level of professionalism to IS's ability to operate as an efficient and capable organization. For example, both of Baghdadi's deputies were former ranking officers in the Iraqi military. Abu Ali al-Anbari, the chief of Syria operations, was a major general in the Iraqi Army and Fadl Ahmad Abdullah al-Hiyali (Abu Muslim al-Turkmani), the chief of operations in Iraq, was a lieutenant colonel in Iraqi Military Intelligence and a former officer in the Iraqi Special Forces.⁵⁰ Moreover, according to data seized from the safe-house of former IS General Military Council leader Adnan Ismail Najem Bilawi (Abu Abd al-Rahman al-Bilawi) in early June 2014, the group maintained roughly 1,000 "medium and top level field commanders, who all have technical, military, and security experience."

ISIS creates power vacuums that it enters and takes over

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

Independent of specific local dynamics, IS has proven capable of designing and implementing a multi-stage strategy aimed at engendering a chaotic power vacuum into which it can enter. Combining a typical insurgent strategy of attrition with extreme brutality (such as the execution of approximately 200 men captured at Tabaqa Airbase in late August), IS is able to acquire the leverage necessary to become locally dominant. At that point, IS units assume a central role in all local affairs, as Abu Usama, a British fighter based in Homs explained in May 2014: “Our average day here is now normally much of the same—manning checkpoints, going on patrol in the area, settling disputes between locals and between tribes, and a lot of meetings with village elders and their chiefs, so we can discuss their concerns and complaints.”⁴

Returning Fighters Warrent

ISIS fighters are security threats when they return home

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

Realistically, however, the chance that a foreign fighter might choose to return home to carry out an attack is quite unpredictable and should be treated as plausible. Judging by data from 1990-2010, approximately 11 percent of foreign fighters have become active security threats after returning home—not a small number.¹⁰⁹ For Western Europe, from which there are approximately 3,000 fighters in Syria, that would amount to 330 potential terrorists. Notably, the last three prominent terrorist attacks in the Western world involved individuals with travel experience in foreign conflict zones—Syria, Dagestan, Kenya, and Somalia. Moreover, there is already a precedent for fighters with experience in Syria returning to their home countries or for individuals influenced by IS commanders plotting or successfully carrying out attacks. The cases of Mehdi Nemmouche in Brussels and Ibrahim Boudina in France suggest such fears are already being realized.

ISIS is well resourced and plans on attacking the US

James Kittfield, 8-20, The National Journal, August 20, 2014 Why Washington Should Declare War on ISIS

Most importantly, ISIS today represents a direct and growing threat to the United States. It has attracted an estimated 12,000 foreign fighters to its black banner flying over Syrian and Iraqi territory, including hundreds of Europeans and Americans who can travel freely with Western passports. It has a bigger sanctuary, far more money, and is more indiscriminately murderous than al-Qaida was on Sept. 10, 2001. ISIS leader Abu Bakr al-Baghdadi has assured anyone who will listen that he eventually intends to direct his jihad at the United States, telling the U.S. soldiers who released him from prison in 2009, "I'll see you in New York."

Al-Shabaab UQ

General

Al-Shabaab is also recovering

Gartenstein-Ross 14 (Daveed, Senior Fellow at the Foundation for Defense of Democracies, adjunct assistant professor in Georgetown University's security studies program, "The Arab Spring and Al-Qaeda's Resurgence," Congressional Testimony before the House Armed Services Committee, 2/4/14, <http://docs.house.gov/meetings/AS/AS00/20140204/101698/HHRG-113-AS00-Wstate-Gartenstein-RossD-20140204.pdf>)

Another al-Qaeda franchise that is seemingly recovering its capabilities, based on the attacks it was able to execute, is the Somali militant group al-Shabaab. Shabaab once controlled more territory in southern Somalia than did the country's U.N.-recognized government, but it lost its last major urban stronghold of Kismayo to advancing African Union forces in October 2012. However, Shabaab's capabilities have recovered since then. The group captured worldwide attention on September 21, 2013, when terrorists associated with the group launched a spectacular assault on Nairobi's Westgate Mall. The attack dragged on for four days, killing 67 and injuring at least 175. But even before that, there were signs that a complex operation like Westgate was possible, as Shabaab carried out increasingly sophisticated attacks throughout the year. These included an April 2013 attack on a Mogadishu courthouse that killed 29, and a June 2013 twin suicide bombing at Mogadishu's U.N. compound that claimed 22 lives. Over the course of 2013, Shabaab was able to kill between 515 and 664 people, according to a database that I maintain.

I/L

Al Qaeda Specific

Surveillance Solves

Al Qaeda activity can be detected with email and phone record surveillance

Yohn **Yoo**, Summer **2014**, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute, Harvard Journal of Law & Public Policy, THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS, <http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Yoo1.pdf>, DOA: 1-1-15, p. 908-9

Members of the al Qaeda network can be detected, with good intelligence work or luck, by examining phone and e-mail communications, as well as evidence of joint travel, shared assets, common histories or families, meetings, and so on. As the time for an attack nears, "chatter" on this network will increase as operatives communicate to coordinate plans, move and position assets, and conduct reconnaissance of targets. When our intelligence agents successfully locate or capture an al Qaeda member, they must be able to move quickly to follow new information to other operatives before news of the capture causes them to disappear. The NSA database is particularly important because it will point the way to al Qaeda agents within the United States, where they are closest to their targets and able to inflict the most harm on civilians. The September 11 hijackers themselves provide an example of the way that the NSA could use business record information to locate an al Qaeda cell. Links suggested by commercially available data might have turned up ties between every single one of the al Qaeda plotters and Khalid al Mihdhar and Nawar al Hazmi, the two hijackers known to the CIA to have been in the country in the summer of 2001. Mihdhar and Hazmi had rented apartments in their own names and were listed in the San Diego phone book. Both Mohammad Atta, the leader of the September 11 al Qaeda cell, and Marwan al-Shehi, who piloted one of the planes into the World Trade Center, had lived there with them. Hijacker Majed Moqed used the same frequent flier number as Mihdhar; five hijackers used the same phone number as Atta when booking their flights; the remaining hijackers shared addresses or phone numbers with one of those hijackers, Ahmed Alghamdi, who was in the United States in violation of his visa at the time. Our intelligence agents, in fact, had strong leads that could conceivably have led them to all of the hijackers before 9/11. CIA agents had identified Mihdhar as a likely al Qaeda operative because he was spotted at a meeting in Kuala Lumpur and mentioned in Middle East intercepts as part of an al Qaeda "cadre." Hazmi too was known as likely to be al Qaeda. But in neither case was there enough evidence for a criminal arrest because they had not violated any American laws. If our intelligence services had been able to track immediately their cell phone calls and e-mail, it is possible that enough of the hijacking team could have been rounded up to avert 9/11. Our task is much more difficult today, because we might not have even this slender information in hand when the next al Qaeda plot moves toward execution.

Intelligence collection key to defeating Al Qaeda

Benjamin **Wittes**, Brookings, 20**14**, Senior Fellow in Governance Studies at the Brookings Institution. I co-founded and am Editor in Chief of *Lawfare*, a website devoted to sober and

serious discussion of “Hard National Security Choices.” I am the author or editor of several books on subjects related to law and national security: *Detention and Denial: The Case for Candor After Guantánamo* (2011), *Law and the Long War: The Future of Justice in the Age of Terror* (2008), and *Legislating the War on Terror: An Agenda for Reform* (2009). I have written extensively both on the AUMF and on NSA collection under various provisions of the Foreign Intelligence Surveillance Act (FISA).³ The views I am expressing here are my own, April 8, Prepared Statement, Is Al Qaeda Winning the Administration’s Counterterrorism Policy,” <http://docs.house.gov/meetings/FA/FA18/20140408/102109/HHRG-113-FA18-Wstate-WittesB-20140408.pdf> DOA: 5-1-15

Yet in considering the question of the state of the U.S. confrontation with Al Qaeda, there is something to be said for considering these questions in conjunction with one another. These are, after all, two of the most important legal instruments in the struggle this committee is endeavoring to assess. One is the key legal authority for virtually every military action the United States undertakes in its military battle against Al Qaeda, its offshoots, and its affiliates. The other is the single most important legal authority the intelligence community has for collecting intelligence against the Al Qaeda target—not to mention other foreign targets of great national security significance. This intelligence is key to arrests and the thwarting of terrorist plots against the United States and its allies. It is also key to accurate and precise targeting judgments in lethal force operations.

ISIS Specific

Surveillance Solves ISIS

Surveillance necessary to prevent ISIS attacks

Guardian, June 22, 2014 , Isis threat justifies greater surveillance powers in UK, says Liam Fox

Former defence secretary says first duty of state is to protect citizens and public will accept greater monitoring powers Britain's security services may need to be given greater powers of surveillance to monitor extremists from Isis when they return home to Britain from Iraq and Syria, the former defence secretary Liam Fox has said. A majority of people will accept that an "ideological battle" means that the authorities will need greater powers to intercept the communications of extremists, Fox said. The former defence secretary, who was speaking on the Andrew Marr Show on BBC1, said that Britain should offer to put its airbases at the disposal of the US to avoid "horrendous" situation in Iraq as Isis forces pose a threat to Baghdad. Fox said: "There are those who say if we don't get involved, if we hunker down then we will be fine. There will be no backlash. That is utterly, utterly wrong because the jihadists don't hate us because of what we do. They hate us because of who we are. We can't change that. It is our values and our history that they detest more than anything else." Fox said that the authorities could deprive British citizens returning from Syria and Iraq of their passports. But he said that the greatest effort should go towards increasing the power of the state to monitor the communications of extremists. He said: "We have the security services to ensure that they [extremists] are watched and that they don't pose a greater threat." Asked whether the powers of the security services were insufficient, the former defence secretary said: "That is a real question that we are going to have to ask - whether the security services have adequate resources for an increased threat. "That is a question politicians will have to take into account in judgments on spending allocations but also do the powers they have reflect the increasing [threat]? You've got people in the light of Snowden saying that the state has too many powers and we have to restrict the powers of the state." Asked which powers the state should be given, Fox said: "The whole areas of intercept that need to be looked at. We have got a real debate, and it is a genuine debate in a democracy, between the libertarians who say the state must not get too powerful and pretty much the rest of us who say the state must protect itself." Asked whether this meant more surveillance and increasing the manpower of the security services, he said: "If required is the first duty of the state to protect its citizens ... it is a real worry and it is a problem that is going to be with us for a very long time. At heart it is an ideological battle and we have to realise that we have to win the ideological battle as well." The remarks by Fox suggests that some figures, particularly on the right, will use the success of extremists in Iraq to challenge the claim by Edward Snowden that the state has amassed too many powers of surveillance. Snowden leaked a series of NSA files to the former Guardian journalist Glenn Greenwald last year.

ISIS Nuclear Terrorism

ISIS created the world's largest terrorist safe haven – it's the largest risk of nuclear terrorism

Bunn, 7/11/14 - Matthew Bunn, a professor of practice at the Harvard Kennedy School's Belfer Center for Science and International Affairs, is a former adviser on nonproliferation in the White House Office of Science and Technology Policy, where he focused on control of nuclear weapons and materials (Matthew, "ISIS Seizes Nuclear Material—but That's Not the Reason to Worry" 7/11, <http://nationalinterest.org/feature/isis-seizes-nuclear-material%E2%80%94that%E2%80%99s-not-the-reason-worry-10849>)

But while this particular uranium is not much of a worry, the larger picture is starting to make me bite my nails a bit. The Islamic State now controls a big chunk of territory, hundreds of millions of dollars, and thousands of armed troops – and it has made clear that its ambitions are global. Its statement declaring itself the caliphate promised by Allah was an explicit invitation to violent Islamic extremists from all over the world to join them. Like the Taliban's Afghanistan before 9/11, the Islamic State may become a safe haven for people from other groups and countries to train and plot complex attacks. Having such a haven where the government is not going to interfere makes a huge difference in terrorists' ability to put together a really complicated plot – from something like 9/11 to a plot to make a nuclear bomb. Let's not forget that al Qaeda has repeatedly sought to get the kind of nuclear material that really could be put together into a nuclear bomb, and the expertise to do that job. The Islamic State or others taking advantage of its territory may well renew that effort. That's all the more reason to accelerate the effort to ensure that all the world's potential nuclear bomb material is effectively secured – and to be grateful that past efforts eliminated such material from Iraq long before the Islamic State came on the scene.

ISIS Is the Biggest Nuclear Threat

Brent **Budowsky 8/22/14**, LL.M. degree in international financial law from the London School of Economics, former aide to former Sen. Lloyd Bentsen and Bill Alexander, then chief deputy majority whip of the House, "ISIS poses nuclear 9/11 threat", 2014, http://www.opednews.com/articles/ISIS-poses-nuclear-9-11-th-by-Brent-Budowsky-ISI_Military_Nuclear_insanity_Threat-To-World-Peace-140822-911.html

After the latest grotesque atrocity by the Islamic State in Iraq and Syria (ISIS), the beheading of an American journalist, American and European policymakers must clearly understand the near certainty that unless it is defeated and destroyed, ISIS will launch a major terror attack on American or European soil. Analysts estimate that ISIS has amassed a cash hoard of between \$400 million and \$2 billion. It is highly probable that ISIS will attempt to use some of this money to obtain nuclear, chemical, biological or other weapons of mass death on the international black market or from corrupt officials in nations such as Russia, China, Pakistan or North Korea to use in attacks against New York, Washington, London, Paris, Berlin, Rome, Brussels or other nations it considers infidel enemies. This danger is magnified by the fact that ISIS has recruited nationals of the United States and Europe, who possess American and European passports and are physically indistinguishable from local populations in America and Europe. It is extraordinary

that the mass murdering butchery of ISIS is so demented than even al Qaeda is offended. It is alarming that the CIA, which launched intelligence operations even against the United States Senate, and the NSA, which launched massive and unprecedented eavesdropping operations, and intelligence services of leading European nations were blind to the magnitude of the ISIS threat until the most barbaric terrorists in modern history had taken over almost a third of Iraq and are on the brink of creating a terrorist super-state that dwarfs al Qaeda's efforts prior to 9/11. I vehemently opposed the misguided Iraq War from the moment it was proposed by former President George W. Bush and have never been a neoconservative, warmonger or super-hawk. But aggressive action against ISIS is urgently needed. ISIS has stated its intention to attack the United States and Europe to advance its evil, messianic and genocidal ideology and ambitions. ISIS has the money to purchase the most deadly weapons in the world, and has recruited American and European traitors with above-average capability to execute an attack. The odds that ISIS can obtain nuclear, chemical, biological or other forms of mass destruction weapons are impossible to ascertain but in a world of vast illegal arms trafficking, with so many corrupt officials in nations possessing arsenals of destruction, the danger is real. The fact that WMD scares prior to the Iraq War ranged from mistaken to deceitful does not mean that the WMD danger does not exist today. It does. I applaud the recent actions taken by President Obama. Obama's airstrikes saved tens of thousands of Yazidis from genocide, took back the Mosul Dam from ISIS and saved countless Iraqis, Kurds and Syrians from slaughter. The airstrikes inflicted material damage to ISIS. The diplomacy of Obama and Secretary of State John Kerry contributed mightily to the replacement of a disastrous Iraqi government by a government can unite Iraqi Sunnis, Shiites and Kurds. The Obama-Kerry initiatives will lead to the creation of a stable Afghan government and avoid the collapse that was possible after the recent controversial Afghan elections. These are real successes. In the current political climate, Obama seems to get credit for nothing, but he deserves great credit for some important successes in recent weeks. And yet the danger of ISIS pulling off a nuclear, chemical, biological or other mass death 9/11-style attack in a major American or European city is real. Even with dirty or primitive WMD weapons, the casualty totals could be catastrophic. ISIS must be defeated and destroyed. This will not be achieved with "boots on the ground" proxies from Iraqi or Kurd forces alone, though Kurdish forces should immediately receive strong military assistance. America should not initiate another massive Iraq ground war. What is needed is a multinational special ops strike force made up of 10,000 troops from NATO nations and possibly Arab League nations.

ANY WMD attack on U.S. Soil Would Escalate – Miscalculation and Command Confusion

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, "Risk Analysis of Nuclear Deterrence" SPRING 2008 THE BENT OF TAU BETA PI, <http://www.nuclearrisk.org/paper.pdf>)

The threat of nuclear terrorism looms much larger in the public's mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: "A 10-kiloton bomb detonated at Grand Central Station on a typical

work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce whichever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important.

The cost of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.³ This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise determination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapolation of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Congress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. ... If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara expressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn⁴ echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally

inhuman, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) ... a change in targeting could kill somewhere between 20 million and 30 million additional people on each side These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care ... millions of people might starve or freeze during the following winter, but it is not possible to estimate how many. ... further millions ... might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that assumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant firestorms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engineering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

Impacts

Nuke Terror

Dirty Bomb Risk High

Dirty bomb risks increasing, insecure nuclear material world-wide

Bunn & Tobey, 5-20-15, The Hill, “Don’t weaken our defenses against nuclear smuggling,” <http://thehill.com/blogs/congress-blog/homeland-security/242566-dont-weaken-our-defenses-against-nuclear-smuggling> DOA: 5-25-15 Bunn is a professor at Harvard Kennedy School and co-principal investigator for the Kennedy School’s Project on Managing the Atom. Tobey is a senior fellow at Harvard Kennedy School’s Belfer Center and former deputy administrator for Defense Nuclear Nonproliferation at the National Nuclear Security Administration. Roth is research associate with the Belfer Center’s Project on Managing the Atom.

The possibility of a terrorist detonating a “dirty bomb” or even a crude nuclear bomb is one of the gravest threats facing the United States today. Yet the House Armed Services Committee is pushing a bill that would prohibit funding for fixed radiation detectors to catch nuclear smugglers – both for installing new ones and even for maintaining the ones U.S. taxpayers have already paid billions to install. Radiation detection is a highly imperfect line of defense. Once nuclear material has left the facility where it is supposed to be, it could be anywhere, and recovering it poses an enormous challenge. The immense length of national borders, the huge scale of legitimate traffic, the myriad pathways across these borders, and the small size and sometimes weak radiation signal of the nuclear and radiological materials terrorists might be seeking combine to make nuclear smuggling extraordinarily difficult to stop. But that hardly justifies giving up. From airports to bridges across major waterways to the loading stations at container ports, there are many locations where fixed radiation detectors make sense. A balanced program to defeat nuclear smugglers must include strong security to keep material from being stolen in the first place, effective law enforcement and intelligence work, and interdiction efforts and border controls backed by both fixed and mobile radiation detectors. These elements work together, reinforcing each other’s effectiveness. In addition to detecting stolen radioactive and nuclear material, fixed radiation detectors deter smugglers from using official borders, limiting their options and making them easier to catch. As a military leader in Azerbaijan—which shares borders with Russia—recently argued, “to leave an unequipped border crossing is like leaving the window open.” For nearly twenty years, both Republicans and Democrats in Congress and the White House have invested billions in putting in place a network of thousands of fixed radiation detectors in more than fifty countries. Cutting off funding now would mean abandoning partners across the world, after years of painstaking diplomacy – and would undermine the investment already made, reducing the chance that existing detectors would continue to be used effectively. As much of the nuclear and radiological material smuggled to date has come from Russia—a country with hundreds of tons of nuclear weapons material spread across dozens of facilities—detecting smuggling from Russia is vital. It became even more important last year, when Russia halted nearly all work with the United States on improving the security of its nuclear stockpiles, increasing the risk of nuclear

theft and smuggling. The good news is that before the recent crisis in U.S.-Russian relations, Russia and the United States worked together to install a ring of detectors at all of Russia's official border crossings. The bad news is that the conflict in Ukraine has effectively erased some of those borders, and Russia's customs union with Belarus and Kazakhstan means goods flow across those borders unchecked. Hence, there is a clear need to install more fixed radiation detectors to patch the holes in the system already put in place. Beyond Russia, there is radiological material located at thousands of inadequately protected sites in more than a hundred countries. These vulnerabilities, combined with the rise of groups like the Islamic State who are bent on mass violence and terror, make deliberately weakening defenses against nuclear smugglers recklessly negligent.

General High Risk

Risk of nuclear terror is high and likely

Ogilvie-White 2014

Dr Tanya Ogilvie-White, former senior analyst at the Australian Strategic Policy Institute; Stanton nuclear security fellow at the International Institute for Strategic Studies, senior lecturer in international relations at the University of Canterbury, Preventing Nuclear Terrorism, Australia's Leadership Role, https://www.aspi.org.au/publications/preventing-nuclear-terrorism-australias-leadership-role/SR63_prevent_nuclear_terrorism.pdf

The main worry about the theft and trafficking of nuclear and radiological materials is that they will end up in the hands of terrorist groups, who will use them in INDs or RDDs. Even in the case of an RDD, which is a more likely scenario but would be much less lethal than an IND, radioactive contamination in a densely populated area could have serious economic and social consequences. Although a successful RDD attack has never been perpetrated, there's evidence that terrorists have invested in such devices: Chechen separatists were involved in two incidents involving radioactive materials in November 1995 and December 1998, and more recently intelligence agencies in mainland Europe, Thailand, the UK and the US have managed to foil RDD plots before they reached fruition. In 2012, the International Atomic Energy Agency (IAEA) Incident and Trafficking Database reported 160 incidents involving the illegal trade and movement of nuclear or other radioactive material across national borders. Of those, 17 involved possession and related criminal activities, 24 involved theft or loss and 119 involved other unauthorised activities. Two incidents involved highly enriched uranium (HEU) in unauthorised activities. There were also three incidents involving dangerous Category 1–3 radioactive sources, two of which were thefts. Information reported to the database demonstrates that:

- the availability of unsecured nuclear and other radioactive material persists
- although effective border control measures help to detect illicit trafficking, effective controls aren't uniformly implemented at all international border points
- individuals and groups are prepared to engage in trafficking this material. The possibility of RDD or, worse, IND detonation is real and, while the risks need to be kept in perspective, they need to be taken seriously. One of the most worrying recent cases of illicit trafficking involving HEU occurred in June 2011 in Moldova, where officials arrested six people with a quantity of weapon-grade material. The group claimed to have access to plutonium and up to 9 kilograms of HEU, which they were willing to sell for \$31 million. A serious buyer, reportedly of North African origin, appears to have been involved and remains at large. Research reactors are considered vulnerable to thefts of nuclear and radiological materials because they're often located on university campuses or in larger scientific research centres, which are relatively open to the public or have many users and visitors. Moreover, other than the amended Convention on the Physical Protection of Nuclear Material, which has yet to enter into force, there's no internationally binding requirement for securing these facilities. Since 2003, however, the US and the IAEA have been working with various countries to reduce the risks associated with research reactors. Many countries with HEU-fuelled research reactors, including some in Australia's near neighbourhood, have taken part in securing HEU and converting the reactors to use low-enriched uranium (LEU). In particular, HEU has been removed and secured from

Indonesia, the Philippines, Thailand and, most recently, Vietnam. Of course, LEU-fuelled research reactors remain a target for terrorists who wish to spread ionising radiation or damage a symbolic facility representing technological progress, and most research reactors have substantial quantities of sealed sources that are potentially vulnerable to theft.

Al Qaeda Risk High

Al Qaeda likely to use WMDs – extreme ideology, no fear of counterattack, ambitious goals and they are likely to attack the US homeland

Nathan **Myhrvold, 13**, July 2013, Myhrvold is chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft. “Strategic Terrorism: A Call to Action,” <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

The risk that al Qaeda or some future group will use equally terrible weapons seems higher on every level. its geopolitical goals are, if anything, more ambitious than the soviets’ were. al Qaeda’s ideology is more extreme. The group’s vulnerability to counterattack or reprisal is far lower than anything the soviets faced—it has already survived the worst our nation can throw at it. The terrorists have demonstrated a shocking degree of ruthlessness. Under any theory of risk, these foes must be considered more likely to act than the soviets ever were. Another reason terrorists would attack is the oldest justification in the world—because we’re trying to get them. it’s no secret that the United states aims to exterminate al Qaeda and similar terrorist groups—and rightly so. With revenge and self-preservation on their minds, our primary adversaries are not likely to show us unnecessary mercy. A more mundane reason to worry is that the information cascade that empowers stateless groups will ultimately demand more numerous and spectacular demonstrations of power to feed popular interest. terrorism survives by making a big impact, and when the world gets desensitized to beheadings, the temptation to one-up the last attack increases. Similarly, the arc of terrorism in iraq—which spiked dramatically from 2004 through 2007 and then leveled off, only to resurge somewhat recently—may foreshadow an increasing risk to the United states. terrorists quite rationally sought to destabilize iraq and afghanistan as a way to humble the United states and influence its policy by forcing a pullout. That strategy focused terrorists’ attention more on these countries and possibly distracted some groups from directly attacking U.s. territory. as U.s. forces withdraw from the region, these targets become less interesting. What next? al Qaeda and other stateless groups will seek to build on their previous successes. They have successfully carved out a safe haven for themselves in the lawless frontiers of Pakistan. dramatic attacks on the american homeland would be a natural next step. The decentralized nature of stateless organizations raises another set of concerns. once mass death becomes accessible to small groups, it is unclear who would be in control. This lack of direction has already been seen in various al Qaeda attacks in saudi arabia and europe, some of which clearly hurt the cause of islamic terrorists. They took place because no single chain of command exists in the overall movement—it is, at best, a loose confederacy. an additional issue might be called the “craziness factor.” small groups can have crazy goals. The smaller the group, the crazier they may be. The apocalyptic death cult aum shinrikyo is a case in point. Kaczynski is another example. The belief that terror groups will not use terrible weapons if they get them seems foolish in the extreme.

to borrow a phrase from *A Streetcar Named Desire*, to hold this belief is, in effect, to rely “on the kindness of” terrorists. any rational analysis must assign a substantial amount of the terror risk to large-scale, high-magnitude events. yet that is not how our defenses are organized and not how we are spending our resources. instead, we focus most of our counterterrorism efforts on thwarting small-scale attacks— by, for example, confiscating grandma’s four-ounce bottle of hand lotion at the airport.

Terrorists attempting to gain access to WMDs

Bergen, et al, September 2013, Jihadist Terrorism: A Threat Assessment,

[http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-](http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-A%20Threat%20Assesment_0.pdf)

[A%20Threat%20Assesment_0.pdf](http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-A%20Threat%20Assesment_0.pdf) Peter Bergen is the author of four books about al-Qaeda, three of which were *New York Times* best sellers. The books have been translated into 20 languages. He is the director of the National Security Program at the New America Foundation in Washington, D.C.; a fellow at Fordham University’s Center on National Security; and CNN’s national security analyst.

However, the fact that jihadist extremists in the United States have shown no interest in CBRN weapons does not eliminate the need for securing potential sources of chemical, biological, and radiological agents. According to a count by the New America Foundation, since 2001, 13 extremists motivated by right-wing ideologies, one left-wing militant, and two individuals with idiosyncratic motives have deployed, acquired, or tried to acquire chemical, biological, or radiological weapons. For example, William Krar and Judith Bruey, two anti-government extremists, possessed precursor chemicals for hydrogen cyanide gas, which they discussed deploying through a building’s ventilation system.¹⁰ They were arrested in 2003. Zawahiri’s new goal is acquisition of a nuclear bomb – risk of al Qaeda nuclear attack is high Kanani, Editor of *World Affairs Commentary*, 6-29-’11 (Rahim, “New al-Qaeda Chief Zawahiri Has Strong Nuclear Intent” *Forbes*, <http://www.forbes.com/sites/rahimkanani/2011/06/29/new-al-qaeda-chief-zawahiri-has-strong-nuclear-intent/>) We should be especially worried about the threat of nuclear terrorism under Zawahiri’s leadership. In a recent report titled “Islam and the Bomb: Religious Justification For and Against Nuclear Weapons”, which I researched for and contributed to, lead author Rolf Mowatt-Larsen, former director of intelligence and counterintelligence at the U.S. Department of Energy, argues that al-Qaeda’s WMD ambitions are stronger than ever. And that “this intent no longer feels theoretical, but operational. “I believe al-Qaeda is laying the groundwork for a large scale attack on the United States, possibly in the next year or two,” continues Mowatt-Larsen in the opening of the report issued earlier this year by the Belfer Center for Science and International Affairs at Harvard Kennedy School. “The attack may or may not involve the use of WMD, but there are signs that al-Qaeda is working on an event on a larger scale than the 9/11 attack. Most will readily dismiss such claims as implausible and unlikely, and we hope they are right, but after spending months with Mowatt-Larsen, who also served as the former head of the Central Intelligence Agency’s WMD and terrorism efforts, scrutinizing and cross-referencing Zawahiri’s 268-page treatise published in 2008 titled “Exoneration”, the analytics steered us towards something far more remarkable than expected.

ISIS Risk High

ISIS Can Buy, Build or Steal Nuclear Weapons – Just a Matter of Time

Russ **Wellen**, 10-21-2014, "Is the Islamic State Capable of Nuclear Terrorism?," Foreign Policy In Focus, <http://fpif.org/islamic-state-capable-nuclear-terrorism/>

After 9/11, many feared that Al Qaeda would get its hands on nuclear weapons. Such fears were stoked by the far right, especially the books of journalist Paul Williams with their provocative titles: *Osama's Revenge: The Next 9/11* and *The Al Qaeda Connection: International Terrorism, Organized Crime, And the Coming Apocalypse*. (Yes, I read them at the time; ate them up even.) In fact, Al Qaeda had made attempts to obtain nuclear materials. In 2007 at the New Yorker, Steve Coll asked: Can the United States be made safe from nuclear terrorism? Even the Belfer Center of the Harvard Kennedy School issued a report in 2010. Key excerpt: Al Qaeda's patient, decade-long effort to steal or construct an improvised nuclear device (IND) flows from their perception of the benefits of producing the image of a mushroom cloud rising over a US city, just as the 9/11 attacks have altered the course of history. This lofty aim helps explain why Al Qaeda has consistently sought a bomb capable of producing a nuclear yield, as opposed to settling for the more expedient and realistic course of devising a "dirty bomb," or a radiological dispersal device. Now such fears are beginning to be transferred to the Islamic State.

Ploughshares Fund President Joseph Cirincione: [The Islamic State, or ISIS's] seizure of banks and oil fields gave it more than \$2 billion in assets. If ISIS could make the right connection to corrupt officials in Russia or Pakistan, the group might be able to buy enough highly enriched uranium (about 50 pounds) and the technical help to build a crude nuclear device. Militants recruited from Europe or America could help smuggle it into their home nations. Or ISIS could try to build a "dirty bomb," conventional explosives like dynamite laced with highly radioactive materials. The blast would not kill many directly, but it would force the evacuation of tens of square blocks contaminated with radioactive particles. The terror and economic consequences of a bomb detonated in the financial districts of London or New York would be enormous. [Also] ISIS could also try to get chemical weapons, such as deadly nerve gases or mustard gas. Fortunately, the most likely source of these terror weapons was just eliminated. How would it pull that off? The Times of India reported on one fanciful idea the Islamic State had, as explained in a "manifesto believed to have been written by Abdullah Ahmed al-Meshedani, a member of the group's highly secretive six-man war cabinet." The document, typed on perforated sheets, was seized by Iraqi special forces during a raid in March on the home of one of the commanders of ISIS, The Sunday Times reported today. And from whom does the Islamic State propose to obtain nuclear know-how, material, or actual weapons? In the document, which has been examined by western security officials — who believe it to be authentic — Meshedani wrote that ISIS aims to get hold of nuclear weapons with the help of Russia, to whom it would offer access to gas fields it controls in Iraq's Anbar province. And as long as you're sharing nuclear weapons with us, Russia, one more little thing: Also, the documents said, Kremlin will have to give up "Iran and its nuclear programme and hands over its secrets." Russia would also have to abandon support for Syrian President Bashar al-Assad and back the Gulf States against Iran. It may not be much of a problem now, but it could be some day. On October 1 the New York Daily News reported on a statement by British Home Secretary Theresa May (emphasis added): "If (ISIS) succeeds in firmly consolidating their grip on the land they occupy in Syria and Iraq, we will see the world's first

truly terrorist state established within a few hours flying time of our country," ... Britain and the West cannot cede ISIS "the space to plot attacks against us, train their men and women, and devise new methods to kill indiscriminately," she said. "We will see the risk, often prophesied, but thank God not yet fulfilled, that with the capability of a state behind them, the terrorists will acquire chemical, biological or even nuclear weapons to attack us."

ISIS Thumps General Nuke Terror Defense – It has Massive Resources and International Connections

Budowsky, Budowsky was an aide to former Sen. Lloyd Bentsen and Bill Alexander, then chief deputy majority whip of the House. He holds an LL.M. degree in international financial law from the London School of Economics., 8-20-**2014**, "Budowsky: ISIS poses nuclear 9/11 threat," TheHill, <http://thehill.com/opinion/brent-budowsky/215603-brent-budowsky-isis-poses-9-11-scope-threat>

Analysts estimate that ISIS has amassed a cash hoard of between \$400 million and \$2 billion. It is highly probable that ISIS will attempt to use some of this money to obtain nuclear, chemical, biological or other weapons of mass death on the international black market or from corrupt officials in nations such as Russia, China, Pakistan or North Korea to use in attacks against New York, Washington, London, Paris, Berlin, Rome, Brussels or other nations it considers infidel enemies. This danger is magnified by the fact that ISIS has recruited nationals of the United States and Europe, who possess American and European passports and are physically indistinguishable from local populations in America and Europe. It is extraordinary that the mass murdering butchery of ISIS is so demented than even al Qaeda is offended. It is alarming that the CIA, which launched intelligence operations even against the United States Senate, and the NSA, which launched massive and unprecedented eavesdropping operations, and intelligence services of leading European nations were blind to the magnitude of the ISIS threat until the most barbaric terrorists in modern history had taken over almost a third of Iraq and are on the brink of creating a terrorist super-state that dwarfs al Qaeda's efforts prior to 9/11. I vehemently opposed the misguided Iraq War from the moment it was proposed by former President George W. Bush and have never been a neoconservative, warmonger or super-hawk. But aggressive action against ISIS is urgently needed. ISIS has stated its intention to attack the United States and Europe to advance its evil, messianic and genocidal ideology and ambitions. ISIS has the money to purchase the most deadly weapons in the world, and has recruited American and European traitors with above-average capability to execute an attack. The odds that ISIS can obtain nuclear, chemical, biological or other forms of mass destruction weapons are impossible to ascertain but in a world of vast illegal arms trafficking, with so many corrupt officials in nations possessing arsenals of destruction, the danger is real. The fact that WMD scares prior to the Iraq War ranged from mistaken to deceitful does not mean that the WMD danger does not exist today. It does.

Yes Extinction

Nuke Taboo

An attack breaks the nuclear taboo – leads to nuclear war.

Li Bin 2009 "An Investigation of China – U.S. Strategic Stability" Prof. Li Bin is a leading Chinese expert on arms control and is currently the director of Arms Control Program at the Institute of International Studies, Tsinghua University. He received his Bachelor and Master Degrees in Physics from Peking University before joining China Academy of Engineering Physics (CAEP) to pursue a doctorate in the technical aspects of arms control. He served as a part-time assistant on arms control for the Committee of Science, Technology and Industry for National Defense (COSTIND). Upon graduation Dr. Li entered the Institute of Applied Physics and Computational Mathematics (IAPCM) as a research fellow and joined the COSTIND technical group supporting Chinese negotiation team on Comprehensive Test Ban Treaty (CTBT). He attended the final round of CTBT negotiations as a technical advisor to the Chinese negotiating team. Nie Hongyi is an officer in the People's Liberation Army with an MA from China's National Defense University and a Ph.D. in International Studies from Tsinghua University, which he completed in 2009 under Prof. Li Bin.

The nuclear taboo is a kind of international norm and this type of norm is supported by the promotion of the norm through international social exchange. But at present the increased threat of nuclear terrorism has lowered people's confidence that nuclear weapons will not be used. China and the United States have a broad common interest in combating nuclear terrorism. Using technical and institutional measures to break the foundation of nuclear terrorism and lessen the possibility of a nuclear terrorist attack can not only weaken the danger of nuclear terrorism itself but also strengthen people's confidence in the nuclear taboo, and in this way preserve an international environment beneficial to both China and the United States. In this way even if there is crisis in China-U.S. relations caused by conflict, the nuclear taboo can also help both countries reduce suspicions about the nuclear weapons problem, avoid miscalculation and thereby reduce the danger of a nuclear war.

Miscalculation

Causes accidental US-Russia nuclear war.

Barrett et al. 13 – (6/28, Anthony, PhD, Engineering and Public Policy from Carnegie Mellon University, Director of Research, Global Catastrophic Risk Institute, Fellow in the RAND Stanton Nuclear Security Fellows Program, Seth Baum, PhD, Geography, Pennsylvania State University, Executive Director, GCRI, Research Scientist at the Blue Marble Space Institute of Science, former Visiting Scholar position at the Center for Research on Environmental Decisions at Columbia University, and Kelly Hostetler, Research Assistant, GCRI, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” Science and Global Security 21(2): 106-133, pre-print, available online)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years,¹ potentially leading to collapse of modern civilization worldwide and even the extinction of humanity.² Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches.⁴) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, though numerous measures were also taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counterattack. However, concerns about the extreme disruptions that a first attack would cause in the other side’s forces and command-and-control capabilities led to both sides’ development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack.⁵ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced.⁶ However, it has also been argued that inadvertent nuclear war between the United States and Russia has continued to present a substantial risk.⁷ While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack.⁸ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time.⁹ Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble

some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb,¹⁰ especially if such an event occurs during a crisis between the United States and Russia.¹¹ A variety of nuclear terrorism scenarios are possible.¹² Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States.¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security.¹⁴ It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.-Russian crisis conditions,¹⁵ with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.-Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks.

U.S. Lash out

A new WMD terrorist attack will Cause the U.S. to Lash out

Greg **Easterbrook**, senior editor with THE NEW REPUBLIC, November 2001, p.

www.cnn.com/TRANSCRIPTS/0111/01/gal.00.html. (UNDRG/C324)

Terrorists may not be held by this, especially suicidal terrorists, of the kind that al Qaeda is attempting to cultivate. But I think, if I could leave you with one message, it would be this: that the search for terrorist atomic weapons would be of great benefit to the Muslim peoples of the world in addition to members, to people of the United States and Western Europe, because if an atomic warhead goes off in Washington, say, in the current environment or anything like it, in the 24 hours that followed, a hundred million Muslims would die as U.S. nuclear bombs rained down on every conceivable military target in a dozen Muslim countries.

That Domino's into Global Nuclear War

Mohamed **Sid-Ahmed**, Al-Ahram Weekly political analyst, 2004 [Al-Ahram Weekly,

"Extinction!" 8/26, no. 705, <http://weekly.ahram.org.eg/2004/705/op5.htm>]

What would be the consequences of a nuclear attack by terrorists? Even if it fails, it would further exacerbate the negative features of the new and frightening world in which we are now living. Societies would close in on themselves, police measures would be stepped up at the expense of human rights, tensions between civilisations and religions would rise and ethnic conflicts would proliferate. It would also speed up the arms race and develop the awareness that a different type of world order is imperative if humankind is to survive. But the still more critical scenario is if the attack succeeds. This could lead to a third world war, from which no one will emerge victorious. Unlike a conventional war which ends when one side triumphs over another, this war will be without winners and losers. When nuclear pollution infects the whole planet, we will all be losers.

Econ Collapse

A nuclear terror attack in the U.S. will collapse the global financial markets

William J. **Perry** is the Michael and Barbara Berberian Professor at Stanford University. He is a senior fellow at Freeman Spogli Institute for International Studies and serves as codirector of the Preventive Defense Project, ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, September 2006, p. 86

Of course, terrorists setting off a nuclear bomb on U.S. soil would not be equivalent to the nuclear holocaust threatened during the cold war. But it would be the single worst catastrophe this country has ever suffered. Just one bomb could result in more than one hundred thousand deaths, and there could be more than one attack. The direct economic losses from the blast would be hundreds of billions of dollars, but the indirect economic impact would be even greater, as worldwide financial markets would collapse in a way that would make the market setback after 9/11 seem mild. And the social and political effects are incalculable, especially if the weapon were detonated in Washington or Moscow or London, crippling the government of that nation.

Global economic crisis causes war---strong statistical support

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-214

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson’s (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin, 10981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium, and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland’s (1996,2000) theory of trade expectations suggests that ‘future expectation of trade’ is a significant variable in understanding economic conditions and security behavior of states. He argues that interdependent states are likely to gain pacific benefits

from trade so long as they have an optimistic view of future trade relations. However, if the expectation of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002, p.89). Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. 'Diversionary theory' suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to create a 'rally round the flag' effect. Wang (1996), DeRouen (1995), and Blomberg, Hess and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997) Miller (1999) and Kisanganie and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak presidential popularity, are statistically linked to an increase in the use of force.

Middle East Escalation

Instability in The Middle East ensures that Nuclear Terror Would cause a Surge in Extremism against a pre-occupied U.S. and it's allies – Iran, Pakistan, Israel and Independent Nuclear Terror Attacks are all likely to cause War

Freilich 10 – (2010, Chuck, PhD, Senior Fellow at the International Security Program, Harvard Kennedy School, Adjunct Professor at New York University, former Deputy National Security Adviser in Israel, “The Armageddon Scenario: Israel and the Threat of Nuclear Terrorism,” THE BEGIN-SADAT CENTER FOR STRATEGIC STUDIES BAR-ILAN UNIVERSITY, Mideast Security and Policy Studies No. 84, <http://www.biu.ac.il/SOC/besa/MSPS84.pdf>)

The Middle East is a demographic, socio-economic, political, and military time bomb waiting to explode. Even before the recent global economic crisis, unemployment in Arab countries was the highest in the world, including among young people. Economic growth in the Middle East is likely to remain stagnant, with the region falling further behind the rest of the world. When combined with the highly combustible winds of religious fundamentalism, the danger of nuclear terrorism is particularly acute in this region.²³ There is little reason to believe that regional governments will permit political reform and greater self-expression, and political grievances will likely continue to be expressed in extremist and fundamentalist terms which render them inviolate and non-negotiable. For example, there is no assurance that Egyptian President Hosni Mubarak will be succeeded by a moderate and peaceful leader, or that Egypt will not become a radical Islamic state. The long anticipated regime change in Iran may give rise to a more moderate government, but may also result in an even more radical one. Saudi Arabia's future is also questionable. Even the future of Turkey, heretofore held out as a beacon of democracy and secularism within the Muslim world, is unclear. Hatred of Israel, the US, and the West is likely to continue and possibly intensify. Progress towards peace with Israel and improvements in Arab-Western relations are unlikely to be sufficient to reduce the evolving socio-economic, political, and demographic pressures. The Middle East faces another explosion today – of potential nuclear capabilities. Not only Israel, but also the Sunni Arab regimes, are deeply afraid of Iran's nuclear capabilities. In response, over a dozen Arab countries have announced civil military programs. Arab “civil” nuclear programs, as seen from past experience, have a nasty tendency to morph into military ones. The danger of nuclear terrorism, further abetted by the spread of nuclear technology and materials in the region, will be greatly exacerbated by the rise of a multi-polar nuclear Middle East. Nuclear terrorism could give rise to a broader war in the Middle East and even lead to nuclear war. Nuclear war could give rise to more nuclear terrorism.²⁴

Escalates and Leads to extinctions

Russell 09 (James A. Russell, senior lecturer in the Department of National Security Affairs at the Naval Postgraduate School, “Strategic Stability Reconsidered: Prosepects for Nuclear War

and Escalation in the Middle East,” in collaboration with the Atomic Energy Commission, http://www.nps.edu/academics/sigs/ccc/people/biolinks/russell/PP26_Russell_2009.pdf)

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

AT: Can't Get the Bomb Here

Their Evidence is just complacency – U.S. Security measures are not Resilient Enough Absent Strong Domestic Surveillance

Bunn 13 – (2013, Matthew, PhD, Professor of Practice; Co-Principal Investigator, Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard, “Beyond Crises: The Unending Challenge of Controlling Nuclear Weapons and Materials,” in Nuclear Weapons Security Crises: What Does History Teach? Ed. Henry D. Sokolski. Strategic Studies Institute, U.S. Army War College, 253-278)

In short, the threats are out there. In a world that includes terrorists with global reach, effective nuclear security and accounting measures are needed wherever nuclear weapons, plutonium, or HEU exist. All countries with such stockpiles on their soil should ensure that they are at least protected against a modest group of well-armed, well-trained outsiders; a well-placed insider; and both outsiders and an insider working together, using a broad range of tactics. Countries that face more substantial adversary threats—Pakistan being an obvious example—need to provide even higher levels of protection.⁹ Unfortunately, in many countries around the world, the security measures in place today are demonstrably not sufficient to protect against the kinds of threats terrorists and thieves have already shown they can pose. For example, a U.S. team visiting a foreign site with a Category I quantity of HEU from 2005 to 2010 found that there were no fences around the perimeter, no sensors to detect intrusions, no video surveillance systems to help guards assess the cause of alarms generated by sensors, and no vehicle barriers.¹⁰ (It is a reasonable bet that this facility also did not have an on-site armed response team to protect it from armed attackers.) The U.S. team recommended that all of these basic security measures be put in place, which the country agreed to do. But when a team of congressional auditors visited in 2010-11, some of the improvements were still under way. The fact that such glaring weaknesses still existed at a site with Category I materials years after the September 11, 2001 (9/11), attacks speaks volumes about the urgent work still ahead to plug nuclear security weak points around the world. Indeed, I would argue that every country with nuclear weapons or weapons-usable nuclear materials—including the United States—has more to do to ensure that these items are effectively protected. PUNCTUATING COMPLACENT EQUILIBRIUM: THE U.S. CASE If political turmoil is not the most important driver of nuclear security problems, what is? In a word, complacency—the belief that nuclear terrorism is not a serious threat, and that whatever security measures are in place today are already sufficient. The history of nuclear security is a story of punctuated equilibrium, with long stretches of complacency and little change punctuated by moments when something—typically, a major incident of some kind—made it possible to move the system to a higher-security state, from which it would then begin to drift slowly into complacency again. The results of incidents and other events are mediated by the different political cultures and institutions in different countries, so that one country might react to an incident by establishing substantial new security rules, while another might react by having participants in the system offer explanations why it could never happen again.

AT: Can't Build Them

Russian Materials Make Construction Relatively Easy

Zimmerman 09 – (2009, Peter, PhD, experimental nuclear and elementary particle physics, Emeritus Professor of Science and Security at King's College London, former Chief Scientist of the Senate Foreign Relations Committee, "Do We Really Need to Worry? Some Reflections on the Threat of Nuclear Terrorism," Defence Against Terrorism Review Vol. 2, No. 2, Fall 2009, 1-14)

Abstract: This paper considers the case for and against there being a substantial risk that a sub-state adversary might be able to carry the construction of a nuclear device to completion and delivery. It discusses works both for and against the proposition that the detonation of an improvised nuclear device (IND) or a stolen nuclear weapon is sufficiently probable that strong measures to prevent the act must be considered. Contrarian articles and books have appeared suggesting that the possibility of nuclear terrorism has been greatly exaggerated. They argue that building an IND is too difficult for even well-financed terrorists, that obtaining sufficient fissile materials is nearly impossible, and that no intact weapons will be stolen. But an examination of these works finds some to be simplistic and ridden with basic mistakes in risk analysis or misconceptions, while others are better informed but still flawed. The principal barrier to entry for either a new nuclear weapons possessor state or a sub-state group, namely acquiring fissile material, plutonium or highly enriched uranium (HEU), became less imposing with the collapse of the Soviet Union. There is a gap in our knowledge of Russian fissile inventories, which have not always been well guarded, and in this circumstance one cannot reassure the world that there has been no theft of fissile material, or that any attempt will be detected quickly enough to prevent its being made into a nuclear device. The probability of a nuclear terrorist attack in any given year remains significant. Significant investment to deter, prevent, detect, and destroy a nuclear terror plot is required.

AT: Empirically Denied

High risk of nuclear terrorism, empirically denied arguments are bunk, and terrorists can steal materials

Simon **Sturdee**, 7-1, 13, "UN Atomic Energy Agency Sounds Warning on 'Nuclear Terrorism,'" <http://www.foxnews.com/world/2013/07/01/un-atomic-agency-sounds-warning-on-nuclear-terrorism/>

The head of the UN atomic agency warned Monday against complacency in preventing "nuclear terrorism", saying progress in recent years should not lull the world into a false sense of security.¶ "Much has been achieved in the past decade," Yukiya Amano of the International Atomic Energy Agency told a gathering in Vienna of some 1,200 delegates from around 110 states including 35 ministers to review progress on the issue.¶ "Many countries have taken effective measures to prevent theft, sabotage, unauthorised access, illegal transfer, or other malicious acts involving nuclear or other radioactive material. Security has been improved at many facilities containing such material."¶ Partly as a result, he said, "there has not been a terrorist attack involving nuclear or other radioactive material."¶ "But this must not lull us into a false sense of security. If a 'dirty bomb' is detonated in a major city, or sabotage occurs at a nuclear facility, the consequences could be devastating.¶ "Nuclear terrorism" comprises three main risks: an atomic bomb, a "dirty bomb" -- conventional explosion spreading radioactive material -- and an attack on a nuclear plant.¶ The first, using weapons-grade uranium or plutonium, is generally seen as "low probability, high consequence" -- very difficult to pull off but for a determined group of extremists, not impossible.¶ There are hundreds of tonnes of weapons-usable plutonium and uranium -- a grapefruit-sized amount is enough for a crude nuclear weapon that would fit in a van -- around the world.¶ A "dirty bomb" -- a "radiological dispersal device" or RDD -- is much easier but would be hugely less lethal. But it might still cause mass panic.¶ "If the Boston marathon bombing (in April this year) had been an RDD, the trauma would be lasting a whole lot longer," Sharon Squassoni from the Center for Strategic and International Studies (CSIS) told AFP.¶ Last year alone, the IAEA recorded 17 cases of illegal possession and attempts to sell nuclear materials and 24 incidents of theft or loss. And it says this is the "tip of the iceberg".¶ Many cases have involved former parts of the Soviet Union, for example Chechnya, Georgia and Moldova -- where in 2011 several people were arrested trying to sell weapons-grade uranium -- but not only.¶ Nuclear materials that could be used in a "dirty bomb" are also used in hospitals, factories and university campuses and are therefore seen as easy to steal.¶ Major international efforts have been made since the end of the Soviet Union in 1991 and the September 11, 2001 attacks in the United States to prevent nuclear material falling into the wrong hands.¶ US President Barack Obama hosted a summit in 2010 on the subject which was followed by another one in Seoul last year. A third is planned in The Hague in March.¶ A report issued in Vienna on Monday to coincide with the start of the meeting by the Arms Control Association and the Partnership for Global Security said decent progress had been made but that "significant" work remained.¶ Ten countries have eliminated their entire stockpiles of weapons-grade uranium, many reactors producing nuclear medicines were using less risky materials and smuggling nuclear materials across borders, for example from Pakistan, is harder, it said.¶ But some countries still do not have armed guards at nuclear power plants,

security surrounding nuclear materials in civilian settings is often inadequate and there is a woeful lack of international cooperation and binding global rules.¶ "We are still a long way from having a unified regime, a unified understanding of the threat and a way to address it," Michelle Cann, co-author of the report, told AFP.

AT: No Expertise

Terrorists Could Build a Dirty bomb without Expertise

Michael **Clark, 2013**, Michael Clarke (m.clarke@griffith.edu.au) is an Australian Research Council (ARC) Research Fellow at the Griffith Asia Institute, June 2013, Comparative Strategy, "Pakistan and Nuclear Terrorism: How Real is the Threat?," pp. 98-114

The threat of terrorist use of an RDD or "dirty bomb" has increased since September 11, 2001, and is perceived as the most likely act of nuclear terrorism. An RDD is not a nuclear weapon but a bomb that uses conventional explosives to spread radiological material over a wide area. The damage caused by the detonation of an RDD would not necessarily stem from the effects of the radiological material itself but instead from the amount of conventional explosives used.³⁵ Nonetheless, the detonation of a dirty bomb would have a major psychological impact due to the widespread fear of radiation in the public imagination.³⁶ The effectiveness of an RDD would also depend on a number of variables including the radiological material used, the amount of conventional explosive, and the weather conditions. While there are hundreds of radioactive isotopes, only a small number are considered to be effective in an RDD, notably cesium-137 and cobalt-60, both of which are produced in nuclear reactors and are widely used for medical/industrial purposes. As these materials are found in hospitals, universities, and research facilities, they are perceived by some analysts as a "soft target" for potential terrorists seeking materials for an RDD.³⁷ Spent fuel from nuclear power reactors has also been identified as a potential source of radioactive materials for an RDD.

Bioterror Impacts

General Risk High

Bio and Nuclear Weapon Acquisition Risk is High – Lone Wolves Can Deliver

Gary A. **Ackerman 14** & Lauren E. Pinson, Gary is Director of the Center for Terrorism and Intelligence Studies, Lauren is Senior Researcher and Project Manager for the National Consortium for the Study of Terrorism and Responses of Terrorism, *An Army of One: Assessing CBRN Pursuit and Use by Lone Wolves and Autonomous Cells*, *Terrorism and Political Violence*, Volume 26, Issue 1

The first question to answer is whence the concerns about the nexus between CBRN weapons and isolated actors come and whether these are overblown. The general threat of mass violence posed by lone wolves and small autonomous cells has been detailed in accompanying issue contributions, but the potential use of CBRN weapons by such perpetrators presents some singular features that either amplify or supplement the attributes of the more general case and so are deserving of particular attention. Chief among these is the impact of rapid technological development. Recent and emerging advances in a variety of areas, from synthetic biology 3 to nanoscale engineering, 4 have opened doors not only to new medicines and materials, but also to new possibilities for malefactors to inflict harm on others. What is most relevant in the context of lone actors and small autonomous cells is not so much the pace of new invention, but rather the commercialization and consumerization of CBRN weapons-relevant technologies. This process often entails an increase in the availability and safety of the technology, with a concurrent diminution in the cost, volume, and technical knowledge required to operate it. Thus, for example, whereas fifty years ago producing large quantities of certain chemical weapons might have been a dangerous and inefficient affair requiring a large plant, expensive equipment, and several chemical engineers, with the advent of chemical microreactors, 5 the same processes might be accomplished far more cheaply and safely on a desktop assemblage, purchased commercially and monitored by a single chemistry graduate student.¶ The rapid global spread and increased user-friendliness of many technologies thus represents a potentially radical shift from the relatively small scale of harm a single individual or small autonomous group could historically cause. 6 From the limited reach and killing power of the sword, spear, and bow, to the introduction of dynamite and eventually the use of our own infrastructures against us (as on September 11), the number of people that an individual who was unsupported by a broader political entity could kill with a single action has increased from single digits to thousands. Indeed, it has even been asserted that “over time ... as the leverage provided by technology increases, this threshold will finally reach its culmination—with the ability of one man to declare war on the world and win.” 7 Nowhere is this trend more perceptible in the current age than in the area of unconventional weapons.¶ These new technologies do not simply empower users on a purely technical level. Globalization and the expansion of information networks provide new opportunities for disaffected individuals in the farthest corners of the globe to become familiar with core weapon concepts and to purchase equipment—online technical courses and eBay are undoubtedly a boon to would-be purveyors of violence. Furthermore, even the most solipsistic misanthropes, people who would never be able to function socially as part of an operational terrorist group, can find radicalizing influences or legitimation for their beliefs in the maelstrom of virtual identities on the Internet.¶ All of this can spawn, it is feared, a more deleterious breed of lone actors, what have been referred to in

some quarters as “super-empowered individuals.”⁸ Conceptually, super-empowered individuals are atomistic game-changers, i.e., they constitute a single (and often singular) individual who can shock the entire system (whether national, regional, or global) by relying only on their own resources. Their core characteristics are that they have superior intelligence, the capacity to use complex communications or technology systems, and act as an individual or a “lone-wolf.”⁹ The end result, according to the pessimists, is that if one of these individuals chooses to attack the system, “the unprecedented nature of his attack ensures that no counter-measures are in place to prevent it. And when he strikes, his attack will not only kill massive amounts of people, but also profoundly change the financial, political, and social systems that govern modern life.”¹⁰ It almost goes without saying that the same concerns attach to small autonomous cells, whose members' capabilities and resources can be combined without appreciably increasing the operational footprint presented to intelligence and law enforcement agencies seeking to detect such behavior.[¶] With the exception of the largest truck or aircraft bombs, the most likely means by which to accomplish this level of system perturbation is through the use of CBRN agents as WMD. On the motivational side, therefore, lone actors and small autonomous cells may ironically be more likely to select CBRN weapons than more established terrorist groups—who are usually more conservative in their tactical orientation—because the extreme asymmetry of these weapons may provide the only subjectively feasible option for such actors to achieve their grandiose aims of deeply affecting the system. The inherent technical challenges presented by CBRN weapons may also make them attractive to self-assured individuals who may have a very different risk tolerance than larger, traditional terrorist organizations that might have to be concerned with a variety of constituencies, from state patrons to prospective recruits.¹¹ Many other factors beyond a “perceived potential to achieve mass casualties” might play into the decision to pursue CBRN weapons in lieu of conventional explosives,¹² including a fetishistic fascination with these weapons or the perception of direct referents in the would-be perpetrator's belief system.[¶] Others are far more sanguine about the capabilities of lone actors (or indeed non-state actors in general) with respect to their potential for using CBRN agents to cause mass fatalities, arguing that the barriers to a successful large-scale CBRN attack remain high, even in today's networked, tech-savvy environment.¹³ Dolnik, for example, argues that even though homegrown cells are “less constrained” in motivations, more challenging plots generally have an inverse relationship with capability,¹⁴ while Michael Kenney cautions against making presumptions about the ease with which individuals can learn to produce viable weapons using only the Internet.¹⁵ However, even most of these pundits concede that low-level CBR attacks emanating from this quarter will probably lead to political, social, and economic disruption that extends well beyond the areas immediately affected by the attack. This raises an essential point with respect to CBRN terrorism: irrespective of the harm potential of CBRN weapons or an actor's capability (or lack thereof) to successfully employ them on a catastrophic scale, these weapons invariably exert a stronger psychological impact on audiences—the essence of terrorism—than the traditional gun and bomb. This is surely not lost on those lone actors or autonomous cells who are as interested in getting noticed as in causing casualties.[¶] Proven Capability and Intent[¶] While legitimate debate can be had as to the level of potential threat posed by lone actors or small autonomous cells wielding CBRN weapons, possibly the best argument for engaging in a substantive examination of the issue is the most concrete one of all—that these actors have already demonstrated the motivation and capability

to pursue and use CBRN weapons, in some cases even close to the point of constituting a genuine WMD threat. In the context of bioterrorism, perhaps the most cogent illustration of this is the case of Dr. Bruce Ivins, the perpetrator behind one of the most serious episodes of bioterrorism in living memory, the 2001 “anthrax letters,” which employed a highly virulent and sophisticated form of the agent and not only killed five and seriously sickened 17 people, but led to widespread disruption of the U.S. postal services and key government facilities. 16¶ Other historical cases of CBRN pursuit and use by lone actors and small autonomous cells highlight the need for further exploration. Among the many extant examples: 17¶ Thomas Lavy was caught at the Alaska-Canada border in 1993 with 130 grams of 7% pure ricin. It is unclear how Lavy obtained the ricin, what he planned to do with it, and what motivated him.¶ In 1996, Diane Thompson deliberately infected twelve coworkers with shigella dysenteriae type 2. Her motives were unclear.¶ In 1998, Larry Wayne Harris, a white supremacist, was charged with producing and stockpiling a biological agent—bacillus anthracis, the causative agent of anthrax.¶ In 1999, the Justice Department (an autonomous cell sympathetic to the Animal Liberation Front) mailed over 100 razor blades dipped in rat poison to individuals involved in the fur industry.¶ In 2000, Tsiugio Uchinshi was arrested for mailing samples of the mineral monazite with trace amounts of radioactive thorium to several Japanese government agencies to persuade authorities to look into potential uranium being smuggled to North Korea.¶ In 2002, Chen Zhengping put rat poison in a rival snack shop's products and killed 42 people.¶ In 2005, 10 letters containing a radioactive substance were mailed to major organizations in Belgium including the Royal Palace, NATO headquarters, and the U.S. embassy in Brussels. No injuries were reported.¶ In 2011, federal agents arrested four elderly men in Georgia who were plotting to use ricin and explosives to target federal buildings, Justice Department officials, federal judges, and Internal Revenue Service agents.¶ Two recent events may signal an even greater interest in CBRN by lone malefactors. First, based on one assessment of Norway's Anders Breivik's treatise, his references to CBRN weapons a) suggest that CBRN weapons could be used on a tactical level and b) reveal (to perhaps previously uninformed audiences) that even low-level CBRN weapons could achieve far-reaching impacts driven by fear. 18 Whether or not Breivik would actually have sought or been able to pursue CBRN, he has garnered a following in several (often far-right) extremist circles and his treatise might inspire other lone actors. Second, Al-Qaeda in the Arabian Peninsula (AQAP) released two issues of Inspire magazine in 2012. Articles, on the one hand, call for lone wolf jihad attacks to target non-combatant populations and, on the other, permit the use of chemical and biological weapons. The combination of such directives may very well influence the weapon selection of lone actor jihadists in Western nations. 19

Bioterror is Easier than Most Experts Let on

Allison, IR Director @ Harvard, **12** (Graham, Director, Belfer Center for Science and International Affairs; Douglas Dillon Professor of Government, Harvard Kennedy School, "Living in the Era of Megaterror", Sept 7, http://belfercenter.ksg.harvard.edu/publication/22302/living_in_the_era_of_megaterror.html)

Forty years ago this week at the Munich Olympics of 1972, Palestinian terrorists conducted one of the most dramatic terrorist attacks of the 20th century. The kidnapping and massacre of 11 Israeli athletes attracted days of around-the-clock global news coverage of Black September's anti-Israel message. Three decades later, on 9/11, Al Qaeda killed nearly 3,000 individuals at the

World Trade Center and the Pentagon, announcing a new era of megaterror. In an act that killed more people than Japan's attack on Pearl Harbor, a band of terrorists headquartered in ungoverned Afghanistan demonstrated that individuals and small groups can kill on a scale previously the exclusive preserve of states. Today, how many people can a small group of terrorists kill in a single blow? Had Bruce Ivins, the U.S. government microbiologist responsible for the 2001 anthrax attacks, distributed his deadly agent with sprayers he could have purchased off the shelf, tens of thousands of Americans would have died. Had the 2001 "Dragonfire" report that Al Qaeda had a small nuclear weapon (from the former Soviet arsenal) in New York City proved correct, and not a false alarm, detonation of that bomb in Times Square could have incinerated a half million Americans. In this electoral season, President Obama is claiming credit, rightly, for actions he and U.S. Special Forces took in killing Osama bin Laden. Similarly, at last week's Republican convention in Tampa, Jeb Bush praised his brother for making the United States safer after 9/11. There can be no doubt that the thousands of actions taken at federal, state and local levels have made people safer from terrorist attacks. Many are therefore attracted to the chorus of officials and experts claiming that the "strategic defeat" of Al Qaeda means the end of this chapter of history. But we should remember a deeper and more profound truth. While applauding actions that have made us safer from future terrorist attacks, we must recognize that they have not reversed an inescapable reality: The relentless advance of science and technology is making it possible for smaller and smaller groups to kill larger and larger numbers of people. If a Qaeda affiliate, or some terrorist group in Pakistan whose name readers have never heard, acquires highly enriched uranium or plutonium made by a state, they can construct an elementary nuclear bomb capable of killing hundreds of thousands of people. At biotech labs across the United States and around the world, research scientists making medicines that advance human well-being are also capable of making pathogens, like anthrax, that can produce massive casualties. What to do? Sherlock Holmes examined crime scenes using a method he called M.M.O.: motive, means and opportunity. In a society where citizens gather in unprotected movie theaters, churches, shopping centers and stadiums, opportunities for attack abound. Free societies are inherently "target rich." Motive to commit such atrocities poses a more difficult challenge. In all societies, a percentage of the population will be homicidal. No one can examine the mounting number of cases of mass murder in schools, movie theaters and elsewhere without worrying about a society's mental health. Additionally, actions we take abroad unquestionably impact others' motivation to attack us. As Faisal Shahzad, the 2010 would-be "Times Square bomber," testified at his trial: "Until the hour the U.S. ... stops the occupation of Muslim lands, and stops killing the Muslims ... we will be attacking U.S., and I plead guilty to that." Fortunately, it is more difficult for a terrorist to acquire the "means" to cause mass casualties. Producing highly enriched uranium or plutonium requires expensive industrial-scale investments that only states will make. If all fissile material can be secured to a gold standard beyond the reach of thieves or terrorists, aspirations to become the world's first nuclear terrorist can be thwarted. Capabilities for producing bioterrorist agents are not so easily secured or policed. While more has been done, and much more could be done to further raise the technological barrier, as knowledge advances and technological capabilities to make pathogens become more accessible, the means for bioterrorism will come within the reach of terrorists. One of the hardest truths about modern life is that the same advances in science and technology that enrich our lives also empower potential killers to achieve their deadliest

ambitions. To imagine that we can escape this reality and return to a world in which we are invulnerable to future 9/11s or worse is an illusion. For as far as the eye can see, we will live in an era of megaterror.

Al Qaeda Risk High

Best Evidence – Al Qaeda Specifically Wants To Use bio weapons

Hellmich and Redig 07 – (2007, Christina, PhD, Reader in International Relations and Middle East Studies, and Amanda, MD, PhD, Clinical Fellow in Medicine, Harvard Catalyst Clinical and Translational Science Center, “The Question is When: The Ideology of Al Qaeda and the Reality of Bioterrorism,” Studies in Conflict & Terrorism Volume 30, Issue 5, 2007)

The fictional scenario presented at the beginning of this article is not meant to be a scientifically valid primer in the production or distribution of a biological agent. Rather, it is intended to illustrate the ease with which biological agents can be adapted to more conventional and well-documented historical examples of terrorism. In this setting, the question du jour is not if it can be done, but rather, is there someone willing to do it. It is thus the aim of the remainder of this commentary to provide a missing piece of analysis in what has become a topic of international concern with a budget of billions of dollars. Current evaluations of bioterrorism do not adequately consider either the unique and often unrecognized ideological position of Al Qaeda or the relevance of the organization's historical and contextual setting. Furthermore, in what is a dangerous oversight, the scientific and technical aspects of creating and using biological weapons have only been assessed from a now invalid historical paradigm that does not accurately reflect the decision-making structure and operations of the present-day organization most likely to use such weapons. As counterterrorism measures are only as accurate as the analysis on which they are based, it is a matter of grave importance that the threat of bioterror be philosophically and scientifically reevaluated through the only lens that matters: Al Qaeda's.

Loose Soviet Anthrax Presents Biggest Risk

Hellmich and Redig 07 – (2007, Christina, PhD, Reader in International Relations and Middle East Studies, and Amanda, MD, PhD, Clinical Fellow in Medicine, Harvard Catalyst Clinical and Translational Science Center, “The Question is When: The Ideology of Al Qaeda and the Reality of Bioterrorism,” Studies in Conflict & Terrorism Volume 30, Issue 5, 2007)

Although the ability to effectively weaponize a microbe such as anthrax, smallpox, or Yersinia pestis is admittedly a challenge, it has already been accomplished by at least one state entity, namely the former Soviet Union. 64 This raises concerns at two levels: in the dissolution of an entire society, what happened to the reagent stocks of bioweapons and what happened to the scientists who created them? Ironically, the world was probably more secure from the threat of biowarfare during the years in which some of the world's most talented molecular biologists were actively creating superstrains of bacteria and determining how to effectively deliver them than it is today. For even as research accelerated the development of extremely sophisticated bioweapons, the political checks and constraints of a bipolar world made the likelihood of their eventual use very low. In addition, the not inconsiderable resources of a superpower with an established Gulag and NKVD were fully deployed to prevent the unauthorized use, transport, or discussion of such weapons. However, the politics that prevented a nuclear holocaust triggered by the opposition of two superpowers during the Cold War simply do not apply to the political or strategic decision-making process of an organization like Al Qaeda. And although Al Qaeda itself may not have the resources to create a weapons-grade strain of anthrax or smallpox,

Biopreparat did. In the collapse of any social safety net, and in the wake of rampant inflation, unemployment, and poverty following the end of the Soviet Union, it is not hard to imagine that some of the estimated 50,000 scientists employed by Biopreparat may have been tempted to trade what resources were left—information or materials—to stave off starvation, secure medical care for an ill child, or provide the means to relocate to a more stable society. In short, Al Qaeda is poised to benefit from resources it could never hope to match while organizing an operation a state actor could never conceivably order. Bioterror attacks are unlikely as long as the means and the will to orchestrate them remain separated. Quite simply, the Western world can no longer assume that is the case.

ISIS Specific

ISIS Is Developing Bioweapons – Recovered Raid Data Proves

Harald Doornbosjenan **Moussa**, 8-28-2014, Harald Doornbos is a reporter based in Pakistan covering the greater Middle East. "Found: The Islamic State's Terror Laptop of Doom," Foreign Policy, <http://foreignpolicy.com/2014/08/28/found-the-islamic-states-terror-laptop-of-doom/>

AKYA, Turkey — Abu Ali, a commander of a moderate Syrian rebel group in northern Syria, proudly shows a black laptop partly covered in dust. "We took it this year from an ISIS hideout," he says. Abu Ali says the fighters from the Islamic State of Iraq and al-Sham (ISIS), which have since rebranded themselves as the Islamic State, all fled before he and his men attacked the building. The attack occurred in January in a village in the Syrian province of Idlib, close to the border with Turkey, as part of a larger anti-ISIS offensive occurring at the time. "We found the laptop and the power cord in a room," he continued, "I took it with me. But I have no clue if it still works or if it contains anything interesting." The Complex: Is the ISIS laptop of doom an operational threat? Meet Lady al Qaeda: Why does every jihadi group want the U.S. to free Aafia Siddiqui? Inside the Bureaucracy of Evil: From electricity to sewage, U.S. intel warns the Islamic State has gotten pretty good at running a country. As we switched on the Dell laptop, it indeed still worked. Nor was it password-protected. But then came a huge disappointment: After we clicked on "My Computer," all the drives appeared empty. Appearances, however, can be deceiving. Upon closer inspection, the ISIS laptop wasn't empty at all: Buried in the "hidden files" section of the computer were 146 gigabytes of material, containing a total of 35,347 files in 2,367 folders. Abu Ali allowed us to copy all these files — which included documents in French, English, and Arabic — onto an external hard drive. A screenshot of material found on the computer. The files appear to be videos of speeches by jihadist clerics. (Click to enlarge.) The laptop's contents turn out to be a treasure trove of documents that provide ideological justifications for jihadi organizations — and practical training on how to carry out the Islamic State's deadly campaigns. They include videos of Osama bin Laden, manuals on how to make bombs, instructions for stealing cars, and lessons on how to use disguises in order to avoid getting arrested while traveling from one jihadi hot spot to another. But after hours upon hours of scrolling through the documents, it became clear that the ISIS laptop contains more than the typical propaganda and instruction manuals used by jihadists. The documents also suggest that the laptop's owner was teaching himself about the use of biological weaponry, in preparation for a potential attack that would have shocked the world. The information on the laptop makes clear that its owner is a Tunisian national named Muhammed S. who joined ISIS in Syria and who studied chemistry and physics at two universities in Tunisia's northeast. Even more disturbing is how he planned to use that education: The ISIS laptop contains a 19-page document in Arabic on how to develop biological weapons and how to weaponize the bubonic plague from infected animals. The ISIS laptop contains a 19-page document in Arabic on how to develop biological weapons and how to weaponize the bubonic plague from infected animals. "The advantage of biological weapons is that they do not cost a lot of money, while the human casualties can be huge," the document states. The document includes instructions for how to test the weaponized disease safely, before it is used in a terrorist attack. "When the microbe is injected in small mice, the symptoms of the disease should start to appear within 24 hours," the document says. The laptop also includes a 26-page fatwa, or Islamic ruling, on the usage of weapons of mass

destruction. “If Muslims cannot defeat the kafir [unbelievers] in a different way, it is permissible to use weapons of mass destruction,” states the fatwa by Saudi jihadi cleric Nasir al-Fahd, who is currently imprisoned in Saudi Arabia. “Even if it kills all of them and wipes them and their descendants off the face of the Earth.” When contacted by phone, a staff member at a Tunisian university listed on Muhammed’s exam papers confirmed that he indeed studied chemistry and physics there. She said the university lost track of him after 2011, however. Out of the blue, she asked: “Did you find his papers inside Syria?” Asked why she would think that Muhammed’s belongings would have ended up in Syria, she answered, “For further questions about him, you better ask state security.” An astonishing number of Tunisians have flocked to the Syrian battlefield since the revolt began. In June, Tunisia’s interior minister A photo of Muhammed S. found on his laptop. This image has been digitally altered. Out of the blue, she asked: “Did you find his papers inside Syria?” Asked why she would think that Muhammed’s belongings would have ended up in Syria, she answered, “For further questions about him, you better ask state security.” An astonishing number of Tunisians have flocked to the Syrian battlefield since the revolt began. In June, Tunisia’s interior minister estimated that at least 2,400 Tunisians were fighting in the country, mostly as members of the Islamic State. This isn’t the first time that jihadists have attempted to acquire weapons of mass destruction. Even before the 9/11 attacks, al Qaeda had experimented with a chemical weapons program in Afghanistan. In 2002, CNN obtained a tape showing al Qaeda members testing poison gas on three dogs, all of which died. Nothing on the ISIS laptop, of course, suggests that the jihadists already possess these dangerous weapons. And any jihadi organization contemplating a bioterrorist attack will face many difficulties: Al Qaeda tried unsuccessfully for years to get its hands on such weapons, and the United States has devoted massive resources to preventing terrorists from making just this sort of breakthrough. The material on this laptop, however, is a reminder that jihadists are also hard at work at acquiring the weapons that could allow them to kill thousands of people with one blow. “The real difficulty in all of these weapons ... [is] to actually have a workable distribution system that will kill a lot of people,” said Magnus Ranstorp, research director of the Center for Asymmetric Threat Studies at the Swedish National Defence College. “But to produce quite scary weapons is certainly within [the Islamic State’s] capabilities.” The Islamic State’s sweeping gains in recent months may have provided it with the capacity to develop such new and dangerous weapons. Members of the jihadi group are not solely fighting on the front lines these days — they also control substantial parts of Syria and Iraq. The fear now is that men like Muhammed could be quietly working behind the front lines — for instance, in the Islamic State-controlled University of Mosul or in some laboratory in the Syrian city of Raqqa, the group’s de facto capital — to develop chemical or biological weapons. In short, the longer the caliphate exists, the more likely it is that members with a science background will come up with something horrible. The documents found on the laptop of the Tunisian jihadist, meanwhile, leave no room for doubt about the group’s deadly ambitions. “Use small grenades with the virus, and throw them in closed areas like metros, soccer stadiums, or entertainment centers,” the 19-page document on biological weapons advises. “Best to do it next to the air-conditioning. It also can be used during suicide operations.”

The WHO Concludes that ISIS Has the Capability to Develop a Bio Weapon

Ryan **Wallace**, 6-25-2015, ScienceTimes.com Writer "Biological Warfare on the Horizon? ISIS Soldiers May Be Infected With Ebola," Science Times, <http://www.sciencetimes.com/articles/2395/20150105/biological-warfare-on-the-horizon-isis-soldiers-may-be-infected-with-ebola.htm>

It's what national security organizations have feared since day one-the World Health Organization (WHO) announced last week that they are evaluating jihadist militants associated with ISIS, who may have contracted the virus responsible for Ebola. While the WHO has yet to confirm whether or not the fighters are exhibiting symptoms, the current evaluations of a Mosul hospital 250 miles north of Baghdad are prompting concerns that the fringe extremist group ISIS may in fact be able to obtain a biological weapon unlike anything the world has seen before. Though Mosul has been under ISIS control since late last June, the Iraqi health ministry has issued a press release denying reports from Iraqi news outlets that claim the soldier are definitively infected and seeking treatment in Mosul. "The Ebola virus could be in any area in the world, including Mosul, where they don't have the measures or techniques to diagnose the virus" spokesperson for the health ministry Ahmed Rudaini says. "They are incapable to detect it." Over the past several months, the world has watched as threats from extremist group ISIS have come true, from the beheadings of captured prisoners of war to the mass murder of children's schools. And with the possibility of a global pandemic looming over our heads, many are demanding action be taken to isolate the potential vectors as a worst case scenario. Yet, as conflicting reports abound, international health organizations and the WHO are unable to assess the health concern on site, and treat the patients as their own. WHO director Christy Feig told reporters early this weekend that " We [the WHO] have no official notification from the Iraqi government that it is Ebola." While that may be true, the possibility that the militants may have contracted the virus causes a problematic situation for the WHO, in that ISIS does not believe in modern medicine and an outbreak in an ISIS-controlled area like Mosul could be a breeding ground for the ever-mutating virus. But worst of all, aside from the possibility of possible infection of Iraq, should ISIS isolate the virus for themselves, the entire western world may find soon enough that the Ebola virus could be the worst weapon known to man. "U.N. workers have thus far been prohibited from entering ISIS-controlled territory in both Iraq and Syria," intelligence analyst for Levantine Group, Benjamin T. Decker says. "In this context, the lack of medical infrastructure, supplies and practitioners in the city suggests that the outbreak could quickly lead to further infection of both ISIS fighters and residents of Mosul."

Yes Extinction

Lashout

Lack of security measures ensures US pre-emption and lashout.

Koblentz, 4, Gregory Koblentz is a doctoral candidate in Political Science at the Massachusetts Institute of Technology, "Pathogens as Weapons: The International Security Implications of Biological Warfare", *International Security*, Vol. 28 No. 3 Winter 2003/04, pp. 84-122, <http://belfercenter.ksg.harvard.edu/files/koblentz.pdf>

prevention and preemption. States may adopt preventive or preemptive strategies to neutralize perceived threats posed by the prospect of anonymous biological attacks or the acquisition of biological weapons by nondeterrable actors.¹¹⁸ After the September 11 terrorist attacks, preventive and preemptive strategies became central to U.S. national security planning.¹¹⁹ These strategies, however, arst emerged during President Bill Clinton's administration in response to the threat of mass casualty terrorism. In 1995, the White House is- sued a presidential decision directive stating that the acquisition of nuclear, biological, or chemical weapons by terrorists was "unacceptable." According to the directive, "There is no higher priority than preventing the acquisition of this capability or removing this capability from terrorist groups potentially op- posed to the U.S."¹²⁰ This policy was arst implemented on August 20, 1998, when the United States launched cruise missiles at the al-Shifa pharmaceutical plant in Sudan, which ofacials believed was linked to the development of chemical weapons for al-Qaeda.¹²¹ Despite concerns within the administration about the legal and intelligence justiciations for the attack, "the perception of imminent danger was powerful enough to overcome these concerns. At the Principals meeting, [National Security Adviser] Sandy Berger asked, 'What if we do not hit it [al-Shifa] and then, after an attack, nerve gas is released in the New York City subway? What will we say then?'"¹²² Although this incident in- volved terrorist acquisition of chemical (not biological) weapons, it indicates how states may respond to the specter of terrorist acquisition of even more le- thal weapons. Preventive and preemptive attacks against suspected biological weapons facilities present signiacant intelligence, military, and diplomatic challenges. The potential consequences of a biological attack and the limita- tions of defensive and deterrent strategies, however, may inouence a decision- maker's calculation that the risks of inaction outweigh the costs of action.

Pandemic Extinction

Bioweapons independently cause extinction

Richard **Ochs**: 7-9-02, has published articles in the Baltimore Sun, Baltimore Chronicle, Science magazine, past president of the Aberdeen Proving Ground Superfund Citizens Coalition, member of the Depleted Uranium Task force of the Military Toxics Project and a member of the Chemical Weapons Working Group, "Biological Weapons must be abolished immediately," http://www.freefromterror.net/other_articles/abolish.html

Of all the weapons of mass destruction, the genetically engineered biological weapons, many without a known cure or vaccine, are an extreme danger to the continued survival of life on earth. Any perceived military value or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories. While a "nuclear winter," resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control. Biological weapons, on the other hand, can get out of control very easily, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause. Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. With nuclear and biological weapons, the killing will probably never end. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? HUMAN EXTINCTION IS NOW POSSIBLE.

Engineered diseases cause extinction.

Sandberg et al 8, Anders Sandberg is a James Martin Research Fellow at the Future of Humanity Institute at Oxford University. He received a PhD in computational neuroscience from Stockholm University and is a postdoctoral research assistant for the EU Enhance project. Jason G. Matheny is a PhD candidate in Health Policy and Management at Johns Hopkins Bloomberg School of Public Health. He is also a special consultant to the Center for Biosecurity at the University of Pittsburgh Medical Center. Milan M. Ćirković is senior research associate at the Astronomical Observatory of Belgrade. He is also an assistant professor of physics at the University of Novi Sad in Serbia and Montenegro. "How Can We Reduce The Risk of Human Extinction?" <http://www.thebulletin.org/web-edition/features/how-can-we-reduce-the-risk-of-human-extinction>

The risks from anthropogenic hazards appear at present larger than those from natural ones. Although great progress has been made in reducing the number of nuclear weapons in the world, humanity is still threatened by the possibility of a global thermonuclear war and a resulting nuclear winter. We may face even greater risks from emerging technologies. Advances in synthetic biology might make it possible to engineer pathogens capable of extinction-level pandemics. The knowledge, equipment,

and materials needed to engineer pathogens are more accessible than those needed to build nuclear weapons. And unlike other weapons, pathogens are self-replicating, allowing a small arsenal to become exponentially destructive. Pathogens have been implicated in the extinctions of many wild species. Although most pandemics "fade out" by reducing the density of susceptible populations, pathogens with wide host ranges in multiple species can reach even isolated individuals. The intentional or unintentional release of engineered pathogens with high transmissibility, latency, and lethality might be capable of causing human extinction. While such an event seems unlikely today, the likelihood may increase as biotechnologies continue to improve at a rate rivaling Moore's Law.

AT: Deterrence/Terrorists Won't use WMD's

Terrorists will use WMDs when they get them.

Bucci, 8-25, Steve Bucci, previous Deputy Assistant Secretary for Homeland Security at the Department of Defense, "Weapons of Mass Destruction – A Dangerous and Uncertain Future", <http://securitydebrief.com/2011/08/25/weapons-of-mass-destruction-a-dangerous-and-uncertain-future/>

Clearly our enemies, extremists in the main, but also rouge states, continue to seek the full gamut of Chem, Bio, Rad, Nuke, and HYE devices. They have few if any scruples that would deter them from deploying such devices against any vulnerable target – Gov't, Military, or civilian, including complete innocents. One imagines that using such a terror-producing device against the most innocent of targets would actually be a more desirable outcome for many of these groups.

AT: No bioweapon access

Bioweapons availability is increasing- cheap option for mass destruction

CSIS, 6 ("STRATEGIC STUDY ON BIOTERRORISM,

http://csis.org/files/media/csis/pubs/061016_bioterrorism.pdf)

Bio-agents are readily available in the modern world and are relatively inexpensive to produce, store and transport from one country to another. At the same time, they can be toxic, transmissible and lethal. Some have a long period of incubation, and many items involved in biotechnology are dual use, thus difficult to ban. The physical security of biological agents is very poor in a number of facilities, with dangerous pathogens stored in unlocked kitchen refrigerators and simple fences without alarm systems surrounding the facilities. Lax border controls make illicit trafficking of drugs, arms and materials of weapons of mass destruction a possibility in regions such as Central Asia and the Caucasus, which is an area also traveled by terrorist groups. This report focuses on bio agents that may be available to terrorists rather than terrorism in general. How can we secure, collect or destroy strains that may pose a serious threat and prevent them from falling into the hands of terrorists? How can we channel the knowledge and experience of unemployed former Soviet bioscientists into benefits for the international community? It is almost impossible to detect and deter the movement and/or transfer of a small quantity of dangerous infectious agents. It is very difficult to forecast consequences of a bioterrorist attack. For example, in the case of a sudden appearance of an epidemic type of avian flu H5N1, the epidemic will travel the globe quickly, while the development, testing and production of the necessary quantities of a vaccine against the avian flu will take at least 4 to 5 months; this will provide protection for 50% of the world population. Therefore, the protection of the population from epidemics and pandemics of dangerous diseases caused by natural outbreaks, man-made accidents or bioterrorist attacks is an issue of national and international concern. Given their proximity, Russia and other European countries are well placed to cooperate on improving communications and surveillance systems to reach hospitals and doctors, including in isolated areas. There is no common definition of bioterrorism. A modified FBI definition refers to it as the "unlawful use of viruses, bacteria, fungi, toxins or other pathogenic material against a government, the civilian population, livestock, crops or any segment thereof, in furtherance of political, social and/or economic objectives."¹³ An unofficial Russian definition states, "Bioterrorism is the use of dangerous biological agents for inflicting damage to the life and health of people in order to reach goals of a political and materialistic nature." The possibilities for bioterrorism exist in water, land, food, air, and the human being itself. Much has been written about possible scenarios of pathogens in the major water reserves, the food supply, animal husbandry, the subway, sport arenas, railway stations, and places where large numbers of people congregate. The sources of water supplies are generally considered protected in the cities, though they are not failsafe. Certain safeguards are in place for food protection, though a number of experts have expressed concern in particular about possible contamination of milk.¹⁴ The experts in this Study agreed that the highest risk was that of air contamination, and they recognized that it is close to impossible to protect the population from being contaminated. The method of dissemination of bio agents depends on the kinds of diseases. Non-contagious diseases require complex dissemination equipment such as a spray system or an explosive device to create a large-scale effect. The

anthrax letters delivered in the United States Senate Office Building showed that widespread psychological effects could be inflicted via a simple means of delivery and a small number of actual victims. Various organizations have compiled lists of agents that are based on parameters such as lethality, toxicity, morbidity, and mortality. The United States Centers for Disease Control and Prevention has defined three categories of bioterrorism agents/diseases. Category A comprises high priority agents that “include organisms that pose a risk to national security because they can be easily disseminated or transmitted from person to person; result in high mortality rates and have the potential for major public health impact; might cause public panic and social disruption; and require special action for public health preparedness.” The CDC lists the following under Category A: Anthrax (*Bacillus anthracis*), Botulism (*Clostridium botulinum* toxin), plague (*Yersinia pestis*), Smallpox (*variola major*), Tularemia (*Francisella tularensis*) and Viral hemorrhagic fevers (filoviruses [e.g. Ebola, Marburg] and arenaviruses [e.g. Lassa, Machupo]). Category B diseases/agents are defined as those that “are moderately easy to disseminate; result in moderate morbidity rates and low mortality rates; and require specific enhancements of CDC’s diagnostic capacity and enhanced disease surveillance.” Category B includes: Brucellosis (*Brucella* species); Epsilon toxin of *Clostridium perfringens*; Food safety threats (e.g. *Salmonella* species, *Escherichia coli* O157:H7, *Shigella*); Glanders (*Burkholderia mallei*); Melioidosis (*Burkholderia pseudomallei*); Psittacosis (*Chlamydia psittaci*); Q fever (*Coxiella burnetii*); Ricin toxin from *Ricinus communis* (castor beans); Staphylococcal enterotoxin B; Typhus fever (*Rickettsia prowazekii*); Viral encephalitis (alphaviruses [e.g. Venezuelan equine encephalitis, eastern equine encephalitis, western equine encephalitis]); Water safety threats (e.g. *Vibrio cholerae*, *Cryptosporidium parvum*). The third highest priority agents, Category C, are defined as “emerging pathogens that could be engineered for mass dissemination in the future because of availability; ease of production and dissemination; and potential for high morbidity and mortality rates and major health impact.” The CDC list mentions emerging infectious diseases such as Nipah virus and hanta virus.¹⁵ Similar lists of pathogens exist for plants and animals. Recent examples of diseases that have caused economic as well as psychological distress include foot and mouth disease in the United Kingdom in 2001, which cost an estimated \$12 billion, SARS, which cost Canadian tourism almost \$1 billion in lost revenue,¹⁶ and avian flu. Even the process of finding a disease capable of causing bioterrorism costs a great deal in research and development, money that could be spent on other activities such as treating tuberculosis, dengue fever or other severe diseases. During the Soviet era the country had very strong scientific and engineering capabilities, with a high level of university training. President Yeltsin acknowledged in 1992 that the Soviet Union had violated the Biological Weapons Convention, which entered into force in 1975. The legacy of suspicion and mistrust between the former Soviet Union and the United States that persisted during the cold war has continued to this day. The economic decline that set in after the Soviet era resulted in poor physical security systems in facilities housing large collections of dangerous pathogens and a drop in salaries for an estimated 10,000 former Soviet biological scientists possessing relevant bioweapons expertise.¹⁷ Many either changed careers or sought work in other countries, causing concern over the possibility of terrorists acquiring knowledge from them. Many Russian officials now talk about the “lost generation” of scientists: at the Russian Academy of Medical Sciences, for example, more than half the researchers are older than 45, and only 15 percent are between the age of 30 and 45.

AT: No BW Delivery

Delivery is possibly- ingenuity and motivation for use ensures capabilities

Carafano 3, Phd, Deputy Director, Institute for International Studies and Director, Center for Foreign Policy Studies, (James, "Improving Federal Response to Catastrophic Bioterrorist Attacks: The Next Steps," Heritage Foundation, November 13, <http://www.heritage.org/Research/Reports/2003/11/Improving-Federal-Response-to-Catastrophic-Bioterrorist-Attacks-The-Next-Steps#pgfId-1083840>)

Equally troubling, the difficulties in effectively delivering biotoxins can be overcome with some forethought and ingenuity. For example, cruise missiles, unmanned aerial vehicles, or aircraft could perform sprayer attacks, but only if specialized spraying equipment was employed that ensured proper dispersal and prevented particle clumping. Clumping of agents can degrade the effectiveness of an attack. Large particles quickly drop to the ground or, if inhaled, do not easily pass into lung tissue, significantly lessening the potential for infection. Mechanical stresses in the spraying system might also kill or inactivate a large percentage of particles--by some estimates up to 99 percent.⁹ However, if an enemy had a large supply (e.g., 50 kilograms of a virulent bioweapon) or was not terribly concerned about achieving maximum effects, crude dispensers might be adequate. In creating bioweapons, terrorists might be limited only by their imagination. For example, a low-tech version of a bio-cruise missile attack could be attempted with a system like the Autonomous Helicopter, a 14-foot-long, pilotless, remote-controlled helicopter built by Yamaha for crop dusting in Japan. The \$100,000 aircraft uses a GPS system and video camera to allow its flight route to be preprogrammed and monitored. Intentional contamination of food and water is another possible form of biological attack. Product tampering or contaminating food supplies is an ever-present danger.¹⁰ For instance, in 1984, the Rajneeshee cult contaminated local salad bars in an Oregon town with salmonella, demonstrating the ease of conducting small-scale, indiscriminate terrorist attacks.¹¹ Another means of bioattack is to spread infectious diseases through humans, animals, or insects. Infectious diseases are already the third leading cause of death in the United States, and battling them is an ongoing health issue. Foreign animal diseases also present a serious risk. Many diseases can infect multiple hosts. Three-quarters of emerging human pathogens are zoonotic-- in other words, readily transmitted back and forth among humans, domesticated animals, and wildlife.

AT: Containment Solves BW

Diversity of pathogens means response is key, drugs don't check.

Koblentz, 4, Gregory Koblentz is a doctoral candidate in Political Science at the Massachusetts Institute of Technology, "Pathogens as Weapons: The International Security Implications of Biological Warfare", *International Security*, Vol. 28 No. 3 Winter 2003/04, pp. 84-122, <http://belfercenter.ksg.harvard.edu/files/koblentz.pdf>

Biological warfare agents are characterized by a relatively high degree of diversity, which provides terrorists and military planners with significant flexibility. The open literature discusses some thirty pathogens as having the physical and biological characteristics needed for a mass casualty-producing biological weapon. Most national biological warfare programs have focused on ten to fifteen agents.²⁶ Even this short list of biological warfare agents, however, offers a range of possibilities from the lethal B. anthracis to incapacitating agents such as *Coxiella burnetii* (which causes Q fever) and Venezuelan equine encephalitis. Pathogens that cause contagious diseases that have been developed as biological weapons include variola major (the causative agent of smallpox) and *Yersinia pestis* (the cause of plague). This list of agents, however, reflects only known threats. Unexpected or novel pathogens may also emerge as threats. U.S. experts were surprised to learn of some of the agents that Iraq and the former Soviet Union had chosen to produce and weaponize.²⁷ Because biological terrorism is generally less sophisticated and less demanding than the military use of biological weapons, the range of possible agents for terrorists is even larger and more varied.²⁸ The application of molecular biology to the development of advanced biological weapons could significantly increase the diversity of biological warfare agents, but efforts along these lines are believed not to have advanced beyond the research stage.²⁹ As a result, because of the difficulty in assessing threat agents in a timely manner, defensive programs tend to lag behind offensive programs.³⁰

Other Scenarios

Cyber Scenario

Core

Domestic Cyber Terror Risk is High now

General Clapper, Director of National Intelligence, February 26, 2015, Full Committee Hearing on "Worldwide Threats", <http://www.armed-services.senate.gov/hearings/15-02-26-worldwide-threats>

Again this year, I'll start with some cyber threats. Attacks against us are increasing in frequency, scale, sophistication, and severity of impact. Although we must be prepared for a catastrophic large scale strike, a so called -- cyber Armageddon, the reality is that we've been living with a constant and expanding barrage of cyber attacks for some time. This insidious trends, I believe, will continue. Cyber poses a very complex set of threats, because profit-motivated criminals, ideologically-motivated hackers or extremists, and variously capable nation states like Russia, China, North Korea, and Iran are all potential adversaries who, if they choose, can do great harm. CLAPPER: Additionally, the methods of attacks, the systems targeted and the victims are also expanding in diversity and intensity on a daily basis. 2014 saw, for the first time, destructive cyber attacks carried out on U.S. soil by nation-state entities, marked first by the Iranian attack against the Las Vegas Sands Casino Corporation a year ago this month and the North Korean attack against Sony in November. While both of these nations have lesser technical capabilities in comparison to Russia and China, these destructive attacks demonstrate that Iran and North Korea are motivated and unpredictable cyber actors. Russia and China continue to develop very sophisticated cyber programs. While I can't go into detail, the Russian cyber threat is more severe than we have previously assessed, and Chinese economic espionage against U.S. companies remains a major threat, despite detailed private-sector reports, scathing public indictments and stern U.S. (inaudible). With respect to non-nation-state entities, some ideologically motivated cyber actors expressing support for ISIL have demonstrated their capabilities by hacking several social-media accounts. The so-called cyber caliphate successfully hacked CENTCOM's Twitter account and YouTube page in January and two weeks ago hacked Newsweek Magazine's Twitter handle. The most pervasive cyber threat to the U.S. financial sector is from cyber criminals. Criminals were responsible for cyber intrusions in 2014 in the JPMorgan, Home Depot, Target, Neiman Marcus, Anthem and other U.S. companies. And in the future, we'll probably see cyber operations that change or manipulate electronic information to compromise its integrity instead of simply deleting or disrupting access to it

Domestic Surveillance Key to Prevent Cyber Terror

Jack **Goldsmith**, contributing editor, teaches at Harvard Law School and is a member of the Hoover Institution Task Force on National Security and Law., 10-10-2013, "We Need an Invasive NSA," New Republic, <http://www.newrepublic.com/article/115002/invasive-nsa-will-protect-us-cyber-attacks>

Ever since stories about the National Security Agency's (NSA) electronic intelligence-gathering capabilities began tumbling out last June, The New York Times has published more than a dozen editorials excoriating the "national surveillance state." It wants the NSA to end the "mass warehousing of everyone's data" and the use of "back doors" to break encrypted communications. A major element of the Times' critique is that the NSA's

domestic sweeps are not justified by the terrorist threat they aim to prevent. At the end of August, in the midst of the Times' assault on the NSA, the newspaper suffered what it described as a "malicious external attack" on its domain name registrar at the hands of the Syrian Electronic Army, a group of hackers who support Syrian President Bashar Al Assad. The paper's website was down for several hours and, for some people, much longer. "In terms of the sophistication of the attack, this is a big deal," said Marc Frons, the Times' chief information officer. Ten months earlier, hackers stole the corporate passwords for every employee at the Times, accessed the computers of 53 employees, and breached the e-mail accounts of two reporters who cover China. "We brought in the FBI, and the FBI said this had all the hallmarks of hacking by the Chinese military," Frons said at the time. He also acknowledged that the hackers were in the Times system on election night in 2012 and could have "wreaked havoc" on its coverage if they wanted. Illustration by Harry Campbell

Such cyber-intrusions threaten corporate America and the U.S. government every day. "Relentless assaults on America's computer networks by China and other foreign governments, hackers and criminals have created an urgent need for safeguards to protect these vital systems," the Times editorial page noted last year while supporting legislation encouraging the private sector to share cybersecurity information with the government. It cited General Keith Alexander, the director of the NSA, who had noted a 17-fold increase in cyber-intrusions on critical infrastructure from 2009 to 2011 and who described the losses in the United States from cyber-theft as "the greatest transfer of wealth in history." If a "catastrophic cyber-attack occurs," the Times concluded, "Americans will be justified in asking why their lawmakers ... failed to protect them." When catastrophe strikes, the public will adjust its tolerance for intrusive government measures. The Times editorial board is quite right about the seriousness of the cyber- threat and the federal government's responsibility to redress it. What it does not appear to realize is the connection between the domestic NSA surveillance it detests and the governmental assistance with cybersecurity it cherishes. To keep our computer and telecommunication networks secure, the government will eventually need to monitor and collect intelligence on those networks using techniques similar to ones the Times and many others find reprehensible when done for counterterrorism ends. The fate of domestic surveillance is today being fought around the topic of whether it is needed to stop Al Qaeda from blowing things up. But the fight tomorrow, and the more important fight, will be about whether it is necessary to protect our ways of life embedded in computer networks. Anyone anywhere with a connection to the Internet can engage in cyber-operations within the United States. Most truly harmful cyber-operations, however, require group effort and significant skill. The attacking group or nation must have clever hackers, significant computing power, and the sophisticated software—known as "malware"—that enables the monitoring, exfiltration, or destruction of information inside a computer. The supply of all of these resources has been growing fast for many years—in governmental labs devoted to developing these tools and on sprawling black markets on the Internet. Telecommunication networks are the channels through which malware typically travels, often anonymized or encrypted, and buried in the billions of communications that traverse the globe each day. The targets are the communications networks themselves as well as the computers they connect—things like the Times' servers, the computer systems that monitor nuclear plants, classified documents on computers in the Pentagon, the nasdaq exchange, your local bank, and your social-network providers. To keep these computers and networks secure, the government needs powerful intelligence

capabilities abroad so that it can learn about planned cyber-intrusions. It also needs to raise defenses at home. An important first step is to correct the market failures that plague cybersecurity. Through law or regulation, the government must improve incentives for individuals to use security software, for private firms to harden their defenses and share information with one another, and for Internet service providers to crack down on the botnets—networks of compromised zombie computers—that underlie many cyber-attacks. More, too, must be done to prevent insider threats like Edward Snowden's, and to control the stealth introduction of vulnerabilities during the manufacture of computer components—vulnerabilities that can later be used as windows for cyber-attacks.

Blackouts Module

Two Impacts, First is Blackouts

Cetron 09, Dr. Marvin J. Cetron, President of Forecasting International, “55 Trends for Cyberwar”, Presented at Future of Information Warfare and Information Operations Sponsored by JIOP (Joint Information Operations Program Office), CIA, DIA (Defense Intelligence Agency) & NSA (National Security Agency), 3-18-09, http://davidleffler.com/55-Trends-for-Cyberwar.html#_Toc224031549

“Cyber Security is the soft underbelly of this country.” outgoing National Intelligence Director Mike McConnell declared in a valedictory address to reporters in mid-January 2009. He rated this problem equal in significance to the potential development of atomic weapons by Iran. With this concern in mind, Forecasting International (FI) undertook a study of factors likely to influence the future development of information warfare. This work was based on a list of 55 trends FI believes will shape the world in the years ahead. In the first stage of research, FI’s staff analyzed the probable effects of trends in fields such as economics, demographics, and technology on the course of cyberwar. In the second, we presented this work to 31 leading forecasters, intelligence professionals, and military thinkers and requested their views. This report presents the results. Director McConnell does not worry so much that hackers or spies will steal classified information from computers owned by government or the military, or by contractors working for them on secret projects. He is afraid they will erase it and thereby deprive the United States of critical data. “It could have a debilitating effect on the country,” he said. Real-world attacks over the Internet also are possible. In March 2007, the Department of Energy’s Idaho Lab conducted an experiment to determine whether a power plant could be compromised by hacking alone. The result was a diesel generator smoking and on fire as a result of some malicious data that could easily have been sent to it over the Internet from anywhere in the world. In January 2008, a CIA analyst told American utilities that hackers had infiltrated electric companies in several locations outside the U.S. In at least one case, they had managed to shut off power to multiple cities. Information attacks have been used in practical conflicts as well. In April and May 2008, Russian hackers believed not to be directly employed by the Moscow government subjected Estonia to a nationwide denial-of-service (DoS) attack that effectively shut down the country’s access to the Internet, with substantial economic impact. They began the same sort of attack on Georgia in the run-up to the August 2008 clash between Moscow and T’blisi. Similarly, the military dictatorships of Myanmar and Mauritania both reportedly have hired operators of botnets—networks of illegally commandeered PCs—to smother several opposition websites with DoS attacks. We conclude that information warfare will be a significant component in most future conflicts. This position is in line with both U.S. military doctrine and white papers published by the Chinese People’s Army. One study affirms that as

many as 120 governments already are pursuing information warfare programs. Repeated reports that Chinese computer specialists have hacked into government networks in Germany, the United States, and other countries show that the threat is not limited to relatively unsophisticated lands.

A 2007 estimate suggested that hackers sponsored by the Chinese government had downloaded more than 3.5 terabytes of information from NIPRNet, a U.S. government network that handles mostly unclassified material. More disturbingly, The Joint Operating Environment 2008: Challenges and Implications for the Future Joint Force ("the JOE") comments that "our adversaries have often taken advantage of computer networks and the power of information technology not only to directly influence the perceptions and will of the United States, its decision-makers, and population, but also to plan and execute savage acts of terrorism." In a 2008 magazine article, attached as Appendix C, Forecasting International examined possible targets of future terrorist attack. At that time, we were considering vulnerabilities to relatively conventional weapons, such as bombs and toxins. However, many of the targets we identified lend themselves to cyber assaults as well. Consider these examples: Detonate EMP Bombs in the Internet-Critical Region of Northern Virginia Probability: Medium Impact: High EMP means "electromagnetic pulse," a blast of radio energy so strong it fries electronic equipment. (Set off an atomic bomb at an altitude of 30,000 feet, and there won't be a computer working for miles around.) The terrorists who strike Northern Virginia on 9/11 in 2010 do not need a nuclear weapon to shut down the region's computers. Instead, they use homemade EMP generator-bombs that any good engineering student can build with \$400 and information found on the Internet. They detonate nine of the bombs within a triangle stretching from McLean west to Dulles International Airport and south to Chantilly. The EMP blasts take down communications and navigation equipment at Dulles, some of the less critical computers at CIA headquarters in Langley, and data centers that carry some 40 percent of the world's Internet traffic. With police unable to use radios, computers, and cellphones, the terrorists escape. It is eight months before they are identified. Only one of the six-member team will be captured in the next two years. A similar bomb, detonated near Wall Street, acts as a "weapon of mass disruption," sowing chaos and fear. Casualties: None directly. In Northern Virginia-area hospitals, 17 patients die in part because their computerized monitors no longer operate properly. Another 14 may have died when their pacemakers delivered massive shocks to the heart and then ceased working. Consequences: Dulles-bound aircraft are diverted for three days until replacement gear can be brought in. Some 40 percent of the world's Internet traffic flowed through this part of Northern Virginia. Losing that capacity slows the Internet to a crawl, which further complicates emergency response. Most of the 175,000 people employed in this IT-intensive region will be out of work for at least a year. Repairing the electronic infrastructure will cost an estimated \$40 billion. Businesses across the United

States lose an additional \$2 billion per month owing to the loss of efficient Internet service. The Dow plummets 1,000 points and trading is suspended for three days. This attack is, of course, a cyber assault even as originally imagined. The same weapon could be used to destroy computer systems in Manhattan's financial district, at financial wire-system centers, or in the government offices of Washington, D.C. According to the best estimates we have been able to find, a good engineer could produce an EMP bomb from widely available parts for \$5,000.

Attack on U.S. Oil Refineries Probability: High Impact: High Four terrorists driving minivans approach the gates of four oil refineries: the Royal Dutch Shell installation at Port Arthur, Texas; the Valero Energy refinery at Corpus Christi, Texas; the Chalmette refinery east of New Orleans; and the Chevron refinery at Pascagoula, Miss. They crash through the gates and aim for the key catalytic units used to refine petroleum. The crashes set off more than 500 pounds of dynamite in the back of each van. Eleven workers die in the initial attacks and six more perish in the infernos that send plumes of dark smoke miles into the sky. Even before the flames can be extinguished, the price of oil skyrockets to more than \$200 a barrel. The president declares a state of emergency and dispatches National Guard units to protect key infrastructure. Casualties: Seventeen dead, 34 wounded (several critically burned). Consequences: In a single day, America loses 15 percent of its crude-oil processing capability for more than a year. The Federal Reserve slashes the prime rate by a full point in a desperate attempt to avert a recession, as gas jumps to \$4 a gallon. Critics bemoan the fact that, for decades, the United States neglected development of its "dirty" oil-processing infrastructure—and now it's too late. Total economic cost: \$1.2 trillion. Like many other facilities, oil refineries are almost completely automated. Manipulating their computers to push operating temperatures and pressures out of tolerance could disrupt nation's petroleum supplies as effectively as bombs, with little risk to the attackers. With sufficient preparation, many more than four refineries could be brought down at once. Similar attacks might release toxins from chemical plants or destroy manufacturing facilities.

Bring Down Four High-Tension Wires Across the West Probability: High Impact: High **The North American power grid has a dark secret: Of the 10,000 power substations, a loss of only 4 percent will disconnect almost two-thirds of the entire grid. But with proper planning and timing, only 2 percent need be disrupted—downing just a few power lines can have widespread consequences.** Some attacks are as easy as starting forest or grass fires under transmission lines, to ionize the air and cause the lines to fail. Others require suicide car bombs. In 12 hours, by downing just four lines, more than 60 percent of North America is without power. Power is lost from Knoxville, Tenn., to Nevada, and north to the Canadian border. Casualties: Other than the suicide bombers, there are no direct casualties. But patients in hospitals, nursing homes, and even on respirators and other life-saving devices in private homes begin to expire. The indirect death toll starts to climb rapidly. Based on prior blackouts, 100 to 300 deaths are likely. Stop lights don't work, gas

stations can't pump fuel, and civil disturbances occur as crowds waiting in lines to receive ice grow restless. The president considers requesting help from the National Guard to maintain order. Consequences: Nearly 200 million people are affected, and infrastructure damage could take several months to repair. Even the most optimistic projections show the economic impact could easily top \$100 billion. Again, the power grid is governed by computers that could be manipulated to bring down the system. Oil and gas pipelines, subway systems, and rail lines appear to be equally vulnerable to cyber attack.

That Leads to Nuclear Meltdowns.

Public Citizen, 3, "The Big Blackout and Amnesia in Congress: Lawmakers Turn a Blind Eye to the Danger of Nuclear Power and the Failure of Electricity Deregulation", <http://www.citizen.org/documents/bigblackout.pdf>

Unfortunately, many policymakers and politicians have misidentified the cause of the blackout, ignored one of its most serious effects, and offered as a solution massive legislation that would only make the situation worse. Although there are problems with many facets of the nation's energy system, many of the deficiencies that have been highlighted since the blackout are either non-existent (such as the alleged shortage of electricity capacity) or have been mischaracterized. In this report, Public Citizen analyzes one of the most serious and immediately dangerous effects of the blackout: the unreliability and heightened vulnerability of nuclear power reactors. Furthermore, we trace the cause of the blackout to the chaotic effects of electricity deregulation. Finally, we consider the folly of the pending omnibus energy legislation in Congress, which completely fails to provide the most appropriate legislative prescription for the problem: the strengthening of electricity regulations and consumer protections, coupled with investment in safe, renewable and reliable electricity generation and distribution systems. THE BLACKOUT DEMONSTRATES THE UNRELIABILITY, VULNERABILITY, AND DANGER OF NUCLEAR POWER REACTORS

Unfortunately, some nuclear industry cheerleaders are opportunistically exploiting the blackout to promote further reliance on the inherently unsafe, unreliable and polluting technology of nuclear power. As usual, they espouse nuclear "solutions" to nearly every problem, while turning a blind eye to the myriad problems caused by the nuclear industry itself. Sen. Pete Domenici (R-N.M.), chairman of the Energy and Commerce committee, and a staunch supporter of nuclear power, issued a statement after the blackout in which he claimed: This outage clearly demonstrates how close the nation is to its energy production and distribution limit. [...] Ensuring the proper level of power to the country demands that we make trade-offs, including...greater use of such sources as nuclear energy... [Emphasis added] In the aftermath of the recent blackout, it is important to consider the enormous risks and reliability deficiencies of nuclear power. The unique dangers of nuclear power

were exacerbated by the huge power outage: 21 nuclear reactors—which are, ironically, dependent upon off-site power—were forced to shut down in the U.S. and Canada. Power loss from the grid forces nuclear power stations to resort to emergency generators for basic safety operations while in shutdown mode—a contingency operation that presents a whole host of new risks for the plant. Power outages, especially on a grand scale, put already-vulnerable nuclear facilities at an even greater risk of serious accident.

Extinction

Wasserman 2, Harvey Wasserman, Greenpeace USA, Nuclear Information & Resource Service, “America’s Terrorist Nuclear Threat To Itself”, <http://www.greens.org/s-r/27/27-13.html>

A jet crash like the one on 9/11 or other forms of terrorist assault at Indian Point could yield three infernal fireballs of radioactive lava burning through the earth and into the aquifer and the river. Striking water they would blast gigantic billows of radioactive steam into the atmosphere. Prevailing winds from the north and west might initially drive these clouds of mass death downriver into New York City and east into Westchester and Long Island. But at Three Mile Island and Chernobyl, winds ultimately shifted around the compass to irradiate all surrounding areas. At Indian Point, thousands of square miles would have been saturated with the most lethal clouds ever created, depositing genetic poisons that would kill forever. In nearby communities like Buchanan, Nyack, Monsey and scores more, infants and small children would quickly die en masse. Virtually all pregnant women would spontaneously abort, or ultimately give birth to deformed offspring. Sores, rashes, ulcerations and burns would afflict the skin of millions. Emphysema, heart attacks, stroke, multiple organ failure, hair loss, nausea, inability to eat or drink or swallow, diarrhea and incontinence, sterility and impotence, asthma, blindness, and more would kill thousands on the spot, and doom hundreds of thousands if not millions. A metallic taste would afflict virtually everyone downwind in New York, New Jersey and New England, a ghoulish curse similar to that endured by the fliers who dropped the atomic bombs on Hiroshima and Nagasaki, by those living downwind from nuclear bomb tests in the south seas and Nevada, and by victims caught in the downdrafts from Three Mile Island and Chernobyl. Then comes the wave of cancers, leukemias, lymphomas and tumors. Evacuation would be impossible, but thousands would die trying. Bridges and highways would become killing fields for those attempting to escape to destinations that would soon enough become equally deadly as the winds shifted. The assault would not require a large jet. Attempts to quench the fires would be futile. At Chernobyl, pilots flying helicopters that dropped boron on the fiery core died in droves. At Indian Point, such missions would be a sure ticket to death. Their utility would be doubtful as the molten cores rage uncontrolled for days, weeks and years, spewing ever more devastation into the eco-sphere. More than 800,000 Soviet draftees were forced through

Chernobyl's seething remains in a futile attempt to clean it up. They are dying in droves. Who would now volunteer for such an American task force? The radioactive cloud from Chernobyl blanketed the vast Ukraine and Belarus landscape, then carried over Europe and into the jetstream, surging through the west coast of the United States within 10 days, carrying across our northern tier, circling the globe, then coming back again. The radioactive clouds from Indian Point would enshroud New York, New Jersey, New England, and carry deep into the Atlantic and up into Canada and across to Europe and around the globe again and again. The immediate damage would render thousands of the world's most populous and expensive square miles permanently uninhabitable. All five boroughs of New York City would be an apocalyptic wasteland. The World Trade Center site would be rendered as unusable and even more lethal by a jet crash at Indian Point than it was by the direct hits of 9/11. All real estate and economic value would be poisonously radioactive throughout the entire region. Irreplaceable trillions in human capital would be forever lost. As at Three Mile Island, where thousands of farm and wild animals died in heaps, and as at Chernobyl, where soil, water and plant life have been hopelessly irradiated, natural eco-systems on which human and all other life depends would be permanently and irrevocably destroyed. Spiritually, psychologically, financially, ecologically, our nation would never recover. This is what we missed by a mere 40 miles near New York City on September 11. Now that we are at war, this is what could be happening as you read this. There are 103 of these potential Bombs of the Apocalypse now operating in the United States. They generate just 18% of America's electricity, just 8% of our total energy. As with reactors elsewhere, the two at Indian Point have both been off-line for long periods of time with no appreciable impact on life in New York. Already an extremely expensive source of electricity, the cost of attempting to defend these reactors will put nuclear energy even further off the competitive scale. Since its deregulation crisis, California—already the nation's second-most efficient state—cut further into its electric consumption by some 15%. Within a year the US could cheaply replace with increased efficiency all the reactors now so much more expensive to operate and protect. Yet, as the bombs fall and the terror escalates, Congress is fast-tracking a form of legal immunity to protect the operators of reactors like Indian Point from liability in case of a meltdown or terrorist attack. Why is our nation handing its proclaimed enemies the weapons of our own mass destruction, and then shielding from liability the companies that insist on continuing to operate them? Do we take this war seriously? Are we committed to the survival of our nation? If so, the ticking reactor bombs that could obliterate the very core of our life and of all future generations must be shut down.

Oil Shocks Module

Second is Oil Shocks – Cyber Terror Would Target Commodities Exchanges and Spike Oil Prices

Cetron 09, Dr. Marvin J. Cetron, President of Forecasting International, “55 Trends for Cyberwar”, Presented at Future of Information Warfare and Information Operations Sponsored by JIOPO (Joint Information Operations Program Office), CIA, DIA (Defense Intelligence Agency) & NSA (National Security Agency), 3-18-09, http://davidleffler.com/55-Trends-for-Cyberwar.html#_Toc224031549

“Cyber Security is the soft underbelly of this country,” outgoing National Intelligence Director Mike McConnell declared in a valedictory address to reporters in mid-January 2009. He rated this problem equal in significance to the potential development of atomic weapons by Iran. With this concern in mind, Forecasting International (FI) undertook a study of factors likely to influence the future development of information warfare. This work was based on a list of 55 trends FI believes will shape the world in the years ahead. In the first stage of research, FI’s staff analyzed the probable effects of trends in fields such as economics, demographics, and technology on the course of cyberwar. In the second, we presented this work to 31 leading forecasters, intelligence professionals, and military thinkers and requested their views. This report presents the results. Director McConnell does not worry so much that hackers or spies will steal classified information from computers owned by government or the military, or by contractors working for them on secret projects. He is afraid they will erase it and thereby deprive the United States of critical data. “It could have a debilitating effect on the country,” he said. Real-world attacks over the Internet also are possible. In March 2007, the Department of Energy’s Idaho Lab conducted an experiment to determine whether a power plant could be compromised by hacking alone. The result was a diesel generator smoking and on fire as a result of some malicious data that could easily have been sent to it over the Internet from anywhere in the world. In January 2008, a CIA analyst told American utilities that hackers had infiltrated electric companies in several locations outside the U.S. In at least one case, they had managed to shut off power to multiple cities. Information attacks have been used in practical conflicts as well. In April and May 2008, Russian hackers believed not to be directly employed by the Moscow government subjected Estonia to a nationwide denial-of-service (DoS) attack that effectively shut down the country’s access to the Internet, with substantial economic impact. They began the same sort of attack on Georgia in the run-up to the August 2008 clash between Moscow and T’blisi. Similarly, the military dictatorships of Myanmar and Mauritania both reportedly have hired operators of botnets—networks of illegally commandeered PCs—to smother several opposition websites with DoS attacks. We conclude that information warfare will be a significant component in most future conflicts. This position is in line with both U.S. military doctrine and white papers published by the Chinese People’s Army. One study affirms

that as many as 120 governments already are pursuing information warfare programs. Repeated reports that Chinese computer specialists have hacked into government networks in Germany, the United States, and other countries show that the threat is not limited to relatively unsophisticated lands. A 2007 estimate suggested that hackers sponsored by the Chinese government had downloaded more than 3.5 terabytes of information from NIPRNet, a U.S. government network that handles mostly unclassified material. More disturbingly, The Joint Operating Environment 2008: Challenges and Implications for the Future Joint Force (“the JOE”) comments that “our adversaries have often taken advantage of computer networks and the power of information technology not only to directly influence the perceptions and will of the United States, its decision-makers, and population, but also to plan and execute savage acts of terrorism.” In a 2008 magazine article, attached as Appendix C, Forecasting International examined possible targets of future terrorist attack. At that time, we were considering vulnerabilities to relatively conventional weapons, such as bombs and toxins. However, many of the targets we identified lend themselves to cyber assaults as well. Consider these examples: Detonate EMP Bombs in the Internet-Critical Region of Northern Virginia Probability: Medium Impact: High EMP means “electromagnetic pulse,” a blast of radio energy so strong it fries electronic equipment. (Set off an atomic bomb at an altitude of 30,000 feet, and there won’t be a computer working for miles around.) The terrorists who strike Northern Virginia on 9/11 in 2010 do not need a nuclear weapon to shut down the region’s computers. Instead, they use homemade EMP generator-bombs that any good engineering student can build with \$400 and information found on the Internet. They detonate nine of the bombs within a triangle stretching from McLean west to Dulles International Airport and south to Chantilly. The EMP blasts take down communications and navigation equipment at Dulles, some of the less critical computers at CIA headquarters in Langley, and data centers that carry some 40 percent of the world’s Internet traffic. With police unable to use radios, computers, and cellphones, the terrorists escape. It is eight months before they are identified. Only one of the six-member team will be captured in the next two years. A similar bomb, detonated near Wall Street, acts as a “weapon of mass disruption,” sowing chaos and fear. Casualties: None directly. In Northern Virginia-area hospitals, 17 patients die in part because their computerized monitors no longer operate properly. Another 14 may have died when their pacemakers delivered massive shocks to the heart and then ceased working. Consequences: Dulles-bound aircraft are diverted for three days until replacement gear can be brought in. Some 40 percent of the world’s Internet traffic flowed through this part of Northern Virginia. Losing that capacity slows the Internet to a crawl, which further complicates emergency response. Most of the 175,000 people employed in this IT-intensive region will be out of work for at least a year. Repairing the electronic infrastructure will cost an estimated \$40 billion. Businesses across the United States lose an additional \$2 billion per month owing to the loss of efficient Internet

service. The Dow plummets 1,000 points and trading is suspended for three days. This attack is, of course, a cyber assault even as originally imagined. The same weapon could be used to destroy computer systems in Manhattan's financial district, at financial wire-system centers, or in the government offices of Washington, D.C. According to the best estimates we have been able to find, a good engineer could produce an EMP bomb from widely available parts for \$5,000. Attack on U.S. Oil Refineries Probability: High Impact: High Four terrorists driving minivans approach the gates of four oil refineries: the Royal Dutch Shell installation at Port Arthur, Texas; the Valero Energy refinery at Corpus Christi, Texas; the Chalmette refinery east of New Orleans; and the Chevron refinery at Pascagoula, Miss. They crash through the gates and aim for the key catalytic units used to refine petroleum. The crashes set off more than 500 pounds of dynamite in the back of each van. Eleven workers die in the initial attacks and six more perish in the infernos that send plumes of dark smoke miles into the sky. Even before the flames can be extinguished, the price of oil skyrockets to more than \$200 a barrel. The president declares a state of emergency and dispatches National Guard units to protect key infrastructure. Casualties: Seventeen dead, 34 wounded (several critically burned). Consequences: In a single day, America loses 15 percent of its crude-oil processing capability for more than a year. The Federal Reserve slashes the prime rate by a full point in a desperate attempt to avert a recession, as gas jumps to \$4 a gallon. Critics bemoan the fact that, for decades, the United States neglected development of its "dirty" oil-processing infrastructure—and now it's too late. Total economic cost: \$1.2 trillion. Like many other facilities, oil refineries are almost completely automated. Manipulating their computers to push operating temperatures and pressures out of tolerance could disrupt nation's petroleum supplies as effectively as bombs, with little risk to the attackers. With sufficient preparation, many more than four refineries could be brought down at once. Similar attacks might release toxins from chemical plants or destroy manufacturing facilities.

Instability in oil prices causes worldwide recession and resource wars.

Roberts 2004 (Paul, The end of Oil: on the edge of a perilous new world, p13)

The last three times oil production dropped off a cliff- the Arab oil embargo of 1974, the Iranian revolution in 1979, and the 1991 Persian Gulf War- the resulting price spikes pushed the world into recession. And these disruptions were temporary. Presumably, the effects of a long-term permanent disruption would be far more gruesome. As prices rose, consumers would quickly shift to other fuels, such as natural gas or coal, but soon enough, those supplies would also tighten and their prices would rise. An inflationary ripple effect would set in. As energy became more expensive, so would such energy-dependent activities as manufacturing and transportation. Commercial activity would slow, and segments of the global economy especially

dependent on rapid growth- which is to say, pretty much everything these days- would tip into recession. The cost of goods and services would rise, ultimately depressing economic demand and throwing the entire economy into an enduring depression that would make 1929 look like a dress rehearsal and could touch of a desperate and probably violent contest for whatever oil supplies remained.

Conflicts over natural resources are the most probable scenario for global war – Escalates and Makes all other Impacts More likely

Klare 2006 (Michael- professor of peace and world security studies at Hampshire College, March 7, <http://www.energybulletin.net/13605.html>)

It's official: the era of resource wars is upon us. In a major London address, British Defense Secretary John Reid warned that global climate change and dwindling natural resources are combining to increase the likelihood of violent conflict over land, water and energy. Climate change, he indicated, "will make scarce resources, clean water, viable agricultural land even scarcer"—and this will "make the emergence of violent conflict more rather than less likely." Lthough not unprecedented, Reid's prediction of an upsurge in resource conflict is significant both because of his senior rank and the vehemence of his remarks. "The blunt truth is that the lack of water and agricultural land is a significant contributory factor to the tragic conflict we see unfolding in Darfur," he declared. "We should see this as a warning sign." Resource conflicts of this type are most likely to arise in the developing world, Reid indicated, but the more advanced and affluent countries are not likely to be spared the damaging and destabilizing effects of global climate change. With sea levels rising, water and energy becoming increasingly scarce and prime agricultural lands turning into deserts, internecine warfare over access to vital resources will become a global phenomenon. Reid's speech, delivered at the prestigious Chatham House in London (Britain's equivalent of the Council on Foreign Relations), is but the most recent expression of a growing trend in strategic circles to view environmental and resource effects—rather than political orientation and ideology—as the most potent source of armed conflict in the decades to come. With the world population rising, global consumption rates soaring, energy supplies rapidly disappearing and climate change eradicating valuable farmland, the stage is being set for persistent and worldwide struggles over vital resources. Religious and political strife will not disappear in this scenario, but rather will be channeled into contests over valuable sources of water, food and energy. Prior to Reid's address, the most significant expression of this outlook was a report prepared for the U.S. Department of Defense by a California-based consulting firm in October 2003. Entitled "An Abrupt Climate Change

Scenario and Its Implications for United States National Security,” the report warned that global climate change is more likely to result in sudden, cataclysmic environmental events than a gradual (and therefore manageable) rise in average temperatures. Such events could include a substantial increase in global sea levels, intense storms and hurricanes and continent-wide “dust bowl” effects. This would trigger pitched battles between the survivors of these effects for access to food, water, habitable land and energy supplies. “Violence and disruption stemming from the stresses created by abrupt changes in the climate pose a different type of threat to national security than we are accustomed to today,” the 2003 report noted. “Military confrontation may be triggered by a desperate need for natural resources such as energy, food and water rather than by conflicts over ideology, religion or national honor.” Until now, this mode of analysis has failed to command the attention of top American and British policymakers. For the most part, they insist that ideological and religious differences— notably, the clash between values of tolerance and democracy on one hand and extremist forms of Islam on the other—remain the main drivers of international conflict. But Reid’s speech at Chatham House suggests that a major shift in strategic thinking may be under way. Environmental perils may soon dominate the world security agenda. This shift is due in part to the growing weight of evidence pointing to a significant human role in altering the planet’s basic climate systems. Recent studies showing the rapid shrinkage of the polar ice caps, the accelerated melting of North American glaciers, the increased frequency of severe hurricanes and a number of other such effects all suggest that dramatic and potentially harmful changes to the global climate have begun to occur. More importantly, they conclude that human behavior—most importantly, the burning of fossil fuels in factories, power plants, and motor vehicles—is the most likely cause of these changes. This assessment may not have yet penetrated the White House and other bastions of head-in-the-sand thinking, but it is clearly gaining ground among scientists and thoughtful analysts around the world. For the most part, public discussion of global climate change has tended to describe its effects as an environmental problem—as a threat to safe water, arable soil, temperate forests, certain species and so on. And, of course, climate change is a potent threat to the environment; in fact, the greatest threat imaginable. But viewing climate change as an environmental problem fails to do justice to the magnitude of the peril it poses. As Reid’s speech and the 2003 Pentagon study make clear, the greatest danger posed by global climate change is not the degradation of ecosystems per se, but rather the disintegration of entire human societies, producing wholesale starvation, mass migrations and recurring conflict over resources. “As famine, disease, and weather-related disasters strike due to abrupt climate change,” the Pentagon report notes, “many countries’ needs will exceed their carrying capacity”—that is, their ability to provide the minimum requirements for human survival. This “will create a sense of desperation, which is likely to lead to offensive aggression” against countries with a greater stock of vital resources. “Imagine eastern European countries, struggling to feed their

populations with a falling supply of food, water, and energy, eyeing Russia, whose population is already in decline, for access to its grain, minerals, and energy supply.” Similar scenarios will be replicated all across the planet, as those without the means to survival invade or migrate to those with greater abundance—producing endless struggles between resource “haves” and “have-nots.” It is this prospect, more than anything, that worries John Reid. In particular, he expressed concern over the inadequate capacity of poor and unstable countries to cope with the effects of climate change, and the resulting risk of state collapse, civil war and mass migration. “More than 300 million people in Africa currently lack access to safe water,” he observed, and “climate change will worsen this dire situation”—provoking more wars like Darfur. And even if these social disasters will occur primarily in the developing world, the wealthier countries will also be caught up in them, whether by participating in peacekeeping and humanitarian aid operations, by fending off unwanted migrants or by fighting for access to overseas supplies of food, oil, and minerals. When reading of these nightmarish scenarios, it is easy to conjure up images of desperate, starving people killing one another with knives, staves and clubs—as was certainly often the case in the past, and could easily prove to be so again. But these scenarios also envision the use of more deadly weapons. “In this world of warring states,” the 2003 Pentagon report predicted, “nuclear arms proliferation is inevitable.” As oil and natural gas disappears, more and more countries will rely on nuclear power to meet their energy needs—and this “will accelerate nuclear proliferation as countries develop enrichment and reprocessing capabilities to ensure their national security.”

Nuke Power Scenario

Core

US nuclear power sites not protected, risk of terror attack

Laura **Muth**, 9-2, 13 graduated in 2012 from Johns Hopkins University with a degree in political science, Policy Mic, The Unexpected Threat to America's Nuclear Power Sites, <http://www.policymic.com/articles/61611/the-unexpected-threat-to-america-s-nuclear-sites>

Decades after the end of the Cold War, the U.S. is dealing with a different nuclear threat: the security of its own nuclear sites. But the problem is more complicated than you might think.¶ The University of Texas, Austin Nuclear Proliferation Prevention Project (NPPP) recently released a report stating that none of the 104 commercial nuclear reactors or three research reactors in the U.S. is adequately protected against terrorist threats. The report cites two "credible threats: the theft of bomb-grade material to make a nuclear weapon, and sabotage attacks intended to cause a reactor meltdown."¶

Domestic Intelligence is Key to Check Insiders that could attack plants

Laura **Kirkman**, Allan **Kuperman**, 8-15, 13, Nonproliferation Prevention Project, "Protecting US Nuclear Facilities from Terrorist Attack: Reassessing the Current 'Design Basis Threat' Approach," <http://blogs.utexas.edu/nppp/files/2013/08/NPPP-working-paper-1-2013-Aug-15.pdf>

Implicit in the four threats described above is the possibility of an active or passive insider using knowledge of facilities to assist terrorists in their actions. Passive insiders could provide information about weaknesses in the plant or operations, allowing terrorists to magnify their impact. 49 An active insider could deactivate alarm and emergency safety systems or deliver explosives to sensitive areas of the nuclear facility.50¶ A recent incident highlights the immediacy of the insider threat problem. An American citizen, suspected of al Qaeda membership, worked for five different US nuclear power plants from 2002 to 2008 after passing federal background checks.51 This incident is particularly disturbing because nuclear power plants depend heavily on their employee screening processes to combat the insider threat.52 Another incident that allegedly involved insider information was the break-in at the Pelindaba nuclear reactor and research center in South Africa. In November 2007, four gunmen spent 45 minutes inside the heavily guarded facility, eventually breaking into the emergency control center at the middle of the facility. They fled when an alarm was triggered. At the same time, another four men tried but failed to break-in from the other side of the facility, suggesting a coordinated attack. The ease with which the attackers disabled multiple layers of security strongly suggests the use of insider information.53

Attack on a reactor means a massive release of radioactivity

Michael **Clark, 2013**, Michael Clarke (m.clarke@griffith.edu.au) is an Australian Research Council (ARC) Research Fellow at the Griffith Asia Institute, June 2013, Comparative Strategy, "Pakistan and Nuclear Terrorism: How Real is the Threat?," pp. 98-114

Commercial power reactors are arguably more attractive for a terrorist attack aimed at dispersing radioactive material than research reactors due to the fact that they are more numerous (approximately 440 commercial power reactors in 31 countries), are larger, contain more radioactive spent fuel in cooling ponds, and contain much higher levels of radioactivity in their core. ³³ Ferguson and Potter conclude that while a terrorist attack targeting a reactor or spent fuel pond "could not ignite an explosive chain reaction—that is a nuclear bomb-type explosion," the "worst plausible scenario is that terrorists would be able to cause a massive off-site release of radioactivity and substantial damage to the nuclear facility."

Extinction

Wasserman 2, Harvey Wasserman, Greenpeace USA, Nuclear Information & Resource Service, "America's Terrorist Nuclear Threat To Itself", <http://www.greens.org/s-r/27/27-13.html>

A jet crash like the one on 9/11 or other forms of terrorist assault at Indian Point could yield three infernal fireballs of radioactive lava burning through the earth and into the aquifer and the river. Striking water they would blast gigantic billows of radioactive steam into the atmosphere. Prevailing winds from the north and west might initially drive these clouds of mass death downriver into New York City and east into Westchester and Long Island. But at Three Mile Island and Chernobyl, winds ultimately shifted around the compass to irradiate all surrounding areas. At Indian Point, thousands of square miles would have been saturated with the most lethal clouds ever created, depositing genetic poisons that would kill forever. In nearby communities like Buchanan, Nyack, Monsey and scores more, infants and small children would quickly die en masse. Virtually all pregnant women would spontaneously abort, or ultimately give birth to deformed offspring. Sores, rashes, ulcerations and burns would afflict the skin of millions. Emphysema, heart attacks, stroke, multiple organ failure, hair loss, nausea, inability to eat or drink or swallow, diarrhea and incontinence, sterility and impotence, asthma, blindness, and more would kill thousands on the spot, and doom hundreds of thousands if not millions. A metallic taste would afflict virtually everyone downwind in New York, New Jersey and New England, a ghoulish curse similar to that endured by the fliers who dropped the atomic bombs on Hiroshima and Nagasaki, by those living downwind from nuclear bomb tests in the south seas and Nevada, and by victims caught in the downdrafts from Three Mile Island and Chernobyl. Then comes the wave of cancers, leukemias, lymphomas and tumors. Evacuation would be impossible, but thousands would die trying. Bridges and highways would become killing fields for those attempting to escape to destinations that would soon enough become equally deadly as the winds shifted. The assault would not require a large jet. Attempts to quench the fires would be futile. At Chernobyl, pilots flying helicopters that dropped boron on the fiery core died in droves. At Indian Point, such missions would be a sure ticket to

death. Their utility would be doubtful as the molten cores rage uncontrolled for days, weeks and years, spewing ever more devastation into the eco-sphere. More than 800,000 Soviet draftees were forced through Chernobyl's seething remains in a futile attempt to clean it up. They are dying in droves. Who would now volunteer for such an American task force? The radioactive cloud from Chernobyl blanketed the vast Ukraine and Belarus landscape, then carried over Europe and into the jetstream, surging through the west coast of the United States within 10 days, carrying across our northern tier, circling the globe, then coming back again. The radioactive clouds from Indian Point would enshroud New York, New Jersey, New England, and carry deep into the Atlantic and up into Canada and across to Europe and around the globe again and again. The immediate damage would render thousands of the world's most populous and expensive square miles permanently uninhabitable. All five boroughs of New York City would be an apocalyptic wasteland. The World Trade Center site would be rendered as unusable and even more lethal by a jet crash at Indian Point than it was by the direct hits of 9/11. All real estate and economic value would be poisonously radioactive throughout the entire region. Irreplaceable trillions in human capital would be forever lost. As at Three Mile Island, where thousands of farm and wild animals died in heaps, and as at Chernobyl, where soil, water and plant life have been hopelessly irradiated, natural eco-systems on which human and all other life depends would be permanently and irrevocably destroyed. Spiritually, psychologically, financially, ecologically, our nation would never recover. This is what we missed by a mere 40 miles near New York City on September 11. Now that we are at war, this is what could be happening as you read this. There are 103 of these potential Bombs of the Apocalypse now operating in the United States. They generate just 18% of America's electricity, just 8% of our total energy. As with reactors elsewhere, the two at Indian Point have both been off-line for long periods of time with no appreciable impact on life in New York. Already an extremely expensive source of electricity, the cost of attempting to defend these reactors will put nuclear energy even further off the competitive scale. Since its deregulation crisis, California—already the nation's second-most efficient state—cut further into its electric consumption by some 15%. Within a year the US could cheaply replace with increased efficiency all the reactors now so much more expensive to operate and protect. Yet, as the bombs fall and the terror escalates, Congress is fast-tracking a form of legal immunity to protect the operators of reactors like Indian Point from liability in case of a meltdown or terrorist attack. Why is our nation handing its proclaimed enemies the weapons of our own mass destruction, and then shielding from liability the companies that insist on continuing to operate them? Do we take this war seriously? Are we committed to the survival of our nation? If so, the ticking reactor bombs that could obliterate the very core of our life and of all future generations must be shut down.

Fuel Rod Internal

Terrorists can attack spent fuel rods

Laura **Kirkman**, Allan **Kuperman**, 8-15, 13, Nonproliferation Prevention Project, "Protecting US Nuclear Facilities from Terrorist Attack: Reassessing the Current 'Design Basis Threat' Approach," <http://blogs.utexas.edu/nppp/files/2013/08/NPPP-working-paper-1-2013-Aug-15.pdf>

Sabotage of spent fuel pools is related to sabotage of nuclear power plants, which typically store their spent fuel in facilities located on their grounds. Unlike fresh fuel, spent nuclear fuel is highly radioactive but unable to sustain as efficient a nuclear chain reaction. This spent fuel is removed from the reactor and stored in pools of cooling water, and sometimes is subsequently transferred to more permanent dry-cask storage on-site. The pools often lack the shielding and structural protections that the containment provides to the reactor itself, leaving the spent fuel also more vulnerable to sabotage by terrorists.⁴³ A 2006 report by the National Academy of Sciences concluded that a successful terrorist attack on spent fuel pools would be difficult, but possible.⁴⁴ In the absence of a centralized national storage facility for spent fuel, nuclear power plants often maintain their spent fuel pool inventories at amounts beyond the original design limits of the pool.⁴⁵ A terrorist with enough technical knowledge and means could drain a spent fuel pool, triggering a cladding fire that could result in the release of large amounts of radioactive material.⁴⁶ This is similar to what occurred in 2011 in Fukushima, Japan, when an earthquake's effects drained the spent fuel pools. According to Beyea, Lyman, and von Hippel, a terrorist attack on a spent fuel pool could cause thousands of deaths from cancer, and economic damages in the hundreds of billions of dollars.⁴⁷ In the wake of the NAS report, U.S. utilities reportedly have taken some measures that may somewhat mitigate this risk, but not eliminate it.⁴⁸ An attack on dry cask storage would also result in the release of radioactive material, although in smaller amounts due to design differences.

Blackout Scenario

Core

ISIS will shut down the U.S. national grid – it'll independently kill 9 out of 10 Americans

Bedard 9/3/14 – Paul, columnist at the Washington Examiner, “New ISIS threat: America's electric grid; blackout could kill 9 of 10” <http://washingtonexaminer.com/new-isis-threat-americas-electric-grid-blackout-could-kill-9-of-10/article/2552766>

Former top government officials who have been warning Washington about the vulnerability of the nation's largely unprotected electric grid are raising new fears that troops from the jihadist Islamic State are poised to attack the system, leading to a power crisis that could kill millions. “Inadequate grid security, a porous U.S.-Mexico border, and fragile transmission systems make the electric grid a target for ISIS,” said Peter Pry, one of the nation's leading experts on the grid. Others joining Pry at a press conference later Wednesday to draw attention to the potential threat said that if just a handful of the nation's high voltage transformers were knocked out, blackouts would occur across the country. “By one estimate, should the power go out and stay out for over a year, nine out of 10 Americans would likely perish,” said Frank Gaffney, founder and president of the Center for Security Policy in Washington. At the afternoon press conference, Gaffney dubbed the potential crisis the “grid jihad.” A lack of electricity would shut off water systems, impact city transportation services and shutdown hospitals and other big facilities. Fresh and frozen foods also would be impacted as would banks, financial institutions and utilities. Pry provided details of recent attacks on electricity systems and said that ISIS could easily team with Mexican drug cartels to ravage America. He told Secrets, for example, that the Knights Templar drug gang blacked out the electric grid of the Mexican state of Michoacan in 2013 to provide cover for killing those fighting the drug trade. “The Knights Templars and other criminal gangs in Mexico will do anything for money, and ISIS, the richest terrorist organization in history, has hundreds of millions of dollars at its disposal,” said Pry. “ISIS could hire one of the Mexican cartels, or one of their criminal gangs already in the U.S., or activate jihadist terror cells already in the U.S., and inflict a multi-state blackout immediately, within days or weeks. Perhaps even a nationwide blackout,” Pry explained to Secrets. “I am not saying it is likely they will do so. But given the capabilities and objectives of ISIS and our obvious vulnerabilities, it would be foolish to ignore the threat to the grid, to regard the threat as unlikely. Our planning should be based on imminent asymmetrical threats, and not assume that another 9/11 large-scale attack is years away,” he added.

Surveillance necessary to prevent ISIS attacks

Guardian, June 22, 2014 , Isis threat justifies greater surveillance powers in UK, says Liam Fox

Former defence secretary says first duty of state is to protect citizens and public will accept greater monitoring powers Britain's security services may need to be given greater powers of surveillance to monitor extremists from Isis when they return home to Britain from Iraq and Syria, the former defence secretary Liam Fox has said. A majority of people will accept that an "ideological battle" means that the authorities will need greater powers to intercept the

communications of extremists, Fox said. The former defence secretary, who was speaking on the Andrew Marr Show on BBC1, said that Britain should offer to put its airbases at the disposal of the US to avoid "horrendous" situation in Iraq as Isis forces pose a threat to Baghdad. Fox said: "There are those who say if we don't get involved, if we hunker down then we will be fine. There will be no backlash. That is utterly, utterly wrong because the jihadists don't hate us because of what we do. They hate us because of who we are. We can't change that. It is our values and our history that they detest more than anything else." Fox said that the authorities could deprive British citizens returning from Syria and Iraq of their passports. But he said that the greatest effort should go towards increasing the power of the state to monitor the communications of extremists. He said: "We have the security services to ensure that they [extremists] are watched and that they don't pose a greater threat." Asked whether the powers of the security services were insufficient, the former defence secretary said: "That is a real question that we are going to have to ask - whether the security services have adequate resources for an increased threat. "That is a question politicians will have to take into account in judgments on spending allocations but also do the powers they have reflect the increasing [threat]? You've got people in the light of Snowden saying that the state has too many powers and we have to restrict the powers of the state." Asked which powers the state should be given, Fox said: "The whole areas of intercept that need to be looked at. We have got a real debate, and it is a genuine debate in a democracy, between the libertarians who say the state must not get too powerful and pretty much the rest of us who say the state must protect itself." Asked whether this meant more surveillance and increasing the manpower of the security services, he said: "If required is the first duty of the state to protect its citizens ... it is a real worry and it is a problem that is going to be with us for a very long time. At heart it is an ideological battle and we have to realise that we have to win the ideological battle as well." The remarks by Fox suggests that some figures, particularly on the right, will use the success of extremists in Iraq to challenge the claim by Edward Snowden that the state has amassed too many powers of surveillance. Snowden leaked a series of NSA files to the former Guardian journalist Glenn Greenwald last year.

Attack on the grid risks nuclear war.

Andres and Breetz 11 (Richard Andres, Professor of National Security Strategy at the National War College and a Senior Fellow and Energy and Environmental Security and Policy Chair in the Center for Strategic Research, Institute for National Strategic Studies, at the National Defense University, and Hanna Breetz, doctoral candidate in the Department of Political Science at The Massachusetts Institute of Technology, Small Nuclear Reactors for Military Installations: Capabilities, Costs, and Technological Implications, www.ndu.edu/press/lib/pdf/StrForum/SF-262.pdf)

Grid Vulnerability. DOD is unable to provide its bases with electricity when the civilian electrical grid is offline for an extended period of time. Currently, domestic military installations receive 99 percent of their electricity from the civilian power grid. As explained in a recent study from the Defense Science Board: DOD's key problem with electricity is that critical missions, such as national strategic awareness and national command authorities, are almost entirely dependent on the national transmission grid . . . [which] is fragile, vulnerable, near its capacity limit, and outside of DOD control. In most cases, neither the

grid nor on-base backup power provides www.ndu.edu/inss SF No. 262 3 sufficient reliability to ensure continuity of critical national priority functions and oversight of strategic missions in the face of a long term (several months) outage. 7 The grid's fragility was demonstrated during the 2003 Northeast blackout in which 50 million people in the United States and Canada lost power, some for up to a week, when one Ohio utility failed to properly trim trees. The blackout created cascading disruptions in sewage systems, gas station pumping, cellular communications, border check systems, and so forth, and demonstrated the interdependence of modern infrastructural systems. 8 More recently, awareness has been growing that the grid is also vulnerable to purposive attacks. A report sponsored by the Department of Homeland Security suggests that a coordinated cyberattack on the grid could result in a third of the country losing power for a period of weeks or months. 9 Cyberattacks on critical infrastructure are not well understood. It is not clear, for instance, whether existing terrorist groups might be able to develop the capability to conduct this type of attack. It is likely, however, that some nation-states either have or are working on developing the ability to take down the U.S. grid. In the event of a war with one of these states, it is possible, if not likely, that parts of the civilian grid would cease to function, taking with them military bases located in affected regions. Government and private organizations are currently working to secure the grid against attacks; however, it is not clear that they will be successful. Most military bases currently have backup power that allows them to function for a period of hours or, at most, a few days on their own. If power were not restored after this amount of time, the results could be disastrous. First, military assets taken offline by the crisis would not be available to help with disaster relief. Second, during an extended blackout, global military operations could be seriously compromised; this disruption would be particularly serious if the blackout was induced during major combat operations. During the Cold War, this type of event was far less likely because the making bases more resilient to civilian power outages would reduce the incentive for an opponent to attack the grid. United States and Soviet Union shared the common understanding that blinding an opponent with a grid blackout could escalate to nuclear war. America's current opponents, however, may not share this fear or be deterred by this possibility.

Other AT / Ext

A2: Drone Strikes Solve

Al Qaeda dead in Pakistan but operating elsewhere

Bergen, et al, September 2013, Jihadist Terrorism: A Threat Assessment,

[http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-](http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-A%20Threat%20Assesment_0.pdf)

[A%20Threat%20Assesment_0.pdf](http://bipartisanpolicy.org/sites/default/files/Jihadist%20Terrorism-A%20Threat%20Assesment_0.pdf) Peter Bergen is the author of four books about al-Qaeda, three of which were *New York Times* best sellers. The books have been translated into 20 languages. He is the director of the National Security Program at the New America Foundation in Washington, D.C.; a fellow at Fordham University's Center on National Security; and CNN's national security analyst. He has held teaching positions at the Kennedy School of Government at Harvard University and at the School of Advanced International Studies at Johns Hopkins University.¶ Bruce Hoffman is a professor at Georgetown University's Edmund A. Walsh School of Foreign Service, where he is also the director of both the Center for Security Studies and the Security Studies Program. He previously held the corporate chair in counterterrorism and counterinsurgency at the RAND Corporation and was the scholar-in-residence for counterterrorism at the CIA between 2004 and 2006.¶ Michael Hurley is the president of Team 3i LLC, an international strategy company, and advises the Bipartisan Policy Center's Homeland Security Project. He led the 9/11 Commission's counterterrorism policy investigation, as well as CIA personnel in Afghanistan immediately after the 9/11 attacks. He retired from the CIA following a 25-year career and has served as director on the National Security Council staff.¶ Erroll Southers is the associate director of research transition at the Department of Homeland Security's National Center for Risk and Economic Analysis of Terrorism Events (CREATE) at the University of Southern California, where he is an adjunct professor in the Sol Price School of Public Policy. He is a former FBI special agent and was President Barack Obama's nominee for the Transportation Security Administration, as well as Governor Arnold Schwarzenegger's deputy director for the California Office of Homeland Security and the chief of homeland security and intelligence for the LAX Police Department. He is the author of *Homegrown Violent Extremism*.) Core al-Qaeda has been decimated by drone strikes and arrests in Pakistan, but continues to find some sanctuary in the country's ungoverned tribal regions, and is potentially ready to move back into Afghanistan, should that country experience significant instability after NATO combat troops withdraw at the end of 2014.¶ CIA drone strikes have killed 33 al-Qaeda leaders or senior operatives in Pakistan since 2008.³ As a result, there are only around four al-Qaeda leaders in Pakistan today. The group's overall leader, Ayman al-Zawahiri, has proved to be more capable than some analysts initially thought, officially bringing Somalia's al-Shabaab group and Syria's Jabhat al-Nusra organization into al-Qaeda's fold. Zawahiri also had no problem transferring already existing al-Qaeda affiliates' allegiances from Osama bin Laden to himself. In the three months following bin Laden's death in May 2011, the leaders of al-Qaeda in Iraq (AQI), al-Qaeda in the Arabian Peninsula (AQAP), and al-Qaeda in the Islamic Maghreb (AQIM) all pledged their allegiance to Zawahiri as their new overall commander.^{4,5}

Drone strikes won't solve US-citizen terrorists

Brian **Ross**, 9-11, **13**, ABC News, <http://gma.yahoo.com/officials-dozens-u-under-surveillance-potential-terror-threats-234106742--abc-news-topstories.html>

Twelve years after al Qaeda slaughtered nearly 3,000 Americans on U.S. soil, the FBI has under watch as many as 100 people inside the homeland suspected of being linked to or inspired by the terror group, intelligence and law enforcement officials told ABC News. ¶ Additionally, intelligence and law enforcement officials had anticipated -- even before April's Boston Marathon bombings -- that this approximate number of terror cases wouldn't change in the years ahead, even with arrests made, because of new cases expected to surface. ¶ Despite years of losses from drone strikes overseas and counter-terrorism operations inside the American homeland, the al Qaeda network still survives thanks in part to its American recruits. ¶ "I think that is the most disturbing thing, to see Americans switching sides and going over to the enemy," Rep. Michael McCaul, R-Texas, Chairman of the House Committee on Homeland Security, told ABC News. ¶ Some of the Americans that have gone over to al Qaeda have risen far enough in the ranks that in the years after the Twin Towers fell, often the public voice of the perpetrators of that horrible attack speak with an American accent. ¶ "America is absolutely awash with easily obtainable firearms," said Adam Yahiyeh Gadahn, a California Muslim convert, in a 2011 Al Qaeda video urging individual violent jihad. "So what are you waiting for?" ¶ Gadahn, who once tore up his U.S. passport on camera, is now in Al Qaeda's leadership in Pakistan, regularly producing videos in English and Arabic. He is the first American since the 1950's to be charged with treason, indicted in 2006. ¶ Gadahn is one of five Americans the U.S. has offered a total of \$21 million in rewards to help capture because they served under Osama Bin Laden or his henchmen. The five, however, are only a fraction of the number of Americans believed to be fighting for al Qaeda or one of its affiliates. ¶ Americans taunting their own countrymen -- or luring them into the fight -- is a new and troubling reality about the resilience of al Qaeda even after the killings of Osama bin Laden and Yemeni-American al Qaeda cleric and leader Anwar al-Awlaki two years ago. ¶ The accused American terrorists come from small towns and big cities, law enforcement officials told ABC News. They include a man who grew up on Monte Vista Road in Phoenix, 30-year-old U.S. Army veteran Eric Harroun. ¶ This year he became one of about a dozen Americans who authorities say are fighting in Syria with a group that has sworn allegiance to al Qaeda, called Jabhat al-Nusra. ¶ Harroun, who was lured out of the region by the FBI and charged with terrorism in a Virginia federal court, allegedly posted videos on Facebook of his adventures in Syria with fellow fighters, including one where he addressed Syria's president Bashar al-Assad, saying, "Where you go we will find out and kill you. Do you understand?" ¶ Eric Harroun's father says his son just fell in with the wrong people. ¶ "He's not any terrorist, not any more than I am," Darryl Harroun said in an interview today with ABC News from Phoenix. ¶ The younger Harroun is expected to go to trial in two months on terror charges. ¶ American recruits to al Qaeda are also showing up in other hot spots across the Middle East and Africa, intelligence sources said. ¶ "As an American citizen, I'm shocked. I'm amazed that something like that occurs," Shawn Henry, who retired last year as a senior FBI official, told ABC News. ¶ Henry, now an executive at the cyber security firm CrowdStrike, said Americans or "U.S. Persons" -- non-citizens who have lived here and have certain legal rights -- radicalized to violent Islamist extremism are "a minority," but the FBI's highest counterterrorism

priority.¶ "Once they get that into their blood, it's a threat," Henry said.¶ At least 50 young American men have been tracked to the al Qaeda group fighting in Somalia, al-Shabaab, where a young man from the small town of Daphne, Alabama, Omar Hammami, became a top commander.¶ "Our main objective, one of the things we seek for in this life of ours, is to die as martyrs," Hammami explained in one video, among numerous he made to help al-Shabaab draw Westerners into the fight.¶ More than 15 U.S. citizens have been killed fighting with al-Shabaab, and at least 20 remain unaccounted for in Somalia.¶ A new American voice in the Somali terror organization, the as yet unidentified "Abu Ahmed al-Amriki," appeared in a February video, said his countrymen should fight Western governments in Afghanistan, Somalia and Mali.¶ "America is going down and the Caliphate is rising," he said, brandishing an AK-47.¶ Hammami -- who remains committed to violent jihad despite a falling out with al-Shabaab leaders -- is now one of the five Americans with U.S. rewards ranging from \$1 to \$5 million on their head because of their alleged Al Qaeda leadership positions. Others are men from Waukesha, Wisconsin, Brooklyn, New York and Buffalo, New York.¶ For security reasons, the details of those 100 or so individuals under surveillance inside the U.S. are closely guarded, and both U.S. and European officials say they're focused on Westerners joining al Qaeda in places such as Syria, which is relatively easy to enter.¶ Asked via Twitter last March about those like him, who turn against America by joining al Qaeda affiliates such as al-Shabaab in Somalia, Hammami did not deny the threat they pose.¶ Somalia has "many muhajirs from U.S. And dangerous. True," tweeted @abumamerican, an account believed by U.S. officials to be Hammami's.

AT: Domestic Terrorism Decline

Bergen is wrong – domestic terrorism threat is not decreasing

Gartenstein-Ross 13 (Daveed, Senior Fellow at the Foundation for Defense of Democracies, adjunct assistant professor in Georgetown University's security studies program, and the author of Bin Laden's Legacy, "Is The Terrorist Threat Declining? The Use And Abuse Of Statistics," 12/16/13, <http://warontherocks.com/2013/12/is-the-terrorist-threat-declining-the-use-and-abuse-of-statistics/>)

Earlier this month, terrorism analyst Peter Bergen wrote at CNN that the declining number of jihadists indicted in the United States demonstrates that the domestic terrorist threat has "markedly declined over the past couple of years." His view is a counterpoint to the proclamations of Senate and House intelligence committee heads Sen. Dianne Feinstein (D.-Calif.) and Rep. Mike Rogers (R.-Mich.), who have claimed that the U.S. is no safer than it was in 2011. Who is right? Bergen, the head of the National Security Program at the New America Foundation (NAF), contends that though Feinstein and Rogers might be on firm ground in arguing that al-Qaeda is resurgent in the Middle East, a NAF study of jihadist militants shows a substantial decline in the number of indicted extremists since 2010. Bergen contends that this establishes a declining domestic threat: "The total number of such indicted extremists has declined substantially from 33 in 2010 to nine in 2013. And the number of individuals indicted for plotting attacks within the United States, as opposed to being indicted for traveling to join a terrorist group overseas or for sending money to a foreign terrorist group, also declined from 12 in 2011 to only three in 2013. Of course, a declining number of indictments doesn't mean that the militant threat has disappeared. One of the militants indicted in 2013 was Dzhokhar Tsarnaev, who is one of the brothers alleged to be responsible for the Boston Marathon bombings in April. But a sharply declining number of indictments does suggest that fewer and fewer militants are targeting the United States.... In short, the data on al-Qaeda-linked or -influenced militants indicted in the United States suggests that the threat of terrorism has actually markedly declined over the past couple of years." Here's the interesting thing, to me, about Bergen's analysis: it depends almost entirely on how one reads a sudden spike in homegrown terrorist cases that occurred in 2009-10. Exactly four years ago, in December 2009, Bergen's view of the homegrown terrorist threat, based on the sudden rise in cases we were then experiencing, was that "there is no denying it is increasing." He explained that a trend toward more homegrown jihadism "is just a fact," since the phenomenon had "sort of grown exponentially in the last two years." In other words, Bergen assessed at the time that the rising cases weren't aberrant, but rather part of a trend of increased homegrown jihadist violence that would continue. At the time, I disagreed in print with Bergen's confidence that we were seeing a definite trend toward a persistently higher number of homegrown terrorism cases. Now that the 2009-10 spike in cases has receded, Bergen argues just as confidently that we are safer. I disagree with this conclusion, too. Much of our disagreement boils down to differences between my methodology of interpreting statistics and Bergen's. In turn, this discussion has implications for broader efforts to assess U.S. counterterrorism policies: are we drawing the right lessons from the statistics and evidence that we gather, or are we being fooled by our own numbers?

The 2009-10 Spike in Homegrown Terrorist Cases 2009 saw almost twice as many people in the U.S. indicted for illegally supporting the jihadist cause as any previous year. According to NAF's database of homegrown terrorism cases, there were 43 such cases in 2009, when the highest number in any other year since the 9/11 attacks had been 23, in 2003. The following year, in 2010, the number of homegrown jihadist terrorism cases declined to 34, but that still represented more such cases than any year but 2009. As previously noted, Bergen viewed this sudden spike in homegrown terrorist cases at the time as an undeniable increase in the threat. I wasn't so sure. In an article I published in the summer of 2010, I concluded that it wasn't "clear that homegrown terrorism is increasing," for two reasons. The first was that the perceived spike could be based on changes in policing strategies and tactics. If authorities started making arrests at a different point relative to a suspect undertaking illegal activities, that could artificially trigger perceptions of a major increase in homegrown terrorists; and so too could an increase in the number of sting operations. Second, I raised the possibility that this could be a statistical aberration: "Another possibility is that the current rash of homegrown terror cases is an aberration. In a statistical sequence measured over the course of years (such as weather patterns or a baseball player's career), aberrant sequences will frequently arise. A spike or precipitous decline in numbers does not mean the numerical trajectory will extend indefinitely. For example, an unusually cold May does not mean that July will also be unusually cold. While in the middle of an unusual statistical sequence, it can be hard to have perspective; and in five years, 2009-2010 may seem exceptional in terms of the level of homegrown terrorist activity, rather than the beginning of a new trend." Now that five years have passed since the onset of that spike in cases, it appears to have been just that, an aberrational sequence. And we can pinpoint the precise development that drove the 2009-10 rise in cases: the Somalia war. In December 2008, the U.S. media first reported authorities' discovery that more than a dozen young Somali men from Minnesota's Twin Cities area (which has the U.S.'s largest Somali community) had disappeared, going abroad to join jihadist groups in Somalia. They decided to fight there after Ethiopia's U.S.-backed invasion of Somalia in 2006, which was designed to shore up the country's U.N.-recognized transitional federal government and push back its main adversary, the Islamic Courts Union. In addition to the young men being driven by nationalist sentiments, jihadist recruiters focused their efforts on the Twin Cities area—a somewhat unique dynamic for domestic terrorist cases, the vast majority of which do not feature recruiters from any established militant organization. Thereafter, domestic law enforcement made apprehension of the young men who went to fight abroad, and the networks encouraging and supporting them, a top priority. Terrorism-related indictments increased as a result: the NAF dataset suggests that 14 indictments in 2009 and 16 in 2010 were related to the Somalia conflict. If you subtract these figures from the number of total indictments for both years, the numerical spike becomes less extreme, with only 29 indictments in 2009 and 18 in 2010 that were unrelated to the Somalia war. Though 2009 still would have a higher number of indictments than any year preceding it even with the adjusted figures, 2010 would be more in line with the numbers from previous years, featuring fewer terrorism indictments than either 2003 or 2006. As recruiting for the Somalia conflict has declined, the number of indictments has also gone down. So the question remains: how do we interpret the lower numbers we are seeing now? Has the threat of homegrown terrorism "markedly declined," as Bergen insists, or is there a better way to understand the number of homegrown jihadist cases that we have seen

in 2012-13? The Longer View Fortunately, there has always been a relatively small number of homegrown jihadist terrorism cases in the United States. The fact that these numbers are small should make us hesitant to infer too much from numerical fluctuations. Take a look at the number of homegrown jihadists who have been indicted or killed by year, per the NAF database: 2002: 16 2003: 23 2004: 8 2005: 12 2006: 19 2007: 16 2008: 6 2009: 43 2010: 34 2011: 22 2012: 7 2013: 10 Bergen asserted that there had been nine indictments this year, but his article came out before Terry Loewen's arrest, which pushes the number to ten. Looking at the full data by year, it's not clear that there is a declining threat. Ten indictments in 2013 is three more than there were last year; it's also a higher number than we saw in either 2004 or 2008. Indeed, there were only six such cases in 2008—the year *before* we saw the sudden jump to forty-three indictments. In fact, rather than basing our assessment on indictments, there's an entirely different statistic for measuring whether we face a declining threat: the number of people killed or injured by homegrown terrorists in the U.S. in any given year. That number was zero in 2011, while in 2013 three people were killed and 264 injured (in the Boston bombings). The bottom line is that it's perilous to infer too much from the data when the numbers in question are rather small, because small numbers makes it extraordinarily difficult to measure trends reliably. All it takes is one unusual development—such as the outbreak of war in Somalia, and its resulting impact on Minneapolis-St. Paul—to make it appear that everything has changed from a numerical perspective. There is thus little proof that “the threat of terrorism has actually markedly declined over the past couple of years.” The core problem with Bergen's use of statistics is evident when you compare his analysis in 2009 with his assessment today: his methodology is prone to perceiving a significant change in the level of threat based upon the direction that the numerical trend line is pointing at any given time. If the number of indictments doubled to twenty next year, by Bergen's established methodology the threat would seem to be increasing again—even though the absolute numbers would still be lower than 2003, 2009, 2010, or 2011. In attempting to determine whether we are grappling with an increasing or declining threat, it's important to view the most recent data in as broad a context as possible. We should be wary of any method of statistical interpretation wherein temporary fluctuations in one direction or another can be mistaken for massive shifts in the threat we confront.

AT: State Sponsorship of Terrorism Decreasing

Terrorists don't need state sponsors

Stephen D. Collins, 2014 is an associate professor of political science and international affairs at Kennesaw State University. His research focuses on terrorism, economic statecraft, democracy and human rights, conflict resolution, and nuclear proliferation. He is the author of, *inter alia*, "Dissuading State Support of Terrorism: Strikes or Sanctions? An Analysis of Dissuasion Measures Employed Against Libya," *Studies in Conflict and Terrorism* 27 (1): 2014. Stephen D. Politics & Policy. Feb2014, Vol. 42 Issue 1, p131-159

State sponsorship of terrorism is today in an attenuated position—weaker than at any point in modern history. Furthermore, the terrorist organizations that currently represent the greatest threat to civilian populations are far less reliant on state support than terrorist groups in the earlier phases. Indeed, al Qaeda and its affiliated jihadist groups operate essentially independent from any state support. A variety of factors explain why terrorist groups have been able to remain operationally effective without the aid of state patrons. First, the communications revolution of the late twentieth century has permitted terrorist networks to reduce their previous reliance on the geographic proximity of members. Just as the Internet, e-mail, and inexpensive telephony have enabled myriad businesses to situate their employees in globally disparate locations, these technological agents of globalization have also enabled terrorist leaders to operate sophisticated terrorist organizations with agents dispersed across thousands of miles. Thus there is a diminished need today for a physical base of operations for training, planning, and collaboration. Second, terrorists groups such as al Qaeda have developed their own streams of revenue by engaging in smuggling and other forms of illicit commerce—including the trade in drugs and conflict resources—and have also generated large sums through fraudulent charity schemes. Third, the relaxation of border controls has facilitated the flow of terrorist operatives among their home countries, the headquarters of terrorist organizations, and target countries.

State sponsorship has played a significant role in supporting terrorism

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While generally not the ultimate cause of terrorism, state sponsorship of terrorist organizations has played a significant role in facilitating the terrorist violence witnessed in the international system over the past half century (Council on Foreign Relations 2013). State sponsorship encompasses a variety of assistance measures including, *inter alia*, arms, safe haven, financing, training, intelligence, and diplomatic cover. The succor provided by state sponsors facilitates

terrorist groups' planning, training, communications, transit, and logistics in support of specific attacks. These benefits allow for increased sophistication in terror plots, which lead to more lethal attacks. State sponsorship, therefore, can represent a significant facilitating variable with respect to international terrorism, and it can amplify the frequency and lethality of attacks.

A2: Al Qaeda Threat Decreasing

Affiliates as strong as ever

Noah **Rotham**, Mediaite, May 19, 2014

FBI Director: More, Stronger Al Qaeda Affiliates 'Than I Appreciated' <http://rt.com/usa/160004-fbi-comey-al-qaeda/> DOA: 3-5-15

Al Qaeda's affiliates are both stronger and more prolific than previously anticipated, FBI director James Comey told the New York Times[1] on Monday. While the Times noted that some expected Comey to be the first post-9/11 FBI director to redirect his focus away from terrorism, he clarified that Islamic radicalism is as potent a force as ever. 'I didn't have anywhere near the appreciation I got after I came into this job just how virulent those affiliates had become,' Comey told the Times when asked if he thought the threat of al Qaeda-related terrorism had diminished. Referring to the terror group's affiliates in Africa and the Middle East, Comey said that the threat of terrorism against American interest sis as present as ever. 'There are both many more than I appreciated, and they are stronger than I appreciated,' he confessed.

Al Qaeda has adapted and decentralized

MATTHEW OLSEN, Director, National Counterterrorism Center, March 6, 2014, Hearing of the Senate Foreign Relations Committee Subject: "Syria Spillover: The Growing Threat of Terrorism and Sectarianism in the Middle East" Thank you very much, Chairman, and members of the committee. I think it was about a year ago I was here to talk about threats in North Africa. So I appreciate the opportunity to be here again to represent NCTC and to talk a little bit about the threats we face in the Levant. And I'm particularly pleased to be here with two of our key partners, Deputy Secretary of State Burns and Assistant Secretary of Defense Chollet. So as you are aware, we continue to face terrorist threats to the United States and to our interests overseas, particularly in parts of South Asia and the Middle East and Africa. But it's the current conflict in Syria and the regional instability in the Levant that stand out for me as areas of particular concern. I do think it's important to consider Syria in the context of the global terrorist movement. In the face of what's been sustained counterterrorism pressure, core al-Qaida has adapted. They've adapted by becoming more decentralized and shifting away from the large-scale plotting that was exemplified in the attacks of September 11th. al-Qaida has modified its tactics and looked to conduct simpler attacks that don't require the same degree of resources and training and command and control. So today, we're facing a wider -- a wider array of threats in a greater variety of locations across the Middle East and around the world. In comparison to the al-Qaida plots that emanated from the tribal areas of Pakistan a few years ago, these smaller and these less sophisticated plots are often more difficult for us to detect and disrupt and that's put even greater pressure on us to work closely with our partners here at the table, across the federal government and around the world. So turning to Syria, Syria has become the preeminent location for al-Qaida-aligned groups to recruit and to train and to equip what is now a growing number of extremists, some of whom seek to conduct external attacks. In addition, Iran and Hezbollah, as you pointed out, are committed to defending the Assad regime

including sending billions of dollars in military and economic aid, training pro-regime and Iraqi Shia militants and deploying their own personnel into the country. Now, from a terrorism perspective, the most concerning development is that al-Qaida has declared Syria its most critical front and has called for extremists to fight against the regime in Syria. So what we've seen is that thousands of fighters from around the world, including hundreds from the West have traveled to Syria and many of them have joined with established terrorist groups in Syria. This raises our concern that radicalized individuals with extremist contacts and battlefield experience could return to their home countries to commit violence at their own initiative or participate in al-Qaida-directed plots aimed at Western targets outside of Syria. What we've seen is a coalescence in Syria of al-Qaida veterans from Afghanistan and Pakistan as well as extremists from other hotspots such as Libya and Iraq. These extremists bring a wide range of contacts and skills as well as battlefield experience and they're able to exploit what has become a permissive environment from which to plot and train. Shifting briefly to Lebanon, one of the continuing effects of the Syrian conflict will be the instability in Lebanon in the upcoming year. I recently traveled to Lebanon and Jordan and the impacts of the continuing conflict in Syria continue to be of great concern to officials in the region. Hezbollah publicly admitted last spring that it is fighting for the Syrian regime and has framed the war as an act of self-defense against Western-backed Sunni extremists. The group is sending capable fighters for pro-regime operations and support for a pro-regime militia. In addition, Iran and Hezbollah are using allied Iraqi Shia groups to participate in counter-opposition operations. And this active support to the Assad regime is of course driving increased Sunni extremist attacks and sectarian violence. In short, the various factors contributing to instability in Lebanon are only exacerbated by the protracted conflict in Syria.

Groups associated with Al Qaeda have increased activity

Central Asia General Newswire, April 9, 2014 Radical Islam followers from Europe, Central Asia fight for Syrian militants - Bortnikov

Federal Security Service Director Alexander Bortnikov has reaffirmed the global nature of terrorism threats. "The terrorism threat became global a rather long time ago. Although the core of Al Qaeda has reduced its activity, associated militant groups demonstrate the capacity for autonomous and aggressive actions," Bortnikov said on Wednesday in Krasnaya Polyana, Sochi, at the 13th conference of chiefs of foreign security services and law enforcement agencies - partners of the Federal Security Service. The armed conflict in Syria has galvanized into action destructive forces throughout the Middle East, the Russian counterintelligence chief stated. "Local rings are being joined by radical Islam followers from Europe, Central Asia, the South Caucasus and Russia. They are trained in special camps and engage in the hostilities. The return of persons experienced in sabotage and the creation of covert organizations to their countries of origin leads to the spread and actualization of the terrorism threat," Bortnikov said. A complex situation is taking shape in the Afghan-Pakistani zone where terrorist groups, primarily the Taliban, the Turkestan Islamic Party and the Pakistani Taliban, have lately bolstered their combat potential, he noted. The forthcoming partial pullout of coalition forces from Afghanistan builds up the threat of destabilization in neighboring countries, Bortnikov said

Al Qaeda spillover from Syria

SENATOR ROBERT **MENENDEZ** (D-NJ), March 6, 2014, Hearing of the Senate Foreign Relations Committee Subject: "Syria Spillover: The Growing Threat of Terrorism and Sectarianism in the Middle East"

As we enter the year three of the Syria crisis, headlines coming out of the region are no longer limited to the violence within Syria, but to the increasing spread of violence across Syria's borders, especially into Lebanon and Iraq. Of great concern is the proliferation of al-Qaida affiliates and splinter groups and the increasing sectarian rhetoric fueling the increase of violence that offers new opportunities for al-Qaida to gain footholds in local communities. It opens the door for an Iranian-sponsored terrorist network to justify their presence as the protector of the region's Shias while bolstering the Assad regime and antagonizing Arab states. The spillover from Syria is dangerous and troubling. In Lebanon, there's been an alarming uptick in high-profile bombings, many claimed by the al-Qaida-affiliated Abdullah Azzam Brigades. And at the same time, Hezbollah, purportedly protecting the Lebanese Shia community, has now extended into Syria, protecting the Assad regime.

Threat from affiliates still strong

China Today, April 15, 2014, Cooperate to counter terrorism challenges

The recent terrorist attacks in Afghanistan, Pakistan, China and elsewhere have demonstrated that the global fight against terrorism is far from over, and it still faces many challenges. After the death of Osama bin Laden, the threat posed by al-Qaida as a global terrorist organization has declined. However, the threat posed by its affiliates still persists. The al-Qaida threat continues to diversify, with numerous loosely linked affiliates and associated radical individuals and cells innovating with regard to their targets, tactics and technology. Terrorism is still around. For example, the risk of attacks by al-Qaida affiliates across the Sahel persists. Al-Qaida in the Arabian Peninsula continues to be a strong factor affecting the security situation in Yemen. Al-Shabaab remains a serious threat to the security of the region. In Syria, an affiliate of al-Qaida in Iraq has gained influence and recruits from it are fighting in the civil war. With the deadline for the withdrawal of US troops from Afghanistan in 2014 approaching, it is hard to tell whether the situation in Afghanistan will be better or worse. Al-Qaida and the Taliban, taking refuge in the mountainous areas along the border between Afghanistan and Pakistan, may take advantage of the United States' withdrawal to launch attacks. Afghan troops and law enforcement forces still lack the capability to keep the situation under full control. The shutdown of US embassies last year in many parts of the world is a demonstration of the severe threat of terrorism. The Boston Bombing incident also showed that individuals can pose a serious threat to peace and security. Recent terrorist attacks in China alerted people once again to the threat of terrorism. All these have shown that terrorism is still one of the most serious threats to peace and security. Terrorist attacks are spreading, becoming more isolated and hi-tech. The international community should work together to prevent and combat terrorism in all its forms and manifestations. Any acts of terrorism are criminal acts and unjustifiable regardless of their motivations, whenever and by whomsoever committed.

A2: Al Qaeda Leaders Killed

Al Qaeda has lots of talent and leaders easily replaceable

Thomas **Joscelyn**, May 20, 2014, Al Qaeda in Afghanistan and Pakistan: An Enduring Threat, Testimony,

http://www.longwarjournal.org/archives/2014/05/al_qaeda_in_afghanis.php# (Thomas Joscelyn is the Senior Editor of The Long War Journal. Thomas is a senior fellow at the Foundation for Defense of Democracies (FDD). He is also the executive director of the Center for Law and Counterterrorism at FDD. He is a terrorism analyst, economist, and writer living in New York. Most of Thomas's research and writing has focused on how al Qaeda and its affiliates operate around the world. He is a regular contributor to the Weekly Standard and its online publications, the Daily Standard and Worldwide Standard. His work has also been published by National Review Online, the New York Post, and other media outlets. Thomas is the author of Iran's Proxy War Against America, a short book published by the Claremont Institute that details Iran's decades-long sponsorship of America's terrorist enemies. He makes regular appearances on radio programs around the country and has appeared on MSNBC and FOX News. In 2006 he was named one of the Claremont Institute's Lincoln Fellows. Thomas served as the senior terrorism adviser for Mayor Rudolph Giuliani's 2008 presidential campaign. He holds a Bachelor of Arts degree in Economics from the University of Chicago.) Al Qaeda is, at its heart, a clandestine organization, but careful analysis reveals that it has a deep bench of talent from which it draws. Since its founding in 1988, the organization has attempted to conceal its operations. This has made it difficult to assess some very basic aspects of al Qaeda. The group does not, for instance, publish an organizational chart or make its total roster known. If you watch al Qaeda carefully enough, however, you can see that the group has consistently replaced top leaders lost in the 9/11 wars. In some cases these replacements are not as competent, while in other cases they may even surpass their fallen comrades. Nasir al Wuhayshi, the aforementioned general manager of al Qaeda, is a seasoned veteran who replaced others in that role after they were killed or captured. Wuhayshi is, by all appearances, an all too competent leader. Still, the American-led counterterrorism effort has certainly disrupted al Qaeda's international network, delivering severe setbacks in some areas. Al Qaeda's problems with ISIS stem, to a large degree, from the fact that the U.S. and its allies took out its predecessor organization's top leadership in 2010. The leaders of the Islamic State of Iraq (ISI) were loyal to al Qaeda's "general command" but were replaced with leaders who had not been vetted by al Qaeda's senior leaders. One of the interesting things about the infighting between the ISIS and Al Nusra is that it has led al Qaeda to identify several leaders who were previously unknown to the public. The leaders were identified because they were called as witnesses against ISIS, relying on their established jihadist pedigrees to give them credibility. Some of these leaders have dossiers that stretch back decades, but no one was talking about them until they appeared on screen. This same phenomenon happens all the time. Al Qaeda leaders who were previously unknown are identified in either the "general command" or the regional branches. This dynamic leads to a significant epistemological problem. U.S. officials, under both the Bush and Obama administrations, have repeatedly claimed to have decimated al Qaeda after a certain number of leaders of the

organization were either killed or captured. Part of the reason these assessments have been flawed is that al Qaeda has a "deep bench" to draw from, both from within its own organization and allied groups. Al Qaeda is constantly in the process of recruiting new talent as well. In Pakistan and Afghanistan today, al Qaeda likely has a significant cadre of leaders who have not been publicly identified. The roles played by other, publicly identified operatives are not widely understood either. For instance, a cursory review of *Vanguards of Khorasan*, an al Qaeda publication, reveals numerous leaders who are not regularly discussed.

A2: ISIS Can't Succeed/No Positive Mission

Support for ISIS in Iraq

Lee Ferran, February 25, 2015, ABC News, "ISIS Trail of Terror,"

<http://abcnews.go.com/WN/fullpage/isis-trail-terror-isis-threat-us-25053190> DOA: 3-1-15

ISIS saw a series of successes as it has cut its way from Syria into Iraq and towards Baghdad using a combination of military expertise and unimaginable brutality. Social media accounts associated with ISIS have published disturbing videos purportedly showing ISIS fighters taunting, torturing and executing scores of unarmed prisoners. In addition, former senior U.S. military officials who served in Iraq and helped train the Iraqi security forces said that ISIS has been able to take advantage of government forces who lack the motivation to put up a good fight against ISIS in some areas. The Iraqi government and much of its military officer corps are mostly made up of Shi'a Muslims, whereas much of the areas ISIS has retained in Iraq are predominantly Sunni, like ISIS — meaning the Iraqi military forces are often operating in areas where the local population may be more willing to tolerate, or even support ISIS. ISIS has also built relations of convenience with disgruntled local Sunni tribes and ex-Baathists who have felt marginalized and disenfranchised by the government in Baghdad, which has been accused of favoring Shi'as.

A2 ISIS No means

ISIS is worth \$2 billion

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

ISIS likely retained assets of at least \$875 million prior to seizing Mosul.² Judging by the scale of American-made Iraqi military equipment captured in June and that IS was assessed to be earning \$2 million per day by smuggling oil from Iraq and Syria by September, IS represents a formidable militant organization likely worth close to \$2 billion.

ISIS financially self-sufficient

Charles Lister, Brookings Doha Center, December 2014, Profiling the Islamic State, http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling-islamic-state-lister/en_web_lister.pdf?la=en DOA: 3-1-15

One aspect of IS's internal structure and policymaking mechanisms that has proven decisive in enabling expansion is its generation of income. IS has been almost entirely self-financed since at least 2005 and according to the U.S. Department of Defense database, external funding to AQI, MSM, and ISI between 2005 and 2010 amounted to no more than five percent of its total "income."⁵⁴ After assuming ISI leadership in 2010, Baghdadi established a financial command council and Mosul cemented its role as a principal source of income.⁵⁵ By 2014, a complex extortion network there was generating \$12 million per month. Notwithstanding a potential increase in private financial support following IS's increased public prominence, the simultaneous expansion in income-earning capacity makes it likely that the group has continued to be financially self-sufficient.

Terrorism –Michigan

1NC

Terror threats are mounting

Bolton 2015 (John R [served as the US Permanent Representative to the UN and as Under Secretary of State for Arms Control and International Security]; NSA activities key to terrorism fight; Apr 28; www.aei.org/publication/nsa-activities-key-to-terrorism-fight/; kdf)

After six years of President Obama, however, trust in government is in short supply. It is more than a little ironic that Obama finds himself defending the NSA (albeit with obvious hesitancy and discomfort), since his approach to foreign and defense issues has consistently reflected near-total indifference, except when he has no alternative to confronting challenges to our security. Yet if harsh international realities can penetrate even Obama's White House, that alone is evidence of the seriousness of the threats America faces. In fact, just in the year since Congress last considered the NSA programs, the global terrorist threat has dramatically increased. ISIS is carving out an entirely new state from what used to be Syria and Iraq, which no longer exist within the borders created from the former Ottoman Empire after World War I. In already-chaotic Libya, ISIS has grown rapidly, eclipsing al-Qaeda there and across the region as the largest terrorist threat. Boko Haram is expanding beyond Nigeria, declaring its own caliphate, even while pledging allegiance to ISIS. Yemen has descended into chaos, following Libya's pattern, and Iran has expanded support for the terrorist Houthi coalition. Afghanistan is likely to fall back under Taliban control if, as Obama continually reaffirms, he withdraws all American troops before the end of 2016. This is not the time to cripple our intelligence-gathering capabilities against the rising terrorist threat. Congress should unquestionably reauthorize the NSA programs, but only for three years. That would take us into a new presidency, hopefully one that inspires more confidence, where a calmer, more sensible debate can take place.

Government surveillance critical to prevent terror attacks

Sulmasy, 13 --- Professor of Law and Governmental Affairs Officer at Coast Guard Academy (6/10/2013, Glenn, "Why we need government surveillance," <http://www.cnn.com/2013/06/10/opinion/sulmasy-nsa-snowden/>, JMP)

The current threat by al Qaeda and jihadists is one that requires

aggressive intelligence collection and efforts. One has to look no further than the disruption of the New York City subway bombers (the one being touted by DNI Clapper) or the Boston Marathon bombers to know that the war on al Qaeda is coming home to us, to our citizens, to our students, to our streets and our subways.

This 21st century war is different and requires new ways and methods of gathering information. As technology has increased, so has our ability to gather valuable, often actionable, intelligence. However, the move toward "home-grown" terror will necessarily require, by accident or purposefully, collections of U.S. citizens' conversations with potential overseas persons of interest.

An open society, such as the United States, ironically needs to use this technology to protect itself. This truth is naturally uncomfortable for a country with a Constitution that prevents the federal government from conducting "unreasonable searches and seizures." American historical resistance towards such activities is a bedrock of our laws, policies and police procedures.

But what might have been reasonable 10 years ago is not the same any longer. **The constant armed struggle against the jihadists** has adjusted our beliefs on what we think our government can, and must, do in order to protect its citizens.

Terrorist attacks escalate – killing billions

Myhrvold 2014 (Nathan P [chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft]; Strategic Terrorism: A Call to Action; cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf; kdf)

Technology contains no inherent moral directive—it empowers people, whatever their intent, good or evil. This has always been true: when bronze implements supplanted those made of stone, the ancient world got scythes and awls, but also swords and battle-axes. The novelty of our present situation is that modern technology can provide small groups of people with much greater lethality than ever before. We now have to worry that private parties might gain access to weapons that are as destructive as—or possibly even more destructive than— those held by any nation-state. A handful of people, perhaps even a single individual, could have the ability to kill millions or even billions. Indeed, it is possible, from a technological standpoint, to kill every man, woman, and child on earth. The gravity of the situation is so extreme that getting the concept across without seeming silly or alarmist is challenging. Just thinking about the subject with any degree of seriousness numbs the mind. The goal of this essay is to present the case for making the needed changes before such a catastrophe occurs. The issues described here are too important to ignore. Failing nation-states—like North Korea—which possess nuclear weapons potentially pose a nuclear threat. Each new entrant to the nuclear club increases the possibility this will happen, but this problem is an old one, and one that existing diplomatic and military structures aim to manage. The newer and less understood danger arises from the increasing likelihood that stateless groups, bent on terrorism, will gain access to nuclear weapons, most likely by theft from a nation-state. Should this happen, the danger we now perceive to be coming from rogue states will pale in comparison. The ultimate response to a nuclear attack is a nuclear counterattack. Nation states have an address, and they know that we will retaliate in kind. Stateless groups are much more difficult to find which makes a nuclear counterattack virtually impossible. As a result, they can strike without fear of overwhelming retaliation, and thus they wield much more effective destructive power. Indeed, in many cases the fundamental equation of retaliation has become reversed. Terrorists often hope to provoke reprisal attacks on their own people, swaying popular opinion in their favor. The aftermath of 9/11 is a case in point. While it seems likely that Osama bin Laden and his henchmen hoped for a massive overreaction from the United States, it is unlikely his Taliban hosts anticipated the U.S. would go so far as to invade Afghanistan. Yes, al-Qaeda lost its host state and some personnel. The damage slowed the organization down but did not destroy it. Instead, the stateless al-Qaeda survived and adapted. The United States can claim some success against al-Qaeda in the years since 9/11, but it has hardly delivered a deathblow. Eventually, the world will recognize that stateless groups are more powerful than nation-states because terrorists can wield weapons and mount assaults that no nationstate would dare to attempt. So far, they have limited themselves to dramatic tactical terrorism: events such as 9/11, the butchering of Russian schoolchildren, decapitations broadcast over the internet, and bombings in major cities. Strategic objectives cannot be far behind.

****Links**

2NC must read

Threats are real and our scholarship is sound – surveillance is the key tool in preventing attacks

-AT: Terror Talk- the risk of a terrorist attack is enough that we need to have discussions about particular groups

-AT: No Threats- Al Qaeda, Hamas, Hezbollah, and ISIS disagree, as they splinter they become more difficult to stop

-Surveillance Key- “The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems”

Lewis 2014 (James Andrew [senior fellow and director of the Strategic Technologies Program at CSIS]; Underestimating Risk in the Surveillance Debate; Dec; http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf; kdf)

The phrase “terrorism” is overused, and the threat of terrorist attack is easily exaggerated, **but that does not mean this threat is nonexistent.** Groups and individuals still plan to attack American citizens and the citizens of allied countries. The dilemma in assessing risk is that it is discontinuous. There can be long periods where no activity is apparent, only to have the apparent calm explode in an attack. The constant, low-level activity in planning and preparation in Western countries is not apparent to the public, nor is it easy to identify the moment that discontent turns into action. There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.²⁴ European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.²⁵ The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.²⁶ If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences. A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia. Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces. **The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems,** nationally and in cooperation with others, including the United States, **to detect and prevent potential attacks.** Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new “front” for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets. ²⁷ The incidence of attacks in the United States or Europe is very low,

but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational difficulties. **these attacks are the threat that mass surveillance was created to prevent.** The needed reduction in public anti-terror measures without increasing the chances of successful attack is contingent upon maintaining the capability provided by communications surveillance to detect, predict, and prevent attacks. Our opponents have not given up; neither should we.

2NC Perception Trick

Independently, the perception of widespread surveillance is crucial to deter effective terrorist communication --- the plan emboldens effective regrouping

Rascoff 14 [Samuel J. Rascoff, Associate Professor of Law, Faculty Director, Center on Law and Security, New York University School of Law, "COUNTERTERRORISM AND NEW DETERRENCE," 2014]

An open question - an answer to which requires more empirical data - is whether the government's prosecution of relatively amateur would-be terrorists based on stings is likely to be effective in deterring better-trained terrorists. n109 But it bears remembering that the viability [*855] of the deterrence-based account of stings does not depend on who is prosecuted. The mere fact of prosecution can alter terrorists' perceptions of future success by implying a pervasive surveillance network n110 facilitated by technology. n111 As Alex Wilner observed of Canadian counterterrorism, the fact that the country's "intelligence community clearly has the means and the tools to uncover plots expeditiously" creates an "overwhelming perception ... that terrorists are unlikely to evade Canada's watchful eye." n112 In sum, the meaning of a sting operation and subsequent trial must include the strategic benefits of revealing the fact of undercover surveillance as well as the normative costs implied by widespread surveillance. n113 This in turn illustrates the [*856] complicated relationship between transparency and secrecy entailed by new deterrence. C. Psychology and Strikes New deterrence also enriches understanding of the role of fear and emotion in counterterrorism. Terrorism aims at communicating vulnerability and sowing distrust; violent attacks are, in a sense, means to bring about these more intangible objectives. n114 (Thus, building sufficient social resiliency to withstand terrorist attacks, as new deterrence counsels, deprives terrorists of an important goal, even when an attack succeeds. n115) But fear n116 and distrust are also part of the counterterrorism repertoire. n117 Inevitably this fact raises serious [*857] normative issues. First is the foundational question of what it means for the state to manage terrorist risk through the potentially widespread, deliberate employment of fear. n118 Rich sociological and historical literature attest to the emotional costs of aggressive national security tactics. n119 Second is a concern about the distribution of fear and whether the government considers race and religion when employing it. n120 My central point here, however, is not normative so much as conceptual: Whereas policymakers, lawyers, and the general public often define counterterrorism as the sum of so many violent interventions, new deterrence reminds us that counterterrorism also operates in a psychological register. Unlike traditional deterrence, which conveys its message through fear of being caught and punished, new deterrence relies on a wider and subtler range of official modalities that go to the likelihood of terrorist success. For example, the government may aim to demoralize an adversary by telegraphing the state's overwhelming might. The state might do so by "spreading false or exaggerated rumors of the [*858] existence of sting operations," n121 sowing a sense of distrust within a cell by implying that one among them is on an official payroll, or even conveying an image of officials as irrational and prone to unmeasured violence. n122

Link: Generic

Surveillance is the only method to stop terrorist attacks

Sanger and Shanker 2013 (David E and Thom; NSA Director firmly defends surveillance efforts; Oct 12; www.nytimes.com/2013/10/13/us/nsa-director-gives-firm-and-broad-defense-of-surveillance-efforts.html; kdf)

FORT MEADE, Md. — The director of the National Security Agency, Gen. Keith B. Alexander, said in an interview that to prevent terrorist attacks he saw no effective alternative to the N.S.A.'s bulk collection of telephone and other electronic metadata from Americans. But he acknowledged that his agency now faced an entirely new reality, and the possibility of Congressional restrictions, after revelations about its operations at home and abroad. While offering a detailed defense of his agency's work, General Alexander said the broader lesson of the controversy over disclosures of secret N.S.A. surveillance missions was that he and other top officials have to be more open in explaining the agency's role, especially as it expands its mission into cyberoffense and cyberdefense. Gen. Keith Alexander, the director of the National Security Agency, testified on Thursday before the Senate Intelligence Committee. N.S.A. Gathers Data on Social Connections of U.S. Citizens SEPT. 28, 2013 "Given where we are and all the issues that are on the table, I do feel it's important to have a public, transparent discussion on cyber so that the American people know what's going on," General Alexander said. "And in order to have that, they need to understand the truth about what's going on." General Alexander, a career Army intelligence officer who also serves as head of the military's Cyber Command, has become the public face of the secret — and, to many, unwarranted — government collection of records about personal communications in the name of national security. He has given a number of speeches in recent weeks to counter a highly negative portrayal of the N.S.A.'s work, but the 90-minute interview was his most extensive personal statement on the issue to date. Speaking at the agency's heavily guarded headquarters, General Alexander acknowledged that his agency had stumbled in responding to the revelations by Edward J. Snowden, the contractor who stole thousands of documents about the N.S.A.'s most secret programs. But General Alexander insisted that the chief problem was a public misunderstanding about what information the agency collects — and what it does not — not the programs themselves. "The way we've explained it to the American people," he said, "has gotten them so riled up that nobody told them the facts of the program and the controls that go around it." But he was firm in saying that the disclosures had allowed adversaries, whether foreign governments or terrorist organizations, to learn how to avoid detection by American intelligence and had caused "significant and irreversible damage" to national security. General Alexander said that he was extremely sensitive to the power of the software tools and electronic weapons being developed by the United States for surveillance and computer-network warfare, and that he set a very high bar for when the nation should use them for offensive purposes. "I see no reason to use offensive tools unless you're defending the country or in a state of war, or you want to achieve some really important thing for the good of the nation and others," he said. Those comments were prompted by a document in the Snowden trove that said the United States conducted more than 200 offensive cyberattacks in 2011 alone. But American officials say that in reality only a handful of attacks have been carried out. They say the erroneous estimate reflected an inaccurate grouping of other electronic missions. But General Alexander would not discuss any specific cases in which the United States had used those weapons, including the best-known example: its years-long attack on Iran's nuclear enrichment facility at Natanz. To critics of President Obama's administration, that decision made it easier for China, Iran and other nations to justify their own use of cyberweapons. General Alexander, who became the N.S.A. director in 2005, will retire early next year. The timing of his departure was set in March when his tour was extended for a third time, according to officials, who said it had nothing to do with the surveillance controversy spawned by the leaks. The appointment of his successor is likely to be a focal point of Congressional debate over whether the huge infrastructure that was built during his tenure will remain or begin to be restricted. Senator Patrick J. Leahy, a Vermont Democrat who leads the Senate Judiciary Committee, has already drafted legislation to eliminate the N.S.A.'s ability to systematically obtain Americans' calling records. And Representative Jim Sensenbrenner, a Wisconsin Republican and co-author of the Patriot Act, is drafting a bill that would cut back on domestic surveillance programs. General Alexander was by turns folksy and firm in the interview. But he was unapologetic about the agency's strict culture of secrecy and unabashed in describing its importance to defending the nation. He insisted that it would have been impossible to have made public, in advance of the revelations by Mr. Snowden, the fact that the agency collected what it calls the "business records" of all telephone calls, and many other electronic communications, made in the United States. The agency is under rules preventing it from investigating that so-called haystack of data unless it has a "reasonable, articulable" justification, involving communications with terrorists abroad, he added. But he said the agency had not told its story well. As an example, he said, the agency itself killed a program in 2011 that collected the metadata of about 1 percent of all of the e-mails sent in the United States. "We terminated it," he said. "It was not operationally relevant to what we needed." However, until it was killed, the N.S.A. had repeatedly defended that program as vital in reports to Congress. Senior officials also said that one document in the Snowden revelations, an agreement with Israel, had been misinterpreted by those who believed that it meant the N.S.A. was sharing raw intelligence data on Americans, including the metadata on phone calls. Officials said the probability of American content in the

shared data was extremely small. General Alexander said that confronting what he called the two biggest threats facing the United States — terrorism and cyberattacks — would require the application of expanded computer monitoring. In both cases, he said, he was open to much of that work being done by private industry, which he said could be more efficient than government. In fact, he said, a direct government role in filtering Internet traffic into the United States, in an effort to stop destructive attacks on Wall Street, American banks and the theft of intellectual property, would be inefficient and ineffective. “I think it leads people to the wrong conclusion, that we’re reading their e-mails and trying to listen to their phone calls,” he said. Although he acknowledged that the N.S.A. must change its dialogue with the public, General Alexander was adamant that the agency adhered to the law. “We followed the law, we follow our policies, we self-report, we identify problems, we fix them,” he said. “And I think we do a great job, and we do, I think, more to protect people’s civil liberties and privacy than they’ll ever know.”

Link: Congressional Oversight

Oversight has zero chance of working but still substantially undermines executive secrecy

Posner and Vermeule 10 [Eric, professor of law at the University of Chicago AND Adrian, professor of law at Harvard, The Executive Unbound, p. 25-29]

Many institutional factors hamper effective legislative monitoring of executive discretion for legal compliance. Consider the following problems. Information Asymmetries Monitoring the executive requires expertise in the area being monitored. In many cases, Congress lacks the information necessary to monitor discretionary policy choices by the executive. Although the committee system has the effect, among others, of generating legislative information and expertise,¹⁸ and although Congress has a large internal staff, there are domains in which no amount of legislative expertise suffices for effective oversight. Prime among these are areas of foreign policy and national security. Here the relative lack of legislative expertise is only part of the problem; what makes it worse is that the legislature lacks the raw information that experts need to make assessments. The problem would disappear if legislators could cheaply acquire information from the president, but they cannot. One obstacle is a suite of legal doctrines protecting executive secrecy and creating deliberative privileges— doctrines that may or may not be justified from some higher-order systemic point of view as means for producing optimal deliberation within the executive branch. Although such privileges are waivable, the executive often fears to set a bad institutional precedent. Another obstacle is the standard executive claim that Congress leaks like a sieve, so that sharing secret information with legislators will result in public disclosure. The problem becomes most acute when, as in the recent controversy over surveillance by the National Security Agency, the executive claims that the very scope or rationale of a program cannot be discussed with Congress, because to do so would violate the very secrecy that makes the program possible and beneficial. In any particular case the claim might be right or wrong; legislators have no real way to judge, and they know that the claim might be made either by a well-motivated executive or by an ill-motivated executive, albeit for very different reasons. Collective Action Problems Part of what drives executive reluctance to share information is that, even on select intelligence committees, some legislator or staffer is bound to leak and it will be difficult to pinpoint the source. Aware of the relative safety that the numbers give them, legislative leakers are all the more bold. This is an example of a larger problem, arising from the fact that there are many more legislators than top-level executive officials. Compared to the executive branch, Congress finds it more costly to coordinate and to undertake collective action (such as the detection and punishment of leakers). To be sure, the executive too is a “they,” not an “it.” Much of what presidents do is arbitrate internal conflicts among executive departments and try to aggregate competing views into coherent policy over time. As a strictly comparative matter, however, the contrast is striking: the executive can act with much greater unity, force, and dispatch than can Congress, which is chronically hampered by the need for debate and consensus among large numbers. This comparative advantage is a principal reason why Congress enacts broad delegating statutes in the first place, especially in domains touching on foreign policy and national security. In these domains, and elsewhere, the very conditions that make delegation attractive also hamper congressional monitoring of executive discretion under the delegation. There may or may not be offsetting advantages to Congress’s large numbers. Perhaps the very size and heterogeneity of Congress make it a superior deliberator, whereas the executive branch is prone to suffer from various forms of groupthink. But there are clear disadvantages to large numbers, insofar as monitoring executive discretion is at issue. From the standpoint of individual legislators, monitoring is a collective good. If rational and self-interested, each legislator will attempt to free ride on the production of this good, and monitoring will be inefficiently underproduced. More broadly, the institutional prerogatives of Congress are also a collective good. Individual legislators may or may not be interested in protecting the institution of Congress or the separation of legislative from executive power; much depends on legislators’ time horizons or discount rate, the expected longevity of a legislative career, and so forth. But it is clear that protection of legislative prerogatives will be much less emphasized in an institution composed of hundreds of legislators coming and going than if Congress were a single person. “Separation of Parties, not Powers” Congress is, among other things, a partisan institution.¹⁹ Political

scientists debate whether it is principally a partisan institution, or even exclusively so. But Madison arguably did not envision partisanship in anything like its modern sense. **Partisanship undermines the separation of powers during periods of unified government. When the same party controls both the executive branch and Congress, real monitoring of executive discretion rarely occurs,** at any rate far less than in an ideal Madisonian system. **This appears to have a marked effect in the domain of war powers and foreign affairs,** where a recent study by political scientists William Howell and Jon Pevehouse shows that congressional oversight of presidential war powers differs markedly depending upon the partisan composition of Congress.²⁰ When Congress is a co-partisan of the president, oversight is minimal; when parties differ across branches, oversight is more vigorous. Partisanship can enhance monitoring during periods of divided government,²¹ but this is cold comfort for liberal legalists. From the standpoint of liberal legalism, monitoring is most necessary during periods of unified government, because Congress is most likely to enact broad delegations when the president holds similar views; and in such periods monitoring is least likely to occur. The Congress of one period may partially compensate by creating institutions to ensure bipartisan oversight in future periods— consider the statute that gives a minority of certain congressional committees power to subpoena documents from the executive²²—but these are palliatives. Under unified government, **congressional leaders of the same party as the president have tremendous power to frustrate effective oversight by the minority party.** The Limits of Congressional Organization Congress as a collective body has attempted, in part, to overcome these problems through internal institutional arrangements. Committees and subcommittees specialize in a portion of the policy space, such as the armed forces or homeland security, thereby relieving members of the costs of acquiring and processing information (at least if the committee itself maintains a reputation for credibility). Intelligence committees hold closed sessions and police their members to deter leaks (although the sanctions that members of Congress can apply to one another are not as strong as the sanctions a president can apply to a leaker in the executive branch). Large staffs, both for committees and members, add expertise and monitoring capacity. And interest groups can sometimes be counted upon to sound an alarm when the executive harms their interests. Overall, however, these arrangements are not fully adequate, especially in domains of foreign policy and national security, where the scale of executive operations is orders of magnitude larger than the scale of congressional operations. **Congress's whole staff, which must** (with the help of interest groups) **monitor all issues, runs to some 30,000 persons.**²³ **The executive branch has some 2 million civilian employees,** in addition to almost 1.4 million in the active armed forces.²⁴ **The sheer mismatch between the scale of executive operations and the congressional capacity for oversight, even aided by interest groups or by leakers within the bureaucracy, is daunting.** Probably **Congress is already at or near the limits of its monitoring capacity** at its current size and budget.

Link: Constitution Free Zones/Borders

Surveillance by TSA, Border and Customs agents key to security --- internal safe guards will protect civil rights

Horwitz, 14 --- covers the Justice Department and criminal justice issues nationwide for The Washington Post (12/8/2014, Sari, "Justice Dept. announces new rules to curb racial profiling by federal law enforcement," http://www.washingtonpost.com/world/national-security/justice-dept-to-announce-new-rules-to-curb-racial-profiling-by-federal-law-enforcement/2014/12/07/e00eca18-7e79-11e4-9f38-95a187e4c1f7_story.html, JMP)

A fact sheet on the policy said that some DHS activity is not covered by the policy because of the "unique nature of DHS's mission." "This does not mean that officers and agents are free to profile," according to the DHS fact sheet. "To the contrary, **DHS's existing policies make it categorically clear that profiling is prohibited, while articulating limited circumstances where it is permissible to rely in part on these characteristics, because of the unique nature of border and transportation security as compared to traditional law enforcement.**" President George W. Bush banned racial profiling in 2003, but the prohibition did not apply to national security investigations and covered only race — not religion, national origin, gender or sexual orientation and gender identity. Civil rights groups and Democratic lawmakers have pushed for expanded anti-profiling protections since President Obama was elected in 2008. Holder began the process to revamp the rules in 2009 and considers the new policy one of the signature accomplishments of his tenure. About six months ago, the Justice Department delivered the rules to the White House. But they applied only to the department, and White House officials wanted the polices to cover additional agencies. The rules have been delayed in part because DHS officials pushed the White House and the Justice Department to allow major exclusions for agencies such as the Transportation Security Administration, Immigration and Customs Enforcement, and Customs and Border Protection. In several high-level meetings, DHS Secretary Jeh Johnson argued that immigration and customs agents and airport screeners needed to consider a variety of factors to keep the nation safe, according to officials familiar with his personal efforts. TSA officials argued that the rules should not apply to them because the TSA is not a law enforcement agency. In its fact sheet, DHS officials said that they will review activities not directly covered by the guidance to ensure that "we are including every appropriate safeguard and civil rights protection in the execution of those important security activities, and to enhance our policies where necessary."

Link: Domestic Spying

Surveillance is critical to thwart domestic right-wing terror attacks

Perez and Bruner 2015 (Evan and Wes; DHS intelligence report warns of domestic right-wing terror threat; Feb 20; www.cnn.com/2015/02/19/politics/terror-threat-homeland-security/; kdf)

Washington (CNN) They're carrying out sporadic terror attacks on police, have threatened attacks on government buildings and reject government authority. A new intelligence assessment, circulated by the Department of Homeland Security this month and reviewed by CNN, focuses on the domestic terror threat from right-wing sovereign citizen extremists and comes as the Obama administration holds a White House conference to focus efforts to fight violent extremism. Some federal and local law enforcement groups view the domestic terror threat from sovereign citizen groups as equal to -- and in some cases greater than -- the threat from foreign Islamic terror groups, such as ISIS, that garner more public attention. The Homeland Security report, produced in coordination with the FBI, counts 24 violent sovereign citizen-related attacks across the U.S. since 2010. The government says these are extremists who believe that they can ignore laws and that their individual rights are under attack in routine daily instances such as a traffic stop or being required to obey a court order. They've lashed out against authority in incidents such as one in 2012, in which a father and son were accused of engaging in a shootout with police in Louisiana, in a confrontation that began with an officer pulling them over for a traffic violation. Two officers were killed and several others wounded in the confrontation. The men were sovereign citizen extremists who claimed police had no authority over them. Among the findings from the Homeland Security intelligence assessment: "(Sovereign citizen) violence during 2015 will occur most frequently during routine law enforcement encounters at a suspect's home, during enforcement stops and at government offices." The report adds that "law enforcement officers will remain the primary target of (sovereign citizen) violence over the next year due to their role in physically enforcing laws and regulations." The White House has fended off criticism in recent days for its reluctance to say the words "Islamist extremism," even as the conference this week almost entirely focused on helping imams and community groups to counteract the lure of groups like ISIS. Absent from the White House conference is any focus on the domestic terror threat posed by sovereign citizens, militias and other anti-government terrorists that have carried out multiple attacks in recent years. An administration official says the White House is focused on the threat from all terrorists, including from sovereign citizen and other domestic groups. "I don't think it's fair to say the (White House) conference didn't address this at all," the official said, adding that President Barack Obama addressed the need to combat "violent ideologies" of all types. An official at the Justice Department, which is leading the administration's counter-radicalization effort, says many of the tactics aimed at thwarting radical Islamic recruitment of young people can also be used to fight anti-government extremist groups. While groups like ISIS and al Qaeda garner the most attention, for many local cops, the danger is closer to home. A survey last year of state and local law enforcement officers listed sovereign citizen terrorists, ahead of foreign Islamists, and domestic militia groups as the top domestic terror threat. The survey was part of a study produced by the University of Maryland's National Consortium for the Study of Terrorism and Responses to Terrorism. In 2013, a man who held anti-government views carried out a shooting attack on three Transportation Security Administration employees at Los Angeles International Airport, killing one TSA officer. Last year, a couple killed two police officers and a bystander at a Las Vegas Walmart store. Mark Potok, senior fellow at the Southern Poverty Law Center, said that by some estimates, there are as many as 300,000 people involved in some way with sovereign citizen extremism. Perhaps 100,000 people form a core of the movement, he said. The federal government's focus on the domestic groups waxes and wanes, Potok said, in part because the threat from foreign groups like al Qaeda and its affiliates. Potok says sovereign citizen groups have attracted support because of poor economic conditions. Some groups travel the country pitching their ideology as a way to help homeowners escape foreclosure or get out of debt, by simply ignoring the courts and bankruptcy law. The Homeland Security report's focus on right-wing terrorists is a subject that garnered political controversy for the Obama administration in the past. In 2009, a Homeland Security report on possible recruitment of military veterans by right-wing militia groups prompted an outcry from veterans groups. The report was produced by staff members during the Bush administration but wasn't published until then Homeland Security Janet Napolitano had taken office. Napolitano criticized her own agency for the report.

Link: Drone warrants

The plan grounds drones – blocking preventive measures

McNeal 2014 (Gregory [prof at Pepperdine University]; Drones and Aerial surveillance: Considerations for Legislators; Nov; www.brookings.edu/research/reports2/2014/11/drones-and-aerial-surveillance; kdf)

To counter the threat of surveillance, privacy advocates have focused solely on requiring warrants before the use of drones by law enforcement. Such a mandate oftentimes will result in the grounding of drone technology in circumstances where law enforcement use of drones would be beneficial and largely non-controversial. For example, in light of the Boston Marathon bombing, police may want to fly a drone above a marathon to ensure the safety of the public. Under many bills, police would not be allowed to use a drone unless they had a warrant, premised upon probable cause to believe a crime had been or was about to be committed. This requirement exceeds current Fourth Amendment protections with regard to the reasonableness of observing activities in public places. What this means is that the police would need to put together a warrant application with sufficient facts to prove to a judge that they had probable cause. That application would need to define with particularity the place to be searched or the persons to be surveilled. All of this would be required to observe people gathered in a public place, merely because the observation was taking place from a drone, rather than from an officer on a rooftop or in a helicopter. In a circumstance like a marathon, this probable cause showing will be difficult for the police to satisfy. After all, if the police knew who in the crowd was a potential bomber, they would arrest those individuals. Rather, a marathon is the type of event where the police would want to use a drone to monitor for unknown attackers, and in the unfortunate event of an attack, use the footage to identify the perpetrators. This is precisely the type of circumstance where the use of drone could be helpful, but unfortunately it has been outlawed in many states. To make matters worse, this type of drone surveillance would pose little to no harms to privacy. A marathon is a highly public event, the event is televised, it takes place on streets where there are surveillance cameras and spectators are photographing the event. Moreover, in the states where drones have been banned (unless accompanied by a warrant), the police have not been prohibited from using any other type of surveillance equipment --- just drones. This technology centric approach has done little to protect privacy, but will certainly harm public safety, depriving law enforcement of a tool that they could use to protect people.

Link: Drones

Drones are critical to combat bio- and chemical-terror

Koerner 2015 (Matthew R [Duke University School of Law, J.D. expected 2015]; DRONES AND THE FOURTH AMENDMENT: REDEFINING EXPECTATIONS OF PRIVACY; 64 Duke L.J. 1129; kdf)

Senator Dianne Feinstein, a staunch advocate of governmental surveillance n1 and Chairman of the 113th Congress's Senate Intelligence Committee, n2 recently found herself, rather ironically, as the target of surveillance. n3 One day at her home, Senator Feinstein walked to the window to check on a protest that was taking place outside. n4 Much to her surprise, a small drone n5 hovered on the other side of the window, only inches away, spying on her. n6 The drone immediately flew away. n7 Senator Feinstein's experience is just one example of drones being used for surveillance within the United States. But her story and others like it n8 have sparked significant controversy over the use of drones for domestic surveillance, which falls within a broader debate [*1131] on privacy and governmental surveillance programs. n9 Advocates of robust federal surveillance policies champion governmental surveillance as the only way to prevent terrorist and cyber attacks against the United States. n10 President Barack Obama defended these surveillance programs as ""modest encroachments on privacy"" that "strike the "right balance' between national security and civil liberties." n11 In comparison, privacy advocates envision these surveillance programs leading to a dystopian, totalitarian government watching over its citizenry - undetected but omnipresent. n12 References to George Orwell's Nineteen Eighty-Four n13 abound. n14 [*1132] Apart from the surrounding privacy-concerns debate, drones currently provide many practical benefits and their projected applications seem limitless. n15 Based on their obvious advantage of being unmanned, drones have the capability to conduct missions previously considered too risky, dangerous, or impracticable. These applications are also provided at continuously decreasing costs and with the latest technological sophistication, such as the capability to see through physical obstructions, to detect various chemical and biological agents in the air, to recognize human faces and license plates, and to fly in strategic, coordinated formations. n16

Link: Drone Sales

Drone sales key to crush ISIS

Tucker and Weisgerber 2015 (Patrick and Marcus; Obama to Sell Armed Drones to More Countries; Feb 17; www.defenseone.com/technology/2015/02/obama-sell-armed-drones-more-countries/105495/; kdf)

The State Department on Tuesday announced that the United States would be expanding the sale of armed unmanned aerial vehicles, or UAVs, to carefully selected allied countries. The announcement suggests that strategic partners – especially in the Middle East – could acquire American-made armed drones before the year is out. Some of those could go toward the international campaign against the Islamic State, or ISIS. Battlefield commanders and the intelligence community are hungry for large, armed drones as they could loiter over targets for hours. The footage captured by high-powered cameras attached to these unmanned aircraft has been critical in determining the locations for airstrikes against Islamic State militants in Iraq and Syria, U.S. officials say. State Department officials maintained that every export request would meet “a strong presumption of denial,” according to Tuesday’s release, but U.S. officials will allow exports on “‘rare occasions’ that are justified in terms of the nonproliferation and export control factors specified in the [Missile Technology Control Regime Guidelines.]” The Missile Technology Control Regime, or MTCR, is a voluntary partnership that the United States and 33 other countries established in 1987 to curb the proliferation of weapons of mass destruction. Officials who spoke to the Washington Post said that new export applications would be approved or denied within months of receipt, clearing the way for armed drones and armed drone technology to potentially arrive in other countries by year’s end. The new policy affects drones that are capable of flying a distance of 300 kilometers and carrying a payload of 500 kilograms. Those specifications come from the MTCR but apply to drones like the Reaper, which are capable of carrying laser-guided bombs and Hellfire missiles. Exporting more drones— either armed or outfitted with laser targeting systems for smart bombs—to key allies and partners in the Middle East like Jordan would help them strike Islamic State, according to experts. “Transferring drones, particularly those that had laser designators so they could designate targets for strikes from manned fighter aircraft, to coalition partners such as Jordan participating in strikes against ISIL could be a significant advantage to them,” Paul Scharre, fellow and director of the 20YY Warfare Initiative at the Center for a New American Security, told Defense One. Earlier this year, a member of the House Armed Services Committee disclosed to the Washington Times that the Obama administration had denied a request from Jordan for unarmed Predator spy drones. But that was before Jordan stepped up its F-16-led air assault to retaliate against Islamic State for the brutal burning alive of First Lt. Moaz al-Kasasbeh, the Jordanian pilot captured by the terrorist group. “Given our mutual interests, and our strong relationship, it’s absolutely critical that we provide Jordan the support needed to defeat the Islamic State,” Rep. Duncan Hunter, R-Calif., wrote to President Obama in a Feb. 5 letter. The loosened export rules do not mean that every ally in a pinch will be fast-tracked for the most lethal drones that America produces. Ukraine is reportedly seeking unarmed drones to bolster its campaign against Russian-supported separatists. “I find it hard to imagine that this would lead to transferring large-scale armed drones to Ukraine, not to mention the fact that they would likely have difficulty operating them effectively. This might help pave the way for transferring small, tactical drones to Ukrainian forces, which wouldn’t be a game-changer, but would help them with tactical reconnaissance and would be a sensible move,” said Scharre. “The new drone export policy is unlikely to lead to the transfer of armed drones to Ukraine,” Michael Horowitz, associate professor of political science at the University of Pennsylvania, told Defense One. Horowitz and other experts argue that the policy change could allow the U.S. to regain some control if not over armed proliferation at least over how proliferation occurs. Last May, the Chinese Times reported that China would be selling their Wing Loong armed UAV, sometime called a Predator knockoff, to U.S. ally Saudi Arabia.

Link: Telephone Metadata

Telephone metadata doesn't infringe on privacy, but does prevent terrorism

Praast 2014 (Linda Renee [J.D., Magna Cum Laude, California Western School of Law, 2013; LL.M., National Security and U.S. Foreign Relations Law, George Washington University, 2014]; This Isn't Your Founding Fathers' Fourth Amendment: Analyzing the Constitutionality of Warrantless Metadata Collection under the Foreign Intelligence Surveillance Act; 51 Cal. W. L. Rev. 7; kdf)

Conclusion The events of September 11, 2001 demonstrated America's vulnerability to terrorist attacks at home. The government responded with legislation creating new agencies, new protections, and new methods of gathering intelligence designed to predict and prevent future similar catastrophes. **The cost of this enhanced protection is unavoidable pressures on privacy.** The NSA's telephony metadata collection program is one such program designed to predict and prevent terrorist attacks. Congress impliedly approved the program as it currently functions through its reauthorization of section 215 of the Patriot Act. Therefore, the program is statutorily allowed. Addressing the larger issue, the program does not represent an impermissible search under the Fourth Amendment. The only data collected is information voluntarily provided by telephone users to their third-party telephone providers. While the scope of the data collection is vast, the data itself is not protected by the Fourth Amendment. So long as the data analysis is limited to queries concerning suspected foreign agents or terrorists, and so long as the data collected does not expand to include substantive content of the telephone calls, the program is a permissible, legal national security tool.

Link: Foreign intelligence requirement

Valid terrorism concerns justify the collection of data

Praast 2014 (Linda Renee [J.D., Magna Cum Laude, California Western School of Law, 2013; LL.M., National Security and U.S. Foreign Relations Law, George Washington University, 2014]; This Isn't Your Founding Fathers' Fourth Amendment: Analyzing the Constitutionality of Warrantless Metadata Collection under the Foreign Intelligence Surveillance Act; 51 Cal. W. L. Rev. 7; kdf)

The statutory authority cited by the government for the metadata collection is the FISA business records provision, added by section 215 of the Patriot Act and codified at 50 U.S.C. § 1861. n43 Titled "Access to Certain Business Records for Foreign Intelligence and International Terrorism Investigations," section 215 allows the FBI to apply to a FISA court for an order "requesting production of any tangible things," including telephony metadata. n44 The provision allows such requests for information relevant to "an investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities." n45 The statute expressly limits the investigations to those concerning foreign governments and their agents and individuals in contact with, or known to, a suspected agent of a foreign power who is the subject of such authorized investigation. n46 The NSA surveillance program disclosed by the Guardian clearly encompasses telephony metadata for individuals who are not involved with foreign governments or terrorist activities. However, while the metadata is collected without regard to the foreign intelligence requirement, the FISA Court orders allowing metadata collection "strictly limit access to, analysis of, and dissemination of information derived from the metadata to valid counter-terrorism purposes." n47 To accomplish this, the stored metadata is only accessible through search queries by a very limited number of NSA officials, resulting in a very small percentage of the metadata actually being analyzed. n48 These searches are only approved based on "facts giving rise to a reasonable, [*16] articulable suspicion that the selection term to be queried is associated with one or more of the specified foreign terrorist organizations." n49 The Government argues that Congress permits the collection scheme used by the NSA under section 215. n50 As evidence, the Government points to congressional reauthorization of section 215 in 2010. n51 This reauthorization occurred after all members of Congress had received a report on the telephony metadata program. n52 This reauthorization, made with full knowledge of how the statute was being implemented, shows congressional approval and provides statutory authority for the metadata program under section 215.

Link: FISC

FISC imposes slow and cumbersome procedures --- that disrupts effective counter-terror

Yoo 14 [John, Emanuel S. Heller Professor of Law, University of California, Berkeley Law School; Visiting Scholar, American Enterprise Institute. "The Legality of the National Security Agency's Bulk Data Surveillance Programs," Summer, 2014, I/S: A Journal of Law and Policy for the Information Society, 10 ISJLP 301, lexis]

FISA, and the law enforcement mentality it embodies, creates several problems. FISA requires "probable cause" to believe that someone is an agent of a foreign power before one can get a warrant to collect phone calls and e-mails. n35 An al Qaeda leader could have a cell [*309] phone with 100 numbers in its memory, ten of which are in the United States and thus require a warrant. Would a FISA judge have found probable cause to think the users of those ten numbers are al Qaeda too? Probably not. Would our intelligence agencies even immediately know who was using those numbers at the time of captured al Qaeda leader's calls? The same is true of his e-mail, as to which it will not be immediately obvious what addresses are held by U.S. residents. In our world of rapidly shifting e-mail addresses, multiple cell phone numbers, and Internet communications, FISA imposes slow and cumbersome procedures on our intelligence and law enforcement officers. n36 These laborious checks are based on the assumption that we remain within the criminal justice system, and look backwards at crimes in order to conduct prosecutions, rather than within the national security system, which looks forward in order to prevent attacks on the American people. n37 FISA requires a lengthy review process, in which special FBI and DOJ lawyers prepare an extensive package of facts and law to present to the FISC. n38 The Attorney General must personally sign the application, and another highranking national security officer, such as the President's National Security Advisor or the Director of the FBI, must certify that the information sought is for foreign intelligence. n39 Creating an existing database of numbers that can be quickly searched can allow the government to take advantage of captured al Qaeda numbers abroad, before the cells within the United States break their contacts. A critic, however, might argue that billions of innocent calling records are not "relevant" to a terrorism investigation. Even if terrorist communications take place over the phone, that cannot justify the collection of all phone call records in the United States, the vast [*310] majority of which have nothing to do with the grounds for the search. The FISC rejected this argument because, to be useful, a database has to be broad enough to find terrorist calls. "Because known and unknown international terrorist operatives are using telephone communications, and because it is necessary to obtain the bulk collection of a telephone company's metadata to determine those connections between known and unknown international terrorist operatives as part of authorized investigations," the court observed, "the production of the information sought meets the standard for relevance under Section 215." n40 Aggregating calling records into a database, the court found, was necessary to find the terrorist communications and the links between terrorists. n41 It may not even be possible to detect the links before such a database is created. If a database is not comprehensive, in other words, then the government will only be able to glimpse incomplete patterns of terrorist activity, if it can glimpse any at all. Relevance is a slippery concept, but it cannot require that every piece of information obtained by subpoena must contain information related to guilt. Even when grand juries subpoena the business records or communications of a criminal suspect, it is likely that the large majority of the items will not have any relationship to the crime. Nonetheless, a grand jury may subpoena all of a suspect's financial records to find those that pertain to a criminal conspiracy. A different way to view the NSA's telephone calling record program is that the "relevant" tangible "thing" is the database itself, rather than any individual calling record.

Link: FISC -- Disclosing decisions

Disclosing FISC decisions destroys strategic ambiguity – precludes effective deterrence

Rascoff 14 [Samuel J. Rascoff, Associate Professor of Law, Faculty Director, Center on Law and Security, New York University School of Law, "COUNTERTERRORISM AND NEW DETERRENCE," 2014]

Finally, it bears mentioning that the complicated relationship between secrecy and revelation demanded by new deterrence plays out in the legal arena as well. n96 On one level, public laws are exercises in revelation. For example, while reports of the details of the NSA Prism program created a sensation, the FISA Amendments Act of 2008 (hardly a secret document) seems to have authorized the collection in question. n97 On the other hand, legal interpretations that are [*852] crucial to the oversight of national security programs - such as opinions of the Foreign Intelligence Surveillance Court (FISC) n98 or the Justice Department's memorandum authorizing a lethal strike against American citizen Anwar al-Aulaqi n99 - have been withheld. Part of the reasoning is that these legal analyses themselves contain secrets or that in a world in which government is expected to operate at the outer limits of legal authority, n100 to disclose those limits publicly is, in effect, to reveal national security secrets. On this view, **to maintain strategic ambiguity, it is necessary to be vague about legal interpretation.** n101 In sum, new deterrence subtly refocuses the debate [*853] away from a zero-sum contest between secrecy and transparency and toward a more nuanced account.

Link: Logfren Amendment

Lofgren amendment fails – destroys effective response to terrorism

Margulies 14 [Peter, Professor of Law, Roger Williams University School of Law, B.A. 1978, Colgate University; J.D. 1981, Columbia Law School, “Dynamic Surveillance: Evolving Procedures in Metadata and Foreign Content Collection After Snowden,” December, 2014, Hastings Law Journal, 66 Hastings L.J. 1, lexis]

The Lofgren Amendment paints with an unduly broad brush. It does not allow queries based on U.S. persons who are involved with hostage situations. Even though this query does not readily fit with the NSA's current criteria, barring it altogether would be counterproductive. In exigent cases, the NSA should have the ability to frame queries that may save lives. The Constitution presents no bar since courts have [*72] regularly approved searches under exigent circumstances. n422 Nor does the use of U.S. person queries in hostage situations clash with section 702's bar on targeting U.S. persons, since the queries concern evidence already acquired through the targeting of persons reasonably believed to be outside the United States. n423 Moreover, the government may well have the need to seek other information regarding U.S. persons that could be included in lawful collection under section 702 and might be difficult to acquire through other means. For example, the government might intercept communications sent or received by an ISIS operative in Syria or Iraq, and might wish to know if the ISIS operative mentioned any U.S. persons who are currently abroad fighting on ISIS's behalf or might wish to go abroad for this purpose. It is true that the government might be able to secure a traditional FISA warrant once it determined that someone had taken concrete steps to join ISIS's fighting force, since that would make that individual an "agent of a foreign power" who could be targeted under the statute. n424 However, in a particular case, such as one in which a U.S. person who had fought with ISIS was about to board a plane to return to the United States, time might be of the essence. In such a case, the government may not have received sufficient notice of that individual's ISIS involvement to allow for the completion of a traditional FISA application. Under these circumstances, it would be appropriate to authorize a query of a section 702 database. The Lofgren Amendment also fails to address this situation.

Link: PCLOB

Destroys effective intel sharing

Margulies 14 [Peter, Professor of Law, Roger Williams University School of Law, B.A. 1978, Colgate University; J.D. 1981, Columbia Law School, "Dynamic Surveillance: Evolving Procedures in Metadata and Foreign Content Collection After Snowden," December, 2014, Hastings Law Journal, 66 Hastings L.J. 1, lexis]

Another flawed fix is the proposal by Chairman Medine and Judge Wald of the PCLOB. That proposal requires ex ante judicial review of NSA queries to ensure that they are "reasonably likely to return foreign intelligence information." n425 This proposal is superior to the Lofgren Amendment because it has an appropriately deferential substantive standard. Moreover, a larger FISC role is useful. n426 In addition, Medine and Wald outlined an intriguing alternative, entailing FISC appointment of a special master who could review a "representative sample of query results" and make recommendations to the court. n427 The major flaw in the Medine and Wald proposal is its differential standard for the NSA and the FBI. Under the proposal, the test for the FBI, as assessed ex ante by [*73] the FISC in all but exigent circumstances, would be whether the U.S. person query is "reasonably likely to return information relevant to an assessment or investigation of a crime." n428 The NSA's test is whether the query is "reasonably likely to return foreign intelligence information." n429 The differing criteria for FBI and NSA queries could hamper intelligence sharing between the two agencies, replicating the failures of the "wall" that existed between agencies prior to September 11. n430

Link: PRISM

PRISM decimates Al Qaeda's ability to conduct mass attacks

Etzioni 15 [Amitai Etzioni, Director of the Institute for Communitarian Policy Studies at George Washington University, former President of the American Sociological Association, former Professor at Harvard Business School, former Senior Adviser to the White House, “

NSA: National Security vs. Individual Rights,” *Intelligence and National Security*, Volume 30, Issue 1, 2015, pages 100-136]

One telling piece of evidence regarding the effectiveness of the electronic surveillance programs is the way they **hobbled bin Laden**. He found out that he was unable to use any modern communication device to run his terror organizations that had branches in three continents.⁵⁴ He was reduced to using the same means of communication employed 5000 years ago – a messenger, a very slow, low-volume, cumbersome, and unreliable way of communication and command; in effect, preventing bin Laden from serving as an effective commander-in-chief of Al Qaeda. Moreover, once the CIA deduced that using a messenger was the only way left for him to communicate – tracking the messenger led to bin Laden's downfall.⁵⁵ Additional evidence publically available that the NSA programs forced terrorists to limit their communications is gleaned from reports that following the revelation that the United States intercepted the communications of Ayman al-Zawahiri, there was a sharp decline in Al Qaeda's electronic communications.⁵⁶ In short, we have seen that **there continues to be a serious threat of terrorism** to national security; that **terrorists cannot be handled like other criminals** and to counter them distinct measures are best employed; and that **surveillance programs like PRISM** and the phone surveillance programs **make a significant contribution to curbing terrorism**. In short these programs do enhance one core element of the liberal communitarian balance. The next question the article addresses is the extent they undermine the other core element.

PRISM roadblocks terrorists – guts them of the tools necessary to pull off an attack

Arquilla 2013 (John [Professor and Chair Department of Defense Analysis @ Naval postgrad school]; In Defense of PRISM; Jun 7; foreignpolicy.com/2013/06/07/in-defense-of-prism/; kdf)

Prior to TIA, and well before 9/11, there were other ancestors of our current big data efforts. At the National Security Agency, and in other parts of the extensive American intelligence community, search systems known by such evocative names as "Echelon" and "Semantic Forests," among others, were in use, striving relentlessly to detect patterns of communication that might open up golden seams of information from the most secret caches of the world's various malefactors. Often enough, these and other tracking tools did distinguish the pattern from the noise, and national security was well served. And in the early days of the war against al Qaeda, the enemy was still using means of communication that American intelligence had the ability to monitor — including satellite phones and such — leading to several counterterror coups and high-level captures. But the network learned quickly and adjusted, becoming far more elusive, more dispersed, its cells increasingly attuned to operating independently, its nodes and links ever less visible. It was against this shift that something like PRISM had to be mobilized to improve our ability to find the foe whose best, and only real defense against us is his capacity for concealment. Thus, the tantalizing prospect of PRISM, and of the whole "finding effort," is to deny the terrorists the virtual haven that they enjoy throughout the world's telecommunications spaces — indeed, throughout the whole of the "infosphere," which includes cyberspace. The piercing of this veil would mark a true turning point in the war on terror, for al Qaeda and other networks simply cannot function with any kind of cohesion, or at any sort of reasonable operational tempo if their communications become insecure. Cells and

nodes would be ripped up, operatives killed or captured, and each loss would no doubt yield information that imperiled the network further. Even if al Qaeda resorted to the drastic measure of moving messages, training, and financial information by courier, operations would be so slowed as to cripple the organization. And even couriers can be flagged on "no fly" lists or caught boarding tramp steamers and such. So for all the furor caused by the PRISM revelations, my simple recommendation is to take a deep breath before crying out in protest. Think first about how the hider/finder dynamic in the war on terror has driven those responsible for our security to bring to bear the big guns of big data on the problem at hand. Think also about whether a willingness to allow some incursions into our privacy might lead to an improved ability to provide for our security, and where that equilibrium point between privacy and security might be. And last, think about the world as it might be without such a sustained effort to find the hidden — to detect, track, and disrupt the terrorists. That would be a world in which they stay on their feet and fighting, and in which they remain secure enough, for long enough, to acquire true weapons of mass destruction. Those of us in the national security business, who know that networks so armed will be far harder to deter than nations ever were, believe that big data approaches like PRISM and its forebears, have been and remain essential elements in the unrelenting and increasingly urgent effort to find the hidden.

Link: Profiling – FBI

New profiling rules preserves FBI flexibility to fight terrorism --- broader restrictions will wreck mission effectiveness

Apuzzo, 14 (4/9/2014, Matt, **“Profiling Rules Said to Give F.B.I. Tactical Leeway,”**

http://www.nytimes.com/2014/04/10/us/profiling-rules-said-to-give-fbi-tactical-leeway.html?_r=0, JMP)

WASHINGTON — Attorney General Eric H. Holder Jr.’s long-awaited revisions to the Justice Department’s racial profiling rules would allow the F.B.I. to continue many, if not all, of the tactics opposed by civil rights groups, such as mapping ethnic populations and using that data to recruit informants and open investigations. The new rules, which are in draft form, expand the definition of prohibited profiling to include not just race, but religion, national origin, gender and sexual orientation. And they increase the standards that agents must meet before considering those factors. But they **do not change the way the F.B.I. uses nationality to map neighborhoods, recruit informants, or look for foreign spies**, according to several current and former United States officials either involved in the policy revisions or briefed on them. While the draft rules allow F.B.I. mapping to continue, they would eliminate the broad national security exemption that former Attorney General John Ashcroft put in place. For Mr. Holder, who has made civil rights a central issue of his five years in office, the draft rules represent a compromise between his desire to protect the rights of minorities and the concern of career national security officials that they would be hindered in their efforts to combat terrorism. The Justice Department has been reworking the policy for nearly five years, and civil rights groups hope it will curtail some of the authority granted to the F.B.I. in the aftermath of the 9/11 terrorist attacks. Muslims, in particular, say federal agents have unfairly singled them out for investigation. The officials who described the draft rules did so on the condition of anonymity because they were not authorized to discuss them. Mr. Holder, who officials say has been the driving force behind the rule change, gave a personal account of racial profiling on Wednesday before the National Action Network, the civil rights group founded by the Rev. Al Sharpton. “Decades ago, the reality of racial profiling drove my father to sit down and talk with me about how, as a young black man, I should interact with the police if I was ever stopped or confronted in a way I felt was unwarranted,” he said. Throughout the review process, however, the attorney general and his civil rights lawyers ran up against a reality: Making the F.B.I. entirely blind to nationality would fundamentally change the government’s approach to national security. The Bush administration banned racial profiling in 2003, but that did not apply to national security investigations. Since then, the F.B.I. adopted internal rules that prohibited agents from making race or religion and nationality the “sole factor” for its investigative decisions. Civil rights groups see that as a loophole that allows the government to collect information about Muslims without evidence of wrongdoing. Intelligence officials see it as an essential tool. They say, for example, that an F.B.I. agent investigating the Shabab, a Somali militant group, must be able to find out whether a state has a large Somali population and, if so, where it is. As written, the new rules are unlikely to satisfy civil rights groups and some of the administration’s liberal allies in Congress. Senator Richard J. Durbin, Democrat of Illinois, has said the existing rules “are a license to profile.” The Justice Department rules would also apply to the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, Firearms and Explosives, but it is the F.B.I. that takes the lead on most national security investigations. Farhana Khera, the president of Muslim Advocates, said expanding the rules to cover nationality and religion would be a significant step forward. But she opposed any rule that allowed the F.B.I. to continue what it calls “domain mapping” — using census data, public records and law enforcement data to build maps of ethnic communities. Agents use this data to help assess threats and locate informants. “It would certainly mean we have work to do,” said Ms. Khera, who was one of several rights advocates who met with Mr. Holder about the profiling rules last week. “We want an effective ban on all forms of profiling.” Before federal agents could consider religion or other factors in their investigations under the new rules, they would need to justify it based on the urgency and totality of the threat and “the nature of the harm to be averted,” according to an official who has seen the draft. That would not prevent agents from considering religion or nationality, but officials said the goal was to establish clear rules that made doing so rare. Department officials were prepared to announce the new rules soon and had told Congress to expect them imminently. But recently, the White House intervened and told Mr. Holder to coordinate a larger review of racial profiling that includes the Department of Homeland Security, officials said. That is significant because the Bush-era racial profiling rules also contained an exception for border investigations, which are overseen by the department. Hispanic

advocacy groups are as opposed to that caveat as Muslims are to the exception for national security investigations. Mr. Holder cannot tell Homeland Security what rules to follow. But he has told colleagues that he believes border agents can conduct their investigations without profiling and by following the same rules as the Justice Department, one law enforcement official said. It is not clear how long this broader review will take, but for now it has delayed release of the Justice Department rules. Relations between the F.B.I. and Muslims have at times been strained since the weeks after 9/11, when agents arrested dozens of Muslim men who had no ties to terrorism. Since then, the F.B.I. has adopted new policies and invested heavily to explain them to Muslim populations. Senior agents speak at mosques and meet regularly with imams and leaders of Muslim nonprofit groups, but suspicions remain. Internal F.B.I. documents revealed that agents used their relationship-building visits at mosques as a way to gather intelligence. Leaked training materials, which the F.B.I. quickly disavowed, described the Prophet Muhammad as a cult leader and warned that mainstream Muslims shared the same "strategic themes" as terrorists. The draft rules would establish a program to track profiling complaints. The current process is less organized, making it difficult to track patterns in complaints or how they are resolved.

xt – FBI Link UQ

Recent DOJ guidelines won't result in any changes to FBI practices and still permits surveillance in critical areas

Phelps, 14 (12/9/2014, Timothy M., "Comey says new profiling guidelines will have no effect on the FBI," <http://www.latimes.com/nation/la-na-fbi-comey-profiling-20141209-story.html>, JMP)

The new Justice Department guidelines governing profiling by federal law enforcement officers will have no effect on FBI practices, its director, James B. Comey, said Tuesday.

On Monday, Comey's boss, Atty. Gen. Eric H. Holder Jr., said the new guidelines were "a major and important step forward to ensure effective policing by federal law enforcement officials."

But at a press briefing Tuesday, Comey said that the FBI, the lead federal law enforcement agency, is already in compliance with the new guidelines and strongly asserted that no changes were required.

The guidelines "don't have any effect on the FBI," he said

Asked whether the new guidance would change anything to FBI does now, Comey said, "No, nothing. It doesn't require any change to our policies or procedures."

He said the FBI field manual for agents would not be changed because it was already in compliance with the guidelines, which expand restrictions on racial and ethnic profiling to cover religion, national origin, sexual orientation and gender identity.

He defended the FBI practice of "mapping" communities to identify neighborhoods by race, religion or national origin. Civil rights leaders were critical Monday of the failure of the Justice Department to curtail the practice.

"We need to be able to understand the communities we serve and protect," Comey said. "When there is a threat from outside the country, it makes sense to know who inside the country might be able to help law enforcement."

"It is about knowing the neighborhoods: what's it like, where's the industry, where are the businesses, are there particular groups of folks who live in a particular area?"

Despite shortcomings, recent review demonstrates FBI's effectiveness because of unfettered surveillance

Ackerman, American national security reporter and blogger, national security editor for the Guardian, **and Yuhas, 15** (3/25/2015, Spencer & Alan, The Guardian, "FBI told its cyber surveillance programs have actually not gone far enough; In-house 9/11 Review Commission calls for further expansion of informant and cyber surveillance networks but largely ignores domestic intelligence gathering," Lexis, JMP)

An in-house review of the FBI has found the agency failing to go far enough in its expansion of physical and cyber surveillance programs, urging the bureau to recruit deeper networks of informants and bring its technological abilities up to pace with other intelligence agencies.

While billed as a damning critique of the FBI, the in-house assessment known as the 9/11 Review Commission primarily attacks the bureau for not moving fast enough to become a domestic intelligence agency, precisely the direction in which the FBI has pivoted since the 2001 terror attacks.

The majority of the panel's findings recommend bureaucratic changes - such as expanded training for FBI intelligence analysts or expanding cooperation with local and state law enforcement through the agency's Joint Terrorism Task Force - or otherwise urge Director James Comey onward in the long-set course he and predecessor Robert Mueller have set, such as bolstering the FBI's "human intelligence" (Humint) network of informants.

In particular, the report found that the agency fails to support analysts and linguists who interpret intelligence behind the scenes. The "imbalance" between support for field agents and analysts "needs urgently to be addressed to meet growing and increasingly complex national security threats, from adaptive and increasingly tech-savvy terrorists, more brazen computer hackers, and more technically capable, global cyber syndicates", the report's authors wrote.

Yet the "Review Commission cannot say that with better JTTF collaboration, Humint or even intelligence analysis that the FBI would have detected those plots beforehand", the panel concedes, offering only that FBI counterterrorism "might have benefited" with an acceleration of what the agency has already been doing.

Much of the report remarked approvingly on the FBI's activities of the past decade, **praising the way it shares information with government agencies and the new rules that allow it to surveil a target without a warrant.**

"With the new and almost entirely unclassified AG Guidelines, special agents working on national security issues could now at the assessment stage 'recruit and task sources, engage in interviews of members of the public without a requirement to identify themselves as FBI agents and disclose the precise purpose of the interview, and engage in physical surveillance not requiring a court order' just as special agents working on organized crime investigations could do," the authors wrote.

Link: Profiling – Mosques

Surveillance of particular communities key to prevent terrorism

Lengell, 15 (1/7/2015, Sean, "Peter King: Surveillance of Muslim community vital for national security," <http://www.washingtonexaminer.com/peter-king-surveillance-of-muslim-community-vital-for-national-security/article/2558311>, JMP)

Rep. Peter King said Wednesday's attack on a Paris newspaper that killed a dozen people highlights the need for enhanced police surveillance in Muslim communities to help combat terrorism. "It shows us that we should put political correctness aside and realize that it is important to have police in the communities to be using sources, to be using informers," the conservative New York Republican told Fox News on Wednesday. "Let's face it. The threat is coming from — for the most part, it's coming out of the Muslim community. It's a small percentage, but that's where it's coming from." King said law enforcement spying of certain ethnic communities is nothing new, saying that police for decades have used such tactics to combat the Italian-American Mafia and the Westies, a gang that sprang from New York City's Irish-American community in the 1960s. "We have to be able to go in there and find out what's happening so we can be tipped off and not stand back and treat all communities as if they're the same," he said. "If it's Islamist terrorism, we have to have more surveillance in those communities." The Associated Press reported that three masked gunmen shouting "Allahu akbar!" stormed the Paris offices of the satirical weekly newspaper Charlie Hebdo, killing 12 people, including its editor, before escaping in a car. The publication's caricatures of the Prophet Muhammad have frequently drawn condemnation from Muslims. King said that while it's uncertain if enhanced surveillance could have stopped the Paris shooting, "it shows the absolute necessity" of "on-the-ground intelligence. "You can't provide security for every soft target in a major city. But if you have surveillance, if you're in the community, if you have informers, that shows how essential this [is], like the NYPD's been doing over the years," he said.

AT: Link Turn-“Too Much Hay”

The turn makes no sense – programs are effective now

Lewis 2014 (James Andrew [senior fellow and director of the Strategic Technologies Program at CSIS]; Underestimating Risk in the Surveillance Debate; Dec; http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf; kdf)

If the risk of attack is increasing, it is not the right time to change the measures the United States has put in place to deter another 9/11. If risk is decreasing, surveillance programs can be safely reduced or eliminated. A more complicated analysis would ask if the United States went too far after 9/11 and the measures it put in place can be reduced to a reasonable level without increasing risk. Unfortunately, precise metrics on risk and effectiveness do not exist, ¹² and we are left with the conflicting opinions of intelligence officials and civil libertarians as to what makes effective intelligence or counterterrorism programs. There are biases on both sides, with intelligence officials usually preferring more information to less and civil libertarians can be prone to wishful thinking about terrorism and opponent intentions.¹³ Interviews with current and former intelligence officials give us some guidance in deciding this. The consensus among these individuals is that 215 is useful in preventing attacks, but the least useful of the programs available to the intelligence community. **If there was one surveillance program they had to give up, it would be 215 before any other**s, but ending 215 would not come without some increase in risk.

Technology and algorithms check

Marritz 2013 (Ilya; Verizon Call Logs Controversy: No Such Thing As Too Much Information; June 6; www.wnyc.org/story/297513-verizon-call-logs-controversy-no-such-thing-too-much-information/; kdf)

The news that Verizon is providing the government with data about its customers on a daily basis has reignited the debate between balancing individual privacy and national security. Barry Steinhardt of the group Friends of Privacy USA said the surveillance itself is not so surprising, but the volume of material gathered is. “The government seems to think the way to find the needle in the haystack is to pour more hay on the stack,” Steinhardt said. That idea might seem counter-intuitive. **But too much information is increasingly a thing of the past,** as powerful computer programs tease patterns out of bigger and bigger pools of data.

****Impact Debate - Generic**

Impact: Turns the Aff -> Increase Surveillance

Empirically - a terror attack leads to greater surveillance, turns the aff

Tuccille 2015 (J.D. [Managing Editor, Reason.com]; What's a terrorist attack if not an excuse for domestic spying?; Jan 14; reason.com/blog/2015/01/14/whats-a-terrorist-attack-if-not-an-excuse; kdf)

Following on last week's terrorist attacks in France, the British government has dusted off a long-sought "snooper's charter"—better known as the Data Communications Bill—to ease the power of officials to track people's private communications. "It is too soon to say for certain, but it is highly probable that communications data was used in the Paris attacks to locate the suspects and establish the links between the two attacks," Home Secretary Theresa May told Parliament. "Quite simply, if we want the police and the security services to protect the public and save lives, they need this capability. You get that? There's no evidence that the bill would have prevented the Charlie Hebdo attack, but that incident is why you should pass the bill. Prime Minister David Cameron even says that messaging services that can't be intercepted should be banned. Using the latest outrage to inject new life into old security-state legislation isn't a British specialty. When the Patriot Act was introduced in 2001, then-Senator Joseph Biden boasted, "I drafted a terrorism bill after the Oklahoma City bombing. And the bill John Ashcroft sent up was my bill." This is a game in which politicians everywhere can participate. Never mind that, as Reason's Ron Bailey pointed out in November, "there is very little evidence that the Internet is making terrorism easier to do." But pretending otherwise, and passing legislation that empowers security services, lets government officials accumulate power and give the appearance of doing something when the public is frightened. Added Bailey: As [David Benson, a political scientist at the University of Chicago] argues, exaggerating the Internet's usefulness to terrorism has "egregious costs." Some officials, for example, have been calling for a "kill switch" that would allow the government to shut down the Internet in an emergency. Noting how much Americans depend upon the Net for commerce, communication, medical care, and so forth, Benson points out that "It is difficult to imagine a terrorist attack being as costly as turning off the Internet would be." Terrorism also gives officials an excuse to tighten censorship—especially in jurisdictions, including many democratic countries in Europe, where the whole free speech thing has relatively shallow roots. So get ready for the ride. Driven by a need to appear proactive, and a preexisting taste for accumulating power, government officials once again exploit a murderous incident to increase their authority over us. Which escalates the ongoing cold war between people who want to be left alone, and the governments that seek to control them.

Impact: Turns the Aff -> Racism

Terror attacks incite racism domestically, regardless of who attacks

Akrahm and Johnson 2002 (Susan M [Associate Clinical Prof @ Boston U School of Law] and Kevin R [Associate Dean for Academic Affairs@ UC Davis, Prof of Law and Chicana/o Studies]; RACE, CIVIL RIGHTS, AND IMMIGRATION LAW AFTER SEPTEMBER 11, 2001: THE TARGETING OF ARABS AND MUSLIMS; Nov 2; www.privacysos.org/sites/all/files/akram.pdf; kdf)

Times of crisis are often accompanied by hostility toward minorities in the United States. For Arabs and Muslims, this may be even more problematic, as perpetrators of hate crimes against Arabs and Muslims frequently fail to differentiate among persons based on religion or ethnic origin, from Pakistanis, Indians, Iranians, and Japanese to Muslims, Sikhs and Christian Arabs.⁸⁹ The widespread perception in the United States is that Arabs and Muslims are identical and eager to wage a holy war against the United States.⁹⁰ In fact, according to a 1993 report, only 12% of the Muslims in the United States at that time were Arab,⁹¹ and Arab Muslims are even a minority in the Arab-American community.⁹² Although there are Muslim “extremists,” the majority of Muslims are “decent, law-abiding, productive citizens.”⁹³ Because of the lack of differentiation between different types of Arabs and Muslims, terrorist acts by small groups of Arabs and Muslims often have been followed by generalized hostility toward entire communities of Arabs and Muslims in the United States. For example, after Lebanese Shi’a gunmen in 1985 hijacked TWA Flight 847 to Beirut, beat an American on the plane to death, and held the remaining passengers hostage for over two weeks,⁹⁴ violent attacks against persons of Arab and Muslim origin occurred across the United States.⁹⁵ Islamic centers and Arab-American organizations were vandalized and threatened. A Houston mosque was firebombed. A bomb exploded in the American-Arab Anti-Discrimination Committee office in Boston, severely injuring two policemen.⁹⁶ Later that same year, after terrorists hijacked the Achille Lauro cruise liner and murdered a passenger, a wave of anti-Arab violence swept the country, including the bombing of an American Arab Anti-Discrimination Committee office that killed its regional executive director.⁹⁷ In 1986, in apparent response to the Reagan Administration’s “war on terrorism” directed at Libya,⁹⁸ another episode of anti-Arab harassment and violence broke out. The same night of a U.S. bombing raid on Libya, the American-Arab Anti-Discrimination Committee national office in Washington received threats. Shortly thereafter, the Detroit American-Arab Anti-Discrimination Committee office, the Dearborn Arab community center, and the Detroit Arab-American newspaper received bomb threats.⁹⁹ Threats, beatings and other violent attacks on Arabs were reported across the United States.¹⁰⁰ At this time, someone broke into a Palestinian family’s home, set off a smoke bomb inside the house, and painted slogans such as “Go Back to Libya” on the walls.¹⁰¹ The Gulf War intensified anti-Arab hostility in the United States. The American-Arab Anti-Discrimination Committee reported four anti-Arab hate crimes for 1990 before the invasion of Kuwait in August.¹⁰² Between the invasion and February 1991, the Committee reported 175 incidents.¹⁰³ When U.S. intervention commenced in January 1991, Arab and Muslim businesses and community organizations were bombed, vandalized, and subjected to harassment.¹⁰⁴

Impact: Terror Bad

Even a small attack pulled off by 1 person could kill billions

Myhrvold 2014 (Nathan P [chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft]; Strategic Terrorism: A Call to Action; cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf; kdf)

Technology contains no inherent moral directive—it empowers people, whatever their intent, good or evil. This has always been true: when bronze implements supplanted those made of stone, the ancient world got scythes and awls, but also swords and battle-axes. The novelty of our present situation is that modern technology can provide small groups of people with much greater lethality than ever before. We now have to worry that private parties might gain access to weapons that are as destructive as—or possibly even more destructive than— those held by any nation-state. A handful of people, perhaps even a single individual, could have the ability to kill millions or even billions. Indeed, it is possible, from a technological standpoint, to kill every man, woman, and child on earth. The gravity of the situation is so extreme that getting the concept across without seeming silly or alarmist is challenging. Just thinking about the subject with any degree of seriousness numbs the mind. The goal of this essay is to present the case for making the needed changes before such a catastrophe occurs. The issues described here are too important to ignore.

Impact: Escalation

9/11 proves, attacks invite counter-attacks

Myhrvold 2014 (Nathan P [chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft]; Strategic Terrorism: A Call to Action; cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf; kdf)

Failing nation-states—like North Korea—which possess nuclear weapons potentially pose a nuclear threat. Each new entrant to the nuclear club increases the possibility this will happen, but this problem is an old one, and one that existing diplomatic and military structures aim to manage. The newer and less understood danger arises from the increasing likelihood that stateless groups, bent on terrorism, will gain access to nuclear weapons, most likely by theft from a nation-state. Should this happen, the danger we now perceive to be coming from rogue states will pale in comparison. The ultimate response to a nuclear attack is a nuclear counterattack. Nation states have an address, and they know that we will retaliate in kind. Stateless groups are much more difficult to find which makes a nuclear counterattack virtually impossible. As a result, they can strike without fear of overwhelming retaliation, and thus they wield much more effective destructive power. Indeed, in many cases the fundamental equation of retaliation has become reversed. Terrorists often hope to provoke reprisal attacks on their own people, swaying popular opinion in their favor. The aftermath of 9/11 is a case in point. While it seems likely that Osama bin Laden and his henchmen hoped for a massive overreaction from the United States, it is unlikely his Taliban hosts anticipated the U.S. would go so far as to invade Afghanistan. Yes, al-Qaeda lost its host state and some personnel. The damage slowed the organization down but did not destroy it. Instead, the stateless al-Qaeda survived and adapted. The United States can claim some success against al-Qaeda in the years since 9/11, but it has hardly delivered a deathblow. Eventually, the world will recognize that stateless groups are more powerful than nation-states because terrorists can wield weapons and mount assaults that no nationstate would dare to attempt. So far, they have limited themselves to dramatic tactical terrorism: events such as 9/11, the butchering of Russian schoolchildren, decapitations broadcast over the internet, and bombings in major cities. Strategic objectives cannot be far behind.

Threats real - Lone Wolf

Lone wolf threats are mounting

Wall Street Journal 2015 (The Anti-Surveillance Rush; 20 May 2015: A.12; ProQuest; kdf)

Among the GOP presidential field, Marco Rubio has come out in favor of metadata, while Chris Christie gave a thoughtful speech Monday on intelligence and foreign affairs in Portsmouth, New Hampshire. The New Jersey Governor speaks with some authority as a former antiterror prosecutor who worked in the greater New York region that is a principal target of global jihad. "If we want to manage events -- and not have events manage us -- then we need superior knowledge of the world around us," Mr. Christie said. "Instead, Washington is debating the wrong question entirely -- which intelligence capabilities should we get rid of?" He is flattering the legislative rush by calling it a debate. Mr. Christie was especially sharp on the distinction between the practical realities of protecting the country and "the intellectual purists worried about theoretical abuses that haven't occurred -- instead of the real threats that we've already seen from Garland, Texas, to Fort Dix, New Jersey." The growing world disorder may mean metadata is more critical than ever. A rush to the exits is no way to conduct U.S. intelligence, or the affairs of Congress. If a majority of Senators really do want to disarm in the terror war, then they should defend their positions, listen to the other side, and be accountable for the results. Cramping such a major policy into law before a holiday weekend is a failure to treat national security with the seriousness it deserves.

AT: Mueller

Mueller is a hack

Graham **Allison 9**, Douglas Dillon Professor of Government and Director of the Belfer Center for Science and International Affairs at Harvard University's Kennedy School of Government, "A Response to Nuclear Terrorism Skeptics" Brown Journal of World Affairs, Hein Online

What drives Mueller and other skeptics to arrive at such different conclusions? They make four major claims that merit serious examination and reflection. CLAIM 1: No ONE IS SERIOUSLY MOTIVATED TO CONDUCT A NUCLEAR TERRORIST ATTACK. More than a decade ago, no one could have imagined that a Japanese doomsday cult would be sufficiently motivated to disseminate sarin gas on the Tokyo subway. Indeed, at the time of that attack, the consensus among terrorism experts was that terrorists wanted an audience and sympathy-not casualties. The leading American student of terrorism, Brian Jenkins, summarized the consensus judgment in 1975: "terrorists seem to be more interested in having a lot of people watching, not a lot of people dead." As intelligence officials later testified, an inability to recognize the shifting modus operandi of some terrorist groups was part of the reason why members of Aum Shinrikyo "were simply not on anybody's radar screen" This, despite the fact that the group owned a 12-acre chemical weapons factory in Tokyo, had \$1 billion in its bank account, and had a history of serious nuclear ambitions.⁹ Similarly, before the 9/11 attacks on the World Trade Center and Pentagon that extinguished 3,000 lives, few imagined that terrorists could mount an attack upon the American homeland that would kill more Americans than the Japanese attack at Pearl Harbor. As Secretary Rice testified to the 9/11 Commission, "No one could have imagined them taking a plane, slamming it into the Pentagon and into the World Trade Center, using planes as a missile." ²⁰ For most Americans, the idea of international terrorists mounting an attack on our homeland and killing thousands of citizens was not just unlikely, but inconceivable. But assertions about what is "imaginable" or "conceivable" are propositions about individuals' mental capacities, not about what is objectively possible. In fact, Al Qaeda's actions in the decade prior to the 9/11 attacks provided clear evidence both of intent and capability. While its 1993 attack on the World Trade Center succeeded in killing only six people, Ramzi Yousef, the key operative in this case, had planned to collapse one tower onto the second, killing 40,000. In the summer of 1996, Osama bin Laden issued a fatwa declaring war upon the United States. Two years later, Al Qaeda attacked the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing more than 200 people. In October 2000, Al Qaeda attacked the warship USS Cole. Throughout this period, Al Qaeda's leadership was running thousands of people through training camps, preparing them for mega-terrorist attacks. Notwithstanding Aum Shinrikyo's brazen attack, Al Qaeda's audacious 9/11 attack, and the recent attacks in Mumbai that killed 179 people, Mueller maintains that "terrorists groups seem to have exhibited only limited desire... they have discovered that the tremendous effort required is scarcely likely to be successful." He asserts that the evidence about Al Qaeda's nuclear intentions ranges from the "ludicrous to the merely dubious," and that those who take Al Qaeda's nuclear aspiration seriously border on "full-on fantasyland."¹ Even scholars who would have been inclined to agree with this point of view have revised their judgment as new facts have accumulated. In 2006, for example, Jenkins reversed the basic proposition that he had set forth three decades earlier. In his summary: "In the 1970s the bloodiest incidents caused fatalities in the tens. In the 1980s, fatalities from the worst incidents were in the hundreds; by the 1990s, attacks on this scale had become more frequent. On 9/11 there were thousands of fatalities, and there could have been far more. We now contemplate plausible scenarios in which tens of 35 thousands might die." Underlining the contrast with his own 1975 assessment, Jenkins now says: Jihadists seem ready to murder millions, if necessary. Many of today's terrorists want a lot of people watching and a lot of people dead.²² (Emphasis added.) Al Qaeda has been deadly clear about its ambitions. In 1998, Osama bin Laden declared that he considered obtaining weapons of mass destruction "a religious duty." In December 2001, he urged his supporters to trump the 9/11 attacks: "America is in retreat by the grace of God Almighty...but it needs further blows." A few months later, Al Qaeda announced its goal to "kill four million Americans."⁵ It even managed to gain religious sanction from a radical Saudi cleric in 2003 to kill "ten million Americans" with a nuclear or biological weapon.²⁶ We also now know that Al Qaeda has been seriously seeking a nuclear bomb. According to the Report of the 9/11 Commission, "Al Qaeda has tried to acquire or make nuclear weapons for at least ten years... and continues to pursue its strategic goal of obtaining a nuclear capability." It further reveals bin Laden had reportedly been heard to speak of wanting a 'Hiroshima.' The Commission provides evidence of Al Qaeda's effort to recruit nuclear expertise-including evidence about the meeting between two Pakistani nuclear weapon scientists, bin Laden, and his deputy Ayman al-Zawahiri in Afghanistan to discuss nuclear weapons.² These scientists were founding members of Ummah Tamer-e-Nau (UTN), a so-called charitable agency to support projects in Afghanistan. The foundation's board included a fellow nuclear scientist knowledgeable about weapons construction, two Pakistani Air Force generals, one Army general, and an industrialist who owned Pakistan's largest foundry.²⁸ In his memoir, former CIA Director George Tenet offers his own conclusion that "the most senior leaders of Al Qaeda are still singularly focused on acquiring WMD" and that "the main threat is the nuclear one." In Tenet's view, Al Qaeda's strategic goal is to obtain a nuclear capability. He concludes as follows: "I am convinced that this is where Osama bin Laden and his operatives desperately want to go."²⁹ **CLAIM 2: IT IS IMPOSSIBLE FOR TERRORISTS TO ACQUIRE FISSILE MATERIAL.** Assuming that terrorists have the intent-could they acquire the necessary materials for a Hiroshima-model bomb? Tenet reports that after 9/11, President Bush showed President Putin his briefing on UTN. In Tenet's account of the meeting, Bush "asked Putin point blank if Russia could account for all of its material." Putin responded that he could guarantee it was secure during his watch, underlying his inability to provide assurance about events under his predecessor, Boris Yeltsin.³⁰ When testifying to the Senate Intelligence Committee in February 2005, Committee Vice-Chairman John Rockefeller (D-WV) asked CIA Director Porter Goss whether the amount of nuclear material known to be missing from Russian nuclear facilities was sufficient to construct a nuclear weapon. Goss replied, "There is sufficient material unaccounted for that it would be possible for those with know-how to construct a weapon." I can't account for some of the material so I can't make the assurance about its whereabouts."³¹ Mueller sidesteps these inconvenient facts to assert a contrary claim. According to his telling, over the last 10 years, there have been only 10 known thefts of highly enriched uranium (HEU), totaling less

than 16 pounds, far less than required for an atomic explosion. He acknowledges, however, that "There may have been additional thefts that went undiscovered."³² ¶ Yet, as Matthew Bunn testified to the Senate in April 2008, "Theft of HEU and plutonium is not a hypothetical worry, it is an ongoing reality." He notes that "nearly all of the stolen HEU and plutonium that has been seized over the years had never been missed before it was seized." The IAEA Illicit Nuclear Trafficking Database notes 1,266 incidents reported by 99 countries over the last 12 years, including 18 incidents involving HEU or plutonium trafficking. 130 research reactors around the world in 40 developing and transitional countries still hold the essential ingredient for nuclear weapons. As Bunn explains, "The world stockpiles of HEU and separated plutonium are enough to make roughly 200,000 nuclear weapons; a tiny fraction of one percent of these stockpiles going missing could cause a global catastrophe." ¶ Consider the story of Russian citizen Oleg Khinsagov. Arrested in February 2006 in Georgia, he was carrying 100 grams of 89-percent enriched HEU as a sample and attempting to find a buyer for what he claimed were many additional kilograms. Mueller asserts that "although there is a legitimate concern that some material, particularly in Russia, may be somewhat inadequately secured, it is under lock and key, and even sleepy, drunken guards, will react with hostility (and noise) to a raiding party."³¹ ¶

CLAIM 3: IT IS EXTREMELY DIFFICULT TO CONSTRUCT A NUCLEAR DEVICE THAT

WORKS. ¶ Rolf Mowatt-Larssen, former director of the Department of Energy's Office of Intelligence and Counterintelligence, testified that, "The 21st century will be defined first by the desire and then by the ability of non-state actors to procure or develop crude nuclear weapons."⁶ In contrast, Mueller contends that, "Making a bomb is an extraordinarily difficult task... the odds, indeed, are stacked against the terrorists, perhaps massively so."³⁷ ¶ Mueller argues that his conclusion follows from an analysis of 20 steps an atomic terrorist would have to accomplish in what he judges to be the most likely nuclear terrorism scenario. On the basis of this list, he claims that there is "worse than one in a 37 million" chance of success.³⁸ ¶ His approach

however, misunderstands probabilistic risk assessment. For example, some of the steps on the list would have to be completed before an attempt to acquire material could begin (therefore, the success rate for any of those steps during the path would, by definition, be 100 percent). Other steps are unnecessary, such as having a technically sophisticated team pre-deployed in the target country. Although he assumes that stolen materials will be missed, in none of the 18 documented cases mentioned earlier had the seized material been reported missing.³⁹ ¶ At U.S. weapons labs and among the U.S. intelligence community, experts who

have examined this issue largely agree. John Foster, a leading American bomb maker and former director of the Lawrence Livermore National Laboratories, wrote a quarter century ago, "If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature."⁴ Similarly, Theodore Taylor, the nuclear physicist who designed America's smallest and largest atomic bombs, has repeatedly stated that, given fissile material, building a bomb is "very easy." Double underline. Very Easy.⁴⁰ ¶

Inquiring into such claims, then-Senator Joe Biden (D-DE) asked the major nuclear weapons laboratories whether they could make such a device if they had nuclear materials. All three laboratories answered affirmatively. The laboratories built a gun-type device using only components that were commercially available and without breaking a single U.S. law. ¶ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, known as the Silberman-Robb Commission, reported in 2005 that the intelligence community believed Al Qaeda "probably had access to nuclear expertise and facilities and that there was a real possibility of the group developing a crude nuclear device." It went on to say that "fabrication of at least a 'crude' nuclear device was

within Al Qaeda's capabilities, if it could obtain fissile material."⁴³ ¶ Skeptics argue that terrorists cannot replicate the effort of a multi-billion dollar nuclear program of a state. This claim does not distinguish between the difficulty of producing nuclear materials for a bomb (the most difficult threshold) and the difficulty of making a bomb once the material has been acquired. The latter is much easier. In the Iraq case, for example, the CIA noted that if Saddam Hussein had stolen or purchased nuclear materials from abroad, this would have cut the time Iraq needed to make a bomb from years to months.¹ Moreover, terrorists do not require a state-of-the-art

weapon and delivery system, since for blowing up a single city a crude nuclear device would suffice. ¶ The grim reality of globalization's dark underbelly is that non-state actors are 38 increasingly capable of enacting the kind of lethal destruction heretofore the sole reserve of states. ¶ CLAIM 4: IT IS TOO DIFFICULT TO

DELIVER A NUCLEAR DEVICE TO THE UNITED STATES. ¶ In the spring of 1946, J. Robert Oppenheimer was asked whether units of the atom bomb could be smuggled into New York and then detonated. He answered, "Of course it could be done, and people could destroy New York." As for how such a weapon smuggled in a crate or a suitcase might be detected, Oppenheimer opined, "with a screwdriver." He went on to explain that because the HEU in a nuclear weapon emits so few radioactive signals, a bomb disguised with readily available shielding would not be detected when inspectors opened the crates and examined the cargo.⁴¹ ¶ The nuclear weapon that terrorists would use in the first attack on the United States is far more likely to arrive in a cargo container than on the tip of a missile. In his appearance before a Senate subcommittee in March 2001, six months before 9/11, National Intelligence Officer Robert Walpole testified that "non-missile delivery means are less costly, easier to acquire, and more reliable and accurate."⁶ ¶ Citing the 1999-2003 U.S. Congressional Advisory Panel to Assess Domestic Response

Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore Commission), Mueller states that transporting an improvised nuclear device would require overcoming "Herculean challenges." ¶ He does not explain, however, why bringing a crude nuclear weapon into an American city would be materially different than the challenge faced by drug smugglers or human traffickers. According to the Government Accountability Organization, an average of 275 metric tons of cocaine have arrived in Mexico each year for transshipment to the United States since 2000. Reported seizures averaged about 36 tons a year, a 13 percent success rate for the intelligence and law enforcement community. Three million illegal immigrants enter the country each year, and only one in three gets caught.⁴² ¶

Impact – Right Wing Nuts

Uniqueness – Threats Real

Right-wing fanatics are the biggest threat to the US

Kruzman and Schanzer June 16, 2015 (Charles and David; The Growing Right-Wing Terror Threat; www.nytimes.com/2015/06/16/opinion/the-other-terror-threat.html?_r=0)

THIS month, the headlines were about a Muslim man in Boston who was accused of threatening police officers with a knife. Last month, two Muslims attacked an anti-Islamic conference in Garland, Tex. The month before, a Muslim man was charged with plotting to drive a truck bomb onto a military installation in Kansas. If you keep up with the news, you know that a small but steady stream of American Muslims, radicalized by overseas extremists, are engaging in violence here in the United States. But headlines can mislead. **The main terrorist threat in the United States is not from violent Muslim extremists, but from right-wing extremists.** Just ask the police. In a survey we conducted with the Police Executive Research Forum last year of 382 law enforcement agencies, 74 percent reported anti-government extremism as one of the top three terrorist threats in their jurisdiction; 39 percent listed extremism connected with Al Qaeda or like-minded terrorist organizations. And only 3 percent identified the threat from Muslim extremists as severe, compared with 7 percent for anti-government and other forms of extremism. The self-proclaimed Islamic State's efforts to radicalize American Muslims, which began just after the survey ended, may have increased threat perceptions somewhat, but not by much, as we found in follow-up interviews over the past year with counterterrorism specialists at 19 law enforcement agencies. These officers, selected from urban and rural areas around the country, said that radicalization from the Middle East was a concern, but not as dangerous as radicalization among right-wing extremists. An officer from a large metropolitan area said that "militias, neo-Nazis and sovereign citizens" are the biggest threat we face in regard to extremism. One officer explained that he ranked the right-wing threat higher because "it is an emerging threat that we don't have as good of a grip on, even with our intelligence unit, as we do with the Al Shabab/Al Qaeda issue, which we have been dealing with for some time." An officer on the West Coast explained that the "sovereign citizen" anti-government threat has "really taken off," whereas terrorism by American Muslim is something "we just haven't experienced yet." Last year, for example, a man who identified with the sovereign citizen movement — which claims not to recognize the authority of federal or local government — attacked a courthouse in Forsyth County, Ga., firing an assault rifle at police officers and trying to cover his approach with tear gas and smoke grenades. The suspect was killed by the police, who returned fire. In Nevada, anti-government militants reportedly walked up to and shot two police officers at a restaurant, then placed a "Don't tread on me" flag on their bodies. An anti-government extremist in Pennsylvania was arrested on suspicion of shooting two state troopers, killing one of them, before leading authorities on a 48-day manhunt. A right-wing militant in Texas declared a "revolution" and was arrested on suspicion of attempting to rob an armored car in order to buy weapons and explosives and attack law enforcement. These individuals on the fringes of right-wing politics increasingly worry law enforcement officials. Law enforcement agencies around the country are training their officers to recognize signs of anti-government extremism and to exercise caution during routine traffic stops, criminal investigations and other interactions with potential extremists. **"The threat is real,"** says the handout from one training program sponsored by the Department of Justice. Since 2000, the handout notes, 25 law enforcement officers have been killed by right-wing extremists, who share a "fear that government will confiscate firearms" and a "belief in the approaching collapse of government and the economy." Despite public anxiety about extremists inspired by Al Qaeda and the Islamic State, the number of violent plots by such individuals has remained very low. Since 9/11, an average of nine American Muslims per year have been involved in an average of six terrorism-related plots against targets in the United States. Most were disrupted, but the 20 plots that were carried out accounted for 50 fatalities over the past 13 and a half years. In contrast, right-wing extremists averaged 337 attacks per year in the decade after 9/11, causing a total of 254 fatalities, according to a study by Arie Perliger, a professor at the United States Military Academy's Combating Terrorism Center. The toll has increased since the study was released in 2012. Other data sets, using different definitions of political violence, tell comparable stories. The Global Terrorism Database maintained by the Start Center at the University of Maryland includes 65 attacks in the United States associated with right-wing ideologies and 24 by Muslim extremists since 9/11. The International Security Program at the New America Foundation identifies 39 fatalities from "non-jihadist" homegrown extremists and 26 fatalities from "jihadist" extremists. Meanwhile, terrorism of all forms has accounted for a tiny proportion of violence in America. There have been more than 215,000

murders in the United States since 9/11. For every person killed by Muslim extremists, there have been 4,300 homicides from other threats. Public debates on terrorism focus intensely on Muslims. But this focus does not square with the low number of plots in the United States by Muslims, and it does a disservice to a minority group that suffers from increasingly hostile public opinion. As state and local police agencies remind us, right-wing, anti-government extremism is the leading source of ideological violence in America.

Link – Surveillance

All surveillance measures are useful to prevent fanatics from pulling off attacks & Ohio is evil

Sewell 2015 (Dan; New FBI official: Terror threat in Ohio is surprising; May 30; www.bucyrustelegraphforum.com/story/news/state/2015/05/30/new-fbi-official-terror-threat-ohio-surprising/28217115/; kdf)

CINCINNATI – The new head of the FBI's wide-ranging Cincinnati division says the threat of homegrown terrorists in her native state is surprising and scary. Angela Byers became special agent in charge of the office that covers 48 of Ohio's 88 counties in late February, just after back-to-back arrests of young men in Cincinnati and Columbus in separate cases alleging they were plotting attacks in the United States. Both have pleaded not guilty to all charges. Byers told The Associated Press in an interview she was surprised at the threat level in Ohio, and she suspects many people in the Midwest don't realize that "violent extremists" can pop up anywhere. "It's scary. And it's scary to us. I'm not sure the general public quite gets the gravity of it," she said. She said counterterrorism efforts are ongoing in her office, although she couldn't comment on any possible other cases. "It seems like once we get one guy, another guy pops up high on the radar," she said. "We just keep moving from one to the next." The cases that broke this year in her division were the arrests of Christopher Lee Cornell, of suburban Cincinnati, on charges he planned to attack the U.S. Capitol, and Abdirahman Sheik Mohamud, 23, of Columbus, accused of planning to attack a military base or prison after returning from terrorist training in Syria. Mark Ensalaco, the director of human rights research at the University of Dayton, who has written about Middle East terrorism and the Sept. 11 attacks, said trying to detect homegrown "lone wolves" before they act is "a nightmare for national security." But he said use of confidential informants and federal electronic surveillance can raise concerns about protecting citizens' rights.

Impact – Racism

Right-wing terrorism accesses the internal-link more than the aff

Iyer 6/19/2015 (Deepa; Charleston Shooting is domestic terrorism;

america.aljazeera.com/opinions/2015/6/charleston-shooting-is-domestic-terrorism.html; kdf)

A gun rampage. A hate crime. An act of domestic terrorism. The shooting deaths of nine people in the historic Emanuel African Methodist Episcopal Church in downtown Charleston, South Carolina, on Wednesday night must be characterized as all three. While we await further information about the suspect, Dylann Roof, and as we mourn with the families of the victims, it is important that we categorize this tragedy accurately. Roof, apprehended by police on Thursday, is a 21-year-old white man. Before he opened fire on a group of adults and children who had gathered for Bible study, Roof apparently told the congregation, "You rape our women and you're taking over our country. And you have got to go." According to his roommate Dalton Tyler, he had planned something like this attack for six months. "He was big into segregation and other stuff," Tyler told ABC News. "He said he wanted to start a civil war. He said he was going to do something like that and then kill himself." **The Charleston shooting is a violent act of racial hatred, intended to terrorize and intimidate black people.** It exists on the alarming spectrum of other acts of hate in places of worship, including the bombing of the 16th Street Baptist Church in Birmingham, Alabama, in 1963; the spate of arsons against African-American churches in the late 1990s in the South; the anti-Semitic graffiti regularly sprawled on the walls of synagogues and murders at Jewish community centers; the burning of Korans and throwing of Molotov cocktails at mosques; the vandalism of Hindu temples; and the 2012 shooting of six Sikh worshippers at a gurdwara in Oak Creek, Wisconsin, by a white supremacist. Indeed, acts of violence are perpetrated regularly in this country, on the streets and in places of worship, and on the basis of racial bias, sexual orientation, religious bias, ethnicity, disability, gender bias and gender identity. Annual reports from the Federal Bureau of Investigation (FBI) and the Bureau of Justice Statistics (BJS) sketch a national landscape filled with hate crimes against people, including assaults and homicides, and property, including vandalism to places of worship or cross-burnings. The BJS reports that the percentage of hate crimes involving violence increased from 78 percent in 2004 to 90 percent in 2011 and 2012. Meanwhile, the Southern Poverty Law Center has been tracking the organized activities of anti-immigrant, anti-gay, anti-Muslim and anti-government "patriot" groups, many of which are forming in response to changing American racial demographics, immigration patterns and the election of a black president. They are motivated by the belief that the balance of power will shift away from white Americans — a sentiment apparently voiced by Roof when he said "you are taking over," before opening fire at the church. These domestic right-wing hate groups should not be taken lightly. Their ideologies of white supremacy and white nationalism are seeping into mainstream political activity and rhetoric, and influencing "lone wolves" who are committing the majority of hate violence in the country.

AT: Terror K

No link – the disad focus on actual threats: right wing fanatics

Iyer 6/19/2015 (Deepa; Charleston Shooting is domestic terrorism;

america.aljazeera.com/opinions/2015/6/charleston-shooting-is-domestic-terrorism.html; kdf)

We can start by calling the Mother Emanuel Church shooting a hate crime, as Charleston police chief Greg Mullen has already done. But we should also call it domestic terrorism. Doing so will help us understand the gravity of such acts and ensure that we characterize acts of hate in similar ways, regardless of the race or faith of the perpetrator. Typically, the media and lawmakers label an act of mass violence motivated by hatred or bigotry as terrorism when the perpetrator is Muslim or is of Arab, Middle Eastern, North African or South Asian descent in order to trigger a sense of national insecurity related to the 9/11 attacks. On the other hand, white perpetrators of similar crimes are given the benefit of the doubt, treated as innocent until proven guilty or characterized as mentally unfit. These disparate narratives in turn influence policy and legal decisions as well as public opinion towards people from marginalized backgrounds. Categorizing mass violence motivated by bigotry as domestic terrorism will also compel the federal government to study, monitor, track, prosecute and ultimately prevent the hateful actions of radical right groups motivated by notions of white supremacy. Currently, the government's programs to combat violent extremism almost exclusively focus on the threat of Muslim radicalization. Notwithstanding the negative perceptions of Muslims fueled by these programs, it is vital that the federal government allocate resources towards countering violent extremism by hate groups that target communities of color and faith. But a label is only a start. In order to address the roots of hate violence perpetrated by individuals, we must come to terms with the structural inequities in America. The cycles of economic, education, incarceration and housing policies that abandon, criminalize and disenfranchise black and brown people foster an environment in which hateful individuals feel empowered to violently target already marginalized communities. We must disrupt these cycles through policy and culture shifts that include dismantling the narratives, propelled by xenophobia, Islamophobia and racism, that are constructed about black and brown communities — as people who are undeserving of benefits and rights.

Impact – Al Qaeda

Uniqueness - Al Qaeda

Al Qaeda is expanding and plotting attacks against the West

Hubbard 6/9/2015 (Ben; Al Qaeda Tries a New Tactic to Keep Power: Sharing It;

www.nytimes.com/2015/06/10/world/middleeast/qaeda-yemen-syria-houthis.html; kdf)

BEIRUT, Lebanon — After they routed the army in southern Yemen, fighters from Al Qaeda stormed into the city of Al Mukalla, seizing government buildings, releasing jihadists from prison and stealing millions of dollars from the central bank. Then they surprised everyone. Instead of raising their flags and imposing Islamic law, they passed control to a civilian council and gave it a budget to pay salaries, import fuel and hire teams to clean up garbage. The fighters receded into the background, maintaining only a single police station to arbitrate disputes. Al Qaeda's takeover of Yemen's fifth-largest city in April was the most direct indication yet that the group's most potent regional affiliates are evolving after years of American drone strikes killing their leaders and changing to meet the challenge posed by the Islamic State's competing and land-grabbing model of jihad. While the image of Al Qaeda has long been one of shadowy operatives plotting international attacks from remote hide-outs, its branches in Yemen and Syria are now increasingly making common cause with local groups on the battlefield. In doing so, they are distancing themselves from one of Osama bin Laden's central precepts: That fighters should focus on the "far enemy" in the West and not get bogged down in local insurgencies. In recent weeks, the Qaeda affiliate in Yemen has allied with armed tribes to fight Iranian-backed Houthi rebels, putting that alliance on the same side of the country's civil war as the United States and Saudi Arabia. In Syria, Qaeda-allied fighters are important members of a rebel coalition against President Bashar al-Assad that includes groups supported by the West. This strategy has clear benefits for a group that has long been near the top of the United States's list of enemies by allowing it to build local support while providing some cover against the threat of foreign military action. But despite Al Qaeda's increased involvement in local battles, American officials say the group remains committed to attacking the West, a goal that could be easier to plot from sanctuaries where it enjoys local support. Cooperating with others could also give Al Qaeda a long-term advantage in its competition with the extremists of the Islamic State, analysts said. Since its public break with Al Qaeda last year, the Islamic State, also known as ISIS or ISIL, has stolen the jihadist limelight by seizing cities in Syria and Iraq and declaring a caliphate in the territory it controls. This has won it the allegiances of other militant cells from Libya to Afghanistan. The Islamic State has insisted that other groups join it or be considered enemies, a tactic that has alienated many in areas it controls. And its public celebration of violence, including the beheading of Western hostages, helped spur the formation of a United States-led military coalition that is bombing the group. Al Qaeda's branches in Syria and Yemen have taken a different route, building ties with local groups and refraining from the strict application of Shariah, the legal code of Islam, when faced with local resistance, according to residents of areas where Al Qaeda holds sway. When Al Qaeda took over Al Mukalla in April, it seized government buildings and used trucks to cart off more than \$120 million from the central bank, according to the bank's director, Abdul-Qader Foulihan. That sum could not be independently verified. But it soon passed control to a civilian council, giving it a budget of more than \$4 million to provide services, an arrangement that made sense to local officials seeking to serve their people during wartime. "We are not Qaeda stooges," said Abdul-Hakeem bin Mahfood, the council's secretary general, in a telephone interview. "We formed the council to avoid the destruction of the city." While the council pays salaries and distributes fuel, Al Qaeda maintains a police station to settle disputes, residents said. It has so far made no effort to ban smoking or regulate how women dress. Nor has it called itself Al Qaeda, instead using the name the Sons of Hadhramaut to emphasize its ties to the surrounding province. One self-described Qaeda member said that the choice of name was deliberate, recalling that after the group seized territory in southern Yemen in 2011, the country's military had mobilized to push it out with support from the United States. "We were in control for a year and six months, we applied God's law, we created a small state and the whole world saw it, but they did not leave us alone," the man said in an interview with a Yemeni television station. "So we came here with the name the Sons of Hadhramaut, but the people here know who we are." American officials have long considered the terrorist group's Yemeni branch, known as Al Qaeda in the Arabian Peninsula, the most dangerous to the West. It has sought to carry out attacks against the United States, and it retains sophisticated bomb-making expertise. Now, Yemen's civil war has given the group an opportunity to expand, analysts said.

--AT: al-Wuhayshi killed

Al-Wuhayshi's death galvanized AQAP

Johnson 6/16/2015 (Bridget; AQAP Confirms Leader Killed, Vows to Make U.S. 'Taste the Bitterness of Defeat'; pjmedia.com/tatler/2015/06/16/aqap-confirms-leader-killed-vows-to-make-u-s-taste-the-bitterness-of-defeat/; kdf)

Al-Qaeda in the Arabian Peninsula confirmed in a statement released through its media arm, Al-Malahem, that leader Nasir al-Wuhayshi was killed in an American airstrike in Yemen. "We in al-Qaeda in the Arabian Peninsula mourn to our Muslim nation ... that Abu Baseer Nasser bin Abdul Karim al-Wuhayshi, God rest his soul, passed away in an American strike which targeted him along with two of his mujahideen brothers, may God rest their souls," Khaled Batarfi, a senior member of the group, read in the group's nearly 10-minute statement. "Let it be known to the enemies of God that their battle is not only with one person or figure, no matter how important," Batarfi stressed. "To the infidel America: God has kept alive those who will trouble your life and make you taste the bitterness of defeat." AQAP's commander of military operations, Qassim al-Raimi, has moved into the top spot.

Al Qaeda Gets Nukes

Al-Qaeda's regrouping across the world – they're searching for nukes

Etzioni 15 [Amitai Etzioni, Director of the Institute for Communitarian Policy Studies at George Washington University, former President of the American Sociological Association, former Professor at Harvard Business School, former Senior Adviser to the White House, “

NSA: National Security vs. Individual Rights,” *Intelligence and National Security*, Volume 30, Issue 1, Winter 2015, pages 100-136]

Those who hold that terrorism has much subsided can draw on President Obama's statements. The President announced in May 2013 that ‘the core of Al Qaeda in Afghanistan and Pakistan is on the path to defeat. Their remaining operatives spend more time thinking about their own safety than plotting against us’,²¹ and echoing this sentiment in August when he stated that ‘core Al Qaeda is on its heels, has been decimated’.²² Administration officials have been similarly optimistic regarding the diminished terror threat.²³ And he ‘pivoted’ US foreign policy away from a focus on the Middle East in favor of a focus on East Asia.²⁴ However, since then there has been a steady stream of reports that suggest that much remains to be done in facing terrorism, indeed that Al Qaeda is rebuilding its strength and that the pivot to the Far East may well have been premature. Core Al Qaeda is regrouping under the banner of ‘Al Qaeda in the Arabian Peninsula’ (**AQAP**). Ayman al-Zawahiri has taken over Osama bin Laden's vacated position. It has expanded from 200–300 members in 2009 to over 1000 today.²⁵ This group was behind the ‘most specific and credible threat’ since the attacks on 9/11, which led to the closure of dozens of American embassies across the Middle East.²⁶ And it managed to capture and control significant territory in Yemen.²⁷ **Al Qaeda affiliates are growing in strength and spreading into additional nations**.²⁸ Al Qaeda increasingly is relying on a decentralized network of collaborating terrorist affiliates.²⁹ Affiliates include groups in Africa (a network that spans Algeria, Mali, Niger, Mauritania, and Libya),³⁰ the Caucasus, Syria, and Somalia.³¹ Taken together, ‘Al Qaeda franchises and fellow travelers now control more territory and can call on more fighters, than at any time since Osama bin Laden created the organization 25 years ago’.³² Al Qaeda in Iraq has recently started a bombing campaign that killed over 1000 people. The group has transformed Iraq into a staging point for incursions into the Syrian civil war.³³ At the same time, Syria is turning into a haven and breeding ground for terrorists: ‘an even more powerful variant of what Afghanistan was more than 30 years ago’.³⁴ It is estimated that there are as many as 17,000 foreign fighters in the country, most from Saudi Arabia and Tunisia.³⁵ Western intelligence officials worry that Syria is ‘developing into one of the biggest terrorist threats in the world today.’³⁶ Al Qaeda and its subsidiaries have shown that they are agile and able to adapt as revealed in their use of ink cartridges as a bomb and ‘implanted’ explosives undetectable by airport scanners. Finally, terrorists have been trying to get nuclear weapons. Both Russia and Pakistan have less-than-fully-secured nuclear arms within their borders,³⁷ and Pakistan has experienced at least six serious terrorist attempts to penetrate its nuclear facilities.³⁸

Impact - ISIS

Uniqueness: ISIS in the US

ISIS has infiltrated the US -- only strong surveillance can prevent escalation

Perez and Prokupecz May 30 (Evan and Shimon; FBI struggling with surge in homegrown terror cases; www.cnn.com/2015/05/28/politics/fbi-isis-local-law-enforcement/; kdf)

The New York Police Department and other law enforcement agencies around the nation are increasing their surveillance of ISIS supporters in the U.S., in part to aid the FBI which is struggling to keep up with a surge in the number of possible terror suspects, according to law enforcement officials. The change is part of the fallout from the terrorist attack in Garland, Texas earlier this month. The FBI says two ISIS supporters attempted a gun attack on a Prophet Mohammad cartoon contest but were killed by police. One of the attackers, Elton Simpson, was already under investigation by the FBI but managed to elude surveillance to attempt the foiled attack. FBI Director James Comey told a group of police officials around the country in a secure conference call this month that the FBI needs help to keep tabs on hundreds of suspects. As a result, some police agencies are adding surveillance teams to help the FBI monitor suspects. Teams of NYPD officers trained in surveillance are now helping the FBI's surveillance teams to better keep track of suspects, law enforcement officials say. Why ISIS is winning, and how to stop it NYPD Commissioner William Bratton has said he wants to add 450 officers to the force's counterterrorism unit, partly to counter the increasing domestic threat posed by ISIS sympathizers. The same is happening with other police departments around the country. The Los Angeles Police Department's counterterrorism unit is also beefing up its surveillance squads at the request of the FBI, law enforcement officials say. Comey said at an unrelated news conference Wednesday that he has less confidence now that the FBI can keep up with the task. "It's an extraordinarily difficult challenge task to find -- that's the first challenge -- and then assess those who may be on a journey from talking to doing and to find and assess in an environment where increasingly, as the attorney general said, their communications are unavailable to us even with court orders," Comey said. "They're on encrypted platforms, so it is an incredibly difficult task that we are enlisting all of our state, local and federal partners in and we're working on it every single day, but I can't stand here with any high confidence when I confront the world that is increasingly dark to me and tell you that I've got it all covered," he said. "We are working very, very hard on it but it is an enormous task." On Saturday, an FBI spokesman said the bureau doesn't have a shortage of resources and the Garland attack wasn't the result of lack of surveillance personnel. If agents had any indication that Simpson was moving toward an attack, they would have done everything to stop it, the spokesman said. The appeal for local help isn't intended to seek more surveillance, but more broadly to encourage local law enforcement to increase vigilance given the heightened threat, the FBI said. The Garland attack prompted a reassessment for FBI officials. Simpson's social media and other communications with known ISIS recruiters drew the FBI's interest earlier this year. The Americans linked to ISIS FBI agents in Phoenix began regular surveillance of Simpson, though it was not round-the-clock monitoring, according to a U.S. official. The agents watching Simpson noticed he disappeared for a few days. Investigators looked into his communications and found social media postings making reference to the Garland cartoon contest. That discovery is what prompted the FBI to send a bulletin to the joint terrorism task force that was monitoring the Garland event. The bulletin arrived about three hours before the attack. Comey told reporters this month the FBI had no idea Simpson planned to attack the event or even that he had traveled from his home in Phoenix to Texas.

Uniqueness: ISIS coming

ISIS is growing in power – all tools are necessary to mitigate their strength

Rojas June 19, 2015 (Nicole; US State Department: Isis knocks off al-Qaeda as leading terrorist organisation; www.ibtimes.co.uk/us-state-department-isis-knocks-off-al-qaeda-leading-terrorist-organisation-1507091; kdf)

The Country Reports on Terrorism by the US State Department, released on 19 June, reveals Isis has beaten al-Qaeda as the world's leading terrorist organisation. The new report found that the Islamic State in the Middle East, as well as its partner Boko Haram in Africa, has led to the decline of al-Qaeda's power. It reported that al-Qaeda leadership "appeared to lose momentum as the self-styled leader of a global movement in the face of Isil's [Isis] rapid expansion." However, the report noted that al-Qaeda continued to have an impact on terrorism. "Though AQ central leadership was weakened, the organisation continued to serve as a focal point of 'inspiration' for a worldwide network of affiliated groups, including al-Qa'ida in the Arabian Peninsula—a long-standing threat to Yemen, the region, and the United States; al-Qa'ida in the Islamic Maghreb; a;-Nusrah Front; and al-Shabaab," the report said. The report also found that nearly 33,000 people were killed and another 34,700 were injured in about 13,500 terrorist attacks around the world last year. According to NBC News, that equates to a 35% increase in terrorist attacks and an 81% rise in fatalities since 2013. CNN reported that 24 Americans died last year in terrorist attacks, specifically in Afghanistan, Jerusalem and Somalia. The attacks, which were dominate in Iraq, Pakistan, Afghanistan, India, Nigeria and Syria, happened in 95 countries total. More aggressive and ruthless attacks Terrorist groups were conducting more aggressive attacks, which included "ruthless methods of violence such as beheadings and crucifixions intended to terrify opponents". Isis and Boko Haram also employed tactics such as "stoning, indiscriminate mass casualty attacks, and kidnapping children for enslavement".

Threats real – attacks on the homeland

ISIS is unique – intercepting communication early is key to prevent attacks in the US

Temple-Raston 2015 (Dina; For Next President, the fight against extremism will hit closer to home; May 27; wlrn.org/post/next-president-fight-against-extremism-will-hit-closer-home; kdf)

This week, the FBI arrested a 20-year-old Texas man named Asher Abid Khan on allegations that he intended to join the self-proclaimed Islamic State. He joins more than 60 young American men and women who have been lured to Syria by the group, also known as ISIS. What makes Khan's case a little different, though, is the way in which he was arrested by authorities. He had been in Australia and then traveled to Turkey and was about to cross into Syria when his parents sent him a frantic message. They claimed his mother was in the hospital and was desperate to see him. The ruse worked. He left Turkey, flew to Texas and was finally arrested Tuesday, nearly a year after his return. It is unclear whether his parents' participation in convincing him to come home will have some bearing on any eventual sentence — he has been charged with material support to a terrorist organization and faces up to 15 years in prison. Khan's case is important because it is an indication of the creativity law enforcement officials are starting to employ to stem the flow of American Muslims to ISIS; and it foreshadows the scope of the problem facing the next president from his or her first day in office. In the past two years, nearly 200 Americans have either tried to travel to Syria and were stopped, are actively considering going, or have actually made it to the ISIS battlefields there. Al-Qaida has never had that kind of attraction and appeal in the U.S. The threat of prison clearly isn't solving the problem. So law enforcement officials are starting to entertain alternatives, and that means the next president will likely have to do so as well. The one thing everyone seems to agree with in regard to ISIS is that it is fundamentally different from al-Qaida. Its leader, Abu Bakr al-Baghdadi, sees himself as a religious figure, a descendant of the prophet who has been chosen to create a homeland, or caliphate, for the world's Muslims. Osama bin Laden, the founder of al-Qaida, fancied himself a warrior, locking horns with the West. A caliphate, he said, could come later. Similarly, ISIS' goals — at least at this point — are different. While bin Laden and his successor Ayman al-Zawahiri are focused on attacking the U.S.; ISIS is endlessly creative in trying to get young men and women to leave home to create a state in Syria and Iraq. If you don't want to fight, its recruitment videos say, not to worry, you can be a plumber or an electrician or a traffic cop in the new caliphate. ISIS doesn't lure young men and women from around the world with the long audio diatribes bin Laden and al-Zawahiri have always favored, instead the group has been more creative. For example, it re-created its own version of the popular video game Grand Theft Auto. Download the game and you can shoot up Syrian troops, or local police, and get a dose of ISIS propaganda at the same time. "I don't think al-Qaida ever had that kind of talent," says Tony Sgro, the CEO of a San Francisco company called EdVenture Partners which, among other things, markets to exactly the kind of people who are attracted by ISIS' sales pitch. "I personally don't remember them being such a world-class employment, branding and recruiting agency. But ISIL is."

ISIS is a threat – surveillance is uniquely key in preventing an attack

Bidgood and Phillips 6/3 (Jess and Dave; Boston Terror Suspect's Shooting Highlights Concerns over reach of ISIS; www.nytimes.com/2015/06/04/us/usaama-rahim-boston-terrorism-suspect-planned-beheading-authorities-say.html?partner=rss&emc=rss; kdf)

BOSTON — Investigators had been watching Usaamah Abdullah Rahim long enough to know about his avid interest in Islamic State militants, but when they overheard him talking on a cellphone about beheading Massachusetts police officers, they moved in, leading to a confrontation Tuesday morning outside a pharmacy here that left Mr. Rahim dead and once again raised alarms about the influence of foreign extremists on homegrown radicals. The shooting occurred in the fairly quiet neighborhood of Roslindale on a routine weekday morning, when officials said an F.B.I. agent and a Boston police officer fired on Mr. Rahim after he threatened them with a knife. The shooting quickly and suddenly revealed what officials described as a lengthy terrorism investigation, with several law enforcement agencies looking into a suspected murder plot that involved at least two other people, including a relative of Mr. Rahim's who was charged Wednesday with conspiracy. The knife confiscated from Usaama Rahim. Officers Kill Suspect Who Wielded

Knife in Boston Here in a city that had just finished with the trial of Dzhokhar Tsarnaev, who was sentenced to death a few weeks ago for his role in the 2013 Boston Marathon bombings, the episode prompted another round of outrage and scrutiny. Coming just a month after two Muslim men with ties to the Islamic State were shot and killed while trying to attack an anti-Islamic gathering in Garland, Tex., the case has also renewed concerns in Washington about the long reach of the Islamic State and other radical groups that have seized on Internet recruitment. “These cases are a reminder of the dangers posed by individuals radicalized through social media,” said the chairman of the House Homeland Security Committee, Representative Michael McCaul, Republican of Texas, at a hearing on Wednesday. He added that Mr. Rahim had been under investigation because he was “communicating with and spreading ISIS propaganda online.”

Impact: ISIS

ISIS will get nuclear and chemical weapons

Cirincione 2014 (Joe [president of Ploughshares Fund, a global security foundation]; ISIS will be in position to get nuclear weapons if allowed to consolidate power, resources, says expert; www.nydailynews.com/news/world/isis-nukes-allowed-consolidate-expert-article-1.1958855; kdf)

The risk of a terrorist attack using nuclear or chemical weapons has just gone up. ISIS is willing to kill large numbers of innocents, and it has added three capabilities that catapult the threat beyond anything seen before: control of large, urban territories, huge amounts of cash, and a global network of recruits. British Home Secretary Theresa May warned that if ISIS consolidates its control over the land it occupies, “We will see the world’s first truly terrorist state” with “the space to plot attacks against us.” Its seizure of banks and oil fields gave it more than \$2 billion in assets. If ISIS could make the right connection to corrupt officials in Russia or Pakistan, the group might be able to buy enough highly enriched uranium (about 50 pounds) and the technical help to build a crude nuclear device. Militants recruited from Europe or America could help smuggle it into their home nations. Or ISIS could try to build a “dirty bomb,” conventional explosives like dynamite laced with highly radioactive materials. The blast would not kill many directly, but it would force the evacuation of tens of square blocks contaminated with radioactive particles. The terror and economic consequences of a bomb detonated in the financial districts of London or New York would be enormous. ISIS could also try to get chemical weapons, such as deadly nerve gases or mustard gas. Fortunately, the most likely source of these terror weapons was just eliminated. The Obama administration struck a deal with Syrian President Bashar Assad that has now destroyed the 1,300 tons of chemical bombs Assad built. Without this deal, ISIS would likely already have these weapons. There are two good answers to these threats. First, drain the swamp: Secure or eliminate the materials ISIS would need to build terror bombs. Second, deter any attack by making sure ISIS knows our retribution would be swift, certain and devastating.

Impact - Cyber-attacks

Uniqueness: Cyber-attack

A massive Iranian cyber-attack is coming

Kagan and Stiansen 2015 (Frederick [Director of AEI's Critical Threats Project and a former professor of military history at the U.S. Military Academy at West Point] and Tommy [Chief technology officer of Norse]; The Growing Cyberthreat from Iran; www.aei.org/publication/growing-cyberthreat-from-iran/)

Iran is emerging as a significant cyberthreat to the US and its allies. The size and sophistication of the nation's hacking capabilities have grown markedly over the last few years, and Iran has already penetrated well-defended networks in the US and Saudi Arabia and seized and destroyed sensitive data. The lifting of economic sanctions as a result of the recently announced framework for a nuclear deal with Iran will dramatically increase the resources Iran can put toward expanding its cyberattack infrastructure. We must anticipate that the Iranian cyberthreat may well begin to grow much more rapidly. Yet we must also avoid overreacting to this threat, which is not yet unmanageable. The first requirement of developing a sound response is understanding the nature of the problem, which is the aim of this report. Pistachio Harvest is a collaborative project between Norse Corporation and the Critical Threats Project at the American Enterprise Institute to describe Iran's footprint in cyberspace and identify important trends in Iranian cyberattacks. It draws on data from the Norse Intelligence Network, which consists of several million advanced sensors distributed around the globe. A sensor is basically a computer emulation designed to look like an actual website, email login portal, or some other kind of Internet-based system for a bank, university, power plant, electrical switching station, or other public or private computer systems that might interest a hacker. Sensors are designed to appear poorly secured, including known and zero-day vulnerabilities to lure hackers into trying to break into them. The odds of accidentally connecting to a Norse sensor are low. They do not belong to real companies or show up on search engines. Data from Norse systems combined with open-source information collected by the analysts of the Critical Threats Project have allowed us to see and outline for the first time the real nature and extent of the Iranian cyberthreat. A particular challenge is that the Islamic Republic has two sets of information technology infrastructure— the one it is building in Iran and the one it is renting and buying in the West. Both are attacking the computer systems of America and its allies, and both are influenced to different degrees by the regime and its security services. We cannot think of the Iranian cyberfootprint as confined to Iranian soil. That fact creates great dangers for the West, but also offers opportunities. Iranian companies, including some under international sanctions and some affiliated with the Islamic Revolutionary Guard Corps (IRGC) and global terrorist organizations like Hezbollah, are hosting websites, mail servers, and other IT systems in the United States, Canada, Germany, the United Kingdom, and elsewhere. Simply by registering and paying a fee, Iranian security services and ordinary citizens can gain access to advanced computer systems and software that the West has been trying to prevent them from getting at all. The bad news is that they are getting them anyway, and in one of the most efficient ways possible—by renting what they need from us without having to go to the trouble of building or stealing it themselves.

xt-Iran funds terror

Iran is massively invested in terror plots – surveillance is critical to monitor the spread

Lee and Klapper June 19, 2015 (Matthew and Bradley; US report finds Iran threat undiminished as nuke deadline nears; global terror killings soar; www.usnews.com/news/politics/articles/2015/06/19/us-35-percent-spike-in-global-terror-attacks-in-2014; kdf)

WASHINGTON (AP) — Iran's support for international terrorist groups remained undiminished last year and even expanded in some respects, the Obama administration said Friday, less than two weeks before the deadline for completing a nuclear deal that could provide Tehran with billions of dollars in relief from economic sanctions. The assessment offered a worrying sign of even worse terror-related violence to come after a year in which extremists in the Middle East, Africa and Asia committed 35 percent more terrorist acts, killed nearly twice as many people and almost tripled the number of kidnappings worldwide. Statistics released by the State Department on Friday also pointed to a tenfold surge in the most lethal kinds of attacks. Yet even as the Islamic State and the Taliban were blamed for most of the death and destruction in 2014, the department's annual terrorism report underscored the ongoing threat posed by Iran and its proxies across the Islamic world and beyond. Tehran increased its assistance to Shiite militias fighting in Iraq and continued its long-standing military, intelligence and financial aid to Lebanon's Hezbollah, Syrian President Bashar Assad's embattled government and Palestinian groups Hamas and Islamic Jihad. While the 388-page study said Iran has lived up to interim nuclear deals with world powers thus far, it gave no prediction about how an Iran flush with cash from a final agreement would behave. World powers and Iran are trying to conclude an accord by the end of the month, setting 15 years of restrictions on Iran's nuclear program in exchange for significant relief from the international sanctions that have crippled the Iranian economy. The negotiations don't involve Iran's support for militant groups beyond its border. But Israel and the Sunni monarchies of the Persian Gulf, Iran's regional rivals, fear a fresh wave of terrorism as a result of any pact. President Barack Obama, hoping to ease their fears, has said most of the money would go to Iran's economic development. America's "grave concern about Iran's support for terrorism remains unabated," White House spokesman Eric Shultz said. "That is all the more reason that we need to make sure they don't obtain a nuclear weapon." In total last year, nearly 33,000 people were killed in almost 13,500 terrorist attacks around the world, according to the figures that were compiled for the State Department by the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland. That's up from just over 18,000 deaths in nearly 10,000 attacks in 2013. Twenty-four Americans were killed by extremists in 2014, the report said. And abductions soared to 9,428 in the calendar year from 3,137 in 2013. The report attributes the rise in attacks to increased terror activity in Iraq, Afghanistan and Nigeria and the sharp spike in deaths to a growth in exceptionally lethal attacks in those countries and elsewhere. There were 20 attacks that killed more than 100 people each in 2014, compared to just two a year earlier, the report said. Among those were December's attack by the Pakistani Taliban on a school in Peshawar that killed at least 150 people and the June attack by Islamic State militants on a prison in Mosul, Iraq, in which 670 Shiite prisoners died. At the end of 2014, the prison attack was the deadliest terrorist operation in the world since Sept. 11, 2001, according to the report. Despite all indications pointing toward increased violence, the State Department's counterterrorism coordinator said the numbers didn't reflect improvements by the U.S. and its partners in stamping out terrorism financing, improving information sharing, impeding foreign fighters and forming a coalition to fight the Islamic State. "We have made progress," Ambassador Tina Kaidanow said.

Impact: Cybercrime

Cybercrime poses the most probable existential threat

Paikowsky and Baram 2015 (Deganit [post-doctoral fellow at the Davis Institute for International Relations at Hebrew University in Jerusalem and a senior researcher at the Yuval Nee'man Workshop for Science, Technology, and Security at Tel-Aviv University, also a research associate at the Space Policy Institute at George Washington University and a consultant to the space committee of Israel's National Council for Research and Development] and Gil [Ph.D. candidate in the department of political science at Tel-Aviv University, and a researcher at the Yuval Nee'man workshop for Science, Technology, and Security at Tel-Aviv University]; Space Wars; Jan 7; www.foreignaffairs.com/articles/142690/deganit-paikowsky-and-gil-baram/space-wars?cid=rss-rss_xml-space_wars-000000; kdf)

In September 2014, hackers from China broke into the U.S. National Oceanic and Atmospheric Administration (NOAA) network in an attempt to disrupt data related to disaster planning, aviation, and much more coming from U.S. satellites. This breach was the latest in a series of cyberattacks on space systems, exposing the Achilles' heel of such technology: the vulnerability of its computers and the information it creates and transmits. Cyberattacks, which are on the rise in every industry, pose particularly significant threats to space systems as they are used so ubiquitously in corporate and military operations, making them increasingly attractive targets for hackers. Although only about a dozen countries have the capability to launch a satellite into space, billions of people around the world rely on space systems for nearly every aspect of modern life. Satellites are used to support phones, the Internet, and banking systems. They are also used to monitor land, air, and maritime traffic; facilitate global communications; monitor the earth for climate change or severe weather threats and natural disasters; gather intelligence; and send early warnings of incoming ballistic missiles. It is no wonder, then, that the global economy depends on communication satellites, navigation systems, and earth-observation satellites. The backbone of all these services consists of 1,200 operational satellites currently orbiting the earth, which have the potential to cause significant tangible damage by attacking national or global space systems across countries and continents. Even a small glitch can wreak havoc. For example, in April 2014, the Glonass System, the Russian equivalent of the American-designed GPS, malfunctioned due to two small mathematical mistakes in the software. Significantly, fixing the system took more than 13 hours, and the half-day breakdown led to severe disruption of Glonass receivers, which affected iPhone5 users. While the disruption was not caused by ambitious hackers, it is easy to see why space systems are the brass ring of cybercrimes: They are low effort and high return. Therefore, a relatively simple hack can inflict considerable damage. It is easy to see why space systems are the brass ring of cybercrimes: They are low effort and high return. Therefore, a relatively simple hack can inflict considerable damage. EASY PREY Although a space system is composed of three connected segments—satellites and spacecraft that orbit the earth, ground stations, and the communication systems that link the two—cybercriminals only need to find the vulnerabilities in one of these segments. For example, for a few hundred dollars, a hacker can buy a small jamming device on the Internet to interfere with satellite signals. "We have to make it (satellite navigation systems) more robust," warned Colonel Bradford Parkinson, who led the creation of the GPS. "Our cellphone towers are timed with GPS. If they lose that time, they lose sync and pretty soon they don't operate. Our power grid is synchronized with GPS [and] so is our banking system." Space systems have become the target of hacking. In July of last year, the United States identified a 28-year-old British citizen who hacked a number of government networks, including NASA. He attempted to grab highly sensitive data and claimed he would "do some hilarious stuff with it." Four months later, in November 2013, viruses infected the computers used by the International Space Station. Japan's space agency also discovered a computer virus inside a few of its computers in January 2012 and Germany's space center recently suffered an espionage attack, with several of its computers getting hit with spyware. Since 2009, the BBC has complained of disruptions to its Persian-language radio and television programs and has accused Tehran of interfering with international satellite broadcasts beamed into Iran. Only after the EU made a diplomatic complaint to pressure Iran to cease and desist did the attacks stop. When North Korea jammed South Korea's GPS signals in May 2012, it affected the navigation of over 250 flights. The list goes on. One of the reasons space systems, especially commercial ones, are such easy prey is that they often operate with outdated software. Developing a space system is generally a long process that, depending on the complexity of the system, takes several years to complete. And once the system is operational, it is expected to last for at least several years—sometimes even more than a decade. This process makes it difficult to update the system's security software. Moreover, in many cases, the information systems that are being used to manage space systems are mostly based on commercial "off-the-shelf" products, with known vulnerabilities and low levels of protection, especially compared to supposedly better-protected military systems. In 2014, a number of think-tanks, from the Council on Foreign Relations to London-based Chatham House, as well as the information-security firm IOActive, sounded the alarm on how vulnerable space systems are to cyberattacks. These reports warned of the ease with which backdoors in software—an undetected remote access to a computer—can be exploited, and of the prevalence of unsecured software, non-protected protocols, and unencrypted channels. One of the studies' recommendations was to immediately remove software updates from the public websites of various companies that provide satellite services and equipment, in order to prevent hackers from reverse-engineering the source code. However, despite these warnings, the space industry is barely aware of these risks and its responses are slow. Herein lies a challenge: to produce and put into practice standards and regulations regarding multinational and commercial activities in space technology and exploration. MOVING FORWARD In the past year, several space-faring nations have begun to tackle the issue. Three months ago, the U.S. Air Force announced that it hopes to develop technologies that would prevent hackers from jamming its satellites. Russia intends to significantly update the

robustness and security of its military and government satellite communication system by 2025. Despite these positive steps, national governments and international bodies have more ground to cover. First, governments need to increase their efforts to raise awareness regarding the growing threat of cyberattacks against both government and commercial space systems. Second, in order to provide better protection, governments and corporations should take a holistic rather than piecemeal approach regarding the protection of all segments of their systems, and work toward solutions that will ensure the performance of the systems and their services, rather than protecting a specific asset. For example, satellites are and will continue to be damaged by cyberattacks; but the ability of an entire system to operate smoothly and recover rapidly is more crucial than the security and safety of a single satellite. Third, military, civil, and commercial actors should engage in more dialogue in order to strengthen overall protection. They can do so by sharing information and working jointly toward better standards and regulations. Fourth, governments and international bodies should try to standardize protocols for protecting space systems. For example, when NOAA was breached in September, the Inspector General for the Commerce Department, which oversees the network, had just criticized it for an array of "high-risk vulnerabilities" in the security of its satellite information and weather service systems. It took nearly a month for NOAA to admit it had been hacked. Hiding such information hampers meaningful and timely discussion about the issue and delays the development of preventive measures. Enforcing a standard protocol could help alleviate this problem. And finally, protecting space systems must be an international effort. Space-faring nations should work together to achieve international cooperation on all of the areas mentioned above: raising awareness, sharing information, and developing much-needed standards. The potential for colossal damage and the relative ease of launching a cyberattack on space systems make them tantalizing targets for cybercriminals. The threat is already at our doorstep, and it will only get bigger. It is time for the international space community to muster the political will to rise to this growing challenge.

xt-- Cyber attacks escalate

Cyber war escalates

Tilford 12 (27 July 2012, Robert, Writer for The Examiner, <http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa>)

“Cyber attackers could all too easily shut down the electric grid for the entire east coast, the west coast, and the middle part of our country”, said Senator Grassley on July 26, 2012. “Any one attack could leave dozens of major cities and tens of millions of Americans without power. We know, because we were shown in a room here in the Capitol, how an attack could take place and what damage it would do, so we know this is not just make believe”, he said. So what would a cyber attack look like anyway? The Senator explained: “Without ATMs or debit card readers, commerce would immediately grind to a halt. My daughter, who lives here in the DC area, lost power when the storm hit. They waited for a number of hours, and then they took all the food out of their freezer, they gave away what they could, and they threw the rest away. And that was the way it was all over. Their power was out for about a week, and it made it very difficult. They are fortunate enough to have a basement, and the heat wasn’t oppressive down there. Without refrigeration, food would rot on the shelves, the freezers would have to be emptied, and people could actually go hungry. Without gas pumps, transportation arteries would clog with abandoned vehicles. Without cell phones or computers, whole regions of the country would be cut off from communication and families would be unable to reach each other. Without air conditioning and without lifesaving technology and the service of hospitals and nursing homes, the elderly and sick would become much sicker and die. Most major hospitals have backup power, but it is only for a limited amount of time. It depends on how much fuel they can store, and that is very limited”, Senator Grassley said. The devastation that the Senator describes is truly unimaginable. To make matters worse a cyber attack that can take out a civilian power grid, for example could also cripple harm the U.S. military. The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power “every military base in our country.” “Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out”, he said. Which means military command and control centers could go dark. Radar systems that detect air threats to our country would shut Down completely. “Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power”, said Senator Grassley. “So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions”, he said. We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real. Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, “preventing a cyber attack and improving the nation’s electric grids is among the most urgent priorities of our country” (source: Congressional Record). So how serious is the Pentagon taking all this? Enough to start, or end a war over it, for sure (see video: Pentagon declares war on cyber attacks http://www.youtube.com/watch?v=_kVQrp_D0kY&feature=relmfu). A cyber attack today against the US could very well be seen as an “Act of War” and could be met with a “full scale” US military response. That could include the use of “nuclear weapons”, if authorized by the President.

--AT: No Cyber Terror

Leading security firms prove – cyber terror threats are areal and ramping up

Sanger and Perlroth 2015 (David E Sanger and Nicole; Iran is raising sophistication and

frequency of cyberattacks, study says; Apr 15;

www.nytimes.com/2015/04/16/world/middleeast/iran-is-raising-sophistication-and-frequency-of-cyberattacks-study-says.html?ref=topics; kdf)

WASHINGTON — In February, a year after the Las Vegas Sands was hit by a devastating cyberattack that ruined many of the computers running its casino and hotel operations, the director of national intelligence, James R. Clapper Jr., publicly told Congress what seemed obvious: Iranian hackers were behind the attack. Sheldon G. Adelson, the billionaire chief executive of Sands, who is a major supporter of Israel and an ardent opponent of negotiating with Tehran, had suggested an approach to the Iran problem a few months before the attack that no public figure had ever uttered in front of cameras. “What I would say is: ‘Listen. You see that desert out there? I want to show you something,’ ” Mr. Adelson said at Yeshiva University in Manhattan in October 2013. He then argued for detonating an American nuclear weapon where it would not “hurt a soul,” except “rattlesnakes and scorpions or whatever,” before adding, “Then you say, ‘See, the next one is in the middle of Tehran.’ ” Instead, Tehran directed an attack at the desert of Nevada. Now a new study of Iran’s cyberactivities, to be released by Norse, a cybersecurity firm, and the American Enterprise Institute, concludes that beyond the Sands attack, Iran has greatly increased the frequency and skill of its cyberattacks, even while negotiating with world powers over limits on its nuclear capabilities. “Cyber gives them a usable weapon, in ways nuclear technology does not,” said Frederick W. Kagan, who directs the institute’s Critical Threats Project and is beginning a larger effort to track Iranian cyberactivity. “And it has a degree of plausible deniability that is attractive to many countries.” Mr. Kagan argues that if sanctions against Iran are suspended under the proposed nuclear accord, Iran will be able to devote the revenue from improved oil exports to cyberweapons. But it is far from clear that that is what Iran would do. When Mr. Clapper named Iran in the Sands attack, it was one of the few instances in which American intelligence agencies had identified a specific country that it believed was using such attacks for political purposes. The first came in December, when President Obama accused North Korea of launching a cyberattack on Sony Pictures. Other United States officials have said that Iran attacked American banks in retaliation for sanctions and that it destroyed computers at the oil giant Saudi Aramco in retaliation for the close Saudi ties with the United States. The evidence from the Norse report, along with analyses by American intelligence agencies, strongly suggests that Iran has made much greater use of cyberweapons over the past year, despite international sanctions. The attacks have mostly involved espionage, but a few, like the Sands attack, have been for destructive purposes. In the report, to be released Friday, Norse — which, like other cybersecurity firms, has an interest in portraying a world of cyberthreats but presumably little incentive in linking them to any particular country — traced thousands of attacks against American targets to hackers inside Iran. The report, and a similar one from Cylance, another cybersecurity firm, make clear that Iranian hackers are moving from ostentatious cyberattacks in which they deface websites or simply knock them offline to much quieter reconnaissance. In some cases, they appear to be probing for critical infrastructure systems that could provide opportunities for more dangerous and destructive attacks. But Norse and Cylance differ on the question of whether the Iranian attacks have accelerated in recent months, or whether Tehran may be pulling back during a critical point in the nuclear negotiations. Norse, which says it maintains thousands of sensors across the Internet to collect intelligence on attackers’ methods, insists that Iranian hackers have shown no signs of letting up. Between January 2014 and last month, the Norse report said, its sensors picked up a 115 percent increase in attacks launched from Iranian Internet protocol, or I.P., addresses. Norse said that its sensors had detected more than 900 attacks, on average, every day in the first half of March. Cylance came to a different conclusion, at least for Iran’s activities in the past few months, as negotiations have come to a head. Stuart McClure, the chief executive and founder of Cylance, which has been tracking Iranian hacking groups, said that there had been a notable drop in activity over the past few months, and that the groups were now largely quiet. American intelligence agencies also monitor the groups, but they do not publicly publish assessments of the activity. Classified National Intelligence Estimates over the past five years have identified Russia and China as the United States’ most sophisticated, and prolific, adversaries in cyberspace. However, American officials have said that Iran and North Korea concern them the most, not for their sophistication, but because their attacks are aimed more at destruction, as was the case with the attack on Sony Pictures. In addition to the Sands attack last year — about which Mr. Clapper gave no detail in public — Iran has been identified as the source of the 2012 attack on Saudi Aramco, in which hackers wiped out data on 30,000 computers, replacing it with an image of a burning American flag.

Impact - Nuclear Terror

Impact: Nuclear Terror

A nuclear terror attack would kill billions, collapse the global economy, and cause escalation

Schwartz 2015 (Benjamin [Worked at the Departments of State, Defense and Energy]; Right of Boom: The Aftermath of Nuclear Terrorism; The Overlook Press; p. 1-2; kdf)

IN AN OTHERWISE CALM AND UNEVENTFUL MORNING, A small nuclear weapon explodes in downtown Washington, DC. The device generates a yield of fifteen kilotons, roughly the same force unleashed by the bomb Little Boy over Hiroshima. The casualty count rises to over a hundred thousand, and the destruction is measured in hundreds of billions of dollars. The blast's electromagnetic pulse burns out electrical components across the metropolitan area. Radiation leaves the center of the city uninhabitable for the first time since it was declared America's capital in 1790, and the scientific community predicts that it will remain so for a decade. The stock market plunges as investors anticipate draconian customs regimes that will choke global trade. Fear of further attacks paralyzes America and much of the Western world. Hours after the explosion, a little known terrorist group claims responsibility. It is the first time the president, who was not in Washington at the time of the blast, and his surviving cabinet members, including the director of national intelligence, have heard of the group. After searching intelligence databases, analysts report that the group is linked to three hostile governments, all of which have issued statements condemning the attack and denying involvement. It will take weeks for the remnants of the US intelligence community to assess that one of these three governments is probably lying, but even then the US government won't have irrefutable evidence of complicity. Unlike a ballistic missile or bomb delivered by enemy land-, air-, or seacraft, the origin of what analysts will call a "container-based improvised nuclear device" is difficult to determine and impossible to prove. Nuclear forensics will ultimately provide strong evidence that the fissile material used in the device originated from the country under suspicion. Signals intelligence will record celebrations and praise of the attack by midlevel officials in that country's military and intelligence establishment. However, the intelligence reporting taken as a whole will suggest that negligence within that country's weapons industry and at its nuclear complexes is at least as plausible a scenario as a deliberate transfer by government officials to the terrorist group. Yet there is no conclusive reporting that points to either willful negligence or human error. Either way, there is no way to know if the transfer occurred through official policy, the machinations of a venal or ideologically motivated individual, or simple incompetence. There is almost nothing about the origins of the attack that the president of the United States knows for certain.

Yes Nuclear Terror- Pakistan

Pakistani nukes pose an existential risk – myriad of reasons

Schwartz 2015 (Benjamin [Worked at the Departments of State, Defense and Energy]; Right of Boom: The Aftermath of Nuclear Terrorism; The Overlook Press; p. 66-78; kdf)

The breakup of the Soviet Union presented an entirely unprecedented challenge: the redeployment of thousands of nuclear weapons and the dismantlement of hundreds of nuclear installations. It was this challenge that focused a great deal of attention on the danger of "loose nukes," another of Allison's "Three No's." In 1991, it also spurred Sam Nunn and Richard Lugar to launch the Cooperative Threat Reduction program, which has since provided a half billion dollars each year to improve the safety and security of Russia's unconventional arms. These funds allowed the United States to remove nuclear weapons from Belarus, Kazakhstan and Ukraine and financed the demolition of thousands of Soviet weapons, including missiles, submarines, bombers, and warheads. The Nunn-Lugar CTR program also paid the salaries of tens of thousands of Soviet weapons scientists, engineers, and technicians who were impoverished by the economic crises of the early 1990s and helped discourage them from working for American adversaries and governments of proliferation concern. 20 The growth of CTR efforts corresponded with a significant decline in seizures of illicit highly enriched uranium, partially enriched uranium, and plutonium sales on the black market. Between 1992 and 2002 there were at least eleven cases of HEU seizures and two plutonium seizures reported to the IAEA. In contrast, only four seizures occurred during nearly a decade between 2002 and 2012, and they were all associated with a single country- Georgia. While correlation certainly doesn't prove causation, these statistics are a strong indication of CTR's effectiveness and suggest that the threat of loose Soviet nukes and fissile materials has been largely contained. 21 Unfortunately, the threat of "loose nukes" has shifted rather than declined. Few have had greater access to information on this threat, and experience combating it, than Rolf Mowatt-Larssen. A twenty-three year veteran of the CIA's Clandestine Service, Mowatt-Larssen served multiple tours as a chief of station and rose to the agency's most powerful positions: chief of the European Division, chief of the Weapons of Mass Destruction Department, and chief of the Counterterrorism Center. After the September 11, 2001 attacks George Tenet, the director of the CIA, tapped Mowatt-Larssen to be at the point of the spear in America's response to the threat of nuclear terrorism. Mowatt-Larssen fulfilled this role first within the CIA and then from the basement of the Energy Department's headquarters as the director of its Office of Intelligence and Counterintelligence. 22 The centrality of Mowatt-Larssen's efforts is documented, among other places, in Tenet's memoir. After leaving government, Mowatt-Larssen articulated the problem in no uncertain terms: "The greatest threat of a loose nuke scenario stems from insiders in the nuclear establishment working with outsiders, people seeking a bomb or material to make a bomb. Nowhere in the world is this threat greater than in Pakistan." 23 Pakistan is distinguished by an extraordinary combination of malevolent ingredients. It is the only country ever to have both the founding father of the nation's nuclear weapons program and a lead nuclear weapons scientist independently develop clandestine networks to proliferate atomic weapons for profit. The latter, and better known of the two, Abdul Qadeer Khan, stole uranium enrichment technology while working at a centrifuge manufacturing company in the Netherlands during the 1970s, went on to develop Pakistan's uranium enrichment pathway to the bomb, and then proceeded to go into business for himself. His clients included Iran, Libya, and North Korea. This became apparent to the world in dramatic fashion in January 2003 when US agents intercepted a German ship named the BBC China that was transporting a large stash of nuclear weapons components to Libya. Libyan officials later admitted to having reached an agreement with Khan Research Laboratories to provide \$100 million in exchange for a "complete store-bought nuclear weapons program." 24 Khan also built upon Pakistan's long-standing relationship with North Korea in the field of missile technology to provide that country with dozens of centrifuges. 25 As early as 1987, Khan also sold to the Iranians and eventually provided them P-1 centrifuges, schematics of advanced P-2 designs, and hundreds of sensitive nuclear components. 26 Despite his public confession in 2004, Khan remains a hero to the vast majority of Pakistanis, a political reality that compelled president Pervez Musharraf to pardon Khan for his crimes. Pakistan's other premier proliferator, Bashiruddin Mahmood, is less well known but was also a stalwart of the nuclear program during the 1970s; he occupies the singular position of being the most senior scientist to liaison directly with al-Qaeda. The chief designer and director of Pakistan's Khushab Plutonium Production Reactor, Mahmood retired from government service in 1999 and founded a nongovernmental organization called Umma Tameer-e-Nau (UTN; Reconstruction for the Islamic Community). The leadership of UTN was made up of retired Pakistani nuclear scientists, military officers, engineers, and technicians, including Chaudhry Abdul Majid, who had been a nuclear fuel expert at the Pakistan Institute of Nuclear Science and Technology. In the summer of 2001, Mahmood and Majid traveled to Afghanistan under the cover of the UTN in order to discuss nuclear weapons with mullah Mohammed Omar and Osama bin Laden. According to former director of the Central Intelligence Agency George Tenet, Mahmood was thought of as something of a madman by many of his former colleagues in the Pakistan nuclear establishment. In 1987 he published a book called "Doomsday and Life After Death: the Ultimate Faith of the Universe as Seen by the Holy Quran." It was a disturbing tribute to his skewed view of the role of science in jihad. The book's basic message from the leader of a group that has offered WMD capabilities to AQ [al-Qaeda] -was that the world would end one day

soon in the fire of nuclear holocaust that would usher in judgment day and thus fulfill the prophecies of the Quran ... Mahmood and Majid were detained after a tip from a foreign intelligence service prompted the CIA to inform the Pakistani government of their actions. The two scientists admitted to the meetings, noted that bin Laden was interested in nuclear weapons and that Majid had drawn a rough sketch of an improvised nuclear device for him, but denied that they assisted al-Qaeda. Despite failing several polygraph tests and a statement from Libya's head of intelligence claiming that the UTN had tried to sell Libya a nuclear bomb, the two scientists were soon released.²⁷ According to Tenet, the United States "knew that UTN enjoyed some measure of support from Pakistani military officers ... notably the former director of Pakistani intelligence service, Gen. Hamid Gul."²⁸ A second factor that makes the nuclear terrorism threat from Pakistan especially acute is its track record as a sanctuary and a patron of terrorist organizations. Even before Pakistan became a state after the partition of British India, its advocates decided that securing an Islamic polity required an investment in asymmetric proxies. India was destined to have conventional military superiority, so the Muslims of the subcontinent from the start invested in unconventional warfare. From the bloody battles of partition through the present day, the Pakistani military cultivated radicals, which for the first few decades were overwhelmingly Pathans/Pashtuns, but in recent time have come to include Punjabis as well. This isn't a temporary fad; it is an embedded component of Pakistan's national security system. The ability of Osama bin Laden to enjoy approximately a decade of hospitality just miles from Pakistan's premier military university likely had more to do with the sympathies of a handful of people than official policy, but his presence was entirely consistent with Pakistani support for radical jihadist groups such as Lashkar-e-Jhangvi, Lashkar-e-Taiba, the Haqqani Network, and the Afghan Taliban, among others.²⁹ Third, and likely related, Pakistani public opinion polls consistently show widespread antipathy toward the United States and sympathy for jihadist organizations. As of June 2012, 75 percent considered the United States "an enemy."³⁰ Significant segments of the public not only hold anti-American views but also subscribe to radical militant ideology that is manifest in violence against Christians, Shi'ites (of which 375 were killed in 2012 alone), symbols of secularism, and even the Pakistani government. The assassination in 2011 of Pakistan's only Christian minister, Shahbaz Bhatti, was indicative of this trend, but even more alarming than the murder was the subsequent outburst of public support for the assassin. Thousands of demonstrators celebrated the "execution," which they claimed was justified by Bhatti's efforts to reform Pakistan's blasphemy laws, which impose the death penalty for insulting Islam. Before former prime minister Benazir Bhutto was murdered in 2007, she expressed a belief that al-Qaeda would march on Islamabad in a matter of years.³¹ These attitudes are worth bearing in mind in the context of another statistic: the approximately nine thousand civilian scientists, including two thousand who reportedly possess "critical knowledge" of weapons manufacturing and maintenance who work in Pakistan's nuclear complexes.³² There is arguably no published figure more qualified to comment on Pakistan's nuclear weapons program than Feroz Khan, who served for thirty years in the Pakistani military and occupied senior positions at Pakistan's Strategic Plans Division, the country's nuclear decision-making and command-and-control apparatus. Regarding the insider threat Khan has said, "Pakistan faces two fundamental challenges in establishing its personnel reliability requirements. First, religious extremism is increasing in Pakistani society as a whole Second, because Pakistan does not have sophisticated technological controls over personnel, it has to rely on the rationality and loyalty of individuals"³³ These words don't inspire a great deal of confidence. A fourth development of serious concern is that radical ideology and radical organizations inevitably have spawned radical violence in Pakistan. According to Bruce Reidel, a CIA veteran and former lead Pakistan analyst for the Obama administration, government insiders have facilitated multiple terrorist attacks against the Pakistani state, including suicide bombings at air force bases that house nuclear weapons storage sites.³⁴ In 2011, Jeffrey Goldberg reported in the Atlantic that at least six facilities widely believed to be associated with Pakistan's nuclear program had already been targeted by militants. The Pakistani military's inability to protect its own assets was demonstrably apparent in early 2011 when it took forces over fifteen hours to regain control of a major Pakistani naval base near Karachi after militants overran it, destroyed two P-3C Orion surveillance planes and killed ten people.³⁵ These events, alongside a variety of other negative economic indicators, led Stephen Cohen, a leading expert on the country, to conclude, "The fundamentals of the state are either failing or questionable, and this applies to both the idea of Pakistan, the ideology of the state, the purpose of the state, and also to the coherence of the state itself. I wouldn't predict a comprehensive failure soon, but clearly that's the direction in which Pakistan is moving."³⁶ Fifth and most alarming, Pakistan's nuclear arsenal and its nuclear doctrine are undergoing changes that exponentially expand the risk of terrorist acquisition of a nuclear weapon. With respect to sheer size, Pakistan was on track to displace France as the world's fourth largest nuclear weapons power.³⁷ This is a dangerous development in itself, but is accompanied by even more troubling indications of how those weapons will be managed. Feroz Khan has confirmed these facts, and his access to senior Pakistani officials, including former president Musharraf, lend great credibility to his account of the nuclear security situation in Pakistan. While a Pakistani patriot and strong supporter of the country's nuclear weapons program, Khan's account reveals a

number of issues of grave concern from a proliferation perspective. Khan cites two specific events as catalysts that pushed Pakistan to undertake unprecedented risks with respect to its nuclear arsenal. The first was instigated by India on January 25, 2000, when India's defense minister, George Fernandes, formally announced a new doctrine of "limited war under the nuclear umbrella"-a doctrine that would become known as Cold Start. The central idea of the Cold Start doctrine is that India could take conventional military action against Pakistan in a limited manner that would prevent escalation to nuclear war. This would allow India a viable response to Pakistani-sponsored terrorist attacks. Following Lashkar-e-Taiba's attack on the Indian Parliament in December 2001, India demonstrated that this doctrine was more than words by mobilizing 500,000 troops for the first time since the 1971 war. The subsequent ten-month standoff between the two countries convinced the Pakistan military that it needed to up its nuclear ante. In Khan's words, the standoff demonstrated that "Pakistan would lack the resources to begin major mobilizations whenever terrorists attacked India and instead would be forced to rely even more on nuclear deterrence."³⁸ A second catalytic event was the US-led invasion of Afghanistan after 9/11, which placed US military assets in striking distance of Pakistan. As early as the 1960s, Americans had expressed alarm about nuclear security in Pakistan. None other than the famous Henry De Wolf Smyth of the Smyth Report once stated, "What I am concerned about internationally is power reactors in countries that have unstable governments. The Pakistani reactor, for example, builds up a stockpile of plutonium. Suppose there's a revolution. A totally new and crazy government comes in, and here's the plutonium just sitting there asking to be made into a bomb."³⁹ Islamabad has long been aware of these concerns, and when it conceded to Washington's demand for access to Pakistani airspace to support US military operations in Afghanistan its "decades-long fear of preventive strikes sent it to high alert." India's Cold Start doctrine and the US-led invasion of Afghanistan spurred Pakistan to make changes in its nuclear posture that are entirely rational within a framework that assumes the Indian military to be an existential threat; but these changes are also extremely destabilizing when placed in the context of Pakistan's domestic instability. The first change is a massive expansion of Pakistan's plutonium production capacity. The Pakistan Atomic Energy Commission is constructing three additional heavy water reactors at the same site as its fiftymegawatt Khushab reactor. To reprocess the higher quantities of plutonium, Islamabad is also doubling the capacity of the reprocessing plant at the Pakistan Institute of Nuclear Science and Technology as well as completing a much larger commercial-scale reprocessing facility at Chashma that was abandoned by the French in 1978.⁴¹ This is consistent with Pakistan's position with respect to the Fissile Material Cutoff Treaty, which Pakistani diplomats have worked for years to block; these diplomats declare that in order to maintain their country's minimal critical deterrent, Pakistan cannot be expected to accept any cap in fissile material production. Expansion of plutonium production is also reportedly being accompanied by greater HEU enrichment. According to Feroz Khan, the Khan Research Laboratories continue to produce at least one hundred kilograms of HEU annually and are expanding their capability by introducing and installing a new generation of P-3 and P-4 gas centrifuges that have a significantly higher separative work unit. A second development, which is closely related to the first, is Pakistan's decision to build small tactical nuclear warheads. Plutonium-based nuclear weapons designs, which can require only four to six kilograms of plutonium, allow for substantial miniaturization.⁴¹ This trend is consistent with the April 2011 test of the Hatf IX INASR missile system, which is a rocket launcher capable of being tipped with a nuclear warhead. According to Khan, "The implication of this system is that Pakistan has acquired the capability to build a miniaturized nuclear warhead . . . plutonium-based system that requires an implosion device with a diameter of less than twelve inches-quite a technological achievement."⁴² From a proliferation prospective this is also quite a problem. A third development of grave concern is the implication of the fielding of such a system. To be most effective, it would have to be "pre-deployed and combat ready."⁴³ Khan suggests that given the current trajectory of the program, "at some point nuclear weapons would be mated with delivery systems in peacetime."⁴⁴ This is the same allegation that Goldberg made in his 2011 article in the Atlantic asserting that Pakistan is using civilian-style vehicles without noticeable defense to transport not merely the "demated" components of nuclear parts but "mated" nuclear weapons.⁴⁵ The Congressional Research Service has also cited lieutenant general Khalid Kidwai, the head of Pakistan's Strategic Plans Division in 2008, who made the same allegation.⁴⁶ This contention is conjecture rather than a sure fact, but the military dynamics of the conflict between Pakistan and India do encourage the predeployment of combat ready nuclear weapons and therefore make these assertions plausible. Fourth, Khan confirms that Pakistan has prioritized preventing Indian or American disablement of Pakistan's nuclear arsenal above the danger of theft. As the United States prepared to launch an attack on the Afghan Taliban after September 11, 2001, President Musharraf reportedly ordered the dispersal of Pakistan's nuclear arsenal to "at least six secret new locations."⁴⁷ The dispersal of the arsenal apparently is also consistent with Khan's allegation that Pakistan is expanding its nuclear weapons delivery systems. Initially, Pakistan only had the capability to deliver atomic weapons by aircraft, but with assistance from North Korea and China, solid and liquid fueled ballistic missiles became an option. However, Pakistan interpreted India's bid for an Arrow antiballistic missile system and Patriot PAC-3 system to back up its S-300 system as a threat that could blunt Pakistan's offensive systems. Pakistan responded by developing the Babur cruise missile and, according to Khan, is also actively pursuing a sea-based deterrent that would "complete the third leg of the [nuclear] triad."⁴⁸ When considering the potential for a maritime nuclear capability, it is worth keeping in mind a statement that a retired Pakistani general made to Goldberg: "Different aspects of the military and security services have different levels of sympathy for the extremists. The navy is high in sympathy."⁴⁹

Yes Nuclear Terror - Loose Nukes

Pakistani nukes will get loose

Schwartz 2015 (Benjamin [Worked at the Departments of State, Defense and Energy]; Right of Boom: The Aftermath of Nuclear Terrorism; The Overlook Press; p. 15-16; kdf)

With respect to "loose nukes," the threat faced today is unprecedented. The good news is that the danger that Allison focused on-fissile material leaking out of the former Soviet republics-has been substantially curtailed, though not eliminated. When Allison served in government he was confronted by a slew of nuclear smuggling cases. Between 1992 and 2002, eleven cases of attempted sales of highly enriched uranium and two cases of attempted plutonium sales occurred. In contrast, between 2002 and 2012 there have been only four cases-all but one of which was linked to a single country, Georgia. This is a good news story, which is probably due in no small measure to the efforts of the United States to provide rapid security upgrades as part of the Nunn-Lugar Cooperative Threat Reduction program.⁶ Unfortunately, this good news has been accompanied by extremely dangerous developments in Pakistan. The country is in the midst of a massive expansion of its nuclear weapons complex at a time when radicalization is on the rise and its military is under frequent attack from insurgents. Moreover, the size of the nuclear complex is not only expanding but, according to Feroz Khan, a thirty-year veteran of the Pakistani program, the military is also planning to produce miniaturized tactical nuclear weapons, deploy them in a ready-to-launch state, and mate them with new delivery vehicles. From a proliferation perspective this is a frightening prospect, particularly considering that Pakistan has an unparalleled history of proliferation. This is all occurring in a country that hosted Osama bin Laden and the senior leadership of al-Qaeda for over a decade and where the military intelligence service continues to court, coopt, and coordinate with a wide array of terrorists groups.⁷

Yes Nuclear Terror – AT: Safeguards

The safeguards highlighted by their ev will fail – only intelligence can solve

Myhrvold 2014 (Nathan P [chief executive and founder of Intellectual Ventures and a former chief technology officer at Microsoft]; Strategic Terrorism: A Call to Action; cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf; kdf)

Preventing nuclear war and fighting common crime are similar in some ways. Both efforts typically exploit the principle of deterrence by inflicting punishment after the fact. This approach works well when the deterrence is real—when it is clear that the probability of punishment or retaliation is high. With strategic terrorism, we already know we cannot retaliate effectively. Besides deterrence, the other main approach to security is guarding: preventing crime by having forces on the scene that stop criminals or attackers in their tracks. Guarding is used quite a bit in counterterrorism—air marshals on flights, security screeners in airports, and bomb-sniffing dogs at large events. **Unfortunately, guarding does not prevent strategic terrorism.** If the goal of a terrorist is to spread an infectious disease in the United States, it is simple to put a few infected volunteers on a plane headed into our country. It would be difficult for security to notice anything amiss. The terrorists wouldn't be obviously sick or carrying suspicious items. Even if a way existed to detect such attackers, by the time someone found them in the United States, it would already be too late. Even with nuclear, chemical, or noncontagious bio warfare, guarding the country is of limited use. Intercepting a nuclear bomb in a shipping container works only if you stop it in a place you don't mind losing if the weapon detonates. Having a nuclear bomb explode in a Port Authority facility in New Jersey may be marginally better than having it explode in midtown Manhattan, but it would be a Pyrrhic victory. **The only way to beat strategic terrorists is to go after them,** either in their home territory or, if they are already here, before they have built a sufficiently dangerous weapon. We need to strike preemptively. The Iraq War, however, has given preemption a bad name. Destroying Saddam Hussein's weapons of mass destruction was the goal, yet investigators ultimately found that he didn't have any. This not only discredits the intelligence process that led us into Iraq, it discredits preemption itself. Both the country and the world will be highly skeptical of any rush to a preemptive attack. Most preemptive action will not be at the level of a full-scale war and thus will require lower thresholds of certainty. Nevertheless, any sort of preemptive attack places tremendous demands on intelligence gathering—demands that our intelligence community, in its current form, cannot meet. The need to battle strategic terrorists preemptively sets the bar for 21st-century intelligence services: they must provide information of sufficient quality and timeliness to enable policy makers to decide whether or not to act. The intelligence community needs a complete bottom-up review to determine whether its structure and methodologies match present and future needs. The new approach will require large and unpopular budget increases. Existing program budgets will need to be redistributed. Congress will vigorously defend current projects affecting their constituents and contractors will howl. **Action is nevertheless imperative.**

AT: Nuclear Terror doesn't escalate

It's impossible to know if nuclear terror would escalate, best to side with caution

Schwartz 2015 (Benjamin [Worked at the Departments of State, Defense and Energy]; Right of Boom: The Aftermath of Nuclear Terrorism; The Overlook Press; p. 3-5; kdf)

Yet there are very few authors, academics, or entertainers who have really thought through the scenario described above or examined in detail the question of what happens in the days, weeks, and months after such an attack. Presumably, part of the reason for this is that the US government's response to nuclear terrorism is unknowable. Ask anyone who has spent time at the White House on the National Security Council staff and they will tell you that decisions of war and peace are in no small part the product of fickle factors like the personality of the president and the people who surround him. Thoughtful national security practitioners also know that happenstance and dumb luck have a prominent role in shaping discussions in the White House Situation Room. These conditions make realistic speculation difficult to formulate. The wide range of possible scenarios and the salience of unknowable factors make it difficult to anticipate hypothetical policy prescriptions. Another reason that this question hasn't demanded an answer is that most people understandably consider it to be far less relevant than "How can nuclear terrorism be prevented?" Speculating on responses to a nuclear attack is a bit like contemplating the day after any number of disasters that involve an unprecedented scale of devastation. Does the national security community focus on the US government's potential response to an asteroid striking the planet or the aftermath of a war between China and the United States? It does not, because these types of scenarios fall into the realm of the surreal or at a minimum envision a situation in which there is such massive social disruption and such a severe diminution of US government capacity that it is difficult to even know where to begin. Admitting the limits of American power, particularly the "hard power" of the US military and intelligence community, is also not a popular pastime. A politician would need to be unusually brave to publicly focus on the day after an act of nuclear terrorism instead of the days before. Accepting nuclear terrorism is an unacceptable position, his opponents would surely retort. There are also no precedents, history, or cases of nuclear terrorism to provide context or demand consideration. People -particularly pundits and politicians-who have not studied much history often use the term unprecedented to describe the unfamiliar, but the scenario laid out above is truly something new under the sun. Since a successful nuclear terrorism event has not happened before, and it is not happening now, there is less appetite for thinking deeply about it than there is for considering more traditional security issues. From the sinking of the Lusitania by a German U-boat, to the Japanese empire's attack on Pearl Harbor, to al-Qaeda's attacks that culminated in the events of 9/11, Americans are conditioned to contemplate surprise attacks and expect that the US government can respond swiftly and severely, to manifest the prediction made by Japanese admiral Isoroky Yamamoto that a surprise attack against America would "awaken a sleeping giant."

AT: Low Probability

The probability of a nuclear terror attack is at unprecedented levels – amplifies the magnitude

Schwartz 2015 (Benjamin [Worked at the Departments of State, Defense and Energy]; Right of Boom: The Aftermath of Nuclear Terrorism; The Overlook Press; p. 23-25; kdf)

Is the scenario above simply the product of an overactive imagination and a penchant for alarmism? This is a reasonable question to ask. And it is worth answering before embarking on an exploration of potential responses to nuclear terrorism. Those who assert that there is a genuine threat of nuclear terrorism should acknowledge at the outset that there are legitimate reasons for skepticism. In fact, those who have paid closest attention to the issue over the years may be most conditioned to be incredulous.

They have heard public officials repeatedly issue dire warnings of impending terrorist attacks, watched and seen that no attack materializes, and then have been presented with little or no evidence to support the initial alert. It is also perfectly understandable that reasonable people question the competence and/or trustworthiness of US national security officials, particularly those responsible for nuclear issues. This is especially so in light of the second American-led invasion of Iraq—a war justified to the public largely on the basis of nonexistent nuclear weapons. Moreover, warnings of impending doom didn't originate with then vice president Dick Cheney. "I think we have to live with the expectation," remarked a Los Alamos atomic engineer in 1973, "that once every four or five years a nuclear explosion will take place and kill a lot of people." This statement is cited in John McPhee's *The Curve of Binding Energy*, which detailed concerns about the proliferation of nuclear weapons to nonstate actors over forty years ago.³ In the context of this history, accusations of Chicken Little-like behavior aren't flippant reactions. While exaggeration may mislead the credulous and offend the perceptive, neither the absence of a precedent for nuclear terrorism nor the intelligence failure regarding Saddam Hussein's WMD program change the growing threat. Many of these conditions aren't new; they have existed since the dawn of the nuclear age, and the world has been very fortunate that the danger has been effectively managed for so long. Other conditions are truly unprecedented. The world crossed from Graham Allison's "Three No's" into three Yeses with a whimper rather than a bang, but we have nevertheless entered an environment of extraordinary risk. Allison's contention that "[t]he detonation of a terrorist nuclear device in an American city is inevitable if the U.S. continues on its present course" is certainly debatable.⁴ Yet an objective assessment of the current nuclear security situation and its future trajectory leads to an unavoidable conclusion: We are more vulnerable to nuclear terrorism than at any time since the dawn of the nuclear age.

AT: Schwartz Indicts

Criticism of Schwartz is that his magnitude is too small – experts agree that he is awesome

Boot 2015 (Max [senior fellow at the Council on Foreign Relations]; 'Right of Boom,' by Benjamin E Schwartz; Feb 6; www.nytimes.com/2015/02/08/books/review/right-of-boom-by-benjamin-e-schwartz.html; kdf)

Nuclear terrorism has long been a staple of movies and television shows. But typically, Hollywood productions end with the bomb being defused. What would happen if heroes didn't save the day and the United States experienced the worst 24 hours in its history? That is the important question Benjamin E. Schwartz, a career government official who has worked at the Departments of State, Defense and Energy, sets out to answer in his clunkily titled first book, "Right of Boom." ("Right of boom" is -government-speak for "after an explosion.") His analysis begins with a fictional narrative that unfolds in a flat, matter-of-fact tone: "On an otherwise calm and uneventful morning, a small nuclear weapon explodes in downtown Washington, D.C. . . . The casualty count rises to over a hundred thousand, and the destruction is measured in hundreds of billions of dollars." Schwartz rather arbitrarily assumes that the president is out of town at the time of the explosion, along with other key officials. They must then figure out what to do when a "little-known terrorist group" (no ideology specified) claims responsibility. Experts suggest the group is "linked to three hostile governments, all of which have issued statements condemning the attack and denying involvement." Eventually, in Schwartz's story line, intelligence concludes that the nuclear material most likely came from one nation (unnamed) but that "negligence within that country's weapons industry and at its nuclear complexes is at least as plausible a scenario as a deliberate transfer by government officials to the terrorist group." What, then, should the president do? Schwartz notes that "people may assume that the answer to nuclear terrorism is tragic but quite straightforward: retaliation with nuclear weapons." But it may not be so simple. It is far from certain that the president would be willing to incinerate the people of, say, North Korea, Iran or Pakistan. And, as Schwartz notes, "American maneuver room would be severely curtailed if the nuclear threat network emanated from Russian or Chinese territory." Only Dr. Strangelove would suggest starting World War III with a state that possesses hundreds if not thousands of nuclear weapons. What's more, taking out the nuclear weapons even of a smaller state like Pakistan or North Korea would not be easy. It would be necessary to wipe out the entire arsenal, but of course all states camouflage and disperse their nuclear stockpiles. If American strikes left some nukes intact, the danger of a further nuclear attack on the American homeland would be very real. What about using boots on the ground? "U.S. military forces could invade a country and forcefully take control over -nuclear-related sites and facilities," Schwartz says. He may go too far in suggesting that such an action would have "limited prospects of eliminating the threat," but he is right that it would be a "high-risk venture" whose downside could include many of the problems the United States encountered in Afghanistan and Iraq. While Schwartz believes (rightly) that airstrikes against suspected nuclear proliferators would be the most likely initial response, he argues that dealing with an act of nuclear terrorism in the long term would require a much more complex series of actions designed to blunt "global nuclear threat networks." Washington would need "capabilities to conduct missions ranging from halting the sale of dual-use components through legal and diplomatic processes, to freezing funds of weapons proliferators, to isolating and immobilizing terrorist groups, to improving security practices at nuclear materials storage sites, to coercive interdictions on the high seas, to seizing and securing -nuclear weapons sites and even to -destroying nuclear weapons arsenals." Schwartz's most intriguing suggestion is that an act of nuclear terrorism could revive an idea briefly entertained by the Truman administration to establish "an international structure to control nuclear energy" — an International Atomic Energy Agency on steroids. Countries that failed to comply with its edicts could face more than sanctions or strong rhetoric — they could be "presumed guilty" and -declared "a legitimate target for retaliation following nuclear terrorism even in the absence of proof of complicity." Whatever happens, there is little doubt that we would be entering a brave new world whose contours can be glimpsed only dimly. Schwartz is to be commended for thinking about the unthinkable. It's a shame he has not produced a better book. Schwartz is, to put it mildly, no thriller writer. His nuclear-attack plot is presented with a minimum of drama, and it's hard not to roll your eyes when he sketches an imaginary conversation on an unnamed television show between experts from nonexistent think tanks chatting in language no human being would actually use. "As the late Irving Kristol noted many years ago," one of his pundits declaims, "international law is a fiction abused callously, or ignored ruthlessly, by those nations that, unlike the Western democracies, never took it seriously in the first place." Back to you, Bret. Schwartz also takes long detours into historical case studies of limited relevance. For example, he compares possible responses to terrorism with America's campaigns against the Comanches and Britain's against the Pashtuns in the 19th century. He even suggests that "war against Al Qaeda waged through unmanned aerial vehicles and informants on the ground" is similar to the "punitive" expeditions undertaken by the British Raj in what is now Pakistan. The analogy doesn't hold up. British forces routinely burned villages in retaliation for Pashtun raids. Winston Churchill, who as a young army officer participated in one such campaign, left a memorable description of how the Tirah Valley "was filled with the smoke," which "hung like a cloud over the scene of destruction." If Washington were engaged in such a policy today, our armed forces would be bombing villages in Pakistan. But they're not. Current policy is actually "leadership

targeting” — trying with great discrimination to eliminate the key players in Al Qaeda and other terrorist organizations. This approach also has a long history, dating back to the Roman assassination, in 139 B.C., of a rebel leader in Hispania (Spain) named Viriathus, but it goes entirely unmentioned here. And more disturbing than Schwartz’s failure to cite the relevant historical examples is his conceptual error in failing to differentiate between decapitation strikes and punitive expeditions. “Right of Boom” is marred by other problems as well, like Schwartz’s unwillingness to consider the possible impact of the nation’s entire political leadership being wiped out. Another curious omission is neglecting to think about what would happen if more than one nuclear bomb went off, or if more nuclear attacks were threatened. That possibility was raised in Andrew Krepinevich’s “7 Deadly Scenarios,” a more compelling look at this same issue that also goes unmentioned here. Finally Schwartz does not explain what steps policy makers should take to stop nuclear terrorism before it occurs. What, for example, should we be doing to prevent Iran from getting the bomb? Schwartz never says. Nonetheless, even if “Right of Boom” is not the book we need on nuclear terrorism, it can still do some good if it spurs greater study of and conversation about what is arguably our most important and least-understood national security threat.

****AT: Aff args**

AT: FREEDOM Act Thumps

Either A) Freedom act solves and takes out inherency means vote neg on presumption OR B) it's just a drop in the bucket

Straeley 2015 (Steve; Congress' NSA Bulk Surveillance Reform Bill: Much Ado about Little; May 4; www.allgov.com/news/top-stories/congress-nsa-bulk-surveillance-reform-bill-much-ado-about-little-150504?news=856395; kdf)

The USA Freedom Act, a bill passed out of committee last week which would limit the government's ability to spy on Americans' communications, would hardly put a crimp in the National Security Agency's (NSA) surveillance practices. The Freedom Act would stop most government collection of domestic calling metadata. The government would be limited to requesting from telecommunications companies information when there is a "reasonable, articulable suspicion" that a "specific selection term" is connected to international terrorism, according to an analysis by the Electronic Frontier Foundation. But the bill doesn't address data collection under Section 702 of the FISA Amendments Act, which allows the collection of the actual content of some communications, including that of Americans, and the collection of information from overseas calls. "If this bill passes, the NSA will continue unaddressed surveillance programs and will secretly torture the English language to devise novel justifications for spying on Americans," David Segal, executive director of Demand Progress, a group that has fought for more civil liberties, told The New York Times. "We won't even know the details until a new whistleblower comes forward a decade or two from now." An amendment which would strengthen protections against backdoor surveillance such as that allowed under Section 702 has drawn significant support (pdf), but has been rejected, along with others. House Judiciary Committee Chair Rep. Bob Goodlatte (R-Virginia) and ranking member Rep. John Conyers (D-Michigan) have said the Freedom Act has been carefully crafted as a compromise and if it's amended, it has no chance of getting a vote on the House floor. Its chance for success hinges on the expiration next month of authority for bulk data collection and those in the intelligence community want to ensure they still have some ability to spy on Americans.

And—It wasn't key

Lewis 2014 (James Andrew [senior fellow and director of the Strategic Technologies Program at CSIS]; Underestimating Risk in the Surveillance Debate; Dec; http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf; kdf)

If the risk of attack is increasing, it is not the right time to change the measures the United States has put in place to deter another 9/11. If risk is decreasing, surveillance programs can be safely reduced or eliminated. A more complicated analysis would ask if the United States went too far after 9/11 and the measures it put in place can be reduced to a reasonable level without increasing risk. Unfortunately, precise metrics on risk and effectiveness do not exist, 12 and we are left with the conflicting opinions of intelligence officials and civil libertarians as to what makes effective intelligence or counterterrorism programs. There are biases on both sides, with intelligence officials usually preferring more information to less and civil libertarians can be prone to wishful thinking about terrorism and opponent intentions.¹³ Interviews with current and former intelligence officials give us some guidance in deciding this. The consensus among these individuals is that 215 is useful in preventing attacks, but the least useful of the programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215 before any others, but ending 215 would not come without some increase in risk.

AT: Privacy outweighs

Their impacts are about the perception the public has about intrusion of privacy – overwhelmingly the public enjoys it

Sherfinski June 4 (David; NSA surveillance prevented terrorist attacks, most voters say: poll; www.washingtontimes.com/news/2015/jun/4/nsa-surveillance-prevented-terrorist-attacks-poll/; kdf)

Nearly two-thirds of U.S. voters say the National Security Agency's bulk data collection program has thwarted terrorist attacks in the United States, but a majority also think it's likely that the program has violated Americans' civil liberties. Sixty-five percent say they believe the NSA program has helped prevent terrorist attacks in the United States, compared to 28 percent who don't believe it has, according to a Fox News poll. Meanwhile, 57 percent say they believe the surveillance program has led to civil liberties of law-abiding Americans being violated, compared to 36 percent who don't believe that it has. But a plurality of voters, 49 percent to 42 percent, said the government's surveillance of U.S. citizens is more likely to help catch terrorists and protect Americans from additional attacks, as opposed to hurting law-abiding Americans by using private information improperly. Backers of the program have said there aren't any documented abuses, while opponents have pointed to a recent report from the Justice Department's inspector general saying the program hasn't been responsible for a big break in a terrorism case, either.

AT: Fear mongering

Their authors are just as guilty of fear mongering

Bolton 2015 (John R [served as the US Permanent Representative to the UN and as Under Secretary of State for Arms Control and International Security]; NSA activities key to terrorism fight; Apr 28; www.aei.org/publication/nsa-activities-key-to-terrorism-fight/; kdf)

Congress is poised to decide whether to re-authorize programs run by the National Security Agency that assess patterns of domestic and international telephone calls and emails to uncover linkages with known terrorists. These NSA activities, initiated after al-Qaeda's deadly 9/11 attacks, have played a vital role in protecting America and our citizens around the world from the still-metastasizing terrorist threat. The NSA programs do not involve listening to or reading conversations, but rather seek to detect communications networks. If patterns are found, and more detailed investigation seems warranted, then NSA or other federal authorities, consistent with the Fourth Amendment's prohibition against unreasonable searches and seizures, must obtain judicial approval for more specific investigations. Indeed, even the collection of the so-called metadata is surrounded by procedural protections to prevent spying on U.S. citizens. Nonetheless, critics from the right and left have attacked the NSA for infringing on the legitimate expectations of privacy Americans enjoy under our Constitution. Unfortunately, many of these critics have absolutely no idea what they are talking about; they are engaging in classic McCarthyite tactics, hoping to score political points with a public justifiably worried about the abuses of power characteristic of the Obama administration. Other critics, following Vietnam-era antipathies to America's intelligence community, have never reconciled themselves to the need for robust clandestine capabilities. Still others yearn for simpler times, embodying Secretary of State Henry Stimson's famous comment that "gentlemen don't read each others' mail." The ill-informed nature of the debate has facilitated scare-mongering, with one wild accusation about NSA's activities after another being launched before the mundane reality catches up. And there is an important asymmetry at work here as well. The critics can say whatever their imaginations conjure up, but NSA and its defenders are significantly limited in how they can respond. By definition, the programs' success rests on the secrecy fundamental to all intelligence activities. Frequently, therefore, explaining what is not happening could well reveal information about NSA's methods and capabilities that terrorists and others, in turn, could use to stymie future detection efforts.

AT: No recent terror

They say no recent terror, but that's because the programs are working

Lewis 2014 (James Andrew [senior fellow and director of the Strategic Technologies Program at CSIS]; Underestimating Risk in the Surveillance Debate; Dec;
http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf; kdf)

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AT: Doesn't solve terrorism

These programs have stopped over 50 terror attacks

Dozier 2013 (Kimberly; NSA: Surveillance Programs Foiled Some 50 Terrorist Plots Worldwide; Jun 18; www.huffingtonpost.com/2013/06/18/nsa-surveillance_n_3460106.html; kdf)

The director of the National Security Agency insisted on Tuesday that the government's sweeping surveillance programs have foiled some 50 terrorist plots worldwide in a forceful defense echoed by the leaders of the House Intelligence Committee. Army Gen. Keith Alexander said the two recently disclosed programs – one that gathers U.S. phone records and another that is designed to track the use of U.S.-based Internet servers by foreigners with possible links to terrorism – are critical in the terrorism fight. Intelligence officials have disclosed some details on two thwarted attacks, and Alexander promised additional information to the panel on thwarted attacks that the programs helped stop. He provided few additional details. The programs "assist the intelligence community to connect the dots," Alexander told the committee in a rare, open Capitol Hill hearing. Alexander got no disagreement from the leaders of the panel, who have been outspoken in backing the programs since Edward Snowden, a 29-year-old former contractor with Booz Allen Hamilton, disclosed information to The Washington Post and the Guardian newspapers. Rep. Mike Rogers, R-Mich., chairman of the committee, and Rep. C.A. Dutch Ruppersberger of Maryland, the panel's top Democrat, said the programs were vital to the intelligence community and assailed Snowden's actions as criminal. "It is at times like these where our enemies within become almost as damaging as our enemies on the outside," Rogers said. Ruppersberger said the "brazen disclosures" put the United States and its allies at risk. The general counsel for the intelligence community said the NSA cannot target phone conversations between callers inside the U.S. – even if one of those callers was someone they were targeting for surveillance when outside the country. The director of national intelligence's legal chief, Robert S. Litt, said that if the NSA finds it has accidentally gathered a phone call by a target who had traveled into the U.S. without their knowledge, they have to "purge" that from their system. The same goes for an accidental collection of any conversation because of an error. Litt said those incidents are then reported to the Foreign Intelligence Surveillance Court, which "pushes back" and asks how it happened, and what the NSA is doing to fix the problem so it doesn't happen again. Rogers previewed the latest public airing of the NSA controversy the morning after President Barack Obama, who is attending the G-8 summit in Ireland, vigorously defended the surveillance programs in a lengthy interview Monday, calling them transparent – even though they are authorized in secret. "It is transparent," Obama told PBS' Charlie Rose in an interview. "That's why we set up the FISA court," the president added, referring to the secret court set up by the Foreign Intelligence Surveillance Act that authorizes two recently disclosed programs: one that gathers U.S. phone records and another that is designed to track the use of U.S.-based Internet servers by foreigners with possible links to terrorism. Obama said he has named representatives to a privacy and civil liberties oversight board to help in the debate over just how far government data gathering should be allowed to go – a discussion that is complicated by the secrecy surrounding the FISA court, with hearings held at undisclosed locations and with only government lawyers present. The orders that result are all highly classified. "We're going to have to find ways where the public has an assurance that there are checks and balances in place ... that their phone calls aren't being listened into; their text messages aren't being monitored, their emails are not being read by some big brother somewhere," the president said. A senior administration official said Obama had asked Director of National Intelligence James Clapper to determine what more information about the two programs could be made public, to help better explain them. The official spoke on condition of anonymity because the official was not authorized to speak publicly. Snowden accused members of Congress and administration officials Monday of exaggerating their claims about the success of the data gathering programs, including pointing to the arrest of the would-be New York subway bomber, Najibullah Zazi, in 2009. In an online interview with The Guardian in which he posted answers to questions Monday, Snowden said that Zazi could have been caught with narrower, targeted surveillance programs – a point Obama conceded in his interview without mentioning Snowden. "We might have caught him some other way," Obama said. "We might have disrupted it because a New York cop saw he was suspicious. Maybe he turned out to be incompetent and the bomb didn't go off. But, at the margins, we are increasing our chances of preventing a catastrophe like that through these programs," he said. Obama repeated earlier assertions that the NSA programs were a legitimate counterterror tool and that they were completely noninvasive to people with no terror ties – something he hoped to discuss with the privacy and civil liberties board he'd formed. The senior administration official said the president would be meeting with the new privacy board in the coming days.

Surveillance isn't foolproof, but has solved attacks - empirics

Williams and Winter 2015 (Pete and Tom; Man Under Surveillance by Joint Terrorism Task Force Shot Dead in Boston; www.nbcnews.com/news/us-news/man-under-surveillance-joint-terrorism-task-force-shot-dead-boston-n368376; kdf)

A man wielding a large, military-style knife came at police and FBI agents as they attempted to interview him in Boston early Tuesday, and was fatally shot only after he refused to drop the weapon, officials said. Usaamah Abdullah Rahim had been under 24-hour surveillance by the Boston Joint Terrorism Task Force, and a senior official told NBC News they were investigating whether the 26-year-old Boston man had become radicalized by ISIS-inspired social media messages and feared a terror plot was in the works. A second man from the Boston suburb of Everett was later taken into custody as officials conducted a related terrorism investigation, Boston police said Tuesday night. His name was not released. Rahim was stopped around 7 a.m. ET at a CVS parking lot in Boston's Roslindale neighborhood, FBI Special Agent in Charge Vincent Lisi said at an afternoon news conference. The officers wanted to interview him at the scene, but had no warrant for his arrest. The officers did not have their guns drawn, and Rahim pulled a knife out first, Boston Police Commissioner William Evans told reporters. "We have video depicting the individual coming at officers while the officers were retreating," Evans said. Officers and agents ordered Rahim to drop his weapon, and then took out their firearms and shot at him when he refused, Evans added. He was struck twice — in the abdomen and torso — and was later pronounced dead at the hospital, police said. Officials are reviewing whether the shooting was justified, but early surveillance video and witness statements indicate the officers' "lives were in danger," Evans said. After the shooting, authorities began searching a home in Everett and another address in Warwick, Rhode Island, in connection to the incident, senior law enforcement sources in New England told NBC News. A source earlier said the occupants in the Everett home might also be of interest in the investigation. Law enforcement sources say Rahim had been under investigation and surveillance for several weeks by the Boston Joint Terrorism Task Force. In recent months, ISIS messages worldwide have called for attacks using whatever weapons are at hand, including guns and knives.

AT: Terrorism Kritiks

Even if they win the K – it is just impact mitigation, not a reason to vote Aff

*This is also the 2NC must read

Lewis 2014 (James Andrew [senior fellow and director of the Strategic Technologies Program at CSIS]; Underestimating Risk in the Surveillance Debate; Dec; http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf; kdf)

The phrase “terrorism” is overused, and the threat of terrorist attack is easily exaggerated, **but that does not mean this threat is nonexistent.** Groups and individuals still plan to attack American citizens and the citizens of allied countries. The dilemma in assessing risk is that it is discontinuous. There can be long periods where no activity is apparent, only to have the apparent calm explode in an attack. The constant, low-level activity in planning and preparation in Western countries is not apparent to the public, nor is it easy to identify the moment that discontent turns into action. There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.²⁴ European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.²⁵ The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.²⁶ If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences. A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia. Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces. The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems, nationally and in cooperation with others, including the United States, to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new “front” for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets. ²⁷ The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational difficulties. these attacks are the threat that mass surveillance was created to prevent. The needed reduction in public anti-terror measures without increasing the chances of successful attack is contingent

upon maintaining the capability provided by communications surveillance to detect, predict, and prevent attacks. Our opponents have not given up; neither should we.

Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. **Boyle 8**, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, "A Case Against Critical Terrorism Studies," *Critical Studies On Terrorism*, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed 'Orthodox Terrorism Studies'. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centrism, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be 'a skeptical attitude towards accepted terrorism "knowledge"'. **An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems.** In fact, **terrorism scholars are not only well aware of these problems, but also have provided their own searching critiques** of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, 'Understanding Terrorism'). **Some of those scholars** most associated with the critique of empiricism implied in 'Orthodox Terrorism Studies' **have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism.** For example, Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they **point out** that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to address** persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, **Silke's** (2004) **volume on the state of the field of terrorism research performed a similar function**, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

Terror is a real threat driven by forces the aff can't resolve---we should reform the war on terror, not surrender---any terror attack turns the entire case

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, *The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again*, vii-viii

APPLYING THAT TRADITION today is not easy. Cold war liberals developed their narrative of national greatness in the shadow of a totalitarian superpower. **Today, the United States faces** no such unified threat. Rather, it faces **a web of dangers**—from disease to environmental degradation to weapons of mass destruction—all **fueled by globalization, which leaves America increasingly vulnerable to pathologies bred in distant corners of the world.** And **at the center of this nexus sits jihadist terrorism**, a new totalitarian movement that lacks state power but harnesses the power of globalization instead. Recognizing that the United States again faces a totalitarian foe does not provide simple policy prescriptions, because today's totalitarianism takes such radically different form. But **it reminds us** of something more basic, **that liberalism does not find its enemies only on the right—a lesson sometimes forgotten in the age of George W. Bush.** Indeed, it is because liberals so despise this president that they increasingly reject his trademark phrase, the "war on terror." Were this just a semantic dispute, it would hardly matter; **better alternatives to war on terror abound.** But the rejection signifies something deeper: a turn away from the very idea that anti-totalitarianism should sit

at the heart of the liberal project. For too many liberals today, George W. Bush's war on terror is the only one they can imagine. This alienation may be understandable, but that does not make it any less disastrous, for it is liberalism's principles—even more than George W. Bush's—that jihadism threatens. If today's liberals cannot rouse as much passion for fighting a movement that flings acid at unveiled women as they do for taking back the Senate in 2006, they have strayed far from liberalism's best traditions. And if they believe it is only George W. Bush who threatens America's freedoms, they should ponder what will happen if the United States is hit with a nuclear or contagious biological attack. **No matter who is president,** Republican or Democrat, **the reaction will make John Ashcroft look like the head of the ACLU.**

Ethical rebellion does not require rejecting all resort to lethal force---killing is conditionally justified in cases where the target is culpable for injustice. This distinction will win us the debate---ethical rebellion can allow killing, so long as we recognize that it is simultaneously necessary, but cannot be truly ethically justified. Recognizing our own conduct as ethically unjustifiable despite its necessity in preserving innocent life sets up killing as truly exceptional

Matt Hartman 13, MA, Philosophy, University of Chicago, 6/5/13, "The Rebel or the Militant: Universality and Political Violence,"

<http://lucian.uchicago.edu/blogs/colloquium/2013/06/05/the-rebel-or-the-militant-universality-and-political-violence/>

I begin with rebellion, Camus' analogue to Badiou's event. For him, rebellion means something restricted, something that respects its own limits.

The rebels who [...] wanted to construct [...] a savage immortality are terrified at the prospect of being obliged to kill in their turn. Nevertheless, if they retreat they must accept death; if they advance they must accept murder. Rebellion, cut off from its origins and cynically travestied, oscillates, on all levels, between sacrifice and murder.[24]

In other words, rebellion is characterized by a recognition that the status quo is structurally unjust and must be opposed—hence the rebel's inability to retreat—and a simultaneous recognition that the means of opposition themselves imply a crime.[25] The 'savage immortality' that appears to arise from rebellion—the point where rebellion's initial impetus appears to no longer to govern the sequence—cannot be, and yet the rebel must act. This conflict forms the paradoxical, logical structure of rebellion that creates an inherent limit upon what can be (ethically) done. As we will see, that limit is marked by murder.

Moreover, that limit is dependent upon the beginnings of the rebellion. "I rebel—therefore we exist," says Camus (R 22). This formulation is variously suggestive, but the two most important implications for our purposes are the axiomatic claims to universality and equality. Similar to Badiou's claim that all are 'virtual militants' of the event, Camus argues that a rebellion reaches for universality (by transforming the 'I' into a 'We'). Its virtues must apply to all. And for this reason, it must aim at equality, as all must be equal in their ability to make the same declaration.

Rebellion is the assertion of an axiom of equality between one and all. "In assigning oppression a limit within which begins the dignity[26] common to all men, rebellion defined a primary value" (R 281). Camus' formulation necessitates an understanding—an ethical principle—of equality that rebels must recognize. Rebellion is the very process of the assertion of this egalitarianism. We can already begin to see, then, how Camus' axiom is an ethical principle.

But this point further implies that the claim of rebellion—a claim to act from principle, not simply to take power—must recognize universality as a claim concerning the situation. The principle now instituted refers to a governing logic, not to an individual. Again,

this claim parallels Badiou's rethinking of the State's logic of ordering. The structure of thought, not the identity of the master, is the problem. Thus, one claims a wrong against the situation: if the slave merely takes his master's place, there is no rebellion but a coup. The logic must change. The 'we exist' half of Camus' formulation necessitates as much: if the rebellion's axiom does not apply to all, the rebellion has no coherent ground or claim. It would be a mere simulacrum. Rebels must act towards all—they have a limit on what they can not do.

But, against Badiou, they also have a limit on what they can do. The result of the 'universal value' defined by the axiom/principle in Camus' formulation is a limit placed upon rebels. This limit is murder:

[M]urder is thus a desperate exception or it is nothing. It is the limit that can be reached but once, after which one must die. The rebel [...] kills and dies so that it shall be clear that murder is impossible. He demonstrates that, in reality, he prefers the 'We are' to the 'We shall be.' [...] Beyond the farthest frontier, contradiction and nihilism begin. (R 282)

This passage contains the core of The Rebel. Camus condemns any logic that justifies murder on the grounds of a history—either because it helps bring about a desired future state or because it is part of a larger, necessary historical epoch. He denies any logic that determinatively ties ethical action to a historical context, subsuming particular situations under history.

To justify an act by history is to implicitly de-value the present. It is to imply that a present claim to justice—to the axiomatic principles of rebellion—are not to be met. It is to deny the 'we are' to the 'we shall be,' as Camus says above. The axiomatic structure of the statement 'I rebel, therefore we exist,' demands the present be equal to the future. If not, the very structure of politics is denied and rebellion's logic is made incoherent. The situatedness of the rebellion—the fact that the axiom is declared now—implies that as a universal, logical claim it is definitively tied to the present. Because it is universal, the present cannot be devalued to the future, otherwise it would be a mere instrument. By not separating history into pre- and post-event with an ontologically uncontainable state between them, Camus is providing a framework to make historical change sensible even as it is ongoing.

The axiomatic aspect of rebellion's principles conditions this thought. Camus does not claim that rebellion's ends should exist, or that they will exist, or that it would be morally right if they existed: "Nothing justifies the assertion that these principles have existed eternally; it is of no use to declare that they will one day exist" (R 283). Rather, the axiom is a demand for equality (or justice or freedom) against the State. Because the axiom acts as an ethical principle for the rebels during the course of their rebellion, the coherence between the rebels' actions and their axiom is the justification of their logic. Every (legitimate) rebellion has this form.

And as a result, for Camus, universality is not a matter of Badiou's virtuality, but of actuality. Because "[rebellion's] reasons—the mutual recognition of a common destiny and the communication of men between themselves—are always valid" at the same time they are axiomatic, Camus is demanding concrete coherence between the rebellion's actions and its axiom (R 283). The axiomatic principles are merely actualized by their declaration. But this is possible only because Camus does not posit an axiom that is (materially, historically) transformed into an ethical principle. As a result, though Camus may have supported all of the Libyan rebels' actions, he has built the framework to sensibly ask the ethical question of them, even though it is based in particularity.

This is because the actual universality Camus posits provides a substantial ethics: murder is the limit of rebellion and cannot be justified. "Logically," he says, "one should reply that murder and rebellion are contradictory. If a single master should, in fact, be killed, the rebel, in a certain way, is no longer justified in using the term community of men from which he derived his justification" (R 281). The claim is drastic: to murder anyone, even the source of injustice, is unjustifiable. It denies all egalitarian maxims by denying the victim the chance to meet rebellion's demand—and it does so because Camus' concern is actuality: Badiou's universality in principle holds whether acted upon or not. But Camus shows in the first three sections of *The Rebel* that rebellions that have accepted murder became incoherent.[27]

However, Camus did not forswear murder—he claimed that it was a limit that could be met exactly once. On the one hand, it is simply utopian to refuse the use of violence in politics: Assad must be overthrown for the sake of creating a democracy. But Camus has already denied historical justification as nihilistic and incoherent. And yet inaction would implicitly accept the unjust status quo. So, then, murder is necessary but unjustifiable; the rebel "kills and dies so that it shall be clear that murder is impossible."

Camus navigates this paradox by insisting on murder's exceptional status. One should rebel, even by murder, but simultaneously recognize murder as contrary to one's own principles. An act of murder, we can say, will be legitimate but not just: legitimate in battling the unjust present, but unjust itself because legitimacy cannot clear the rebel of guilt. This claim—which is the core of Camus' argument against Robespierre and Lenin, as well as his defense of the Russian terrorist Kaliayev—asserts that history cannot enter into politics' logic. This time, this point in history may legitimize an act, but it cannot justify that act because ethical principles are eternal. Their universality must be protected in the material actions throughout the rebellion.

For this reason, even the legitimacy of murder is conditional. [28] First, the victim must be a cause of the present injustices—e.g., the master of the slaves or the Ba'athist dictator. The murder of innocents can only be legitimated by historicist arguments unavailable to the coherent rebel. Second, the rebel's act must be recognized as a crime by her own standards. She must recognize her own guilt as a failure to cohere with her axiom: only this recognition ensures murder remains exceptional. protecting a practical manifestation of the rebellion's logic. The crime of Saint-Just and Robespierre was allowing the Terror to become an institution that altered the rebellion's logic.

****Counter-terror Debate**

AT: Counter-terror ineffective/ AT: Losing WOT

It's not a question of "have we defeated all the terrorists" but instead, "how do we most effectively combat terrorism?" – the plan robs intelligence agencies of the tools needed to prevent large scale attacks—that's all of our link ev

And – counter-terrorism is working now

Zenko 2015 (Micah; CIA Director: We're Winning the War on Terror, But It Will Never End; Apr 8; blogs.cfr.org/zenko/2015/04/08/cia-director-were-winning-the-war-on-terror-but-it-will-never-end/; kdf)

Last night, Director of Central Intelligence John Brennan participated in a question-and-answer session at Harvard Kennedy School's Institute of Politics. The first thirty-seven minutes consisted of an unusually probing exchange between Brennan and Harvard professor Graham Allison (full disclosure: Graham is a former boss of mine). Most notably, between 19:07 and 29:25 in the video, Allison pressed Brennan repeatedly about whether the United States is winning the war on terrorism and why the number of al-Qaeda-affiliated groups has only increased since 9/11: "There seem to be more of them than when we started...How are we doing?" Brennan replied: If I look across the board in terms of since 9/11 at terrorist organizations, and if the United States in all of its various forms. In intelligence, military, homeland security, law enforcement, diplomacy. If we were not as engaged against the terrorists, I think we would be facing a horrendous, horrendous environment. Because they would have taken full advantage of the opportunities that they have had across the region... We have worked collectively as a government but also with our international partners very hard to try and root many of them out. Might some of these actions be stimulants to others joining their ranks? Sure, that's a possibility. I think, though it has taken off of the battlefield a lot more terrorists, than it has put on. This statement is impossible to evaluate or measure because the U.S. government has consistently refused to state publicly which terrorist organizations are deemed combatants, and can therefore be "taken out on the battlefield." However, relying upon the State Department's annual Country Reports on Terrorism, the estimated strength of all al-Qaeda-affiliated groups has grown or stayed the same since President Obama came into office. Of course, non-al-Qaeda-affiliated groups have arisen since 9/11, including the self-proclaimed Islamic State, which the Central Intelligence Agency estimated last September to contain up to 31,500 fighters, and Boko Haram, which has perhaps 10,000 committed members. However, the most interesting question posed to Brennan came at the very end from a Harvard freshman who identified himself as Julian: "We've been fighting the war on terror since 2001. Is there an end in sight, or should we get used to this new state of existence? Brennan replied: It's a long war, unfortunately. But it's been a war that has been in existence for millennia, at the same time—the use of violence for political purposes against noncombatants by either a state actor or a subnational group. Terrorism has taken many forms over the years. What is more challenging now is, again, the technology that is available to terrorists, the great devastation that can be created by even a handful of folks, and also mass communication that just proliferates all of this activity and incitement and encouragement. So you have an environment now that's very conducive to that type of propaganda and recruitment efforts, as well as the ability to get materials that are going to kill people. And so this is going to be something, I think, that we're always going to have to be vigilant about. There is evil in the world and some people just want to kill for the sake of killing...This is something that, whether it's from this group right now or another group, I think the ability to cause damage and violence and kill will be with us for many years to come. We just have to not kill our way out of this because that's not going to address it. We need to stop those attacks that are in train but we also have to address some of those underlying factors and conditions. I'm not saying that poverty causes somebody to become a terrorist, or a lack of governance, but they certainly do allow these terrorist organizations to grow and they take full advantage of those opportunities. To summarize, the war on terrorism is working, compared to inaction or other policies. But, the American people should expect it to continue for millennia, or as long as lethal technologies and mass communication remain available to evil people.

xt - Counter-terror effective

American counter-terrorism measures are effective

Bonn 6/17/2015 (Steve [producer of the Rachel Maddow Show]; The scope of Obawww.msnbc.com/rachel-maddow-show/the-scope-obamas-counter-terrorism-successes; kdf)

Whenever the political world's attention turns to matters of national security and terrorism, Republican criticisms of President Obama feature familiar talking points. The president isn't "aggressive" enough, they say. His approach must be "tougher," like the policies adopted by the Bush/Cheney administration. Obama's counter-terrorism policies are so ineffective, the right insists, that the White House won't even use the specific words – "radical Islamic terrorism" – that Republicans demand to hear. But the gap between GOP rhetoric and national-security reality continues to grow. We learned yesterday, for example, that a U.S. airstrike killed Nasir al-Wuhaysh, al Qaeda's No. 2 official – and the top guy in al Qaeda in the Arabian Peninsula. As Rachel noted on the show last night, his death is a "huge deal," especially given the terrorist plots al-Wuhaysh has helped oversee. NBC News had a helpful report yesterday on the frequency with which U.S. strikes have successfully targeted al Qaeda's top leaders. Since Navy SEALs killed [Osama bin Laden] in 2011, American drone strikes have taken out seven potential candidates to succeed him as the leader of what was once the most-feared terror gang. The targeted attacks started within weeks of bin Laden's death. Three al Qaeda higher-ups were killed in June, August and September of 2011, followed by another three in late 2012 and early 2013.... Now, the death of 38-year-old Wuhayshi – killed in a strike on Friday – is seen by American intelligence officials as a major blow to al Qaeda, which is struggling with decimated ranks and ideological competition from the Islamic State. I'm reminded of this piece in The Atlantic last fall, when Jeffrey Goldberg, hardly a liberal, wrote, "Obama has become the greatest terrorist hunter in the history of the presidency." It's a detail Republicans simply don't know what to do with, so they ignore it and pretend the president is indifferent to matters of national security, all evidence to the contrary notwithstanding. While GOP officials and candidates continue to insist that what really matters is word-choice, Obama's counter-terrorism strategy includes so many successes, they no longer generate much attention. Notice, for example, just how little chatter al-Wuhaysh's death garnered yesterday. There is, of course, an entirely different side of the debate. Yes, Republican rhetoric is divorced from reality. Yes, Obama has successfully targeted a wide variety of prominent terrorist leaders. But there are all kinds of related questions that often go overlooked: do U.S. strikes deter or prevent future terrorist threats? Is the U.S. policy entirely consistent with the law? What are the implications of a policy reliant on drones? Should Americans expect the current national-security policy to remain in place indefinitely? What happens when one terrorist leader is killed, but he's replaced by someone worse?

xt - Terror attacks down

Even if they don't solve all attacks, counter-terror measures are reducing the frequency and severity – the plan throws the baby out with the bathwater

Gutierrez et al 6/20/2015 (ARES P. GUTIERREZ, CATHERINE S. VALENTE AND AFP; US notes 24% drop in terror attacks in PH; www.manilatimes.net/us-notes-24-drop-in-terror-attacks-in-ph/193594/; kdf)

According to the Country Reports on Terrorism 2014 prepared by the State Department's Bureau of Counterterrorism, the drop in the number of attacks was attributed to the improved cooperation between Manila and Washington. "Terrorist groups, including the Abu Sayyaf Group (ASG), Jemaah Islamiya (JI), and the Communist People's Party/New People's Army (CPP/NPA), were unable to conduct major attacks compared to previous years due to continuous pressure from Philippine counterterrorism and law enforcement efforts. Terrorist groups' acts included criminal activities designed to generate revenue for self-sustainment, such as kidnapping for ransom, extortion, and bombings for hire," the report which was posted on the State Department's website said. The report however said that despite "sustained pressure on terrorist organizations," terrorist and rebel groups in Mindanao managed to retained its capability to make improvised bombs and engage in small-scale attacks. The State Department likewise gave credit to the progress in the implementation of the country's Internal Peace and Security Plan which calls for the transition of internal security operations from the military to the Philippine National Police. It however branded the transition as "slow and ineffective". "Continued violent extremist activity, as well as counterterrorism gaps between the AFP and the PNP, slowed this transition and forced the AFP to continue playing the lead counterterrorism role in the Philippines," the report said. The State Department also took note of the government's push to enact the proposed Bangsamoro Basic Law and efforts to curb the potential threat posed by radical supporters of the Islamic State in Iraq and the Levant (ISIL) and the risk of ISIL elements traveling to the Philippines to promote violent extremism in the country or seek safe haven as among the situations to watch out for in the Philippines. Commenting on the State Department's report, Communications Secretary Herminio Coloma said the Philippines is "firmly determined to address these challenges". "Government is firmly determined to address these challenges through intensified security measures and pursuit of peace-building initiatives," he said in a text message. The State Department report mentioned the Aquino administration's move to prioritize having the 2007 Human Security Act amended to enable it to conform to international standards; ease the strict monetary penalties and prison terms against law enforcement officials involved in cases where individuals are wrongly accused and later acquitted; and remove barriers to support investigations. "The (Anti-Terrorism Council) Project Management Center, in coordination with the Anti-Money Laundering Council (AMLC) Secretariat and the Presidential Legislative Liaison Office, ensured the final version of the HSA was fully in line with the Terrorism Financing Prevention Act and other Anti-Money Laundering Act and Philippine government initiatives prior to submission to the House of Representatives," the report said. While the report criticizes the limited capabilities and "mixed record of accountability and respect for human rights of specialized counterterrorism units like the National Bureau of Investigation and the PNP Special Action Force, it gave credit to the continued improvement in the security of Philippine passports. It also mentioned the country's commitment to improve transportation and port security by increasing security capabilities at its airports, seaports, and bus terminals. The State Department report moreover said an "under-resourced and understaffed law enforcement and judicial system, coupled with widespread official corruption" led to "limited domestic investigations, unexecuted arrest warrants, few prosecutions, and lengthy trials of cases." "Philippine investigators and prosecutors lacked necessary tools to build strong cases, including a lack of clear processes for requesting judicially-authorized interception of terrorist communications, entering into plea bargains with key witnesses, and seizing assets of those suspected in benefiting from terrorism," it said. The full State Department report said there were 13,463 attacks in 95 countries in 2014 — up by a third from the year before — with Iraq, Pakistan and Afghanistan bearing the brunt of extremist violence, the State Department said in a report. The largest number of attacks were carried out by Islamic State (IS) militants, who unleashed 1,083 assaults last year as part of a deadly march across Iraq and Syria. The Taliban were the next most lethal group, with 894 attacks. There was also a sharp rise in violence in Nigeria, where Boko Haram's Islamist militants have been spreading terror in the north. Some 7,512 people were killed in 662 attacks. The report also highlighted a rise in "lone offender violent extremists in the West" such as the Charlie Hebdo attacks in January in Paris. "The terrorism challenges that we face continue to evolve at a rapid pace and we cannot predict with precision what the landscape will look like one decade or even really a year from now," said top US counterterrorism envoy Tina Kaidanow, unveiling the 2014 Country Reports on Terrorism. "We must do more to address the cycle of violent extremism and transform the very environment from which these terrorist movements emerge." Acknowledging that most of the recorded attacks were in war zones, Kaidanow denounced the "savagery" seen last year which had spurred the high death toll. Kidnappings also jumped by a third, with more than 9,400 people taken hostage, three times as many as in 2013.

Ransoms have been used by both IS and Al-Qaeda as an effective way to raise money. But Kaidanow said the numbers did not tell the whole story, saying the US has been effective over the past year in building up a coalition to help fight militant groups, choke off funding and stem the flow of foreign fighters.

Terrorism –Samford

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Terror threats are real- flexible surveillance is key to prevent major attacks

Lewis '14 [James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy, “Underestimating Risk in the Surveillance Debate,”

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf]

Americans are reluctant to accept terrorism is part of their daily lives, but **attacks have been planned or attempted against American targets** (usually airliners or urban areas) **almost every year since 9/11**. Europe faces even greater risk, given the thousands of European Union citizens who will return hardened and radicalized from fighting in Syria and Iraq. The threat of attack is easy to exaggerate, but that does not mean it is nonexistent. Australia's then-attorney general said in August 2013 that communications surveillance had stopped four “mass casualty events” since 2008. The constant planning and preparation for attack by terrorist groups is not apparent to the public. The dilemma in assessing risk is that it is discontinuous. There can be long periods with no noticeable activity, only to have the apparent calm explode. The debate over how to reform communications surveillance has discounted this risk. Communications **surveillance is an essential law enforcement and intelligence tool. There is no replacement for it**. Some suggestions for **alternative approaches** to surveillance, such as the idea that the National Security Agency (NSA) only track known or suspected terrorists, **reflect wishful thinking, as it is the unknown terrorist who will inflict the greatest harm**. The Evolution of Privacy Some of the unhappiness created by the Edward Snowden leaks reflects the unspoken recognition that online privacy has changed irrevocably. The precipitous decline in privacy since the Internet was commercialized is the elephant in the room we ignore in the surveillance debate. America's privacy laws are both limited in scope and out of date. Although a majority of Americans believe privacy laws are inadequate, the surveillance debate has not led to a useful discussion of privacy in the context of changed technologies and consumer preferences. Technology is more intrusive as companies pursue revenue growth by harvesting user data. Tracking online behavior is a preferred business model. On average, there are 16 hidden tracking programs on every website. The growing market for “big data” to predict consumer behavior and target advertising will further change privacy. Judging by their behavior, Internet users are willing to exchange private data for online services. A survey in a major European country found a majority of Internet users disapproved of Google out of privacy concerns, but more than 80 percent used Google as their search engine. The disconnect between consumer statements and behavior reduces the chances of legislating better protections. We have global rules for finance and air travel, and it is time to create rules for privacy, but governments alone cannot set these rules, nor can a single region impose them. Rules also need to be reciprocal. NSA bears the brunt of criticism, but its actions are far from unique. All nations conduct some kind of communications surveillance on their own populations, and many collect against foreign targets. Getting this consensus will be difficult. There is no international consensus on privacy and data protection. EU efforts to legislate for the entire world ignore broad cultural differences in attitudes toward privacy, and previous EU privacy rules likely harmed European companies' ability to innovate. Finding a balance between privacy, security, and innovation will not be easy since unconstrained collection creates serious concerns while a too-restrictive approach threatens real economic harm. Espionage and Counterterrorism NSA carried out two kinds of signals intelligence programs: bulk surveillance to support counterterrorism and collection to support U.S. national security interests. The debate over surveillance unhelpfully conflated the two programs. Domestic bulk collection for counterterrorism is politically problematic, but **assertions that a collection program is useless because it has not by itself prevented an attack reflect unfamiliarity with intelligence**. **Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success. Success is the product of** the efforts of teams of dedicated individuals from many **agencies, using many tools and techniques**, working together **to assemble** fragments of **data from many sources into a coherent picture**.

Border terrorism is especially likely- strict laws are key to prevent attacks

Leonard and Katz '14 [Tom Leonard is a retired Army officer and War College graduate; Joshua Katz is a former Army Ranger and CIA operations officer. Both served as senior policy advisors to the Chairman of the House Committee on Homeland Security, “IT'S TIME FOR A NATIONAL BORDER SECURITY STRATEGY,” 9-17-14,

<http://warontherocks.com/2014/09/its-time-for-a-national-border-security-strategy/>]

The threats facing the United States within the international border environment are real, dynamic, and multi-dimensional; those who wish us harm – terrorists, criminal organizations, and nation states – **remain flexible** and act without regard to our laws. **These adversaries are** not only **able to exploit the gaps in our laws, border security infrastructure**, and response capabilities, but also in our policies **and our own failure to implement existing law**. In short, our adversaries are quicker to adapt to the changing border security environment than we are at identifying and correcting our own security shortfalls. Although there are potential threats present at each border, the danger posed by the accumulation of those threats (TCOs, terrorists, adversarial nation states) is particularly acute along the Southwest border. Competing drug cartels are engaged in an unprecedented inter-

organizational conflict over smuggling routes into the United States. Furthermore, with billions of dollars in operating capital, TCOs are capable of buying, corrupting, building, and/or coercing the necessary freedom of action to counter and respond to law enforcement efforts to curtail their activities. TCOs have spent decades refining the **transportation routes to bring illicit material** (drugs) **into the country** and to engage in human trafficking. TCOs have also realized that these routes are more valuable than for just transporting drugs, that others will pay high sums to use these routes for their own purposes. The additional funds from transporting people and other material do not impact the transportation of their main product, meaning any revenues received are pure profit. On this basis, there is little downside to transporting people or dangerous materials into the United States (product is product), and it thus **provides a proven conduit for terrorist organizations to enter the United States undetected**. There is speculation that the TCO risk/reward analysis would prevent them from partnering with a terrorist organization, as such a relationship would heighten the pressure they might face from the United States government. However, at least one publicly acknowledged incident—the attempted assassination of the Saudi Arabian ambassador to the United States by a suspected agent of the government of Iran—seems to contradict this argument. This case suggests the possibility of a worrying, if ad hoc, relationship between the Iranian government (or, more specifically its intelligence service) and a Mexican cartel to manage the transportation of the Iranian operative into the United States. **It also highlights the need for heightened awareness of the narco-terrorist nexus** within the Mexican cartels and the possibility that these relationships are growing stronger as the development of a true border security strategy continues to be delayed.

Terrorism causes extinction through CBW, nuclear, and cyber attacks- threats are constantly advancing

Alexander '10 [Yonah, Director of the International Center for Terrorism Studies at the Potomac Institute for Policy Sciences, “Maghreb & Sahel Terrorism: Addressing the Rising Threat from al-Qaeda & other Terrorists in North & West/Central Africa,” January, http://www.potomac institute.org/attachments/524_Maghreb%20Terrorism%20report.pdf]

Current and future perpetrators include the following: “freelance” and sub-state terrorist groups; individual terrorists; mentally deranged “crusaders” or “martyrs”; single-issue political extremists; ideological-based groups; ethnic, racial, and religious movements; nationalist and separatist actors; criminal and political mercenaries; and international networks, particularly **al-Qaeda and its affiliates in Africa, Asia, and the Middle East**. Terrorists’ impulses cover a broad range of motivations. These consist of political discontent— ideological (anarchism, ambitions, radicalism) and nationalistic (resistance, separatism, irredentism)— economic discontent (low living standards, lack of opportunity, unfulfilled expectations, loss or squandered resources); and cultural discontent (class constraints, ethnic discrimination, religious intolerance, technological and environmental irritants). **There is also a long record of governments that provide terror groups both direct and indirect support** (e.g., financing, training, intelligence, operations, and weaponry). **A rogue nation utilizes terrorist proxies to further its own country’s interests**. As formal, open, and direct malevolent actions undertaken by a government would call immediate attention to state sponsors, using terrorist groups to carry out operations such as assassinations and bombings enables the government sponsor to deny any claim. The roles played by Iran, Sudan, Cuba, previously Libya, and North Korea in such events come to mind. Currently, Iran and North Korea are of particular concern to the international community because of their nuclear ambitions. In addition, **the latest focus of concern is so-called “failed states” wherein there are no effective government institutions to intercede and prevent the spread of terrorist facilities within a country**. These lawless zones are increasingly becoming target-rich opportunities for the **consolidation of terrorist assets and ventures**. Current Trends Modern terrorism is characterized by an ideological and theological fanaticism, an education in hatred toward one’s enemy, which has coupled with rapid technological advancements in communications (e.g., the internet), transportation (e.g., modern international air travel), as well as conventional and unconventional weaponry to create a truly lethal threat. Indeed, this threat has become much more decentralized as it now emanates not only from established terrorist organizations but also from freelance individuals with the motives, means, and opportunity to visit harm upon civil society. Because of these developments, contemporary terrorism presents a multitude of threats to all nations, large and small. One measurement of evaluating the terrorist threat is to calculate the enormous cost to all societies in terms of the number of incidents, the human toll, and the economic damage. Indeed, since the 1960s, **modern society has suffered dearly from the global disease of terrorism, a reality that grows in scope and brutality with every passing year**. For example, in the 1970s, a total of 300 domestic and international terrorist attacks were recorded worldwide. Today, almost 40 years later, the count totals more than 80,000 incidents. Clearly, no community, country, or region is immune from the impact of terrorism. In the 9/11 attacks in New York City, citizens from 78 countries were killed. That year alone, 3,537 people died. During the period between 2002-2008, more than 113,000 persons perished and hundreds of thousands were wounded in terrorist attacks throughout the world. The economic, political, psychological, and strategic costs must also be considered in this assessment. Criminal-Terrorist Nexus Globalization and the information revolution have enabled criminals and organized crime to do business and engage in a broad

range of criminal activities. For instance, “white collar” crimes are expanding. These crimes target sectors such as antitrust law, securities, commodities futures, environmental activities, maritime business, gaming, the internet, intellectual property, and tax customs. Trafficking in human beings (e.g., buying and selling of women and children, usually for sexual exploitation) represents another “new,” substantive, and transnational offense. In addition, serious organized criminal threats facing the international community (e.g., the Maghreb and Sahel regions) consist of current and emerging challenges to law enforcement, including drug trafficking (particularly in heroin, both powder and crack cocaine, and ecstasy), organized immigration crime, fraud (particularly in revenue fraud), money laundering, counterfeiting, illicit weapons possession and sales, and high-tech criminal activity (e.g., the Abdul Qadeer Khan nuclear smuggling network). Legitimate companies support terrorists and criminals—directly and unwittingly—to initiate their illicit activities. Numerous identifiable forums of these relationships include the following interfaces: funding and money laundering; employment and accessibility of personnel and equipment; generic tools (e.g., trucks); instruments of terror (e.g., dynamite or explosives); information about local landmarks and prospective targets (e.g., highlighting vulnerabilities and access to targets); communications, resources, and contacts; work permits (particularly for immigration-related criminal activity); and sponsorship (e.g., employment and resources). Terrorist groups and criminals also use front companies, which combine both legitimate and illicit sources of revenue, and shell companies, opaque firms used to hide a legitimate owner’s interests, to finance unlawful operations. In addition to the foregoing, terrorists and criminals feed off each other in a wide variety of criminal activities, including counterfeiting currency, credit card theft, misappropriating and using credit card information, forging documents, identity theft, money laundering, drug trafficking, corruption, and commercial espionage. Terrorist groups use a variety of means—from the simple to the complex—to secure funding for their activities. The initial sources of terrorist funding include both legal (e.g., personal savings and legitimate business revenue) and illicit avenues (e.g., criminal activity such as drug trafficking, kidnapping, and financial fraud). Once the funds are raised, they are distributed to various factions of terrorist groups through a variety of means. These include the use of traditional and alternative financial services entities (e.g., banks and hawalas—informal money-transfers systems firmly established in Asia and the Middle East), nonprofit organizations trading in commodities (e.g., “conflict diamonds” and gold), bogus financial instruments, smuggling of currency and products, wire transfers, drug trafficking, extortion, money laundering, securities fraud, and other scams. Future Outlook: Super Terrorism What is of particular concern is that unconventional weapons—biological, chemical, radiological, and nuclear—are slowly emerging upon the contemporary terrorist scene. That is, as technological developments offer new capabilities for terrorist groups, the modus operandi of these groups may subsequently alter most drastically. Reportedly, at least a dozen terrorist groups, in addition to al-Qaeda’s network, have shown an interest in acquiring or actively attempting to obtain nuclear weapons, which is a significant threat throughout the world. Thus, while the probability of nuclear terrorism remains low in comparison to the use of other weapons of mass destruction, the consequences of “super” terrorism could be enormous. If a nuclear bomb is stolen (or built by a terrorist group with reasonable resources and talent), it could result in massive devastation. For example, an explosion of about one kiloton (one-twentieth the power of the Hiroshima attack) in any major city has the potential to cause more than 100,000 fatalities and result in damage totaling billions of dollars. Another dangerous emerging trend of contemporary international life is the growing threat of cyberterrorism. The expanding concern is that not only criminal hackers but also terrorists will intensify the utilization of this form of electronic warfare as an equalizer weapon. It is evident that the threat of “non-explosive” terrorist assaults is growing with every passing day. Three contributing factors account for the reality. First, the “globalization” of the internet makes government and industry efforts to control cyber attacks much more challenging than ever before. Second, there are now tens of thousands of hacker-oriented sites on the internet resulting in “democratization” of the tools used for disruption and destruction. With their systematic cyber “cookbooks,” the exploitation of Trojan horses, logic bombs, and other electric modus operandi alternatives are becoming a permanent fixture of international life. Third, terrorist organizations have broken away from their place within the formerly bipolar world and have become multidirectional, causing further complications to our technologically vulnerable societies. These new developments have enhanced the threats and capabilities of terrorist groups to the degree in which they could forever alter our planet’s existence.

Uniqueness

UQ- Surveillance strong now

The government still has plenty of surveillance powers

Cohn and Crocker 6-2-15 [Cindy Cohn, Executive Director of the Electronic Frontier Foundation, Andrew Crocker is staff attorney on the Electronic Frontier Foundation's civil liberties team, "Gov't Still Have Plenty Of Surveillance Power Without Sec. 215," <https://www.popularresistance.org/govt-still-have-plenty-of-surveillance-power-without-sec-215/>]

And then there's the matter of targeted investigations. The ACLU's Jameel Jaffer has explained that this too is scaremongering, because "the sunset of Section 215 wouldn't affect the government's ability to conduct targeted investigations of terrorist threats." That's because **even without Section 215, the government still has broad powers to collect information during its national security investigations**. EFF believes that many of these laws can be scaled back and made more transparent as well, but given the current situation, these are the tools in the national security investigators' toolbox: Pen Registers: These allow the government to collect "dialing, routing, addressing, or signaling information" including telephone numbers dialed and Internet metadata such as IP addresses and email headers. There are two pen register statutes, one for foreign intelligence surveillance and one for law enforcement. Both rely only that the pen register be likely to obtain information relevant to a national security or criminal investigation respectively. Until the end of 2011, the NSA used the Foreign Intelligence Surveillance Act (FISA) pen register statute to conduct mass surveillance of Internet metadata, much as it still uses Section 215 for mass collection of telephone records. The Pre-Patriot Act Business Records Provision: Before the passage of the Patriot Act in 2001, **FISA contained a provision allowing the government to obtain business records from transportation carriers and storage facilities**. Harley Geiger of the Center for Democracy and Technology has pointed out that under a June 1 sunset, FISA would simply revert to this provision. An ECPA "D Order": Under Section 2703(d) of the Electronic Communications Privacy Act (ECPA), the government can get a court order for information from ISPs or other communications providers about their customers, including the sorts of metadata the government gets with Section 215. To get a D Order, the government must provide "specific and articulable facts showing that there are reasonable grounds to believe that . . . the records or other information sought, are relevant and material to an ongoing criminal investigation." Grand Jury Subpoenas: Given that Section 215 explicitly says that the FISA Court (FISC) "may only require the production of a tangible thing if such thing can be obtained" with a grand jury subpoena, it's apparent that a grand jury subpoena is a reasonable substitute, at least where a grand jury can be convened. **National Security Letters** (NSLs): Similar to subpoenas, NSLs **allow intelligence agencies to collect records from a range of entities including telecommunications providers, financial institutions, credit reporting bureaus, travel agencies and others**. Nearly all NSLs include self-certified gag orders, which EFF has successfully challenged as unconstitutional. Nevertheless, the FBI and other agencies can use NSLs to collect much the same information as Section 215, although the government has also misused NSLs to obtain communication records not authorized by the NSL statute. Administrative Subpoenas: Many federal agencies have the authority to issue subpoenas for customer records in their normal course of business. These authorities are extremely widespread, comprising 335 different statutes by one count. FISA Warrants: **Under FISA, the government can get warrants from the FISC for electronic surveillance and physical searches in the context of national security investigations**. Although these require a higher showing—probable cause—statistics compiled by EPIC show **the FISC routinely issues them**, and has done so since FISA was passed in 1978. Some of these laws involve different legal standards than Section 215, and not all of them apply in all contexts, although exactly how the government thinks it can use many of them remains unclear. Moreover, mapping these to the government's actual use of 215 is imprecise because the government also continues to say that the types of information it obtains with Section 215 are classified. FBI Director James Comey claims the loss of Section 215 would be a "problem" because at least some of this information can't be obtained with a subpoena or an NSL but hasn't given any examples. And taken together **the government's tools are formidable**, making it difficult to see legitimate, targeted national security information that the government cannot get even without the current version of Section 215, a conclusion confirmed by the Inspector General report that as of 2009 it could not "identify any major case developments from the records obtained in response to Section 215 orders."

UQ- Terror threat is real

Terror threats are imminent- surveillance is key to stop attacks

Lewis '14 [James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy, "Underestimating Risk in the Surveillance Debate,"

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf]

The phrase "terrorism" is overused, and the threat of terrorist attack is easily exaggerated, but that does not mean this threat is nonexistent. **Groups and individuals still plan to attack American citizens** and the citizens of allied countries. The dilemma in assessing risk is that it is discontinuous. There can be long periods where no activity is apparent, only to have the apparent calm explode in an attack. The constant, low-level activity in planning and preparation in Western countries is not apparent to the public, nor is it easy to identify the moment that discontent turns into action. There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.²⁴ European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.²⁵ The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.²⁶ If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences. A simple **assessment of the risk of attack** by jihadis **would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and** the appearance of a powerful new force, the Islamic State in Iraq and Syria (**ISIS**). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia. Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces. The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems, nationally and in cooperation with others, including the United States, to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new "front" for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets. ²⁷ The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational difficulties. **These attacks are the threat that mass surveillance was created to prevent.** The needed reduction in public **anti-terror measures** without increasing the chances of successful attack **is contingent upon maintaining** the capability provided by communications **surveillance to detect, predict, and prevent attacks.** Our opponents have not given up; neither should we.

Links

Link Wall

Terrorist threats are growing- surveillance is the best solution

Lewis '14 [James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy, "Underestimating Risk in the Surveillance Debate,"

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf]

The echoes of September 11 have faded and the fear of attack has diminished. We are reluctant to accept terrorism as a facet of our daily lives, but **major attacks**—roughly one a year in the last five years—**are regularly planned against U.S. targets**, particularly passenger aircraft and cities. **America's failures in the Middle East have spawned new, aggressive terrorist groups**. These groups include radicalized recruits from the West—one estimate puts the number at over 3,000—who will return home embittered and hardened by combat. Particularly in Europe, **the next few years will see an influx of jihadis joining the existing population of homegrown radicals, but the United States itself remains a target. America's size and population make it is easy to disappear into the seams of this sprawling society. Government surveillance is**, with one exception and contrary to cinematic fantasy, limited and disconnected. That exception is communications surveillance, which provides **the best and perhaps the only national-level solution to find and prevent attacks against Americans and their allies**. Some of the suggestions for **alternative approaches** to surveillance, such as the recommendation that NSA only track "known or suspected terrorists," **reflect both deep ignorance** and wishful thinking. **It is the unknown terrorist who will inflict the greatest harm**.

Surveillance checks terror attacks

Medine et al '14 [David Medine, Chairman of the Privacy and Civil Liberties Oversight Board, Rachel Brand, Elisabeth Collins Cook, James Dempsey, Patricia Wald also contributed to the report, "Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act," <https://www.pclob.gov/library/702-Report.pdf>]

The efficacy of any particular counterterrorism program is difficult to assess. Even when focusing only on programs of **surveillance**, such programs **can serve a variety of functions that contribute to the prevention of terrorism**. Most obviously, a **surveillance** program **may reveal the existence of a planned terrorist attack, enabling the government to disrupt the attack**. But the number of "plots thwarted" in this way is only one measure of success. Counterterrorism **surveillance** programs **can enable the government to learn about the identities and activities of the individuals who make up terrorist networks. They can help the government to understand the goals and intentions** of those organizations, as well as the ways in which the organizations fund their pursuits and coordinate the activities of their members. **All of this knowledge can aid the government in taking steps to frustrate the efforts of these terrorist organizations**—potentially **stymieing their endeavors long before they coalesce** around the plotting and implementation of **a specific attack**. Because the nature of counterterrorism efforts can vary, measures of success may vary as well.

Lean on the side of caution- surveillance is crucial even if it solves one attack

Morrell '13 [Michael Morell is the former acting director and deputy director of the Central Intelligence Agency and a member of President Obama's Review Group on Intelligence and Communications Technologies, "Michael Morell: Correcting the record on the NSA recommendations," December 27, <http://www.washingtonpost.com/opinions/michael-morell->

correcting-the-record-on-the-nsa-recommendations/2013/12/27/54846538-6e45-11e3-aecc-85cb037b7236_story.html]

Take, for example, **the** Section 215 telephony **metadata program**. It gives the National Security Agency (NSA) the ability to hold the metadata of Americans' phone calls and to search the database containing that information, under a broad court order, to determine whether terrorists overseas have connections to any individuals in the United States. Several news outlets have reported that the review group had called for an end to the program, but we did not do that. We called for a change in approach rather than a wholesale rejection. To better protect the privacy and civil liberties of Americans — key values of our republic — we recommended that the government no longer hold the data and that it be required to obtain an individual court order for each search. But make no mistake: The review group reaffirmed that **the program should remain a tool of our government in the fight against terrorism**. Another misperception involved the review group's view of the efficacy of the Section 215 program; many commentators said it found no value in the program. **The report accurately said that the program has not been "essential to preventing attacks" since its creation. But that is not the same thing as saying the program is not important to national security,** which is why we did not recommend its elimination. **Had the program been in place more than a decade ago, it would likely have prevented 9/11. And it has the potential to prevent the next 9/11. It needs to be successful only once to be invaluable. It also provides some confidence that overseas terrorist activity does not have a U.S. nexus.** The metadata program did exactly that during my last days at the CIA this summer, in the midst of significant threat reports emanating from Yemen. By examining the metadata, we were able to determine that certain known terrorists were most likely not in phone contact with anyone in the United States during this specific period of concern.

US surveillance is key to global counter-terror efforts

Lewis '14 [James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy, "Underestimating Risk in the Surveillance Debate,"

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf]

The United States had unique advantages for counterterrorism on a global level. These include its relationships with a range of foreign intelligence partners, its technical resources, and the information it obtained from its operations in Iraq and Afghanistan. A captured cell phone can provide names and numbers that allow for more precise targeting. Using sophisticated software and combined with information from other intelligence services, NSA was able to take the billions of calls and emails sent each day and winnow them down to a few thousand messages to which an intelligence analyst actually listened. The nature of mass surveillance has been misrepresented, although this point is politically irrelevant. The chief error lies in the difference between collecting and exploitation. Millions of records were collected, very few were exploited. Sophisticated software programs sort through the records to find conversations linked to terrorism, or in some cases, to proliferation or espionage. Most conversations are boring. NSA devoted almost two decades to develop technologies that would let it sort automatically through millions of records to find those few conversations or messages of interest. The actual number of messages is staggering. One report estimates that there were more than 100 trillion messages on the Internet in 2010—more than 30 billion every day (if we discount "spam"). There are more than 3 billion email accounts globally.¹⁶ There are more than 6 billion mobile phone users.¹⁷ The idea that NSA and its partner services in Europe and Asia listened to each message or phone is ludicrous, even if firmly embedded in the public consciousness. We do not know the full scope of success for these programs. The traditional explanation is that the failures of intelligence services will be on every front page but their successes will never be known. We do know that **ending NSA's role in mass surveillance** will not end mass surveillance in Europe or other parts of the world. What it **will** do is **reduce cooperation among allied and friendly services** and the United States and restrict access to extraregional counterterrorism data. **Cooperation** will not end, but **will be less effective at a time when jihadi fighters are beginning to return from Syria. There will be an increase in the risk that a plot will go undetected,** but how much risk will increase is difficult to estimate.

Ending surveillance causes worse strategies to fill the void- backfires and increases terror threats

Lewis '14 [James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy, "Underestimating Risk in the Surveillance Debate,"

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Broad surveillance of communications is the least intrusive method and most effective means for discovering terrorist activity. The alternatives to mass surveillance are straightforward. Countries can replace communications surveillance by increasing the number of security service personnel responsible for monitoring terrorism or they can decrease surveillance and accept some increase in the level of risk of a successful attack. The dilemma with choosing this course of action is that the number of agents required to replace communications surveillance is expensive and overtly intrusive in a way the communications surveillance is not. Hundreds of thousands of additional agents would be required to provide national coverage, may lack sufficient global reach to detect activity being planned or undertaken outside U.S. territory, and the creation of such a large force risks creating a much greater chilling effect on liberties. The other risk is political. A vocal minority in the U.S. audience asserts that surveillance has a chilling effect on free speech (although there is no evidence that either the quantity or volume of speech has been in any way affected). European audiences—in part because of a different sense of privacy that we must respect, in part because they lacked familiarity with the role and work of their own intelligence agencies, and in part because of anti-American sentiments—are also disturbed, creating real damage in the transatlantic partnership. Some of this can be discounted—the European left asserting their disapproval of the United States is nothing particularly new. Saying that this disapproval by both U.S. and European audiences is unfair or undeserved, mistaken, or even driven by a larger anti-American agenda misses the point. The political reality is that surveillance programs have created serious concerns and these must be addressed, by beginning an honest discussion of risk, by putting surveillance in the larger context of resurgent authoritarianism and continuing jihad, and by examining whether existing mechanisms for public oversight of surveillance programs are adequate in the United States and in Europe. The only conclusion that can be drawn from the debate over political risk to democracies from surveillance is that adequate oversight is sadly lacking. There are legitimate concerns about surveillance and espionage, but the way to address these concerns is not to end surveillance—that would create unacceptable risk—or to create layers of rules and bureaucracy that return us to pre-9/11 gridlock or try to recreate pre-Internet standards of privacy. Change is essential, and the United States could consider several modifications to its existing practices: increased transparency, strengthened oversight, a greater role for courts, modernizing federal privacy laws, and gaining international agreement on principles for data protection.

Links- Surveillance solves terror

Surveillance is the best counter-terror strategy

Lewis '14 [James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy, "Underestimating Risk in the Surveillance Debate,"

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf]

Broad surveillance of communications **is the least intrusive and most effective method for discovering terrorist and espionage activity.** Many countries have expanded surveillance programs since the 9/11 attacks to detect and prevent terrorist activity, often **in cooperation with other countries, including the United States.** Precise metrics on risk and effectiveness do not exist for surveillance, and we are left with conflicting opinions from intelligence officials and civil libertarians as to what makes counterterrorism successful. **Given resurgent authoritarianism and continuing jihad, the new context for the surveillance debate is that the likelihood of attack is increasing.** Any legislative change should be viewed through this lens.

Counter-terror surveillance is effective and key to global cooperation against terrorism

Rotella '13 [Sebastian Rotella worked at the Los Angeles Times, where he was named a Pulitzer Prize finalist in 2006 for his coverage of terrorism and Muslim communities in Europe, "How the NSA's High-Tech Surveillance Helped Europeans Catch Terrorists," June 19, <http://www.propublica.org/article/how-the-nsas-high-tech-surveillance-helped-europeans-catch-terrorists>]

In 2007, Belgian police were keeping close watch on Malika el-Aroud, a fierce al-Qaida ideologue whose dark eyes smoldered above her veil. The Moroccan-born Aroud had met Osama bin Laden while living in al-Qaida's stronghold in Afghanistan. She gained exalted status when her husband posed as a journalist to blow up the renowned Ahmed Shah Massoud, the chief of the anti-Taliban Northern Alliance, just two days before the Sept. 11 attacks. Aroud later returned to Europe, remarried and started an Islamist website that attracted a group of **French and Belgian extremists.** Led by her second husband, Moez Garsallaoui, half-a-dozen of them went to Waziristan, where they **joined several thousand al-Qaida fighters,** including a Latino convert from Long Island, learned to make bombs and plotted against the West with terrorist kingpins. The authorities — American, Belgian, French, Swiss, Italian, Turkish — were all over them. **U.S. surveillance had tracked their radicalization,** their emails from Pakistan, even calls made to their mothers before they trudged through snowy Iranian mountains. An intercepted photo that Garsallaoui sent his wife showed him holding a grenade launcher. He claimed to have killed U.S. soldiers in Afghanistan and described his escape from a missile strike: "I came close to dying." The militants took precautions, changing laptops and using Internet cafes. But **they were no match for top-secret, real-time NSA intercepts.** Some of the monitoring was approved by the Foreign Intelligence Surveillance Act. "We were inside their computers," a source said. As debate rages in the United States about the National Security Agency's sweeping data-mining programs, I've been on a reporting trip overseas, where I've been talking to sources about the controversy and how differing U.S. and European approaches to counterterrorism can complement each other. On Tuesday, NSA Director Gen. Keith **Alexander, told a congressional committee that** his agency's **surveillance programs helped stop more than 50 terror plots in the U.S. and abroad.** Five years ago, I was based in Europe covering terrorism, running from one attack or aborted plot to another. As the Brussels investigation shows, **these cases frequently combined the high-tech reach of the U.S. counterterror apparatus with the street skills of foreign agencies.** In November 2008, Pakistani and U.S. agents swooped into Kandahar and nabbed Bryant Neal Vianas, the convert from Long Island and al-Qaida militant. He cooperated with the FBI, admitting that he discussed an attack on the Long Island Rail Road with top al-Qaida figures. Days later, a drone strike killed Rashid Rauf, a Pakistani-British operative who helped plan the London transport bombings and the "liquid bomb" plot to blow up planes in 2006. Three Belgian and French militants returned home, where police arrested them after intercepts picked up menacing chatter. Vianas pleaded guilty. Aroud went to prison, and investigators believe her second husband Garsallaoui died in the land of jihad. Other cases benefited from close cooperation. In Germany in 2007, U.S. monitoring detected a suspect checking the draft file of an email box at an Internet cafe in Stuttgart. Armed with that lead, German security services deployed surveillance at numerous Internet cafes in the city. The investigation resulted in the dismantling of a Pakistan-trained group plotting to attack U.S. military targets in Germany. As several European sources told me, if an extremist in Marseilles was talking about nefarious activities with an extremist in Geneva over the Internet, chances were good that U.S. intelligence agencies would find out and inform the French and Swiss. Not because of sources on the ground, but because U.S. agencies could detect the communications through computer servers in the United States. The reaction here to the U.S. debate has been bemused. **European terrorist hunters seem surprised that** the revelation of the NSA data-**monitoring programs is big**

news. The technological capacities of U.S. agencies have been an integral component of dramatically improved teamwork against terrorism during the past decade. “In the fight against terrorism, intelligence-sharing is essential.” said Jean-Louis Bruguère, who served for more than two decades as a top French antiterror magistrate before retiring in 2007. (He declined to discuss the NSA’s role in investigations.) “Cooperation with American services has always been trusting and excellent.”

Intel-gathering is crucial to preventing terror attacks

Sulmasy ‘13 [Glenn Sulmasy is professor of law and chairman of the department of humanities at the U.S. Coast Guard Academy. He is the homeland and national security law fellow at the Center for National Policy in Washington, “Why We Need Government Surveillance,” 6-10-13, <http://trumanproject.org/doctrine-blog/why-we-need-government-surveillance/>]

The current threat by al Qaeda and jihadists is one that requires aggressive intelligence collection and efforts. One has to look no further than the disruption of the New York City subway bombers (the one being touted by DNI Clapper) or the Boston Marathon bombers to know that the war on al Qaeda is coming home to us, to our citizens, to our students, to our streets and our subways. This 21st century war is different and requires new ways and methods of gathering information. As technology has increased, so has our ability to gather valuable, often actionable, intelligence However, the move toward “home-grown” terror will necessarily require, by accident or purposefully, collections of U.S. citizens’ conversations with potential overseas persons of interest. An open society, such as the United States, ironically needs to use this technology to protect itself. This truth is naturally uncomfortable for a country with a Constitution that prevents the federal government from conducting “unreasonable searches and seizures.” American historical resistance towards such activities is a bedrock of our laws, policies and police procedures. But what might have been reasonable 10 years ago is not the same any longer. The constant armed struggle against the jihadists has adjusted our beliefs on what we think our government can, and must, do in order to protect its citizens.

Links- Immigrant surveillance

Surveillance of immigrants is key to prevent terrorist attacks

Carafano '07 [James Carafano, PhD, is The Heritage Foundation's Vice President, Foreign and Defense Policy Studies, E. W. Richardson Fellow, and Director of the Kathryn and Shelby Cullom Davis Institute for International Studies, "Immigration, Security, and All That," October 27, <http://www.cfr.org/immigration/immigrants-homeland-security-risk/p14660>]

There is a serious, immediate, and persistent **border security threat**—the transnational criminal cartels fighting over control of the smuggling corridor that runs through 2,000 miles of border with Mexico. They make gaining operational control of the border nearly impossible. Criminal gangs have money, resources, smarts, and every reason to want make life easy for businesses running drugs, people, and other contraband north, and sending lucrative illicit arms south. Until this border war is under control, a safe southern border is not an option. That said, **dealing with illegal immigration has to be part of the solution.**

Serious criminals hide in the 500,000 individuals who illegally cross from Mexico each year. A significant drop in illegal crossings would allow law enforcement to focus resources on criminals victimizing people on both sides of the border. **The unlawful presence of millions of undocumented workers in the U_{nited} S_{tates} fuels more illegal border crossings and makes the task of making the border safe that much more difficult**. Understanding Terrorism Travel Terrorists have tried every conceivable means possible, both legal and illegal, to travel to and remain undetected inside the United States. The overwhelming number of documented cases involve coming to the United States through a legal point of entry. Terrorists have resided here lawfully and unlawfully. They include aliens and U.S. citizens. Taken all together they comprise a minuscule percentage of any group one could imagine—other than other terrorists: a minuscule percentage of international travelers, individuals from any foreign country, or any group living in America. Focusing on any particular group is like looking for a needle in a needle stack. **The best way to combat terrorism and other transnational security threats is effective intelligence, surveillance, and counterterrorism investigations based on legitimate concerns**.

Links- Global terror

The plan hurts global counter-terror cooperation- US surveillance is key Lewis '14 [James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy, “Underestimating Risk in the Surveillance Debate,”

http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf]

The United States had unique advantages for counterterrorism on a global level. These include its relationships with a range of foreign intelligence partners, its technical resources, and the information it obtained from its operations in Iraq and Afghanistan. A captured cell phone can provide names and numbers that allow for more precise targeting. Using sophisticated software and combined with information from other intelligence services, NSA was able to take the billions of calls and emails sent each day and winnow them down to a few thousand messages to which an intelligence analyst actually listened. The nature of mass surveillance has been misrepresented, although this point is politically irrelevant. The chief error lies in the difference between collecting and exploitation. Millions of records were collected, very few were exploited. Sophisticated software programs sort through the records to find conversations linked to terrorism, or in some cases, to proliferation or espionage. Most conversations are boring. NSA devoted almost two decades to develop technologies that would let it sort automatically through millions of records to find those few conversations or messages of interest. The actual number of messages is staggering. One report estimates that there were more than 100 trillion messages on the Internet in 2010—more than 30 billion every day (if we discount “spam”). There are more than 3 billion email accounts globally.¹⁶ There are more than 6 billion mobile phone users.¹⁷ The idea that NSA and its partner services in Europe and Asia listened to each message or phone is ludicrous, even if firmly embedded in the public consciousness. We do not know the full scope of success for these programs. The traditional explanation is that the failures of intelligence services will be on every front page but their successes will never be known. We do know that ending NSA’s role in mass surveillance will not end mass surveillance in Europe or other parts of the world. What it will do is reduce cooperation among allied and friendly services and the United States and restrict access to extraregional counterterrorism data. Cooperation will not end, but will be less effective at a time when jihadi fighters are beginning to return from Syria. There will be an increase in the risk that a plot will go undetected. but how much risk will increase is difficult to estimate.

Impacts

Impacts- Nuclear war

Terrorism causes nuclear miscalc with Russia and China

Ayson '10 [Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, "After a Terrorist Nuclear Attack: Envisaging Catalytic Effects," Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld]

But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive interstate nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,⁴⁰ and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be "spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important . . . some indication of where the nuclear material came from."⁴¹ Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abettors of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the "Chechen insurgents' . . . long-standing interest in all things nuclear."⁴² American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other

nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability

Impacts- Extinction

Terrorism causes extinction- several reasons

Wright '07 [Robert, New America Foundation senior fellow, 4-28-07, "Planet Of The Apes," <http://select.nytimes.com/2007/04/28/opinion/28wright.html>]

(3) **Terrorism**. Alas, the negative-feedback loop — bad outcomes lead to smart policies — may not apply here. We reacted to 9/11 by freaking out and invading one too many countries, creating more terrorists. With the ranks of terrorists growing — amid evolving biotechnology and loose nukes — we could within a decade see terrorism on a scale that would make us forget any restraint we had learned from the Iraq war's outcome. If 3,000 deaths led to two wars, how many wars would 300,000 deaths yield? And how many new terrorists? Terrorism alone won't wipe out humanity. But with our unwitting help, it could strengthen other lethal forces. It could give weight to the initially fanciful "clash of civilizations" thesis. Muslim states could fall under the control of radicals and opt out of what might otherwise have become a global civilization. Armed with nukes (Pakistan already is), they would revive the nuclear Armageddon scenario. A fissure between civilizations would also sabotage the solution of environmental problems, and the ensuing eco-calamity could make people on both sides of the fissure receptive to radical messages. The worse things got, the worse they'd get. So while no one of the Big Three doomsday dynamics is likely to bring the apocalypse, they could well combine to form a positive-feedback loop, a k a the planetary death spiral. And the catalyst would be terrorism, along with our mishandling of it.

Terrorism causes extinction

Morgan '09 [Dennis Ray, Hankuk University of Foreign Studies, Yongin Campus - South Korea, Futures, Volume 41, Issue 10, December 2009, Pages 683-693]

Years later, in 1982, at the height of the Cold War, Jonathon Schell, in a very stark and horrific portrait, depicted sweeping, bleak global scenarios of total nuclear destruction. Schell's work, *The Fate of the Earth* [8] represents one of the gravest warnings to humankind ever given. The possibility of complete annihilation of humankind is not out of the question as long as these death bombs exist as symbols of national power. As Schell relates, the power of destruction is now not just thousands of times as that of Hiroshima and Nagasaki; now it stands at more than one and a half million times as powerful, more than fifty times enough to wipe out all of human civilization and much of the rest of life along with it [8]. In *Crucial Questions about the Future*, Allen Tough cites that Schell's monumental work, which "eradicated the ignorance and denial in many of us," was confirmed by "subsequent scientific work on nuclear winter and other possible effects: humans really could be completely devastated. Our human species really could become extinct." [9]. Tough estimated the chance of human self-destruction due to nuclear war as one in ten. He comments that few daredevils or high rollers would take such a risk with so much at stake, and yet "human civilization is remarkably casual about its high risk of dying out completely if it continues on its present path for another 40 years" [9]. What a precarious foundation of power the world rests upon. The basis of much of the military power in the developed world is nuclear. It is the reigning symbol of global power, the basis, — albeit, unspoken or else barely whispered — by which powerful countries subtly assert aggressive intentions and ambitions for hegemony, though masked by "diplomacy" and "negotiations," and yet this basis is not as stable as most believe it to be. In a remarkable website on nuclear war, Carol Moore asks the question "Is Nuclear War Inevitable?"

[10].4 In Section 1, Moore points out what most **terrorists** obviously already **know about the nuclear tensions between powerful countries. No doubt, they've figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange.** As Moore points out, **all that militant terrorists would have to do is get their hands on one small nuclear bomb** and explode it on either Moscow or Israel. Because of the Russian "dead hand" system, "where regional nuclear commanders would be given full powers should Moscow be destroyed," it is likely that **any attack would be blamed on the United States**" [10]. Israeli leaders and Zionist supporters have, **likewise**, stated for years that **if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal "Samson option" against all major Muslim cities in the Middle East.** Furthermore, **the Israeli Samson option would also include attacks on Russia and even "anti-Semitic" European cities** [10]. In that case, of course, **Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere.** Afterwards, for years to come, **massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere** as well. And **what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or "lone wolf" act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high** while the likelihood of a limited nuclear war is actually less probable since **each country would act under the "use them or lose them" strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to "win" the war.** In other words, **once Pandora's Box is opened, it will spread quickly**, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, "everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites' needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek selfdetermination, some of those groups will look for any means to fight their oppressors" [10]. In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, **leading to** horrific scenarios of global death and **the destruction of** much of human **civilization** while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter.

The impact is extinction

Sid-Ahmed '04 [Mohamed, Managing Editor for Al-Ahali, "Extinction!" August 26-September 1, Issue no. 705, <http://weekly.ahram.org.eg/2004/705/op5.htm>]

A nuclear attack by terrorists will be much more critical than Hiroshima and Nagasaki, even if -- and this is far from certain -- the weapons used are less harmful than those used then, Japan, at the time, with no knowledge of nuclear technology, had no choice but to capitulate. Today, the technology is a secret for nobody. So far, except for the two

bombs dropped on Japan, nuclear weapons have been used only to threaten. Now we are at a stage where they can be detonated. This completely changes the rules of the game. We have reached a point where anticipatory measures can determine the course of events. Allegations of a terrorist connection can be used to justify anticipatory measures, including the invasion of a sovereign state like Iraq. As it turned out, these allegations, as well as the allegation that Saddam was harbouring WMD, proved to be unfounded. What would be the consequences of a nuclear attack by terrorists? Even if it fails, it would further exacerbate the negative features of the new and frightening world in which we are now living. Societies would close in on themselves, police measures would be stepped up at the expense of human rights, tensions between civilisations and religions would rise and ethnic conflicts would proliferate. It would also speed up the arms race and develop the awareness that a different type of world order is imperative if humankind is to survive. But the still more critical scenario is if the attack succeeds. This could lead to a third world war, from which no one will emerge victorious. Unlike a conventional war which ends when one side triumphs over another, this war will be without winners and losers. When nuclear pollution infects the whole planet, we will all be losers.

Impacts- CBWs

Bioweapons are comparatively the biggest risk of extinction- our author is the most qualified

Matheny '07 [Jason, research associate with the Future of Humanity Institute at Oxford University, where his work focuses on technology forecasting and risk assessment - particularly of global catastrophic risks and existential risks.[1] He previously worked for the World Bank, the Center for Biosecurity, the Center for Global Development, and on national security projects for the US government. He is a Sommer Scholar and PhD candidate in Applied Economics at Johns Hopkins University. He holds an MPH from Johns Hopkins, an MBA from Duke University, and a BA from the University of Chicago, Department of Health Policy and Management, Bloomberg School of Public Health, Johns Hopkins University, "Reducing the Risk of Human Extinction,"

http://www.physics.harvard.edu/~wilson/pmpmta/Mahoney_extinction.pdf

Of current extinction risks, the most severe may be bioterrorism. The knowledge needed to engineer a virus is modest compared to that needed to build a nuclear weapon; the necessary equipment and materials are increasingly accessible and because biological agents are self-replicating, a weapon can have an exponential effect on a population (Warrick, 2006; Williams, 2006). 5 Current U.S. biodefense efforts are funded at \$5 billion per year to develop and stockpile new drugs and vaccines, monitor biological agents and emerging diseases, and strengthen the capacities of local health systems to respond to pandemics (Lam, Franco, & Shuler, 2006). There is currently no independent body assessing the risks of high-energy physics experiments. Posner (2004) has recommended withdrawing federal support for such experiments because the benefits do not seem to be worth the risks.

CBW attacks ensure multiple scenarios for extinction

Kellman '8 (Barry Kellman is the director of the International Weapons Control Center, "Bioviolence: A Growing Threat", The Futurist, May-June 2008, http://www.wfs.org/March-April09/MJ2008_Kellman.pdf)

A looming danger confronts the world—the threat of bioviolence. It is a danger that will only grow in the future, yet we are increasingly failing to confront it. With every passing day, committing a biocatastrophe becomes a bit easier, and this condition will perpetuate for as long as science progresses. Biological warfare is as old as conflict, of course, but in terms of the objectives of traditional warfare—gaining territory or resources, compelling the surrender of an opposing army—biological weapons weren't very effective. If the objective is to inflict mass death and panic on a mixed population, however, emerging bioweapons offer remarkable potential. We would be irresponsible to presume that radical jihadists like al Qaeda have ignored said potential. What's New in Bioviolence? Bioviolence refers to the many ways to inflict disease as well as the many people who might choose to do so, whether heads of states, criminals, or fanatics. Fortunately, doing bioviolence is technically far more difficult than using conventional explosives. Natural pathogens like anthrax are difficult to weaponize. Smallpox remains unavailable (presumably); plague is readily treatable; Ebola kills too quickly to ignore it e a pandemic. But emerging scientific disciplines—notably genomics, nanotechnology, and other microsciences—could alter these pathogens for use as weapons. These scientific disciplines offer profound benefits for humanity, yet there is an ominous security challenge in minimizing the danger of their hostile application. For example, highly dangerous agents can be made resistant to vaccines or antibiotics. In Australia, scientists introduced a gene into mousepox (a cousin of smallpox) to reduce pest populations—it worked so well that it wiped out 100% of affected mice, even those that had immunity against the disease. Various bacterial agents, such as plague or tularemia (rabbit fever), could be altered to increase their lethality or to evade antibiotic treatment. Diseases once thought to be eradicated can now be resynthesized, enabling them to spread in regions where there is no

natural immunity. The polio virus has been synthesized from scratch; its creators called it an “animate chemical.” Soon, it may be resynthesized into a form that is contagious even among vaccinated populations. Recreation of long eradicated livestock diseases could ravage herds severely lacking in genetic diversity, damage food supplies, and cause devastating economic losses. Perhaps the greatest biothreat is the manipulation of the flu and other highly contagious viruses, such as Ebola. Today, scientists can change parts of a virus’s genetic material so that it can perform specific functions. The genomic sequence of the Spanish flu virus that killed upwards of 40 million people nearly a century ago has been widely published; any savvy scientist could reconstruct it. The avian flu is even more lethal, albeit not readily contagious via casual aerosol delivery. A malevolent bioscientist might augment its contagiousness. The Ebola virus might be manipulated so that it kills more slowly, allowing it to be spread farther before its debilitating effects altogether consume its carrier. A bit further off is genetic manipulation of the measles virus—one of the great killers in human history—rendering useless the immunizations that most of us receive in early childhood. Soon, laboratory resynthesis of smallpox may be possible. Advanced drug delivery systems can be used to disseminate lethal agents to broad populations. Bioregulators—small organic compounds that modify body systems—could enhance targeted delivery technologies. Some experts are concerned that new weapons could be aimed at the immune, neurological, and neuroendocrine systems. Nanotechnology that lends itself to mechanisms for advanced disease detection and drug delivery—such as gold nanotubes that can administer drugs directly into a tumor—could also deliver weaponized agents deep into the body, substantially raising the weapon’s effectiveness. Altogether, techniques that were on the frontiers of science only a decade or two ago are rapidly mutating as progress in the biological sciences enables new ways to produce lethal catastrophe. Today, they are on the horizon. Within a decade, they will be pedestrian. According to the National Academies of Science, “The threat spectrum is broad and evolving—in some ways predictably, in other ways unexpectedly. In the future, genetic engineering and other technologies may lead to the development of pathogenic organisms with unique, unpredictable characteristics.” For as far into the future as we can possibly see, every passing day it becomes slightly easier to commit a violent catastrophe than it was the day before. Indeed, the rapid pace of advancing science helps explain why policies to prevent such a catastrophe are so complicated. Bioviolence Jihad? **Some experts argue that terrorists and fanatics are not interested in bioviolence** and that the danger might therefore be overblown. Since there have been no catastrophic bioviolence attacks, these experts argue, terrorists lack the intention to make bioweapons. Hopefully, they are correct. But **an enormous amount of evidence suggests they are wrong**. From the dawn of biology’s ability to isolate pathogens, people have pursued hostile applications of biological agents. It is perilous to ignore this extensive history by presuming that today’s villains are not fervent about weaponizing disease. Not a single state admits to having a bioweapons program, but U.S. intelligence officials assert that as many as 10 states might have active programs, including North Korea, Iran, and Syria. Moreover, many terrorist organizations have expressed interest in acquiring biological weapons. Whatever weight the **taboo against inflicting disease** might have for nation-states, it **is obviously irrelevant to terrorists**, criminals, and lunatics. **Deterrence by threat of retaliation is essentially meaningless for groups with suicidal inclinations** who are likely to intermingle with innocent civilians. **Al-Qaeda** and affiliated Islamic fundamentalist organizations **have overtly proclaimed their intention to develop and use bioweapons**. The 11th volume of al-Qaeda’s Encyclopedia of Jihad is devoted to chemical and biological weapons. Indeed, al-Qaeda has acknowledged that “biological weapons are considered the least complicated and easiest to manufacture of all weapons of mass destruction.” **Al-Qaeda is widely reported to have acquired legal pathogens via publicly available scientific sources**. Before 9/11, **al-Qaeda operatives** reportedly purchased anthrax and plague from arms dealers in Kazakhstan, and the group **has repeatedly urged followers to recruit microbiology and biotechnology experts**. Following the Taliban’s fall, **five al-Qaeda biological weapons labs in Afghanistan tested positive for anthrax**. **Documents calculating aerial dispersal methods of anthrax via balloon were discovered** in Kabul, along with anthrax spore concentrate at a nearby vaccine laboratory. According to a lengthy fatwa commissioned by Osama bin Laden, jihadists are entitled to use weapons of mass destruction against the infidels, even if it means killing innocent women, children, and Muslims. No matter that these weapons cannot be specifically targeted. “[N]othing is a greater duty, after faith itself, than repelling an enemy attacker who sows corruption to religion and the world.” According to the fatwa, “No conditions limit this: one repels the enemy however one can.” The sentiment might be reprehensible, but it is certainly not irrational. Even the most passionate terrorists must realize that conventional attacks are not bringing the West to its knees. The 9/11 strikes, the bombing of the Madrid and London subways, and numerous smaller attacks have all put civilization on edge, but history marches inexorably forward. A few thousand people can be killed, yet Western armies still traverse the world, and Western economies still determine winners and losers. From this perspective, the stakes must be raised. Bioviolence is perhaps the most dire, easiest means to execute existential danger. What Might Bioviolence Accomplish? Envision a series of attacks against capitals of developing states that have close diplomatic linkages with the United States. The attacks would carry a well-publicized yet simple warning: “If you are a friend of the United States, receive its officials, or support its policies, thou and so of your people will get sick.” How many attacks in how many cities would it take before international diplomacy, to say nothing of international transit, comes to a crashing halt? In comparison to use of conventional or chemical weapons, the potential death toll of a bioattack could be huge. Although the number of victims would depend on where an attack takes place, the type of pathogen, and the sophistication of the weapons maker, there is widespread consensus among experts that a heightened attack would inflict casualties exceedable only by nuclear weapons. In comparison to nuclear weapons, **bioweapons are far easier and cheaper to make and transport, and they can be made in facilities that are far more difficult to detect**. **The truly unique characteristic of certain**

bioweapons that distinguishes them from every other type of weapon **is contagion**. **No other type of weapon can replicate itself and spread**. Any other type of attack, no matter how severe, **occurs at a certain moment in time at an identifiable place**. If you aren't there, you are angry and upset but not physically injured by the attack. **An attack with a contagious agent can uniquely spread, potentially imperiling target populations far from where the agents are released**. A bio-offender could infect his minions with a disease and send them across borders before symptoms are obvious. Carriers will then spread it to other unsuspecting victims who would themselves become extended bioweapons, carrying the disease indiscriminately. There are challenges in executing such an attack, but fanatical terrorist organizations seem to have an endless supply of willing suicide attackers. All this leads to the most important characteristic of bioviolence: It raises incomparable levels of panic. Contagious bioviolence means that planes fly empty or perhaps don't fly at all. People cancel vacation and travel plans and refuse to interact with each other for fear of unseen affliction. Public entertainment events are canceled; even going to a movie becomes too dangerous. Ultimately, bioviolence is about hiding our children as everyone becomes vulnerable to our most fundamental terror: the fear of disease. **For people who seek to rattle the pillars of modern civilization and perhaps cause it to collapse, effective use of disease would set in motion political, economic, and health consequences so severe as to call into question the ability of existing governments to maintain their citizens' security**. In an attack's wake, no one would know when it is over, and no government could credibly tell an anxious population where and when it is safe to resume normal life. While it is difficult to specify when this danger will strike, there should be no doubt that we are vulnerable to a rupture. Just as planes flying into the Twin Towers on September 11, 2001, instantly became a historical marker dividing strategic perspectives before from after, the day that disease is effectively used as an instrument of hate will profoundly change everything. If you want to stop modern civilization in its tracks, bioviolence is the way to go. The notion that no one will ever commit catastrophic bioviolence is simply untenable. What Can We Do? How can we confront these growing dangers? First, we must appreciate the global nature of the problem. Perpetrators from anywhere can get pathogens from virtually everywhere. Bio research labs that once were concentrated in about two dozen developed states are proliferating, expanding the risk that lethal agents could be diverted and misused. The knowledge needed to weaponize pathogens is available on the Internet. An attack can be prepared through a system of transnational communication. Once a bioweapon is prepared, terrorists or other perpetrators from anywhere can slide across national boundaries and release disease anonymously. Once released, a contagious agent would spread without regard for boundaries, race, religion, or nationality. Public health responses would have to be internationally coordinated. New modes of international legal cooperation would immediately be needed to investigate the crime. Thus, bioviolence dangers shrink the planet into an interdependent neighborhood. It makes no sense for any particular country to try to insulate its homeland from these dangers. No missile defense system will protect us from bioviolence. Improved border security will not keep disease at bay. National efforts to enhance medical capabilities have virtues, but these defenses can be readily circumvented. To prevent bioviolence requires policies that focus on humanity as a species and that are implemented everywhere with centralized governance. Antibioviolence policies must be global. Yet, advancing anti-bioviolence policies is what the international community does worst. Bioviolence dangers are unnecessarily high because national and international antibioviolence strategies are gap-ridden, often incoherent, and not globally observed. As a result, we are all virtually naked in the face of unacceptable dangers. No other threat presents such a stark contrast between severity of harm and a failure of leadership to reduce risks. Most important, existing institutional arrangements are inadequate. In sharp contrast to most other global security challenges, there is no responsible international authority that defines relevant prohibitions and responsibilities, implements policies over time, or evaluates whether obligations are being fulfilled. With regard to global bioviolence prevention policies, there's nobody in charge. No one is responsible; no one is accountable. The absence of authority is profoundly dangerous. Bioviolence prevention and preparedness requires a sizable orchestra, made up of various instruments, to play complicated music in harmony. Today, there is not a bad "conductor", there is no conductor at all. The result is cacophony. Simply stated, bioviolence is the dark side of globalization, yet international alarms of bioviolence ring nowhere! We need a comprehensive national and international strategy for bioviolence prevention. [See box: "Five Strategies for Preventing Bioviolence," page 30.] Policies should be pursued within an integrated approach that enables each policy to gain strength from all the others. Such policies are potentially available and effective, but they demand progressive changes in our global order. The Security Mission Global bioviolence prevention and preparedness policies are imperative, but also imperative is recognition that the world faces natural disease horrors. Where mass public health challenges are daily phenomena, the risks of terrorists using pathogens must be weighed against more tangible natural threats. Simply stated, it is illegitimate to insist that every nation adopt policies for preventing human-inflicted disease without acknowledging the silent genocide of natural disease that is responsible for millions of deaths. But neither is it legitimate to view bioviolence dangers as distractions from efforts to combat natural disease and therefore to put off beneficial measures until those afflictions are defeated. To do so frustrates forward movement on cost-effective initiatives that could help build an international security architecture for advancing science and health. Thus, bioviolence prevention must be a facet of a broad international commitment to: 1. Prevent the spread of disease (e.g., through public health measures). 2. Enhance protection against and cures for disease (e.g., through vaccination and drug therapies). 3. Supervise the conduct of biological science. 4. Criminalize unauthorized or improper use of pathogens. From this foundation should flow a policy commitment to the growth of bioscience as a global public good. Policies to encourage its worldwide spread deserve vigorous support. This governance mission should, therefore, be conceived as a global covenant. As bioscience goes forward as a fundamental pillar of human progress, all nations must undertake common responsibilities to prevent bioviolence even as the burdens associated with those responsibilities are differentiated according to wealth and capability. From everyone according to their abilities—to all for the benefit of all. The United Nations' Importance The United Nations represents the best venue for a new governance platform that can accommodate the need for an integrated global strategy

against bioviolence. Only the United Nations has the necessary international legitimacy, and only the United Nations can integrate the many sectors—health, law enforcement, science, military, emergency preparedness—that must devote expertise and resources. A primary consideration here is to minimize any bureaucratic reshuffling. There is certainly no need to modify or replicate existing capabilities. Many relevant governance tasks are already addressed by one or more international organizations. For example, the World Health Organization should continue to be responsible for addressing the health implications of a pandemic, whether natural or malevolent. Interpol should continue to be responsible for addressing bioviolence's law enforcement implications. Indeed, the UN's role should be only to coordinate the performance of these tasks. Broadly viewed, the United Nations should be able to undertake three functions: First, a specific UN agency should stimulate bioscience development by incorporating security concerns into the fabric of scientific undertakings and by assisting countries in using bioscience in ways that are consistent with policies for preventing bioviolence. Because science, development, and security can and must be mutually reinforcing, this agency's primary responsibilities would be to promote and distribute knowledge and build capacity to fulfill obligations, especially in developing nations. Second, a UN office should coordinate activities among the relevant international/regional organizations, professional networks, and expert bodies. For example, three major international organizations focus on health (World Health Organization, Animal Health Organization, and the Food and Agriculture Organization); Interpol and Europol both focus on law enforcement; a large array of organizations focus on conveyance of dangerous items (e.g., International Maritime Organization, International Civil Aviation Organization). This UN office should be a steering mechanism to engage each of these organizations' specialized expertise and to identify synergies. Third, a Security Council Committee should be authorized to investigate bioviolence preparations as well as respond and coordinate assistance to a bioviolence attack. Situations that call for investigation or response arise rarely, but they carry disproportionate significance for international peace and security. The Security Council Committee should not advance programmatic agendas, but it should be able to wield expertise and political muscle in volatile situations. Its primary mission would be to enable the international community to sustain global order in the face of a bioviolence challenge. Ever since someone harnessed a new technology to create a weapon with more devastating effects, there has been a link—a double helix—between the progress of science and the pursuit of security. This is inevitable. These dangers of bioviolence do not argue for relinquishing scientific progress, but they disprove notions that new challenges can be effectively addressed with yesterday's policies. At bottom is a condition unique to this historical era: Scientific progress is intertwined with escalating malevolence threatening human security. **Progressing capabilities** improve our lives and yet, inextricably, **enable truly harmful weapons against humanity**. Here are the challenges to international peace and security at the beginning of the third millennium. **Failing to do the right thing in response to these challenges could have dire consequences for all humanity.**

Bio-weapons represent the single greatest risk of extinction

Ochs, 2

[Richard, BS in Natural Resource Management from Rutgers University, with honors, BIOLOGICAL WEAPONS MUST BE IMMEDIATELY ABOLISHED, http://www.freefromterror.net/other_articles/abolish.html

Of all the weapons of mass destruction, **the genetically engineered biological weapons, many without a known cure or vaccine, are an extreme danger to the continued survival of life on earth.** Any perceived military value or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories. **While a "nuclear winter," resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control. Biological weapons, on the other hand, can get out of control very easily, as the recent anthrax attacks has demonstrated.** **There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause.** Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. **With nuclear and biological weapons, the killing will probably never end.** Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. **Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine.** Can we imagine hundreds of such plagues? **HUMAN EXTINCTION IS NOW POSSIBLE.**

Impacts- Retaliation

Retaliation causes nuclear war among world powers

Corsi '05 [Jerome, PhD in political science from Harvard, excerpt from Atomic Iran, http://911review.org/Wget/worldnetdaily.com/NYC_hit_by_terrorist_nuke.html]

The combination of **horror and outrage** that **will surge** upon **the nation will demand that the president retaliate** for the incomprehensible damage done by the attack. The problem will be that **the president will not immediately know how to respond or against whom**. The perpetrators will have been incinerated by the explosion that destroyed New York City. Unlike 9-11, there will have been no interval during the attack when those hijacked could make phone calls to loved ones telling them before they died that the hijackers were radical Islamic extremists. There will be no such phone calls when the attack will not have been anticipated until the instant the terrorists detonate their improvised nuclear device inside the truck parked on a curb at the Empire State Building. Nor will there be any possibility of finding any clues, which either were vaporized instantly or are now lying physically inaccessible under tons of radioactive rubble. Still, the president, members of Congress, the military, and the public at large will suspect another attack by our known enemy – Islamic terrorists. **The first impulse will be to launch a nuclear strike on Mecca**, to destroy the whole religion of Islam. Medina could possibly be added to the target list just to make the point with crystal clarity. Yet what would we gain? The moment Mecca and Medina were wiped off the map, **the Islamic world** – more than 1 billion human beings in countless different nations – **would feel attacked. Nothing would emerge intact after a war between the United States and Islam. The apocalypse would be upon us**. Then, too, we would face an immediate threat from our long-term enemy, the former Soviet Union. Many in the Kremlin would see this as an opportunity to grasp the victory that had been snatched from them by Ronald Reagan when the Berlin Wall came down. A missile strike by the Russians on a score of American cities could possibly be pre-emptive. Would the U.S. strategic defense system be so in shock that immediate retaliation would not be possible? **Hardliners in Moscow might argue that there was never a better opportunity to destroy America**. In China, our newer Communist enemies might not care if we could retaliate. With a population already over 1.3 billion people and with their population not concentrated in a few major cities, **the Chinese might calculate to initiate a nuclear blow** on the United States. What if the United States retaliated with a nuclear counterattack upon China? The Chinese might be able to absorb the blow and recover. **The North Koreans might calculate even more recklessly**. Why not launch upon America the few missiles they have that could reach our soil? More confusion and chaos might only advance their position. If Russia, China, and the United States could be drawn into attacking one another, North Korea might emerge stronger just because it was overlooked while the great nations focus on attacking one another.

AT

AT: Surveillance fails

Plenty of examples prove surveillance solves terrorism

Gellman et al '14 [Barton Gellman, Julie Tate and Ashkan Soltani, writers for The Washington Post citing data released by Edward Snowden, "In NSA-intercepted data, those not targeted far outnumber the foreigners who are," July 5, http://www.washingtonpost.com/world/national-security/in-nsa-intercepted-data-those-not-targeted-far-outnumber-the-foreigners-who-are/2014/07/05/8139adf8-045a-11e4-8572-4b1b969b6322_story.html]

The surveillance files highlight a policy dilemma that has been aired only abstractly in public. **There are discoveries of considerable intelligence value in the intercepted messages** — and collateral harm to privacy on a scale that the Obama administration has not been willing to address. **Among the most valuable contents** — which The Post will not describe in detail, to avoid interfering with ongoing operations — **are fresh revelations about a secret overseas nuclear project, double-dealing by an ostensible ally, a military calamity that befell an unfriendly power, and the identities of aggressive intruders into U.S. computer networks. Months of tracking** communications across more than 50 alias accounts, the files show, **led directly to the 2011 capture** in Abbottabad **of** Muhammad Tahir **Shahzad, a Pakistan-based bomb builder, and** Umar **Patek, a suspect in a 2002 terrorist bombing** on the Indonesian island of Bali. At the request of CIA officials, The Post is withholding other examples that officials said would compromise ongoing operations.

Top officials prove that surveillance solves- their evidence doesn't account for classified examples

Savage '13 [Charlie, Pulitzer Prize-winning Washington correspondent for The New York Times, "N.S.A. Chief Says Surveillance Has Stopped Dozens of Plots," http://www.nytimes.com/2013/06/19/us/politics/nsa-chief-says-surveillance-has-stopped-dozens-of-plots.html?_r=0]

Top national security officials on Tuesday **promoted two newly declassified examples of what they portrayed as "potential terrorist events" disrupted by government surveillance.** The cases were made public as Congress and the Obama administration stepped up a campaign to explain and defend programs unveiled by recent leaks from a former intelligence contractor. **One case involved** a group of **men** in San Diego **convicted of sending money to an extremist group** in Somalia. **The other was** presented **as a nascent plan to bomb the New York Stock Exchange,** although its participants were not charged with any such plot. Both were described by Sean Joyce, deputy director of the Federal Bureau of Investigation, at a rare public oversight hearing by the House Intelligence Committee. At the same hearing, **Gen. Keith B. Alexander,** the head of the National Security Agency, **said that American surveillance had helped prevent "potential terrorist events over 50 times since 9/11,"** including at least 10 "homeland-based threats." **But** he said that **a vast majority of the others must remain secret.** "In the 12 years since the attacks on Sept. 11, **we have lived in relative** safety and **security** as a nation," General Alexander said. **That security is a direct result of the intelligence community's quiet efforts to better connect the dots** and learn from the mistakes that permitted those attacks to occur on 9/11."

AT: No nuke terror

Nuclear terrorism is likely- they have the means and motive

Plame '14 [Valerie, former career covert CIA operations officer, “Nuclear terrorism: Most immediate and extreme threat to global security,” 9-26-14, <http://thehill.com/opinion/oped/218959-nuclear-terrorism-most-immediate-and-extreme-threat-to-global-security>]

Achieving the elimination of nuclear weapons is one of the U.N.'s longstanding objectives, one it has failed to prioritize. It's no surprise that the security discussions this year were overshadowed by the plans of 10 member states to dismantle and defeat the Islamic State group, especially as their assault on radical Sunni resistance and aggression toward U.S. and British journalists continues to grow. Yet this mounting violence and instability pales in comparison to what could be wrought by nuclear-armed terrorists. We know that the Islamic State group has the means and motive to attain weapons of mass destruction. They have an appetite for shocking demonstrations and indiscriminate killing, and have already seized low-grade nuclear material from a facility in Mosul. They are acquiring the ability to build radioactive dirty bombs that could cause major health and economic damage. With reports of escalating funding and recruitment of citizens from every continent, and ties to radicals in nuclear weapons-states such as Pakistan, it is increasingly conceivable that weapons-grade materials - or even a ready-made nuclear device - could fall into their hands. If that happens, they would not hesitate to use them - possibly at a cost of hundreds of thousands of lives.

AT: No CBW terror

Terrorists can and will use CBWs against the US

Vincinanzo 4-23-15 [Amanda, senior editor at Homeland Security Today, “Biological Terrorist Attack On US An 'Urgent And Serious Threat',” <http://www.hstoday.us/briefings/daily-news-analysis/single-article/biological-terrorist-attack-on-us-an-urgent-and-serious-threat/0ce6ebf3524d83c537b1f4f0cc578547.html>]

In her opening statement, **McSally expressed concern over the possibility that** the Islamic State of Iraq and the Levant (ISIL) and other **jihadi terrorist organizations could conduct a biological attack on American soil. “ISIL is better resourced, more brutal, and more organized than any terrorist group to date.”** McSally said. “We know that they have an interest in using chemical and biological weapons.” Last year, Director of National Intelligence James Clapper warned the Syrian government might have advanced beyond the research and development stage and may have a restricted capacity to manufacture weaponized disease agents. Counterterrorism officials have worried for years since the conflict in Syria began that ISIL may be able to get a hold of these biological weapons. Moreover, last year, a laptop belonging to a Tunisian jihadist reportedly recovered from an ISIL hideout in Syria contained a hidden trove of secret plans, including instructions for weaponizing the bubonic plague and a document discussing the advantages of a biological attack. “The advantage of **biological weapons** is that they **do not cost a lot of money**, while the human casualties can be huge,” stated a document found on the laptop. **In October, jihadists and supporters of ISIL stepped up discussions on jihadist social media websites about the possibility and ease of using** Ebola, as well as other **virulent pathogens and poisons, as weapons against the US and the West**, according to reports by the Middle East Media Research Institute. Jim Talent, former Senator from Missouri and former vice-chair of The Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, testified that the threat of a bioattack is “one of the greatest and gravest” facing the nation. Talent said that at the end of 2008, the 9/11 Commission issued the report, World at Risk, which addressed the threat posed by nuclear and biological weapons. Talent and former Sen. Bob Graham (D-Fla.) gave the biothreat greater emphasis, knowing that terrorists have acquired bio-weapons in the past, and that it’s likely easier for them to secure a bio-weapon than a nuclear weapon. The report stated, “We accept the validity of current intelligence estimates about the current rudimentary nature of terrorist capabilities in the area of biological weapons but caution that the terrorists are trying to upgrade their capabilities and could do so by recruiting skilled scientists. In this regard, the biological threat is greater than the nuclear; the acquisition of deadly pathogens, and their weaponization and dissemination in aerosol form, would entail fewer technical hurdles than the theft of production of weapons-grade uranium or plutonium and its assembly into an improvised nuclear device.” In addition, **bio-weapons can be easily transported, stockpiled, can cause more deaths than a tactical nuclear weapon**, and, depending on the biological agent used, the terrorists could launch an attack and escape the area before the authorities even knew that an attack had occurred, according to Talent. And he’s not alone. **Seasoned and veteran counterterrorism officials agree that jihadi organizations appear to have a greater interest in acquiring and using biological and radiological weapons**, and that Al Qaeda is known to have experimented with trying to weaponize a number of highly virulent pathogens.

ISIS will use chemical and biological weapons

Leone ’14 [Katie, ABC 10 News, citing Kevin Mellott, terrorism expert and CEO of ERASE Enterprises, “On 9/11 anniversary, terrorism expert warns about ISIS,” <http://www.10news.com/news/on-911-anniversary-terrorism-expert-warns-about-isis>]

Thirteen years after the first plane crashed into the World Trade Center Twin Towers in New York City, killing thousands and crippling the nation’s economy and sense of safety, **the U.S. is pushing forward in the ongoing battle against terrorism, and facing it on many fronts.** Scripps National Desk spoke in an exclusive interview with Kevin Mellott, terrorism expert and CEO of ERASE Enterprises, about the anniversary of Sept. 11 and the imminent threat posed by ISIS. Should the United States be worried about a repeat attack on Sept. 11? According to Mellott, it’s a possibility. “The whole concept of terrorism is to surprise people, and to attack innocents and noncombatants,” Mellott said. “Would an attack on September 11 be a surprise? No, it’s an anniversary. But keep in mind, for the desired effect of an attack, a terrorist group needs media coverage. So right up front, that motivation, that media coverage is there.” When terrorists chose 9/11 to attack the U.S., they may have chosen that date for a specific reason, and if so, might choose that date again. Mellott substantiates this by stating the period of Sept. 10-13 was identified by U.S. intelligence to be a specific date of concern as early as the mid-1990s. On Sept. 13, 1993, Yasser Arafat, then-Chairman of the Palestine Liberation Organization, and Israeli Prime Minister and Defense Minister Yitzhak Rabin signed the Oslo Accord at the White House, in an attempt to set up a framework to lead to the resolution of the Palestinian-Israeli conflict. The accords were developed during the Madrid Conference of 1991. Arafat and Rabin were famously photographed shaking hands in front of Bill Clinton at the White House on Sept. 13. Fanatics in the Middle East were very bent out of shape at the perceived photo op of the U.S. President forcing sworn enemies to shake hands, according to Mellott, who was training Saudi military in the Middle East at the time. Both men would die in the next 11 years, perhaps as a result of this accord: Rabin was assassinated after a public event in 1995, and Arafat fell ill and died in 2004. Many believe he was poisoned. Domestic targets for terrorist attacks If ISIS strikes in the U.S. soon, one target favorable to them would be against the U.S. military, as an ultimate show of what it can do, Mellott said. “It could also be a shopping mall in Texas, Tennessee, California; a movie theater, sporting event, anything that is a public group that would cause maximum impact psychologically across the U.S.,” Mellott said. “What was so terribly impactful in New York was the feeling of

"That could've been me in my office building." Targets that other people can relate to have more PR value for the terrorists. And **terrorists are aware of how easy it is to enter the country through its south border**, Mellott said. **One of the most frightening aspects of the ISIS organization is it has done exactly what it said it would do, so far. "They're not afraid of carrying out threats."** Mellott said. "They've already given us a warning: If you don't stop attacking, we're going to kill. And they kept their word when they beheaded Sotloff." ISIS kicked out of Al-Qaeda It's common knowledge the fundamentalist group ISIS was formerly Al-Qaeda in Iraq. It renamed and rebranded, as any smart corporation would. What's less-widely known, according to Mellott, is the reason it was kicked out: Members will kill anybody, including fellow Muslims. ISIS is willing to look back at the time before Saladin, before the Islamic armies were united and began to fight Christian armies during the Crusades, back to when Arab tribes were fighting each other and killing each other, and they justify it in that way, he said. "They've got a history of killing each other off- they don't care about killing Sunnis," Mellott said. "How long is the fight? As long as it needs to be." This is where the differences between ISIS and Al-Qaeda become critical for Western countries, Mellott said. **Because ISIS will kill anyone, it could use a chemical or biological weapon anywhere, on any day, without warning** With Al-Qaeda, according to Mellott, they would likely try to avoid killing faithful Muslims -- so if it was going to release a weapon in a stadium, it would be on a Muslim holy day, when no good faithful would be present. For ISIS, because members will kill anyone, they could use a chemical weapon on any day. But **the real threat**, according to Mellott, **is that of a biological weapon**. "A chemical weapon released at ground zero kills 100 percent at the site. As you move farther away from the location, the impact is diluted. **With a biological weapon**, the effect is the opposite. **You infect one person, who spreads contamination to 50 more people, who each spread to even more** people. Since you can't control it, Al-Qaeda would never use it," Mellott said. "ISIS would use it, because they don't care."

AT: No ISIS threat

ISIS plans to attack the US- threats are growing rapidly

Morell 5-14-15 [Michael Morell is the former deputy director of the CIA and has twice served as acting director, “ISIS Is a Danger on U.S. Soil,” <http://time.com/3858354/isis-is-a-danger-on-u-s-soil/>]

What ISIS has that al-Qaeda doesn't is a Madison Avenue level of sophisticated messaging and social media. ISIS has a multilingual propaganda arm known as al-Hayat, which uses GoPros and cameras mounted on drones to make videos that appeal to its followers. And ISIS uses just about every tool in the platform box—from Twitter to YouTube to Instagram—to great effect, attracting fighters and funding. Digital media are one of the group's most significant strengths; they have helped **ISIS** become an organization that **poses** four **significant threats to the U.S.** First, **it is a threat to the stability of the entire Middle East.** ISIS is putting the territorial integrity of both Iraq and Syria at risk. And a further collapse of either or both of these states could easily spread throughout the region, bringing with it sectarian and religious strife, humanitarian crises and the violent redrawing of borders, all in a part of the world that remains critical to U.S. national interests. ISIS now controls more territory—in Iraq and Syria—than any other terrorist group anywhere in the world. When al-Qaeda in Iraq joined the fight in Syria, the group changed its name to ISIS. ISIS added Syrians and foreign fighters to its ranks, built its supply of arms and money and gained significant battlefield experience fighting Bashar Assad's regime. Together with the security vacuum in Iraq and Nouri al-Maliki's alienation of the Sunnis, this culminated in ISIS's successful blitzkrieg across western Iraq in the spring and summer of 2014, when it seized large amounts of territory. ISIS is not the first extremist group to take and hold territory. Al-Shabab in Somalia did so a number of years ago and still holds territory there, al-Qaeda in the Islamic Maghreb did so in Mali in 2012, and al-Qaeda in Yemen did so there at roughly the same time. I fully expect extremist groups to attempt to take—and sometimes be successful in taking—territory in the years ahead. But **no other group has taken so much territory so quickly as ISIS** has. Second, ISIS is attracting young men and women to travel to Syria and Iraq to join its cause. At this writing, **at least 20,000 foreign nationals** from roughly 90 countries **have gone to Syria and Iraq to join the fight. Most have joined ISIS.** This flow of foreigners has outstripped the flow of such fighters into Iraq during the war there a decade ago. And there are more foreign fighters in Syria and Iraq today than there were in Afghanistan in the 1980s working to drive the Soviet Union out of that country. These foreign nationals are getting experience on the battlefield, and they are becoming increasingly radicalized to ISIS's cause. There is a particular subset of these fighters to worry about. Somewhere between 3,500 and 5,000 jihadist wannabes have traveled to Syria and Iraq from Western Europe, Canada, Australia and the U.S. They all have easy access to the U.S. homeland, which presents two major concerns: that these fighters will leave the Middle East and either conduct an attack on their own or conduct an attack at the direction of the ISIS leadership. The former has already happened in Europe. It has not happened yet in the U.S.—but it will. In spring 2014, Mehdi Nemmouche, a young Frenchman who went to fight in Syria, returned to Europe and shot three people at the Jewish Museum of Belgium in Brussels. The third threat is that **ISIS is building a following among other extremist groups around the world.** The allied exaltation is happening at a faster pace than al-Qaeda ever enjoyed. It has occurred in Algeria, Libya, Egypt and Afghanistan. More will follow. These groups, which are already dangerous, will become even more so. They will increasingly target ISIS's enemies (including us), and they will increasingly take on ISIS's brutality. We saw the targeting play out in early 2015 when an ISIS-associated group in Libya killed an American in an attack on a hotel in Tripoli frequented by diplomats and international businesspeople. And we saw the extreme violence play out just a few weeks after that when another ISIS-affiliated group in Libya beheaded 21 Egyptian Coptic Christians. And fourth, perhaps most insidiously, ISIS's message is radicalizing young men and women around the globe who have never traveled to Syria or Iraq but who want to commit an attack to demonstrate their solidarity with ISIS. These are the so-called lone wolves. Even before May 4, such an ISIS-inspired attack had already occurred in the U.S.: an individual with sympathies for ISIS attacked two New York City police officers with a hatchet. Al-Qaeda has inspired such U.S. attacks—the Fort Hood shootings in late 2009 that killed 13 and the Boston Marathon bombing in spring 2013 that killed five and injured nearly 300. The attempted attack in Texas is just the latest of these. **We can expect** more of these kinds of **attacks in the U. S.** Attacks by ISIS-inspired individuals are occurring at a rapid pace around the world—roughly 10 since ISIS took control of so much territory. Two such attacks have occurred in Canada, including the October 2014 attack on the Parliament building. And another occurred in Sydney, in December 2014. Many planning such attacks—in Australia, Western Europe and the U.S.—have been arrested before they could carry out their terrorist plans. Today an ISIS-directed attack in the U. S. would be relatively unsophisticated (small-scale), but over time **ISIS's capabilities will grow.** This is what a long-term safe haven in Iraq and Syria would give ISIS, and it is exactly what the group is planning to do. **They have announced their intentions—just like bin Laden** did in the years **prior to 9/11.**

ISIS border attacks are coming

Stoltzfoos '14 [Rachel, “Report: ISIS Planning Imminent Terror Attack At U.S. Border,” 8-29-14, <http://dailycaller.com/2014/08/29/report-isis-planning-imminent-terror-attack-at-u-s-border/>]

The **I**slamic **S**tate of **I**raq and **S**yria **is reportedly working with al-Qaida to carry out a terror attack on the U.S.-Mexico border in the very near future, according to a government watchdog.** Sources told Judicial Watch the **I**slamic **S**tate of **I**raq and **S**yria **is** definitely **operating along the Mexican border in Ciudad Juarez alongside al-Qaida, and one source said officials have picked up radio chatter about an imminent “attack on the border.”** “It's coming soon,” the source told Judicial Watch. **High-level federal enforcement** and other sources **confirmed** to Judicial Watch **that a bulletin was sent out** to a number of Homeland Security, Justice and Defense agencies

warning that ISIS and other terrorists are operating in Juarez, where they are planning an imminent attack on the U.S. with car bombs and other vehicle born improvised explosives.

AT: No Al Qaeda threat

Al-Qaeda is growing stronger- planning to attack the US

Joscelyn 2-4-15 [Thomas, The Long War Journal, a publication covering issues regarding the War on Terror, "High-ranking US intelligence official: Al Qaeda will make gains in Syria and Afghanistan in 2015," <http://www.businessinsider.com/high-ranking-us-intelligence-official-al-qaeda-will-make-gains-in-syria-and-afghanistan-in-2015-2015-2>]

The director of the Defense Intelligence Agency (DIA), Lieutenant General Vincent R. Stewart, warned during congressional testimony yesterday that the "security challenges" the US faces are "more diverse and complex than those we have experienced in our lifetimes." Stewart delivered his remarks to the House Armed Services Committee during a hearing devoted to assessing worldwide threats. While Stewart addressed diverse national security issues, much of his written testimony was focused on what was once called the global war on terror. Al Qaeda in Syria may "expand its territory," while threatening the West. The Islamic State's advances in Iraq and Syria have understandably garnered most of the headlines since the middle of last year. But the Islamic State's rivals in the Al Nusrah Front, an official branch of al Qaeda, have been gaining ground over the past several months. And the DIA is concerned that Al Nusrah will continue to advance inside Syria and elsewhere, while also enabling senior al Qaeda operatives to plan attacks against the West. The DIA expects Al Nusrah "will try to expand its territory in 2015" beyond its Syrian operating areas and enhance its operational capabilities in Lebanon, where it already conducts operations. "As part of the larger al Qaeda network," Stewart writes, "we are concerned about the support Al Nusrah Front provides to transnational terrorist attack plotting against US and Western interests." In particular, he highlighted the threat posed by the so-called Khorasan Group, "a cadre of experienced al Qaeda operatives that works closely with and relies upon al Nusrah Front to provide personnel and space for training facilities in northwestern Syria." The Khorasan Group "is primarily focused on transnational terrorist attack plotting."

Al-Qaeda is becoming more powerful

Rothman '14 [Noah, holds a master's degree in international relations with a focus on security policy in Eastern Europe and the Former Soviet Republics in 2010, "Al-Qaeda 'decimated?' Study shows terror groups, attacks on the rise," June 25, <http://hotair.com/archives/2014/06/25/al-qaeda-on-the-run-study-shows-terror-groups-attacks-on-the-rise/>]

George W. Bush had one politically devastating "mission accomplished" moment. Obama has had over 30 of them. During the 2012 presidential campaign, the president regularly touted his administration's successful execution of the war against Islamic terrorism. Obama and his allies often described al-Qaeda as "decimated" and "on the run," but a new report suggests that the terror group and its affiliates were growing in numbers and operational capacity even then. According to a RAND corporation study, there has been a 58 percent increase in the number of jihadist groups since 2010 as well as a "doubling" of Islamic fundamentalist fighters and a "tripling" of the number of attacks carried out by al-Qaeda affiliates.

Terrorism –Wake

UQ

Domestic

1NC

DHS attention has refocused on lone wolf now – the threat is growing

Fobbs 14 – Kevin Fobbs began writing professionally in 1975 and has been published in the "New York Times," and written for the "Detroit News," "Michigan Chronicle," "GOPUSA", "Soul Source" magazine and "Writers Digest" magazine. As the former Community Concerns columnist for 12 years with The Detroit News, "Is America ready – U.S. officials fear radicalized lone-wolf terrorist plots maybe soon!" <http://buzzpo.com/america-ready-u-s-officials-fear-radicalized-lone-wolf-terrorist-plots-maybe-soon/>

How prepared do you believe America is if ISIS or Al Qaeda terrorism crept into your neighborhood and attacked? Are you as afraid as many U.S. intelligence community officials are who fear radicalized citizens will carry out lone-wolf terrorist plots? Maybe you and your family should be. Because, according to PBS News, Obama administration officials are suggesting a far ranging list of threat assessments to America's national security. But chief among them are the lone-wolf terrorist plots because, "they don't require large conspiracies of people whose emails or phone calls can be intercepted." Unlike the September 11th 2001 terrorist attacks on America's homeland, these breed of terrorists are not only well trained but they have joined or are affiliated with ISIS; a well financed terrorist organizational network. This extremist group has established a highly efficient caliphate, or Islamic state, in eastern Syrian and northern and western Iraq; it is also the group that is responsible for the beheading of American journalist James Foley. Although Obama and his administration officials appear to be discounting the seriousness of terrorist attacks on America by lone-wolf operators to the same degree as Britain, they should. On Friday, England raised its terror threat to its second highest level from "substantial" to "severe". They have based this reaction to intelligence community information in Britain that cites that an "a foreign fighter danger that made a terrorist attack "highly likely," reported PBS News. America does not have to wonder if this type of terrorism can happen, because it did with the 2013 Boston Marathon bombings. Several people were killed and dozens of innocent citizens were injured. By apparent self-radicalized American brothers Dzhokhar and Tamerlan Tsarnaev. Then of course there was the New York Times bomb attempt in 2010 by Faisal Shahzad. Shahzad had received training and instructions while in Pakistan. Is America ready for this threat, even though the White House refuses to declare the jihadists and ISIS declared terrorist intentions real? This should definitely concern the nation because it only take approximately 90 seconds of period of violence to harm hundred if not thousands of Americans, from the alleged 200 plus citizens who have gone to fight for extremist terrorists in Iraq and Syria. The real pressing urgent matter lies in the terrorist trained Americans that return to American soil. Rutgers University professor John Cohen who recently left as Homeland Security Department's counterterrorism coordinator stressed that the officials worked very hard, "to detect Westerners who have gone to Syria, no one knows for sure whether there are those who have gone there undetected," reported PBS News. As the 9/11 terrorist attack anniversary approaches it is probably wise for all Americans to be aware of not just the possibility that a terrorist act could occur, but to report anything suspicious to law enforcement. Remember, America does not get a second chance to get it right.

2NC

Preparedness is increasing – local law enforcement are ramping up vigilance

Perez and Prokupecz 15 -- Evan Perez joined CNN as a justice reporter in 2013. In his current role, he regularly writes for CNN.com and appears across the network's programs to report on his findings. Shimon Prokupecz covers law enforcement for CNN and is based in New York City. "FBI struggling with surge in homegrown terror cases"

<http://www.cnn.com/2015/05/28/politics/fbi-isis-local-law-enforcement/>

New York (CNN) **The New York Police Department and other law enforcement agencies** around the nation **are increasing their surveillance of ISIS supporters in the U.S., in part to aid the FBI which is struggling** to keep up with a surge in the number of possible terror suspects, according to law enforcement officials. The change is part of the fallout from the terrorist attack in Garland, Texas earlier this month. The FBI says two ISIS supporters attempted a gun attack on a Prophet Mohammad cartoon contest but were killed by police. One of the attackers, Elton Simpson, was already under investigation by the FBI but managed to elude surveillance to attempt the foiled attack. FBI Director James Comey told a group of police officials around the country in a secure conference call this month that **the FBI needs help to keep tabs on hundreds of suspects. As a result, some police agencies are adding surveillance teams to help the FBI monitor suspects. Teams of NYPD officers trained in surveillance are now helping the FBI's surveillance teams to better keep track of suspects, law enforcement officials say.** NYPD Commissioner William Bratton has said he wants to add 450 officers to the force's counterterrorism unit, partly to counter the increasing domestic threat posed by ISIS sympathizers. **The same is happening with other police departments around the country.** The Los Angeles Police Department's counterterrorism unit is also beefing up its surveillance squads at the request of the FBI, law enforcement officials say. Comey said at an unrelated news conference Wednesday that he has less confidence now that the FBI can keep up with the task. "It's an extraordinarily difficult challenge task to find -- that's the first challenge -- and then assess those who may be on a journey from talking to doing and to find and assess in an environment where increasingly, as the attorney general said, their communications are unavailable to us even with court orders," Comey said. "They're on encrypted platforms, so it is an incredibly difficult task that we are enlisting all of our state, local and federal partners in and we're working on it every single day, but I can't stand here with any high confidence when I confront the world that is increasingly dark to me and tell you that I've got it all covered," he said. **"We are working very, very hard on it but it is an enormous task."** On Saturday, **an FBI spokesman said the bureau doesn't have a shortage of resources** and the Garland attack wasn't the result of lack of surveillance personnel. If agents had any indication that Simpson was moving toward an attack, they would have done everything to stop it, the spokesman said. **The appeal for local help isn't intended to seek more surveillance, but more broadly to encourage local law enforcement to increase vigilance given the heightened threat,** the FBI said. The Garland attack prompted a reassessment for FBI officials. Simpson's social media and other communications with known ISIS recruiters drew the FBI's interest earlier this year. FBI agents in Phoenix began regular surveillance of Simpson, though it was not round-the-clock monitoring, according to a U.S. official. The agents watching Simpson noticed he disappeared for a few days. Investigators looked into his communications and found social media postings making reference to the Garland cartoon contest. That discovery is what prompted the FBI to send a bulletin to the joint terrorism task force that was monitoring the Garland event. The bulletin arrived about three hours before the attack. Comey told reporters this month the FBI had no idea Simpson planned to attack the event or even that he had traveled from his home in Phoenix to Texas.

GWOT

1NC

We're winning the war on terrorism now -- Continued vigilance is key

Zenko 4/8/15 – Zenko covers the U.S. national security debate and offers insight on developments in international security and conflict prevention. “CIA Director: We’re Winning the War on Terror, But It Will Never End”
<http://blogs.cfr.org/zenko/2015/04/08/cia-director-were-winning-the-war-on-terror-but-it-will-never-end/>

Last night, **Director of Central Intelligence John Brennan participated** in a question-and-answer session at Harvard Kennedy School’s Institute of Politics. The first thirty-seven minutes consisted of an unusually probing exchange between Brennan and Harvard professor Graham Allison (full disclosure: Graham is a former boss of mine). Most notably, between 19:07 and 29:25 in the video, Allison pressed Brennan repeatedly about whether the United States is winning the war on terrorism and why the number of al-Qaeda-affiliated groups has only increased since 9/11: “There seem to be more of them than when we started...How are we doing?” Brennan replied: If I look across the board in terms of since 9/11 at terrorist organizations, and if the United States in all of its various forms. **In intelligence, military, homeland security, law enforcement, diplomacy. If we were not as engaged against the terrorists, I think we would be facing a horrendous, horrendous environment.** Because **they would have taken full advantage of the opportunities that they have had across the region.** We have worked collectively as a government but also with our international partners very hard to try and root many of them out. Might some of these actions be stimulants to others joining their ranks? Sure, that’s a possibility. I think, though **it has taken off of the battlefield a lot more terrorists, than it has put on. This statement is impossible to evaluate or measure because the U.S. government has consistently refused to state publicly which terrorist organizations are deemed combatants,** and can therefore be “taken out on the battlefield.” However, **relying upon the State Department’s annual Country Reports on Terrorism, the estimated strength of all al-Qaeda-affiliated groups has grown or stayed the same since President Obama came into office.** Of course, **non-al-Qaeda-affiliated groups have arisen** since 9/11, including the self-proclaimed **Islamic State**, which the Central Intelligence Agency estimated last September to contain up to 31,500 fighters, **and Boko Haram**, which has perhaps 10,000 committed members. However, the most interesting question posed to Brennan came at the very end from a Harvard freshman who identified himself as Julian: “We’ve been fighting the war on terror since 2001. Is there an end in sight, or should we get used to this new state of existence? Brennan replied: **It’s a long war** unfortunately. **But it’s been a war that has been in existence for millennia,** at the same time—the use of violence for political purposes against noncombatants by either a state actor or a subnational group. **Terrorism has taken many forms** over the years. **What is more challenging now is** again, **the technology that is available to terrorists, the great devastation that can be created** by even a handful of folks, **and also mass communication that just proliferates** all of this activity and incitement and **encouragement.** So you have an environment now that’s very conducive to that type of propaganda and recruitment efforts, as well as the ability to get materials that are going to kill people. And so this is going to be something, I think, that **we’re always going to have to be vigilant** about. There is evil in the world and some people just want to kill for the sake of killing...This is something that, whether it’s from this group right now or another group, I think the ability to cause damage and violence and kill will be with us for many years to come. We just have to not kill our way out of this because that’s not going to address it. **We need to stop those attacks that are in train** but we also have to address some of those underlying factors and conditions. I’m not saying that poverty causes somebody to become a terrorist, or a lack of governance, but they certainly do allow these terrorist organizations to grow and they take full advantage of those opportunities. To summarize, **the war on terrorism is working, compared to inaction or other policies. But, the American people should expect it to continue** for millennia, or as long as lethal technologies and mass communication remain available to evil people.

2NC – Generic

Current strategies prevent attacks – groups can still rebound – intel key

Pomerleau 4/24/15 — Mark, bachelor's degree in Political Science from Westfield State University. a freelance journalist in Washington covering politics and policy. "Is the US Winning the War on Terror?" <http://www.theepochtimes.com/n3/blog/is-the-us-winning-the-war-on-terror/>

The War on Terror, or described differently, the global struggle to curb violent extremism, can be boiled down to optics and rhetoric. While military operations play a small role, the larger conflict encompasses so much more. The United States has struggled both on and off the battlefield to win this conflict but victory can be, and in this case, is subjective. Successes: **The United States deposed the Taliban regime that ruled Afghanistan in the 1990s and early 2000s, that provided al-Qaeda safe-haven. The uprooting of these sanctuaries put both organizations on the run, which disrupted their long-term planning** against the U.S. homeland. **Drone strikes and raids have allowed the U.S. to take out several key leaders** of these terrorist entities, dealing a blow to operational planning. Documents and correspondence between Osama bin Laden and his associates unveiled in the trial of an al-Qaeda member in February that the robust aerial drone campaign expanded by the Obama administration had a profound impact in limiting the movements of terrorist groups hiding out in Pakistan. The ability of drones to loiter 24/7 combined with Special Operations Forces raids allowed the United States to gain intrusive access to and vital intelligence about the inner workings of terrorist organizations. **There has not been a successful attack on the homeland since 9/11, due in part to changes made to the intelligence community after 9/11 and counterterrorism operations.** **Additionally, the U.S. has made great strides in monitoring would-be domestic terror suspects and prosecuted them with the full extent of the law. Failures: While the U.S. was successful in degrading terrorist entities, it was unsuccessful in destroying them.** Consider the Islamic State group's predecessor organization, al-Qaeda in Iraq/Islamic State of Iraq (AQI/ISI). The group was severely weakened as a result of the Iraqi Tribal Awakening Movement when Iraqi tribes joined the U.S. surge to dispel the violent insurgents. AQI/ISI was, however, never officially destroyed and its survivors were able to regroup and rebuild. Despite the demise of several key leaders of al-Qaeda, the Taliban and associated groups, the strategy of leadership decapitation has not worked in dismantling these organizations. The Obama administration has made the mistake of thinking that "if you sort of lop off the top of the pyramid, the whole thing crumbles," Tom Joscelyn, Senior Fellow at the Foundation for Defense of Democracies told lawmakers regarding the idea of destroying these terrorist groups by taking out their leadership. Al-Qaeda is not organized that way Joscelyn stated. However, it is also entirely possible that the U.S. is simply just trying to eliminate as many terrorists as possible in a sort-of whack-a-mole campaign, which would be equally ineffective, though the president has maintained he does not wish this as counterterrorism strategy. The drone campaign has been highly criticized by human rights groups for its collateral civilian damage. This collateral damage is also being touted as a recruiting device, which incites more people to join terrorist groups so they can retaliate against the United States. By some estimates, in confirmed strikes that have taken place in Pakistan, Yemen, and Somalia, the number of civilians killed ranges from 237-308. A recent figure released by the Syrian Observatory for Human Rights, considered one of the premier sources for on-the-ground reporting in Syria's volatile civil war, 66 civilians have been killed in coalition air strikes. Though, collateral damage is expected in wars, the nature of drone strikes (e.g. zero risk to soldiers as well as controversial signature strikes that target a specific area based on behavioral patterns without knowing exactly who the targets are) obfuscates this reality. Civilians in nations where U.S. drones prominently operate have long feared succumbing to death. This reality hit home for Americans as the U.S. officially acknowledged yesterday that an American hostage and an Italian aid worker were killed in a strike that targeted a suspected militant compound. The government asserts that it was not aware the American was being held at that location. Similarly, U.S. raids by Special Operations Forces have also rendered tragic results. A U.S. raid in Yemen to rescue a U.S. hostage failed when the militants were alerted to the presence of U.S. soldiers and killed the American and a South African being held by the group, whom the U.S. did not know was present. Many of these failures boil down to intelligence and a willingness to pull the trigger. They contribute to a broader narrative of negative optics. The al-Qaeda "vanguard" movement was started by Osama bin Laden partially due to an undesired American presence in Muslim lands. Several groups have continued this narrative calling for lone wolf actors to incite violence inside western nations. The fact that the U.S. continues operations in these nations despite widespread reporting of collateral damage, that could be preventable, only feeds this narrative. The U.S. has had great success in fighting terrorism over the last 14 years, especially in the military context. While the Islamic State group is marginally losing ground on the battlefield, governments are still struggling to figure out how to curb radical messaging and recruitment online. The U.S. battlefield successes to oust the Taliban could be for naught if, as suspected, the Afghan forces will not be able to stand up on their own against a formidable Taliban insurgency that is certain to continue to fight to reestablish their Islamic Emirate. With the online propaganda success of the Islamic State group, **there has been a greater need for the non-military counterterror metrics. Many have questioned if U.S. counterterror policies (military and non-military such as controversial sting operations in American communities thought to drive non-violent individuals to commit crimes) are creating more terrorists than killing them. Despite the great successes, however, it is not overtly clear that the U.S. is winning the War on Terror.**

Intel Key

We'll win the WOT – intel gathering is key

McDONOUGH 2/28/15 – Doug, Citing American spy, James Olson “**U.S. winning the war on terror**”
http://www.myplainview.com/news/article_c1881ec4-bf9b-11e4-a9b1-b342ff9491d6.html

After spending 31 years as an American spy, James Olson is blunt in his assessment. "Make no mistake, **our country is at war,**" he said Thursday while keynoting the annual Plainview Chamber of Commerce banquet. "**It's a war on terror,** and it will be long, bloody and deadly. But **America will win this war because our best young people today are stepping forward in droves.**" While many of those are putting on uniforms and joining the ranks of the nation's combat forces on the front lines, still more are going in harm's way behind the scenes as counterintelligence operatives. "We are on the front lines in the war on terror," Olson warns. "And **we will be hit again, inside our own borders. It will be a weapon of mass destruction, and no region or sector is immune from this attack. The best way to combat this threat is through good intelligence.**" Olson was in his final year as a law student at the University of Iowa on the fast track to fulfill his dream of practicing law in a rural town when he received a phone call one Friday afternoon.

UQ CP

1NC

The United States federal government should

- Streamline funding for fusion centers
- Require the FBI to share relevant information with state and local law enforcement
- Establish an office within the Department of Homeland Security to coordinate efforts countering violent extremism

That fills the holes in counterterrorism -- Perm can't solve

Inserra 15 -- David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation. "68th Terrorist Plot Calls for Major Counterterrorism Reforms" <http://www.heritage.org/research/reports/2015/05/68th-terrorist-plot-calls-for-major-counterterrorism-reforms>

Strengthening the Counterterrorism Enterprise In light of these warnings, the U.S. cannot be passive. Heritage has recommended numerous counterterrorism policies for Congress to address, including: Streamlining U.S. fusion centers. Congress should limit fusion centers to the approximately 30 areas with the greatest level of risk as identified by the Urban Area Security Initiative (UASI). Some exceptions might exist, such as certain fusion centers that are leading cybersecurity or other important topical efforts. The remaining centers should then be fully funded and resourced by UASI. Pushing the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working to integrate intelligence and law enforcement activities. This will require overcoming cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI. Ensuring that the FBI shares information more readily and regularly with state and local law enforcement and treats state and local partners as critical actors in the fight against terrorism. State, local, and private-sector partners must send and receive timely information from the FBI. The Department of Homeland Security (DHS) should play a role in supporting these partners' efforts by acting as a source or conduit for information to partners and coordinating information sharing between the FBI and its partners. Designating an office in DHS to coordinate countering violent extremism (CVE) efforts. CVE efforts are spread across all levels of government and society. DHS is uniquely situated to lead the federal government's efforts to empower local partners. Currently, DHS's CVE working group coordinates efforts across DHS components, but a more substantial office will be necessary to manage this broader task. Supporting state, local, and civil society partners. Congress and the Administration should not lose sight of the fact that all of the federal government's efforts must be focused on empowering local partners. The federal government is not the tip of the spear for CVE efforts; it exists to support local partners who are in the best position to recognize and counter radicalization in their own communities. Maintaining essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations, however, does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Ensuring Security In the midst of this surge in terrorist activity, the U.S. must recommit itself to counterterrorism efforts. Improving intelligence tools, information sharing with state and local law enforcement, and local civil society outreach to counter radicalization should be a priority for Congress.

2NC -- Fusion Centers

Fusion centers are crucial to support investigations into potential threats

Vicinanzo 15 -- HSToday, Amanda Vicinanzo, Senior Editor "Gaps In Info Sharing Continue To Hinder Counterterrorism Efforts"

<http://www.hstoday.us/briefings/daily-news-analysis/single-article/gaps-in-info-sharing-continue-to-hinder-counterterrorism-efforts/b365f132d73fa2a44e1966dfbee3340a.html>

The September 11, 2001 attacks demonstrated the importance of information sharing between local, state, tribal and federal law enforcement and homeland security partners in the wake of a devastating terrorist attacks. However, while progress has been made, significant challenges continue to hinder state and local law enforcement from sharing information on threats to the homeland. To address remaining gaps in federal, state and local information sharing, the House Committee on Homeland Security's Subcommittee on Counterterrorism and Intelligence recently convened a hearing to examine areas where information sharing can be improved. "A common trend in these different reviews is the need for federal departments and agencies to view state and local law enforcement as partners in national security and counterterrorism, the need for leadership within organizations to ensure accountability for information sharing, wider access to necessary databases, and the professionalization of analysis and information sharing," said subcommittee chairman Peter King (R-NY). Chief Richard Beary, president of the International Association of Chiefs of Police (IACP), testified that the 9/11 Commission rightly asserted that ineffective information sharing severely handicapped our nation's homeland security efforts. Since then, Beary explained there has been "substantial movement" in the right direction, but "our work is not done." Beary stated IACP strongly agrees with the recommendations laid out in the report of the Business Executives for National Security (BENS), particularly the recommendation that ownership and management of the integrated fusion centers should continue to be managed by state and local stakeholders with the support of federal entities. Mike Sena, president of the National Fusion Center Association (NFCA), testified that fusion centers have played a significant role in the dramatic progress law enforcement, public safety and intelligence communities have made over the past decade in analyzing and sharing threat information. The Majority Staff Report on the National Network of Fusion Centers issued by the Subcommittee on Counterterrorism and Intelligence in July 2015 recognized the direct impact of fusion center information sharing on terrorism investigations. According to information provided by the FBI and Department of Justice, between December 2008 and December 2012, "176 SARs [suspicious activity reports] entered by fusion centers into the eGuardian or Shared Spaces SAR databases [...] resulted in the FBI opening new terrorism investigations." In addition, "289 Terrorist Watchlist encounters reported by fusion centers enhanced existing FBI cases." Sena also agreed with many of the recommendations included in the BENS report, particularly the recommendation to establish a domestic threat framework for assessing and prioritizing threats and information needs. However, Sena disagreed with some of the assumptions made by the report. For example, the BENS report recommended establishment of regional fusion centers on top of what is already in existence today. Sena believes this recommendation is unnecessary and could have a negative impact on the ability of fusion centers in those areas to accomplish their core missions. Sena asserted fusion centers are increasingly contributing analytical and information sharing efforts to address cyber threats. For example, in late November and early December 2014 during the events in Ferguson, Missouri, the NFCA Cyber Intelligence Network hosted a virtual situational awareness room (referred to as CINAWARE) on the Homeland Security Information Network. The CINAWARE room facilitated information sharing across agencies, with more than 350 individuals from fusion centers and other federal, state and local agencies around the country participated in the CINAWARE room between mid-November and early December. "That level of threat information sharing was impossible only a few years ago, yet it is becoming essential," Sena said.

2NC -- FBI Plank

Info-sharing is crucial to preventing domestic lone-wolf terror – decentralizes information and allows for specialization

Downing 13 -- "Preventing the Next "Lone Wolf" Terrorist Attack Requires Stronger Federal–State–Local Capabilities" Michael P. Downing is Deputy Chief, Commanding Officer, Counter-Terrorism and Special Operations Bureau, Los Angeles Police Department. Matt A. Mayer is a Visiting Fellow at The Heritage Foundation and author of Homeland Security and Federalism: Protecting America from Outside the Beltway. <http://www.heritage.org/research/reports/2013/06/preventing-the-next-lone-wolf-terrorist-attack-requires-stronger-federal-state-local-capabilities>

Fortunately, state and local organizations recognize that outreach and engagement strategies build trust and solve community problems at the grassroots level. Indeed, state and local law enforcement have spent years developing a relationship of trust with local leaders. No one knows this landscape better than the "boots on the ground." The integration of these sometimes-isolated communities into the greater fold of society has never been more important—and is not the job of federal authorities. It is, of course, impossible to know whether all of these puzzle pieces—or even some of them—would have been pieced together by the BPD and/or the FBI. Yet the goal of the U.S. domestic counterterrorism enterprise is not to provide an impenetrable defense against terrorism; rather, the objective is to give federal, state, and local law enforcement the greatest possible number of constitutionally grounded opportunities to detect and stop potential terrorists. Rather than again debate the dangerous proposal of a domestic intelligence agency, the counter-terrorism conversation should focus on how legally and ethically to take advantage of the decentralized, community-focused, and well-positioned nature of state and local law enforcement. Without question, had the FBI shared its interview actions with the BPD, local law enforcement would have had a much greater chance of detecting Tsarnaev's extremism. Federal law enforcement is not designed to fight against this kind of threat; it is built to battle against cells, against groups, and against organizations, but not against individuals. As a consequence, U.S. national strategy reinforces the community policing, outreach, and engagement model of state and local enforcement. Why do we continue to underutilize these resources? Four Key Reforms Still Needed The FBI must share more broadly with state and local law enforcement. Despite the lessons of 9/11 and other terrorist plots, the culture of the FBI continues to resist sharing information with state and local law enforcement. This culture must change, and it must change rapidly. As large-scale, complicated terrorist attacks become harder to execute, the "lone wolf" scenario becomes more of a threat. America therefore has to leverage the experience, capabilities, authorities, and relationships found in local law enforcement to detect budding terrorists before they strike. If the FBI believes it could not effectively share the information related to Tsarnaev because of advice provided by the United States Attorney's Office, then one of two things needs to happen: Either Congress should pass legislation allowing such information to be shared or accountability for decision making needs to be assessed. Local cyber capabilities must be a priority. Building cyber investigation capabilities in the higher-risk urban areas must become a primary focus of the U.S. Department of Homeland Security grants. With so much terrorism-related activity occurring on the Internet, local law enforcement must have the ability to constitutionally monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Community outreach remains a vital tool. Federal grant funds should also be used to create robust community outreach capabilities in higher-risk urban areas. Such capabilities are key to building trust in local communities, and if the United States is to thwart "lone wolf" terrorist attacks successfully, it must do so by putting effective community outreach operations at the tip of the spear. Re-examine the FBI's "lead agency" function. The "lone wolf" attack in Boston was first a crime and then a terrorist act. The responsibility for public safety and the investigation of crimes at the local level rests with the local police agency, except in those cases in which the FBI determines that it will assume control of the investigation. With regard to public safety information and intelligence flow, such a policy relegates both the police department and the state sovereign to a subordinate—and potentially isolated—position. Therefore, this policy should be re-examined both in terms of best practice and in terms of its legal framework. Additionally, federal entities are often reluctant to release information that may prove embarrassing—a practice that may arise during an investigation in local public safety matters. Information that comes first to the entity that "leads" an investigation is always subject to restriction by those in charge. The decision to censor or withhold any information related to local public safety should always be in the hands of those who have the sovereign duty and obligation for public safety at the local level. Decisions related to the criminal investigations should belong to the local police department rather than the federal government.

NSA

1NC

Plan allows effective cyberterrorism -- Continued NSA metadata surveillance is key-- the NSA will fill current gaps but the plan curtails that

Goldsmith 13 -- Jack Goldsmith, a contributing editor, teaches at Harvard Law School and is a member of the Hoover Institution Task Force on National Security and Law. "We Need an Invasive NSA" <http://www.newrepublic.com/article/115002/invasive-nsa-will-protect-us-cyber-attacks>

Ever since stories about the National Security Agency's (NSA) electronic intelligence-gathering capabilities began tumbling out last June, **The New York Times** has published more than a dozen editorials excoriating the "national surveillance state." It **wants the NSA to end the "mass warehousing of everyone's data"** and the use of "back doors" to break encrypted communications. **A major element of the Times' critique is that the NSA's domestic sweeps are not justified** by the terrorist threat they aim to prevent. At the end of August, in the midst of the Times' assault on the NSA, **the newspaper suffered** what it described as a "malicious external attack" on its domain name registrar **at the hands of the Syrian Electronic Army**, a group of hackers who support Syrian President Bashar Al Assad. The paper's website was down for several hours and, for some people, much longer. "In terms of the sophistication of the attack, this is a big deal," said Marc Frons, the Times' chief information officer. **Ten months earlier, hackers stole the corporate passwords for every employee at the Times, accessed the computers of 53 employees, and breached the e-mail accounts of two reporters who cover China.** "We brought in the FBI, and the FBI said this had all the hallmarks of hacking by the Chinese military," Frons said at the time. He also acknowledged that the hackers were in the Times system on election night in 2012 and could have "wreaked havoc" on its coverage if they wanted. Illustration by Harry Campbell Such cyber-intrusions threaten corporate America and the U.S. government every day. **Relentless assaults on America's computer networks by China and other foreign governments, hackers and criminals have created an urgent need for safeguards** to protect these vital systems," the Times editorial page noted last year while supporting legislation encouraging the private sector to share cybersecurity information with the government. It cited General Keith Alexander, the director of the NSA, who had noted a 17-fold increase in cyber-intrusions on critical infrastructure from 2009 to 2011 and who described the losses in the United States from cyber-theft as "the greatest transfer of wealth in history." **If a "catastrophic cyber-attack occurs," the Times concluded, "Americans will be justified in asking why their lawmakers ... failed to protect them."** **When catastrophe strikes, the public will adjust its tolerance** for intrusive government measures. **The Times** editorial board **is quite right about the seriousness of the cyber-threat** and the federal government's responsibility to redress it. **What it does not appear to realize is the connection between the domestic NSA surveillance it detests and the governmental assistance with cybersecurity it cherishes.** **To keep our computer and telecommunication networks secure, the government will eventually need to monitor and collect intelligence on those networks** using techniques similar to ones the Times and many others find reprehensible when done for counterterrorism ends. **The fate of domestic surveillance is today being fought around the topic of whether it is needed to stop Al Qaeda from blowing things up.** **But the fight tomorrow, and the more important fight, will be about whether it is necessary to protect our ways of life embedded in computer networks.** Anyone anywhere with a connection to the Internet can engage in cyber-operations within the United States. **Most truly harmful cyber-operations, however, require group effort and significant skill.** The attacking group or nation must have clever hackers, significant computing power, and the sophisticated software—known as "malware"—that enables the monitoring, exfiltration, or destruction of information inside a computer. The supply of all of these resources has been growing fast for many years—in governmental labs devoted to developing these tools and on sprawling black markets on the Internet. **Telecommunication networks are the channels** through which malware typically travels, often anonymized or encrypted, and buried in the billions of communications that traverse the globe each day. **The targets are the communications networks** themselves as well as the computers they connect—things like the Times' servers, the **computer systems that monitor nuclear plants** classified **documents** on computers **in the Pentagon, the nasdaq exchange,** your local bank, and your social-network providers. To keep these computers and networks secure, **the government needs powerful intelligence capabilities abroad so that it can learn about planned cyber-intrusions.** It also needs to raise defenses at home. An important first step is to correct the market failures that plague

cybersecurity. Through law or regulation, the government must improve incentives for individuals to use security software, for private firms to harden their defenses and share information with one another, and for Internet service providers to crack down on the botnets—networks of compromised zombie computers—that underlie many cyber-attacks. More, too, must be done to prevent insider threats like Edward Snowden's, and to control the stealth introduction of vulnerabilities during the manufacture of computer components—vulnerabilities that can later be used as windows for cyber-attacks. And yet that's still not enough. The U.S. government can fully monitor air, space, and sea for potential attacks from abroad. But it has limited access to the channels of cyber-attack and cyber-theft, because they are owned by private telecommunication firms, and because Congress strictly limits government access to private communications. "I can't defend the country until I'm into all the networks," General Alexander reportedly told senior government officials a few months ago. For Alexander, being in the network means having government computers scan the content and metadata of Internet

communications in the United States and store some of these communications for extended periods. Such access, he thinks, will give the government a fighting chance to find the needle of known malware in the haystack of communications so that it can block or degrade the attack or exploitation. It will also allow it to discern patterns of malicious activity in the swarm of communications, even when it doesn't possess the malware's signature. And it will better enable the government to trace back an attack's trajectory so that it can discover the identity and geographical origin of the threat.

Alexander's domestic cybersecurity plans look like pumped-up versions of the NSA's

counterterrorism-related homeland surveillance that has sparked so much controversy in recent months. That is why so many people in Washington think that Alexander's vision has "virtually no chance of moving forward," as the Times recently reported. "Whatever trust was there is now gone," a senior intelligence official told Times. There are two reasons to think that these predictions are wrong and that the government, with extensive assistance from the NSA, will one day intimately monitor private networks. The first is that the cybersecurity threat is more pervasive and severe than the terrorism threat and is somewhat easier to see. If the Times' website goes down a few more times and for longer periods, and if the next penetration of its computer systems causes large intellectual property losses or a compromise in its reporting, even the editorial page would rethink the proper balance of privacy and security. The point generalizes: As cyber-

theft and cyber-attacks continue to spread (and they will), and especially when they result in a catastrophic disaster (like a banking compromise that destroys market confidence, or a successful attack on an electrical grid), the public will demand government action to remedy the problem and will adjust its tolerance for intrusive government measures. At that point, the nation's willingness to adopt some version of

Alexander's vision will depend on the possibility of credible restraints on the NSA's activities and credible ways for the public to monitor, debate, and approve what the NSA is doing over time. Which leads to the second reason why skeptics about enhanced government involvement in the network might be wrong. The public mistrusts the NSA not just because of what it does, but also because of its extraordinary secrecy. To obtain the credibility it needs to secure permission from the American people to protect our networks, the NSA and the intelligence community must fundamentally recalibrate their attitude toward disclosure and scrutiny. There are signs that this is happening—and that, despite the undoubted damage he inflicted on our national security in other respects, we have Edward Snowden to thank. "Before the unauthorized disclosures, we were always conservative about discussing specifics of our collection programs, based on the truism that the more adversaries know about what we're doing, the more they can avoid our surveillance," testified Director of National Intelligence James Clapper last month. "But the disclosures, for better or worse, have lowered the threshold for discussing these matters in public." In the last few weeks, the NSA has done the unthinkable in releasing dozens of documents that implicitly confirm general elements of its collection capabilities. These revelations are bewildering to most people in the intelligence community and no doubt hurt some elements of collection. But they are justified by the countervailing need for public debate about, and public confidence in, NSA activities that had run ahead of what the public expected. And they suggest that secrecy about collection capacities is one value, but not the only or even the most important one. They also show that not all revelations of NSA capabilities are equally harmful. Disclosure that it sweeps up metadata is less damaging to its mission than disclosure of the fine-grained details about how it collects and analyzes that metadata. It is unclear whether the government's new attitude toward secrecy is merely a somewhat panicked reaction to Snowden, or if it's also part of a larger rethinking about the need for greater tactical openness to secure strategic political legitimacy. Let us hope, for the sake of our cybersecurity, that it is the latter.

Cyber war causes nuclear lashout

Fritz '9 (Jason - former Captain of the U.S. Army, July, Hacking Nuclear Command and Control)

The US uses the two-man rule to achieve a higher level of security in nuclear affairs. Under this rule two authorized personnel must be present and in agreement during critical stages of nuclear command and control. The President must jointly issue a launch order with the Secretary of Defense; Minuteman missile operators must agree that the launch order is valid; and on a submarine, both the commanding officer and executive officer must agree that the order to launch is valid. In the US, in order to execute a nuclear launch, an Emergency Action Message (EAM) is needed. This is a preformatted message that directs nuclear forces to execute a specific attack. The contents of an EAM change daily and consist of a complex code read by a human voice. Regular monitoring by shortwave listeners and videos posted to YouTube provide insight into how these work. These are issued from the NMCC, or in the event of destruction, from the designated hierarchy of command and control centres. Once a command centre has confirmed the EAM, using the two-man rule, the Permissive Action Link (PAL) codes are entered to arm the weapons and the message is sent out. These messages are sent in digital format via the secure Automatic Digital Network and then relayed to aircraft via single-sideband radio transmitters of the High Frequency Global Communications System, and, at least in the past, sent to nuclear capable submarines via Very Low Frequency (Greenemeier 2008, Hardisty 1985). The technical details of VLF submarine communication methods can be found online, including PC-based VLF reception. Some reports have noted a Pentagon review, which showed a potential "electronic back door into the US Navy's system for broadcasting nuclear launch orders to Trident submarines" (Peterson 2004). The investigation showed that cyber terrorists could potentially infiltrate this network and insert false orders for launch. The investigation led to "elaborate new instructions for validating launch orders" (Blair 2003). Adding further to the concern of cyber terrorists seizing

control over submarine launched nuclear missiles; The Royal Navy announced in 2008 that it would be installing a Microsoft Windows operating system on its nuclear submarines (Page 2008). The choice of operating system, apparently based on Windows XP, is not as alarming as the advertising of such a system is. **This may attract hackers and narrow the necessary reconnaissance to learning its details and potential exploits.** It is unlikely that the operating system would play a direct role in the signal to launch, although this is far from certain. **Knowledge of the operating system may lead to the insertion of malicious code, which could be used to gain accelerating privileges, tracking, valuable information, and deception that could subsequently be used to initiate a launch.** Remember from Chapter 2 that the UK's nuclear submarines have the authority to launch if they believe the central command has been destroyed. **Attempts by cyber terrorists to create the illusion of a decapitating strike could also be used to engage fail-deadly systems.** Open source knowledge is scarce as to whether Russia continues to operate such a system. However evidence suggests that they have in the past. Perimetr, also known as Dead Hand, was an automated system set to launch a mass scale nuclear attack in the event of a decapitation strike against Soviet leadership and military. In a crisis, military officials would send a coded message to the bunkers, switching on the dead hand. If nearby ground-level sensors detected a nuclear attack on Moscow, and if a break was detected in communications links with top military commanders, the system would send low-frequency signals over underground antennas to special rockets. Flying high over missile fields and other military sites, these rockets in turn would broadcast attack orders to missiles, bombers and, via radio relays, submarines at sea. Contrary to some Western beliefs, Dr. Blair says, many of Russia's nuclear-armed missiles in underground silos and on mobile launchers can be fired automatically. (Broad 1993) Assuming such a system is still active, cyber terrorists would need to create a crisis situation in order to activate Perimetr, and then fool it into believing a decapitating strike had taken place. While this is not an easy task, the information age makes it easier. Cyber reconnaissance could help locate the machine and learn its inner workings. This could be done by targeting the computers high of level official's—anyone who has reportedly worked on such a project, or individuals involved in military operations at underground facilities, such as those reported to be located at Yamantau and Kosvinsky mountains in the central southern Urals (Rosenbaum 2007, Blair 2008) Indirect Control of Launch **Cyber terrorists could cause incorrect information to be transmitted, received, or displayed at nuclear command and control centres, or shut down these centres' computer networks completely.** In 1995, a Norwegian scientific sounding rocket was mistaken by Russian early warning systems as a nuclear missile launched from a US submarine. A radar operator used Krokus to notify a general on duty who decided to alert the highest levels. Kavkaz was implemented, all three chegets activated, and the countdown for a nuclear decision began. It took eight minutes before the missile was properly identified—a considerable amount of time considering the speed with which a nuclear response must be decided upon (Aftergood 2000). **Creating a false signal** in these early warning systems **would be relatively easy using** computer network operations. The real difficulty would be gaining access to these systems as they are most likely on a closed network. However, **if they are transmitting wirelessly, that may provide an entry point,** and information gained through **the internet may reveal** the details, such as **passwords and software, for gaining entrance to the closed network.** If access was obtained, **a false alarm could be followed by** something like a DDoS attack, **so the operators believe an attack may be imminent,** yet they can no longer verify it. **This could add pressure to the decision making process,** and if coordinated precisely, could appear as a first round EMP burst. Terrorist **groups could** also **attempt to launch a non-nuclear missile,** such as the one used by Norway, **in an attempt to fool the system.** The number of states who possess such technology is far greater than the number of states who possess nuclear weapons. Obtaining them would be considerably easier, especially when enhancing operations through computer network operations. Combining traditional terrorist methods with cyber techniques opens opportunities neither could accomplish on their own. For example, **radar stations might be more vulnerable to a computer attack,** while satellites are more vulnerable to jamming from a laser beam, thus together they deny dual phenomenology. Mapping communications networks through cyber reconnaissance may expose weaknesses, and automated scanning devices created by more experienced hackers can be readily found on the internet. Intercepting or spoofing communications is a highly complex science. These systems are designed to protect against the world's most powerful and well funded militaries. Yet, there are recurring gaffes, and **the very nature of asymmetric warfare is to bypass complexities by finding simple loopholes.** For example, **commercially available software for voice-morphing could be used to capture voice commands within the command and control structure, cut these sound bytes into phonemes, and splice it back together in order to issue false voice commands** (Andersen 2001, Chapter 16). **Spoofing could also be used to escalate a volatile situation in the hopes of starting a nuclear war.** "In June 1998, a group of international hackers calling themselves Milw0rm hacked the web site of India's Bhabha Atomic Research Center (BARC) and put up a spoofed web page showing a mushroom cloud and the text "If a nuclear war does start, you will be the first to scream" (Denning 1999). Hacker web-page defacements like these are often derided by critics of cyber terrorism as simply being a nuisance which causes no significant harm. However, web-page defacements are becoming more common, and they point towards alarming possibilities in subversion. During the 2007 cyber attacks against Estonia, a counterfeit letter of apology from Prime Minister Andrus Ansip was planted on his political party website (Grant 2007). This took place amid the confusion of mass DDoS attacks, real world protests, and accusations between governments.

Goldsmith Impact Overview

1). Cyberterror causes nuclear war – terrorists use spoofing to fool radars and make it look like an attack is taking place – causes miscalc and escalation – that's Fritz

2). Turns econ – terrorist attacks wreck market confidence and deter investment -- that's Goldsmith -- Best studies prove growth solves conflict

Jedidiah **Royal 10**, Director of Cooperative Threat Reduction at the U.S. Department of Defense, "Economic Integration, Economic Signalling And The Problem Of Economic Crises", in *Economics of War and Peace: Economic, Legal and Political Perspectives*, ed. Goldsmith and Brauer, p. 213-215

Second, on a dyadic level. Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.⁴ Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession lends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002, p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995), and Blomberg, Mess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.

3). Terrorists could target the grid – that's goldsmith – causes extinction

WND 9/4 (WND, WorldNetDaily News Company, "ISIS THREAT LOOMS OVER U.S. HOMELAND", <http://mobile.wnd.com/2014/09/isis-threat-looms-over-u-s-homeland/>, September 9, 2014)

*edited for language

'Militants expressing increased interest in notion they could infiltrate' ISIS bluster that threatens the U.S. Long-known al-Qaida links to south-of-the-border drug cartels. A porous U.S-Mexico

border. Gunshots at a California power plant. The individual reports may not cause immediate alarm, but **a panel of experts** who have **connected the dots on threats** against the U.S. is warning that **the nation needs to be looking at the big picture** – and preparing its defenses appropriately. Now. **The** warnings come from a **panel** set up by the **Secure the Grid Coalition at the Washington-based Center for Security Policy**. At a National Press Club news conference this week were **Frank Gaffney, former assistant secretary of defense for international security affairs and now president of the CSP; threat expert Dr. Peter Vincent Pry; Ambassador Henry F. Cooper; actress and activist Kelly Carson; and F. Michael Maloof, a former senior security policy analyst in the office of the secretary of defense and now a senior writer with WND.** He's authored **"A Nation Forsaken" on the dangers to the U.S. from an attack on its power grid, especially from electromagnetic pulse. There have been multiple reports of ISIS** terrorists in Iraq and Syria **making statements threatening an attack** on the U.S. homeland. And it's well-documented that al-Qaida, the Muslim terror world's bad boy before **ISIS** arrived, **is linked closely with drug cartels, many of which have a presence inside** some 1,200 of **America's large cities**. Further, **the U.S. southern border** now easily **can be crossed** illegally. And **there already** may have **been a "dry run" attack on the U.S. power grid, which, in a collapse, would leave America's defense capabilities severely handicapped.** Such concerns have been underscored in recent days by an interview Judicial Watch had with U.S. intelligence officials and the Texas Department Safety. **It confirmed that ISIS is present across the Texas border in Juarez, Mexico,** where an intelligence unit has picked up increased "chatter" in recent days. While Mexican authorities have denied **ISIS' presence in Mexico** and its ability to illegally enter the U.S., **Maloo** pointed out that three hardened Ukrainian criminals walked into the U.S. from Mexico undetected and have yet to be apprehended. Similarly, there has been evidence uncovered that various nationalities from Pakistan and various Arab countries have entered the U.S. undetected, **taking advantage of the porous southern border.** Put it all together, panel members said at a news conference in Washington on Wednesday, and the threat the U.S. is facing should be considered immediate and substantial. "It's all related," **Maloo** said. "One thing leads to another ... It's the domino effect." He noted a series of incidents at a Metcalf power plant in San Jose, California, that suggest someone – still unknown – **has been exploring what it takes to bring down a major component of the nation's grid.** Former Rep. Allen West bluntly called the situation a "'dry run' for something bigger." WND reported the utility company, whose operation was disabled in the attack, has offered a \$250,000 reward for the arrest and conviction of the perpetrators. West explained, "On April 16, 2013, snipers waged a 52-minute attack on a central California electrical substation. According to reports by Fox News and the Wall Street Journal, the sniper attack started when at least one person entered an underground vault to cut telephone cables, and attackers fired more than 100 shots into Pacific Gas & Electric's Metcalf transmission substation, knocking out 17 transformers. Electric officials were able to avert a blackout, but it took 27 days to repair the damage," he wrote. "My concern is that this may have been a dry run for something far bigger. We should be demanding an update on the investigation as to the perpetrators of this attack who escaped without detection," he said. **WB248Pry** pointed out that **ihadists already are aware of the vulnerability of a country's grid system by having knocked out completely the entire grid of the country of Yemen last June.** Read the book that's documenting the worry about the EMP threat, "A Nation Forsaken." The Metcalf attack came one day after the Boston Marathon bombing that killed three people and wounded 264 others. The Boston Marathon suspects are from the Russian North Caucasus, which prompted the Federal Bureau of Investigation to get involved in the investigation of the sniper attack on the transformers. There is a large community of Chechen and North Caucasus immigrants in the San Jose area. Chechenihadists also have been very prominent in Syria where it is battling to overthrow the government of Syrian President Bashar al-Assad. There also were reports only days after the California sniper attack of a shoot-out when a security guard at the TVA Watts Bar Nuclear Plant in Spring City, Tennessee, was confronted by a suspect at 2 a.m. "TVA spokesperson Jim Hopson said the subject traveled up to the plant on a boat and walked onto the property. When the officer questioned the suspect, the individual fired multiple shots at the officer. The officer shot back, and when he called for backup, the suspect sped away on his boat," reports said. **And just a few days ago, the California** plant, after spending millions of dollars on heightened security, again **was targeted** by a break-in attempt, authorities have reported. **Maloo** explained after the news conference **that the big picture "underscores the potential for an ISIS threat on the grid."** He pointed out how al-Qaida, which is known to have drug cartel links and likely sleeper agents in the United States through those organizations, has been

morphing into ISIS, and the belligerent threats made against the U.S. by that group. And he noted that the U.S. grid remains vulnerable and taking it down in any significant way could cause calamities for the U.S., since the nation's food, fuel, energy, banking and communications industries all are dependent on electricity. "Whenever you start tampering with the grid, you're affecting the life-sustaining critical infrastructures," Maloof said. "Our entire survival is based on technology and electronics that, in turn, are based on the electrical flow. If that's interrupted for any period of time, there are catastrophes over a wide geographic area." Reports just this week revealed social media chatter shows Islamic State militants "are keenly aware of the porous U.S.-Mexico border, and are 'expressing an increased interest' in crossing over to carry out a terrorist attack." A law enforcement advisory said, "A review of ISIS social media messaging during the week ending August 26 shows that militants are expressing an increased interest in the notion that they could clandestinely infiltrate the southwest border of U.S., for [a] terror attack." Maloof explained at the news conference that America's enemies know "the vulnerabilities of our grid ... they will at some point try" to attack. "The threat is there," he said. "ISIS operatives can easily come through the [southern] border. And because they [ISIS] have proxies in the U.S.," the potential for a catastrophe exists. "The president could take his pen and make [the problem] a priority," he said. "At the federal level they don't have a plan, so the state and local level won't have a plan."

4). Could also target nuclear plants – that's goldsmith – causes extinction

Wasserman 2, Harvey Wasserman, Senior Editor – The Free Press, "America's Self-Imposed Terror Threat", The Earth Island Journal, Spring 2002, <http://www.earthisland.org/eijournal...7&journalID=63>

As US bombs and missiles began to rain on Afghanistan, the certainty of terror retaliation inside the US has turned our 103 nuclear powerplants into potential weapons of apocalyptic destruction, just waiting to be used against us. One or both planes that crashed into the World Trade Center on September 11 could have easily obliterated the two atomic reactors now operating at Indian Point, about 40 miles up the Hudson River. Indian Point Unit One was shut long ago by public outcry. But Units 2 and 3 have operated since the 1970s. Reactor containment domes were built to withstand a jetliner crash but today's jumbo jets are far larger than the planes that were flying in the 1970s. Had one of those hijacked jets hit one of the operating reactors at Indian Point, the ensuing cloud of radiation would have dwarfed the ones at Hiroshima and Nagasaki, Three Mile Island and Chernobyl. The intense radioactive heat within today's operating reactors is the hottest anywhere on the planet. Because Indian Point has operated so long, its accumulated radioactive burden far exceeds that of Chernobyl. The safety systems are extremely complex and virtually indefensible. One or more could be wiped out with a small aircraft, ground-based weapons, truck bombs or even chemical/biological assaults aimed at the work force. A terrorist assault at Indian Point could yield three infernal fireballs of molten radioactive lava burning through the earth and into the aquifer and the river. Striking water, they would blast gigantic billows of horribly radioactive steam into the atmosphere. Thousands of square miles would be saturated with the most lethal clouds ever created, depositing relentless genetic poisons that would kill forever. Infants and small children would quickly die en masse. Pregnant women would spontaneously abort or give birth to horribly deformed offspring. Ghastly sores, rashes, ulcerations and burns would afflict the skin of millions. Heart attacks, stroke and multiple organ failure would kill thousands on the spot. Emphysema, hair loss, nausea, inability to eat or drink or swallow, diarrhea and incontinence, sterility and impotence, asthma and blindness would afflict hundreds of thousands, if not millions. Then comes the wave of cancers, leukemias, lymphomas, tumors and hellish diseases for which new names will have to be invented. Evacuation would be impossible, but thousands would die trying. Attempts to quench the fires would be futile. More than 800,000 Soviet draftees forced through Chernobyl's seething remains in a futile attempt to clean it up are still dying from their exposure. At Indian Point, the molten cores would burn uncontrolled for days, weeks and years. Who would volunteer for such an American task force? The immediate damage from an Indian Point attack (or a domestic accident) would render all five boroughs of New York City an apocalyptic wasteland. As at Three Mile Island, where thousands of farm and wild animals died in heaps, natural ecosystems would be permanently and irrevocably destroyed. Spiritually, psychologically, financially and ecologically, our nation would never recover. This is what we missed by a mere 40 miles on September 11. Now that we are at war, this is what could be happening as you read this. There are 103 of these potential Bombs of the Apocalypse operating in the US. They generate a mere 8 percent of our total energy. Since its deregulation crisis, California cut its electric consumption by some 15 percent. Within a year, the US could cheaply replace virtually all the reactors with increased efficiency. Yet, as the terror escalates, Congress is fast-tracking the extension of the Price-Anderson Act, a form of legal immunity that protects reactor operators from liability in case of a meltdown or terrorist attack. Do we take this war seriously? Are we committed to the survival of our nation? If so, the ticking reactor bombs that could obliterate the very core of our life and of all future generations must be shut down.

Links – Generic

Domestic surveillance is key to intel gathering – allows effective executive decision-making

Bolton 13 -- John Bolton, a senior fellow at the American Enterprise Institute, served as US ambassador to the United Nations in 2005-06. "3 views on NSA reform after Snowden leaks" <http://www.csmonitor.com/Commentary/One-Minute-Debate-3-Views/2013/0926/3-views-on-NSA-reform-after-Snowden-leaks/Don-t-overreact-Anger-over-abuses-must-not-harm-NSA-capabilities-secrecy>

For years, **America's enemies have yearned to cripple its foreign electronic intelligence-gathering capabilities.** Now, **the ongoing furor over the** National Security Agency (NSA), **gives them the chance** Outright **falsehoods, distortions, and hysteria** **have** unfortunately **been fueled by actual abuses and mistakes. We face a** general **debate about whether** vital electronic **surveillance programs should be** substantially **curtailed. We must prevent** hype and anger over specific abuses **from harming the NSA's actual capabilities** and the secrecy needed to protect them. **Intelligence exists** not for its own sake but **to support executive decisionmaking.** Accordingly, President Obama is principally responsible for explaining and advocating clandestine activities. This, he appallingly failed to do. Mr. Obama must act like a president, leading the defense of our embattled capabilities. The inevitable congressional **proceedings must not repeat the** irreparable **damage that the 1970s-era congressional investigative committees caused the CIA.** Deficiencies there were, but **our enemies were the principal beneficiaries of the committees' destructive investigations.** Most important, **whatever fixes are made** today **must not deny America the tools to protect itself from terrorists, their state sponsors, and foreign adversaries many of which are developing** massive **cyberwarfare** programs. Moreover, the largely preventable or imaginary invasions of privacy pale before security breakdowns that have allowed serious intelligence leaks. The NSA's opponents should be put on notice: **If you** materially **restrict surveillance capabilities, you risk having American blood on your hands.** Yes, stop the abuses, increase constitutional oversight, tighten NSA security, and demand accountability. But do not render America deaf and blind.

That's key – the president is the cornerstone of national security

Berman 13 -- Emily Berman, Assistant Professor, Brooklyn Law School. New York University School of Law, LL.M. 2011, J.D. 2005. "THE PARADOX OF COUNTERTERRORISM SUNSET PROVISIONS" <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4863&context=flr>

One crucial element of any discussion of counterterrorism powers goes unaddressed in the accounts of legislators and commentators who favor sunsets: **the President dominates** the formulation of **national security and foreign affairs policy** in ways that he does not in any other policy area. **This** domination **arises from** many sources, including the drastic **expansion of presidential power** in the post-war era, which is most **highly pronounced in the national security context**; the advantage that accompanies the President's position as first mover in responding to crises; **the ability to act quickly and secretly;** **the President's role as the "sole organ" of U.S. foreign affairs**; the executive's information monopoly; **substantive expertise in military and security matters;** **and a norm of executive primacy** that fosters expectations that the President will take the lead in national security. 228 229 230

Domestic Surveillance is necessary to stop terror and foreign espionage – the NSA has found a happy medium between privacy and security now

Honorof 13 – Marshall "How the NSA's Spying Keeps You Safe" <http://www.tomsguide.com/us/nsa-spying-keeps-safe,review-1899.html>

The U.S. National Security Agency (NSA) **may have taken** some fairly **extreme liberties when it comes to collecting user data,** **but the organization hasn't acted on a whim.** Call **the NSA's** surveillance unethical or unconstitutional or dangerous, but it **has a responsibility to protect the United States** with every tool at its disposal. If you haven't been keeping up with the issue, Americans and Britons are very angry with their governments right now. Reports from The Guardian and The New York Times indicate that the NSA and its British counterpart, Government Communications Headquarters (GCHQ), have the capacity to intercept just about everything their citizens do online, from social media information to encrypted emails. While this anger is both understandable and justifiable, relatively few people have stopped to consider the other side of the coin. **You can have total privacy or total national security,** **but you cannot have both.** A modern democratic **society requires a compromise** between the two extremes. The most important thing to keep in mind is that **there is, at present, absolutely no**

indication that the NSA has done anything illegal or outside the parameters of its mission statement. The NSA monitors external threats to the U.S., and, in theory, does not turn its attention to American citizens without probable cause. There is no evidence to the contrary among the documents that Edward Snowden leaked. "How do we protect our nation? How do we defend it?" asked Gen. Keith Alexander, the NSA's director, at the Black Hat 2013 security conference, held in Las Vegas in July. "[This information] is not classified to keep it from you: a good person. It's classified because sitting among you are people who wish us harm." While the thought of the NSA controlling every bit of information that the average American citizen posts online is disconcerting, Alexander maintained that a terrorist attack is even worse for a country's basic freedoms. "What we're talking about is future terrorist attacks," Alexander said, discussing a number of planned attacks that the NSA foiled over the last 10 years. It is worth considering what would have happened in the world if those attacks — 42 of those 54 were terrorist plots — if they were successfully executed. What would that mean to our civil liberties and privacy?" James Lewis, a researcher at the Center for Strategic and International Studies, agrees. "The NSA said there were 54 cases where they were able to detect plans and stop them, and 50 of them led to arrests." Lewis told Tom's Guide. "Fifty doesn't sound like a lot compared to the number of records [the NSA collected], but would you have preferred to have 50 more Boston bombings?" Counterterrorism is not the only function of the NSA's widespread surveillance. Although it cannot report exact numbers, Lewis theorizes that the data-mining has allowed the NSA to put a stop to a number of international espionage plots. "The original intent of all these programs was to find foreign spies," he said. "They haven't talked about that, but presumably there have been some successes there, too. A lot of times when you see things and there doesn't appear to be any explanation of how we seemed to magically know about it, it might very well be espionage." As an example of how domestic surveillance can unearth international plots, Lewis pointed to the North Korean ship stopped in Panama in August 2013. The vessel turned out to be smuggling illegal arms from Cuba. "The Panamanians just woke up one day and decided to look in their ship? I think not," Lewis said. The NSA is not the only government in the world that runs surveillance programs. In fact, if the NSA is keeping tabs on you, there's a good chance that other countries are as well. If you're lucky, they'll be Germany and Australia; if not, then Russia and China may have you under the microscope. Robert David Graham, founder and chief executive officer of Errata Security, spoke with Tom's Guide about how countries leverage surveillance data. "There are two parts to the information," he said. "Information about foreigners and information about your own citizens. The information you get about your own citizens affects political processes within your own country." He went on to explain that if you stir up negative sentiment about Germany, for example, the Germans can hoard your emails just the same as the NSA. Just like the NSA, though, they are unlikely to do anything with those emails unless you represent some kind of clear threat. "The Russians and the Chinese don't have anything to learn about how to do surveillance from us," Lewis said. He explained that the Scandinavian countries and Australia have programs that rival the NSA's as well. It's just par for the course everywhere in the world. Lewis believes that the NSA's surveillance is much less problematic than its transparency on the issue. "[Security and privacy] have to be balanced, and the debate has largely been 'they should stop doing this,'" he said. "It's weird seeing Rand Paul and the ACLU getting together [to condemn the NSA]. If Rand Paul is for it, it's probably a bad idea." The NSA is also taking the lion's share of the blame for a problem that began at the dawn of the consumer Internet age, got worse after 9/11, and still continues to this day: Internet privacy, or more accurately, the almost total lack thereof. There really isn't any privacy anymore, and I don't think Americans have realized that, Lewis said. Credit card companies, for example, know just about everything about you, right down to what street you've lived on every year of your life. "This was commercial ... The NSA just happens to be the poster child for this at the moment." There's one thing on which both staunch critics like Graham and fierce proponents like Lewis agree: The U.S. government must be clear and open with its citizens regarding the need for security, even when that security becomes invasive. Total security means zero privacy. Total privacy means zero security. Graham said. The extremes are what we have to fear ... The NSA should be monitoring people. It's just the issue of monitoring Americans without probable cause that really bothers the heck out of me. "If you have the right rules, if you have the right laws, if you have the right amount of transparency, you can feel comfortable with this," Lewis said. "Comfortable" is a very strong word, but if the choice is between invasive surveillance and the very real threats of terrorism and espionage, it's not so easy to write the NSA off entirely.

Even altering metadata policy would eviscerate counterterrorism efforts

Wiser 15 – Daniel Wiser is a staff writer for the Washington Free Beacon. "U.S. Surveillance Programs Could Expire, Despite Terror Threat" <http://freebeacon.com/national-security/u-s-surveillance-programs-could-expire-despite-terror-threat/>

The decreased authorities for counterterrorism agents would come as the FBI is reportedly scrambling to cope with a proliferation of terror suspects inspired by the Islamic State (IS). Two IS sympathizers—including one who was monitored by the FBI—were killed by police in Garland, Texas, earlier this month before they could attack a Prophet Muhammad cartoon contest. James Comey, director of the FBI, said at a press conference on Wednesday that terror suspects are increasingly using "encrypted platforms" to evade U.S. surveillance. "I can't stand here with any high confidence when I confront the world that is increasingly dark to me and tell you that I've got it all covered," he said. "We are working very, very hard on it but it is an enormous task." The House-passed USA Freedom Act—which has the backing of the Obama administration and would transfer metadata storage

from the government to telephone companies—appears to have the best chance of passage before the deadline. But it is not without critics. Sen. Richard Burr (R., N.C.), chairman of the Senate Intelligence Committee, said earlier this month that the House bill provided “illusory protection” because it did not require telecommunications companies to retain data. He has since introduced a bill that would gradually shift the storage of metadata to corporations but require them to inform the government before they alter their data retention policies. Sen. Dan Coats (R., Ind.), another member of the Senate Intelligence Committee, wrote in a recent op-ed that the transfer of data to phone companies “would require an expansive regulatory system” and might be “operationally useless.” “I am deeply concerned that ending the current program would render our counterterrorism tools less agile and unreliable.” he said. The remaining capability would be less responsive, if not operationally useless. The Patriot Act fight is likely to last right until the deadline, as proponents of the surveillance programs try to corral supporters during a congressional recess. “It’s all very up in the air right now,” said one Senate aide tracking the debate.

Terrorists are paying attention to metadata collection – if it stops they’ll exploit holes

Newsmax 15 – Citing CIA Chief John Brennan “CIA Chief: Ending NSA Spying Would Boost Terror Threat”
<http://www.newsmax.com/Newsfront/john-brennan-patriot-act-terrorism/2015/05/31/id/647804/>

CIA chief John Brennan warned Sunday that allowing vital surveillance programs to expire could increase terror threats, as the US Senate convened for a crunch debate on whether to renew the controversial provisions. With key counterterrorism programs set to expire at midnight Sunday, the top intelligence official made a final pitch to senators, arguing that the bulk data collection of telephone records of millions of Americans unconnected to terrorism has not abused civil liberties and only serves to safeguard citizens. “This is something that we can’t afford to do right now,” Brennan said of allowing the expiration of counterterrorism provisions, which “sunset” at the end of May 31. “Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago,” he said CBS’ “Face the Nation” talk show. Brennan added that groups like Islamic State have followed the developments “very carefully” and are “looking for the seams to operate.” The House has already passed a reform bill, the USA Freedom Act, that would end the telephone data dragnet by the National Security Agency and require a court order for the NSA to access specific records from the vast data base retained by telecommunications companies. If no action is taken by the Senate Sunday, authorities will be forced to shut down the bulk collection program and two other provisions, which allow roving wiretaps of terror suspects who change their mobile phone numbers and the tracking of lone-wolf suspects. Senator Rand Paul, a Republican 2016 presidential candidate adamantly opposed to reauthorizing the surveillance, is threatening to delay votes on the reform bill or an extension of the original USA Patriot Act. That would force the counterterrorism provisions to lapse until at least Wednesday. Former NSA chief Michael Hayden, who is also a former CIA director, equated such a temporary lapse as “giving up threads” in a broader protective fabric. “It may not make a difference for a while. Then again, it might,” he told CNN’s State of the Union. “Over the longer term, I’m willing to wager, it will indeed make a difference.”

Domestic surveillance is a key link – informs troops on the ground

McLaughlin 14 -- John McLaughlin teaches at the Johns Hopkins School of Advanced International Studies. He was deputy director and acting director of the CIA from 2000 to 2004.”
NSA intelligence-gathering programs keep us safe
http://www.washingtonpost.com/opinions/nsa-intelligence-gathering-programs-keep-us-safe/2014/01/02/0fd51b22-7173-11e3-8b3f-b1666705ca3b_story.html

It’s time we all came to our senses about the National Security Agency (NSA). If it is true, as many allege, that the United States went a little nuts in its all-out pursuit of al-Qaeda after the Sept. 11, 2001, attacks, it is equally true that we are going a little nuts again in our dogged pursuit of the post-Snowden NSA. Those who advocate sharply limiting the agency’s activities ought to consider that its work is the very foundation of U.S. intelligence. I don’t mean to diminish the role of other intelligence agencies, and I say this as a 30-year veteran of the Central Intelligence Agency who is “CIA” through and through. But in most cases, the NSA is the starting point for determining what holes need to be filled through other means of intelligence-collection. That’s because its information on foreign developments is so comprehensive and generally so reliable. It is the core of intelligence support to U.S. troops in battle. Any efforts to “rein in” the agency must allow for the possibility that change risks serious damage to U.S. security and the country’s ability to navigate in an

increasingly uncertain world. The presumption that the NSA “spies” on Americans should also be challenged. In my experience, NSA analysts err on the side of caution before touching any data having to do with U.S. citizens. In 2010, at the request of then-Director of National Intelligence Dennis Blair, I chaired a panel investigating the intelligence community’s failure to be aware of Umar Farouk Abdulmutallab, the “underwear bomber” who tried to blow up a commercial plane over Detroit on Dec. 25, 2009. The overall report remains classified, but I can say that the government lost vital time because of the extraordinary care the NSA and others took in handling any data involving a “U.S. person.” (Abdulmutallab, a Nigerian, was recruited and trained by the late Anwar al-Awlaki, a U.S. citizen based in Yemen.) Regarding outrage over the NSA’s collection of telephone calling records, or metadata, I don’t know why anyone would have greater confidence in this information being held by private companies. And given the perceived threat to privacy, it’s astonishing how little attention has been paid to the Senate commerce committee’s recent report on companies that gather personal information on hundreds of millions of Americans and sell it to marketers, often highlighting people with financial vulnerability. Some companies group the data into categories including “rural and barely making it,” “retiring on empty” and “credit crunched: city families.” The aim is often to sell financially risky products to transient consumers with low incomes, the report found. That’s a real scandal — and a universe away from the NSA’s ethical standards and congressional oversight. The NSA, of course, is not perfect. But it is less a victim of its actions — theindependent commission appointed by President Obama found no illegality or abuses — than of the broad distrust of government that has taken root in the United States in recent decades. Studies by Pew and others show distrust of government around 80 percent, an all-time high. This distrust is the only logical explanation I see for fear of data being held by “the government” — and it’s not a circumstance the NSA created. Although our society lauds, in almost “Stepford Wives”-like fashion, the merits of “transparency,” it lacks a collective, mature understanding of how intelligence works, how it integrates with foreign policy and how it contributes to the national welfare. Meanwhile, prurient interest in the details of leaked intelligence skyrockets, and people devour material that is not evidence of abuse but merely fascinating — and even more fascinating to U.S. adversaries. So what makes sense going forward? Clearly, the widespread perception that there is at least the “potential for abuse” when the government holds information even as limited as telephone call metadata must be addressed. The recent presidential commission recommended adding a public privacy advocate to the deliberation process of courts that approve warrants — one proposal that would do no harm. But as the administration contemplates reform, it must reject any ideas that add time and process between the moment the NSA picks up a lead overseas and the time it can cross-check records to determine whether there is a domestic dimension to overseas plotting. As our debate continues, the terrorist threat is not receding but transforming. The core leadership of al-Qaeda has been degraded and remains under pressure, but robust al-Qaeda affiliates have multiplied. With the decline of central government authority in the Middle East and North Africa in the wake of the Arab Spring and the war in Syria, terrorists have the largest havens and areas for operational planning in a decade. If anything, the atomization of the movement has made the job of intelligence more labor-intensive, more detail-oriented and more demanding. Now is not the time to give up any tool in the counterterrorism arsenal.

--Cyber

Long list of potential state-sponsored cyber-attackers – the NSA is key

Van Cleave 13 -- Michelle Van Cleave served as the head of US counterintelligence under President George W. Bush and is now a principal with the Jack Kemp Foundation. "What It Takes: In Defense of the NSA" <http://www.worldaffairsjournal.org/article/what-it-takes-defense-nsa>

The United States has **built a global intelligence apparatus because it has global interests** and global responsibilities. We have taken seriously the duties of leader of the free world, as two world wars, Korea, Vietnam, Afghanistan, Iraq, and freedom fighters in many parts of the world can attest. **None of these duties** in the last sixty years **could have been met without the exceptional resources of NSA.** Successive presidents and Congresses, entrusted with preserving and defending our freedom, have judged these investments to be vital to our nation's security. They have protected the core secrets that enable collection programs to succeed, as have those in US business and industry who have been integral to their success. **The unquestioned qualitative edge of US intelligence has been** as **essential to defending this country** and preserving our freedom as have the forces we have built to arm and equip our military. But time has not stood still. **China is attacking computer systems** throughout the world, **stealing information** and implanting features to enable future control. China's prominence in IT commercial markets **means that they are in the supply chain** and their market share is growing as part of a purposeful, state-run program for strategic position. **A long roll call of spies from Russia, China, Cuba, and other nations have targeted** the essential secrets of **US intelligence capabilities** in order to be able to **defeat them**. And now they have the Snowdens and the WikiLeaksers of the world helping them out. **Interconnected global networks of digital data have become the single most important source of intelligence** warning of threats, **enabling our defense at home** and the advancement of freedom abroad. To say "hands off," as some shortsighted privacy advocates have been doing, **will not preserve our liberties, it will endanger them**. It should be possible for an enlightened citizenry to empower government action in that sphere without forfeiting the very rights that our government exists to secure. That challenge is, at the very least, a part of the continuing experiment that is our democracy.

Ratchet Effect

Aggressive anti-terrorism creates a new security paradigm – hardens the public to government intrusions – scaling back surveillance eliminates that paradigm and creates vulnerability

Givens 13 -- Austen D. Givens is a PhD student in the Department of Political Economy at King's College London. His forthcoming book with Nathan E. Busch, *The Business of Counterterrorism: Public-Private Partnerships in Homeland Security*, will be published by Peter Lang. "The NSA Surveillance Controversy: How the Ratchet Effect Can Impact Anti-Terrorism Laws" <http://harvardnsj.org/2013/07/the-nsa-surveillance-controversy-how-the-ratchet-effect-can-impact-anti-terrorism-laws/>

The ratchet effect can occur because anti-terrorism laws create a new security paradigm. An aggressive anti-terrorism law can fundamentally alter societal approaches to terrorism. Surveillance may increase. Police powers can expand. Intelligence efforts may grow. Public expectations of privacy can diminish. In the aggregate, these types of changes can represent a drastic change in a government's approach to terrorism, and effectively create a "new normal" level of security. Because this "new normal" is linked to the law itself, reversing the law begins to dismantle the new security paradigm. From the public's perspective, this might be an unacceptable option because it may increase societal vulnerability to terrorism. Government agencies also risk losing resources—personnel, money, and political support—by returning to the status quo ante.

Link helper

Be skeptical of Aff ev – the necessity of NSA secrecy makes the literature asymmetric

(AKA if we ACTUALLY explain our link arguments, the terrorists might hear us.)

Bolton 15 – John R. Bolton, a diplomat and a lawyer, has spent many years in public service. From August 2005 to December 2006, he served as the U.S. permanent representative to the United Nations. From 2001 to 2005, he was under secretary of state for arms control and international security. At AEI, Ambassador Bolton's area of research is U.S. foreign and national security policy. "NSA activities key to terrorism fight" <http://www.aei.org/publication/nsa-activities-key-to-terrorism-fight/>

Congress is poised to decide whether to re-authorize **programs** run by the National Security Agency **that assess patterns of domestic** and international **telephone calls and emails to uncover linkages with known terrorists**. These NSA activities, initiated after al-Qaeda's deadly 9/11 attacks, **have played a vital role in protecting America** and our citizens around the world **from the still-metastasizing terrorist threat**. The NSA programs do not involve listening to or reading conversations, but rather seek to detect communications networks. If patterns are found, and more detailed investigation seems warranted, then NSA or other federal authorities, consistent with the Fourth Amendment's prohibition against unreasonable searches and seizures, must obtain judicial approval for more specific investigations. Indeed, even the collection of the so-called metadata is surrounded by procedural protections to prevent spying on U.S. citizens. Nonetheless, **critics from the right and left have attacked the NSA** for infringing on the legitimate expectations of privacy Americans enjoy under our Constitution. **Unfortunately, many of these critics have absolutely no idea what they are talking about; they are engaging in classic McCarthyite tactics**, hoping **to score political points** with a public justifiably worried about the abuses of power characteristic of the Obama administration. Other critics, following Vietnam-era antipathies to America's intelligence community, have never reconciled themselves to the need for robust clandestine capabilities. Still others yearn for simpler times, embodying Secretary of State Henry Stimson's famous comment that "gentlemen don't read each others' mail." **The ill-informed nature of the debate has facilitated scare-mongering**, with one wild accusation about NSA's activities after another being launched before the mundane reality catches up. And **there is an important asymmetry at work** here as well. **Critics can say whatever their imaginations conjure up, but NSA and its defenders are significantly limited in how they can respond**. By definition, the programs' **success rests on the secrecy** fundamental to all intelligence activities. Frequently, therefore, **explaining what is not happening could well reveal information about NSA's methods and capabilities that terrorists** and others, in turn, **could use to stymie future detection efforts**. After six years of President Obama, however, trust in government is in short supply. It is more than a little ironic that Obama finds himself defending the NSA (albeit with obvious hesitancy and discomfort), since his approach to foreign and defense issues has consistently reflected near-total indifference, except when he has no alternative to confronting challenges to our security. Yet if harsh international realities can penetrate even Obama's White House, that alone is evidence of the seriousness of the threats America faces. In fact, just in the year since Congress last considered the NSA programs, **the global terrorist threat has dramatically increased**. ISIS is carving out an entirely new state from what used to be Syria and Iraq, which no longer exist within the borders created from the former Ottoman Empire after World War I. In already-chaotic Libya, ISIS has grown rapidly, eclipsing al-Qaeda there and across the region as the largest terrorist threat. **Boko Haram is expanding** beyond Nigeria, declaring its own caliphate, even while pledging allegiance to ISIS. Yemen has descended into chaos, following Libya's pattern, and Iran has expanded support for the terrorist Houthi coalition. Afghanistan is likely to fall back under Taliban control if, as Obama continually reaffirms, he withdraws all American troops before the end of 2016. **This is not the time to cripple our intelligence-gathering capabilities against the rising terrorist threat**. Congress should unquestionably reauthorize the NSA programs, but only for three years. That would take us into a new presidency, hopefully one that inspires more confidence, where a calmer, more sensible debate can take place.

Impact Work

Nuclear

It's Possible

It's likely

Bunn et al 13 – Matthew Bunn is a Professor of the Practice of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University's Belfer Center for Science and International Affairs. Vice Admiral Valentin Kuznetsov (retired Russian Navy) is a senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and a Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. Martin Malin is the Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. Colonel Yuri Morozov (retired Russian Armed Forces) is a professor of the Russian Academy of Military Sciences, senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, and chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. ("Steps to Prevent Nuclear Terrorism: Recommendations Based on the U.S.-Russia Joint Threat Assessment", September 2013, <http://belfercenter.ksg.harvard.edu/files/JTA%20eng%20web2.pdf>)

In 2011, **Harvard's Belfer Center** for Science and International Affairs and the Russian Academy of Sciences' Institute for U.S. and Canadian Studies published "The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism." The assessment **analyzed the means, motives, and access of would-be nuclear terrorists**, and concluded that **the threat of nuclear terrorism is urgent and real**.

The Washington and Seoul Nuclear Security **Summits in 2010 and 2012 established and demonstrated a consensus among political leaders** from around the world **that nuclear terrorism poses a serious threat** to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation.

Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world's two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants.

The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia.

Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation.

The 2011 "U.S. - Russia Joint Threat Assessment" offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement.

"The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism" (The 2011 report executive summary):

Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. **The risk is driven by the rise of terrorists who seek to inflict unlimited damage**, many of whom have sought justification for their plans in radical interpretations of Islam; **by the spread of information about the decades-old technology** of nuclear weapons; **by the increased availability of weapons-usable nuclear materials**; and by **globalization, which makes it easier to move people, technologies, and materials across the world**.

Making a crude nuclear bomb would not be easy, but **is potentially within the capabilities of a technically sophisticated terrorist group**, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). **Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material** for a bomb of their own.

The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010.

Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group's nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use.

While there are significant gaps in coverage of the group's activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group's ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

There are materials, expertise, and motives

Jaspal 12 – Zafar is a professor of international relations at Quaid-i-Azam. ("Nuclear/Radiological Terrorism: Myth or Reality?" Journal of Political Studies, Vol. 19, Issue - 1, 2012, http://pu.edu.pk/images/journal/pols/pdf-files/Nuclear%20Radiological%20terrorism%20Jaspa_Vol_19_Issue_1_2012.pdf)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dual-use nuclear technology, ignoring nuclear terrorism threat is an imprudent policy choice. The incapability of terrorist organizations to engineer fissile material does not eliminate completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth.

Farsighted rationality obligates that one should not miscalculate transnational terrorist groups — whose behavior suggests that they have a death wish — of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs (Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18).

Numerous evidences confirm that terrorist groups had aspired to acquire fissile material for their terrorist acts. Late Osama bin Laden, the founder of al Qaeda stated that acquiring nuclear weapons was a "religious duty" (Yusufzai, 1999, January 11). The IAEA also reported that "al-Qaeda was actively seeking an atomic bomb." Jamal Ahmad al-Fadl, a dissenter of Al Qaeda, in his trial testimony had "revealed his extensive but unsuccessful efforts to acquire enriched uranium for al-Qaeda" (Allison, 2010, January: 11). On November 9, 2001, Osama bin Laden claimed that "we have chemical and nuclear weapons as a deterrent and if America used them against us we reserve the right to use them (Mir, 2001, November 10)." On May 28, 2010, Sultan Bashiruddin Mahmood, a Pakistani nuclear scientist confessed that he met Osama bin Laden. He claimed that "I met Osama bin Laden before 9/11 not to give him nuclear know-how, but to seek funds for establishing a technical college in Kabul (Syed, 2010, May 29)." He was arrested in 2003 and after extensive interrogation by American and Pakistani intelligence agencies he was released (Syed, 2010, May 29). Agreed, Mr. Mahmood did not share nuclear know-how with Al Qaeda, but his meeting with Osama establishes the fact that the terrorist organization was in contact with nuclear scientists. Second, the terrorist group has sympathizers

in the nuclear scientific bureaucracies. It also authenticates bin Laden's Deputy Ayman Zawahiri's claim which he made in December 2001: "If you have \$30 million, go to the black market in the central Asia, contact any disgruntled Soviet scientist and a lot of dozens of smart briefcase bombs are available" (Allison, 2010, January: 2).

The covert meetings between nuclear scientists and al Qaeda members could not be interpreted as idle threats and thereby the threat of nuclear/radiological terrorism is real. The 33Defense Secretary Robert Gates admitted in 2008 that "what keeps every senior government leader awake at night is the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear (Mueller, 2011, August 2)." Indeed, the nuclear deterrence strategy cannot deter the transnational terrorist syndicate from nuclear/radiological terrorist attacks. Daniel Whiteneck pointed out:

"Evidence suggests, for example, that al Qaeda might not only use WMD simply to demonstrate the magnitude of its capability but that it might actually welcome the escalation of a strong U.S. response, especially if it included catalytic effects on governments and societies in the Muslim world. An adversary that prefers escalation regardless of the consequences cannot be deterred" (Whiteneck, 2005, Summer: 187)

Retaliation -- Ayson

Terrorism causes extinction- retaliation

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

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

--Not Ayson

Nuclear terrorism causes US-Russia nuclear war—only scenario for extinction—deterrence doesn't check

Barrett et al 13 – Anthony has a PhD in Engineering and Public Policy from Carnegie Mellon University, is a Fellow in the RAND Stanton Nuclear Security Fellows Program, and is the Director of Research at Global Catastrophic Risk Institute. Seth Baum has a PhD in Geography from Pennsylvania State University is a Research Scientist at the Blue Marble Space Institute of Science, and is the Executive Director of Global Catastrophic Risk Institute. Kelly Hostetler has a BS in Political Science from Columbia and is a Research Assistant at the Global Catastrophic Risk Institute. (“Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia”, Science and Global Security 21(2), June 28, 2013, http://sethbaum.com/ac/2013_NuclearWar.pdf)

Note: this version of the article is a little different from the one published in the actual journal; I cut this version from the link in the cite above.

War involving significant fractions of **the U.S. and Russian nuclear arsenals, which are** by far **the largest of any nations, could have globally catastrophic effects** such as severely **reducing food production for years**¹ potentially leading to collapse of modern civilization worldwide **and** even **the extinction of humanity**.² Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.³ (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches.⁴) **Over the years, nuclear strategy was aimed** primarily **at** minimizing risks of intentional attack through development of **deterrence capabilities**, though numerous measures were also taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counterattack. However, **concerns about** the extreme disruptions that **a first attack** would cause in the other side's forces and command-and-control capabilities **led to** both sides' **development of capabilities to detect a first attack and launch a counter-attack before suffering damage** from the first attack.⁵ Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced.⁶ However, it has also been argued that **inadvertent nuclear war** between the United States and Russia **has continued to present a substantial risk**.⁷ While **the United States and Russia** are not actively threatening each other with war, they **have remained ready to launch nuclear missiles in response to indications of attack**.⁸ False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time.⁹ Second, **terrorist groups** or other actors **might cause attacks on** either **the United States or Russia that resemble some kind of nuclear attack** by the other nation by actions **such as exploding a stolen or improvised nuclear bomb**,¹⁰ especially if such an event occurs during a crisis between the United States and Russia.¹¹ **A variety of nuclear terrorism scenarios are possible**.¹² **Al Qaeda has sought** to obtain or construct **nuclear weapons and to use them against the United States**.¹³ Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security.¹⁴

C3I vulnerability makes rapid US-Russia escalation inevitable

Ford 10 [Christopher, Senior Fellow at Hudson Institute in Washington, D.C., former U.S. Special Representative for Nuclear Nonproliferation and Principal Deputy Assistant Secretary of State, reserve intelligence officer in the U.S. Navy, “Playing for Time on the Edge of the Apocalypse: Maximizing Decision Time for Nuclear Leaders,” <http://www.hudson.org/files/publications/Decision%20Time%20Final%20for%20Print.pdf>]

Yet this is not the end of the story, for sophisticated advocates of de-alerting measures do not necessarily contend that LOW is actually official policy. Rather, scholars such as Blair suggest that **no matter what official policy is, U.S. and**

Russian decision-makers face formidable incentives to launch on warning anyway – as long as that option is technically available – because force and command-system vulnerabilities leave them with no alternative to LOW if they are to inflict the desired level of retaliatory damage on the enemy. Because both sides effectively lack a genuine “ride-out” option, the argument goes, they would be left, in practice, with little choice but to adopt a de facto LOW policy, which is indeed just as dangerously destabilizing and prone to accident as the more hawkish Wohlstetters and Kahns always believed. (Indeed, it is perhaps worse, insofar as the critics allege that the nuclear superpowers’ command-and-control systems are very likely at some point to give rise to an uncaught false alarm or some other accident likely to trip their de facto LOW postures into catastrophic motion.) Through this prism, de-alerting is said to become necessary as a means to prevent vulnerabilities from giving rise to launch-on-warning decisions by making it technically impossible to launch during the very brief span of time between detection of what looks like an enemy attack and its presumed time of impact.

Let us examine this argument in more detail, for it lies at the heart of the de-alerting debate – and perhaps our way out of it. As indicated, the most sophisticated and articulate critiques of current nuclear force postures, in which at least some forces are set up for extremely rapid launch, are Bruce Blair and Scott Sagan, who offer different but complimentary arguments. Blair’s account revolves around the incentives for a launch-on-warning posture, he says, are created by the vulnerability not just (or even principally) of nuclear forces themselves (e.g., missile silos) but of the command, control, communications, and intelligence (C3I) architectures upon which their employment in actual nuclear warfighting depends. In his view, in effect, both nuclear superpowers’ longstanding investments in survivable second-strike nuclear weapons to some extent missed the point – or at least proved radically incomplete – insofar as they failed to provide Washington and Moscow with a genuine ability to mount and manage a retaliatory strike because national C3I systems would be too damaged by a massive nuclear exchange to handle the demands of second-strike battle management.³² Both countries are thus said to have faced tremendous incentives for launch-on-warning – in practice, at least, whether or not this was official policy – because it was presumably clear to their nuclear planners that C3I degradation and outright force attrition (e.g., high losses of silo-based ballistic missiles and non-alerted bomber forces) from an enemy attack would prevent its recipient from mounting the kind of retaliatory strike it deemed necessary.³³

Cyber

Exts – Escalation

Escalates to global war

Lawson '9 (Sean, Assistant professor in the Department of Communication at the University of Utah, Cross-Domain Response to Cyber Attacks and the Threat of Conflict, p. <http://www.seanlawson.net/?p=477>, June 13, 2009)

At a time when it seems impossible to avoid the seemingly growing hysteria over the threat of cyber war, [1] network security expert Marcus Ranum delivered a refreshing talk recently, "The Problem with Cyber War," that took a critical look at a number of the assumptions underlying contemporary cybersecurity discourse in the United States. He addressed one issue in particular that I would like to riff on here, the issue of conflict escalation—i.e. the possibility that offensive use of **cyber attacks could escalate to the use of physical force**. As I will show, his concerns are entirely legitimate as current U.S. military cyber doctrine assumes the possibility of what I call "cross-domain responses" to cyberattacks. Backing Your Adversary (Mentally) into a Corner Based on the premise that completely blinding a potential adversary is a good indicator to that adversary that an attack is imminent, Ranum has argued that "**The best thing that you could possibly do if you want to start World War III is launch a cyber attack**." [...] When people talk about cyber war like it's a practical thing, what they're really doing is messing with the OK button for starting World War III. We need to get them to sit the f-k down and shut the f-k up." [2] He is making a point similar to one that I have made in the past: **Taking away an adversary's ability to make rational decisions could backfire**. [3] For example, Gregory Witold cautions that "attacking the decision maker's ability to perform rational calculations may cause more problems than it hopes to resolve." [4] **Removing the capacity for rational action may result in completely unforeseen consequences**, including longer and bloodier battles than may otherwise have been." [4] **Cross-Domain Response** So, from a theoretical standpoint, I think his concerns are well founded. But the current state of U.S. policy may be cause for even greater concern. It's not just worrisome that a hypothetical blinding attack via cyberspace could send a signal of imminent attack and therefore trigger an irrational response from the adversary. What is also cause for concern is that **current U.S. policy indicates that "kinetic attacks" (i.e. physical use of force) are seen as potentially legitimate responses to cyber attacks**. Most worrisome is that **current U.S. policy implies that a nuclear response is possible**, something that policy makers have not denied in recent press reports. The reason, in part, is that the U.S. defense community has increasingly come to see cyberspace as a "domain of warfare" equivalent to air, land, sea, and space. The definition of cyberspace as its own domain of warfare helps in its own right to blur the online/offline, physical-space/cyberspace boundary. But thinking logically about the potential consequences of this framing leads to some disconcerting conclusions. If cyberspace is a domain of warfare, then it becomes possible to define "cyber attacks" (whatever those may be said to entail) as acts of war. But **what happens if the U.S. is attacked** in any of the other domains? **It retaliates**. But it usually does not respond only within the domain in which it was attacked. Rather, responses are typically "cross-domain responses"—i.e. a massive bombing on U.S. soil or vital U.S. interests abroad (e.g. think 9/11 or Pearl Harbor) might lead to air strikes against the attacker. Even more likely given a U.S. military "way of warfare" that emphasizes multidimensional, "joint" operations is a massive conventional (i.e. non-nuclear) response against the attacker in all domains (air, land, sea, space), simultaneously. The possibility of "kinetic action" in response to cyber attack, or as part of offensive U.S. cyber operations, is part of the current (2006) National Military Strategy for Cyberspace Operations [5]: (U) Kinetic Actions. DOD will conduct kinetic missions to preserve freedom of action and strategic advantage in cyberspace. Kinetic actions can be either offensive or defensive and used in conjunction with other mission areas to achieve optimal military effects. Of course, **the possibility that a cyber attack on the U.S. could lead to a U.S. nuclear reply** constitutes possibly the ultimate in "cross-domain response." And while this may seem far fetched, it **has not been ruled out by U.S. defense policy makers** and is, in fact, implied in current U.S. defense policy documents. From the National Military Strategy of the United States (2004): "The term WMD/E relates to a broad range of adversary capabilities that pose potentially devastating impacts. WMD/E includes chemical, biological, radiological, nuclear, and enhanced high explosive weapons as well as other, more asymmetrical 'weapons'. They may rely more on disruptive impact than destructive kinetic effects. For example, cyber attacks on US commercial information systems or attacks against transportation networks may have a greater economic or psychological effect than a relatively small release of a lethal agent." [6] The authors of a 2009 National Academies of Science report on cyberwarfare respond to this by saying, "**Coupled with the declaratory policy on nuclear weapons** described earlier, **this statement implies that the United States will regard certain kinds of cyberattacks against the United States as being in the same category as nuclear, biological, and chemical weapons, and thus that a nuclear response to certain kinds of cyberattacks (namely, cyberattacks with devastating impacts) may be possible**. It also sets a relevant scale—a cyberattack that has an impact larger than that associated with a relatively small release of a lethal agent is regarded with the same or greater seriousness." [7]

Independently – Cyber-attacks breaks down command and control – causes nuclear response. The bureaucratic decision to react without information is a result of situating offensive cyber ops with the president

Cimbala 11 (Stephen J. Cimbala 2011. Professor of Political Science at Penn State. "Nuclear Crisis Management and "Cyberwar" Phishing for Trouble?" Strategic Studies Quarterly Spring 2011)

This section discusses how **cyberwar might adversely affect nuclear crisis management**. Readers are advised, however, that history is indeterminate. It might turn out that, in some fortuitous cases, the United States could use nuclear deterrence and cyberwar as joint multipliers toward a successful outcome in crisis or war. For example, **in facing down an opponent with a comparatively small or no nuclear arsenal and inferior conventional strike capabilities, the United States or another power could employ information warfare aggressively "up front" while forgoing explicit mention of its**

available nuclear capability. Russia's five-day war against Georgia in August 2008 involved obvious cyber attacks as well as land and air operations, but no explicit nuclear threats. On the other hand, had Georgia already been taken into membership by NATO prior to August 2008 or had Russo-Georgian fighting spread into NATO member-state territory, the visibility of Russia's nuclear arsenal as a latent and potentially explicit threat would have been much greater. Notwithstanding the preceding disclaimers, **information warfare has the potential to attack or disrupt successful crisis management on each of four dimensions.** First, it **can muddy the signals being sent** from one side to the other **in a crisis.** This can be done deliberately or inadvertently. Suppose one side plants a virus or worm in the other's communications networks.¹⁹ The virus or worm becomes activated during the crisis and destroys or alters information. The missing or altered information may make it more difficult for the cyber victim to arrange a military attack. But destroyed or altered information may mislead either side into thinking that its signal has been correctly interpreted when it has not. Thus, side A may intend to signal "resolve" instead of "yield" to its opponent on a particular issue. Side B, misperceiving a "yield" message, may decide to continue its aggression, meeting unexpected resistance and causing a much more dangerous situation to develop. **Infowar can also destroy or disrupt communication channels necessary for successful crisis management.** One way it can do this is to **disrupt communication links between policymakers and military commanders during a period of high threat and severe time pressure.** Two kinds of unanticipated problems, from the standpoint of civil-military relations, are possible under these conditions. **First, political leaders may have pre-delegated limited authority for nuclear release or launch under restrictive conditions; only when these few conditions obtain, according to the protocols of predelegation, would military commanders be authorized to employ nuclear weapons distributed within their command. Clogged, destroyed, or disrupted communications could prevent top leaders from knowing that military commanders perceived a situation to be far more desperate, and thus permissive of nuclear initiative,** than it really was. During the Cold War, for example, disrupted communications between the US National Command Authority and ballistic missile submarines, once the latter came under attack, could have resulted in a joint decision by submarine officers to launch in the absence of contrary instructions. Second, information warfare during a crisis will almost certainly increase the time pressure under which political leaders operate. It may do this literally, or it may affect the perceived timelines within which the policymaking process can make its decisions. Once either side sees parts of its command, control, and communications (C3) system being subverted by phony information or extraneous cyber noise, its sense of panic at the possible loss of military options will be enormous. In the case of US Cold War nuclear war plans, for example, disruption of even portions of the strategic C3 system could have prevented competent execution of parts of the SIOF (the strategic nuclear war plan). The SIOF depended upon finely orchestrated time-on-target estimates and precise damage expectations against various classes of targets. Partially misinformed or disinforming networks and communications centers would have led to redundant attacks against the same target sets and, quite possibly, unplanned attacks on friendly military or civilian installations. A third potentially disruptive effect of infowar on nuclear crisis management is that it may reduce the search for available alternatives to the few and desperate. Policymakers searching for escapes from crisis denouements need flexible options and creative problem solving. Victims of information warfare may have a diminished ability to solve problems routinely, let alone creatively, once information networks are filled with flotsam and jetsam. Questions to operators will be poorly posed, and responses (if available at all) will be driven toward the least common denominator of previously programmed standard operating procedures. **Retaliatory systems that depend on launch-on-warning instead of survival after riding out an attack are especially vulnerable to reduced time cycles and restricted alternatives:** **A well-designed warning system cannot save commanders from misjudging the situation under the constraints of time and information imposed by a posture of launch on warning.** Such a posture **truncates the decision process** too early for iterative estimates to converge on reality. **Rapid reaction is inherently unstable** because it cuts short the learning time needed to match perception with reality.²⁰ The propensity to search for the first available alternative that meets minimum satisfactory conditions of goal attainment is strong enough under normal conditions in nonmilitary bureaucratic organizations.²¹ **In civil-military command and control systems under the stress of nuclear crisis decision making, the first available alternative may quite literally be the last;** or so policymakers and their military advisors may persuade themselves. Accordingly, **the bias toward prompt and adequate solutions is strong.** During the Cuban missile crisis, a number of members of the presidential advisory group continued to propound an air strike and invasion of Cuba during the entire 13 days of crisis deliberation. Had less time been available for debate and had President Kennedy not deliberately structured the discussion in a way that forced alternatives to the surface, the air strike and invasion might well have been the chosen alternative.²² Fourth and finally on the issue of crisis management, infowar can cause flawed images of each side's intentions and capabilities to be conveyed to the other, with potentially disastrous results. Another example from the Cuban crisis demonstrates the possible side effects of simple misunderstanding and noncommunication on US crisis management. At the most tense period of the crisis, a U-2 reconnaissance aircraft got off course and strayed into Soviet airspace. US and Soviet fighters scrambled, and a possible Arctic confrontation of air forces loomed. Khrushchev later told Kennedy that Soviet air defenses might have interpreted the U-2 flight as a prestrike reconnaissance mission or as a bomber, calling for a compensatory response by Moscow.²³ Fortunately Moscow chose to give the United States the benefit of the doubt in this instance and to permit US fighters to escort the wayward U-2 back to Alaska. Why this scheduled U-2 mission was not scrubbed once the crisis began has never been fully revealed: **the answer may be as simple as bureaucratic inertia compounded by noncommunication down the chain of command by policymakers who failed to appreciate the risk of "normal" reconnaissance under these extra-ordinary conditions.**

Threat Real

The threat is real

Habiger '10 (Eugue, Retired Air Force General, Cyberwarfare and Cyberterrorism, The Cyber Security Institute, p. 11-19, February 1, 2010)

However, there are reasons to believe that what is going on now amounts to a fundamental shift as opposed to business as usual. Today's network exploitation or information operation trespasses possess a number of characteristics that suggest that the line between espionage and conflict has been, or is close to being, crossed. (What that suggests for the proper response is a different matter.) First, **the number of cyberattacks we are facing is growing significantly.**

Andrew **Palowitch, a former CIA official now consulting with** the US Strategic Command

STRATCOM, which oversees the Defense Department's Joint Task Force-Global Network Operations, recently **told a meeting** of experts that **the Defense Department has experienced almost 80,000 computer attacks, and** some number of **these assaults have actually "reduced" the military's "operational capabilities."**²⁰ Second, **the nature of these attacks is starting to shift** from penetration attempts aimed

at gathering intelligence (cyber spying) **to offensive efforts** aimed at taking down systems (cyberattacks). Palowitch put this in stark terms last November, "We are currently in a cyberwar and war is going on today."²¹ Third, these recent attacks need to be taken in a broader strategic context. Both **Russia and China have stepped up their offensive efforts and taken a much more aggressive cyberwarfare posture**

The Chinese have developed an openly discussed cyberwar strategy aimed at achieving electronic dominance over the U.S. and its allies by 2050. In 2007 the Department of Defense reported that for the first time **China has developed first strike viruses, marking a major shift**

from prior investments in defensive measures.²² And in the intervening period China has launched a series of offensive cyber operations against U.S. government and private sector networks and infrastructure. In 2007, Gen. James Cartwright, the former head of STRATCOM and now the Vice Chairman of the Joint Chiefs of Staff, told the US-China Economic and Security Review Commission that China's ability to launch "denial of service" attacks to overwhelm an IT system is of particular concern. ²³ **Russia also has already begun to wage offensive cyberwar.** At the outset of the recent hostilities with Georgia,

Russian assets launched a series of cyberattacks against the Georgian government and its critical infrastructure systems, including media, banking and transportation sites.²⁴ In 2007, **cyberattacks that many experts attribute, directly or indirectly, to Russia shut down the Estonia government's IT systems.** Fourth, the current geopolitical context must also be factored into any effort to gauge

the degree of threat of cyberwar. The start of the new Obama Administration has begun to help reduce tensions between the United States and other nations. And, the new administration has taken initial steps to improve bilateral relations specifically with both China and Russia. However, it must be said that over the last few years **the posture of both the Chinese and Russian governments toward America has clearly become more assertive, and** at times even **aggressive. Some** commentators **have talked about** the prospects of **a cyber Pearl Harbor, and the pattern of Chinese and Russian behavior** to date **gives reason for concern** along these lines:

both nations have offensive cyberwarfare strategies in place; both nations **have taken the cyber equivalent of building up their forces**; both nations now **regularly probe our cyber defenses** looking for gaps to be

exploited; both nations **have begun** taking actions that cross the line from cyberespionage to **cyberaggression; and, our** bilateral **relations** with both nations **are increasingly fractious** and complicated by areas of marked, direct **competition.** Clearly, there a sharp differences between current U.S. relations with these two nations and relations between the US and Japan just prior to World War II. However, from a strategic defense perspective, there are enough warning signs to warrant preparation. In addition to the threat of cyberwar, **the limited resources required** to carry out even a large scale cyberattack also **makes likely the potential for a significant cyberterror attack** against the United States.

However, the lack of a long list of specific incidences of cyberterrorism should provide no comfort. **There is strong evidence to suggest that al Qaeda has the ability to conduct cyberterror attacks** against the United States and its allies. Al Qaeda and other terrorist

organizations are extremely active in cyberspace, using these technologies to communicate among themselves and others, carry out logistics, recruit members, and wage information warfare. For example, al Qaeda leaders used email to communicate with the 9-11 terrorists and the 9-11 terrorists used the Internet to make travel plans and book flights. Osama bin Laden and other al Qaeda members routinely post videos and other messages to online sites to communicate. Moreover, **there is evidence of**

efforts that al Qaeda and other terrorist organizations are actively developing cyberterrorism capabilities and seeking to carry out cyberterrorist attacks. For example, the Washington Post has reported that **"U.S. investigators have found evidence** in the logs that mark a browser's path through the Internet **that al Qaeda operators spent time on** sites that offer software and

programming instructions for the **digital switches that run power, water, transport and communications grids.** In some interrogations . . . al Qaeda prisoners have described intentions, in general terms, to use those tools."²⁵ Similarly, a 2002 CIA report on the cyberterror threat to a member of the Senate stated that al Qaeda and Hezbollah have become "more adept at using the internet and computer technologies."²⁶ The FBI has issued bulletins stating that, "U. S.

law enforcement and intelligence agencies have received indications that Al Qaeda members have sought information on Supervisory Control And Data Acquisition (SCADA) systems available on multiple SCADA-related web sites.”²⁷ In addition a number of jihadist websites, such as 7hj.7hj.com, teach computer attack and hacking skills in the service of Islam.²⁸ While al Qaeda may lack the cyber-attack capability of nations like Russia and China, there is every reason to believe its operatives, and those of its ilk, are as capable as the cyber criminals and hackers who routinely effect great harm on the world’s digital infrastructure generally and American assets specifically. In fact, perhaps, the most troubling indication of the level of the cyberterrorist threat is the countless, serious non-terrorist cyberattacks routinely carried out by criminals, hackers, disgruntled insiders, crime syndicates and the like. **If run-of-the-mill criminals and hackers can threaten powergrids, hack vital military networks, steal vast sums of money, take down a city’s of traffic lights, compromise the Federal Aviation Administration’s air traffic control systems, among other attacks, it is overwhelmingly likely that terrorists can carry out similar, if not more malicious attacks.** Moreover, even if the world’s terrorists are unable to breed these skills, they can certainly buy them. There are untold numbers of cybermercenaries around the world—sophisticated hackers with advanced training who would be willing to offer their services for the right price. Finally, given the nature of our understanding of cyber threats, there is always the possibility that we have already been the victim or a cyberterrorist attack, or such an attack has already been set but not yet effectuated, and we don’t know it yet. Instead, **a well-designed cyberattack has the capacity cause widespread chaos,** sow societal unrest, undermine national governments, **spread paralyzing fear and anxiety, and create a state of utter turmoil,** all without taking a single life. **A sophisticated cyberattack could throw a nation’s banking and finance system into chaos causing markets to crash, prompting runs on banks, degrading confidence in markets, perhaps even putting the nation’s currency in play and making the government look helpless and hapless. In today’s difficult economy, imagine how Americans would react if vast sums of money were taken** from their accounts and their supporting financial records were destroyed. A truly nefarious cyberattacker could carry out an attack in such a way (akin to Robin Hood) as to engender populist support and deepen rifts within our society, thereby making efforts to restore the system all the more difficult. **A modestly advanced enemy could use a cyberattack to shut down** (if not physically damage) one or more regional **power grids.** An entire region could be cast into total darkness, power-dependent systems could be shutdown. **An attack on one or more regional power grids could also cause cascading effects that could jeopardize our entire national grid.** When word leaks that the blackout was caused by a cyberattack, **the specter of a foreign enemy capable of sending the entire nation into darkness would only increase the fear, turmoil and unrest.** While the finance and energy sectors are considered prime targets for a cyberattack, an attack on any of the 17 delineated critical infrastructure sectors could have a major impact on the United States. For example, our healthcare system is already technologically driven and the Obama Administration’s e-health efforts will only increase that dependency. A cyberattack on the U.S. e-health infrastructure could send our healthcare system into chaos and put countless of lives at risk. Imagine if emergency room physicians and surgeons were suddenly no longer able to access vital patient information. **A cyberattack on our nation’s water systems could likewise cause widespread disruption. An attack** on the control systems for one or more dams could put entire communities at risk of being inundated, and **could create ripple effects across the water, agriculture, and energy sectors.** Similar **water control system attacks could** be used to at least temporarily **deny water to** otherwise **arid regions, impacting** everything from the quality of life in these areas to **agriculture.** In 2007, the U.S. Cyber Consequences Unit determined that the destruction from a single wave of cyberattacks on critical infrastructures could exceed \$700 billion, which would be the rough equivalent of 50 Katrina-esque hurricanes hitting the United States all at the same time.²⁹ Similarly, one IT security source has estimated that the impact of a single day cyberwar attack that focused on and disrupted U.S. credit and debit card transactions would be approximately \$35 billion.³⁰ Another way to gauge the potential for harm is in comparison to other similar noncyberattack infrastructure failures. For example, the August 2003 regional power grid blackout is estimated to have cost the U.S. economy up to \$10 billion, or roughly .1 percent of the nation’s GDP. ³¹ That said, a cyberattack of the exact same magnitude would most certainly have a much larger impact. The origin of the 2003 blackout was almost immediately disclosed as an atypical system failure having nothing to do with terrorism. This made the event both less threatening and likely a single time occurrence. Had it been disclosed that the event was the result of an attack that could readily be repeated the impacts would likely have grown substantially, if not exponentially. Additionally, **a cyberattack could also be used to disrupt our nation’s defenses or distract our national leaders** in advance of a more traditional conventional or strategic attack. Many military leaders actually believe that such a disruptive cyber pre-offensive is the most effective use of offensive cyber capabilities. This is, in fact, the way Russia utilized cyberattackers—whether government assets, governmentdirected/ coordinated assets, or allied cyber irregulars—in advance of the invasion of Georgia. **Widespread distributed denial of service (DDoS) attacks were launched** on the Georgian governments IT systems. **Roughly a day later Russian armor rolled into Georgian territory.** The cyberattacks were used to prepare the battlefield; **they denied** the Georgian government **a critical communications tool** isolating it from its citizens and degrading its command and control capabilities precisely at the time of attack. In this way, these attacks were the functional equivalent of conventional air and/or missile strikes on a nation’s communications infrastructure.³² One interesting element of the Georgian cyberattacks has been generally overlooked: On July 20th, weeks before the August cyberattack, the website of Georgian President Mikheil Saakashvili was overwhelmed by a more narrowly focused, but technologically similar DDoS attack.³³ This should be particularly chilling to American national security experts as our systems undergo the same sorts of focused, probing attacks on a constant basis. **The ability of an enemy to use a cyberattack to counter our offensive capabilities or soften our defenses for a wider offensive** against the United States **is much more than mere speculation.** In fact, in Iraq it is already happening. Iraq insurgents are now using off-the-shelf software (costing just \$26) to hack U.S. drones (costing \$4.5 million each), allowing them to intercept the video feed from these drones.³⁴ **By hacking these drones the insurgents have succeeded in greatly reducing one of our most valuable sources of real-time intelligence** and situational awareness. If our enemies in Iraq are capable of such an effective cyberattack against one of our more sophisticated systems, consider what a more technologically advanced enemy could do. At the strategic level, in 2008, as the United States Central Command was leading wars in both Iraq and Afghanistan, a cyber intruder compromised the security of the Command and sat within its IT systems, monitoring everything the Command was doing. ³⁵ This time the attacker simply gathered vast amounts of

intelligence. However, it is clear that **the attacker could** have used this access to wage cyberwar—**altering information, disrupting the flow of information, destroying information, taking down systems**—against the United States forces already at war. Similarly, during 2003 as the United States prepared for and began the War in Iraq, the IT networks of the Department of Defense were hacked 294 times.³⁶ By August of 2004, with America at war, **these ongoing attacks compelled** then-Deputy Secretary of Defense Paul Wolfowitz to write in a memo that, **“Recent exploits have reduced operational capabilities on our networks.”**³⁷ This wasn’t the first time that our national security IT infrastructure was penetrated immediately in advance of a U.S. military option.³⁸ In February of 1998 the Solar Sunrise attacks systematically compromised a series of Department of Defense networks. What is often overlooked is that these attacks occurred during the ramp up period ahead of potential military action against Iraq. The attackers were able to obtain vast amounts of sensitive information—information that would have certainly been of value to an enemy’s military leaders. There is no way to prove that these actions were purposefully launched with the specific intent to distract American military assets or degrade our capabilities. However, such ambiguities—the inability to specifically attribute actions and motives to actors—are the very nature of cyberspace. Perhaps, these repeated patterns of behavior were mere coincidence, or perhaps they weren’t. The potential that an enemy might use a cyberattack to soften physical defenses, increase the gravity of harms from kinetic attacks, or both, significantly increases the potential harms from a cyberattack. Consider the gravity of the threat and risk if an enemy, rightly or wrongly, believed that it could use a cyberattack to degrade our strategic weapons capabilities. **Such an enemy might be convinced that it could win a war—**conventional or **even nuclear—**against the **U**nited **S**tates. **The effect of this would be to undermine our deterrence—**based defenses, **making us significantly more at risk of a major war.**

Domestic Terror

Lone Wolf Impact

Lone wolves use WMDs

Gary A. **ACKERMAN**, Director of the Special Projects Division at the National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland, **AND** Lauren E. **PINSON**, Senior Research/Project Manager at START and PhD student at Yale University, **14** ["An Army of One: Assessing CBRN Pursuit and Use by Lone Wolves and Autonomous Cells," *Terrorism and Political Violence*, Vol. 26, Issue 1, 2014]

The first question to answer is whence the concerns about the nexus between CBRN weapons and isolated actors come and whether these are overblown. The general threat of mass violence posed by lone wolves and small autonomous cells has been detailed in accompanying issue contributions, but the potential use of CBRN weapons by such perpetrators presents some singular features that either amplify or supplement the attributes of the more general case and so are deserving of particular attention. Chief among these is the impact of rapid technological development. Recent and emerging advances in a variety of areas, from synthetic biology³ to nanoscale engineering,⁴ have opened doors not only to new medicines and materials, but also to new possibilities for malefactors to inflict harm on others. What is most relevant in the context of lone actors and small autonomous cells is not so much the pace of new invention, but rather the commercialization and consumerization of CBRN weapons-relevant technologies. This process often entails an increase in the availability and safety of the technology, with a concurrent diminution in the cost, volume, and technical knowledge required to operate it. Thus, for example, whereas fifty years ago producing large quantities of certain chemical weapons might have been a dangerous and inefficient affair requiring a large plant, expensive equipment, and several chemical engineers, with the advent of chemical microreactors,⁵ the same processes might be accomplished far more cheaply and safely on a desktop assemblage, purchased commercially and monitored by a single chemistry graduate student. The rapid global spread and increased user-friendliness of many technologies thus represents a potentially radical shift from the relatively small scale of harm a single individual or small autonomous group could historically cause.⁶ From the limited reach and killing power of the sword, spear, and bow, to the introduction of dynamite and eventually the use of our own infrastructures against us (as on September 11), the number of people that an individual who was unsupported by a broader political entity could kill with a single action has increased from single digits to thousands. Indeed, it has even been asserted that "over time ... as the leverage provided by technology increases, this threshold will finally reach its culmination—with the ability of one man to declare war on the world and win."⁷ Nowhere is this trend more perceptible in the current age than in the area of unconventional weapons. These new technologies do not simply empower users on a purely technical level. Globalization and the expansion of information networks provide new opportunities for disaffected individuals in the farthest corners of the globe to become familiar with core weapon concepts and to purchase equipment—online technical courses and eBay are undoubtedly a boon to would-be purveyors of violence. Furthermore, even the most solipsistic misanthropes, people who would never be able to function socially as part of an operational terrorist group, can find radicalizing influences or legitimation for their beliefs in the maelstrom of virtual identities on the Internet. All of this can spawn, it is feared, a more deleterious breed of lone actors, what have been referred to in some quarters as "super-empowered individuals."⁸ Conceptually, super-empowered individuals are atomistic game-changers, i.e., they constitute a single (and often singular) individual who can shock the entire system (whether national, regional, or global) by relying only on their own resources. Their core characteristics are that they have superior intelligence, the capacity to use complex communications or technology systems, and act as an individual or a "lone-wolf."⁹ The end result, according to the pessimists, is that if one of these individuals chooses to attack the system, "the unprecedented nature of his attack ensures that

no counter-measures are in place to prevent it. And when he strikes, his attack will not only kill massive amounts of people, but also profoundly change the financial, political, and social systems that govern modern life." 10 It almost goes without saying that the same concerns attach to small autonomous cells, whose members' capabilities and resources can be combined without appreciably increasing the operational footprint presented to intelligence and law enforcement agencies seeking to detect such behavior. With the exception of the largest truck or aircraft bombs, the most likely means by which to accomplish this level of system perturbation is through the use of CBRN agents as WMD. On the motivational side, therefore, lone actors and small autonomous cells may ironically be more likely to select CBRN weapons than more established terrorist groups—who are usually more conservative in their tactical orientation—because the extreme asymmetry of these weapons may provide the only subjectively feasible option for such actors to achieve their grandiose aims of deeply affecting the system. The inherent technical challenges presented by CBRN weapons may also make them attractive to self-assured individuals who may have a very different risk tolerance than larger, traditional terrorist organizations that might have to be concerned with a variety of constituencies, from state patrons to prospective recruits. 11 Many other factors beyond a "perceived potential to achieve mass casualties" might play into the decision to pursue CBRN weapons in lieu of conventional explosives, 12 including a fetishistic fascination with these weapons or the perception of direct referents in the would-be perpetrator's belief system. Others are far more sanguine about the capabilities of lone actors (or indeed non-state actors in general) with respect to their potential for using CBRN agents to cause mass fatalities, arguing that the barriers to a successful large-scale CBRN attack remain high, even in today's networked, tech-savvy environment. 13 Dolnik, for example, argues that even though homegrown cells are "less constrained" in motivations, more challenging plots generally have an inverse relationship with capability, 14 while Michael Kenney cautions against making presumptions about the ease with which individuals can learn to produce viable weapons using only the Internet. 15 However, even most of these pundits concede that low-level CBR attacks emanating from this quarter will probably lead to political, social, and economic disruption that extends well beyond the areas immediately affected by the attack. This raises an essential point with respect to CBRN terrorism: irrespective of the harm potential of CBRN weapons or an actor's capability (or lack thereof) to successfully employ them on a catastrophic scale, these weapons invariably exert a stronger psychological impact on audiences—the essence of terrorism—than the traditional gun and bomb. This is surely not lost on those lone actors or autonomous cells who are as interested in getting noticed as in causing casualties. Proven Capability and Intent While legitimate debate can be had as to the level of potential threat posed by lone actors or small autonomous cells wielding CBRN weapons, possibly the best argument for engaging in a substantive examination of the issue is the most concrete one of all—that these actors have already demonstrated the motivation and capability to pursue and use CBRN weapons, in some cases even close to the point of constituting a genuine WMD threat. In the context of bioterrorism, perhaps the most cogent illustration of this is the case of Dr. Bruce Ivins, the perpetrator behind one of the most serious episodes of bioterrorism in living memory, the 2001 "anthrax letters," which employed a highly virulent and sophisticated form of the agent and not only killed five and seriously sickened 17 people, but led to widespread disruption of the U.S. postal services and key government facilities. 16 Other historical cases of CBRN pursuit and use by lone actors and small autonomous cells highlight the need for further exploration. Among the many extant examples: 17 Thomas Lavy was caught at the Alaska-Canada border in 1993 with 130 grams of 7% pure ricin. It is unclear how Lavy obtained the ricin, what he planned to do with it, and what motivated him. In 1996, Diane Thompson deliberately infected twelve coworkers with shigella dysenteriae type 2. Her motives were unclear. In 1998, Larry Wayne Harris, a white supremacist, was charged with producing and stockpiling a biological agent—bacillus anthracis, the causative agent of anthrax. In 1999, the Justice Department (an autonomous cell sympathetic to the Animal Liberation Front) mailed over 100 razor blades dipped in rat poison to individuals involved in the fur industry. In 2000, Tsiugio Uchinshi was arrested for mailing samples of the mineral monazite with trace amounts of radioactive thorium to several Japanese government agencies to persuade authorities to look into potential uranium being smuggled to North Korea. In 2002, Chen Zhengping put rat poison in a rival snack shop's products and killed 42 people. In 2005, 10 letters containing a radioactive substance were mailed to major organizations in Belgium including the Royal Palace, NATO headquarters, and the U.S. embassy in Brussels. No injuries were reported. In 2011, federal agents arrested four elderly men in Georgia who were plotting to use ricin and explosives to target federal buildings, Justice Department officials, federal judges, and Internal Revenue Service agents. Two recent events may signal an even greater interest in CBRN by lone malefactors. First, based on one assessment of Norway's Anders Breivik's treatise, his references to CBRN weapons a) suggest that CBRN weapons could be used on a tactical

level and b) reveal (to perhaps previously uninformed audiences) that even low-level CBRN weapons could achieve far-reaching impacts driven by fear. 18 Whether or not Breivik would actually have sought or been able to pursue CBRN, he has garnered a following in several (often far-right) extremist circles and his treatise might inspire other lone actors. Second, Al-Qaeda in the Arabian Peninsula (AQAP) released two issues of Inspire magazine in 2012. Articles, on the one hand, call for lone wolf jihad attacks to target non-combatant populations and, on the other, permit the use of chemical and biological weapons. The combination of such directives may very well influence the weapon selection of lone actor jihadists in Western nations. 19

Extinction

Nathan **MYHRVOLD**, PhD in theoretical and mathematical physics from Princeton, former chief technology officer of Microsoft, **13** [July 2013, "Strategic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>]

Several powerful trends have aligned to profoundly change the way that the world works. Technology now allows stateless groups to organize, recruit, and fund themselves in an unprecedented fashion. That, coupled with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be lead players on the world stage. They may act on their own, or they may act as proxies for nation-states that wish to duck responsibility. Either way, stateless groups are forces to be reckoned with. At the same time, a different set of technology trends means that small numbers of people can obtain incredibly lethal power. Now, for the first time in human history, a small group can be as lethal as the largest superpower. Such a group could execute an attack that could kill millions of people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even to drive the human race to extinction. Our defense establishment was shaped over decades to address what was, for a long time, the only strategic threat our nation faced: Soviet or Chinese missiles. More recently, it has started retooling to address tactical terror attacks like those launched on the morning of 9/11, but the reform process is incomplete and inconsistent. A real defense will require rebuilding our military and intelligence capabilities from the ground up. Yet, so far, strategic terrorism has received relatively little attention in defense agencies, and the efforts that have been launched to combat this existential threat seem fragmented. History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by repeatedly attacking us or hectoring us for decades.

Econ

Crushes the economy

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooiti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. "The Toll of Terrorism"
<http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm>

modified for ableist language

New technology has lowered transportation costs and increased trade and capital flows across nations. But the same technology that has fostered international economic growth has also allowed terrorism to spread easily among countries whose interests are tightly interwoven. Terrorism is no longer solely a local issue. Terrorists can strike from thousands of miles away and cause vast destruction. The effects of terrorism can be terrifyingly direct. People are kidnapped or killed. Pipelines are sabotaged. Bombers strike markets, buses, and restaurants with devastating effect. But terrorism inflicts more than human casualties and material losses. It can also cause serious indirect harm to countries and economies by increasing the costs of economic transactions—for example, because of enhanced security measures to ensure the safety of employees and customers or higher insurance premiums. Terrorist attacks in Yemen on the USS Cole in 2000 and on the French tanker Limburg in 2002 seriously damaged that country's shipping industry. These attacks contributed to a 300 percent rise in insurance premiums for ships using that route and led ships to bypass Yemen entirely (Enders and Sandler, 2012). In this article we explore the economic burden of terrorism. It can take myriad forms, but we focus on three: national income losses and growth-retarding effects, dampened foreign direct investment, and disparate effects on international trade.

Domestic Terrorism deters FDI – even small attacks crush investor confidence

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooiti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. "The Toll of Terrorism"
<http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm>

Scaring off investors increased terrorism in a particular area tends to depress the expected return on capital invested there, which shifts investment elsewhere. This reduces the stock of productive capital and the flow of productivity-enhancing technology to the affected nation. For example, from the mid-1970s through 1991, terrorist incidents reduced net foreign direct investment in Spain by 13.5 percent and in Greece by 11.9 percent (Enders and Sandler, 1996). In fact, the initial loss of productive resources as a result of terrorism may increase manyfold because potential foreign investors shift their investments to other, presumably safer, destinations. Abadie and Gardeazabal (2008) showed that a relatively small increase in the perceived risk of terrorism can cause an outsized reduction in a country's net stock of foreign direct investment and inflict significant damage on its economy. We analyzed 78 developing economies over the period 1984–2008 (Bandyopadhyay, Sandler, and Younasis, 2014) and found that on average a relatively small increase in a country's domestic terrorist incidents per 100,000 persons sharply reduced net foreign direct investment. There was a similarly large reduction in net investment if the terrorist incidents originated abroad or involved foreigners or foreign assets in the attacked country. We also found that greater official aid flows can substantially offset the damage to foreign direct investment—perhaps in part because the increased aid allows recipient nations to invest in more effective counterterrorism efforts. Most countries that experienced above-average domestic or transnational terrorist incidents during 1970–2011 received less foreign direct investment or foreign aid than the average among the 122 in the sample (see table). It is difficult to assess causation, but the table suggests a troubling association between terrorism and depressed aid and foreign direct investment, both of which are crucial for developing economies. It is generally believed that there are higher risks in trading with a nation afflicted by terrorism, which cause an increase in transaction costs and tend to reduce trade. For example, after the September 11 attacks on New York City and the Washington, D.C., area, the U.S. border was temporarily closed, holding up truck traffic between the United States and Canada for an extended time. Nitsch and Schumacher (2004) analyzed a sample of 200 countries over the period 1960–93 and found that when terrorism incidents in a pair of trading countries

double in one year, trade between them falls by about 4 percent that same year. They also found that **when one of two trading partners suffers at least one terrorist attack, it reduces trade between them to 91 percent of what it would be in the absence of terrorism.** Blomberg and Hess (2006) estimated that terrorism and other internal and external conflicts retard trade as much as a 30 percent tariff. More specifically, they found that any trading partner that experienced terrorism experienced close to a 4 percent reduction in bilateral trade. But Egger and Gassebner (2015) found more modest trade effects. Terrorism had few to no short-term effects; it was significant over the medium term, which they defined as "more than one and a half years after an attack/incident." Abstracting from the impact of transaction costs from terrorism, Bandyopadhyay and Sandler (2014b) found that terrorism may not necessarily reduce trade, because resources can be reallocated. If terrorism disproportionately harmed one productive resource (say land) relative to another (say labor), then resources would flow to the labor-intensive sector. If a country exported labor-intensive goods, such as textiles, terrorism could actually lead to increased production and exportation. In other words, although terrorism may reduce trade in a particular product because it increases transaction costs, its ultimate impact may be either to raise or reduce overall trade. These apparently contradictory empirical and theoretical findings present rich prospects for future study. Of course terrorism has repercussions beyond human and material destruction and the economic effects discussed in this article. Terrorism also influences immigration and immigration policy. The traditional gains and losses from the international movement of labor may be magnified by national security considerations rooted in a terrorism response. For example, a recent study by Bandyopadhyay and Sandler (2014a) focused on a terrorist organization based in a developing country. It showed that the immigration policy of the developed country targeted by the terrorist group can be critical to containing transnational terrorism. Transnational terrorism targeted at well-protected developed countries tends to be more skill intensive: it takes a relatively sophisticated terrorist to plan and successfully execute such an attack. Immigration policies that attract highly skilled people to developed countries can drain the pool of highly skilled terrorist recruits and may cut down on transnational terrorism. ■

FDI competitiveness is vital to sustained economic recovery

Kornecki '13 [L. PhD in Economics, Prof Embry-Riddle Aeronautical University's College of Business. "Inward FDI in the United States and its policy context" Columbia FDI Profiles, 2/4/13 http://www.vcc.columbia.edu/files/vale/documents/US_IFDI_-_FINAL_-_REVISED_Feb_4_2013.pdf]

Inward foreign direct investment (IFDI) **represents an integral part of the** United States (U.S.) **economy, with** its stock growing from US\$ 83 billion in 1980 to US\$ **3.5 trillion** in 2011. **The United States**, which had earlier been primarily a home for multinational enterprises (MNEs) rather than a host for affiliates of foreign MNEs, has become a preferred host country for FDI since the 1980s. Foreign **MNEs have contributed robust flows of FDI into diverse industries** of the U.S. economy, and total FDI inflows reached US\$ 227 billion in 2011, **equivalent to 15% of global inflows**, the single largest share of any economy. Inflows of **FDI**, with a peak of US\$ 314 billion in 2000 and another of US\$ 306 billion in 2008, **have been an important factor contributing to sustained economic growth** in the United States. The recent financial and economic crises negatively impacted FDI flows to the United States and opened a period of major uncertainty. **The effectiveness of government policy responses at both the national and international levels** in addressing the financial crisis and its economic consequences **will play a crucial role** for creating favorable conditions for a rebound in FDI inflows. **Inward foreign direct investment is an essential component of the U.S. economy, contributing to production, exports and high-paying jobs for the country's workers.** As the world's largest economy, **the United States is well positioned to participate in the increasingly competitive international environment** for FDI that has emerged as both advanced and developing economies have recognized the value of such investment. **The U.S. hosts the largest stock of IFDI among the world's economies and continues to be at the top as a destination for inward FDI flows.**

Threat real

Homegrown terrorism is the most likely scenario for an attack

Zenko 15 -- Zenko covers the U.S. national security debate and offers insight on developments in international security and conflict prevention. "Is US Foreign Policy Ignoring Homegrown Terrorists" <http://www.defenseone.com/threats/2015/05/us-foreign-policy-ignoring-homegrown-terrorists/113197/>

Senior U.S. intelligence and counterterrorism officials increasingly warn of the threat of "lone wolf" individuals attempting terror attacks within the United States. These potential perpetrators are characterized as externally motivated, but predominantly self-directed in plotting and attempting acts of politically and/or ideologically motivated violence. They need not travel to purported foreign "safe havens" to receive training or guidance, nor be in direct contact with terrorist organizations based abroad. Rather, their inspiration, in large part, appears to stem from the principles and narratives promoted by Islamist jihadist groups. On February 12, National Counterterrorism Center Director Nicholas Rasmussen told the Senate Select Committee on Intelligence: "We face a much greater, more frequent, recurring threat from lone offenders and probably loose networks of individuals. Measured in terms of frequency and numbers, it is attacks from those sources that are increasingly the most noteworthy." On February 26, during the annual worldwide threats hearing, Director of National Intelligence James Clapper warned: "Home-grown violent extremists continue to pose the most likely threat to the homeland." Last Friday, Secretary of

Homeland Security Jeh Johnson stated on MSNBC: "We're in a new phase...in the global terrorist threat where, because of effective use of social media, the Internet, by ISIL, al-Qaeda, we have to be concerned about the independent actor who is here in the homeland who may strike with little or no warning..." Finally, yesterday, former CIA deputy director Michael Morell described the messaging efforts of jihadist groups generally and the self-declared Islamic State (IS) more specifically: "Their narrative is pretty powerful: The West, the United States, the modern world, is a significant threat to their religion. Their answer to that is to establish a caliphate. And they are being attacked by the U.S. and other Western nations, and by these apostate regimes in the region. Because they are being attacked they need support in two ways: people coming to fight for them, and people coming to stand up and attack coalition nations in their home." In summary, the most likely—though not most lethal—terror threats to Americans come from individuals living within the United States who are partially motivated to undertake self-directed attacks based upon their perception that the United States and the West are at war with the Muslim world. Remarkably, these two observations have had virtually no impact on U.S. foreign policy discourse. In Washington, there is an agreed-upon, bipartisan understanding that under no circumstances will officials or politicians acknowledge, or even explore, the concept that foreign policy activities might play a role in compelling U.S. residents, who would not otherwise consider terrorism, to plot and attempt attacks. This is somewhat understandable given that there are many different backgrounds, experiences, and precursors that lead people to become violent extremists. Yet, whereas there are constant hearings and debates—even White House summits—about how to "counter violent extremism," there is rarely any consideration of which U.S. foreign policy activities might themselves be precursors to U.S. terrorism. In fact, the only foreign policy decisions that the Obama administration admits might inspire terrorism are those made by Obama's predecessor. The first is one that the White House has tried to reverse since January 2009: detaining terror suspects at Guantanamo Bay, Cuba. Most recently, at a House Armed Services Committee hearing on March 18, Secretary of Defense Ashton Carter endorsed closing the military prison because, "It still provides a rallying point for Jihadi recruiting." The other decision is the 2003 invasion of Iraq; as President Obama stated on March 17, "ISIL is a direct outgrowth of al-Qaeda in Iraq that grew out of our invasion, which is an example of unintended consequences." Of course, another unintended consequence emerged from the U.S.-led airwar in 2011 that ensured the toppling of Muammar al-Qaddafi in Libya. As a U.S. military official told The Wall Street Journal today, "ISIL now has an operational presence in Libya, and they have aspirations to make Libya their African hub. Libya is part of their terror map now." Compare this recent warning to how the State Department described Libya on the eve of the 2011 airwar: "The Libyan government continued to demonstrate a strong and active commitment to combating terrorist organizations and violent extremism through bilateral and regional counterterrorism and security cooperation, particularly on the issue of foreign fighter flow to Iraq." Now, foreign fighters are flowing from Iraq and Syria to establish a stronghold in Libya. This is clearly an unintended, though not at all unsurprising, consequence, but not one that the Obama administration will acknowledge because it happened under its watch. (See also: Are We Downplaying the Risks of Homegrown Terrorism?) More critically, what foreign policy activities are bolstering the narrative of Islamic jihadist groups today? Is it really just the 122 terror suspects still in Guantanamo? What about drone strikes, which themselves are universally hated? Or, what of the support for President Abdel Fattah el-Sisi in Egypt, whose government sentenced that country's first elected leader to death this week? Finally, is the U.S.-led airwar against IS fueling that narrative and making the likelihood of lone wolf attacks within the United States more likely? What else is the United States doing abroad that could be making Americans less safe from lone wolf terrorism at home? Why is this never asked or considered when officials and politicians discuss how the thirteen-and-a-half-year war on terrorism is progressing?

ISIS

ISIS is in the US

Piccoli 15 – Sean, [Ex-DHS, NSA Official: ISIS Terror Cells in US 'Probable'](#)

<http://www.newsmax.com/Newsmax-Tv/Stewart-ABaker-United-States-cells-ISIS/2015/02/12/id/624453/>

It's safe to assume that [there are people with terrorist ambitions](#) and instructions [from the Islamic State](#) operating [inside the United States](#) today, [says a former Department of Homeland Security official](#), agreeing with a similar claim made by [the agency's current chief](#). While hesitating to use the phrase " sleeper cells " to describe these attackers in waiting, former DHS assistant secretary Stewart A. Baker told "MidPoint" host Ed Berliner on Newsmax TV Thursday that [it is "more probable than not" that they are here](#), "and [we](#) certainly [should be acting as though that's likely](#) ." "It is quite possible that [there were foreign fighters](#) from the United States or from other countries [whose names we never got and whose travel to Syria we never flagged](#)," said Baker, "and that [those folks have come back to the United States with instructions to](#) try to [carry out an attack](#) if that's possible." Homeland Security Secretary Jeh Johnson said as much on Sunday, telling CNN's "State of the Union" that [a number of individuals living in the U.S. are in touch with](#) the Islamic State [ISIS](#) and other [terror groups that share "a desire to conduct an attack" against America](#). Johnson said the problem of homegrown or reimported terrorists is worse in Europe than in the U.S., but that on both continents, [social media make it easier for an ISIS or an al-Qaida to recruit fighters from afar or groom lone-wolf terrorists](#) within the targeted countries. It's against that backdrop that President Barack Obama is grudgingly seeking a new congressional authorization for military force against ISIS in Iraq and Syria, said Baker. "It's obvious he would very much like not to be fighting this war," said Baker, a lawyer and former general counsel to the National Security Agency. Obama "came into office thinking he would put an end to the use of force abroad and to unilateral executive decision-making about what force could be used," said Baker, "and he's found himself actually being more Bush than Bush on that topic, taking existing authorities and stretching them far. " His written request to Congress for a war authorization lasting three years is an attempt to "thread a needle," said Baker, "to say, 'Give me a lot of authority but not as much authority as you've given the president in the past,' because he is genuinely ambivalent about whether this is a good idea. "He's written it in a way that authorizes ground troops, just not for very long or in any large numbers," said Baker. "He is visibly uncomfortable doing what he feels he must do, both politically and militarily, and any limits he can come up with, he's glad to embrace, especially if those limitations will mostly be felt by his successor," said Baker. Baker also discussed the new cease-fire in Ukraine agreed to by Russia, which has been hit with international sanctions for backing separatist rebels in Ukraine and annexing Ukrainian territory. German and French leaders Angela Merkel and François Hollande helped broker the truce, but Baker was doubtful that it will last any longer than Russian President Vladimir Putin wants it to. "He is playing, especially, Europe, but he's playing us as well," said Baker. "He's managed to increase the [Ukrainian] territory that is largely under the control of his Special Forces and the rebels, and now the West has more or less validated that new territory in exchange for the same promise he gave last time," when Russia signed a ceasefire agreement in September. "So whether there's a cease-fire depends entirely on whether Putin really wants one," said Baker, "and right now he may simply be saying, 'Well, in order to head off the delivery of arms to the Ukraine, I'll promise them the cease-fire and in a week I can take it back.'"

Vaccines DA

File Notes for Vaccine DAs

There are two ways this vaccination argument can be run:

1. **Surveillance module:** Surveillance functionally solves vaccination. The evidence on this is more specific to disease surveillance and tracking, so it's questionable whether the plan links or not. I don't recommend reading the surveillance module as much.
2. **Culture of rights module:** In the status quo, the pro-vaccination movement is gaining influence, but the plan reverses it by boosting a "culture of rights" that is used by anti-vaccination proponents to justify their beliefs. There are some decent cards in here that say anti-vaccination activists will use the rhetoric of things like Roe v. Wade and GMOs to anti-vaccination rights of parental "choice" and "freedoms".

For the aff section, there is not as much evidence, but I think it is fairly easy to win no link and no impact.

1NC Materials

1NC — Privacy Link

The plan builds on the virtuous cycle for privacy to create more reforms.

Ozer 12 — Nicole Ozer, the Technology and Civil Liberties Policy Director at the ACLU of Northern California (ACLU-NC), where she developed the organization's Demand Your dotRights online privacy campaign, 2012 ("Putting Online Privacy Above The Fold: Building A Social Movement And Creating Corporate Change" *New York University Review of Law & Social Change*, Lexis)

As noted in Part I, n226 one of the primary challenges of establishing a privacy social movement is sustainability. While the privacy community has had success in the past in addressing specific incidents, these successes did not initially lead to a coherent and sustainable privacy social movement. n227 More recently, however, advocates have successfully leveraged the environmental changes discussed in Part II to win specific battles to protect individual privacy. The privacy community has also used those victories to reinforce the climate for change and support the discussion necessary to sustain the nascent social movement. **This has helped to create a much-needed "virtuous cycle" n228 in which each successful advocacy effort reinforces awareness of the ongoing issues concerning online privacy and makes it easier both to challenge specific practices in the future and to lay the groundwork for broader-reaching change.**

1NC — Vaccine Surveillance Module

Bulk surveillance solving disease now – it's key to efficient medical databases that can predict patterns and detect outbreaks – prefer this in the context of evolving diseases and rapid spread.

Santos and Bernardino 6 – Ricardo Jorge Santos, holds a PhD Information Sciences & Tech, faculty member of the Centre of Informatics and Systems of the University of Coimbra; Jorge Bernardino, faculty member of Engineering Institute of Coimbra at the Polytechnic Institute of Coimbra, 2006 (“Global Epidemiological Outbreak Surveillance System Architecture”, 10th International Database Engineering and Applications Symposium, December 14, Available Online at 10.1109/IDEAS.2006.27 via MSU Library, accessed 7/14/15, KM)

Diseases such as avian influenza, severe acute respiratory syndrome (SARS) and Creutzfeldt-Jacob syndrome represent a new era of biological threats. Nowadays, these hazards breed, mutate and evolve at tremendous speed. Furthermore, they may spread out at the same speed as which we travel. This reveals an urgent need for an agent capable of dealing with such threats. Data warehouses are databases which provide decision support by on-line analytical processing (OLAP) techniques. We present the architecture for an effective information system infrastructure enabling the prediction and near real-time detection of disease outbreaks, using knowledge extraction algorithms to explore a symptoms/diseases data warehouse in a continuous and active form. To collect such data, we take advantage of the Internet and features existing in today's common communication devices such as personal computers, portable digital assistants and cellular phones. We present a case-simulation based on a small country, showing the system can detect an outbreak within hours or even minutes after its physical occurrence, alerting health decision makers and providing quick interaction and feedback between all users. The architecture is also functionally independent from its geographical dimension. 1. Introduction A data warehouse (DW) provides information for analytical processing, decision making support and data mining tools. A suitable data model is the core of representing part of the real world in the context of a database. Although many modeling techniques expressed in extended multidimensional data models were proposed in the recent past [5], many major issues such as information system architectures for specific health issues are not properly reflected. Diseases such as avian influenza, SARS and the Creutzfeldt-Jacob syndrome represent a new era of biological threats. New stripes of viruses and bacterias are becoming increasingly aggressive and rapidly adapting to resist vaccines and medication. The speed at which these diseases are mutating and evolving, combined with the fact that they may spreadout at the same rate as people and animals travel, greatens the risk for a major epidemic or pandemic outbreak. It is therefore crucial to detect when a potential outburst might by taking place in order to contain it as quickly as possible and minimize damage it may cause. Our architecture fulfils that need, using knowledge extraction algorithms to explore a symptoms/disease DW, looking for patterns of symptoms to predict the occurrence of a potential outbreak. We also present an experimental evaluation using a case-simulation for a small country. The rest of this paper is organized as follows. In section 2, we refer issues and existing solutions in epidemics and health information systems. In sections 3, 4 and 5, we respectively present our architecture, its database and the main algorithms and methods for outbreak prediction and detection. In section 6 a simulation of the system working for a small country such as Portugal is presented and the final section contains concluding remarks and future work. 2. Background and related work Accessing the Internet today, we can find several institutional and enterprise web portals which provide trustworthy health information (including epidemic and pandemic) such as in [1] by the Aberdeen Group, [7] by Great Britain's NHS, the World Health Organization [10]. We can also use web applications to perform a risk analysis on contagious diseases which can be disseminated through animal contact [9]. The work in [4] refers the importance of mathematical models given historical disease data as a mean of predicting and evaluating forms of action in certain situations. We can also use the Internet for reporting diseases to adequate health services, like what is done by the United States' Centre for Disease Control in what they refer to as “communicable diseases”. However, with new emerging diseases, using historical data based contention plans will not be an efficient way to handle the problem, as shown in [8]. Innovative solutions have emerged based on telecommunication and informatics technology, such as the EMPHIS Project [2], following the perspective and vision of the future presented in [6] by Great Britain's NHS. The architecture presented takes the next step, combining database, knowledge extraction and telecommunication

technologies to aid global health in rapidly predicting and/or detecting the occurrence of epidemic outbreaks, which is vital for minimizing losses and containing potential hazards. 3. The surveillance system's architecture The technological evolution in telecommunications and portable computerized devices makes it possible today to have real-time information availability, practically without geographical dependencies. Taking advantage of an agent with the highest level of availability such as the Internet, our architecture provides the infrastructure for collecting data of occurring symptoms and diseases, and points examples on how to effectively and efficiently process this data to discover symptom and disease associations. This is done achieved by inserting patient symptoms and diseases data in a web server database, which collects all information in a given geographical region and ships it to a DW located in a health decision centre. If the number of discovered cases within that region is considered relevant as a possible epidemic indicator, health decision makers and medical staff are immediately alerted. The architecture has 3 bottom-up tiers or levels, as seen in Figure 1. Symptom/disease data is uploaded by medical staff using personal devices with internet access, such as mobile phones, PDAs or common personal computers, getting stored in the second tier web servers. Each web server has the database and software applications needed to support the first tier requested services. The decision making server in the last tier holds a DW processing non-stop knowledge extraction algorithms finding disease record counts and symptoms/disease patterns in a defined geographical area. If a relevant number of suspicious patterns of symptoms or confirmed occurrences of diseases are detected, health decision makers and medical staff are immediately alerted. Figure 1 represents an example of an implementation covering three defined geographical areas. A major advantage in our proposal is that once the disease/symptom data is recorded, the detection process is much faster than bureaucratic processes used today. Nowadays, when a major disease is observed, medical staff fill in paperwork reporting those cases to entities such as the CDC in the United States or the NHS in Great Britain. These entities process and analyze the amount of cases received from each region and decide if that amount should be considered relevant. These processes usually take days, or, at least, many hours. Furthermore, if a "minor" disease is observed, such as a simple flu, for instance, it is not considered as relevant to report. Although it may be a "minor" disease, if it were to occur in a considerable amount of cases within the same region, it could become an important issue. With our system, this would be almost immediately detected and alerted; in the traditional existing processes it would not be detected, or, in the best case, would be noticed only after some time. For each medical staff disease or symptom input, they may not even physically know, see or even be in contact with each other, but their medical records will be matched almost in a real-time manner, detecting the possibility of an epidemic occurrence. Each second tier web server must contain the following components in order to insure the systems interaction and functionality: a) a data mart containing the database structure and all supporting data for the geographical region and population it serves; b) a web interface for first tier users to input data and to promote interaction between third tier users (health decision makers) and first tier users (medical staff); c) a software application available to first tier users for downloading, which allows working offline the Internet and capable of uploading that data to the second tier web servers whenever requested. This would allow medical staff to work at any location without Internet access; d) a software server component responsible for shipping the collected data to update the third tier DW server. 4. The surveillance system's database Today, most database systems offer features that go beyond management of static data and most information systems are powered by a database. The job of a database is to store data and answer queries. By contrast, the job of an information system is to provide a service, which are semantic entities entailing considerations that span the life cycle of the larger system [3]. Traditionally, database systems have been passive, storing and retrieving data in direct response to user requests without initiating any operations on their own. As the scale and complexity of data management increased, interest has grown in bringing active behaviour into databases, allowing them to respond independently to data-related events. Therefore, given the usage we wish to provide our database, we can look at it as an active database as discussed in [3], for it will be continuously querying and analyzing data and reporting it to the users makers involved in an interactive form. The database holds patient symptoms and disease data records, including both humans and animals. Based upon the characterization of these entities and their attributes, we propose in Figure 2 the partial DW schema supporting human disease outbreak detection. The schema for outbreak prediction is similar and given by adding tables relating to symptom data. The schema for animal disease outbreak detection and prediction are similar to the human schema, linking each animal with the human to which it belongs.

Anti-vaxxers cause outbreaks of dangerous diseases – highly contagious diseases means it will spread quickly.

Sifferlin 14 — Alexandra Sifferlin, Alexandra Sifferlin is a writer for TIME. She covers public health issues including infectious and chronic disease, big ideas in medicine, and breaking news, 3-17-2014 ("Here are some diseases we're seeing thanks to anti-vaxxers," TIME, 3-17-2014, Available Online at <http://time.com/27308/4-diseases-making-a-comeback-thanks-to-anti-vaxxers/>, Accessed 7-14-2015)

These should be avoidable

New York City isn't an anomaly, though. Diseases that are and have been avoidable in the U.S. thanks to vaccines, are resurfacing all across the country. Measles, for instance, was considered wiped out in 2000, but there have been several outbreaks in the past few years. This map shows outbreaks of vaccine-preventable diseases since 2008 (click on "Map" and select which diseases and regions you want to see).

The emergence of these diseases — especially measles — is alarming, and mostly due to parents in the U.S. not vaccinating their kids. "If you are unvaccinated and you come in contact with measles, there's a 90% chance you will get it," says Jason McDonald, a spokesperson for the Centers for Disease Control and Prevention (CDC).

Though measles outbreaks are primarily linked to unvaccinated people, McDonald notes that some vaccines aren't foolproof. For example, the whooping-cough vaccine may lose its efficacy over time. And, overall, most people do get their vaccinations. A CDC report looking at children entering kindergarten for the 2012–13 school year in all U.S. states found that more than 90% of these kids had their vaccines.

Still, there are people — including public figures and celebrities — who don't vaccinate their kids and promote their choices. Most infamously, Jenny McCarthy has espoused her antivaccination position because she believes vaccines are full of toxins and cause autism. When she recently posed a question on Twitter about finding a mate, the vaccination backlash was loud and clear.

Just how harmful are these notions, though? Below are some preventable diseases making a vicious return thanks to people not getting their vaccinations.

Measles

According to the CDC, for every 1,000 children who get the measles, one or two will die. Currently, public-health workers are worried about the situation in New York, but just in the past three months, there have been reported cases of the disease in Massachusetts, Illinois and California. The CDC reports that from Jan. 1 to Feb. 28, 2014, 54 people in the U.S. have reported being infected with measles. On average, there are about 60 cases reported in the U.S. every year. Most people in the U.S. are vaccinated against the measles, but since measles is still around in other countries, those who travel outside of the U.S. can contract it if they are not vaccinated. New York City has not been able to confirm the source of the disease.

Mumps

As recently as Monday, health officials confirmed 23 cases of mumps at Ohio State University. In 2011, there was a mumps outbreak on the University of California at Berkeley campus, with 29 reported cases confirmed by the CDC. The source of the outbreak was thought to be an unvaccinated student who had spent time traveling in Western Europe where there is still a presence of mumps. In 2013, a slightly smaller outbreak of the disease broke out among students at Loyola University in Maryland. The last major occurrence was in 2006, when there was a multistate outbreak of 6,584 reported cases. Less than 20 cases a year was considered usual at the time.

Whooping Cough

Whooping-cough outbreaks are thought to be spurred by waning immunity from the vaccine. However, a 2013 study published in the journal Pediatrics reports that California's worst whooping-cough outbreak, which infected more than 9,000 people, was also encouraged by a large number of kids who were unvaccinated.

Chicken Pox

In 2012, a county in Indiana experienced a major chicken-pox outbreak of more than 80 cases, which was thought to start from an unvaccinated child. The vaccine is 90% effective, so it's possible for people who have been vaccinated to contract the disease.

1NC — Vaccine Culture of Rights Module

Thanks to anti-vaccination proponents, measles risk is high now – pro-vaccination public opinion is reversing the trend.

Salzberg 15 – Steven Salzberg, Bloomberg Distinguished Professor of Biomedical Engineering, Computer Science, and Biostatistics at Johns Hopkins University, former researcher at The Institute for Genomic Research with a focus in sequencing the genomes of many bacteria, including those used in the 2001 anthrax attacks, member of the Human Genome Project and the co-founder of the influenza virus sequencing project, 2015 (“Anti-Vaccine Movement Causes Worst Measles Epidemic In 20 Years”, Forbes, February 1, Available Online at <http://www.forbes.com/sites/stevensalzberg/2015/02/01/anti-vaccine-movement-causes-worst-measles-epidemic-in-20-years/>, accessed 7/20/15, KM)

Measles is now spreading outward from Disneyland in California, in the worst outbreak in years. The epidemic is fueled by growing enclaves of unvaccinated people. The CDC reports that in just the past month, 84 people from 14 states contracted measles, a number that is certainly an under-estimate, because the CDC doesn't record every case. California alone has 59 confirmed cases, most of them linked to an initial exposure in Disneyland. A majority of people who have gotten sick were not vaccinated. For years, scientists (including me) have warned that the anti-vaccination movement was going to cause epidemics of disease. Two years ago I wrote that the anti-vaccine movement had caused the worst whooping cough epidemic in 70 years. And now it's happening with measles. Finally, though, the public seems to be pushing back. Parents are starting to wake up to the danger that the anti-vax movement represents to their children and themselves. What's sad about this – tragic, really – is that we eliminated measles from the U.S. in the year 2000, thanks to the measles vaccine. As this CDC graph shows, we've had fewer than 100 cases every year since. But we had 644 cases in 27 states in 2014, the most in 20 years. And 2015 is already on track to be worse. Measles may become endemic in the U.S, circulating continually, thanks to the increasing numbers of unvaccinated people. Until now, each outbreak was caused by someone traveling from abroad and bringing measles to us. The anti-vaccine movement has turned this public health victory into defeat. Anti-vaxxers have been relentless in the efforts to spread misinformation. Despite overwhelming scientific evidence that vaccines are beneficial, they endlessly repeat a variety false claims, such as: Vaccines cause autism. They don't. The preservative thimerosal in vaccines causes autism. It doesn't. Natural immunity is all you need. It isn't. Measles infects 90% of people exposed to it unless they are vaccinated. A healthy lifestyle will protect you from measles. It won't. Now, finally, some parents are pushing back. Parents and schools in California, where the epidemic began, are concerned that their children will be exposed to measles from unvaccinated children in schools. And the schools are starting to do something they should have done long ago: send the unvaccinated kids home. The problem arises from California's vaccine exemption policy: although public schools require kids to be vaccinated, parents can exempt their kids simply by saying they have a personal objection to vaccination. It's not just California: only two states, Mississippi and West Virginia, don't allow parents to claim a philosophical or religious exemption to vaccines And Colorado has the worst rate of vaccination, at just 82%, primarily due to parents claiming a “philosophical” exemption. These parents are the anti-vaxxers. Thanks to them, we now have large pockets of unvaccinated children through whom epidemics can spread further and faster than we've seen in decades. The CDC reports that in 2014, 79% of measles cases in the U.S. involving unvaccinated people were the result of personal belief exemptions. Anti-vaxxers don't recognize the threat their behavior poses to others, especially to children whose immune systems aren't functioning properly. CNN reported this week on the case of Rhett Krawitt, a 6-year-old California boy who has gone through 4 years of chemotherapy for childhood leukemia. His leukemia is in remission and he's back in school, but the treatment wiped out his immunity, and he's still not ready to get vaccinated. If Rhett gets measles, he might not survive. His father Carl wrote to school district officials to ask them to ban unvaccinated children from school. Krawitt expects the schools to deny his request. Meanwhile, the parents who refuse to vaccinate their kids aren't budging. The New York Times reported on one mother,

Crystal McDonald, who refused to vaccinate any of her four children, after “researching the issue” by reading anti-vaccine websites. When their high school sent her daughter home for two weeks, the daughter asked if she could get the measles shot so she could return. As quoted in the Times, McDonald told her daughter “I said ‘No, absolutely not.’ I said I’d rather you miss an entire semester than you get the shot.” Where does this breathtaking science denialism come from? It’s been building for years, as I and many others have written. The wave began with a 1998 paper published in The Lancet by Andrew Wakefield, claiming that the MMR vaccine was linked to autism. Wakefield’s work was later shown to be fraudulent, and his claims about the vaccine “dishonest and irresponsible.” After lengthy investigations, the paper was retracted and Wakefield lost his medical license. Despite this very public repudiation, Wakefield has stuck to his claims, though, and has spent much of the past 15 years speaking (or perhaps “preaching” would be a better term) to anti-vaccine groups, to whom he is a kind of folk hero. It’s not just Wakefield, though. Anti-vaccine messages have been broadcast aggressively by the group Generation Rescue, led by former Playboy playmate and MTV host Jenny McCarthy, and by Age of Autism, a group dedicated to the proposition that vaccines cause autism. (Age of Autism is doing it again right now.) And just last summer, Robert F. Kennedy Jr. published a new book further promoting the long-discredited claim that thimerosal causes autism. Most of the anti-vax crowd have no scientific training or expertise, which might explain (but doesn’t excuse) their complete ignorance of the science. Over the past 15 years, dozens of studies involving hundreds of thousands of people have shown convincingly that neither vaccines nor any of the ingredients in them are linked to autism. Vaccines are not only safe, but they are perhaps the greatest public health success in the history of civilization. Measles, though, is dangerous. The CDC’s Anne Schuchat had a message for parents this week: “I want to make sure that parents who think that measles is gone and haven’t made sure that they or their children are vaccinated are aware that measles is still around and it can be serious. And that MMR vaccine is safe and effective and highly recommended.” Make no mistake, measles is a very dangerous infection. In the current outbreak, 25% of victims have ended up in the hospital. And it is extremely infectious: the CDC’s Schuchat explained that: “You can catch it [measles] just by being in the same room as a person with measles even if that person left the room because the virus can hang around for a couple of hours.” Perhaps the Disneyland epidemic, which has now spread to 14 states, will finally convince parents, schools, and state legislatures that they need to insist that children get vaccinated before going to school. Perhaps it will also convince parents to stop listening to nonsense, and choose wisely by getting their children vaccinated against measles. We won this battle before, and we can win it again.

Anti-vaccination parents view the debate as a matter of the right to choose – plan gives their views legitimacy.

AP 15 – The Associated Press, 2015 (“Anti-vaccination parents explain their perspectives: ‘We are not anti-science’”, AP, February 23, Available Online at http://www.oregonlive.com/health/index.ssf/2015/02/anti-vaccination_parents_expla.html, accessed 7/14/15, KM)

Anti-vaccination parents include a mix of views -- from religious communities to families practicing alternative medicine and libertarians who shun government interference. But many are Americans with college degrees living in liberal communities such as Santa Monica or Marin County in California and Portland, said Gary Freed, a professor of pediatrics at the University of Michigan. Most hesitant parents do not avoid all vaccinations. They typically under-vaccinate, either delaying the shots until their child is older or refusing certain vaccines while continuing with others, Freed said. The parents who spoke to AP recounted spending hundreds of hours reviewing medical studies, books and news stories and networking on social media. They cited cases of children who were supposedly hurt by vaccines and the existence of a government-run vaccine injury-compensation program. And they worried about the oversight of pharmaceutical companies that reap profits from vaccines and are shielded from liability when a vaccine causes harm. Moore said she read a 1998 study published in The Lancet journal by Dr. Andrew Wakefield, who raised the possibility of a link between the measles-mumps-rubella vaccine, bowel disease and autism. She said she knows the study was later discredited and retracted. She believes the research was inconclusive. Moore concedes that the vast majority of studies show vaccines are safe, but she says some research points to inconsistencies, unknowns or negative effects that deserve further investigation. And while autism is still a concern, Moore and others also worry about how exposure to chemicals, bad nutrition and stress can affect genes and health. They say large doses of synthetic additives found in vaccines, including aluminum and mercury, can harm the immune and digestive systems and brain. They’re believers in living naturally and eating organic food who also question the safety of genetically modified organisms, pesticides and other common substances such as flame retardants and plastics. “There are so many environmental toxins, but anything in my children's world that I can influence I

do," Moore said. The CDC has phased out a mercury-containing preservative in vaccines as a precautionary measure, and the agency says vaccines containing aluminum pose extremely low risk to infants. Federal officials also say GMOs in foods are safe, as are pesticides if used according to labels. These parents say they should be able to decide whether their child undergoes a medical procedure -- a decision, they say, that goes to the core of what it means to have freedom of choice. "I have the right to decide what to put into my child's body," said Heather Dillard, a mom in Springfield, Missouri, who is also a registered nurse. "Nobody has the right to put toxic chemicals into my son's bloodstream. That's taking my rights away, and it's very scary to me." Dillard said she decided against vaccinating because her first child was born a preemie and has autism. Dillard does not believe vaccines caused the autism, but the disease led her to do a lot of research about health. She says she now chooses to build her son's immunity naturally, through diet, while avoiding shots or other medication. Dillard and others say they are not worried about measles because their children have strong immune systems. They cite statistics: Out of the 1,000-plus measles cases in the past decade, there was not a single death. "What I'm more nervous about is the hysteria that would result," if her children were to get ill, Moore said. Moore said she does worry about affecting children who are immune-compromised and cannot be vaccinated. Before visiting friends with babies or young children, she said, she always informs them her twins are not vaccinated "so they have the power to make a choice." She also keeps the girls home at any sign of sickness. Researchers say berating parents who oppose vaccines will not persuade anyone and only puts people on the defensive. Educational messages from health officials may also make little difference and could, in fact, be counterproductive, said Brendan Nyhan, assistant professor of government at Dartmouth College. A study conducted by Nyhan and his colleagues last year showed that when parents were presented with evidence that vaccines do not cause autism or that measles cause great harm, some ended up feeling even more ambivalent. "We tend to be skeptical toward information that contradicts our existing views," Nyhan said. If Oregon were to take away the right to a vaccine exemption, Moore said, she would likely home-school her twins. She's keeping an open mind about vaccinating as her children get older, but hopes more studies on the long-term effects of vaccines can help dispel her doubts. "I worry about living in a society that's progressively more intolerant toward any dissent," Moore said. "All scientific advances have come from questioning the status quo."

Anti-vaxxers cause outbreaks of dangerous diseases – highly contagious diseases means it will spread quickly.

Sifferlin 14 — Alexandra Sifferlin, Alexandra Sifferlin is a writer for TIME. She covers public health issues including infectious and chronic disease, big ideas in medicine, and breaking news, 3-17-2014 ("Here are some diseases we're seeing thanks to anti-vaxxers," TIME, 3-17-2014, Available Online at <http://time.com/27308/4-diseases-making-a-comeback-thanks-to-anti-vaxxers/>, Accessed 7-14-2015)

These should be avoidable

New York City isn't an anomaly, though. Diseases that are and have been avoidable in the U.S. thanks to vaccines, are resurfacing all across the country. Measles, for instance, was considered wiped out in 2000, but there have been several outbreaks in the past few years. This map shows outbreaks of vaccine-preventable diseases since 2008 (click on "Map" and select which diseases and regions you want to see).

The emergence of these diseases — especially measles — is alarming, and mostly due to parents in the U.S. not vaccinating their kids. "If you are unvaccinated and you come in contact with measles, there's a 90% chance you will get it," says Jason McDonald, a spokesperson for the Centers for Disease Control and Prevention (CDC).

Though measles outbreaks are primarily linked to unvaccinated people, McDonald notes that some vaccines aren't foolproof. For example, the whooping-cough vaccine may lose its efficacy over time. And, overall, most people do get their vaccinations. A CDC report looking at children

entering kindergarten for the 2012–13 school year in all U.S. states found that more than 90% of these kids had their vaccines.

Still, there are people — including public figures and celebrities — who don't vaccinate their kids and promote their choices. Most infamously, Jenny McCarthy has espoused her antivaccination position because she believes vaccines are full of toxins and cause autism. When she recently posed a question on Twitter about finding a mate, the vaccination backlash was loud and clear.

Just how harmful are these notions, though? Below are some preventable diseases making a vicious return thanks to people not getting their vaccinations.

Measles

According to the CDC, for every 1,000 children who get the measles, one or two will die. Currently, public-health workers are worried about the situation in New York, but just in the past three months, there have been reported cases of the disease in Massachusetts, Illinois and California. The CDC reports that from Jan. 1 to Feb. 28, 2014, 54 people in the U.S. have reported being infected with measles. On average, there are about 60 cases reported in the U.S. every year. Most people in the U.S. are vaccinated against the measles, but since measles is still around in other countries, those who travel outside of the U.S. can contract it if they are not vaccinated. New York City has not been able to confirm the source of the disease.

Mumps

As recently as Monday, health officials confirmed 23 cases of mumps at Ohio State University. In 2011, there was a mumps outbreak on the University of California at Berkeley campus, with 29 reported cases confirmed by the CDC. The source of the outbreak was thought to be an unvaccinated student who had spent time traveling in Western Europe where there is still a presence of mumps. In 2013, a slightly smaller outbreak of the disease broke out among students at Loyola University in Maryland. The last major occurrence was in 2006, when there was a multistate outbreak of 6,584 reported cases. Less than 20 cases a year was considered usual at the time.

Whooping Cough

Whooping-cough outbreaks are thought to be spurred by waning immunity from the vaccine. However, a 2013 study published in the journal Pediatrics reports that California's worst whooping-cough outbreak, which infected more than 9,000 people, was also encouraged by a large number of kids who were unvaccinated.

Chicken Pox

In 2012, a county in Indiana experienced a major chicken-pox outbreak of more than 80 cases, which was thought to start from an unvaccinated child. The vaccine is 90% effective, so it's possible for people who have been vaccinated to contract the disease.

2NC/1NR Materials — Privacy Link

2NC Privacy Winners Win Link

Plan shores up support for privacy which spills over.

Ozer 12 — Nicole Ozer, the Technology and Civil Liberties Policy Director at the ACLU of Northern California (ACLU-NC), where she developed the organization's Demand Your dotRights online privacy campaign, 2012 ("Putting Online Privacy Above The Fold: Building A Social Movement And Creating Corporate Change" *New York University Review of Law & Social Change*, Lexis)

Unlike modern software, privacy practices and laws do not auto-update. There must be sustained public pressure to support real change. Since 2009, the privacy community has been able to leverage factors to start to build a viable social movement to push for legal and policy change. The next several years will be significant in determining whether a privacy social movement is able to grow and mature like the environmental movement by utilizing recent successes and current attention to put down roots, mobilize broad public support, and achieve major reforms. It is my hope that, by reflecting on recent successes related to online privacy, identifying factors that have contributed to these advances, and [*281] suggesting a focus for privacy work that can reinforce these factors and break down remaining obstacles, this article contributes to the discussion of why and how the privacy community should build and sustain a viable social movement. If the privacy community can continue building the necessary infrastructure and taking the strategic policy steps necessary to increase transparency about how an individual's own information flows through the data ecosystem, it will be possible to sustain a large-scale social movement to ensure that, as technology advances, privacy protections are safeguarded in the modern digital world.

Studies prove that awareness of privacy consequences create impetus for more privacy.

Lewis, Kaufman, and Christakis 8 — Kevin Lewis, Ph.D. candidate in the Department of Sociology at Harvard University, Jason Kaufman, Ph.D., is a research fellow at the Berkman Center for Internet & Society at Harvard University, Nicholas Christakis, M.D., Ph.D., M.P.H., is a Professor in the Department of Sociology and Health Care Policy at Harvard University, 2008 ("The taste for privacy: An analysis of college student privacy settings in an online social network" *Journal of Computer-Mediated Communication* 14(1) Wiley)

Finally, our data are relevant to understanding online privacy more generally—especially within fledgling communication technologies like SNSs. In Ruling the Waves: Cycles of Discovery, Chaos, and Wealth From the Compass to the Internet, Debora Spar (2001) argues that new technologies tend to undergo a predictable pattern of transitions. At first, they are concentrated only among a small group of "innovators." This phase is characterized by excitement, freedom, and creativity. Next, the technology becomes "commercialized," as the lay public rushes en masse to adopt it. Eventually, however, this rapid growth outstrips the spirit of the innovative period. Problems of coordination and competition foster "creative anarchy" and the search for freedom is replaced by a demand for property rights. Finally, government enters the scene, restoring order at the behest of the very pioneers who once sought to escape it. While not identical in form, the negotiation of privacy in online settings may be characterized by a similar

pattern. When a new technology such as Facebook is released, there is a high degree of ambiguity over appropriate norms of conduct—the very definition of this space as public or private is contested. College students, professors, parents, employers, and Facebook itself each have different and potentially conflicting interests in the way the technology is used. Students are surely aware that the information they post is “public”—but the full extent and possible consequences of this display may not be recognized by all. Slowly but inevitably, excitement outstrips precaution. The technology diffuses throughout the population, and users provide ever more data on their profiles—all the while maintaining the (rather permissive) default privacy settings, not yet having reason to do otherwise (see Mackay, 1991). Eventually, however, this behavior becomes consequential. The boundary between public and private is suddenly and unequivocally asserted by virtue of being overstepped. Users venture too far into public space with private details, and the consequence is a crashed party, a lost job opportunity, or—at an extreme—sexual assault or identity theft. Awareness is suddenly raised for a certain type of user: those users concerned with safety, or with maintaining a division between their public “face” and their online profile, or whose own high level of online activity gives them a better perception of their surroundings; this awareness spreads, most directly through the social ties represented by Facebook friendships and cohabitation. Communication about the importance of noncommunication takes place. The upshot of this process is that a normative boundary emerges where before none existed. Facebook is increasingly recognized as a space within which some precaution must be exercised, and users respond by retreating behind a virtual line of privacy—in proportion to the extent to which their awareness has been raised by a concern that applies to them personally. Here, we have considered such a progression from excitement and ambiguity to (self-) regulation. However, rather than regulation being at once explicit, legal, and externally imposed (by government), the public/private boundary on Facebook is implicit, normative, and internally negotiated. We may thus see new online spaces as “self-regulating systems” where awareness is the impetus for change and equilibrium the final product—both proceeding along a pattern of predictable regularities. In the meantime, researchers of SNSs will watch their study populations wax and wane, and the sites themselves may become less open and more exclusive. Whether users will still “Facebook” in the future to share ideas and social ties, or whether the form and/or site of these interactions will change, remains to be seen.

2NC Congressional Action Link

The plan enables reform and self-regulation — it reclaims congressional decision-making authority on intelligence and spurs executive action

Berman 14 — Emily Berman, Visiting Assistant Professor of Law, Brooklyn Law School, LL.M. (Masters of Law) from New York University School of Law, J.D. from New York University School of Law, B.A. from Duke University, 2014 (“Regulating Domestic Intelligence Collection,” *Washington & Lee Law Review* (71 Wash. & Lee L. Rev. 3), Available Online to Subscribing Institutions via EBSCO Host)

The FBI’s mandate to protect civil liberties can be viewed as a “secondary” mission—one that frequently comes into tension with its primary mission of preventing security threats.²⁵⁶ Studies show that an agency will focus on what it considers to be its primary mission, and it will shirk on performing “secondary” or less easily evaluated goals.²⁵⁷ As a secondary mission, protection of civil liberties is, therefore, sure to be short-changed in favor of security in the same way that environmental concerns have so often gone under-addressed in favor of development or other economically profitable activities.

2. Relieving the Tension Among Multiple Missions

Fortunately, several administrative law strategies suggest ways to ensure that the Guidelines regime sufficiently takes into account civil liberties concerns as well as security concerns.²⁵⁸ Though all of the options discussed below are possible paths to follow, the final two approaches discussed below seem particularly promising.

Congress Reclaims Authority.

One option, of course, is for Congress simply to relieve an agency of responsibility for one of [End of p. 67] the competing goals, **reclaiming that decision-making authority for itself.**²⁵⁹ Following revelations of civil liberties violations in the 1970s, Congress reclaimed some decision-making authority regarding the executive’s surveillance powers by enacting the Foreign Intelligence Surveillance Act (FISA).²⁶⁰ Or Congress could generate more piecemeal limitations, barring particular techniques that pose threats to civil liberties, or defining the circumstances under which such techniques could be used.

Congress could, for example, statutorily reinstate the rule regarding the use of undercover agents to investigate First Amendment protected activities as it existed in the Guidelines in 2001, which required that the FBI have probable cause or a reason to believe a crime had been committed before sending an agent into the meetings of a religious or political group.²⁶¹ Congress need not legislate to bring such changes about. If Congress wanted to alter particular investigative tactics, or even to pressure the Justice Department to adopt of its own volition the type of procedural framework suggested in this Article, it has an array of tools at its disposal to press for its desired policy change. Just the threat of legislation, so long as it is credible, **can spur executive action**. Recall that the original Attorney General’s Guidelines were implemented to sap the momentum from Congress’s efforts to enact a legislative charter for the FBI.²⁶² So long as the option of enacting an FBI charter remains a viable means for Congress to limit the Attorney General’s discretion when it comes to FBI investigations, the threat of such legislation

can be used to press for Congress's desired policy outcomes. Congress possesses carrots as well as sticks—its control over the FBI and Justice Department's budget also can impose a great [End of p. 68] deal of pressure for policy change. Given the political economy of this policy area,²⁶³ however, reliance on Congress to reconcile the tension between the FBI's security mission and civil liberties is not the most promising route.

2NC Privacy Policy Link

Privacy policies like the aff build the infrastructure for future privacy social movements

Ozer 12 — Nicole A. Ozer, the Technology and Civil Liberties Policy Director at the ACLU of Northern California, developed the organization's Demand Your dotRights online privacy campaign, 2012 ("Putting Online Privacy Above The Fold: Building A Social Movement And Creating Corporate Change," *New York University Review of Law & Social Change* (36 N.Y.U. Rev. L. & Soc. Change 215), Available Online to Subscribing Institutions via Lexis-Nexis)

Conclusion

Unlike modern software, privacy practices and laws do not auto-update. There must be sustained public pressure to support real change. Since 2009, the privacy community has been able to leverage factors to start to build a viable social movement to push for legal and policy change. The next several years **will be significant** in determining whether a privacy social movement is able to grow and mature like the environmental movement by utilizing recent successes and current attention to put down roots, mobilize broad public support, and achieve major reforms. It is my hope that, by reflecting on recent successes related to online privacy, identifying factors that have contributed to these advances, and [*281] suggesting a focus for privacy work that can reinforce these factors and break down remaining obstacles, this article contributes to the discussion of why and how the privacy community should build and sustain a viable social movement. If the privacy community can continue building the necessary infrastructure and taking the strategic policy steps necessary to increase transparency about how an individual's own information flows through the data ecosystem, it will be possible to sustain a large-scale social movement to ensure that, as technology advances, privacy protections are safeguarded in the modern digital world.

2NC New Reform Link

Even limited reform created some momentum — plan creates the opportunity for further reform

Kopstein 15 — Joshua Kopstein, cyberculture journalist and researcher focusing on Internet law and disorder, surveillance and government secrecy, 2015 (“USA Freedom Act gives NSA everything it wants — and less,” *Al-Jazeera America*, June 2nd, Available online at <http://america.aljazeera.com/blogs/scrutineer/2015/6/2/usa-freedom-act-gives-nsa-everything-it-wants--and-less.html>, Accessed 7-21-15)

Even people within the NSA have been candidly celebrating the Freedom Act's surveillance “reforms,” calling it “a nothingburger for the privacy community.” And they might be right — with so many overlapping and redundant surveillance authorities, it'd be foolish to think the Freedom Act has ended bulk collection in any significant capacity.

That doesn't mean there's no reason to celebrate the first step, but **Congress will have to hit the ground running if it wants to build on the Freedom Act's momentum.**

In the House, Reps. Thomas Massie, R-Ky., and Zoe Lofgren, D-Ca., are already proposing an amendment to an upcoming “must-pass” Department of Justice appropriations bill that would stop the agency from compromising encryption standards, a measure that was removed from the original Freedom Act. (In September of 2013, Snowden revealed that the NSA and its British counterpart GCHQ routinely inject vulnerabilities into commonly used encryption software and influence the development of crypto standards from within the scientific community.)

A separate amendment to the same bill, by Lofgren and Republican Ted Poe of Texas, would also block the FBI from demanding these encryption backdoors. And another from Colorado Democrat Jared Polis would block the Drug Enforcement Administration from collecting bulk phone records — a response to recent reports that the agency for decades ran a domestic phone records database that preceded the NSA's.

Barring all that, the next major opportunity to challenge NSA surveillance won't be until 2017, when Section 702 of the Foreign Intelligence Surveillance Act is due to expire. But now that more transparency is in place, Congress has a chance to make up for the Freedom Act's shortcomings by putting the wheels in motion for real, comprehensive reform.

They Say: “Link Non-Unique — Generic”

Privacy movement is losing momentum — success strategies haven’t translated into wins.

Hosein 09 — Gus Hosein, Executive Director of Privacy International and Previous Visiting Senior Fellow at the London School of Economics and Political Science, 2009 (“Challenges in Privacy Advocacy,” *Reinventing Data Protection*, Edited By Serge Gutwirth, Yves Poullet, Paul De Hert Cecile de Terwangne, Sjaak Nouwt, pg. 254-255)

Over the past decade the landscape for privacy protection has transformed. A decade ago, privacy groups were focused on a number of policing and national security campaigns (e.g., closed-circuit television cameras), communications surveillance (e.g., surveillance being designed into the infrastructure), communications security (the ‘crypto-wars’) and free expression issues (particularly on-line issues). Privacy campaigners also focused on the private sector surveilling its customers, whether through collecting medical records (e.g., US laws on health insurance), financial records (e.g., credit records), or the then-budding area of electronic commerce. Campaign successes were achieved through coalition building and educational campaigns on the importance of privacy. Media organisations were becoming more aware of these challenges and began regularly covering some of these issues, though they were often too arcane for the general population. Politicians were coming to terms with the new political realities of the globalisation of markets, the movement of people and data across borders and technological advancements. It was still a nascent field in many ways, with a few strong leaders and small groups making the most out of their small resources. In the last ten years, the challenges grew, the coalitions fragmented and the moods of the public and the media fluctuated. The level of uncertainty rose, along with the stakes. Privacy groups were caught in the storm of trying to research the policies while rushing out responses to media and political developments. A number of successful ‘response’ strategies emerged. Media organisations around the world documented the greater incursions upon the private lives of the individual, with a particular focus on the actions of the US government even if it meant ignoring domestic programmes. Parliaments and privacy commissioners issued condemnations and damning analyses of proposed plans to collect, profile and share data. Legal and academic institutions released studies assessing proposed policies and identifying the fault lines. Some national constitutional courts released opinions that upheld the right to a private life, though surprisingly the number of cases brought before these courts dwindled. Despite these response strategies there have been practically no clear ‘wins’ in the past decade. Indeed, some amendments to policies have increased oversight and reduced harms. Some policies have withered, such as the data profiling of US citizens, whether under the ‘Total Information Awareness’ project (TIA) or the ‘Computer Aided Passenger Pre-Screening Program’ (CAPPS II), though the creators of these systems are insisting that these programmes be offered lifelines. Meanwhile, Europe seems set to become the next home of data-mining as these systems are the subject of government-funded research and play a key component in future government plans. As examples, the EU-funded iTRACS consortium is conducting research into data mining techniques that can be applied to financial, travel and communications data, albeit in a privacy protective way (if this is possible); and the EU plans for next generation border management that involves the collection and mining of travel, biographic, biometric and behavioural data. Just as bad policies travel

worldwide, rarely has a privacy-invasive bill not become law, a technological infrastructure not been developed, a data collection scheme abandoned. Even the withering programmes and policies have returned under new guises. As examples, data profiling systems re-emerged in the US to be applied at the border under the 'Automated Targeting System'; UK Parliamentary initiatives to reduce the invasiveness of plans to analyse communications records were corroded when the UK government managed to push a more invasive policy through the European Union; data breach legislation is being watered down to minimise the impact upon companies while disarming the rights of consumers. Many of these surveillance initiatives outlast the campaigns to oppose them. Often the decisions to implement surveillance systems take place behind closed doors, after controversies have subsided to some extent. The Passenger Name Record debate is a key example of this: original campaigns in 2003 against the US plans seem to lead somewhere as the EU was rejecting US demands for data from EU carriers. By 2004 a limited agreement was settled upon and another campaign followed that questioned the legality of the agreement. Many twists and turns later, we ended up in 2006 with an interim agreement that was worse and in 2007 with an agreement that was even worse than that. In the end, the EU agreed to an expansive regime of data sharing with the US because, behind closed doors, the EU was hoping that the US would offer data from its own carriers to the EU for its own expansive purposes. Campaigners tried as much as they could to follow this arcane issue during its 5 year gestation period but they were eventually shut out of a negotiations process involving secret agreements and oversight arrangements that involved non-disclosure agreements.

No momentum for privacy reform now — only the most privacy conscious of individuals disrupt big data's control

Mohan 13 — Vivek Mohan, Associate with the Science, Technology and Public Policy Program's (STPP) Project on Technology, Security, and Conflict in the Cyber Age (Cyber Project) at the Harvard Kennedy School's Belfer Center for Science and International Affairs, J.D. from Columbia, 2013 ("Privacy Consciousness in the Big Data Era," *Hive*, May 13th, Available online at http://belfercenter.ksg.harvard.edu/publication/23095/privacy_consciousness_in_the_big_data_era.html, Accessed 7-20-15)

Exploring how we are coping with our inability to answer the questions "who owns my data? And...why do they have it?" has become an increasingly popular topic for the mainstream media (notably, the Slipstream column in the New York Times). But prayers for regulation aside, the collection, use, and resale of data that was once exceptionally private is here to stay.

I'm not here to vilify data collectors — far from it. Despite my strong inclination towards maintaining the traditions of days past (I'm probably the only person in his twenties who still reads physical newspapers), societal inertia cannot be held up ipso facto to argue for stronger privacy protections when we ourselves are responsible for sharing the data that is now traversing the endless servers of cyberspace. The benefits of the big data revolution are myriad, cut across sectors, and the best is surely yet to come.

But how did we get to the point where I — theoretically a privacy and cybersecurity expert — find myself inured to the amount of data that I'm signing away the rights to at any given time? (Although, I must say it is comforting to say that it's not quite 1984 in the land of big data — Google Now seems to think I'm a Cubs fan). To focus the conversation a bit, let's focus on mobile

— and let's talk about how application and ecosystem developers together have, for lack of a better word, **conspired to remove bargaining power over data ownership from the individual.**

We are all (presumably) familiar with the process of installing an app on a smartphone. Once an app has been located on Google Play or the Apple App Store, we tap "install," whereupon we are presented with a list of device features that the app requests permission to access. I'm sure many of you — like me — have asked yourself "Why does that program need access to my GPS location?" It's even possible that when faced with a particularly egregious misrepresentation as to what's new in an app, you have refused to update. But that puts you in the minority — the rest of us absentmindedly tap "Accept and Download" and move on living our monitored lives.

How many crashes do you think were fixed by Facebook having more access to location data?

How did we end up here? Well, app developers have a pretty sweet deal given the current mobile ecosystems. In a classic case of fine print combined with unequal bargaining power, the ability of consumers to control their data have been eviscerated in a totally legal way. If you don't agree to the proposed permissions, you can take your smartphone and go home — you don't get to play with the latest, greatest apps. Those responsible for the major mobile ecosystems — Apple and Google — made a decision at some point, perhaps for technical reasons, to disallow users from toggling individual permissions on an app — it is all or nothing.

In this world, why wouldn't Facebook throw the kitchen sink of permissions in? **Only the most privacy conscious of individuals would be willing to give up the benefits** of such a critical app for the marginal, ineffable privacy benefits — after all, the preinstalled Google Maps is already collecting your location — what's the matter if Facebook has it as well?

In essence, the bigger and more valuable the app, the more able the developer is to collect data — on the terms that he or she sees fit. If the terms of service of the app say the data can be resold, that's that — the consumer has entered into a contractual relationship with the developer — in law school, we called this a "meeting of the minds." I'd argue that given current data collection practices, consumers and data collectors are about as far as possible from reaching a "meeting of the minds" each time an app is downloaded.

From a legal standpoint, this is all squeaky-clean. There isn't much law enforcement can do about it — disclosure cures all, and the major ecosystems are quick to disclose what apps are, at a hardware level, able to do. The Federal Trade Commission and state attorneys general, the agencies empowered to protect consumers, find themselves hamstrung absent a misrepresentation — and even in the most egregious cases, this usually ends up leading to a minor civil settlement and a change in the privacy policy — not exactly the biggest win for consumers.

As an entrepreneur developing applications that take advantage of the plentiful data collected and disseminated by today's app economy, it's easy to be of the mindset that collecting all the data that you can and sorting it out later is the best way to go. But it is important to take a strategic view — the present inequality in bargaining power will not last forever. Those developers are privacy conscious, and expressly so, will be hailed as leaders when the

pendulum of privacy norms in our society swings the other way. That said — don't hold your breath for Congress.

No momentum for change — actors like Verizon and Google have historically determined the future of surveillance

Agur 13 — Colin Agur, a PhD candidate in communications at Columbia University and a visiting fellow at Yale Law School's Information Society Project, 2013 ("Negotiated Order: The Fourth Amendment, Telephone Surveillance, and Social Interactions, 1878-1968," *Information & Culture: A Journal of History*, Volume 48, Number 4, Available Online to Subscribing Institutions via Project Muse)

For researchers of telecommunications and the law, the history of telephone surveillance offers important lessons. In telephone surveillance [End of p. 441] we see how decisions by actors gave a device a particular social meaning and how that meaning evolved over time and space thanks to an ongoing negotiation process among the key actors. Human agency played a significant role in the formation of rules on telephone surveillance, and the social organization that emerged in the late 1960s was the result of a long-term negotiation involving a wide range of participants. Thus, **rather than a case of a technology determining or** (in the words of Thomas Hughes) **giving "momentum"** to a set of social changes,¹¹² the jurisprudence governing telephone surveillance has been constructed by those who were able to establish practices and norms in telephony. In our efforts to understand the negotiation of telephone surveillance law and Fourth Amendment jurisprudence, Balkin's theory of cultural software serves us well. By examining a long-term economy of exchange involving technological, institutional, and cultural inputs, we can understand the social organization of the law. And by focusing on the negotiations and contexts in which they took place, we can understand the role of ideology in institutional practices, Supreme Court decisions, and legislation. At the same time, the history of telephone surveillance law helps us see the limitations of ideology and the importance of human agency. The actions of key agents, from engineers to administrators to lawmakers to judges, each contributed to ideology, which in turn shaped the evolution of Fourth Amendment jurisprudence.

They Say: “Link Non-Unique — NFA”

The link is unique — the New Freedom Act allowed momentum to dissipate and extended 215

Raimondo 14 — Justin Raimondo, an American author and the editorial director of Antiwar.com, 2014 ("The 'USA Freedom Act' Is A Fraud," *Antiwar.com*, November 17th, Available Online at <http://original.antiwar.com/justin/2014/11/16/the-usa-freedom-act-is-a-fraud/>, Accessed 7-21-2015)

Some civil liberties groups, like the ACLU and the Electronic Frontier Foundation, argue that the present bill is "a first step," and is better than nothing. This is nonsense: this bill is worse than nothing. With the passage of the USA Freedom Act the momentum for real reform will be blunted and allowed to dissipate. Further efforts to roll back the awful power of the NSA will be met with cries of "Didn't we already do this?" If this bill passes, the Washington insiders will win out, and the Surveillance State will remain intact – arguably even more powerful than before.

Some may say: But aren't you taking an all-or-nothing attitude? The answer is: not at all. A real reform means a partial reining in of the NSA, with no new extensions of its reach. This bill includes a full-scale codification of abuses coupled with ambiguous and easily reinterpreted "reforms" that don't mean what they appear to mean.

New surveillance reform reaffirms a changing political climate

The Hill 15 — The Hill, 2015 ("Spy critics eye next targets," Byline Julian Hattem, June 4th, Available Online to Subscribing Institutions via Lexis-Nexis, Accessed 07-14-2015)

Critics of government surveillance hope they're in the middle of a sea change.

Passage of legislation this week to rein in the National Security Agency was the first major congressional action to limit government spying in a generation, and it was a move away from the aggressive national security measures put in place after the Sept. 11, 2001 attacks.

But whether the congressional view of surveillance has changed for good remains to be seen, with the battle over NSA reform set to play out again during the 2016 race for the White House.

Civil libertarians on both sides of the aisle vowed to harness the momentum of their victory on the USA Freedom Act to push for other protections.

"This is only the beginning," said Sen. Ron Wyden (D-Ore.), one of Congress's most vocal privacy hawks. "There's a lot more to do."

The USA Freedom Act renews Section 215 of the Patriot Act and two other provisions that had expired on Monday morning. But in doing so, it also ends the NSA's bulk collection of U.S. phone records and other data.

The bill reauthorizes the Patriot Act provisions through Dec. 15, 2019, setting the stage for another showdown during the next administration.

But civil libertarians want to go much further to curb government spying.

2NC/1NR Materials — Vaccine Surveillance

Uniqueness – Surveillance now good

Vaccination surveillance solves preventable disease now – surveillance is key to refining coverage goals, effectiveness, and research.

Smith et al 11 – Philip J. Smith, PhD, Professor of Chemical Engineering at the University of Utah; David Wood, MD, nationally and internationally recognized cancer surgeon; and Paul M. Darden, MDc, General Pediatrics Professor and Section Chief at the College Of Medicine/Peds at the University of Oklahoma, 2011 (“Highlights of Historical Events Leading to National Surveillance of Vaccination Coverage in the United States”, National Center for Biotechnology Information, Available Online at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3113425/>, accessed 7/14/15, KM) **edited for gendered language

The number of cases of most vaccine-preventable diseases is at an all-time low,¹⁴⁷ and hospitalizations and deaths from these diseases have also shown striking decreases. Our national vaccine recommendations in the U.S. target an increasing number of vaccine-preventable diseases for reduction, elimination, or eradication.¹⁴⁸ This success has been achieved at least in part because vaccination coverage among young children in the U.S. has reached record highs with estimated national coverage that exceeds 90% for many recommended vaccines.¹¹⁰ Achievement of this success has been due in part to the assessment of vaccination coverage. Assessment enables vaccination program managers to learn the extent to which their efforts have achieved vaccination coverage goals and to implement interventions or change policies to improve coverage. Also, assessment is an essential component in evaluating vaccine effectiveness, examining the relationship between increased coverage and population disease burden, monitoring vaccine safety, and studying public perceptions about vaccines. Across the U.S., both the rich and poor¹⁴⁹ live with little concern for many infectious diseases because of the great effort and sacrifice that has been made to develop and implement vaccination programs.¹⁵⁰ For the first time in the history of humankind, there is a nation where there is freedom from the fear of illness or death from what were formerly endemic killer diseases. Maintenance of that freedom depends, in part, on remembering what has gone before us, removing the barriers that remain in affording access to safe and effective vaccines for all people, using science to discover ways to prevent other diseases we have not yet conquered, and remaining diligent about knowing where we are through continued assessment of how well the nation is protected from vaccine-preventable diseases.

Link – Surveillance/tracking

Surveillance and tracking is key to effective vaccination – polio proves.

Ahmed 15 – Beenish Ahmed, World Reporter at ThinkProgress, former NPR Kroc Fellow, holds an MPhil in Modern South Asian Studies from the University of Cambridge as a Fulbright Scholar to the United Kingdom, 2015 (“How One Country Deals With Anti-Vaxxers: Arrest Them”, Think Progress, March 4, Available Online at <http://thinkprogress.org/world/2015/03/04/3629337/pakistan-polio-arrests/>, accessed 7/14/15, KM)

Last year while I was in Pakistan, a bus I took from Peshawar to Islamabad was hailed down by a small team of polio vaccinators. This wasn't surprising – we had after all, left a city the World Health Organization has called the single “largest reservoir” of the polio virus – but what proceeded seemed to undermine any hope that the disease which has been eradicated in most of the world can be fully snubbed out in Pakistan. The bus driver pulled over to a small gravel patch just as stretches of mustard fields and mud huts turned into modern walled bungalows with tidy little gardens. The vaccinator who had hailed us down strode over, pulled open the door, and pointed at two small children clinging sleepily to their mothers in the first row of seats. “Have your kids been given drops?” one of the health workers asked, using a general term for polio vaccines, which are to administered orally for times before a child turns six. The two women nodded. “My son was given drops at school,” one woman added for good measure. “All right,” the vaccinator said, “You can go.” He slammed the sliding door closed and tapped on it twice. With that, the bus rumbled away from the city from which a full 90 percent of polio cases in Pakistan and where the majority of cases in Afghanistan originated in 2013. Along with Nigeria, the two neighboring countries of Pakistan and Afghanistan are the last hold-outs against full vaccination against the virus which can forever cripple or even kill its victims. Given the dire situation, authorities are taking more severe measures to combat the spread of the disease. On Tuesday, police in Peshawar arrested more than 450 parents for refusing to vaccinate their children against polio. “[The arrests were] the last resort as there was no other option. There is a lot of pressure on the local administration to tackle these refusals,” Pervez Kamal Khan, the head of health services in the province of Khyber Pakhtunkhwa said. According to national figures, 60,000 children have not received the polio vaccine because their parents did not consent to it.

Among the three countries where polio is endemic, Pakistan is the worst at containing the spread of polio – not least because of a violent campaign on the part of terrorist groups to kill polio vaccinators and to discredit the actual intention of the polio vaccine. The threat posed by groups like the Taliban is not to be understated: it's estimated that more than twice as many people were killed while administering the vaccine than people who died because of polio last year. Still, militant attacks and extremist ideologies are not the only reason Pakistan has struggled to eradicate polio. It's also just hard to keep tabs on which children have been vaccinated and which have not as I saw firsthand on that bus to Islamabad last spring. The vaccinator didn't ask for identification numbers for the children. He didn't ask for the vaccination documents children are given when they are vaccinated. He simply took their mothers' responses as the truth – and, in so doing, may have let two cases of the highly contagious disease infect others. “Surveillance underpins the entire polio eradication initiative,” notes the Polio Global Eradication Initiative. “Without surveillance, it would be impossible to pinpoint where and how wild polio virus is still circulating, or to verify when the virus has been eradicated in the wild.” And yet, from what I saw while in Pakistan, very little in the way of surveillance is actually taking place. Polio vaccinators risk their lives to prevent children from developing the virus, but without tracking who they reach, their work – and their deaths – may all be in vain.

National surveillance and data collection is crucial to solving preventable disease – disease reporting, vaccination history, hospital records, and medical databases are all surveillance techniques that are necessary and sufficient.

Roush 14 – Sandra Roush, MT, MPH, Surveillance Officer for the National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, former Director of the Florida Hepatitis and Liver Failure Prevention and Control Program in the Florida

Department of Health, 2014 ("Chapter 19: Enhancing Surveillance", Center For Disease Control and Prevention, April 1, Available Online at <http://www.cdc.gov/vaccines/pubs/surv-manual/chpt19-enhancing-surv.html>, accessed 7/14/15, KM)

Surveillance activities are critical to detecting vaccine-preventable diseases and gaining information to help control or address a problem.

However, complete and accurate reporting of cases is dependent on many factors, such as reporting source, timeliness of investigation, and completeness of data. In addition, various methods for conducting surveillance are used to collect information, depending on disease incidence, specificity of clinical presentation, available laboratory testing, control strategies, public health goals, and stage of vaccination program. For vaccine-preventable diseases, passive surveillance is the most common method, although active surveillance may be needed in special surveillance situations. Active surveillance is often short-term and usually requires more funding than passive surveillance.

Common systems used for disease surveillance include national notifiable disease reporting;

physician, hospital, or laboratory-based surveillance, population-based surveillance.^[1] Sentinel surveillance involves a limited number of recruited participants, such as healthcare providers or hospitals, that report specified health events that may be generalizable to the whole population.^[2] The National Notifiable Diseases Surveillance System (NNDSS)^[3] is

the passive surveillance system that includes all the diseases and conditions under national surveillance. Efforts are being made to integrate and enhance the surveillance systems for

national notifiable diseases. A collaborative effort between CDC and state and local health departments is in progress to enhance surveillance system capabilities with the implementation of the National Electronic Disease Surveillance System (NEDSS).^[4,5,6] NEDSS will eventually replace the National Electronic Telecommunications System for Surveillance (NETSS) and will become the electronic system used to report national notifiable diseases and conditions in the United States and territories.

Enhancing the surveillance system is only one part of improving surveillance data; data for notifiable diseases are still dependent on reporting, timeliness and completeness. This chapter outlines activities that may be useful at the state and local level to improve reporting for vaccine-preventable diseases. Some are more routinely used (encouraging provider reporting), while others, such as searching laboratory or hospital records, may be more helpful under certain circumstances. Encouraging Provider Reporting Most infectious disease surveillance systems rely on receipt of case reports from healthcare providers and laboratories.^[7-8] These data are usually incomplete and may not be representative of certain populations; completeness of reporting has been estimated to vary from 6% to 90% for many of the common notifiable diseases.^[9] However, if the level of completeness is consistent, these data

provide an important source of information regarding disease trends and characteristics of the persons affected.

Some mechanisms to encourage healthcare provider reporting are described here. Promoting awareness of the occurrence of vaccine-preventable diseases Some healthcare providers may be particularly likely to encounter patients with vaccine-preventable diseases. For example, they may see immigrants and travelers returning from areas where vaccine-preventable diseases are endemic. Promoting awareness of reporting requirements Although there is a list of diseases designated as nationally notifiable by the Council of State and Territorial Epidemiologists in conjunction with CDC,^[10-11] each state has laws or regulations stipulating which diseases are reportable.^[7]^[11] Efforts should be made to increase healthcare providers' awareness of their responsibility to report suspected cases.^[12-16] The list of reportable diseases with detailed instructions explaining how, when, and to whom to report cases should be widely distributed within each state. Mailings, e-mail list serves, websites, in-service and other continuing education courses, and individual provider interaction may be used to accomplish this goal. However, while these are all examples of possible methods to raise awareness of reporting requirements, studies of interventions have demonstrated that telephone and other personal contact with individual healthcare providers, rather than groups, is most effective.^[17] For example, interaction with healthcare providers in the Vaccines for Children program offers an opportunity to promote awareness of reporting requirements. Face-to-face communication is the most direct and dynamic means of communication, allowing feedback and responses to overcome objections and concerns.^[18] A study on mandatory chronic disease reporting by physicians suggests that public health should emphasize both the legal and public health bases for reporting.^[19] Giving frequent and relevant feedback Providing regular feedback to healthcare providers and others who report cases of vaccine-preventable diseases reinforces the importance of participating in public health surveillance.^[20] Feedback should be timely, informative, interesting, and relevant to the provider's practice. Ideally, it should include information on disease patterns and disease control activities in the area. Some examples of methods of providing feedback are monthly newsletters, e-mail list serves, regular oral reports at clinical conferences such as hospital grand rounds, or regular reports in local or state medical society publications. Contact with individual providers may be most effective. Examples of positive individual interaction for giving feedback on disease reporting include the following: Providing feedback to the provider on the epidemiologic investigations conducted for their patients; Providing feedback to the provider, in addition to the laboratory, for any cases that were first reported to the health department by the laboratory (or other source); Using every professional interaction with the provider to at least briefly discuss surveillance issues. Simplifying reporting Reporting should be as simple and as painless as possible for the healthcare provider. State health department personnel should be

easily accessible and willing to receive telephone reports and answer questions. Reporting instructions should be simple, clear, and widely distributed to those who are responsible for disease reporting. Ensuring Adequate Case Investigation Detailed and adequate case information is crucial for preventing continued spread of the disease or changing current disease control programs. The following steps are essential to ensuring adequate case investigation. Obtaining accurate clinical information During a case investigation, clinical information (e.g., date of symptom onset, signs and symptoms of disease) about a case-patient is often obtained by a retrospective review of medical records and interviews with the case-patient, family, friends, caretakers, and other close associates of the case-patient. Detailed and accurate information (e.g., date of onset, laboratory results, duration of symptoms) may indicate the source of the infection and possible contacts, allowing interventions to prevent the spread of disease. This clinical information also may be aggregated by disease to study other aspects of the diseases (e.g., trends, incidence, prevalence). For vaccine-preventable diseases, vaccination history is particularly important for determining whether the case represents a vaccine failure or a failure to vaccinate. In addition to medical and school records, the state's immunization registry may be used to provide the most complete vaccination history information. Obtaining appropriate laboratory specimens Efforts should be taken to ensure that healthcare providers obtain necessary and appropriate laboratory specimens. For example, specimens for bacterial cultures should be taken before administering antibiotics, and paired sera are often required for meaningful serologic testing. For more information on laboratory support for vaccine-preventable disease surveillance, see Chapter 22, "Laboratory Support for the Surveillance of Vaccine-Preventable Diseases." Ensuring access to essential laboratory capacity Availability of laboratory testing needed to confirm cases of vaccine-preventable diseases must be assured. Additional testing, such as serotype, serogroup, and molecular testing provides epidemiologically important information that can support disease control and prevention activities. Healthcare providers should be encouraged to contact the local or state health department for assistance in obtaining appropriate laboratory testing. Laboratory testing needed to confirm diagnoses of public health significance is a public responsibility and should be made available at no cost to the patient. For information on laboratory support available in individual states, contact the state health department. Investigating contacts Identification of all case contacts and follow-up of susceptible persons may reveal previously undiagnosed and unreported cases. This investigation will also reveal persons eligible for any indicated prophylaxis, thereby facilitating disease control efforts.[21] Improving the Completeness of Reporting Complete reporting involves accounting for as many cases of vaccine-preventable diseases as is possible. Completeness of reporting can be enhanced in many ways,[22] including using electronic laboratory reporting,[23-28] searching hospital and laboratory records, using administrative datasets, and expanding sources of reporting. Searching hospital and laboratory records For some vaccine-preventable diseases, a regular search of laboratory records for virus isolations or bacterial cultures may reveal previously unreported cases.[13] Likewise, hospital discharge records may also be reviewed for specific discharge diagnoses, [12], [27] such as Haemophilus influenzae meningitis, tetanus, and other vaccine-preventable diseases. Such searches may assist in evaluating completeness of reporting and may help improve reporting in the future. [20], [30] Identifying the source of missed cases may lead to modifications that make the surveillance system more effective and complete. Although not a substitute for timely reporting of suspected cases, such searches can supplement reporting when resources for more active surveillance are unavailable. Using administrative datasets Administrative datasets, such as Medicare or Medicaid databases or managed care organization databases, may be useful for surveillance; when linked to immunization records, administrative records have been useful for monitoring rare adverse events following vaccination. [31-32] However, unless extensive efforts are made to validate diagnoses, misclassification is likely. [33] Most vaccine-preventable diseases are now rare, and data quality may be insufficient for these datasets to be useful adjuncts to vaccine-preventable disease surveillance. [34]

2NC/1NR Materials — Vaccine Culture of
Rights

Uniqueness – pro-vaccination trends now

Pro-vaccination movement gaining steam now – plan reverses the trend.

Alcindor 14 – Yamiche Alcindor, USA TODAY national breaking news reporter, holds a Master's degree in Broadcast News and Documentary Filmmaking from New York University and BA in English and International Relations from Georgetown University, 2014 (“Anti-vaccine movement is giving diseases a 2nd life”, USA Today, April 8, Available Online at <http://www.usatoday.com/story/news/nation/2014/04/06/anti-vaccine-movement-is-giving-diseases-a-2nd-life/7007955/>, accessed 7/20/15, KM)

Now Mitchell, who takes care of her son full time, and Jeremiah, who faces more reconstructive surgeries, work with Meningitis Angels, a non-profit that supports families affected by bacterial meningitis and advocates for vaccinations. Other organizations including the National Meningitis Association, Every Child By Two, and PKIDs combine personal stories and scientific evidence to encourage vaccinations. From the medical side of the equation, some physicians have resorted to their own defenses to protect their patients from those who won't vaccinate. Doctors at Olde Towne Pediatrics in Manassas, Va., won't take new patients if the parents don't plan to vaccinate their children. It's not clear how many other physicians do the same, as experts say no comprehensive studies of the practice have been done. "We don't want to put our patients at risk because people for their own personal reasons don't want to vaccinate," said Anastasia Williams, a managing partner of the practice who has been a pediatrician for 15 years. "We are doing our due diligence to protect our children who wait in our waiting room." Several states have also worked to make getting an exemption tougher. In Colorado, where 4% of kindergartners last year didn't have their shots for non-medical reasons, a proposed bill sponsored by State Rep. Dan Pabon, a Democrat from Denver, would require parents to get a doctor's note or watch a video about risks before opting out of vaccines. VACCINE SKEPTICS Such measures offend Sarah Pope, a Tampa mother of three, and Shane Ellison, a father of three in Los Angeles. They both decided against vaccinating their kids because they fear the potential side effects. In 2006, all three of Pope's children — now 9, 11 and 15 — contracted whooping cough, the same disease that killed Brady. Seven years earlier, Pope had decided against vaccinating any of her children. After seven weeks of coughing, and with treatment by a holistic doctor and natural supplements, all three recovered without complications, she says. "I wasn't scared by it," says Pope, 49, who runs The Healthy Home Economist, a healthy living website and blogs about vaccines. "People only see the bad with infectious diseases. But infectious diseases do help children strengthen their bodies." Pope and Ellison say it is unfair to pressure parents into using vaccines that aren't 100% effective. However, doctors note that all drugs — even aspirin — have risks, and none is 100% effective. High vaccination rates can protect even unvaccinated people by lowering the level of infectious disease in the community, a phenomenon known as herd immunity, says Hinman, a senior public health scientist at the Task Force for Global Health. The more people who are vaccinated, the less likely anyone in that community will be infected. Though vaccines are considered safe, Schuchat points out that they can cause reactions in some children, which in rare cases can be serious. But one of the most publicized fears of the anti-vaccine movement — that they cause autism — has been debunked by dozens of studies that have found no link. Even so, parents like Ellison, 39, don't buy it, and he points out that he comes to the issue with some expertise: He has a master's degree in organic chemistry and used to work in the pharmaceutical industry designing medicines. His children — 6 months old, 8 and 12 — were all born at home. Aside from one visit to an emergency room for a bruised finger, none of them has ever been to a doctor, and they're all healthy, he says, except for the occasional sore throat or common cold. "The doctors all have the same script for vaccines," says Ellison, who runs The People's Chemist, a website about health. He is working to build and support his children's natural immune system using three healthy meals a day, exercise and sunshine. He says if his kids get sick he would rather rely on emergency care than vaccines. "It's much more soothing to trust emergency medicine than a vaccine, which for me is like playing Russian roulette," he says.

Preventable diseases are making a comeback – numerous areas are potential hotspots – the amount of influence of the anti-vax movement is the critical factor.

Alcindor 14 – Yamiche Alcindor, USA TODAY national breaking news reporter, holds a Master's degree in Broadcast News and Documentary Filmmaking from New York University and BA in English and International Relations from Georgetown University, 2014 (“Anti-vaccine movement is giving diseases a 2nd life”, USA Today, April 8, Available Online at <http://www.usatoday.com/story/news/nation/2014/04/06/anti-vaccine-movement-is-giving-diseases-a-2nd-life/7007955/>, accessed 7/20/15, KM)

Kathryn Riffenburg decided on a closed casket for her baby's funeral. She didn't want her family to see what whooping cough, her son's first illness, had done to 9-week-old Brady Alcaide. The nearly forgotten disease, which has in recent years afflicted thousands of Americans, left Brady's tiny body swollen and unrecognizable. So his mother dressed him in a white baptismal suit and hat and tucked him into a tiny white casket. Brady's burial came just four weeks after his first laugh — inspired by her version of I'm a Little Teapot — and two weeks after his family learned that he had contracted a vaccine-preventable illness. "It just seemed like it was impossible," says Riffenburg, 31, of Chicopee, Mass. "It felt like we were dropped in The Wizard of Oz. We went from sitting in the hospital day by day, waiting for him to get better for almost two weeks, to doctors telling us we had a 50/50 chance he was going to make it." The mother, who was inoculated years before giving birth to Brady, later learned that she could have gotten a booster shot during her pregnancy that likely would have saved Brady's life. Although Riffenburg didn't know to get revaccinated, people actively choosing not to are helping diseases once largely relegated to the pages of history books — including measles — make a comeback in cities across the nation, according to the Centers for Disease Control and Prevention. Recent measles outbreaks in New York, California and Texas are examples of what could happen on a larger scale if vaccination rates dropped, says Anne Schuchat, the CDC's director of immunizations and respiratory diseases. Officials declared measles, which causes itchy rashes and fevers, eradicated in the United States in 2000. Yet this year, the disease is on track to infect three times as many people as in 2009. That's because in most cases people who have not been vaccinated are getting infected by others traveling into the United States. Then, Schuchat says, the infected spread it in their communities. The 189 cases of measles in the U.S. last year is small compared with the 530,000 cases the country used to see on average each year in the 20th century. But, the disease — which started to wane when a vaccine was introduced in 1967 — is one of the most contagious in the world and could quickly go from sporadic nuisance to widespread killer. Measles kills about once in every 1,000 cases. As cases mount, so does the risk. "We really don't want a child to die from measles, but it's almost inevitable," says Schuchat. "Major resurgences of diseases can sneak up on us." Michaela Mitchell watches her son Jeremiah, 10, play Xbox in his bedroom in Tulsa. Mitchell is teaching Jeremiah how to live again after meningitis contracted from an outbreak at his school forced doctors to amputate both his arms and legs. Michaela Mitchell watches her son Jeremiah, 10, play Xbox in his bedroom in Tulsa. Mitchell is teaching Jeremiah how to live again after meningitis contracted from an outbreak at his school forced doctors to amputate both his arms and legs. Vaccination rates against most diseases are about 90%. Fewer than 1% of Americans forgo all vaccinations, Schuchat says. Even so, in some states the anti-vaccine movement, aided by religious and philosophical state exemptions, is growing, says Paul Offit, chief of infectious diseases at Children's Hospital of Philadelphia. He points to states like Idaho, Illinois, Michigan, Oregon and Vermont — where more than 4.5% of kindergartners last year were unvaccinated for non-medical reasons — as examples of potential hot spots. Such states' rates are four times the national average and illustrate a trend among select groups. "People assume this will never happen to them until it happens to them," Offit says. "It's a shame that's the way we have to learn the lesson. There's a human price for that lesson." The most vulnerable are infants who may be too young to be vaccinated, children with compromised immune systems and others who may be unable to be vaccinated for medical reasons, scientists say. In communities across the nation, Americans of all stripes are making dangerous decisions to reschedule or forgo immunization, says Alan Hinman, a scientist who sits on the scientific advisory board of Voices for Vaccines, which supports and advocates for on-time vaccinations. The anti-vaccination movement has picked up steam in the past decade with

support from celebrities such as actress Jenny McCarthy, actor Aidan Quinn and reality TV star Kristin Cavallari, who last month said not vaccinating was "the best decision" for her children. Many continue to believe the debunked idea that vaccines cause autism, while others don't trust the federal government or the pharmaceutical companies responsible for these vaccines. DISEASE CAN STRIKE ANYWHERE Riffenburg hopes her family's experience will serve as a wake-up call. At first, Brady seemed to have a simple cold. As his symptoms worsened, Riffenburg and her fiancé, Jonathan Alcaide, took him to the hospital, where doctors suspected he had whooping cough. Two weeks later, Brady stopped breathing. His brain was without oxygen for some time, and he was put on life support, where Riffenburg said the horrific effects of the disease made her child become unrecognizable. A day later, she made the excruciating decision to take him off machines. The child died while cradled in her arms. "I hope Brady has saved babies and protected them because we have spread his story," Riffenburg says. Since then, Riffenburg has made sure that her fiancé and her two daughters, now 7 and 10, get all of their booster shots. She was also inoculated while pregnant with her now 1-year-old son, Jaxon. And she insisted everyone — including doctors, family members and even the hospital photographer — got booster shots before they came near Jaxon. It is not clear where Brady contracted whooping cough. Schuchat says that is precisely why communities must maintain high vaccination rates. Many might not know they are carrying a disease but can still be contagious and pass it on before symptoms arrive. "It doesn't have to be on an airplane or at an airport. It could be at a grocery store or the concert you went to," Schuchat says. During a 2008 measles outbreak in San Diego, CDC officials were shocked to find school districts where one in five children were not vaccinated against the disease, she says. Last year, California had the largest number of unprotected kindergartners not vaccinated for their parents' philosophical reasons: 14,921. This year, 49 cases of measles had been reported by March. The state had four cases by that time last year.

Uniqueness – Yes influence

Changing the minds of anti-vaccination parents is possible – now is key.

Palmer 15 – Katie Palmer, senior associate editor at Wired covering science and health, member of the Science, Health and Environmental Reporting Program (SHERP) at NYU's Arthur L. Carter Journalism Institute, recipient of the Jeffrey Owen Jones Fellowship in Journalism, 2015 (“How to Get Silicon Valley’s Anti-Vaxxers to Change Their Minds”, Wired, February 12, Available Online at <http://www.wired.com/2015/02/get-silicon-valleys-unvaccinated-change-minds/>, accessed 7/22/15, KM)

THERE’S BEEN A lot of shaming and blaming of the anti-vaccination crowd in response to the Disneyland measles outbreak (even we did it). And when we released our investigation of vaccination rates at Silicon Valley preschools, people were justifiably angry: Every unvaccinated kid at those schools threatens the greater community’s protection against disease. But yelling at anti-vaxxers won’t change their minds—which is what we need most to prevent more outbreaks. That begs the question: What can turn them around? After writing about how vaccinated people got measles in California, I read the comments posted about it on Facebook. Among the anti-vax commenters, there were a few science-hating, vitriol-slinging, homeopathy-hawking kooks. But the vast majority were...reasonable. Take this person, for example: Someone strong enough to get the vaccine (and thus be conferred limited immunity for 2-10 years) is likely strong enough to handle the disease and consequently have real life-long immunity, which is what is really needed for “herd immunity” to actually work. This person is wrong, of course, but there’s some science—or at least some attempts at using science—in there. It’s worth repeating, clearly: Refusing vaccines is a bad choice, but anti-vaxxers aren’t evil for making that choice. Every parent who turns down a vaccine is simply trying to make the right decision for their kid. As long as that motivation exists, there’s a chance that a parent can be convinced that vaccination is the safest choice—for their child, and those around them. To figure out how to turn that “no” into a “yes,” it’s important to know how that decision occurred in the first place. As Amy Wallace explained in a WIRED cover story, vaccine refusal comes down to one emotion: fear. Or, in the current environment, the lack of it. Thanks to the success of vaccination programs, many Americans have never seen a single case of measles—they didn’t get it themselves, and probably don’t know anyone who’s had it. That interferes with how they process fear in two ways. Number one, we get responses like this one (from that same story, on Facebook): Measles is not a dangerous disease, it is just a normal childhood disease, it’s safer to get antibodies from the actual virus than from vaccines. Unvaccinated children have higher and stronger immune systems, so they fight it fast... Measles has, for many, become a hypothetical disease. And a hypothetical disease isn’t scary. “People become desensitized to the seriousness of the disease when they’re not exposed,” says Kristin Hendrix, a pediatric researcher at Indiana University School of Medicine. Measles was eradicated in the US in 2000, so even if you’ve seen a case, you probably haven’t met someone who pulled the short straw: The one person in 10 who gets an ear infection, potentially resulting in deafness, or the one in 20 who gets pneumonia, or the one in 1,000 who develops encephalitis—or dies. Which leads us to number two. The risk of vaccines—the one in 3,000 chance of seizure for the MMR, or the one in more than a million chance of a serious allergic reaction—starts to seem much bigger in comparison to those fading memories of measles past. “Parents can be scared very easily by hearing about potentially negative consequences,” says Gary Freed, a pediatric researcher at the University of Michigan. And the act of stabbing your kid in the arm with a needle is far more immediately threatening than the potential exposure to measles, especially if you’re counting on her not being exposed to the disease in the first place. My husband nearly died from the tetanus vaccine when he was a kid. Fear is a powerful, often irrational emotion. No matter how many times you drive home the statistical near-impossibility of a negative vaccine reaction, it’s often overlooked in the face of a personal anecdote. If someone has a relative who had a bad reaction to a vaccine—or even a great-aunt on Facebook whose friend’s daughter became withdrawn after one—the immediacy of that story will carry more cognitive weight than numbers. Humans are big on narrative. Science (usually) is not. So now, medical professionals and researchers must figure out how to use information—cold, impersonal facts—in a way that can counteract the power of that primal (and inaccurate) risk calculation. That job is far harder than it used to be. Doctors once were the primary source of medical information, but now it’s everywhere online—some of it true, some of it not, and the vast majority somewhere in between. That’s a problem, because humans suffer from a major case of confirmation bias. “We seek out and gravitate toward information that confirms what we know to be true,” says Hendrix. Sometimes confirmation bias is so extreme that it even turns positive messages into negative ones: One paper last year found that while pro-vaccine information corrected some misperceptions about vaccines—like the fallacy that it causes autism—reading it actually made some resolutely anti-vax parents even less likely to vaccinate. Unfortunately, recent

research has shown that presenting provaccine messages and evidence to anti-vaxers only makes them become more ingrained in their misguided beliefs. Researchers don't have any great ideas about how to change the "stickiness" of bad information once it gets that distorted. But there's hope. There always have been a certain number of staunchly anti-vaccine parents—researchers estimate about 2 percent of parents fall into that camp, and that number isn't changing much. It's a second group of parents and patients—the so-called vaccine-hesitant—that are the ones fueling the fire of vaccine refusal. But they're also the ones that still may be open to change. Doug Opel is a pediatrician at Seattle Children's Hospital working to target those fence-sitters with individually tailored information. "Parents themselves can have a hard time knowing where they are, or they don't fully disclose what they think about vaccines in an appointment," says Opel. "That turns a pediatric appointment into a chess match." Opel's shot at a solution is a 15-question survey that gives parents a score on a scale of 0 to 100—over 50, and you're much less likely to vaccinate. He's most interested in targeting parents in that 50-to-80 range, by addressing their specific concerns in one-on-one conversations instead of relying solely on an impersonal Vaccine Information Statement from the CDC. It's not an easy job: Any conversation he has with a parent is going head-to-head with personal horror stories from Facebook friends and anti-vaccine celebrities. "We know that personal narratives and anecdotes that are emotionally laden are very persuasive," says Hendrix, "and that people play into fear-based information more than positive information." Anti-vaccine stories are so powerful because they capitalize on both of those persuasive techniques. But two can play at that game. With this major outbreak—which has racked up 103 cases at last count—to play into the fear of parents, and a potent narrative to boot (Wow, we're not even safe in the Happiest Place on Earth), this might just be a pro-vaccine story that can change some minds. "Normally, pro-vaccine messages don't have the splash and the buzz of a crisis," says Freed. "Now we do." It may just be that the anti-vaccine movement has created the outbreak that could kill it.

Pro-vaccination is changing minds – recent California measles outbreak is persuading “vaccine-hesitant” parents to get vaccinated.

Frankel 15 – Todd Frankel, reporter for the Washington Post, teaches journalism at University of Washington-St. Louis, won several journalism awards, including a National Headliners Award, Livingston Award finalist, and a member of the 2009 Pulitzer Prize finalist team for breaking new, 2015 ("Forget 'anti-vaxers.' The Disney measles outbreak could change the minds of an even more crucial group.", The Washington Post, January 26, Available Online at <http://www.washingtonpost.com/news/storyline/wp/2015/01/26/forget-anti-vaxers-the-disney-measles-outbreak-could-change-the-minds-of-an-even-more-crucial-group/>, accessed 7/22/15, KM)

The child was behind on her vaccinations. Wendy Sue Swanson took note of this as she talked with the girl's parents last week at a medical clinic in Mill Creek, Wash., outside Seattle. Swanson, like many pediatricians, sometimes needed to coax parents to get the shots for their children. A few might be unmovable in their objections. But most were like this couple: A mom and dad who might harbor doubts or were just behind schedule. They were at least willing to listen. Now, Swanson had a new way to prod parents like them: Discussing the Disney measles outbreak in California, which has spread to at least 68 people in 11 states since Jan. 1 and raised alarms about the reemergence of a disease once considered all but vanquished. There was something powerful about the disease hitting a popular, recognizable vacation spot. The girl got her vaccination. Her parents were on board. "Their eagerness was different," Swanson said later. "I think it is changing people." Much of the scrutiny in the Disney measles outbreak has fallen on an entrenched anti-vaccination movement in places such as Orange County, Calif., home to the two Disney theme parks where the outbreak gained its foothold. These "anti-vaxers" are viewed as dead-set against vaccinations. But doctors believe the current outbreak could change the minds of a less-

known but even larger group: parents who remain on the fence about the shots. These “vaccine-hesitant” parents have some doubt about vaccinations, leading them to question or skip some shots, stagger their delivery or delay them beyond the recommended schedule. An estimated 5 to 11 percent of U.S. parents have skipped at least one vaccination or delayed a shot, according to studies. That compares to only 1 to 3 percent of parents who object to all vaccinations. Boosting compliance among the “vaccine hesitant” population could have major public health implications, doctors say, especially because last year the United States had its highest number of measles cases since 1977. The topic of “vaccine hesitant” patients has become the focus of a growing body of medical research in recent years. Doctors are trying to understand what triggers vaccine worries and which strategies work best for overcoming those fears. Doctors spend many office hours trying to convince these parents that the scientific evidence proves the shots are, in fact, safe and effective. But these hesitant parents have been bombarded by conflicting information. And they don’t view all of the shots the same way. The vaccine to protect against measles, mumps and rubella faces particularly strong resistance as a result of thoroughly discredited studies linking the vaccine to autism. So some parents, even those generally open to other vaccines, push to delay or skip this one. The shot is supposed to be given at 12 months and again at age 4. “One of the problems that vaccines face now is they work too well,” said Michael Smith, a pediatric infectious disease specialist at the University of Louisville School of Medicine in Kentucky, who has studied vaccine-hesitant parents. Parents don’t have experience with measles, how children can become very ill and in rare cases suffer brain swelling or even die, Smith said. At the same time, these parents are confronted with stories about the unexplained rise in the U.S. autism rate. “I can understand as a parent why you’d skip the vaccine if you’d been convinced that it’s a choice between giving my kids a shot or giving my kid autism,” Smith said. But the Disney outbreak changes the discussion. Now, doctors have an event to point to. The threat is no longer abstract or distant. “This is definitely going to be a talking point that pediatricians should keep in their back pockets,” Smith said. Studies have shown that “anti-vaxxer” parents are likely to remain steadfast in their opposition. Barbara Loe Fisher, president of the National Vaccine Information Center, a group that raises doubts about the shots, said she was not convinced that the Disney outbreak was even a story about the dangers of being unvaccinated. “I don’t think we know completely what’s going on,” Fisher said. But physicians such as Kathryn Edwards of the Vanderbilt Vaccine Research Program said the measles vaccine is at least 99 percent effective after the second dose. And measles is one of the most communicable diseases, much more so than the flu. The dangers posed by the disease have been forgotten. Many U.S. doctors have never even seen it. Edwards still recalls the only patient she ever saw with measles, years ago when she was a medical resident. He died. “So I have a lot of respect for measles,” Edwards said. At Boston Children’s Hospital, pediatrician Claire McCarthy said she is always happy when parents decide to vaccinate their children against measles in particular. She worries about the current situation in California. And she plans to use the Disney outbreak to try to convince hesitant parents that vaccinations are the right choice. “I am planning on talking this one up a lot with families,” McCarthy said. “I think this probably will make a difference.”

Uniqueness booster – anti-vaccination brink

Anti-vaccination movement is gaining momentum now – that’s leading to outbreaks of preventable disease – case studies prove the long-term effects will be catastrophic.

Offit 14 – Paul Offit, American pediatrician specializing in infectious diseases and an expert on vaccines, immunology, and virology; co-inventor of a rotavirus vaccine that has been credited with saving hundreds of lives every day; Maurice R. Hilleman Professor of Vaccinology and Professor of Pediatrics at the Perelman School of Medicine at the University of Pennsylvania; Chief of the Division of Infectious Diseases; member of the Centers for Disease Control (CDC) Advisory Committee on Immunization Practices; Founding Board Member of the Autism Science Foundation, 2014 (“The Anti-Vaccination Epidemic”, Wall Street Journal, September 24, Available Online at <http://www.wsj.com/articles/paul-a-offit-the-anti-vaccination-epidemic-1411598408>, accessed 7/20/15, KM)

Almost 8,000 cases of pertussis, better known as whooping cough, have been reported to California's Public Health Department so far this year. More than 250 patients have been hospitalized, nearly all of them infants and young children, and 58 have required intensive care. Why is this preventable respiratory infection making a comeback? In no small part thanks to low vaccination rates, as a story earlier this month in the Hollywood Reporter pointed out. The conversation about vaccination has changed. In the 1990s, when new vaccines were introduced, the news media were obsessed with the notion that vaccines might be doing more harm than good. The measles-mumps-rubella (MMR) vaccine might cause autism, we were told. Thimerosal, an ethyl-mercury containing preservative in some vaccines, might cause developmental delays. Too many vaccines given too soon, the stories went, might overwhelm a child's immune system. Then those stories disappeared. One reason was that study after study showed that these concerns were ill-founded. Another was that the famous 1998 report claiming to show a link between vaccinations and autism was retracted by The Lancet, the medical journal that had published it. The study was not only spectacularly wrong, as more than a dozen studies have shown, but also fraudulent. The author, British surgeon Andrew Wakefield, has since been stripped of his medical license. But the damage was done. Countless parents became afraid of vaccines. As a consequence, many parents now choose to delay, withhold, separate or space out vaccines. Some don't vaccinate their children at all. A 2006 study in the Journal of the American Medical Association showed that between 1991 and 2004, the percentage of children whose parents had chosen to opt out of vaccines increased by 6% a year, resulting in a more than twofold increase. Today the media are covering the next part of this story, the inevitable outbreaks of vaccine-preventable diseases, mostly among children who have not been vaccinated. Some of the parents who chose not to vaccinate were influenced by the original, inaccurate media coverage. For example, between 2009 and 2010 more than 3,500 cases of mumps were reported in New York City and surrounding area. In 2010 California experienced an outbreak of whooping cough larger than any outbreak there since 1947. Ten children died. In the first half of 2012, Washington suffered 2,520 cases of whooping cough, a 1,300% increase from the previous year and the largest outbreak in the state since 1942. As of Aug. 29, about 600 cases of measles have occurred in the U.S. in 2014: the largest outbreak in 20 years—in a country that the Centers for Disease Control and Prevention declared measles-free in 2000. Who is choosing not to vaccinate? The answer is surprising. The area with the most cases of whooping cough in California is Los Angeles County, and no group within that county has lower immunization rates than residents living between Malibu and Marina Del Rey, home to some of the wealthiest and most exclusive suburbs in the country. At the Kabbalah Children's Academy in Beverly Hills, 57% of children are unvaccinated. At the Waldorf Early Childhood Center in Santa Monica, it's 68%, according to the Hollywood Reporter's analysis of public-health data. These are the kind of immunization rates that can be found in Chad or South Sudan. But parents in Beverly Hills and Santa Monica see vaccines as unnatural—something that conflicts with their healthy lifestyle. And they have no problem finding fringe pediatricians willing to cater to their irrational beliefs.

These parents are almost uniformly highly educated, but they are making an uneducated choice. It's also a dangerous choice: Children not vaccinated against whooping cough are 24 times more likely to catch the disease. Furthermore, about 500,000 people in the U.S. can't be vaccinated, either because they are receiving chemotherapy for cancer or immune-suppressive therapies for chronic diseases, or because they are too young. They depend on those around them to be vaccinated. Otherwise, they are often the first to suffer. And because no vaccine is 100% effective, everyone, even those who are vaccinated, is at some risk. Parents might consider what has happened in other countries when large numbers of parents chose not to vaccinate their children. Japan, for example, which had virtually eliminated whooping cough by 1974, suffered an anti-vaccine activist movement that caused vaccine rates to fall to 10% in 1976 from 80% in 1974. In 1979, more than 13,000 cases of whooping cough and 41 deaths occurred as a result. Another problem: We simply don't fear these diseases anymore. My parents' generation—children of the 1920s and 1930s—needed no convincing to vaccinate their children. They saw that whooping cough could kill as many as 8,000 babies a year. You didn't have to convince my generation—children of the 1950s and 1960s—to vaccinate our children. We had many of these diseases, like measles, mumps, rubella and chickenpox. But young parents today don't see the effects of vaccine-preventable diseases and they didn't grow up with them. For them, vaccination has become an act of faith. Perhaps most upsetting was a recent study out of Seattle Children's Hospital and the University of Washington. Researchers wanted to see whether the whooping cough epidemic of 2012 had inspired more people to vaccinate their children. So they studied rates of whooping cough immunization before, during and after the epidemic. No difference. One can only conclude that the outbreak hadn't been large enough or frightening enough to change behavior—that not enough children had died. Because we're unwilling to learn from history, we are starting to relive it. And children are the victims of our ignorance. An ignorance that, ironically, is cloaked in education, wealth and privilege.

Vaccination critics are gaining influence – can even sway anti-vax legislation.

Gumbel 15 – Andrew Gumbel, foreign correspondent for The Guardian in Europe, the Middle East, and the United States, 2015 (“US states face fierce protests from anti-vaccine activists”, The Guardian, April 10, Available Online at <http://www.theguardian.com/us-news/2015/apr/10/anti-vaccine-protest-california-facts>, accessed 7/20/15, KM)

Four months after a measles outbreak at Disneyland, state legislators seeking to tighten immunisation laws across the country are running the gauntlet of anti-vaccination activists who have bombarded them with emails and phone calls, heckled them at public meetings, harassed their staff, organized noisy marches and vilified them on social media. Three states blindsided by the activists' sheer energy – Oregon, Washington and North Carolina – have either pulled back or killed bills that would have ended a non-specific “personal belief” exemption for parents who don't want to vaccinate their children. Now the battleground is California, which bore the brunt of the measles outbreak at the beginning of the year and saw school closures, extraordinary quarantine measures and a vigorous public debate lamenting the fact that a disease declared eradicated 15 years ago is once again a public health threat. A health committee meeting in Sacramento, the state capital, on Wednesday turned into a tense showdown between lawmakers seeking to argue that the science is unequivocally on the side of universal vaccination, and activists accusing them of being in the pocket of unscrupulous big pharmaceutical companies. One activist, Terry Roark, told the state senate committee her child had died from a vaccine and feared others could be next if parents lost the right to decide what was in their best interests. “Innocent people will die,” she said tearfully. “Innocent children will be killed.” The meeting degenerated at points into yelling and screaming, and two activists were removed. Lawmakers promoting the new law were tenacious in their own

way, challenging the claim that the bill would force vaccinations even on children with legitimate medical reasons not to have them. A doctor sympathetic to the anti-vaccination movement was ultimately forced to concede the bill contained no such language. "The danger I feel as a policymaker is that when assertions are made in public comment that aren't fact-based, that's irresponsible," state senator Holly Mitchell said. She and the co-sponsors of the bill, a doctor from northern California and the son of a polio survivor from southern California, have become hate figures to the movement and they and their staff have been chased and shouted at. The southern California co-sponsor, Ben Allen, told the Guardian that while many of his detractors were respectful he'd also been bewildered by "Facebook memes of me as a Nazi doctor". He added: "Some of them have definitely crossed a line." The activists were boosted by the participation of a Kennedy: the environmentalist and civil rights activist Robert F Kennedy Jr, son of the murdered attorney general and nephew of the murdered president, who has written a book denouncing the use of mercury traces in a vaccine ingredient, which repeated peer-reviewed studies have found to be safe and which has now largely been phased out. Kennedy showed a documentary based on his book, spoke at a rally and likened vaccinations to the Holocaust. Medical experts and legislators supporting the bill say vaccinating as many people as possible is vital to provide so-called herd immunity – a degree of protection strong enough to cover infants too young for vaccinations or those too sick to receive them. The more alarmist, contrary story of an out-of-control medical establishment covering up the "truth" – that vaccinations are responsible for an alarming spike in children diagnosed with autism – is the view of a tiny minority, perhaps 5% of the population. But the minority is a strikingly vocal one. In North Carolina, state senator Terry Van Duynsa described the backlash to a bill she sponsored as "very swift and very furious". "It created an environment that made it difficult to just even talk about it," she told the NPR radio affiliate in Charlotte.

Link – Generic

Framing the debate in terms of rights is dangerous – the language of “choice” and “freedom” conveniently justifies anti-vaccination that endangers society as a whole.

Thornton 15 – Paul Thornton, Los Angeles Times’ letters editor, 2015 (“Opinion Vaccine skeptics and Chris Christie say it’s about choice. They’re wrong”, LA Times, February 2, Available Online at <http://www.latimes.com/opinion/opinion-la/la-ol-chris-christie-vaccines-choice-20150202-story.html>, accessed 7/14/15, KM)

Chris Christie and vaccine skeptics say they want choice. What about those who can't be vaccinated? Vaccine skeptics have exchanged autism for an appeal to choice as their cri de coeur. "Choice" is a great word -- it has a universal, empowering appeal, and it's useful for winning a debate. Women's rights activists were smart decades ago to call their side of the abortion debate "pro-choice," asking us to ignore our feelings on the procedure itself and trust women enough to make their own medical decisions. So it's no surprise that vaccine skeptics have now changed the subject from their rightly ridiculed nonscientific claims on autism to the freedom to parent as they wish -- in other words, to make their own choices. And it appears they've convinced New Jersey Gov. Chris Christie (or maybe not), who says that even though vaccinating children is crucial and that his own kids got their shots, choice is great too, and parents deserve to have some when it comes to stopping the spread of communicable illness. Yes, we can note the irony of this being the same governor who recently locked a nurse in a tent to protect New Jersey from an Ebola virus this woman wasn't carrying, but that's beside the point. What's important is that Christie's statement (you might even call it gaffe) represents the latest strategy for the vaccine skeptics: They're trying to win apologists for their cause, not an argument on the efficacy of vaccines. Whether you agree with them doesn't matter -- you could even ridicule their efforts to pass off fraud as science in linking vaccination to autism. But freedom is a core American value, and everyone deserves to make his or her own choices, especially when it comes to parenting. This is Christie's logic. Christie isn't the only one making this argument. As I've noted before, this appeal to choice has replaced autism as our letter writers' preferred anti-vaccine argument. In response an editorial last week calling for an end to California's personal-belief exemption for parents who would rather not vaccinate their children, a small handful of readers hyperbolically accused The Times' editorial board of favoring totalitarianism (one said, "Sorry, but we don't live in Nazi Germany"). Previously, a reader from Nevada whose letter was published -- much to the dismay of at least a dozen others who sent us their own responses to their letter -- wrote that "freedom means choice. Plain and simple. Without choice, we are not a democracy." He continued: "It is my choice whether or not I want to be vaccinated. It is your choice whether or not to wash your hands or take basic public health precautions. It is an individual's choice whether he or she wants to gamble with their child's life. It is not your place to say what they have to do." Here's the problem: This isn't about choice, and vaccine skeptics' use of freedom instead of autism as their new cri de coeur exposes the joyful self-centeredness of their obstinacy. Any pediatrician (well, perhaps not all pediatricians) will tell you a parent's decision to vaccinate is as much about other children as their own. Parents who vaccinate their children not only protect their own kids as well as pick up some of the slack for the mothers and fathers who refused vaccination, they also help to protect those who cannot get immunized. It's sad for anyone to come down with a preventable disease, but lost in our focus lately on the children of vaccine-skeptical parents who have come down with measles are those who rely on the rest of us who can choose to immunize to make the right choice. These people -- organ transplant recipients,

cancer survivors and infants, among others -- might not have the choice that Christie and others champion.

The vaccination debate will come down to rights – SB 277 proves.

Herbert 15 – Steven Herbert, Night Editor of City News Service, 2015 (“Opponents of new California vaccination law gathering signatures to overturn it”, LA Daily News, July 15, Available Online at <http://www.dailynews.com/health/20150715/opponents-of-new-california-vaccination-law-gathering-signatures-to-overturn-it>, accessed 7/16/15, KM)

Opponents of SB 277, a recently signed law requiring almost all schoolchildren in California to be vaccinated against diseases such as measles and whooping cough, received permission Wednesday to begin gathering signatures that would qualify a referendum to overturn it. “This referendum is not about vaccinations. It is about defending the fundamental freedom of a parent to make an informed decisions for their children without being unduly penalized by a government that believes it knows best,” said former Assemblyman Tim Donnelly, the referendum’s proponent. Valid signatures from 365,880 registered voters — 5 percent of the total votes cast for governor in the 2014 general election — must be submitted by Sept. 28 to qualify the measure for the November 2016 ballot, according to Secretary of State Alex Padilla. Q&A: What you need to know about California’s new SB 277 If the attempt to overturn SB 277 qualifies for the ballot, its provisions would be suspended. The bill, signed into law by Gov. Jerry Brown on June 30, eliminates vaccination exemptions based on religious or personal beliefs. It will require all children entering kindergarten to be vaccinated unless a doctor certifies that a child has a medical condition, such as allergies, preventing it. The legislation was prompted in part by an outbreak of measles traced to Disneyland that began in late December and ultimately spread to more than 130 people across the state. Cases were also reported in Arizona, California, Colorado, Nebraska, Oregon, Utah and Washington state.

Making broad claims about the importance of civil liberties is hazardous – antivaxers will be making the same assertions – listen to how this “pro choice antivaxer” frames the debate—

Fisher 14 – Barbara Loe Fisher, Co-founder & President of the National Vaccine Information Center, 2014 (“Vaccination: Defending Your Right to Know and Freedom to Choose”, National Vaccine Information Center, November 13, Available Online at <http://www.nvic.org/nvic-vaccine-news/november-2014/vaccination--defending-your-right-to-know-and-free.aspx>, accessed 7/16/15, KM)

Following is a referenced excerpt from a keynote presentation given by Barbara Loe Fisher at the 2014 U.S. Health Freedom Congress in Minneapolis, Minnesota. View the video of her full 75 minute presentation here. The public conversation about whether we should have the freedom to choose how we want to maintain our physical, mental, emotional and spiritual health has become one of the most important public conversations of our time. It is a conversation that challenges us to examine complex public policy, scientific, ethical, legal, philosophical, economic, political and cultural issues. This may appear to be a new conversation but it has been around for centuries. 1 At the center of this new and old public conversation about health and freedom, is the topic of vaccination. 2 3 What unites those defending an open discussion about vaccination and health is a commitment to protecting bodily integrity and defending the inalienable right to self-determination, which has been globally acknowledged as a human right. 7 8 9 Whether you are a health care professional practicing complementary and alternative medicine or specializing in homeopathic, naturopathic, chiropractic, acupuncture, or other holistic health options, 10 or you are a consumer advocate working for the right to know and freedom to choose how you and your family will stay well, many of you have a deep concern about health and freedom.

Vaccination: Most Hotly Debated of All Health Freedom Issues The most divisive and hotly debated of all health freedom issues is the question of whether individuals should be at liberty to dissent from established medical and government health policy and exercise freedom of thought, speech and conscience when it comes to vaccination. 11 12 13 In the health freedom movement, there are some who will defend the legal right to purchase and use nutritional supplements, drink raw milk, eat GMO free food, remove fluoride from public water systems and mercury from dental amalgams or choose non-medical model options for healing and staying well, but are reluctant to publicly support the legal right to make vaccine choices. A Sacrosanct Status for Vaccination Vaccination is a medical procedure that has been elevated to a sacrosanct status by those in control of the medical-model based health care system for the past two centuries. Vaccination is now being proclaimed as the most important scientific discovery and public health intervention in the history of medicine. 14 15 16 Using religious symbols and crusading language, medical scientists describe vaccination as the Holy Grail. 17 18 19 20 Vaccines, they say, are going to eradicate all causes of sickness and death from the earth and anyone who doubts that is an ignorant fool. 21 22 23 24 25 In the 1970's, pediatrician and health freedom pioneer Robert Mendelsohn, who described himself as a medical heretic, warned that medical science has become a religion and doctors have turned the act of vaccination into "the new sacrament." 26 In the 21st century, if you refuse to believe that vaccination is a moral and civic duty and dare to question vaccine safety or advocate for the legal right to decline one or more government recommended vaccines, you are in danger of being branded an anti-science heretic, a traitor and a threat to the public health. 27 28 You are viewed as a person of interest who deserves to be humiliated, silenced and punished for your dissent. 29 30 31 32 Exercising Freedom of Thought, Speech and Autonomy "To learn who rules over you, simply find out who you are not allowed to criticize," said Voltaire, 33 34 the great 18th century writer during the Age of Enlightenment, who was imprisoned several times in the Bastille for defending freedom of thought and speech before the French Revolution. As contentious as the public conversation about vaccination, health and autonomy has become, we cannot be afraid to have it. There has never been a better time to challenge those ruling our health care with an iron fist. We have the power and all we need to do is exercise it. Information is Power We have the tools in the 21st century to bring about a modern Age of Enlightenment 35 that will liberate the people so we can take back our freedom and our health. The electronic communications revolution has provided a global platform for us to access the Library of Medicine 36 and evaluate the quality and quantity of vaccine science used to make public health policy and create vaccine laws. The World Wide Web allows us to circumvent the paid mainstream media dominated by industry and governments and publicly communicate in detail on our computers, tablets and smart phones exactly what happened to our health or our child's health after vaccination. 37 38 39 40 We are connected with each other in a way that we have never been before and it is time to talk about vaccines and microbes and the true causes of poor health. It is time to face the fear that we and our children will get sick and die if we don't believe and do what those we have allowed to rule our health care system with an iron fist tell us to believe and do. Who Will Control the Multi-Trillion Dollar U.S. Health Care System? What is at stake in this debate between citizens challenging the status quo and those resisting constructive change is: Who will control the multi-trillion dollar U.S. health care system? 41 If people have the right to know and freedom to choose how to heal and stay healthy, a free people may think independently and choose to spend their money on something different from what they have been carefully taught to spend their money on right now. 42 A free people may reject sole reliance on the expensive and, some say, ineffective pharmaceutical-based medical model that has dominated US health care for two centuries. 43 44 45 A free people may refuse to buy and eat GMO foods. 46 A free people may walk away from doctors, who threaten and punish patients for refusing to obey orders to get an annual flu shot or decline to give their children every single government recommended vaccine on schedule – no exceptions and no questions asked. 47 The most rational and compelling arguments for defending health freedom, including vaccine freedom of choice, are grounded in ethics, law, science and economics. The human right to voluntary, informed consent to vaccination is the best example of why Americans must not wait any longer to stand up and defend without compromise the inalienable right to autonomy and protection of bodily integrity.

Anti-vaccination advocates see the debate as a civil liberties issue – protests prove.

Mara 15 – Janis Mara, covers education for the Marin IJ and has won many awards for business coverage, live-blogging, and investigative work, 2015 (“Vaccination law critics hold protest at Golden Gate Bridge”, Marin Independent Journal, July 3, Available Online at <http://www.marinij.com/health/20150703/vaccination-law-critics-hold-protest-at-golden-gate-bridge>, accessed 7/16/15, KM)

Corte Madera chiropractor Donald Harte addresses protesters about the new California school vaccines law before demonstrating on the Golden Gate Bridge on Friday. Alan Dep — Marin Independent Journal [About 200 opponents of California’s new law mandating vaccination](#) for nearly all the state’s schoolchildren [protested at the Golden Gate Bridge](#) on Friday, wearing bright red and [vowing, “We’re not going away.”](#) The protest took place three days after Gov. Jerry Brown signed into law Senate Bill 277. The law requires immunization against diseases including measles and whooping cough in order to attend public or private school. Before the bill passed, parents could cite personal or religious beliefs to decline vaccination. Some medical problems, such as immune system deficiencies, will still be exempt under the new law. “We are large, we are powerful and we are going to be heard,” said event organizer Brandy Vaughan of the Council for Vaccine Safety during the rally. Adults, children and even one German Shepherd dog wore bright red T-shirts, many of them emblazoned with anti-vaccine slogans and images of syringes. “All of the nation of Islam are sincerely concerned about any law that imposes needles into the arms of men, women and children,” said Minister Keith Muhammad, an official speaker at the event and a local student representative of Louis Farrakhan, the leader of the religious group Nation of Islam, in Oakland. “Autism in black children increased with the MMR,” Muhammad said, referring to the measles-mumps-rubella vaccine. VACCINE, AUTISM In 1998, Andrew Wakefield and 11 other co-authors published a study in The Lancet, a respected medical journal, suggesting a link between this vaccine and autism. Subsequently, the study was retracted by The Lancet and Wakefield’s medical license was revoked. “Study after study has not found a link between vaccines and autism,” Marin Public Health Officer Matt Willis said at a March vaccination forum in San Rafael held by Marin’s public health department, the Marin County Office of Education and Kaiser Permanente. “The incidence of measles in California is very small and many of those who suffered were vaccinated,” Muhammad said. The speaker was referring to an outbreak of measles that started in Disneyland in December and eventually sickened more than 140 people. Of the California measles cases reported in January in which vaccination status was known, 80 percent weren’t vaccinated, according to Dr. Gil Chavez, state epidemiologist. “The majority of people who got measles were unvaccinated,” according to the website of the Centers for Disease Control and Prevention. The assertion was referring to the 178 measles cases reported in the United States between Jan. 1 and June 26 of this year. [“Are you ready to fight for your rights?”](#) asked [Rachelle Emery, who lobbied against the bill. The crowd roared back, “Yes!”](#) Emery called for [“an investigation of our legislators,”](#) specifically [Sen. Richard Pan, D-Sacramento, a pediatrician and an author of the bill.](#) Joshua Coleman of Roseville, who lobbied in Sacramento against SB 277, said, “We need to recall Senator Richard Pan.” He also urged the audience to educate the public on the issue. [“Is not injecting poison into a child, child abuse? Think about this!”](#) Donald Harte, a Corte Madera chiropractor, told the group. [PROCESSION After the speakers held forth, the group marched across the bridge, carrying signs with slogans such as “No forced vaccination,” and, “In matters of conscience, the law of the majority has no place” — Mahatma Gandhi.](#) A wagon with a bright red canopy holding three children was part of the procession. Two of the children belonged to Megan Fleming. “I have a background in Ayurvedic medicine and I read a lot of studies on holistic healing modalities before I had children,” the Mill Valley resident said. “I had a different perspective of what it means to create health. I did my research. I had an instinct that [I did not want to just go along with what I was being told,](#) Fleming said. [“Medical choice is a human right.](#) One of the issues with this is that vaccine studies are done by the companies that manufacture the vaccines. It would be good to have independent studies,” Fleming said.

Link – Privacy

The right to privacy becomes a tool for anti-vaccination parents to refuse vaccination – immunization is seen as an “intrusion”.

Friedersdorf 15 – Conor Friedersdorf, staff writer at The Atlantic, where he focuses on politics and national affairs, holds a Master’s degree in Journalism from New York University and BA in Politics, Philosophy, and Economics from Pomona College, 2015 (“Should Anti-Vaxers Be Shamed or Persuaded?”, The Atlantic, February 3, Available Online at <http://www.theatlantic.com/politics/archive/2015/02/should-anti-vaxers-be-shamed-or-persuaded/385109/>, accessed 7/14/15, KM)

While anti-vaxer ignorance has caused great damage, the vast majority are not, in fact, especially selfish people. But I part with the commentators who assume that insulting, shaming, and threatening anti-vaccination parents is the best course, especially when they extend their logic to politicians. For example, Chris Christie is getting flak for “pandering” to anti-vaccination parents. He said, “We vaccinate our kids, and so, you know that’s the best expression I can give you of my opinion. You know it’s much more important what you think as a parent than what you think as a public official. That’s what we do. But I understand that parents need to have some measure of choice in things as well, so that’s the balance the government has to decide.” Those remarks could be improved upon. Indeed, Christie’s office released a clarifying statement after his original comments came under criticism. But isn’t Christie’s approach more likely to persuade anti-vaccine parents than likening their kids to bombs? Let’s emulate the New Jersey governor. If I could address any anti-vaccine parents reading this article: Like you, I looked into the scientific evidence with an open mind. When I regard conventional wisdom or the ruling establishment to be wrong, I’m always eager to publicly dissent. In this case, I came to the same conclusion as my own hyper-cautious mother: Not only would I definitely vaccinate my own kid if I had one—the case is so strong that, were standard vaccinations more expensive, I’d spend 20 percent of my income to get my kids their shots. That’s how high my confidence is in their safety and importance. And if you’re surprised by this measles outbreak, you underestimated the costs of your choice, which you’d be smart to reverse as soon as possible. Testimony from people who actually have kids is, of course, going to be more credible. (See Roald Dahl’s story about his daughter for a particularly affecting testimony.) I’d urge parents with the impulse to shame and insult to try that approach instead, not just because it strikes me as more likely to persuade the typical anti-vaccine parent, but due to the conviction that while anti-vaxer ignorance has caused great damage, the vast majority are not, in fact, especially selfish people, and characterizing them as such just feeds into their mistaken belief system. Put another way, the parents I know who vaccinated their children, mine included, were not acting selflessly or sacrificially to protect the herd. They were appropriately confident that vaccinating their kids would significantly increase rather than reduce their chances of surviving and thriving in this world. Well-informed selfish people get vaccinated! Like Chris Mooney, I worry about this issue getting politicized. As he notes, there is presently no partisan divide on the subject. “If at some point, vaccinations get framed around issues of individual choice and freedom vs. government mandates—as they did in the ‘Christie vs. Obama’ narrative—and this in turn starts to map onto right-left differences ... then watch out,” he writes. “People could start getting political signals that they ought to align their views on vaccines—or, even worse, their vaccination behaviors—with the views of the party they vote for.” As a disincentive to this sort of thinking, folks on the right and left would do well to reflect on the fact that the ideology of anti-vaxers doesn’t map neatly onto the left or right, with the former willing to use state coercion and the latter opposing it. For example, consider some of the standard language used to talk about abortion. If you’re a progressive who believes in both a constitutionally guaranteed right to privacy and a moral right to autonomy over one’s body, do you also believe that choices about vaccinations ought to be between patients and doctors, and that the state has no right to intrude on such a sensitive matter? If you’re a conservative who believes that the community has a role in safeguarding innocent babies, even when that infringes on a parent’s choices and bodily autonomy, do you also believe vaccinations can be compelled by the state? I don’t mean to suggest that the abortion and vaccination debates map onto one another perfectly—only to illustrate that legally compelling vaccinations would be both consistent with and in tension with other positions taken by both the left and right. Personally, I can think of hypothetical situations where I’d support compelled vaccination and others where I’d staunchly oppose them, based not only on specific facts about the world, a given disease, and the vaccine against it, but also on the question of whether such a law would really improve public health outcomes.

Link – Constitution

Anti-vaccination proponents base their arguments in the Constitution too – according to this anti-vaxer, it’s a “fight for inalienable rights to freedom”

Fisher 14 – Barbara Loe Fisher, Co-founder & President of the National Vaccine Information Center, 2014 (“Vaccination: Defending Your Right to Know and Freedom to Choose”, National Vaccine Information Center, November 13, Available Online at <http://www.nvic.org/nvic-vaccine-news/november-2014/vaccination--defending-your-right-to-know-and-free.aspx>, accessed 7/16/15, KM)

NVIC: Defending Ethical Principle of Informed Consent I and the more than 100,000 followers and supporters 48 of the non-profit charity, the National Vaccine Information Center, take an informed consent position with regard to vaccination. Since our founding in 1982, we have defended the ethical principle of informed consent to vaccine risk-taking because vaccines are pharmaceutical products that carry a risk of injury, death and failure, 49 and because informed consent to medical risk taking is the central ethical principle guiding the ethical practice of medicine. 50 We support the “first do no harm” precautionary approach to public policymaking, which focuses on how much harm can be prevented from a policy or law and not how much harm is acceptable. 51 NVIC Supports Your Health Choices & Vaccine Exemptions We do not advocate for or against use of vaccines. We support your human and legal right to make informed, voluntary health care decisions for yourself and your children and choose to use every government recommended vaccine, a few vaccines or no vaccines at all. 52 NVIC has worked for more than 30 years to secure vaccine safety and informed consent provisions in public health policies and laws, including flexible medical, religious and conscientious belief vaccine exemptions. We are doing this in an increasingly hostile environment created by an industry-government-medical trade alliance that is lobbying for laws to compel all Americans to use every government recommended without deviation from the official schedule or face a growing number of societal sanctions. 53 Although historically, children have been the target for vaccine mandates, authoritarian implementation of federal vaccine policy is not just for children anymore, it is rapidly expanding to include all adults. 54 55 Californians Stood Up for Personal Belief Vaccine Exemption In 2012, many California residents traveled to Sacramento to protest a law introduced by a pediatrician legislator to make it harder for parents to file a personal belief vaccine exemption for their children to attend school. They responded to Action Alerts we issued through the online NVIC Advocacy Portal and lined the halls of the state Capitol building, many with their children, and waited for hours and hours to testify at several public hearings. Mother after mother and father after father, grandparents, nurses, doctors and students of chiropractic, came to the public microphone. Some talked about how vaccine reactions left their children sick and disabled but they can’t find a doctor to write a medical exemption so their children can attend school; others talked about how their babies died after vaccination; and others simply opposed restriction of the legal right for parents to make medical decisions for their minor children. It was a remarkable public witnessing by articulate, courageous citizens pleading with their elected representatives to do the right thing. The right thing would have been for lawmakers to vote to leave the personal belief vaccine exemption alone so parents could continue to make vaccine decisions for their minor children without being forced to beg a hostile doctor or government official for permission to do that. That didn’t happen. 56 Today, parents in California are forced to pay a pediatrician or other state-approved health worker to sign a personal belief vaccine exemption and the doctor can refuse to sign and parents are reporting many pediatricians ARE refusing to sign. Californians Inspired Colorado Citizens to Stand Up in 2014 Yet, because in 2012 California citizens made a powerful public statement by participating in the democratic process and taking action with calls, letters, emails and personal testimony, in 2014 Colorado citizens were inspired to do the same when the personal belief vaccine exemption was attacked in that state. Because in 2012 enough people in California did not sit back and assume the job of defending health freedom would get done by someone else, in 2014 enough people in Colorado did not assume it would get done by someone else. 57 And this time, we were able to hold the line and protect the personal belief vaccine exemption in that state from being eliminated or restricted. 58 This time, there were enough lawmakers in Colorado, who listened and carefully considered the evidence. 59 They did not cave in to pressure from drug industry, government and medical trade lobbyists labeling a minority of citizens as “ignorant,” “selfish,” “crazy” and in need of having their parental and civil rights taken away for defending the human right to self determination and informed consent to vaccine risk-taking. The Right to Make a Risk Decision Belongs to You I do not tell anyone what risks to take and never will. The right and responsibility for making a risk decision belongs to the person

taking the risk. When you become informed and think rationally about a risk you or your child will take - and then follow your conscience - you own that decision. And when you own a decision, you can defend it. And once you can defend it, you will be ready to do whatever it takes to fight for your freedom to make it, no matter who tries to prevent you from doing that. Einstein: "Never do anything against conscience" Albert Einstein, who risked arrest in Germany in the 1930's when he spoke out against censorship and persecution of minorities, said, "Never do anything against conscience even if the State demands it." 64 It takes strength to act independently. When the herd is all running toward the cliff, the one running in the opposite direction seems crazy. People who think rationally and act independently even when the majority does not, may be the only ones to survive! Gandhi: "Speak Your Mind" Gandhi was often persecuted by the ruling majority for challenging their authority and using non-violent civil disobedience to publicly dissent. He said, "Never apologize for being correct, for being ahead of your time. If you're right and you know it, speak your mind. Even if you are a minority of one, the truth is still the truth." 65 Sharing what you know to be true empowers others to make conscious choices. Jefferson: "The Minority Possess Their Equal Rights" The authors of the U.S. Constitution made sure to include strong language securing individual liberties, including freedom of thought, speech and conscience. They did that because many of the families immigrating to America had personally faced discrimination and persecution in other countries for holding beliefs different from the ruling majority. In his first Presidential inaugural address, Thomas Jefferson warned: "All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression." 66 Getting Vaccinated Is Not A Patriotic Act There is no liberty more fundamentally a natural, inalienable right than the freedom to think independently and follow your conscience when choosing what you will risk your life or your child's life for. And that is why voluntary, informed consent to medical risk taking is a human right.

Link – Util

There's no getting out of the link – anti-vaccination advocates would love to get down with the 1AC and criticize utilitarianism together – listen to this deontological spiel by an anti-vaxer.

Fisher 14 – Barbara Loe Fisher, Co-founder & President of the National Vaccine Information Center, 2014 (“Vaccination: Defending Your Right to Know and Freedom to Choose”, National Vaccine Information Center, November 13, Available Online at <http://www.nvic.org/nvic-vaccine-news/november-2014/vaccination--defending-your-right-to-know-and-free.aspx>, accessed 7/16/15, KM)

A Utilitarian Rationale Turned Into Law It is important to note that the Supreme Court ruling in *Jacobsen v Massachusetts* at the turn of the 20th century was clearly based on a utilitarian rationale that a minority of citizens opposing vaccination should be forced to get vaccinated in service to the majority. Utilitarianism was a popular ethical theory in the late 19th and early 20th century in Britain and the U.S. and was used by government officials as a mathematical guide to making public policy that ensured “the greatest happiness for the greatest number of people.” 112 113 Today, utilitarianism has a much more benign and lofty name attached to it: “the greater good.” Minorities At Risk When State Employs Militant Utilitarianism Perhaps that is because utilitarianism went out of fashion in the mid-20th century after, beginning in 1933, the Third Reich employed the utilitarian rationale as an excuse to demonize minorities judged to be a threat to the health and well being of the State.114 Enlisting the assistance of government health officials, 115 116 117 118 the first minority to be considered expendable for the good of the State were severely handicapped children, the chronically sick and mentally ill, the “useless eaters” they were called. 119 120 And when the reasons for why a person was identified as a threat to the health, economic stability, or security of the State grew longer to include minorities who were too old or too Jewish or too Catholic or too opinionated or simply unwilling to believe what those in control of the State said was true...as the list of those the State branded as persons of interest to be demonized, feared, tracked, isolated and eliminated grew, so did the collective denial of those who had yet to be put on that list. 121 122 Jacobsen v Massachusetts Used to Embrace Eugenics in U.S. Prophetically, in 1927, U.S. Supreme Court Justice Oliver Wendall Holmes invoked the *Jacobsen v. Massachusetts* “greater good” utilitarian decision to justify using the heel of the boot of the State to force the sterilization of a young Virginia woman, Carrie Buck, who doctors and social workers incorrectly judged to be mentally retarded like they said her mother was. 123 In a chilling statement endorsing eugenics, 124 Holmes revealed the morally corrupt core of utilitarianism that still props up mandatory vaccination laws in the U.S. Pointing to the *Jacobsen vs. Massachusetts* decision, Holmes declared that the state of Virginia could force Carrie Buck to be sterilized to protect society from mentally retarded people. Coldly, Holmes proclaimed, “three generations of imbeciles are enough” and “The principle that sustains compulsory vaccination is broad enough to cover cutting the fallopian tubes.” 125 The 1905 U.S. Supreme Court majority made fundamental scientific and ethical errors in their ruling in *Jacobsen v. Massachusetts*. It is clear that medical doctors cannot predict ahead of time who will be injured or die from vaccination and that is a scientific fact. 126 127 Utilitarianism Is A Discredited Pseudo-Ethic Utilitarianism is a discredited pseudo-ethic that has been used to justify horrific human rights abuses not only in the Third Reich but in human scientific experimentation and the inhumane treatment of prisoners and political dissidents here and in many countries, which is why it should never be used as a guide to public policy and law by any government. Although we may disagree about the quality and quantity of the scientific evidence used by doctors and governments to declare vaccines are safe at the population level, at our peril do we fail to agree that, while the State may have the power, it does not have the moral authority to dictate that a minority of individuals born with certain genes and biological susceptibilities give up their lives without their consent for what the ruling majority has judged to be the greater good.

Spillover

Yes spillover – anti-vaccination advocates use Court cases, pro-choice rhetoric, and even GMOs to justify their beliefs.

McGough 15 – Michael McGough, Los Angeles Times' senior editorial writer that writes about law, national security, politics, foreign policy and religion, holds a Master's degree in law from Yale Law School, 2015 ("Opinion: A Supreme Court quote anti-vaxxers will love", LA Times, February 5, Available Online at <http://www.latimes.com/opinion/opinion-la/la-ol-vaccines-supreme-court-parents-20150203-story.html>, accessed 7/14/15, KM)

The Supreme Court has recognized the right of parents to make choices for their children The anti-vaccination movement has an interesting connection to the judicially created right to abortion Vaccination is the latest test of parental authority The refusal of many parents to vaccinate their children against measles has become a political story. Some (but not all) Republican presidential hopefuls are giving aid and comfort to anti-vaxxers. Meanwhile, some have argued (unpersuasively) that President Obama is guilty of the same sort of pandering. Outside the realm of electoral politics, a debate rages over whether credulity about the "dangers" of vaccination is primarily a feature of right-leaning libertarians or liberals who also harbor ridiculous fears about genetically modified food. No one to my knowledge has mentioned that the anti-vaccination movement also has an interesting connection to the Supreme Court and the judicially created right to abortion. In 1925, in Pierce vs. Society of Sisters, the court struck down on constitutional grounds an Oregon law that required children to attend only public schools. Ruling in favor of an order of Catholic nuns and a military academy, the court held that the law "unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children." The decision includes this famous sentence: "The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." This ringing affirmation of parental authority continues to resonate in conservative and libertarian circles. The website of the Home School Legal Defense Assn. says it was established "to defend and advance the constitutional right of parents to direct the education of their children and to protect family freedoms." In American law as well as in American culture, parents rule. - But does the Constitution really give parents the power to decide how their kids will be educated? Not explicitly, but the court located such a right in the 14th Amendment, which says that no state may "deprive any person of life, liberty, or property, without due process of law." In a previous decision, the court had said that liberty "denotes not merely freedom from bodily restraint" but also a constellation of other fundamental rights. Now for the abortion connection. The landmark Roe vs. Wade decision cites Pierce vs. Society of Sisters. Like the right to shape your child's education, a woman's right to abortion (rooted in a larger right of privacy) is derived from a broad reading of "liberty." Many Americans are offended by the idea that abortion rights are fundamental; but some of those same people would enthusiastically agree with the court that parents have a constitutional right to shape the upbringing of their children -- whether the issue is education or medical care. I'm not saying that the Supreme Court necessarily would strike down a law requiring vaccination with no exemptions. But the court's statement that "the child is not the mere creature of the state" isn't that far removed from New Jersey Gov. Chris Christie's insistence in his vaccination comments that "parents need to have some measure of choice in things as well." A reader complained that I "said, basically, that the U.S. Supreme Court supports parents' rights over health concerns on vaccinations, citing a parochial school case from 1925. The analogy is incorrect; the Supreme Court clearly stated in 1905 that health concerns justify mandatory vaccinations." Actually I didn't say that the Supreme Court would

strike down a requirement that children be vaccinated. In fact, I wrote: "I'm not saying that the Supreme Court necessarily would strike down a law requiring vaccination with no exemptions." My point was the Supreme Court had used very expansive language about parental rights similar to that employed by opponents of vaccination (and supporters of home-schooling). But I should have mentioned the 1905 ruling, which involved the prosecution of an adult who declined to be vaccinated for smallpox. (Here's the court's ruling in *Jacobson vs. Massachusetts*.)

Spillover will occur – both politicians and advocates will make the connection between the plan and anti-vaccination rights – *Roe v. Wade* proves.

Napolitano 15 – Andrew Napolitano, former judge of the Superior Court of New Jersey, senior judicial analyst at Fox News Channel. Judge Napolitano has written nine books on the U.S. Constitution. The most recent is *Suicide Pact: The Radical Expansion of Presidential Powers and the Lethal Threat to American Liberty*, 2015 ("To Vaccinate or Not To Vaccinate? Why We Should Consult *Roe v. Wade*", Reason.com, February 5, Available Online at <http://reason.com/archives/2015/02/05/to-vaccinate-or-not-to-vaccinate>, accessed 7/16/15, KM)

New Jersey Gov. Chris Christie unwittingly ignited a firestorm earlier this week when he responded to a reporter's question in Great Britain about forced vaccinations of children in New Jersey by suggesting that the law in the U.S. needs to balance the rights of parents against the government's duty to maintain standards of public health. Before Christie could soften the tone of his use of the word "balance," Kentucky Sen. Rand Paul jumped into the fray to support the governor. In doing so, he made a stronger case for the rights of parents by advancing the view that all vaccines do not work for all children and the ultimate decision-maker should be parents and not bureaucrats or judges. He argued not for balance, but for bias—in favor of parents. When Christie articulated the pro-balance view, he must have known that New Jersey law, which he enforces, has no balance, shows no deference to parents' rights, and permits exceptions to universal vaccinations only for medical reasons (where a physician certifies that the child will get sicker because of a vaccination) or religious objections. Short of those narrow reasons, in New Jersey, if you don't vaccinate your children, you risk losing parental custody of them. The science is overwhelming that vaccinations work for most children most of the time. Paul, who is a physician, said, however, he knew of instances in which poorly timed vaccinations had led to mental disorders. Yet, he was wise enough to make the pro-freedom case, and he made it stronger than Christie did. To Paul, the issue is not science. That's because in a free society, we are free to reject scientific orthodoxy and seek unorthodox scientific cures. Of course, we do that at our peril if our rejection of truth and selection of alternatives results in harm to others. The issue, according to Paul, is: WHO OWNS YOUR BODY? This is a question the government does not want to answer truthfully, because if it does, it will sound like Big Brother in George Orwell's novel 1984. That's because the government believes it owns your body. Paul and no less an authority than the U.S. Supreme Court have rejected that concept. Under the natural law, because you retain the rights inherent in your birth that you have not individually given away to government, the government does not own your body. Rather, you do. And you alone can decide your fate with respect to the ingestion of medicine. What about children? Paul argues that parents are the natural and legal custodians of their children's bodies until they reach maturity or majority, somewhere between ages 14 and 18, depending on the state of residence. What do the states have to do with this? Under

our Constitution, the states, and not the federal government, are the guardians of public health. That is an area of governance not delegated by the states to the feds. Of course, you'd never know this to listen to the debate today in which Big Government politicians, confident in the science, want a one-size-fits-all regimen. No less a champion of government in your face than Hillary Clinton jumped into this debate with a whacky Tweet that argued that because the Earth is round and the sky is blue and science is right, all kids should be vaccinated. What she was really saying is that in her progressive worldview, the coercive power of the federal government can be used to enforce a scientific orthodoxy upon those states and individuals who intellectually reject it. In America, you are free to reject it. Clinton and her Big Government colleagues would be wise to look at their favorite Supreme Court decision: Roe v. Wade. Yes, the same Roe v. Wade that 42 years ago unleashed 45 million abortions also defines the right to bear and raise children as fundamental, and thus personal to parents, and thus largely immune from state interference and utterly immune from federal interference. Paul's poignant question about who owns your body—and he would be the first to tell you that this is not a federal issue—cannot be ignored by Christie or Clinton or any other presidential candidate. If Paul is right, if we do own our bodies and if we are the custodians of our children's bodies until they reach maturity, then we have the right to make health care choices free from government interference, even if our choices are grounded in philosophy or religion or emotion or alternative science. But if Paul is wrong, if the government owns our bodies, then the presumption of individual liberty guaranteed by the Declaration of Independence and the Constitution has been surreptitiously discarded, and there will be no limit to what the government can compel us to do or to what it can extract from us—in the name of science or any other of its modern-day gods.

Link booster – rights key

The defense of personal freedoms are the largest internal link – outweighs any other anti-vax defenses.

Earl 15 – Elizabeth Earl, citing Nadja Durbach, a professor of history at the University of Utah, 2015 (“The Victorian Anti-Vaccination Movement”, The Atlantic, July 15, Available Online at <http://www.theatlantic.com/health/archive/2015/07/victorian-anti-vaccinators-personal-belief-exemption/398321/>, accessed 7/20/15, KM)

After germ theory was expanded upon and researchers developed vaccines, the British government outlawed variolation, which still carried some risk of killing the person it was meant to protect, in the Vaccination Act of 1840. Safer vaccines, which contain a weakened form of a particular disease, replaced variolation, which was a controlled exposure to a disease by injecting a healthy person with some of the infected pus or fluid of an ill person. To encourage widespread vaccination, the law made it compulsory for infants during their first three months of life and then extended the age to children up to 14 years old in 1867, imposing fines on those who did not comply. At first, many local authorities did not enforce the fines, but by 1871, the law was changed to punish officials if they did not enforce the requirement. The working class was outraged at the imposition of fines. Activists raised an outcry, claiming the government was infringing on citizens’ private affairs and decisions. Many of the concerns of the 19th century, such as the role of government in personal choices, have reemerged. Over the course of a decade, multiple prominent scientists threw their support behind the anti-vaccination movement as well. “Every day the vaccination laws remain in force parents are being punished, infants are being killed,” wrote Alfred Russel Wallace, a prominent scientist and natural selection theorist, in a vitriolic monograph against mandatory vaccination in 1898. He accused doctors and politicians of pushing for vaccination based on personal interest without being sure that the vaccinations were safe. Wallace cited statistics from a report by the Registrar-General of deaths from vaccination from 1881 to 1895, showing that an average of 52 individuals a year died from cowpox or other complications after vaccination. Wallace pointed to the deaths to assert that vaccination was useless and caused unnecessary deaths. Pro-vaccinationists cited other statistics from London, where the number of deaths from smallpox fell significantly between the 18th and 19th centuries, after the discovery of vaccination. The National Vaccine Establishment figures claiming that nearly 4,000 people died in the city each year from smallpox before the discovery of vaccination, which Wallace and other anti-vaxers claimed was a grossly inflated figure. The Statistical Society of London noted in its journal in 1852 that “smallpox has greatly prevailed,” saying that vaccination was insufficient but that the registrars of the various counties were optimistic that it could work in the future. British government chose not to answer, staying silent behind the law as protests mounted. Epidemic disease was a fact of life at the time. Smallpox claimed more than 400,000 lives per year throughout the 19th century, according to the World Health Organization. Nadja Durbach, a professor of history at the University of Utah and the author of *Bodily Matters: The Anti-Vaccination Movement in England, 1853-1907*, says a major difference between the 19th century movement and today’s is that anti-vaxers in the past were more aware of the consequences of their choice: Disease was still rampant. Despite the existence of vaccines, thousands still died of infectious disease every year. Today, in most developed countries, large-scale epidemics are confined to the annals of history or to flash-in-the-pan flare-ups such as MERS in South Korea. By the time of the Leicester protest, public opinion was souring toward vaccination. The injections were not completely without risk, with a percentage of those who received the vaccination becoming ill, and riots broke out in towns such as Ipswich, Henley, and Mitford, according to a 2002 paper in the *British Medical Journal*. The Anti-Compulsory Vaccination League launched in London in 1867 amid the publication of multiple journals that produced anti-vaccination propaganda. Another chapter cropped up later in the century in New York City to spread the “warning” about vaccines to the United States. Under this pressure, the British government introduced a key concept in 1898: A “conscientious objector” exemption. The clause allowed parents to opt out of compulsory vaccination as long as they acknowledged they understood the choice. Similar to today’s religious exemptions in 47 U.S. states and the personal belief exemptions in 18 states, according to the National Conference of State Legislatures, the parents signed paperwork certifying that they knew and accepted the risks associated with not vaccinating. Modern vaccination activists come from a different world than those in the 19th century. While anti-vaxers today are largely upper middle class, the crowd opposing vaccination in the 19th century was largely composed of lower- and working-class British citizens, according to Durbach. “They felt that they were the particular targets, as a class group, for vaccination and for prosecution under the compulsory laws,” she says. “This was part of a larger expression of their sense of themselves as second-class citizens who thus lacked control over their bodies in the way that the middle and upper classes did not.” Unless the root issues are

addressed, the anti-vaccination movement will continue to resurface with different faces. By the close of the 19th century and the dawn of the 20th, the protests had come to a head. The anti-vaccination sentiment had spread to the U.S., garnering support in urban centers such as New York City and Boston. The British government ceded its stringent line to the protests of the people. The law was amended yet again in 1907 to make the exemptions easier to obtain—because of an extensive approval process, many parents could not obtain the necessary paperwork to claim the exemption before the child was more than four months old, past the deadline. The U.S. government, however, took a harder tack. In the 1905 Supreme Court ruling in the case of *Jacobson v. Massachusetts*, the court upheld the state government’s right to mandate vaccination. The Massachusetts Anti-Compulsory Vaccination Society lobbied hard for the court to rule in favor of the plaintiff, but all they won from the decision was the provision that individuals cannot be forcibly vaccinated. The protests quieted after these two decisions, but small pockets of unease have now bubbled up again. Durbach said that **unless the root issues are addressed—the boundaries of personal freedom versus social obligations—the movement will continue to resurface with different faces.**

2NC/1NR Impacts — Privacy Link

Privacy movements hurt economy

The privacy movement could tank the economy — hurts advertising, small business, and innovation

Wheeler 12 — Eric Wheeler, CEO and co-founder of 33 across, a company specializing in building tools for online publishers, 2012 ("How 'Do Not Track' is poised to kill online growth," CNET, 9-20-2012, Available Online at <http://www.cnet.com/news/how-do-not-track-is-poised-to-kill-online-growth/>, Accessed 7-20-2015)

Most painful, consumers themselves would end up suffering, gaining "privacy" (whatever that means in the context of anonymous data collection) at the cost of online subscription fees, less interesting and innovative online experiences, and less relevant advertising. On top of that, get ready for maximally confusing, overboard, opt-in mechanisms on every Website you visit. **We are headed for what feels like an anti-Internet, not a privacy movement.**

New "Do Not Track" policy could come out as soon as next year, so before it's too late, we need to step back and consider what's really at stake.

Compromising a \$300 billion industry

Online advertising has been one of the few unqualified success stories in our economy in recent years. By building a better infrastructure -- enabling brands to underwrite content and show relevant advertising -- the online ad industry has achieved an enviable growth rate. The Interactive Advertising Bureau (IAB) recently reported record ad revenues of \$8.4 billion for the first quarter of 2012, a 15 percent increase year-over-year. According to a recent Harvard study commissioned by the IAB, the online advertising ecosystem now accounts for \$300 billion of economic activity and 3.1 million jobs within the U.S.

But take away ad targeting, and the anonymous data collection that makes it possible, and **the bottom drops out virtually overnight.** Goodbye, relevant and effective ads, healthy rates, and healthy growth; welcome back, paywalls, jumping monkey ads, static tech growth, opt-in consent mechanisms and deep profiles tied to your personal information to replace anonymous, cookie-based behavioral advertising.

Handicapping small business

The perils of "Do Not Track" extend well beyond the ad industry. Small publishers and startup ventures alike stand to lose the most under more stringent online restrictions. Most of these companies depend heavily on advertising to generate revenue. Not just any advertising--but interest-based advertising provided by responsible third parties committed to strict industry regulation. Unable to leverage a targeted ad model, they'll likely drive consumers away when left only with paltry generic ads that scream for attention rather than attracting it through relevance -- and they'd have to run a lot more of them, cluttering the screen and infuriating consumers.

Better yet, they would have to employ subscription models where consumers pay a la carte to visit websites, for email, social networking, music, casual games, and other services. A double hit

on the economy: take away small businesses' means to make money and make consumers spend more. Good luck with that one.

Stifling innovation

Anonymous user data is far more than just a lens for ad delivery; for many startups, it's **the life's blood of innovation**. Once upon a time, a startup called Amazon revolutionized online retail, in part by leveraging behavioral shopping data that it gathered about its customers: by all accounts, this data has become a core piece of its shopping recommendation engine.

Similarly, Netflix uses anonymous, real-time user data to inform recommendations for its customers. The data Trulia processes helps real estate agents improve their listings, and enables consumers to buy or sell homes at the optimal time. Groupon uses mobile location data, as well as anonymous information on users' habits and interests, to help local businesses deliver daily deals to the right consumer at the right time and place.

The common denominator among all of these companies is that they use anonymous data to gain insight into their customers' favorite activities, interests, and connections, enabling them to create highly valuable online experiences that otherwise would have been impossible to deliver.

Is the FTC or W3C really aiming to prevent the next Amazon or Netflix from emerging?

Privacy movements threaten autonomous cars

Any advantages of autonomous cars require data collection and coordination that is threatened by privacy movements

Kohler and Colbert-Taylor 14 — William J. Kohler, Chief Legal Officer and Corporate Secretary at Dura Automotive Systems, LLC, and Alex Colbert-Taylor, J.D. Student at University of Michigan Law School, 2014 (“Current Law And Potential Legal Issues Pertaining To Automated, Autonomous And Connected Vehicles,” *Santa Clara High Technology Law Journal* (31 Santa Clara Computer & High Tech. L.J. 99), Available Online to Subscribing Institutions via Lexis-Nexis)

V. Privacy and Data Use

Far more profusely than today's vehicles, mature and market-ready autonomous vehicles will generate and broadcast personal data, the use and storage of which will implicate important privacy rights in complicated ways that will likely have to be faced well before Level 3 and Level 4 vehicles become a commercial reality. n131 Although exclusively sensor-based autonomous vehicles are certainly a possibility, n132 many of the most compelling reasons for adopting self-driving cars are dependent on the vehicles sharing and coordinating data with each other, both locally and through centralized infrastructure. It is self-evident that the efficient management of traffic at intersections, the intelligent distribution of traffic to minimize congestion, and the ability of autonomous vehicles to safely travel in close-packed platoons, for instance, are all largely or completely reliant on communication both between the individual vehicles and other cars in the vicinity, and between the autonomous vehicles and an external network. Even if this [*121] data is scrubbed of unique individual identifying markers, for instance VIN-numbers, or IP-or MAC-addresses, data-mining techniques will almost certainly be able to reconstruct personal identifying information about particular vehicles and by extension their regular occupants. n133 The way this data is used will be the subject of regulation and legal controversy. Concerns about user privacy have already drawn substantial attention from the media. n134

[Note to fellow students: Level 3 — Limited Self-Driving Automation, Level 4 — Full Self-Driving Automation]

Autonomous cars are threatened by privacy movements

Kohler and Colbert-Taylor 14 — William J. Kohler, Chief Legal Officer and Corporate Secretary at Dura Automotive Systems, LLC, and Alex Colbert-Taylor, J.D. Student at University of Michigan Law School, 2014 (“Current Law And Potential Legal Issues Pertaining To Automated, Autonomous And Connected Vehicles,” *Santa Clara High Technology Law Journal* (31 Santa Clara Computer & High Tech. L.J. 99), Available Online to Subscribing Institutions via Lexis-Nexis)

The 2012 push for consumer privacy protections seems to have made little progress, but there is some recent movement in Washington with respect to automakers' usage of personal data. In a December 2, 2013 open letter to auto industry executives, Senator Edward Markey of Massachusetts raised concerns about the disclosure of individual user data and aggregated data

from vehicles currently on the market, seeking information from automakers as to whom this data is shared with or sold to, how long the data is kept, whether vehicle users have any option to delete this data or else to have it not retained at all, and similar questions. n191 Senator Markey requested that automakers respond to his inquiry no later than January 3, 2014. n192 The Senator has not disclosed whether any responses were submitted, and if so, whether these responses will be made public.

2NC/1NR Impacts — Vaccine DAs

Warming/Environment

Vaccinations are key to adapt to warming.

Schulman 15 — Jeremy Schulman, Jeremy Schulman is based in Mother Jones' Washington bureau and works on the Climate Desk partnership. He was previously editor-in-chief of The American Independent and research and investigative director at Media Matters for America, 2-11-2015 ("Vaccines are one of our best weapons against global warming," Mother Jones, 2-11-2015, Available Online at <http://www.motherjones.com/environment/2015/02/vaccines-measles-rotavirus-climate-change>, Accessed 7-16-2015)

Sen. Rand Paul (R-Ky.) has suggested that vaccines cause "profound mental disorders." Paul has also said he's "not sure anybody exactly knows why" the climate changes. So the likely presidential contender would probably find this fact pretty confusing: According to leading scientists, vaccines are among the "most effective" weapons in our arsenal for combating the threats that global warming poses to human health.

In its landmark report (PDF) last year, the UN's Intergovernmental Panel on Climate Change warned that global warming poses a range of health threats—especially in the developing world. Warmer temperatures and changes in rainfall will reduce crop production, leading to malnutrition. Foodborne and waterborne illnesses will become a bigger problem. And, some scientists argue, diseases like malaria will spread as the insects that carry them migrate to new areas.

So how should humanity adapt to these dangers? The IPCC report lays out a slew of public health interventions, including widespread vaccination:

The most effective measures to reduce vulnerability in the near term are programs that implement and improve basic public health measures such as provision of clean water and sanitation, secure essential health care including vaccination and child health services, increase capacity for disaster preparedness and response, and alleviate poverty.

There are a number of reasons that vaccines will play an important role in our efforts to adapt to a warming world. The most obvious is their ability to protect vulnerable populations from diseases that will be made worse by climate change.

A prime example is rotavirus, a vaccine-preventable disease that can cause severe diarrhea. It killed roughly 450,000 children in 2008—mostly in South Asia and sub-Saharan Africa, according to the World Health Organization. "There is evidence that case rates of rotavirus are correlated with warming temperatures and high rainfall," according to Erin Lipp, an environmental health professor at the University of Georgia and a contributor to the IPCC report. This is particularly true in developing countries with poor sanitation and drinking water sources, Lipp explained in an email.

"A child weakened by measles is more likely to die from the malnutrition caused by climate change."

There are other, less direct, ways in which climate change can exacerbate a wide range of existing public health problems. Take measles, which is currently making a comeback in the

United States—thanks in large part to the unscientific claims of the anti-vaccination movement. Measles killed nearly 150,000 people worldwide in 2013; it's particularly common in parts of sub-Saharan Africa and South Asia that have extremely low vaccination rates—areas that will be hit especially hard by the impacts of climate change.

Unlike with rotavirus, there's no direct relationship between measles and global warming. But Kirk Smith—an environmental health expert at UC, Berkeley, and a lead author of the IPCC chapter on health impacts—points out that "a child weakened by measles is more likely to die from the malnutrition caused by climate change." In other words, anything we can do to reduce the impact of existing health problems will be even more important in a warming world. And vaccinating children, he says, is one of the most cost-effective public health tools we have.

Diseases like measles pose another threat, as well, says Alistair Woodward, who is also a lead author of the IPCC chapter. Woodward, an epidemiologist at the University of Auckland, points out that extreme climate events—crop failures in Africa, flooding in Bangladesh, and even storms like Hurricane Katrina—can displace large numbers of people. "In these circumstances, with crowding and poor living conditions, all the basic public health services are put under great strain," said Woodward in an email. "The risks of infection go through the roof, for all communicable diseases...So ensuring that people are vaccinated is a logical thing to do as part of managing the risks of a rapidly changing climate."

Of course, making sure people are inoculated against deadly diseases isn't easy. In the developing world, vaccination campaigns have to overcome transportation and security issues, as well as poor local health care systems. And these challenges, says Woodward, can dwarf the problems caused by the anti-vaxxer movement.

Anti-Vaxxers lead people to question environmental science.

Romm 15 — Joe Romm, Joe Romm is a Fellow at American Progress and is the Founding Editor of Climate Progress, which New York Times columnist Tom Friedman called "the indispensable blog" and Time magazine named one of the 25 "Best Blogs of 2010." In 2009, Rolling Stone put Romm #88 on its list of 100 "people who are reinventing America." Time named him a "Hero of the Environment" and "The Web's most influential climate-change blogger." Romm was acting assistant secretary of energy for energy efficiency and renewable energy in 1997, where he oversaw \$1 billion in R&D, demonstration, and deployment of low-carbon technology. He is a Senior Fellow at American Progress and holds a Ph.D. in physics from MIT, 2/9/2015 ("Medical Ethicist: Anti-Vaxxers Are Like Climate Science Deniers," ThinkProgress, 2/9/2015, Available Online at <http://thinkprogress.org/climate/2015/02/09/3620665/anti-vaxxers-like-climate-science-deniers/>, Accessed 7-14-2015)

If you feel a moral obligation to embrace science-based strategies to protect "unsuspecting infants" from serious dangers, should you be more concerned about those who oppose mandatory vaccinations for childhood diseases or those who oppose mandatory action against climate change?

That was a trick question: You should be exceedingly concerned about both, even though the dangers are very different in both timing and scale. Arthur Caplan, director of the Division of Medical Ethics at NYU Langone Medical Center's Department of Population Health, explains in the Washington Post:

Thankfully, only a few physicians in America have embraced fear-mongering in the middle of this dangerous and costly measles epidemic. They deserve a place of honor next to climate-change skeptics, anti-fluoridation kooks and Holocaust deniers. They doubt the facts, ignore established evidence and concoct their own pet theories. They shouldn't be allowed near patients, let alone TV cameras. But because their suggestions are so surprising and controversial, they often find themselves on cable news shows and in news reports about the "anti-vaxx" crowd. Their power, therefore, is radically disproportionate to their numbers.

Precisely.

Yet from MSNBC's "Morning Joe" Scarborough to the Wall Street Journal's editorial board, many leading conservatives want you to think that it's only that vaccine science that provides enough certainty to require government action. They are wrong. They ignore established evidence that the world's leading scientists and governments have "high confidence" the world faces "severe, pervasive and irreversible impacts for people and ecosystems" — devastating impacts that occur "even with adaptation" if we keep listening to the do-little or do-nothing crowd.

Last week, :

"There is not, at least in the science community, a debate about [vaccines causing autism] anymore," MSNBC's Scarborough said last week. "This is not even close, this is not even close — there is still a debate on climate change, the effects of climate change, how quickly climate change is coming on us. How much man contributes. There are a thousand different variables in that debate."

Not quite. There is very little debate in the scientific community about the conclusion that humans are the primary contributor — by far — to recent warming. The world's largest general scientific society, the American Association for the Advancement of Science, explained this in its blunt 2014 climate report, "What We Know":

The science linking human activities to climate change is analogous to the science linking smoking to lung and cardiovascular diseases. Physicians, cardiovascular scientists, public health experts and others all agree smoking causes cancer. And this consensus among the health community has convinced most Americans that the health risks from smoking are real. A similar consensus now exists among climate scientists, a consensus that maintains climate change is happening, and human activity is the cause.

We have a similar obligation to protect people from the dangers posed by climate change that we do to protecting people from the dangers posed by second-hand smoke

Scarborough apparently has no idea that the best estimate of climate scientists is that humans are responsible for all of the warming we have suffered since 1950. As the most recent IPCC report summarizing the recent scientific literature observations explains, "The best estimate of

the human-induced contribution to warming is similar to the observed warming over this period.” That line was sufficiently uncontroversial it was signed off on by all the major governments in the world.

The main “debate” on climate change among scientists is just how catastrophic the “irreversible” warming we face will be if we keep doing little or nothing to sharply reverse emissions trends, which is to say, if we keep listening either to people like Scarborough (aka the cocksure ignorati) or to the professional deniers.

Amazingly, the foremost climate-science-denying editorial page in the country — which belongs to Rupert Murdoch’s Wall Street Journal — is shocked, shocked that leading Republican politicians like Gov. Chris Christie (R-NJ) and Sen. Rand Paul (R-KY) have indicated doubt about vaccine science:

As for Mr. Paul, he will have to avoid these libertarian dormitory passions if he wants to be a credible candidate. Government doesn’t “force” parents to vaccinate children. The states impose penalties (such as barring attendance in public schools) on those who pose a risk to public health by refusing vaccinations against infectious diseases. This strikes us as a legitimate use of state “police powers” under the Constitution. It is also a reasonable and small sacrifice of liberty to prevent the potentially fatal infection of unsuspecting infants at Disneyland.

So it is a reasonable and small sacrifice of liberty to protect unsuspecting infants from serious harm by having the state impose penalties for those who don’t adhere to what science says is the optimal prevention strategy, in the case of vaccines. But for the Journal, it is wildly unreasonable and a major assault on liberty to protect unsuspecting infants — and billions of others — from serious harm by having the state impose penalties for those who don’t adhere to what science says is the optimal prevention strategy, in the case of climate change.

The Journal routinely spreads long-debunked disinformation, smears climate scientists and denigrates the entire climate science enterprise. A particularly inane a May 2013 op-ed actually urged “more atmospheric carbon dioxide”! Scientifically, that would be comparable to an op-ed urging “less vaccination.”

The Journal editors have a real contender in their pro-vaccine editorial for the most unintentionally hypocritical science piece of the year, especially with its final paragraph lecturing us on “human progress”:

“Let’s chalk up the weird science of Messrs. Paul and Christie to a lack of information, and we’re happy to send them 13 years of vaccine editorials if they want to study up,” the editorial concludes. “The not-so-great measles vaccine debate of 2015 is one of those events that makes us wonder if there is such a thing as human progress. But then we live in America, so we know there’s hope.”

Seriously, the Journal bemoaning whether “there is such a thing as human progress” is like Bernie Madoff bemoaning whether there is such a thing as business ethics or Chief Justice John Roberts bemoaning the overabundance of corporate money in politics....

Again, it's OK to use state power to protect "unsuspecting infants" from unvaccinated kids because science says so — and the WSJ will send you 13 years of editorials on the subject. But if you want to use state power to protect unsuspecting infants — and everyone else — from catastrophic climate change because science says so, well, the WSJ can send you 13 years of anti-science climate denial opposing all action and trashing our leading scientists.

One final note: In his Washington Post piece, Caplan puts anti-vaccination doctors in the same category as "climate-change skeptics" and "Holocaust deniers." I discussed my views on the term "deniers" in my December, post about the statement issued by four dozen leading scientists and science journalists/communicators urging the media to "Please stop using the word 'skeptic' to describe deniers" of climate science.

Disease — Measles Expensive

Measles outbreaks cost a lot of money.

Mnookin 15 — Seth Mnookin, 7-14-2015 ("» The financial implications of the US measles outbreaks," No Publication, 7-14-2015, Available Online at <http://blogs.plos.org/thepanicvirus/2011/05/25/the-financial-implications-of-the-us-measles-outbreaks/>, Accessed 7-14-2015)

Earlier today, the CDC released a report about the measles outbreaks that have been occurring across the country since the beginning of the year. (Hat tip to USA Today's Liz Szabo for this story.) I wrote a fair amount about measles in my book, and one reason measles outbreaks are so scary (and so difficult to contain) is that measles is the most infectious microbe known to man—it's transmission rate is around 90 percent. It has also killed more children than any other disease in history.

If you're skeptical about the correlation between measles vaccination rates and the spread of the disease, or about the danger deliberately unvaccinated members of the population pose to infants, you should check out the CDC's figures. They're pretty stunning:

* There have been 118 reported measles cases in the first nineteen weeks of the year — which is the highest number of infections for that period since 1996. That's particularly noteworthy because, as the CDC points out, "as a result of high vaccination coverage, measles elimination (i.e., the absence of endemic transmission) was achieved in the United States in the late 1990s and likely in the rest of the Americas since the early 2000s."

* Eighty-nine percent of all reported cases have been in people who've been unvaccinated. Almost 20 percent of that figure is made up of children who were less than a year old. That means they were too young to have received the first dose of the measles-mumps-rubella (MMR) vaccine, which is given once between the ages of twelve and fifteen months and again when a child is between four and six years old. Another twenty percent of the total number of reported infections were in children between the ages of one and four.

* Forty percent of the infections recorded so far this year have resulted in hospitalization — and 98 percent of the people who were hospitalized were unvaccinated. In its typically understated manner, the CDC noted that "nine [of the hospitalized patients] had pneumonia, but none had encephalitis and none died"— which is another way of saying that encephalitis and death are potential complications of serious cases of pneumonia.

The most significant factor in the spread of measles in the United States is the increase of pockets of the country where vaccination rates have declined below the level needed to maintain herd immunity` – and, similar to what occurred in the UK in the early part of the last decade, that decline can be traced back to the press-fueled panic sparked by anti-vaccine messiah Andrew Wakefield's discredited, retracted, and possibly fraudulent twelve-child case study linking the MMR vaccine to autism.

Indeed, it's striking just how many of the infections are clustered around Minnesota, where anti-vaccine activists have been for years targeting an immigrant Somali community...and where Wakefield has made multiple trips over the past several months:

Reported measles cases in US, Jan 1-May 20 2011

Anyone curious about how quickly a series of small measles conflagrations can spread horribly out of control should check out the situation currently unfolding in France, which is in the third year of a nation-wide outbreak.[^] In 2007, the number of reported cases in France was around forty. The next year, they jumped to six hundred...and they've been rising ever since. So far in 2011, there have been more than 6,400 infections in the country. Translated to a population the size of the US's, that would represent a jump from 188 cases to more than 28,000.

The toll that would take on the nation's health-care infrastructure is mind-boggling. Consider this: In 2008, a deliberately unvaccinated patient of "Dr. Bob" Sears caught measles while on vacation in Switzerland. That single infection ultimately resulted in a total of 12 cases...and the total cost of containing the outbreak topped \$150,000.

FOOTNOTES

[`] The beginning of this sentence had previously read, "The most significant factor in the spread of measles in the United States is declining vaccination rates." As some readers have pointed out, the overall vaccination rates in the country have more or less stayed the same; the issue is the increase in individual communities where vaccine refusal has grown.

[^] France also illustrates how the result of vaccine panics can be similar even when the roots causes are completely unrelated: A recent British Medical Journal story titled "Outbreak of measles in France shows no signs of abating" points out that "the publication in the Lancet in 1998 of the research article by Andrew Wakefield purporting to show a link between the MMR vaccine and autism had no significant effect on uptake of the MMR vaccine in France. The main vaccine controversy in France has centred on that against hepatitis B, and this has taken its toll on immunisation campaigns as a whole."

Measles are really expensive

Haelle 15 — Tara Haelle, I am a freelance science journalist and photojournalist who specializes in reporting on vaccines, pediatric and maternal health, parenting, nutrition, obesity, mental health, medical research, environmental health and the social sciences. My work has appeared in Scientific American, the Washington Post, Politico, Slate, NOVA, Wired, Science and Pacific Standard, and I write regularly for HealthDay, Frontline Medical Communications and my science and health mom blog Red Wine & Apple Sauce. I was the health editor at Double X Science and am currently co-authoring an evidence-based parenting book due in late 2015. I received my master's in journalism at the University of Texas at Austin (also my undergrad alma mater), and I teach journalism at Bradley University in Peoria, Ill. I previously taught high school and often think of my journalism as a form of teaching, by helping others understand science and medical research and by debunking misinformation about vaccines, chemicals and other misunderstood topics, 2-11-2015 ("Measles Outbreak in Dollars and Cents: It Costs Taxpayers

Bigtime," Forbes, 2-11-2015, Available Online at <http://www.forbes.com/sites/tarahaelle/2015/02/11/measles-outbreak-in-dollars-and-cents-it-costs-taxpayers-bigtime/>, Accessed 7-14-2015)

The official measles count is up to 121 cases in 17 states, the CDC reported on Monday, and 85 percent of those resulted from the outbreak stemming from the Disneyland exposure. That's more cases than were seen in all of 2012 – and it's only February.

Much virtual ink has been spilled in the past several weeks about what an awful disease measles can be, about the impact of irresponsible doctors' advice, and about the ramifications of not vaccinating on those unable to be vaccinated.

But only a handful of folks have talked about costs. Measles is expensive. Really expensive. And even if you live in a highly vaccinated area with no outbreaks, a measles case in your state – that's a third of the U.S. right now – still means health department tax dollars diverted from other programs to deal with a disease that was eliminated from the U.S. in 2000.

"These outbreaks have economic costs. They are disruptive," said Gregory Poland, head of the Mayo Clinic's Vaccine Research Group. "The smaller ones have cost a couple hundred dollars in public resources, and one cost nearly a million dollars. It's on the lesser side – health is more important – but it consumes public health resources that could be applied to the other pressing problems we face."

In 2011, the cost of 107 cases spread across 16 outbreaks cost local and state health departments an estimated \$2.7 million to \$5.3 million. Because measles is so contagious, infecting 90 percent of susceptible individuals and remaining airborne up to two hours after an infectious person has left the area, the number of contacts a single case can generate grows exponentially once an outbreak begins. The cases in 2011 involved contacting somewhere between 8,900 and 17,450 individuals, which required 42,000 to 83,000 personnel hours.

The outbreak tied to Disneyland is responsible for approximately 85% of the cases to date. Photo from the CDC.

The outbreak tied to Disneyland is responsible for approximately 85% of the cases to date. Photo from the CDC.

During another outbreak in 2008, during which an intentionally unvaccinated 7-year-old boy returned from Switzerland with the virus, San Diego grappled with 11 additional cases, costing taxpayers \$10,376 per case. That outbreak involved more than 800 exposed individuals, including 48 children too young to be vaccinated who had to be quarantined at a family cost of \$775 per child.

Among the ten measles cases in Illinois, eight are infants too young to be vaccinated, which means it's highly likely that other infants in those classrooms were exposed and may need to be quarantined for up to three weeks. If so, the costs will very likely be higher than they were in 2008.

Then there are the family costs of an actual measles case, which lasts about seven to ten days, though those costs are a bit harder to measure, according to health economist Adam Powell, president of Payer+Provider Syndicate Healthcare Consulting.

“While this cost can be absorbed by many employees through the use of sick days, employees with lower incomes are the least likely to have sick leave,” Powell said. “The Economic Policy Institute reported that the median wage for people without sick days is \$10 per hour. Assuming the person works five days a week, missing a week of work would cause a loss of \$400. If the absence extended to eight days of work and two days of weekend as a result of a ten day illness, the loss would be \$640.”

But that figure only accounts for an estimate of lost wages, not the any additional costs such as hospitalization. “After factoring in the cost of medical care, expenses could be even higher,” Powell said.

Contrast those numbers with the cost of the MMR (measles-mumps-rubella) vaccine, which prevents the measles in 95 percent of those who get one dose and 99 percent of those who get both doses. A provider under a CDC contract, such as those using the Vaccines for Children program, pays \$19.91* for a single pediatric dose of MMR (or \$37.04* for an adult dose), and the private sector price is \$59.91*.

Even those costs are not ones that consumers would have to pay, however.

“Although there is a cost to the vaccine, it is not borne by insured patients,” Powell said. “The Affordable Care Act requires that the MMR vaccine be fully covered without patient cost sharing in its provisions requiring the coverage of preventive services.”

It’s long been clear that the risk-benefit calculation from a health and scientific perspective comes down heavily in favor of the vaccine. Measles kills approximately one in 1,000 to 3,000 cases, and it causes brain damage from encephalitis in one in 1,000 cases, not including the individuals who develop pneumonia or other complications. The vaccine, by contrast, most commonly causes a fever, joint pain or mild rash and can cause a fever-caused seizure in one of 3,000 doses, a low platelets count (that usually resolves on its own) in one of 30,000 doses, or, in extremely rare situations, a severe allergic reaction in one in a million doses.

The cost-benefit calculation in dollars and cents looks pretty similar.

Racism

Diseases like measles disproportionately hurt African American communities.

Walks 15 — Dr. Ivan Walks, Dr. Ivan C. A. Walks, M.D. serves as Chief Executive Officer of Ivan Walks and Associates LLC. Dr. Walks served as Chief Health Officer of the District of Columbia. Dr. Walks serves as Director of VisionQuest National, Ltd. He served as Director of the District's Department of Health. Dr. Walks developed proactive community partnerships, reduced infant mortality, insured immunization for all children attending schools, and served as its incident commander during the 2001 anthrax attack. Dr. Walks' contributions to public health policy have been recognized by various state and national organizations and he is the recipient of the Leadership Washington Founder's Award for Leadership and Community Service. Dr. Walks also serves on the faculty at the public health schools of George Washington University and Howard University. He received his medical degree from the University of California, Davis and he is a graduate of the Neuropsychiatric Institute at UCLA, 2-4-2015 ("Irresponsible Anti-Vax Politics Could Transfer the Risks of Disease to Communities of Color," Root, 2-4-2015, Available Online at http://www.theroot.com/articles/politics/2015/02/anti_vaccine_politics_puts_people_of_color_at_risk.html, Accessed 7-14-2015)

As the Center for American Progress' Sam Fulwood III aptly pointed out in his recent analysis of the impact of the economic downturn in communities of color, there's an old saying that also applies when we're talking about health outcomes: "**When white folks catch a cold, black folks catch pneumonia.**"

And with the concerns of urban communities already less heard and less addressed in general, it's crucial that science and data dictate vaccination policy—not politics. So when our leaders make misguided and misinformed statements outside their space of expertise, it can undermine medical professionals who are trying to save lives.

Of course, that may not be the first thing on the minds of Republican presidential aspirants like Gov. Chris Christie of New Jersey and Sen. Rand Paul of Kentucky, who made irresponsible assertions this week that it's OK for parents to choose to ignore the science when it comes to decisions about the vaccination of their children. While Christie quickly backpedaled on his statements after a firestorm of public criticism, Paul—who is a physician—doubled down, stating that vaccines were to blame for "profound mental disorders" such as autism. This is simply not true.

These scientifically baseless assertions can lead to profoundly dangerous public health policy, particularly in communities of color. The ramifications for many African Americans and other minority groups are greater than for those who have better access to quality health care—as has been shown—even as the Affordable Care Act takes shape. These concerns are primary in densely populated urban centers or metropolitan areas, where communities of color are disproportionately concentrated.

As The Guardian's health editor Sarah Boseley correctly points out, infectious diseases "spread horrifyingly fast in cities." This was one major reason why, during my time as chief health officer of Washington, D.C., we instituted an ambitious citywide emergency school immunization

campaign in 2002 upon finding 21,000 public school students who had not been vaccinated to meet established standards. This was considered one of the largest immunization drives in U.S. history, and within just eight weeks we experienced a 99 percent success rate.

There was no conversation about choice, simply a conversation about how we could best protect the nearly 600,000 residents in the nation's capital and the tens of millions of people from across the world who visit each year. And at that time we were extremely sensitive about contagions and the spread of lethal infections, especially in the immediate wake of managing the country's first bioterrorism attack.

What's significant to note here is that we did this in a city that had, at the time, a majority-black population (more than 56 percent) and a public school population that is overwhelmingly African American.

In describing these communities, we frequently use the term "underserved." But in reality, communities of color in highly populated metro areas are highly underresourced. This makes these communities much more vulnerable to major epidemics, including measles. The need for surge capacity and an adequate emergency health care response is critical.

Measles is actually much more contagious than another disease that recently grabbed headlines, Ebola. Which makes the current political "debate" peculiar. Elected officials like Christie didn't hesitate to quarantine medical staff returning from fighting the disease in West Africa but appear somewhat nonchalant about fast-infecting measles. More alarming, and what some political leaders won't say, is that diseases like measles will spread faster in cities.

That will put people of color, especially African Americans, in the direct line of epidemiological fire, since nearly 20 of the largest cities in 13 states have black populations of 50 percent or higher.

The last major outbreak of measles in the United States erupted less than 25 years ago. More than 56,000 Americans were infected, including 11,000 nationwide who were hospitalized and, sadly, 123 reported fatalities. And as the Centers for Disease Control and Prevention later found, a disproportionate share of those infected were "inner-city, American Indian, Hispanic, non-Hispanic black and low-income children aged five years [or younger] who had not been vaccinated." In fact, the CDC discovered that "[r]acial/ethnic minority children were at three to 16 times greater risk for measles than were non-Hispanic white children."

This risk disparity is of particular concern to public health professionals and planners, and it was a main driver behind the federal government's creation of the Childhood Immunization Initiative in 1993.

For those who advocate for "choice," it's not an urban issue, but it is an example of mostly more affluent individuals imposing their preference on underresourced and vulnerable populations of color—which means, ultimately, that they are transferring the risk.

Anti vaxxers are privileged, although diseases mainly impact people of color.

Broadbent 15 — Elizabeth Broadbent, 2-9-2015 ("Why Vaccination Refusal Is a White Privilege Problem" xoJane, 2-9-2015, Available Online at <http://www.xojane.com/issues/vaccination-refusal-white-privilege>, Accessed 7-16-2015)

Vaccines work.

Anti-vaxxers will argue otherwise, but if they're given airtime, this will degenerate — like most vaccine discourse — into comparative science, misinformation, name-calling, and finally heated charges of baby-killing.

Someone will say all anti-vaxxers should be locked up, and someone else will invoke Hitler. So we're skipping that part. If you're interested in reading it, see the comment sections of every vaccine article ever.

Instead, let's look at the parents who refuse routine childhood vaccinations — and what that means.

There are two categories of kids without a full complement of routine vaccinations. Researchers call the first category the "undervaccinated": kids who have not received, for one reason or another, their all of their childhood shots. According to a study published in Pediatrics, these children tend to share several characteristics. Most live near the poverty level, in a central city. Their mothers are unlikely to be married or to have a college degree. And, most tellingly, undervaccinated children tend to be black.

Children without vaccinations, on the other hand, are generally referred to as "free riders"**: kids whose health gets a free ride from the immunity of the vaccinated people surrounding them (i.e. "the herd"). Their parents present a radically different profile from those of the undervaccinated kids. Free riders' mothers tend to be married and college-educated. Their household income generally averages above \$75,000. And those free riders are overwhelmingly white.

Ouch.

It doesn't take a methodological study to make sense of these numbers. Low-income city-dwelling mothers are less likely to enjoy easy access to the vaccinations themselves; one Los Angeles mother told a reporter that she had to schlep two kids on two different buses to get to her local clinic.

"These simple things were pretty difficult to get through," she says. This doesn't count the difficulties of making appointments in between full-time work and childcare, not to mention navigating the bureaucracy of Medicaid. These children's parents may worry about the ramifications of vaccine-preventable disease. But poverty can make it hard to do much about it. When you're worried about keeping the lights on, the rent paid, and the car running, routine vaxes understandably aren't high on your priority list.

Free riders, on the other hand, have easy access to vaccines — but choose not to use them. Free riders' parents believe vaccination itself to be far more dangerous than the risk of contracting a

vaccine-preventable disease. The maladies they attribute to standard childhood shots go way beyond the Jenny McCarthy/Andrew Wakefield autism debacle; they now include mercury and aluminum poisoning, increased risk of asthma, allergies, ADHD, ear infections, sinusitis, and brain damage of all stripes. If you can imagine a health concern, you can blame it on vaccines.

These parents tend to get their information about vaccination from like-minded parents, listservs, online groups, and natural-health gurus like Dr. Mercola and Dr. Tenpenny — both notoriously anti-vaccination. They rely, in fact, not on pediatricians, with their one-size-fits-all vaccine schedule, but on their own research: conducted mostly on the Internet, where stories of legitimate vaccine injury pass through news sites and Facebook groups like a horror-show version of Telephone.

Instead of vaccinations, free riders' parents claim other means of keeping their kids healthy. As Public Health professor Jennifer Reich argues, parents of non-vaccinated children believe breastfeeding, superior nutrition, and controlled environments (i.e., not daycare) keep disease at bay.

Unfortunately for most kids, these are all benefits of privilege.

With the lack of adequate maternity leave and laws to protect mothers' rights to pump breast milk, nursing in America has become a purview of the privileged mother, whose job — or whose decision to stay home — allows a stable nursing relationship. And despite WIC, SNAP, and other variations of food stamps, access to fresh, healthy food is also often out of reach for the poor, especially those who inhabit so-called food deserts. Finally, working mothers must rely on some kind of childcare, often institutionalized daycare. Undervaccinated children simply don't have access to the mythical protection free riders' parents invoke. As one such mother tells Reich, "I think there are some vaccines that maybe some kids, maybe it's okay for them to have, because maybe their parents. . . aren't at all educated and . . . so maybe they do need to rely more on outside sources, because that is being done to them."

Moreover, in general, children living in poverty have more government intervention in their lives. While it varies from state to state, and even social worker to social worker, many WIC recipients are required to produce shot records for their children. Social Services may use a lack of vaccinations as evidence of neglect. And as Reich says, more privileged parents "address experts as consultants and refuse their advice without fear of reprisal, choices less readily available to less privileged families, whose rejection of expert advice more easily results in state intervention, even around vaccination." A poor black woman refusing to give her kid an MMR shot might not just get the side-eye. She might earn herself a visit from Social Services.

Free riders' parents also often claim vaccine-preventable diseases are less dangerous than the vaccines themselves, particularly with illnesses like measles. Chicken pox (varicella) is seen as particularly innocuous, partly because most adults remember suffering through it with little more than an itch or two, and partly because of rumors that the vaccine will leave children vulnerable to shingles later in life (it won't). Whatever the dangers of the diseases, allowing children to catch them costs time and money: time taken off work to care for them, lost wages, and doctors' bills. It's more than many parents can afford, especially those without access to family or medical leave. As a rule, poor people don't throw pox parties.

Basically: It takes money and time to refuse vaccinations. And it's a lack of that same money and time that often unintentionally keeps parents from fully vaccinating their children.

This has serious public health repercussions. The head of the Sabin Institute for Vaccine Research, Peter Hortez points out that when vaccine rates start to drop, the people who suffer will be "people who live in poor, crowded conditions. So it's going to affect the poorest people in our country."

Privileged, usually white, free riders, who enjoy limited social contact, superior nutrition, and better medical care will likely have a lower incidence of complications of death from those diseases. The undervaccinated will be the ones to suffer: overwhelmingly black children from low-income families.

The anti-vaccine movement, then, affects more than just the privileged children whose parents choose to forgo vaccination. As scientists at Johns Hopkins recently said while investigating a whooping cough outbreak, "geographic pockets of vaccine exemptors pose a risk to the whole community."

That whole community doesn't just include the usual suspects: infants, the elderly, the immunocompromised, the vaccinated for whom the antigen simply didn't take. It also includes the marginalized who lack easy access to basic health care. Those marginalized communities are usually people of color. The anti-vaccination community is overwhelmingly white. In a very real sense, this leaves two distinct undervaccinated populations in America: privileged (largely) white people who've chosen to eschew modern medicine, and underprivileged minorities whose poverty has placed them, unwillingly, in that position. And it's the latter who will suffer more gravely for it, because the same economic and health factors that make their children vulnerable to undervaccination make them vulnerable to the worst effects of the diseases themselves.

Privileged white people refuse the vaccines in the name of individual freedom.

And public health suffers; this especially affects the lives of the poor. This will, of course, provoke unmitigated outrage from the anti-vaccination community as a whole.

Is the anti-vax movement itself racist? No. But it's buttressed by class and race privilege.

A drop in vaccination rates poses a danger to us all. But it poses a special danger to those least able to cope with serious illness, and least likely to be (unintentionally) fully vaccinated: minority, city-dwelling children.

Anti-Vaxxers = Anti-science

Anti-vaxxers are proponents of anti-science.

Huppke 15 — Rex W. Huppke, after earning a master's degree from the University of Missouri Graduate School of Journalism, he launched his career working for the Associated Press in Indiana. In 2003, he joined the staff of the Chicago Tribune, writing about everything from gang violence and inner-city poverty to the glory of competitive arm wrestling and a southern Illinois town famous for its albino squirrels, 2-3-2015 ("The anti-vaccine crowd could use an anti-science expert," The Chicago Tribune, 2-3-2015, Available Online at <http://www.chicagotribune.com/news/opinion/huppke/ct-talk-huppke-vaccines-20150203-story.html>, Accessed 7-16-2015)

I'm not exactly sure what "science" means. I could look it up in a dictionary, but I don't believe in dictionaries. I've heard they cause brainwashing and are in the pocket of Big Lexicography.

Besides, as a word-user, I think I'm best-qualified to determine the meanings of my words. That's why I pancake eggplant every chance I schadenfreude.

It's thanks to that kind of logic that America faces the return of the once-eradicated measles virus. A small, vocal and highly insufferable portion of the population has taken it upon themselves to doubt the irrefutable scientific evidence that childhood vaccinations are safe and effective. And so they don't vaccinate their kids.

According to the Centers for Disease Control and Prevention, there are now more than 100 measles cases in 14 states. And that's just in January. For all of last year, there were 644 cases in 27 states.

"We are very concerned by the growing number of people who are susceptible to measles, and to the possibility that we could have a large outbreak in this country as a result," CDC Director Tom Frieden said Sunday on CBS's "Face the Nation."

President Barack Obama also addressed the vaccination debate, telling NBC News: "You should get your kids vaccinated — it's good for them. We should be able to get back to the point where measles effectively is not existing in this country."

The problem is, we've got too many people who believe in "ecneics" (pronounced eck-nakes), which is "science" spelled backward. While scientists study the physical and natural world and reach consensus based on experimentation and observation, ecneictists (eck-nake-tists) look at a scientific consensus and then decide the opposite is true because that's what they want to believe.

A new Pew Research Center study highlights the growing gap between scientists and ecneictists. Asked if childhood vaccines, including one for measles, should be required, 68 percent of adults said yes compared with 86 percent of scientists with the American Association for the Advancement of Science. There was a 37-point gap between scientists and the public on whether climate change is "mostly due to human activity," with 50 percent of adults saying yes versus 87 percent of scientists.

And on whether it's safe to eat genetically modified foods, nearly 90 percent of scientists said yes compared with only 37 percent of non-scientists.

In most rifts between scientists and those who doubt them, someone claiming a certain level of expertise jumps in and sides with the regular folks, giving "proof" that their anti-science belief must be true. It could be anyone from a Greenpeace agricultural activist to a global-warming-denying politician to an anti-vaccine doctor.

One such pseudo-expert who has stood up for the anti-vaccine crowd lately is Jack Wolfson, an Arizona-based cardiologist, formerly of Chicago. According to his website, Wolfson became aware of the "brainwashing of medical training" after meeting the woman who would become his wife, a chiropractor with "a heavy focus on nutrition and healthy, chemical-free living."

It's your classic cardiologist-meets-chiropractor, cardiologist-falls-in-love-with-chiropractor, cardiologist-becomes-opponent-of-well-established-medical-science story. Totally legit.

Now Wolfson is saying things like this to the Washington Post: "Don't be mad at me for speaking the truth about vaccines. Be mad at yourself, because you're, frankly, a bad mother. You didn't ask once about those vaccines. You didn't ask about the chemicals in them. You didn't ask about all the harmful things in those vaccines. ... People need to learn the facts."

The fact is that people like Wolfson are shameless opportunists who encourage parents to embrace an arrogant, reckless and unhealthy belief. And because people want so desperately to believe what they believe — science be damned — Wolfson and his ilk probably make good money being contrarians.

So count me in. If you're a practicing science-denier and need someone to shamelessly vouch for your harebrained belief, I'm the expert for you — assuming you have a lot of money.

It's a well-established fact(oid) that journalists know a little about everything and a lot about nothing. That makes me the perfect person to speak with great authority about things with which I am barely familiar.

Say you don't believe in electricians. I wholeheartedly agree, and will stake my years of occasionally using the word "electrician" in newspaper stories on the belief that no "trained and licensed expert" knows the wiring in your house better than you do.

If that wiring is faulty and your house burns down, that's just nature's way of saying you need a new house. And if the fire from your house spreads across the whole neighborhood, that's not your fault. You can't be held responsible for the flammability of other people's homes.

See how easy this is?

Based on the swift and utterly absurd resurgence of measles, it seems being an advocate for incorrect causes might be a growth industry. And if people continue to doubt science, it seems like measles might be the least of our problems.

Which is why I shall pancake eggplant every chance I schadenfreude.

Antiscience is growing

Otto 12 — Shawn Lawrence Otto, Co-founder of ScienceDebate.org and author of Fool Me Twice: Fighting the Assault on Science in America. He is recipient of IEEE-USA's Award for Distinguished Public Service and writes for the Huffington Post and blogs at Neorenaissance.org, Shawn Lawrence Otto is an American novelist, nonfiction author, filmmaker, political strategist, speaker, science advocate, and screenwriter and co-producer of the movie House of Sand and Fog, 10-16-2012 ("Antiscience Beliefs Jeopardize U.S. Democracy," No Publication, 10-16-2012, Available Online at <http://www.scientificamerican.com/article/antiscience-beliefs-jeopardize-us-democracy/>, Accessed 7-20-2015)

It is hard to know exactly when it became acceptable for U.S. politicians to be antiscience. For some two centuries science was a preeminent force in American politics, and scientific innovation has been the leading driver of U.S. economic growth since World War II. Kids in the 1960s gathered in school cafeterias to watch moon launches and landings on televisions wheeled in on carts. Breakthroughs in the 1970s and 1980s sparked the computer revolution and a new information economy. Advances in biology, based on evolutionary theory, created the biotech industry. New research in genetics is poised to transform the understanding of disease and the practice of medicine, agriculture and other fields.

The Founding Fathers were science enthusiasts. Thomas Jefferson, a lawyer and scientist, built the primary justification for the nation's independence on the thinking of Isaac Newton, Francis Bacon and John Locke—the creators of physics, inductive reasoning and empiricism. He called them his “trinity of three greatest men.” If anyone can discover the truth by using reason and science, Jefferson reasoned, then no one is naturally closer to the truth than anyone else. Consequently, those in positions of authority do not have the right to impose their beliefs on other people. The people themselves retain this inalienable right. Based on this foundation of science—of knowledge gained by systematic study and testing instead of by the assertions of ideology—the argument for a new, democratic form of government was self-evident.

Yet despite its history and today's unprecedented riches from science, the U.S. has begun to slip off of its science foundation. Indeed, in this election cycle, some 236 years after Jefferson penned the Declaration of Independence, several major party contenders for political office took positions that can only be described as “antiscience”: against evolution, human-induced climate change, vaccines, stem cell research, and more. A former Republican governor even warned that his own political party was in danger of becoming “the antiscience party.”

Such positions could typically be dismissed as nothing more than election-year posturing except that they reflect an anti-intellectual conformity that is gaining strength in the U.S. at precisely the moment that most of the important opportunities for economic growth, and serious threats to the well-being of the nation, require a better grasp of scientific issues. By turning public opinion away from the antiauthoritarian principles of the nation's founders, the new science denialism is creating an existential crisis like few the country has faced before.

In late 2007 growing concern over this trend led six of us to try to do something about it. Physicist Lawrence M. Krauss, science writer and film director Matthew Chapman (who is Charles Darwin's great-great-grandson), science philosopher Austin Dacey, science writer Chris

Mooney, marine biologist Sheril Kirshenbaum and I decided to push for a presidential science debate. We put up a Web site and began reaching out to scientists and engineers. Within weeks 38,000 had signed on, including the heads of several large corporations, a few members of Congress from both parties, dozens of Nobel laureates, many of the nation's leading universities and almost every major science organization. Although presidential hopefuls Barack Obama and John McCain both declined a debate on scientific issues, they provided written answers to the 14 questions we asked, which were read by millions of voters.

In 2012 we developed a similar list, called “The Top American Science Questions,” that candidates for public office should be answering [see “Science in an Election Year” for a report card by Scientific American's editors measuring how President Obama and Governor Mitt Romney did]. The presidential candidates' complete answers, as well as the responses provided by key congressional leaders to a subset of those questions, can be found at www.ScientificAmerican.com/nov2012/science-debate and at www.sciencedebate.org/debate12.

These efforts try to address the problem, but a larger question remains: What has turned so many Americans against science—the very tool that has transformed the quality and quantity of their lives?

Antiscience grows on the political system

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A Call to Reason

Today's denial of inconvenient science comes from partisans on both ends of the political spectrum. Science denialism among Democrats tends to be motivated by unsupported suspicions of hidden dangers to health and the environment. Common examples include the belief that cell phones cause brain cancer (high school physics shows why this is impossible) or that vaccines cause autism (science has shown no link whatsoever). Republican science denialism tends to be motivated by antiregulatory fervor and fundamentalist concerns over control of the reproductive cycle. Examples are the conviction that global warming is a hoax (billions of measurements show it is a fact) or that we should “teach the controversy” to schoolchildren over whether life on the planet was shaped by evolution over millions of years or an intelligent designer over thousands of years (scientists agree evolution is real). Of these two forms of science denialism, the Republican version is more dangerous because the party has taken to attacking the validity of science itself as a basis for public policy when science disagrees with its ideology.

It gives me no pleasure to say this. My family founded the Minnesota Republican Party. But much of the Republican Party has adopted an authoritarian approach that demands ideological conformity, even when contradicted by scientific evidence, and ostracizes those who do not conform. It may work well for uniform messaging, but in the end it drives diverse thinkers away—and thinkers are what we need to solve today's complex problems.

This process has left a large, silent body of voters who are fiscally conservative, who believe in science and evidence-based policies, and who are socially tolerant but who have left the party. In addition, Republican attacks on settled scientific issues—such as anthropogenic climate change and evolution—have too often been met with silence or, worse, appeasement by Democrats.

Governor Romney's path to endorsement exemplifies the problem. “I don't speak for the scientific community, of course, but I believe the world is getting warmer,” Romney told voters in June 2011 at a town hall meeting after announcing his candidacy. “I can't prove that, but I believe based on what I read that the world is getting warmer, and number two, I believe that humans contribute to that.” Four days later radio commentator Rush Limbaugh blasted Romney on his show, saying, “Bye-bye nomination. Bye-bye nomination, another one down. We're in the midst here of discovering that this is all a hoax. The last year has established that the whole premise of man-made global warming is a hoax! And we still have presidential candidates who want to buy into it.

By October 2011 Romney had done an about-face. “My view is that we don't know what's causing climate change on this planet, and the idea of spending trillions and trillions of dollars to try and reduce CO2 emissions is not the right course for us,” he told an audience in Pittsburgh, then advocated for aggressive oil drilling. And on the day after the Republican National Convention, he tacked back toward his June 2011 position when he submitted his answers to ScienceDebate.org.

Romney is not alone in appreciating the political necessity of embracing antiscience views. House Speaker John A. Boehner, who controls the flow of much legislation through Congress, once argued for teaching creationism in science classes and asserted on national television that climate scientists are suggesting that carbon dioxide is a carcinogen. They are not. Representative Michele Bachmann of Minnesota warned in 2011 during a Florida presidential primary debate that “innocent little 12-year-old girls” were being “forced to have a government injection” to prevent infection with human papillomavirus (HPV) and later said the vaccine caused “mental retardation.” HPV vaccine prevents the main cause of cervical cancer. Religious conservatives believe this encourages promiscuity. There is no evidence of a link to mental retardation.

In a separate debate, Republican candidate Jon Huntsman was asked about comments he had made that the Republican Party is becoming the antiscience party. “All I'm saying,” he replied, “is that for the Republican Party to win, we can't run from science.” Republican primary voters apparently disagreed. Huntsman, the lone candidate to actively embrace science, finished last in the polls.

In fact, candidates who began to lag in the GOP presidential primaries would often make antiscience statements and would subsequently rise in the polls. Herman Cain, who is well respected in business circles, told voters that “global warming is poppycock.” Newt Gingrich, who supported doubling the budget of the National Institutes of Health and who is also a supporter of ScienceDebate.org, began describing stem cell research as “killing children in order to get research material.” Candidates Rick Perry and Ron Paul both called climate change “a hoax.” In February, Rick Santorum railed that the left brands Republicans as the antiscience party. “No. No, we're not,” he announced. “We're the truth party.”

Antiscience reproductive politics surfaced again in August, this time in one of the most contested U.S. Senate races. Todd Akin, who is running in Missouri against Claire McCaskill, said that from what he understood from doctors, pregnancy from rape is extremely rare because “if it's a legitimate rape, the female body has ways to try to shut that whole thing down.” Akin sits on the House Committee on Science, Space, and Technology, which is responsible for much of the U.S. federal science enterprise, so he should be aware of what science actually says about key policy issues. In fact, studies suggest that women are perhaps twice as likely to become pregnant from rape, and, in any event, there is no biological mechanism to stop pregnancy in the case of rape. Akin's views are by no means unusual among abortion foes, who often seek to minimize what science says to politically justify a no-exception antiabortion stance, which has since become part of the 2012 national GOP platform.

A look at down-ticket races suggests that things may get worse. The large crop of antiscience state legislators elected in 2010 are likely to bring their views into mainstream politics as they eventually run for Congress. In North Carolina this year the state legislature considered House Bill No. 819, which prohibited using estimates of future sea-level rise made by most scientists when planning to protect low-lying areas. (Increasing sea level is a predicted consequence of global warming.) The proposed law would have permitted planning only for a politically correct rise of eight inches instead of the three to four feet that scientists predict for the area by 2100.

Knowledge and facts are key to prevent anti-science

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An Existential Crisis

“Facts,” John Adams argued, “are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence.” When facts become opinions, the collective policymaking process of democracy begins to break down. Gone is the common denominator—knowledge—that can bring opposing sides together.

Government becomes reactive, expensive and late at solving problems, and the national dialogue becomes mired in warring opinions.

In an age when science influences every aspect of life—from the most private intimacies of sex and reproduction to the most public collective challenges of climate change and the economy—and in a time when democracy has become the dominant form of government on the planet, it is important that the voters push elected officials and candidates of all parties to explicitly state their views on the major science questions facing the nation. By elevating these issues in the public dialogue, U.S. citizens gain a fighting chance of learning whether those who would lead them have the education, wisdom and courage necessary to govern in a science-driven century and to preserve democracy for the next generation.

Anti-science Impact — Authoritarianism

Antiscience leads to authoritarian regimes, dominant narratives win and the voter remains uninformed.

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An Antiscience Philosophy

If both Democrats and Republicans have worn the antiscience mantle, why not just wait until the pendulum swings again and denialism loses its political potency? The case for action rests on the realization that for the first time since the beginning of the Enlightenment era in the mid-17th century, the very idea of science as a way to establish a common book of knowledge about the world is being broadly called into question by heavily financed public relations campaigns.

Ironically, the intellectual tools currently being used by the political right to such harmful effect originated on the academic left. In the 1960s and 1970s a philosophical movement called postmodernism developed among humanities professors displeased at being deposed by science, which they regarded as right-leaning. Postmodernism adopted ideas from cultural anthropology and relativity theory to argue that truth is relative and subject to the assumptions and prejudices of the observer. Science is just one of many ways of knowing, they argued, neither more nor less valid than others, like those of Aborigines, Native Americans or women. Furthermore, they defined science as the way of knowing among Western white men and a tool of cultural oppression. This argument resonated with many feminists and civil-rights activists and became widely adopted, leading to the “political correctness” justifiably hated by Rush Limbaugh and the “mental masturbation” lampooned by Woody Allen.

Acceptance of this relativistic worldview undermines democracy and leads not to tolerance but to authoritarianism. John Locke, one of Jefferson's “trinity of three greatest men,” showed why almost three centuries ago. Locke watched the arguing factions of Protestantism, each claiming to be the one true religion, and asked: How do we know something to be true? What is the basis of knowledge? In 1689 he defined what knowledge is and how it is grounded in observations of the physical world in An Essay Concerning Human Understanding. Any claim that fails this test is “but faith, or opinion, but not knowledge.” It was this idea—that the world is knowable and that objective, empirical knowledge is the most equitable basis for public policy—that stood as Jefferson's foundational argument for democracy.

By falsely equating knowledge with opinion, postmodernists and antiscience conservatives alike collapse our thinking back to a pre-Enlightenment era, leaving no common basis for public policy. Public discourse is reduced to endless warring opinions, none seen as more valid than

another. Policy is determined by the loudest voices, reducing us to a world in which might makes right—the classic definition of authoritarianism.

Reporters who agree with this statement will not dig to get to the truth and will tend to simply present “both sides” of contentious issues, especially if they cannot judge the validity of scientific evidence. This kind of false balance becomes a problem when one side is based on knowledge and the other is merely an opinion, as often occurs when policy problems intersect with science. If the press corps does not strive to report objective reality, for which scientific evidence is our only reliable guide, the ship of democracy is set adrift from its moorings in the well-informed voter and becomes vulnerable once again to the tyranny that Jefferson feared.

Anti-science Impact — Warming

Warming and public health are inextricably linked.

Abrams 15 — Lindsay Abrams, Lindsay Abrams is an assistant editor at Salon and a former writer and producer for The Atlantic's Health Channel, 2-6-2015 ("What the anti-vaxx backlash can teach us about climate change: We need to be way angrier," Salon, 2-6-2015, Available Online at http://www.salon.com/2015/02/06/what_the_anti_vaxx_backlash_can_teach_us_about_climate_change_we_need_to_be_way_angrier/, Accessed 7-20-2015)

The words were barely out of the 2016 hopefuls' mouths before they were quickly made to regret them.

The backlash to comments made by Chris Christie and Rand Paul this week — suggesting that parents should be able to choose whether to vaccinate their children — was fast, furious and nearly universal, even among conservative news outlets. To wit: Fox News host Megyn Kelly stood up for "Big Brother" as a means of ensuring herd immunity. Breitbart News argued that Christie and Paul deserved the media criticism being hurled their way. And, in a stinging rebuttal, the Wall Street Journal editorial board rebuked Paul for "indulging bad science," calling vaccination laws "a reasonable and small sacrifice of liberty to prevent the potentially fatal infection of unsuspecting infants at Disneyland."

It was a bipartisan takedown driven not by politics, but a much deeper sense of moral outrage: that it is wrong to ignore science, and a downright crime when, in so doing, you put our children's health at risk. And as a society, we will not tolerate it.

Now, if only we could take that same outrage and channel it at climate change — and the denialists running our government.

The scientific consensus on man-made climate change, after all, is incredibly strong, and the health impacts of burning fossil fuels are undeniable. Air pollution is the "single largest environmental health risk" facing the world today, as well as a leading cause of cancer, and children are particularly vulnerable to its effects. Last June, when the EPA introduced its plan to limit pollution from coal-fired power plants, it emphasized the fact that we'd feel the benefit, first, in our lungs. Indeed, the American Lung Association predicted the rules could prevent up to 4,000 premature deaths and 100,000 asthma attacks in their first year alone. The agency took the same tack this past November when it unveiled its proposal to crack down on smog-causing ozone, arguing that the current standard of 75 parts per billion is too weak to protect public health.

Even if mitigating climate change was only a side effect of creating cleaner air, such policies would still be worth pursuing. But climate change is a public health threat in its own right, creating the conditions for new and intensified risks, many of which we're already experiencing.

In an investigative piece for Mother Jones, David Ferry attempts to garner outrage for the plight of prisoners in California's Central Valley, thousands of whom have fallen ill from valley fever. The potentially fatal disease, contracted from fungal spores and kicked up by dust, is raging

through the Southwest, fueled in part by a climate that's becoming increasingly hot and dry. "If valley fever was endemic to the hills above Rodeo Drive or the boulevards of Palo Alto and struck down Caucasians with the ferocity it lays out African Americans," Ferry charges, "it would be the kind of public health emergency that sends Anderson Cooper into the field with a face mask." And as climate change worsens, experts say, so too will the epidemic.

Then, there are the mosquitoes, which are growing in number and range where climate change leads to warmer and wetter conditions. As the insects continue to creep north, as scientists predict, the U.S. could see dengue fever epidemics of the sort that created a public health emergency in Central America last summer. (Globally, a recent study found, billions more will become newly vulnerable to the disease.) Meanwhile, other diseases Americans have barely if ever even seen before — like the painful, mosquito-born chikungunya — are posing a brand-new threat: Researchers at Yale University have warned of the potential for "a historic epidemic on U.S. shores." And Chagas disease, which is already gaining a foothold in Texas, is similarly poised to explode. Referring to the need for expensive, long-term treatment and the disease's disproportionate effect on the poor, tropical disease experts at Baylor College of Medicine in Houston dubbed it "the new AIDS of the Americas."

The list of climate-change threats goes on: air pollution from increased wildfires, the rising threat of waterborne illness, the health risks and hazards posed by natural disasters and the mental health impacts that can arise in their aftermath. A recent survey of members of the American Thoracic Society — physicians who specialize in respiratory and critical care — revealed that the majority are already seeing symptoms in their patients that they believe are linked to climate change. That includes an increase in chronic respiratory disease from air pollution, but also increases in symptoms of allergies and in injuries attributed to extreme weather.

And that's to say nothing of the threats of extreme heat, itself already the leading cause of weather-related deaths in the U.S. The National Climate Assessment warns that heat waves are projected to increase in frequency, intensity and duration, putting urban populations, and the poor in particular, at risk of death due to heat stroke, as well as cardiovascular, respiratory and cerebrovascular disease.

Over and over again, it's the most vulnerable — children and the elderly, the sick and the immunocompromised, the poor and certain minority groups — who get thrown under the bus when leaders ignore the risks in favor of scoring political points.

If the U.S. could get a handle on reducing greenhouse gas emissions, a recent study in the journal *Climatic Change* concluded, we could save between \$6 billion and \$14 billion in healthcare costs in 2020 — and between \$10 billion and \$24 billion if we really cracked down. Climate policy, in other words, is public health policy, and ignoring the science behind the former is a direct attack on the latter. This isn't a new idea, but it's one that's failed, thus far, to trigger our primal desire to protect the commons from the anti-science antics of the few.

Why aren't we angrier? Climate change is a more abstract issue, to be sure, as well as one that lacks a clear villain — it's easier to castigate a small group of people for threatening the larger public than to acknowledge the culpability we all share in climate change, not to mention the

sacrifices we'll all have to make to address it head-on. The anti-vaxxer community may be an intractable force, but they've got nothing compared to the money and power wielded by special interests insisting that climate change is a giant hoax — and who, in so doing, lead others to believe that the science isn't nearly as settled as it in fact is.

But where anti-vaxxers and climate deniers differ, the same logic that caused us to lash out at politicians pandering to the former should carry over to the latter. Science denial, in all its forms, has consequences. And it's about time we stopped tolerating it.

Economy

Vaccinations greatly help third world economies.

Berkley, 12— Seth Berkley, Seth Berkley is the founder and former president and CEO of IAVI. A medical doctor specializing in infectious disease epidemiology, Seth currently serves as president and CEO of the GAVI Alliance. Before launching IAVI in 1996, Berkley was an officer of the Health Sciences Division at the Rockefeller Foundation. Prior to that, he worked for the Center for Infectious Diseases of the US Centers for Disease Control and Prevention, the Massachusetts Department of Public Health, and for the Carter Center, where he was assigned as an epidemiologist at the Ministry of Health in Uganda. Seth played a key role in Uganda's first national HIV sero-survey and helped develop its National AIDS Control programs. He has been featured on the cover of Newsweek, recognized by TIME magazine as one of the "100 Most Influential People in the World" and by Wired Magazine as among "The Wired 25" —a salute to dreamers, inventors, mavericks and leaders. He has consulted or worked in more than 25 countries in Asia, Africa and Latin America. Berkley received his undergraduate and medical degrees from Brown University, and trained in internal medicine at Harvard University, 12-7-2012 ("How vaccines save lives, grow economies," CNN, 12-7-2012, Available Online at <http://www.cnn.com/2012/12/07/opinion/vaccine-gavi-seth-berkley/>, Accessed 7-21-2015)

We all know that vaccines save lives by protecting people against disease. What is less well-known is that vaccines also are an engine for economic growth -- far beyond their health benefits.

I am reminded of this in Tanzania this week, where my organization, the GAVI Alliance, is hosting a conference for its partners. GAVI's mission is to save children's lives and protect people's health by increasing access to immunization in developing countries.

We don't do this alone. We have many partners, including prominent companies that work closely with GAVI. They recognize that in addition to the humanitarian need, countries such as Tanzania are emerging markets that can fulfill their economic ambitions only if they also can ensure good health for their citizens.

The private sector is a critical part of the equation. Our corporate partners know they can do well by doing good.

Consider Tanzania. It has an ambitious five-year development plan that aims to transform the country into a middle-income economy by 2025. The plan includes critical funding to ensure a healthy population by strengthening the health system, which will significantly improve child and maternal mortality rates.

Tanzania already has begun this process by working closely with GAVI and its partners to significantly increase its routine vaccine coverage rates to above 90% today from 79% in 2001, the year before GAVI began its work there, according to data from the World Health Organization and UNICEF. At the same time, Tanzania's GDP growth has been astounding, rising to \$23.7 billion last year from \$10.2 billion in 2001, according to the World Bank.

Is there a connection? Further study is needed in the case of Tanzania. But we know for a fact that vaccines -- in addition to saving lives and improving health -- are the cornerstone of a vibrant economy, fuel growth and serve as a magnet for foreign investment. Indeed, research has shown vaccines to be among the most cost-effective investments in global development.

This has been borne out of several independent studies that look beyond the health impacts toward areas such as cognitive development, educational attainment, labor productivity and financial attainment.

In other words, healthier children -- spurred by immunization -- attend school more often, learn more while they are there and remain in school longer. As adults, they therefore are more productive, earn more money, save and invest more, and live longer. Healthier children also spread less disease through the adult population, further increasing productivity.

These academic papers, including one recently published that focuses on how to measure the economic benefits of the HPV vaccine, are getting noticed in African countries -- not only by health ministers, but also by finance ministers and other officials.

For instance, I attended a landmark meeting in Tunis in July organized by the African Development Bank, where its President Donald Kaberuka brought together a variety of ministers and experts to discuss how to allocate budgets and make healthcare a national priority.

I was in Tunis because of the wide recognition that immunization can be the high-octane fuel that leads to increased trade, capital infrastructure projects and technological improvement.

This brings me back to the private sector and the benefits many companies now see in playing a role in supporting global health, including immunization services. One benefit, of course, is humanitarian. The GAVI Alliance -- with help from partners such as UNICEF, WHO, the Bill & Melinda Gates Foundation, the World Bank and donors -- has helped countries immunize 370 million people, saving more than 5.5 million lives since 2000.

GAVI now is in the midst of helping immunize another quarter billion people, which could save an additional 4 million lives by 2015. The private sector is involved, providing core business skills to tackle key obstacles to immunization in the developing world.

For example, GAVI is working with a leading telecommunications company to explore the use of its mobile technology with hopes of improving vaccine stock management in implementing countries and alerting parents when children are due for vaccines.

GAVI is constantly looking for partners to lend their business savvy to help us accomplish our mission. An increasing number of them are responding, compassionate in their outlook while aware of the underlying economic value of vaccines.

They understand that this is the highest return on investment they could ever make.

Vaccination saves a ton of money

Naprawa, 15 — Amanda Z. Naprawa, Amanda Z. Naprawa is an attorney and will receive her Masters of Public Health from the University of California, Berkeley, in spring 2015. She is also the mother of 2 young children. She is passionate about immunization as a mother, lawyer, and

public health advocate, 6-9-2015 ("Vaccines Don't Just Save Lives—They Save Money," @berkeleywellness, 6-9-2015, Available Online at <http://www.berkeleywellness.com/healthy-community/contagious-disease/health-care-policy/article/vaccines-save-more-lives>, Accessed 7-21-2015)

Vaccines are considered to be among the greatest human inventions of all time. They are directly responsible for the increased life expectancy we enjoy by preventing childhood death from diseases such as measles, pertussis, and diphtheria. The CDC estimates that, among children born in the last 20 years, vaccinations will prevent more than 21 million hospitalizations and 732,000 deaths.

But beyond saving lives, this reduction in disease means a reduction in the cost of treating these illnesses. Which translates into vaccines being not only lifesaving, but money-saving as well.

How exactly do vaccines save money? When a child gets sick with a vaccine-preventable illness (as with any very serious illness), she will need to seek treatment and this of course is going to cost something. Now if the child gets a serious complication, she may need to be hospitalized. So there are hospital bills, medications, and doctor visits before, during, and after the illness. Tragically, if there are long-term complications, such as deafness from mumps or brain damage from measles, there will be costs associated with this as well (adaptive devices, special education requirements, etc).

One study in the journal Pediatrics examined the total costs associated with a variety of vaccine-preventable diseases—and thus the savings incurred by vaccinating—and the results were impressive. For example, the cost per hospitalization for an infection with haemophilus influenza type B (Hib), a very serious bacterial illness, with resulting meningitis can cost over \$43,000. An estimated 19,000 cases of Hib infection will be prevented over the lifetimes of children born in 2009 because of routine immunization, saving an estimated \$1.8 billion in disease-treating costs. When you add in all the other diseases that we routinely vaccinate against in the United States, the estimated savings are staggering.

In economic terms, those are considered "direct costs"—that is, the money that goes directly to the care of an ill child. But it's important to remember that when a child gets sick and hospitalized, there are costs beyond simply treating the illness. Her parents may have to take time off of work, incurring lost income. There may be insurance copayments to meet. If the child has long-term consequences from the illness, there may also be lost opportunities for income. And should this child have inadvertently exposed others, there might be a cascading public health crisis, with daycares shut and public health agencies mandating quarantines.

Public savings

The public can incur significant expenses from nonvaccination as well, often referred to as "societal" or "indirect" costs. For example, it can cost public health departments close to \$10,000 per day to contain an outbreak such as the recent measles outbreak—including identifying all possible infections, making contact with people who may have been exposed and following them for the entire incubation period, issuing orders to exclude unvaccinated children from school, working with other local health departments and hospitals on containment and

treatment protocols, and providing additional vaccinations. The average outbreak control period is 18 days; that's \$180,000 to control a disease that could have been prevented through vaccination.

These costs, both direct and indirect, are so impressive that it's considered financially irresponsible to limit access to routine immunizations based on family income or insurance status. In 1994, the U.S. government began a program called Vaccines for Children, which provides vaccines to children who would otherwise not be able to afford them. This program is estimated not only to have saved countless children from illness and death, but also to have saved nearly \$259 billion in direct costs and **\$1.38 trillion** in total societal costs. Think about that: \$1.38 trillion saved by vaccines. Honestly, that number makes the 238,857 miles between here and the moon sound like a short stroll, doesn't it?

The money-saving effect of vaccines is not limited to the United States. Worldwide, the three vaccine-preventable diseases that lead to the greatest mortality in children age 5 and under are pneumococcal disease, rotavirus, and Hib infection. Those children who survive these diseases may suffer long-term complications such as blindness, deafness, or mental retardation. It is estimated that if, over the next decade, we were to begin widespread vaccination against just three diseases (Hib, pneumococcal, and rotavirus) in the world's 73 poorest countries, it would save an estimated \$63 billion in treatment and lost productivity costs.

So there you have it. We know vaccines save lives. But it turns out they also save money, directly and indirectly. Yet one more reason to make sure you and your loved ones are fully vaccinated.

Vaccination saves over a trillion dollars.

Whitney et al. 14 — Cynthia G. Whitney, MD¹, Fangjun Zhou, PhD², James Singleton, PhD², Anne Schuchat, MD¹, ¹ National Center for Immunization and Respiratory Diseases, CDC; ² Immunization Services Division, National Center for Immunization and Respiratory Diseases, CDC, 4-25-2014 ("Benefits from Immunization During the Vaccines for Children Program Era — United States, 1994–2013," No Publication, 4-25-2014, Available Online at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6316a4.htm>, Accessed 7-22-2015)

The Vaccines for Children (VFC) program was created by the Omnibus Budget Reconciliation Act of 1993 (1) and first implemented in 1994. VFC was designed to ensure that eligible children do not contract vaccine-preventable diseases because of inability to pay for vaccine and was created in response to a measles resurgence in the United States that resulted in approximately 55,000 cases reported during 1989–1991 (2). The resurgence was caused largely by widespread failure to vaccinate uninsured children at the recommended age of 12–15 months. To summarize the impact of the U.S. immunization program on the health of all children (both VFC-eligible and not VFC-eligible) who were born during the 20 years since VFC began, CDC used information on immunization coverage from the National Immunization Survey (NIS) and a previously published cost-benefit model to estimate illnesses, hospitalizations, and premature deaths prevented and costs saved by routine childhood vaccination during 1994–2013. Coverage for many childhood vaccine series was near or above 90% for much of the period. Modeling estimated that, among children born during 1994–2013, vaccination will prevent an estimated 322 million illnesses, 21 million hospitalizations, and 732,000 deaths over the course of their

lifetimes, at a net savings of \$295 billion in direct costs and \$1.38 trillion in total societal costs. With support from the VFC program, immunization has been a highly effective tool for improving the health of U.S. children.

Data from the 1980s suggested that measles outbreaks were linked to an ongoing reservoir of virus among high-density, low-income, inner-city populations (2). Although most children in these settings had a health-care provider, providers missed opportunities to give measles vaccine when children were in their offices, sometimes referring low-income children to another clinic where vaccines were available at no cost (3). Approximately 50% of children aged <19 years are eligible to receive vaccines through VFC (Immunization Services Division, National Center for Immunization and Respiratory Diseases, CDC, unpublished data, 2014).^{*} Children can receive VFC-provided vaccine if they are Medicaid-eligible, uninsured, American Indian/Alaska Native, or, for underinsured children (i.e., whose health insurance does not fully cover immunizations), when they are receiving services at a federally qualified health center or rural health clinic (1). By providing vaccine for eligible children, at no charge, to public and private health-care providers who are enrolled in VFC, the program helped reinforce the "medical home." Inclusion of specific vaccines in VFC is determined by recommendations of the Advisory Committee on Immunization Practices (ACIP).

To assess improvements in coverage during the VFC era, data were obtained from the United States Immunization Survey (USIS) for the period 1967–1985, the National Health Interview Survey (NHIS) for 1991–1993, and NIS for 1994–2012 (3,4). Children included in USIS and NHIS were aged 24–35 months and those in NIS were aged 19–35 months. USIS and NHIS data were from parental recollection of vaccines received, and NIS data were obtained through provider report.

The cost-benefit model for U.S. children born during 1994–2013 employed methods previously used for children born in 2009 (5). A decision analysis birth cohort model was constructed using data on immunization coverage; vaccine efficacies from published literature; historical data on incidence of illnesses, hospitalizations, and deaths from vaccine-preventable diseases before immunization was introduced; and recent vaccination period data (through 2013, if available; otherwise 2012 data were used for 2013) on these same disease outcomes. Vaccines included all those universally recommended for children aged ≤6 years except influenza vaccine, which has been modeled separately (6), and hepatitis A vaccine. Infants in hypothetical birth cohorts from the period 1994–2013 were followed from birth through death. Benefits of immunization included savings in direct and indirect costs that accrued from averting illnesses, hospitalizations, and deaths among the 20 birth cohorts. Program costs included vaccine, administration, vaccine adverse events, and parent travel and work time lost. Costs were adjusted to 2013 dollars, and future costs related to disease were discounted at 3% annually. The cost analysis was conducted from both health-care (direct) and societal (direct and indirect) perspectives, and net present value (net savings) was calculated.[†]

When the VFC program began in 1994, vaccines targeting nine diseases were provided: diphtheria, tetanus, pertussis, polio, Haemophilus influenzae type b disease, hepatitis B, measles, mumps, and rubella (Figure). During 1995–2013, five vaccines were added for children aged ≤6 years: varicella (1996), hepatitis A (1996–1999 for high-risk areas, 2006 for all states),

pneumococcal disease (7-valent in 2000, 13-valent in 2010), influenza (ages 6–23 months in 2004 and ages 6–59 months in 2006), and rotavirus vaccine (2006). Since 1996, coverage with 1 dose of a measles-containing vaccine has exceeded Healthy People's targets of 90%, up from <70% before the 1989–1991 outbreak (Figure). For other vaccines licensed before VFC, coverage also was higher in the VFC era, as measured by NIS, than in the pre-VFC era, as measured by USIS. In general, coverage for new vaccines introduced during the VFC era increased rapidly.

Among 78.6 million children born during 1994–2013, routine childhood immunization was estimated to prevent 322 million illnesses (averaging 4.1 illnesses per child) and 21 million hospitalizations (0.27 per child) over the course of their lifetimes and avert 732,000 premature deaths from vaccine-preventable illnesses (Table). Illnesses prevented ranged from 3,000 for tetanus to >70 million for measles. The highest estimated cumulative numbers of hospitalizations and deaths that will be prevented were 8.9 million hospitalizations for measles and 507,000 deaths for diphtheria. The routine childhood vaccines introduced during the VFC era (excluding influenza and hepatitis A) together will prevent about 1.4 million hospitalizations and 56,300 deaths.

Vaccination will potentially avert \$402 billion in direct costs and \$1.5 trillion in societal costs because of illnesses prevented in these birth cohorts. After accounting for \$107 billion and \$121 billion in direct and societal costs of routine childhood immunization, respectively, the net present values (net savings) of routine childhood immunization from the payers' and societal perspectives were \$295 billion and \$1.38 trillion, respectively.

Ableism

Reject the ableist discourse surrounding vaccination debates – whether vaccines cause autism or not is irrelevant – treating autism as a negative condition comes from an incredibly neurotypical position of privilege.

Thériault 15 – Anne Thériault, Toronto-based writer and activist, 2015 (“What vaxxers and anti-vaxxers are missing: Autism isn’t the worst thing to happen to a child”, Quartz, February 11, Available Online at <http://qz.com/340623/what-vaxxers-and-anti-vaxxers-are-missing-autism-isnt-the-worst-thing-to-happen-to-a-child/>, accessed 7/20/15, KM)

Here are some typical arguments put forward by parents who choose not to vaccinate their otherwise healthy child (by “healthy” I mean they’re not asking for an exemption because the child is immunocompromised or otherwise couldn’t medically tolerate vaccinations). For this example, I will pull quotes directly from a recent New York Times Article, Vaccine Critics Turn Defensive Over Measles: “It’s the worst shot,” [Missy Foster, mother to an 18 month old daughter] said, with tears in her eyes. “Do you want to wake up one morning and the light is gone from her eyes with autism or something?” and Kelly McMenimen, a Lagunitas parent, said she “meditated on it a lot” before deciding not to vaccinate her son Tobias, 8, against even “deadly or deforming diseases.” She said she did not want “so many toxins” entering the slender body of a bright-eyed boy who loves math and geography. You’ll notice a common theme in these defenses—the brightness of or light in their children’s eyes. This is a direct reference to Jenny McCarthy’s narrative of the “light” leaving her son’s eyes after he was vaccinated. It’s used by parents who don’t want to say the word “autism” but want to imply that they’re scared their kid will become autistic (or something similar). Here’s what McCarthy said to Oprah in 2007: “Right before his MMR shot, I said to the doctor, ‘I have a very bad feeling about this shot. This is the autism shot, isn’t it?’ And he said, ‘No, that is ridiculous. It is a mother’s desperate attempt to blame something,’ and he swore at me, and then the nurse gave [Evan] the shot,” she says. “And I remember going, ‘Oh, God, I hope he’s right.’ And soon thereafter—boom—the soul’s gone from his eyes.” Now consider the standard response from vaccine advocates to stuff like this—it’s always, without fail, “Vaccines don’t cause autism.” Because they don’t, right? They absolutely, scientifically do not cause autism. That’s a solid fact. But here’s what everyone gets wrong: regardless of whether or not vaccines cause autism, our entire conversation surrounding them is completely ableist. When those in the anti-vaccination movement treat autism as a calamity far worse than a debilitating disease or death, that is ableism. What we also need to recognize is that every time we respond to fear-mongering about vaccines and autism with the words, “don’t worry, vaccines don’t cause autism,” that is also ableist. Because instead of pointing out that, hey, autism and neurodiversity are far from the worst things that could happen to a parent, “vaccines don’t cause autism” falls into the same narrative as “vaccines cause autism”—both suggest that autism is this boogeyman that lives under our kids’ beds that could strike at any time. Even though telling people that vaccines don’t cause autism is factual, the way in which it’s said only validates people’s negative view of autism. Says Allison Garber, an autism activist whose most recent claim to fame is being blocked by Jenny McCarthy on Twitter, “The language from both sides of the vaccine camps is definitively ableist. What’s even more jarring is that neither side seems to ever want to invite someone who is, you know, actually autistic to the party. I guess that’s because it would be awkward if they were actually in the room when we were all talking about how somebody’s neurological makeup is a tragedy to be feared and avoided at all costs.” Instead of reassuring parents that vaccines don’t cause autism (which, again: factually true), why don’t we start refuting anti-vaccination advocates with the fact that autism isn’t a catastrophe. Why not start sending them links to blogs and articles written by people who actually have autism. Why not say something like, “it’s been proven that there’s no link between vaccines and autism, but I think it would be great for you to re-evaluate why you think so negatively of autism.” And for the love of Pete can we please stop talking about how autistic people have no light in their eyes or no soul or whatever. First of all, you’re confusing vampirism with autism. Second of all, how can you talk about real, living people like that? Would you tell Temple Grandin to her face that the “light” (whatever that even means) is missing from her eyes? If you went to a book reading by John Robison, would you greet him afterwards with the words “So, what’s it like not having a soul? Do you still have a reflection? Can you eat garlic? Do you sleep in a

coffin?" Autistic people aren't "gone." Their brains function differently than neurotypical brains, which often leads to them becoming overwhelmed by outside stimuli in a way that other people might not. So, in a sense, they're more present than many of us are—they're bombarded by sights, sounds and smells that neurotypical people can ignore or dismiss. They are very much "here," trying way harder than most to process what "here" is. So get out of here with your misinformed ideas about autistic people having no light in their eyes or no soul. Get out of here and maybe go meet an actual autistic person. At the end of the day, words matter and how we talk about issues matters. And when those of us who believe it's important for children to be vaccinated keep pulling out "but vaccines don't cause autism" without following it up with some kind of explanation that also autism isn't a tragedy, we need to consider the impact our words might have. Because of course the end goal is to vaccinate every child eligible for vaccination, but we don't need to throw autistic people under the bus to accomplish that goal. The debate about vaccination should be autism-inclusive, and that means re-evaluating the way we talk about autism and vaccines. Because while it's great to raise a happy healthy kid, you can do that without turning them into an anti-autism bigot.

The anti-vax propaganda tactic of characterizing autism as "worse than death" is dehumanizing and false – voting neg against anti-vaccination is the first step to deconstructing ableism in society.

Raygender 15 – Raygender, social justice blogger that focuses on police brutality, racism, LGBTQ issues, and mental health issues, 2015 ("Ableism, Disability, and The Conversation About Vaccines: An Autistic Perspective", Raygender, February 6, Available Online at <https://raygender.wordpress.com/2015/02/06/ableism-disability-and-the-conversation-about-vaccines-an-autistic-perspective/>, accessed 7/21/15, KM)

There's been a lot of talk about vaccines lately, and how diseases that were once almost eradicated are starting to come back because unvaccinated children are being exposed, or exposing others, to viruses. I'm glad this issue is getting more attention. It's something we need to talk about! Vaccines have genuinely improved society by preventing people from contracting some illnesses they could potentially die from. Now that people are avoiding them, some of those diseases are coming back, and putting people's lives at risk. I would be even happier if the mainstream conversation reflected the conversation that's been happening in the autistic community for years. That's right — autistic people have been speaking out about vaccines ever since the anti-vaccination movement began. From the very beginning, the anti-vaccination movement has been an autism issue. You cannot talk about one without the other. People's reasoning for avoiding vaccines stems from the idea that childhood vaccines cause autism, and that autism must be avoided at all costs. To leave this out is to skip over one of the many ways the anti-vaccination movement is hurting people. The anti-vaccination movement has its origins in the work of Andrew Wakefield — a former medical researcher who published a study in 1998 claiming that the measles vaccine was responsible for the supposed "autism epidemic." No researchers could reproduce Wakefield's claims — a sure sign in the scientific community that a theory is false — and in 2004, an investigation revealed that Wakefield had conflicts of interest and had committed misconduct. This included subjecting the children involved in his study to unnecessary, abusive medical procedures. Sadly, debunking Wakefield's study was not enough to stem the tide of the anti-vaccination movement. The idea that childhood vaccines caused autism fits perfectly into people's ideas about the so-called "autism epidemic." It's a fact that autism diagnoses are on the rise, but it's not a fact that this is because of vaccines, or chemicals, or television, or smart phones, or anything else. In fact, the most likely "cause" is simply that doctors are getting better at diagnosing people. There's nothing sinister behind it, and there's certainly nothing sinister about autism itself — something else that autistic people have had a hard time convincing others of. Even if vaccines did cause autism — which, seriously, we have no actual proof that they do — why is that enough motivation to risk destroying herd immunity and creating a measles epidemic? You can die of measles; you can't die of

autism. The answer, of course, is ableism. People are afraid of disability. And it goes beyond just worrying that if disabled, they won't be able to work or they'll be excluded from society. People think disability is a fate worse than death, when really it's just another aspect of human diversity. And this attitude of fear is extremely harmful. Just look at Jenny McCarthy and her organization Generation Rescue, who have led the anti-vaccine movement, at the cost of thousands of lives. Generation Rescue's name refers to "rescuing" children from autism, or rescuing society from the "autism epidemic." Autism isn't something anyone needs to be "rescued" from; it is not holding children hostage, like another organization, Autism Speaks, has claimed. It is not depriving families of the "normal" child they feel they deserve to have, and it is not a danger to society. In fact, "rescuing" children from autism is far more dangerous. Therapies used to "treat" autism, like Applied Behavior Analysis, use the same principles as gay "conversion" therapy — in other words, the goal is to make the patient behave in socially acceptable ways, which means suppressing their own, natural ways of behaving — something that is best accomplished by abuse, and can lead to lifelong trauma. Parents have also been known to give their children bleach enemas, beat them, and "train" them like dogs, all in an attempt to "rescue" them from autism. Now, that this issue is hitting the mainstream, we have a unique opportunity to talk about autism and abliesm. The anti-vaccination movement is based on fear of autism. It is based on the idea that autistic children are soulless — that, in the words of one horrific advertisement, "you can't die from autism, but you can't really live with it either." This attitude just creates even more fear. People with a range of disabilities are affected by the vaccination issue. People with vulnerable immune systems are put at risk, with the message that if they can't survive without the aid of medical science, they're somehow a drain on society. And autistic people, or anyone else with a condition that's supposedly caused by vaccines, is told that they are soulless monsters, not even really alive, and that parents are right to do everything in their power to avoid having a child like them. Even well-intentioned pro-vaccine advocates have fallen into the trap of ableism. It's very easy to ignore the deeper issues all together. The facts say vaccines don't cause autism. So many people have assured parents that they have nothing to worry about; vaccines won't cause their child to come down with a horrible disease. But autism isn't a horrible disease. It isn't monstrous or tragic. And as long as people think it is, and avoid speaking out against fear, autistic people will continue to suffer. Just as all disabled people suffer when people think our lives are tragic, and that we are burdens. I hope that the mainstream conversation on vaccines has room for these issues. Illnesses like those we vaccinate against in early childhood are terrible, and can affect anyone. They can kill. This is not preferable to autism. It is not preferable to the disabilities that might result from illnesses like polio or meningitis. Disabled people are better off alive because all people are better off alive. This should be the focus, because so many lives are being threatened by the anti-vaccine movement. People are at risk for dying from preventable diseases, and autistic people are at risk for dying at the hands of caretakers and parents who see them as a burden. My greatest hope is that we can eliminate these deaths completely if we stand together and remember that autism isn't anything to be scared of.

Autism is not a "tragedy", "burden", or "crisis" – challenging the ableist logic of things like anti-vaccination is key to breaking down neurotypical constructions of disability that shape policies and cause violence.

Kurchak 15 – Sarah Kurchak, writer and autistic advocate, 2015 ("Autistic people are not tragedies. My life has value and joy", The Guardian, April 30, Available Online at <http://www.theguardian.com/commentisfree/2015/apr/30/autism-is-not-a-tragedy-take-it-from-me>, accessed 7/21/15, KM)

The existence of autistic people like me is not a "tragedy". Yet many autism awareness narratives insist it is because they prioritize the feelings of neurotypicals (non-autistic people) and dismisses the rest of us as little more than zombies. And when people buy into this idea, it actively hurts autistic people. When I was finally diagnosed with autism spectrum disorder six years ago, I wouldn't shut up about it. In part, this was because I, like many autistics, tend to persevere about the things that

intensely fascinate me and, at that moment, there was nothing more fascinating to me than discovering that there was an explanation for all of my sensory sensitivities, social issues, repetitive behaviors and obsessive interests. I also believed in the importance of autism awareness. But once I started participating in awareness campaigns I found the same overly simplistic and fear-mongering message over and over again: autism is a “crisis”. According to the highly influential charity Autism Speaks (which doesn’t have a single autistic person on its board), autistic people are “missing” – we leave our family members “depleted. Mentally. Physically. And especially emotionally.” Defining our existences solely as a tragedy for non-autistic people is hurtful on a personal level. No one deserves to be told that they are nothing but a burden to the people who love them and everyone has the right to feel like their lives have value. But it also has troubling implications for public policy. If autism is only presented as an unequivocally terrible curse that must be “cured” and eliminated, then charities that are primarily focused on finding a cure – like Autism Speaks – will continue to receive the bulk of ASD-related funding and volunteer hours. Even if a cure is possible or preferable (both of which are arguable) these wild stabs at hunting down genetic bogeymen in the hopes of eliminating them in the future do nothing to improve the lives of the autistic people and their caregivers who are struggling with a scarcity of both resources and understanding right now. This line of thought also eclipses more nuanced discussions that might help to make life more manageable for the people who make up this so-called autism epidemic. If you spend time following hashtags like #ActuallyAutistic and the work of organizations like the Autistic Self Advocacy Network and the Autism Women’s Network, a cure is the last things on any of our minds. We want to talk about autism acceptance. We want people to understand that everyone on the spectrum, verbal or otherwise, has value and we want to work so that everyone has a voice, be it verbal, written, assisted or otherwise. We want to talk about which therapies and treatments are actually effective for us and which ones are detrimental to our well-being. And we want to know how we can create an environment in which autistic children are not at constant risk of wildly disproportionate punishment due to misunderstanding and fear. This is a particular concern with autistic children of color who face both ableism and racism, like 12-year-old Kayleb Moon-Robinson, who was charged with a felony after kicking a garbage can. Genuine awareness of autistic people, of our lives, our needs and our value, could greatly improve the lives of people both on and off the spectrum. Autistic people and our allies just need the rest of the world to stop spreading “autism awareness” long enough to actually listen and gain some.

The anti-vaccination movement is wrong – it’s not “vaccines versus autism”, but “vaccines versus ableism” – discussion now is key to reverse the ableist fallacy of anti-vaccination.

Kurchak 15 – Sarah Kurchak, writer and autistic advocate, 2015 (“I’m Autistic, And Believe Me, It’s A Lot Better Than Measles”, The Archipelago, February 6, Available Online at <https://medium.com/the-archipelago/im-autistic-and-believe-me-its-a-lot-better-than-measles-78cb039f4bea>, accessed 7/21/15, KM)

Vaccines don’t cause autism. But even if they did, is being like me really a fate worse than death? The autistic brain is not particularly good at understanding irony, and yet most people I’ve met on the autism spectrum have, over time, developed a pretty strong grasp of the concept. Many of us have even managed to teach ourselves how to wield it. I’ve begun to suspect that this is due to our constant hands-on experience. Having an autism spectrum disorder in an ableist world means that you’re constantly exposed to cruel irony. Most frequently, this comes in the form of neurotypical (i.e. non-autistic) people who tell you, incorrectly, that you can’t or don’t feel empathy like them, and then stubbornly refuse to care about your feelings when they claim that you’re lost, that you’re a burden, and that your life is a constant source of misery for you and everyone who loves you. There’s also my current favorite: parents who are willing to put the lives of countless human beings at risk because they’re so afraid that the mercury fairy will give their kids a tragic case of autism if they vaccinate. Gotta protect the kids from not being able to feel empathy — who cares whether other children live or die? No matter what other lofty ideas of toxins and vaccine-related injury anti-vaxxers try to float around in their defense, that’s really what all of this is

about: we're facing a massive public health crisis because a disturbing number of people believe that autism is worse than illness or death. My neurology is the boogeyman behind a completely preventable plague in the making. The anti-vaccination movement is a particularly bitter issue for me because it doesn't just dehumanize me as an autistic person; it also sets off two of my biggest triggers. Like many people on the spectrum, I don't handle it well when people are 1) wrong, and 2) unfair. I've always struggled to be patient with people who are clearly and obstinately wrong. Most of my elementary school report cards contained some variation of "Sarah does not suffer fools gladly" and I can't honestly say that I've made significant improvements in that arena since then. And people who refuse to vaccinate their children because they believe that vaccines cause autism are wrong. Andrew Wakefield's infamous study that linked autism to the MMR vaccine, which first sparked anti-vax panic in 1998, was called into question in 2004 and fully retracted in 2010. Wakefield, who misrepresented or altered the subjects' medical histories over the course of his research, lost his license that same year. No scientist has been able to reproduce his results. Major studies by The Journal of Pediatrics and the Institute of Medicine have failed to find any link between vaccines and autism. This should be more than enough to persuade a rational person that vaccines are safe — or at least as safe as any other simple medical procedure — but there is nothing even remotely rational about the anti-vaccination movement. It's a dangerous and infuriating melange: poorly articulated fears of "toxins," a failure to understand the difference between correlation and causation, misleading articles on truther websites, and conspiracy theories that would make Fox Mulder and The Lone Gunmen blush. I can't even begin to wrap my head around anti-vaxxers' reasoning. How can you find fault with every single bit of evidence that we have, from every single source, about the safety of vaccines? How can you continuously misread every single fact about their contents? How can you disregard the efficacy of vaccines in the fight against deadly and debilitating illnesses across the globe? If you can't disregard it, how can you not care? If there really is a connection between autism and vaccines — which there's not — and Big Pharma and/or The Man really are causing autism through vaccinations, what on earth do you think the end game of this conspiracy is? What upsets me more than the wrongness, though, is the dangerously unfair behavior that results from it. When someone believes asinine things about vaccines, it hurts humanity on an intellectual level. When they put those beliefs into action and refuse to vaccinate their children, it puts all of us at risk of serious illness and death. The current measles outbreak, which has now infected over 100 people in 14 states and is currently spreading into Canada, is a glaring example of what can happen when people put their (ignorant) personal whims against the well-being of their community. Through no fault of their own, unvaccinated children, immunocompromised people, babies too young to receive the vaccination and the occasional vaccinated person (no vaccine is 100 per cent because science is not magic) across the continent are suffering from an infection that was essentially eliminated from the U.S. in 2000. All because a sizable group of mostly-privileged parents have decided that reviving a group of life-threatening diseases and potentially inflicting them on their loved ones and neighbors is infinitely preferable to having an autistic child. I take the decision not to vaccinate personally. I've tried to have empathy for the other side, I've tried to tell myself that it's none of my business, but I can't and it is. Someone who refuses to vaccinate their children because they're afraid of autism has made the decision that people like me are the worst possible thing that can happen to their family, and they're putting everyone at risk because of it. I've been told by some anti-vaxxers that they don't mean my brand of autism; they mean non-verbal autism, or as they are so fond of calling it, "profound autism." I'm not about to take any solace in the idea that they're willing to make exceptions for autistic people who can perform as neurotypical, or at least pose as little annoyance to neurotypicals as possible. That just means that I will cease to be of any value to these people if I am no longer able to pass as one of them, and that they see no value and no humanity in anyone who communicates or behaves differently from them. Tell me again who has the empathy problem? The best that I can muster in the anti-vaxxers' defense is that they're not 100 per cent responsible for the anti-autism sentiment fueling their movement. The idea that autism is an unparalleled tragedy didn't happen in a vacuum. It came from the very people who claim to support us. Take Autism Speaks, for example. The world's most prominent autism-related charity has a pretty cuddly exterior. Celebrities toss money at it. People wear blue things to help it raise awareness. It claims to help autistic people and their families. Why would anyone question its intentions? It would be absolutely absurd to run a charity for people you hate, after all. Right? But Autism Speaks isn't really a charity for autistic people. It's a charity for neurotypical people who have been afflicted with the horror of having autistic people in their lives. Since its inception in 2005, Autism Speaks has perpetuated the idea that people with autism are a burden and somehow "lost," and they've refused to listen to any actual autistic people who disagree with their party line. It's supported a number of dangerous and dubious treatments, like electroshock therapy and chelation, a lead poisoning treatment that has many risks and no proven benefit as an ASD cure, all in the name of making autistic people appear more neurotypical. Its official statements consistently refuse to acknowledge any humanity in autistic people, or recognize that their families experience anything other than abject misery. In its 2013 Call For Action,

founder Suzanne Wright, who has an autistic grandson, wrote that families with an autistic member “are not living. They are existing. Breathing — yes. Eating — yes. Sleeping — maybe. Working — most definitely — 24/7. This is autism. Life is lived moment-to-moment. In anticipation of the child’s next move. In despair. In fear of the future. This is autism.” And honestly, that’s one of the less offensive things she’s said about us. This is far from true for the countless families who have spoken out against Autism Speaks. It’s certainly not the case for mine. We are all, last I checked, living. We work together to bridge our differences in communication, sensitivities, attributes, and detriments to go about our lives in a way that expands far beyond the moment-to-moment. We’re no more or less imperfect or tragic than the average family. We don’t even have measles. I have good days where my strange and intense interests give me a unique perspective in my writing and my focus helps me get it down on paper. I have bad days where I can’t ride public transit without having a panic attack and I have to leave the room when my husband chews food because I find the sound of it unbearable and overwhelming. I have stimmed to my heart’s content and I have hit myself. Throughout all but the worst of it — depression is a common comorbidity of autism, likely because living in the neurotypical world is often trying — I’ve been pretty sure that I am “living,” and better for it. Throughout all of it, my loved ones have preferred my autism to my possible illness or death, or the deaths of others. I’d say I was grateful, but really, this should be a given. Autism Speaks is currently urging parents to vaccinate their children, though it was funding and supporting vaccine-related research as recently as 2009. But it continues to spout the kind of anti-autism rhetoric that made people who aren’t so great with critical thinking so scared in the first place. I’m not sure what the cure is here. Anti-vaxxers are very dedicated to being wrong. As The New York Times’ Brendan Nyhan discovered last year, they’re more resistant to irrefutable facts than vaccinated kids are to preventable diseases. But I’m at least a little bit hopeful that renewed interest in anti-vaxxer rhetoric, spurred by the current measles outbreak, will inspire a more thorough discussion about autism like Anne Theriault’s and Jen Zoratti’s excellent work on the topic (full disclosure—I’m quoted in the latter piece)—and that this discussion will do some good. For starters, we could talk about people on the spectrum like we’re better than measles, like we’re human, or like we’re there at all. Long before the fear of autism threatened everybody’s lives and well-being via the anti-vaccination movement, it threatened the lives and well-being of autistic people through isolation, improper treatment, and even outright murder. Even if we can’t eliminate these deaths — and I hope to Temple Grandin that we can — the way that people respond to the current public health clusterfuck still offers us a chance to save lives.

We must actively reject ableism and confront abled privilege – ableism shapes our assumptions and understanding of the world, dehumanizing those lacking privilege.

Phillips 15 – Kiah Phillips, contributor to Respectfully Connected, a blog that focuses on ableism and emphasizes neurodiversity, 2015 (“So, What is Ableism?”, Respectfully Connected, February 27, Available Online at <http://respectfullyconnected.blogspot.com/2015/02/so-what-is-ableism.html>, accessed 7/21/15, KM)

Ableism is a form of discrimination or prejudice against individuals with physical, mental, or developmental disabilities that is characterized by the belief that these individuals need to be fixed or cannot function as full members of society (Castañeda & Peters, 2000). As a result of these assumptions, individuals with disabilities are commonly viewed as being abnormal rather than as members of a distinct minority community (Olkin & Pledger, 2003; Reid & Knight, 2006). Because disability status has been viewed as a defect rather than a dimension of difference, disability has not been widely recognized as a multicultural concern by the general public as well as by counselor educators and practitioners. Laura Smith, Pamela F. Foley, and Michael P. Chaney, “Addressing Classism, Ableism, and Heterosexism in Counselor Education”, *Journal of Counseling & Development*, Summer 2008, Volume 86, pp 303-309. When our boy was first diagnosed as autistic, I had never heard the term “Ableism”. I have to be honest, I probably still didn’t hear it until well beyond the first anniversary of that day. I had no idea of just how much this concept, this idea, this reality was going to coincide with our boy’s life then - and to a lesser but still significant extent, our lives as parents too, for very different reasons of course. However, once my thinking shifted from the pathology perspective; common among most professional “experts” and vast numbers of parents, to the neurodiversity model, I began to

recognise the degree to which the thinking of many neurotypical people revels in the inherent discrimination, prejudice and privilege of ableism. These same people would be aghast at comments containing racism, sexism or homophobia as but three examples, yet when it comes to ableism, somehow there is a collective societal blind spot - or so it would seem. So what is going on here? Could it really be that people simply do not know what ableism is? - at least in the sense that they don't see it as obviously as they would other forms of discrimination, or are people aware and as a society, we willfully turn our heads in ignorance the way we used to in relation to discrimination in other areas such as race or sexuality? In other words, is this an issue of recognition or willful ignorance? For me personally, I have to own it; I was painfully ignorant of the issues facing people with disabilities but I cannot ignore the fact that I also carried a privilege that I was not even aware of: I am neurotypical and in a society where (currently) the majority is neurotypical and all infrastructure and societal norms fit around that majority, which means I have advantages conferred upon me that I do not have to think about, hence - to some extent - my lack of awareness. That makes my life easier - and even possible, in some instances. These are things that a person with a different neurological make-up, such as autism, cannot take for granted. Every institution of society is based around a neurology that differs from theirs and this places them at an immediate disadvantage. You might think, well, autistic people should just try to fit in, or that society has a right to expect all people to conform to the socially acceptable ways of behaving, socially acceptable values or ideas of what a successful, "functioning" person looks like. If you do, either by accidental default or by willful ignorance, you are exhibiting ableism. Just as I used to, before my beautiful boy opened my eyes and tore open my mind and my heart. When was the last time someone insisted on using functioning labels in a conversation with you about a person who is autistic? How often have you heard "experts" claim that autistics must be able to pass as indistinguishable from their neurotypical peers? How often have you heard it said that autistics must not engage in self-stimulatory behaviour because it makes them stand out? What about repetitive actions or "hyper-focus on a specific interest"? I know that you'll have heard people tell you that this prevents the autistic person from functioning. I know that I have. But break it down.....please; Functioning as what? Because as far as I understand it, an autistic whom is engaging in those self-regulatory actions, is functioning well as an autistic person, which is who they are, after all is said and done. But wait - the assumption is that the goal is to function as closely to neurotypical as possible, right? To fit into the society that is established around the normative values of it's majority? You see I have an issue with that right there; because that is ableism. There are many variations on this theme. I read commentary constantly where parents concern themselves that their autistic child may never marry and have children; that they may not achieve financial success (whatever that means) or have a career. Aside from the fact that many autistic people do, despite all obstacles, meet those measures of success, there are many people with a neurotypical neurology who do not. I wonder why there is a generally held assumption that an autistic person only meets with deemed success when they are able to pass as a neurotypical person or adopt the values of a society whose majority does not speak for them? The undercurrent of every conversation that involves autistic people needing to be fixed, to fit in, to be cured, to be avoided in the first place, to engage in normative behaviour, to not perseverate on specific interests, to change who they are, is underpinned by the ableist assumption that to be neurotypical is better, that neurological variance is "less than". Less than what? Let me try that another way, if you will: how would it sit with you if I said that women were less valuable than men? That Asian people were better than Europeans? That homosexual people should be forced to marry into heterosexual couplings? You see the nonsense - not to mention the outrage that these views would cause? Yet I can be told that my beautiful child should be everything that he is not and cannot ever be (without destroying himself in the process) - and scant few of my neurotypical brethren are here to pick up the mantle of outrage and demand change. I ask myself: Is it because they are willfully looking the other way? But you. I am hoping that you, you will stand with me.

Ableist Discourse bad

Discourse matters – the language of anti-vaccination proponents can and does hurt people with disability.

Marcotte 15 – Dawn Marcotte, creator and CEO of www.ASD-DR.com, an online searchable database to help autistic teens and young adults identify colleges that provide support services specifically for autistic students, 2015 (“Accidental Ableism”, Autism Daily Newscast, February 23, Available Online at <http://www.autismdailynewscast.com/accidental-ableism/23452/dawnmarcotte/>, accessed 7/21/15, KM)

It was not something I concerned myself with too much as I consider myself to be a pretty good person who doesn't discriminate against anyone. I certainly never thought it would apply to my daughter. Then I read an article talking about the vaccine-causes-autism issue. This issue is in the forefront of news again, due to the recent outbreak of measles across the country. The article pointed out that most, if not all, of these articles were ableist because they talk about whether vaccines cause autism or not, as if autism is a disease. This concept never even occurred to me until I read this article. I can think of several times where I have left comments or written articles that used much the same language. For this I am sorry and can only hope that I have not offended anyone. More importantly the article got me thinking about how the use of language and social media can be so powerful. I don't think most people really consider how the words they use can be interpreted in different ways, but in today's web connected world, words are even more important. You don't know who will read what you have written and more than likely you won't ever have a chance to explain a word that someone else may find offensive. It is also important to remember that once you post something, it is out there forever. So all those families, friends and parents who post about the trials and triumphs of their children, it is important to stop and wonder how those same children will feel when they read it themselves. It doesn't matter how old they are now – eventually they will see what is written. Will it make them happy it was posted or embarrassed and angry? It doesn't matter if the post is well intentioned or not. Posting on Facebook asking the public to send birthday greetings may seem like a nice thing to do, but I often wonder if those parents have asked that child permission before they post. Does the child really want the world to know they don't have any friends? Do they really want greetings from people who send them only because they feel sorry for them and will never hear from again? Do they even care about getting birthday greetings? or is the parent assuming a feeling the child doesn't actually have? It seems that as parents we tend to make a lot of assumptions, myself included, about how our children feel or think – without asking them. Our priorities are not always theirs and it is time to step back and take an honest look at how we behave online. As a freelance writer I tend to share a lot of stories about our experience with autism and raising an autistic daughter. I never really asked her if it was okay to share these stories and just assumed she wouldn't care because I keep her anonymous. However I am making a commitment that from now on I will check with her first, before sharing anything online that refers to her or her experience. I am going to work hard to remember that everyone deserves respect. If I post something that I would find embarrassing if it were about me then I just shouldn't post it. I think understanding that ableism doesn't just apply to 'other' people, but to everyone is an important step in autism awareness. I only hope that other parents will take note and start to think more about what they post.